UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 93d CONGRESS
FIRST SESSION

VOLUME 119—PART 22

17 1975 APR

AUGUST 3, 1973 TO SEPTEMBER 10, 1973
(PAGES 27779 TO 29102)

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1973

United States of America

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PROCEEDINGS AND DEBATES OF THE 93^{d} CONGRESS, FIRST SESSION

SENATE—*Friday, August 3, 1973*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. EASTLAND).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, who has watched over our coming in and our going out, strengthened us in our labors, enriched us by our friendships, and sustained us through our prayers, bless the work we do this day in this Chamber. Give us the higher vision to see the accomplishments of the past in the larger perspective of time and be content with the judgment of history. When this day is done grant to us rest and peace, journeying mercies, and renewal of body, mind, and spirit.

May the Lord bless us and keep us, the Lord make His face to shine upon us, and be gracious unto us, the Lord lift up the light of His countenance upon us and give us peace, through Jesus Christ our Lord. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, August 2, 1973, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

"DELTA QUEEN"

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 356, H.R. 5649.

The PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

> H.R. 5649, to extend until November 1, 1978, the existing exemption of the steamboat *Delta Queen* for certain vessel laws.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which was ordered to a third reading, was read the third time, and passed.

Mr. LONG. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Calendar No. 355, S. 1625, be indefinitely postponed.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar, beginning with New Reports, but excluding the Office of Economic Opportunity.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER (Mr. TUNNEY). The nominations on the Executive Calendar, beginning with New Reports, but excluding Office of Economic Opportunity, will be stated.

DEPARTMENT OF DEFENSE

The second assistant legislative clerk read the nomination of William Keith Brehm, of California, to be an Assistant Secretary of Defense.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

DEPARTMENT OF COMMERCE

The second assistant legislative clerk read the nomination of Karl E. Bakke, of Virginia, to be General Counsel of the Department of Commerce.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

The second assistant legislative clerk read the nomination of James B. Gregory, of California, to be Administrator of the National Highway Traffic Safety Administration.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

U.S. CIRCUIT COURTS

The second assistant legislative clerk read the nominations in the U.S. circuit courts, as follows:

> Leonard I. Garth, of New Jersey, to be a U.S. circuit judge, third circuit.
>
> Joseph T. Sneed, of California, to be a U.S. circuit judge, ninth circuit.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

U.S. DISTRICT COURTS

The second assistant legislative clerk read the nomination of John A. Reed, Jr., of Florida, to be a U.S. district judge for the middle district of Florida.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

DEPARTMENT OF JUSTICE

The second assistant legislative clerk proceeded to read sundry nominations in the Department of Justice.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

CONGRATULATIONS TO PATRICK HYNES AND DAVID BROWN

Mr. MANSFIELD. Mr. President, this month, two outstanding officials of the Senate, Mr. Patrick Hynes, the assistant secretary for the majority, and Mr. David Brown in the Democratic cloakroom are about to take unto themselves wives. I wish, at this time, to extend my best personal congratulations to both Mr. Hynes and Mr. Brown and to assure their wives-to-be that if they are half as good to them as they are to the Senate they will, indeed, be fortunate.

To both of them felicitations and a long life and a happy marriage. To their wives-to-be I extend my best wishes and express the same hopes for them.

AFTER 7 MONTHS

Mr. MANSFIELD. Mr. President, today, as we go out of session for a brief adjournment, we note the ending of 7 months in business. During that period the Senate has conducted itself as a diligent and responsible body.

Despite the difficulties which our Government is undergoing at the present time, the Members of the Senate, all of them, Republican and Democrat alike, have applied themselves to their duties and undertaken their full share of responsibility.

The calendar is fairly clean. The committees are to be commended for the work which they have accomplished, and the cooperation between the leadership on both sides and between the joint leadership and the Senate as a whole has been outstanding.

I wish to extend to all Members of the Senate my personal thanks for the understanding they have shown and the accommodations which they have made to keep the Senate functioning as it should.

I wish especially at this time to single out the names of the distinguished Senator from Pennsylvania (Mr. Scott), the Republican leader; the distinguished Senator from Michigan (Mr. Griffin), the acting Republican leader; and the distinguished Senator from West Virginia (Mr. Robert C. Byrd), the assistant majority leader; all of whom have contributed to the well-being of the Senate in a constructive manner over the past several months.

We will act responsibly in the months ahead as we have in the months just gone by. We will continue to cooperate on a partnership basis with the administration because we realize that neither of our two branches is superior to the other but each is, in its own way, equal in its responsibilities and powers. That is as it should be under the Constitution and that is as it will be in the period ahead.

Mr. GRIFFIN. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I am delighted to yield.

Mr. GRIFFIN. Mr. President, I know that the distinguished minority leader (Mr. Scott) would want me to extend his appreciation for the kind words spoken by the distinguished majority leader, as I do, and to indicate that the expressions are truly those of a bipartisan leadership. We have our differences and our difficulties, and we have had to go through some tense days.

I know that Members of the Senate are looking forward to a brief opportunity for some vacation and relaxation. But when we return after the Labor Day weekend, we will go forward in this body with renewed vigor and determination to get the business of the Nation done, and to get it done effectively and efficiently, always with the general understanding of the excellent leadership that is provided by the distinguished Senator from Montana. I thank him very much, and I join him in what he has said.

Mr. MANSFIELD. I thank the distinguished acting Republican leader.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from North Carolina (Mr. Helms) is recognized for not to exceed 15 minutes.

(The remarks Mr. Helms made at this point on the introduction of S. 2336, the Public School Jurisdiction Act of 1973, are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

PENN CENTRAL FINANCING QUESTIONED

Mr. HARRY F. BYRD, JR. Mr. President, a week ago today, Friday, July 27, 1973, the Senate passed legislation authorizing $210 million in tax funds for the benefit of the Penn Central Railroad.

I doubt that, when the Senate voted, it understood just what the legislation would do. I doubt that the Senate today understands just what it did in regard to that $210 million.

Mr. President, I state that, because in the debate it was made clear by the manager of the bill that $125 million of that total would be used to pay off the guaranteed loans in that amount authorized by Congress in 1970. But within minutes of the enactment of this legislation, this $210 million subsidy to Penn Central, the office of the manager of the bill issued this statement;

> The bill does not pay off past government obligations of the Penn Central and other bankrupts as is currently reported in some quarters.

Mr. President, I ask unanimous consent that the Associated Press dispatch to which I have referred be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

> **Senate Okays $210 Million for Rail Debt**
>
> Washington.—The Senate Friday passed a bill authorizing up to $210 million for the Transportation Department to keep the nation's financially ailing railroads operating.
>
> Sen. Vance Hartke, D-Ind., chairman of the Senate surface transportation subcommittee, said the measure provides for continuation of essential service until a long-term solution to the rail crisis can be found.
>
> The vote was 59 to 30.
>
> During the debate, Hartke said $125 million of the money would be used to pay off a federally guaranteed loan obtained by Penn Central in 1970.
>
> But Hartke's office later issued a statement saying: "The bill does not pay off past government obligations of the Penn Central and other bankrupts, as is currently reported in some quarters."
>
> The transcript of the debate prepared by the Congressional Record includes this exchange:
>
> Sen. Harry F. Byrd, D-Va.: Will the $125-million loan guarantee be paid from the $210 million?
>
> Hartke: Yes.
>
> Byrd: It is current, I gather from the senator's assertion, that the department sought only $85 million, yet we are giving them $210 million?
>
> Hartke: Yes, they had to pay off the loan.
>
> Byrd: Why do we not change the legislation and make it $85 million?
>
> Hartke: We cannot because the railroads could not then pay the $125-million loan and keep the trains running.

Mr. HARRY F. BYRD, JR. Mr. President, this legislation was enacted by the Senate with a clear understanding from statements made on the part of the manager of the bill that most of this $210 million would be used to pay off the existing loans which are guaranteed by the Federal Government.

Mr. President, I have obtained from the Office of the Secretary of Transportation just what these loans are, the total amount of the guaranteed loans of the Penn Central, and when they mature.

I find that there is a $50 million loan, bearing interest at the rate of 6⅛ percent, which falls due January 15, 1976, 2½ years from now. The other $50 million loan bearing 7.05 percent interest falls due January 15, 1986, 12½ years from now.

Why would the Senate pass legislation permitting the use of tax funds to the extent of $210 million, with a stipulation that most of it be used to pay off the Government-guaranteed loans of the Penn Central, when one of those $50 million loans does not become due for 2½ years and the other loan of $50 million does not become due for 12½ years.

I think the Senate is too cavalier in the way it handles the funds of the American taxpayers. These funds come out of the pockets of the hardworking wage earners of this country. That is the only place from which the Government can get money.

The only place from which the Government can get money to meet all the appropriations the Congress provides is out of the pockets of the individual citizens.

I voted against that $210 million subsidy to the Penn Central. I do not think this Government has enough money, with the huge deficits it is running, to start bailing out bankrupt companies.

Another reason why I voted against it is that the Penn Central, it was stated on the floor of the Senate 3 years ago when the original loan guarantee was passed, has assets of between $4 and $7 billion.

The New York Times of yesterday, August 2, had this report:

> Philadelphia, August 1.—The Penn Central Railroad is scrapping a plan to sell $1 billion worth of non-rail assets, retaining them instead to "maximize" their value through development, a trustee of the bankrupt carrier testified today.
>
> Jervis Langdon, one of three Penn Central trustees, told a Federal judge the change, concerning primarily real estate assets, was motivated by two factors: that sale of the assets alone would not make the railroad viable and that the railroad's problems have had a "depressing effect" on their value.
>
> Mr. Langdon testified at a hearing before United States District Judge John P. Fullam.
>
> Mr. Langdon described the policy change on non-rail assets as a "reinvestment of energies into real estate."

> The non-rail assets of Penn Central comprise more than 10,000 individual parcels, including mid-Manhattan hotels, land under Park Avenue, skyscrapers in New York, abandoned passenger terminals, marshalling yards, coal acreage, warehouses and farm lands.

The point I am suggesting, Mr. President, is this: If the Penn Central has these $1 billion in assets, why does the Congress of the United States take out of the pockets of the taxpayers of our country $210 million to pay the operating expenses of that railroad?

I hope the House of Representatives will look more carefully into this problem and into this proposed legislation than did the Senate. I hope the House will take a long, hard look at all of the assets and resources of the Penn Central before it approves appropriating $210 million for the operating expenses of that private company.

I believe in the free enterprise system. Under the free enterprise system, one has an opportunity to make a profit and keep a substantial part of those profits; but under the free enterprise system also, if private investments go sour, then the Government should not be called upon to bail out those bankrupt companies. Certainly, the assets should be used before the Government is called upon to get into the act.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. HARRY F. BYRD, JR. Mr. President, I suggest the absence of a quorum, the time to be taken from the time of the Senator from Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR. Mr. Presiident, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARRY F. BYRD, JR. Mr. President, I yield back the remainder of my time.

PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a brief morning hour, with a time limitation of not to exceed 5 minutes and the time to expire at 10:45 a.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bill and joint resolution, each with amendments, in which it requested the concurrence of the Senate:

S. 1410. An act to amend section 14(b) of the Federal Reserve Act, as amended, to extend for 1 year the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury; and

S.J. Res. 25. Joint resolution to authorize and request the President to issue a proclamation designating the fourth Sunday in September of each year as "National Next Door Neighbor Day."

The message also announced that the House has passed the following joint resolutions, in which it requested the concurrence of the Senate:

H.J. Res. 52. Joint resolution authorizing the President to proclaim August 26, 1973, as "Women's Equality Day"; and

H.J. Res. 466. Joint resolution authorizing the President to proclaim the second full week in October 1973, as "National Legal Secretaries' Court Observance Week."

The message further announced that the House had passed the following concurrent resolutions, in which it requested the concurrence of the Senate:

H. Con. Res. 209. Concurrent resolution expressing the sense of Congress that additional copies of hearings be printed; and

H. Con. Res. 266. Concurrent resolution to provide for the printing of committee hearings on the relationship of pesticides to environmental issues and other matters.

ORDER FOR YEAS AND NAYS ON TREATIES

Mr. MANSFIELD. Mr. President, as in executive session, I ask for the yeas and nays on the treaties to be voted on at 10:45 a.m. today.

The yeas and nays were ordered.

TECHNICAL CORRECTIONS IN ENGROSSMENT OF S. 1888

Mr. MANSFIELD. Mr. President, I send to the desk a concurrent resolution and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The concurrent resolution will be stated.

The assistant legislative clerk read as follows:

That in the enrollment of the bill (S. 1888) to extend and amend the Agricultural Act of 1970 for the purpose of assuring consumers of plentiful supplies of food and fiber at reasonable prices, the Secretary of the Senate be, and he is hereby, authorized and directed to make the following corrections in the text of the bill as finally approved by the two Houses:

On page 7, line 2, strike the quotation marks.

On page 20, line 3, strike "(a)".

On page 28, at the end of line 17, insert a comma.

On page 28, line 18, strike out "(c)" and insert "(d)".

On page 29, line 10, after the quotation marks, insert a comma.

On page 29, line 11, strike out "(d)" and insert "(e)".

On page 29, line 16, strike out "(e)" and insert "(f)".

On page 29, line 19, strike out the period and insert ", and".

On page 29, line 20, strike out "(f)" and insert "(g)".

On page 40, line 20, before the first word, insert quotation marks and "Sec. 703."

On page 40, line 21, strike out the double quotation marks and insert single quotation marks.

On page 40, line 23, strike out the period and the double quotation marks and insert single quotation marks and a period.

On page 45, line 12, strike out the quotation marks.

Strike out the matter which begins with line 18 on page 52 and ends with line 19 on page 53, and insert such matter on page 54 after the last line on that page.

On page 67, line 13, after "amended", insert "(1)".

The PRESIDING OFFICER. The question is on agreeing to the request of the Senator from Montana. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 43) was considered and agreed to.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The PRESIDENT pro tempore on today, August 3, 1973, signed the following enrolled bills and joint resolution which had previously been signed by the Speaker of the House of Representatives:

S. 1423. An act to amend the Labor Management Relations Act, 1947, to permit employer contributions to jointly administered trust funds established by labor organizations to defray costs of legal services;

S. 1887. An act to provide for the appointment of alternates for the governors of the International Monetary Fund and of the International Bank for Reconstruction and Development;

S. 1993. An act to amend the EURATOM Cooperation Act of 1948, as amended;

S. 2120. An act to amend the Federal Railroad Safety Act of 1970 and other related Acts to authorize additional appropriations, and for other purposes;

H.R. 3867. An act to amend the Act terminating Federal supervision over the Klamath Indian Tribe by providing for Federal acquisition of that part of the tribal lands described herein, and for other purposes;

H.R. 8947. An act making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Applachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1974, and for other purposes; and

S.J. Res. 144. Joint resolution to provide for a temporary extension of the authority of the Secretary of Housing and Urban Development with respect to the insurance of loans and mortgages, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, August 3, 1973, he presented to the President of the United States the following enrolled bills and joint resolution:

S. 1423. An act to amend the Labor Management Relations Act, 1947, to permit employer contributions to jointly administered trust funds established by labor organizations to defray costs of legal services;

S. 1887. An act to provide for the appointment of alternates for the Governors of the International Bank for Reconstruction and Development;

S. 1993. An act to amend the EURATOM Cooperation Act of 1958, as amended;

S. 2120. An act to amend the Federal Railroad Safety Act of 1970 and other related acts to authorize additional appropriations, and for other purposes; and

S.J. Res. 144. Joint resolution to provide for a temporary extension of the authority of the Secretary of Housing and Urban Development with respect to the insurance of loans and mortgages, and for other purposes.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON POSITIONS IN THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

A letter from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, a report on positions in that Administration (with an accompanying report). Referred to the Committee on Aeronautical and Space Sciences.

REPORT ON FINAL DETERMINATION IN CLAIM OF CERTAIN INDIANS

A letter from the Chairman, Indian Claims Commission, transmitting, pursuant to law, a report relating to Docket No. 305, The Ottawa Tribe and Guy Jennison, Bronson Edwards and Gene Jennison, as representatives of the Ottawa Tribe, Plaintiffs, v. The United States of America, Defendant (with accompanying papers). Referred to the Committee on Appropriations.

REPORT OF THE INDIAN CLAIMS COMMISSION ON THE FINAL DETERMINATION OF CERTAIN INDIAN CLAIMS

A letter from the Chairman of the Indian Claims Commission transmitting, pursuant to law, a report of the final determination of certain Indian claims in Dockets 217, 15–K, and 29–J regarding the Citizen Band of Potawatomi Indians of Oklahoma and other Indian tribes v. the United States. Referred to the Committee on Appropriations.

REPORT OF THE INDIAN CLAIMS COMMISSION ON THE FINAL DETERMINATION OF THE CLAIM OF THE OTTAWA TRIBE

A letter from the Chairman of the Indian Claims Commission transmitting, pursuant to law, a report of the final determination of the claim of the Ottawa Tribe of Indians, et al., in Docket No. 304. Referred to the Committee on Appropriations.

REPORT OF THE DEPARTMENT OF STATE

A letter from the Assistant Legal Adviser for Treaty Affairs of the Department of State transmitting, pursuant to law, agreements other than treaties entered into by the United States. Referred to the Committee on Foreign Relations.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Revenue Sharing: Its Use by and Impact on State Governments", Department of the Treasury, dated August 2, 1973 (with an accompanying report). Referred to the Committee on Government Operations.

REPORT OF THE COMPTROLLER FOR THE VIRGIN ISLANDS

A letter from the Secretary of the Interior transmitting, pursuant to law, the annual report of the United States Government Comptroller for the Virgin Islands for the fiscal year ended June 30, 1972. Referred to the Committee on Interior and Insular Affairs.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

A letter from the Acting Commissioner, Immigration and Naturalization Service. Department of Justice, transmitting, pursuant to law, copies of orders relating to the suspension of deportation of certain aliens (with accompanying papers). Referred to the Committee on the Judiciary.

DELAY OF REPORT BY COMMISSION ON THE BANKRUPTCY LAWS OF THE UNITED STATES

A letter from the Executive Director, Commission on the Bankruptcy Laws of the United States, reporting, pursuant to Senate Joint Resolution 88, 91st Congress, that the report required by that law will not be forthcoming from the Commission until a later date. Referred to the Committee on the Judiciary.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A petition requesting redress of grievances from sundry citizens of the State of New York. Referred to the Committee on the Judiciary.

A telegram, in the nature of a petition, from the Western States Land Commissioners Association, relating to the energy crisis. Referred to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MONTOYA, from the Committee on Appropriations, with amendments:

H.R. 9590. An act making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1974, and for other purposes (Rept. No. 93–378).

By Mr. RANDOLPH, from the Commitee on Public Works, without amendment:

S. 2282. A bill to change the name of the New Hope Dam and Lake, North Carolina, to the B. Everett Jordan Dam and Lake (Rept. No. 93–379). Considered and passed

By Mr. TUNNEY, from the Committee on Commerce:

S. 2365. An original bill to regulate interstate and foreign commerce as it relates to the conduct of organized amateur athletic competition within the United States and the participation of American athletes in international amateur athletic competition (Rept. No. 93–380). Placed on the calendar.

By Mr. KENNEDY, from the Committee on Labor and Public Welfare, with amendments:

H.R. 7724. An act to amend the Public Health Service Act to establish a national program of biomedical research fellowships, traineeships, and training to assure the continued excellence of biomedical research in the United States, and for other purposes (Rept. No. 93–381).

By Mr. MAGNUSON, from the Committee on Commerce, with amendments:

S. 354. A bill to establish a nationwide system of adequate and uniform motor vehicle accident reparation acts and to require no-fault motor vehicle insurance as a condition precedent to using a motor vehicle on public roadways in order to promote and regulate interstate commerce (Rept. No. 93–382), together with additional and minority views.

EXTENSION OF REPORTING DATE FOR COMMITTEE ON POST OFFICE AND CIVIL SERVICE

Mr. McGEE. Mr. President, section 2 of Senate Resolution 61, authorizing the Post Office and Civil Service Committee to exercise its oversight and investigations authority with regard to the Postal Service, requires a report of the committee's findings to the Senate not later than August 31, 1973.

The committee's hearing schedule was interrupted by the Postal Service's labor-management negotiations and set back by the time required to obtain ratification by the unions of the final agreement. I ask unanimous consent that the resolution's August 31, 1973, reporting date be extended to October 31, 1973.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST FOR REPORTING S. 354, THE NATIONAL NO-FAULT MOTOR VEHICLE INSURANCE ACT

Mr. MAGNUSON. Mr. President, I ask unanimous consent to report the bill (S. 354) to regulate commerce by establishing a nationwide system to restore motor vehicle accident victims and by requiring no-fault motor vehicle insurance as a condition precedent to using a motor vehicle on public roadways and to file the written report on the bill by August 15, 1973.

I also ask unanimous consent to have printed in the RECORD at this point a brief description of the bill and the text as reported.

There being no objection, the description was ordered to be printed in the RECORD, as follows:

DESCRIPTION

(1) GENERAL

The technical basis for the bill is the Uniform Motor Vehicle Accident Reparations Act (hereinafter UMVARA), which was promulgated in August 1972 by the National Conference of Commissioners on Uniform State Laws, an organization of State government officials named pursuant to the laws of each of the 50 States to promote uniformity of law in areas of common concern. The bill would create a nationwide automobile insurance system which would, in the event of a motor vehicle accident, pay the cost of restoring to the maximum extent feasible, all the occupants and pedestrians and others who are injured, and compensate, subject to reasonable limitations, to the economic loss of all deceased victims. While extending this *right to recover benefits* to all persons, S. 354 would simultaneously restrict each person's *right to sue* because of the fault of another.

The bill would preempt any provision of any State law which would prevent the establishment or administration in any State of a no-fault plan for motor vehicle insurance in accordance with title II or title III of the bill (section 201(a)).

Each State could establish a State no-fault plan which meets or exceeds the national standards set forth in S. 354 at any time prior to the completion of the first general session of the State legislature that convenes after the bill is enacted. The Secretary of Transportation would determine whether a State plan was in accordance with title II (*i.e.* meets or exceeds national standards) (sections 201(b), (c)). The national standards (defined in section 202(a)) are met or exceeded by a State plan's provisions if the State provisions are in substance the same, equivalent, more favorable or beneficial to an insured or a claimant, or more restrictive of tort liability than the national requirements. State plan provisions as to which there are no corresponding provisions in the national standards are permitted so long as they are not inconsistent with the policy of the bill (section 203(b)).

If a State does not establish a no-fault plan in accordance with title II during its first legislative session an alternative State no-fault plan for motor vehicle insurance, title III of the bill, would become applicable and go into effect in that State nine months later. If, at any time, a title III State establishes a State no-fault plan that meets or exceeds national standards, the alternative plan would cease to apply in that State and would be replaced by the State's own plan. Conversely, if a title II State ceased to maintain its no-fault plan in accordance with title II, that plan would cease to be in effect and the alternative State no-fault plan under title III would become effective on a date to be designated by the Secretary (sections 201 (d)-(f)).

Determining whether a State no-fault plan is initially and continually in accordance with the national standards is the *only* operational responsibility of the Federal Government. All other activities—regulation of insurance, setting of rates and rating of insurance, taxing, management of motor vehicle registration, investigation of claims, and litigation procedures—remain the responsibilities of State and local government in accordance with State law. Having set the national standards as a basic floor, the Federal Government goes no further. S. 354 leaves each State free to develop its no-fault plan beyond the minimum standards and, except for the periodic review under section 201, free from any further new involvement with any Federal agency.

The national standards cover only the primary requirements for a system that will operate coast-to-coast to assure that every victim of a motor vehicle accident anywhere in the United States gets treatment and compensation. Non-essential requirements are not mandated for the nationwide system (*i.e.* there is no national standard as to whether residual tort liability insurance should or should not be compulsory; as to whether motor vehicle damage and other property damage loss should or should not be included within the no-fault system; as to how motorcycles should be treated; or as to whether victims should be required to undergo insurance-company-administered compulsory physical examinations).

At a minimum, a State establishing a no-fault plan for motor vehicle insurance in accordance with title II of the bill would require each owner of a motor vehicle operating or registered in the State to continuously provide security (via an insurance policy or approved self-insurance) for the payment of "basic restoration benefits." This security must pay basic restoration benefits (on a periodic basis as loss occurs) up to at least the following levels:

(1) *all* reasonable charges for medical treatment and care, emergency health services, and medical and vocational rehabilitation services (grouped together under the heading "allowable expense") (section 204 (a));

(2) reimbursement for all of a victim's work loss—

(A) up to his monthly earned income prior to the accident if the amount was disclosed and agreed to in the insurance policy before the injury, or $1,000 times a formula which reflects differences in average per capita income in different States, whichever is less, and

(B) up to a total amount of $25,000 times a formula which reflects differences in average per capita income in different States. (Applying the formula, the maximum basic restoration benefits for work loss would range from $17,101.27 to $35,135.33.) (section 204(b)) (under section 204(b)(2) a State may simply determine to lower total work loss protection to $15,000).

(3) reimbursement for replacement services loss (cost of obtaining services victim would have performed personally but, for the accident—*e.g.* cooking—subject to reasonable limitations set by the State section 204 (c));

(4) reasonable charges, not to exceed $1,000, for funeral and burial expenses; and

(5) compensation for survivor's loss subject to reasonable limitations set by the State (sections 103(2), 204(d)).

With respect to claims by an insured (person named in a policy or reading in the same household as a named insured), the bill authorizes a State to allow deductibles not to exceed $100 per individual and a no-benefits waiting period not to exceed one week.

The State plan may, of course, require that basic restoration benefits include greater work loss benefits and, in addition, may require payment of such added restoration benefits as compensation for noneconomic detriment (pain and suffering). Basic restoration benefits would not pay any claims for damage to property, but coverage for property loss (i.e. physical damage to a motor vehicle) must be offered to each owner as added restoration insurance (section 210 (b)). Its purchase is not compulsory under national standards, but the State plan may require the motor vehicle owner to purchase such coverage.

Lawsuits to recover economic losses (termed "loss" in the bill) would be permitted when loss exceeds basic restoration benefit limits. Lawsuits for noneconomic detriment (subject to a $2,500 deduction) would not be permitted unless a motor vehicle accident victim died, suffered serious and permanent disfigurement or other serious and permanent injury, or suffered more than 6 continuous months of total disability (section 206).

Under the national standards, motor vehicle insurance (security for the payment of basic restoration benefits) is the primary source for payment of the losses of victims and the survivors of deceased victims. To prevent problems that the primacy of auto insurance could present to persons who presently receive all-encompassing health insurance and other benefits from insurance plans paid for in whole or in part by their employers, each State is specially required to permit such benefits to be coordinated with no-fault benefits. The purchaser of such benefits (i.e. the employer) is required to pass on the savings from this coordination to the other individuals for whom he is acting (i.e. employees) through direct payment or substitute benefits (section 204(f)).

In order for a State no-fault plan to be in accordance with title II of the bill, it must also meet a standard designed to make motor vehicle insurance available to all, including the economically disadvantaged (section 105); provide interest assessments for an insurer that fails to pay no-fault benefits promptly and require the insurer to pay attorney's fees if a victim must go to court to obtain such benefits (sections 106, 107); provide a system for payment of assigned claims (section 108); provide the means to enable consumers to compare prices being charged by insurers (section 109(b)); authorize the State insurance Commissioner to provide an accountability program for medical and vocational rehabilitation services and to take steps to assure the availability of emergency health services and medical and vocational rehabilitation services in the State (sections 109 (c) (d)): require that a no-fault system operate between insurance companies as well as between motorists (section 111); implement the system of priorities for the payment of basic restoration benefits in cases in which more than one source is available (section 205); and require insurers to offer motorists certain added restoration benefits coverages (section 210).

The alternative State no-fault plan for motor vehicle insurance (title III) places no limitations on the total benefits that a victim or the survivor of a deceased victim would receive. Work loss benefits would be paid up to $1,000 a month times a formula which reflects differences in average per capita income in different States but there would be no limitation on the total amount of basic restoration benefits for work loss (section 302(a)). Benefits for replacement services loss and survivor's loss would be paid for as long as the loss arising out of the maintenance or use of a motor vehicle lasts, subject to a $200 per week ceiling (section 302(b)). The right to sue in the hope of recovering damages for economic or noneconomic detriment in most situations would be eliminated. Compensation for economic loss would be provided by the basic restoration insurance, and compensation for noneconomic detriment would be available to each person who chooses to purchase insurance provding added restoration benefits for noneconomic detriment to a victim in such amounts and upon such conditions as the insured selects. This "no-fault pain and suffering" option must be offered by each insurer writing basic restoration insurance in the State (section 304(b)).

Under both a State no-fault plan in accordance with title II and the alternative State no-fault plan, no benefits would be paid to a victim or the survivors of a deceased victim for intentionally-inflicted injuries or to a victim who had stolen the motor vehicle involved in the accident resulting in injury (section 210). A motor vehicle owner driving without the necessary motor vehicle insurance who suffers injury is entitled to receive basic restoration benefits from the assigned claims plan *minus* all the optional deductibles and exclusions required to be offered in the State and *minus* $500 in benefits for each year of the owner's failure to provide the necessary security (except that no deduction shall be made from allowable expense items—medical care, emergency health services, medical and vocational rehabilitation services (section 108(a)(4)).

The bill provides easily applied and consistent rules for resolving questions arising when persons travel from State to State (section 110). If an owner satisfies the security requirements in the State in which he registers his vehicle, he is deemed to have satisfied the security requirements in every State through which he drives while the insurance is in effect. When an individual is injured in an auto accident, the benefit levels of the plan in effect in his State of domicile determine his level of recovery no matter what his source of recovery (*e.g.* his own policy, someone else's policy, a self-insurer, or an assigned claims plan). An insurer is obligated to pay benefits to a claimant based upon his place of domicile. An accident victim's lawsuit rights are also governed by the law of the State of domicile. If a person from a State which has not yet enacted no-fault is injured or if a person is not domiciled in any State (*e.g.* a foreign tourist), then the no-fault plan in effect in the State in which the accident occurs controls questions as to the level of benefits and lawsuit rights. The provisions in section 110 make the national standards system practical and workable by permitting State by State variation above the minimum standards without creating impossible burdens on interstate motorists and their insurers.

(2) GLOSSARY OF SPECIALIZED TERMS USED IN THE BILL

Basic restoration insurance is insurance by which an insurer, self-insurer, or obligated government is required to pay a victim basic restoration benefits, on a no-fault basis, for his net loss from injury arising out of the maintenance or use of a motor vehicle. Basic restoration insurance (also termed security for the payment of basic restoration benefits and basic restoration benefits coverage) is compulsory for all motor vehicle owners (section 104).

Added restoration insurance is optional insurance (although some coverages must be offered for sale to the insured by each insurer providing basic restoration insurance) which provides for the payment (by an insurer, self-insurer, or obligated government) of added restoration benefits.

Restoration obligor is an entity required to pay basic restoration benefits and, where applicable, added restoration benefits. A restoration obligor is either an insurer, a self-insurer, or an obligated government. *Insurer* is any legal entity, other than a self-insurer or obligated government, which is authorized by State law to provide required motor vehicle insurance, including where authorized in a State, a private insurance company, a Blue Cross Association, a State established-or-supervised plan under section 105(a), or a State fund such as the A.C.C.A. in Puerto Rico.

Loss is economic loss for which a victim or the survivors of a deceased victim are entitled to receive basic restoration benefits reduced, if applicable, by social security disability, medicare, workmen's compensation, and similar government or government-required benefits or advantages specified in section 208. *Net loss* is loss minus these enumerated collateral benefits or advantages and an amount equal to any income tax saving not to exceed 15%. Loss is subdivided into four distinct and separate categories:

(*a*) *Allowable expense* is the reasonable cost of medical treatment and care, emergency health services, medical and vocational rehabilitation services, and funeral and burial services (up to $1,000).

(*b*) *Work loss* is wages and earnings lost as a consequence of the motor vehicle accident. It includes loss of income, even projected future earnings of a person not presently employed, and the cost of a substitute or special services to mitigate loss of income. With respect to lost future earnings, adjustments will be made to compensate for inflationary changes in the value of the dollar (section 207(d)(2)).

(*c*) *Replacement service loss* is the reasonable cost of obtaining ordinary and necessary services (which are not income producing) in lieu of those the victim would have performed for his own benefit, or that of his family, but for the accident and injury.

(*d*) *Survivor's loss* is the loss to the survivor of a deceased victim of the income the deceased victim would have earned and contributed to the survivor, but for the accident, and the cost of obtaining ordinary and necessary services in lieu of those the deceased victim would have performed for the benefit of the survivor, minus expenses avoided by reason of the death.

Basic restoration benefits are the benefits to be paid to each victim or the survivor of a deceased victim. Basic restoration benefits are required to be paid for net loss, subject to the national standard on limitations on such benefits (section 204).

Added restoration benefits are the benefits to be paid to a person who purchases optional insurance in addition to basic restoration benefits coverage. It may include collision coverage for damage to a motor vehicle, benefits for noneconomic detriment (pain and suffering), and excess coverages beyond the limitations on basic restoration benefits.

TEXT OF S. 354 AS REPORTED

A bill to regulate commerce by establishing a nationwide system to restore motor vehicle accident victims and by requiring no-fault motor vehicle insurance as a condition precedent to using a motor vehicle on public roadways

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

TITLE I—GENERAL PROVISIONS

FORMAL PROVISIONS

SEC. 101. (a) SHORT TITLE.—This Act may be cited as the "National No-Fault Motor Vehicle Insurance Act."

(b) TABLE OF CONTENTS.—

TITLE I—GENERAL PROVISIONS

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Sec. 105. Availability of insurance.
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Sec. 106. Payment of claims for no-fault benefits.
  (a) In general.
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  (d) Assignment of benefits.
  (e) Deduction and setoff.
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Sec. 107. Attorney's fees and costs.
  (a) Fees of claimant's attorney.
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  (b) Assigned claims plan.
  (c) Time for presenting claims under assigned claims plan.
Sec. 109. State regulation.
  (a) Rates and rating.
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Sec. 110. Motor vehicles in interstate travel.
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Sec. 111. Rights and duties of restoration obligors.
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TITLE II—NATIONAL STANDARDS FOR STATE NO-FAULT MOTOR VEHICLE INSURANCE PLAN

Sec. 201. State no-fault plan in accordance with this title.
  (a) Preemption.
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  (a) Applicable security.
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Sec. 209. Added restoration benefits.
  (a) Optional offering.
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  (c) Territorial applicability.
Sec. 210. Ineligible claimants.
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  (b) Intentional injuries.
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  (a) Included coverage.
  (b) Approval of terms and forms.

TITLE III—ALTERNATIVE STATE NO-FAULT MOTOR VEHICLE INSURANCE PLAN

Sec. 301. Provisions.
Sec. 302. Limitations on basic restoration benefits.
Sec. 303. Restrictions on tort liability.
  (a) Partial abolition.
  (b) Nonreimbursable tort fine.
Sec. 304. Added restoration benefits.
  (a) Option offering.
  (b) Mandatory offering.
  (c) Territorial applicability.

DECLARATION OF POLICY

SEC. 102. (a) FINDINGS.—The Congress hereby finds and declares that—

(1) motor vehicles are the primary instrumentality for the interstate transportation of individuals;

(2) the intrastate transportation of individuals by motor vehicle over Federal-aid highways and other highways significantly affects interstate commerce, particularly in metropolitan areas encompassing more than one State;

(3) the maximum feasible restoration of all individuals injured and compensation of the economic losses of the survivors of all individuals killed in motor vehicle accidents on Federal-aid highways, in interstate commerce, and in activity affecting interstate commerce is essential to the humane and purposeful functioning of commerce;

(4) to avoid any undue burden on commerce during the interstate or intrastate transportation of individuals, it is necessary and proper to have a nationwide low-cost comprehensive, and fair system of compensating and restoring motor vehicle accident victims and the survivors of deceased victims;

(5) exhaustive studies by the United States Department of Transportation, the Congress and some States have determined that the present basic system of motor vehicle accident and insurance law, which makes compensation and restoration contingent upon—

(A) every victim first showing that someone else was at fault;

(B) every victim first showing that he was without fault; and

(C) the person at fault having sufficient liability insurance and other available financial resources to pay for all the losses,

is not such a low-cost comprehensive, and fair system;

(6) careful studies, intensive hearings, and some State experiments have demonstrated that a basic system of motor vehicle accident and insurance law which—

(A) assures every victim payment of all his medical and rehabilitation costs, and recovery of almost all his work loss plus a reasonable amount of replacement services and survivor's loss; and

(B) eliminates the need to determine fault except when a victim is very seriously injured,

is such a low-cost, comprehensive, and fair system;

(7) nationwide adoption of the system described in paragraph (6) in place of the system described in paragraph (5) would remove an undue burden on commerce;

(8) pursuant to the power vested in it "to regulate Commerce . . . among the several States", the Government of the United States is authorized to require a nationwide low-cost, comprehensive, and fair system of compensating and restoring motor vehicle accident victims and the survivors of deceased victims;

(9) in all the States there should be uniformity as to the essential elements of the system of motor vehicle accident and insurance law to avoid confusion, complexity, uncertainty, and chaos which would be engendered by a multiplicity of noncomplementary State systems, but the need for a nationwide basic system does not require that the Federal Government itself directly administer, operate, or direct the administration or operation of such system; and

(10) a nationwide low-cost, comprehensive, and fair system of compensating and restoring motor vehicle accident victims can—

(A) recognize, respect, and avoid interfering with the historical role of the States in regulating and exercising legislative authority over the business of insurance; and

(B) save and restore the lives of countless victims by providing and paying the cost of services so that every victim has the opportunity to—

(i) receive prompt and comprehensive professional treatment, and

(ii) be rehabilitated to the point where he can return as a useful member of society and a self-respecting and self-supporting citizen.

(b) PURPOSES.—Threfore, it is hereby declared to be the policy of the Congress to establish—

(1) at reasonable cost to the purchaser of insurance, a nationwide system of prompt and adequate restoration benefits for motor vehicle accident victims and the survivors of deceased victims; and

(2) minimum standards which each State must meet or exceed so as to assure a nationwide low-cost, comprehensive, and fair system of motor vehicle accident and insurance law and which enables each State to participate legislatively, to administer without interference, and to continue regulating the business of insurance.

DEFINITIONS

SEC. 103. As used in this Act—

(1) "Added restoration benefits" means benefits provided by added restoration insurance in accordance with section 209 or section 304 of this Act.

(2) "Allowable expense" means reasonable charges incurred for, or the reasonable value of (where no charges are incurred) reasonably needed and used products, services, and accommodations for—

(A) professional medical treatment and care;

(B) emergency health services;

(C) medical and vocational rehabilitation services; and

(5) expenses directly related to the funeral, burial, cremation, or other form of disposition of the remains of a deceased victim, not to exceed $1,000.

The term does not include—

(i) that portion of a charge for a room in a hospital, clinic, convalescent, or nursing home, or any other institution engaged in providing nursing care and related services, in excess of a reasonable and customary charge for semiprivate accommodations, unless more intensive care is medically required; or

(ii) any amount includable in work loss, replacement services loss, or survivor's loss.

(3) "Basic restoration benefits" means benefits provided in accordance with this Act for the net loss sustained by a victim, subject to any applicable limitations, exclusions, deductibles, waiting periods, other terms and conditions provided or authorized in accordance with this Act. Basic restoration benefits do not include benefits for damage to property.

(4) "Commissioner" means the commissioner of insurance or the head of the department, commission, board, or other agency of a State which is charged by the law of that State with the supervision and regulation of the business of insurance.

(5) "Department" means the department of motor vehicles or the department, commission, board, or other agency of a State which is charged by the law of that State with the administration of laws and regulations regarding registration of motor vehicles.

(6) "Emergency health services" means services necessary to mitigate injury to any victim during the period immediately and proximately following an accident including, but not limited to, communications, transportation, and treatment by medical and paramedical personnel, and which are supplied or provided by any person accredited or certified by an emergency health services system.

(7) "Emergency health services system" means a system which provides for the arrangement of personnel, facilities, and equipment for the effective and coordinated delivery in an appropriate geographical area of health care services under emergency conditions arising out of the maintenance or use of a motor vehicle, which is administered by a public or nonprofit private entity which has the authority and the resources to provide effective administration, and which is operating in accordance with applicable requirements, conditions, and regulations.

(8) "Government" means the government of the United States, any State, any political subdivision of a State, any instrumentality of two or more States, or any agency, subdivision, or department of any such government, including any corporation or other association organized by a government for the execution of a government program and subject to control by a government, or any corporation or agency established under an interstate compact or international treaty.

(9) "Injury" means accidentally sustained bodily harm to an individual and that individual's illness, disease, or death resulting therefrom.

(10) "Insurance" means a contract, self-insurance, or any other legally binding obligation to pay or provide no-fault benefits or any required tort liability.

(11) "Insured" means—

(A) an individual identified by name as an insured in a contract of basic restoration insurance complying with this Act; and

(B) a spouse or other relative of a named insured, a minor in the custody of a named insured, and a minor in the custody of a relative of a named insured if—

(i) not identified by name as an insured in any other contract of basic restoration insurance complying with this Act, and

(ii) in residence in the same household with a named insured.

An individual is in residence in the same household if he usually makes his home in the same family unit, even though he temporarily lives elsewhere.

(12) "Insurer" means a legally constituted entity, other than a self-insurer or an obligated government, which is authorized under State law to provide security covering a motor vehicle in such State.

(13) "Loss" means accrued economic detriment resulting from injury arising out of the maintenance or use of a motor vehicle consisting of, and limited to, allowable expense, work loss, replacement services loss, and survivor's loss.

(14) "Loss of income" means gross income actually lost by a victim or that would have been lost but for any income continuation plan, reduced by—

(A) ninety per centum of any income which such individual earns from substitute work;

(B) income which such individual would have earned in available substitute work he was capable of performing but unreasonably failed to undertake; or

(C) any income which such individual would have earned by hiring an available substitute to perform self-employment services but unreasonably failed to do.

(15) "Maintenance or use of a motor vehicle" means maintenance or use of a motor vehicle as a vehicle, including, incident to its maintenance or use as a vehicle, occupying, entering into, or alighting from it. Maintenance or use of a motor vehicle does not include—

(A) conduct within the course of a business of repairing, servicing, or otherwise maintaining motor vehicles unless the conduct occurs off the business premises; or

(B) conduct in the course of loading or unloading a motor vehicle unless the conduct occurs while occupying, entering into, or alighting from it.

(16) "Medical and vocational rehabilitation services" means services necessary to reduce disability and to restore the physical, psychological, social, and vocational functioning of a victim. Such services may include, but are not limited to, medical care, diagnostic and evaluation procedures, physical and occupational therapy, other medically necessary therapies, speech pathology and audiology, nursing care under the supervision of a registered nurse, medical social services, vocational rehabilitation and training services, occupational licenses and tools, and transportation where necessary to secure medical and vocational rehabilitation services. A restoration obligor is not obligated to provide basic restoration benefits for allowable expense for medical and vocational rehabilitation services unless the facility in which or through which such services are provided has been accredited by the department of health, the equivalent government agency responsible for health programs, or the accrediting designee of such department or agency of the State in which such services are provided, as being in accordance with applicable requirements and regulations.

(17) "Motor vehicle" means a vehicle of a kind required to be registered under the laws relating to motor vehicles of the State in which such vehicle is located.

(18) "Net loss" means loss less benefits or advantages required to be subtracted from loss in calculating net loss pursuant to section 208 of this Act.

(19) "Noneconomic detriment" means pain, suffering, inconvenience, physical impairment, and other nonpecuniary damage recoverable under the tort law applicable to injury arising out of the maintenance, or use of a motor vehicle. The term does not include punitive or exemplary damages.

(20) "No-fault benefits" means basic restoration benefits, added restoration benefits, or both.

(21) "No-fault insurance" means basic restoration insurance, added restoration insurance, or both.

(22) "Owner" means an individual, government, corporation, company, association,

firm, partnership, joint stock company, foundation, institution, society, union, club, church, or any other group of persons organized for any purpose, other than a lienholder or secured party, that owns or has title to a motor vehicle or is entitled to the use and possession of a motor vehicle subject to a security interest held by another. The term includes a lessee of a motor vehicle having the right to possession under a lease with option to purchase.

(23) "Restoration obligor" means an insurer, self-insurer, or obligated government providing no-fault benefits in accordance with this Act.

(24) "Replacement services loss" means expenses reasonably incurred in obtaining ordinary and necessary services in lieu of those the victim would have performed, not for income, but for the benefit of himself or his family, if he had not been injured.

(25) "Secretary" means the Secretary of Transportation.

(26) "Secured vehicle" means a motor vehicle for which security is provided in accordance with section 104 of this Act.

(27) "Security covering a motor vehicle", "secuirty covering the vehicle", and "security" means the security which is provided in accordance with section 104 of this Act.

(28) "Self-insurer" means an owner or any person providing security pursuant to subsections (b) or (c) of section 104 of this Act.

(29) "State" means a State of the United States, the District of Columbia, Guam, and the Virgin Islands.

(30) "State vocational rehabilitation agency" means the agency in the State which administers the State plan for vocational rehabilitation services under the Vocational Rehabilitation Act (29 U.S.C. 35).

(31) "Survivor" means an individual identified in the wrongful death statute of the State of domicile of a deceased victim as one entitled to receive benefits by reason of the death of another individual.

(32) "Survivor's loss" means the—

(A) loss of income of a deceased victim which would probably have been contributed to a survivor or survivors, if such victim had not sustained the fatal injury; and

(B) expenses reasonably incurred by a survivor or survivors, after a victim's death resulting from injury, in obtaining ordinary and necessary services in lieu of those which the victim would have performed, not for income, but for their benefit, if he had not sustained the fatal injury,

reduced by expenses which the survivor or survivors would probably have incurred but avoided by reason of the victim's death resulting from injury.

(33) "Victim" means an individual who suffers injury arising out of the maintenance or use of a motor vehicle; "deceased victim" means a victim suffering death resulting from injury.

(34) "Without regard to fault" means irrespective of fault as a cause of injury.

(35) "Work loss" means—

(A) loss of gross income of a victim, as calculated pursuant to the provisions of section 207 of this Act; and

(B) reasonable expenses of a victim for hiring a substitute to perform self-employment services, thereby mitigating loss of income, or for hiring special help, thereby enabling a victim to work and mitigate loss of income.

REQUIRED MOTOR VEHICLE INSURANCE

SEC. 104. (a) SECURITY COVERING A MOTOR VEHICLE.—Every owner of a motor vehicle which is registered in a State in which a State no-fault plan for motor vehicle insurance in accordance with title II or title III of this Act is in effect, or which operated in such State by the owner or with his permission, shall cointinuously provide security covering such motor vehicle while such vehicle is either present or reigstered in such State. Security shall be provided for the payment of basic restoration benefits, and, at the option of a State establishing plan in accordance with title II of this Act, for the payment of other benefits or tort liability. The owner or any other person may provide security covering a motor vehicle by a contract of insurance with an insurer or by qualifying as a self-insurer or as an obligated government.

(b) SELF-INSURANCE.—Self-insurance, subject to approval of the commissioner or department, is effected by filing with the department in satisfactory form—

(1) a continuing undertaking by the owner or other appropriate person to pay basic restoration benefits and any tort liability required by State law in amounts not less than those required by such State law, to perform all obligations imposed in accordance with this Act, and to elect to pay such added restoration benefits as are specified in the undertaking;

(2) evidence that appropriate provision exists for prompt and efficient administration of all claims, benefits, and obligations provided in accordance with this Act; and

(3) evidence that reliable financial arrangements, deposits, resources, or commitments exist providing assurance substantially equivalent to that afforded by a contract of insurance complying with this Act for payment of no-fault benefits, any required tort liability, and performance of all other obligations imposed in accordance with this Act.

(c) OBLIGATED GOVERNMENT.—A government may provide security with respect to any motor vehicle owned or operated by it by lawfully obligating itself to pay basic restoration benefits in accordance with this Act, and such added restoration benefits as are specified in the undertaking.

(d) OBLIGATIONS UPON TERMINATION OF SECURITY.—An owner of a motor vehicle who ceases to maintain the security required in accordance with this Act shall immediately surrender the registration certificate and license plates for the vehicle to the department and may not operate or permit operation of the vehicle in any State until security has again been furnished as required in accordance with this Act. A person other than the owner who ceases to maintain such security shall immediately notify the owner and the department, who may not operate or permit operation of the vehicle until security has again been furnished. An insurer who has issued a contract of insurance and knows or has reason to believe the contract is for the purpose of providing security shall immediately give notice to the department of the termination of the insurance. If the commissioner or department withdraws approval of security provided by a self-insurer or knows that the conditions for self-insurance have ceased to exist, he shall immediately give notice thereof to the department. These requirements may be modified or waived by the department.

AVAILABILITY OF INSURANCE

SEC. 105. (a) PLAN.—(1) The commissioner shall establish and implement or approve and supervise a plan assuring that any required no-fault benefits and tort liability coverages for motor vehicles will be conveniently and expeditiously available, subject only to payment or provision for payment of the premium, to each individual who cannot conveniently obtain insurance through ordinary methods at rates not in excess of those applicable to similarly situated individuals under the plan. The plan may provide reasonable means for the transfer of individuals insured thereunder into the ordinary market, at the same or lower rates, pursuant to regulations established by the commissioner. The plan may be implemented by assignment of applicants among insurers, pooling, any joint insuring or reinsuring arrangement, or any other method, including a State fund, that results in all applicants being conveniently afforded the insurance coverages on reasonable and not unfairly discriminatory terms.

(2) The plan shall make available added restoration benefits and tort liability coverages together with other contract provisions which the commissioner determines are reasonably needed by applicants and are commonly afforded in voluntary markets. The plan must also assure that there is available through the private sector or otherwise to all applicants adequate premium financing or provision for the installment payment of premiums subject to customary terms and conditions.

(3) All insurers writing no-fault benefits and tort liability coverages in a State shall participate in the plan in such State. The plan shall provide for equitable apportionment, among all participating insurers writing any insurance coverage required under the plan, of the financial burdens of insurance provided to applicants under the plan and the costs of operation of the plan.

(4) Subject to the supervision and approval of the commissioner, insurers may consult and agree with each other and with other appropriate persons as to the organization, administration, and operation of the plan and as to rates and rate modifications for insurance coverages provided under the plan. Rates and rate modifications adopted or charged for insurance coverages provided under the plan shall—

(A) be first adopted or approved by the commissioner; and

(B) be reasonable and not unfairly discriminatory among similarly situated applicants for insurance pursuant to regulations established by the commissioner.

(5) Subject to the supervision and approval of the Commissioner, the plan shall afford required coverages for motor vehicles to any economically disadvantaged individual, at rates as determined by the State, which shall not be so great as to deny such individual access to insurance which it is necessary for him to have in order to earn income and to be or remain gainfully employed.

(6) To carry out the objectives of this subsection, the Commissioner may adopt rules, make orders, enter into agreements with other governmental and private entities and individuals, and form and operate or authorize the formation and operation of bureaus and other legal entities.

(b) CANCELLATION, REFUSAL TO RENEW, OR OTHER TERMINATION OF INSURANCE.—(1) Every contract of insurance providing security covering a motor vehicle which is not one of five or more motor vehicles under common ownership insured under a single insuring agreement, except as provided by paragraphs (2) and (5) of this subsection, may not be canceled, modified, or otherwise terminated by the insurer nor may the insurer fail to renew except at specified dates or intervals which may not be less than six months after the inception of coverage or thereafter less than six months apart.

(2) An insurer may terminate insurance if written notice of termination, including the reasons therefor, is mailed or delivered to the insured at least thirty days before the effective date of termination—

(A) by cancellation at any time within seventy-five days after the inception of initial coverage;

(B) by cancellation for nonpayment of—

(i) premium when due, or

(ii) any premium installment when due for which reasonable and separate notice has been given; or

(C) by exclusion of an insured whose license to operate a motor vehicle has been revoked, following a hearing and pursuant to State law.

(3) Except as permitted in paragraph (2) of this subsection, any termination of insur-

ance by an insurer which is permitted by the insurance contract and not prohibited by paragraph (1) of this subsection, including any refusal by the insurer to renew the insurance at the expiration of its term and any modification by the insurer of the terms and conditions of the insurance unfavorable to the insured, is nevertheless ineffective, unless written notice of intention to modify, not to renew, or otherwise to terminate the insurance has been mailed or delivered to the insured at least thirty days before the effective date of the modification, expiration, or other termination of the insurance.

(4) For purposes of this subsection a cancellation or refusal to renew by or at the direction of any person acting pursuant to any power or authority under any premium finance plan, agreement, or arrangement, whether or not with power of attorney or assignment from the insured, constitutes a cancellation or refusal to renew by the insurer.

(5) This subsection does not limit or apply to any termination, modification, or cancellation of the insurance, or to any suspension of insurance coverage, by or at the written request of the insured or upon the sale or other transfer of the second vehicle to an individual who is not an insured under the same contract of insurance.

(6) This subsection does not affect any right an insurer has under other law to rescind or otherwise terminate insurance because of fraud or other willful misconduct of the insured at the inception of the insuring transaction or the right of either party to reform the contract on the basis of mutual mistake of fact.

(7) An insurer, his authorized agents and employees, and any person furnishing information upon which he has relied, are not liable in any action or proceeding brought because of any statement made in good faith pursuant to paragraph (2) of this subsection.

PAYMENT OF CLAIMS FOR NO-FAULT BENEFITS

SEC. 106. (a) IN GENERAL.—(1) No-fault benefits are payable monthly as loss accrues. Loss accrues not when injury occurs, but as allowable expenses, work loss, replacement services loss, or survivor's loss is sustained.

(2) No-fault benefits are overdue if not paid within thirty days after the receipt by the restoration obligor of each submission of reasonable proof of the fact and amount of loss sustained, unless the restoration obligor designates, upon receipt of an initial claim for no-fault benefits, periods not to exceed thirty-one days each for accumulating all such claims received within each such period, in which case such benefits are overdue if not paid within fifteen days after the close of each such period. If reasonable proof is supplied as to only part of a claim, but the part amounts to $100 or more, benefits for such part are overdue if not paid within the time mandated by this paragraph. An obligation for basic restoration benefits for an item of allowable expense may be discharged by the restoration obligor by reimbursing the victim or by making direct payment to the supplier or provider of products, services or accommodations within the time mandated by this paragraph. Overdue payments bear interest at the rate of eighteen per centum per annum.

(3) A claim for no-fault benefits shall be paid without deduction for the benefits or advantages which are to be subtracted from the loss in calculating net loss in accordance with section 208 (a) of this Act, if such benefits or advantages have not been paid or provided to such claimant prior to the date the no-fault benefits are overdue or the no-fault benefits claim is paid. The restoration obligor is thereupon entitled to recover reimbursement from the person obligated to pay or provide such benefits or advantages or from the claimant who actually receives them.

(4) A restoration obligor may bring an action to recover reimbursement for no-fault benefits which are paid upon the basis of an intentional misrepresentation of a material fact by a claimant or a supplier or provider of an item of allowable expense, if such restoration obligor reasonably relied upon such misrepresentation. The action may be brought only against such supplier or provider, unless the claimant has intentionally misrepresented the facts or knew of the misrepresentation. A restoration obligor may offset amounts he is entitled to recover from the claimant under this paragraph against any no-fault benefits otherwise due.

(5) A restoration obligor who rejects a claim for basic restoration benefits shall give to the claimant written notice of the rejection promptly, but in no event more than thirty days after the receipt of reasonable proof of the loss. Such notice shall specify the reason for such rejection and inform the claimant of the terms and conditions of his right to obtain an attorney. If a claim is rejected for a reason other than that the person is not entitled to basic restoration benefits claimed, the written notice shall inform the claimant that he may file his claim with the assigned claims bureau and shall give the name and address of the bureau.

(b) RELEASE OR SETTLEMENT OF CLAIM.—(1) Except as otherwise provided in this subsection, no-fault benefits shall not be denied or terminated because the victim executed a release or other settlement agreement. A claim for no-fault benefits may be discharged by a settlement agreement for an agreed amount payable in installments or in a lump sum, if the reasonably anticipated net loss does not exceed $2,500. In all other cases, a claim may be discharged by a settlement to the extent authorized by State law and upon a finding, by a court of competent jurisdiction, that the settlement is in the best interest of the claimant and any beneficiaries of the settlement, and that the claimant understands and consents to such settlement, and upon payment by the restoration obligor of the costs of such proceeding including a reasonable attorney's fee (based upon actual time expended) to the attorney selected by or appointed for the claimant. Such costs may not be charged to or deducted from the proceeds of the settlement. Upon approval of the settlement, the court may make appropriate orders concerning the safeguarding and disposing of the proceeds of the settlement and may direct as a condition of the settlement agreement, that the restoration obligor pay the resonable cost of appropriate future medical and vocational rehabilitation service.

(2) A settlement agreement for an amount payable in installments shall be modified as to amounts to be paid in the future, if it is shown that a material and substantial change of circumstances has occurred or that there is newly-discovered evidence concerning the claimant's physical condition, loss, or rehabilitation which could not have been known previously or discovered in the exercise of reasonable diligence.

(3) A settlement agreement may be set aside if it is procured by fraud or if its terms are unconscionable.

(c) TIME LIMITATIONS ON ACTIONS TO RECOVER BENEFITS.—(1) If no-fault benefits have not been paid for loss arising otherwise than from death, an action therefor may be commenced not later than two years after the victim suffers the loss and either knows, or in the exercise of reasonable diligence should have known, that the loss was caused by the accident, or not later than four years after the accident, whichever is earlier. If no-fault benefits have been paid for loss arising otherwise than from death, an action for further benefits, other than survivor's benefits by either the same or another claimant may be commenced not later than two years after the last payment of benefits.

(2) If no-fault benefits have not been paid to the deceased victim or his survivor or survivors, an action for survivor's benefits may be commenced not later than one year after the death or four years after the accident from which death results, whichever is earlier. If survivor's benefits have been paid to any survivor, an action for further survivor's benefits by either the same or another claimant may be commenced not later than two years after the last payment of benefits. If no-fault benefits have been paid for loss suffered by a victim before his death resulting from the injury, an action for survivor's benefits may be commenced not later than one year after the death or six years after the last payment of benefits, whichever is earlier.

(3) If timely action for basic restoration benefits is commenced against a restoration obligor and benefits are denied because of a determination that the restoration obligor's coverage is not applicable to the claimant under the provisions of section 205 of this Act, an action against the applicable restoration obligor or the restoration obligor to whom a claim is assigned under an assigned claims plan may be commenced not later than sixty days after the determination becomes final or the last date on which the action could otherwise have been commenced, whichever is later.

(4) Except as paragraph (1), (2), or (3) prescribes a longer period, an action by a claimant on an assigned claim which has been timely presented in accordance with the provisions of section 108(c) of this Act may not be commenced more than sixty days after the claimant receives written notice of rejection of the claim by the restoration obligor to which it was assigned.

(5) If a person entitled to no-fault benefits is under a legal disability when the right to bring an action for the benefits first accrues, the period of his disability is not a part of the time limited for commencement of the action.

(d) ASSIGNMENT OF BENEFITS.—An assignment of or an agreement to assign any right in accordance with this Act for loss accruing in the future is unenforceable except as to benefits for—

(1) work loss to secure payment of alimony, maintenance, or child support; or

(2) allowable expense to the extent the benefits are for the cost of products, services, or accommodations provided or to be provided by the assignee.

(e) DEDUCTION AND SETOFF.—Except as otherwise provided in this Act, basic restoration benefits shall be paid without deduction or setoff.

(f) EXEMPTION OF BENEFITS.—(1) No-fault benefits for allowable expense are exempt from garnishment, attachment, execution, and any other process or claim, except upon the claim of a creditor who has provided products, services, or accommodations to the extent benefits are for allowable expense for those products, services, or accommodations.

(2) Basic restoration benefits other than those for allowable expense are exempt from garnishment, attachment, execution, and any other process or claim for benefits attributable to loss sustained within the first sixty days following the accident resulting in injury. Other basic restoration benefits (except for items of allowable expense) are exempt to the extent that wages or earnings are exempt under any applicable law exempting wages or earnings from such process or claims.

ATTORNEY'S FEES AND CLAIMS

SEC. 107. (a) FEES OF CLAIMANT'S ATTORNEY.—(1) If any overdue no-fault benefits are paid by the restoration obligor after receipt of notice of representation of a claimant by an attorney or if an action is maintained (unless the court determines that the claim or any significant part thereof is fraudulent or so excessive as to have no reasonable foundation), a reasonable attorney's fee (based upon actual time expended) shall be paid by the restoration obligor to such attorney. No part of the attorney's fee for representing the claimant in connection with a claim or action for no-fault benefits may be charged or deducted from benefits otherwise due to such claimant and no part of such benefits may be applied to such fee.

(2) In any such action brought against the claimant by the restoration obligor, the court may award the claimant's attorney a reasonable attorney's fee for defending such action, which shall be paid by the restoration obligor.

(b) Fees of Restoration Obligor's Attorney.—A restoration obligator shall be allowed a reasonable attorney's fee for defending a claim if the court determines that the claim or any significant part thereof is fraudulent or so excessive as to have no reasonable foundation. The fee may be treated as an offset against any benefits due or to become due to the claimant.

ASSIGNED CLAIMS

Sec. 108. (a) General.—(1) If a State no-fault plan for motor vehicle insurance in accordance with title II or title III of this Act is in effect on the date when the accident resulting in injury occurs, a victim or the survivor or survivors of a deceased victim may obtain basic restoration benefits through the assigned claims plan established pursuant to subsection (b) of this section, in the State of domicile, if any, of the victim or deceased victim, or of none, in the State, in which the accident resulting in injury occurs, if basic restoration insurance—

(A) is not applicable to the injury for a reason other than those specified in the provisions on ineligible claimants;

(B) is not applicable to the injury because the victim converted a motor vehicle while he was under fifteen years of age;

(C) applicable to the injury cannot be identified;

(D) applicable to the injury is inadequate to provide the contracted-for benefits because of financial inability of a restoration obligor to fulfill its obligation; or

(E) benefits are refused by a restoration obligor for a reason other than that the individual is not entitled in accordance with this Act to the basic restoration benefits claimed.

(2) If a claim qualifies for assignment under paragraph (1)(C), (D), or (E) of this subsection, the assigned claims bureau or any insurer to whom the claim is assigned is subrogated to all rights of the claimant against the restoration obligor legally obligated to provide basic restoration benefits to the claimant, or against any successor in interest to or substitute for such obligor for such benefits as are provided by the assignee.

(3) If an individual receives basic restoration benefits through the assigned claims plan for any reason other than because of the financial inability of a restoration obligor to fulfill its obligation, all benefits or advantages that such individual receives or is entitled to receive as a result of such injury, other than life insurance benefits or benefits by way of succession at death or in discharge of familial obligations of support, shall be subtracted from loss in calculating net loss.

(4) An assigned claim of an individual who does not comply with the requirement of providing security for the payment of basic restoration benefits, or of an individual as to whom the security is invalidated because of his fraud or willful misconduct, is subject to—

(A) all the maximum optional deductibles and exclusions required to be offered; and

(B) a deduction in the amount of $500 for each year or part thereof of the period of his continuous failure to provide security, applicable to any benefits otherwise payable except basic restoration benefits for allowable expense.

(b) Assigned Claims Plan.—(1) Restoration obligors providing basic restoration insurance in a State may organize and maintain, subject to approval and regulation by the commissioner, an assigned claims bureau and an assigned claims plan and adopt rules for their operation and for assessment of costs on a fair and equitable basis consistent with this Act. If such bureau and plan are not organized and maintained in a manner considered by the commissioner to be consistent with this Act and with State law, he shall organize and maintain an assigned claims bureau and an assigned claims plan. Each restoration obligor insurer providing basic restoration insurance in a State shall participate in the assigned claims bureau and the assigned claims plan in the State. Costs incurred shall be allocated fairly and equitably among the restoration obligors.

(2) The assigned claims bureau shall promptly assign—

(A) each claim for no-fault benefits to an assignee who shall be a participating insurer; and (B) notify the claimant of the identity and address of such assignee. Claims shall be assigned so as to minimize inconvenience to claimants. The assignee thereafter has rights and obligations as if he had issued a policy of basic restoration insurance complying with this Act applicable to the injury or, in a case involving the financial inability of a restoration obligor to perform its obligations, as if the assignee had written the applicable basic restoration insurance, undertaken the self-surance, or lawfully obligated itself to pay basic restoration benefits.

(c) Time for Presenting Claims Under Assigned Claims Plan.—(1) Except as provided in paragraph (2) of this subsection, an individual authorized to obtain basic restoration benefits through the assigned claims plan shall notify the assigned claim bureau of his claim within the time that would have been allowed pursuant to section 106(c) of this Act for commencing an action for basic restoration benefits against any restoration obligor, other than an assigned claims bureau, in any case which identifiable no-fault insurance coverage was in effect and applicable to the claim.

(2) If timely action for basic restoration benefits is commenced against a restoration obligor who is unable to fulfill his obligations because of financial inability, an individual authorized to obtain basic restoration benefits through the assigned claims plan shall notify the bureau of his claim within six months after his discovery of such financial inability.

STATE REGULATION

Sec. 109. (a) Rates and Rating.—The commissioner, in accordance with applicable State law, shall regulate restoration obligors providing security covering a motor vehicle in his State. The rates charged for security shall be established, determined, and modified in each State only in accordance with the provisions of the applicable rating law of such State.

(b) Public Information.—The commissioner shall provide the means to inform purchasers of insurance, in a manner adequate to permit them to compare prices, about rates being charged by insurers for no-fault benefits and tort liability coverage.

(c) Accountability Program.—The commissioner, through the State vocational rehabilitation agency, shall establish and maintain a program for the regular and periodic evaluation of medical and vocational rehabilitation services for which reimbursement or payment is sought from a restoration obligor as an item of allowable expense to assure that—

(A) the services are medical and vocational rehabilitation services, as defined in section 103(16) of this Act;

(B) the recipient of the services is making progress toward a greater level of independent functioning and the services are necessary to such progress and continued progress; and

(C) the charges for the services for which reimbursement or payment is sought are fair and reasonable.

Progress reports shall be made periodically in writing on each case for which reimbursement or payment is sought under security for the payment of basic restoration benefits. Such reports shall be prepared by the supervising physician or rehabilitation counselor and submitted to the State vocational rehabilitation agency. The State vocational rehabilitation agency shall file reports with the applicable restoration obligor or obligors. Pursuant to this program, there shall be provision for determinations to be made in writing of the rehabilitation goals and needs of the victim and for the periodic assessment of progress at reasonable time intervals by the supervising physician or rehabilitation counselor.

(2) The commissioner is authorized to establish and maintain a program for the regular and periodic evaluation of his State's no-fault plan for motor vehicle insurance.

(d) Availability of Service.—The commissioner is authorized to coordinate with appropriate government agencies in the creation and maintenance of an emergency health services system or systems, and to take all steps necessary to assure that emergency health services are available for each victim suffering injury in the State. The commissioner is authorized to take all steps necessary to assure that medical and vocational rehabilitation services are available for each victim resident in the State. Such steps may include, but are not limited to, guarantees of loans or other obligations of suppliers or providers of such services, and support for training programs for personnel in programs and facilities offering such services.

MOTOR VEHICLES IN INTERSTATE TRAVEL

Sec. 110. (a) General.—An owner of a motor vehicle who has complied with the requirements for security covering a motor vehicle in the State of registration of such vehicle shall be deemed to have complied with the requirements for such security in any State in which such vehicle is operating.

(b) Conforming Coverage.—(1) A restoration obligor providing security for the payment of basic restoration benefits shall be obligated to provide, and each contract of insurance for the payment of basic restoration benefits shall be construed to contain, coverage sufficient to satisfy the requirements for security covering a motor vehicle in any State in which any victim who is a claimant or whose survivors are claimants is domiciled or is injured.

(2) A restoration obligor providing security for the payment of basic restoration benefits shall be obligated to provide, and each contract of insurance for the payment of basic restoration benefits shall be construed to contain, coverage of $50,000 to protect the owner or operator of a motor vehicle from tort liability to which he is exposed through application of the law of the State of domicile of a victim (or in the State in which the accident resulting in injury or harm to property occurs if a victim is not domiciled in any State), but to which he would not have been exposed through application of the law of the State of registration of the motor vehicle.

(c) Applicable Law.—(1) The basic restoration benefits available to any victim or to any survivor of a deceased victim shall be determined pursuant to the provisions of the State no-fault plan for motor vehicle insurance in accordance with title II or title III of this Act which is in effect in the State of domicile of the victim on the date when the motor vehicle accident resulting in injury occurs. If there is no such State no-fault plan in effect or if the victim is not domiciled in any State, then basic restoration benefits available to any victim shall be determined pursuant to the provisions of the State no-fault plan for motor vehicle insurance, if any, in effect in the State in which the accident resulting in injury occurs.

(2) The right of a victim or of a survivor of a deceased victim to sue in tort shall be determined by the law of the State of domicile of such victim. If a victim is not domiciled in a State, such right to sue shall be determined by the law of the State in which the accident resulting in injury or damage to property occurs.

RIGHTS AND DUTIES OF RESTORATION OBLIGORS

SEC. 111. (a) REIMBURSEMENT AND SUBROGATION.—(1) Except as provided in paragraphs (2) and (3) of this subsection, a restoration obligor—

(A) does not have and may not contract, directly or indirectly, in whole or in part, for a right of reimbursement from or subrogation to the proceeds of a victim's claim for relief or to a victim's cause of action for noneconomic detriment; and

(B) may not directly or indirectly contract for, or be granted by a State, any right of reimbursement based upon a determination of fault from any other restoration obligor not acting as a reinsurer for no-fault benefits which it has paid or is obligated to pay as a result of injury to a victim.

(2) Whenever an individual who receives or is entitled to receive no-fault benefits for an injury has a claim or cause of action against any other person for breach of an obligation or duty causing the injury or for breach of express or implied warranty, the restoration obligor is subrogated to the rights of the claimant and has a claim for relief or a cause of action, separate from that of the claimant, to the extent that:

(A) elements of damage compensated for by security for the payment of no-fault benefits are recoverable; and

(B) the restoration obligor has paid or become obligated to pay accrued or future no-fault benefits.

(3) Nothing in this subsection shall preclude any person supplying or providing products, services, or accommodations from contracting otherwise providing for a right of reimbursement to any basic restoration benefits for allowable expense.

(b) DUTY TO PAY BASIC RESTORATION BENEFITS.—A restoration obligor providing security for the payment of basic restoration benefits shall pay or otherwise provide such benefits without regard to fault to each individual entitled thereto, pursuant to the terms and conditions of the State no-fault plan for motor vehicle insurance applicable thereto.

(c) INDEMNITY.—A restoration obligor has a right of indemnity against an individual who has converted a motor vehicle involved in an accident, or against an individual who has intentionally injured himself or another individual, for no-fault benefits paid for—

(1) the loss caused by the conduct of that individual;

(2) the cost of processing the claims for such benefits; and

(3) the cost of enforcing this right of indemnity, including reasonable attorney's fees.

(d) REFERRAL FOR REHABILITATION SERVICES.—The restoration obligor shall promptly refer each victim to whom basic restoration benefits are expected to be payable for more than two months to the State vocational rehabilitation agency.

JURISDICTION OF FEDERAL COURTS

SEC. 112. No district court of the United States may entertain an action for no-fault benefits unless the United States is a party to the action.

FEDERAL MOTOR VEHICLE

SEC. 113. (a) GENERAL.—(1) Notwithstanding any other provision of law, a claim against the United States as a restoration obligor for injury arising out of the maintenance or use of a Federal motor vehicle which is a secured vehicle shall be governed by this Act. A Federal motor vehicle is a secured vehicle, for purposes of this Act, whenever it is located or operated in the territorial area of any State, Puerto Rico, Canada, or Mexico.

(2) The level of basic restoration benefits which the United States shall pay or provide shall be controlled by the no-fault plan for motor vehicle insurance in effect in the State of domicile of the victim, if any, or if none, in the State in which the accident resulting in injury occurs.

(b) PROCEDURE.—The Secretary, in cooperation with the Administrator of General Services, shall promulgate, and may from time to time revise, regulations with respect to security covering a Federal motor vehicle and administrative procedures to be followed in claims against the United States for no-fault benefits.

(c) DEFINITIONS.—As used in this section—

(1) "Federal agency" means any branch, department, commission, administration, authority, board, or bureau of, or any corporation owned or controlled by, the Government of the United States.

(2) "Federal motor vehicle" means a motor vehicle owned or leased by a Federal agency and operated with its express or implied permission.

SEPARABILITY

SEC. 114. If any provision of this Act or any application thereof to any individual or circumstance is held invalid, the invalidity shall not affect any provision or application of the Act which can be given effect without the involved provision or application, and to this end the provisions of this Act are separable: *Provided*, That if any provision in paragraph (5) of subsection (a) of section 206 of this Act, or any application thereof to any individual or circumstance, is held invalid, this Act shall be interpreted as if such paragraph (5) had never been enacted.

TITLE II—NATIONAL STANDARDS FOR STATE NO-FAULT MOTOR VEHICLE INSURANCE PLAN

STATE NO-FAULT PLAN IN ACCORDANCE WITH THIS TITLE

SEC. 201. (a) PREEMPTION.—Any provision of any State law which would prevent the establishment or administration in such State of a no-fault plan for motor vehicle insurance in accordance with this title or title III of this Act is preempted.

(b) STATE PLAN.—By the completion of the first general session of the State legislature which commences after the date of enactment of this Act, a State may establish a no-fault plan for motor vehicle insurance in accordance with this title. Upon the establishment of such a plan, the commissioner shall promptly submit to the Secretary a certified copy of such plan, together with all relevant information which is requested by the Secretary.

(c) DETERMINATION BY SECRETARY.—Within ninety days after the Secretary receives a copy of a State no-fault plan established under subsection (b) or (e) of this section, the Secretary shall make a determination whether such State has established a no-fault plan for motor vehicle insurance in accordance with this title. Unless the Secretary determines, pursuant to this section, that a State no-fault plan is not in accordance with this title, the plan shall go into effect in such State on the date designated in the plan. In no event shall such State plan go into effect less than nine months or more than twelve months after the date of its establishment.

(d) PERIODIC REVIEW.—The Secretary shall periodically, but not less than once every three years, review each State no-fault plan for motor vehicle insurance, which has been approved under subsection (c) of this section and for which there is experience, to determine whether such plan is still in accordance with this title and to evaluate the success of such plan in terms of the policy set forth and declared in section 102 of this Act. To facilitate such review, the commissioner in each such State shall submit to the Secretary periodically all relevant information which is requested by the Secretary. The Secretary shall report to the President and Congress simultaneously on July 1 each year on the results of such reviews, including any recommendations for legislation.

(e) ALTERNATIVE STATE PLAN.—(1) The alternative State no-fault plan for motor vehicle insurance (the State no-fault plan in accordance with title III of this Act) shall become applicable following the completion of the first general session of the State legislature which commences after the date of enactment of this Act unless, prior to such date, the Secretary has made a determination that such State has established a no-fault plan for motor vehicle insurance in accordance with this title. The alternative State no-fault plan shall go into effect in a State on the first day of the ninth month after such plan becomes applicable or on a date designated by the Secretary, whichever is earlier.

(2) If, after the alternative State no-fault plan is applicable or in effect in a State, the Secretary, upon petition, makes a determination, pursuant to subsection (c) of this section, that such State has established a no-fault plan in accordance with this title, such State no-fault plan shall go into effect and the alternative State no-fault plan shall cease to be applicable or in effect on a date to be designated by the Secretary.

(3) If, after a State no-fault plan in accordance with this title is in effect in a State, the Secretary makes a determination, pursuant to subsection (d) of this section, that such State no-fault plan is no longer in accordance with this title, then the plan which is no longer in accordance with this title shall cease to be in effect on a date to be designated by the Secretary, and on that date the alternative State no-fault plan shall go into effect in such State.

(f) PROCEDURE.—(1) Before making any determination under this section, the Secretary shall publish a notice in the Federal Register and afford the State and all interested parties a reasonable opportunity to present their views by oral and written submission.

(2) The Secretary shall notify in writing the Governor of the affected State of any determinations made under this section and shall publish these determinations with reasons therefor in the Federal Register.

(3) Any determinations made by the Secretary under this section shall be subject to judicial review in accordance with chapter 7 of title 5, United States Code, in the United States court of appeals for the circuit in which is located the State whose plan is the subject of such determination or in the United States Court of Appeals for the District of Columbia Circuit. Any such review shall be instituted within sixty days from the date on which the determination made by the Secretary is published in the Federal Register.

NATIONAL STANDARDS

SEC. 202. (a) GENERAL.—A State establishing a no-fault plan for motor vehicle insurance in accordance with this title shall enact a law which incorporates, at a minimum, title I of this Act, except sections 101, 102, 112, and 113, and this title except this section and section 201. The provisions of these sections, taken together, shall be known as the "national standards" for State no-fault motor vehicle insurance.

(b) Criteria.—A State no-fault plan for motor vehicle insurance is in accordance with this title if it meets or exceeds all of the national standards. A provision in a State plan "meets" a provision in the national standards if the substance of the State plan provision is the same as or the equivalent of the corresponding provision in the national standards. A provision in a State plan "exceeds" a provision in the national standards if the substance of the State plan provision is more favorable or beneficial to an insured or a claimant or more restrictive of tort liability than the corresponding provision in the national standards. Any provision in a State plan as to which there is no corresponding provision in the national standards shall not be evaluated in determining whether such plan meets or exceeds national standards provided such provision is not inconsistent with the national standards or the policy set forth and declared in section 102 of this Act.

RIGHT TO BASIC RESTORATION BENEFITS

Sec. 203. (a) Accident Within a State.—If the accident resulting in injury occurs in a State in which a no-fault plan for motor vehicle insurance in accordance with this title or title III of this Act is in effect, any victim or any survivor of a deceased victim is entitled to receive basic restoration benefits.

(b) Accident Outside Any State.—If the accident resulting in injury occurs outside a State in which a no-fault plan is in effect, but in any other State, Puerto Rico, Canada, or Mexico, a victim or a survivor of a deceased victim is entitled to receive basic restoration benefits if such victim is or was—

(1) an insured; or

(2) the driver or other occupant of a secured vehicle.

LIMITATIONS ON BENEFITS

Sec. 204. A State establishing a no-fault plan for motor vehicle insurance in accordance with this title—

(a) may not limit basic restoration benefits for allowable expense, as defined in section 103(2) of this Act;

(b) may limit basic restoration benefits for work loss to—

(1) a monthly amount equal to the lesser of the following—

(A) $1,000 multiplied by a fraction whose numerator is the average per capita income in the State and whose denominator is the average per capita income in the United States, according to the latest available United States Department of Commerce figures; or

(B) the disclosed amount in the case of a named insured who, prior to the accident resulting in injury, voluntarily discloses his actual monthly earned income to his restoration obligor and agrees in writing with such obligor that such sum shall measure work loss; and

(2) a total amount equal to—

(A) $25,000 multiplied by a fraction whose numerator is the average per capita income in the State whose denominator is the average per capita income in the United States, according to the latest available United States Department of Commerce figures; or

(b) such total amount as may be determined by the State but in no event less than $15,000;

(c) may provide reasonable exclusions from or monthly or total limitations on basic restoration benefits for replacement services loss;

(d) may provide reasonable exclusions from or monthly or total limitations on basic restoration benefits for survivor's loss;

(e) may provide that any contract of insurance for no-fault benefits allow an insurer to offer—

(1) a deductible not to exceed $100 for each individual;

(2) a waiting period not to exceed one week.

Deductibles and waiting periods shall be applicable only to claims of insureds and, in the case of the death of an insured, to the claims of his survivors; and

(f) shall permit any legally constituted entity, which is providing benefits other than no-fault benefits on account of an injury, to coordinate such benefits with benefits payable by any restoration obligor on account of the same injury. In order for such coordination to occur, there must be an equitable reduction or savings in the direct or indirect cost to the purchasers of benefits other than no-fault benefits. If benefits other than no-fault benefits are provided to an individual through a program, group, contract, or other arrangement for which some other person pays in whole or in part, then reduction or savings in the direct or indirect cost to such person of such benefits resulting from coordination shall be returned to such individual or utilized for his benefit.

SOURCE OF BASIC RESTORATION BENEFITS

Sec. 205. (a) Applicable Security.—The security for the payment of basic restoration benefits to any injury to—

(1) an employee, or to the spouse or other relative of an employee residing in the same household as the employee, if the accident resulting in injury occurs while the victim or deceased victim is driving or occupying a motor vehicle furnished by such employee's employer, is the security for the payment of basic restoration benefits covering such motor vehicle or, if none, any other security applicable to such victim;

(2) an insured is the security under which the victim or deceased victim is an insured;

(3) the driver or other occupant of a motor vehicle involved in an accident resulting in injury who is not an insured is the security covering such vehicle;

(4) an individual who is not an insured or the driver or other occupant of a motor vehicle involved in an accident resulting in injury is the security covering any motor vehicle involved in such accident. For purposes of this paragraph, a parked and unoccupied motor vehicle is not a motor vehicle involved in an accident, unless it was parked so as to cause unreasonable risk of injury; and

(5) any other individual is the applicable assigned claims plan.

(b) Multiple Sources of Equal Priority.—If two or more obligations to pay basic restoration benefits apply equally to an injury under the priorities set forth in subsection (a) of this section, the restoration obligor against whom a claim is asserted first shall process and pay the claim as if wholly responsible. Such obligor is thereafter entitled to recover contribution pro rata from any other such obligor for the basic restoration benefits paid and for the costs of processing the claim. If contribution is sought among restoration obligors responsible under paragraph (4) of subsection (a) of this section proration shall be based on the number of involved motor vehicles.

RESTRICTIONS ON TORT LIABILITY

Sec. 206. (a) Partial Abolition.—Tort liability is abolished with respect to any injury that takes place in a State in which a no-fault plan for motor vehicle insurance in accordance with this title is in effect prior to such injury, if such injury arises out of the maintenance or use of a motor vehicle, except that—

(1) An owner of a motor vehicle involved in an accident remains liable if, at the time of the accident, the vehicle was not a secured vehicle.

(2) A person in the business of designing, manufacturing, repairing, servicing, or otherwise maintaining motor vehicles, remains liable for injury arising out of a defect in such motor vehicle which is caused or not corrected by an act or omission in the course of such business, other than a defect in a motor vehicle which is operated by such business.

(3) An individual remains liable of intentionally injuring himself or another individual.

(4) A person remains liable for loss which is not compensated because of any limitation in accordance with sections 204(b)(2), (c), or (d) of this Act. A person is not liable for loss which is not compensated because of limitations in accordance with subsection (b)(1) or (e) of section 204 of this Act.

(5) A person remains liable for damages for noneconomic detriment in excess of $2,500, if the accident results in—

(A) death, serious and permanent disfigurement, or other serious and permanent injury; or

(B) more than six continuous months of total disability. As used in this subparagraph, "total disability" means medically determinable physical or mental impairment which prevents the victim from performing all or substantially all of the material acts and duties which constitute his usual and customary daily activities.

(b) Nonreimbursable Tort Fine.—Nothing in this section shall be construed to immunize an individual from liability to pay a fine on the basis of fault in any proceeding based upon any act or omission arising out of the maintenance or use of a motor vehicle: *Provided*, That such fine may not be paid or reimbursed by an insurer or other restoration obligor.

WORK LOSS

Sec. 207. (a) Regularly Employed.—The work loss of a victim whose income prior to the injury was realized in regular increments shall be calculated by:

(1) determining his probable weekly income by dividing his probable annual income by 52; and

(2) multiplying that quantity by the number of work weeks, or fraction thereof, the victim sustains loss of income during the accrual period.

(b) Seasonally Employed.—The work loss of a victim whose income is realized in irregular increments shall be calculated by:

(1) determining his probable weekly income by dividing his probable annual income by the number of weeks he normally works; or

(2) multiplying that quantity by the number of work weeks or fraction thereof the victim was unable to perform and would have performed work during the accrual period but for the injury.

(c) Not Employed.—The work loss of a victim who is not employed when the accident resulting in injury occurs shall be calculated by:

(1) determining his probable weekly income by dividing his probable annual income by 52; and

(2) multiplying that quantity by the number of work weeks, or fraction thereof, if any, the victim would reasonably have been expected to realize income during the accrual period.

(d) Changes in Benefits.—(1) Sums for work loss shall be periodically increased in a manner corresponding to annual compensation increases that would predictably have resulted but for the injury.

(2) Beginning in 1978, and at five-year intervals thereafter, whenever a dollar figure limits benefits for work loss, that figure shall be multiplied by a number whose numerator is the average weekly earnings of production or nonsupervisory workers in the private nonfarm economy for that year and whose denominator is the average weekly earnings of this group of workers in the base year 1973,

according to the latest available figures published by the Bureau of Labor Statistics of the United States Department of Labor.

(e) Definitions.—As used in this section—

(1) "Probable annual income" means, absent a showing that it is or would be some other amount, the following—

(A) twelve times the monthly gross income earned by the victim from work in the month preceding the month in which the accident resulting in injury occurs, or the average annual income earned by the victim from work during the years, not to exceed three, preceding the year in which the accident resulting in injury occurs, whichever is greater, for a victim regularly employed at the time of the accident;

(B) the average annual gross income earned by the victim from work during the years in which he was employed, not to exceed three, preceding the year in which the accident resulting in injury occurs, for a victim seasonally employed or not employed at the time of the accident; or

(C) the average annual gross income of a production or nonsupervisory worker in the private nonfarm economy in the State in which the victim is domiciled for the year in which the accident resulting in injury occurs, for a victim who has not previously earned income from work.

(2) "Work week" means the number of days an individual normally works in a seven-day period; "weekly income" means income earned during a work week.

NET LOSS

Sec. 208. (a) General.—Except as provided in paragraph (3) of subsection (a) of section 108 of this Act, all benefits or advantages (less reasonably incurred collection costs) that an individual receives or is entitled to receive from social security (except those benefits provided under title XIX of the Social Security Act), workmen's compensation, any State-required temporary, nonoccupational disability insurance, and all other benefits, except the proceeds of life insurance, received by or available to an individual because of the injury from any government, unless the law authorizing or providing for such benefits or advantages makes them excess or secondary to the benefits in accordance with this Act, shall be subtracted from loss in calculating net loss.

(b) Tax Deduction.—If a benefit or advantage received to compensate for loss of income because of injury, whether from no-fault benefits or from any source of benefits or advantages subtracted under subsection (a) of this section, is not taxable income, the income tax saving that is attributable to such loss of income because of injury is subtracted in calculating net loss for work loss. Subtraction may not exceed fifteen per centum of the loss of income and shall be in such lesser amount as the insurer reasonably determines is appropriate based on a lower value of the income tax advantage.

ADDED RESTORATION BENEFITS

Sec. 209. (a) Optional Offering.—Restoration obligors providing security for the payment of basic restoration benefits may offer or obligate themselves to provide added restoration benefits for injury or damage arising out of the ownership, maintenance, or use of a motor vehicle, including—

(1) loss excluded from basic restoration benefits by limits on allowable expense, work loss, replacement services loss, and survivor's loss;

(2) benefits for damage to property;

(3) benefits for loss of use of a motor vehicle; and

(4) benefits for expense for remedial religious treatment and care.

Subject to the approval of terms and forms by the commissioner, restoration obligors may offer or obligate themselves to provide other added restoration coverages.

(b) Mandatory Offering.—(1) Insurers providing basic restoration insurance shall offer the following added restoration coverage.

(A) for physical damage to a motor vehicle, a coverage for all collision and upset damage, subject to an optional deductible of not to exceed $100; and

(B) for the payment of tort liability, if a State determines that security for the payment of tort liability is not required motor vehicle insurance; and

(C) for economic detriment, a coverage for work loss sustained by a victim in excess of limitations on basic restoration benefits for work loss.

(2) The commissioner may adopt rules requiring that insurers providing basic restoration insurance offer, in accordance with State law, any other specified added restoration coverages.

(c) Territorial Applicability.—All added restoration coverages are applicable in any State, Puerto Rico, or Canada.

INELIGIBLE CLAIMANTS

Sec. 210. (a) Converter.—(1) Except as provided for assigned claims, a converter of a motor vehicle is ineligible to receive no-fault benefits, including benefits otherwise due him as a survivor, from any source other than a contract of insurance under which he is an insured, for any injury arising out of the maintenance or use of the converted vehicle. If a converter dies from such injuries, his survivor or survivors are not entitled to no-fault benefits for survivor's loss from any source other than a contract of insurance under which the converter is an insured.

(2) For purposes of this subsection and subsection (c) of section 111 of this Act, an individual is not a converter of a motor vehicle if he used it in the good faith belief that he was legally entitled to do so.

(b) Intentional Injuries.—(1) An individual who intentionally injures himself or another individual is ineligible to receive no-fault benefits for injury arising out of his acts, including benefits otherwise due him as a survivor. If an individual dies as a result of intentionally injuring himself his survivor or survivors are not entitled to no-fault benefits for survivor's loss. An individual intentionally injures himself or another individual if he acts or fails to act for the purpose of causing such injury or with knowledge that such injury is substantially certain to follow. An individual does not intentionally injure himself or another individual—

(A) merely because his act or failure to act is intentional or done with his realization that it creates a grave risk of causing injury; or

(B) if the act or omission causing the injury is for the purpose of averting bodily harm to himself or another individual.

(2) For purposes of subsection (c) of section 111 and paragraph (3) of subsection (a) of section 206 of this Act, an individual does not intentionally injure himself or another individual merely because his act or failure to act is intentional or done with his realization that it creates a grave risk of harm.

OTHER PROVISIONS

Sec. 211. (a) Included Coverage.—A contract of insurance covering liability arising out of the ownership, maintenance, or use of a motor vehicle registered in a State includes basic restoration benefits and any other benefit coverages required by the no-fault plan for motor vehicle insurance in effect in such State unless such contract—

(1) provides tort liability coverages only in excess of any of those required by such State no-fault plan; or

(2) is a contract which the commissioner determines by regulation provides motor vehicle liability coverages only as incidental to some other basic coverage.

(b) Approval of Terms and Forms.—Terms and conditions (including forms used by insurers) of any contract, certificate, or other evidence of insurance sold or issued pursuant to a State no-fault plan for motor vehicle insurance in accordance with this title or title III of this Act and providing no-fault benefits or any required tort liability are subject to approval and regulation by the commissioner in such State.

The commissioner shall approve only terms and conditions which are consistent with the purposes of this Act and fair and equitable to all persons whose interests may be affected. The commissioner may limit by rule the variety of coverage available in order to give purchasers of insurance a reasonable opportunity to compare the cost of insuring with various insurers.

TITLE III—ALTERNATIVE STATE NO-FAULT MOTOR VEHICLE INSURANCE PLAN

PROVISIONS

Sec. 301. The alternative State no-fault plan for motor vehicle insurance (the State no-fault plan in accordance with this title), which becomes applicable and goes into effect in a State pursuant to subsection (e) of section 201 of this Act, is composed of title I of this Act, except sections 101, 102, 112, and 113; sections 201(d), 203, 204 (e), (f), 205, 207, 208, 210, and 211 of title II of this Act; and this title, except this section. A State may establish additional requirements provided that they are not inconsistent with the provisions of the alternative State no-fault plan for motor vehicle insurance or the policy set forth and declared in section 102 of this Act.

LIMITATIONS ON BASIC RESTORATION BENEFITS

Sec. 302. Basic restoration benefits payable to a victim or the survivor or survivors of a deceased victim for—

(a) allowable expense, as defined in section 103(2) of this Act, may not be limited;

(b) work loss may not exceed a monthly amount equal to $1,000 multiplied by a fraction whose numerator is the average per capita income in the State and whose denominator is the average per capita income in the United States, according to the latest available United States Department of Commerce figures; and

(c) replacement services loss and survivor's loss may not exceed $200 for the calendar week during which the accident resulting in injury occurs and for each calendar week thereafter.

RESTRICTIONS ON TORT LIABILITY

Sec. 303. (a) Partial Abolition.—Tort liability is abolished with respect to any injury that takes place in a State in which the alternative State no-fault plan for motor vehicle insurance is in effect, if such injury arises out of the maintenance or use of a motor vehicle, except that—

(1) An owner of a motor vehicle involved in an accident remains liable if, at the time of the accident, the vehicle was not a secured vehicle;

(2) A person in the business of designing, manufacturing, repairing, servicing, or otherwise maintaining motor vehicles remains liable for injury arising out of a defect in such motor vehicle which is caused or not corrected by an act or omission in the course of such business, other than a defect in a motor vehicle which is operated by such business; and

(3) An individual remains liable for intentionally injuring himself or another individual.

(b) Nonreimbursable Tort Fine.—Nothing in this section shall be construed to immunize an individual from liability to pay a fine on the basis of fault in any proceeding based upon any act or omission arising out of the maintenance or use of a motor vehicle: *Provided*, That such fine may not be paid or reimbursed by an insurer or other restoration obligor.

ADDED RESTORATION BENEFITS

SEC. 304. (a) OPTIONAL OFFERING.—Restoration obligors providing security for the payment of basic restoration benefits may offer or obligate themselves to provide added restoration benefits for injury or damage arising out of the ownership, maintenance, or use of a motor vehicle, including:

(1) loss excluded from basic restoration benefits by limits on allowable expense, work loss, replacement services loss, and survivor's loss;

(2) benefits for damage to property;

(3) benefits for loss of use of a motor vehicle; and

(4) benefits for expense for remedial religious treatment and care.

Subject to the approval of terms and forms by the commissioner, restoration obligors may offer or obligate themselves to provide other added restoration coverages.

(b) MANDATORY OFFERING.—(1) Insurers providing basic restoration insurance shall offer the following added restoration coverages:

(A) for physical damage to a motor vehicle, a coverage for all collision and upset damage, subject to an optional deductible of not to exceed $100;

(B) for physical damage to a motor vehicle, a coverage for all collision and upset damage to the extent that the insured has a valid claim in tort against another identified person; and

(C) for noneconomic detriment to a victim, a coverage in such amounts and upon such conditions as the commissioner directs and the insured selects.

(2) The commissioner may adopt rules requiring that insurers providing basic restoration insurance offer, in accordance with State law, any other specified added restoration coverages.

(c) TERRITORIAL APPLICABILITY.—All added restoration coverages are applicable in any State, Puerto Rico, or Canada.

Amend the title so as to read: A bill to regulate commerce by establishing a nationwide system to restore motor vehicle accident victims and by requiring no-fault motor vehicle insurance as a condition precedent to using a motor vehicle on public roadways.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. EAGLETON, from the Committee on the District of Columbia:

Alfred P. Love, for reappointment as a member of the District of Columbia Redevelopment Land Agency.

(The above nomination was reported with the recommendation that the nomination be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. HELMS (for himself, Mr. EASTLAND, Mr. SCOTT of Virginia, Mr. ALLEN, and Mr. THURMOND):

S. 2336. A bill to provide objective definitions of unitary school systems for uniform court enforcement of the Civil Rights Act, and to relieve the congestion of court calendars by providing for the orderly release of continuing Federal jurisdiction over desegregated schools, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. PASTORE:

S. 2337. A bill for the relief of Dulce Pilar Castin. Referred to the Committee on the Judiciary.

By Mr. STEVENS:

S. 2338. A bill to provide for the conservation of U.S. Coastal and Anadromous Fish. Referred to the Committee on Commerce.

By Mr. CRANSTON:

S. 2339. A bill to establish the Santa Barbara Channel Federal Energy Reserve. Referred to the Committee on Interior and Insular Affairs.

By Mr. TOWER (for himself and Mr. HRUSKA):

S. 2340. A bill to prohibit unauthorized disclosure of grand jury information. Referred to the Committee on the Judiciary.

By Mr. McINTYRE:

S. 2341. A bill to amend the Economic Stabilization Act of 1970 by providing for a moratorium on further control of the marketing of petroleum products by petroleum producers and refiners. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. MONTOYA:

S. 2342. A bill to amend title II of the Social Security Act to increase to $3,000 the annual amount which individuals may earn without suffering deductions from benefits on account of excess earnings. Referred to the Committee on Finance.

By Mr. McCLURE:

S. 2343. A bill to authorize the Secretary of the Interior to convey, by quitclaim deed, all right, title, and interest of the United States in and to certain lands in Coeur d'Alene, Idaho, in order to eliminate a cloud on the title to such lands; and

S. 2344. A bill relating to abandonment of mining claims. Referring to the Committee on Interior and Insular affairs.

By Mr. HATFIELD:

S. 2345. A bill for the relief of Leo Lucas. Referred to the Committee on the Judiciary.

By Mr. HANSEN:

S. 2346. A bill to authorize the Secretary of the Interior to convey certain lands in the State of Wyoming. Referred to the Committee on Interior and Insular Affairs.

By Mr. BEALL:

S. 2347. A bill to amend the Internal Revenue Code of 1954 to encourage the preservation and rehabilitation of historic buildings and structures and the rehabilitation of other property, and for other purposes. Referred to the Committee on Finance.

By Mr. McCLELLAN:

S. 2348. A bill to amend the Canal Zone Code to transfer the functions of the Clerk of the U.S. District Court for the District of the Canal Zone with respect to the issuance and recording of marriage licenses, and related activities, to the civil affairs director of the Canal Zone Government, and for other purposes; and

S. 2349. A bill to provide cost-of-living adjustments in retirement pay of certain Federal judges. Referred to the Committee on the Judiciary.

By Mr. MOSS:

S. 2350. A bill to amend the National Aeronautics and Space Act of 1958 to provide for the coordinated application of technology to civilian needs in the area of Earth resources survey systems, to establish within the National Aeronautics and Space Administration an Office of Earth Resources Survey Systems, and for other purposes. Referred to the Committee on Aeronautical and Space Sciences.

By Mr. HATHAWAY:

S. 2351. A bill to prohibit sex discrimination by educational institutions whose primary purpose is the training of individuals for the military services of the United States or the merchant marine; and

S. 2352. A bill to amend the Education Amendments of 1972 to make the prohibition against sex discrimination apply to educational institutions whose primary purpose is the training of individuals for the military services of the United States or the merchant marine. Referred, by unanimous consent, jointly to the Committees on Armed Services and Commerce.

By Mr. CURTIS:

S. 2353. A bill to permit small units of local government to satisfy the publication requirements of section 121 of the State and Local Fiscal Assistance Act of 1972 by publishing simplified statements of the information contained in reports submitted under such section. Referred to the Committee on Finance.

By Mr. HUMPHREY (for himself, Mr. MCGEE, Mr. KENNEDY, Mr. BROOKE, and Mr. JAVITS):

S. 2354. A bill to provide for the participation of the United States in the African Development Fund. Referred to the Committee on Foreign Relations.

By Mr. HRUSKA:

S. 2355. A bill to amend the National Labor Relations Act to clarify judicial procedures, standards, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. McCLELLAN (for himself, Mr. LONG, Mr. JOHNSTON, and Mr. FULBRIGHT):

S. 2356. A bill to modify the project for flood control and improvement of the lower Mississippi River. Referred to the Committee on Public Works.

By Mr. WILLIAMS:

S. 2357. A bill to provide for a national educational campaign to improve safety on the highways by improving driver skill, driver attitudes, and driver knowledge of highway regulations. Referred to the Committee on Commerce.

By Mr. TALMADGE (for himself, Mr. BENTSEN, Mr. GRAVEL, Mr. MONDALE, and Mr. PACKWOOD):

S. 2358. A bill to clarify the exempt status of joint activities of educational organizations under the Internal Revenue Code of 1954. Referred to the Committee on Finance.

By Mr. HARTKE (for himself, Mr. ABOUREZK, Mr. ALLEN, Mr. BAKER, Mr. BARTLETT, Mr. BAYH, Mr. BEALL, Mr. BENTSEN, Mr. BIBLE, Mr. BIDEN, Mr. BROOKE, Mr. BURDICK, Mr. ROBERT C. BYRD, Mr. CANNON, Mr. CASE, Mr. CHILES, Mr. CHURCH, Mr. CLARK, Mr. COOK, Mr. CRANSTON, Mr. CURTIS, Mr. DOMENICI, Mr. DOMINICK, Mr. EAGLETON, Mr. EASTLAND, Mr. FULBRIGHT, Mr. GOLDWATER, Mr. GRAVEL, Mr. GRIFFIN, Mr. HANSEN, Mr. HART, Mr. HATFIELD, Mr. HOLLINGS, Mr. HRUSKA, Mr. HUGHES, Mr. HUMPHREY, Mr. INOUYE, Mr. JACKSON, Mr. JAVITS, Mr. KENNEDY, Mr. MAGNUSON, Mr. MANSFIELD, Mr. MATHIAS, Mr. MCGEE, Mr. MCGOVERN, Mr. MCINTYRE, Mr. METCALF, Mr. MONDALE, Mr. MONTOYA, Mr. MOSS, Mr. NELSON, Mr. PASTORE, Mr. PELL, Mr. RANDOLPH, Mr. RIBICOFF, Mr. SCHWEIKER, Mr. STAFFORD, Mr. STEVENS, Mr. THURMOND, Mr. TOWER, Mr. WEICKER, Mr. WILLIAMS, and Mr. YOUNG):

S. 2359. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder. Referred to the Committee on Finance.

By Mr. PROXMIRE:

S. 2360. A bill to amend the Fair Credit Reporting Act. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. DOLE:

S. 2361. A bill to authorize the President to enter into agreements establishing totalization arrangements between the social security system established by title II of the Social Security Act and the social security systems of other countries. Referred to the Committee on Finance.

By Mr. DOMENICI (for Mr. MONTOYA) (for himself, Mr. DOMENICI, Mr. DOMINICK, and Mr. HASKELL):

S. 2362. A bill granting the consent and approval of Congress to the Cumbres and Toltec Scenic Railroad Compact. Referred to the Committee on the Judiciary.

By Mr. CRANSTON (for himself, Mr. HARTKE, and Mr. RANDOLPH):

S. 2363. A bill to amend chapter 39 of title 38, United States Code, relating to automobiles and adaptive equipment for certain disabled veterans and members of the Armed Forces. Referred to the Committee on Veterans' Affairs.

By Mr. CRANSTON (for himself, Mr. BEALL, Mr. WILLIAMS, Mr. RANDOLPH, Mr. KENNEDY, Mr. JAVITS, Mr. MONDALE, Mr. PELL, and Mr. TUNNEY):

S. 2364. A bill to provide for operation of all domestic volunteer service programs by the ACTION Agency, to establish certain new such programs, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. TUNNEY, from the Committee on Commerce:

S. 2365. An original bill to regulate interstate and foreign commerce as it relates to the conduct of organized amateur athletic competition within the United States and the participation of American athletes in international amateur athletic competition. Placed on the calendar.

By Mr. GRIFFIN (for Mr. BROCK):

S. 2366. A bill to amend the Federal Election Campaign Act of 1971 to provide for the preparation and distribution of voters' information pamphlets by the General Accounting Office. Referred to the Committee on Rules and Administration.

By Mr. MOSS (for himself and Mr. CLARK):

S. 2367. A bill to extend the period for comment on regulations proposed by the Secretary of Health, Education, and Welfare relating to skilled nursing facilities. Referred to the Committee on Labor and Public Welfare.

By Mr. KENNEDY (for himself, Mr. CRANSTON, Mr. MONDALE, Mr. PELL, and Mr. RANDOLPH):

S. 2368. A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to assure the safety and effectiveness of medical devices. Referred to the Committee on Labor and Public Welfare.

By Mr. TUNNEY (for himself and Mr. CRANSTON):

S. 2369. A bill to authorize the Secretary of Agriculture to acquire certain lands in the county of San Diego, State of California. Referred to the Committee on Agriculture and Forestry.

By Mr. MATHIAS:

S. 2370. A bill to authorize the Commissioner of the District of Columbia to enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning the fees for the operation of certain motor vehicles; and

S. 2371. A bill to eliminate the tax on premium paid on annuities in the District of Columbia. Referred to the Committee on the District of Columbia.

By Mr. McCLURE (for himself, Mr. CURTIS, Mr. DOMENICI, Mr. FANNIN, Mr. HANSEN, and Mr. SAXBE):

S. 2372. A bill to permit the use of the drug diethylstilbestrol (DES) for implants in beef cattle and sheep. Referred to the Committee on Agriculture and Forestry.

By Mr. MAGNUSON (for himself and Mr. HART):

S. 2373. A bill to regulate commerce and protect consumers from adulterated food by requiring the establishment of surveillance regulations for the detection and prevention of adulterated food, and for other purposes. Referred, by unanimous consent, to the Committee on Labor and Public Welfare until October 15, 1973; and then to the Committee on Commerce, at the option of that committee.

By Mr. MONDALE:

S.J. Res. 146. Joint resolution entitled "A national education policy." Referred to the Committee on Labor and Public Welfare.

By Mr. McINTYRE:

S.J. Res. 147. A joint resolution calling for a report on the People's Republic of China grain purchase. Referred to the Committee on Agriculture and Forestry.

By Mr. HUMPHREY:

S.J. Res. 148. A joint resolution to bestow U.S. citizenship upon Leif Ericson. Referred to the Committee on the Judiciary.

By Mr. WILLIAMS:

S.J. Res. 149. Joint resolution to extend the mutual and self-help housing program under title V of the Housing Act of 1949. Considered and passed.

By Mr. HRUSKA (by request):

S.J. Res. 150. A joint resolution to authorize the President to proclaim the period of September 15, 1973, through October 15, 1973, as "Johnny Horizon '76 Clean Up America Month." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HELMS (for himself, Mr. EASTLAND, Mr. SCOTT of Virginia, Mr. ALLEN, and Mr. THURMOND):

S. 2336. A bill to provide objective definitions of unitary school systems for uniform court enforcement of the Civil Rights Act, and to relieve the congestion of court calendars by providing for the orderly release of continuing Federal jurisdiction over desegregated schools, and for other purposes. Referred to the Committee on the Judiciary.

PUBLIC SCHOOL JURISDICTION ACT OF 1973

Mr. HELMS. Mr. President, I send to the desk a bill designed to restore local jurisdiction over public schools in an orderly and rapid manner. I ask unanimous consent that the text of the bill be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HELMS. I also ask unanimous consent that the names of the distinguished Senator from Mississippi (Mr. EASTLAND) and the distinguished Senator from Virginia (Mr. SCOTT) be added as cosponsors of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

I. THE NATURE OF THE PROBLEM

Mr. HELMS. Mr. President, in framing a remedy for the problem of educational disruption through court orders to achieve racial balance, we must focus precisely upon the nature of the problem, the restraints of the Constitution as currently interpreted by the Supreme Court, and the practical effects of the solutions proposed. Moreover, we want a remedy that will work, and work now.

A further complication is that such a remedy must be universally applicable in cases arising both out of de jure and de facto segregation. Since the Denver decision it may be assumed that court orders will now be issued in geographic areas where it had formerly been assumed that segregated schools were the result of de facto situations. The mere absence in the past of legislation or regulations requiring the separation of students by race no longer protects school systems outside the South from assault through the courts. It is urgent therefore that both North and South join in framing a remedy.

Nor can a legislative remedy deal directly with the desire of most people for neighborhood and community schools, and their distaste for court-imposed busing and other mandatory assignment plans and integration devices. I believe that any attempt to restrict the hands of the courts would ultimately be set aside, even though I disagree with the basic premise the courts are using. It would be deeply disappointing to pass a bill providing relief against busing for racial balance, only to have it thrown out by the courts.

Finally, our remedy must be a solution that can be supported in good conscience by all men of good will, whatever their political persuasion. We must not forget that the ultimate aim of relief legislation is to promote good community relations and a wholesome atmosphere for sound education. The research report by Harvard sociologist David J. Armor, "The Evidence on Busing" in the Public Interest, No. 28 Summer 1972, and the subsequent discussions clearly demonstrate that the sociology of mandatory integration without freedom of choice has proven to be either erroneous or much more complex than formerly imagined. It does nothing to improve relationships between the races or academic achievement; in fact the evidence is that it endangers hostility and lowers self-esteem and achievement. Until our constitutional interpretation can be brought into line with reality, we must take legislative steps to foreclose the harm being done to the children.

If such steps are to survive a court test, they must not violate the internal logic of the current mythology attributed to the 14th amendment. We must focus the issue more narrowly upon what the courts have decided, not upon what we think they have decided, or what we would like them to decide. Changing judicial thinking is a process of years, even if a constitutional amendment were passed overnight. The only ready remedy is one written within the grammar of recent court decisions. And contrary to the popular impression, the major court decisions—although sweeping in their effects—have been quite narrowly defined.

II. AFFIRMATIVE ACTION TO ACHIEVE RACIAL BALANCE

Although "busing" gets the headlines, there are many other techniques also prescribed by courts to achieve what is commonly called "a racial balance." These other techniques are just as disruptive—some even more so—of the organic patterns of community development.

These techniques include pairing of schools, reorganization of junior and senior high schools, building of new schools, gerrymandering of attendance zones, and other devices apparently intended to create a racial balance in each school. Yet the common impression that the courts have required a racial balance as an end in itself is misleading. On the contrary, the U.S. Supreme Court has never required that a school system must have a racial balance for its own sake. In specific situations, however, the Court has upheld orders that are weighted heavily on the side of accomplishing in each school of the system a racial distribution that approximates the racial balance of the locality.

Such orders have been generally issued by the lower courts under their equity powers, usually in the form of decrees or orders of a continuing quality which retain jurisdiction in the courts without limit of time or circumstances. Civil rights cases and in particular school cases have created a special form of constitutional interpretation. Until such cases came to the courts, the Constitution was viewed as a prohibitory instrument forbidding discrimination under "State action." The lower Federal courts, in particular, have devised an affirmative or "compensatory" interpretation of the Constitution on the ground that preexisting deprivation of constitutional right must be affirmatively adjusted to a given point of defined equality before the normal constitutional limits can be restored.

In effect, then, when the Supreme Court is upholding a lower court order that requires some affirmative action—in the form of busing, pairing, zoning, et cetera—it is requiring the school authorities to demonstrate that the State is no longer encouraging segregation. In order to prove that the past practices which resulted in segregation and are now declared unconstitutional have been abandoned, the school authorities must take steps to achieve the uniform racial distribution that presumably would have resulted had it not been for past State action. In short, the Court does not hold that it is the Constitution that requires a uniform racial distribution; it is the doctrine of equity that requires busing and similar artificial steps to achieve racial balance until a supposedly normal state of constitutional rights can be restored.

For example, in approving the district court's formula for a racial balance of 71 percent to 29 percent, the Supreme Court in Swann against Charlotte-Mecklenburg Board of Education, specifically called it "a useful starting point in shaping a remedy to correct past Constitutional violations." It was a starting point, not an end in itself. The Supreme Court found that—

> In sum, the very limited use made of mathematical ratios was within the equitable remedial discretion of the district court.

These are subtle distinctions which are of no comfort to parents who find their children's lives disrupted and their educational achievement threatened by the instability and social chaos which so frequently follows such court orders. I strongly dissent from the fine-spun constitutional theory that invents momentous new doctrines of affirmative action out of whole cloth. Yet we must use as our starting point the fact that these theories are the prevailing law and that there is little hope that they will be overturned in the near future. Our legislative remedy must be framed out of the same distinctions.

III. THE REQUIREMENT FOR A UNITARY SCHOOL SYSTEM

If racial balance is not the end sought by present constitutional interpretation, then what is that end? In judicial language, the requirement is that a State, under a recent interpretation of the 14th amendment, must convert any dual school system into a unitary school system. The Supreme Court has emphasized this over and over.

In the pivotal Green decision, the Court said:

> The transition to a unitary, nonracial system of public education was and is the ultimate end to be brought about. [391] US 430 at 436; 20 Law Ed 2nd 716 at 722; 88SCt 1689 at 1693]

Referring back to Brown II, the Court's opinion in Green was very specific:

> School boards such as the respondent then operating state-compelled dual systems were nevertheless clearly charged with the affirmative duty to take whatever steps might be necessary to convert to a unitary system in which racial discrimination would be eliminated *root* and *branch*. [391 US 430 at 437; 20 Law Ed 2nd 716 at 723; 88SCt 1689 at 1664]

Unfortunately, the phrase "a unitary system" has never been defined. Yet we can deduce the Court's concept from the way it was handled in the Swann opinion. There we find that "the objective today remains to eliminate from the public schools all vestiges of State-imposed segregation." Over and over again, Swann deals with the problem of racial composition strictly in accord with whether or not the pattern was State-imposed.

> The constant theme and thrust of every holding from *Brown I* to date is that state-enforced separation of races in public schools is discrimination that violates the Equal Protection Clause. The remedy commanded was to dismantle dual school systems. [402 US 1 at 22; 28 Law Ed 2nd at 570; 91SCt 1267 at 1279]

And again, the Court narrowly defined its mission to include only State-sanctioned discrimination in schools, not discrimination which might arise from other factors:

> We are concerned in these cases with the elimination of the discrimination inherent in the dual school systems, not with the myriad factors of human existence which can cause discrimination in a multitude of ways on racial, religious, or ethnic grounds. The target of the cases from *Brown I* to the present was the dual school system. The elimination of racial discrimination in public schools is a large task and one that should not be retarded by efforts to achieve broader purposes lying beyond the jurisdiction of school authorities. One vehicle can carry only a limited amount of baggage. It would not serve the important objective of *Brown I* to seek to use school desegregation cases for purposes beyond their scope, although desegregation of schools ultimately will have impact on other forms of discrimination. [402 US 1 at 22; 28 Law Ed 2nd at 570; 91SCt 1267 at 1279]

Finally, the Court came as close as it ever has done to defining a unitary school system when it said:

> Our objective in dealing with the issues presented by these cases is to see that school authorities exclude no pupil of a racial minority from any school, directly or indirectly, on account of race; it does not and cannot embrace all the problems of racial prejudice, even when those problems contribute to disproportionate racial concentrations in some schools. [402 U.S. 1 at 23; Law Ed 2nd at 570; 91SCt 1267 at 1279].

We may conclude that a unitary school system is one in which the school authorities exclude no pupils of a racial minority from any school, directly or indirectly, on account of race. At the same time, the Court recognizes that a unitary school system might include disproportionate racial concentrations in some schools, so long as those disproportionate concentrations are not caused by action on the part of school authorities with intent to segregate. State discriminatory actions are proscribed; other factors which result in racial imbalance in the schools are beyond the scope of the Court's activity. In fact, the Court said specifically:

> The Constitutional command to desegregate schools does not mean that every school in every community must always reflect the racial composition of the school system as a whole. [402 U.S. 1 at 24; 28 Law Ed 2nd 554 at 24; 91SCt 1267 at 1280].

In fact, the Court tells us that "absent a constitutional violation, there would be no basis for judicially ordering assignment of students on a racial basis."

To summarize these important distinctions, we may say that the Supreme Court holds it unconstitutional to assign pupils on the basis of race; however, when a court finds a situation where pupils have been assigned on the basis of race, then equity requires that this "constitutional violation" be compensated by pupil assignment on a racial basis. Yet this compensatory action is obviously of limited duration. Compensation cannot go on forever; nor can a sound theory of the Constitution endure a permanent suspension of the constitutional right not to be assigned on a racial basis.

The Court itself calls this suspension an "Interim period." Referring to remedial altering of school zones in Swann, it said:

> As an interim corrective measure this cannot be said to be beyond the broad remedial powers of a Court. [402 U.S. 1 at page 27; 28 Law Ed 2nd 554 at page 573; 91SCt 1267 at 1282].

Noting the burdens which court orders impose—burdens the Court itself admits may be "administratively awkward, inconvenient and even bizarre"—the Court says—

> But all awkwardness and inconvenience cannot be avoided in the interim period when remedial adjustments are being made to eliminate the dual school systems. [402 US] page 28; Law Ed 2nd 554 at page 575: 91SCt 1267 at 1282]

It follows therefore that Congress is at liberty to impose a legislative definition of a normal interim period. Moreover, the situation which the courts are seeking to remedy is in constant flux. School authorities, pupils, and families come and go. The inherent logic of the Supreme Court's argument demands that the extraordinary suspension of constitutional rights come to an end within a reasonable length of time. The Court itself accepted its own logic. In the remarkable concluding paragraphs of Swann, the Court had this to say:

> At some point, these school authorities and others like them should have achieved full compliance with this Court's decision in *Brown I*. The systems will then be "unitary" in the sense required by our decisions in *Green* and *Alexander*.
>
> It does not follow that the communities served by such systems will remain demographically stable, for in a growing, mobile society, few will do so. Neither school authorities nor district courts are constitutionally required to make year-by-year adjustments of the racial composition of student bodies once the affirmative duty to desegregate has been accomplished and racial discrimination through official action is eliminated from the system. This does not mean that Federal courts are without power to deal with future problems; but in the absence of a showing that either the school authorities or some other agency of the State has deliberately attempted to fix or alter demographic patterns to affect the racial composition of the schools, further intervention by a district court should not be necessary. [402 US 1 at 31; 28 Law Ed 2nd 554 at 575; 91SCt 1267 at 1283]

Working strictly within the constraints of the Court's reasoning, we can see therefore that there can and must be an end to pupil assignments on the basis of race. There can and must be an end to busing, pairing, zoning, and so forth. A return to neighborhood schools is not only desirable, but feasible under current court decisions. The only question is when.

IV. THE DURATION OF COURT JURISDICTION

Thus neither school authorities nor district courts are required to adjust the racial composition of student bodies once the affirmative duty to desegregate has been accomplished and racial discrimination through official action has been eliminated from the system. The suspension of the constitutional right of pupils not to be assigned to a school on the basis of race is of limited, but indefinite duration. Since the Supreme Court itself has admitted that the suspension of rights is of limited duration, it is entirely proper for the Congress of the United States to pass legislation setting a definite time limit during which the courts can suspend these rights.

I believe that a great majority of school systems have by this time become desegregated under the terms of the original orders of the Federal courts, by compliance with the guidelines issued by the Commissioner of Education, or remain in a form historically instituted without reference to racial separation either by law or collusive drawing of attendance zones. Current problems before the courts accordingly are, in possibly a majority of cases, directed against resegregation caused by population shifts occurring subsequent to prior school desegregation. Quite frequently it is argued that the actions of school authorities, although possibly taken today without regard to race, are tainted by the vestiges of past actions. In the forefront of such actions are those which attempt to overcome the increasing concentration of blacks in inner city areas by overriding political boundaries existing between different school systems as in the cases of Richmond and Detroit where massive busing into suburbs has been directed.

Yet in every case, the orders are different, the standards are different, and the burdens to be borne and the levels of compliance are different. The length of time the school systems remain under court jurisdiction is entirely at the discretion of the court. Every court commands the establishment of a unitary system, but the level of compliance varies. There are two difficulties. First, unitary is indefinite both in quantum and period of time. Second, the equitable doctrine of continuing jurisdiction over an existing decree permits the courts to change preexisting orders from time to time in order to correct situations which have changed after an initial determination and local compliance.

It is within the power of Congress to statutorily define the unitary concept, to fix its effective period, and to terminate continuing district court jurisdiction, provided only that in so doing the Congress does not specifically or by implication permit the restoration of a school system based on racial separation.

V. THE REMEDY

The Public School Jurisdiction Act provides the required remedy. It defines a "unitary school system" with the constraints of current practices.

First of all, it accepts the work of any Federal court that has approved a desegregation plan to achieve a unitary system. If the Court has said that such and such a plan will bring a system into compliance, then the Public School Jurisdiction Act agrees that it is a plan which will bring about compliance. In the same way, the Public School Jurisdiction Act also accepts compliance with any specific plan or generally published guideline authorized or approved by the Commissioner of Education. Both accomplish the same end and should have equal standing in the light of the numerous court references to such guidelines as indicative of the meaning of the term "desegregated school."

Thus, this first definition does not negate any plan currently in effect. It makes every court order and every HEW pupil assignment plan part of the definition of "unitary school system." There are some activists who say that present plans do not go far enough. Yet, present plans must go at least as far as the Supreme Court itself has gone.

Those who want to go further are not arguing law, but questions of policy.

The Public School Jurisdiction Act's second definition of a unitary school system accepts the decision of any court of the United States upholding a pupil assignment plan as in compliance with the laws and Constitution of the United States. Thus, any school system which has successfully defended itself against the charge of unconstitutional actions is, on the face of it, a unitary school system. This is really a corollary of the first definition. A court decides whether a school system is unitary or not.

The Public School Jurisdiction Act's third definition of a unitary school system also involves a court test. Here, if a court decided that attendance zones were originally established with reasonable geographical divisions without the intent to discriminate—and no changes had been made except for reasonable educational discretion—then such a school system is a unitary school system. Such a finding is a reasonable defense against demands that school attendance zones be altered within a system, or that the system be merged with adjacent systems in other political jurisdictions.

The Public School Jurisdiction Act's fourth definition recognizes that many courts under a plea of equity have tried to fashion some formula for the overall racial composition of student bodies as evidence of the school authorities' affirmative action. Up to now, this has been left to the decision of the individual judge, with no guidelines for him to follow. The courts have acted variously with respect to their racial ratio requirements, which, despite Federal assistance legislation to the contrary, is being used by the Federal courts and to some extent as well by the Department of Health, Education, and Welfare as a target for the requirements of busing and the other techniques. Most courts have differed in the extent to which they view an approximation of local racial ratios as being required and the extent to which it will be applied across the board to all public schools in the system or be compromised to lessen the amount of change required.

In fact, in Swann, the Supreme Court was at pains to point out that it approved the district court's order only because that order was not to be interpreted as a "fixed mathematical racial balance." The Court said:

> If we were to read the holding of the District Court to require, as a matter of substantive Constitutional right, any particular degree of racial balance or mixing, that approach would be disapproved and we would be obliged to reverse. The Constitutional command to desegregate schools does not mean that every school in every community must always reflect the racial composition of the school system as a whole. [402 US 1 at 24; 28 Law Ed 2nd 554 at 571; 91SCt 1267 at 1280]

Indeed, the Supreme Court quoted approvingly from the district court's own explanation as follows:

> This court [the District Court] has not ruled and does not rule that "racial balance" is required under the Constitution; nor that all black schools in all cities are unlawful; nor that all school boards must bus children or violate the Constitution; *nor that the particular order entered in this case would be correct in other circumstances not before this court.* (Emphasis in original) [402 US 1 at 24 (n. 9); 28 Law Ed 2nd 554 at 571 (n. 9); 91SCt 1267 at 1280 (n. 3)]

Although the Supreme Court thus holds that there does not have to be a rigid mathematical formula, there are still no guidelines for a lower court to follow in fashioning a remedy in equity.

The Public School Jurisdiction Act has a formula under which Congress sets up the parameters. It provides for the kind of flexibility which the Supreme Court demanded in Swann, keeping in mind that the Court only approved a—

> . . . very limited use made of mathematical ratios . . . within the equitable remedial discretion of the District Court. [402 US 1 at 25; 28 Law Ed 2nd 554 at 572; 91SCt 1267 at 1280]

These limitations must be borne in mind. Basically, the formula would provide that a control group of not less than two-thirds of the schools of a local educational agency would have to meet certain standards of racial composition in enrollment if the school system does not otherwise qualify as a unitary school system. These standards would be based upon the ratio of whites and blacks in the school system: an individual school in the control group would have to have at least one-third of the percentage of majority students in the school population as a whole, and one-third of the percentage of minority students in the school population taken as a whole.

All in all these are not definitions which I endorse for their substance; I endorse them because they will work within the system as it is now constituted. They provide definitions of a unitary school system so that judges will have an objective standard of justice, nor do they upset current legislation or court orders on the subject.

The other aspect of definition is to put a limitation on the duration of the suspension of the constitutional rights of students not to be assigned to schools on the basis of race. As I have already pointed out, it is unhealthy for constitutional rights to be suspended indefinitely. Congress can put a reasonable limitation on the length of time required to demonstrate that a dual school has been abandoned. It would be highly suspect if Congress were to put severe limitations on the so-called remedies available to courts in equity. It might be charged that due process of low or equal protection was being abridged by statute. But a reasonable time limitation violates neither. The courts would still have all the powers that they now have to order desegregation plans, to order busing, pairing, and so forth. The power to order the organizational disruption that we now have in our school systems would not be abated. The only difference would be that it could not go on forever.

The Public School Jurisdiction Act sets a limitation of 1 full school year. This would apply either to schools on a 9-month plan or on a 12-month plan. It assumes that the school authorities are acting in good faith and that they actually do what they are ordered to do. One year is a significant administration unit in a school system, as pupils normally move from one grade to another in that year's time. The courts will see to it that the assignment plan is comprehensive enough to compensate for past unconstitutional practices; the year's duration under the court's jurisdiction will see to it that a constitutional assignment plan is actually in operation.

It must be remembered that the Supreme Court has said that the Constitution itself does not command proportional racial composition of student bodies; once a violation has been corrected, the Constitution is indifferent to assignment methods, so long as school authorities do not make assignments on the basis of race. School authorities are not required to make pupil assignment adjustments for discrimination that may result from other factors in society, once the affirmative duty to discriminate has been accomplished. This means that the neighborhood school—favored by the overwhelming majority of Americans of both races—can return once the violations have been corrected.

During the space of a school year, the dislocations of student bodies and teachers would have to be endured. There is no way within the present grammar of the court decisions that this can be evaded where the schools have been found to be operating dual systems. But it would be endurable because the end would be in sight.

Moreover, many school systems have already met and have been meeting the definition of a unitary school system for 1, 2, 3, or 4 years. Under the Public School Jurisdiction Act, they could pass the test immediately. What counts as far as meeting the constitutional test is the actual time served under court orders without regard to the passage of the Public School Jurisdiction Act. A statute cannot affect the constitutionality of an action.

At the end of a full school year, the school authorities, State officials, or any parent can apply to have the case reopened so that the judge involved can submit the case to a jury to make a determination that the school system has met the statutory definition of a unitary school system for a full school year. The determination is narrowly limited to questions of fact, that is, whether the plan decreed by the court has in fact been followed. The judge would have no opportunity to reassess the case itself or to consider new data.

Upon reopening of the case, enforcement of the judge's court order is stayed until the final determination has been made. This would ensure prompt actions by the Court so that any affected parties could make a timely appeal if desired.

Once the determination was made that the school authorities had been operating a unitary school system for the required length of time, then the system would be released from Federal district or appeals court jurisdiction in matters relating to segregation and allied problems. The matters could not be raised again in the Federal courts.

Nevertheless, the full system of State courts remains open to plaintiffs who allege that their constitutional rights have been abridged by some action of the school authorities, including appeal to the U.S. Supreme Court.

Thus it is clear that due process and equal protection are carefully preserved by the Public School Jurisdiction Act. Every school system may be brought into Federal court at least once, and that court will have the opportunity to apply the full range of so-called remedies that it perceives to be necessary. The unitary school system which the U.S. Supreme Court says is constitutionally required will have been established, and it will have actually been put into operation. If further State-directed discrimination occurs, the full range of State courts is available for redress. The United States Constitution would assure this, but for the sake of clarity, the Public School Jurisdiction Act spells it out.

Finally, the Public School Jurisdiction Act provides a specific exemption to preserve the right of any student who feels he has secured particular advantages under any current assignment plan. I think we can be sure that most parents will wish their children to attend school under a neighborhood school plan if one is offered. There may be some who are being transported to schools outside their neighborhood where they feel they have special advantages.

If there are such, they can be allowed to continue to be transported to those schools if they so choose. They have this right not by constitutional protection, but in the interests of good educational policy and sound community relations. Thus, under the Public School Jurisdiction Act, no child would lose what he or his parent perceives to be an advantage from the current system.

The Public School Jurisdiction Act preserves the interests of all those concerned. It maintains current court holdings, decrees, and HEW plans. It preserves all constitutional rights under the present mode of interpretation. It provides for the orderly termination of Federal court jurisdiction so that standards are uniform throughout the Nation. It provides for the early restoration of local control over attendance plans. And it safeguards the interests of those who feel they have obtained advantages under the present situation.

But most of all, it will bring about the rebuilding of a wholesome educational atmosphere and constructive community relations. The best society is the society that has the maximum of free choice and evolves from the myriad decisions of each citizen over the years, and over the generations. To destroy that organic development is to destroy the very fabric of a healthy society. The destruction has been imposed upon us by the courts, and it is time for Congress to begin rebuilding.

Exhibit 1

S. 2336

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Public School Jurisdiction Act of 1973."

SEC. 2. (a) The Congress finds that—

"(1) The Supreme Court has repeatedly ruled that the maintenance of dual school systems in which students are assigned to schools solely on the basis of race, color, or national origin denies to those students the equal protection of the laws guaranteed by the fourteenth amendment;

"(2) These and related court rulings have imposed upon public school agencies the burden of eliminating the vestiges of dual school systems and of establishing all school systems upon a unitary basis;

"(3) The lack of appropriate statutory definition of a unitary school system has left the courts without objective standards in enforcing the equal protection of the laws in regard to pupil assignment, with a resulting lack of uniformity in enforcement and regulatory requirements;

"(4) The courts have been overburdened with the complexity and length of the litigation and continuing judicial process for effective enforcement of the fourteenth amendmend and the Civil Rights Act of 1964, and other related statutes.

"(b) For the foregoing reasons, it is necessary and proper that the Congress, pursuant to the powers granted to it by the Constitution of the United States, including, but not limited to, section 5 of the fourteenth amendment, take action to enhance the enforcement of court determinations under the Civil Rights Act of 1964, to make court enforcement uniform by setting standards and definitions relative to a unitary school system, and to relieve the congestion of court calendars by providing for the orderly release of continuing Federal jurisdiction over desegregated public schools.

SEC. 3. Section 401 of the Civil Rights Act of 1964 is amended by adding at the end thereof the following:

"(e) 'local educational agency' means any local educational agency as defined by section 801(f) of the Elementary and Secondary Education Act of 1965.

"(f) 'State educational agency' means a State educational agency as defined by section 801(k) of the Elementary and Secondary Education Act of 1965.

"(g) 'unitary school system' means any public school system in which—

"(1) the local educational agency has complied with an order of any court of the United States based on racial enrollment criteria for the public schools of that agency, or is in compliance with any specific plan or published guideline authorized or approved by the Commissioner of Education with respect to such enrollment criteria; or

"(2) the presently used procedure for assignment of children and teachers in the elementary and secondary schools of the local educational agency has been found by any court of the United States to be in compliance with the Constitution and laws of the United States against a charge that the schools of such agency were segregated; or

"(3) the assignment of children to elementary and secondary schools of that agency is by attendance zones which are or have been found by any court of the United States (a) to have been originally established with reasonable geographical divisions without intent to discriminate between areas on the basis of race, color, or national origin, and (b) to have not thereafter been altered except to accord with and meet conditions caused by population increases or decreases in the area served, granting to such agency the right to reasonable educational discretion in the creation or elimination of neighborhood school zones in geographically contiguous areas without regard to the racial composition of the affected residential area;

"(4) not less than two-thirds of the schools of a local educational agency have a racial composition of the student body of each school which shall contain a percentage of majority students which is not less than one-third of the percentage of majority students in the school population taken as a whole, and a percentage of minority students which is not less than one-third of the percentage of minority students in the school population taken as a whole."

SEC. 4. Title IV of the Civil Rights Act of 1964 is amended by adding at the end thereof the following new section:

"ORDERLY TERMINATION OF FEDERAL JURISDICTION OVER STATE EDUCATIONAL AGENCIES

"SEC. 411. (a) The continuing applicability of any order of any District Court or Court of Appeals of the United States requiring the desegregation of the public elementary and secondary schools of a local educational agency shall terminate upon a determination by jury in the issuing court or by a court having review jurisdiction thereover that such schools of the defendant local educational agency are and have been a unitary school system as defined in Section 401 of the Civil Rights Act of 1964 for a period of not less than a full school year since their establishment or following any voluntary or required organization thereof.

"(b) No District Court or Court of Appeals of the United States shall have original, continuing, or pendent jurisdiction to issue in any case or controversy, in law or in equity, any writ, process, rule, decree, order or command directing, forbidding or changing (A) the assignment or transportation of any student or students to any public elementary or secondary school made, provided or proposed pursuant to the determination and direction of the State or local educational agency operating or having supervisory powers over the operation of such school, or (B) the employment, assignment, reassignment, transfer or retention of any member of the teaching or administrative staff of any such school, or (C) any appropriation or expenditure of any funds for the construction, maintenance, equipment or operation of any such school, or (D) the accreditation of any such school by any public or private agency, or its inclusion in any published list or directory of accredited schools, if such school is, or is part of, a unitary public school system as defined in Section 401(g) of the Civil Rights Act of 1964, and has been so for the period specified in Paragraph (a) of this Section.

"(c) The provisions of this section shall apply with respect to any civil case or controversy now pending or hereafter brought in or removed to any court of the United States for or with respect to the desegregation of the public elementary and secondary schools of the local educational agency or for or with respect to the appropriation or expenditure of funds for the construction, equipment, maintenance, operation or support thereof.

"(d) On application therefor by any local educational agency, or by the parent of any student enrolled in any school operated by such agency, or by any State educational agency or any State officer having supervisory authority over the public elementary and secondary schools of such local educational agency, any prior judgment, decree or order of any District Court of the United States or of any Court of Appeals of the United States related to, providing for, or concerning the assignment or transportation of students in or to the public elementary and secondary schools of such local educational agency, as a means to end or prevent or correct the effects of segregation of students in the schools of such agency on the basis of race, color, or national origin, shall be reopened by such court and the court shall thereupon promptly submit to jury determination as a question of fact whether or not the public elementary and secondary schools of such agency are and have been, for the period specified in Paragraph (a) of this Section, a unitary school system as defined in Section 401 of the Civil Rights Act of 1964. Such application shall be made by a motion in the cause in the case or controversy and in the court in which such judgment, decree or order has been requested or was entered. Such application shall be heard and the determination thereby prayed shall be made within twelve (12) months from the date on which the application was filed. The filing of any such application shall stay the enforcement of any existing order pending final determination of the issue thereby raised.

"(e) Nothing contained in this section shall limit the right of a local educational agency to change or alter its administrative or financial policies following the termination of federal jurisdiction by reason of this section, provided however,

"(i) No such change thereafter made shall be for the purpose of discriminating against any class of students or employees on the basis of race, color, or national origin, and

"(ii) No student shall be denied the right to continue thereafter to attend the school to which such student was assigned prior to such change and to be furnished the necessary transportation therefor.

"(f) Nothing contained in this section shall limit the existing jurisdiction of the courts of any State with respect to the public elementary and secondary schools of that State, nor limit or affect the established review jurisdiction of the Supreme Court of the United States over decisions of the highest courts of the several States."

SEC. 5. If any provision of this Act or of any amendment made by this Act, or the application of any such provision to any person or circumstances is held invalid, the remainder of the provisions of this Act and of the amendments made by this Act and the application of such provision to other persons or circumstances shall not be affected thereby.

By Mr. STEVENS:

S. 2338. A bill to provide for the conservation of the U.S. coastal and anadromous fish. Referred to the Committee on Commerce.

THE COASTAL AND ANADROMOUS FISH CONSERVATION ACT OF 1973

Mr. STEVENS. Mr. President, today I am introducing a bill to provide for the conservation of U.S. coastal and anadromous fish.

Last year, on September 12, I introduced Senate Concurrent Resolution 95, calling upon the President of the United States to take unilateral action to impose and enforce a moratorium upon foreign fishery operations on U.S. coastal stocks of fish, and further requesting the President to prohibit foreign fishing of any American coastal species within American coastal waters unless specific permission is granted by the United States. This resolution urged the President to refuse permission for foreign fishing of such species unless the foreign nationals presented convincing proof that there is no existing danger to the American coastal fisheries species and it also urged the President to maintain this moratorium until an international regime for the conservation of American coastal fish species could be established.

At the time I introduced the resolution, I traced the history of the so-called species approach which is presently being advocated by the U.S. delegation to the Law of the Seas Conference. My introductory remarks appear in the September 12, 1972, CONGRESSIONAL RECORD, volume 118, part 23, pages 30209–30215.

On June 13 of this year, Senator MAGNUSON and several other Senators, including myself, introduced S. 1988, a bill to implement unilaterally certain fish conservation measures, including the establishment of a 200-mile fishery conservation zone and protection over anadromous fish species. At that time, I also made some remarks on the need for this legislation.

The legislation I am introducing today, "The Coastal and Anadromous Fish Conservation Act of 1973," will implement the species approach unilaterally.

I have concluded that a moratorium resolution, without the effect of law, is not enough. We must take unilateral action until an international agreement can be entered into between this country and the other nations interested in fishing for these species. Our fish stocks are in serious danger and need immediate protection. Our domestic fishing industry needs similar protection. This will require the enactment of tough new Federal legislation.

I anticipate that the Oceans and Atmosphere Subcommittee will be having hearings on this subject in the near future. I am introducing this bill as another approach to S. 1988. Both approaches would provide protection for our fish, but this legislation will be in accord with the official position taken by the U.S. delegation at the Law of the Seas Conference, and will avoid some of the international repercussions of a unilateral expansion of our territoriality.

It will also comport with Senate Resolution 82, recently passed unanimously by this body. That resolution states in pertinent part:

> *Resolved*, That the Senate endorses the following objectives, envisioned in the President's ocean policy statement of May 23, 1970, and which are now being pursued by the United States delegation to the Seabed Committee preparing for the Law of the Sea Conference.
>
> (4) conservation and protection of living resources with fisheries regulation for maximum sustainable yield, with coastal State management of coastal and anadromous species, and international management of such migratory species as tuna.

The accompanying report. S. 93–296, enclosed a letter from Mr. Charles N. Brower, Acting Chairman of the Interagency Task Force on the Law of the Sea, and Acting Legal Adviser to the State Department. Mr. Brower stated:

> We advocate a species approach to fisheries management.

Mr. Brower explained the species approach in his letter:

> Coastal species of fish would be managed by the costal State wherever they might be on the high seas off the coast of that State. Similarly, the coastal State of origin would manage anadromous species throughout their migratory range on the high seas. In both cases, there would be international treaty standards to assure conservation, maximum utilization, and equitable allocation of the fish stocks consistent with a coastal State preference based on its capacity to harvest, and peaceful and compulsory settlement of disputes. On the other hand, highly migratory species of fish such as tuna would be subject to international regulation.

The bill I am introducing today will implement that approach.

What is the state of our fisheries that requires us to adopt unilateral measures for the immediate protection of our fish species? The world fish catch has tripled in the last 20 years. The U.S. share of this $11.6 billion world catch is approximately 5.3 percent. During 1971, American commercial fishery landings were approximately 2.5 million tons, worth $643 million at dockside. These fish and fish products retailed for about $1.9 billion.

American exports in 1971 were $139 million, the highest ever, an increase of 19 percent from 1970. Most of these purchases went to three countries—Canada—$27 million—Japan—$26 million—and the United Kingdom—$20 million.

The American commercial fishing industry domestically employs approximately 132,000 people full or part time. Another 86,000 people work either seasonally or year round processing or wholesaling fish products.

Alaska employs the largest number of fishermen—18,700. In 1969, Alaska issued 18,927 commercial fishing licenses; 9,972 vessels were licensed. In July of that year, the peak month, 6,995 persons were employed in 125 canning and preserving establishments out of a total reported statewide employment of 111,990; 23.2 percent of the State employment for that month were employed in the fishing industry—commercial fishing licenses plus peak monthly employment in processing.

Of course, fishing is a seasonal occupation in Alaska and includes a lot of transits, as well as casuals and part-timers. Also many people have "grandfathered" their rights to protect themselves under the new Alaska State-limited entry law. However, because of the relatively low average income from fishing, although more than one-fifth of the State's employed labor force—including transits—were directly engaged in fisheries either as fishermen or workers in the processing plants, only 2.8 percent—maximum—of the 1970 personal income of Alaska residents originated directly in fishing or seafood processing activities.

As a result of this program, in 1973 the State legislature enacted a limited entry program which is designed to serve the limited renewable resource.

Alaska employs the largest number of fishermen and is followed by Florida, California, Louisiana, and Washington. More Americans are engaged in fishing today than 10 years ago. In 1950, approximately 161,000 persons were in the industry. In 1960, the figure fell to 130,000. It has gone up slightly since then. Although there are presently more fishermen than in 1960, the total industry employment has declined from approximately 224,000 to 219,000 over the last decade. This is due in part to reductions in labor force due to modernization in processing and wholesaling.

A second important aspect of the fishing industry is the manufacture, sale, and repair of commercial fishing craft. In 1971, fishing craft constituted 13 percent of the merchant vessels of 100 or more tons launched from U.S. yards. During that same year, approximately 1,100 craft between 5 and 1,300 tons were added to the U.S. fishing fleet.

The American fishing industry supplements imported fish. Today approximately 62 percent of all fish consumed domestically are imported. This represents a cash outflow of $872 million. One-quarter of our trade is with Canada, which sold this country $206 million worth of edible fish and fish products in 1971. Japan sold us $144 million worth of products and Mexico $88 million. However, if we had no domestic fisheries, we would spend about $500 million more.

The American fishing industry is relatively stagnant today. The fisheries of other nations are increasing dramatically. Between World War II and 1957 the United States was second only to Japan in the size of the catch. Since that year, we have declined steadily. Since 1966 we have not even ranked among the top five fishing nations of the world.

Today the United States is sixth. We rank behind Japan, Peru, Communist China, the Soviet Union, and Norway. The total 1971 American catch, 2.5 million tons, was less than half of Japan's. Many of the fish the Japanese take are caught off of Alaska. This catch constitutes a major threat to America's fishery resources. In other words, foreign fishing has increased off of our shores while American fisheries off of distant coastal nations have declined.

In future years, an increasing amount of our protein will have to come from the sea. At the same time, fish conservation efforts are still at a relatively primitive stage. International competition outweighs cooperation. The fishing industry is a focus for international tension.

Yet, in this area, as in few others, the fate of mankind hangs in the balance. Aquaculture must receive the attention it deserves. International cooperation is vital and interim measures must be taken to insure the conservation of this resource until that international cooperation can be achieved.

It has been estimated that the fish and shellfish potential on or near the Continental Shelf and slope waters of the United States could, if we developed them thoroughly through aquaculture, yield catches of nearly 20 million tons annually. This haul would be worth $3 billion, as compared to the current $500 million catch.

Additionally plants, such as seaweed, could be used for various purposes, including food for humans and livestock and for fertilizer.

This problem is of such importance that we must take immediate measures to protect our resources.

Many nations are expanding their seaward borders unilaterally. But this can only lead to a rash of competing actions. Instead, as I have indicated, mankind's greatest hope lies in a coordinated effort of international cooperation, not competition.

On October 3, 1972, the Oceans and Atmosphere Subcommittee held hearings on the Law of the Sea Conference. We heard testimony from various members of the American delegation. A number of other written responses were received.

Many of these discussed the measures the United States should take to preserve our fishery resources.

As Prof. Lewis M. Alexander, Director of the Law of the Sea Institute at the University of Rhode Island indicated:

> So far as the "developing countries" syndrome is concerned, probably the most effective direction in which the United States might move is in education. Some well-documented studies might be prepared which emphasize both the nature and importance to individual countries of their peculiar physical and economic relationships with the sea, as well as the impacts on their own situations which would result from the adoption of certain proposals, such as the 200-mile limit, or the extension of national con-

trol over resources to the outer edge of the continental margin. Such studies should be widely distributed among delegations, particularly those of the developing countries. At the same time U.S. diplomatic efforts should continue to focus on emphasizing the differences as well as similarities among national interests in the ocean, and in playing down the illusory commonality of developing states' positions.

Prof. William T. Burke of the University of Washington Law School advocated assistance to developing States to conserve their resources and to use the highest technological means to manage the limited fishery resources. He stated we must not only prevent depredation of the resource, we must financially and technologically encourage other nations to meet the same high standards we set for ourselves. This will entail three things: first, expanding the scope of statutory authority of various agencies to engage in technical assistance work on an international scale. Second, a need for increased funding for imaginative new programs in technical assistance oriented to the scientific investigation and ultimate development of the oceans. Third, as Professor Burke put it, "there is a need for some creative law-making aimed at encouraging a broader international perspective or outlook among U.S. institutions, public and private." One such program would be an expansion of the Sea Grant program internationally.

Prof. John L. Jacobson of the University of Oregon Law School authored a Law Review article, also included in the hearing record. Professor Jacobson makes a number of similar suggestions on this point which are incorporated in the bill.

The "Coastal and Anadromous Fish Conservation Act of 1973" is designed to meet the problems of our coastal and anadromous and high seas fisheries. It provides for an extension of conservation jurisdiction over U.S. coastal and anadromous fish. It will permit the United States to take responsible action to conserve our fishery resources.

I urge my colleagues to consider this legislation carefully.

I ask unanimous consent that the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2338

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, This Act may be cited as the "Coastal and Anadromous Fish Conservation Act of 1973."

FINDINGS AND DECLARATION OF POLICY

SEC. 2. (a) The Congress finds that—

(1) Certain United States' coastal and anadromous fish have shown serious declines in population, such declines have commercially depleted several species and have put others in immediate danger of commercial depletion;

(2) recent years have seen significant increases in foreign commercial fishing of such fish with more efficient technologly resulting in much larger catches of such fish;

(3) little is known about the habits of such fish and the effects of the weather, natural predators, diseases, and foreign commercial fishing upon their populations;

(4) the decline in the populations of such fish has seriously threatened America's commercial fishing industry; and

(5) conservation rules and regulations will take some time to be worked out on a permanent basis with the nations involved.

(b) The Congress therefore concludes—

(1) such coastal and anadromous fish should not be permitted to become commercially depleted prior to the time conservation rules and regulations are worked out on a permanent basis with the nations involved;

(2) the "species" approach contained in the draft article tabled by the United States at the Law of the Seas Conference preparatory session represents a workable conservation program;

(3) under the "species" conservation concept this Nation has the primary duty to manage and the primary right to harvest such fish;

(4) until more is known about the causes of the declines in fish populations and the relationship of foreign commercial fishing to such declines, or until conservation rules and regulations are worked out on a permanent basis with the nations involved, it is to this country's economic interest and in the interest of good conservation to impose a conservation moratorium upon foreign fishing of United States coastal and anadromous fish; and

(5) it is therefore the purpose of this Act to provide for the conservation of such fish under United States conservation jurisdiction until such time as the necessary treaties or conventions can be entered into.

DEFINITION

SEC. 3. For the purposes of this Act "commercial depletion" means any level below the level at which any fish species or stock can produce its optimum sustainable yield.

CONSERVATION JURISDICTION

SEC. 4 (a). The United States hereby extends its jurisdiction for conservation purposes over all United States coastal and anadromous fish.

(b) Such conservation jurisdiction shall extend over all United States coastal and anadromous fish throughout their ranges, however, such jurisdiction shall not extend to the territorial waters or fishery conservation zone of another nation.

(c) Such conservation jurisdiction shall be exercised to the same extent and under the same procedures as the United States jurisdiction over fish within its territorial sea and fishery zone contiguous thereto.

(d) Sixty days after written notice to the President of the Senate and the Speaker of the House of Representatives, the Secretary of the Treasury may authorize a vessel other than a vessel of the United States to engage in fishing under specified terms and conditions for fish under the jurisdiction of the United States. Such authorization may be made only after consultation with all federal and state agencies concerned and must be based upon clear and convincing evidence that such fishing would not cause or significantly contribute to the commercial depletion of such fish and that such fishing is to be carried out in accordance with good conservation practices.

(e) Such fishery conservation jurisdiction may be terminated—

(1) when conservation rules and regulations are worked out on a permanent basis with the nations involved; or

(2) when it is determined that a particular fish is in no danger of commercial depletion.

INTERNATIONAL RELATIONS

SEC. 5. (a) Nothing in this Act shall be construed to abrogate any treaty, convention, or executive agreement to which the United States is a party from the date of enactment of this Act.

(b) The Secretary of State shall—

(1) direct the United States delegation to the Law of the Seas Conference to encourage and support articles, measures, and agreements at the Conference to carry out the policies and provisions of this Act;

(2) initiate negotiations as soon as possible with all foreign governments which are engaged in or which have persons or companies engaged in commercial fishing operations for fish protected by this Act, for the purpose of entering into treaties and agreements with such countries to carry out the policies and provisions of this Act;

(3) review and, if necessary, initiate the amendment of treaties, conventions, and agreements to which the United States is a party in order to make such treaties, conventions, and agreements consistent with the policies and provisions of this Act;

(4) provide to the Congress not later than one year after the date of enactment of this Act a full report on the results of his activities under this section.

RESEARCH

SEC. 6. (a) During the time the United States exercises conservation jurisdiction over its coastal and anadromous fish, it shall undertake such research activities as may be necessary to remove the danger of commercial depletion to these fish.

(b) The Secretaries of Commerce and the Interior are jointly and severally authorized to carry out research or to provide financial assistance within their respective jurisdictions to public and private agencies, institutions, or persons to carry out research furthering the purpose and policies of this Act.

(c) Such research activities shall be undertaken in cooperation with other nations wherever possible.

(d) There is authorized to be appropriated, not to exceed \$——— in any fiscal year to carry out the provisions of this section.

REGULATIONS

SEC. 7. The Secretaries of State, Commerce, the Interior, and the Department in which the Coast Guard is operating are authorized jointly and severally to issue such regulations as may be necessary to carry out the provisions of this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 8. There are authorized to be appropriated not to exceed \$——— to carry out the provisions of this Act other than Section 6.

EFFECTIVE DATE

SEC. 9. The provisions of this Act shall become effective on the date of enactment of this Act, except that the provisions of Section 4 shall become effective 90 days following such date of enactment.

By Mr. CRANSTON:

S. 2339. A bill to establish the Santa Barbara Channel Federal Energy Reserve. Referred to the Committee on Interior and Insular Affairs.

Mr. CRANSTON. Mr. President, I rise to introduce for appropriate reference a bill designed to resolve the controversy about whether environmental considerations necessitate the suspension of oil and gas production in the Santa Barbara Channel.

This new proposal is the product of many conversations with both industry and environmental leaders. It is a further refinement of the various bills I have sponsored in the 91st and the 92d Congresses to halt oil production in the channel. I believe it presents a fair and balanced solution that provides environmental safeguards without precluding future development of the substantial oil and gas reserves in the Santa Barbara Channel.

The bill designates the area of the Outer Continental Shelf, as defined in the Outer Continental Shelf Lands Act, in the Santa Barbara Channel off the coast of California as the "Santa Barbara Channel Federal Energy Reserve." All production of oil and gas on the leases within the reserve, except for the three that are now producing, would be suspended until we have developed and proven elsewhere an offshore extraction technology that can insure maximum environmental protection. Suspension of oil production could be terminated in only three ways: First, affirmative findings by the Secretary of the Interior that a number of conditions specified in my bill have been met; second, a subsequent act of Congress; or third, authorization by the President pursuant to an Executive order declaring a national emergency and requiring the development of the oil and gas within the reserve.

The chief difference between this and my past bills is that this new proposal will not prohibit continued exploration for and identification of oil and gas reserves on existing leases in the channel. I believe this is an important feature as we find ourselves in the midst of an "energy crisis"—and while there may be disagreement about the proportions and the timing of this crisis, there certainly is agreement about the fact that sooner or later we are going to have to face up to our dwindling supplies of fossil fuels. My bill addresses this question by allowing the continuation of exploratory activities in the channel, for the purpose of identifying the oil and gas reserves we can tap at some future date. If and when oil is found on any lease, production would be automatically suspended and held in abeyance in the Federal Energy Reserve until we have developed and proven an environmentally sound technology.

Mr. President, since the blowout of platform A on January 28, 1969, I have been trying to develop a legislative solution that Congress would find acceptable. I am convinced that the bill Senator TUNNEY and I are introducing today is reasonable, fair, and feasible, and I urge my colleagues to support my efforts to get it enacted.

I ask unanimous consent that the text of the bill and a section-by-section analysis be printed at this point in the RECORD.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 2339

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Santa Barbara Channel Federal Energy Reserve Act".

FINDINGS

SEC. 2. The Congress hereby finds and declares that—

(1) the Santa Barbara Channel is a unique area;

(2) hazards may exist in offshore oil and gas production posing a serious threat of pollution of coastal waters;

(3) such pollution has occurred in the Santa Barbara Channel of California;

(4) present drilling and production methods and unsightly drilling rigs constitute environmental and navigational hazards which threaten the Santa Barbara coastline and its submerged lands sanctuary, including the offshore islands;

(5) while continued exploration for potential oil and gas reserves is consistent with the development of a sound national energy policy, there exists a need for a production moratorium in the Santa Barbara Channel until a drilling or production technology has been established that can insure maximum environmental protection; and

(6) it is therefore in the national interest to postpone oil and gas production and to create a Federal energy reserve in the Santa Barbara Channel until such adequate technology is established and proven.

ESTABLISHMENT OF SANTA BARBARA CHANNEL FEDERAL ENERGY RESERVE

SEC. 3. The area of the Outer Continental Shelf, as defined in the Outer Continental Shelf Lands Act, in the Santa Barbara Channel off the coast of California is hereby established as the Santa Barbara Channel Federal Energy Reserve (hereinafter referred to as the "Reserve"). Such Reserve shall be subject to the provisions of this Act and to the Outer Continental Shelf Lands Act to the extent consistent with this Act.

SUSPENSION OF PRODUCTION IN RESERVE

SEC. 4. (a) Except on leases described and as provided in section 5, all production of oil and gas in the Reserve is suspended but nothing in this Act shall prevent the continued exploration for oil and gas in the Reserve.

(b) Such suspension shall be terminated by the Secretary of the Interior, after consultation with the Administrator of the Environmental Protection Agency and the Secretary of the Department in which the Coast Guard is operating, and finding by the secretary that—

(1) oil spill containment and recovery technology adequate for Santa Barbara Channel sea conditions and the rate of flow historically associated with major oil blowouts (of 1,000 barrels per day or more) has been developed, and made available;

(2) independent oil consultants of national reputation concur that the characteristics of the specific geological formation to be drilled and produced do not present unusual hazards and indicate sufficient stability for drilling and production without the danger of causing an oil blowout from the ocean floor;

(3) the technology of the offshore drilling provides the optimum in pollution prevention for the specific geological formation to be drilled;

(4) underwater completion and production techniques have been perfected and demonstrated at another location to be safe and effective;

(5) the location of the drilling site offers no navigational hazards;

(6) the reliability of a proposed drilling or production technology has been established and demonstrated to be safe and effective;

(7) environmental impact recommendations are filed by appropriate Federal agencies or advisory boards in compliance with the reporting requirements of the National Environmental Policy Act of 1969; and

(8) public hearings on these matters have been held in Santa Barbara, California.

(c) The Secretary is authorized to extend the primary term on each lease on which production is suspended pursuant to this section for—

(1) the period of the suspension pursuant to this section; and

(2) for an additional period equal to the time remaining on the primary term of such lease on the date of enactment of this Act. During the period of suspension the Secretary shall waive all of the rentals and drilling deferment payments with respect to such lease.

(d) Notwithstanding the preceding provisions of this section, the President may terminate the suspension provided for in this section, for such period as he may prescribe, upon determining that a national emergency in oil and gas supplies necessitates such termination for such period.

PROVISIONS WITH RESPECT TO CERTAIN LEASES

SEC. 5. (a) The Secretary is authorized under such terms and conditions as he may prescribe to unitize all or any part of the following described leases in the Reserve, if he finds such action is necessary or desirable to prevent or minimize oil spillage, leaks, or other pollution:

P-0241 P-0240 P-0166

(b) The Secretary shall not permit the erection of any further platforms within the leases described in this section unless necessary to prevent oil leakage, not otherwise contained, and where no other methods are feasible. No such platform shall be authorized unless pursuant to a recommendation made by the Secretary in accordance with the provisions of section 4 relating to findings under that section and such provisions shall also apply to recommendations under this section.

(c) The Secretary shall provide for and require the orderly removal of all platforms within the leases described in this section when he finds that they can be replaced by underwater drilling or production units which comply with the provisions of clause (4) of section 4(b) of this Act.

(d) At such time as the Secretary determines that no further drilling or production is required in leases P-0240 and P-0241 to prevent or minimize oil spillage, leaks, or other pollution, he shall report such fact to Congress.

(e) The Secretary shall suspend production on the lease designated as PRC-3150 pursuant to section 3 of this Act at such time as the State of California terminates the lease designated as PRC-3150, granted by such State with respect to adjoining lands in the Carpinteria Oil Field.

TAX CREDIT FOR CERTAIN SUSPENSION COSTS

SEC. 6. The holder fo any lease on which production is suspending pursuant to this Act shall be allowed a credit toward any tax imposed on such holder pursuant to subtitle A of the Internal Revenue Code of 1954 for any taxable year in an amount equal to the interest, at a current fair market rate on such holders investment in such lease, for the period of such suspension during such year.

SANTA BARBARA CHANNEL FEDERAL ENERGY RESERVE

SECTION-BY-SECTION ANALYSIS

Sec. 2. Findings and Declarations.

The Congress finds and declares that the Santa Barbara Channel is a unique area; that hazards exist in offshore oil and gas production posing a serious threat of pollution of the coastal waters; that such pollution has occurred in the Santa Barbara Channel; that present drilling and production methods and unsightly drilling rigs constitute environmental and navigational hazards which threaten the Santa Barbara coastline and its submerged lands sanctuary, including the offshore islands; that while continued exploration for potential oil and gas reserves is consistent with the development of a sound national energy policy, there exists a need for a production moratorium until a drilling or production technology has been established that can insure maximum environmental protection; and that it is in the national interest to postpone oil and gas production and to create a Federal energy reserve until such adequate technology is established and proven.

Sec. 3. Establishment of the Santa Barbara Channel Federal Energy Reserve

The area of the Outer Continental Shelf, as defined in the Outer Continental Shelf

Lands Act, in the Santa Barbara Channel is established as the Santa Barbara Channel Federal Energy Reserve.

Sec. 4. Suspension of Production in the Reserve

(a) All production of oil and gas in the Reserve is suspended, but nothing shall prevent the continued exploration for oil and gas in the Reserve.

(b) Such suspension shall be terminated, after consultation with the Administrator of EPA and the Coast Guard, upon a finding by the Secretary of Interior that—

(1) Oil spill containment and recovery technology adequate for Santa Barbara Channel sea conditions and the rate of flow historically associated with major oil blowouts (of 1,000 barrels per day or more) has been developed, proven, and made available.

(2) Independent oil consultants of national reputation concur that the characteristics of the specific geological formation to be drilled and produced do not present unusual hazards and indicate sufficient stability for drilling and production without the danger of causing an oil blowout from the ocean floor.

(3) The technology of the offshore drilling provides the optimum in pollution prevention for the specific geologic formation to be drilled.

(4) Underwater completion and production techniques have been perfected and demonstrated at another location to be safe and effective.

(5) The location of the drilling site offers no navigational hazards.

(6) The reliability of a proposed drilling or production technology has been established and demonstrated to be safe and effective.

(7) Environmental impact recommendations are filed by appropriate Federal agencies or advisory boards in compliance with the reporting requirements of the National Environmental Policy Act of 1969, and

(8) Public hearings on these matters have been held in Santa Barbara, California.

(c) The primary term on each lease can be extended for—

(1) The period of the suspension, and

(2) For an additional period equal to the time remaining on the primary term on the date of enactment of this Act.

During the period of suspension the Secretary shall waive all of the rentals and drilling deferment payments with respect to such lease.

(d) The President may terminate the suspension upon determining that a national emergency in oil and gas supplies exists.

Sec. 5. Provisions with Respect to Certain Leases

(a) The Secretary is authorized to unitize all or any part of the leases numbered P-9241, P-0240, and P-0166 if he finds such action necessary or desirable to prevent or minimize oil spillage, leaks or other pollution.

(b) The erection of additional platforms on these three leases is prohibited unless it is necessary to prevent oil leakage not otherwise contained and where other methods for containment are not feasible. No platform can be authorized unless the Secretary finds it meets the conditions specified in section 4.

(c) All existing platforms on these three leases shall be removed when the Secretary finds that they can be replaced with underwater drilling or production units which comply with clause (4) of section 4 (b) of this Act.

(d) If the Secretary determines that no further drilling or production is required in leases P-0240 and P-0241 he shall report such fact to Congress.

(e) The Secretary shall suspend production on the lease designated as P-0166 at such time as the State of California terminates the lease designated as PRC-3150 with respect to adjoining lands in the Carpinteria Oil Field.

Sec. 6. Tax Credit for Certain Suspension Costs

The holder of any lease on which production is suspended by this Act is allowed to claim a tax credit for any taxable year in an amount equal to the interest, at a current fair market rate on such holder's investment in such lease, for the period of the suspension in that year.

By Mr. TOWER (for himself and Mr. HRUSKA):

S. 2340. A bill to prohibit unauthorized disclosure of grand jury information. Referred to the Committee on the Judiciary.

Mr. TOWER. Mr. President, I am today introducing legislation to prevent unauthorized disclosure of materials before a grand jury by making it a felony to violate the rule of secrecy before such panels. I am extremely pleased that Senator HRUSKA, the distinguished ranking minority member of the Senate Judiciary Committee, has joined in sponsoring this bill with me.

Recent disclosures of grand jury proceedings have shocked me and other Americans who have great confidence and respect for the grand jury as a significant institution imbedded in the finest traditions of English common law and American jurisprudence. Improper disclosures, such as the verbatim publishing of grand jury testimony in one of our leading newspapers and in a syndicated newspaper column with a vast circulation of its own, are extremely detrimental to the attainment of swift, certain, and impartial justice, and cannot, therefore, be justified under any circumstances.

Under existing law, improper disclosuers of grand jury proceedings may only be punishable as contempt of court. The bill I am introducing today would not affect the power of the court to punish for contempt, but would in addition provide that such unauthorized leaks of grand jury matters could be prosecuted as a felony. Under the bill's penalty provisions such an unauthorized leak could lead to no more than 2 years imprisonment or a $5,000 fine or both.

I am sure that the contempt procedure when utilized can be effective in restricting such unauthorized disclosures. However, in the interest of justice and fair play I believe that an additional criminal remedy which the prosecutor can utilize is needed to promote and safeguard the true aims of the grand jury.

Mr. President, the independence of the grand jury and the secrecy of its proceedings has served as a basic foundation of our legal system since the Earl of Shaftesbury Trial case in 1681. This case signaled the end of the use of the grand jury as an instrument of the English crown. Since that time the secrecy of the proceedings has allowed the grand jury to operate as an independent body subservient to no other governmental institution.

The rationale for grand jury secrecy has been stated in a variety of ways. Basically the five major reasons are, first, to prevent escape of those whose indictment may be contemplated; second, to insure utmost freedom to a grand jury in its deliberations, and to prevent importuning of grand jurors; third, to prevent subordination of perjury or tampering with witnesses; fourth, to encourage free, untrammeled, and candid disclosures by persons who have information with respect to alleged criminal activities; and fifth, to protect the rights of the accused.

In recent years there has been a trend in favor of limited disclosure of material relating to grand jury proceedings. Such limited disclosure, however, is only available to a defendant upon a showing that the information is essential to his defense at trial. These disclosures must be authorized by the court and, therefore, have no bearing or relationship to the situation with which I am concerned. Furthermore, this legislation protects the right of limited disclosure contained in rule 6(e) of the Federal Rules of Criminal Procedure by specifically listing those instances where disclosure is authorized. For instance, disclosure is authorized upon a showing by the defendant that grounds may exist for a dismissal, because of matters occuring before a grand jury.

The types of unauthorized disclosures that the country has witnessed in recent months is not only injurious to the rights of the accused, but also to those questioned by a grand jury but never indicted. It also restricts the ability of the grand jury and the various law enforcement agencies to function in accordance with their prescribed legal duties. Due process of law becomes impossible to insure if there exists the possibility that a witness' secret testimony today will be front-page news tomorrow.

There are those in our society who would rather indict and convict not in a court of law, but rather through a systematic policy of guilt by innuendos cloaked behind an aura of sensationalism. In this regard they are acting as irresponsibly as those who eventually may be found guilty of the wrongdoing which they now condemn. As soon as one criticizes such jingoistic policies, however, these individuals raise the specter that their first amendment rights are being trampled upon. It should be recalled that the Founding Fathers wrote the first amendment to protect the basic rights of all Americans and not as a shield to use by those who have violated some of our basic principles of due process and fair play.

I am hopeful that the Subcommittee on Criminal Laws and Procedures of the Senate Judiciary Committee would give this matter their careful consideration as they continue reviewing legislative proposals to revise the Federal Criminal Code. The bill does not affect any existing substantive or procedural statute. It is solely intended to stop the unauthorized leaks of grand jury deliberations that has had the effect at times of making the whole proceeding look as if it were a farce.

The enactment of the criminal measure which the bill proposes will permit investigation by Federal law enforcement officers to determine the source of the unauthorized disclosures. It will serve to emphasize the seriousness of the effect of such disclosures on grand jury proceedings and, therefore, hopefully act as a deterrent against future unauthorized actions of this nature.

I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2340

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 73 of title 18, United States Code, is amended—

(a) by adding at the end thereof the following new section:

"§ 1512. VIOLATIONS OF GRAND JURY SECRECY

"(a) Whoever discloses any matter occurring before any grand jury impaneled before a court of the United States shall be fined not more than $5,000 or imprisoned not more than two years or both.

"(b) Subsection (a) shall not apply to—

"(1) disclosure by any person of any matter to an attorney for the Government for use in the performance of his duties:

"(2) disclosure of any matter by a juror, attorney, interpreter, stenographer, operator of a recording device, or any typist who transcribes recorded testimony when so directed by the court preliminarily to or in connection with a judicial proceeding or when permitted by the court at the request of the defendant upon a showing that grounds may exist for a motion to dismiss the indictment because of matters occurring before the grand jury; or

"(3) disclosure by a witness before such grand jury or by his attorney of any matter concerning which the witness has testified, or produced other information, before the grand jury.

"(c) Nothing contained in this section shall be construed to affect the power of the court to punish any person for contempt."; and

(b) by adding at the end of the table of sections at the beginning of the chapter the following new item:

"1512. Violation of grand jury secrecy."

Mr. HRUSKA. Mr. President, I am pleased to join my friend and distinguished colleague from Texas (Mr. TOWER) as a cosponsor of the bill which he has just introduced to proscribe violations of grand jury secrecy, and to provide penalties.

I am in complete accord with his expression of abhorrence for any unauthorized leak of grand jury matters and with his expressed need for an explicit criminal sanction in this area.

As my colleague has noted, this type of activity is punishable under current law as contempt of court. Perhaps this procedure which limits punishment to 6 months incarceration is adequate to meet day-to-day problems in this area. However, in those situations where there are aggravating circumstances, I believe that the Department of Justice should have prosecutorial discretion to proceed on the basis of criminal contempt as is authorized by the subject bill.

Substantial efforts to subvert the grand jury process, in my mind, amount to an obstruction of justice which is punishable as a felony under current law—chapter 73 title 18, United States Code. Therefore, it seems entirely appropriate to me as a matter of parallelism to authorize prosecution for such an offense. By this process a defendant would be guaranteed his constitutional rights to a trial by jury.

I applaud the initiative of Senator TOWER in this respect and express my hope that the Committee on the Judiciary will give this matter its prompt attention.

By Mr. McINTYRE:

S. 2341. A bill to amend the Economic Stabilization Act of 1970 by providing for a moratorium on further control of the marketing of petroleum products by petroleum producers and refiners. Referred to the Committee on Banking, Housing and Urban Affairs.

PETROLEUM MARKETING MORATORIUM ACT OF 1973

Mr. McINTYRE. Mr. President, the legislation I am introducing today would amend the Economic Stabilization Act of 1970 by providing a moratorium on further control of the marketing of petroleum products by large integrated petroleum producers or refiners.

The Petroleum Marketing Moratorium Act of 1973 would make it unlawful for any person directly or indirectly engaged in the production, refining, or transportation of petroleum products whose annual gross sales total over $1 billion to acquire, either directly or indirectly, any retail gasoline outlet for the marketing of petroleum products which were not acquired by such person as of May 10, 1973.

Violations of the act will be punished by fines not to exceed $100,000 or by imprisonment not to exceed 10 years.

In addition to this enforcement provision, the Attorney General is authorized to commence appropriate civil action to enjoin any violation of this act.

The act also directs the Federal Trade Commission within one year of passage to prepare a plan for divestiture of the retail marketing of gasoline from all other branches of the petroleum industry, namely, production, refining, and transportation.

There is a great need for this legislation. During the past few years we have witnessed a significant number of vertical mergers and marketing realinements within the oil industry. This activity results in a lessening of competition that is injurious to both the consumer and the small business wholesaler and retailer in the marketing segment of the oil industry. By allowing such regional concentration, price competition is thereby reduced and the consumer has fewer sources of supply accompanied by higher prices. Such concentration also provides the dominant companies with the economic leverage in the region to exert various pressures on smaller marketers. These pressures are evidenced in various ways, such as, price rigidity, forced marketing practices which include various give-away programs and the requirement that dealers must carry certain product lines, and other anticompetitive activities. To the small businessman engaged in the marketing of petroleum products, this type of economic power erodes his ability to make independent determinations as to how he will run his own business. Too often, the so-called independent small business jobber and dealer, both branded and unbranded, are subjected to coercive restrictions and requirements which deny him the ability to make his own determinations on how he wishes to conduct his business.

In various regions of the country, we find that one company dominates a given marketing territory and thereby achieves a position of superiority and potential monopolization.

Mr. President, at this point, I request unanimous consent that Appendix I outlining extensive marketing realinement of several major oil companies to which I refer be printed in the RECORD.

There being no objection, the appendix was ordered to be printed in the RECORD, as follows:

APPENDIX I

Marketing changes

Gulf Oil: On October 1972, announced a $250 million writeoff of "marginal and unprofitable" operations. Included in the announcement was its plan to sell or close 3,500 service stations in the upper Mid-west and Northwest.

Phillips Petroleum Co.: In June 1972 announced plans to withdraw its service station and home heating oil operations in the Northeast; 1,400 service stations are involved.

Arco: Announced plans to withdraw from retail marketing operations in the South, Southwest, Rocky Mountain and Plains states.

Sohio/BP: Sold some 1,150 service stations to American Petrofina, which included all of its marketing operations in Florida and Georgia as well as selected marketing operations in North and South Carolina and parts of Louisiana, Alabama, and Oklahoma.

Sun Oil Co.: In February 1973 announced that it was withdrawing from marketing operations in eight Midwestern States. Over 300 service stations were involved. The States are Illinois, Nebraska, Kansas, the Dakotas, Wisconsin, Minnesota, and Tennessee.

Mobil Oil Co.: Intends to close 575 service stations in 1973.

Exxon: Pulled out of Indiana, Illinois, Wisconsin, and Michigan.

Standard (Ind.): Pulled out of Western states with the exception of Washington and Oregon.

Mr. McINTYRE. Mr. President, several recent studies and reports on the petroleum industry indicate that the marketing segment at this point in time represents the most competitive component of the petroleum industry, but I am convinced that if action is not taken immediately to prevent the dominant companies from further encroachment into marketing that Congress will have missed an opportunity to assure both the consumer and the small business marketer the benefits of competition.

The Federal Trade Commission acknowledged this when it said in its preliminary staff report on its investigation of the petroleum industry:

> Gasoline marketing is the most competitive area of the petroleum industry and has the largest numbers of independent companies.

But the report went on to say that:

> Because the major oil companies control the lion's share of domestic crude oil and refinery capacity under conditions of excess demand, they have been able to direct the flow of gasoline to their own service stations first, thus denying to the independent mar-

keter access to a substantial portion of the gasoline supply . . .

The data clearly indicate that the eight largest firms have dealt nominally with independent marketers. Several have testified in investigative hearings that they will not sell to the independents, regardless of price.

It is precisely because of the fact that marketing is the most competitive sector of the oil industry that we should strive to keep it so. This is exactly the issue to which the moratoruim bill addresses itself. By preventing the further penetration of the oil industry into the marketing segment, we will at least give Congress the opportunity to act on the fuel crisis without being backed to the wall.

The moratorium will reduce the present trend toward further concentration in the retail sector of the industry caused by price wars, acquisitions, secondary brands, and other marketing strategies resulting from the oligopolistic position of the dominant companies. We have witnessed in recent days with the announcement of second quarter profit earnings the meaning of competition and its relationship to profits. Exxon, for instance, the world's largest oil company, reported a 54 percent profit rise compared to the same quarter last year. Gulf Oil reported an astonishing 82 percent second quarter increase. Shell jumped 64 percent and the list goes on.

Mr. President, at this point in the RECORD I ask unanimous consent that appendix II be printed showing second quarter profits, as recently released by several oil companies.

There being no objection, the appendix was ordered to be printed in the RECORD, as follows:

APPENDIX II.—SECOND QUARTER PROFITS FOR 1973

Company	Net profit (millions)	Percent change from 1972
1. Exxon	$510	+54
2. Gulf Oil	195	+82
3. Shell	89.5	+64
4. Indiana Standard	121.3	+37
5. California Standard	181.7	+70
6. Atlantic Richfield	68.4	+50
7. Continental Oil	51.7	+24

Mr. McINTYRE. It is interesting to observe that this profit increase occurred during Phase III which did have mandatory price controls on the largest 23 oil companies. Clearly, this dramatic profit increase, even with economic controls, demonstrates that the economic power of the majors can supersede such minimal Government restrictions. The Consumer Price Index has already risen 8 percent since the start of this year. While at the same time, in the gasoline market, prices have risen on the average of 18.8 percent since January.

I request unanimous consent that at this point in the RECORD several tables showing gross sales by the 20 largest companies along with comparisons of market shares in the various segments of the industry be printed in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

APPENDIX III

Company	*Sales ($000)*[1]
Exxon	20,309,753
Mobil Oil	9,166,332
Texaco	8,692,991
Gulf Oil	6,243,000
Standard Oil of California	5,829,487
Standard Oil of Indiana	4,503,372
Shell Oil	4,075,898
Continental Oil	3,414,984
Atlantic Richfield	3,320,793
Tenneco	3,275,411
Phillips Petroleum	2,512,742
Occidental Petroleum	2,487,247
Union Oil of California	2,098,175
Sun Oil	1,917,977
Cities Service	1,862,100
Ashland Oil	1,780,003
Standard Oil of Ohio	1,446,636
Getty Oil	1,405,298
Amerada Hess	1,333,532
Marathon Oil	1,277,613

[1] For year ending December 1972.

Source: Fortune 500 Largest Industrials, May 1973.

COMPANY SHARE OF DOMESTIC CRUDE OIL AND GASOLINE REFINING CAPACITY, 1970

Rank in crude oil capacity	Company	Percent	
		Share of crude oil capacity	Share of gasoline capacity
1	Standard (N.J.)	8.59	9.22
2	Standard (Ind.)	8.22	7.94
3	Texaco	8.13	9.19
4	Shell	7.99	7.69
5	Standard (Calif.)	7.66	6.72
6	Mobil	6.28	6.30
7	Gulf	5.78	6.47
8	Aero	5.42	6.25
9	Sun	3.60	4.54
10	Union	3.51	3.24
11	Standard (Ohio)	3.47	3.09
12	Phillips	3.14	4.24
13	Ashland	2.51	2.11
14	Continental	2.36	2.03
15	Cities Service	2.22	2.26
16	Getty	1.64	1.76
17	Marathon	1.12	1.92
18	Coastal States	1.06	.73
19	Amerada Hess	.98	.79
20	Champlin	.97	.63
	Top 4	32.93	34.04
	Top 8	58.07	58.78
	Top 20	86.15	[1] 87.38

[1] The top 20 firms in gasoline capacity included Clark Oil (1.21 percent), Tenneco (1.35 percent), and American Petrofina (0.85 percent), in lieu of 18–20 above.

Note: Data obtained from "Mineral Industry Surveys," Bureau of Mines, "Crude Oil Capacity," Jan. 1, 1971.

COMPANY GASOLINE MARKET SHARES, 1970

Rank	Company	Market share[1] (percent)
1	Texaco	8.13
2	Shell	7.87
3	Standard (New Jersey)	7.42
4	Standard (indiana)	7.30
5	Gulf	7.12
6	Mobil	6.60
7	ARCO	5.55
8	Standard (California)	5.02
9	Sun	4.15
10	Phillips	3.97
11	Union	3.29
12	Continental	2.35
13	Cities Service	1.96
14	Marathon	1.73
15	Standard (Ohio)	1.46
16	BP	1.41
17	Ashland	1.27
18	Tenneco	0.93
19	Kerr-McGee	0.77
20	Murphy	0.75
	Top 4	30.72
	Top 8	55.01
	Top 20	79.05

[1] Based on gallonage sales.

Note: Market shares obtained from National Petroleum News, "Factbook Issue," mid-May 1971, p. 127.

PURCHASES OF INDEPENDENT MARKETERS

	Gasoline purchases from 8 largest majors as a percent of total purchases	Gasoline purchases from other majors as a percent of total purchases
1967	1.5	51.0
1968	.5	48.2
1969	.7	43.6
1970	1.0	44.9
1971	1.6	42.7

A COMPARISON OF COMPANY RANKING IN CRUDE PRODUCTION, CRUDE REFINING CAPACITY, AND GASOLINE SALES[1]

Company	Rank in crude production	Rank in crude oil refining capacity	Rank in gasoline sales
Standard (New Jersey)	1	1	3
Texaco	2	3	1
Gulf	3	7	5
Shell	4	4	2
Standard (California)	5	5	8
ARCO	6	8	7
Standard (Indiana)	7	2	4
Mobil	8	6	6
Getty	9	16	(2)
Union	10	10	11
Sun	11	9	9
Continental	12	14	12
Marathon	13	17	14
Phillips	14	12	10
Cities Service	15	15	13
Amerada Hess	16	19	(2)
Tenneco	17	(2)	18
Skelly	18	(2)	(2)
Superior	19	(2)	(2)
Louisiana Land and Exploration	20	(2)	(2)
Standard (Ohio)	(2)	11	15
Ashland	(2)	13	17
BP	(2)	(2)	16
Kerr-McGee	(2)	(2)	19
Murphy	(2)	(2)	20

[1] Based on the rankings of tables 4 and 7. Rank in production is for 1969. Rank for capacity and gasoline sales is for 1970.

[2] Not ranked within the top 20 firms.

APPENDIX

OIL COMPANY EARNINGS BEAT SHORTAGE, FREEZE

[Note: There was product shortage and a price freeze during the 2d quarter. Yet, in the face of such adversity those amazing major oil companies managed to record astronomical profits. Gulf reported profits up 82 percent over the same period last year. Murphy was up 743 percent. A portion of the gains are due to poor showings in 1972, the companies said. Getty reported the only 2d quarter loss, an 18 percent drop. Except for Getty, oil company stocks have been soaring in recent days as the earnings reports are made public. Here are the ones available so far:]

	Net income 2d quarter (millions)	Percent gain	Net income 1st half (millions)	Percent gain
American Petrofina	$6.298	62.7	$11.033	78.5
Ashland	22.300	39.0	60.800	[1] 31.0
Atlantic Richfield	68.4	50		
Citgo	30.500	27.0	64.900	21.0
Clark	8.413	872.0	13.259	748.0
Continental	51.7	24		
Exxon	510.000	54.0	1.020	48.0
Getty	23.272	−18.0	56.364	9.0
Gulf	195.000	82.0	360.000	46.3
Marathon	27.557	65.6	51.722	57.7
Mobil	184.000	40.0	340.000	25.1
Murphy	9.191	743.0	15.643	193.0
Phillips	46.372	25.0	89.820	23.5
Shell	89.5	64		
Sohio	25.700	60.0	48.500	51.0
Standard of California	181.7	70	334.500	33.0
Standard of Indiana	121.3	37	242.500	29.0
Sun	49.000	42.4	98.000	42.2
Texaco	267.5	44.5		

[1] 3d fiscal quarter.

Sources: The Washington Post, U.S. Oil Week, July 30, 1973, the Oil Daily, July 30, 1973, the Wall Street Journal.

Mr. McINTYRE. Obviously, these companies have substantial economic power to influence the marketplace and do control to a great degree the fate of the marketing segment. It is incumbent upon Congress to act where we can have the greatest influence. By acting against these 20 majors who have, as the Federal Trade Commission has alleged, an oligopolistic grasp in the market we can achieve a more competitive market.

On the other hand, we must be careful when we try to restructure the market, even to the limited extent envisioned in this legislation, so that the disruption to the marketplace does not cause hardship on the consumer or the economy. Therefore, the legislation only seeks to divest the top 20 oil companies of their marketing operations which were acquired after May 10, 1973. This date also marks the start of the voluntary fuel allocation program.

Mr. President, the purpose of this legislation is clear and that is to increase competition. The moratorium only affects 20 companies, each of which had total sales last year of over $1 billion. Only by so limiting further vertical integration into the marketing segment of the industry can we assure a meaningful level of competition. What we are saying in this legislation is that there is plenty of room for everybody to compete but that certain reasonable limitations should be imposed in order to maintain a large viable marketing operation. The marketing segment of the petroleum industry has traditionally been comprised almost solely of small business. Hundreds of thousands of small companies engage in the transport, wholesale, and retail functions at the marketing level. We must assure that this situation continues.

This legislation may be characterized by some as "special interest" but, if it is, it is special-interest legislation for the consumer, for the small business marketer, and for the economic vitality of the marketing segment itself.

During the last few months, we have experienced in varying degrees short supplies of heating oil, diesel fuel, and gasoline, and there is a general consensus that this problem of shortages will become even more critical during the next few years. We must assure that shortages are not allowed to become a vehicle for the removal of competition in the marketing of petroleum products.

In closing, let me emphasize that this moratorium bill will only provide temporary relief until a more comprehensive solution can be formulated such as is contemplated in the Petroleum Marketing Divorcement Act of 1973 which I introduced on June 27 of this year.

Mr. President, I request unanimous consent that the Petroleum Marketing Moratorium Act of 1973 be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2341

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is hereby declared to be the policy of Congress to assist in stabilizing the economy, reducing inflation, and protecting the purchase power of the dollar by making more competitive the marketing of petroleum products.

Sec. 221. As used in this Act—

(a) The term "person" includes one or more individuals, partnerships, associations, corporations, legal representatives, joint-stock companies, trustees and receivers in bankruptcy and reorganization common-law trusts, or any organized group, whether or not incorporated.

(b) The term "production" means the development of oil lands within the United States and the production of crude petroleum and natural gas thereon, the storage of crude petroleum and natural gas thereon.

(c) The term "transportation" means the transportation of petroleum products by means of pipelines, railroads, or tankers.

(d) The term "refining" means the refining, processing, or converting of crude petroleum, fuel oil, or natural gas into finished or semifinished products. It shall include the initial sale with transfer of ownership of refined petroleum products to customers at the refinery.

(e) The term "marketing" means the sale and distribution of refined petroleum products, other than the initial sale with transfer of ownership to customers at the refinery.

(f) The term "control" means actual or legal power or influence over another person, whether direct or indirect, arising through direct or indirect ownership of capital stock interlocking directorates or officers, contractual relations, agency agreements, or leasing arrangements where the result is used to affect or influence persons engaged in the marketing of petroleum products.

(g) The term "outlet" means real property used primarily as a place for the wholesale and retail sales of petroleum products.

(h) The term "operate" means engaging in the business of selling at wholesale and retail petroleum products, or motor vehicle parts, equipment, accessories, or supplies either directly, or indirectly through any agent who receives any commission, compensation, or payment because of the sale of any product of such producer or refiner.

Sec. 222. It shall be unlawful for any person directly or indirectly engaged in the production, refining or transportation of petroleum products, whose aggregate gross sales exceeded $1,000,000,000 during last year or any preceding year to acquire, operate, or control either directly or indirectly any wholesale or retail outlet for the marketing of petroleum products which were not acquired, operated, or controlled by such person as of May 10, 1973.

Sec. 223. Any person knowingly violating the provisions of this Act shall upon conviction be punished by a fine of not to exceed $100,000 or by imprisonment not exceeding ten years, or both, in the discretion of the court. A violation by a corporation shall be deemed to be also a violation by the individual directors, officers, receivers, trustees, or agents of such corporation who shall have authorized, ordered, or done any of the acts constituting the violation in whole or in part.

Sec. 224. It shall be the duty of the Attorney General to commence a civil action for appropriate relief, including a permanent or temporary injunction, whenever any person violates section 222. Any action under this subsection may be brought in the district court of the United States for the district in which the defendant is located or resides or is doing business, and such court shall have jurisdiction to restrain such violation and to require compliance.

Sec. 225. Any person or association injured as a result of the violation of section 222 may bring a suit or action to enforce compliance with or enjoin any violation of section 222 and for any damages suffered as a result of the violation thereof. Any such action shall be brought in the U.S. district court in any district wherein the defendant is found or is an inhabitant or transacts business. Process in any such cases may be served in any other district.

Sec. 226. The Federal Trade Commission is hereby directed to prepare a plan for the divestiture of "persons" engaged in the production or refining of petroleum products from the marketing of petroleum products and file such plan with the Congress of the United States within a year of the effective date hereof.

Sec. 227. This Act does not affect the rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

Sec. 228. If a part of this Act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this Act is invalid in one or more applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Sec. 229. This Act shall be known as the "Petroleum Marketing Moratorium Act of 1973".

By Mr. MONTOYA:

S. 2342. A bill to amend title II of the Social Security Act to increase to $3,000 the annual amount which individuals may earn without suffering deductions from benefits on account of excess earnings. Referred to the Committee on Finance.

Mr. MONTOYA. Mr. President, today I am introducing an amendment to title II of the Social Security Act to increase to $3,000 the annual amount which individuals may earn without suffering deductions from benefits.

The plight of the aged in this country is a subject which is often bemoaned but which is seldom the focus of any decisive action. We have shown little compassion for the poverty-stricken elderly, and we have ignored their needs or pushed them aside too often in the past.

Twenty million Americans are over the age of 65. Twenty-five percent—almost 5 million—of that number live below the poverty level. They live on small pensions, on social security, on savings. Most of them live alone, or with other elderly persons.

Two things are important to note about the aged in 1973. The first is that spiraling inflation has hurt them more than it has other groups in the Nation. The second is that while many of them want to work and have valuable experience to offer, social security regulations keep them from helping themselves, as they struggle to keep afloat.

A low fixed income is no match for the rising costs of food, health care, and housing. Medical care costs have risen astronomically in the last few years and medicare and medicaid have not provided the cushion which would allow senior citizens to have the preventive medical help or the complete health coverage they should have. Property taxes have increased by more than one-third, and housing costs have gone up from 8 to 10 percent. The cost of food has spiraled in the last few months, with inflation rates up to 30 percent on some basic foods.

Even with recent social security increased benefits, the average elderly couple does not have an income that meets the $5,200 level the Bureau of Labor Statistics lists as adequate to maintain health and enable a couple to be self-sufficient. Thus a large percentage of our senior citizens are forced to live in desperate financial insecurity and face continuing inflationary pressures.

Many of these elderly citizens are capable and wish to work to add to their incomes. The bill I am introducing today will increase the amount that an individual may earn without suffering a reduction in his social security benefits. That level was set as $2,400 to become effective in January of 1974. I am urging that we raise that level to $3,000. This will close the inflation gap and will allow the working elderly to provide the badly needed supplement to their income without sacrifice.

If we maintain the allowable earned income at an unreasonably low level, we make it disadvantageous for the elderly to work, and ask them to sacrifice not only needed income but the value of their working time.

Our senior citizens are a valuable resource for the labor market and they wish to remain useful and productive citizens. It is foolish to waste their talents and it is cruel to ask them to live lives of dependence in poverty when they want and need the dignity and self-respect which comes with helping oneself.

I urge my colleagues to support this amendment to restore a measure of fairness to our social security regulations.

By Mr. BEALL:

S. 2347. A bill to amend the Internal Revenue Code of 1954 to encourage the preservation and rehabilitation of historic buildings and structures and the rehabilitation of other property, and for other purposes. Referred to the Committee on Finance.

HISTORICAL STRUCTURES TAX ACT 1973

Mr. BEALL. Mr. President, from time to time the Congress has sought to achieve desirable social, economic, or environmental objectives through the use of tax incentives. Many years ago, it was decided that individual homeownership was a desirable goal, and the Congress enacted provisions in the Federal income tax law that allow for the deduction of interest paid on a mortgage. This tax benefit is used by many millions of Americans, and it has significantly contributed to homeownership in this Nation. Tax benefits are also granted to people for charitable contributions to hospitals, educational activities, and so forth. If there were no such tax breaks, Congress would probably have to raise additional money and deliver the services that are presently provided by these charitable organizations. Thus, Congress stimulates the development of social services via the private sector of our economy rather than taking upon itself the responsibility for directly delivering the desired services. In another area, the tax benefits for child care are designed to encourage the development of day care centers, enrich the environment of the children involved, enable both parents to work, if need be, and expand employment through the increased demands for babysitters, domestic personel, and so forth. Thus, a whole host of benefits are derived from the imaginative use of our Federal tax structure.

Mr. President, I am sending to the desk a proposal that would harness the constructive aspects of our Federal tax system so as to preserve historically significant buildings, encourage the rehabilitation rather than the demolition of older buildings in our urban centers, and increase the development of additional open spaces for public use. The Historic Structures Tax Act of 1973 is a modified version of legislation that has received the strong support of the President and the Secretary of the Treasury. Secretary Shultz, in a letter to the President of the Senate dated February 19, 1973, stated that—

> The bill would . . . encourage greater rehabilitation, rather than demolition, of older buildings in our urban areas. The legislation is similarly designed to make restoration of historic structures more appealing to private investors. Finally, the bill modified certain restrictions on the deductibility of charitable gifts of partial interest in land to be used for conservation purposes.

Although I have modified the legislation originally transmitted to the Senate by Secretary Shultz, I believe that I have preserved three of the major substantive initiatives contained in the draft bill, and I am confident that the legislation I am sending to the desk today is completely compatible with the program of the President and will receive the administration's enthusiastic support.

Earlier this year, the Association of Historical Societies of Maryland held their annual meeting in Baltimore and discussed, among other things, legislation such as the measure I have introduced today. Mr. John H. Jefferies, president of the Association of Historical Societies of Maryland, advised me that legislation providing for a "Federal income tax credit for the authentic restoration expenses" of various historical buildings designated by the Secretary of the Interior, would be most beneficial. I share, with the members of the Association of Historical Societies of Maryland, the profound belief that knowledge of and respect for our history is vital to the maintenance of our sense of national unity. We must always remember that we are in fact a nation of immigrants. We live together within the confines of a common territorial region, share a common language, and enjoy the fruits of a dynamic and highly integrated national economic system.

But, I believe that it is our common historical experiences that make us Americans. The message of American history is the message of resiliency. In 197 years, our Nation has demonstrated the ability to withstand an 8 year long struggle for independence, create a representative republic in the midst of a world dominated by monarchical states, endure a foreign invasion, a civil war, the Great Depression, two world wars, the riggors of the cold war, and the burdens of world leadership.

As we aproach our Bicentennial celebration, we should pause to reflect upon the dramatic changes which have taken place since the Founding Fathers led 13 tiny British colonies through a successful war of colonial secession. In just under two centuries we have evolved from a small nation into one that spans the North American continent, from a small agricultural economy to an industrial giant unmatched in history, and from a weak nation protected by its geographical remoteness into the world's most powerful Nation charged with responsibility for the defense of freedom throughout the world.

I believe that the measure I am sending to the desk today coincides with our national objectives as expressed by the President as well as the Congress. We can strengthen our sense of national unity and purpose, preserve our history, reinvigorate our urban communities, and make additional open spaces available for the use of our people by constructively utilizing our Federal tax system. This bill is not punitive in nature, but seeks to encourage through the constructive use of our tax system the long-range and highly desirable social goals which we, as a Congress, have set for our Nation.

Mr. President, I ask unanimous consent that the text of a section-by-section analysis of this legislation along with excerpts taken from an environmental impact statement prepared by the Department of the Treasury be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE PROPOSED HISTORICAL STRUCTURES TAX ACT OF 1973—SECTION-BY-SECTION ANALYSIS

TITLE I—SHORT TITLE

Title I labels the Act as the Historical Structures Tax Act of 1973 and specifies that all amendments contained in the Act are amendments to the Internal Revenue Code.

TITLE II—PRESERVATION AND REHABILITATION OF HISTORIC STRUCTURES

Title II contains provisions intended to encourage preservation of historic buildings and structures certified by the Secretary of the Interior as registered or qualified for registration on the National Registry. In addition, the Bill limits depreciation to the straight-line method in the case of buildings constructed on sites which were formerly occupied by demolished historic structures.

Section 201

Section 201 adds a new section 189 to the Code, permitting a 5 year write-off of rehabilitation expenditures incurred with respect to historic structures which are used in the taxpayer's trade or business or held for the production of income provided that property acquired in connection with such expenditure is otherwise eligible for the depreciation allowance.

On the disposition of a certified historic structure, gain would be treated as ordinary income to the extent that the special write-off provided under this section exceeded the depreciation deduction which would have otherwise been allowable (without regard to this provision). This section would apply with respect to all expenditures made after February 15, 1973.

Section 202

Section 202 would add a new section to the Code providing that no deduction would be allowed for amounts expended in the demolition of a registered historic structure, or for the undepreciated cost of such a structure. Both items would have to be allocated to the basis of the land. The section would apply to all demolitions occurring after the date of enactment.

TITLE III—REHABILITATION OF OTHER PROPERTY

Section 301

Section 301 would add a new subsection (o) to the general depreciation rules of section 167. Under this new provision, if a taxpayer substantially rehabilitated depreciable property, he would be permitted to elect to compute depreciation with respect to his pre-existing basis in the building as though the entire structure was first placed in service by him. This will permit a taxpayer who purchases a used building and rehabilitates it to utilize so-called accelerated methods of depreciation, a privilege which is not now accorded taxpayers under the law.

In order to qualify for this special treatment, the amounts added to capital account during a 24 month period must be at least $5,000 in amount and must be greater than the undepreciated cost of the property, determined at the beginning of the 24 month period. The provision is effective with respect to such expenditures incurred after June 30, 1973.

TITLE IV—CHARITABLE TRANSFERS FOR CONSERVATION PURPOSES

Title IV provides several amendments to the charitable contribution provisions in section 170 of the Code, the effect of which is to permit a charitable contribution deduction for certain types of transfers which are not presently allowed under the law. Specifically, section 401(a) provides that a charitable deduction will not be denied on the transfer of a partial interest in property, where the interest is either an easement of 15 or more years duration granted exclusively for conservation purposes, or is a remainer interest in real property which is granted exclusively for conservation purposes. "Conservation purposes" mean the preservation of open land areas for public outdoor recreation or education, or scenic enjoyment; the preservation of historically important land areas or structures; or the protection of natural environmental systems.

These amendments would apply with respect to contributions made after February 15, 1973.

TAKEN FROM THE ENVIRONMENTAL IMPACT STATEMENT

(Prepared by the Department of the Treasury)

Rehabilitation.—These changes would seek to minimize the difference in tax treatment between demolition and rehabilitation of buildings. At the present time, the destruction of older structures and their replacement with new buildings or with parking lots and related low-density facilities are given tax benefits unavailable to the owner who wishes to substantially rehabilitate the original structure. The resulting loss of architectural variety, especially in the downtown areas of cities, and the continued deterioration of older buildings until a decision to demolish is made, have resulted in degradation of the urban environment. In order to counter this trend, the proposal would provide accelerated depreciation rates now available for new buildings to the undepreciated cost of old buildings which are substantially rehabilitated.

Historic Preservation.—Several changes are proposed to encourage the preservation of historically significant buildings. With the high rate of building demolition and replacement in the United States, it has been estimated that more than 25 percent of the buildings recorded by the Historic American Buildings Survey since 1933 have been destroyed. Present economic incentives do not favor the retention and restoration of these buildings, particularly those in private ownership. Maintenance costs are high and restoration expenses often exceed potential future returns for buildings held for commercial purposes.

The new proposals would seek to readjust these incentives so as to favor retention and restoration. They would allow a five-year writeoff of rehabilitation expenditures on depreciable property, would require capitalization of the costs of demolition and the undepreciated cost of the demolished building, and would limit depreciation on new structures placed on the site of a demolished or substantially altered Registered structure to the straight-line method.

Charitable Transfers.—The preservation of natural areas, scenic landscapes, unique ecosystems and other environmentally important lands is appreciably aided by the willingness of private landowners to dedicate their property to conservation purposes. Whether the gift is of the entire property or of rights over it that protect it from abuse, there are non-profit organizations which are empowered to receive such donations and to protect the areas from environmental degradation. Additionally, local and state governments are increasingly more involved in these activities. However, some provisions of the 1969 Tax Reform Act have had the unfortunate result of discouraging these important conservation undertakings. In dealing with a broad range of tax abuses in the area of charitable deductions, the reforms inadvertently swept in many transactions that would have these beneficial environmental impacts.

The changes now being proposed would rectify the treatment given for the charitable donation of land or rights in land for environmental purposes. Specifically, they would allow deductions for all donated conservation-related easements, even those granted for less than perpetuity. They would allow the deduction of remainder interests when donated for a wide range of conservation purposes.

ENVIRONMENTAL IMPACT OF THE PROPOSED CHANGES

The rehabilitation proposals are specifically aimed at preserving a variety in the size and architecture of urban structures by offering to the investor an attractive alternative to the demolition of older buildings. Center city commercial areas have been particularly affected by a tendency to convert land usage to large multi-story structures or to parking lots and other low density uses often related to motor vehicle accommodation. The resultant loss in the character and charm of our cities is a permanent concesison to economic realities. While the 1969 reforms provided special amortization for low and moderate income rental housing, these proposals would apply regardless of income level, although the tax incentives for low and moderate income units would continue to receive most favored treatment. Recent changes in other aspects of depreciation deductions allowable make it difficult to predict the pace of change as a result of these proposed provisions.

The proposed changes in the tax law are in no way intended to replace local and state governmental decisions related to the proper planning and regulation of land use. Nor will they have much effect absent a strong and creative effort by those levels of government to deal with the problems of urban blight. Nevertheless, over the long term the effect of moving toward more equal tax treatment of demolition and rehabilitation should result in greater variety and character in the urban environment. More older structures should be retained and renovated. Downtown areas should provide a broader range in architecture as the ages of buildings will be more varied. Smaller older structures should be saved and used where before they might have been converted to parking lots. Residential areas with a high number of rental units should show greater numbers of rehabilitated structures. Fewer structures should be abandoned and left to decay.

The historic preservation provisions are intended to provide to the taxpayers strong incentives to save those buildings and neighborhoods of such historical importance as to warrant a place on the National Register. It is estimated that as a result of these provisions increased expenditures will be made to restore and rehabilitate such structures, added efforts will be made to preserve them, and they will become desired structures that will be used and kept in good condition.

While these tax benefits may cause increased pressure for commercial use of such structures as offices and so forth, many of the buildings are now located in commercial areas, are unsuited for residential use, and are often objects of the demolition crews. Additionally, other proposals are being made outside the tax area that will provide benefits for owner-occupied historical buildings. Finally, provision of special tax treatment for Registered buildings will provide added interest in the possibility of registration and may result in a significant expansion in future years in the number of structures on the National Register.

The changes in the tax provisions governing the deduction of charitable donations of land and interests in land should increase the attractiveness of this alternative for many taxpayers. Along with related changes being considered in the valuation methods used by the Internal Revenue Service in some of these cases, these proposals should make the donation of land for conservation purposes one of the most advantageous of gifts. If past actions are indicators, it is expected that many of these donations will be of attractive large estates near urban areas, which would provide scenic and open space opportunities beyond the capabilities of most local governmental budgets. Additionally, the variety of possible uses for such lands—recreation, natural preserves, study areas, research areas, and scenic beauty to name a few—will allow for a varied balance of use and protection. Different conservation groups and public bodies will decide how best to use their own areas, hopefully providing a variety of outdoor experiences for the public.

IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES

While the proposals require no commitment of present resources by the Government, they will cause a small revenue loss.

By Mr. MOSS:

S. 2350. A bill to amend the National Aeronautics and Space Act of 1958 to provide for the coordinated application of technology to civilian needs in the area of Earth resources survey systems, to establish within the National Aeronautics and Space Administration an Office of Earth Resources Survey Systems, and for other purposes. Referred to the Committee on Aeronautical and Space Sciences.

EARTH RESOURCES SURVEY SYSTEMS ACT OF 1973

Mr. MOSS. Mr. President, all of us in the Senate have come to realize that new technology and the changes it brings are facts of life in our society. Up to this point, technology has often been portrayed as a villian in the deterioration of our natural environment. But those who have paused to study the situation see that properly applied technology can be the most effective safeguard of our Earth's resources.

The key issue confronting us today is learning how to harness and direct technology to meet our most pressing national needs. And I can think of few needs as urgent as the efficient management and conservation of the Earth's resources—land, water, minerals, crops, and other fragile bounties. The Earth

Resources Survey System Act which I am introducing today represents an attempt to capitalize fully and effectively on the technology of Earth resources satellites already demonstrated so dramatically by the National Aeronautics and Space Administration.

This bill would require NASA to establish an Office of Earth Resources Survey Systems with the primary responsibility for turning remote sensing technology into an operational reality. To do so, the Office would survey the needs of all involved agencies with statutory missions in Earth resources. With such consultation, the Office would design and develop systems and, most importantly, regularly operate the space-based segments.

Despite repeated urging by the Congress in recent years, the Administration has failed to evolve the institutional arrangements needed to bring the benefits of remote sensing technology to a stage of operational usefulness for Earth resources management. Yet, the technology has moved ahead, as witnessed by the results from NASA's ERTS-1 satellite, launched a year ago. And the need for coordinated and careful management of our Earth's resources has also intensified. The gap between promise and performance is widening. The time to move toward operational Earth resources satellite systems is now.

During hearings this year before the Committee on Aeronautical and Space Sciences, Dr. Fletcher, the Administrator of NASA, gave an impressive presentation on the prospects for NASA technology meeting future needs in education, communications, navigation, meteorology, disaster relief, health care and energy, as well as in Earth resources management.

The simple but critical issue facing us today is this: Must we only speculate on these benefits coming to pass through without direct and positive action? Or, can we bring them about by formally integrating the talents of NASA with the programs of other Federal agencies?

In Earth resources, the tremendous potential benefits make me believe that we must try to do the latter. Of all the areas in NASA's program, none has received more unanimous and enthusiastic support. In fact, the Congress has already acted this year to push forward more rapidly on Earth resources satellite technology. I have received pleas from State and local officials to capitalize rapidly on the tremendously valuable experience from the first ERTS satellite.

This bill may well not outline the optimum way to arrange our Federal institutions in order to channel NASA's technology to the needs of Earth resources management. Nor does the bill represent a model for matching technology to public needs in other areas. Nevertheless, we are compelled to move now to find the best way and this bill will serve as a starting point.

Mr. President, I hope to collect the opinions of all those concerned with this bill during the weeks ahead so that the best thinking may be brought to bear. I request unanimous consent that the bill be printed in the RECORD for the attention of my colleagues.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2350

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

TITLE I—SHORT TITLE; DECLARATION OF POLICY; AND FINDINGS

SEC. 101. This act may be cited as the "Earth Resources Survey Systems Act of 1973."

POLICY

SEC. 102. The Congress hereby declares that it is the policy of the United States that the products, services, tools and knowledge offered by advanced technology shall be directly and expeditiously applied to meet public needs for information on the quality and quantity of the resources of the Earth.

FINDINGS

SEC. 103. The Congress finds that—

(a) Investment in National Aeronautics and Space Administration programs has led to significant contributions in applying new technology to meet a broad spectrum of public needs, including such areas as housing, health care, education, transportation, pollution control and public safety. It is in the public interest to insure that in appropriate areas this proven potential is consolidated, preserved and extended in the most efficient manner.

(b) A critical factor in applying technology is the institutional arrangement used to coordinate National Aeronautics and Space Administration programs with those of other Federal agencies with statutory operating responsibilities.

(c) Earth resources management is one of the most pressing areas of public need. A key to effective management of these resources is more efficient and effective means to acquire and interpret information on the quality and quantity of such resources. New technological solutions have already been developed and demonstrated by the National Aeronautics and Space Administration in cooperation with other agencies of the United States. More effective utilization of new technology to meet these needs is both desirable and feasible.

TITLE II—AMENDMENT TO THE NATIONAL AERONAUTICS AND SPACE ACT OF 1958

SEC. 201. The National Aeronautics and Space Act of 1958 is amended by adding the following new Title IV:

"TITLE IV

"EARTH RESOURCES SURVEY SYSTEMS OFFICE

"SEC. 401. The Administrator shall establish, within the Administration, the Office of Earth Resources Survey Systems, hereinafter referred to as 'the office.'

"SEC. 402. The office shall, on behalf of the Administration, be responsible for—

"(a) Consultation with all interested agencies of the United States, and other appropriate entities, including state and local governments, to ascertain the needs for information on the quality and quantity of earth resources.

"(b) On its own, or at the request of other agencies of the United States, planning, research, design and development of earth resources satellite systems.

"(c) The planning, research, designed, development, and operation of the space segment of earth resources satellite systems of the United States.

"SEC. 403. As used in this Title—

"(a) 'earth resources satellite system' means a combination of one or more earth orbital satellites and associated ground equipment for satellite command, control, data reception, and data analysis and interpretation, designed to provide information as to the quality and quantity of earth resources. It does not include systems which have as their primary purposes acquisition of meterological information, or systems established primarily for purposes of national defense.

"(b) 'space segment' means that portion of an earth resources satellite system which includes the satellites and associated ground equipment for command and control of the satellites. It includes the transportation system for satellite launch, recovery, repair and refurbishment."

TITLE III—AUTHORIZATION

SEC. 301. There is hereby authorized to be appropriated to the National Aeronautics and Space Administration for use by the Office of Earth Resources Survey Systems for "Research and Development", $50,000,000.

By Mr. HATHAWAY:

S. 2351. A bill to prohibit sex discrimination by education institutions whose primary purpose is the training of individuals for the military services of the United States or the merchant marine; and

S. 2352. A bill to amend the Education Amendments of 1972 to make the prohibition against sex discrimination apply to educational institutions whose primary purpose is the training of individuals for the military services of the United States or the merchant marine. Referred, by unanimous consent, jointly to the Committees on Armed Services and Commerce.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the two bills, S. 2351 and S. 2352, introduced by Senator HATHAWAY today be referred jointly to the Committee on Armed Services and the Committee on Commerce.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. HUMPHREY (for himself, Mr. MCGEE, Mr. KENNEDY, Mr. BROOKE, and Mr. JAVITS):

S. 2354. A bill to provide for the participation of the United States in the African Development Fund. Referred to the Committee on Foreign Relations.

AFRICAN DEVELOPMENT BANK

Mr. HUMPHREY. Mr. President, I am introducing on behalf of myself, my colleague on the African Affairs Subcommittee, Senator MCGEE, and Senator KENNEDY, Senator BROOKE, and Senator JAVITS, a bill to authorize U.S. participation in the African Development Fund of the African Development Bank. This bill authorizes a grant of $15 million to be given over a 3-year period.

Administration inaction compels the introduction of this legislation. Since 1967 the U.S. Government has expressed enthusiastic support of this Fund and has been promising contributions to it "subject to the approval of Congress." In the Secretary of State's report on U.S. foreign policy, 1972, it was stated that—

> The administration will consult with the Congress on the question of U.S. participation in the Fund.

Yet, no such request has come from the administration. It is crucial that we meet our commitment to the African states as soon as possible. Congress must act to fulfill the promises which have been made "subject to its approval."

Mr. President, I ask unanimous consent that the bill to authorize U.S. participation in the African Development Fund be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2354

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. This Act may be cited as the "African Development Fund Act."

SEC. 2. The President is hereby authorized to accept participation for the United States in the African Development Fund (hereinafter referred to as the "Fund") provided for by the Agreement establishing the Fund (hereinafter referred to as the "Agreement") deposited in the Archives of the United Nations.

SEC. 3. (a) The President, by and with the advice and consent of the Senate, shall appoint a Governor, and an Alternate Governor, of the Fund and a Director and an Alternate Director of the Fund.

(b) No person shall be entitled to receive any salary or other compensation from the United States for services as a Governor or Alternate Governor. The Director and his Alternate who shall receive compensation from the United Staes may, in the discretion of the President, receive such compensation, allowances, and other benefits not exceeding those authorized for a Chief of Mission, class 2, within the meaning of the Foreign Service Act of 1946, as amended.

SEC. 4. (a) The policies and operations of the United States representatives of the Fund shall be coordinated with other United States policies in such a manner as the President shall direct.

(b) An annual report with respect to United States participation in the Fund shall be submitted to the Congress by such agency or officer as the President shall designate.

SEC. 5. Unless Congress by law authorizes such action, neither the President nor any person or agency shall, on behalf of the United States—

(a) agree to an increase in the subscription of the United States to the Fund;

(b) vote for or agree to any amendment of the Agreement which increases the obligations of the United States, or which would change the purpose or functions of the Fund; or

(c) make a loan or provide other financing to the Fund, except that funds for technical assistance may be provided to the Fund by a United States agency created pursuant to an Act of Congress which is authorized by law to provide funds to international organizations.

SEC. 6. (a) There is hereby authorized to be appropriated without fiscal year limitation as the United States subscription, $15,000,000, to be paid by the Secretary of the Treasury to the Fund in three annual installments of $5,000,000 each.

(b) Any repayment or distribution of moneys from the Fund to the United States shall be covered into the Treasury as a miscellaneous receipt.

SEC. 7. Any Federal Reserve Bank which is requested to do so by the President shall act as a depository for the Fund, and the Board of Governors of the Federal Reserve System shall supervise and direct the carrying out of these functions by the Federal Reserve banks.

SEC. 8. For the purpose of any civil action which may be brought within the United States, its territories or possessions, or the Commonwealth of Puerto Rico, by or against the Fund in accordance with the Agreement, the Fund shall be deemed to be an inhabitant of the Federal judicial district in which its principal office or agency appointed for the purpose of accepting service or notice of service is located, and any such action to which the Fund shall be party shall be deemed to arise under the laws of the United States, and the district courts of the United States (including the courts enumerated in title 28, section 460, United States Code) shall have original jurisdiction of any such action. When the Fund is defendant in any action in a State court, it may, at any time before the trial thereof, remove such action into the district court of the United States for the proper district by following the procedure for removal of causes otherwise provided by law.

SEC. 9. The Agreement, and particularly articles 41 through 50, shall have full force and effect in the United States, its territories and possessions, and the Commonwealth of Puerto Rico, upon the acceptance of participation by the United States in, and the entry into force of, the Fund. The President, at the time of deposit of the instrument of acceptance of participation of the United States in the Fund, shall also deposit a declaration that the United States retains for itself and its political subdivisions the right to tax salaries and emoluments paid by the Fund to its citizens or nationals and may deposit a declaration providing for reservations on other matters set forth in article 58.

SEC. 10(A). The President shall instruct the United States Director of the African Development Fund to vote against any loan or other utilization of funds of the Fund for the benefit of any country when the government of such country or any government agency or subdivision within such country—

(1) has nationalized or expropriated or seized ownership or control of property owned by any United States citizen or by any corporation, partnership, or association not less than 50 per centum beneficially owned by United States citizens, or

(2) has taken steps to repudiate or nullify existing contracts or agreements with any United States citizen or any corporation, partnership, or association not less than 50 per centum beneficially owned by United States citizens, or

(3) has imposed or enforced discriminatory taxes or other exactions, or restrictive maintenance or operational conditions, or has taken other actions, which have the effect of nationalizing, expropriating, or otherwise seizing ownership or control of property so owned,

and such country, government agency, or government subdivision fails within a reasonable time (not more than six months after such action, or, in the event of a referral to the Foreign Claims Settlement Commission of the United States within such period as provided herein, not more than twenty days after the report of the Commission is received) to take appropriate steps, which may include arbitration, to discharge its obligations under international law toward such citizen or entity, including speedy compensation for such property in convertible foreign exchange, equivalent to the full value thereof, as required by international law, or fails to take steps designed to provide relief from such taxes, exactions, or conditions, as the case may be; and such suspension shall continue until the President is satisfied that appropriate steps are being taken, and the provisions of the section shall not be waived with respect to any country unless the President determines and certifies that such a waiver is important to the national interests of the United States and such certification shall be reported immediately to Congress.

Mr. HUMPHREY. Mr. President, this is a truly international effort, in which the United States would be a cooperator, a follower, not the major donor. We are the only one of the 16 nations that participated in negotiations to establish the fund which has not yet met its pledge to contribute and become a member.

The leadership for constitution of the fund has come primarily from Canada and the Scandinavian countries. Our $15 million contribution would amount to 14 percent of the total subscriptions to date and would merely match that of Canada, a country facing unemployment and balance-of-payments problems similar to our own. Most important, the African States themselves, in addition to providing all the funds for the Arican Development Bank themselves, have pledged $6 million to this special fund.

I believe that, at a time when we are seeking greater international cooperation in solving the world's economic and political problems, the United States must give all the support it can to such genuinely international efforts as the African Development Fund.

It is also extremely important in our relations with the African States that we contribute to this fund. The African Development Bank has the full support of all the independent African States. Unlike the other regional development banks, it is funded solely by the African States themselves. As AFDB President Labidi has said:

> The Bank is a unique attempt to translate the concept of African cooperation into concrete joint action in the spheres of finance and development.

The African governments have given generously of their most scarce resources to make the Bank work. They have raised $156 million of convertible currency for Bank operations and have staffed the Bank with some of their finest economists.

At a time when we are giving over a billion dollars annually to the other two regional development banks, it is difficult to understand why we will not contribute $5 million annually to the bank of the world's least developed continent. This reflects an extreme insensitivity to our relations with Africa which must not be allowed to continue.

The goals of the African Development Fund are those we have come to believe are very important in our own foreign assistance policy.

We believe that donor and recipient countries must decide together what are the most viable development projects. Control of the African Development Fund is shared equally between African and non-African participants.

We believe that more emphasis should be placed on multilateral development assistance. With 16 non-African members, no one being in a dominant position, the African Development Fund is one of the most effectively multilateral lending institutions.

We believe that regional economic integration and joint development projects should be encouraged in countries with scarce resources and small markets. This is one of the chief aims of the African Development Fund.

Finally, we believe that more emphasis must be placed on economic development in the poorest states and on projects which build a base for improving the standard of living of the poorest people.

The addition of the African Development Fund to the African Development Bank will enable it to fund such projects. So far, the Bank has had to concentrate on projects in wealthier states yielding immediate high returns in order to continue operations. The Fund, financed by grants from the outside donors, is to lend on concessional terms for development in Africa's poorest countries and for those basic infrastructure projects which are essential to economic growth but do not themselves yield high returns.

I want to emphasize the fact that the United States delay in fulfilling our promise to participate in this Fund is not the result of any reservation about its soundness or any disagreement with the other members over how it should be run. From the time it was first proposed, we have been among its most enthusiastic supporters. And from the time serious planning began, U.S. recommendations have been incorporated in the composition of the Fund.

In 1967, President Johnson offered to find a way for the United States to participate in the proposed Special Fund of the African Development Bank; and an Aide Memoire was sent by the United States government to the African Development Bank, suggesting that this be a fund of $150 million, of which the United States would contribute $60 million.

In 1971, the United States reduced its commitment to an offer to match the largest contribution to the special fund. In February of that year President Nixon expressed support of the Fund in his report to Congress:

> We are exploring a way to provide financial assistance to the African Development Bank. These—regional development—banks play a major role in helping the lower income countries to expand their trade and mutual support on a regional basis.

Every effort has been made to accommodate the United States in establishing this Fund. We have attended all preliminary planning meetings and participated in drafting the statutes of the Fund. The United States has been given a special 1-year extension of the deadline for becoming a charter member.

Mr. President, I believe it is crucial that we make our contribution to this Fund which we helped initiate, have long enthusiastically supported, and participated in planning. Our reluctance to contribute has called into question our concern for economic development in Africa and our commitment to cooperating in truly international development efforts.

I ask unanimous consent that the following documents be printed in the RECORD:

The 1968 memorandum suggesting a U.S. contribution of $60 million to the Fund;

An aide-memoire given by AFDB President Labidi to all U.S. officials he contacted during his visit to Washington last year;

Extracts from recent statements about the Bank made by President Nixon and Secretary Rogers;

CRS document showing the pledges to the African Development Bank to date;

State Department's "History of African Development Bank and African Development Fund."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEMORANDUM

In a discussion at the Department of State, Washington, D.C. on October 18, 1967, Under Secretary of State Katzenbach, Under Secretary of the Treasury Barr, and Agency for International Development Administrator Gaud assured President Beheiry that the Executive Branch of the Government of the United States has a great interest in the work of regional development banks, and a strong desire that the African Development Bank be successful in its chosen tasks. The following comments were made regarding possible participation by the United States in the Bank's proposed special fund.

Since the meeting which Under Secretary Barr and the Congressional group headed by Representative Multer held with President Beheiry at the Bank's headquarters last April, rather intensive discussions have gone forward within the Government of the United States concerning the multilateral special fund to be established under the Bank's administration that was the subject of President Beheiry's Aide Memoire of November 29, 1966. President Johnson said in his Foreign Aid Message this year, ". . . we will seek an appropriate means of responding to the recent request of the African Development Bank for U.S. participation in a special fund to finance worthy projects which are beyond the means of the Bank's Ordinary Capital."

It is the understanding of the United States that President Beheiry intends to continue discussions with various potential contributors in an effort to arrive at a mutually agreeable basis for establishing a special fund. For this purpose it is necessary that there be some specific indication of the intentions of the United States in order to give some meaningful idea of magnitude to the other Governments.

Under the constitutional arrangements of the United States the proposals described in the present discussion with President Beheiry represent the position of the Executive Branch of this Government. No binding commitments involving funds can be entered into by the United States unless and until appropriate legislation is passed by the Congress. It will be necessary for the Executive Branch of the United States Government to know how the special fund will be administered and used and to have a schedule of other contributors before the Administration seeks legislation from the Congress.

Subject to these points, the Executive Branch would consider recommending to Congress participation in a multilateral special fund under the administration of the African Development Bank along the following general lines:

1. Amount of Contribution. The United States would be prepared, with Congressional approval, to make available up to $20 million per year for three years as a contribution by the United States to such a special fund. The three year period could commence as soon as an international agreement among the contributing countries and the Bank came into effect.

2. Sharing of Contributions. The United States would expect that any funds it contributed would represent not more than 40 percent of the total provided by all contributing countries, i.e., the other contributors as a group would put up 60 percent of the total special fund. Contributors shared on this basis could permit a fund totaling $150 million over three year period.

3. Form of Payment. The contribution of the United States would take the form of a letter of credit, which the Bank as administrator of the special fund could draw on for cash when needed to meet disbursements on financing operations. (Small cash advances to meet administrative expenses would be available until interest and fee income are sufficient to meet them, after which these advances would be reimbursed out of net income of the special fund.)

4. Procurement. In the light of the balance of payments situation of the United States, it will be necessary to specify that the funds of the United States finance only goods and services from the United States.

5. Use of Funds. The United States would expect the bank to make loans on congressional terms from the special fund for projects that cannot appropriately be financed from the Bank's regular capital. The United States would wish to see (a) emphasis placed on projects that support African regional development and these that contribute to agricultural development and (b) special attention given to the capital needs of the least developed countries of Africa. A limited amount of technical assistance on a grant basis could be authorized.

6. Supervision of Special Fund Activities. An Administrative Council, in which the African Development Bank would exercise not more than 50 percent of the votes and the non-member contributing countries would exercise not less than the remaining 50 percent of the votes in proportion to the size of contributions, appears to be a satisfactory device for supervising special fund operations, provided all actions are taken by a three-fourths majority vote.

As a separate matter, a contributing country should be able, in special circumstances, to request the Bank not to use its funds on a particular project, without effect on the Bank's right to proceed with the project using the funds of others.

7. Non-Regional Membership in the Bank. In connection with the creation of the special fund, the United States suggests that the question of equity membership by non-regional developed countries should be re-examined. The United States hopes that the Bank would undertake, without commitment as to ultimate outcome, to explore with interested countries during the period of contributions to the special fund the ways in which such countries might become members.

8. Staffing. The United States would also wish an undertaking from the Bank that it will, to an appropriate extent, utilize in the administration of the special fund qualified personnel from countries contributing to the fund.

It is believed that these points should provide a basis on which the African Development Bank can hold fruitful discussions with other potential contributor countries. In this connection the United States would be interested in the Bank's plans to coordinate the views of the various propective participants on how the fund should be administered. Should it prove necessary to hold an international meeting under the Bank's auspices to negotiate a satisfactory agreement covering the special fund, the United States would be prepared to participate.

AFRICAN DEVELOPMENT BANK

I. BANK FOUNDED ON PRINCIPLE OF SELF-HELP

The African Development Bank was formally established in September 1964 to contribute to the economic development and social progress of its member—individually and jointly. In other words, the Bank is a unique attempt to translate the concept of African co-operation into concrete joint action in the spheres of finance and development.

The Agreement establishing the Bank stipulates that any African country which has the status of an independent state may become a member. By 1st September 1972, the following 36 African countries had joined the African Development Bank:

Algeria, Botswana, Burundi, Cameroon, Central African Republic, Chad, Congo, Dahomey, Egypt, Ethiopia, Gabon, Ghana, Guinea, Ivory Coast, Kenya, Liberia, Libya, Malawi, Mali, Mauritania, Morocco, Niger, Nigeria, Rwanda, Senegal, Sierra, Leone, Somalia, Sudan, Swaziland, Tanzania, Togo, Tunisia, Uganda, Upper Volta, Zaire, Zambia.

Discussions are in progress with other African countries which have indicated their desire to join the Bank.

The Bank's authorized capital is equivalent to US$ 254.4 million, all of which has been subscribed. Half of the subscribed capital has been called up, of which US$ 85.9 million was actually paid up as of 1 September 1972.

This self-help effort on the part of the African countries compares very favourably with the US$ 79 million of foreign exchange contributed by the Asian developing countries to the paid-up capital of the Asian Development Bank and US$ 119 million of foreign exchange contributed by the Latin American countries to the paid-up capital of the Inter-American Development Bank.

Considering the fact that nearly half of African Development Bank's member countries are classified among the world's 25 hard-core least developed countries, the relative sacrifices they made in the form of foreign exchange subscriptions to the paid-up capital of their Bank are much greater than the sacrifices made by the much more developed Asian and Latin American countries in subscribing to the foreign exchange part of the paid-up capital of their respective regional banks.

Moreover, events during the past few months have shown that African countries are prepared to make further sacrifices in order to augment the Bank's capital. Apart from the considerable improvement in respect of the payment of subscription, the Governors attending the Bank's last Eighth Annual Meeting expressed their willingness to reinforce the financial structure of the Bank by meeting their obligations and by contributing to the creation of new resources.

In 1960, when the idea of an African Bank was first mooted, the political climate was very different from what it is today. Most of the countries of Africa had only just gained their independence and were caught up in the enthusiasm aroused by their new-found political freedom.

The establishment of an African Bank was an act of faith, a movement sponsored by Africans to show that they were capable of fending for themselves, as it were, and of doing something on their own account. At the time, perhaps, they may have thought that external aid would be more readily forthcoming and that the Bank would at once become an effective instrument for the social and economic betterment of the continent.

However, with the passage of time, the African Development Bank found itself confronting a number of difficulties that are specific to our continent: the fact that aid to Africa is widely scattered and frequently has political strings, the marked imbalances between the different regions, the chronic lack of skilled manpower resources, and the splitting-up of the continent into a host of factionalized, unviable markets.

Moreover there were doubts in some people's minds as to the role to be played by regional development banks considering the scope of IBRD's activities in the developing world.

Since then, the situation has changed. It is increasingly acknowledged that the regional banks have an extremely important role to play in promoting the development of their regions because they have deep-rooted attachments to the areas in which they operate. It is also increasingly acknowledged that the regional banks have to play a more active part in setting up machinery for the effective and rational distribution of resources and greater co-ordination of aid in the interest of all concerned.

II. BANK'S CHARTER RECOGNIZES NEED FOR EXTERNAL AID AND RESOURCES

From the inception of the Bank, it was clear in the minds of the sponsors of the project that self-help in itself did not preclude the need for mobilizing external assistance. They were aware that the ordinary capital resources subscribed by the Bank's member states would not suffice to meet their development requirements, and that they would have to be supplemented by external resources. In fact, one of the Articles of the Agreement Establishing the African Development Bank states that in order to implement its purpose, one of the functions of the Bank shall be "to mobilize and increase in Africa, and outside Africa, resources for the financing of such investment projects and programmes."

ADB's efforts to acquire such resources—at both the public and the private levels—are now beginning to bear fruit.

For example, the Bank has sponsored the setting up of an international finance corporation for investment and development in Africa, known as SIFIDA (International Finance Company for Development of Africa) within which it is associated with over a hundred banks and private companies from the United States, Canada, Japan, and Europe. The influence of this company should be gauged not only by the volume of its resources but its ability to mobilize funds from the international private sector for investment in viable projects in Africa. Thus it should be able to create a new climate and pave the way for the rapid growth of a genuinely African private sector. It will also assist in the provision of know-how and management expertise and business experience for African countries.

The Bank's efforts to obtain assistance from the public sector have enabled it to come to an agreement with the major capital-exporting countries on the establishment of a special fund, the African Development Fund, to provide African countries with loans on extremely soft terms that are tailored to African requirements. The establishment of the African Development Fund, which will enable the Bank to make a really significant contribution to the development of our member countries, shows that ADB, like the other regional banks, is acknowledged to have an increasingly important role to play in the mobilization, co-ordination and utilization of international aid.

III. THE BANK HAS REACHED THE "TAKE OFF" STAGE

During the initial years of its existence, the Bank had to battle aaginst a number of difficulties, among which was the limited size and nature of its operational capital. As a result of the constraints, the initial volume of the Bank's operational activities was limited.

However, as a result of a number of measures taken to rationalize the organization and the operational procedures instituted to augment its efficiency, strengthen the technical assistance from both multilateral and bilateral sources, intensify recruitment and training of its staff, the Bank has appreciably enhanced the tempo of its operational activities during the past two years.

Whereas the Bank authorized loans and investments totalling U.S.$ 25,560,000 during the period July 1966 (the date when operations began) and December 1970, its volume of loans and investment in 1971 alone amounted to US$ 25 million. This was in line with the target set in the Bank's programme of action which aimed at maintaining a volume of loans and investment in its member countries, totalling US$ 25 million in 1971, the same amount for 1972 and US$ 30 million in 1973. In view of the projects totalling U.S.$ 15.56 million already approved by the Board of Directors and those now under active consideration, the target for 1972 will be fully achieved or even exceeded.

With the approval of those projects, the total number of projects approved by the Board of Directors since the Bank commenced operations rose to 36 and involved a total commitment of US$ 62.6 million for national projects in 20 member countries as well as four multinational projects.

The enhanced tempo of the Bank's operational activities and the achievement of the operational targets mentioned above have demonstrated the capacity of the Bank to fulfill its mandate if given the necessary resources. They also show that the African Development Bank has now undoubtedly reached the "take off" stage in its development.

The African Development Bank, however, does not only see its role as simply that of a finance institution. It is furthermore a promotional organization working for the development of its member countries and searching for realistic solutions that are best suited to their problems. Being itself the outcome of its members' determination to give tangible shape to the principle of African economic co-operation, the Bank is eager to encourage and support any concrete action that is designed to strengthen regional and sub-regional co-operation in Africa. Therefore, beyond its financing activities already mentioned, the Bank has undertaken studies or is undertaking a number of studies in connection with the promotion of regional co-operation between Ghana and the Entente Council States, Tourism in fourteen West African countries, insurance and re-insurance in Africa, etc. It is expected that these studies will produce more bankable projects in the next few years.

IV. BANK'S NEED FOR SOFT FINANCE REMAINS

The loans and investments of the Bank mentioned above have been on conventional terms. This, indeed, is a serious handicap since the finance of many of the essential institution-building and foundation-laying activities in the Bank's member countries could not be pursued by the Bank because they cannot sustain conventional debt financing. The financing of such projects and programmes which, in the short run at least, are not directly productive but are indispensable for economic and social progress, can best be made on more flexible terms and conditions than those so far applied to the loans and investments out of the ordinary resources of the Bank. But this presupposes the availability of soft resources—a facility which the other regional development banks have had at their disposal since their inception. Hence the efforts of the Bank to establish a similar facility in the form of the African Development Fund.

The main purpose of the Fund is to enable the African Development Bank to lend on soft terms and move into fields from which require concessional finance.

V. THE AFRICAN DEVELOPMENT FUND AS SOFT-LOAN WINDOW OF THE ADB

Conscious of the need and importance of soft resources for the achievement of its purposes, the African Development Bank approached the developed countries as far back as November 1966 with a proposal for the establishment of the African Development Fund, which should be to the ADB what IDA is to the World Bank.

During the intervening period, the Bank had detailed exchange of views with the prospective participants in the Fund. But the first major break-through in the project came in 1971, when the Bank and the prospective participants were able to reach an agreement on the principles which should govern the establishment of the Fund. Chief among these were that:

(1) the Fund is designed to help the Bank fulfill its fundamental assignment, that of

contributing to the economic and social development of Africa, by furnishing resources suited to the financing of projects in certain priority sectors;

(ii) the Fund should be genuinely multinational;

(iii) non-regional participants in the Fund shall participate in exercising control over the utilization of the Fund's resources and take part in the decision-making process designed to achieve its objective;

(iv) there shall be a close organic link between the Fund and the Bank.

Following this agreement on principles, the Bank then prepared a Draft Agreement Establishing the African Development Fund which was discussed by a Working Group composed of technical experts from the Bank and the prospective participants in the Fund which meet in Abidjan from 15th to 18th June 1971. The Board of Governors of the African Development Bank at its Seventh Annual Meeting in Kampala in August 1971 unanimously approved the principle of establishing the Fund in co-operation with the donor countries.

In a meeting held in Paris on 12 April 1972 the representatives of the Bank and the prospective participants in the Fund agreed upon the text of the draft Agreement Establishing the African Development Fund to be presented to the Board of Governors at its Eighth Annual Meeting in July 1972 for consideration and approval. A number of participants at the meeting gave first indications of the amounts their countries were prepared to subscribe to the Fund.

The text of the Draft Agreement Establishing the African Development Fund was approved by a unanimously adopted resolution of the Board of Governors. The following organization and countries who had participated actively in the foregoing negotiations and have expressed interest in the Fund concept shall be admitted as initial participants: African Development Bank, Belgium, Brazil, Canada, Denmark, Finland, Federal Republic of Germany, Italy, Japan, Netherlands, Norway, Spain, Sweden, Switzerland, United Kingdom, United States of America and Yugoslavia.

VI. THE UNITED STATES AND THE NEGOTIATIONS FOR THE ESTABLISHMENT OF THE FUND

Right from the launching of the project to establish the African Development Fund, there has been a continuous and detailed exchange of views between the U.S. authorities and the Bank on the subject. These contacts which were made both bilaterally and multilaterally show that the U.S. authorities have throughout been interested in the Fund project.

The U.S. Presidential message to the Congress in 1967 made a specific mention of the ADB Special Fund, stating, "we will seek an appropriate means of responding to the recent request of the African Development Bank for U.S. participation in a Special Fund to finance worthy projects which are beyond the means of the Bank's ordinary capital". And in its memorandum to the Bank dated 18 October, 1967, the U.S. Government stated that the Executive Branch of the Government would recommend to the Congress for U.S. participation in the Fund by providing a sum of US $60 milliion to be paid over three years at a rate of US $20 million a year. It was stipulated that the U.S. contribution would not exceed 40 per cent of the Fund's total capital.

In his statement on the 19th March 1970 entitled "U.S. and Africa in the 70's" the Secretary of State had the following to say about the co-operation between the United States of America and the African Development Bank:

"We also look forward to joining with other non-African donors in support of the African Development Bank. This young institution, which has the financial backing of thirty-one African governments, has prospects for promoting significant Pan-African co-operation in economic progress. It has already raised 67 million dollars from its members in fully convertible currencies. It needs, however, a source of funds that could be loaned to its members on concessional terms. We are participating in discussions with other non-African donors which we hope will lead to the creation of special funds for this purpose. In the meantime, we are assisting the Bank directly in its efforts to develop and carry out urgently needed projects in its member countries".

Within the framework of the negotiations that resulted in the Draft Agreement Establishing the African Development Fund discussed above, the representatives of the U.S. have not yet been able to indicate officially to the Bank the amount the United States will be prepared to subscribe to the Fund. It is conceivable that some potential participants in the Fund are waiting for the United States to assume its natural role of leadership.

It may be useful to mention that the Board of Governors of the African Development Bank have indicated that for the Fund to be effective and have the desired impact on the development of the African continent the initial subscriptions should be in the order of US $130 million. Needless to say, a significant contribution from the United States will greatly enhance the achievement of this target. As it is envisaged that the Agreement Establishing the Fund will be signed by Plenipotentiaries of the participating countries and the Bank in November, 1972 it is therefore the hope and trust of the Bank that as soon as it is practicable, necessary steps will be taken to enable the United States to make an official commitment to participate in the founding and establishment of the African Development Fund.

PRESIDENT NIXON'S REPORT TO CONGRESS

"I have also pressed strongly for expanding American contributions to the Regional Development Banks of which we are members—and we are exploring a way to provide financial assistance to the African Development Bank. These banks play a major role in helping the lower income countries to expand their trade and mutual support on a regional basis."

SECRETARY OF STATE'S REPORT ON U.S. FOREIGN POLICY

"We are also participating in discussions which we hope will lead to the creation of a Special Fund for the African Development Bank. This facility, similar to the Special Funds of regional banks in Asia and the Americas, would enable the African Development Bank to make loans on the liberal terms needed for many projects in Africa. It would also be a channel for developed country assistance to the African Development Bank, which currently receives capital funds from African countries only."

PRESIDENT NIXON'S REPORT TO CONGRESS

"Work continues to go forward on creation of the African Development Bank's Special Fund."

SECRETARY OF STATE'S REPORT ON U.S. POLICY

"The African Development Bank approved in July the principles of the proposed African Development Fund which is intended to provide loans on soft terms. We have been providing technical assistance to the Bank and are prepared to contribute to the Development Fund when it is established. The Bank plans to study the possibility of non-African states participating in the ordinary capital of the Bank."

SECRETARY OF STATE'S REPORT ON U.S. FOREIGN POLICY

"The US and other developed nations participated in technical discussions which led to another hopeful development—the establishment of an African Development Fund in November. Although the US was not in a position to sign th eagreement then, it provides a very satisfactory basis for launching concessional lending activity by the African Development Bank. The Administration will consult with the Congress on the question of US participation in the Fund.

THE LIBRARY OF CONGRESS,
Washington, D.C.

To: The Honorable Charles C. Diggs, Jr. Attention: Tom Hooper.

From: Susan M. Mowle, Analyst in International Relations.

Via: Chief, Foreign Affairs Division.

Subject: Pledged Contributions to the African Development Fund as of June 19, 1973.

In response to your request of June 18, 1973, I have compiled a list of pledged contributions to the African Development Fund. Pledges are made in Special Drawing Rights Units of Account, which I have converted into U.S. dollars. The information was obtained through a telephone conversation with Joseph Lieberson of the AID African Division, Office of Development Services, on June 19, 1973.

Donors	Pledged SDR's (in millions)	U.S. dollar equivalents [1]
African Development Bank	5	6, 000, 000
Belgium	3	3, 600, 000
Brazil	2	2, 400, 000
Canada	15	18, 000, 000
Denmark	5	6, 000, 000
West Germany	7, 447, 630	8, 937, 156
Finland	2	2, 400, 000
Italy	10	12, 000, 000
Japan	15	18, 000, 000
Netherlands	4	4, 800, 000
Norway	5	6, 000, 000
Spain	2	2, 400, 000
Sweden	5	6, 000, 000
Switzerland	3	3, 000, 000
United Kingdom	5, 211, 420	6, 253, 704
Yugoslavia	2	2, 400, 000
Total	90, 659, 050	108, 790, 860

[1] As of May 1973, 1 SDR equals $1.20.

HISTORY OF AFRICAN DEVELOPMENT BANK AND AFRICAN DEVELOPMENT FUND

An agreement was drafted in 1963 to create the African Development Bank. It was set up without any non-African members because of concern that if the US joined them the Soviet Union would also join and they would use it as a cold war battlefield. The agreement came into effect in 1964 and in 1965 the members selected Abidjan as headquarters and chose Mamoun Beheiry of Sudan, the former Finance Minister of that country, as its President. The Bank opened its doors for business on July 1, 1966.

Originally there were 27 member countries. Today there are 40. The original capital was 250 million units of account half to be paid in over four and one-half years and half callable. By decision of the latest meeting of the Board of Governors in July 1973 the capital has been increased to 320 million units of account. A unit of account is defined in the agreements as 0.88867088 grams of fine gold which is equal to the pre-Smithsonian dollar. Units of account are now worth approximately $1.20.

From the beginning, and as early as 1966, A.I.D. offered technical assistance to the Bank for short term consultants, training and feasibility studies. This assistance was first provided in fiscal year 1968. Other Western countries have done likewise as has UNDP.

From 1966 also, the Bank began to talk of a special fund which would involve non-African members Beheiry's goal was $600–$800 million dollars for this Fund. About the same time A.I.D. offered a Development Loan to the Bank but Beheiry was not interested, as he wanted a contribution from the US to the proposed Fund.

In his Foreign Aid message of 1967 President Johnson offered to find a way for the US to participate in the proposed Special Fund of the African Development Bank. In March of 1967 a Congressional Group from the House Banking and Currency Committee, together with Don Fraser of the House Foreign Affairs Committee, visited a number of African countries to observe IBRD projects in Africa and to meet in Abidjan with the Representatives of the African Development Bank. The group was guided by Treasury Under-Secretary Joseph Barr and accompanied by Deputy Assistant Secretary of State Samuel Z. Westerfield, Jr. The group came back from their meetings in Abidjan supportive and enthusiastic. They thought it might be possible to have legislation to participate in the proposed Fund by late 1967 or early 1968. They suggested a meeting of potential contributors. Some of the Congressmen thought the US ought also to participate in the equity capital of the Bank itself so we could have a vote. They also talked about the idea of getting a "good shepherd" to help pilot the project through the Congress, much as Eugene Black had done for the Asian Development Bank in 1965.

Due to the problems of getting other regional banks financed, however, 1967 turned out to be "an awkward year" to go forward with the proposals. Nevertheless in October 1967 Under Secretaries Barr of Treasury and Katzenbach of State, together with A.I.D. Administrator Gaud delivered an Aide Memoire to President Beheiry suggesting a Special Fund of $150 million including the idea of a U.S. contribution of $60 million spread out over a three year period which would be 40 percent of the total. They also stressed that procurement under this Fund should be tied to the contributions of its members. The memo was carefully couched in "subject to approval of Congress" terms. (Text attached) In January 1968 Vice-President Humphrey visited the Bank in Abidjan following the inauguration of President Tubman in Liberia.

Early in 1968 the Bank began consultations with other potential donors to the Fund, while pushing us for the $60 million contribution, even though it might be more than 40 percent of the total. By mid-1968 the Bank had completed these consultations and found that other donors were not in a position to put in the required $90 million to match the U.S. proposal. A number of the other donors also opposed the U.S. proposal for tied procurement. The U.S. did say that it would be willing to untie later when the U.S. balance of payments improved. Beheiry proposed a meeting of potential donors in September 1968, but we urged that it be put off until after the U.S. Presidential elections. Nevertheless an informal meeting did take place in October 1968 following the IBRD/IMF meeting in Washington. The U.S. reiterated the position it had taken in its Aide Memoire of October 1967 and said we would recommend the same terms to the next administration.

During 1969 it became clear that the $150 million objective was too high for the other donors so some of them began talking of a $50 million initial Fund of which 40 percent would be contributed by the United States. Matters remained in some disarray for the balance of 1969 and early 1970. Beheiry resigned in January, 1970 as President of the AFDB. The current President of the Bank, Abdelwahab Labidi, was Acting President until his election to a five year term by the Board of Governors in August, 1970.

Early in 1970 the Canadian and Nordic countries began a new initiative for a Special Fund for $60–$65 million. There were meetings in April of that year in Vienna and in July in Paris, the second under DAC auspices, to move ahead on this approach. The U.S. participated in all of these meetings but urged the broadest possible donor support before formalizing any statutes. There was another meeting in Paris in November 1970 which was again inconclusive. At that time the U.S. proposed that procurement be limited to the group of donor countries, a broader approach than the one we had made in 1967.

In March 1971 there was a DAC-sponsored drafting meeting in Paris with President Labidi, and this was followed by the establishment of a drafting group in Abidjan. By that spring the projected size of the Fund rose to an estimated $75 million.

At the Bank's annual meeting in Kampala in July 1971 the U.S. Observer was authorized to say that the U.S. would consider matching the largest contribution to the Special Fund.

Work on the draft statutes continued at a technical level and in April 1972 in Paris sixteen non-African countries, including the US, agreed upon a draft of statutes which were then to be submitted to the Bank's Board of Governors at its summer meeting in Algiers. The US again reiterated its willingness to match the contribution of the largest other donor, subject to Congressional action.

In July 1972 the Bank's Board of Governors unanimously approved the donors' draft statutes.

President Labidi visited the United States in September 1972 and met with a few Congressmen including Richard Hanna of California, Otto Passman of Louisiana and Charles Diggs of Michigan. During that time also the text of the statutes was prepared for signature.

A plenipotentiary conference met in Abidjan in November 1972 to sign the statutes. The United States did not sign. The text is in process of being ratified and by the time the Bank's Board of Governors met in Lusaka in July 1973 nine countries had ratified with a total of almost $65 million out of the potential $108 million from the 15 signatories. The US position is that we cannot sign until the required Congressional action is completed. We have continued to tell the Bank and the other donors since the April 1972 Paris meeting that we would carry out the necessary consultations with Congress and that it was our intention to seek authorization for US participation in the Fund in the amount of $15 million to be contributed over a three year period. We anticipated the first $5 million would not be available before fiscal year 1975. We think it is important to meet the stipulation of paragraph 1, Schedule A, of the Fund Statutes. This paragraph was drafted specifically to accommodate the United States. It permits us to sign and ratify the agreement on or before December 31, 1974 and still be considered an original participant in the Fund. All of the sixteen states which participated in drafting the statutes, except the US, have signed the agreement.

The Afrcan Development Bank has continued its lending operations and as of June 30, 1973 had made loans amounting to almost 89 million units of account. In recent years the pace of lending has accelerated, and the Bank's current financial plan calls for lending at an annual rate of 30 million units of account per year. The latest financial statements of the Bank are attached.

At current lending rates the Bank will exhaust its paid-in capital resources by the end of 1973. Consequently it has been seeking additional capital. One solution is that adopted by the Board of Governors in July, 1973 raising the total capital of the Bank to 320 million units of account. Additional shares according to this decision will be paid on a voluntary basis. Within the next year or two this source of funds is not likely to produce more than about $20 million. The Board of Governors continues to adhere to the original philosophy that the Bank should remain an all-African institution. Therefore it rejected again in 1973 a proposal to admit non-African countries as shareholders. This leaves the Bank with one main alternative which is to seek capital on concessional terms from donor countries and possibly also to seek funds in the commercial market. Canada has made a loan to the Bank of $5 million and Sweden has a loan under consideration. A.I.D. is also proposing to lend $10 million on traditional development loan terms to assist the bank in carrying out its financing program and to complement the Bank's other external borrowing. The Bank will continue to make loans at seven percent for 15–30 year maturities. In future it is expected that the new African Development Fund, which began operations officially on August 1, 1973 will be the main channel for foreign funds, since most of the members of the Bank need loans on concessional terms.

By Mr. HRUSKA:

S. 2355. A bill to amend the National Labor Relations Act to clarify judicial procedures, standards, and for other purposes. Referred to the Committee on Labor and Public Welfare.

NATIONAL LABOR RELATIONS ACT—JUDICIAL PROCEDURES AMENDMENTS OF 1973

Mr. HRUSKA. Mr. President, I introduce today a bill to amend the National Labor Relations Act in order to clarify judicial procedures and standards and for other purposes and ask that it be appropriately referred. I might note that this bill is identical to the one which I introduced on June 10, 1971, in the 92d Congress (S. 2053), and now as then the reasons for its consideration are compelling.

Our country is gravely concerned, Mr. President, with the intricate relationships between management and labor. Cognizant of this, I want to express to my colleagues on both sides of the aisle who sit on the Committee on Labor and Public Welfare that I am mindful of the difficult decisions that they must constantly make, and the conflicting considerations that they must weigh and balance as they deliberate on amendments to our labor-management relations laws.

In recent years, the Senate Subcommittee on Separation of Powers chaired by my distinguished colleague from North Carolina (Senator ERVIN) has held extensive hearings into the question of whether or not the National Labor Relations Board has exceeded its statutory authority in the discharge of functions assigned to it under the National Labor Relations Act. Based upon these hearings, the subcommittee concluded that the NLRB had all too often violated its mandate and encroached upon the prerogatives of the Congress.

The instant bill represents an attempt to remedy this situation. This proposal would: First, deal with the choice of judicial remedies by parties to labor disputes; second, restrain the National Labor Relations Board from imposing what are considered to be punitive remedies not authorized by law; third, clarify the matter of strikers' reinstatement rights where they have been guilty of flagrant misconduct; fourth, reinstate some rational standards for court review of unfair labor practice cases; and fifth, eliminate certain bizarre judge-shopping practices.

As the law stands today, one party may take his complaint to the NLRB but if satisfaction is not obtained there he may then go to the courts. Should he then dislike the way the court treats him, he may venture to an arbitrator.

Section 2 of this bill would introduce some certainty to this situation by amending section 10(a) of the NLRA, so that once a party has elected to take his case to arbitration, or to the NLRB, or to the courts—whatever the case may be—he may not thereafter seek a remedy in a different forum, regardless of his pleasure or displeasure over the results of his selection. Unless the action were dismissed on purely jurisdictional grounds, one would be required to stick to his initially chosen course of action.

Section 3 of this bill would amend section 10(c) of the NLRA to clarify the limitations upon punitive orders issued by the Board.

In a number of recent cases, the Board has expanded on the concept of requiring that an employer found guilty of unfair labor practices post a notice on the premises admitting that the conduct complained of constituted an unfair labor practice. This clarification with respect to section 10(e) would limit the Board to the issuance of orders expressly related to the purposes of the statute.

Section 4 of this bill would prevent the NLRB from ordering reinstatement of strikers who engage in abusive and violent misconduct. Unfortunately, an examination of the Board's policies in recent years reveals that it has ordered reinstatement with back pay for strikers who have undertaken an exhaustive range of the most flagrant violations of the law, including the inflicting of physical harm and damage to property, and threats of violence. This harmful precedent would be eliminated once and for all.

Acts of violence against a party alleged to have committed an unfair labor practice should not be condoned or rewarded.

Section 5 of the bill provides that, on review by courts of appeals, the NLRB's findings with respect to questions of fact shall be conclusive if they are supported by "the preponderance of evidence."

The matter of standards for court review has been an issue of great contention for over 30 years. The 1953 Wagner Act provided that, on review by courts of appeals, the findings of the NLRB would be conclusive "if supported by evidence." Thereafter, when Congress amended the NLRA in 1947, it changed the standard to substantial evidence on the record considered as a whole. This standard has also proven to be woefully inadequate. Thus, some correction is in order.

Last, section 6 of the bill would eliminate certain forum-shopping problems and lend some finality to labor law litigation. Hopefully, this will put a stop to the current opportunistic practice of searching for whichever forum a party may think is more kindly disposed to him.

Section 6 would remove certain venue options and rightly create exclusive jurisdiction over petitions for review in the district in which the unfair labor practice occurred. It would also abolish the right to review in the District of Columbia unless, of course, the unfair labor practice occurred here.

It is my opinion, Mr. President, that passage of these amendments to the National Labor Relations Act would aid in restoring propriety, orderly procedure, moderation, and logical balance—hallmarks of our judicial system. Therefore, I urge my colleagues to support this bill.

I ask unanimous consent that the text of the bill be printed in the RECORD at the conclusion of these remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2355

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Labor Relations Act Judicial Procedures Amendments of 1973".

ELECTION OF REMEDIES

SEC. 2. Section 10(a) of the National Labor Relations Act (29 U.S.C. 160(a)) is amended by striking out the period at the end and inserting in lieu thereof a colon and the following: "*Provided further*, That if an employer, or a labor organization on its own behalf or on behalf of employees, or employees on their own behalf or on behalf of other employees, submit to arbitration or agree to submit to arbitration a dispute, or institute in any State or Federal court or agency an action, suit, or proceeding, or file a charge with the Board, then such party or any person on whose behalf such action has been undertaken, shall not have any right to institute or maintain a proceeding in a different forum involving the same incident or subject matter, unless a prior proceeding with respect thereto is dismissed or relief therein is denied for lack of jurisdiction: *Provided further*, That nothing herein shall deprive any party to a proceeding before an arbitrator, the Board, or the courts, from exercising any right of judicial review or appeal that he may possess under existing law."

PUNITIVE ORDERS

SEC. 3. The third sentence of section 10(c) of the National Labor Relations Act (29 U.S.C. 160(c)) is amended by—

(1) striking out the word "including" and inserting in lieu thereof the words "limited to"; and

(2) striking out the word "as" after the comma that follows the words "back pay" and inserting in lieu thereof the following: "bargaining collectively upon request with respect to the unit as to which the refusal or failure to bargain occurred, and posting notices stating that respondent will not engage again in the particular unfair labor practice which the Board has found such respondent committed, if such affirmative action".

REINSTATEMENT STANDARDS IN FLAGRANT MISCONDUCT CASES

SEC. 4. Section 10(c) of the National Labor Relation Act (29 U.S.C. 160(c)) is amended by inserting before the last sentence thereof the following: "Acts of violence or threats thereof (including harm or damage to person or property) or other conduct constituting cause within the meaning of this section shall not be condoned or excused by reason of any unfair labor practices of any other party."

COURT REVIEW STANDARDS

SEC. 5. Section 10(e) of the National Labor Relations Act (29 U.S.C. 160(e)) is amended by—

(1) striking out "substantial evidence on the record considered as a whole" where these words appear in the fourth and sixth sentences and inserting in lieu thereof in each of such sentences "the preponderance of the evidence".

ELIMINATE FORUM SHOPPING

SEC. 6. Section 10(f) of the National Labor Relations Act (29 U.S.C. 160(f)) is amended to read as follows:

"(f) Any person aggrieved by a final order of the Board granting or denying in whole or in part the relief sought may obtain a review of such order in the circuit court of appeals of the United States in the circuit wherein the unfair labor practice in question was alleged to have been engaged in by filing in such court a written petition praying that the order of the Board be modified or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Board, and thereupon the aggrieved party shall file in the court the record in the proceeding, certified by the Board, as provided in section 2112 of title 28. Upon the filing of such petition, the court shall proceed in the same manner as in the case of an application by the Board under subsection (e) of this section, and shall have the same jurisdiction to grant to the Board such temporary relief or restraining order as it deems just and proper, and in like manner to make and enter a decree enforcing, modifying and enforcing as so modified, or setting aside in whole or in part the order of the Board; the finding of the Board with respect to questions of fact if supported by the preponderance of evidence shall in like manner be conclusive."

By Mr. WILLIAMS:

S. 2357. A bill to provide for a national educational campaign to improve safety on the highways by improving driver skill, driver attitudes, and driver knowledge of highway regulations. Referred to the Committee on Commerce.

AUTOMOBILE DRIVER EDUCATION ACT

Mr. WILLIAMS. Mr. President, every year over 60,000 Americans lose their lives and 5 million more are seriously injured on our national highway and road system. Certainly, if an epidemic of this tragic magnitude were predicted, all possible means would be employed to stop or reduce its enormous consequences. Yet every year we face the prospect of death on our highways with almost callous acceptance.

And while we are aware that the causes of almost 90 percent of these accidents are due to the driver and, therefore, could have conceivably been prevented, we have adopted, if you will permit the expression, a somewhat fatalistic attitude of resignation with regard to this daily carnage. Aside from the efforts at public education carried on by the National Safety Council and other concerned private organizations, and the rather limited activities of the National Highway Traffic Safety Administration—which had a budget in 1971 of under $43 million—only a little over what it is estimated that automobile accidents cost the United States each day—relatively little is being done to reduce this tragic waste.

The focal point of some of the more active efforts at present appears to be in the field of technological safety—the development of a stronger automobile body structure, or safety devices such as collapsible steering columns, padded windshields and airbags. And it is imperative that we devote as much effort as needed in developing this technology. But it is surprising how little attention is paid to the preventive aspects of auto safety—

the avoidance of the collision in the first place.

Mr. President, anyone who spends even an hour a day in an automobile, and most Americans are by now resigned to devoting at least that much time to this activity, can testify to the need for better driver education. Driving procedures and regulations have changed drastically over the last 10 years, due to the advent of multilane highways, and increased speed limits. While many accidents are caused by the reckless speeder or drunk driver, many others are caused by the mistakes of drivers who are simply ignorant of proper safe driving techniques. Very few of our States require retesting and many drivers are simply unaware of, or fail to appreciate the importance of the different procedures and/or courtesies required by modern driving conditions. High speed merges at freeway access points, the prevalence of traffic, circles, and the increased presence of motorcycle and motor bike traffic, are situations not often faced by drivers in the past, and now calling for differing responses.

Just how unfamiliar with the proper rules and regulations the average American driver is was illustrated graphically by a nationwide drivers test conducted by CBS in 1966; when 40 percent of those participating failed. This is a good indication of the ineptitude of many drivers and sufficient proof that we must take immediate steps to improve the level of the driving ability of all drivers.

While 50 percent of high school students are taking driver education courses, this, together with voluntary defensive driving courses and compulsory courses taken by our Armed Forces, comprises only a small percentage of the 115 million drivers in this country. Furthermore, pedestrian education could also prove effective in the reduction of 10,000 pedestrian deaths yearly.

It is clear that the present system of depending upon the licensing procedure to educate the driver is not adequate. The varying regulations from State to State result in driver education and testing which is far from uniform. In more than one State, the entire process of testing the applicant's knowledge of safety rules consists of little more than a series of multiple choice questions about stopping distances and traffic regulations.

Frequently, the applicant can memorize a sufficient percentage of the answers to these often obsolete and often irrelevant questions to pass the written examination without any true comprehension of traffic safety requirements.

I am also convinced that we cannot depend on the present approach of utilizing the occasional public service announcement to warn of the hazards of driving. I am therefore submitting today, along with Congressman John Murphy of New York, legislation providing for a national safety campaign of unprecedented intensity and scope. We propose a new positive approach of the use of our national media to reach all, and not a fraction of the drivers, on a continual basis with thoroughly researched, psychologically tested, expertly prepared presentations to teach, make aware and change the wrong attitudes inherent in the driving habits of many drivers.

Equally important will be the expected change in attitude of our children who will comprise the drivers of the future. The effect on children of the campaign against cigarettes is substantial proof of the positive impression our national media can make.

This legislation, called the Automobile Driver Education and Highway Safety Act, would place the responsibility of the campaign with the Secretary of Transportation.

This bill authorizes to be appropriated up to $85 million in fiscal 1974 and a sum not to exceed that for the two following fiscal years.

The Secretary would be mandated to carry on an education campaign designed to educate drivers, pedestrians, and others with respect to the dangers of driving and walking on highways and to improve safety by improving driver skills, attitudes, and knowledge of highway regulations.

I am hopeful that my colleagues will join with me in support of this badly needed national highway safety program. I ask unanimous consent to insert in the Record at this time, the full text of this bill.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2357

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Automobile Driver Education and Highway Safety Act".

Sec. 2. (a) The Secretary of Transportation, acting through such officers and agencies of the Department of Transportation as he deems appropriate, shall carry on a national educational campaign designed to educate drivers, pedestrians, and others with respect to (1) the dangers incurred when driving on, crossing, or otherwise using the highways, and (2) improving safety on the highways by improving driver skills, driver attitudes, and driver knowledge of highway regulations.

(b) In carrying out his functions under subsection (a), the Secretary may engage in research, provide training, and engage in any other activity which will effectuate the purposes of this Act.

Sec. 3. There are authorized to be appropriated not to exceed $85,000,000 for the fiscal year ending June 30, 1974, and for each of the two succeeding fiscal years, for carrying out the provisions of this Act.

By Mr. TALMADGE (for himself, Mr. Bentsen, Mr. Gravel, Mr. Mondale, and Mr. Packwood):

S. 2358. A bill to clarify the exempt status of joint activities of educational organizations under the Internal Revenue Code of 1954. Referred to the Committee on Finance.

Mr. TALMADGE. Mr. President, on behalf of myself and Senators Bentsen, Gravel, Mondale, and Packwood, I introduce a bill to amend section 501 of the Internal Revenue Code.

The bill has a single purpose. It is to make clear that returns from the cooperative investment activities of colleges and schools are just as exempt from taxation as are returns from the individual investments of each college and school.

Here is the background of the problem to which this bill is addressed.

For many years, colleges and schools—particularly smaller institutions—have suffered from low returns on the investment of their endowment funds. One of the principal reasons for this is that few schools can afford to obtain first-rate professional investment advice.

To remedy this situation, a number of schools got together and formed The Common Fund, a cooperative enterprise in which they invested a portion of their endowments. The Common Fund, whose directors are officers of the participating schools, contracts with professional advisers for research, advice, and actual investment of the colleges' contributions to the Fund. In the first 2 years of its operation, the Common Fund has substantially increased the return which most of its members have typically received on their investments.

Nearly 300 colleges and schools have now invested in the fund. Institutions in more than 30 States are represented.

During the formative years of the fund, its management and administrative expenses were met by grants from the Ford Foundation. The foundation, like other contributors to education, had long sought ways of improving the investment performance of the schools it was asked to support. The Common Fund was an obvious means of doing this.

The Ford Foundation reasonably concluded that once the fund was successfully established, its management and administrative expenses should be borne by the participating members themselves. So the foundation served notice that it did not intend to continue its support after June 30 of this year.

It is here that the problem arises. The Internal Revenue Service, in ruling on the status of the Common Fund in 1970, held that the fund was indeed tax exempt, so long as virtually all of its management and administrative expenses were paid by outsiders—in other words, by persons other than the colleges and schools themselves.

The apparent rationale for this ruling is that the fund, to be tax exempt, must stand in a charitable or donative relationship to the member schools. To have such a relationship, it should provide its services to them at substantially below cost. The implication is that to require them to contribute to the management costs would terminate that relationship. The danger is that under the IRS ruling, when the schools are asked to contribute to the Common Fund's management expenses, the fund will lose its tax-exempt status.

This is, in my opinion, completely at odds with either sound tax policy or sound educational policy.

Bear in mind that returns on the individual investments of each school are tax exempt.

Bear in mind that each school could, if it had the means, contract with a professional investment adviser for counsel and actual investments of its endowment, and still be tax-exempt.

Bear in mind that the schools have created the common fund themselves, continue to control and direct its affairs, and are ready and willing to support the fund by assessments to each school.

Yet, the IRS ruling would say that though all of this be true, when the schools get together, form a common fund, and assess a charge on one another to pay for the management of the fund, the fund is not tax-exempt.

This is an intolerable result. If it comes to pass, the common fund will no longer be an attractive investment for the schools. They will simply withdraw from it, and the quality of education they offer will suffer as they return to individual low-yield investments. The only alternative is a complete restructuring of the fund, which would involve very heavy administrative and legal costs—all of which would have to be borne by the schools themselves.

My amendment would avoid either result. It would provide tax-exemption for cooperative investment activities of schools which are themselves tax-exempt under section 501(c)(3) of the Code.

There is a clear precedent for this in the Code today. In 1968, Congress provided that where tax-exempt hospitals join in various cooperative endeavors, those endeavors are themselves tax-exempt. The hospital section lists a large number of such activities.

Several months ago, 22 of the 25 members of the House Ways and Means Committee sponsored legislation for educational institutions along the line of the hospital section. A large number of cooperative activities in which schools are joined were named in the House bill, H.R. 5989. Testimony was received on the bill by the Ways and Means Committee in the course of a hearing on tax-exempt donations.

The crowded calendar of the committee, however, made it impossible to consider and report H.R. 5989 during this session of Congress.

Since the common fund alone has an immediate need for attention, I have selected out "investment activities" from the list of tax-exempt activities included in H.R. 5989. In doing so, I do not intend to suggest that the tax-exempt status of the other cooperative activities—all of which are tax-exempt if performed separately—is in doubt. My action is solely determined by the particular urgency of the dilemma faced by the common fund.

I had anticipated that the text of this bill would be offered as an amendment to another revenue measure already passed by the House. It now appears, however, that the Senate will not have an opportunity to consider such a measure prior to the August recess. Therefore, I am introducing the bill now in the hope that the Finance Committee can approve it as an amendment to a House-passed bill shortly after the Congress reconvenes in September. My understanding is that the common fund amendment is entirely acceptable to the chairman and the members of the Ways and Means Committee, and that the administration does not object to it.

There is no question in my mind about the desirability of the legislation, and I am confident that Congress will approve it at the earliest opportunity following the recess. I am sure it would have done so prior to the recess if circumstances had permitted. I would urge the trustees of the fund to withhold any action until Congress has had a chance to act on the legislation in September.

Mr. President, I ask unanimous consent that a list of the members of the common fund as of July 1, 1973, be printed at this point in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

MEMBERS OF THE COMMON FUND

(As of July 1, 1973)

Abilene Christian College, Tex.
Academy of Aeronautics, N.Y.
Adelphi University, N.Y.
Alaska, University of.
Albany Medical College, N.Y.
Albuquerque Academy, N.M.
Alderson-Broaddus College, W. Va.
American Farm School, The, Greece.
American University, The, D.C.
American University of Beirut, Lebanon.
Amherst College, Mass.
Anderson College, Ind.
Arizona, The University of.
Arkansas, University of.
Arkansas College.
Asbury Theological Seminary, Ky.
Atlantic Christian College, N.C.
Augustana College, Ill.
Aurora College, Ill.
Austin College, Tex.
Babson College, Mass.
Ball State University, Ind.
Bay Path Junior College, Mass.
Beauvoir Elementary School, D.C.
Beirut University College, Lebanon.
Benedictine College, Kan.
Bentley College, Mass.
Berea College, Ky.
Berkeley Divinity School, Conn.
Bethany College, Kan.
Bethany College, W. Va.
Bethel College, Kan.
Bishop College, Tex.
Bradford College, Mass.
Bridgeport, University of, Conn.
Bridgewater College, Va.
Browne & Nichols School, The, Mass.
Browning School, The, N.Y.
Brunswick School, Conn.
Bucknell University, Pa.
Buena Vista College, Iowa.
California, University of.
California Institute of Technology.
California State College, San Bernardino.
California State University, Humboldt.
California State University, Los Angeles.
California State University, San Francisco.
California State University, San Jose.
Calvin College, Mich.
Campion High School, Wis.
Canisius College, N.Y.
Capital University, Ohio.
Carnegie-Mellon University, Pa.
Carroll College, Wis.
Carson-Newman College, Tenn.
Casady School, Okla.
Case Western Reserve University, Ohio.
Cedar Crest College, Pa.
Central Methodist College, Mo.
Chapman College, Cal.
Chatham College, Pa.
Chestnut Hill Academy, Pa.
Christian Brothers Academy, N.J.
Christian Brothers College, Tenn.
Cincinnati Country Day School, Ohio.
Claremont Men's College, Cal.
Claremont University Center, Cal.
Clarkson College of Technology, N.Y.
Cogswell Polytechnical College, Cal.
Coker College, S.C.
Collegiate School, N.Y.
Columbia University, N.Y.
Concordia College, Minn.
Dakota Wesleyan University, S.D.
Dartmouth College, N.H.
Dayton, University of, Ohio.
Deep Springs College, Cal.
DePaul University, Ill.
Dickinson College, Pa.
Drew University, N.J.
Duquesne University, Pa.
Earlham College, Ind.
Eckerd College, Fla.
Elizabeth Seton College, N.Y.
Elmhurst College, Ill.
Elon College, N.C.
Emerson College, Mass.
Emma Willard School, N.Y.
Episcopal Academy, The, Pa.
Eureka College, Ill.
Fordham University, N.Y.
Fountain Valley School, Colo.
Franklin and Marshall College, Pa.
Germantown Friends School, Pa.
Gettysburg College, Pa.
Gonzaga University, Wash.
Graduate School, U.S. Department of Agriculture, D.C.
Guilford College, N.C.
Hamline University, Minn.
Hampton Institute, Va.
Hanover College, Ind.
Haverford College, Pa.
Hendrix College, Ark.
High Point College, N.C.
Hiwassee College, Tenn.
Hofstra University, N.Y.
Holderness School for Boys, N.H.
Hollins College, Va.
Holy Cross Abbey, Colo.
Holy Names, The College of, Cal.
Hood College, Md.
House in the Pines School, Vt.
Howard University, D.C.
Idaho, The College of.
Idaho, University of.
Illinois Institute of Technology.
Illinois Wesleyan University.
Incarnate Word College, Tex.
Indiana Institute of Technology.
Indiana University.
Iona College, N.Y.
Jamestown College, N.D.
Jesuit College Preparatory School, Tex.
John Brown University, Ark.
Johns Hopkins University, The, Md.
Kalamazoo College, Mich.
Keuka College, N.Y.
King's College, Pa.
Kirksville College of Osteopathic Medicine, Mo.
Laguna Blanca School, Cal.
Lambuth College, Tenn.
Laurel School, Ohio.
La Verne College, Cal.
Lawrence University, Wis.
Lawrenceville School, The, N.J.
Le Moyne College, N.Y.
Lincoln University, Pa.
Loyola University of Los Angeles, Cal.
Luther College, Iowa.
Macalester College, Minn.
Madonna College, Mich.
Malone College, Ohio
Manchester College, Ind.
Marquette University High School, Wis.
Marygrove College, Mich.
Maryville College, Tenn.
Marywood College, Pa.
Mercer University, Ga.
Mercy College, N.Y.
Methodist Theological School, Ohio
Michigan, The University of
Michigan State University
Michigan Technological University
Middlebury College, Vt.
Millikin University, Ill.
Mills College, Cal.
Millsaps College, Miss.
Mississippi, The University of
Montclair Academy, N.J.
Moorestown Friends School, N.J
Mount Assumption, N.Y.
Mount Holyoke College, Mass.

Mount St. Joseph College, R.I.
Mount St. Mary's College, Cal.
Museum Art School, Ore.
Nasson College, Me.
National Cathedral School for Girls, D.C.
New Mexico, The University of
New Rochelle, College of N.Y.
New York University Institute of Fine Arts
North Carolina Law School, The University of
North Country School, N.Y.
North Cross School, Va.
Northwestern College, Iowa
Notre Dame, University of, Ind.
Oberlin College, Ohio
Occidental College, Cal.
Ohio University
Ohio Wesleyan University
Oklahoma Christian College
Oregon State University
Otterbein College, Ohio
Pacific Lutheran University, Wash.
Pacific Oaks, Cal.
Paper Chemistry, The Institute of, Wis.
Park Tudor School, Ind.
Pennsylvania, University of.
Pennsylvania College of Optometry.
Philadelphia College of Textiles and Science, Pa.
Phillips Exeter Academy, The, N.H.
Pittsburgh, University of, Pa.
Primary Day School, The, Md.
Princeton University, N.J.
Purnell School, N.J.
Randolph-Macon Woman's College, Va.
Reed College, Ore.
Regis High School, N.Y.
Renbrook School, Conn.
Rhode Island, University of.
Rhode Island College.
Roanoke College, Va.
Rollins College, Fla.
Roosevelt University, Ill.
Rutgers, The State University, N.J.
Rye Country Day School, N.Y.
Sacramento State University, Cal.
Saginaw Valley College, Mich.
St. Albans School for Boys, D.C
Saint Augustine's College, N.C.
Saint Benedict, College of, Minn.
Saint David's School, N.Y.
St. Francis Xavier Parochial School, N.Y.
St. John's School, Tex.
St. John's University, N.Y.
St. Johnsbury Academy, Vt.
Saint Joseph College, Conn.
Saint Joseph's College, Pa.
St. Joseph's Collegiate Institute, N.Y.
St. Lawrence University, N.Y.
Saint Mary College, Kan.
St. Norbert College, Wis.
Saint Rose, The College of, N.Y.
St. Thomas, College of, Minn.
Salem College, W. Va.
Samford University, Ala.
San Diego State University, Cal.
Scarritt College for Christian Workers, Tenn.
Scripps College, Cal.
Sidwell Friends School, The, D.C.
Simpson College, Iowa.
Skidmore College, N.Y.
Smith College, Mass.
South Carolina, University of.
Springfield College, Mass.
Stanford University, Cal.
Stephens College, Mo.
Stetson University, Fla.
Stevens Institute of Technology, N.J.
Stony Brook School, The, N.Y.
Sweet Briar College, Va.
Taylor University, Ind.
Texas, The University of.
Texas, Lutheran College.
Thayer Academy, Mass.
Transylvania University, Ky.
Trinity University, Tex.
Tuskegee Institute, Ala.
Union College, N.Y.
University School, Ohio.
University School of Milwaukee, Wis.
Upstate Medical Center-SUNY, N.Y.
Ursinus College, Pa.
Vermont, The University of.
Villa Maria College, Pa.
Walsh College, Ohio.
Warren Wilson College, N.C.
Wayne State University, Mich.
Wesleyan University, Conn.
Westbrook College, Me.
Western New England College, Mass.
Westmar College, Iowa.
Westmont College, Cal.
Westridge School, The, Cal.
Wheeling College, W. Va.
Whitman College, Wash.
Whittier College, Cal.
Willamette University, Ore.
Williams College, Mass.
Wilson College, Pa.
Wisconsin, The University of.
Wooster, The College of, Ohio.
Worcester Junior College, Mass.
Worcester Polytechnic Institute, Mass.
Xavier High School, N.Y.
Xavier University, Ohio.
Yale University, Conn.
Yankton College, S.D.

By Mr. HARTKE (for himself, Mr. ABOUREZK, Mr. ALLEN, Mr. BAKER, Mr. BARTLETT, Mr. BAYH, Mr. BEALL, Mr. BENTSEN, Mr. BIBLE, Mr. BIDEN, Mr. BROOKE, Mr. BURDICK, Mr. ROBERT C. BYRD, Mr. CANNON, Mr. CASE, Mr. CHILES, Mr. CHURCH, Mr. CLARK, Mr. COOK, Mr. CRANSTON, Mr. CURTIS, Mr. DOMENICI, Mr. DOMINICK, Mr. EAGLETON, Mr. EASTLAND, Mr. FULBRIGHT, Mr. GOLDWATER, Mr. GRAVEL, Mr. GRIFFIN, Mr. HANSEN, Mr. HART, Mr. HATFIELD, Mr. HOLLINGS, Mr. HRUSKA, Mr. HUGHES, Mr. HUMPHREY, Mr. INOUYE, Mr. JACKSON, Mr. JAVITS, Mr. KENNEDY, Mr. MAGNUSON, Mr. MANSFIELD, Mr. MATHIAS, Mr. MCGEE, Mr. MCGOVERN, Mr. MCINTYRE, Mr. METCALF, Mr. MONDALE, Mr. MONTOYA, Mr. MOSS, Mr. NELSON, Mr. PASTORE, Mr. PELL, Mr. RANDOLPH, Mr. RIBICOFF, Mr. SCHWEIKER, Mr. STAFFORD, Mr. STEVENS, Mr. THURMOND, Mr. TOWER, Mr. WEICKER, Mr. WILLIAMS, and Mr. YOUNG):

S. 2359. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder. Referred to the Committee on Finance.

Mr. HARTKE. Mr. President, since becoming a Member of the U.S. Senate, I have introduced many bills to serve many purposes and to solve many problems, but the bills of which I am proudest are those which would help blind people in their valiant struggle to achieve a normal, self-reliant life.

Mr. President, I have endeavored to give a voice to the hopes and aspirations of our blind fellow Americans—to the difficulties, discriminations, and disadvantages experienced by blind men and women as they strive to live and work without sight in a world of sight. I intend to continue my efforts in behalf of all sightless Americans so long as I remain in the Senate, for I believe that no other separate group of our people have tried to do more to help themselves, and no other group has accomplished more through their own efforts to achieve restoration to regular, self-supporting living than have the blind of this Nation.

Mr. President, because blind Americans have tried so determinedly to help themselves, I believe they have more than earned the right to assistance from the Government. Therefore, I am introducing today a bill to liberalize the provisions of the Federal disability insurance law for blind persons.

On five separate occasions, Mr. President, this bill has been approved by the Senate during the past dozen years. As an indication of the support which this disability for the blind bill has received in this Chamber, no less than 71 of my colleagues joined me in sponsoring the bill in the 92d Congress.

My bill would make it possible for a blind person who has worked for a year and a half in social security-covered work to qualify and draw disability benefit payments so long as he remains blind and regardless of his earnings. The present law requires that a blind person have worked in covered employment in 20 of the last 40 quarters. That eligibility requirement fails to take into account the fact that a blind person finds it difficult to secure work of any kind, however employable he may be on the basis of talents and training.

My bill gives legal recognition to another hard fact confronting the blind—they must always function without sight in a society structured for sight, and they must work in an economy organized by sighted people for sighted people. As a result, the blind person will need varying degrees of sight to assist him no matter what he does or how able he may be, and the only sure way to get this help is to hire it. The blind person must thus have disability insurance payments to serve as a continuing source of funds to hire sighted assistance.

It is my hope, Mr. President, that this 93d Congress will be known as the most important of all Congresses for blind Americans. It can achieve that distinction if we enact the disability insurance for the blind bill which I introduce today so that, at long last, blind people can be liberated and elevated to a more equal relationship with their sighted fellows.

Mr. President, I ask unanimous consent that the text of my bill, together with a fact sheet about the bill be printed in the RECORD at this point.

There being no objection, the bill and fact sheet were ordered to be printed in the RECORD, as follows:

S. 2359

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 214(a) of the Social Security Act is amended by adding "or" after the semicolon at the end of paragraph (3), and by inserting after paragraph (3) the following new paragraph:

"(4) in the case of an individual who has died and who was entitled to a benefit under section 223 for the month before the month in which he died, 6 quarters of coverage;".

(b) Section 215(b)(1) of such Act is amended by striking out "shall be the quotient" and inserting in lieu thereof "shall (except as provided in paragraph (5)) be the quotient".

(c) Section 215(b) of such Act is further amended by adding at the end thereof the following new paragraph:

"(5) In the case of an individual who is blind (within the meaning of 'blindness' as defined in section 216(i)(1)), such individual's average monthly wage shall be the quotient obtained by dividing (A) the total of his wages paid in, and self-employment income credited to, all of the calendar quarters which are quarters of coverage (as defined in section 213) and which fall within the period after 1950 and prior to the year specified in clause (i) or clause (ii) of paragraph (2)(C), by (B) the number of months in such quarters; except that any such individual who is fully insured (without regard to section 214(a)(4)) shall have his average monthly wage computed under this subsection without regard to this paragraph if such computation results in a larger primary insurance amount."

(d) Section 216(i)(3) of such Act is amended to read as follows:

"(3) The requirements referred to in clauses (i) and (ii) of paragraph (2)(C) are satisfied by an individual with respect to any quarter only if—

"(A) he would have been a fully insured individual (as defined in section 214) had he attained age 62 and filed application for benefits under section 202(a) on the first day of such quarter, and (i) he had not less than 20 quarters of coverage during the 40-quarter period which ends with such quarter, or (ii) if such quarter ends before he attains (or would attain) age 31, not less than one-half (and not less than 6) of the quarters during the period ending with such quarter and beginning after he attained the age of 21 were quarters of coverage, or (if the number of quarters in such period is less than 12) not less than 6 of the quarters in the 12-quarter period ending with such quarter were quarters of coverage; or

"(B) he is blind (within the meaning of 'blindness' as defined in paragraph (1) of this subsection) and has not less than 6 quarters of coverage in the period which ends with such quarter.

For purposes of clauses (i) and (ii) of subparagraph (A) of this paragraph, when the number of quarters in any period is an odd number, such number shall be reduced by one, and a quarter shall not be counted as part of any period if any part of such quarter was included in a prior period of disability unless such quarter was a quarter of coverage."

(e) The first sentence of section 222(b)(1) of such Act is amended by inserting "(other than such an individual whose disability is blindness as defined in section 216(i)(1))" after "an individual entitled to disability insurance benefits".

(f) Section 223(a)(1) of such Act is amended—

(1) by striking out the comma at the end of subparagraph (B) and inserting in lieu thereof "or is blind (within the meaning of 'blindness' as defined in section 216(i)(1)),";

(2) by striking out "the month in which he attains age 65" and inserting in lieu thereof "in the case of any individual other than an individual whose disability is blindness (as defined in section 216(i)(1)), the month in which he attains age 65"; and

(3) by striking out the second sentence.

(g) Section 223(c)(1) of such Act is amended to read as follows:

"(1) An individual shall be insured for disability insurance benefits in any month if—

"(A) he would have been a fully insured individual (as defined in section 214) had he attained age 62 and filed application for benefits under section 202(a) on the first day of such month, and (i) he had not less than 20 quarters of coverage during the 40-quarter period which ends with the quarter in which such month occurred, or (ii) if such month ends before the quarter in which he attains (or would attain) age 31, not less than one-half (and not less than 6) of the quarters during the period ending with the quarter in which such month occurred and beginning after he attained the age of 21 were quarters of coverage, or (if the number of quarters in such period is less than 12) not less than 6 of the quarters in the 12-quarter period ending with such quarter were quarters of coverage, or

"(B) he is blind (within the meaning of 'blindness' as defined in section 216(i)(1)) and has not less than 6 quarters of coverage in the period which ends with the quarter in which such month occurs.

For purposes of clauses (i) and (ii) of subparagraph (A) of this paragraph, when the number of quarters in any period is an odd number, such number shall be reduced by one, and a quarter shall not be counted as part of any period if any part of such quarter was included in a period of disability unless such quarter was a quarter of coverage."

(h) Section 223(d)(1)(B) of such Act is amended to read as follows:

"(B) blindness (as defined in section 216(i)(1))."

(i) the second sentence of section 223(d)(4) of such Act is amended by inserting "(other than an individual whose disability is blindness, as defined in section 216(i)(1))" immediately after "individual".

SEC. 2. In the case of an insured individual who is under a disability as defined in section 223(d)(1)(B) of the Social Security Act, who is entitled to monthly insurance benefits under section 202(a) or 223 of such Act for a month after the month in which this Act is enacted, and who applies for a recomputation of his disability insurance benefit or for a disability insurance benefit (if he is entitled under such section 202(a)) in or after the month this Act is enacted, the Secretary shall notwithstanding the provisions of section 215(f)(1) of such Act, make a recomputation of such benefit if such recomputation results in a higher primary insurance amount.

SEC. 3. The amendments made by this Act shall apply only with respect to monthly benefits under title II of the Social Security Act for and after the second month following the month in which this Act is enacted.

FACT SHEET: IMPROVED DISABILITY INSURANCE FOR THE BLIND

A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder.

HISTORY

Offered in the 88th Congress by Senator Hubert Humphrey as a floor amendment to H.R. 11865 (Social Security Bill); adopted by voice vote without a dissenting vote; lost when Social Security conference ended in deadlock.

Offered in 89th Congress by Senator Vance Hartke, as S. 1787; 41 cosponsors; adopted as floor amendment to H.R. 6675 by 78 to 11 roll call votes; not approved by Social Seceurity conference.

Offered in the 91st Congress by Senator Vance Hartke, as S. 2518; 68 co-sponsors including nine of the 17 member Committee on Finance; adopted by Committee on Finance as amendment to H.R. 17550; sponsored in the House of Representatives by Congressman James A. Burke; as H.R. 3782 (identical to S. 2518), and, slightly modified, as H.R. 14673; 160 co-sponsors to the Burke bill including eleven of the 25-member Committee on Ways and Means; offered in the Committee on Ways and Means Social Security Executive Session by Congressman Burke; Committee adopted proposal of Disability Insurance for the Blind Bill removing recency of quarters earned in Social Security-covered work requirement making 30,000 otherwise ineligible blind persons eligible for disability benefits; no further action since House-Senate Conference on Social Security matters was not held.

Offered in the 92nd Congress in the Senate by Senator Vance Hartke, as S. 1335; 71 cosponsors including 10 of the 16-member Committee on Finance; adopted by the Committee on Finance as amendment to H.R. 1; sponsored in the House of Representatives by Congressman James A. Burke, as H.R. 1240 (identical to S. 1335); offered by Congressman Burke in Committee on Ways and Means Executive Session on H.R. 1; Committee adopted provision similar to Committee action taken in the 91st Congress; House-Senate Conference on Social Security matters approved change in Disability Insurance for the Blind as adopted by the Committee on Ways and Means.

PROVISIONS

Allows qualification for disability benefits to the person who is blind according to the generally accepted definition of blindness (20/200, etc.) and who has worked six quarters in Social Security-covered work, any time earned, rather than 20 of the last 40 quarters as required of those with other disabilities; continuation of benefits irrespective of earnings so long as blindness lasts, rather than cutting off benefits if the blind person earns as little as $140.00 in a month as provided in existing regulations.

WHAT CHANGES WOULD DO

The Disability Insurance for the Blind bill would transform the Disability Insurance Program providing only subsistence income to long-time employed but presently unemployable blind persons into a system providing short-term employed blind persons with insurance income to off-set the economic consequences of blindness—diminished earning power, greatly diminished employment opportunities, greatly increased costs of living and working, blind, in a sight-directed economy and society.

WHY CHANGES ARE NEEDED

To many blind persons, able to work, although blind, but unable to secure work because they are blind—or unable to secure work of long and steady duration because they are blind—to these people the requirement of employment for a year and a half in Social Security-covered work, instead of the five of the last ten years requirement in existing law, is much more realistic and reasonable under the special and adverse circumstances facing blind persons.

It is much more realistic, when considering the misinformed or uninformed attitudes, the adverse and prejudicial practices which confront blind people when they seek work, when they are qualified by talent and training for work, when they are skilled and able to operate successfully with blindness, yet, are not hired because they are believed to be incompetent and incapable.

Making disability insurance payments available when a blind person has worked six quarters in Social Security-covered work is much more reasonable than the five years' requirement, for it would make such payments more readily available to more persons when the disaster of blindness occurs, when the need for the security provided by regularly received disability insurance payments is greatest in a workman's life.

This bill recognizes that a person who tries to function, sightless, in our sight-structured world, functions at a financial disadvantage.

For whatever a blind man would do, whatever employment or activity he would pursue, he has the need for sight to assist him.

Sighted family members and friends may be helpful, when the inclination moves them to be helpful, but the blind vending stand operator, the blind lawyer or teacher, the blind piano tuner, even the blind housewife soon discovers that sight which is hired is more reliably available than sight which is given from kindness.

So the blind person who would function self-dependently, the blind person who would earn a living, who would live self-responsibly, must not only pay the usual daily living costs which his sighted fellows pay, but he must also pay the extra, the burdening expenses of blindness—the expenses incurred in hiring sight.

By allowing a blind person to draw disability insurance payments so long as he continues blind and irrespective of his earnings, this bill would provide to such blind person, a regular source of funds to pay for sight, and it would thus help to reduce the economic disadvantages and inequalities of blindness in his life.

By Mr. PROXMIRE:

S. 2360. A bill to amend the Fair Credit Reporting Act. Referred to the Committee on Banking, Housing and Urban Affairs.

FAIR CREDIT REPORTING

Mr. PROXMIRE. Mr. President, I introduce legislation calling for stricter regulation of credit reporting agencies. My bill would close some of the gaps in the Fair Credit Reporting Act which went into effect in April of 1971.

The purposes of the Fair Credit Reporting Act are to enable consumers to correct inaccurate and misleading credit reports, to preserve the confidentiality of credit report information, and to protect the individual's right to privacy. As the author of the act, I believe it has provided consumers with important new protections in the credit reporting area. However, we now have had over 2 years of experience under the act and during this time certain deficiencies have been revealed.

My bill is intended to remedy these deficiencies. It is based on the recommendations of the Federal Trade Commission which administers the Fair Credit Reporting Act as well as others who have studied the act. As the chairman of the Consumer Credit Subcommittee of the Senate Banking Committee, I am planning to hold prompt hearings on the legislation after the August recess.

Under my bill, the Fair Credit Reporting Act would be strengthened in the following ways:

First. Consumers are entitled to inspect their credit files and obtain a written copy of all the information in their file. Current law requires that the information need only be orally disclosed by the credit reporting agency and does not entitle a consumer to actually see or inspect his file.

Second. All the information in a consumer's credit file must be disclosed including the sources of information on investigative reports and medical information. Reporting agencies have the option of disclosing medical information to the consumer or to a physician of his choice. The current law does not require a reporting agency to divulge medical information or the source of investigative information.

Third. Consumers are entitled to receive a copy of their credit report through the mail. Current law does not require mail disclosures.

Fourth. Consumers who are turned down for credit, insurance or employment, are entitled to free disclosure of the contents of their credit file by long distance telephone without paying a toll charge. Present law permits credit reporting agencies to charge the consumer for all long distance calls.

Fifth. Those who order investigative reports on a person's habits must first obtain written permission from the person being investigated after clearly disclosing the complete details and scope of the proposed investigation. These requirements also apply to investigative employment reports whether or not the person has applied for employment. Current law does not require the consumer's written permission and requires only that the consumer be given a general description of the investigation. The current law also waives any disclosure of investigative employment reports on persons who have not applied for employment.

Sixth. All investigative reports must be in writing and must be retained in the consumer's file for 1 year so as to permit the FTC to determine whether the reporting agency is complying with the law. The current law permits reporting agencies to make oral investigative reports and to destroy copies of written reports as soon as they are made.

Seventh. Anyone who takes adverse action against a consumer on the basis of information in a credit report must give the consumer a copy of the credit report and disclose in writing the specific reason for the adverse action, the specific information in the credit report considered to be adverse, the name, address, and phone number of the credit reporting agency, and the consumer's legal right to inspect and correct his credit file. Those requirements apply to any adverse action taken on the basis of a credit report including the denial of credit, insurance, employment, an apartment rental, license, fidelity bond, or other benefit. The current law applies only to credit insurance or employment and requires only that the consumer be told a credit report was involved and that he be given the name and address of the reporting agency.

Eighth. Anyone who denies a person credit, insurance or employment on the basis of information obtained from a third party other than a credit reporting agency must disclose in writing the reason for the adverse action and the nature of the third party information. The present law applies only to creditors and requires that the nature of the third party information be disclosed only if requested by the consumer.

Ninth. The term "credit reporting agency" is expanded to cover Government agencies making credit, insurance, or employment reports such as the Civil Service Commission. Under this expanded definition, a person would have the same rights with the Civil Service Commission that he has with a credit reporting agency including the right to inspect his file and correct inaccurate information. The FTC has interpreted the present law to exclude Government agencies from the definition of a credit reporting agency.

Tenth. The Federal Trade Commission is given the power to write rules and regulations to carry out the purposes of the Fair Credit Reporting Act. The FTC has interpreted the present law to preclude it from writing rules and regulations.

Eleventh. The FTC is specifically authorized to gain access to information in a credit reporting agency's files to determine whether the information being disclosed to consumers is consistent with the information in the file. FTC's authority to utilize this method of enforcing compliance has been legally challenged.

Twelfth. The civil liability provisions of the Fair Credit Reporting Act are strengthened by providing for a minimum liability of $100 in the case of negligent violations and $1,000 in case of willful violations. These sums would be in addition to any actual damages. The present law does not provide for minimum liability with the result that there have been no awards since the law went into effect in April of 1971.

The immunity from certain civil actions is repealed with respect to those who make or use credit reports or furnish information for credit reports. The present law prevents such common law civil actions based on information disclosed pursuant to the Fair Credit Reporting Act unless the violation involved the furnishing of false information with malicious intent to injure the consumer.

Mr. President, I ask unanimous consent to have the bill printed in the RECORD at the end of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2360

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

§ 1. SHORT TITLE.

This Act may be cited as the "Fair Credit Reporting Act Amendments of 1973".

§ 2. COVERAGE OF ACT.

Section 603(f) of the Fair Credit Reporting Act is amended—

(1) by striking out "fees, dues, or" and inserting in lieu thereof "compensation,";

(2) by striking out "regularly" and inserting in lieu thereof "or otherwise,"; and

(3) by adding at the end thereof the following new sentence, "As used in the preceding sentence, 'furnishing consumer reports to third parties' includes the furnishing of such reports to other governments or to other subdivisions or agencies of the same government.".

§ 3. AUTHORIZATION FOR DISCLOSURE OF INVESTIGATIVE CONSUMER REPORTS.

Section 606 of the Fair Credit Reporting Act is amended to read as follows:

"§ 606. DISCLOSURE OF INVESTIGATIVE CONSUMER REPORTS.

"A person may not procure or cause to be prepared an investigative consumer report on any consumer unless that consumer has given a specific date, and separately signed affirmative written indication of his authorization of such an investigative consumer report after receiving clear and conspicuous written disclosure to him of the methods and scope of the investigation. Such disclosure shall include—

"(1) a list of all questions to be asked in the investigation and the likely sources to be asked in the investigation and the likely sources to be contacted in the investigation; and

"(2) a blank copy of any standard questionnaire or other similar form to be used in the investigation.".

§ 4. EXTENT OF DISCLOSURE.

Section 609 of the Fair Credit Reporting Act is amended—

(1) by striking out "The nature and substance of all" in subsection (a)(1) and inserting in lieu thereof "All";

(2) by inserting before the period at the end of subsection (a)(1) a comma and the following: "except that the consumer shall be advised of the existence of any medical information withheld, and of his right to have such information furnished to a licensed physician of his choice";

(3) by striking out the semicolon and all that follows it in subsection (a)(2) and inserting in lieu thereof "(including the sources of medical information).": and

(4) by adding at the end thereof the following new subsection:

"(c) Upon the request of the consumer to whom medical information withheld pursuant to subsection (a)(1) relates, the consumer reporting agency shall furnish such information to a licensed physician designated by the consumer. Nothing in this Act shall be construed to prevent, or to authorize any consumer reporting agency to prevent, such a physician from subsequently disclosing such information to the consumer to whom it relates.".

§ 5. CONDITIONS OF DISCLOSURE.

(a) Section 610(b) of the Fair Credit Reporting Act is amended as follows:

(1) In clause (1), strike out "; or" and insert in lieu thereof a comma and the following: "and in any such case, the consumer shall be permitted a personal, visual inspection of his file;".

(2) In clause (2), strike out all after "telephone disclosure" and insert in lieu thereof "without charge to the consumer, except as provided in section 612;".

(3) After clause (2), add the following:

"(3) by mail, if he has made a written request, with proper identification, for mail disclosure; and

"(4) by providing a copy of his file, if he has made a written request, with proper identification, at a charge not to exceed ten cents per page.".

(b) Subsection (c) of such section is amended by adding at the end thereof the following new sentence: "Information furnished by mail must be accompanied by an explanation if provided in code or trade terminology.".

(c) Subsection (e) of such section is repealed.

§ 6. FORM AND RETENTION OF INVESTIGATIVE CONSUMER REPORTS.

Section 614 of the Fair Credit Reporting Act is amended—

(1) by inserting "(a)" before "Whenever"; and

(2) by adding at the end thereof the following new subsection:

"(b) Each investigative consumer report shall be in writing, shall identify the sources of all information contained therein, and shall be retained in the file of the consumer to whom it relates for a period of one year following its completion.".

§ 7. REQUIREMENTS ON USERS OF CONSUMER REPORTS.

Section 615 of the Fair Credit Reporting Act is amended to read as follows:

"§ 615. REQUIREMENTS ON USERS OF CONSUMER REPORTS.

"(a) Whenever any adverse action is taken either wholly or partly because of information contained in a consumer report from a consumer reporting agency, the user of the consumer report shall—

"(1) disclose in writing to the consumer against whom such adverse action has been taken (A) the reason for taking such adverse action, including reference to the particular item or items of information contained in the consumer report upon which such adverse action has been wholly or partly based; (B) the name, street address, and telephone number of the consumer reporting agency making the report; and (C) a statement of the fact that the consumer is entitled (i) to receive a copy of his file from the consumer reporting agency at nominal charge, or (ii) to inspect his file at the consumer reporting agency free of charge if visited within 30 days of receipt of the user's notification; and

"(2) furnish a copy of the consumer report if the consumer report was written, or furnish a copy of a summary if the consumer report was oral.

"(b) Whenever credit or insurance for personal, family, or household purposes, or employment involving a consumer is denied or the charge for such credit or insurance is increased either wholly or partly because of information obtained from a person other than a consumer reporting agency bearing upon the consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living, the user of such information shall disclose in writing to the consumer at the time such action is taken the reason for such adverse action, and the nature of the information.".

§ 8. CIVIL LIABILITY FOR WILLFUL NONCOMPLIANCE.

Section 616 of the Fair Credit Reporting Act is amended—

(1) by inserting "and knowingly" after "willfully"; and

(2) by inserting before the semicolon in clause (2) a comma and the following: "but not less than $1,000".

§ 9. CIVIL LIABILITY FOR NEGLIGENT NONCOMPLIANCE.

Section 617 of the Fair Credit Reporting Act is amended—

(1) by inserting ", in an individual action," after "that consumer";

(2) by redesignating clause (2) as clause (3);

(3) by inserting before such redesignated clause the following:

"(2) such amount of special damages as the court may allow, but not less than $100 for each item of erroneous information reported; and"; and

(4) by adding at the end thereof the following flush sentence:

"A consumer reporting agency or user of information is not liable in an action under this section if it shows by a preponderance of the evidence that, at the time of the violation, the violation was not intentional and resulted from a bona fide error notwithstanding the maintenance of reasonable procedures to assure compliance and avoidance of error.".

§ 10. RULEMAKING AUTHORITY.

Section 621 of the Fair Credit Reporting Act is amended—

(1) by striking out "(a)" and inserting in lieu thereof "(2)"; and

(2) by inserting immediately after the section caption the following:

"(a)(1) The Commission shall prescribe regulations to carry out the purposes of this title. Such regulations may contain such classifications, differentiations, and other provisions, and may provide for such adjustments and exceptions as in the judgment of the Commission are necessary or proper to effectuate the purposes of this title, to prevent circumvention or evasion thereof, or to facilitate compliance therewith. Any reference to any requirement imposed under this title or any provision thereof includes reference to the regulations of the Commission under this title or the provision thereof in question.".

§ 11. DISCLOSURE OF REPORTS FOR ENFORCEMENT PURPOSES.

(a) Section 604 of the Fair Credit Reporting Act is amended by striking out "A" and inserting in lieu thereof "Except as provided in section 621 (a), a".

(b) Section 608 of such Act is amended by inserting after "604" a comma and the following: "and except as provided in section 621 (a)".

(c) The third sentence of section 621 (a) (2) of such Act is amended by inserting after "documents" a comma and the following: "the examination and production of consumer reports and consumer reporting agency files".

By Mr. DOLE:

S. 2361. A bill to authorize the President to enter into agreements establishing totalization arrangements between the social security system established by title II of the Social Security Act and the social security systems of other countries. Referred to the Committee on Finance.

COORDINATION OF SOCIAL SECURITY SYSTEMS

Mr. DOLE. Mr. President, today, I am introducing a bill to coordinate the social security system of this country with similar programs of other nations. This bill would fill a need to provide Americans working abroad with uninterrupted protection and eligibility for benefits under our law. It would also enable many of those who immigrate to America to be given recognition under our system for contributions made to the systems of their native countries. And it would also eliminate the problem of employers and employees being required to make contributions to the social security systems of two nations and the problem of nations supplying duplicated benefits to those individuals.

These totalization agreements are not unique in international relations. Several European nations have them, and their principle was endorsed by the European Common Market in its earliest days. Under a 1951 treaty with Italy, the United States has negotiated a totalization agreement between the two countries; however, the agreement cannot be put into effect until legislative authority is granted.

This bill would grant the required authority, and it would make possible the conclusion of similar agreements with other nations.

With the growing importance of trade and the exchange of ideas, products, and personnel across national borders, I believe we should take every reasonable step to encourage and facilitate the processes involved. Coordination of different countries' social security systems is one step which can help.

It would involve no great expense and would provide a significant measure of fairness and equity for the workers who would be covered by it. It would not make our social security system responsible for paying benefits earned in other countries; however, it would enable workers to maintain continuity in their coverage between the two different national systems.

Congress would have authority to reject any totalization agreement, so there would still be ample opportunity to supervise these agreements' impacts on our system.

I would hope this legislation could be approved without undue delay. It should provide real benefits to the individual workers it covers, and it will be further indication of our country's intention to match our acts with our words in seeking closer cooperation on matters of mutual interest with our trading partners around the world.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD at the conclusion of my marks, along with a letter of transmittal and explanation from the Secretary of Health, Education, and Welfare; a discussion of the present law, this proposal, its cost and other details; a description of a model totalization agreement; and a discussion of several hypothetical cases demonstrating the effect of totalization agreement.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 2361

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title II of the Social Security Act is amended by adding at the end thereof the following new section:

"INTERNATIONAL AGREEMENTS

"Purpose of Agreement

"SEC. 232. (a) The President is authorized to enter into agreements establishing totalization arrangements between the social security system established by this title and the social security system of any foreign country, for the purposes of establishing entitlement to and the amount of old-age, survivors, disability, or derivative benefits based on a combination of an individual's periods of coverage under the social security system established under this title and the social security system of such foreign country.

"Delegation of Authority to Secretary of Health, Education, and Welfare

"(b) (1) The President is authorized to delegate any of his functions under this section to the Secretary of Health, Education, and Welfare.

"(2) Pursuant to any such delegation, the Secretary of Health, Education, and Welfare shall consult with the Secretary of the Treasury and the Secretary of State prior to entering into any such agreement.

"Definitions

"(c) For the purposes of this section—

"(1) the term 'social security system' of a foreign country means a social insurance or pension system which is of general application in the country and under which periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, death or disability.

"(2) the term 'period of coverage' means a period of payment of contributions or a period of earnings based on wages for employment or on self-employment income, or any similar period recognized as equivalent thereto under this title or under the social security system of a country which is a party to an agreement entered into under this section.

"Crediting Periods of Coverage; Tax Exemptions; Conditions of Payment of Benefits

"(d) (1) Any agreement establishing a totalization arrangement pursuant to this section shall provide:

"(A) that, in the case of an individual who has at least six quarters of coverage as defined in section 213 of this Act and periods of coverage under the social security system of a foreign country which is a party to such agreement, periods of coverage of such individual under such social security system of such foreign country may, at the option of such individual or of the survivors of such individual, be combined with periods of coverage under this title and otherwise considered for the purposes of establishing entitlement to and the amount of old-age, survivors, and disability insurance benefits under this title;

"(B) (i) that employment or self-employment, or any service which is recognized as equivalent to employment or self-employment under this title and the social security system of such foreign country which is a party to such agreement, shall, on or after the effective date of such agreement, result in a period of coverage under the system established under this title or under the system established under the laws of such foreign country, but not under both;

"(ii) the methods and conditions for determining under which system such employment, self-employment or other service shall result in a period of coverage;

"(C) that where an individual's periods of coverage are combined, the benefit amount payable under this title shall be based on the proportion of such individual's periods of coverage which were completed under this title; and

"(D) that an individual who is entitled to cash benefits under this title pursuant to such agreement shall, notwithstanding the provisions of section 202(t), receive such benefits while he legally resides in the foreign country which is a party to such agreement.

"(2) To the extent that any such agreement provides that any period of coverage under this title shall not be such a period of coverage because it is a period of coverage under the laws of a foreign country which is a party to such agreement, no employment or self-employment taxes shall be imposed with respect to such period of coverage under the laws of the United States.

"(3) Any such agreement may provide that the benefit paid by the United States to an individual who legally resides in the United States shall be increased to an amount which, when added to the benefit paid by such foreign country, will be equal to the benefit amount which would be payable to an entitled individual based on the first figure in (or deemed to be in) column IV of the table in section 215(a).

"(4) Section 226 shall not apply in the case of any individual to whom it would not be applicable but for this section or any agreement or regulation under this section.

"(5) Any such agreement may contain such other provisions, not inconsistent with this section, as the President deems appropriate.

"Regulations

"(e) The Secretary of Health, Education, and Welfare shall make rules and regulations and establish procedures which are reasonable and necessary to implement and administer any agreement which has been entered into in accordance with this section.

"Reports to Congress; Effective Date of Agreements

"(f) (1) Any agreement to establish a totalization arrangement entered into pursuant to this section shall be transmitted by the President to the Congress.

"(2) Such an agreement shall become effective on any date provided in the agreement following 90 calendar days of continuous session of the Congress after the date on which the agreement is transmitted in accordance with paragraph (1). The continuity of a session is broken (for purposes of this paragraph) only by an adjournment of the Congress sine die. The days on which either House of the Congress is not in session because of an adjournment of more than 3 days to a day certain shall be excluded in the computation of the 90-day period."

Relief from Taxes

SEC. 102. (a) Section 1401 of the Internal Revenue Code is amended by adding at the end thereof the following new subsection:

"(c) During any period in which there is in effect an agreement entered into pursuant to section 232 of the Social Security Act with any foreign country, the self-employment income of an individual shall be exempt from the taxes imposed by this section to the extent that such self-employment income is subject under such agreement to taxes or contributions for similar purposes under the social security system of such foreign country."

(b) Sections 3101 and 3111 of such Code are each amended by adding at the end thereof the following new subsection:

"(c) During any period in which there is in effect an agreement entered into pursuant to section 232 of the Social Security Act with any foreign country, wages received by or paid to an individual shall be exempt from the taxes imposed by this section to the extent that such wages are subject under such agreement to taxes or contributions for similar purposes under the social security system of such foreign country."

(c) Notwithstanding any other provision of law, taxes paid by any individual to any foreign country with respect to any period of employment or self-employment which is covered under the social security system of such foreign country in accordance with the terms of an agreement entered into pursuant to section 232 of the Social Security Act, shall not, under the laws of the United States, be deductible by, or creditable against the income tax of, any such individual.

DESCRIPTION OF MODEL TOTALIZATION AGREEMENT

Under a totalization agreement between countries A and B, each country, at the option of a social security claimant, considers the worker's total earnings record—i.e., his covered work in both country A and country B—in determining insured status and benefit amounts. Thus, covered work in either country could count toward meeting the insured-status requirements of the other. In computing a totalized benefit, a participating country would first compute the benefit that would have been payable under its laws if the total earnings record had been covered by its social security program. The totalized benefit would be a fraction of the benefit amount computed on the basis of total credits; the fraction would be equal to the ratio which the worker's covered employment completed under the social security system of the country paying the benefits bears to the total employment covered under the systems of both countries. The draft legislation provides that the United States will totalize benefits at the option of the worker (or his survivors); totalization of benefits by the other country party to the agreement is not provided for under the draft legislation but it is expected that it would be provided under the terms of the agreement.

For example, if a worker had 10 years of covered work under the U.S. system and 30 years of work covered under the system of another country which is party to the agreement, the U.S. totalized benefit would be a benefit computed under U.S. laws using the 40 years of earnings, reduced by three-fourths. The other country would compute a benefit under its own laws using the 40 years of earnings and then would reduce this benefit amount by one-fourth to arrive at the totalized benefit payable under its social security system.

Benefits could be totalized in any case in which a worker has at least 6 quarters of coverage under the U.S. system and also has covered work under the system of another country which is party to the agreement. If an individual is entitled to benefits under the laws of a participating country without totalization, he may elect to receive either the totalized benefit amount or the benefit amount payable without totalization. Presumably, in such cases he would choose the larger of the two benefits. (Studies have indicated that if a claimant is eligible for benefits in the United States under present law, he would virtually never gain an advantage under the U.S. system by electing totalization.)

Under the agreement, each country would be required to treat the nationals of the other country as they would their own nationals for social security purposes. Also, all benefits would be paid to citizens of either country living in either country without restriction or reduction based on residence.

A totalization agreement would permit each country, to the greatest extent feasible, to apply its own laws in paying benefits under the agreement. Thus, each system would apply its own laws with regard to such determinations as insured status, eligibility for dependents and survivors benefits, deductions, suspensions, and terminations of benefits.

The two countries would exchange information on social security credits and covered earnings and provide other administrative assistance, but they would make their determinations and computations independently of each other and pay benefits directly to the beneficiaries. There would be no need for an interchange of funds or balancing of accounts between the two countries; each country would bear the cost of the benefits it pays plus its own administrative expenses.

ELIMINATION OF DUAL COVERAGE

A totalization agreement would also include provisions designed to eliminate dual coverage, i.e., coverage in both countries for the same services. The agreement would not change the basic coverage provisions of either country; it would simply exempt from coverage under the social security system of one country certain services covered under the system of the other country. The exemptions would generally be based on such considerations as the nationality of the worker and the country in which the work is performed so that, to the extent feasible, the services would be exempted from coverage under the laws of the country that has less direct connection with the worker. For example, a U.S. citizen working for a time in the branch office of a U.S. employer in another country which is party to an agreement could be exempted from coverage under the other country's social security system, remaining covered only under the system of the United States to whose economy he is attached.

Following are some illustrative cases showing the effect of a totalization agreement:

ILLUSTRATIVE CASES SHOWING THE EFFECT OF A TOTALIZATION AGREEMENT [1]

Case A

A, an American citizen, works for an American employer in the United States. A's employer also does business in country C. During his career A is assigned to a branch office of his employer in C for 10 years and continues to be covered under the U.S. social security system. Under present law he and his employer must also pay the social security contributions of country C for those 10 years, but since C requires at least 15 years' coverage to be insured for retirement benefits, A is not entitled to any social security benefits from C.

Under a totalization agreement, dual coverage between the United States and C would be eliminated. For purposes of this example it is assumed that the totalization agreement provides that the work is covered only under the U.S. system, the country of which the worker is a citizen. A's social security retirement benefits would be based on his lifetime of work including his 10 years of work in country C.

Case B

B worked in the United States for 20 years, went to country C and worked for 5 years, and then became disabled. Under present law he is eligible for a U.S. disability benefit but he is not eligible for disability benefits in country C because he does not meet the requirement of 15 years of covered work.

Under a totalization agreement B could receive either the U.S. social security disability benefit computed under present law or the U.S. totalized benefit which would be 20/25 of the benefit computed under U.S. law based on combined earnings. He would also receive a totalized benefit from country C of 5/25 of the benefit computed under C's law based on combined earnings.

Case C

X is a citizen of country C who immigrated to the United States at the end of 1964 and later because an American citizen. His employment in C from 1951 through 1964 was covered under C's social security system but X is not insured in C because C's system requires 15 years of coverage to be insured. X attains age 65 in 1971 after only 4 years of work covered under the U.S. system. Under present law, X cannot qualify for retirement benefits under either country's system.

Under totalization, X would qualify for benefits under both systems, would receive a U.S. totalized benefit of 4/18 of the benefit computed according to U.S. law based on combined earnings, and a totalized benefit from C of 14/18 of the benefit computed under C's law based on combined earnings. If the total of the two totalized benefits does not at least equal the U.S. minimum benefit, since the worker resides in the United States, the United States would, if the agreement so provided, pay the worker an additional amount so that his total benefits will equal an amount based on the U.S. minimum benefit payment provided in the benefit table in title II.

JUNE 13, 1973.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: I am transmitting with this letter draft legislation to amend the social security program. Also enclosed are a description of the proposed legislation and a description of the kind of agreements that could be entered into under it.

The proposed legislation would provide general authority for the President (or the Secretary of Health, Education, and Welfare, as his delegate) to enter into bilateral agreements (generally known as totalization agreements) with interested countries to provide for limited coordination between the U.S. social security system and that of the other country. The Congress would have an opportunity to consider and reject each proposed agreement negotiated.

A totalization agreement is designed to benefit both workers and employers. The agreement could prevent the impairment of social security protection which results when a person works during his lifetime under the social security systems of two countries but is not eligible for benefits on the basis of his work in one of the two countries when he retires, becomes disabled, or dies. The agreement could also prevent undesirable dual coverage and dual employer and employee contributions with respect to the same work under the social security system of two cooperating countries, such as frequently occurs when Americans work in foreign countries for American employers.

An American-Italian totalization agreement has been negotiated under the authority of article VII of the Supplementary Agreement to the Treaty of Friendship, Commerce, and Navigation of September 26, 1951, between Italy and the United States. The initialing of this totalization agreement on May 23 by representatives of the United States and Italy signifies only that both governments agree to accept the text of the agreement for purposes of seeking formal approval of their respective legislatures. In the case of the United States, the proposed enclosed general enabling legislation, of course, would also be needed, in addition to approval of the agreement itself.

We urge that early and favorable consideration be given to enactment of this bill, and we would appreciate your forwarding the proposed legislation to the appropriate committee.

The Office of Management and Budget advises that there is no objection to the presentation of this draft bill to the Congress from the standpoint of the Administration's program.

Sincerely,

——— ———,
Secretary.

PROPOSAL TO PROVIDE LEGISLATIVE AUTHORITY FOR THE PRESIDENT TO ENTER INTO TOTALIZATION AGREEMENTS ON SOCIAL SECURITY WITH OTHER COUNTRIES

PRESENT LAW

There is no provision in the Social Security Act permitting an officer or agency of the United States to enter into bilateral agreements to coordinate the U.S. social security system with the social insurance systems of other countries. However, the 1951 Supplementary Agreement to the Treaty of Friendship, Commerce, and Navigation between the United States and Italy, which entered into force in 1961, declares the adherence of the two countries to a policy of preventing gaps in social insurance protection for their respective nationals by permitting periods of coverage accumulated at different times in the two countries to be taken into account in determining pension rights in either country. In ratifying the supplementary agreement, the United States specified that legislation would be required to implement the social insurance agreement.

The absence of cooperative social insurance agreements between the United States and other countries results in two significant problems. First, there are gaps in protection for people whose working careers are divided between work covered under the U.S. system and work covered under the system of another country. For example, U.S. citizens working abroad under the social security system of a foreign country will lose disability protection under the U.S. system in 5 years or less and may not have worked long enough under the system of the foreign country to acquire disability protection. Also, persons who immigrate to the United States and become permanent residents or citizens may not qualify for protection based on contributions they made under the social insurance programs of their native countries.

The second problem that arises due to a lack of cooperation with the social security systems of other countries concerns dual coverage, i.e., coverage of the same work under two social security systems. In this situation, both the employer and the employee may pay contributions to two social insurance systems, but in many instances the worker would not be insured for benefits under one of the systems and would get no advantage from the social security contributions which have been paid to that system. Also, employers of course find it objectionable to make employer contributions to two national systems with respect to the same employment.

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[1] For purposes of these examples the provisions of the social security system of the other country party to the totalization agreement (country C) are modeled on typical social security provisions in other countries.

PROPOSAL

It is proposed that the President (or the Secretary of Health, Education, and Welfare, as his delegate) be provided with general authority to enter into totalization agreements on social security with other countries.

Under a totalization agreement, each country could, at the option of an individual, determine eligibility and benefit amounts under its system on the basis of the individual's employment in both of the participating countries. Each participating country would determine its benefit amount by first applying its benefit formula to the individual's total earnings record and then paying a proportion of this amount equal to the proportion which the employment covered under its social security program bears to the total covered work performed in both countries. There would be no actual transfers of earnings credits between the two countries and no transfers of funds. Each participating country would finance the additional benefits it would pay.

The proposed legislation includes provisions designed to eliminate the dual coverage of employment (or self-employment) under the social security systems of the United States and any other country with which a totalization agreement is concluded. To this end, the Secretary of Health, Education, and Welfare would be authorized, when an agreement becomes operative, to exclude certain employment from coverage under the U.S. system.

Under the proposed legislation, each totalization agreement would be presented to the Congress and could be turned down by action of either House within a specified time period.

COST

The proposed legislation would have no cost until such time as an agreement is approved and becomes operative. The cost for the U.S. social security program in respect to a particular agreement would, of course, depend upon the number of persons having employment in each of the two countries and on the terms of the agreement. The cost for the U.S. social security program would mainly be the cost of paying benefits to individuals who would not be eligible based on U.S. earnings credits alone and would generally be quite small. Assuming that Italy is the only country with which the United States could have a totalization agreement in full operation by fiscal 1975, the cost to the trust funds would be about $900,000 in fiscal 1975.

While the effect on balance of payments would not be significant, there are grounds for expecting that benefits payable under such agreements would result in a net flow of funds into the United States because (1) some countries (such as West Germany) reduce benefits payable to their citizens and citizens of other countries living outside the country, and this would be eliminated under a totalization agreement; (2) the insured-status requirements of some other countries (such as France, West Germany, and Italy) are stricter than those of the United States so that there would be more people in the United States who would qualify for benefit payments from such foreign countries as a result of totalization than there would be people living in those foreign countries who would qualify for benefit payments from the United States as a result of totalization; and (3) more U.S. residents are likely to receive benefits under a totalization agreement than residents of other countries party to such agreement because, in general, more immigrants remain in the United States than return to their native countries, and the majority of U.S. citizens who work abroad eventually return to the United States. (It is estimated that the U.S. balance of payments would be improved by about $800,000 in fiscal 1975, assuming that Italy is the only country with which the United States could have a totalization agreement in operation at that time.)

DISCUSSION

Totalization is a well-established means of providing limited coordination between the social security systems of various countries. Totalization arrangements have been established by a number of countries in Europe as well as by some other countries. The principle of totalization was endorsed by the International Labor Organization in 1935 and adopted by the European Common Market in 1957.

A number of countries have approached the United States about the possibility of concluding social security agreements. Among them are Italy, France, Japan, Canada, and West Germany. The Social Security Administration, in cooperation with the Department of State, has had technical discussions with all these countries. Discussions with West Germany are going on at the present time. The discussions between the United States and Italy have been given special attention because of the existing treaty provision. On May 23 representatives of Italy and the United States initialed a draft totalization agreement, thus signifying that both governments agree to accept the text of the agreement in seeking the approval of their respective legislatures.

An advantage of the totalization approach over other approaches, such as an exchange of credits, is that it is designed to allow each cooperating country to carry out its responsibilities virtually independently of the other party to an agreement. The countries would exchange information on covered earnings and earnings credits and provide other administrative assistance, but otherwise each country would make its determinations and computations independently and pay any resulting benefits directly. There would be no need for an interchange of funds or balancing of accounts.

Totalization would ameliorate both of the major problems which arise from the lack of coordination between the social insurance systems of different countries by filling major gaps in protection of those who work under the U.S. social security system and the system of another country party to the agreement and by eliminating duel coverage of the same work.

By Mr. DOMENICI (for Mr. MONTOYA) (for himself, Mr. DOMENICI, Mr. DOMINICK, and Mr. HASKELL):

S. 2362. A bill granting the consent and approval of Congress to the Cumbres and Toltec Scenic Railroad Compact. Referred to the Committee on the Judiciary.

Mr. DOMENICI. Mr. President, I support the legislation which is being introduced today to grant the consent and approval of Congress to the Cumbres and Toltec Scenic Railroad Compact.

In 1970 the States of New Mexico and Colorado jointly acquired the section of the D. & R.G.W., narrow gage railroad between Chama, N. Mex., and Antonio, Colo. This section is now being operated by a concessionaire as a tourist facility under the name Cumbres and Toltec Scenic Railway.

Representatives of the States of New Mexico and Colorado have negotiated an interstate compact for the acquisition and operation of the railroad. In 1972 the State of New Mexico Legislature by Chapter 19, Laws of 1927, authorized the Governor of New Mexico to enter the compact, and the Colorado Legislature approved a bill to authorize the Governor of Colorado to enter the compact.

This compact is necessary to provide an unquestionable legal basis for the joint action of States, in acquiring and operating the facility, and the Congress must give its consent.

After review of the operation of the Cumbres and Toltec Scenic Railroad, it is apparent that there are long range benefits to the area. The railroad draws a consistent number of families and touring groups to view the beauty of the area and to experience travel on one of the few narrow gage railroads in the country.

Mr. President, I ask unanimous consent to have copies of the State agreements printed in the RECORD at this point.

There being no objection, the agreements were ordered to be printed in the RECORD, as follows:

NEW MEXICO SENATE BILL 42

Chapter 19—An act relating to railroads; providing for the adoption of the Cumbres and Toltec Scenic Railroad Compact; and repealing the compact previously adopted

Be it enacted by the Legislature of the State of New Mexico:

Section 1. Execution of Compact.—The legislature hereby approves and the governor is authorized to enter into a compact on behalf of this state with the State of Colorado in the form substantially as follows:

"CUMBRES AND TOLTEC SCENIC RAILROAD COMPACT

The state of New Mexico and the state of Colorado, desiring to provide for the joint acquisition, ownership and control of an interstate narrow gauge scenic railroad, known as the Cumbres and Toltec scenic railroad, within Rio Arriba county in New Mexico and Archuleta and Conejos counties in Colorado, to promote the public welfare by encouraging and facilitating recreation and by preserving, as a living museum for future generations, a mode of transportation that helped in the development and promotion of the territories and states, and to remove all causes of present and future controversy between them with respect thereto, and being moved by considerations of interstate comity, have agreed upon the following articles:

Article I

The states of New Mexico and Colorado agree jointly to acquire, own and make provision for the operation of the Cumbres and Toltec scenic railroad.

Article II

The State of New Mexico and Colorado hereby ratify and affirm the agreement of July 1, 1970, entered between the railroad authorities of the states.

Article III

The states of New Mexico and Colorado agree to make such amendments to the July 1, 1970 agreement and such other contracts, leases, franchises, concessions or other agreements as may hereafter appear to both states to be necessary and proper for the control, operation or disposition of the said railroad.

Article IV

The states of New Mexico and Colorado agree to the consideration of the enactment of such laws or constitutional amendments exempting the said railroad or its operations from various laws of both states as both states shall hereafter mutually find necessary and proper.

Article V

Nothing contained herein shall be construed so as to limit, abridge or affect the jurisdiction or authority, if any, of the interstate commerce commission over the said railroad, or the applicability, if any, of the tax laws of the United States to the said railroad or its operations."

Section 2. When Compact Effective.—The compact approved by this act shall not become effective unless and until the same shall have been approved by the legislature of the state of Colorado and consented to by the Congress of the United States.

Section 3. Repeal.—Sections 69-12-1 through 69-12-3 NMSA 1953 (being Laws 1971, Chapter 250, Sections 1 through 3) are repealed.

COLORADO HOUSE BILL 1117

Providing for the adoption of the Cumbres and Toltec Scenic Railroad Compact

Be it enacted by the General Assembly of the State of Colorado:

Section 1. Chapter 74, Colorado Revised Statutes 1963, as amended, is amended by the addition of a new article to read:

Article 19

Cumbres and Toltec Scenic Railroad Compact

74-19-1. *Execution of compact.* The general assembly hereby approves and the governor is authorized to enter into a compact on behalf of this state with the state of New Mexico in the form substantially as follows:

"CUMBRES AND TOLTEC SCENIC RAILROAD COMPACT

The state of New Mexico and the state of Colorado, desiring to provide for the joint acquisition, ownership and control of an interstate narrow gauge scenic railroad, known as the Cumbres and Toltec scenic railroad, within Rio Arriba county in New Mexico and Archuleta and Conejos counties in Colorado, to promote the public welfare by encouraging and facilitating recreation and by preserving, as a living museum for future generations, a mode of transportation that helped in the development and promotion of the territories and states, and to remove all causes of present and future controversy between them with respect thereto, and being moved by considerations of interstate comity, have agreed upon the following articles:

Article I

The states of New Mexico and Colorado agree jointly to acquire, own and make provision for the operation of the Cumbres and Toltec scenic railroad.

Article II

The states of New Mexico and Colorado hereby ratify and affirm the agreement of July 1, 1970, entered between the railroad authorities of the states.

Article III

The states of New Mexico and Colorado agree to make such amendments to the July 1, 1970, agreement and such other contracts, leases, franchises, concessions or other agreements as may hereafter appear to both states to be necessary and proper for the control, operation or disposition of the said railroad.

Article IV

The states of New Mexico and Colorado agree to the consideration of the enactment of such laws or constitutional amendments exempting the said railroad or its operations from various laws of both states as both states shall hereafter mutually find necessary and proper.

Article V

Nothing contained herein shall be construed so as to limit, abridge or affect the jurisdiction or authority, if any, of the interstate commerce commission over the said railroad, or the applicability, if any, of the tax laws of the United States to the said railroad or its operations."

74-19-2. When compact effective. The compact approved by this article shall not become effective unless and until the same shall have been consented to by the Congress of the United States.

Section 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Mr. MONTOYA. Mr. President, I am pleased to join with my colleague from New Mexico, Senator DOMENICI and with the distinguished Senators from Colorado, Senator DOMINICK and Senator HASKELL, in introducing a bill providing for the consent and approval of Congress to the Cumbres and Toltec Scenic Railroad Compact between the States of New Mexico and Colorado.

In the 3 years that this railroad has been in operation, it has grown in popularity as a tourist attraction. Moreover, its operation has preserved the last remnant of the Denver and Rio Grande Western Railroad which once spun a web of narrow gage railroad tracks throughout Colorado and northern New Mexico.

I salute this joint effort by New Mexico and Colorado to preserve this railroad and hope that Congress will give speedy approval to the interstate compact which the two States have negotiated.

Mr. HASKELL. Mr. President, today it gives me great pleasure to join with the distinguished Members of the Senate from New Mexico and the senior Senator from Colorado in cosponsoring a measure which would grant the consent and approval of Congress to the Cumbres and Toltec Scenic Railroad Compact.

This measure represents a significant step in preserving an important part of our history. The subject of this measure, the historic railroad route over the Cumbres Pass between New Mexico and Colorado, served as a gateway for the passage of people and commerce between Santa Fe, Denver, and Silverton by way of Antonito and Chama in the late 1800's. Known as the Chile line, this route was constructed by the Denver and Rio Grande Railroad between 1878 and 1880. The majority of the work was performed by Chinese and Canadian laborers. This route travels the formidable heights of the San Juans and reaches an altitude of 10,015 feet above sea level. Along the line and over its narrow gage rails passed the ore mined in the mountains of Colorado and the chili grown in New Mexico, both famous throughout the Southwest.

With the passage of time, the opening of new routes to the South and West, and the decrease in commerce in that region of Colorado, the route came into disuse. The Denver and Rio Grande Railroad in 1967 petitioned the ICC for permission to abandon it. That would have been the end of this interesting piece of memorabilia were it not for the vision of some of our citizens who saw this route as an opportunity to stimulate the economy of the depressed areas of the San Luis Valley and northern New Mexico as well as to preserve an important part of our pioneer history.

Through the efforts and urging of these far-sighted citizens the States of Colorado and New Mexico purchased a portion of the route for the establishment of a scenic tour over the narrow gauge rails from Chama, N. Mex., to Antonito and back.

Beyond the historical aspects, this project has served as an important stimulus to the development of commerce and jobs in the poor areas of the San Luis Valley and northern New Mexico. The attractiveness of this scenic route and the ease of access to it has resulted in a phenomenal increase in tourism interest in the area. New restaurants, curio shops displaying the handiwork of the local residents, and other related businesses have been established, providing badly needed jobs and income for the area. Movie makers found an irresistible combination in the beauty of the mountains and the presence of the anachronistic railroad. Burt Lancaster, Robert Mitchum, and Dean Martin are among those who appeared in movies filmed in this area.

The bill which we introduce today gives the Congress an opportunity to say to the people of Colorado and New Mexico that they have performed well in solving local problems with local ingenuity and resources. The legislatures of both States have approved this project and have invested over $500,000 in it. I join with my colleagues in urging the favorable consideration of this bill.

Mr. DOMINICK. Mr. President, I am pleased to join my distinguished colleagues from Colorado and New Mexico in requesting that the Congress approve the Cumbres and Toltec Scenic Railroad Compact.

The passage of this bill is important for several reasons. It will provide a recreational facility for the citizens of Colorado and New Mexico, and for the many tourists who visit these States every year. At the same time the bill will preserve an important aspect of our national heritage. It will serve as a reminder of the great railroad era of the nineteenth century.

Finally, passage of the bill will advance the continuing cooperation between the States of Colorado and New Mexico. As the world becomes more populated and our resources become more scarce, cooperation is more and more important. We need cooperation at all levels—between individuals, between local organizations, between communities, between States, and on the grandest scale, between nations. The Cumbres and Toltec Scenic Railroad Compact will permit further cooperation between two of our Nation's States, and that cooperation will in turn foster cooperation at every level of government. I sincerely hope the Congress will grant its consent to the Compact so that cooperation may continue and grow.

By Mr. CRANSTON (for himself, Mr. HARTKE, and Mr. RANDOLPH):

S. 2363. A bill to amend chapter 39 of title 38, United States Code, relating to automobiles and adaptive equipment for certain disabled veterans and members of the armed forces. Referred to the Committee on Veterans' Affairs.

DISABLED VETERANS AUTOMOBILE AND ADAPTIVE DEVICE ASSISTANCE

Mr. CRANSTON. Mr. President, I am introducing today S. 2363 on behalf of myself, Senator HARTKE, and Senator RANDOLPH, a bill which would amend the provisions of chapter 39 of title 38, United States Code, entitled "Automobile and Adaptive Equipment for Certain Disabled Veterans and Members of the Armed Forces."

Mr. President, as chairman of the Veterans' Affairs Subcommittee of the Committee on Labor and Public Welfare in the 91st Congress, I authored the amendments to this chapter—Public Law 91–666—which directed the Veterans' Administration to provide the adaptive equipment necessary to operate a motor vehicle or other conveyance for those veterans eligible for the automobile assistance grant.

Mr. President, the purpose of the bill we are introducing today is to clarify some aspects of chapter 39 and to expand eligibility to certain other seriously service-connected disabled veterans not previously eligible, and to assure that the adaptive equipment provided will include all those devices necessary to assure the safe and healthful operation of the vehicle by the eligible veteran.

Since Public Law 91–666 was enacted on January 11, 1971, there have been at various times great difficulties in its implementation. I have written to the Veterans' Administration on two occasions urging the development of safety and quality standards for automobile adaptive equipment, as well as the establishment of an intra-agency committee to determine policies, and a means of alerting servicemen of their potential eligibility under chapter 39.

The VA's replies have generally not been all I would have liked, but I was extremely gratified that Mr. Donald E. Johnson, Administrator of Veterans' Affairs, in his October 28, 1971 reply to my first letter did establish an intra-agency committee along the lines I had suggested. I will insert this correspondence at the conclusion of my remarks.

Our bill today attempts to correct many of the difficulties which have been well documented in these exchanges with the VA, and in the cases individual veterans have brought to my attention.

Mr. President, S. 2363 would make several important changes in the provisions of chapter 39.

First, it would remove the inequitable limitation now governing the eligibility of Vietnam era veterans for chapter 39 assistance. Presently, unlike World War II and Korean conflict veterans, Vietnam era veterans must meet more stringent line-of-duty criteria: That is, in order to be eligible they must have been injured in the line of duty and during the direct performance of duty. Yet, severely disabled World War II or Korean conflict veterans are eligible for automobile grant assistance and, as a result of Public Law 91–666, for the provision of adaptive equipment, if they satisfy the line-of-duty criterion alone.

This basic inequity would have been removed had the Senate passed bill (H.R. 370) been enacted in the 91st Congress. The administration has now proposed legislation to achieve this purpose.

Second, the bill would provide that all those who served after January 31, 1955—the end of the Korean conflict era—and before August 4, 1964—the beginning of the Vietnam era—would also be eligible for the automobile asistance grant and the provision of adaptive equipment. This change would conform to the same philosophy underlying the adoption last year of Public Law 92–328 which provided, effective July 1, 1973, for the equalization of so-called "peacetime" veterans with those who served in "wartime" for the purposes of disability compensation and underlying S. 59, now on the President's desk for signature, which would among other changes, remove these distinctions for purposes of eligibility for VA hospital care and medical services. I believe the historical dates chosen for so-called "war" periods tend to be arbitrary and that it is inequitable to return a "peacetime" distinction for purposes of chapter 39 when it has been removed for purposes of VA disability compensation and health care.

Third, the amendment provides for an increase in the basic automobile grant allowance from $2,800 to $3,300. This allowance is awarded on a one-time basis to those veterans eligible under the chapter. This increase is designed to match the rise in the cost of automobiles since passage of the last increase in Public Law 91–666 in 1970. In fact, the Senate originally passed a $3,000 figure that year which was lowered to the present $2,800 level in compromise with the House version of H.R. 370.

This $500 increase should itself have no inflationary impact; rather, its purpose is to offset the 16.9-percent inflation which has eroded the purchasing power of the present $2,800 amount since January 1970.

Further justification for the $500 increase proposed in the bill is provided by the following analysis. The Senate, in its 1970 amendment—H.R. 370—to chapter 39, originally approved an increase in the automobile allowance to $3,000. That figure was justified by data regarding the average-sized American automobile cost. Figures recently provided by the Chevrolet Division of General Motors show that the list price of a standard two-door model automobile with the necessary power steering, power brakes, automatic transmission, and air-conditioning has increased by about 8.7 percent in these 3 years. Thus, the 10 percent by which the increase in this amendment exceeds the 1970 Senate-passed figure will allow somewhat for the anticipated rise in new car prices for the 1974 models due on the market very shortly.

The bill also provides that out of the amount of the automobile grant the VA is authorized to pay State, local, and Federal taxes. This codifies a VA General Counsel's opinion holding that such payments are proper.

Fourth, Mr. President, the bill defines for the first time in law the term "adaptive equipment" under the chapter and lists several items as included in that term.

From the very beginning of the implementation of the amendment to chapter 39 in the 1970 law, there has been considerable confusion and arbitrary application of the term "adaptive equipment." For example, what a veteran would receive under this provision from one VA regional office, a similarly eligible and disabled veteran would not necessarily receive from another. One specific example of unevenhanded application of the law is the allowance of air-conditioning as one such item of adaptive equipment. VA regulations have not been at all definitive on this question—despite the statutory charge on the Administrator to prescribe minimum standards of safety and quality for adaptive equipment and to provide such equipment "under regulations which he shall prescribe"—and some veterans have received air-conditioning as allowable adaptation under chapter 39 while others similarly situated have been refused. Clearly, such arbitrary rulings cannot be tolerated, especially when we are dealing with a piece of equipment which is necessary to the health and safety of some disabled individuals. Eligible quadriplegic veterans, for example, have certain outside temperature limitations which, if exceeded, may cause dizziness, dehydration, or hypertension. These limits can be as low as 90° F. Certainly, it is necessary to assure that these types of conditions do not occur during the operation of a motor vehicle.

Fifth, the bill requires the VA Administrator to assure, either by direct provision or by contract, that driver training is available at every VA hospital, and, where appropriate, at VA regional offices and other medical facilities, to those disabled individuals eligible for the assistance provided by this chapter. It does not limit such training to those individuals eligible for assistance under the chapter; and includes express authority for the Administrator to provide for such training for those who are not eligible for chapter 39 assistance but who may need such training as a part of their total rehabilitation in a VA hospital.

The bill also authorizes the Administrator to pay for liability insurance for eligible veterans during the period he is enrolled in such training.

On that point, Mr. President, I would like to add that I have received indications that many disabled veterans have enormous difficulty in obtaining automobile insurance. If they are able to purchase insurance, it is only through "assigned risk" pools and at very high rates. There is contradictory evidence concerning the justification for this practice. The question has been studied in various States and the results in those studies do not yield a conclusion that disabled drivers are necessarily a higher risk group. In fact, some results indicate that the very contrary is true.

The hearings that will be held on this bill this fall, Mr. President, will seek to clarify this question and may very well result in our amending the bill to make provision for appropriate insurance subsidies or, at the very least, a joint VA Department of Transportation study and report on all of the aspects of this question. I am hopeful that we will be able to reach an effective conclusion and resolution with respect to this matter in the bill we report from committee.

Mr. President, I ask unanimous consent that the full text of the bill we are submitting and my correspondence with the VA on implementation of Public Law 91-666 be printed in the RECORD at this point, in that order.

There being no objection, the bill and correspondence were ordered to be printed in the RECORD, as follows:

S. 2363

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1901(1) of title 38, United States Code, is amended by striking out all of that part of clause (A) preceding subclause (i) and inserting in lieu thereof the following:

"(A) any eligible veteran entitled to compensation under chapter 11 of this title for any of the disabilities described in subclause (i), (ii), or (iii) below, if the disability is the result of an injury incurred or disease contracted in or aggravated by active military, naval, or air service performed during World War II, the Korean conflict, or after January 31, 1955:".

(b) Section 1901 of title 38 is further amended by adding at the end thereof a new paragraph as follows:

"(3) The term 'adaptive equipment' includes, but is not limited to, power steering, power brakes, power window lifts, power seats, and special equipment necessary to assist the eligible person into and out of the automobile or other conveyance. Such term also includes (A) air conditioning equipment when such equipment is necessary to the health and safety of the veteran and to the safety of others, regardless of whether the automobile or other conveyance is to be operated by the eligible person or is to be operated for him by another person; and (B) any modification of the roof of the automobile or other conveyance if needed by the eligible person because of his physical condition."

SEC. 2. Subsection (a) of section 1902 of such title 38 is amended (1) by inserting "including all state, local, and other taxes," after "conveyance" the second time it appears; and (2) striking out "$2,800," and inserting in lieu thereof "$3,300,".

SEC. 3. (a) Section 1903 of title 38 is amended by adding at the end thereof a new subsection as follows:

"(e) (1) The Administrator shall provide, directly or by contract, for the conduct of special driver training courses at every hospital and, where appropriate, at regional offices and other medical facilities, of the Veterans' Administration to instruct each eligible person to operate the type of automobile or other conveyance he wishes to obtain with assistance under this chapter, and may make such courses available to any veteran determined by the Administrator to need the special training provided in them even though such veteran is not eligible for the assistance provided under this chapter.

"(2) The Administrator is authorized to obtain insurance on automobiles and other conveyances used in conducting the special driver training courses provided under this subsection and to obtain, at Government expense, personal liability and property damage insurance for all persons taking such courses without regard to whether such persons are taking the course on an in-patient or out-patient basis."

(b) The catch line of section 1903 of such title is amended by adding at the end thereof a semicolon and the following: "special training courses".

(c) The table of sections at the beginning of chapter 39 of such title is amended by striking out "1903. Limitations on assistance." and inserting in lieu thereof the following:

"1903. Limitations on Assistance; Special Training Courses."

SEPTEMBER 10, 1971.

Hon. DONALD E. JOHNSON,
Administrator of Veterans' Affairs,
Veterans Administration,
Washington, D.C.

DEAR MR. ADMINISTRATOR: I am writing with respect to implementation of Public Law 91-666, the Disabled Veterans' and Servicemen's Automobile Assistance Act of 1970 which, as Chairman of the Subcommittee on Veterans Affairs, I managed through the Senate last winter.

As you will recall, as a result of an amendment which I introduced in committee, that act amended 38 U.S.C. § 1902 to require in subsection (b) thereof that in addition to an automobile allowance you provide each person eligible for benefits under chapter 39 with the "adaptive equipment deemed necessary to ensure that the eligible person will be able to operate the automobile or other conveyance in a matter consistent with his own safety and the safety of others and so as to satisfy the applicable standards of licensure as established by the State of his residency or other licensing authority." In addition, the same Senate amendment directed in subsection (c) of § 1902 that you shall "repair, replace or reinstall all adaptive equipment deemed necessary for the operation of an automobile or other conveyance acquired" under chapter 39 and shall "provide, repair, replace or reinstall such adaptive equipment for any automobile or other conveyance which an eligible person may subsequently have acquired."

Finally, the committee amendment added a subsection (d) in § 1903 directing that you prescribe minimum standards of safety and quality for all adaptive equipment provided under chapter 39. As to standards of safety and quality for adaptive equipment, I note with disappointment the statement in Transmittal Sheet 466 (signed by the Deputy Administrator by your direction) that issuance of "standards of safety [and] . . . of standards of quality must . . . await accumulation of experience." I fully understand the desire to accumulate experience with this program, but I believe the clear direction and intention of section 1903(d) is that you are to prescribe centrally the adaptive equipment to be provided under chapter 39. This requirement was designed to be a new and additional protection for the eligible veteran or serviceman acting as a consumer. I strongly urge you to direct that such safety and quality standards be developed forthwith. If necessary for DM&S to have new personnel toward that end, the Senate committee report anticipated that possibility in stating (page 7): "The Administrator would, under the provisions of the committee substitute, establish safety and quality standards for adaptive equipment. Such safety and quality standards are already established for prosthetic devices provided by the Administrator as part of medical treatment under chapter 17, section 612(d) of title 38 United States Code. It is believed that the same capability within the Veterans' Administration Department of Medicine and Surgery can be effectively employed, with the addition of a few personnel positions, which the committee recommends, to carry out a similar quality control program for the automobile adaptive devices which the Administrator would provide under the revised chapter 39 contained in the committee substitute."

It was the intention of the Senate, and so far as I am aware, the House, that these new authorities with respect to the provision, replacement, repair, installation, and reinstallation of adaptive equipment were to ensure that the full expenses of all vehicular adaptive devices necessary for the health and safety of the disabled veteran were provided directly by the Veterans Administration utilizing quality control standards. Consistent with the legislative intent, it is quite reasonable to expect that as to the most seriously disabled paraplegic or quadriplegic veteran the cost of providing necessary adaptive devices and related items might actually exceed the $2,800 maximum automobile allowance provided under section 1902(a).

I have discussed this new program with various individuals knowledgeable about the affairs of severely disabled veterans as well as those who have had considerable experience with converting conveyances to provide for self-transportation by even the most severely disabled veterans. It seems to me that there inevitably will arise some significant questions with regard to the implementation of the above provisions enacted in P.L. 91-666 and that consideration of these matters by the Veterans Administration might become somewhat protracted since so many different offices and divisions are involved. Such questions would very likely be entailed in Central Office consideration of applications (of VA Form 10-2641) for approval of special equipment not included in Exhibit A of Circular 10-71-115 costing in excess of $500.

Specifically, it seems to me that the following VA divisions, services and offices all have an interest, expertise, and function with respect to the effective operation of this new program:

Physical Medicine and Rehabilitation Service, Department of Medicine and Surgery (DM&S).

Prosthetic and Sensory Aids Service, DM&S.

Spinal Cord Injury Service, DM&S.

Engineering Service, DM&S.

Assistant Chief Medical Director for Professional Services, DM&S.

Chief Medical Director, DM&S.

Department of Veterans Benefits.

General Counsel.

In view of the above, I respectfully urge that you establish an intraagency committee reporting directly to you or the Deputy Administrator to establish policies with respect to the implementation of the new adaptive devices provisions and to ensure their effective implementation in order that the severely disabled veterans who are the beneficiaries of chapter 39 will be more fully, quickly, and compassionately served and will be afforded thereby the maximum self-mobility under chapter 39.

I would also like to bring to your attention the need to advise all potentially eligible servicemen of their possible eligibility for assistance under this chapter. You will recall that at the time of the bill's enactment by Congress, the Senate—very reluctantly—agreed to accept the restrictive House eligibility standard—limiting eligibility for automobiles and adaptive devices only to those veterans of the Vietnam era who had incurred the injury in line of duty—which was not made applicable to Vietnam era servicemen, on the understanding that the Administrator of Veterans Affairs would do everything possible to ensure that every serviceman who might possibly be eligible for assistance under this revised chapter 39 be fully advised of his possible eligibility and be urged to file an application for assistance prior to his separation or retirement.

I would greatly appreciate learning what efforts have been made by the V.A. and the Department of Defense to organize a system of alerting such servicemen of their potential eligibility and assisting them in filing an application prior to their discharge.

In general (and except as noted above), the procedures adopted by the Veterans Administration (VAR Transmittal Sheet 466 (April 16, 1971) and DM&S Circular No. 10–17–115 (June 4, 1971)) in implementing the provisions of P.L. 91–666 seem to adhere to the intent described in the legislative history. I am very gratified with the response shown by the Veterans Administration and wish to express my appreciation for the cooperation, alacrity and dedication displayed by the V.A. in acting upon this measure.

Thank you very much for your continuing cooperation with the Subcommittee.

Sincerely,

ALAN CRANSTON,
Chairman,
Subcommittee on Health and Hospitals.

VETERANS' ADMINISTRATION,
Washington, D.C., October 28, 1971.

Hon. ALAN CRANSTON,
Chairman, Subcommittee on Health and Hospitals, Committee on Veterans' Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I have your letter of September 10, regarding implementation of the Disabled Veterans' and Servicemen's Automobile Assistance Act of 1970.

It was recognized at the outset that the implementation of the law could not be treated routinely. Safety and quality standards for the adaptive equipment, unlike those already developed in the Veterans Administration for other types of prosthetic devices, involve not only the safety of handicapped drivers, but also the safety of others on the highways. The Department of Medicine and Surgery, through its Prosthetics and Sensory Aids Service, has, therefore, entered upon a special program of study and development of adaptive equipment conducted principally at our Prosthetics Center in New York City. Additional technical personnel have been assigned to the Center for this purpose, and necessary funds have been allocated.

Our Washington people and those in the Prosthetics Center have consulted with agencies outside the Veterans Administration working in related fields. These have included the Traffic Engineering Safety Department of the American Automobile Association, and the Institute for Rehabilitation Medicine at New York University Medical Center (whose resources are pooled with those of the Center for Safety at New York University). Such cooperation has been welcomed, mutually, and promises to benefit all drivers with handicaps like those of the veterans and servicemen.

In June of this year, Veterans Administration representatives attended a seminar on Driver-Training for the Physically Handicapped conducted by the New York University Medical Center Institute for Rehabilitation Medicine. The seminar emphasized the limitations of commercially available adaptive equipment; lack of scientific evaluation of the hardware; absence of specifications, standards, or national coordination at the private, state or federal level; and noninvolvement of the medical community in adaptive equipment prescription and checkout. Participation of the Veterans Administration was hailed by faculty and attendees at the seminar as a milestone in the overall handicapped driver program.

In summary, our engineering people feel that too little is known about adaptive equipment for automobiles to rush into the development of quality standards without full investigation of the available market. Upon completion of our evaluation of existing equipment, we will set appropriate standards of safety and quality and develop valid specifications to attain them. In the interim, should details of progress be desired, may I suggest that members of your staff contact Dr. Robert E. Stewart, Director, Prosthetic and Sensory Aids Service.

Your suggestion for an intra-agency committee to ensure effective implementation of the adaptive devices provisions of the law appeals to me. I am asking the Chief Medical Director to give me his recommendations for membership, functions, and responsibilities, of such a committee to be chaired by him, or his designee.

Veterans Administration Contact Representatives visit all military hospitals in the United States to provide benefit counseling and personalized individual assistance to disabled servicemen. In the military hospital program, these representatives, working with the military personnel, identify patients being admitted early in their period of hospitalization; an interview is scheduled, and, all appropriate applications are completed. This program has been in operation since late 1966. With the passage of the Disabled Veterans' and Servicemen's Automobile Assistance Act of 1970, a directive was issued to our representatives at military hospitals to review their records of patients to insure that each disabled serviceman who had potential eligibility had filed the appropriate application and that the application was forwarded to our regional office for development.

I sincerely hope that the foregoing information will allay any misgivings you may have had about our administration of the letter and spirit of the Disabled Veterans' and Servicemen's Automobile Assistance Act of 1970.

Sincerely,

DONALD E. JOHNSON,
Administrator.

VETERANS' ADMINISTRATION,
Washington, D.C., February 10, 1972.

Hon. ALAN CRANSTON,
Chairman, Subcommittee on Health and Hospitals, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I am pleased to reply to your letter of January 19 which was addressed to Dr. Robert E. Stewart, Director, Prosthetic and Sensory Aids Service, regarding the implementation of Public Law 91–666, the Disabled Veterans' and Servicemen's Act.

As mentioned in the Administrator's letter to you on October 28, 1971, we took immediate steps to carry out the responsibility assigned to the Department of Medicine and Surgery. Execution of the program to develop minimum standards of safety and quality for all adaptive equipment was delegated to the Director, VA Prosthetics Center, New York, N.Y.

On May 10, 1971, plans for a comprehensive program were submitted. The program was to be conducted by their Bioengineering Research Service and organized in three overlapping phases, evaluation, optimization and specifications development. This sequence of projects was proposed to obtain the advantage of surveying and evaluating all commercially available aids for handicapped drivers and, later, the possible development of improvements. After this, the formulation of an official set of standards and specifications will be undertaken.

Concurrent with theses steps, the Director, Prosthetic and Sensory Aids Service, Veterans Administration Central Office, Washington, D.C., wrote to all 28 known manufacturers of adaptive equipment asking for literature price lists and other material which describes their products. Also requested was information as to whether the equipment had been evaluated by a laboratory, testing company or other source. They were queried regarding special arrangements with driving schools, automobile dealers, installers and other sources which could be helpful to handicapped drivers. General comment and advice was also solicited. The source for the mailing included a list assembled by the American Automobile Association and the Paraplegia News and Accent on Living advertisers.

Twenty-one responses were received; eleven, however, were in the form of descriptive brochures only. Of the ten letters, one company advised that they had tested their Rest-A-Foot accelerator themselves and the Gresham Driving Aids, Inc., advised that their hand controls were evaluated by the Oldsmobile Division Testing Laboratory many years ago.

With this substantiation of the absence of comprehensive industry-wide engineering quality evaluations, the VA Prosthetic Center recruited two technicians and purchased, as the start in obtaining all marketed driving aids, 30 different items from three of the larger suppliers. Each of these devices is currently being subjected to an engineering analysis of design, materials and construction. An Aetna Driver Simulator, with computer, has just been delivered and when it has been installed and calibrated each item of adaptive equipment will be attached and tested by various handicapped drivers. The technicians will then evaluate the functional utility and the physical requirements imposed on the disabled part of the body, as well as the whole person, under controlled conditions. To road test this equipment, arrangements have been made with the members of the New York Chapter of the Paralyzed Veterans Association, who are now using driving aids, to install the equipment in their personal automobiles.

The schedule calls for completion of the engineering analysis of the items on hand by the end of February 1972. As other manfacturers' products are purchased they will be included in the analysis with a final target date of April 1973. Concurrently, the road testing will be conducted with completion programmed for the end of June, 1972. Those devices which exhibit sound engineering principles, demonstrate no safety hazards in all of the tests and which are reasonably efficient and durable will be used as models for the establishment of standards and specifications.

The Bioengineering Research Service of the VA Prosthetics Center has conducted similar programs for the past 20 years with components used in artificial limbs, braces, wheelchairs and medical equipment, but the field of automotive adaptive equipment constitutes a new experience. The staff, therefore, has made plans to take advantage of the expertise of the industry in the establishment of these standards and specifications. As few of the manufacturers are familiar with the work of the Bioengineering Research Service, the Director, Prosthetic and Sensory Aids Service, plans to convene a conference of all interested persons. This may possibly be held in conjunction with the National Convention of the Paralyzed Veterans Association in July ysince so many companies exhibit their products at that meeting. By that time the experience and information developed will enable the staff of the VA Prosthetics Center to deal with engineering and functional problems which have been identified and hopefully, in cooperation with the manufacturers, to develop sound standards of safety and quality and specifications. The target date, based on the above timetable, is December of 1972.

No steps have been taken as yet to develop new designs since our engineers are convinced that only by objective technical analysis of the available devices can they furnish effective direction for the development of improvements. Deficiencies must be identified before improvement can be effected.

Thank you for your interest.

Sincerely yours,

M. J. MUSSER, M.D.,
Chief Medical Director.

JANUARY 19, 1972.

Dr. ROBERT E. STEWART,
Director, Prosthetic and Sensory Aids Service, Veterans' Administration, Washington, D.C.

DEAR DR. STEWART: I am quite interested in the Veterans Administration implementation of Public Law 91-666, the Disabled Veterans' and Servicemen's Automobile Assistance Act of 1970, and particularly in the new subsection (d) in Section 1903 of title 38 added by that law which directs the Veterans Administration to prescribe minimum standards of safety and quality for all adaptive equipment provided under chapter 39.

Mr. Johnson, Administrator of Veterans Affairs, advised me of your responsibility for undertaking this task and of your activities in the evaluation of existing adaptive equipment for handicapped individuals and for the evaluation of new equipment as it is developed.

I would appreciate a report on your activities so far, including the types of equipment tested, the methods of testing, and the extent to which safety is ensured under varying conditions of hazard. I would also be interested in any steps you have taken to develop equipment as a result of the rather discouraging conclusions reached at the June seminar on Driver Training for the Physically Handicapped conducted by the New York University Medical Center Institute for Rehabilitation Medicine.

I am enclosing for your information letters I have received from Mr. Michael Burns, Executive Director of the Paralyzed Veterans of America, and from Mr. Sanford Arkin, President of the Institute for Mobility Aids, Inc., commenting on the Veterans Administration report on the implementation of the Disabled Veterans' and Servicemen's Automobile Assistance Act of 1970. Both these gentlemen offer very constructive suggestions on the administration of programs under this Act, and I would greatly appreciate your response to the point they raise.

Many thanks for your cooperation with the Subcommittee.

Sincerely,

ALAN CRANSTON,
Chairman,
Subcommittee on Health and Hospitals.

By Mr. CRANSTON (for himself, Mr. BEALL, Mr. WILLIAMS, Mr. RANDOLPH, Mr. KENNEDY, Mr. JAVITS, Mr. MONDALE, Mr. PELL, and Mr. TUNNEY):

S. 2364. A bill to provide for operation of all domestic volunteer service programs by the ACTION Agency, to establish certain new such programs, and for other purposes. Referred to the Committee on Labor and Public Welfare.

THE DOMESTIC VOLUNTEER SERVICE ACT OF 1973—COMPROMISE VERSION

Mr. CRANSTON. Mr. President, I send to the desk a bill to provide for operation of all domestic volunteer service programs by the ACTION Agency, to establish certain new such programs, and for other purposes.

Mr. President, the text of this bill arises from the text of S. 1148 as passed by the Senate on July 18, 1973, and H.R. 7265 as reported from the Committee on Education and Labor in the House of Representatives on July 26, 1973. The text in the bill is a compromise worked out between the two Houses and the administration.

I am delighted to be introducing legislation comparable to S. 1148 as a compromise version we have worked out between the two bodies and with the administration. I am able to assure the distinguished majority leader and the Members of this body that this is a good measure and that it has the support of the administration, as communicated to me yesterday by Presidential Assistant Melvin Laird.

In accordance with prior arrangements between the House and Senate sponsors under this compromise, I will not speak at this time to describe the provisions of the compromise.

Instead, Mr. President, I ask unanimous consent that there be printed in the RECORD at this point a joint explanatory statement on the compromise, which statement has been agreed to between the two committees.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

JOINT EXPLANATORY STATEMENT REGARDING HOUSE/SENATE COMPROMISE ON S. 1148/H.R. 7265 EMBODIED IN S. 2364

1. With respect to section 104(b) regarding periods of service of VISTA volunteers enrolled under part A of title I, the Committees in both Houses wish to make clear that the language in the Senate bill "including or excluding periods of time devoted to training as the Director may determine", although not included in the compromise, is considered to be implicit therein and in section 113(a) which cross references section 104(b) as to the periods of service for UYA part B volunteers. Also, with respect to this subsection, the Committees wish to stress, and the agency concurs, that it is imperative that VISTA volunteer applicants be advised, at the time they receive invitations to training, of the length of service for which they are being invited. This will constitute a change in Agency procedures. It is necessary because of the varying periods of service authorized for VISTA volunteers under the subsection in the compromise.

2. With respect to the language in section 105(a)(1) in the compromise permitting the Director, as an exception, to provide stipends to VISTA volunteers under part A of title I for extended periods of service not totalling one year in individual cases, the Committees intend that such extended periods of service not be less than ten months (including or excluding training as the Director may determine).

3. With respect to section 112 in the compromise permitting payment of stipends to University Year for ACTION (UYA) volunteers serving under part B of title I in accordance with the provisions of section 105 in part A, the discussion in item 2 above also applies with respect to their "extended periods of service not totalling one year".

4. With respect to section 114(c) in the compromise regarding the payment of living allowances and the provision of other support and allowances as the Director may determine to short-term or part-time volunteers in special service-learning programs, the Committees have deliberately excluded the authority to pay stipends to any such volunteers. It is further intended by the Committees that the periods of service for volunteers in special service-learning programs under section 114 in the compromise may be of such length as the Director may determine without regard to any provisions of part A or B, and that the discussion in items 2 and 3 above with respect to payment of stipends, in individual cases, to VISTA and UYA volunteers serving extended periods of service has no application to section 114 volunteers whatsoever.

5. With respect to title III—National Volunteer Programs To Assist Small Businesses and Promote Volunteer Service by Persons With Business Experience—which represents technical improvements in the provisions of the Senate bill and the House amendment, the Committees wish to stress the following: (a) that the "assignment of volunteers" under such title refers to a work situation which has been explained to and accepted by the volunteer in question; (b) that the compromise in section 302(b) expressly requires the agreement of the Small Business Administration (SBA) Administrator to the terms and conditions of service prescribed by the ACTION Agency Director for SCORE/ACE volunteers with respect to their provision of assistance to persons or enterprises seeking to obtain, or receiving, financial or management counselling assistance from the SBA (which assistance is performed under the SBA's direction); (c) that the authority in section 302(c)(1) in the compromise, to reimburse title III volunteers for necessary out-of-pocket expenses (which shall include, as under the Senate bill, parking and mileage in the event of appropriate uses of automobiles, meals, telephone calls, and the cost of necessary temporary secretarial services not available from either the ACTION Agency or the SBA) incident to their provision of services and the payment to them of travel expenses (including per diem in lieu of subsistence) while providing such services, includes the payment of such travel expenses for any necessary travel in connection with the performance of any such services, and that this authority is available without regard to the number of miles of such travel by such volunteers, in contrast to the limited authority in section 8(b)(1) of the Small Business Act which imposes a 50-mile minimum on the exercise of the SBA Administrator's travel-expenses payment authority; (d) that it is the intention and understanding of the Committees that SCORE/ACE and other title III volunteers, while carrying out official activities pursuant to such title, are covered under the Federal Employees' Compensation Act (subchapter I of chapter 81 of title 5, U.S.C.) for work-related injuries, as individuals providing services to the U.S. Government without compensation such as if they were on invitational travel orders, and further, that this same coverage logically extends to volunteers serving under title II—National Older American Volunteer Programs—while they are carrying out official activities pursuant to such title; (e) that a very appropriate application of the expertise of SCORE/ACE and other title III volunteers beyond the counselling of SBA clients would be for such volunteers, either separately or working in conjunction with title II (especially in the new Senior Companions program) and title I volunteers, to provide financial and investment counselling to senior citizens and others living on fixed incomes in order to enable them to make the maximum use of their limited resources.

The Committees also expect that the Agencies will consult with appropriate SCORE/ACE volunteers in carrying out the provisions of title III.

6. With respect to section 404(f) in the compromise regarding the assignment or delegation of substantial responsibility for carrying out ACTION Agency domestic programs under the Act, the Committees do not intend the reference to clause (2) of section 402 in any way to authorize the delegation of authorities which may be otherwise prohibited to experts or consultants employed by the Agency under such clause. Further, the Committee stress that the substitution of the word "programs" for the word "functions" in the first sentence of subsection (f) and the deletion of the last sentence of the subsection, as contained in the Senate bill is intended to simplify and clarify the sub-

section and to carry out the same purpose intended by such language in the Senate bill—namely, that the provisions of the subsection have no application to persons carrying out administrative functions in support of other than program-related activities in the Agency, that is, no application to persons in the category characterized by the Agency as "Agency-wide support" (generally those persons who are carrying out staff and volunteer recruitment, selection, personnel, budget and finance, legislative, legal, and public information activities in support of both the domestic and international operations of the Agency).

7. With respect to section 405(a) in the compromise regarding the membership on the National Voluntary Service Advisory Council, the language "individuals interested in serving and benefited by programs" carried out by the Agency includes former Peace Corps, VISTA, and other former, volunteers under Agency programs, and also the persons served by such programs. Further, it is the expectation of the Committees that a full 25-member Council will be appointed and that in addition to appropriate representation on the Council of such international and domestic program beneficiaries, the Council will include at least one former Peace Corps volunteer and one former volunteer from each of the major domestic programs authorized under this Act.

8. With respect to section 419 in the compromise regarding the status of title II and title III volunteers with respect to eligibility for certain benefits, the Committees note that the inclusion of this section in the compromise in the form included in the Senate bill makes unnecessary the inclusion of subsections (d) in both section 201 and 211, as included in the House amendment—these subsections are identical to subsections (d) of both section 601 and 611 of the Older Americans Act of 1965, as added by P.L. 93-29, included in title VI which would be repealed by section 604 of this Act—and that the subsections were thus not included in the compromise.

9. With respect to section 417(a) in the compromise regarding nondiscrimination in programs carried out under the Act, the reference to disability was not included in the compromise because of the difficulty of defining that term with precision and because it was believed to be inappropriate to legislate a distinction between physical and mental handicap or disability. The Committees expect and understand that there will be no discrimination based on physical or mental handicap in ACTION Agency programs when all eligibility and program criteria are met. Moreover, the Committees note that the subject of discrimination based upon physical or mental handicap in connection with Federal contracts or subcontracts and with Federal grants is fully dealt with in both House and Senate (S. 1875) versions of H.R. 8070, the proposed Rehabilitation Act of 1973, now pending in House/Senate conference.

10. With respect to the language of the compromise in section 501 regarding authorizations of appropriations for title I provisions, it is the understanding of the Committees in both Houses that the $29.6 million earmarked for poverty and poverty-related programs in subsection (a) will be expended in full and that the programs for which it will be expended will be full-time volunteer programs. The Committees also understand the Administration's view that these authorization provisions should not be considered as a precedent for other legislation.

Further, with respect to the language in subsection (b) requiring that if amounts are appropriated in excess of $37.6 million under title I, a "commensurate" increase be made in the sums made available for part A of title I, the Committees adopt as the meaning of the word "commensurate" as that term is used therein, the definition in *Webster's New International Dictionary Second Edition, Unabridged (1955)*, on page 537 as follows: "1. equal in measure or extent; also proportionate; corresponding;".

11. With respect to section 504 in the compromise regarding authorizations of appropriations for the administration of the Act, the Committees note that the two administratrative expenses limitations contained in subsections (a) and (b) of this section in the Senate bill were not included in the compromise in order to permit the General Accounting Office to complete its study, requested by the Senate Foreign Relations Committee and the Senate Special Subcommittee on Human Resources, regarding appropriate methods of allocating costs for Agency-wide support activities as between international and domestic program appropriations items. This treatment in the compromise is in line with actions of the Congress in deleting from H.R. 5293, the Peace Corps FY 1974 authorization Act (now P.L. 93-49), certain similiar restrictive provisions regarding administrative expenses and personnel appointments. It is the intention of the Committees, after having received and reviewed this report of the General Accounting Office and after taking into consideration any comments thereon submitted by the Agency, to work together with the Foreign Relations and Foreign Affairs Committees in the respective bodies to develop and enact legislation providing for one administrative expenses funding mechanism (management fund) to support the Agency-wide administrative "support" functions. Moreover, the Committees urge that the General Accounting Office complete its report at the earliest possible date in order that this troublesome matter can be expeditiously resolved in the best interests of the programs administered by the Agency. The Committees further note that the Agency's operations under the figures included in the President's FY 1974 budget request will satisfy both of the administrative expenses limitations included in the Senate bill, and that they expect Agency-wide administrative support costs thereafter to continue to be less than 10 per cent of the total amount appropriated for domestic programs.

12. Section 423 of the Senate bill regarding audit by the Comptroller General, was not included in the compromise since the ACTION Agency has advised that its and its contractees and grantees record-keeping and book-keeping requirements and regulations currently comply with the section and with the General Accounting Office's requirements, and that the Agency will cooperate, and require such cooperation of its grantees and contractees, with the GAO in any GAO audit procedures.

Mr. CRANSTON. I do wish, however, Mr. President, to make note of and express my deep gratitude for the great efforts to work out the differences in this bill on the other side by the House principal sponsors, by the distinguished chairman of the Equal Opportunities Subcommittee of the Education and Labor Committee, Mr. HAWKINS, by the ranking minority member, Mr. STEIGER of Wisconsin, and by the bill's distinguished sponsor, Mrs. MINK. We are also truly indebted to the great chairman of the Education and Labor Committee, Mr. PERKINS, and its ranking minority member (Mr. QUIE) for their indispensable assistance on this legislation on the House side. It has been a great privilege to work with them all.

They were most ably assisted by Bill Beckham and Patsy Fleming for Mr. HAWKINS and the subcommittee majority, by Marty LaVor for the minority, by Dean Hewitt for Mr. STEIGER of Wisconsin, and by Don Baker and Bill Cable for the chairman. They have provided the finest type of staff assistance to achieve this compromise and facilitate its passage.

On our side, Mr. President, I must again pay tribute to the truly bipartisan efforts and contributions of the ranking minority member of the Special Subcommittee on Human Resources, the Senator from Maryland (Mr. BEALL) and his very hard-working legislative assistant David Rust, as well as John Scales for the minority. Senator BEALL has been a great ally and partner throughout this venture. I also want to thank the chairman of the full Labor and Public Welfare Committee and principal majority sponsor of this bill and S. 1148 (Mr. WILLIAMS) for his special assistance, and the ranking minority member of the committee (Mr. JAVITS). In addition, I want to express my appreciation for the support of other sponsors of the bill—the Senator from West Virginia (Mr. RANDOLPH), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. MONDALE), the Senator from Rhode Island (Mr. PELL), and my colleague from California (Mr. TUNNEY). They and their staff have also been of great help.

For myself, I want again to thank for a job very well done Fran Butler and Jon Steinberg of the subcommittee who have been at work on this legislation for well over a year.

Finally, Mr. President, this has been a tripartite effort: Senate, House, and administration. The willingness of the administration to work with us to accommodate our differences on this measure has been a great example of the bipartisan and really nonpartisan nature of the volunteer programs under the ACTION Agency. That is the way these programs and that Agency should function. Thus, I want to pay tribute to Michael Balzano, Director of the ACTION Agency, Mel Laird at the White House, Paul O'Neill at OMB, and particularly to Eric Silberstein, the Agency's congressional liaison, for his very effective representation of the interests and position of the Agency and the administration and his knowledge of the legislative process.

Mr. President, it is a very hopeful sign that this bill has been worked out without the need for a Presidential veto first. I wish we could do that more often. If the administration will only talk with us about the bills we are developing, I feel confident we can accomplish the kind of cooperation that has characterized our work on this bill. After vetoes, we have recently been able to work out acceptable compromises on a number of bills with which I have been closely involved: On S. 50, Older Americans Comprehensive Services Amendments of 1973—Public Law 93-29—on S. 59, the Veterans Health Care Expansion Act of 1973, a bill I authored which was signed by the President yesterday, on S. 49, the Veterans Cemeteries Act of 1973—Public Law 93-43—and on S. 1875, the Rehabilitation Act of 1973, the Senate-passed vocational rehabilitation bill now pending in conference. Senate and House leaders also successfully negotiated with the administration the August 15 Cambodia and Indochina bombing cutoff date.

In other areas, an accord has apparently been reached on the highway trust fund bill; the President signed two compromise health bills in June; and similar progress seems possible on other pending measures.

In contrast, the President vetoed S. 504, the Emergency Medical Services Systems Act of 1973 on Wednesday and the Senate yesterday overrode that veto 77 to 16. I hope the House will follow suit, but the point is that on that bill, despite repeated invitations by me and my staff, the administration made no efforts whatsoever to work with us. That is no way to run a government, and I deeply regret it.

Coming up in committee in September are two measures I am deeply involved with, S. 1708, the Family Planning Services and Population Research Amendments of 1973, and the Legal Services Corporation legislation. Also, two very important manpower training and employment measures, S. 1559 and S. 1560, should be in conference this fall; they are compromise measures already and should be signed by the President.

I fervently hope, Mr. President, that the administration will approach all these measures with the same reasonableness that has characterized their dealings on S. 1148 and, recently at least, on S. 59, S. 49, S. 1875, and S. 50. Saying "No" is the easiest way out of any difference of opinion.

I cannot believe any President likes to veto legislation, especially a President who has spent long years in the Congress. I can say that yesterday at the S. 59 signing ceremony in the oval office, the President seemed to take real pleasure in signing a bill which had been worked out.

What too often seems to have happened is that because of intractable staff and advisers, the President has been backed into a corner when confronted with a bill into which his administration has attempted to make little or no input. He has perceived no alternative other than to exercise the veto power.

There is another way, of course, and our responsibilities—here and downtown—are to do everything possible to avoid such impasses. Compromise is democracy at work, and I stand ready to do everything I can to continue and facilitate the spirit of accord and accommodation.

The American people deserve no less.

Mr. President, I ask unanimous consent that the full text of the compromise bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2364

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act, with the following table of contents, may be cited as the "Domestic Volunteer Service Act of 1973":

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TITLE I—NATIONAL VOLUNTEER ANTI-POVERTY PROGRAMS

PART A—VOLUNTEERS IN SERVICE TO AMERICA

STATEMENT OF PURPOSE

SEC. 101. This part provides for the Volunteers in Service to America (VISTA) program of full-time volunteer service, together with appropriate powers and responsibilities designed to assist in the development and coordination of such program. The purpose of this part is to strengthen and supplement efforts to eliminate poverty and poverty-related human, social, and environmental problems in the United States by encouraging and enabling persons from all walks of life and all age groups, including elderly and retired Americans, to perform meaningful and constructive volunteer service in agencies, institutions, and situations where the application of human talent and dedication may assist in the solution of poverty and poverty-related problems and secure and exploit opportunities for self-advancement by persons afflicted with such problems.

AUTHORITY TO OPERATE VISTA PROGRAM

SEC. 102. The Director may recruit, select, and train persons to serve in full-time volunteer programs consistent with the provisions and to carry out the purpose of this part.

ASSIGNMENT OF VOLUNTEERS

SEC. 103. (a) The Director, upon request of Federal, State, or local agencies, or private nonprofit organizations, may assign such volunteers to work in the several States in appropriate projects and programs—

(1) in meeting the health, education, welfare, or related needs of Indians living on reservations or Federal trust lands, of migatory and seasonal farmworkers and their families, and of residents of the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, or the Virgin Islands;

(2) in the care and rehabilitation of mentally ill, developmentally disabled, and other handicapped individuals, especially those with severe handicaps, under the supervision of nonprofit institutions or facilities; and

(3) in connection with programs or activities authorized, supported, or of a character eligible for assistance under this Act or the Economic Opportunity Act of 1964, as amended (42 U.S.C. Chapter 34) in furtherance of the purpose of this title.

(b) The Director, wherever feasible and appropriate, shall assign low-income community volunteers to serve in their home communities in teams with nationally recruited specialist volunteers. Prior to the assignment of any such community volunteer, the Director shall insure that each such volunteer is provided an individual plan designed to provide an opportunity for job advancement or for transition to a situation leading to gainful employment. One hundred and twenty days prior to the completion of such community volunteer's term of service, the Director shall insure that such plan is updated and reviewed with the volunteer.

(c) Except as provided in subsection (d), the assignment of volunteers under this section shall be on such terms and conditions (including restrictions on political activities that appropriately recognize the special status of volunteers living among the persons or groups served by programs to which they have been assigned) as the Director may determine, including work assignments in their own or nearby communities.

(d) Volunteers under this part shall not be assigned to duties or work in any State unless such program has been submitted to the Governor or other chief executive officer of the State concerned, and has not been disapproved by him within forty-five days of such submission. The assignment of a volunteer shall be terminated by the Director when so requested by the Governor or chief executive officer of the State concerned not later than thirty days after such request has been made, or at a time after such request has been made as agreed upon by such Governor or chief executive officer of the State concerned and the Director.

TERMS AND PERIODS OF SERVICE

SEC. 104. (a) Volunteers serving under this part shall be required to make a full-time personal commitment to combating poverty and poverty-related human, social, and environmental problems. To the maximum extent practicable, this shall include a commitment to live among and at the economic level of the people served, and to remain available for service without regard to regular working hours, at all times during their periods of service, except for authorized periods of leave.

(b) Volunteers serving under this part may be enrolled for periods of service not exceeding two years, but for not less than one-year periods of service, except that volunteers serving under this part may be enrolled for periods of service of less than one year when the Director determines, on an individual basis, that a period of service of less than one year is necessary to meet a critical scarce-skill need. Volunteers serving under this part may reenroll for periods of service totalling not more than two years. No volunteer shall serve for more than a total of five years under this part.

(c) Volunteers under this part shall, upon enrollment, take the oath of office as prescribed in section 5(j) of the Peace Corps Act, as amended (22 U.S.C. 2504(j)), except that persons legally residing within a State but who are not citizens or nationals of the United States, may serve under this part without taking or subscribing to such oath, if the Director determines that the service of such persons will further the interests of the United States. Such persons shall take such alternative oath or affirmation as the Director shall deem appropriate.

(d) The Director shall establish a procedure, including notice and opportunity to be heard, for volunteers under this part to present and obtain resolution of grievances and to present their views in connection with the terms and conditions of their service. The Director shall promptly provide to each volunteer in service on the date of enactment of this Act, and to each such volunteer beginning service thereafter, information regarding such procedure and the terms and conditions of their service.

SUPPORT SERVICES

SEC. 105. (a) (1) The Director may provide a stipend to volunteers, while they are in training and during their assignments, enrolled for periods of service of not less than one year under this part, except that the Director may, on an individual basis, make an exception to provide a stipend to a volunteer enrolled under this part for an extended period of service not totalling one year. Such stipend shall not exceed $50 per month during the volunteer's service, except that the Director may provide a stipend not to exceed $75 per month in the case of persons who have served for at least one year and who, in accordance with standards established in regulations which the Director shall prescribe, have been designated volunteer leaders on the basis of experience and special skills and a demonstrated leadership among volunteers.

(2) Stipends shall be payable only upon completion of a period of service, except that in extraordinary circumstances the Director may from time to time advance all or a portion of the accrued stipend to or on behalf of a volunteer. In the event of the death of a volunteer during service, the amount of any unpaid stipend shall be paid in accordance with the provisions of section 5582 of title 5, United States Code.

(b) The Director shall also provide volunteers such living, travel (including travel to and from places of training), and leave allowances, and such housing, supplies, equipment, subsistence, clothing, health and dental care, transportation, supervision, technical assistance, and such other support as he deems necessary and appropriate to carry out the purpose and provisions of this part, and shall insure that each such volunteer has available such allowances and support as will enable the volunteer to carry out the purpose and provisions of this part and to effectively perform the work to which such volunteer is assigned.

PARTICIPATION OF BENEFICIARIES

SEC. 106. To the maximum extent practicable, the people of the communities to be served by volunteers under this title shall participate in planning, developing, and implementing programs thereunder, and the Director, after consultation with sponsoring agencies (including volunteers assigned to them) and the people served by such agencies, shall take all necessary steps to establish, in regulations he shall prescribe, a continuing mechanism for the meaningful participation of such program beneficiaries.

PARTICIPATION OF OLDER PERSONS

SEC. 107. In carrying out this part of part C of this title, the Director shall take necessary steps, including the development of special projects, where appropriate, to encourage the fullest participation of older persons and older persons membership groups as volunteers and participant agencies in the various programs and activities authorized under such parts and, because of the high proportion of older persons within the poverty group, shall encourage the development of a variety of volunteer services to older persons, including special projects, to assure that such persons are served in proportion to their need.

PART B—SERVICE-LEARNING PROGRAMS

STATEMENT OF PURPOSE

SEC. 111. This part provides for the University Year for Action (UYA) program of full-time volunteer service by students enrolled in institutions of higher education together with appropriate powers and responsibilities designed to assist in the development and coordination of such programs. The purpose of this part is to strengthen and supplement efforts to eliminate poverty and poverty-related human, social, and environmental problems by enabling students at such cooperating institutions to perform meaningful and constructive volunteer service in connection with the satisfaction of such students' course work during their periods of service while attending such institutions, in agencies, institutions, and situations where the application of human talent and dedication may assist in the solution of poverty and poverty-related problems and secure and exploit opportunities for self-advancement by persons afflicted with such problems. Its purpose further is to encourage other students and faculty members to engage, on a part-time self-supporting basis, in such volunteer service and work along with volunteers serving under this part; and to promote participation by such institutions in meeting the needs of the poor in the surrounding community through expansion of service-learning programs and otherwise. Its purpose further is to provide for a program of part-time or short-term service learning by secondary and post-secondary school students to strengthen and supplement efforts to eliminate poverty and poverty-related human, social, and environmental problems.

AUTHORITY TO OPERATE UNIVERSITY YEAR FOR ACTION PROGRAM

SEC. 112. Except as otherwise provided in this part, the Director is authorized to conduct or make grants and contracts for, or both, programs to carry out the purposes of this part in accordance with the authorities and subject to the restrictions in the provisions of part A of this title, except for the proivsions of sections 103(d) and 104(d), and except that the Director may, in accordance with regulations he shall prescribe, determine to reduce or eliminate the stipend for volunteers serving under this part on the basis of the value of benefits provided such volunteers by the institution in question (including the reduction or waiver of tuition).

SPECIAL CONDITIONS

SEC. 113. (a) Volunteers serving under this part shall be enrolled for periods of service as provided for in subsection (b) of section 104, and may receive academic credit for such service in accordance with the regulations of the sponsoring institution of higher education.

(b) Grants to and contracts with institutions to administer programs under this part shall provide that prospective student volunteers shall participate substantially in the planning of such programs and that such institutions shall make available to the poor in the surrounding community all available facilities, including human resources, of such institutions in order to assist in meeting the needs of such poor persons.

(c) (1) In making grants or contracts for the administration of UYA programs under this part, the Director shall insure that financial assistance under this Act to programs carried out pursuant to section 112 of this part shall not exceed 90 per centum of the total cost (including planning costs) of such program during the first year and such amounts less than 90 per centum as the Director, in consultation with the institution, may determine for not more than four additional years, including years in which support was received under title VIII of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2991–2994d). Each such grant or contract shall stipulate that the institution will make every effort to (A) assume an increasing proportion of the cost of continuing a program carrying out the purpose of this part while the institution receives support under this part; (B) waive or otherwise reduce tuition for participants in such program, where such waiver is not prohibited by law; (C) utilize students and faculty at such institution to carry out, on a self-supporting basis, appropriate planning for such programs; and (D) maintain similar service-learning programs after such institution no longer receives support under this part.

(2) The Director shall take necessary steps to monitor the extent of compliance by such institutions with commitments entered into under paragraph (1) of this subsection and shall advise the Secretary of Health, Education, and Welfare of the extent of each such institution's compliance.

SPECIAL SERVICE-LEARNING PROGRAMS

SEC. 114. (a) Of the funds appropriated for the operation of programs under this part, up to 10 per centum may be used, notwithstanding any other provision of this part, to encourage and enable students in secondary, secondary vocational, and post-secondary schools to participate in service-learning programs on an in-or- out-of-school basis in assignments of a character and on such terms and conditions as described in subsections (a) and (c) of section 103.

(b) Persons serving as volunteers under this section shall not be deemed to be Federal employees for any purpose.

(c) The Director may provide volunteers

serving under this section a living allowance and only such other support or allowances as he determines, pursuant to regulations which he shall prescribe, are required because of unusual or special circumstances affecting the program.

Part C—Special Volunteer Programs

STATEMENT OF PURPOSE

Sec. 121. This part provides for special emphasis and demonstration volunteer programs, together with appropriate powers and responsibilities designed to assist in the development and coordination of such programs. The purpose of this part is to strengthen and supplement efforts to meet a broad range of human, social, and environmental needs, particularly those related to poverty, by encouraging and enabling persons from all walks of life and from all age groups to perform meaningful and constructive volunteer service in agencies, institutions, and situations where the application of human talent and dedication may help to meet such needs.

AUTHORITY TO ESTABLISH AND OPERATE PROGRAMS

Sec. 122. (a) The Director is authorized to conduct or make grants or contracts, or both, for special volunteer programs or demonstration programs (such as but not limited to a program to provide alternatives to the incarceration of youthful offenders; a program to promote educational opportunities for veterans; and a program to provide community-based peer group outreach and counseling for drug abusers) designed to stimulate and initiate improved methods of providing volunteer services, to encourage wider volunteer participation on a full-time, part-time, or short-term basis to further the purpose of this part, and to identify particular segments of the poverty community which could benefit from volunteer and other antipoverty efforts.

(b) Except as provided in subsection (c) of this section, assignment of volunteers under this section shall be on such terms and conditions as the Director shall determine, pursuant to regulations which he shall prescribe.

(c) The Director, in accordance with regulations he shall prescribe, may provide to persons serving as full-time volunteers in a program of at least one year's duration under this part such allowances and stipends, to the extent and in amounts not in excess of those authorized to be provided under part A of this title, as he determines are necessary to carry out the purpose of this part.

TITLE II—NATIONAL OLDER AMERICAN VOLUNTEER PROGRAMS

Part A—Retired Senior Volunteer Program

GRANTS AND CONTRACTS FOR VOLUNTEER SERVICE PROJECTS

Sec. 201. (a) In order to help retired persons to avail themselves of opportunities for volunteer service in their community, the Director is authorized to make grants to State agencies (established or designated pursuant to section 304(a)(1) of the Older Americans Act of 1965, as amended (42 U.S.C. 3024(a)(1)) or grants to or contracts with other public and nonprofit private agencies and organizations to pay part or all of the costs for the development or operation, or both, of volunteer service programs under this section, if he determines, in accordance with regulations he shall prescribe, that—

(1) volunteers will not be reimbursed for other than transportation, meals, and other out-of-pocket expenses incident to the provision of services under this part;

(2) only individuals aged sixty or over will be enrolled as volunteers to provide services under this part (except for administrative purposes), and such services will be performed in the community where such individuals reside or in nearby communities either (A) on publicly owned and operated facilities or projects, or (B) on local projects sponsored by private nonprofit organizations (other than political parties), other than projects involving the construction, operation, or maintenance of so much of any facility used or to be used for sectarian instruction or as a place for religious worship;

(3) the program includes such short-term training as may be necessary to make the most effective use of the skills and talents of participating volunteers and individuals, and provides for the payment of the reasonable expenses of such volunteers while undergoing such training; and

(4) the program is being established and will be carried out with the advice of persons competent in the field of service involved, and of persons with interest in and knowledge of the needs of older persons.

(b) The Director shall not award any grant or contract under this part for a project in any State to any agency or organization unless, if such State has a State agency established or designated pursuant to section 304(a)(1) of the Older Americans Act of 1965, as amended (42 U.S.C. 3024(a)(1)), such agency itself is the recipient of the award or such agency has been afforded at least sixty days in which to review the project application and make recommendations thereon.

Part B—Foster Grandparent Program and Older American Community Service Programs

GRANTS AND CONTRACTS FOR VOLUNTEER SERVICE PROJECTS

Sec. 211. (a) The Director is authorized to make grants to or contracts with public and nonprofit private agencies and organizations to pay part or all of the cost of development and operation of projects (including direct payments to volunteers serving under this part) designed for the purpose of providing opportunities for low-income persons aged sixty or over to serve as volunteers to provide supportive person-to-person services in health, education, welfare, and related settings to children having exceptional needs, including services by volunteers serving as foster grandparents to children receiving care in hospitals, homes for dependent and neglected children, or other establishments providing care for children with special needs. The Director may approve assistance in excess of 90 per centum of the costs of the development and operation of such projects only if he determines, in accordance with regulations he shall prescribe establishing objective criteria, that such action is required in furtherance of the purpose of this section. Provision for such assistance shall be effective as of September 19, 1972. In the case of any project with respect to which, prior to such date, a grant or contract has been made under section 611(a) of the Older Americans Act of 1965, as amended (42 U.S.C. 3044(b)) or with respect to any project under the Foster Grandparent program in effect prior to September 17, 1969, contributions in cash or in kind from the Bureau of Indian Affairs, Department of the Interior, toward the cost of the project may be counted as part of the cost thereof which is met from non-Federal sources.

(b) The Director is also authorized to make grants or contracts to carry out the purpose described in subsection (a) of this section in the case of persons (other than children) having exceptional needs, including services by volunteers serving as "senior health aides" to work with persons receiving home health care, nursing care, or meals on wheels or other nutritional services, and as "senior companions" to persons having developmental disabilities or other special needs for companionship.

CONDITIONS OF GRANTS AND CONTRACTS

Sec. 212 (a) (1) In carrying out this part, the Director shall insure that volunteers receiving assistance in any project are older persons of low income who are no longer in the regular work force.

(2) The Director shall not award a grant or contract under this part which involves a project proposed to be carried out throughout the State or over an area more comprehensive than one community unless—

(A) the State agency established or designated under section 304(a)(1) of the Older Americans Act of 1965, as amended (42 U.S.C. 3024(a)(1)) is the applicant for such grant or contract or, if not, such agency has been afforded a reasonable opportunity to apply for and receive such award and to administer or supervise the administration of the project; and

(B) in cases in which such agency is not the grantee or contractor (including cases to which clause (A) applies but in which such agency has not availed itself of the opportunity to apply for and receive such award), the application contains or is supported by satisfactory assurances that the project has been developed, and will to the extent appropriate be conducted, in consultation with, or with the participation of, such agency.

(3) The Director shall not award a grant or contract under this part which involves a project proposed to be undertaken entirely in a community served by a community action agency unless—

(A) such agency is the applicant for such grant or contract or, if not, such agency has been afforded a reasonable opportunity to apply for and receive such award and to administer or supervise the administration of the project;

(B) in cases in which such agency is not the grantee or contractor (including cases to which clause (A) applies but in which such agency has not availed itself of the opportunity to apply for and receive such award), the application contains or is supported by satisfactory assurances that the project has been developed, and will to the extent appropriate be conducted in consultation with, or with the participation of, such agency; and

(C) if such State has a State agency established or designated pursuant to section 304(a)(1) of the Older Americans Act of 1965, as amended (42 U.S.C. 3024 (a)(1)), such agency has been afforded at least forty-five days in which to review the project application and make recommendations thereon.

(b) The term "community action agency" as used in this section means a community action agency as defined in title II of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2781–2837).

Part C—General Provisions

COORDINATION WITH OTHER FEDERAL PROGRAMS

Sec. 221. In carrying out this title, the Director shall consult with the Office of Economic Opportunity, the Departments of Labor and Health, Education, and Welfare, and any other Federal agencies administering relevant programs with a view to achieving optimal coordination with such other programs, and shall promote the coordination of projects under this title with other public or private programs or projects carried out at State and local levels. Such Federal agencies shall cooperate with the Director in disseminating information about the availability of assistance under this title and in promoting the identification and interest of low-income and other older persons whose services may be utilized in projects under this title.

PAYMENTS

Sec. 222. Payments under this title pursuant to a grant or contract may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, in such installments and on such conditions, as the Director may determine.

MINORITY GROUP PARTICIPATION

SEC. 223. The Director shall take appropriate steps to insure that special efforts are made to recruit, select, and assign qualified individuals sixty years and older from minority groups to serve as volunteers under this title.

TITLE III—NATIONAL VOLUNTEER PROGRAMS TO ASSIST SMALL BUSINESSES AND PROMOTE VOLUNTEER SERVICE BY PERSONS WITH BUSINESS EXPERIENCE

STATEMENT OF PURPOSE

SEC. 301. This title provides for programs in which persons with business experience volunteer to assist persons, especially those who are economically disadvantaged, engaged in, or who seek to engage in, small business enterprises, and to make available their expertise as volunteers in programs authorized by, or of a character eligible for assistance under, this Act, the Economic Opportunity Act of 1964, as amended (42 U.S.C. Chapter 34) (particularly title VII thereof), or the Small Business Act (15 U.S.C. Chapter 14A). The purpose of this title is to utilize the skills and expertise of persons with business experience to assist persons in, or seeking to enter, business enterprises, or to carry out management and financial counselling activities in furtherance of the purposes of this Act.

AUTHORITY TO ESTABLISH, COORDINATE, AND OPERATE PROGRAMS

SEC. 302. (a) The Director is authorized to establish and conduct, and to recruit, select and train volunteers for (and to make grants or enter into contracts therefor), volunteer programs, including a Service Corps of Retired Executives (SCORE) and an Active Corps of Executives (ACE) and programs in which SCORE and ACE volunteers expand the application of their expertise beyond Small Business Administration clients, to carry out the purpose of this title: *Provided, however*, That the services of volunteers who are assisting persons or enterprises seeking to obtain, or receiving, financial or management counselling assistance from the Small Business Administration shall be performed under the direction of the Administrator of the Small Business Administration (hereinafter referred to in this title as the "Administrator") pursuant to section 8(b)(1) of the Small Business Act (15 U.S.C. 637 (b)(1)).

(b) The assignment of volunteers engaged in programs under this title shall be on such terms and conditions as the Director may determine, except that he shall prescribe such terms and conditions in agreement with the Administrator with respect to the service of volunteers described in the proviso in subsection (a) of this section.

(c)(1) Such volunteers, while carrying out activities under this title and section 8(b) (1) of the Small Business Act (15 U.S.C. 637 (b)(1)), shall be deemed Federal employees for the purpose of the Federal tort claims provisions in title 28, United States Code.

(2) The Director is authorized to reimburse such volunteers only for such necessary out-of-pocket expenses incident to their provision of services under this Act as he shall determine, in accordance with regulations which he shall prescribe, and, while they are carrying out such activities away from their homes or regular places of business, for travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for individuals serving without pay.

(3) Such volunteers shall in no way (A) participate for the benefit of the Small Business Administration (rather than on behalf of their clients) in any screening or evaluation activities in connection with applications for loans from such Administration, or (B) provide services to a client of such Administration with a delinquent loan outstanding, except upon a specific request signed by such client for assistance in connection with such matter.

(d) The Director and the Administrator shall cooperate in order to make available to such volunteers, or groups thereof, such use of the office facilities and related supplies, materials, and services of the Small Business Administration and the ACTION Agency as they deem appropriate to assist such volunteers to carry out such activities, including authorized meetings of groups of volunteers.

(e) Except as otherwise provided in this Act, activities authorized to be carried out both by this title and by section 8(b)(1) of the Small Business Act (15 U.S.C. 637(b) (1)) shall be carried out under this title to the maximum extent feasible.

TITLE IV—ADMINISTRATION AND COORDINATION

ESTABLISHMENT OF AGENCY

SEC. 401. There is hereby established in the executive branch of the Government an agency to be known as the ACTION Agency. Such Agency shall be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate provided for Level III of the Executive Schedule under section 5314 of title 5, United States Code. There shall also be in such agency a Deputy Director who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate provided for Level IV of the Executive Schedule under section 5315 of title 5, United States Code. The Deputy Director shall perform such functions as the Director shall from time to time prescribe, and shall act as Director of the ACTION Agency during the absence or disability of the Director. There shall also be in such agency two Associate Directors who shall be appointed by the President by and with the advice and consent of the Senate, and shall be compensated at the rate provided for Level V of the Executive Schedule under section 5316 of title 5, United States Code. One such Associate Director shall be designated "Associate Director for Domestic and Anti-Poverty Operations" and shall carry out operational responsibility for all programs authorized under this Act, and the other such Associate Director shall be designated "Associate Director for International Operations" and shall carry out operational responsibility for all programs authorized under the Peace Corps Act (22 U.S.C. 2501 et seq. There shall also be in such agency no more than two Assistant Directors appointed by the President by and with the advice and consent of the Senate, who shall be compensated at the rate provided for Level V of the Executive Schedule under section 5316 of title 5, United States Code. Each such Assistant Director shall perform such staff and support functions for such Associate Directors as the Director shall from time to time prescribe. There shall also be in such agency one Deputy Associate Director, under the Associate Director for Domestic and Anti-Poverty Operations, primarily responsible for programs carried out under parts A and B of title I of this Act and one Deputy Associate Director, under the Associate Director for Domestic and Anti-Poverty Operations, primarily responsible for programs carried out under title II of this Act, each of whom shall be appointed by the Director.

AUTHORITY OF THE DIRECTOR

SEC. 402. In addition to the authority conferred upon him by other sections of this Act, the Director is authorized to—

(1) appoint in accordance with the Civil Service laws such personnel as may be necessary to enable the ACTION Agency to carry out its functions, and, except as otherwise provided here, fix the compensation of such personnel in accordance with chapter 51 of title 5, United States Code;

(2)(A) employ experts and consultants or organizations thereof as authorized by section 3109 of title 5, United States Code, except that no individual may be employed under the authority of this subsection for more than 100 days in any fiscal year; (B) compensate individuals so employed at rates not in excess of the daily equivalent of the rate payable to a GS–18 employee under section 5332 of such title, including traveltime; (C) allow such individuals, while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of such title for persons in the Government service employed intermittently, while so employed; and (D) annually renew contracts for such employment under this clause;

(3) with the approval of the President, arrange with and reimburse the heads of other Federal agencies for the performance of any of the provisions of this Act and, as necessary or appropriate, delegate any of his functions under this Act and authorize the redelegation thereof subject to provisions to assure the maximum possible liaison between the ACTION Agency and such other agencies at all operating levels, which shall include the furnishing of complete operational information by such other agencies to the ACTION Agency and the furnishing of such information by the ACTION Agency to such other agencies;

(4) with their consent, utilize the services and facilities of Federal agencies without reimbursement, and, with the consent of any State or a political subdivision of a State, accept and utilize the services and facilities of the agencies of such State or subdivision without reimbursement;

(5) accept in the name of the ACTION Agency, and employ or dispose of in furtherance of the purposes of this Act, or of any title thereof, any money or property, real, personal, or mixed, tangible or intangible, received by gift, device, bequest, or otherwise;

(6) accept voluntary and uncompensated services;

(7) allocate and expend, or transfer to other Federal agencies for expenditure, funds made available under this Act as he deems necessary to carry out the provisions hereof, including (without regard to the provisions of section 4774(d) of title 10, United States Code), expenditure for construction, repairs, and capital improvements;

(8) disseminate, without regard to the provisions of section 3204 of title 39, United States Code, data and information, in such form as he shall deem appropriate to public agencies, private organizations, and the general public;

(9) adopt an official seal, which shall be judicially noticed;

(10) collect or compromise all obligations to or held by him and all legal or equitable rights accruing to him in connection with the payment of obligations in accordance with Federal Claims Collection Act of 1966 (31 U.S.C. 951–53);

(11) expend funds made available for purposes of this Act as follows: (A) for printing and binding, in accordance with applicable law and regulation; and (B) without regard to any other law or regulation, for rent of buildings and space in buildings and for repair, alteration, and improvement of buildings and space in buildings rented by him; but the Director shall not utilize the authority contained in this subclause (B)—

(i) except when necessary to obtain an item, service, or facility, which is required in the proper administration of this Act, and which otherwise could not be obtained, or could not be obtained in the quantity or quality needed, or at the time, in the form, or under the conditions in which, it is needed, and

(ii) prior to having given written notification to the Administrator of General Services (if the exercise of such authority would affect an activity which otherwise would be under the jurisdiction of the General Services Administration) of his intention to exercise such authority, the item, service, or facility with respect to which such authority is proposed to be exercised, and the reasons and justifications for the exercise of such authority;

(12) notwithstanding any other provision of law, make grants to or contracts with Federal or other public departments or agencies and private nonprofit organizations for the assignment or referral of volunteers under this Act (except for volunteers serving under part A of title I thereof), which may provide that the agency or organization shall pay all or a part of the costs of the program;

(13) provide or arrange for educational and vocational counselling of volunteers and recent former volunteers under this Act to (A) encourage them to use in the national interest the skills and experience which they have derived from their training and service, particularly working in combating poverty as members of the helping professions, and (B) promote the development, and the placement therein of such volunteers, of appropriate opportunities for the use of such skills and experience;

(14) establish such policies, standards, criteria, and procedures, prescribe such rules and regulations, enter into such contracts and agreements with public agencies and private organizations and persons, and make such payments (in lump sum or installments, and in advance or by way of reimbursement, and in the case of grants otherwise authorized under this Act, with necessary adjustments on account of overpayments and underpayments), as are necessary or appropriate to carry out the provisions of this Act; and

(15) generally perform such functions and take such steps, consistent with the purposes and provisions of this Act, as he deems necessary or appropriate to carry out the provisions of this Act.

POLITICAL ACTIVITIES

SEC. 403. (a) No part of any funds appropriated to carry out this Act, or any program administered by the ACTION Agency, shall be used to finance, directly or indirectly, any activity designed to influence the outcome of any election to Federal office, or any voter registration activity, or to pay the salary of any officer or employee of the ACTION Agency, who, in his official capacity as such an officer or employee, engages in any such activity. As used in this section, the term "election" has the same meaning given such term by section 301(a) of the Federal Election Campaign Act of 1971 (Public Law 92-225), and the term "Federal office" has the same meaning given such term by section 301(c) of such Act.

(b) Programs assisted under this Act shall not be carried on in a manner involving the use of funds, the provision of services, or the employment or assignment of personnel in a manner supporting or resulting in the identification of such programs with (1) any partisan or nonpartisan political activity or any other political activity associated with a candidate, or contending faction or group, in an election for public or party office, (2) any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election, or (3) any voter registration activity. The Director, after consultation with the Civil Service Commission, shall issue rules and regulations to provide for the enforcement of this section, which shall include provisions for summary suspension of assistance for no more than 30 days until notice and an opportunity to be heard can be provided or other action necessary to permit enforcement on an emergency basis.

SPECIAL LIMITATIONS

SEC. 404. (a) The Director shall prescribe regulations and shall carry out the provisions of this Act so as to assure that the service of volunteers assigned, referred, or serving pursuant to grants, contracts, or agreements made under this Act is limited to activities which would not otherwise be performed by employed workers and which will not supplant the hiring of or result in the displacement of employed workers, or impair existing contracts for service.

(b) All support, including transportation provided to volunteers under this Act, shall be furnished at the lowest possible cost consistent with the effective operation of volunteer programs.

(c) No agency or organization to which volunteers are assigned hereunder, or which operates or supervises any volunteer program hereunder, shall request or receive any compensation for services of volunteers supervised by such agency or organization.

(d) No funds authorized to be appropriated herein shall be directly or indirectly utilized to finance labor or antilabor organization or related activity.

(e) Persons serving as volunteers under this Act shall provide such information concerning their qualifications, including their ability to perform their assigned tasks, and their integrity, as the Director shall prescribe and shall be subject to such procedures for selection and approval as the Director determines are necessary to carry out the purposes of this Act. The Director may establish such special procedures for the recruitment, selection, training, and assignment of low-income residents of the area to be served by a program under this Act who wish to become volunteers as he determines will further the purposes of this Act.

(f) Notwithstanding any other provision of law and except as provided in the second sentence of this subsection, the Director shall assign or delegate any substantial responsibility for carrying out functions under this Act only to persons appointed or employed pursuant to clauses (1) and (2) of section 402, and persons assigned or delegated such substantial responsibilities on the effective date of this Act and who are receiving compensation in accordance with provisions of law other than the applicable provisions of title 5, United States Code, on such date shall, by operation of law on such date, be assigned a grade level pursuant to such latter provisions so as to fix the compensation of such persons under such authority at no less than their compensation rate on the day preceding such date. The Director may personally make exceptions to the requirement set forth in the first sentence of this subsection for persons he finds will be assigned to carrying out functions under the Peace Corps Act (22 U.S.C. 2501 et seq.) within six months after the effective date of this Act.

(g) Notwithstanding any other provision of law except as may be provided expressly in limitation of this subsection, payments to volunteers under this Act shall not in any way reduce or eliminate the level of or eligibility for assistance or services any such volunteers may be receiving under any other governmental program.

NATIONAL VOLUNTARY SERVICE ADVISORY COUNCIL

SEC. 405. (a) There is hereby established in the ACTION Agency a National Voluntary Service Advisory Council (hereinafter referred to as the "Council") to be composed of not more than 25 members appointed, not later than ninety days after the date of the enactment of this Act, by and serving at the pleasure of the President. Such members shall be representative of public and private organizations, groups, and individuals interested in serving and benefited by programs carried out under this Act and the Peace Corps Act (22 U.S.C. 2501 et seq.). The President shall designate a temporary chairperson from such members and shall call the initial meeting of the Council within thirty days after appointment of such Council. Members of the Council shall designate a permanent chairperson from such members and shall meet at the call of such chairperson, but not less than four times in each year. Members of the Council, other than those regularly employed by the Federal Government, while attending meetings of such Council, shall receive compensation and travel expenses as provided in section 402(2) of this Act with respect to experts and consultants. The Director and Deputy Director of the ACTION Agency shall be ex officio members of the Council.

(b) The Council shall—

(1) advise the Director with respect to policy matters arising in the administration of this Act and the Peace Corps Act (22 U.S.C. 2501 et seq.); and

(2) upon the request of the Director, review the effectiveness and the operation of programs under this Act and the Peace Corps Act and make recommendations (including such proposals for changes in such Acts as the Council deems appropriate) concerning (A) the improvement of such programs, (B) the elimination of duplication of effort, and (C) the coordination of such programs with other Federal programs designed to assist the beneficiaries of such Acts.

(c) Not later than October 1 of each calendar year beginning with the calendar year 1974, the Council shall make an annual report of its findings and recommendations to the President for transmittal by the President to the Congress together with his comments and recommendations.

LABOR STANDARDS

SEC. 406. All laborers and mechanics employed by contractors or subcontractors in the construction, alteration or repair, including painting and decorating of projects, buildings and works which are federally assisted under this Act shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5). The Secretary of Labor shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Number 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and in section 2 of the Act of June 1, 1934, as amended (48 Stat. 948, ch. 482, as amended; 40 U.S.C. 276c).

REPORTS

SEC. 407. Not later than one hundred and twenty days after the end of each fiscal year, the Director shall prepare and submit to the President for transmittal by the President to the Congress a full and complete report on the activities of the ACTION Agency during such year.

JOINT FUNDING

SEC. 408. Pursuant to regulations prescribed by the President, and to the extent consistent with the other provisions of this Act, where funds are provided for a single project by more than one Federal agency to an agency or organization assisted under this Act, the Federal agency principally involved may be designated to act for all in administering the funds provided, and, notwithstanding any other provision of law, in such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each agency. When the principal agency involved is the ACTION Agency, it may waive any grant or contract requirement (as defined by such regulations) under or pursuant to any law other than this Act, which requirement is inconsistent with the similar requirements under or pursuant to this Act.

PROHIBITION OF FEDERAL CONTROL

SEC. 409. Nothing contained in this Act shall be construed to authorize any department, agency, officer, or employee of the

United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school system.

COORDINATION WITH OTHER PROGRAMS

SEC. 410. The Director shall take necessary steps to coordinate volunteer programs authorized under this Act with one another, with community action programs, and with other related Federal, State, and local programs. The Director shall also consult with the heads of other Federal, State, and local agencies responsible for programs related to the purposes of this Act with a view to encouraging greater use of volunteer services in those programs and establishing in connection with them systematic procedures for the recruitment, referral, or necessary preservice orientation or training of volunteers serving pursuant to this Act.

PROHIBITION

SEC. 411. In order to assure that existing Federal agencies are used to the fullest extent possible in carrying out the purposes of this Act, no funds appropriated to carry out this Act shall be used to establish any new department or office when the intended function is being performed by an existing department or office.

NOTICE AND HEARING PROCEDURES FOR SUSPENSION AND TERMINATION OF FINANCIAL ASSISTANCE

SEC. 412. The Director is authorized, in accordance with the provisions of this section, to suspend further payments or to terminate payments under any contract or grant providing assistance under this Act, whenever he determines there is a material failure to comply with the applicable terms and conditions of any such grant or contract. The Director shall prescribe procedures to insure that—

(1) assistance under this Act shall not be suspended for failure to comply with applicable terms and conditions, except in emergency situations for thirty days, nor shall an application for refunding under this Act be denied, unless the recipient has been given reasonable notice and opportunity to show cause why such action should not be taken; and

(2) assistance under this Act shall not be terminated for failure to comply with applicable terms and conditions unless the recipient has been afforded reasonable notice and opportunity for a full and fair hearing.

DURATION OF PROGRAM

SEC. 413. The Director shall carry out the programs provided for in this Act during the fiscal year ending June 30, 1974, and the three succeeding fiscal years. For each such fiscal year, only such sums may be appropriated as the Congress may authorize by law.

DISTRIBUTION OF BENEFITS BETWEEN RURAL AND URBAN AREAS

SEC. 414. The Director shall adopt appropriate administrative measures to assure that the benefits of and services under this Act will be distributed equitably between residents of rural and urban areas.

APPLICATION OF FEDERAL LAW

SEC. 415. (a) Except as provided in subsections (b), (c), (d), and (e) of this section, volunteers under this Act shall not be deemed Federal employees and shall not be subject to the provisions of laws relating to Federal officers and employees and Federal employment.

(b) Individuals enrolled in programs under title I of this Act for periods of service of at least one year shall, with respect to such service or training, (1) for the purposes of subchapter III of chapter 73 of title 5, United States Code, be deemed persons employed in the executive branch of the Federal Government, (2) for the purposes of the Internal Revenue Code of 1954 (26 U.S.C. 1 et seq.) and title II of the Social Security Act (42 U.S.C. 401 et seq.), be deemed employees of the United States, and any service performed by an individual as a volunteer (including training) shall be deemed to be performed in the employ of the United States, (3) for the purposes of the Federal Tort Claims provisions of title 28, United States Code, be deemed employees of the United States, and (4) for the purposes of subchapter I of chapter 81 of title 5, United States Code (relative to compensation to Federal employees for work injuries), shall be deemed civil employees of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code, and the provisions of that subchapter shall apply except as follows: (A) in computing compensation benefits for disability or death, the monthly pay of a volunteer shall be deemed that received under the entrance salary for a grade GS-7 employee, and subsections (a) and (b) of section 8113 of title 5, United States Code, shall apply, and (B) compensation for disability shall not begin to accrue until the day following the date on which the injured volunteer is terminated.

(c) Any period of service of a volunteer enrolled in a program for a period of service of at least one year under part A of title I of this Act, and any period of full-time service of a volunteer enrolled in a program for a period of service of at least one year under part B or C of title I of this Act, shall be credited in connection with subsequent employment in the same manner as a like period of civilian employment by the United States Government—

(1) for the purposes of section 852(a) (1) of the Foreign Service Act of 1946, as amended (22 U.S.C. 1092(a) (1), and every other Act establishing a retirement system for civilian employees of any United States Government agency; and

(2) except as otherwise determined by the President, for the purposes of determining seniority, reduction in force, and layoff rights, leave entitlement, and other rights and privileges based upon length of service under the laws administered by the Civil Service Commission, the Foreign Service Act of 1946, and every other Act establishing or governing terms and conditions of service of civilian employees of the United States Government: *Provided*, That service of a volunteer shall not be credited toward completion of any probationary or trial period or completion of any service requirement for career appointment.

(d) Volunteers serving in programs for periods of service of at least one year under part A of title I of this Act, and volunteers serving for such periods under title VIII of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2991–2994d), including those whose service was completed under such Act, who the Director determines, in accordance with regulations he shall prescribe, have successfully completed their periods of service, shall be eligible for appointment in the competitive service in the same manner as Peace Corps volunteers as prescribed in Executive Order Number 11103 (April 10, 1963).

(e) Notwithstanding any other provision of law, all references in any other law to persons serving as volunteers under title VIII of the Economic Opportunity Act of 1964, as amended, shall be deemed to be references to persons serving as full-time volunteers in a program of at least one year's duration under part A, B, or C of title I of this Act.

EVALUATION

SEC. 416. (a) The Director shall periodically measure and evaluate the impact of all programs authorized by this Act, their effectiveness in achieving stated goals in general, and in relation to their cost, their impact on related programs, and their structure and mechanisms for delivery of services. Evaluations shall be conducted by persons not immediately involved in the administration of the program or project evaluated.

(b) The Director shall develop and publish general standards for evaluation of program and project effectiveness in achieving the objectives of this Act. Reports submitted pursuant to section 407 shall describe the actions taken as a result of evaluations carried out under this section.

(c) In carrying out evaluations under this title, the Director shall, whenever possible, arrange to obtain the opinions of program and project participants about the strengths and weaknesses of such programs and projects.

(d) The Director shall publish summaries of the results of evaluations of program and project impact and effectiveness no later than sixty days after the completion thereof.

(e) The Director shall take the necessary action to assure that all studies, evaluations, proposals, and data produced or developed with Federal funds shall become the property of the United States.

(f) The Director is authorized to use such sums as are required, but not to exceed 1 per centum of the funds appropriated under this Act, to conduct program and project evaluations (directly, or by grants or contracts) as required by this Act. In the case of allotments from such an appropriation, the amount available for such allotments (and the amount deemed appropriate therefor) shall be reduced accordingly.

NONDISCRIMINATION

SEC. 417. (a) The Director shall not provide financial assistance for any program under this Act unless the grant, contract, or agreement with respect to such program specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any such program because of race, creed, beliefs, color, national origin, sex, age, or political affiliation.

(b) No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with, any program or activity receiving assistance under this Act. The Director shall enforce the provisions of the preceding sentence in accordance with section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d–1). Section 603 of such Act shall apply with respect to any action taken by the Director to enforce such sentence. This section shall not be construed as affecting any other legal remedy that a person may have if that person is excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with any program or activity receiving assistance under this Act.

ELIGIBILITY FOR OTHER BENEFITS

SEC. 418. Notwithstanding any other provision of law, no payment for supportive services or reimbursement of out-of-pocket expenses made to persons serving pursuant to titles II and III of this Act shall be subject to any tax or charge or be treated as wages or compensation for the purposes of unemployment, temporary disability, retirement, public assistance, or similar benefit payments, or minimum wage laws. This section shall become effective with respect to all payments made after the effective date of this Act.

LEGAL EXPENSES

SEC. 419. Notwithstanding any other provision of law and pursuant to regulations which the Director shall prescribe, counsel may be employed and counsel fees, court costs, bail, and other expenses incidental to the defense of volunteers may be paid in judicial or administrative proceedings to which full-time volunteers (or part-time volunteers when such proceeding arises directly out of the performance of activities pursuant to this Act or section 8(b) (1) of the Small Business Act, as amended (15 U.S.C. 637(b)(1))) serving under this Act have been made parties.

GUIDELINES

SEC. 420. All rules, regulations, guidelines, instructions, and application forms published or promulgated pursuant to this Act shall be published in the Federal Register at least thirty days prior to their effective date.

DEFINITIONS

SEC. 421. For the purposes of this Act—

(1) the term "Director" means the Director of the ACTION agency;

(2) the terms "United States" and "States" mean the several States, the District of Columbia, the Virgin Islands, Puerto Rico, Guam, and American Samoa and, for the purposes of title II of this Act, the Trust Territory of the Pacific Islands;

(3) the term "nonprofit" as applied to any agency, institution, or organization means an agency, institution, or organization which is, or is owned and operated by, one or more corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual; and

(4) the term "poor" or "low-income" persons, individuals, or volunteers means such individuals whose incomes fall at or below the poverty line as set forth in section 625 of the Economic Opportunity Act of 1964, as amended by Public Law 92-424 (42 U.S.C. 2971d): *Provided*, That in determining who is "poor" or "low-income", the Director shall take into consideration existing poverty guidelines as appropriate to local situations.

TITLE V—AUTHORIZATION OF APPROPRIATIONS

NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS

SEC. 501. (a) There are authorized to be appropriated $37,600,000 for the fiscal year ending June 30, 1974, and such sums as may be necessary each for the fiscal years ending June 30, 1975, and June 30, 1976, for the purpose of carrying out title I of this Act. In each such year, of the sums appropriated pursuant to this title not less than $29,600,000 shall be expended on programs designed to eliminate poverty and poverty-related human, social and environmental problems. Of this amount not less than $22,300,000 shall be expended on programs authorized under part A of title I in each such fiscal year.

(b) Any sums authorized to be appropriated for title I of this Act in excess of $37,600,000 shall be reflected in a commensurate increase in the sums to be made available for part A of such title.

NATIONAL OLDER AMERICANS VOLUNTEER PROGRAMS

SEC. 502. (a) There are authorized to be appropriated $17,500,000 for the fiscal year ending June 30, 1974, and $20,000,000 each for the fiscal year ending June 30, 1975, and for the fiscal year ending June 30, 1976, respectively, to be used for the purpose of carrying out programs under part A of title II of this Act.

(b)(1) There are authorized to be appropriated $32,500,000 for the fiscal year ending June 30, 1974, and $40,000,000 each for the fiscal years ending June 30, 1975, and June 30, 1976, respectively, for the purpose of carrying out programs under part B of such title of which (A) $26,500,000 for the fiscal year ending June 30, 1974, and $32,000,000 each for the fiscal years ending June 30, 1975, and June 30, 1976, respectively, shall be available for such years for grants or contracts under subsection (a) of section 211, and (B) $6,000,000 for the fiscal year ending June 30, 1974, and $8,000,000 each for the fiscal years ending June 30, 1975, and June 30, 1976, respectively, shall be available for such years for grants or contracts under subsection (b) of such section.

(2) If the sums authorized to be appropriated under paragraph (1) of this subsection are not appropriated and made available in full for each such fiscal year, then such sums as are appropriated and made available for each such fiscal year shall be allocated so that—

(A) any amounts appropriated not in excess of a sum which when added to carryover balances otherwise available for obligation under subsection (a) of section 211 equals $25,000,000 shall be used for grants or contracts under such subsection; and

(B) any amounts appropriated in excess of a sum which when added to carryover balances otherwise available for obligation under subsection (a) of section 211 equals $31,000,000 for the fiscal year ending June 30, 1974, and $33,000,000 each for the fiscal years ending June 30, 1975, and June 30, 1976, respectively, shall be used for grants or contracts for such fiscal years under such subsection.

NATIONAL VOLUNTEER PROGRAMS TO ASSIST SMALL BUSINESSES AND PROMOTE VOLUNTEER SERVICE BY PERSONS WITH BUSINESS EXPERIENCE

SEC. 503. There are authorized to be appropriated $208,000 for the fiscal year ending June 30, 1974, and such sums as may be necessary each for the fiscal years ending June 30, 1975, and June 30, 1976, respectively for the purpose of carrying out programs under title III of this Act.

ADMINISTRATION AND COORDINATION

SEC. 504. There are authorized to be appropriated and such sums as may be necessary each for the fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976, respectively, for the administration of this Act as authorized in title IV of such Act.

AVAILABILITY OF APPROPRIATIONS

SEC. 505. Notwithstanding any other provision of law, unless enacted in express and specific limitation of the provisions of this section, funds appropriated for any fiscal year to carry out any program under this Act or any predecessor authority shall remain available, in accordance with the provisions of this Act, for obligation and expenditure until expended.

TITLE VI—AMENDMENTS TO OTHER LAWS AND REPEALERS

SUPERSEDENCE OF REORGANIZATION PLAN NUMBER 1 OF JULY 1, 1971

SEC. 601. (a) Sections 1, 2(a), 3, and 4 of Reorganization Plan Number 1 of 1971 (July 1, 1971) are hereby superseded.

(b) The personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions transferred to the Director of the ACTION Agency by sections 2(a) and 4 of such reorganization plan are hereby transferred to the ACTION Agency established by section 401. All grants, contracts, and other agreements awarded or entered into under the authority of such reorganization plan will be recognized under comparable provisions of this Act so that there is no disruption of on-going activities for which there is continuing authority.

(c) All official actions taken by the Director of the ACTION Agency, his designee, or any other person under the authority of such reorganization plan which are in force on the effective date of this Act and for which there is continuing authority under the provisions of this Act, and the length of the period of service of volunteers serving or undergoing training under title VIII of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2991-2994d) on the effective date of this Act, shall continue in full force and effect until modified, superseded, or revoked by the Director.

(d) All references to ACTION, or the Director of ACTION in any statute, reorganization plan, Executive order, regulation, or other official document or proceeding shall, on and after the effective date of this Act, be deemed to refer to the ACTION Agency established by section 401 and the Director thereof.

(e) No suit, action, or other proceeding, and no cause of action, by or against the agency known as ACTION created by such reorganization plan, or any action by any officer thereof acting in his official capacity, shall abate by reason of enactment of this Act.

(f) Persons appointed by the President, by and with the advice and consent of the Senate, to positions requiring such advice and consent under such reorganization plan may continue to serve in the same capacity in the ACTION Agency without the necessity of an additional appointment by the President or further such advice and consent by the Senate.

CREDITABLE SERVICE FOR CIVIL SERVICE RETIREMENT

SEC. 602. Section 8332(b)(7) of title 5, United States Code (relating to creditable service to civil service retirement), is amended by inserting a comma and "or a period of service of a full-time volunteer enrolled in a program of at least one year's duration under part A, B, or C of title I of the Domestic Volunteer Service Act of 1973 (—U.S.C.—)" after "Economic Opportunity Act of 1964".

REPEAL OF TITLE VIII OF THE ECONOMIC OPPORTUNITY ACT

SEC. 603. Title VIII of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2991-2994d), is hereby repealed.

REPEAL OF TITLE VI OF THE OLDER AMERICANS ACT

SEC. 604. (a) Title VI of the Older Americans Act of 1965, as amended (42 U.S.C. 3044-3044e), is hereby repealed.

(b) Section 908 of the Older Americans Comprehensive Services Amendments Act of 1973 (Public Law 93-29) is amended by striking out "1973," and "1974," and inserting in lieu thereof "1974," and "1975,", respectively.

By Mr. MOSS (for himself and Mr. CLARK):

S. 2367. A bill to extend the period for comment on regulations proposed by the Secretary of Health, Education, and Welfare relating to skilled nursing facilities. Referred to the Committee on Labor and Public Welfare.

Mr. MOSS. Mr. President, for myself and Mr. CLARK, I introduce for appropriate reference a bill which extends the time for public comment relating to the proposed skilled nursing facility regulations by 60 days. The regulations as proposed in the July 12 Federal Register were open to comment only until August 11. My bill proposes extending the time for public comment by 60 days and prohibits the promulgation of final standards before October 13, 1973.

I am very much aware that Public Law 92-603 provided that the proposed skilled nursing facility—SNF—regulations should be effective by July 1, 1973, and that HEW has breached this deadline by announcing proposed regulations on July 12. I can understand HEW's feeling of urgency and the desire to implement final regulations without further delay and abrogation of responsibility under the law. Nevertheless, I feel there are several compelling reasons for postponing the effective date of the regulations by 60 days so as to provide the public and interested groups with ample opportunity to comment.

Perhaps the most important reason for this action is the inept rulemaking procedure followed by HEW in this matter. In the past few months I had been receiving carbon copies of letters sent to the Secretary of Health, Education, and Welfare in reaction to the skilled nursing facilities regulations. I thought this to be quite unusual in view of the fact that the regulations had not as yet appeared in the Federal Register. These letters also served to confirm rumors within the industry that certain groups had received advanced copies of the proposed regulations as far back as last February.

For the most part the rumors charged nursing home professionals with advanced knowledge of the contents of the regulations. It has been alleged that they have had the opportunity through HEW policy to influence early drafts of the regulations. Representatives of consumer groups and organizations representing the elderly had been denied access to such regulations by HEW which claimed that the policy was unofficial rather than official. This is to say that the selective sharing of early copies of the regulations was because of a leak, an oversight, or the like, as contrasted with official HEW policy.

For whatever the reason, it is clear that some groups in the field of long-term care have had early access to the SNF regulations for several months while others have had only the 30 days provided with the July 12 announcement of the regulations in the Federal Register. The inequity is obvious. It can only be cured by extending the time for public comment and postponing the effective date of the regulations by 60 days, such as my bill provides.

Extending the time for public comment is particularly important with respect to these regulations which have such a drastic impact on the shape of events in the field of long-term care.

It is my hope that the Secretary of Health, Education, and Welfare will extend the comment period on his own. I have written today asking him to do so. I might add that this request and the substance of my parallel bill have been endorsed by virtually all groups in the field of care for the aged, including the American Association of Homes for the Aged, the American Nursing Home Association, and the National Council of Senior Citizens.

In the face of this kind of unanimity among senior citizens groups and wide support in the Congress and in State Capitols, I am hopeful that the Secretary will accept my request. By the same token I urge the enactment of my bill which changes the effective date of the regulations to October 13, 1973, and extends the time for public comment by 60 days. The enactment of my bill supports the Secretary of Health, Education, and Welfare should he desire to extend the comment period so that he could do so without fear of further breaching the July 1, 1973, statutory requirement in last year's medicare reform bill, H.R. 1.

I hope this measure will be promptly enacted.

REGULATIONS FOR SKILLED NURSING FACILITIES

Mr. **CLARK**. I am pleased to join Senator Moss in cosponsoring legislation to extend for 60 days the time period for public comments on regulations proposed by the Department of Health, Education, and Welfare to set standards for skilled nursing facilities. The proposed regulations were published in the Federal Register on July 12, 1973, and the period for public comment is scheduled to terminate on August 11, 1973.

An extension of time is needed to permit individuals, groups, and those most directly affected by the proposed regulations to make informed comments on a complex set of regulations that will set standards for care received by thousands of elderly patients in skilled nursing homes. In Iowa alone, the proposed regulations will affect 45 facilities and over 1,300 patients. In other States, the numbers are larger—the problem more acute and widespread.

More time for comments is also needed because of the procedural deficiencies surrounding the proposed regulations. I am informed that the Department of Health, Education, and Welfare had planned to raise substantially the standards for skilled nursing homes. For a period of 6 months before the agency published the proposed regulations in the Federal Register—between December 14, 1972—and July 12, 1973—HEW distributed to members of the nursing home industry and to the medical profession drafts of the proposed regulations and HEW officials held discussions with these provider groups about the contents of the regulations. During that time, HEW refused to give copies of the drafts to anyone else—including nurses groups, therapists groups, and groups representing nursing home patients and senior citizen groups. The agency changed its mind, however, and decided not to raise the standards, and on July 12 published in the Federal Register the proposed regulations which would lower the standards of care in several respects.

The most serious reduction in standards relates to the frequency of doctor visits to nursing home patients. Current regulations require that each patient in a skilled nursing home be visited by a doctor at least once a month. The proposed regulations provide that after a patient had been in a nursing home for 3 months, a doctor may visit him as infrequently as once a year. HEW has not disclosed its rationale for this proposed change, but it seems to me that people sick enough to qualify for skilled nursing home care should be seen by a doctor at least once a month. At the very least, members of the public should have more than 30 days to determine whether patient health will be jeopardized by a reduction in doctor visits.

Another concern of mine is the failure to require that skilled nursing homes, except those in rural areas, have a registered nurse on duty 7 days a week. I have been advised that patient-oriented citizen groups need more than 30 days in which to amass the information necessary to support their position.

No one will be harmed by the extension of time for comments. Regulations are currently in effect setting standards for these homes, and these should continue in effect until necessary time has been given to prepare an adequate set of new standards with participation by the public.

By Mr. **KENNEDY** (for himself, Mr. CRANSTON, Mr. MONDALE, Mr. PELL, and Mr. RANDOLPH):

S. 2368. A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to assure the safety and effectiveness of medical devices. Referred to the Committee on Labor and Public Welfare.

Mr. **KENNEDY**. Mr. President, I am pleased to introduce on behalf of myself and Senators CRANSTON, MONDALE, PELL, and RANDOLPH legislation designed to assure the safety and effectiveness of medical devices.

Since February of this year, the Senate Health Subcommittee has been holding hearings on human experimentation. In the course of these hearings, we have seen the use of approved drugs for unapproved purposes without the informed consent of the patient; the use of experimental surgery on the basis of an individual physician's judgment without adequate peer review; and the development of medical devices by a single practitioner, in isolation, without reference to any known standards or regulations.

The problems posed by the witnesses at these hearings are complex and multifaceted. All of them relate directly to the quality of medical care as it is practiced in this country. The common theme of these hearings—whether they have focused on experimental drugs, exexperimental surgery, or the development of new medical devices—has been "let the patient beware."

The problems must be approached on many fronts. The Labor and Public Welfare Committee just last week ordered reported the National Research Service Awards and Potection of Human Subject Act. This legislation is designed to protect human subjects of biomedical and behavioral research—which is supported in whole or in part by Department of Health, Education, and Welfare funds—to the maximum extent possible. That legislation will provide similar protection to those patients receiving their health services from health service programs funded in whole or in part by the Department of HEW.

A second and complementary approach to the problem is represented by the Quality of Care Commission contained in the HMO bill which passed the Senate on May 15, 1973.

A third approach focuses on the regulation of the use of unapproved drugs in this country. The Senate Health Subcommittee will hold a major set of legislative hearings into this and related drug industry questions in the fall of this year.

The fourth approach is represented by this medical devices legislation. When the Food and Drug Act was first passed in 1938, the device industry was small and thus the Food and Drug Administration was given no regulatory authority other than the ability to designate a device as misbranded or adulterated.

The medical device industry has expanded rapidly in recent years. The industry has taken advantage of technological innovation in the fields of metallurgy, electronics, plastics and ceramic chemistry.

The rapid growth of this industry, coupled with the absence of meaningful regulation, has resulted in a significant and growing health hazard to the people of this Nation. The Secretary of Health, Education, and Welfare formed a task force to study the problem in 1969, and that task force reported that in the period between 1961 and 1971 there were 27,000 untoward effects from medical devices in this country.

The public record is full of extreme abuses in the medical devices field. One of the most dramatic examples was described in testimony before the Health Subcommittee on March 7 of this year. This involved the use of a supercoil—an experimental intrauterine device—to induce abortions in 20 women, all past the first trimester of pregnancy, who had been shipped from Chicago to Philadelphia to undergo the experimental procedure. Sixty percent of the women suffered significant complications and at least one required a hysterectomy as a direct result of the unjustified use of the supercoil.

Recent hearings before Congressman L. H. Fountain's Intergovernmental Relations Subcommittee demonstrated that intrauterine devices have been developed, marketed, and used in this country without a prior demonstration of safety and efficacy. This has led to the widespread use of ineffective and hazardous devices, which were later recalled by the FDA.

The list of notorious quack devices is long and well-known, ranging from the "microdynameter," which was seized by the FDA in 1954 to the "relax-a-cisor," which was marketed in 1949 and finally banned by a 1970 court of appeals decision.

There are approximately 1,500 manufacturers producing over 12,000 medical devices in this country. The industry's gross sales for 1972 has been estimated in excess of $6 billion. The problem is that any individual can develop a new medical device in this country on the basis of his own individual judgment, and can test that device in patients without first being sure that the device meets minimum safety and efficacy standards.

I am pleased that Congressman Paul Rogers, the chairman of the House Subcommittee on Public Health and Environment, is today introducing a companion piece of device legislation in the House.

This legislation accepts the definition of devices developed in cooperation with elements of the device industry. It incorporates a number of industry criticisms of the administration's bill. It rejects the administration's approach to the premarket clearance section of the legislation. The administration would have required premarket clearance only for those medical devices to be used in life-threatening situations. This legislation would enable the Secretary to appoint a panel of experts to classify devices into one of three categories: those devices generally accepted as safe and effective, which represent a minimum risk to the public health, and which therefore do not require either standard setting or premarket clearance; those devices for which it is appropriate to establish reasonable standards to assure safety and effectiveness; and those devices for which inadequate evidence exists to assure safety and effectiveness, or exposure to which may cause unreasonable risk of illness or injury, and for which standards are therefore not appropriate. This latter group of devices will require premarket clearance.

In addition, this legislation sets strict requirements of informed consent for the testing of experimental medical devices in patients.

Mr. President, it is my intention to hold hearings on this legislation on September 14 and 18. Persons interested in testifying should contact the Health Subcommittee, room 4226, Dirksen Building—phone 225-7675.

I ask unanimous consent that the full text of this bill be printed in the Record along with the full text of the comparative print of the three device bills that will now be pending before the Senate.

There being no objection, the bill and material were ordered to be printed in the Record, as follows:

S. 2368

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE; REFERENCES TO ACT

Section 1. (a) This Act may be cited as the "Medical Device Amendments of 1973".

(b) Unless otherwise specified, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the section or other provision amended or repealed is a section of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

TITLE I—CLASSIFICATION OF MEDICAL DEVICES

Sec. 101. Chapter V of the Federal Food, Drug, and Cosmetic Act is amended by adding the following:

"CLASSIFICATION OF DEVICES

"Sec. 511. (a) Within sixty days after funds are first appropriated for the implementation of this section, the Secretary shall appoint and organize separate classification panels of experts, qualified by scientific training and experience, to review and classify devices into appropriate categories based on the safety and effectiveness of such devices. Each panel shall review all devices within its respective scientific field for purposes of appropriate classification and shall submit within one year of its appointment a report of its findings and conclusions to the Secretary. To the maximum extent practical the panel or panels shall provide an opportunity for any interested person to submit data and views on the classification of a device (or type or class of device). The Secretary may utilize any such panels which may have been formed for the purpose of such classification prior to enactment of this section and such panels may utilize information, and findings developed prior to enactment of this section in making such reports. Such panels shall also serve as scientific review panels under section 514.

"(b) Panel members shall possess adequate skill in the use of or experience in the development, manufacture, perfection, or utilization of such devices and may be nominated by appropriate scientific, trade, and consumer organizations. The panels shall be organized according to the various fields of clinical medicine and the fundamental sciences which utilize medical devices, and shall consist of members with adequately diversified expertise in such fields as clinical and administrative medicine, engineering, biological and physical sciences, or other related professions. Panel members shall, while attending meetings or conferences of the panel or otherwise engaged in its business, be compensated at per diem rates fixed by the Secretary but not in excess of the rate for grade GS-18 of the General Schedule at the time of such service, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses (including per diem in lieu of subsistence) as authorized by title 5, United States Code, section 5703, for persons in the Government service employed intermittently. Notwithstanding any other provisions of law governing the appointment and compensation of employees of the United States, the Secretary may appoint individuals associated with or employed by persons manufacturing or using medical devices or persons otherwise potentially affected by the provisions of this Act, to such panels and such individuals may receive the compensation prescribed therefor. The Secretary shall furnish each panel with adequate clerical and other necessary assistance, and shall prescribe by regulation the procedure to be followed by each panel.

"(c) Panels appointed pursuant to subsection (a) shall submit recommendations for the classification of devices (in the final report of the panel or such interim reports as may be appropriate) for purposes of and in accordance with sections 513 and 514 into one of the three following classes and shall, to the extent practicable, assign priorities within such classes:

"(1) Those devices for which inadequate evidence exists to—

"(A) (i) assure safety and effectiveness, or

"(ii) insure that exposure to such devices will not cause unreasonable risk of illness or injury, and

"(B) for which standards may not be appropriate and which therefore should be subject to premarket scientific review pursuant to section 514(a).

"(2) Those devices for which in order to reduce or eliminate unreasonable risk of illness or injury it is appropriate to establish reasonable standards relating to safety and effectiveness adequately to assure the safety and effectiveness of such device.

"(3) Those devices which have a generally accepted medical use and are safe and effective when used with adequate instructions for usage and warnings of limitation, which present a minimum risk, and which should be exempt from requirements for scientific review or standards at this time.

"(d) As soon as possible after filing of the report required for compliance with subsection (a), the Secretary shall publish such report in the Federal Register and provide interested persons an opportunity to comment thereon. After reviewing such comments the Secretary shall by regulation provide for classification of such devices. Appeal therefrom may be taken by any interested person pursuant to the provisions of section 505(h). The Secretary may establish priorities for implementing the action warranted by such classification under sections 513 and 514 and may defer such action until an appropriate time, consistent with expeditious implementation of these provisions.

"(e) The Secreary, after making a specific finding and with the advice of the Advisory Council referred to in section 708, may by regulation change the classification of a device or group of devices from one category to another."

TITLE II—AUTHORITY TO ESTABLISH STANDARDS

SEC. 201. Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C., ch. 9, subch. VI) is amended by adding at the end thereof the following new section:

"STANDARDS FOR MEDICAL DEVICES

"Authority to Set Standards

"SEC. 513 (a) (1) Whenever in the judgment of the Secretary such action is appropriate to reduce or eliminate unreasonable risk of illness or injury associated with exposure to or use of a device (including the need for uniformity and compatibility with systems or environments in which it is intended to be used) he may by order issue in accordance with subsection (c) of this section promulgate for any device, or type or class of device, for which a standard has been determined to be appropriate pursuant to section 551(d), a standard relating to safety and effectiveness, including where appropriate any one or more of the following: the composition, the construction, the properties, the uniform identification, or the performance of such device. Such standard may include provisions for the testing of the device and the measurement of its characteristics (including, where reasonably necessary to assure the accuracy and reliability of results, individual lot testing by or at the direction of the Secretary), and may require the use and prescribe the form and content of instructions or warnings necessary for the proper installation, maintenance, operation, and use of the device.

"(2) A standard may require that the device or any component thereof be marked, tagged, or accompanied by clear and adequate warnings or instructions reasonably necessary for the protection of health or safety.

"(3) The Secretary shall provide for a periodic evaluation of the adequacy of all standards promulgated under this section in order to reflect changes in the state of the art of the development of devices and in applicable medical, scientific, and other technological data.

"Consultation With Other Federal Agencies and Interested Groups; Use of Other Federal Agencies

"(b) (1) Prior to (A) initiating a proceeding under subsection (c) to promulgate a standard under this section, (B) initiating the development of a proposed standard under subsection (f) of this section, or (C) the taking of any action under subsection (g) of this section, the Secretary shall to the maximum practicable extent consult with, and give appropriate weight to relevant standards published by, other Federal agencies concerned with standard setting and other nationally or internationally recognized standard-setting agencies or organizations. In considering proposals for the development of standards, the Secretary may also invite appropriate participation, through joint or other conferences, workshops, or other means, by informed persons representative of scientific, professional, industry, or consumer organizations which in his judgment can make a significant contribution to such development.

"(2) In carrying out his duties under this section, the Secretary shall utilize to the maximum practicable extent the personnel, facilities, and other technical support available in other Federal agencies.

"Initiation of Proceeding for Standards—Development by Interested Parties

"(c) A proceeding to promulgate a standard under this section shall be initiated by the Secretary by publication of notice in the Federal Register. Such notice shall advise of the opportunity for comment on the need to initiate such proceeding and shall include—

"(1) a description or other designation of the device (or type or class of device) to which the proceeding relates;

"(2) the nature of the risk or risks intended to be controlled;

"(3) a summary of the data on which the Secretary has found a need for initiation of the proceeding;

"(4) identification of any existing standard (if known to the Secretary) which may be relevant to the proceeding; and

"(5) an invitation to any person, including any Federal agency, which has developed or is willing to develop a proposed standard to submit to the Secretary, within sixty days after the date of such notice, (A) such a standard; or (B) an offer to develop a proposed standard in accordance with procedures prescribed by regulations of the Secretary.

"Use of Existing Standards

"(d) If the Secretary (1) finds that there exists a standard which has been published by any Federal agency or other qualified agency, organization, or institution, (2) has made reference to such standard (unless it is a standard submitted under subsection (c)(5)) in his notice pursuant to subsection (c)(4), and (3) determines that such standard may be substantially acceptable to him as a device standard, then he may, in lieu of accepting an offer under this section, publish such standards as a proposed device standard in accordance with subsection (g).

"Acceptance of Offers To Develop Standards

"(e)(1) Except as otherwise provided by subsection (d), the Secretary shall accept one or more offers to develop a proposed standard pursuant to the invitation prescribed by subsection (c)(5) if he determines that (A) the offeror is technically competent to undertake and complete the development of an appropriate standard within a reasonable period of time, and (B) the offeror has the capacity to comply with procedures prescribed by regulations of the Secretary under paragraph (4).

"(2) The Secretary shall publish in the Federal Register the name and address of each person whose offer is accepted, and a summary of the terms of such offer as accepted.

"(3) Upon any offeror's application therefor prior to the acceptance of his offer under this subsection, the Secretary may agree to contribute to the offeror's cost in developing a proposed standard, if the Secretary determines that such contribution is likely to result in a more satisfactory standard than would be developed without such contribution, and that the offeror is financially responsible. Regulations of the Secretary shall set forth the items of cost in which he may participate, except that such items may not include construction (except minor remodeling), or the acquisition of land or buildings.

"(4) The Secretary shall prescribe regulations governing the development of proposed standards under this subsection and subsection (f), which regulations shall not be considered rules of agency organization, procedure, or practice for purposes of section 553 of title 5 of the United States Code. Such regulations shall include requirements—

"(A) that standards recommended for promulgation be supported by test data or such other documents or materials as the Secretary may reasonably require to be developed, and be suitable for promulgation under subsection (g);

"(B) that standards recommended for promulgation contain such test methods as may be appropriate for measurement of compliance with such standards;

"(C) for opportunity by interested persons to participate in the development of such standards;

"(D) for the maintenance of such records as the Secretary prescribes in such regulations to disclose the course of the development of standards recommended for promulgation, the comments and other information submitted by any person in connection with such development, including comments and information with respect to the need for such recommended standards, and such other matters as may be relevant to the evaluation of such recommended standards; and

"(E) that the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, have access for the purpose of audit and examination to any books, documents, papers, and records, relevant to the expenditure of any contribution of the Secretary, under paragraph (3).

"Development of Standards by the Secretary

"(f) If the Secretary has published a notice as provided by subsection (c), and—

"(1) no person accepts the invitation prescribed by subsection (c)(5);

"(2) the Secretary has accepted neither an existing standard pursuant to subsection (d) nor an offer to develop a proposed standard pursuant to subsection (e); or

"(3) the Secretary has accepted an offer pursuant to subsection (e), but determines that the offeror is unwilling or unable to continue the development of the standard which was the subject of the offer or the standard which has been developed is not satisfactory; then the Secretary may proceed to develop a proposed standard pursuant to procedures prescribed by subsection (g).

"Procedure for Promulgation, Amendment, or Revocation of Standards

"(g)(1)(A) Within one year after expiration of the period provided for persons to submit a proposed standard or offer to develop a proposed standard, and after review of any proposal submitted under subsection (e), the Secretary shall publish in the Federal Register either a proposal to promulgate a standard applicable to the device (or type or class of device) subject to the proceeding, or a notice that the proceeding is terminated. The proposal to promulgate a standard shall set forth the standard, the manner in which interested persons may examine data and other information on which the standard is based, and the period within which interested persons may present their comments on the standard (including the need therefor) orally or in writing but not to exceed 90 days.

"(B) Within 90 days after the expiration of the period or comments pursuant to (a)." the Secretary shall, by order published in the Federal Register, act upon the proposed standard or terminate the proceeding. The order shall set forth the standard, if any, the reasons for the Secretary's action (including reasons for the promulgation of a standard materially different than that set forth in the proposal or for his failure to promulgate any standard), and the date or dates upon which the standard, or portions thereof, will become effective. Such date or dates shall be established so as to minimize, consistent with the public health and safety, economic loss to, and disruption or dislocation of, domestic and international trade.

"(C)(i) Prior to his issuance of an order to promulgate a standard, the Secretary shall consider—

"(I) the degree of risk of illness or injury associated with those aspects of the devices subject to the order;

"(II) the approximate number of devices, or types or classes thereof, subject to the order;

"(III) the need of the public for the devices subject to the order, and the probable effect of the order upon the utility, cost, or availability of the devices to meet that need;

"(IV) means of achieving the objective of the order with a minimal disruption or dislocation of competition and of reasonable manufacturing and other commercial practices; and

"(V) data and comments submitted in the course of any proceeding initiated under subsection (c) relevant to such order.

Such order shall include appropriate findings with respect to the matters set forth in clauses (I) through (V) and such standard shall be based on such findings.

"(ii) The Secretary shall include in the order promulgating a standard such additional findings as he may determine to be necessary to support the judgment required by subsection (a)(1).

"(2) The Secretary may revoke any standard, in whole or in part, upon the ground that there no longer exists a need therefor or that such standard (or part thereof) is no longer in the public interest. Such revocation shall be published as a proposal in the Federal Register and shall set forth such standard or portion thereof to be revoked, a summary of the reasons for his determination that there may no longer be a need therefor or that such standard (or any part thereof) may no longer be in the public interest, the manner in which interested persons may examine data and other information relevant to the Secretary's determination, and the period within which any interested person may present his views, orally or in writing, with respect to such revocation. As soon as practicable thereafter, the Secretary shall by order act upon such proposal and shall publish such order in the Federal Register. The order shall include the reasons for the Secretary's action and the date or dates upon which such revocation shall become effective.

"(3) The Secretary may propose an amendment of a standard by publishing such proposal in the Federal Register. Such proposal shall be subject to paragraph (4) of this subsection and to subsection (h).

"(4) To the extent not inconsistent with this section, the provisions of section 553 of title 5 of the United States Code, shall govern proceedings under this section to promulgate, amend, or revoke a standard. An order promulgating, amending, or revoking a standard shall, upon its publication and without regard to its effective date, be a final order for purposes of chapter 7 of title 5 of the United States Code. Judicial review of such final order shall not be denied upon the ground that the petitioner has failed to seek the referral of any proposal to an advisory committee under subsection (h).

"Referral to Independent Advisory Committee

"(h)(1) A proposal under subsection (g) may be referred to an advisory committee of experts for a report and recommendations with respect to any matter involved in such proposal which requires the exercise of scientific judgment. The Secretary may so refer such proposal prior to or after its publication under such subsection, and shall so refer it after its publication upon a request, within the time specified in the proposal, of any interested person (unless the Secretary finds the request to be without good cause). For the purpose of any such referral, the Secretary shall appoint such an advisory committee (which may be a standing advisory scientific review panel established under section 514(b)) and shall refer to it, together with all the data before him, the matter so involved for study, and for a report and recommendations. The provisions of the first and second sentences of section 706(b)(5)(C)(ii) shall apply to such report and recommendations. A person who has requested the referral of a matter to an advisory committee pursuant to this subsection, as well as representatives of the Department, shall have the right to consult with such advisory committee, and such advisory committee is authorized to consult with any person, in connection with the matter referred to it.

"(2) The Secretary shall appoint as members of any such committee persons qualified in the subject matter to be referred to the committee and of appropriately diversified professional background. Members of an advisory committee who are not in the regular full-time emloy of the United States, while attending conferences or meetings of their committee or otherwise serving at the request of the Secretary, shall be entitled to receive compensation at rates to be fixed by the Secretary but not at rates exceeding the daily equivalent for grade GS-18 of the General Schedule for each day so engaged, including traveltime; and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently. The Secretary shall furnish the committee with clerical and other assistance, and shall by regulation prescribe the procedure to be followed by the committee.

"(3) If such a matter is referred to an expert advisory committee upon request of an interested person, the Secretary may, pursuant to regulations designed so as not to discourage any such referrals which are in the public interest, require such person to pay all or part of the cost to the Department arising by reason of such referral. Such payments, including advance deposits to cover such payments, shall be available until expended for paying (directly or by way of reimbursement of the applicable currently available appropriations) such costs and for refunds in accordance with such regulations.

"Testing or Manufacture of Devices To Assure Compliance With Standards

"(i)(1) Every manufacturer of a device subject to a standard under this section shall assure the Secretary, at such times and in such form and manner as the Secretary shall by regulation prescribe, that testing methods prescribed by the standard show the device to comply therewith, or that the device has been manufactured under a program of quality control which is in accord with current good manufacturing practice (as may be determined by regulations of the Secretary) designed to assure such compliance.

"(2) To assure that devices conform to standards under this section, the Secretary shall review and evaluate on a continuing basis testing and other quality control programs carried out by manufacturers of devices subject to such standards.

"Exemption

"(j) This section shall not apply to any device (1) intended solely (A) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in animals other than man or (B) to affect the structure or any function of the body of such animals; or (2) subject to section 514 except for those characteristics of the device made subject to provisions of existing standards by an application approved pursuant to that section.

"Temporary Permits

"(k) The Secretary shall issue regulations permitting the interstate shipment of devices varying from an applicable standard for the purpose of investigation or other testing prior to amendment of the standard. Such regulations may include reasonable conditions related to the safety and effectiveness of the devices.

"Custom Devices

"(l) This section shall not apply to any custom device to the extent that it is ordered by a physician to be made in a special way for individual patients. Any such device shall comply with all aspects of any applicable standard except those specifically ordered by a physician to be changed. This subsection shall apply only to devices ordered for individual patients, and shall not otherwise exempt a device from subsection (k)."

CONFORMING AMENDMENTS

SEC. 202. (a) Section 501 of such Act (21 U.S.C. 351) is amended by adding at the end thereof the following new paragraph:

"(e) If it is, or purports to be or is represented as, a device with respect to which, or with respect to any component, part, or accessory of which there has been promulgated a standard under section 513, unless such device, or such component, part, or accessory, is in all respects in conformity with such standard."

(b) Section 502 of such Act (21 U.S.C. 352) is amended by adding at the end thereof the following new paragraph:

"(q) If it is a device subject to a standard promulgated under section 513, unless (1) its labeling bears such instructions and warnings as may be prescribed in such standard; and (2) it complies with the requirements of section 513(i)(1)."

TITLE III—SCIENTIFIC REVIEW OF CERTAIN MEDICAL DEVICES

SEC. 301. (a) Section 501 of such Act, as amended by section 202(a) of this Act, is further amended by adding at the end thereof the following new paragraph:

"(f) If (1) it is a device, and (2) such device, or any component, part, or accessory thereof, is deemed unsafe or ineffective within the meaning of section 514 with respect to its use or intended use."

(b) Chapter V of such Act, as amended by this Act, is further amended by adding at the end thereof the following new section:

"SCIENTIFIC REVIEW OF CERTAIN MEDICAL DEVICES

"When Scientific Review Is Required

"SEC. 514. (a) The Secretary may declare that a device (or type or class of device) for which scientific review has been determined to be appropriate pursuant to section 511(d) shall be subject to scientific review under this section with respect to any particular use or intended use thereof if, after consultation with the appropriate panel or panels specified in subsection (b), he finds that review is necessary to insure safety and effectiveness or is appropriate to reduce or eliminate unreasonable risk of illness or injury associated with exposure to or use of a device. To the maximum extent practical the panel or panels shall provide an opportunity for any interested person to submit data and views on the appropriateness of applying scientific review to a device (or type or class of device) or any particular use of a device. The declaration shall be by regulation (which may be rescinded by the Secretary) which shall set forth and be based upon the findings prescribed in this subsection and findings as described in clauses (I), (II), (III), and (IV) of section 513(g)(1)(C)(i). A device (or type or class of device) declared to be subject to scientific review shall be deemed unsafe or ineffective for the purpose of the application of section 501(f) unless either—

"(1) there is in effect an approval of an application with respect to such device under this section,

"(2) such device is exempted by or pursuant to subsections (k) or (m) of this section, or

"(3) such device is intended solely (A) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in animals other than man or (B) to affect the structure or any function of the body of such animals.

"Standing Advisory Scientific Review Panels

"(b)(1) For the purpose of reviewing applications filed under subsection (c), and of reviewing plans and protocols submitted under subsection (k)(4), the Secretary shall establish one or more standing advisory scientific panels composed of members appointed by the Secretary. Such members shall consist of experts qualified by training and experience to evaluate the safety and effectiveness of devices in the category or class of devices to be referred to such a panel, including appropriate experts from one or more of the physical or biological sciences and of the professions of medicine, dentistry and engineering. The Secretary shall from time to time designate one of the members of each panel to serve as chairman thereof.

"(2) Members of any standing advisory scientific panels established under this subsection, while attending conferences or meetings of their panels or otherwise serving at the request of the Secretary, shall be entitled to receive compensation at rates to be fixed by the Secretary but not at rates exceeding the daily equivalent of the rate specified at the time of such service for grade GS–18 of the General Schedule, including traveltime; and while away from their homes or regular price of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703(b) of title 5 of the United States Code for persons in the Government service employed intermittently. The Secretary shall furnish the committee with clerical and other assistance. The members shall not be subject to any other provisions of law regarding the appointment and compensation of employees of the United States.

"Application for Scientific Review

"(c)(1) Scientific review of a device (or type or class of device) which has been declared subject to such review in accordance with subsection (a) may be obtained by submitting to the Secretary an application for his determination of the safety and effectiveness of the device. The application shall contain (A) full reports of all information, published or otherwise available to the applicant, concerning investigations which have been made to show whether or not such device is safe and effective for use; (B) a full statement of the composition, properties, and construction, and of the principle or principles of operation, of such device; (C) a full description of the methods used in, and the facilities and controls used for, the manufacture, processing, and, when relevant, packing and installation of such device; (D) an identifying reference to any standard, applicable to such device, or component of such device, which is in effect pursuant to section 513, and either adequate information to show that such device fully meets such standard or adequate information to justify any deviation from such standard; (E) such samples of such device and of the articles used as components thereof as the Secretary may require; (F) specimens of the labeling proposed to be used for such device; and (G) such other information, relevant to the subject matter of the application, as the Secretary, upon advice of the appropriate panel or panels established pursuant to subsection (b), may require.

"(2) Upon receipt of an application meeting the requirements set forth in paragraph (1), the Secretary shall refer such application to the appropriate panel or panels (established pursuant to subsection (b)) for study and for submission (within such period, if any, as he may establish) of a report and recommendations, together with all underlying data and the reasons or basis for the recommendations. The provisions of section 706(d)(2) shall apply with respect to the material so submitted.

"Consideration of an Initial Action on Application

"(d) As promptly as possible, but in no event later than one hundred and twenty days after the receipt of an application under subsection (c), unless an additional period is agreed upon by the Secretary and the applicant, the Secretary, after considering the report and recommendations referred to in paragraph (2) of such subsection, shall—

"(1) approve the application if he finds that none of the grounds for denying approval specified in subsection (e) applies,

"(2) advise the applicant that the application is not in approvable form; and inform the applicant, insofar as the Secretary determines to be practicable, of the measures required to place such application in approvable form (which measures may include further research by the applicant in accordance with one or more protocols prescribed by the Secretary); or

"(3) deny approval of the application if he finds (and sets forth the basis of such finding as part of or accompanying such denial) that one or more grounds for denial specified in subsection (e) applies.

"Bases for Approval or Disapproval; Opportunity for Review

"(e)(1) If, upon the basis of the information submitted to the Secretary as part of the application and any other information before him with respect to such device the Secretary finds, after opportunity to the applicant for the review prescribed by paragraph (4), that—

"(A) such device is not shown to be safe for use under the conditions prescribed, recommended, or suggested in the proposed labeling thereof:

"(B) the methods used in, and the facilities and controls used for, the manufacture, processing, and packing and installation of such device do not conform to the requirements of section 501(g);

"(C) there is a lack of adequate scientific evidence that the device will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the proposed labeling thereof;

"(D) based on a fair evaluation of all material facts, such labeling is false or misleading in any particular; or

"(E) such device is not shown to conform in all respects to an applicable standard promulgated under section 513 and in effect; he shall issue an order denying approval of the application and stating the findings upon which the order is based. In determining if a device is shown to be safe for purposes of this paragraph, the Secretary shall weigh any benefit to the public health probably resulting from the use of the device against any hazard to the public health probably resulting from such use.

"(2) As used in this subsection and subsection (f), the term 'adequate scientific evidence' means evidence consisting of sufficient well-controlled investigations, including clinical investigations where appropriate, by experts qualified by scientific training and experience to evaluate the effectiveness of the device involved, on the basis of which it could fairly and responsibly be concluded by such experts that the device will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling or proposed labeling thereof, unless the Secretary determines that other valid scientific evidence is sufficient to establish the effectiveness of the device.

"(3) For the purposes of this section, when a device is intended for use by a physician, surgeon, or other person licensed or otherwise specially qualified therefor, its safety and effectiveness shall be determined in the light of such intended use.

"(4)(A) An applicant whose application has been denied approval (either pursuant to paragraph (3), or in consequence of the Secretary's finding pursuant to paragraph (2), of subsection (d)) may, by petition filed on or before the thirtieth day after the date upon which he receives notice of such denial, obtain review thereof in accordance with subsection (i). The Secretary shall consider and give appropriate weight to the report and recommendations received from the advisory committee conducting such review under such subsection.

"(B) In lieu of the review provided by subparagraph (A), such applicant may, for good cause shown by such petition, obtain a hearing in accordance with section 554 of title 5 of the United States Code.

"Withdrawal of Approval

"(f)(1) The Secretary may, upon obtaining, where appropriate, advice on scientific matters from a panel or panels established pursuant to subsection (b), and after due notice and opportunity for hearing to the applicant, issue an order withdrawing approval of an application with respect to a device under this section if the Secretary finds—

"(A)(i) that clinical or other experience, tests, or other scientific data show that such device is unsafe for use under the conditions of use upon the basis of which the application was approved; or (ii) on the basis of evidence of clinical experience, not included in or accompanying such application and not available to the Secretary until after the application was approved, or of tests by new methods or by methods not reasonably applicable when the application was approved, evaluated together with the evidence available to the Secretary when the application was approved, that such device is not shown to be safe for use under the conditions of use on the basis of which the application was approved;

"(B) on the basis of new information before him with respect to such device, evaluated together with the evidence available to him when the application was approved, that there is a lack of adequate scientific evidence that the device will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof;

"(C) that the application filed pursuant to subsection (c) contains or was accompanied by an untrue statement of a material fact;

"(D) that the applicant has failed to establish a system for maintaining records, or has repeatedly or deliberately failed to maintain records or to make reports, required by an applicable regulation or order under subsection (a) of section 516, or that the applicant has refused to permit access to, or copying or verification of, such records as required by paragraph (2) of such subsection;

"(E) on the basis of new information before him, evaluated together with the evidence before him when the application was approved, that the methods used in or the facilities and controls used for, the manufacture, processing, packing, or installation of such device do not conform to the requirements of section 501(g) and were not brought into conformity with such requirements within a reasonable time after receipt of written notice from the Secretary; or

"(F) on the basis of new information before him, evaluated together with the evidence before him when the application was approved, that the labeling of such device, based on a fair evaluation of all material facts, is false or misleading in any particular and was not corrected within a reasonable time after receipt of written notice from the Secretary; or

"(G) on the basis of new information before him, evaluated together with the evidence before him when the application was approved, that such device is not shown to conform in all respects to an applicable standard promulgated pursuant to section 513.

"(2) If the Secretary (or in his absence the officer acting as Secretary) finds that an imminent health or safety hazard is involved, he may by order suspend the approval of such application immediately and give the applicant prompt notice of his action and afford the applicant an opportunity for an expedited hearing under this subsection. Such authority to suspend the approval of an application may not be delegated.

"(3) Any order under this subsection shall state the findings upon which it is based.

"Authority To Revoke Adverse Orders

"(g) Whenever the Secretary finds that the facts so require, he shall revoke an order under subsection (e) or (f) denying, withdrawing, or suspending approval of an application and shall approve such application or reinstate such approval, as may be appropriate.

"Service of Secretary's Orders

"(h) Orders of the Secretary under this section shall be served (1) in person by any officer or employee of the Department designated by the Secretary or (2) by mailing the order by registered mail or certified mail addressed to the applicant at his last known address in the records of the Secretary.

"Referral to Independent Advisory Committee

"(i) (1) A person who has filed an application under subsection (c) may petition the Secretary, in accordance with subparagraph (A) of subsection (e) (4), to refer such application, or the Secretary's action thereon, to an advisory committee of experts for a report and recommendations with respect to any question therein involved which requires the exercise of scientific judgment. Upon such petition, or if the Secretary on his own initiative deems such a referral necessary, the Secretary shall appoint an advisory committee and shall refer to it, together with all the data before him, the question so involved for study thereof and a report and recommendations thereon. The provisions of the first and second sentences of section 706(b) (5) (C) (ii) shall apply to such report and recommendations. The applicant, as well as representatives of the Department, shall have the right to consult with such advisory committee, and such advisory committee is authorized to consult with any person, in connection with the question referred to it.

"(2) Section 513(h) (2) shall apply to the appointment, compensation, staffing, and procedure of any such advisory committee.

"(3) Paragraph (3) of section 513(h) shall also apply in the case of a referral to an advisory committee under this subsection.

"Judicial Review

"(j) The applicant may, by appeal taken in accordance with section 505(h), obtain judicial review of a final order of the Secretary denying or withdrawing approval of an application filed under subsection (c) of this section or a final order under subsection (m) revoking an exemption in effect under that subsection. Judicial review of such final order shall not be denied upon the ground that the petitioner has failed to avail himself of the review or hearing provided by subsection (e) (4) or the hearing provided by subsection (m).

"Exemption for Investigational Use

"(k) (1) It is the purpose of this subsection to encourage, to the maximum extent consistent with the protection of the public health and safety and with professional ethics, the discovery and development of useful devices and to that end to maintain optimum freedom for individual scientific investigators in their pursuit of that objective. All information required under this section to be submitted to the Secretary or to an institutional review committee shall be concise and no more burdensome than is necessary to permit adequate review.

"(2) Subject to the succeeding paragraphs of this subsection, there shall be exempt from the requirement of approval of an application under the foregoing provisions of this section any device which is intended solely for investigational use (in an appropriate scientific environment) by an expert or experts qualified by scientific training and experience to investigate the safety and effectiveness of such device.

"(3) The Secretary shall promulgate regulations relating to the application of the exemption referred to in paragraph (2) to any device which is intended for use in the clinical testing thereof upon humans, in developing data required to support an application under subsection (c).

"(4) Such regulations may provide for conditioning the exemption, in the case of a device intended for such use, upon—

"(A) the submission, by the manufacturer of the device or the sponsor of the investigation, of an outline of the plan of initial clinical testing—

"(i) to a local institutional review committee which has been established to supervise clinical testing in the facility where the initial clinical testing is to be conducted, the compostion and procedures of which comply with regulations of the Secretary, for review as being adequate to justify the commencement of such testing, or

"(ii) if no such committee exists or if the Secretary finds that the process of review by such committee is inadequate or that protection of health and safety so requires (whether or not the plan has been approved by such committee), to the Secretary for review by the appropriate panel or panels established pursuant to subsection (b) as being adequate to justify the commencement of such testing;

"(B) prompt notification to the Secretary by such manufacturer or sponsor (in such manner as the Secretary prescribes) of approval of any plan pursuant to clause (A) (i);

"(C) the submission, by the manufacturer of the device or the sponsor of the investigation, of an adequate protocol for clinical testing to be conducted by separate groups of investigators under essentially the same protocol, together with a report of prior investigations of the device (including, where appropriate, tests on animals) adequate to justify the proposed testing, either (i) to a local institutional review committee for review in accordance with the provisions of clauses (A) (i) and (B), or (ii) to the Secretary for review in accordance with the provisions of clause (A) (ii) if such testing involves facilities in which no such committee exists, or facilities served by more than one local institutional review committee if such committees are unable to agree on the adequacy of the submission;

"(D) the obtaining, by the manufacturer of the device or the sponsor of the investigation, if the device is to be distributed to investigators for testing, of a signed agreement from each of such investigators that humans upon whom the device is to be used will be under such investigator's personal supervision or under the supervision of investigators responsible to him;

"(E) the establishment and maintenance of such records, and the making of such reports to the Secretary, by the manufacturer of the device or the sponsor of the investigation, of data (including but not limited to analytical reports by investigators) obtained as a result of such investigational use of the device, as the Secretary finds will enable him to evaluate the safety and effectiveness of the device in the event of the filing of an application pursuant to subsection (c); and

"(F) such other conditions relating to the protection of the public health and safety as the Secretary may determine to be necessary.

Nothing in this subsection shall be construed to require any clinical investigator to submit directly to the Secretary reports on the investigational use of devices. An investigation may begin if the sponsor is not notified to the contrary by the Secretary within 30 days of the receipt by the Secretary of a notification or submission pursuant to this paragraph.

"(5) Such regulations shall assure that the rights and welfare of the subjects involved are adequately protected, that the risks to an individual are outweighed by the potential benefits to him or by the importance of the knowledge to be gained and that informed consent is to be attained by methods that are adequate.

"(A) For the purposes of this section only, the term 'informed consent' shall mean the consent of a person, or his legal representative, so situated as to be able to exercise free power of choice without the intervention of any element of force, fraud, deceit, duress or other form of constraint or coercion. The information to be given to the subject shall include the following basic elements in all but exceptional cases:

"(i) a fair explanation of the procedures to be followed, including an identification of any which are experimental;

"(ii) a description of any attendant discomforts and risks reasonably to be expected;

"(iii) a description of any benefits reasonably to be expected;

"(iv) a disclosure of any appropriate alternative procedures that might be advantageous for the subject;

"(v) an offer to answer any inquiries concerning the procedures; and

"(vi) an instruction that the subject is free to withdraw his consent and to discontinue participation in the project or activity at any time. In addition, the agreement, written or oral, entered into by the human subject or from the human subject's legal representative, shall include no exculpatory language through which the subject is made to waive, or to appear to waive, any of his legal rights, or to release the institution or its agents from liability for negligence. Any organization which initiates, directs, or engages in programs of research, development, or demonstration which require informed consent shall keep a permanent record of such consent and the information provided the subject and develop appropriate documentation and reporting procedures as an essential administration function.

"(B) 'Exceptional cases', as used in clause (A) of this paragraph, which exceptions are to be strictly applied, are cases where it is not feasible to obtain the subject's consent or the consent of his representative, or where, as a matter of professional judgment exercised in the best interest of a particular subject under care, it would be contrary to that subject's welfare to obtain his consent as the communication of information to obtain consent would seriously affect the subject's disease status and the physician has exercised a professional judgment that under the particular circumstances of this subject's case, the subject's best interests would suffer if consent were sought.

"(6) Whenever the Secretary determines that a device is being or has been shipped or delivered for shipment in interstate commerce for investigational testing upon humans, and that such device is subject to the preceding subsections of this section and fails to meet the conditions for exemption therefrom for investigational use, he shall notify the sponsor of his determination and the reasons therefor, and the exemption will not thereafter apply with respect to such investigational use until such failure is corrected.

"(7) In determining whether this subsection is applicable to any device and, if so, whether there has been compliance with the conditions of exemption, or upon application for reconsideration of any such determination, the Secretary shall, if so requested by the sponsor of the investigation, or may on his own initiative, obtain the advice of an appropriate expert or experts who are not otherwise, except as consultants, engaged in the carrying out of this Act.

"Custom Devices

"(1) This section shall not apply to any custom device to the extent that it is ordered by a physician to be made in a special way for individual patients. Any such device shall comply with all aspects of any applicable standard except those specifically ordered for individual patients, and shall not otherwise exempt a device from subsection (k).

"(m)(1) Any device (or type or class of device), manufactured or distributed by a particular person, which has been made subject to this section by a regulation promulgated by the Secretary, may be exempted by the Secretary from the requirement of approval of an application under the foregoing provisions of this section if—

"(A) the nature of the device (or type or class of device) is such that it is likely that it will be subject to frequent modification or rapid obsolescence or will not be produced in substantial volume; and

"(B) it is intended solely for use under the direction or supervision of a practitioner licensed by law to use or to prescribe the use thereof; and

"(C) it is, or will be, investigated in accordance with a product development protocol established pursuant to paragraph (2) of this subsection, or it is subject to an effective notice of completion of the requirements of such protocol; and

"(D) there are no proceedings pending with respect to the device (or type or class of device) as manufactured or distributed by the person having filed the notice of completion or following the appropriate protocol, alleging violation of sections 301, 501 (other than subsection (f)), or 502 in any court of the United States; and

"(E) paragraphs (3), (4), and (5) of this subsection do not apply.

"(2) Any person may submit a petition to the Secretary to establish a product development protocol with respect to a particular device (or type or class of device) meeting the requirements set forth in subparagraphs (A) and (B) of paragraph (1) of this subsection. Such petition shall include supporting data and a proposed protocol. The Secretary may, within thirty days, refer any such petition to the appropriate panel of experts appointed pursuant to subsection (b) of this section. Such panel may, within sixty days, or such other time as may be agreed upon by the panel and the petitioner, develop an appropriate protocol. The protocol, if established, shall provide—

"(A) the investigational and testing procedures required prior to the commencement of clinical trials of such device and subsequent significant modifications thereto;

"(B) a requirement that an institutional review committee similar to that described in clause (i) of subparagraph (A) of paragraph (4) of subsection (k) of this section shall make a written finding that the predicted risk-to-benefit ratio applicable to the use of the device justifies clinical trials and that one or more such committees will continually monitor and make periodic written records on all clinical trials conducted in connection with the institution in which such committee operates;

"(C) the type and quantity of clinical trials and findings therefrom required prior to the filing of a notice of completion of a product development protocol;

"(D) a requirement for complete records of the investigation to be maintained which are adequate to show compliance with the product development protocol;

"(E) a requirement that consent, as described in paragraph (5) of subsection (k) of this section, be obtained from all subjects of the investigation; and

"(F) a requirement that copies of all records which are to be maintained pursuant to this paragraph be made available to the Secretary upon request.

"(3) If the panel to which such petition has been referred does not establish a protocol within sixty days (or within such other time as may be agreed upon), the Secretary may establish a protocol within sixty days after the date he is notified that the panel has concluded not to establish a protocol. If neither the panel nor the Secretary establishes a protocol, the Secretary shall issue a final order denying the petition and stating the grounds therefor.

"(4) At any time after a product development protocol for a particular device (or type or class of device) has been established pursuant to this section, the petitioner may submit a notice of completion stating that the requirements of the protocol have been fulfilled and that, to the best of his knowledge, there is no reason bearing on safety, effectiveness, or other public health considerations why the device should not be marketed. Such notice shall contain all the data and information from which the petitioner made this determination. The notice of completion shall become effective ninety days after receipt by the Secretary unless the Secretary objects.

"(5) The Secretary may, after providing the petitioner an opportunity for an informal hearing, at any time revoke a product development protocol or object to a notice of completion if he finds in writing, stating his reasons therefor—

"(A) the petitioner has failed substantially to comply with the requirements of the protocol; or

"(B) the results of the clinical trials conducted differ so substantially from the results required in the protocol that further trials cannot be justified; or

"(C) such device is not shown to be safe for use under the conditions prescribed, recommended, or suggested in the labeling thereof; or

"(D) there is a lack of adequate scientific evidence that the device will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

"(6) The Secretary (or in his absence the officer acting as Secretary) may at any time, by an order in writing stating the findings on which it is based, immediately revoke an exemption from the requirement of approval of an application under the foregoing provisions of this section, give prompt notice to the person following the protocol or having filed the notice of completion, and afford such person an opportunity for an expedited hearing under this paragraph, if he finds that there is an imminent hazard to the public health or safety caused by the existence of the exemption.

"(7) At any time after a notice of completion has become effective, the Secretary may issue an order revoking an exemption of the device (or type or class of device) from the requirement of approval of an application under the foregoing provisions of this section if he finds that any of the grounds listed in subparagraphs (A) through (F) of paragraph (1) of subsection (f) and subsections (g) through (j) of this section apply. The provisions of paragraphs (1) and (3) of subsection (f) of this section shall apply.

"(8) Whenever the Secretary finds that the facts so justify, he may reconsider an order under this subsection revoking the exemption granted by this subsection and reinstate the exemption.

"(n)(1) If, on the day immediately prior to the date upon which a device is declared to be subject to scientific review under this section, the device was in use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man, or for the purpose of affecting the structure or any function of the body of man, section 501(f) shall become effective with respect to such preexisting use or uses of such device on the closing date (as defined in paragraph (2) of this subsection) or, if sooner, on the effective date of an order of the Secretary approving or denying approval of an application with respect to such use of the device under this section.

"(2) For the purposes of this subsection, the term 'closing date' means, with respect to a device, the first day of the thirty-first calendar month which begins after the month in which the device is declared to be subject to scientific review under this section, except that, if in the opinion of the Secretary it would not involve any undue risk to the public health, he may on application or on his own initiative postpone such closing date with respect to any particular use or uses of a device until such later date (but not beyond the close of the sixtieth month after the month of such declaration) as he determines is necessary to permit completion, in good faith and as soon as reasonably practicable, of the scientific investigations necessary to establish the safety and effectiveness of such use or uses. The Secretary may terminate any such postponement at any time if he finds that such postponement should not have been granted or that, by reason of a change in circumstances, the basis for such postponement no longer exists or that there has been a failure to comply with a requirement of the Secretary for submission of progress reports or with other conditions attached by him to such postponement."

PROHIBITED ACTS

SEC. 302. (a) Paragraph (e) of section 301 of such Act is amended (1) by striking out "or" before "512 (j), (l), or (m)" and (2) by inserting ", 514(k), or 516(a)" after "512(j), (l), or (m)".

(b) Paragraph (j) of section 301 of such Act is amended by inserting "514, 516," immediately after "512,".

(c) Paragraph (l) of such section 301 is amended (1) by inserting "or device" after the word "drug" each time it appears therein, and (2) by striking out "505," and inserting in lieu thereof "505 or 514, as the case may be,".

TITLE IV—NOTIFICATION OF DEFECTIVE DEVICES; REPAIR OR REPLACEMENT

Sec. 401. Chapter V of such Act, as amended by sections 201 and 301(b) of this Act, is further amended by adding at the end thereof the following new section:

"NOTIFICATION OF DEFECTS IN, AND REPAIR OR REPLACEMENT OF, DEVICES

"Sec. 515. (a)(1) Every person who acquires information which may reasonably be understood to show that a device produced, assembled, or imported by him (A) contains a defect which is likely to create a substantial risk to the public health or safety, or (B) on or after the effective date of an applicable standard promulgated pursuant to section 513 fails to comply with such standard, shall immediately notify the Secretary of such defect or failure to comply if such device has left the control of the manufacturer and shall, except as otherwise provided by paragraph (3) of this subsection, with reasonable promptness furnish notification of such defect or failure (C) by mail to any purchaser not for sale of such device (where known to such person), and (D) by mail or other more expeditious means to the dealers or distributors to whom such device was delivered.

"(2) The notifications required by paragraph (1) of this subsection shall contain a clear description of such defect or failure to comply, an evaluation of the hazard related thereto, and a statement of the measures to be taken to correct such defect or failure.

"(3) The Secretary shall by regulation prescribe a procedure for the exemption or partial exemption of any person from the requirements of paragraph (1) of this subsection (other than notification to the Secretary) if the Secretary finds, upon application of such person, that the defect or failure to comply is not such as to create a significant risk to the public health or safety.

"(4) A dealer or distributor who is notified under paragraph (1) of a defect or failure of a device shall furnish to the manufacturer or importer from whom he obtained the device such information (at such times and in such manner and form as the Secretary may by regulation prescribe) as may be necessary to identify and locate each purchaser not for sale of the device.

"(5) For purposes of this section, the term 'defect' means a deficiency in design, materials, or workmanship, and does not include any deficiency resulting from use of improper accessories or from improper installation, maintenance, repair, or use of the device or any deficiency resulting from normal use of the device after the lifetime represented by the manufacturer has expired.

"(b) Every person required to furnish the notification (other than to the Secretary) specified in paragraph (2) of subsection (a) shall submit to the Secretary upon his request a copy of all notices, bulletins, and other communications to the dealers or distributors of such person or to purchasers not for sale of devices of such person regarding any such defect in such device or any such failure to comply with a standard applicable to such device. The Secretary shall disclose to the public so much of the information contained in such communications or other relevant information in his possession as he deems will assist in carrying out this Act but he shall not disclose any information which contains or relates to a trade secret.

"(c) If any device contains a defect which relates to the safety or effectiveness of the device or fails to comply with an applicable standard promulgated pursuant to section 513, and the notification specified in paragraph (2) of subsection (a) is required to be furnished on account of such defect or failure, the producer, assembler, or importer of such device may be required by the Secretary, with the consent of the purchaser and, where appropriate, the purchaser's physician, without charge, to—

"(1) bring such device into conformity with such standard or remedy such defect and provide reimbursement for any reasonable and necessary expenses incurred in connection with having such device brought into conformity or having such defect remedied; or

"(2) replace such device with a like or equivalent device which complies with each applicable standard promulgated under section 513 and which has no defect relating to its safety or effectiveness; or

"(3) refund the purchase price of such device upon tender of the device by the owner, less a reasonable allowance for depreciation, and provide reimbursement for any reasonable and necessary expenses incurred in its return.

The producer, assembler, or importer shall take the action required under this subsection in such manner, and with respect to such persons, as the Secretary may by regulation prescribe.

"(d) The remedies provided for in this section shall be in addition to and not in substitution for any other remedies provided by law.

"(e) This section shall not apply to any individual device that was manufactured before the date of the enactment of the Medical Device Amendments of 1972."

PROHIBITED ACTS

Sec. 402. Section 301 of such Act, as amended by section 302 of this Act, is further amended by adding at the end thereof the following new paragraph:

"(q)(1) The failure or refusal to furnish any notification or other material or information as required by section 515 or 516 (c); or (2) the failure or refusal to comply with any requirement prescribed under authority of section 515(c)."

CONFORMING AMENDMENT

Sec. 403. Section 502(j) of such Act is amended by inserting "or manner" after "dosage".

TITLE V—REQUIREMENT OF GOOD MANUFACTURING PRACTICE

Sec. 501. Section 501 of the Federal Food, Drug, and Cosmetic Act, as amended by sections 202 and 301 of this Act, is further amended by adding at the end thereof the following new paragraph:

"(g) If it is a device and the methods used in, or the facilities or controls used for, its manufacture, processing, packing, holding, or installation do not conform to, or are not operated or administered in conformity with, current good manufacturing practice as determined by regulations of the Secretary promulgated under section 701(a) after a hearing to assure that such device is safe and effective."

TITLE VI—RECORDS AND REPORTS; INSPECTION AND REGISTRATION OF ESTABLISHMENTS; OFFICIAL NAMES

Sec. 601. Chapter V of the Federal Food, Drug, and, Cosmetic Act is further amended by adding at the end thereof the following new section:

"RECORDS AND REPORTS ON DEVICES

"Sec. 516. (a)(1) Every person engaged in manufacturing, processing, or distributing, a device that is subject to a standard promulgated under section 513, or with respect to which there is in effect an approval under section 514 of an application filed under subsection (c) thereof, shall establish and maintain such records, and make such reports to the Secretary, of data relating to clinical experience and other data or information, received or otherwise obtained by such person with respect to such device, and bearing on the safety or effectiveness of such device, or on whether such device may be adulterated or misbranded, as the Secretary may by general regulation, or by special regulation or order applicable to such device, require. In prescribing such regulations or issuing such orders the Secretary shall have due regard for the professional ethics of the medical profession and the interests of patients and shall provide, wherever he deems it appropriate, for the examination, upon request, by the persons to whom such regulations or orders are applicable, of similar information received or otherwise obtained by the Secretary.

"(2) Every person required under this subsection to maintain records, and every person in charge or custody thereof, shall upon request of an officer or employee designated by the Secretary, permit such officer or employee at all reasonable times to have access to and copy and verify such records.

"(b) Subsection (a) shall not apply to—

"(1) practitioners licensed by law to prescribe or administer drugs and devices and who manufacture or process devices solely for use in the course of their professional practice;

"(2) persons who manufacture or process devices solely for use in research or teaching and not for sale;

"(3) such other classes of persons as the Secretary may by or pursuant to regulation exempt from the application of this subsection upon a finding that such application is not necessary to accomplish the purposes of this subsection.

"(c) Every person engaged in manufacturing a device subject to this Act shall provide to the Secretary upon his request such technical data and other data or information with respect to such device as may be reasonably required to carry out this Act."

INSPECTION RELATING TO DEVICES

Sec. 602. (a) The second sentence of subsection (a) of section 704 of such Act is amended by inserting "or prescription devices" after "prescription drugs" both times it appears.

(b) The third sentence of such subsection is amended (1) by striking out "for prescription drugs", (2) by striking out "and antibiotic drugs" and inserting in lieu thereof ", antibiotic drugs, and devices", (3) by striking out "or section 507 (d) or (g)" and inserting in lieu thereof ", section 507 (d) or (g), section 514(k), or section 516", and (4) by inserting "or devices" after "other drugs", inserting "or of a device subject to section 514" after "new drug", and inserting "or section 516" after "section 505(j)".

(c)(1) Paragraph (1) of the sixth sentence of such subsection is amended by inserting "or devices" after "drugs" each time such term occurs.

(2) Paragraph (2) of that sentence is amended by inserting ", or prescribe or use devices, as the case may be," after "administer drugs"; and by inserting ", or manufacture or process devices," after "process drugs".

(3) Paragraph (3) of that sentence is amended by inserting ", or manufacture or process devices," after "process drugs".

REGISTRATION OF DEVICE MANUFACTURERS; OFFICIAL NAMES OF DEVICES

Sec. 603. (a) Section 510 of such Act is amended as follows:

(1) The section heading is amended by inserting "AND DEVICES" after "DRUGS".

(2) Subsection (a)(1) is amended by inserting "or device package" after "drug package"; by inserting "or device" after "the drug"; and by inserting "or user" after "consumer".

(3) Subsection (d) is amended to read as follows:

"(d)(1) Every person duly registered in accordance with the foregoing subsections of this section shall immediately register with the Secretary any additional establishment which he owns or operates in any State and in which he begins the manufacture, preparation, propagation, compounding, or processing of a drug or drugs, or of a device or devices.

"(2) Every person who is registered with the Secretary pursuant to the first sentence of subsection (b) or (c) or paragraph (1) of this subsection shall, if any device is thereafter manufactured, prepared, propagated, compounded, or processed in any establishment with respect to which he is so registered, immediately file a supplement to such registration with the Secretary indicating such fact."

(4) Subsection (g) is amended by inserting "or devices" after "drugs" each time such term occurs in paragraphs (1), (2), and (3) of such subsection.

(5) The first sentence of subsection (i) is amended by inserting ", or a device or devices," after "drug or drugs"; and the second sentence of such subsection is amended by inserting "shall require such establishment to provide the information required by subsection (j) in the case of a device or devices and" immediately before "shall include", and by inserting "or devices" after "drugs".

(6) Subsection (j) is amended—

(A) in paragraph (1), preceding subparagraph (A), by striking out "a list of all drugs (by established name" and inserting in lieu thereof "a list of all drugs and a list of all devices (in each case by established name"; and by striking out "drugs filed" and inserting "drug or devices filed" in lieu thereof;

(B) in subparagraph (A) of paragraph (1), by striking out "such list" and inserting "the applicable list" in lieu thereof; by inserting "or a device contained in the applicable list with respect to which a standard has been promulgated under section 513 or which is subject to section 514," after "512,"; and by inserting "or device" after "such drug" each time it appears;

(C) in subparagraph (B) or paragraph (1), before clause (i), by striking out "drug contained in such list" and inserting "drug or device contained in an applicable list" in lieu thereof;

(D) in clause (i) of paragraph (1)(B), by amending such clause to read as follows—

"(i) which drug is subject to section 503(b)(1), or which device is a prescription device a copy of all labeling for such drug or device, a representative sampling of advertisements for such drug or device, and, upon request made by the Secretary for good cause, a copy of al advertisements for a particular drug product or device, or";

(E) in clause (ii) of paragraph (1)(B), by amending such clause to read as follows:

"(ii) which drug is not subject to section 503(b)(1), or which device is not a prescription device under regulations promulgated under section 502(f), the label and package insert for such drug or device and a representative sampling of any other labeling for such drug or device;"

(F) in subparagraph (C) of paragraph (1), by striking out "such list" and inserting "an applicable list" in lieu thereof;

(G) in subparagraph (D) of paragraph (1), by striking out "the list" and inserting "a list" in lieu thereof; by inserting "or the particular device contained in such list is not subject to a standard promulgated under section 513, or is not a prescription device," after "512,"; and by inserting "or device" after "particular drug product";

(H) in paragraph (2), by inserting "or device" after "drug" each time it appears and, in subparagraph (C), by inserting "each" before "by established name".

(b) Subsection (o) of section 502 of such Act is amended by striking out "is a drug and".

(c) The second sentence of section 801(a) of such Act is amended by inserting "or devices" after "drugs" both times such words appear.

(d)(1) Subparagraph (1) of section 502(c) of such Act is amended by striking out "subparagraph (2)" and inserting in lieu thereof "subparagraph (3)".

(2) Subparagraph (2) of section 502(e) of such Act is redesignated as subparagraph (3) and is amended by striking out "this paragraph (e)" and inserting in lieu thereof "subparagraph (1)".

(3) There is added to such paragraph (e) a new subparagraph (2) as follows:

(2) If it is a device, unless its label bears, to the exclusion of any other nonproprietary name, the established name (as defined in subparagraph (4)) of the device, if such there be, prominently printed in type at least half as large as that used thereon for any proprietary name or designation for such device: *Provided*, That to the extent compliance with the requirements of this subparagraph is impracticable, exemptions shall be established by regulations promulgated by the Secretary."

"(4) As used in subparagraph (2), the term 'established name', with respect to a device, means (A) the applicable official name designated pursuant to section 508, or (B) if there is no such name and such device is an article recognized in an official compendium then the official title thereof in such compendium, or (C) if neither clause (A) nor clause (B) of this subparagraph applies, then the common or usual name of such device, if any."

(f) Section 508 of such Act is amended (1) in subsections (a) and (e) by adding "or device" after "drug" each time it appears; (2) in subsection (b) by adding after "all supplements thereto," the following: "and at such times as he may deem necessary shall cause a review to be made of the official names by which devices are identified in any official compendium, and all supplements thereto"; (3) in subsection (c)(2) by adding "or device" after "single drug", and by adding "or to two or more devices which are substantially similar in design and purpose" after "purity,"; (4) in subsection (c)(3) by adding "or device" after "useful drug", and after "drug or drugs" each time it appears; and (5) in subsection (d) by adding "or devices" after "drugs".

(g) Section 301 of the Drug Amendments of 1962 (76 Stat. 793) is amended by inserting "and devices" after "drugs" each time such word appears, except that "or devices" is inserted after "which drugs" and after "intrastate commerce in such drugs".

TITLE VIII—GENERAL PROVISIONS

ADVISORY COUNCIL ON DEVICES, ETC.

SEC. 701. Chapter VII of the Federal Food, Drug, and Cosmetic Act is amended by adding at the end thereof the following new section:

"ADVISORY COUNCIL ON DEVICES, AND OTHER ADVISORY COMMITTEES

SEC. 708. (a) For the purpose of advising the Secretary with respect to matters of policy in carrying out the provisions of this Act relating to devices, there is established in the Department an Advisory Council on Devices appointed by the Secretary without regard to the civil service and classification laws. The persons so appointed shall be manufacturers and other persons with special knowledge of the problems involved in the regulation of various kinds of devices under this Act, members of the professions using such devices, scientists expert in the investigational use of devices, engineers expert in the development of devices, and members of the general public representing consumers of devices.

"(b) The Secretary may also from time to time appoint, without regard to the civil service or classification laws, in addition to the advisory councils and committees otherwise authorized under this Act, such other advisory committees or councils as he deems desirable.

"(c) Members of an advisory council or committee appointed pursuant to subsection (a) or (b) who are not in the regular full-time employ of the United States shall, while attending meetings or conferences of the council or committee or otherwise engaged on its business, be compensated at per diem rates fixed by the Secretary but not in excess of the rate for grade GS-18 of the General Schedule at the time of such service, including traveltime, and while so serving away from their homes or regular places of business they may be allowed expenses (including per diem in lieu of subsistence) as authorized by title 5, United States Code, section 5703, for persons in the Government service employed intermittently."

RESEARCH AND STUDIES

SEC. 702. Chapter VII of such Act, as amended by section 701 of this Act, is further amended by adding at the end thereof the following new section:

"RESEARCH AND STUDIES RELATING TO DEVICES

"SEC. 709. (a) The Secretary is authorized, directly or through contracts with public or private agencies, institutions, and organizations and with individuals, to plan, conduct, coordinate, and support—

"(1) research and investigation into the safety and effectiveness of devices, and into the causes and prevention of injuries or other health impairments associated with exposure to or use of devices;

"(2) studies relating to the development and improvement of device standards, and device testing methods and procedures; and

"(3) education and training with respect to the proper installation, maintenance, operation, and use of devices.

"(b) In carrying out the purposes of subsection (a), the Secretary, in addition to or in aid of the foregoing—

"(1) shall, to the maximum practicable extent, cooperate with and invite the participation of other Federal or State departments and agencies having related interests, and interested professional or industrial organizations;

"(2) shall collect and make available, through publications and by other appropriate means, the results of, and other information concerning, research and other activities undertaken pursuant to subsection (a); and

"(3) may procure (by negotiation or otherwise) devices for research and testing purposes, and sell or otherwise dispose of such products."

PUBLICITY

SEC. 703. Section 705 of such Act is amended by adding at the end thereof the following new subsection:

"(c) To assist in carrying out the provisions of this Act relating to devices, the Secretary may cause to be disseminated information regarding standards, testing facilities, and testing methods promulgated, established, or approved under this Act *and other information relating to the nature and extent of device hazards*. Subject to the provisions of section 301(j), the Secretary may also cause to be published reports summarizing clinical data relevant to marketed devices approved under this Act."

SEC. 704. Chapter IX of such Act is amended by adding at the end thereof the following new subsection:

"EFFECT ON STATE REQUIREMENTS

"SEC. 903. (a) Whenever a standard pursuant to section 513 or scientific review pursuant to section 514 under this Act is in effect no State or political subdivision of a State shall have any authority either to establish or to continue in effect any provision of a standard or regulation which prescribes any requirements as to the performance, composition, contents, design, finish, construction, packaging, or labeling of such product which are designed to deal with the same device unless such requirements are identical to the requirements of the Federal requirements.

"(b) Nothing in this section shall be construed to prevent the Federal Government or the government of any State or political subdivision thereof from establishing a safety requirement applicable to a device for its own use if such requirement imposes a higher standard of performance than that required to comply with the otherwise applicable Federal requirements.

"(c) Upon application of a State or political subdivision thereof, the Secretary may by rule, after notice and opportunity for oral presentation of views, exempt from the provisions of subsection (a) (under such conditions as he may impose) a proposed safety requirement described in such application, where the proposed requirement—

(1) imposes a higher level of performance than the Federal standard,

(2) is required by compelling local conditions, and

(3) does not unduly burden interstate commerce.

SEC. 705. Section 301(j) of such Act is amended by inserting "511" before "512", by inserting "513, 514" after "512", and by adding at the end thereof the following new sentence: "The Secretary may provide any information which contains or relates to a trade secret or other matter referred to in this section or in section 1905 of title 18, United States Code, to a contractor in furtherance of the provisions of this Act, and such contractor shall take such security precautions as are prescribed in regulations promulgated by the Secretary and shall be subject to the provisions and penalties established in this Act and in section 1905 of title 18, United States Code."

SEC. 706. Section 201 of such Act is amended by striking subsection (h) and inserting in lieu thereof the following new subsection:

"(h) The term 'device' (except when used in paragraph (n) of this section and in sections 301(i), 403(f), 502(c), and 602(c)) means instruments, apparatus, implements, machines, contrivances, implants, in vitro reagents, and other similar or related articles, including their components, parts, and accessories (1) recognized in the official National Formulary, the official United States pharmacopeia or any supplement to them; or (2) intended for use in the diagnosis of disease or other conditions or in the cure, mitigation, treatment, or prevention of disease in man or other animals; or (3) intended to affect the structure or any function of the body of man or other animals; and (4) which do not achieve any of their principal intended purposes through chemical action within or on the body of man or other animals and which are not dependent upon being metabolized for the achievement of any of their principal intended purposes."

SEC. 707. Section 502 of such Act is amended by adding at the end thereof the following new paragraph:

"(r) In the case of any device that is a prescription device, if its advertising is false or misleading in any particular."

SEC. 708. (a) Section 201 of such Act is amended by adding at the end thereof the following:

"(y) The term 'prescription device' means any device which the Secretary shall designate by regulation as being restricted to sale or distribution only upon the written or oral authorization of a practitioner licensed by law to administer or use such device and under such other conditions as the Secretary may by regulation prescribe." The Secretary may designate as a prescription device, pursuant to the preceding sentence, only a device which:

(1) because of its potentiality for harmful effect, or the collateral measures necessary to its use, is not safe for use except under the supervision of a practitioner licensed by law to administer or use such device; or

(2) is limited by an approved application under section 514 to use under the professional supervision of a practitioner licensed by law to administer or use such device.

SEC. 709. Section 304(a)(2) of such Act is amended to delete "and" before "(C)," to replace the period with a comma, and to add the following at the end thereof: "and (D) Any adulterated or misbranded device."

EFFECTIVE DATES AND TRANSITIONAL PROVISIONS

SEC. 710. (a) Except as provided in subsections (b) and (c) of this section, the foregoing provisions of this Act shall take effect on the date of the enactment of this Act.

(b) Paragraph (f) of section 501 of the Federal Food, Drug, and Cosmetic Act, as added to such section by section 301(a) of this Act, shall, with respect to any particular use of a device, take effect (1) on the first day of the thirteenth calendar month following the month in which this Act is enacted, or (2) if sooner, on the effective date of an order of the Secretary approving or denying approval of an application with respect to such use of the device under section 514 of such Act as added by section 301(b) of this Act.

(c) Any person who, on the day immediately preceding the date of enactment of this Act, owned or operated any establishment in any State (as defined in section 201 of the Federal Food, Drug, and Cosmetic Act) engaged in the manufacture or processing of a device or devices, shall, if he first registers with respect to devices, or supplements his registration with respect thereto, in accordance with subsection (b) of section 510 of that Act (as amended by section 603 of this Act) prior to the first day of the seventh calendar month following the month in which this Act is enacted, be deemed to have complied with that subsection for the calendar year 1974. Such registration, if made within such period and effected in 1975, shall also be deemed to be in compliance with such subsection for that calendar year.

COMPARISON OF MEDICAL DEVICE LEGISLATION, 93D CONGRESS

Item, S. (Kennedy)	S. 1446 (Javits-Administration)	S. 1337 (Nelson)
	A. CLASSIFICATION OF MEDICAL DEVICES	
	(1) Appointment of expert panels	
Requires Secretary, within 60 days following first appropriation of funds for this purpose, to appoint panels of scientific exerts to review and classify devices into apropriate categories based on safety and effectiveness. Panels are required to submit their findings to the Secretary within 1 year of their appointment. To the maximum extent practical, panels are to provide opportunities for any interested persons to present their views on device classifications. Authorizes use of any existing expert panels formed prior to enactment of this Act for purposes of classification. Classification panels shall also serve as scientific review panels referred to in a later section of the bill. (New Sec. 511(a).)	No comparable provision.	No comparable provision.
(2) Composition of panel		
Members are to be skilled in use of or experienced in development, manufacture, perfection, or utilization of devices, and may be nominated by appropriate scientific, trade.		

COMPARISON OF MEDICAL DEVICE LEGISLATION, 93D CONGRESS—Continued

Item, S. (Kennedy)—Continued	S. 1446 (Javits-Administration)—Continued	S. 1387 (Nelson)—Continued
and consumer organizations. Panels are to be organized according to those fields of clinical medicine and fundamental sciences using medical devices. Members are to have adequately diversified expertise in such fields as clinical and administrative medicine, engineering, biological and physical sciences, or related professions. Sets methods of compensation for members and specifically allows Secretary to appoint persons associated with or employed by device manufacturers or other persons using devices. (New Sec. 511(b).)		
(3) *Categories of devices* Panels are required to submit recommendations for the classification of devices into one of the three following categories, and to the extent practicable, assign priorities within such classes: (a) *Exempt devices*—those devices having a generally accepted medical use which are safe and effective when used according to instructions and warnings and which present a minimum risk. (b) *Devices subject to standards*—those devices for which in order to reduce or eliminate unreasonable risk of illness or injury it is appropriate to establish reasonable standards to assure safety and effectiveness. (c) *Devices subject to premarket scientific review*—those devices for which inadequate evidence exists to assure safety and effectiveness, or exposure to which may cause unreasonable risk of illness or injury, and for which standards may not be appropriate. (New Sec. 511(c) (1)-(3).)		
(4) *Official classification of devices* Requires Secretary to publish report on device classification scheme in the Federal Register and to allow for comment by interested persons. After reviewing comments, Secretary is required to provide by regulation for official classification of devices and to allow for appeal by any interested persons. Allows Secretary to establish priorities for implementing regulatory action warranted by such classification and to defer such action until an appropriate time consistent with expeditious implementation of the provisions. Permits Secretary to reclassify devices upon a special finding and with advice of the Advisory Council referred to in a later section of the bill. (New Sec. 511 (d) (e).)	No comparable provision.	No comparable provision.
	B. STANDARDS FOR MEDICAL DEVICES	
(1) *Authority to set standards* Authorizes Secretary to issue a standard for any device *for which a standard has been deemed appropriate,* whenever such action is appropriate to reduce or eliminate unreasonable risk of illness or injury. (New Sec. 513 (a) (1).)	Authorizes Secretary to issue standards for any device whenever necessary to reduce or eliminate unreasonable risk of illness or injury and when no other more practicable means exists to protect public health.	Authorizes Secretary to establish standard for any device, including devices presently available or intended to be made available or intended to be made available for use or sale, whenever such action will protect public health and safety. (New Sec. 513 (a).)
(2) *Nature of standard* Standard is to relate to safety and effectiveness of device, including where appropriate, reference to any one or more of the following: Composition, construction, properties, uniform identification, or performance of such device. Standard may also include: Provision for testing and measurement of characteristics, including where necessary, individual lot testing by or at direction of the Secretary.	Where feasible, standard will pertain to safe performance of device, but may also apply to following: Composition, design, construction finishing or packaging, if such application is in the public interest. Provisions for testing and measurement of characteristics. Required use and prescribed form and content of instructions or warnings for safe and proper installation, maintenance, operation, and use.	May relate to composition, properties, identification, performance, and compatibility with power systems and connections. (New Sec. 513(a).)

COMPARISON OF MEDICAL DEVICE LEGISLATION, 93D CONGRESS—Continued

Item, S. (Kennedy)—Continued	S. 1446 (Javits-Administration)—Continued	S. 1387 (Nelson)—Continued
Required use and prescribed form and content of instructions or warnings for proper installation, maintenance, operation and use of device. (New Sec. 513 (a) (1) (2).)	Requirement that device be marked or tagged with clear warnings or instructions reasonably necessary for protection of health or safety. (New Sec. 513 (a) (1) (2).)	
(3) *Periodic evaluation of standards* Provides for periodic evaluation of adequacy of all standards to reflect any changes in development of devices and applicable medical, scientific, and technologic data. (New Sec. 513 (a) (3).)	Identical provision. (New Sec. 513 (a) (3).)	No comparable provision.
(4) *Consultation with other Federal Agencies and/ or interested groups* Prior to and during development of proposals for standards, Secretary would be required to consult with and consider relevant standards published by other Federal agencies of nationally or internationally recognized standard-setting agencies or organizations. Secretary may invite participation through conferences or other means of informed person representative of scientific, professional, industry, or consumer organizations. (New Sec. 513 (b).)	Identical provision (New Sec. 513 (a) (3).)	Similar provision.
(5) *Notification of development of device standards* Requires Secretary to publish in the Federal Register a notice that proceedings have been initiated to promulgate a device standard. (New Sec. 513 (c).)	Identical provision (New Sec. 513 (c).)	No comparable provision.
(6) *Content of notification* Shall contain: (a) Description of device, or type or class of device, to which proceeding to promulgate a standard relates. (b) Nature of risk to be controlled. (c) Summary of data on which need for initiation of proceeding is based. (d) Identification of any existing standard which may be relevant. (e) Invitation to any person or Federal agency to submit a proposed standard within 60 days of notice or to offer to develop a proposed standard in accordance with prescribed procedures. (New Sec. 513 (c) (1)-(5).)	Identical provisions except that item (e), referring to invitations to outside persons to submit proposed standards sets deadline of 30 days, rather than 60 days. (New Sec. 513 (c) (1)-(5).)	No comparable provision.
(7) *Development of device standards* (*a*) *Acceptance of offers to develop standards* Directs Secretary to accept one or more offers to develop a proposed standard and to publish in the Federal Register names and addresses of persons whose offers are accepted and the terms of such offers. In accepting such offers, Secretary would determine whether offeror is technically competent to undertake and complete development of standard within a reasonable period of time and whether offeror has capacity to comply with prescribed regulations governing development of proposed standards. (New Sec. 513 (e) (1) (A) (B) (2).)	Identical provision. (New Sec. 513 (e) (1) (A) (B) (2).)	No comparable provision.
(*b*) *Procedures governing development of device standards* Directs Secretary to prescribe regulations governing development of proposed standards, so as to require that: (1) Recommended standards be supported by test data or other documents as Secretary may require. (2) Recommended standards contain testing methods appropriate for measurement of compliance with standard. (3) Interested persons be afforded an opportunity to participate in development of standard. (4) Records be maintained to disclose the course of the development of the standard. (5) The Secretary, Comptroller General, or their representatives, have access, for pur-	Identical provision. (New Sec. 513 (e) (4) (A)-(E).)	No comparable provision.

COMPARISON OF MEDICAL DEVICE LEGISLATION, 93D CONGRESS—Continued

Item, S. (Kennedy)—Continued	S. 1446 (Javits-Administration)—Continued	S. 1387 (Nelson)—Continued
poses of audit, to any materials or records relevant to expenditures of authorized contributions for project. (New Sec. 513 (e) (4) (A)-(E).)		
(c) Contributions to cost of developing standards Secretary could agree to contribute to offeror's cost in developing a standard if Secretary determines such contribution would likely result in a more satisfactory standard and that offeror is financially responsible. Regulations would set forth acceptable items of cost, except that such items could not include construction (except minor remodeling) or acquisition of land or buildings. (New Sec. 513(e) (3).)	Identical provision. (New Sec. 513(e) (3).)	No comparable provision.
(8) Use of existing standards In lieu of accepting an offer to develop a standard, Secretary could publish as a proposed device standard an existing standard published by any Federal agency or other qualified agency if reference to such standard were made in the initial notice in Federal Register and if such standard were substantially acceptable. (New Sec. 513(d) (1) (2) (3).)	Identical provision. (New Sec. 513(d) (1)-(3).)	No comparable provision.
(9) Development of standards by the Secretary If no person accepted invitation to develop a proposed standard, or the Secretary did not accept either an existing standard or an offer to develop a proposed standard, or if Secretary accepted an offer but found that offeror was unwilling or unable to continue development of standard, Secretary could then develop a proposed standard according to procedures and regulations governing such development. (New Sec. 513(f) (1) (2) (3).)	Identical provision. (New Sec. 513(f) (1)-(3).)	No comparable provision.
(10) Procedure for promulgation of standards As soon as practicable, Secretary would be required to publish in the Federal Register all matters pertaining to promulgation or application of device standards, or termination or a proceeding to promulgate a standard. No effective dates are specified. However, such dates as may be established must minimize, consistent with the public health and safety, economic loss to or disruption of domestic and international trade. Prior to issuing an order promulgating a standard, Secretary is directed to consider the following: Degree of risk associated with particular device. Approximate number of devices involved. Public need for such devices and probable effect of order upon utility, cost, or availability of devices to meet that need. Means of achieving objective of order with minimal disruption of competition and reasonable manufacturing and other commercial practice. Data submitted in course of proceeding. Secretary is authorized to revoke or amend established standards. (New Sec. 513(g) (1)-(4).)	Identical provision. (New Sec. 513(g) (1)-(4).)	Provisions in existing Act pertaining to proceedings for the issuance, amendment, or repeal of regulations authorized by the Act would apply to procedures for promulgation of a device standard. (New Sec. 513(c).)
(11) Referral to independent advisory committees Authorizes Secretary to appoint independent advisory committees, to which could be referred any matters involving a proposed device standard, prior to or after its publication in the Federal Register. Secretary could refer such proposals on his own initiative, and would be directed to refer such proposals when requested by any interested persons showing good cause. Committees would submit report and recommendations to the Secretary and persons requesting referral of	Identical provision. (New Sec. 513(h) (1).)	Similar provision, but includes specification that request for referral by petitioner or the Secretary may be made any time before, or within 30 days after, publication of an order of the Secretary acting upon a proposed device standard. (New Sec. 513(d) (1).)

COMPARISON OF MEDICAL DEVICE LEGISLATION, 93D CONGRESS—Continued

Item, S. (Kennedy)—Continued	S. 1446 (Javits-Administration)—Continued	S. 1387 (Nelson)—Continued
standard would have right to meet with the appropriate committee. (New Sec. 513(h)(1).)		
(12) Composition of advisory committees/responsibility for costs of referral Committees are to be composed of persons qualified in subject matter relevant to device standard and are to be from appropriately diversified professional backgrounds. Sets methods of compensation for committee members, and allows Secretary to require petitioner to pay part or all of the cost arising by reason of such referral, when referral has arisen upon petitioner's request. (New Sec. 513(h)(2)(3).)	Identical provision. (New Sec. 513(h)(2)(3).)	Similar provision. (New Sec. 513(d)(3)(3).)
(13) Manufacturers' certification and testing of devices Manufacturers of devices subject to standards would have to assure the Secretary that such devices comply with any testing methods prescribed in the standard or that device has been manufactured in accord with current good manufacturing practices designed to assure such compliance. To assure that devices are in conformance with standards, Secretary is directed to review and evaluate on a continuing basis the testing and quality control programs carried out by manufacturers of devices subject to standards. (New Sec. 513(i)(1)(2).)	Identical provision. (New Sec. 513(i)(1)(2).)	No comparable provision.
(14) Exemptions for certain devices Exempts from compliance with otherwise applicable standard any device: Intended solely for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in animals or to affect structure or function of animals. Declared subject to scientific review, except for those characteristics of a device made subject to an existing standard under an application approved through scientific review. Custom-made devices ordered by a physician for individual patients. (New Sec. 513 (j)(1)(2)(1).)	Exempts from compliance with otherwise applicable standard any device: Intended solely for use in animals. (New Sec. 513(j).)	No comparable provision.
(15) Temporary permits Directs Secretary to issue regulations permitting interstate shipment of devices varying from an applicable standard for the purpose of testing or investigation, prior to amendment of the standard. (New Sec. 513(k).)	No comparable provision.	No comparable provision.
C. SCIENTIFIC REVIEW PREMARKET CLEARANCE OF MEDICAL DEVICES *(1) When review or clearance is required* Secretary may declare a device, for which scientific review has been deemed appropriate according to the device classification scheme, subject to such review, if after consulting with appropriate scientific review panels, he finds that: (a) Scientific review is necessary to ensure safety and effectiveness or is appropriate to reduce or eliminate unreasonable risk of illness or injury associated with exposure to or use of a device. In reviewing the appropriateness of applying scientific review to a particular device, review panels are, to the maximum extent practical, to provide opportunity for interested persons to submit relevant data and views.	Secretary may declare device to be subject to scientific review if the following circumstances apply: (a) The device is intended for use in life-threatening situations, (b) The composition, construction, or properties of device may present an unreasonable hazard, (c) Scientific review may materially reduce this hazard, *and* (d) No more practicable means to reduce this hazard are available.	If a device . . . Is not generally recognized by qualified experts to be safe, reliable, and effective for use under conditions prescribed, recommended, or suggested in its labelling, *and* Is intended to be secured or placed within the human body or directly in contact with the mucous membrane, and left in the body or in such contact for at least a substantial period of time, *or* Is to be used in subjecting the human body to radiation, electromagnetic, electric, ultrasonic, or other specified forms of energy, or physical, radio, electric, or electronic communication with any part of the human body or device within the body, *or* Is declared by the Secretary to be subject to premarket clearance, based on a finding that it is not safe, reliable, or effective for use . . .
Devices thus subject to scientific review would be deemed unsafe or ineffective under the section of the Act pertaining to adulterated devices unless:	Devices thus subject to scientific review would be deemed unsafe or ineffective under the section of the Act pertaining to adulterated devices unless:	it shall be deemed unsafe, unreliable or ineffective for purposes of the Act pertaining to adulterated devices, unless . . .
(a) A device application has been approved,	(a) A device application has been approved,	(a) Secretary has approved an application for premarket clearance of such device, *or*
(b) Device has been exempted for investigational purposes or for physicians' use as a custom-designed product, *or*	(b) Device has been exempted from review, *or*	(b) Device has been exempted for investigational use, *or*

COMPARISON OF MEDICAL DEVICE LEGISLATION, 93D CONGRESS—Continued

Item, S. (Kennedy)—Continued	S. 1446 (Javits-Administration)—Continued	S. 1387 (Nelson)—Continued
(c) Device is intended solely for use in animals. (New Sec. 514(a).)	(c) Device is intended solely for use in animals. (New Sec. 514(a).)	(c) Device is intended solely for use in animals. Secretary is directed to keep a current list of devices generally recognized to be safe, effective, and reliable. (New Sec. 514(a)(1)-(4).) Application for premarket clearance must contain: Provision same as S. 1446. (New Sec. 514(b).)
(2) *Application for scientific review/clearance* Scientific review of a device declared subject to such review may be obtained by submitting to the Secretary an application containing the following: (a) Reports of all information concerning investigations to determine safety, reliability, or effectiveness of device. (b) Statement of composition, properties, construction, and principles of operation of device. (c) Description of methods used in, and facilities and controls used for, manufacture, processing, and when relevant, packing and installation of device. (d) Identification of any standard applicable to such device, or its component, and adequate information *either* to show device meets such standard *or* to justify any deviation. (e) Samples of device and its components. (f) Specimens of proposed labeling. (g) Any other relevant information as Secretary may require. (New Sec. 514(c)(1).)	Similar provision, except does not include the phrase "adequate information to justify any deviation from such standard." (New Sec. 514(c)(1).)	
(3) *Referral to Standing Scientific Review Panels/Independent Advisory Committee* Directs Secretary to refer applications to review panels for report and recommendations within such period as may be established. (New Sec. 514(c)(2).)	Identical provision. (New Sec. 514(c)(2).)	Applicant may request that application, or Secretary's action thereon, be referred to independent advisory committee for report and recommendations. (New Sec. 514(h)(1).)
(4) *Composition and Responsibilities of Panels/Advisory Committee* Directs Secretary to appoint one or more standing advisory scientific panels to review device applications. Panel members are to be experts from the physical or biological sciences, medicine, dentistry, and engineering, who are qualified to evaluate safety and effectiveness of the category of device to be referred to the panel. Sets methods of compensation for panel members. (New Sec. 514(b)(1)(2).)	Identical provision. (New Sec. 514(b)(1)(2).)	Upon request of applicant, or upon his own initiative, Secretary is directed to appoint an independent advisory committee to study and report on application within 60 days, with 30 additional days allowed if necessary. (New Sec. 514(1)(2)(3).)
(5) *Time for Initial Consideration of Application* No later than 120 days after receipt of application, unless additional period agreed upon by Secretary and applicant, Secretary is required, after considering panel's recommendations, either to approve application, advise applicant that application is not in approvable form and inform applicant of measures required to meet approval, or deny approval if device fails to meet criteria set forth below. (New Sec. 514(d).)	Identical provision. (New Sec. 514(d).)	Within 180 days after filing of application for premarket clearance, or such additional time period as may be agreed upon by Secretary and applicant, Secretary is required to approve application, if it meets criteria set forth below, or give applicant notice of an opportunity for hearing before the Secretary. Time limit may be suspended pending receipt of report from an advisory committee. (New Sec. 514(c)(1)(2).)
(6) *Bases for Approval of Application* (a) Device is shown to be safe for use under conditions prescribed, recommended, or suggested in proposed labeling; (b) The methods used in, and facilities and controls used for, manufacture, processing, packing, and installation conform to current good manufacturing practices; (c) Adequate scientific evidence shows device will have effect it purports or is represented to have under conditions on label; and (d) The labeling itself is neither false nor misleading. (New Sec. 514(e)(1).)	Identical provision. (New Sec. 514(e)(1).)	Similar provision, but includes the term "reliable" under item (a), and "substantial evidence" appears in place of "adequate scientific evidence" under item (c). (New Sec. 514 (d)(1).)

COMPARISON OF MEDICAL DEVICE LEGISLATION, 93D CONGRESS—Continued

Item, S. (Kennedy)—Continued	S. 1446 (Javits-Administration)—Continued	S. 1387 (Nelson)—Continued
Safety and effectiveness of a device intended for use by physician or other qualified person are to be determined in light of such use. (New Sec. 514 (e) (3).)	Identical provisions. (New Sec. 514 (e) (3).)	Similar provision, but includes the term "reliability," along with safety and effectiveness. (New Sec. 514 (d) (3).)
(7) *Definition of "Adequate Scientific Evidence"*		
Evidence consisting of sufficient well-controlled investigations, including clinical investigations where appropriate, by qualified scientific experts, on the basis of which it could fairly and responsibly be concluded that device will have effect it purports or is represented to have under conditions prescribed in its proposed labeling. *However,* Secretary may determine that other valid scientific evidence is sufficient to establish effectiveness of device. (New Sec. 514 (e) (2).)	Similar provision, but does not include provision allowing Secretary to determine effectiveness of device on the basis of *other valid scientific evidence.* (New Sec. 514 (e) (2).)	Provisions similar to S. 1446, except that the phrase "substantial evidence" appears in place of "adequate scientific evidence." (New Sec. 514 (d) (2).)
(8) *Opportunity for Review*		
Applicant who has been denied approval may petition Secretary within 30 days following such notification to obtain review of Secretary's findings by an *independent* advisory committee of experts, specially appointed by the Secretary. Secretary may also refer a denied application to such a committee on his own initiative. Applicant and representatives of the Department would have the right to consult with the committee. Secretary is to consider and give appropriate weight to findings of the independent committee. In lieu of such review, applicant may obtain judicial hearing. (New Sec. 514(e) (4) (i) (1)-(3).)	Identical provision. (New Sec. 514 (e) (4) (i) (1)-(3).)	Directs Secretary to provide opportunity for a hearing to an applicant denied approval. Applicant may request referral of such application to an independent advisory committee of experts within a reasonable period after notification of opportunity for a hearing. Upon such request, or on his own initiative, Secretary is directed to appoint an advisory committee for a report and recommendations on device application. (New Sec. 514(h) (1)-(3).)
(9) *Withdrawal of Approval*		
After due notice and opportunity for hearing to the applicant, Secretary could withdraw approval if, upon obtaining advice of scientific review panel, he found that: (a) Clinical or other experience or tests show device to be no longer safe, for use under conditions previously approved; (b) Evidence of clinical experience, not contained in original application or not available until after application was approved, or tests by new methods or methods not reasonably applicable at time application was approved show device to be no longer safe; (c) New information, evaluated together with evidence on which application originally approved, shows lack of adequate scientific evidence that device will have effect it purports; (d) Original application contains untrue statement of material fact; (e) Applicant fails to establish system for maintaining required records, or has repeatedly or deliberately failed to maintain such records or make required reports, or has refused to permit access to such records; (f) *New* information, together with evidence on original application, show methods used in, or facilities or controls used for, not in conformance with good manufacturing practices, and were not brought into conformance within reasonable time after formal notification; (g) *New* information shows labeling is false or misleading and not corrected within a reasonable time; *or* (h) *New* information shows device to be in non-compliance with an applicable standard. (New Sec. 514(f) (1) (A) (G).)	Identical provision. (New Sec. 514(f) (1) (A)-(G).)	Similar provision, except that approval may be withdrawn if device is shown to be unsafe or unreliable. Provision does not include reference to an "applicable standard" in item (h). (New Sec. 514(e) (1) (A) (F).)
(10) *Suspension of Approval*		
Secretary may immediately suspend approval if he finds an imminent health or safety hazard is involved. Applicant is to be notified promptly and given opportunity for expedited hearing. (New Sec. 514(f)2).)	Identical provision. (New Sec. 514(f) (2).)	Identical provision. (New Sec. 514(e) (2).)

COMPARISON OF MEDICAL DEVICE LEGISLATION, 93D CONGRESS—Continued

Item, S. (Kennedy)—Continued	S. 1446 (Javits-Administration)—Continued	S. 1387 (Nelson)—Continued
(11) Authority to Revoke Adverse Orders Whenever Secretary finds that facts so require, he shall revoke any previous orders denying, withdrawing or suspending approval of application and shall approve or reinstate such approval of an application. (New Sec. 514(g).)	Identical provision. (New Sec. 514(g).)	Identical provision. (New Sec. 514(f).)
(12) Judicial Review Applicant is permitted to obtain judicial review of a final order denying or withdrawing approval of an application, or revoking exemption for custom-designed devices. (New Sec. 514(j).)	Similar provision, but not reference to "custom-designed devices." (New Sec. 514(j).)	Provision similar to S. 1446. (New Sec. 514(i).)
(13) Exemptions for Investigational Use Devices intended solely for investigational use (in an appropriate scientific environment) by qualified experts are exempt, subject to certain conditions, from scientific review. (New Sec. 514(k) (2).)	Similar provision. (New Sec. 514(k) (2).)	Similar provision pertaining to exemption from pre-market clearance. (New Sec. 514(j) (2).)
(14) Conditions Pertaining to Exemptions for Clinical Testing on Humans (a) Submission of outline of plan of initial clinical testing to either a local institutional review committee established to supervise clinical testing in the facility where initial testing is to occur, or to the Secretary for review by appropriate standing scientific review panel. (b) Prompt notification to Secretary of approval of plan by review committee. (c) Submission to either a local institutional review committee or the Secretary of an adequate protocol for clinical testing to be conducted by separate groups of investigators under essentially same protocol, together with report of prior investigations of device, including tests on animals, adequate to justify the proposed testing. (d) Obtaining of signed agreements from investigators that humans upon whom device to be used will be under their personal supervision. (e) Establishment and maintenance of records, and making of such reports obtained from investigational use of device, as Secretary finds will enable him to evaluate safety and effectiveness of device. (f) Other conditions relating to protection of public health and safety as Secretary may deem necessary. (New Sec. 514(k) (4) (A)-(F).)	Similar provision. (New Sec. 514(k) (4) (A)-(F).)	Provisions similar to items (d), (e), and (f). Also requires submission of an adequate protocol for clinical testing, as referred to in item (c), but stipulates that protocol is to be submitted to the Secretary. No reference is made to a local institutional review committee. (New Sec. 514(j) (3) (B).)
(15) Informed Consent of Human Participants Regulations must assure that: (a) Rights and welfare of subjects are adequately protected, (b) Risks are outweighed by potential benefits or importance of knowledge to be obtained, and (c) Informed consent of participants is to be obtained by adequate methods. The term "informed consent" means consent of a person, or his legal representative, so situated as to be able to exercise free power of choice without intervention of any element of force, fraud, deceit, duress, etc. *In all but exceptional cases,* subject must be provided with the following information: (a) Explanation of procedures, including any of an experimental nature; (b) Description of any discomforts and risks which can be reasonably expected; (c) Description of reasonably expected benefits; (d) Disclosure of alternative procedures potentially advantageous for the subject; (e) Offer to answer any inquiries concerning procedures; *and* (f) Instruction to subject regarding his freedom to discontinue participation at any time.	Investigators using device in clinical tests must also certify to manufacturer or sponsor of investigation that individuals used in device testing have been informed of investigational purposes and have consented to participate, except where such consent is not feasible or where in their professional judgment, investigators deem such to be contrary to the best interests of such individuals. (New Sec. 514(k) (5).)	Provision identical to S. 1446 (New Sec. 514(j) (3) (C)).

COMPARISON OF MEDICAL DEVICE LEGISLATION, 93D CONGRESS—Continued

Item, S. (Kennedy)—Continued	S. 1446 (Javits-Administration)—Continued	S. 1387 (Nelson)—Continued
Consent agreement must contain no language through which subject waives any legal rights or releases the institution or its agents from liability for negligence. Requires that permanent record be kept of such consent. Defines "exceptional cases" as those in which consent is not feasible or where it would be contrary to the welfare or best interests of a particular subject, as determined by physician in his professional judgment. (New Sec. 514(k) (5) (A) (B)).		
(*16*) *Exemptions for Other Purposes* Provides for exemption of custom devices, ordered by a physician to be made in a special way for individual patients, if device: (a) Is subject to frequent modification and will not be produced in substantial volume, and (b) Is intended solely for use under direction of licensed practitioner, and (c) Is investigated in accordance with a product development protocol, and (d) Is not subject to pending court proceedings alleging certain violations of the Act. (New Sec. 514(1) (m) (1) (A)-(D).)	No comparable provision.	Provides for exemption of: (a) Devices conforming to applicable standards in Section 514, or Section 358 of the Public Health Service Act, if standard provides assurance of safety, reliability, and effectiveness of device. (b) Any device for which the Secretary feels the establishment of a standard, rather than requirement for approval, would be adequate to protect public health and safety and for which Secretary intends to propose establishment of a standard. (c) Any device made to lawful order and specifications of practitioner licensed to use device, if such device is not generally available for purchase or dispensing in finished form and if device is intended for use of patient of such practitioner or solely for use by practitioner in his professional practice. Secretary may also exempt, with unanimous consent of Advisory Council on Medical Devices, devices for which such requirements are unnecessary to protect public health and safety, and devices licensed by the Atomic Energy Commission. (New Sec. 514(k) (1)-(3) (1) (1) (2).)
(*17*) *Product development; protocol, for purposes of exempted custom devices* Any person may petition Secretary to establish a product development protocol for a particular custom device. Secretary may, within 30 days, refer petition to an expert panel, which may, within 60 days or such other time as agreed upon by panel and petitioner, develop an appropriate protocol. If established, protocol must stipulate: (a) Investigational procedures required prior to clinical trials on device; (b) That institutional review committee make written finding of risk-to-benefit ratio and continually monitor and report on clinical trials; (c) Type and quantity of clinical trials required prior to filing notice of completion of protocol; (d) Maintenance of records to show compliance with protocol; (e) Informed consent from all human subjects; *and* (f) That copies of all required records be available to Secretary upon his request. If panel does not establish a protocol within 60 days, Secretary may set one within next 60 days. If neither panel nor Secretary sets a protocol, a final order will be issued denying petition and stating reasons. (New Sec. 514(m) (2) (A)-(F) (3).)	No comparable provision.	No comparable provision.
(*18*) *Notice of completion* After establishment of protocol, petitioner may submit notice of completion with requirements of protocol, indicating that to the best of his knowledge, no reason exists relating to safety, effectiveness, or other public health considerations why device should not be marketed. In absence of objection by Secretary, notice will become effective 90 days after receipt by Secretary. (New Sec. 514(m) (4).)	No comparable provision.	No comparable provision.

COMPARISON OF MEDICAL DEVICE LEGISLATION, 93D CONGRESS—Continued

Item, S. (Kennedy)—Continued	S. 1446 (Javits-Administration)—Continued	S. 1387 (Nelson)—Continued
(19) Grounds for revocation (or objection to notice of completion) of product development protocol Secretary may, after providing petitioner with opportunity for informal hearing, revoke a protocol or object to notice of completion, if he finds in writing: (a) Petitioner failed to comply with protocol requirements; or (b) Results of clinical trials differ so substantially from results required in protocol that further trials are unjustifiable; or (c) Device is not safe for use under conditions prescribed in labeling; or (d) A lack of adequate scientific evidence showing device to have effect it purports to have on label. (New Sec. 514(m) (5).)	**No comparable provision.**	**No comparable provision.**
(20) Revocation of custom device exemption Allows Secretary to immediately revoke an exemption pertaining to a custom device, if an imminent hazard to public health or safety is caused by existence of such exemption. Secretary may also revoke an exemption, after a notice of completion of protocol requirements has become effective, if he finds that any grounds listed in subsection referring to withdrawal of approval of application under scientific review apply. (New Sec. 514(m) (6) (7).)	No comparable provision.	**No comparable provision.**
	D. DEFECTIVE DEVICES	
(1) Requirement for notification Every person acquiring information showing a device produced, assembled, or imported by him to contain a defect likely to create a substantial risk to the public health or safety, or to be in non-compliance with an applicable standard would be required to notify the Secretary of such defect or failure if device has left control of the manufacturer. Manufacturer would also be required to notify: By mail, any purchaser not for sale of such device, when known to manufacturer. By mail, or other more expeditious means, dealers or distributors to whom device was delivered. (New Sec. 515(a) (1).)	**Similar provision, except uses the phrases "substantial risk to the health or safety of any person," and "if device has left place of manufacture," in place of respective phrases in S. ——.** **(New Sec. 515(a) (1).)**	**No comparable provision.**
(2) Content of notification Notifications must contain clear description of defect or failure to comply, evaluation of related hazard, statement of measures to be taken to correct such defect or failure. (New Sec. 515(a) (2).)	**Identical provision.** **(New Sec. 515(a) (2).)**	**No comparable provision.**
(3) Exemptions from requirement for notification Requires Secretary to prescribe procedures for exemption of any person from requirements for notification when Secretary finds, upon application of such person, that defect or failure to comply creates no significant risk to public health or safety. (New Sec. 515(a) (3).)	**Similar provision.** **(New Sec. 515(a) (3).)**	**No comparable provision.**
(4) Identification of purchasers of defective devices Dealers or distributors notified of defective or non-compliant devices would be required to furnish device manufacturers with information necessary to identify and locate each purchaser not for sale of device. (New Sec. 515(a) (4).)	**Identical provision.** **(New Sec. 515(a) (4).)**	**No comparable provision.**
(5) Definition of "defect" The term "defect" as it relates to a device means a deficiency in design, materials, or workmanship, and does *not include* any deficiency resulting from use of improper accessories, improper installation, maintenance, repair, or use of device, or deficiency resulting from normal use of device after expiration of lifetime represented by manufacturer. (New Sec. 515(a) (5).)	**No comparable provision.**	**No comparable provision.**

COMPARISON OF MEDICAL DEVICE LEGISLATION, 93D CONGRESS—Continued

Item, S. (Kennedy)—Continued	S. 1446 (Javits-Administration)—Continued	S. 1387 (Nelson)—Continued
(6) Public disclosure of defect Persons would be required to furnish the Secretary, upon his request, a copy of all notices, etc., to dealers, distributors, or purchasers regarding any defect of failure to comply with standards. Secretary is authorized to disclose to the public such relevant information as he deems necessary in carrying out Act, except any information relating to trade secrets. (New Sec. 515(b).)	Identical provision. (New Sec. 515(b).)	No comparable provision.
(7) Repair, replacement, or refund on cost of defective devices Producers, assemblers, or importers or defective or noncompliant devices may be required by Secretary, with consent of purchaser and, where appropriate, the purchaser's physician, without charge, to: (a) Bring such device into conformity with standards or remedy defect and provide reimbursement for any reasonable and necessary expenses incurred in connection with having device brought into conformity, or (b) Replace device with a like or equivalent device which complies or has no defect, or (c) Refund purchase price of device to owner, less a reasonable depreciation allowance and also provide reimbursement for any reasonable and necessary expenses incurred in return of device. Remedies provided for in this section would be in addition to and not in substitution for other remedies provided by law. Section would not apply to devices manufactured prior to enactment of this Act. (New Sec. 515(c) (d) (e).)	Similar provision, except does not include phrase "with consent of purchaser, and where appropriate, the purchaser's physician." (New Sec. 515(c) (d) (e).)	No comparable provision.
	E. REQUIREMENT OF GOOD MANUFACTURING PRACTICE	
A device would be deemed to be adulterated if, after a hearing, it was found that the methods used in, or facilities or controls used for, its manufacture, processing, packing, holding, or installation did not conform with current good manufacturing practices as determined by regulations to assure safety and effectiveness of device. (Amends Sec. 501 of the Act by adding new paragraph (g).)	Similar provision, except does not include phrase "after a hearing" or the term "effective." (Amends Sec. 501 of the Act by adding new paragraph (g).)	Similar provision, except does not include phrase "after a hearing" and adds further specification that good manufacturing practices are to assure safety and *reliability* of device, that device must possess properties and performance characteristics it purports to have, and that device otherwise comply with the requirements of the Act. (Amends Sec. 501 of the Act by adding new paragraph (g).)
	F. RECORDS AND REPORTS	
(1) Persons Affected Requires persons manufacturing, processing, repacking, labeling, or distributing a device subject to a standard which is in effect, or with respect to which there is in effect an approval of an application for scientific review, to maintain records and make reports to the Secretary on clinical experience and other data relating to safety or effectiveness of such device, or possibility of adulteration or misbranding, etc. Regulations under this authority are to have due regard for professional medical ethics and interests of patients. Persons required to maintain such records must allow employees of Secretary to have access to and copy and verify such records. (New Sec. 516(a) (1) (2).)	Identical provision. (New Sec. 516(a) (1) (2).)	Similar provision. (New Sec. 515(a) (1) (2).)
(2) Exemption from requirements for records (a) Licensed practitioners who manufacture or process devices solely for use in their professional practice. (b) Persons manufacturing or processing devices solely for use in research or teaching and not for sale. (c) Other classes of persons as Secretary may exempt. (New Sec. 516 (b) (1) (2) (3).)	Identical provision. (New Sec. 516(b) (1) (2) (3).)	Similar provision, but also exempts 1) pharmacies regularly engaged in dispensing prescription devices and which do not manufacture or process devices for sale, other than in the course of their retail business, 2) *any person*, if device has not been, and is not intended to be, introduced into interstate commerce. (New Sec. 515 (b) (1)–(5).)
G. ADVISORY COUNCIL ON DEVICES Establishes Advisory Council on Devices to advise Secretary on policy matters relating to carrying out provisions of the Act. Members appointed by the Secretary are to be manu-	Identical provision. (New Sec. 708 (a) (b) (c).)	Similar provision, but further specifies that Council is to be composed of 15 members, and that Secretary may employ experts and consultants to facilitate carrying out the Act.

COMPARISON OF MEDICAL DEVICE LEGISLATION, 93D CONGRESS—Continued

Item, S. (Kennedy)—Continued	S. 1446 (Javits-Administration)—Continued	S. 1387 (Nelson)—Continued
facturers, scientists, engineers, and members of the professions using such devices, as well as consumers and other persons knowledgeable about problems involved in device regulation. Sets methods of compensation of Council members. Authorizes Secretary to appoint additional advisory councils or committees, as desirable. (New Sec. 708 (a) (b) (c).)		(New Sec. 708 (a) (b) (c).)
	H. DEVICE RESEARCH AND STUDIES	
Authorizes Secretary to conduct, either directly or through contracts with public or private agencies, organizations, or individuals, research, studies, and education and training in areas related to device safety, development of standards, testing methods, etc. Directs Secretary to cooperate with and invite participation by other Federal or State agencies and interested professional or industrial organizations; to collect and publish results of research and other activities. Authorizes Secretary to obtain devices for research and testing purposes. (New Sec. 709 (a) (b).)	Identical provision. (New Sec. 709 (a) (b).)	No comparable provision.
	I. PUBLICITY	
Permits Secretary to disseminate information regarding device standards, testing facilities and methods, other information on nature and extent of device hazards. (Amends Sec. 705 of the Act to add new subsection (c).)	Similar provision. (Amends Sec. 705 of the Act to add new subsection (c).)	No comparable provision.
	J. EFFECT ON STATE REQUIREMENTS	
Prohibits States from establishing or maintaining standards or regulations for any device which is specifically subject to an official Federal standard or scientific review, unless State requirements are identical to the Federal requirements. Allows Secretary to exempt a State-proposed safety requirement from preceding provision if proposed requirement: Imposes higher performance level than Federal standard, Is required by compelling local conditions, *and* Does not unduly burden interstate commerce. Specifically allows Federal, State, and local governments to establish safety requirements applicable to a device for their own use, if such requirements impose a higher performance standard than otherwise required by applicable Federal law. (New Sec. 903(a) (b) (c).)	No comparable provision.	No comparable provision.
	K. DISCLOSURE OF TRADE SECRETS	
Permits Secretary to disclose information relating to trade secrets to a contractor in furtherance of provisions of the Act, subject to contractor's observance of such security precautions as are prescribed in regulations. (Amends Sec. 301(j) of the Act.)	No comparable provision.	No comparable provision.
	L. DEFINITION OF "DEVICE"/"PRESCRIPTION DEVICE"	
Defines the term "device" to mean instruments, apparatus, implements, machines, contrivances, implants, in vitro reagents, or similar articles, including their components, parts, and accessories which are: (a) Recognized in the official U.S. Pharmacopeia or National Formulary, or any supplement to them, or (b) Intended for use in diagnosis, treatment, or prevention of disease in man or other animals, or (c) Intended to affect structure or any function of the body of man or other animals, *and*	No comparable provision.	No comparable provision.

COMPARISON OF MEDICAL DEVICE LEGISLATION, 93D CONGRESS—Continued

Item, S. (Kennedy)—Continued	S. 1446 (Javits-Administration)—Continued	S. 1387 (Nelson)—Continued
(d) Which do not achieve any of their principal purposes through chemical action within or on the body of man or other animals and which are not dependent upon being metabolized for achievement of their principal purposes. (Amends subsection (h) of Sec. 201 of the Act.) Defines the term "prescription device" to mean any device so designated by the Secretary as being restricted to sale or distribution only upon written or oral authorization of licensed practitioner. (Amends subsection (v) of Sec. 201 of the Act.)		
	M. VARIOUS TECHNICAL AND CONFORMING AMENDMENTS TO EXISTING ACT	
Makes various technical amendments to Federal Food, Drug, and Cosmetic Act to make existing law applicable to devices in following areas: (a) Registration of producers of drugs and devices (b) Regulations pertaining to the import and export of drugs or devices (c) Misbranding or adulteration of devices (d) Authority to designate official names for devices (e) Requirements for factory inspection (f) Registration of drug and device establishments and patent information	Virtually identical provisions.	Makes various technical amendments to Federal Food, Drug, and Cosmetic Act to make existing law applicable to devices in following areas: (a) Requirements for factory inspection (b) Registration of producers of drugs and devices (c) Misbranding or adulteration of devices (d) Regulations pertaining to import or export of drugs and devices.

By Mr. TUNNEY (for himself and Mr. CRANSTON):

S. 2369. A bill to authorize the Secretary of Agriculture to acquire certain lands in the county of San Diego, State of California. Referred to the Committee on Agriculture and Forestry.

KEMP RANCH

Mr. TUNNEY. Mr. President; I am introducing legislation today which will authorize the Forest Service to acquire Kemp Ranch, a valuable 1,500 acre inholding in the Cleveland National Forest, San Diego County, Calif.

The owners of Kemp Ranch are faced with legitimate financial problems which necessitate development or sale. The Forest Service, in prior negotiations, was unable to purchase the land. It now realizes that acquisition will be the only way to avert high density development, but it has no money.

Mr. President, there are a number of reasons why this property should be incorporated into the forest. First of all, it is unwise from a management standpoint to leave pockets of private, exploitable land, inside national forests. Owners frequently are forced to react to economic development pressures often detrimental to the adjacent forest. Kemp Ranch is a classic example. The area is one of the finest alpine meadows in southern California and development along the lines proposed by the developers would destroy that quality. Furthermore, adjacent public areas will suffer from overuse.

A second important reason why this area must be protected is its proximity to Mount Laguna Observatory. Laguna is one of the last six areas in the United States which meets the criteria necessary for "deep sky" astronomical research.

Dr. Burt Nelson, head of the Astronomy Department at California State University, San Diego, and director of the Mount Laguna Observatory, has told me that light and smoke from Kemp Ranch, which is only two miles from the Observatory, "will present a very grave threat to future astronomical observations if it is permitted to be commercially developed."

Dr. Nelson added that—

> Astronomy in the United States faces a very serious environmental crisis. American astronomers have played a leading role in the study of high energy processes found in deep space due, in part, to the presence of large telescopes and very dark skies in this country.

He stressed the fact that—

> If the present rate of increase in "light pollution" caused by the needless waste of light energy over metropolitan areas and the growth of high density development near observatories is not curtailed immediately, this type of research will end in the United States within a decade.

Dr. Nelson added that—

> Acquisition of the Kemp Ranch is consistent with the completion of the Cleveland National Forest and is an important step to preserve deep sky astronomy in the United States.

In addition to these reasons why the Forest Service should immediately acquire the Kemp Ranch is the fact that the proposed development plans may well conflict with the San Diego County open space element. The element, as presently drafted, refers specifically to astronomical research. Part 4, Conservation Areas, states:

> Most [astronomical] research can continue if only the problem is not magnified significantly. What needs to be done is to limit the density of development, control light sources . . . where astronomical instruments are especially sensitive.

This element recommends a combination of these for the remaining land adjacent to observatories not already in public ownership. Furthermore, in part 6, Implementation, the recommendation is made to—

> . . . review those portions of the circulation element which show roads within five miles of an observatory to determine if the roads can be eliminated, or realigned farther away from the observatory, or if alternate routes can be substituted.

This implies that the proposed open space element, if adopted in its present form, could be inconsistent with the development plans for high density recreation at Kemp Ranch, because at the furthest point, the ranch is less than 3 miles from the observatory.

Obviously, if the Forest Service does not acquire the Kemp Ranch land as soon as possible the county may find itself faced with a special use permit application which conflicts with general county land policy.

I believe the only way to settle this situation is to act quickly on my legislation.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2369

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of Agriculture is authorized to acquire all rights, title, and interests in and to the following described lands by purchase with donated or appropriated funds or by condemnation:

Parcel 1: The Southwest Quarter of the Southwest Quarter of Section 3, Township 15 South, Range 5 East, San Bernardino Base and Meridian, in the County of San Diego, State of California, according to United States Government Survey, approved September 6, 1880.

Parcel 2: The Southeast Quarter of the Southeast Quarter of Section 4, Township 15 South, Range 5 East, San Bernardino Base and Meridian, in the County of San Diego, State of California, according to United States Government Survey, approved September 6, 1880.

Parcel 3: The Southeast Quarter of the Southeast Quarter of Section 9, Township 15 South, Range 5 East, San Bernardino Base and Meridian, in the County of San Diego, State of California, according to United States Government Survey, approved September 6, 1880.

Parcel 4: The West Half of the Northwest Quarter, the West Half of the Northeast Quarter, the West Three-Quarters of the West Half of the Northeast Quarter of the Northeast Quarter and the South Half of Section 10, Township 15 South, Range 5 East, San Bernardino Base and Meridian, in the County of San Diego, State of California, according to United States Government Survey, approved September 6, 1880.

Parcel 5: The South Quarter of Section 11, Township 15 South, Range 5 East, San Bernardino Base and Meridian, in the County of San Diego, State of California, according to United States Government Survey, approved September 6, 1880.

Parcel 6: The Northwest Quarter of the Southwest Quarter of Section 14, Township 15 South, Range 5 East, San Bernardino Base and Meridian, in the County of San Diego, State of California, according to United States Government Survey, approved September 6, 1880.

Parcel 7: The Southeast Quarter, the Northwest Quarter, the West Half of the Northeast Quarter and the Southwest Quarter of Section 15, Township 15 South, Range 5 East, San Bernardino Base and Meridian, in the County of San Diego, State of California, according to United States Government Survey, approved September 6, 1880.

Parcel 8: The East Half of the Northeast Quarter of Section 16, Township 15 South, Range 5 East, San Bernardino Base and Meridian, in the County of San Diego, State of California, according to United States Government Survey, approved September 6, 1880.

Parcel 9: The East Half of the Northwest Quarter and the Northeast Quarter of the Northeast Quarter of Section 22, Township 15 South, Range 5 East, San Bernardino Base and Meridian, in the County of San Diego, State of California, according to United States Government Survey, approved September 6, 1880.

Comprising a total of 1,575 acres, more or less.

(b) Lands acquired by the Secretary of Agriculture pursuant to subsection (a) of this section shall, upon their acquisition, be administered by the Secretary as national forest lands in accordance with rules, regulations and laws applicable to the national forest system.

SEC. 2. There is authorized to be appropriated such sum, not to exceed $2,000,000, as may be necessary to carry out the provisions of this Act.

By Mr. McCLURE (for himself, Mr. CURTIS, Mr. DOMENICI, Mr. FANNIN, Mr. HANSEN, and Mr. SAXBE):

S. 2372. A bill to permit the use of the drug diethylstilbestrol (DES) for implants in beef cattle and sheep. Referred to the Committee on Agriculture and Forestry.

Mr. McCLURE. Mr. President, in order to relieve shortages of meat and to help reduce the costs of raising livestock, I am introducing today a bill to permit the use of DES for implants.

The order by the Food and Drug Administration on April 26, 1973, ending the use of implants of diethylstilbestrol (DES) in beef cattle and sheep will directly contribute to the shortages and higher prices facing housewives in this country and overseas. It is my understanding that without the advantages offered by DES implants, it will require an average of 160 days to fatten one steer, compared to the possible 140 days with DES. DES, a synthetic estrogen, has been used for over 20 years as a growth stimulant in animals. It has been administered both through feed and by implanting under the skin.

The Acting Commissioner of FDA, Sherwin Gardner, emphasized that the ban on implants was not based on evidence of any public health hazard. As a matter of fact, comparatively massive amounts of estrogen are routinely administered to humans, in the so-called morning-after pill among other things. In fact, he said that DES had been used to promote growth of cattle and sheep for two decades without a single known instance of human harm. On this basis, I believe that the needs of the consumer, the farmer, and the rancher demand immediate action by the Congress.

My proposed legislation will not affect the FDA ban on DES in animal feed. In addition, it will not affect necessary regulatory action involving production, transportation, or use. It will prohibit the present ban of DES as an implant.

By Mr. MAGNUSON (for himself and Mr. HART):

S. 2373. A bill to regulate commerce and protect consumers from adulterated food by requiring the establishment of surveillance regulations for the detection and prevention of adulterated food, and for other purposes. Referred, by unanimous consent, to the Committee on Labor and Public Welfare until October 15, 1973; and then to the Committee on Commerce, at the option of that committee.

Mr. ROBERT C. BYRD. Mr. President, for Mr. MAGNUSON, and at the request of the Committee on Commerce, I ask unanimous consent that the bill entitled the "Federal Food Inspection Act of 1973" be referred to the Committee on Labor and Public Welfare until not later than October 15, 1973. At that time, or at such earlier time as the Committee on Labor and Public Welfare reports the bill, the bill will be re-referred to the Committee on Commerce at the option of the Committee on Commerce.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. MONDALE:

S.J. Res. 146. Joint resolution entitled "A national education policy." Referred to the Committee on Labor and Public Welfare.

EQUAL EDUCATIONAL OPPORTUNITY

Mr. MONDALE. Mr. President, no single principle is more important to our society than the goal of equal educational opportunity. As the Supreme Court said over 19 years ago:

> In these days it is doubtful that any child can reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the State has undertaken to provide it, is a right which must be made available to all on equal terms.

I believe this is an appropriate time for the Nation to renew its commitment to this fundamental goal. We must press forward with our efforts to end that educational inequality which has resulted from generations of racial and ethnic discrimination. And we must do much more.

We must assure the opportunity for an education to the millions of handicapped children whose needs are now unmet.

We must provide adequate financial help so that central cities, working suburbs, and less affluent rural areas can provide educational opportunities of high quality.

We must develop the highly focused educational research which we have always lacked.

We must train our teachers, and pay them, as the men and women deserve who develop our most essential national asset.

We must assure that those who are qualified have the opportunity for postsecondary education.

And we must all reaffirm our dedication to care for the individual child, no matter what his background, to help him reach his full potential and to recognize his own irreplaceable worth.

Mr. President, I am pleased to introduce today a joint resolution to reaffirm our goal of equal educational opportunity as a matter of highest priority. I am honored that this resolution has been introduced in the House of Representatives by the distinguished chairman of the Committee on Education and Labor, the Honorable CARL PERKINS.

I wish to thank the Communications Workers of American for their help in preparing this resolution. As the CWA's Resolution on educational opportunity states:

> Our youth should be afforded a free public education opportunity to enable them to achieve their maximum educational ambitions and capabilities. Such an investment in the education of our youth will inevitably enhance the economic security of our Nation.

Mr. President, I ask unanimous consent that the text of the resolution be printed at this point in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 146

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress reaffirms as a matter of highest priority the Nation's goal of equal educational opportunity. That the Congress hereby declares it to be the policy of the United States of America that every citizen is entitled to an education from nursery through graduate school without financial barriers and limited only by the desire to learn and ability to absorb such education. Our Nation's economy, political, and social security demand no less.

By Mr. McINTYRE:

S.J. Res. 147. A joint resolution calling for a report on the People's Republic of China Grain Purchase. Referred to the Committee on Agriculture and Forestry.

REPORT TO CONGRESS ON GRAIN DEAL WITH CHINA

Mr. McINTYRE. Mr. President, along with a great many other Americans I have become increasingly concerned about the effects of last year's grain sale to Russia.

Hearings conducted by both Houses of Congress, along with continuing media accounts, point up that this massive sale may well have been to the serious disadvantage of the American consumer, farmer and businessman.

Since the consummation of the Russian grain deal, it is obvious that prices for the grain products we use in the course of every day living have gone up, that the price of feed grain has gone up, that the supply of meat—so dependent upon feed grain—has gone down and that the price has gone sky high.

My particular concern is over the effect all this has had upon the elderly and those on fixed incomes. These people are finding it increasingly difficult to afford even dietary mainstays, much less luxury items. Indeed, beef prices are so high that beef itself has now become a luxury item.

Letters from people in my State convince me that the problem is not only very real, it is widespread. Many have complained that financing an adequate diet has become extremely difficult since the Russian grain deal.

I take their word for it, Mr. President, because in my judgment there is no better economist than the American shopper, who must constantly struggle to make ends meet during rising inflation.

The shopper is in constant contact with market prices and price fluctuations, and when something affects the price of any item, the shopper is the first to know. And they know that their shopping problems have been sharpened considerably since the time of the Russian grain sale.

I am convinced that we must do something—and do it soon—to forestall any future international transactions which could trigger such unfortunate consequences.

Recently newspaper reports have told us of a proposed grain deal between private American interests and representatives of the People's Republic of China. I concede that I know little of the details about this potential transaction or what it portends. But I do know that Congress must not be kept in the dark as it was kept in the dark about the Russian grain deal.

Every American is bound to be affected by any massive foreign sale of crucial food items, so every American deserves all the facts, figures, and implications of such transactions. In possession of those facts and implications, the elected representatives of the people can then foresee and prevent adverse economic and social consequences.

So today, Mr. President, I am introducing for referral to the appropriate committee, a resolution which would require the Secretaries of Agriculture and Commerce to inform the Congress—within 30 days of passage of this resolution—of the possible impact such transactions will have on the American economy and the American consumer.

I know there are laws in existence which concern the embargo of exports, but I am not sure what effect they would have in this situation. In any event, the people have a right to know—through the Congress—what is being decided on such potential foreign grain sales and how the decision will affect their pocketbooks, their well-being, their daily lives.

By Mr. HUMPHREY:

S.J. Res. 148. A joint resolution to bestow U.S. citizenship upon Leif Ericson. Referred to the Committee on the Judiciary.

LEIF ERICSON HONORARY U.S. CITIZEN

Mr. HUMPHREY. Mr. President, as Americans, we have long been celebrating Columbus Day and the important contributions Christopher Columbus made in his discovery of America. However, we tend to forget the seemingly small, yet vital part others have played in the discovery of our Nation. One such man, with whom I share a common Norse ancestry, is Leif Ericson.

Leif Ericson was born around A.D. 970 in Iceland. Born the son of the famed warrior, explorer, and discoverer of Greenland—"Eric the Red," Leif became famous after he became the first navigator to sail directly from Greenland to Norway, without stopping at Iceland. Leif arrived in Norway during the reign of King Olav Trygvason, who had just converted to Christianity. The king commissioned Leif to return to Greenland to spread this new faith to the natives who were believers in the Norse mythology with its pagan gods and goddesses.

There are two traditional accounts of Leif's discovery of America, between the years of 1000 and 1004. One is the "Iceland version" which states that Leif accidentally discovered Vinland when strong winds drove him off course on a voyage from Iceland to Greenland. Leif named the new land Vinland, because of the land's plentiful supply of grapes. He stayed in Vinland only long enough to gather timber and wild grapes, and then returned to Greenland.

The second tradition is called the "Greenland version." This version is the one that recent evidence upholds; it states that a contemporary navigator of Leif's, Bjarni Herjolfsson, after being driven off course, chanced upon Vinland, but did not land. Upon his return, Leif followed Bjarni's directions and was the first to land and explore Vinland. He built a small settlement and spent the winter there before returning to Greenland.

Before 1963, the evidence supporting Leif Ericson's discovery was vague and circumstantial. His discovery was mentioned in three manuscript sagas that contained narratives of various Icelandic explorers, including Leif Ericson. In these manuscripts, Vinland is described and the natives were called Skraellingers. The only other evidence that supported the early discovery was a map drawn around 1570 A.D. by Sigurd Stefansson which labeled the northern coast of North America, in the vicinity of Newfoundland, as "the Land of the Skraellings."

In 1963, however, in the Newfoundland village of L'Anse aux Meadows, Dr. Helge Ingstad discovered evidence of a Norse settlement. Radioactive carbon tests substantiated, beyond a doubt, that the unearthed remains of Norse artifacts dated back to around 1000 A.D.

Then, in 1965, there was another major breakthrough of evidence. Yale University and British museum scholars painstakingly pieced together proof of the existence of a map that dates at least 50 years before Columbus sailed on his historic voyage to America. Drawn in brown ink on a piece of dry parchment measuring 11 by 16 inches, the map clearly shows the Western Hemisphere in the upper lefthand corner. The map also shows two rivers that cut into the land, which are conjectured to be the Hudson Straits and the Gulf of the St. Lawrence.

After Leif became a respectable and wealthy man, he settled on his father's estate in Brattahlid, Greenland, where he died. In 1961, graves were unearthed in the Brattahlid cemetery; probably one of them was Leif Ericson's, although the site was unmarked.

Organizations like the Leif Ericson Society, the "Sons of Norway"—the world's largest organization of Scandinavian Americans comprising 86,000 members—and "Svenskarnas Dag," have done much in keeping the name of such a great man alive and remembered. Previously, by a joint resolution, Congress set aside October 9 as a special day commemorating Leif Ericson for distinguishing himself in the exploration of America, some 500 years before Christopher Columbus.

On behalf of the above organizations, I would like to go a step further by introducing this resolution, not only as a tribute to Leif Ericson, but also as tribute to Americans of Scandinavian descent. These people have long proved themselves to be brave and loyal Americans carrying on the tradition of exploration first started by their courageous Norse ancestors. They have exhibited their own pioneering spirit by sailing to the same new land. Because of their accomplishments, Scandinavian Americans have every reason to take pride in their individual heritage and its contribution to American culture.

What Leif Ericson stands for is something all Americans can be proud of—he is a symbol of man's unending quest for progress and an exploration of the unknown that surrounds him. We are all pioneers; even though we no longer have any new worlds to discover on earth, we still have our own secret dreams and goals. Leif Erickson is a symbol of those virtues that we must strike toward in order to accomplish these goals. It is only appropriate that we recognize the importance of this individual by making him an honorary citizen of the United States, a small tribute for his contributions to our society.

I ask unanimous consent that these letters of request, editorial, and resolution be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES. 148

Whereas Leif Ericson of Iceland played a significant part in the discovery and exploration of North America; and

Whereas Leif Ericson, a brave Norse navigator, was the first known explorer to sail and land along the coast of North America, around 1000 A.D.; and

Whereas Congress, by a Joint Resolution has proclaimed October 9 as Leif Ericson Day; and

Whereas Leif Ericson's accomplishments are a tribute to Scandinavian-Americans—loyal Americans who have carried on the tradition of exploration first started by their courageous Norse ancestor; and

Whereas Leif Ericson is a symbol of something all Americans can be proud of—man's unending quest for progress and an exploration of the unknown that surrounds him: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Leif Ericson shall hereafter be known as a citizen of the United States of America.

April 17, 1973.

Hon. Hubert H. Humphrey,
U.S. Senate,
Washington, D.C.

Sir: It is a pleasure to extend to you an honorary membership in the Pennsylvania Chapter of the Lief Ericson Society. I am enclosing your membership card No. 100 which I had reserved for you while I checked with our mutual friend, John Hoving, to see if it would be appropriate.

While this is a non-political group, we are promoting you as the greatest living American of Norse descent. As you know, we are a small minority, but we claim that 11 signers of the Declaration of Independence and 13 Presidents had Norse blood

As we approach Leif Ericson Day on October 9, I hope you will use your substantial influence to assure that this important but small minority group will not once more be smothered by Columbus Day celebrations as was the case in 1972. Leif Ericson Day was established by an act of Congress a long time ago, but this has been forgotten by most.

By the way, I think we are related. I was born in Kristiansand, Norway and some of my ancestors came from Tveit-Topdal. Reports from home are that 200 other people made the same claim when you visited a few years ago.

Yours in Leif-insurance,
Ivar Christensen.

April 27, 1973.

Editor, Evening Bulletin,
Philadelphia, Pa.

To the Editor: Your editorial of April 23 concerning Columbus' proposed citizenship ended with a query about what would happen if a similar effort was made on behalf of Leif Ericson.

Well, we are not waiting for a congressman from rural Minnesota to make the move. As proponents of "Leif was here first," we shall address our request to Congress that Leif the Lucky receive as much honor for his role in showing the way as Columbus may get for following it.

In fact, that is just what our Leif Ericson Society is all about.

Sincerely,
Ivar Christensen,
Pennsylvania Chapter, Leif Ericson Society.

[From the Philadelphia Bulletin, Apr. 23, 1973]

Citizen Columbus

Bills granting United States citizenship to specific persons who might otherwise never achieve it are routine in Congress.

But not the one introduced by Rep. Ogden R. Reid (D-NY). Representative Reid—whose constituents include many Italian-Americans—would grant citizenship posthumously on Christopher Columbus.

Captain Columbus, of course, never asked for the U.S. citizenship because there was no U.S., and there's no guarantee that he'd want it, even if there had been. He was, after all, an Italian on the Spanish payroll when he sailed the ocean blue in fourteen-hundred-ninety-two, and the Nina, Pinta and Santa Maria landed in the West Indies, not the North American continent.

Be that as it may, there's certainly no harm in making the Great Discoverer a citizen even five centuries later. And while we're at it, since behind every great man there's a woman, maybe something should be said for the lady who made it all possible.

It was Queen Isabella of Castile who bankrolled the great Italian sailor—let's not forget it. John Paul Paine hasn't forgotten it.

Mr. Paine, a Philadelphian, is founder and president of a national committee that has succeeded in getting 46 governors and many mayors to proclaim April 22, the date on which she was born in 1451, as Queen Isabella Day.

So happy birthday, Queen Isabella, and welcome aboard, Captain Columbus—and what happens when a congressman from rural Minnesota submits a bill to make Leif Erikson a citizen?

July 30, 1973.

Senator Hubert H. Humphrey,
Senate Office Building,
Washington, D.C.:

Svenskarnas Dag and its 40 affiliates organization applaud and support your efforts to have Leif Erickson designated as an honorary United States citizen.

Iner Johnson,
General Chairman.

August 1, 1973.

Senator Hubert H. Humphrey,
Capitol Hill, D.C.:

Sons of Norway as the worlds largest organization of Scandinavian Americans comprising 86,000 members strongly support your resolution to make the great Norse seafarer and explorer Leif Erikson an honorary citizen of the United States of America. This great honor will significantly add to the annual public and private recognition of October 9th as Leif Eriksons Day commemorating the Viking discoverer of the North American continent.

Roy C. Eide,
International President, Sons of Norway.

By Mr. HRUSKA (by request):

S.J. Res. 150. A joint resolution to authorize the President to proclaim the period of September 15, 1973, through October 15, 1973, as "Johnny Horizon '76 Clean Up America Month." Referred to the Committee on the Judiciary.

Mr. HRUSKA. Mr. President, I am today introducing, by request, a joint resolution to authorize the President to proclaim the period of September 15, 1973, through October 15, 1973, as "Johnny Horizon '76 Clean Up America Month."

The American Revolution Bicentennial Commission has adopted the "Johnny Horizon '76" environmental awareness program as the official program to '"clean up America" for the upcoming 200th birthday of our Nation. I am advised that this program is supported by the President's Council on Environmental Quality and numerous civic and business groups.

It is my understanding that the events scheduled to take place between September 15 and October 15 are designed to further citizen interest and participation in efforts to clean up America's environment. Those who support this program believe national attention should be drawn to it.

I ask unanimous consent that the joint resolution be printed in the Record immediately following my remarks.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 150

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the period of September 15, 1973 through October 15, 1973 as "Johnny Horizon '76 Clean Up America Month" and calling upon the people of the United States and interested groups and organizations to observe such period with appropriate ceremonies and activities.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 544

At the request of Mr. Scott of Virginia, the Senator from Nebraska (Mr. Hruska) and the Senator from North Carolina (Mr. Helms) were added as a cosponsor of S. 544, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 1737

At the request of Mr. Ervin, the Senator from North Carolina (Mr. Helms) was added as a cosponsor of S. 1737, a bill to amend the Civil Rights Act of 1964 to provide for freedom of choice in student assignments in public schools.

S. 1769

At the request of Mr. Mansfield (for Mr. Magnuson) the Senator from Minnesota (Mr. Humphrey) was added as a cosponsor of S. 1769, to establish a U.S. Fire Administration and a National Fire Academy in the Department of Housing and Urban Development, to assist State and local governments in reducing the incidence of death, personal injury, and property damage from fire, to increase the effectiveness and coordination of fire prevention and control agencies at all levels of government, and for other purposes.

S. 1777

At the request of Mr. Schweiker, the Senator from North Dakota (Mr. Young) and the Senator from Nevada (Mr. Bible) were added as cosponsors of S. 1777, to amend the Federal Meat Inspection Act to prohibit the sale for human consumption of meat from horses, mules, and other equines.

S. 1835

At the request of Mr. Hartke, the Senator from Kansas (Mr. Dole) was added as a cosponsor of S. 1835, a bill to amend title 38, United States Code, to increase the maximum amount of servicemen's group life insurance to $20,000 to provide full-time coverage thereunder for certain members of the Reserves and National Guard, to authorize the conversion of such insurance to veterans' group life insurance and for other purposes.

S. 1923

Mr. MATHIAS. Mr. President, I ask unanimous consent that the following cosponsors be added to the bill S. 1923, a bill to amend the Legislative Reorganization Act of 1970 to provide that Federal agencies keep congressional committees fully and currently informed, introduced by Senator Ervin and myself and Senator Mansfield on May 31, 1973: Mr. Abourezk, Mr. Baker, Mr. Bayh, Mr. Beall, Mr. Bible, Mr. Biden, Mr. Brooke, Mr. Burdick, Mr. Cannon, Mr. Case, Mr. Chiles, Mr. Church, Mr. Clark, Mr. Fulbright, Mr. Hart, Mr. Hartke, Mr. Hatfield, Mr. Hughes, Mr. Humphrey, Mr. Javits, Mr. Magnuson, Mr. McGovern, Mr. McIntyre, Mr. Mondale, Mr. Moss, Mr. Muskie, Mr. Nelson, Mr. Randolph, Mr. Ribicoff, Mr. Schweiker, Mr. Stevenson, Mr. Tunney, and Mr. Williams.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2022

At the request of Mr. Tunney, the Senator from Minnesota (Mr. Mondale) was added as a cosponsor of S. 2022, a bill to provide increased employment opportunity by executive agencies of the U.S. Government for persons unable to work standard working hours, and for other purposes.

S. 2024

At the request of Mr. McGovern, the Senator from South Dakota (Mr. Abourezk), the Senator from Nevada (Mr. Bible), the Senator from Nevada (Mr. Cannon), the Senator from Michigan (Mr. Hart), the Senator from Maine (Mr. Hathaway), the Senator from Minnesota (Mr. Humphrey), the Senator from Massachusetts (Mr. Kennedy), the Senator from Washington (Mr. Magnuson), the Senator from Montana (Mr. Mansfield), the Senator from Wyoming (Mr. McGee), the Senator from Minnesota (Mr. Mondale), the Senator from Wisconsin (Mr. Nelson), and the Senator from Rhode Island (Mr. Pastore) were added as cosponsors of S. 2024, the Indian Economic Development and Employment Act of 1973.

S. 2147

On behalf of Mr. Domenici, the Senator from Ohio (Mr. Taft) was added as a cosponsor of S. 2147, to conduct a study relating to the procurement and use by the Federal Government of products manufactured from recycled materials.

S. 2176

Mr. JACKSON. Mr. President, on July 13, with the cosponsorship of nine of my colleagues, I introduced S. 2176, the National Fuels and Energy Conservation Act. This act is designed to lay the foundations for a serious and sustained energy conservation effort by the Federal Government.

Two years ago the President in his first energy message talked of the need to use energy wisely. Since that time, our energy problems have reached critical proportions. But I am frank to say that I still see little evidence of a serious commitment to energy conservation in the executive branch. The emphasis remains on short-term voluntary measures to avert shortages, rather than fundamental changes to slow the relentless increase in energy demand.

The unprecedented demand for energy in this country is the root cause of our energy crisis today. Per capita energy consumption rose from the equivalent of 33 barrels of oil per person a year in 1940 to 60 barrels of oil per person a year in 1970. The annual growth of energy consumption during the past decade has averaged 4.3 percent, double the growth rate in the earlier postwar period.

Today our consumption of electricity is increasing at an annual rate of about 7 percent—7 percent of the highest rate of consumption in our history.

Gasoline consumption has been increasing at a rate of 5 percent each year. If this rate of increase were to continue to the year 2000, we would then be using 350 billion gallons of gasoline a year.

Clearly, we cannot tolerate these spiraling rates of energy consumption. We are only now beginning to pay the price for our failure to recognize the impact of exponential growth in energy demand and move to control it. It is now too late to forestall such consequences as gasoline and heating oil shortages and heavy dependence on foreign imports to meet our energy requirements. But it is not too late to build a national energy policy that restores us to energy self-sufficiency.

Most experts would agree that we cannot hope to achieve any real degree of self-sufficiency in the next generation merely by working to satisfy energy demand. That is quite clearly a losing battle. Until we start questioning the legitimacy of the demand, until we start challenging the widespread waste of energy resources, we cannot expect to satisfy our basic energy requirements in economically and environmentally acceptable ways.

The National Fuels and Energy Conservation Act was introduced in the belief that Congress must act to assure that conservation plays a central role in national energy policy. It recognizes that we cannot continue our reckless waste of energy; that we cannot sustain the adverse social, economic, and environmental impacts of that waste; and that we can, through effective conservation programs, minimize these adverse impacts and reduce energy demand.

Clearly, we cannot achieve dramatic savings in energy consumption overnight. The leadtime required to produce major conservation payoffs is substantial. But we can begin now a broad-scale conservation effort that will over the long run help keep energy demand within acceptable limits.

Mr. President, I am pleased to announce that 33 Members of the Senate are now cosponsoring S. 2176. I ask unanimous consent that the following Senators now be added as cosponsors, in addition to the original cosponsors: Mr. Bayh, Mr. Burdick, Mr. Cannon, Mr. Cook, Mr. Cranston, Mr. Eastland, Mr. Gravel, Mr. Humphrey, Mr. Johnston, Mr. Mansfield, Mr. McGee, Mr. McGovern, Mr. McIntyre, Mr. Metcalf, Mr. Nelson, Mr. Packwood, Mr. Pastore, Mr. Pell, Mr. Ribicoff, Mr. Roth, Mr. Stafford, Mr. Stevens, Mr. Stevenson, and Mr. Williams.

I also ask unanimous consent that a statement by Senator Bayh regarding the bill be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Statement by Senator Bayh

One of the important points which has been too much ignored in the midst of the current energy shortage, is the fact that we can go a long way toward solving this problem through effective energy conservation. In the rush to exploit new fuel reserves and to develop new energy sources, we have not focused adequately on energy conservation.

It is impossible to be certain precisely how much energy we waste in this country. But I have heard it said that we waste as much energy in a year as Japan consumes.

This waste comes in many forms. We waste home heating fuels by poorly insulating our homes. We waste energy in the summer by running air conditioning more than necessary, and we waste energy in the winter by keeping our homes and offices warmer than necessary.

Industry wastes energy by keeping machinery running when not in operation. Motorists waste energy by operating their autos ineffectively and not keeping their engines in tune.

We all waste energy, but in many cases we do not have the information to prevent the waste. For example, toasters that cost the same might well consume very different amounts of energy while performing the same function. But since the consumer has no way of knowing which toaster is more efficient he is not able to conserve energy even if he wanted to.

To help remedy this problem, and to make energy conservation a keystone in our overall response to the energy shortage, I am pleased to join in sponsoring S. 2176, the National Fuels and Energy Conservation Act, introduced by the Chairman of the Interior Committee (Mr. Jackson).

This bill would charge all Federal departments and agencies with the responsibility of conserving energy within their own operations.

But it goes much farther.

The bill would have those agencies and departments undertake, within their respective jurisdictions, programs of action and information to help and encourage consumers and industry to conserve energy.

Such actions range from requiring effective insulation in homes with Federal mortgage guarantees to minimum mileage standards for automobiles. Also, the bill would help close the information gap by establishing the requirement that appliances be sold only with complete information on energy efficiency.

Energy conservation not only fosters the good policies of conserving resources and reducing our dependency on imported energy supplies. Energy conservation is also good economics. Industry, government, consumers, and businessmen can all save money by cutting back on waste and inefficiency in energy consumption.

It may well be that this latter incentive, which often motivates people when other things won't, will be our ultimate weapon in this battle. But however we do it, we had better get about the business of protecting our dwindling resources from the ravages of waste and inefficiency.

S. 2215

At the request of Mr. Helms, the Senator from Nebraska (Mr. Curtis) was added as a cosponsor of S. 2215, to restore the value of the dollar and restrain inflation by providing for a Federal budget in which expenditures shall not exceed Federal revenues.

S. 2274

At the request of Mr. Robert C. Byrd (for Mr. Ribicoff) the Senator from Illinois (Mr. Percy) was added as a cosponsor of S. 2274, a bill to authorize the disposal of copper from the national stockpile.

S. 2282

At the request of Mr. ERVIN, the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 2282, a bill to change the name of the New Hope Dam and Lake, N.C., to the B. Everett Jordan Dam and Lake.

S. 2296

At the request of Mr. HUMPHREY, the Senator from Utah (Mr. MOSS) was added as a cosponsor of S. 2296, a bill to provide for the protection, development, and enhancement of the National Forest System, its lands and resources; and for other purposes.

S. 2318

At the request of Mr. ERVIN, the Senators from Delaware (Mr. BIDEN) and Minnesota (Mr. MONDALE) were added as cosponsors of S. 2318, a bill to enforce the first amendment and fourth amendment to the Constitution, and the constitutional right of privacy by prohibiting any civil or military officer of the United States or the militia of any State from using the Armed Forces of the United States or the militia of any State to exercise surveillance of civilians or to execute the civil laws, and for other purposes.

SENATE JOINT RESOLUTION 142

At the request of Mr. CURTIS, the Senator from Idaho (Mr. MCCLURE) was added as a cosponsor of Senate Joint Resolution 142, proposing an amendment to the Constitution of the United States relative to the balancing of the budget.

SENATE CONCURRENT RESOLUTION 43—SUBMISSION OF A CONCURRENT RESOLUTION TO MAKE CERTAIN TECHNICAL CORRECTIONS IN ENROLLMENT OF S. 1888

(Considered and agreed to.)

Mr. MANSFIELD submitted a concurrent resolution (S. Con. Res.. 43) to make certain technical corrections in the enrollment of S. 1888.

(The concurrent resolution is printed in full when submitted by Mr. MANSFIELD, and appears at a later point in the RECORD.)

SENATE RESOLUTION 156—SUBMISSION OF A RESOLUTION RELATING TO SENATOR STENNIS

(Considered and agreed to.)

Mr. ALLEN (for himself, Mr. EASTLAND, Mr. HANSEN, Mr. MANSFIELD, and Mr. CASE) submitted a resolution (S. Res. 156) relating to Senator STENNIS.

(The concurrent resolution is printed in full when submitted by Mr. ALLEN, and appears at an earlier point in the RECORD.)

SENATE RESOLUTION 157—SUBMISSION OF RESOLUTION RELATING TO THE ESTABLISHMENT OF DOMESTIC AND WORLD RESERVES OF FOOD

(Referred to the Committee on Agriculture and Forestry.)

FROM FOOD ABUNDANCE TO PERIL

Mr. McGOVERN. Mr. President, some 6 weeks ago, the distinguished senior Senator from Vermont (Mr. AIKEN) who is also the senior Republican Member of the Senate, delivered a thoughtful and farsighted address on the Senate floor on the subject of farm, foreign policy, and land use programs.

Senator AIKEN discussed the current food situation in some detail. And he pointed out that—

> Every farm program from now on will be a major piece of foreign policy legislation with our own family food budget seriously involved.

Senator AIKEN and I are today joining in an effort which we hope will respond to that fundamental truth and make it a permanent part of American agricultural programs. We submit a Senate resolution requesting, by next January, explicit administration recommendations on domestic food reserves, and calling for active American cooperation with proposals to develop food reserves worldwide.

Certainly we need no further signals that the time for action has come. For the grim truth is that, for whatever reason, our farm and food policies are in serious disarray. In the past 12 months we have suffered grave damage to America's posture as a reliable supplier of food to our own people and to food importing countries around the globe.

We cannot take that situation lightly; we have no choice but to address it forthrightly, and to repair it as quickly as we can.

Over the past several decades we have developed what I regard as a strong and sensible overall philosophy on farm and food issues. It rests on four pillars.

First, we seek adequate food abundance for our consumers, at prices fair both to them and to farmers.

Second, we have determined that no American, and especially no American child, should want for a decent diet, supplying the essential requirements of adequate nutrition.

Third, we seek growing access to commercial food markets elsewhere in the world.

And fourth, we have sought to use our unparalleled food abundance and technical know-how as a tool of peace, responding to the desperate needs of hungry people around the globe.

Until now we have seen no conflict among those goals. With our problems of surplus, not shortage, we could move to meet them all.

But this year all four of those objectives have suffered. Each one has been challenged; to some extent each one has been denied.

Let me be specific.

Under our basic farm law, the Agricultural Adjustment Act of 1938, it is the duty of the Secretary of Agriculture to maintain a "continuous supply of agricultural commodities . . . at prices fair to both producers and consumers."

That obligation has certainly not been met. As every consumer and every farmer knows, prices of some basic commodities have fluctuated wildly on the domestic market, and supplies have been anything but stable. Neither farmers nor consumers are convinced that prices are fair, and at one time or another both have been right. Higher feed prices, coupled with the price freeze on livestock products, threaten longer term shortages of meat. Farmers average costs of production are up fully 18.9 percent over last year. Incentives to expand production are dwindling. Retail prices for nearly every basic food commodity are reflecting those higher costs and the consequent short supplies on the market. The Chairman of the Council of Economic Advisers, Herbert Stein, after all these many months of watching confident predictions fall apart, can offer no more than abandoned anti-inflation goals and vague assurances about the future. "This, too," he says, "shall pass away."

It is also our policy, under the Food Stamp Act and other domestic feeding programs, to assure a nutritious diet for low-income families. Both in law and in repeated policy declarations, official Washington has embraced the view that a proper diet should be the birthright of every American. We have recognized that with our unparalleled ability to produce food, it defies all that is right, reasonable, and humane for any one of our citizens to want for the food that sustains life and protects health.

But compare that policy with the performance.

On June 4 of this year, before the Select Committee on Nutrition and Human Needs, Senator KENNEDY questioned Mr. Clayton Yeutter, Assistant Secretary of Agriculture in charge of Marketing and Consumer Services, about the availability of some commodities for food distribution programs. Senator KENNEDY had received reports from his own State that some important food items had been removed from the list of available foods. Mr. Yeutter gave assurances that either those foods or adequate substitutes were indeed available. But he also pointed out that in acquiring enough of the right foods, it has been—

> . . . touch and go under some conditions in some states at particular points in time.

And then he said:

> The basic reason for that, Senator Kennedy, in ten words or less, is that the purchase authorities which are used to provide food for these programs are surplus removal purchase authorities. And it's very difficult for us to buy commodities under a 'surplus removal' program when we have no agricultural surpluses.

So under our food distribution programs, we cannot adequately feed many of our own needy people unless we have "surpluses." And suddenly those "surpluses" are gone.

The situation has not improved since Mr. Yeutter testified. In fact, it is far worse.

I have just learned this week that cheese, lunch meat, processed potatoes, dried fruit, and canned vegetables have been completely removed from the list of commodities USDA supplies to State warehouses for distribution to needy families.

Those five commodities certainly account for a major share of the protein and other essential nutrients made available under this program. And now the cupboard is bare. For the remainder of July and probably longer, they simply cannot be acquired. And we have taken a major leap backward from our commitment to meet the food needs of all Americans.

It is also the law that the Secretary of Agriculture must seek in every practical way to increase the flow of American farm commodities into world markets.

Secretary Butz has placed a high priority on that obligation. But it is an endeavor which has doubled back upon itself. The General Accounting Office has concluded that the administration was probably too anxious to expedite a sale of some 425 million bushels of wheat to the Soviet Union in July and August of last year—a sale which swallowed up over a quarter of the 1972 wheat crop. Our officials were so aggressive in pursuing that transaction that the Soviet Union was permitted to buy at bargain basement prices, the giant grain traders were able to reap windfall profits and excessive export subsidies, many farmers lost the share of the profits they should have received, and the rest of us were left with dangerously short supplies and abnormally high prices.

No one challenges the wisdom of striving to continue the steady growth in commercial exports of farm commodities. We need only look at the overall balance of trade to recognize how vitally important these sales have become.

For fiscal 1973 a national trade deficit of $6 billion is projected. We know the sad implications of that figure at a time when the dollar has been sliding to new lows and our accesses to world markets has been eroded by aggressive competitors in Europe, Japan, and elsewhere.

Yet a favorable balance of agricultural trade of some $3.5 billion is projected. That is dollar sales alone. Without those farm exports, the payments deficit would be nearly 60 percent higher than it is, demands against our reserves would be $3.5 billion greater, and our world economic posture would be $3.5 billion bleaker.

Yet, again, the policy is defeated. In June, because supplies were running short, the administration actually imposed export controls on selected agricultural commodities—a dramatic and extreme step to inhibit the flow of American farm commodities into world markets.

The administration told us of its regrets about taking that action. I should hope so. It required either breaking or sharply reducing contracts with other countries. It imperils the carefully constructed reliability of this country in the world's commercial markets for food. It sends us to critical international economic negotiations with withered bargaining power. And it has profound political overtones as we move to reconstruct good relations with some of our most important allies. We cannot yet measure the full impact—but we certainly can conclude that food export controls have brought serious harm to vital American interests.

The fourth pillar of our farm and food philosophy has been damaged as well. Since the mid-1950's, we have recognized the enormous potential of our food abundance as a humanitarian asset and as a positive means for promoting peace and stability in less developed countries. In the 1966 Food for Peace Act, we declared those objectives were sufficiently important to be included in our production plans—that instead of allocating what we accidentally produced in excess to our own needs and commercial demands, we would make positive plans for meeting concessional food needs and assistance requirements around the world.

Yet the entire thrust of Public Law 480, the food-for-peace program, is now in jeopardy.

In West Africa today, according to the United Nations, 5 million people are threatened with starvation, malnutrition, and disease. Six countries—Chad, Mali, Mauritania, Niger, Senegal, and Upper Volta—have suffered a drought of disastrous proportions, as if the Sahara had moved south to envelop an entire new region. While we have known of this tragic situation for some time, we have done too little. And because of limits on shipping and port facilities, whatever we do now may be too late for millions of suffering humans.

There are critical shortages elsewhere. I will recite one case in detail because it dramatically illustrates our plight. The new nation of Bangladesh is still struggling to restore its own damaged landscape and its own depleted agriculture after a devastating war for independence. We have foreseen another food crisis there in 1973. As long ago as December of 1972, we had reliable estimates on what could be produced internally, what could be purchased with the country's own limited currency reserves, and what would have to be supplied by donor countries. Of a projected deficit of 2.5 million tons, the Government of Bangladesh was to purchase one-third, or about 850,000 tons, and 1.7 million tons was to be donated by the international community. The U.S. share was 700,000 tons of wheat.

Both the amount and the timing of that food is crucial. The major rice harvest in Bangladesh will not come until mid-November. It has been clear for some time that the most critical period would be August through October, and that shipping schedules made it necessary to have the grain committed well before that period began.

We supplied 200,000 tons in the first quarter of this year. On March 31, we reaffirmed our commitment to supply another 500,000 tons.

But at almost the precise time when the next shipments should have been underway, the administration began doubting in light of domestic shortages, whether the commitment would, in fact, be met.

A number of Senators have sought to inspire action on this matter. Senator SAXBE's letter to the President urging one approach—a diversion of Soviet grain—was signed by 38 other Senators. Senator HUMPHREY has also written separately seeking the administration's response to that idea. I have tried to pursue this issue with special concern as chairman of the Senate Foreign Relations Committee's Subcommittee on South Asian affairs.

The administration has responded in part. A total of 280,000 tons of the remaining 500,000 we promised have been made available on an urgent basis. I am especially grateful for the diligent efforts undertaken by responsible executive branch officials, particularly in the Department of State.

But the question remains unresolved. We still do not know whether or when the remainder will come.

The Bengali's have spent more than intended for commercial purchases—$140 million, or 70 percent of their total foreign exchange reserves, to purchase a little over 1 million tons on the market. The crisis has been moved back somewhat by a step which is bitterly ironic for the United States—a diversion of 200,000 tons of the wheat which the Soviet Union has purchased from the United States, and which was in the process of shipment. While they do expect repayment, the Soviet Union, to the credit of that country, has responded to an urgent human need which we could not fulfill, despite the superiority of our farm system and the reputation for reliability we have tried to maintain.

But the crisis will still come unless we make our decision soon. I am told now that a decision may not come for several weeks. And I am fearful now that because of the inevitable lag between the time we commit the wheat and the time it arrives, a decision several weeks from now could very well be too late to avert widespread starvation.

I cannot believe, and I do not suggest, that our leaders are insensitive to these difficulties. Certainly there is no conscious intention to inflict upon the people of Bangladesh either the physical agony of not receiving this food, or the mental agony of not knowing whether it will come.

Instead, the Department of Agriculture simply does not know whether the wheat will be available to ship. And another central theme of our farm and food policy—an adequate supply—is on the verge of collapse.

None of these results was inevitable, and perhaps none, for the long term, is irreparable.

But consider some of the choices we have made.

We have chosen commercial sales of wheat to the Soviet Union over guarantees of an adequate diet for those impoverished Americans who subsist on surplus commodities.

We have chosen, at least indirectly and without complete success, to feed American livestock, in support of our taste for meat over grain, instead of meeting desperate human needs in West Africa, South Asia, and elsewhere.

We are forced to such results because we simply have no policy for choosing which needs to fill and which to ignore when we cannot fill them all. And, although I am convinced it is both possible and relatively uncomplicated, we neither have nor appear to be pursuing with any vigor policies which could help us avoid these soul-shattering choices.

I caution those who look eagerly to the next harvest as an answer.

We are projecting a bumper crop this

year. But we can already project growing needs.

As of July 1, we had a carryover supply of wheat amounting to 420 million bushels, less than one-fourth of expected disappearance. We will produce 1,749 million bushels, and we will use, through domestic consumption and exports, a projected 1,806 million bushels. That figure is probably low, because it came out before another sale to the People's Republic of China was announced last weekend. There may be other transactions left out of the projection. But in any event, we can predict already that our reserves of wheat will not grow this year; that instead they will shrink still further.

The same is true of corn. We will carry less than 15 percent of projected disappearance into the harvest this fall. We will produce 5,880 million bushels, and use 5,881 million bushels, according to the most recent grain situation estimates. The carryover will drop slightly—if disappearance is no greater than projected now.

On soybeans, we will carry only 40 million bushels into the harvest—no more than about 2½ percent of what will certainly be used next year. What a perilously low figure that is. With production estimates of 1,628 million bushels and requirements of 1,513 million, the carryover is expected to climb slightly. But we will still have reserves of less than 8 percent of usage, again, if today's figures hold.

So we cannot find salvation in this harvest. And the same figures suggest that neither can we dismiss 1972 as a bad crop year worldwide and then expect to go on as before.

It is true that 1972 was a bad year. The world wheat crop fell 5 percent short of the 1971 figure. The rice crop was down by a similar amount, and rye, barley, oat, and corn crops were also smaller than in 1971. It was inevitable that an extraordinary weight would fall on the few fortunate countries with the capacity to feed themselves.

But even that suggests a failure of our reporting and planning methods I am convinced that with the modern techniques available now, including taking some of the advanced technology we apply to learning what weapons some countries are capable of building and using it to discover what all countries are capable of growing, we could have known much earlier what the world food outlook would be. And even if we could not have predicted a world shortage in one particular year, we should certainly know that it is possible, even likely, in some year. As we have found, to our sorrow, our reserves were dangerously low.

But the problem has much graver implications. I am convinced that 1972 was not an aberration but the sharp warning of a deeply troubling new trend.

World agricultural production is finite. Most productive land is already in use, and only that in developing countries is capable of substantial increases in production. Most waterways available for irrigation have also been developed. Most of the world a detailed plan for a mini-used. Many marine biologists believe we have reached the limit in harvesting edible fish from the seas.

Yet food demand continues to rise at an alarming rate.

World population, still the overriding cause of rising food demands, is growing at a rate of 2 percent each year—rapidly enough to double in not much more than a generation.

But even if we can bring population growth rates under control, that factor is being replaced by another. Expanding affluence carries with it a dramatic expansion in the per capita demand for food.

It takes 7 pounds of grain to produce 1 pound of beef; 4 pounds of grain for 1 pound of pork; 3 pounds of grain for each pound of poultry. So if all the world ate only bread, all the world could be fed. But more and more of the world demands meat, and that means a manifold reduction in the amount of bread available for us all.

Since 1940, the average American has increased his beef consumption from 55 pounds to 117 pounds each year. Per capita poultry consumption has risen from 18 pounds to 51.

If they are converted back, these figures suggest that each of us uses up almost a full ton of grain every year—five times as much as the average for the poorer two-thirds of the world's people.

And our trend is spreading. Two-thirds of a billion people reside in the northern tier of industrial countries. Their dietary habits have reached roughly what ours were in 1940. They have prospering economies and growing affluence. In a very few years their demands will be as great as ours are now.

In 1965, when we were preparing to consider an extension of the food for peace program, I suggested that "the most challenging crisis for the rest of this century will be the accelerating race between food and people."

We have not lost that race. But now, with the shock of this past year fresh in our memories, and possibly with still harder days ahead, we must confront these issues more seriously than ever before.

We should at least be able to grasp the beginnings of a new policy.

For too long we have been approaching this issue on a short time basis alone. This past year has been that approach in full flower, as we have reacted to crises and attempted to plug the holes. We have prospered to this point only because of the large margin of error our abundant resources allowed us to absorb.

But we no longer have that luxury. Even with bumper crops, things will not be as they were, with never-ending surpluses and 50 million acres held in reserve. And our planning for the future must now express more than a hopeful optimism—an unthinking expectation of abundance. We must begin planning for and expecting the worst possible case as well as the best years and average crop yields.

To do that, it is plain that we must spare no effort on the urgent question of population control, lest it be imposed after the fact, under the grim predictions of Thomas Malthus—famine, pestilence, or war. We must intensify our efforts to find new techniques for expanding food production, and we must share today's techniques more widely around the world. For even at maximum production, a single year's use of our own excess capacity can hardly make a dent in world needs.

And we must begin immediately to secure three other objectives.

First, we must assure the American farmer, in no uncertain terms, that he will not be expected to produce at a loss—that he can be certain of a fair return.

Just recently, Secretary of Agriculture Butz has announced that in 1974 the lid will be completely off on farm production in the United States. Under Government farm programs, there will be no idled acres.

But we must also be aware that such an action can never force farmers to plant. If farmers fear an oversupply on the market, it is entirely possible that they will idle acres on their own because of doubts whether they will make back the cost of production.

With these thoughts in mind, I am frankly mystified by the administration's original proposal that all price guarantees for basic food and feed grains be phased out. And I am mystified that the administration threatened almost daily to veto earlier versions of the farm bill which just cleared the Senate, to force a reduction in the "target price" guarantee.

I am pleased that the President will sign a farm bill with a price floor. But it is pleasure tempered by a serious concern about production next year, and coupled with a deadly earnest reminder to the administration of the size of the stakes and the gravity of the consequences if we gamble for big production and lose.

Second, we must move to establish our own reliable reserves of grain, so that temporary shortages, whatever the cause, will never again totally disrupt our farm and food objectives at home and abroad.

Many of us have advocated such a program for many years. It is not a new concept. It can be most accurately described as an idea whose time was last year. And with the signal of this past year, I fervently hope that the administration will comply with the request Senator AIKEN and I make in the resolution we introduce today—to report back no later than the beginning of the next Congress, with specific recommendations for domestic reserves of food commodities.

Third, we must pursue the same goal on an international scale, in full recognition of our own limitations in dealing with shortages of the kind which developed in 1972 and 1973.

In November of this year, the Director General of the United Nations Food and Agriculture Organization, Addeke H. Boerma, will submit to the governments of the world's grazing capacity is being mum world food security policy. It will focus on three issues: the need for a consensus on the concept of minimum food security as a joint responsibility; intergovernmental cooperation and consultations on national stock levels which should, in combination, achieve and maintain such security; and international assistance to developing countries in establishing basic food stocks where required.

The United States, of course, will be expected to participate in such a program. The administration should be preparing now to propose an international food policy which will be equitable to our farmers and consumers at home and to those abroad who are dependent upon the United States for their day's bread.

This subject is also addressed by the resolution we are introducing today. Again, I hope our proposal will prove to be unnecessary, and that the administration will pursue these preparations vigorously on its own.

I do not pretend that these steps alone will provide answers to the immensely difficult food policy questions we will have to face over the next two decades.

Instead, what they do represent is a first response to the dictates of self-interest, compassion and conscience.

Self-interest requires that we strive to become again the world's arsenal of agricultural abundance.

Compassion demands that we answer the rising complaints of the Americans who cannot afford enough to eat and the desperate cries of the Bengalis who have nothing to eat.

And above all, there is conscience, which instructs this wealthiest and most influential Nation to heed the ancient words . . . "If any man hunger, let him eat. . . ."

Mr. President, I ask unanimous consent that the resolution authored by Senator AIKEN and myself be printed at this point in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S. RES. 157

Whereas it is the policy of the United States under the Agricultural Adjustment Act of 1938 as amended (52 Stat. 31) that "it shall be the duty of the Secretary to give due regard to the maintenance of a continuous and stable supply of agricultural commodities from domestic production adequate to meet consumer demand at prices fair to both producers and consumers," and,

Whereas it is the policy of the United States under the Food Stamp Act of 1964 as amended (78 Stat. 703) that the "Nation's abundance of food should be utilized . . . to safeguard the health and well being of the Nation's population and raise levels of nutrition among low income households," and

Whereas it is the policy of the United States under the Agricultural Adjustment Act of 1938 as amended (52 Stat. 31) that "it shall be the duty of the Secretary to use available funds to stimulate and widen the use of all farm commodities . . . and to increase in every practical way the flow of such commodities and the products thereof in the markets of the world," and.

Whereas it is the policy of the United States under the Agricultural Trade and Assistance Act of 1954 as amended (68 Stat. 454) to "use the abundant agricultural productivity of the United States to combat hunger and malnutrition and to encourage economic development in the developing countries," and,

Whereas because of an experience with food surpluses the United States has not developed methods to manage farm and food programs to assure that these competing foreign and domestic objectives can be filled in years when food supplies are not sufficient to meet current demands, and,

Whereas the absence of such methods requires untenable choices between commercial opportunities and human needs, and can also force extreme measures, such as export controls, which inevitably damage both the political and economic interest of the United States, and,

Whereas such steps in recent months have in fact created hardships for the American consumer, disrupted normal trade relations with foreign countries, and hampered the traditional role of the United States as a leading humanitarian supplier of food to those in need: Now, therefore, be it

Resolved, That it is the sense of the Senate

1. That the United States shall cooperate to the fullest possible extent with appropriate international agencies, including the Food and Agriculture Organization of the United Nations, in efforts to establish world reserves of basic food commodities, and

2. That the President of the United States should immediately initiate a study to determine proper levels of an appropriate rules and regulations for the effective management of, domestic reserves of basic food commodities, accounting for domestic and foreign demands in both commercial and concessional markets, and

3. That at the beginning of the Second Session of the 93d Congress, the President should recommend to the Congress a plan for the establishment of domestic food reserves, and that he should report to the Congress at the same time on progress toward the establishment of world food reserves.

SENATE RESOLUTION 158—SUBMISSION OF RESOLUTION TO URGE THE RESTORATION OF THE STATUS OF AMATEUR ATHLETE FOR THE LATE JIM THORPE, AND FOR OTHER PURPOSES

(Referred to the Committee on Foreign Relations.)

Mr. BURDICK. Mr. President, today I am submitting legislation to help restore the amateur status of the late Jim Thorpe so that his achievements may take their rightful place in the history of athletics. Thorpe, an American Indian and an outstanding all-around athlete, earned eight gold medals at the 1912 Olympic Games. Later he was ordered to return his trophies and was banned from further amateur play because it was discovered that he played minor league baseball for about $15 per week, a mere pittance, hardly enough to cover living expenses, some 3 years earlier. The story of Jim Thorpe, which has aroused the indignation of sports fans across the country, is briefly told in the May 20, 1973 Minneapolis Sunday Tribune and the June 1, 1973 Minot Daily News—the latter one of the finest newspapers published in North Dakota. I ask that the two accounts be printed in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

THE INSIDE

(By James B. Sullivan)

In the first couple of decades of the century, college football players boosted their budget by appearing in Sunday professional games under assumed names.

In the summers the athletes with remaining eligibility would play baseball for money, using other names. (As a collegian, the great Eddie Collins showed how smart he was by taking the name of Sullivan.)

One of the oases for needy students in 1909 was the semi-pro Eastern Carolina League. From Carlisle in Pennsylvania went Jesse Young Deer and Joe Libby. A schoolmate named James Francis Thorpe tagged along for the trip.

Young and Libby joined Rocky Mount as outfielders and, when Thorpe came across the cost of living, he agreed to play third base for $15 a week under the name that belonged to him.

"I didn't know anything about amateur rules," he said many years later. "I didn't even think about doing anything wrong, because there were a lot of other college boys playing around there."

Naturally, Thorpe did not have an obscure season. He soon turned to pitching and won 23 out of 25 games. At the end of the summer he was slightly famous and very broke when he went home to Oklahoma.

In the 1912 Olympic Games at Stockholm the Sac and Fox Indian (aided by one fourth Irish blood) won the pentathlon and the decathlon handily. At the close of the 1912 football season, somebody blew the whistle on Jim Thorpe, and it wasn't a referee.

Publicly, there are only theories on who turned him into the Amateur Athletic Union, whose president, Gustavus T. Kirby, declared him guilty of sin. (Sullivan not only failed to change his name to Collins but allowed it to be placed on the annual AAU trophy.)

Thorpe, who wasn't even in school from the spring of 1909 until the fall of 1911, readily admitted to Coach Pop Warner that he had played for money at Rocky Mount and Fayetteville, Ark. in 1909.

Warner reported the following Thorpe quotation to the AAU: "I did not play for the money that was in it, but because I like to play ball. I . . . did not know that I was doing wrong because I was doing what many other college men had done except that they did not use their own names."

Colder than the iceberg that waited for the Titanic, the AAU ordered Warner to return all of the medals and cups, banned Thorpe from any further amateur play and shipped the trophies back to Europe.

Americans were in high dudgeon and the Scandinavian runnersup were in low spirits.

F. R. Bie of Norway, who was second in the pentathlon, and Hugo Wieslander of Sweden, who was second in the decathlon, rejected the trophies on the ground that Thorpe had won the events.

"We don't know what your rules are in regard to amateurism," said Messrs. Bie and Wieslander, "but we do know, having competed against him, that Thorpe is the greatest athlete in the world."

The only question was whether he was greater in track or in football. Amos Alonzo Stagg (who dabbled in football, said, "There may never be another Thorpe."

Veteran coaches and writers who had seen Thorpe said he could run with George Gipp and Red Grange, smash with Bronko Nagurski, kick with anybody in history, pass with Brick Muller and Sammy Baugh and outblock Marty Brill.

Anything else? "Defensively," they said, "he had no equal."

At long last the AAU executive committee has voted to restore the late Thorpe's amateur status from the years 1909 through 1912. That virtually assures organization approval in October.

Petitions for Presidential endorsement could influence the national body although the AAU may not require any convincing. The ultimate decision rests with the International Olympic Committee. Moreover, the Jim Thorpe Athletic Award Committee has been in existence for 10 years.

And it is all too late for Thorpe, who had almost lost hope in 1949 that the case would be re-opened. "Maybe . . . some day," he said.

"The last time I tried, they wouldn't even give me a hearing. I don't know . . . but I'd sure like to have those things I won . . . haven't got much else anymore."

Thorpe Petitions Await Signatures

Stands will be set up at several Minot locations Saturday to obtain petition signatures asking that amateur status be restored to the 1912 Olympic hero, the late Jim Thorpe.

The drive leader is Joseph Davis, a 1968 graduate at Minot State College. His petitions for 40,000 signatures are addressed to the President of the United States.

Other Thorpe drives have started throughout the country.

The booths will be situated in front of Reub's Camera and Minot Drug in downtown Minot, at Tempo and at Roosevelt Park from 9 a.m. to 6 p.m.

[From the Minneapolis Sunday Tribune, May 20, 1973]

Residents of Carlisle Try To Regain Thorpe Honor

Carlisle, Pa.—Residents of this south central Pennsylvania community have launched a drive to have the late Jim Thorpe, stripped of his Olympic medals at the height of his athletic glory, restored to his amateur status and rewritten into the record books.

Thorpe, who died in 1953 after declining into a bleak existence that included heavy drinking, made this picturesque borough a household word just after the turn of the century when he led Carlisle Indian School teams to victories in various sports.

He was an All-American football player for two years and became the hero of the 1912 Olympics, where he won the pentathlon and decathlon and captured eight gold medals. But the Olympic committee later learned he played minor league baseball for a pittance—about $15 a week—and stripped him of the awards.

Reuben Smitley, the borough's director of parks and recreation, began a petition drive Saturday to enlist the support of Carlisle's 18,000 residents. With the help of the local Jaycees, Smitley hopes to obtain at least 10,000 signatures and eventually the help of President Nixon, Congress and the International Olympic Committee (IOC).

Smitley is a member of the national Jim Thorpe Committee, based in Yale, Okla., which is spearheading the petition drive nationwide. Yale is Thorpe's birthplace.

Harold Brown heads the committee in Yale and plans to send the Carlisle petitions, with thousands of others, to the President, Congress and eventually to the IOC.

Smitley said similar drives, including one in Carlisle four years ago, failed because of opposition from the conservative former head of the IOC, Avery Brundage.

"We were banging our heads against a stone wall—Avery Brundage," Smithley said. He said Brundage also competed in the 1912 Olympics and probably was "envious." Now that Brundage has retired, Smitley and Brown believe the drive may meet with more success. Smitley said Thorpe never even had a hearing when his medals were taken away.

"By gosh, if he was a professional, then every athlete who competes in this country and Russia today is a pro," Smitley said.

Mr. BURDICK. Mr. President, the Amateur Athletic Union executive committee has already voted to restore Thorpe's amateur status for the years 1909–12. I understand that this is a good sign that the AAU itself will approve a similar resolution when it meets in October. The final decision, however, rests with the International Olympic Committee and I hope that the voice of the Senate, added to that of thousands of individual Americans, will result in favorable action by that body.

The resolution reads as follows:

S. Res. 158

Resolved, that it is the sense of the Senate that the Amateur Athletic Union restore to the late Jim Thorpe the status of amateur athlete.

Sec. 2. Further, it is the sense of the Senate that the International Olympic Committee officially recognize the achievements of said Jim Thorpe during the 1912 Olympic Games.

SENATE RESOLUTION 159—SUBMISSION OF A RESOLUTION CREATING A STANDING COMMITTEE OF THE SENATE ON THE CENTRAL INTELLIGENCE AGENCY

(Referred to the Committee on Rules and Administration.)

Mr. PROXMIRE. Mr. President, I introduce today a Senate resolution designed to enhance the effectiveness of the oversight function for the Central Intelligence Agency.

For many years the Senate has been less than diligent in performing its monitoring of the intelligence community. We have been surprised continually by foreign developments of our own making which have gone unreported to the appropriate Senate authorities.

I understand well the measure of trust that has been placed in the Central Intelligence Agency and its Directors. There has been a feeling that they do a good job and, therefore, the Senate should not interfere in what was considered an executive department matter of great sensitivity.

Those days are now long past. The Senate is recognizing its rights and responsibilities when it comes to the formation of foreign policy and the balance of power between the executive department and Congress. The balance is shifting more to the middle of the spectrum, where it belongs.

For its part, the Armed Services Committee has moved to update and reinvigorate its oversight duties. The distinguished acting Chairman of that committee, Mr. Symington, is to be credited for this revival of interest. The chairman, Mr. Stennis, likewise has indicated that the committee will undertake a far reaching review of the intelligence community.

PRIOR ATTEMPTS AT JOINT COMMITTEES UNSUCCESSFUL

Over 200 bills and resolutions have been offered dealing with increased oversight of the intelligence community. Most of these have dealt with the creation of a joint Senate-House committee. Only two bills actually have been brought to a vote, and both of these were defeated handily.

The first of these was authored by the distinguished majority leader in 1955 with the support of 33 cosponsors, some of which failed to vote for the concurrent resolution when it was considered and rejected by a vote of 59 to 27.

The second proposal was tested in 1966 by Senator Eugene McCarthy. As reported out, it would have formed a Committee on Intelligence Operations composed of nine members, three from Foreign Relations, three from Appropriations, and three from Armed Services. A vote on a point of order regarding this resolution registered a 61-to-28 decision to send it to the Armed Services Committee, where no action was taken.

On November 13, 1971, the distinguished Senator from Missouri (Mr. Symington) introduced a Senate resolution to create a Select Committee on the Coordination of U.S. Government Activities Abroad. It would have reviewed the coordination of U.S. Government departments and agencies abroad, including the Department of Defense and the Central Intelligence Agency. The resolution was referred to the Department of State, Department of Defense, and the CIA for reports and was considered in executive session by the Foreign Relations Committee, but no specific action was taken.

This review of legislative history suggests that although many voices have been heard and bills introduced, little action has resulted. Until recently the oversight committees have resisted change even while admitting that the oversight function has frequently broken down.

A RECOMMENDATION FOR CONTINUITY AND CHANGE

With this backdrop it is important to note that any new proposals should contain the best elements of previous working relationships and whatever new arrangements would strengthen the role of the Senate over this executive department entity.

For security purposes there must be continuity and a respect for the sensitive nature of the oversight role. Radical changes are not appropriate. But sensible alterations must be considered.

The resolution I am offering, which I should note belongs in spirit and design as much to the majority leader as to anyone, would alter the standing rules of the Senate. A new committee on the Central Intelligence Agency would be established containing seven members.

For the sake of continuity and in deference to the experience of the Armed Services Committee in these matters, two members would be selected from that body.

In order that all foreign policy implications of our covert activities are considered, two members would be selected from the Foreign Relations Committee. As we all know, many CIA operations have had distinct foreign policy effects, and these should be evaluated not only after the fact, but before marginal operations are undertaken.

Three remaining positions would be filled from the rest of the Senate. No more than four of the seven members would be of the majority party.

The new committee would come into existence 20 days after the enactment of the resolution. All proposed legislation, messages, petitions, memorials, and other matters relating to the Central Intelligence Agency would be promptly referred to the committee. All matters pertaining to the appropriations of funds for the operation of the Central Intelligence Agency that normally falls within the jurisdiction of the Committee on Appropriations would be exempted.

A CRITICAL COMPONENT: STAFF

A new committee would have a distinct advantage over the present arrangement. It would be able to hire a full time highly qualified staff to assist in the monitoring process.

I have the greatest respect for the present staff of the Armed Services Committee. They are talented and hard working. But they have many other pressing responsibilities besides that of reviewing the intelligence community. Handling the Department of Defense budget request is a mammoth job on its own.

In order to exercise the required oversight over the Central Intelligence Agency, Defense Intelligence Agency, National Security Agency, intelligence components of the Army, Navy, Air Force, FBI, Atomic Energy Commission, and Department of the Treasury with an annual budget somewhere in the $4 or $5 billion class requires full-time attention by a full-time staff.

Too many surprises have come our way to accept the present condition of the oversight function. We cannot afford to do any less than the best. I am sure that all agree on that. This resolution would provide the Senate with the means of restoring firm control over the intelligence community.

Mr. President, I ask unanimous consent that resolution be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

S. Res. 159

Resolved, That Rule XXV, paragraph 1, of the Standing Rules of the Senate is amended by inserting a new subparagraph (f) and relettering the subsequent paragraphs accordingly. The new subparagraph (f) reads:

"(f) Committee on the Central Intelligence Agency, to which shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the Central Intelligency Agency, including authorizations of appropriations for the operation of the Agency."

Sec. 2. Rule XXV of the Standing Rules of the Senate is amended by inserting a new paragraph 4 and renumbering the subsequent paragraphs accordingly. The new paragraph 4 reads:

"4. Without regard to paragraph 7 of this rule, the committee on the Central Intelligence Agency shall consist of seven Senators, no more than four whom shall be members of the majority party, and of whom two shall always be Senators who are concurrently serving on the Committee on Armed Services, of whom two shall always be Senators who are concurrently serving on the Committee on Foreign Relations, and of whom the remaining three shall be selected from the remaining number of Senators."

Sec. 3. The Committee on the Central Intelligence Agency shall come into existence 20 days after the date of enactment of this resolution and all proposed legislation, messages, petitions, memorials, and other matters relating to the Central Intelligence Agency which is or shall be before any other Committee of the Senate, except for those matters pertaining to appropriations of funds for the operation of the Agency within the jurisdiction of the Committee on Appropriations, shall be promptly transferred to the committee.

SENATE RESOLUTION 160—SUBMISSION OF A RESOLUTION TO ESTABLISH A TEMPORARY SELECT COMMITTEE OF THE SENATE

(Referred to the Committee on Government Operations.)

Mr. HUMPHREY. Mr. President, for myself and Mr. Biden, Mr. Gravel, Mr. McGovern, Mr. Cranston, Mr. Stevenson, Mr. Bible, Mr. Metcalf, Mr. Mondale, Mr. Hughes, Mr. Mathias, Mr. Abourezk, Mr. Taft, and Mr. Hathaway, I submit a Senate resolution calling for the establishment of a Senate Select Committee To Study and Investigate the Regulatory Commissions of the U.S. Government.

The resolution would create a select committee composed of 13 members, three from the Committee on Banking, Housing and Urban Affairs; three from the Committee on Commerce; three from the Committee on the Judiciary; and four members appointed at large. Eight members of the select committee will be of the majority party; five of the minority. The committee is mandated to submit a final report to the Senate not later than January 20, 1976, with such interim reports as the committee decides advisable.

Under the terms of the resolution, the committee is charged with conducting a study and investigation of the regulatory commission along the following lines: First, the influence and impact of commission activities, procedures, rules, orders, decisions as these activities affect the general economy of the United States; second, the accountability of the commissions to the Congress, the relationships of the commissions to other agencies, to the executive branch, to the private sector, and the relationships of the activities of the commissions to the American consumer; and third, the appropriateness of regulation for given sectors of the economy, including an examination of the adequacy of current legislative statutes and an analysis of the economic consequences of regulatory activities for the American public.

Mr. President, various agencies are likely to fall under the scrutiny of this commission. The resolution directs itself in particular to the Civil Aeronautics Board, the Federal Communications Commission, the Federal Power Commission, the Federal Trade Commission, the Interstate Commerce Commission, and the Securities and Exchange Commission. However, there are other agencies and commissions that would likely be examined such as the Federal Home Loan Bank Board, the Food and Drug Administration, the National Labor Relations Board, the Renegotiation Board, the Tariff Commission, and the Federal Maritime Commission.

Mr. President, one of the particular areas of inquiry in which I am especially interested is the relationship of these agencies to the Congress. Originally, these commissions and agencies were interested to be "Arms of the Congress" which Congress defined as independent agencies with quasi-legislative and quasi-judicial functions. In short, the commissions were intended to be independent of the Executive, to be free from Executive control, and to act in a manner protecting the public interest.

Mr. President, in my judgment, there have been two serious perversions of the original congressional concept. First, the executive branch of our Government has captured control over these agencies. And, second, the commissions themselves have become captives of the special interest they are supposed to regulate, placing the wishes of the special interest first and those of consumer last.

Mr. President, there is little doubt that the executive branch of the Government has achieved a remarkable degree of control over the regulatory commissions. In my instances, the agencies are subject to the same budgetary process of regular departmental agencies; at times the Office of Management and Budget has refused the funds and the necessary personnel to enable the agencies to conduct the studies and investigations so crucial to the work of the commissions.

To emphasize this point, I need only refer to the testimony of FCC Commissioner Nicholas Johnson of February 22, 1973, before the Subcommittee on Communications of the Senate Commerce Commissioner Johnson said:

> Let me detail for you all the ways the Executive Branch can and does exercise control over the FCC:
>
> 1. The initial selection, reappointment, or promotion of the Commissioners depends on the pleasure of the President.
>
> 2. The Chairman is designated and serves at the pleasure of the President.
>
> 3. Senior staff officials—super grades—must be cleared through the Civil Service Commission and the White House.
>
> 4. FCC budgets are submitted to OMB, and the FCC may request only what OMB allows. OMB sets the priority and level of FCC program expenditures by pairing or eliminating program requests of which it does not approve. Appropriated funds can also be impounded if OMB decides they should not be spent.
>
> 5. OMB sets personnel ceilings and average grade levels which substantially affect how appropriated funds can be spent.
>
> 6. OMB can require as a condition of approved or released funds, the conducting or particular studies, changes, in organization, or adoption of particular policies.
>
> 7. The FCC legislative proposals must be cleared through OMB in order to be included in the President's legislative program and to be funded.
>
> 8. In order to adopt forms necessary to secure needed information from regulated companies, the FCC must obtain OMB approval, including approval on occasion of underlying policies. This approval is, incidentally, influenced by the very industry from which we seek the information—in the form of an "industry advisory committee" to the OMB.

Concludes Commissioner Johnson:

> The effect of this Executive Branch power can be seen in many ways. The facade of "independence" and Congressional scrutiny is maintained, while the Executive can exercise control without assuming responsibility for the agencies' action. The resident is not held accountable.

If executive control is one half of the serious problem plaguing the commissions, the failure of the commissions to regulate in the public interest is no less serious. And, potentially this can be more damaging. The fact is that the public has become increasingly cynical of regulatory agencies that purport to represent the public interest while making decisions that cost the public money.

We must ask hard questions:

Does the Civil Aeronautics Board set rates to benefit the airlines or the air passengers? Does the CAB have procedures, standards, and operations to give fair and equitable treatment to all airline route applicants?

Do the regulations of the CAB promote competition between airlines that will result in the most efficient air transportation to Americans at the lowest possible cost or do they follow a regulatory pattern on a "lowest common denominator" basis to assure that the least efficient airline maintains its profitability?

Does the FCC act against deceptive broadcasting practices? Does it set rates in the interest of the public utilities or the consuming public? Does the FCC afford protection to licensees that meet their license responsibilities?

Does the Federal Trade Commission protect the public against misleading and manipulative advertising? Does the FTC afford protection to legitimate business against predatory business?

Does the Federal Reserve Board, when it sets monetary policy, act in the best interest of the Wall Street banks or the Main Street consumer?

Does the ICC strive to promote the most efficient rail system our Nation is capable of sustaining or merely the perpetuation of the present railroad system? How does the ICC balance the needs of the public for rail service with the railroads profit requirements in its decisions on rail abandonments? Are other public policy objectives, such as those related to energy conservation, rural development, environmental protection, to name but a few, adequately weighed by the ICC in its decisions?

Mr. President, I believe that the Congress and the American public should know the answer to these and other questions involving the whole gamut of Federal independent and regulatory agencies.

It is timely for Congress to conduct a full and fair review of the whole regulatory field. The last time such an inquiry was conducted was more than 13 years ago when the Landis report was completed for President-elect Kennedy. This study was more concerned with the administrative and organizational aspects of the regulatory agencies than with the economic results of the regulation, the control points in regulation and the effects of commission and agency activities on the consumer.

In short, Mr. President, this whole area has remained unexamined, often hidden from public view. Yet, with the possible exception of taxation, no economic activity touches so much of the citizenry as does the regulatory commissions. No activity—in fields of power, transportation, or communications, labor relations, monetary policy, or securities and banking—is as pervasive as that of the regulatory commissions.

Mr. President, I believe that detailed, broadly based, bipartisan examination of these agencies will clear the air. It will cleanse the regulatory process. It will strengthen the capabilities of Congress. And, it will immeasurably add to public confidence in the actions and activities of Government.

I ask unanimous consent that the resolution be printed at this point in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Resolved, That (a) there is established a temporary, select committee of the Senate to be known as the Select Committee on Regulatory Commissions and the United States Economy (referred to in this resolution as the "Committee").

(b) The committee shall conduct a complete study and investigation on regulatory commissions and agencies of the United States Government, including—

(1) the influence and impact of the activities, procedures, rules, orders, and decisions of such regulatory commissions and agencies, in particular, the Civil Aeronautics Board, the Federal Communications Commission, the Federal Power Commission, the Federal Trade Commission, the Interstate Commerce Commission, and the Securities and Exchange Commission; and

(2) the accountability of such regulatory commissions and agencies to the Congress, the relationships of these commissions and agencies to other departments, agencies, and independent establishments of the executive branch of the United States Government, the relationship of each such commission or agency to any sectors of private or public enterprise the commission or agency is charged by statute with regulating, and the relationships of those commissions and agencies to the United States consumer;

(3) the appropriateness of regulation for given sectors of the economy, the adequacy of current legislative statutes, and the economic consequences of commission and agency regulatory activities for the United States consumer; and

(4) such other matters as the committee considers appropriate.

(c) The committee shall submit a final report to the Senate not later than January 20, 1976. The report shall contain a comprehensive summary of the work of the committee and shall include such recommendations as the committee deems appropriate with regard to the functions referred to in subsection (b) of this section. The committee shall from time to time make such other reports and recommendations to the Senate as it deems appropriate.

(d) The committee shall cease to exist upon the expiration of thirty days following the submission of its final report under subsection (c) of this section.

Sec. 2. (a) The committee shall consist of thirteen Members of the Senate, appointed as follows:

(1) Three members of the Committee on Banking, Housing and Urban Affairs, two from the majority party and one from the minority party, designated by that committee;

(2) Three members of the Committee on Commerce, two from the majority party and one from the minority party, designated by that committee;

(3) Three members of the Committee on the Judiciary, two from the majority party and one from the minority party, designated by that committee; and

(4) Four Members of the Senate, 2 from the majority party and 2 from the minority party, appointed by the President pro tempore of the Senate.

Service of a Senator as a member or as chairman of the Committee shall not be taken into account for the purposes of paragraph 6 of Rule XXV of the Standing Rules of the Senate.

(b) One of the members of the Committee shall be designated by the President pro tempore of the Senate to serve as Chairman of the Committee. Vacancies in the membership of the Committee shall not affect the authority of the remaining members to execute the functions of the Committee and shall be filled in the same manner as original appointments are made.

(c) A majority of the members of the Committee shall constitute a quorum for the transaction of business, except that the Committee may fix a lesser number as a quorum for the purpose of taking sworn testimony. The Committee shall adopt rules of procedure not inconsistent with the rules of the Senate governing standing committees of the Senate.

(d) The Committee shall have no authority to report any legislative measure to the Senate nor shall it otherwise have legislative jurisdiction.

Sec. 3. (a) For the purposes of this resolution, the Committee or a subcommittee thereof, is authorized, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) to hold hearings, (4) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (5) to require, by subpena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents, (6) to take depositions and other testimony, (7) to procure the services of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, as amended, and (8) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) With the consent of the chairman of any other committee of the Senate, the Committee may utilize the facilities and the services of the staff of such other committee of the Senate, or any subcommitee thereof, whenever the Chairman of the Committee determines that such action is necessary and appropriate.

(c) Subpenas may be issued by the Committee or by a subcommittee thereof, over the signature of the Chairman of the Committee or subcommittee or of any member designated by either of them, and may be served by any member designated by any such Chairman or member. Any such Chairman or member may administer oaths to witnesses.

Sec. 4. The expenses of the Committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the Committee.

Mr. BIDEN. Mr. President, I am pleased to cosponsor the Senate resolution introduced by Senator Humphrey today calling for the establishment of a Select Committee to study and investigate U.S. regulatory commissions.

Vast responsibilities are delegated to administrative agencies through legislative authority and executive mandate. Such agencies are appropriately required to handle details of policy and specific situations that Congress cannot adequately consider. Nevertheless, it is our ultimate responsibility to inquire into results of delegated decisions.

We have not had the benefit of a close analysis of regulatory commissions for 13 years. With their ever-expanding role, I feel it is necessary once again, from a fresh standpoint, to inquire into and evaluate the administrative process.

I congratulate my distinguished colleague from Minnesota for taking the initiative in introducing this important legislation.

SENATE RESOLUTION 161—SUBMISSION OF A RESOLUTION CONCERNING THE CONSIDERATION BY THE SENATE OF CERTAIN MEASURES AND CONFERENCE REPORTS

(Referred to the Committee on Rules and Administration.)

Mr. McCLURE submitted the following resolution:

S. Res. 161

Resolved, That the first sentence of section 133(f) of the Legislative Reorganization Act of 1946 is amended—

(1) by inserting immediately after "unless" the designation "(i)"; and

(2) by inserting immediately before the period at the end thereof a comma and the following: "and (ii) in the case of a measure or matter reported for at least ten calendar days and not yet considered by the Senate, notice has been published in the Congressional Record at least three calendar days (excluding Saturdays, Sundays, and holidays) prior to consideration of the measure or matter, stating the day on which consideration of the measure or matter is to begin."

Sec. 2. Section 135 of the Legislative Reorganization Act of 1946 is amended by adding at the end thereof the following new subsection:

"(e) It shall not be in order to consider any report made by a committee of conference to the Senate unless the report and the accompanying explanatory statement have been printed in the Congressional Record at least three calendar days (excluding Saturdays, Sundays, and holidays) prior to the consideration of such report by the Senate. This subsection may be waived during the last six calendar days of any regular or special session of the Senate, as determined, and published in the Record, by joint agreement of the majority leader and minority leader of the Senate."

SENATE RESOLUTION 162—SUBMISSION OF A RESOLUTION TO ENCOURAGE BILINGUAL SIGNS IN THE UNITED STATES

(Referred to the Committee on Government Operations.)

FOREIGN VISITORS TO THE UNITED STATES

Mr. HUMPHREY. Mr. President, this summer, I have noticed a marked increase in the number of foreign visitors and tourists in our Capital City. We should promote this increase in foreign tourism by doing everything possible to make visitors from abroad feel welcome in our country.

One small but vital change that could help stimulate foreign tourism would be to have public signs and inscriptions written in at least two languages or to represent pictorially these signs and inscriptions so that they can be understood by anyone, regardless of the language they speak.

When Americans travel to Europe, or to Japan, or even to Africa, we can usually find someone who speaks some English when we get lost, or need to find a restaurant, or locate a restroom. However, when a Japanese, French, Spanish, or German speaking foreigner travels to the United States and needs assistance, he has a hard time finding a person on the street or in his hotel who is able to aid him.

Almost every airport, bus station, or railroad station overseas has signs in more than one language. Tourist pamphlets usually are written in two or three languages. Internationally understood pictorial signs are used for marking restaurants, restrooms, traffic rules, exit signs, and public buildings. However, here in the United States hardly a bilingual or pictorial sign can be found except for the increased use of internationally recognized traffic signs.

In 1971, around 13 million foreign visitors spent an estimated $2.5 billion in the United States, while Americans spent $4.3 billion abroad—a $1.8 billion drain on our balance of payments. This year it is predicted that foreigners will spend $3.7 billion in the United States, while Americans abroad will spend around $6.2 billion—a $2.5 billion imbalance. This trend could easily be abated, if the United States would begin to actively promote foreign tourism to bring these dollars back home.

With the recent devaluations of the dollar, more foreigners are now able to afford a vacation in the United States. Already, in the first 3 months of this year, there has been a 29-percent increase in foreign visitors over the same period in 1972. The United States has issued as many as 6,000 visas in 1 day in Tokyo recently and around 2,300 visas in 1 day in London to allow foreign tourists to enter this country. Nevertheless, it has been estimated that while over 80 million people throughout the world can afford a vacation in the United States, we have been able to attract less than 10 percent of that market each year.

The tourist industry is one of the fastest growing industries in this country, but one of the most forgotten. In 1970, the tourist industry accounted for 3.8 percent of our private employment. However, by 1980, a 60-percent increase in employment is expected in this industry. And one of the biggest reasons for this sharp rise in employment will be the increase in foreign tourists.

Our Nation today is an underdeveloped country in terms of foreign tourism. I commend the several agencies such as the International Visitors Service Council, the U.S. Travel Service, and the Discover America Travel Organization which have done such a good job in providing service to foreign visitors, will cooperate in making foreign visitors welcome.

We need to support the growing tourism industry. And one way to promote foreign tourism is by making foreigners feel more welcome here through the use of multilingual signs.

I ask unanimous consent that the text of my resolution be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

S. Res. 162

Whereas in 1971 the United States was host to almost 13 million foreign visitors;

Whereas these foreign visitors to the United States spent nearly $3.2 billion here;

Whereas the devaluation of the dollar has made it possible for more foreigners to afford the trip to the United States;

Whereas the Bicentennial celebration of the United States is to be celebrated in 1976 and of the projected 40 million tourists that will come to our Nation's Capital one-sixth of them will be foreigners;

Whereas the United States is not adequately prepared to give these visitors the warm welcome they deserve: Therefore, be it

Resolved, That Federal, State, and local governments set a precedent for private business by making all public signs and inscriptions read in at least two different languages, one being English and the other being either Spanish, French, or Japanese, or that these signs and inscriptions be pictorially represented so that they may be universally understood.

TREASURY-POST OFFICE APPROPRIATION BILL, 1974—AMENDMENT

AMENDMENT NO. 454

(Ordered to be printed, and to lie on the table.)

OMB WILL NOT RELEASE IMPACT AID FUNDS

Mr. McGOVERN. Mr. President, I submit an amendment to H.R. 9590, the Treasury and Post Office appropriation bill, which hopefully will insure that the funds we provided for "B" students under the impact aid program are in fact released by OMB.

The Office of Management and Budget has apparently returned to its practice of holding up appropriations the Congress has passed and the President has signed into law.

The latest instance of this policy is in the case of impact aid to so-called B students whose parents work but do not live on a Federal facility.

The continuing resolution we adopted last year provided $635 million for impact aid.

Despite the fact that he signed the continuing resolution into law, the President authorized OMB to impound a substantial portion of impact aid funds and in particular the funds for category "B" students.

So, earlier this year the Congress again appropriated funds for impact aid in an effort to get the administration to obey the law.

Among the provisions we adopted was one sponsored by Senator Young and myself which specifically required full funding for heavily impacted school districts such as the Douglas schools district near Rapid City, S. Dak., which was forced to close down because of the administration's impoundment policy.

Another of those provisions—contained in the second supplemental appropriation—made clear that category "B" students must be funded at the rate of 68 percent of entitlement, and not at the OMB guideline of 54 percent.

And when the second supplemental appropriation did not become law until July 1 of this year—in other words until after the end of fiscal year 1937—we added a provision to the public works appropriation bill requiring that the funds made available under the second supplemental remain available for obligation for 20 days after the public works appropriation becomes law.

Now OMB has reportedly decided not to release the $59 million which we provided for category "B" students. Their alleged justification for this is a tortured interpretation of the continuing resolution as amended. They say that while Congress may have provided for 68 percent funding for "B" students, we did not specifically appropriate funds for that purpose. In other words, OMB has conveniently forgotten the impounded funds provided under the continuing resolution which have remained in the Treasury.

So, Mr. President, it now falls upon us to again make the congressional intent "perfectly clear." We must remove any possible shred of doubt as to the entitlement to these funds.

Therefore, I am submitting this amendment today to put OMB on notice. I hope that they will change their position during the August recess and release the funds, as the law requires them to do.

But, if the funds are not released by the time we return in September, I will call up my amendment to require that they do so.

In conclusion, Mr. President, I ask unanimous consent that a copy of a letter I received from the Rapid City superintendent of schools, Dr. Charles A. Lindly, and the text of my amendment, be printed in the RECORD at the conclusion of my remarks.

There being no objection, the amendment and letter were ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 454

At the end of the bill insert the following new short title.

TITLE—SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

For an additional amount for carrying out for fiscal year 1973 the provisions of section 3(b) of Title I of the Act of September 30, 1950, as amended (20 U.S.C. ch. 13) in accordance with the amendment to Public Law 93-25 contained in Public Law 93-50, to remain available for obligation for a period of 20 days following the enactment of this Act into law, $59,000,000.

RAPID CITY PUBLIC SCHOOLS,
Rapid City, S. Dak., July 27, 1973.

Senator GEORGE MCGOVERN,
Old Senate Office Building,
Washington, D.C.

DEAR MR. MCGOVERN: As you know, the Second Supplemental Appropriation Act, PL 93-50 increased the entitlement for "B" pupils from 54% to 68%. This resolution was passed by Congress and signed by the President on July 1. However, Section 301 of PL 93-50 states that no part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

The Office of Education and the Office of Management and Budget have held that Section 301 precludes the release of the full 68% (an increase of 54 million dollars) for "B" pupils. There is still some hope that this money will be distributed as the Senate Appropriation Committee has amended the Public Works Appropriation Resolution for 1974 (H.R. 8947). The effect of the amendment is to provide twenty days from the date H.R. 8947 is enacted for the obligation of the funds appropriated in the Second Supplemental Appropriation Act.

It has been reported that these additional funds could be obligated within ten days if they are released by the Office of Management and Budget. It is expected that the Public Works Resolution (H.R. 8947) will pass Congress very rapidly and get to the President during the week of July 23. Therefore, if H.R. 8947 is enacted, there will be only twenty days to secure the release of these funds.

I urge you to do what you can to help obtain the release of the additional 59 million dollars so the school districts can be reimbursed the full 68% which was passed by Congress. Many thanks for your continued support of our schools.

Sincerely yours,
CHARLES A. LINDLY, Ed.D.,
Superintendent of Schools.

AUTHORIZATION OF APPROPRIATIONS FOR THE MILITARY SERVICES—AMENDMENT

AMENDMENT NO. 455

(Ordered to be printed, and referred to the Committee on Armed Services.)

CONGRESS SHOULD HALT AWACS PRODUCTION

Mr. EAGLETON. Mr. President, I am submitting an amendment today to H.R. 9286 which would disallow any additional production of aircraft for the research phase of the Air Force's airborne warning and control system—AWACS—program. My amendment will give Congress the breathing space it badly requires to responsibly evaluate AWACS against the requirement for an improved air surveillance system.

I have recently completed a comprehensive survey of the AWACS program which has raised serious questions in my mind as to the feasibility of the system in both its air defense and tactical applications. This study has led me to conclude that Congress was premature last year in authorizing two prototype aircraft in addition to the two already in use for research and development. While these aircraft are being built with research—R.D.T. & E.—funds, it is clear from a number of statements made by the Air Force subsequent to the hearings on the fiscal year 1973 budget that the request to build these aircraft was based on a desire to move beyond research into the production phase.

Despite the Air Force's contention that the two aircraft will be used for "operational suitability testing," research is not the primary function of these aircraft. Responding to a recent GAO request for information about the feasibility of canceling the two aircraft, the Air Force made the following statement:

> Slippage of the production program would result in total program cost increase due to breaks in the aircraft production line . . .

This statement leaves little doubt about the Air Force's intent. A production decision has apparently already been made on AWACS—not by Congress, but by the Air Force.

If Congress fails to stop this effort to circumvent the legislative process, we may well be faced with the dilemma of either having to discontinue a program which will have used millions of tax dollars, or being forced to allow that program to go forward before all the facts are in.

If we act now, we can avoid this dilemma. I have recently been informed by the General Accounting Office that only $4 million will have been committed toward procurement of the two AWACS prototypes through August 1973. This expenditure represents only 6 percent of the total cost. If the Government acts expeditiously to suspend work on these aircraft, the losses will be minimal and the potential for savings great.

The Air Force is already using two aircraft for developmental testing of the AWACS concept. These planes were used in the radar competition conducted last year to determine the prime contractor for the avionics system. The losing plane is now being equipped with the radar system of the winning aircraft. The Air Force will therefore be able to continue a more than adequate research program until such time as Congress makes a production decision on the system.

Mr. President, commonsense and good management should not await the vagaries of the legislative process. I have therefore sent a letter to the Secretary of Defense asking him to suspend work immediately on the two AWACS prototypes. I am hopeful that Congress can work with the Defense Department on this matter to assure that the best interests of the American people are served.

Too often in the past the American taxpayer has had to bear the burden of questionable defense systems because it is cheaper to buy them than to terminate contracts and production lines. The misuse of R.D.T. & E. funds by the Defense Department to commit Congress to unproven defense concepts can no longer be tolerated. If Congress is to play an energetic role in strengthening our national defense by trimming excessive waste, then we will have to begin by insisting that individual programs such as AWACS are not thrust upon the American taxpayer before they are given adequate scrutiny.

If Congress is to have an opportunity to make a responsible judgment on AWACS, then it must have sufficient time to examine each of the options available to perform the air surveillance function in a cost-effective manner. We must insist that a system which raises so many fundamental questions about the defense of our Nation receives the scrutiny it deserves.

Mr. President, I ask unanimous consent that the following documents be printed in the RECORD at this point.

First. My letter to the Secretary of Defense dated August 1, 1973;

Second. A letter from the Assistant Comptroller General dated July 25, 1973, and its enclosure, a memorandum from the Department of the Air Force dated July 2, 1973, containing information concerning the effect of cancelling the two prototype aircraft currently in the initial stages of production;

Third. My research report on the airborne warning and control systems—AWACS.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AUGUST 1, 1973.

Hon. JAMES R. SCHLESINGER,
Secretary of Defense,
The Pentagon,
Washington, D.C.

DEAR MR. SECRETARY: I have introduced an amendment to the Military Procurement Bill which would disallow additional aircraft for use in connection with the Airborne Warning and Control System (AWACS) until Congress specifically approves continuation of that program. I am enclosing a comprehensive study of AWACS which raises serious questions as to the feasibility of the system in both the air defense and tactical application. My amendment is intended to give both Congress and the Department of Defense the time required to re-evaluate this expensive program.

Whether or not you agree with all of the conclusions of my report, I hope you will agree that additional decision-making time is required and suspend further work on the two prototypes authorized last year until such time as a production decision is forthcoming. While these aircraft are being purchased with RDT&E funds, they clearly represent the opening of the AWACS production line. Especially in light of the questions raised in my study, the procurement of operational AWACS aircraft is premature at best, and at worst may unalterably commit the nation to a system the worth of which is yet unproven.

If you take expeditious action with regard to the prototypes, you will be moving to suspend work on a program which has thus far expended only $4 million of the $67 million required for completion. Even considering whatever minor contract penalties that may result, the potential for savings will be great as both the legislative and executive branches will be able to carefully scrutinize the necessity for a complex $2.6 billion program.

As you know, the Air Force is currently conducting an extensive series of R&D tests on AWACS with the two aircraft used in the radar fly-off competition. I think you will agree that these aircraft are sufficient to continue developmental research on AWACS until a production decision is made by Congress when it considers the FY-1975 budget.

I see no reason why Congress should be at odds with your Department over an issue as fundamental as providing our nation with a cost-effective, survivable and reliable air surveillance system. I am therefore hopeful that you will give my study on AWACS careful consideration and take action to assure that our opportunity to re-evaluate AWACS is not foreclosed by a head-long rush into production.

Thank you very much for your assistance in this matter.

Sincerely,
THOMAS F. EAGLETON,
U.S. Senator.

ASSISTANT COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., July 25, 1973.

B-163058.

Hon. THOMAS F. EAGLETON,
U.S. Senate.

DEAR SENATOR EAGLETON: As a result of an informal request from a member of your staff on June 14, 1973, we have obtained the enclosed information from the Department of the Air Force concerning the cancellation of the two aircraft on the AWACS program.

Basically, the Air Force memo states that the cost expended on the program through August 1973 will be about $4 million. The Air Force further stated that the estimated cost to complete production of the aircraft is $67 million. Other program considerations that would result from the cancellation also are put forth by the Air Force.

If we can be of further assistance, please call.

Sincerely yours,
THOMAS D. MORRIS,
Assistant Comptroller General.

Enclosure.

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS U.S. AIR FORCE,
Washington, D.C.

Subject: GAO Request for Information on the AWACS Program for Senator Eagleton (Your ltr. 25 Jun 73).

To: AF/ACG.

The attachment to the letter referenced above requested information about the two Boeing 707 aircraft initially approved in the FY 1973 authorization. The two aircraft are referred to in the answer below as test aircraft #3 and #4. Answers to the specific questions follow:

a. What is the current production and expended cost status of the two aircraft? Boeing production/outside procurement releases for test aircraft #3 and #4 began this month (June 1973) for the following parts and assemblies.

Section 46 (beefed up to accommodate the rotodome).
Gear Boxes
Nacelle Support Fittings
Nose Landing Gears
Power Packs
Engine Struts
Liquid Cooling Systems
Cabinet Air Conditioning Systems
Avionics Cooling Systems
Bleed Air Systems
Auxiliary Power Unit Assemblies

The buildup of Boeing cash expenditures and non-cancellable commitments for this effort are as follows:

[Dollars in millions]

June 1973:	
Expended	0
Commitments	1.5
Cumulative required	1.5
July 1973:	
Expended	.5
Commitments	1.5
Cumulative required	2.0
August 1973:	
Expended	1.5
Commitments	2.5
Cumulative required	4.0

B. If the aircraft program (for test aircraft #3 and #4) was to be cancelled now, what would be the cost impact vs the cost to complete? The total cost to complete the two aircraft is estimated at $67 million. Any near term savings related to cancellation of these aircraft would be reduced by the sunk costs at the time of termination, as identified in the cumulative requirements position in paragraph a. above. It would be further reduced by the costs of replanning and negotiating a restructured program.

c. What impact would cancellation of the production of these two aircraft now have on the AWACS program? Cancellation of AWACS test aircraft #3 and #4 would have a significant impact on the total program. It would result in a broken contract and the necessity to renegotiate a totally restructured program. The remaining two aircraft would have to absorb the 38 aircraft flight test months currently programed for test aircraft #3 and #4. This would slip the completion of flight test by at least 16 months, with a similar slip in production deliveries and initial operating capability unless the risk of increased concurrency is accepted. Further, the "cost to complete" the two aircraft would not represent a savings since this cost would have to be picked up by the production program because these two aircraft are slated for operational delivery after completion of the test program. Slippage of the production program would result in total program cost increase due to breaks in the aircraft production line, a loss of learning, renegotiation with the prime contractor and with his subcontractor, and economic escalation.

BENTON K. PARTIN,
Brigadier General, USAF.

REPORT ON THE AIRBORNE WARNING AND CONTROL SYSTEMS (AWACS)

(A research paper prepared by Senator THOMAS F. EAGLETON)

SUMMARY CONCLUSIONS AND RECOMMENDATIONS

The Airborne Warning and Control System (AWACS) aircraft, a modified Boeing 707, is being requested as part of an Air Force plan to upgrade U.S. air defenses against attack by strategic bombers. The Air Force proposed also that this surveillance and command and control platform be used in a tactical role to replace aircraft now available for battle management in air combat. The current program calls for eventual construction of 42 of these E3A aircraft, as the modified Boeing 707 is now designated, 32 for air defense applications and 10 for tactical air applications.

The AWACS program is subjected to a comprehensive analysis in the body of this study. This examination has led to the following conclusions:

1. The consensus of military opinion for some two decades, that is, since the advent of long-range bombers, has been that the benefits of constructing continental or wide-area defenses against heavy bomber attack are not commensurate with the costs.

2. There is no compelling need to improve the U.S. air defense capability, which has been in a state of secular decline for ten years as a result of the steady reduction of the Soviet bomber "threat." There are, furthermore, no signs that this trend in the Soviet strategic bomber force will be reversed, while the Peoples' Republic of China is pursuing a parallel course of reliance on intercontinental ballistic missiles for its strategic offensive weapon. The primary reason for the de-emphasis on long-range bombers is their relative slowness as compared to ballistic missiles, a slowness which permits advance warning of impending attack.

3. Even assuming that there were a need for defense against strategic bombing attacks, the AWACS platform is not militarily effective or a cost-effective solution to the problem of forward defense and command and control of manned-interceptors. Though its look-down radar clearly has advantages over existing radars, the benefits of this capability are neutralized by the extreme vulnerability of the E3A to attack by passive homing missiles. At a conservatively estimated cost of $63 million per aircraft, the AWACS is an expensive target for missiles costing a determined enemy only a fraction of that amount.

Thus it is neither cost effective in relation to the presumed threat or in relation to the investment required to counter it.

4. The 1972 ABM Treaty between the U.S.S.R. and the U.S., in essence, provides a "free ride" for ballistic missiles. There is no justification for a heavy defense against the secondary threat of bombers, when the U.S. has agreed to forgo a heavy defense against the primary threat of ICBMs. This is especially so in view of the fact that bombers would be used in a "clean-up" role, arriving over target after ICBMs have destroyed military targets, including AWACS and interceptor bases.

5. In its tactical application, AWACS is subject to the same threat. Though the Air Force claims that the AWACS would be deployed far from the air theatre, it is likely to be the center of concerted attacks by the enemy, except in those circumstances where

it can take advantage of sanctuaries in a space adjacent to the air battle—a condition which existed in Indochina but is unlikely to be repeated elsewhere.

6. In any event, the high cost of AWACS, if procured for a tactical mission alone, makes it prohibitive as an answer to the problem of tactical air battle management. Since it cannot be justified for air defense, the mission of tactical air control must be satisfied by some other system designed to cost rather than added on to an air defense system.

7. The OTH–B radar program, which is designed to provide early warning to alert AWACS aircraft, can be justified on the basis of its cost in relation to air defense needs and other benefits. Likewise, there is a continuing need to develop advanced interceptors, because of their uses beyond defending against a strategic bomber attack. These components of the over-all air defense modernization scheme merit continued research and development.

8. The AWACS platform cannot be justified in either an air defense or tactical air application. The question of providing an adequate surveillance and command and control capability requires further investigation in terms of options which meet the criteria of cost-effectiveness, survivability, and reliability.

RECOMMENDATIONS

Based on the foregoing analysis, it is recommended that Congress:

1. Delete funds for any further aircraft procurement in connection with the AWACS program.
2. Continue funding of the OTH–B radar program.
3. Reduce funding for the AWACS program to a level sufficient to provide for minimum research and development, especially on the electronics system.
4. Direct OSD and the Air Force to provide studies on the points raised in this study, specifically on all options to AWACS to fill the command and control requirement in a tactical environment.
5. Allocate funds for the study of aircraft to fill the IMI role, including the study of aircraft now in development.

I. SYSTEM DESCRIPTION AND MISSIONS

The Airborne Warning and Control System (AWACS) is part of a plan being developed by the Air Force to upgrade the U.S. continental air defense capability. The plan includes the AWACS aircraft, an Over-the-Horizon-Backscatter (OTH–B) long-range radar system, and an improved manned interceptor (IMI). Additionally, AWACS is being designed to provide a battle management capability for tactical air forces, including air surveillance, and command, control, and communications functions.

The proposed AWACS aircraft is a converted four-engine Boeing 707, redesignated E3A and modified to carry a large saucer-shaped rotodome on twin pylons above the fuselage. Housed in the aircraft would be a communications-electronics section and an air combat operations section. The AWACS platform would carry, in addition to a flight crew of four, a battle commander, a communications-electronics team of four, and an air defense operations team of eight.

Subsystems within the core configuration of the aircraft are designed to perform two functions: (1) surveillance, identification, and tracking of hostile and friendly aircraft in a specific sector or battle zone and (2) data analysis and communications for the purpose of command and control of U.S. aircraft.

The first function would be performed by radars in the rotodome, which provide a look-down capability, by ancillary radars, and by analysis and display equipment which permits continuous tracking of acquired targets. If perfected, AWACS radar capability will be its chief distinguishing feature, allowing it to discriminate low-flying aircraft from the ground-level "clutter" which interferes with normal radar operations over land and sea.

Dr. John S. Foster, Jr., former Director of Defense Research and Engineering, described this aspect of AWACS in testimony before the Senate Armed Services Committee on February 26, 1970, as follows:

"The secret of the whole system is that this radar would be able to detect aircraft coming in down low, just above the surface of the water or the ground. It would be able to discriminate between what is water or ground and what is a moving airplane. That is the heart of the whole system."

AWAC's second function is, from an equipment standpoint, essentially one of analyzing and communicating information. It involves processing and displaying data and communicating information on priority targets to central defense sectors on the ground and to the appropriate interceptor or other fighter aircraft and vectoring them to destroy incoming hostile aircraft.

Aside from its radars, AWACS, or the E3A, thus carries a sophisticated electronics package of data processing, relaying, displaying, and communicating equipment, as well as a system for active interrogation of unidentified aircraft.

The AWACS is being designed, as noted, to fulfill two missions: (1) defense of the continental U.S., and perhaps Europe, against attack by bombers, presumably armed with nuclear weapons and (2) management of friendly air forces in a tactical environment.

In its first role, for Aerospace Defense Command, AWACS is to be linked to a system of OTH–B radars which are to provide initial warning of bomber sorties while they are still distant from the U.S. (This same notification may also be provided by non-radar monitoring systems, such as electronics intelligence or communications intelligence, which will also reflect any raids.) Upon notice of impending raids or possible raids, the AWACS aircraft would fly out more than 1,000 miles and take station in order to perform its functions as an intermediate radar tracking and command and control facility. Employing its look-down radar and data processing systems, the AWACS aircraft will pick out enemy bombers, some flying low to avoid detection by normal ground-based, line-of-sight radars, and direct surface-to-air missile batteries or manned interceptors to engage them. The on-station time for AWACS established in the Selected Acquisition Report (SAR) was seven hours but it has since been reduced to five hours. Thirty-two aircraft are being requested for this air defense mission.

In its second role, for the Tactical Air Command, the AWACS platform would replace the Airborne Command and Control Center Aircraft (C–130E) presently in operation. In this mode, AWACS is seen as an alternative to or as a means of modernizing existing battle management facilities—ground-based or airborne—such as the C–130E, the Navy's new E2C, or other aircraft which have been used in this role. Mission interchangeability between the air defense and tactical air modes is achieved by changing central processor software. Ten aircraft are being requested for the tactical role.

The justification for AWACS in a tactical air environment is largely based on the experience of the Air Force in the Vietnam War, in which pilots of interdiction fighter-bombers operating from Thailand encountered orientation problems while operating in hostile airspace over North Vietnam, beyond the reach of U.S. ground control facilities.

To counter this lack of surveillance and control capability, the Air Force equipped a number of aircraft with radars, data processing equipment, and communications facilities to provide forward area assistance to the fighter-bombers. Additionally, photographic and electronic surveillance was conducted by drones or manned aircraft prior to U.S. raids on North Vietnam and this information was provided to pilots to give them a more complete picture of the environment they were entering, including the deployment of hostile fighter squadrons, radars, and missile batteries, as well as the terrain.

Because this system grew up piecemeal as a response to unanticipated and changing tactical conditions, it was not designed to meet the ordinary cost-effectiveness criteria which govern modern U.S. weapons systems. Development Concept Paper No. 5 approved the development of the AWACS platform for air defense but deferred the decision on AWACS in a tactical role. It was not until Revision 1 to DCP No. 5 was issued in February, 1970 that a tactical role was approved for the system. At the same time, the total quantity was reduced from 64 to 42 aircraft.

Since the approval of AWACS as a tactical system, the Air Force has given special emphasis to this role, raising it to the level of a requirement equal in significance to that of air defense. Asked whether greater stress was being laid on the tactical role of AWACS as opposed to the bomber defense role, an Air Force spokesman gave the following reply in Senate testimony on the Defense Procurement Bill in February, 1970:

"Last year there was general agreement within OSD and the Air Force that AWACS was required for its tactical application as well as for its role in air defense of CONUS. . . . A recent revision to the DCP No. 5 recognizes the need of AWACS for both tactical applications and air defense. This revision is not a deemphasis of the air defense role but is a formal recognition of equal importance of the tactical role for AWACS."

The revision to DCP No. 5 was based on a cost-effectiveness comparison of AWACS to the make-shift system which had grown up under battle conditions in Indochina. Naturally, AWACS showed advantages from a cost standpoint, especially if it was already going to be purchased in large numbers for air defense.

II. SYSTEM EVALUATION

A. The Evolution of Air Defense

The current impetus for building AWACS stems from a decline in the U.S. air defense posture, a condition which will be addressed further on. The beginnings of the AWACS concept, however, dates back ten years to 1963 when the requirement for a look-down radar capability was first established. Advances in radar technology since that time made a reality of this concept and look-down radars are now being incorporated in numerous other aircraft types, including the F–15, which has been proposed along with other aircraft for the improved manned interceptor role.

Yet AWACS must be considered in the context of the evolution of air defense as a whole. Air defense customarily signifies the protection of broad or continental land masses from attack by bombers armed with either "gravity" nuclear bombs or "stand-off" weapons which permit launching of warheads while the aircraft remains distant from the target.

Prior to the advent of intercontinental ballistic missiles, bombers constituted the primary strategic offensive force for nuclear nations. Even in the early period of the bomber era, when radars were less sophisticated and bombers had greater range limitations, it was generally conceded to be impossible to develop an air defense system that was near leak-proof. Furthermore, an attempt to achieve even an approximation of a leak-proof system was considered to be prohibitively expensive and not worth the cost, especially in view of the advantages of the offense over the defense.

As Air Force Chief of Staff General Hoyt S. Vandenburg expressed it to the House Appropriations Committee in 1953:

"There is a law of diminishing returns that applies to air defense. Any defense system that stopped 25% of the attackers is highly capable. Our greatest defensive and offensive weapon is our strategic force."

General Vandenburg's advice was not heeded, however, and by the end of 1953, Congress had approved funds for the construction of a massive or "thick" air defense sytem. The heart or brain of this heavy air defense package was a tracking and data processing facility called SAGE, an acronym for "semi-automatic ground environment." The sensory capacity of the U.S. air defense system lay in its radar network, including the Pine Tree and Distant Early Warning lines to the north, the radars mounted in Texas towers in coastal waters and in radar picket ships (DERs) in the open ocean, and the early airborne warning aircraft, such as the EC-121.

At each of the SAGE facilities, a four-story radar control building housed 14-ton computers used to record the tracks of enemy aircraft by processing inputs from the external radars. Command and control operations were based at the facility as well, to give target direction to interceptor squadrons.

By 1962, 33 SAGE sites were in operation around the U.S. That was the peak year for SAGE and it was the beginning of an overall deemphasis in the U.S. air defense force. There were several reasons for the ensuing cutback, not least of which was the advent of the missile age. SAGE, a four-story, aboveground facility, was highly vulnerable to missile attack.

There were other factors, however, which made a reduction in the number of costly SAGE sites advisable. Defense planners found that the early SAGE system had several weaknesses, summarized briefly below:

1. The SAGE computers did not have the capacity to process all radar inputs and the software system was easily baffled by the slightest variation of flight pattern.

2. A low-level detection capability was practically non-existent.

3. SAGE was highly vulnerable to missile attack or sabotage—a grenade thrown from outside the perimeter fence could incapacitate the entire system.

4. Manning the SAGE facilities became difficult because of the high turnover rate among highly-trained technicians, which caused high training costs.

In 1963, therefore, the Air Defense Command, as it was then named, began a slow process of phased reduction. In the same year, the Air Force requested its first appropriation for what was in time to become AWACS. By 1971, the retitled Aerospace Defense Command had eliminated all but seven SAGE sites and these remaining sites were operating at less than full capacity. In fiscal year 1970 alone, the first full year of the Nixon Administration, the following cuts were made in air defense: 14 fighter-interceptor squadrons, 41 Nike missile batteries, 49 airborne early warning aircraft, 29 search radars, 17 gap-filler radars.

According to testimoney by Admiral Thomas Moorer, Chairman of the Joint Chiefs of Staff, before the House Armed Services Committee in January, 1972, U.S. continental air defense had been reduced by 60% over the previous decade.

In effect, then, the United States has probably had only a moderately effective capacity for monitoring enemy bombers and directing interceptors or surface-to-air missile batteries against a strategic bomber attack in the years since General Vandenburg first warned Congress of the exorbitant cost and minimal return gained from air defense. It is unknown whether the U.S. even reached 25% maximum suggested by General Vandenburg, since the U.S. pre-eminence in strategic offensive systems (bombers, ICBMs and SLBMs) and a generally defensive and cautious Soviet military strategy obviated the necessity for testing the system in actual battle conditions.

An incident in 1969 nevertheless elicited a strong reaction from civilians who believe that air-tight or heavy defense of the skies is feasible or desirable. A Cuban MIG-17 flew undetected to Homestead Air Force Base in Florida, landing while the President's aircraft, Air Force One, was parked nearby. The pilot, who was defecting from Cuba, flew his aircraft at extremely low altitudes, thus escaping radar detection.

In October, 1971, another Cuban plane, carrying 21 sugar technicians, flew undetected across the Gulf of Mexico and landed at New Orleans. On this occasion, no effort was made to avoid detection by U.S. radars. Apparently no such effort was necessary.

Rep. F. Edward Hébert, Chairman of the House Armed Services Committee, criticized the condition of U.S air defense in the following statement:

"Since our potential enemies know of the gaping holes in our air defenses, I think it is high time that the American people were let in on this open secret."

The Defense Department defended itself against Congressman Hébert's charge that weaknesses in the U.S. air defense system, especially in the southern sector, constituted a threat to national survival. A Defense Department spokesman declared that: "A potential attack on the southeastern United States is not a great likelihood." Asked whether there was any way the Soviet Union could launch a surprise bomber attack on the United States, he replied, "No."

As for improvements in the existing system, Admiral Moorer, in testimony before the House Armed Services Committee, made the following comment, echoing the views of General Vandenburg two decades before:

"I think that you are always going to have the possibility that a single plane flying on the deck can penetrate almost any system that you could develop . . . It would be very expensive indeed to build up a system in this area to have a 100% leak-proof system. It would be very expensive for the purpose of intercepting one or two aircraft a year."

The Air Force attempted to satisfy Congressman Hébert's demands that the southeastern United States be provided with protection by increasing radar coverage and interceptors in that sector, though military planners continue to discount the possibility of an attack from that azimuth.

At the same time, however, the Air Force gave a high priority to the "modernization" of the Aerospace Defense Command, a modernization which includes procurement of AWACS, OTH-B, and an IMI. The Air Force holds that these three systems are an integral package required by ADC and that none of the components of the system would operate successfully without the other two.

The justification provided by the Air Force for its modernization program rest, it should be noted, on studies which were structured to lead a favorable decision on the program. Cost-effectiveness studies compared AWACS with existing air defense systems. On this basis, and assuming again the need for air defense at all, AWACS emerged as *relatively* cost-effective. In order to justify the assumption of a need for a defense against bombers, the Backfire medium-range bomber was made to appear in intelligence estimates as a possible new threat to the continental United States.

In addition to the cost-effectiveness analysis, the Air Force also prepared several routine Development Concept Papers on the general question of air defense. The first DCP presented four options. The first option proposed a reduction in air defense with no modernization. The three remaining options all included both the AWACS platform and the OTH-B radar. The cost of these four options was then compared to cost of operating the existing air defense system, i.e., the SAGE system.

The first or reduction option was summarily rejected. The remaining three, when compared with the expensive and early SAGE system, showed the benefits of modernization through procurement of AWACS and OTH-B, since no other alternative was addressed. The requirement for AWACS was thus built into the consideration of options. Other possible options for a surface ground control system or other modes of airborne operation were simply eliminated from the beginning.

The effect of this type of approach to the problem is reflected in the following quotation from a GAO study, which apparently accepted the Air Force operational requirement for command and control definition of its operational requirement for command and control in terms that made AWACS an inescapable conclusion:

"Although the Air Force and the Department of Defense studied and analyzed the cost and effectiveness of AWACS, these studies compared the AWACS to existing systems that AWACS was designed to replace. A cost effectiveness study in the classical sense was not possible because *no other system could meet the operational requirement.*" (emphasis added)

B. Evaluation of the Current "Threat"

The decision by the Air Force to lay special emphasis on AWACS and the associated systems—a decision which appears to run counter to two decades of military thinking about air defense—seems even more curious in view of the present bomber "threat" to the U.S. By its own admission, the Air Force is not attempting to deal with occurrences such as the undetected landings of the two Cuban aircrafts. Its decision would be rational only in the light of a substantial increase in the bomber "threat." A review of this '"threat" indicates that just the reverse is true.

The Soviet manned bomber capability has diminished significantly over the past decade and more, apparently in consequence of a high-level decision to forego long-range bombers in favor of ICBMs. According to the Department of Defense, the Soviet Union in 1960 had a total of 1,260 medium and long-range bombers and tankers. By 1965, that number had declined to 1,040 and today it is estimated to be some 900.

More importantly, the Soviet long-range bomber fleet has declined from 215 in 1965 to 195 in 1973. Most of this decline is attributable to the retirement of aging bombers from the long-range force. While it is evident that the Soviets are not scrapping their force, it is equally evident that they are not augmenting it.

In his March, 1973 posture statement, then Secretary of Defense Elliot Richardson said of the Soviet long-range bomber force:

"The Soviet intercontinental heavy bomber force remains, as it has for the last few years, at approximately 195 aircraft, including about 50 tankers and several reconnaissance aircraft."

At present, the Soviet inventory includes from 125-145 Bear and Bison long-range bombers and about 40 long-range Bison tankers. These bombers have been in service since 1956 and today they average 17 years in age. Neither the Bear nor the Bison has the range, speed, and weapons load of their American counterpart, the B-52 and were described by the Department of Defense as "distinctly inferior," even in the mid-1960's. The Defense Department says that it has no evidence that the Soviets intend to deploy a new heavy bomber, analogous to the B-52 or the proposed B-1, in the near future.

The Soviets have, however, continued testing of a new, swing-wing, medium-range bomber, nicknamed Backfire. During his tenure as Secretary of Defense, Elliot Richardson was publicly skeptical about the threat to the U.S. posed by Backfire if deployed in numbers.

Mr. Richardson conceded that Backfire's ability to bomb the United States "cannot be ruled out," but in testimony before the Senate Armed Services Committee he stated that, "the weight of the evidence favors the view that it is best suited for peripheral attacks" in areas adjoining the Soviet Union, not against the United States.

Backfire does have an inflight refueling capacity and, according to Admiral Moorer, "could prove to be an effective intercontinental bomber" under special conditions. More importantly, this worst-case supposition fails to answer one over-riding question: if the Soviets desire to improve their long-range strategic bombing capacity, why do they then not build a long-range bomber?

The evidence on Backfire thus indicates strongly that it was built to provide the Soviets with a medium-range bomber to be used against a possible Chinese threat. Hence, the Soviet long-range bomber fleet remains in its diminished state and the threat to U.S. national security is likewise minimized.

Neither the Soviets nor the Chinese are concentrating on the development of a new long-range bomber program. Strategic analysts consider that the Peoples' Republic of China is emulating the Soviet Union at least to the extent of concentrating on strategic rocket forces rather than manned bombers.

In 1965, then Secretary of Defense Robert S. McNamara, in testimony before the Senate Armed Services Committee, noted:

"Our present system for defense against manned bomber attack was designed a decade ago when it was estimated that the Soviets would build a force capable of attacking the United States with many hundreds of long-range aircraft. This threat did not develop as estimated. Instead, the major threat confronting the United States consists of the Soviet ICBM and submarine-launched ballistic missile forces."

Mr. McNamara's analysis continues to hold true today, prompting hard questions as to why the U.S. is about to embark on a costly new air defense scheme. The *principal* reason for the decade-long decline in U.S. air defense is the decline in the bomber "threat" against which such air defense is directed; it is not, as has been suggested, the prior claim on the Defense Department dollar of Vietnam requirements, which became significant only *after* ADC began its phase-down. Neither the widely separated landings of the Cuban planes, which pose no threat to U.S. security, nor the new Soviet medium-range bomber provide sufficient justification for so expensive a system as AWACS or for reversing a long-standing policy of light air defense against a remote and ever less realistic contingency.

If AWACS cannot be justified for the purpose of air defense, then it becomes extremely difficult to justify it on a cost-effectiveness basis for tactical purposes. In short, it would be cost-effective for tactical missions only if it is going to be procured in large lots for air defense, which would drive the per-unit cost down.

As regards the tactical justification for AWACS, no argument based on a specific "threat" has been advanced, though Air Force testimony before the Congress in 1972 stressed its use in possible European and Middle Eastern contingencies. The Air Force claims, however, that AWACS can be deployed "at any level of military action ranging from a show of force through general war."

AWACS is being proferred as a more cost-effective system than the make-shift arrangements developed in response to unforeseen conditions encountered in Indochina. It is being developed in advance of the final decision or even knowledge of the capabilities on the Improved Manned Interceptor. Though the Air Force claims that this system will be viable in any foreseeable war, it is in fact being designed to meet the conditions of the past rather than those of the future—in both its tactical and strategic roles. I will dictate rather than respond to the capabilities of the IMI, which may take advantage of further advances in radar technology that would substantially obviate the advantages of AWACS.

Regardless of the Air Force experience in Vietnam, the following questions need to be answered:

What other options exist that could be "designed from the ground up" for the tactical air environment?

Are they more or less cost-effective than AWACS?

How was the requirement for ten AWACS for tactical battle management generated, in view of the assumed U.S. withdrawal from air operations in Southeast Asia by the time the first aircraft would become available? What air wars, theaters, or contingencies does the Air Force plan to deploy AWACS in and is it the relevant system for all such eventualities?

Are ten AWACS enough, given the reduction in on-station time from five to seven hours? Or is ten just the first of an anticipated series of AWACS "buys" for tactical applications?

Will AWACS be an effective system or the most effective system for battle management under all conditions and as advances are made in the capabilities of surface radars and radars carried aboard fighters and fighter-bombers?

C. Technical evaluation

The two principal functions performed by the AWACS aircraft, as previously noted, are the detection and tracking of hostile aircraft and the vectoring of aircraft to intercept and destroy them.

Since the battle management function can be as readily performed by ground controllers in either fixed-base or mobile facilities—given the same data inputs—the feature which distinguishes the AWACS concept from current ground or airborne command and control systems is the "forward observer" capability that it gains from the look-down radar. This radar permits target acquisition in advance of surface, line of sight radars and greater target discrimination than is foreseen for the OTH–B radar.

This advantage is achieved, however, at the risk of considerable vulnerability. In fact, the hazards run may be of such magnitude as to literally "wipe out" any potential advantages. Thus, AWACS' greatest strengths are also its greatest weaknesses.

Because of its radars—which emit strong impulses in all directions—and because of its proximity to the scene of any aerial engagement, AWACS is extremely vulnerable to radar-homing missiles, such as analogs to the U.S. passive-homing Hound Dog II or Shrike missiles. Although defense intelligence estimates hold that the U.S.S.R. does not now have such a missile in development, the technology is available for such development and the Soviets or other potential adversaries could exploit it on a "quick fix" basis, if driven to do so by the deployment of AWACS.

The Air Force contends that AWACS will be stationed, in a tactical mode, far away from the air theatre; yet it will become the obvious point of attack for an enemy threatened by U.S. tactical aircraft. And it must be presumed that such an enemy will be able to deploy a heavier and more sophisticated air defense system than North Vietnam used against U.S. pilots in the Indochina air war. Hence, the air war is very likely to center about the AWACS aircraft, as the weakest point in the U.S. command and control system, unless it is able to operate from sanctuaries, such as the airspace over an adjoining neutral country—an unlikely possibility or at least one that cannot be counted on.

Even if not hit by enemy missiles, the AWACS aircraft with its sophisticated electronic equipment is highly vulnerable to the effects of near-by explosions, especially nuclear detonations with their associated X-rays, which would accompany any full-scale strategic attack. Without downing the aircraft, such electromagnetic emissions could render inoperative much of the critical data analysis and communications equipment required to make AWACS a viable system.

Given the vulnerability of AWACS to the kinds of threats described above, it would appear necessary to have some sort of back-up capability to take over control of interceptors in those sectors where AWACS aircraft are downed or inoperative. Because there would be no time for replacement aircraft to take station, such a back-up capability would presumably have to be ground based. While military planners concur in the prudence of such redundancy in designing highly complex weapons systems, there is no realistic back-up capability for the AWACS system as it now exists. Nor has the Air Force proposed one, perhaps from a concern that acknowledging the need for a back-up capability or system would undermine support for AWACS.

Another question which must be decided in any realistic assessment of AWACS is whether it is cost-effective in comparison to defense against it. This involves consideration of the cost differential between AWACS and any counter-measures. Here the vulnerability of AWACS is illustrated in cold, hard cash, for the cost to any adversary of equipping his bombers with "radar-busting" missiles effective against AWACS is very slight as compared to the cost of each AWACS aircraft to the U.S. The AWACS is thus a very high-priced target for relatively low-cost, state-of-the-art missiles. To offset any advantage the U.S. derives from this expensive system, an adversary need only invest a proportionally small amount in stand-off missiles which may already be a part of his aircraft weapons package. In short, AWACS can be neutralized cheaply, depending on the size, character, and effectiveness of the electronic-countermeasures (ECM) package it carries and depending on the ability of a determined adversary to overwhelm that ECM capability with "radar-busting" missiles. Any increase in the ECM package to defend AWACS involves, of course, a reduction in the system's capacity to perform its primary mission of aerial surveillance and battle management.

Other questions arise in connection with AWACS tactical mission. If it is used to offset the kinds of difficulties encountered by U.S. pilots in Indochina, then it will presumably be launched prior to raids by U.S. fighter-bombers, in order to be on station in time to direct these aircraft and assist them in carrying out their attack mission. Such early launching provides the adversary with a warning of impending attack and permits him to alert his own air defense forces, including missile batteries and interceptors which could be used to knock down the AWACS aircraft. Even if not destroyed itself, the AWACS aircraft is going to have a difficult time managing U.S. aircraft. The AWACS can use "jamming," "masking," and other electronic countermeasures to confuse enemy radars, missiles, and interceptors, but such ECM techniques would themselves provide a warning of impending attack while not necessarily making the AWACS invulnerable. They also entail, as noted, a sacrifice in the mission payload of the AWACS aircraft.

If, on the other hand, AWACS is deployed in a defensive tactical situation, as might occur in Europe, it is questionable whether it could be launched in time or possesses the time-to-station capability necessary to be of use in the critical opening phases of an enemy fighter-bomber attack. The enemy, having the advantage inherent in the offense, could take measures necessary to destroy AWACS on the ground or to have fighters prepositioned to intercept AWACS en route to the scene of battle.

A further question on AWACS centers on deployment doctrine. Current planning in the air defense role is for AWACS aircraft to take station some 1,000 miles from its home airfield. This would place it well ahead of the operating range of current or planned interceptors, which have a maximum combat radius of 350 miles, if recovered at other than home airfields. This disparity in operating ranges means that AWACS will be well out in front of any possible protective cover and hence unable to avail itself of fighter cover to overcome its vulnerability.

Moreover, it would appear that the AWACS would have to be deployed in some sort of "saw-tooth" pattern, with distant aircraft operating somewhat in the fashion of the old radar picket ships and passing tracking data to AWACS aircraft closer in and better able therefore to manage the interceptors. If adopted, this type of defensive array would seem to require more AWACS aircraft than are currently being requested for air defense.

The complexity and sensitivity of AWACS' internal electronics systems is attested to by the fact that Air Force planning calls for a team of four communications-electronics technicians to be an integral part of each AWACS crew. The tasks of these airmen, in addition to operating much of this equipment, include serving as technical controllers and maintaining the equipment in a ready status—switching to back-up systems, replacing malfunctioning equipment modules with operational spares carried on board, and making on-the-spot repairs when possible. Although all of the technical problems with the AWACS electronics package have not yet been overcome, it poses, when and if perfected, hard questions about system reliability.

Given the difficulties inherent in maintaining so complex an electronics system in a state of readiness under the limitations imposed by an airborne platform, it must be supposed, on the basis of probability curves, that some portion of this package in one or more aircraft will malfunction under operational conditions. Should an irreparable malfunction occur in a critical component or components of the system, the AWACS aircraft would lose the capability to perform one or more of its several interrelated tasks, diminishing its effectiveness. In such an event, an air defense sector would be left uncovered, partially covered, or would have to be assigned to another AWACS platform, perhaps creating problems of system overlead, until a replacement aircraft could take up station.

It requires no worst-case hypothesis to anticipate these occurrences. The Air Force has taken them into account in trying to develop an electronics package that will be as trouble-free as possible and will possess a back-up capability. Since no system will be 100% trouble-free, especially in an airborne platform, the possibility exists that one or more AWACS aircraft will be inoperative or have a seriously reduced operating capability even before encountering combat conditions. Thus the following questions need to be answered—

What measures are being taken in designing the equipment package to increase system reliability, to protect it from heat and vibration, and to provide a back-up capability?

What system reliability standard does the Air Force expect to achieve with AWACS, i.e. what per cent of the air defense fleet will be fully operational when it arrives on station under alert conditions?

What progress had been made to date in achieving this reliability level?

What measures are planned to offset system failures—shifting coverage to other AWACS platforms, holding aircraft in reserve to fill gaps as they develop, etc.?

The Air Force has not explained precisely what deployment doctrine would be adopted. However, all options that would take advantage of the AWACS concept and capabilities, as well as allow for its limitations, would appear to require more aircraft than are presently being planned, even assuming that AWACS is used only for point defense (cities, military targets, industrial complexes) rather than area defense and even assuming that AWACS is not utilized in full-time patrol operations.

For example, under alert conditions, AWACS aircraft may have to remain on station for extended periods. On-station time without inflight refueling has been cut from the desired seven hours to five by the recent decision to equip AWACS with four TF-33 P-7 engines, instead of eight of the developmental TF-34 engines which are not now in inventory. Though desirable from a cost standpoint, this 29% reduction in on-station time represents a serious reduction in AWACS' effectiveness.

The on-station time can be increased either by inflight refueling, the preferred option, or by rotating AWACS aircraft. The former option would be 'tanker-expensive,' perhaps necessitating the procurement of additional tankers, while the latter option would require more AWACS aircraft to achieve the same level of on-station time. The latter, moreover, would be less efficient in that on-station time would be still further shortened for each aircraft by the time required to deploy and recover.

In short, to be militarily effective, the AWACS program will likely require many more aircraft than are now contemplated. Even if more are procured, it will remain only a "part-time" system, unless aircraft are deployed on expensive, full-time patrols, and it will still not provide a "leak-proof" defense or a guaranteed battle management capability.

It is worth pointing out in this regard that the ground support equipment and facilities needed to maintain the exotic electronics systems aboard the AWACS platforms would negate wide air base dispersal, unless these expensive facilities were provided at a large number of sites. Hence, the 32 aircraft would likely be "bedded down" on no more than 3 or 4 bases and, with only five hour on-station capability, this situation could mean even more reduced AWACS coverage or increased vulnerability to being destroyed on the ground.

A remaining question about AWACS concerns the phasing of this program with the other facets of the modernization plan, especially the OTH–B radar. In its 1973 report on AWACS, the Government Accounting Office criticized the Air Force for failing to time-phase the OTH–B program with AWACS, noting that:

"The OTH–B has been in the validation phase for about 30 months as a result of apparent indecision as to the priority of the program. This indecision centers over several issues which include the validity of the manned bomber threat; whether there is sufficient and valid test data to demonstrate the system will work; and whether modification to existing systems would suffice. Consequently, the entire program is being reassessed."

Since the anticipated AWACS acquisition schedule does not coincide with the OTH–B schedule, the possibility exists that the Air Force could begin production of the AWACS aircraft without certain knowledge that the vital "tip-off" system, i.e., OTH–B, is going to be ready, adequate or even feasible. Equally important is the consideration of the manned bomber threat. If there is question about the validity of this threat which would obviate the necessity for OTH–B, then it would seem equally to obviate the necessity for AWACS.

The foregoing analysis bears out the testimony of General Vandenburg and Admiral Moorer that the expense associated with any attempt to achieve meaningful air defense is prohibitive, while the gains to be drawn from such an attempt are at best minimal. The advantages of the offense simply overwhelm any benefits that might accrue from so vulnerable and costly a system as AWACS. Nor does AWACS, in a tactical mode, offer sufficient advantages to make it worthwhile procuring the system for that purpose alone.

In order to assure its effectiveness in a tactical application, three AWACS will apparently have to be deployed to obtain optimum coverage of a given area. In a letter dated March 20, 1972, the Secretary of the Air Force provided information concerning the look-down detector capability of AWACS and noted the following:

"They (referring to the radar systems) will be able to do very effective strobing and when two or more AWACS are combined, the triangulation effect will be superior to today's state of the art radars."

Thus, not one but two or more of these expensive aircraft would be exposed to the enemy to achieve the desired coverage of a given sector, thereby increasing several-fold the risks of loss to enemy missiles of interceptors.

An increased electronics surveillance capability is being built into the coming generation of U.S. fighter-bombers and tactical aircraft. Presumably, this capability will be enhanced in any follow-on generation of tactical aircraft. While it is not expected or even desirable that these aircraft could operate without central command and control, it is necessary to ask whether the AWACS aircraft will sufficiently supplement the surveillance capability of future ground installations and tactical aircraft to make it worth the expense. If AWACS can provide only minimal additional protection and direction to the next generation of fighter-bombers, as contrasted with ground surveillance and air control facilities, then its justification is even further undermined.

D. Strategic deterrence evaluation

Any decision to go ahead with AWACS also implies certain views about nuclear strategy, views which appear to run counter to our previous thinking on this subject. It seems to imply, for example, that a first-strike against the U.S. would come in the form of or be spearheaded by a bomber attack, rather than by missiles.

For many years, however, it has been assumed that the putative first-strike would be led by missiles, with bombers being held in reserve by an adversary for use, if at all, in a back-up or mop-up capacity. This planning assumption is based on the fact that, on the average, bombers staging from the U.S.S.R. would require some 8–12 hours, depending on course, altitude, and speed, to reach target; hence, any nuclear attack spear-pointed by bombers could be easily detected (either through ground communications or aerial reconnaissance) as the bombers departed their airfields, thus leaving considerable time to prepare defenses against them.

The assumption that a first strike would be led by bombers is unwarranted in view of (1) the declining force levels for Soviet long-range bombers, (2) by the decision of both the Soviet Union and the Peoples' Republic of China to concentrate on medium-range bombers for peripheral threats and missiles for distant threats, and (3) by the obvious logic of attack imposed by the much shorter time-to-target of ICBM's and SLBM's, as compared with bombers. The diminishing viability of the long-range bomber as a nuclear strike weapon should be as evident to the U.S. as it is to its hypothetical adversaries.

Yet there is another, equally compelling reason for questioning the utility of expensive defenses against a minimal and declining "threat." It is found in the SALT Agreements concluded by the U.S. and the U.S.S.R. a year ago.

In the ABM Treaty, the United States and the Soviet Union agreed to a policy of deterrence based on the mutual vulnerability of each power to the threat of a destructive missile attack. If the U.S. is willing to limit anti-missile defenses to two sites only, then it is equally justified in remaining open to the far less likely threat of a bomber attack.

If offensive missiles are thus to have a "free ride" to their targets in support of a policy of mutual assured destruction, then there is no adequate justification for the U.S. spending huge sums of money to deny a free ride to bombers, when there is every indication that the putative adversary has neither the forces nor the intent to employ this kind of weapon against the U.S. Nuclear war scenarios ordinarily are based on the expectation that bombers will play a "clean-up" role in the wake of a missile attack; thus, if the U.S. accepts vulnerability to these missiles, it is unlikely that there will be any OTH-B radars or AWACS aircraft to respond to the later bomber raids in any case.

III. ECONOMIC EVALUATION

The Air Force in the FY 1974 budget request estimates the total cost of the AWACS platform to be $2,534.7 billion for a fleet of 42 aircraft, after changing from an eight to a four-engine configuration, with consequent reductions in cost. The year-by-year cost of AWACS, as estimated by the Air Force, is presented in the table below.

COST DATA

[Millions]

	Fiscal year 1971 and prior	Fiscal year 1972	Fiscal year 1973	Fiscal year 1974	Fiscal year 1975	Fiscal year 1976	Fiscal year 1977	Fiscal year 1978	Total program
ACFT QTY	(Cumulative)	2.0	4.0	4.0	27.0	42.0			42.0
Program acquisition cost	178.9	139.3	194.2	209.5	1,067.1	641.4	92.9	11.4	2,534.7

Not included in this table is the $25.7 million cost of the Overland Radar Technology studies required to develop the radars for AWACS. Further, the General Accounting Office, in its March, 1972 study, noted that the Air Force had failed to identify $65.6 million in peripheral, below-the-line-item or hidden costs for AWACS.

Assuming that no other hidden costs are uncovered, that no overruns are experienced, that the inflation rate returns to the low level used by DoD in its cost calculations, and that no cost-impact engineering changes are ordered over the life of the program, the per unit program cost of the AWACS platform will amount to $63 million for procurement of 42. This figure does not, of course, include the costs of the associated OTH-B and IMI programs or any new backup system.

Furthermore, these conservatively estimated cost projections for AWACS do not include the additional costs in operations and maintenance (O&M) funds for keeping the AWACS fleet in service or retaining a back-up capability, SAGE or whatever. Although estimates of these O&M costs were developed in order to compare (favorably but perhaps unfairly) AWACS to the early generation SAGE system, they have not been provided in an updated or unclassified form.

Historically, such costs have been extremely high for sensitive electronics systems even when mounted in stable surface installations. Experience with other sophisticated, airborne electronics packages, such as the sensor aircraft employed by the Navy and the Air Force in Vietnam (EC-121M, CO141, etc.), indicates that, despite and in part because of special measures taken to protect equipment against engine vibrations, heat, etc., the O&M cost of such systems is very high, thus adding substantially to the total cost of the system over its lifetime.

Hence, though attempts have been made to reduce AWACS costs chiefly by changing the engine specifications and some of the communications equipment to provide for use of items now in inventory, the acquisition and O&M costs will remain high even under the most optimistic cost-growth assumptions.

The conservatively estimated acquisition price-tag of $63 million for each AWACS platform represents a significant capital investment in absolute terms. It looms even larger when the cost of each aircraft is measured against the cost of developing a missile capable of neutralizing it, probably no more than a few hundred thousand dollars per missile.

More significantly still, the total program cost of AWACS, including both acquisition and O&M costs, is very high relative to its incremental contribution to the national security and relative to the steadily diminishing bomber "threat." If the AWACS platform could provide "air-tight" defense against bombers, the relative cost would still be high but perhaps justifiable. Yet the prevailing opinion is that it cannot provide leak-proof defense; hence, the cost of the program becomes even more difficult to justify.

As a tactical system, the AWACS or E3A aircraft will not stand alone; that is, the cost of procuring this system in limited numbers for tactical purposes alone would climb astronomically. Though the Air Force, in testimony before the Senate Armed Services Committee in 1972 and again in 1973, did much to stress the applicability of AWACS in a hypothetical European combat environment, providing overlays to show the possible AWACS coverage of that theatre, the system is again being matched against a threat which is declining in political terms. If AWACS cannot be justified for the purposes of strategic air defense of the U.S., then it is difficult to rationalize its procurement, at a significantly higher cost, for tactical application alone.

Although the Air Force has made commendable efforts to control the cost of AWACS, the system nevertheless fails to meet basic cost-effectiveness criteria when measured against the urgency of the "threat" and the cost of defending against AWACS.

IV. CONCLUSIONS

The principal factors to be considered in any decision to fund the modernization of the U.S. air defense capability are set forth below. Each element of the analysis must be considered in relation to the others.

1. The degree and nature of the strategic bomber threat from any adversary.

2. The limitations inherent in trying to devise effective wide area defense against air attack.

3. The reliability and vulnerability of any system proposed to enhance air defense.

4. The costs associated with any such system.

5. The alternative applications and justifications of such systems, i.e., the contribution of OTH-B to civil air traffic control, the contribution of AWACS to tactical air battle management, or the other combat roles of an improved manned interceptor.

6. The necessity for defense against strategic bomber attacks in view of the agreement to minimize ballistic missile defenses.

In conceptual terms, there is, as the Air Force contends, a requirement in strategic air defense for early warning, command and control, and interception. This does not mean, as the Air Force also contends, that AWACS is the best response to the command and control requirement or that it is indispensable to air defense. Its expense, its vulnerability, and its reliability make it the weak link in the air defense modernization scheme.

Assuming first that there is a need for heavy air defense against bomber attacks, the Air Force should be tasked to develop a command and control system that will meet the criteria of survivability (including adequate back-up capability), low-cost and system reliability.

If, on the other hand, the assumption of a need for heavy bomber defense is relaxed, then each of the three modernization proposals must be justified on the basis of its alternative uses.

The OTH-B, by bouncing radar impulses in series off the ionosphere, is potentially capable of detecting low-flying aircraft over three million square miles of territory, as well as low-trajectory submarine-launched cruise missiles. It would also, if perfected, improve civil air ground control facilities. The current estimate of the program acquisition cost of the OTH-B system—$131 million—represents a relatively small expenditure for so many potential gains.

The need for a manned interceptor, preferably improved if such improvements can be attained at a tolerable cost, is similarly justifiable. In addition, the IMI would have a tactical application.

AWACS, however, cannot be justified alone on the basis of its alternative mission, tactical air battle management, for it is not cost-effective and remains vulnerable to state-of-the-art defenses. A tactical air command and control system should be designed to cost, rather than being added to an air defense system which cannot be justified in its own right.

The utility of manned interceptors and OTH-B can thus in some measure by judged independently of AWACS, despite the Air Force assertion that AWACS is indispensable to the other two. However, the converse is not true, that is, AWACS cannot be considered in an air defense role independently of OTH-B and manned interceptors, since it depends on the OTH-B for early warning and on the fighter for interception. While it is correct to say that some form of control is indispensable to the effective use of interceptors, that form of control need not be AWACS.

Since it is dependent on the OTH-B and manned interceptors, AWACS or an alternative system should not be pursued such a way that the Department of Defense is committed to it before the capabilities of OTH-B and the manned interceptor are well known. The present program involves just such a commitment, as GAO studies have shown.

In 1973, the Air Force was provided funding to permit the construction of two more AWACS aircraft, beyond the two already procured for the radar competition between Hughes and Westinghouse, which was won by Westinghouse. Although purchase of the follow-on aircraft does not formally constitute a production decision, such a purchase, bringing the total number of expensive preproduction aircraft to four, would represent a strong and perhaps unalterable commitment to production by the Defense Department and the Air Force.

It seems apparent, though, that there remain enough unanswered questions about AWACS, even in the minds of DoD and Air Force officials, to reappraise the problem of command and control for air combat. Such a reappraisal must consider:

1. The need for air defense against bombers.
2. Other options for surveillance and command and control and their costs.
3. The performance characteristics of improved interceptors.
4. The successful completion of the OTH-B program and its performance characteristics.

RECOMMENDATIONS

Based on the foregoing analysis, it is recommended that Congress:

1. Delete funds for any further aircraft procurement in connection with the AWACS program.
2. Continue funding of the OTH-B radar program.
3. Reduce funding for the AWACS program to a level sufficient to provide for minimum research and development, especially on the electronics system.
4. Direct OSD and the Air Force to provide studies on the points raised in this study, specifically on all options to AWACS to fill the command and control requirement in a tactical environment.
5. Allocate funds for the study of aircraft to fill the IMI role, including the study of aircraft now in development.

MIDWEST AND NORTHEAST RAIL SYSTEM DEVELOPMENT ACT—AMENDMENT

AMENDMENT NO. 456

(Ordered to be printed and to lie on the table.)

THE MIDWEST AND NORTHEAST RAIL SYSTEM DEVELOPMENT ACT

Mr. PEARSON. Mr. President, I am submitting, for myself and Senator BEALL, an amendment in the nature of a substitute to S. 2188 as reported by the Committee on Commerce. I ask that this amendment be printed and held at the desk pending Senate consideration of S. 2188.

Mr. President, seven railroads are in reorganization in the Northeast. Four of those railroads have pending before their bankruptcy courts petitions to authorize the cessation of service in October. The situation calls for prompt action by the Congress. However, the action that is taken by the Congress also should be adequately responsive to the situation.

S. 2188, as reported by the committee, neither provides a solution to the Northeast rail problem nor does it establish a mechanism which affords any promise of arriving at an appropriate solution. Instead, it would devote an additional year to a study, and delay until the end of that year crucial decisions as to the implementation of a plan of action.

I believe we must go further than adopting the piecemeal approach offered by the reported bill. We must establish new procedures which will enable the various parties concerned to work together toward a solution. I have talked to people who rely on the railroads to handle their shipments, to representatives of concerned communities, and to others who believe as I do that it is not enough to provide for a further study, but that we must also lay out a plan of action.

The problem that confronts us is immense and complex, but this should not deter us from facing up to it. A lack of decisiveness and the failure to adopt implementing legislation now would lead to far more problems than the possible imperfections of a positive program. Besides, as the implementing process proceeds, the Commerce Committee can keep a watchful eye on events.

Mr. President, my amendment in the nature of a substitute to S. 2188 provides the needed follow-on to the planning process contained in the reported bill. In addition, it substitutes a more effective planning process by securing broad participation by various interested parties. My amendment further narrows the focus of the planning to restructuring only those bankrupt, rather than all, railroads in the Northeast.

In brief, the amendment creates a new Federal National Railway Association to prepare and submit to Congress for approval a rail service plan for the Northeast which will permit the operation of financially self-sustaining rail service in the region. The preparation of this final service plan would be preceded by planning inputs from the Secretary of Transportation and the Interstate Commerce Commission. Procedures would be implemented to obtain input from the public. To provide for the operation of the restructured system, a new Northeast Rail Corporation would be created.

During the planning process, negotiations would be carried out with bankrupt railroads for the acquisition of rail assets needed for the implementation of the plan. And there would be court review of these agreements to insure fair treatment for the creditors of the bankrupt railroads. In addition, agreements would be negotiated on a new working agreement for employees to be hired by the new Corporation. A seven-member Commission would be established to monitor those negotiations and recommend appropriate benefits through Federal legislation on other means to be afforded to employees of the bankrupts who may not be hired by the Corporation.

The most important feature of my amendment is that it would set in motion this year a procedure by which all involved parties can work together toward a solution of the crisis. By providing for representation on the board of the new Federal National Railway Association of Government, industry, and other interest groups, and by establishing procedure for broad Government and public participation in the development of a service plan, the amendment provides for balanced input and control in devising a solution to the problem. In addition, it emphasizes the need to restructure a viable rail system for the Northeast and seeks to minimize Government financing.

Mr. President, the measure which I am today offering also contains, as a separate title, the "Local Rail Services Act of 1973." This title provides the States, local, and regional authorities with a viable opportunity to maintain local rail services on those lines which are deemed by the States to be essential.

Under this title, the Secretary of Transportation is authorized to reimburse State, local or regional authorities for 70 percent of the cost of an operating subsidy which would be required to make rail service compensatory on a line of a railroad which would otherwise be abandoned.

The Local Rail Services Act was initially considered by the Senate Committee on Commerce in the last Congress. I offered this measure in committee as an amendment to S. 2362—92d Congress, 1st session—the Surface Transportation Act of 1971. The committee embraced the proposal on a rollcall vote of 14 to 1. Because small communities not only in the Northeast, but throughout the United States, are concerned about abandonment, this title will provide the opportunity for maintenance of essential local rail services under a cost-share system of cooperation between the States and the Federal Government.

Under the terms of my proposal the Local Rail Services Act contains an authorization of appropriations of $50 million per year for the Federal share of the cost in maintaining essential local rail service. This title is nondiscriminatory: all States will have an opportunity to salvage services on those lines which, in the absence of Federal and State assistance, would be abandoned, either under the terms of the Northeast reorganization program or the Interstate Commerce Act.

At the present time, the Commission has announced a nationwide moratorium on abandonment of light-density branch line service pending litigation with respect to environmental impact statements on abandonment applications by railroads. I would hope that the Local Rail Service Act of 1973, incorporated in my amendment as title VII, will be enacted before abandonment authority to branch line services to small, isolated communities is restored by the Commission.

It is only fair to permit States to determine whether essentially local rail services are needed to maintain a balanced and viable transportation system within their jurisdiction. If a State makes an affirmative determination of essentiality in respect to branch line service, and if that State is willing to assume a reasonable proportion of the cost of maintaining such service, then the Federal interest in promoting a strong economy and a balanced national transportation system should justify Federal participation in overcoming operating deficits on those lines.

Mr. President, I request that the text of my amendment in the nature of a substitute to S. 2188, as reported by the

Committee on Commerce, be inserted in the RECORD immediately following these remarks.

I further request that a section-by-section analysis be printed in the RECORD immediately following the text of the amendment.

There being no objection, the amendment and analysis were ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 456 (IN THE NATURE OF A SUBSTITUTE)

Strike all after the enacting clause and insert the following in lieu thereof:

TITLE I—SHORT TITLE, ETC.

SHORT TITLE

SEC. 101. This Act may be cited as the "Northeast Rail System Restructuring Act".

FINDINGS AND PURPOSE

SEC. 102. (a) The Congress hereby finds and declares that—

(1) Rail transportation service in the Northeast region of the United States is threatened with cessation or significant curtailment;

(2) Prompt action is needed to avoid an abrupt shutdown of most of the bankrupt carriers in that region;

(3) Nationalization of rail freight operations is undesirable and unnecessary to the establishment of a viable rail system in the Northeast region; and

(4) Provision should be made for the establishment of a streamlined rail system in the Northeast region free of the financial encumberances of the railroads in reorganization and which would operate over systems designed on the basis of economic viability.

(b) It is the purpose of this Act to facilitate the restructuring of the present rail system in the Northeast region by—

(1) Creating a new Federal National Railway Association to prepare and submit to Congress for approval a rail service plan for the Northeast region which will permit the operation of financially self-sustaining rail service in the region; and

(2) Creating a new Northeast Rail Corporation to operate a restructured rail system comprised of rail lines acquired principally from railroads in reorganization.

DEFINITIONS

SEC. 103. As used in this Act—

(1) "Association" means the Federal National Railway Association established in title II of this Act.

(2) "Commission" means the Interstate Commerce Commission.

(3) "Corporation" means the Northeast Railroad Corporation authorized to be established under title IV of this Act and, unless the context otherwise requires, includes the incorporators.

(4) "Northeast region" means the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, Ohio, Indiana, Michigan, Illinois, the District of Columbia, and those portions of contiguous States in which are located facilities owned and operated by railroads doing business primarily in the aforementioned jurisdictions.

(5) "Railroad" means a common carrier by railroad as defined in section 1 (3) of part I of the Interstate Commerce Act.

(6) "Railroad in reorganization" means a railroad operating primarily in the Northeast region undergoing reorganization in a proceeding under section 77 of the Bankruptcy Act (11 U.S.C. 205).

(7) "Secretary" means the Secretary of Transportation.

(8) "Service plan" means the plan for the operation of rail service to be prepared under title III of this Act.

(9) "State" means a State of the United States or the District of Columbia.

TITLE II—FEDERAL NATIONAL RAILWAY ASSOCIATION

ESTABLISHMENT OF THE ASSOCIATION

SEC. 201. There is hereby established a body corporate to be known as the "Federal National Railway Association". The Association shall be a not-for-profit corporation. The Association shall have succession until dissolved by Act of Congress. It shall maintain its principal office in the District of Columbia and shall be deemed, for purposes of venue in civil actions, to be a resident thereof.

GENERAL POWERS

SEC. 202. (a) The Association, in order to achieve the objectives and to carry out the purposes of title III of this Act, is authorized to plan, initiate, contract for or undertake studies and research in respect of rail service and facilities in the Northeast region in order to prepare the regional plan contemplated under title III of this Act.

(b) To carry out its purposes, the Association shall have the usual powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act.

DIRECTORS AND OFFICERS

SEC. 203. (a) The Association shall have a board of nine directors consisting of individuals who are citizens of the United States and an executive committee consisting of the Chairman of the Association who shall be appointed by the President of the United States with the advice and consent of the Senate, the Secretary, and the Chairman of the Commission. There shall be four ex officio members of the Board: the Secretary, the Chairman of the Association, the Federal Railroad Administrator, and the Chairman of the Federal Reserve Board. Five other members of the board shall be appointed by the President of the United States with the advice and consent of the Senate as follows: one shall be a representative of shippers by rail; one shall be a representative of railroads; one shall be a representative of Governors of States within the northeast region; one shall be a representative of railway labor organizations; and one shall be a representative of cities and communities in the northeast region. Except for the members of the board representing railway labor organizations and railroads, no director may have any direct or indirect employment of financial relationship with any railroad during the time that he serves on the board. Each of the directors not employed by the Federal Government shall receive compensation at the rate of $300 for each meeting of the board he attends. In addition, each director shall be reimbursed for necessary travel and subsistence expenses incurred in attending meetings of the board.

(b) The board of directors is empowered to adopt and amend bylaws governing the operation of the Association.

(c) The Association shall have such officers as may be appointed by the Chairman and approved by the board. The rates of compensation of all officers shall be fixed by the board. No officer of the association may have any direct or indirect employment or financial relationship with any railroad during the time of his employment by the Association or may have had at any time any such relationship with any railroad in reorganization on the date of enactment of this Act.

AUTHORIZATIONS

SEC. 204. (a) There is authorized to be appropriated to the Secretary in fiscal year 1974, to remain available until expended—

(1) $40,000,000 for payment to the Association for the purpose of meeting its necessary expenses and to the Corporation for the purpose of meeting expenses necessarily incurred in its organization.

(2) Such sums as are necessary for planning and for administrative expenses incident to carrying out his functions under this Act.

Payments shall be made under paragraph (1) of this subsection on such terms and conditions and pursuant to such regulations as the Secretary deems necessary or appropriate.

(b) There is authorized to be appropriated to the Commission such sums as are necessary to carry out its functions under this Act.

APPLICABILITY OF OTHER LAWS

SEC. 205. The following laws do not apply to the Association or to the Corporation, or to any transactions under this Act, including those pursuant to section 501(d), prior to the date rail service is implemented by the corporation under this Act:

(1) The Interstate Commerce Act (49 U.S.C. 1 et seq.)

(2) To the extent inconsistent with this Act, section 77 of the bankruptcy Act;

(3) Federal and State antitrust laws;

(4) To the extent inconsistent with this Act, the Railway Labor Act (45 U.S.C. 151 et seq.), and the National Labor Relations Act (29 U.S.C. 151 et seq.); and

(5) Any State law pertaining to the economic regulation of railroads, including laws pertaining to the consolidation or merger of railroads.

TITLE III—NORTHEAST REGIONAL RAIL SYSTEM

PRELIMINARY REPORT ON CORE RAIL SERVICE

SEC. 301. (a) Within thirty days after the date of enactment of this Act, the Secretary shall prepare a preliminary report containing his recommendations for the identification of geographic zones in the Northeast region within and between which rail freight service shall be provided, and the minimum number of railroads that shall provide such service. The Secretary may use as a basis for the establishment of the zones standard metropolitan statistical areas used in the last United States census, groups of those areas, counties, or groups of counties having similar economic characteristics, such as mining, manufacturing, and agricultural activities. In determining whether service shall be provided, the Secretary shall take into consideration—

(1) the objective of financially self-sustaining rail service;

(2) long-term economic efficiency in the use of transportation resources;

(3) rail traffic presently generated within the zones;

(4) possible near-term changes in rail traffic that may result from such factors as population shifts and changes in manufacturing, agriculture, mining, and consumption, and the probable costs of alternative transportation;

(5) the objective of enhancing environmental quality;

(6) the importance of preserving self-sustaining rail service competition in markets with heavy rail traffic;

(7) the potential for achieving efficiencies and serving shippers through the joint use of facilities, and intermodal connections and substitutions; and

(8) the need for efficient transportation service by the consumers, shippers, small communities, cities, and geographic zones presently served.

In preparing the preliminary report, the Secretary shall also take into consideration the requirements for commuter and intercity passenger rail service in the Northeast region.

(b) Upon completion of the preliminary report required by subsection (a) of this section, the Secretary shall submit the report to the Commission; make the report available to interested parties, the States and their public utility commissions, local governments, and consumer interest groups; and publish the report in the Federal Register.

REVIEW BY THE NORTHEAST SERVICES PLANNING OFFICE

SEC. 302. (a) There is hereby established in the Commission a new Northeast Rail Services Planning Office (referred to hereinafter as the "Office"). The Office shall be administered by a Director appointed by the Chairman of the Commission with the concurrence of at least five members of the Commission. The Office shall cease to exist upon the completion of its duties under this section.

(b) (1) The Director shall be compensated at a rate to be set by the Chairman of the Commission without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates, but at a rate not in excess of the maximum rate of GS–18 of the General Schedule under section 5332 of such title.

(2) The Director is responsible to and shall report to the Chairman of the Commission and is authorized, with the concurrence of the Chairman, to appoint, fix the compensation and assign the duties of employees of the Office without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and to procure temporary and intermittent services to the same extent as is authorized under section 3109 of title 5, United States Code, but at rates not to exceed $250 a day for qualified experts. Each department, agency, and instrumentality of the executive branch of the Federal Government and each independent regulatory agency of the United States is authorized and directed to furnish to the Director upon written request made by the Director, on a reimbursable basis or otherwise, such assistance as the Director deems necessary to carry out his functions and the duties of the Office under this Act including, but not limited to, transfer of personnel with their consent and without prejudice to their position and rating.

(c) Within thirty days after the Secretary completes the preliminary report on Core rail service required by section 301 of this Act, interested persons may submit to the Director written comments, data, and arguments on the report. In addition, the Director shall afford an opportunity for informal public hearings on the report at at least twelve different locations in the northeast region.

(d) Within ninety days after the date of enactment of this Act, the Director shall, after affording due consideration to the relevant matter submitted in writing or presented at the informal hearings, submit to the executive committee of the Association his recommendations for the preparation of a final report on Core rail service together with a summary of the recommendations of those who contributed comments on the preliminary report and his reasons for not adopting such recommendations.

FINAL REPORT

SEC. 303. Within one hundred and twenty days after the date of enactment of this Act, the executive committee of the Association shall issue a final report on Core rail service consistent with the criteria in section 301 of this Act.

INVENTORY OF RAIL FACILITIES

SEC. 304. (a) Within one hundred and eighty days after the date of enactment of this Act, each railroad in the Northeast region shall, under such regulations as the Secretary may prescribe, compile and submit to the Secretary, the Chairman of the Association, the Chairman of the Commission, and the Corporation data respecting the physical and operating characteristics of its plant.

(b) Each railroad in reorganization shall provide such additional information as may be required by the Secretary, the Chairman of the Association, and the Chairman of the Commission in carrying out their functions under this Act.

(c) The Secretary, the Chairman of the Association, and the Commission may obtain information by subpoena. In case of contumacy by, or a refusal to obey a subpoena served upon a railroad under this section, the district courts of the United States, upon application by the Attorney General upon request of the Secretary, the Chairman of the Association, or the Chairman of the Commission, shall have jurisdiction to issue an order requiring the railroad to produce the information, and any failure to obey such order of the court may be punished by the court as a contempt thereof.

PREPARATION OF PRELIMINARY SERVICE PLAN

SEC. 305. Within three hundred days after the date of enactment of this Act, the executive committee of the Association shall prepare, submit to the Commission, and make available to interested persons a preliminary plan for the operation of rail services provided by railroads in reorganization and other railroads with which the Chairman of the Association may negotiate agreements under section 306 of this Act on behalf of the corporation. The plan shall identify those rail lines which the corporation shall operate and those lines which it shall not operate. The plan shall also specify the method of operation proposed for each service, including, but not limited to, operation by the corporation or operation by another carrier under lease or through purchase. The plan shall be consistent with and shall include substantially all the rail service envisioned in the final report issued under section 303 of this Act.

NEGOTIATION OF AGREEMENTS

SEC. 306. (a) The Chairman of the association shall, in a manner consistent with the service plan, enter into executory agreements on behalf of the Corporation—

(1) with any railroad in the Northeast region for acquisition of rail assets in return for stock of the Corporation as provided by section 403 of this Act;

(2) where appropriate, with third parties, including railroads and State and local governments, for the transfer to such parties of any right, interest, service, or privilege contracted for under paragraph (1) of this subsection;

(3) with representatives of railroad employees to be hired by the Corporation respecting rates of pay, working conditions, employee protection, and associated matters;

(4) where possible, with State and local governments, shippers, and other persons for the continuation of unprofitable service which such persons agree to subsidize;

(5) with financial institutions for financing needed for the improvement or modernization of plant and equipment and for other purposes; and

(6) with the National Railroad Passenger Corporation and commuter agencies for the continuation of rail passenger services provided by these entities.

(b) Executory agreement entered into under this section shall not be binding upon the parties involved if action taken by the Association or the Congress under this title, or by the courts, or by the Association under title V of this Act precludes the Corporation from beginning or providing for the beginning, of rail service under title V as provided pursuant to the service plan approved under this title.

REVIEW BY THE COMMISSION

SEC. 307. Upon receipt of the preliminary service plan prepared under section 305 of this Act, the Commission shall afford an opportunity for informal public hearings on the plan at at least twelve different locations in the Northeast region and afford interested persons an opportunity to submit written comments thereon. Within sixty days after receipt of the preliminary service plan, the Commission shall, after affording due consideration to the relevant matter submitted, submit to the executive committee of the Association recommendations consistent with the criteria in section 301 of this Act for the preparation of a final service plan together with a summary of the recommendations of those who contributed comments on the preliminary plan and its reasons for not adopting such recommendations.

PREPARATION OF FINAL PLAN

SEC. 308. Within sixty days after receipt of the recommendations of the Commission, the executive committee of the Association shall prepare and submit for approval to the board of directors of the Association a final service plan. Within thirty days after receipt of the final plan, the board of directors shall by a majority vote of all its members approve a final service plan which is financially self-sustaining, feasible, and is consistent with and includes substantially all the rail service envisioned in the final report issued under section 302 of this Act. The Chairman of the Association shall renegotiate agreements entered into under section 307 of this Act as necessary to insure they are consistent with the final plan approved by the board of directors.

REVIEW OF THE CONGRESS

SEC. 309. On the date the board of directors approves the service plan under section 308 of this Act, it shall submit the service plan simultaneously to the Speaker of the House of Representatives and the President of the Senate. The service plan shall be deemed approved by the Congress unless, within thirty days after the date of its submission, the Congress, by a majority vote of both Houses, rejects it.

TITLE IV—NORTHEAST RAIL CORPORATION

ESTABLISHMENT OF THE CORPORATION

SEC. 401. There is authorized and directed to be established a body corporate to be known as the "Northeast Rail Corporation." The Corporation shall be a for-profit corporation. The Corporation shall not be an agency or establishment of the United States Government. It shall be subject to the provisions of this Act, and to the extent not inconsistent with this Act, to applicable State laws. The Secretary, the Chairman of the Association, and the Chairman of the Commission shall be the incorporators of the corporation and shall also serve as its initial board of directors until the shares of common stock of the Corporation are issued. The incorporators and initial directors shall take whatever actions are necessary to establish the corporation, including the filing in any State of articles of incorporation and the adoption of bylaws.

GENERAL POWERS OF THE CORPORATION

SEC. 402. To carry out the functions and purposes of this Act, the Corporation and any corporation it creates under this Act shall have, in addition to the powers vested in the Corporation under this Act, the powers conferred under the laws of the State or States in which they are incorporated and the usual powers of a railroad under the laws of any State in which they operate.

SPECIAL POWERS AND FUNCTIONS OF THE CORPORATION

SEC. 403. In order to carry out the service plan and agreements prepared under title III of this Act, the Corporation is authorized to—

(1) issue and allocate common and preferred stock to railroads in reorganization or other railroads entering into agreements

with the Corporation under title III of this Act based upon the consideration provided by the railroads under such agreements;

(2) manage, operate, or contract for the operation of railroad service consistent with the provisions of this Act;

(3) sell or lease all or part of its assets in a manner consistent with the service plan approved under title III of this Act;

(4) create and transfer or assign any rights and assets it may acquire to an additional corporation or corporations to operate railroad service as provided by the service plan approved under title III of this Act.

TITLE V—COURT REVIEW AND IMPLEMENTATION OF SERVICE PLAN

COURT REVIEW OF AGREEMENTS

SEC. 501. (a) On the date the board of directors submits the service plan to the Congress under section 309 of this Act, the trustees shall submit for approval to the appropriate reorganization courts the agreements negotiated under section 306 of this Act under which the corporation is to acquire the assets of railroads in reorganization.

(b) Upon or in anticipation of the submission of the agreements by the trustees for approval by the reorganization courts under subsection (a) of this section, an application may be made by any party in interest, including, but not limited to, the corporation or trustees or creditors of the railroads in reorganization, to the judicial panel on multidistrict litigation authorized by section 1407 of title 28, United States Code, for the transfer to any district court of all proceedings respecting the review of the agreements. The transfer shall be made by the panel to the district court which the panel determines is most convenient to the parties and will promote the just and efficient conduct of the review. The consolidated proceedings shall be conducted by a judge selected by the panel who is not assigned to any proceeding under section 77 of the Bankruptcy Act involving any railroad in reorganization. The judge to whom the proceedings are assigned may exercise the powers of a district judge in any district for the purpose of conducting the consolidated proceedings. No proceedings for review of any order of the panel under this subsection may be permitted. The panel may prescribe rules for the conduct of its functions under this subsection.

(c) The sole issues before the court under subsection (a) or (b) of this section shall be whether (1) the agreements are in the best interests of the debtor's estate; and (2) in approving the service plan, the board of directors of the association considered its overall environmental consequences in compliance with the policies of the National Environmental Policy Act of 1969; as amended (42 U.S.C. 4321 et seq.). The court shall issue its decision within 90 days after the receipt of the agreements under subsection (a) of this section. The court may not approve any agreements hereunder if the Congress rejects the service plan under section 309 of this Act. Court decisions under this section and section 502(a) of this Act shall not be reviewable in any court.

(d) Not later than ten days after the board of directors approves the service plan under title III of this Act, any corporation may petition the judge conducting a proceeding under subsection (b) of this section to approve agreements it has negotiated with railroads in reorganization for the acquisition of their assets pursuant to a plan for the operation of rail services in the northeast region. If the judge finds that (1) the agreements are in the best interests of the debtor's estate: and (2) the petitioner's plan is substantially the same as the service plan approved by the Congress under section 309 of this Act and preserves a proper level of rail service competition, he shall, within the time prescribed in subsection (c) of this section for the review of agreements negotiated by the Chairman of the Association, approve the agreements. If the judge approves the agreements, the petitioner shall be deemed to be the "Corporation" for the purposes of title VI of this Act.

APPRAISAL OF ACTION OF COURTS; ASSUMPTION OF SERVICE

SEC. 502. (a) Within fifteen days after all of the decisions of the courts are issued under section 501 of this Act, the executive committee of the Association shall appraise the impact of the decisions and determine whether the decisions of the courts would permit the implementation of a viable service plan. If the executive committee determines that the decisions of the courts would not permit the implementation of a viable service plan, the Corporation shall take whatever steps are necessary to wind up its affairs and terminate its existence. If the executive committee determines that the decisions of the courts would permit the implementation of a viable service plan, the corporation, to the extent permissible under the decisions of the courts, shall within sixty days after the executive committee determines that the decisions of the courts would permit the implementation of a viable service plan begin or provide for the beginning of rail service. Agreements with railroads in reorganization revised in light of the decision of a court under section 501 of this Act shall be submitted for approval to that court by the trustees and the court shall issue its decision thereon as soon as practicable. The sole issue before the court under this subsection with respect to agreements under which the Corporation is to acquire assets of bankrupt railroads shall be whether the agreements are in the best interests of the debtor's estate.

(b) If the board of directors of the Association fails to approve the service plan under title III of this Act, or it is determined under this section that the decisions of the courts preclude the implementation of a viable service plan, the Association shall submit to the Congress as soon as practicable a report of the activities under this Act and its recommendations as to any additional legislation it considers appropriate.

COURT REVIEW OF ACTIONS

SEC. 503. Except as provided in section 501 of this Act, action or inaction under this Act of the Secretary, the Commission, or the Association, or any director, member, officer, committee, or subordinate unit of any of them, shall not be reviewable in any court.

TITLE VI—DISCONTINUANCE OF SERVICE

GENERAL

SEC. 601. (a) Except as otherwise provided in this title, on and after the date the Corporation begins rail service under section 502 of this Act, the Corporation shall be deemed a common carrier by railroad within the meaning of section 1(3) of the Interstate Commerce Act and shall be subject to the Interstate Commerce Act.

(b) For the purposes of this title, the term "corporation" includes any corporation established by the Corporation to provide rail service included in the service plan approved under this Act. However, it does not include an entity or properties owned by the Corporation but managed or operated by another railroad.

DISCONTINUANCE OF THE OPERATION OF SERVICE

SEC. 602. (a) Except as otherwise provided under section 603 of this Act, after providing sixty days' notice to State Governors and publishing notice in accordance with section 1(19) of the Interstate Commerce Act, (1) any railroad in reorganization may abandon the operation of any rail service within any zone as defined by the Secretary under section 301 of this Act for which rail service is not designated in the final report issued under section 303 of this Act; (2) any railroad in reorganization which agrees to transfer rail assets to the Corporation under section 306 of this Act and thereafter transfers any rail assets to the Corporation under section 502, or any other railroad which agrees to transfer a substantial part of its rail assets to the corporation under section 306 of this Act and thereafter transfers any rail assets to the corporation under section 502, may abandon the operation of any rail service not included in the service plan approved under title III of this Act.

(b) Any railroad in reorganization or any other railroad which does not agree to transfer rail assets to the Corporation under section 306 of this Act but thereafter transfers rail assets to the Corporation, or any railroad (other than a railroad in reorganization) which agrees to transfer less than a substantial part of its rail assets to the Corporation under section 306 of this Act and thereafter transfers assets to the Corporation under section 502, may abandon the operation of any rail service provided over those assets on the date that the Corporation by contract or otherwise begins rail service thereon.

(c) Except as provided under section 603 of this Act, during the first two years of providing service, the Corporation may abandon the operation of any rail service following changed market or other conditions or a natural disaster and after providing sixty days' notice to State Governors and publishing notice in accordance with section 1 (19) of the Interstate Commerce Act if the Secretary finds in writing, after hearing in accordance with section 553 of title 5, United States Code, that there is not any reasonable prospect that the service can become self-sustaining under efficient and economical management.

ABANDONMENT OF LINES

SEC. 603. (a) If a rail line used for service discontinued under subsection (a) or (c) of section 602 of this Act is no longer required by the entity which provided the service, the line may be abandoned if the entity holds open for not less than one hundred and twenty days after the discontinuance of service an offer to sell the rail line intact for railroad purposes or to contract with any person, including a State or local government, for the continuation of rail service thereon on terms and conditions that insure that the entity does not incur any losses as a result of the provision of the service.

COMMISSION REVIEW

(b) Upon application by any State, local or regional authority within the notice period provided for in section 602(a) of this title setting forth the basis for its interest in subsidizing any line or lines of railroad which would be permitted to be abandoned under this section and its plan for effecting such subsidy, the Commission shall undertake an investigation to determine and quantify: (1) the need for continuance of such service, (2) the availability of alternative transportation and, (3) the probable future cost associated with, (a) acquisition, (b) rehabilitation to a level appropriate for safe operations, and (c) future operating losses of the line or lines of railroad covered by the application. Such findings shall be made in writing within 60 days of the date of receipt of the application and may be used as evidence of the facts covered thereby in connection with applications to the Secretary for reimbursement as provided for in title VII of this Act.

TITLE VII—LOCAL RAIL SERVICES ACT OF 1973

SUBSIDY

SEC. 701. (a) The Secretary is authorized to reimburse a State or a local or regional authority for 70 per centum of the amount paid by such State, local, or regional authority as operating subsidy to continue service on a rail line or lines that would otherwise have been abandoned. In determining whether to make such reimbursement the Secretary shall consider the need for such service and the impact of the abandonment of such service on the communities affected, the practicability of the plan of operating subsidy, the amount of subsidy in relation to the benefits to be derived therefrom, and the availability of alternative transportation at reasonable cost.

(b) Within three months from the date of enactment of this title, the Secretary shall prescribe regulations governing the procedure for application by a State, or a local or regional authority for reimbursement of operating subsidies, criteria to be used in deciding upon such applications, and terms and conditions required of all contracts or other arrangements for operating subsidy.

(c) If the Secretary finds that an operating subsidy contract or other arrangement as submitted fails to comply with his regulations, he shall advise the State, or a local or regional authority and afford it a period of not to exceed fifteen days within which to bring such contract into conformity with such regulations.

(d) An operating subsidy contract between a State, or a local or regional authority and the Corporation or a railroad may not exceed a term of two years. At the end of such term a State, or a local or regional authority may apply to the Secretary for continued reimbursement under the terms of a new contract. If a contract expires and a new contract is not made, the Corporation or the railroad may abandon the line after 30 days from the date of expiration of such contract.

(e) The Secretary shall not reimburse a State, or a local or regional authority for operating subsidy paid to the Corporation or a railroad unless requisite legislation has been adopted extending authority to the Governor or other appropriate State, local or regional official or agency to perform its obligations in accordance with the terms of this title and regulations issued by the Secretary.

(f) Upon approval of an operating subsidy contract or other arrangement by the Secretary, the United States shall become obligated to pay out of sums not otherwise obligated in the general fund of the Treasury, an amount equal to 70 per centum of moneys paid to the Corporation or a railroad pursuant to such contract or arrangement upon the receipt of proof satisfactory to him that the payment for which reimbursement is sought has been made by the State or a local or regional authority. Such payments shall be made to the States, or local or regional authorities by the Secretary pursuant to regulations prescribed by him. The Secretary shall not be authorized to obligate the United States for amounts in excess of $50,000,000 in any fiscal year.

CAPITAL IMPROVEMENTS

SEC. 702. The initial costs of restoring or upgrading rail properties to such condition as necessary for the provision of service may not be included in an operating subsidy contract or other arrangement. Such capital costs may, however, be prorated over the life of such line or facilities and such prorated cost may be included as part of the cost of an operating subsidy contract or other arrangement.

TITLE VIII—NORTHEAST RAIL INDUSTRIAL RELATIONS COMMISSION

CREATION OF THE COMMISSION

SEC. 801. There is hereby created a Northeast Rail Industrial Relations Commission, herein referred to as the NRIRC. The NRIRC shall be composed of seven members appointed by the President of the United States with the advice and consent of the Senate as follows: two shall be representatives of railroad labor; two shall be representatives of railroad management; and three, one of which the President shall designate as chairman, shall be persons who have never been affiliated either with railroad labor or railroad management. The NRIRC shall cease to exist sixty days after the date of the submission of its report to the President and the Congress under section 804(a) of this Act.

FUNCTIONS AND DUTIES

SEC. 802. (a) The purpose of the NRIRC is (1) to assist the Chairman of the Association and representatives of railroad employees to be hired by the corporation to reach agreements under section 306(a)(3) of this Act; and (2) to formulate recommendations respecting appropriate benefits (including relocation assistance) to be afforded those employees of railroads in reorganization who are not to be hired by the Corporation on or prior to the date the Corporation implements rail service under this Act and, as required by section 804(a) of this Act, to forward those recommendations to the President and the Congress.

(b) In carrying out its functions and duties under subsection (a)(1) of this section, the NRIRC shall—

(1) Keep apprised of the progress of negotiations and report thereon periodically to the Secretary of Labor and the Secretary of Transportation; and

(2) At the request of the parties to the negotiations and where the NRIRC agrees that such action would be useful, use its best efforts, by mediation, to bring the parties into agreement on disputed issues.

(c) In carrying out its functions and duties under subsection (a)(2) of this section, the NRIRC shall—

(1) Identify, collect, and preserve necessary personnel data and records;

(2) Obtain through the conduct of hearings or otherwise pertinent information and views; and

(3) Adhere to the primary objective of the establishment of a viable corporation under title IV of this Act; and

(4) Limit benefits to lump-sum severance payments, relocation assistance, and lump-sum incentives to early retirement.

ADMINISTRATIVE PROVISIONS

SEC. 804. (a) Each member of the NRIRC shall, while serving on the business of the NRIRC, receive compensation at a rate fixed by the President, but not exceeding $300 per day. In addition, each member shall be reimbursed for necessary travel and subsistence expenses incidental to serving the business of the NRIRC.

(b) The NRIRC is authorized, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, to appoint, fix the compensation for, and assign the duties of such personnel as may be necessary to carry out the functions of the NRIRC, but no individual so appointed shall receive compensation in excess of the rate authorized for GS-18 by section 5332 of such title.

(c) The NRIRC is authorized to obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, but at rates not to exceed $250 per day.

(d) Each department, agency, and instrumentality of the Government, including independent regulatory agencies, is authorized and directed to furnish to the Chairman of the NRIRC upon written request made by the Chairman, on a reimbursable basis or otherwise, such assistance or information as the Chairman deems necessary to carry out the duties and functions of the NRIRC, including the transfer of personnel with their consent and without prejudice to their position and rating.

(e) There are authorized to be appropriated such sums as are necessary to carry out the provisions of this title.

REPORTS

SEC. 804. (a) The NRIRC shall submit to the President of the United States and to the Congress a report describing (1) the results of the negotiations on new working agreements referred to in section 802(a)(1) of this Act and its recommendations for the solution of any unresolved matter precluding the consummation of such agreements; (2) the recommendations formulated under section 802(a)(2) of this Act; and (3) its other actvities under this Act. The report shall be submitted on or before the date the executive committee of the Association submits for approval to the board of directors of the Association a final service plan under section 308 of this Act.

(b) Within thirty days after receipt of the report from the NRIRC, the President shall approve, reject, or modify the recommendations of the NRIRC and submit to the Congress a report of such action together with such recommendations as to related legislatiton as he may deem necessary.

TITLE IX—MISCELLANEOUS

SEPARABILITY

SEC. 901. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

ACCESS TO RECORDS

SEC. 902. The corporation and the association shall keep such records as the Secretary may prescribe which disclose the amount and the disposition by the corporation and the association of payments received under section 204 of this Act. The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the corporation and the association that are pertinent to payments received under section 204.

STATE OR LOCAL TAXATION

SEC. 903. Nothing in this Act shall preclude a State or local jurisdiction from imposing, in accordance with the laws of such State or local jurisdiction, any valid, nondiscriminatory tax on the corporation.

SECTION-BY-SECTION ANALYSIS OF AN AMENDMENT IN THE NATURE OF A SUBSTITUTE TO S. 2188

TITLE I—SHORT TITLE, ETC.

This title contains definitions and Congressional findings and purpose.

TITLE II—FEDERAL NATIONAL RAILWAY ASSOCIATION

Sections 201 and 202—Establish a new Federal National Railway Association, a not-for-profit corporation empowered to prepare and submit to Congress for approval a rail service plan for the northeast region which will permit the operation of financially self-sustaining rail service in the region.

Section 203—Outlines the managerial structure of the Association. The Association would have a nine-man board of directors consisting of a chairman appointed by the President, three ex officio members (the Secretary of Transportation, the Federal Railroad Administrator, and the Chairman of the Federal Reserve Board), and five members appointed by the President who would represent, respectively, shippers by rail, railroads, Governors of States within the northeast region. The Association also would have an executive committee consisting of the Chairman of the Association, the Secretary of Transportation, and the Chairman of the Interstate Commerce Commission.

Section 204—Authorizes the appropriation of $40 million to meet the planning expenses of the Association and the organizational expenses of the northeast Rail Corporation established in title IV.

Section 205—Makes inapplicable to transactions under the bill the Interstate Commerce Act and other laws which are inconsistent with the provisions of the bill.

TITLE III—NORTHEAST REGIONAL RAIL SYSTEM

Sections 301 through 303—Establish procedure for the preparation within 120 days after the enactment of the bill of a report on Core rail service for the northeast region. After the preparation of a preliminary report by the Secretary of Transportation, a new Planning Office to be established in the Interstate Commerce Commission would hold hearings on the report and submit its recommendations thereon to the Secretary and the ICC Chairman who would prepare a final report. The Chairman of the Association would settle disagreements by the Secretary and ICC Chairman as to the content of the final report.

Section 304—Provides for the inventory of rail facilities in the northeast region.

Sections 305 through 309—Establish procedure for the preparation of a service plan for the northeast region outlining the details for the operation of rail services. Within 300 days after the enactment of the bill, the executive committee of the association would prepare a preliminary service plan. Thereafter, the ICC would hold informal hearings on the plan and submit its recommendations thereon back to the executive committee. The executive committee would then prepare a final plan for the approval of the full board of directors of the Association. Thereafter, the Congress would be afforded the opportunity to reject the plan. If both Houses of Congress failed to reject the plan within 30 days after its receipt, the plan would be deemed approved. During the time prescribed for the preparation of the service plan, the Chairman of the Association would negotiate agreements, on behalf of the Northeast Rail Corporation and in a manner consistent with the service plan, (1) with bankrupt railroads for the acquisition of rail assets in return for stock of the Corporation; (2) with representatives of railroad employees to be hired by the corporation; (3) with financial institutions for financial assistance needed for plant improvement; and (4) with the National Railroad Passenger corporation and commuter agencies for the continuation of rail passenger service provided by these entities.

TITLE IV—NORTHEAST RAIL CORPORATION

Section 401 through 403 establish a for-profit Northeast Rail Corporation to operate or contract for the operation of rail service consistent with the provisions of the bill and to create additional corporations to operate such service as provided by the service plan.

TITLE V—COURT REVIEW AND IMPLEMENTATION OF SERVICE PLAN

Section 501—Provides for court review of the agreements negotiated by the Chairman of the Association under which the Corporation would acquire the assets of railroads in reorganization. It establishes procedure for the consolidation of such actions in a single district court and precludes further court review of its decisions. The principle issue before the court under this section would be whether the agreements are in the best interests of the debtor's estate.

Section 502—Calls upon the executive committee of the Association to determine whether the court decisions under section 501 would permit the implementation of a viable service plan and, if so, for the Corporation to begin or provide for the beginning of rail service within 60 days.

Section 503—Precludes court review of actions under the bill by the Secretary, the ICC, or the Association.

TITLE VI—DISCONTINUANCE OF SERVICE

Sections 601 through 603—Establish special procedures for the discontinuance of service and the abandonment of lines by railroads which transfer assets to the Corporation and by the Corporation itself during its first two years of operations. The procedures insure that State and local governments and others will have the opportunity to purchase the lines for rail purposes or contract for the continuation of rail services thereon on terms and conditions that would insure that the railroad does not incur any losses as a reslt of the provision of the service.

TITLE VII—LOCAL RAIL SERVICE ACT OF 1973

Sections 701–702—These sections establish a new program to be administered by the Secretary of Transportation. The Secretary would be authorized to obligate the United States to pay 70 per centum of the cost of subsidizing railroad deficit operations on lines which, in the absence of the subsidy, would be abandoned either under the provisions of this act or the Interstate Commerce Act. In order to preserve rail service on a line to be abandoned, a State, local or regional authority must contract with either the Corporation or a railroad for the continuation of services. The State, local or regional authority would be obligated to pay the railroad for the losses sustained, but the Secretary would be authorized to reimburse the State, local or regional authority for 70 per centum of its obligation.

Title VII is Nationwide in scope. It is designed to provide a viable alternative to States, localities and regional authorities who would lose rail service via abandonment in the absence of a program for subsidizing the service. The criteria used by the Secretary in deciding whether to reimburse a State, local or regional authority for 70 per centum of its subsidy cost would be promulgated by the Secretary pursuant to statutory guidelines set forth in the title.

TITLE VIII—NORTHEAST RAIL INDUSTRIAL RELATIONS COMMISSION

Section 801—Creates a Northeast Rail Industrial Relations Commission composed of seven presidential appointees, two of which would be representatives of railroad labor and two of which would be representatives of railroad management.

Section 802—Outlines the following functions of the Commission: (1) to assist the chairman of the association (acting on behalf of the Corporation) and the representatives of railroad employees to be hired by the Corporation to reach a new working agreement; and (2) to formulate and submit to the President and the Congress recommendations respecting appropriate benefits to be afforded to employees of railroads in reorganization who are not to be hired by the Corporation.

Section 803—Contains administrative provisions applicable to the operations of the Commission.

Section 804—Requires the President to approve, reject, or modify the recommendations contained in the Commission's report and thereafter to submit to the Congress a report of such action together with such recommendations as to related legislation as he deems necessary.

TITLE IX—MISCELLANEOUS

This title contains provisions on separability, audit, and a provision permitting nondiscriminatory State and local taxation.

REFORM OF CONGRESSIONAL PROCEDURES—AMENDMENT

AMENDMENT NO. 457

(Ordered to be printed and referred to the Committee on Government Operations.)

Mr. JAVITS (for himself and Mr. Mondale) submitted an amendment intended to be proposed by them jointly to the bill (S. 1541) to provide for the reform of congressional expenditures and the national debt; to create a budget committee in each House; to create a congressional office of the budget; and for other purposes.

Mr. JAVITS. Mr. President, I introduce for myself and Mr. Mondale as an amendment to S. 1541, the "Congressional Budgetary Procedures Act of 1973," now before the Committee on Government Operations, my proposal for the establishment of an Office of Goals and Priorities Analysis.

This proposal was included by me in December 1969 as a part of S. 5, a bill sponsored by Senator Mondale, principally for the establishment of a Council of Social Advisers.

It was passed by the Senate as a part of S. 5 on September 10, 1970, and September 5, 1972, and is included in S. 5 as reported by the Committee on Labor and Public Welfare on June 18, 1973, and now under consideration by the full Senate. Under the proposal there would be established in the Congress an independent and autonomous unit which would be responsible for submitting an annual report to the Congress setting forth goals and priorities in the general context of needs, costs, available resources, and program effectiveness. The national priorities report would include, but not be limited to:

First, an analysis, in terms of national priorities of the program in the annual budget submitted by the President.

Second, an examination of resources available to the Nation, the foreseeable costs and expected benefits of existing and proposed Federal programs, and the resource and cost implications of alternative sets of national priorities.

Third, recommendations concerning spending priorities among Federal programs and courses of action, including the identification of those programs and courses of action which should be given greatest priority and those which could more properly be deferred.

Mr. President, events have now established suitable framework for this proposal. It is an idea whose time has come.

We had a Joint Committee on Budget Control headed by the Senator from Arkansas (Mr. McClellan).

We were appalled by the inability to put on and administer a ceiling on the budget ourselves. It was reported—and while I differ with some of it, on the whole it was an admirable effort to begin to deal with that question.

At that point, a legislative standing committee—the Government Operations Committee—on which I serve quite properly, to implement those recommendations.

The Committee on Government Operations is now considering legislation to implement the recommendations—S. 1541, the Congressional Budgetary Procedures Act of 1973—as it is being reported from the Subcommittee on Budgeting, Management, and Expenditures on which Senator Metcalf is the chairman and the ranking member is the Senator from Ohio (Mr. Saxbe).

Mr. President, the Committee on Labor and Public Welfare report on S. 5 states:

> The Committee recognizes that the Joint Study Committee on Budget Contract established by Public Law 92–599 (October 27, 1972) has recommended the creation of

House and Senate Committees on the Budget with a joint staff, and that these Committees could perform many of the functions envisioned for the Office of Goals and Priorities Analysis under Title II. Legislation to implement the Joint Study Committee's recommendations and similar initiatives are now being considered by the Senate Committee on Government Operations and by the appropriate committees in the House.

In connection with the Senate's consideration of S. 5, the Committee will work with members of these and other concerned committees and joint committees to ensure that Title II is reviewed in light of these and other related developments.

To that end, I have consulted with the chairman and the ranking minority members of the Committee on Government Operations and of the Subcommittee on Budgeting, Management, and Expenditures, as well as with Senator MONDALE, and I am taking title II out of S. 5 and introducing title II as amended as an amendment to S. 1541, the Congressional Budget Procedures Act of 1973, to be further considered by the Committee on Government Operations. having already been approved by the Committee on Labor and Public Welfare, today.

Mr. President, I ask unanimous consent that there be printed at this point in the RECORD excerpts from the report of the Senate Committee on Labor and Public Welfare (93–324) regarding title II, including an explanation of needs, testimony before the Committee on Labor and Public Welfare, as well as a section-by-section analysis of this title II.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPTS FROM REPORT OF SENATE COMMITTEE ON LABOR AND PUBLIC WELFARE

Title II.—While the Council of Social Advisers is designed as an agent of the White House, dealing with the general social health of the Nation, the Office of Goals and Priorities Analysis would be an arm of the Congress, serving it in its examination of budget proposals, program costs and effectiveness, appropriations, and the national priorities revealed in this spending.

The appropriations process is the vital mechanism through which the Congress seeks to reflect its views on budgetary priorities. But there remains a great need to equip Congress with the kind of manpower, data and technology that would furnish it with the information necessary if it is to fully examine and evaluate each appropriations measure, separately and in view of all other appropriations measures, will regard to the relative needs of the Nation. The Office would not supplant the efforts of the Appropriations Committees to determine the Nation's expenditures. Rather, it would further explain, coordinate and compare the various budgetary proposals so as to provide the overview so necessary to responsible fiscal planning. The program information it would collect and interpret would be made available to other committees and individual Members of Congress.

These services should, in concert with the other work of the Office, serve to improve the legislative process. Too often, despite the excellent work of the Appropriations Committees, congressional procedures result in each appropriation's being considered separately and in a piecemeal fashion.

In committees—on the floor—and in conference, over a period of months, the Government's spending priorities take shape. Yet this is done in virtual ignorance of total alternative budgets by which other priorities might be expressed. Revisions and amendments are made, often on the floor of the Senate, each of which affects a vast range of alternatives. Yet these alternatives are seldom really identified. An appropriation increase, for example may be offered with the very best of intentions, but with no clear idea of what other equally worthwhile projects are precluded by this additional expenditure.

Currently, the Congress has only one complete, coherent budget with which to work—that submitted by the President. There is no reason, of course, why the Congress should feel obliged to accept this budget, item by item. And the Congress doesn't. The new Office would, in providing Congress with hard cost-benefit and sound, need-projection data, improve the chances that the deletions, additions, and other revisions of the budget would occur as a result of informed and considered analysis of the merits of each budget proposal, and of how all spending decisions influence, and are influenced by, the total economy.

It was the opinion of the committee that the Congress needed its own office to provide this kind of ongoing analysis and to generate comprehensive budget alternatives which could be examined in a totality. The executive branch is quite well equipped to function in such matters. With the Domestic Council and the Office of Management and Budget, and with the extensive facilities of the National Security Council, the Council of Environmental Quality, and the Council of Economic Advisers, the White House alone (not to mention the departments and agencies) is formidably equipped to present a given budget and make its case.

Meanwhile, the Congress—coequal in policymaking, and supposedly preeminent in the control over spending—has far too little resources, even in its Appropriations Committees, and has no established mechanism to help individual Senate or congressional staffs examine the national priority judgments reflected in the budget. The President said, when announcing his proposal to establish the Domestic Council and the Office of Management and Budget: "A President whose programs are carefully coordinated, whose information system keeps him adequately informed and whose organizational assignments are plainly set out, can delegate authority with security and confidence." Certainly the Congress, the branch of Government which shares with the Executive the responsibility to determine national priorities and delegate authority, should be so organized and informed. Such an office in the Congress could do much to stem the growing erosion of congressional power and give substance to the admittedly ill-defined contentions about national priorities, peace and growth dividends, and fiscal responsibility.

The last day of hearings, March 13, 1970, was devoted to discussion of title II. The witnesses were Senator Charles Percy, Mr. Charles J. Zwick, former Bureau of the Budget Director, and Mr. Joseph W. Barr, former Secretary of the Treasury.

Mr. Barr and Senator Percy testified that the Office of Goals and Priorities Analysis would serve to resolve the problems Congress presently endures by virtue of the piecemeal fashion in which it debates and funds national goals and priorities.

Senator Percy attributed the problem to the way the legislative process is set up:

Each bill and appropriation is handled separately with no real attention given as to how each piece of legislation fits into an overall framework of need and resources available.

All three witnesses agreed that Congress is also handicapped by the shortage of manpower, technological resources, and information necessary to make priority decisions regarding national program and policy design.

Senator Percy testified that "the Congress needs an independent office to provide Congress with independent counsel and advice in economic and financial areas in lieu of Congress falling back upon data provided by the executive branch. Or, what is worse, to operate in the dark." He found it incredible that Congress, where decisions of nationally important consequences are made, has neither the corps of people nor the minimum technological assistance that was available to him in making relatively minor decisions when he was in industry.

Senator Percy noted that the executive already surpasses the Congress in the development of a computer-based program management and evaluation and information system. He suggested that Congress avail itself of computer services so that it could, at least, request from the appropriate executive departments the tapes which have the data, upon which the executive budgets and 5-year plans have been based, and thus equip the office with the added ability to analyze the total budget and performance from a baseline (not just from the prior year) and search every line item if necessary.

Mr. ZWICK testified on the need for both the Council of Social Advisers and the congressional Office of Goals and Priorities Analysis to do "an effective cross examination" of recommendations from the executive branch. He felt that the new Executive reorganization made such tools all the more essential. First, the Director of the Office of Management and Budget would, according to the White House, no longer be involved in policy formulation and, therefore, the Director would be less able to testify on the underlying policy and priorities. Second, the Domestic Council would, under the cloak of Executive privilege, not be available to inform the Congress.

Senator Mondale and Mr. Barr agreed that the tools of S. 5 would not only restore some balance between the executive and legislative branches, but would also improve the quality of work in the executive branch. The Senator pointed to the "suboptimization" which increasingly characterizes a proliferating executive branch and which is never really challenged to answer the difficult question of overall priorities. With a more effective and informed challenge coming from the Congress, both branches should benefit from the result.

HEARINGS: 92D CONGRESS

In July 1971, a hearing was held on the bill, S. 5, in the identical form to that which was passed by the Senate on September 10, 1970. The bill was now known as the "Full Opportunity and National Goals and Priorities Act."

Testimony favoring the bill was received from Mr. Sol M. Linowitz, chairman of the National Urban Coalition, Prof. Raymond A. Bauer, professor of business administration at Harvard University and Dr. Nicholas J. Demerath III, executive officer of the American Sociological Association. A statement in support of the bill was also submitted by Mr. David F. Linowes, a partner in the firm of Laventhol, Krekstein, Horwath & Horwath.

Testimony generally supporting the objectives of the bill was presented by Hon. William Proxmire, a U.S. Senator from Wisconsin, and by Dr. Dwight A. Ink, Assistant Director of the Office of Management and Budget. These two witnesses, however, opposed enactment of the bill, principally on the grounds that they believed the functions provided for in the bill were already being performed—or should be performed—by different organizational units.

The witnesses who recommended enactment of the bill offered convincing testimony as to the need for the legislation, the appropriateness of the structures and processes to be established, and the feasibility of successful implementation—provided only that sufficient time would be allowed for the new arrangements to be developed and nurtured. Professor Bauer, for example, stressed that we should allow a new Council of Social Advisers some 10 to 15 years to reach maturity. But, he said, "it is better to start now."

Mr. Linowitz emphasized the great disparity in resources available to the President and to the Congress in developing the "major contours" of the Federal Budget. He said:

> The Congressional Office of Goals and Priorities created by S. 5 would provide Senators and Representatives with the means to analyze the budget as a whole for the first time.

Referring to title I of the bill, Mr. Linowitz observed:

> Finally, Congress currently is compelled to operate without the social data required to choose rationally between alternative resource uses, to evaluate program effectiveness, and to formulate a comprehensive public policy. The Council of Social Advisers and the annual social report of the President authorized in title I of the act, would, we believe, help to fill this information vacuum.

TITLE II

Section 201.—This section declares a finding of the Congress that the Congress needs more information and data upon which to base decisions affecting national priorities and budget alternatives.

Section 202.—This section establishes within the Congress an Office of Goals and Priorities Analysis. The Director and Assistant Director of the Office are to be appointed jointly by the majority leader in the Senate and the Speaker of the House, and shall have compensation equal to that of the Comptroller General and assistant Comptroller General. This section also sets their terms of office, provides for their removal, and declares professional qualification without regard to political affiliation to be the requirements for all professional staff members including the Director and Assistant Director.

Section 203.—This section relates the functions of the Office to those measures and appropriations which may come before the Congress; calls for a report on national goals and priorities to be submitted to the respective Committees on Appropriations, the Joint Economic Committee, and other interested committees. This section also states service to individual members to be a function of the Office in providing requested information or analyses relevant to an informed determination of national goals and priorities.

Section 204.—This section grants the Office certain authority for carrying out its functions; directs departments and agencies of the executive branch and independent agencies with specific mention of the General Accounting Office and the Office of Management and Budget, to furnish such information and assistance as is possible; and brings the staff of the Office of Goals and Priorities Analysis under section 2107 of title V of the United States Code.

Section 205.—This section calls for hearings on the national goals and priorities report by the Joint Economic Committee.

Section 206.—This section establishes the Secretary of the Senate as the disburser for the funds appropriated for the Office.

VETERANS' ADMINISTRATION ACCOUNTABILITY ACT OF 1973—AMENDMENT

AMENDMENT NO. 458

(Ordered to be printed and referred to the Committee on Veterans' Affairs.)

PRESIDENTIAL APPOINTMENT OF VA OFFICIALS

Mr. CRANSTON. Mr. President, I submit for printing an amendment to S. 1076, the proposed "VA Accountability Act of 1973," of which I am a cosponsor with Senator HARTKE, chairman of the Senate Veterans' Affairs Committee. I am delighted to be joined by Senator HARTKE and Senator RANDOLPH in sponsorship of this amendment to require that future appointments to the post of VA Deputy Administrator, Chief Medical Director, and Chief Benefits Director be made by the President subject to Senate approval.

Mr. President, there are currently 542 statutory positions required to be filled by Presidential appointment, by and with the advice and consent of the Senate. In determining why certain positions are subject to Senate confirmation, it seems pertinent to examine the size of the particular agency's budget, the number of employees under its jurisdiction, and the number of potential beneficiaries that the agency serves. Presumably, an agency with a large budget and a large number of employees, as well as a large population for which it is responsible, will have more positions requiring Senate approval than a smaller agency.

In view of this, Mr. President, let us look at the situation of the Veterans' Administration. Right now, in an agency spending more than $12.5 billion, employing almost 200,000 people, and potentially providing benefits to 29 million veterans, only one official, the Administrator of Veterans' Affairs, is so appointed and so accountable. By comparison, the Department of Housing and Urban Development employs approximately 16,000 people and spends a little over $5 billion, but has 7 statutory positions subject to Senate approval. And the ACTION Agency, with less than 2,000 employees, and a budget of approximately $165 million, has 6 positions requiring confirmation by the Senate.

The General Services Administration, which employs slightly more than 4,000 people and spends approximately $826 million has, like the VA, only one Presidentially appointed position requiring Senate approval. While I recognize the valuable services that this agency provides—largely to other Federal agencies—it does not have 29 million potential beneficiaries, as is the case with the Veterans' Administration.

Mr. President, these examples indicate a serious discrepancy regarding the accountability of the principal VA officials, which the amendment we are submitting would rectify. I wish to make it very clear, however, that this amendment explicitly would not apply to the incumbents in these positions. Retroactive confirmation by the Senate of the persons presently in the positions of VA Deputy Administrator, Chief Medical Director, and Chief Benefits Director is not required by this amendment.

Mr. President, I ask unanimous consent that the full text of this amendment be set forth in the RECORD at this point.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

At the end of the bill add a new section as follows:

SEC. 6. (a) The first sentence of section 210(d) of title 38, United States Code, is amended to read as follows: "There shall be in the Veterans' Administration a Deputy Administrator of Veterans' Affairs who shall be appointed by the President by and with the advice and consent of the Senate.".

(b) Section 210 of title 38, United States Code, is further amended by adding at the end thereof a new subsection as follows:

"(e) There shall be in the Veterans' Administration a Chief Benefits Director who shall be appointed by the President by and with the advice and consent of the Senate. The Chief Benefits Director shall administer, under the supervision and control of the Administrator, the programs provided for under chapters 11, 13, 15, 19, 21, 23, 31, 34, 35, 37, and 39 of this title, and shall perform such other functions as the Administrator shall designate."

(c) The first sentence of section 4101(a) of title 38, United States Code, is amended by inserting "who shall be appointed by the President by and with the advice and consent of the Senate" after "Chief Medical Director".

(d) The provisions of sections 210(d) and 4101(a) of title 38, United States Code (as amended by this section), insofar as such provisions require the advice and consent of the Senate to the appointment of individuals to the offices of Deputy Administrator of Veterans' Affairs of the Veterans' Administration and Chief Medical Director of the Department of Medicine and Surgery, Veterans' Administration, shall not apply in the case of individuals holding those offices, respectively, on the date of enactment of this Act for so long as such individuals continue to hold such offices. The provisions of section 210(e) of such title (as added by this section), insofar as such provisions require the advice and consent of the Senate to the appointment of any individual to the office of Chief Benefits Director of the Veterans' Administration, shall not apply with respect to the first appointment to such office, if the individual so appointed is the individual holding the administratively created office of Chief Benefits Director of the Veterans' Administration on the date of the enactment of this Act.

AMATEUR ATHLETIC ACT OF 1973—AMENDMENT

AMENDMENT NO. 459

(Ordered to lie on the table, and to be printed.)

Mr. TUNNEY. Mr. President, on June 27, 1973, the Senate Commerce Committee voted to report the Amateur Athletic Act of 1973, a bill designed to protect the rights of our amateur athletes in athletic competition, and to provide the foundation for better training, better coaching, and better facilities for amateur athletes.

Today, I have reported the bill as ordered reported by the Commerce Committee on behalf of myself and Senators PEARSON, COOK, GRAVEL, MAGNUSON, and THURMOND.

This bill is the result of many months of work by all the Senators involved. It is the result of 3 days of hearings in May on four bills which were combined to produce the omnibus bill which has been introduced today, with the report of the Commerce Committee accompanying it. It is, we believe, a giant step forward in protecting the interests of amateur athletes.

In the weeks since the Commerce Committee reported the legislation, there has been a barrage of criticism and innuendo unleashed by the existing sports bureaucracies in this country. Much of the criticism has been the result of misinterpretation, or misinformation on the parts of those concerned. We believe that those misinterpretations, whether innocent or conscious, will disappear as the true facts concerning our purposes are made clear.

There were, in addition to the exaggerations and misinformation, reasonable questions raised by knowledgeable sports observers and by some of our colleagues. In an attempt to strengthen the legislation and to accommodate the questions which have been legitimately raised concerning this legislation, we have changed and attempted to clarify certain parts of the bill. Accordingly, I now introduce an amendment in the nature of a substitute, on behalf of myself, and Senators PEARSON, COOK, MAGNUSON, GRAVEL, and THURMOND. This amendment is designed to eliminate any confusion as to our purposes or as to the scope of the bill, and I would like to briefly review some of the main substantive changes which we have made in this amendment.

The bill has been reorganized into three titles. The first title contains definitions which should serve to clarify and focus the purposes of the bill.

"International competition" is defined in the amendment in such a way as to indicate that only officially sanctioned competitions between nations as recognized by chartered sports associations are included. This definition is motivated by the recognition that there is a certain amount of informal competition between groups in the United States and other countries. High schools in the United States, for example, have regular games in sports such as football and ice hockey with teams from Canadian high schools. It is not the intention of the sponsors that such comptition be considered within the definition of international competition under this bill.

The amendment adds a definition of "restricted competition," a competition which is conducted for athletes of one class. This would include, for example, college athletes, high school athletes, Armed Forces athletes, YMCA athletes, and the like. This definition was added to eliminate confusion concerning the bill's impact on interscholastic and intercollegiate competition. The bill, under sections 201–204, has no effect on such competition. This is a key misconception which must be cleared up. The colleges and high schools have done an effective job to date in running their programs of interscholastic and intercollegiate competition and we do not intend to interfere with that administration.

Indeed, under the divisions established under sections 206 and 207, and under the National Sports Development Foundation proposed in title III of the bill, we hope to aid those programs by offering research and financial support to their activities on a voluntary acceptance basis.

"Sport" is defined in the bill in a manner which will make clear that the chartering and sanctioning provisions of sections 201–204 are designed to apply only to sports which are presently on the Olympic program, and to sports which eventually become a part of the Olympics. The limitation of the restructuring provisions of this amendment to Olympic sports, rather than including all amateur sports, such as tennis and golf, is a recognition of the fact that non-Olympic sports have significantly different international structures in many cases, a different international competitive focus, and different internal rules, such as those relating to "open competition."

The section defining "sport" contains language to make it clear that the Board can redefine the categories of sports in which events are conducted at the Olympic games—

> Such other categories as may be subsequently included in such program or *as might be defined by the Board as appropriate for a charter under the provisions of this Act.*

This will give the flexibility to the Board to grant charters in sports which have not necessarily been recognized as separate in the Olympic games or by the international sports governing bodies if the Board felt that the sports in question could profit from such a redefinition. Thus, if the Board felt it justifiable, it could award charters for "water polo," as distinct from what has been traditionally termed "acquatics," or for "long-distance running," as apart from what has been traditionally been termed "athletics." The chartered groups in such redefined sports would then have the responsibility for applying to the appropriate international sports governing body for a franchise to conduct competition in such a sport in the United States.

"Unrestricted competition" has been redefined in section (15) of section 101 of the amended bill to comport with the definition of "restricted competition." It cannot be sufficiently emphasized that the concept of "unrestricted competition" is at the heart of structural reform as contemplated under this bill, and that, in context, such competition is a small though important part of the overall amateur athletic picture in this country.

The other substantive changes in the bill which have been made are all contained in sections 201–204 relating to the functions and administration of the Amateur Sports Board and the chartered sports associations which will operate pursuant to the Board's granting of charters.

Section 202(e) now contains a list of some of the functions which chartered sports associations will be expected to carry out as a result of being recognized as the U.S. choice as the governing body in any particular Olympic sport. This list is not intended to be exhaustive, but is an attempt to more specifically describe some of the activities of these groups, based on past experience and future expectations about the role of a competent, well-administered sports group in promoting a sport.

The enumeration of these functions in no sense is intended to convey the idea that sports associations are the only group responsible for promoting sports. Indeed, it is the intention of the sponsors of this legislation that healthy competition between groups sponsoring and conducting athletic events and development programs should flourish as a result of this bill.

In section 203, the amendment contains new provisions relating to mediation of disputes between chartered sports associations, and sports organizations, other sports associations or individual athletes. As amended, this is now a two-step process, in which the board is to attempt to mediate any such disputes, and with the consent of the disputants, is authorized to render binding decisions.

The provision of a permanent group to mediate athletic disputes is one of the very significant innovations of this bill. Too often in the past, athletes and competitions have suffered because of mindless wrangling between feuding groups. Now, the opportunity is present for mediation in all disputes and for binding decisions if the parties consent. For the first time, there will be an objective body, one of whose main goals will be the settlement of athletic disputes, and whose mandate is to seek such resolution and mediation. In this respect, we feel that the two-step process now included offers real prospects for both limited and full-scale mediation.

The most important substantive amendment contained in this amendment is in section 204(d). It recognizes, for the first time, the right of amateur athletes to compete in unrestricted competitions sanctioned by the appropriate sports association. This means that athletes will no longer be pawns in jurisdictional disputes between warring athletic bureaucracies. It will mean an end to the time when an athlete risks his eligibility for future interscholastic, intercollegiate or international competition merely because he competes in an unrestricted competition. We will no longer have to get 58 members of the United States Senate to sign a letter to qualify college basketball players for an international competition against the Soviet Union.

This section will insure that the decision on where and when to compete rests in the hands of the athlete—and that is as it should be. We believe that the amateur athlete receives enough advice and information from his family, friends, coaches, and others that he is capable of making decisions which are in his best interests, both athletically and on the whole.

We recognize that educational institutions, both colleges and high schools, have certain legitimate interests which they may seek to protect by formulating rules limiting athletes in competing when such competition interferes with a valid educational function. Therefore, the only allowable exception to the athlete's right to compete is a denial based on rules which are reasonable and related to education.

However, if a school or college wishes to enforce such rules, the burden is on the institution to appear before the Board and demonstrate to the Board's satisfaction that the rule is reasonable, related to the educational development of such athletes, and was published before the denial of the right to compete. This placing of the burden on the institution enables the athlete to presume that he will be able to compete, while giving a school the chance to come forward and justify its rules.

The substantive changes which we

have made in the amended legislation make it a stronger bill. I and my colleagues are eager to strengthen this bill in any way that will further protect the legitimate interests of those involved in amateur athletics, especially athletes.

We believe that this bill will usher in a new era of athletic freedom and reason. We believe that it will strengthen the competitive ethic which lies at the heart of athletic involvement.

Finally, we believe that, though this legislation is being considered by a legislative body of the Federal Government, it will lessen, rather than increase the political aspect of sport by returning the focus to its proper place—the sacrifice and dedication of the individual athlete striving to exceed his personal goals. I firmly believe that we should deemphasize the natonalistic aspects of sport, and I believe that this legislation will be an effective way to do that.

Millions of Americans who dedicate large parts of their lives to the pursuit of sporting excellence will be profoundly affected by this legislation, and that effect will be all to the good. It will insure that those who compete stand as the centerpiece of our Olympic sports.

Howard Cosell, the noted sportscaster for the American Broadcasting Co., has succinctly and effectively stated the case for this legislation. He has seen many of the conditions to which this bill responds and has eloquently stated the need for reform. I ask unanimous consent that his remarks on his July 16 radio broadcast, "Speaking of Sports," be inserted in the Record at this point.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Howard Cosell Speaking of Sports

Hello again everyone, this is Howard Cosell speaking of sports.

Senator John Tunney of California came to New York today. He came to head up a press conference conducted for the benefit of sports journalists—in the hope of explaining to them what the Amateur Athletic bill of 1973, a proposed piece of legislation reported out by the Senate Commerce Committee to the Senate floor, is all about.

He came to answer ignorant charges that the bill, if passed, would provide government domination of amateur sports.

Anybody who's read the bill would know otherwise.

Anybody who's read the bill would know that it's concerned with the development of long-term training facilities that would improve the lot of our young athletes.

Anybody who's read the bill would know that it's aimed at preventing such vicissitudes of fate—ugly vicissitudes of fate—as a youngster trying to hitchhike from Pennsylvania to Oregon at his own expense to participate in the Olympic trials.

Anybody who's read the bill would know that it's concerned with trying to insure that our young athletes, if they're of Jewish persuasion, can participate in the Macabee Games—that our young athletes, if they be Chris Dunn, the high jumper of Colgate, can leap in a competition against the Russians.

Anybody who's read the bill would know that the concern is with the coaching of our Olympic team, and the various mishaps that occurred there, such as stripping a 15-year old California of a gold medal he had won.

Such as seeing that our runners got to the starting blocks on time, when we were the only nation of 132 that failed to do so.

Anybody who's read the bill would know that the bill's concerned with preventing debacles such as the loss to Russia in basketball under the most inexplicable circumstances.

Instead, Senator Tunney has been reading what you and I have been reading—by writers who haven't read the bill, who don't know anything about it, that the bill would provide for government intervention.

I know of no more important matter on the sports agenda of this country than the passage of that bill.

The Amateur Athletic bill of 1973 will be passed.

And it's high time.

Mr. TUNNEY. Mr. President, the Amateur Athletic Act of 1973 has already generated significant support among athletes and coaches. Those who are most profoundly affected by our efforts to reform amateur athletics are foursquare in support of those efforts. As an example, I have today released a statement signed by 48 present and past Olympic athletes indicating their support for the purposes of our bill. Because I believe that this statement is indicative of the widespread support that this measure enjoys among athletes, I ask unanimous consent that the text of the statement of support, and the names of the athletes who have signed this statement be printed at this point in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Olympic Athletes

We, the undersigned Olympic athletes, believe strongly in the ideals and goals contained in the words "Olympic athlete." As athletes, we are committed to a striving for excellence in our sports that we know is encouraged by free, open, and robust participation at all levels. As Olympians, we believe that international competitions at the highest levels do foster honest respect and a sense of brotherhood among all peoples.

Therefore, we believe that too much cannot be done to encourage the development of all sports at all levels and for all ages. We often wonder whether in fact too little is being done. The pleasures of participation should not be denied to anyone because of inefficiency or infighting. For only if there is a broad and deep program of participation will we be able to rise toward Olympus.

It is for these reasons that we welcome the recent efforts designed to foster the development of sports by insuring the participation of athletes. The proposed legislation of the Amateur Athletic Act of 1973, recently reported by the Senate Commerce Committee, is such an effort. This legislation alone is not the solution; there is no single solution. But it is a well-conceived beginning, and it deserves to become a first step.

Wade Bell—1968; Track & Field.
Rink Babka—1960, 1964; Track & Field.
Pat Bank—1960, 1964; Pentathlon.
Carl Borack—1972; Fencing.
Doris Brown—1968, 1972; Track & Field.
Michael Burton—1964, 1968, 1972; Swimming.
Sherry Calvert—1972; Track & Field.
Suzie Chaffee—1968; Skiing.
Sherm Chavoor—1972; Womens' Swimming Coach.
Wayne Collett—1972; Track & Field.
Harold Connolly—1956, 1960, 1964, 1968; Track & Field.
Olga Connolly—1956, 1960, 1964, 1968, 1972: Track & Field.
Ellie Daniel—1968, 1972; Swimming.
Donna De Varona—1960, 1964; Swimming.
Russ Hodge—1964; Track & Field.
Paul Hoffman—1968, 1972; Rowing.
Rafer Johnson—1960; Track & Field.
Marilyn King—1972; Pentathlon.
Micki King—1964, 1968, 1972; Diving.
J. Cleve Livingston—1968, 1972; Rowing.
Michael Livingston—1968, 1972; Rowing.
Tom McMillen—1972; Basketball.
Cathy Rigby Mason—1972; Gymnastics.
Randy Matson—1964, 1968; Track & Field.
Michael Manley—1972; Track & Field.
Charles Mays—1968; Track & Field.
Steve Metburn—1972; Fencing.
Billy Mills—1964; Track & Field.
Ken Moore—1968, 1972; Marathon.
Al Oerter—1956, 1960, 1964, 1968; Track & Field.
Brian Oldfield—1972; Track & Field.
Jeanne Omelenchuk—1960, 1968, 1972; Speed Skating.
Ken Okada—1972; Judo.
Nancy Owen—1972; Volleyball.
Steve Prefontaine—1972; Track & Field.
Browning Ross—1948, 1952; Track & Field.
Wilma Rudolph—1960; Track & Field.
Jim Ryun—1968, 1972; Track & Field.
Steve Savage—1972; Track & Field.
Kathy Schmidt—1972; Track & Field.
Don Schollander—1964, 1968; Swimming.
Bob Seagren—1968, 1972; Track & Field.
Jim Seymour—1972; Track & Field.
Jay Silvester—1964, 1968, 1972; Track & Field.
Art Walker—1968, 1972; Track & Field.
Edward Williams—1968; Biathlon.
George Woods—1968, 1972; Track & Field.

Mr. TUNNEY. Mr. President, I ask unanimous consent that the full text of the amendment in the nature of a substitute which I have introduced be printed in the Record at this point,

There being no objection, the amendment was ordered to be printed in the Record, as follows:

Amendment No. 459

Strike all after the enacting clause and insert in lieu thereof the following:

"That this Act may be cited as the 'Amateur Athletic Act of 1973'.

"TITLE I—GENERAL PROVISIONS

"Declaration of Policy

"Sec. 101. (a) Findings.—The Congress hereby finds and declares that—

"(1) Amateur athletic activity, including competition, and physical fitness are valuable in the development of individuals and the strengthening of the Nation.

"(2) International competition between amateur athletes contributes to international peace and understanding.

"(3) The full potential benefits of amateur athletic competition have not been realized because various private organizations in the United States have not been able to coordinate their efforts.

"(4) Organized amateur athletic competition is conducted through the use of facilities of interstate commerce or its activity which affects interstate commerce. International amateur athletic competition involving American citizens is conducted through the use of facilities of foreign commerce.

"(b) Purposes.—Therefore, it is hereby declared to be the purpose of the Congress to establish a Amateur Sports Board to coordinate amateur athletic competition and a National Sports Development Foundation to support and encourage athletic activity and physical fitness.

"Definitions

"Sec. 102. As used in this Act—

"(1) 'Amateur athlete' means an individual who trains for and participates in an amateur athletic competition, in accordance with such guidelines of amateurism as the Board, with due regard for international standards, may promulgate.

"(2) 'Amateur athletic competition' means a contest, event, game, meet, match, tournament, or other program in which only amateur athletes are permitted to compete.

"(3) 'Board' means the Amateur Sports Board established pursuant to section 201 of this Act.

"(4) 'Chairman' means the Chairman of the Board.

"(5) 'Chartered sports association' means a not-for-profit corporation which holds a charter granted by the Board in accordance with this Act.

"(6) 'Commission' means the United States Olympic Commission established pursuant to section 205 of this Act.

"(7) 'Foundation' means the National Sports Development Foundation established pursuant to section 301 of this Act.

"(8) 'International competition' means any organized amateur athletic competition in which individuals or teams, all of whom officially represent the United States as determined by a chartered sports organization, compete against individuals or teams of any other nation, all of whom officially represent such other nation as determined by the appropriate sports governing body of such nation.

"(9) 'President' means the president of the Foundation.

"(10) 'Restricted competition' means amateur athletic competition which is restricted to a specific class of amateur athletes, including, but not limited to, high school or collegiate athletes, members of the Armed Forces, or any other specific category of amateur athletes.

"(11) 'Sanction' means a certification of approval.

"(12) 'Sport', as used in sections 201, 202, 203, and 204 of this Act, means a category of amateur athletic competition which is a part of the program at the Olympic games including archery, athletics (track and field), basketball, boxing, canoe and kayak, cycling, fencing, soccer-football, equestrian sports, gymnastics, team handball, field hockey, judo, rowing, shooting, volleyball, weightlifting, wrestling, yachting, swimming-diving and water polo, modern pentathlon and biathlon, bobsledding, ice hockey, figure skating, speed skating, skiing, and luge, and such other categories as may subsequently be included in such program, or as might be defined by the Board as appropriate for a charter under the provisions of this Act.

"(13) 'Sports organization' means a club, federation, union, institution, association, or other group, except a chartered sports association, which sponsors or organizes any amateur athletic competition in which amateur athletes may compete if they are members of or affiliated with an institution which is a member of such group.

"(14) 'Trustees' means the board of trustees of the Foundation.

"(15) 'Unrestricted competition' means any amateur athletic competition, including international competition, in which all eligible amateur athletes may participate, but does not include restricted competition.

"TITLE II—COORDINATION OF AMATEUR ATHLETIC ACTIVITY

"AMATEUR SPORTS BOARD

"SEC. 201. (a) ESTABLISHMENT.—There is hereby established an independent agency of the United States to be known as the 'Amateur Sports Board'.

"(b) MEMBERS.—(1) The Board shall be composed of five members including a Chairman. The President of the United States shall appoint five qualified individuals to be members of the Board, by and with the advice and consent of the Senate. It is the sense of the Congress that initial appointments under this title should be made within sixty days after the date of enactment of this Act.

"(2) As used in this subsection, 'qualified individual' means an individual who is distinguished for his dedication to the highest ideals of amateur athletic competition, his freedom from bias, and his knowledge and experience in sports development in its broadest sense and who is equipped by experience, known talents, and interests to further the policy of this Act effectively, positively, and independently if appointed to be a member of the Board.

"(3) The President of the United States shall make appointments in such a way that at no time shall there be less than one member who is an amateur athlete who has engaged, within three years prior to such nomination, in international competition, and so that at no time will there be more than one member who is or has been an officer, director, or employee of the same sports organization. Due regard shall be given, in the appointment of members of the Board, to reflecting the diversity of those who engage in sports and amateur athletics, with appropriate weight given to such factors as race, age, and sex.

"(c) CHAIRMAN.—The members of the Board shall select one member to be the Chairman.

"(d) TERMS OF OFFICE.—The terms of office of the members first taking office shall expire as designated by the President at the time of nomination, one at the end of the first year, one at the end of the second year, one at the end of the third year, and two at the end of the fourth year. The member selected as Chairman shall serve as Chairman until his term of office as a member expires and a successor is duly appointed. A successor to a member of the Board shall be appointed in the same manner as the original member and shall have a term of office which shall expire four years from the date of expiration of the term for which his predecessor was appointed. No member of the Board or former member of the Board, upon the expiration of his term of office, may be reappointed to another term of office as a member of the Board, except the original member who sits for one-year term.

"(e) STAFF.—The Chairman, with the concurrence of at least three other members of the Board, is authorized to—

"(1) appoint, fix the compensation, and assign the duties of an executive director, attorneys, researchers, and such other employees as the Board deems necessary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, provided such compensation is not in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of title 5, United States Code; and

"(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for an individual.

In making appointments under this subsection, the Chairman and Board shall include among the appointments persons determined by the Chairman to be competent in such fields of endeavor as financial management; business, corporate, or athletic management; research and development; communication and public relations; sports medicine; architectural engineering; sports education; physical education; the humanities; or the social sciences.

"(f) COMPENSATION OF MEMBERS.—A member of the Board shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of the duties of the Board and shall receive $150 per diem when engaged in the actual performance of his duties as a member.

"(g) MISCELLANEOUS.—(1) The General Services Administration shall furnish the Board with such offices, equipment, supplies, and services as it is authorized to furnish to any other agency or instrumentality of the United States.

"(2) The Board shall have a seal which shall be judicially recognized.

"(3) Three members of the Board shall constitute a quroum for the conduct of business, except as otherwise provided by the Board by regulation.

"(4) Each office of the Board shall be open to convenient access by members of the public.

"(h) GENERAL POWERS.—(1) The Board, or any duly authorized member of the Board, may for the purpose of carrying out any of the provisions of this Act, hold such hearings, sit and act at such times and places, administer such oaths, and require by subpena or otherwise the attendance and testimony of such witnesses and the production of such evidence as the Board or such member deems advisable. Any member of the Board may administer oaths to witnesses appearing before the Board or any member. Subpenas shall be issued under the signature of the Chairman, and may be served by any person designated by the Chairman. Witnesses summoned before the Board shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. Such attendance of witnesses and production of evidence may be required from any place in the United States to any designated place of such hearing.

"(2) The Board, or any duly authorized member of the Board, may—

"(A) conduct an inquiry to secure data and expressions of opinion with respect to any matter pertinent to amateur athletic activity and physical fitness, upon publication of notice of such inquiry in the Federal Register: *Provided,* That a reasonable opportunity is granted to all interested persons to present oral or written testimony and data, subject to reasonable rules and limitations promulgated by the Board; and

"(B) require, by special or general orders, sports organizations, chartered sports associations, and individuals to submit written reports and answers to such requests and questions as are propounded with respect to any matter pertinent to the jurisdiction of the Board. Each chartered sports association which undertakes any international activity shall report in detail to the Board on such activity, and shall make such reports available for inspection by the public at any office of the Board. Reports and answers required under this subparagraph shall be submitted to the Board or such duly authorized member within such reasonable period of time and in such form as the Board may determine.

"(3) In case of contumacy or refusal to obey a subpena or an order of the Board by any person who resides, is found, or transacts business within the jurisdiction of any district court of the United States, such district court shall, upon the request of the Chairman, have jurisdiction to issue to such person an order requiring such person to comply forthwith. Failure to obey such an order is punishable by such court as a contempt of court.

"CHARTERED SPORTS ASSOCIATION

"SEC. 202. (a) GENERAL.—The Board is authorized, pursuant to the provisions of this section, to issue charters with respect to each sport for which application is made for a charter, to a corporation which meets the requirements of this section and any applicable regulations under this section.

"(b) PREREQUISITES.—No person is eligible to receive a charter under this section unless—

"(A) it is a group that has not less than twenty-five individuals as members;

"(B) it incorporates under the laws of any State or the District of Columbia as a not-for-profit corporation having as its purpose the advancement of amateur athletic competition involving citizens of the United States or both, with respect to not more than three named sports;

"(C) in accordance with regulations issued by the Board, it submits an application to the Board requesting a charter under this section and submits a copy of the corporate charter and bylaws; the names, addresses, and occupations of all members and other persons having any financial interest in such corporation; the sport or sports in which it seeks to advance amateur athletic competition; and such additional information as the Board may request;

"(D) in accordance with regulations issued by the Board, it demonstrates to the satisfaction of the Board that—

"(i) its board of directors, executive committee, or other governing body will at all times include among its voting members not less than two individuals who are actively engaged in amateur athletic competition in the United States in the sport or sports designated in the association's charter, and that the voting power held by such individuals will not be less than 20 per centum of the total voting power held in that board, committee, or other body,

"(ii) it will at all times, to the extent consistent with rules and regulations promulgated by the Board, operate under procedures reasonably calculated to inform amateur athletes under its jurisdiction of policy matters under consideration by the corporation, and reasonably calculated to reflect in its policies the views of such athletes, and

"(iii) it will undertake to develop interest and participation in its particular sport or sports throughout the United States;

"(E) the Board makes a finding in writing that less than 40 per centum of the voting power in such corporation is controlled or subject to control, directly or indirectly, by any person which holds or controls, directly or indirectly, by itself or with an affiliate, more than 40 per centum of the voting power in any other corporation which holds, or is applying to hold, a charter under this section as a chartered sports association. An affiliate is a corporation which controls or is controlled by another corporation, or which is controlled by the same person as such other corporation, or which has any officers, directors, or executive committees in common with such corporation; and

"(F) in the case of an applicant for a charter under this section with respect to more than one sport, the Board makes a finding in writing after a hearing that—

"(i) the sports with respect to which it wishes to receive a charter are closely related and would benefit by common administration, and

"(ii) it is capable of functioning as a chartered sports association, with respect to each such sport, in the best interests of that sport and of the amateur athletes participating in such sport.

"(2) The Board may deny the application for a charter under this section of any person which is a sports organization, or which was formed out of a sports organization, if the Board determines that—

"(A) the sports organization has denied amateur athletes who were members of, or affiliated with members of, that sports organization the right to compete in any unrestricted sports competition conducted by that sports organization or any other sports organization or which was sanctioned by a chartered sports association (unless the applicant satisfies the Board that such denial was based on evidence that the person conducting such unrestricted competition did not meet the requirements of section 204 of this Act notwithstanding the sanction by such association, or was based on the application of a reasonable rule or regulation of an educational institution as provided in section 204 of this Act.); or

"(B) the sports organization violated any directive issued by the Board as a result of its mediation of a dispute pursuant to section 203 of this Act.

"(c) Procedure Regarding Issuance.—(1) Prior to the issuance of any charter under this section, the Board shall hold a public hearing on the application for such charter in accordance with the provisions of section 554 of title 5, United States Code. The burden of persuasion at such hearing shall be on the applicant to establish to the satisfaction of the Board that it is fairly representative of athletes in the sport or sports for which the charter is sought and of sports organizations conducting national programs involving regularly scheduled practice and competition throughout the usual competitive season in the sport or sports concerned and that is otherwise capable of carrying out the duties of a chartered sports association. The applicant shall provide evidence that it is qualified to receive recognition by the appropriate international sports association as the United States organization responsible for certifying the amateur status of United States athletes and approving United States teams for international and related competition in its sport or sports.

"(2) The Board may at any time on its own motion or on the application of an interested party review all matters related to the activities of a chartered sports association and may take such action as it deems appropriate including, but not limited to, placing conditions upon the continuation of the association's charter or revoking the charter.

"(d) Authority of Board.—The Board is authorized—

"(1) to issue regulations in accordance with the provisions of section 553 of title 5, United States Code, with respect to applications for a charter under this section; the terms and conditions upon which the Council will issue, modify, suspend, or revoke such a charter; the operation of a chartered sports association; and such other matters as the Board deems necessary;

"(2) to take such action as the Board deems necessary, with due regard to international standards, to insure that each chartered sports association complies with the terms and limitations of its charter under this section; and

"(3) to take such action as the Board deems appropriate to advance amateur athletic competition in the United States and in international competition involving citizens of the United States.

"(e) Functions of Chartered Sports Associations.—A charter issued pursuant to this title shall grant authority to the holders of such charters to:

"(1) act as the representative of the United States to the appropriate international governing body or bodies for the sport or sports over which it has jurisdiction;

"(2) act as the representative of athletes competing in international competition in its sport or sports;

"(3) designate individuals and teams to participate in international competition and certify in accordance with international rules the amateur status of such individuals and teams;

"(4) conduct domestic competition, including but not limited to Olympic trials or national championships;

"(5) conduct domestic exhibitions with representatives of foreign nations, the purpose of which is to promote interest in its sport or sports;

"(6) to take whatever actions, consistent with rules and regulations promulgated by the Board pursuant to this Act, as may be necessary to insure the safety and well-being of athletes representing the United States in international competition in its sport or sports; and

"(7) such other authority as the Board deems appropriate to carry out the purposes of this Act.

"(f) Revocation.—(1) The Board is authorized to revoke any charter granted under this section if the chartered sports association is not recognized, within a reasonable period of time after such issuance, by the appropriate international sports governing body or bodies, for the sport or sports for which it has jurisdiction, as the single United States authority responsible for certifying the amateur status of United States athletes and for approving teams representing the United States for international competition in the sport or sports as to which it has been granted such charter. The authority of the Board to revoke a charter under this paragraph is distinct from its authority to revoke a charter for cause pursuant to subsection (d) of this section.

"(2) In addition to any other ground for revocation or suspension of a charter granted under this section, the Board is authorized to revoke or suspend the charter of a chartered sports association if such association denies any amateur athlete the right to compete in any unrestricted competition sanctioned by such association or any other chartered sports association (unless such association satisfies the Board that such denial was based on evidence that the person conducting such unrestricted competiton did not meet the requirements of section 204 of this Act notwithstanding the sanction by such association, or was based on the application of a reasonable rule or regulation of an educational instituion as provided in section 204 of this Act) or if such association violates any directive issued by the Board as a result of its mediation of a dispute pursuant to section 203 of this Act.

"(g) Procedure.—(1) Any hearing or other proceeding with respect to the issuance, modification, revocation, or suspension of a charter issued under this section or with respect to the mediation of a dispute pursuant to section 203 of this Act shall be conducted in accordance with the provisions of subchapter II of chapter 5 of title 5, United States Code. Such hearing, proceeding, or mediation shall be subject to judicial review in accordance with the provisions of chapter 7 of title 5, United States Code.

"(2) Notwithstanding paragraph (1) of this subsection, the Board is authorized, upon forty-eight hours' notice to the parties, to hear and decide a matter under such procedures as the Board deems appropriate if the Board determines that it is necessary to expedite such hearing, proceeding, or mediation in order to resolve a matter relating to an amateur athletic competition which is so scheduled that compliance with regular procedures would not be likely to produce a sufficiently early decision by the Board to do justice to the affected parties.

"(h) Expiration.—(1) Each charter issued under this section shall expire with respect to a sport or sports which is part of the program at the Olympic winter games, on June 30 of the year in which such games are held.

"(2) Each charter issued under this section shall expire with respect to a sport or sports which is part of the program at the Olympic summer games, on December 31 of the year in which such summer games are held.

"MEDIATION

"Sec. 203. (a) General.—In case of any dispute which involves a chartered sports association and—

"(1) another chartered sports association;

"(2) a sports organization; or

"(3) an amateur athlete,

the Board or any duly authorized member of the Board shall act as mediator to conciliate and resolve such dispute. With the consent of the affected parties, the Board shall determine the issues in such dispute, and in such case the decision of the Board shall be final.

"(b) Enforcement.—Upon application of (1) the Board through its own attorneys,

(2) the Attorney General, or (3) any aggrieved person the district courts of the United States shall have jurisdiction to enjoin the commission of any acts committed in violation of any directive issued by the Board as a result of its mediation of a dispute pursuant to subsection (a) of this section.

"SANCTIONING OF UNRESTRICTED COMPETITION

"SEC. 204. (a) GENERAL.—Except as otherwise provided in this section, no unrestricted competition shall be conducted in the United States unless such competition has been sanctioned by a chartered sports association prior to such competition and a copy of such sanction in writing was transmitted to the Board. This provision shall be effective two years after the date of enactment of this Act.

"(b) WAIVER.—By unanimous vote of all of the members of the Board, the Board may waive the requirement of subsection (a) of this section upon a finding that there is no chartered sports association which can sanction such unrestricted competition in view of the time necessarily involved in planning such competition.

"(c) REQUIREMENTS FOR SANCTIONING.—A chartered sports association shall grant a request made by a sports organization or other person for its sanction for an unrestricted competition, unless such chartered sports association determines that—

"(1) appropriate steps have not been taken to protect the amateur status of athletes who will compete in such event and to protect their eligibility to compete in amateur athletic competition in the United States and in international amateur athletic competition;

"(2) appropriate provisions have not been made for validation of records which may be established during such event;

"(3) due regard is not given to any international amateur athletic requirements applicable to such event;

"(4) the event will not be conducted by competent officials and proper medical supervision will not be provided; or

"(5) the sports organization or other person conducting the event refuses to submit an audited or notarized financial report of the immediate past event.

"(d) EDUCATIONAL INSTITUTION.—No eligible amateur athlete may be denied the right to compete in any unrestricted amateur athletic competition which is sanctioned by a chartered sports association pursuant to the provisions of this section nor may any such athlete be subsequently censured or otherwise penalized for participation in any such competition: *Provided*, That a university, high school, or other educational institution may, upon written request to the Board and after a hearing at which evidence is submitted, show, to the satisfaction of the Board, that any such denial was made after notice to the affected athlete and the Board upon application of a published institutional rule which was—

"(1) adopted by such institution prior to such denial;

"(2) reasonable, and based upon the academic interests and policy of such institution with respect to the educational development of amateur athletes who are students at such institution.

"(e) ENFORCEMENT.—Upon application of (1) the Board through its own attorneys, (2) the Attorney General, or (3) any aggrieved person, the district courts of the United States shall have jurisdiction to enjoin the commission of any acts in violation of this section.

"UNITED STATES OLYMPIC COMMISSION

"SEC. 205. (a) ESTABLISHMENT.—Not later than sixty days after all five members of the Board have been appointed, the Board shall establish and designate the members of the United States Olympic Commission. The Commission, subject to the provisions of this section, shall review and make recommendations regarding the participation of the United States in the Olympic games.

"(b) MEMBERS.—The Commission shall be composed of nine members, including not less than two amateur athletes who competed in the 1972 Olympic games as representatives of the United States. In designating the members, the Board shall give appropriate consideration to the representation of women and minority groups within the United States. No more than two members of the Commission may be or at any time have been officers or directors of the United States Olympic Committee, or of any national sports organization.

"(c) CHAIRMAN AND COMPENSATION OF MEMBERS.—(1) The Board shall designate one of the members of the Commission to serve as Chairman at the pleasure of the Board.

"(2) The members of the Commission shall be entitled to compensation and reimbursement on the same terms and at the same rates as members of the Board.

"(d) DUTIES.—The Commission shall review the participation of the United States in the Olympic games, and, if it recommends that such participation should be continued, shall also recommend the form of organization by means of which the United States should participate in the Olympic movement and shall present specific proposals for any legislation required to implement its recommendations. In formulating its legislative recommendations, the Commission shall take into account—

"(1) the objectives of the modern Olympic movement and the extent to which those objectives are being met;

"(2) the manner in which the Olympic games are administered, with particular attention to the views of those who participate in those games as athletes, coaches, officials, or otherwise, or who have attended such games in any other capacity;

"(3) the role which the United States Olympic Committee has played in international sports and the manner in which the United States participation in the Olympic games has been organized and administered by that Committee;

"(4) the policies which would assure the selection on a fair and equitable basis of the best qualified athletes, coaches, managers, trainers, and other officials and which would provide the maximum opportunity for persons to develop their athletic skills and participate in international athletic competition; and

"(5) the arrangements which will best protect the interests of the individual amateur athletes during the period of their training for, travel to, and participation in Olympic games.

"(e) REPORT.—The Commission shall submit to the President, Congress, and the Board a final report of its findings and recommendations not later than March 15, 1974, or one hundred and eighty days after all of the members of the Commission have been designated by the Board, whichever is earlier.

"(f) AUTHORITY OF BOARD.—The Board may review the activities of the United States Olympic Committee from time to time and may make such recommendations to the Congress, including legislative recommendations, as it deems appropriate with respect to the Olympic program for the United States.

"(g) POWERS OF COMMISSION.—The Chairman of the Commission, subject to such rules and regulations as may be adopted by the Commission and the Board, is authorized to—

"(1) appoint and fix the compensation of an Executive Director, and such additional staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of such title;

"(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals; and

"(3) hold such hearings, sit and act at such times and places, and administer such oaths, as the Commission or any subcommittee or a majority of the members thereof may deem advisable.

"(h) TERMINATION.—The Commission shall cease to exist thirty days after submission of its final report.

"(i) CONFORMING AMENDMENT.—Section 12 of the Act entitled 'An Act to incorporate the United States Olympic Association', approved September 21, 1950 (64 Stat. 902; 36 U.S.C. 382), is amended by inserting after 'to Congress' the following: 'and to the Amateur Sports Board'.

"OTHER DUTIES OF BOARD

"SEC. 206. (a) DIVISION OF ATHLETIC FACILITIES.—The Board shall establish within its organization a Division of Athletic Facilities and shall appoint a Director and such other officers and employees as are necessary to carry out the functions of such division. The Division of Athletic Facilities shall, pursuant to the direction of the Board—

"(1) gather, analyze, and make available information relating to existing and potential procedures for the financing, construction, maintenance, and use of athletic facilities;

"(2) consider methods for the economical renovation, expansion, beautification, alteration, and conversion of existing athletic facilities in order to best meet the requirements of the communities in which they are located, and such methods should be directed toward the goal of developing facilities which will meet the optimum degree of flexibility, so as to provide the most economical usage within a community;

"(3) study the relationship between athletic facilities and the neighborhoods and communities in which they are located, and to recommend methods of minimizing any adverse impact of the facility on the neighborhood or community, with particular emphasis placed upon the impact of the facilities on traffic patterns, law enforcement, and adjacent or nearby housing, and commercial activities; and

"(4) provide consultant services to private interests and State or local governments which may require such assistance.

"(b) DIVISION OF SAFETY AND HEALTH.—The Board shall establish within its organization a Division of Safety and Health and shall appoint a Director and such other officers and employees as are necessary to carry out the functions of such division. The Division of Safety and Health shall, pursuant to the direction of the board—

"(1) gather, analyze, and make available information relating to safety in athletics, and make recommendations for promoting greater safety in athletic activity;

"(2) study the use of drugs and other medications in treating the injuries of athletes, and the effects of such use of drugs and other medications on the athlete during and subsequent to his athletic career;

"(3) study the techniques of physical therapy currently used for the treatment of the injuries of athletes, and encourage and promote the development of better techniques;

"(4) study the effects of athletic competition on the mental health of amateur athletes and the psychological ramifications of athletic competition, during and subsequent to their careers as amateur athletes; and

"(5) study the effectiveness of existing athletic equipment in preventing and reducing injuries resulting from athletic activities, and to make recommendations for improving the effectiveness of such equipment. Such studies shall include the safety and health factors of the facilities in and on which athletic activity is conducted, such as playing surfaces, restraining devices, and so forth.

The Director of the Division of Safety and Health of the Board shall maintain continuing liaison with the Consumer Product Safety Commission and, to the extent practicable, shall utilize the resources of such Commission to the extent consistent with the discharge of his responsibilities under this subsection. The Consumer Product Safety Commission is hereby authorized and directed to provide such information and assistance to the Board as is consistent with its own duties and responsibilities.

"(c) FOUNDATION COSTS.—The Board shall pay the costs, including salaries, incurred by the Foundation in carrying out its functions under title III of this Act. No moneys furnished by the Board to the Foundation may be transferred by the Foundation to any other person as financial assistance.

"AUTHORIZATION FOR APPROPRIATIONS

"SEC. 207. There are hereby authorized to be appropriated to the Board for the purposes of this Act, other than section 204 of this Act, such sums as are necessary not to exceed $1,100,000 for the fiscal year ending June 30, 1974; not to exceed $1,100,000 for the fiscal year ending June 30, 1975; and not to exceed $1,100,000 for the fiscal year ending June 30, 1976. The sum of $750,000 for the fiscal year ending June 30, 1974, is authorized to be appropriated to the Board for the use of the Commission in carrying out the provisions of section 204 of this Act.

"TITLE III—SUPPORT AND ENCOURAGEMENT OF SPORTS AND PHYSICAL FITNESS

"NATIONAL SPORTS DEVELOPMENT FOUNDATION

"SEC. 301. (a) ESTABLISHMENT.—There is hereby established as a nongovernmental corporation of the District of Columbia, the 'National Sports Development Foundation'. The Foundation shall be under the direction of a board of trustees. To the extent not inconsistent with this title, the Foundation shall be subject to the District of Columbia Nonprofit Corporation Act (D.C. Code 29–1001 et seq.).

"(b) GENERAL AUTHORITY.—The Foundation shall have the authority to do all things necessary to carry out the provisions of this title including, but not limited to, the authority to—

"(1) make such bylaws, rules, and regulations as may be necessary for the administration of its functions under this title;

"(2) adopt an official seal which shall be judicially noticed;

"(3) sue and be sued, complain, and defend in any court of competent jurisdiction;

"(4) provide financial assistance to any organization or association, other than a corporation organized for profit, in furtherance of the purposes of this title;

"(5) contract and be contracted with; and

"(6) acquire, control, hold, lease, and dispose of such real, personal, or mixed property as may be necessary to carry out the purpose of the Foundation.

"(c) OFFICES.—The principal office of the Foundation shall be maintained in the District of Columbia or such other place as may later be determined by the Trustees, but the activities of the Foundation shall not be confined to such place but may be conducted throughout the United States. The Foundation may maintain offices at such locations as may be necessary to carry out its purposes. At all times, the Foundation shall maintain in the District of Columbia a designated agent authorized to accept service of process on behalf of the Foundation. Service upon, or notice mailed to the business address of, such agent shall be deemed service upon or notice to the Foundation.

"(d) RESTRICTIONS.—(1) No part of the assets or income of the Foundation may inure to any officer, employee, or member of the Trustees nor may any such asset or income be paid or distributed to any such person during the life of the Foundation or upon its dissolution or final liquidation. This provision shall not be construed to prohibit the payment of reasonable compensation to officers, employees, or members of the Trustees or to prohibit payment of reimbursement for actual and necessary expenditure, subject to the approval of the Trustees, from funds provided for such purposes by the Board.

"(2) The Foundation shall not make any loans to its officers, employees, or members of the Trustees.

"(3) The Foundation shall have no power to issue any shares of stock or to declare or pay any dividend to any person.

"(4) Upon the dissolution or final liquidation of the Foundation, upon discharge or satisfaction of obligations and liabilities, the remaining assets may be distributed in accordance with the determination of the Trustees and in compliance with this title, the bylaws of the Foundation, and any applicable Federal and State laws. Any remaining assets resulting from appropriations pursuant to this Act shall revert to the Treasury of the United States

"(e) DUTIES.—To the extent practicable, the Foundation shall—

"(1) promote equal opportunity for and encourage participation and excellence in athletic activity and physical fitness programs for individuals of all ages;

"(2) foster, support, and advise organizations, groups, and individuals concerned with sports and coordinate their activities voluntarily with educational and recreational programs conducted by Federal, State, and local governments;

"(3) develop and make available technical, financial, and training assistance to not-for-profit organizations and to individuals concerned with sports and physical fitness education;

"(4) promote increased athletic exchanges with foreign nations;

"(5) study and make recommendations with respect to athletic activity, including competition, and physical fitness;

"(6) to extend knowledge and facilities and the practice of sports by establishing and maintaining a data bank for the compilation, analysis and dissemination of information pertaining to all significant aspects of sports;

"(7) to sponsor or solicit useful research in such areas as sports medicine, equipment design, and performance analysis; and

"(8) sponsoring and stimulating the establishment of advanced or improved coaching, physical training, and physical education programs.

"TRUSTEES

"SEC. 302. (a) GENERAL.—The Trustees shall direct the Foundation in accordance with the provisions of this title and the policy of this Act, shall maintain and administer the Foundation, and shall execute or direct the execution of such other functions as are vested in it or the Foundation by statute or regulation under a statute.

"(b) MEMBERS.—(1) The Trustees shall consist of sixteen qualified individuals who shall be appointed by the Board.

"(2) As used in this subsection, 'qualified individual' means an individual who is distinguished for his dedication to the highest ideals of athletic competition, his freedom from bias, and his knowledge and experience in sports development and physical fitness in its broadest sense and who is equipped by experience, known talents, and interests to further the policy of this Act effectively, positively, and independently if appointed to be a member of the Trustees. Members of the Trustees shall be selected from among individuals who shall have distinguished themselves and achieved recognition by their peers in their respective fields. The Board shall select members of the Trustees in such a way that at no time shall there be less than three members who are presently or who were in the recent past participating athletes, and in such a way that the following fields shall be represented on the Trustees: financial management, business, corporate, or athletic management; research and development; the humanities; fundraising; adolescent development; sports medicine; sports education; physical education; communications and public relations; and the social sciences. In selecting members of the Trustees, due regard shall be given to reflecting the diversity of those engaged in sports, with appropriate weight given to such factors as race, age and sex.

"(c) TERMS OF OFFICE.—The terms of office of the members of the Trustees first taking office shall expire as designated by the Board at the time of appointment, two at the end of the first year, three at the end of the second year, three at the end of the third year, three at the end of the fourth year, three at the end of the fifth year, and three at the end of the sixth year. Successors to members of the Trustees shall be appointed in the same manner as the original members and shall have a term of office expiring six years from the date of expiration of the term for which their predecessors were appointed. Any member appointed to fill a vacancy on the Trustees occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. No member may be reappointed upon the expiration of his term.

"(d) CHAIRMAN.—The members of the Trustees shall select one of their members to serve as chairman of the Trustees for a period of one year.

"(e) ORGANIZATION.—The Trustees appointed initially shall take whatever steps are necessary to establish the Foundation, including the filing of articles of incorporation.

"(f) MEETINGS.—(1) The Trustees shall meet at least once each quarter at such place and at such time as shall be determined by the chairman. The chairman shall also call a meeting at any time upon the request in writing of six or more members. Each member shall receive a notice of the call of each meeting, by certified mail return receipt requested not less than fifteen days prior to the date of such meeting.

"(2) Each meeting of the Trustees shall be open to the public. Minutes shall be kept of each such meeting and made available for public inspection at the office of the Foundation in the District of Columbia and at such other offices as it may maintain. Such copies shall be available for reproduction, upon request and at reasonable charge.

"(g) QUORUM.—Eight members of the Trustees shall constitute a quorum for the transaction of affairs.

"(h) COMPENSATION.—Each member of the Trustees shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of his duties as a member of the Trustees and $100 per diem when engaged in the actual performance of such duties.

"(i) PRESIDENT.—The Trustees shall appoint a qualified individual to be the President of the Foundation. The President shall serve at the pleasure of the Trustees and shall be the chief administrative officer of the Foundation. Subject to the supervision of the Trustees, the President shall manage and supervise the business of the Foundation, appoint, fix the compensation, and assign the duties of such officers, attorneys, specialists, agents, and other employees, and consultants as he deems necessary, who are qualified to further the policy of this Act.

"(j) GENERAL POWERS.—The Trustees may solicit, accept, hold, and administer gifts, bequests, or devises of money, securities, or other property in any form or of whatever character for the benefit of the Foundation. Unless restricted by the terms of such gift, bequest, or devise, the Trustees may sell or exchange and invest or reinvest in any lawful investment such money, securities, or other property, for the benefit of the Foundation. Such moneys, securities, and other properties shall constitute a fund to be held by the Trustees in trust, and the corpus of such trust shall not be invaded by the Trustees for expenditure or transfer other than for purposes of investment so long as the total amount in such fund together with any amounts appropriated to the Trustees for such fund under section 305 of this Act does not exceed $100,000,000: *Provided*, That the Trustees may expend up to $1,000,000 each year from such fund out of such amounts not appropriated under section 305 of this Act to carry out the purposes of the Foundation until such time as the aggregate sum of all moneys, securities, and other properties received by the Trustees equals or exceeds $15,000,000. Income from such fund may be expended in the discretion of the Trustees.

"AUDIT OF TRANSACTIONS

"SEC. 303. The accounts of the Foundation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by the government of the District of Columbia. The audit shall be conducted at the place or places where the accounts of the Foundation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Foundation and necessary to facilitate the audit shall be made available to the person or persons conducting the audit. Full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons by the Foundation. A report of such audit shall be submitted to the Congress by the Board not later than six months following the close of the fiscal year for which the audit was made. The report shall set forth the scope of the audit and shall include such statements as are necessary to present fairly the assets and liabilities of the Foundation; its surplus or deficit, with an analysis of the charges therein during the year, supplemented in reasonable detail by a statement of the income and expenses of the Foundation during the year; and the independent auditor's opinion of those statements. Such report shall be printed as a public document.

"REPORTS

"SEC. 304. The Foundation shall submit to the Congress, the Board, and the President of the United States, in January of each year, a report on its activities, including a comprehensive description of the activities and accomplishments of the Foundation during the preceding calendar year together with an evaluation of such activities and accomplishments in terms of the attainment of the policy of this Act and the duties of the Foundation. Such report may include recommendations for additional legislative or other action which the trustees may consider necessary or desirable for attaining such objectives. Such report shall not be reviewed by any officer or agency of the United States prior to submission. Such report shall be made available to interested persons and printed as a public document.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 305. For each fiscal year following the fiscal year ending June 30, 1975, there is authorized to be appropriated to the trustees for use by it in carrying out the provisions of this title an amount equal to the amount of donations, bequests, and devises of money, securities, and other property received by the trustees during the fiscal year preceding the fiscal year for which such appropriation is made, except that the total aggregate amount appropriated pursuant to this subsection shall not exceed $50,000,000."

Amend the title so as to read: "A bill to encourage and coordinate amateur athletic activity and promote physical fitness in the United States and in international competition in which American citizens participate, and for other purposes."

TERMINATION OF MINING AND MINERAL LEASING LAWS IN WILDERNESS AREAS — AMENDMENT

AMENDMENT NO. 460

(Ordered to be printed and referred to the Committee on Interior and Insular Affairs.)

RECORDATION OF MINING CLAIMS IN WILDERNESS AREAS

Mr. METCALF. Mr. President, the Subcommittees on Minerals, Materials and Fuels and Public Lands of the Committee on Interior and Insular Affairs recently held hearings on S. 1010, introduced by Senator JACKSON, which would amend the Wilderness Act of 1964 by precluding future mineral exploration, mineral leasing, and mining claim location.

At the outset of these hearings, which I chaired, I indicated that I intended to offer an amendment to the bill to require that all existing mining claims be recorded with the Secretary of the Interior by a specified date. The various witnesses representing both conservation groups and industry had generally favorable reactions. In order to give a broader opportunity for public review and comment before the subcommittee markup on S. 1010, I am introducing my amendment today. It provides that all mining claims within wilderness areas must be recorded by January 1, 1976. Patent applications for such claims must be filed by January 1, 1984. Failure to comply with these requirements will make the claim null and void.

I ask unanimous consent that the text of my amendment be printed at this point in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT No. 460

On page 2, line 14, insert the following:

"(c) Insert at the end of paragraph (3) thereof: Any mining claims under the mining laws of the United States within the boundaries of wilderness areas must be recorded with the Secretary of the Interior by January 1, 1976. Application for patent for such mining claims must be filed by January 1, 1984. Any mining claim not recorded by January 1, 1976, or for which an application for patent is not filed by January 1, 1984, shall be conclusively presumed to be abandoned and shall be void. Such recordation or application will not render valid any claim which is not otherwise valid."

AMENDMENT OF URBAN MASS TRANSPORTATION ACT OF 1964—AMENDMENTS

AMENDMENT NO. 461

(Ordered to be printed, and to lie on the table.)

Mr. HART. Mr. President, I submit an amendment to S. 386, the Emergency Commuter Relief Act.

The amendment is similar in substance to S. 885, a bill which I introduced earlier in the session to provide for fare-free mass transit demonstrations.

It would serve little useful purpose to belabor the fact that mass transportation in this country has virtually ceased to exist as a viable private enterprise. Fares continue to skyrocket while ridership continues to plummet. While there are obviously a great number of reasons for the decline of mass transit, there seems to be near universal agreement that the decline must stop and that mass transit must again become a prominent means of transportation in our cities.

It is this goal that lies at the heart of S. 386 to which this amendment is proposed. The Emergency Commuter Relief Act is a recognition of the extent to which support is necessary if mass transit is to survive. The amendment I propose today carries the notion of support for mass transit one step further. It provides that the Secretary of Transportation is to enter into arrangements with cities selected by him for the demonstration of fare-free mass transportation.

The concept of fare-free transportation is certainly not new. It has been talked about for a long time and limited experimentation has taken place in cities like Rome and Commerce, Calif. Yet, there has been no sustained experiment in a major city. The purpose of the amendment is to provide financial assistance to experiment with fare-free transportation over a period of 2 years.

By conducting a sustained demonstration of fare-free transit, the Department of Transportation would then be able to study the full extent to which subsidized mass transit might be used as a tool to deal with some of our city's ills. For example, the decline of mass transit has been suggested as the cause of restrictions of the mobility of the poor, the handicapped, and the elderly in addition to members of the working middle class who formerly used buses and subways to travel to and from work, shopping, and recreation. Surprisingly, the full extent to which these propositions are true and the extent to which the ill effects could be reduced by increased mass transit use has never been fully studied. Not only would the amendment I introduce provide financial assistance for the demonstration of fare-free mass transit but would also require DOT to make these vital studies.

The authorization contained in the amendment, $60 million each for fiscal years 1974 and 1975, should provide the revenue for the demonstration of fare-free transit in a major city like Washington or Detroit plus several smaller cities. While ideally I would like to see the demonstration of fare-free transit on a less modest scale, the funds provided should give fare-free transit a good test.

Mr. President, the Emergency Commuter Relief Act and this amendment go a long way toward equalizing the inequities that have continued to plague mass transit. I would hope the Senate would give favorable consideration to both measures.

NOTICE OF HEARINGS ON STATE TAXATION OF INTERSTATE COMMERCE

Mr. MONDALE. Mr. President, today, I am announcing that the Subcommittee on State Taxation of Interstate Commerce will hold 2 days of public hearings on September 18 and 19. These hearings will follow a 2-day roundtable discussion which will take place next week. The roundtable and the hearings should provide the subcommittee with a substantial record for their consideration of what recommendations to make to the full Finance Committee.

As I have previously pointed out the work done so far on this problem, which has been before the Congress since the early 1960's, reveals wide disagreement on several important points. Since the problem basically involves State financial matters, consensus on the part of the States and their business taxpayers as to the contents of any Federal legislation will be necessary if the hearings and subsequent subcommittee deliberations are to be productive. There are signs that some consensus is evolving among the States and the business interests most deeply involved. I hope that further steps along that road can be taken before the hearings.

I wanted to announce the hearings now to encourage those concerned about this serious problem to focus on appropriate solutions prior to appearing before the subcommittee. In that way, their presentations can provide realistic substantive proposals. Hopefully, the roundtable discussions will facilitate the process.

I think it is also important to note that much has been written about this subject in the last few years. It is not necessary to reproduce the literature in a lengthy hearing record, and therefore, the hearings will not be prolonged. I do not anticipate that additional sessions will be scheduled, and thus, I ask that potential witnesses carefully consider whether their appearance at the hearings is essential to protect their position. As much as possible, interested persons should seek to combine their statements with those of others taking the same position. Although the witness list may have to be liimted in the interest of time, I want to assure all concerned that their submissions will be carefully considered, and that the issues will be thoroughly studied before any recommendations are made to the full committee.

Mr. HANSEN. Mr. President, today I am joining with the distinguished Senator from Minnesota (Mr. MONDALE) in announcing the hearings of the Senate Finance Subcommittee on the State Taxation of Interstate Commerce which have been set for September 18 and 19.

The problems of State taxation of interstate commerce have been with us since the earliest days of the Republic. It has even been suggested that this issue is in part responsible for the post-revolutionary war movement for a stronger Union. A dispute between Maryland and Virginia over the regulation of commerce on the Potomac River led to the Annapolis Convention of 1786, the forerunner of the Constitutional Convention. The burdensome and often discriminatary levies imposed in those days on interstate commerce have since been eliminated. Today, however, instead of discriminatory taxes, we have a situation characterized by nonuniformity, burdensome and costly compliance procedures, and very substantial uncertainty as to total tax liabilities.

I have long held the belief that in most instances the Federal Government should leave the resolution of problems such as these to the States themselves. However, it may well be that these hearings will directly focus the States' attention upon the difficulties faced by interstate business operations and will precipitate State cooperation and a general consensus with respect to these problems. Such State action can only inure to the benefit of the Nation as a whole by removing some of the present burdens now placed on tax administrators, by eliminating the overlapping and voluminous amounts of paperwork required by business involved in interstate commerce, and in general by removing the remaining impediments to the free flow of commerce across State lines.

Mr. President, I ask unanimous consent that the text of the Finance Committee press release be printed at this point in the RECORD.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

PRESS RELEASE

Senators Walter F. Mondale (D., Minn.) and Clifford P. Hansen (R., Wyo.) have jointly announced they will chair Senate hearings on proposals bearing on the state taxation of interstate commerce.

The hearings before this Subcommittee of the Senate Finance Committee will commence each day at 10:00 A.M. on September 18 and 19 in Room 2221, Dirksen Senate Office Building.

In commenting upon the problems involved in state taxation of interstate commerce, Senator Mondale, Chairman of the Subcommittee, stated:

"As I have previously pointed out, the work done so far on this problem by the Congress since the early 1960's reveals wide disagreement on several important points. Since the problem involves state financial matters, consensus on the part of the states as to the contents of any Federal legislation as well as acceptance of such provisions by business taxpayers is vitally important if our hearings and subsequent Subcommittee deliberations are to be productive.

"It appears some consensus is evolving among the states and business interests most deeply involved. I want to encourage additional efforts in this direction prior to our hearings so that the hearings can focus upon realistic substantive proposals. Hopefully, the work of the Subcommittee will help to precipitate a workable solution to the thorny issues involved in this subject which have been plaguing us for so long."

Senator Clifford P. Hansen (R., Wyo.), ranking minority member of the Subcommittee added:

"Today I am joining with the distinguished Senator from Minnesota (Mr. Mondale) in announcing the hearings of the Senate Finance Subcommittee on the State Taxation of Interstate Commerce which have been set for September 18 and 19.

"The problems of state taxation of interstate commerce have been with us since the earliest days of the Republic. It has even been suggested that this issue is in part responsible for the post-revolutionary war movement for a stronger Union. A dispute between Maryland and Virginia over the regulation of commerce on the Potomac river led to the Annapolis Convention of 1786, the forerunner of the Constitutional Convention. The burdensome and often discriminatory levies imposed in those days on interstate commerce have since been eliminated. Today, however, instead of discriminatory taxes, we have a situation characterized by non-uniformity, burdensome and costly compliance procedures, and very substantial uncertainty as to total tax liabilities.

"I have long held the belief that in most instances the Federal Government should leave the resolution of problems such as these to the states themselves. However, it may well be that these hearings will directly focus the states' attention upon the difficulties faced by interstate business operations and will precipitate state cooperation and a general consensus with respect to these problems. Such state action can only inure to the benefit of the Nation as a whole by removing some of the present burdens now placed on tax administrators, by eliminating the overlapping and voluminous amounts of paperwork required by businesses involved in interstate commerce, and in general by removing the remaining impediments to the free flow of commerce across state lines."

These hearings will consider S. 1245, co-sponsored by Senators Charles McC. Mathias (R., Md.), Abraham D. Ribicoff (D., Conn.) and Hubert H. Humphrey (D., Minn.), S. 2092, sponsored by Senator Warren Magnuson (D., Wash.), and the various proposals bearing on this issue which will be brought to the attention of the Subcommittee in the statements of witnesses and other interested persons. Additional bills introduced in connection with this subject prior to the date of these hearings will also be considered.

Request to Testify.—Senators Mondale and Hansen advised that witnesses desiring to testify during this hearing must make their request to testify to Tom Vail, Chief Counsel, Committee on Finance, 2227 Dirksen Senate Office Building, Washington, D.C., not later than Friday, September 7, 1973. Witnesses will be notified as soon as possible after this cutoff date as to when they are scheduled to appear. Once the witness has been advised of the date of his appearance, it will not be possible for this date to be changed. If for some reason the witness is unable to appear on the date scheduled, he may file a written statement for the record of the hearing in lieu of a personal appearance.

Consolidated Testimony.—Senators Mondale and Hansen stated that the Subcommittee urges all witnesses who have a common position or with the same general interest to consolidate their testimony and designate a single spokesman to present their common viewpoint orally to the subcommittee. This procedure will enable the Subcommittee to receive a wider expression of views on the total bill than it might otherwise obtain. They urged very strongly that all witnesses exert a maximum effort, taking into account the limited advance notice, to consolidate and coordinate their statements.

Legislative Reorganization Act.—In this respect, they observed that the Legislative Reorganization Act of 1946, as amended, requires all witnesses appearing before the Committees of Congress "to file in advance written statements of their proposed testimony, and to limit their oral presentations to brief summaries of their argument."

Senators Mondale and Hansen stated that in light of this statute and in view of the large number of witnesses who desire to appear before the Subcommittee in the limited time available for the hearing, all witnesses who are scheduled to testify must comply with the following rules:

(1) All statements must be filed in advance of the day on which the witness is to appear. Witnesses scheduled to testify on Tuesday or Wednesday must file their written statements by the Friday preceding their appearance.

(2) All witnesses must include with their written statement a summary of the principal points included in the statement.

(3) The written statements must be typed on letter-size paper (not legal size) and at least 50 copies must be submitted.

(4) Witnesses are not to read their written statements to the Subcommittee, but are to confine their ten-minute oral presentations to a summary of the points included in the statement.

(5) Not more than ten minutes will be allowed for the oral summary. Witnesses who fail to comply with these rules will forfeit their privilege to testify.

Written Statements.—Witnesses who are not scheduled for oral presentation, and others who desire to present a statement to the Subcommittee, are urged to prepare a written position of their views for submission and inclusion in the printed record of the hearings. These written statements should be submitted to Tom Vail, Chief Counsel, Committee on Finance, Room 2227, Dirksen Senate Office Building not later than Friday, September 28, 1973.

NOTICE OF INFORMATION HEARINGS ON REPORT OF NATIONAL COMMISSION ON MATERIALS POLICY

Mr. METCALF. Mr. President, the National Commission on Materials Policy has filed its final report entitled "Material Needs and the Environment: Today and Tomorrow." A major theme throughout the report is the need to strike a balance between the "need to produce goods" and the "need to protect the environment." The Commission also cited the need for balance between the supply of materials and the demand for their use. Conservation, recycling, and greater efficiency were recommended as a means to achieve this goal.

The Commission's report contains a number of important recommendations about energy resources, wood, and hard minerals. Many of these recommendations deal with subjects which fall within the jurisdiction of the Subcommittee on Minerals, Materials, and Fuels which I have the privilege of chairing.

I want to inform all interested Senators and the public that the subcommittee has scheduled information hearings on the Commission's report on October 30 and 31. We want to give everyone ample time to review the report before the hearing.

ADDITIONAL STATEMENTS

REPORT ON IMPACT OF ADMINISTRATION'S BUDGET REQUEST FOR HEALTH, EDUCATION, AND WELFARE

Mr. MANSFIELD. Mr. President, on July 31, I joined with my distinguished and able colleague, Senator Warren G. Magnuson, in presenting to the press the first of a series of reports on the impact of the administration's budget request for health, education, and welfare.

At the time of the conference, I indicated that there would be forthcoming additional reports as we and our respective staffs have an opportunity to assess the voluminous material and determine the facts.

So that the Members of the Senate will have benefit of our findings, I ask unanimous consent, on behalf of Senator Magnuson and myself, to print in the Record a letter from the Comptroller General of the United States, Senator Magnuson's and my statements, and the memorandums which provided the basis for our initial press conference.

There being no objection, the material was ordered to be printed in the Record, as follows:

Comptroller General of
the United States,
Washington, D.C., July 20, 1973.

Hon. Mike Mansfield,
Majority Leader,
U.S. Senate.

Dear Senator Mansfield: In accordance with your April 30, 1973, request, we have obtained data from the health and education agencies of the Department of Health, Education, and Welfare (HEW), on the potential impact of an overall reduction in the health and education budgets. GAO staff have worked closely with staffs of the Labor-Health, Education, and Welfare, and Related Agencies Subcommittee and the Congressional Research Service. Because of your concern and the importance of this matter, we devoted considerable staff time to this project and gathered much material from HEW agencies and other sources showing the effect that reducing program funds would have.

We obtained information from the Office of Education and from various educational associations, such as the Council of Chief State School Officers, American Library Association, American Council on Education, National Association of Student Financial Aid Administration, National Advisory Council on Education of Disadvantaged Children, and American Vocational Association.

At the Office of Education, we gathered information on the impact of the administration's proposed cutbacks in certain education programs for fiscal year 1974, particularly the fiscal impact of education revenue sharing proposed by the Better Schools Act of 1973. We gathered program information on elementary, secondary, adult, and vocational education; impact aid; and student education for the handicapped; library resources; and educational personnel development.

For Social and Rehabilitation Service training programs in vocational rehabilitation, aging, and community services, we interviewed and obtained documentation on the impact of the proposed training reductions from various officials in the Social and Rehabilitation Service and in the Office of the Secretary, HEW. Also, we obtained comments from a number of private interest groups and universities whose programs would be affected by the proposed reductions.

At the National Institutes of Health (NIH), we gathered data reflecting the impact of the budget reductions on the research, training, and manpower programs of the 10 research institutes, the Division of Research resources, and the Bureau of Health Manpower Education. The material included long-range plans, budget justifications, correspondence, and studies. The long-range plans include 5-year projections of plans of operations for major reseach to be performed within the fiscal constraints established for NIH by HEW. We obtained each institute's preliminary budget for fiscal year 1974, which identified impacts of four different levels of funding for research, training, and manpower programs. We also obtained each institute's budget submission to the Office of Management and Budget. In addition, we collected studies of the impact of the proposed NIH budget on specific programs as well as on health professions schools.

At the Health Services and Mental Health Administration, we gathered data on the impact of the termination and reduction of Federal aid for health services and facilities on six major health programs: assistance for constructing and modernizing health facilities, regional medical programs, community mental health and neighborhood health centers, maternal and child health, and preventive health services. The data included management reports and other information pertinent to program activities and accomplishments. We also visited selected grantees and organizations administering federally aided, state-operated programs and discussed the potential impact of the loss or reduction in Federal aid with officials at these locations.

The material we gathered was assembled, indexed, and highlighted before it was delivered to the Subcommittee staff. As mentioned to the staff, time did not permit the type of detailed analysis and reporting that we would normally do; consequently, we did not attempt to draw conclusions or make recommendations. We did arrange a briefing with the Subcommittee staff, during which the material we gathered was explained and discussed.

We hope our efforts and the information gathered have been helpful to you and to the Subcommittee.

Sincerely yours,

Elmer B. Staats,
Comptroller General of
the United States.

Statement of Senator Mike Mansfield

It is a great pleasure to be here this morning with my able colleague and good friend from the State of Washington, Senator Warren Magnuson. We intend to discuss a matter of considerable magnitude bearing on the future well being of this nation and its citizens.

One of the most important and recurring debates here in the Congress is the priorities we should set under the Federal budget. The Administration has one set of ideas, and the House of Representatives and the Senate have another. The Democratic Party has long felt that there was a need for a major adjustment in our national spending priorities. Entirely too much emphasis is repeatedly placed on hardware, weapons systems, and our far flung overseas commitments. Too little attention is being given to the human needs of our citizenry. As evidence of this point, the House Commerce Committee several days ago determined that the Administration has refused to spend in excess of $1 billion for health-related programs as authorized and appropriated by the Congress. This means that funding of programs in health, rehabilitation, mental health, drug and alcohol control, the programs of the National Institutes of Health, as well as many programs under the Office of Education are underfunded, curtailed, abolished, or subjected to severe staff reductions. These are programs important to the well being of each and every American regardless of his status in life.

There have been a number of cutbacks in other Federal agencies, but, in my judgment, the most telling of all is in the areas of health, education, and welfare. Concern and perplexity with the true impact of the Administration's budget proposals in these categories prompted Senator Magnuson and me to turn to the Library of Congress and the General Accounting Office requesting separate and independent thorough studies of these Administration proposals. The results are discouraging when measured against the previously expressed intent of Congress in funding programs to assist the disadvantaged and less fortunate.

In my statement before the Democratic Conference on January 3, 1973, which was released to the press, I emphasized my concern with the need to develop within the Congress a budgetary expertise to assist us in analyzing proposals of the Executive Branch and in formulating programs of the Congress when Administration proposals are found lacking. This selected experiment which Senator Magnuson and I have launched clearly reenforces the critical need for the Congress to exercise legislative oversight by improving its ability to evaluate the budgeting process. This becomes essential if the Congress is to truly fulfill its Constitutional obligations and is to have any influence in the implementation of a sound set of priorities in the overall expenditure of Federal funds.

The senior Senator from Washington is an acknowledged expert in the funding of programs administered by the Department of Health, Education, and Welfare. No Member of Congress has fought more courageously for the adequate funding of these many humanitarian and worthwhile programs. Our joint effort to determine the extent of the many cutbacks in education and health categories is enlightening. I am pleased to turn to Senator Magnuson who intends to report in some detail what we have discovered in just one area of Federal spending priorities. Additional reports will be forthcoming as we and our staffs have an opportunity to determine the true facts.

STATEMENT OF SENATOR WARREN G. MAGNUSON

Several months ago, when the drastic nature of the Nixon Administration's proposed budget cuts in health and education began to sink in, Senator Mansfield and I asked the combined investigating forces of the General Accounting Office and the Library of Congress to determine the full impact of those cuts on the welfare of the American people.

We now have a preliminary report from those two agencies—and, frankly, the results are more disturbing, more shocking, really, than either I or the Majority Leader had anticipated.

Today, we are releasing several internal Nixon Administration documents concerning the fiscal 1974 budgets of the National Cancer Institute and the other National Institutes of Health. These memoranda were written at the time of the budget debate within the Administration late last year. They were written by top officials within NIH—including the former director of the institutes and the present director of the Cancer Institute.

These documents, as you will see, are both pointed and poignant. They also apparently were ignored in the Administration's callous determination to reduce federal support for health and education.

If these documents, plus the other materials we have obtained, show one thing, they show this:

Sometime last year the Office of Management and Budget, without adequate study of the impact, made what I consider a ruthelss decision to decimate a long-standing federal commitment to health and education.

Only later, after the fact of that decision, was any attempt made to rationalize or justify this action. The rationalization has failed miserably—and, as we point out in some of the accompanying material, morale in NIH and throughout HEW is at an all time low.

They also show that the much-ballyhooed Conquest of Cancer program is more myth than reality. And that the research budgets to combat other dread diseases have been gutted on the pretext of maintaining that myth.

I have had more than a passing interest in health and education for many years. I can point out—with some irony—that I became chairman of the appropriations subcommittee that handles the health and education budget at the same time that Richard Nixon became President of the United States. I can also point out—with sad irony—that my subcommittee's bill has been vetoed four times since I became chairman.

I take no pride in being the most vetoed member of the United States Senate. I don't want this bill vetoed again this year. It is far too important. This bill takes care of more basic human needs than any appropriations bill handled by the Congress. But I can't buckle under to the kind of callous logic that hamstrings medical research, cuts off student aid and closes Community Mental Health Centers. I simply will not buckle under to that kind of thinking—and I don't believe my colleagues in Congress will either.

The issues of priorities in federal spending are so clean cut that I will not repeat them here.

I think Senator Mansfield might point out that a 50 per cent reduction in American troops in Europe—a long-standing and eminently reasonable proposal of his—could free all the funds necessary to maintain our commitment to the health and education of the nation. I might add that the cost of the secret bombing raids in Cambodia—just the secret and unauthorized raids—could have paid for most of the medical research which Doctors Marston and Rauscher argued so fruitlessly for in the documents we are releasing today.

I will end by asking one simple question. If this great country of ours *must* fight a war, which war should we choose—an unwinnable war in Cambodia or a winnable war against cancer? The secret raids cost $140 million. The Cancer Institute's budget requests was cut $140 million.

Assistant Chief, Health and Medical Branch, Office of Management and Budget

NOVEMBER 30, 1972.

Director, National Cancer Institute

Impact of Reduced 1974 Budget Levels on the National Cancer Program

1. I am responding to your telephone request of yesterday to highlight the deleterious effects of the 1974 National Cancer Program budget if HCI's 1974 budget request was reduced to $456 or $550 million. I must repeat what I stated in my memorandum to you on November 13, 1972: a significant decrease in the $640 million, which we have requested for 1974, will seriously limit NCI's ability to carry out the objectives the Executive and members of Congress have so often enunciated. The National Cancer Program has developed great momentum over the past 16 months, and the expectations of its staff, the scientific community, the Congress, and the informed public are great. To substantially reduce our budget request at this time will adversely affect this excellent beginning.

2. However, while we feel that a substantial budget reduction at this time would be unwise, we are attempting to comply with your request to show what offect such reduced levels would have on the national program.

3. Attachment 1 shows how these reduced amounts would be distributed by tradition budget activities. Attachment 2 gives the same information by major program areas. Examples of some of the major effects of these reduced amounts follow:

THE $550 MILLION LEVEL

Expansion of research leads in the immunologic treatment of cancer into clinical trials will be restricted. Immunodiagnosis and immunotherapy offer the most immediate promising results in the early detection and treatment of major cancers.

Each year 12,000 women die needlessly of cervical cancer because no more than 25% get Pap tests. Industrial contracts to develop equipment to automate the cytological screening of Pap tests would have to be postponed for at least a year.

Five thousand new chemicals gain entrance into the environment annually, many with cancer causing properties. While we should be increasing the number of agents screened each year, the number of new agents screened in FY 1974 would have to be reduced by 25%.

Good to excellent results—as measured by early and long-term evaluations—are being obtained in the control of 15 different cancers when four or five anticancer drugs are applied in combination, or when these drugs are used in addition to surgery, radiation therapy or with immunotherapy. We would have to delay the testing of new clinical antitumor agents in man. Instead of introducing 8 to 10 new antitumor agents into general medical practice, at best we could introduce only 5 or 6.

Combined modalities of treatment (chemotherapy, radiation, surgery and immunotherapy) for several solid tumors such as gastrointestinal cancer and cancers of the prostate and cervix need to be developed and evaluated. At the $550 million level, this important effort will be delayed.

Evidence is rapidly accumulating that four newly discovered viruses cause cancer in man. If this is true, it can lead to the development of methods for preventing specific types of cancer. These leads cannot be fully developed or studies on new viruses which may induce human malignancies cannot be mounted at the $550 million level.

If present trends continue, lung cancer will have increased 52% by the year 2000, largely due to cigarette smoking. As one answer to this problem, industrial firms have been cooperating with NCI to develop a less hazardous cigarette. These efforts could not be expanded in 1974 and some would have to be cut back or terminated.

Demographic evaluations of the new Cancer Control Program and the expanded Clinical Cancer Research Center Program will be reduced and/or delayed.

A $5 million reduction in the newly initiated Cancer Control Program will reduce its lung cancer detection and diagnosis work by 50%, reduce and/or delay the training and education of physicians in the latest advances in cancer treatment, and delay the establishment of a program for the rehabilitation of cancer patients.

Planned expansion of research efforts at the Frederick Cancer Research Center cannot be implemented.

Breast cancer is the leading cause of death among women at peak ages of risk. Combined forms of treatment—chemotherapy with radiation or surgical therapy—is the most promising approach to achieve a cure. Controlled clinical trials of combined modes of treatment will be reduced by about $2 million

The funding level for regular research grants would be $117 million which would be $1 million below the OMB submission. We believe we must maintain approximately the same level as the $640 million budget since that budget only allows payment of 45% of competing grant approvals. We have, therefore, determined that a deep cut would be necessary in the construction program in order to preclude major reductions in the ongoing program of competing renewal and new grants.

Eighty-nine million dollars would be provided for cancer centers as compared to $97.6 million at the $640 million level. A cut of $8.6 million in the Centers Program means that 12 new cancer centers can be funded; a reduction of 11 new centers as originally planned on the basis of the requirements set forth in the National Cancer Plan.

The Fellowship Program will be reduced by 66 awards. Graduate training grants would have continued negotiated reductions 10–15% below recommended levels in order to pay 14 new awards as planned. Clinical training would also continue negotiating reductions by 10–15% and only 3 new awards would be made rather than seven.

Construction funds would be reduced from $59 million to $25 million. Of the 21 high priority construction projects to be funded, only 11 awards can be made. Programs in the areas of molecular oncology and carcinogenesis will be deferred.

$456 million level—This amount is $36 million under the 1973 Congressional appropriation. It would result in all of the reductions and delays noted above, plus the following:

All plans for expansion into patient work, both in immunotherapy and also in the highly promising field of immunologic test for cancer development, will be deferred.

Screening efforts to develop new anticancer agents would be reduced by 35% of the planned level and would hamper the flow of new drugs into general medical practice over the next 3 to 6 years.

Clinical evaluation of new antitumor drugs in patients would be reduced by 5 to 6 drugs in FY 1974, causing a delay in the agents being available to physicians.

The treatment of tumors utilizing combined modality approach (chemotherapy, radiation, surgery, and immunotherapy) would be seriously compromised because of the reduced level of research.

Recent developments in molecular biology have increased our understanding of the cancer process and have opened up new leads for the control of malignancy. Efforts to fully exploit these leads would be limited.

All plans for expansion into patient work in immunotherapy and in the highly promising field of an immunologic test for cancer development will be deferred. Basic studies in immunobiology can be increased only 15% over the 1972 level.

Research relating human viruses to known oncogenic agents or to augment immune mechanisms in animal model systems must be deferred. These studies are important as a basis for the prevention and treatment of human cancer.

A $20 million reduction in Cancer Control will result in (a) elimination of the remainder of the program for the detection and diagnosis of lung cancer, (b) early termination of some centers for the detection and diagnosis of breast cancer, and (c) further reductions and delays in training and education programs, demonstration programs in the treatment of cancer and in the establishment of a program for the rehabilitation of cancer patients.

The funding level for regular research grants would be $99 million, $19 million below the OMB submission. Rather than pay 45% of competing grant approvals, we could pay only 21%. This would mean that the important disciplines of epidemiology, immunology and radiation biology, among others, will not benefit from the needed impetus identified and called for by the National Cancer Plan.

Only $75 million could be provided for cancer centers and would just cover the minimum needed to pay for the ongoing center grants. No new awards could be made, and more specifically we could not start 8 of the planned comprehensive centers called for in the Act.

Only 6 of the 21 planned construction projects could be funded at this level. The remaining 15 would have to be dererred, and consequently, this would delay programs of critical need in the areas of viral oncology, carcinogenesis, chemotherapeutic and radiation treatment.

4. Finally, and in general summary, there will be serious deleterious impacts on our ability to conduct an effective international cancer conquest program if current and projected Federal funds are reduced substantially below Congressional authorizations at this point in the new program. The motivation and commitment of the scientific and clinical communities of this country to conduct studies of relevance and priority with effective and innovative application to man are very high. Based, to some extent, on the hope of needed long-term support, medical schools, and other institutions and excellent investigators not now in cancer research are already geared up to participate in the training, research and clinical activities of an expanded program. Commercial organizations in this country and abroad will be most reluctant to provide their own funds, facilities and people for cancer research and development. It is also likely that the governments of other countries (and their funding) will be dissuaded from "joining the United States initiative" in the fight to control cancer.

FRANK J. RAUSCHER, Jr., Ph. D.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
December 19, 1972.

FISCAL YEAR 1973 AND FISCAL YEAR 1974 OMB MARK-UP

In my comments to the Office of the Secretary accompanying the fiscal year 1974 NCI Budget, I expressed concern over the program balance in a budget that increased cancer by $208 million, heart by $28 million and the rest of biomedical research by $28 million. The situation confronting NIH in the latest mark-up would mean a program over a two-year period from fiscal year 1972 to fiscal year 1974 where cancer increases by $127 million, heart increases by $23 million, and the rest of biomedical research decreases by $111 million—this, in spite of assurances that the highly political and visible programs would not grow at the expense of the basic programs. Substantively, these basic programs are needed to feed the knowledge base of cancer; witness the significant programs this year in such areas as immunology and viral oncology. Politically, this action will coalesce all the groups that have been watching very closely the effect of the expanded cancer research effort on the rest of the biomedical research budget.

We had our opportunity to make the case on continuation of training programs. The Office of the Secretary supported this effort. The mark-up, however, instructs NIH to make no new research training commitments in fiscal years 1973 and 1974. This, of course, begins the termination of what has been an extremely productive program.

We believe that an appeal should be made either to allow the DHEW to achieve better balance among all the research programs within the $1,488 milion fiscal year 1973 mark or to provide an additional $57 million which will maintain the President's fiscal year 1973 budget across the board except for the reductions caused by the training phase out. A similarly constructed budget for fiscal year 1974 (adding in the growth to the cancer budget and subtracting the phase out in training programs as well as one-half of the General Research Support Grants) would require an additional $55 million.

The * * * will result in what is essentially a formula grant program without any leverage for Administration initiatives in the health manpower area. Unless there are plans for new legislation, this budget represents in effect abandonment of intervention in much of health manpower by the Federal Government. Further, the cuts in capitation and physician augmentation special projects again demonstrate lack of credibility in the commitment of the Government after encouraging increased enrollment and better planinng by an announced policy of support. We are concerned also with the disappearance of scholarship programs which were a major factor in providing access to the health professions from the culturally and economically deprived segments of the population. To make some recovery in maintaining leverage, moral commitments and a minimum of scholarship funds, $50 million in fiscal years 1973 and 1974 will be required.

Although the cutback in fiscal years 1973 and 1974 in absolute dollars is relatively small in the NLM budget, the impact on program is major. The ability to provide basic library services in the quality expected would be impaired as well as the DHEW initiative in the health area using satellite communications. An increase of $2.0 million would be required for both fiscal year 1973 and fiscal year 1974 to maintain the basic program.

I'm sure that you are well aware of the seriousness of the cuts to the NIH programs; the impact will be felt for many years to come. While we certainly understand the dimensions of the problems that dictated the fiscal strategies that shaped the DHEW budgets, the President should be made aware of the long-range impact that this will have to the health of the Nation.

ROBERT Q. MARSTON, M.D.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
October 6, 1972.

COMMENTS ON THE NCI 1974 BUDGET ESTIMATES

We have reviewed the 1974 budget estimate proposed by the National Cancer Institute. The NCI proposes to fund its programs at the level of the Legislative Authority of $640 million. The budget represents a rapid incremental growth function in a long-range plan leading to a $1.0 billion annual program level. The distribution of funds over the various programs within the total is compatible with the National Cancer Plan. The proposal rests on the general assumption that the NCI objectives are capable of being accomplished over the time span of the National Cancer Plan and that fiscal and manpower resources will be relatively unlimited. There are three areas of general comment concerning the budget.

First, is there a justification for the expenditure for $600 million for research and $40 million for cancer control activities in fiscal year 1972? Our review fails to identify any area which does not give some promise for improvement of our knowledge about and our ability to control cancer. Thus, although the absolute funds are great and the growth rate rapid, the NIR supports the activities proposed as likely to contribute to an all-out fight against cancer.

The second question has to do with distribution among the various NCI programs. The distribution among programs is a derivative of the National Cancer Program Plan. This plan is currently under review by the Institute of Medicine of the National Academy of Science. Modifications of the plan as a result of this review could lead to some modifications in the program distribution proposed. On the other hand, since the plan is designed to insure that every promising avenue that seems open at present is pursued by intelligent people and since the plan was devised in consultation with a large number of scientists, this review may not have large budgetary implications. The NIR would like to call attention to and reemphasize a very strong statement made in Part three, page one of the NCI 1974 Budget Estimate. . . . the scientific knowledge base is the single most important factor influencing the program rate of growth and achievable progress. "Without a sound scientific * * * regardless of the magnitude of the resources applied to the program." Since I believe that a major revolution in the prevention and treatment of cancer can come only from fundamental new information flowing from basic laboratory work, I would favor that the proportion of regular research grants and research training be at an even higher level than represented in this budget.

The third question has to do with the relationship of the NCI budget to the rest of biomedical research. We are currently in the process of developing a resarch budget for all of the Institutes, except the NCI, within a very restrictive budgetary ceiling. We would be concerned with a budget that increases cancer by $208 million, heart by $23 million and the rest of biomedical research by $28 million. Such a budget would belie any assertion that cancer research growth was not at the expense of other research. More importantly from a substantive standpoint, it might well undercut the premise of significant progress in cancer research itself. For instance, the two most promising areas of cancer research today are immunology, including the studies in BCG, and the area of viral oncology. These areas originally were developed and supported to the point of potential benefit in cancer research by the programs of the National Institute of Allergy and Infectious Diseases. The comparison in funding between the two Institutes fails completely to reflect the heavy dependence of future cancer research on the continued development of more general knowledge in fields such as these, as well as fields represented in other Institutes.

From a technical budget standpoint, we find only minor problems in the pricing of the programs to be supported in 1974. In general the cost items are not significant, but the information will be made available to your staff.

In summary, we support the cancer proposal but must express concern at a budget that increases cancer by $208 million, heart by $28 million and the balance of biomedical research by $28 million. Additionally, we are also seriously concerned with the capability of the NIH to provide service and logistical support for such an effort without a commitment in 1974 and future years for central staff and facilities.

ROBERT Q. MARSTON, M.D.

WHY THE DOLLAR FALLS

Mr. HANSEN. Mr. President, I would like to commend to my colleagues' attention a recent article from the July 28 Business Week magazine entitled "Why the Dollar Falls." It is an excellent article outlining the basic problems which have arisen since the Bretton Woods agreement after World War II up to the present international monetary difficulties and the attempts which will be made to resolve these problems at the Committee of Twenty meeting here in Washington.

Some of the items mentioned as contributory factors to the dollar's decline are: an overcreation of dollars causing a huge, overabundance of dollars in all world markets; the disillusionment of present dollar holders due to the two devaluations which have already cut the par value of their holdings by 18 percent; and the international concern over present U.S. inflation rates as well as the earnestness of those in power to stop these forces of inflation before the economy becomes completely uncontrollable.

Also mentioned in this article is the present strain on the U.S. economy caused by what some experts call the present undervaluation of the U.S. dollar. Agricultural products at home and oil imports from abroad were specifically mentioned in this regard.

At recent Finance Committee hearings on the international financial crisis, several witnesses emphasized the fact that the United States has become the "breadbasket of the world." We have continually increased our agricultural output and are now at a point where we are exporting more and more of our agricultural products. This puts the United States in a very favorable bargaining position, but we must use these products as a tool for regaining our economic stability at home and abroad. U.S. citizens should not be forced to pay excessive prices for agricultural products because foreign purchasers are bidding for the available supplies with undervalued dollars.

The U.S. economy is also suffering because of our increased purchases of oil from abroad. Undervalued dollars will add to the cost of these products, could further increase our balance-of-payments deficit, and in turn might precipitate additional adjustments to the value of the dollar. It has been estimated that by the end of the year four major oil-producing states in the Arabian peninsula—Saudi Arabia, Kuwait, the Union of Arab Emirates, and Quatar—will have accumulated reserves—mainly dollars—of about $9 billion. It is also estimated that by the 1980's this figure could surpass $100 billion. If oil imports from other Middle Eastern and North African oil producing countries are also considered, the possible dollar reserves would be even larger. Such large reserves suggest a vast potential for speculation. This problem alone deserves our close attention, and every effort should be made to resolve this issue on as many fronts as possible.

Also of concern to me is the increasing takeover of U.S. companies by foreign investors. This fact was underlined in recent Finance Committee hearings on the role of institutional investors in the stock market. The stock market has suffered serious blows in the last year due to many of the same factors as those contributing to the dollar instabilty. Some stocks are presently listed at their lowest price ever—some even below book value—inviting a takeover by foreign capitalists with excess dollars to invest.

On the brighter side of the picture, however, is a report by Hobart Rowan in yesterday's Washington Post entitled "IMF Moves Toward New Money Rules." It seems as though the Committee of Twenty, meeting in Washington in this week, is rapidly reaching what it considers to be a viable agreement for the future protection of all world currencies. Consequently, international monetary reform should result from the IMF meeting in Nairobi, Kenya, this September.

We must now do all we can to resolve our balance-of-payments problem, bring stability to the dollar, and continue our role as the strongest and most powerful nation in the world. But the resolution of these international problems begins at home, and this Congress will be acting on many important pieces of legislation which will signify to the world our earnestness and determination to get to the root of these problems.

Mr. President, I ask unanimous consent that the text of the Business Week article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Business Week, July 28, 1973]

WHY THE DOLLAR FALLS

If the U.S. dollar were a corporate stock, Wall Street analysts would have no trouble explaining its continuing drop in value this year. They would note that:

Too many dollars have been created, and there is a huge, undigested balance hanging over world markets.

Holders of dollars have been bruised by two devaluations that cut the "par" value of their holdings by 18%. The steady slide of the dollar under the system of floating rates adopted last March has added to their disillusionment.

The economic prospects of the issuer (the U.S.) are clouded by inflation and the possibility of a runaway boom that could turn into recession. The management (the Administration) appears to have lost control of the economy.

Representatives of the management have made too many conflicting statements. By talking too much, they have raised serious doubts about the earnestness of their efforts to stop inflation.

Top management has become involved in a scandal that distracts its attention from economic affairs and may impair its ability to govern.

Any one of these complaints would justify putting a stock on an analyst's "sell" list. Taken collectively, they have put the dollar on the sell list of banks, corporations, and wealthy individuals all over the world. The result has been a steady decline of the dollar in terms of the amount of other currencies it can buy. For the dollar has no fixed exchange rate today. It is floating, and when currencies float, their values behave very much like stock prices.

The dollar, however, is not a stock. It is a currency—the official medium of exchange used by the biggest economy in the world, the currency in which most of the world's trade is conducted, and the currency most widely held in the reserves of other nations.

The postwar economic boom was built on the dollar. When its value changes drastically in relation to other currencies, competitive relations change. New markets open to some producers, and old markets close to others. And when the dollar is pushed down to a level far below anything justified by comparative price levels—as it is now in relation to the West German mark—trade relations are violently disrupted.

The longer the undervaluation of the dollar continues, the more the strain on the U.S. economy will build up. Foreign buyers already have bid up the prices of U.S. agricultural products, lumber, and other raw materials. This will help the U.S. balance of payments, but it will add to inflation in the U.S. economy. So will the higher prices on essential imports, particularly oil. For the near future, the U.S. must depend heavily on petroleum imports. Under-valued dollars add to the cost.

The bargain-counter dollar, moreover, has appeared at a time when U.S. exporters are least able to take advantage of it. Gustaf Coontz, director of the U.S. Trade Center at Frankfurt, says: "We've experienced a major increase in the number of inquiries from German companies wanting to buy from American suppliers. But the problem is getting American companies to take up the interest. There is such a boom in the U.S. at present that most American companies we contact have their hands full dealing with domestic orders."

To add insult to injury, American companies may find foreign capital taking them over. At today's dollar prices, many stocks of U.S. companies are bargains to the investor who has marks or yen.

This is not a problem that can be solved by a quick international agreement to reestablish fixed exchange rates. If the rates set up by the Smithsonian agreement in December, 1971, could have been held, the central bankers of the world would have held them. They bought $20-billion trying to make those rates stick. But too many dollars came into the market. The banks had to give up and let the dollar sink. If they tried to establish a new fixed-rate structure now, they would be swamped again.

In a real sense, it is not just the dollar that is in trouble. It is all the currencies in the non-Communist world. The modern network of world banking and modern methods of transfer make it possible to mobilize attacks against a currency on a scale never imagined in the old days of boat mail and cable. So long as a currency is fully convertible into other currencies, it is theoretically possible to throw the credit-creating powers of all the banks in the world up against it, because all their deposits are convertible into that currency. This, in effect, is what happened to the dollar in 1971, 1972, and the first half of 1973. But the pendulum could swing the other way. Next time, the mark, or the franc, or the yen could be the target, with people dumping these currencies to buy undervalued dollars.

Some of the selling that has driven the dollar down has been pure speculation. Sharpshooters all over the world have seen an opportunity to borrow dollars and convert them into something else—marks have been the favorite. When the dollar hits what they think is its low, they will switch back, pay off the loan, and pocket the difference.

But that is only part of the story. Multinational corporations shifted huge balances to their foreign subsidiaries. Banks moved more money to overseas branches. U.S. importers with bills to pay in foreign currencies rushed to settle them before the dollar sank any more. And overseas buyers of U.S. goods dragged their feet on payment, hoping to get the dollars they needed at a still lower rate. It is hard to call this speculation. From the standpoint of the people involved, it looks like plain, common sense. The housewife who waits for the January white sales to buy her sheets is doing essentially the same thing.

Next week, the finance ministers of 20 nations will meet in Washington to draw the outlines of a new international monetary system, one in which the cumulation of thousands of common sense decisions will not turn into a run on the dollar or any other currency. Their target is to have something to present to the September meeting of the International Monetary Fund in Nairobi, but that probably is an unrealistic timetable. World currency markets are too upset, and confidence in the dollar is too shaky for agreement on any system now. The float will have to continue until the future of the U.S. economy is clearer and a realistic value can be put on the dollar. The most that the central bankers can do now is intervene from time to time to keep the currency markets from coming apart.

THE SOARING EAGLE

Weakness in the dollar was one thing that did not worry the financial experts who met in the rambling summer hotel at Bretton Woods, N.H., toward the end of World War II to design an international monetary system for the postwar world. Nor did it occur to anyone to worry about the dollar in the late 1940s, when the International Monetary Fund set up shop under the Bretton Woods agreement. The problem then was the dollar gap. The U.S. was the source of all good things—nylons, cigarettes, food, tools, machinery, autos. The problem was for war-wrecked Europe and Japan to find ways of scratching up dollars to pay for their imports. It took the Marshall Plan and an enormous, continuing program of U.S. aid to get the rest of the world running again.

The dollar, quite naturally, was the foundation of the international monetary system as well as its benchmark. Other countries stated the value of their currencies in terms of dollars, and then struggled—sometimes vainly—to avoid devaluation, which would raise the price of desperately needed imports. The dollar was the *numeraire*, the basic reserve currency of the system and the unit of account in its transactions. It also became the intervention currency, the one that was bought or sold when a central bank intervened to keep its currency from drifting away from its stated rate.

In addition to giving direct aid, the U.S. officially encouraged imports to build dollar earnings for foreign producers. U.S. negotiators on tariffs took it for granted that they would give more concessions than they got. The Commerce Dept. put the welcome mat out for retailers who wanted help in lining up a list of foreign suppliers.

The U.S. also encouraged overseas investment by American corporations and banks. It offered tax breaks and consular assistance to companies that wanted to set up overseas operations, and it welcomed foreign borrowers to the U.S. capital markets. National policy was to push the dollars out, never mind how.

The policy succeeded so well that it eventually destroyed the Bretton Woods system. Throughout the late 1940s and 1950s, net capital outflows from the U.S. ran about $1.5-billion a year—small potatoes by today's inflated standards but big money in those days.

By 1960, when the net liquidity balance of U.S. accounts showed a deficit of $3.7-billion, foreign bankers began to complain. Central bankers and economists read stern lectures to the U.S. on the dangers of a chronic deficit in the balance of payments. The lectures, however, were not backed up by any real pressure for change. U.S. deficits were providing the liquidity that financed the continuing expansion of world trade. Foreigners grumbled, but they banked the dollars all the same.

Protecting the dollar was an issue—though not a major one—in the 1962 election. At that time, the level of U.S. interest rates was considerably lower than rates overseas. The U.S., so the theory went, was offering the world bargain money, and this was why dollars were going out. Acting on this theory, President Kennedy imposed an interest equalization tax in 1963. Later, President Johnson imposed voluntary limits on bank lending abroad, and corporations were first asked and then ordered to hold down the expansion of overseas investment.

These restrictions slowed the visible outflow of investment dollars, but the world monetary system has a way of frustrating attempts to manipulate it. The restraints on capital exports fostered a sudden expansion of the Euro-dollar market, a curious institution that still defies attempts to analyze and measure its effects.

The Eurodollar market deals in dollar balances held by banks outside the U.S. including foreign branches of U.S. banks. These balances originate in the ordinary way—by payments for U.S. imports or long-term lending of U.S. funds overseas for investment. At the beginning of the process, each Eurodollar represents a dollar on deposit somewhere in the U.S., but the European holder does not turn it in for collection. He lends it, and the borrower redeposits it elsewhere.

Economists have argued vigorously about the extent to which Eurodollar balances are expanded by the chain of transactions that involve them, but the point is really academic. So long as dollars can be obtained—and there has been no problem about that since the 1950s—any bank overseas can make a loan denominated in dollars, confident that it can buy the dollars in the open market if any subsequent borrower asks for transfer. In effect, the theoretical limit on the size of the Eurodollar market is no less than the total lending power of all banks particiating in the market.

With access to U.S. markets limited by the interest equalization tax and bank-lending restrictions, foreign borrowers and affiliates of U.S. corporations turned to the Eurodollar market. And, as rates went up, the market drew more and more capital from all around the world, including transfers from the U.S. For the holder of a dollar balance overseas, the Eurodollar market offered an alluring alternative to investing in U.S. securities and thereby returning the money to its origin.

THE TRADE WINDS CHANGE

Through the early 1960s, the merchandise trade balance of the U.S.—the difference between export earnings and import costs—comforted anyone who was worried about the dollar. It climbed to a healthy surplus of $6.8 billion in 1964, offsetting a substantial part of the continuing capital outflows. But toward the end of the 1960s, the balance began to wobble. The Vietnam War inflation chopped into overseas markets for U.S. goods at the same time that it stimulated a surge in imports. By 1967, the merchandise surplus had shrunk to $3.8-billion. And in 1968, it was a scant $635-million. It rallied in 1970, and then—to the horror of Americans and Europeans alike—it swung into deficit in 1971, the first U.S. deficit in modern times.

Europeans pointed to the U.S. inflation rate and blamed the U.S. for irresponsible fiscal and monetary management. But inflation was only part of the story. The rebuilding of industry in Europe and Japan had increased their ability to compete with the U.S. in world markets, but the exchange rates of their currencies had not been shifted to reflect this change. West Germany and Japan, in particular, dragged their feet on revaluing the mark and the yen. They wanted undervalued currencies because this gave them a trading advantage.

The Bretton Woods system almost went to pieces in 1968. As central banks built up more dollar balances than they wanted, they kept turning them in for gold. U.S. gold reserves slipped from $23-billion in 1950 to $12-billion at the end of 1967. Private buyers in London and Zurich began to push the dollar price of gold well above the official price of $35 an oz. In early 1968, the move into gold began to look like a panic. And in mid-March, the U.S. and its leading trading partners agreed to cut official gold loose from private gold. Central banks promised they would neither buy nor sell gold in the private market. And major creditors of the U.S. quietly agreed that they would not ask for gold.

This shaky system lasted until August, 1971. Then it came apart. The continuing U.S. inflation and demand for imports drove the merchandise balance to a deficit of $917-million in the second quarter. Capital flows, both short-term and long-term, picked up speed (chart). Private holders no longer wanted dollars, and to keep their currencies at the agreed rates foreign central banks had to soak up huge dollar balances that were dumped on the market. On Aug. 15, President Nixon declared that official dollar holdings were no longer convertible into gold. At that point, other nations stopped buying dollars to maintain official rates. This left the dollar floating.

The period of floating currencies was a time of turmoil, but one in which the trading nations of the world learned some important lessons. John Connally, then Secretary of the Treasury, toured the world arguing that U.S. trading partners—especially West Germany, and Japan—would have to revalue their currencies to make U.S. goods more attractive and U.S. imports more expensive. The U.S., he said, had to have a better break on tariffs and nontariff trade restrictions. And countries running a chronic balance-of-payments surplus had to take responsibility for bringing their trade into balance.

Just at the end of 1971, central bankers and finance ministers of the major trading nations met at the Smithsonian Institution in Washington and put a temporary system together. The U.S. devalued the dollar 8%, and Japan revalued the yen 8%. Other nations found their places somewhere in between.

THE PACT COLLAPSES

The Smithsonian agreement lasted for just a year. Then it foundered on the same rocks that had wrecked Bretton Woods. Though the U.S. got what it wanted in the way of rate readjustments, the results were slow to appear in the balance of trade. The first response of money flows to a devaluation is always likely to be perverse. Devaluation of the dollar meant that U.S. importers had to pay more dollars for the marks, yen, and francs they needed to pay their bills. And U.S. exporters got fewer dollars for the currencies they earned overseas. This pattern changes gradually as bargain prices attract foreign buyers and the higher prices discourage imports. But it takes time.

In 1972, the U.S. merchandise trade deficit jumped to almost $7-billion. Capital flows eased up in the first half of the year and then began to climb in the second half. The Smithsonian machinery obviously was in no condition to take a bad jolt.

At the opening of 1973 it got not just a jolt but a sledgehammer blow. The announcement of Phase III, with Administration officials talking loosely of "voluntarism," persuaded overseas dollar-watchers that the U.S. did not seriously intend to bring the dollar under control. And the dizzy price jumps that followed confirmed their worst fears. On top of that, the Watergate scandal raised serious questions about the stability of the U.S. government and the capacity of the Nixon Administration to run the country. That was the end of the Smithsonian agreement.

Figures on international balances and money flows are among the most unsatisfactory of all statistics. They are fragmentary, overlapping, and confusting. They put some of the most important data in the column headed "errors and omissions," which usually contained all unrecorded short-term capital flows.

Nevertheless, a look at the figures for first-quarter 1973 shows the force of the storm that hit the dollar. Short-term capital flows leaped to $7.5-billion, higher even than the crucial third quarter of 1971. And long-term flows stepped up to $2.5-billion, suggesting that a substantial amount of money in this account was not really an investment but a bet against the dollar.

Meanwhile, the price of gold in London and Zurich was soaring. The gold market is thin, and it exaggerates investors' reactions. Nevertheless, it mirrors the moods of people with money to hold for the long term. When the gold price shot to successive records, the market was saying that not only the dollar but all currencies were bad risks for the future.

The central banks bought frantically in an effort to hold the Smithsonian exchange rates. Official holdings of dollar balances climbed $10-billion in the quarter. But the central bankers were the only buyers. Everyone else wanted out. The Federal Reserve's tally of claims held by foreigners against American banks—by no means a complete measure of dollar balances—declined $1.8-billion. German bankers reported that $1-billion hit their market in a single hour in February.

In mid-February, President Nixon devalued the dollar an additional 10%. After three tumultuous weeks. European markets closed and did not reopen until mid-March. When trading resumed, the world found itself with something new: a "floating snake."

After the Smithsonian agreement, the six members of the Common Market—Germany, France, Holland, Belgium, Luxembourg, and Italy—agreed to limit the variations of their currencies to 2¼% against one another. Since the Smithsonian permitted variations within a band of 4½%, the currencies of the six nations became "a snake in a tunnel." After the March crisis, the snake was turned into a joint float against the dollar. Italy dropped out, and the three Scandinavian countries joined up.

The snake is an important part of any explanation of the curious behavior of the dollar this summer. Since May, the dollar has been losing steadily in relation to the currencies of the joint float. And this is in spite of the fact that the combination of devaluation and float has driven the dollar well below levels that can be explained by comparative-price theories.

The dollar has remained relatively stable with respect to the yen, the Canadian dollar, sterling, and the Latin American currencies. Since these account for over 40% of U.S. trade, the decline since May has had only a small effect on the trade-weighted value of the dollar.

Nevertheless, the fall of the dollar suggests that something is still seriously wrong in the money markets. And until the steady deterioration of the dollar is ended, it will be hard to set up any new international arrangements.

Part of the explanation, of course, is the extraordinary strength of the German economy and the high interest rates its money managers have imposed in an effort to damp inflation. West Germany's balance of trade is still running a hefty surplus, despite successive revaluations. And since the U.S. is only one of its customers—and not the most important—devaluation of the dollar will not automatically scale down the German surplus. In a real sense, money flows this summer have been a run into the mark, and the pressure has not been confined to the dollar. The Bundesbank has been forced to buy over 4-billion DM worth of the currencies of other members of the joint float. And the mark has moved from the bottom of the snake to the top, pulling the rest of the float with it.

POINTS OF PRESSURE

Everyone agrees that markets have been thin this summer. There is no deluge of dollars or any other currency looking for customers. As the London *Economist* tartly remarks, too much importance should not be attached to a market in which "deals of over $10-million have had to be negotiated in several bites, each at a different rate."

The fact remains that there is steady selling pressure on the dollar. Where is it coming from?

Extensive reporting in the money markets suggests that it is coming from a lot of places.

One source clearly is the leads and lags available to ordinary businessmen in paying their bills. When the dollar is sinking, U.S. importers pay promptly to get the best rate possible. Buyers of U.S. goods pay slowly, hoping to get more dollars for their marks or francs. Walter Wriston, chairman of First National City Bank, notes that there is $1 billion a day in world trade. "If businessmen delay or prepay for seven days, that is $7-billion that can shift," he says.

Louis Camu, chairman of Banque de Bruxelles, Belgium's second-largest commercial bank, points out that the impact of leads and lags can be multiplied by selling dollar receivables in the forward market. Potentially, he estimates a three-month lead and lag on German trade alone could reach about $10-billion.

Multinational companies are particularly well fixed to play the leads-and-lags game. German bankers report that multinationals with subsidiaries in Germany postponed payment of dividends to the U.S. parents late last year and early in 1973. In May, 1973, some multinationals prepaid debt due by their subsidiaries in Germany.

There are other sources: British bankers think the Arab oil sheiks have been selling dollars heavily. A Belgian banker reports some oil countries are selling their royalty receipts in the forward market. With the growing dependence of the U.S. on imported oil, this drain could prove to be chronic.

Some central banks that were not parties to the Smithsonian agreement also have been selling dollars. And although the figures are not available yet, there probably is a steady trickle from U.S. banks. In the first quarter of 1973, banks made massive transfers overseas. Loans to foreigners by U.S. banks increased $1.5-billion, and liquid claims on foreigners (largely deposits) increased $1.1-billion. But since March, the banks do not seem to have made big movements of dollars.

Some U.S. businessmen say that Nixon Administration officials have encouraged selling by their "maddeningly passive" attitude toward the under-valued dollar. Both Federal Reserve Chairman Arthur Burns and Treasury Secretary Shultz think the dollar has sunk much too far since the February devaluation, but they differ in their appraisals of the consequences. Burns, the central banker, stresses the problems the falling dollar creates for members of the money-manager fraternity overseas, and he worries about the effect on U.S. inflation. He told a Congressional committee last month: "For the longer run, thinking of a reformed international monetary system, I remain skeptical about the desirability of a general system of floating exchange rates."

Shultz tells visitors that the market is the best mechanism for setting rates in both the short term and the long term. He is not worried by the possibility that foreign buyers will take over U.S. companies, and he seems to think that if the current situation attracts foreign investment, direct or indirect, so much the better.

In any case, the U.S. made no attempt to check the fall of the dollar by intervening in the money markets until early this summer, and then the intervention was on a modest scale. To one multinational executive, this amounts to a policy of "giving the country away."

It will take months to comb out the statistics and determine just where all the selling originates. But one thing already is clear: The dollar has lost its standing as a safe investment. There is still a need for big dollar balances—to finance trade and investment all over the world. But the holders of big dollar balances—whether private individuals, corporations, or banks—no longer feel secure. Where they can, they tend to diversify, moving their assets into currencies, such as the mark and the Swiss franc, that seem more likely to appreciate than to drop. Later, if these currencies falter, the balances will go somewhere else.

A LOOK AT THE OPTIONS

Against this backdrop, finance ministers and central bankers must now try to reach agreement on what sort of system they should set up next. What they will settle on is by no means clear, but it is possible to take a look at some of the major proposals for reform of the international money system and quote some odds on them.

Continue the float but intervene from time to time to keep the dollar in a reasonable range. This is the strategy central bankers have agreed to follow in the period immediately ahead. Europeans are making their currencies available to the U.S. through an expanded line of "swap" agreements. And the Federal Reserve has begun to intervene somewhat reluctantly to give the dollar occasional support. In the short-term, this can make life more difficult for the speculators, but it is not a long-term solution.

Return to an old-fashioned gold standard with gold at about $125 an oz. The French have been pushing for something like this, but it does not have a chance. Valuing gold at the free market price would enormously inflate the international monetary base. Almost certainly, it would intensify the inflationary trend that now threatens stability in the industrial countries. And when the inflation ran its course, no nation would be willing to go through the wringer of deflation, which is what the gold standard would require.

Reestablish official exchange rates with broad bands for fluctuations and provision for frequent adjustment. This almost surely will be part of the eventual answer. The float leaves too much room for speculative swings and short-term variations. A realistic set of rates could be supported by central bank intervention in the short-term. In cases of long-term overvaluation or undervaluation, the currency would keep moving toward a balance point. The Committee for Economic Development, a group of U.S. businessmen, strongly endorsed the principle of controlled flexibility of rates in a policy statement this week. The IMF's group of 20 is expected to come up with some variation of this plan.

Establish well-defined standards for determining when a change in official rate is necessary. Logically, this should be part and parcel of any system of official rates. One of the big troubles with Bretton Woods was the failure to provide any mechanism for precipitating an overdue change in rate—either up or down. Politicians were always unable to do what economists agreed should be done. Nations with undervalued currencies tended to resist revaluation for fear of hurting their trade. Nations with overvalued currencies often tried to tough it out instead of devaluing. Logic, however, is not the only consideration in international negotiations. There will be strong resistance from countries—France, for instance—that balk at letting any international agency make economic decisions.

Fund the dollar balances now held by central banks with long-term U.S. securities. This would be one way to solve the overhang problem, but until confidence in the dollar is rebuilt, foreign central banks are unlikely to show much enthusiasm for it. They would rather stay liquid and keep their options open. A substantial part of central-bank dollars already is invested in short-term notes. The central bankers will continue to hold these balances but they will not make a long-term commitment.

Turn the IMF into a sort of Federal Reserve System of the world. The fund's credit would become the basis of all national currencies. International balances would be settled in IMF credits. Like the Federal Reserve, the IMF would try to expand credit to provide necessary liquidity without inflation. Scholars like the idea, but the time is not yet. Each nation wants a free hand in dealing with its own economic problems. And the record of the Federal Reserve in the U.S. does not support much confidence in the ability of the IMF to achieve the ideal of growth without inflation. It is probable, however, that the Special Drawing Rights (SDRS) already issued by the IMF will be expanded and used to settle international balances. Eventually, the SDRS could become the principal reserve assets of the system.

Strengthen the ability of U.S. financial institutions to attract overseas dollars. This would involve at least two major changes. One would be to remove all controls on capital exports from the U.S. and thereby diminish the importance of the Eurodollar market. The other would be to allow U.S. commercial banks to pay interest on demand deposits. The combination would encourage foreign dollar holders to move their balances to the U.S. Much of the activity that now takes place in the Eurodollar then would shift to New York. U.S. bankers are strong for the idea. President Nixon already has promised to phase out the capital controls, but the ban on paying interst on demand deposits is likely to stay. It was imposed as part of the bank reform legislation after the 1933 collapse, and it is intended to prevent the pyramiding of deposits that took place in the 1929 boom. Congress will be wary of lifting it regardless of what the banking exports recommend.

If the U.S. in 1973 and 1974 brings its inflation under control and slows its business expansion to a sustainable pace, many of the toughest problems will solve themselves. The great problems in the international money markets today all stem from loss of confidence in the dollar. If that confidence can be restored by a strong economic performance in the U.S. the dollar will come back fast. As Otmar Emminger, deputy chairman of the Bundesbank says, "As soon as traders have something real to grasp, such as a positive balance of payments, the dollar will begin to recover."

AMERICA GOES PUBLIC

Mr. HUMPHREY. Mr. President, on September 15 from 7 p.m. to 1 a.m. e.d.t.—NBC–TV—the Democratic Party will present a nationwide telethon, "America Goes Public," as part of a massive drive to involve people in the political system. The telethon will be the culmination of 2 months of extensive grassroots activity, and will reach an estimated audience of 58 million people.

Four regional coordinators, 50 State chairmen, and a Washington, New York, Louisville, and Los Angeles staff are working full time on this effort. One million pieces of direct mail have gone out from the National Democratic Committee alone, 10,000 CWA workers have volunteered to answer telephones and record contributions in 43 regional centers telethon night, and thousands of other volunteers will leaflet door-to-door and phone home-to-home to make sure that every American is offered the chance to participate.

Last year, 400,000 people gave $10 each during the first telethon, and proved that they wanted the chance to finance their political system. Mr. President, I see this telethon as a historic attempt to give Americans that chance.

John Y. Brown, Jr., of Louisville, Ky., originated the political fundraising telethon concept, and has once again accepted the challenge of putting it together. He and his staff of young businessmen have taken time off from their other activities to work full time on this effort.

Fifty percent of the net proceeds raised within each State will be returned to that State, and pledge forms will contain a space where contributors who wish to do ongoing volunteer work with their local Democratic clubs may so indicate. For the first time, the 50 States will be working together with the national party in a comprehensive attempt to involve people—through their contributions—in a political system they feel left out of and have consequently begun to doubt.

There are no mysteries here. We mean to go directly to the people of this country, to hold rallies, county fairs, auctions and barbecues on the grassroots level, and to reach into every living room with a 6-hour prime time telethon, that America might truly go public in every sense of the word.

If all Americans—Democrats, Republicans, and Independents alike—decide to actively contribute to the party of their choice, we can truly restore democracy to the people.

Mr. President, I ask unanimous consent that the following "Background and Fact Sheet" be printed in the Record.

There being no objection, the background and fact sheet ordered to be printed in the Record, as follows:

Democratic National Telethon II

BACKGROUND AND FACT SHEET

Robert Strauss, Chairman, Democratic National Committee John Y. Brown, Jr., Chairman, Democratic National Telethon II.

What is happening

Two months of grass roots activity by Democrats nationwide, to culminate in a six hour prime time Telethon, September 15.

This Year's Telethon, September 15, 1973—7 p.m.–1 a.m. EDT, NBC–TV, "America Goes Public." Broadcast live from Los Angeles. Longest prime time television spectacular in history. Anticipated audience of 58 million people. Estimated 15,000 volunteers will man telephones. Option to pledge by credit card.

September 15, 1973, "Celebrate America Day," A day of widespread participation nationwide; 100,000 volunteers. Door-to-door leafletting, reminding people "to watch" and "to give." Home-to-home telephoning, reminding people "to watch" and "to give" State dinners, and other special events.

What this is trying to do

1. Involve Americans—through their contributions—in a political system they feel left out of and have begun to doubt.

2. Prove the public will finance the political system, if given the chance.

3. Choose a constituency (the public) and a fundraising method (small contributions

4. Offer people the opportunity to take their government out of the hands of special interests.

5. Free officials from pressure to rely on special interests.

6. Build a sound base for upcoming campaigns.

7. Revitalize the Democratic Party, at the local and national level.

Some specific ways these things will be accomplished

1. 50/50 split.—Fifty percent of the net amount raised in each state will be returned to it, to be used by the state Party as it chooses.

2. Widespread activity.—Fifty state Telethon committees, 43 regional telephone centers, 15,000 CWA volunteers manning telephones Telethon night, volunteers telephoning and leafletting "to watch" and "to give" messages, and a variety of special events (rallies, bake sales, auctions, dollar dinners, TV-viewing parties, county fairs) designed to reach and include broad segments of the population.

3. Volunteer check off.—Pledge envelopes will contain a space where contributors who wish to do ongoing volunteer work with their local Democratic clubs may so indicate. Names will be forwarded to the appropriate states.

4. Participation is made easy.—Simplified contribution through credit cards, telephones, pledge forms, and return mail.

5. People are reached directly.—Door-to-door/home-to-home contact, TV reaching into the living room, 1 million pieces of direct mail sent by the National Party alone, and special groups (women, minorities, Young Democrats) activating their own channels.

6. Grassroots efforts and Telethons bring previously uninvolved people into the political system—A recent Kentucky grassroots fundraising drive raised eighty-five percent of its total from people who had never contributed before. A recent Ohio Telethon brought responses from 14,000 people—12,000 had never contributed before.

7. A professional staff of diverse political backgrounds is working full time in this attempt to involve Americans in their political system.

Who is doing what

Telethon staff is working in Washington:

John Y. Brown, Jr., National Telethon Chairman

Young Leadership Council, Democratic National Committee.

Originator, "Political Telethon" concept.

Owner, Lums Restaurants.

Owner, Ollies Trollies, International.

Original owner and Board Chairman, Kentucky Fried Chicken.

Larry Townsend, Assistant to the National Chairman Assistant to the National Chairman, DNT I.

Ron Dukes, Director of Operations, Director of Operations, DNT I.

Carroll Ladt, National Coordinator, Kentucky Telethon Coordinator, DNT I, Campaign Director, 1972 Huddleston Senate race.

Susan Eisner, Director of Communications, Communications and production, DNT I, National Coordinator, State Press Operations, 1972; McGovern Presidential race .

Kitty Halpin, Assistant to the National Coordinator, Assistant to Robert Strauss, 1971–1973.

Four regional coordinators are working in the field:

Bob Burke, The East, New England coordinator for Birch Bayh.

Pete Ellington, The South, Indiana and Kentucky coordinator for Hubert Humphrey.

Dusty Cunningham, The West, Assistant to Robert Strauss, 1971–present.

Terry Straub, The Midwest, Associate campaign consultant, Matt Reese and Associates, Washington, D.C., 1972–present.

Production staff is working in Los Angeles:

Nick Vanoff, Executive Producer, Humphrey Election Eve telecast, Emmy winner, Julie Andrews special.

Eric Lieber, Producer, Producer, two Muscular Dystrophy telethons.

Ruth Berle, Talent Coordinator, Talent Coordinator, DNT I.

What has happened to date

June 12—Robert Strauss and John Brown met with the State Chairmen in Washington to discuss plans for DNT II.

July 2—Robert Strauss and John Brown met with the State Chairmen in Chicago, to present and discuss the DNT II program.

July 18—Robert Strauss and John Brown addressed the Democratic Congressional Caucus in Washington, to present the DNT II program.

All Democratic Governors, Senators and Representatives have been sent briefing sheets and DNT II programs, and have been asked to participate in the efforts.

First batch of direct mail was sent.

What Is Happening In the States (as of August 4).

All states have held organizational meetings, and have either booked or are selecting sites for Telethon night.

Arizona plans to hold a large concert.

Alabama will hold garage sales and leaflet in every county.

California has set up a Steering Committee to plan activities which include all facets of the population, is planning a direct mail effort, will hold a large rock concert, and has appointed Telethon coordinators at the county level.

Delaware will hold a beach party the week before the Telethon, and the Governor will host a reception Telethon night.

Florida's state Telethon committee meets August 6, and eight regional events will follow.

Georgia plans informal box suppers.

Idaho plans barbecues at the county level.

Indiana has planned dollar dinners, bake sales or car washes for all ninety-two counties.

Iowa plans "Telethon booths" at county fairs.

Kansas plans events and TV parties at the county level, will man "Telethon booths" at county fairs, and is using local politicians to promote DNT II in TV spots.

Louisiana plans major fundraising dinners.

Massachusetts has scheduled pre-Telethon fundraising and promotional events.

Michigan will promote DNT II at county fairs and dinners.

North Carolina held a fundraising weekend in July, during which Larry Townsend addressed an organizational meeting and received a strong reception for DNT II. Coordinators from the western counties will meet on August 10.

New York held an organizational meeting July 28. Among others, Mayor Lindsay, Comptroller Levitt, and Assembly Leader Steingut attended.

Ohio will hold its county chairmen meeting on August 4, and plans four regional meetings, beer and pretzel parties at the precinct level, a September picnic, and at-home parties.

Pennsylvania plans events in every county, booths at county fairs, and an "American Celebration" Telethon night.

Tennessee has scheduled fundraising dinners.

Texas plans $5-a-plate barbecues in a number of cities, and will also tie efforts into Labor Day.

West Virginia will hold statewide bean dinners, and TV-viewing parties in the various counties.

Wisconsin plans a large event for Telethon eve.

Background/last year's telethon

1972: DNC Treasurer Strauss asks DNC Young Leadership Chairman Brown for ideas on retiring the $9.3 million Party debt. Brown suggests a network Telethon.

July 8–9, 1972 (ABC–TV). Democratic National Telethon I:

Live from Miami and Los Angeles, 19 hours long; 150 stars and politicians appeared; 25,000 volunteers manned phones/32 regional centers; $4 million collected from 400,000 people.

First network Telethon, first political fundraising Telethon.

First televised political fundraiser.

Longest entertainment special in television history.

First use of credit cards to collect Telethon contributions.

SPOKESMEN FOR SMALL FIRMS BROADEN CONTACT WITH INTERNAL REVENUE SERVICE ON SMALL BUSINESS TAX GUIDE AND OTHER MATTERS

Mr. BIBLE. Mr. President, as chairman of the Select Committee on Small Business, I take pleasure in reporting to this body on our committee's continuing efforts to foster constructive liaison between small businessmen and the Internal Revenue Service.

On July 9, 1973, under the sponsorship of our committee, members of 10 small business organizations and a representative of the Small Business Administration met with high Internal Revenue Service officials for a full-day series of meetings on the following matters:

First. Revision of the Tax Guide for Small Business incident to its annual republication in 1974.

Second. Distribution practices for the Tax Guide for Small Business, as well as Your Business Tax Kit and other IRS publications of interest to small business.

Third. Tax forms—their design and impact upon small business.

Fourth. Work of the Audit Division and its effects upon small business.

PARTICIPANTS IN THE MEETINGS

A list of those participating and their principal small business affiliation is set forth below:

John McGowan, Edward H. Pendergast, Jr., and Lewis A. Shattuck, of the Smaller Business Association of New England.

Leo McDonough and Tony Rossi of the Smaller Manufacturers Council of Pittsburg.

Bruce Fielding, Ted Kuchenriter, and Fred Williford, of the National Federation of Independent Business.

Stephen Klein, of the Small Business Administration.

Lawrence L. Gray, of the American Bar Association.

William A. Hagemann, Mike Horan, Dean R. Ludeman, and W. L. Rogers, of the Internal Revenue Service.

Peter Yosinoff and Phyllis Borghese of the National Society of Public Accountants.

James R. Parker of the Federal Bar Association.

Charles M. Noone of the National Association of Small Business Investment Companies.

John Mendenhall of the National Small Business Association.

Joel Forster and Mike Mintz of the American Institute of Certified Public Accountants and a member of our committee staff, Herbert L. Spira.

Anyone familiar with this field will recognize the eminent professional caliber of the individuals involved and the wealth of background, experience, accounting and legal expertise that were brought to bear in these sessions for the benefit of small businessmen and the free enterprise system.

ACTIVITY DURING 1972 AND EXPANSION THIS YEAR

During 1972, seven organizations accepted the committee's invitation to allow their experts to join with the committee to review and revise the "Tax Guide for Small Business" for the first time since its issuance as our committee print in 1956. There was considerable progress made, both in making substantive improvements to the publication, and in developing methods for long-term cooperation. These were noted in my remarks on the Senate floor of August 17, 1972, and January 31, 1973 (CONGRESSIONAL RECORDS, pages 28676 (1972) and 2716 (1973)) and my correspondence with Secretary Shultz commending IRS personnel for their willingness to be helpful to the small business community.

In 1973, the number of organizations participating increased by half, and the scope of discussions with IRS increased fourfold. To illustrate the value of these discussions, I might just touch upon the highlights of the four meetings.

MORE THAN HALF OF THE TAX GUIDE SUGGESTIONS ACCEPTED BY IRS

As to the text of the "Tax Guide for Small Business," the April–July review by the participants resulted in approximately 155 written suggestions from which 76 were adopted by IRS on the basis of the submission—with 46 not adopted and 33 under consideration. Since several more suggestions were accepted on the basis of the July 9 discussion, the group therefore posted a batting average of over .500. I consider this to be an unqualified success.

In addition, I understand that IRS acknowledged receiving about a dozen useful suggestions from the questionnaires inserted at the beginning of the guide in 1973, at the request of our group, for mailing back to IRS.

Although IRS expressed disappointment that only 119 of the questionnaires were returned, I understand that it represents a six-fold increase over the 15 to 20 comments received on the Small Business Tax Guide during 1972. It provides some basis for learning who actually uses the guide and for what purposes. Mr. Pendergast of the Smaller Business Association of New England and others at the meeting commented that such empirical knowledge is needed to evaluate the contents of the guide relative to its actual and potential audience.

In this connection, at the request of the group, further steps are already being taken to improve this two-way communication with the guide's users. The technical publications and publications services branches will, for 1974, print a refined questionnaire on hard paper stock and backed up by a "franked," addressed mailer. This should eliminate two substantial barriers to returning the questionnaire. Distribution of this questionnaire is still in the thinking stage, but IRS presently contemplates placing it in approximately one-half the 1,000 IRS offices engaged in public sale of the guide, for insertion in the guide before sale. IRS believes this could result in a 4- to 5-fold increase in the number of replies. We shall see next year.

The revision of the guide is under the jurisdiction of the Technical Publications Branch of the Internal Revenue Service, ably directed by William Hagemann, Chief of the Technical Publications Branch; and assisted in this project by Dean Ludeman, Chief, Taxpayer Publications Branch, and W. L. Rogers, Tax Law Specialist. Mr. Hagemann announced at the meeting this branch would henceforth be divided into three sections, so that increased supervision will be available and higher quality for all such publications can result. Mr. Michael Horan of IRS, who was introduced to the group, will hereafter be giving particular attention to the Tax Guide for Small Business.

Other changes in the Tax Guide stemming from the meeting, which appear to be of some importance, are:

First. The recommendation of several condensations and eliminations, which could conserve space for more important materials;

Second. The date of the revision will be stated more explicitly for the information of the user;

Third. The language inserted last year indicating that the guide expresses the position of IRS will be given additional prominence;

Fourth. Numerical examples will be evaluated as to the accounting method used, and these examples will be keyed to filled out forms wherever possible; and

Fifth. An effort will be made to have the tone and language of the guide made friendly and suggestive throughout the publication. Mr. Fielding of the National Federation of Independent Business articulated this point well for the group.

DISTRIBUTION OF THE TAX GUIDE AND THE BUSINESS TAX KIT

Distribution practices for the guide were discussed in detail with Mr. Lee Sadler, distributions manager, publishing services branch; and Frances Ware and Gary Wiltshire of his staff.

It was reported that for the past fiscal year some 354,000 copies of the Tax Guide were sold at a cost of $0.75 each for total proceeds of $265,500. Participating in these sales are IRS offices and post offices. Additionally, camera-ready copies of the guide are sold to prospective publishers for $600 per set, and many more copies are thought to be sold commercially. IRS also distributed 112,000 copies of this year's guide to its employees for training purposes. This would indicate that a half million or more copies of the 1973 Tax Guide for Small Business were in circulation.

It also indicates several channels of distribution for the guide, each subject to different considerations of cost and utility. There are further differences between the distribution of the Small Business Tax Guide and similar publications, such as the Farmers Tax Guide, which is made available to farmers without cost.

Another item distributed to new businessmen is the "Business Tax Kit," which contains basic compliance information and forms for the small businessman.

Mr. Sadler explained this helpful package and stated that in theory each new businessman or woman is supposed to receive one. However, lawyers and accountants in our group made IRS aware that few, if any, of the businesses coming to them for assistance in launching their enterprise had ever received the kit. This seemed to be the case even though they may have submitted an application for an employer identification number, or "EI number."

EMPLOYER IDENTIFICATION NUMBERS

This led to a chain of discussions about the requirements for an "EI number" and the conditions under which business kits are furnished to new businesses.

We have identified some of the applicable regulations on "EI numbers"—such as IRS Regs. 1.6109–1 which calls for an individual to submit an application if engaged in a "trade or business" subject to the kind of taxes which arise upon hiring employees; but also refers to an "identifying number" which is prescribed for an individual and is termed an "account number." We have also obtained from IRS its Notice 137 which explains how business kits may be obtained by visiting, writing, or calling local IRS offices.

REVIEW OF THESE AREAS REQUESTED

The group noted a considerable variety of opinion on these subjects, which seems to call into question the validity of methods currently utilized to contact new and small business to encourage their compliance with Federal tax laws. Accordingly, to follow up this aspect of the meetings, I am writing the Commissioner of Internal Revenue with the request that the practices as to EI numbers, notice, and distribution of the business kit and tax guide be reviewed.

I will ask that they be prepared to discuss with this group in the future the utilization of the manifold resources of the various small business organizations represented in our group, and perhaps other national, State, or local business groups, and governmental authorities, in promoting the greatest possible access to Federal publications, and thereby generating an atmosphere most conducive to the fulfillment of recordkeeping and tax obligations.

The fact that approximately 300,000 to 400,000 new firms come into existence each year would seem to give this process considerable importance.

I shall also inquire whether the Tax Guide for Small Business might stand upon the same footing as the "Farmers Tax Guide" as far as the costs of printing and distribution are concerned.

TAX FORMS

The group next met with Erwin H. Schuler, Chief of IRS Tax Forms Coordinating Committee, and the representatives of the various Assistant IRS Commissioners and the Chief Counsel's office who make up this committee.

In this area of tax forms, the group received general introduction to the Coordinating Committee and the tax forms development branch, which seems to lay a basis for constructive work in the future. This subject, of course, is of considerable interest to me and the 26 other Senate sponsors of the Small Business Tax Simplification and Reform bill—S. 1098 and H.R. 5222. Additionally, the particular discussion for Forms 941 and 941A was pertinent to work already under way in the Government Regulations Subcommittee on Paperwork under the direction of the Senator from New Hampshire (Mr. McIntyre). I expect to cooperate with Senator McIntyre in a thorough examination of the extent to which these records for wages taxable under the Federal Insurance Contribution Act can be maintained on an annual, rather than the present quarterly basis in the interest of simplifying the paperwork chores of small businessmen.

This forum allowed the group to carry forward the discussion of EI numbers, and to illuminate present practices in this important area. In addition, Mr. McGowan's comments on last year's pension disclosure forms, and their information requirements beyond the reach of most practitioners, were instructive.

WORK OF THE AUDIT DIVISION

The final meeting of the day was with Mr. Singleton Wolfe, head of the Audit Division. Mr. Wolfe provided the group with a lucid explanation of the evolution and self-examination of the Audit Division. This included the development of the "discriminate function formula" which permits use of computers to preaudit all returns using uniform national standards. He also told of team audits and of the large corporation audit program.

It seems quite relevant to the purposes of our group that the small businesses described as having "an adjusted gross income of under $10,000," make more mistakes than any other class of taxpayer. The number of enterprises in this category—5,239,000—would be sure to make this situation a major compliance problem.

I feel that the group here has come upon an area in which small business organizations and the IRS can be mutually helpful to each other and to the small business community. Mr. Wolfe's suggestion about dissemination of information on the most common mistakes was most constructive, and our committee is actively at work arranging with the Audit Division to be helpful in this area.

Under consideration in this connection is the preparation of several pages of materials perhaps accompanied by an illustration of the type used by the National Society of Public Accountants in their National Accountant Magazine of December 1972. This might possibly be suitable for printing in the publications of other organizations at the opening of next year's filing season.

IRS COOPERATION OUTSTANDING

It is my information that the cooperation on the part of all IRS personnel in the preparation and conduct of the July 9 meetings, and of the subsequent follow-up, was and continues to be exemplary. It is most heartening to me that IRS officials seem to view meetings with small business representatives as an opportunity to be helpful in the better functioning of the IRS in relation to small business.

SUMMARY

To the extent that such a constructive relationship can be fostered by our committee between small business spokesmen and the Internal Revenue Service, for the benefit of new, small and independent business firms, I feel that this will be a considerable achievement. Innumerable problems and frustrations can be avoided and the functioning of our tax and business systems can both be made more efficient. The Select Committee on Small Business deeply appreciates the time, efforts, and expertise of those individuals I have previously mentioned and others, who are making this possible.

Future developments will, of course, be reported to the Senate in due course. For the present, I am taking steps to accord appropriate recognition for the work which the small business representatives and the IRS and SBA officials are performing in behalf of the small business community and which I feel constitutes a notable public service.

THE POSITION OF HUNGARY IN MBFR NEGOTIATIONS

Mr. SCHWEIKER. Mr. President, a series of important negotiations dealing with security in Europe is new underway. We all hope they will lead to reduced tensions and improved security in Europe. Among these are the negotiations on a mutual and balanced—although there is some disagreement on this point—reduction of forces—MBFR—and the Conference on Security and Cooperation in Europe.

At the preliminary conference in Vienna on MBFR, the NATO powers made a concession on the status of Hungary in order to permit some forward movement and to permit the first formal session to be held. The compromise eliminates Hungary, clearly a Central European country, from full participation in the preliminary conference and tentatively omits her territory and the 40,000 Soviet troops stationed there from the area of potential troop reductions. We have, however, retained the right to raise the status of Hungary at the start of the main conference on October 30.

There are a number of very important reasons why a permanent elimination of Hungary would be unfortunate, and perhaps dangerous to the West. The Soviet Union would be left with a country free of MBFR controls, where it could concentrate large forces and which it could utilize as a staging and depot area. The Western Powers would have no such control-free territory left in Central Europe. This situation would also deprive the Hungarian people of the possibility for a peaceful evolution toward full political and national self-determination, since it could leave the Soviet Union free to keep large forces there indefinitely. Certainly my constituents of Hungarian descent would view with distaste such a situation, and I doubt whether the citizens of Hungary would be much happier.

The implications of control-free presence of Soviet forces in Hungary after a preliminary MBFR agreement would also create quite serious problems from the military standpoint, and could well preclude any but a completely symbolic reduction.

A number of my colleagues in the Senate and in the House have pointed out this difficulty in our initial negotiating posture, and I am certain it comes as no great surprise to the administration. I would, therefore, urge and expect that our negotiators will take a much firmer position on this issue in subsequent negotiations.

COMMON CAUSE

Mr. MONDALE. Mr. President, last Friday an outstanding column by Marquis Childs appeared in the St. Paul Pioneer Press. Entitled "Common Cause—An Attempt To Restore Decency," this article describes the work of Common Cause and John Gardner in seeking to rebuild public faith in our democracy.

Every recent public opinion poll shows that cynicism and apathy have increased dramatically as a result of the corruption and lawlessness revealed in connection with the Watergate affair. But the polls do not show that more and more people are looking for a way in which they can do something about the serious abuses that have been uncovered, and increasingly they are turning to Common Cause.

This citizens' lobby, headed by John Gardner, has drawn widespread public support for its positive response in working to clean up our political system. One area that Common Cause has been especially concerned about is the way in which political campaigns are financed—a system—John Gardner has in my view accurately termed "a national disgrace."

I commend to my colleagues in the Senate this excellent article about Common Cause and John Gardner of whom Marquis Childs says:

> In his academic excellence Gardner eloquently sets the hallmarks for wise and enlightened conduct in public and private life.
>
> Soft-spoken, with none of the outward aggressiveness of the crusader, Gardner in a half-dozen fields is proof that good guys can win.

In their efforts to build a better system of campaign financing and to make all of our political institutions fully accountable to the people, the membership of Common Cause and John Gardner reaffirm the spirit of our democracy and renew the deepest source of America's great strength.

Mr. President, that my colleagues in the Senate may have an opportunity to read Marquis Childs' excellent column, I ask unanimous consent that it be printed in full in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the St. Paul Pioneer Press, July 27, 1973]

Common Cause—An Attempt to Restore Decency

(By Marquis Childs)

Washington.—Increasing numbers of Americans are beginning to ask what they can do about the mess in Washington. Between cynicism at the daily harvest of revelations—all politicians are a bunch of crooks and chiselers—and boredom or amusement at the showing of the Washington scandals of 1973 are those looking for a way to restore government.

One avenue they are turning to is Common Cause. In June the organization picked up nearly 12,000 new members who paid $15 each to be part of the citizens' lobby.

Letters from all across the country sent to John Gardner, the founder and director of Common Cause, express hope tempered in many instances with doubts about what anyone can do.

Ranging from handwritten scrawls to typewritten letters on engraved stationery, they express the earnest conviction that something must soon be done to stop the rot in the American system.

"We would hope," says one thoughtful writer from Beverly Hills, "that the whole outmoded 18th-century idea of electing a President and keeping him in office through four years, no matter what, could possibly be changed.

"Our system, while still keeping our primary Constitution, can be altered to have a government fall and a new President elected if anything like Watergate ever happens again."

"Every time I've started to write this check," says a writer from Scarborough, N.Y., "it has seemed so insignificant compared to the millions poured into the Nixon Administration's attempt to destroy our fair Republic that I've just put it aside and written another ineffectual letter to my Congressman. . . . Now we seem to have a reprieve, perhaps only momentary, in which we may be able to help our beautiful land renew itself."

"Many of us have felt utterly frustrated over our inability to influence the course of political events in our beloved country," says an American writing from South America. "The Watergate spectacle is appalling and yet may prove to be the catalyst for sweeping reforms. . . . Those of us who live abroad in our various assignments are perhaps particularly sensitive to deterioration in the moral tone of our national government. . . ."

Many who write cite with approval the suit filed by Common Cause last September charging a violation of the Federal Corrupt Practices Act by the Republican Finance Committee and Treasurer Maurice Stans.

The chief objective is to force the committee to file the secret report of the list of donors who, prior to April 7 of last year, insisted on anonymity.

On that list are some of America's biggest corporations. Gardner charges that it is the supreme illustration of the corruption of money in politics today.

The Republican defendants are moving to delay trial of the suit and in the meantime the list is sealed with a strict injunction that its disclosure would be in contempt of court.

John Gardner is a singularly American phenomenon. As president of the Carnegie Foundation, following a career in business, he was a registered Republican when President Lyndon Johnson made him Secretary of Health, Education and Welfare.

Disillusioned with the Johnson policies, he resigned to become head of the Urban Coalition and later to found Common Cause.

His critics dismiss him as a do-gooder, with the Republicans accusing him of being a covert ally of the Democratic Party. But do-gooders, whether that is used as a term of opprobrium or merely descriptive, have helped to make American history since the beginning of the Republic.

In his academic excellence Gardner eloquently sets the hallmarks for wise and enlightened conduct in public and private life.

Soft-spoken, with none of the outward aggressiveness of the crusader, Gardner in a half-dozen fields is proof that good guys can win.

He sometimes appears like Charlie Brown in "Peanuts," bearing the woes of the world or at least the woes of his ball team on his shoulders. But in his own quiet way he is a tough, unrelenting fighter for what he believes to be the right.

A fair criticism of Common Cause is that it is largely confined to the middle and upper middle, with no roots in the mass of voters. The total membership is just under 225,000. This means the influence it can exert is limited.

Yet the members are highly articulate men and women who believe they can promote the good not just of themselves but the common cause of all Americans.

GEN. SAMUEL C. PHILLIPS OF WYOMING

Mr. HANSEN. Mr. President, I commend the Senate for the confirmation this week of the President's nomination promoting Samuel C. Phillips to the rank of general.

Sam Phillips is a man of whom we can be proud, for his dedicated service to our country, and for his competence. He is a distinguished military leader, whose command abilities are recognized and respected not only in this country, but in military circles throughout the world. In Wyoming, we proudly call him our native son.

As 1 of 14 four-star generals in the Air Force, General Phillips has assumed command at Andrews Air Force Base of the Air Force Systems Command—one of our Nation's most important defense units, charged with the mission of developing and acquiring the most up-to-date and effective weapons systems for the Air Force. His preceding assignment was Director of the National Security Agency at Fort Meade.

The General takes over the systems command at a critical time in our Air Force's history, when that branch of our military services must continue to play its crucial role in providing the balance of power in the world that assures freedom in the free world. With the consent of Congress, the Air Force will be developing the B–1 bomber aircraft as a replacement weapon for the B–52. The B–1 will have a longer range and be able to carry a greater payload, and it will have the capability for greater penetration—giving it usefulness in either conventional or nuclear application, thereby adding to the deterrent arsenal of our Nation. The Air Force also requires development of fighter aircraft that can assure air superiority from the late 1970's through the 1980's, and the X–15 fighter aircraft has the credentials for this role.

The fiscal year 1974 Air Force budget seeks $6 million for new intercontinental ballistic missiles—ICBM—technology. It is essential to our Nation, that we have the very best technology in missiles, and that we have a continuing program of research in this area. In Wyoming, we are also proud that Cheyenne is the home of one of the Nation's key Minuteman installations—Warren Air Force Base. From personal observation, I can assure you that the men at Warren are alert and ready.

Because it is probable that Sam Phillips will be coming to see many of us in the Senate, with purposefulness to plead the cause of insuring that this Nation continues second to none in defense capabilities, I will take this opportunity to outline some facts of his life and distinguished career so that those who have not had the privilege of meeting him will know something about the caliber of man he is when they do.

We try to downplay it in Wyoming, but Sam was born in Springerville, Ariz. With all due respect to my distinguished colleagues from Arizona, Sam soon remedied that, and is a graduate of the public schools in Cheyenne, Wyo. He graduated from the University of Wyoming at Laramie in electrical engineering in 1942, and received his commission at that time through the Reserve Officer Training Corps at Wyoming. He also holds a master's degree in electrical engineering from the University of Michigan.

He became a pilot in 1943 and served with distinction during World War II in the European Theater of Operations, receiving the Distinguished Flying Cross twice, eight Air Medals. and the French Croix de Guerre. He served in assignments in Germany following the war.

Since 1950, after completion of studies at Michigan, Sam Phillips served in a number of research and development assignments, including electronics officer with the nuclear experiments at Eniwetok during Operation Greenhouse, and project officer assignments with B–52 aircraft, and Falcon and Bomarc missile programs.

As chief of logstics for the 7th Air Division of the Strategic Air Command, he participated in the writing of the international agreement with Great Britain for deployment and use of the Thor intermediate range ballistic missile, receiving the Legion of Merit.

He subsequently served as director of the Minuteman program, and in 1964 was assigned to the National Aeronautics and Space Administration as director of the Apollo manned lunar landing program. In 1969, General Phillips assummed command of the Space and Missile Systems Organization of the Air Force Systems Command.

The general also has the good fortune to be married to a charming lady from Cheyenne, the former Betty Anne Brown, and they have three lovely daughters, Dana, Janie, and Kathleen.

THE CONGRESSIONAL RESEARCH SERVICE

Mr. PELL. Mr. President, the Senate Subcommittee on Education will be considering various legislative means for improving Federal aid to education this year. Because of the great interest in general issues of Federal aid and the school finance problems experienced by many States, I have asked the Congressional Research Service of the Library of Congress to undertake two major projects to help us in carrying out our legislative responsibilities. The first of these projects, which is now nearing completion, was the preparation of individual background studies on 11 school finance topics of interest to the subcommittee. Studies were prepared by CRS analysts in such areas as: equality of educational opportunity; the relationship between expenditures and educational quality; current State school finance programs and recent reforms; tax support for education and possibilities for reform; legal challenges to current school finance systems; the governance of education; urban and rural schools and their special needs; the Federal interest in nonpublic schools; the Supreme Court and aid to nonpublic schools; and others.

The second project which the Congressional Research Service has undertaken at my request is the development of an automated capacity to estimate the distributional effects of different aid formulas which the subcommittee will be studying. This model, when completed, will enable the subcommittee to have detailed information on hand during its deliberations. This project represents a new area of endeavor for the Congressional Research Service which, in order to fulfill the subcommittee's request, has been assisted by a contractor in designing a model and constructing the educational data bank necessary for making analyses. Due to the assistance of Mr. Lester Jayson and his administrative staff, this contractual arrangement for the early stages of the project was effected efficiently and in a manner which has enabled the project to proceed on a sound and timely basis.

I look forward to sharing some of the information and analyses made possible by the work of the Library of Congress' Congressional Research Service with my distinguished colleagues of the Senate in the months ahead.

RESOLUTIONS BY NATIONAL LEAGUE OF FAMILIES OF AMERICAN PRISONERS AND MISSING IN SOUTHEAST ASIA

Mr. DOMENICI. Mr. President, I would like at this time to call the attention of my colleagues to the resolutions adopted by the National League of Families of American Prisoners and Missing in Southeast Asia at the League's fourth annual meeting held recently in Washington, D.C. At that meeting, more than 500 wives and parents of Americans who are still listed as prisoners-of-war or missing-in-action expressed their deep concern and their understandable frustration over the inability of our Government to obtain a satisfactory "accounting" of approximately 1,300 missing men, an accounting which was one of the central provisions contained in the Paris peace agreement, an agreement signed 6 months ago.

While it is obvious, Mr. President, that the accounting has been sabotaged by the North Vietnamese by their utter disregard of their obligations under the agreements, it is also apparent that without the weight of strong public awareness and official Government diligence, this accounting will never become a reality. We must not, we cannot let this happen. These men, in the service of their country, and these families, in dependence on and love for these men, are due more than the effort this country has thus far undertaken in their behalf to determine with as much certainty as is humanly possible their true status. I would go even further than that, Mr. President—this Nation cannot and should not continue to expect its citizens to serve its needs and requirements if in that service those citizens somehow lose or are allowed to be deprived of their fundamental human rights.

I say to my colleagues, read these resolutions. After so doing, I am sure they will agree with me that the resolutions ask for only those things which, by common decency and civilized custom, are due these men and their families. This body must make itself a part of the effort to fulfill the legitimate needs set forth in these resolutions.

Mr. President, I ask unanimous consent that the Resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

NATIONAL LEAGUE OF FAMILIES OF AMERICAN PRISONERS AND MISSING IN SOUTHEAST ASIA—RESOLUTIONS

1. The League urges the President to press for additional information from the Democratic Republic of Vietnam (North Vietnam) the Pathet Lao, the Khymer Rouge and the Viet Cong, concerning all Americans who are still missing; that the case of each man carried in missing status be judged on an individual basis, and that where discrepancies exist, the Government of the United States will pursue every feasible avenue of investigation, and that where the information is conclusive as to the circumstances surrounding the incident, statuses be reviewed and charged in accordance with the preponderance of information.

2. Resolved that prior to a status change, a review may be initiated by the wife, children, parents, brothers, sisters, and thereafter, there must be an opportunity for the family members to participate in the review and final decision based on the evidence and information considered.

3. The League shall use every means at its disposal to prevent the changing of status on any missing-in-action personnel until Article 8 (B) of the Paris Agreement is fully implemented.

The League endorses as an acceptable procedure for changing a status, the following:

At the request of a family member (wife, parent, child) a review will be held before any status is changed.

The appropriate service secretary shall not change a status to MIA of those presently carried as POW, and

When U.S. inspection teams have received all required assistance from the DRV, PRG, Pathet, etc., for the purpose of discharging their responsibilities and thus enabling them to make recommendations to the appropriate service secretary concerning status changes, the following procedures shall prevail:

(a) change to POW if MIA is found to be alive.

(b) change to KIA if remains are found that can be positively identified.

(c) change to PFOD if remains are not recoverable but now information warrants a change.

4. The League is opposed to any and all presumptive findings of death in Southeast Asia until after our search teams have been permitted to enter all areas of South Vietnam, North Vietnam, Laos and Cambodia, complete their searches in all said areas, and make their reports.

5. The League strongly recommends that all United States Government officials (military and civilian) immediately cease using such phrases as:

"All POWs returned", "We have no evidence of any POWs still alive in Southeast Asia", and "our involvement in Southeast Asia is over with", and speak instead in terms of the discrepancies in the accounting of our POW/MIAs.

6. The League shall initiate and continue a massive letter writing campaign to acquaint and solicit support of the media on the MIA issue. This shall include: (a) discrepancies, (b) military efforts to account for MIAs, (c) lack of cooperation by the DRV, PPRG, Pathet Lao, and Khymer Rouge, which prevents full accounting.

7. The League strongly recommends that the Defense Department, all four services, and the State Department adopt uniform procedures for all aspects of accounting including notification or processing of information to next-of-kin.

8. The League strongly recommends that DOD keep each individual family (both primary and secondary next-of-kin) fully informed of new and continuing procedures being used to account for each man, such as: visits to site of incident and whether or not information is uncovered.

9. The League strongly requests that families receive regular status reports through service newsletters on activities of the Joint Casualty Resolution Center.

10. The League shall inquire as to what department, team or organization in Southeast Asia is actively seeking further information on the possibility of locating missing Americans who are still alive, and whether General Kingston has a counterpart charged with such responsibilities.

11. The League shall pursue a vigorous policy of opposing any U.S. aid for reconstruction of NVN until the North Vietnamese have assisted the U.S. Government in obtaining the return of all living POWs and the fullest possible accounting of all Americans who are missing in action in Southeast Asia.

12. The League shall establish a liaison office in Southeast Asia to be manned by our own concerned members in order to achieve on-the-spot results and action for our missing men.

13. The League's Board of Directors shall contact DOD regarding the practice some casualty sections have indulged in of recording statements made by family members that are not pertinent to the man himself; the inclusion of certain observations made by the family members in the record by the Casualty officers tend to read differently than was intended.

14. The League shall undertake a mass media compaign to include a documentary of those individuals missing-in-action or captive in Southeast Asia; this project should begin no later than 1 August. The documentary should be requested of a major network sympathetic to our cause.

15. The League's Board of Directors is hereby directed to respectfully request that all representatives and senators take a public position on the MIA issue. We suggest that the Congress use their mailing, local newspaper column, and all other means at every opportunity to speak out positively on the MIA subject and that the vote on HR-271 Bill be a roll-call vote.

16. We unanimously recommend that the League send letters and fact sheets to all members of Congress by return receipt requested, and also undertake a bulk mailing (cards) campaign to our elected officials.

17. The League requests that President Nixon appoint an individual at the White House Executive Staff level whose primary responsibility will be to carry out the President's pledge for the complete accounting of our missing men.

18. The League proposes that a village-to-village campaign project be started on a national level. This should be implemented through letter writing from a humanitarian standpoint on behalf of each man missing in Southeast Asia.

19. The League's Board of Directors is instructed to contact Congressman Huber to introduce a (second) bill similar to HR-271 on Laos, Cambodia, and the People's Republic of China.

20. Resolved that the current retiring National Coordinator be an ex-official member of the Board of Directors for one year.

21. The "most favored nation" Bill for

Russia is now before the House Ways and Means Committee (chaired by Wilbur Mills). The League is instructed to request an Amendment asking Russia to influence North Vietnam to abide by and implement the Paris Agreement of 27 January 1973.

22. The League urges all international brotherhoods of Unions to refuse to load or unload, manufacture or otherwise handle cargo and any and all commodities destined for countries having friendly relations with North Vietnam until North Vietnam accounts for and returns (or causes to be accounted for and returned) all living Americans previously carried as POW or MIA.

23. The League requests an open hearing by the Senate Foreign Relations Committee before 15 August with witnesses to include a Laos returnee released by North Vietnam and a returnee who was held by the PRG, so that the Committee and public may be made aware of the number of men still unaccounted for in those areas.

24. The League respectfully requests the Governments of China and USSR to exhaust all efforts available through their good relations with North Vietnam, PRG, Khymer Rouge, and Pathet Lao to seek the release and accounting of all missing in action and prisoners of war. And that, this resolution be delivered personally to the representatives of the Governments of Russia and China located in the United States, or, if refused, to leaders in Peking and Moscow with the news media present.

25. The League requests the State Department and the Defense Department to permit returnees to publicly reveal all information they have about missing men who were not repatriated (i.e., names written on walls, men seen at one time). The League firmly believes that families and the public have the right to know this information.

26. The League is dissatisfied with the inactivity of the United States Government and North Vietnam in providing the Joint Casualty Resolution Center the rights of overflight and entry into all of Southeast Asia. The League demands that all efforts be exhausted to make all parties (the Governments of U.S., DRV, PRG, Pathet Lao and Khymer Rouge) aware of the fact that American POWs must be released or satisfactorily accounted for and the missing accounted for within six months.

27. The League strongly opposes the granting of "most favored nation" status for trade with the United States to either Russia or China until these two countries have assisted in bringing the war in Southeast Asia to an end, and until they have demonstrated their insistence that North Vietnam must vigorously assist the United States in obtaining the fullest possible accounting of all Americans missing throughout Southeast Asia.

28. The League believes that the present U.S. role in the United Nations is actually encouraging the United Nations' attitude of indefference toward the plight of missing Americans and their families. The League believes that unless the United Nations is able to secure an acceptable accounting of MIAs in 90 days, our Government should immediately reduce its share of the United Nations Budget to 7% which is our percentage of the population of all UN member states. The League further believes that such action is not merely an option, but a legal obligation of our Government under Article I of the Geneva Convention.

29. Be it moved that the Board arrange the program at the next convention to allow time to have the resolutions printed and in the hands of the delegates prior to voting on them.

30. Resolved that we as a League sponsor a cross-country run from The West Coast to East Coast ending in Washington, D.C. by persons carrying an American flag to call attention to the fact that the war is not over for some 1300 Americans still missing in action or prisoners of war in Southeast Asia and their families.

31. The League at its 1973 National Convention goes on record to identify and make known to all family members and concerned citizens the names of those senators and congressmen on the national and state levels who actively support the National League of Families and all State Chapters in their efforts on behalf of over 1300 men missing in Southeast Asia. We also resolve that we will identify and name those senators and congressmen on the national and state levels who show NO concern for our men or fail to actively support the work of our National League and State Chapters.

FOOD ASSISTANCE FOR THE AGED, BLIND, AND DISABLED

Mr. EAGLETON. Mr. President, earlier this week I voted to agree to the conference report on S. 1888, the Agriculture and Consumer Protection Act of 1973.

However, at this time I want to express my disappointment at the agreement reached by the conference committee with respect to the eligibility of supplemental security income recipients to participate in the food stamp and food distribution programs.

As passed by the Senate on June 20, the farm bill provided that aged, blind, and disabled SSI recipients would be eligible to participate in food assistance programs if they satisfied the appropriate income and resources eligibility criteria of those programs. This seemed to me to be a fair and equitable approach, and I supported it.

A similar provision was approved by the House Agriculture Committee. However, subsequently an administration-sponsored floor amendment was adopted by the House of Representatives deleting this provision from the House version of the farm bill.

The compromise devised by the conference committee, if I have interpreted it correctly, provides that no SSI recipient will be eligible for food stamps or donated foods if the cash assistance he receives through SSI and a State supplementary payment, if any, exceeds the cash assistance he was receiving in December 1973 by an amount equal to or greater than the bonus value of food stamps to which he would be entitled.

In other words, where the aged, blind, and disabled are concerned, eligibility for food assistance will no longer be based on need. Rather the controlling factors will be, first, the source of income—whether all or part of it comes from SSI—and, second, whether that income is a few dollars higher in January 1974 than it was in December 1973.

Ironically, under the conference committee provision it will in most instances be persons with the lowest incomes who will be excluded from the food stamp and food distribution programs.

For example, in Missouri the approximately 30,000 aged, blind, and disabled persons who have no income other than public assistance and who will have their incomes increased under SSI, will as a result lost their eligibility for food their monthly income of $130 will be well below the maximum income standards for the food stamp and food distribution programs.

On the other hand, those SSI recipients in Missouri who now have total incomes in excess of $130 and will, therefore, receive no increase in income on January 1, will presumably retain their eligibility for food assistance.

Mr. President, the basic intent and purpose of the food stamp and food distribution programs is to provide food assistance to those persons who by reason of their income and assets are unable to purchase a nutritionally adequate diet.

I continue to believe simple equity requires that the aged, blind and disabled be entitled to food assistance on the same basis as all other Americans. And I am hopeful that Congress will have an opportunity to reconsider this matter.

PEACE IN INDOCHINA

Mr. PELL. Mr. President, on August 15, 1973, American military involvement in Indochina spanning more than a decade in time and an eternity for over 45,000 Americans, will finally come to an end; or at least it will have no new lease on life without the consent of the Congress.

In Vietnam, an uneasy truce is reigning undisturbed, we hope, by U.S. military activities overt or covert. In Laos, we all welcome the progress made to arrive at a settlement of their differences and a return of peace to their war-wracked country. To the best of our knowledge, American bombs are no longer falling from Laotian skies with their message of death and destruction, and the U.S. presence there is being rapidly reduced.

It is only in Cambodia where the clash of arms and the thunder of American air power still resound. Consequently, that is where our concern is greatest regarding the reality of August 15 becoming the landmark date of a definitive ending to a seemingly endless and never well-defined U.S. military entanglement in Indochina. Before our recess, I would hope that we will have received an appraisal from the administration of the current situation in Cambodia as it affects American policy and the prospects for reaching a settlement among the Cambodians themselves.

Without word from the administration before the recess, I would think we could properly assume that the cutoff date of August 15 for further American military activities will automatically go into effect and that the Congress will not be requested to extend it.

I am sure that a vast majority of the Senate shares my fervent hope that the President will not see fit to ask the Congress for any consent to a continuation of bombing or any other military activity in Cambodia or in any other part of Indochina. But if he should, it is practically impossible for me to imagine any circumstances which would justify Congress giving its consent. Without wishing to quarterback the administration on a sensitive and highly complex situation, let me make a few observations on this conclusion.

First, it may or may not be significant that in Laos and Vietnam where there is no American bombing or other military activity, hostilities are ebbing, and opposing sides are edging, if slowly, toward some sort of accommodation looking toward a more peaceful future.

Second, continued heavy American air action in Cambodia seems to be neither purposeful nor effective. The mercurial enemy continues to draw a noose tighter around Phnom Penh while a mesmerized Lon Nol government looks on like a cobra's victim. American bombing may hamper this relentless operation, but seemingly cannot break it up. Frankly, I doubt that it ever could, regardless of how many extensions an ill-advised Congress might grant a misguided President. Here I would like to add parenthetically that something most valuable for future decisions would be an in-depth evaluation of the military and political effectiveness of our bombing effort during the entire Indochina embroglio, to be done by an independent, objective group of experts.

Third, my impression is that as long as the Lon Nol government has a hope for the continuation of this faulty crutch of U.S. air support, it will not even start to hobble toward the type of negotiated accommodation for Cambodia that the Laotians are working on for their country. To this observation, critics may reply that it is vacuous, since with the withdrawal of American air support after August 15, there may be no Lon Nol government to negotiate in the face of an enemy takeover of Phnom Penh. Such a possibility can by no means be excluded, but would an extension of bombing do anything more than postpone the evil day at the additional cost of life and property? Knowledge that there will be no extension, on the other hand, may motivate and enable the Lon Nol government, in some mysterious Eastern way inpenetrable to our Western minds, to save itself through a negotiated escape route.

Fourthly, let us assume the worse that the Lon Nol Goverment is swept into the dustbin of history and some other Cambodian group takes over—Sihanouk supporters, Khmer Rouge, a coalition, or whatever. Given the well known Cambodian antipathy for Vietnamese, northerners or southerners, Communists or non-Communists, is there not a good chance that eventually any Cambodian Government that comes to power will have as a national objective the withdrawal of all foreign troops, including North Vietnamese who are there in the largest numbers, from Cambodian territory? In fact, might not a more vigorous even though a less ideologically palatable regime have a better chance of achieving what would also be in the U.S. national interest—the withdrawal of North Vietnamese forces—than does the present enfeebled Government of Phnom Penh? To let one's imagination run wild, is it inconceivable that a Cambodian Communist government at some future date might even seek U.S. financial and materiel aid under the Nixon doctrine in its efforts to ease out self-invited Vietnamese guests? Frankly, such an ironic twist of history is more conceivable to me than congressional agreement to the extended application of U.S. air power in Cambodia.

In conclusion, Mr. President, my main reason for introducing such questions and speculation is to suggest that there must be other routes to follow in our search for peace in Indochina than the dead-end street of application of U.S. military power.

CONTROLS ON BEEF

Mr. DOMENICI. Mr. President, yesterday I supported Senator TOWER's amendment to H.R. 5777 which will treat beef in the same manner as other meats and food items, a measure that was far overdue. This action will relieve our beef industry and consumers from unwarranted and unnatural market conditions for beef products. Now increases in raw agricultural product costs incurred since June 8, 1973, can be passed through on a dollar-for-dollar basis. Only July 12, 1973, I spoke to President Nixon on the disastrous effects phase 3½ was having on our Nations' supply of food stuffs. The President himself has said:

> Food has given the clearest evidence of the harm that controls do to supplies.

Yet, when controls were lifted on food stuffs July 18, 1973, the controls on beef remained. Is not beef considered food? I think most experts would say yes and, therefore, would not beef supplies suffer the same effects as any other food stuff under price controls? I think that is plain to us all. When the meat shelves in markets are empty of beef, then I would say there is a shortage. And when the shelves are empty, I think we can look to the truism of the President's own economic adviser when he said:

> Controls on food will not work if demand far exceeds supply at the ceiling price.

We have already dealt irreparable damage to the beef industry and the American consumer's ability to obtain demanded beef products. I think it is senseless to add to the damage by continuation of the controls to September 12.

The beef industry is bogged down at every sector. Not only are prices frozen, but the industry is frozen. Beef prices are frozen at every level except the ranch level, but the cost of feeding the steer to increase its weight to slaughter level is not frozen, thus the cattleman must receive a comparable price for his steers to offset the increase in feeding costs. But, the rancher cannot sell his cattle to a packer, because the packer can only pay approximately 47.5 cents per pound to avoid an operating loss and the rancher must receive at least 49.5 cents to avoid a loss.

Those cattle in feeding lots are in a similar situation. The feeder lots bought cattle in a "free" market to fatten up for slaughter, but again, rise in food costs coupled with the price ceilings has made it impossible to sell those cattle without suffering a loss or to buy new cattle from ranchers to fatten up for future slaughter.

I have a statement from a New Mexican feedlot owner and cattleman that more fully explains how the detailed increase in costs have resulted in a disincentive to continue business. I request unanimous consent that the statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

HOW ONE NEW MEXICAN VIEWS THE CURRENT EFFECTS ON CONTROLS ON BEEF

The following is an example of the current losses being absorbed by the cattlemen and processors:

In February 1973 cattle was purchased with an average weight of 644 pounds at a cost of $55.20 per hundred weight for a total of $375.62 per cow. At the end of 165 days the cattle were about ready to be sold. Their weight had increased approximately 462 pounds—a gain of 2.8 pounds a day. In February the anticipated cost of grain was 30 cents per bushel. However, the cost has been running closer to 36 cents per bushel. Thus, it cost $166.32 to add the 462 pounds. The interest on the money used to buy the cattle in February was approximately $20.00. The total cost for each animal was approximately $541.94 which does not include interest and is not considering "death loss".

A 1106 pound cow has an absolute cost of about 49 cents a pound ($49.00 per hundred weight) even if the quality is bad. There is no ceiling price on the living animal, but the effect of a ceiling at the retail level imposes such a ceiling. The effect of the ceiling on the living animal is 47½ cents a pound. Somewhere between the retailer and the cow in the feedlot, someone must absorb the loss. Thus if the cost prior to the retailer is $49.00 per hundred weight and the ceiling is $47.50 per hundred—there is a $1.50 loss per 100 weight or $16.59 loss per cow.

Either the packer or the cattleman absorbs the loss. Each must weigh their fixed costs and losses of operating compared with the potential of not operating. The cattle were bought in February under a "free market" and now they must be sold under controls.

People are buying and freezing their beef because of the fear of a shortage and run away costs. Presently there is no profit incentive to increase the herd. It is impossible to hold cattle back from the market for too long a period of time.

The government announced today a wheat sale to China of 500,000 tons with delivery over a 5-month period—August through December. Also the United States Department of Agriculture confirmed today that they were negotiating with India for the export of 4,000,000 tons of wheat and miscellaneous grains.

Mr. DOMENICI. Mr. President, cattlemen must receive a fair price for their steers. They should not be expected to take a loss. Yet, where can they sell their cattle? Processors cannot afford to purchase the steer at a fair market price, because they are frozen below the comparable price they would need to receive for their processed product. If they were to purchase cattle at current market prices, they would lose anywhere from $20 to $40 per head. We should not ask any business to operate at such a rate of loss for 1 day or 1 week, less several months. But under the present freeze, if we expect the flow of beef from the ranch to the grocery market to resume at its normal rate, someone must take a loss. The slaughter plants will not; instead they are closing. Already plants which contribute over 25 percent of the industry's slaughtering capacity have closed and others are planning to close by this weekend, including seven of Armour's meat plants. Those that can afford to remain open are operating below capacity. It is estimated that the industry is now operating at approximately 50 percent capacity. These curtailments have seriously affected the beef supplies at the grocery stores and more importantly it has caused thousands of processing employees to be laid off their jobs.

I have a great concern over the effects the current freeze on beef has had on the industry and the consumer and what additional damages will be caused by a continuation of the freeze. However, I have an equal concern for an "animal" that is born when prices are artifically held below their normal level. That "animal" is the speculator. It seems to me that the shortages caused by food controls have caused the speculator to push the price of futures far above the level that would have been void of price controls. What I want to know is who benefits from these abnormal prices? I seriously doubt that the benefits are passed on to those who should get a fair shake, namely the cattlemen, the processor, and the consumer. Rather, it seems to me it is very likely, the speculator benefits at the demise of others and deals a damaging blow to the agricultural economy. In a market that is suffering under artificial barriers and controls, I do not feel we should let the parasitic speculator drain off any remaining strength.

THE ENVIRONMENT BELONGS TO EVERYBODY—INCLUDING WORKERS AND CITY DWELLERS

Mr. HART. Mr. President, some months ago, Mr. President, a group of trade union, environmental, and antipoverty organizations, formed a coalition called the Urban Environment Conference. It is a loosely formed group which meets to share ideas and seeks to find common ground on some of the legislative issues before the Congress.

It is said from time to time that the environment is the exclusive concern of upper class elitists, but there increasingly is expressed a more profound concept of the environment as an all-embracing concern of many of our most deprived citizens.

The child of a slum-dweller who becomes sick with lead poisoning from chewing paint peelings suffers from an environmental problem at least as serious as the threat to the Alaskan tundra and wildlife if an oil pipeline is laid down without regard for its surroundings.

A worker beseiged in a factory environment with noise pollution, untested chemicals, fumes, and heat stress has an environmental problem every bit as severe as that of overcutting the national forest domain.

For this reason it is altogether fitting that the Secretary of the Wilderness Society should preside at meetings of the Urban Environment Conference alongside the Washington representative of the National Tenants Organization. The environment belongs to the lover of the outdoors, the worker, the inner-city dweller—to all Americans whether they hike along the trails of our forests and mountains or whether they go to work in a factory or live downwind from city pollution in an apartment or tenement.

The Occupational Safety and Health Act of 1970 has been frequently described as a workplace environmental magna charta for the 60 million workers covered by its provisions. All Members of Congress are aware of the mail which comes to our offices about OSHA, the Occupational Safety and Health Administration in the U.S. Department of Labor. OSHA has been reviled by the John Birch Society and healed by organized labor.

It is appropriate, therefore, that the Urban Environment Conference should attempt to explain this law and defend its charter to protect working men and women from safety and health hazards on their job—to protect their workplace environment.

Mr. President, I ask unanimous consent that a recent statement by the conference subscribed to by many of the constituent organizations be placed in the RECORD so that this environmental evaluation of a new but sometimes misunderstood law can be better appreciated.

The roster of organizations which support strong and vigorous implementation of OSHA is a healthy cross section of the Nation, including people who speak for the outdoor environment, the city environment, and the workplace environment. I commend this to my colleagues.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

URBAN ENVIRONMENT CONFERENCE: OCCUPATIONAL SAFETY AND HEALTH

A. GENERAL POLICY

Environmentalists have every reason to sound the alarm over the increasing contamination of our air and water, the foods we eat, and the products we buy. No one, however, has more reason to complain than the American worker. For nowhere is the threat to human health from industrial pollution more real in this country than in many of the shops, factories and other workplaces where more than 80 million Americans spend the majority of their waking hours. Here, persons continue to be directly exposed to safety hazards and to noise, dusts, fumes, radiation, and other toxic agents, at concentrations far greater than those permitted or experienced in the community outside. Indeed, workers sometimes serve as environmental guinea pigs, as, for example, when studies of their health are used as a basis for setting community air quality standards much safer than those in the workplace.

The true horror of this occupational health story was recently documented in the Department of Health, Education and Welfare's first annual report to Congress under the Occupational Safety and Health Act of 1970. This report *conservatively* estimated that about 100,000 workers die each year as a result of their prolonged exposure to contaminants in the workplace environment.

This gruesome statistic does not even take into account the synergistic, or additive effects that occur when workers go home to a polluted environment from a polluted workplace. Nor does it included the more than 14,000 workers who die each year from job-related injuries. Surely one of the most tragic, and yet least recognized aspects of environmental devastation is the fact that it is the urban poor and the urban minorities who frequently absorb the brunt of environmental health hazards. It is often they who live in the areas subjected to the worst pollution; it is often they who are relegated to the most environmentally obnoxious and hazardous jobs. In short, the environment is not just a middle-class concern. From a health standpoint, community and workplace environmental improvement ought to be a top priority for all sectors of the urban community.

In 1970, the American trade union movement, together with help from some environmental and health organizations worked successfully for passage of the Occupational Safety and Health Act of 1970 (OSHA). OSHA represents the most comprehensive piece of Federal legislation enacted to date covering the subject of occupational safety and health. It is designed specifically to achieve on a uniform, nationwide basis the far reaching goal of "assur[ing] so far as possible . . . safe and healthful working conditions" for almost all workers. The Act provides, in part, for the development and enforcement of occupational standards designating safe exposure levels to health hazards. In addition, each OSHA health standard must provide for monitoring, medical examinations, recordkeeping and the posting of warning signs and labels. It is, indeed, an environmental law for the workplace.

But the mere existence of a statute does not insure the achievement of its goals. If OSHA is to fulfill its important purpose, if it is not to be crippled by anti-labor and anti-environmental attacks in Congress and the Executive Branch, if knowledge of, and commitment to the Act and its potentials are to be disseminated to the extent necessary for the full application of its remedies, then it is crucial for labor, environmental, minority and health groups to be in concerted support of the Act's implementation. The Urban Environment Conference endorses such concerted action, and urges active participation by member groups in occupational safety and health matters.

B. LEGISLATIVE POLICY

In the 92nd Congress, the Occupational Safety and Health Act was subjected to strong legislative attacks. One provision would have prevented Department of Labor funds from being used to inspect small businesses. This provision, which could possibly have been used by large corporations to exempt their small divisions, would have exempted from coverage some of the most dangerous industrial workplaces. The provision was twice passed by Congress, but both times died with presidential vetoes of the Labor/HEW appropriations bills. A second provision would have prevented the issuance of citations to small businesses for first instance violations of the law, and instead provide small businesses with "consultative services." In effect, the consultative services approach would have temporarily denied for up to 30% of the nation's nonfarm workforce (and up to 90% of the farm workforce) the full protection of the Act. This provision almost slid through Congress as an amendment to an unrelated bill in the last-minute rush for adjournment.

Both of these provisions to weaken the Occupational Safety and Health Act can be expected to reappear early in the 93rd Congress. The atmosphere of panic and misinformation which led to their near-success in the past still exists today. For example, it is still not widely recognized that the Safety Act provides for low-interest Small Business Administration loans to aid small businesses' compliance efforts, nor is it widely recognized that the Small Business Administration already possesses "consultative services" authority.

Another form of attack upon the Act has been in terms of low Administration priority. Thus far, appropriation requests have been shockingly inadequate both in the area of safety and health inspection personnel and in the area of research and training. For example, there are fewer than 50 industrial hygienists on the Federal payroll—a ratio of less than one to every one million workers covered by the law. The problems emanating from this low priority are compounded by the Administration's philosophy that as much of the program as possible should be returned to the states as soon as possible, despite the fact that it was the states' incompetence in this field which prompted the Federal Act. Congress must assert its power to reverse these priorities through its appropriations authority, and demand that the Act be implemented in the most efficient and comprehensive manner possible.

An additional issue which must receive legislative consideration is that of economic dislocation—both the threat and the actuality—resulting from safety and health implementation. In recent years of environmental activity, we have seen how workers can often be caught as pawns in a showdown atmosphere. We are now beginning to witness the same pressures in the occupational safety and health field. Environmental and labor groups have worked together in making strides toward the enactment of legislation which provides for required public verification of any environmental dislocation threats, and special economic compensation for any actual environmental dislocation. Similar actions must also take place with regard to the occupational environment.

Compensation of another form is also in need of legislative action—workmen's compensation for occupational diseases. The delivery of workmen's compensation benefits is a function of the individual states' laws; some states provide no compensation for occupational diseases, while many states provide compensation for only a very limited range of diseases. Resultantly, in most states it is, relatively speaking, easy for a worker to obtain benefits for a lost hand, but nearly impossible for him to get compensation for lungs which have been devastated by long years of exposure to toxic fumes. Needed is uniform and full coverage, without time limitations, of all occupational diseases.

Therefore, the Urban Environmental Conference supports the following legislative positions:

(1) Opposition to "consultative services" to small businesses by the Department of Labor as a substitute to first instance sanctions for violations of the Occupational Safety and Health Act.

(2) Opposition to the exclusion of small employers from coverage by the Occupational Safety and Health Act.

(3) Support of adequate appropriations for a vigorous and expanded implementation of the Federal Occupational Safety and Health program.

(4) Support of worker protection provisions for occupational safety and health in terms of economic dislocation assistance and anti-blackmail procedures.

(5) Support of full coverage of all occupational diseases by Workmen's Compensation.

URBAN ENVIRONMENT CONFERENCE

Groups which support both general and legislative policy:

National Association of Social Workers.
Movement for Economic Justice.
National Welfare Rights Organization.
National Tenants Organization.
United Steelworkers of America, AFL–CIO.
Industrial Union Department, AFL–CIO.
Americans for Democratic Action.
National Recreation and Parks Association.
Zero Population Growth.
United Auto Workers.
Environmental Action.
Friends of the Earth.
Health Research Group.
Environmental Policy Center.
Fisherman's Clean Water Action Project.
Baltimore Urban Environment Center, Izaak Walton League.
Oil Chemical and Atomic Workers, AFL–CIO.
Sierra Club.

Groups which endorse only general policy section:

National Parks and Conservation Association.
Center for Science in the Public Interest.
National Committee for Household Employees.
Environmental Defense Fund.
National Wildlife Federation.

MINNESOTA EDUCATORS CRITICAL OF PROPOSED BETTER SCHOOLS ACT

Mr. MONDALE. Mr. President, at my request, Howard B. Casmey, our excellent commissioner of education for the State of Minnesota, contacted several Minnesota school superintendents to ask for their reactions to the so-called Better Schools Act. It was my hope to obtain from these superintendents a clear view of exactly how Minnesota schools would be affected by this proposed legislation.

I have now received an answer. According to Mr. Casmey and the eight superintendents he contacted, the public schools in Minnesota would be adversely affected by this measure. He writes, in part, that—

> The reaction on the part of these administrators to the BSA has been total disagreement with the Administration bills on Special Education Revenue Sharing. In each case the districts have repeatedly expressed the fear of losing funding support for programs that have experienced success. The districts regard such legislation as having a disastrous effect on continued educational progress in Minnesota as well as their individual school districts.

All of the superintendents questioned raised serious questions and concern about this proposed legislation. According to George P. Young, superintendent of the St. Paul Public Schools, they will lose approximately $600,000 in that district alone. In Bloomington, Minn., according to Superintendent Fred M. Atkinson, they will be required to cut back their staffs and support services.

Mr. President, for the benefit of my colleagues and the public, I ask unanimous consent that these letters appear in my remarks.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

STATE OF MINNESOTA
DEPARTMENT OF EDUCATION,
St. Paul, Minn., July 5, 1973.

Senator WALTER MONDALE,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR MONDALE: In response to your inquiry concerning the Better Schools Act and its impact on Minnesota, I have solicited the advice of a representative sample of school superintendents throughout the State. The sample includes urban, rural and suburban superintendents.

The reaction on the part of these administrators to the BSA has been total disagreement with the Administration bills on Special Education Revenue Sharing. In each case the districts have repeatedly expressed the fear of losing funding support for programs that have experienced success. The district regard such legislation as having a disastrous effect on continued educational progress in Minnesota as well as their individual school districts. The St. Paul School District, for example, estimates that it would lose approximately $600,000 in the first year under the BSA. In addition to the monetary losses that would occur, the school districts sampled indicate that it would be nearly impossible to conduct viable planning activities for succeeding years because of the tenuousness of projected funding possibilities.

While an effort at consolidation may be a noble concept, there is a strong feeling that the consolidation effort under the BSA is arbitrary and comes in too short a period of time.

The loss of funding, of course, would have a detrimental effect on personnel. Staffs which were hired with the use of federal funds would be seriously depleted. For school districts this would mean the loss of some excellent personnel.

These are just a few of the sentiments expressed by leading school superintendents in Minnesota. I am attaching copies of their responses with this letter for your examination. If there is anything further that I can do to be of help, please let me know.

Sincerely,

HOWARD B. CASMEY,
Commissioner of Education.

THE SAINT PAUL PUBLIC SCHOOLS,
Saint Paul, Minn., June 20, 1973.

Mr. HOWARD B. CASMEY,
Commissioner, State Department of Education, St. Paul, Minn.

DEAR COMMISSIONER CASMEY: In reply to your letter of June 12 seeking St. Paul's reaction to President Nixon's Education Revenue Sharing Bill, we wish to make the following observations.

Should the "Better Schools Act" pass, our best estimates indicate a first year loss of approximately $600,000 in the St. Paul School District. The reductions would occur in those areas noted below.

1. The St. Paul Open School would lose $76,500 formerly received under ESEA Title III.

2. We would lose $90,000 for library books and audio-visual materials funded under ESEA Title II.

3. Under NDEA Title III the District would lose $50,000 for instructional equipment, such as overhead projectors, microphones and tape recorders.

4. The biggest reduction suffered would be in impact aid where failure to fund the "B" category could cost the District about $300,000.

5. Two special projects, one for visually impaired pre-school and one called a home and family living laboratory would be lost as funds would be withheld under ESEA Title III.

As regards Title I, aids for disadvantaged children, the District would be protected for the first year under the hold-harmless provision. "Better Schools Act" national levels of funding coupled with increased District costs, however, makes the future of Title I appear bleak.

While the District agrees with the rhetoric regarding simplification of grants and reduction of bureaucratic red tape, it fears that the proposed legislation does not accomplish these missions, but instead sets the nation on a course of diminished federal funding for education. We join the Minnesota Department of Education in their opposition to the "Better Schools Act."

Sincerely,

GEORGE P. YOUNG,
Superintendent of Schools.

BLOOMINGTON PUBLIC SCHOOLS,
Bloomington, Minn., June 21, 1973.

Mr. HOWARD B. CASMEY,
Commissioner of Education, State Department of Education, St. Paul, Minn.

DEAR MR. CASMEY: The termination of any of the various Federal programs to school districts in the State of Minnesota will have adverse effect on the entire state's educational system. It is evident to me that our Minnesota Legislature has responded to the best of its ability to provide adequate general funds, along with special funding, with the full knowledge of the Federal contributions in special areas. Hence, the termination of Federal funding in specific areas will cause a severe imbalance of financial support within our state.

To be more specific concerning District 271, Bloomington, any reductions of our Federal support, which was $443,750 this year, will result in further cutbacks in our staff and/or support services. We have had to reduce our present budget $1,200,000 in preparing our 1973–74 expenditure budget. Under our present levy limitations, we cannot keep even with inflation, salary increases, and Legislative mandates such as increased retirement contributions.

It is obvious that the revenue sharing proposals result in reducing Federal support under the guise of consolidation.

Sincerely,

FRED M. ATKINSON,
Superintendent.

MINNEAPOLIS PUBLIC SCHOOLS,
Minneapolis, Minn., June 22, 1973.

Mr. HOWARD B. CASMEY,
Commissioner of Education, State Department of Education, St. Paul, Minn.

DEAR COMMISSIONER CASMEY: I am responding to your letter of June 12, 1973, requesting LEA reactions to the Better Schools Act.

Our basic position in regard to the controversy between revenue sharing and categorical grants remains focused on the issue of which system or plan permits the best allocation of funds for essential educational services. Our focus, of course, is with respect to the City and Minneapolis in particular. In that respect our priorities are similar to many of the existing categorical programs: i.e. education of the disadvantaged, services to the handicapped, vocational and career education, improvement of media, services to Indian students, support of desegregation/integration and a limited ability to test creative and innovative approaches in competition with other school districts.

We have reviewed the material accompanying your letter and at the present time find no reason to endorse the Better Schools Act because of a lack of clarity as to the amount of monies available to LEA under the five sections which are present after the consolidation of the various categorical programs. Our comments at this time can only be general in nature.

The section on Education for the Disadvantaged, which brings together all parts of Title I, could well result in severe cuts in programs unless there is adequate funding. Section C of the current Title I of ESEA, while limited, has given us funds to initiate experimental programs for gaps that are found in the range of existing Title I services. Parent involvement has been exemplary in identifying these gaps and every component under Part C has been built into the Title I Part A program. The funds from Section C have been used exclusively to upgrade Title I reading and math programs.

The section on Education of the Handicapped, which combines several current programs, shows expanded funds; but the law takes away funds historically used under Title III and in vocational education. We are again at a loss to know if there is potential to sustain existing valid programs to say nothing of expanded programs. The ideas stated in much of the literature about the "flexibility" of the Better Schools Act become difficult to comprehend when you find several categorical grants consolidated and the total of available funds less than the total of the previous parts.

The large number of individual titles, which have been brought together under the Vocational Education section, are such that a district may have to revamp its total approach to vocational education and drop services to many youngsters. A number of valid programs already operational under vocational education categorical aids will have to be dropped.

The reduction of "B" students under the Impact Aid (P.L. 874) again hits at a number of districts that have parents of students working on property that does not pay its share of local taxes. It would seem that the "B" student should be redefined rather than dropped categorically. Some of the smaller districts in our state, which have a significant number of students whose parents work in "B type installations" will be seriously hurt by this modification.

The section on Support Services combines sections of a number of acts and would place school districts throughout the state and the State Department of Education itself in a difficult position. The loss of ESEA Title II funds takes away the source of monies that have helped a number of districts upgrade their total range of media services. LEAs and the state itself will be forced to fund a wide range of services and programs which have been brought together in one support service section. We are particularly concerned about not having categorical funds for adult basic education. The person who needs adult basic education comes from a section of the community that has the least powerful political voice, and in many districts they will not be served at all.

We are concerned about the exclusion of Title V of ESEA. The State Department of Education staff in our state, engaged under Title V, has been very supportive of districts throughout the state in expanding and sharpening the quality of services to educationally disadvantaged, low-income, handicapped and minority youngsters.

Even if the State Department of Education were able to provide some services to local districts through an indirect cost approach, the whole aspect of priorities of state services would remain in a state of confusion.

The section on School Lunches combines several titles. It is confusing, and funds are limited. The rapid increase in the costs of foodstuffs, the lack of products through the various federal programs, and the vital importance of the School Lunch Program—particularly to low-income youngsters—are such that a reduction of support in this area will harm those who are least able to afford the harm. The youngster in the inner city or from a low-income rural area, who does not have an adequate school lunch is penalized in educational as well as in physical and psychological ways.

We recognize the need to review the considerable number of categorical programs and to look at some possible combinations. We feel the Better School Act has moved to accomplish the consolidation process in too short a period of time. It has not given enough recognition to the needs of those segments of the community which would not be able to lobby for their own educational services.

The lack of any kind of a formula below the state level for distribution of federal educational funds to support children with high need, makes it difficult to endorse such an Act. Local districts will find it difficult to set priorities because they will not know what the distribution pattern or process will be from the state agency. Not knowing what funds are available and what programs are eligible will lead to confusion and competition between and among districts for funds, and students will be lost in the battle.

The Better Schools Act seems to point to more local planning. This is almost impossible unless the local educators have an idea of what amounts of funds are available to their districts. It is ironic that local districts are being asked to develop creative plans when the national government apparently still does not have adequate census data from the 1970 census to provide firm program allocations at the LEA level.

Thank you for the opportunity to share concerns relative to this key issue and know that we stand ready to work with you and your associates to the end that the best federal-state system be established in order that local education authorities be able to provide service as needed.

Very sincerely,

JOHN B. DAVIS, Jr.,
Superintendent of Schools.

INDEPENDENT SCHOOL DISTRICT NO. 274,
Hopkins, Minn., June 20, 1973.

Mr. PETE PETRAFESO,
Consultant, State Department of Education, Division of Planning and Development, St. Paul, Minn.

SPECIAL EDUCATION REVENUE SHARING BILL

Dr. Greenwalt requested that I respond to the Commissioner's letter regarding the revenue sharing bill.

First, let me state that I am not able to determine the specific impact of the proposed bill for School District No. 274. This is because I am not able to calculate revenues under the formulas provided in the bill and I'm sure I do not have enough data available at the district level if I was able to understand the formulas. On the surface the bill appears to be much too complicated. I think we should try harder to make these programs less complicated. I would hope that when revenue sharing is actually accomplished that funds would be allocated to the states based on their evaluation of program needs. We have spent far too much time in the past documenting needs for federal government officials and then demonstrating that the money has been spent in the specified manner. These tasks are better handled at the state and local level.

In general, I see the proposed legislation as detrimental to our school district. Less dollars will be available to the state and this means less dollars to support programs already operating. The net result would be that we must eliminate the program or eliminate another program or programs in order to fund the program. A number of excellent programs for handicapped, vocational, and education as well as the food service program would be faced with severe curtailment or even elimination due to this bill. It does not seem to be appropriate to withdraw funds from tried and proven programs based on formulas that fail to recognize needs at the local level.

I cannot support the proposed revenue sharing bill (S. 1319) and would urge you to continue your efforts in opposing the bill. I do favor some form of revenue sharing but not by sacrificing funding for programs in the manner proposed by this bill.

E. J. YOUNG,
Director of Business Affairs.

BLUE EARTH PUBLIC SCHOOL,
Blue Earth, Minn., June 19, 1973.

Mr. HOWARD B. CASMEY,
Commissioner of Education, Minnesota Department of Education, St. Paul, Minn.

DEAR COMMISSIONER CASMEY: This letter is intended to show my reaction and judgment concerning proposed Federal legislation for elementary and secondary schools. In part my judgments are based on the figures submitted from your office showing comparisons of the Federally funded programs now in existence as compared to the proposed special education revenue sharing.

I would like to share my judgments on just four of the categories now covered with Federal funding assistance. The first of these is Vocation Education. Our district is in a high school cooperative educational venture that includes nine high schools. The enrollments curriculum and staffing have expanded in each of the four years that the Vocational

Center has been in existence. In spite of another increased enrollment anticipated for next year, the Vocational Board has decided not to expand the vocational offerings. The major reason is the uncertainty and lack of government funds. The cutback in Federal funds can certainly prevent the progress and possibly even force a cutback in our vocational programs.

ESEA, Title I, has provided us with the greatest source of funds from Federal legislation. With a decline in funds anticipated we have cut back on our staffing for supplemental reading and mathematics instruction in grades 4 through 6 for next year. We feel the position is still necessary but funds have forced this decision.

ESEA, Title II, has been a tremendous help in both the elementary and secondary library services. Funds from this source have been used to expand our resources for English and social studies. Local funds would not be available to pick up this need if the Federal Program is abolished.

Under the Title III, NDEA, we have acquired a significant number of materials and equipment that has been a boost to learning experience in foreign language, science, mathematics, English and industrial arts. I feel that the original purpose of NDEA has been accomplished. However, to continue the subject areas at their highest level supplemental funds from some source will be necessary.

While I like the idea of revenue sharing which should permit decisions closer to the home level, I could not support the revenue sharing plan if it meant a decrease in the amount of funds we would have available for educating the students in this community.

Sincerely,

KENNETH QUEENSLAND,
Superintendent.

WINONA PUBLIC SCHOOLS,
Winona, Minn., July 3, 1973.

Mr. HOWARD B. CASMEY,
Commissioner of Education, State Department of Education, St. Paul, Minn.

DEAR COMMISSIONER CASMEY: Last year the Winona schools received approximately the following amounts from federal funds:

Title I	$112,000
Title II	15,000
Title III	58,000
Title III NDEA	12,000

In addition we received a substantial amount of vocational aid for our secondary vocational programs and for our area vocational school where it is not easy to separate out the amount of federal support and the amount which is furnished by our own state.

Because of the uncertainty about the future of Title I we have terminated the contracts of seven teachers who worked in this area last year. We felt that last year the Title I money that we spent on disadvantaged children produced the best results that we have had since the program started. Both the administration and the board are very disturbed by the possibility of losing this very valuable part of our overall educational program.

The Title II program over the past years has enabled us to build up the content of our school libraries to the point where we were hopeful that in the next two or three years our book count in these libraries would be up to state minimum standards. We have not depended entirely on federal money to accomplish this but we have increased our locally funded library budget each year for the past five years.

We have a Title III project operating in our school district. We have just completed the second year of the project and we fully expected to be funded for $45,000 for the 1973–1974 school year. The project is such that it cannot be discontinued so it means that we will have to raise these funds locally to replace federal funds if they are not forthcoming. We think the federal government is morally responsible for continuing Title III projects that were originally scheduled to be in operation for a three-year period. We think it is unconscionable to terminate a program in mid-stream.

Over the years we have been able to improve markedly the equipment in our science department and in more recent years in other departments with Title III NDEA funds. We feel, however, that if any program is being discontinued this one would have the least impact on our educational program.

Revenue sharing in itself has many things to commend it in that it brings the decisions on how the money is to be spent closer to the people who are involved with the programs to which the money is allocated. It appears to us, however, that revenue sharing is being used as a subterfuge to reduce the federal governments commitment to education and we are somewhat appalled at the brazen way in which it is being forced on Congress and on the country.

Partly through the efforts of Title V funds Minnesota has developed a very excellent staff in the State Department of Education to administer federal programs. If Title V funds are eliminated the State Department will be left without leadership in many areas and we can see nothing but chaos resulting from this action.

I support the Commissioner wholeheartedly in his opposition to revenue sharing as it has been proposed in the Congress.

Sincerely yours,

A. L. NELSON,
Superintendent of Schools.

SCHOOL DISTRICT 742,
St. Cloud, Minn., July 3, 1973.

Mr. HOWARD CASMEY,
Commissioner of Education,
Minnesota Department of Education,
St. Paul, Minn.

DEAR COMMISSIONER CASMEY: In spite of the lack of lead time constantly changing philosophies, guidelines and regulations, congressional and administration impasse, etc., local school districts have made the "Elementary-Secondary Education Act" an effective educational instrument for compensatory programs, educational media and change to produce quality education.

Several exemplary programs have been developed in District No. 742. The "Area Learning Center" for drop-outs and for pregnant teenagers has served as a pilot for 18 other schools just in Minnesota.

For the first time parochial schools have received practical, effective support and enjoyed a new working relationship with the public schools.

A cursory examination of the implementation of the "Elementary Education Act" would disclose obvious administration errors at the national level. We really need some practical modifications that would permit local districts to do effective planning and more effective implementation. The last thing we need is a new idealistic dream that is beyond the scope of practical reality.

Unfortunately, very few people have recognized that a shift in educational leadership has taken place. Change for quality education is emerging at the local level in Title III.

If Congress and the Administration must have a new program; hopefully, it would be practical rather than traditionally idealistic. It should involve short and long term strategic planning with plenty of lead time and stable funding.

We in District 742 are unequivocally opposed to "Revenue Sharing" as set forth in the present so called "Better Schools Act".

Sincerely,

KERMIT L. EASTMAN,
Superintendent of Schools.

INTERNATIONAL ASSOCIATION OF BRIDGE, STRUCTURAL, AND ORNAMENTAL IRON WORKERS CITES NEED FOR TRANS-ALASKA PIPELINE

Mr. STEVENS. Mr. President, in the June 1973 issue of the Ironworker, the official magazine of the International Association of Bridge, Structural, and Ornamental Iron Workers, President John H. Lyons devoted his monthly message to the energy crisis, particularly the need for the trans-Alaska pipeline. As he indicated—

> The simple fact is this nation needs the Alaska oil and needs it now and the pipeline is the method to use.

Mr. Lyons urged the immediate approval of the trans-Alaska pipeline. He said this will mean jobs for Americans—jobs that will be vitally necessary—

> Jobs for American workers would be generated not only in building the pipeline and related plant construction (an estimated 26,000 construction jobs), but also in maintaining it and in manning the transshipment facility at Valdez. Also, an estimated 33 new U.S. flag tankers would be needed to carry the oil, thus stimulating employment in U.S. shipyards and for U.S. shipboard workers.
>
> All these facts make the Trans-Alaskan pipeline the logical step to take.

Not only did Mr. Lyons urge the building of the trans-Alaska pipeline, but also he urged Congress to take other measures to ease the current energy crisis. He stated that—

> The future stability of this nation's economy, without a doubt, requires a series of immediate measures to insure our nation's self-sufficiency in all forms of energy, not just petroleum.

Mr. President, Mr. Lyons' message makes a lot of sense. It is one that is, I believe, reflective of most American workers.

We need Alaskan oil, and we need it now.

I request unanimous consent to print Mr. Lyons' article in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE PRESIDENT'S PAGE

(By John H. Lyons)

On two occasions in the past two years the subject of this page has been the energy crisis in our nation. Indeed, it is a subject worthy of our consideration, for the effects of not solving the energy crisis will touch us all.

It is ironic that while the United States is facing a general energy crisis, with petroleum products being in particularly acute short supply, one of the largest reserves of petroleum—Alaska's North Slope—remains undeveloped.

At a time when the United States is being forced to increasingly rely on oil imports to meet demand, the tapping of the Alaskan oil makes a great deal of sense. The fastest, most economically feasible and most secure method of transporting Alaskan oil to American markets is by pipelines to Valdez and by tankers to the West Coast ports. And this is where the project is now bogged down.

The entire history of attempts to get construction started on the Alaska pipeline is a long chronicle of frustration and pressure created by special interest groups to delay the job, if not kill it entirely. If construction had been started three years ago, when originally hoped, the nation might not be going through the current petroleum shortage. For certain, the United States would have been receiving one to two million more barrels of domestic oil per day and we would be less dependent upon supplies of oil from the Middle East. In addition, it has been estimated that at least two billion dollars could have been saved in construction cost of the pipeline, if the project had started three years ago.

Much of the delay has been the result of well-meaning conservation groups who have managed to convince some members of Congress and segments of the public that terrible damage would be done to the Alaskan tundra because of this four-foot pipeline. The pro and con arguments, some vague to say the least and some worthwhile have been heard long enough. The simple fact is this nation needs the Alaska oil and needs it now and the pipeline is the method to use.

The AFL–CIO Building and Construction Trades Department, which represents 3½ million workers in 17 national and international unions is urging support of a bill now in the U.S. Senate to get construction started on the Alaska pipeline. I strongly urge your support of S. 1081, a bill to eliminate a legal obstacle to construction. The enactment of this legislation, which has been introduced by Senator Henry M. Jackson (D.-Washington) would solve the right-of-way problem while providing very tough environmental safeguards, and stringent liability requirements for damages caused by the pipeline. In addition, the bill would guarantee the Alaskan oil would be used in solely American markets.

Congressional action is also necessary to legalize many oil and gas pipelines in other parts of the nation. If S. 1081 is approved and signed into law it will mean more jobs. Jobs for American workers would be generated not only in building the pipeline and related plant construction (an estimated 26,000 construction jobs), but also in maintaining it and in manning the transshipment facility at Valdez. Also, an estimated 33 new U.S. flag tankers would be needed to carry the oil, thus stimulating employment in U.S. shipyards and for U.S. shipboard workers. However, the key to transshipment is construction of the pipeline, and construction depends on Congressional action on S. 1081. This would give the Secretary of the Interior the legal authority to grant the right-of-way for the pipeline.

Carrying American oil through an American pipeline and on American ships makes sense. It would do much to ease the drain on the dollar, strengthen the economy, aid in our battle against inflation, and establish an additional source of petroleum at home, thereby lessening our dependence on foreign nations.

There have been other systems and routes suggested for getting the Alaskan oil to refineries in the mainland. Various routes through Canada to the Midwest have been proposed as alternatives to the Alaskan line. Experts consider that a Canadian route is at least 10 years away from construction, and time is now important. No one at present has offered to build a Trans-Canadian line. All these facts make the Trans-Alaskan pipeline the logical step to take. It should be pointed out that Senator Jackson's proposed legislation does establish proper procedures for negotiations with the Canadian government leading to possible construction at a later date of a second pipeline on Canadian soil.

In related action, the Senate, as this issue of the *Ironworker* was going to press, responded to the mounting pressure of fuel shortages across the country and voted to require President Nixon to draft the first peacetime nationwide gas and oil distribution plan and to have it working within 30 days. Senator Jackson was the chief sponsor of this bill also. This legislation does not involve direct rationing to the public, but does install mandatory allocation of fuel by petroleum companies to areas of the country that are in short supply.

The construction of the Alaskan pipeline in itself will not solve America's larger energy crisis. The future stability of this nation's economy, without a doubt, requires a series of immediate measures to insure our nation's self-sufficiency in all forms of energy, not just petroleum. If we cannot solve our immediate and long-range energy needs, this nation will be forced to depend largely on foreign sources with all the accompanying political, economic, and national security hazards.

Organized labor has made specific recommendations to Congress concerning the energy crisis. Congress should enact legislation which would encourage the development of U.S. domestic petroleum resources and refineries. Passage of S. 1081 is a move in this direction. Congress should review the oil industry and determine whether it is meeting its obligations to supply the energy needs of the American people at reasonable and competitive price levels. The Senate's passage of a petroleum allocation act is evidence of real concern by Congress in this area. Congress should enact legislation to encourage development of U.S. flag tankers. Passage of S. 1081 would do just this.

We must and will solve the energy crisis. Congress can act now and approve S. 1081 to start construction of the Alaskan pipeline as a step in the direction of helping solve the overall problem.

U.S. INVOLVEMENT IN CAMBODIA

Mr. FULBRIGHT. Mr. President, earlier this week the Committee on Foreign Relations invited the Secretary of State to meet in public session on August 2 to discuss the current situation in Cambodia. Because of the forthcoming Congressional recess and the August 15 cutoff date for the termination of all U.S. military activities in Indochina, the committee believed that this meeting should be held as promptly as possible. The committee regrets that the Secretary of State was not able to accept its invitation.

In the absence of an opportunity to discuss the administration's intentions, I believe that I should express some of the concerns of some of the members with regard to the immediate future. We assume that the August 15 cutoff of all U.S. military activities will be strictly observed. We also assume that no effort will be made to employ or to support third country forces or nationals in Cambodia because this too is prohibited by law.

There is particular concern on the part of some committee members that the assignment of American personnel to provincial areas of Cambodia indicates the existence of paramilitary or intelligence advisory activities which are prohibited by law. It seems inadvisable that at a time when our direct involvement should be ending that the American presence in Cambodia should be extended into new areas and into new activities.

The continued presence of virtually the full normal complement of 200 American officials in Cambodia is another major source of concern to the committee. Clearly their lives are already in danger. They should be withdrawn forthwith.

The possibility that these American officials might be used as a shield to deter an insurgent attack on Phnom Penh has been suggested. I certainly would hope this will not be considered and that the President's first thought will be for the safety of our people.

There are several other possible routes by which our involvement in Cambodia might be extended. Pretext and legislative license could be found in any number of ways. The simplest course, however, and the one which the Committee hopes the administration will choose, is to end, totally and completely the U.S. involvement in Cambodia, both direct and indirect. If this occurs during August, we can look forward for the first time in almost a decade to returning to Washington without the war in Indochina hanging over our heads.

NOMINATION OF RUSSELL E. TRAIN AS ADMINISTRATOR OF ENVIRONMENTAL PROTECTION AGENCY

Mr. HANSEN. Mr. President, during the debate on the Senate floor on July 31, 1973, it was my privilege to comment on the pending nomination of Russell E. Train as Administrator of the Environmental Agency. As I said at that time, Mr. Train is a distinguished American whom I admire and respect. His ability and integrity are impeccable. Few people for any position subject to Senate confirmation come better recommended than does Mr. Train.

In my previous remarks I noted that it was essential that our environmental laws be closely scrutinized. No one disputes the need for a clean environment. However, there is no need for measures that result in adverse economic impacts without commensurate benefits. The total environment of man must be considered. The social and economic effects must be viewed in terms of jobs and standards of living. We need to know what these costs are going to be.

Accordingly, I felt that is was appropriate to ask Mr. Train to apprise the Senate of his position on these issues which have such a profound effect on man and his environment. Thanks to the courtesy which the distinguished chairman of the Public Works Committee, Senator RANDOLPH, extended me, I was able to participate in the confirmation hearing of Chairman Train on August 1. At that time, I submitted written questions to Mr. Train for his response.

Mr. Train responded to my questions the day after the hearing. In his cover letter, he said:

> Should my appointment be confirmed by the Senate, I want to assure you that I shall endeavor to keep you and every member of Congress informed of the continuing work of EPA. I want you to know that I appreciate your concerns and the seriousness of the questions you raised, and I look forward in the months ahead to working with you on the paramount goal which we both share—that is the well-being of our great and good country.

I appreciate this commitment of Mr. Train. I commend him for his willingness to work with the Members of Congress.

Despite the fact that Mr. Train and I are not in accord on every issue expressed in my questions and his answers, I am pleased that he has clarified his position on these issues which I feel are so vital to the well-being of our Nation.

Mr. President, I ask unanimous consent that these questions and answers be printed in the Record.

There being no objection, the questions and answers were ordered to be printed in the Record, as follows:

Questions and Answers

Q. What is your opinion regarding the times mandated in the Clean Air Act for achievement of air quality standards? Do you think adequate technology and clean fuels are available to achieve the primary standards in all areas by mid-1975? Should the Act be amended to give EPA more flexibility in establishing deadlines?

A. Generally, I believe that the primary (health-related) standards can be attained in most areas within the three-year period prescribed by the Act or the two-year extensions allowed by the Act. For individual stationary sources or classes of mobile sources, a one-year postponement of compliance deadline can be granted under section 110(f) of the Act; this procedure should enable EPA to make allowances for many special situations.

I believe that greater flexibility is needed with respect to areas where exceptionally severe transportation control measures are necessary. On the question of clean fuels and sulfur oxides control technology, EPA's analysis so far indicates that there generally will be sufficient supplies to permit attainment of the primary standards by mid-1975. The problem here is that some State implementation plans impose requirements which, in some areas, are more restrictive than necessary or call for attainment of secondary (welfare-related) standards by the same mid-1975 date. EPA is working with several States to develop appropriate modifications of their State plans. At this time, I am not convinced that the Act needs to be amended to deal with this particular problem.

Q. In establishing air quality control regions, EPA often ignored the criteria Congress intended and the objections of State and local officials. Consequently, many regions are so large that sources in remote areas, which hardly could be causing urban air pollution, are subject to extremely stringent emission regulations which are intensifying our energy problems. What actions will you undertake to reevaluate regional boundaries or to subdivide large regions so that emission limitations can be related to air quality impact? Do you need any new authority?

A. The principal reason that many nonurban sources are subject to excessively restrictive emission control requirements is that many States adopted Statewide regulations based on the degree of emission control needed in the most polluted urban-industrial areas. This problem is one that EPA is attempting to resolve through implementation of its Clean Fuels policy, i.e., getting States to modify regulations and defer attainment of secondary standards. Altering regional boundaries or subdividing air quality control regions would not necessarily solve this problem in my judgment.

Q. Although there is a shortage of clean fuels and emission-control technology, there are other means which can be used now to reduce ambient pollutant concentrations. What is your opinion regarding the use of intermittent control systems, at least as interim measures, until clean fuels or adequate technology are available? Should Congress amend the Act to indicate clearly that such techniques are appropriate in certain circumstances?

A. EPA has been reevaluating its policy on the use of so-called intermittent control systems. Available data suggest that such systems can be a reliable and enforceable means of attaining air quality standards under certain carefully defined conditions. Accordingly, EPA is now considering a revised policy of giving States latitude to allow the use of such systems in situations where there is no reasonable alternative way of meeting air quality standards. This is one of the decisions which I will be making in the near future. It is my view that the Act, as now written, would allow use of such systems if they can be made reliable and enforceable.

Q. The courts recently ruled that there shall be "no significant deterioration" of air quality. Many jobs are dependent upon activities that do result in some deterioration of air quality. Do you favor balancing the timely achievement of the standards with the practical needs of Americans to earn incomes for their families?

A. I certainly favor consideration of relevant economic and social implications of all EPA regulatory activities to the full extent permitted by law. In ruling on the issue of preventing significant deterioration, the court relied, in part, on legislative history indicating that air quality deterioration is to be prevented "to the maximum extent practicable." Accordingly, EPA last month proposed four alternative schemes for preventing significant deterioration all of which reflect consideration of economic and social factors. EPA is now making a special effort to solicit public comments on all aspects of the four proposals, including their economic and social implications.

Q. Energy experts have blamed much of the energy crisis on the thrust of the environmental movement. You have been quoted as saying that environmental regulations have not caused energy crisis. Do you believe they have made a significant contribution to it?

A. As I stated last month in a speech before the Washington, D.C. Rotary Club, "The so-called energy crisis stems from the economic forces and complexity of the energy industry, from the difficulty in planning for our voracious energy appetite, from the need to satisfy social values—other than those that depend on energy, and from a failure to address our growing energy problems earlier. To blame this 'crisis' solely on an increased concern over environmental quality would be a grave failure to face the problem honestly and squarely."

There is little doubt that environmental regulations have contributed to the energy problem. However, I am convinced that to date their contribution has been relatively slight compared to many other actions taken in both the public and private sectors. For example: emission controls on autos have caused a 7 percent reduction in fuel economy. This compares to economy losses of 7 percent with an automatic transmission and up to 20 percent with air conditioning. A reduction in the weight of our cars would have a directly proportional effect on fuel economy. Moreover, it now appears 1975 cars which will meet even a tougher emission standard will have better fuel economy than today's cars.

In short, I think that the energy impact of existing environmental controls has been relatively modest. Moreover, this impact has been offset by the benefits of improvement in our environment. These benefits should be kept in mind as we are taking steps to meet our energy needs.

Q. Considering the rather good record as far as oil spills and blowouts are concerned in the Gulf of Mexico and offshore California—some 16,000 wells have been drilled, I believe—do you consider it reasonable to continue the moratorium on Santa Barbara drilling and production and continued delay of exploration off the east coast.

A. Knowing the area geologically is important when one reviews the technology available to find and recover oil and gas both economically and safely. For instance, the recent OCS lease sale for the Gulf of Mexico included a large number of tracts, some of which are in over 500 feet of water. Since the Gulf of Mexico is relatively stable, geologically, the technology to drill and produce safely and economically used there may not be appropriate for the Santa Barbara area, since geological conditions and stresses are not the same.

Technology is, of course, improving for deep water oil and gas drilling and production, but has not been proven to the satisfaction of regulatory agencies and the public. A recent impact statement released by the Department of the Interior for a selected lease in Santa Barbara proposes an offshore production facility to be constructed in about 800 feet of water in a geologically unstable area. Subsequent production would be accomplished with submerged production systems that have not been field tested but are more in a proto-type stage of development. This action may be premature and needs further study, in my view.

However, there is a distinct possibility that the technology for deep water operations on the Outer Continental Shelf will be proven as a result of the recent OCS leases in the Gulf of Mexico. If those operations are successful, possibly more reliable technology for drilling and production in Santa Barbara and the east coast areas will be developed.

The geology of the Santa Barbara area is quite different from the Gulf of Mexico and the east coast. These differences can be reviewed and studied in the literature and are well documented in the various environmental impact statements for Outer Continental Shelf lease sales published by the Department of the Interior. Generally speaking, information regarding the geology of an oil/gas productive area comes from seismic interpretations, drilling data and other sources, if available. An area like the Gulf of Mexico, for instance, is rich with geologic data because of the numerous wells drilled as well as the large amount of seismic data.

The geology of the Santa Barbara area is fairly well defined. Generally, it can be described as geologically unstable.

Q. Although the probable near-term alleviation of power shortages will be from coalfired electric generating plants, isn't uranium also a near-term energy source material and why isn't accelerated uranium development a prime energy goal?

A. In my opinion, nuclear energy will not provide the answer to our short-term energy problems. The problem is not the supply of uranium, but rather the construction of power plants to utilize it. In fact, the AEC has large quantities of uranium stockpiled. However, there are only about twenty nuclear power plants currently operable. Because of their large size and complexity, it takes from seven to ten years to complete a nuclear power plant, versus five to seven for fossil-fueled plants. The longer construction time needed for nuclear plants and constraints on our ability to construct them means that nuclear power can help alleviate—but cannot solve our short-term energy problem.

In the longer term, by 1990, nuclear power will take on a major share of generating electricity. Also by that time, the breeder reactor should come into use, which will greatly expand our nuclear reserves. Moreover, the breeder will be able to run on existing uranium stockpiles which are not useable in present reactors.

Q. The Governor of Utah has testified that it will cost Utah motorists 40 million dollars to comply with current EPA emission standards. What would you think of an amendment which requires some objective outside group, such as the National Academy of Engineering, to evaluate and determine the adequacy and cost effectiveness of technology before EPA adopts new source performance standards?

A. The Clear Air Act already calls for the National Academy of Sciences to assess the technological feasibility of meeting the motor vehicle emission standards mandated by the Congress, and NAS has produced two reports on this issue. I note also that the Senate

Public Works Committee has also commissioned a study by the National Academy of Sciences on the health effects of various air contaminants including automobile emissions. I look forward to seeing the results of that study, both the short term study which is due in 90 days and the long term study which will extend 12 to 15 months.

As to new source performance standards, which apply to stationary sources, EPA consults with an advisory committee whose membership includes industry experts and with representatives of the industry affected by any particular standard. In addition, an opportunity for public comment on proposed standards is provided before EPA actually adopts such standards. I would welcome any advice which groups such as the National Academy of Engineering might be able to provide but do not suggest that NAE evaluation be a mandatory step in standard-setting.

Q. In view of the continuing shortage of natural gas, depletion of reserves at far greater rates than new gas being discovered and the necessity of the use of other fuels—oil and coal for gas, would you favor the decontrol of the well head price of natural gas to encourage exploration and development of new supplies of this cleanest of all fuels

A. I support a policy of deregulation of the wellhead price of new natural gas supplies to encourage the exploration and development of our cleanest fuel. It is clear to me that natural gas has been unrealistically priced in the past and this has contributed to our current shortage. At the same time, we should recognize that a significant price increase will be needed to elicit greater supplies of this premium fuel.

Q. With natural gas in short supply, foreign oil dependence already a severe drain on our dollar, and nuclear plants slow in coming on line, do you agree with the President's message calling for a return to coal?

A. I believe that the nation should move toward greater reliance on coal. I believe that the Clean Air Act and the proposed legislation pertaining to strip mining can provide sufficient safeguards to insure that coal can be utilized without unacceptable environmental impacts. In the environmental context, policies which help utilize cheap domestic coal, reduce our dependency on foreign energy sources and reduce the trade deficit, should be encouraged.

I support the position EPA adopted in the fall of 1972, endorsed by the President in his energy message, that the States delay implementation of sulfur regulation designed to achieve secondary standards for coal burning power plants. The basis for this policy was an analysis indicating that supplies of low sulfur coal and stack gas cleaning equipment were not sufficient to permit full compliance in 1975 with all States sulfur regulations. This policy will allow us to continue to use our high sulfur coal supplies and at the same time achieve the primary health standards at the earliest possible date.

Q. What steps would you take to accelerate research and development of clean fuels, better combustion techniques and stack-gas treatment so that our bountiful coal supplies may continue to be used without adverse environmental effects?

A. EPA currently has R&D programs in the area of clean fuels, better combustion techniques and stack-gas treatment. These include the following:

CLEAN FUELS

R&D with the Department of Interior to support mechanical coal cleaning;

Bench and small pilot scale research of the Meyers (TRW, Inc.) chemical coal cleaning process;

Pilot scale R&D of low BTU gas production process (submerged combustion).

BETTER COMBUSTION TECHNIQUES

Development of pressurized fluidized bed combustion process, and

Basic studies of combustion design and combustion process operation to minimize NO_x emissions.

STACK-GAS TREATMENT

Full scale (about 100 MWe) demonstration of flue gas treatment systems: Lime/limestone scrubbing; Magnesium Oxide; Catalytic Oxidation; Wellman-Lord Process; and development of double alkali, ammonia and char sorption flue gas desulfurization processes.

These programs are being rigorously pursued. The recent decision of the President to add $100 million to this year's budget will improve our chances of early successful demonstrations of these technologies.

Q. The National Environmental Protection Act is an invaluable tool in protecting our Nation's environment. However, executive agencies have done much in the name of the Act that is contrary to the intent of Congress. Some agencies have failed to timely prepare environmental impact statements under the guise that the legal, administrative, or procedural difficulties required drafts and redrafts, hearings and redrafts. The end result is that the agencies stop projects which Congress has explicitly authorized and for which funds have been appropriated. I cite the example of the geo-thermal steam program. Based on your experience, how can such problems be eliminated?

A. There have been a number of transitional problems in implementation of the National Environmental Policy Act. As agencies continue to gain experience under NEPA, they are increasingly building environmental considerations into their decision-making processes. If NEPA requirements are applied early in the development of Federal projects, there is no need for delay. I am convinced that the improvement in Agency performance under NEPA will ultimately lead to few delays in Federal actions. Hence, there is no reason that compliance with legislative mandates should be hindered by complying with the provisions of NEPA.

Q. Should EIS's cover the total environment, i.e. the social and economic aspects as well as the physical aspects of the environment?

A. In a recent exchange on the floor of the House of Representatives concerning an amendment to the Toxic Substances Act requiring consideration of social and economic impacts, Representative John Dingell, the coauthor of NEPA, in opposition to the amendment, pointed out that Members of Congress should not have any doubt that NEPA requires a clear consideration of economic impacts and social impacts related to the actions to be taken. I concur with the position of Mr. Dingell and furthermore relate that this requirement has been reiterated in the recent revision to the CEQ Guidelines dated August 1, 1973. Therein, it is emphasized that secondary or indirect, as well as primary or direct, consequences should be included in the impact statement analysis. Many major Federal actions involve secondary effects in the form of associated investments and changed patterns of social and economic activities and should therefore include the related analysis.

Q. A recent Harris poll reported that 77 percent of the American people view our emerging energy crisis as a serious matter, but found that only 39 percent expressed a willingness to try to use less energy. This is the crux, as I view it, of the conflicting responsibilities that the Government has assumed to (1) clean up our environment, and (2) encourage development of an adequate supply of secure energy resources. There are some who are counseling that these two objectives are both vital and are not necessarily incompatible.

Do you share such a view? Do you feel we can move forward in both areas? If so, will you actively support an administration effort to achieve both these goals?

A. I feel we can move forward in both areas. I firmly believe the public is willing to face up to a change in attitude about energy consumption. Let me cite two recent developments which suggest the poll you cite is not completely descriptive of what the people are willing to do. First, is the increase in proportion of compacts and sub-compacts amongst U.S. car sales. This week's Newsweek reports that, whereas in 1972 only 36 percent of U.S. sales were compacts and sub-compacts, the rate this year is running at nearly 43 percent. To me, this trend illustrates the consumer's willingness to modify his habits to save energy and money as well.

Second, a recent poll in California reported in Time Magazine on July 16 showed that 62 percent of Californians are in favor of building rapid transit, even at an increased cost as high as $100 per year per family. A similar Gallup poll in the New York area found that two-thirds of a sample of residents in the New York, New Jersey, and Connecticut area were willing to pay one percent more of their income to improve the quality of the environment. Mass transit subsidies were high on the list of areas for increased public expenditures.

These polls illustrate a consumer willingness to conserve energy because mass transit is six times more efficient in terms of energy requirements than the automobile.

Q. Considering the energy dilemma and present fuel and natural gas shortages and the elapse of more than five years since discovery of a major oil field on the north slope of Alaska, don't you believe that the opportunity afforded individuals and groups to object and thus delay action vital to the national interest calls for a revision of the National Environmental Policy Act?

A. The current energy situation is a result of many factors of which the NEPA requirement is of relatively modest importance. For example, the absence of increases in natural gas production has been largely due to low prices; the delay in bringing planned nuclear capacity on line is due largely to equipment and construction bottlenecks; the availability of petroleum has been governed chiefly by import policies and other economic factors; the level of coal production has been affected by a large number of factors including comparative economics, environmental regulations, and health and safety requirements.

While there are situation, such as the Alaskan Pipeline, in which NEPA has played a critical role, I am convinced that the results has been much more environmentally acceptable projects than would have been the case without NEPA. Moreover the number and significance of such situations has been quite limited relative to the dimensions of the overall energy problem. For this reason, I have concluded that we can deal effectively with the energy situation without modifying NEPA or foregoing the benefits of an improved environment.

Q. What will be the cost in complying with the 1972 water law? How long after the standards are released in October 1973 before costs will be known? What is being done to develop that data?

A. I understand that EPA is currently developing estimates of the cost of complying with the 1972 Water Bill. This cost will have two components: the cost to industry of meeting both effluent and water quality standards, and the cost to Federal, state and local government of improving municipal waste treatment. Until EPA has promulgated its industrial guidelines and assessed municipal needs, it will be difficult to provide very reliable cost estimates to the Congress. Nevertheless, I am hopeful that the next *Cost of Clean Water Report* due to Congress by February, 1974 will provide a greatly improved estimate of the situation.

Q. What role has CEQ played in promoting the so-called "blue book" of water quality criteria which was assembled by the National Academy of Sciences?

A. I know of no role that CEQ has had in promoting the water quality criteria compiled by NAS, the so-called "Blue Book".

Q. This report has been in the posession of EPA since August 1972 but has not been released by EPA to States, cities, and industries involved in setting of standards. Are you in agreement with the holding up of such a publication when this latest assessment of knowledge would be most helpful to States which are trying to adopt standards which will be enforceable in State courts?

A. First of all, the document is not being held up. The document was prepared by NAS under a contract awarded by EPA to revise the 1968 National Technical Advisory Committee Report on Water Quality Criteria, "the green book". As soon as final review of the manuscript by NAS is completed, and acceptable galleys are in the hands of the Government Printing Office, it will be published, hopefully within the next two to three months. EPA is in fact, using the manuscript in the preparation of Agency water quality criteria as mandated by Section 304(a)(2) of the Federal Water Pollution Control Act Amendments of 1972. The EPA criteria is expected to be available by October of 1973, and will be the basis for adoption and/or revision of water quality standards.

Q. In a strict sense, any application of water to land results in some degradation of water quality. Do you believe that present standards are realistic in light of the widespread irrigation activities throughout our nation?

A. With the exception of the Colorado River Basin, for which salinity standards have not yet been established, the water quality standards as adopted throughout the rest of the country, are realistic for irrigation as practiced in those areas.

In the Colorado River Basin we have been unable to establish a finite numerical criteria for setting of standards for total dissolved solids. However, at the April 1972 Enforcement Conference on the Colorado River Basin the seven basin States unanimously agreed to maintain salinity concentrations at or below the present level.

SLOVAKS LIVING IN CZECHOSLOVAKIA

Mr. PELL. Mr. President, at this time when the realization of the aspirations of individuals and nations is being vigorously pursued, it is fitting, I believe, to point out the aspirations of one people who have fared less well, who have been compelled to take a circuitous road toward maintaining their existence under difficult conditions. I am referring to 4 million Slovaks living in Czechoslovakia. I also bring to your attention the concern for them of some 4 million others of Slovak origin living outside of Czechoslovakia, mostly in the United States. Representatives of this latter group meet periodically as the Slovak World Congress to recall the problems and conditions under which their brethren in Czechoslovakia now exist and to seek solutions to their plight.

There was a meeting of the World Congress recently in Chicago, where I shared the speaking platform with Mayor Richard J. Daley, along with congressional colleagues, Representatives RAY J. MADDEN and ROBERT P. HANRAHAN. Prof. Jaroslav Pelikan of Yale University, Edward Benuncik, president of the Slovak League in the United States, plus a number of other outstanding Slovaks from all over the world were at the head table for the banquet hosted by the President of the Slovak World Congress, Stephen B. Roman, a prominent Canadian industrialist, and His Excellency Andrew G. Grutka, Bishop of Gary. Mr. Roman, possessed of immense ability and leadership, has devoted much of his energy to support of the Slovak World Congress and the interests and needs of Slovaks everywhere.

My special interest in the people of Slovakia dates back many years when, as a Foreign Service officer, I served for a year in Bratislava. There in 1948, I established our Consulate General and had the happy opportunity to come to know well a people whom I respect and admire immensely. There I also came to appreciate the rich cultural life of Slovakia, its customs and traditions, and the beautiful surroundings and countryside that nourish this life.

Now each time I visit with my Slovak friends, such as on the recent hospitable occasion in Chicago, I am reminded of Bratislava and the aspirations of the Slovak people to share in the national well-being and freedoms that we enjoy in our country. It was a great pleasure, therefore, to "break bread" with them at the World Slovak Congress and to learn of their hopes and fears.

Mr. President, I ask for unanimous consent to have printed in the RECORD material of interest connected with the meeting of the Congress.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SLOVAKS IN TUNE WITH DESTINY

(Address by Stephen B. Roman)

I would like to take this opportunity to welcome the honoured guests at the Head Table, and all our guests of non-Slovak and Slovak origin.

I take this opportunity to extend my personal thanks to all participants—of the Congress—for their expression of love and charity in the cause of freedom and justice.

There are moments in the lives of Slovaks when we are very clearly and sometimes very painfully aware of who we are, where we came from, and where we should be going. These intimate perceptions are not frequent. Usually they come when the volume and tempo of persistent cares diminish, or just before the making of a critical decision. At such times we intuitively understand our relationship and responsibility to ourselves, to our immediate and distant relatives and friends, to our nation, to mankind and to God.

Over a long period of time we developed a collective consciousness, a set of intrinsic values which blend together to create a common bond among us. We are products of a nation that has cherished and developed its distinct character over millennia, and which has absorbed a full range of human talents and achievements in that process.

Every page of our history bears the imprint of pain and suffering. Pain and suffering from which have emerged great values. We are descendants of a nation which was not large in numbers. A nation which, over a period of time, had to confront wave after wave of stronger and more aggressive neighbors. These attackers conquered our fortresses and burnt down our settlements; but, they never broke our spirit. No wonder then that, in our nation, courage and tenacity have always triumphed over oppression and hardship. What we went through marked our national personality—deepened, and strengthened it.

Our earliest forefathers found strength in the soil. This close tie with the land gave our nation its typical characteristics: industry, endurance, faith in ourselves, and faith in God.

From a natural reconciliation with nature grew other virtues: the virtues of hospitality, of justice, of judgment, and of creativity. The feeling of togetherness brought brotherhood. From oppression and want we crystallized a sense of fair play. The reality of mortal life brought judgment; and, a growing quality in day-to-day life gave time for the enrichment of the soul.

Who are we today? We are no more, and no less, than one generation in the development of this particular spirit. We have inherited the gift of our history. We are to advance the tradition of our forefathers; and, walk a few steps further along the road towards our human destiny, which they marched on over the centuries. We are the custodians of their virtues. We are the ones who were left to aggrandize their tradition; and, this makes us responsible for further progress both as members of our nation, and as part of the commonwealth of mankind.

A talent has been passed on to us for which we are responsible, and which we have to return, with interest, in the spirit of the best tradition and trust in Divine Providence.

Where do we go? We continue in the footsteps of our fathers, perhaps with greater strides, perhaps with a stronger will, hopefully with an ever higher goal: confident because of the firm steps behind us; responsible for so many steps ahead. Our successes will not be ours alone; they will be shared by the nation; they should penetrate into the consciousness of mankind. Each one of us adds in his own way; each one of us takes credit towards the overall account of this process.

Our people have seen many a crisis. The last one seems to have no equal; the strong have seized our nation and our nation is, again, praying and suffering. Yet, though the enemy may take its comforts from it, for a time—silence it—they cannot obliterate our souls. Our nation will survive this current evil. Our task is to surmount this trial; to achieve new successes in the shape and execution of democracy and freedom. We must grow in our humanity, in our unshakeable self-confidence, in our will to enrich what we are.

Only then will we have grown under the test—will we feel needed—will we have pride that we are judged by measures applicable to all mankind, and that we come out well in the balance.

I believe that every nation has a Divine destiny to fulfill. Slovak destiny, although at times obscure, is to improve and enhance that part of the world where its influence can be a positive factor for genuine advancement of humanity.

The solid value of the word of a Slovak and the uniquely spiritual warmth of the sons and daughters of Slovakia can be a radiant source of edification to others as they exemplify what can be accomplished by work and good will, for God and country.

May the name Slovak soon begin to ring out melodiously in the steeples of the Family of Nations and strike a responsive chord of recognition in the hearts of all peoples.

DECLARATION OF THE SLOVAK WORLD CONGRESS

Adopted at the General Assembly held in Chicago on June 30, 1973.

The representatives of Slovaks abroad gathered at the General Assembly of the Slovak World Congress, held in Chicago on

June 28th–30th, 1973, adopted the following Declaration.

(1) We consider ourselves an integral part of the Slovak people. We are conscious of our co-responsibility for their destiny and for their contribution to the overall culture of humanity.

(2) We claim for the Slovak nation, on the basis of its national individuality, recognition for an equal status with other sovereign nations of the world.

(3) We deny any Grant Power the right to interfere with the destiny of the Slovak people and to integrate Slovakia in other states or zones of influence which are opposed to the will of the Slovak people and their national interests. We consider such actions, condemned as they are by all civilized people of the world, to be a violation of the Charter of the United Nations.

(4) We demand the departure of all occupation forces from Central Europe in order that, after more than a quarter of a century since the end of the War, the nations of that area can finally govern themselves.

(5) As representatives of a nation conscious of its responsibility toward others, we consider the principles of democracy and humanism the basis for peace and co-operation among the peoples of the world.

(6) On these principles alone, life in freedom and a free culture can develop in Slovakia according to the traditions of the Slovak people and in harmony with the progress of the world.

SLOVAKIA IN THE FAMILY OF NATIONS

Situated at the crossroads of civilizations and exposed to the imperialistic designs of great powers, Slovaks passed through history decimated by invaders and hampered in their cultural growth.

They have survived. They gathered their spiritual and material forces, and after ten centuries of precarious existence in the shadows of European history, they re-emerged as a nation. There are more than five million of them in their native country, on the slopes of the Carpathians and on the banks of the Danube, and scattered throughout the Sudetenland. Nearly as many Slovaks live in other parts of the world.

Neither invasions nor centuries of foreign rule were able to subdue their spirit. At the dawn of their history, their forefathers forced their conquerors to descend from their horses, cultivate the soil and build adobes. With justifiable pride they can claim that even as a conquered people and deprived of their own ruling class, they made their continued contribution to the development of European culture and civilization.

The existence of the Slovak nation can be measured by millennia. However, while historians of some nations recorded the glory of their dynasties and wrote pages of triumphant victories over other nations, Slovaks wrote their history by honest and hard work. Notwithstanding trials and tribulations the Slovaks were always God-fearing people, and continued their contribution to the brotherhood of man.

From the earliest of days of its existence Slovakia has been a land full of spiritual and cultural resources. The Slovak plains and valleys were the cradle of Slavic civilization. The first literary works in the Slavonic language were created there; the Holy Scriptures were there translated into the venacular and the uniquely warm and stirringly beautiful Slavonic Liturgy was born there.

After their proud emergence on the scene of history in the 9th century the Slovaks were forced to recede into the shadow of European development; but, Slovakia did not cease to be a land of culture and a place for new ideas. All cultural and artistic currents found an echo and fertile soil in Slovakia, and Slovak contribution became a part of the European cultural heritage.

For centuries Slovaks were forced to fulfill their mission in the community of European nations through the achievements of outstanding individuals. The achievements of these individuals greatly contributed to the overall efforts of humanity towards progress and civilization, although many of them are known today as members of other nations.

The Pan-Slav movement was born in Slovakia and gave it the best known poet, Kollár, and the first scientist, Safárik.

Even under the present oppressors the people of Slovakia are surviving, as they survived under similar tyrannies in the past. The annals of history will not fail to record that it was in Slovakia where an effort, by a Slovak, Dubcek, was successful, even though brief, to give a "human face" to the brutal system of Soviet Communism.

These efforts resulted from the moral and philosophical principles which have guided, and continue to guide, the Slovaks throughout their history. Their philosophy of life was anchored in the idealistic rather than materialistic world outlook, in the axioms of humanism (Comenius), and in the appreciation of freedom equally for themselves as for other nations.

Such is the land from where we came and these are the people for whom we claim an equal place in the family of nations.

Today we are citizens of the United States, Canada and many other free countries of the globe; but, we proudly point to our heritage, and feel a moral obligation to speak, today, on behalf of the Slovak people when they are deprived of the freedom to communicate with the rest of the world.

STEPHEN B. ROMAN,
President, the Slovak World Congress.

ALASKA NATIVE CLAIMS SETTLEMENT

Mr. STEVENS. Mr. President, there is great interest in Alaska and elsewhere on the progress presently being made on the Alaska Native Claims Settlement Act (Public Law 92–203). To answer the many inquiries they have received, the Department of the Interior, on July 15, published a fact sheet indicating the present status of the act and the point at which we are presently in its administration.

For the information of my colleagues and other people across the country, I request unanimous consent to insert in the RECORD the Department of the Interior's fact sheet on the Alaska Native Claims Settlement Act.

There being no objection, the fact sheet was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., July 15, 1973.

ALASKA NATIVE CLAIMS SETTLEMENT

President Nixon signed the Alaska Native Claims Settlement Act (ANCSA) into the law on December 18, 1971. The Act established criteria and procedures for settlement of aboriginal claims and also for designation and management of public lands in Alaska.

An Alaska Task Force and Working Committee, with representatives from the Departments of Agriculture and Interior and the Office of Management and Budget, have been established to coordinate the continuing implementation of the Act.

Final land selection regulations were published in the Federal Register on May 30. These regulations and Native enrollment data are being used to determine the additional land withdrawals, for possible Native selection, that the Secretary has to make later this Summer.

Tabulation of the Native enrollment data will be completed by December 18, 1973. Subsequent to that date, actual Native application for Regional and Village lands will commence.

The Secretary of the Interior is also required to transmit to Congress by December 18, 1973, a set of proposals for additions to or creation of units of the National Park, Forest, Wildlife Refuge, and Wild and Scenic Rivers Systems. Field teams from the Bureaus of Land Management, Outdoor Recreation, Sport Fisheries and Wildlife and the National Park System and U.S. Forest Service have completed their proposals and are in the process of briefing the Alaska Task Force.

Over the next few months, the Alaska Task Force will be examining agency proposals and making recommendations to the Secretary regarding these additions or creations to the "four-systems" of up to 80 million acres. Subsequent to final Secretarial decision, legislative proposals will be submitted to Congress by December 18, 1973. Congress will then have five years to act on these proposals.

Finally, Section 2(c) of ANCSA authorizes and directs the Secretary of the Interior to make a study of all Federal programs primarily designed to benefit Native people. The Alaska Task Force is coordinating this study to be completed and transmitted to Congress by December 18, 1973.

EMERGENCY MEDICAL SERVICES SYSTEMS ACT OF 1973

Mr. FULBRIGHT. Mr. President, a few days ago President Nixon vetoed S. 504, the Emergency Medical Services Systems Act of 1973. In a brief message citing the reasons for his action, the President expressly implied that the scope and expense of this legislation were in excess of the amount which should be "prudently" provided for such purposes at the present time.

According to the Arkansas State Plan for Primary Health Care,

> Arkansas has immediate need for an effective emergency medical system capable of providing prompt emergency care under any conditions.

This need arises in part from the fact that Arkansas is a largely rural State and as such, access to quality emergency care is still not available on a ready basis in many areas. Mr. President, in the past 2 years there has been a greater effort in the State to rectify this situation and provide for such a system. Based upon a demonstration grant from HEW the Arkansas Health Systems Foundation has awarded a number of local contracts to various development districts in the State to plan for the implementation of a much-needed emergency system for the State. It is clear from the numerous letters and reports which I have received concerning the implementation of these proposals that their future rests in large measure upon the availability of funds authorized in the vetoed bill which we are considering today.

Mr. President, if this administration is seriously concerned about prudent spending, I would suggest that it focus more attention on reducing the billions of dollars which we devote annually to extravagant exotic weapons systems, foreign aid, and military bases abroad and not continue its efforts to control spending by curtailing funds for such important purposes as this legislation would serve.

It would be difficult for me to explain

to the victim of heart attack or automobile accident that the reason he can not now receive quality emergency care is based upon the fact that we have a President who believes that funds to upgrade such care are an excessive expenditure at the present time. These services are vitally needed by our people and I am very pleased that my colleagues have joined me in voting to override this ill-advised veto.

THE IMPOUNDMENT ISSUE AND BUDGET CONTROL

Mr. JAVITS. Mr. President, as the Senate well knows, the sharp controversy between the Executive and the Congress over the impoundment of appropriated funds has given rise to a serious confrontation between the two branches of government. The constitutional and legal issues were carefully developed in the Government Operations Committee under the chairmanship of the distinguished Senator from North Carolina (Mr. ERVIN).

The bill which the Senate passed earlier this session and which we will soon take to conference would have the effect of mandating the executive branch to expend or obligate all impounded funds except funds whose impoundment had been determined by the Comptroller General to be in accordance with the Anti-Deficiency Act, or which had been expressly ratified by congressional action during the 60-day period following receipt of a presidential impoundment message.

I believe that strong anti-impoundment legislation will be enacted by the Congress this year. We cannot, however, overlook the fact that the Congress presently lacks the machinery necessary to examine and evaluate the budget as a whole and, more importantly, to consider priorities and the impact of one expenditure upon another or on the whole. Unless we create the capability within the Congress, sufficiently staffed, to develop an overview of the entire budget and its component parts, the approval or disapproval of specific impoundments will be very difficult.

The Senate Subcommittee on Budgeting Management and Expenditures, chaired by the distinguished Senator from Montana (Mr. METCALF) has reported to the Government Operations Committee a comprehensive and complex bill, S. 1541, "The Federal Act to Control Expenditures and Establish National Priorities." I understand that the committee will take up the bill upon our return from the August recess and I and other members of the committee will be most interested in developing the most effective budget control legislation possible to complement and reenforce the anti-impoundment procedures of S. 373.

At a time when we seek to regain the constitutional prerogatives of the Congress on many fronts, and at a time of a weakened dollar, severe inflation and an unacceptable balance of payments deficit, the Congress must reform its own budget control process.

Mr. President, analyzing the impact which Executive impoundments have upon a particular city or State is a complex and difficult process. Yet it is there that the impoundment issue takes on its real meaning.

It is there that the full force and effect of this practice is felt in human terms—in programs which are eliminated or curtailed at the local level notwithstanding the legislative mandate of the Congress.

The office of the Mayor of the city of New York has prepared an estimate of the fiscal impact upon the city of Federal impoundments and other sections that have resulted in the withholding of congressionally approved funds.

The estimate for New York City alone is in excess of $400 million in lost Federal aid. It represents a staggering economic loss to citizens and taxpayers equally.

It has brought disruption to some of the most important U.S. programs to build housing, expand health care and provide social services.

Mr. President, I ask unanimous consent that a copy of this estimate be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ANTICIPATED LOSS IN FISCAL YEAR 1974 TO NEW YORK CITY—PROGRAM AREA

(Dollars in millions)

Education	
Title I (Aid to the Disadvantaged). HEW desires to impose the "hold-harmless" concept to 1973–74 funding of Title I programs. Instead of receiving $310 million, the State of New York will receive $255 million. The City receives 62% of all Title I funds. The potential loss to the City is	$34.0
Higher Education program losses due to Administration plans to reduce institutional aid, are at least	3.0
Milk subsidy payments to the Board of Education have been cut by	1.4
Health	
Training and Research (Health Manpower and Research Grants) Assistance cut-backs	35.0
Personal Health Services (Neighborhood Health Centers) Cut-backs	2.0
Labor	
Summer Youth Program (Difference between 7/10/73 release of $12.1 million to the City, and the Summer 1972 funding level of $21.0 million	8.9
Labor Department Contract Reimbursements covering 1972–73 concentrated Employment Program, Job Corps. On the Job Training, and New Careers Program	7.9
Emergency Employment Act PEP funds not allocated in 1973–74 because the Administration did not request extension of the program	28.0
Housing	
Open Space Grant program; funds are frozen	2.4
Basic Water and Sewer Grant program; funds are frozen	6.3
Lack of subsidy under the 236 Subsidized Housing Program for over 7,700 units, that are under construction or could be started by the end of the fiscal year, and the total value of which would be about $308 million. Funds are frozen	15.5
Public housing	
Loss of subsidy for the Public Housing Program for 14,000 units that would be available for HUD assistance during 1973–74, and the total value of which would be about $525 million. Funds are frozen	31.6
Modernization subsidy; funds are frozen	$10.0
Social services program	
Day care programs: Due to the federal ceiling on social service expenditures, a significant change takes place in the funding formula for expansion of the City's day care program. Instead of a sharing formula in which the Federal Government assumes 75% and the State and City the remainder, now it is a 50/50 split between the Federal Government and the State and City Governments. Based on an estimated 1973–74 day care budget of $124.1 million, the loss of federal funding based on the change of formulas amounts to	31.0
Senior Citizen Centers: The City desires to expand its senior citizen centers to 163 by 7/1/74. Because of the ceiling and the formula changes, the City will probably not receive its minimum need of	3.0
Other social services program (e.g., homemakers, family planning, adoption, youth services, DSS staff) cutbacks due to the formula changes	26.0
OEO/CAP would be dismantled under the Administration's Budget. The amount the City's Community Development Corporations would need to continue their current level of operation is	20.0
Recreation	
Outdoor Recreation grant program; funds are cut back	4.2
Water pollution control	
Potential loss under the November 1972 decision by the U.S. EPA to not release full state allotments mandated by the 1972 Amendments (City's successful law suit is still being appealed by the U.S. Government)	132.5
Total *	402.7

*This figure does not include several hard-to-calculate effects of Executive Budget actions. We have not been able to assign a dollar value to these items, but the cumulative losses could equal several tens of millions more than the itemized $402.7 million. These items include:

1. Medicare/Medicaid: The impact of substantial increases in deductibles and co-insurance rates, forcing many people who need increased medical attention into the overburdened municipal hospital system.
2. The longer-term impact on hospitals and medical schools of changes in the "current financing" mechanism for Medicare reimbursements, of terminations of medical residencies, and of layoffs of medical school faculties because of research grant cut-backs.
3. The interest cost to the City from having to borrow in advance of tardy payments of Federal assistance.
4. The administrative costs to the City from having to formally challenge Federal actions, such as our law suit on water pollution control funds.

THE 1973 CONVENTION OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

Mr. HUMPHREY. Mr. President, the National Association for the Advancement of Colored People held its 64th annual convention on July 2 to 6, 1973, in Indianapolis, Ind.

The importance of this convention is reflected in the fact that some 5,000 people were in attendance, including 2,800 delegates from nearly every State in the Union.

I want to take this opportunity to sincerely commend Mr. Kivie Kaplan, NAACP president; Bishop Stephen Spottswood, chairman of the board; and Mr. Roy Wilkins, executive director, on the successful accomplishment of a great deal of vitally important work at this convention. The highly significant resolutions adopted at Indianapolis clearly reflect a renewed commitment to the establishment of genuine equality under the law and to making equal opportunity a reality for America's minority groups.

I was also greatly impressed by a convention address by Mr. Herbert Hill, NAACP national labor director, on the unemployment crisis confronting black youth. In city after city, joblessness among black ghetto young people has reached a level of 50 percent and more. Mr. Hill rightly called this "the worst situation since the great depression."

Again and again, I have urged this administration to address the urgent need of providing job opportunities for disadvantaged youth, and I intend to continue doing everything possible to see to it that congressional mandates on this priority issue are carried out by the executive branch.

The resolutions acted upon by the 64th annual convention of the NAACP address a broad range of serious issues with which I believe Congress must also be vitally concerned. They include calls for action to achieve equality of opportunity in obtaining a quality education, decent housing, good medical care and needed social services, and in getting a job and advancing one's position on the basis of merit alone, as well as achieving direct involvement in the economic mainstream of America. Because of extended debate on some issues, the convention did not complete action on all of the resolutions, and under the rules of the convention these were referred to the national board for final action, as indicated.

I remain dedicated to the accomplishment of these goals—a commitment which I have endeavored to express in public statements and in support of further legislative initiatives in the present Congress. The present decade must witness decisive national efforts to carry forward the vital work begun in the decade of the 1960's to overcome discrimination and deprivation if freedom and the promotion of the general welfare are to become a reality for all Americans.

Mr. President, I ask unanimous consent that the resolutions of the NAACP annual convention on issues of national importance be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

NAACP 64TH ANNUAL CONVENTION—RESOLUTIONS

I. PREAMBLE

(Referred to Board)

We have assembled here in the spirit of re-dedication to goals erected for us by those who have gone before. The ideals of democracy, of freedom, of regard for the differences and truths of our fellow men, the methods of reason and faith, the objectives of an integrated society in which unity is rendered whole by the variety of its constituents—all these are before us in renewal of determination.

We have indeed "come over a way that with tears has been watered. We have come, treading a path through the blood of the slaughtered." The memory of our fallen heroes is sacred to us. But we do not lie for that reason immobile under the dead hand of the past. Far from it, we face resolutely to the future, for it was with their eyes on what is to come that our martyrs laid down their lives. Therefore let no man relax on the strength of the sacrifices of the past, since it is only our steadfastness of purpose and achievement today which entitles us to reflect upon those sacrifices.

In renewed dedication, we are determined that our fallen heroes shall not have died in vain. We, the living, will redeem their effort and their sacrifice. To this we give our word and pledge our honor.

II. EMERGENCY RESOLUTIONS

1. W. Robert Ming

(Adopted)

Whereas, W. Robert Ming has given over 40 years of dedicated and unselfish service to the NAACP as a member of the Chicago Branch, the Illinois State Conference and the National Board of Directors, and

Whereas, he was one of the architects of the strategy leading to the historic decisions in *Brown vs. Board of Education, Shelley vs. Kraemer* and other landmark decisions, including *NAACP vs. Alabama, Sweatt vs. Painter, McLaurin vs. Oklahoma, Sipuel vs. Board of Regents, Ward vs. Texas, NAACP vs. City of Jackson, Missouri ex rel Gaines vs. Canada, 4th District Committee of the Virginia State Bar vs. S. W. Tucker,* and

Whereas, he served as the distinguished first permanent chairman of the NAACP National Convention, guiding its deliberations and charting a steady course, and

Whereas, his demise leaves a void in our national ranks and leadership,

Therefore be it resolved, that this 64th Annual Convention hereby express its deep sense of loss on his passing and extend its condolence to his widow, Irvena and family.

Be it further resolved that this Convention further express its feeling of loss by sending a delegation of National Board members, 7 regional representatives, to be selected by the regional chairmen, the chairman of the National Youth Work Committee or designee and staff, to be selected by the Executive Director, to the funeral on Tuesday, July 3, and by conducting a concurrent service in this Convention in his memory at 11:00 a.m. on Tuesday, July 3.

2. Haitian refugees

(Referred to Board)

Whereas, America was founded by persons seeking freedom from oppression, and

Whereas, we have consistently invited and provided passage to our shores of persons seeking to live in a free society, and

Whereas, the history of Haiti has been replete with instances of brutal oppression of its citizens, and

Whereas, this oppression is no less insidious than that which has existed in Cuba and Eastern Europe, and

Whereas, Haitian refugees seeking asylum in America have been subjected to discrimination in the application and interpretation of the immigration laws,

Therefore be it resolved, that this Annual Convention goes on record as condemning the action of the immigration authorities in Florida in refusing to grant asylum to the refugees from Haiti, some of whom are now incarcerated in the State of Florida and calls upon the U.S. Department of Immigration and Naturalization to correct this injustice and extend a safe haven to these Haitian refugees.

We further direct the National Office to take steps to insure that the sentiments expressed herein are implemented at once.

III. ARMED SERVICES AND VETERANS AFFAIRS

1. Brownsville court martial case

(Adopted)

Whereas, the Secretary of the Army has found that an injustice did occur to certain black soldiers of the First Battalion of the 25th Infantry stationed in Brownsville, Texas in 1906, and

Whereas, the Secretary of the Army did establish, by proclamation, honorable discharges of these men, and

Whereas, these victims of racism did not turn against our country but continued to seek redress of their grievances,

Be it resolved, that the National Association for the Advancement of Colored People call upon the Congress of the United States to pass legislation which will restore the rights and benefits, and provide adequate retroactive compensation to the veterans, their dependents and survivors.

2. Upgrading equal opportunity and human relations offices

(Adopted)

Whereas, the offices of deputy secretaries for equal opportunity and human relations within the Department of Defense and the Department of Transportation hold staff-type authority but line management type responsibility, and

Whereas, these offices require considerable clout in order to relieve problems of race discrimination which exist in the various branches of the armed services,

Be it therefore resolved, that the NAACP call upon Congress to upgrade the offices of "deputy secretary for equal opportunity and human relations" to "under secretary".

3. Veterans' Administration

(Adopted)

Whereas, the increasing number of minority veterans require increasing services of the Veterans' Administration because of the disproportionate number of minority persons who have served in the armed forces, and

Whereas, the Veterans' Administration administrators have historically been persons who are insensitive to the special problems of minority persons,

Be it therefore resolved, that the NAACP call upon the Congress to establish the "Office of Minority Affairs" within the Veterans' Administration.

4. Administration of military justice

(Adopted)

Whereas, the Task Force Report on the "Administration of Military Justice in the Armed Forces" was submitted to the United States Secretary of Defense in November, 1972, and

Whereas, the "Report" is basically sound and could reduce most of the evils of racial prejudice and discrimination if its provisions are implemented, but

Whereas, the NAACP believes that there are serious omissions in the "Report",

Be it therefore resolved, that the NAACP call upon the United States Congress and the President to do the following:

1. Discontinue the use of the Armed Forces Qualification Test (AFQT) as a tool or measure for job placement and advancement because the present use of the AFQT violates the U.S. Supreme Court decision in "Griggs vs. Duke Power Company" which requires elimination of unnecessary, artificial, and arbitrary obstacles to employment;
2. Discontinue the practice of simply transferring an officer found guilty of perpetrating discrimination based upon race, national origin, religion and sex, and instead provide disciplinary action, commensurate with the violation, up to and including dismissal from the service;
3. Abolish the Administrative (less than honorable) Discharge which characterizes a

dishonorable condition and fosters continued discrimination in education and job opportunities, and

4. Review the "Status of Forces Agreements" which the United States has with the several foreign countries in which American service men and women are stationed, with a view towards guarantee of constitutional and human rights for American service personnel.

5. OIC and manpower training

(Adopted)

Whereas, the civil rights movement and its leaders know the urgent need for job training for returned Vietnam minority veterans and unemployed and underemployed minorities who are still the last hired and the first fired, and

Whereas, the Opportunities Industrialization Centers in 105 cities and 41 states have for almost ten years pioneered in job training and have placed on jobs more than 100,000 minority citizens, many of them returning veterans, and

Whereas, 32 United States Senators, Democrats and Republicans, have co-sponsored an OIL Bill designed to expand this program by legislation, and

Whereas, a funding crisis now exists which will result in 105 OIC facilities closing down by August 15, 1973 unless emergency funds are made available from the Executive Branch of the government, and

Whereas, the proposed closing of these facilities comes at a time when they are critically needed,

Be it therefore resolved, that the 64th Convention of the NAACP support the passage of Manpower Training legislation to continue to expand OIC and urge the President of the United States and the Domestic Council to take necessary, emergency steps to provide adequate funds until legislative action is completed.

IV. CIVIL RIGHTS

Revenue sharing

(Referred to Board)

In light of the fact that the Revenue Sharing law was passed, in spite of the position of the 1971 Convention which asked the Congress to reject the allotment of federal funds to states, counties, and cities without restrictions as to the use of these funds, we propose that proper political and/or legal action be taken to secure amendments to the present legislation to include adequate civil rights safe-guards, including meaningful citizens participation in planning the use of funds and federal review and supervision of how federal monies are spent.

In keeping with NAACP's stated position (1971) on Revenue Sharing, we direct NAACP local branches and State Conferences to:

1. Develop programs of education so that members will know what the Revenue Sharing law says, how it works, how much money is involved, and how they may share in setting priorities for the use of Revenue Sharing funds;

2. Organize to bring necessary political pressures to bear upon public officials to bring about desired results;

3. Keep the community informed on matters relating to Revenue Sharing; and

4. File complaints involving the discriminatory and frivolous use of Revenue Sharing funds.

Lyndon B. Johnson

(Referred to Board)

Whereas, Lyndon B. Johnson was the moving factor in the enactment of the most comprehensive body of civil rights laws since the enactment of the 13th, 14th and 15th Amendments, and

Whereas, Lyndon B. Johnson initiated the "War on Poverty" and tried to alleviate the social and economic problems of the disadvantaged, and

Whereas, although the programs experienced both success and failure, there was nevertheless substantial benefit to both white and nonwhite,

Be it therefore resolved, that the NAACP go on record memorializing the leadership of President Lyndon B. Johnson in advancing civil rights and alleviating poverty on the national level.

Ratification of Genocide Convention

(Referred to Board)

Whereas, the General Assembly of the United Nations 26 years ago adopted the Convention on the Prevention and Punishment of Genocide; and

Whereas, 75 nations have now ratified this history-making Convention; and

Whereas, the United States Senate once again has before it an opportunity to ratify the Genocide Convention;

Be it therefore resolved, that the 64th Annual Convention of the National Association for the Advancement of Colored People call upon the U.S. Senate to ratify the Genocide Convention, and

Be it further resolved, that the intent of this Resolution be communicated forthwith to the members of the United States Senate.

V. COMMUNICATIONS

Distortion of news by the public media

Whereas the Public Communications Media has a responsibility to the entire community to honestly report and articulate events of community interest,

We hereby condemn the practices of some facilities and organizations which edit, slant and use distorting tactics, when reporting on the news of blacks and other minorities, which lead to fear and skepticism in the community.

VI. CONSUMER PROTECTION

(Referred to Board)

We reaffirm our basic policy statements in the area of consumer protection and direct the National Board of Directors to comply with the mandate of the 63rd Annual Convention by creating a national information office on consumer protection to provide the following services:

1. To research federal, state and local legislation in the consumer field and translate the same into layman's language;

2. To disseminate information upon request to local branch consumer protection committees;

3. To provide interpretation and guidance on complicated issues e.g. the President's Phase II Economic Plan in layman's language;

4. To identify and refer consumer consultant services and financial resources for programs to branches that propose to initiate concrete programs of action.

We further direct that a written progress report be made to the 65th Annual Convention in New Orleans.

VII. ECONOMIC DEVELOPMENT

Black and minority group advancement and economic survival

(Adopted)

Whereas, the thrust of Black economic advancement programs have had their major effect on small businesses catering to a limited market, and

Whereas, Black economic advancement must find its solutions in the larger market places of unlimited broad-based utilization of the service or product to be produced or distributed, and

Whereas, leading corporations of commerce, industry, and free enterprise have acquired and maintained their favored tax considerations, and continue to reap the benefits of these longstanding practices; now

Therefore be it resolved, that the Board of Directors create an Economic Development Commission consisting of national and regional representatives charged with the following responsibilities:

1. To investigate, research, compile and assess all information relating to the existing resources and programs designed to promote Black economical survival and advancement.

2. To call a summit meeting of major corporations, labor, commerce, finance and government agencies, relate our finding, and lay concrete plans for positive cooperative action for meaningful indepth Black involvement.

3. To structure a vehicle to monitor civil rights compliance where applicable under the Civil Rights Act 1964 Title VII.

VIII. EDUCATION

1. School desegregation plans

(Adopted)

Whereas, it is customary for some Federal judges to establish bi-racial committees comprised of litigant/defendant and community representatives for the purpose of developing school desegregation plans, and

Whereas, said plans are limited in the extent to which they are intended to achieve maximum integration of pupils, due in part to the influence of political considerations and public opinion based on emotional rather than factual entities,

Be it resolved, that where school desegregation plans are voluntary on the part of school officials, negotiated or the result of litigation, NAACP Branches or their representatives *must not* become party to or give support or approval of any school desegregation plan or settlement affecting the local community without *first* consulting with and submitting said plan in writing to the legal and education departments of the National Office for examination and written approval.

2. School desegregation and the metro principle

(Adopted)

Whereas, the nationwide trend of withdrawal of white citizens from the inner cities metropolitan area to the suburbs has resulted in resegregation of schools in such areas; and

Whereas, it is evident that in order to correct this growing evil it is necessary to effectively desegregate the system, for courts, legislative bodies and school boards to treat metropolitan areas as a unit in developing effective desegregation plans, thereby disregarding city and county lines and other traditional boundaries so that the educational inequities of the inner city will be treated in conjunction with the educational advantages of the suburbs.

Whereas, acquiring of political power by black people remains an important goal of NAACP, but not at the expense of sentencing thousands of minority youngsters to the fatality of the mental death inflicted by the inequities inherent in segregated schools.

Be it resolved, that so long as the racism rampant in America today continues to pervade the considerations of school boards, public officials, courts and other powers that control the tax base and school financing, black people have no choice save to employ the political pragmatism of making equality of educational opportunities available to minority youngsters by sending them to school where the tax dollar is equitably spent—the racially integrated school.

Be it further resolved, that NAACP Branches vigorously support the metro principle as a viable technique to be employed in the elimination of segregated, unequal educational systems forced on minority children, and resist with equal vigor all efforts on the part of individuals and organizations to minimize the importance of metropolitan school districts.

3. Reading performance

(Adopted)

Whereas, the number of youngsters suffering from reading disabilities is astronomical, and the effects of poor reading are far-reaching and contribute to disruptive classroom behavior, functional illiteracy, and the consequent inability to gain meaningful employment and/or pursuit of higher educational goals,

Now be it therefore resolved that:

1. NAAC Branches, youth councils, college chapters and young adult councils are called upon to monitor school systems to determine if they are in compliance with state and federal performance and anti-discrimination guidelines as regards reading programs;

2. In localities found to be in noncompliance, the branch is instructed to seek appropriate remedial action.

BE IT FURTHER RESOLVED, that the National Education Department launch a campaign to:

1. Provide information directly to local units concerning reading programs (testing, utilization of personnel, qualifications of personnel, methods of evaluation),

2. Conduct reading workshops at state and/or regional conference meetings to inform the membership of the techniques employed in reading programs,

3. Seek to define the reading needs of minority and disadvantaged students in their respective communities, and to identify what, if anything, local school systems are doing to meet those needs. Findings are to be reported to the National Education Department.

4. The National Education Director is instructed to report to the Board of Directors the product of the branch studies along with recommendations for action at the July, 1974 meeting of the Board of Directors.

4. Antidiscrimination laws and education programs

(Adopted)

Whereas, it is an emerging policy of the present National Administration to channel Federal funds for education programs to state and local governments with "no strings attached", and

Whereas, states that have historically discriminated against minorities will not discontinue these practices of their own volition,

Be it resolved, that NAACP Branches call on the civil rights division of the U.S. Justice Department and the Department of Health, Education and Welfare to fulfill their responsibilities to enforce anti-discrimination laws under Title VI of the 1964 Civil Rights Act in all education programs where tax monies are spent, with strict application of penalties against school districts guilty of infractions.

Be it further resolved, that in any educational system where the U.S. Department of Justice and/or Health, Education and Welfare do not enforce the anti-discrimination laws under any title programs, the local branch shall initiate its own legal suit against that educational system and/or take any other appropriate action to force compliance with the laws.

5. Desegregation of State systems of higher education

(Adopted)

Whereas, black state-supported colleges were established by public officials to perpetuate segregation, and

Whereas, the tax support of racially separate institutions is unconstitutional, and

Whereas, the NAACP is unequivocally committed to the total integration of all tax-supported institutions serving the public, and

Whereas, NAACP commitment to the protection of the rights of black educators is no less today than it has been through the years of precedent-setting, NAACP-sponsored court victories won in their behalf,

Whereas, state legislatures historically have disproportionately allocated funds to the racially separate state colleges, and

Whereas, said states are at long last being compelled to dismantle their dual higher education systems, and

Whereas, experience has shown that black teachers and administrators have sometimes been discriminated against in the dismantling process,

Be it resolved, that NAACP Branches in states affected promptly move to involve themselves in the process of dismantling dual higher education systems to insure:

1. That present racially identifiable colleges and universities in close proximity be merged equitably,

2. That any and all desegregation plans effectively protect the status of black administrators, teachers and students and provisions to guarantee same be developed.

3. That public colleges maintain low tuitions and open admission policies,

4. That the make-up of governing boards for these institutions reflect the racial composition of the state,

5. That any board, agency, committee or sub-unit thereof created to effect the desegregation of a state higher education system have an equal number of black and white persons,

6. That the integration of predominantly black institutions be accomplished in ways that recognize, protect and preserve the rights of black administrators and faculty,

7. That the desegregated institutions adopt, develop and maintain curricula, remedial and other special programs that will permit the enrollment and education of students, irrespective of race, who have been disadvantaged in their prior public school education.

8. That monies be applied equitably by governing boards in order that predominantly black colleges can effectively compete with predominantly white colleges.

6. Emergency school aid act regulations

(Adopted)

Whereas, guidelines of the emergency school aid act passed by Congress include provisions for denial of ESAA funds to school districts found to be in violation of anti-discrimination clauses of the act, and

Whereas, the withholding of ESAA funds to school districts with segregated schools remains a monetary incentive for these districts to develop school desegregation plans, and

Whereas, any relaxation of ESAA guidelines would undermine the entire desegregation process and endanger the compliance attempts of funded school districts, and

Whereas, Caspar Weinberger, Secretary of H.E.W. has expressed an intention to subvert the guidelines so that ESAA grants may be made to four school districts found in noncompliance: Los Angeles, California; Tuscaloosa, Alabama; Princeton, Ohio and Chicago, Illinois with Title I of Elementary and Secondary Aid to Education Act.

Be it resolved, that the NAACP go on record as being unalterably opposed to the relaxation of ESAA guidelines approved by Congress and any attempts by the Secretary of H.E.W. to disburse federal funds to school districts in violation of civil rights regulations will be interpreted as a direct violation of the law.

Further be it resolved, that NAACP branches in Chicago, Ilinois; Los Angeles, California; Tuscaloosa, Alabama and Princeton, Ohio and others in conjunction with the National Legal Department initiate legal action immediately against the U.S. Department of Health, Education and Welfare.

7. Corporal punishment

(Adopted)

Whereas, Corporal Punishment is being used in many school systems as a repressive measure against minority students to harass, intimidate and repress minority students into a state of complete passivity within or flight from the education process.

Now therefore be it resolved, that the various branches, youth councils and college chapters seek the adoption in school systems of non-corporal means of discipline and due-process hearings for students charged with offenses before disciplinary action is taken against them.

8. Black American Museum of History and Culture

(Adopted)

Whereas, the Black American Museum of History and Culture, located in Niagara Falls, New York, and

Whereas, the rationale for the existence of such a national enterprise in this locality was heavily based upon the facts of the Niagara Frontier's historical background with respect to the *Underground Railroad* of the Pre-Civil War Era and, most importantly, the turn of the century *Niagara Movement*—the forerunner of the National Association for the Advancement of Colored People, and

Whereas, knowledge and understanding of one's fellowman is conducive to better appreciation, respect and acceptance, and

Whereas, it is one of the overall objectives of the National Association for the Advancement of Colored People that all Americans be presented and viewed in the light of their true being and value.

Now therefore be it resolved, that the National Association for the Advancement of Colored People, in National Executive Sessions at its 64th Annual Convention, go on record as supporting the concept and objectives of the Black American Museum of History and Culture and urges all of its Branches, State and Regional Conferences, and its National Organization and Offices to support this undertaking and assist, where possible, this organization in its assemblage of information and leads (especially with respect to the Niagara Movement, Civil and Human Rights, and the NAACP).

9. Right to classmates of different races

(Adopted)

We reaffirm our traditional position on equality of educational opportunity for all children and call upon each NAACP branch to set as its interim goal for the next twelve months, inducing school boards to use every means to guarantee every child the right to have classmates of other races and to use every effort, including the hiring of teachers, where necessary, to insure that every child have the right to work with at least one teacher of a different race.

IX. FOREIGN AFFAIRS

1. South Africa

(Referred to Board)

Whereas, today in South Africa where two million white persons control a government that enforces policies of apartheid which gives rise to laws which deny civil rights to and fail to recognize the basic human rights of 16 million black, two million colored and 1½ million Indian people, and

Whereas, black South Africans are denied free compulsory education, resulting in massive illiteracy leading to crass exploitation in employment and other areas of life,

Whereas, the organization ASSECA (the Association for South African Education and Cultural Advancement) requires support to carry out its program and secure educational opportunities for all black children in South Africa, and

Whereas, the organization ASSECA (the American corporations with interests in South Africa) has led to some wage increases and improved working conditions,

Be it resolved, that the NAACP national office conduct a program urging American corporations with interests in South Africa to continue to raise the wages of black workers until they equal the pay of white workers, and

Be it further resolved, that the executive director be directed to communicate with ASSECA to determine ways in which the NAACP can provide technical assistance and support to further its program to improve the lot of blacks in South Africa.

2. *Russian Jews*

(Referred by Board)

In keeping with our historic concern for the plight of disadvantaged minorities everywhere, we call attention to that of those Jews in Russia who are made to pay large sums to the government—ostensibly for their government subsidized education—before being permited to emigrate to Israel or other countries of their choice.

We call upon our Federal administration to use the good influences of the American government to gain relief from this tyranny, to the end that these Russian Jews may enjoy the freedoms and privileges to which all human beings are entitled.

X. HOUSING

1. *The Nixon housing freeze*

(Adopted)

Whereas, the sudden termination, suspension and cancellation, earlier this year, of federal funds for subsidized housing and community development programs by Mr. Nixon, without providing replacement programs to take their place, strikes a cruel and inhuman blow at the low and moderate income families of our nation and smacks of further anti-black, anti-poor stances pursued by this Administration,

Whereas, incalculable and irreparable harm has been done to the cause of racial harmony, minority economic progress and equal housing opportunity. This cutback is a setback for millions of deprived Americans who desperately need better housing now at prices they can afford,

Whereas, failures in federal housing programs have not been the fault of the poor, who are the real victims of this moratorium. Faulty administration, dishonesty and corruption of federal housing officials and exploitative practices of speculators, have contributed to the present need to reform national housing policies,

Be it therefore resolved, that we vigorously oppose these precipitous actions of the President and call upon his Administration to promptly release impounded funds and to resume processing all applications meeting the requirements of present law, and that present subsidized housing and community development programs be continued without interruption until new programs have been developed and are adequately funded.

2. *The Federal Government's role in housing*

(Adopted)

Whereas, the Secretary of Housing and Urban Development has called the private sector to make recommendations on what the federal government's role in housing and should be, and

Whereas, the NAACP has a long history of involvement and concern with federal housing programs and is desirous of seeking major reforms in present programs, most of which have not adequately met needs of the majority of black and poor people of this nation, and

Whereas, the Administration and the Congress is considering major housing legislation this year and our views should be brought to their attention.

It is hereby resolved, that the delegates here assembled go on record as calling for the federal government to adopt new programs that would:

1. Establish a strong consumer-citizen protection office within HUD to prevent abuses to the users of all federally-assisted housing and community development programs,

2. Create a National Center for Nonprofit Housing with adequate funds to train and assist sponsors, establish achievable performance standards, provide grants-in-aid of housing sponsorship, and expand and fund nonprofit activities to include counseling, fair housing services, planning activities, and tenant services, establish offices in the more rural, agricultural and isolated areas,

3. Provide direct low-interest, long-term loans to the poor to purchase decent housing, and grants to centers in form of housing maintenance allowances,

4. Link the approval of housing to the approval of community development and planning activities and by authorizing the commitment of funds beyond annual appropriations.

5. Help correct the effects of past discrimination by funding paraprofessional programs, fellowships and set-asides of subsidy funds for use by disadvantaged minorities.

6. Fund the expansion of HUD's Equal Opportunity staff to assure a proper review and monitoring of civil rights requirements in all programs, and to provide the necessary authority to achieve full compliance with same.

3. *Civil rights oversight in Farmers Home Administration*

(Adopted)

Whereas, the Secretary of Agriculture has issued directives on "USDA policy on Civil Rights" and said directives establish requirements for all of its Agencies to follow in order to assure that its programs are equally benefiting racial minority groups, and

Whereas, the Farmers Home Administration administers the rural housing programs and makes direct government loans in aid of poor rural families, and

Whereas, this Agency's efforts to comply with the requirements of the above directives has been frequently monitored by the NAACP National Office during the past year, and

Whereas, we have determined that the Department of Agriculture and its Farmers Home Administration have both failed to adhere to and comply with its own directives all to the detriment of black and other minority residents in rural areas who are being denied equal services,

It is hereby resolved, that this Convention go on record as condemning the laxity and lip service given to civil rights enforcement in programs administered by these agencies of government.

It is further resolved, that the NAACP take any and all actions that may be necessary to obtain compliance with all laws, regulations and directives, including, but not limited to, appropriate legal action to secure these results. In further support of this regulation, all units of the Association, especially those serving the rural areas of the South, are directed to investigate the level of services and funds provided to minorities by county and state offices of the Farmers Home Administration, and to promptly furnish such information to the National Office of NAACP for evaluation and action.

4. *State housing activities*

(Adopted)

Whereas, the fair-share housing plan originated by the N.Y. State Urban Development Corporation (UDC) contained several innovative administrative tools such as the power to override zoning and building code regulations of local communities.

Whereas, local communities have historically neglected the housing needs of the poor and disadvantaged, and

Whereas, the State of New York has recently bowed to the pressure of those opposing low income housing development in suburban communities by removing the 1968 authority to override local exclusionary zoning.

Now therefore be it resolved that:

1. The NAACP condemn the action of the N.Y. Legislature and Governor Nelson Rockefeller in pulling the teeth of UDC Aid, and

2. Urge the creation in all states of state housing authorities with the power to override local exclusionary zoning and building codes.

5. *Safe neighborhoods*

(Adopted)

We condemn the poor management and official neglect that has permitted the spread of hazards to physical safety and unsanitary conditions in public housing projects. Such problems are at a crisis stage in many high rise projects and present grave danger to residents, particularly the elderly.

We instruct our branches to begin immediate efforts to correct these conditions and, where necessary, institute legal actions against those officials responsible for neglect of their duty.

Accumulation of refuse, poor street lighting, inadequate zoning standards and often total absence of fair and effective policing are the characteristics of most neighborhoods occupied by the poor.

For the most part, these conditions are directly attributable to indifference, neglect and outright discrimination by local governments.

We call upon our branches to begin programs of action that will force local governments to provide the kinds of services that will insure adequate safety, sanitation and health standards in neighborhoods occupied by the poor as well as in so-called middle class and affluent areas.

As part of the program to improve conditions in poor neighborhoods we expect our branches to rely upon the advice and cooperation of those who live in such neighborhoods and are the unwilling victims of the conditions that surround them.

6. *Retention of black-owned lands in the South*

(Adopted)

Whereas the ownership of real property has always been a mainstay of the economic strength of individuals, families and groups, and

Whereas over many years there has been a steady erosion in the landholding of Negro Americans throughout the South, especially the rural South, with increasing numbers of Negroes losing, surrendering or selling lands that have been under their family control for years, and

Whereas to an unrecognized extent, these losses reflect the exploitation and trickery of whites who victimize often unsuspecting blacks and other minorities,

Be it resolved that, the NAACP states as a principle that it seeks the preservation of landowning by Negroes and that it opposees all practices aimed at depriving Negroes of their land and that it call upon branches and other units to offer counsel, support and assistance within their capability to black landowners threatened with the loss of their land, and

Be it further resolved, that the Association provide within its capability, program direction designed to aid in implementing the purposes of this resolution.

7. *Defeat of Widnall bill*

Whereas legislation popularly known as the "Brooke Amendment", limits the rents of public housing families to a maximum of 25 percent of their income, and

Whereas a recent court victory by the National Tenants Organization further lowered rents for tenants in public housing by insuring them of the full income deductions provided by the Congress and denied by the Nixon Administration, and

Whereas federally-assisted public housing provides the best opportunity for the very poor to have decent and adequate shelter and, in many cities, policies are being implemented that deny such housing to those who need it the most, and

Whereas the "Brooke Amendment" is threatened with repeal in the U.S. House of Representatives by proposed legislation referred to as "The Widnall Bill". The Widnall Bill would remove language in the Housing Act of 1937 which requires the government to take into account ". . . the rent paying ability of the family . . ." It would require families on welfare to pay a larger portion of their benefits for rents while also raising the rents of other poor tenants, and

Whereas over half of the tenants in public housing today are black or other minorities and thus would be harmed the most by such legislation,

We hereby resolve, that the NAACP is strongly opposed to passage of the Widnall Bill (H.R. 8102) and further we urge the branches of NAACP to immediately call or write their Congressmen to vote against its approval.

8. The Better Communities Act of 1973

(Adopted)

In accordance with Mr. Nixon's concept of a "New Federalism", the Administration has submitted to the Congress on a proposed "Better Communities Act" to replace the categorical grants for Model Cities, Neighborhood Development Programs, Rehabilitation Loans, Code Enforcement, and other essential community development programs.

Funds to continue such programs would be provided directly to city, county, and state governments, through special revenue sharing with little or no federal control over their use—and not until July, 1974.

Besides the one-year loss in funding critically needed urban projects, this backdoor return to "local home-rule" government is inimical to the best interests of minorities and cannot but help to impede racial progress and deny poor Americans the benefits to which they should be entitled. The enforcement of civil rights statutes and requirements for equal housing opportunities cannot be effectively assured if left to the discretion of local officials who are oftentimes biased. The further weakening in this bill or meaningful citizen participation requirements represents a further erosion of the opportunities for blacks to correct the inequities perpetuated by many local governments.

This proposed legislation also lacks any statement to require that federal funds be used to achieve specific national objectives, nor does it make any provision for federal reviews to assure performance. Further, there is no mention of requirements for meeting the housing needs of low-income families, or to eliminate slums and upgrade community development efforts, this bill should not be acted upon until after the Administration and the Congress act to provide an adequate replacement for the new frozen housing-subsidy programs.

The NAACP does hereby go on record as being vigorously opposed to passage of the Better Communities Act in its present form. We call for all units of the Association to register their opposition promptly by holding meetings with or writing to their elected representatives in both houses of the Congress.

XI. HOSPITALS, HEALTH AND WELFARE

1. Delivery of health and medical service

(Referred to Board)

Whereas, the 63rd Annual Convention passed a resolution for the adoption of a task force that would be established to examine the ways in which the organizational capacities of the Association may best be utilized in promoting better delivery of health and medical services to minority groups; and

Whereas, the National Board of Directors has yet to establish such a task force;

Therefore be it resolved, that the 64th Annual Convention direct the National Board to implement the resolution adopted by the 63rd Annual Convention and immediately establish a task force on delivery of Health and Medical Services, using such personnel as it feels requisite, and not necsesarily restricted to the Board, staff or membership; and that this Task Force be given a one-year mandate to examine the ways in which the organizational capacities of the Association may best be utilized in promoting better delivery of health and medical services.

That among the specific assignments of the Task Force shall be (1) a review of existing federally-funded programs and the dissemination of this information; (2) the monitoring of such programs at the local level so as to detect and prevent failure due to racial discrimination and other factors; (3) the calling of public attention to areas of health and medical need not yet sufficiently recognized as such by the authorities; and (4) the provision of technical or other assistance, as our means permit, to NAACP units seeking to be usefully involved in programs designed to improve the delivery of health and medical services in their communities.

2. Comprehensive child care

Whereas, comprehensive child care legislation should allow for the participation of families with both moderate and substantial means so that child development services do not become economically, socially or racially segregated, and should provide for parent and concerned citizen involvement in decision making about the program at the Federal, State and local levels of government, and

Whereas, local communities should have the opportunity to apply for Federal funds to operate such services without prior approval by the State in order to offset veto power of interests groups who may be adverse to providing services that are sponsored by black communities, and

Whereas, provision should be made to allocate funds for the construction of child development facilities and the training of staff,

Be it resolved, that NAACP call upon Congress to enact comprehensive child care legislation that gives priority to a range of education, social services, health and nutrition to those children victimized by poverty and racism and removes the cost of providing adequate day care service from the ceiling of Federal financial participation in expenditures for social services.

3. Day care special food program

Whereas, the various programs for feeding poor children are threatened by the President's program of impounding Congressionally appropriated funds;

Be it resolved, that the NAACP urge the Federal government to see to it that all children have adequate nutritious meals.

4. Welfare and employment

Whereas, the State Supreme Courts of both Indiana and New York have ruled that Welfare applicants and recipients are required to accept available employment as an alternative to receiving Public Assistance,

Whereas, other states can be expected to implement the same practice,

Whereas, in the historical past State Welfare administrations have been discriminatory in their practices often compelling minority group members to either accept menial low-paying jobs further compounding a condition of underemploymet,

Whereas, the NAACP has always supported programs that call for and provide for jobs for those able to work on a nondiscriminatory basis rather than depend on a public dole,

Be it resolved, that the NAACP branches be instructed to immediately begin to monitor the welfare administration practices so that employment programs are conducted in a humane and non-discriminatory manner to prevent undue hardship and suffering on the part of the minority group welfare applicant and/or recipient.

5. Social security

Whereas, changes in S.S. Law effective 7/1/73 and 1/1/74 will now place responsibility for financial care of the aged, the blind, and disabled on U.S. Government at a flat grant of $130 per month, and

Whereas, in the past states have had this responsibility, in addition to grants, to provide needed services such as seeing-eye dogs, prosthesis for the disabled, etc., and

Whereas, the Federal government in this law change does not now make it mandatory for states to continue to provide these services or maintain the current grant levels;

Be it resolved, that the NAACP State Conferences and branches to go on record urging states to continue the provision and the maintenance of current grant levels to the aged, the blind and the disabled.

6. Alcoholism

Whereas, in spite of its legal and social acceptance, alcohol continues to be the most single dreaded scourge of our people and;

Wheras, many families have been destroyed by the abuse of alcohol and the lack of available information on services and care for alcohol abusers;

Be it resolved, that the NAACP call upon the Congress to extend and improve existing programs that seek cures for the disease of alcoholism and provide relief and rehabilitation for its victims.

7. Sickle cell anemia

We reaffirm our resolution adopted in 1972 calling on the Federal Government to assign the highest priority to establishing a program of research to attack and eradicate this dread disease.

Be it resolved that the NAACP both nationally and locally vigorously oppose any and all legislation that is (1) compulsory in nature and, (2) restrictive to any racial group.

8. Sterilization of teenagers in Alabama

Whereas, the Montgomery, Alabama Family Planning Clinic, a delegate OEO Agency, thru funds received from DHEW to operate a family planning program, and

Whereas, such programs are designed for the purpose of helping low income families to be able to cope with the poverty which arises because of the lack of such knowledge, and

Whereas, the Montgomery, Alabama, Family Planning Clinic is alleged to have "sterilized" several teenage black children under the guise of a Family Planning Grant,

Be it resolved, that the Alabama State Conference of the NAACP conduct a Public Hearing on this and all other family planning programs in the state of Alabama to determine the pervasiveness of these programs and to establish culpability.

Be it also resolved, that the National Office NAACP use its influence to demand the participation of all federal and state agencies in this hearing and provide further support to the State Conference in this effort.

Be it further resolved, that the Alabama State NAACP Conference be directed to join with the legal representatives of families found to have been exploited by this and similar programs.

Be it further resolved, that the National NAACP Office call on all federal agencies having mandates for Civil Rights compliance under Title VI of the 1964 Civil Rights Act, to step up compliance reviews and enforcement of all laws where violations are noted.

XII. INTERNAL AFFAIRS

1. Creation of emergency fund for NAACP

(Adopted)

Whereas, the NAACP has, since 1909 defended Negroes against onslaughts predicated on racial animus and bigotry; and

Whereas, Negroes are under a state of siege; and

Whereas, the current state of siege threatens to destroy or cripple many of the remedial instruments (evolved thorugh legislation) which the NAACP has relied upon to eliminate discrimination and segregation in such areas as housing, education and welfare; and

Whereas, at enormous financial cost of operating the National Office, the leading school desegregation case now pending in the Courts was filed by the Detroit NAACP Branch the outcome of which may largely determine the fate of public school desegregation in America; and

Whereas, the United States Supreme Court has now declared that administratively-created school segregation in the North is violative of the U.S. Constitution; and

Whereas, black Americans are desperately looking to the NAACP for protection, leadership and aid in redressing their grievances in other critical areas; and

Whereas, the power and wealth of the federal, state and local governments are arrayed against the NAACP as it seeks to desegregate public schools and to otherwise protect Negro Americans from attacks being made against their constitutional and human rights; and

Whereas, black people are compelled to resort to courts and litigation in a massive way; and

Whereas, the need exists for the retention and utilization of additional lawyers on the national, regional and local levels in the fighting off of these attacks in the courts.

Now therefore be it resolved, that the National Association for the Advancement of Colored People create an emergency fund of not less than $300,000 to be applied toward the costs of protecting Negroes during the present state of siege. To raise this fund in addition to the Freedom Fund Assessment, each Branch shall be assessed under a plan to be worked out by the National Office. This assessment shall take effect on September 1, 1973, be payable into the National Office quarterly thereafter, and shall remain in effect for two years.

2. High school youth councils

(Adopted)

Whereas, the implementation of the 1954 Brown decision has, in some cases, resulted in the integration of buildings rather than of people, and

Whereas, the North Carolina State Conference of Youth Councils, Denver and Detroit youth councils have addressed themselves to this problem at different times through their efforts to establish high school-based NAACP Youth Councils and to promote an awareness among minority students and parents of their constitutional rights as opposed to those of the educational system,

Now therefore be it resolved, that the National Youth Director in collaboration with the Director of Branches, launch an all-out effort to:

1. Organize high school youth councils,
2. Provide students rights information to students and parents, and
3. Conduct educational workshops at state and/or regional conference meetings to inform the membership of the techniques to be employed in organizing high school units and in pursuing an NAACP strategy in the area of students rights and responsibilities.

Be it further resolved, that the National Youth Director and the Director of Branches and Field Administration be instructed to report on the progress of their activities in these areas in

1. a quarterly report to the Board of Directors and the National Youth Work Committee, and to include the same in their individual annual reports on the status of Youth and College Division and the Branch Department.

3. Correctional affairs

(Adopted)

Whereas, blacks and other minorities released from penal institutions encounter community resistance in their attempt to reenter the general population, and

Whereas, many organizations have set up programs to ease such reentry, by way of half way houses and other facilities,

Be it resolved, that the NAACP, through its local branches, recognize its obligations to assist such persons and undertake effective programs to counsel such inmates prior to release to ease their return to society and continue such assistance upon release.

Be it further resolved, that local branches undertake this program as a priority and that proper notices be sent to all judicatories asking for their concern and involvement.

4. Convention planning

(Adopted)

We reaffirm our resolution on convention planning adopted by the 60th Annual Convention and,

Further resolve that the Convention Planning Committee secure a firm commitment from hotels in convention cities to the effect that as of a day certain the rates to be charged convention delegates will be announced to the Association.

XIII. LABOR

1. Monitoring minority representation on congressional staffs

(Adopted)

Whereas, affirmative action programs have been established by private industry and governmental agencies to ensure all black people and other minorities an opportunity to participate in the mainstream of the American economy; and

Whereas, the Congress passed the EEO Act in 1972 requiring affirmative action programs with reports of progress to the civil service and Equal Employment Opportunity Commissions; and

Whereas, many Congressmen fail to employ minorities on their Congressional staffs,

Be it resolved, that all NAACP units examine and monitor the minority representation on Congressional staffs in their respective districts and report disparities to the national office, and enter into efforts directly with members of Congress to secure minority representation on their staffs.

Be it further resolved, that if the congressman does not respond, the NAACP will publicly denounce his insensitivity to minority problems.

2. Farah strike

(Adopted)

Whereas, employees of the Farah Company manufacturers of Farah Slacks, El Paso, Texas, a substanatial number of whom are Mexican-American citizens, have chosen Amalgamated Clothing Workers of America as their bargaining agent, and the National Labor Relations Board has certified it accordingly, and

Whereas, these employees are seeking decent wages, hours and working conditions, and

Whereas, the Farah Company refuses to recognize the employees' bargaining agent,

Be it resolved, that the National Association for the Advancement of Colored People go on record as condemning the refusal to recognize the employee's bargaining agent and the efforts of employees to improve working conditions and wage levels, and

Be it further resolved, that the NAACP condemns the employment of illegal alien workers (people who live in Mexico and work in U.S. border cities) while millions of native-born U.S. citizens beg for gainful employment and at the same time an estimated 3 million aliens are gainfully employed in jobs deserved by Americans, especially our youth and returning Vietnam Veterans.

3. FEPC commissions

(Adopted)

Whereas, many cities and states have established FEPC Commissions which are required to forbid discrimination in employment without regard to race, color, creed, sex, or national origin, and

Whereas, there is a distressing lack of enforcement on a timely basis,

Be it resolved, that all NAACP units located in jurisdictions which have such laws, call upon their legislators and executives to establish and monitor affirmative action programs to provide sufficient staff and funds to process all the complaints that are brought before them with thoroughness and dispatch.

XIV. POLITICAL ACTION

Office of Economic Opportunity

We resolve that the NAACP National Convention take whatever action necessary to have the United States Congress pass a continuing resolution to insure the continuation of OEO at, at least the same dollar level as last year.

XV. RELIGION

1. National NAACP Church Day

(Adopted)

Inasmuch as the NAACP, down through the years has worked closely and received cooperation from most churches throughout this nation, and

Whereas, the church has played a great part in the victories of this Association since its inception in the freedom fight, and

Whereas, the work of the Association continues to need and depend upon the church for much of its programs,

Therefore be it resolved, that the National Office seek the endorsement of national denominations of this program and call upon the churches throughout this nation to set aside a special day at which it shall be known as National NAACP Church Day, and that this day be on a Sunday closest to May 17 the anniversary date of the *Brown vs. Board of Education* decision.

Be it resolved, that the Church Work Committee of all branches have the responsibility for implementing this resolution in their area.

2. Minority chaplains

(Adopted)

Whereas, blacks and other minorities comprise a disportionate percentage of prison population throughout the land, and a substantial portion of the hospital population, and

Whereas, few black and other minority ministers serve in the position of Chaplain to such prisons, hospitals and other institutions, thus depriving many inmates of spiritual leadership that they might otherwise enjoy from members of their ethnic composition,

Be it therefore resolved, that NAACP branches undertake concerted drive to place black and other minority ministers in these institutions as Chaplains, and

Be it further resolved, that the branches work with such ministerial organizations as are available in their locale to implement this resolution.

XVI. YOUTH WORK

1. Youth employment

(Adopted)

Whereas, during the summer months as many as 3 million youth—a heavy proportion of them minority youth—will be seeking summer employment, and

Whereas, the President of the United States has sought to limit or impound funding for youth employment already allocated by Congress thus disproportionally affecting minority youth,

Be it therefore resolved that:

1. The NAACP National Convention to go on record opposing sub-minimum wages for

young people as a disproportionate restraint on their purchasing power.

2. We call upon the President to restore all impounded or otherwise illegally withheld funding to youth employment programs.

3. We call upon the President to provide the leadership in encouraging the private sector to employ youth during the summer months.

2. *Student suspension and expulsion*

(Adopted)

Whereas, suspensions and expulsions of black students in public schools has reached epidemic proportions, and

Whereas, in most incidents involving both black and white students only the black students are arbitrarily punished, and

Whereas, the NAACP Legal Department was successful in getting a Federal ruling through the United States 5th Circuit Court of Appeals that prohibits expulsion of students prior to a proper hearing,

Therefore be it resolved, that NAACP Youth Councils, College Chapters, Branches and State Conferences be urged to lobby vigorously in their municipal and state governments for passage of legislation requiring school districts to adopt and implement such policies, and

Be it further resolved, that the National Office of NAACP notify State Boards of Education of this resolution and request them to require the local school districts to publicize their policies in dealing with student suspensions and/or expulsions,

Be it also resolved, that the NAACP 64th Convention strongly urge all local school districts and state educational agencies to adopt a policy providing proper hearings to students *before* they are suspended and/or expelled from schools and representation of their own choice, and that the local school districts utilize the assistance of local NAACP branches in an effort to solve the problem of students being suspended and/or expelled from school.

3. *Educational excellence*

(Adopted)

With the blatant racism that is prevalent in many of the nation's public schools, black youth are beset with many problems in acquiring a quality education yet, we cannot help but urge that students do as much as they can to get the best educational training that is possible while in school.

We urge our students to seek to do the very best that they can in academics and we caution against substitution of false racial pride fads for real learning experiences. We deplore the misuse and abuse of time, resources and facilities within the academic setting which prohibits maximum learning and accrual of knowledge and training. We strongly condemn the attitude of doing just enough to get by with no attempt to surpass or excel, therefore

Be it resolved, that the NAACP urge all of its units, particularly youth units to encourage students to submit themselves to the rigor of academic pursuit.

4. *Emotionally, mentally, and retarded classes*

(Adopted)

The NAACP calls upon all Branches, Youth Councils and College Chapters to take whatever action necessary to insure that black students are not being indiscriminantly placed in EMR classes as punishment for disciplinary and other non-academic related reasons.

NAACP Branches should seek the passage of laws requiring (a) proper psychological evaluation (b) written parental consent followed by regular up-date conferences.

Further, the National Convention goes on record as opposing any administration of drugs or depressants for the purpose of controlling children who are hyperactive or as disciplinary punishment without written consent of parents after justification of need, and proper certification of the administrator, and upon recommendation of a doctor approved by the parents or guardians.

5. *Adult responsibility*

(Adopted)

Whereas, the United States Constitution provides for enfranchisement of all American citizens 18 years old and older,

Therefore be it resolved, that the NAACP encourage all state legislatures to adopt rights bills guaranteeing persons 18 years of age and older all of those rights and responsibilities presently enjoyed by the adult population.

6. *Student responsibilities*

Adopted

Whereas, we abhor and condemn anti-social behavior at all strata of our society and will aggressively pursue its elimination with the same vigor that we pursue the constitutional rights of students, and

Whereas, it has always been the policy of NAACP to protect the rights of minority students when they are the victims of discrimination by insensitive educators whose negative attitudes towards minority children reflect the racism inherent in a segregated society, and

Whereas, black children have a responsibility to themselves and their successors, to identify and reject every vestige of racism that restrict their access to a free and open school society.

Be it therefore resolved, that NAACP Branches, Youth Councils and College Chapters unite and strengthen their efforts in pursuit of the constitutionally guaranteed human and civil rights of students, by every legal means available; further, that black students develop the political sophistication to coalesce with students of other races who demonstrate a sensitivity for protection of the rights of all students, and

Be it also resolved, that NAACP Youth Councils and College Chapters call upon their peers to reject reverse racism; the attitudes and practices by some black students that result in the perpetuation of racial isolation in desegregated schools, and

Be it also resolved, that pursuit of the aforementioned goals must not be construed to imply NAACP protection of youthful student perpetrators of violence so pronounced in urban schools.

XVII. MISCELLANEOUS

1. *No-fault insurance*

Referred to Board

In light of the 1972 Convention decision to establish a task force, whose primary purpose was to study no-fault and other forms of insurance with a view to recommend a policy decision on such matters,

Whereas, the last report given to the September, 1972 meeting of the National Board of Directors was returned to the Committee for further study, a subsequent report was released including the resources of the Committee in April, 1973.

Therefore be it resolved, that the task force's recommendations be adopted as published with content and recommendations.

2. *Frank Wills*

Whereas, the uncovering of the political quagmire known as "Watergate" stems from the diligent execution of duty by Frank Wills, a black security officer; and

Whereas, the action of this American resulted in the apprehension of more who were burglarizing the headquarters of the Democratic National Committee, and

Whereas, Mr. Wills continued to be denied the recognition and commendation he deserves,

Be it resolved, that the NAACP go on record praising Mr. Wills and also citing him for his important part in revealing the extent of lawlessness and corruption at the highest levels of government.

3. *Bicentennial Commissions*

Whereas, bi-centennial commissions are being appointed in the states of our nation to symbolize the historical and cultural contributions of ethnic groups,

Whereas, the omission of Blacks on commission and the exclusions of the Black man's contributions have occurred in several states,

Be it resolved, that branches, state conferences and youth and college chapters monitor the actions of these commissions and strongly oppose discriminatory practices wherever they occur.

Be it further resolved, that the federal government be called upon to withhold all federal funds of bi-centennial projects until such discriminatory acts are curtailed.

4. *Preservation of Beale Street as a National Black Historic and Cultural Center*

In keeping with our concern for the preservation of historical sites and their significance to Black culture, we recommend and urge vigorous action for the development of Beale Street as a national cultural center to be federally chartered and funded in the form of a nonprofit corporation, and

Whereas, Beale Street is nationally known as the street of the birth of the blues, and

Whereas, the Memphis Housing Authority has initiated action for this historic site to be developed by commercial developers without regard or concern for the black cultural significance of the area, and

Whereas, HUD through its match Institutional Study has said that Beale Street should be developed as a natural cultural center from the point of view of Black History and Black Culture.

Therefore be it resolved, that the Memphis Branch be urged to intensify its efforts to establish Beale Street as a national Black Historic and Cultural Center, and

Be it further resolved, that the Memphis Housing Authority reconsider their decision and terminate an agreement it made that is not in keeping with the HUD study, and

Be it further resolved, this convention supports the recommendation of the feasibility study and direct its housing department to utilize its resources in this endeavor, and

Be it further resolved, that the Department of Interior be involved in this matter with the view of helping to carrying out the intent of this resolution.

RECOMMENDATIONS FOR CHANGE IN THE U.S. FINANCIAL SYSTEM

Mr. GRIFFIN. Mr. President, I ask unanimous consent that a statement by the Senator from Texas (Mr. TOWER) with an attachment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR TOWER

Mr. President, today we have received a message from the President and the Treasury Department regarding the outline of their major legislative program for reform of our financial regulatory system. Although the draft legislation is not yet prepared, the general outline of the proposal is indicated in the message. And I ask unanimous consent that the description in the message of the essentials of the proposal be printed in the RECORD following my remarks, so that interested citizens across the country can have an immediate chance to review this information.

RECOMMENDATIONS FOR CHANGE IN THE U.S. FINANCIAL SYSTEM

To the Congress of the United States:

Our country depends on a strong, efficient and flexible financial system to promote sound economic growth, including the provision of adequate funds for housing. Such a system is one which allows financial institutions to adapt to the changing needs of borrowers and lenders, large and small, and is free to make full use of technological innovations.

Events during this decade, however, have revealed significant defects in the operations of our financial institutions. On two recent occasions when the Federal Reserve System moved to restrain the economy, it was found that the inadequacies of our financial structures created unnecessarily severe burdens for the business community and the consuming public. The consumer-saver was denied a fair market return on his savings, while the consumer and small businessman, as borrowers, often could not obtain adequate funds to meet their requirements.

The inflexibility of our financial system can be directly attributed to the methods used by the Government to direct credit flows—methods designed to meet the depressed economic conditions of the 1930's but poorly suited to cope with the expansionary conditions of the past decade. In recent years, government regulations have limited the efficiency and flexibility of our financial system. Ironically, those regulations that were designed in part to keep a steady flow of funds moving into housing loans actually served to diminish that flow, severely penalizing both the borrower, who could not find funds, and the saver who received an unfairly low return on his savings.

As the Government tries to play its proper role in building a better financial system, we must proceed with one basic assumption: the public interest is generally better served by the free play of competitive forces than by the imposition of rigid and unnecessary regulation.

By law, thrift institutions—a category primarily composed of savings and loan associations but also including mutual savings banks—were created to provide funds for housing by maintaining large holdings of residential mortgages. However, earnings on holdings of previously acquired mortgages do not respond to changes in market interest rates. When market rates rise, the ability of thrift institutions to attract funds is limited and their ability to lend additional mortgage money is diminished.

Attempts to alleviate this problem by restrictive laws and regulations have achieved very little at great cost. The main technique has been to impose ceilings on the interest rates that financial institutions could pay savers for funds. The result, however, has often been a reduction in the flow of deposits to financial institutions. In many cases, in fact, deposits have been withdrawn so that they could be invested in higher yielding securities. Thus interest ceilings that were intended as a protective shield for the housing market turned out instead to be an additional burden.

Interest rate ceilings proved harmful to Americans both as savers and as borrowers in the late 1960's. Because the interest rate ceilings for deposits were often below market interest rates, small savers, who depended on banks and other savings institutions, were denied a fair rate of return on their money. On the borrowing side, smaller increases in savings deposits resulted in a sharp drop in loan funds available to consumers and small business firms.

Since financial institutions were prohibited from paying better interest rates, they were forced to compete for customers in other ways. Much of the public had to settle for so-called "free services" or even offers of consumer goods when in fact they may have preferred to receive higher interest on their deposits. In addition, such competition often led to increases in operating costs which prevented lending rates from declining when credit conditions later eased.

Finally, because of reduced inflows of savings, thrift institutions cut back on their mortgage lending or borrowed from Federal Home Loan Banks which had to pay market rates for their funds. Although the Federal Government stepped in and picked up some of the slack, mortgage flows were still disrupted.

Recognizing the need for action on all these problems, I appointed a Presidential Commission on Financial Structure and Regulation during my second year as President to study this entire matter and to make recommendations for reforming our financial institutions. The Commission's report identified quite precisely the causes of rigidity and instability in our financial institutions. Its recommendations were of major assistance in our further deliberations concerning the best ways to correct the weaknesses in our financial system.

The time to correct those weaknesses has come. Our current efforts to fight inflation and preserve the value of the dollar at home and abroad require strong financial markets. Without strong markets, the American public will be forced once again to bear excessive burdens.

If we do not act promptly, there is every reason to believe that those burdens will be even greater in the 1970's than they were in the 1960's. Educated by the last two credit crunches and by constant advertisements about interest rates, even the small saver will shift his funds to places offering higher yields. As market rates rise above passbook ceilings and the saver shifts his funds to obtain the higher interest rates, the result may be that little loan money is available from financial institutions.

In keeping with that analysis, I will propose to the Congress legislation designed to strengthen and revitalize our financial institutions. These proposals may be divided into seven major areas:

(1) Interest ceilings on time and savings deposits should be removed over a 5½ year period.

(2) Expanded deposit services for consumers by federally chartered thrift institutions and banks should be allowed.

(3) Investment and lending alternatives for federally chartered thrift institutions and banks should be expanded.

(4) Federal charters for stock savings and loan institutions and mutual savings banks should be permitted.

(5) Credit unions should be provided with greater access to funds.

(6) FHA and VA interest ceilings should be removed.

(7) The tax structure of banks and thrift institutions should be modified.

These recommendations would achieve the basic reforms our financial system requires. They represent the best suggestions from many different sources—from the Presidential Commission and from business, Government, consumer and academic communities.

The first five of these recommendations are designed to provide increased competition among banks and thrift institutions. Such competition would help to eliminate the inequities now imposed upon the small saver and borrower. My recommendations, and the increased competition that would follow, should reduce the cost of the entire package of financial services for the consumer. Furthermore, the saver would be assured a fair return on his money. In addition, thrift institutions would be strengthened, so they would no longer need the Government support required in the past.

Recommendations 6 and 7, along with the other recommendations, are designed to promote adequate funds for consumer needs, including housing finance. It is clear that interest ceilings on FHA and VA mortgage loans have failed to keep costs down, as evidenced in part by the widespread use of discount "points." At the same time, these ceilings have restricted the flow of private funds into mortgage markets. I will urge that individual states follow our lead and remove similar barriers to housing finance wherever such barriers exist.

The final recommendation would substantially broaden the base of housing finance. Although the final details have yet to be worked out, active consideration is being given to the creation of an income tax credit tied to investments in housing mortgages. Such a credit would be available to all lenders and could vary in direct proportion to the percentage of invested funds held in the form of such mortgages.

These recommendations are not the only steps being taken to strengthen the housing finance market. In my State of the Union Message on Community Development of March 8, 1973, I pledged that this Administration would undertake a comprehensive evaluation of our housing policies and programs and would recommend new policies to eliminate waste and better serve the needy. An interagency task force, under the leadership of Secretary Lynn, is now completing that task, and my recommendations will be presented to the Congress in the near future.

My recommendations on restructuring financial institutions represent a coordinated approach to this challenge, and I urge that they be considered as a package. For example, removing interest ceilings will not make a positive contribution unless banks and thrift institutions can expand their deposit and lending services. Flexibility and efficiency will be enhanced by placing competing institutions on a roughly equal footing with regard to three essential considerations: deposit powers, lending powers, and tax burdens. Finally, the tax recommendation and the removal of FHA and VA interest ceilings will help ensure more adequate funds for housing. The need for reform of our financial institutions is pressing. I urge the Congress to give these proposals its prompt and favorable consideration.

RICHARD NIXON.

The WHITE HOUSE, *August 2, 1973.*

SUMMARY OF THE PRESIDENT'S RECOMMENDATIONS

Events during the latter part of the 1960's showed that U.S. financial markets are ill-equipped to deal with periods of credit restraint. As interest rates rose because of inflation, thrift institutions faced a severe profit squeeze which threatened to cut off funds for housing.

Attempts to alleviate the crisis by regulation, mainly the imposition of ceilings on the amounts financial institutions could pay for funds, failed to keep funds flowing into the institutions at previous levels.

Interest ceilings adversely affected the public directly and indirectly. In their role as savers, for whom the thrift institution was a major place at which to save, consumers were denied a market rate of return on their money. Moreover, thrifts reduced in a disproportionate manner the availability of funds to consumers and small business firms.

Less direct, but equally costly to the public, interest ceilings contributed to severe setbacks in efforts to meet our housing objectives, and helped make the Federal Reserve's attempt to combat inflation with monetary policy needlessly costly and complicated.

The time to correct those defects in our financial structure is now. Current efforts to fight inflation and preserve the value of the dollar at home and abroad require strong financial institutions. Without them, there is every reason to believe that the burdens of credit restraint will be even greater than before.

Financial institutions are to be strengthened by phasing out Regulation Q over a 5½-year period; permitting all federally chartered banks and thrift institutions to offer a full range of checking and savings accounts, and permitting federally chartered thrifts to offer consumer and real estate related loans in competition with banks. Housing finance will be strengthened by the elimination of Federal Housing Administration and Veterans Administration interest ceilings and by a tax credit to all taxpayers investing in residential mortgages.

The dual banking system will be preserved and strengthened. Federal Reserve requirements on "checking" accounts will apply only to members of the Federal Reserve and Federal Home Loan Bank systems. Federal charters will be available for stock thrift institutions and for savings banks.

Credit unions are to be strengthened by broadened asset and liability powers and by access to a new source of liquidity administered by the National Credit Union Administration.

NARRATIVE EXPLANATION: BACKGROUND OF ISSUES AND RECOMMENDATIONS: ISSUE 1—PAYMENT OF INTEREST ON DEPOSIT ACCOUNTS

Background

Prohibitions against the payment of interest on demand deposits and interest ceilings on savings accounts were initially a product of the 1930's. The popular notion at that time—since proved incorrect—was that excessive interest rate competition among banks was the cause of bank failures. Thus Congress, with the enactment of the Banking Act of 1933, prohibited banks from paying interest on demand deposits and authorized the Federal Reserve Board to regulate the rate of interest member banks may pay on savings accounts. That era was also characterized by an orientation toward the borrower, in an attempt to bring the nation out of the Depression, rather than toward the consumer/saver.

Studies of the prohibition of payment of interest on demand deposits have shown the reasons for it were ill-founded. Moreover, the prohibition has not kept bank costs from rising during tight-money periods because banks have developed other sources of funds for which they have paid market rates. Unfortunately, misconceptions about the prohibition are so widely and strongly held that removal is not feasible.

However, development of "negotiable order of withdrawal" (N.O.W.) accounts and the development of "electronic funds transfer systems" (EFTS) can be expected to blur the difference between demand and savings accounts to such an extent that the prohibition will become meaningless. N.O.W. accounts provide most of the benefits that would be derived from interest-bearing checking accounts without forcing banks to pay interest on current demand deposits. They also allow banks a means of experimenting before any move to a system where interest is explicitly paid on demand deposits.

Working with the money flow theories of the 1930's, Congress, in September 1966, turned to interest ceilings to protect the deposit holdings of thrift institutions and thus the flow of funds into mortgage markets. It enacted legislation giving the Federal Home Loan Bank Board (FHLBB) and the Federal Deposit Insurance Corporation (FDIC) authority to regulate, in conjunction with the Federal Reserve Board (FRB), interest payments made by the institutions they supervise. The three supervisory authorities then agreed to formalize the historic interest differentials paid by thrift institutions over those paid by commercial banks at about 50 basis points (reduced to 25 basis points on July 5, 1973).

Interest ceilings on savings accounts have failed to achieve their objectives. Contrary to expectations, they did not protect the liquidity of thrift institutions by preventing an outflow of funds during periods of tight money, and thus did not produce funds for the mortgage market. Large savers enjoyed many alternatives for their savings which paid the higher market rates and reacted accordingly. Faced with a loss of funds, thrift institutions cut back on their mortgage lending or borrowed from especially created agencies, which had to pay market rates for their funds, or did both. The result was significant instability in mortgage markets, and accentuated differences between the rate of return to large and small savers.

Ironically, even though the small saver received less than the large saver, the cost of funds to thrift institutions rose appreciably. Ceilings did force those who, due to their unsophistication or small savings, had only limited outlets for their savings to accept less than market rates. However, large savers who withdrew their funds had the option of acquiring debt issues of Federal Home Loan Banks at market rates. Funds raised in that manner were then relent to thrift institutions at rates which were generally above deposit rates.

Interest ceilings also hampered the implementation of restrictive monetary policy. Because depository institutions could not attract funds, large and increasing credit flows were moving outside the banking sector. The base on which the Federal Reserve operates decreased in relative terms, and its restrictive policies had to be made increasingly stringent at the same time that they became increasingly ineffective.

Formalized intrest differentials may have prevented, to some extent, a shift of deposits from thrift institutions to commercial banks. If they did, the interest differential helped to maintain the viability of thrift institutions. That does not necessarily imply, however, that the differentials will be effective in future periods of high and rising interest rates. Educated by the last two "credit crunches" and by constant advertisements about interest rates, even the less sophisticated savers will shift their funds to the highest yield if market rates greatly exceed the passbook ceilings. Such shifts began occurring in the summer of 1973.

Thus it is increasingly unlikely that interest ceilings or differentials will continue to protect thrift institutions. Additionally, large corporations, which are not subject to ceilings, have already successfully experimented with small-denomination capital debentures—e.g., savings bonds. Any corporation or governmental unit is a potential competitor for the savings dollar. Savings institutions therefore must be allowed to compete for these funds if they are to continue to provide their intermediation function.

Should "free-competition" for funds cause some institutions to make imprudent lending and investing decisions, the situation can be remedied effectively through actions of the federal and state supervisory authorities. Blanket regulation of the entire deposit industry, geared to the lowest common denominator of management competence, is neither justified nor desirable.

Recommendation

The payment of interest on demand deposits will remain prohibited for all institutions.

Regulation Q is to be phased out over a period of five and one-half years. Parity of interest ceilings between commercial banks and thrift institutions is to be achieved by raising the rate permitted banks in four annual steps commencing 18 months after enactment of the recommendations. At the same time, preparations can be made for the complete elimination of interest ceilings on time and savings account.

N.O.W. accounts are to be subject to ceiling rates so long as the ceiling system remains in force. Such ceilings are to be uniform for banks and thrift institutions and may be no higher than the maximum rate on passbook accounts.

Administrative decisions on the actual levels of ceiling rates will be made by a coordinating committee composed of the FDIC, the FHLBB, the FRB, and the Treasury Department.

ISSUE 2: EXPANDED DEPOSIT LIABILITY POWERS AND RESERVES

Background

The elimination of preferential interest rate treatment for thrift institutions will necessitate adjustments in the structure of their deposit liabilities and assets so that they will be able to compete with commercial banks and other seekers of the savings dollar. Additionally, the decreasing effectiveness of interest ceiling differentials and technological innovations that blur the traditional lines between savings accounts and demand deposits are actual developments which call for the same remedy.

In the area of deposit powers, federally insured thrift institutions are prohibited by law from offering third-party payment services (i.e. bona fide checking accounts) but they may issue non-negotiable orders of withdrawal.

For their part, commercial banks are prohibited from offering savings accounts to their corporate customers. Such accounts were prohibited by the FRB in 1936 on the theory that they represent the indirect payment of interest on demand deposits. (Section 19 of the Federal Reserve Act prohibits member banks from paying interest directly or indirectly on demand deposits.)

Those constraints upon federally insured thrift institutions and member banks can be effective only in a world where all thrift institutions operate under the same rules and where there are relatively high costs attached to shifting funds from savings accounts to demand deposits. If that ever were the case, it no longer is so. Non-federally chartered thrift institutions in Massachusetts and New Hampshire are offering negotiable order of withdrawal (N.O.W.) accounts which are tantamount to and near-perfect substitutes for interest-bearing checking accounts. Such a system is made possible by advances in computer technology which enable any institution to offer customers low-cost rapid transfers of funds from checking to savings accounts and the reverse.

It seems imprudent to try to block those innovative changes sought by the consumer. Innovative minds will always find ways around piecemeal restrictions. However, if commercial banks and thrift institutions are permitted to offer the same range of services, some suggest that they should operate subject to the same ground rules. The more important of those rules covers the holding of reserves against accounts subject to third-party payments.

Imposition of comparable deposit reserves on all banks and thrift institutions is controversial. Comparability does not exist now, and differences between the Federal Reserve and the individual states on the issue of reserves is one of the important factors keeping the dual banking system alive. Of the 509 state-chartered banks opened for business in 1970 through 1972, only 30 joined the Federal Reserve System. However, Federal Reserve member banks hold approximately 80 percent of all demand deposits. There are substantive advantages to maintaining the dual system, particularly the advantages and innovations of competitive regulation and the avoidance of overly restrictive chartering policies.

Recommendations

For federal thrift institutions, checking accounts, third party payment powers, credit cards, and N.O.W. accounts will be available to all customers, individual and corporate.

For national banks, saving accounts and N.O.W. accounts will be available to all customers, individual and corporate.

All federally chartered institutions and all state chartered institutions which are members of the Federal Reserve System or the Federal Home Loan Bank System will be required to maintain reserves against deposits in demand and N.O.W. accounts in a form and amount prescribed by the FRB after consultation with the FHLBB. State chartered savings and loan associations insured by the Federal Savings and Loan Insurance Corporation (FSLIC) need not be members of the Federal Home Loan Bank System, just as state chartered banks need not be members of the Federal Reserve System.

N.O.W. deposits will be subject to the same range of reserves as demand deposits. However, the FRB after consultation with the FHLBB may establish a different level of required reserves for N.O.W. accounts.

Required reserves for demand deposits and N.O.W. accounts will range from 1 to 22 percent. Those for savings accounts will range from 1 to 5 percent and those for time accounts will range from 1 to 10 percent.

For state chartered institutions FDIC and FSLIC statutes will be changed to permit competitive equality, if such equality is sanctioned by state law.

ISSUE 3: EXPANDED LENDING AND INVESTMENT POWERS

Background

The removal of interest ceilings and the granting of a greater range of deposit powers can be expected to alter significantly the maturity structure of thrift institutions deposits. Those changes on the liability side require flexibility for compensating adjustments on the asset side. Such compensations should look to increasing income and enhancing liquidity through portfolio diversification—objectives that can be achieved only through the acquisition of shorter term and more diversified assets, such as consumer loans. Opening up those areas to thrift institutions can be expected to create downward pressures on the cost of credit to consumers and governmental bodies.

It might be argued that such significantly liberalized lending authority may curtail the flow of funds into housing. That issue is not easily resolved, but the Administration's task force concluded that the expansion of powers, coupled with the suggested tax changes, should not adversely affect the supply of mortgage funds. It is impossible to give definitive support to that position because theoretical arguments on both sides abound. The key seems to be the extent to which: (1) thrifts will shift long-term funds into short-term (non-mortgage) assets, and (2) the extent to which that shortfall would create market inducements encouraging other institutions (e.g. commercial banks and real estate investment trusts) to fill the gap. In its study of the issue, an Administration housing study group, chaired by the Council of Economic Advisers, concluded that the former would likely be small and that the latter would operate, leaving mortgage flows unaffected.

The possibility that commercial banks may fill the gap will be enhanced if current restrictions on their real estate lending are removed, especially in light of the removal of interest ceilings on savings accounts. Furthermore, commercial banks will be confronted by thrift institutions armed with a full range of consumer finance powers and, therefore will need to be more attentive to mortgage credit demands if they are to hold their customers for other consumer business.

However, since housing has a high social priority, it seems advisable to place some restrictions on the acquisition of "non-mortgage" assets and to increase the number of ways thrifts can participate in financing construction activity. In addition, changes are also being recommended in the taxation of banks and thrift institutions to assure a steady flow of funds into housing.

Since the impact fo the proposed changes on the availability of mortgage funds is so important, a synopsis of the Administration's task force study on this matter will be found later in this booklet.

Recommendation

Federal savings and loan associations will be authorized to:

(1) make consumer loans not exceeding 10 percent of their total assets;

(2) make real estate loans under the same conditions as commercial banks;

(3) make construction loans not tied to permanent financing (i.e., interim construction financing as offered by banks);

(4) make community rehabilitation and development and mortgage loans on residential and related properties, including a participation in rental income or a share of capital gains on the sale of property, but with this leeway authority not to exceed 3 percent of their total assets;

(5) acquire high quality commercial paper and private investment-grade corporate debt securities in accordance with approved-list and other guideline procedures established by the FHLBB. Such investments are not to exceed 10 percent of total assets, with the maximum limitation to be set at 2 percent in the first year and growing to 10 percent, at the rate of 2 percent per year, over a 5-year period;

(6) utilize for consumer loans the unused portions of authorized investments in private corporate debt (commercial paper and debt securities) and leeway loans; and

(7) continue the acquisition of a full range of U.S. Government, state and municipal securities. National banks will be granted:

(1) liberalized powers with respect to real estate loans;

(2) a leeway authority, not to exceed 3 percent of total assets, for community rehabilitation and development and mortgage loans on residential and related properties, including a participation in rental income, or a share of capital gains on the sale of property.

The FRB is to be granted more flexible authority to define assets eligible for discount, and the FHLBB is to be given expanded authority to broaden the definition of collateral required for advances to savings and loan associations.

ISSUE 4: CHARTERS FOR THRIFT INSTITUTIONS

Background

The dual banking system has contributed a great deal to the more efficient operation of financial markets. It has permitted an element of competition among supervisory authorities which has been conducive to innovation and experimentation by financial institutions. In addition, it has restrained supervisory authorities from overzealously protecting existing firms by restricting entry to the field.

The dual banking system is, however, incomplete. Federal charters are not available to mutual savings banks and federal law explicitly prohibits the federal chartering of *stock* savings and loan associations. Both types of institutions have been operating in a more than satisfactory manner at the state level for a number of years. There are no obvious reasons why federal charters should not be available to them.

Recommendation

The FHLBB is to be empowered to charter stock thrift institutions, granting them powers identical to those enjoyed by mutual savings and loan institutions.

Newly empowered federally chartered thrift institutions may be called either "savings and loan associations" or "savings banks."

State chartered mutual savings banks may convert to a federal charter and be granted all of the asset and liability powers available to all federally chartered thrift institutions. In addition, they may retain their life insurance, equity investments and corporate bond investments. Equity and corporate investments may be no greater than levels determined by their average percent of assets for the 5-year period January 1, 1968 through December 31, 1972.

State chartered mutual thrift institutions which convert to a federal charter will be insured by the FSLIC, even if they had been insured by the FDIC.

ISSUE 5: CREDIT UNIONS

Background

Credit unions represent a small but rapidly expanding portion of the nation's financial system. At the end of 1972, there were about 23,200 credit unions holding total assets of more than $24.8 billion. That represents only a 4.4 percent increase in the number of firms since 1965, but a 134.6 percent increase in their assets over the same period.

Because of their cooperative form of ownership credit unions enjoy, by law, many advantages not accorded other depository institutions, but must satisfy special conditions to keep those advantages.

Their principal advantage is exemption from income taxes, while the main constraint on their operations is inability to offer services to non-members. Membership is limited to those who share a "common bond of association."

That constraint does not impinge upon the operations of the vast majority of credit unions. Although there are credit unions that would prefer to offer the services of "mutual savings institutions," such an extension of powers would leave them indistinguishable from taxable institutions and their tax-free status could not be justified.

Credit unions deposit in and borrow from commercial banks. However, there is the possibility that in times of severe credit restraint, a credit union may face an emergency, such as a plant closing, and be unable to acquire short-term funds from the banking system. A totally-credit-union-financed "Emergency Fund" might be one method to solve this problem.

Recommendation

A Central Discount Fund will be established for insured (federal or state) credit unions solely to provide funds to meet emergency, temporary liquidity problems. Capital for the fund will be obtained through subscriptions by credit unions wishing to join. The Fund is to be administered by the National Credit Union Administration.

Additionally, there will be some minor liberalization of existing credit union powers. Credit unions will retain their tax-exempt status as long as they remain within the bounds of the existing tax law.

Credit unions that want to expand their services and assume the burdens of full service mutual thrift institutions will be permitted to do so. Procedures to facilitate an exchange of charters will be available.

ISSUE 6: FHA AND VA INTEREST CEILINGS

Background

One of many federal attempts to keep the cost of housing funds low is the administrative interest ceiling placed upon Federal Housing Administration-insured and Veterans' Administration-guaranteed mortgage loans. Those attempts have by and large failed, as is evidenced by the widespread use of "points," and the move by the Federal National Mortgage Association in 1968 to a "free market system" for buying and selling mortgages. If administrative rates have kept costs down, it has been at the expense of fewer funds available for housing.

Recommendation

The FHA and VA interest ceiling will be removed.

ISSUE 7: TAXES

Background

In light of the expanded powers to be granted thrift institutions and the overall goal of reducing the degree of functional specialization among financial institutions the basic objective of the tax proposals is a uniform tax formula for all financial institutions. A "tax neutrality" is sought, by providing that a given investment or activity will be subject to the same income tax provisions regardless of the functional type of financial institution making the investment or engaging in the activity.

However, differences in tax treatment, and thus overall tax burden and effective rates of taxation among financial institutions, will continue to exist. Those differences will result from three factors: (1) the form of the institution, i.e., mutual bank versus capital stock corporation; (2) federal and state regulation which will grant certain types of institutions the power to make certain investments and engage in certain activities that are denied to other institutions; and (3) the extent to which an individual institution uses the powers granted to it.

The principal difference between existing income tax provisions applicable to commercial banks and savings institutions is in the area of deductions for additions to a reserve for losses on loans (Internal Revenue Code sections 593 and 585). Those provisions must be changed if there is to be a uniform tax formula. Furthermore, if changes are made in that area, conforming amendments will have to be made to a number of other provisions of the Internal Revenue Code which currently reflect the differences of existing law. Those other changes are technical in nature and do not involve policy considerations. Therefore, the recommendations which follow deal only with the provisions affecting deductions for additions to a reserve for losses on loans.

If the current subsidy being provided thrift institutions through the special bad debt reserve provisions is eliminated, a continued incentive to insure a flow of capital into the residential mortgage market may be provided through a mortgage interest tax credit. Such a credit would be equal to a percentage of the interest income earned on residential mortgages and would operate as a direct incentive in place of the indirect incentive currently being provided through provisions for loan losses. In addition, the mortgage tax credit could be used to compensate thrift institutions for the loss of tax benefit resulting from elimination of the special bad debt reserve deduction.

Recommendation

The special reserve provisions applicable to thrift institutions will be eliminated and all thrift institutions will compute reserve additions under an experience method similar to the one applicable to commercial banks.

Thrift institutions will be compensated for the tax benefit being eliminated by means of a new tax credit equal to a percentage of the interest earned from residential mortgages and other qualifying loans. The credit will be made available to all taxpayers and will serve as an incentive to attract capital into the residential mortgage market.

The size of the credit has not yet been decided, but it will be calculated so as to give thrift institutions full compensation for the tax benefit they would have received in the aggregate (based on projections for a future year) through deductions for additions to a reserve for losses on loans. To induce thrift institutions to continue their high level of investment in residential mortgages (to be eligible for the special bad debt reserve deduction they currently must invest 60 percent of their assets in qualifying real property loans and must invest 82 percent of their assets in such loans to receive the maximum tax benefit) and provide an incentive to other lenders to increase their level of investment in residential mortgages, the credit will be multi-level. For example, one rate might apply to those lenders who invest more than 70 percent of their assets in residential mortgages, a lower rate might apply to those lenders investing more than 50 percent of their assets in residential mortgages and still lower rates might be set for all other lenders. The specific rates and the investment levels have yet to be determined.

MBFR NEGOTIATIONS AND HUNGARY

Mr. WILLIAMS. Mr. President, recent diplomatic negotiations seem to have significantly contributed to the prospects for a détente and the development of a stable and vigorous system of peaceful relations between our Nation and the U.S.S.R.

The cause of international peace is furthered by the successful consummation of bilateral and multilateral agreements which serve the mutual, as well as individual, interests of the concerned parties. We, and our NATO allies are presently engaged in important negotiations with Warsaw Pact nations, regarding mutual and balanced force reductions in Europe. These negotiations are of the most vital interest to our Nation not only because of the deleterious impact that the maintenance costs of our European troop commitments has on our deteriorating balance of payments and the very questionable utility of having 313,000 American troops in Europe 28 years after the war, but also because the military balance in Europe remains precarious.

It is anticipated that our negotiators will conclude a number of agreements which will serve to allow our Nation to reduce our forces in Europe commensurate with proportionate Soviet reductions in East Central Europe. In this regard, it is of the utmost importance that the United States insist that the withdrawals of both armaments and troops be based entirely on a principle of equality.

Mr. President, it is because of the importance of equality, in this matter, that both American and European experts were deeply disturbed by the compromise reached in May, at the preliminary MBFR talks in Vienna, which excluded Hungary from full participation at the conference and, thereby, eliminated her territory and the 40,000 Soviet troops located there from the agenda of projected withdrawals and reductions. Fortunately, the compromise may be renegotiated at an upcoming conference in October.

At this point, we do not know how successful such an effort would be. We must recognize, however, that the omission of Hungarian territory and Soviet forces stationed there from the constraints and reductions under any MBFR agreement would give the Soviet Union tangible military advantages in Central Europe. Hungary could, potentially, become a massive depot and staging area for the Red army. Unchecked Soviet presence in Hungary would also increase tensions in Yugoslavia where some unrest, if not political crisis, is expected should President Tito leave office in the next few years.

Mr. President, 16 Members of the other body, led by my colleague from New Jersey, Mr. PATTEN, discussed the situation and requested that the administration express, through the appropriate diplomatic channels, the sentiments of this Nation that Hungary should be reinstated as a full participant in the negotiations and consequently, be subject to any agreement concluded pursuant to them. A similar request was made of the President by Bishop Zoltan Beky, D.D., on behalf of the American Hungarian Federation. Bishop Beky has lived in my State for 35 years as minister, dean, and bishop in Trenton. He is a man of great insight into and concern for his community here and for the land of his forebearers in Hungary.

Therefore, I am urging the administration to take diplomatic initiatives to insure that Hungary will be subject to any agreement which is reached in the MBFR negotiations. Not only will this increase the prospects for continued peace in Europe, but it will also support the hopes of the people of Hungary for a peaceful evolution toward self-determination and political freedom.

IN SUPPORT OF THE MINIMUM WAGE CONFERENCE REPORT

Mr. DOMENICI. Mr. President, several days ago I voted against S. 1861, the bill sponsored by Senators WILLIAMS and JAVITS to increase the minimum wage. I did not support that original bill for several reasons, but primarily out of my deep concern for our Nation's young people and small businessmen.

However, since that time the compromise measure agreed to by the House and Senate conferees contains significant changes and revisions which prompted my support yesterday.

Mr. President, I have always thought that there are real difficulties in the present minimum wage rate which "rewards" a worker supporting a family of four by providing for an income substantially below the nationally defined poverty level. How could we entice citizens to work at all when the legal floor on compensation, the "reward," if you will, is so minimal? Such is the case with the present law. In these days of shocking price increases, this law is simply out of date. However, I did feel that certain provisions of the original bill needed to be modified in order that a new law would not adversely affect other segments of our population.

For example, prior to voting on the original Senate bill, I communicated with financial directors and other administrative officials representing almost every university and college in New Mexico. The consensus of their remarks centered on a genuine concern that learning institutions would be unable to hire their own students at the full minimum wage rate unless they reduced the number presently employed. In addition, the vocational student, often hired on a part-time basis in order to learn a vocation on the job as well as in the classroom, would be less likely to find training situations if employers had to pay the same salary as to a seasoned and trained employee. I shared the concerns expressed by these institutions. Accordingly, I was particularly pleased to note that the conference bill provides that full-time students can be hired at 85 percent of the minimum wage rate when working 20 hours or less per week. I am sure we all can understand the logic in this thinking inasmuch as a student gives his first priority attention to his studies with the full responsibilities assumed by employers and other full-time employees.

Along these same lines, another compromise provision would allow retail businesses to hire up to four students without prior certification from the Secretary of Labor. This provision would, I feel, help insure possible work for the full-time student.

Another group of people who would have been adversely affected by the original bill were the Nation's small businessmen. If this bill had passed unrevised all employers would have had to pay the full $2 an hour with the rate going up $2.20 an hour by July 1974. That represents a 40-percent increase in labor costs in less than 12 months. Few small businessmen could sustain that large an increase in that small amount of time. The compromise bill seeks to make the necessary increases over a longer period of time—thus insuring respectable salaries to workers at a rate the smaller businesses could reasonably absorb.

These changes are only a few that were made in the original bill. Others were made keeping in mind specific concerns of those in agriculture, hospitals, and domestic service.

Although the conference bill still has many imperfections, I felt it was closer to the proper objectives we should be determining—a fair wage rate for all our working people, but not to the detriment of other large segments of our society.

GASOLINE SHORTAGE

Mr. FULBRIGHT. Mr. President, Mr. Charles Murphy, one of the outstanding leaders of the petroleum industry in our country, recently made a perceptive statement regarding the present situation.

I ask unanimous consent the report of that speech in the Jonesboro Sun of July 24, be inserted in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

No Gas Shortage, Absence of Surplus Only Says Murphy

"For the first time since 1937, our inventories actually showed an increase over the previous month," stated Charles Murphy, chairman of the board of Murphy Oil Corp., of El Dorado yesterday.

"We're not really having a gas shortage in the U.S., but rather there is an absence of surplus."

Murphy was addressing the Economic Education Workshop for Teachers now in progress at ASU. He admitted that to call the situation an absence of surplus may be fencing with words, but he felt that people were misinformed about the gasoline situation.

"We don't have a crisis, but we do have a serious problem," he said. "We drifted into it for a long time, and now we'll be a long time drifting out."

He said that the amount of oil supplies known today will last until 1985. Right now, he said, there are supply bottlenecks, such as limited refining capacities.

The warnings this past spring about an impending gas shortage, along with some stations actually closing, had some effect by decreasing the number of long vacationers and making many people more conservative with gas. This is what he said caused the increase in inventories in June.

"This is evidence that economics did its work," Murphy told the group. "Now, if the market were allowed to allocate gas, and the price is allowed to rise, it would level off quickly."

He was referring to the economic law of supply and demand, implying that if the supply was short, and the oil companies raised the price, that demand for the higher priced gasoline would decrease. With less demand, supplies would build up, bringing prices down again. Gradually this would stabilize.

Murphy did emphasize that it was important that the oil companies do the allocations, and not the government. He said he had testified before congressional committees, saying that oil producers did not want government allocations, but rather could make necessary allocations themselves. Nevertheless Murphy predicted President Nixon would institute some sort of allocation system by autumn.

He said the closing down of independent stations was no indication of a gas shortage, but once again attributed this to the absence of surplus. The independents, he explained, choose not to invest in refineries and development, and have been selling surplus from the major companies. Murphy Oil is 23rd on the government's list of 23 major oil companies.

"Many people have accused us of creating a false shortage," he said. "But if we could have done it, we would have done it a long time ago. It's not true."

Murphy spoke of other sources of energy for the nation, mentioning the Alaskan pipeline, the controversial oil pipeline proposed to stretch 789 miles from the oil-rich North Slope to the port of Valdez across frozen tundra. Clearance for construction of the line has passed the Senate, and is now in House committees.

"Murphy Oil owns none of the North Slope oil fields. It would actually be better for us," he laughed, "if it were not completed. But in all honesty, I've inspected that land along with the environmentalists. Their concern is two seismic (subject to earthquake) belts across the path of the line. Many people are concerned that if a line was broken in an earthquake, the country would be flooded with oil. Valves and pumping station would prevent such a problem by sensing a lowering of pressure, and the whole line would stop flowing until the trouble was checked."

He said that if a break occurred, it would doubtless be a mess, but not beyond cleaning up. He recognized the fragile ecology of the region, but said that even in view of the dangers, "The cost is still a quite acceptable one to pay."

He also said that oil from shale was too expensive to recover now, but if prices on presently available oil went up enough, that research and development of the shale oil would be worth it, for shale could produce millions of barrels of oil.

ALASKA NATIVE LAND CLAIMS

Mr. STEVENS. Mr. President, the Department of the Interior has issued a press release regarding the August 15 deadline for filing amended enrollment information under the Alaska Native Land Claims. I request unanimous consent that the release be printed in its entirety in the Record.

There being no objection, the release was ordered to be printed in the Record, as follows:

August 15 Deadline Set for Filing of Amended Enrollment Under Alaska Native Claims Settlement Act

The Department of the Interior announced today that amendments by Alaska Natives to enrollment applications filed under the Alaska Native Claims Settlement Act will be considered on appeal if received by the Enrollment Coordinator in Anchorage, Alaska, by August 15, 1973.

The action was taken by the Department to assist Alaska Natives, particularly those who are permanent non-residents of Alaska, in their attempts to amend their applications to reflect their correct permanent place of residence for enrollment purposes. The Regional Corporation with which they will be affiliated is determined by residence.

The Act provided for the establishment of Regional Corporations representing Natives in 12 geographical regions of Alaska. It also provided that if a majority of all eligible Natives eighteen years or older who are not permanent residents of Alaska elect to be enrolled in a thirteenth region for Natives who are non-residents of Alaska, the Secretary shall establish such a region.

As many as 10,000 persons may appeal from rejection of their original enrollment applications. Hundreds of other appeals may be taken from denials of requested changes in place of residence. The regulations governing enrollment issued by the Department set a final date for filing enrollment applications of March 30, 1973. The regulations did not provide for the filing of amended applications.

However, such amendments received through May 9, 1973, were processed. After May 9, the applications to amend were rejected as untimely filed and the applicants advised of their rights of appeal.

The Department said that the enrollment coordinator is now completing the encoding of the determinations of eligibility or ineligibility of the last of the more than 95,000 applications received. Those whose amended applications are denied or rejected may file appeals, if they so desire and the appeals will be considered if the amended applications were filed by August 15.

In a notice being published in the Federal Register this week, the time for filing appeals, including appeals from rejections of amended applications, is being changed from 45 days to 30 days. This change is necessary, the Department said, to assure there will be sufficient time to decide all appeals in time to complete the roll of Alaska Natives by the deadline of December 18, 1973, imposed by the Alaska Native Claims Settlement Act.

The notice also provides that applicants, regions, and villages served with notices of appeal shall have 15 days from the date of service to file with the Regional Solicitor their written views on the appeal.

A group of Alaska Natives, who are now living outside Alaska, primarily in the Pacific Northwest area, have made efforts to have such non-resident Natives support the formation of a thirteenth Regional Corporation to represent them.

Regulations for enrollment provide that those non-residents who did not elect enrollment in a thirteenth region if one is formed, must be enrolled in an Alaska region, and all non-residents must be enrolled in an Alaska region unless a thirteenth region is created.

The indications of the non-resident Natives as to whether they desire to be enrolled in a thirteenth region or in an Alaska region are being encoded and computerized but it is not expected that a determination of whether a majority vote to establish a thirteenth region will be made before November, 1973.

The Department said today that the Anchorage Regional Solicitor will act for the Secretary on all appeals from adverse decisions of the enrollment coordinator.

In a letter to Senator Henry M. Jackson, chairman of the Senate Committee on Interior and Insular Affairs, and to Rep. Lloyd Meeds, chairman of the Indian Affairs Subcommittee of House Interior and Insular Affairs Committee, Secretary of the Interior Rogers C. B. Morton said: "We believe that honest mistakes and errors in the enrollment applications can be corrected through the use of the appeals procedure.

"We recognize that many Alaska Natives had some difficulty in following the enrollment instructions, and we are sympathetic to their desire to rectify any errors that may have resulted.

"In order to assist them, we are asking all Bureau of Indian Affairs offices, in and outside Alaska, to render technical assistance in the preparation of appeals from denials or rejections of amended enrollment applications or amendments to enrollment applications. Appropriate letters to this effect will be sent all known organizations of Alaska Natives throughout the United States."

Secretary Morton said he was assured that the Regional Solicitor will fairly and judiciously decide the appeals on their merits "Where applicants represent that because of error in law or in fact they reported on the application the wrong permanent place of residence, the necessary corrections can be made," he said.

"For example, if an applicant originally stated that his permanent place of residence on April 1, 1970, was some place in Alaska when in actuality it was some place outside Alaska, his enrollment record may be corrected and he may be allowed to state his election to be enrolled in a thirteenth region of Natives who are non-residents of Alaska if such region is established pursuant to Section 7(c) of the Act.

"On the other hand, if he had erroneously stated that he was a nonresident of Alaska, his record may be corrected to reflect his true residence in Alaska and any previous thirteenth region election would be canceled."

The Native Claims Act of December 18, 1971, provides for settlement of awards totaling $962.5 million and 40 million acres of land. It is expected that the first payments under the Act after the completion of the enrollment in December will amount to about $130 million, which will go in the first instance to the Regional Corporations.

The notice of the deadline for amending enrollment applications, as being published in the Federal Register, states: "Amendments to enrollment applications, or amended applications, will not be considered originally or on appeal unless filed (received by the Enrollment Office) on or before August 15, 1973. All such amendments or amended applications received subsequent to August 15, 1973, will be returned to the applicant without action."

The notice also states: "Upon receipt of the appeal petition, the Coordinator will forward the petition, with all records pertaining thereto, to the Regional Solicitor. Determination on appeals will be made by the Regional Solicitor on behalf of the Secretary and shall be final. The applicant and the appropriate village and region shall be notified in writing of the determination of the Regional Solicitor."

Amendments to enrollment applications should be addressed to the Enrollment Coordinating Office, Kaloa Building, 16th & C Streets, Pouch 7-1971, Anchorage, Alaska 99501.

HUMPHREY URGES CREATION OF A U.S. FIRE ADMINISTRATION

Mr. HUMPHREY. Mr. President, several month ago the distinguished chairman of the Commerce Committee, and its ranking minority member, introduced very important legislation entitled the "Fire Prevention and Control Act of 1973." This legislation, of which I am a cosponsor, is based on recommendations made by the National Commission on Fire Prevention and Control after 2 years of exhaustive study of the Nation's fire problems.

The legislation calls for the establishment of a U.S. Fire Administration within the Department of Housing and Urban Development.

This Administration would assist State and local governments in reducing the incidence of death, personal injury, and property damage from fire, and would increase the effectiveness and coordination of fire prevention and control agencies at all levels of government. To carry out these functions, the Administration would establish four major divisions: A National Fire Academy, to provide special training for firefighters; a National Fire Data System, to help collect in one place all useful fire data, including death and injury statistics, property loss information, information concerning causes, locations and numbers of fires; a Research and Development Division to develop new methods and technologies in fire prevention and control; and a State and Local Programs Division to provide grants to States and local governments so they can adopt comprehensive master plans for fire protection.

Mr. President, this is good, sound legislation which, if enacted, would go a long way toward solving our very grave problems in regard to fire protection and control. At the present time the United States, the richest and most technologically advanced nation in the world, leads all the major industrialized countries in per capita deaths and property loss from fire. Each year 12,000 Americans are killed in fires. Each year 300,000 are injured. Each year the cost of destructive fire in the United States amounts to at least $11.4 billion, and that is a conservative estimate. Beyond calculation are the losses from businesses that must close and from jobs interrupted or destroyed.

Clearly, a major national effort is required to reduce the tragic loss of life and property resulting from fires. The Magnuson-Cotton bill, S. 1769, to establish a U.S. Fire Administration, would go a long way toward achieving this end. I want to commend both gentlemen for introducing such legislation and moving it forward. I am informed that hearings on this bill are planned for late September, and I certainly hope that the committee will report the bill shortly thereafter.

Mr. President, on June 9 I had the pleasure of addressing the annual meeting of Minnesota Fire Department Chiefs. My remarks at that time dealt in some detail with the recommendations made by the National Commission on Fire Prevention and Control, which serve as the basis for the Magnuson-Cotton legislation. For this reason I ask unanimous consent that my remarks be printed in the Record, along with a relevant article which appeared in the Washington Post on July 29.

There being no objection, the material was ordered to be printed in the Record, as follows:

Facts About the Scope of the Nation's Fire Problem

(By Senator Hubert H. Humphrey)

Fire is a major national problem. While I am talking to you there is a statistical likelihood that more than 300 destructive fires will rage somewhere in this nation.

When they are extinguished, more than $300,000 worth of property will have been ruined. At least one person will have died. Thirty-four will be injured, some crippled or disfigured for life.

Each year, fire claims nearly 12,000 lives in the United States.

Each year 300,000 Americans are injured by fire. Of these, nearly 50,000 lie in hospitals for a period ranging from 6 weeks to 2 years. Many of them must return over and over again for plastic and reconstructive surgery. Many never resume normal lives.

The cost of destructive fire in the United States amounts to at least $11.4 billion a year. And that's a conservative estimate. Beyond calculation are the losses from businesses that must close and from jobs interrupted or destroyed.

Appallingly, the richest and most technologically advanced nation in the world leads all the major industrialized countries in per capita deaths and property loss from fire.

Among the people that suffer most from all of this are you, the nation's firefighters. Yours is the most hazardous profession of all. Your death rate is 15 percent greater than the next most dangerous occupations, mining and quarrying. In 1971, the injury rate for firefighters was 39.6 per 100 men—far higher than that of any other profession.

America's poor fire record, and its failure to marshal enough scientific and monetary resources to improve the record, concerns not only you—you who work in the field of fire protection. It also concerns us in the government, in private industry, and every American who takes the time to think about it.

GOVERNMENT ACTION TO SOLVE THE PROBLEM

Recognizing the seriousness of the fire problem, Congress in 1968 passed the Fire Research and Safety Act, which established the National Commission on Fire Prevention and Control.

In the last two years the Commission has been hard at work on a report to the President detailing the most significant fire safety problems in the United States today, and the greatest opportunity for fire loss reduction.

The report has just been published, and I have a copy of it with me today.

I have read the report with great interest, and now I wish to pass on to you the Commission's recommendations, which, by the way, were not made lightly.

In pursuit of answers to the fire problem, the Commission held hearings over a two-year period in five widely scattered cities; heard testimony from more than 100 witnesses; and spent countless hours learning and deliberating in both formal and informal sessions.

RECOMMENDATIONS OF THE COMMISSION

There needs to be more emphasis on fire prevention; most destructive fires are caused by careless actions of people, largely through lack of concern and ignorance. Many fires are caused by faulty equipment, poor wiring, etc. and could be prevented if people were trained to spot the faults.

Fire fighters need better training and education to improve their effectiveness and to reduce their injuries.

The environment in which we Americans live and work presents unnecessary fire hazards. A major emphasis should be placed on a labeling system for materials and products, so that consumers, at the time of purchase, know what fire risks are involved.

The fire protection features of buildings need to be improved.

Many communities are without adequate building and fire prevention codes, and many nursing homes and other facilities for handicapped citizens are without adequate fire protection.

More research needs to be done in treatment of burn and smoke victims, in the art of firefighting and in protecting the consumer from combustion hazards.

IMPLEMENTATION OF THESE RECOMMENDATIONS

The Commission feels strongly that fire prevention and control should remain primarily local responsibilities. Local governments—through codes and fire safety laws, and through heavy investments in fire department personnel and equipment—have shouldered the major burden of protecting citizens from fire and should continue to do so.

Those governments appreciate special local conditions and needs more fully than an arm of the federal government would be able to do.

Nevertheless, the Commission strongly recommends that the federal government should be responsible for viewing the nation's fire problem in its entirety.

To achieve this, the Commission recommended that a United States Fire Administration be set up in the Department of Housing and Urban Development.

Right now, many agencies of the federal government are involved in some ways in fire prevention and control. For example:

Burn and smoke research is being conducted by the National Institutes of Health;

Rural fire protection comes under the Department of Agriculture;

Funds for emergency medical training and purchase of ambulance equipment comes under the Department of Transportation;

Funds for the building of firehouses is supplied by the Department of Housing and Urban Development;

Purchasing of second-hand equipment at a discount is supplied by the General Services Administration;,

Surplus government property is made available to local firefighting programs through the Department of Health, Education, and Welfare.

The proposed United States Fire Administration would not replace the government's ongoing programs of research and action, but it would supplement and reinforce them.

To carry out its functions, the United States Fire Administration would establish four major divisions.

A National Fire Academy—to provide a focus for the nation's firefighters. The Academy would not supplant state and local programs but would assist them by providing course materials, by accrediting local programs and by lending special instructors. In general, state and local programs would continue to train fire fighters, and the Academy's own specialized courses would provide high-level management education for fire officers.

A National Fire Data System—to help collect in one place all useful fire data, including death and injury statistics, property loss information, information concerning causes, locations and numbers of fires.

A State and Local Programs Division—to provide grants to states and local governments so they can adopt comprehensive Master Plans for Fire Protection. This division would also provide grants to states and local governments to strengthen all existing fire prevention and control programs, including public education programs, recruitment, education and training of personnel and for the purpose of buying fire fighting equipment.

A Research and Development Division—to develop new methods and technologies in fire prevention and control. For example, the Commission feels strongly that many lives could be saved if homes were equipped with early-warning fire detectors and alarms.

COST OF PROGRAM

The Commission estimates that when this program is in full operation it will cost $150 million a year. Far less than the 11 billion dollar loss sustained by the cost of destructive fire in the United States.

LEGISLATIVE STEPS TO IMPLEMENT PROPOSALS MADE BY THE NATIONAL COMMISSION ON FIRE PREVENTION AND CONTROL

Senator Magnuson of Washington has introduced a bill to enact the Commission's recommendations into law. I am a cosponsor of that bill. A companion bill has been introduced in the House by Congressman Wright Patman of Texas. The House will begin holding hearings on this legislation within the next few weeks. The Senate hopes to hold hearings later on in this session of Congress. There is a great deal of bipartisan interest in this legislation.

In addition to cosponsoring this legislation, I have introduced a bill, S. 294, to make the assault on or the murder of a state or local policeman, *fireman*, or prison guard a federal offense.

This legislation is pending before the Senate Judiciary Committee, and I am hoping for early action on it.

My reasons for this bill: People like yourselves, public safety personnel, put your lives on the line for the rest of us every day of the year. I think it is up to Congress now to assure you that your safety is protected. We can never have a just society when men charged with safeguarding the public welfare—policemen and firemen, live in constant danger of physical attack. During the first month of 1972, for example, 44 firemen were slain in the line of duty.

I also have introduced legislation to provide for widows and families of police and firemen killed in line of duty.

SPECIFIC EFFORTS TO HELP FIREFIGHTERS IN RURAL AREAS

In addition to the above-mentioned measure to help firefighters, I have been in the forefront of efforts to enact legislation to specifically help firefighters in rural areas.

Fatalities in rural fires are 11 times greater than in urban fires. The value of farm property destroyed is 6 times greater than losses of urban property.

Last year, on December 12th and 13th, I participated in a conference in Moorhead, Minnesota to discuss rural fire prevention. The interest in this subject was great.

Minnesota has done a great deal to assess its rural fire protection needs and develop guidelines for bettering its systems. The State Advisory Council on Fire Service Education and Research has been most helpful.

Under Title IV of the Rural Development Act of 1972, a Rural Community Fire Protection Program was established. The money appropriated was $7 million for each fiscal year 1973, 1974 and 1975. However, President Nixon cut out funds for this program in his budget requests this year.

This is a tragedy. Many people in rural areas who were expecting some financial assistance in developing their fire fighting programs will not be getting it.

The Act called for assistance in organizing, training and equipping local fire protection forces. The assistance was both technical and financial, with the federal government assuming up to 50% of the costs. Full and continued funding of the fire protection provisions of the Rural Development Act, is in my judgment, and in the judgment of the National Commission on Fire Prevention and Control, essential.

CONCLUSION

I am proud of all of you. I want to praise you for your work. Even with all the advances of modern technology, the risks to firemen have not been markedly diminished.

There still comes a moment when you, the firefighter, must turn away the lashing tongues of fire. The struggle is there and it's a heroic one. I want to commend you.

PANEL URGES CREATION OF U.S. FIRE AGENCY

(By Ted Frederickson)

Fire takes 12,000 lives, disfigures 300,000 people, and destroys $11.4 billion in property each year in the United States—a problem met with striking indifference by most Americans.

That conclusion is at the heart of a 177-page report compiled by the National Commission on Fire Prevention and Control, which has recommended the creation of a U.S. Fire Administration to lead a coordinated attack on what the commission has called a major national problem.

The report, entitled "America Burning," was commissioned in the Fire Research and Safety Act of 1968 and compiled by the little-publicized, 20-member commission over a two-year period ending with the 1973 fiscal year last week. Although it has been transmitted to both Congress and the President, commission members are still hoping to discuss their recommendations with Mr. Nixon.

Most of the commission's 90 recommendations are embodied in a bill introduced in the Senate in May by Sen. Warren Magnuson (D-Wash.) and in the House by Rep. Wright Patman (D-Tex.). A staff member of the Senate Commerce Committee said hearings on the bill are planned for this fall—probably September or October.

The staff aide said he anticipated little opposition to the bill in the Commerce Committee because it is cosponsored by Magnuson, the chairman, and Sen. Norris Cotton (N.H.), the ranking Republican member.

Fire, says the commission's report, is a major national problem. "Appallingly," says the report, "the richest and most technologically advanced nation in the world leads all the major industrialized countries in per capita deaths and property loss from fire."

One commission member, Dr. Anne W. Phillips, a burn specialist at Massachusetts General Hospital, pointed out in a minority report that U.S. fire deaths (143,550) greatly exceeded U.S. battle deaths (45,925) during the period of the Vietnam war.

After gathering information and conducting hearings in Washington, Chicago, Los Angeles, and San Francisco, the commission said, "It became clear that a deeper federal involvement was needed to help repair the omissions and help overcome the indifference of Americans to fire safety."

The commission called for the establishment of a U.S. Fire Administration within the Department of Housing and Urban Development to assist state and local governments in increasing the effectiveness and coordination of fire prevention and control.

In conjunction with the new agency, the commission recommended:

A national fire academy to help state and local jurisdictions in training and planning for fire protection and education programs.

A national fire data system to collect in one place all useful fire data, including death and injury statistics, property loss information, and data concerning causes, locations and numbers of fires.

A research and development unit to provide for and encourage new fire-preventing and fire-fighting technology, and to act as a central source of research information.

Grants to local governments to prepare and adopt appropriate master plans for fire protection.

Other key points in the commission's 90 recommendations called for:

Legislation to increase the number of burn treatment units in the United States from 12 to 25; increased training for burn specialists and more research into burn treatment.

An increased emphasis on prevention of fires, making it at least equal to fire suppression as a priority.

A high priority for identifying combustion hazards in materials by the Consumer Product Safety Commission.

Adequate building and fire prevention codes in all municipalities, and strict enforcement.

Action by individual homeowners to prevent fire deaths, injuries and losses, by providing exit drills and early warning devices.

Adoption of strict codes requiring specific construction features, exit facilities, fire detection systems and sprinkler devices for institutions caring for the young and the elderly.

Richard E. Bland is an associate professor of engineering research at Pennsylvania State University, a volunteer fireman for the last 30 years and the chairman of the commission. He says the message of the commission report is simple and frightening.

"As we have more people, we have more fuels, we have more power, we have more hazards. Death and destruction from fire are extensive now, and we can expect the death toll and property loss to increase unless action is taken—now."

Why a federal agency? "Well, I don't particularly like the idea of creating still more bureaucracy," said Bland, "but the fire problem is a basic one. All fires are the same natural process, and we need a central place where we can bring it all together.

"There's a real tendency to be provincial in matters of fire, and we feel that a federal agency could cut across boundaries and improve fire prevention and fire suppression everywhere," he said.

"It would not be like a regulatory agency," said Bland. "Rather, it would allow states and cities to run their own fire programs, but would use the leverage of grant-making to encourage master planning."

In her minority report, Dr. Phillips opposes the creation of a federal agency, arguing that the agencies that already have responsibilities in fire prevention and control (primarily the Bureau of Standards in the Department of Commerce) could do the job if beefed up.

Her concern is that something has to be done now, and that lives would be needlessly lost during the time it would take to set up the new machinery.

Dr. Phillips also argues for a smaller overall budget, but more money for educational programs on fire prevention and control, particularly among the young.

"I appreciate her arguments," says Bland, "especially in regard to the young. But the majority felt the fire problem to be primarily a people problem—about 75 per cent people and 25 per cent technological—and we believed the fire program should not be in a hardware-oriented agency like the Bureau of Standards."

"That's why we advocated that the Fire Administration be established in HUD; we felt we could have more impact in the housing area, since about 80 per cent of fire deaths occur in one- and two-family dwellings."

Bland is a firm believer in fire prevention, but says he is not obstinate about it: "I'm not the kind of person who demands 100 per cent safety. But if we can cut fire losses in half, why not do it? If we got a 60 per cent cure for cancer, it would be treated as a big deal, and it is. A similar reduction in fire deaths is probably within our grasp, but we won't do it."

"For example, there's no good reason why buildings over three stories with over 10,000 square feet of floor space should not have a sprinkler system," he said.

The commission report predicts that if its recommendations were carried out, fire losses would be reduced about five per cent each year until losses were halved in 14 years.

People, said Bland, could do much for themselves in reducing fire losses and deaths. His recommendations to them, in order of priority, would be:

"Get an early warning device to detect the products of combustion, such as smoke and heat. They're not that expensive; I saw one in the Sears and Roebuck catalog for only about $45."

"Develop a plan for escaping in the event of fire, and practice it with all members of the family. Being conscious of the danger is important."

"Get a sprinkler system if you can afford it. Since they've started using plastic pipe, they are not as expensive as they once were."

"Have a fire extinguisher in the house. Most big fires start as small fires and could easily be put out with a 5- or 10-gallon extinguisher. I'll never forget seeing a farmer standing next to his barn, which was burning out of control. 'If only I had a fire extinguisher,' he told me, 'I could have put it out easily.' "

FORMER SENATOR JOHN WILLIAMS SUGGESTED TO SERVE ON AD HOC COMMITTEE TO REVIEW PRESIDENTIAL TAPES

Mr. ROTH. Mr. President, I think it is becoming increasingly apparent that the investigation of the Watergate affair has reached a point of stalemate between the Senate Investigating Committee, and our Chief Executive. The matter has come to a head over the disclosure or nondisclosure of certain tape recordings of conversations at the White House. These celluloid reels have become the bone of contention that threatens a veritable constitutional crisis in our Government.

Last fall, I suggested that former Delaware Senator John Williams be named to head the investigation of Watergate and the events surrounding the last June 17 break-in. I was joined in my suggestion by several respected colleagues who also felt Senator Williams' integrity to be beyond reproach. The select committee has been doing a commendable job of fact-searching, and has brought much valuable information to light. Now, however, they are faced with a seemingly insurmountable problem; and, once again, the name of Senator John Williams has come up as a possible solution.

In a recent issue of the Wilmington Morning News, there appeared a "modest proposal for the President" by James J. Kilpatrick, a Washington Star-News syndicated columnist, which recommended an ad hoc committee of Presidentially appointed trustees be allowed to review the tapes, edit, or censor where they feel necessary, and offer a public accounting of their findings. Among those held in high public esteem and suggested by Mr. Kilpatrick is former Senator John Williams. The Delmarva News expressed similar views in a July 26 editorial viewpoint. I ask unanimous consent that both these articles be printed in the Record for the benefit of my colleagues.

Such an apolitical, independent group of trustees is an idea with merit, and worthy, I think, of consideration by those facing the current stalemate.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Wilmington Morning News]

A Modest Proposal for the President

(By James J. Kilpatrick)

Richard Nixon has painted himself into a corner on these matters of "executive privilege" and "separation of powers." A way has to be found for him to paint himself back out.

This is not merely for the good of Mr. Nixon and the good of his party; these particular fringe benefits have something less than universal appeal. It is simply for the good of the country that the President discover some face-saving way to save his own face. He is the only president we have, or likely will have, until January of 1977; the Gallup Poll finds that 49 percent of the people now disapprove of his conduct of the office and this is no way to run a railroad.

In refusing to turn over certain tapes and documents to the Senate investigating committee, or to a grand jury, the President conceives that he is acting out of pure principle. He is fulfilling his "constitutional obligation to preserve intact the powers and prerogatives of the presidency." To yield the papers would "jeopardize the fundamental constitutional role of the presidency."

But the trouble with this position—one trouble with it—is that the people generally will not see it as pure principle. They will see it as pure baloney. The doctrine of executive privilege is as pietistically misty, in its way, as the doctrine of the Holy Trinity, and political metaphysicians are no better than doctors of theology at explaining it. A president presumably has the Fourth Amendment right of any other citizen to be secure in his papers against unreasonable search and seizure, but any additional right of privacy has to be inferred from long custom and from extra-constitutional theory.

It is useless, I submit, for Mr. Nixon to keep trying to sell this bill of goods. He is up against a natural, understandable, and justifiable line of reasoning, to this effect: If the tapes helped to establish his innocence in the Watergate mess, the President would release them; the President refuses to release them; therefore, the tapes would not help to establish his innocence.

The President cannot escape such an inference. He is roughly in the position of a witness who declines to answer questions on the Fifth Amendment ground that truthful answers might tend to incriminate him. Such a refusal doubtless is based upon a proper constitutional right, but its exercise lays down a spoor of guilt. The President's present position is politically untenable. It must be discreetly abandoned.

What now? Let me venture a modest proposal. The President's objection is to being questioned by a Senate committee or by a grand jury. He is unwilling to set a precedent by which the executive may be coerced into surrendering its records to a coordinate body of government. Well and good. But suppose, to be supposing, that a way could be found for him to make these records available to an intermediate body with power to act as it deems best.

Specifically, suppose the President were to create an ad hoc committee of White House trustees. Such a body might include Arthur Krock, the most respected retired journalist in America, and former Sen. John Williams of Delaware, a gentleman whose integrity shines like a lighthouse. It might include such respected figures from law, journalism and public affairs as Earl Warren, George Reedy, Dean Rusk, retired Circuit Judge Albert Bryan, and publisher John Knight.

Such trustees, chosen to command public confidence, would be remote from political partisanship and from constitutional inhibitions. The President could make all the relevant tapes and documents available to them without jeopardizing his constitutional position. The trustees then could transcribe, summarize, include, exclude, suppress or disclose as they wished; and my guess is that a public which is fed up to the teeth with Watergate would accept the trustees' report, with relief, as an honest accounting.

This modest proposal is entirely my own. Others may have much better ideas for resolving the dilemma. My point is that the dilemma must be resolved. The President has 1,274 days, more or less, before his term expires. Many millions of Americans, the Gallup Poll notwithstanding, do have confidence in Richard Nixon; they believe in his programs and want to see him fulfill them; and they do not want their President spending those days under a cloud of skepticism and mistrust.

[From the Delmarva News, July 26, 1973]

John Williams

It's academic now, but former Sen. John J. Williams' name came up again within the last week in connection with the Watergate affair.

Anyone who knows the Millsboro legislator's record and reputation knows that the name dropping by a television news network did not implicate Williams in the fiasco but suggested him as a possible reviewer of taped conversations made in the oval office of the White House and the executive office building.

With a "constitutional crisis" facing the country because the President will not release the tapes, any thought of a possible reviewer of the tapes can be deterred for at least a year or two.

The results of the showdown between the Congress and the executive branch, and eventually between the judiciary and the executive, will be the most significant items brought about indirectly by the Watergate affair.

"Constitutional crisis" is such a hackneyed phrase that it has little meaning to many. What is at stake, however, is the way our government has been operated for 200 years.

The U.S. Constitution is implicit rather than explicit concerning the separation of powers among the three branches of government. There is some question as to whether the basic question itself of who has final authority, the legislative, the judicial or the executive, will be answered in the upcoming developments. If it is not, a constitutional crisis will have developed.

Watergate is not the reason for the confrontation. It simply provided an excuse for the confrontation to come to a head. The imbalance of power among the branches of government has been slowly but steadily arrived at.

Watergate and the events that follow the Legislative-Executive battle gives lawyers a heyday.

It is interesting that the name of John Williams, not a lawyer but a farmer turned agri-businessman turned politician, should be suggested to decipher tapes which are the crux of the present conflict.

The past week's reference to Williams was not the first time he had been mentioned in helping to solve the Watergate entanglement. Prior to the '72 national election and a special Senate investigating committee's being named, the media suggested that a scrupulous and honest man like John Williams undertake the ominous task of finding the facts.

The suggestions are both a tribute to Williams and the environs which produced such character.

NOMINATION OF G. McMURTRIE GODLEY

Mr. FULBRIGHT. Mr. President, on July 11 the Committee on Foreign Relations voted to postpone indefinitely further action on the nomination of Mr. G. McMurtrie Godley to be Assistant Secretary of State for East Asian and Pacific Affairs. In taking this action the committee also recommended that Mr. Godley be considered for appointment to another post of importance in the Department of State unrelated to Southeast Asia.

Following the committee's action I received a letter from the American Foreign Service Association requesting an explanation of the grounds for the committee's decision. The association's letter was a serious and responsible statement of its member's concerns. In response I wrote to the association on behalf of the committee setting forth our views on this matter.

In order that this exchange of correspondence may be available to interested Members of the Senate and the public I ask unanimous consent that the text of both letters be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

American Foreign
Service Association,
Washington, D.C., July 20, 1973.

Hon. J. W. Fulbright,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, D.C.

Dear Mr. Chairman: The American Foreign Service Association—professional spokesman of the 12,000 men and women of the Foreign Service—has come to look upon the Senate Foreign Relations Committee as a staunch defender of the career principle and its protection against political abuse. This has been evidenced most recently by the Committee's farsighted action in amending Section 623 of the Foreign Service Act to foreclose the possibility of promotions based on political rather than merit considerations. The men and women of the Foreign Service are indebted to the Committee for this action and the many other efforts it has taken on their behalf.

It is in this context that the Association has become seriously concerned at the possible implications of the Committee's action to reject the nomination of Ambassador Godley as Assistant Secretary for East Asian Affairs. This action has raised questions in the minds of Foreign Service officers about whether their careers may be adversely affected for honorably and effectively carrying out the foreign policy of the United States. We would like to bring some of these questions to your attention.

No one in this Association questions the Constitutional right of the Senate to provide advice and consent on Presidential appointments or the obligation of the Senate to give particularly careful scrutiny to nominees for key policy-making positions. In our view, the Senate would be abdicating its responsibility if it were to exempt career Foreign Service officers from such scrutiny or to grant them automatic approval.

Moreover, the Association recognizes the Senate Foreign Relations Committee's right to question a nominee for a policy-making post, not only as to his qualifications for the position but also as to his views about what future policy should be. However, nominees who are appointed officials, particularly career officials, are expected to have supported basic foreign policy established by duly elected officials in their respective Constitutional roles. The Foreign Service is, and must remain, a strictly nonpartisan institution available for loyal service to each administration.

An officer of the Foreign Service must not feel constrained by fear of future penalty from carrying out a given foreign policy or from giving impartial advice and assessment, however unpopular or incompatible such actions may be with the views of the public, the press, the Congress, or the Executive. To penalize an officer for performing his functions to the best of his ability runs a grave risk of doing damage, not only to the career service, but to the nation.

Unfortunately, many Foreign Service officers are uncertain as to the basis for the Committee's action on Ambassador Godley's nomination. Many believe him to be the innocent victim of a serious conflict between the Executive and Legislative branches over the relative influence each will have in determining the direction of U.S. foreign policy. Others feel he has been made a symbol by the Committee of its strong disagreement with the Administration's policies in Southeast Asia. If either of these were the basis for the Committee's action, we believe it would be an unfortunate use of the advice and consent power, with serious implications for the independence, impartiality and effectiveness of the career service.

We would appreciate receiving a clarification of the Committee's intent in its rejection of Ambassador Godley, and assurances that it will not reject future career nominees because of their record of carrying out policies laid down by the Executive.

Sincerely yours,
F. Allen Harris,
Acting Chairman, Board of Directors.

July 25, 1973.

Mr. Allen Harris,
Acting Chairman, Board of Directors, American Foreign Service Association, Washington, D.C.

Dear Mr. Harris: I have your letter of July 20 expressing the concern of the American Foreign Service Association at the action of the Committee on Foreign Relations with regard to the nomination of Mr. G. McMurtrie Godley. Let me say at the outset that I consider the Association's concerns to be both understandable and legitimate. At the same time I was gratified to note that your letter accorded full recognition to the Senate's constitutional role and responsibilities with regard to the consideration of Presidential nominees.

The Foreign Service Association is undoubtedly aware that many members of the Committee have long felt that the protracted military involvement of the United States in Southeast Asia has had extremely unfortunate consequences for our country internationally and on the domestic scene as well. For that reason the Committee in recent years has consistently sought to use the legislative means at its disposal to bring about a reorientation of U.S. policy in Asia.

In approaching the question of Mr. Godley's nomination the Committee took the view that the selection of a new Assistant Secretary of State for East Asian and Pacific Affairs was an action of considerable significance for the future of U.S. policy in Asia. As a consequence the Committee felt in this instance that the nominee's personal views regarding the past and future role and interests of the United States in Southeast Asia were relevant to its deliberations in a more pointed way than might have been the case had the Committee been considering a nomination to a post in which the incumbent's primary function would have been the implementation of policy directives.

It is the Committee's understanding that throughout his tenure as Ambassador to Laos Mr. Godley was in full accord with Executive Branch policy toward that country and that in implementing that policy, he repeatedly demonstrated his readiness to rely on the massive and often clandestine use of military force as a means of pursuing given objectives. While the Committee does not know to what degree these attitudes may have been figured in his nomination, they did weigh heavily in the Committee's evaluation of him as the prospective Assistant Secretary of State for East Asian Affairs. It seems only natural for the Committee to assume that if Mr. Godley were to be confirmed as Assistant Secretary of State, such policy recommendations as he might make in the future would reflect his demonstrated inclination and preference for an aggressive U.S. role in Southeast Asian affairs.

It is, of course, Mr. Godley's right to hold these views and the Committee respects his conviction and his sincerity. But it is also the Committee's right to question the wisdom of those views and, more importantly, to question their appropriateness in connection with his possible future exercise of the responsibilities of Assistant Secretary of State at this critical juncture in the course of the U.S. relations in Asia.

Your letter raises the possibility that Mr. Godley may have been "the innocent victim" of a serious conflict between the legislative and executive branches over their respective roles or "a symbol" of the Committee's disagreement with the Administration policies in Southeast Asia. In response I would observe that conflict is an inevitable aspect of our political system, and that when the substantive judgments of the two branches differ and cannot be reconciled, each branch can be expected to use its respective prerogatives to influence policy in the direction which it believes will best serve the national interest. In this instance the Committee concluded that Mr. Godley was not the right man for this post at his time and as a consequence, exercised its constitutional prerogative not to confirm him. Because the Committee's judgment focused on the individual and on the possible impact of his views on future policy I believe it would be a mistake to regard Mr. Godley as either a "victim" or a "symbol" in the senses in which the Association used those terms.

The Committee fully recognizes that if officers in a career service are expected to carry out lawful directives without regard to their popularity with all segments of the public and the Congress then the officers in question should not be held personally accountable in retrospect for the consequences of such actions. Consequently, up to a certain point in an officer's career his diligence and faithfulness in executing orders should probably be the primary factor in evaluating his performance. At the same time, however, I think that Foreign Service Officers should recognize—as I am confident they do—that when they reach senior levels of the service, and particularly when they are being considered for policy making positions which by law are subject to the approval of the Senate their personal views on policy matters are of primary importance to the question of their fitness for a particular post. The Committee assumes that the Executive Branch takes such views into account in selecting its nominees and I was pleased to note that the Association recognizes the Senate's right to do likewise.

Finally, I would like to point out that the Committee was fully aware that its failure to confirm Mr. Godley for the post of Assistant Secretary would affect his career and possibly cause concern within the Foreign Service officer corps. For that reason the Committee, before taking formal action, sought to minimize the personal impact of a possible refusal to confirm Mr. Godley by suggesting to the Secretary of State that his name be withdrawn without prejudice and resubmitted for another post. When the Secretary declined to do this and insisted instead on an "up or down vote" the Committee coupled its refusal to confirm Mr. Godley with a strong recommendation that he be given another important post involving responsibilities not related to Southeast Asia. Thus, it should be evident that while the Committee did not feel that it should confirm Mr. Godley for the post to which he was nominated, there clearly was no desire to "penalize" him.

In closing, I reiterate a hope, which I have often expressed in the past, that members of the Foreign Service will not hesitate to assert themselves on important matters of policy. The career service is a repository of great experience and insight which the Committee would like to be able to draw upon more freely in the future than has sometimes proved possible in the past.

I further hope that the Association will be as sensitive to pressures from other quarters, including those from within the Executive Branch and the Foreign Service itself, which threaten to undermine the independence, effectiveness and morale of the Foreign Service as it was in this instance with regard to the Congress.

The Committee has the highest regard for the career Foreign Service and fully shares the Association's desire to protect its integrity and to enhance its effectiveness. Insofar as I am concerned the Foreign Service may be assured of my continued interest and support in this regard.

Sincerely yours,

J. W. Fulbright,
Chairman.

FUEL NEEDS STILL NOT MET

Mr. McCLURE. Mr. President, the fuel shortage is not yet over, despite public statements to the contrary. It has become somewhat localized, but primarily on the farm. And, a farmer trying to keep his combines running does not have time to write press releases. His story is not being told. Quite the opposite. Instead, he reads how the shortage is easing and motorists are having less difficulty finding gasoline. I find, however, that even those statements are inaccurate.

A recent headline, for instance, proclaiming "Gas Station Supplies Up" was based on data from the American Automobile Association—data which I believe to be misinterpreted. The AAA found that 49 percent of gasoline stations were operating regular hours and allowing motorists to fill their tanks, compared with 48 percent last week. First, I do not consider a 1-percent change significant. But, more important, I believe that the AAA is not looking at the figures from the proper direction. The report should read that "51 percent of gasoline stations are not operating normally, showing only a slight improvement from the 52 percent figure last week." The emphasis of the press is wrong, even if it is undoubtedly serving the intended purpose—to encourage motorists to go ahead and travel, and not think hard before using gasoline.

In addition, some regions of this country are burning gasoline and diesel fuel which could have gone to the farmer. But, as testimony before the Senate Committee on Interior and Insular Affairs yesterday revealed, attempts to build refineries in the Northeast have been blocked by environmentalists and local governments. Two of these proposed plants were, ironically, intended to supply low-sulfur fuel oil, to meet the stringent sulfur restrictions of the Northeast. I do not object to the desire of the citizens in this region to preserve their natural environment, as much as is humanly possible, but I do object to having farmers in other regions paying the price for it. In this instance, 565,000 barrels per day of refining capacity was lost—capacity which is desperately needed right now. And, the people being hurt right now are the farmers and ranchers and food processors. But, the urban consumer will share in this during the coming months, as food problems continue.

If the citizens of the Northeast do not want to build refineries, that is their business. But, when gasoline shortages occur, I believe that they have a moral obligation to reduce their consumption, in order that others will not pay the environmental price of their actions.

I was recently challenged by a top administration office "to show him one case of a farmer who is actually out of gas." Preparing a list of 9 farmers "actually out of gas" did not take long. As of July 30, 1973, the office of oil and gas statistics for Idaho show 44 instances of gasoline shortages and 21 of diesel. And, I believe these to be just the tip of the iceberg. Many farmers are too busy driving their pickups to town, filling the tank, and returning to their field, siphoning the gasoline into combines, and then repeating this expensive, fuel-wasting process. They do not have time to call Washington or fill out complicated "voluntary allocation" forms from oil companies.

The U.S. Department of Agriculture has included one extremely disturbing note to this OOG report:

> Acute fuel needs for *irrigation*, especially in Nebraska, have temporarily eased a bit because of rain.

The correct implication is that the adequacy of fuel supplies is increasingly dependent on weather. There is no cushion, as in previous times. This lack of cushion becomes even more critical when we consider the nearness of winter. The dependence of heating oil availability on temperature levels will be a matter of concern to more than just the agricultural community. The report, incidentally, included mention of a request from the city of Los Angeles for "low-sulphur fuel oil." This raises an interesting question—namely, during times of nationwide shortages, does one city have the right to demand fuel of a certain composition, in order to meet requirements that they have set for their benefit?

Now that final action on Senate-passed fuel allocation legislation is in doubt, it is up to the President to use the authority previously granted to him by the Congress, to insure that shortages are shared by all regions and sectors of our economy, with one explicit priority: Agriculture. The fuel shortages are not yet over, and they are falling hardest on the agricultural producers of this Nation. The future well-being of all of us demands that this be changed, in accordance with the expressed intent of Congress and the administration.

NATIONAL ADVISORY COMMITTEE ON THE HANDICAPPED

Mr. WILLIAMS. Mr. President, on Wednesday of this week I joined with

Senator RANDOLPH, chairman of the Subcommittee on the Handicapped, and Senators CRANSTON and STAFFORD in introducing a resolution objecting to the recommendations of the Commissioner of Education in his annual report to the Congress to abolish the National Advisory Committee on Handicapped Children and the National Advisory Committee on the Education of the Deaf and to create a new advisory committee pursuant to section 442 of the General Education Provisions Act. While the Commissioner had proposed to combine all functions of the two advisory committees to be carried out under a new consolidated advisory committee, his actions in creating this body pursuant to section 442 of the General Education Provisions Act and provisions of the Federal Advisory Committee Act (Public Law 92–463) would have meant that this new body had no statutory base, and that it would automatically cease to exist within 1 year unless the Commissioner determined in writing 30 days prior to its termination that its life should be extended.

Mr. President, both of these advisory committees have served the Commissioner and the Congress admirably. In reviewing the recommendations of the Commissioner, I was much concerned over the loss of a statutory base for the committee, and the apparent termination of the committee within 1 year. I am pleased, therefore, to have the agreeent of the Commissioner in the form of an amendment to this annual report that creation of this new committee under section 442 was not the proper way to proceed. In his letter to me today, he indicates that this committee will be created pursuant to section 448(b) of the General Education Provisions Act, thus retaining the statutory base, combining the functions of the former advisory committees and providing that the termination of such committee by the Comissioner can only take place through such explicit recommendation in his annual report and upon the failure of either the House or the Senate to object to this termination within 90 days following the submission of the report. This resolution is satisfactory to me, and I ask unanimous consent to have the Commissioner's letter to me and also a letter sent to Senator RANDOLPH stating this agreement be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
OFFICE OF THE SECRETARY,
Washington, D.C., August 3, 1973.

Hon. HARRISON A. WILLIAMS, Jr.,
Chairman, Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This letter constitutes an amendment to Section III, Advisory Committees and Councils of the Office of Education, of the *Commissioner's Annual Report* submitted to Congress on May 17, 1973. Section III included a recommendation to terminate the National Advisory Committee on Education of the Deaf (NACED) and the National Advisory Committee on Handicapped Children (NACHC) and to create in their place a single committee to advise on the education of the handicapped.

The *Annual Report* cited section 442 of the General Education Provisions Act (P.L. 91–230) as the authority under which the new National Advisory Committee on the Handicapped would be created. I have determined that this is not the proper way in which to create the new Committee. Instead, I propose to create it pursuant to Section 448(b) of GEPA which states that:

"If the Commissioner determines that a statutory advisory council is not needed or that the functions of two or more statutory advisory councils should be combined, he shall include in the report a recommendation that such advisory council be abolished or that such functions be combined. Unless there is an objection to such action by either the Senate or the House of Representatives within ninety days after the submission of such report, the Commissioner is authorized to abolish such advisory council or combine the functions of two or more advisory councils as recommended in such report."

The new National Advisory Committee on the Handicapped would be a statutory advisory council which could be abolished only in accordance with the provisions of section 448(b) of GEPA or through other legislative action. (Under the Act, of course, the NACH could be abolished only by an appropriate recommendation in a subsequent Annual Report to which neither House of Congress objected within 90 days.)

As stated in *the Annual Report* the new committee will have all of the functions now carried out by the NACED or NACHC.

I would like to take this opportunity to reaffirm the Department's commitment to activate the new committee as soon as we are free, consistent with section 448(b) of GEPA, to consolidate the NACED and the NACHC. As Under Secretary Carlucci stated in his letter yesterday to Senator Randolph (attached), we expect to have the National Advisory Committee on the Handicapped established by mid-September. It is our intention to appoint persons presently serving on the existing committees to membership on the new advisory body.

If you need any further information on this subject, I will be happy to provide it.

Sincerely,

JOHN OTTINA,
Acting Commissioner of Education.

Enclosure.

AUGUST 2, 1973.

Hon. JENNINGS RANDOLPH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR RANDOLPH: I have noted your concerns regarding the National Advisory Committee on Education of the Deaf and the National Advisory Committee on Handicapped Children as expressed in the resolution considered by the Senate last night. It is my idea, as I know it is yours, that we work together on this matter. Therefore, I believe it appropriate that the following information regarding this issue be presented.

With regard to Office of Education advisory committees, Section 448(b) of the General Education Provisions Act (P.L. 91–230) states that:

"If the Commissioner determines that a statutory advisory council is not needed or that the functions of two or more statutory advisory councils should be combined, he shall include in the report a recommendation that such advisory council be abolished or that such functions be combined. Unless there is an objection to such action by either the Senate or the House of Representatives within ninety days after the submission of such report, the Commissioner is authorized to abolish such advisory council or combine the functions of two or more advisory councils as recommended in such report."

As a result of a continuing study of need for and accomplishments of OE advisory groups it was determined that many of the functions of the National Advisory Committee on Education of the Deaf and of the National Advisory Committee on Handicapped Children were similar and therefore should be combined. Because the official name of neither committee was representative of the combined functions of the two groups (one indicates concern only with the Deaf, the other excludes adult populations) it was decided to create a new advisory body, the National Advisory Committee on the Handicapped. This body will retain all of the functions performed by the predecessor groups.

As indicated in the Commissioner's May 17 report, the Office of Education proposes to activate the new advisory body at the earliest possible date. Formal establishment of this committee will be initiated as soon as it is clear that Congress concurs with the recommendation. If there is no objection, I feel that the new committee can be activated by mid-September. It is our intention that persons now serving on the two committees will be asked to serve as members of the new advisory group.

I do consider the functions of both committees to be important and believe these functions should be continued. A consolidation of the functions of the National Advisory Committee on Handicapped Children and the National Advisory Committee on Education of the Deaf into the function of a single advisory group will insure more effective and meaningful input to education policy formulation as it relates to handicapped youth and adults. Therefore, I believe it to be in the best interest of handicapped persons that the Congress accept the recommendation as presented in the Commissioner's Annual Report.

Sincerely,

PAUL CULVER,
Acting Secretary.

IN SUPPORT OF EMERGENCY MEDICAL SERVICES SYSTEMS DEVELOPMENT ACT OF 1973

Mr. DOMENICI. Mr. President, I wish to say a few words in explanation of my vote yesterday in support of S. 504, the Emergency Medical Services Act of 1973.

To begin with, I am convinced that one of the primary reasons President Nixon vetoed this bill was because of his legitimate concern for holding the line on the national budget. I want to emphasize, as I have so many times in my short time here, that I share that same concern.

At this point in time, Mr. President, I am also convinced that the Congress as a whole is beginning to try to live within a responsible budget ceiling. However, it is also evident that at this time, there is not a unified, comprehensive budgetary plan available to the Congress by which to achieve this goal. Consequently, my colleagues and I are forced to consider, to analyze and to decide on each legislative proposal of its individual merits—without the benefit of a definite understanding of its relative priority as part of a larger picture. In that process we must decide on the basis of our understanding of each proposal's usefulness in meeting demonstrated needs of this Nation and its citizens. Accordingly, with regard to this particular bill, I simply feel that I cannot in good conscience deny the best emergency medical service possible to every person in this country.

It is my understanding that one of the most serious deficiencies in this Nation's health system, particularly in rural areas, is the inability to respond immediately and effectively to emergency medical crises. This bill, through the assistance it would provide in the development of emergency medical systems, is the only real opportunity I see for filling this critical gap in the medical services available to residents of rural areas.

This is especially true in my own State of New Mexico which is presently in the process of developing an emergency medical service program which would be uniquely applicable to our State. A feature which I particularly favor in S. 504 is the provision which will allow for local solutions to meet individual needs in the best manner for individual local problems.

All these things considered, Mr. President, I feel that New Mexicans will be greatly benefited by the enactment of S. 504 as will vast numbers of other Americans who live in areas with shortages of emergency medical services. This assistance will help make up for the tax base in these areas which is often insufficient to provide for the necessary ingredients of an effective, efficient emergency medical system.

I realize that there will be a high initial cost to initiate an adequate comprehensive program. In 3 years, however, I expect maintenance costs to be greatly reduced and the programs continued primarily through State revenues. As I envision the role of the Federal Government in relation to the State's, I see the use of such a plan—the Federal Government encouraging and initiating public programs with public moneys with subsequent expansion and maintenance of those programs to be continued through State treasuries—to be the best hope we have to insure adequate emergency medical care for all our citizens.

Finally, Mr. President, the mounting numbers of deaths and disabilities from medical emergencies are certainly indicators of serious needs in this area. A look at national studies indicates that mortality from accidents alone could be reduced by from 10 to 20 percent by proper medical care at the scene of the accident or en route to an emergency facility. Thirty percent of cardiac deaths could be prevented if the public were educated to recognize the symptoms of heart attack and if ambulance attendants were adequately trained to provide immediate emergency treatment. Five thousand deaths each year from other causes such as poisonings, drownings, and drug overdoses could be prevented by immediate medical attention.

I do not feel that this shocking situation should be allowed to continue in our prosperous land. If proper emergency medical services can be made available for all, I believe we should provide those services. This bill is a proper means, in my opinion, to provide those services.

ON THE LOSS OF CHET WIGGIN AND OTHER NEW HAMPSHIRE RESIDENTS IN A TRAGIC AIRPLANE CRASH

Mr. McINTYRE. Mr. President, yesterday my distinguished senior colleague from New Hampshire paid heartfelt tribute to his friend and longtime associate, Chester M. Wiggin, Jr., who lost his life in the tragic crash at Logan International Airport July 31.

Though my friendship with the late Mr. Wiggin was not as close or longstanding as that of Senator COTTON, it was, nevertheless, a warm friendship based upon my deep respect and affection for a man of such demonstrated integrity, ability, and dedication to New Hampshire, New England, and his country.

Over the years when Mr. Wiggin served as Senator COTTON's administrative assistant, and then as Federal Cochairman of the New England Regional Commission, and more recently as Interstate Commerce Commissioner, his relationship with me and with my office was marked, always, by a spirit of helpful cooperation which was never affected by political differences.

On September 14, 1972, it was my privilege to tell the Senate Committee on Commerce that I supported Mr. Wiggin's nomination to the Interstate Commerce Commission with "pleasure and enthusiasm."

I would like to review what I said on that occasion, because the words reflect my genuine appreciation of a man whose loss is the Nation's as well as ours. The essence of that statement follows:

> Despite our differing political loyalties, I have no reservations about Mr. Wiggin's qualifications for this post. Mr. Nixon would be hard-pressed to find a better nominee in either party.
>
> Chet Wiggin's consummate fairness, courtesy, honesty, and ability will serve him—and a new and much larger constituency—as well as they served him, his previous offices and constituencies in the past.
>
> I have known Chet for many years. If I have not known him as a political ally, I have known him as a friend and as a man who has always had the best interests of his Nation and our people in mind and in heart.
>
> Through his years as an able and devoted Administrative Assistant to my friend and colleague, Senator Norris Cotton, to his more recent—but equally distinguished—tenure as Federal Co-Chairman of the New England Regional Commission, his performance has been distinguished by its professionalism, good judgment, integrity and total commitment to the job at hand.
>
> Mr. Chairman, I want this Committee to know that Tom McIntyre is proud to support the nomination of Chester M. Wiggin, Jr., to the Interstate Commerce Commission of the United States.

Mr. President, I stand by those words. And I add to them now my deepest sympathy to his wife, Joyce, the other members of his family, and to his dear friend, Senator COTTON.

I was shocked as well at the tragic death in this terrible accident of Mr. and Mrs. Robert G. Moran of Manchester. He was an assistant attorney general of New Hampshire. This was a cruel blow to his family and my heartfelt wishes go out to them.

Also lost were Mr. and Mrs. Joseph Fuller of Londonderry, N.H. They leave behind four lovely children. They leave behind Mrs. Fuller's mother, Mrs. Margaret Mooney, and her brother, Ed Mooney, both of whom are old friends of mine. It is hard to find words to express my sorrow for them.

I was grieved at the same time to learn of the loss of Miss Susan Boyle of Nashua, N.H., an old friend and supporter who was much too young to have her life ended.

To the families of all these and the others who lost their lives, I express my deep personal thoughts of sorrow at this tragic time.

SUPPORT FOR S. 504, EMERGENCY MEDICAL SERVICES ACT OF 1973

Mr. MATHIAS. Mr. President, yesterday's vote on overriding the veto of S. 504, the Emergency Medical Services Act of 1973 is of great importance to the Nation and to my State of Maryland. As the Senate Committee on Labor and Public Welfare report on this bill disclosed:

> One of the most serious deficiencies in the health system in many communities is the inability to respond immediately and effectively to emergency medical crises.

Our knowledge about the scope and severity of the problem vividly points out the need for this legislation. Consider, for example, these facts:

The leading cause of death among Americans between the ages of 1 and 38 is neither cancer nor heart disease, but, rather accidental injuries. Consider also that more than 100,000 persons died in this country in 1968 as a result of trauma resulting from accidents; that trauma caused 10 million cases of temporary disability; and that trauma caused 400,000 citizens to enter the ranks of the permanently disabled.

And the other sad fact is that so much of this suffering and human waste can be avoided. According to the committee report, projections from studies indicate that mortality from accidents alone could be reduced by from 10 to 20 percent by proper medical care at the scene of the accident or en route to an emergency facility. Thirty percent of cardiac deaths could be prevented if the public were educated to recognize the symptoms of heart attack and if ambulance attendants were adequately trained to provide immediate emergency treatment. Five thousand deaths each year from other causes such as poisonings, drownings, and drug overdoses could be prevented by immediate medical attention.

Mr. President, the lack of sufficient emergency medical services for our citizens has troubled me for some time.

We visit some of our hospital emergency rooms, particularly in medically underserved areas and crowded cities, we find that the emergency facilities of these hospitals are increasing being called upon to provide more than emergency care; the hospital emergency room is, in fact, the sole source of primary care for many members of the community. And this raises the question of how the emergency victim will receive the necessary care when the facilities of the emergency rooms are overburdened by persons who also use the hospital emergency room for primary care. Obviously, the answer is that emergency victims, in far too many instances, simply do not receive the critical care which their condition would warrant. And I might add that this condition exists through no fault of the hospital staff and personnel. But, of course, the problems associated with the lack of emergency medical care are not just limited to the hospital emergency room. The quality and adequacy of ambulance services leave much to be desired in many parts of the country. As the committee report notes:

> The American College of Emergency Physicians report that only 37 percent of ambulances in a recent survey met minimal design standards, and only 6 percent had facilities to communicate directly with a hospital emergency room.

Again, Mr. President, the solution to this problem can neither be found in the hospital emergency room not the ambulance service. To have an effective system of emergency medical service, we need to encourage the proper utilization of our public safety agencies. In my State, we have demonstrated to the Nation that the use of helicopters, operated by our outstanding public safety officials, is invaluable to the provision of emergency medical services.

We also need fully trained medical services personnel along with continuing education programs for the professional and paraprofessionals on emergency medical staffs. We cannot overlook the need for effective communications systems so that the persons in need of care and those who will be dispatched can be linked together immediately without the agonizing delays which are now widely experienced. And without a sufficient number of vehicles properly equipped with the necessary life-saving equipment the entire emergency medical service system would remain a nonsystem.

So it is a combination of all of these factors which, if carefully planned, developed, and provided for will fill the void that now exists in the current system of emergency medical care. S. 504 is designed to help fill this void.

During the Congress Easter recess, I decided to explore the problem of the delivery of emergency medical services in my State. Mr. Milton H. Miller, chairman of the Regional Planning Council in Baltimore and his assistant, John Green, were thoughtful enough to arrange for me to meet with many officials and private citizens in the Baltimore area who are actively involved in the operation of the emergency medical care network in Maryland. Mr. President, at this time, I would like to share with the Members of the Senate the names of persons and organizations represented at the meeting because, in my judgment, the wide range of interests which were present clearly underscored the areawide approach and degree of intergovernmental coordination which is taking place in my State. The participants were: Robert N. Young, executive director, Regional Planning Council; Delegate Frederick L. Dewberry, chairman, RPC's Health Committee; Delegate J. Edward Malone, member RPC; Martin C. McMahon, representing Baltimore City Ambulance Service; Chief Russell Palmer, Baltimore County Ambulance Service; Harvey Klansmeirer, Anne Arundel County Ambulance Service; Sgt. Edward Heckmer, Maryland State Police; Edwin Preston, Maryland State Fire Chiefs Association—represents volunteer and professional; Bruce Chilcotte, administrator, Friendship Airport; Jack Phelps, U.S. Coast Guard; J. Alex Haller, M.D., Johns Hopkins; Joseph Berman, M.D., Sinai Hospital; Gustar C. Voight, cardiologist, Baltimore City Hospital; Donald S. Gann, M.D., Johns Hopkins; Eugene Riley, M.D., St. Josephs Hospital; Paul Becker, administrator, Greater Baltimore Medical Center; Leonard Scherlis, M.D., University of Maryland; R. Adams Cowley, director, Maryland Institute for Emergency Medicine; John Bacon, Melvin Griffin, Janet Sorrels, William Hiscock, and John Green, of the Emergency Medical Services Committee.

I also had the opportunity to inspect a municipal ambulance crew and view a demonstration of the crew in action. In addition, the regional planning staff arranged for me to tour the emergency service coronary care unit of the Sinai Hospital, the Johns Hopkins University Hospital's Pediatrics Trauma Center, under the direction of Dr. J. Alex Haller, and the shock trauma unit at the University of Maryland, which is directed by Dr. R. Adams Cawley. Mr. President, it was abundantly clear from my visit and inquiry that my State is developing a comprehensive plan for the establishment of a comprehensive and integrated emergency medical services system and that S. 504 is what our officials want and need to make their system fully effective. Mr. President, I understand that one of the principal objections to S. 504 is that it will thrust the Federal Government into an area which is traditionally a concern of State and local governments. Moreover, that this bill will somehow make local decisionmaking inflexible. I can only respond to this concern by saying that those fears apparently are not widespread in my State. At this point, Mr. President, I ask unanimous consent that a telegram which arrived this morning from Dr. Neil Solomon, secretary of the Maryland Department of Health and Mental Hygiene, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

Mr. MATHIAS. Mr. President, in addition to the telegram in support of S. 504 from the State government, I have received word that Mr. William Gullett, the county executive of Prince Georges county, Mr. Donald Shaffer, mayor of Baltimore, Wally Orlinsky, chairman of the Baltimore City Council, are all strongly in favor of this bill. In Montgomery County, Jim Gleason, the county executive, is moving ahead with the establishment of an emergency medical services system for that area and I know that this bill can provide the kind of support for the essential components which the Montgomery County system will include. The point is, Mr. President, that S. 50 does not seek to control the delivery of emergency medical services at the State and local level.

It will however, strengthen and supplement the efforts of State and local governments which are attempting to address this critical issue. I realize that some criticism has been leveled at the authorization amounts in this bill. In point of fact, the authorization level is not a commitment to spend from the Federal treasury. The figure of $185 million represents the maximum amount which the Congress can subsequently appropriate for emergency medical services. As a member of the Appropriations Committee, I shall have an opportunity to weigh this question very carefully when the matter comes before the committee. At this stage, the basic question is whether the Congress of the United States is prepared to address, in a positive manner, the pressing issue of the inadequate system of emergency medical care that we have in America today.

Mr. President, S. 504 also contains a provision pertaining to the public health service hospitals. I cosponsored that provision when this bill was first before the Senate and I am pleased to see that the House kept this provision in the bill. On many occasions in recent months, I have indicated my support for the public health service hospitals and I have stressed the harm which will result if these facilities were to be arbitrarily closed. I shall simply urge my colleagues to join me in support of this legislation which will prevent the deprivation and disruption that the premature closing of these facilities will precipitate.

S. 504, overall is a measure which deserves to be supported. Just as it was supported in the Labor and Public Welfare Committee as illustrated by the unanimous bipartisan support it received and the unanimous support it received when the conference report passed the Senate on July 19, 1973, by the vote of 97–0. I hope the other body will recognize the necessity of enacting this legislation and will complete action to give congressional sanction to this program.

EXHIBIT 1

AUGUST 2, 1973.

MESSAGE TO SENATOR MATHIAS DICTATED FROM SECRETARY SOLOMON ON THE SUBJECT OF S. 504

Maryland citizens are drastically affected by the Presidential veto of S. 504 covering medical services. The continued operations of the U.S. Public Health Service Hospital in Baltimore is vital and the funding of a statewide emergency medical service, if not implemented, would surely result in unattended illness and unnecessary death. Your assistance in seeing that this veto is overridden is of extreme importance to the citizens of Maryland.

NEIL SOLOMON, M.D., Ph. D.,
Secretary, Department of Health and Mental Hygiene, State of Maryland.

VIETNAM

Mr. BUCKLEY. Mr. President, the Washington Post today reported that the United States is likely to conclude a 5-year pact concerning the postwar reconstruction of North Vietnam.

Before any reconstruction aid can even be discussed, we must not overlook the subject of our men missing in action—MIA's. There are over 1,000 crash sites in North Vietnam, South Vietnam, Laos, and Cambodia. Yet, the Four Party Joint Military Commission has been allowed to journey to two burial sites in North Vietnam, but were denied permission to inspect the sites by the North Vietnamese, despite the fact that permission is supposed to be granted under article 8(b) of the Paris Accords.

Mr. President, there is no point to any discussion with the North Vietnamese about any aspect of postwar relations until the Paris Accords are fully complied with, and we have a full accounting of all of our MIA's.

I ask unanimous consent that the Washington Post article on the proposed pact be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HANOI-U.S. POSTWAR PACT REPORTED

(By Murrey Marder)

North Vietnamese Politburo member Le Duc Tho said yesterday in Hanoi that the United States has agreed to a five-year plan to help reconstruct his nation, but is delaying the signing of the accord.

U.S. officials countered that Tho's claim answers itself, for without a signature there is no agreement. "No conclusion can be reached until fighting ceases on all fronts" in Indochina, said Maurice J. Williams, chief negotiator in the Paris talks on postwar aid.

"We can't get far along discussing postwar reconstruction until it is truly postwar" in Indochina, Williams said. What the North Vietnamese call "plans" and "agreements," Williams emphasized, are only "proposals" in U.S. terminology.

The exchange underscores the extent to which the outcome of the present military crisis in Cambodia has become the touchstone of relationships between the United States and North Vietnam.

Cambodia's future now hinges on what will happen after the scheduled Aug. 15 cut-off of American bombing support of the Lon Nol regime, which is under heavy challenge by pro-Communist forces surrounding the capital of Phnom Penh.

It was learned yesterday that the U.S. embassy in Phnom Penh recommended to Washington during the last two weeks that it is time to begin withdrawing U.S. personnel from Cambodia. Many foreign diplomats already have been evacuated from the Cambodian capital.

A Nixon administration official more gently described the embassy's message rom Phnom Penh as "a suggestion" to commence evacuation. "The decision has been made" in Washington, he said, "that it is premature."

U.S. official personnel in Cambodia are limited to 200, under a ceiling imposed by Congress, and there are reported to be about 50 private Americans in Cambodia.

Le Duc Tho, who negotiated the basic Vietnam cease-fire with presidential adviser Henry A. Kissinger, showed in his remarks that North Vietnam also is closely watching the struggle in Cambodia. But Tho avoided any direct link between the outcome of the war there and the supply of post-war U.S. aid to North Vietnam. North Vietnam, which supports the Red Khmer insurgents, never has officially acknowledged that it has any forces in Cambodia.

Tho, whose statements were made in the form of a North Vietnamese television interview, said that the United States is "stubbornly violating" the Indochina cease-fire accords, and that it and the government in Saigon "have encountered many difficulties not only in South Vietnam but also in Laos and, in particular, in Cambodia."

In the U.S.-North Vietnamese aid talks in Paris, which were suspended on July 23, Tho said:

"The United States had to agree with us at the D.R.V.-U.S. joint economic commission on funds and their utilization for a five-year plan, including the plan for the first year on U.S. contributions to the healing of the war wounds and postwar construction in the D.R.V. [North Vietnam]. However, the United States is still trying to delay the signing."

Tho added, without amplification, that the United States "advanced prerequisites for the signing and, in an extremely illogical manner, linked the implementation of Article 21 of the agreement [the Jan. 27 Vietnam cease-fire accord] with other provisions."

The United States very firmly linked Article 21, on postwar reconstruction aid, to other sections of the accord, negotiator Williams agreed yesterday. That has been the consistent U.S. position since the aid talks began on March 15, he recalled.

Williams noted that on July 23, when the economic talks were suspended in Paris until further consultations, both sides stated that no conclusions had been reached." Therefore it cannot be said that any "agreement" exists, Williams said.

There can be no agreement until fulfillment of Article 20 of the accord, which requires "a cessation of the fighting and the withdrawal of all foreign forces from Laos and Cambodia," said Williams, who is deputy director of the Agency for International Development. Even with a cease-fire all around, said Williams, the Nixon administration repeatedly has advised North Vietnam that it can only make "proposals to the American Congress."

The Senate Foreign Relations Committee, meanwhile, failed in its attempt to have Secretary of State William P. Rogers testify yesterday in public on what Chairman J. William Fulbright (D-Ark.) called "this critical juncture" in Cambodia.

Rogers offered to appear next week, the State Department said. But Congress then will be in recess. Fulbright has charged that the Nixon administration "repeatedly misled" the nation about its intentions in Cambodia.

U.S. WILL CONTINUE SUPPORT TO CAMBODIA

The White House said yesterday the United States "would continue to provide all possible economic, diplomatic and military support" to the Cambodian government.

Congress has voted an Aug. 15 halt in U.S. bombing of Communist positions in Cambodia. After that date, said deputy press secretary Gerald L. Warren, "we will do whatever is possible under the law."

Meanwhile, the Defense Department indicated there will still be some additional U.S. military role in Cambodia after the Aug. 15 bombing cutoff.

A Pentagon spokesman said the U.S. program would go beyond normal aid already approved by the Congress for both Cambodia and Laos.

Spokesman William Beecher said an announcement would be made today on "what understanding the Defense Department has of what it is permitted and precluded from doing after the bombing halt."

He said the announcement and formal notification to Congress would not concern whether the Nixon administration would ask for authority to continue bombing beyond Aug. 15. Beecher said that is a White House decision.

Asked whether Mr. Nixon contemplated calling Congress back from its August recess to reconsider the bombing halt, Warren said it would be "improper for me to speculate or discuss in any way what future course of action may be under consideration."

IMMEDIATE AND LONG-TERM NEEDS IN THE DROUGHT-AFFECTED STATES OF WEST AFRICA

Mr. HUMPHREY. Mr. President, the Sahelian drought threatents the lives and livelihood of 25 million people living in six West African states.

Ninety percent of the people in this area depend on farming or herding for their livelihood. Four years of subnormal rainfall, last year being the worst, have brought economic ruin for many of these people.

In a good year, these countries produce barely enough to feed their populations. Last year, harvest of export and food crops were down 30 to 80 percent; and between 30 and 90 percent of the national herds were lost because of the lack of water and drying up of pasturelands.

The people have had to leave their farms and dried pasturelands in search of food and water. Proud, independent people have been forced to live in refugee camps around the cities. Most of the cities have more than doubled in population in the last few months.

It will take several years for many of the nomadic herdsmen to rebuild their herds. As the desert has permanently taken over much of the pastureland, many nomads will have to abandon their traditional way of life forever, turning to settled agriculture or urban labor.

Most of the people in the area are weakened by hunger and thirst. Many have already died of diseases they would normally have been able to resist. Thousands more are threatened by disease.

More relief will be needed in the coming year than has been provided so far. I have introduced an amendment to the Foreign Assistance Act providing $30 million for immediate relief and recovery assistance.

This money will be used for food transport, water projects, livestock preservation, seed purchases, and medicines.

It is especially important that funds be available to increase the capacity of these countries to transport food to where it is needed on time. An expanded airlift may become necessary if villages are isolated by seasonal rains. Even without the rains, transportation bottlenecks have been the major problem hindering the relief effort.

More food relief will be needed in the coming year than was needed last year.

Rainfall is again below normal. Crops are at least a month behind schedule. Another year of dryness will probably kill most of the cattle that have survived.

Many farmers have left their lands in search of food and water and have not returned in time to plant this year's crops.

Most of the seed has been lost—either baked in the ground or eaten—and the seed brought in to replace it is not expected to be as productive as that adapted to the conditions of the area.

Nomads who have lost their herds will have to be fed.

Enough food will have to be provided to rebuild people's resistance to disease.

For these reasons, it has been predicted that the international community will have to provide at least double this year's emergency food relief in the next year.

The United States has already committed 100,000 tons to be shipped before October in addition to the 156,000 tons that has already arrived. It is probable that we will have to provide at least another 200,000 tons this year.

The amendment I introduced also

commits the United States to participating in the long-term development of this area.

The steady encroachment of the Sahara desert must be reversed.

U.S. scientific and technical expertise could make a significant contribution to this effort. It has already been suggested that the Earth resources technology Satellite be used to survey the water resources of the area and to determine the best possible cropping patterns. The United States is also one of the few countries that has done extensive research in semiarid agriculture. We have seen in California how the desert can be made to bloom.

Research, technical, and capital assistance will also have to be provided for irrigation projects and well drilling; development and distribution of improved seeds; crop diversification; distribution of agricultural inputs and tools and education of farmers in their use.

This drought and the famine in Bangladesh have revealed the urgent need for the international community to deal more effectively with emergency food needs and to correct the world food shortage.

ERTS and weather satellites must be more widely used to survey water and other resources and to predict shortfalls in food production.

World food reserves must be developed. The FAO proposal for a system of world food reserves provides for the sharing of responsibility among all the nations—developed and less developed—for building food reserves in surplus years. There is no reason why, with proper planning and coordination, all the people of the world cannot be fed, even in a year of world wide food shortage.

The international donor community has been criticized for doing too little too late to relieve the situation in the Sahel. Severe food shortages could have been detected much earlier. A more effective system for coordinating relief efforts could have been established. Food could have been sent earlier, avoiding bottlenecks and alleviating hunger.

National and international disaster relief agencies must be reformed to better deal with this kind of catastrophe. They must be not only geared to providing aid when disaster has struck, but to preventing those disasters which are avoidable.

Economic development assistance must be focused much more on enabling people to feed themselves. The new foreign aid legislation I have proposed would have this focus.

The surplus of the developed countries will shrink in the coming years as a result of the steadily growing demand for food as incomes rise. And we will become increasingly dependent on the developing world to help meet this growing demand.

Agricultural production can be increased tremendously in the developing countries. Yields per acre are usually no more than one-third those in the developed countries. With better tools, fertilizer, improved seeds and better farming methods, these countries could triple their production.

To bring about these rises in production, rural development programs must be accompanied by education in new agricultural techniques and health programs which enable people to work to full capacity. These are the three areas in which U.S. economic assistance will be concentrated if the new foreign aid legislation passes.

I want to express my concern over the cynicism about foreign assistance that many Americans have expressed. It is in our interest to invest in economic development. We are increasingly dependent on the resources of these countries to support our own standard of living. And it is only just and humane to invest a small part of our wealth in the alleviation of suffering. If we lose our humanitarian concern and our sense of justice in a misguided attempt to keep all our wealth for ourselves, we will be poor, indeed.

MUTUAL RESPECT AMONG NATIONS NECESSARY TO PEACEFUL RELATIONS AND WORLD ORDER

Mr. MATHIAS. Mr. President, on the 21st of August, the fifth anniversary of the Soviet invasion of Czechoslovakia, we shall be reminded of a sobering political reality at a time when the major powers outwardly are seeking detente based on an allegiance to principles of international law.

The creation of a stable international order, such as the kind recently espoused by President Nixon and Soviet Communist Party Chairman Leonid Brezhnev, presumes an overriding respect for the integrity and rights of all nations. As the superpowers painstakingly climb to a summit of international cooperation, each should constantly remember the degree of restraint and mutual respect necessary to maintain the delicate fabric of peaceful relations and world order.

In the strategic arms limitation talks and negotiations on mutual and balanced force reductions in Europe, we witness hopeful signs of a retreat from the military posture that facilitated the Soviet invasion 5 years ago this month—August. Nevertheless, we can scarcely expect progress until the major powers agree to refrain from forays across international borders under the badly tattered and frequently discredited banner of "national interest."

ON CRIME PREVENTION—AFTER THE FACT: BEFORE THE FACT

Mr. EAGLETON. Mr. President, I have a very interesting article which has been prepared by Mr. Robert T. Williams, chief of police, Grandview, Mo., which I feel should be brought to the attention of the Senate. Chief Williams has suggested that schools be responsible for developing psychological, emotional and attitudinal patterns in America's youth in an effort to prevent the development of criminality in an individual. This article, which appeared in the June issue of the International Police Chief magazine, is most thought provoking and I commend Chief Williams' suggestions to your attention as one method of reducing the crime problem faced by our Nation.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ON CRIME PREVENTION: AFTER THE FACT—BEFORE THE FACT

(By Robert T. Williams, Chief of Police, Grandview Police Department, Grandview, Mo.)

Those who say that we, in law enforcement, are succeeding in our fight against crime and other social ills, truly have their heads in sand. Not only are we, in law enforcement, failing in preventing crime, but other segments of the criminal justice system are failing also. Courts, corrections and a host of other public and private institutions are using an after-the-fact brushfire approach in attempting to prevent the development of criminality and other serious social ills. The criminal justice system does not attempt to treat criminality until after it has developed and has become a problem. In fact, there is no effective effort at all in our society that is devoted to the prevention of the development of criminality.

Consider this hypothetical situation. Johnny, age 17, came from a middle-class family and was in his senior year in high school. His minor scrapes with the law included shoplifting and runaway. He had not yet been involved in anything serious enough to send him into the juvenile justice system.

Johnny had a car that his parents bought for him and he was running a little low on money to buy gas. One night, after a football game, Johnny took a tire tool and broke into a drive-in restaurant. While rummaging through the inside of the drive-in, he was surprised by a policeman. Johnny hid behind a door and as the officer walked in to check out the building, Johnny struck him on the head with the tire iron and ran. The policeman died and Johnny was arrested several hours later and charged with the crimes of burglary and murder.

Johnny was interrogated and booked in Juvenile Hall. His parents were called and informed of the charges against him. There was a flurry of activity in Johnny's home; phone calls to attorneys and friends and some near hysterical crying. Finally, Johnny was certified as an adult and was tried for murder. After a three-day trial, he was found guilty of second degree murder and sentenced to the state penitentiary.

There were unsuccessful appeal processes. Johnny went to prison and after serving two years, was released on parole. He was nineteen when he was released and he had learned many clever practices from professional criminals. He halfheartedly looked for a job, but didn't find one. The young ex-con teamed up with a group of professional burglars and was ultimately shot and killed by a police officer.

The cost of a crime like the one just described cannot be measured. The death of the policeman would cause heartache to his family and friends. His death could have tremendous negative impact on his children. When anyone dies prematurely, there is always sadness connected with the death. Whether the deceased is a policeman or a criminal, society is being robbed of potential contributions that might be made. Johnny's family would suffer heartache, embarrassment and emotional trauma. The manpower and facility the criminal justice system would utilize in a case like this would be a great drain on the taxpayer, and all for a losing cause. In Johnny's case, the system dealt with him only after a problem of criminality had manifested itself. This same after-the-fact approach was used by the system on notorious criminals such as Oswald, Ruby, and Speck.

Most experts agree that our system of criminal justice is shaking at its very foundation. The hypothetical situation involving Johnny represents what can, and does happen, in some of the cases that filter through the cumbersome, and many times, ineffective myriad of bureaucracy.

At the recent I.A.C.P. Convention in Salt Lake City, Utah, the inadequacies of our court system were outlined. The need for reorganization, streamlining and innovative approaches has been identified. There seems to be a feeling among some that if the courts simply stiffen sentences that the pressure on the entire criminal justice system will be relieved.

Penal and correctional institutions are overcrowded and are crying for relief. There is widespread alarm and a call for major reform. Guards and prisoners are being killed on a regular basis. Prison and jail riots are a constant threat. Some prison populations experience as much crime and narcotic traffic as do some American communities of like size. There are recommendations to reduce the length of sentences handed down by the court. There are calls for super parole programs so that rehabilitation might be dealt with in a more humanistic fashion.

The juvenile justice section of the system is bogging down in some areas of the country because of confusion as to whether to put the emphasis on the rights of the juvenile or on the rehabilitation of the juvenile. Some probation and parole officers seem to be more concerned with statistical success than with true rehabilitative success.

It is interesting to note that nearly all of the efforts of the system deal with the prevention of criminality after-the-fact. Whether it be a first time juvenile pot smoker or a forty-year old professional bank burglar, law enforcement, courts and corrections deal with the offender who has already developed a pattern of criminality or anti-social behavior.

We, in law enforcement, probably come closer to dealing with before-the-fact prevention than any other element of society with the possible exception of education. If we are successful, we may deter or suppress a crime from being committed, thus, eliminating the need for courts or corrections to become involved.

If we are not successful in preventing a crime, but are successful in apprehending the responsible party, then courts and corrections begin with their after-the-fact processes.

There is no agency or system in our country that is attempting to prevent criminality from developing. There is no agency or system dealing with the problem of criminality before-the-fact. While law enforcement, courts, corrections and juvenile justice frantically work with the known offender in attempts to apprehend, punish, rehabilitate, retrain and inject the offender back into the mainstream of society, thousands of new criminal minds are being developed. The sad and horrible realization is that this new criminality is being bred in the minds of our very young children. I wonder how many Johnnys are in kindergarten classrooms in our country today.

This question becomes even more acute when we examine recent statements made by Senator Walter F. Mondale (D-Minn.), concerning public education. "Public education is failing millions of American children who are from racial and language minority groups, or who are simply poor." Senator Mondale, like many others, identifies segregation, unequal treatment, unequal opportunity and economic blight as causing for the individual: "A lifetime of lost opportunities; and for the nation, increased crime, unemployment, large welfare rolls and the loss of considerable income and tax revenue." A conservative estimate of cost for imprisoning a married man for one year is $11,000.00. This includes welfare assistance to the man's family, his detention and loss of tax revenue.

From December 17, to December 20, 1972, the Forty-seventh American Assembly met at Arden House, at Harriman, New York. The Assembly discussed in depth the problems of the American Correctional System. Following are a few of the statements made in the report, submitted by the Assembly:

"Public fear of crime and violence in the United States has created extraordinary pressures on the criminal justice system to find new ways to deal with crime and criminals. In the long run, a successful program of crime prevention and control will require a concerted attack on social and economic inequalities and the divisiveness of racial and ethnic conflict. But, American Society cannot afford to await these long-term solutions. We can no longer delay confronting the chaos of the American Correctional System."

Politicians, special committees, presidential commissions and special task forces all over the nation, have been studying and making recommendations as to revamping and repairing our system of criminal justice. The range of recommendations is wide in scope, but for the most part, encompasses the realization that our system is not working now, and something must be done to make it effective.

So far, I have criticized the effectiveness and efficiency of the criminal justice system in the United States. Too many times, criticism is made and no solutions, alternatives, or possible programs are suggested to correct inadequacies. With this in mind, I would like to offer what I believe would be a possible new course of action in our attack on rising crime rates and criminality.

(1) It must be realized that the problems facing the criminal justice system are so vast and complex, that we should not expect easy solutions. We are beginning now, to recognize the full impact of the inadequacies of the system and because of our responsibility to our fellow human beings, we must continue to attempt to improve and streamline all segments of the system.

(2) We must realize that the criminal justice system is dealing with the development of criminality, after-the-fact. The system of criminal justice is not now, nor will it have in the future, an impact on the development of criminality to any measurable degree.

(3) Any approach must be developed in our society to attack the causes for the development of criminality.

For the purpose of discussing the prevention of criminality from developing, we can put the criminal justice system off to one side. We can do this, because if we can prevent criminality from developing, there is no reason for the criminal justice system to become involved.

In Volume I, Issue IV, of the International City Management Association Bulletin, "Target", an article appeared entitled "Elementary School Delinquency Program." The article described a unique program called VISA (Volunteers Influencing Student Achievement) which identifies troubled elementary school children and provides them with guidance and counseling on a one-to-one basis. The author of the article began by saying, "Despite evidence that behavior during elementary school years is a crucial indicator of future delinquency, attention is seldom focused on the problems of young children."

VISA was developed to counter the rise in juvenile delinquency in Placentia, California. The Orange County Probation Department designed the project to deal exclusively with elementary school children in an attempt to head off delinquent behavior. Basically, the program entails identification of young children from years 9 through 12, with behavioral or attitude problems and to provide those youths with special help and counseling from qualified volunteers.

This type of program is closer to a before-the-fact approach in the prevention of the development of criminality. There is much success that can be realized from a program like VISA, but even more success could be realized through programs designed for younger children.

It does not take a super-intellect to identify the fact that the home and church in our country have become less of a factor in creating and perpetuating positive values. The advent of television, multiple-car families, the working mother, and the threat of nuclear annihilation have created an atmosphere of frustration and confusion.

Criminality is caused by an unsatisfactory, psychological, emotional or attitude development in the individual. This realization leads us to discovering the cause of criminality and yes, even the cause of most other social ills. It is quite depressing when we see narcotic, drug and sex education not being emphasized in some cases, until a child reaches junior high school. It is even more depressing when you see narcotic, drug and sex education programs being presented where there is not first an emphasis on the development of satisfactory psychological, emotional and attitude structures.

Everything a child needs to know about the mechanics of narcotics and drugs could probably be taught in a relatively short period of time. On the other hand, developing a satisfactory, psychological, emotional or attitude structure in an individual, takes a considerable amount of time, if not a lifetime. As a child grows older, the chances for altering poor psychological, emotional or attitude habits diminish. Therefore, it seems quite obvious that in order to attempt to prevent the development of criminality in an individual, the process must begin early in that individual's life. Realizing, at the same time, that home and church are becoming less of a factor in preparing children so that they can cope and deal successfully with life, we can see the need for developing a program whereby the ability to cope and deal with life is nurtured and developed. It is in the context of this hypothesis that I suggest the following steps be considered:

(1) The field of education should accept the responsibility for developing psychological, emotnional and attitude patterns, consistent with our society's definition of good social behavior.

(2) A National Commission should be appointed, consisting of experts in the fields of psychology, psychiatry, sociology, education and criminal justice.

(3) The Commission should study in depth the causative factors leading to the development of criminality and anti-social behavior at early ages. A program then should be developed which could be injected into each school system and which would be designed to meet the psychological, emotional and attitude needs of children beginning with kindergarten and continuing through high school. Special consideration should be given to environmental factors such as poverty and racial minority concentration, however, perspective must be retained with reference to a responsibility to all children.

(4) School systems should beef up counseling and guidance facilities so that special attention might be paid to those children who have more serious problems.

I would anticipate that a program of this nature might meet very strong resistance. There are many in the field of education who feel that there should not be strong emphasis placed upon developing the positive values of students. There is a feeling among some that a program such as this could be misused as a brainwashing tool. These arguments must be discussed and resolved.

In talking with those in the field of education, another major obstacle to a program of this nature would be that of developing the ability in a sufficient number of teachers so that proper implementation would be had. In any event, whether this program is instituted or not, serious attention must be paid to the soundness of the psychological and emotional makeup of our teachers.

I have talked with psychologists, psychiatrists, leaders in the field of education and clergymen. I have found a general agreement that if a program of psychological, emotional and attitude development could be prepared, and if it could be implemented, it would probably go far toward reducing the intensity of some of the social ills, including criminality, that our country faces today. There is, however, strong reservation on the part of many that I have talked to, about the possibility of successfully selling an attitude and emotional development program. To those, I say, if we do not attempt to attack the root cause of criminality and antisocial behavior now, we can reasonably predict that our success in reducing the impact of criminality and other social ills will be extremely limited.

We have discussed the criminal justice system and I think we can see that even if it was operating at optimum efficiency, it will not assure a peaceful and reasonably safe society in which to live. Certainly we have many problems in our country today that we must attend to and attempt to correct. We have that human responsibility. But, our responsibility goes much farther and much deeper than attacking problems after-the-fact. We must develop before-the-fact approaches to the prevention of the development of criminality and pay heed to our responsibility to future generations.

KOREA

Mr. BUCKLEY. Mr. President, the Ambassador of the Republic of Korea, H. E. Dong-Jo Kim recently gave a speech at the Institute on Comparative Political and Economic Systems at Georgetown University. In his remarks, the Ambassador has called attention to many of the important political and military changes which are underway which affect the peace and security of the Korean peninsula. In view of our important national interest in northeast Asia in general, and the interaction of Korea with major U.S. policy initiatives in recent years, I urge careful study of his remarks. I ask unanimous consent that these remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

FREE KOREA, IN THE MIDST OF ASIAN CHANGES

(By H. E. Dong-Jo Kim, Ambassador of the Republic of Korea, Washington, D.C.)

Dr. Dobriansky, students, ladies and gentlemen, I would like to preface my remarks this evening with an expression of appreciation for this invitation to address the Institute on Comparative Political and Economic Systems. I would also like to take this occasion to congratulate Dr. Dobriansky and the students in the Institute for the fine work they are doing in fostering greater interest in, understanding of, and friendship among nations and peoples of the world. I can assure you that your efforts contribute immeasurably to lightening the burdens of those of us in the diplomatic service.

I am sure you are all familiar with the Kipling quotation—East is East and West is West and never the twain shall meet.

I do not really know whether this well known quotation ever had true validity. Perhaps in some aspects of man's approach to solving his basic problems this maxim has had some truth. However, in the much larger sense of man's basic needs and man's dependence on man, I do not believe this theory is applicable, or for that matter, ever was applicable. Certainly the strong ties between the United States and Korea belie this statement as do more recent events which have enfolded in the international community during the past year.

Perhaps, however, we could make this statement more descriptive of the post World War II period by making a few substitutions and saying: communism is communism and democracy is democracy and never the twain shall meet. Parenthetically I might add, except on the battlefield as evidenced in Korea and Vietnam.

At least the foregoing statement would have held some validity until approximately a year ago when President Nixon made his historic trip to Peking. This trip seemed to act as a catalyst for a series of developments in the international community, developments still in their very early stages of growth but the ramifications of which have had and will continue to have enormous significance for us all. Here was a symbolic beginning of the twain meeting between democracy and communism and portended a drastic break in the framework of the power structure which had characterized international politics for over a quarter of a century.

I am not a historian and I do not presume to be an expert on international relations, but I have thought often during the past year about whether President Nixon's trip to China initiated a new era in foreign relations among the world's nations or whether his trip was rather the realization that a new era in foreign relations had already commenced and the trip was a pro forma announcement of something which had already evolved.

For certainly there is no question but that the cold war era was one of stagnation, hostilities and innumerable frustrations for nations and untold suffering and death for thousands of people caught in the vortex of the cold war, often turned hot, as in Korea. Throughout this period men had been searching for alternatives and it has become increasingly obvious that leaders of both east and west, communist and democratic, have come to the full realization that the future of all nations in the 20th century and beyond depends on governments, settling their differences at the negotiating table, not on the battlefield.

Speaking as a representative of a peace loving and freedom loving nation, I cannot help but add the speculation that underlying this changed atmosphere there was manifest for the first time a willingness on the part of the communist nations to negotiate—a willingness which they had steadfastly refused to manifest for more than a quarter of a century.

At this juncture we are unable to explain this seeming willingness but we cannot afford to not encourage it in every way possible. For we now find ourselves standing on the edge of a new frontier, one of unknown opportunities and perils. Whatever the end results, it presents a challenge which we must meet with optimism and hope, tempered at all times of course with caution.

And precisely because the Korean peninsula—divided between communism and democracy, and east and west, for the past twenty-eight years is a microcosm of the larger division of the world powers, I welcome this opportunity to present to you this evening a synopsis of how one Asian democratic government had adjusted to this new turn of events—both vis a vis foreign and domestic policies.

In so doing, I would like to focus your attention first on the nature of our new relationship with North Korea, and later discuss how this new relationship has influenced our relations with other nations and our domestic policies as well.

First our relationship with North Korea. Actually, it was August 15, 1970, long before President Nixon's trip to China that President Park in an Independence Day address to our nation called on North Korea to desist from its military provocations and to renounce their policy of communizing the whole of Korea by force. Only in this way could tensions on the Korean Peninsula be eased. If the communists agreed, President Park said he would put forth concrete proposals for removing step by step artificial barriers between the two parts of Korea. This invitation was paid scant attention by North Korea at that time.

In August of 1971 our government took another initiative and proposed Red Cross talks between north and south to work toward reunifying more than fifteen million forcibly separated families as a consequence of the Korean War. It was indeed a welcome sign when North Korea finally accepted this humanitarian proposal.

However, it was not until May 1972, almost two years after President Park's plea, that the North Korean government officials agreed to initial contacts with government officials of the Republic of Korea. These initial contacts led to the South-North Communique of July 4, 1972 pledging among other things:

1. Reunification through peaceful means
2. Renunciation of armed provocations
3. Installation of a direct telephone line to prevent precipitous outbreaks of military incidents, and very importantly,
4. Establishment of a South-North Coordinating committee to implement reunification problems.

Since this agreement, dialogue has been held on a two track basis—namely the Red Cross talks to settle the humanitarian problems and the Coordinating Committee meetings for discussion of other serious problems existing between the two parts of Korea.

In pursuing this dialogue with the North, our basic approach has been directed toward seeking a realistic and practical solution. Specifically, we have advocated a three stage formula, commencing with non-political matters such as the reunion of separated families, leading to the next stage of economic and cultural exchanges and finally culminating in political discussions and hopefully ultimate reunification. In other words, we believe there must be sufficient ground work and a solid foundation of mutual trust before definitive reunification talks can be meaningful.

Conversely, the other side insists that the talks move immediately to such unrealistic matters as the withdrawal of the United Nations forces and the mutual reduction of armed forces. Additionally, the north just recently interjected very serious political elements into the Red Cross talks by demanding the dismantling of the anti-communist social system in the south. We view this with grave concern, and are compelled to question their real intention and ulterior motives.

Also we view with alarm a concerted diplomatic effort to undermine the international position of the Republic of Korea as well as a renewed propaganda campaign against the south in direct violation of the joint statement of July 1972.

In light of these recent development, future progress in the talks depends on a North Korean demonstration by deed, rather than words, of their desire for progress.

As you are undoubtedly aware, the frequently stated position of the Republic of Korea on reunification progress has been on the basis of the United Nations formula calling for free elections throughout Korea under the impartial observation of the United Nations. We have not deviated from this position, often calling on North Korea to recognize the competence and authority of the United Nations, which North Korea has steadfastly refused to do. Rather, North Korea has continued to insist on the withdrawal of United States forces as a precondition to any progress on reunification. Herein has been the stumbling block for progress in our negotiations.

In the hope of ending this impasse in our negotiations, President Park on June 23 announced a Special Statement on Foreign Policy which reflected an objective and realistic appraisal of the Korean internal and external situation. This statement enunciated interim policies which our government hopes will expedite the achievement of peaceful unification of our peninsula. While calling for peaceful unification of our fatherland as the supreme task of the Korean people and continued dialogue with the North, President Park stated that our Government will no longer oppose participation of North Korea together with us in international organizations nor will our government object to the admittance of both Koreas into the United Nations. This new position of our government in no way should be interpreted as our recognition of the legitimacy of the North Korean government or North Korea as a state but rather as a new approach to bringing meaningful dialogue, peace and eventual reunification to our nation. It is our earnest hope that North Korean participation in this international forum will make its government act as a more responsible and responsive nation in the international arena than it has previously demonstrated itself to be.

For our part, we will continue to pursue a dialogue with the north with the full knowledge that any negotiations with the communists is an extremely difficult undertaking and must be done with the utmost of caution at all times.

I am sure from the foregoing that it is obvious to you all that our dialogue with North Korea is at a tenuous and uncertain stage at the present time. And it is because of this great uncertainty about our future that we are more than ever convinced that the continued United States and United Nations presence on our soil is so crucial. Until there is greater stability in the developing nations of Asia and until their respective roles in Asia are more clearly defined, we believe that the American presence remains a critical margin in the equation which will determine whether the outcome of the present process is a relatively stable peace or increased violence and chaos.

I say this fully aware of the implications of the Nixon Doctrine and the desirability of the United States to reduce its heavily overburdened international commitments. In principle Korea supports the Nixon Doctrine. In fact, Korea was the first Asian country to voice its support for the principle of the Doctrine.

However, for us, the most crucial aspect of this Doctrine is its implementation. The timing in each case must be carefully planned so that in no way would the result be detrimental to the existing commitments which the Nixon Doctrine will continue to honor. Presently, the United States is engaged in a five year modernization of our armed forces. This modernization is mandatory based on a comparison with North Korean armaments which are superior to those of the Republic of Korea in almost any category one might designate.

Coupled with this modernization of our arms, the United States, after consultation with our Government, withdrew some 20,000 American troops from Korea as part of the implementation of the Nixon Doctrine. However, until our modernization is completed, or until we are more self sustaining, we need the continued United States presence.

While I have stressed the significance of the United States' role in Korea and the Pacific, I have not lost sight of the role that Asian nations must play in this new era.

In any discussion of this role of Asian nations, of course, Japan has to be a major consideration. Since normalization talks in 1965, Korea and Japan have undertaken a steady development of joint efforts for mutual cooperation in economic fields.

Generally our feeling vis a vis Japan is that, as a highly successful industrialized nation, Japan should contribute more to efforts for regional cooperation. We are apprehensive and somewhat disappointed that at this crucial time in the Republic of Korea's negotiations with North Korea we see an increasing tendency by Japan to get closer to North Korea, both in trade and traffic of personnel.

Recently, several western countries such as Sweden, Denmark, Norway and Malaysia have also established diplomatic relations with North Korea.

Our thinking is that any premature move by our friends to improve their relations with North Korea will hamper our dialogue by weakening our bargaining position. It is our considered view that the hasty recognition of North Korea will endanger the progress of the South-North dialogue by disturbing the most delicate politico-military balance existing between the south and north on the basis of which the dialogue itself was possible.

Although obviously North Korea, the United States and Japan are central factors in our foreign policy considerations in this changing era, I would like to mention another new direction in our foreign policy in recent months. We have always sought to establish diplomatic relations with other nations, seeking mutual cooperation in cultural, economic and political spheres. At present we maintain diplomatic relations with eighty-four nations.

In this connection, I might add that President Park, in his Special Statement of June 23, enunciated a new policy to pursue friendly relations with all the nations of the world. Specifically, he stated that the Republic of Korea would open its door to all the nations of the world on the basis of reciprocity and equality. At the same time, those countries who have different ideologies and social institutions were urged to open their door to the Republic of Korea.

To sum up the basic principle of our foreign policy is to seek the reduction of tensions and thus establish a structure of peace on the Korean peninsula, under which we hope the ultimate reunification of the country will be realized.

Thus far I have pointed out our expectations and new directions in foreign policy in this period of fluidity in the world. However, my presentation would be incomplete if I did not touch upon the internal changes in my country during the past year and our future expectations; for we fully realize that the most effective way to prepare ourselves for whatever eventuality the winds of change bring to our peninsula and Asia is to have a viable and healthy economy and people.

Over a decade ago, President Park initiated a series of Five Year Plans which set goals in virtually every category of economic development. At the present time our third five year plan is in operation in which we are aiming at striking a balance between the industrial and agricultural sectors and between light and heavy industries. Hopefully this plan will establish a firm basis for attainment of our goal of a 10 billion dollar export business and $1000 per capita income by the early 1980's. I think a measure of the success of our five year plans can be seen here in the per capita income which has gone from $95 in 1961 to $305 in 1972 to our projection of $1000 by 1980.

In our efforts to raise the living standards of our people and to eliminate growth imbalance and disparity in rural and urban incomes, we have launched something we call the new community movement aimed at increasing farm income and improving farm living conditions. It combines long term developmental government investment with voluntary farmer participation and will replace the traditional closed agricultural society with a new and modern industry oriented society.

The greatest gains have been in light and heavy manufacturing. We now have a petrochemical complex at Ulsan, refining petroleum for our use and for the manufacture of plastics and other petroleum derivatives. Our electric power generation has been increasing to keep pace with our overall economic development. And, of course, our exports have been expanding. As of the end of 1972 our commodity exports amounted to $1.8 billion.

Since our nation has few resources, we have become a processing and manufacturing country. Our major resources are hard work and manufacturing skills. Our private enterprise, market economy and dependence upon a free flow of imports and exports ties us inseparably to similar economic systems in the United States, Japan and Western Europe.

It is important for us at this time in particular to strengthen our economic security through trade and joint economic ventures which tend to tie nations together.

I hope by now it is apparent to all of you that remarkable changes have been transpiring in our nation during the past year. Of course, these changes are not unique to Korea but rather are representative of changes transpiring throughout the world. A new era has just begun for us all—the future of which no one can predict.

What is reassuring and predictable, however, is that, in spite of all these changes, the prime joint interests between our two nations will remain stable. These I would summarize as stability in East Asia, economic expansion of all nations and people, promotion of the right of all nations to be independent and to follow courses of their own choice without injury to others, and, of course, our paramount mutual interest in maintaining and strengthening peace.

We in the Republic of Korea are anxious to cooperate with all nations in the advancement of all these joint interests. For we all prosper in peace by working together.

Let us hope and pray that this message is read loud and clear in all nations of the world. For as I mentioned at the outset of this speech, the survival of us all is dependent on the realization of this hope.

Thank you.

GROWING AMERICAN CONCERN OVER THE DROUGHT IN AFRICA

Mr. HUMPHREY. Mr. President, I was privileged to speak before an emergency student conference on the drought and famine in the Sahel held on Capitol Hill last Wednesday. This conference demonstrated the growing American concern about the catastrophic drought in West Africa.

The conference was sponsored by a number of groups deeply concerned about the drought and committed to doing everything possible, through the Government and through private organizations, to alleviating the tremendous suffering in these six West African states

A new coalition of black organizations, called Relief for Africans in Need of the Sahel, the Congressional Black Intern Caucus, the Student and Young Adult Division of the United Nations Association, the National Student Lobby, and the American Freedom From Hunger Foundation all joined in sponsoring this conference.

The speakers at the conference represented the broad spectrum of organizations, national and international, that are participating in the relief effort in the Sahel. Undersecretary General of the U.N., F. Bradford Morse, spoke of the impressive cooperation among donor nations and among the various branches of the United Nations in the short-term relief effort and outlined the plans for developing detailed, comprehensive recovery and long-term development programs. The recovery and development effort will be coordinated out of Undersecretary Morse's office. It will be based on international cooperation on an unprecedented scale in providing financial assistance and scientific analysis of the possibilities of the area.

USAID has been one of the major initiators of this broad, "systems analysis" approach to economic recovery in the Sahel and one of the major forces behind the international coordination of this effort. The AID officers who have worked long hours to make this possible are to be commended; and I believe Congress should give them all the support they will need in continuing the U.S. role in the economic recovery and development of these six West African states.

Representing private organizations involved in the relief effort at the conference were Rev. Jesse Jackson, Operation PUSH; Lucius Walker, Interreligious Foundation for Community Organization; and Jan van Hoogstraten, Church World Service.

Fermino Spencer spoke on the Agency for International Development's role in the international emergency relief effort.

Mr. President, I was deeply impressed by the serious concern over the tragic situation in the Sahel expressed by the students who attended this conference and by the impressive international relief effort represented by its speakers. This "creeping crisis" has finally received the worldwide attention it deserves. We have seen increasing numbers of stories in the press describing the situation in the Sahel. Television news teams have gone to the area to bring this tragic story into our homes. And the world has not turned a deaf ear to the reports of starvation and economic devastation in some of its poorest countries.

Churches and other private organization have appealed for special contributions. Governments have joined in the common effort to bring food to those threatened with starvation, medicine to those weakened by hunger and vulnerable to disease, and hope to those who have lost everything. Soviet planes are flying American grain into isolated areas. African officials are distributing food to the hungry, regardless of their national origin. The multilateral lending institutions, the African governments, the members of the E.E.C., Russia, China, the United States and numerous other countries are working together on plans to restore these countries to economic health and make the steadily growing desert bloom.

Most of the hard work is still ahead of us. Next year's food shortages will be even greater than this year's. The need for international relief will be even more pressing.

Water projects will have to be started, seed brought in, and herds rebuilt. But I believe that, with the tremendous international and national concern expressed at this conference, the relief will be provided and the hard work will be done.

Mr. President, I ask unanimous consent that two reports written by Americans who have just returned from the Sahel be included in the RECORD. The first is a Washington Post article written by Robert E. Hunter. The second is the report of Senator PEARSON's legislative assistant, Rudy Rousseau, on his recent trip to Mali.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 28, 1973]

Hope Is on the Way to Timbuktu

(By Robert E. Hunter)

BAMAKO, MALI.—At dawn the C-130 Hercules transport, piloted by USAF Captain Mike Langley, lifts off the runway at Mamako in a swirl of red dust. Destination: Timbuktu—with a cargo of 33,000 pounds of sorghum donated by the European Economic Community to the drought-stricken areas of the Mali Republic. This is one of three trips flown every day by the 41st Tactical Airlift Squadron, carrying enough grain from a dozen countries and several international agencies to feed tens of thousands of people for one more day.

In America, Timbuktu means romance, a once-forbidden city near the edge of the Sahara Desert, or simply one of the most inaccessible places on earth. Today, it symbolizes the growing tragedy of six West African countries that encompass the Sahel—the broad band of grasslands and near-desert between the Sahara in the north and the tropical lands of the southern coast. During the past four years, rainfall in this area of unpredictable weather has been far below normal, leading to a worsening shortage of grassland for livestock and grain for human consumption.

Mali is a livestock country, with one head of beef cattle for every citizen—5 million—and with twice as many sheep and goats. Cattle on the hoof—80,000 head or more a year—are Mali's principal export, and virtually the only tangible evidence of wealth in this most poor country. Now 20 percent of the cattle are dead—60 percent or more in the desolate 6th Region in the north, which includes Timbuktu. What late snow did to Wyoming and Colorado cattle last winter, a lack of water had done many times over here in the last several months.

The grain harvest has been equally hard hit. The rainy season, beginning at the end of May, is traditionally a difficult time in Mali, when buffer stocks of millet and other grains from the previous year must last until the September harvest. This year, these stocks do not exist in many parts of the country; some farmers have begun eating their seeds; a few Malians have died of diseases related to starvation. Worse still, the rains that have begun here in the south, incidentally helping to block road transport to distant areas, have not yet begun in the 6th Region.

The Hercules follows the Niger River northeast across the *Office du Niger*, an agricultural experiment of French colonial days in the inland delta formed by this great water lifeline. The *Office* is now largely barren. At Timbuktu, the temperature is 105 degrees, with a hot 15-knot wind off the desert. No sun shows through clouds of dust that hang above 10,000 feet, limiting visibility, and placing heavy stresses on the airplane. Today, this dust has closed the dirt airstrip at Gao, 200 miles farther down river, now cut off until the dust subsidies.

At Timbuktu, another 15 metric tons of grain are unloaded from the plane by Malian workers, who are cheerful and spirited despite the heat and vie with one another in tests of strength. One man carries three sacks of grain in one trip—330 pounds—and sets today's record. Thirty minutes later, carrying souvenirs of Timbuktu, the six-man Air Force crew takes off to pick up more grain. This time the return flight is empty: sometimes it carries Algerian aid in the form of jam and vegetables to Bamako and the south.

This airlift—and ones run here earlier by the Belgians, the French, the West Germans, and others—cannot hope to move all the grain that is needed. But it does help; and it represents a form of international cooperation that is rarely seen. Countries from China to Canada are represented; and the U.S. planes carry whatever food is available, including Soviet wheat that may have begun its voyage in the United States.

As the situation in Mali shows, human tragedy can sometimes be simply a matter of transportation. This is particularly tragic because Mali has long since sought help with its transportation needs—both internal and external—and has met with little success among foreign aid agencies. Not only is there the difficulty of moving grain from Bamako which—relative to some parts of Mali—seems to be a "horn of plenty" with no lack of goods in the shops, but also there is difficulty in getting food aid from abroad to Bamako itself.

The Mail government has asked other nations for 260,000 metric tons of grain to get past the worst period. Over 140,000 tons have now been pledged or shipped by foreign donors—more than one-fourth from the United States directly or through international agencies. However, Mali has only two links to the coast: a single-line railroad to Dakar, in Senegal, 800 miles away; and a road and rail link to Abidjan in the Ivory Coast. Food is arriving at these ports in quantity. Yet at Dakar, 25,000 tons of grain has piled up in warehouses, since the railroad can handle only about 6,000 tons a month. Meanwhile, some grain may rot in the rain at Abidjan for want of inland transport. Nor is a massive airlift the answer, short of a massive "Berlin Airlift" of small planes: even the paved strip at Bamako would break up under the weight of giant transports like the American C-5A.

As difficult as the present problems are, the Malians' biggest difficulties are yet to come. Mali's loss of cattle means a loss of foreign income; a loss of meat for the coastal countries; and a loss of cows needed to replenish the herds when rain hopefully brings back the pasture. Seed that is eaten is not available for planting. Farmers driven from the land by drought may find it difficult to start again, and some will make their way to cities and villages—to unemployment. And the burning off of pastureland by the sun means further encroachment by the Sahara Desert, which presses southward even in the best of years.

Real help, then, is something for the long term. This means help that serves virtually no self-interest of outside countries, except perhaps in the case of France, with its cultural ambitions. Mali has few resources to speak of, even though Texaco is continuing its search for oil and the Soviet Union is mining gold. Mali no longer serves as a focus for ideological competition. It can do little *for* the outside world and little *to* it. Furthermore, Mali is one of the U.N.'s "25 poorest countries," with so many people living entirely on what they can grow themselves that the term "per capita income" means nothing here. Thus if help comes to Mali—as it does in limited quantities from several countries of both East and West—it comes as a matter simply of helping to support another people's efforts.

Mali does contain some hope. Family ties remain strong, reducing the impact of unemployment on individuals. The Malian farmer tends to be clever and industrious, and in time may export beef to the Common Market. The top level of government is very capable, although Mali is top-heavy with civil servants. Health standards are improving—though this is raising the classical question whether better health will increase the population, and with it poverty, faster than family-planning programs can become effective. Furthermore, literacy, which two years ago was about 15 percent, is leaping ahead because of a new approach to literacy—literacy tied to a man's own needs and work. In this new approach—a major factor in development—Mali has even become UNESCO's showcase. Finally poverty is a relative term. The subsistence farmer in Mali is certainly better off, in a non-drought year, than the landless Indian peasant or the family in a Latin American slum—or perhaps even in a slum in the United States.

Thus, what 40 men of the U.S. Air Force are doing here in Mali, from Bamako to Timbuktu and beyond, may be a limited effort in terms of Mali's larger needs. But it still stands as an example of what *can* be done in the midst of human tragedy, by people from diverse countries. So much more the pity this emergency relief effort would have been less needed—or more successful—if Mali's earlier appeals for help in developing transportation had been heeded.

REPORT ON VISIT TO SAHELIAN DROUGHT AREA

(By Rudy Rousseau)

The primary purpose of the visit to the Sahelian region of west central Africa was to make personal observations and gather up to date information about the impact of the drought on the peoples and economies of the area. The trip began July 19 and ended July 28. July 21 through July 27 was spent in the Sahel.

Travel within the region was restricted to one of the six countries affected by the drought, Mail. The visit was confined to Mali because at the time of the visit the USAF C-130 aircraft which served as transportation within the region were only flying relief supplies from Bamako, the capital of Mali, to airfields within the country.

It was possible to see a range of drought conditions which were representative of the region. In addition to flights from Bamako, we traveled approximately four hundred miles by car and four-wheel-drive vehicles, visiting villages and medium-sized cities in the central part of the country.

Formal and informal interviews with Malian and American officials in Bamako, Timbuktu, Gao, and other cities and villages provided useful information about the impact of the drought and future needs for assistance.

The structure of the visit and the limited period of time spent in the Sahel, placed four basic limitations on the observations and trip:

First, although this observer has spent a reasonable amount of time in Africa, he had not been to the Sahel.

Second, the Sahel is almost as large as the continental United States, although not as geographically diverse. Five days was not time enough to observe all of the varying degrees of intensity with which the drought has affected the peoples of the region.

It should be noted that the parts of Mali which were visited included the reasonably fertile lands along the River Niger as well as the semi-arid areas in the vicinity of Timbuktu and Gao.

Third, the Malian government provided transportation and escorts during visits to the areas around Timbuktu and Gao which have been most severely affected by the drought. We seemed reasonably free to travel but it is difficult to determine what was not shown to us. American officials indicated that we saw a reasonably representative sample of the conditions in the area.

Finally, a five day visit during the rainy season, or what is supposed to be the rainy season, may not be the most appropriate time to view the effects of a drought.

With these limitations clearly stated, this report shall proceed in two parts: first with a narrative of observations made during travel within Mali and second, with a general discussion of the conditions within Mali and possible impact on drought assistance.

SUNDAY, JULY 22

Accompanied by an American who had served in Mali for several years and who has now returned to do a nutritional study on the effects of the drought, we traveled approximately 300 miles from Bamako to the small city of Makala and back. The paved road on which we drove parallels the River Niger and goes through a relatively fertile area of the country.

According to an AID regional officer from Dakar, this region normally produces enough grain and livestock to be self-sufficient. However, this year the rains have not been adequate to produce normal crops. Along the road, corn, which should be chest high, was only knee high. Farmers have lost their first two plantings and were starting a third planting of corn, millet, and other crops. These conditions prevailed along the entire route from Bamako to Makala and if the rains do not come, this is an ominous indication of severe shortages in the coming months. The loss of crops was especially notable because many of the fields were literally within sight of the river. Although attempts have been made to introduce "modern" methods of plowing and planting, crops which have been planted in "modern" rows were not doing noticeably better than those planted in "traditional" hills.

The cattle, goats, and horses which we saw in this area seemed to be healthy and well fed. Grasses, bushes, and trees were green and had received enough water since the beginning of the rainy season to serve as adequate forage for livestock.

Several varieties and substantial quantities of food were available in roadside markets in the cities. I was informed that corn normally serves as the staple food at this time of year until millet and rice come in toward the end of the rainy season. Corn was available in the markets but not in large quantities. The corn must have come from fields in creek bottoms or from fields which were watered by hand. Substantial supplies of peanuts, bananas, coconuts, pineapples and other fruits were in the markets. Fresh and dried fish from the Niger was available in this area.

During this trip, I observed no obviously unhealthy children or adults in any village or city along the route. Fish, local foods and relief commodities from Bamako had evidently provided enough food.

There are obvious limitations to these observations. The sick and hungry could have been indoors or otherwise out of the sight of a visitor. However, Malians and Americans knowledgeable about this particular area believe that adequate food is available at this time.

Despite the relatively good conditions, two potential problems were evident. First, unless substantial rains lasting longer than the usual rainy season reach this area, the crops may well be below normal. Without rain the normally self-sufficient area from Bamako to Makala will not be self-sufficient. Relief supplies and grain from the south of Mali will be needed to sustain the people. Fortunately, this region is accessible from Bamako and the south so there should be little difficulty in moving supplies into the area as they are needed.

The second, and perhaps more critical problem, is that the River Niger is well below normal for this time of year. Rains at its headwaters have not been adequate. Because the Niger is the main route for shipment of adequate supplies of food from the grain surplus areas of the south and from stocks of relief supplies from Mopti, low water means that barges which normally carry up to 200 tons of supplies may not be able to reach the north and eastern regions which are badly in need of food. It is possible that the river will rise enough to permit barges to reach the area, but that it will not stay up for a sufficient period of time to enable the Malians to adequately supply the area. In either case, given the lack of roads and of ground transportation, a continuation of the airlift may be necessary.

MONDAY, JULY 22

Monday was spent in and around Bamako. During the morning, the American Embassy arranged a meeting with the Chief of the Gendarmerie Nationale, Mr. Diallo. At the time of the visit, Mr. Diallo was the individual responsible for the coordination of the relief operations throughout Bamako. Also attending the meeting was the man in charge of the airlift and liaison with the United States Air Force, Captain Aliou Traore, Vice Minister of the Air Force.

Mr. Diallo and Captain Traore described the general structure of the Malian relief efforts. Diallo stated that the central government in Bamako identified local needs through its regional and subregional offices of the Ministry of Agriculture which then reported to the Ministry of Interior. Diallo said that agriculture agents were located throughout the country and that they traveled extensively to gather information necessary to determine needs for relief supplies. He said that supplies were distributed equally to all peoples of the country.

Mr. Diallo stated that he is satisfied with the coordination of the assistance among the various donors and international organizations because the Malian government is the coordinator and is firmly in control of the operations. That statement was later corroborated by both Americans and Malians. The Malians seemed determined to control the entire distribution of relief supplies and have rejected offers of help when the donor attempted to control distribution.

On Monday afternoon, we visited Peace Corps projects approximately 25 miles from Bamako. The crops in this area appeared to be in about the same condition as those toward Makala. Even the Peace Corps Volunteers had lost their first planting of corn and had begun a second planting, but had little hope of success.

Food was available in the villages we visited and no obviously sick or starving individuals were evident.

TUESDAY, JULY 24

Accompanied by American and Malian officials we flew from Mamako to Timbuktu on a USAF C-130 carrying 15 tons of Pakistani rice. Timbuktu is located approximately 400 miles northeast of Bamako and lies about six miles from the main channel of the Niger. The area is on the fringe of the

Sahara and the vegetation is sparse in the best of times.

People are dying in Timbuktu. Many of their animals have already died and unless the rains come or substantial aid is received, a way of life which has lasted for more than ten centuries may end for the nomadic herdsmen and traders of the Sahel.

The rains have not come to Timbuktu. Very little forage is available for the remaining animals. Some goat herds were feeding in the area, along with a few camels and donkeys, but I was informed that most of the animals were either dead or moved south.

It was very difficult to judge the condition of the people in the city of Timbuktu itself. Evidently, they were receiving relief commodities. The worst conditions in the Timbuktu area, and probably the worst conditions in the country, are found in the camps of the nomadic herdsmen, the Tuaregs. The commandant of the administrative region around Timbuktu stated that children die every day in those camps. Some people in the camps appeared to be very close to death. One woman collapsed as she walked toward us. Some children were literally skin and bones. People who had been in the camps for some time looked healthier. The commandant stated that the Tuaregs received a daily ration of commodities and that they had access to medical care. He pointed out, however, that the normal diet of the Tuaregs is milk, meat, and dates, and that changing to a diet of grain was very difficult for them. The people in the camps were preparing grain when we visited the area.

We only traveled to one village near Timbuktu. It was on the river bank and not typical of other villages in the area. Given the shortage of grain and transportation (the commandant said that he had only one truck for the entire area), conditions may have been much worse in outlying areas than in Timbuktu itself.

It is not possible to estimate how many nomads have died during the drought or what proportion of their herds have survived. However, given the fact that the way of life of the Tuaregs is based on the herds and the fact that a substantial proportion of the herds have died, the Tuaregs are in serious trouble and may need substantial assistance for some time to come.

According to Malian and American officials, Timbuktu has three basic problems. First, the drought has caused the failure of crops in the area and the death of much of the livestock. Second, the river did not rise for its normal period last year and may not rise long enough this year to enable large barges to bring in adequate provisions. Third, large numbers of nomadic herdsmen and traders have gathered near Timbuktu in search of food, and therefore have added to the need for relief supplies.

Each of these three problems has a direct bearing on the continuation of relief efforts. The area around Timbuktu is not now an agriculturally self-sufficient region. For centuries, it has been a trading center exchanging salt, gold and animal products for food. Now, with the herds dead or gone, with few traders able to come to town, and with the shortages of grain, the area cannot support itself.

Whether an airlift of relief supplies will be needed in the coming months is completely dependent on the river. If the barges can reach Timbuktu, a year's supplies of food can be brought to the area. If the barges do not come, an airlift may be the only way to move food and other supplies into the area. The rains could come at any time, but at this time, the river is too low for the barges. We drove for several miles through the dry river bed from the "port" of Timbuktu to the banks of the river. The area was littered with dead animals who could find water but no forage. In addition, the flood plain between Timbuktu and the river is supposed to be used to grow rice. If the rice does not rise, the rice crop will fail.

The third problem involves the concentration of people in Timbuktu and other areas in the north and east where relief supplies are sent. The concentration of people means that more food must be brought to the area to feed the refugees. In addition, conditions in the camps raise the possibility that communicable diseases often associated with refugee camps may break out. Given the lack of medical facilities and the debilitated condition of many of the people, an epidemic of any serious disease could be devastating.

WEDNESDAY, JULY 25

We flew to the city of Gao with a load of grain. Gao is located near the Niger, downriver from Timbuktu. The river was lower in Gao than in Timbuktu but the problems of the two cities are similar.

The commandant of the region around Gao estimated that the area received about 100 tons of commodities less than it needed each month. This figure was based on the commandant's calculations about the grain needed to build a three-month reserve. Given the problems in estimating the number of people in the area, the validity of this figure is difficult to judge.

The central market in Gao had dried fish, fruits and other products. I was told that the meat market was almost empty. It had only two thin cows and a few goats at the time of our visit. The people in the city of Gao looked reasonably healthy. I spoke with a young boy who said that his family had received milk and grain. I saw no obviously unhealthy or starving people in Gao.

In the city of Gao, relief supplies were being distributed at the time of our visit. People were gathered in the courtyard of a government office to receive their supplies. The crowds were orderly and evidently in the city, the distribution system was effective.

We went to a Tuareg camp on the outskirts of Gao. An American AID official stated the people in the camp were Tuaregs from Mauritania who had traveled about 400 miles. The people in this camp looked healthier than those in Timbuktu. I saw no children who were as close to death as those in the Timbuktu area.

THURSDAY, JULY 26

The day was spent in and around Bamako. I visited the two rail terminals where relief shipments arrive from Dakar as well as the warehouse where the commodities are stored.

Sacks of grain are unloaded directly from boxcars onto Malian military trucks. The grain which is to be taken to the Bamako airport for shipment up country and that which is to be distributed in the area around Bamako arrives at the main rail station in the city. The military supervises its offloading and presumably its transportation on military trucks. The grain which is to be stored for later use is unloaded at a large modern warehouse on a rail siding outside of Bamako. This warehouse was one-half to two-thirds full of several types of grain—rice, wheat, corn and probably others which I did not see. The offloading operations seemed to be preceding smoothly at both locations.

At the airfields, a continuous line of men carrying two 100 pound sacks of grain unloads the C–130's. Normally, fifteen tons are unloaded in about 20 minutes. A USAF officer told me that the record for unloading 15 tons of grain from a C–130 is 11 minutes. This feat was accomplished by a labor gang at the Gundam airstrip.

As the grain is offloaded at the airstrips, a tarpaulin is spread on the ground to catch spillage. Each sack is weighed and the grain is then quickly loaded onto a military truck and taken to a central storage and distribution point.

Although there have been reports that crowds wait at the airport for the relief supplies to arrive, this did not happen at either Timbuktu or Gao. Few people were at the airport and the unloading process was orderly.

SUMMARY

It is apparent that some people, especially children, are starving or close to starvation in parts of Mali, mainly in the arid regions of the north and east. It would seem that the desert herdsmen, the Tuaregs, have been the most seriously affected.

Regions served by the airlift, and those accessible by ground transportation appear to be receiving adequate supplies of relief commodities or local foods. As yet, there have been no serious outbreaks of disease in Mali, but the potential exists. The relief operation appears to be working well and probably at or near capacity.

ADDITIONAL OBSERVATIONS

There are two basic sets of problems associated with the distribution of relief supplies. First, in Mali and throughout the Sahel, there are severe transportation bottlenecks at ports, rail lines, airfields and ground transport. The U.S. is sending a transportation and logistics survey team to the area within the week and its report should provide a more comprehensive analysis of the transportation system.

Several points are clear at this time. Although the governments of Nigeria, the Ivory Coast, Dahomey, and Senegal have reportedly been most cooperative in expediting the movement of grain through their ports, the ports may be operating at capacity.

In the case of Mali, I was told that all grain moves from Dakar to Bamako by rail, and that the equipment on that rail line is now operating at capacity. If this information is correct, there is an absolute limit to the supplies which can be moved into Mali unless other means of transport can be found.

Again, in the case of Mali, even if more grain could be moved to Bamako, transportation from Bamako to the most seriously affected areas is severely limited. If the river does not rise, trucks can reach some areas, but large parts of the country will be dependent on an airlift.

Unfortunately, the capacity of the airlift is also severely limited. Captain Traore stated that the airport at Bamako can handle no more than four C–130's at a time. We now operate three C–130's. Therefore, the airlift is working at 75 percent of capacity. Clearly, if the river does not rise and if the crops fail, the airlift will not be capable of moving enough grain to prevent serious problems in the north and east. I understand that other airlifts in the Sahel face similar problems.

Transportation is the primary bottleneck in other Sahelian countries. Mauritania, for example, is dependent on shipments of food from the port of Dakar. The grain from Dakar is shipped by Senegalese truck to a town on the border between the two countries where it is transferred to Mauritanian trucks. Then, at this town, Rosso, each truck must cross a river on a ferry—one truck at a time. This bottleneck has severely limited the amount of grain arriving in Mauritania, a country which, ironically, has the best system for internal transportation and distribution of any of the Sahelian countries.

This critical problem of transportation bottlenecks places a premium on careful planning of flows of relief supplies. Shipment of goods which are not needed could displace commodities which are critical to the survival of people affected by the drought.

A second condition affecting relief operations relates to the strong desire on the part of the governments of the six nations of the Sahel to control the flow of supplies to and within their own countries. The Malians were adamant about this point and noted instances in which they had rejected badly needed goods because foreign agencies asked to distribute them.

According to press reports from Nouakchott, "Trade union leaders from Mali, Mauritania, and Senegal issued a joint statement criticizing the commercial exploitation that the sensational part of the European press has made over the suffering endured by the drought-stricken sub-Saharan peoples. The leaders rejected all forms of aid with an appearance of charity, destined to satisfy the consciences of well-supplied countries.

In summary, it would seem that transportation is the primary bottleneck on the distribution of relief supplies. It is also apparent that the flows of supplies must be very carefully coordinated among donors and with each government.

SUDDEN INFANT DEATH

Mr. MATHIAS. Mr. President, one of the Nation's major causes of death in infants under a year old is a mysterious disease known as sudden infant death syndrome—SIDS—or "crib death." Between 10,000 and 25,000 babies in the United States die of this disease each year; yet its cause and prevention remain unknown to medical science.

Recently there appeared in Good Housekeeping magazine a thought-provoking article by Rena Dictor LeBlanc describing the affects of the death of a baby from SIDS on the parents of the child. Rather than succumb to their grief, Saul and Sylvia Goldberg in 1964 established the International Guild for Infant Survival. At the present time there are chapters in 12 U.S. cities and regional representatives in 30 more, whose objective it is to raise funds for the research of SIDS, as well as to work with parents who have lost infants to this disease. The work of the Goldberg's has been commended by many people for "providing a most important service to parents everywhere."

Mr. President, I recommend to the Senate Ms. LeBlanc's noteworthy article, and ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From Good Housekeeping Magazine, July 1973]

"Somebody Help My Baby!"

(By Rena Dictor Leblanc)

It was a beautiful December day, and warm for Baltimore—55 degrees. Sylvia Goldberg sang to herself as she vacuumed the family room, peeking, every few minutes, through an open window into the sunny backyard where her baby was fast asleep in her carriage.

Then the phone rang. It was her neighbor, Judy, calling to chat. Sylvia asked her to hang on for a minute so she could go outside to check on the baby.

As Sylvia bent over two-month-old Suzanne, a tiny bundle in her pink bunting, she noticed there was perspiration on the child's forehead. Her small, round face was waxen. Sylvia's heart began to hammer. She lifted the child in her arms. Suzanne was as limp as a rag doll. She'd stopped breathing!

Fear plunged through Sylvia's heart like a dagger. Completely forgetting about her friend on the telephone, she ran blindly through her house and out the front door with the child clutched in her arms, screaming, "My baby! Help! Somebody help my baby!"

Another neighbor rushed over. It was Dawn Morrison, a nurse. Quickly, she took the infant from her mother's arms ran into the house and began mouth-to-mouth resuscitation. Judy had hung up and Sylvia called an ambulance. She was hardly aware of her three-year-old daughter, Michelle, beside her, eyes wide with terror.

Speaking from a distance of nine years since the tragedy, Sylvia says, "What I will always hear is what the doctor said to me when I reached the hospital where the ambulance had taken Suzanne. 'Your baby is dead.' "

And so Suzanne Elysa Goldberg, a bright, healthy, alert baby girl with dark hair and big brown eyes, became another terrible example of the Sudden Infant Death Syndrome (SIDS). The disease this label describes is reportedly the number-one killer of babies up to a year old, yet its cause and prevention remain a mystery to medical science. Crib death, as the disease is also known, kills between 10,000 and 25,000 babies in the United States each year, according to various researchers.

In memory of Suzanne—and all babies who have died of this mystery disease—Sylvia and Saul Goldberg started the International Guild for Infant Survival. The guild has helped thousands of people across the country and overseas cope with the sudden, unexplainable death of a baby. Also, the guild contributes money for research into sudden infant deaths and is trying to educate the public about the problem.

"I'll never forget the emptiness and pain I suffered when Suzanne died," said Sylvia, a warm, outgoing woman with short, sandy hair and pale-blue eyes. "Through the guild, Saul and I hope to spare other parents as much agony as possible."

Saul is president of the guild, but it is mostly to Sylvia that grief-stricken mothers pour out their hearts and are soothed by her understanding and words of comfort.

"Suzanne was my third child, and the easiest to care for," Sylvia recalled recently as she sat in her neat, bright living room with Saul nearby. "I had just given her a bottle the morning of that terrible day. She didn't finish it, but fell asleep in my arms. So I laid her on her stomach in the carriage, and it was such a lovely day I wheeled her outside."

Tears brimmed over in Sylvia's eyes and she reached for a tissue from a box Saul handed her. "It's been nine years and I still can't talk about it without crying. Before the ambulance came, I fell to my knees by the stairway. I tried to pray to God, to my dead mother. All I could say over and over was, 'God Mom. Please, please save her.' "

Soon other neighbors and the police, whom someone else had called, were gathered around trying to comfort Sylvia while the ambulance attendants carried the baby out the door. Sylvia arranged for a neighbor to look after Michelle and her four-year-old daughter, Ann, who would be arriving home from nursery school soon. And the police took the mother to the hospital.

Judy, the neighbor who had heard Sylvia's screams over the phone, had immediately hung up and called Saul, an advertising executive, at work. She described what she had heard and told him he'd better hurry home.

Saul, a tall, friendly, studious-looking man with dark-rimmed glasses, recalled, "When I finally got to Sylvia at the hospital, we just clung to each other. We sat and held each other for what must have been an hour. We tried to comfort each other. I told Sylvia, 'It's God way.' She kept repeating, 'She was such a good baby . . . an angel. . . . She had a personality of her own . . . so alert. We mustn't forget her.' "

That night, friends gathered at the Goldbergs' home, a split-level house on a quiet suburban street. They tried to comfort the parents, but most of them were at a loss for words after such a mysterious tragedy.

After the guests left, Saul and Sylvia went upstairs to their room. "We read the Bible and poetry and talked all night," said Sylvia. "We were trying to find strength."

At the funeral, held the next day, 150 people came to bid a silent good-bye to the child in the small casket. "People were wonderful," recalled Saul. "Even the mortuary director would not charge us for the funeral. He said 'How can I charge you for such a tiny child?' "

"I was in shock," continued Sylvia. "I wanted to run somewhere and hide. I wanted to go back in time, grab Suzanne and save her. It was as though everything inside of me was crushed. I used to go into the bedroom and smell her baby clothes—and then the scent began to fade. How I persecuted myself, thinking maybe there was something I had done or not done that could have made a difference."

But Sylvia found solace in her pediatrician's assurance that no one is to blame in crib deaths. "Some mothers suffer even more when ignorant friends, relatives or neighbors voice suspicion that something the mother did must have caused her child's death," Sylvia said.

She was also strengthened by her closeness with Saul and their faith in the Orthodox Jewish religion. Together they set out to find out all they could about this strange killer of babies. Their pediatrician pointed out articles on the subject in medical journals, and they wrote to the authors for more information.

Friends wanted to donate money to some worthy cause in Suzanne's memory, so the Goldbergs set up the Suzanne Elysa Goldberg Infant Research Fund at Sinai Hospital in Baltimore. More than $1,500 was raised.

But the couple didn't stop there. They wanted to help prevent crib death from striking other families, and they wanted to comfort those families where it did strike. On November 23, 1964, they held a meeting in their home with this goal in mind. Fourteen people came to discuss and form an organization.

Saul became president and at a second meeting, a month later, there were 30 people. Now the guild has well over 1,000 supporters in groups across the country: There are chapters in 12 U.S. cities and regional representatives in 30 more.

Many of the guild's members are parents who have lost children to the Sudden Infant Death Syndrome; others have never been connected with the tragedy but just want to help.

According to Saul, "The guild provides personal consolation to any stricken families who contact us. Through our organization's fund-raising events and donations, we have contributed approximately $30,000 for SIDS research."

He pointed out that at least four research projects have been given impetus as a result of the guild's efforts. The group also sponsors meetings at which the public can learn more about the disease through lectures by authorities. In addition, the guild distributes the most up-to-date information about the disease in order to enlighten the public and public officials on the need for research into SIDS and facilities in which to study it.

Saul continued, "For example, the guild campaigned for months to get $433,000 allocated to finish construction of a new Medical Examiners Building in Baltimore. Now Maryland's chief medical examiner, Dr. Russel S. Fisher, can better carry on research into the disease.

"The organization also sent out a questionnaire to the chief health officer of each of our 50 states in order to determine what is known about SIDS. We learned that there is no standard, accepted description of the problem; 16 different phrases are used to identify it. There is not even a standard definition of what the Sudden Infant Death Syndrome is. The guild, with the aid of medical advisors, proposes the following definition: 'The death of an ostensibly healthy infant or young child which occurs suddenly and unexpectedly and which remains unexplained after postmortem examination.' "

Saul pointed out, "The questionnaire also illustrated the vast disagreement among medical authorities as to how many babies SIDS kills. Some claim two or three per every 1,000 live births are victims, while others say the figure is as high as six per 1,000 live births."

Whenever a crib death occurs in Maryland, the child's body is sent to the office of the chief medical examiner for an autopsy. When the latter writes to the baby's parents, he also tells them about the guild.

"I didn't want to call the guild after our baby died," said Mrs. Arlen Thomas, a young black woman. "My 15-month-old baby boy was dead and I felt nothing anyone could say would comfort me . . . I blamed myself. . . . But when I finally did call, Sylvia made such a difference in my life. I didn't think it was possible for anyone to feel such an aching inside as I felt. But she told me how she had gone through the same thing, along with so many other parents. She's so warm and understanding. She even helped me overcome my fear of having another baby. And now that I'm pregnant again, I call her almost as often as I call my doctor for the support she gives me."

One of the cries for help which Sylvia answered was from Mrs. Bob Bourriague of Santa Cruz, Calif. Her third son, Daniel, "perfectly healthy in all ways," died suddenly and unexplainably when he was ten days old. ". . . I am really scared to chance another pregnancy," Mrs. Bourriague wrote. "It could happen again—there's no guarantee, and I can't even think what that would do to my sons and husband, let alone me. . . . When I happened upon an editorial about crib deaths, with the statistics and your name and address, I was really stunned. I couldn't believe what I was reading. . . . Can you help me? I really need something soon. I just can't go on like this."

Such a plea is typical of the countless requests Sylvia and her guild have received as part of the approximately 100 letters and 150 phone calls they get each week. Each cry for help is answered. Sylvia tells these mothers her own story and how she and Saul planted a cherry tree near the spot where Suzanne died to represent life rather than death. And how life did follow death a few years later with the birth of her son, Jonathon, now a handsome five-year-old.

Thousands of people have been comforted, strengthened and in a few cases even snatched back from the brink of mental illness and suicide. In recognition of this, the organization has been widely lauded.

Vice President Spiro T. Agnew wrote, "My sincere regards are sent to the members of the International Guild for Infant Survival who are providing a most important service to parents everywhere. . . ."

Similar recognition has been given to the guild by the Maryland Senate, Maryland Governor Marvin Mandel and Baltimore Mayor William Donald Schaefer, who proclaimed February as Guild for Infant Survival Month.

At hearings in Washington early last year, Dr. Merlin K. Du Val, Assistant Secretary for Health and Scientific Affairs, spoke on SIDS before the Senate Committee on Children and Youth, pointing out some of the main factors of the problem:

"Victims mostly are between the ages of two and six months; the frequency is highest around the third month of life. . . . SIDS occurs in the young infant who is apparently in good health. . . . The baby is most frequently found dead during sleeping hours. The largest number of deaths occur in the winter. . . . A number of hypotheses have been proposed for the cause of this syndrome. None has yet been proven correct."

In the last few years, thousands of people have joined forces to fight sudden infant death. Sylvia Goldberg continues to battle in her own special way.

Each time one of the two telephones in her small, cozy kitchen rings it could mean an hour-long talk with a distraught mother. Or, it could mean calling out some quick instructions to the kids and rushing out of the house with curlers in her hair and dinner half done to hurry to the side of a woman who has just lost her child.

NERVE GAS AND THE NEW McCARTHYISM

Mr. CURTIS. Mr. President, my colleague from Utah (Mr. BENNETT) had to leave Washington earlier on a flight to Salt Lake City, and has asked that I submit a statement for printing in the RECORD on his behalf.

The PRESIDING OFFICER. Without objection, it is so ordered.

NERVE GAS AND THE NEW McCARTHYISM

The controversy over the Army's storage of chemical nerve gas near the Denver airport has inspired a new kind of McCarthyism among some elected officials.

I speak not of the late Senator from Wisconsin, but of a former Congressman from New York with the same name who parlayed an unfortunate accident with nerve gas in Utah into a national publicity campaign and an alarmist book in chemical and biological welfare. As I recall, he also attempted to use the issue to get elected to the United States Senate, and was defeated.

There is no question that this is a matter of great concern in my own State of Utah. The Department of the Army has examined several alterantives in an effort to either dispose of the chemical agent or move it to another location to lessen the dangers of storing it so close to a busy airport. One of the alternatives—the one which the Army apparently favors at this point—is to transfer the nerve gas to the Tooele Army Depot in western Utah.

Utahans are justifiably concerned over the safety of such a transfer, and I certainly do not advocate it. The nerve gas would presumably be moved by rail across the Rocky Mountain range and through populated areas of my State. Although the same type of gas is already stored at Tooele, the risks of moving more material all the way from Denver and across mountains poses potentially serious hazards.

But the Army has not made a final decision, and both the Secretary of Defense and the Secretary of the Army have personally given me their word that nothing will be done without complete disclosure to Utah's elected officials and the public.

Unfortunately, nerve gas is a sensational, headline-grabbing subject, and the temptation for demagoguery is great. This is a serious problem which requires cool thinking and cooperation from everyone concerned, including the Army and public officials from both States involved. We cannot resolve the problem with horror tales, sensationalism, hysteria, and distortion. And those public officials who seize on this issue for personal publicity are doing a great disservice to their constituency.

THE CHILDREN OF VIETNAM

Mr. CRANSTON. Mr. President, certainly one of the most tragic and lasting effects of the war in Vietnam is the tens of thousands of children maimed and orphaned as a result of our involvement in that country. Some 8 million Vietnamese—nearly half the nation's population—are under the age of 15. Of these, more than 700,000 are orphans or half-orphans, with 23,000 known to be in orphanages. It is estimated that there are approximately 25,000 children of mixed parentage, only 1,000 of whom are in orphanages. The balance of children not in homes are either living with relatives or eking out an existence for themselves in the streets.

During the course of Senator KENNEDY's subcommittee hearings on "Relief and Rehabilitation of War Victims in Indochina: Orphans and Child Welfare." it became apparent that there are a number of fine agencies helping to meet child welfare needs in South Vietnam. I would like to include a partial listing of these for the many Californians who have written me to express their concern, and their willingness to help these innocent victims of war.

For detailed information about adopting a Vietnamese orphan, the State Department suggests contacting one of the three voluntary agencies presently recognized by the Government of Vietnam to handle intercountry adoptions of Vietnamese children:

Travelers Aid—International Social Service of America, 345 East 46th Street, New York, N.Y. 10017.

Holt Adoption Program, Post Office Box 95, Creswell, Oreg. 97246.

Friends of Children of Vietnam, 4568 Beach Court, Denver, Colo. 80211.

A partial listing of some of the organizations helping the children of Indochina would include:

The American Friends Service Committee, 160 North 15th Street, Philadelphia, Pa. 19102. One of their projects includes a rehabilitation center on the grounds of the Quang Ngai Province Hospital treating war injured civilians, many of whom are children.

Children's Medical Relief International Inc., 230 East 48th Street, New York, N.Y. 10017. This organization supports a modern teaching hospital in Saigon and provides plastic and reconstructive surgery for children. It is renowned to be the most outstanding hospital and teaching facility in all of Indochina, doing invaluable work for children maimed by bombs and explosives.

Catholic Relief Services, 350 Fifth Avenue, New York, N.Y. 10001. The official overseas agency of American Catholics, CRS provides a broad variety of programs within the area of child welfare. Some of these include the development of schools, foster home placement, improvement of medical services in orphanages, and health immunization of refugee children.

The Pearl S. Buck Foundation, 2019 Delancy Place, Philadelphia, Pa. 19103. This foundation is the only agency that has as its principal purposes the education and care of Amerasian children born and living in the countries of their birth. It is not a welfare agency. Its functions center primarily around education, and building a climate of social acceptance for these children in the countries of their birth.

HUNGARY AND MBFR

Mr. BUCKLEY. Mr. President, in October of this year, the second round of discussions on Mutual and Balanced Force Reductions—MBFR—will take place. One of the critical failures of the first-round discussions was to include Hungary in the conference. Hungary is strategically important to the political and military stability of Central Europe, and the opposition of the Soviet Union to include discussion of its forces deployed in Hungary casts serious doubt upon their intentions.

It should be noted that Hungary borders Yugoslavia on the North, therefore maintains easy military access to that nation in the event of a political crisis following the demise of Marshal Tito. The Soviet Union being a land power, invariably requires direct overland routes to the nations against which it directs military force. Thus, the Soviet suppression of her satellite states in Eastern Europe including revolts in Poland, Hungary, East Germany, and Czechoslovakia have always been conducted from a contiguous friendly state. Since the Soviets already have several divisions in Hungary, its exclusion from consideration in MBFR serves Soviet objectives well and maintains a significant potential imbalance.

The compromise made in Vienna last May retained the right of the NATO powers to raise the issue of Hungary again in October. There is no question that the geography of Hungary vis-a-vis the NATO nations on the Central Front combined with Soviet deployments make it essential for the continued viability of NATO in a post-MBFR environment to have Hungary included in any discussions involving Central Europe. I urge the administration to make a clear and unambiguous stand on this issue at Geneva in October.

PUBLIC INTEREST LAW

Mr. BIDEN. Mr. President, as a lawyer I am acutely aware of the need for increased legal representation for the great numbers of citizens unable to afford it. I therefore note with satisfaction recent developments in public interest law. This trend was recently described in the July 28, 1973 issue of Business Week magazine in a commentary entitled, "Public interest law can help businessmen as well as activists."

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PUBLIC INTEREST LAW CAN HELP BUSINESSMEN AS WELL AS ACTIVISTS

The American Bar Assn. will give its imprimatur next month to a movement it only recently regarded as revolutionary: Incoming president Chesterfield Smith, a Lakeland (Fla.) attorney, will form a special committee to foster the growth of public interest law. He will name as its head Los Angeles lawyer Harry L. Hathaway, 36, who will chair an ABA seminar on public interest law in September.

All this activity confirms what many businessmen already suspect—that public interest law is here to stay, with troublesome effects for business. What fewer businessmen realize is that public interest law can also benefit them.

Most executives have no difficulty spotting the trouble potential. The growth of public interest law means that a large segment of the population that formerly lacked legal representation will be able to challenge traditionally private business decisions, such as credit practices, promotion policies, and plant location plans. It also means that corporate legal departments will be expected to do legal work for clients outside the company.

The benefits are subtler. "We perform a sensitizing function," says John Ferren, who heads the public interest department at the Washington law firm of Hogan & Hartson. "Our department's activities make visible a checklist of issues that the other partners must consider as they counsel corporations." In effect, public interest law serves as an early warning system regarding social forces that will eventually alter the markets, manpower, and managerial atmosphere of business.

AN OLD CONCEPT EXPANDS

Public interest law predates its current popularity. Individual attorneys have always represented some clients who could not afford their fees "pro bono publico"—for the public good. But the young law graduates of the late 1960s brought a new approach to this practice. They regarded it as neither optional nor peripheral, and they exerted influence on several fronts.

Some carried the banner into the big establishment law firms that represent corporate interests. "They demanded the opportunity to do 'pro bono' work as a not-so-fringe benefit," says Mark Clark of Boston's Foley, Hoag & Eliot. Some operated out of federally funded poverty law offices. Others set up their own public interest law firms, with foundation backing or in hopes of living off their share of damages won for clients. Still others, influenced by Ralph Nader and his coworkers, created crusading groups such as the Center for Law & Social Policy and the National Resources Defense Council.

Together, they turned public interest law into an instrument of mainstream law. "We're not so much concerned with the rights of an individual in a particular case," says Edward Berlin, whose Washington law firm of Berlin, Roisman & Kessler often serves as a model for public interest law firms, "as we are with reforming the structure of decision-making in government and in corporate board rooms."

Working for ghetto tenants, middle-class conservationists, and other courtroom underdogs, the new public interest lawyers produced an impressive series of victories, including Supreme Court decisions delaying the Alaska pipeline and wiping out Sears, Roebuck & Co.'s repossession procedures. In the process, they weakened the old concept of "standing to sue" (the idea that only a person with a direct dollar stake could legally bring suit) and broadened the scope of the class-action suit. Today almost anyone can get some court to listen to his grievance.

RESULTS

This year's law school graduates make fewer demands about public interest law, partly because a weaker job market discourages demands of any sort, but mostly because they do not need to make demands. Public interest law has become institutionalized.

Evidence of the change abounds. Law students take courses in Poverty Law and Environmental Law. Courts have relaxed their rules on representation so that, for instance, law students can represent tenants before the Philadelphia Municipal Court. The ABA predicts that new public interest law firms, many operating out of storefronts, will absorb much of the output of U.S. law schools, whose enrollment has tripled over the past decade. To help such firms, the Oregon State Bar permits law firms that devote at least half their time to public interest cases to advertise for clients.

The Oregon move is controversial, but the underlying need to modify legal rules to accommodate public interest law is not. The new ABA committee plans to work with state bar groups in changing the canons of ethics to ease client access to public interest lawyers. Another likely topic for the September seminar: new methods of tapping corporate resources for public service.

Some companies have already created their own methods. IBM's legal staff rotates assignments of fulltime work with the Westchester County Legal Aid Society. Whirlpool Corp. lawyers established an information center on money management, neighborhood improvement, and related matters for inner city residents of Benton Harbor, Mich.

ADVANTAGES

Companies and law firms involved in public interest work stress that they, too, gain from the involvement. "We get as good as we give," says Edward R. Kimmel, who oversees 50 Du Pont attorneys in their work with the Wilmington (Del.) public defender. They are better lawyers for the experience, he says. Clark of Boston's Foley, Hoag & Eliot notes that the insight gained in representing minority workers in antidiscrimination cases helps the firm when it represents employers in similar cases. "Knowing both sides lets you represent both sides better," he says.

The public interest partner of another law firm recalls an example. Representing a broadcaster whose license renewal was under challenge by black groups, his associates interpreted the disruptive tactics of the blacks' lawyer as evidence that no compromise was possible. No, he told his partners, it's probably the kind of role playing necessary for a white lawyer to gain credibility with militant black clients to win support for a realistic compromise. Just sit tight, he counseled. They did—and reached an equitable settlement.

THE VENEY SINGERS PERFORM IN ZAGREB

Mr. MATHIAS. Mr. President, the pursuit of international understanding through the discovery of folklore and folklife traditions knows no real national boundaries. It is by its very nature a mélange of history, culture and belief which together comprise a heritage—unique in its immediate bearing upon populations but, at the same time, shared in a universal fabric of human experience. Thus, when brought together through a medium of exchange, various representatives of differing folk traditions can in a real way serve to further the purposes of international goodwill and understanding by simply delineating inevitable similarities in background and therefore further exemplifying and proving the existent community of heritage. Such are indeed solid bases for establishing common bonds between nations.

A relatively unknown group of black gospel singers, associated with a church in Wicomico County, Md., was invited a year ago to participate in the Smithsonian Festival of Folklore and Folklife, which is an annual exhibition of primarily American folkstyles. The Veney Singers were selected at that time because they uniquely represented aspects of folk tradition found in Maryland, which were considered essential in fitting together a festival specifically honoring the State of Maryland. The group, composed of nine spirited and highly motivated performers, was a resounding success at that year's festival and left its audiences with a renewed respect for the power of traditional gospel music.

In February of this year, the Smithsonian Institution was approached by representatives of the Smotra Folklora who were in the process of organizing the Eighth Annual International Folklore Festival to be held in Zagreb, Yugoslavia. The Yugoslavian officials proposed that a group representing the best products of the rich and lively American folk heritage be invited for an unprecedented participation in their festival. In a letter from Petar Mihanovic, Director of the Zagreb Festival, to Ralph Rinzler, Director of the Smithsonian Folklore Department, the Yugoslavian Government requested candidates for this outstanding honor:

> In our efforts to present traditional folklore of different nations we have not yet had an opportunity to present a genuine folk group from the United States, and would therefore like to ask you to suggest a group . . .

Two groups were originally recommended to the festival organizers as qualifying to represent a portion of America's folk tradition. On the basis of the excellence of their past performances—they have appeared on WETA-TV and were invited to participate in the recent Presidential inaugural festivities—and their acknowledged proficiency in the gospel folk tradition, the Veney Singers were officially selected to be the American contribution to the International Festival in Zagreb.

The group, associated with the John Wesley United Methodist Church in Salisbury, Md., and under the direction of Mrs. Deborah Collins graciously accepted the invitation and immediately set about preparing to make their first trip outside of the United States. Toward this end, the group made an appeal to the local community for aid in acquiring sufficient funds to cover their air fare to Yugoslavia. Participating in benefit concerts, performing in factories and soliciting donations from nearby churches, the Veney Singers managed to amass approximately $600. Unfortunately this amount was hardly enough to meet the $7,257 transatlantic transportation expense which was a stipulation in the agreement between the Yugoslavian Government and the Smithsonian Institution.

This was similar to an arrangement which took place earlier in the year whereby the Government of Yugoslavia sent a troupe of 50 performers to Washington to participate in the Festival of American Folklife. The festival organizers in Yugoslavia were able to support the group once they arrived in Zagreb; they were not able, however, to fund international transportation.

Thanks to an impressive group effort on the part of the Department of State, the Smithsonian, Governor Mandel's office and the Maryland Historical Society, the funds were finally secured. I must say that a great deal of Federal and State cooperation from all corners was necessary to make this trip a reality.

The Veney Singers left the United States on July 20, and returned on July 31, 1973, after a week-long participation in a unique international exhibition of folkstyles and folk heritages. It is my understanding that their reception in Zagreb was exceptional and that it included not only daily performances before multinational audiences, but an appearance on national Yugoslavian television, as well. We are very proud of the accomplishments of the Veney Gospel Singers, whose members include Deborah Collins, president; Annette Wilson, christian adviser; John Dickerson; Patricia Jackson; Barbara Ann Veney; Carolyn Veney; Francine Veney; Gwendolyn Veney and Rena Veney. I would personally like to add my sincere congratulations upon their overwhelming success in this international program.

I would also like to take this opportunity to thank all of those involved in the preparations and arrangements made in support of the Veney Gospel Singers. Specifically I would like to mention Mr. John Richardson, Jr., Assistant Secretary for Educational and Cultural Affairs in the Department of State; Mr. Richard K. Fox, Jr., executive director of the Bureau of Educational and Cultural Affairs in the Department of State; Mr. P. William Filby and his staff at the Maryland Historical Society; Miss Gail Moran, of Governor Mandel's office; Mr. Petar Mihianovic, of the Smotra Folklora; Mr. Ralph Rinzler and his staff at the Smithsonian Folklore Department and Mr. Gerald Davis, who originally discovered this group. All of these people deserve special recognition for all of the assistance they rendered on behalf of the singers.

The Veney Singers are indeed a credit to their community, the State of Maryland and the United States of America. I am pleased that they were able to join with groups from other countries in an exchange of international goodwill and understanding, and hope that this establishes a fruitful precedent for other such exchanges between nations.

AMERICAN ISRAELI RELATIONS AND MIDDLE EAST OIL

Mr. BAYH. Mr. President, I am talking this time to express my concern and disagreement with suggestions that have been made recently here in the Senate and in the press that the sharp projected need to increase oil imports from the Middle East should be the occasion for a review of the 25-year-old friendship between the United States and Israel.

The argument is usually developed along these lines:

First, that oil is essential to the vitality and economic well-being of the United States;

Second, the United States can only meet its energy requirements by importing huge quantities of oil, mostly from Arab nations;

Third, to be assured of an uninterrupted flow of oil we must carry favor in major Arab capitals; and

Fourth, therefore, we cannot continue to maintain our close association with Israel.

This is a dangerous argument, based upon a number of wrong assumptions. While it is true that oil is essential to the economic well being of the United States, it does not follow that propositions two, three and four are true.

To adopt this position shows a lack of understanding of the delicate balance of power in the Middle East and the overall political situation there. And, in addition, overlooks the strategic importance of a strong, American ally, namely Israel, in the Mediterranean. This position also reflects a lack of vision toward meeting U.S. energy needs.

Efforts to buttress this specious argument include the case of Libya, which has taken over U.S.-owned oil interests. While Libya happens to be among the more vehement anti-Israeli nations, it also happens to be one of the less important oil exporting nations.

Saudi Arabia, on the other hand, is probably the most important oil exporting country today, possessing, as it does, greater oil reserves than any other nation. Thus the recent suggestion by a Saudi official visiting the United States that his nation might tie oil exports to the status of U.S.-Israel relations must be looked at more closely.

It is interesting that Saudi Arabia, never among the more militant anti-Israel countries, has found it necessary to respond to the pressure being brought by its fellow Arab nations. While this threat from Saudi Arabia must not be dismissed lightly, there is evidence that Saudi Arabia is not likely to force this issue.

That evidence stems from the fact that Saudi Arabia and other oil exporting countries can little afford to shut the United States off from its marketing structure. First, the supply-demand curve is likely to shift against the oil producing nations of the Middle East as new sources of oil in the North Sea and in Alaska are uncovered. The fact is, if Saudi Arabia and other Arab States decided to boycott the U.S. market they would hurt their own interests by artificially excluding themselves from a profitable market at a time when, hopefully, we will begin to have greater access to oil.

In addition, we might learn from the comments of Dr. Abderrahman Khene, secretary general of the Organization of Petroleum Exporting Countries, who said recently:

I consider that by inciting people and trying to offset governments one against the other, is the worst way possible to try to solve a situation which could become very serious for the world.

In that same interview, Dr. Khene went on to emphasize that the oil exporting countries—of which Saudi Arabia is the leader—have placed their primary emphasis on using their new found key position and wealth for fostering development in their countries and in other less developed nations. To do without the U.S. market would require a sharp retreat from the rising expectations in developing nations, something which clearly would have dire internal political implications.

We should not be surprised that the Arab States would like to use their oil as a club in driving a wedge between the United States and Israel. But the facts suggest that the club is more bark than bite.

It is also worth noting, Mr. President, that Iran is second only to Saudi Arabia in terms of oil exports available to the United States. Iran has never been part of the anti-Israeli bloc in the Middle East. Indeed, the recent successful visit to Washington by the Shah of Iran, and his strong desire to purchase aircraft from the United States, make it clear Iran is not at all interested in shutting off oil exports to the United States.

While I think that the danger of our losing sources of oil is not grave, I am convinced that regardless of whatever pressures might someday be brought to bear by the oil producing nations, the nature of the unique relationship between the United States and Israel is such that it must not be sacrificed for commercial expediency. In this regard, I was pleased to note last week that our Ambassador to the United Nations, John Scali, properly and responsibly cast a veto against a U.N. resolution which was decidedly unfair to Israel.

This resolution would have condemned Israel for occupying lands captured in the 1967 war, yet it ignored the fact that Israel has been willing since 1967—as it was prior to the Six Day War—to negotiate with its neighbors on the question of the territories as part of an effort to reach a peace agreement for the Middle East.

The lack of any progress on such negotiations rests not with Israel, but with her Arab neighbors who have clung to the irresponsible position throughout Israel's 25-year history of, first, denying its eixstence and yet seeking its extinction and now of ignoring its willingness to negotiate directly.

While I wish it were never necessary for us to cast vetoes in the U.N. Security Council, I can only conclude that Ambassador Scali acted properly in this instance. We would be abandoning our own principles, and those of the United Nations, if we permitted the world body to be exploited in attempts to undermine the position of Israel, a brave and close ally.

I noted a moment ago, Mr. President, that I am convinced it is not in our interests, and I might add it is not in the interests of world peace, for us to abandon Israel—regardless of whatever pressures Arab oil producers attempt to bring to bear on the United States.

The reason for this is that it is essential to our own national security to limit Soviet influence in the Middle East. Israel is a key ally of the United States for several reasons: One of the most important of which is its strategic geographical location in the Mediterranean, and its ability to influence the course of events along the Suez Canal, the Persian Gulf, and the Indian Ocean—all critically important waterways and avenues of international commerce.

Indeed, if we were to permit Israel to fall to her enemies in the hope of protecting our oil supply, we could find ourselves without the constant oil flow from Saudi Arabia and Iran since the door to the Middle East would be opened to increased Soviet influence in that region and the Soviets have never looked with favor upon the moderate regions in Iran and Saudi Arabia. This could, in other words, prove to be an entirely counterproductive policy in the long run.

Beyond this, there are things we should be doing to reduce our dependency on foreign energy sources. For the worthy goals of lessening our balance-of-payments deficit and of reducing the extent to which we have to pay high foreign prices in bidding wars against Japan and Western Europe, we should be moving toward once again being energy self-sufficient.

This is not a pipe dream; it is an entirely reasonable possibility requiring only an adequate Federal commitment to energy reasearch and development.

Earlier this year, I joined in sponsoring legislation to provide just such a Federal commitment to developing domestic energy sources. The main objective of this legislation, the principles of which I am pleased to note the President adopted in his most recent energy message, is to develop clean methods of using our abundant coal supply.

Indiana is only one of many States with substantial coal reserves. Through gasification or liquifaction it should be possible to use this coal without harming the environment. The supply is sufficient to meet our national energy requirements for centuries to come; giving us more than enough time to do the necessary research into innovative energy sources such as solar, geothermal, fusion, and tidal energy.

It makes little sense for us to remain dependent on foreign sources of energy, not only in terms of preventng any attempt to exploit Arab oil to foolishly disrupt our relations with Israel, but for a variety of reasons—prices and balance of payments among them—we should be moving forcefully to energy self-sufficiency.

Finally, for those who see the current energy shortage as an excuse for changing our attitude toward Israel, let me just reiterate that national security is far more than a guaranteed energy supply. Among the essentials of national security are dependable, democratic allies in crucial geographical areas. Israel continues to be a refreshing, vital democracy in an area of great tension, and is an ally whose friendship is to be valued and protected.

SMITH CAPITAL OF THE UNITED STATES

Mr. DOLE. Mr. President, Smith is a great name in America. It is far and away the most numerous family name, and it has been attached to many places over the course of our history.

The State of Kansas is no exception to this national characteristic. We have a Smith County, the county seat of which is Smith Center, and it is located in the congressional district which was served for 7 terms by my predecessor in the House of Representatives, the Honorable Wint Smith.

Naturally, this part of Kansas is really Smith country, and one resident has decided that it is the ideal place to give formal recognition to the Smiths of America.

Bill Lee of Smith Center is the retired publisher of the Smith County Pioneer. He considers himself an unbiased observer of the Smith phenomenon. Although his father's middle name was Smith, and Bill has come up with an idea to make Smith Center the Smith capital of the United States.

Since Smith County, Kans., is the geographical center of the first 48 States, I can imagine no better location for the American Smiths to establish their tribal headquarters.

Bill Lee's idea has received national attention. And in order that my colleagues in the Senate, none of whom—since the gracious and distinguished Senator from Maine, Margaret Chase Smith—has borne this proud name, might become familiar with an idea of interest to millions of their Smith constituents, I ask unanimous consent that an article from the April 16, 1973, Los Angeles Times be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SMITH CENTER, SMITH COUNTY—U.S. CAPITAL FOR SMITHS SOUGHT

(By Charles Hillinger)

SMITH CENTER, KAN.—If W. E. (Bill) Lee, 68, has his way, this tiny Kansas cow town will someday be the gathering place for all the Smiths in the country.

Lee is trying to promote a national capital of Smiths.

"There's supposed to be about 3 million Smiths in the United States," said Lee, retired publisher of the Smith County Pioneer. His father's name was William Smith Lee.

"I can't think of a better place for a Smith Center, U.S.A., than Smith Center, Smith County, Kansas."

PREVALENT NAME

Smith is the most prevalent name in the United States with Johnson second, Williams third, Brown fourth and Jones fifth.

There are four Smith counties in the country. The others are in Mississippi, Tennessee and Texas.

Texas has a Deaf Smith County and Virginia has a Smyth County.

"But there's only one Smith Center in America," said Lee. "It's the county seat of Smith County, the geographic center of the Continental 48 states."

Smith Center boasts a population of 2,500, Smith County, 7,000.

"Every county should have something unique to offer. I can't think of anything better than making this the capital city of the Smiths," said Lee.

"It would do wonders for this place—attracting large numbers of Smiths here each year."

Lee dreams of a Smith Museum filled with statues, photographs and exhibits about famous Smiths "beginning with John Smith, who established the first permanent English settlement in America at Jamestown in 1607."

He envisions Smith Archives that would include a genealogy of Smiths and a super Smith family tree. And a Smith census bureau.

"We would have a convention of Smiths each year," Lee continued. "There are endless possibilities . . ."

LOCAL SMITHS

As in most places in America, a number of Smiths live in Smith Center and Smith County.

Bruno Smith is pastor of the Grace Baptist Church. Esther Smith is the local Avon lady. M. D. Smith, by the way, is not a doctor. There are two John Smiths in town and Smith and Sons sells musical instruments.

Entrances to the town are marked with signs proclaiming: "Welcome to Smith Center, the Heart of Uncle Sam."

Smith County is primarily agricultural, with cattle, wheat and milo the principal products. There is a little industry—a bathtub factory and a company manufacturing hog houses.

When the local high schools were consolidated a few years ago into one it was decided not to continue to call the only school left Smith Center High.

"We felt other communities in the county would be offended by the name. The schools were very competitive in sports before consolidation," explained Lee.

So, the only high school in the county now goes by a number instead of a name—Unified School District Number 237.

At football and basketball games the cheers sound sort of strange to outsiders, but not to the Smithys:

"Go 237. Fight 237. Fight, Fight, Fight."

NAMED FOR SOLDIER

The county was named in honor of a man who never set foot here, Major John Smith, killed in the Civil War.

Someone suggested that the nation's capitol be moved here "to be centrally located for the convenience of the people of all the states."

"But the people of Smith County didn't think it was a good idea," said Lee.

"They figured if the capitol were moved here from Washington, D.C., we'd be importing a lot of trouble we don't have."

LACK OF CONFIDENCE IN GOVERNMENT

Mr. MOSS. Mr. President, confidence in the integrity of Government in America has reached an unprecedented low. Those of us who are honest with ourselves will concede there is reason for such mistrust.

The current miasma of confusion in Washington and the Nation has been unparalleled in my some 15 years as a U.S. Senator. It stems from one word: Watergate. The implications and ramifications of this greatest of American political scandals cannot be washed away regardless of how high may be the office of those who try. But to claim that all people in political life engage in such travesties of justice and honesty is patently untrue. The vast majority find such activities abhorrent to practices of common decency. To insist that the election of any individual is important enough to justify the illegal practices used in the recent Presidential campaign, boggles the mind. It destroys all conceptions of fairness in a campaign. No man approaches such an aura of greatness as to warrant blind allegiance. Yet certain misguided paranoids evidently believed this. It is little wonder that many Americans fear the future.

Furthermore, popular admiration of public officials cannot be expected when half-truths, if not full-fledged lies, are constantly perpetuated by individuals in high Government offices. And mistrust of Government is not decreased when political officials arrogantly refuse to provide information to the American people because of a belief that the general public cannot comprehend the significance of that information.

The Watergate hearings are not being held to punish individuals. They are being held to provide information so legislation can be drafted to prevent from ever occurring again the type of corruption so evident in the recent Presidential campaign. Also, the despicable campaign tactics utilized so effectively by certain individuals who were associated with the President's campaign must be publicized. If any individuals are guilty of crimes or of misconduct or malfeasance in office, they must be dealt with appropriately, regardless of their station in life, or the office which they hold. Only then can a modicum of confidence in the highest political office in this land be restored. But, it must be emphasized, any punishment that is meted out must result from due process of law.

Many people tend to blame Government in general for all of our problems; such an assumption is entirely unjustified. Nothing affects our lives more than does Government. And responsible Government "provides for the common defense, promotes the general welfare, and secures the blessings of liberty to ourselves and our posterity." But certain anomalies are apparent. Government today has grown into an unamanageable monstrosity. Many fear it. Many ridicule it. But, at the same time, many revere it. People come to Washington to see how this Government functions. They make gestures of respect toward men and women who occupy responsible positions in Government. And then they return to their homes buoyed up with new feelings for this untouchable entity that they have briefly viewed. But I fear that most have not gotten any greater understanding. When understanding is gone, so, ultimately, is faith and confidence. Only when the American people have a full understanding of what our Government can do, and cannot do, and what it is, and is not doing, will their faith in it, and us, be restored.

To some, the basis of our problem is an "antiquated" Constitution. Such an assumption is wrong. The Constitution of the United States is the best ever conceived by man. It has provided broad guidelines for our Government through periods of peace and war, prosperity and depression, domestic tranquillity and chaos. It has provided a means by which this Nation has evolved from an agrarian, rather simple society, to a complex technological and industrial society that is the wonder of the world. A constitution that can survive through such diversity is basically sound, is flexible, and must be given veneration. It must be remembered, however, that a constitution that is "framed for ages to come, and is designed to approach immortality as nearly as human institutions can approach it" is not always tranquil. It must allow change—change which can be made within the framework of that constitution.

Mr. President, it is not the Constitution that is at fault for our problems today. It is not Government structure that is a fault. It is not alien communism that is at fault. The illegal activities of certain men are at fault. Some men who hold high political office tussel within themselves over whether their personal interests should outweigh the public interest.

It is only human to try to make one's image as attractive as possible. But no political figure can be a law unto himself. And none of those around any political figure can take the law into his own hands, even though he views what he is doing as manifest destiny.

Nor can these officials be excused for deciding that what they are doing is not the business of the American people. The myopia of certain governmental officials regarding the inability of the people to understand the implications of important issues has created a morass of indecision in Government that threatens its very fabric.

Far too often a few men in ivory towers seem to think that the people do not want to know what transpires in Government. Unfortunately, some individuals seem to forget that our Government is a representative Government. Public officials are not only trustees of the American people, but also they are delegates. We must remember that, if we do not understand that we are responsible delegates we will not have a Government. It may be asked, what can be expected other than confusion when, in answer to legitimate inquiries, we hear the need for secrecy constantly imposed by political leaders, or in some instances, by unknown underlings. Secrecy has never provided the best of all possible worlds. It is not a panacea. Man is not an ostrich. Problems do not end just because the people do not know what our Government is doing.

The argument espoused by some individuals that a democratic form of republic which does not assure an individual's right to acquire information is unconscionable. Without information the Congress cannot adequately pass good legislation. Without information the American people cannot intelligently assess the worth of various programs. When the failure to provide information is a result of invoking executive privilege, it adds to the suspicions of the American people. When executive privilege is used to refuse necessary information to a Senate investigating committee that has been duly called to investigate irregularities in a campaign election, or to a special investigator of the Justice Department, it is demeaning to all for which Government stands. And to compound the fearsome fault of secrecy, we note that the information was made available to a former appointive official, then a private citizen.

Mr. President, the difficulties our Government is facing today are not easily explained to our constituents. Can they be told that every political figure is free from taint and contamination? It would do no good. Their opinions have largely been formed by the recent disclosures of the behavior and thinking of a few individuals who have been, or are, associated with our Government. The possible corruptive nature of Government that has been drummed into the minds and sensibilities of Americans is a result of these disclosures.

Unfortunately, people do not always remember the good that Government does. They recognize only its failures. And the more serious the failures, the more jaundiced the observation. We must do something to end this fear. The future may not appear to be bright today. But let us not despair. There are still many good and honorable men in Government. We must rely on the judgment of such individuals to get us through this troubled period.

The growing acquisition of power in the hands of the executive department leaves much to be desired and furnishes a legitimate area of concern. James Madison, the "Father of the Constitution," recognized in the Federalist Papers that "the accumulation of all powers . . . in the same hands, whether of one, a few or many . . . may justly be pronounced the very definition of tyranny."

We need to reassert that liberty in America cannot continue if the President acquires too much power. Proper checks must be put upon the irresponsible usage of power. President Martin Van Buren observed some 120 years ago that "irresponsible power of itself excites distrust, and sooner or later causes, on the part of its possessor, an impatience of popular control, and in the sequel, a desire to counter-act popular will."

This theme was embellished by a U.S. Supreme Court Justice almost 30 years ago, when he wrote:

> Arbitrary power and the rule of the Constitution cannot both exist. They are antagonistic and incompatible forces; and one or the other must of necessity perish whenever they are brought in conflict.

It is time that we give such observations some careful attention.

Mr. President, these views are not exclusively the result of my own observations. Mail from Utah indicates an unusual and increasing amount of dissatisfaction among citizens, with their Government. Reference is made to Watergate, inflation, unemployment, the seemingly endless quagmire in Southeast Asia, the sale of wheat to the Soviet Union, and just generally complete frustration ad infinitum.

With such seemingly insolvable problems, many which are a result of misdeeds by a few high government officials, it is only natural for Americans to turn to their elected representatives in the Congress. We must assure them they are justified in doing so.

Congress has its faults and Congress has had its rascals. Down through the years, from time to time some Member of the Senate or the House is proved dishonest—or dishonorable in some way. Congressmen hold no corner on virtue.

But it can be said honestly that in the day of this greatest of government scandals, Congress has risen to the occasion. We have asked the executive branch for an accounting, and we have asked for it in open hearings where all of the people can see and hear and judge what has happened. We are asking the men who have been involved to explain themselves and the policies which they have espoused. We are asking them "why?" This openness is the very antethesis of the secrecy which has occurred and which is the hallmark of Watergate. Congress has, and is, acting responsibly.

A renewed esteem for all Government officials is necessary if Government is to be effective. To create such esteem involves more than a mere reshuffling of personnel from position to position in the Executive office. It involves more than bringing ever increasing numbers of military figures into high policy-making positions. It involves more than handing out patronage positions regardless of qualifications. It involves more than wrangling over technicalities in hopes that same small point may prevent justice from being achieved.

We must return to the principles of justice and honesty. If corruption is found among Government officials, it must be handled as relentlessly and as fully as in the case of a private citizen. Of course, safeguards for individual rights should not be neglected, but it should never be true "that it isn't what you know that counts, it is who you know."

Mr. President, it has not been easy to make these remarks. They touch at the very fabric of all that we cherish. But out of my respect for the great tradition and heritage of this Nation, it was felt that these remarks were necessary. Never has honesty been needed so much. Never has there been a need for more men of unimpeachable integrity in public office. The downgrading of public officials should end, not through cover-up or compulsion, but through building respect for the integrity which they bring to that office. Those in Government must create a climate of integrity in which the highest levels of ethical behavior are demanded. The temporary activities of a few must not be allowed to unravel the fabric of honest, devoted service put together by the many.

DRUG DISCOVERY—BACKGROUND AND FOREGROUND

Mr. HANSEN. Mr. President, the complexity of modern technological progress is nowhere more evident than in medicine. Health care delivery capabilities are under strain everywhere, and many agree that significant relief cannot come until we find new, and more efficient means of improving care.

Historically, one great source of improved efficiency in medical care delivery is the development of pharmaceutical preparations. It was through such means that this Nation was able to close its tuberculosis sanitariums, and to retire its iron lungs for polio victims. Drugs have made the difference in reversing our mental hospital population rates and cutting death rates from high blood pressure in half.

But in recent years many doctors have voiced concern about the slowdown in the pace of new drug introductions, and have noted that it takes far longer to bring a new drug discovery into medical practice in this country than it does in Europe.

One man of stature who has addressed this problem is Dr. Max Tishler, university professor of sciences at Wesleyan University. For many years the leader of the research programs of Merck & Co., Professor Tishler speaks out of personal experience and a lifetime of dedication to meaningful progress in medicine. He addressed a symposium on clinical pharmacological methods at Tulane University last March, and I would commend his remarks to my colleagues. I ask unanimous consent to have his statement printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

DRUG DISCOVERY—BACKGROUND AND FOREGROUND

(By Dr. Max Tishler)

I was especially pleased when I received the invitation from our chairman, Dr. F. Gilbert McMahon to participate in this symposium on clinical pharmacological methods. My desire to take part in these deliberations is based on my long involvement with the discovery and development of medicinal agents. The issues discussed in this symposium relating to these activities have been of deep concern for nearly a decade to me and, in fact, to everyone here at this symposium.

It is almost three years since I retired from the pharmaceutical industry to become professor of chemistry at Wesleyan University. This is the first professional meeting concerned with the development of potential drugs that I have attended since I joined academia and I have been looking forward to it with considerable nostalgia and anticipation. During this time I have had little direct contact with the activities and problems of "the industry". A great deal of my information comes from talks and correspondence with people from different walks of life and from different countries, from the press, some sympathetic and some antagonistic, and from the professional literature. The temporal and geographical distances which separate me from the industry have changed some of my views and have strengthened others.

Today, I should like to address myself largely to the future of research in the pharmaceutical industry—its promise and its problems as I see them now. In spite of the difficulties of the past 10 years, I am fully convinced that the research laboratories of the pharmaceutical industry will continue to exert a major impact on the future of medicine.

With the demand for the best medical care for all people—the very poor to the most affluent—drug research is even more essential than ever before. Let us reflect for a moment on what the cost of national health programs would be today if the physician did not have antibiotics for bacterial infections, agents for treatment of tuberculosis, hypertension, some of the cardiovascular diseases, gout, and the inflammatory diseases, just to mention a few. It is perfectly clear that effective drugs are a major factor in medical care and as a rule are the least costly part of the health bill.

Unless the search for new drugs continue on a broad and intense scale the best medical care for all people, an essential goal of our society, will not be attainable. For no country, no matter now wealthy it may be, can afford to make available to all citizens stricken with coronary thrombosis the costly technology of specialized ambulances and hospital units fitted with complicated and expensive electronics, manned by teams of specially trained personnel including a new heart—either a transplant or an artificial one. A more practical solution would be to find a drug which would prevent coronary thrombosis.

Let us also reflect for a moment about the home of research for new drugs. Where is it and what is it? It may come as a jolt to some people, particularly to the laymen of influence who effect public decisions, that the modern research laboratories of the pharmaceutical industry is the *only* major institution where the search for new and better drugs takes place on a large and sophisticated scale and where scientists of many different disciplines are joined together with the common objective of finding chemical agents for preventing and controlling disease. Let me make this point crystal clear. There is no other organization in this country or abroad than the laboratories of the pharmaceutical industry that is so well organized within capable scientific people directed towards the search of safer and more effective drugs and which has all the essentials of taking an idea or a laboratory observation, its own or one furnished by university or clinical investigators, from the laboratory to the physician's prescription.

As an illustration of this capacity, the happenings of the past 25 years in the area of bacterial infectious diseases is a good example and backdrop. How we have been able to control the problems of bacterial infections as our major antibiotics became ineffective against rising resistant organisms is one of the miracles and major triumphs of our times.

This achievement, due in part to the new, partially synthetic penicillins and cephalosporins and the newer antibiotics were mostly discovered and synthesized for the first time in the laboratories of the pharmaceutical industry and are in large measure responsible for our ability to avert major epidemics. It is difficult to image what the practice of medicine would be like without the research contributions of the pharmaceutical industry of such medicinals as vitamin B_{12}, sulfa drugs, antibiotics, hypotensives, tranquilizers and antidepressants, diuretics, hormones and anticonvulsants.

Yet in spite of our tremendous progress since the thirties and the immense increase in our understanding of disease, something has gone wrong with the productivity of drug research during the past ten years if measured in terms of important single entities. This has happened in spite of its growth in terms of people and financial support. In my talk today, I shall examine this situation and endeavor to assess it.

Whenever the drop in new drug entities is discussed, spokesmen for the regulatory agents quickly deny responsibility and suggest that the fault lies with the industry's research program. "Not enough basic research" and too much "molecular manipulation'" are among the most common criticisms. As one who has helped to create the modern pharmaceutical research laboratory, I vehemently disagree with this view. On the contrary, the basic knowledge coming out of the laboratories of the pharmaceutical industry is greater than ever and the science of Medicinal Chemistry is growing by leaps and bounds. Our chemists and biologists are finding in the laboratory just as many compounds with interesting biological activity as ever before—in fact, many more. Those who would doubt this statement should compare the third revision of "Medicinal Chemistry" edited by Alfred E. Burger and released in 1970 with the second revision published a decade earlier. The 1970 edition is no longer a single volume—as was its predecessor—but rather consists of two volumes, about twice its former size, even though much of substance in the earlier edition was excluded in the revision.

On the subject of so-called "molecular manipulation", let me set the record straight. Somehow the critics have demeaned this term and have used it as a tag to attack industry research. "Molecular manipulation" is a mature scientific tool in medicinal chemistry and it has led to invaluable medicinals. To give a few simple examples, the addition of a single methylene group is all that makes codeine dramatically different from morphine. The elements of methane—CH_4—makes the difference between the male sex hormone testosterone and the female sex hormone estradiol. The elimination of two hydrogen atoms from cortisol has yielded prednisolone which because of its lesser side effects has displaced cortisol almost entirely from the physician's armamentarium. There is no way for the medicinal chemist to know when he undertakes the synthesis of a new molecule whether he will be accused of having indulged in a trivial effort or whether he will be praised for having achieved a medical breakthrough.

Let me repeat, it is not a degeneration of capacity to discover substances with potential therapeutic utility that is responsible for the slow down in productivity of new drugs. Rather it is the long, arduous and inordinately expensive trip in terms of manpower and dollars which has changed the pace of new drug introduction. It is clear that the major reason for the decrease in new, important, single entity pharmaceuticals is the power and activities of the Food & Drug Administration.

To say that this statement is untrue and to lay the blame largely at the door of the research laboratories of the pharmaceutical companies is simply being unrealistic or knowledgeable about what drug research and development is all about.

The cost today of taking a substance with potential as a therapeutic agent from the laboratory to the physician's prescription pad in terms of manpower, facilities, materials, animals, patients and clinics is so great that it has frozen initiative, motivation, and even imagination. Faced with the huge task of preparing sufficient amount of a compound for eventual FDA approval and the inordinate amount of preclinical work that must be submitted to FDA before even taking a compound to a clinician, no matter how capable or distinguished the clinician may be, it is doubtful that investigators would now proceed towards the clinic because of an inspirational concept or because they wanted to confirm in man an exciting and important observation made in experimental animals.

Unless the incentives are very strong, investigators are apt to give up a drug development in its early stages, particularly if some unexplained side effect is seen. In the present environment the opportunity for serendipity has almost entirely disappeared from drug discovery. This is disconcerting for as I look back over the past 35 years, I am struck by the fact that nearly all our important drugs had an element of serendipity in their development, some almost completely like cortisone and others in park like allopurinol. Who would have been willing to pay the costs and invest the enormous amount of manpower and facilities to synthesize cortisone and to make it available for clinical studies with only Addison's disease as the motivating factor?

To put this into more realistic terms, the logistics of carrying out the preclinical studies on cortisone essential for today's IND would require the consumption of 15–25 kilograms of cortisone before a single dose could be administered to a patient. Having participated personally in the developement of cortisone, I am positive it would have never happened, in our lifetime at least, if these limitations had to be overcome. It took several years of a large scale collaborative effort between the late Nobel Laureate E. C. Kendall and his people at the Mayo Clinic and the Merck group of chemists and chemical engineers to synthesize cortisone for the first time and to produce only 600 grams, herculean effort in those days.

This situation, the upward spiral of research costs and the enormous difficulty of obtaining affirmative regulatory action represent terrific obstacles to the research people in the pharmaceutical industry who like good scientists would like to follow all promising leads in the search for medicinal agents before concentrating on a single chemical. The present situation is forcing early decisions when observations and data are inadequate and when sound conclusions are as tenuous as a roll of the dice.

Frequently, we see references to statements that aspirin and penicillin would never be approved by FDA under present NDA requirements. This is nonsense and should be put to rest completely.

There is no question that aspirin and penicillin would obtain FDA approval and would be made available as a prescription drug provided the sponsoring pharmaceutical companies would not become discouraged along the lengthy and difficult road of obtaining an NDA. But I believe that in this polemic the real question has not been answered, namely: would aspirin be made available at all if it were discovered today? Would any company under present circumstances be willing to undertake and complete the development of aspirin as a drug knowing the difficulties in demonstrating its effectiveness in the indications for which aspirin is used and knowing that it has significant side effects some of which occasionally can be serious?

Obviously, if costs and manpower needs are overwhelming, fewer drugs will be introduced because fewer compounds with interesting drug possibilities will be brought to the clinic. No one could afford to study most of them in patients.

As I view the developments of the past few years, I gain the impression that the major emphasis of the chief regulatory agency, FDA, seems to be to protect the public from drugs with a potential for harm, or, to quote one of the top FDA officials, "to come as close to absolute safety as possible" . . . It is this kind of philosophy that makes me feel that neither FDA nor any other agency has the mission of accelerating the availability to the sick of new agents with therapeutic potential not attainable by the existing drugs.

In this concept, I am not thinking about statistics of drug introduction but rather about the human suffering . . . the man or woman or child who suffers an affliction, while help is possibly within technological reach. There is no way truly to quantify pain, just as there is no way to quantify comfort brought about by past medical studies. You have to experience it yourself, or see it in the eyes of patients who have been helped, or in the faces of their families, as the burden and dread of illness is lifted. When you see these things, you become less tolerant of delays in the developments of promising medications.

A major consequence of the new drug regulations is the release of important new drugs abroad much before they are available in this country (if indeed, they ever become available in this country). In April of last year Paul DeHaen published his so-called "watch list" of drugs in research in the U.S.A. which he considered of some importance. Of that list of 50 drugs, 31 of them were already being marketed abroad, some of them for considerable time.

Now, of course, some of these might be considered more important than others. But one must ask the question: important to whom? To the patient whose condition is improved or controlled by a particular drug, that medicinal is the most important in the world. What does it matter to him if statistics show that most other people are helped by some other drug or that his is a relatively rare situation?

The lag between other countries and the United States has not been limited just to drugs of possible benefit to a mere handful of patients. Take Rifampin, for instance, a drug considered to be a major break through in the treatment of tuberculosis which became available in Italy in 1968 and in England in 1969, but it wasn't until May 1971 that it was approved in the United States. It is worth noting that 37,000 Americans were stricken with tuberculosis in 1970, and 5,000 died from it.

There are many other examples of lag periods which are distressing. Furosemide (Lasix; Hoecnst) was introduced in Germany in 1964 but became available in the U.S.A. after a delay of 5 years. Last year fluphenazine decanoate (Prolixin Decanoate; Squibb) was approved in the United States for use in the management of manifestations of schizophrenia; five years after it has been available in England and Germany. The antibacterial drugs, Ampicillin and Cephalaxin were released two years earlier in Great Britain than in the U.S.A.; carbenicillin three years earlier. The specific antidote for iron poisoning deferoxamine (Desferal) was introduced in Great Britain in 1962 and in the United States in 1968. The use of Azathioprine for renal transplantations in the United States was delayed four years.

Very recently I received a list of drugs from a very distinguished British physician which he considered to be very useful in the practice of medicine. The drugs on this list are available in Great Britain but not in the United States. The list is long and I think that most knowledgeable clinicians in the U.S.A. would regard these drugs as useful.

Among the hypotensive agents are Bethanidine and Debrisoquine which are regarded as effective and no more hazardous than guanethidine. In fact, Dr. Edward Fries who received the Lasker Award in 1971 for his classic study of the effectiveness of drugs in reducing morbidity and mortality from high blood pressure was, according to a report in the January 28, 1972 edition of *Medical World News*, critical of FDA for not approving bethanidine which has been available in Great Britain for at least ten years.

The absence of cromoglycate sodium (Fison's Intal) from the United States for the treatment of allergic asthmatic patients is perplexing. According to reports from Great Britain, Intal has demonstrated, since its release four years ago, definite advantages in a large fraction of asthmatics.

In the field of bacterial infectious diseases, fusidic acid is still unavailable in the U.S.A. but perhaps a more disconcerting situation involves a combination of the sulfa drug, *sulfamethoxazole*, and the folic acid antagonist, *trimethoprim* which was released in Great Britain in 1968 under the names of *Septrin* and *Bactrim*. The two drugs in this combination act synergistically in the control of bacterial infections.

Among other drugs released in Great Britain but unavailable in the U.S.A. are:

(1) the anticonvulsants *Sulthiame* and *Carbamazepine*

(2) the potassium sparing diuretic, *Amiloride*

(3) Carbenoxolone, a valuable drug for peptic ulcer

(4) Practolol, believed to be a better beta blocker than Propanolol.

And as we examine this record and assess the lag times in terms of human lives and human suffering, we need to ask ourselves how many deaths in the United States could have been averted or how much morbidity could have been prevented if these missing drugs were made available in the United States even one year earlier.

We must also ask ourselves whether we are discharging our obligations to the people of this country by accepting this time lag in the name of an "unrealistically high margin of safety" a phrase recently used by Dr. John Larragh, Professor of Medicine at Columbia University's College of Physicians and Surgeons in criticizing FDA for holding up of four antihypotensive drugs. Indeed, our obligation to the people is to make available the most effective medicines of the day. To do anything less than this would be failing in our responsibilities. And in this "time lag" that exists between the United States and such countries as England, Germany, France and Sweden, I am sure that no one would suggest that their regulatory agencies are less expertise or less concerned about the welfare of the patient than ours.

Undoubtedly, this time lag is due in part to the failure or delay in filing an IND or NDA. If this situation exists and is important, it is easy to understand. A fear complex pervades the people of the pharmaceutical industry in their dealings and relationships with the people of FDA. In fact, this same fear prevails among a large segment of the medical profession, particularly among many of the clinical investigators.

A sad commentary on this situation is the 1971 statement of the Cutter Laboratories to its stockholders, "After a great deal of soul searching and analysis, we reluctantly came to the conclusion that, in today's research and regulatory environment, we could no longer continue our effort to develop pharmaceutical specialities. Thus, we have terminated a research program in this area that began in 1957 . . .".

These are the situations that need for their resolution the best scientific minds in the health sciences. These are the kinds of problems that must be deliberated dispassionately in symposia and meetings involving medical scientists and informed people from different walks of life including people from the government. And these are matters that should be discussed and weighed in objective forums and not in congressional hearings.

All this brings us back to the pharmaceutical industry and to the critical situation its research people face. Nevertheless, we can't turn back the clock nor would we want to if we could.

Public interest in the activities of the pharmaceutical industry and in its regulation by government is here to stay. We can only hope that the pharmaceutical industry and the medical researchers throughout the country and the regulatory agencies will learn to work together more closely for the good health of all people, learning from experiences in the United States and from experiences in other countries such as Great Britain which also have had a long tradition of good medicine and good medical research. Everyone associated with health problems wants sensible regulation of the pharmaceutical industry but, without what looks to many, the obstacles which are stifling progress.

Sir Derrick Dunlop in his Lister Memorial Lecture of October 1972 titled *Medicines, government, doctors and pharmacists* analyzed the contributions and abuses of the pharmaceutical industry and made this observation. "In some future utopia, non-profit motivations may produce the same result without side effects. Till then, we must take the world as we find it, remembering that since the October Revolution, the state owned industries in the USSR and its satellites have hardly produced a single new medicine of therapeutic importance. We should be careful not to kill the goose which has laid so many golden therapeutic eggs by excessive bureaucratic restriction—still worse, I think, by nationalization."

Now what can we do about this—and when I ask this question I am mindful that this is *your challenge*. How can we get the vital process of drug discovery and development moving ahead once again at a rate more responsive to the needs of patients and more reflective of the great medical capability that has been developed in this country during the past several decades.

First there are the technical problems in drug development many of which are subjects for examination by the people of this symposium. There is so much truly unknown and unpredictable in the life sciences as compared to what is known and predictable. It is the darkness of inadequate knowledge which conjures fear in the minds of people and until much of this darkness is lifted progress will continue to be slow.

In the field of pharmacogenetics—the relationship between genetic factors and drug efficacy and safety—needs to be opened up much more extensively and much more rapidly. We must learn why a particular drug is effective in some patients, not in others and why some patients experience manifestations of toxicity while others do not. We must look forward to the day when our knowledge of pharmacogenetics is so well developed that physicians will be able to predict with accuracy whether a patient should or should not be treated with a particular drug. In a similar way, the significance of animal data needs to be understood particularly in terms of pharmacological and toxicological responses in man.

There is one more area of darkness that needs to be lifted. This concerns the frightening observations of the past 10 years on carcinogenesis, mutagenesis and teratogenesis in experimental animals produced by certain chemicals and drugs and the *in vitro* observations of these substances producing breakage of chromosomes and cell transformations. Now what do these observations mean in terms of man? It is clear that we must mount a massive study on these phenomena since the specter of carcinogenesis and mutagenesis hangs over our environment as well and is beginning to affect our economy.

Now these are problems which concern everyone and until some fundamental answers appear, it will be difficult to maintain objectivity. It is here that I feel the pharmaceutical industry and the universities must work closely together—industry with financial support, and the universities with its people and facilities. This will be a very costly program and industry must bear most of its cost, if for no other reason than no other sources of funds are available. While the pharmaceutical industry spends a high portion of its profits for research and development, there is much more it must afford. Indeed, this is a wonderful opportunity for the pharmaceutical industry since it can help obtain answers to some of the problems now haunting society and at the same time give some support to research in the life sciences during these difficult times. This is the time that industry can help fill the breach the government has created when it drastically cut funds for medical schools, clinics and research institutions. I have never felt that industry has done enough for the university, the cradle of knowledge, nor have I felt proud when people of influence have observed from time to time that marketing and promotion expenses in the pharmaceutical industry are very substantial when compared to research expenditures.

So far I have spoken largely about the involvement and responsibilities of other participants in this complex business of drug development. Chiefly, I have dealt with the regulatory agency, the drug industry and the research scientist, all of whom must examine their own contributions, attitudes, and commitments to the task of meeting the needs of the sick.

In working out solutions to the many problems, each of the groups involved must come to understand the whole process of drug development and approval, so that each can better appreciate the specific problems and needs of the other groups. In other words, their interests and concerns must extend beyond the more narrow confines of what might be considered their area of expertise.

And nowhere is this more true than the broad field of clinical pharmacology which I define as the entire process of predicting and measuring the values and limitations of drugs in man.

I believe that clinical pharmacology and particularly its leaders, such as those gathered here, have both a unique opportunity and specific responsibility to help correct the broader problems that retard evolution of new drugs in this country.

If we agree that there has been adverse impact on drug development by such social phenomena as false consumerism, opportunistic politics and regulatory bureaucracy, then the people in this room must find a way of dealing with these problems as well as problems that relate exclusively to clinical pharmacology. If, seeing things happen we don't agree with and we are willing to stand by and let them happen—if we do not involve ourselves—we have only ourselves to blame.

Now what else can be done to help the situation?

First, we can reinforce the quality of our professional performance—in study design, in peer review, in patient consent, in data analysis—so that new knowledge and new standards are more uniformly characteristic of our endeavors.

Second, we can strengthen—at the same time as we work to minimize risk and maximize benefit—public, political and regulatory awareness that certain risks must be accepted if the desired benefits for patients are to be achieved.

Third, we can convince sponsors of drug research, whether public or private institutions that they increasingly provide data, resources and direction, permitting the growing capability of clinical pharmacology to be exploited to the fullest in terms of the patients welfare.

Fourth, we can take the initiative and make sure our professional voice is heard every time the values and limitations of new drugs are debated in the halls of Congress instead of sitting back and permitting Congress and their executive agencies to select witnesses whose misguided zeal permits misconception to dominate the public record.

Fifth, we can more effectively participate in the advisory committees and expert panels of FDA and other regulatory and non-regulatory agencies of the government. All of us would agree, I am sure, that it is there that key decisions are made effecting the future of both clinical pharmacology and of medicine.

Finally, there is a new concept which was presented by Stanley Lebergott University Professor of Wesleyan University to the Subcommittee on Monopoly of the Senate Small Business Committee on March 14, 1973. In discussing the lag time problem of new drug introduction in the United States, Professor Lebergott suggested that lists of all new drugs unavailable in the U.S.A. but available in other countries be published periodically so that professional pressures might be exerted on the regulatory agencies and on the pharmaceutical company for the benefit of patients. I like this concept and suggest it be expanded. I would like to see a group of people, scientists and laymen, under the aegis of the National Academy of Sciences be assigned the task of monitoring the listings and influencing the release of new useful drugs that are unavailable in the U.S.A. It would be their job to find out why such drugs are being held up and to exert moral pressure whenever they believe it essential.

In concluding my talk, I want to stress that I believe completely that the future of drug discovery and development has never been brighter. What we need to do is to nurture our capabilities and rededicate ourselves to the welfare of the patient. I believe in the ingenuity of man and I'm optimistic enough to believe that the problems we now face in evolving new medicines will be met—and will be met on the basis of professional knowledge and judgement. We can accelerate the process if we accelerate our involvement in programs and forums such as this one where we can talk as scientists, free from political pressures and free from the fear complex which has frozen the scientists involved in new drug research. With this kind of dedication, new drug research knows no limitations.

UNITED STATES-ISRAEL RELATIONS

Mr. CRANSTON. Mr. President, yesterday the Los Angeles Times carried a front-page story about a letter sent by the chairman of the board of Standard Oil Co. of California to the stockholders of that company.

The letter urged that the United States "should work more closely with the Arab governments to build up and enhance our relations with the Arab people."

I, for one, find the suggestion that there should be a change in the U.S. posture toward the participants in the Mideast conflict to be totally unjustifiable. I have written to the chairman of the board of Standard Oil Co. of California and expressed my concern.

I would like to share this letter with my colleagues. I ask unanimous consent that the text of my letter to O. N. Miller be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AUGUST 3, 1973.

O. N. MILLER,
Chairman of the Board, Standard Oil Co. of California, San Francisco, Calif.

DEAR OTTO: I was most distressed by your July 26 letter to Standard Oil of California stockholders. It has been widely interpreted as implying that the United States government should reduce or withdraw its support of Israel because of our reliance on Arabian oil.

It is my understanding that Standard Oil is far more dependent on Arabian oil than is the United States. I can understand your desire as chairman of the board to ensure uninterrupted oil supplies for the good of Standard Oil. But I do not share your apparent inference that what is good for Standard Oil is necessarily good for the United States.

Indeed, I'm not sure that what you recommend is even good for Standard Oil. It is certainly not my view that continuing supplies can best be assured by a change in U.S. foreign policy in favor of the Arab nations against Israel.

Peace in the Middle East is the best guarantee of uninterrupted oil production. And American support of Israel is the best guarantee of peace in the Middle East. It is a stabilizing force designed to maintain a balance of power by offsetting Soviet aid to the Arab nations.

The present American policy in the Middle East is a continuation of a policy that has been carried on successfully by the Truman, Eisenhower, Kennedy, Johnson and Nixon administrations with the overwhelming bipartisan support of the Congress. It is in the best interest of the United States and, I suspect, in the best interest of Standard Oil as well.

I am determined to do all that I can to see that it is continued without diminution in any respect. The decision of he Congress, in which I joined, to proceed immediately with the trans-Alaska pipeline is yet another indication of American determination not to become dependent on Mideast oil.

Cordially,

ALAN CRANSTON.

AMERICAN INDEPENDENCE DAY FESTIVAL IN REBILD, DENMARK

Mr. HART. Mr. President, as we, in this country, celebrated our Independence Day, a Michigan choral group joined a Danish-American observance of our independence holiday.

A 34-member chorale from the nationally known and respected Interlochen Arts Academy performed at the American Independence Day Festival in Rebild, Denmark. And we, in Michigan, are especially proud of their appearance for it confirms the international pride in the United States and the products of her cultural heritage.

The festival, which is sponsored by the Rebild National Park Society is celebrated to commemorate the warm friendship between Denmark and the United States. Since its inception in 1912, the festival has been presented in Rebild, a small village in Northern Jutland, Denmark, and currently draws between 20000 and 40,000 visitors each year. In addition, it is completely televised and radio coverage reaches many European countries.

Although three Interlochen conductors have presided over European podiums in the past, the invitation to the chorale marks the first overseas trip for any Interlochen student group. The chorale, under the direction of Dr. Kenneth W. Jewell, is the elite vocal ensemble of the of the larger Interlochen Arts Academy choir.

Dr. Jewell also conductor of the academy choir and director of choral music at Interlochen has been a music educator and conductor in Michigan for more than 30 years. He also conducts the highly respected professional singing group, the Kenneth Jewell Chorale of Detroit which has earned a prominent national reputation for its work with the Detroit Symphony.

Indeed, the academy has put real meaning into their philosophy of artistic involvement. For they are, assuredly, "dedicated to world friendship through the universal language of the arts"—and we can all take pride in their representation of the United States.

REMARKS OF SENATOR EDWARD W. BROOKE CONCERNING THE REFUGEE SITUATION IN CAMBODIA

Mr. BROOKE. Mr. President, I am sure that everyone in the Senate is heartsick at the deepening tragedy in Cambodia. Reports today indicate that fighting is now taking place on the immediate outskirts of Phnom Penh. The southern defenses of the city are apparently under extreme pressure from the insurgents.

Most distressing is the fact that this intensified fighting has further increased the tragic situation of the refugees. In my recent report on Indochina, I wrote that there were in April 1973, upward of 300,000 refugees in the capital city of Phnom Penh. As the fighting has continued over the intervening months, I am positive that the number of refugees in the city has significantly increased. Permanent and lasting improvement of the refugees' lives will occur only when the killing has ceased and they are allowed to return to their villages and to a more normal existence. Unfortunately, it does not appear likely that this will take place in the near future. Therefore, we are left with a situation where, without extensive U.S. humanitarian aid, the tragedy could be compounded tenfold.

The administration has stated its intent to continue to give all the economic military, and diplomatic assistance it can under the law once the August 15 deadline is reached. I have yet to receive clarification on exactly what is meant by this stated intent. Congress must make sure that any further aid to Cambodia is strictly in compliance with the law. My hope is that the major portion of any such aid will be directly allocated for relief purposes. Immediate efforts to allocate justified amounts for relief of the suffering refugees will receive my support.

In all good conscience we cannot, we must not fail to exhibit our concern and commitment to helping the victims of this war.

THE POSSIBILITY OF PEACE FOR CAMBODIA

Mr. BROOKE. Mr. President, in the past several months I have frequently uttered my opposition to continued U.S. military activities in Cambodia. On August 15 of this year that involvement is to come to an end. I am distressed that the termination of the bombing will likely not occur sooner. Nevertheless, some comfort can be taken from the fact that there is a date certain for the final cessation of our military activities in Indochina.

As this tragic military involvement comes to an end, it would be myopic not to balance our revulsion at our contribution to the tragedy of Cambodia with a recognition that others, specifically the North Vietnamese, have contributed greatly to the evil of this war by failing to exhibit a willingness to withdraw their troops from Cambodia. Such a withdrawal would certainly have been in the spirit if not the letter of the Paris peace agreements of January of this year.

There are approximately 30,000 to 40,000 North Vietnamese troops in Cambodia according to U.S. sources. For the past 5 to 6 months the secondary role of these troops has been to provide support functions for the Cambodian insurgents. The North Vietnamese Army has not been extensively engaged in the active fighting. Their primary role has been that of insuring North Vietnamese access to and control of the various salients into South Vietnam from Cambodia.

While the North Vietnamese troops have not taken an active part in the fighting in Cambodia, they nevertheless have contributed greatly to the continuation of the conflict, providing the material supplies and moral support needed for the insurgents to carry on the struggle. In a very real sense, they have played a role for the insurgents similar to that played by the United States for the present regime.

Any peaceful settlement of the war in Cambodia should be predicated, in part, upon a tacit North Vietnamese agreement to withdraw their forces from Cambodia on a date certain basis. If they are unwilling to do this then the world should clearly recognize Hanoi's share of responsibility for any further deterioration in the situation.

Regardless of whatever action the North Vietnamese may take, it is clear that any further involvement of the U.S. military in Cambodia would be both unwise and dysfunctioned to the cause of peace. This is a reality that must be faced. It is a reality that should preclude any agreement by Congress to a request for an extension of the bombing dateline.

As in most wars, there are no winners in Cambodia, only victims. Should Cambodia fall to the insurgents in the near future, the victory for them will likely be a "pyrrhic" one. Their country has been so ravaged by the "winds of war" that it will be many years before tranquility will return to the Combodian people, a people for whom I have a deep and abiding affection. My intent is to do everything possible to hasten the time when the Khmer's can once again live in peace. I trust a similar intent exists throughout the Congress.

OUR HIDDEN VIETNAM CASUALTIES: DOES NOBODY REALLY CARE?

Mr. CRANSTON. Mr. President, the Washington-Star News has recently published a series of articles by Michael Satchell, describing the difficulty many Vietnam veterans are experiencing in readjusting to civilian life, and the, at times, tragic consequences when their readjustment is not achieved. He quotes a veteran as saying:

> That was what was wrong with this goddamn war. Nobody cared except those that went over. And now nobody cares about us.

His articles describe how some veterans reacted to this situation on their return home when they tried to take their place again in civilian society. The readjustment difficulties in some cases led to marriage breakups, and such tragedies as unsocial behavior, criminal acts and even suicide and manslaughter.

These tragic episodes did not occur immediately after discharge from the armed services, but in many cases occurred some 2 or 3 years later.

Mr. President, while previous wars have had their psychiatric casualties, the so-called "post-Vietnam syndrome" may well be more pronounced and more frequent in its incidence. And the time lag seems unprecedented. This pattern was first dramatized, insofar as I am aware, at oversight hearings I held in 1969 and 1970 as chairman of the Subcommittee on Veterans' Affairs of the Labor and Public Welfare Committee, and in the last 2 years as chairman of the Subcommittee on Health and Hospitals of the Veterans' Affairs Committee. As a result of these hearings, I first introduced legislation on June 17, 1971—then included in S. 2091 in the 92d Congress—to make these returning veterans eligible for readjustment medical counselling in Veterans' Administration facilities.

This provision was also included in legislation, called the "Veterans Drug and Alcohol Treatment and Rehabilitation Act of 1973," twice passed by the Senate—in S. 2108 last Congress and in S. 284 passed this session on March 6, 1973, by an 87-to-2 vote. More specifically, it would authorize the Veterans' Administration to provide readjustment medical counseling and appropriate followup care to each Vietnam era veteran with other than a dishonorable discharge upon the veteran's request. The purpose of this provision is to make fully available—and to encourage and facilitate the use of—the full resources of the VA's medical services to those returning veterans who feel the need for professional counseling to help them in their readjustment to civilian life. I believe that in the sensitive field of psychological or psychiatric counseling, availability, and ease of access to such services must be emphasized and all necessary barriers removed. A recently returned veteran should know that help is available, and that if he asks for it his request will be speedily and compassionately honored.

Under present VA law and regulations, a veteran is not eligible for outpatient care unless it is established that he is suffering from a service-connected condition or is in need of hospitalization. Under this new provision, all VA facilities which can assist in readjustment will be made more visible and accessible. The provision of readjustment counseling in all VA facilities under the general direction of the VA Department of Medicine and Surgery—taking full advantage of its skilled staff consisting of some 961 psychologists, 304 psychologists attendants and technicians, 707 psychology trainees, 2,198 social workers, 335 social worker associates, and 479 social work trainees—can be of significant assistance to the successful readjustment of large numbers of recently discharged veterans.

In addition, current law in title 38, United States Code, provides a presumption of service connection for an active psychosis developed within 2 years of discharge from service. The Senate has twice passed my amendment—also included in S. 2108 and S. 284—to extend this period to 3 years after discharge and to make it applicable to any psychosis rather than only an active psychosis.

Mr. President, I ask unanimous consent that the pertinent provisions from S. 284 be printed in the Record, along with explanatory material from the committee report (No. 93–56).

There being no objection, the material were ordered to be printed in the Record, as follows:

S. 284

A bill to amend chapter 17 of title 38, United States Code, to require the availability of comprehensive treatment and rehabilitative services and programs for certain disabled veterans suffering from alcoholism, drug dependence, or alcohol or drug abuse disabilities, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this act may be cited as the "Veterans Drug and Alcohol Treatment and Rehabilitation act of 1973".

Sec. 3. Section 602 of title 38, United States Code, is amended by—

(1) striking out "an active" and inserting in lieu thereof "a"; and

(2) striking out "two years" both times it appears therein and inserting in lieu thereof "three years".

Sec. 4. (a) Subchapter II of chapter 17 of title 38, United States Code, is amended by adding after section 612 a new section as follows:

"§ 612A. Eligibility for readjustment medical counseling

"The Administrator, subject to the provisions of section 3103 of this title and within the limits of Veterans' Administration facilities, shall furnish readjustment medical counseling and appropriate followup care and treatment under this subchapter to any person who served in the active military naval, or air service during the Vietnam era and was discharged or released therefrom with other than a dishonorable discharge and who requests such counseling in order to assist such person in readjusting to civilian life following his discharge or release from the Armed Forces. The Administrator, in cooperaton with the Secretary of Defense, shall take appropriate action, as provided in section 241 of this title, to insure that all veterans eligible for assistance under this section are advised of their eligibility for such assistance and are encouraged to take full advantage thereof."

(b) The table of sections at the beginning of chapter 17 of such title is amended by inserting immediately below

"612 Eligibility for medical treatment."

the following:

"612A. Eligibility for readjustment medical counseling."

Psychiatric Care and Readjustment Medical Counseling

The Committee was convinced by extensive testimony developed at hearings on veterans readjustment conducted by the Subcommittee on Veterans Affairs at the end of the 91st Congress and hearings on this legislation in the 92d Congress and by medical evidence that significant numbers of Vietnam era veterans who are not addicts have nevertheless suffered severe psychiatric problems. These problems are frequently of a subtle nature and do not always manifest themselves soon after discharge. Therefore, the reported bill provides that a psychosis which arises within three years after discharge, rather than an active psychosis which arises within two such years (as at present), will be presumed to be service-connected. The effect of this is to authorize the provision of unlimited outpatient care for veterans meeting these criteria of disability.

In 1951, section 602, containing the original active psychosis presumption, was added to title 38 by Public Law 82–239. The House-passed bill—H.R. 320—had included a three-year period for active psychosis and the Senate reduced it to two years—(S. Rept. No. 749, 82d Cong., 1st Sess. 1951).

The Committee is of the view that the same justification underlying the original provision for active psychoses arising from World War II and the Korean conflict should be applied to the types of psychiatric conditions which seem to characterize the Indochina War. The purpose and rationale of section 602 were described in the 1951 House and Senate committee reports as follows:

"The Committee is of the opinion that the bill is fully justified in view of the difficulty medical science has in tracing the exact causes of psychoses. The additional presumptive period would authorize service connection in many meritorious cases which are barred under existing law. The presumption is of course rebuttable when there is affirmative evidence to be contrary . . . (H.R. Rept. No. 239, 82d Cong., 1st Sess. 2 (1951)).

"It is generally recognized that the disease of psychoses is not only an individual problem but involves broad social aspects as well. It is urgent that those who suffer from this unfortunate malady should receive prompt and complete institutional care and treatment. Although war veterans are now entitled to hospitalization by the Veterans' Administration for non-service-connected psychosis, their admission is subject to availability of beds and their inability to defray the expenses. . . . "(S. Rept. No. 749, 82d Cong., 1st Sess. 2 (1951)).

Of greater significance, the reported bill directs the Administrator to provide readjustment medical counseling and appropriate follow-up care to Vietnam era veterans with other than a dishonorable discharge (or a discharge barred under section 3103 of title 38) upon the veteran's request. The purpose of this provision is to make fully available—and to encourage and facilitate the use of—the full resources of the VA's medical services to those returning veterans who feel the need for professional counseling to help them in their readjustment to civilian life.

In the sensitive field of psychological or psychiatric counseling, the Committee believes that availability and ease of access to such services must be emphasized and all unnecessary barriers removed. A recently returned veteran should know that help is available, and that if he asks for it his request will be speedily honored.

Under present VA law and regulation, a veteran is not eligible for outpatient care unless it is established that he is suffering from a service-connected condition or is in need of hospitalization. Under this new provision, all VA facilities which can assist in readjustment will be made more visible and accessible.

The Committee believes that the provision in the reported bill to provide readjustment counselling in all VA facilities under the general direction of the Department of Medicine and Surgery—taking full advantage of its 961 psychologists, 304 psychologists' attendants and technicians, 707 psychology trainees, 2198 social workers, 335 social worker associates, and 479 social work trainees—can be of significant assistance to the successful readjustment of large numbers of recently discharged veterans, both addict and nonaddict.

[From the New York Times, Aug. 28, 1972]

Postwar Shock Besets Veterans of Vietnam

(By Jon Nordheimer)

San Francisco, August 20.—The flight from Saigon and Danang reach California in 18 hours, telescoping night into day and into night again, and the big jet transports drop out of the gloom of the Pacific sky to land at Travis Air Force Base as another sunrise rims the high peaks of the Sierra Nevada range far to the east.

On board the planes are sleepy young soldiers, members of the dwindling force of American troops in Vietnam, coming home from a war in a strange land where they had served with gradations of comprehension and devotion.

They step out on the chilled tarmac and stretch and shiver. The temperature is more than 30 degrees cooler here in northern California than it had been the day before in Vietnam.

It is the first shock of reentry for the Vietnam veteran. In the coming months, as he goes out in America and tries to pick up the threads of the life he had left behind, there will be more.

For it is now becoming clear, at a time when it is almost too late to do anything about it, that a significant number of Vietnam veterans are encountering serious readjustment problems on return to civilian life that, for some at least, is as severe a test of emotional stability as any stress they encountered in the service.

The ailment has been called the post-Vietnam syndrome, or PVS, but the term is not sufficiently broad to encompass the wide range of emotional problems that some of the veterans are experiencing.

HARD TO DEFINE

Just what Vietnam service does to a young man emotionally is difficult to define, but it is related to the shattering experience of war itself, with the added ingredient that this war, unlike others, does not give many of the men who wage it feelings of patriotism, or even purpose.

The men who suffer post-Vietnam syndrome are not dramatically ill. They do not go beserk or totally withdraw. Instead they are bewildered, disillusioned, unable to cope. Their problems usually crop up after they leave the service and previous indications of trouble almost always went untreated by the military.

For the last few years, the Government has declared that the special circumstances of combat in Vietnam produced the lowest psychiatric casualty rate in the history of modern American warfare. The Defense Department contended that the rate of mental breakdowns was 12 per 1,000 troops; the corresponding rate for Korea was 37 per 1,000, and in World War II it was 101 per 1,000.

These figures are hotly disputed by private physicians who have made empirical studies of the PVS, and the debate has taken on political overtones that chilled the issue, with the Government digging in to defend its policies against what is perceived in Washington as an attack by critics of the war.

Essentially, the Government has viewed the problem as mild compared with the staggering number of combat-zone breakdowns that occurred among World War II servicemen. The critics have countered that what they describe as the Government's blindness and intransigence, produced by a desire to gain public support for the Nixon Administration's war policy, were contributing to a mental health disaster for the more than three million soldiers, sailors and airmen who had served in Vietnam.

SERIOUS SOCIAL PROBLEM

There is evidence that the problem is more pervasive than has been acknowledged by the Government, and may indeed be building to a social problem of serious magnitude.

Yet it is equally apparent from an extensive survey that the problem is slow to develop and difficult to identify and that its complexities defy easy explanations.

One interpretation advanced in some psychiatric quarters is that guilt over participation in a war many see as immoral is disturbing the veteran upon his return home.

Unquestionably, that is a source of dislocation for some of the better educated and more sensitive veterans as typified by the outcries of the Vietnam Veterans Against the War, and to some extent it may be detected in many others who have made no overt antiwar expressions and may even support the country's Vietnam policies, the survey showed.

But for the majority of the emotionally distressed veterans it would appear that the restive nature of American society itself is a contributing factor, and the rapidly changing values the veteran finds at home, the hostility of his peers, the guilt of his parents and the lack of interest of his community may combine with a poor job market to keep him off balance from the moment he takes off his uniform.

A psychiatrist compared the difficulty of the Vietnam veteran to a boy at an amusement park. "He has spent an exhausting day on the scariest, most dizzying thrill rides with apparent success, but he finds it impossible to step aboard a moving merry-go-round. His equilibrium has been upset, and he can't perform a simple task of balance. When he pukes, the people watching him can't figure out why such a simple exercise is so unsettling."

AN UNKNOWN FACTOR

The survey made clear that in the majority of cases the emotional disorders of men who have served in Vietnam showed up not in the combat zone but, rather, after the return to the United States. This, unlike other wars, has been the chief psychiatric phenomenon of Vietnam for the American soldier.

In some hospitals, more than 80 per cent of the mental patients suffered breakdowns after discharge from the military service. What is not known, when these figures are compared to past experience, is to what extent the greater sophistication about mental illness has contributed to a willingness among veterans to seek professional help than in the past.

Another finding was that the Government has been less than diligent in providing resources to investigate the nature of emotional illness that the veteran brings home from Vietnam and to deliver health care services to him.

Although the rate of full-blown psychosis among Vietnam servicemen has been low, and in line with what would be expected among this age group in the general population (for schizophrenia, about 8.5 per 1,000) the emotional problems in the greater number of cases have been characterized by anxiety, disillusionment, confusion, apathy and listlessness—fairly mild disorders that nonetheless can be as disabling in a social setting as schizophrenia.

Only infrequently does the ailment reach a point where the individual becomes a problem to society and is remanded for psychiatric care. Usually, because the Vietnam veteran tends to come from a low socio-economic or minority group where his tensions and fears cannot find easy access to mental health care, his "odd" behavior or inactivity simply goes unnoticed or is dismissed as inconsequential to the community's safety.

This lack of access, it has been found, has led to the growing usage of drugs by the veteran back in the United States whether he had been addicted in Vietnam or not. The availability of drugs in this country, as it had been in Vietnam, can offer instant escape from tensions and anxiety, whether these fears have been created by the weapons of war or the more subtle hazards of civilian life.

Moreover, it was found that bureaucratic red tape and the lack of a focus of resources have cut psychiatric services to the veteran, should he seek help. The Veterans Administration has only in the last year officially recognized the scope of the problem and moved to adjust its program of care for the emotionally disturbed veteran. Yet a shortage of qualified psychiatric personnel still makes the V.A.'s 165 hospitals largely dependent on the dispensing of tranquilizers as the primary treatment schedule.

STAFFS ARE STRAINED

The best and most effective treatment of the PVS, when it is detected, would appear to be sympathetic counseling, which is what the V.A. has attempted to introduce in the last year, but the professional staffs have been strained by the rising number of veterans seeking help, particularly in the urban areas where they are doing more counseling work with drug addicts.

Another drain on manpower is the large number of neurological casualties coming home from Vietnam—men with damaged brains whose lives have been saved by the new technology of surgery and medicine but who have been deprived of the mental resources to care for themselves.

In 1967, only a small number of the V.A.'s 80,000 hospital beds were occupied by Vietnam veterans; by 1972, more than 50,000 psychiatric in-patients from Vietnam had been cared for and a larger number sought help in outpatient clinics, and admissions have grown each year.

Dr. Marc J. Musser, chief medical director of the Veterans Administration, who oversees the nation's largest total health care system, conceded in an interview that the veterans "usually have to get in pretty bad shape before they'll turn to an institution like ours for care."

He said that the V.A. was caught short by the differences in needs between the younger and older veterans, that the changes to provide care for "the new breed" were being implemented in hospitals around the country and that hospital directors had been encouraged to experiment with new programs. He remains unconvinced, however, that the differences have meaning beyond the generational approaches to life, he said, and added that the dire mental health development predicted by critics of the war had failed to materialize.

MORE CANDID VIEWS

While V.A. administrators in Washington minimize the extent of the PVS, some experts on regional V.A. staffs, the men and women personally involved with veterans, are convinced that the figures used in Washington are more revealing of political pressures than reality. For the most part these physicians were reluctant to express their views publicly for two reasons: They feared bureaucratic reprisals for challenging the views of superiors and they felt that the absence of hard research on the problem left them exposed to challenges that their conclusions could not be supported by documentation, which they concede.

At the same time, however, they point out that the V.A.'s own evidence is scanty and rests solely on research done with veterans whom it has made contact with and little or nothing is understood about the countless troubled veterans who shun V.A. assistance because the agency represents the system the veteran is reacting against at home.

"If you're all messed up inside," remarked one V.A. psychiatrist, "it's pretty hard to seek help in a Government hospital where the first thing you see is the picture of Richard Nixon on the wall, the guy who sent you to Vietnam in the first place."

There were others with wide experience in the V.A. system who have become largely independent of it and consequently were more candid about the nature and scope of the problem.

"I'd say that 50 per cent of the men returning from Vietnam need some form of professional help to overcome the problems of adjustment," asserted Dr. Cherry Cedarleaf, a senior staff psychiatrists on a leave of absence from the V.A. Hospital in Minneapolis.

"That's not to say that one out of two veterans is crazy," she explained in an interview, "but that a sizable number of young men are returning to society as unmotivated, listless and apathetic individuals who would benefit from counseling."

Dr. George F. Solomon, an associate professor at Stanford University who has been attached for 10 years to the psychiatric research wing of the V.A. Hospital in Palo Alto, Calif., insisted that the Vietnam psychiatric casualty rate defended by the Government was "utterly misleading." He referred to the statistic that only 12 soldiers out of 1,000 broke down under stress in Vietnam.

A PROBLEM FOR SOCIETY

"I've worked with lots of veterans outside the hospital and you see a lot of things that never come to the attention of the V.A.," Dr. Solomon said in an interview.

"I think the V.A., within the limitations of its bureaucracy and budgeting and the fact that it was designed for another era, is trying," he went on. "But I don't think this problem should be perceived as just another problem for the V.A.—it should be a problem for society at large."

He said that the military services had failed to follow through on cases of emotional illness that become manifest in Vietnam. In most cases, he said, soldiers who break down there are returned to duty after a period of rest and the individual is regarded as normal unless the problem resurfaces or becomes exaggerated.

Moreover, he noted, soldiers displaying emotional symptoms are often given expenditious administrative discharges, branded as disciplinary problems instead of psychiatric. Military drug abuses are considered medical cases, he said, when they should be evaluated in relation to the stresses in Vietnam that led them to seek solace in drugs.

"I have strong feelings that drug-taking behavior prevented psychiatric casualties that otherwise would have been manifested in more traditional ways," Dr. Solomon said. "Heroin is a powerful tranquilizer."

SIGNALING FOR HELP

No one knows how many of the veterans who experience re-entry problems had first signaled for help while still in the military. The Defense Department has not published studies on the subject and, as far as could be determined, has not commissioned any.

There is no follow-up. If a soldier breaks down for one reason or another, he is considered cured if he starts acting rational after a reasonable period of rest.

An understanding of the mood of the returning Vietnam veteran is dependent on some knowledge of his Vietnam experience and the multiple pressures and frustrations he encounters on his return home. This is set forth here, based on scores of interviews across the country with veterans, physicians and Government officials.

The italicized segments are based on conversations with Vietnam veterans who are psychiatric patients in V.A. hospitals or who have had serious adjustment problems. The segments are interspersed here because they illuminate some of the dominant psychological problems that afflict the Vietnam veteran.

NORMAN

"Why are they afraid of us? Family, friends and strangers? Why do they ask us questions about how many people we killed? I killed a few, but I don't want to talk about it. It was self-preservation. Why can't they understand that and let us alone?"

The one-year tour of duty in Vietnam has been cited as the chief asset in keeping psychiatric casualties low. From the day he entered the country, the American soldier knew the exact date of his departure, and all his efforts were directed toward surviving the next 365 days.

This knowledge was especially comforting if the individual, as was true in a great number of cases, did not support the cause he was asked to risk his life for, or if he felt the military was restrained from exercising its full might against an ambiguous enemy, further jeopardizing his personal safety. The result is that the soldier had no investment in the war and its outcome other than his own survival.

There were other advantages that militated against emotional trouble. The United States enjoyed superior fire power and controlled the skies over Vietnam. There were no enemy air or artillery bombardments, except at temporarily besieged outposts, that placed prolonged stress on the "grunt" in the field. There was also the awareness that, if wounded, the soldier could be evacuated within minutes by helicopter, and that fewer than 3 per cent of those who arrived alive at the base hospital later died. These were powerful therapeutic factors contributing to the mental health of the men in the field.

Still, there were breakdowns in the field, and in all of the years of fighting in Vietnam there were more emotional problems that came to the attention of the medical units than the combined total of those who had been killed or wounded by the tangible acts of war.

CARY

On his way into the field for the first time in Vietnam, Cary witnessed another marine cradling a dead buddy and sobbing beyond comfort. "I promised myself I'd never let that happen to me. I'd play the loner and not get attached to anyone who is going to get killed. It was like I lost all respect for love. So I built a wall around me." The wall crumbled one summer day below the DMZ. "Alpha and Bravo companies were wiped out and we were sent in to pick up the bodies. After three days in the hot sun the bodies stunk. I picked up one and the arms came off in my hands. All the time we were under fire. I couldn't help myself. I just went to pieces."

The history of military psychiatry dates back to World War I when "shell shock" was considered to be the physical impact of an artillery round's concussion on the brain, resulting in eccentric or hysterical behavior. By World War II, "battle fatigue" was interpreted by Freudian psychiatrists as a manifestation of deep, inner personality conflicts, and casualties were moved from the front lines to the safety of hospitals and the rear, and yet the illness persisted and even deepened.

The cumulative lessons of the two World Wars and Korea were refined into a plan of treatment and put into practice in Vietnam. Essentially, the thesis was that mental breakdowns in the field were due as much to physical exhaustion as to any other cause.

The patient was confined to bed rest as near his unit as possible, and impressed always with the fact that he was going back to duty as soon as possible. He was never evacuated to the rear, where his guilt over deserting his outfit might reinforce his fixation, unless he was a psychotic and helpless.

NERVOUS EXHAUSTION

This treatment of "nervous exhaustion" produced impressive statistical results and perhaps prevented more serious psychic damage. Yet the long-range effect on the soldier who returned home fully aware of his moment of mental collapse is not known. Ronald Glasser, a former Army medical officer who wrote the book "365 Days," which recorded the experiences of physicians in Vietnam, raised that point.

The new treatment works, he wrote. "The men are not lost to the fight and the terrifying stupidity of war is not allowed to go on crippling forever.

"At least, that's the official belief. But there is no medical or psychiatric follow-up on the boys after they've returned to duty. No one knows if they are the ones who die in the very next firefight, who miss the (boobytrap) wire stretched out across the tract, or gun down unarmed civilians. Apparently the Army doesn't seem to want to find out."

Military psychiatrists identified three major periods of stress for a G.I. in Vietnam: when he first arrives and is overcome by culture shock and his illusions about the war are shattered: when he goes off on his rest and recreation leave, and the last month of duty when he has to sweat out the final days of survival so he can go home alive.

"Everybody has the date he's going home circled on his calendar and the emotion is very extreme because he's getting out and leaving his buddies in the unit." observed Eleanor Kyle, a chief social worker in the V.A.'s medical and surgical program in Washington.

"There's some guilt about leaving them, but the desire to survive is greater. What effect these strong emotions have on a person's mental health is something we don't know. Some of the guys can't handle it, but many do quite well."

RICHARD

"When I was on short-time calendar was when I got all messed up in my head. I had 10 days left in my tour and they ordered me to go on bunker duty with a bunch of [new guys]. I said I wasn't pulling no with a bunch of new guys, they'll get me killed, but they put us out there anyway. Imagine, me with 10 days to go. I was scared. I wouldn't let any of them stand guard duty alone. They would've fallen asleep and gotten all of us shot. I sat on top of that bunker for 10 straight nights, sweating out every minute. I started smoking for the first time in my life and I still haven't broken the habit, and that was two years ago."

The soldiers who survive are flown to California with the mud and dust still on their shoes. They are in a hurry to get home and they get their wish, reaching the living rooms of America in less than two days from the war zone. They are processed for discharge at the Oakland Army Terminal in four to six hours by an assembly line of doctors and clerks set up in an old post office building that looks like a cargo shed.

The new veterans are the lucky ones—the survivors—coming home sound in body from a struggle that has killed more than 38,000 of their number and wounded 303,000 more. But the war's casualty list does not end at the gate to the Oakland Army Terminal.

"THE GOOD OLD DAYS"

There are no bands there. No welcoming committees of grateful citizens. There is a black ghetto, the smell of industrial wastes, and usually a long line of traffic backed up to the ramps of the Bay Bridge to San Francisco. For the young men who pass this way, the cab ride from Building 640 to the airport is the slowest thing that has happened to them since leaving the jungles of Vietnam barely 24 hours earlier.

"One advantage of the good old days of World War II," remarked Dr. Jonathan Borus, of Walter Reed Army Research Center, who believes he is the only Army psychiatrist to have done extensive research on the problems of the returning Vietnam veteran, "was the troop ship that took three weeks to a month to come home. A man had more time to go through the transition of change, and he could have some of his fantasies about home knocked down by the other guys.

"And in the States he spent a few weeks in a processing center, which broke him gradually into civilization before he got home. Now events move too rapidly. My God, the Marines even brought them home in jungle fatigues."

PAUL

"I'd write home and tell my parents I had been in a firefight, and when I got home I found out they actually thought I spent the year in Vietnam fighting forest fires. We'd sit around those first few days watching the war news on television and my dad would say, did you do that? And I'd say, Yeah. I did that. I had to do that to go on living. And my folks got scared, man. They thought their little boy was a killer."

A lot of the veterans were having trouble at home before they entered the Army, and any expectation that things had magically changed was dissipated a few days after their discharge.

Dr. Carl R. Stuen of the psychiatric staff at the V. A. hospital in Tacoma, Wash., studied a group of disturbed patients who had served in Vietnam and learned that more than 80 percent had enlisted in the service and had not been drafted. Correlating this with other background data, Dr. Stuen speculated that enlistment had been an attempt to escape problems at home or with society, or was viewed as a way to "find a place to belong—to create an identity."

In another V. A. study compiled by Dr. Gayle K. Lumry and Dr. Gordon A. Braatz of the psychiatric staff at the V. A. hospital in Minneapolis, which contrasted the Vietnam veteran against his World War II counterpart, it was found that the incidence of schizophrenia was lower among the former group (Vietnam). But the porportion of personality disorders had climbed from 35 per cent (World War II) to 54 per cent (Vietnam).

SUICIDAL ACTS ON RISE

In large measure because of the battlefield treatment of such cases, the incidence of a classical combat neurosis like hysterical paralysis has nearly disappeared in Vietnam, Dr. Lumry said in an interview. However, there has been a corresponding rise in suicidal acts, which she suspects is related to dramatic social changes in the society and not in the combat experience.

And because the nature of the draft from 1964 to 1969 tended to draw men from the minorities and lower economic ranges of whites, she noted, this crop of veterans is more ill-prepared than perhaps any other in the ability to gather forces, shape plans and cope with a complex society and rapid transition from military to civilian life.

Dr. Lumry agreed that her findings, like the Stuen report in Tacoma, were based on research done with patients who for one reason or another had sought help from the Government, and no data existed on the faceless veterans who have remained silent and unidentified.

Still, the Tacoma and Minneapolis studies have formed the core of the V.A.'s response to the problem and the conclusion that the Vietnam veteran has not been greatly disturbed by his combat experience and that those who have suffered mental breakdowns or severe depressions had either a predisposition to mental illness or had encountered problems at home that could not be worked out in a satisfactory manner.

SONNY

Sonny said he had wanted to enlist in the Marine Corps at 17 to make his father proud. "I wanted to turn Vietnam into a grease spot and I dreamt about coming home a hero to tickertape parades. Maybe if I came back with only a single row of ribbons I'd be proud, like I had done something for my country." His Vietnam tour ended unheroically. A corporal in his outfit struck him and he lost the sight of one eye. He tried to resume high school after his medical discharge but "could not stand the looks of my classmates when they found out I had been in Vietnam." He could not find work. One night at a party he took mescaline for the first time. "The bathroom turned into fields of Vietnamese I had killed and all I could see was blood all over the walls and the floor, and the bodies of gooks grinning at me." A few nights later he swallowed 48 sleeping tablets. "I couldn't commit suicide in a violent way. It had to be in a soft, gentle way. I had my stomach full of violence." Friends found him and rushed him to a hospital.

The PVS proponents have charged that the Government's refusal to accept Vietnam as a trauma that has had a profound and lasting pschological impact on a considerable number of veterans has resulted in a policy of official neglect to the young men it had asked to serve the country.

Dr. Robert Lifton of Yale, Dr. Gerald Caplin of Harvard, Dr. Chaim Shatin of New York and Dr. Peter Bourne of Atlanta, among others, have detected disturbing elements among nonpsychotic veterans that they feel are quite unlike the disorders that developed after other wars. Significantly, these physicians have worked primarily with veterans who have been reluctant to seek help in the V.A.'s wards and clinics. Their conclusions, while they do not consistently share one another's views, point to a malaise that is directly traceable to the Vietnam experience.

Dr. Lifton referred to "psychic numbing," the inability to love, and Dr. Shatin mentions the "grief of soldiers," the compounded shame and guilt over surviving a war where so many others had perished. And there is the question of the morality of the war itself.

MICHAEL

Michael is embittered by those veterans who express guilt over the war. He thinks they are copping out, placing the blame on Vietnam when the problem really exists deep within themselves. He sees his own troubles that way, and yet in long conversations his thoughts always seem to return to Vietnam and the agony and sweat of the war there. "I was in Vietnam three days. I was 18 years old. And we found this G.I. hung up by the river and he was shot in the knees and the shoulders and the VC had cut out his groin. They were like animals. You had to get down to their level."

He was wounded on one patrol and left for dead until his cries summoned back his unit. "But the worst for me was a chopper lift into the Horseshoe south of Danang. We were trying to land and rounds were coming through the floor. The chopper was cut up so badly we had to return to the landing zone and board another and head back into the whole goddam mess again. A friend of mine—Whitey, we called him—got killed before the chopper even landed.

The tour changed his attitude about the war, which he now calls "such a stupid wasteful thing." Back in this country he began having blackouts and unexplained attacks of anxiety. He lashed out blindly at friends. "I got to hate what I was, a sort of semimercenary. I wouldn't even wear the uniform if I could help it. It was like everyone thought you were a killer or something worse."

He works now as a lineman for New York Bell Telephone Company and believes he has his problem under control with the help of 100 milligrams of Librium a day. "Just enough to knock the edge off my nerves, just like a good shot of whiskey." But the Librium has not stopped the recurring nightmare that is always the same. He is wounded and covered with blood and the mud of Vietnam, and he sees the VC moving silently through the eel grass toward him. He screams for his buddies to come back and help, but they are all dead. Overhead, in a circling helicopter, is Whitey, but he, too, is dead.

The veterans keep returning and slip back into America with no bands playing and almost without notice. They land in California, heavy with sleep, and are processed for discharge in Oakland.

"We can separate 225 bodies a day here, 24 hours a day, seven days a week—it's efficient as hell," says Capt. Barbara Parker, the base information officer. "The paperwork is routed into data processing machines in one direction and the bodies go off in another direction and the two meet up at the end, all packed up and ready to go home."

The men are issued final paychecks and leave on a journey to retrace the steps that carried them one year earlier to an uncertain war. On their way off the base, they pass Warehouse 4, the mortuary, where other military travelers from Southeast Asia are also processed, awaiting final shipment home in crated wooden coffins.

When the paperwork is complete, the men are gathered in a briefing room where 10 color combat photographs taken in Vietnam hang on the pale green walls, and a chief warrant officer named Edward Terwilleger cautions them about excessive taxi rates to the local commercial airports.

Then Warrant Officer Terwilleger stiffens and says: "Gentlemen, on behalf of the President and the Chief of Staff, thank you very much for your service. Dismissed."

Mr. CRANSTON. Mr. President, this legislation is now pending in the House Veterans' Affairs Committee, and I am hopeful action will be taken very soon, so this kind of urgently needed assistance can be made available to the "hidden Vietnam casualty."

Mr. Satchell's article of August 2, 1973, reports on conflicting statements made by officials of the Veterans' Administration on their awareness of, but lack of plans to deal with, the severity of the problem. These statements reinforce my deep concern that action must be taken immediately to provide the assistance these veterans need in making the adjustment to life in the civilian community.

Mr. President, I ask unanimous consent that the series of Washington-Stars-News articles by Mr. Satchell—of July 22, 23, and 26 and August 2—be printed at this point in the RECORD followed by an August 28, 1972, article from the New York Times, entitled "Post War Shock Besets Veterans of Vietnam."

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

OUR HIDDEN WAR CASUALTIES

(By Michael Satchell)

No one will ever be quite certain why Stephen Carl Gaylor killed himself . . . why Don Kemp, who loved his wife dearly, killed her with an automatic . . . why Dwight Johnson was shot to death in a nickel-and-dime stickup.

With four friends yelling for him to stop, Gaylor, a 21-year-old Oklahoman back from the Vietnam war, calmly slid a cartridge into his revolver, spun the cylinder, placed the barrel to his head and fired. He lost his personal game of Russian roulette on the third try.

Don Kemp, another Vietnam veteran, spent time in a Milwuakee hospital being treated for a psychosis. The first night after his discharge he awoke from a raving nightmare and killed his wife. He had been dreaming about fighting "gooks."

Dwight Johnson was a hero, a Medal of Honor winner. With a submachine gun and a .45 caliber pistol he single-handedly had killed between five and 20 enemy soldiers. Back in Detroit, he was idolized by raggedly black urchins in the ghetto and respected by the white junior executive crowd. A week before his 24th birthday, he tried to knock off a corner grocery store a mile from his home. In a shootout with the store manager, he was felled by five bullets.

The tragic incidents involving these three men are unrelated, but there are those who insist that Gaylor, Kemp and Johnson, along with unknown numbers of other veterans, are the hidden victims of the Vietnam war—a virtually unknown army of "psychiatric casualties."

About 2.6 million men served in Vietnam and a lot of them came home with mental wounds perhaps as damaging as the physical wounds of veterans who returned with missing limbs and mangled bodies.

The Veterans Administration has no firm statistics on the number of psychiatric casualties from the Vietnam war, but it cites studies to help a lower incidence of battlefield mental casualties than in other wars. This is not disputed by VA critics.

What is hotly disputed, and currently the subject of bitter debate between the VA and many private psychiatrists, is the number of vets who became ill a few months or even three or four years after their return from Southeast Asia—a condition called "Post-Vietnam Syndrome (PVS)."

VA officials tend to show anger when PVS is mentioned; officially, they insist, there is no such thing.

Dr. Marc J. Musser, chief medical director, and Dr. Charles A. Stenger, chief of psychology, in a technical paper on Vietnam vets, wrote: "Thus far, there has been no evidence of the delayed psychiatric illnesses that some experts have thought would result from the unique conditions of the Vietnam conflict.

"It had been predicted, for example, that guilt over participation in an unpopular war would create special emotional stress. Most servicemen . . . do find the hostile components of their reception upon returning home to be disturbing, but apparently it is not affecting their emotional stability to a significant extent."

That assessment was made a year ago. In a recent interview, Stenger and Dr. Eugene M. Caffey, deputy director of mental health for the VA, reiterated that PVS was little more than a phony issue dreamed up by VA critics, principally Yale psychiatrist Dr. Robert Lifton and Dr. Chaim Chatan of New York University.

"A lot of this talk is rooted in these people's anti-war feelings," Caffey insisted. Added Stenger: "Chatan and Lifton, these guys are really hung up on the war. They say we're playing the President's game."

Caffey refused to categorize PVS as an illness. "It's a frame of mind which is disturbing to them, and it affects no more than 5 percent of the veterans," he said.

Stratton Appleman, chief public relations spokesman for the VA, called the critics "self-styled experts" who make "derogatory remarks about veterans based on generalizations."

Appleman writes. "The persistence of this group in using their professional status to spread insidious theories about veterans while they pretend to feel concern for them is remarkable in view of the many times they have been discredited."

But a large body of psychiatric opinion, within and outside of the VA, challenges this view and offers evidence that PVS is widespread. This tended to be reinforced by Star-News interviews with VA psychiatric patients. Another indication of the problem's growth is self-help groups that have sprung up in about 25 cities across the country.

Dr. Giuseppe Scarcella, chief of psychiatric service at the Washington VA hospital, asked about the official VA position on PVS, suggested that the bureaucracy at national headquarters was out of touch with what has been happening in the hospitals.

"They are responsible to the Department of Defense and thus they look at problems from a political consideration," Scarcella said. "We look at them from a clinical aspect."

At an American Psychiatric Association meeting in Dallas, at which Musser presented the VA's views on PVS, several doctors countered his opinions.

"Recently it has become increasingly clear," said Dr. Carl Segal, a former Army psychiatrist, "that there have been delayed emotional and behavioral reactions to combat experiences." Dr. Marcus R. Stuen reported that his studies at the VA hospital in Tacoma, Wash., showed "a rather dramatic increase in the inability (of the Vietnam vet) to adjust to civilian life."

At the same meeting, Dr. Jonathan R. Borus, a psychiatrist at the Walter Reed Army Institute of Research here, wondered whether the Army was providing adequate psychiatric care for those who served without problems on the battlefield but broke down later.

Chatan, associate professor and clinic co-director of the New York University post-doctoral psychoanalytic training program, noted that psychiatric illness that begins two years after a man leaves the Armed Forces cannot be designated officially as "service connected" and thus receive priority treatment.

"VA is run mostly by World War II vets who have no understanding of the present Vietnam generation," he says. "It's a superannuated organization; it's understaffed; they don't have the men to treat these people, so they pretend there's no problem and thus avoid opening a psychiatric Pandora's Box."

Chatan offered this capsule description of "Post-Vietnam Syndrome."

"Nine to 30 months after demobilization, many veterans begin to 'go through changes.' They notice—often for the first time—growing apathy, cynicism, alienation, depression, mistrust and expectation of betrayal as well as the inability to concentrate, insomnia, nightmares, restlessness, uprootedness and impatience with almost any job or study."

What this translates to in everyday terms is the immense difficulty thousands of veterans find in "getting their heads together" after they come home from an unpopular war which they and the public rarely understood.

Instead of cheering crowds and welcome banners, they come home to discover problems. Many say they have difficulty holding jobs—if they can find them. They have trouble in their personal relationships, and that usually means marital difficulties.

"I was a nice, easy 'going guy before I went to the' Nam," one Washington VA psychiatric patient said. "When I come back, I was an impossible son of a bitch to live with—and my wife couldn't. It's as simple as that."

There are those who feel obsessed with the brutality of the conflict, carrying massive guilt feelings. Some return hostile and fight with strangers, with their best friends, with their wives.

They can't stand crowds or attention, and many seek solitude or even have subconscious wishes to commit suicide—by taking the "Easy Rider" motorcycle trip through the Deep South, or constantly wrecking cars or picking fights.

And, as Chatan points out, perhaps the most poignant feature of their alienation is the nagging uncertainty about their continued ability to love and trust others, and to accept affection.

"You paid a high price for trusting other people in the 'Nam," he quotes one returnee as saying. "Every time you acted human, you got screwed."

The VA is curently making psychiatric disability payments to 65,000 vets from the Vietnam era, 13,000 of them with 100 percent disability. But that is not an accurate measure of the problem because many veterans—mostly those from middle-class backgrounds—tend to seek private treatment for their illness. Some seek no treatment at all.

Many are simply suspicious of the VA, seeing it as little more than an extension of government establishment that sent them to war. The VA, worried about not reaching vast numbers of Vietnam vets, is producing films featuring hip, hirsute VA counselors in an effort to create a new image.

The VA's Stenger and Caffey estimate that "not more than 5 percent" of those who served in Vietnam—in combat or in support missions—suffered psychiatric illness ranging from severe psychosis to mild symptoms not requiring hospitalization or intensive treatment.

But this estimate is challenged by others, including the Washington VA hospital's Scarscella.

Said Scarscella: "Five percent sounds low to me. Not to be too controversial, but I would say twice that number is more accurate although 10 percent is a very conservative figure.

"If there was such a small number of (psychiatric) casualties, why is the VA putting so much emphasis on this program? I think it's because a low percentage of Vietnam vets are seeking treatment in VA hospitals—they are suspicious of the VA establishment."

Others have suggested that the total of Vietnam returnees needing psychiatric help is much higher. Dr. Chery Cedarleaf, senior staff psychiatrist at the Minneapolis VA Hospital, said he believed half of the veterans "need some form of profesional help to overcome the problems of adjustment."

Our Hidden Vietnam Casualties

(By Michael Satchell)

With his scuffed truckin' boots, faded denim jeans, outrageous beard and flowing ponytail, the skinny young hippie named Paul could have been plucked from any Georgetown "head shop" or Dupont Circle bench minutes before and deposited in the room he now occupied.

For over an hour, he rapped about his troubles—hassles with the law, problems with his old man, his lonely, mixed up personal life, the difficulty of getting his head together. He had just returned from a court hearing; he had been caught smoking marijuana, an offense committed not in his rented pad in Rockville but at the Veterans Administration Hospital in Washington where he had been a psychiatric patient for the past month.

Ten years ago, a young hospitalized veteran like Paul would have been stripped, shorn, censured and ordered to shape up. But that was before Vietnam, one result of which is that veterans like him are their "thing" in the regimented drab world of the VA hospital.

"What do you do with a guy like this—throw him out?" asked one staffer who, along with the other hospital psychiatrists, agreed that surreptitious pot smoking would be better dealt with by them than the police. "We've got to face it—times have changed."

The unique character of the Vietnam war has produced a different breed of veteran, men who are angry, resentful, who question orders, who make demands, not requests. It has left VA with a legacy of new problems in caring for the conflict's casualties—a huge portion of them vets who survived their year in Vietnam physically intact but who crumbled mentally when they returned home.

Every war has had its psychiatric casualties. In World War I, the doughboys who broke down were called "shell shock" victims.

In the second World War—Gen. George S. Patton notwithstanding—having the chronic jitters had become more acceptable; it was termed "combat fatigue." Although the symptoms may have been anything from backache to blackouts, the problem was still mental.

Then came Vietnam, a conflict that the VA's medical hierarchy was contrasted with other wars in these terms:

"The World War II GI knew why he fought, had the unequivocal support of his countrymen, returned with pride and received extensive recognition and appreciation. In stark contrast, the Vietnam serviceman is ambivalent and uncertain about the war he has fought, knows that the cause for which he fought is controversial and unpopular with many at home, lacks a sense of patriotic accomplishment, and neither expects nor receives a hero's welcome when he returns home."

Add to that assessment opinions of doctors such as Dr. Giuseppe Scarscella, chief of psychiatry for the Washington VA hospital, and Dr. Robert J. Lifton, Yale psychiatrist, and the views of men such as John Kerry, the former Navy lieutenant and Silver Star winner who was a founder of Vietnam Veterans Against the War.

Said Scarscella: "First, look at the type of war it was. When you go from North Africa to Berlin, you accomplish something; but these boys in Vietnam went nowhere. The VA has pointed to the one-year limit on the tour of duty in Vietnam as being of considerable help in lowering psychiatric casualties, but I think this was very destructive—very stressful because they served their 365 days one day at a time.

"Vietnam deprived the soldier of the mythology of winning a war. Some have told me they felt like missionaries rather than soldiers, others that they were fighting as unwilling mercenaries. There was the constant emphasis on killing—on body counts. There was no question of defense of their country.

"The Department of Defense says that it has had a low incidence of psychiatric problems in Vietnam, but this is a false situation. Some men were treated over there, on the battlefield, and the result was a delaying mechanism. When the vet came back home, he returned a full-blown psychotic.

"It looks to me like the Vietnam psychiatric casualties are more severe than in World War II. When they are sick, they are really sick."

Lifton, the author of the recently published book "Home From The War"—a study of Vietnam veterans—sees the cause of their myriad mental problems buried in what he considers the "extraordinary cruel" nature of the conflict.

"The enemy they were fighting in terrible ways often turned out to be the women and children they theoretically were sent there to save," Lifton states. "To survive, to make these experinces endurable, to remain physically and psychologically intact, the GI's had to become dehumanized."

The day before 700 Vietnam veterans astounded Congress and the country by tossing their medals and combat ribbons into a heap on the Capitol steps on April 21, 1971, their leader, Kerry, summed up the sentiments of his group for members of the Senate Foreign Relations Committee.

"The country doesn't know it yet," he said, "but it has created a monster . . . in the form of millions of men who have been taught to deal and trade in violence . . . men who have returned with a sense of anger and betrayal which no one has yet grasped."

Any fears of large urban gangs, skilled in killing and guerrilla warfare, taking out their revenge on the populace, have not materialized. But the results of the complex Vietnam conflict are showing up in the high incidence of mental illness and related problems among returned veterans.

A recent check of patients at the Washington VA hospital showed 101 Vietnam veterans. Thirty were being treated for medical and surgical conditions and 10 for neurological problems. The remaining 61 men were in the psychiatric wards.

In fiscal 1972, the VA discharged 68,901 physically wounded Vietnam era veterans from its hospitals and 45,788 psychiatric, psychotic and neurological patients. The latter group is not counted in Pentagon totals of Vietnam casualties.

One VA study by psychologist Cecil Peck estimates that about one in four Vietnam era veterans who end up as psychiatric patients in VA hospitals have attempted suicide.

Readjustment problems have also shown up in other ways: In the high incidence of Vietnam vets in prison populations, in the high unemployment rate, and perhaps most visible of all, in the use of drugs.

Estimates vary considerably on just how many servicemen used drugs in Vietnam, how many brought the habit home, how many got into dope heavily after returning.

It is generally agreed, though, that drug dependency is a symptom of psychological trauma, that a lot of vets used dope in Vietnam, and that VA is only attracting a tiny percentage of users and addicts to its treatment programs—8,300 men, to be precise.

Accustomed to heavy drinking by men who were psychiatric casualties in previous wars, the VA found itself facing an entirely new situation with its Vietnam patients.

"It was about a year or so ago when the population suddenly changed," said Dr. Paul Barnes, director of training and education at the Washington Veteran's Hospital.

"We found a high incidence of drug usage and it was a whole new thing. Our patients had been exposed in Vietnam to a whole range of drugs—amphetamines, marijuana, heroin—and they posed a real barrier and a challenge to us.

"They had turned to drugs for relief and it made our job more difficult . . . how to relate to them? Many patients dated their psychotic breaks in Vietnam to drugs. We had long experience with booze . . . now we had to learn about drugs and I think we have started to make progress with them."

Any discussion of the psychiatric fallout from the Vietnam war, observers say, must be considered in the light of what has happened in this country in the past decade, and of the type of soldier who served. There are some who see the mental casualties as victims of the turbulent times in general, not simply of the war.

They also point out that the average Vietnam serviceman was a draftee from the lower end of the social scale. This group, apparently less equipped to handle the stresses that produce mental crackups, returned from Vietnam with high expectations. They had served their country, done their duty, and they wanted repayment from society in the form of education and jobs.

"A lot of them come back and say they want to go to college . . . to learn computer programming . . . to get high paying jobs," Scarscella noted. "They have these high expectations and they are told they deserve these things. But many are high school dropouts or were hard-core unemployed before they went to Vietnam. They just can't get these jobs . . . it is impossible for them . . . they become disillusioned . . . they turn to drugs, crime . . . they cannot adjust."

Added a colleague, the VA hospital's Paul Barnes: "When they come home, they find the welcoming committee is just not there, and then the problems begin. We are simply going to have to devote more attention to re-integrating these men into society."

Nobody Cared Much Then—Or Now

(By Michael Satchell)

A few weeks ago, John Gambino, on vacation in San Francisco, was strolling through Chinatown. It was dark and it was raining.

"All of a sudden," he recalled, "I couldn't see anything but Oriental faces. Gooks. Then there was a clap of thunder and I dived 20 feet and threw myself down behind some trash cans. People looked at me like I was crazy."

About the time Gambino was on the West Coast, Paul Jackson found himself preoccupied with a strange and frightening new pastime.

"I was drawing designs of the Man—pigs (policemen) and stuff like that—taking them out in the woods and shooting at them, seeing if I could hit them in the kill zone," Jackson said. "I've got a 9mm Chinese pistol, a .380 automatic and a .308 semi-automatic stashed away. I bury 'em and pick 'em up, bury 'em and pick 'em up. . . ."

On a morning when Jackson might have been digging up his weapons near his Rockville home, Andy Howard left his house in the District to take a bus to his printing job.

"I walked out of the house and I felt dizzy," Howard remembers. "The next thing I knew I was lying on the bedroom floor sobbing. I was shouting 'why is the world so f—d up today.' My wife came home from work and found me."

Gambino, Jackson and Howard (not their real names) today are psychiatric patients at the Washington Veterans' Administration Hospital. They are suffering from mental illness that has lain dormant for months or years after their return from the Vietnam war, a condition called "Post-Vietnam Syndrome."

Interviews with mental patients at the hospital revealed each man's personal problems to be different. However, several common threads ran through their wartime experiences: The brutality they say they witnessed, the high incidence of drug usage in Vietnam, the confusion over their role as soldiers or airmen in a war they didn't understand.

Each man talked of the difficulties he faced when he came home—getting jobs, picking up the threads of personal affairs, having marital difficulties, finding himself withdrawn, hating crowds, having nightmares, being unable to trust people, experiencing vivid flashbacks and numbing depression.

A common approach among these men was the fixing of blame. Each man interviewed thought that if he hadn't been to Vietnam, he would not have become mentally ill.

Jerord Cook (the name is fictitious) is a 22-year-old vet from Hampton, Va. He enlisted in the Army because he wanted to travel, went to Vietnam a curious, wide-eyed 19-year-old, and came home a junkie. Today, he says, he has a bleeding ulcer, is a paranoid schizophrenic and gets so scared of people that when his sister traveled to Washington recently to visit him in the hospital, he was unable to talk to her. "She frightened me," he said.

Cook's first problems in Vietnam came with the cultural shock of being transported there—from one world to another—in 13 hours.

"I was in Seattle one minute—next minute I was in Cam Ranh bay," he said. "The first night I was there, I stood guard. The next day, I met some guys on the beach and we smoked pot and drank beer all day. I thought 'this is the life.' We did that for three days.

"Then I got sent to Quang Tri City. It was hot, sweaty. There was no running water. It was filthy."

From that point on, as Cook describes it, everything was downhill. He began buying pills from the Vietnamese—"BT's" he called them. "I don't know what was in them," he said. "They gave you a nice secure feeling and they made you mean," he said. "You could get in a firefight and not be scared. I was popping about 12 a day."

Cook also began using a variety of other drugs, fighting with other soldiers, running afoul of the military police. "I got to Saigon four or five times and every time I ended up in jail," he said.

Today, Cook spends most of his time sleeping and worrying about his bouts of paranoia, trying to fend off the devils in his head that signal their coming when he gets a light, floating feeling and then starts tightening up, his body balling like a clenched fist.

"I hear a lot of sounds," he murmurs.

John Gambino, a 28-year old District Heights resident, also traces part of his mental illness to drug problems in Vietnam—but from an entirely different perspective. Gambino, a third-generation Italian-American is a graduate of the University of Maryland, has been accepted as a predental student at Howard University, and has been hospitalized for three weeks after suffering recurrent flashbacks.

He went to Vietnam in 1971 as a first lieutenant and took charge of a 225-man company. "The first thing I discovered was that roughly 75 percent—yes, 75 percent—of the men were using hard drugs," he said. "It was incredible. I spent most of my time in Vietnam bottled up with my men and their personal problems and though I didn't realize it at the time, I can see now that this is what caused my present troubles. Combat was a minor problem compared to the drugs.

"I get flashbacks and they are terrifying. Usually it is seeing one of my men blowing his brains out with a .45 when he got a Dear John letter from his wife. I see two of my friends who were blown up when the VC rigged a grenade in the gas tank of their truck. I find myself walking through a Vietnamees marketplace."

Gambino says he was being treated for the flashbacks as an outpatient but as they increased in intensity and frequency, he checked into the hospital.

"I don't think I'll ever get rid of them," he said. "I just hope I can keep them to minimum."

Davis Smith, 26, from Capitol Heights, Md., displays his "Death Before Dishonor" and skull-and-dagger tattoo and recalls that he was the original "gung ho, meanest mutha in the valley" Marine that ever graduated from boot camp and set off to kill the VC. He didn't return that way.

When he arrived in Vietnam in July 1966, Smith says he immediately volunteered for reconnaissance patrol, a tough, dangerous mission in which five men spend five or six days in the field, scouting the enemy.

"My whole recon outfit was shaky and nervous," he remembers. "For five days you're out among them (the enemy). You can sit and hear your own heartbeat. You can't cough, sniff, talk, do nothing. Your nerves get wrecked."

Smith did one tour of duty and signed up for a second. He arrived back in the States on a July 4 after his first tour and recalls somebody letting off a firecracker close by. "I hit the ground" he said. "That first night home, I went to a drive-in movie. I couldn't stand it—I felt like everyone was looking at me."

Unaware that he might be having symptoms of psychiatric illness, Smith returned to Vietnam and ended up on recon again. But he caught malaria after a few months and was sent to Bethesda Naval Hospital, where, for the first time, he suddenly realized that he was becoming mentally ill.

"I was in a reception lounge waiting to be admitted," he said. "I stared and stared at this man's wife, saying nothing. He came up and asked me if I had a light. I shook my head and continued staring. He got nervous and left, and I continued staring, for no reason. That was the first time I knew I had changed."

Since then, Smith's marriage has collapsed, he has drifted in and out of jobs and he has attempted suicide twice by taking pill overdoses—most recently, on June 1.

"My nerves are gone," he admitted. "I just got tired of losing all the time."

Finally, there is Bruce Coble, a hulking 27-year-old former Air Force enlistee who blames not only his experiences in Vietnam for his present condition, but also what he found when he returned.

After nearly eight years in the Air Force, he has been unwillingly discharged, his alcoholism licked but his nerves frayed. His marriage is on the rocks and he has attempted suicide.

"Not too much bothered me in Vietnam," he said, "except seeing the little kids suffer. I remember once going into a village to try and help after the VC had been in and butchered a lot of people because the men wouldn't join them. All these kids were running around with no parents and I couldn't stand it. I was an orphan until I was eight years old.

"What really distressed me was when I got home. People didn't care about what was happening over there . . . they didn't seem to want to get involved. I believed in what America was doing in Vietnam, I cared about serving my country, about helping these people over there.

"Those hippie sons-of-bitches weren't over there to see what was going on, and I couldn't stand it. I remember going to support Carl McIntyre (the fundamentalist conservative preacher) and getting into a fight with some hippie protesters.

"That was what was wrong with this goddamn war. Nobody cared except those that went over. And now nobody cares about us."

VA Differs on Viet Vets

(By Michael Satchell)

Unpublished studies by the Veterans Administration and the military services indicate that one in five of the approximately 2.6 million men who served in Vietnam are having "serious and prolonged readjustment problems."

"To a lesser degree," the studies conclude, readjustment problems "were experienced by all" of the returnees.

This assessment, which contrasts sharply with the VA's publicly stated view that readjustment problems are far less widespread, is contained in an internal memo written by Dr. Charles A. Stenger, the VA's chief of psychology.

"Only a small percentage of veterans have sought or received these critically needed mental health psychosocial readjustment services," Stenger wrote recently in a message to the VA's department of medicine and surgery.

"The consequence includes major economic and social cost to society stemming from the failure of these veterans to make effective readjustment as well as the personal adverse psychological effects on the veterans and their families . . ."

The Stenger memo emerges during a period of growing awareness and controversy over psychiatric and related problems among Vietnam veterans during their readjustment period—a condition popularly known as "Post-Vietnam Syndrome."

Veterans' self-help groups and a growing number of psychiatrists within and outside of the VA have charged the VA leadership with playing down the seriousness of Post-Vietnam Syndrome or refusing to acknowledge it as a problem.

The increased focus on the subject is reflected in a bill scheduled to be introduced today by Sen. George McGovern, D-S.D., to provide mental health services on a contract basis to veterans and also to individuals who may have a significant impact on their well being—girl friends, fiancees, wives or other relatives.

The McGovern bill would allow the VA to contract and pay for a wide range of services such as psychiatric help and counseling to be provided by private physicians, public agencies, even unofficial veterans' "rap groups."

President Nixon also is expected to sign into law soon a veterans' benefits bill like one he had vetoed earlier to provide similar forms of help to veterans and their dependents.

Stenger denied yesterday that his assessment that 20 percent of the Vietnam returnees have serious problems conflicted with the VA's public statements, although he agreed that this figure had not been used publicly by either him or other VA leaders.

Asked how the "serious and prolonged adjustment problems" the veterans are facing might be solved, Stenger said: "I assume that in the great American tradition they will function independently and make their own way in society."

He emphasized that not all of those men, in the VA's opinion, were suffering from mental illness. "This is different from Post-Vietnam Syndrome," he said. "We're not talking about anybody who is emotionally ill. Most of the men I'm talking about are from minority groups, the blacks and the high school dropouts.

"Their problems are all concerned with readjustment—joblessness, welfare, and among a small proportion, alienation and anger that grows and ends up with them becoming police problems."

In an interview three weeks ago, Stenger and Dr. Eugene M. Caffey, the VA's deputy director of mental health stated flatly that no more than 5 percent of those who served in Indochina were suffering from Post-Vietnam Syndrome. At that time, they refused to categorize PVS as solely a mental illness, calling it instead "a frame of mind which is disturbing to them," causing readjustment problems.

In an apparent contradiction of that statement, both men yesterday insisted that Post-Vietnam Syndrome meant mental illness and they held to their earlier 5 percent figure. This, said Stenger, is separate from his estimate that "one in five" veterans are having serious readjustment problems.

Now that the VA has publicly acknowledged that a widespread problem among veterans exists, there appears to be no agency trying directly to solve it.

Stenger said that the VA's job is to provide health care services and that solving veterans' readjustment problems was not its mission. His memo on the seriousness of the problem, he said, was merely to point out the situation.

VISIT OF CHINESE SCIENTISTS TO STATE UNIVERSITY OF NEW YORK COLLEGE OF ENVIRONMENTAL SCIENCE AND FORESTRY

Mr. JAVITS. Mr. President, an important visit with long-range consequences recently took place in Syracuse, N.Y., when six scientists from mainland China visited the State University of New York College of Environmental Science and Forestry.

The visit was regarded as the "first environmental delegation" from the People's Republic of China—a visit that evolved from the historic negotiations held by President Nixon and his advisers in China.

The delegation, which consisted of four chemists and two entomologists, was particularly interested in discussing the outstanding research being done at the college in the area of insect hormone research on the problem of what is commonly referred to as the Dutch elm disease.

Those of us from New York were extremely proud that the delegation visited one of our outstanding colleges in the State University of New York system. According to Edward E. "Bob" Palmer, president of the college, the visiting "scientists were very interested in the college's program and particularly interested in the work we have been doing in chemical ecology, about which they had heard a great deal through publications emanating from the college and through the international reputation of Robert Silverstein."

Mr. President, this kind of exchange is very meaningful and I would call to the attention of my colleagues an article regarding the visit appearing in the Syracuse Herald-Journal and ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Syracuse Visit—Chinese Study Pest Control

(By Susan Preston)

The first "environmental delegation" from the People's Republic of China met today with SUNY College of Environmental Science and Forestry officials studying advanced chemical ecology programs.

Included in their tour of college facilities was a trip to the college's European bark beetle traps behind the Syracuse University crewhouse in Onondaga Lake Park.

The six-man team, including four chemists and two entomologists, learned about the work the college is doing with controlling the bark beetle which causes the Dutch Elm disease.

The visit, one stop on a tour of several facilities in the United States, arose from negotiations held in the People's Republic of China last year by President Nixon and his advisor, Henry Kissinger.

Security was extremely tight for the "strictly scientific" visit and handled by the State Department.

The Chinese scientists are also working on controlling the population of destructive insects without using pesticides, college officials said, particularly insects destroying corn, rice and cotton.

The team arrived in the U.S. June 25, and have been visiting colleges, government facilities, and private corporations manufacturing insect-control instruments.

Included in their visit were tours of Harvard, Columbia, Cornell, Texas A. and M. Universities; the Universities of Wisconsin and California, and the U.S. Department of Agriculture facilities in Maryland. They will return to China at the end of the month.

Before arriving here last night, they spent the day at the Geneva experimental station of the Cornell University College of Agriculture. They left late today for Wisconsin.

They met with six scientists from the chemistry and forest entomology departments on campus. The professors studying how female bark beetles attract other beetles to elm trees through various hormones, officials said.

The college's study hopes to find ways of controlling the bettle population without using pesticides.

The Chinese are particularly interested in controlling pests which destroy their food supply such as the corn borer—an insect also found in the United States.

The Chinese group is being accompanied on their tour by a delegate from the National Academy of Sciences.

Prof. Chen Te-ming, professor of physiology and biophysics of the Institute of Zoology of the Chinese Academy of Sciences, is heading the delegation.

Hsu Chao-hsiang, an oganic specialty expert from the Bureau of Foreign Affairs, Scientific and Technical Association, is deputy head.

Other members are Prof. Chiu Shih-pang, professor of insect control, Chinese Academy of Agricultural and Forestry Sciences; Chou Weishan, of the Shanghai Institute of Organic Chemistry of the Chinese Academy of Sciences; Shen Lien-gang, scientific worker of instrumental analysis of the Kirin Institute of Applied Chemistry of the Academy; Liu-Meng-ying, scientific worker of the organic synthesis of the Academy.

AN EQUITABLE NATO ALLIANCE

Mr. JACKSON. Mr. President, the distinguished Senator from Georgia (Mr. NUNN) joins me in making the following remarks:

Not long after the Congress reconvenes in September the negotiations on mutual and balanced forced reductions in Europe will get underway in Vienna. In the interval, and while many Senators will be reflecting on the defense procurement bill, we urge that our colleagues give careful consideration to an amendment that we intend to propose to the defense procurement bill.

It is our purpose in proposing this amendment that the Congress participate constructively in the formulation of American policy with respect to burden sharing in the North Atlantic Alliance, and that a fair, equitable, and stable formula for the deployment of American forces in Europe be guided by clear statutory authority and negotiated within the alliance.

Alliance policy itself, both among the member nations and vis-a-vis the Warsaw Pact, has had to cope with levels of participation and burden sharing that have often seemed to Americans to be unbalanced and unfair; and, for those of us who wish to see the MBFR negotiations succeed, the partial and sometimes half-hearted commitment of some NATO allies has been a source of frustration and disappointment.

These are multilateral problems and they require a multilateral solution. They are the sorts of problems with which every alliance of free and independent nations must contend; and it is in the spirit of promoting a fair and constructive resolution of them that we intend to offer our amendment.

Today, the alliance as a whole faces the dilemmas posed by its own success over the past 25 years. A weak and war-torn Western Europe has been superseded by a thriving and prosperous economic and political community. The United States is today a partner in, rather than the principal patron of, the West's security interests in Europe.

It is high time that this situation be fully recognized by all the members of the alliance, and that the Congress of the United States make its own position unmistakably clear.

From an American perspective, the most pressing problem before the alliance is the disproportionate burden the United States is bearing for the defense of Europe. The balance-of-payments deficit arising from the deployment of U.S. troops has contributed to the weakness of the dollar, itself a source of monetary instability and associated problems in the Western community. Direct NATO-related budgetary costs, made more severe by recent dollar devaluations, strain our own defense budget at a time of rising manpower and weapons costs. Thus, in the final analysis, the failure of some of our European allies to assume their fair share of these costs erodes the military capabilities of the United States, weakens the overall security position of the Western nations, and diminishes the likelihood that we can, at the MBFR talks, achieve enhanced security at a lower force level.

We will propose, therefore, that these problems be attacked on two fronts. First, the Congress will urge the President to seek agreements, bilateral or multilateral, to offset completely any balance-of-payments deficit incurred as the result of the deployment of U.S. forces in Europe. If such agreements have not been concluded by the end of this fiscal year, then our troop strength will be reduced by a percentage figure equal to the balance-of-payments shortfall. If, for example, only 75 percent of the deficit is offset, our forces will be reduced by 25 percent; if the deficit is offset by 90 percent, our forces will be reduced by 10 percent.

Second, we identify, partially but in some detail, those areas where our allies should increase their direct budgetary contributions to costs presently borne by the United States. These relate to facilities, installations, and recurring annual expenses now assumed by the United States in Europe. They include permanent construction, the costs of hiring local personnel, and the operation and maintenance of real property.

Our amendment further provides that the President shall make periodic reports to the Congress as to the status of the negotiations directed toward implementing the policy outlined in sections (1) and (2) of the amendment. We are confident that the Committee on Armed Services will monitor these reports so as to assure that our overall objective, a more balanced and equitable sharing of burdens within the alliance, will be realized.

We urge our colleagues to give the most careful consideration to the course we are here proposing, and ask unanimous consent that the proposed amendment be printed in the RECORD. We are confident that the North Atlantic Alliance can resolve this longstanding issue of burden-sharing among its members and that, in so doing, it will provide a firm foundation from which we can together seek balanced force reductions in Europe in the context of an East-West agreement.

There being no objection, the proposed amendment was ordered to be printed in the RECORD, as follows:

FOR AN EQUITABLE NATO ALLIANCE

Amendment intended to be proposed by Senator JACKSON and Senator NUNN to H.R. 9286 (defense procurement bill) viz: At the appropriate place in the bill insert a new section as follows:

SEC. . (a) The Congress finds that in order to achieve a more equitable sharing of the costs and expenses arising from commitments and obligations under the North Atlantic Treaty, the President should seek, through appropriate bilateral and multilateral arrangements, payments sufficient in amount to offset fully any balance of payment deficit incurred by the United States during the fiscal year ending June 30, 1974, as the result of the deployment of forces in Europe in fulfillment of the treaty commitments and obligations of the United States.

(b) In the event that the North Atlantic Treaty Organization members (other than the United States) fail to offset the net balance of payment deficit described in subsection (a) by July 1, 1974, no funds may be expended on or after December 1, 1974, for the purpose of maintaining or supporting United States' forces in Europe in any number greater than a number equal to the average monthly number of United States' forces assigned to duty in Europe during the fiscal year ending June 30, 1974, reduced by a percentage figure equal to the percentage figure by which such net balance of payment deficit during such fiscal year was not offset.

(c) The Congress further finds (1) that the other members of the North Atlantic Treaty Organization should, in order to achieve a more equitable sharing of the cost burden under the treaty, substantially increase their contributions to assist the United States in meeting those added budgeting expenses incurred as the result of maintaining and supporting United States' forces in Europe, including, but not limited to, wages paid to local personnel by the United States, recurring expenses incurred in connection with the maintenance and operation of real property, maintenance facilities, supply depots, cold storage facilities, communications systems, and standby operations, and nonrecurring expenses such as the construction and rehabilitation of plants and facilities; (2) that the amount paid by the United States in connection with the North Atlantic Treaty infrastructure program should be reduced to a more equitable amount; and (3) that the President should seek, through appropriate bilateral and multilateral arrangements, a substantial reduction of the amounts paid by the United States in connection with those matters described in (1) and (2) above.

(d) The President shall submit to the Congress within 90 days after the date of enactment of this Act, and at the end of each 90 day period thereafter, a written report informing the Congress of the progress that has been made in implementing the provisions of this section.

IMMINENT RECESSION

Mr. SAXBE. Mr. President, since July 19, 1973, at the invitation of the Cost of Living Council, the businessmen of the United States have been filing comments concerning the adoption of the proposed phase IV regulations, to become effective August 12, 1973. In issuing its notice of the proposed rulemaking, the Council invited the public to comment on the principal substantive price control rules contemplated for phase IV. All comments from the public were due July 31, 1973, and undoubtedly these comments will be considered in the phase IV regulations. Much to the credit of the Cost of Living Council, all comments received are available for examination at the Council's offices in Washington, D.C.

With this background, I would like to invite to the attention of the Senate a notice prepared by Mr. Harry E. Figgie, Jr., chairman and chief executive officer of A-T-O Inc., a diversified corporation with headquarters in Willoughby, Ohio. In essence, this notice, addressed to the corporate officers and the managers of more than 70 plants throughout the United States, expresses his extreme concern about the effect of phase IV.

Mr. Figgie has a creditable reputation as a forecaster of business cycles and trends. He has for many years been a guest lecturer at graduate business schools in the United States. Under his direction, A-T-O has grown in less than 10 years from a relatively small, single-division company to a major corporation with annual sales of $400,000,000.

I think his remarks at this time are most appropriate because phase IV is of concern to all Americans. Without necessarily subscribing to all aspects of his statements, I am bringing Mr. Figgie's analysis to the attention of my colleagues for their review. I trust that the Cost of Living Council will consider the factors enumerated by Mr. Figgie in the preparation of their finalized regulations. Mr. President, I ask unanimous consent that Mr. Figgie's notice be printed in the RECORD.

There being no objection, the notice was ordered to be printed in the RECORD, as follows:

IMMINENT RECESSION

With the advent of Phase IV controls, it is imperative that you reappraise your divisions in light of the probable impact.

In the second quarter the economy cooled so quickly as to almost flatten out. Housing starts are down. Consumer confidence indexes have fallen sharply. Consumer durable spending fell off sharply in May and June. Food inflation has reduced the effective buying income available for non-essential purchasing. (Several of our divisions have already felt this effect.) Consumers are in "hock" with a heavy credit overhang. The only thing left to support the economy is capital spending. This rests on a knife edge right now depending how the businessman reacts to Phase IV controls and his reaction will depend to some degree on how strongly the controls are enforced. The controls as they are presently written, if left unchanged, will spell disaster for business. And if the meeting held for businessmen in Washington last week is an indication, the Government officials do not recognize the impact of what they have written.

Things will be level-to-down in the third quarter and very noticeably down in the fourth quarter and the first quarter of 1974. Money rates will peak in the late third or early fourth quarter at up to 9¾% prime and will then start down. When money rates turn down, the stock market should go up. Generally, this type of rise precedes a general business recovery by roughly six months.

This rise in the stock market may keep the businessman from being overly-pessimistic. If that occurs, then he won't cut back his capital spending and the late 1973 early 1974 recession will be mild. If he gets quite pessimistic, then the recession could get severe.

As a country, we need this round of capital expansion to fight future levels of inflation. Nationally, inventories are in quite good shape but no one knows whether this is heavily affected by present inability to get delivery from subcontractors.

Furthermore, most major businesses are quite liquid so that they feel they can support capital expansion.

How then does this impending recession, which could turn out to be severe, impact upon you as division managers? I suggest the following be the basic format around which you build your plan:

1. Make certain your sales force books at the highest level they can to make certain your backlogs are in good shape.

2. Tighten your sales force down to make certain they are lean, hungry and highly aggressive; do not let them turn down business just because current backlogs appear healthy.

3. Place an immediate stop to all hiring and reduce your work force by attrition on a planned basis.

4. Dust off all charts, ratio analysis, and employment ratios to make certain you are not fat, and if you are, make your cuts now.

5. Set up a "disaster" plan to accomplish a move to 10% lower sales level with no impact on your total profit dollars.

6. Make certain you are not overly committed at the supplier level so that as you trim inventories and your in-bound material does not cause a bulge or build-up just at the time you are trying to cut.

7. Eliminate all overtime as rapidly as possible, with an outer limit of August 31.

8. Begin now to trim non-essential or marginal overhead, again by attrition where possible.

9. Do not embark on any program which is not deemed essential or which does not have a high degree of payback.

10. Maintain burden absorption by bringing in as much jobbed-out business as possible.

These are just some of the things which must be done. In the past we have reacted too slowly to a recession. React now and get ready.

One further incentive to you to move quickly should be to offset the problems of "pass-along" from Phase IV. By their very definition, your margins will decrease very rapidly. This makes the use of burden absorption techniques even more essential. As business declines, the lower burden absorption will more heavily impact profits than normally because "add-on" to material price increases is not available. Furthermore, you will not be able to pass on your full labor increases because they must be adjusted by the "productivity" factor over the entire labor base. You'll be lucky to "pass-along" 40% of any labor increases under present Phase IV rules. The *burden* problem makes it essential for you to trim your indirect labor quickly. The *productivity* problem makes it imperative you get more productivity out of fewer direct laborers, once again, quickly.

Looked at realistically, the impact of Phase IV controls on a mild recession will cause profit declines normally seen in more major recessions.

A major recession with Phase IV controls will see the disappearance of profits in many cyclical companies such as ours.

The time to react is now—not September, October or later—but now! Tighten your belts because you'll be hit hard even in a mild recession. And this recession will come on quickly because the authors of Phase IV apparently lack the understanding of the impact of their controls. Judging Phase IV by Phase II, we cannot expect the Government to react quickly to the severe problems they are creating so we must plan for the worst, which hopefully won't occur.

SENATOR RANDOLPH EMPHASIZES IMPORTANCE OF AIR POLLUTION STUDIES

Mr. RANDOLPH. Mr. President, the Senate yesterday adopted Senate Resolution 135 permitting the Committee on Public Works to contract with the National Academy of Sciences for two important studies on air pollution. This resolution was originally reported from the Committee on Public Works as an original resolution, and authorizes additional funds for the procurement of consultant services under the committee's investigations budget. The specified purpose for the additional funds requested is a study of the health effects of air pollutants. This study will be conducted under a contract by the National Academy of Sciences.

The Committee on Rules and Administration amended the resolution to include additional funding for a second contract dealing with the costs and benefits associated with attaining air pollution control standards.

Mr. President, these studies are essential to the review of the Clean Air Act which the Congress must undertake in the coming months. When the Congress enacted the Clean Air Act of 1970 it recognized that strict control of air pollution and especially of automobile emissions would be necessary. The level of control mandated by the act appeared to be appropriate in light of the evidence available at that time on the health effects of air pollution. During the 2½ years since the passage of that act additional data have become available, and techniques for determining what levels of control are necessary have been considerably refined.

Many Members of Congress recently have approached the Committee on Public Works with questions regarding the validity of the air quality standards required under the Clean Air Act and of the automobile emission standards and deadlines for achieving them mandated by the act. Questions have been raised about new evidence concerning the health effects of air pollution suggesting that the goals specified in the law may be more stringent than necessary to protect the public health. Other concerns have focused on the increased cost which may be involved in achieving those air quality standards and the potential adverse impact on energy supplies which some options for compliance with the standards might entail.

Because of these questions and concerns, the Committee on Public Works and its Subcommittee on Air and Water Pollution have committed themselves to reexamining the Clean Air Act and the basis on which its goals and deadlines were predicated. As part of the reexamination, the Committee on Public Works requested the National Academy of Sciences to provide an independent evaluation of the health effects of all major atmospheric pollutants.

The Academy agreed to perform such an objective evaluation, providing the Congress with a short-term review, by convening a colloquium at which health effects of various air pollutants and the adequacy of current health data would be discussed. The preliminary views of the Academy regarding health effects would be reported to the committee by the end of October. A longer range investigation of these matters would be concluded in July of 1974. The early interim report was felt necessary because the Congress faces decisions regarding the Clean Air Act and automobile emission standards no later than this winter.

In response to questions raised by Senators HART and GRIFFIN and my own concern, the Rules Committee, at my request, added to this resolution a second, separate study by the National Academy of Sciences of the costs and benefits associated with the standards specified in the Clean Air Act and alternatives to them. I believe this study is also essential to the Congress, which must have objective information on the economic ramifications of these standards to make a balanced judgment on any amendments to the act.

Mr. President, the work to be funded by this resolution is very important to the Nation. It will play a key role in the review of the Clean Air Act on which the Committee on Public Works has embarked. Its importance is spelled out in an editorial in the Wall Street Journal of July 23, 1973, and I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Wall Street Journal, July 23, 1973]

A Most Important Review

Considering the issues that are at stake, it is encouraging to see Congress moving toward a thorough review of the air-quality and auto-emission standards that were set as a result of the 1970 Clean Air Act. The Senate Public Works Committee has asked the National Academy of Sciences to analyze existing data and offer a short-term evaluation by October and to make a longer term study of health effects data by the end of next year. It only remains for Congress to approve the $315,000 the committee has requested for these studies.

While there's no telling what the Academy will come up with, our fervent hope is that its study wil clarify the distinction between air standards that are absolutely necessary regardless of cost, and those that are desirable but need to be balanced against the enormous costs and cultural upheavals the current standards would require. This distinction has been made neither by the Congress that wrote the 1970 Act nor by the agency that administered it.

As a result, the automobile industry is being rushed into the dubious technology of catalytic converters as the only possible means of meeting the interim standards by the autumn of 1974. The oil refining industry is being forced to a total conversion to unleaded gasoline. And dozens of cities are being forced to consider and implement traffic control and gas rationing schemes that would abruptly alter life-style patterns, commerce and transportation. All this is being required to meet standards for which scientific and technical justification is astonishingly thin.

There's no question the standards should be high enough to insure that the air Americans breathe has no serious impact on their health. It's also desirable that the air around us be as esthetically pleasing as is practically possible. But it is not just as obvious that we, as a nation, want to guarantee that there be absolutely no marginal consequences from emissions from autos or from stationary sources.

This, though, is what the Environmental Protection Agency sought to do in setting the national ambient air standards. As it reads its congressional mandade, EPA believes it must insure that the sickest man in Chicago can be able to stand on the busiest corner of his city on the smokiest day of the year and experience no unpleasantness from the air he breathes. And because that street corner is the worst spot in the nation, the standard to bring it to "ambience" must apply everywhere in the United States. This means that all the autos in the nation have to be equipped with pollution-control devices sufficient to bring the worst street corner in the nation to that ambient level.

In other words, the EPA has strung together a series of worst-case scenarios, added in safety factors at each point, multiplied the factors together, and has come out with numbers that may not have been attained in parts of the Garden of Eden. We would expect the same result if Congress gave the Pentagon an order to insure against nuclear attack and a blank check to pay for the program; we would have missiles in every back yard and a bomb shelter in every basement. The only difference we can see is that Pentagon costs are borne directly by the taxpayer; the EPA edicts are borne indirectly by the consumer.

The resolution for review by the National Academy of Sicences is co-sponsored by Senator Muskie, who authored the 1970 Act. Chairman Jennings Randolph of the Senate Public Works Committee has been aggressive in moving it along. Congress has recognized that the standards are of huge economic and political importance, and should not be set in a manner that totally ignores costs or public preferences. It has begun to realize it cannot plunge ahead guided solely by technicians as single-minded as the EPA staff has been.

There have been perceptible signs that EPA has resisted the idea of a full-blown review by the National Academy; it understandably senses a diminution of its own power. Yet an independent analysis is clearly a prerequisite to the public's acceptance of the environmental clean-up costs it will be asked to bear. If the Academy's review concludes that current requirements really are essential to healthy air, we will at least have some confidence the huge costs will not be wasted.

If, as we think far more likely, the Academy's preliminary study concludes that the EPA and the 1970 Act went overboard, there is yet time to avoid the blunder that threatens to cost the nation dearly and undermine support for environmental improvement. There is yet time, though not much, for Congress to make a mid-point correction in the course we're on toward cleaner air.

Mr. RANDOLPH. Mr. President, many questions have been raised about the cost which may be involved in achieving the air quality standards required under the Clean Air Act and the necessity for those standards. Answers to those questions will come from the studies which this resolution authorizes the National Academy of Sciences to perform under contract with the Committee on Public Works.

Recognizing the need for beginning these studies as soon as possible, I am grateful for the action by the Committee on Rules and Administration in expediting the consideration of this measure. The distinguished chairman of that committee, Senator Cannon, and the ranking minority member, Senator Cook, were helpful and understanding of our needs. To the other members of the Committee on Rules and Administration, Senator Pell, Senator Robert C. Byrd, Senator Allen, Senator Williams, Senator Hugh Scott, Senator Griffin, and Senator Hatfield, I also express my appreciation and that of the Committee on Public Works for their cooperation in initiating these evaluations.

USIA'S 20TH ANNIVERSARY

Mr. GRIFFIN. Mr. President, I ask unanimous consent that a statement issued by Vice President Agnew on the occasion of the 20th anniversary of the U.S. Information Agency on August 1 be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by the Vice President

It gives me great pleasure to join in celebrating the twentieth anniversary of the United States Information Agency.

The activities of the USIA have imparted to people throughout the nations of the world a better understanding of the way of life we Americans treasure. Through the Agency's publications, libraries, educational and cultural programs; through the person-to-person contacts provided by USIA officers; and through the broadcasts of the internationally respected Voice of America, our message has been transmitted clearly to hundreds of millions who might otherwise never have received it.

Today, as confrontation gives way to negotiation, clear communication becomes even more imperative. Paradoxically, as the world shrinks it becomes more complex, and as old animosities abate, subtle distinctions become increasingly significant. In such a period, our policies and goals must be communicated with special precision to the other peoples of the world. I am confident that USIA will continue to carry out this task with distinction.

WHAT THE HUD FREEZE MEANS TO MICHIGAN

Mr. HART. Mr. President, this spring the committee on urban affairs of the Michigan House of Representatives held hearings to determine the effect of the termination and moratorium of certain HUD programs on communities in Michigan.

The summary of testimony received at those hearings speaks for itself. I ask unanimous consent that the committee's summary be printed in the Record.

There being no objection, the summary was ordered to be printed in the Record, as follows:

Summary of Testimony Before the Committee on Urban Affairs of the Michigan House of Representatives, April 30 and May 3, 1973

The Committee on Urban Affairs of the Michigan House of Representatives held hearings on April 30, 1973 in Detroit and May 3, 1973 in Lansing on the national housing moratorium and the terminations of federal community development funding in order to ascertain the magnitude of the effects of the executive actions in the State of Michigan.

The testimony given the Committee substantiated that the loss of funds was of great proportions throughout the state. The Michigan Emergency Committee Against the Housing Cut-Off estimated that the moratorium will mean a loss of 30,000 housing units or about $630,000,000 worth of housing. In community development funding it projects the loss at $125,000,000 in federal grants.

Cities all over the state have been hard hit. Ann Arbor stands to lose 600 public housing units, Section 701 planning funds, money for code enforcement and will be subject to a decrease in model cities funding.

Kalamazoo will not be able to subsidize 510 Section 236 senior citizen units and estimates a loss of 150–200 Section 235 homes.

Grand Rapids will not receive funds for 250 public housing units and 1,187 Section 236 and rent supplement program units. 750 families in the city will be deprived of grants or low interest loans for rehabilitation or will not be able to collect relocation benefits.

Detroit is losing substantial amounts in all program categories, including $13,000,000 in neighborhood development programs, 1,000 new public housing units, funds for rehabilitation of existing public housing units, and $130,000,000 in Sections 235 and 236 funding, representing 6,200 dwelling units.

The Michigan State Housing Development Authority's carryover and contract authority has been decreased by 3,740 Section 236 units and 3,513 Section 235 units.

The testimony presented to the Committee obviously does not include the total impact to the state. The majority of communities were not heard from; and testimony was directed to applications submitted, not those which would have been submitted in ensuing months. However, the foregoing gives an indication of the magnitude of the effects being suffered in Michigan presently, for the duration of the freeze and during the months necessary to gear up under new programs.

DR. SAMUEL P. ASPER TO BE DEAN OF THE MEDICAL SCHOOL OF AMERICAN UNIVERSITY AT BEIRUT

Mr. MATHIAS. Mr. President, the State of Maryland, and more particularly Johns Hopkins Hospital, is making a significant contribution to the traditional relationship between America and the Middle East. Dr. Samuel P. Asper, vice president of Johns Hopkins Hospital, will become dean of the Medical School of American University at Beirut, Lebanon.

Dr. Asper is no stranger to the Middle East. In recognition of his interest and contribution in the past, he has been decorated by the President of Lebanon with the Order of the Cedars.

While Dr. Asper will be hard to replace in Baltimore, I am sure that his participation in the American University programs in Lebanon will result in continuing the steady progress in expanding and improving the service rendered by the university hospital and in raising the standard of health care throughout the Middle East. Since the American University is the product of international cooperation and effort at both the public and private levels, I know the Congress will be gratified that its support of the university is reinforced by talent such as that of Dr. Asper.

I ask unanimous consent that the release by the Johns Hopkins medical institutions announcing Dr. Asper's appointment be printed in the RECORD.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

AUGUST 1, 1973.

BALTIMORE.—Dr. Samuel P. Asper, vice president for medical affairs at The Johns Hopkins Hospital, has been named dean of the medical school of the American University of Beirut and chief of staff of the American University Hospital in Lebanon.

This appointment, which is effective October 1, was announced today by Dr. Samuel B. Kirkwood, President of AUB. Additionally, Dr. Asper will hold the academic post of professor of internal medicine.

In announcing the appointment, President Kirkwood said, "I am pleased to welcome Dr. Asper to AUB, where he is well-known to our community. Dr. Asper has taken an active role in the implementation of the successful exchange program in medicine between Johns Hopkins and AUB, and I am confident that our university will benefit greatly from his vast experience and distinguished record in medical science." Additionally, Dr. Craig S. Lichtenwalner, Dean of the Faculties of Medical Sciences of AUB, said of Dr. Asper, "He has had rich experiences in medical education and hospital management which I know will be invaluable to AUB."

Dr. Asper, a native of Fort Worth, Texas, and a graduate of Baylor University, has been associated with medicine at Johns Hopkins throughout his career, having completed his medical studies in the School of Medicine in 1940. After his internship and residency training in internal medicine, a fellowship at Harvard and military service in World War II, Dr. Asper was appointed assistant professor of medicine at Johns Hopkins in 1950.

Later, he also became associate dean of the School of Medicine and, as such, served as chairman of its admissions committee and directed the School's postdoctoral studies program.

During this period, he became professor of medicine and chief of the division of endocrinology. He was appointed vice president for medical affairs in 1970, a post he has held for the past three years.

Since the early 1960's, Johns Hopkins has had an exchange program and affiliation with the American University of Beirut, supported by a grant from the Commonwealth Fund of New York City, to improve medical education and heatlh care in the Middle East. In particular, the program was designed to provide advanced experience for younger members of the AUB faculty preparing them for academic medical careers. Under the Hopkins-AUB program, carefully selected medical graduates of AUB have received advanced training in medicine at Johns Hopkins. Of twenty-five physicians who have studied at Johns Hopkins on this program, four have become department chairman in AUB's medical school.

Six Johns Hopkins faculty members have served as visiting professors at AUB during the past ten years, bringing to the faculty specialty training capacity in surgery, pharmacology, pediatrics, anatomy, opthalmology and medicine.

The American University of Beirut, which is 107 years old, has completely rebuilt its medical facilities during the past eight years. It has been one of the modern educational and research facilities in the Middle East. The reconstruction program has included a new 420-bed university-teaching hospital, an outpatient clinic and a basic science building. A new postgraduate medical education building and library will open shortly.

AUB is chartered in the State of New York. The medical school and its hospital are accredited by the Association of American Medical Colleges, and the Joint Commission on Hospital Accreditation. It is a distinguished American educational institution located in the Republic of Lebanon. The majority of its faculty and staff are Lebanese or citizens of other Middle East countries, and have received advanced experience in U.S. medical institutions. Moreover, the majority of the staff are certified by American Specialty Boards. AUB receives strong support from the Lebanese government.

"It is my hope," Dr. Asper said in commenting on his appointment, "to strengthen the ties, especially in medicine, between the United States and Lebanon and the Middle East. The Middle East is expanding rapidly in health care. AUB has long played, and must continue to play, a considerable role in that growth. Remarkable opportunities for research, teaching and patient care exist at AUB and throughout the Middle East."

Dr. Steven Muller, president of Johns Hopkins, said of Dr. Asper's appointment, "I am delighted that Dr. Asper will be able to make so great and distinguished a contribution to an outstanding overseas institution with which we at Hopkins for so long have had a close and continuing relationship."

Dr. Asper is a past president of the American College of Physicians and has served as chairman of the American Medical Association's section on internal medicine among many other academic distinctions and achievements. He is married to the former Ann W. Carver. They have two married daughters.

THE ANNENBERG CASE

Mr. FULBRIGHT. Mr. President, included in the State Department authorization bill this year, as approved by the conference on H.R. 7645, is a provision making it clear that no funds "shall be used for publicity or propaganda purposes . . . or to influence in any way the outcome of a political election."

This provision grew out of use of certain State Department facilities to circulate clearly political material over the signature of our Ambassador to the Court of St. James, Mr. Annenberg.

In addition to the committee's concern about this matter, Senator EAGLETON asked the General Accounting Office to look into the situation in some depth. Senator EAGLETON has now given the Committee on Foreign Relations a copy of the report which he has received from the General Accounting Office.

So that the record may be complete, I ask unanimous consent to print the full correspondence on this subject in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, D.C., August 1, 1973.

Hon. J. W. FULBRIGHT,
Chairman, Senate Foreign Relations, Committee, Washington, D.C.

DEAR BILL: I am enclosing the final report on the Annenberg affair which is in the form of a letter from the Comptroller General dated July 27, 1973, I plan to take no further action with regard to this matter, but I felt your committee should have the information contained in the GAO report.

The action taken on the State Department Authorization Bill this year constitutes a significant slap on the wrist and I believe that the career people in State will now be more wary about cooperating in such activities. Many thanks for your interest.

Best regards,

THOMAS F. EAGLETON.

COMPTROLLER GENERAL OF THE
UNITED STATES,
Washington, D.C., July 27, 1973.

Hon. THOMAS F. EAGLETON,
U.S. Senate.

DEAR SENATOR EAGLETON: This refers to your letter, dated April 23, 1973 (as supplemented by letters of May 2 and May 17), requesting a report on the circumstances of a mass mailing, on Department of State letterhead, of a letter signed by Walter Annenberg, Ambassador to Great Britain, transmitting to the addressees copies of editorials from British newspapers in praise of President Nixon.

Initially you asked whether there is any statutory prohibition against the use of appropriated funds for sending a letter such as the one in question. Upon our advice to your staff that State Department funds may not in fact have been used for the mailing, you asked that we broaden our inquiry and conduct a thorough investigation of the matter. We have found, as a result of that investigation, that the mailing was made by the Republican National Committee at the suggestion of members of the White House staff and paid for by the Committee using its own funds and mailing lists. The only State Department involvement in the matter appears to have been the signing by Ambassador Annenberg of the original letter which was typed on official Department of State stationery.

With respect to your request for the names of individuals in the Department of State or on the White House staff who were responsible for the mailing, we have found that Mr. Charles W. Colson, then a member of the White House staff, asked Ambassador Annenberg to sign the original of the letter which was, according to Mr. Colson, drafted by a member of the White House staff. Mr. Colson stated that he did not remember who drafted the letter. Mr. Colson gave the signed original to Mrs. Kathleen Balston, also of the White House staff, with instructions to have it mailed to prominent citizens, members of the press, and other groups whose names were available at the Committee.

Mr. Robert Rousek of the Committee advises us that the Committee reproduced and mailed 2709 copies of the letter, at a cost of $334.19. Of the total, 967 went to chairmen of college political science departments, 1044 to editorial writers of publications, and 698 to leading citizens in the community.

The lists of addresses used were, it appears, those maintained by the Committee, and not those used by the Department of State for its own mailings. We have found no evidence that any funds other than those of the Committee were used for this mailing.

You asked whether any similar letters have been sent by other American ambassadors. We have been unable to find any indication that any other letters of this nature have been sent.

With respect to your inquiry whether existing State Department regulations are adequate in dealing with the use of Government funds for unofficial activities, the only departmental regulation which deals with this issue is 22 CFR 10.735–207, which provides that:

> An employee shall not directly or indirectly use, or allow the use of Government property of any kind * * * for other than officially approved activities. * * *

This regulation, since it makes no attempt to limit the kinds of activities which may be "officially approved," does not reach the case in which a particular expenditure is approved by an official but is nevertheless unauthorized because not consonant with the purposes of the appropriation from which it is drawn. We know of no practical way, however, to formulate specific and comprehensive regulatory standards delimiting all the circumstances in which an expenditure is within the terms of the corresponding appropriation, particularly since each appropriation act may contain its own limitations and restrictions.

On the other hand, we note that departmental regulations deal extensively with the type of conduct which employees may properly engage in, whether or not an expenditure of Government funds is involved. See 22 CFR Part 10.735. Regulations such as these, which set forth what activities of employees will be considered improper, necessarily also proscribe expenditures of Government funds incidental to such improper activities. We cannot therefore say that State Department regulations are inadequate in this respect.

You ask in your letter of May 17 for any information we can develop concerning the legality of the subject mailing. Since, as noted above, no appropriated funds were apparently involved in the actual mailing, we are not empowered to render an opinion on this aspect of the matter. In addition, we find no indication of violation of the campaign financing laws which we administer since, although the Committee bore the expense of the mailing, we have no evidence that this expenditure was not only reported as required by law. In this regard controlling regulations do not require breakdown by items of mailing expenses.

Insofar as the Ambassador signed the original letter which was typed on official State Department stationery, there was a minimal use of funds appropriated to the Department. Such use brings to question the possible violation of section 701 of Public Law 92–544, the act that funded State Department activities at the time the letter was typed and signed. Secion 701 prohibits the use of funds made available by that act for publicity or propaganda purposes not authorized by the Congress.

The President, his Cabinet and other high officials have a duty to inform the public on Government policies and, traditionally, high ranking officials have utilized Government resources to disseminate information in explanation and defense of those policies. It is very difficult to distinguish between such permissible activities for which appropriated funds are available and other activities, similar in nature but for purely political or partisan purposes so as to constitute publicity or propaganda.

Obviously, there should be a point beyond which it could be concluded that the bounds of propriety have been overstepped. But for us to be able to determine that point and in any given situation to distinguish authoritatively between prohibited and allowable activities we would need some guidelines by which to judge the activities in question. Insofar as we are aware no such guidelines have been established by legislation, judicial decision, or otherwise. In construing kindred statutes our Office has taken the position that without statutory guidelines to proceed under, it would not be appropriate to override administrative determinations and justification of propriety, except where they are so palpably erroneous as to be unreasonable in the face of the prohibiting statute. In the present consideration, the Acting Assistant Secretary of State for Congressional Relations, in responding for the Secretary of State, advised you on April 6, 1973, that the Ambassador's conduct was concerned with calling attention to support received for policies of the United States Government and that it is not inappropriate for an Ambassador to engage in such correspondence. Unquestionably part of the function of a foreign legation is to obtain and to communicate information on press reaction in a host country to policies of the United States.

Further, we do not believe that the prohibition in section 701 against the use of appropriated funds for publicity and propaganda purposes not authorized by Congress is intended to reach cases such as this, but rather is to prevent the use of such funds to promulgate publicity of a nature tending to emphasize the importance of the agency or activity subject to the prohibition. In this case the expenditure of appropriated funds was not for the aggrandizement of the Department of State.

As indicated above, the letter in question was drafted by a member of the White House staff and another member of that staff requested that the Ambassador sign it. It appears from the letter of April 30, 1973, from the Acting Assistant Secretary of State for Congressional Relations to you, that the Ambassador informed the Department that he signed the original letter but that he did not know to whom copies of such letter and enclosed editorials were to be sent nor at whose expense the letters and enclosures were mailed. We assume, however, that the Ambassador agreed with the content of the letter since he signed it. It appears from the letter signed by the Ambassador that its purpose was to rebut claims that allies of the United States had turned against the United States in the days preceding the "ceasefire" on Vietnam and were critical of the President. Thus the purpose of the letter was apparently to inform the public concerning one of our allies and, in effect, defend the Government's policies.

Thus, without going into the propriety of the matter—which is outside our jurisdiction—under the circumstances we would not have a sufficient basis to consider the signing of the letter in question by the Ambassador to be in violation of section 701 of Pub. L. 92–544. Moreover, we might point out that even if the signing of the letter by the Ambassador be considered in violation of section 701 of Pub. L. 92–544, the only action that we could take would be to attempt to recover the amount improperly expended. Thus, recovery would be limited to the cost of the paper signed by the Ambassador plus the time he used in considering the matter and affixing his signature, assuming such cost was determinable.

While the letters were reproduced by the Committee on stationery bearing the heading "Department of State," and a reproduction of the Great Seal of the United States, the original letter bore the same seal and heading. Section 713 of title 18, United States Code, makes it an offense to display a printed likeness of the Great Seal "for the purpose of conveying, or in a manner reasonably calculated to convey, a false impression of sponsorship by the Government of the United States," or by any department thereof. Whether this provision was violated in the instant case is a matter for consideration by the Department of Justice.

Finally, your staff asked that we inform you of the circumstances of a mailing, in September 1972, of a letter signed by Mr. Leo Cherne, Vice-Chairman of Democrats for Nixon, New York City, using a State Department mailing list. Our investigation of that incident revealed the following:

The Director of Communications, Executive Branch, White House, told us that he had requested a mailing list from the Department of State. He said the list was to be used for mailing a speech to be given by an official of the Department of State at the United Nations on September 25, 1972.

In response to the request, the State Department prepared a list from its files of the names of members of National and local organizations, educational institutions, and other groups. The names were printed on plain, white, gummed labels and sent to the White House on September 11, 1972.

At the Office of the Director of Communications, White House, we were informed that the labels were then sent to the Republican National Committee where the mailing was to be made at no cost to the Government. We were also told that this procedure had been set up to avoid the possibility of any politically oriented material being sent from the White House at Government expense.

After the labels were sent to the Republican National Committee, the Director of Communications cancelled the mailing request.

The Deputy Chairman for Communications, Republican National Committee, told us that he had received a request from Mr. Cherne, for a list of Jewish community leaders. He told us that because of the hectic conditions in the Committee mailing room someone accidentally used the Department labels in filling the request. He also informed us that Mr. Cherne's envelopes were sent to Washington to have the labels applied and that they were then returned to New York where they were stamped and mailed on or about September 21, 1972, containing a letter signed by Mr. Cherne, dated September 15, 1972.

We were told by Department of State officials that the total direct costs to the Department to run the list on gummed labels amount to $15.31. Mr. Cherne reimbursed the Department for these costs on October 31, 1972.

The State Department has no written policy on the use of its mailing lists. However, traditionaly, the Department mailing lists are never intentionally given to any organization for nonofficial purposes.

We hope that the foregoing information will be of assistance to you.

Sincerely yours,

ELMER B. STAATS.

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, D.C., May 17, 1973.

HON. J. W. FULBRIGHT,
Chairman, Senate Foreign Relations Committee, New Senate Office Building.

DEAR MR. CHAIRMAN: I am attaching an interim report of an investigation conducted by the General Accounting Office which was conducted at my request on the subject of the Annenberg letter. GAO has asked that this interim report not be attributed since the clearance procedures have not yet been followed.

You may find this report interesting in light of Mr. Marshall Wright's pending confirmation before your committee. I understand that he is providing you with additional information concerning the Annenberg letter and you may wish to compare that information with the attached GAO report.

Thank you for taking up the substance of my letter with Mr. Wright at his confirmation hearing.

Sincerely,

THOMAS F. EAGLETON.

INTERIM REPORT

Regarding the mass mailing of Ambassador Annenberg's letter of February 5, 1973.

Interviews were conducted with responsible people in the Department of State, the White House, the Republican National Committee, and Charles W. Colson, ex-White House official.

Department officials disclaimed any involvement other than the letter signed by Ambassador Annenberg. Copies of the letter returned for insufficient address bore Pitney-Bowes meter postage. The letter was reproduced on paper not similar to that used by the State Department, Similarly, the envelope, although showing the return address of the State Department, was of different size than regular Department envelopes and the format and size was not the usual Department usage.

White House officials, Richard Howard and Kathleen Balston, said Charles W. Colson was the initiator of the mailing. Colson said someone in the White House had drafted the letter but he did not know who. He obtained Ambassador Annenberg's signature on the letter and asked the White House to arrange for mailing it to prominent friends of the President, and to other agencies whose mailing lists were kept at the Republican National Committee.

A Republican National Committee official, Robert Rousek, stated that the Committee had been asked by the White House, Kathleen Balston, to mail the letter and support the costs for the mailing which the Committee did using their lists of Political Science Department's in universities, editorial writers of publications, and leading citizens in various communities.

This official stated that: 967 letters were sent to Political Science Departments; 1,044 letters were sent to editorial writers; 698 letters were sent to leading citizens—2,709 total.

The Pitney Bowes meter #618810 was the number of their meter.

A memorandum from Kathleen Balston requested him to make the mailing.

The cost of the mailing was borne by the Committee in the amount of $216 for postage and $118.19 for printing and materials.

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, D.C., May 8, 1973.

Hon. J. W. FULBRIGHT,
Chairman, Senate Foreign Relations Committee, Washington, D.C.

DEAR MR. CHAIRMAN: As you know, I recently introduced an amendment to the State Department Authorization Bill (S. 1248), which would prohibit the use of State Department funds to support or defeat legislation pending before Congress, to influence the outcome of a political election or to attempt to influence public opinion on matters unrelated to the performance of official duties. This amendment was motivated by a recent case involving the mass mailing of partisan literature to American citizens by our Ambassador to London, Walter Annenberg, a matter in which you have also expressed an interest.

Mr. Marshall Wright will testify before your Committee on May 9, with respect to his pending confirmation by the Senate as Assistant Secretary for Congressional Relations. I would like you to consider certain apparent inconsistencies that have arisen in correspondence I have had with Mr. Wright over the Annenberg letter.

In a letter to the State Department, dated April 23, 1973, I asked the following question about the mailing list used to distribute the Annenberg letter:

"I have reason to believe that Ambassador Annenberg was provided the mailing list which is used by the State Department to distribute its weekly "Bulletin" which is printed in your office of Media Services. Did Ambassador Annenberg use this mailing list?"

Responding to my inquiry, Acting Assistant Secretary for Congressional Relations, Marshall Wright, stated that the letter was distributed by Mr. Charles Colson of the White House staff, and then made the following statement about the possible use of the State Department mailing list:

"In response to your question about the possible use of State Department mailing lists, the facts, as set forth above (referring to the information that Colson distributed the letter), are all we, or Ambassador Annenberg, know about the circumstances of the mailing."

In a speech on the floor of the House on September 26, 1972, Congressman William Moorhead referred to campaign literature mailed on September 15, 1972, to "thousands of college professors and other intellectuals interested in international relations by Mr. Leo Cherne, vice chairman of a group called "Democrats for Nixon." This material was forwarded to those individuals who subscribe to the State Department "Bulletin," a weekly summary of American foreign policy. Mr. William Blair, Deputy Assistant Secretary for Public Affairs, confirmed that the gummed mailing labels used to distribute the "Bulletin" were made available to the White House and subsequently to the Committee to Re-Elect the President.

Mr. Wright has served on the Congressional Relations staff of the State Department since April, 1972. It is, therefore, inconceivable to me that he was unaware of the questions raised by Congressman Moorhead in September, 1972, about the use of the "Bulletin" mailing list. If, in fact, he was aware of this controversy, we must assume that Mr. Wright's letter of April 30 did not contain the whole truth. Even if Mr. Wright was not aware of the previous controversy, my inquiry should have led him to thoroughly investigate the matter by checking with Deputy Assistant Secretary Blair, who is responsible for distribution of the "Bulletin."

In his first reply to my inquiry on the Annenberg letter Mr. Wright stated that "It is not inappropriate for an Ambassador to engage in such correspondence." This response raised serious questions in my mind over the State Department's involvement in partisan activities.

I would very much appreciate it if you would fully explore these matters with Mr. Wright at his confirmation hearing. I know you agree that the person assigned by the State Department to perform the important congressional relations function must have our complete confidence.

It would also be appreciated if you would ask Mr. Wright if he takes a position, either on behalf of the State Department or speaking for himself, on my amendment to the State Department Authorization Bill. I believe his response would be pertinent to the Committee since I understand you will be marking up the bill in the near future.

Thank you very much for your assistance in this matter.

Sincerely,

THOMAS F. EAGLETON.

DEPARTMENT OF STATE,
Washington, D.C., May 15, 1973.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate.

DEAR MR. CHAIRMAN: Thank you for your letter of May 1 referring to our previous correspondence on the subject of letters from Ambassador Annenberg to persons in the United States.

The Secretary has asked me to inform you that we share your concern and are taking steps to clarify the matter thoroughly. The Secretary has directed that the Department be fully responsive and cooperative with the General Accounting Office inquiry which has been undertaken at the request of one of your colleagues. This letter is a response on the basis of the facts now known to us to the specific questions raised in your letter of May 1.

With regard to my letters of April 6 and April 30, I intended by my letter of April 30 to indicate the April 6 letter was being superseded by the letter dated April 30. In that connection, Ambassador Annenberg has assured us again that the facts set forth in my April 30 letter to you are accurate to the best of his knowledge.

Your second question pointed to the implication that the letter received by Professor Copson should have been identifiable as a reproduction if the facts were as set forth in my letter of April 30, and pointed out that Professor Copson had not so identified the letter which he received. Subsequent to my April 30 letter, I learned that three specimens of the letter in question were delivered to the Department shortly after the mailing because of the inability of the Post Office to locate the addressee. Examination of these three letters revealed that they were not on official Department of State stationery. They did not bear the State Department watermark, nor was the paper the same size as State Department stationery. However, the paper and the envelopes did carry the caption, "Department of State, Washington, D.C. 20520." Thus, in answer to your question, it is not likely that a casual examination would have suggested to a recipient that the stationery was a reproduction or facsimile of official Department stationery. The three envelopes in our possession were not franked, nor did they match any in our stock. These envelopes were stamped by a postage meter whose number is assigned to the Republican National Committee.

Your third question concerned reimbursement for the use of the Department's frank. I know that Professor Copson has indicated that the letter he received was in a franked envelope. Your staff has indicated that Professor Copson has destroyed the envelope he received so we are unable to determine whether, in fact, it was any different from the three now in our possession. As you know, however, other members of Congress have written us on the same subject, and we are seeking through them to examine the envelopes in which other letters were sent to determine whether they were franked. In reply to your specific question, the Department was not reimbursed for use of franked envelopes, but we have no reason to think that franked envelopes were used.

We have also examined the mailing labels affixed to the three envelopes returned to us. They are not Department of State labels and do not exhibit our codes, nor are the names on the three labels in our possession on any of our mailing lists.

Sincerely,

MARSHALL WRIGHT,
Acting Assistant Secretary for Congressional Relations.

MAY 1, 1973.

Hon. MARSHALL WRIGHT,
Acting Assistant Secretary for Congressional Relations, Department of State, Washington, D.C.

DEAR MR. SECRETARY: Thank you for your letter of April 30 with further reference to my questions of March 26 and April 18 about Ambassador Annenberg's letters to United States citizens praising President Nixon and enclosing laudatory British newspaper editorials. I am glad to accept your expression of regret that your reply of April 6 was neither complete nor accurate.

Unfortunately, your April 30 response raises further and more serious questions about Ambassador Annenberg's activities, and about the ability of the Department of State to control its own affairs. The statements that the initiative came from Mr. Colson when he was a member of the White House staff, and that the Ambassador signed one copy of the letter and gave it to Mr. Colson for assumed reproduction and distribution, are totally at variance with the Ambassador's account released in London and the information relayed by you on April 6. You will remember you reported that the Ambassador "... decided to send [his] letter to United States citizens, either known to him or suggested by his friends . . ." Both accounts cannot be accurate and I would like to know which one is truthful.

Secondly, your April 30 statement that "The original letter was on official Department of State stationery" at least implies that the duplicated copies were identifiable as reproductions. That was not the case, as evidenced by the letter sent to us by Assistant Professor Copson. Moreover, the latter gentleman has informed us that the letter was dispatched in a franked Department of State envelope without postmark.

In this connection, a television reporter telephoned Mr. Colson yesterday afternoon and was told that Mr. Colson did remember one such letter but had no mailing list. The latter reportedly also stated that distribution of the Annenberg letters was paid for by the Republican National Committee. I should like to know how and in what amounts the Department was reimbursed for the use of franked envelopes.

Your April 30 reply ends with the following words: ". . . the Department of State does not have the information you requested concerning the mailing list used to distribute Ambassador Annenberg's letter, nor do we know what funds were used to defray the cost of the distribution." Surely the Department could have contacted Mr. Colson on this question just as easily as a television correspondent, and presumably would have acquired more concrete and detailed information.

As matters stand, it is made to appear that the Department of State has no control over the use of its stationery and its franking privilege. I am sure that Secretary Rogers and you would not wish this inference to stand unchallenged. Further investigation is obviously required on an urgent basis to maintain the reputation of the Department, and it should not be left to this Committee to contact former and current White House personnel or the Republican National Committee.

I look forward to receiving the results of your further inquiry and accounting at the earliest possible date, for I know we equally share a desire to uphold the prestige and influence of the State Department in the field of foreign policy.

Very truly yours,

J. W. FULBRIGHT,
Chairman.

DEPARTMENT OF STATE,
Washington, D.C., April 30, 1973.

J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate.

DEAR MR. CHAIRMAN: Thank you for your letter of April 18 pursuing the questions you initially posed on March 26 concerning letters from Ambassador Annenberg to persons in the United States. First of all, let me express to you my genuine regret that my earlier letter to you of April 6, which was based on information relayed to the Department from London and on a statement which Ambassador Annenberg released in London, was neither as complete nor as accurate as it should have been.

When Secretary Rogers learned of your letter of April 18, he directed that further inquiries be made into this matter. As a result, Ambassador Annenberg has informed us that he does not know to whom the letters and enclosed editorials were sent, nor does he know at whose expense the letters were mailed. We have learned from Ambassador Annenberg that the initiative for his letter came from Mr. Charles Colson, at that time a member of the White House staff. Ambassador Annenberg further informs us that he signed one copy of the letter in question, and gave it to Mr. Colson. He assumes that Mr. Colson subsequently reproduced the letter and arranged for its distribution. The original letter was on official Department of State stationery.

In view of these circumstances, the Department of State does not have the information you requested concerning the mailing list used to distribute Ambassador Annenberg's letter, nor do we know what funds were used to defray the cost of the distribution.

Sincerely yours,

MARSHALL WRIGHT,
Acting Assistant Secretary for Congressional Relations.

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C., April 18, 1973.

Hon. MARSHALL WRIGHT,
Acting Assistant Secretary for Congressional Relations, Department of State, Washington, D.C.

DEAR MR. SECRETARY: With reference to your letter of April 6 in reply to my letter of March 26, may I call your attention to the request in the letter of March 26 as to whether or not the letters mailed by the Ambassador to the Court of St. James to the people in this country were sent at government expense or at the Ambassador's personal expense. In addition, was the mailing list an extensive one, if at government expense, or was it a restricted one. In short, I would like a positive statement as to whether or not the Ambassador was acting solely as an individual, without using government stationery or postage, in this mailing of information to citizens of the United States.

I do not think this is an unreasonable request, and if you are uninformed or unable to answer these questions, will you please inquire of the Ambassador in London, as I am sure he could supply the information. I may also suggest that I did not ask your opinion as to whether or not this procedure is appropriate.

Very truly yours,

J. W. FULBRIGHT.

APRIL 6, 1973.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Secretary Rogers has asked me to reply to your letter of March 26 about a letter from Ambassodor Annenberg to an assistant professor at a northeastern college.

As Ambassador Annenberg has indicated, he decided to send this letter to United States citizens, either known to him or suggested by his friends, to call attention to support in the United Kingdom for the President's policies. His purpose was to show that there is intelligent and articulate support for those policies in important sections of the British press.

We do not believe that Ambassador Annenberg's correspondence constitutes a partisan political activity. On the contrary, the Ambassador was concerned with calling attention to support received for policies of the United States Government. It is not inappropriate for an Ambassador to engage in such correspondence.

Sincerely yours,

MARSHALL WRIGHT,
Acting Assistant Secretary for Congressional Relations.

MARCH 26, 1973.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: The enclosed letter, signed by Ambassador Walter Annenberg, along with two highly laudatory British newspaper articles on President Nixon were forwarded to me by an Assistant Professor at one of our northeastern colleges. For your information, let me quote the words of the teacher who sent me this material:

"Some time ago, I received the enclosed material, at taxpayers' expense, from Mr. Annenberg.

"Ordinarily I support efforts by the State Department to keep teachers of International Relations informed on U.S. policy positions. However, Annenberg's partisan letter so clearly strains the bounds of propriety, perhaps even legality, that I thought I should call it to your attention."

If someone of relatively low academic rank received such an unsolicited letter from Ambassador Annenberg, it raises questions in my mind about the extent, as well as the character of Mr. Annenberg's proselytizing endeavors. Therefore, I would appreciate receiving from you an accounting of the number of letters which were sent by Mr. Annenberg to teachers in this country. I should also like to know whether the Ambassador mailed these materials at his own expense or at Government expense. And I should like to know whether there is a mailing list in existence which is provided to our ambassadors abroad which may be used for this questionable purpose.

Finally, I would appreicate your views about the propriety of a United States Ambassador engaging in what could only be described as partisan political activities. I would appreciate having your views at your early convenience.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

COLLEGE OF THE HOLY CROSS,
Worcester, Mass., March 13, 1973.

Senator J. WILLIAM FULBRIGHT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FULBRIGHT: Some time ago, I received the enclosed material, at taxpayers' expense, from Mr. Annenberg.

Ordinarily, I support efforts by the State Department to keep teachers of International Relations informed on U.S. policy positions. However, Annenberg's partisan letter so clearly strains the bounds of propriety, perhaps even legality, that I thought I should call it to your attention.

Yours sincerely,

RAYMOND W. COPSON,
Assistant Professor.

DEPARTMENT OF STATE,
Washington, D.C., February 5, 1973.

DEAR SIR: Just before the Vietnam peace agreement was announced, there were two editorials in the British press of such great interest that I am sending you personal copies.

One editorial was in the London Sunday Express, dated January 21, 1973, and the other in the London Daily Telegraph, dated January 22, 1973. In my judgment, these articles are significant not only in terms of their own merit—but because they rebut the claims made in some quarters that our allies had turned against us in the days preceding the ceasefire and were critical of the President.

In my judgment, these editorials also tend to reflect the opinions of large numbers of British people at this time.

Both editorials center attention on President Nixon's strong but quiet leadership. They also show that the President's emphasis on the solid achievement of sensible and realistic goals is not only important to Americans at home, but to our allies as well.

I trust that you will find this material of interest.

With every best wish,

Sincerely,

WALTER ANNENBERG.

TEXT OF LONDON DAILY TELEGRAPH EDITORIAL OF JANUARY 22, 1973

Mr. Nixon has shown himself truly a great President in his conduct of the Vietnam war and of peace negotiations which gave strong signs of approaching their conclusion in Saigon and Paris as he delivered his Inaugural Address in Washington. There was greatness, too, in the leadership he gave for what the world prays will be a peaceful post-Vietnam war era, both in that region ravaged by Communist aggression, and elsewhere. No flamboyance, no political maneuvers, no hustling to get the cease-fire signed, regardless of known or unknown outstanding problems, in time for a complete Inaugural triumph. Mr. Nixon, rightly confident of the support of the vast majortiy—silent except on Election Day and in the opinion polls—could afford to allow the contrast between his own achievements and the empty spite of the domestic and foreign protesters to speak for itself.

It was deplorable that Senator McGovern, speaking at Oxford University, should have continued his abuse of the President in such irresponsible phrases as 'the Nixon destruction of Indo-China' and 'executive wars by whom.' At the same time, he confessed that Mr. Nixon's overwhelming victory last November remained 'something of a mystery' to him. This sounds like the boxer who regains consciousness still not knowing what hit him. In fact it was the straight right from the mass of the American people, whom Mr. Nixon has led back to psychological and economic health after an attack of Vietnamitis that in less capable hands might have been fatal, who emphatically rejected wishy-washy lefty-liberalism at home and abroad.

Mr. Nixon's message, to his own people and to the rest of us, was clear and salutary. No more of John F. Kennedy's world-wide crusade for freedom and democracy. But solid gains for peace, he urged, must not be jettisoned by a post-war mood of isolationism in America. America would do her share towards defending peace and freedom, but others must do their share too. Europeans in particular should be grateful that Mr. Nixon is President for another four years, and heed his warning.

TEXT OF LONDON SUNDAY EXPRESS EDITORIAL ON JANUARY 21, 1973

"As Richard Milhous Nixon begins his second term, it is hard to recall an American president who has been more reviled. Trendies and left-wingers turn their venom on him as 'the tyrant in the White House.' With tears in their eyes the same individuals dream of the golden age when handsome Jack Kennedy made Washington into Camelot. Then, instead of Mr. Nixon's cottage cheese, there was salmon cooked in champagne. Instead of folk songs and baseball players there were Bach and philosophers. All that and Jackie, too.

"Yet notice something curious. Mr. Nixon's critics rarely venture beyond the trappings. They do not try to contrast his actual record with that of Kennedy. Let us do just that. Vietnam? Kennedy began the war. Mr. Nixon by his albeit ruthless bombing policy, is about to bring it to an end. Universities? Remember the torchlight marches and the sit-ins under Kennedy? The ghettos? Remember the dreadful riots when Kennedy and his brother Bobby made promises to the Blacks that could not be kept? Under Mr. Nixon the universities are as silent as the reading room at the British Museum. The ghettos are peaceful, too, because it is recognized that there is now a president who cannot be panicked into concessions. The economy? Kennedy faced recession and inflation and did nothing. Mr. Nixon courageously introduced one of the severest freezes in American history and the country is once more heading into prosperity.

"His enemies sneer that Mr. Nixon is 'ordinary,' but this, in fact, is his greatest quality. He is ordinary in the sense that he seeks the substance rather than the shadow: that he is concerned not with cheap popularity but with promoting the real, mundane interest of his nation. The American voters recognized this when they re-elected him overwhelmingly. And people far from the United States should give thanks every day that this plain and sensible man sits in the White House. Would a progressive have kept America strong and prosperous? Would a trendy have achieved peace except by surrender?

MINING CLAIMS ON PUBLIC LANDS

Mr. McCLURE. Mr. President, as Americans, we are entitled to many rights and privileges that make our citizenship unique in the world. One of those is the right of an individual to file mining claims on our public lands and to reap the benefits that a productive claim may provide.

But as under any other rights provided under our laws, there is room for abuse. And on occasion, there are individuals who abuse the good intent of law in such a terrible way as to endanger the very guarantee of rights or privileges to honest citizens. Such is the case of Merle Zweifel, an Oklahoma-based speculator the likes of whom the Nation had never seen, and the likes of whom we hope never to see again.

Zweifel, whose corporate slogan is "We Fly Farther To Stake Faster," for over 3 years has abused the mining laws to perpetrate a terrible fraud. His success in abusing the mining laws has been so great that he staked claims to well over 3 million acres in the Mountain States, and he has bilked countless Americans who purchased bogus partnerships in his claims—partnerships that, in reality, entitled them to none of the benefits of property ownership they were led to expect. Zweifel offered a piece of the beautiful mountain West, but what they got was a phony piece of a phony mining claim. He did this on a grand scale.

In Nevada, at least, the law took its course, Merle Zweifel is currently serving the first months of a 6-year prison term imposed following his conviction on 16 counts of filing false mining claims in that State.

But, the Nevada conviction does not end the Zweifel story—not by any means.

Through his wholesale claim filing, he has clouded title to millions of acres of public lands that would otherwise be open for legitimate claim.

There are those who would change the mining laws in such a way as to remove the right of an individual to lay claim for mining purposes. This might well prevent a Merle Zweifel from playing his mammoth con game, but it would be a reaction that would destroy something precious—an individual right. And we cannot, and must not allow that to happen.

Some months ago, we began a search for a solution that would not compromise the citizen's right to file mining claims, but which would clear the clouded title left in the wake of Zweifel's fraud scheme.

In the legislation I am about to introduce, Mr. President, I believe there is a balance that does clear title to the millions of acres of bogus claims made by this man, without in any way endangering the basic rights guaranteed under our mining laws. It would clear title by requiring a one-time inventory of all mining claims in the Nation on a county-by-county basis. Specifically, it would require that individuals holding claims file within 3 years of the bill's enactment either an affidavit of assessment work performed or an intention to hold the claim—in any case, requiring that evidence of legitimate mining work be made.

I commend the attention of the full Senate to this bill.

MARYLAND ADVISORY COMMITTEE ON FEDERAL EDUCATION LAWS

Mr. MATHIAS. Mr. President, nearly 2 months ago, I met with local Maryland school superintendents, members of the State board of education, and the State superintendent, Dr. James Sensenbaugh at the Maryland Department of Education at Friendship Airport. At that time, I discussed many of the legislative proposals for education which now confront the 93d Congress and pointed out that the Maryland congressional delegation could profit from the advice and counsel of those most directly responsible for the operation of our State's public school system. I also suggested that the State board of education create a Maryland Advisory Committee on Federal Education Laws which could help translate the various legislative proposals before the Congress and the educational issues which I had raised into Maryland terms so that the Maryland delegation in Congress would have the benefit of our State's perspective and advice.

Mr. President, it gives me great pleasure to announce today that on July 25, 1973, Mr. Jerome Framptom, Jr., president of the Maryland State Board of Education, appointed 10 outstanding Marylanders to the Maryland Advisory Committee on Federal Education Laws. I was further delighted to learn that this committee has the express purpose to advise the Maryland congressional delegation from time to time of the sentiment of the education community on specific legislation before Congress. This committee has my enthusiastic support.

As an important first step, I am meeting today with the members of the advisory committee to initiate what we anticipate will become a series of important and fruitful discussions. We view linkage between the education community and the Maryland congressional delegation as a great opportunity to reappraise what we are doing at home and to address ourselves to the one institution on which the future of our country rests more than on any other—our educational system.

Mr. President, I ask unanimous consent that the membership list containing the names of the members of the Maryland Advisory Committee on Federal Education Laws be printed in the RECORD.

There being no objection, the membership list was ordered to be printed in the RECORD, as follows:

MARYLAND ADVISORY COMMITTEE ON FEDERAL EDUCATION LAWS

Mr. Richard Schifter (Chairman), 600 New Hampshire Avenue, N.W., Washington, D.C. 20003, 965–9400.

Dr. Richard C. Ahlberg, Associate State Superintendent, Bureau of Administrative Services, Maryland State Department of Education, P.O. Box 8717, Friendship International Airport, Baltimore, Maryland 21240, 796–8300, ext. 220.

Dr. M. Thomas Goedeke, Superintendent of Schools, Howard County Board of Education, 8045 Route #32, Clarksville, Maryland 21019, 531–5144.

Mr. J. R. Hamilton, (Secretary), Federal-State Liaison, Maryland State Department of Education, P.O. Box 8717, Friendship International Airport, Baltimore, Maryland 21240, 796–8300, ext. 203; 997–3468.

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REFUGEES IN VIETNAM: PAWNS OF WAR

Mr. KENNEDY. Mr. President, yesterday the Judiciary Subcommittee on Refugees, which I serve as chairman, resumed hearings on the plight of refugees and civilian war victims in Vietnam. We heard testimony from members of the subcommittee's study mission which recently returned from Indochina, reporting on the humanitarian problems confronting the people of that war-torn region.

The cease-fire agreements in Vietnam and Laos—and the hope of resolving the conflict in Cambodia—are benchmarks of great historical importance in the evolution of our relations with the governments and people of Indochina. Even though conditions are mixed in the field, and many difficult problems continue for all parties involved—for the first time in many years, our Nation has a real opportunity to embark on new policies—to change our involvement—to reorder our priorities—and to finally practice some lessons from the failures and frustrations of the past.

We can at last end our direct and manipulative involvement in the remaining political and military confrontations of the region—and finally chart a new beginning, in cooperation with others and the governments of Indochina, to help repair the damage of conflict and heal the wounds of war.

This is what the return of our servicemen and prisoners of war means to most Americans—and what Americans have welcomed as peace with honor.

But, Mr. President, the report of the subcommittee's study mission to Indochina suggests that these objectives are not fully shared by the administration or American officials in the field. In South Vietnam, last year's pacification program has become this year's reconstruction and humanitarian assistance. Last year's public safety programs have been shifted to other quarters—or buried in public works, public administration, and technical support projects for what is called reconstruction. And last year's supporting assistance has become this year's stabilization.

As Mr. Wells Klein, a member of the team, stated in testimony yesterday:

> In all candor, Mr. Chairman, the Study Mission saw little indication of a changed American role in the field, although admittedly our trip was three months ago and not long after the ceasefire agreement. We have the impression, however, that change has been superficial. CORDS has become SAAFO (Special Assistant to the Ambassador for Field Operations) but the same warriors are riding to battle still referring to "our side" and the "enemy". Granted that there must be a period of transition, but with U.S. refugee assistance now under civilian control and with authority and responsibility both now vested in AID, and finally, with the Foreign Aid bill under consideration by the Congress, now would be the time to clearly enunciate a new foreign aid philosophy and posture vis-a-vis South Vietnam.
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> In specific terms, if the United States is paying the bill for refugee assistance in Vietnam on the basis of humanitarian concern, as I think we must, then we should request a quid pro quo that refugee assistance be used for humanitarian purposes. It was the Study Mission's observation that the refugees are very much voiceless pawns in a political and territorial tug-of-war between the GVN and the PRG. They represent an important bloc of votes in the event of an election and perhaps more important, besides the army, they represent the only available potential for establishing de facto territorial control in the recently intensified struggle now focusing on land as well as people. In short we should not support programs which are clearly intended to achieve political or military objectives as against programs designed to up-grade refugee conditions or achieve resettlement or return to village which is clearly in the refugees' best interest. True, many lines may be difficult to distinguish, but a clear statement of policy which we and the GVN understand is a prerequisite for normalizing our humanitarian assistance. Perhaps, Mr. Chairman, these are considerations to which the Congress, as well as the Administration should address themselves.

Mr. President, even as the subcommittee heard this testimony from the study mission, the New York Times of that morning carried a story underlining how the refugees are still pawns of war. In a dispatch from Saigon, correspondent Joseph B. Treaster, reported how the government of President Thieu is forcibly moving thousands of refugees in the delta for political purposes. I believe that this latest report confirms the principal conclusions of the Refugee Subcommittee Study Mission and underscores the need for the Congress to review this report in the course of considering the foreign assistance authorization for fiscal year 1974.

Mr. President, I ask unanimous consent that the full text of the testimony of Mr. Wells Klein, a member of the Refugee Subcommittee Study Mission to Indochina, be printed in the RECORD, as well as the New York Times dispatch from Saigon.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 1, 1973]

SAIGON IS FORCIBLY MOVING THOUSANDS IN DELTA REGION

(By Joseph B. Treaster)

SAIGON, South Vietnam, July 31.—Since the cease-fire began in January the Saigon Government has forcibly moved thousands of Mekong Delta peasants out of areas ferquented by the Vietcong.

The primary objective of the resettlement, which American officials say they have strongly opposed, has been to deny population to the Vietcong as the possibility of a political settlement and eventual national elections appeared on the distant horizon.

The project runs counter to a larger Government program in which refugess are being moved into patches of no man's land to extend Saigon's claim to territorial control.

Government officials say that while they are confident they can keep the Vietcong away from relatively large groups of refugees, there is no hope of doing so for individual peasant families dispersed in the delta rice fields. So these people are being forced into territory dominated by Saigon.

The American officials estimate that the Government has moved more than 16,000 people in the delta, but Maj. Gen. Nguyen Van Nghi, the senior Government official in the region and the author of the resettlement program, maintained in an interview that the number was closer to 8,000.

MOST DISTANCES SMALL

The Americans and General Nghi say that no one was moved more than two miles and that in some cases the distance was only 400 or 500 yards.

An American report on the subject gives a detailed accounting of the number moved in each of seven provinces where general Nghi's orders were issued.

The Americans say that originally 30,000 peasants were told they had to move from "contested areas" where they had lived for years to locations closer to Government military positions.

Nearly half the people refused, according to the Americans, and many of those who acquiesced when confronted by armed soldiers have quietly made their way back to their old homes.

Nevertheless, to pull down houses and pack up belongings was a time-consuming project that most reportedly resented as unnecessary.

"It's hard to tell how many VC they've made by these forced moves," an American commented.

General Nghi insisted in the interview that a majority of the people he moved had approached Government soldiers and asked for help in getting out of insecure areas.

The Americans, who say all their information is to the contrary, report that they protested the moves as soon as they discovered they were underway and refused to release United States funds for the project.

Support has been given to the larger program, involving more than 300,000 people, the Americans say, because it offers refugees a chance to get out of South Vietnam's squalid camps and because participation is voluntary. They say they objected to the moves in the Delta because they could see no benefit in most cases and there was never any freedom of choice.

The Vietnamese officials charged with carrying out the forced resettlement were often slipshod in their work, but there were instances where they went to extremes to see that the general's instructions were followed.

HOUSES WERE BURNED

For example, when some of the people slipped back to their old land in Vinh Long Province, troops burned their houses.

In Chuong Thien, the Americans say, a province where as much as 70 per cent of the territory is believed to be controlled by the Communists, the resettlement program was regarded as something of a joke.

"When the ARVN went out and told the people they needed to resettle, many of the people immediately went back further into the VC area,'" one of the Americans recalled.

"Others just said they would not move. Some others moved into town, and now they go back and work the fields during the day. The VC can talk to them out there any time they want."

According to the Paris ceasefire agreement, the people of South Vietnam are to be able to travel freely and to decide for themselves where they will live. Neither side has fully observed this part of the agreement.

THE TERM IS "ABDUCTION"

The Government describes forced moves carried out by the Communists as abductions. Officials say that about 1,000 people have been abducted in the delta since January.

According to the American officials, the people General Nghi moved were promised the usual assistance—tin roofing material, bit of cast iron and some rice—but without American aid the Government was unable to keep its word. The Americans say that a few hundred people have received roofing material donated by Canada and Australia.

In the last month General Nghi has ordered his province chiefs to make every possible effort to find rice and building supplies for the resettled people, hoping to win a degree of support from them before the Senate election late in August.

STATEMENT OF WELLS KLEIN, MEMBER OF THE SUBCOMMITTEE STUDY MISSION TO SOUTH VIETNAM, AND EXECUTIVE DIRECTOR, AMERICAN COUNCIL FOR NATIONALITIES SERVICE, NEW YORK, AUGUST 1, 1973

Mr. Chairman, my name is Wells Klein and I am the Executive Director of the American Council for Nationalities Service. With me is Dr. James Dumpson, Dean of the Graduate School of Social Services at Fordham University. Dr. Dumpson and I recently visited South Vietnam in our private capacities as consultants to this Subcommittee, and as members of the Study Mission which the Subcommittee dispatched to evaluate post-war humanitarian problems in Indochina. The testimony and recommendations which we are presenting this morning are based on our individual findings and observations. However, I believe they represent the consensus of the Study Mission.

As you know, the original purpose of the Study Mission survey was both to assess the current humanitarian problems of refugees and civilian war victims in South Vietnam, as well as to consider future requirements for post-war relief and reconstruction in light of the cease-fire agreement. Sadly, at the time of our visit in March, and since, the cease-fire has been more in name than in fact. On our first day in Saigon we were introduced to the term "ceaseless fire", a term used by a senior Vietnamese official to reflect his evaluation of the conditions then pertaining. We soon learned that the prospects of focusing primarily on post-war humanitarian problems, as distinct from war time concerns, was impossible in view of the continuing violence and the steady toll of refugees and civilian casualties.

Whatever the recent "reinforced" or "renewed" ceasefire agreement may mean in terms of lowering the current level of conflict, it is clear that most of the old political dilemmas and the attendant military and territorial problems remain unresolved. These issues have been at the root of the problem in Vietnam for two decades, and they are unlikely to disappear without resolution simply because of the ceasefire agreement. In other words, the basic confrontation in Vietnam remains much the same although thankfully, the nature of our direct involvement has changed.

With these considerations in mind, a major focus of the Study Mission became the question of what is our appropriate role in helping the South Vietnamese people meet their massive problems of relief, rehabilitation, and reconstruction within a moral and political framework which is at once both practical, and acceptable to the American people and the people of South Vietnam.

Mr. Chairman, before going into the question of our future role I would like to report to the Subcommittee on our assessment of the current refugee problem and discuss some of the factors which we believe have, and which continue to contribute to what, in the blandest terms, must be described as an unacceptable situation—unacceptable as measured by what could and can be done as against what has and is being done.

To understand the current crisis that confronts the people of South Vietnam, as well as to begin to assess the needs for future relief and rehabilitation, it is necessary to review some of the frankly terrible statistics on refugees, civilian war casualties, widows, orphans, and the many other discrete categories of people disadvantaged by the war. These figures tell us, in cold abstract, dehumanized form, at least in part what more than a decade of conflict and violence have inflicted on the land and the people of South Vietnam. Conflict is not one-sided, and we are not now pointing fingers in accusation but rather delineating results and describing the dimension of the humanitarian problems now confronting the people of South Vietnam.

In developing this information the Study Mission consulted officials in the U.S. Mission both in Saigon and in the field. We also met with numerous officials and ministers of the government of South Vietnam. The Study Mission was able to travel extensively throughout Military Regions (MR) I, II, and III. Parenthetically, may I mention our appreciation for the many courtesies shown to us by the U.S. Mission personnel in facilitating our task. We visited far north as Quang Tri and Hue, as well as Quang Nam, Quang Ngai, and Qui Nhon. Not only did we stop in the provincial capitals, we also visited many of the district and rural areas. In addition to these coastal areas we visited Kotum, Pleiku, and other areas in the highlands where Montagnard refugees are located. Finally, we visited a number of refugee and resettlement sites in the provinces of MR III. In our twelve days in South Vietnam we visited a variety of refugee centers, hospitals, schools, orphanages, rural dispensaries and other civilian facilities. We travelled freely and often arrived unannounced. We spoke with many Vietnamese civilians and with international voluntary agency personnel both headquartered in Saigon and in the field.

For the hearing record I shall submit statistical tables compiled by the Study Mission based both on the Subcommittee's earlier work, as well as statistics obtained on our recent trip. However, at this point let me briefly highlight our findings in quantitative terms.

REFUGEES

Surely the most enduring legacy of the Vietnam war will be its cumulative impact on the lives and the social structure of the people of South Vietnam. Over half of South Vietnam's estimated population of 18 million people have been forced to move as refugees, often many times over, since the war escalated in late 1964 and early 1965. As Table I indicates, the cumulative total of refugees since 1964–1965 now stands at 10,369,700.

How many of these refugees are still in refugee status is a matter of definition as well as numerical count. At the time of our visit in March of this year there were 659,600 refugees officially acknowleged to be in temporary refugee sites with another several hundred thousand estimated in "out of camp" situations. As Table IV documents, nearly half a million refugees are still in officially identified camp locations.

As always, the most accurate index of conditions in the countryside, of the level of conflict and violence, is the number of refugees fleeing the countryside and the number of civilian war casualties filling hospital wards. By this measure, the daily average of new refugees during the Study Mission's visit—some 6,000 a day—resembles the level of violence during last year's offensive. As Table IV indicates, 1,636,000, refugees have been generated since the beginning of the offensive on March 31, 1972. In comparison, the rate of post cease fire refugee flow is still between one and two thousand per day as shown in Table V. Further, recent reports from Saigon indicate that the current flow of refugees is still at the weekly rate of 7,000 to 14,000. In June, for example, in one week 8,700 new refugees were forced to flee their homes, primarily from military activity in MR II and MR IV.

As you know, Mr. Chairman, the ink was hardly dry on the Paris Accord last January when massive offensive operations erupted in 33 of South Vietnam's 46 provinces. Both sides offended as each tried to shape a ceasefire line to its own advantage. This process apparently continued though in a reduced scale, despite the "renewed" ceasefire agreement. One could detail the military activity and its refugee and civilian casualty fallout at much greater length. But the overwhelming impression one receives in Vietnam today is that nothing much has changed except the absence of American uniforms. When we were in Da Nang in mid-March, the South Vietnamese admitted to firing 1,000 rounds of artillery daily, most of which was not to counter operations from the other side, but primarily H & I fire (harassment and interdiction).

CIVILIAN CASUALTIES

Again, it is too early to tell what effect the recent accords will have on the level of military activity in Vietnam. Assuredly, as we have said before, the basic problems, as seen by the Vietnamese, have not been resolved. The number of civilian casualties seem to remain high. According to the most recent official statistics on the admission of war related casualties to hospitals, some 3,000 to 4,000 civilians are being admitted each month. This is a very dry, meaningless statistic, unless you just happen to be one of those 3,000 to 4,000 people or part of their family. This is not meant as melodrama. I just wish to emphasize that we are talking about people, not numbers.

As in the past, however, these officially reported hospital admissions exclude civilian casualties treated elsewhere, those not treated at all, and most significantly, those civilians who were killed outright or died before receiving treatment, are buried and never counted. Taking these factors into account, and based on some of our observations at provincial hospitals, it is estimated that civilian war casualties, both killed and wounded, would probably range between six and eight thousand per month.

These six to eight thousand civilian casualties must be added to the total of 1,390,000 civilian war casualties since 1965, as shown on Table II.

Inevitably, tens of thousands of civilian casualties who have survived are now totally or partially disabled and in need of rehabilitation. Official statistics probably fail to record all in this category, but as of the signing of the second peace agreement in June, there were over 80,000 amputees in South Vietnam, with 75% still in need of prosthetic devices.

To continue the recitation, there are over 8,000 paraplegics, 1,000 of whom we saw wasting away in a Vung Tau clinic with little rehabilitative treatment and scarce hope. The war has also left some 40,000 people blinded or deaf—what more can one say—there is essentially no rehabilitation available for these people whatsoever.

Mr. Chairman, the various human problems created by this war cannot be neatly categorized as "refugee" or "civilian war casualty" or "orphans" or "war widow" problems. Taken together these problems constitute—and I use the term advisedly—a massive, long term, social and rehabilitative problem involving literally millions of people and affecting the entire population both in terms of physical well-being and economic productivity.

Over the years, one of the primary concerns of this Subcommittee has been refugee conditions in Vietnam. At periodic intervals the Subcommittee has heard testimony describing these conditions and repeatedly urging rectification. This morning I shall add the latest installment to the long litany of human suffering, but with the addition of this explicit if rhetorical question: with all of the experience we and the Vietnamese have gained over the past nine years, why has so little changed?

According to AID statistics, as of July 13th, 471,400 refugees were living in identified locations, primarily in MR I, especially in and around Da Nang. As in the past, this total represents only those in "identified locations" where refugees have registered and are still receiving assistance. However, many other thousands of refugees remain in completely dependent status though their entitlement to benefits has expired and they are no longer reflected in refugee statistics. To put the case bluntly, refugee statistics bear little relationship to who has been displaced by the war or to what portion of the population is economically independent and viable.

Once upon a time Vietnam looked like most other agricultural countries. There was a direct relationship between the population and the land, people lived near or on the land they tilled. From the air lowland Vietnam was a patchwork quilt of paddy land and small family compounds. Today an aerial view gives the impression of an askewed cat's cradle. In many parts of the country, particularly MR I and MR II, the population has been totally displaced and strung out along the roads for physical security from both sides. This dislocation of population far exceeds anything reflected in any refugee statistics.

The Study Mission spent a considerable portion of its time in refugee camps and relocation sites, particularly in the northern regions and the highlands. I regret to say that with few exceptions the problems confronting the newest crop of refugees, those resulting from the spring 1972 offensive and from the post cease-fire confrontations, all too closely resemble those problems faced by much earlier generations of refugees with whom I worked nearly a decade ago. Mr. Chairman, you will remember the Cathedral Camps in Qui Nhon from your visit to Vietnam in 1965. It was deplorable. Today, a camp called Phup Tai #1 only a few miles away looks almost identical to the Cathedral Camp of yesteryear.

Much has been made of the ability of the Vietnamese Government to handle emergency influxes of refugees, and by inference, of our own ability to support Vietnamese efforts. This contention is largely true. With our assistance the Vietnamese have developed a reasonable capability for responding to the emergency needs of new refugees in terms of food and temporary housing. Also, some progress can be reported relating to sanitary facilities, water supply, dispensaries, and, in a few cases, special cooking facilities. I would like to comment tangentially on this last point.

In my refugee experience relating to Vietnam, AID has not been reknowned for self evaluation of program effectiveness. To the contrary in the area of Vietnam refugee assistance, AID has only seemed to respond to prodding and criticism from either the media, this Subcommittee, or the two in combination, and often the response has been sluggish at best. However, in the past year there have been two internal evaluations of the refugee program by Washington-based AID personnel. These are known as the "Goodwin" and "Wiesner" reports. They were highly critical of the refugee program and resulted in the deployment of the "impact teams" which were responsible for some of the significant camp upgrading referred to above. This process of internal evaluation is logical, effective, and certainly should be encouraged by this Subcommittee.

While the Vietnamese government was able to respond to the 1972 and 1973 refugee emergencies with temporary assistance, and while the "impact teams" had a salutary effect in the fall and winter of 1972, all of this was an immediate response to what was considered essentially a temporary situation. By the time of our visit the temporary success of the emergency relief effort had deteriorated into the miserably overcrowded squalor, with its attendant lethargy, that these now permanent refugee camps evidence. This has been the history of the Vietnam refugee program. Time and again reasonably effective response to an immediate crisis was followed by an almost total neglect. We have seen a decade of "temporary" refugees living in "temporary" quarters for a decade.

Several examples may serve to illustrate the problem of camp inadequacy and deterioration. The first is the three Phu Tai camps located outside Qui Nhon. During the military activities that accompanied the offensive last year some 135,000 refugees were placed in this abandoned military installation, occupying what was left of the barracks and spilling over into army tents and makeshift housing. Phu Tai was to be an emergency, temporary reception center. Food was quickly, and it seems, efficiently distributed, and has continued since. But the temporary quarters have now been occupied for well over a year, and the result is disaster. Many of the refugees still live in tents which are now rotted and torn, others occupy tiny, shoulder high shacks made from discarded ammunition cases, and other debris of war. The overcrowding is alarming, not only within each living space, but also between "units". In some areas the "units" were ten or twenty deep with no streets or alley ways to say nothing of fire lanes, between them. Fire is a constant danger; hundreds if not thousands could or would die if a conflagration started. The whole complex is nothing but kindling wood. And fire is not idle speculation. Camp Baxter in Da Nang recently had a serious fire in which large numbers of refugees were killed or injured.

The Phu Tai complex is so bad that it was a particular focus of the AID/Washington evaluations and of the subsequent impact teams. But they missed the major consideration. Phu Tai was conceived as a temporary camp. It has become permanent. "Up-grading" was ordered, but when we visited five months later lumber for new housing had yet to arrive. Due to either bureaucratic ineptitude or outright corruption the lumber had been either mis-directed or sold for private gain. We heard both stories and both are plausible. In any case, Phu Tai is as it was, and getting worse.

A similar fate has befallen the refugees who crammed by the hundreds of thousands into Da Nang last year. Squatting on empty compounds left by the American military, the stripped buildings they occupy are simply disintegrating. We saw several thousand refugees, mostly Montagnards from Quang Tri, perched under empty airplane hangers, in wooden shacks or tents. In one area, several dozen refugee families inhabited a former American officer's club, the door of which still carried the faded sign reading: U.S. Personnel Only. With each passing day the conditions under which these refugees lived became more squalid, even as the South Vietnamese government officials attempted to keep them fed, which, on the whole, they have been successful in doing. Again, it is a matter of a temporary expedient becoming a permanent solution. And one must ask what happens to people under these conditions. What happens to the family, to interpersonal relationships with no privacy. These are inhuman conditions in that they destroy individual integrity and a sense of worth, and in that they inviolate the unity of the family.

This was the situation throughout most of central South Vietnam—in Hue, Da Nang, Quang Ngai, Chu Lai, Qui Nhon, and in the highlands where Phu Bon, Pleiku, and Kontum present the special problem of Vietnamese discrimination against, the Montagnard, discrimination unfortunately either tacitly condoned or overlooked in the administration of a refugee assistance program.

There are exceptions to this general pattern—Phu Cuong in MR III is one. An inert refugee population without adequate employment is unacceptable by definition. But within this context Phu Cuong is a striking example of what can be done to enhance the quality of life, even of the refugee with no apparent future.

An Loi, the much touted showpiece camp is a different situation. Within a short driving distance of Saigon, An Loi received extensive assistance from the voluntary agencies, and the foreign community, as well as from AID and the Vietnamese Government. There is an effective feeding program and an excellent dispensary, yet the living conditions at An Loi are miserable and it reportedly has the highest per capita death rate of any refugee camp in Vietnam.

I first saw the An Loi camp in August of last year. Despite "up-grading" An Loi was as bad this March as seven months earlier. It was the same syndrome of some pre-existing structures but primarily rotting and torn army tents. No new housing construction had been started until the week before we arrived. We were given a candid explanation for the delay in refugee housing construction by one of the American refugee officials. Though most of the An Loi refugees were from completely destroyed An Loc and Loc Ninh no new housing had been put up "because it was anticipated that the refugees would be returning home soon." It was only with the breakdown of the first cease-fire agreement and the renewed heavy fighting in MR III that a decision was made to upgrade An Loi with critically needed new housing.

Many of the An Loi refugees are Montagnards. One has the clear impression that they are disintegrating as a people in prolonged refugee status. Many are dying from no apparent cause. Their special plight is so grave that it moved one U.S. refugee official to say that "it would be better to resettle them in their villages in Viet Cong areas and pay the VC to help them than to let them stay here any longer".

Mr. Chairman, one must now ask why do these conditions persist, why are refugee conditions today so similar to those in 1965 and 1966. With all that we have learned over the last nine years why has so little changed? The answers to these questions are critical to our future role in refugee assistance in Vietnam, and I would like to suggest two possibilities for the Subcommittee's consideration.

Since the fall of 1964 with the floods in MR I and the military escalation in early 1965, refugees have always been considered a temporary phenomenon by ourselves and by the GVN. This was part of our political-military self-delusion that we now at last had the right formula to achieve our desired goal. This was the "can-do" delusion. It was felt that with the application of sufficient resources and the right formula, by whatever name—ink-blot, civil action, pacification, Vietnamization—security would somehow prevail and the refugees would be able to return to their villages. With the advantage of hindsight how could we have viewed refugees as other than temporary without facing the realization that the war would be protracted and that genuine pacification and return to village could only result from a resolution of those basic problems between the Vietnamese contestants which have been generic to the conflict for decades. Thus, no permanent refugee facilities were built, and no broad nutritional programs were developed. We did little in the areas of refugee vocational training or the development of alternative employment opportunities of refugee families. These considerations which are basic to most refugee assistance programs were conceived of as unnecessary in Vietnam because we were dealing with a population only temporarily dependent.

Secondly, our whole approach to dealing with the refugee problem in Vietnam has been to view the solution to this problem as part of a broader political and para-military program to rout out Viet Cong infrastructure, to win the hearts and minds of the population and to pacify the countryside. Refugee care and assistance was not fundamentally considered a humanitarian obligation apart from the general cause of "denying" them to the enemy. This position was clearly reflected in the command structure in Saigon. Refugee assistance was taken from USAID and placed under military direction in CORDS even though the Vietnamese counterpart agency was the civilian Ministry of Social Welfare and despite the fact that AID was responsible to the Congress for refugee assistance programs without operational authority in the field.

With these considerations in mind it is perhaps more readily understandable why this Subcommittee has seen so relatively little substantive progress in refugee assistance over the years. It has been an uphill battle with the lines never clearly perceived.

Mr. Chairman, with the cease-fire agreement and the withdrawal of American military personnel from South Vietnam we have reached a fundamental turning point in our relationship to that country. In signing the cease-fire agreement we are publicly committed to a political reconciliation between North and South. Although it would be naive to suggest that the United States does not have a continuing interest in South Vietnam, it is time that we clearly reevaluate the purpose of our economic assistance program and particularly that of humanitarian assistance. We have passed a watershed and we must cut the Gordian knot that ties humanitarian assistance to Vietnamese political and military objectives—objectives which are theoretically no longer those of the United States.

In all candor, Mr. Chairman, the Study Mission saw little indication of a changed American role in the field, although admittedly our trip was three months ago and not long after the first cease-fire agreement. We have the impression, however, that change has been superficial. CORDS has become SAAFO (Special Assistant to the Ambassador for Field Operations) but the same warriors are riding to battle still referring to "our side" and the "enemy." Granted that there must be a period of transition, but with U.S. refugee assistance now under civilian control and with authority and responsibility both now vested in AID, and finally, with the Foreign Aid bill under consideration by the Congress, now would be the time to clearly enunciate a new foreign aid philosophy and posture vis-a-vis South Vietnam.

In specific terms, if the United States is paying the bill for refugee assistance in Vietnam on the basis of humanitarian concern, as I think we must, then we should request a quid pro quo that refugee assistance be used for humanitarian purposes. It was the Study Mission's observation that the refugees are very much voiceless pawns in a political and territorial tug-of-war between the GVN and the PRG. They represent an important bloc of votes in the event of an election and perhaps more important, besides the army, they represent the only available potential for establishing de facto territorial control in the recently intensified struggle now focusing on land as well as people. In short we should not support programs which are clearly intended to achieve political or military objectives as against programs designed to up-grade refugee conditions or achieve resettlement or return to village which is clearly in the refugees' best interest. True, many lines may be difficult to distinguish, but a clear statement of policy which we and the GVN understand is a prerequisite for normalizing our humanitarian assistance. Perhaps, Mr. Chairman, these are considerations to which the Congress, as well as the Administration, should address themselves.

Humanitarian assistance to Vietnam cannot be considered in the abstract, it rests in the broader context of our overall economic aid program. Much of our economic aid to Vietnam has been the subject of criticism, particularly the commercial imports program. Given the economic nature of our society and that of South Vietnam, a commercial imports program is the only realistic way of avoiding rampant inflation which could wipe out all the benefits of humanitarian assistance. Social stability is directly related to economic stability, and even though in the process we are paying for the Vietnamese army, the commercial imports program must be maintained. However, at what level the program should be maintained is not simply an economic determination but should relate to the ability of the GVN to tighten its own belt. I am not suggesting cutting the salaries of GVN government employees, already caught in an inflationary pinch which underlies much of the petty corruption which exists. But there is a great deal of affluence as well as squalor in urban Vietnam. Some of the affluence can surely be tapped to affect a reduced commercial imports program. Again, too sudden a shift could create serious problems, but the direction is clearly indicated and is in keeping with bringing some sense of balance to our aid to South Vietnam and to ending its economic dependency on the United States.

There are several other important considerations which we would like to bring to the Subcommittee's attention but for which there is insufficient time this morning. I will briefly mention these concerns because they are important and should be placed before the Subcommittee now. However, they will also be detailed at greater length in the Study Mission report.

Resettlement will be a critical issue in the months ahead. We are concerned that resettlement not be used for political objectives. There are also far too many instances of involuntary resettlement in the recent record to allay fears on this score. If resettlement can be non-political and voluntary, then it may represent a viable alternative for many refugees. However, if resettlement, to be effective, must be planned in secure areas and must be preceded by adequate planning and site preparation. Further, significant support must be given the refugees to insure continuity and adequate land must be available to avoid the rural slums we have seen develop from refugee relocation sites in the past.

Another area of concern is massive corruption in the Administration of humanitarian assistance. Twenty percent of the registered refugees in Da Nang, for example, do not exist. They are "ghosts" to quote an accurate New York Times article. The assistance they are "receiving" lines the pockets of Vietnamese officialdom. When this is considered in conjunction with the living conditions of the real 80% of the refugee population, one must ask whether basic reorganization, firm guidelines for ourselves and the Vietnamese and efficient monitoring are not required.

A final area which must be discussed in greater detail is that of hard core urban refugees, and the whole problem of urban congestion, underemployment and unemployment. These are serious problems of significant proportions which directly affect economic and social stability. Yet USAID Saigon frankly admitted they had not yet given serious thought to these problems.

Finally, Mr. Chairman, the foregoing discussion has all been in terms of American assistance to South Vietnam and the direction this should take in future months. However, it should be emphasized that the United States must sever the sole dependency of South Vietnam on the United States. This client relationship ennobles neither ourselves nor the South Vietnamese. We must move from bilateral to multilateral assistance programs with determination and grace. Not to terminate present relationships borne of war will only prolong our inordinate involvement in the affairs of another country and continue the danger of renewed military commitment.

Tables I through V follow:

TABLE I.—*Statistical summary of refugee and victim movement in South Vietnam, 1965–73*

1. Newly registered refugees, by official GVN/USAID count:	
1965	772,000
1966	906,000
1967	463,000
1968	494,000
1969	590,000
1970	129,000
Registered in 1970, but generated earlier	281,000
1971	136,000
1972	1,320,000
1973 (as of July 1st)	718,700
Total	5,809,700
2. Cambodian repatriates, ethnic Vietnamese expelled from Cambodia in 1970	210,000
3. Estimated casualty and damage claimants, including some 1,000,000 temporarily displaced during Tet and May 1968, offensives	1,650,000
4. Displaced persons in PRG controlled areas and other nonregistered refugees from the 1972 offensive	700,000
5. Estimated nonregistered refugees, including some 1,000,000 in Saigon ineligible to register as refugees since 1964	2,000,000
Cumulative total since 1965	10,369,700

TABLE II.—STATISTICAL SUMMARY OF CIVILIAN WAR CASUALTIES IN SOUTH VIETNAM, 1965-73

Year	Officially reported hospital admissions [1]	Subcommittee casualty estimates including deaths	Subcommittee death estimates
1965	[2] 50,000	100,000	25,000
1966	[2] 50,000	150,000	50,000
1967	49,707	175,000	60,000

Year	Officially reported hospital admissions [1]	Subcommittee casualty estimates including deaths	Subcommittee death estimates
1968	86, 993	300, 000	100, 000
1969	66, 002	200, 000	60, 000
1970	59, 663	125, 000	30, 000
1971	50, 737	100, 000	25, 000
1972	52, 901	200, 000	65, 000
1973 (through May)	21, 452	40, 000	10, 000
Total	478, 639	1, 390, 000	[2] 425, 000

[1] Officially reported hospital admissions include admissions to GVN hospitals, as well as admissions to U.S. military hospitals—the latter admissions, however, account for little more than 24,000 of the cumulative total. Officially reported hospital admissions grossly understate the overall civilian war casualty problem, including deaths—during much of 1972, for example, no civilian war casualties, based on hospital admissions, were reported from areas of heavy fighting such as Quang Tri, Kontum, and Binh Long (An Loc)—officially reported hospital admissions exclude all civilian casualties treated elsewhere, those not treated at all, and most significantly, civilians who are killed outright or die before reaching treatment facilities.

By official count since 1967, women and children made up a significant proportion of hospital admissions—during 1972, for example, up to one-third of civilian war casualties were females 13 years old and older, and up to one-fourth were children 12 years old and under—thus, over 50 percent of civilian war casualty hospital admissions were children.

By official count since 1967, some 27 percent of civilian war casualty hospital admissions were attributed to shelling and bombing, some 20 percent to gunfire and grenades, and some 53 percent to mines and mortars—the Refugee Subcommittee estimates that well over 50 percent of civilian war casualties were attributed to GVN and U.S. firepower.

[2] Represent estimates, based upon hearings, field reports, and reports submitted over the years by the General Accounting Office.

TABLE III.—*Estimated Vietnam refugee generations, since March 31, 1972*

Military Region I	790, 700
Military Region II	331, 200
Military Region III	285, 200
Military Region IV	247, 700
National total	1, 654, 800

TABLE IV.—*Vietnam refugees in identified locations, status on July 13, 1973*

Military Region I	335, 400
Military Region II	86, 400
Military Region III	41, 500
Military Region IV	8, 000
National total	471, 000

TABLE V.—POST-CEASE-FIRE VICTIMS OF MILITARY ACTION, STATUS ON JUNE 14, 1973

	Total affected	Current at home	Status displaced
Military region:			
I	58, 700	37, 200	21, 500
II	39, 700	26, 500	13, 200
III	127, 100	127, 100	0
IV	135, 200	128, 300	6, 900
National total	360, 700	319, 100	41, 600

RESOURCES FOR HUMAN DEVELOPMENT PROGRAMS

Mr. MOSS. Mr. President, yesterday I submitted testimony to the Labor-Health, Education and Welfare Appropriations Subcommittee discussing some of the most important budgetary matters facing this Congress. These comments deal directly with the need to rearrange the warped priorities presented in President Nixon's fiscal year 1974 budget. Because of the importance the debate over the budget has assumed this year, I ask unanimous consent to have my statement printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR FRANK E. MOSS (D-UTAH), UNITED STATES LABOR AND HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS

SUBJECT: RESOURCES FOR HUMAN DEVELOPMENT PROGRAMS

Mr. Chairman; and Members of the Subcommittee,

It is a pleasure to have the opportunity of giving you my views on one of the most important appropriation bills that comes before Congress. This Subcommittee is representing the Senate and the Nation well in establishing priorities in this legislation. You are to be complimented for your past record.

This Subcommittee faces a very large budget—one that covers most of the areas that President Nixon has singled out for cuts in his FY 74 budget request. The House has restored many of these reductions, but a number of areas still require increased funds.

Education

My State of Utah has long been in the forefront of progressive education. Utah provides public education from kindergarten to grade 12, and ranks among the top states in terms of the percent of personal income spent on education. In spite of this, its per pupil expenditure is below the national average.

So you can see that in spite of a considerable effort, Utah needs Federal assistance.

Impact aid

The struggle over funds for school districts impacted by Federal government activities continues from year to year. The House has done a substantial job of restoring funds for this program. The President would have eliminated funds for children of parents who work on Federal property but do not live on such property. These "category B" students have been restored to 65 percent entitlement by the House. It is my hope that this subcommittee would recommend that this figure be raised to 73 percent, which was last year's figure. An addition of approximately $60 million would accomplish this purpose. The House has already added over $300 million to the President's request. Under this program (P.L. 874) Utah received $7,879,421 in FY 72; $6,722,658 in FY 73; and was slated for only $1,958,000 under President Nixon's request for FY 74. Thanks to the House action, Utah would receive $8,169,000. The 34 districts in Utah which receive impact aid funds will better serve the needs of students if we continue to provide stable funding in this area.

Education revenue sharing is not the answer

Education Revenue Sharing plus Presidential budget cuts in education funds equals great difficulty for Utah. Utah would lose over $10 million if President Nixon's proposal were enacted. This information was supplied to me by the Governor of Utah and the Utah State Board of Education. Utah received $22,811,626 in FY 73. Under Education Revenue Sharing, the State would receive $12,313,000.

To depend on money for the program—which hasn't been spelled out clearly by the Administration, let alone not enacted—would be very irresponsible. The President's budget makes severe cuts in education, disguising the slashes under the veil of Education Revenue Sharing. It will take more than a billion dollars added to the President's budget to salvage the education programs from his meat ax cuts.

These cuts have been carried out in an arrogant manner that ignores the co-equal status of Congress and the President. The President's education spokesman has been quoted as saying that if Congress were not amenable to the Administration's approach, "We will not be able to do what Congress wants." The rather naive arrogance of this approach will make the fashioning of a proper budget even more difficult. The deception used in presenting ERS as an alternative will further aggravate the budgetary process, and that deception shows up very well in the examination of the ERS proposal.

When all is said and done, the President has proposed reductions in programs for the disadvantaged, and the handicapped, as well as for vocational and adult education, library programs, and many of the indirect programs that assist higher education (and, therefore, do not flow through the Office of Education budget, such as research grants and manpower training programs). A careful examination of the Education Revenue Sharing proposal is a good lesson in the sleight-of-hand practiced by the Administration in the FY 74 budget. An examination will blow away the advertising smoke screen that has covered the fact that this Administration has given the lowest commitment to education of any of the previous five Administrations.

The whole ERS proposal ignores the fact that the present education programs already funnel money directly to state and local entities; many of the programs already send money on an automatic formula basis directly to local school districts and state education agencies. It is contradictory and ridiculous to change existing revenue sharing programs into Nixon revenue sharing programs.

It would appear that one prime purpose of ERS is to disguise cutbacks in education programs.

The ERS proposal would consolidate many grant programs into five main areas. The money for these programs would go to the State. Some of that money would "pass through" directly to local educational authorities.

Amounts received from the ERS formula for disadvantaged children must be passed through to local authorities in accordance with the number of children of low income families in the district. There are, however, three restrictions on this allotment which are questionable. First, the state may withhold any part of the funds they feel are necessary for the state to educate neglected or delinquent children. Second, unless the district merits at least $10,000, it gets no money. Third, if the district does not provide comparable education services in all schools, it can get no money. All of these clauses are wide open loopholes for an Administration that has chosen to use flexibility to hamper programs and eliminate them.

The Administration previously argued that ERS would reduce paperwork necessary in education programs. Under questioning before a Congressional Committee, it was learned that man hours in the Office of Education would not be reduced. They would merely be redirected; men doing paper work in Washington were going to be sent to the states to help them handle the distribution of the money.

Hearings on the 1971 ERS bill revealed that education experts in most states felt that funds for education of the handicapped very probably would be transferred to other areas by states under the ERS proposal. This conclusion was reached by polling state directors of special education.

So it becomes apparent that education revenue sharing is not really designed to help the education community. The proposal comes at a time when many of the present programs are beginning to bear good fruit. ERS would open up many of these programs to renewed pressures for the diversion of their funds to other areas of the education budget that may have more political clout. I recently received a letter from one school administrator clearly laying out the advantages of the present categorical aid programs. I ask for inclusion of that letter at this point in my remarks.

The Honorable FRANK E. MOSS,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MOSS: The President's intentions to cut back domestic programs has created concern in the minds of many citizens throughout our great country. I am one who is greatly disturbed with his attitude toward education and his commitment to eliminate titles III, V, and VII of ESEA and to drastically cut back title I.

I hear the President and others tell us that many of our educational programs have not worked in the past so let's cut them out. I would like to share with you some first-hand experiences I have had with title III and title I in an attempt to refute that statement in part.

As a school principal, I had the opportunity to conduct an educational experiment under the title III program which has had far reaching effects upon education in Utah and elsewhere. I have enclosed a copy of an article which appeared in the Parade magazine a few years ago describing part of that experiment. I am also enclosing a copy of our school brochure. Although one cannot evaluate this experiment adequately by reading these two articles, you might get a feel for the program anyway. I have written an article reporting the student achievement results over a two-year period which will be published sometime in the next few months in the Educational Technology magazine. The results were significant not only in the cognitive area but the affective area as well. Representatives from the Italian government filmed a documentary on our school which was shown throughout Italy, and visitors from all over the world have come to see the program. Without title III money we would not have had the resources to do what we did.

As a school superintendent I operated a title I program on the district level. I am now the State Director for Title I in Utah. This program has made a significant impact upon education in Utah. I have just completed the evaluation report for last year. The students who qualify for title I usually make about a .3 to .6 grade equivalent growth per year. Last year the average growth in math for these students all across the State was 11.7 months in a nine-month period. The average growth in reading was 12.6 months over a nine-month period. We feel that the title I program in Utah has been very successful. The data would indicate that we are right.

I would like to make just one more point in a letter which is already too long. The point I would like to make relates to categorical funding vs. general funding. As a former school superintendent I sat across the bargaining table with a teachers' negotiating team in an attempt to get some agreement on basic salary issues. Monies that were not earmarked for some particular educational purpose were eventually thrown into the salary pot. Categorical funds were used for the purposes for which they were designed, because they could not be negotiated away.

I sincerely hope that you will do what you can to save ESEA or some similar type program. To cut back title I or to do away with it entirely would, in my opinion, be a large step backwards.

Most sincerely yours,

______ ______.

Therefore, the action by the House in restoring funds for the Elementary and Secondary Education Act, Title I (Educationally deprived children) to the level of FY 1972 appropriations is to be commended. This program is just beginning to get funds to each level that can make meaningful contributions. To cut out a program just after it has gone through a "shakedown" is a very poor method of implementing social problems. Instead, an addition of $200 million to the ESEA Title I program is certainly justified.

I would also support additional funds of $100 million to be spread over ESEA programs designed to strengthen departments of education, provide bilingual education, follow-through, and equipment funds.

Libraries

Have libraries in America suddenly become outdated? The Administration has requested absolutely no funds for library programs for FY 74. These cuts would do severe damage to public libraries, college libraries, elementary and secondary school libraries, and programs designed to provide new innovative library resources to remote areas.

The House is to be commended for restoring funds to this program in the amount of $176 million, but we should at least match the appropriations for FY 73 with a small cost of living increase. This would mean an increase of $60 million over the House figure.

Higher education

Though the President provided some increases in programs under higher education, many areas received reductions. We need more work study funds, not less. We need more direct-student loan programs, not a phase-out of them. The House Committee has shown good judgment in increasing these figures, and those increases deserve our support.

Congress must ensure that the Federal government follows the laws of the land. The law passed last year and signed by the President authorizing the student assistance program *requires* that money be provided for direct loans and supplemental opportunity grants *before* funds are allocated to the new program called Basic Opportunity Grants. In spite of this, the Nixon budget calls for no money in the supplemental opportunity grants program and only $5 million in direct loans. Congress must fund these student assistance programs in the fashion outlined by the law the President signed last year.

Vocational education

In the State of Utah, local districts spend $2 for every $1 earmarked by the State of Utah for vocational education programs. Funds provided to the state through Federal Vocational Education programs therefore have a "snowballing" effect and attract further support throughout the educational system.

Because of the importance of this program to the future job markets of America, the subcommittee should consider giving at least a 10 percent increase to vocational education funds over the FY 73 appropriation level. This would mean approximately $100 million more than the House has recommended.

The vocational technical field supplies 80 percent of new workers for skilled jobs in the United States. The training provided by such education helps to close the unemployment gap. This is a vital and important program and should continue to expand.

Funds for the handicapped

As a country, we are barely scratching the surface of the needs of those who have special handicaps. The Administration request for reduced funding in this area is remarkably insensitive to the needs of those who have an uphill battle in life. The House increase of $50 million, which brings the appropriation to the same level as FY 73, is a step, but at least $50 million should be added to the House figure. Special education now reaches 40 percent of those who need it nationally, my own state reaches 55 percent of such students, which is still a long way from the 100 percent that we ought to reach.

Our policy for years has indicated that we do not want these children to be closed off in remote care centers. We want to help them. But our money has not matched these commitments.

HEALTH PROGRAMS

Congress should support the President's stated objective of simplifying the medical and health delivery system in this country. Simpler governmental procedures and the decentralization of many decisions will benefit all concerned.

The shocking thing about the President's budget is that it does not accomplish the President's stated objective of delivering health care directly to neglected areas. The President has cut programs to reduce treatment of alcoholism, reduced many areas of health research, cut funds for the Community Mental Health staff, and eliminated Community Health Facilities Grants.

Area health center programs provide a good example of how we can make programs work if we draft proper regulations and supply adequate funds. We must expand the programs that actually take health care out to those who presently receive far too little. The President, however, proposes no money for comprehensive health services planning grants, and a reduction in the comprehensive health planning program. His cuts in the Office of Economic Opportunity programs could lead to a decline in the number of neighborhood health facilities funded by that agency.

Incredibly, the President believes that he can hide cuts in virtually every area of health research under the guise of increased funds for research on cancer and heart disease. Have dental problems, arthritis, strokes, multiple sclerosis, and Parkinson's disease disappeared from the American population? Is mental retardation no longer a problem? We need increases in research activities other than cancer and heart disease so that they could continue to expand their investigations. Under the Nixon proposal, these programs would face substantial cuts. The President's cuts are not responsible and Congress must repair them.

Medical school cuts

The medical schools of the country have been very hard hit by the Nixon budget. If we kill many research programs, eliminate medical construction funds, kill or reduce the capitation grants to medical schools, then medical education and eventually the consumers of health care across the country will be irreparably damaged. These are not responsible budget cuts—they are attacks on many of the most responsible elements of American Society. The public wants and will support efforts to improve and expand the medical research and delivery system in this country.

The University of Utah College of Medicine in my own state provides an excellent example of the breadth of the President's budget cuts. The reductions projected in the President's budget request, when applied to the U of U College of Medicine, would equal 40 percent of the Federal funds received by the school. Federal support constitutes 73 percent of the total funds of the school, so this is an extremely severe cutback.

This would require a cut of 46 full-time faculty members and 200 full- or part-time staff members. The cut alone would amount to twice the amount of money supplied by state appropriations. So it is clear that this school will not be able to go to the State Legislature to request funds to cover the Federal reductions.

Community mental health programs

Community Mental Health Programs have had a particularly important growth in the State of Utah in recent years. The recognition of the excellence of these programs has come from two rather disparate sources: The National Institutes of Mental Health, and Ralph Nader's Mental Health Task Force. These programs in Utah have brought mental health care to people in their communities, regardless of the income level of the persons to be treated. They have also reached out to remote areas in Utah to provide care in the rural regions of the state.

Federal officials have labeled the Weber County Comprehensive Mental Health Program as "very impressive," and Franklin Chu, co-author of last year's "Nader Report" on mental health said that Utah was developing an exceptionally good set of mental health centers. More people are being served through this program than through the old system of state hospitalization, and treatment is finding much greater success. We have applications at the Federal level for mental health centers in Bear River and Murray-Jordan in Utah.

Unless we continue to expand the Community Mental Health Center Program, regions of my state, and regions of all states throughout the country, will not receive the full benefits of this program. A half-done job must not stop. It must continue until it is done properly and done completely. I have enclosed at the end of my statement two news articles dealing with the very successful programs in Utah.

Yet the President has proposed eliminating Federal funds for these activities. He has done so because he says the Community Mental Health Program has been so successful that it does not need Federal support. Yet studies conducted of the programs show that while they have succeeded in many respects, their potential certainly has not been met. Many Community Mental Health Centers cannot afford to provide care for all those who cannot pay. The recommendations of experts who have reviewed the program clearly state that it must receive expanded Federal support if it is to make the programs available to all.

We ought to add $20 million to the $38 million increase provided by the House in Mental Health Training Programs. This is a modest increase over the FY 73 level. Hopefully, the Senate will add $15 million to the construction of Community Mental Health Centers. An additional $30 would also be needed to staff Community Mental Health Centers, above and beyond the House increases.

The health of the elderly

The President has made his major health care reduction fall upon the elderly. The Administration has claimed that by revising the co-insurance payment program under Medicare, the elderly will actually benefit. The recommendation is to increase co-insurance payments under Medicare by 10%, beginning with the second day of hospitalization. At the present the first sixty days are excluded under Medicare.

It was revealed in hearings before the Senate Labor and Public Welfare Committee recently that the Administration did not know how many days a person would have to stay in the hospital before their new proposal would actually benefit the patient.

Computations by that Committee indicate that a person would have to be hospitalized more than 100 days! Only seven-tenths of one percent of the elderly people who enter hospitals stay for more than one hundred days, and a large proportion of these are terminal cases. The proposal is a sham and a fraud. It should be rejected. To undo this Presidential mistake will increase the Federal budget by at least $690 million.

Congress and the President should join together and reform many of the basic health programs of the Federal government. Instead, the Administration has chosen simply to eliminate many of them. I strongly support an effort to focus and direct these programs so that they deliver the research we desire and deliver facilities and health services to those who actually need them. We must enact laws and regulations that accomplish this. We will also need increased funds for such carefully defined programs.

Other health programs

We have just begun to deliver health care to migrant workers. The President, however, must feel that we have already done enough, for he simply asks for level funding of the Migrant Health Program. This is not enough; we must expand and increase our efforts to reach one of the most neglected elements of the American society.

The increases made by the House in the drug abuse program seem very laudable to me and the Senate would seem well-advised to agree to those. I was disappointed, however, in the cuts in the alcoholism program supported by the House action. If the Senate could provide a modest increase over the FY 73 level, which would take an addition of $50 million, it would be providing a substantial public service. Increases are also justified above the House recommendations in the following amounts: comprehensive health planning, $10 million; comprehensive health service migrant health branch, $6 million; maternal and child health programs, $20 million; preventive health services, $40 million; National Institutes of Health, $200 million.

The health of America depends significantly on research funded at the Federal level and health program innovations that need assistance from Federal funds. These programs are national, not local. Germs, birth defects, emergency medical care, and such health problems do not respect state boundaries. We will have a more efficient medical system if we coordinate such work at the Federal level and use Federal funds to help carry the burden of financing research in medicine.

Restored funding should appear in most areas of health appropriations. While Congress should support the idea of reforming our health care programs at the Federal level, we should continue our present programs until that occurs.

HELPING THE UNEMPLOYED AND UNDEREMPLOYED

President Nixon has suggested cutting Labor Department appropriations $1.44 billion from the level funded in FY 73! He has also recommended the phase-out of the public employment program, a program that has proven to be the cheapest way of cutting unemployment.

"What good is the work ethic if there is not enough work?"

The public employment jobs program which President Nixon has slated for elimination created approximately 160,000 jobs per year through an appropriation of slightly more than $1 billion per year. This figure rises to 200,000 jobs if we include part-time work. For every billion dollars spent on military procurement, on the other hand, there is a creation of only 55,000 jobs.

Buying jobs with Federal dollars instead of weapons systems makes sense economically and makes sense on humanitarian grounds. Economist Arthur Okun has demonstrated that a 1% reduction in unemployment creates a $30 billion increase in the Gross National Product. Therefore, this increases the U. S. Treasury revenues by $10 billion.

The PEP program has served the city of Salt Lake as well as 14 counties in Utah. The April report of the Department of Labor lists these recipients:

EMERGENCY EMPLOYMENT ACT, DISTRIBUTION OF FUNDS MAR. 19, 1973–JUNE 30, 1974, SEC. 5, SEC. 6, AND DISCRETIONARY

State, program agent, and subareas	Sec. 5			Sec. 6	Discretionary fund—Summer youth	Total
	Local jobs	State jobs	Total			
Utah	$1,812,400	$1,504,700	$3,317,100	$1,127,200		$4,444,300
Salt Lake City	318,300	384,400	702,700	292,100		994,800
Davis County	136,300		136,300	105,600		241,900
Balance of Salt Lake County	327,000	22,500	349,500			349,500
Utah County	454,600	131,200	585,800	299,600		885,400
Weber County	576,200	103,300	679,500	132,300		811,800
Balance of Utah		863,300	863,300	297,600		1,160,900
Box Elder County				25,900		25,900
Cache County				32,600		32,600
Carbon County				38,100		38,100
Duchesne County				20,600		20,600
Millard County				20,600		20,600
San Juan County				44,900		44,900
Sanpete County				35,300		35,300
Summit County				20,000		20,000
Tooele County				36,000		36,000
Wasatch County				23,600		23,600

By eliminating the public jobs program, jamming manpower training program together into the manpower revenue sharing proposal, and shoving them in the direction of state and local governments through manpower revenue sharing, the President has attempted to place the onus and burden of unemployment on the backs of mayors and governors. But Mr. Nixon will not be able to shift the responsibility for such an act from the Office of the Presidency.

The management of the general economy can only be conducted from the national government. Unemployment is and must be a Federal concern. It is imperative that we reinstitute the public service jobs program and restore the remainder of the manpower administration programs. We must restore the proper processes of government by disallowing the manpower revenue sharing proposal the Nixon Administration is attempting to implement by executive decree. This bold-faced action flies in the face of Congressional votes rejecting this proposal. Respect for the law and compassion for the unemployed are examples that ought to flow from the Federal government. If the President chooses not to fill such a role, Congress must.

The President's budget callously kills the Neighborhood Youth Corps Summer Job Program. I have joined with many other Senators in protesting this cut and in pointing out that the Emergency Employment Act of 1971 will not meet the employment needs of our poor youth. Only 9.8% of these jobs are held by poor youth. If we really care about curbing urban crime, we will restore the Neighborhood Youth Corps Program. The courts have forced the Administration to release $239 million for NYC this summer, but NYC's program for next summer may depend on the action of this Subcommittee.

This Subcommittee would do a great service if it would include funds to operate the Public Service Jobs Program at the same level as FY 73, which would be $1.2 billion. An additional $200 million for the remainder of Manpower Administration programs and $300 million for the Neighborhood Youth Corps would allow job training and employment services to keep pace with the growing complexity of our economy and labor market structure.

OFFICE OF ECONOMIC OPPORTUNITY

A real attack on poverty in America requires the passage of the President's welfare reform proposal, with amendments. Unfortunately, the President has not chosen to reintroduce this proposal or commit himself to its passage. This reform proposal would cost billions of dollars from the Federal treasury, but those billions of dollars would be well invested in the creation of better work incentives and greater equality. Tax revenues would increase to the Federal government through the employment that would occur under such a welfare proposal.

Instead of driving forward with his own imaginative proposal, the President has in a curious fashion virtually reversed himself and now proposes the elimination of even the meager efforts of the Office of Economic Opportunity. The elimination of poverty will cost billions of dollars; the poverty program only attracted a small drop in the bucket of the funds needed to attack this major social problem. Realizing this inadequate funding, OEO has worked on selected problems, such as pre-school education. In the process, however, it has aided in the development of leadership and created a voice for the poor in governmental decision processes. Through their Community Action Programs the poor now can present a common voice in decisions about placement of transportation systems, public building, and tax supported public service activities. Other segments of society can usually afford to finance their own access to such decisionmaking bodies, but the poor cannot.

The action of dismantling OEO fits the pattern in the Nixon budget: many of the programs scattered through the budget benefitting the poor are scheduled for cuts or elimination. The poor will have to fight a new battle (under the Nixon plan) to regain these programs at the state and local level. To further hamper this effort, the President is going to disband their army so they will not be able to wage an effective war to retain these programs even at the state and local level.

The irony and tragedy of these proposals is apparent. The odd criteria used in cutting programs appears in the slated elimination of the OEO program. After years of difficulty, conflict, and frustration, the poverty program has modified its approach and has learned to work with local community leaders. It has only been in the past few years that many of the local mayors in the country have come to agree upon a mutually defined role for the poor and the poverty program in their community. Now that this accommodation has worked out and cooperative efforts have begun, the Nixon Administration claims that the program is not succeeding and should be eliminated. Actually, it's successes have just begun.

The Community Action Programs have just reached the point where low income residents were beginning to be able to negotiate with local governments and private interests in a respectable and effective fashion. To cite an example from my own state, these groups in Salt Lake County have now been involved effectively in zoning decisions providing lawmakers with information that is not available without such participation. A Neighborhood Council of the poor has helped in the planning of a comprehensive health facility in Salt Lake County. Similar information has benefitted city planning decisions regarding housing, zoning and neighborhood improvements. If we disband such efforts we will simply return to an elite planning process that will eventually lead to further misunderstanding and conflict.

How do we measure the result when the members of the community actually develop the belief that they are able to talk with the mayor? That is "their" community leader, and that they can deal with him in a meaningful way? The Community Action Programs can help foster this belief and to provide a representational voice for a segment of society that cannot afford to do so on its own. We are a participatory democracy, and we cannot simply refuse entrance to those who are preoccupied with the hand-to-mouth existence burdening so much of the poor. Poverty is not simply lack of money; it is also lack of involvement and lack of full citizenship in the processes of the entire community.

If OEO is eliminated, one thousand Community Action Programs across the country will die. Few, if any, will be picked up by local communities that are already strapped for available funds. OEO will fire 435 of the 1935 Federal OEO employees, with 1500 others being transferred to other programs. Actually the cuts are much deeper. Of the 1500 left, 834 will go to General Services Administration to help liquidate OEO facilities, and then 538 of these will lose their jobs by June 30, 1974. The actual firing over the total time will be 973, not the 435 mentioned by the Administration.

Once again, we are supposed to create a work ethic by firing workers. Instead, Congress should not only extend the poverty program, we should expand it. It will not eliminate poverty—only significant welfare reform can do that—but it can help create a community voice and develop leadership so that the poor can participate in society. Welfare reform and the present poverty program go hand in hand.

The House has made a very substantial first step to restore the programs of the Office of Economic Opportunity. But the figure provided by the House is still much less than half of the FY 73 appropriation for OEO. The funding for the Legal Services Program must come from this same appropriation. It would therefore seem appropriate to add $170 million to the OEO appropriation to bring the total figure to $500 million, still considerably less than previous appropriations for OEO.

SUMMARY

This statement requests substantial—billions of dollars—for human resource activities funded through Federal programs. Where will the money come from? In a previous statement made before the Defense Appropriations Subcommittee, I called for budget reductions that more than offset the increases requested in this statement for human resource activity.

We face a matter of priorities. Development of human potential stands higher than the development of complicated esoteric weapon systems that duplicate existing defense strategic weapon systems. The Congress must never take action that will weaken our defense posture, but we must make sure that unnecessary weapons are not built at the expense of needed human resource programs. A responsible readjustment by the Senate of the budget requests submitted by the executive branch is a necessity and this Subcommittee's efforts to do so will receive my strong support.

LOCAL MENTAL HEALTH PROGRAMS PRAISED BY NATIONAL VISITOR

A top federal official from the National Institute of Mental Health (NIMH) described the Weber County Comprehensive Mental Health program as "very impressive" during a tour of the center and its satellite facilities.

B. J. Sadesky, assistant director for programs management with the NIMH service programs division, praised the scope of participation by the community in the mental health center and said Weber County is a leader in developing innovative programs.

TWO OFFICIALS

Mr. Sadesky was accompanied by two regional NIMH officials from Denver—acting associate mental health director Ted Fasso and clinical psychology consultant Dr. Stanley C. Mahoney.

Described his visit as a "learning" tour, Mr. Sadesky indicated he and another key federal official have been examining mental health programs throughout the nation to find new means of providing mental health services.

"It is certainly impressive to see what is being developed here . . . particularly in the context of services within the community," the NIMH official told newsmen.

"I'm also impressed by the extent the Weber County center has gone to in tapping existing community resources and developing others as needed," he continued.

"They seem to have tapped most resources here; and those they haven't tapped . . . they're getting ready to."

Mr. Sadesky said there is a shift in federal thinking that supports the concept of community mental health where services are provided by local agencies.

LAUDED ROLE

He lauded the Weber County Mental Health program for its role in pioneering community outpatient treatment and keeping people out of institutions such as mental hospitals.

"I have never, in my visits, seen anything quite like Problems Anonymous Action Group," Mr. Sadesky told reporters.

"While we really haven't had time to examine the program it certainly appears to be a good way of helping people who otherwise would not work out well in the community," he added.

Mr. Sadesky also was complimentary of the progressive approach to mental health that has become a trademark of the Weber County Center.

"They are not satisfied with what they have and keep moving on in new directions," the federal official observed.

"There are other extensive programs throughout the country . . . and I would have to say that this is among those programs which have successfully extended themselves," Mr. Sadesky concluded.

Mr. Fasso said that the Weber County Mental Health Center has been a "showcase" for innovative programming that has drawn numerous visitors from as far away as Norway.

"I think this center demonstrates there are community solutions to community problems," he pointed out.

IN CONCEPT

Dr. Mahoney told newsmen that the strength of Weber County's program lies in the concept that "you can't tell where the community leaves off and the center begins."

Both regional officials were highly complimentary of the independent Chicano crisis intervention and pre-school programs carried out by the Weber Council of Spanish Speaking Organizations.

Coordinated through the mental health center, these programs are funded by federal grants made to the independent non-profit council and specifically geared to aid the Chicano community.

UTAH EXCEPTION, SAYS NADER AIDE

State Mental Hospitals across the nation are "horrible places" but Utah is developing an exceptionally good set of mental health centers, exceptions to the national trend.

That view of mental health treatment came Thursday from Franklin D. Chu, co-author last year of the Nader report which scathed state hospitals throughout the nation.

He visited mental health centers functioning as community operations in Salt Lake Valley, Ogden and the Four Corners area this week.

The Nader publication which advocates the "longrange demise of state hospitals," will be revised and strengthened this fall, Chu said.

The Harvard social studies and political science major, had nothing but criticism for the state hospitals and said mental health centers in other states exist "in confusion."

The state institutions are "essentially dumping grounds for unwanted persons and institutions for political coersion," Chu charged.

He said the majority of people now in state hospitals "don't belong there for mental treatment." Instead, they should be elsewhere and receiving a whole variety of treatments," including medical health and a job.

Community mental health centers such as the three in Salt Lake Valley and western Utah were "supposed to supplant state hospitals" and be a broad program of which mental health treatment is only a part, Chu continued.

Although admitting his impressions Thursday, were "superficial" Chu gave good reports on the Utah centers other than the Provo State Hospital which he had not visited. "I'm very encouraged at what I've seen at the centers, the staffs are very enthusiastic and warm," Chu reported.

THE 18TH ANNUAL REPORT ON UNCOLLECTED FEDERAL TAXES

Mr. PROXMIRE. Mr. President, today I am reporting to the Congress and the American people on uncollected Federal taxes. With this report I am continuing a practice started in 1955 by Senator Williams of Delaware of inserting an inventory of delinquent and uncollectible taxpayer accounts in the CONGRESSIONAL RECORD for public inspection.

A report was prepared in 1971 by Senator BENNETT but this annual practice has since lapsed. I intend to provide this report to the American people on a yearly basis from this point forward.

The figures used in this report are not the usual tax obligations for 1972, which are not due until April 15, 1973. Rather, the data represent delinquencies for prior periods that were past due in 1972.

Basically there are two classes of uncollected taxes—those that are delinquent and those that are uncollectible. Accounts are classified as delinquent only after a series of attempts to collect the taxes have failed. Accounts are classified as uncollectible, according to former Internal Revenue Commissioner Randolph Thrower, only when—

> The likelihood of collection is so remote that it would be unwise to devote further manpower to them when it can better be used on more productive work.

Uncollectible taxes are not necessarily forever lost to the Government. The most common examples in this category are no-asset cases, taxpayers who cannot be located, and those where collection would cause undue hardship to the taxpayer or his family.

On the national level, taxes written off as uncollectible rose by 3 percent in 1972 to the highest figure in the Nation's history—$505,130,000. The 1971 figure was $490,665,000. Delinquencies rose by 5 percent to a whopping $2,156,541,000. This figure, up from 1971's $2,053,257,000, represents the second highest total in the delinquent tax category.

This means that in total $2,661,671,000 worth of taxes went uncollected in calendar year 1972, an increase of $117,749,000 or 5 percent from the previous year's value of $2,543,922,000.

If we look at the specifics of the delinquent tax accounts the situation is even more shocking. Delinquent employment taxes rose 14 percent, from $690,979,000 to $787,484,000, in 1972. Employment taxes are those collected by employers including income taxes withheld from employees' pay checks, employee and employer contributions for social security, and Federal unemployment compensation taxes. The point here is that these employment taxes are, in essence, trust funds held by the employer. He has no right to use the funds in the course of normal business operations. This is an inexcusable increase in delinquent employment tax accounts at a time when a substantial Federal deficit is contributing to the inflationary cycle in this country. It is inexcusable that there should be any delinquencies in this category.

Some aspects of the performance in the international operations region also leave a great deal to be desired. Uncollectible taxes more than tripled between 1971 and 1972. Whereas $8,287,000 was uncollectible in 1971, $27,443,000 was uncollectible 1-year later. Moreover delinquent international employment taxes showed a 45 percent increase from $8,437,000 in 1971 to $12,218,000 in 1972. Again, these employment taxes are held in trust by the employer—he cannot use the money for any other purpose. This poor record of collection merits special attention.

These figures raise serious questions regarding the tax collecting performance of the Internal Revenue Service. We all have to pay taxes. It is no fun. But it is especially galling to think that billions of dollars are going down the tax delinquency rathole.

I intend to press forward in an effort to tighten up IRS collection procedures so that, at the very least, our employment tax record improves.

Included in this report is a series of 4 charts which will show how each of the 58 domestic and 2 international districts are functioning with regard to their collection duties. Chart No. 1 is an inventory of taxpayer uncollected accounts, broken down into regions and districts and into uncollectible and delinquent categories. It compares the performances in 1972 with those in 1971.

Chart No. 2 takes the delinquent account portion of chart No. 1 and divides it into income, employment, and other tax groups. Inactive accounts are included in the delinquency totals. Again, the region and district records for 1972 and 1971 are shown.

Chart No. 3 takes the uncollectible account portion of chart No. 1 and lists the number and amount of uncollectibles for these 2 years. The breakdown is also by district and region.

Chart No. 4 contains data from the 1972 Commissioners Annual Report from the Department of the Treasury dealing with the total amount of collection made by the IRS in each of the offices. These figures are provided in order to illustrate how offices with comparable levels of collection fared against each other.

Mr. President, I ask unanimous consent that the above-described charts be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHART 1.—INVENTORY OF TAXPAYER UNCOLLECTED ACCOUNTS, AS OF DEC. 31, 1972 AND 1971

[In thousands of dollars]

	1972	1971
REGION		
North Atlantic:		
Marked off as uncollectible	90, 506	87, 595
Balance delinquent a/c Dec. 31	514, 542	507, 441
Total uncollected taxes	605, 048	595, 036
Mid-Atlantic:		
Marked off as uncollectible	58, 707	55, 704
Balance delinquent a/c Dec. 31	331, 732	310, 567
Total uncollected taxes	390, 439	366, 271
Southeast:		
Marked off as uncollectible	73, 520	68, 643
Balance delinquent a/c Dec. 31	244, 921	216, 692
Total uncollected taxes	318, 441	285, 335
Central:		
Marked off as uncollectible	59, 744	50, 874
Balance delinquent a/c Dec. 31	206, 202	178, 223
Total uncollected taxes	265, 946	229, 097
Midwest:		
Marked off as uncollectible	49, 901	39, 978
Balance delinquent a/c Dec. 31	219, 196	188, 013
Total uncollected taxes	269, 097	227, 991
Southwest:		
Marked off as uncollectible	62, 970	57, 887
Balance delinquent a/c Dec. 31	268, 734	282, 487
Total uncollected taxes	331, 704	340, 374
Western:		
Marked off as uncollectible	82, 339	121, 697
Balance delinquent a/c Dec. 31	282, 496	270, 703
Total uncollected taxes	364, 835	392, 400
International operations:		
Marked off as uncollectible	27, 443	8, 287
Balance delinquent a/c Dec. 31	88, 718	99, 131
Total uncollected taxes	116, 161	107, 418
Total:		
Marked off as uncollectible	505, 130	490, 665
Balance delinquent a/c Dec. 31	2, 156, 541	2, 053, 257
Total uncollected taxes	2, 661, 671	2, 543, 922
NORTH ATLANTIC REGION		
Albany, N.Y:		
Marked off as uncollectible	3, 632	5, 600
Balance delinquent a/c Dec. 31	14, 941	13, 879
Total uncollected taxes	18, 573	19, 479
Augusta, Maine:		
Marked off as uncollectible	2, 091	628
Balance delinquent a/c Dec. 31	4, 482	4, 816
Total uncollected taxes	6, 573	5, 444
Boston, Mass.:		
Marked off as uncollectible	20, 201	10, 692
Balance delinquent a/c Dec. 31	62, 942	67, 250
Total uncollected taxes	83, 143	77, 942
Brooklyn, N.Y.:		
Marked off as uncollectible	21, 478	24, 583
Balance delinquent a/c Dec. 31	99, 325	93, 397
Total uncollected taxes	120, 803	117, 980
Buffalo, N.Y:		
Marked off as uncollectible	5, 788	5, 366
Balance delinquent a/c Dec. 31	31, 257	33, 242
Total uncollected taxes	37, 045	38, 608
Burlington, Vt.:		
Marked off as uncollectible	553	458
Balance delinquent a/c Dec. 31	3, 590	3, 169
Total uncollected taxes	4, 143	3, 627
Hartford, Conn.:		
Marked off as uncollectible	6, 951	3, 600
Balance delinquent a/c Dec. 31	34, 486	29, 615
Total uncollected taxes	41, 437	33, 215
Manhattan, N.Y.:		
Marked off as uncollectible	27, 400	33, 721
Balance delinquent a/c Dec. 31	251, 077	251, 506
Total uncollected taxes	278, 477	285, 227

	1972	1971
Portsmouth, N.H.:		
Marked off as uncollectible	1, 342	1, 451
Balance delinquent a/c Dec. 31	4, 239	3, 729
Total uncollected taxes	5, 581	5, 180
Providence, R.I.:		
Marked off as uncollectible	1, 070	1, 496
Balance delinquent a/c Dec. 31	8, 203	6, 837
Total uncollected taxes	9, 273	8, 3
MID-ATLANTIC REGION		
Baltimore, Md.:		
Marked off as uncollectible	6, 924	9, 104
Balance delinquent a/c Dec. 31	78, 275	62, 579
Total uncollected taxes	85, 199	71, 683
Newark, N.J.:		
Marked off as unccllectible	13, 551	22, 667
Balance delinquent a/c Dec. 31	118, 057	111, 324
Total uncollected taxes	131, 608	133, 991
Philadelphia, Pa.:		
Marked off as uncollectible	13, 223	12, 593
Balance delinquent a/c Dec. 31	74, 341	63, 185
Total uncollected taxes	87, 564	75, 778
Pittsburgh, Pa.:		
Marked off as uncollectible	17, 618	4, 560
Balance delinquent a/c Dec. 31	29, 219	41, 014
Total uncollected taxes	46, 837	45, 574
Richmond, Va.:		
Marked off as uncollectible	6, 440	5, 957
Balance delinquent a/c Dec. 31	27, 017	27, 402
Total uncollected taxes	33, 457	33, 359
Wilmington, Del.:		
Marked off as uncollectible	951	823
Balance delinquent a/c Dec. 31	4, 823	5, 063
Total uncollected taxes	5, 774	5, 886
SOUTHEAST REGION		
Atlanta, Ga.:		
Marked off as uncollectible	14, 573	8, 317
Balance delinquent a/c Dec. 31	33, 937	28, 474
Total uncollected taxes	48, 510	36, 791
Birmingham, Ala.:		
Marked off as uncollectible	4, 538	3, 307
Balance delinquent a/c Dec. 31	23, 259	21, 139
Total uncollected taxes	27, 797	24, 446
Columbia, S.C.:		
Marked off as uncollectible	2, 752	2, 609
Balance delinquent a/c Dec. 31	14, 033	9, 412
Total uncollected taxes	16, 785	12, 021
Greensboro, N.C.:		
Marked off as uncollectible	4, 195	3, 697
Balance delinquent a/c Dec. 31	25, 788	24, 506
Total uncollected taxes	29, 983	28, 203
Jackson, Miss.:		
Marked off as uncollectible	7, 089	3, 752
Balance delinquent a/c Dec. 31	9, 855	7, 723
Total uncollected taxes	16, 944	11, 475
Jacksonville, Fla.:		
Marked off as uncollectible	35, 028	39, 203
Balance delinquent a/c Dec. 31	111, 988	99, 777
Total uncollected taxes	147, 016	138, 980
Nashville, Tenn.:		
Marked off as uncollectible	5, 345	7, 758
Balance delinquent a/c Dec. 31	26, 061	25, 661
Total uncollected taxes	31, 406	33, 419
CENTRAL REGION		
Cincinnati, Ohio:		
Marked off as uncollectible	8, 132	6, 454
Balance delinquent a/c Dec. 31	28, 421	22, 296
Total uncollected taxes	36, 553	28, 750
Cleveland, Ohio:		
Marked off as uncollectible	12, 879	16, 141
Balance delinquent a/c Dec. 31	29, 586	28, 661
Total uncollected taxes	42, 465	44, 802
Detroit, Mich.:		
Marked off as uncollectible	18, 125	13, 456
Balance delinquent a/c Dec. 31	79, 929	64, 480
Total uncollected taxes	98, 054	77, 936
Indianapolis, Ind.:		
Marked off as uncollectible	15, 216	8, 162
Balance delinquent a/c Dec. 31	37, 964	37, 436
Total uncollected taxes	53, 180	45, 598
Louisville, Ky.:		
Marked off as uncollectible	4, 200	4, 688
Balance delinquent a/c Dec. 31	19, 919	17, 341
Total uncollected taxes	24, 119	22, 029
Parkersburg, W. Va.:		
Marked off as uncollectible	1, 192	1, 973
Balance delinquent a/c Dec. 31	10, 383	8, 009
Total uncollected taxes	11, 575	9, 982
MIDWEST REGION		
Aberdeen, S. Dak.:		
Marked off as uncollectible	223	185
Balance delinquent a/c Dec. 31	3, 135	2, 726
Total uncollected taxes	3, 358	2, 911
Chicago, Ill.:		
Marked off as uncollectible	26, 538	15, 623
Balance delinquent a/c Dec. 31	99, 376	87, 682
Total uncollected taxes	125, 914	103, 305
Des Moines, Iowa:		
Marked off as uncollectible	2, 839	1, 711
Balance delinquent a/c Dec. 31	8, 055	8, 271
Total uncollected taxes	10, 894	9, 982
Fargo, N. Dak.:		
Marked off as uncollectible	251	373
Balance delinquent a/c Dec. 31	1, 758	1, 483
Total uncollected taxes	2, 009	1, 856
Milwaukee, Wis.:		
Marked off as uncollectible	4, 207	4, 698
Balance delinquent a/c Dec. 31	20, 001	18, 514
Total uncollected taxes	24, 208	23, 212
Omaha, Nebr.:		
Marked off as uncollectible	973	907
Balance delinquent a/c Dec. 31	10, 456	7, 431
Total uncollected taxes	11, 429	8, 338
St. Louis, Mo.:		
Marked off as uncollectible	8, 887	8, 115
Balance delinquent a/c Dec. 31	45, 243	31, 985
Total uncollected taxes	54, 130	40, 100
St. Paul, Minn.:		
Marked off as uncollectible	4, 236	6, 227
Balance delinquent a/c Dec. 31	20, 226	20, 256
Total uncollected taxes	24, 462	26, 483
Springfield, Ill.:		
Marked off as uncollectible	1, 747	2, 139
Balance delinquent a/c Dec. 31	10, 946	9, 665
Total uncollected taxes	12, 693	11, 804
SOUTHWEST REGION		
Albuquerque, N. Mex.:		
Marked off as uncollectible	1, 251	1, 253
Balance delinquent a/c Dec. 31	5, 741	5, 194
Total uncollected taxes	6, 992	6, 447
Austin, Tex.:		
Marked off as uncollectible	13, 044	19, 250
Balance delinquent a/c Dec. 31	78, 297	75, 670
Total uncollected taxes	91, 341	94, 920
Cheyenne, Wyo.:		
Marked off as uncollectible	477	277
Balance delinquent a/c Dec. 31	1, 635	1, 547
Total uncollected taxes	2, 112	1, 824
Dallas, Tex.:		
Marked off as uncollectible	20, 563	13, 639
Balance delinquent a/c Dec. 31	54, 369	84, 636
Total uncollected taxes	74, 932	98, 275
Denver, Colo.:		
Marked off as uncollectible	6, 500	6, 023
Balance delinquent a/c Dec. 31	78, 312	55, 079
Total uncollected taxes	84, 812	61, 102
Little Rock, Ark.:		
Marked off as uncollectible	1, 690	2, 588
Balance delinquent a/c Dec. 31	6, 816	6, 576
Total uncollected taxes	8, 506	9, 164
New Orleans, La.:		
Marked off as uncollectible	9, 723	6, 914
Balance delinquent a/c Dec. 31	18, 887	23, 078
Total uncollected taxes	28, 610	29, 992
Oklahoma City, Okla.:		
Marked off as uncollectible	4, 956	4, 278
Balance delinquent a/c Dec. 31	13, 641	16, 427
Total uncollected taxes	18, 597	20, 705
Wichita, Kans.:		
Marked off as uncollectible	4, 766	3, 665
Balance delinquent a/c Dec. 31	11 036	14, 280
Total uncollected taxes	15, 802	17, 945
WESTERN REGION		
Anchorage, Alaska:		
Marked off as uncollectiblle	511	994
Balance delinquent a/c Dec. 31	2, 820	2, 624
Total uncollected taxes	3, 331	3, 618
Boise, Idaho:		
Marked off as uncollectible	494	173
Balance delinquent a/c Dec. 31	4, 160	2, 873
Total uncollected taxes	4, 654	3, 046
Helena, Mont.:		
Marked off as uncollectible	962	801
Balance delinquent a/c Dec. 31	3, 423	3, 130
Total uncollected taxes	4, 385	3, 931
Honolulu, Hawaii:		
Marked off as uncollectible	1, 406	899
Balance delinquent a/c Dec. 31	4, 490	5, 214
Total uncollected taxes	5, 896	6, 113
Los Angeles, Calif.:		
Marked off as uncollectible	45, 131	43, 828
Balance delinquent a/c Dec. 31	109, 234	116, 273
Total uncollected taxes	154, 365	160, 101
Phoenix, Ariz.:		
Marked off as uncollectible	5, 085	9. 939
Balance delinquent a/c Dec. 31	15, 687	16, 435
Total uncollected taxes	20, 772	26, 374
Portland, Oreg.:		
Marked off as uncollectible	3. 764	4, 041
Balance delinquent a/c Dec. 31	30, 678	21, 687
Total uncollected taxes	34, 442	25, 728
Reno, Nev.:		
Marked off as uncollectible	3, 392	1, 354
Balance delinquent a/c Dec. 31	13, 804	13, 121
Total uncollected taxes	17, 196	14, 475
Salt Lake City, Utah:		
Marked off as uncollectible	3, 437	2, 710
Balance delinquent a/c Dec. 31	9, 990	4, 912
Total uncollected taxes	13, 427	7, 622
San Francisco, Calif.:		
Marked off as uncollectible	12, 258	47, 870
Balance delinquent a/c Dec. 31	68, 279	60, 197
Total uncollected taxes	80, 537	108, 067
Seattle, Wash.:		
Marked off as uncollectible	5, 899	9, 088
Balance delinquent a/c Dec. 31	19, 931	24, 237
Total uncollected taxes	25, 830	33, 325
INTERNATIONAL OPERATIONS		
Puerto Rico:		
Marked off as uncollectible	847	409
Balance delinquent a/c Dec. 31	9, 072	6, 650
Total uncollected taxes	9, 919	7, 059
All other:		
Marked off as uncollectible	26, 596	7, 878
Balance delinquent a/c Dec. 31	79, 646	92, 481
Total uncollected taxes	106, 242	100, 359

CHART 2.—TAXPAYER DELINQUENT ACCOUNTS REPORTED AS UNCOLLECTIBLE, CALENDAR YEARS 1972 AND 1971

	Uncollectible			
	Number		Amount (thousands)	
	1972	1971	1972	1971
Total	330,797	379,419	$505,130	$490,665
North-Atlantic	70,341	75,776	90,506	87,595
Mid-Atlantic	39,508	46,269	58,707	55,704
Southeast	44,434	50,925	73,520	68,643
Central	42,641	47,951	59,744	50,874
Midwest	38,017	44,194	49,901	39,978
Southwest	38,373	47,191	62,970	57,887
Western	54,639	64,163	82,339	121,697
International operations	2,844	2,950	27,443	8,287
North-Atlantic region:				
Albany	3,403	3,577	3,632	5,600
Augusta	1,150	1,641	2,091	628
Boston	14,339	11,600	20,201	10,692
Brooklyn	18,681	22,968	21,478	24,583
Buffalo	5,811	7,888	5,788	5,366
Burlington	771	537	553	458
Hartford	5,552	3,693	6,951	3,600
Manhattan	18,270	20,883	27,400	33,721
Portsmouth	1,065	977	1,342	1,451
Providence	1,299	2,012	1,070	1,496
Mid-Atlantic region:				
Baltimore	8,503	9,276	6,924	9,104
Newark	10,008	11,239	13,551	22,667
Philadelphia	8,213	10,783	13,223	12,593
Pittsburgh	5,182	5,095	17,618	4,560
Richmond	6,337	8,522	6,440	5,957
Wilmington	1,265	1,354	951	823
Southeast region:				
Atlanta	7,476	8,328	14,573	8,317
Birmingham	4,126	4,823	4,538	3,307
Columbia	3,457	3,619	2,752	2,609
Greensboro	5,834	7,267	4,195	3,697
Jackson	2,959	2,978	7,089	3,752
Jacksonville	13,365	16,663	35,038	39,203
Nashville	7,217	7,247	5,345	7,758
Central region:				
Cincinnati	7,174	8,190	8,132	6,454
Cleveland	9,544	10,116	12,879	16,141
Detroit	$13,567	$14,047	$18,125	$13,456
Indianapolis	6,834	7,775	15,216	8,162
Louisville	4,226	6,091	4,200	4,688
Parkersburg	1,296	1,732	1,192	1,973
Midwest region:				
Aberdeen	320	453	223	185
Chicago	15,460	16,029	26,538	15,623
Des Moines	2,707	2,696	2,839	1,711
Fargo	446	627	251	373
Milwaukee	4,263	5,616	4,207	4,698
Omaha	1,088	1,228	973	907
St. Louis	6,334	8,829	8,887	8,115
St. Paul	4,639	5,146	4,236	6,227
Springfield	2,760	3,570	1,747	2,139
Southwest region:				
Albuquerque	1,217	1,220	1,251	1,253
Austin	9,986	11,431	13,044	19,250
Cheyenne	515	464	477	277
Dallas	8,840	11,322	20,563	13,639
Denver	3,724	4,427	6,500	6,023
Little Rock	2,507	2,851	1,690	2,588
New Orleans	4,222	5,859	9,723	6,914
Oklahoma City	4,177	5,079	4,956	4,278
Wichita	3,185	4,538	4,766	3,665
Western region:				
Anchorage	473	683	511	994
Boise	562	696	494	173
Helena	1,124	1,112	962	801
Honolulu	1,046	707	1,406	899
Los Angeles	22,275	24,776	45,131	43,828
Phoenix	2,898	2,964	5,085	9,939
Portland	3,848	4,818	3,764	4,041
Reno	1,308	1,282	3,392	1,354
Salt Lake City	1,587	1,810	3,437	2,710
San Francisco	14,323	19,570	12,258	47,870
Seattle	5,195	5,745	5,899	9,088
International operations:				
Puerto Rico	1,054	766	847	409
All other	1,790	2,184	26,596	7,878

Note: Rounded figures may not add to the totals which are based on unrounded figures.

CHART 3.—INVENTORY OF TAXPAYER DELINQUENT ACCOUNTS IN HANDS OF FIELD FORCE FOR COLLECTION ACTION, DECEMBER 1972 AND 1971

[Amounts in thousands of dollars]

	Tax groups											
	Income				Employment				Other			
	Number		Amount		Number		Amount		Number		Amount	
	1972	1971	1972	1971	1972	1971	1972	1971	1972	1971	1972	1971
Total	492,884	505,147	1,086,003	1,030,061	349,272	332,556	787,484	690,979	43,940	43,011	283,047	332,216
North-Atlantic	84,140	93,316	245,381	263,905	74,086	75,294	222,581	186,950	5,131	6,522	46,577	56,586
Mid-Atlantic	83,247	84,192	172,549	143,425	50,372	45,501	117,760	113,984	6,939	6,412	41,425	53,158
Southeast	78,458	77,585	138,502	112,832	50,177	48,180	89,830	76,219	5,513	6,232	16,589	27,641
Central	64,802	65,571	88,308	80,849	43,767	41,037	95,137	78,944	6,843	4,056	22,755	18,429
Midwest	55,753	53,192	110,266	90,592	39,703	37,002	90,499	72,487	5,335	5,276	18,431	24,935
Southwest	51,056	54,972	112,698	142,894	41,580	41,958	74,414	71,715	6,527	6,374	81,621	67,879
Western	66,723	69,918	153,768	135,155	41,947	37,755	85,045	82,244	7,270	7,713	43,681	53,303
International operations	8,705	6,401	64,531	60,409	7,640	6,829	12,218	8,437	382	426	11,968	30,285
North-Atlantic region:												
Albany	4,531	5,525	6,127	5,566	4,028	3,890	8,192	6,965	322	428	621	1,348
Augusta	1,861	1,824	1,581	1,233	1,707	1,273	2,293	1,536	197	277	608	2,047
Boston	13,854	13,420	24,618	33,625	12,866	16,219	31,574	26,969	855	1,035	6,750	6,656
Brooklyn	17,827	15,908	58,018	43,317	12,237	12,401	34,938	39,512	628	866	6,368	10,569
Buffalo	10,524	11,440	11,202	12,541	8,243	7,538	16,835	14,546	767	989	3,220	6,155
Burlington	1,373	1,529	1,968	1,542	866	1,142	1,324	1,400	110	149	297	227
Hartford	7,826	10,829	15,632	14,443	6,372	5,377	14,405	11,058	377	657	4,448	4,114
Manhattan	23,338	29,466	120,519	146,758	24,479	24,427	106,809	79,430	1,620	1,936	23,749	25,318
Portsmouth	1,614	1,881	1,310	1,417	1,585	1,587	2,757	2,251	150	105	173	61
Providence	1,592	1,494	4,406	3,463	1,703	1,440	3,454	3,283	105	80	343	91
Mid-Atlantic region:												
Baltimore	21,116	21,505	48,978	38,348	8,959	9,071	20,634	20,044	1,264	1,042	8,663	4,187
Newark	25,508	24,581	62,325	49,974	16,338	14,123	41,625	43,129	2,010	1,577	14,107	18,221
Philadelphia	15,318	13,972	34,400	25,709	11,455	9,312	28,810	25,675	1,679	1,496	11,132	11,802
Pittsburgh	8,271	10,374	14,276	14,673	5,833	5,722	11,574	11,930	1,018	1,185	3,367	14,411
Richmond	10,410	11,117	10,375	12,081	6,513	6,094	12,627	10,995	802	826	4,016	4,325
Wilmington	2,624	2,643	2,193	2,640	1,274	1,179	2,490	2,212	166	286	140	211
Southeast region:												
Atlanta	11,305	10,370	18,586	9,560	8,483	8,042	13,858	11,080	736	1,046	1,493	7,835
Birmingham	8,243	7,850	13,711	11,243	4,956	5,133	8,046	8,307	882	587	1,502	1,589
Columbia	7,029	7,655	9,192	5,121	4,104	3,936	4,278	3,799	563	590	563	492
Greensboro	13,502	14,465	11,121	10,189	6,066	6,078	12,362	12,242	774	614	2,304	2,073
Jackson	5,047	4,460	5,553	3,371	3,312	2,915	3,961	3,815	385	342	341	537
Jacksonville	22,233	20,909	65,352	59,753	16,956	14,639	37,944	27,104	1,323	2,193	8,693	12,920
Nashville	11,099	11,696	14,987	13,595	6,500	7,437	9,381	9,870	850	860	1,693	2,196
Central region:												
Cincinnati	10,172	10,743	11,258	9,095	6,766	5,625	12,291	10,043	998	588	4,872	3,158
Cleveland	12,232	13,618	13,296	12,811	6,912	6,646	13,551	13,032	1,242	751	2,739	2,818
Detroit	21,180	20,035	33,603	27,216	13,995	13,760	36,907	30,675	1,772	1,179	9,418	6,589
Indianapolis	10,394	10,272	15,498	18,714	8,975	8,127	20,020	15,559	1,406	852	2,446	3,163
Louisville	7,706	8,041	10,035	9,533	4,523	3,976	7,731	6,345	862	361	2,153	1,463
Parkersburg	3,118	2,862	4,618	3,481	2,596	1,903	4,637	3,291	563	325	1,127	1,238
Midwest region:												
Aberdeen	934	1,045	1,692	1,113	739	771	685	663	138	134	757	950
Chicago	21,690	17,929	47,508	43,903	15,324	12,308	47,672	32,744	1,584	1,186	4,197	11,035
Des Moines	4,026	4,883	3,246	3,948	3,439	2,848	3,668	3,189	527	618	1,142	1,133
Fargo	922	1,025	714	750	812	756	807	650	151	148	237	82

CHART 3.—INVENTORY OF TAXPAYER DELINQUENT ACCOUNTS IN HANDS OF FIELD FORCE FOR COLLECTION ACTION, DECEMBER 1972 AND 1971—Continued

	Tax groups											
	Income				Employment				Other			
	Number		Amount		Number		Amount		Number		Amount	
	1972	1971	1972	1971	1972	1971	1972	1971	1972	1971	1972	1971
Midwest region—Continued												
Milwaukee	9,032	6,725	8,094	6,778	3,389	4,846	6,650	8,593	877	709	5,257	3,143
Omaha	2,227	2,373	6,124	4,437	1,869	1,692	2,519	2,172	310	338	1,813	822
St. Louis	8,087	9,973	31,033	18,411	6,070	6,247	12,272	10,869	843	886	1,938	2,705
St. Paul	5,399	5,178	8,087	7,003	4,815	4,558	9,859	9,042	547	729	2,279	4,211
Springfield	3,436	4,061	3,768	4,248	3,255	2,976	6,367	4,564	358	528	811	853
Southwest region:												
Albuquerque	1,683	1,895	2,785	3,157	2,038	1,437	2,212	1,313	113	202	744	724
Austin	13,846	14,423	44,597	44,005	11,442	10,979	22,926	18,483	1,528	1,337	10,774	13,183
Cheyenne	724	825	693	704	698	645	849	720	95	74	93	123
Dallas	12,520	13,665	27,931	58,000	9,074	9,966	15,869	18,893	1,844	1,338	10,569	7,743
Denver	4,617	5,175	13,712	8,219	4,242	4,392	9,381	8,210	558	1,082	55,219	38,651
Little Rock	3,136	3,543	3,291	3,761	2,233	2,557	2,922	2,474	586	391	603	341
New Orleans	5,190	4,900	9,742	11,464	4,700	4,633	7,949	8,341	717	703	1,195	3,274
Oklahoma City	5,177	6,069	5,670	7,786	4,198	4,385	6,609	6,264	632	545	1,362	2,377
Wichita	4,163	4,477	4,277	5,798	2,955	2,964	5,697	7,016	454	702	1,062	1,465
Western region:												
Anchorage	824	918	1,311	1,178	615	497	1,368	1,175	67	69	140	271
Boise	1,728	1,211	1,252	763	1,429	841	2,787	1,772	113	251	120	338
Helena	1,591	1,562	1,470	1,411	1,066	988	1,568	1,460	168	201	385	259
Honolulu	1,231	1,603	1,943	2,328	881	987	1,898	2,271	105	134	650	616
Los Angeles	22,148	22,474	59,796	62,981	13,478	12,415	31,216	32,654	2,158	2,265	18,222	20,639
Phoenix	4,293	4,713	8,322	6,106	2,734	2,340	6,589	5,123	487	599	775	5,206
Portland	5,478	6,004	23,224	15,254	3,622	2,851	5,717	5,012	476	674	1,736	1,421
Reno	1,878	1,712	7,104	6,119	1,248	1,100	3,249	2,781	105	180	3,452	4,221
Salt Lake City	1,811	1,865	7,147	2,672	1,640	1,384	2,481	1,822	205	175	362	418
San Francisco	19,188	20,296	32,735	26,237	10,482	9,435	21,478	16,347	2,594	2,387	14,067	17,613
Seattle	6,553	7,560	9,464	10,107	4,752	4,917	6,694	11,828	792	778	3,772	2,302
International operations:												
Puerto Rico	1,109	912	1,009	787	6,512	6,079	7,909	5,804	14	21	154	59
All other	7,596	5,489	63,522	59,622	1,128	750	4,309	2,633	368	405	11,814	30,227

	Total (tax groups)				Inactive			
	Number		Amount		Number		Amount	
	1972	1971	1972	1971	1972	1971	1972	1971
Total	886,096	880,714	2,156,541	2,053,257	58,671	68,060	633,809	664,159
North Atlantic	163,357	175,132	514,542	507,441	12,173	13,398	159,213	171,139
Mid-Atlantic	140,558	136,105	331,732	310,567	9,079	10,303	95,344	101,929
Southeast	134,148	131,997	244,921	216,692	9,118	10,058	79,342	61,844
Central	115,412	109,664	206,202	178,223	5,297	6,445	38,887	39,658
Midwest	100,791	95,470	219,196	188,013	5,492	6,812	38,648	37,533
Southwest	99,163	103,304	268,734	282,487	7,344	8,625	87,325	117,279
Western	115,940	115,386	282,496	270,703	8,935	11,007	101,442	103,768
International operations	16,727	13,656	88,718	99,131	1,233	1,412	33,608	31,009
North-Atlantic region:								
Albany	8,681	9,843	14,941	13,879	379	551	3,600	4,030
Augusta	3,765	3,374	4,482	4,816	415	474	1,389	1,118
Boston	27,575	30,674	62,942	67,250	2,427	2,366	19,386	19,574
Brooklyn	30,692	29,175	99,325	93,397	2,319	2,275	35,262	35,379
Buffalo	19,534	19,967	31,257	33,242	1,088	1,418	5,733	7,303
Burlington	2,349	2,820	3,590	3,169	137	184	561	340
Hartford	14,575	16,863	34,486	29,615	1,083	1,173	5,536	8,242
Manhattan	49,437	55,829	251,077	251,506	3,737	4,310	83,855	91,247
Portsmouth	3,349	3,573	4,239	3,729	158	201	654	666
Providence	3,400	3,014	8,203	6,837	430	446	3,237	3,240
Mid-Atlantic region:								
Baltimore	31,339	31,618	78,275	62,579	1,761	1,930	21,430	19,655
Newark	43,856	40,281	118,057	111,324	3,694	3,422	41,223	51,749
Philadelphia	28,452	24,780	74,341	63,185	1,580	2,438	18,524	19,093
Pittsburgh	15,122	17,281	29,219	41,014	976	1,077	7,604	6,450
Richmond	17,725	18,037	27,017	27,402	948	1,200	5,751	4,187
Wilmington	4,064	4,108	4,823	5,063	120	236	812	795
Southeast region:								
Atlanta	20,524	19,458	33,937	28,474	1,527	1,548	12,990	5,209
Birmingham	14,081	13,570	23,259	21,139	1,841	1,699	8,904	5,805
Columbia	11,696	12,181	14,033	9,412	472	553	1,923	1,449
Greensboro	20,342	21,157	25,788	24,506	1,328	1,329	10,468	9,936
Jackson	8,544	7,897	9,855	7,723	512	554	2,406	1,985
Jacksonville	40,512	37,741	111,988	99,777	1,644	2,011	35,493	29,998
Nashville	18,449	19,993	26,061	25,661	1,794	2,334	7,158	7,462
Central region:								
Cincinnati	17,936	16,956	28,421	22,296	943	1,463	5,814	4,956
Cleveland	20,386	21,015	29,586	28,661	626	777	4,626	4,825
Detroit	36,947	34,974	79,929	64,480	1,025	1,530	13,069	12,363
Indianapolis	20,775	19,251	37,964	37,436	1,347	1,147	8,193	9,437
Louisville	13,091	12,378	19,919	17,341	845	1,119	4,546	6,364
Parkersburg	6,277	5,090	10,383	8,009	511	409	2,639	1,713
Midwest region:								
Aberdeen	1,811	1,950	3,135	2,726	183	182	1,422	1,184
Chicago	38,598	31,423	99,376	87,682	841	1,288	11,525	11,514
Des Moines	7,992	8,349	8,055	8,271	704	896	1,373	1,991
Fargo	1,885	1,929	1,758	1,483	119	142	139	249
Milwaukee	13,298	12,280	20,001	18,514	686	737	4,576	3,958
Omaha	4,397	4,403	10,456	7,431	373	463	3,552	3,501
St. Louis	15,000	17,106	45,243	31,985	831	1,035	8,590	8,473
St. Paul	10,761	10,465	20,226	20,256	1,083	1,161	5,521	3,925
Springfield	7,049	7,565	10,946	9,665	672	908	1,950	2,738
Southwest region:								
Albuquerque	3,834	3,534	5,741	5,194	371	237	2,241	1,777
Austin	26,816	26,739	78,297	75,670	1,536	1,505	41,783	42,105
Cheyenne	1,517	1,544	1,635	1,547	134	145	252	220
Dallas	23,438	24,969	54,369	84,636	1,518	2,272	24,839	48,853
Denver	9,417	10,649	78,312	55,079	670	764	3,321	2,961
Little Rock	5,955	6,491	6,816	6,576	574	745	1,904	2,229
New Orleans	10,607	10,236	18,887	23,078	1,168	1,350	7,346	7,767
Oklahoma City	10,007	10,999	13,641	16,427	751	736	3,022	5,392
Wichita	7,572	8,143	11,036	14,280	622	871	2,617	5,975

	Total (tax groups)				Inactive			
	Number		Amount		Number		Amount	
	1972	1971	1972	1971	1972	1971	1972	1971
Western region:								
Anchorage	1,506	1,484	2,820	2,624	69	127	380	779
Boise	3,270	2,303	4,160	2,873	274	402	2,089	1,365
Helena	2,825	2,751	3,423	3,130	80	134	583	726
Honolulu	2,217	2,724	4,490	5,214	214	235	913	1,062
Los Angeles	37,784	37,154	109,234	116,273	2,527	2,775	34,053	45,529
Phoenix	7,514	7,652	15,687	16,435	489	571	3,922	5,408
Portland	9,576	9,529	30,678	21,687	919	1,041	20,257	4,737
Reno	3,231	2,992	13,804	13,121	291	491	7,269	6,268
Salt Lake City	3,656	3,424	9,990	4,912	462	537	4,837	2,684
San Francisco	32,264	32,118	68,279	60,197	2,599	3,502	20,804	25,556
Seattle	12,097	13,255	19,931	24,237	1,011	1,192	6,335	9,654
International operations:								
Puerto Rico	7,635	7,012	9,072	6,650	503	385	1,610	1,194
All other	9,092	6,644	79,646	92,481	730	1,027	31,998	29,815

Note: Rounded figures may not add to the totals which are based on unrounded figures.

CHART 4.—INTERNAL REVENUE COLLECTIONS BY SOURCES AND BY INTERNAL REVENUE REGIONS, DISTRICTS, STATES, AND OTHER AREAS

[In thousands of dollars. See table 3, p. 110 for tax rates and further breakdown of national totals by sources]

Internal revenue regions, districts, States, and other areas (States represented by single districts indicated in parentheses; totals for other States shown at bottom of table)		Total internal revenue collections (1)	Corporation income tax (2)	Individual income and employment taxes				
				Total (3)	Income tax not withhled and self-employment tax (4)	Income tax withheld and old-age and disability insurance (5)	Railroad retirement (6)	Unemployment insurance (7)
United States, total		209,855,737	34,925,546	152,593,187	27,710,985	122,785,357	1,072,776	1,024,069
North-Atlantic region		43,591,539	9,318,349	31,285,672	4,903,825	26,100,241	54,854	226,753
Albany	(See (c) below)	2,249,836	379,851	1,804,002	184,705	1,603,727	4,068	11,502
Augusta	(Maine)	526,566	62,354	432,268	103,578	320,859	4,786	3,045
Boston	(Massachusetts)	5,896,884	893,549	4,505,621	797,665	3,670,071	6,515	31,369
Brooklyn	(See (c) below)	4,226,032	414,163	3,461,187	881,135	2,545,643	12,219	22,190
Buffalo	(See (c) below)	3,606,454	684,515	2,684,020	447,345	2,217,313	219	19,142
Burlington	(Vermont)	247,638	27,465	205,491	51,579	152,320	350	1,242
Hartford	(Connecticut)	4,377,211	725,381	3,150,045	604,912	2,522,662	34	22,437
Manhattan	(See (c) below)	21,024,919	5,910,266	13,908,170	1,632,399	12,141,921	26,635	107,215
Portsmouth	(New Hampshire)	508,739	59,567	413,240	86,995	323,265	3	2,978
Providence	(Rhode Island)	927,260	161,238	721,628	113,512	602,460	24	5,632
Mid-Atlantic region		30,766,764	4,530,736	22,915,198	3,850,397	18,558,711	358,962	147,129
Baltimore	(Maryland and D.C.)	5,835,217	524,636	4,777,600	717,379	3,925,388	115,430	19,403
Newark	(New Jersey)	7,875,826	1,537,674	5,620,074	1,120,734	4,454,203	5,188	39,950
Philadelphia	(See (e) below)	7,660,720	977,352	5,826,405	927,525	4,686,229	173,182	39,469
Pittsburgh	(See (e) below)	4,779,067	594,793	3,698,248	486,221	3,169,915	14,000	28,111
Richmond	(Virginia)	3,321,400	380,665	2,275,324	489,466	1,719,559	51,152	15,147
Wilmington	(Delaware)	1,294,533	515,616	717,548	109,072	603,417	9	5,050
Southeast region		19,434,098	2,851,006	13,979,528	3,381,925	10,434,458	59,712	103,433
Atlanta	(Georgia)	3,456,495	533,468	2,596,594	495,026	2,080,933	2,543	18,093
Birmingham	(Alabama)	1,724,392	226,923	1,332,956	284,538	1,028,334	9,706	10,378
Columbia	(South Carolina)	1,214,932	175,841	987,563	203,208	775,858	127	8,369
Greensboro	(North Carolina)	4,743,152	746,401	2,569,343	498,918	2,046,375	1,407	22,643
Jackson	(Mississippi)	760,974	106,395	602,553	179,492	417,946	572	4,543
Jacksonville	(Florida)	5,184,731	700,166	4,026,495	1,280,015	2,678,208	43,136	25,136
Nashville	(Tennessee)	2,349,423	361,813	1,864,023	440,728	1,406,804	2,220	14,271
Central region		34,986,649	6,796,561	23,224,992	3,401,046	19,594,235	80,805	148,906
Cincinnati	(See (d) below)	4,271,928	814,139	3,089,278	562,995	2,502,849	255	23,178
Cleveland	(See (d) below)	7,963,204	1,210,591	5,823,410	744,996	5,012,685	28,951	36,778
Detroit	(Michigan)	13,949,874	3,710,712	8,416,463	1,026,096	7,313,104	18,488	58,775
Indianapolis	(Indiana)	5,220,473	621,306	4,050,875	602,782	3,428,306	1,668	18,120
Louisville	(Kentucky)	2,834,458	328,655	1,250,153	304,299	906,331	31,386	8,138
Parkersburg	(West Virginia)	746,712	111,158	594,813	159,878	430,961	57	3,917
Midwest region		32,037,187	5,531,962	23,555,763	3,910,070	19,148,288	334,753	162,652
Aberdeen	(South Dakota)	267,169	28,125	211,928	67,392	143,203	6	1,326
Chicago	(See (b) below)	12,999,707	2,422,448	9,475,993	1,381,782	7,903,309	119,214	71,688
Des Moines	(Iowa)	1,681,371	289,290	1,302,641	376,084	918,024	536	7,996
Fargo	(North Dakota)	263,849	21,508	216,711	67,754	147,740	10	1,207
Milwaukee	(Wisconsin)	3,705,737	654,483	2,719,136	455,392	2,243,733	692	19,319
Omaha	(Nebraska)	1,234,215	149,803	958,753	211,613	693,359	48,294	5,487
St. Louis	(Missouri)	5,602,595	887,806	4,101,537	608,620	3,397,062	68,317	27,537
St. Paul	(Minnesota)	3,871,477	648,776	2,979,592	379,882	2,486,192	94,625	18,894
Springfield	(See (b) below)	2,411,068	429,723	1,589,471	361,551	1,215,665	3,057	9,198
Southwest region		20,093,236	2,610,978	14,708,446	3,368,732	11,160,381	90,343	88,990
Albuquerque	(New Mexico)	462,451	41,535	400,448	92,995	305,163	10	2,280
Austin	(See (f) below)	5,870,914	755,350	3,826,573	934,341	2,863,268	4,632	24,333
Cheyenne	(Wyoming)	183,670	13,620	141,845	53,238	87,821	3	784
Dallas	(See (f) below)	4,532,381	730,209	3,299,356	815,330	2,447,448	13,822	22,757
Denver	(Colorado)	2,919,188	221,783	2,446,960	294,384	2,133,872	9,697	9,005
Little Rock	(Arkansas)	773,538	104,775	611,700	187,719	419,014	434	4,534
New Orleans	(Louisiana)	2,001,285	269,784	1,597,427	375,558	1,210,846	1,192	9,831
Oklahoma City	(Oklahoma)	1,946,235	273,952	1,272,227	307,745	955,305	117	9,061
Wichita	(Kansas)	1,403,573	199,969	1,111,910	307,423	737,645	60,435	6,406

CHART 4.—INTERNAL REVENUE COLLECTIONS BY SOURCES AND BY INTERNAL REVENUE REGIONS, DISTRICTS, STATES, AND OTHER AREAS—Continued

Internal revenue regions, districts, States, and other areas (States represented by single districts indicated in parentheses; totals for other States shown at bottom of table)	Total internal revenue collections (1)	Corporation income tax (2)	Individual income and employment taxes: Total (3)	Income tax not withheld and self-employment tax (4)	Income tax withheld and old-age and disability insurance (5)	Railroad retirement (6)	Unemployment insurance (7)
Western region	27,087,557	3,170,603	21,355,181	4,246,782	16,878,153	89,739	140,508
Anchorage (Alaska)	215,821	17,605	192,512	31,542	160,074	(*)	895
Boise (Idaho)	507,757	52,273	441,668	79,593	358,302	540	3,233
Helena (Montana)	316,082	35,399	263,654	85,503	176,393	253	1,506
Honolulu (Hawaii)	632,583	65,715	535,816	100,846	431,544	2	3,425
Los Angeles (See (a) below)	10,594,922	1,394,061	8,268,694	1,625,255	6,584,646	485	58,308
Phoenix (Arizona)	1,181,099	136,335	978,395	241,151	730,323	181	6,740
Portland (Oregon)	1,689,682	258,156	1,351,384	324,261	1,016,475	1,090	9,558
Reno (Nevada)	477,557	68,465	372,026	86,794	282,613	2	2,617
Salt Lake City (Utah)	576,406	80,271	469,616	90,741	374,733	1,003	3,139
San Francisco (See (a) below)	8,367,623	782,534	6,472,611	1,164,932	5,183,970	85,906	37,803
Seattle (Washington)	2,528,024	279,788	2,008,806	416,165	1,579,079	277	13,284
Office of International Operations	837,316	39,858	659,169	92,953	557,726	2,877	5,614
Puerto Rico	308,809	705	194,569	10,602	178,670		5,297
Other	528,507	39,153	464,600	82,351	379,056	2,877	317
Undistributed:							
Federal tax deposits and depository receipts	351,007	43,783	270,500		269,684	733	83
Gasoline lubricating oil, and excess FICA credits	586,964	31,708	555,256	555,256			
Transferred to Government of Guam	−10,690		−10,690		−10,690		
Withheld taxes of Federal employees	94,172		94,172		94,172		
Clearing account for excise taxes—aviation fuel and oil—Air Force and Navy	−61						
Totals for States not shown above:							
(a) California	18,962,545	2,176,596	14,741,305	2,790,187	11,768,616	86,391	96,111
(b) Illinois	15,410,775	2,852,171	11,065,464	1,743,333	9,118,973	122,271	80,886
(c) New York	31,107,241	7,388,796	21,857,379	3,145,584	18,508,604	43,141	160,050
(d) Ohio	12,235,132	2,024,730	8,912,687	1,307,991	7,515,534	29,206	59,956
(e) Pennsylvania	12,439,788	1,572,145	9,524,653	1,413,747	7,856,144	187,182	67,580
(f) Texas	10,403,295	1,485,559	7,125,930	1,749,670	5,310,716	18,454	47,090

SAVING POWER AND GETTING MORE ACRES PER TANKFUL ON THE FARM

Mr. HRUSKA. Mr. President, the current petroleum products threatened shortages have been met with many kinds of responses. Certainly here in the Nation's Capital Congress has been working from a number of viewpoints to initiate, develop, and achieve progress toward solving the problem.

One of the less spectacular but nevertheless highly useful responses was found in the work of the students and the faculty of the School of Agriculture of the University of Nebraska. They focused on the efficient use of farm equipment as well as a determination of the gallon used per acre. Their conclusions and findings were incorporated in a pamphlet that has been circulated by one of the large petroleum companies—Mobil Oil Corp.—so as to gain greater currency in the middle west area.

It is a most realistic and understandable treatment of the subject. It is clear that those on the farm using power machinery will take advantage of this highly useful study. While following the suggested practices and cautions will not solve the threatened fuel shortage, it will help greatly to alleviate it. Even a few gallons per power unit per day would produce prodigious savings in gasoline and diesel when multiplied out by the millions of units in use.

Mr. President, I ask unanimous consent that the text of the pamphlet be printed in the RECORD.

There being no objection, the pamphlet was ordered to be printed in the RECORD, as follows:

HOW TO SAVE POWER ON YOUR FARM

Getting more from every tankful is paying attention to a lot of things. Many of them seem small. But together they can make a substantial difference in fuel consumption. And most are worth doing anyway to help make your farming more efficient.

This booklet is a roundup of fuel-saving practices.

KEEP YOUR TRACTOR WORKING HARDER

Farm fast enough to give full loads at full throttle.

With today's tractors, faster field speeds are the generally suggested way to make full use of your power and fuel.

Diesel engineers suggest that to be most efficient, you should operate very close to full load at rated engine speed. This is especially true of many turbocharged diesel engines.

To use all of your power in a big tractor, farm faster. For example, you can expect it to take 50% more power to pull a disk harrow at 6 mph than at 4 mph.

Using your power at faster speeds, rather than going to wider implements, also cuts down the need for wheel weights and reduces the stress on the tractor power line.

Don't tamper with the injection pump to increase power. Overfueling of a diesel wastes fuel. It also may damage engine and power train.

CAUTION

With many moldboard plow bottoms, the power required to turn an acre of ground goes up rapidly if you attempt to operate above a certain speed. Unless you have special high speed bottoms, start checking for this drastic increase at around 4½ mph. If the soil is being thrown beyond the next furrow or the plow tends to run out of the ground at top speed, you may be wasting fuel by working too fast.

DON'T LUG YOUR ENGINE

As you load up your tractor to save fuel and time, don't overdo it. When you operate at a continuous overload, fuel economy goes down fast. So watch your tachometer when you start shifting up. If your engine lugs down in speed, or you get black smoke, drop back a gear.

ON PARTIAL LOADS, THROTTLE DOWN AND SHIFT UP

On lighter loads, you can save a substantial amount of fuel by running the tractor engine slower and shifting up to a higher gear to maintain working speed.

For a 50% pull, University of Nebraska official tractor tests show that all of the models tested were more economical at a reduced throttle setting and higher gear speed, compared with handling the same 50% pull at full throttle and a lower gear. Rate of travel was almost exactly the same. Amount of fuel saved varied widely. Typical is 15% to 25%.

How much you can throttle back without hazard to the engine varies from model to model. Check your instruction book and your farm equipment dealer. For late model tractors, he probably has Nebraska test data showing 50% load performance at reduced engine speed.

Never lug a throttled-down engine. Be sure your partial load hasn't increased to a full load without your knowing it. Pulling a full load at reduced engine speed is asking for overheating, underlubrication and shortened engine life.

One way to test the load on your engine at any speed below full throttle is to occasionally advance the throttle a few notches. If the engine speeds up, you're not lugging it. If it doesn't respond normally, shift down until it does. Visible black smoke is also an indication of an overloaded diesel.

SAVE ON IDLING AND ROAD TRAVEL

What can you do to save fuel when it's several miles to the next field? Or when it takes more than a half an hour to refill planter, fertilizer and pesticide hoppers several times a day?

Some diesel engineers suggest that up to 35 or 40 minutes of idling time during each half day won't make a serious difference in the fuel used. (If you've been running under full load, you need a 5-minute cooling down period anyway, before you shut off the engine entirely. This is especially important with turbocharged engines to prevent high temperatures from "coking" the turbocharger. It also helps avoid "carboning up" the injector nozzle tips.)

Modern diesels start easily so if idling would have to be prolonged, it may be better to shut off the engine.

During transport between fields, the suggestion is to run with the throttle wide open. Throttling back will save very little fuel and waste time on the road.

MAKE YOUR CROPS WITH LESS DRIVING

Reduce the amount of moldboard plowing wherever soils and farming system permits.

You can figure on plowing alone taking 1.5 gallons of diesel fuel per acre (or 2 gallons of gasoline). In contrast, disking takes only half a gallon of fuel per acre under typical conditions.

The fuel you'd use for plowing alone will let you disk, plant corn, knife in NH_3 and cultivate once, according to data from the University of Illinois.

USE MINIMUM TILLAGE

You may be able to save time as well as fuel by combining tillage and planting into a once-over operation. Some farmers also apply fertilizer, herbicide and insecticide during this same trip across the field.

Others go part way, following basic tillage (moldboard or chisel plow or heavy disk harrow) with combination fitting and planting equipment.

Nebraska tests show till-plant requiring 2.46 gallons of diesel fuel per acre. With conventional tillage, 5.33 gallons per acre.

AVOID TOO MUCH WEIGHT—OR TOO LITTLE

Typical front end weighting of today's big tractors adds as much as 1,000 to 1,200 pounds—weight you need for stability with heavy loads, big rear-mounted implements and weight transfer systems.

But don't push around that extra weight when you don't need it

Especially in soft fields, extra weight means extra fuel. So take a moment and remove the weights. And the same applies to big saddle tanks and other special equipment.

The same fuel-saving principle applies to unnecessary rear wheel weight. But with these driving wheels . . . keep slippage low. Some tractor instruction manuals suggest 10% or slightly more depending on field conditions. They warn against trying to weight rear wheels so heavily that you get almost no slippage because overweighting adds to the fuel required.

KEEP YOUR EQUIPMENT IN SHAPE

Save fuel with sharp cutters, aggressive feeding mechanisms.

Problems and power requirements pyramid on harvesting equipment. Take a combine with corn head for example. Worn snapping rolls mean sluggish stalk handling. Material bunches up and power requirements soar. But that's only the start. Poor snapping roll action leads to jerked-off stalks which must be handled by the feeder, threshing cylinder and straw racks instead of being left in the row. Add all these together, and your combine engine has to run all-out.

More obvious is the effect of dull knives on a forage harvester. And don't chop the crop finer than necessary. At the silo, avoid overspeeding of blowers. With balers, keep the shear knife sharp. A dull sickle also wastes fuel with a mower-conditioner, grain swather or combine.

HITCH TILLAGE TOOLS PROPERLY

When your tractor and plow fight each other, you can lose enough power to handle one extra bottom in five. While plow adjustments are more critical than those of many other implements, the same rule applies—unnecessary side draft, or fighting a hitch that's too high or too low is no way to save fuel . . . or time.

SHARP PLOW SHARES CAN SAVE A LOT OF FUEL

Plow share makers say that sharp shares often let you plow a gear faster. Figure it out with your own tractor. When you can move up a gear in the 3½ to 6½ mph working range, you'll probably find you're moving about 25% faster. And the fuel used per hour may be nearly the same as before. Trying to get by with dull shares is a substantial waste.

LET THE RIGHT OIL AND PROMPT CHANGING KEEP YOUR ENGINES RUNNING EASIER

What you do about engine oil also affects fuel economy.

Most important is the way modern detergent oils control internal deposits. And clean engines simply run easier, cooler and with less wear.

But detergent in your oil works like detergent in a washing machine. In either case, a given amount of detergent can take care of only so much dirt. When detergent runs out of capacity in a washing machine, you get a ring of dirt. When it runs out in an engine, you get power-stealing deposits.

For cleaner engines, you need two things:

1. A good detergent CD grade oil—such as Mobiland 300 oil in your hard-worked diesels and Mobiland 200 (CC and SE) oil in the other farm engines.

2. Oil changes made on time, every time so you always have plenty of detergent action at work to keep your engines clean.

KEEP YOUR ENGINES TUNED UP

The need is obvious. And so is the general inclination to postpone tuneups.

In gasoline tractor engines, field tests before and after tune up show a 14% fuel saving. Check-out covered 50 tractors of various ages and include spark plugs, timing, carburetor, air cleaner and governor.

Diesel engine people stress the changing of air, oil and fuel filters at proper intervals. And the checking of air cleaner indicator devices. Also inspection and adjustment of fuel injection systems at recommended periods.

Of course clean fuel is vital. Change from winter blends of diesel fuel to summer blends when the hard-work season starts. Summer fuel contains more power per gallon while winter fuel contains more easily vaporized oil which aids starting.

PREVENT STORAGE LOSSES

Up to 10 gallons of gasoline a month can escape into the air with poor farm storage.

With diesel fuel, waste is apt to come through contamination—dirt and moisture.

How do you keep gasoline from evaporating during storage? First, putting a pressure-vacuum valve on your tank can cut evaporation losses as much as 75%. Second, keep the tank cooler through shading it and by painting it white to reflect sun heat.

With diesel storage tanks, pay special attention to the tank filter. Effective filtering removes both bits of dirt and moisture. It saves tractor trouble, and you won't be dumping fuel on the ground because it's contaminated.

DON'T SPILL AT FILLING TIME

Care is part of farm safety. And it also saves fuel. Filling tractor tanks at the end of each work day prevents moisture from condensing overnight. But, for safety's sake, don't fuel a hot engine. Park your tractor within hose reach and tend to greasing, adjustments, and other chores first. Then fill the tank.

Avoid overfilling to prevent spillage out through the air vent when the tank warms up.

SPECIAL IRS EXEMPTION FOR POLITICAL COMMITTEES

Mr. STEVENSON. Mr. President, Wednesday the Internal Revenue Service enabled political committees and large contributors to escape tens of millions of dollars of tax liability. Its action is contrary to sound public policy and, I believe, illegal as well.

The IRS ruled that:

First, political committees do not have to pay capital gains taxes on sales of securities prior to October 3, 1972. A year and a half earlier, the Citizens for Stevenson Fund, a political committee supporting my 1970 candidacy for the Senate, filed a form 1041 and paid the capital gains tax on certain appreciated securities donated to and sold by the fund in October 1970. The circumstances surrounding the fund's decision to pay the tax are set forth in a March 6, 1973, letter to me from Milton Fisher, Esq., co-trustee of the fund. I ask unanimous consent that Mr. Fisher's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MILTON L. FISHER,
Chicago, Ill., March 6, 1973.

Re: Citizens for Stevenson Fund.

Senator ADLAI E. STEVENSON,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR STEVENSON: You have asked me to supply you with information regarding the federal tax returns filed on behalf of the Citizens for Stevenson Fund, a trust, for the tax year 1970. As you know, Citizens for Stevenson Fund (hereinafter referred to as the "Fund") constituted a political committee which supported your Senate campaign in 1970.

The only taxable income of the Fund in 1970 was derived from the sale of stock received as a contribution from a donor. Before accepting the stock, trustees of the Fund reviewed the applicable federal tax consequences of such a gift with special tax counsel for the Fund. Counsel advised the Fund that the Fund would be subject to substantially the same federal income tax consequences as an individual donee of such property. Specifically, the trustees were advised that the Fund would be taxed on gains resulting from the sale of property received as a gift or contribution. In computing whether any such gain was taxable as long or short term capital gain, the Fund would take over the holding period of the donor, and the Fund also would take over the cost basis of the donor, for the purpose of computing the amount of such gain. Consequently, in the event the Fund sold stock received as a contribution, it would incur federal income tax liability for any appreciated value above the donor's basis, and such taxation would be at long or short term capital gain rates depending on whether the donor's holding period together with that of the Fund exceeded 6 months.

The Fund was advised that a possible argument could be made for the deduction from the Fund's taxable income of its cost of obtaining such taxable income. The trustees concluded that since the Fund's activities did not constitute a "trade or business" and that only a small part of the Fund's campaign and fund raising expenditures could be directly attributed to the generation of "taxable income," it did not appear proper to deduct such expenses from the income incurred in 1970.

As a result of these decisions by the trustees of the Fund long term capital gain tax of $124.18 was paid. A copy of the 1970 U. S. Fiduciary Income Tax Return (Form 1041) filed by the Fund is attached hereto for your information.

Very truly yours,

MILTON L. FISHER,
Treasurer and a Trustee of Citizens for Stevenson Fund.

CITIZENS FOR STEVENSON FUND

(Milton L. Fisher and James T. Otis, trustees: 231 South La Salle St., room 1955; Chicago, Ill. 60604.)

INCOME

1. Dividends (Enter full amount before exclusion), none.

2. Interest, none.

3. Income from partnerships and other fiduciaries, none.

4. Cross rents and royalties, none.

5. Gross profit (loss) from trade or business, none.

6. Net gain (loss) from capital assets (line 12, column 3, Schedule D, Form 1041), 1, 882.99.

7. Ordinary gains and losses (line 15, Schedule D, Form 1041), none.

8. Other income (State nature of income), none.

9. Total income (lines 1 to 8, inclusive), 1,882.99.

DEDUCTIONS

16. Line 9 minus line 15 (Complex trusts and estates enter this amount on line 1 in Schedule C also), 1,882.99.

20. Long-term capital gain deduction. Enter 50% of line 13(e), Schedule D Form 1041, 941.50.

21. Exemption, 100.00.

22. Total (lines 17 to 21, inclusive), 1,041.50.

23. Taxable income of fiduciary (line 16 minus line 22), 841.49.

COMPUTATION OF TAX

24. Tax on amount on line 23 (See tax rate schedule), 121.15.

26. Tax surcharge (See instruction 26), 3.03.

27. Total (line 24 or line 25, whichever is applicable, and line 26), 124.18.

31. Balance (line 27 less line 30), 124.16.

34. Total (lines 31 to 33, inclusive), 124.18.

41. Balance of tax due (line 34 less line 40), 124.18.

MILTON L. FISHER,
Trustee.

LONG-TERM CAPITAL GAINS AND LOSSES—ASSETS HELD MORE THAN 6 MONTHS

34 shares Chicago Bridge & Iron Co., acquired January 6, 1959; sold October 22, 1970; sales price, 1882.99;

Contributor's acquisition date. Received by taxpayer October 18, 1970 as contribution.

9. Net long-term gain (or loss) from lines 5, 6, 7, and 8. Enter here and on line 11 below, 1882.99.

CAPITAL GAINS AND LOSSES

10. Net short-term gain or loss from line 4, above: Fiduciary, 1882.99; total, 1882.99.

COMPUTATION OF FIDUCIARY'S CAPITAL GAINS DEDUCTION

13(a) Long-term capital gain shown on line 11, column 3, above, 1882.99.

(d) Long-term capital gains taxable to beneficiaries, 1882.99.

(e) Balance (line 13(c) minus line 13(d)). (Enter 50% of this amount on line 20, page 1, Form 1041.), 941.50.

CITIZENS FOR STEVENSON FUND

1. Tax Preferences: (i) Capital gains, $1,882.99.

2. Total of tax preference—Add lines 1(a) through 1(i), 1,882.99.

3. Less exclusion—Enter $30,000 (Estates, Trusts and Controlled groups see instruction 3), 30,000.00.

4. Line 2 less line 3, None.

5. Taxes imposed under Chapter 1 for the taxable year (other than Personal Holding company, accumulated earnings and minimum tax)—See instructions, None.

6. Line 4 less line 5, None.

7. Minimum tax—10% of line 6, None.

8. Amount of net operating loss for 1970 remaining as carryover to a succeeding year (attach a statement showing computation of carryover), zero.

9. Deferred minimum tax—Enter the lesser of line 8 multiplied by 10%, or line 7. (Enter zero if line 8 is zero), zero.

11. Enter minimum tax deferred from prior year(s) until this year—See instructions, None.

12. Total minimum tax—Add lines 10 and 11. Enter on appropriate line of tax return per instruction 12, None.

Mr. STEVENSON. Second, political committees do not have to pay Federal taxes on dividend and interest income generated before 1972 despite the fact that a 1968 IRS ruling (Rev. Proc. 68–19) clearly held that political committees had to pay taxes on certain interest income;

Third, the 1972 ruling (Rev. Rul. 72–355) permitting large contributors to escape their gift tax liability by channeling their contributions through dummy political committees is reaffirmed by the IRS without so much as a word of explanation. On June 25, I introduced S. 2065, a bill which would close the gift tax loophole opened by Revenue Ruling 72–355.

Mr. President, Commissioner Alexander has invited congressional consideration of these matters. I agree that such consideration is appropriate and hope that it will lead to prompt reversal of the indefensible positions taken by the IRS.

The IRS has conceded its laxity and inconsistency in failing to enforce the tax laws with respect to political committees. It now proposes to compound the damage by saying in substance to political committees, "We have in the past been remiss in enforcing the law, so we will now excuse you from complying with the law. Our laxity justifies your laxity." The law does not permit IRS to add to the burden of other taxpayers by giving the politicians and their major benefactors a special exemption from the tax laws.

In order to clarify the positions taken by IRS in its policy statement, I have today written Commissioner Alexander requesting additional information and explanation. I ask unanimous consent that the IRS policy statement dated August 1 and my August 3 letter to the Commissioner be printed at this point in the RECORD.

There being no objection, the statement and letter were ordered to be printed in the RECORD, as follows:

IRS POLICY STATEMENT CONCERNING TAX TREATMENT OF POLITICAL COMMITTEES AND PARTIES AND CONTRIBUTIONS OF APPRECIATED PROPERTY

On October 19, 1972, the IRS published in the Federal Register a notice of its concern about the tax treatment of political committees and parties and about transactions involving donations of appreciated property to political committees or parties and sales of such property by such organizations. IRS invited public comments upon these and related issues. Twenty-seven submissions were received by the IRS in response to this public invitation, and a public hearing was held March 1, 1973.

CONCLUSION WITH RESPECT TO THE STATUS OF THE LAW

Based upon its consideration of the submissions received from the public and its further study of the issues, the IRS proposes to adopt the following course:

1. Although it has been the long-standing practice of the IRS not to require political parties and committees to file tax returns, the IRS does not find any specific provision in the Internal Revenue Code to such effect. Therefore, unless the Internal Revenue Code is changed to relieve political parties and committees from the duty of filing tax returns, the IRS will require such entities to file appropriate tax returns.

2. Unincorporated political parties or committees may be treated for tax purposes as associations taxable as corporations or as trusts (or possibly partnerships) depending upon the application to the specific facts and circumstances of the standards developed or the classification of unincorporated organizations.

3. The gross income of political parties or committees shall include interest and dividends from investments, income from any ancillary commercial activities and gains from sales by the committees or parties of appreciated property. Donations received by such committees or parties shall not be considered as income, and expenditures for political purposes shall not be considered as deductions. Deductions shall be allowed, however, to the extent attributable to income of the political parties or committees, in accordance with regular rules of the IRS in analogous situations.

4. Gains on the sale of appreciated property, net of any losses, shall be included in income of political parties or committees to the extent provided in the Internal Revenue Code.

IMPLICATIONS OF LEGAL CONCLUSIONS

The legal conclusions above set forth are consistent with positions taken in a number of rulings which were issued privately over several decades, but never made public by IRS. They are also consistent with Rev. Proc. 68–19, which dealt primarily with candidates' committees (as distinguished from parties or party committees) and stated that interest received on unexpended funds of such committees "may" be reported by the committee on Form 1041.

On the other hand, both the legal conclusions and the above rulings are inconsistent with the historical practice of the IRS not to require the filing of returns by political parties and organizations. That policy of not requiring returns was communicated to field offices of the IRS more than 25 years ago, but it, too, was never made public.

These past policies of the IRS are logically inconsistent, but they are a historical fact.

We are now faced with the question of determining the fairest way in which to commence general enforcement of the legal rules. Most importantly we must determine whether those rules should be retroactively applied.

Both the Democratic and Republican national committees argued in their legal submissions that the rules should be applied prospectively only. It appears from published reports that both major parties engaged in the practice of encouraging contributions of appreciated property. Thus, if the rules regarding gains on sales of appreciated property are to be retroactively applied to 1972 and prior years, it appears probable that unforeseen and substantial tax liabilities may exist for the national and other committees of both parties.

If such rules were retroactively applied, the hardships of an aggressive and even-handed collection policy might fall as heavily on those entities which have no funds as upon those which do. Comprehensive collection enforcement might, for example, require placing entities with insufficient funds in bankruptcy, asserting liens on funds raised in the future by such entities and their successors, and asserting transferee liabilities.

The IRS agrees with the Democratic and Republican national committees that the retroactive enforcement of rules regarding gains on the sale of appreciated property, now publicly announced for the first time, would create major inequities, and has concluded that it will not seek to apply such rules to sales prior to the IRS statement of its concern with the problem on October 3, 1972. Also, the IRS will not require political committees and parties to file tax returns for years prior to 1972. Subject to these limitations upon retroactivity, the above legal conclusions are applicable, but IRS will not seek to enforce them until it appears that Congress has had an opportunity to consider the problem specifically. Congress has already taken a first step, as the Ways and Means Committee January notice of tax reform hearings listed the tax status of political organizations as a major subject to be considered. In his testimony before the Ways and Means Committee on April 30, 1973, the Secretary of the Treasury called for Congressional action in this difficult area.

The IRS is beginning investigations to determine the potential liabilities of political parties and committees, and will develop promptly the standards and guidelines for the application and enforcement of its new rules if Congress should determine to leave them in place. It intends to take such steps as may be required to see that major funds under the control of such entities will not be dissipated without regard to potential tax liabilities, and hopes that such result may be achieved through voluntary arrangements with the organizations involved without the necessity of resorting to jeopardy assessments.

OTHER TAX ASPECTS OF POLITICAL ACTIVITIES

In the meantime, the IRS proposes to act in the areas where its rules and practices have been clear. Those who deducted from income political contributions (beyond the limited Internal Revenue Code allowance to individuals) should find such deductions disallowed. Those who excluded from income political funds diverted to personal use should find the diverted funds treated as income, and this rule shall be applicable to any political parties or committees which may have diverted funds, contributed for political purposes, to purposes determined judicially to have been illegal. Those who rendered services to political parties and committees in return for compensation must be taxed on such compensation. Gift tax liabilities will be enforced in accordance with Revenue Ruling 72–355.

U.S. SENATE,
Washington, D.C., August 3, 1973.
Commissioner DONALD C. ALEXANDER,
Internal Revenue Service,
Washington, D.C.

DEAR MR. COMMISSIONER: I have your August 1, 1973 Policy Statement concerning the tax treatment of political committees and parties.

Pursuant to the Freedom of Information Act, 5 U.S.C. 552, as interpreted by the United States District Court for the District of Columbia in *Tax Analysts and Advocates, Inc. v. IRS* (—— F.Supp. ——, D.D.C. 6/6/73), I request copies of the following documents:

(1) On page 4 of your statement, you state that the legal conclusions set forth in the statement "are consistent with positions taken in a number of rulings which were issued privately over several decades, but never made public by IRS". I would like to be provided with copies of all such rulings.

(2) On page 4 of your statement, you also state that the IRS policy of not requiring returns to be filed by political committees "was communicated to field offices of IRS more than 25 years ago, but it, too, was never made public." I would like to be provided with a copy of that communication.

In my December 7, 1972 letter to Commissioner Walters concerning the tax treatment of gifts of appreciated property to political committees, a copy of which is enclosed, I contended that political committees are clearly "persons" within the meaning of Section 7701(a)(1) of the Internal Revenue Code. I would appreciate it if you could apprise me as to whether the IRS agrees or disagrees with my interpretation of Section 7701(a)(1), and of the reasons underlying your conclusions on that question. In the event that you agree with my conclusion that political committees are persons within the meaning of Section 7701(a)(1), I would appreciate it if you could provide me with a precise legal justification for your decision to impose tax liability only on sales by political committees of appreciated property occurring on or after October 3, 1972. Specifically, I am interested in IRS's position as to whether Section 7805(b) of the Internal Revenue Code, which permits the Secretary or his designee to give rules and regulations prospective effect only, permits the IRS to exempt from tax liability a person upon whom tax liability is clearly imposed by law. In view of the fact that your August 1, 1973 policy statement appears to be neither a "ruling" nor a "regulation" within the meaning of Section 7805(b), I would also be interested in knowing to what extent your legal justification for giving the policy statement prospective effect rests on that Section.

On March 15, 1971, the Citizens for Stevenson Fund, a trust organized to support my 1970 candidacy for the Senate, filed a Form 1041 and paid capital gains tax on the income generated by the October 1970 sale of certain appreciated property given to the Fund in 1970. A letter from Milton Fisher, Esq., a trustee of the Fund, setting out the circumstances surrounding the decision to pay the tax, is enclosed for your information. Your policy statement does not address the question of whether taxpayers such as the Fund are entitled to a refund. On the face of it, there appears to be a serious inequity in retaining the pre-October taxes paid by political committees which did comply with the law, while allowing political committees which did not pay the tax to escape liability. I would appreciate a definitive statement of IRS's position on the refund question.

I and a number of other persons who submitted formal comments pursuant to IRS's October 19, 1972 announcement contended that Revenue Ruling 72–355 is a blueprint for evasion of gift tax liability by large political contributors and should therefore be rescinded. By reaffirming Revenue Ruling 72–355, your policy statement rejects those contentions. Although your policy statement does contain rationales of all other positions taken therein, there is not so much as a word explaining why IRS has chosen to adhere to Revenue Ruling 72–355. Given the serious criticisms which have been levelled at that Ruling by private citizens, the General Accounting Office, and a number of Members of Congress, I find your failure to explain the reasons underlying your position disappointing. I would therefore appreciate a detailed explanation of the reasons why IRS has chosen to adhere to Revenue Ruling 72–355.

With best wishes,

Sincerely,

ADLAI STEVENSON.

NATIONAL MS SOCIETY YOUTH LEADERSHIP COUNCIL

Mr. GRIFFIN. Mr. President, on behalf of the distinguished Senator from Tennessee I ask unanimous consent to have a statement by him printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL MS SOCIETY YOUTH LEADERSHIP COUNCIL

Mr. BAKER. Mr. President, half a million of our fellow citizens suffer from multiple sclerosis, a disabling disease of the central nervous system.

MS has become known as the "great crippler of young adults." This particularly perplexing neurological disease usually strikes young persons in the prime of life, between the ages of 20 and 40.

The cause of multiple sclerosis is a medical mystery; the result is a national tragedy. Thousands of young people are incapacitated in what should be the most productive years of their lives.

No cure has yet been discovered for MS. But although we do not have a cure, we do have hope. The National Multiple Sclerosis Society has for more than twenty years provided leadership in research efforts and education.

According to the Society, "the prospects of developing a preventive for the disease or more effective methods of treatment have greatly improved. New research clues show promise of substantive proportions and must be exploited without delay."

Congress has appropriated funds to aid in research, and last year passed the National Advisory Commission on Multiple Sclerosis Act. This legislation provides for "the establishment of a national advisory commission to determine the most effective means of finding the cause of and cures and treatment for multiple sclerosis."

Literally thousands of private citizens, especially young people, have volunteered in the fight against MS. Circle K International, the world's largest campus service organization, has designated a fund raising program for MS research as one of its highest priorities.

The National Multiple Sclerosis Society itself has established a Youth Leadership Council to help involve even more young people in its campaign.

Martin P. Lombardo, the MS Society's Coordinator of Youth and Young Adult Leadership Council must be proven leaders with the ability to work with young people and and adults.

More than forty outstanding young people from throughout the country have been named to serve on the Council. These youth leaders have devoted much of their time to working with local MS chapters and speaking with other groups of young people.

Members of the National Multiple Sclerosis Society Youth Advisory Council are not interested in achieving personal recognition, but in carrying out their responsibilities quietly and effectively. I believe it is altogether appropriate, however, to take this opportunity to pay tribute to these young men and women who have volunteered their time in service to others and whom I list herewith:

NATIONAL MULTIPLE SCLEROSIS SOCIETY YOUTH LEADERSHIP COUNCIL MEMBERS

John Adams, Kyle Anderson, Nyle Bartholomew, L. Reece Beane, Emyln Bodnar, Susan Carter, Nicholas Catey, Louise Clover, Tom Cornelius.

Audrey Cortney, Dana Dreher, Miriam Edel, Daniel J. Flynn, Thomas R. Haley, Cheryl Heffler, Barbara Hensel, Peg Johnson, Patricia Joinville.

Ronald Knowlton, Kendra Koester, Steven Kristel, David Lane, Joseph Langhauser, Frank C. Lewis, Noel Meltzer, Thomas Moulton, Michael O'Grady.

Larry Padgett, Edward Palange, Lloyd Rhodes, Rebecca Rice, Margaret Riggs, Donald Robinson, Brian Rosenthal, Garry Shelton, Gene Singleton.

Michele Smith, Steven Smith, Joseph Staub, Vivian Svestka, Mark E. Thomas, Robin Trhlik, Patricia Vanderlin, Wendy Veccharino, Timothy Wright, Jonalee Young.

A GIFT OF HOPE, LOVE, AND LIFE

Mr. CRANSTON. Mr. President, it is a pleasure for me to speak out today on behalf of a group of determined students from Cubberley High School in Palo Alto, Calif. These remarkable young Americans have a dream which is fast becoming reality—a dream to give a future to those Vietnamese children burned and maimed by the horrors of war.

The students at Cubberley are engaged in a nationwide fund-raising effort. With the million dollars they hope to raise, they intend to donate a Burn Center which will be added to Children's Medical Relief International's Center for Plastic and Reconstructive Surgery in Saigon, South Vietnam. This famed teaching hospital is renowned as the best of its kind in all of Indochina, and is the only pediatric facility in South Vietnam dedicated to providing plastic and reconstructive surgery. It has rebuilt the bodies and lives of thousands of Vietnamese children.

Because it is the only hospital of its kind in Vietnam, the center provides care for patients who have no other place to turn for help. The cost of providing the very best in medical care is about one-sixtieth of what it would cost to bring these children to the United States for treatment. One of the founders of the center is Dr. Arthur J. Barsky, the famed plastic surgeon who also founded the Hiroshima Maiden's Burn Center after the dropping of the first atomic bomb.

Many Americans have expressed their horror at the tragic results of years and years of war in Indochina. But students at Cubberley are doing their best to alleviate some of these tragedies. In May of this year some 60 Cubberley students walked 40 miles for CMRI and raised $3,000. They have enlisted the help of concerned students from coast-to-coast to join with them in their project. Engaged in a multitude of fund-raising events, they are determined to raise the money for the Burn Center. They will succeed.

I have great confidence—these compassionate young Americans will realize their goal. And somehow this country, and untold thousands of Vietnamese, will be the better for it.

For information about their project, inquiries should be addressed to Coach Bob Peters, Cubberley High School, 400 Middlefield Road, Palo Alto, Calif. 94303.

GASOLINE SHORTAGE IN COLORADO

Mr. DOMINICK. Mr. President, shortly the Congress will be going into recess for the month of August. In parts of my State as well as many other States across this country, our farmers will be facing harvest. For the past 6 weeks wheat growers in Colorado have been faced with gas shortages, but with the help of some of the members of the Oil and Gas people here in the Department of the Interior and through efforts of other concerned individuals and companies, we have been able to make it through in fairly good shape. I would like to take this opportunity to commend the efforts of those who have helped my State although reciting each one's name would make for too long a list here.

Mr. President, as members of this body may know, Denver has been cited as one of the hardest hit cities in the country regarding gasoline shortages. My office has fielded inquiries from reporters, constituents, tourists, to name a few, for information on Denver. In our office we have worked through the Office of Oil and Gas, through various company representatives, through dealers and the consuming public to attempt to get answers. I would like to say for the record that the answers are most complex and I ask unanimous consent to print at the end of my remarks two newspaper articles that provide some enlightenment on the situation in Colorado's capital.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DOMINICK. Mr. President, as I indicated, my office has received inquiries from people not from Colorado who are anticipating vacations in Colorado in the coming weeks. While Colorado has suffered shortages, I would like for the record to pass along my own information that to date I have no reports of any visitors to our State being stranded there and gas has been available for our visitors.

Mr. President, my reason in citing the complexities of Denver's problems is not to lay a foundation for pointing accusing fingers at a group or a department at this point. It is a reminder for all of us that in our critical gasoline and energy related supply problems, there will be no easy solutions because of the complex and intricate web of relationships involved. I, too, have followed the reports about indications of a mandatory program being imminent from the Office of Oil and Gas. For the last 2 days there has been much discussion over the need for a "mandatory" allocation program for gasoline supplies on this floor. My problem, however, with the amendment introduced by Senator JACKSON is the sweeping wording of the language of the amendment which I am afraid may lead to worse problems than we already have. I think that from past and current history we can see that mandatory programs in any area can have built-in weaknesses which may not surface until after the program is in effect, and a "mandatory" program is not going to be a cure-all for all of our gas problems.

Furthermore, we already know of possible heating oil shortages this winter, and Denver experienced those last year. As we look down the road, we can see other potential troubles. In the Senate, we recently passed the pipeline bill, and I would urge that we follow it with appropriate legislative responses in other areas so that we are getting solutions now and do not wait until all of our problems have arrived.

EXHIBIT 1

FUEL PINCH—WHY SO SEVERE IN COLORADO?

(By Ivan Goldman)

When the nation's petroleum industry sneezed, why did Colorado catch pneumonia?

American Automobile Association figures show that Colorado is one of the four states in the nation which are hardest hit by gasoline shortages. And Denver motorists are finding it tougher to get gas even as they read reports that the national shortage is easing.

Why did this happen to Colorado, a state heavily dependent on tourist traffic to bolster its economy?

Some motorists offer vague, but vehement, theories about conspiracies by major oil companies. Industry sources respond with dry, but detailed, statistics—or emotional charges of their own aimed at environmentalists.

And the staff of the Federal Trade Commission has reported evidence of a conspiracy among major oil companies.

But whatever caused the national shortage, there apparently are three major reasons why it hurt Colorado more than most states:

—Colorado's fast-growing population created a sharper increase in fuel demand than the national average, which was particularly unfortunate when major oil companies allocated supplies on the basis of previous years' sales.

—Colorado has an unusually high reliance on independent refineries, which have been hit hard by the shortage of crude oil.

—Pipeline facilities and other transportation systems were operating near capacity before the shortage, making it difficult to suddenly bring surplus stocks from other states to meet Colorado shortages.

Experts report that these three problems worked together to trigger a "domino effect" which was then aggravated by a number of smaller factors, including what some industry sources say is evidence of "hoarding."

The demand problem is the easiest to spot. Wholesale gasoline purchases in Colorado between Jan. 1 and May 1 rose 8.4 per cent in 1973 from the same period in 1972, according to the Colorado Petroleum Council.

Nationally, according to United Press International, gasoline demand rose only about 5 per cent.

Thus the increase in gasoline consumption in Colorado was more than 50 per cent greater than the national increase.

For the month of April, national demand increased by 7.2 per cent while Colorado consumption soared by 10.8 per cent.

Colorado Department of Motor Vehicles figures show motor vehicle registrations have increased 7.3 per cent in the last year. When major companies began allocating gasoline based on last year's sales, the faster-growing states felt the pinch harder.

FIFTH OF OUTPUT

The second problem, reliance on independent refiners, also grew worse in Colorado as the national fuel shortage began. In the Rocky Mountain area, major companies process 355,000 barrels of fuel a day and independents add 155,000 barrels.

In the Denver area, an independent, the Refinery Corp. in Commerce City, produces about 20 percent of Denver area fuel under normal circumstances.

But because of crude-oil shortages, Refinery Corp. has been able to operate at only 65 to 71 per cent of its capacity this spring and summer, a spokesman said. That lost output alone might have been enough to avert a Denver-area shortage.

Because independent refiners, unlike majors, don't normally control their own sources of crude, they were forced to rely on a shrinking open market.

OUTSIDE REFINERIES

Most of Colorado's crude oil isn't processed in the state, but sent outside to other refineries, many in Illinois. Long-standing contracts dictate that.

The major source of new crude oil easing the national problem has been increased imports from the Middle East. But that oil would pose a difficult transportation problem if efforts were made to get it to Denver.

Additionally, Middle East crude tends to be high in sulphur content, and most Rocky Mount refineries are geared to process the region's own "sweet" (low sulphur) crude and couldn't refine high-sulphur crude with their present facilities.

Besides Refinery Corp., there is only one other large refinery in Denver—the Continental Oil Co. plant in Commerce City. A major share of the state's refined gasoline products must come in by tanker truck (often from Kansas) or by pipeline.

And that is the third major problem.

"No increases have been made to the products pipeline situation here for some time, and it has been operating at capacity for two or three years," according to Earl Brookshire, an analyst for the Petroleum Information Corp. in Denver.

Thus the distribution system was ill-suited to meet a surge in demand in Colorado triggered by growing consumption and faltering production inside the State, he said.

A local petroleum-industry official, who asked not to be identified, criticized the major companies for not increasing the pipeline capacity.

"Quite frankly, the Denver market has been a dumping ground for excess energy products. That's why we used to have a lot of gas wars.

But now there's no excess, so Denver's getting hurt," he said.

ANOTHER LINK

The pipeline picture should improve by early September, when the Case Pipeline Co., Wichita, Kan., plans to open a new 10-inch pipeline from Eldorado, Kan., to a highly automated terminal near Aurora.

That pipeline can deliver between 15,000 to 20,000 barrels a day of heating fuel, diesel oil or gasoline. This compares with 83,000 barrels a day used in all of Colorado last spring and should greatly ease the situation—if the Kansas refiners can get enough crude oil.

While the first three factors may have caused the shortage, a number of others may have aggravated it.

For example, Colorado's severe winter reduced new drilling operations in the state.

FEWER COMPLETIONS

By June 29 of this year, operators had completed 359 wells in the state, 22 per cent fewer than during the same period in 1972, according to Charles A. Rothfus, executive vice president of the Colorado Petroleum Council.

Another problem is "hoarding." Many industry sources believe motorists now try to keep their gas tanks closer to full than they did before the shortage—to guard against running dry.

If the average motorist in the state kept just four more gallons in his tank, that would be a 3 gallon increase in the motorists' inventory. That is equal to about one day's gasoline consumption in Colorado.

Farmers, industrial users, and other users with large storage facilities may also be building their inventories to guard against the shortage, industry sources believe. Stocks to farmers are particularly critical because an entire season's harvest can be lost by a week's delay in finding gas to run trucks, combines and tractors.

Various retail stores also have reported rising sales of auxiliary gas cans to average motorists. Fire and safety officials however, warn that storing such gasoline is a serious safety hazard.

If these problems aggravate the shortage in Colorado, what is the future outlook for the state?

While most industry sources predict a tight situation nationally for three to five years, many think Colorado's plight may get better—at least returning to the national average.

SUPPLIES GROWING

Larry Goldstein of the Petroleum Industry Research Foundation in New York City said national inventories are improving and Colorado's problem may be primarily due to the overloaded distribution system. The new Koch Oil pipeline may help that.

Independent refiners are pressing for a mandatory system of allocating crude oil among refiners. If they succeed, it could ease the problem of Colorado's heavy reliance on independents. Hearings by the Senate Antitrust Committee chaired by Philip Hart, D-Mich., may lead to such allocations.

Gasoline consumption may also drop somewhat if tourists get nervous about coming to Colorado, or if residents use more buses, cut back on unnecessary driving and conserve fuel.

However, the Continental Oil Co. refinery in Commerce City must close for six weeks beginning Sept. 15 for improvements. Officials there hope that the shortage will ease by that time, although they are trying to stock gasoline or get more from Wyoming to offset that loss of production.

MORE SHORTAGES

Al Hein, executive vice president of the Colorado Petroleum Retailers Association, predicted there wouldn't be any real relief in the state "for another three weeks."

Tom Moen, president of that association, also believes the situation "will worsen here before it improves."

Thus, the picture for the next few weeks appears cloudy. Gasoline consumption historically drops after Labor Day, and the shortages could end then. But industry sources fear that heating-oil shortages, similar to those which hit Colorado last winter, may recur later this year.

Refiners may scramble so hard to meet gasoline demand now that they fail to build adequate heating-oil stocks for the fall, industry sources fear.

Other industry spokesmen are more optimistic—but most agree the situation will continue to be tight this winter. They only disagree on the severity of the problem.

THE GASOLINE SHORTAGE: WHAT HIT DENVER—MANY FACTORS SUGGESTED: TREMENDOUS GROWTH, REMOTENESS

(By Patricia Eisenstein)

Looking at the pictures of new cars lined up to buy gasoline you could see at a glance it wasn't 1941; looking at the American Automobile Association reports on gasoline station openings the last several weeks, you could hardly tell them apart in one respect: Denver really got bombed out in the gasoline shortage. But why Denver?

Lanny Richard at the Society of Independent Gasoline Marketers of America suggested several factors: the city's remoteness from waterways and pipelines forced suppliers to truck all gasoline in, a statement later reiterated by Chet Guthrie of Oriental Refining Co.'s sales vice president.

In fact, he noted, the difficulty in getting sufficient crude supplies had left at least one independent refinery, Oriental's, running at only about 55% of capacity; they were putting customers on daily allocations.

ONLY ONE MAJOR

Richard said Continental Oil Co. had more-or-less control of who got in and out of the Denver area; they have the largest refinery there, and the only "major" one.

Denver, said Richard, has been growing tremendously fast and so has demand for gasoline. The area has probably been on the verge of a shortage for some time—the allocation situation just pushed it over the edge.

Chet Guthrie of Oriental said the majors had found the Rocky Mountain area in general an unprofitable place to build refineries, thus leaving the entire area short of facilities.

REFINING DECREASE

In fact, said Guthrie, Denver's refining capacity has probably decreased. He thought three independents were running below capacity.

Asked about solutions, Guthrie said the Chase pipeline, being built by Skelly and Coke Industries, originating in Wichita which is supposed to come into Denver, won't help much since it comes from the Midwest, which is just as crude-short as the Rocky Mountain areas.

He also said even if there is some relief in the gasoline situation, there will be a squeeze on the intermediates, come winter, as far as heating oil goes (Denver had some serious problems last winter in this regard, with various municipal buildings closed for lack of fuel).

KEEP PRODUCT LOCALLY

One thing Guthrie thought would help: keep Rocky Mountain product in the area instead of shipping it east and west, as he says is being done now to a great extent.

Vickers' Harold Grueskin said the demand for petroleum products in the Denver area has been almost double that for the rest of the U.S.

Not only have refining facilities not kept up with this, Grueskin said Denver papers' reports on May indicated Denver people were getting less than their prorated percent of last year's product as compared to the rest of the U.S.

Grueskin noted all segments of the market were hit by shortages.

STOCKPILING FOR DOWNTIME

Conoco, he thought, was running at or near capacity. There had been some charges they were stockpiling fuel for less-than-nice reasons, but the firm said it was expecting maintenance downtime and was storing product against a 6-week period when it couldn't run the whole facility.

Grueskin said he could see no real solutions to Denver's plight, just some possible logistical redistribution.

He saw some easing of the situation after Labor Day; and noted people have already adjusted their buying habits to meet conditions.

PHASE IV IMPACT

In fact, he commented, if Phase IV is as reported he thought the whole U.S. might be in for all new distribution problems: there were price wars in effect at the time of the freeze base period (Jan. 10) and areas where these wars took place had bad profit margins. Why, then, would a company want to ship gasoline to an area where frozen prices had such bad margins when he could ship product to an area 100 or 500 miles away where the margin was good?

Are we in for more Denvers?

GOOD CHOICE FOR EPA

Mr. PELL. Mr. President, it is sad to note that in this administration there has been a startling trend toward politicalization of many of the administrative departments and agencies of the Federal Government. Hardly a day goes by without further reports of once proud and independent agencies being subservient to White House directives.

Throughout this period one agency, the Environmental Protection Agency, has maintained a proud record of independence and single-minded dedication to its mission: The protection of our national environment.

Credit, for this record must go to the Administrators of the Agency: First, William Ruckelshaus and, at present, Robert Fri.

I am pleased to note, Mr. President, that there are clear indications that this record of independence and determination would continue under the administrator whose nomination has been sent to us for confirmation: Russell Train.

I commend the Committee on Public Works for its prompt action in recommending confirmation of Mr. Train and I hope this body will confirm him as Administrator.

I have known Mr. Train for many years, both on a personal level and on an official level as chairman of the Subcommittee on Oceans and International Environment of the Committee on Foreign Relations. I know him to be a man passionately concerned with not only our national environment but with the world environment.

His record in this area is a clear one. He has served as Under Secretary of the Interior and then from 1965 to 1969 was president of the Conservation Foundation.

He has since been Chairman of the Council on Environmental Quality. In that role he has been a forthright spokesman for the need for vigorous governmental action both to restore our environment, damaged by years of neglect and abuse, and to protect the remaining environmental resources we have.

At a time when our national economic and energy problems are causing some people to blame environmentalists for every difficulty, I am pleased that Mr. Train has refused to take an expedient or half-hearted position. He has staunchly defended the need for environmental controls.

In the area of international environment I can with some detailed knowledge attest to his leadership and energy in mobilizing world action on a host of problems.

Mr. President, the Washington Star-News in a recent editorial praised many of these qualities which I have cited in Mr. Train and I ask unanimous consent that it be inserted in the RECORD at this time.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

GOOD CHOICE FOR EPA

All available evidence suggests that President Nixon made an excellent choice the other day in selecting a new chief for the Environmental Protection Agency. It's true that Russell E. Train has no experience in administration on the large scale he now must grapple with, but neither does anyone else we know of who holds high credentials as an environmental leader. And these Train certainly has, along with a good deal of talent and persuasive ability.

The latter has been exercised lately in his strong contention—voiced to businessmen and others—that environmentalism is getting an unfair rap as a creator of economic and energy problems. Such claims are vastly exaggerated, he argues, with some rather impressive documentation.

His leadership of the Council on Environmental Quality, since its formation in 1970, has produced highly valuable results, in studies, recommendations and legislation. But his most striking achievements have been in mobilizing international action to curb ocean pollution, and protect endangered species of animal, marine and plant life all over the world. Progress in these areas has been truly remarkable in the past year, and Train was in the forefront as this country's representative at international conferences.

At head of the private Conservation Foundation, he was defending the environmental ideal for several years before entering government. Now comes his supreme test, for the EPA faces a severe dilemma in applying some difficult provisions of the Clean Air Act. Modifications in the law are proposed, and there will be pressures for more flexibility in other fields of pollution control as the pinch becomes more painful here and there. Train will occupy the position at which environmentalism and economics collide, as they surely will in some major instances. The question is, how much will he bend? To the very minimum that's required, we hope.

That seems to be the message, too, in his statement that the EPA will continue to operate with the same independence assumed under its able first administrator, William D. Ruckelshaus. And Train emphasizes that the burden of proof will be on those who want to ease the environmental restrictions fixed by law. These are encouraging assurances, and we hope he proves equal to the pressures of politics, and divergent interests, that surely will converge with increasing momentum upon his agency.

DISCLOSURE BY SENATOR JACOB K. JAVITS, OF NEW YORK, OF DIRECT OR INDIRECT FINANCIAL INTERESTS

Mr. JAVITS. Mr. President, under the Senate Code of Ethics, I filed on May 14, 1973, with the Secretary of the Senate, a formal "Statement of Contributions and Honorariums," in which I disclosed all substantial contributions or honorariums received by me during the last calendar year. The form is a public document to which the press has access.

In addition, on May 14, 1973, I filed under the Senate rules a "Confidential Statement of Financial Interests," which includes lists of my assets and liabilities. As that statement is filed with the Comptroller General under the rules of the Senate and is not open to public examination, I hereby publish a list as closely as I can ascertain: First, of my interests in property as of August 1, 1973, each item having a value of $10,000 or more; and second, the securities held in a family trust established in 1937, of which I am the trustee and in which I have a beneficial interest, each item having a value of $10,000 or more; and, a list of my liabilities of $5,000 or more as of the same date.

I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JACOB K. JAVITS—INTERESTS IN PROPERTY

Nature of interest, type of property, and location

Home-Stake Production Co., Oil and Gas Interest, Oil and gas, Tulsa, Oklahoma.

Indian Trail Groves, Ltd., Orange groves, Palm Beach, Florida.

Shareowner—Indian Trail Rand, Inc., Land, Miami, Florida.

Real Estate Interests.

Big Mound Trail Corp., Trust-Stock, Land, Miami, Florida.

Hardwicke Companies, Inc., Corporate stock, New York, New York.

Capehart Corporation, Corporate stock, New York, New York.

Riverview Realty Corp.—Stock, Residence, Washington, D.C.

Computer Investors Groups, Inc., Stock, Corporate stock, New York, New York.

L. S. Inc.—Stock, Corporation stock, New York, New York.

Chubb Corp.—Stock, Corporate stock, U.S.

Westmoreland Coal, Corporate stock, U.S.

Southern Tier Cattle, Cattle, Kansas City, Missouri.

*Terra Bella Vineyards, Vineyards, California.

*Southgate Associates, Apartment, Chicago, Illinois.

*Martinco Realty, Land Interest, Miami, Florida.

Checking Account, Cash, First National City Bank, New York, New York.

JACOB K. JAVITS—BENEFICIAL INTEREST IN TRUSTS

Name of Trust of Fiduciary Interest: Ida Javits Trust.

Name of Trustee or Other Fiduciary: Jacob K. Javits Trustee.

Address of Trustee or Other Fiduciary: 110 East 45th Street, New York, New York.

Trust holdings:

Belco Oil & Gas Fund, Limited Partnership.

East Hampton Property, Land Interest.

Loxahatchee Real Estate, Land Interest.

Tysons Corner Property, Land Interest.

Government Employees Corp., Bonds.

Government Employees Financial Corp., Bonds.

Royal Palm Beach Colony, Inc., Bonds.

U.S. Treasury, Bonds.

American Telephone & Telegraph Co., Stocks.

Archer-Daniels-Midland Co., Stocks.

Atlantic Richfield Co., Stocks.

Bankers Securities Corp., Stocks.

Belco Petroleum Corp., Stocks.

Cenco Hospital & Convalescent Homes Corp., Stocks.

Cenco Instruments Corp., Stocks.

Cities Service Co., Stocks.

Consolidated Marbenor Mines Ltd., Stocks.

Criterion Insurance Co., Stocks.

Crown Zellerbach Corp., Stocks.

Equity Commercial Corp., Stocks.

First National City Bank Corp., Stocks.

Flying Tiger Corp., Stocks.

Government Employees Financial Corp., Stocks.

Government Employees Insurance Co., Stocks.

Government Employees Life Insurance Co., Stocks.

IBM, Stocks.

IDB Bank Holding, Stocks.

Indian Trail Ranch, Inc., Stocks.

Inland Container A, Stocks.

IMC Magnetics Corp., Stocks.

Perrage Properties, Inc., Stocks.

Royal Palm Beach Colony, Stocks.

Sherritt Gordon Mines, Stocks.

South Carolina Electric & Gas Co., Stocks.

Southern Company, Stocks.

Telco Marketing Service, Stocks.

Transamerica Corp., Stocks.

White Shield Oil & Gas, Stocks.

Zenith Radio Corp., Stocks.

LIABILITIES

Name of creditor, address of creditor, and type of liability

1. Ida Javits Trust, c/o Jacob K. Javits, 110 East 45th Street, New York, New York, Advances—unliquidated.

2. First National City Bank, New York, New York, Personal loan for the renovation and furnishing of a co-op apartment at 322 East 57th St., New York City.

3. First National City Bank, New York, New York, Contingent liability of partnership loan re Southgate Associates.

4. Northwestern Life Insurance Company, Travelers Insurance Company, Union Labor Life Insurance Company, Equitable Life Insurance Society, New York Life Insurance Company, Massachusetts Mutual Life Insurance Company, Mutual of New York, Various loans on life insurance policies secured by cash surrender value of policies.

SCARCE FOOD: HERE TO STAY?

Mr. KENNEDY. Mr. President, the most fundamental commodity needed to sustain human life is, of course, food.

The threat of food shortages here, or anywhere in the world, is therefore a menacing fact. Yet, a growing food crisis here and, more graphically abroad, has been developing with each passing year.

Even as food items are beginning to disappear from our Nation's grocery shelves, famine and hunger are the tragic companions to millions of people around the world. The famine in West Africa—so long unnoticed by the international community—is only the most recent example of this growing crisis of food, stretching over the years from the Far East, India, and Bangladesh, and now closer to home.

Clearly, the question of food—its production, distribution, and availability—will be of increasing importance in the decades ahead, for us and for the rest of the world. Food is now, more than ever, an international problem demanding international solutions. With the prospect of famine refugees, such as in West Africa today, and conflicts over food resources, such as on the high seas today, suggests that food may also become an international security issue as well.

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* Ida Javits Trust—beneficial interest.

Mr. President, these problems are reviewed in an exceptionally important article by Mr. Lester R. Brown. The future of food—of scarce food—is discussed by Mr. Brown, and I commend his essay to all Senators and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SCARCE FOOD: HERE TO STAY

(By Lester R. Brown)

This year has witnessed a dramatic upsurge in the world food situation, largely in response to global scarcity and rising food commodities—wheat, rice, feedgrains and soybeans—have soared to historic highs in international markets. Rationing has been in effect for at least some foodstuffs in three of the world's four most populous countries: China, India and the Soviet Union.

By summer, food was being airlifted into several countries in sub-Sahara Africa to stave off famine. India and Bangladesh faced critical food shortages. The United States was restricting soybean exports in order to bring internal food prices down. Food scarcity was affecting the entire world, rich countries and poor.

Within the United States, those protesting and boycotting over rising meat prices in recent months hardly know whom to blame. They are not certain that supermarkets bear responsibility, they are not convinced that it is entirely the farmer's fault, and they are not sure who the middleman is.

What most Americans have never stopped to ask is whether we, as consumers and parents, might in any way be responsible for the soaring meat prices. As average American consumers, we have increased our per capita beef consumption from 55 pounds a year in 1940 to 117 pounds in 1972. Meanwhile, as parents, many of us have borne far more children than needed to replace ourselves, expanding our population by 57 per cent during this same period. Altogether, our national beef consumption tripled, making us a leading beef importer.

For Americans, soaring food prices and the prospect of sometimes empty meat counters in the months ahead has come as a shock. If there was any sector of our economy which we thought was invulnerable, it was the capacity of U.S. agriculture to provide consumers with an adequate supply of low-cost food. Suddenly this is no longer possible.

A dollar devalued by as much as a third over the past 20 months against major currencies such as the German mark and Japanese yen is enabling two-thirds of a billion high-income consumers in Europe, the Soviet Union and Japan to compete very successfully for our domestically produced agricultural raw materials. Had the administration been willing earlier to reduce the scale of our vast dollar-draining military establishment abroad or to meaningfully address the energy crisis at home by curbing demand through such actions as reducing the size of automobiles, much of the decline in the dollar's value could have been avoided. Inaction on these fronts is now taking its toll at the supermarket checkout counter.

At the global level, the news media have drawn attention to several factors contributing to the food scarcities of 1973. Among these are the poor rice harvest in Asia, the shortfall in the Soviet wheat crop, and the temporary disappearance of the anchovies off the coast of Peru for several months in late 1972 and early 1973. But these are to some extent at least, short-term factors, and they should not be permitted to obscure other, more fundamental long-term trends and forces that are altering the nature and dimensions of the world food problem.

POPULATION AND AFFLUENCE

During the 1960s the world food problem was perceived as a food/population problem, a race between food and people. At the end of each year observers anxiously compared rates of increase in food production with those of population growth to see if any progress was being made. Throughout most of the decade it was nip and tuck. During the 1970s rapid global population growth continues to generate demand for more food, but, in addition, rising affluence is emerging as a major new claimant on world food resources. Historically, there was only one important source of growth in world demand for food; now there are two.

At the global level, population growth is still the dominant cause of an increasing demand for food. Expanding at nearly 2 per cent per year, world population will double in little more than a generation. Merely maintaining current per capita consumption levels will therefore require a doubling of food production over the next generation.

The effect of rising affluence on the world demand for food is perhaps best understood by examining its effect on requirements for cereals, which dominate the world food economy. Consumed directly, cereals provide 52 per cent of man's food energy supply. Consumed indirectly in the form of livestock products they provide a sizable share of the more than 70 per cent of the world's crop remainder. In resource terms, cereals occupy area.

In the poor countries, the annual availability of grain per person averages only about 400 pounds a year. Nearly all of this small amount, roughly a pound a day, must be consumed directly to meet minimum energy needs. Little can be spared for conversion into animal protein.

In the United States and Canada, per capita grain utilization is currently approaching a ton a year. Of this total, only about 150 pounds are consumed directly in the form of bread, pastries and breakfast cereals. The remainder is consumed indirectly in the form of meat, milk and eggs. The agricultural resources—land, water, fertilizer—required to support an average North American are nearly five times those of the average Indian, Nigerian or Colombian.

Throughout the world, per capita grain requirements rise with income. The amount of grain consumed directly rises until per capita income approaches $500 a year, and then begins to decline, eventually leveling off at about 150 pounds. The total amount of grain consumed directly and indirectly, however, continues to rise rapidly as per capita income climbs. As yet no nation appears to have reached a level of affluence where its per capita grain requirements have stopped rising.

There is now a northern tier of industrial countries—including Scandinavia, Western Europe, Eastern Europe, the Soviet Union and Japan—whose dietary habits more or less approximate those of the United States in 1940. As incomes continue to rise in this group of countries containing some two-thirds of a billion people, a sizable share of the additional income is being converted into demand for livestock products, particularly beef. Many of these countries, such as Japan and those in Western Europe, are densely populated. Others—the Soviet Union, for example—suffer from a scarcity of fresh water. Most lack the capacity to satisfy the growth in demand for livestock products entirely from indigenous resources. As a result they are importing increasing amounts of livestock products or of feedgrains and soybeans with which to expand their livestock production.

Throughout the poor countries, population growth accounts for most of the year-to-year growth in the demand for food. At best only very limited progress is being made in raising per capita consumption. In the more affluent countries, on the other hand, rising incomes account for most of the growth in the demand for food.

LAND AND WATER

As world demand climbs due to these two factors, we face several important constraints in our efforts to expand global food production. The traditional approach to increasing production—expanding the area under cultivation—has only limited scope for the future. Indeed, some parts of the world face a net reduction in agricultural land because of the growth in competing uses, such as industrial development, recreation, transportation and residential development. Few countries have well-defined land use policies that protect agricultural land from other uses. In the United States, farmland has been used indiscriminately for other purposes with little thought to the possible long-term consequences.

Some more densely populated countries, such as Japan and several in Western Europe, have been experiencing a reduction in the land used for crop production for the past few decades. This trend is continuing and may well accelerate. Other parts of the world, including particularly the Indian subcontinent, the Middle East, North Africa, the Caribbean, Central America and the Andean countries, are losing disturbingly large acreages of cropland each year because of severe erosion.

The availability of arable land is important, but perhaps even more important in the future will be the availability of water. In many regions of the world, fertile land is available if water can be found to make it produce.

Yet most of the rivers that lend themselves to damming and to irrigation have already been developed. Further efforts to expand fresh water supplies for agricultural purposes will increasingly focus on such techniques as the diversion of rivers (as in the Soviet Union), desalting sea water and the manipulation of rainfall patterns.

Another disturbing question is the extent to which the trend of rising per-acre yields of cereals in the more advanced countries can be sustained. In some countries, increases in per-acre yields are beginning to slow down, and the capital investments required for each additional increase may now start to climb sharply. In agriculturally advanced countries, such as Japan, the Netherlands and the United States, the cost of improving production for some crops is rising. For example, raising yields of corn in the United States from 90 to 100 bushels per acre requires much more nitrogen than was needed to raise yields from 50 to 60 bushels.

What impact the energy crisis will have on food production costs and trends remains to be seen. With a substantial rise in the cost of energy, farmers engaged in high-energy agriculture, as in the United States, will tend to use less, thus perhaps reducing future production increases below current expectations. Rising costs will affect not only gasoline for tractors but other basic items. Nitrogen fertilizer, for instance, often uses natural gas as a raw material, and energy is one of the dominant costs in its manufacture.

BEEF AND SOYBEANS

In looking ahead one must be particularly concerned about the difficulties in expanding the supply of world protein to meet the projected rapid growth in demand.

One important source of protein is beef. Efforts to increase its supply have run into two problems: First, agricultural scientists have not been able to devise any commercially usable means of getting more than one calf per cow per year. For every animal that goes into the beef production process, one adult must be fed and otherwise maintained for a full year. There does not appear to be any prospect of an imminent breakthrough on this front.

The other problem is that the grazing capacity of much of the world's pasture land is now rather fully utilized. This is true, for example, in the U.S. Great Plains, in East Africa and in parts of Australia. Most of the industrial countries in which beef consumption is expanding rapidly, from Ireland through the Soviet Union and Japan, are unable to meet all the growth in demand from their own resources. Either some of the beef, or the feedgrains and soybeans to produce it, must be imported.

Soybeans are a second major protein source which has thus far defied the efforts of scientists to achieve a production breakthrough. A major source of high-quality protein for livestock and poultry throughout much of the world, soybeans are consumed directly as food by more than a billion people throughout densely populated East Asia. They have become the leading export product of the United States, surpassing export sales of wheat, corn and high-technology items such as electronic computers.

In the United States, which now produces two-thirds of the world's soybean crop and supplies more than 90 per cent of all soybeans entering the world market, soybean yields per acre have increased by about 1 per cent per year since 1950; corn yields, on the other hand, have increased by nearly 4 percent per year. One reason why soybean yields have not climbed very rapidly is that the soybean, being a legume with a built-in nitrogen supply, is not very responsive to nitrogen fertilizer.

The way the United States produces more soybeans is by planting more soybean acreage. Close to 85 per cent of the dramatic four-fold increase in the U.S. soybean crop since 1950 has come from expanding the area devoted to it. As long as there was ample idled cropland available, this did not pose a problem, but if this cropland reserve continues to diminish or disappears entirely, it could create serious global supply problems.

DEPLETED OCEANS

A third major protein source is the earth's oceans. From 1950 to 1968 the world fish catch reached a new record each year, tripling from 21 million tons to 63 million tons. The average annual increase in the catch of nearly 5 per cent, which far exceeded the annual rate of world population growth, greatly increased the average supply of marine protein per person.

Then suddenly, in 1969, the long period of sustained growth was interrupted by a decline in the catch. Since then, it has been fluctuating rather unpredictably, while the amount of time and money expended to bring in the catch continues to rise every year. Many marine biologists now feel that the global catch of table-grade fish is at or near the maximum sustainable level. A large number of the 30 or so leading species of commercial-grade fish may currently be overfished—that is, stocks will not sustain even the current level of catch.

The 1971 catch of 69 million tons amounted to nearly 40 pounds of live weight a person throughout the world. Of this catch roughly 60 per cent was table-grade fish, the remainder consisting of inferior species used for manufacturing fish meal, which in turn is used in poultry and hog feed in the industrial countries.

The world's major source of fish meal is the anchovy stock off the coast of Peru. Peru has supplied nearly two-thirds of world fish meal exports in recent years. Last year's disappearance of the anchovies, at first regarded as a temporary, recurring natural phenomenon, is now being viewed with considerable alarm by many biologists. There are growing indications that the stock has been seriously damaged by over-fishing.

If, as now seems probable, the global fish catch does not continue rising in the next decades as it did during the last two, the pressures on land-based protein sources can be expected to increase substantially.

Although there are still substantial opportunities for further expanding the world's protein supply, it now seems likely that the supply of animal protein will lag behind growth in demand for some time to come, resulting in significantly higher prices for livestock products during the 1970s than prevailed during the 1960s. We may be witnessing the transformation of the world protein market from a buyer's market to a seller's market, much as the world energy market has been transformed over the past few years.

DWINDLING RESERVES

Since World War II the world has been fortunate to have, in effect, two major food reserves: grain reserves in the principal exporting countries and cropland idled under farm programs, virtually all of it in the United States.

Grain reserves, including substantial quantities of both foodgrains and feedgrains, are most commonly measured in terms of carryover stocks—the amount in storage at the time the new crop begins to come in. World carryover stocks are concentrated in a few of the principal exporting countries—namely the United States, Canada, Australia and Argentina.

Since 1960, world grain reserves have fluctuated from a high of 155 million metric tons to a low of about 100 million metric tons. When reserves drop to 100 million tons, severe shortages and strong upward price pressures develop. Although 100 million tons appears to be an enormous quantity of grain, it represents a mere 7 per cent of annual world grain consumption, a perilously thin buffer against the vagaries of weather or plant diseases. As world consumption expands, so should the size of the working reserves, but the trend over the past decade has been for reserves to dwindle while consumption has climbed.

In addition, one-seventh of U.S. cropland, or roughly 50 million acres out of 350 million, has been idled under farm programs for the past dozen years or so. Though not as quickly available as the grain reserves, most of this acreage can be brought back into production within 12 to 18 months once the decision is made to do so.

In recent years the need to draw down grain reserves and to dip into the reserve of idled cropland has occurred with increasing frequency. This first happened during the food crisis years of 1966 and 1967 when world grain reserves were reduced to a dangerously low level and the United States brought back into production a small portion of the 50 million idle acres. Again in 1971, as a result of the corn blight, the United States both drew down its grain reserves and again brought a portion of the idled acreage back into production. This year, in response to growing food scarcities, world grain reserves once more declined, and the United States dipped much deeper into its idled cropland, permitting at least two-thirds to come back into production.

Now, even with the prospect of record harvests of wheat, corn and soybeans in the United States and a good-to-very-good cereal harvest in the Soviet Union, it does not appear that depleted world grain reserves will be rebuilt much, if at all, this year.

A WORLD FOOD BANK

If world food reserves become chronically low and idle U.S. cropland dwindles or disappears, the result may well be very volatile world prices for the important food commodities. It already is clear that a 25-year era of remarkably stable world prices for the principal temperate zone crops, based on U.S. commodity support levels, has come to an end.

The situation could become even more traumatic for consumers throughout the world if North America, on which the world has become progressively more dependent for its food supplies during this same postwar period, should experience a prolonged drought of several years during the 1970's. There has been such a drought roughly every 20 years since weather records were begun after the Civil War. The most recent drought period, in the early 1950s, was not especially severe, but the preceding one brought on the Dust Bowl crisis of the 1930s.

The prospect of an emerging chronic global scarcity of food calls for serious consideration of the proposal by the Food and Agriculture Organization of the United Nations for an internationally managed world food bank as a means of maintaining some semblance of order and stability in the world food economy. Just as the U.S. dollar can no longer serve as the foundation of international monetary system, so U.S. agriculture may no longer have sufficient excess capacity to ensure reasonable stability in the world food economy.

A world reserve could be built up in times of relative abundance and drawn down in times of acute scarcity. In effect, the cushion that surplus American agricultural capacity has provided for a generation would be provided at least partially by a world food bank. A system of global food reserves would provide a measure of price stability in the world food economy that would be in the self-interest of all nations. It also would provide assurance against famine in the densely populated low-income countries after a poor crop year—an assurance the affluent nations may be less able to provide in the future if the current system of autonomous, nationally oriented planning is allowed to continue without modification.

There is a similarly urgent need to evolve a cooperative global approach to the management of oceanic fisheries. Failure to do this will result in a continuing depletion of stocks, a reduction in catch, and soaring seafood prices that will make those of the early 1970s seem modest by comparison. It is in this context that we, as consumers, have a direct stake in the U.N.-sponsored conference later this year in Santiago.

THE DEVELOPMENT LANDS

Over the long run, the key to coping with world food scarcity lies in the developing countries. It is here that the population pressures are most severe and furthest from solution; it is here also that the unused potential for expanding food production is the greatest.

On the population front, current trends make possible the stabilizing and eventual halting of growth in the industrial countries. In the poor countries, however, it will be much more difficult to achieve population stability. For one thing, history shows that birth rates do not usually decline unless there is improvement in well-being—a reasonable standard of living, an assured food supply, a reduced infant mortality rate, literacy, and health services.

In short, it may well be in the self-interest of affluent societies, such as the United States, to launch an attack on global poverty, not only to narrow the economic gap between rich and poor nations, but also to meet the basic social needs of people throughout the world in an effort to provide incentives for lowering birth rates. Population-induced pressures on the global food supply will continue to increase if substantial economic and social progress is not made. Populations that double every 24 years—as many are doing in poor nations—multiply 16-fold in scarcely three generations!

The United States could also lead an enlarged effort to expand the world's food supply by concentrating on the unexploited potential of the developing countries. A bipartisan proposal introduced in Congress last month would do this by restructuring the Agency for International Development and increasing by half the support it provides for agricultural and rural development.

Although the introduction of new wheat and rice varieties has increased production substantially in many developing countries, the jump in per-acre yields appears dramatic largely because their yields traditionally have been so far below their potential. But today rice yields per acre in India and Nigeria still are only one-third those of Japan; corn yields in Thailand and Brazil are less than one-third those of the United States. Large increases in food supply are possible in these countries at far less cost than in agriculturally advanced nations if farmers are given the necessary economic incentives and resources.

Concentrating efforts on expanding food production in the poor countries could reduce the pressure on world food prices, create additional employment in countries where continuously rising unemployment poses a serious threat to political stability, and raise income and improve nutrition for the poorest portion of humanity—the people living in rural areas of the developing countries.

The urgency of the food problem is underscored by increasingly frequent reports of starvation in sub-Sahara Africa and of food riots in Asia. Assuring adequate food supplies at reasonable prices may now be possible only through international cooperation. The disappearance of surplus food stocks and the return of idled cropland to production has removed the cushions that once existed as partial insurance against catastrophe for the poor and skyrocketing prices for the rich.

ALASKA PIPELINE

Mr. DOMINICK. Mr. President, yesterday the House passed their version of the right-of-way bill which among other things clears the way for the Alaskan pipeline to bring Alaska oil to the lower 48. Numerous facts and figures were presented and the history of this pipeline was discussed extensively during the debate on this matter. In my study of the bill, I met with numerous groups, including representatives of every major environmental organization. Just as the environment is an ever present issue of concern in my own State of Colorado so also was the environment a concern for those who worked diligently on this project. I have recently read an interesting article which, I believe, clearly sets forth the environmental developments on the pipeline and I think it will be of interest to all of my colleagues. I, therefore, ask unanimous consent that it be printed in the RECORD. The article was written by Esther T. DeWitt and Donald W. Hood of the Institute of Marine Science at the University of Alaska and appeared in the May-June, 1973 issue of Sea Frontiers, a publication of the International Oceanographic Foundation. I commend the authors for their interesting and informative item.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OIL IN COLD STORAGE

(By Esther T. DeWitt and Donald W. Hood)

The 1968 discovery of oil at Prudhoe Bay on the Arctic coast by Atlantic Richfield Company and Exxon Company, U.S.A. (then Humboldt Co.) set off a "black gold" rush unequalled in modern history. The rush was not from individual miners and prospectors carrying their supplies on foot or horseback as they did at Chilkoot Pass in the early 1900s, however, but by giant oil companies shipping derricks, pipe, mud and all other supplies by the four-engined *Hercules* workhorse of modern transportation and by barges sailing through the Bering Strait to catch the brief open-ice period of July and August. For a short space of time from October, 1968, to May, 1969, the Fairbanks airport was handling more airfreight than any other U.S. airport. As many as 12 *Hercs* were flying Fairbanks-Prudhoe Bay and back every three hours, on a round-the-clock schedule, to deliver over 270,000 tons of freight to the North Slope.

After this frenzied period and the $900 million lease sale was over, little has happened on the North Slope. All interests are waiting. They are waiting for the impact statement, waiting for a Department of Interior decision, waiting for court decisions on litigation by environmental groups, and waiting for Congress to change the right-of-way leasing law. Waiting—no one knows how long!

CLAIMS OF DISCOVERY

Research of oil in Alaska is fascinating and frustrating. Each man who viewed the "oil lake" on Cape Simpson claims to have been the first, and with the lack of communication in the 1800s, this is understandable. The earliest record seems to credit Thomas Simpson, an explorer for the Hudson's Bay Company, who walked the Arctic coast from 1836 to 1839. Mr. Simpson was well-known for the accuracy of his topographic maps of the area, which were the only maps until the U.S. Geological Survey crews began to arrive in the early 1900s.

Another oil discoverer, William Van Valin, was a teacher for the U.S. Bureau of Education at Wainwright, who drove his team of reindeer 550 miles north to look for the lake of oil. He found it and filed a claim on the west shore of Smith Bay. His diaries do not tell if he proved up his claim ($200 assessment work is required each year), but when President Harding established the Naval Petroleum Reserve No. 4 in February, 1923, Van Valin's claim was included.

Charlie Brower of *50 Years Below Zero* fame and Pat Grey found the lake at Cape Simpson in 1886 while hunting game for their whaling ship crew. They reported that they had found oil bubbling from the ground like a spring.

U.S. Geological Survey bulletins, reports, and professional papers show oil seepage first reported in 1911. They claim the first white man to see the oil was Alexander Malcolm (Sandy) Smith in 1917. Records are so widely scattered and incomplete that historians will find it difficult, if not impossible, to establish the *first* discovery.

The Alyeska Pipeline Service Company, formerly the Trans-Alaska Pipeline System, is a consortium of the participating oil companies. This organization faces a major project of encountering and attempting to cope with all of the arctic phenomena, legal rulings, conservationists, preservationists, opportunists, Congressional opposition, and the new National Environmental Policy Act signed in law January 1, 1970.

Statistically there are 586,000 square miles in Alaska, of which only a hundredth of one percent would be required by the pipeline project. The pipeline will be 789 miles long, 48 inches in diameter, with 641 of the miles across federal lands: Bureau of Land Management, the U.S. Department of Defense, and the U.S. Forest Service. The oil comes hot from the well. There will be a loss of wellhead temperature before the pipeline receives the oil. The pipeline will be designed to operate at a maximum temperature of 145° F.

THE OUTSTANDING DANGERS

Summaries of the dangers involved in the pipeline are presented in the U.S. Department of Interior's *Final Environmental Impact Statement Proposed Trans-Alaska Pipeline,* six volumes prepared by a special interagency task force for the Federal task force on Alaskan oil development, 1972; the three volumes *A Study of the Economic and Sociological Impact of Construction and Initial Operation of the Trans-Alaska Pipeline* by Mathematical Sciences Northwest; and *Environmental Studies of Port Valdez,* published by the Institute of Marine Science, University of Alaska, and many others.

The outstanding dangers attendant with the proposed pipeline project are: ballast pumping and spills from ships; the pipeline crossing earthquake fault zones; the old problem of permaforst; and the terrestrial mammals involved with the pipeline (migration patterns, lambing areas, etc.).

SPILLAGE AND BALLAST PUMPING

The *Environmental Impact Statement* suggests that the first of these dangers, that arising from ballast pumping and spillage at sea, can be minimized by modern equipment, new designs, engineering precautions, and computer and other controls.

In 1971, a bill to prevent ballast pumping into Alaska's coastal waters became law: "No vessel may take on petroleum or by-products unless it arrives without having discharged ballast at sea during the period of time from departure to arrival at a port in the state." This same law established a standard of maximium 50 parts per million (ppm) of oil residue to be discharged to water courses, a control measure that the federal government validated and accepted. Strict liability for the discharge of hazardous substances into natural waters was also established. The Alaska Department of Environmental Conservation has filed its first suit based on this law.

The facility to be built at Valdez is designed to limit the possibility of spillage during pumping operations between ship and shore. Stringently enforced regulations should help prevent any spillage. According to authorities who made predictions, an estimated 3.2 to 26 barrels per day would be spilled in the Port of Valdez. These predictions are of questionable value, as indicated in the statement itself: "The threats cannot be accurately predicted in terms of oil loss frequency, location, or/volume due to the complexities of the systems, the variable and the projection bases involved." It also states "The marine tanker system is variable in the degree to which they can be quantified and predicted."

University of Alaska scientists have been collecting data to predict the effect of treated oil-tanker ballast water on the ecosystem of Port Valdez. This scientific background will provide a basis for monitoring and regulating the environmental impact of an operational oil terminal.

Considering that oxygen is supplied from the atmosphere and photosynthesis and that the port flushes with Prince William Sound, there appears to be little reason for concern over oxygen depletion in the water column from the ballast treatment facility. In addition, physical parameters and density profiles taken during this study indicate that Port Valdez water undergoes complete horizontal mixing. Vertical mixing is extensive in winter, when the system is estimated to flush every 40 days. During the other seasons, flushing appears to occur at least every 100 days.

There is no practical evidence or theoretical basis for expecting that petroleum contaminants added to the water through the ballast outfall would accumulate in the water column over those levels achieved by initial dilutions. The engineering design will insure a ballast water concentration of 0.1 to 0.5 ppm oil at a distance of 10 feet from the outfall. Natural mixing will further dilute the values tenfold in a distance not exceeding a half mile. Since biological data indicate that an oil concentration of less than 0.05 ppm causes little or no effect to photosynthetic processes and that oil is, in fact, food for many microorganisms, the oil in port waters derived from the treated ballast water is expected to have a negligible biological impact.

A PIPELINE WITH GIVE

Alaska is a geologically young area and earthquakes, the second danger, are to be expected. Alyeska is aware of this and, in areas where significant movement is predicted, the pipeline will be constructed utilizing special design techniques such as a trapezoidal zigzag pattern to assure a maximum of "give" in the line. The pipeline is being designed to withstand the combined stresses from internal pressure, thermal expansion, and seismic forces. Remotely operable block valves will be located on both sides of the Denali Fault crossing to facilitate isolation of that section of the line, should it become necessary.

The new Earth Resource Technological Satellite is taking infrared photographs that show the true extent of the faults. The pipe is designed to arc upward if the earth shifts at the site of the fault. The U.S. Geological Survey has completed its seismic study of the entire pipeline route, and these data are being used by the Alyeska design engineers. The 800 acres for the Valdez terminal are underlaid with bedrock, and the proposed structures are designed to withstand earthquakes. The terminal will be situated above the tsunami level at that location of the Great Alaskan Earthquake of 1964.

The pipeline will be continuously monitored and regulated from a control center at the Valdez terminal. Local control can also be exercised from pump stations. A combination of automatic and manual controls will assure efficient operation of the system and optimum response to all conditions.

FROZEN LAYERS IN THE EARTH

The thermal equilibrium of permafrost, the third danger, is of vital importance; yet, the impact of the pipeline will be similar to that of an arctic road. Permafrost is an everyday fact in many parts of Alaska, and buildings, roads, airfields, pipelines, and other facilities have been successfully built and managed on permafrost for many years.

The state secondary highway built by Alyeska in 1969 from Livengood to the Yukon River did present some permafrost challenges. Vertical bank cuts for the highway north from the Yukon River exposed large amounts of permafrost. As the silt washed down when the ice melted, it was carefully seeded with oats and perennial grasses to help prevent erosion. The grass roots held the silt in place, and the tundra was down over the bank in three years, proving that with help the tundra can be restored. Miles of secondary roads have been built in Alaska without causing permafrost problems.

The 4- to 5-foot-thick gravel roads at Prudhoe have not caused the permafrost to thaw. Most of these roads have been there four to five years. They were placed on top of the tundra without disturbing the vegetation. The pads must include adequate drainage to prevent scouring or slope failure. Culverts must be thawed early in spring, as are the state highway culverts, so ponds will not form along the road that might melt the underlying permafrost.

Alyeska has sponsored many tests of the pipe. The cold pipe test at Barrow was to obtain information about mechanical stress of the pipe subjected to burial in permafrost. After three years' testing, the pipe showed no significant defects.

The three-year hot pipeline test in Fairbanks proved that a mathematical model was correct in the researchers' estimation of the extent and rate of growth of a thaw bulb around a buried, heated pipeline. The pipeline was heated to 160° F. with sensors installed to monitor the melting permafrost. The thaw was as predicted by the mathematical model. The tests also proved that the permafrost stabilizes after the initial melting, and that vegetation can be grown above the line.

More than 5,000 core samples, varying from 2 to 36 inches in diameter, have been drilled. The samples are kept frozen and flown to the nearest laboratory, where they are analyzed for geological engineering characteristics and determination of permafrost content. The results are forwarded to the Alyeska design section, where the pipeline is designed on the basis of the permafrost conditions indicated. Alyeska is continuing its soil sampling program, making more frequent samples in areas where the more fragile conditions exist.

In extremely dense ice and silt areas, the most difficult with which to deal, the pipe will be elevated to prevent meltage and resulting erosion. In areas designated "special burial," the pipe will have to be insulated and buried with refrigeration coils to keep the soil frozen. Every precaution will be taken to keep the permafrost disturbance to an absolute minimum.

It is difficult to determine if Alyeska has spent more time and money on the permafrost problem or on the terrestrial animals.

Hunting will increase as access roads are built. The Alaska game agencies will have to establish and enforce more rigid hunting controls.

Concern has been voiced that the open construction ditch would pose a hazard to larger mammals, which might fall in and become injured. The trench will not be open long enough for the animals to get near it, however, since the area will be active with construction operations. The pipe will be laid as quickly as the ditch is available, since Alaska's short working season necessitates close scheduling.

The elevated pipeline construction would allow a maximum sustained clearance of 8 feet. Extensive studies commissioned by Alyeska are underway by the Cooperative Wildlife Unit of the University of Alaska to determine mammal use of the pipeline overpasses and underpasses. The final summation of the problem has been stated, "If the caribou and other migrating animals will not use the passes as furnished, then we will have to bury the pipe or make other provision to insure passage of the animals. Their migration patterns will not be substantially altered." The stipulations read that precautions must be taken to minimize disturbance in Antigun Canyon during the lambing season of the Dall sheep. When construction is completed and the equipment and workers are removed, it is believed that most of the indigenous animals will accept the line as part of the landscape and will return to their natural habitat.

In final analysis of problems such as mammal disturbance and permafrost, the Bureau of Land Management authorities must agree upon each mile of the pipeline design before construction can start.

It is encouraging that caribou return to the Prudhoe Bay area each spring after having been hunted for thousands of years by the Eskimos. Now protected by enforced hunting controls (oil firm employees cannot hunt; Eskimos may), the caribou have returned to the extent that they dropped an estimated 1,500 calves in the spring of 1972 in the surrounding areas. This confirms that, if adequate hunting controls were exercised, the animals would return to an area with oil wells, roads, and some traffic.

MINIMAL ADVERSE EFFECTS

Vegetation must be recognized as an additional problem. The hot-oil pipeline test was used to evaluate the effect of heat upon the vegetation. Biomass production in warmed soils over the pipe was 500 percent greater the first season and 300 percent greater the second season than in adjacent, unheated soil-control areas. Three years of intensive field testing of hardy, introduced plant species proved considerably successful in six of the eight transect sites from Fairbanks to Prudhoe Bay.

The natural oil seeps at Cape Simpson have established the fact that adverse effects to terrestrial and emergent aquatic vegetation were limited and were conspicuous only when fresh oil contacted foliage. Revegetation of both active and inactive flows was apparent.

It is factual that oil and its products do kill vegetation, and a leak under pressure could cause extensive damage. One possibility that has not been explored is the burning of an oil spill on the tundra. Millions of acres burn each year in Alaska from lightning fires; this land restores itself and two or three years later offers better hunting of some animals than before, according to biologists and native people.

In papers presented at the 1972 Alaska Science Conference, it was reported that some of the experimental grasses introduced will take hold. Construction of the first five pumping stations would be done with minimum disruption of the protective vegetation cover and thus ensure minimal adverse effects.

Again discussion takes us back to the same point of interest. If the contractor stays within federal stipulations and supervises the subcontractors accordingly, only very small amounts of damage will result. With each danger acknowledged, carefully researched, and protection established, it is time to move on. The delays must be cleared away and construction begun.

Taxpayers have paid more than $10 million for the *Environmental Impact Statement*. The oil companies have already invested over $350 million in project research with no returns. The sources of domestic oil are limited, and the balance of payment problem is of national concern—due partially to heavy oil and gas import demands. The energy problem is critical, and national security is at stake.

There seems to be no rational reason for the delay. We must take immediate advantage of one of the most thoroughly studied projects in the history of our country. It is time to put Alaskan oil on the market. Americans have been to the moon and back several times. We are surely capable of building a safe pipeline across the permafrost and tundra of Alaska.

AAAS SCIENCE AND MAN IN THE AMERICAS

Mr. MONTOYA. Mr. President, Mr. Paul Reimers, Coordinator of Information Systems at the Library of Congress, brought an excellent example of a new trend in hemispheric solidarity to my attention. Recently the American Association for the Advancement of Science and the Mexican Consejo Nacional de Ciencia y Technologia jointly sponsored a 2-week colloquim on science and man in the Americas in Mexico City.

After introductory remarks by Dr. Glenn Seaborg, chairman of the AAAS Board of Directors, the Honorable Luis Echeverria, President of Mexico and honorary conference chairman, officially opened the meeting, the second in the AAAS 125-year history to be held outside of the United States.

So that the conference would be truly international, equal numbers of scientists from the United States and the Latin American nations participated. Sessions were cochaired by a United States and a Mexican representative. Simultaneous translations were provided at all sessions. By these means, the conference was not dominated by one country at the expense of others.

The keynote speech delivered by Lic. Gerardo Bueno Zirion, Director General of the Consejo Nacional de Ciencia, stressed that less developed nations have difficulty in using technology offered by the more developed nations. Often that technology is too expensive to procure and put into production. Faced with grave social and economic demands, it is difficult to free large amounts of capital even though the eventual return will justify expenditures.

Lic. Bueno went on to say that technology designed to save labor or to substitute synthetic for natural materials does not meet Latin needs because a prime reason for importing technology is to create jobs. As the developing nations raise capital by exporting natural mineral and agricultural materials, the substitution of synthetics lessens demand and decreases the ability of underdeveloped countries to create capital, thereby widening the gap between the have and have-not nations. Also, extranational corporations have used technology as a wedge to gain control of segments of developing economies and keep out native entrepreneurs. The remarks were honest and sobering to representatives of developed nations.

The 10 central themes of the conference were:

The Sea and its Resources.
Ecology and Environmental Deterioration.
Deserts and Arid Lands.
Nutrition and New Food Technology.
Earthquake and Earthquake Engineering.
Science Development and Human Values.
The Problems of Population.
The Importance of Education in Development.
Non-Nuclear Energy for Development.
The Earth Sciences in World Development.

Through the AAAS meeting, invaluable interpersonal associations were formed between United States and Latin American colleagues in the same or related disciplines. These bonds will no doubt add immeasurably to the free flow of technical advances between the nations of the Western Hemisphere.

Despite these important and intangible gains, much still separates the Latin American from the U.S. participants. Latin American scientists concentrate on the practical application of technological knowledge while their American counterparts place more value on theoretical study.

In spite of the distinct emphases, Science and Man in the Americas was a stimulating intellectual experience for the participants. Both sides found that the much touted language barrier disappears with common interests and a modicum of good will. The gracious hosting of the Mexican Government and its scientific organizations did much to supply this latter ingredient.

JUSTICE RETURNS TO KENT STATE

Mr. KENNEDY. Mr. President, I commend the Attorney General Richardson and Assistant Attorney General Pottinger for the decision they have announced today to reopen the Department of Justice investigation into the tragic killings on the campus of Kent State in 1970.

In a sense, today's decision is the best sign we have had so far that a new spirit of justice for respect for law is rising in the Department of Justice. For many, the Department's blunt and hostile refusal, year after year, to do its duty on Kent State, or to cooperate with the Congress in any investigation of the tragedy, had come to symbolize the Department at its worst.

Now, with this new sign that justice is returning to the Department of Justice, I praise the Department for its decision and I hope that Congress will be kept fully informed of its progress.

Certainly all of us in the Senate and House look forward to a full and complete and fair investigation of this tragic chapter in our recent history, an investigation capable of convincing not only the family and friends of those who died, but all our people, that justice at last is being done.

Mr. President, I ask unanimous consent that the text of the announcement released today by the Department of Justice may be printed in the RECORD.

There being no objection, the announcement was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF JUSTICE,
August 3, 1973.

Attorney General Elliot L. Richardson announced today that he has authorized Assistant Attorney General J. Stanley Pottinger to conduct an additional inquiry into the circumstances surrounding the fatal shooting of four Kent State University students by members of the Ohio National Guard on May 4, 1970.

The authority was requested by Mr. Pottinger, who heads the Civil Rights Division, after he completed a review of the Justice Department's file on the Kent State case; an evaluation of recent requests from students, private investigators, and others for further federal investigation into certain aspects of the case; and consultation with Civil Rights Division personnel who were in charge of the investigatiton.

Mr. Richardson said his decision rested solely on "the need to exhaust every potential for acquiring facts relating to this tragedy."

"We have concluded in the light of Mr. Pottinger's review of the file that there are some areas where an additional inquiry is desirable," the Attorney General said.

"This does not mean that we have reason to believe that the prior decision to discontinue active investigation was wrong or made for improper reasons, nor does it mean that we think the additional inquiry is likely to lead to a different prosecutive judgment.

"Our purpose is simply to make sure that the Department knows as much as can possibly be learned as to whether there were violations of Federal law in this matter."

"I have authorized Mr. Pottinger to pursue the additional inquiry by such means as he feels are appropriate so that we will both be completely satisfied that the Department knows as much as can possibly be learned concerning possible violations of Federal law."

The Attorney General said Mr. Pottinger will report directly to him on the inquiry.

THE FINANCIAL AND INVESTMENT COUNSELING FOR OLDER CITIZENS

Mr. CRANSTON. Mr. President, as chairman of the Special Subcommittee on Human Resources and as ranking majority member of the Senate Subcommittee on Aging, I have long been aware of the truly disastrous impact of inflation on the millions of retired Americans living on fixed incomes.

Inflation hits hard at all Americans, but it hits hardest at the elderly who spend a great deal more on medical care, housing, and food than do other Americans.

Mr. President, on July 29, 1973, there was a most provocative article in the July 29 Washington Post written by E. M. Abramson, family financial counselor, which points the way toward legislative or other action on the part of the Congress that I think could make a real contribution in helping older citizens deal with the problems of trying to stretch their limited financial resources in this inflated economy.

The July 29 Post article describes an elderly woman who is receiving about $1,500 annually in social security benefits, and who receives approximately $2,000 a year from the interest on her savings of about $40,000. Now this woman estimated that she needs $5,000 a year to maintain her present standard of living—I should point out that this barely exceeds the poverty level and is not exactly an affluent annual expenditure need. In order for her to make up the $1,500 deficit that results, she is forced to draw on her capital, which then reduces the interest she receives, which—of course—forces her to deplete even more of her capital. This is an endless vicious circle.

This woman is not getting the best possible return on her money. The amount she receives in interest payments would indicate that she is getting something like 5 to 5¼ percent on her money; whereas had she invested in a savings and loan association she might realize $2,490 a year in interest. Savings certificates could yield 6 percent interest. And the Federal National Mortgage Association recently advertised 8.3 percent interest on 8-year debentures, which, the Post article notes, would yield as much as $3,300 annually—more than enough to meet her $5,000 annual need.

Mr. President, the point of this article is that wise financial counseling could make a measurable difference in this woman's ability to remain independent—both financially and personally. The article goes on to cite several other examples of high-yield investments which this elderly woman could make, and states that—

> Financial counseling can make a substantial difference in the living conditions of countless thousands trying to stretch fixed incomes to cover inflated living expenses. Unfortunately, these people have limited amounts of capital and can ill afford the fees charged by professional counselors.

This woman undoubtedly has her money in a traditional savings account because that is where she has always had it. That is a system she knows and trusts and understands. Financial counseling for her, if it is to be at all successful, cannot be offered by someone who's "out to make a buck." The relationship must be based on the trust of the retiree for their adviser. Elderly pensioners have long been a favorite target of con men, get-rich-quick schemes, and phony health care plans. Consequently, most seniors are justifiably wary of anyone who tries to tell them what to do with their money.

The private sector has a great deal of difficulty in establishing a trust relationship with retirees—a relationship vital to really assisting the senior citizen in getting the most from his or her money. The more I look into the need for good, sound, financial and investment counseling for senior citizens, the more I think it is an area ripe for volunteer efforts.

It is interesting that in discussions we have had this week on the matter with various people knowledgeable in the field of senior affairs—including the American Association of Retired Persons—AARP—and the National Senior Citizens Law Center—have shown how enthusiastic people are about the idea of financial counseling for older Americans.

In 1971, Mr. President, the median income for heads of households over 65 was $5,000; of that $5,000, 46 percent was from actual retirement incomes—the rest, 54 percent, was from other sources such as savings, interest on savings, investments, employment, or resources such as a home or an automobile.

If the estimates that some 6 to 7 million elderly citizens will be eligible for the new supplemental security income program—SSI—are correct, then there are some 13 million seniors who could be assisted by such a program of financial counseling. Of that 13 million less than 5 percent are at all "affluent." That 5 percent would most likely not need the services—but some 12 million certainly do.

As chairman of the Special Subcommittee on Human Resources, which has jurisdiction over the domestic programs of the ACTION agency—the Federal volunteer agency created as the result of Reorganization Plan No. 1 of 1970—and as author and floor manager of S. 1148, the "Domestic Volunteer Service Act of 1973," which unanimously passed the Senate on July 18, and which I hope we will be able to send to the President for signature right after the August recess, I am very interested in the possibilities of utilizing ACTION volunteers—particularly the skills of SCORE/ACE volunteers, the Service Corps of Retired Executives and the Active Corps of Executives—in helping older citizens get the most from their capital. Consequently, I have suggested, and the distinguished floor manager of H.R. 7265, the House companion bill (Mr. Hawkins) and our minority colleagues on each side, Senator Beall and Mr. Steiger, have agreed, that we include the following language in the explanatory joint statement on the S. 1148 compromise with regard to programs conducted under title II of S. 1148:

> A very appropriate application of the expertise of SCORE/ACE and other title III volunteers, either separately or working in conjunction with title II (especially in the new Senior Companions programs) and title I volunteers, is to provide financial and investment counselling to senior citizens and others living on fixed incomes in order to enable the maximum use of their limited resources.

Along this same line, the new Director of the ACTION Agency has already begun a new program placing RSVP volunteers in social security offices to provide various information and referral services to seniors. This would seem to be an ideal location for the kind of financial counseling I am suggesting.

It would seem to be appropriate for the Commissioner of the Administration on Aging, under the extensive demonstration projects authority granted him in the new title IV added to the Older Americans Act of 1965 of the Comprehensive Older Americans Services Amendments Act of 1973—now Public Law 93-29—undertake a large demonstration project of this type—possibly through six of the newly designated area agencies on aging—one each in the North, South, East, and West, and in an urban and a rural area. I am writing to Commissioner Flemming very shortly requesting that he investigate this possibility.

Several other possibilities come to mind, and I intend to introduce legislation as soon as the Senate reconvenes in September, to provide for a coordinated program of financial and investment counseling for senior citizens, pulling together the resources of the ACTION Agency, the Administration on Aging, and the Social Security Administration, along with appropriate private sector groups and organizations.

Organizations like AARP and the National Council of Senior Citizens send their members information on retirement income investment programs, and I see no reason why articles along the lines of the "Life Guides" series put out by AARP and even information on preretirement counseling, could not be made available in all social security offices, senior centers, and the like. The information and referral programs to be set up in social security offices upon implementation of the SSI program would also seem to be fertile ground for disseminating information about investments and the best application of the limited resources of elderly persons and making available experienced volunteer financial counselors.

I view this kind of program, not only as one which could provide investment counseling, but also one which could provide general financial advise as well. For example, perhaps an apartment dweller would be well advised to look into a condominium arrangement; or an elderly couple thinking about selling their home would be better advised to rent the house; or perhaps the insurance coverage an individual has is really in excess of his or her needs; and so forth.

My staff and I have only just begun to investigate the possible methods of assisting retired citizens with limited resources in the financial and investment counseling area. Our initial research suggests, however, that we may well be able to help literally millions of senior citizens remove some of the financial anxiety they are now suffering at very minimal cost to the Government.

Mr. President, on August 14 in San Diego, I will be privileged to chair a joint hearing of the Senate Labor and Public Welfare Committee's Subcommittee on Aging, chaired by Senator Eagleton, and the Special Subcommittee on Human Resources which I chair, on alternatives to institutionalization of the elderly. I plan to ask for the suggestions of the witnesses at that hearing about the proposal I am making today; and, immediately upon our return in September, to introduce appropriate legislation designed to implement the recommendations of those witnesses and the results of my investigation.

Mr. President, I ask unanimous consent that the full text of the July 29, 1973, article from the Washington Post to which I have referred be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

ADVICE FOR THE ELDERLY

(By E. M. Abramson)

The pages of financial publications and of those magazines whose appeal is primarily to the affluent abound with advertising for investment opportunities and financial advisory services.

"Of course," you say—this is logical, since the people who read these publications are the ones with money to invest. Obviously, those who have discretionary funds—that is, money over and above that needed for living expenses—are the people who need investment advice. Right?

Wrong! Of course the man with a substantial number of surplus dollars wants those dollars at work providing the best possible return. But a difference of one or two per cent in return on his investments is hardly likely to make any noticeable difference in his life style.

The people who really need advice and assistance with their investments are the elderly retired who are attempting to survive with some small degree of comfort and self-respect on the income from their life savings or perhaps the proceeds from insurance on a late husband or wife.

These people have seen the values of their fixed investments whittled away over the years by inflation, until now they are barely subsisting on an income that was once thought adequate for a life of relative comfort.

On Feb. 26, a story appeared in The Washington Post about the serious effects on the elderly retired of recent rent increases in Montgomery County. One woman was featured in the article as typical of many faced with similar problems.

The 76-year-old subject of the story is receiving close to $1,500 a year in Social Security payments. She estimated that she needs a total of about $5,000 a year to maintain her present standard of living—not much above the poverty level in an area where living costs are among the highest in the nation.

Savings of about $40,000 provide her with a little more than $2,000 in interest each year. This woman is rightly concerned about the need to draw on the principal balance to make up the annual deficit of about $4,500. The continuing reduction of capital in turn decreases the amount of interest available the following year, thus increasing the rate at which her capital is disappearing.

This figure of "a little more than $2,000" in interest on a principal of $40,000 indicates that the money is returning perhaps 5¼ per cent—but more likely 5 per cent compounded on a quarterly or more frequent basis.

Is this the best return this woman can get on her money? Certainly not—there are several ways to ease her problem substantially by using the appropriate investment medium. Let's look at a few possibilities:

Savings and loan associations (in Maryland) offer 6 per cent passbook accounts insured by an agency of the state government. The yield would be $2,400—at least a small improvement over the $2,000 now being received.

THE MILITARY PROCUREMENT AUTHORIZATION BILL

Mr. SYMINGTON. Mr. President, the Senate Armed Services Committee has completed action on a $20.4 billion military procurement authorization bill.

The committee acted after it voted the full $1.5 billion in authorization for the Navy's Trident submarine program. The vote on that issue was 8 to 7, as explained below, a reversal of the committee's previous position.

The administration had submitted authorizations totaling $22 billion. Of that total, $13.4 billion was in procurement authorizations and $8.6 billion in requests for research, development, test, and evaluation.

The Senate committee voted $12.388 billion for procurement and $8.059 billion for R.D.T. & E. Total authorizations were cut about 7 percent below administration requests.

In addition to authorizing subsequent appropriations, the bill annually sets active and reserve strengths of the armed services. It also authorizes certain military-funded assistance—MASF—in Southeast Asia.

A last minute attempt by the Defense Department to reach an agreement on a modified Trident program, with a smaller reduction in funds—$321 million—from that recommended by the committee's Research and Development Subcommittee—$885.4 million—failed because the chairman of the subcommittee, Senator THOMAS J. MCINTYRE, considered that the Navy's unwillingness to relax the acceleration of the program sufficiently or accept substantial enough savings in fiscal year 1974 made their proposal inconsistent with the subcommittee recommendation.

Senator MCINTYRE offered a compromise which would have accepted the Navy's goal of completing the prototype Trident submarine by October 1978—some 2 years earlier than envisioned by the subcommittee—if there were a substantial reduction in concurrency of construction of the follow-on submarines; if the rate of production of follow-on boats were reduced from three to two per year; if there were a delay of 1 year in the authorization of the second and third submarines; and if savings of about $500 to $600 million could be realized in fiscal year 1974.

The Navy, however, was unwilling to accept this compromise.

By an 8-to-7 vote Wednesday, the committee had approved the subcommittee's $885.4 Trident cut. However, Senator BARRY GOLDWATER later advised the committee that his proxy had been voted mistakenly, and the issue was reconsidered today.

The bill includes:

Fiscal 1974 authorization

[In billions of dollars]

	Authorizations requested	*Senate committee*
Procurement	13.4	12.388
R.D.T. & E.	8.6	8.059

The House Armed Services Committee approved a bill authorizing $21.4 billion. But the House, by floor amendment, limited the total to $20.4 billion.

The administration first requested $2.1 billion in fiscal year 1974 authorizations to aid to non-United States free-world forces in Vietnam and Laos. As the Indochina war subsided in June, the request for appropriations was $1.185 billion.

In a previously announced action, the Senate committee had voted $952 million as the—MASF—authorization for fiscal 1974. The House Armed Services Committee voted $1.3 billion.

In another previously announced action the committee had voted a cut in active duty strength of the armed services totalling 156,100. The committee decided to give the Secretary of Defense the discretion to decide how the total cut is to be apportioned among the services. When applied and fully effective, this manpower cut should save $1.6 billion a year.

The committee had approved the following average paid drill strengths for the military reserve components in fiscal 1974:

Army National Guard	379,144
Army Reserve	232,591
Naval Reserve	121,481
Marine Corps Reserve	39,735
Air National Guard	92,291
Air Force Reserve	49,773
Total	915,015

(Strengths are as recommended by the Pentagon except for a 4,500 increase in the Naval Reserve)

In other actions previously announced, the Armed Services Committee had:

Reduced Navy F–14 requests for $703.1 million by $505.4 million, to $197.6 million, to fund the program through December and require a negotiated contract, before considering the $505.4 million.

Deleted the $150 million Navy fly-off program to select a carrier-suitable fighter.

Reduce the Air Force A–10—A–X—program by $50 million reducing from 10 to 6 the number of planes to be purchased for developmental testing and eliminating long-lead procurement.

Approved the $1.148 billion requested for the Air Force F–15 program.

Cut $41 million requested to reimburse the Military Assistance Program for F–5As loaned to South Vietnam.

Added $158.8 million to permit the Air Force to buy 12 additional F–111 fighter bombers.

Cut $29.3 million from the Navy's procurement funds for detailed drawings and long lead-time components for sea control ships.

Cut $13 million—Army-—and $9.6 million Air Force requests for executive—attaché—aircraft.

Reduced by $6 million Air Force procurement funds for the C–5A transport.

Deleted $15.2 million in research and development funds requested for development by the Navy of a submarine-launched strategic cruise missile.

Approved the Navy's full $913.2 million request for procurement of five nuclear attack submarines—SSN–688—and long-leadtime items for five additional attack submarines.

Reduced the $229.8 million, requested for conversion of submarines to carry Poseidon missiles, by $113.6 million.

Provided that Congress authorize the civilian employment strengths for the armed services beginning with the fiscal year which begins next July 1.

Reduced by $100 million the $475 million in R. & D. authorization requested by the Air Force for the B–1 bomber.

Reduced by $42.4 million the requested authorizations for research on area defense against a light ballistic missile attack of the sort which might result from an accidental missile firing.

Approved $657 million in authorizations to complete fundings for the Navy's new aircraft carrier—CVN–70.

SAVINGS AND LOAN CONVERSIONS

Mr. MOSS. Mr. President, on May 22, when the Senate first considered the bill to regulate financial institutions, we agreed to shorten the proposed moratorium on conversions by mutual savings associations into capital stock companies. We do so in order to make certain that those associations who had already applied for conversion would have their applications acted upon early next year. It is my understanding that the intent in shortening the moratorium has been preserved in this bill that has emerged from the Senate-House conference.

I believe I am correct in stating that after December 31 of this year the Federal Home Loan Bank Board and the Federal Savings and Loan Corporation will issue decisions on those applications that were filed before May 22.

There is no reason that the Board should not proceed now with the processing of these applications so that a final decision may be rendered after December 31, and there is nothing in this bill that would prohibit the Board and Corporation from rendering such decisions after December 31.

MARINE CORPS LEAGUE GOLDEN ANNIVERSARY YEAR NATIONAL CONVENTION

Mr. HARTKE. Mr. President, as chairmay of the Committee on Veterans' Affairs it is my privilege to announce that the Marine Corps League will hold its Golden Anniversary Year National Convention in Miami Beach August 19–24. The league is an alumni association open to men who have served in the Marine Corps and is one of the few veterans organizations chartered by the Congress.

Since its initial founding on June 6, 1923, the fifth anniversary of the U.S. Marine counterattack in Belleau Wood during World War I, the league has grown to an organization with a potential membership of over 1,000,000 throughout the world. During the past half century, the league has been vigorously active in providing assistance to former Marines in every part of this Nation. It has been constantly vigilant in promoting and opposing legislation affecting the corps and veterans and has played an instrumental role in preventing several attempts to abolish the Marines under the guise of "economy."

Mr. President, it is impossible to try at this time to mention the many invaluable projects and activities of the league. To mention a few, they include visits to hospitalized disabled veterans, volunteering their free time in behalf of the sick and wounded, representing Marines before the Veterans' Administration in presenting claims and obtaining veterans' rights, assisting veterans in acquiring an education, and conducting an extremely successful youth physical fitness program.

Always faithful to the purposes of the league, the individual member has maintained true allegiance to our Nation, practicing Americanism in all its forms, engaging in programs to benefit his community, assisting the corps with quiet recruiting efforts and other endeavors, celebrating the birthday of the corps each November 10, as well as other historical occasions of peculiar interest to Marines, basking in their Marine comradeship, visiting the sick, aiding the distressed, and when the times came, burying their own.

Mr. President, the national conventions of the league are as hardworking and productive as the association itself. I urge its membership to continue, even to redouble, its efforts. Its support of the Marine Corps has strengthened that valiant branch of our Armed Services. The country and its citizens benefit from its work. May the next 50 years of the league be as outstanding as the first five decades.

Mr. President, I ask unanimous consent that a brief history of the league be printed in the RECORD.

There being no objection, the article was ordered printed in the RECORD, as follows:

THE MARINE CORPS LEAGUE—A HISTORY OF THE FIRST 50 YEARS, 1923–73

(By Richard J. O'Brien)

"THE MARINE CORPS LEAGUE"

"The Marine Corps League is an alumni association of the United States Marine Corps. Its membership is open to men who have served before, during, and since the World War. Thus it is in a position to grow progressively stronger each year, because more and more persons will become eligible for membership. It is asserted by its members that the potential membership of the league now is approximately 100,000, and that its actual membership is spread throughout the country."

Congressman Arthur D. Healy of Massachusetts used the above words in 1937 in support of his successful bill which incorporated the Marine Corps League. President Franklin D. Roosevelt signed it on August 4th of that year, making the Marine Corps League one of the very few veterans organizations chartered by the U.S. Congress.

The enactment of this bill followed by fourteen years the founding of the Marine Corps League at the Hotel Pennsylvania in New York City on June 6th, 1923, a date especially chosen, as it was the fifth anniversary of the U.S. Marine counterattack in Belleau Wood. Thus, from the very first the League sought to commemorate events of special interest to Marines.

The forming of the League took place during an All-Marine Caucus called by Sidney W. Brewster of New York, a retired Marine major, who was Commandant of the Marine Corps Veterans Association (MCVA), forerunner of the League. The MCVA itself was formed only eight months before on the 147th birthdate of the Corps, November 10th, 1922, in the Hotel McAlpin, New York City. It was composed of individual groups of Marines who had banded together after the First World War to perpetuate the Marine Corps Spirit in their own communities. In their ranks were Marine veterans of the Civil War, the Spanish-American War, and the First World War, as well as several expeditions in between.

The genius of the Marine Corps League for 50 years has been the spirit of *Semper Fidelis*. It was at work from the first, moving the founders of our organization in setting down the great objects of our corporate being. Their motives were patriotic and fraternal, and they were very proud of their honorable service in the Marines, "the oldest branch of the nation's military service." With but minor modification in language the original Objects of the League are identical to those still in force half a century later. It may be said in truth that have stood, Marine-like, against the assaults of Time.

THE FIRST DECADE, 1923–33

There was much debate at the All-Marine Caucus about the name of the group to emerge from the reorganization of the Marine Corps Veterans Association. The more than 150 delegates representing every section of the Nation were in agreement that this, the first national Marine Organization, would embrace in-service Marines as members as well as civilian Marines. Since, at that time, active duty Marines were not officially considered "veterans" (even though many had fought in countless campaigns all over the globe), the group voted to change its name, and the Marine Corps League was born.

While all the delegates who attended are co-founders of the League, one of their ranks is considered the Father of the Marine Corps League, and that is John A. Lejeune, the Major General Commandant of the U.S. Marine Corps, and first National Commandant of the League.

"Johnny" Lejeune gave to the League three mottos. *Semper Fidelis* (Always Faithful); Once a Marine—Always a Marine; and "All for One and One for All." This latter caused him to mobilize the recruiters on behalf of the League, and the League on behalf of the recruiters and the Reserves. His strong backing and encouragement enabled the League to get a good start. Many of his officers at Marine Headquarters doubled in brass in the League, including Major J. C. Fegan as our National Adjutant, and Sergeant A. E. Beeg as Paymaster. Lejeune was elected to six consecutive one-year terms as National Commandant.

National Conventions were held in the fall each year of this first decade from New York to Chicago to Dallas, and cities in between. The only year no convention was held was in 1932, and that owing to the severe financial condition of the Country due to the depression. This period was devoted to "shaking down' the League, to adopting and refining the Constitution. By-Laws, rituals, and approving such items as the League colors (crimson and gold), grave marker, and its lapel button.

Of major importance was the League's involvement with the Belleau Wood Memorial Association (BWMA) in the efforts to preserve that Marine Corps battlefield in France. Through considerable effort the League was able to finance the operation of the Wood for a two year period. The cost was becoming too heavy a drain on the fledgling League and too great a burden on the BWMA. At last the battlefield was turned over to the American Battle Monuments Commission. The Commission maintains Belleau Wood to this date as an historic park.

Lejeune firmly believed that the Marine Corps Commandant should be Commandant of the League. So, when he retired from active service, he stepped down as League Commandant as well, recommending Major General Wendell C. Neville, his successor as Commandant of the Corps, to head the League. In response, on April 3rd, 1929, the National Staff of the League elected Neville, a holder of the Medal of Honor, as National Commandant.

Neville, while accepting the post, believed the League should be civilianized. He asked W. Karl Lations of Massachusetts, the seniormost Vice Commandant, to run the League in his stead. This Lations did, and he was subsequently elected as the first civilian commandant at the 1929 convention in Cincinnati. Among his accomplishment was to move the League headquarters to downtown Washington from Marine Corps Headquarters. Lations' major contribution as Commandant was the conversion of the League to a civilian business-like basis for the benefit of all.

By its policy the League is "non-political, non-partisan, and non-sectarian." But the League has always reserved the right to engage in political and legislative issues which effected the welfare of the U.S. Marine Corps, the League itself, and of its constituent or subsidiary organizations, and the rights, privileges and benefits which were based on military service of any member thereof.

The League used its legislative weight to back legislation favorable to Marines and other veterans, and to oppose that which was not. Its greatest weight of the decade, however, was felt when an attempt was made in the early 1930's to abolish the Marine Corps under the guise of "economy." That this effort failed was due in part to vigorous protestations by the members of the League, led by National Commandant Carlton A. Fisher of New York.

New York Detachment No. 1, with Angelo John Cincotta, Milton Soloman and Frank X. Lambert leading the way, secured donations from members of the League throughout the Country. They bought full page advertisements in daily newspapers protesting against any decrease or possible abolition of the United States Marine Corps. They initiated a drive to send letters of protest to the Congress and the President. Congressman Frances P. Bolton of Ohio speaking in 1953, attributed the "untiring efforts of the Marine Corps League in the 1930's" to the abandonment of efforts to disband the Corps as an economy move.

THE SECOND DECADE, 1934–43

The membership strength of the League improved every year, rising to 17,143 by the end of the second decade.

Jerome D. Cohen of Massachusetts, National Junior Vice Commandant in 1937, was the force behind the movement for federal incorporation of the Marine Corps League. Working through Senator David I. Walsh and Congressman Healy, both of Massachusetts, he was successful in securing passage of this significant bill on August 4th, 1937.

Thus, a new era began, and the Marine Corps League, under National Commandant Maurice A. Illch, gained greatly in national stature. (Before he was to pass away in 1972, Illch would be accorded the title of "Grand Old Man of the Marine Corps League" because of his great spirit and many faithful years of prior and subsequent national service).

Although several detachments of the League had auxiliaries for years it was not until the 14th National Convention in Akron in 1937 that the Marine Corps League Auxiliary was chartered as a national subsidiary organization. The first National President was Marian L. Harper of New Hampshire.

In 1938, Sylvester Corrigan, a wealthy oilman from Oklahoma, passed away, leaving a large sum of money to the Marine Corps League. The will was contested by relatives, and the League finally settled for $15,000. Of this sum, $5,000 was placed in the Corrigan Memorial Fund, an irrevocable trust, with the income going to the mother of Niles Huff, a Marine who died while serving in the Marines. Mrs. Huff died a few years later so that the interest on this trust now accrues to the League. $10,000 was put in the Niles Huff Memorial Fund with the income going to the League. For a time this money was given to the mother of a deserving Marine.

The Devil Dogs, the Honor Society of the League, was authorized as a subsidiary organization of Boston in 1939. Gerald L. Bakelaar of New Jersey was elected as first Chief Devil Dog.

In 1942 League Commandant Chris Cunningham and National Adjutant-Paymaster Steve Brown started publication of a monthly tabloid, the *Marine Corps League Bulletin*. It quickly won the approval of the membership and before long had a press run of 45,000 with some editions being 32 pages. From 1924–1940, League news had been carried in the pages of *Leatherneck Magazine*. But from 1942 on, the League published its own paper or magazine, with the banner years being 1942–50 under Cunningham and Brown.

When World War II broke out, three of the League's first five civilian commandants returned to active duty with the Marine Corps. They were Past National Commandants Illch, Fisher, and Lations. Hundreds of rank and file Leaguers followed ther examples. Their actions gave visible proof to our slogan, "Once a Marine—Always a Marine."

In 1943, under the leadership of Thomas Wood of Ohio and Alexander F. Ormsby of New Jersey, the League spearheaded a drive for proper postwar plans for the benefit of veterans in the area of Rehabilitation. This embraced the setting up of clearing houses in Cincinnati and other cities by business houses and industrial leaders. Veterans were given vocational guidance and efforts were made to place them in the type of work for which they were best fitted. The services of medical specialists were enlisted for those suffering from rare diseases and arrangements were made to secure treatment for them at nominal cost, far below regular fees.

THE THIRD DECADE, 1944–53

The League achieved its membership high shortly after World War II when 27,664 were carried on the rolls under League Commandant Thomas Sweeney of Illinois.

During this period the League sponsored several exhibit tours of enemy war materials with money accruing to the League's Welfare Foundation. Many thousands of dollars for this worthy cause were obtained in this manner.

Under Commandant Alan Stevenson of New York in 1945 the Marine Corps League was accorded the privilege of representing Marines before the Veterans Administration (VA) in presenting claims and obtaining veterans rights. Florence E. O' Leary of Ohio became the first Service Officer.

The following year the Internal Revenue Service exempted the Marine Corps League from income tax payments. The Service also declared that contributions made to the League and its Auxiliary units would be deductible income tax items.

With the end of World War II America turned its focus on its returning disabled veterans. League and Auxiliary members and representatives of other groups visited them in VA hospitals, volunteering their freetime in behalf of the sick and wounded. To coordinate the efforts of these volunteers, the Veterans Administration Voluntary Service (VAVS) program was created. The League and Auxiliary supported the VAVS program from the beginning, and continue to do so today, 27 years later, as a program that literally goes to the heart of the Marine Corps League.

In 1944, a Marine Corps recuperation center in Oregon came to the attention of the League when Leaguers from Portland tried to obtain recreational equipment for returning veterans of the Pacific campaigns. An almost spontaneous League effort to assist the Marine Barracks, Klamath Falls, resulted. League and Auxiliary detachments across the country sent the needed equipment, and funds for other recreational purposes. L. L. Pittinger of Oregon became a full-time League Service Officer there. The concerted effort remained through the close of the Barracks two years later.

Following World War II the Marine Corps League adopted a project for the erection of the heroic-sized bronze statute of the flag raising on Iwo Jima by Fleix DeWeldon in the Nation's Capitol. Congress approved of the project, the department of the Interior provided the land, the Fine Arts Commission approved the design, and the U.S. Marine Corps favored the project all the way. All that was needed was for the League to come up with the anticipated cost of $250,000. This proved to be a Gargantuan fund-raising task for which the League was not organized. National Liaison Officer, Colonel Jean W. Moreau, USMC (Ret.), then formed an independent organization, the Marine Corps War Memorial Foundation, Inc., which raised the money from regular Marine Corps units, Marine Corps Reserve (inactive), and other sources. League and Auxiliary contributions exceeded $7,000. Final costs were placed at nearly one million dollars. When the monument, erected to the memory of our comrades who have fallen on all the fields of battle in Marine Corps history, was dedicated on November 10th, 1954, National Commandant George K. Shamgochian of Massachusetts and other distinguished Leaguers were in attendance.

In 1950, the outbreak of the Korean War and the resultant mobilization of the Marine Corps Reserve cut a wide swath through the ranks of the Marine Corps League. An estimated 30% of the membership was called up. Whole detachments were mothballed while its members went off to war. Every issue of the League *Bulletin* carried names of Leaguers killed in action. Some of these Marines held office on the department level.

While in National Convention at Washington in 1950 the League received a surprise visit from Harry S. Truman, President of the United States. The president came to apologize for earlier intemperate comments made about the U.S. Marine Corps being the "Navy's police force," and having "a propaganda machine that is almost equal to Stalin's." The National Bugler, Herbert Baldwin of Florida, was so swept up by the unexpected visit he could scarcely sound the notes of "attention." The President's brief visit was well received by National Commandant Clay Nixon of Washington, and the delegates in attendance.

Under the leadership and inspiration of John R. O'Brien of New Jersey the Marine Corps League embarked on a "Free Beer for GI's in Korea" campaign. League detachments collected contributions from especially marked beer cans placed in taverns. General of the Armies Douglas MacArthur in answer to a letter of inquiry, wrote he would be glad to accept the free beer, and that the cans should be marked, "Gift—Not for Sale—For our Armed Forces in Korea from the Marine Corps League." The beer was purchased and shipped by Major General E. O. Ames of California. The Staten Island detachment of New York raised $2,350 for this cause, more than any other League detachment.

Throughout this decade the League continued to back legislation of importance to the Corps. It fought unification and the abolishment of transfer of the U.S. Marine Corps to the Army. In the battle to make the Commandant of the Marine Corps a member of the Joint Chiefs of Staff, the Honorable Mike Mansfield of Montana and Brigadier General James P. S. Devereux, USMC (Ret.), the hero of Wake Island, testified in their individual capacities as representatives of the Marine Corps League, rather than as members of congress, which they were. Their testimony, and thousands of letters to congressmen from Leaguers, helped to turn the tide of victory.

In an effort to combat Communism, the League conducted nationwide Americanism drives and engaged in educational work through the medium of speakers in the organization.

THE FOURTH DECADE, 1954–63

In order that the League might be suitably represented at ceremonies in the vicinty of Washington on national holidays and other important occasions, two area Marines, John P. Lester of the District of Columbia and Raymond B. Butts of Virginia, formed the League's National Guard of Honor. Appropriately uniformed, the Guard appeared numerous times throughout the decade at parades, funerals, and other significant occasions at the call of the national Commandant where the National Colors were presented.

One of the League's key programs developed during this period. The Marine Corps League Foundation Fund, conceived and led by Herbert Rose and Claude H. Downing of Florida, was created to assist certain qualified persons in acquiring an education above or equivalent of the scholastic high school level. First presented at the 33rd National Convention in Miami in 1956, the Foundation Fund was approved the following year at the convention in San Jose, California. Through the present time all funds received by the Foundation are still intact.

Out of a desire to recognize its own, the League, in 1959, instituted the National Marine of the Year Award. The first recipient was I. D. Hale of Wisconsin, for his outstanding efforts in League and veterans affairs. There were several subsequent years where no award was made as none were found qualified for such a high honor.

In 1963, a proposal from the Lou Diamond Detachment of Ohio led to the reorganization of the National Headquarters of the League. A 15-member Board of Trustees was created consisting of eight Division Vice Commandants, four National Trustees, the National Commandant, Senior Vice Commandant, and Junior Past National Commandant. While the latter three each had one-year terms, the Division Vice Commandants and Trustees were elected to rotating three year terms with four up for election each year. The Board of Trustees system provided for stability and continuity in the handling of League affiairs, and continues into our 50th year as the governing body of the League.

THE FIFTH DECADE, 1964–73

This decade commenced with the publication of a Marine Corps Order encouraging close cooperation with the League by Marine Corps officials. The freshening and strengthening of relations between the Corps under General Wallace M. Greene, Jr., and the League under Raymond B. Butts, was a felicitous beginning for the coming years.

With the advent of the Vietnam war the League threw its support behind the Civic Action Fund for Vietnam, sponsored by the Marine Corps Reserve. Throughout the period of active Marine Corps involvement in Southeast Asia, the League and Auxiliary donated untold thousands of dollars to the Civic Action Fund for General Lew Walt's use in waging his important "other war" in Vietnam.

On a note of pride, and "to perpetuate patriotism and valor," the League and Auxiliary teamed up in 1965 to construct entrance gates to the grounds of the famous Freedoms Foundation in Valley Forge, Pennsylvania. National Commandant Burton P. Daugherty of Michigan and National President Helen Robinson of New York presided at the ceremonies which were attended by high-ranking civilian and military officials. The dedication coincided with the League's 42nd National Convention in nearby Harrisburg, Pennsylvania.

In early 1966 the League corrected the perennial problem of bonding paymasters and commandants through the purchase of a blanket position bond covering each of these officers automatically. Mid-West Vice Commandant James H. Shultz of Kansas was instrumental in arranging the bonding at a cost far below what the cost would have been if each individual detachment had procured its own.

The fifth decade saw the Marine Corps League adopt its two great Youth programs, Young Marines, and Youth Physical Fitness.

Originating as an idea of the Brass City Memorial concept grew and was formally established as a League-wide program by resolution of the 41st National Convention meeting in Wichita in 1964. Commandant Daugherty signed the National Charter at Ansonia, Connecticut on October 17th, 1965. The first director of Young Marines was Steve Zuraw of Connecticut. This action program for youths 8–17 emphasizes eight points basic to the development of Young Marines: citizenship; leadership; physical fitness; school; home and outside activities; personal habits; character; and drill. Its motto is "Our Youth Is the Future." By decades end over 5,000 Young Marines were enrolled in 65 detachments located in 21 states.

Youth Physical Fitness, the second of the League's two ever-expanding youth programs, was adopted by the League at the 1967 Mid-Year Staff Meeting in Arlington, Virginia. The program had been a great success in Ohio, where in 1965, it earned a Gold Medal from the Freedoms Foundation at Valley Forge "for outstanding contribution to the youth of junior and senior high school age through its physical fitness program."

Walter A. Churchhill of Ohio, the Father of the Youth Physical Fitness Program of the Marine Corps League, conceived the program, largely financed it through its developmental staffs, and serves today as its National Chairman. The program is currently operating in 20 states with a potential of five million or more youths participating. The goal of 20 million youths participating by 1975, the 200th birthdate of the U.S. Marine Corps, has been established.

To help finance both the Young Marines and the Youth Physical Fitness programs, Churchhill, a Past National Commandant, developed the United States Marines' Youth Foundation in 1968. This carefully organized Foundation provides support for appropriate youth activities sponsored by Marine Corps-oriented organizations. It has enable the League's youth programs to develop without undue concern for funding and helped ensure their success.

On February 8th, 1967, after attending the Secretary of the Navy's briefing in Washington. League officials led by National Commandant Claude H. Downing, acting in response to a challenge from Marine Corps Commandant General Greene, to "do something besides talk," founded, in coordination with seven other national Navy-Marine Corps oriented organizations, the Navy-Marine Corps Council. The purpose of the Council was to further the collective efforts of the several organizations in areas wherein they had common interests and objectives in support of the Navy-Marine Corps team. The Council meets regularly, and may recommend actions and resolutions on behalf of the Navy Department to its members, but does not publish or implement such actions or resolutions in its own name.

At the 1971 Mid-Year Staff Meeting the League's Board of Trustees voted to support Marine Corps' desires that there be created a United States Orientering Federation (USOF). This was reaffirmed at the 1971 National Convention in San Antonio.

The Marine Corps had adopted orienteering, a world sport combining cross-country running and land navigation, as a military sport. Under the League's umbrella an organizational meeting was held at League Headquarters on August 1st, 1971, at which a complete set of By-Laws for the USOF was approved. The USOF, which embraces civilian and military orienteering clubs and individuals, was later incorporated under the laws of Virginia, and was accepted into the International Orienteering Federation (IOF). The President's Council on Physical Fitness and Sports has since recognized orienteering and approved it for participation in the Presidential Awards Program, a significant step.

Two long-time Leaguers from Ohio, Philip A. Schloss and John L. Kleinhans, were elected USOF President and Secretary/Treasurer respectively. The USOF, spawned and still assisted by the Marine Corps League, already has had a tremendous impact on orienteering in America. Its influence is expected to grow with the passage of time.

Throughout this period the League's voice was raised in concern over such issues as drug abuse, possible amnesty to draft dodgers, our POWs/MIAs, and the planned reduction in the number of beds in our VA hospitals. On the local level the Golden Triangle Detachmen of Texas commenced its successful HALT Program (Hire A Leatherneck Today), as one example of Leaguers helping in the important area of jobs for veterans.

Out of concern for the wounded, Marines including James Merna of Maryland, Don Yeaman of Washington, Larry Bassin of Florida, and Joseph O. Pueschel of Hawaii, with their fellow Leaguers conducted special projects to entertain the hospitalized. Operations with names like Cheer, Hurricane, Appreciation, and Care and Recuperation did much to help our veterans forget their difficulties and see, at least for a time, that people really cared, and that there was a happier side to life.

Near the end of the decade the League, under National Commandant H. Lynn Cavin, adopted optional health and life insurance programs for the benefit of the membership, and voted to support the Marine Military Academy in Harlingen, Texas, by seeking out potential Cadets for admission.

As this goes to press National Commandant Gilbert E. Gray of New York is preparing to go to Belleau Wood, France, with a veteran of that battle and other Leaguers to commemorate the 50th birthdate of our beloved Marine Corps League. U.S. Marines and French and German officials have been invited to meet there in friendship, and to help commemorate the golden occasion with planting a tree. conducting respect for the past, and hope for the future.

CONCLUSION

Many of the events described above were highlights. Less spectacular were the day to day activities of the individual civilian and in-service Marine Leaguers. Always faithful to the purposes of the League they maintained true allegiance to our Nation, practices Americanism in all its forms, engaged in programs which benefitted their communities, assisted the Marine Corps with quiet recruiting efforts and other activities, celebrated the birthday of the Corps each November 10th as well as other historical occasions of peculiar interest to Marines, basked in their Marine comradeship, visited the sick, aided the distressed, and, when the time came, buried their own.

Marines great and small have marched with John A. LeJeune in the ranks of the League, men like Ray Davis, Chesty Puller, Lew Walt, Smedley D. Butler, Harry Lee, Lou Diamond, J.C. Breckenridge, Clifton B. Cates, Mickey Finn, Len Chapman, John Glenn, Lou Wilson and many thousands of others who, in war and peace, have proudly worn the Globe and Anchor.

The Spirit of *Semper Fidelis* has moved many in the League to outstanding achievement. Marines like Jack Brennan, Merton C. Lowe, Jackie Steinquest, John Baker, Raymond Wilkowski, Orville Hubbard, Mason D. Wade, John P. Lester, Patrick J. Cody, Robert Blanard, Jack Davis, Harold Welsh, Hugh Maus, Charley Stone, Lucian J. Caldara, Lue Madsen, John S. Zak, S. Johanna Glasrud, Edward J. Bange, C.A. Boedigheimer, C.A. McKinney, to name but some of the dedicated Leaguers not previously mentioned. Their ranks are legion.

In its 49th year, the Secretary of the Navy in Washington, John H. Chaffee, paid a singular tribute to the Marine Corps League. In an open letter to all members, Chaffee pointed out that the League ". . . is providing outstanding leadership for our communities, in the same tradition that the Marine Corps has provided distinguished leadership on the field of battle."

He continued:

"The Marine Corps League will be 49 this June. During those nearly five decades, possibly the most valuable of the League's contributions—from my standpoint—has been its support of the Marine Corps. You have, indeed, helped to preserve the traditions, promote the interests and perpetuate the history of the U.S. Marine Corps. I appreciate that support.

"I urge your membership to continue, even to redouble, its efforts. The Marine Corps is strengthened by your support. The nation and its people benefit from the work of the Marine Corps League."

The 'Society of Leathernecks', as the League was called in 1923, has come a long way in fifty years, from John A. Lejeune to his successor in office as Commandant, Gilbert E. Gray. Its headquarters in that time went from Washington to Albany, to Baton Rouge, to Philadelphia, and back to the Washington area, this time to stay. Today its potential membership is over 1,000,000, with its actual membership scattered all over the world.

The Marine Corps League is recognized as one of the leading national veterans organizations. Its members speak of its history and traditions with pride, and they have worked long and hard to make the League "second only to the U.S. Marine Corps."

And, like the Corps itself, its record is one of achievement.

GENOCIDE—TO CONDEMN OR CONDONE

Mr. PROXMIRE. Mr. President, there is no question that the United States condemns, rather than condones, the crime of genocide. And yet in almost a quarter of a century since the Genocide Convention was drawn up, we still have not become a party to this treaty. If we truly desire to prevent genocidal acts from recurring, this Nation must take two steps.

First, the Senate must advise and consent to the ratification of the International Convention on the Prevention and Punishment of the Crime of Genocide. In so doing, we will show the international community that we abhor this crime.

Second, Congress must pass the implementing legislation necessary to put the terms of the Genocide Convention into effect. This provides for the arrest, trial, and punishment within America's borders for our citizens accused and convicted of acts of genocide that took place here in the United States. Of course, those charged will be fully protected by the Constitution.

In the future, the United States may enter into agreements whereby genocide would become one of many crimes for which we will consent to extradition. This has already been done for such crimes as robbery and murder. And like the extradition treaties of which the United States is a signatory, our citizens will be properly protected.

But the first step to demonstrate our condemnation of genocide is to ratify the Genocide Convention. Mr. President, I urge the Senate to take that first step without delay.

ERTS SATELLITE

Mr. MOSS. Mr. President, Mr. Joel N. Shurkin, the science writer with the Philadelphia Inquirer, has recently written an excellent article describing the Earth Resources Technology Satellite and some of its accomplishments.

I am often challenged to explain "what the space program has done for me lately" and Mr. Shurkin does this so well I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Philadelphia Inquirer, July 25, 1973]

ERTS SATELLITE HAILED FOR EARTH SURVEY

(By Joel N. Shurkin)

A Vermont professor looked at a satellite photo of Lake Champlain and spotted pollution coming from a paper mill at Fort Ticonderoga, N.Y.

The Attorney General of Vermont is now using the satellite picture as evidence in a law suit against the mill and the state of New York.

In Brazil, scientists looking at satellite pictures of the Amazon jungle, found a river that was not supposed to be there. All their maps, it seems, were wrong.

In California, scientists studied pictures from space of 8,000 farm fields in the Imperial Valley. Using a computer, they could determine who was planting wheat crops with 95 percent accuracy.

The satellite that did all that is the Earth Resources Technology Satellite (ERTS) built in Valley Forge, which celebrates its first birthday this week. In the past year it has proven itself to be one of the most valuable unmanned objects ever sent into space.

Ceremonies honoring ERTS were held Monday at the Franklin Institute by officials of the National Aeronautics and Space Administration and by General Electric, which built the 1,965-pound eye-in-the-sky.

NASA Administrator, Dr. James C. Fletcher, said the satellite "more than realized our fondest hopes." Other NASA and government officials said the $160 million project satisfied even the optimists with its pictures of earth.

The satellite was to demonstrate the ability to survey the resources of the planet Earth from space. It was only supposed to be operational for a year.

But with the year over, NASA said most of the systems on board were still operating and there was no way of knowing how long the satellite will continue its survey.

It has orbited the earth more than 5,000 times; taken more than 60,000 pictures of a total area four times the area of the globe, surveyed all of the United States once and some of it ten times.

Three-quarters of the Earth's land mass has been studied at least once in a total of 330,000 messages.

It has performed so well scientists have been using it as a working operational satellite rather than as just an experiment.

ERTS is 10 feet high and 13 feet wide with its solar power wings extended. It is in an orbit 575 statute miles up, circling the world pole to pole in 103 minutes.

The orbit is sun-synchronous, which means it crosses the same spot on earth at the same time every 18 days. This permits scientists to get pictures with the same sun angle for comparison.

It uses several types of sensors, two using infra-red waves and two using red and green in the visible spectral range.

The pictures are transmitted to computers on earth, where they are almost instantly available. They are given out to anyone who wants them through the Interior Department in Sioux Falls, S.D. for a nominal charge.

Some 320 scientists in 44 states and 30 foreign countries are actively participating in interpreting ERTS pictures.

Among other achievements of the satellite are:

Watching the effects of the seasons and weather on the earth.

Correlating information from 200 ground stations to match the photos from space.

Monitoring floods and plotting earthquake zones.

Watching water maintenance procedures in the Florida Everglades.

Mapping parts of the world never visited or mapped by men, such as the Amazon basin.

Discovering possible mineral deposits and pinpointing where schools of fish may be found.

Making land-use surveys of such places as the city of Los Angeles.

Spotting pollution and its effect on the weather. (The steel mills near Chicago were found altering the weather around Lake Michigan.)

A second ERTS satellite is scheduled to be launched in three years.

FUTURE GROWTH AND DEVELOPMENT

Mr. JACKSON. Mr. President, several weeks ago the Members of this body voted overwhelming approval of my proposal for land use legislation which will help to assure that the Nation's need for economic development and a healthy environment can both be met.

During that debate I pointed out that between now and the year 2,000, we must build again all that we have built before. That we must build as many homes, schools, and hospitals in the next three decades as we built in the previous three centuries.

This incredible rate of growth really began at the end of World War II and will continue into the future. The United States, with 6 percent of the world's population, presently uses over one-third of the world's energy and 47 percent of the world's raw materials.

Exponential growth has meant that the Senate has found it necessary to pass many environmental measures to assure clean air, water, and land. It has also meant that we must now take steps to assure that our energy system is adequate to meet the development demands of the next 30 years and beyond.

To do this job right will require the talent and attention of the leaders of all segments of society and people in all walks of life.

In my judgment, none will be more important than the construction industry—the men who will build the America of tomorrow.

In that connection, a timely and far-sighted report has come to my attention by Martin J. Ward, general president of the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada. President Ward, writing in the July 1973, issue of the UA Journal provides valuable insights into future trends in the construction industry. This report will be helpful to the Members of the Senate in planning for the challenges that lie ahead.

Mr. President, I ask unanimous consent that this report be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DEALING WITH THE FUTURE

(By Martin J. Ward)

It is very important for UA members to be informed about future trends in the construction industry so that we all have a clear picture of what we must do to meet the opportunities and challenges facing us in the years ahead.

On a day-to-day basis, I suspect that most members are unaware of just how gigantic our industry is. Currently about $120 billion of construction are put in place each year. This volume accounts for 10 per cent of all goods and services produced in the United States. It makes construction the largest single industry in the nation—bigger than steel and auto put together.

The $120 billion pie is divided into three nearly equal parts. Government, commercial, and residential construction each account for approximately one-third of the total.

All of these sectors of construction are building at near-record rates, so that for the balance of the century, construction will continue to be one of the nation's most rapid growth industries.

Further, manpower experts tell me that the greatest future manpower requirement in the industry will be in the crafts represented by the United Association.

HEAVY DEMAND FOR UA SKILLS

A major reason for this heavy demand for skilled pipe tradesmen is the need to supply the nation's insatiable demand for energy. This effort will outstrip all other types of building activity during the next several decades.

Between now and the year 2000—according to figures supplied to the regional conferences by the vice president in charge of manpower of the Bechtel Corporation—700 twin 1100-megawatt generating stations will have to be built. These stations will be the equivalent of the giant project at Peach Bottom, Pennsylvania. By the time this project is completed next year, around 600 UA craftsmen will have been employed there between seven and eight years.

In addition, 13 new oil refineries are in the planning stage to help supply the nation's expected future demand for gasoline, fuel oil, and other petroleum products.

On top of this, there will be a flurry of construction in the transportation pipeline field, led by the Alaska pipeline, which is ready to go as soon as Congressional authority for a new right-of-way is obtained.

All this hectic activity in the energy field will represent just a fraction of the commercial and industrial work expected to be built in the next 27 years. Nor does it take into account the entire new towns and government installations that will take shape during this period.

FUTURE SHOCK

UA members can be excused if they come down with a case of future shock as they try to digest the implications of these figures. But all of us must realize what shape the future is taking if we are to formulate effective policies to deal with it.

One thing we must realize is the changing nature of the construction industry. Not too many years ago we could assume that all of this building would be done by union craftsmen. But we can no longer take for granted that all these billions of dollars of new construction will be put in place by union labor. We must work very hard to resist the encroachment of open shop operators and to insure that the UA maintains its historic dominant position in the industry. If we don't, we will be shunted to some backwater while the world passes us by.

The only way we can maintain this dominant position is for our local unions to represent the craftsmen who are doing the work.

I have often given figures to show the growth of the open shop movement. It is now estimated to be between 30% and 40% of all current construction. The threat comes home in concrete terms when we look at the 13 new oil refineries that will be built in the next few years.

If construction of these oil refineries follows the figures for non-union work, a bare majority of these will be built by union craftsmen. Seven owners would plan to build union. The other six would be built open shop.

Such a split would have been unthinkable even a few years ago. And it is something that we can't allow to continue. All of these refineries should be built by union labor, and the General Officers are working as hard as we can to convince owners that building union is in their best interests.

If we are to succeed in these efforts, we must have the cooperation of every UA member. I have often written about our responsibilities in making our union employers more competitive. In saying this, however, I do not wish to give the impression that union building tradesmen are the only—or even the major—reason for the growth of the open shop movement.

EMPLOYER RESPONSIBILITY

Our contractors must assume some part of the responsibility for the growth of the open shop. To combat our common enemy, we are trying to foster an era of strengthened joint effort between the UA and our union employers.

A major problem building trades unions face in planning for future manpower needs is a lack of information about the manning requirements of our employers.

Most large projects have a lead time of two to four years. However, as far as the most important ingredient—skilled manpower—is concerned, unions don't usually know even three months ahead of time how many men will be required, or even where a job will be built.

Building trades unions need time to plan for manpower requirements, especially for projects as massive as nuclear generating stations. Information on new technology is also needed so that training programs can be developed to qualify men to work with new materials and processes. This will give us the opportunity to target in on future skills as well as on future manpower needs.

We have been conducting talks to foster more orderly manpower planning. The Building and Construction Trades Department is also working with the Labor Department to see if a national clearing house can be set up to provide a better flow of information on manpower needs.

UNION-EMPLOYER COOPERATION

Another problem is that some of the employer associations we deal with are composed of both union and non-union contractors. We are eager to work with our union employers to develop new training materials and programs to qualify skilled manpower. But we see no sense in permitting these training programs to be made available to the non-union members of these associations. This knowledge puts them in a position to combine low wage rates with the advanced technology developed by union initiative and financed as a portion of the compensation of union members. This helps non-union contractors to undercut our union conditions and takes work from our fair employers.

As I recently told one of the employer associations at their annual meeting, this is obviously a situation that they must look into. I believe the answer is an association of union employers that will work with us in a cooperative, not an adversary, relationship for the mutual advantage both of the UA and of themselves.

I recognize that there are problems in attaining this desired situation, but I believe that our employers have to face up to where their best interests lie.

UNION RESPONSIBILITIES

As far as our local unions are concerned, the General Office is encouraging more flexibility in looking at special job situations and more aggressiveness in organizing the workers in our jurisdiction. As we stressed at the regional meetings, the 1971 convention established an organizing fund so that we can capture work that is currently being lost to UA members.

This organizing fund is available to UA local union as a subsidy to finance the hiring of local union organizers so that the programs will fit the needs of our local unions.

The major thrust of these programs is in the residential and small commercial fields. But the General Office is prepared to assist local unions in any organizing campaign to obtain UA representation for the men who are doing work in our field.

There is no doubt that we face many problems as we look into the future. However, all of us who have lived this far into the twentieth century realize that change is the only thing we can be sure of.

We can expect great changes in the construction industry in the years ahead. And we must begin now to prepare ourselves for these changes if we are to continue to serve the needs of our industry and our nation.

GNP AND THE QUALITY OF LIFE

Mr. FULBRIGHT. Mr. President, on a number of occasions I have spoken in the Senate about what I believe is the inadequacy of the Gross National Product as a true measure of the well-being of a society and the quality of life.

In a statement on this subject on November 10, 1971, I said:

> We need to develop some measure of the national welfare and there should be far more effort both in academic communities and in the Government to evolve such measures. The Gross National Product, by its very nature, cannot serve this purpose.

Since that time I have been pleased to observe that progress has been made in developing a standard which would provide a more meaningful accounting of economic and social welfare.

Last year I reported on efforts by Prof. William D. Nordhaus, a Yale University economist, who has developed an index he calls the Measure of Economic Welfare. It excludes such things as military spending, police and sanitation services and road maintenance which do not really produce net improvements in the quality of life. One of the major problems with the GNP is that it fails to separate the "goods" from the "bads." The more garbage we generate, the more gambling at the racetrack, the more police we have to hire, because of rising crime all add to the GNP.

Subsequently, I discussed this matter with some of our leading economists at a hearing on July 27, 1972, of the Joint Economic Committee. On that occasion Prof. Paul Samuelson advised me that in the new ninth edition of his economic welfare—NEW—was being introduced "to try to correct the GNP for obvious departures from what any reasonable jury would consider to be welfare considerations."

Mr. President, on July 29, the New York Times carried an article in the development of the MEW or NEW in an attempt to overcome some of the deficiencies of the GNP. The article quotes Professor Nordhaus as saying that—

> GNP is a reasonably good measure of economic production but not of economic welfare . . .

I think this is an important step in enabling us to better evaluate our national well-being. I ask unanimous consent that the article by Robert Reinhold be printed in the RECORD, along with an editorial from the Washington Post of April 30 which shows the lag in U.S. productivity in recent years in comparison with some of our leading trading partners.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEW or NEW, How Does the Economy Grow? Quality of Life Escapes the GNP

(By Robert Reinhold)

CAMBRIDGE, MASS.—Whatever else may be said about the environmental movement, it has raised disturbing questions about the desirability of unrelenting economic growth.

While most sophisticated economists tend to dismiss as simplistic the notion that zero economic growth is the answer to the world's problems, many are looking hard at the nature of economic growth and asking what its real effect on human well being is.

What good is an ever-expanding gross national product if, in large measure, it buys fleets of garbage trucks or pays for police and soldiers simply to maintain existing levels of environmental quality and personal security? On the other side of the ledger, why is the presumably beneficial value of increased leisure time not measured? Has the country been growing in any meaningful sense?

Such questions have prompted economists to ask whether that venerable measure of national economic progress, the gross national product, is very closely related to real social welfare. As a measure of production of goods and services, it is said, G.N.P. is more an index of material quantity than of quality of life.

To what extent G.N.P., as a prime tool of Government policy, distorts national priorities is disputed. But Americans are aware that while they have more cars than ever before, they also have more congestion on the roads and dirtier air to breathe.

Single-minded pursuit of an ever-bigger G.N.P. has demonstrated to the Japanese that bigger is not necessarily better. Per capita G.N.P. has jumped more than 10-fold since World War II, so that Japanese housewives fear to buy fish lest they poison their children with industrial mercury.

So economists in Japan and in the West have begun to grope for a better index to economic welfare—not to replace G.N.P., which remains an important tool, but to supplement it and to correct its distortions.

One effort to build such a new measure has been made by two economic theorists at Yale University, Professors James Tobin and William D. Nordhaus. By rejuggling the ingredients of G.N.P. they have fashioned a new index called MEW or Measure of Economic Welfare. MEW was proposed as a "primitive and experimental" venture as far back as December, 1970, at a colloquium of the National Bureau of Economic Research.

Still very tentative, MEW has more recently been endowed with a certain legitimacy by Paul A. Samuelson, the Nobel Prize-winning economist here at the Massachusetts Institute of Technology. He recently included the Tobin-Nordhaus idea in the 1973 edition of his classic test, "Economics," and, with his flair for phrases, redubbed it NEW for Net Economic Welfare.

The rationale behind NEW or MEW was summed up by Professor Nordhaus in a recent interview. "We argue," he said "that G.N.P. is a reasonably good measure of economic production but not of economic welfare because it is a measure of output not consumption."

Thus, MEW, which Professor Nordhaus cautioned was not definitive, but only a "methodological exercise to show that such things can be done," is oriented toward personal consumption. It was devised by rearranging the various components of national accounting, throwing out those that do not seem to contribute to household welfare and adding others that do.

Broadly speaking, G.N.P. is calculated by adding annual personal consumption, private investment in capital and all Government purchases. To avoid double counting, various intermediate goods are excluded, such as the flour that goes into making bread.

MEW makes three major adjustments in this system.

First, the final expenditures normally calculated in G.N.P. are reclassified and reassigned. Those better defined as intermediate in terms of welfare are subtracted. For example, G.N.P. includes items that Professors Tobin and Nordhaus call "regrettably necessary" adjuncts to other activities, such as the cost of commuting to work and personal business expenses.

Also, rather than simply adding in all Government expenditures, MEW splits them into three categories—intermediate, consumption and net investment—and treats them accordingly.

Government spending on such items as police and fire protection, garbage disposal, road maintenance and national defense are excluded as "necessary overhead costs of a complex industrial nation-state." Also excluded are the costs of the space program.

The largest and probably most controversial exclusion under this concept is that for military spending. "We see no direct effect of defense expenditures on household economic welfare" says the Tobin-Nordhaus paper, published last year by the National Bureau. "No reasonable country (or household) buys 'national defense' for its own sake.

"In reclassifying defense costs—or police protection or public-health expenditures—as regrettable and instrumental, we certainly do not deny the possibility that given the unfavorable circumstances that prompt these expenditures, consumers will ultimately be better off with them than without them. This may or may not be the case. The only judgment we make is that these expenditures yield no direct satisfactions."

The two economists estimated that overhead and regrettable expenses rose from 8 to 16 per cent of G.N.P. from 1929 to 1965.

Second, various items not usually included in national accounts, such as the value of leisure time and unpaid "nonmarket" work, are included. Assigning dollar values to time and work that is not priced by market forces does pose problems. MEW attempts to assign a value to leisure time by using national studies of time use and applying standard economic theory. Similarly, values are placed on the household chores performed by housewives and the productive work done in the house by husbands.

In addition, an effort is made to recognize the value returned by Government capital—such as schools and highways—on a continuing basis.

Third, deductions are made for the "disamenities" of urban life—the congestion, litter, pollution, noise insecurity and racial discord.

MEW estimates their value by using the difference between wage rates in cities and rural areas. The higher incomes of city dwellers are interpreted as a "disamenity premium" paid in compensation for living in unpleasant surroundings.

All of these adjustments involve large assumptions that are open to dispute. Critics have challenged MEW on a number of technical grounds, particularly over the treatment of leisure time and the exclusion of military spending.

Flawed as it may be, when MEW is calculated, it shows considerably slower growth than is shown by Net National Products, or N.N.P., the variant of G.N.P. that takes into account depreciation in capital. From 1929 to 1965, per capita MEW climbed by 1.1 per cent a year on average, compared with 1.7 per cent for N.N.P. Leisure time was the largest single reason for the difference.

Although MEW did not grow as fast as N.N.P., it nevertheless did grow, prompting Professors Tobin and Nordhaus to observe, "The progress indicated by conventional national accounts is not just a myth that evaporates when a welfare-oriented measure is substituted."

Mr. Nordhaus readily concedes that MEW may be quite inaccurate. But, he says, the exercise was designed to focus attention on the nature of growth and counter the notion that what is needed is no growth. "Zero economic growth is a blunt instrument for cleaner air, prodigiously expensive and probably ineffectual," says the Tobin-Nordhaus paper.

In the interview, Mr. Nordhaus argued that while the advocates of zero growth might want to slow damaging industrial growth, few would opt for no growth in good housing and recreational and health facilities.

"The question is not of growth versus no-growth," he said. "It is a question of beneficial growth versus nonbeneficial growth."

The big imponderable in MEW is to what extent human happiness is correlated with consumption. Is modern society—with all its airplanes, computers and televisions—really very much happier than the simpler society of our grandparents?

No economic measure will ever answer that question, so efforts have been mounted to build statistical indexes of social well being, called social indicators. Even such an economically oriented institution as the Organization for Economic Cooperation and Development has recognized the inadequacy of economic measures.

The O.E.C.D. recently began work on developing a comprehensive set of social indicators to measure changes in its 23 member nations, in such social concerns as health, individual development, job satisfaction, leasure, command over goods, physical environment, personal safety and social opportunity.

Productivity and World Competition

Productivity, the amount that the average worker produces in one hour, indicates our economic strength better than any other single statistic. Because of our very high productivity, we live better than other nations while working shorter hours. Increased productivity is the magic that makes possible higher earnings as well as longer weekends as well as broader social benefits of every sort. It is reassuring to learn that national productivity rose at an annual rate of 4.7 per cent in the first three months of this year. The rate of improvement is maintaining the level of late 1972, and greatly exceeds the 20-year average of 3 per cent.

But the current period is, of course, one in which the economists would expect productivity to be rising unusually rapidly. The big jumps come when production is soaring, typically in the recoveries from recessions. Since most of the industrial nations are now going through similar recoveries, they are also improving their productivity. In recent years, they have generally been doing it a good deal more effectively than American industry. They are closing the gap that once set our industry apart from any other nation's, and they are doing it at a speed that does much to explain our current troubles with international trade deficits, currency devaluations and rising world prices.

From 1965 to 1972, productivity rose by the following percentages in this country and five of its leading trading partners:

	Percent
United States	20.0
Great Britain	36.6
Italy	41.5
West Germany	42.0
France	53.3
Japan	130.3

These figures are taken from the International Economic Report that Mr. Peter Flanigan presented to the President a month ago. The report also observes that, from 1965 to 1970, our export prices rose a great deal faster than those of the other five countries. The disparity in productivity is part of the answer. On the other hand, the report found that from 1970 to 1972, our export prices rose far more slowly than those of the other five. That was result of the 1971 devaluation and a relatively low rate of inflation. Unfortunately, within the past several months our inflation rate has more than doubled and now approaches the very high European rate, casting new doubt over the prospects for trade development in 1973.

As long as our productivity continues to rise, our economic wealth and its accompanying benefits will continue to expand. But, to be candid, there is not much reason to expect any early change in the differences between our performance and that of the other major industrial nations. We are getting richer. But our friends and competitors are getting rich faster, and the productivity figures explain why.

SOVIET ECONOMIC PROBLEMS

Mr. PROXMIRE. Mr. President, this week's issue of the London Economist reports extensively from a study recently released by the Joint Economic Committee, "Soviet Economic Prospects in the Seventies." Its assessment—especially of the performance in 1972—generally agrees with the critical appraisal of the assembled specialists in our 30-chapter, 776-page study. Expert witnesses at our hearings July 17–19 inclusive, including David Rockefeller and other leading business, government, and academic figures, also concurred. It is interesting to recall that the last very poor year for the Soviet economy was assessed in the committee's study, "Dimensions of Soviet Economic Power," released by Chairman Paul Douglas of the committee in December 1962. At that time there was a considerable foreign objection to the study's major conclusions.

Prof. Alex Nove, one of the leading British economists, viewed the study's assessment of a gross national product growth rate of 2.5 percent as too low. A figure of 4 percent would have been closer to his view. Senator Douglas was also personally attacked by the chief of the Soviet Statistical Agency, Mr. Starovsky, as being unfairly critical of Soviet performance. It is interesting now to find our assessment of a 2 percent gross national product growth rate for the Soviet Union in 1972 acceptable to the London Economist. To date Mr. Starovsky, still chief Soviet statistician, has not been heard from.

Mr. President, I ask unanimous consent to have the article printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Economist, July 28, 1973]

SOVIET UNION—THE SIZE OF THE OUTSTRETCHED HAND

The size of the economic problem which is making the Russians look to the west for help gets clearer week by week. This is the time of the year when Mr. Brezhnev is anxiously watching the progress of the struggle to get in the harvest on the fields of the Ukraine and the Soviet Union's other major grain-growing areas. Last year's disastrous grain harvest obliged the government to dig deep into its gold reserves in order to pay for $2,000m worth of emergency grain purchases from the west. The gold reserves are estimated to be still worth between $8,000m and $10,000m, but they are needed to support Russia's other economic fronts.

The trouble is that the news from the other fronts is not good either. The Soviet Union's gross domestic product increased by less than 2 per cent last year. In the opinion of the authors of a study of Soviet economic prospects in the 1970s, just published under the auspices of the United States Congress, this is probably the worst result since Stalin first introduced central planning in 1929. Since agriculture still accounts for a quarter of Russia's gross domestic product, last year's miserable harvest—the result of bad weather and bad organisation—takes part of the blame for that. But Soviet industry, too, did badly last year.

A lot of things failed to reach their planned targets for the year. They include natural gas (3.5 per cent under target), oilfield equipment (15.4 per cent under), chemical equipment (9.6), light industry equipment (11.0), grain harvesting combines (7.1), turbines (11.1), washing machines (15.4), refrigerators (2.6) and glass (4.4). The production of steel by the continuous casting method is far behind schedule, and this must be a particular disappointment to the Soviet leaders, who have been hammering home the need for Soviet industry to get on top of modern techniques of production.

Productivity in industry, according to the rather special way the Soviet planners measure it, rose only by 1½ per cent a year in 1971 and 1972, well short of the 3.7 per cent average planned for the 1971–75 period. When the Russians talk about higher productivity they mean the extra output that can be got from a given input of both capital and labour by means of things like better management, more efficient use of machinery, and just plain hard work. So the failure on this count is a particular blow to the Soviet leaders' hopes of reaching the ambitious goals of the 1971–75 plan. These include an 8 per cent increase in industrial output, little more than half of which was to come from the injection of extra capital and labour. The rest was to come from higher productivity.

The latest setbacks come at an awkward time for Mr. Brezhnev. The Soviet government is now engaged in the difficult exercise of trying to provide a better deal for the consumer while at the same time putting a lot of resources into modernising industry and agriculture, and doing all this without cutting the defence programme. Recent imports of western grain, steel pipes and machinery have helped to make up the worst shortfalls in Russia's own output. But last year Russia had a balance-of-payments deficit of around $700m, which is expected to jump to $2,000 in this year and to an even higher figure in 1974. So Russia will probably have to dip further into its gold reserves, as well as expanding its gold production. But its gold, like so much of its vast natural wealth, is largely to be found in remote areas in the north and east where heavy investment in roads and railways and houses is needed before the stuff can usefully be got out of the ground. It is two-thirds of a vicious circle.

Can the Soviet Union ever get back to the relatively fast growth rates of the early 1960s? There is little prospect of throwing in any dramatically new amounts of labour or capital. Certainly there is not much extra labour to be got from the agricultural sector. It is true that agriculture still employs more than a third of the total labour force (compared with 5 per cent in the United States). But under the present economic plan agricultural output is supposed to increase by 22 per cent by 1975. This means that the farm managers will do their utmost to stop their labour force from getting away to the towns. The Soviet Union's internal pass system enables them to stop all but the most determined farm workers who want to slip off to the bright—well, brighter—lights. Labour can be released from the farms only if the money can be found to replace it with machinery. And birth rates are falling everywhere in the Soviet Union, except among the non-Russian peoples of central Asia, so there is not much hope of a long-term increase in the total labour supply.

The supply of capital for the basic industries—mining, steelmaking, engineering, petrochemicals and the rest—is not getting any easier, either. The Brezhnev government's decision to increase the supply of consumer goods pulls resources away from heavy industry. There is also the problem of diminishing returns on investment. According to the weekly paper. The Economic Gazette, the cost of capital investment—that is, the cost of each additional unit of national income per rouble of productive investment—increased by 13 per cent between 1961 and 1965. The rise has gone on, and very likely accelerated, since then.

Of course, Russia spends large amounts on research and development in the hope of modernising itself. According to the new American study, it put $28,000m into research and development last year. But perhaps as much as 60 per cent of this was for military purposes. Only some $11,000 was left for the needs of the civilian sector (in the United States, the corresponding sum was $16,000m), and even this is clearly not yielding results comparable with those achieved in the defence field. No doubt the military customers in Russia have a clearer picture of their requirements than their civilian counterparts and are powerful enough to insist on getting them.

Managers in industry are given little opportunity, or incentive, to do more than stick to the task of fulfilling the production plans handed down to them by remote bureaucratic bodies. A story in the Soviet Builder's Gazette illustrates the pitfalls of the single-minded concentration on crudely defined targets. Russia apparently produces twice as much glass as the United States, although it builds only half as many houses. Where does it all go? Well, 46 per cent of it gets broken before or during installation. Why? Because glass production plans are set in terms of square metres, which tempts managers to concentrate on producing thin glass, which then breaks easily.

It is not surprising that innovation, that essential part of technological progress, does not flourish. Many inventions emerge but few are applied, because, as Soviet economists themselves admit, it is safer and more profitable for the managers to churn out the same old items than to expose themselves to the risks and uncertainties of new production. According to a Pravda report last year, more than 600 standard processes and blueprints in the petrochemical industry were 20-30 years old, and only about 80 were being revised.

Even when there is a real will to introduce a new process, a long time passes before it can be fitted into the firm's own plan and the plans of all the other firms involved in the business, and cleared with the ministries, the state committees and the intermediate bodies and agencies. And even when full approval has been given by all concerned, another 18 months may pass before the idea is actually implemented. Low depreciation rates do not encourage the introduction of new machinery. It often takes 15-20 years to recover the cost of the original equipment.

Managers are terrified of being caught unprepared for some sudden change in production targets, so they hoard both labour and raw materials as a form of insurance, regardless of the manpower shortage and the official campaigns against waste of materials. The forces of inertia are so strong that even the present levels of activity could not be maintained without the help of the so-called "pushers" (*tolkachi*) who, by pulling strings and exploiting loopholes, can often locate and provide essential supplies—to their own personal gain.

There are really only three things the Soviet leaders could in principle do to improve the situation. The first would be to make substantial cuts in the country's defence programme. But this switch from guns to butter would clearly be unacceptable to most of the present political and military leaders unless it was accompanied by a wide-ranging agreement with the west; and even then they would still feel the need to keep up Russia's military superiority over China and its grip on the eastern European states. Some amount of pressure for military savings has obviously been one of the factors impelling Russia to engage in the missile talks with the United States and the forthcoming troop reduction talks in Vienna. But even if substantial savings do emerge from agreed armaments cuts, their effects will probably not be felt in the economy for some considerable time.

The second option would involve radical economic reforms that would free the managers from some of the shackles of centralised control. The decree issued on April 3rd, which provided for the establishment of new industrial associations, similar to western corporations and supposedly free from ministerial control, showed that the Soviet government is prepared to contemplate limited measures in the interests of efficiency. But any major decentralising reforms are probably unthinkable because they might lead to demands for political reforms as well as to a temporary falling off of output.

This leaves the third option: the large-scale import of western technology to help the Soviet Union buy time. That is the meaning of the big new deals which Russia is trying to negotiate with West Germany, the United States, Japan and other non-communist industrial nations. Mr. Brezhnev, like several former Russian rulers and notably like Peter the Great, is looking westward for short cuts to material progress while shunning any reforms that might disturb the country's autocratic system. But even if he gets the help he wants, some substantial improvements will have to be made in the way the Soviet economy is run if it is to have the desired effect. Mr. Brezhnev will have to prod his host of bureaucrats (half a million more now than in 1964) into action—and flexibility. He has an enormous task on his hands, even if that harvest turns out all right.

A STUDY IN CONCENTRATION

Mr. METCALF. Mr. President, when concentration of economic power in huge bank trust departments disquiets Barron's, the national business and financial weekly published by Dow Jones & Co., certainly the Congress should be similarly concerned, and possibly motivated toward determination of the extent of concentration and an evaluation of its effects upon the American people and their elected government.

When top officials of Federal regulatory commissions testify that several of these banks each has its officials on the boards of various companies within the same industry—but that the most recent data from the banking community is 5 years old—perhaps it is time to determine the extent to which these interlocks now occur, and the extent to which the banks also influence the companies through control of credit.

The Barron's article appeared in the June 18 issue of the newspaper. The testimony of the regulatory commission officials was reported on June 27 by Kay Mills of Newhouse News Service.

I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Barron's, June 18, 1973]

Since Morgan Guaranty was good enough to publish a booklet containing the vital data on its trust and investment division, we thought the least we could do would be to pass along to those who might not have caught it the list of the bank's leading dollar investments. Hence the accompanying table. Thanks to a friend who likes to play with numbers, we were able to include column 4—the % of the individual company's total common share capitalization in the bank's portfolios.

Even at a glance, one is struck by the fact that portfolios under a single roof—even as elegant and capacious as Morgan's—contain roughly 14% of Disney's outstanding shares; 10% of Polaroid's; a similar amount of Magic's; and large fractions of the equity of Avon, Schlumberger and American Express. When one adds to such percentages similar (if somewhat smaller) holdings at the nine other leading bank trust departments, the effect (on us, anyway) is a wee bit disquieting.

A STUDY IN CONCENTRATION: MORGAN GUARANTY'S TOP 25

	Holdings on Dec. 31, 1972		Shares outstanding (millions)	Morgan's percent of total
	Dollars (millions)	Shares (millions)		
IBM	$2,094	5.21	116.2	4.5
Eastman Kodak	1,138	7.69	161.5	4.8
Avon Products	651	4.75	57.8	8.2
Sears Roebuck	605	5.22	156.7	3.3
Xerox	596	4.00	79.3	5.0
Walt Disney	473	3.97	27.8	14.3
Polaroid	423	3.36	32.8	10.2
Procter & Gamble	396	3.54	81.9	4.3
Schlumberger	390	4.29	36.5	11.8
General Motors	344	4.25	287.6	1.5
American Home Products	330	2.70	51.7	5.2
Coca-Cola	320	2.15	59.7	3.6
Exxon	309	3.51	224.2	1.6
American Express	$306	4.71	48.6	9.7
Mobil	286	3.86	103.2	3.7
Kresge	285	5.82	117.2	5.0
J. C. Penney	279	3.10	57.1	5.4
Merck	274	3.08	74.2	4.2
Philip Morris	272	2.31	27.3	8.5
McDonald's	262	3.45	38.9	8.9
Texaco	212	5.58	272.0	2.1
First National City	210	2.73	116.1	2.4
Schering Plough	207	1.51	26.3	5.7
Johnson & Johnson	206	1.57	56.4	2.8
MGIC Investment	203	2.11	21.1	10.0

BANKS AND THE ENERGY CRISIS

(By Kay Mills)

WASHINGTON.—Enter now the bankers into the energy crisis picture.

A top economist for the Federal Power Commission told the Senate Antitrust and Monopoly Subcommittee Wednesday that interlocking directorships between banks and oil companies—as well as bank ownership in stocks of more than one oil company—threaten competition in the petroleum industry.

Dr John W. Wilson, chief of FPCS Division of Economic studies, said in a separate interview that these interlocks, as well as joint lease acquisitions, joint pipeline ownership and other joint ventures, enable oil companies to "behave as partners" rather than as "vigorous rivals."

The banking directorships and stock ownership represent "another way in which these so-called independent companies are related to each other," Wilson added.

During the same hearing, the Federal Trade Commission's chief antitrust man, James T. Halverson, testified that an FTC investigation of the structure of the petroleum industry is revealing the control by major companies of both refining and pipelines "constitutes a significant competitive problem." Major antitrust action is reportedly planned.

In his testimony, Wilson told the subcommittee chaired by Sen. Philip A. Hart (D-Mich.) that Federal law prohibits one person from serving on two boards of companies producing the same goods or services—but evidently two people working for the same corporation can serve on boards of competing firms.

"For example," he said, "the most recently available evidence on corporate directors from the banking community shows that, as of 1968, Morgan Guaranty and Trust Co. of New York had its employees serving on the boards of Continental Oil, Cities Service, Atlantic Richfield, Belco Petroleum, Columbia Gas, Louisiana Land and Exploration Company and Texas Gulf Sulphur."

Morgan also held stock in Texas Eastern Transmission Corp. and Panhandle Eastern Pipeline as well as gas distribution utilities, Wilson said.

His testimony also listed First National City Bank directors on the boards of Allied Chemical, Monsanto, W. R. Grace, Standard Oil of N.J., Mobil and Sinclair. In addition, "The bank also owns substantial stock interests in Panoil, Phillips, Panhandle Eastern Pipeline, Tenneco and numerous gas distribution utilities."

"Continental Illinois National Bank and Trust had directors with Union Oil, Continental Oil, Amoco, Northern Natural Gas, and others, including major coal companies which have been merged recently with Continental Oil and Standard Oil of Ohio," he added.

Wilson also testified about oil stock ownership in rival firms by bank trust departments and told a reporter he knew of no FPC limitation on the amount of stock owned.

"For example, in 1968, Boston's State Street Bank & Trust Co. owned 15 per cent of the common stock of Texas Oil and Gas, 6.3 per cent of the common in Amerada Petroleum, 11.6 of the common in Zapata Offshore, 10.1 per cent in Kerr McGee, 7.7 per cent in Pennzoil and 7.6 per cent of Newmont."

Wilson called the interlocking directorates "A threat to effective competition among these petroleum companies not only because (they) create a commonality between their boards, but even more so because of the critical role of the financial community in providing the capital which will be needed to expand energy production to meet future needs.

"Simply put," he added, "vigorous economic competition would be better served if the same banks were not represented on the boards of rival oil companies."

SAM NEAMAN: A MAN OF STATURE AND ACCOMPLISHMENT

Mr. HARTKE. Mr. President, some weeks ago I had the pleasure of speaking at a convention in Hollywood, Fla., honoring Mr. Samuel Neaman, board chairman of the McCrory Corp. Management people came from all over the country to honor this man, one of the finest business executives in the world. I say in the world, Mr. President, because Sam Neaman came up in the business world through successfully reorganizing floundering companies in several countries. Mr. Neaman's humane qualities and leadership, coupled with his ability to inspire and motivate his associates, revitalized diverse enterprises around the globe.

As a ranking member of the Senate Committee on Finance, Mr. President, I take a keen interest in successful business enterprise. With our Government facing near chaos in the management of economic affairs, it is noteworthy that some men can take chaotic conditions and re-create success. I never cease to wonder why men such as Sam Neaman never fail even under the most adverse conditions.

In 1963, the McCrory-McClellan-Green nationwide variety store chain found itself floundering with thousands of employees facing an uncertain future. In an unprecendented move, the parent McCrory Corp. turned to Sam Neaman, a nonretailer, a former industrialist, manufacturer, and homebuilder and appointed him president of that drifting enterprise.

Under his leadership, the downward-trending company was shaken out of its doldrums and infused with new vigor and vitality. Accepting the challenges of new ideas and concepts that flowed from the top, staff specialists and technicians developed and implemented a new breed of systems, controls, and highly efficient distribution technology. The turnabout in the company's financial condition was soon apparent and it became increasingly healthy as the newly developed systems took hold.

In the 9 years since Mr. Neaman was brought in to revive the variety store division, the progress of recovery and health is charted by three facts: the number of stores multiplied from 595 to 1,100; sales volume doubled; pretax profits jumped from zero to 6.9 percent of sales; and the employee family grew from 16,500 to 28,000 men and women in 46 States.

Mr. Neaman was elected president of the parent McCrory Corp. in 1966 and board chairman and chief executive officer in 1969. His dynamism and management skill, now reaching into the four divisions comprising the McCrory retailing complex, was manifested in the latest annual report of the corporation showing record sales and earnings for the ninth consecutive year. Sales in fiscal 1972 rose to a new high, bringing McCrory into the blue ribbon billion-dollar class.

Among other significant achievements was the acquisition of the J. J. Newberry variety stores which were joined with the McCrory variety stores to form the G. McNew division. The corporation's operations also include a department store division—S. Klein and Britts, automotive and home accessories division—OTASCO, and an apparel specialty division—Lerner Shops. The McCrory complex, with 2,300 stores and some 60,000 employees in 48 States and the District of Columbia, has become a major retailing force in the United States.

Mr. President, these are facts and figures to show success in a monetary regard, but Sam Neaman sees more in an enterprise than the dollars and cents. He knows you cannot put the human element on a chart or graph. He knows that the key to profitability and growth is not only modern management, but also the active development of the company's human resources: It is people.

Sam Neaman's nontraditional and innovative management approach has been most effective in the area of operations and procedures. To his associates he submitted the concept that the same sophisticated systems and technical tools so effective in manufacturing and heavy industry could be equally effective in the retailing business. With this motivation, his management team developed and introduced into operations electronic systems controls and distribution "sciences" that border on the space age and have resulted in revolutionary distribution efficiencies. In one new system, a computer push-feeds staple merchandise into each store automatically, based on its own history of activity and current inventory and invoice record. In another, and even more amazing development, a computerized system has been designed to provide the merchandising blueprint for a new store to achieve optimum sales and profits—before the store is built.

Undoubtedly at the root of the McCrory success story is Samuel Neaman's management philosophy:

> We believe in guided autonomy—individuals using their initiative, having the authority to act upon it and looking to fellow executives for guidance in fields of their specialty; We try to break our problems into small segments and assign each to an individual who is totally dedicated to solving it; Our operating systems and procedures are designed to provide for individual as well as corporate success because in the long run, both are inseparable; And finally, we believe in a continuous re-examination of everything we do in light of new experience. This is the only way we can maintain our progress.

With the same ability and devotion that have contributed to his success in the business world, Mr. Neaman has given time and effort to a wide range of causes in the interests of human affairs.

Among his numerous endeavors, he has served actively on behalf of the New York Fund and the National Jewish Hospital of Denver. He is a founder of the Albert Einstein College, a director of the American Friends of the Hebrew University, and of the National Committee of the Holy Land Conservation Fund.

He is vice president of the America-Israel Chamber of Commerce and Industry and chairman of the Greater New York Committee for State and Israel Bonds. A native of the Galilee, Mr. Neaman proposed to Israeli leaders the establishment of a new international center of learning at the Technion, Israel Institute of Technology. Initial planning of the project is well underway and, in honor of its founder, it will be named the Samuel Neaman Institute of Advanced Studies at the Technion.

Sam Neaman answered the call to serve in the struggle against fascism. He rose to the rank of major in the British Army in World War II, seeing action in North Africa, Italy, and France.

Mr. President, I am proud to know Samuel Neaman. The United States is better for having him in our society and, it is my hope that his days of duty will continue for years to come so that we may further bask in the accomplishments of this man.

WE DO NOT KNOW HOW

Mr. HUGHES. Mr. President, a recent book on foreign aid entitled "We Don't Know How" by William and Elizabeth Paddock, has aroused considerable interest and controversy. It was alluded to in hearings of both the Senate Foreign Relations Committee and the House Foreign Affairs Committee. A review of this book, by three distinguished Iowa State University professors, refuting many of the points made by the Paddocks, was published in the June 24, 1973, Des Moines Sunday Register.

In the interest of throwing some additional light on an ongoing discussion of great importance to the country, I ask unanimous consent that this review be printed in the RECORD.

There being no objection, the review was ordered to be printed in the RECORD, as follows:

DEFEND FOREIGN AID AGAINST CHARGES OF POOR MANAGEMENT AND FUTILITY

(By Raymond R. Beneke, Earl O. Heady, and John F. Timmons)

NOTE.—In 1967, the Paddock brothers, William and Paul, published a sensationalized book about world food problems called "Famine, 1975."

(William Paddock is an agronomist who has worked on agricultural projects in poor countries, and his brother is a former Foreign Service officer. Now William Paddock and his wife Elizabeth have produced another sensational book, "We Don't Know How", about the alleged failure of the American foreign aid program, published by the Iowa State University Press.

(The following is a review and commentary on this book by three professors of economics at Iowa State:)

In "We Don't Know How" the Paddocks elaborate the prophesy of doom and despair first set forth in "Famine, 1975." Their prophesy is not new, being derived from the doctrine enunciated by Thomas Malthus in 1798. Malthus contended that, given man's capacity to multiply and the "passion between the sexes," the human race was preordained to expand its members until checked by starvation, disease, malnutrition and wars because of the limits of subsistence.

Malthus held that poor relief only provided an incentive for aggravating food and population problems, and the Paddocks contend that help, where effective, only increases the number of people who must ultimately starve. Thus food relief to India, public health measures which reduce mortality in Central America and even research and education which contribute to increased rice and wheat production in the underdeveloped countries of Asia are portrayed by the Paddocks as sinister deeds.

The thrust of their attacks on foreign aid includes ineptness, stupidity and deceit of the organizations and personnel conducting foreign development programs.

DISTORTION, HALF-TRUTHS

The Paddocks purport to have initiated "an independent audit" of foreign assistance efforts with high hopes of documenting the success of these efforts. But upon gathering hearsay opinions and guesses concerning approximately 50 projects in Mexico and Central America, the authors conclude that the Agency for International Development does not know how; but neither does the Peace Corps, the Rockefeller Foundaiton, the World Bank, the United Nations nor the American Friends Service Committee.

We have to conclude that the Paddocks are being less than candid concerning their original objectives. Indeed, it is obvious that they sought only evidence that would discredit foreign aid and support their Malthusian theme. They offer page after page of gossip, distortion and half-truth to support their claim that all efforts in foreign aid have been a dismal failure. Finally in a display of over-kill, readers are encouraged to believe that this record of failure is for the better, since success would only mean that more human beings must some day starve.

Since World War II, the United States has striven to help poorer countries improve their lot. Mistakes have been made and successes have been registered. We have learned from these experiences. What are the results?

U.S. OUTLAYS DECLINED

Using 1961–65 as a base, agricultural production in less developed countries has increased from 78 per cent in 1955 to 122 per cent in 1972. However, per capita production during the same period increased only from 95 per cent to 99 per cent because of rapid increases in population. But per capita production did increase.

U.S. outlays for economic assistance to poorer countries have declined from two-thirds of one per cent of our gross national product in 1964 to only one-third of one per cent at present, as other affluent nations have increased their assistance to poorer countries. This year, 1973, the U.S. will rank only twelfth among the nations of the world in the proportion of GNP devoted to helping poorer countries improve their productivity.

Yet the Paddocks urge the U.S. to terminate its efforts to help poorer nations because they say "we don't know how."

Visiting only Mexico and three small Central American countries (Guatemala, El Salvador and Nicaragua), the Paddocks draw sweeping conclusions for South America, Asia, Africa and the rest of the world. The Paddocks report on only one-half of the 50 projects they claim to have visited. Was the other half too successful for their tastes? Much of their information on the visited projects is inaccurate or out of date.

Their Mexican visits were in 1969—several years after the last U.S.-AID project was completed. The single Mexican project on agricultural credit on which they reported and claimed a failure has proven to be a success. They disclaim progress in Mexico. Yet, since the mid-1940s, Mexican wheat production has tripled, corn production has doubled and the country has had a very high growth rate.

Just why the Paddocks go out of their way to repeatedly belittle and flail Dr. Norman Borlaug, the 1971 Nobel Peace Prize winner, or to discredit the Rockefeller Foundation role in improving agricultural technology, is a mystery.

Under an AID loan, Guatemala converted from an import to an export position for rubber. The Paddocks dismiss an AID health project in Nicaragua, even though it had supplied more than 400,000 medical consultations, 340,000 communicable disease vaccinations and 3,700 communal latrines for rural people who previously had not experienced these services and facilities.

In spite of their criticism of the mass fertilizer program in El Salvador, 14,500 demonstrations were put on by farmers in three years. This would have been hard to excel even in a state such as Iowa when fertilizer and hybrid corn were first coming into use.

One of the Paddock methods is to speak through other people; that is, to quote a cab driver, bush pilot, hotel clerk, developmental official or other person with whom they visited, or to quote from another writer or lecturer who promotes the same thesis as themselves. One of these quotes fairly well expresses the Paddocks' philosophy (or perhaps hope):

"We have now squarely to face this paradox. . . . We have increased human hunger by feeding the hungry. We have increased human want by giving to the needy. It is almost impossible for us to face the fact that this is so. . . ."

The reader has no basis for evaluating their interviews and information from hundreds of taxi drivers, foreign government officials and miscellaneous persons. However, when one analyzes the facts and reasoning that can be verified, glaring discrepancies arise.

ABOUNDS WITH PROGRESS

Although India still has serious food and population problems, it has increased acreage devoted to new wheat varieties by over 45 million acres since 1966 and wheat production more than doubled in this period. The new wheat varieties came through Dr. Borlaug and the Rockefeller Foundation which the Paddocks belittle. Fertilizer use in Pakistan has increased five-fold since 1965. A major AID project has been in backing construction of fertilizer plants to increase supply, lower price and increase use.

The world abounds with progress and successful projects which contradict the Paddocks' thesis that no project has been successful, that the world has made no progress in per capita productivity.

It is perhaps ironical for the Paddocks but encouraging for humanity, that world food production increased 36 per cent within the decade from which the Paddock predictions of famine in 1975 were derived. Possibly, technical assistance efforts of the U.S. public and private agencies helped bring about these remarkable increases.

It is to be hoped that these same agencies will continue to assist the developing countries through their most critical phase of development in which they are now struggling. If this assistance can be provided, improved with our experience, the United States, as is becoming to a major world power, will have made monumental contributions to the world's poorer countries as well as to our own security and well-being.

Mr. HUGHES. Mr. President, one other point should be clarified. The book was published by the Iowa State University Press, an independent, completely self-supporting affiliate of the university. Mr. Carl Hamilton, vice president for information and development, of Iowa State University, has issued a statement pointing out that the University Press published the book—

> Not as an endorsement of the authors' assertions, but because it was felt that the book stated a pertinent viewpoint in the general and continuing national debate over foreign aid programs.

Says Mr. Hamilton:

> In no sense can it be stated that the Paddock book represents the viewpoint of Iowa State University. Still, the university defends the right of the press to publish this work.

SMALL BUSINESS NEEDS TAX REFORM

Mr. BAYH. Mr. President, in reviewing the administration's very limited and generally inadequate tax reform proposals, presented earlier this month to the Committee on Ways and Means by Secretary of the Treasury Shultz, I was particularly struck by the total absence of any recommendation to ease the tax burden on the Nation's 11 million small businesses. Not only does this ominous silence represent a lack of any effort toward reform, it is actually a retreat from the administration's previous stand as expressed in last year's bill, S. 544. What is more, it is a repudiation of a specific pledge in the President's own party's platform of 1972, which called for "tax incentives" and a "tax system that more fairly applies to small business."

What is involved here is not just a President treating as "inoperative" a firm promise on the basis of which he sought reelection. That would constitute a sin of omission or, in geometric terms, a 90-degree shift in policy. What is involved, instead, given what we must assume was at least a starting point in the shape of last year's S. 544, is a complete 180-degree shift in policy and a very definite sin of commission.

No doubt administration spokesmen will try to claim that this policy shift results from "changed conditions." But every small businessman should ask himself how much, if at all, conditions have changed since the Republican Party platform was written and adopted only 10 months ago. The answer to that question will, I am afraid, reveal something of the degree of cynicism with which this administration views its electoral mandate.

By contrast, Mr. President, the majority party in Congress has been fully responsive to the needs of the small business community of America. The chairmen of the Senate and House Select Committees on Small Business have introduced a landmark piece of legislation—in the Senate it is S. 1098—to reform the Internal Revenue Code as it impacts on small business. I am proud to be a cosponsor of that bill and pledge to the distinguished senior Senator from Nevada (Mr. BIBLE) my unstinting support in helping to enact it into law.

It is important to recognize, Mr. President, that the Small Business Tax Simplification and Reform Act of 1973 is not a "giveaway." It is not designed to extend special favors to the small businessman at the expense of other taxpayers. Its central thrust is to redress, in some degree, the vast competitive imbalance that has developed between small and large businesses since World War II. For the fact is, the tax code has been in no small part responsible for the growth of this imbalance. In simplest terms, the code is replete with provisions that permit giant corporations to take tax advantages which, for all practical purposes, are just not available to the small businessman. And that is the reason why, as Senator BIBLE so cogently pointed out in his recent testimony before the Ways and Means Committee, the effective tax rate—and I stress effective, because taxes are paid not in legal niceties but in dollars—for small- and medium-sized businesses is practically double what it is for the Nation's largest corporations.

Needless to say, one of the largest costs of doing business—and therefore of pricing one's products or services—is the amount of taxes one has to pay. So if a small manufacturer of a particular product has to pay twice as high an effective tax rate as his giant competitor, he is simply not going to remain very competitive for very long. That is the cold reality our small businessmen face today.

But tax rates are only one part of the problem. In a number of other vital respects the tax code, perhaps inadvertently, discriminates against small business, often in no other way than by making it unnecessarily expensive to do business and obey the law. That is why title I of S. 1098, establishing governmental machinery charged with the responsibility of simplifying the Internal Revenue System and in general looking after the interests of small business, would be so important a step in the direction of real equity.

For again I must emphasize, Mr. President, that the small businessman is not looking for—and basically does not need—handouts, subsidies, or other special favors from Government. What he needs is a fair chance to compete in an unrigged market. Our bill would go a long way toward making that possible.

It is clear, in any case, that small business will get no equivalent help from the present administration. Promises, proclamations, and protestations of concern are all that the executive branch has any intention of providing as an alternative to the approach developed in S. 1098.

It is, therefore, the Congress' responsibility to do what needs to be done—while there is still time. Small business will not survive in this Nation unless we somehow reestablish a competitive climate that will permit it to survive. The enactment into law of S. 1098 is vital to that effort. I strongly urge the distinguished chairman of the Committee on Finance to schedule hearings on our bill for the earliest possible date and to give it the detailed and sympathetic consideration it—and small business—deserves.

MILITARY RIGHTS AND DUTIES ARE NOT INCOMPATIBLE

Mr. PROXMIRE. Mr. President, a group of concerned servicemen stationed in West Germany has forwarded to me an enlightening copy of the "Daily Bulletin" of the 601st Tactical Control Wing. This official news bulletin, dated June 15, 1973, contains notices of official meetings and procedures as well as pertinent regulations. One of the notices contained therein is a reminder to all enlisted men to attend a mandatory briefing on the Uniform Code of Military Justice. This in itself would not be very noteworthy were it not for an addendum placed at the extreme bottom of the bulletin to be read as a daily proverb or maxim. Printed there in quotation marks is:

> Pay a little more attention to your duties and a little less attention to your rights.

In my opinion, the duties of a member of the Armed Forces are not generally incompatible with the fundamental rights guaranteed to each citizen by the Constitution. Admittedly, some rights must be circumscribed within the military to insure discipline. Yet a workable balance may be maintained that will provide adequate safeguards for the men and women who serve in the Armed Forces and will still maintain an adequate defense for our country. The task is indeed a hard one. Former Chief Justice Earl Warren remarked that it is—

> Made more difficult by the fact that while the military serves the vital function of preserving the existence of the nation it is, at the same time, the one element of government that exercises a type of authority not easily assimilated in a free society.

I personally do not believe that it is an impossible task, and I am sure that the various services would agree with me that the many years of experience under the Uniform Code of Military Justice testify to our success in this area. This major revision of the Articles of War capped a long period of concern for the rights of servicemen with which it is essential that all of us be familiar.

HISTORY OF MISTRUST OF THE MILITARY

Our history and that of our British ancestors reflects a deep mistrust of the power exercised by the military. Sir William Blackstone, the great English legal commentator, recognized the inadequacy of martial law and opposed its extension beyond the time of military necessity:

> For martial law, which is built upon no settled principles, but is entirely arbitrary in its decisions, is, as Sir Matthew Hale observes, in truth and reality no law, but something indulged in rather than allowed as a law.

The British also identified the presence of a large standing army in peacetime as a threat to their liberty. Consequently, it was specified in the British Bill of Rights of 1689 that—

> The raising or keeping of a Standing Army within the Kingdom in time of peace, unless it be with the consent of Parliament, is against the law.

The framers of the American Constitution inherited a similar fear of standing armies. James Madison, for example, felt a danger to individual liberties in a permanent military force. Nevertheless, he called for a compromise between the competing considerations of national security and individual freedom:

> The veteran legions of Rome were an overmatch for the undisciplined valor of all other nations, and rendered her the mistress of the world.
>
> Not the less true is it, that the liberties or Rome proved the final victim to her military triumphs; and that the liberties of Europe, as far as they have existed, have, with few exceptions, been the price of her military establishments. A standing force, therefore, is a dangerous, at the same time that it may be a necessary, provision. On the smallest scale it has its inconveniences. On an extensive scale its consequences may be fatal. On any scale it is the object of laudable circumspection and precaution.

The result of this fear was a Constitution which attempted to exert strict control over the military and to protect fundamental liberties from arbitrary exercises of authority.

Article 1, section 8 of the Constitution vests in Congress the power to declare war and to raise, maintain, and regulate the Armed Forces. Article 2, section 2, provides for civilian control over the military by the President, acting as Commander in Chief. The right of the people to bear arms at least partially as protection against the tyrannical potential of the military is preserved by the second amendment of the Bills of Rights.

The third amendment forbids the quartering of soldiers in any house in time of peace and permitted quartering in time of war only if provided by law. Finally, the fifth amendment demonstrates that the framers knew how to exempt military personnel, for they specifically denied to members of land or naval forces and the militia the right to a presentment or indictment of a grand jury. It may be inferred therefore that the remainder of the Bill of Rights were to be applicable to servicemen and to civilians to protect both groups from the capricious use of power by Government.

CONGRESS CREATES THE UNIFORM CODE OF MILITARY JUSTICE

The Congress, in fulfillment of its important responsibility of regulating the Armed Forces, created the Uniform Code of Military Justice—UCMJ—in 1950. This action was taken in response to substantial pressure applied from all sections of the country for reform of the military justice system, primarily due to the controversial manner in which it operated during World War II. Rear Adm. Robert J. White, retired, former dean of the Catholic University Law School, cited the high percentage of court-martial convictions—88 percent—as a strong argument in support of reform at that time. The numerous excessive sentences requiring sentence reduction in 77 percent of noted cases was also a contributing factor.

The result of this extensive national dialog was the UCMJ, a workable compromise between defense and constitutional rights, which injected a significant degree of due process into the military justice system. Procedures were established to guarantee a trial free from command influence, adequate representation of counsel, and the opportunity to obtain witnesses and other evidence on behalf of the accused. Compulsory self-incrimination and cruel and unusual punishment were prohibited.

SUPREME COURT DECISIONS

Most important, the UCMJ also established the Court of Military Appeals—(CMA)—to serve as a Supreme Court of the Military and to consist of three civilian judges, appointed by the President with the advice and consent of the Senate for a term of 15 years. In the 23 years since its establishment, there has been a steady development of constitutional rights for military personnel.

A large portion of this development undoubtedly stems from the case of *Burns* v. *Wilson,* 346 U.S. 137 (1953), which was decided by the Supreme Court. Prior to that decision, military courts were considered to be free from interference by courts created under article III of the Constitution since they were established by an act of Congress pursuant to authority granted to Congress under article I of the Constitution. Accordingly, decisions of military courts were considered to be nonreviewable by Federal courts so long as the military court was acting within its jurisdiction. Thus, until 1953 servicemen possessed only those constitutional rights which were specified in the UCMJ. *Burns* against *Wilson* firmly determined in that year the right of a member of our Armed Forces to appeal to the Federal courts via habeas corpus petition any denial of constitutional rights. The court said that—

> The military courts, like the State courts, have the same responsibilities as do the Federal courts to protect a person from a violation of his constitutional rights.

Consequently, a military prisoner could, for example, appeal in the Federal courts a denial of his right to due process since, the court noted:

> The constitutional guarantee of due process is meaningful enough and sufficiently adaptable, to protect soldiers—as well as civilians—from the crude injustices of a trial so conducted that it becomes bent on fixing guilt by dispensing with rudimentary fairness rather than finding truth through adherence to those basic guarantees which have long been recognized and honored by the military courts as well as the civil courts.

COURT OF MILITARY APPEALS

The Court of Military Appeals responded to this and other Supreme Court opinions with several key decisions in the criminal area. In *U.S.* v. *Jacoby,* 11 U.S.C.M.A. 428 (1960), the CMA held that the—

> Protections of the Bill of Rights, except those which are expressly or by necessary implication inapplicable, are available to members of our Armed Forces.

A year later Judge Quinn of the CMA described the due process rights of a member of the military as including those guaranteed by the Bill of Rights plus those established by Congress. Then in 1967, in the case of *U.S.* v. *Tempia,* 16 U.S.C.M.A. 629 (1967), the CMA discarded the "independence" theory by which Supreme Court decisions were felt not to be binding on military courts. Instead the CMA asserted that military courts must follow Supreme Court decision when that Court is promulgating constitutional rules.

EFFECTIVE IN WARTIME

As a result of the actions by Congress and the initiatives made by the courts, the military justice system has gone through significant development since World War II. Although I am certain that improvements to the system could be and have been suggested, I think that we can express our general satisfaction with the manner in which the system has operated over the past 23 years in spite of the stresses brought about by the Korean conflict and the war in Southeast Asia. Testimony taken by the Senate Judiciary Subcommittee on Constitutional Rights in 1963 gives additional support to the system by indicating that the UCMJ would probably continue to be effective in a war as extensive as World War II. Although the subcommittee heard comments to the contrary, most of the witnesses believed the experience under the UCMJ in Korea to be a firm demonstration that the system, modified to provide increased appellate review in the field, would meet both the demands of defense and those of justice in an emergency. As a result, the subcommittee reached the conclusion that—

> Uncertainties as to how the present system of military justice would operate in a period of all-out war do not constitute a sufficient reason to discard protections for servicemen which are feasible under present conditions.

SERVICES SHOULD COME TO CONGRESS

The Department of Defense has had several opportunities to inform Congress in the recent past if they did not agree with the organization or provisions of the UCMJ. To my knowledge they have not done so. Neither has the Air Force. If the Air Force does not believe that discipline is compatible with the rights presently guaranteed to servicemen, I think that we should hear from them. Until that time, it is entirely inappropriate for any military command to attempt to suppress the rights of American military personnel by suggesting that the defense of their rights will interfere with their service obligations.

An official military bulletin, representing the views of the commanding officer, is not the proper forum for finding a new balance between liberty and security. Congress and the courts have the responsibility for making decisions in this area. That is what civilian control is all about.

Improper pressure of the kind demonstrated by the 601st Tactical Air Command can only serve to subvert the discipline and morale of the men and women who are required to read this bulletin. It would be a good idea for all members of the Armed Forces to recall the words of Blackstone:

> He puts not off the citizen when he enters the camp; but it is because he is a citizen, and would wish to continue so, that he makes himself for a while a soldier.

The time is long past when an individual could be considered to have given up his fundamental rights upon entering the service. Let the Air Force come to Congress if it wishes to return to these earlier times.

LEGISLATIVE REVIEW REPORTS

Mr. METCALF. Mr. President, as chairman of the Joint Committee on Congressional Operations, I submit a tabulation of legislative review reports by Senate committees pursuant to section 118(a) of the Legislative Reorganization Act of 1970 (P.L. 91-510) which amended section 136 of the Legislative Reorganization Act of 1946 (P.L. 79-610).

Section 136 of the Legislative Reorganization Act of 1946 under the heading "Legislative Oversight by Standing Committees" provided that—

> Each standing committee of the Senate and House of Representatives shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee.

The Joint Committee on the Organization of Congress of which both the vice chairman of this committee, the Honorable JACK BROOKS of Texas, and myself were members, in its study of congressional reform concluded that the function of legislative oversight required by the above-quoted section of the 1946 Legislative Reorganization Act had not been effectively discharged by the committees. Accordingly, the Joint Committee recommended measures to pinpoint and emphasize the legislative review function. Among these provisions was the requirement that each committee report at the conclusion of a Congress its activities in carrying out its legislative review function.

This requirement is provided for in Section 118 of the Legislative Reorganization Act of 1970.

On September 22, 1972, the then chairman, Congressman BROOKS, and I addressed a letter to each standing committee calling attention to the above requirements relating to legislative review and enclosed certain background information thought to be of assistance to the committees. That letter reads as follows:

> DEAR MR. CHAIRMAN: As you know, Section 118 of the Legislative Reorganization Act of 1970 (P.L. 91-510), as amended by P.L. 92-136, requires standing Committees of the House and the Senate after January 1, 1973 to make reports to their respective Houses on their activities in reviewing and studying the "application, administration and execution of those laws or parts of laws, the subject matter of which is within the jurisdiction of that Committee."
>
> Section 118a requires Senate Committees to file such reports not later than March 31st of each odd-numbered year and Section 118b requires House Committees to file such reports "not later than January 2nd of each odd-numbered year."
>
> As these will be the initial reports under these sections of the Reorganization Act, we felt that the attached information containing the legislative background might be of help to you in preparing these reports.

The background information referred to in the letter was inserted in the CONGRESsional Record, volume 118, part 26, page 32353 by Senator Mansfield.

House committees were required to report under section 118(b) and rule XI 28. (a) of the Rules of the House of Representatives by January 2, 1973, and Senate committees were required by section 118(a) to file their reports by March 31, 1973.

A tabulation of the legislative review reports of House committees was inserted in the Congressional Record by Congressman Brooks on January 23, 1973, on page 1802.

Mr. President, I ask unanimous consent to print a similar tabulation of legislative review reports filed by committees of the U.S. Senate in the Record.

There being no objection, the tabulation was ordered to be printed in the Record, as follows:

U.S. SENATE, 93D CONGRESS, LEGISLATIVE REVIEW REPORTS OF STANDING COMMITTEES PURSUANT TO SEC. 118 OF THE LEGISLATIVE REORGANIZATION ACT OF 1970 (PUBLIC LAW 91-510)

Committee	Date	Report	Content (coverage)	Pages
Aeronautical and Space Sciences	Mar. 27, 1973	93-89	Legislation and review	12
Agriculture and Forestry	Jan. 23, 1973	93-5	Legislative review	16
Armed Services	Apr. 12, 1973	93-118	Activities of the committee	109
Banking, Housing and Urban Affairs	Apr. 3, 1973	93-99	Legislative review	36
Commerce	Mar. 30, 1973	93-97	do	12
District of Columbia	Mar. 29, 1973	Congressional Record statement by Senator Eagleton, pp. 10258 to 10259.	Oversight activities	2
Finance	Feb. 28, 1973	93-51	Legislative review activity	17
Foreign Relations	Jan. 21, 1971	93-98	Legislative history	160
Government Operations	Mar. 27, 1973	Congressional Record statement by Senator Ervin, pp. 9727 to 9729.	Legislative review	3
Interior and Insular Affairs	Mar. 29, 1973	93-95	do	14
Labor and Public Welfare	Mar. 30, 1973	93-96	Legislative review activity	38
Public Works	December 1972	Committee Print Serial No. 92-28	Legislation and review	93
Rules and Administration	Mar. 27, 1973	93-93	Legislative review	7
Other committee reports involving legislative review: Select Committee on Small Business.	July 27, 1973	93-357	23d annual report	410

INQUIRY INTO FATAL SHOOTING OF FOUR KENT STATE UNIVERSITY STUDENTS

Mr. BAYH. Mr. President, within the last few days information has come to my attention which I believe sheds important new light on the tragic killings which occurred at Kent State University in May of 1970. I have today made this information public and transmitted it to the Attorney General.

I ask unanimous consent that the text of my statement on this matter together with the text of the letter on which it was based be printed in the Record. At the request of the individuals involved, I have not made their names public at this time. I have, of course, informed the Department of Justice as to their identity.

There being no objection, the articles, statement, and letters were ordered to be printed in the Record, as follows:

Statement of Senator Birch Bayh

I am happy to see that Attorney General Elliot L. Richardson has announced today that he has authorized Assistant Attorney General J. Stanley Pottinger to conduct an additional inquiry into the circumstances surrounding the fatal shooting of four Kent State University students by members of the Ohio National Guard on May 4, 1970.

I wrote to Assistant Attorney General Pottinger urging just such a course on July 9, 1973. During the confirmation hearing for FBI Director Clarence Kelley, a story in the Akron Beacon Journal drew my attention to the still mysterious role of one Mr. Terrence B. Norman. The story raised questions concerning what role Mr. Norman was playing at Kent State, why he was carrying a gun, and how he was able to stay on campus after it was closed.

On June 25, 1973, I submitted to Mr. Kelley a series of written questions in an effort to determine what, if anything, the FBI had done to investigate allegations that Norman may have precipitated the firing by National Guardsmen at Kent State by firing his .38 caliber revolver.

FBI Director Kelley reported on July 9, 1973 that Terrence B. Norman has never been under contract or directly employed by the FBI. However, Mr. Kelley reported that in April 1970, less than a month before the Kent State shootings, Norman had supplied information of value to the FBI regarding the National Socialist White People's Party, an outgrowth of the American Nazi Party, for which he received a cash payment of $125. Mr. Kelley said Norman's .38 caliber snubnose revolver was surrendered to Patrolman Harold Rice of the Kent State University Police Department on May 4, 1970. It then passed through the hands of several other members of the Kent State police force before being turned over to the FBI on May 5, 1970. The FBI laboratory, however, did not examine the gun to determine whether it had been fired, Kelley said, since the gun had passed through a number of hands before coming into FBI custody. Such a laboratory examination, he said, could only show whether the gun had been fired recently, but not as to whether it had been fired on the specific date in question.

In response to other questions, Mr. Kelley said the FBI initiated an investigation of the incident on May 5, 1970 at the request of the Assistant Attorney General, Civil Rights Division, U.S. Department of Justice and results of the investigation were reported to the Justice Department.

Mr. Kelley indicated the FBI did not probe into circumstances by which Norman received an accredited press credential from the Press Officer of the Ohio National Guard and did not investigate why Norman, allegedly a regular student, was able to be on campus May 5 after the campus had officially been closed and the press had been excluded from the campus. He also reported that the FBI has no information as to why Norman was not subpoenaed by the Ohio State Grand Jury and said the FBI does not know the location of Mr. Norman presently. Significantly, Kelley also indicated there had been no questioning of Mr. Norman since the date of the shootings.

There are several obvious gaps in the original investigation, particularly as concerned the role of Mr. Norman.

The question of why Mr. Norman was never interviewed by the FBI has not been answered.

The question of why Mr. Norman was able to remain on the campus after it had been officially closed and after the press had been excluded was not answered.

The question of how Mr. Norman received accredited press credentials was not investigated by the FBI.

Recently, since that time, I have received information from a company commander of the Ohio National Guard raising even more serious questions as to the thoroughness of the original investigation. I have today transmitted to Attorney General Richardson a letter from that Company Commander and two exhibits in the form of signed statements from members of his unit in the Ohio National Guard.

The letter of the Company Commander and the statements of two members of his company indicate Mr. Norman was present during the fusillade which killed the students.

The company commander states that he questioned four of his men who indicated that "as Norman ran toward our lines, people were chasing him yelling 'Stop that man—he killed someone'." The Commander quotes a lieutenant in his unit as indicating that he had overheard Norman tell the Kent State police "I think I shot one of the students—the students grabbed me and started beating me, so I pulled my gun." The Commander included in his letter to me the handwritten statements of two of his men who corroborate this version of the event.

In spite of the fact that there was thus substantial reason to believe that Norman may have in fact fired his gun, the commander reports that he was unable to arouse any interest on the part of the FBI when he reported the information to them.

The tragedy which occurred at Kent State was perhaps the most shocking and traumatic event in the long history of student unrest through the period of the late 1960's and early 1970's. I believe that it is imperative that in this of all cases the American people have full confidence that justice has been fully and impartially carried out. I have, of course, forwarded this information to the Attorney General. I hope that the reopened investigation announced today by Assistant Attorney General Pottinger will proceed forthwith to at last see to it that all the facts are fully made known.

August 2, 1973.

Hon. Elliot L. Richardson,
Attorney General,
Department of Justice,
Washington, D.C.

Dear Mr. Attorney General: As you may know, during the course of Mr. Kelley's confirmation hearings I submitted certain questions to him to be answered for the record once he assumed his position as Director of the Federal Buerau of Investigation. These involved the activities of Mr. Terrence B. Norman during the tragic killings at Kent State University on May 4, 1970. On July 9, 1973, Mr. Kelley submitted his answers to these questions.

As a result of certain press reports concerning Director Kelley's response, I received today a letter from an officer in the Ohio National Guard who was in command of an infantry company on the Kent State Campus. I enclose a copy of his letter, together with handwritten statements signed by two of his men. These seem to indicate that it is quite possible that it was in fact Norman who fired the first shot. As Director Kelley indicated, the FBI did not perform a ballistics test on the weapon.

Because this information appears to me to be highly significant, I am forwarding it to you and would request that you take the necessary steps to see to it that Mr. Norman's role in this unhappy occurrence is fully explored.

Sincerely,

Birch Bayh,
U.S. Senator.

July 27, 1973.

Hon. Birch Bayh,
U.S. Senate,
Senate Office Building,
Washington, D.C.

Dear Sir: It was with much interest that I read a report by UPI in your investigation of the Kent State matters, especially those involving the mysterious reporter, Terry Norman.

On May 4, 1970, I was in command of Co. —— of which 54 men were involved in the quote "skirmish line". It was through my men that Terry Norman returned after the shooting incident in which the four students were killed. Although I did not personally apprehend him, the incident came immediately to my attention and I attempted to gather all the information I could on the matter. Without any formal investigative capabilities, I was only able to gather statements from my own men and tried to relate these to the official investigative bodies which I came in contact with.

In addition to the copies of statements of two of my men which are enclosed with this letter, I also have the notes which I made while questioning several others who were near enough to the incident to have knowledge of it. Four enlisted men made the following statement, "as Norman ran toward our lines, people were chasing him yelling "stop that man—he killed someone". Another man, a lieutenant overheard Norman tell the campus police, "I think I shot one of the students—the students grabbed me and started beating me, so I pulled my gun". As you will see from the attached statements, they are in agreement with the above statements.

The FBI seemed to show no interest whatever in these statements whenever I reported them and, in a letter from J. Edgar Hoover to Congressman John Ashbrook, the Director stated that the FBI never heard of Norman nor employed him. However, I notice that they now admit to having paid him for some information in April 1970. I believe the above mentioned letter was prompted by Sgt. —— (one of the attached statements is his) inquiry through Congressman John Ashbrook, 16th Ohio Congressional District into this matter.

In addition to the above statements, Terry Norman had one other contact with the Ohio National Guard that I am aware of. It was with a member of another unit whose duty it was to issue press passes to personnel who were authorized to have them. In my questioning of this Guardsman, he reported that Norman attempted to get a press pass several times but was refused because he had no credentials. Norman then brought a person, believed by this guardsman to be a campus policeman, with him to apply for one. This individual stated that Norman should be issued a press pass because he was working for the FBI. When asked again for credentials this individual replied, "well not as an agent, just taking pictures". Norman was then issued a press pass on this basis. It should be noted here that none of the people making these statements or myself were called on to testify before the Grand Jury investigating the Kent incident.

If a check were made of the Akron City police files, I believe Terry Norman's name will appear therein for impersonating a police officer or carrying a weapon without a permit; however, this is not directly related to the May 14th incident.

If the above information is of no value to you, please feel free to disregard it; however, I would be willing to supply names of the personnel who made the statements contained herein, if desired. My only request being that these persons not be unduly harassed as they have been in the past.

My interest in this matter is simply that this incident with Norman has never been fully answered to my satisfaction. I always wondered if the gun which the FBI checked was actually the one which Norman turned over on May 4 to persons other than the FBI.

I would appreciate if this letter would be treated confidentially as I am still a member of the Ohio National Guard and am still under indictment in the civil suits pending in the courts over the May 4th killings. I will, however, be willing to discuss at anytime what I know of this matter.

Thanking you, I am ——.

"I, . . ., observed on May 4, 1970 the following: A number of people running down the hill yelling "stop that man—he shot someone". I glanced to my right and saw a young man showing a press pass to a guardsman and passing him. I moved towards him along with a number of other people. He was stopped 10 yds. behind our line by 4 or 5 people. A plain closed [sic] official had stopped him and was asking him questions. I heard the young man say: "a student grabbed my camera and started to beat me up—I shot"— He then reached inside his jacket and removed a silver colored pistol which was taken from him and he was led away. He was a short and blond haired, wearing slacks, white shirt, jacket, and had a camera around his neck."

"I, . . ., a member of . . . Co. of the Ohio National Guard did aid in the capture of a civilian who was said to have had fired a pistol and hit a student during the dispersing of an authorized rally at Kent State University, Kent, Ohio. After completing our mission of dispersing the students, I along with a fellow guard member returned to where we began our mission. Within two or three minutes a civilian approached a line we had formed, presented a press card and we let him pass through. He had gone approximately ten to twenty feet to my immediate rear when some other civilians who I think were newsmen came running down the hill to our front pointing and shouting "stop that man." Within ten to fifteen seconds four or five guardsmen including myself had him surrounded with bayonettes pointing towards him and within a few inches of his body. He didn't attempt to escape. He held out his press card and kept saying over and over in an excitable voice, "They were trying to kill me." I took his card and examined it. It looked official. The name on the card was Terry Gordon, but I don't remember the name of the people he worked for. We held him until some policemen came, and upon reaching his person, found a small pistol. The young man looked to be about 21 years of age. He was of thin build, and approximately 5 ft. 9 in. tall. He had medium length blond hair. He was of fair complexion. He was wearing a long sleeve button up yellow shirt and had a camera hanging around his neck."

"That is all I remember about him, and of the incident."

"Note. . . . mistook the name Norman for Gordon."

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

EXECUTIVE SESSION

The PRESIDING OFFICER (Mr. Tunney). Under the previous order, the hour of 10:45 a.m. having arrived, the Senate will now go into executive session to vote on four treaties, Ex. C, 93d Congress, 1st session; Ex. H, 93d Congress, 1st session; Ex. D, 93d Congress, 1st session; and Ex. I, 93d Congress, 1st session.

CONVENTION ON THE PREVENTION OF MARINE POLLUTION (EX. C, 93–1); CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA (EX. H, 93–1); AMENDMENTS TO THE INTERNATIONAL CONVENTION ON LOAD LINES, 1966 (EX. D. 93–1); SIX AMENDMENTS TO THE CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1960 (EX. I, 93–1)

CONVENTION ON THE PREVENTION OF MARINE POLLUTION BY DUMPING OF WASTES AND OTHER MATTER (EX. C, 93–1)

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the resolution of ratification? The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Idaho (Mr. Church), the Senator from Alaska (Mr. Gravel), the Senator from Indiana (Mr. Hartke), the Senator from Kentucky (Mr. Huddleston), the Senator from Hawaii (Mr. Inouye), the Senator from Maine (Mr. Muskie), and the Senator from Alabama (Mr. Sparkman) are necessarily absent.

I further announce that the Senator from South Dakota (Mr. Abourezk) is absent on official business.

I also announce that the Senator from Mississippi (Mr. Stennis) is absent because of illness.

I further announce that, if present and voting, the Senator from Alaska (Mr. Gravel), and the Senator from Alabama (Mr. Sparkman) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. Goldwater) is absent because of illness in his family.

The Senator from Utah (Mr. Bennett), the Senator from Tennessee (Mr. Brock), and the Senator from Pennsylvania (Mr. Scott) are necessarily absent.

The Senator from New Hampshire (Mr. COTTON) is absent to attend the funeral of a friend.

If present and voting, the Senator from Pennsylvania (Mr. SCOTT) would vote "yea."

The yeas and nays resulted—yeas 86, nays 0, as follows:

[No. 368 Ex.]

YEAS—86

Aiken
Allen
Baker
Bartlett
Bayh
Beall
Bellmon
Bentsen
Bible
Biden
Brooke
Buckley
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Clark
Cook
Cranston
Curtis
Dole
Domenici
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Fulbright
Griffin
Gurney
Hansen
Hart
Haskell
Hatfield
Hathaway
Helms
Hollings
Hruska
Hughes
Humphrey
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McClure
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott, Va.
Stafford
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—14

Abourezk
Bennett
Brock
Church
Cotton
Goldwater
Gravel
Hartke
Huddleston
Inouye
Muskie
Scott, Pa.
Sparkman
Stennis

The PRESIDING OFFICER (Mr. TUNNEY). Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA

(EX. H, 93–1)

The PRESIDING OFFICER. The question, Will the Senate advise and consent to the resolution of ratification? The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Hawaii (Mr. INOUYE), the Senator from Maine (Mr. MUSKIE), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from South Dakota (Mr. ABOUREZK) is absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL) and the Senator from Alabama (Mr. SPARKMAN) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER) is absent because of illness in his family.

The Senator from Utah (Mr. BENNETT), the Senator from Tennessee (Mr. BROCK), and the Senator from Pennsylvania (Mr. SCOTT) are necessarily absent.

The Senator from New Hampshire (Mr. COTTON) is absent to attend the funeral of a friend.

If present and voting, the Senator from Pennsylvania (Mr. SCOTT) would vote "yea."

The yeas and nays resulted—yeas 86, nays 0, as follows:

[No. 369 Ex.]

YEAS—86

Aiken
Allen
Baker
Bartlett
Bayh
Beall
Bellmon
Bentsen
Bible
Biden
Brooke
Buckley
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Clark
Cook
Cranston
Curtis
Dole
Domenici
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Fulbright
Griffin
Gurney
Hansen
Hart
Haskell
Hatfield
Hathaway
Helms
Hollings
Hruska
Hughes
Humphrey
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McClure
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott, Va.
Stafford
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—14

Abourezk
Bennett
Brock
Church
Cotton
Goldwater
Gravel
Hartke
Huddleston
Inouye
Muskie
Scott, Pa.
Sparkman
Stennis

The PRESIDING OFFICER (Mr. TUNNEY). Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

AMENDMENTS TO THE INTERNATIONAL CONVENTION ON LOAD LINES, 1966 (EX. D–93–1)

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the resolution of ratification? The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Hawaii (Mr. INOUYE) the Senator from Maine (Mr. MUSKIE), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from South Dakota (Mr. ABOUREZK) is absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL), and the Senator from Alabama (Mr. SPARKMAN) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER) is absent because of illness in his family. The Senator from Utah (Mr. BENNETT), the Senator from Tennessee (Mr. BROCK) and the Senator from Pennsylvania (Mr. SCOTT) are necessarily absent.

The Senator from New Hampshire (Mr. COTTON) is absent to attend the funeral of a friend.

If present and voting, the Senator from Pennsylvania (Mr. SCOTT) would vote "yea."

The yeas and nays resulted—yeas 86, nays 0, as follows:

[No. 370 Ex.]

YEAS—86

Aiken
Allen
Baker
Bartlett
Bayh
Beall
Bellmon
Bentsen
Bible
Biden
Brooke
Buckley
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Clark
Cook
Cranston
Curtis
Dole
Domenici
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Fulbright
Griffin
Gurney
Hansen
Hart
Haskell
Hatfield
Hathaway
Helms
Hollings
Hruska
Hughes
Humphrey
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McClure
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott, Va.
Stafford
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—14

Abourezk
Bennett
Brock
Church
Cotton
Goldwater
Gravel
Hartke
Huddleston
Inouye
Muskie
Scott, Pa.
Sparkman
Stennis

The PRESIDING OFFICER (Mr. TUNNEY). Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

SIX AMENDMENTS TO THE CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1960 (EX. I, 93–1)

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the resolution of ratification. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Hawaii (Mr. INOUYE), the Senator from Maine (Mr. MUSKIE), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from South Dakota (Mr. ABOUREZK), is absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL) and the Senator from Alabama (Mr. SPARKMAN) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER) is absent because of illness in his family.

The Senator from Utah (Mr. BENnett), the Senator from Tennessee (Mr. Brock) and the Senator from Pennsylvania (Mr. Scott) are necessarily absent.

The Senator from New Hampshire (Mr. Cotton) is absent to attend the funeral of a friend.

If present and voting, the Senator from Pennsylvania (Mr. Scott) would vote "yea".

The yeas and nays resulted—yeas 86, nays 0, as follows:

[No. 371 Ex.]

YEAS—86

Aiken
Allen
Baker
Bartlett
Bayh
Beall
Bellmon
Bentsen
Bible
Biden
Brooke
Buckley
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Clark
Cook
Cranston
Curtis
Dole
Domenici
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Fulbright
Griffin
Gurney
Hansen
Hart
Haskell
Hatfield
Hathaway
Helms
Hollings
Hruska
Hughes
Humphrey
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McClure
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott, Va.
Stafford
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—14

Abourezk
Bennett
Brock
Church
Cotton
Goldwater
Gravel
Hartke
Huddleston
Inouye
Muskie
Scott, Pa.
Sparkman
Stennis

The PRESIDING OFFICER (Mr. Tunney). Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

PROGRAM FOR TODAY

Mr. GRIFFIN. Mr. President, I know the question of the hour and of the moment is, What do we do now? So I wonder whether I might inquire of the distinguished majority leader what guidance or advice he can give us concerning what may happen to those who have their bags packed and are ready to leave.

Mr. MANSFIELD. Mr. President, I am delighted to respond to the distinguished acting Republican leader. But first, with his approval, and the Senate's, I should like to yield to the distinguished Senator from Alabama (Mr. Allen) for the introduction of a resolution which will be of interest to the Senate.

SENATE RESOLUTION 156—FELICITATIONS TO SENATOR STENNIS ON HIS BIRTHDAY ANNIVERSARY

Mr. ALLEN. Mr. President, today marks the anniversary of the birth of the distinguished Senator from Mississippi (Mr. Stennis). On behalf of myself, and Senators Eastland, Hansen, Mansfield, Fannin, Robert C. Byrd, and Case—and in a moment I shall ask unanimous consent that the names of all Senators be added as cosponsors of the resolution—I should like to read it and then ask unanimous consent that it receive immediate consideration:

Whereas, the distinguished Senator from Mississippi (Mr. Stennis) was born near DeKalb in Kemper County, Mississippi, and today marks the anniversary of his birth; and

Whereas, the members of the United States Senate rejoice at the continuing impovement of his health which has enabled him to leave Walter Reed Hospital and return to his place of abode in the Nation's Capital; and

Whereas, Mr. Stennis is loved, admired and respected by every member of the United States Senate, and is held in the highest esteem throughout the Nation for his patriotism, his indomitable spirit, his statesmanship, his leadership and for the example he sets as a Christian gentleman; and

Whereas, the members of the United States Senate wish to take note of this milestone in the life of our distinguished colleague and to felicitate him on this happy occasion: Now, therefore, be it

Resolved, That the United States Senate does hereby congratulate and felicitate the distinguished Senator from Mississippi on this occasion and expresses the wish that he will enjoy many other such anniversaries in the future. Be it further

Resolved, That members of the Senate greatly miss the distinguished Senator and wish for him an early return to the Senate Chamber and to his duties in the Senate. Be it further

Resolved, That a copy of this Resolution be spread upon the Journal of the Senate and a copy furnished to Mr. Stennis.

Mr. President, I now ask unanimous consent that the names of each Senator be added as a cosponsor of this resolution.

The PRESIDING OFFICER (Mr. Tunney). Without objection, it is so ordered.

Mr. ALLEN. Mr. President, at this time I send the resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution having already been stated by the Senator from Alabama, the Chair would state, Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and unanimously agreed to.

FULL OPPORTUNITY AND NATIONAL GOALS AND PRIORITIES ACT

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Chair now lays before the Senate the unfinished business, S. 5, which the clerk will state.

The assistant legislative clerk read as follows:

S. 5, to promote the general welfare.

The Senate resumed the consideration of the bill.

PROGRAM FOR TODAY

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished acting Republican leader, so far as the work the Senate has before it is concerned, in the matter of votes, it has been completed.

What will happen in the House, I am not aware of at the present time. There are nine conference reports of a varying nature in the House, but to the best of my knowledge it would appear that, at the most, we could be called on to consider three; one, the transportation appropriation bill, if the House passes that; two, the District of Columbia appropriation bill, if the House passes that; and then we are looking into the matter of interest rates. We think there may have been an extension, but we are not certain. That is one which we will have to do because the authority expired August 1.

Thus, I do not anticipate too much in the way of difficulties, but I would appreciate it if a "bare majority" could be on hand during the remainder of the day.

Mr. CURTIS. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. The Senator from Michigan has the floor.

Mr. GRIFFIN. I yield to the Senator from Nebraska.

Mr. CURTIS. I understand that the conference report on the agricultural bill is among those the Senator mentioned?

Mr. MANSFIELD. No; we have an idea that they will accept what the Senate has done, or there will likely be no agricultural bill.

Mr. CURTIS. It could happen that there would be an amendment of some nature which technically——

Mr. MANSFIELD. That is right.

Mr. CURTIS [continuing]. Might have to be accepted by the Senate.

Mr. MANSFIELD. That is right.

Mr. CURTIS. If that occurs, it is the plan of the leadership to call it up today?

Mr. MANSFIELD. Yes, it is. I was only joking when I said a moment ago that I hoped a "bare majority" would stay on hand today, because I would like to see a substantial majority of Senators such as we had on the last vote retained until we go out tonight for a number of weeks.

Then, of course, the pending business before us is S. 5, a bill to promote the general welfare, and that may call for amendments, so there may be votes on that.

That is the best, indefinite though it is, that I can give the Senate at this time.

Mr. GRIFFIN. Then, the guidance is that there may not be any votes, but on other hand, there may be votes.

Mr. MANSFIELD. That is a wise, astute, and obtuse observation. [Laughter.]

HOUSE JOINT RESOLUTION 466, HOUSE JOINT RESOLUTION 52, HOUSE CONCURRENT RESOLUTION 266, AND HOUSE CONCURRENT RESOLUTION 209

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on **House Joint Resolution 466,** House Joint Resolution 52, House Concurrent Resolution 266, and House Concurrent Resolution 209.

The PRESIDING OFFICER (Mr. TUNNEY) laid before the Senate House Joint Resolution 466, House Joint Resolution 52, House Concurrent Resolution 266, and House Concurrent Resolution 209.

Mr. MANSFIELD. Mr. President, I ask unanimous consent for their immediate consideration. They have been cleared all around.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR THE PRESIDENT TO PROCLAIM THE NATIONAL LEGAL SECRETARIES' COURT OBSERVANCE WEEK

The joint resolution (H.J. Res. 466), authorizing the President to proclaim the second full week in October 1973, as "National Legal Secretaries' Court Observance Week," was read twice by title, considered, read the third time and passed.

AUTHORIZATION FOR PRESIDENT TO PROCLAIM WOMEN'S EQUALITY DAY

The joint resolution (H.J. Res. 52) authorizing the President to proclaim August 26, 1973, as "Women's Equality Day," was read twice by title, considered, read the third time and passed.

WOMEN'S EQUALITY DAY

Mr. BAYH. Mr. President, 53 years ago, on August 26, 1920, the 19th amendment became part of our Constitution guaranteeing that the right to participate in our electoral process would not be abridged on account of sex. This was an historic first step on the long road toward achieving true equality for American women. Although we have made great progress in the years since, we still have further to go. As of the moment some 30 States have ratified the proposed 27th amendment which would at last eliminate the vestiges of inequality based on sex from our laws. I am hopeful that the necessary eight more States will soon make the equal rights amendment part of our Constitution.

Because of the importance of the historic landmark in this movement which is marked by August 26, I am pleased to support legislation today which would request the President to issue a proclamation in commemoration of this anniversary. As we mark this occasion, I think that it is important to rededicate ourselves to the cause of achieving true equality for all our people.

ORDER FOR THE PRINTING OF ADDITIONAL COPIES OF HEARINGS ON A BILL

The concurrent resolution (H. Con. Res. 266), for the printing of 2,500 copies of part 8 of the hearings on the agriculture-environmental and consumer protection appropriation bill, for the fiscal year 1974, was considered and agreed to.

ORDER FOR PRINTING ADDITIONAL COPIES OF HEARINGS BY A HOUSE SUBCOMMITTEE

The concurrent resolution (H. Con. Res. 209), for the printing of 1,500 additional copies each of part 1 and part 2 of the hearings by the Subcommittee on Africa of the House Foreign Affairs Committee in May, June, July, September, November, and December 1971 entitled "United States Business Involvement in Southern Africa," was considered and agreed to.

FULL OPPORTUNITY AND NATIONAL GOALS AND PRIORITIES ACT

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which will be stated by title.

The legislative clerk read as follows:

A bill (S. 5) to promote the public welfare.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MOSS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CLARK). Without objection, it is so ordered.

Mr. TAFT. Mr. President, I ask unanimous consent that Mr. Roger G. King, a minority member of the staff, be granted the privilege of the floor during the debate on S. 5.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE RAINBOW BRIDGE NATIONAL MONUMENT

Mr. MOSS. Mr. President, I should like to announce the ruling of the 10th Circuit Court of Appeals, sitting in Denver, which overruled the decision by the District Court of Utah concerning the filling of Lake Powell and the impingement of waters across the boundary on Rainbow Bridge National Monument.

Earlier, the district court had ruled that, under the statute, waters could not be permitted to cross the boundary line of Rainbow Bridge National Monument, and for that reason must be drained from the lake so that the lake would be held at essentially half of its capacity.

It has been our contention for a long time that Congress addressed this matter when it decided in 1961 that no protective work should be built across the canyon to keep water from flowing into the national monument. The circuit court has now ruled that this is the fact and that Congress, having acted in 1961 to assure that protective works could not be built, at the same time said that it was the intent of Congress that waters come within the monument.

I want to explain that Rainbow Bridge is one of our national treasures, the greatest stone arch in the world, and we all have concern for its stability and safety. If there were any threat at all to the bridge, I would have been among those who would have proposed permitting the water to flow into the monument. But the fact is that the water that comes in the monument will remain in a deep gorge far below the bridge and will not come near the abutments of the bridge and, in my opinion, will not impair in any way the safety of the bridge or its beauty.

Geologists have testified that it will not impair the safety of the bridge, and it is a matter of opinion as to whether it will result in any impairment of the beauty of the bridge. Actually, I think this will enhance its beauty.

The other part of the decision, however, is that by permitting Lake Powell to fill, we will be able to complete the purposes of the Colorado River Storage Project Act, which is to store water in this great lake, along with other lakes, so that the upper basin States of the Colorado Basin may utilize the waters of the river to which they are entitled and still keep the commitment we have to the lower basin States to permit the statutory amount to go down the river each year, in accordance with the Colorado River compact. In so doing, it will also generate electric power to pay for the project.

Had the lake been returned to half its storage capacity, it would have impaired the right of the upper basin States to claim their water in dry years, because there would not have been sufficient water to satisfy the lower basin, and the generation of electric power would have been greatly diminished.

So I think this is a happy conclusion. I hope it is a final conclusion to this matter, because I have had a bill pending in this body for almost 14 years to deal with the problem, and I hope that it will not now be necessary to press on with it in a legislative manner. I know this matter is of concern to all Senators in the Western part of the United States which is drained by the Colorado River; therefore, I thought it important to make this announcement on the floor of the Senate.

Mr. McCLURE. Mr. President, will the Senator yield?

Mr. MOSS. I am happy to yield.

Mr. McCLURE. Mr. President, I think the Senator from Utah has made a persuasive statement. The event he announced is very important to all of us who live in the Western United States. There is no river basin in the continental United States that is in more critical need of proper management of its water resources than the Colorado River Basin, as the Senator himself well knows. I think it is very important that people understand how critical the need is and how important it is to manage that resource in the area which he has mentioned.

Mr. MOSS. I thank the Senator from Idaho. He is correct in stating that the Colorado River itself flows in a basin that is arid and in need of a water supply, not only for agricultural purposes, but for the very life of our industries and cities which depend on utilizing the waters of that river, which are overcommitted now. Therefore, the river must be managed. In this instance, I think we can manage it well and in so doing enhance the scenic value of our country, as well.

AMENDMENT OF SECTION 14(b) OF FEDERAL RESERVE ACT

Mr. McINTYRE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1410.

The PRESIDING OFFICER (Mr. CLARK) laid before the Senate the amendments of the House of Representatives to the bill (S. 1410) to amend section 14(b) of the Federal Reserve Act, as amended, to extend for 1 year the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury, which were: In line 5, strike out " "July 1, 1974" " and insert "November 1, 1973".

In lines 6 and 7, strike out " "June 30, 1974" " and insert "October 31, 1973".

And amend the title so as to read: "An Act to amend section 14(b) of the Federal Reserve Act, as amended, to extend for three months the authority of Federal Reserve banks to purchase United States obligations directly from the Treasury."

Mr. McINTYRE. Mr. President, I move that the Senate concur in the amendments of the House.

The motion was agreed to.

QUORUM CALL

Mr. McINTYRE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY TO TAKE UP EXECUTIVE L, 93D CONGRESS, 1ST SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that it be in order to take up for consideration in executive session, Executive L, 93d Congress, 1st session; that an explanation of the amendment, which has been reported by the Committee on Foreign Relations unanimously, be considered at this time; that the measure itself be taken up immediately after the disposition of the appropriation for Treasury and Post Office, H.R. 9590, on which there is a time limitation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. In other words, we would like to get to the final reading today.

Mr. President, I might as well do it now.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider Executive L, 93d Congress, 1st session.

The PRESIDING OFFICER (Mr. CLARK). Is there objection?

There being no objection, the Senate proceeded to consider executive business.

AMENDMENT TO ARTICLE 61 OF THE CHARTER OF THE UNITED NATIONS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Chair lay before the Senate Executive L (93d Congress, first session).

There being no objection, the Senate, as in Committee on the Whole, proceeded to consider Executive L (93d Congress, first session), the resolution adopted by the General Assembly on the report of the second committee—enlargment of the Economic and Social Council, which was read the second time, as follows:

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY ON THE REPORT OF THE SECOND COMMITTEE (A/8578/ADD. 1 AND CORR. 1) 2847 (XXVI). ENLARGEMENT OF THE ECONOMIC AND SOCIAL COUNCIL

THE GENERAL ASSEMBLY

Recognizing that an enlargement of the Economic and Social Council will provide broad representation of the United Nations membership as a whole and make the Council a more effective organ for carrying out its functions under Chapters IX and X of the Charter of the United Nations.

Having considered the report of the Economic and Social Council,[1]

1. Takes note of Economic and Social Council resolution 1621 (LI) of 30 July 1971;

2. Decides to adopt, in accordance with Article 108 of the Charter of the United Nations, the following amendment to the Charter and to submit it for ratification by the States Members of the United Nations:

ARTICLE 61

"1. The Economic and Social Council shall consist of fifty-four Members of the United Nations elected by the General Assembly.

"2. Subject to the provisions of paragraph 3, eighteen members of the Economic and Social Council shall be elected each year for a term of three years. A retiring member shall be eligible for immediate re-election.

"(3) At the first election after the increase in the membership of the Economic and Social Council from twenty-seven to fifty-four members, in addition to the members elected in place of the nine members whose term of office expires at the end of that year, twenty-seven additional members shall be elected. Of these twenty-seven additional members, the term of office of nine members so elected shall expire at the end of one year, and of nine other members at the end of two years, in accordance with arrangements made by the General Assembly.

"(4) Each member of the Economic and Social Council shall have one representative.";

3. Urges all Member States to ratify the above amendment in accordance with their respective constitutional processes as soon as possible and to deposit their instruments of ratification with the Secretary-General;

4. Further decides that the members of the Economic and Social Council shall be elected according to the following pattern:

(a) Fourteen members from African States;

(b) Eleven members from Asian States;

(c) Ten members from Latin American States;

(d) Thirteen members from western European and other States;

(e) Six members from socialist States of eastern Europe;

5. Welcomes the decision of the Economic and Social Council, pending the receipt of the necessary ratifications, to enlarge its sessional committees to fifty-four members;

6. Invites the Economic and Social Council, as soon as possible and not later than the organizational meetings of its fifty-second session, to elect the twenty-seven additional members from States Members of the United Nations to serve on the enlarged sessional committees; such elections should be in accordance with paragraph 4 above and should be held each year pending the coming into force of the enlargement of the Council;

7. Decides that, as of the date of the entry into force of the above amendment, rule 146 of the rules of procedure of the General Assembly shall be amended to read:

"RULE 146

"The General Assembly shall each year, in the course of its regular session, elect eighteen members of the Economic and Social Council for a term of three years."

[2026th plenary meeting, 20 December 1971]

Mr. MANSFIELD. Mr. President, when the Senate reconvenes on Wednesday, September 5, 1973, a rollcall vote is scheduled on an amendment to article 61 of the Charter of the United Nations (Ex. L, 93–1). The purpose of this amendment to the United Nations Charter is to increase the size of the Economic and Social Council—ECOSOC—from 27 to 54 members, and to provide for an interim procedure to achieve the new size.

For the information of the Senate, I ask unanimous consent that excerpts from the report of the Committee on Foreign Relations be printed in the RECORD at this point.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

BACKGROUND

The function of ECOSOC, one of the main organs of the United Nations, is to promote economic and social progress, cultural cooperation and universal respect for human rights, and to coordinate the activities of the various U.N. specialized agencies and the International Atomic Energy Agency.

The powers of ECOSOC are recommendatory and advisory and it operates by majority vote, each member state having one vote. It is responsible to and reports to the General Assembly which elects the members by a two-thirds majority.

According to the State Department's letter of transmittal, the increase in size was one of several revitalizing measures proposed by the United States and adopted in 1971 "to restore confidence in the Council if effective measures to coordinate the efforts of the United Nations System were to be established, especially as these relate to the implementation of the Second Development Decade."

The State Department's recommendation for the size of ECOSOC was 42 members, but in order to win support for the other parts of the U.S. proposal it agreed to the figure of 54.

To date, 86 members of the United Nations have ratified this amendment, including the other 4 permanent members of the Security Council. It will enter into force as soon as the United States ratifies it.

COMMITTEE ACTION AND COMMENTS

The Amendment was transmitted to the Senate on May 21, 1973 and referred to the Committee on Foreign Relations which held a public hearing on July 24. The statement of the principal witness, Mr. Martin Herz, Acting Assistant Secretary of State for International Organization Affairs, appears below. Following the hearing, the Committee voted without objection to report the Amendment favorably to the Senate.

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[1] Official Records of the General Assembly, Twenty-sixth Session, Supplement No. 3 (A/8403).

In taking this action, the Committee relies on the word of the State Department witness to the effect that this enlargement would in fact strengthen ECOSOC and not weaken it. The Committee also noted that ECOSOC is one of the executive organs of the General Assembly and subject to its control and direction. The geographic allocation of ECOSOC seats reflects the realities in the General Assembly. In that connection the Committee expressed concern over the tendency towards bloc voting in the General Assembly and its organs, such as ECOSOC, and urges the Executive Branch to combat this trend to the greatest extent possible.

The Committee on Foreign Relations recommends that the Senate give its advice and consent to the ratification of Executive L, 93d Congress, 1st session, the Amendment to Article 61 of the United Nations Charter.

STATEMENT OF HON. MARTIN F. HERZ, ACTING ASSISTANT SECRETARY, BUREAU OF INTERNATIONAL ORGANIZATION AFFAIRS, DEPARTMENT OF STATE

AMENDMENT TO ARTICLE 61 OF THE UN CHARTER

The Economic and Social Council is one of the major organs of the United Nations, and is expected under the UN Charter to coordinate economic and social activities of the UN system and the specialized agencies. It has been performing that function quite well, but the need for certain improvements became clear not only to us but also to other member states. One of our major aims in recent years has been to revitalize ECOSOC by improving its ability to act in a coordination capacity, including the field of development in which there was a certain scatteration of efforts. We were concerned that developing countries were turning more and more to the UN Conference on Trade and Development for action in the economic field. The UNCTAD is dominated by bloc voting, and we believe it is not as well equipped as ECOSOC, which has a closer association to the New York headquarters and the permanent delegations in New York.

We wanted to increase the membership of ECOSOC originally by only 12 to 15 members, in order to increase the participation of other nations in its activities. An enlargement of ECOSOC was of particular interest to many UN members, because with certain seats reserved for the larger powers, some of the others had to wait as long as 15 years for their turn on the Council.

More important, we were also concerned about the UN System's ability to coordinate science and technology activities which were scattered through many bodies of the UN System, and were overburdening ECOSOC and the General Assembly.

Accordingly, we introduced into ECOSOC a reform package that included the three major elements indicated above: enlargement of ECOSOC, establishing a new ECOSOC committee to achieve a consensus on the problems of developing nations, and a new ECOSOC committee on science and technology. By the time we achieved support for these proposals, we were forced to agree to a resolution that would expand the size of ECOSOC from 27 to 54, instead of our original ceiling of 42. (U.N. membership now is 132 nations; this is expected to increase to 135 this year.)

This expansion does require an amendment to the UN Charter. The President, accordingly, is submitting for the Senate's advice and consent to ratification an amendment to the UN Charter which would increase its membership from 27 to 54.

The expansion of ECOSOC in a sense is a price to pay for the other two elements of the package. It is not a big price, however. Although enlarging the membership might make it a bit more difficult to achieve agreement on problems, we are certain it would increase the participation and support of other UN members for ECOSOC. Moreover, the additional cost of the UN budget is negligible. To place the enlargement of the Council in perspective, I would like to comment briefly on the other two elements of the package resolution which we supported in ECO SOC and the General Assembly.

The new Review and Appraisal Committee has been set up to help ECOSOC achieve a consensus on the problems of developing nations. The basis for this examination is the International Development Strategy which recognizes in paragraph 11 that the primary responsibility for the development of developing countries rests with these countries themselves. The first review and appraisal has resulted in useful analytical material being prepared by the UN Secretariat and the various UN bodies. This material analyzes the importance of such factors as trade, investment, and population growth for development along with the importance of developing countries themselves acting in these fields. Final action on the first biennial "review and appraisal" of ECOSOC will be taken by the General Assembly this fall.

One other change was made in our original package proposal when the scope of activities of the new Committee on Science and Technology was defined as "for development." The first session of the Committee on Science and Technology for Development was held in March 1973. The Committee adopted various recommendations on a program for applying science and technology to development. At its second session, which will be held in 1974, we expect the Committee to begin to act as a focal point for coordinating scientific and technological matters coming before the UN and providing policy guidance in scientific and technological fields generally.

The requirement for ratification is 89 nations, including the five permanent members of the Security Council. Our latest information is that 85 nations have ratified this Charter amendment. The 85 nations include the other four permanent members of the Security Council.

The PRESIDING OFFICER. Without objection, the amendment to article 61 of the Charter of the United Nations will be considered as having passed through its various parliamentary stages up to and including presentation of the resolution of ratification, which will be read for the information of the Senate.

The legislative clerk read as follows:

Resolved, (*two-thirds of the Senators present concurring therein*), That the Senate advise and consent to the ratification of The Amendment to Article 61 of the Charter of the United Nations adopted by the General Assembly of the United Nations on December 20, 1971, and set forth in General Assembly Resolution 2837 (XXVI), (Ex. L, 93d Congress, 1st session.).

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to the consideraiton of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

ORDER OF BUSINESS FOR WEDNESDAY, SEPTEMBER 5 1973

Mr. MANSFIELD. Mr. President, to put all the pieces on the chessboard in order, for Wednesday, September 5, 1973, when we return we will have first the appropriations for Post Office and Treasury. Second, we will follow that with Executive L, 93d Congress, first session, which has just been brought to final reading.

Then, I wish to make the following request.

AUTHORITY TO CONSIDER S. 1914, TO PROVIDE FOR THE ESTABLISHMENT OF THE BOARD OF INTERNATIONAL BROADCASTING, ON WEDNESDAY, SEPTEMBER 5, 1973

Mr. MANSFIELD. Mr. President, I ask unanimous consent that following disposal of Executive L, 93d Congress, 1st session, the Senate then turn to the consideration of calendar No. 337, S. 1914, a bill to provide for the establishment of the Board for International Broadcasting, to authorize the continuation of assistance to Radio Free Europe and Radio Liberty, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, there is a time limitation on that measure; and there is a time limitation on the bill making appropriations for Treasury and Post Office.

The PRESIDING OFFICER. The Senator is correct.

Mr. MANSFIELD. So there will be votes on these three measures on the day we return, Wednesday, September 5, 1973.

AUTHORIZATION TO TEMPORARILY LAY ASIDE S. 5 ON WEDNESDAY, SEPTEMBER 5, 1973

Mr. MANSFIELD. Mr. President, after consultation with the distinguished assistant majority leader, I ask unanimous consent that the pending business, S. 5, on Wednesday, September 5, 1973, be laid aside on a temporarily basis, until three measures which have been called to the attention of the Senate have been disposed of.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FULL OPPORTUNITY AND NATIONAL GOALS AND PRIORITIES ACT

The Senate continued with the consideration of the bill (S. 5) to promote the general welfare.

Mr. MANSFIELD. Mr. President, I call to the attention of the Senate several provisions of S. 5 which tend to propagate a disturbing trend, which has arisen in recent years, of providing levels of pay for members and staff personnel of appointed commissions, councils, boards, and agencies which are equal to or exceed the level of pay for elected Members of Congress.

I would direct attention to the matter of compensation for the Chairman of the Council of Social Advisers, appearing at page 4, lines 10 and 11 of this bill. In the interest of maintaining the logic of the pay structure of the Federal Government, I would suggest that, in lieu of level II of the executive schedule therein provided which is the equivalent of congressional salaries, level III might be more appropriate.

On the same page—4—is a related matter which, in my judgment, warrants consideration. While it may be appropriate that certain provisions of title 5 of the United States Code be waived for the purposes of staffing a council of this nature, the desirability of allowing pay levels for staff employees to exceed the General Schedule maximum of GS 18 seems to me to be questionable.

In the matter of establishing an Office of Goals and Priorities Analysis within the Congress, I believe the same pay considerations as set forth above should apply. On page 9 of the bill, paragraph (c), beginning on line 13, the annual compensation of the director of such office—presumably an employee of the Congress—is to be equal to the pay of the Comptroller General, which pay level is the same as that of Members of Congress. Further, it is recommended that the assistant director be paid at the rate of the Assistant Comptroller General, which is in excess of the pay of any officer of the Senate. It occurs to me that levels III and IV, respectively, of the Executive Schedule might be more appropriate.

I have here an amendment which would bring about these changes which I now send to the desk.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk proceeded to read the amendment.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that reading of the amendment, which has been explained, be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 4, line 11, strike out "level II" and insert in lieu thereof "level III".

On page 4, line 19, after "pay rates" insert "except that no such specialist or expert shall be paid at a rate in excess of that provided for GS-18 in such General Schedule".

On page 9, line 14, beginning with "equal to" strike out all through "United States" in line 15, and insert in lieu thereof "at the rate provided for level III of the Executive Schedule in title 5 of the United States Code".

On page 9, line 16, beginning with "equal to" strike out all through "United States" in line 17, and insert in lieu thereof "at the rate provided for level IV of such Executive Schedule".

The PRESIDING OFFICER. The question is on agreeing to the amendments.

Mr. TAFT. Mr. President, I certainly do not expect to oppose the amendment. In fact, I want to commend the distinguished majority leader and say I am very much in agreement with the amendment. I think it is appropriate not only to bring the salaries down to the level of congressional salaries, thereby also saving the Government some money, but the only thing I would suggest to the majority leader is that if we really want to save some money, why do we not do away with the bill entirely and not set up these unnecessary commissions?

I understand there are plans to divide this bill up at a later time today, and perhaps send it to other committees for consideration, but in the meanwhile I certainly think the distinguished Senator's amendment is a step, at least forward in the improvement of a measure that I think is an unnecessary measure in any event.

Mr. MANSFIELD. I appreciate the comments of the Senator from Ohio but, of course, he recognizes that the bill has been reported to the Senate by the committee. I do not anticipate that its consideration will be completed today but, unfortunately, in recent years a trend has been developing, which we are trying to correct through proposals of this kind, in the hope that the committees concerned will not report out measures which cause us to offer amendments, but will keep in mind that the attachés of the Senate, who do as good work, and perhaps more important work than any of these commissions, are hemmed in and have no chance to go ahead.

I am delighted to have the support of the Senator from Ohio on this amendment. As far as the bill is concerned, that will have to be decided by the Senate as a whole.

Mr. GRIFFIN. Mr. President, I only want to say that there has been consultation with the distinguished ranking Republican member of the committee, the Senator from New York (Mr. JAVITS), and it is my understanding he has no objection to this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendments of the Senator from Montana.

The amendments were agreed to.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the amendments were adopted.

Mr. GRIFFIN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS TO 1 P.M. TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 1 p.m.

There being no objection, at 11:36 a.m. the Senate took a recess until 1 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. MANSFIELD).

WHAT NEXT IN CAMBODIA?

Mr. SYMINGTON. Mr. President, the Cambodian insurgent forces are now reported within a few kilometers of Phnom Penh and can shell it at will. The refugee, rice, petroleum, and power problems in the capital are serious. The government is performing no better than before and the psychology of their situation is very poor.

No one knows whether the insurgents will assault the city either now or after August 15, or whether they will continue the slow squeeze. If conditions deteriorate further, it seems possible that key elements inside the government will decide to make the best deal possible and that suddenly it will all be over with a minimum of bloodshed, and with the insurgents emerging in control.

We must assume that the administration would not like to see this happen. "The Nixon doctrine in its purest form" would be down the drain, and the impact in Saigon and on the overall cease-fire situation would be serious. Although there is little prospect for negotiations and even less for a reversal of the military situation, the administration may simply play for time and hope for the best.

The administration's options are very limited as it seeks ways to hold the situation together. For the time being, bombing may deter a final assault, but what will happen after August 15?

From the administration's point of view, the most important consideration seems to be to keep the Cambodians from quitting. As ineffective as the Cambodian Army is, it probably can continue to put up a good fight in its present defensive perimeter. If the insurgents choose to assault Phnom Penh, it will cost them heavily and there almost certainly would be major destruction and loss of life in the city.

We have heard that Ambassador Swank has recommended that many of the 200-odd American mission personnel be withdrawn. Other Embassies have already done this and common prudence would seem to compel it. But we have also heard that Ambassador Swank's recommendations have been rejected in Washington. Why? Two apparent reasons: First, a sizable evacuation of U.S. officials might pull the psychological plug, and second, a continued U.S. presence may restrain the insurgents.

It seems possible to some of us that the following scenario may come to pass: The situation deteriorates further and the danger to Americans in Phnom Penh increases. More North Vietnamese may be "discovered" fighting with the insurgents. The President responds to safeguard American lives in the face of this or some other "provocation." It should be recalled that the only change requested by the White House in the June 29 statement of understanding with the Foreign Relations Committee was the insertion of the words "unless provoked" following the assurance that there would be no escalation of U.S. military action prior to August 15 and that all action would cease as of that date. The U.S. air effort is increased and perhaps, if things are bad enough, a batallion or two of the Marines presently in Thailand are lifted into Phnom Penh "to protect American lives and property."

The Marines would not be "ground forces" in the Cooper-Church sense and they would not be "defending the government of Cambodia." No one could condone placing U.S. troops in danger and then denying them air support. August 15 comes and, if the insurgents continue to press, the President announces to the Nation that the June 29 amendment: first, was not designed to prohibit the protection of American lives; and second, in any event, the Congress cannot tie his hands as Commander in Chief—even the war powers bill would allow him to use American forces in a situation like that. The Congress is in recess, the President again has the upper hand, and the war goes on.

Although this scenario may seem a little far-fetched to some, it is interesting to note that one administration spokesman was quoted in the press last week as saying that the only thing that could affect the bombing cutoff would be a Communist assault on the American Embassy or American personnel connected with the Embassy.

There are other possible scenarios which might replace or complement the one which I have just sketched. U.S. forces might be used to secure ports of entry for military assistance. Or the South Vietnamese might be provided with material support for a thrust into Cambodia, ostensibly in self defense. Either of these would be a clear violation of the letter and the spirit of the Congress' intent as expressed by law.

Rather than run any further risk with American lives the President should withdraw our people from Phnom Penh. Rather than leave the American public in doubt, a senior executive branch official should promptly come before the Congress, personally and in public, to state the intentions of the administration.

Above all, the administration should acknowledge that the situation which it precipitated in Cambodia is now beyond repair and should avoid running the risk of new involvement in pursuit of a lost cause.

NORTH ATLANTIC ASSEMBLY COUNCIL—APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. Biden). The Chair, on behalf of the Vice President, and in accordance with Public Law 84–689, appoints the following Senators to be delegates to the North Atlantic Assembly Council to be held at Ankara, Turkey, October 21–27, 1973:

Senators Jackson, Pell, Bayh, Eagleton, Tunney, Bentsen, Mansfield, Javits, Pearson, Cook, Stevens, and Buckley.

Mr. MANSFIELD. Mr. President, on the list of NATO Council delegates, I would add the name of the distinguished Senator from Minnesota (Mr. Humphrey), and I wish the Chair would make an announcement to that effect.

The PRESIDING OFFICER. The distinguished Senator from Minnesota (Mr. Humphrey) will be added to the list of Senators as delegates to the North Atlantic Assembly Council to be held in Ankara, Turkey, October 21–27, 1973.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries, and he announced that on August 2, 1973, the President had approved and signed the act (S. 59) to amend title 38 of the United States Code to provide improved and expanded medical and nursing home care to veterans; to provide hospital and medical care to certain dependents and survivors of veterans; to provide for improved structural safety of Veterans' Administration facilities; to improve recruitment and retention of career personnel in the Department of Medicine and Surgery; and for other purposes.

REFORM OF FINANCIAL INSTITUTIONS—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. Biden) laid before the Senate a message from the President of the United States, which was referred to the Committee on Banking, Housing and Urban Affairs. The message is as follows:

To the Congress of the United States:

Our country depends on a strong, efficient and flexible financial system to promote sound economic growth, including the provision of adequate funds for housing. Such a system is one which allows financial institutions to adapt to the changing needs of borrowers and lenders, large and small, and is free to make full use of technological innovations.

Events during the last decade, however, have revealed significant defects in the operations of our financial institutions. On two recent occasions when the Federal Reserve System moved to restrain the economy, it was found that the inadequacies of our financial structures created unnecessarily severe burdens for the business community and the consuming public. The consumer-saver was denied a fair market return on his savings, while the consumer and small businessman, as borrowers, often could not obtain adequate funds to meet their requirements.

The inflexibility of our financial system can be directly attributed to the methods used by the Government to direct credit flows—methods designed to meet the depressed economic conditions of the 1930's but poorly suited to cope with the expansionary conditions of the past decade. In recent years, government regulations have limited the efficiency and flexibility of our financial system. Ironically, those regulations that were designed in part to keep a steady flow of funds moving into housing loans actually served to diminish that flow, severely penalizing both the borrower, who could not find funds, and the saver who received an unfairly low return on his savings.

As the Government tries to play its proper role in building a better financial system, we must proceed with one basic assumption: the public interest is generally better served by the free play of competitive forces than by the imposition of rigid and unnecessary regulation.

By law, thrift institutions—a category primarily composed of savings and loan associations but also including mutual savings banks—were created to provide funds for housing by maintaining large holdings of residential mortgages. However, earnings on holdings of previously acquired mortgages do not respond to changes in market interest rates. When market rates rise, the ability of thrift institutions to attract funds is limited and their ability to lend additional mortgage money is diminished.

Attempts to alleviate this problem by restrictive laws and regulations have achieved very little at great cost. The main technique has been to impose ceilings on the interest rates that financial institutions could pay savers for funds. The result, however, has often been a reduction in the flow of deposits to financial institutions. In many cases, in fact, deposits have been withdrawn so that they could be invested in higher yielding securities. Thus interest ceilings that were intended as a protective shield for the housing market turned out instead to be an additional burden.

Interest rate ceilings proved harmful to Americans both as savers and as borrowers in the late 1960's. Because the interest rate ceilings for deposits were often below market interest rates, small savers, who depended on banks and other saving institutions, were denied a fair rate of return on their money. On the borrowing side, smaller increases in savings deposits resulted in a sharp drop in loan funds available to consumers and small business firms.

Since financial institutions were prohibited from paying better interest rates, they were forced to compete for customers in other ways. Much of the public had to settle for so-called "free services" or even offers of consumer goods when in fact they may have preferred to receive higher interest on their deposits. In addition, such competition often led to increases in operating costs which prevented lending rates from declining when credit conditions later eased.

Finally, because of reduced inflows of savings, thrift institutions cut back on their mortgage lending or borrowed from Federal Home Loan Banks which had to pay market rates for their funds. Although the Federal Government stepped in and picked up some of the slack, mortgage flows were still disrupted.

Recognizing the need for action on all these problems, I appointed a Presidential Commission on Financial Structure and Regulation during my second year as President to study this entire matter and to make recommendations for reforming our financial institutions. The Commission's report identified quite precisely the causes of rigidity and instability in our financial institutions. Its recommendations were of major assistance in our further deliberations concerning the best ways to correct the weaknesses in our financial system.

The time to correct those weaknesses has come. Our current efforts to fight inflation and preserve the value of the dollar at home and abroad require strong financial markets. Without strong markets, the American public will be forced once again to bear excessive burdens.

If we do not act promptly, there is every reason to believe that those burdens will be even greater in the 1970's than they were in the 1960's. Educated by the last two credit crunches and by constant advertisements about interest rates, even the small saver will shift his funds to places offering higher yields. As market rates rise above passbook ceilings and the saver shifts his funds to obtain the higher interest rates, the result may be that little loan money is available from financial institutions.

In keeping with that analysis, I will propose to the Congress legislation designed to strengthen and revitalize our financial institutions. These proposals may be divided into seven major areas:

(1) Interest ceilings on time and savings deposits should be removed over a 5½ year period.

(2) Expanded deposit services for consumers by federally chartered thrift institutions and banks should be allowed.

(3) Investment and lending alternatives for federally chartered thrift institutions and banks should be expanded.

(4) Federal charters for stock savings and loan institutions and mutual savings banks should be permitted.

(5) Credit unions should be provided with greater access to funds.

(6) FHA and VA interest ceilings should be removed.

(7) The tax structure of banks and thrift institutions should be modified.

These recommendations would achieve the basic reforms our financial system requires. They represent the best suggestions from many different sources—from the Presidential Commission and from business, Government, consumer and academic communities.

The first five of these recommendations are designed to provide increased competition among banks and thrift institutions. Such competition would help to eliminate the inequities now imposed upon the small saver and borrower. My recommendations, and the increased competition that would follow, should reduce the cost of the entire package of financial services for the consumer. Furthermore, the saver would be assured a fair return on his money. In addition, thrift institutions would be strengthened, so they would no longer need the Government support required in the past.

Recommendations 6 and 7, along with the other recommendations, are designed to promote adequate funds for consumer needs, including housing finance. It is clear that interest ceilings on FHA and VA mortgage loans have failed to keep costs down, as evidenced in part by the widespread use of discount "points." At the same time, these ceilings have restricted the flow of private funds into mortgage markets. I will urge that individual states follow our lead and remove similar barriers to housing finance wherever such barriers exist.

The final recommendation would substantially broaden the base of housing finance. Although the final details have yet to be worked out, active consideration is being given to the creation of an income tax credit tied to investments in housing mortgages. Such a credit would be available to all lenders and could vary in direct proportion to the percentage of invested funds held in the form of such mortgages.

These recommendations are not the only steps being taken to strengthen the housing finance market. In my State of the Union Message on Community Development of March 8, 1973, I pledged that this Administration would undertake a comprehensive evaluation of our housing policies and programs and would recommend new policies to eliminate waste and better serve the needy. An interagency task force, under the leadership of Secretary Lynn, is now completing that task, and my recommendations will be presented to the Congress in the near future.

My recommendations on restructuring financial institutions represent a coordinated approach to this challenge, and I urge that they be considered as a package. For example, removing interest ceilings will not make a positive contribution unless banks and thrift institutions can expand their deposit and lending services. Flexibility and efficiency will be enhanced by placing competing institutions on a roughly equal footing with regard to three essential considerations: deposit powers, lending powers, and tax burdens. Finally, the tax recommendation and the removal of FHA and VA interest ceilings will help insure more adequate funds for housing. The need for reform of our financial institutions is pressing. I urge the Congress to give these proposals its prompt and favorable consideration.

RICHARD NIXON.

THE WHITE HOUSE, *August 3, 1973.*

REPORT ON ADMINISTRATION OF THE RAILROAD SAFETY ACT OF 1970—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. BIDEN) laid before the Senate a message from the President of the United States, which, with the accompanying report, was referred to the Committee on Commerce. The message is as follows:

To the Congress of the United States:

I transmit herewith the second annual report on administration of the Railroad Safety Act of 1970 (84 Stat. 971, 45 U.S.C. 421 et seq). This report has been prepared in accordance with section 211 of the act, and covers the period January 1, 1972 through December 31, 1972.

RICHARD NIXON.

THE WHITE HOUSE, *August 3, 1973.*

REPORT ON ADMINISTRATION OF YOUTH CONSERVATION CORPS PROGRAM—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. BIDEN) laid before the Senate a message from the President of the United States, which, with the accompanying report, was referred to the Committee on Interior and Insular Affairs. The message is as follows:

To the Congress of the United States:

The enclosed report by the Secretaries of Agriculture and Interior, describing the administration of the Youth Conservation Corps program during the summer of 1972, is submitted in compliance with P.L. 91–378.

The Federal Youth Conservation Corps program will continue during the summers of 1973 and 1974 under current authorizing legislation. I look forward to a thorough evaluation of the results of that program as a basis for recommending a future course of action.

RICHARD NIXON.

THE WHITE HOUSE, *August 3, 1973.*

REPORT ON FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. BIDEN) laid before the Senate a message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare. The message is as follows:

To the Congress of the United States:

In accordance with section 511(a) of the Federal Coal Mine Health and Safety Act of 1969, Public Law 91–173, the Secretary of the Interior annually prepares a report to the Congress on progress made in administering the law.

It is my pleasure to transmit to you the report for calendar year 1972 and to commend it to the attention of the Congress.

RICHARD NIXON.

THE WHITE HOUSE, *August 3, 1973.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. BIDEN) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

EXTENSION OF LAWS RELATING TO PAYMENT OF INTEREST ON TIME AND SAVINGS DEPOSITS—CONFERENCE REPORT

Mr. McINTYRE. Mr. President, I submit a report of the committee of conference on H.R. 6370, and ask for its immediate consideration.

Mr. GRIFFIN. Mr. President, reserving the right to object, I wonder whether I could inquire of the Senator from New Hampshire as to who is the ranking Member on our side in connection with this matter.

Mr. McINTYRE. The Senator from Texas (Mr. Tower), I believe. He was a conferee.

Mr. GRIFFIN. Was the conference agreed to by all Senators on both sides?

Mr. McINTYRE. Absolutely. Yes.

Mr. GRIFFIN. I thank the Senator.

The PRESIDING OFFICER (Mr. Biden). The report will be stated by title.

The legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6370) to extend certain laws relating to the payment of interest on time and savings deposits, to prohibit depository institutions from permitting negotiable orders of withdrawal to be made with respect to any deposit or account on which an interest or dividend is paid, to authorize Federal savings and loan associations and national banks to own stock in and invest in loans to certain State housing corporations, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the Congressional Record of July 31, 1973, at pp. 26914–26917.

Mr. McINTYRE. Mr. President, the House has recently completed favorable action on the conference report, and I hope that the Senate can do likewise.

Mr. President, the conferees have been working on this bill now for several months, and I can report to the Senate that on almost every point in the bill we were able to uphold the Senate position.

Mr. President, this legislation is of extreme importance, and it is critical that final action be taken before the upcoming recess. The bill while referred to as flexible interest rate legislation dealt with several other matters of extreme importance.

The House-passed bill extended until September 30, 1975, the authority of various Federal regulatory agencies to establish flexible maximum interest rate ceilings that may be paid by most financial institutions. This legislation which is commonly referred to as "Regulation Q" initially expired on May 31 of this year. The conferees were unable at that time to resolve the differences between the bill as passed by both Houses, and on June 28 extended this authority for a 60-day period expiring on August 1, so, at the present time, Federal agencies do not have needed authority to establish maximum allowable interest rate ceilings on savings deposits.

The section of the Senate bill dealing with this authority extended it until June 1, 1974. The conferees accepted a compromise date of December 31, 1974.

The House-passed bill prohibited financial institutions from allowing the owner of a deposit or account on which interest or dividends is paid to make withdrawals by negotiable or transferable instruments for the purpose of making transfers to third parties. This section of the bill deals with so-called NOW accounts. The Senate position differed from the House in that it did not prohibit such withdrawals with respect to depository institutions in the two States presently having such accounts; namely, Massachusetts and New Hampshire. The conferees accepted a compromise which prohibits such withdrawals in depository institutions in 48 States but did allow such accounts to continue in the States which had previously allowed such services to be offered. The compromise, however, deleted credit unions from the definition of "depository institution." This means that in the States of Massachusetts and New Hampshire that commercial banks, mutual savings banks, savings and loan associations, and other similar financial institutions will be able to offer NOW account services to their customers.

In conjunction with the issue of NOW accounts, the House bill extended the authority of the FDIC over interest rates paid by noninsured banks except where the total deposits of those noninsured financial institutions in a State are less than 20 percent of the total deposits. The House-passed language in effect dealt with only one State which is Massachusetts. For several years because of the unique banking situation with the State of Massachusetts, it has been exempted from Federal interest rate controls. The Senate amendment extended the authority of the FDIC only over interest rates paid on NOW accounts. The Senate conferees, however, accepted the House provision providing complete Federal control over interest rates under the jurisdiction of the FDIC.

The House bill also extended similar authority to the Federal Home Loan Bank Board in the same manner as the authority was extended to the FDIC. This provision dealt with State-chartered cooperative banks located in the State of Massachusetts. The Senate-passed bill contained no comparable provision and the House conferees receded to the Senate position.

The Senate bill also had a section which would permit national banks and certain savings and loan associations to invest in and lend to State housing corporations. The House bill was somewhat different from the Senate bill on several technical points, and the House conferees again receded to the Senate provision.

Another point of difficulty during the conference was a provision in the Senate-passed bill directing the Federal Savings and Loan Insurance Corporation not to approve until the end of December 1973 conversions from mutual to stock form by S. & L.'s insured by the corporation. The House bill contained no comparable provision. The House conferees accepted the Senate provision with an amendment extending the conversion moratorium until June 30, 1974. Under the provision adopted by the conferees, the FSLIC is directed not to grant approval to applications for conversion from mutual to stock form until June 30, 1974, providing, however, for the exception that study applications filed with the corporation before Senate passage of the bill on May 22, 1973, may be considered on the merits after December 31, 1973. This provision, however, does not mean that the Federal Home Loan Bank Board and the Federal Savings and Loan Insurance Corporation should not begin processing those applications in anticipation of approval or disapproval as soon after December 31, 1973, as possible. The statutory language states that such applications may be approved after December 31, 1973, and both the Board and the Corporation are expected to process those applications during the moratorium period so that actual approval or disapproval can take place once the moratorium applicable to their situation has been lifted.

The Senate-passed bill amended the National Housing Act to establish a new procedure for payment by insured S. & L.'s of premiums into the reserve fund of the FSLIC. In the early 1960's, the FSLIC reserve fund needed additional cash inflows and Congress established a secondary reserve. Basically, the amendment would eliminate the prepayment of additional premiums and restructure the regular insurance premium payment system to eliminate fluctuations in the reserve fund and provide a more orderly payment system. The House had no comparable provision, and the conferees accepted the Senate provision.

The Senate-passed bill directed the Advisory Commission on Intergovernmental Relations to make a study with respect to the application by the individual States of "doing business" taxes on out-of-State commercial banks and S. & L.'s and submit its recommendations and the study to Congress not later than December 31, 1974. The Senate provision contained a list of specific types of taxes which States and political subdivisions may impose. The House had no comparable provision. The Senate provision was adopted with a modification which eliminated the list of permissible State taxes and stated simply in lieu thereof that States could not impose "doing business" taxes on out-of-State institutions and altered the effective date to January 1, 1976, so as it would not affect a State or political subdivision in the middle of a taxable year or period.

Mr. President, as I pointed out earlier, we have been meeting in conference on this legislation since the latter part of May of this year. The Senate conferees have returned a bill to the Senate in which almost every Senate-passed provision is included in the bill agreed upon by the conferees. Not only has the Senate's position been upheld, but there is also the urgency of passing this conference report before the August recess in that one of the major sections of this bill provides for the extension of interest rate control authority.

This legislation expired on July 31, and it is imperative that it be extended immediately.

Mr. President, in closing, I would like to make a few brief comments on the section of the conference report dealing with NOW accounts.

During the conference, several different compromises between the two bills were considered. Almost all of these compromise positions would have in some way limited the use of NOW accounts in New Hampshire and Massachusetts.

One such position was that the New Hampshire and Massachusetts exemption should be tied to some data certain for expiration. This was a crucial point and controversial in the conference, and the House conferees after considerable consideration receded to the Senate position that there would be no cutoff date.

Also during the consideration of the NOW account issue, several proposals were considered, such as limiting NOW accounts only to mutual savings banks and restricting their usage. The Senate conferees in support of the Senate-passed bill refused to accept any such restrictions and the provision in the bill passed by the Senate specifically enumerated that all depository institutions in the two States exempted from the prohibition would be able to offer this NOW account service.

Because of the unique position that credit unions have in the financial community, however, through certain tax provisions and the specialized services that they render, they were not included by the conferees as authorized for offering NOW accounts in New Hampshire and Massachusetts.

The intent of the conferees in allowing the two States presently offering NOW accounts to continue doing so is to provide an experiment for this type of service to see whether it should be extended on a national basis.

Legislation that will be submitted by the President to Congress in September takes the position that NOW accounts should be extended nationally to all financial institutions other than credit unions.

The conferees in allowing NOW accounts to continue in New Hampshire and Massachusetts and by specifically not limiting them to particular financial institutions obviously desire that the experiment have as broad a base as possible in order to determine what effect such accounts will have on competition and also their acceptability by the customer.

The bill agreed upon by the conferees provides the Federal Deposit Insurance Corporation with specific interest rate authority over all mutual savings banks. The language does not place any further specific restrictions on NOW accounts. However, the Senate Banking Committee's committee report clearly indicated that the Federal regulatory agencies should closely monitor such accounts to assure that competitive inequities do not develop and to move swiftly to take corrective action if warranted.

Also, in order to be able to make this experiment with NOW accounts meaningful, it is clear through the definitions contained in the bill as to what financial institutions may offer such accounts that the Congress intends that the Federal regulatory agencies adopt a flexible approach in the States of Massachusetts and New Hampshire in allowing various competing financial institutions the opportunity to offer NOW account services to their customers. Only by taking this approach can we be able to effectively determine the usefulness of the NOW account.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter dated August 2, 1973, from the Chairman of the Board of Governors of the Federal Reserve System, Arthur F. Burns.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CHAIRMAN OF THE BOARD OF GOVERNORS, FEDERAL RESERVE SYSTEM.
Washington, D.C., August 2, 1973.

Hon. THOMAS J. MCINTYRE,
Chairman, Subcommittee on Financial Institutions, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing in response to your inquiry regarding problems that have arisen in connection with the suspension of ceilings on interest rates that banks and other thrift institutions may pay on consumer-type certificates of $1,000 or more, with maturities of 4 years or over.

In suspending ceilings on these certificates, the three regulatory agencies undertook a limited experiment aimed at rewarding savers and reducing reliance on rate ceilings. As you and other Congressional leaders have recognized, rate ceilings are not an unmixed blessing. They tend to discriminate against the small saver; they may have delayed other steps that should be taken to moderate fluctuations in availability of credit for housing; and if they are maintained too far below market rates of interest, ceilings may bring about the very problem they are designed to avoid—outflows of funds from the thrift institutions.

I want to make sure that this experiment does not explode into a rate war in which commercial banks, which can afford to pay more for funds, might use the no-ceiling consumer certificates to drain money from other thrift institutions. I intend to monitor developments closely, and the means to do that have already been established. But it would be most unwise, in my judgment, to reimpose ceilings on these certificates at this time, because it would mean abandoning the experiment before we have the facts needed to evaluate it.

The Board and the Federal Deposit Insurance Corporation have already acted to limit the amount of these certificates banks may issue. The limit—5 percent of the issuing bank's total time and savings deposits—was imposed July 26.

The Board and the FDIC have also issued for comment proposed changes in their regulations applying the new interest rate penalties for early withdrawal to existing deposit contracts that are modified to raise the interest rate or change the maturity.

Finally, the Board and the FDIC have proposed another amendment to their regulations requiring banks to give clear and conspicuous notice in their advertising of time certificates to the penalties that will be imposed for early withdrawals. The proposal would also require banks to provide time deposit customers with a statement explaining how the penalty provisions work, including arithmetical examples.

I believe that these actions evidence a readiness on the part of the supervisory agencies to meet problems as they arise. We have also established survey procedures to monitor developments, so that if additional actions prove to be needed, we will have the facts and can act promptly.

Sincerely yours,

ARTHUR F. BURNS.

Mr. BROOKE. Mr. President, I wish to endorse wholeheartedly the remarks of the junior Senator from New Hampshire with respect to this legislation. As chairman of the Financial Institutions Subcommittee, he has worked long and hard on this legislation since mid-March. The continuation of NOW accounts for the consumers of Massachusetts and New Hampshire is in no small measure due to his effort and leadership.

I want to take this opportunity to amplify a very important point with respect to the uninhibited continuation of NOW accounts. Even though the conferees, in adopting the language contained in Section 2(a) of the bill, have agreed to ban NOW accounts for the time being in States other than Massachusetts and New Hampshire, they will be permitted for all types of financial institutions on a free and unrestricted basis in the two States that already have them. In reaching such an accommodation the conferees are aware of legislation that the administration will soon submit, which will offer sweeping reforms in the present structure of this Nation's banking institutions. This legislation could mandate that NOW accounts be extended across the country. Thus it was decided that NOW accounts should not spread into States where they are not presently offered until the Hunt Commission legislative recommendations have been fully considered by the Congress. Concomitantly, the conferees agreed that in the States of Massachusetts and New Hampshire a full-blown experiment should continue and even be expanded to allow all types of financial institutions to offer these accounts. Accordingly, with this legislation, the Congress is sanctioning an open-ended trial of this bold new savings experiment. A test that is a fair measure of the benefits of these accounts. It would be my hope that enough experience can be obtained in these two States to enable the Congress to make an informed judgment as to the propriety of extending this novel service into other States.

Therefore, Mr. President, in order to insure the complete development of the NOW account experiment intended by the conferees, I wish to point out that while section 3 of the bill does extend Federal rate control authority over uninsured mutual savings banks in Massachusetts thereby assuring uniform Federal regulatory authority over these accounts, it is not the intention that these agencies should take steps to prematurely limit them in these States. This authority is created to provide a safeguard against damaging disintermediation caused directly by these accounts. A possibility that seems greatly diminished by the fact that the conferees have contemplated that these accounts should not be limited simply to mutual savings banks in these two States. Time and again, the conferees on H.R. 6370 debated the merits of the many proposals before it to require either the establishment of a definite expiration date for the NOW account experiment in our two States or qualify these accounts in some other manner. Each time such a limitation was voted down. And accordingly, none is mentioned at any point in the conference report. The intent of the conferees with respect to the imposition of restrictions on NOW accounts in these States is clear—there should be none. In my judgment, it would be highly desirable for NOW accounts to be offered on a fully competitive basis by all banking institutions with no particular restrictions for the coming several months. Only if this experiment is permitted to continue on a free and fully competitive basis will be evidence the Congress hopes to obtain be available.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the conference report.

The conference report was agreed to.

QUORUM CALL

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WILLIAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF THE MUTUAL AND SELF-HELP HOUSING PROGRAM UNDER TITLE V OF THE HOUSING ACT OF 1949

Mr. WILLIAMS. Mr. President, I send to the desk a joint resolution and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER (Mr. Biden). The joint resolution will be stated.

The legislative clerk read the joint resolution, as follows:

S.J. Res. 149

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of section 523(f) of the Housing Act of 1949 is amended by striking out "June 30, 1973" and inserting in lieu thereof "October 1, 1973".

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution which was read the first time by title and the second time at length.

Mr. WILLIAMS. Mr. President, this resolution is necessary to continue authority for the Farmers Home Administration to approve grants and loans to carry out the mutual and self-help housing program under section 523 of the Housing Act of 1949. This authority is contained in the conference report on House Joint Resolution 512, which is being held at the desk until after the recess. By an oversight, it was not included in the Senate Resolution 144 which was approved by Congress earlier this week.

This is one of our most attractive programs to help provide housing for our rural families. The Federal Government makes grants and loans to help families join together on a self-help basis to build their own homes. It is not a large program; and, in fact, the maximum authority is $5 million over a 5-year period.

I am told that there are some applications now pending which would be held up without this authority, and I am sure that the Congress does not intend this. Therefore, I am proposing this special resolution to continue the authority for the Farmers Home Administration to approve these pending applications up to October 1, 1973. At that time it is understood that Congress will have acted on House Joint Resolution 512 to continue the program for another year.

Mr. GRIFFIN. Mr. President, I indicate for the Record that this matter has been cleared with the ranking minority member of the committee, the Senator from Texas (Mr. Tower), and the other minority members of the Committee on Banking, Housing and Urban Affairs. This is satisfactory with them. In fact, it corrects what I understand was an oversight, in that it was not included in earlier legislation.

Mr. WILLIAMS. That is my understanding, also.

The PRESIDING OFFICER. If there be no amendment to the proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution (S.J. Res. 149) was ordered to be engrossed for a third reading, was read the third time, and passed.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR YEAS AND NAYS ON TWO MEASURES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it be in order to order at any time, with one show of seconds, if necessary, the yeas and nays on final passage of the Treasury-Post Office appropriation bill and the convention which is scheduled for a vote on Wednesday, September 5, 1973.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD subsequently said: Mr. President, I ask unanimous consent that it be in order at this time to order the yeas and nays on the Post Office-Treasury appropriation bill and the treaty, both of which will come up on a one-two basis on Wednesday, September 5.

The yeas and nays were ordered.

SENATOR RANDOLPH RECEIVES ASSURANCE FROM ACTING SECRETARY FRANK CARLUCCI, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, THAT THE NATIONAL ADVISORY COMMITTEE ON EDUCATION OF THE DEAF AND THE NATIONAL ADVISORY COMMITTEE ON HANDICAPPED CHILDREN WILL BE CONTINUED AS ONE STATUTORY COMMITTEE—WITHDRAWAL OF A RESOLUTON

Mr. RANDOLPH. Mr. President, on May 17, 1973, the U.S. Commissioner of Education recommended that the National Advisory Committee on Education of the Deaf—NACED—and the National Advisory Committee on Handicapped Children—NACHC—be abolished. In order to continue these committees, action must be taken by either the Senate or the House within a 90-day period, and this time limit will expire on August 17, during the recess. Therefore, on Wednesday I submitted a resolution to the Senate which would continue these two statutory advisory committees which the Congress has mandated and which are necessary to the welfare of handicapped citizens.

Yesterday morning, in response to the submission of the resolution, I was contacted by Mr. Frank Carlucci, Under Secretary of the Department of Health, Education, and Welfare. The result of that conversation is that Mr. Carlucci has written a letter to me making a commitment that both the National Advisory Committee on Education of the Deaf and the National Advisory Committee on Handicapped Children will continue to function, but will be combined into one committee for administrative purposes. I ask unanimous consent that this letter be printed in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

The Secretary of Health, Education, and Welfare,
Washington, D.C., August 2, 1973.
Hon. Jennings Randolph,
U.S. Senate,
Washington, D.C.

Dear Senator Randolph: I have noted your concerns regarding the National Advisory Committee on Education of the Deaf and the National Advisory Committee on Handicapped Children as expressed in the resolution considered by the Senate last night. It is my idea, as I know it is yours, that we work together on this matter. Therefore, I believe it appropriate that the following information regarding this issue be presented.

With regard to Office of Education advisory committees, Section 448(b) of the General Education Provisions Act (P.L. 91-230) states that:

"If the Commissioner determines that a statutory advisory council is not needed or that the functions of two or more statutory advisory councils should be combined, he shall include in the report a recommendation that such advisory council be abolished or that such functions be combined. Unless there is an objection to such action by either the Senate or the House of Representatives within ninety days after the submission of such report, the Commissioner is authorized to abolish such advisory council or combine the functions of two or more advisory councils as recommended in such report."

As a result of a continuing study of need for and accomplishments of OE advisory groups it was determined that many of the functions of the National Advisory Committee on Education of the Deaf and of the National Advisory Committee on Handicapped Children were similar and therefore should be combined. Because the official name of neither committee was representative of the combined functions of the two groups (one indicates concern only with the Deaf, the other excludes adult populations) it was decided to create a new advisory body, the National Advisory Committee on the Handicapped. This body will retain all of the functions performed by the predecessor groups.

As indicated in the Commissioner's May 17 report, the Office of Education proposes to activate the new advisory body at the earliest possible date. Formal establishment of this committee will be initiated as soon as it is clear that Congress concurs with the recommendation. If there is no objection, I feel that the new committee can be activated by mid-September. It is our intention that persons now serving on the two committees will be asked to serve as members of the new advisory group.

I do consider the functions of both committees to be important and believe these functions should be continued. A consolidation of the functions of the National Advisory Committee on Handicapped Children and the National Advisory Committee on Education of the Deaf into the function of a single advisory group will insure more effective and meaningful input to education policy formulation as it relates to handicapped youth and adults. Therefore, I believe it to be in the best interest of handicapped persons that the Congress accept the recommendation as presented in the Commissioner's Annual Report.

Sincerely,

FRANK CARLUCCI,
Acting Secretary.

Mr. RANDOLPH. Mr. President, in his fiscal year 1972 annual report, the then Commissioner-designate of the Office of Education, John R. Ottina, stated—

> That to alleviate the duplication which now exists and to insure the provision of adequate advice and counsel to OE with respect to these program areas, the functions of these two bodies (NACED and NACHC) should be consolidated. The Commissioner proposes to establish, under authority of section 442 of the General Education Provisions Act and in accordance with provisions of the Federal Advisory Committee Act, a National Advisory Committee on the Handicapped. . . .

I do not feel that it is necessary to abolish the two committees in order to combine them administratively. If the functions as stated in the statutes which created the two committees are continued, however, I will not object to this recommendation.

I am pleased that we have further communication from Commissioner Ottina which amends section III of his annual report and revises the original recommendation which would have abolished the two committees rather than combine them. I ask unanimous consent that the letter from Commissioner Ottina to the Honorable HARRISON A. WILLIAMS. JR., chairman of the Senate Committee on Labor and Public Welfare, be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., August 3, 1973.

Hon. HARRISON A. WILLIAMS, Jr.
Chairman, Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This letter constitutes an amendment to Section III, Advisory Committees and Councils of the Office of Education, of the *Commissioner's Annual Report* submitted to Congress on May 17, 1973. Section III included a recommendation to terminate the National Advisory Committee on Education of the Deaf (NACED) and the National Advisory Committee on Handicapped Children (NACHC) and to create in their place a single committee to advise on the education of the handicapped.

The *Annual Report* cited section 442 of the General Education Provisions Act (P.L. 91-230) as the authority under which the new National Advisory Committee on the Handicapped would be created. I have determined that this is not the proper way in which to create the new Committee. Instead, I propose to create it pursuant to Section 448(b) of the GEPA which states that:

"If the Commissioner determines that a statutory advisory council is not needed or that the functions of two or more statutory advisory councils should be combined, he shall include in the report a recommendation that such advisory council be abolished or that such functions be combined. Unless there is an objection to such action by either the Senate or the House of Representatives within ninety days after the submission of such report, the Commissioner is authorized to abolish such advisory council or combine the functions of two or more advisory councils as recommended in such report."

The new National Advisory Committee on the Handicapped would be a statutory advisory council which could be abolished only in accordance with the provisions of section 448(b) of GEPA or through other legislative action. (Under the Act, of course, the NACH could be abolished only by an appropriate recommendation in a subsequent Annual Report to which neither House of Congress objected within 90 days.)

As stated in *the Annual Report* the new committee will have all of the functions now carried out by the NACED or NACHC.

I would like to take this opportunity to reaffirm the Department's commitment to activate the new committee as soon as we are free, consistent with section 448(b) of GEPA, to consolidate the NACED and the NACHC. As Under Secretary Carlucci stated in his letter yesterday to Senator Randolph (attached), we expect to have the National Advisory Committee on the Handicapped established by mid-September. It is our intention to appoint persons presently serving on the existing committees to membership on the new advisory body.

If you need any further information on this subject, I will be happy to provide it.

Sincerely,

JOHN OTTINA,
Acting Commissioner of Education.

Mr. RANDOLPH. Mr. President, I believe my colleagues in the Senate would be most interested in the functions of and membership in these two important committees. I ask unanimous consent that the functions and membership of NACED and NACHC, and that section of the 1972 fiscal year annual report of the Commissioner of Education dealing with the advisory committees be inserted in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL ADVISORY COMMITTEE ON HANDICAPPED CHILDREN

FUNCTIONS

The Committee advises the Secretary of Health, Education, and Welfare and the Commissioner of Education. The Committee reviews the administration and operation of the programs authorized by the Education of the Handicapped Act and other provisions of law administered by the Commissioner with respect to handicapped children, including their effect in improving the educational attainment of such children, and makes recommendations for the improvement of such administration and operation with respect to such children. Such recommendations take into consideration experience gained under these and other Federal programs for handicapped children and, to the extent appropriate, experience gained under other public and private programs for handicapped children. The Advisory Committee from time to time makes such recommendations as it deems appropriate to the Commissioner and makes an annual report of its findings and recommendations to the Commissioner not later than March 31 of each year.

Meetings in 1972: May 31–June 2; August 3–5; and November 13–15.

Members as of December 31, 1972:

Frances P. Connor, Chairman, Department of Special Education, Teachers College, Columbia University, New York, N.Y. 10027.

Robert M. N. Crosby, M.D. (Chairman), 1010 Saint Paul Street, Baltimore, Md. 21202.

Maxine L. Haywood, Teacher, 3106 Ben Wilson, No. 515, Victoria, Tex. 77901.

Esther H. Levens, Housewife, 8601 Delmar Lane, Prairie Village, Kans. 66207.

Peggy Johnstone, Coordinator, Jefferson County Community Center, Arvada, Colo. 80002.

John R. West, Student, Temple University School of Law, 1715 North Broad Street, Philadelphia, Pa. 19122.

Catherine P. Breen, Corporate Training Director, Montgomery Ward and Company, 619 West Chicago Avenue, Chicago, Ill. 60607.

Ruth P. Morris, Optometrist, 3539 Glendale Avenue, Toledo, Ohio 43614.

Sister Mary Serena Sheehy, General Officer, Mother House, Sisters of Charity, 4200 South Fourth Street, Leavenworth, Kans. 66048.

Daniel Ringelheim, Deputy Assistant Commissioner, Special Education and Pupil Personnel Services, State Department of Education, 225 West State Street, Trenton, N.J. 08625.

Louise Okie, Housewife, 2 Valley Forge, Darien, Conn. 06820.

Phyllis F. Harper, Teacher, Illinois School for the Deaf, 125 Webster Street, Jacksonville, Ill. 62650.

Earl E. Walker, M.D., President, Hospital Staff, Doctor's Hospital, Harrisburg, Ill. 62946.

R. Elwood Pace, Special Education Programs, State Department of Education, 136 East South Temple No. 1050, Salt Lake City, Utah 84111.

NATIONAL ADVISORY COMMITTEE ON EDUCATION OF THE DEAF

FUNCTION

The Committee advises the Secretary of Health, Education, and Welfare and the Commissioner of Education with respect to the education of the deaf. The Committee performs the following functions:

1. Makes recommendations to the Commissioner and the Secretary for the collection of data to facilitate evaluation and problem identification.

2. Identifies emerging needs for the education of the deaf and suggests innovations to meet such needs or otherwise improve education for the deaf.

3. Suggests promising areas for inquiry to give direction to Federal research in the area of education for the deaf.

4. Makes such administrative and legislative proposals as may be appropriate.

Barbara Sachs, Doctoral Student, New York University, 800 Turkey Run Road, McLean, Va. 22101.

Winifred H. Northcott, Project Director, Pre-School Hearing Impaired, Minnesota Department of Education, 550 Cedar Street, St. Paul, Minn. 55101.

Victor H. Galloway, Director of Professional Services, Model Secondary School for the Deaf, Gallaudet College, Washington, D.C. 2002.

Laurene Simms, Student, University of California, Northridge, Calif. 91324.

Meetings in 1972: January 28–31; June 22–25; and September 29–October 2.

Members as of December 31, 1972:

Nanette Fabray MacDougall (Chairman), Actress, 14360 Sunset Boulevard, Pacific Palisades, Calif. 90272.

Professor Harriet G. Kopp, Speech and Hearing Clinic, San Diego State College, San Diego, Calif. 92115.

Leo E. Connor, Executive Director, Lexington School for the Deaf, 26–26 75th Street, Jackson Heights, N.Y. 11370.

Wesley C. Meierhenry, Adult and Continuing Education, 105 University High, University of Nebraska, Lincoln, Nebr. 68508.

John Melcher, Director, Division of Handicapped Services, Wisconsin State Department of Public Instruction, Madison, Wis. 53702.

Howard Walker, Dean, Division of Continuing Education, University of Kansas, Lawrence, Kans. 66044.

Terri R. Velarde, Teacher, Hillside School for the Deaf, 4500 Clifton, El Paso, Tex. 79903.

Michael E. Boyd, Graduate Student, University of Illinois, Circle Campus, Chicago, Ill. 60680.

RECOMMENDATIONS FOR 1973

As stated in the Commissioner's 1971 Annual Report to Congress on Advisory Committees, the Office of Education continually assesses the functions, activities, and effectiveness of its advisory committees.

Critical examination of the advisory committee structure during 1972 has revealed a need for several modifications. To achieve the required changes, in accordance with the provisions of section 448(b) of the General Education Provisions Act, the Office of Education recommends that:

1. THE NATIONAL ADVISORY COMMITTEE ON EDUCATION OF THE DEAF AND THE NATIONAL ADVISORY COMMITTEE ON HANDICAPPED CHILDREN BE ABOLISHED (ORIGINAL RECOMMENDATION)

Rationale

Section 604(a) of Public Law 91–230, the Elementary and Secondary Education Amendments of 1969, vests with the Commissioner the responsibility to establish a National Advisory Committee on Handicapped Children. The Committee is to review the administration and operation of, and make recommendations concerning, programs authorized by the Education of the Handicapped Act (title VI of Public Law 91–230, as amended) and other provisions of law administered by the Commissioner with respect to handicapped children, including their effect in improving the educational attainment of such children. Such recommendations shall take into consideration experience gained under these and other Federal programs for handicapped children and, to the extent appropriate, experience gained under other public and private programs for handicapped children.

The National Advisory Committee on Education of the Deaf was created by section 5 of Public Law 89–258 to advise the Secretary concerning the performance of existing programs and the need to organize new or modify ongoing programs of education for the deaf.

The Office of Education has evaluated the continuing need for maintaining two handicapped-related advisory groups and has concluded, in accordance with Public Law 92–463, that to alleviate the duplication which now exists and to insure the provisions of adequate advice and counsel to OE with respect to these program areas, the functions of these two bodies should be consolidated. The Commissioner proposes to establish, under authority of section 442 of the General Education Provisions Act and in accordance with provisions of the Federal Advisory Committee Act, a National Advisory Committee on the Handicapped, to include the functions now carried out by the National Advisory Committee on Handicapped Children and the National Advisory Committee on Education of the Deaf. It is proposed that this action will be initiated upon acceptance of this recommendation by the Congress.

Charter for proposed National Advisory Committee on the Handicapped

Purpose

The Commissioner of Education is responsible for administering the Education of the Handicapped Act (20 U.S.C. 1401 *et seq.*). It is the policy of the United States, as set forth in this act, to provide assistance to State and local education agencies, institutions of higher education, and other public and private organizations, which contribute to the advancement of the education of handicapped.

Effective discharge of this responsibility requires the advice of a public advisory committee.

Authority

(20 U.S.C. 1233a) section 442 of the General Education Provisions Act. This Committee shall be governed by the provisions of the Federal Advisory Committee Act (Public Law 92–463) and of part D of the General Education Provisions Act (Public Law 91–230) which set forth standards for the formation and use of advisory committees.

Functions

The Committee shall be advisory to the Secretary of Health, Education, and Welfare and the Commissioner of Education. The Committee shall review the administration and operation of the programs authorized by the Education of the Handicapped Act and other provisions of law administered by the Commissioner with respect to handicapped, including their effect in improving the educational attainment of such people. The Committee shall also review the administration and operation of special institutions (National Technical Institute for the Deaf, Gallaudet College, Kendall Demonstration Elementary School, Model Secondary School for the Deaf, American Printing House for the Blind, and the National Center on Media and Materials for the Handicapped) and make recommendations for the improvement of such administration and operation with respect to such people. Such recommendations shall take into consideration experience gained under this and other Federal programs for the handicapped and, to the extent appropriate, experience gained under other public and private programs for the handicapped. The Advisory Committee shall from time to time make such recommendations as it may deem appropriate to the Commissioner and shall make an annual report of its findings and recommendations to the Commissioner not later than March 31 of each year.

Structure

The Committee shall consist of 15 members, including a chairman, appointed by the Commissioner with the approval of the Secretary. Members shall include persons who are active in education, training, research, or technological programs for the handicapped and at least three handicapped adults, i.e., deaf, blind, crippled, or other health impaired.

One member shall be appointed as chairman. Members shall be invited to serve for overlapping terms of not more than 3 years. Such terms shall be contingent upon the renewal of the Committee by appropriate action prior to its expiration.

Management and staff services shall be provided by the Associate Commissioner for Education for the Handicapped. The Associate Commissioner or his designee shall serve as the Office of Education delegate to the Committee.

Meetings

The Committee shall meet at the call of the chairman, upon approval of the Commissioner or his designee, who shall approve the agenda for the meetings and be in attendance when the meetings are held.

Advance public notice of meetings shall be given, and meetings shall be open to the public unless the Secretary determines otherwise. Meetings shall be conducted and records shall be kept in accordance with applicable laws and Department regulations.

The Commissioner may, at the request of the Committee, appoint consultants to assist it in its responsibilities.

Mr. RANDOLPH. Mr. President, as chairman of the Subcommittee on the Handicapped, I intend to fulfill the responsibility of reviewing the activities of these committees as stated in section 5(a), Public Law 92–243, the Federal Advisory Committee Act, which states that:

> In the exercise of its legislative review function, each standing committee of the Senate and the House of Representatives shall make a continuing review of the activities of each advisory committee under its jurisdiction to determine whether such advisory committee should be abolished or merged with any other advisory committee, whether the responsibilities of such advisory committee should be revised, and whether such advisory committee performs a necessary function not already being performed. Each such standing committee shall take appropriate action to obtain the enactment of legislation necessary to carry out the purpose of this subsection.

Mr. President, this commitment is satisfactory to me and those members of the Committee on Labor and Public Welfare—the Senator from New Jersey (Mr. WILLIAMS), the Senator from California (Mr. CRANSTON), and the Senator from Vermont (Mr. STAFFORD)—who joined in the submission of the resolution, and with other members of our committee.

Mr. President, in view of these commitments, I ask unanimous consent that the resolution I presented last Wednesday be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1636) to amend the International Economic Policy Act of 1972.

The message also announced that the House had passed the bill (S. 1081) to authorize the Secretary of the Interior to grant rights-of-way across Federal lands where the use of such rights-of-way is in the public interest and the applicant for the right-of-way demonstrates the financial and technical capability to use the right-of-way in a manner which will protect the environment, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H.R. 3630) to extend for 3 years the period during which certain dyeing and tanning materials may be imported free of duty.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H.R. 6676) to continue until July 1, 1976, the existing suspension of duty on manganese ore.

The message further announced that the House had passed a bill (H.R. 8214) to modify the tax treatment of members of the Armed Forces of the United States and civilian employees who are prisoners of war or missing in action, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 8214) to modify the tax treatment of members of the Armed Forces of the United States and civilian employees who are prisoners of war or missing in action, and for other purposes, was read twice by its title and referred to the Committee on Finance.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution:

S. 1887. An Act to provide for the appointment of alternates for the governors of the International Monetary Fund and of the International Bank for Reconstruction and Development;

H.R. 8152. An Act to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to improve law enforcement and criminal justice, and for other purposes; and

The PRESIDENT pro tempore subsequently signed the enrolled bill (H.R. 8152) listed above.

FULL OPPORTUNITY AND NATIONAL GOALS AND PRIORITIES ACT

The Senate continued with the consideration of the bill (S. 5) to promote the public welfare.

Mr. JAVITS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which will be stated by title.

The legislative clerk read as follows:

A bill (S. 5) to promote the general welfare.

The Senate resumed the consideration of the bill.

Mr. JAVITS. Mr. President, I send to the desk amendments and ask for their immediate consideration. I offer them on behalf of myself and the distinguished Senator from Minnesota (Mr. MONDALE).

The PRESIDING OFFICER. The clerk will state the amendments.

The legislative clerk proceeded to read the amendments.

Mr. JAVITS. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with and that they may be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

On page 1, strike out line 5.

On page 1, line 7, strike out "Sec. 101." and insert in lieu thereof "Sec. 2.".

On page 2, line 10, strike out "Sec. 102." and insert in lieu thereof "Sec. 3.".

On page 2, line 14, strike out "101" and insert in lieu thereof "2".

On page 2, line 21, strike out "101" and insert in lieu thereof "2".

On page 3, line 1, strike out "101" and insert in lieu thereof "2".

On page 3, line 8, strike out "101" and insert in lieu thereof "2".

On page 3, line 20, strike out "Sec. 103." and insert in lieu thereof "Sec. 4.".

On page 4, line 4, strike out "101" and insert in lieu thereof "2".

On page 5, line 6, strike out "101" and insert in lieu thereof "2".

On page 5, line 9, strike out "101" and insert in lieu thereof "2".

On page 5, line 13, strike out "101" and insert in lieu thereof "2".

On page 5, line 19, strike out "101" and insert in lieu thereof "2".

On page 6, line 2, strike out "101" and insert in lieu thereof "2".

On page 6, line 8, strike out "101" and insert in lieu thereof "2".

On page 8, beginning with line 1, strike out all through page 13.

Mr. JAVITS. Mr. President, the purpose of these amendments, which I submit on behalf of the Senator from Minnesota (Mr. MONDALE) and myself, is to take title II out of the bill. Title II, it will be noted, carries the provisions for an office in the Congress to deal with the issues of priority and national goals—in other words, to give further body and direction to our activities respecting the budget and appropriations. The matter goes back to 1969. When title II was first considered, it was made, in the Committee on Labor and Public Welfare, a part of S. 5, because the general direction which was being pursued was to enable Congress to do its work better.

Senator MONDALE had one idea, which was a Council of Social Advisers, contained in title II and which I supported. I had another idea, which was to operate in the Congress with machinery that provided the same services the Office of Management and Budget gave the President. So we joined forces and included everything in one bill, and it was passed by the Senate. As a matter of fact, it was passed twice, once on September 20, 1970, and again on September 5, 1972. However, it never became law, because it never got anywhere in the other body. It was reported again by the committee on Labor and Public Welfare on June 18, 1973.

The fact that another committee, the Committee on Labor and Public Welfare of which I am a member—indeed, I would be the ranking member but for our self-imposed rule against being the ranking member on two committees—is going into exactly this question and following on the report of the special committee, which was appointed, on management and budget. The Senator from North Carolina (Mr. IRVIN) is implementing that report with S. 1541, a Federal act to control expenditures and establish national priorities.

This proposal which I have—which has now been passed by the Senate twice—in my judgment and in the judgment of the chairman of the committee, the Senator from North Carolina (Mr. ERVIN), properly should be now considered by the Committee on Government Operations. I have consulted with Senator ERVIN, and Senator PERCY, the ranking Republican member, and they are entirely agreeable to the procedure I am proposing today.

I have also consulted with Senator MONDALE, with whom I have worked and who has given me his support, and he is agreeable to the procedure. He has not only agreed, but he has joined me.

So the purpose would be to take title II out of the bill and refer it, for practical purposes, because I shall send to the desk, when this amendment has been adopted, an amendment to the bill before the Government Operations Committee, where, in my judgment, it now properly belongs as an element of the total subject. I feel it is a very important element, one which I hope to carry with the Congressional Budgetary Procedures Act of 1973.

An amendment was adopted, at the behest of the majority leader, dealing with the status of the director and deputy executive director of the office established under title II.

I wish to advise the majority leader that I shall carry over his amendment as a part of the measure. In other words, my measure, which now carries the amendment exactly as the majority leader has supported it, will be contained in the amendment before the committee.

I think it will simplify the whole matter before the Senate. I think it is much more likely that concentration on only one instead of two items will enable the bill to have a better opportunity for passage on a single-track basis than if title II were left in the bill.

As there is now a perfectly proper place and way in which to consider title II for definitive enactment into law through the Government Operations Committee route, I am taking that route with the consent of the Senator from Minnesota (Mr. Mondale).

My staff tells me they have consulted with the leadership on this subject and there is no objection to pursuing it this way. So I now seek action on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment (putting the question).

The amendment was agreed to.

Mr. TUNNEY. Mr. President, I would like to voice my strong support for S. 5, the "Full Opportunity and National Goals and Priorities Act", which I have joined in cosponsoring. An identical bill was adopted by the Senate last year, but died in the House of Representatives.

The bill firmly establishes that it is the responsibility of the Federal Government to insure that all Americans are given the opportunity to share in the fruits of progress and prosperity. It establishes institutional frameworks and procedural apparatus designed to enhance the effectiveness of both Congress and the Presidency in advancing this broad social goal.

In spite of the great strides we have made over the years toward enriching the lives of the vast majority of Americans, we have become painfully aware that many of our social programs have been ineffective and sometimes disastrous. To a large extent this has been the result of serious deficiencies in planning, executing and evaluating the social policies and programs designed to alleviate pressing social problems. The lifeblood of the policymaking arena is information. Yet we have been terribly ill-equipped for effective gathering, processing and interpreting of information related to the "social health" of our society.

A crucial problem for policymakers is grappling with the enormous complexity of contemporary social problems. Because most social problems are interrelated to some degree, and are embedded in a setting characterized by continuous change, we are usually faced by a high degree of uncertainty. Confronted by the demands of complexity and increasing uncertainty, we drastically need improvements in the information upon which we monitor social needs and measure the success of our programs. This bill offers an important first step toward bridging the information gap and better equipping ourselves for developing effective, long term solutions to the most vital needs of our society.

Title I of S. 5 provides for an annual social report by the President to the Congress, and the establishment of a Council of Social Advisors in the Executive Office of the President. This body would bring to bear a wide array of recently developed social science techniques in order to develop future-oriented, alternative social policies. Such an office—utilizing sophisticated techniques for social monitoring, data collection, and program evaluation—would aid us tremendously in moving toward accurate identification of our society's most pressing needs, and more successful cost-effective means by which those needs can be met. It would provide needed assistance to both Congress and the Executive in the formulation, selection, implementation, and evaluation of public policy.

Mr. President, if we are going to successfully respond to the challenge of complexity in social affairs, we must move immediately toward providing adequate institutional and procedural apparatus for effective policy appraisal. The paucity of our present appraisal capabilities is dramatically illustrated by our inability to sufficiently monitor our social needs and evaluate the success of our programs.

In the face of growing public skepticism regarding the adequacy of many existing social programs, the demand for more efficient planning and evaluation is increasing. The present system of policy development and program evaluation within the executive branch is reflective of the uncoordinated efforts of many governmental units operating in relative isolation. A Council of Social Advisers, concerned with overall, comprehensive, long-range social policy, would provide a mechanism by which a single unit could identify social needs, establish national priorities and measure the success of social programs.

Title II of the bill provides for the establishment of the Office of Goals and Priorities Analysis. As an arm of Congress, it would serve an important coordinating function, examining, comparing and organizing specific budget proposals within the broader context of overall national objectives.

I understand that title II may be removed from the bill in light of the favorable consideration being given the Congressional Budget Control Bill in the Senate Governmental Operations Committee. Many of the functions envisioned for the Office of Goals and Priorities Analysis would be performed by the House and Senate Committees on the Budget and the Congressional Office of the Budget as provided by the Budget bill. At any rate, the original and innovative provisions contained in title II reflect a fundamental step toward providing Congress with the means to establish effective budgetary controls.

At present, Congress does not have the resources and technology at its disposal for developing integrated, comprehensive budget alternatives, as does the Executive. Consequently, Congressional revision of the President's budget proposal is often a patchwork, piecemeal process resulting in a myopic view of our national goals and priorities. I find it profoundly disturbing that Congress, where crucial national decisions are made, has neither the tools nor the manpower necessary for a comprehensive overview of the budget. The growing disparity of resources available to the President and to the Congress underscores the urgent need to restore some balance between the executive and legislative branches.

If we are going to halt the steady erosion of congressional power, and if Congress is to regain effective control over the federal pursestrings, then we must provide the technology, manpower and information necessary for effective, long-range policy development.

I am committed to legislation which is directed at improving the quality of our life. Accordingly, I strongly urge the Senate to take favorable action on this bill which is specifically aimed at improving the prospects of all Americans for a life of "decency and dignity."

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INQUIRY INTO THE NEW YORK STOCK EXCHANGE

Mr. HARRY F. BYRD, JR. Mr. President, the Financial Markets Subcommittee of the Committee on Finance held 3 days of hearings during the last week of July. One of the witnesses was James J. Needham, chairman of the board of the New York Stock Exchange.

Mr. Needham appeared before the subcommittee on Thursday, July 26, 1973. The subcommittee chairman is the distinguished Senator from Texas (Mr. Bentsen).

Mr. President, I ask unanimous consent that a colloquy I had with Mr. Needham be printed at this point in the Record.

There being no objection, the colloquy was ordered to be printed in the Record, as follows:

Senator Bentsen. Senator Byrd?

Senator Byrd. Thank you, Mr. Chairman.

Mr. Needham, on page 25, you list five points that you specifically urge the Congress to adopt. Of those five, which one would you consider the most important to accomplish what you are seeking?

Mr. Needham. I would say No. 4, Senator Byrd. We think that the capital gains tax is a disincentive to invest in equity securities.

Senator Byrd. That tax was increased in 1969 or as a result of the 1969 Tax Reform Act. Have you found that that has had a depressing effect on the market?

Mr. Needham. It was about 1969 that the Securities Market started to come apart, Senator, but I will let our Economist answer the question.

Mr. Freund. I don't think the Economists have an answer to that. There is a multiplicity of forces here, but I do think that capital gains played a role.

Senator Byrd. Do you feel it had a major impact?

Mr. Freund. We have no measure, no way to measure that directly, and there isn't anything I could document statistically on this but I do think that capital gains taxes have had a significant impact, particularly when you consider the reduction in taxation of ordinary income on wages and salaries.

Mr. Needham. Excuse me, Senator, but, Dr. Freund, didn't the Exchange make a study on this subject some years ago?

Senator Bentsen. If you would speak up, please?

Mr. Needham. Pardon me?

Senator Bentsen. If you would speak up.

Mr. Needham. I am sorry. I am usually well heard.

Dr. Freund, didn't the Exchange make a study on that problem?

Dr. Freund. We did, but that preceded 1969.

Mr. Needham. Are we involved in a similar study now?

Dr. Freund. Yes, we have under way now a survey of investors' attitudes to determine the effects of capital gains taxation on their incentives to invest. We hope to have those results, I might add, within a matter of weeks.

Senator Byrd. Well, it would be helpful I would think, Mr. Chairman, if those results could be submitted to the Committee.

Mr. Needham. We will be delighted to furnish them to the committee.

Senator Bentsen. We would be pleased to keep our Minutes open and have them submit it.

Mr. Needham. Thank you.

Senator Byrd. Mr. Needham, you recommend reducing the capital gains tax on securities, depending on the number of years the securities have been held. Would you comment on that?

Mr. Needham. I could, Senator, but I would rather Dr. Freund did it, because this is a matter of economic analysis and I believe he has some backups for you on it.

Dr. Freund. The details of the proposals were submitted to the House Ways and Means Committee. I find I don't have them right in front of me but, as I recall, they provided for a maximum of 50 percent rate on holdings, liquidated after six months, with a reduction to a 20 percent rate at the end of 30 years.

Mr. Needham. Reaching your question directly, I think one of the efforts that most American businesses try to make is to accomplish what the social views of an era are and, also, what seems to be the intent of Congress and I think it is safe to say that rather than going that route, we would rather go the other route, which is to go back to where we were in 1968 before the enactment of the 1969 Legislation. That would be a more direct way. I think all we are doing here, frankly, is trying to accommodate what we think the Congress wants to try to do to overcome this theory that is being proposed that there is no distinction between ordinary income and capital gains.

Senator Byrd. Is what you are saying then, you would leave the capital gains structure alone, except go back to the 25 percent?

Mr. Needham. Really, that is cutting it right through, Senator, and that is the best way to do it.

Senator Byrd. And leave it at six months, also?

Mr. Needham. And leave it at six months. Frankly, from the government's point of view, I heard many people, including my former Associate at the Commission, Mr. Hurlon, who served on the House Ways and Means Committee for many years, say that a three months holding period, which has been advanced, I believe, by Mr. Reagan from Merrill Lynch, that with that revenues to the government would be more substantial. But we recognize that is even more of a problem, so I think with a six months period 25 percent, I think everybody would be very happy.

Senator Byrd. Well, now, you favor the positive approach of using tax incentives to attract individuals back into the market. Has your organization made any studies of the revenue impact of the tax incentives you propose?

Mr. Needham. Yes, we have included those in the record.

Mr. West. Senator, about ten or twelve years ago, we commissioned a study by the Harris Organization on this subject. Of course, economic conditions and market conditions have changed drastically since that time as has the Tax Code in 1969, which you refer to. Some months ago, we commissioned a re-do of that study, covering somewhat the same ground that was covered in the earlier one, that is, as far as cutting the tax rate in half, but also going beyond that to the sliding scale which has become part of our tax recommendations. The interviewing phase of that study is now complete and the data is being analyzed and we hope within the next few weeks we will be able to submit the results of that study to the Committee.

Mr. Needham. We have offered that for the record and, Senator Byrd, we have already included in the record our testimony before the House Ways and Means Committee, which includes the impact data that you are looking for and your Staff now has it.

Mr. West. I might add, Senator, that the study very specifically covers the study of revenue impact from the various tax alternatives that are proposed for the individual investor.

Senator Byrd. I am inclined to favor your proposal on capital gains, but I think that the Committee and the Congress as a whole, will certainly have to take into consideration what the revenue impact is and, if it is a major impact, that is going to make it somewhat a difficult thing.

Mr. Needham. Yes, we are playing cat and mouse in the security industry. I wonder what the impact is of the special tax considerations, which I believe are appropriate, that have granted to the oil industry? I wonder what the tax impact is of granting deductions to employers for contributions to profit-sharing and pension plans? And I could go on down the list. But I realize that we would be inconsistent if we were to say to you that we wouldn't care what the cost was because the thrust of our testimony, when we appeared before other Members of the Congress is that we advocate always a balanced budget for the United States government.

Senator Byrd. I want to hear that more clearly. Would you speak up?

Mr. Needham. I am glad someone is listening to me in government.

We believe very strongly that the government must bear a very heavy burden of proof whenever the budget is not balanced and the budget has not been balanced for enough years since the depression to make a good track record for the Federal government as a leader in responsible financial responsibility.

Senator Byrd. I think you are so right.

Mr. Needham. Senator, I wish I lived in the State of Virginia.

Senator Byrd. I wish we had you in Washington.

Mr. Needham. I think I got out at about the right time, Senator.

Senator Byrd. I was somewhat encouraged by the statements last week and by Secretary Shultz's statement, that, for the first time in several years, the Administration recognizes that the budget must be got under control if inflation is to be got under control. That is a new recognition insofar as any public statements are concerned or private statements, so far as I know. I don't think we are going to get this economy back in shape and I don't think, personally, we are going to get inflation under control until we do what you have suggested there: and that is, return to the concept of a balanced budget.

Secretary Shultz used the phrase "old time religion" and I like that expression. I think it is "old time religion." It has been considered out of fashion and out of date, but maybe what has happened to the dollar all over the world and the lack of confidence of the investing public and the lack of confidence of the public as a whole in my judgment may change that opinion in Washington and may cause us to get back to where that is not so old-fashioned and so out of date, but an essential element in restoring confidence.

I notice in your statement on page 26, you certainly do not mean to minimize the overwhelming importance of bringing domestic inflation under control and restoring stability to the dollar internationally, from your statements. I think that is so very, very sound, and I think it is not generally realized that during the five-year period from fiscal '70 through fiscal '74 that the total accumulated Federal funds deficit will be $119 billion. Another way of saying that is that during that five-year period, 25 percent of the total national debt of this Nation will have been incurred during that one five-year period. That is just smashing. I have a feeling that the average citizen, while he doesn't know the figures, that he senses something is drastically wrong here in Washington. That was 25 percent of the national debt incurred in a five-year period from 1970 through 1974, and the other 75 percent was built up over a period of 150 years—or whatever the figure might be. We fought the War between the States, the Spanish-American War, World War I, World War II, the Korean War, and most of the Vietnam War during that period that the 75 percent was built up. So that I think that the Number 1 domestic problem facing our country, as I see it, is to get the Government's financial house into order and it is way out of order now.

And I am impressed that your statement recognizes that. And I would say, again, I am so pleased to hear you use that word "balanced budget." You don't hear it very often around this Congress, I will tell you.

Mr. Needham. Senator, if I may cap off this fiscal discussion by saying, if the Congress wants to really get disturbed about something else—not that you don't have enough on your minds, but you might look at the debt that is being incurred by Federal agencies, created by the Federal government, that is, outside the appropriations process, which is something else, and which is completely contrary to the American way of running a government.

Senator Byrd. You are quite right and I am glad that you brought that out and I hope that the business community will become exercised about the irresponsibility of the Federal government in its spending policies. Unless the business community takes an interest in it, I don't know how we are going to solve it.

Mr. Needham. I have been in business for 20-some years, 27 years, most of it as a practicing CPA, and I have been exercised quite a bit about it. In fact, before that, I was brought up on some fundamentals in this business and all I can cay is the result of my exercising in this has been shadow-boxing.

Senator Byrd. What?

Mr. Needham. Shadow-boxing. In other words, I am doing this exercise but I am not hitting anyone.

Senator Byrd. Well, I think the fact that you are speaking out on it is very helpful.

Mr. Needham. I don't want to prolong my discussion here, but I would say that if I had with me today the Members of our International Capital Markets Committee—and these are experts—you might be quite impressed by their thoughts. Dr. Freund, you are much better at recalling names than I am. Why don't you read their names into the record?

Dr. Freund. The Chairman of the Committee is John E. Leslie and the other Members are: Harry B. Anderson of Merrill Lynch; George W. Ball of Lehman Brothers, Inc., and formerly Secretary of State; I. W. Burnham, II; Henry H. Fowler of Goldman, Sachs & Co., and formerly Secretary of the Treasury; Andre Meyer, Lazard Freres & Co., Leo Model, Model, Roland & Co., Inc.; Frank A. Petito, Morgan Stanley & Co., Inc.; Robert V. Roosa, formerly Undersecretary of the Treasury, and now a partner in the firm of Brown Brothers, Harriman & Co.; Nathaniel Samuels, Kuhn, Loeb & Co., also formerly of the State Department.

Mr. Needham. And if they were all here, Senator Byrd, they would say two things to this Subcommittee: The first one, balance the budget, and, secondly, get a hold on monetary policy. That is what they would say.

Senator Byrd. Well, that is certainly an outstanding group and one with great knowledge and it is encouraging to me to know that that group, which you have just named, with such outstanding individuals, feel that the Number 1 problem—I believe that is the way you expressed it—is to get a handle on government spending and to balance the budget.

Mr. HARRY F. BYRD, JR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR CERTAIN ACTION TO BE TAKEN DURING ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the adjournment of the Senate over until September 5, 1973, the Vice President, the President pro tempore, and the Acting President pro tempore be authorized to sign all duly enrolled bills and joint resolutions on any day after the date of August 24, 1973.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2282, RENAMING THE NEW HOPE DAM AND LAKE THE B. EVERETT JORDAN DAM AND LAKE

Mr. RANDOLPH. Mr. President, from the Committee on Public Works, earlier today, I reported favorably S. 2282, without amendment, and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill.

The legislative clerk read as follows:

Be it enacted, etc., That the New Hope Dam and Lake on the Haw River, North Carolina, a part of the project of the Cape Fear River Basin, North Carolina, authorized by the Act approved December 30, 1963 (Public Law 88-253), shall hereafter be known as the B. Everett Jordan Dam and Lake, and any law, regulation, document, or record of the United States in which such New Hope Dam and Lake are designated or referred to shall be held to refer to such dam and lake under and by the name of "B. Everett Jordan Dam and Lake."

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the bill.

Mr. RANDOLPH. Mr. President, this legislation is sponsored by the distinguished senior Senator from North Carolina (Mr. Ervin) and the distinguished junior Senator from North Carolina (Mr. Helms). The two Senators today ask us to join in remembering the excellent service of their former colleague and friend.

As for myself, there is a special pleasure that comes from seeing a true and valued friend accorded deserved recognition for outstanding public service.

Having the opportunity to join in that tribute makes it an even more rewarding experience.

It is in that context that I bring to the Senate for consideration and action today this bill proposing that the New Hope Dam and Lake in North Carolina be renamed in honor of former Senator B. Everett Jordan.

If there was any single cause to which Everett Jordan was dedicated above all others and in which he was most effective during his Senate years, it was in the field of water resources development, both for his own State and for the country as a whole.

I recall that a floral association, wishing to honor him on his 10th anniversary in the Senate, settled on a dam designed from flowers as being the most fitting symbol of the occasion.

They were right.

He had a very real interest in the development of water resource programs for the country. So in S. 2282, this renaming of a lake and dam in North Carolina from New Hope Dam and Lake to the designation of the B. Everett Jordan Dam and Lake, I think, is appropriate, and indicates the high esteem and the deep affection in which our former Member is held here.

I wish to reemphasize the activity of Senator Jordan, during the years he served here, in working for water resources development. He worked not only for North Carolina, but for the country as a whole. I was, as chairman of the Committee on Public Works, associated with him on these matters, and I know the completeness of his dedication in behalf of the civil works program, including, of course, the efforts, as I have stated, not only for water resource development, but in conservation of our resources as well.

Senator Ervin and Senator Helms both know of his activities and achievements in connection with the New Hope project, and so to have the cosponsorship of the Senators from North Carolina on this bill, I think, is most proper and most encouraging, as we consider it not in terms of partisanship, but of a partnership which extends across this line.

Because, among other achievements, Everett Jordan had more than anyone else to do with bringing the New Hope Dam project into being and keeping it alive, it is right today that we give it his name now.

S. 2282 has the unanimous approval of the Senate Public Works Committee and I consider it a privilege to offer it for what I hope will be equally full support of this body.

Mr. HELMS. Mr. President, I wholeheartedly urge the unanimous approval of this measure which recognizes the dedicated service of our friend, Senator B. Everett Jordan, to his State and Nation.

I commend my colleague (Mr. Ervin) for proposing the renaming of New Hope Dam and Lake to hereafter be called the B. Everett Jordan Dam and Lake. I was delighted to join Senator Ervin as a cosponsor of the bill. And I desire to associate myself with the distinguished Senator from West Virginia (Mr. Randolph) in his eloquent tribute to Senator Jordan.

The late Senator Dick Russell reserved a very special tribute for very special friends whom he described as "nature's noblemen." I would apply that assessment to Senator Jordan.

This action by the Senate comes at a time when Senator Jordan is a patient at Duke Hospital in Durham, N.C. Reports reaching me indicate that he is doing well. By this action, unanimously by the Senate today, Senator Jordan will be reminded of our affection, admiration, and respect for him. I know I speak for all Senators when I wish him a speedy and complete recovery.

Mr. ERVIN. Mr. President, I wish to take this opportunity to express my gratification at the Senate's unanimous passage today of S. 2282, to redesignate the New Hope Dam and Lake, N.C., as the "B. Everett Jordan Dam and Lake."

I know that those among us who were privileged to serve with Senator Jordan share my delight in the Senate's action to honor a great North Carolinian and a great American, Senator B. Everett Jordan.

Mr. KENNEDY. Mr. President, I wish to join with the distinguished Senator from West Virginia (Mr. Randolph) in urging the Senate to approve S. 2282, renaming the lake formed by the New Hope Dam project in North Carolina for our esteemed friend and former colleague, Senator Everett Jordan.

Senator Jordan's many outstanding accomplishments, including his distinguished service for many years as chairman of the Rules Committee are well known to the Members of the Senate. But there is one major accomplishment of his, which has not been sufficiently recognized and which I should like to call to the attention of the Senate.

Senator Jordan was the Senate author of the Technology Assessment Act of 1972, which I was proud to cosponsor. As chairman of the Rules Committee he conducted the hearings on this bill and led the legislative effort to shape this into the important act which was signed into law on October 13, 1972.

I commend to the Senate, Everett Jordan's farsighted leadership in recognizing the need for and building Senate support for this innovative addition to the congressional branch of our Government. As first chairman of the Technology Assessment Board, I know I can speak for all the other board members as well in lauding Senator Jordan for his key role in bringing this important office into being.

In view of his instrumental role in water resources projects like the New Hope

Dam project, it is altogether fitting that this lake be named for Senator Everett Jordan. I urge the Senate to approve this bill.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill (S. 2282) was ordered to be engrossed for a third reading, was read the third time, and passed.

NATIONAL HEART AND LUNG ADVISORY COUNCIL STUDY

Mr. JAVITS. Mr. President, I wish to address a few words to the Senate about a critically important report made by the National Heart and Lung Advisory Council of the National Institutes of Health, recommending a massive crash program on the problem of heart diseases, as a result of a bill which I sponsored with the Senator from Massachusetts (Mr. KENNEDY), which became law as the National Heart, Blood Vessel, Lung, and Blood Act of 1972.

This act followed what was really my debut in important legislation in Congress as one of the fathers of the National Heart Institute. I was then a Member of the House of Representatives, that law having been enacted on June 9, 1947, with the aid in this body of then Senator, now Representative, PEPPER of Florida, which provided for the establishment, for the first time, of the Heart Institute within the National Institutes of Health.

So, Mr. President, as one who has been referred to as the father of the National Heart Institute I was especially gratified when the Congress enacted into law the National Heart, Blood Vessel, Lung, and Blood Act of 1972, which I authored with Senator KENNEDY.

This legislation was enacted because the Congress realized that heart, blood vessel, lung, and blood diseases constitute the most important public health problem confronting the American people today. This statement is supported by all the common indices of public health such as the number of people affected, number of deaths, days of bed disability, hospital days, days lost from work, and economic costs of disease. Collectively, these diseases affect more than 30 million Americans and are the No. 1 cause of death and disability in the Nation. The maintenance of adequate function of the heart, lungs, and blood, which is essential to health and life, has become a pressing national problem when viewed against the massive personal, social, and economic losses which continue to accrue from these diseases. The total economic drain on society due to problems related to these diseases has been estimated at more than $40 billion annually. These statistics give a sobering overview of the magnitude and importance of the problems being addressed by the national heart, blood vessel, lung, and blood program.

The act provided a mandate for attacking these killer diseases and required the Director of the National Heart and Lung Institutes, with the advice of the National Heart and Lung Advisory Council, to develop a program for a national assault on these diseases.

The study of the National Heart and Lung Advisory Council—a comprehensive in-depth analysis to advance the attack and improve the management of the nation's resources in this endeavor—has been completed. Its report comments that:

> The maturation of many research-proven ideas, methods and technologies, viewed in relation to the increasing health problems of heart, blood vessel, lung and blood diseases, convinces the Council that the next few years could bring significant new discoveries and health benefits for the American people. Great strides have been made in prevention, both real and potential, in diagnosis and in medical and surgical treatment of these major diseases. The result has been new hope for patients suffering from them. In fact, death rates from some of these diseases have levelled off or even decreased in the last few years.
>
> The public deserves the fullest application now of the preventive, diagnostic and treatment measures already developed through research. At the same time, the research and clinical momentum generated in the unparalleled period of expansion of scientific medicine in the past two decades must be sustained, for it is through this momentum that important new knowledge will be generated and then translated into health benefits for all.

To achieve these goals, the Council calls for a national program to combat these diseases. This plan will:

Provide a basis for decisions concerning appropriate support for needed efforts in the heart and blood vessel, lung, and blood areas;

Insure proper priority and sequence of implementation;

Provide a basis for determining scientific manpower needs for research to sustain the total program;

Facilitate coordination of the efforts of all Federal agencies in the heart and blood vessel, lung, and blood fields;

Make it possible to delineate Federal responsibilities so that State, local, and private sectors can plan their participation and responsibilities accordingly; and

Enable orderly and systematc review and analysis of progress of the program.

The need for a plan to launch a national program of attack on the problems of heart and blood vessel, lung and blood diseases have evolved from the recognition that isolated approaches are no longer appropriate to the growing magnitude of these public health problems. A major program is required for marshalling the resources of this country to provide better health for its citizens.

The costs of this program will be significant—$2.3 billion over the next 5 years—however, they must be compared to the impact of the heart, blood vessel, lung and blood diseases on the Nation's economy. Each year, health expenditures for these diseases are more than $9 billion, and the value of present and potential earnings lost because of the illness and death they cause amounts to at least an additional $29 billion.

If heart and blood vessel diseases could be eliminated as causes of death, the gain in life expectancy would approach 11 years, more than four times the gain that would be achieved by the elimination of any other cause of death.

I urge the Congress—as it has done in unanimously passing Public Law 92-423—to provide the necessary additional $46 million appropriation above the budget request of $265 million and adequately to fund the national program to combat the number one killer of the American people—heart diseases—in accordance with the expert advice of the Council.

Mr. President, I strongly endorse the findings of the Council. While the cost of the program is significant—$2,300,000,000 over 5 years—it must be compared with health expenditures of $9 billion per year right now for these diseases, and lost present and potential earnings because of illness and death due to heart disease of $29 billion per year. Mr. President, this is the biggest killer in America, and I respectfully submit that to provide the additional $46 million above the budget request of $265 million which the plan would require is certainly not asking very much of Congress, when we realize that if we could conquer these heart diseases, it would extend the lifespan by 11 years—more than four times the gain that could be achieved by the elimination of any other cause of death.

So, Mr. President, I recommend this report to my colleagues, call it to the attention of the Senate, and shall do everything I can to see that it is implemented.

Mr. President, I yield the floor.

FULL OPPORTUNITY AND NATIONAL GOALS AND PRIORITIES ACT

The Senate continued with the consideration of the bill (S. 5) to promote the public welfare.

Mr. TAFT. Mr. President, do I correctly understand that the pending business is S. 5?

The PRESIDING OFFICER. The Senator is correct.

Mr. TAFT. Mr. President, with regard to S. 5, I should like to make a few remarks.

A few minutes ago, as I understand, the senior Senator from New York (Mr. JAVITS) made a motion to refer title II to the Committee on Government Operations as an amendment to S. 1541. I had hoped to be present on the floor at that time to discuss the matter, but unfortunately I was not notified that it was coming up at the particular time it did.

I would not have opposed that motion. Indeed, I do not oppose it now, and I do not see any point in the Senate reconsidering its action.

As I have indicated in the minority views which I filed with Senators DOMINICK and BEALL, I feel that the bill is unwise both as to title I and title II. As to title I, the minority views, as I have indicated, point out that it establishes a Council of Social Advisers in the Executive Office of the President and requires an annual social report by the President to the Congress. We believe that the President is in the best position to determine whether he needs an additional council to assist him in establishing social goals and priorities to recommend to Congress, and feel that the administration is justified in opposing the creation of this additional bureaucratic layer in the Executive Office. Three years ago, the President, through Executive reorganization, established the Domestic Council to assist him in the coordination and overview of domestic policy.

As a matter of fact, the Honorable Melvin Laird is now, as I understand it, serving as head of that domestic council. I know he is a man in whom Congress has great confidence. The Domestic Council has great potential to provide coordinated planning and policy data to the President, and the recent personnel and organizational changes implemented with regard to the Council should prove to be quite constructive.

The Office of Management and Budget—OMB—is also quite active in policy planning and coordination within the executive branch, and recent organizational changes implemented within OMB should enable executive branch personnel to obtain more reliable social and domestic data.

Over and beyond those considerations in the minority views, I would go on to say that I think, if indeed we should decide that it is wise to act in some way to tell the President how he has got to run his own staff organization, in setting up domestic councils or otherwise, and it seems to me pretty clear, that this does lie in the field of government operations rather than that of the Committee on Labor and Public Welfare.

While labor, public welfare, and education are matters of great priority on the national scene and things that should be reflected upon and considered insofar as setting up staff procedures in the executive branch is concerned, nevertheless they are operations of government, and there are many other operations of government as well. It is inconceivable to me that a domestic council would not have to take into account many other factors as well as those considered by the Committee on Labor and Public Welfare. Senators Dominick, Beall, and I objected to the bill in the committee in that regard as well as to its substance, and have opposed it in that connection.

Mr. President, I have given a great deal of thought to this matter, and in considering the action taken with regard to title II, it seems to me, therefore, appropriate, for the reasons I have stated, to consider taking the same action with regard to title I. Indeed, had the question of committal of title II to the Committee on Government Operations come up under normal circumstances, I would have been, I think, inclined to try to amend that motion or add to it or take other action to make the same kind of result occur with regard to title I.

In that regard, let me address an inquiry to the Chair at this time, as to whether a motion to commit title I to the Committee on Government Operations would be in order.

Mr. JAVITS. Mr. President, would the Senator yield while we are waiting for the Parliamentarian to come into the Chamber?

Mr. TAFT. I yield.

Mr. JAVITS. I would hope very much that the distinguished Senator from Ohio would not make that motion. The distinguished Senator from Minnesota (Mr. Mondale), who is the principal author of S. 5—he is "the" author now—left the city because of my own and the leadership's assurance that the only thing acted on would be what we agreed to—to wit, that the bill have excised from it Title II. That has been done. I would hope very much that the Senator would await the time when the matter would come up again, as it will when Senator Mondale is here, so that he may have the opportunity to be heard on that question.

Mr. TAFT. I appreciate the comments of the Senator from New York. I would simply comment with regard to it, that it is well known by the Senator from Minnesota and the Senator from New York that I had written the minority views with the principal opponent of the measure in question, and no such agreement or clearance was made with me with regard to it. In fact, I even indicated to the staff of the Senator that this was a matter on which I wished to be informed on, and on which I wanted to be heard should it come to the floor at this time. So that I do not feel in any way bound by that constraint. As I have indicated previously, under normal circumstances, I would be inclined to make a motion to commit. At the present time, I merely want to renew my inquiry of the Chair as to whether a motion to commit Title I—in fact, the entire bill as it now exists, S. 5—to the Committee on Government Operations would be in order.

The PRESIDING OFFICER (Mr. Biden). A motion to recommit the entire bill would be in order.

Mr. TAFT. I thank the Chair.

I would simply say then, in view of the fact that the Senator from Minnesota (Mr. Mondale) is not in town and I have not had any discussion with him with regard to it, that I will not at this time insist on this motion, assuming that S. 5 will remain the pending business. But when we return from the recess, it is my intention, and I would give notice to the Senate of it now, that the motion to recommit the entire bill to the Committee on Government Operations will be made, and that on that motion, which as I understand it, is a debatable motion—and I would again inquire of the Chair whether that is a correct assumption.

The PRESIDING OFFICER. The motion is debatable.

Mr. TAFT. As to debate on that motion, I would be constrained to refrain from granting a specific allowance until the matter further clears up. I am also constrained, if the motion is defeated, because of the very general nature, in fact the omnivorous nature of title 1 as it currently exists, to refuse to enter into any agreement insofar as the question of the propriety of any particular amendments to the bill might be in order.

With that notice to the Senate, I am now content to have the bill remain the pending business.

RECESS UNTIL 2:45 P.M. TODAY

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until 2:45 p.m. today.

The motion was agreed to; and, at 2:04 p.m., the Senate took a recess until 2:45 p.m.; whereupon, the Senate reassembled when called to order by the presiding officer (Mr. Robert C. Byrd).

Mr. BEALL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. McClure). Without objection, it is so ordered.

AUTHORIZATION FOR SECRETARY OF THE SENATE TO RECEIVE MESSAGES FROM THE HOUSE AND FROM THE PRESIDENT DURING ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to receive messages from the House of Representatives and from the President of the United States during the adjournment of the Senate over to September 5, 1973.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR SCOTT OF VIRGINIA AND FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON SEPTEMBER 5, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Wednesday, September 5, 1973, after the two leaders or their designees have been recognized under the standing order, the distinguished Senator from Virginia (Mr. Scott) be recognized for not to exceed 15 minutes; after which there be a period for the transaction of routine morning business for not to exceed 15 minutes, with the usual 3-minute limitation on statements therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS SUBJECT TO CALL OF THE CHAIR

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess subject to the call of the Chair.

The motion was agreed to; and at 3:04 p.m. the Senate took a recess, subject to the call of the Chair.

The Senate reassembled at 3:14 p.m. when called to order by the Presiding Officer (Mr. HARRY F. BYRD, JR.).

RECESS UNTIL 4:30 P.M.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until 4:30 p.m. today.

The motion was agreed to; and at 3:15 p.m. the Senate took a recess until 4:30 p.m.; whereupon, the Senate reassembled when called to order by Mr. MCCLURE.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 502) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

S. 1410. An act to amend section 14(b) of the Federal Reserve Act, as amended, to extend for three months the authority of Federal Reserve banks to purchase United States obligations directly from the Treasury; and

H.R. 6370. An act to extend certain laws relating to the payment of interest on time and savings deposits, to prohibit depository institutions from permitting negotiable orders of withdrawal to be made with respect to any deposit or account on which any interest or dividend is paid, to authorize Federal savings and loan associations and national banks to own stock in and invest in loans to certain State housing corporations, and for other purposes.

The ACTING PRESIDENT pro tempore (Mr. METCALF) subsequently signed the enrolled bills.

RECESS UNTIL 5 P.M.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until 5 p.m. today.

The motion was agreed to; and at 4:30 p.m. the Senate took a recess until 5 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. MCCLURE).

ORDER FOR CONSIDERATION OF S. 4 ON SEPTEMBER 11, 1973

Mr. MANSFIELD. Mr. President, I ask unanimous consent, at the conclusion of morning business on Tuesday, September 11, 1973, that the Senate proceed to the consideration of Calendar No. 119, S. 4, a bill to strengthen and improve the protections and interests of participants and beneficiaries of employee pension and welfare benefit plans.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I wish to express my gratification to the Senator from Montana, the majority leader, and to the minority leadership, for setting down this bill, S. 4, which the distinguished Senator from New Jersey (Mr. WILLIAMS), myself, members of our staffs, and the members of the Committee on Labor and Public Welfare have, I believe, constructed a bill of which the Senate can be proud. It deals with private pensions and welfare funds of the country and will be of inestimable benefit to millions of Americans.

Mr. President, I also wish to say that the Finance Committee has considered those aspects of the bill which concern it, its views, and its jurisdiction, and they, too, together with the distinguished Senator from Wisconsin (Mr. NELSON), chairman of the subcommittee, as well as the distinguished Senator from Louisiana (Mr. LONG), the Chairman of the Finance Committee, have worked long and arduously in the endeavor to place their proper input into the measure.

It is ready for the floor. It is considered to be a bill of the greatest interest to the people of this country, to millions of Americans who will look to it to provide them with a better life and a better opportunity.

The distinguished Senator from Michigan (Mr. GRIFFIN) has taken a great interest, a most constructive interest, in the bill, and has made contributions to it. So have other Members. The distinguished Senator from Texas (Mr. BENTSEN) offered a bill which the Finance Committee considered. It was, again, a great contribution to the whole. He spent $1 million or more, under the direction of the Senator from New Jersey (Mr. WILLIAMS), to get the facts. It is one of the best grounded bills we have ever had in the Senate in terms of its documentation and the proof to back it up. It is the kind of documentation we think of over in the executive department. We rarely realize that we are capable of the same thing.

So, for myself, as this is a longstanding labor for me, and for the Senator from New Jersey (Mr. WILLIAMS), I wish to thank the majority leader and all who participated in giving their consent for the scheduling of this bill at a time certain.

I hope that, having given this notice, Members will really take an interest in it and study it, because I believe that they will find, to use a colloquialism, it is one of the "hottest" bills ever to come before Congress, so far as the people of this country are concerned.

Mr. WILLIAMS. Mr. President, I certainly which to echo the remarks of the Senator from New York in appreciation to the leadership for scheduling the bill at a date certain on September 11, 1973. S. 4 has been on the calendar for some time. Appropriately, it was held while the Finance Committee considered other pension legislation during this period.

There has been the best kind of collaboration between the Committee on Labor and Public Welfare and the Committee on Finance in their understanding of the full need for pension reform.

It was hoped, earlier, that the bill could be taken up immediately upon our return, that is, a few days before September 11, after we had come back from the recess, which would give valuable time and valuable days for all Senators to study this profound and far-reaching legislative matter of pension reform.

Again our appreciation that we now have a date certain and that we can move on with this much needed legislative effort.

THOMAS E. MARTIN, OF SOUTH CAROLINA—NEW PRESIDENT OF AMERICAN LEGION BOYS' NATION

Mr. THURMOND. Mr. President, I was delighted to learn recently that a young man from Roebuck, S.C., Thomas E. Martin, was elected president of the American Legion Boys' Nation. This is the first time that a South Carolinian has attained this distinguished position, and the people of South Carolina are very proud of this fine young man.

Before his election, I had the pleasure of meeting with him during a luncheon I hosted for South Carolina's two representatives to Boys' Nation. I found Thomas Martin and Henry Milne III, of West Columbia, to be young men who are shooting for the stars while keeping their feet on the ground.

The presidency of Boys' Nation is the most recent of many honors bestowed upon Thomas. He has held numerous offices at Spartanburg High School, including vice president of the student body. He was elected governor of South Carolina Boys' State. He was also president of the South Carolina Association of Student Councils, and has been student advisor to the State Superintendent of Education.

Based upon his past record, it appears that Thomas Martin is destined for other great accomplishments. I am confident his future endeavors will bring other honors to the people of South Carolina.

CONFERENCE OF INTERNATIONAL TELECOMMUNICATION UNION—APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. HASKELL). The Chair, on behalf of the Vice President, appoints the following Senators to attend the Conference of International Telecommunication Union, to be held in Torremolinos, Spain, September 14–October 26, 1973: Senators MAGNUNSON, PASTORE, BAKER, and BEALL.

CAMBODIA—A LETTER FROM THE PRESIDENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a letter bearing today's date, which I have received from the President of the United States relative to the situation in Cambodia, be printed in the RECORD. An identical letter has also been sent to the Speaker of the House.

There being no objection, the letter as order to be printed in the Record, as follows:

The White House,
Washington, August 3, 1973.

Hon. Mike Mansfield,
Majority Leader,
U.S. Senate, Washington, D.C.

Dear Senator Mansfield: By legislative action the Congress has required an end to American bombing in Cambodia on August 15th. The wording of the Cambodia rider is unmistakable; its intent is clear. The Congress has expressed its will in the form of law and the Administration will obey that law.

I cannot do so, however, without stating my grave personal reservations concerning the dangerous potential consequences of this measure. I would be remiss in my constitutional responsibilities if I did not warn of the hazards that lie in the path chosen by Congress.

Since entering office in January of 1969, I have worked ceaselessly to secure an honorable peace in Southeast Asia. Thanks to the support of the American people and the gallantry of our fighting men and allies, a ceasefire agreement in Vietnam and a political settlement in Laos have already been achieved. The attainment of a settlement in Cambodia has been the unremitting effort of this Administration, and we have had every confidence of being able to achieve that goal. With the passage of the Congressional act, the incentive to negotiate a settlement in Cambodia has been undermined, and August 15 will accelerate this process.

This abandonment of a friend will have a profound impact in other countries, such as Thailand, which have relied on the constancy and determination of the United States, and I want the Congress to be fully aware of the consequences of its action. For my part, I assure America's allies that this Administration will do everything permitted by Congressional action to achieve a lasting peace in Indochina. In particular, I want the brave and beleaguered Cambodian people to know that the end to the bombing in Cambodia does not signal an abdication of America's determination to work for a lasting peace in Indochina. We will continue to provide all possible support permitted under the law. We will continue to work for a durable peace with all the legal means at our disposal.

I can only hope that the North Vietnamese will not draw the erroneous conclusion from this Congressional action that they are free to launch a military offensive in other areas in Indochina. North Vietnam would be making a very dangerous error if it mistook the cessation of bombing in Cambodia for an invitation to fresh aggression or further violations of the Paris Agreements. The American people would respond to such aggression with appropriate action.

I have sent an identical letter to the Speaker of the House.

Sincerely,

Richard Nixon.

ORDER FOR THE PRESIDENT TO BE NOTIFIED OF THE CONFIRMATION OF NOMINATIONS

Mr. MANSFIELD. Mr. President, with respect to the nominations which were confirmed by the Senate today and those which have been confirmed heretofore but as to which this request has not been made, I ask unanimous consent that the President be notified of their confirmation.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 6 P.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess until 6 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon, at 5:20 p.m., the Senate took a recess until 6 p.m., whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. Mansfield).

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Robert C. Byrd). Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess, subject to the call of the Chair.

There being no objection, and at 6:04 p.m., the Senate took a recess, subject to the call of the Chair.

The Senate reassembled at 6:07 p.m. when called to order by the Presiding Officer (Mr. Robert C. Byrd).

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 7935) to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rates under that Act, to expand the coverage of that Act, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8510) to authorize appropriations for activities of the National Science Foundation, and for other purposes.

The message further announced that the House had agreed to the amendment of the Senate to the amendment of the House to the bill (S. 1888) to extend and amend the Agricultural Act of 1970 for the purpose of assuring consumers of plentiful supplies of food and fiber at reasonable prices, with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions:

H.R. 3630. An act to extend until September 30, 1975, the suspension of duty on certain dyeing and tanning products and to include logwood among such products;

H.R. 4083. An act to improve the laws relating to the regulation of insurance in the District of Columbia, and for other purposes;

H.R. 5649. An act to extend until November 1, 1978, the existing exemption of the steamboat *Delta Queen* from certain vessel laws;

H.R. 6676. An act to continue until July 1, 1976, the existing suspension of duty on manganese ore, and for other purposes;

H.R. 6713. An act to amend the District of Columbia Election Act regarding the times for filing certain petitions, regulating the primary election for Delegate from the District of Columbia, and for other purposes;

H.R. 7935. An act to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rates under that act, to expand the coverage of that Act, and for other purposes;

H.R. 8510. An act to authorize appropriations for activities of the National Science Foundation, and for other purposes;

H.J. Res. 52. Joint Resolution authorizing the President to proclaim August 26, 1973, as "Women's Equality Day"; and

H.J. Res. 466. Joint Resolution authorizing the President to proclaim the second full week in October, 1973, as "National Legal Secretaries' Court Observance Week."

The ACTING PRESIDENT pro tempore (Mr. Metcalf) subsequently signed the enrolled bills and joint resolutions, as follows: H.R. 3630, H.R. 4083, H.R. 5649, H.R. 6676, H.R. 6713, H.R. 8510, House Joint Resolution 52, and House Joint Resolution 466.

QUORUM CALL

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION AND AMENDMENT OF THE AGRICULTURAL ACT OF 1970

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1888, an Act to extend and amend the Agricultural Act of 1970 for the purpose of assuring consumers of plentiful supplies of food and fiber at reasonable prices.

The PRESIDING OFFICER (Mr. Robert C. Byrd) laid before the Senate the following message:

Resolved, That the House agree to the amendment of the Senate to the amendment of the House to the bill (S. 1888) entitled "An Act to extend and amend the Agricultural Act of 1970 for the purpose of assuring consumers of plentiful supplies of food and fiber at reasonable prices", with the following amendment:

On page 48, after line 13 of the Senate engrossed amendment, insert:

"(d) The Secretary of Agriculture is directed to implemented policies under this Act which are designed to encourage American farmers to produce to their full capabilities during periods of short supply to assure American consumers with an adequate supply of food and fiber at fair and reasonable prices."

Mr. MANSFIELD. Mr. President, I move that the Senate concur in the amendment of the House to the amendment of the Senate.

The motion was agreed to.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. MANSFIELD. Mr. President, I move that the Senate stand in recess, subject to the call of the Chair.

The motion was agreed to; and at 6:11 p.m. the Senate took a recess, subject to the call of the Chair.

The Senate reassembled at 6:40 p.m., when called to order by the Presiding Officer (Mr. ROBERT C. BYRD).

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8658) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1974, and for other purposes; that the House receded from its disagreement to the amendment of the Senate numbered 6 to the bill and concurred therein, with an amendment, in which it requested the concurrence of the Senate; and that the House receded from its disagreement to the amendment of the Senate numbered 21 to the bill, and concurred therein.

DISTRICT OF COLUMBIA APPROPRIATIONS BILL, 1974—CONFERENCE REPORT

Mr. BAYH. Mr. President, I submit a report of the committee of conference on H.R. 8658, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. ROBERT C. BYRD). The report will be stated by title.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8658) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1974, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of July 30, 1973, at p. 26635.)

Mr. BAYH. Mr. President, I shall make only a few brief remarks.

The total appropriation of Federal funds allowed in conference on H.R. 8658 for the District of Columbia is $417,717,000, an increase of $101,324,000 over last year, $15,281,000 below the President's budget request, $10 million below the House bill, and the same amount recommended in the Senate bill.

In terms of District of Columbia funds, the conference allowed $954,731,200, an increase of $51,789,400 over last year, $36,492,800 below the President's budget estimates, $9,477,800 below the House bill, and $3,928,300 below the Senate bill.

Mr. President, the conferees again present a balanced budget for the District of Columbia for consideration by the Senate.

Mr. President, this bill is the product of a great deal of work and effort on the part of both houses to reach a compromise.

In my judgment, it is a good bill. The amounts provided for some items are not entirely to my satisfaction; however, in the main, there will be adequate funds to meet the necessary expenses and to conduct most high-priority programs of the District of Columbia. I think that anyone who has studied our bill and compared it with the House measure would see that a great many of the matters that are of significant importance to the Senate are incorporated in this bill.

Mr. President, this was my first experience in chairing a conference on the differences between the House and Senate versions of an appropriations bill. There was the necessary give and take on both sides. However, I must say that this conference was a pleasant experience for me because we were able to resolve our differences with the House conferees in an atmosphere of cordiality and rationality.

I wish to express my thanks to the distinguished Senator from Maryland (Mr. MATHIAS) for his support and assistance during the conference.

Mr. President, as you may recall, the House action on the District of Columbia bill resulted in the deletion of virtually all new and improved programs. The Senate's bill restored a number of those new and improved programs—and still maintained the same Federal payment level as approved by the House. By directing certain economies and adjustments the Senate bill was able to include a number of increases over the House allowance within the framework of a balanced budget.

Mr. President, it was necessary for the Senate to compromise in a number of areas. However, I would like to highlight some of the positive aspects of the programs agreed to in conference.

The largest single increase agreed to in conference is for the public school system. The amount provided in the bill together with $1.5 million in unanticipated impact aid funds received by the school system toward the close of the fiscal year will allow the schools to strengthen the public education system—especially in the junior high schools and in the area of special education.

In the area of public assistance the committee has included funds to allow the District to implement that provision of its welfare reform effort which will provide a cost-of-living increase in public assistance payments next April 1.

This increase will be partially funded as a result of new moneys included in the Senate bill and partially by requiring the District to do a better job of scrutinizing its budget and supervising those who are administering it—including paying closer attention to assure that only those who are eligible for public assistance receive such payments.

The conferees also included $1 million above the amount requested by the District for day care programs. The committee has added these funds in anticipation that an expanded day care program will lead to a reduction in the public assistance caseload as more families are helped to achieve economic independence.

The conferees have also recommended increases which will allow the District to strengthen its efforts to protect children from abuse and neglect and to provide new family shelter facilities.

The conferees provided 50 new positions for increased care and treatment of the mentally retarded at the Forest Haven facility.

Additional funds are also provided in the area of alcoholism treatment and prevention.

In the capital outlay area of the budget the conferees have included all those projects recommended by the House. However, the conferees provided $10 million less than the amount provided in the House bill with the understanding that the city would submit a reprograming proposal to redirect surplus funds previously appropriated for construction at the Lorton Correctional Complex to make up the $10 million reduction.

Mr. President, I ask unanimous consent to place in the RECORD the customary table showing in detail the conference action and all of the comparative figures.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

CONCLUSION

Mr. BAYH. Mr. President, in closing, let me state that I thought the Senate bill was a good one. The conference report before you today provides for a good bill. All of the programs funded in this bill are important to the citizens of the District of Columbia and the many tourists who visit our Nation's Capital every year. These programs are important to the well-being of the District's citizens. They assist those who are often unable to assist themselves, especially the young and the aged. They will help build much-needed schools and other public facilities. They will help reduce unemployment.

Mr. President, I firmly believe that the funds in this bill will assist the citizens who live in and visit the District to enjoy a more healthy and wholesome environment. I urge my colleagues to support enactment of the conference report.

Mr. President, again, I say that I appreciate the cooperation of the ranking minority member of my subcommittee, the Senator from Maryland (Mr. MATHIS), as well as the other members of the conference committee, the subcommittee, and the full committee.

I think it is appropriate to again point out the spirit of cooperation with which Chairman NATCHER and his colleagues from the House dealt with the matters in disagreement.

Also, as chairman of this subcommittee, I would like to say a special word of tribute to our 2 staff members, Terry Sauvain, of the professional staff and Robert Clark of the minority staff. Both worked tirelessly to fill in the details which is most laborious but which is oftentimes necessary for this effort to be consummated.

Mr. YOUNG. Mr. President, I support the conference report on the District of Columbia appropriations for fiscal year 1974.

I am pleased to note that the conferees have brought in a bill slightly under the budget request and that in doing this they have reordered only a few of the District of Columbia priorities. In particular, they have continued strong congressional support in the public safety category.

In the past few years we have built up our police force in this city out of necessity and I believe they have done a good job in recruiting additional police officers, training them and getting them out into the city to combat crime and protect our citizens here.

I will not go into the details of the bill as this has already been covered, but I know from my own experience, having served on the District of Columbia Appropriations Subcommittee, that it is a tough job to bring in a balanced budget and still take care of all the needs in our Capital City.

I commend the members of the District of Columbia Subcommittee for bringing in a good bill.

Mr. BAYH. Mr. President, I move the adoption of the conference report. The motion was agreed to.

EXHIBIT 1

TABLE I.—DISTRICT OF COLUMBIA APPROPRIATION BILL, FISCAL 1974, H.R. 8658—FEDERAL FUNDS

[Amounts in thousands of dollars]

Agency and item (1)	1973 appropriation by allotment and activity[1] (2)	1974 budget estimate (3)	House allowance (4)	Senate allowance (5)	Conference agreement (6)	Conference agreement compared with— Appropriation, 1973 (7)	Budget estimate, 1974 (8)	House bill (9)	Senate bill (10)
FEDERAL PAYMENT									
General Fund	$181,500	$190,000	$187,450	$187,450	$187,450	+$5,950	−$2,550		
Water Fund	2,550	2,555	2,555	2,555	2,555	+5			
Sanitary Sewage Works Fund	1,524	1,528	1,528	1,528	1,528	+4			
Total, Federal payments	185,574	194,083	191,533	191,533	191,533	+5,959	−2,550		
FEDERAL LOANS									
General Fund	90,968	190,700	187,969	177,969	177,969	+87,001	−12,731	−$10,000	
Highway Fund	16,706	11,900	11,900	11,900	11,900	−4,806			
Water Fund	2,933	7,067	7,067	7,067	7,067	+4,134			
Sanitary Sewage Works Fund	13,960	25,000	25,000	25,000	25,000	+11,040			
Metropolitan Area Sanitary Sewage Works Fund	6,252	4,248	4,248	4,248	4,248	−2,004			
Total, Federal loans	130,819	238,915	236,184	226,184	226,184	+95,365	−12,731	−10,000	
Total, Federal funds	316,393	432,998	427,717	417,717	417,717	+101,324	−15,281	−10,000	

TABLE II.—DISTRICT OF COLUMBIA APPROPRIATION BILL, FISCAL 1974, H.R. 8658—OPERATING EXPENSES AND CAPITAL OUTLAY

[Amounts in thousands of dollars]

Agency and item	1973 appropriation by allotment and activity[1]		1974 budget estimate		House allowance		Senate allowance		Conference agreement		Conference agreement compared with—			
	Positions	Amount	Positions	Amount	Positions	Amount	Positions	Amount	Positions	Amount	Appropriation, 1973	Budget estimate, 1974	House bill	Senate bill
(1)	(2)		(3)		(4)		(5)		(6)		(7)	(8)	(9)	(10)
OPERATING EXPENSES														
General Operating Expenses														
Office of the Commissioner	20	$578.7	20	$472.2	20	$472.2	20	$472.2	20	$472.2	−$106.5			
City Council	36	537.9	44	665.9	36	541.9	44	665.9	36	562.1	+24.2	−$103.8	+$20.2	−$103.8
Executive Office:														
Office of the Secretariat	30	630.2	30	631.3	30	631.3	30	631.3	30	631.3	+1.1			
Office of Public Affairs	12	238.6	12	232.6	12	232.6	12	232.6	12	232.6	−6.0			
Office of Budget and Financial Management	161	2,560.7	179	3,148.4	179	2,724.0	179	3,148.4	179	2,724.1	+163.4	−424.3	+.1	−424.3
Office of Planning and Management	75	1,074.8	90	1,239.4	73	1,094.4	84	1,189.4	74	1,104.4	+29.6	−135.0	+10.0	−85.0
Office of Personnel	43	932.4	59	1,166.0	59	1,166.0	59	1,166.0	59	1,166.0	+233.6			
Employees' Disability, Unemployment and Workmen's Compensation Funds		4,941.3		5,494.2		5,494.2		5,494.2		5,494.2	+552.9			
Office of Municipal Audit and Inspection		[3] 13.2	39	667.2	33	560.5	36	610.5	36	610.5	+597.3	−56.7	+50.0	
Office of Civil Defense	8	157.6	8	152.7	8	152.7	8	152.7	8	152.7	−4.9			
Office of Human Rights		[3] 10.6	39	565.3	35	526.9	39	565.3	37	546.1	+535.5	−19.2	+19.2	−19.2
Office of Consumer Affairs			14	186.7			14	186.7	14	186.7	+186.7		+186.7	
Management Improvement Account				100.0								−100.0		
Total, Executive Office	329	10,559.4	470	13,583.8	429	12,582.6	461	13,377.1	449	12,848.6	+2,289.2	−735.2	+266.0	−528.5

Footnotes at end of table.

Agency and item (1)	1973 appropriation by allotment and activity[1] (2) Positions	Amount	1974 budget estimate (3) Positions	Amount	House allowance (4) Positions	Amount	Senate allowance (5) Positions	Amount	Conference agreement (6) Positions	Amount	Conference agreement compared with— Appropriation, 1973 (7)	Budget estimate, 1974 (8)	House bill (9)	Senate bill (10)
Department of Finance and Revenue	545	$8,574.6	533	$8,173.2	533	$8,173.2	533	$8,173.2	533	$8,173.2	−$401.4			
Office of the Corporation Counsel	185	3,202.6	199	3,226.9	185	3,073.8	190	3,107.7	185	3,073.8	−128.8	−$153.1		−$33.9
Department of General Services	637	15,153.9	661	16,036.7	661	16,036.7	657	15,936.6	657	15,936.6	+782.7	−100.1	−$100.1	
Department of Economic Development	518	7,628.2	558	8,635.0	539	7,491.5	556	8,403.0	544	8,233.9	+605.7	−401.1	+742.4	−169.1
Public Library	569	7,165.3	565	6,800.9	565	6,750.9	565	6,850.9	565	6,775.9	−389.4	−25.0	+25.0	−75.0
Other Independent Agencies and Offices:														
Assistant to the Commissioner Youth Opportunity Services	28	2,005.8	28	1,954.1	28	1,954.1	28	1,954.1	28	1,954.1	−51.7			
Assistant to the Commissioner for Housing Programs	12	268.7	27	458.8	27	458.8	27	458.8	27	458.8	+190.1			
Alcoholic Beverage Control Board	21	327.5									−327.5			
Board of Parole	25	359.9	25	412.3	25	412.3	25	412.3	25	412.3	+52.4			
Department of Insurance	24	453.2	24	458.3	24	458.3	24	458.3	24	458.3	+5.1			
Minimum Wage and Industrial Safety Board	39	590.3	42	678.7	39	643.2	42	678.7	42	678.7	+88.4		+35.5	
Recorder of Deeds	71	718.8	72	713.0	71	705.3	72	713.0	71	705.3	−13.5	−7.7		−7.7
Public Service Commission	27	476.0	29	482.8	27	466.8	29	482.8	28	475.8	−.2	−7.0	+9.0	−7.0
Zoning Office	21	345.1	23	362.8	23	362.8	23	362.8	23	362.8	+17.7			
Board of Appeals and Review	4	37.5	4	70.2	4	70.2	4	70.2	4	70.2	+32.7			
Human Relations Commission	34	512.2									−512.2			
Board of Elections	7	447.4	7	521.3	7	521.3	7	521.3	7	521.3	+73.9			
Office of the Surveyor	40	397.8	40	395.8	40	395.8	40	395.8	40	395.8	−2.0			
Commission on the Status of Women	2	31.6	2	43.7	2	43.7	2	43.7	2	43.7	+12.1			
Commission on Judicial Disabilities and Tenure		46.8	1	52.5	1	46.5	1	46.5	1	46.5	−.3	−6.0		
Board of Labor Relations	2	109.6	2	91.9	2	91.9	2	91.9	2	91.9	−17.7			
Bicentennial Activities			4	350.0		100.0		250.0		150.0	+150.0	−200.0	+50.0	−100.0
Total, Other Independent Agencies and Offices	357	7,128.2	330	7,046.2	320	6,731.0	326	6,940.2	324	6,825.5	−302.7	−220.7	+94.5	−114.7
Contributions to Metropolitan Area Agencies:														
Metropolitan Washington Council of Governments		180.2		176.0		176.0		176.0		176.0	−4.2			
Washington Metropolitan Area Transit Commission		118.7		85.9		85.9		85.9		85.9	−32.8			
Total, Contributions to Metropolitan Area Agencies		298.9		261.9		261.9		261.9		261.9	−37.0			
Miscellaneous Contributions:														
Redevelopment Land Agency		6.0		6.0		6.0		6.0		6.0				
D.C. Apprenticeship Council		5.0		5.0		5.0		5.0		5.0				
School Transit Subsidy		3,738.3		4,112.3		4,112.3		4,112.3		4,112.3	+374.0			
Washington Convention and Visitors Bureau		252.0		252.0		252.0		252.0		252.0				
Total, Miscellaneous Contributions		4,001.3		4,375.3		4,375.3		4,375.3		4,375.3	+374.0			
Total, General Operating Expenses	3,196	64,829.0	3,380	69,278.0	3,288	66,491.0	3,352	68,564.0	3,313	67,539.0	+2,710.0	−1,739.0	+1,048.0	−1,025.0
Public Safety:														
Metropolitan Police	6,035	108,090.6	6,034	110,771.6	6,034	110,669.0	6,034	110,339.0	6,034	110,339.0	+2,248.4	−432.6	−330.0	
Fire Department	1,512	35,297.0	1,544	36,340.1	1,537	36,184.5	1,544	36,184.5	1,544	36,184.5	+887.5	−155.6		
Courts:														
Appeals	42	1,335.6	53	1,350.0	53	1,347.5	53	1,347.5	53	1,347.5	+11.9	−2.5		
Superior	828	15,693.2	1,113	18,641.3	1,042	17,237.6	1,042	17,237.6	1,042	17,237.6	+1,544.4	−1,403.7		
D.C. Court System	52	2,918.3	71	1,558.4	68	1,445.5	68	1,445.5	68	1,445.5	−1,472.8	−112.9		
U.S. Courts—Department of Justice		6,821.7		10,125.0		10,125.0		6,821.7		7,821.7	+1,000.0	−2,303.3	−2,303.3	+1,000.0
Public Defender Service	109	1,764.8	124	1,883.3	109	1,712.7	124	1,883.3	109	1,712.7	−52.1	−170.6		−170.6
Bail Agency	49	597.8	59	674.8	49	613.4	59	674.8	54	643.7	+45.9	−31.1	+30.3	−31.1
Total Courts	1,080	29,131.4	1,420	34,232.8	1,321	32,481.7	1,346	29,410.4	1,326	30,208.7	+1,077.3	−4,024.1	−2,273.0	+798.3
Department of Corrections	1,699	27,441.4	2,328	31,827.0	2,328	31,346.3	[4] 2,092	29,346.3	[4] 2,092	29,346.3	+1,904.9	−2,480.7	−2,000.0	
National Guard	20	268.6	20	278.5	20	278.5	20	278.5	20	278.5	+9.9			
Total, Public Safety	10,346	200,229.0	11,346	213,450.0	11,240	210,960.0	11,036	205,558.7	11,016	206,357.0	+6,128.0	−7,093.0	−4,603.0	+798.3
Education:														
Public Schools	10,303	154,682.4	10,564	168,322.1	10,417	164,668.8	10,519	166,885.8	10,480	165,896.3	+11,213.9	−2,425.8	+1,227.5	−989.5
Board of Higher Education			6	80.0	6	80.0	6	80.0	6	80.0	+80.0			
D.C. Teachers College	194	3,391.4	200	3,297.8	200	3,297.8	200	3,297.8	200	3,297.8	−93.6			
Federal City College	967	20,723.4	974	19,804.1	961	19,542.8	974	19,804.1	974	19,600.1	−1,123.3	−204.0	+57.3	−204.0
Washington Technical Institute	410	9,102.8	440	9,332.0	418	8,977.6	440	9,332.0	429	9,154.8	+52.0	−177.2	+177.2	−177.2
Total, Education	11,874	187,900.0	12,184	200,836.0	12,002	196,567.0	12,139	199,399.7	12,089	198,029.0	+10,129.0	−2,807.0	+1,462.0	−1,370.7
Recreation: Recreation Department	760	14,079.0	779	14,300.0	779	14,300.0	779	14,300.0	779	14,300.0	+221.0			
Human Resources:														
Old Organization:														
Office of the Director, Human Resources	1,048	13,540.2									−13,540.2			
Vocational Rehabilitation Administration	221	1,221.4									−1,221.4			
Community Health Service Administration	762	13,121.4									−13,121.4			
Social Services Administration	2,815	96,018.7									−96,018.7			

Footnotes at end of table.

TABLE II.—DISTRICT OF COLUMBIA APPROPRIATION BILL, FISCAL 1974, H.R. 8658—OPERATING EXPENSES AND CAPITAL OUTLAY—Continued

[Amounts in thousands of dollars]

Agency and item	1973 appropriation by allotment and activity[1]		1974 budget estimate		House allowance		Senate allowance		Conference agreement		Conference agreement compared with—			
	Positions	Amount	Positions	Amount	Positions	Amount	Positions	Amount	Positions	Amount	Appropriation, 1973	Budget estimate, 1974	House bill	Senate bill
(1)	(2)		(3)		(4)		(5)		(6)		(7)	(8)	(9)	(10)
Veterans' Affairs Administration	12	$167.5									−$167.5			
Narcotics Treatment Administration	261	4,535.2									−4,535.2			
Hospitals and Medical Care Administration	2,568	50,022.5									−50,022.5			
Mental Health Administration	1,285	37,296.8									−37,296.8			
Chief Medical Examiner	25	411.3									−411.3			
New Organizations:														
Executive Direction and Support			1,112	$13,065.6	1,112	$13,065.6	1,112	$13,065.6	1,112	$13,065.6	+13.065.6			
Payments Assistance			736	80,224.2	736	77,208.3	736	78,716.2	736	77,958.3	+77,958.3	−$2,265.9	+$750.0	−$757.9
Social Rehabilitation			1,898	31,801.0	1,867	31,416.3	1,898	33,301.0	1,883	32,358.3	+32,358.3	+557.3	+942.0	−942.7
Mental Health			1,420	39,262.1	1,284	38,562.1	1,420	39,262.1	1,352	38,912.1	+38,912.1	−350.0	+350.0	−350.0
Community Health and Hospitals			4,048	51,317.9	4,048	51,317.9	4,048	51,317.9	4,048	51,317.9	+51,317.9			
Narcotics Treatment			314	4,916.2	304	4,830.8	304	4,830.8	304	4,830.8	+4,830.8	−85.4		
Total, Human Resources	8,997	216,335.0	9,528	220,587.0	9,351	216,401.0	9,518	220,493.6	9,435	218,443.0	+2,108.0	−2,144.0	+2,042.0	−2,050.6
Highways and Traffic:														
Department of Highways and Traffic	1,541	18,399.8	1,549	19,508.5	1,549	19,498.2	1,549	19,498.2	1,549	19,498.2	+1,098.4	−10.3		
Motor Vehicles	245	3,705.2	269	3,576.5	248	3,775.8	269	3,962.0	269	3,962.0	+256.8	−14.5	+186.2	
Total, Highways and Traffic	1,786	22,105.0	1,818	23,485.0	1,797	23,274.0	1,818	23,460.2	1,818	23,460.2	+1,355.2	−24.8	+186.2	
Environmental Services:														
Department of Environmental Services	3,120	39,774.7	3,177	40,442.3	3,116	39,162.3	3,128	39,995.7	3,122	39,579.3	−195.4	−863.0	+417.0	−416.4
Washington Aqueduct	325	5,528.1	325	5,430.7	325	5,430.7	325	5,430.7	325	5,430.7	−97.4			
Total, Environmental Services	3,445	45,302.8	3,502	45,873.0	3,441	44,593.0	3,453	45,426.4	3,447	45,010.0	−292.8	−863.0	+417.0	−416.4
Annualization of Pay Increases				13,782.0		13.782.0		13,782.0		13,782.0	+13,782.0			
Settlement of Claims and Suits		158.0									−158.0			
Additional Municipal Services, Inaugural Ceremonies		879.0									−879.0			
Repayment of Loans and Interest		28,144.0		39,633.0		39,633.0		39,633.0		39,633.0	+11,489.0			
Grand Total, Operating Expenses	40,404	779,960.8	42,537	841,224.0	41,898	826,001.0	[4]42,095	830,617.6	[4]41,897	826,553.2	+46,592.4	−14,670.8	+552.2	−4,064.4
CAPITAL OUTLAY														
Capital Outlay		122,981.0		150,000.0		138,178.0		128,041.9		128,178.0	+5,197.0	−21,822.0	−10,000.0	+136.1
Grand total, District of Columbia	40,404	902,941.8	42,537	991,224.0	41,898	964,179.0	42,095	958,659.5	41,897	954,731.2	+51,789.4	−36,492.8	−9,447.8	−3,928.3

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[1] Includes approved supplemental.

[2] Original appropriation of $549,000 under Department of Finance and Revenue.

[3] Original appropriation of $512,200 under other independent agencies and offices.

[4] Includes 234 permanent positions approved on a temporary basis.

The PRESIDING OFFICER. The clerk will report in the amendment in disagreement.

The assistant legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 6 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the sum of $6,821,700 named in said amendment, insert: $7,821,700

Mr. BAYH. Mr. President, I move that the Senate concur in House amendment to the Senate amendment numbered 6.

The motion was agreed to.

NATIONAL NEXT DOOR NEIGHBOR DAY

Mr. TOWER. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S.J. Res. 25.

The PRESIDING OFFICER (Mr. ROBERT C. BYRD) laid before the Senate the amendments of the House of Representatives to the joint resolution (S.J. Res. 25) to authorize and request the President to issue a proclamation designating the fourth Sunday in September of each year as "National Next Door Neighbor Day" which were in line 5, strike out "of each year" and insert: "1973,". And amend the title so as to read: "Joint resolution to authorize and request the President to issue a proclamation designating the fourth Sunday in September, 1973, as 'National Next Door Neighbor Day'."

Mr. TOWER. Mr. President, I move that the Senate concur in the amendment of the House.

The motion was agreed to.

QUORUM CALL

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROBERT C. BYRD). The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS SUBJECT TO CALL OF THE CHAIR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

The PRESIDING OFFICER. Without objection, the Senate stands in recess, subject to the call of the Chair.

At 6:49 p.m. the Senate took a recess, subject to the call of the Chair.

The Senate reassembled at 7:18 p.m., when called to order by the Presiding Officer (Mr. TOWER).

Mr. MANSFIELD. Mr. President, may I say that I am delighted to see the chair graced by the distinguished Senator from Texas. He looks very well up there. I hope to see him up there more often.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8760) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1974, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 8, 12, 14, 29, 30, and 32 to the bill and concurred therein; and that the House re-

ceded from its disagreement to the amendments of the Senate numbered 7, 21, 28, 33, and 44 to the bill and concurred therein, severally with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message also further announced that the Speaker had affixed his signature to the enrolled bill (S. 502) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

The ACTING PRESIDENT pro tempore (Mr. METCALF) subsequently signed the enrolled bill.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION BILL, 1974—CONFERENCE REPORT

Mr. ROBERT C. BYRD. Mr. President, I submit a report of the committee of conference on H.R. 8760, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. TOWER). The report will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8760) making appropriations for the Department of Transportation and Related Agencies for the fiscal year ending June 30, 1974, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of July 31, 1973 at p. 27057.)

Mr. ROBERT C. BYRD. Mr. President, when the Senate concluded consideration on July 28 of H.R. 8760, the Department of Transportation and related agencies appropriation bill for 1974, the bill was a net $215,220,000 over the House and contained 44 amendments.

The conferees' recommendations total $2,898,446,006 in new budget authority. This represents a reduction of $227,005,089 under 1973 appropriations, $112,286,000 under the budget requests, and $70,005,000 under the Senate version of the bill. The $145,215,000 increase over the House version of the bill is due, in major part, to the Senate's inclusion in the bill of $118 million for items upon which the House deferred action since authorizing legislation had not passed. Of this amount, a net $93 million is for Amtrak and $25 million for the Coast Guard's Reserve training program.

In addition to new budget authority, the bill contains $5,046,400,000 in appropriations to liquidate contract authorizations—funds required to meet commitments made under authorizations contained in substantive bills. This would include the payments from the highway trust fund for the Federal-aid highway programs, funds from the airport and airway trust fund for airport grants-in-aid, funds for highway traffic safety programs, as well as amounts necessary to meet commitments made under the urban mass transportation fund.

The grand total of the bill, as recommended by the conferees, is $7,945,018,000.

At this point, I shall highlight the conferees' recommendations on salient items among the amendments.

In the Office of the Secretary of Transportation, the conferees agreed to earmark $275,000 of the $1 million proposed by the Senate for a study of the safety of natural gas pipeline distribution systems. In addition, $1,175,000 for grants-in-aid for natural gas pipeline safety was appropriated.

For the Coast Guard's training program, $25,000,000, the full budget request and Senate allowance, is recommended.

The conferees reiterated the positions taken in both the Senate and House committee reports regarding the importance of the Coast Guard's search and rescue operations.

The conferees recommend that $7 million of the $13.3 million Senate amendment for the FAA's airport security program be appropriated. In addition, the conference report states that—

If the Department of Transportation can demonstrate that adequate funds are not available for the airport security program, a supplemental request for this purpose will be considered.

Also included in the appropriation for the FAA is $2,690,000 for the AEROSAT program. The Committee of Conference directs the DOT to make a formal presentation to the House and Senate Appropriations Committees prior to agreeing to any satellite program with foreign governments which would entail Federal support.

For railroad safety, the conferees agreed to an appropriation of $8,900,000 instead of the $7 million as proposed by the House and $9,400,000 as proposed by the Senate. Of this amount, $1,400,000 is earmarked for additional safety inspectors. Also, the House will offer a motion to recede and concur in the amendment of the Senate to appropriate $1,500,000 for grants-in-aid for railroad safety.

The committee of conference has also agreed to $102,100,000 for grants to the National Railroad Passenger Corporation—Amtrak—and the rescission of $9,100,000 of funds previously appropriated for Amtrak.

The conferees agreed to an obligation limitation of $300,000,000 for grants-in-aid for airport development. This compares to $280 million proposed by the House and $310 million by the Senate.

For the urban mass transportation, commitments were limited to $985,550,000 instead of $980 million as proposed by the House and $1 billion as proposed by the Senate.

Regarding aviation administrative user charges, the conferees agreed to language "which will prevent the implementation of a program of aviation administrative user charges which are in excess of the levels in effect on January 1, 1973, or which did not exist as of January 1, 1973, until such program is reviewed and approved by the appropriate committees of Congress."

Mr. President, I move adoption of the conference report.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will state the amendments in disagreement.

The legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 7 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: "1976".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 21 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

"Railroad-Highway Crossings Demonstration Projects

"For necessary expenses of railroad-highway crossings demonstration projects, to remain available until expended: $6,000,000, of which $1,700,000 is for projects at Elko, Nevada, and $600,000 is for projects at Wheeling, West Virginia, and $700,000 is for projects at Lincoln, Nebraska; and $4,000,000 of these amounts shall be derived from the Highway Trust Fund: *Provided*, That this appropriation shall be available only upon enactment into law of authorizing legislation by the Ninety-third Congress."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 28 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the sum stricken and inserted by said amendment, insert: "$8,900,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 33 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

"Grants to the National Railroad Passenger Corporation.

"To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation $102,100,000 to remain available until expended, of which $48,100,000 shall be available only upon the enactment into law of authorizing legislation by the Ninety-third Congress: Provided, That not to exceed $500,000 is to be expended only in connection with the construction of station and related facilities to serve the Metroliner at New Carrollton, Maryland."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 44 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: "which are in excess of the levels in effect on January 1, 1973, or which did not exist as of January 1, 1973, until such program is reviewed and approved by the appropriate committees of the Congress."

Mr. EAGLETON. I was very disappointed that the conferees earmarked only $3.2 million for continuation of Amtrak service between New York and Kansas City and Chicago and Florida.

Amtrak officials testified during the hearing that it would require at least $10 million to continue operating these two routes through fiscal year 1974. I would like to ask the floor manager whether it was the intent of the conferees that these two routes be discontinued after the $3.2 million is expended, which would be sometime in December this year or January of next year?

Mr. ROBERT C. BYRD. No, I do not think that was the intent of the conferees at all. The reason for limiting the funds for those two routes to $3.2 million was, frankly, to keep the budget within what the conferees considered to be reasonable bounds. It is hoped that through cost savings and improved revenues that the $3.2 million will be sufficient to operate these two routes through fiscal year 1974. Certainly, the conferees did not intend by their action that the two routes be discontinued.

Mr. EAGLETON. Well, as the Senator knows, the Amtrak Corporation has filed an application with the Interstate Commerce Commission to discontinue these routes and the ICC will be conducting a public hearing between now and December 2. My staff has talked to Mr. Lewis of Amtrak and he has indicated that with only $3.2 million in the budget this year, Amtrak would feel compelled to continue its case before ICC. It could become a major factor in the case that the $3.2 million is not sufficient to continue the lines beyond December whether or not there may be other reasons for doing so. But again, I take it that it was not the intent of the conferees that their action in providing only $3.2 million become a factor in the decision of ICC as to whether or not these routes will be abandoned.

Mr. ROBERT C. BYRD. That is correct. We certainly did not intend that interpretation to be placed on the action of the conference.

Mr. EAGLETON. Could the floor manager tell me whether one factor in the conferees' decision to limit overall increases in the Amtrak budget to $9.1 million—above the $93 million requested in the President's budget—was the fact that the authorization bill for Amtrak had not yet cleared the House?

Mr. ROBERT C. BYRD. That point was never specifically raised although I am sure it was in the back of the minds of some of the House conferees.

Mr. EAGLETON. Of course, the Senate has acted on a new authorization bill for Amtrak providing $185 million and the House Interstate and Foreign Commerce Committee has reported out a bill which is expected to be acted on today, if it is not already acted on, providing for $107 million with part of those funds earmarked for continuation of the New York to Kansas City and Chicago to Florida routes. Should the $3.2 million provided by this budget prove to be inadequate for continued operation of the two routes in question, for the rest of the fiscal year, can I assume the Appropriations Subcommittee would be prepared to consider a supplemental appropriation request from Amtrak or from some Senator like myself, should that be necessary.

Mr. ROBERT C. BYRD. Certainly, the Appropriations Subcommittee would consider such a request whether it be made by Amtrak or by a member of the Senate. Of course, I cannot speak for the House, but I think the action of the House Interstate and Foreign Commerce Committee makes it clear that the sentiment of the House is in favor of keeping all routes on the basic Amtrak system at least for another year. So I think in answer to the Senator's question, yes, as chairman of the Senate Transportation Appropriations Subcommittee, I would be perfectly willing to consider a supplemental appropriation request if the $3.2 million provided in this budget proves not to be adequate.

Mr. EAGLETON. I thank the floor manager for that. Again, I cannot say that I am wholly happy with the budget item in this bill but I take encouragement from the colloquy I have had here with the chairman of the Senate Transportation Appropriation Subcommittee and I would assume that this colloquy would offset any other interpretation which might be put upon the conferees' action.

Mr. YOUNG. Mr. President, I support the conference report on the Department of Transportation appropriations and I want to commend Senator STEVENS for the excellent work he did on this appropriations bill as acting chairman.

Members of the subcommittee have spelled out what is in this bill so I will just say that they are to be congratulated for bringing in a bill that is under last year's appropriations and is under the budget estimates. This reflects a lot of hard work on the part of all members of the subcommittee because in some line items we are over the budget estimate where the Senate and the House feel the highest priorities are, while we still managed to hold down the total.

Of particular interest to me and certain other Senators is some language that is contained in the "Joint Explanatory Statement of the Committee of Conference" concerning flight service stations. The Federal Aviation Administration has a long-range plan to fully automate many flight service stations and I do not necessarily oppose all of these plans. However, they had planned to start now to close down up to 30 flight service stations per year while automation would not come in until 1977, and I believe this would do a serious harm to the safe use of our airways and airports. The Senate report on this bill carried similar language to that in the conference report which reads as follows:

> The Committee of Conference directs that the FAA not decommission any existing Flight Service Stations during fiscal year 1974 until such time as automated systems are in place and satisfactorily operational.

I am pleased that the conferees saw fit to include this language and I believe this will mean safer flying, particularly for general aviation during the coming year.

Mr. MATHIAS. Mr. President, as a member of the conference committee and of the Senate Appropriations Transportation Subcommittee, I am pleased to state that I believe the conference report represents a serious and responsible compromise between the two Houses on a number of transportation-related matters of great importance to the Nation.

In particular, I believe that the distinguished Senator from West Virginia (Mr. ROBERT C. BYRD), chairman of the Transportation Subcommittee, is to be highly commended for shepherding this crucial bill through conference and so ably representing the viewpoint of this body in the various matters of disagreement with the House.

One of these issues—funding for a joint Metro-Metroliner station in New Carrollton, Md.—is of great interest both to the people of my own State and potentially throughout the Nation, as a model for an effective, coordinated system of suburban surface transportation.

As my colleagues will recall, Mr. President, the Senate had approved a full $7.1 million appropriation for the construction of the Metroliner portion of this joint station, as part of the section providing grants to Amtrak. In connection with this appropriation, the committee report stated as follows:

> The Committee recommends an additional $7.1 million above the Budget request for Amtrak, specifically earmarked in the bill for construction of the Metroliner portion of a joint Metro-Metroliner station in New Carrollton, Maryland. Such a joint station, to be located at or near the Beltway, will make it possible for all modes of surface transportation (cars, buses, trains, subways) to be coordinated in a central suburban location for easy transfer among these various modes. . . .

The committee heard testimony from both Amtrak and FRA warmly endorsing the proposal to construct the joint station, and FRA has already made a $360,000 design grant for it. DOT, however, did not formally request funds for construction of the Metroliner's portion for the current fiscal year. Nevertheless, since plans for the construction of the Metro portion are already underway and funded through WMATA, the committee believes that an appropriation for the Metroliner portion should be provided at this time in order to avoid critical delays in the solicitation of bids and the higher costs that would accompany a staggered construction schedule for the two sections of the proposed station.

The House conferees, however, observing that they were relatively unfamiliar with the details of this proposal and that it was not included in the Department of Transportation's budget request for this fiscal year, declined to approve the full $7.1 million as proposed by the Senate at this time. But they did accept at least what might be called a down payment for this project, in the form of a $500,000 appropriation which may be used in the current fiscal year to cover start-up costs. I am sure my colleagues realize, however, that until an appropriation is available for the entire cost of construction, it will be difficult for Amtrak to solicit responsible bids and to proceed in an orderly way towards construction.

Therefore, while of course I regret that the conference committee did not approve the full $7.1 million we proposed, I believe the funds that are appropriated in the bill represent an important victory, in the form of a commitment from Congress that every effort will be made to review the details of this proposed joint station and to provide an appropriate level of funding at the earliest possible time.

It has been noted that Rome was not built in a day, Mr. President—an observation which I must confess I find incontestible. And I fully recognize that the New Carrollton station will not be funded or built in a day either. But every day of delay in providing this funding increases the ultimate cost and decreases the chances of completing construction of the Metroliner portion of the station in time for the opening of Metro service to the area.

Therefore, I strongly urge the Department of Transportation to return to the Congress with a formal request for construction of the New Carrollton station in its fall supplemental budget for the current fiscal year, and I offer my own personal assurances that as long as I am a member of this body, I will spare no effort to see this project through to completion.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate concur in the amendments of the House to the amendments of the Senate numbered 7, 21, 28, 33, and 44.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the Record a table showing the budget estimates, the House and Senate allowances, and the amounts agreed to in conference for each item in the bill.

There being no objection, the material was ordered to be printed in the Record, as follows:

SUMMARY OF H.R. 8760

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1973 AND THE BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1974

[Note: All amounts are in the form of appropriations unless otherwise indicated]

Agency and item	New budget (obligational) authority, fiscal year 1973	Budget estimates of new obligational) authority, fiscal year 1974	Version of bill		
			House	Senate	Conferees recommendation
(1)	(2)	(3)	(4)	(5)	(6)
TITLE I					
DEPARTMENT OF TRANSPORTATION					
Office of the Secretary					
Salaries and expenses	$23,970,000	$24,500,000	$24,300,000	$25,200,000	$24,475,000
Transportation, planning, research, and development:					
By appropriation	31,500,000	28,675,000	24,500,000	25,500,000	25,000,000
By transfer	(7,000,000)	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)
Transportation research activities overseas (special foreign currency program)		500,000			
Grants-in-aid for natural gas pipeline safety	875,000	875,000	875,000	1,500,000	1,175,000
Consolidation of departmental headquarters	800,000	850,000	800,000	800,000	800,000
Total, Office of the Secretary	57,145,000	55,400,000	50,475,000	53,000,000	51,450,000
Coast Guard					
Operating expenses	548,900,000	546,370,000	544,400,000	547,900,000	545,400,000
Applied to debt reduction (deduct)	−164,905	−171,994	−171,994	−171,994	−171,994
Acquisition, construction, and improvements	131,550,000	74,500,000	74,500,000	77,250,000	75,500,000
Alteration of bridges	12,500,000	7,000,000	4,000,000	4,000,000	4,000,000
Retired pay	76,789,000	81,000,000	81,000,000	81,000,000	81,000,000
Reserve training	31,735,000	25,000,000	[2] Defer	25,000,000	25,000,000
Research, development, test, and evaluation	17,500,000	17,000,000	14,000,000	14,000,000	14,000,000
State boating safety assistance	4,500,000	4,500,000	3,500,000	4,500,000	3,500,000
Total, Coast Guard	823,309,095	755,198,006	721,228,006	753,478,006	748,228,006
Federal Aviation Administration					
Operations	1,150,538,000	1,211,250,000	1,193,500,000	1,206,800,000	1,200,500,000
By transfer	[1] (21,523,000)				
Engineering and development	[3] 22,700,000	13,750,000	11,500,000	13,750,000	11,500,000
Facilities and equipment (airport and airway trust fund)	302,650,000	250,000,000	250,000,000	250,000,000	250,000,000
Research, engineering, and development (airport and airway trust fund)	66,000,000	70,000,000	55,000,000	66,500,000	62,095,000
Grants-in-aid for airports (airport and airway trust fund):					
Airport planning grants	15,000,000	3,000,000			
Liquidation of contract authorization	(100,000,000)	(200,000,000)	(200,000,000)	(200,000,000)	(200,000,000)
Obligation limitation	(280,000,000)	(280,000,000)	(280,000,000)	(310,000,000)	(300,000,000)
Federal payment to the airport and airway trust fund	[1] (73,397,000)				
Operation and maintenance, National Capital Airports	12,265,000	14,800,000	14,400,000	14,400,000	14,400,000
Construction, National Capital Airports	2,600,000	3,400,000	3,000,000	3,000,000	3,000,000
Total, Federal Aviation Administration	1,571,753,000	1,566,200,000	1,527,400,000	1,554,450,000	1,541,495,000
Federal Highway Administration					
Salaries and expenses (appropriation)	13,325,000	15,200,000	14,300,000	12,800,000	12,800,000
(By transfer)	(98,498,428)	[4] (106,000,000)	[4] (101,900,000)	(101,900,000)	(101,900,000)
Highway beautification:					
Administrative expenses	965,000	1,020,000	1,000,000	1,020,000	1,020,000
Liquidation of contract authorization	(12,000,000)	(35,000,000)	(30,000,000)	(30,000,000)	(30,000,000)
Obligation limitation	(40,000,000)	(55,000,000)	(45,000,000)	(55,000,000)	(50,000,000)
Highway-related safety grants (liquidation of contract authorization)	(12,000,000)	(10,000,000)	(7,000,000)	(7,000,000)	(7,000,000)
Obligation limitation	[5] (95,000,000)	[5] (90,000,000)	[5] (80,000,000)	(85,000,000)	(80,000,000)
Rail crossings-demonstration projects	2,000,000	18,000,000	10,000,000	18,000,000	14,000,000
Railroad-highway crossings demonstration projects				15,000,000	6,000,000
Territorial highways (liquidation of contract authorization)	(2,000,000)	(2,600,000)	(2,600,000)	(2,500,000)	(2,500,000)
Obligation limitation	(4,000,000)	(4,000,000)	(4,000,000)	(4,000,000)	(4,000,000)
Darien Gap Highway	15,000,000	30,000,000	15,000,000	5,000,000	5,000,000
Federal aid highways (liquidation of contract authorization) (trust fund)	(4,891,990,000)	(4,320,000,000)	(4,315,900,000)	(4,315,900,000)	(4,315,900,000)
Right-of-way revolving fund (liquidation of contract authorization) (trust fund)	(35,000,000)	(16,000,000)	(4,000,000)		
Forest highways (liquidation of contract authorization)	(23,000,000)	(8,000,000)	(8,000,000)	(8,000,000)	(8,000,000)
Obligation limitation	(20,000,000)	(16,000,000)	(18,000,000)	(18,000,000)	(18,000,000)
Public lands highways (liquidation of contract authorization)	(16,000,000)	(3,000,000)	(3,000,000)	(3,000,000)	(3,000,000)
Obligation limitation	(12,000,000)	(5,000,000)	(5,000,000)	(12,000,000)	(10,000,000)
Total, Federal Highway Administration	31,290,000	64,220,000	40,300,000	51,820,000	38,820,000

SUMMARY OF H.R. 8760

COMPARATIVE: STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1973 AND THE BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1974—Continued

[Note: All amounts are in the form of appropriations unless otherwise indicated]

Agency and item	New budget (obligational) authority, fiscal year 1973	Budget estimates of new (obligational) authority, fiscal year 1974	Version of bill		
			House	Senate	Conferees/ recommendation
(1)	(2)	(3)	(4)	(5)	(6)
National Highway Traffic Safety Administration					
Traffic and Highway Safety	$77, 185, 000	[6] $56, 882, 000	$44, 632, 000	$49, 757, 000	$44, 757, 000
By transfer			(9, 000, 000)	(9, 000, 000)	(9, 000, 000)
State and community highway safety (liquidation of contract authorization)	(70, 000, 000)	(100, 557, 000)	(100, 000, 000	(100, 000, 000)	(100, 000, 000)
Obligation limitation	[5] (95, 000, 000)	[4] (90, 200, 000)	[5] (80, 000, 000)	[5] (85, 000, 000)	(80, 000, 000)
Total, National Highway Traffic Safety Administration	77, 185, 000	56, 882, 000	44, 632, 000	49, 757, 000	44, 757, 000
Federal Railroad Administration					
Office of the Administrator, salaries and expenses	2, 835, 000	3, 200, 000	2, 900, 000	2, 900, 000	2, 900, 000
By transfer	[1] (56, 000)				
Railroad research	10, 350, 000	13, 000, 000	10, 500, 000	10, 350, 000	10, 350, 000
Railroad safety	7, 000, 000	8, 000, 000	7, 000, 000	9, 400, 000	8, 900, 000
Grants-in-aid for railroad safety				1, 500, 000	1, 500, 000
High-speed ground transportation research and development	52, 500, 000	27, 100, 000	17, 100, 000	23, 600, 000	20, 100, 000
Grants to national railroad passenger corporation	9, 100, 000	93, 000, 000	[2] defer	115, 500, 000	102, 100, 000
Recision of unobligated balance				(−9, 100, 000)	−9, 100, 000
Emergency rail facilities restoration fund	[1] 34, 748, 000				
Total, Federal Railroad Administration	116, 533, 000	144, 300, 000	37, 500, 000	163, 250, 000	136, 750, 000
Urban Mass Transportation Administration					
Administrative expenses	6, 542, 000	7, 000, 000	5, 200, 000	5, 000, 000	5, 000, 000
Research, development, and demonstrations and university research and training	96, 250, 000	63, 000, 000	29, 600, 000	40, 800, 000	35, 050, 000
Earmarking language for:					
Research, development, and demonstrations	(93, 250, 000)	(60, 000, 000)	(27, 100, 000)	(37, 800, 000)	(32, 300, 000)
University research and training	(2, 500, 000)	(2, 500, 000)	(2, 000, 000)	(2, 500, 000)	(2, 250, 000)
Managerial training	(500, 000)	(500, 000)	(500, 000)	(500, 000)	(500, 000)
Liquidation of contract authorization	(232, 000, 000)	(380, 000, 000)	(380, 000, 000)	(380, 000, 000)	(380, 000, 000)
Obligation limitation	(1, 000, 000, 000)	(1, 000, 000, 000)	(980, 000, 000)	(1, 000, 000, 000)	(985, 550, 000)
Total, Urban Mass Transportation Administration	102, 792, 000	70, 000, 000	34, 800, 000	45, 800, 000	40, 050, 000
Saint Lawrence Seaway Development Corporation					
Limitation on administrative expenses	(797, 000)	(840, 000)	(820, 000)	(820, 000)	(820, 000)
Total title I, Department of Transportation	2, 780, 007, 095	2, 712, 200, 006	2, 456, 335, 006	2, 671, 555, 006	2, 601, 550, 006
TITLE II					
RELATED AGENCIES					
National Transportation Safety Board					
Salaries and expenses	7, 785, 000	8, 000, 000	7, 975, 000	7, 975, 000	7, 975, 000
Civil Aeronautics Board					
Salaries and expenses	14, 373, 000	14, 767, 000	14, 767, 000	14, 767, 000	14, 767, 000
Payments to air carriers	80, 800, 000	66, 431, 000	66, 431, 000	66, 431, 000	66, 431, 000
Total, Civil Aeronautics Board	95, 173, 000	81, 198, 000	81, 198, 000	81, 198, 000	81, 198, 000
Interstate Commerce Commission					
Salaries and expenses	[1] 33, 720, 000	35, 000, 000	34, 750, 000	34, 750, 000	34, 750, 000
Payments on loan guarantees	[7] 12, 000, 000				
Total, Interstate Commerce Commission	45, 720, 000	35, 000, 000	34, 750, 000	34, 750, 000	34, 750, 000
The Panama Canal—Canal Zone Government					
Operating expenses	[1] 55, 950, 000	59, 361, 000	59, 000, 000	59, 000, 000	59, 000, 000
Capital outlay	4, 500, 000	4, 500, 000	3, 500, 000	3, 500, 000	3, 500, 000
Limitation on general and administrative expenses	(20, 556, 000)	(21, 037, 000)	(21, 037, 000)	(21, 037, 000)	(21, 037, 000)
Total, the Panama Canal	60, 450, 000	63, 861, 000	62, 500, 000	62, 500, 000	62, 500, 000
Washington Metropolitan Area Transit Authority					
Federal contribution	[8] 131, 181, 000	[9] 97, 745, 000	[9] 97, 745, 000	[9] 97, 745, 000	97, 745, 000
Interest subsidy	[1] 4, 855, 000	12, 728, 000	12, 728, 000	12, 728, 000	12, 728, 000
Total, WMATA	136, 066, 000	110, 473, 000	110, 473, 000	110, 473, 000	110, 473, 000
Commission on Highway Beautification					
Salaries and expenses	[1] 250, 000				
Total, title II, related agencies	345, 444, 000	298, 532, 000	296, 896, 000	296, 896, 000	296, 896, 000
SUMMARY RECAPITULATION					
Total, titles I and II, new budget (obligational) authority	3, 125, 451, 095	3, 010, 732, 006	2, 753, 231, 006	2, 968, 451, 006	2, 898, 446, 006
Consisting of:					
Appropriations:					
Fiscal 1973	(2, 994, 270, 095)				
Fiscal 1974	(131, 181, 000)	(2, 920, 372, 006)	(2, 662, 871, 006)	(2, 878, 091, 006)	(2, 808, 086 006)
Fiscal 1975		(90, 360, 000)	(90, 360, 000)	(90, 360, 000)	(90, 360 000)
Memoranda:					
Appropriations to liquidate contract authorization	(5, 393, 990, 000)	(5, 075, 157, 000)	(5, 050, 500, 000)	(5, 046, 400, 000)	(5, 046, 400, 000)
Appropriation for debt reduction	(164, 905)	(174, 994)	(174, 994)	(171, 994)	(171, 994)
Recision of unobligated balance				(−9, 100, 000)	
Grand total	(8, 519, 606, 000)	(8, 086, 061, 000)	(7, 803, 903, 000)	(8, 005, 923, 000)	(7, 945, 018, 000)

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[1] Includes funds provided in 2d supplemental appropriation, Public Law 93–50.

[2] Amount not considered due to lack of legislative authorization; excluded from totals.

[3] Includes $3,500,000 for passenger screening systems.

[4] Excludes administrative costs of highway-related safety grants program.

[5] Includes obligations for "Highway related safety grants" and State and community highway safety.

[6] Excludes $35,063,000 which is not authorized.

[7] Plus interest to the date of payment.

[8] Advance appropriation for fiscal year 1974.

[9] Includes $90,360,000 advance appropriation for fiscal year 1975.

THE MINIMUM WAGE LAW

Mr. MANSFIELD. Mr. President, I have received a telegram from Mr. Joseph Beirne, president of the Communications Workers of America, expressing the hope that the Senate would complete action on the minimum wage law prior to the August recess and urging that such enactment be forwarded to the President for signature "if in your judgment" the President would sign that measure into law during the recess.

I have no assurance from the White House that if the minimum wage law were forwarded to the President he would sign it into law. On the contrary, I have received significant indications and signals from the Republican leadership in the Senate that the possibility is great that the President will not sign the bill.

I have also received signals and indications, very strong ones, from the White House to that effect, although not from the President of the United States.

It is for these reasons and because of these indications and lack of assurances that the minimum wage bill will not be forwarded to the President until later in the recess so that in the event the President chooses to veto the bill—which I sincerely hope he will not—he will be given the opportunity to state clearly his reasons for such a veto in the veto message and the Congress and the country will then be permitted a clear choice of action. The so-called "pocket veto" which otherwise would be available does not afford that choice.

Mr. President, I ask unanimous consent to have printed in the Record the telegram that I received from Mr. Beirne.

There being no objection, the telegram was ordered to be printed in the Record, as follows:

Telegram

August 1, 1973.

Mike Mansfield,
U.S. Senate,
Washington, D.C.:

If, in your judgment, consideration of the conference report on minimum wage by the Senate before the congressional recess will result in immediate passage of the legislation and the President's signing it into public law then I urge you to bring the legislation to the floor for current action. The 550,000 men and women whom CWA represent in collective bargaining, seek enactment of a minimum wage law this year that would permit every working American to earn a salary that allows him the opportunity to provide for himself and his family in the face of spiraling prices, interest rates, and rents.

Joseph A. Beirne,
President,
Communications Workers of America.

AUTHORITY FOR CERTAIN ACTION TO BE TAKEN DURING THE ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Vice President, the President pro tempore, or the Acting President pro tempore be authorized to sign duly enrolled bills and joint resolutions during the adjournment of the Senate with the exception of H.R. 7935, the minimum wage bill; and that with respect to H.R. 7935, the Vice President, the President pro tempore or the Acting President pro tempore be authorized to sign H.R. 7935 on or after August 25, 1973.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE LEGISLATIVE ACTIVITY

Mr. MANSFIELD. Mr. President, as we near adjournment prior to the August recess, I would like to say a few words about our progress so far in the 93d Congress.

In January, the Democratic conference set as one of its goals the passage of legislation which came close to enactment into law during the 92d Congress, but which fell short because of pocket vetoes, disagreement in Senate-House conference, or failure to pass one of the two legislative bodies. It was felt that such legislation which had already been worked on extensively in committee and on the floor should be given priority. Of the 12 items in the first category of priority legislation—those measures pocket vetoed last year after adjournment of Congress sine die—four have now become public law. These measures are the Airport and Airway Development Act, the Older Americans Comprehensive Services Act, the National Cemeteries Act, and the Public Works and Economic Development Act. Four other bills in this category have also passed the Senate. One of these four, vocational rehabilitation, was passed for the third time in the face of White House resistance and is presently in conference. Only four bills subjected to pocket veto last year have not yet passed the Senate this year. The only major item in this category is the Labor-HEW appropriations bill which should reach the Senate floor in mid-September and be acted on quickly.

Of measures of major consequence which died in Senate-House conference in 1972, all four have been repassed by the Senate. I refer to the war power, antiaircraft hijacking, Federal aid highway, and minimum wage bills. The Federal-aid highway bill and the minimum wage bill have today been cleared for the President.

Of six bills which passed only the Senate in 1972, four have passed the Senate this year.

I submit a list of the priority legislation to which I have referred. It will be noted that of the 22 Senate-passed measures of the 92d Congress which were not enacted, 16, or more than 72 percent, have already been repassed by the Senate in 1973.

I also insert for the Record a status report on the measures of interest to the administration, as supplied to the Senate by the minority leader last week. It will be noted from this list that the Senate has already passed over 45 percent of these bills.

Other Senate-passed legislation of special mention, which are not on either of the two lists, include legislation for a social security benefit increase, the Alaska pipeline, a new farm program, and termination on August 15—of U.S. combat activity in Vietnam, Laos, and Cambodia.

When this list is added to the repassed measures and those of interest to the administration, the total output of legislation for 7 months of work represents an unusual achievement. It is a constructive record which derives from the hard work and cooperation of all members, Democrats and Republicans alike. My special thanks go to the distinguished minority leader, Mr. Scott, who is a great Republican and still greater Senator. I would also note the special and outstanding contributions of the very able and distinguished majority whip, Mr. Robert C. Byrd, and his counterpart on the Republican side, Mr. Griffin. They have spent many hours—in dedicated labor on the floor and have facilitated greatly the flow of work. Additional thanks go to committee chairmen who have done an outstanding job and to all Members of the Senate who have performed with diligence and in mutual accommodation.

I also ask unanimous consent that a more detailed report on Senate legislative activity which was prepared by the Senate Democratic Policy Committee be inserted at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Legislation Left Over From 92d Congress—Current 1973 Status

POCKET VETOED IN 1972: (12)

1. *Airport and Airway Development Act—Public Law 93-44.
2. *National Cemeteries—Public Law 93-43.
3. *Older Americans Act—Public Law 93-29.
4. *Public Works and Economic Development—Public Law 93-46.
5. †National Institute on Aging—S. 775 passed Senate 7/9/73.
6. †Veterans Medical Care—S. 59—Sent to President on July 23.
7. †Vocational Rehabilitation—S. 7 was vetoed. H.R. 8070 in conference.
8. †River and Harbors, Flood Control—S. 606 passed Senate 2/1/73.
9. Labor-HEW Appropriations—H.R. 8877—Subcommittee mark-up on September 11.
10. Environmental Data Centers—S. 1865—Hearings held.
11. Mining and Minerals Policy Amendments—S. 263 is pending in committee.
12. Deputy U.S. Marshals Pay—S. 1123—pending in committee.

DIED IN SENATE-HOUSE CONFERENCE IN 1972: (4)

1. †Anti-Aircraft Hijacking—S. 39 passed Senate 2/22/73.
2. †Highway Bill—S. 502—Cleared for President on August 3.
3. †Minimum Wage—H.R. 7935—cleared for President on Aug. 3.
4. †War Powers Act—H.J. Res. 542—In Conference.

PASSED SENATE ONLY IN 1972: (6)

1. †Fair Credit Billing—S. 2101—passed Senate 7/23/73.
2. †Land Use Policy—S. 268—passed Senate 6/2/73.
3. †Health Maintenance Organizations—S. 14—passed Senate 5/15/73.
4. †Victims of Crime—S. 800—passed Senate 4/3/73.
5. Consumer Product Warranties—S. 356 on Senate Calendar.

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*Have become public law in 1973.

†Have passed the Senate in 1973.

6. Comprehensive Housing—S. 2182—Hearings in progress with mark-up in September (Administration proposals not due til mid September).

PASSED HOUSE ONLY IN 1972: (2)

1. Strip Mining Controls—S. 425—Executive mark-up in progress.

2. Consumer Protection Agency—S. 707—Held hearings; more scheduled in field.

REPORTED TO SENATE FLOOR IN 1972: (2)

1. No fault Insurance—S. 354—Ordered reported.

2. Pension Reform—S. 4 on Senate Calendar.

SENATE ACTION ON LEGISLATION OF INTEREST TO THE ADMINISTRATION

*1. Manpower Training—S. 1559 P/S July 24.

†*2. LEAA—H.R. 8152 Cleared for President August 2.

3. Better Communities—S. 1743 hearings in progress.

4. Better Schools—S. 1319 (S. 1539) hearings in progress.

5. Bicentennial Reorganization—H.R. 7446 P/H; Senate hearings complete.

*6. Election Reform Commission—S.J. Res. 110 P/S July 30.

7. DENR—S. 2135 hearings in progress.

8. Legal Services Corporation—(amendment to S. 1815) markup in early September.

9. Gas Deregulation—S. 2048 tentative hearings in fall.

*10. Alaska Pipeline—S. 1081 P/S July 17. P/H amended August 2.

11. Deep Water Ports—S. 1751 hearings in progress.

12. Trade Reform—H.R. 6767—House Committee Executive markup in progress.

13. Export Administration—S. 2053 hearings held.

14. Foreign Assistance—S. 2026 ordered reported by September 15.

15. Pensions—S. 4 (S. 1557) on Senate calendar.

16. Heroin Trafficking Act—S. 1300 pending in committee; some provisions in S. 800 which P/S April 3.

17. Capital Punishment—S. 1401 hearings complete. Rept. late September.

18. Criminal Code Reform—S. 1400 hearings in progress.

19. Stockpile Disposal—S. 1849 no hearings planned.

20. Reorganization Authority Extension—S. 2003 no hearings yet.

*21. CIEP Authority—S. 1636 conference report adopted by House August 3.

*22. Unemployment Compensation—provision in Public Debt Public Law 93–53.

*23. Flood Disaster—S. 606 P/S February 1.

*24. Toxic Substances—S. 426 in conference.

*25. Safe Drinking Water—S. 433 P/S June 22.

*26. Vocational Rehabilitation—H.R. 8070 in conference.

*27. Health Maintenance Organization—S. 14 P/S May 15.

*28. Northeast Railroad—S. 2060 P/S July 27.

*29. Federal Aid Highways—S. 502 cleared for President on Aug. 3.

*30. Urban Mass Transit—Contained in conference report on S. 502 which was cleared for President on Aug. 3.

*31. Par Value—H.R. 6912 conference report filed.

32. POW Tax Relief—H.R. 8214—Reported in House July 24.

33. Tax Reform—House has finished hearings.

*34. Farm Bill—S. 1888 cleared for President on Aug. 3.

35. Surface Mining—S. 425 Executive markup in progress.

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*Passed Senate

SENATE LEGISLATIVE ACTIVITY

(93d Congress, 1st Session)

(By Senate Democratic Policy Committee), August 3, 1973

Days in Session	117
Hours in Session	667:15
Total Measures Passed	412
Public Laws	82
Treaties	9
Confirmations	37,636
Record Votes	362

Symbols: P/H—Passed House; P/S—Passed Senate; *Vetoed 1973; (VV)—passed by voice vote; numbers in parentheses indicate number of record vote on passage or reconsideration.

AGRICULTURE

Agriculture and Consumer Protection Act

Amends the Agricultural Act of 1970 and extends, in general, the present farm program, with the following and other provisions.

Target prices: Establishes for the 1974 through 1977 crops a new "target price" method of price-support payments for wheat, feed grains (corn, grain sorghums, and, if designated by the Secretary of Agriculture, barley), and cotton on all allotted acres using an established price, which is also the "target price" for the first two years of the program, and results in a target price of $2.05 per bushel for wheat, $1.38 per bushel for corn (with reasonable rates to be set for grain sorghums, and if designated, barley, in relation to the rate for corn), and 38 cents per pound for cotton for the 1974 and 1975 crops, with future target prices to be set by evaluating an established price in subsequent years and increasing or decreasing it to reflect changes in prices paid as shown by an index of production costs (production items, interest, taxes, and farm wage rates) published by the Department of Agriculture; provides under this method of payment, that a producer will receive a payment equal to the difference between the target price and the average price received by farmers the first 5 months of the marketing year or the loan level, with no payment to the producer if market prices are higher than or equal the target price, instead of, as at present, for wheat, payments on the domestic allotment only, and not on the export allotment, of the difference between the average market price for the first 5 months of the marketing year and 100 percent of parity, but not less than 75 percent of parity; for corn, payment of the difference between such average market price and the greater of $1.35 per bushel or 70 percent of parity, with a guarantee of 100 percent of parity on one-half the domestic allotment; for cotton, payment of the difference between such average market price and 35 cents per pound or 65 percent of parity adjusted according to the national base acreage allotment, including a minimum payment of 15 cents per pound whatever the market price;

Other provisions

Changes the present $55,000 per crop limitation on wheat, feed grains, and cotton to $20,000 per farmer applicable to income supplement payments only;

Suspends the wheat marketing certificate collections from processors on July 1, 1973; extends the suspension of wheat marketing quotas through 1977; provides for payments to farmers in the case of a natural disaster or other circumstances beyond a farmer's control that prevent the planting or harvesting of crops; provides for a cost-sharing program to eradicate the boll weevil or other major cotton insect;

Continues the dairy indemnity program; increases the minimum dairy support price on manufactured milk to 80 percent of parity for the balance of this marketing year and for the next marketing year, which ends March 31, 1975;

Continues the wool program; provides forestry incentives for small farmer forest owners; extends and expands the food stamp program;

Provides, regarding the rural environmental conservation program, a permanent requirement for 3, 5, 10 and 25 year contracts, and perpetual easements to carry out the purposes of the rural environmental assistance program (REAP), Great Plains, and water bank programs; provides 50 percent cost-sharing for rural firefighting equipment;

Provides that the Secretary of Agriculture shall establish a disaster reserve of inventories not to exceed 75 million bushels of wheat, feed grains, and soybeans for alleviating distress caused by a natural disaster; provides that the President shall make appropriate adjustments in the maximum price which may be charged under the provisions of Executive Order 11723, dated June 13, 1973, or subsequent order, for any agricultural products (at any point in the distribution chain) as to which the Secretary of Agriculture certifies to the President that the supply of the product will be reduced to unacceptably low levels as a result of any price control or freeze order or regulation and that alternative means are not available;

And contains other provisions. S. 1888. (181) Public Law 93—Approved 1973.

Census of agriculture

Authorizes and directs the Secretary of Commerce to submit, within 30 days of enactment of this resolution, an estimate of funds needed to carry out the statutory mandate for conducting a census of agriculture in 1974; requires that funds heretofore or hereafter appropriated for planning the 1974 census shall be utilized for such purpose; and directs the Secretary to take the necessary action to insure that the data acquired from the 1974 census be made public through appropriate publication as soon as practicable following the taking of such census. S.J. Res. 95 P/S June 22, 1973. (VV)

Emergency tobacco allotment transfer

Authorizes the Secretary of Agriculture to permit the transfer of tobacco acreage allotments across county lines in 1973 in 12 named counties in Georgia and South Carolina if he finds that one of the counties has suffered an overall loss of 10 percent or more in the number of acres of tobacco planted as a result of a natural disaster and that the lease will not impair the program and provides that the provisions of the act shall apply only to those farms which had suffered a loss of 30 percent or more in the number of acres of tobacco planted, in which case the transfer would have to be to a farm in the same or a nearby county within the State having an allotment for the same kind of tobacco. H.R. 9172. Public Law 93–80, approved August 1, 1973. (VV)

Feed grain set-aside program

Increases the payment rate for option B participants in the feed grain program to assure option B participants the same parity guarantees which option A participants now have. S. 1572. P/S April 18, 1973. (VV)

Forest service personnel level

Requires that the number of permanent, full-time Forest Service employees employed by the Department of Agriculture to carry out the activities of the Forest Service be maintained at not less than 450 above the June 30, 1973 ceiling of 20,404 permanent, full-time personnel. S.J. Res. 134. P/S July 20, 1973. (VV)

Indian River grapefruit promotion

Permits marketing orders for Florida Indian River grapefruit to provide for crediting a handler's direct market promotion expenditures against his assessment for market promotion expenses under the order. S. 1945. P/S June 28, 1973. (VV)

Meat and poultry inspection amendments

Amends the Federal Meat Inspection Act and the Poultry Products Inspection Act to increase (beginning fiscal year 1974) the maximum Federal contribution to the cost of any State meat or poultry inspection system from 50 to 80 percent, and provides that the total cost of any cooperative arrangement for meat or poultry inspection purposes to be contributed under the Talmadge-Aiken Act (Public Law 87–718) shall be equal to the highest percentage contributed to any State under either of these acts. S. 1021. P/S April 2, 1973 (73)

Rabbit meat inspection

Makes rabbit meat inspection mandatory, at Federal cost, by extending the provisions of the Poultry Products Inspection Act to rabbits and rabbit products, and sets the effective date of the provisions of the bill at July 1, 1973. S. 43. P/S February 21, 1973. (VV)

Rice allotment transfer

Permits rice growers who are unable to plant part or all of their farm acreage allotments in 1973 because of flood or other natural disaster to transfer their allotments to other farms in the same or adjoining county. H.R. 6883. Public Law 93–27, approved April 27, 1973. (VV)

Rural electric and telephone loans

Amends the Rural Electrification Act of 1936, as amended, to provide a revised program for rural electric and telephone loans; creates a revolving fund with unlimited borrowing authority, for the making of insured rural electric and telephone loans; provides that such insured loans will bear interest at five percent to two percent, with two percent loans to be available only if the borrower (a) has an average subscriber density of two or fewer per mile; or (b) has an average gross revenue of at least $450 below the average (for electric borrowers) or $300 below the average (for telephone borrowers); or, if the Administrator of the Rural Electrification Administration, in his sole discretion, finds that (c) the borrower has experienced extenuating circumstances or severe hardship; or (d) cannot produce net income before interest of at least 150 percent of its total interest requirements and still meet the objectives of the act; or (e) cannot without an excessive rate increase provide service consistent with the act; authorizes the guarantee of rural electric and telephone loans made by other lenders with interest at rates agreed upon by borrowers and lenders; requires loans made for rural electric and telephone facilities under the Consolidated Farm and Rural Development Act to be refinanced under the Rural Electrification Act of 1936 at the request of the borrower; provides that financial transactions of the Fund in interim notes and insured obligations (section 304), insured loans and advances (section 305(a)), and guaranteed loans (section 306) are not to be included in the totals of the budget of the United States and shall be exempt from any limitation imposed by statute on expenditures and net lending (budget outlays) of the United States; and contains other provisions. S. 394, Public Law 93–32, approved May 11, 1973. (20,118)

Rural environmental assistance—REAP—and water bank programs

Requires the Secretary of Agriculture (1) to make payments under the rural environmental assistance program (REAP) in the full amount appropriated therefor, and (2) to enter into agreements under the water bank program to the full extent permitted by available appropriations therefor. H.R. 2107. P/H February 7, 1973; P/S amended March 1, 1973; In Conference. (26)

Rural water and waste disposal grant program

Requires the Secretary of Agriculture to make grants in the full amounts appropriated for the Farmers Home Administration water and waste disposal grant program which was terminated by the Department of Agriculture effective January 1, 1973. H.R. 3298. Vetoed April 5, 1973. House sustained veto April 10, 1973. (55)

Wheat referendum

Permits the wheat marketing quota referendum with respect to the national marketing quota for the 1974 crop (which, since the Agricultural Act of 1970 extends only to the 1973 crop, otherwise would be required to be held no later than August 1, 1973, for the 1974 crop) to be deferred until the earlier of October 15, 1974, or 30 days after the adjournment of the 1st session of the 93d Congress, thereby permitting Congress a further opportunity to develop new legislation. S. 1938. Public Law 93–68, approved July 10, 1973. (VV)

Woodsy Owl

Authorizes the Secretary of Agriculture to establish and collect use or royalty fees for the manufacture, reproduction, or use of the character and name, "Woodsy Owl," and the associated slogan "Give a Hoot, Don't Pollute," originated by the Forest Service; protects Federal use of the "Woodsy Owl" character by prohibiting the knowing manufacture, reproduction, or use of the Woodsy Owl character, facsimile, name, or slogan, except as authorized under rules and regulations issued by the Secretary of Agriculture; and imposes a fine of $250, or 6 months imprisonment, or both for unauthorized use. S. 1585. P/S June 14, 1973. (VV)

APPROPRIATIONS—1973

Further continuing appropriations, 1973

Extends the existing continuing resolution (Public Law 92–334) from February 28, 1973, to June 30, 1973, at the annual funding level, to provide further continuing appropriations for the activities covered by the Foreign Assistance and Related Programs Appropriation Act, the Departments of Labor and Health, Education, and Welfare, and Related Agencies Appropriation Act, neither of which have yet been enacted, and authorizes $6,224,000 for the American Revolution Bicentennial Commission; requires the President to submit periodic reports on impoundments to Congress; and contains other provisions. H.J. Res. 345. Public Law 93–9, approved March 8, 1973. (VV)

Second supplemental appropriations, 1973

Makes supplemental appropriations for the fiscal year ending June 30, 1973, in the amount of $3,362,845,279 for the following: Agriculture-Environmental and Consumer Protection; Defense; District of Columbia; Foreign Operations; Housing and Urban Development, Space, Science, and Veterans'; Interior and Related Agencies; Labor, and Health, Education and Welfare; Legislative; Public Works; State, Justice, Commerce, and Judiciary; Transportation; Treasury, Postal Service, and General Government; and Claims and Judgments; prohibits the expenditure of funds appropriated in this act to aid or assist in the reconstruction of North Vietnam; provides that no funds may be transferred on or after the effective date of this act under the authority of section 735 of the Department of Defense Appropriations Act, 1973, to support directly or indirectly U.S. combat activities in, over or from off the shores of Cambodia or in or over Laos by U.S. forces; and provides that "none of the funds herein appropriated under this Act or heretofore appropriated under any other Act may be expended to support directly or indirectly combat activities in, over or from off the shores of Cambodia or in or over Laos by U.S. forces;" prohibits the use of any appropriation contained in this or any other act for publicity or propaganda purposes for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress except in presentation to the Congress itself; and contains other provisions. H.R. 7447. Vetoed June 27, 1973. House sustained veto June 27, 1973. (155,218)

Contains identical sums and provisions for the various items of the several departments and agencies as in the vetoed bill; provides that no funds appropriated in this act shall be expended to aid or assist in the reconstruction of the Democratic Republic of Vietnam (North Vietnam); provides that none of the funds herein appropriated under this act may be expended to support directly or indirectly combat activities in or over Cambodia, Laos, North and South Vietnam or off the shores of Cambodia, Laos, North and South Vietnam by United States forces, and after August 15, 1973, no other funds heretofore appropriated under any other act may be expended for such purpose; and contains other provisions. H.R. 9055. Public Law 93–50, approved July 1, 1973. (354)

Urgent supplemental appropriations, 1973

Appropriates $1,368,600,000 for supplemental appropriations for fiscal year 1973 for the Civil Aeronautics Board, the Veterans Administration, the Department of Health, Education, and Welfare, and the General Services Administration, of which $122.1 million is for the basic educational opportunity grant program, $210.3 million for the supplemental educational opportunity grant program, $270.2 million for the college work-study program, and $269.4 for the direct student loan program under the Department of Health, Education, and Welfare, and provides additional funding for fiscal year 1973 to schools in Federally impacted areas. H.J. Res. 496. Public Law 93–25, approved April 26, 1973. (100)

APPROPRIATIONS—1974

Agricultural-environmental and consumer protection, 1974

Appropriates a total of $10,176,926,500 of new obligational authority for fiscal year 1974 of which $5,258,708,500 is for agricultural programs, $412,822,000 for rural development programs, $1,115,246,000 for environmental programs, and $3,390,150,000 for consumer programs. H.R. 8619. P/H June 15, 1973; P/S amended June 28, 1973. (245)

Continuing appropriations, 1974

Makes continuing appropriations to avoid interruption of continuing government functions until: (a) the enactment into law of an appropriation for any project or activity provided for in this joint resolution; or (b) enactment of the applicable appropriation act by both Houses without any provision for such project or activity; or (c) September 30, 1973, whichever first occurs; provides that new obligational authority under the act to carry out the Foreign Assistance Act of 1961, as amended, and the Foreign Military Sales Act, as amended, shall not exceed an annual rate of $2.2 billion, and shall not be funded at a rate exceeding one quarter of such annual rate; provides that, notwithstanding any other provision of law, on or after August 15, 1973, no funds herein or heretofore appropriated may be obligated or expended to finance directly or indirectly combat activities by United States military forces in or over or from off the shores of North Vietnam, South Vietnam, Laos or Cambodia; provides that, unless specifically authorized by Congress, none of the funds herein appropriated under this joint resolution or heretofore appropriated under any other act may be expended for the purpose of providing assistance in the reconstruction or rehabilitation of the Democratic Republic of Vietnam (North Vietnam); and contains other provisions, H.J. Res. 636. Public Law 93–52, approved July 1, 1973. (253)

District of Columbia

Appropriates for the District of Columbia a total of $417,717,000 in Federal funds of which $187,450,000 represents the Federal payment to the District, and $955,731,200 in District of Columbia funds for fiscal year 1974. H.R. 8658. (302) Public Law 93–, approved 1973.

Housing and Urban Development, Space, Science, Veterans, and certain other independent agencies, 1974

Appropriates $19,118,373,063 in new budget obligational authority for fiscal year 1974 for the Department of Housing and Urban Development, Space, Science, Veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices. H.R. 8825. P/H June 22, 1973; P/S amended June 30, 1973; House agreed to conference report August 1, 1973. (VV)

Interior and related agencies

Appropriates $2,679,973,700 in new budget obligational authority for fiscal year 1974 for the Department of the Interior and related agencies including the U.S. Forest Service. H.R. 8917. P/H June 27, 1973; P/S amended August 1, 1973; In conference. (350)

Legislative branch

Appropriates a total of $640,558,952 for the legislative branch for fiscal year 1974 including $91,013,353 for the Senate; $145,021,350 for the House of Representatives; $36,143,499 for joint items of both Houses of Congress; $3,980,000 for the Office of Technology Assessment; $63,348,400 for the Architect of the Capitol of which $18 million is included to enable the architect to restore the West Front of the Capitol without change of location or change to the present architectural appearance; $860,200 for the Botanic Garden; $82,371,150 for the Library of Congress; $112,471,000 for the Government Printing Office; $103,850,000 for the General Accounting Office; and $1,500,000 for the Cost-Accounting Standards Board. H.R. 6691. P/H April 18, 1973; P/S amended July 19, 1973; In conference. (300)

Public Works for Water and Power Development and Atomic Energy Commission

Appropriates $4,749,403,000 in new budget obligational authority for fiscal year 1974 for Public Works for Water and Power Development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian Regional Development Commission, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions. H.R. 8947. Public Law 93– , approved 1973. (305)

Transportation and related agencies

Appropriates $2,898,466,006 in new budget obligational authority for fiscal year 1974 for the Department of Transportation including: the Coast Guard; Federal Aviation, Federal Highway, National Highway Traffic Safety, Federal Railroad, and Urban Mass Transportation Administrations; and the St. Lawrence Seaway Development Corporation; and for related agencies: the National Transportation Safety Board, Civil Aeronautics Board, Interstate Commerce Commission, Panama Canal, and $90 million advance appropriations for fiscal year 1975 for the Washington Metropolitan Area Transit Authority. H.R. 8760. Public Law 93– , approved 1973.

CONGRESS

Budget message, economic report, and impounded funds

Extends to January 29, 1973, the time for the President to submit to Congress the budget for fiscal year 1974; extends to January 31, 1973, the time for transmittal of the economic report; extends the time for the Joint Economic Committee to file its report on the President's economic report not later than March 10, 1973; and requires the President to transmit to Congress by February 10, 1973, a report with respect to all funds impounded from October 27, 1972, and before January 29, 1973, and from July 1, 1972, and before October 27, 1972. H.J. Res. 1. Public Law 93-1, approved January 19, 1973. (VV)

Committee meetings—rule XXV

Amends Senate rule XXV to provide that meetings for the transaction of business of each standing committee of the Senate shall be open to the public, except during closed sessions for marking up bills, for voting, or when the committee by majority vote orders a closed session: Provided that any such closed session may be open to the public, if the committee by rule or majority vote so determines. S. Res. 69. Senate adopted March 6, 1973. (28)

Congressional and Supreme Court pages

Provides for replacement of the existing congressional and Supreme Court page corps with an older group of pages (18 to 21 years of age) who would not require the after-hours supervision many feel is necessary for the younger pages; repeals the authority in existing law for the construction of a residential page classroom and dormitory building; and contains other provisions. S. 2067. P/S July 12, 1973. (VV)

Federal Constitutional Convention Procedures Act

Provides the procedural machinery necessary to effectuate that part of article V of the Constitution of the United States which authorizes a convention called by the States to propose specific amendments to the Constitution; clarifies congressional authority with regard to the specific procedures for a constitutional convention called by the States; and contains other provisions. S. 1272. P/S July 9, 1973. (VV)

Federal Impoundment Control Procedures Act

Requires, in Title I of the bill, Impoundment Control Procedures, that the President, when a budget authority is impounded, shall send a special message to the Congress specifying the amount of the budget authority impounded, the reasons therefor, and to the extent practicable, the estimated fiscal, economic, and budgetary effect thereof; provides that, unless Congress acts to ratify the impoundment, or if it acts to disapprove it, by concurrent resolution within 60 days of continuous session after receipt of the message, that the obligation of the budget authority is mandatory and those funds may not be reimpounded; sets in Title II of the bill, a ceiling of $268 billion on expenditures and net lending for fiscal year 1974; provides that the President shall reserve such amounts as may be necessary to keep within the ceiling, and that the reservations shall be made proportionately by functional category, and where practicable, subfunctional category, as set out in the 1974 U.S. Budget in Brief, with the exception that no reservations shall be made from amounts available for interest, veterans' benefits and services, payments from social insurance trust funds, public assistance grants under Title IV of the Social Security Act, food stamps, military retirement pay, medicaid, and judicial salaries; and contains other provisions. S. 373. P/S May 10, 1973; P/H amended July 25, 1973; In conference. (126, 127)

Joint economic report—extension

Extends from March 10, 1973, to April 1, 1973, the time for the Joint Economic Committee to submit its report on the President's Economic Report. H.J. Res. 299. Public Law 93-7, approved February 16, 1973. (VV)

PRESIDENTIAL ELECTION CAMPAIGN OF 1972

Select Committee on Presidential Election Campaign Activities

Establishes a Select Committee on Presidential Campaign Activities, consisting of 7 members of the Senate, to conduct an investigation and study of the extent to which illegal, improper, or unethical activities were engaged in by persons acting either individually or in combination with others in the presidential election campaign of 1972, and to determine whether, in its judgement, there is a necessity to enact new legislation to safeguard the electoral process by which the President of the United States is elected; provides for the appointment, by the President of the Senate, of the 7 member panel to consist of 4 members of the majority party and 3 members of the minority party, upon the recommendation of their respective leaders; empowers the committee to make a complete investigation and study of matters relating to the breaking, entering, and bugging of the Democratic National Committee in the Watergate Building in Washington, D.C., and sets the time for the committee to file a report of its findings at not later than February 28, 1974; authorizes an amount not to exceed $500,000 for committee expenses to be paid from the contingent fund of the Senate; and contains other provisions. S. Res. 60. Senate adopted February 7, 1973. (13)

Amends S. Res. 60 to increase the authorization for expenses of the Select Committee on Presidential Election Campaign Activities through February 7, 1974, from $500,000 to $1 million of which not to exceed $40,000 shall be available for the procurement of the services of individual consultants or organizations thereof. S. Res. 132. Senate adopted June 25, 1973. (VV)

Special prosecutor for Watergate investigation

States as a sense of the Senate that the President should (1) immediately designate an individual of the highest character and integrity outside the Executive Branch to serve as special prosecutor for the government of the United States in any and all criminal investigations, indictments, and actions arising from any illegal activity by any persons, acting individually or in combination with others, in the Presidential election of 1972, or any campaign, canvass, or other activity related to it; (2) grant such special prosecutor all authority necessary and proper to the effective performance of his duties; and (3) submit the name of such designee to the Senate, requesting a resolution of approval thereof. S. Res. 105. Senate adopted May 1, 1973. (VV)

Rules of evidence—congressional consideration

Provides that notwithstanding any other provisions of law, that the proposed Rules of Evidence for United States Courts and Magistrates, the Amendments to the Federal Rules for Civil Procedure, and the Amendments to the Federal Rules for Criminal Procedure which are contained in the orders entered by the Supreme Court on November 20, 1972, and December 18, 1972, and transmitted to Congress by the Chief Justice on February 5, 1973, shall have no force and effect except to the extent, and with such amendments, as they may be expressly approved by Act of Congress. S. 583. Public Law 93-12, approved March 30, 1973. (VV)

Secret government documents

Establishes an ad hoc committee of the Senate to conduct a study and submit to the Senate by June 30, 1973, a report and recommendations on all questions relating to the secrecy, confidentiality, and classification of government documents committed to the Senate or any member thereof. S. Res. 13. Senate adopted January 9, 1973. (VV)

SENATE CONFIRMATION OF NOMINATIONS

Certain Federal offices

Requires that future appointments to fill vacancies in the offices of the head of the new Mining Enforcement and Safety Administration, the Director of the Bureau of Land Management, the National Park Service, and the Bureau of Outdoor Recreation, the Commissioner of Reclamation, and the Governor of American (Eastern) Samoa shall be made by the President by and with the advice and consent of the Senate and provides that such appointees shall serve at the pleasure of the President for a term of not to exceed 4 years subject to reappointment and confirmation. S. 1828. P/S July 25, 1973. (316)

Cost of Living Council

Requires that appointments to the Office of Director of the Cost of Living Council shall be made by the President by and with the advice and consent of the Senate. S. 421. P/S January 23, 1973. (VV)

Executive Office appointees

Requires that appointments by the President to fill the offices of Executive Secretary of the National Security Council and the Executive Director of the Domestic Council, which are made after the effective date of this act, shall be subject to Senate confirmation, and provides that if the International Economic Policy Act of 1972 is extended beyond its present expiration date of June 30, 1973, the Executive Director of the Council on International Economic Policy also shall be appointed by and with the advice and consent of the Senate, and that no individual shall serve in that office after that date unless so appointed. S. 590. P/S May 9, 1973. (122)

Heads of executive departments

Provides that the head of any executive department as defined in 5 U.S.C. 101 (the Departments of State; Treasury; Defense; Justice; Interior; Agriculture; Commerce; Labor; Health, Education, and Welfare; Housing and Urban Development; and Transportation) shall serve for a term of 4 years, subject to Senate confirmation, beginning at noon on January 20 of the year in which the term of the President appointing such department head begins, except that (1) the term of the head of any executive department serving on the date of the enactment of this act shall begin on such date and expire at noon on January 20, 1977, and (2) a person appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall serve only for the unexpired portion of that term, thus requiring that Cabinet officials retained by a President serving a second term must be confirmed by the Senate prior to reappointment; provides that nothing in this act shall be construed to affect the power of the President to remove any department head; and contains other provisions. S. 755. P/S May 2, 1973. (106)

Office of Management and Budget

Abolishes and reestablishes as new offices the offices of Director and Deputy Director of the Office of Management and Budget and provides that the offices shall be filled by the President by and with the advice and consent of the Senate, with the provisions of this act to take effect 30 days after enactment. S. 518. Vetoed May 18, 1973; Senate overrode veto May 22, 1973; House sustained veto May 23, 1973. (6,144)

Amends the Budget and Accounting Act, 1921, to provide a 4 year term of office for the offices of Director and Deputy Director of the Office of Management and Budget beginning on January 20 of the year the President's term begins, except that the terms of the present incumbents shall expire January 20, 1977, and provides that an appointment made when a vacancy occurs before the expiration of the incumbent's term shall be made only for the unexpired portion of the term; requires that appointments by the President to fill the offices of Director and Deputy Director be subject to the advice and consent of the Senate; provides that this requirement is to become applicable to either office if the incumbents are reappointed or immediately after the individual holding the office ceases to hold the office; transfers from the President to the Office of Director, Office of Management and Budget, all of the functions which were vested by law in the Bureau of the Budget, and its Director, and transferred to the President by Reorganization Plan No. 2 of 1970; and contains other provisions. S. 37. P/S June 25, 1973. (210)

Establishes a 4 year term of office for the offices of Director and Deputy Director of the Office of Management and Budget beginning on January 20 of the year the President's term begins, except that the terms of the present incumbents shall expire January 20, 1977, and provides that an appointment made when a vacancy occurs before the expiration of the incumbent's term shall be made only for the unexpired portion of the term; requires that appointments by the President to fill the offices of Director and Deputy Director be subject to the advice and consent of the Senate, and provides that this requirement is to become applicable to either office upon expiration of the term or immediately after the individual holding the office ceases to hold the office; requires that the Executive Director of the Domestic Council and the Executive Secretary of the National Security Council shall be appointed by the President by and with the advice and consent of the Senate, and provides that this requirement shall apply to appointments made to these offices after the date of enactment of this act. S. 2045. P/S June 25, 1973. (211)

War Powers Act

Provides that, in the absence of a declaration of war by Congress, the Armed Forces may be introduced in hostilities, or in situations where imminent involvement in hostilities is indicated by the circumstances, only (1) to respond to attacks or the imminent threat of attacks upon the United States (including its territories and possessions, (2) to repel attacks or forestall the imminent threat of attacks against the Armed Forces of the United States and, (3) to rescue endangered citizens and nationals of the United States located in foreign countries under certain circumstances; provides that use under other than these three specified emergency circumstances must be pursuant to specific statutory authorization and is not to be inferred from any provision of law, including appropriations and treaties unless such authority is explicitly provided; requires the President to report to the Congress promptly on the use of forces in hostilities; provides that the use of the armed forces under the emergency conditions described in the bill shall not be sustained beyond 30 days unless: (1) the President determines and certifies to Congress the need for their continued use to repel an attack or threat of attack on the United States or its Armed Forces located outside the United States, (2) the Congress is physically unable to meet as a result of an armed attack, or (3) the Congress specifically authorizes such action; provides that this act shall take effect on the date of enactment; and contains other provisions. H.J. Res. 512. P/H May 21, 1973; P/S amended July 20, 1973; In conference. (303)

CRIME JUDICIARY

Amendments of 1973 to Federal Laws Relating to Explosives

Amends section 845(a) of title 18 U.S.C. to entirely exempt commercially manufactured black powder, percussion caps, safety and pyrotechnic fuses, quills, quick and slow matches, and friction primers intended to be used solely for sporting, recreational or cultural purposes in antique firearms and certain antique devices from regulation under title XI of the Organized Crime Control Act of 1970 (P.L. 91–452) relating to explosives, and amends section 921(c)(4) of title 18 U.S.C. to add language exempting from the term "destructive device" in the Gun Control Act of 1968 (P.L. 90–618) antique devices such as small, muzzle-loading cannon used for recreational an cultural purposes. S. 1083. P/S July 13, 1973. (278)

Antitrust Procedures and Penalties Act

Changes certain specifics in the manner in which consent decrees in civil antitrust cases are formulated by providing that the district court shall make an independent determination as to whether or not the entry of a proposed consent decree is in the public interest as expressed by the antitrust laws by (1) encouraging additional comment by interested parties, (2) requiring that the Department of Justice file a public impact statement, and (3) requiring the defendant to disclose all communications made on behalf of the firm relating to the consent decree other than those made exclusively by counsel of record; increases the fines for criminal violations of the Sherman Act from $50,000 to $100,000 for individuals and $500,000 for corporations; amends the Expediting Act to require that final judgments and interlocutory orders in certain civil antitrust cases if appealed, be heard by the circuit courts of appeals; eliminates the provision that a three-judge court be impaneled in civil actions where the United States is the plaintiff under the Sherman or Clayton Antitrust Acts or certain sections of the Interstate Commerce Act upon the filing by the Attorney General with the district court of a certificate that the cases are of general public importance; provides for direct appeal to the Supreme Court from final judgments of the district court only in cases certified by the district judge upon the application of either party to be of general public importance; and contains other provisions. S. 782. P/S July 18, 1973. (293)

Civil remedies for victims of racketeering activity and theft

Amends title 18 of the United States Code to strengthen civil remedies for victims of racketeering activity and provide a civil action for damages resulting from violations of section 659 title 18 of the United States Code, which relates to crime involving property in interstate or foreign commerce. S. 13. P/S March 29, 1973. (VV)

Commission on Bankruptcy Laws

Requires the Commission on Bankruptcy Laws of the United States to submit a comprehensive report of its activities, including its recommendations, to the President, the Chief Justice of the United States, and the Congress prior to July 31, 1973; provides for termination of the Commission 30 days after the submission of its final report; and provides that appropriated funds shall remain available until expended or until the Commission ceases to exist. H.J. Res. 499. Public Law 93–56, approved July 1, 1973. (VV)

Crime Control Act of 1973

Extends the Department of Justice Law Enforcement Administration (LEAA) program for three years and authorizes appropriations therefor of $1 billion for each of fiscal years 1974 and 1975, and $1.25 billion for fiscal year 1976; vests all policy and administrative authority in the Administrator and replaces the two Associate Administrators by a Deputy Administrator for Policy Development and a Deputy for Administrative Management; strengthens Federal supervision over the States' planning process; requires a program for the improvement of juvenile justice as part of the comprehensive State plan; increases the minimum planning allocation to each State from $100,000 to $200,000 to assure the continued flow of adequate funds to cities; requires regional planning boards to include a majority of

local elected officials; places time limits on plan approval in order to expedite funds flow; revises the matching fund requirements to eliminate non-cash matching; reduces the non-Federal matching share from 25 to 10 percent with the new 90 to 10 matching ratio to apply to all grants requiring matching-planning, action, and corrections improvements grants; requires, with a limited transition time for waiver, States to contribute in the aggregate, at least 50 percent of the local share of the costs of both planning and action programs by increasing the State "buy-in" for action grants from 25 to 50 percent, and from 0 to 50 percent for planning grants, and adds "buy-in" provisions regarding corrections grants; retains and strengthens the law enforcement education program; and contains other provisions. H.R. 8152. Public Law 93- , approved
1973. (VV)

Methadone Diversion Control Act of 1973

Amends the Comprehensive Drug Abuse Prevention and Control Act of 1970, Public Law 91-513, commonly called the Controlled Substances Act, to provide new authority for the regulation of the use of narcotic drugs in the treatment of narcotic addicts; provides definitions of "maintenance treatment" to enable the Attorney General to establish more specific and comprehensive regulatory control over the handling of narcotic drugs used in the treatment of narcotic addicts; requires practitioners who dispense or administer narcotic drugs in the treatment of narcotic addicts to obtain a special registration predicated on the approval of treatment standards by the Secretary of Health, Education, and Welfare and the approval of security standards by the Attorney General; enables the Attorney General to deny, revoke, or suspend the special registration for failure to comply with the new standards; makes the full range of civil remedies and felony penalties available under the Controlled Substances Act applicable to practitioners who provide narcotic drugs without obtaining the special registration, in violation of the registration, or after revocation of the registration; and requires the special registered practitioners to keep complete records of narcotic drugs directly administered to patients in their presence. S. 1115. P/S June 8, 1973. (VV)

Public Safety Officers' Benefits Act of 1973

Amends the Omnibus Crime Control and Safe Streets Act of 1968 to provide a gratuity of $50,000 to the dependents of public safety officers killed in the line of duty where the crime or death occurs on or after October 17, 1972, and authorizes the Law Enforcement Assistance Administration to make an interim payment, not to exceed $3,000, to an entitled dependent when it is determined such person is eligible to receive the gratuity under the provisions of this act. S. 15. P/S March 29, 1973. (VV)

Public Safety Officers' Group Life Insurance Act of 1973

Amends the Omnibus Crime Control and Safe Streets Act of 1968 to establish a means of meeting the financial needs of public safety officers or their surviving dependents through group life, accidental death, and dismemberment insurance (the amount of coverage to be based on individual salary with a minimum coverage of $10,000 and a maximum coverage of $32,000) and to assist State and local governments to provide such insurance. S. 33. P/S March 29, 1973. (VV)

Revision of the jurisdiction of three-judge courts

Amends sections 2281, 2282, 2284, and 2403 of title 28, United States Code, to eliminate the requirement for special three-judge courts in cases seeking to enjoin the enforcement of State or Federal laws on the grounds of unconstitutionality; provides for the retention of three-judge courts when otherwise required by act of Congress or in any case involving apportionment of congressional districts or the apportionment of any statewide legislative body; clarifies the composition and procedure of three-judge courts in cases where they will continue to be required; and insures the right of States to intervene in cases seeking to enjoin State laws on the ground of unconstitutionality. S. 271. P/S June 14, 1973. (VV)

Runaway Youth Act

Authorizes the Secretary of Health, Education, and Welfare to make grants and to provide technical assistance to localities and nonprofit private agencies for the purpose of developing local facilities to deal primarily with the immediate needs of runaways in a manner which operates outside the law enforcement structure and juvenile justice system which are designed to shelter young people for a short period of time, rather than on a long term basis, and supply such medical care and counseling as needed, and are equipped to provide a program of field counseling for the runaway and his family after the runaway has moved to permanent living facilities; authorizes funds to conduct research on the scope of the runaway problem in this country focusing on but not limited to "the age, sex, socioeconomic background of the runaway children, the places from which and to which children run, and the relationship between running away and other illegal behavior;" authorizes therefor the appropriation of $10 million for each of fiscal years 1974, 1975, and 1976; and contains other provisions. S. 645. P/S June 8, 1973. (VV)

Territorial franchises in the soft drink industry

Amends the Federal Trade Commission Act and the anti-trust laws to clarify the circumstances under which exclusive territorial licenses to manufacture, distribute, and sell trademarked soft drink products shall not be deemed unlawful; provides that if the requirements of this bill are met, relevant territorial provisions in which a trademark owner grants licensees the right to manufacture, distribute, and sell trademarked soft drink products in specifically defined geographic areas are not only lawful but enforceable through judicial proceedings; makes lawful license provisions which have the effect of precluding indirect evasions of the license agreement, thus protecting the exclusive territorial rights of one licensee from direct or indirect sales by the licensor or any of its other licensees into his defined geographic area so long as there is substantial and effective competition within his territory; and contains other provisions. S. 978. P/S June 11, 1973. (VV)

Victims of Crime Act of 1973

Amends the Omnibus Crime Control and Safe Streets Act of 1968 to establish a direct Federal crime compensation program for territorial areas of direct Federal concern to provide a means of meeting the financial needs of the innocent victims of violent crime, intervenors acting to prevent the commission of a crime or assisting in the apprehension of suspected criminals, or their surviving dependents; establishes an independent board to administer the program; defines the acts or omissions considered to be crimes for purposes of the program; sets the amount of $100 as the minimum amount for which a claim may be filed and the amount of $50,000 as the maximum amount of a claim; creates a Criminal Victim Indemnity Fund in the Treasury to consist of moneys from (1) criminal fines paid in the various courts of the United States, (2) additional appropriated funds, and (3) contributed funds; authorizes the appropriation of $5 million for fiscal year 1973 and, until specific appropriations are made, authorizes the use of funds appropriated for the Department of Justice or the Law Enforcement Assistance Administration; authorizes the use, through the established mechanisms of the Law Enforcement Assistance Administration, of LEAA grant funds on the usual 75-25 percent basis to assist substantially comparable State programs. S. 300. P/S March 29, 1973. (VV)

Victims of Crime Act of 1973 (omnibus)

Establishes a Federal crime compensation program for territorial areas of direct Federal concern for innocent victims of violent crime, intervenors, or their surviving dependents, and provides for Federal assistance to substantially comparable State programs; provides group life insurance coverage for public safety officers or their surviving dependents, and assistance to States and local governments to provide such insurance; provides gratuities for dependents of public safety officers killed in the line of duty; strengthens civil remedies for victims of racketeering activity; provides for additional sentences for persons convicted in a United States court of a felony threatening life or property when a firearm is used or carried during the commission of the felony; provides for additional sentencing of persons as a public menance who are convicted of the manufacture, distribution, or dispensing of one-tenth or more of pure heroin or morphine, who are not addicts at the time of the offense; and contains other provisions. S. 800. P/S April 3, 1973. (78)

DEFENSE

Coast Guard authorization, 1974

Authorizes a total appropriation of $109,239,000 for the Coast Guard for fiscal year 1974 for the procurement of vessels and related pollution abatement programs and an additional helicopter and helicopter search and rescue station, and for construction of shore and offshore establishments and bridge alterations; continues the LORAN-A electron navigation system and authorizes the replacement of equipment for the LORAN-C and approves expansion of the LORAN-C West Coast Project; authorizes an end year strength of 37,607 for active duty personnel; and contains other provisions. H.R. 5383. Public Law 93-65, approved July 9, 1973. (VV)

Defense production act amendment

Terminates the borrowing authority mechanism by which all program operations under the Defense Production Act have been financed since the initiation of the original 1950 act and substitutes conventional appropriation methods for any future operations. S. 1980. P/S August 2, 1973. (VV)

Dependents Assistance Act of 1950 amendments

Makes permanent in the law certain provisions of the Dependents Assistance Act of 1950, as amended, which expire July 1, 1973, as follows: (1) continues the current monthly rates for quarters allowances for junior enlisted members, (2) removes the provision in title 37, U.S.C., that junior enlisted members are considered at all times to be without dependents, (3) removes the requirement that junior enlisted members must allot part of their pay before they can receive the higher quarters allowance authorized for members having dependents, (4) provides secretarial authority to grant hardship discharges for certain enlisted members with dependents, (5) establishes procedures for determining dependency of parents, (6) provides that aviation cadets receive the same quarters allowance as an E-4, and (7) provides that monthly quarters allowance to dependents of members shall not, for such period as the Secretary may prescribe, be contingent on a pay status thus permitting payment when an enlisted member is AWOL or incarcerated by a foreign government prior to trial; authorizes a basic allowance for quarters for junior enlisted members in the reserve and guard while on active duty for training for less than 30 days; repeals section 207 of the Career Compensation Act of 1949 which contains obsolete provisions regarding the reenlistment bonus; eliminates certain other provisions of law which are either obsolete or are covered elsewhere in existing law; extends for two years, to July 1, 1975, the authority to pay special pay to physicians, dentists, veterinarians, and optometrists; permits a member to claim as a dependent an unmarried, acknowledged, illegitimate child; extends for one year, to July 1, 1974, the bonus authority for certain enlistments in the combat arms of the armed forces; extends until December 31, 1973, the date after which members in the rank of colonel or equivalent (0-6), or above, in noncombat assignments are no longer entitled to flight pay; provides that the act shall become effective July 1, 1973; and contains other provisions. H.R. 8537. Public Law 93-64, approved July 9, 1973. (VV)

Disposals from national stockpiles

Authorizes the disposal from the national stockpile of various materials, as follows:

ABACA—approximately 25 million pounds. H.R. 4682. Public Law 93-48, approved June 22, 1973. (VV)

SISAL—approximately 100 million pounds. H.R. 4682. Public Law 93-48, approved June 22, 1973. (VV)

Opium (Morphine content)—approximately 141,600 pounds for immediate disposal. S. 2166. P/S July 28, 1973. (VV)

Promotions of military personnel in a missing status

Amends section 552(a) of title 37, United States Code, to insure that promotions of personnel carried as missing are valid for all purposes, including Federal benefits to survivors, even when the date of death of the missing member is later determined to have occurred prior to the promotion date. S. 1493. Public Law 93-26, approved April 27, 1973. (VV)

Sale of naval vessels stricken from the Naval Register

Amends section 7305 of title 10 United States Code, which permits the sale of naval vessels under strict advertised sealed bid procedures, to provide that no vessel of the Navy may be sold in any manner other than that provided by section 7305, or for less than its appraised value, unless the sale thereof is specifically authorized by law enacted after June 30, 1973, with the exception of a written agreement of sale entered into prior to June 30, 1973, thereby precluding the sale of stricken vessels, including those on loan which may be stricken from the Naval Register prior to loan expiration, to foreign nations under the general category of defense articles under Public Law 90-629, the Foreign Military Sales Act of 1946. S. 1773. P/S May 21, 1973. (VV)

DISTRICT OF COLUMBIA

Authorization for certain programs and activities

Provides legislative authorization for 26 activities, considered necessary for effective operation of the District of Columbia which were previously authorized only in the annual appropriations act; directs the District Government Public Service Commission to conduct a study of the adequacy of service and regulation of the taxicab industry in the District and to report their recommendations to Congress within 9 months; and contains other provisions. H.R. 8250. P/H June 11, 1973; P/S amended August 2, 1973. (VV)

District of Columbia Charter Act

Establishes the District of Columbia as a body politic and corporate in perpetuity by enacting a District of Columbia Charter Act which would restore to the citizens of the District of Columbia some measure of self-government; requires that a referendum be held within four months following enactment to determine whether the registered voters of the District accept this Charter Act; provides in the Charter Act for the election of a mayor and an eleven-member City Council, of which the Chairman and two members shall be elected at large and the other members from each of the eight wards, and transfers to it the functions of the present Mayor-Commissioner and non-elected Council; gives the Council local legislative power in addition to that heretofore delegated by Congress under Reorganization Plan No. 3 of 1967, including additional taxing and borrowing power subject to certain enumerated restrictions and to the overriding power of Congress to repeal, amend, or initiate local legislation and to nullify individual acts of the Council; ensures Congressional supervision over the District by providing that an act of the Council on any subject not presently delegated to the existing Council under Reorganization Plan No. 3, after approval by the Mayor, shall go into effect only if neither House of Congress passes a resolution disapproving such act during the next 30 days of continuous session of Congress which would, in effect, require the Council to pass legislation only when Congress is in session and has 30 days to review it; provides for an annual payment by the Federal Government to the District of Columbia to be computed as a percentage of local tax effort (with the specific restriction that the District may not tax residents of any other State) of 37.5 percent for fiscal year 1974 and 40 percent for fiscal year 1975 and succeeding fiscal years; provides for the supervision of fiscal affairs of the District by the General Accounting Office; authorizes the President to take such action during the transition period between the enactment of the bill and the first meeting of the Council as he deems necessary to enable the Board of Elections to properly perform its functions and authorizes to the District, on a reimbursable basis, $750,000 to pay the expenses of the Board of Elections; and contains other provisions. S. 1435. P/S July 10, 1973. (264)

District of Columbia Insurance Act

Establishes a post-assessment insurance guaranty fund to be known as the District of Columbia Insurance Guaranty Association, obligated, in the event an insurance company becomes insolvent, to pay all covered claims of policyholders; increases the amount of paid-up capital each domestic capital stock and mutual life insurance company is required to have in order to transact business in the District from $200,000 to $1 million, the amount of coverage available under group term life insurance to maximums of $100,000 or 300 percent of compensation and a minimum of $30,000 the amount of paid-up capital stock and surplus required of all stock companies licensed under the Fire and Casualty Act from $300,000 to $600,000, the surplus requirement for domestic mutual companies from $150,000 to $300,000, the amount for foreign mutuals from $200,000 to $400,00, and the amount of a contract with the District government for which a bond is required from $2,000 to $10,000; and contains other provisions. H.R. 4083. Public Law 93- , approved 1973. (VV)

Dulles and Friendship Airports transit lines

Amends the National Capital Transportation Act of 1969 to authorize the Secretary of Transportation to make payments to the Transit Authority in such amounts as may be requisitioned by the Transit Authority to finance the cost of designing and other necessary planning for a rail rapid transit line in the median of the Dulles Airport road to the Dulles International Airport; provides for the Secretary to contract with the Transit Authority for a comprehensive study of the feasibility of extending a rail rapid transit line in the median of the Baltimore-Washington Expressway to the Friendship International Airport; and authorizes therefor an additional appropriation of not to exceed $10 million to carry out the purposes of this act. S. 2047. P/S July 9, 1973. (261)

Election law

Amends the District of Columbia Election Act as follows: changes the filing deadline for nominating petitions from 45 to 60 days before an election; eliminates the 90 day durational residency requirement for voting in the District; authorizes the Board of Elections to use volunteers in connection with voter registration drives and non-partisan voter education efforts; reduces the signature requirements for third party candidates for President from 5 percent to 1 percent of the registered voters; grants the Board of Elections the authority to enact rules and regulations to carry out responsibilities and duties given to it under the Election Act; extends the period of time provided under the Election Act for the Board of Elections to rule on the validity of challenged ballots from 7 to 10 days; provides for polls to open at 7:00 a.m. on election days; provides for the term of newly-elected members to the Board of Education to begin 30 days after the certification of their election; eliminates the run-off election for the Delegate to Congress; and contains other provisions. H.R. 6713. Public Law 93- , approved 1973. (VV)

International center complex

Authorizes an additional appropriation of $2.2 million for improvements to the land (streets, sidewalks, water mains, etc.) which was transferred to the Department of State under the authority of Public Law 90-553, for use as sites for foreign chanceries. S. 1235. Public Law 93-40, approved June 12, 1973. (VV)

John F. Kennedy Center for the Performing Arts

Authorizes an appropriation of $2,400,000 for fiscal year 1974, and $2,500,000 for fiscal year 1975, to the Secretary of the Interior for maintenance, security, information, interpretation, janitorial, and all other nonperforming arts functions of the John F. Kennedy Center for the Performing Arts. S. 1759. Public Law 93-67, approved July 10, 1973. (VV)

National Visitor Center Facilities Act of 1968 Amendments

Amends the National Visitor Center Facilities Act to authorize the appropriation of $8,680,000 for construction necessary to complete the alteration and renovation of Union Station as a National Visitor Center, and to direct that the Secretary of the Interior provide interpretive transportation services in or between the National Visitor Center, the Capitol Grounds, the Mall, the Ellipse, the John F. Kennedy Center for the Performing Arts, East and West Potomac Park, and such other visitor facilities as may be established pursuant to the National Visitor Center Facilities Act. H.R. 5857. Public Law 93-62, approved July 6, 1973. (VV)

Robert F. Kennedy Memorial Stadium

Amends section 8 of the Public Buildings Act of 1959 to authorize the Armory Board to borrow $1.5 million to increase the seating capacity of the Robert F. Kennedy Memorial Stadium by up to 8,000 seats for football games and causes 50 percent of the revenues derived from such seats to be the sole security for any loan that the Armory Board might receive. H.R. 6330. Public Law 93-72, approved July 10, 1973. (VV)

ECONOMY-FINANCE

American Revolution bicentennial coins and private ownership of gold

Authorizes the Treasury to change the design on the reverse side of the dollar, half dollar and quarter dollar coins to commemorate the Bicentennial of the American Revolution between July 4, 1975, and January 1, 1977, and directs that all coins covered by this act will bear the date "1776-1976" in place of the date of coinage; provides that no provision of law in effect on the date of enactment of this act may be construed to prohibit any person from purchasing, holding, selling, or otherwise dealing in gold; provides that the joint resolution of June 5, 1933 (31 U.S.C. 463), prohibiting the use of gold as public tender for debts shall remain in full force and effect; provides that the provisions of the act pertaining to gold shall take effect on January 1, 1975, or earlier if the President finds and reports to the Congress that international monetary reform shall have proceeded to the point where elimination of regulations on private ownership of gold will not adversely affect the United States monetary position; and contains other provisions. S. 1141. P/S July 11, 1973. (VV)

Ceilings on deposit interest rates

Extends from June 1, 1973, until August 1, 1974, the authority of the Federal Bank Regulatory Agencies to establish flexible ceilings on the rate of interest payable on time and savings deposits by Commercial Banks, Mutual Savings Banks, and Savings and Loan Associations. S.J. Res. 128. Public Law 92-63, approved July 6, 1973. (VV)

Duty suspensions

Caprolactam Monomer in Water Solution

Retroactively extends from December 31, 1972, to December 31, 1973, the temporary suspension of duty on imports of caprolactam monomer in water solution, and contains other provisions. H.R. 6394. Public Law 93-79, approved July 30, 1973. (VV)

Copper

Reinstitutes a suspension of the import duty on certain forms of copper for 1 year, to June 30, 1974, and establishes the "peril point" below which the duty suspension becomes inapplicable at the domestic price of 51 cents per pound. H.R. 2323. Public Law 93-77, approved July 20, 1973. (VV)

Dyeing and Tanning Materials

Reinstates the temporary suspension of duties on imports of certain dyeing and tanning materials including logwood to September 30, 1975, and provides that the duty suspension shall apply to all entries after September 30, 1972, the date on which the previous suspension of duties terminated. H.R. 3630, Public Law 93- , approved 1973. (VV)

Istle Fiber and End of Freeze on Agricultural Products

Continues the existing suspension of duty on certain istle to September 5, 1975; provides that the President shall make appropriate adjustments in the maximum price which may be charged under Executive Order 11723, June 13, 1973, for any agricultural commodity (at any point in the distribution chain) which the Secretary of Agriculture certifies will be reduced to unacceptably low levels of supply as a result of the freeze and that alternative means for increasing the supply are not available. H.R. 2261. P/H June 27, 1973; P/S amended June 30, 1973. (259)

Manganese Ore

Continues for a 3-year period, through June 30, 1976, the existing suspension of duty on certain manganese ore which is principally used for metallurgical purposes in the production of steel. H.R. 6676. Public Law 93- , approved 1973.

Metal Scrap

Continues for an additional 2 years, to July 1, 1975, the temporary suspension of the duties on certain metal waste and scrap principally such scrap as iron and steel, aluminum, magnesium, nickel, and nickel alloys, as provided for by item 911.12 of the Tariff Schedules. H.R. 2324. Public Law 93-78, approved July 30, 1973. (VV)

East-West Trade Policy Resolution

Affirms the Congress' general support for increased commercial and non-commercial relations with the nonmarket economy countries, principally the Union of Soviet Socialist Republics, the People's Republic of China, and Eastern Europe. S.J. Res. 131. P/S June 30, 1973. (VV)

Economic Stabilization Act Amendments of 1973

Extends for 1 year, to April 30, 1974, the Economic Stabilization Act of 1970 which authorized the President to issue such orders and regulations as he may deem appropriate to stabilize prices, rents, wages, and salaries; gives the President authority to establish, after public hearings, priorities of use and an allocation system of supplies of petroleum products, including crude oil, in order to meet essential needs in various sections of the country and to prevent anti-competitive effects which could develop from shortages of petroleum products; exempts workers earning less than $3.50 an hour from wage controls; states as the intent of Congress that nothing in this act be construed to authorize or require the President to impound or withhold funds appropriated, authorized, or authorized to be obligated by the Congress; requires business enterprises required to make price reports to the Cost of Living Council (firms with annual sales or revenues of $250 million or more) to make public disclosure of reports, except for proprietary information or trade secrets, which cover periods during which the firm charges a price for a substantial product that is 1.5 percent over the price lawfully in effect for such product on January 10, 1973, or on the date 12 months preceding the end of such period, whichever is later; and contains other provisions. S. 398. Public Law 93-28, approved April 30, 1973. (53)

Federal Financing Bank

Provides for a Federal Financing Bank through which the marketing of Federal and federally assisted borrowing activities can be centralized; provides for advance submission of financing plans to the Secretary of the Treasury and for Treasury approval of the method and source of financing, timing, rates of interest, maturities, and all other financing terms and conditions of certain obligations issued or sold by Federal agencies or guaranteed by Federal agencies in the securities markets; states as the sense of Congress that the United States should take the necessary measures, including appropriate international measures, to enable it to sell gold from its gold stocks to licensed domestic users at desirable times, taking into account international circumstances, to stabilize domestic gold markets and improve our balance of payments; and contains other provisions. S. 925. P/S June 22, 1973. (VV)

Financial institution structure and regulation

Extends until December 31, 1973, the authority of the Board of Governors of the Federal Reserve System, the Board of Directors of the Federal Deposit Insurance Corporation, and the Federal Home Loan Bank Board to regulate in a flexible manner the interest rates or dividends payable by insured banks on time and savings deposits and by members of the Federal Home Loan Bank system on deposits, shares, or withdrawable accounts; prohibits NOW accounts by which a depositor may remove funds from a savings account through the use of a negotiable order of withdrawal except that such accounts are permitted in the States of Massachusetts and New Hampshire, the only two States in which such accounts are presently being offered; amends the National Housing Act to place, in general, a statutory prohibition until June 30, 1974 on the approval by the Federal Home Loan Bank Board and the Federal Savings and Loan Insurance Corporation of conversions from the mutual to stock form by savings and loan associations whose accounts are or could become insured by the corporation; permits Federal savings and loan associations and national banks to invest in State housing corporations incorporated in the State in which the association or bank is located; establishes a new procedure for payment by insured savings and loan associations of premiums into the reserve fund of the Corporation; and contains other provisions. H.R. 6370. Public Law 93- , approved 1973. (VV)

Housing and Urban Development Laws and Authorities Temporary Extension

Extends the authority of the Secretary of Housing and Urban Development to carry out its basic housing and community development programs under the National Housing Act for 1 year, to June 30, 1974, and authorizes therefor an appropriation of $1,943 million; extends the Federal Housing Administration (FHA) insuring programs; provides continued authority for the Urban Renewal, Model Cities, Open Space, Neighborhood Facilities, Rehabilitation Loans, Comprehensive Planning and New Communities programs; extends the flexible interest rate authority of the Secretary, in consultation with the Administrator of the Veterans' Administration, to set interest rate ceilings for FHA mortgage insurance programs and VA guaranteed loans; expands protections for homebuyers by authorizing expenditures for the correction of defects in homes financed under certain FHA programs; assures that Federal housing assistance programs are carried out to the full extent authorized by the Congress; requires the Secretary in processing and approving applications for assistance to give priority to any State or unit of local government which is adversely affected by a reduction in the level of expenditure of employment at any Department of Defense installation; and contains other provisions. H.J. Res. 512. P/H May 21, 1973; P/S amended July 20, 1973. House adopted conference report August 1, 1973. (304)

Provides for a temporary extension through October 1, 1973 of Farmers Home Administration insurance authority and the flexible interest rate authority under the rehabilitation loan authority under the Housing Act of 1964, which expired June 30, 1973, and provides for temporary waiver of certain limitations applicable to GNMA. S.J. Res. 144. Public Law 93- , approved 1973. (VV)

Interest Equalization Tax Extension Act of 1973

Extends the application of the interest equalization tax for 15 months, to June 30, 1974; provides, with certain exceptions, that the interest equalization tax exclusion for stock or debt obligations issued by a less developed country corporation shall not apply to stock or debt obligations issued by a less-developed country shipping corporation after January 29, 1973; provides for an exclusion from the interest equalization tax for: original or new issues of stock or debt obligations; stock acquired by conversion of a debt obligation if no additional consideration is paid and the debt obligation itself qualifies for the exclusion; or for a debt obligation issued to refund or refinance an original or new issue which qualified for the exclusion, to finance direct investment in the United States except for the acquisition and exploitation of natural resources, subject to the foreign issuer or obligor agreeing to meet certain conditions with respect to that investment for a period of ten years; provides that a qualified lending or financing corporation, or a U.S. corporation engaged in a lending or financing business through offices located outside the United States, may use domestic source funds to lend for qualified export credit transactions or to buy goods made in the United States for leasing or sale outside of the United States; requires the Secretary of the Treasury to study the effect on international monetary stability of the Canadian exemption from the interest equalization tax and make a report to the Congress not later than September 30, 1973; and contains other provisions. H.R. 3577. Public Law 93–17, approved April 10, 1973. (VV)

National Banks Investment in Agricultural Credit Corporations

Permits a National Bank to purchase for its own account a minority stock interest in an agricultural credit corporation providing the amount invested at any one time shall not exceed 20 percent of the bank's unimpaired capital and surplus. S. 1884. P/S June 28, 1973. (VV)

Par value modification

Directs the Secretary of the Treasury to take the necessary steps to establish a new par value of the dollar of $1 equals 0.828949 Special Drawing Right (SDR) or the equivalent in terms of gold of $1 equal 0.023684 of a fine troy ounce of gold, thus devaluating the U.S. dollar by 10 percent and changing the official price of gold from $38 to $42.22 per ounce; requires the President, whenever any funds are impounded by an officer or employee of the United States, to transmit within 10 days to both houses of Congress a special message identifying the amount, date, department or agency affected, period of time, reasons for, and the fiscal, economic and budgetary effect as far as is practicable, regarding the impoundment; requires the cessation of the impoundment within 60 days of continuous session after the message is received by the Congress unless the Congress acts by ratifying the specific impoundment by concurrent resolution, or if the Congress disapproves the impoundment in whole or in part by concurrent resolution, and provides that the effect of failure to ratify or of disapproval shall not only make the obligation of the budget authority mandatory but also preclude the reimpoundment of that specific budget authority; sets a ceiling of $268 billion on expenditures for fiscal year 1974, and provides a mechanism by which the Executive Branch can reduce expenditures by proportional cuts by budget category in order to stay within the ceiling if appropriations exceed it; provides that, after submission of the Budget and upon recommendation of the President, the Congress shall prescribe a ceiling on expenditures every fiscal year; directs the Secretary of the Treasury to prescribe regulations requiring the submission of reports on foreign currency transactions; repeals, effective December 31, 1973, sections 3 and 4 of the Gold Reserve Act of 1934, and provides that no provision of law shall be construed to prohibit any person from purchasing, holding, selling, or dealing in gold; provides that no funds may be obligated or expended to provide assistance of any kind, directly or indirectly, to or on behalf of North Vietnam, unless specifically authorized hereafter by the Congress, and contains other provisions. H.R. 6912. P/H May 29, 1973; P/S amended May 30, 1973; Conference report filed. (VV)

Public debt limit extension

Continues the present debt limitation level of $465 billion by extending the current temporary debt limit of $65 billion from June 30, 1973, through November 30, 1973; extends unemployment insurance benefits in States whose rate of insured unemployment is at least 4.5 percent without regard to present eligibility requirements regarding the rate in the prior 2 years or whether 13 weeks have expired since the last State extended benefit period, until such time as the State's insured unemployment rate drops below 4 percent; extends for one year the authorization for project grants under the maternal and child health program scheduled to expire June 30, 1973, and provides for a transition in funding to a State-coordinated program; requires the presidential campaign checkoff provisions on the income tax return form to be placed in a nonpartisan form on the front page of the return or by the side of the page where signature is required, and contains other provisions. H.R. 8410. Public Law 93–53, approved July 1, 1973. (242, 258)

Purchase of U.S. Obligations by Federal Reserve Banks

Extends for 1 year, from June 30, 1973, to June 30, 1974, the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury. S. 1410, P/S June 27, 1973. (VV)

Railroad Retirement Act Amendments

Simplifies administration of the social security minimum guaranty provision contained in section 3(e) of the Railroad Retirement Act by permitting the Board to disregard postretirement earnings for purposes of all guaranty provision calculations of an employee benefit; liberalizes the eligibility conditions for children's benefits under the act to conform with the liberalizations provided in such benefits under the Social Security Act by Public Law 92–603 whereby a survivor benefit will be paid as follows: after adoption by anyone, instead of only by a close relative; to a child for a disability which began before age 22 instead of age 18; to a student child after age 22 in some cases; to a dependent grandchild who is treated as a child of his grandparent; and extends kidney disease medicare coverage to railroad employees, their spouses, and their dependent children on the same basis as such coverage is now provided for persons insured under the Socialy Security Act. H.R. 7357. Public Law 93–58, approved July 6, 1973. (VV)

Securities laws amendments

Amends the Securities Exchange Act of 1934 to establish a clear, congressional policy that membership on national securities exchanges is not to be denied to financial institutions so long as brokerage commission rates on those exchanges remain fixed; also provides that at such time as commission rates become competitive (when national securities exchanges cease to maintain or enforce fixed rates of commission, or April 30, 1976, whichever is later) all members of national securities exchanges must cease executing exchange transactions for their affiliates and the institutional accounts which they manage, and would thus, upon the elimination of fixed commission rates, prohibit financial institutions and securities firms which manage institutional accounts from using exchange memberships for their own benefit or for the benefit of such account; provides for a two year transition period following the last date upon which a national securities exchange maintains or enforces fixed rates of commission or April 30, 1976, whichever is later, in order to allow exchange members relying upon the income from performing brokerage for managed institutional accounts to phaseout this combination of functions; gives the Securities and Exchange Commission (SEC) the authority to regulate the manner in which members of national securities exchanges may trade from on or off the floor of an exchange for their own account and for the account of their affiliates, which, accordingly, will have the authority to control the trading of financial institutions, as long as it is not inconsistent with the purpose of this proposed legislation, which are exchange members during the period before the elimination of fixed commission rates; amends the Investment Company Act of 1940 and the Investment Advisers Act of 1940 to permit a mutual fund manager or investment adviser to cause a fund or client to pay commissions to a broker in excess of the commissions being charged by other brokers for effecting similar transactions, if that broker provides research services of value to the fund or client and the adviser makes appropriate disclosures concerning such payments, as the SEC may require; amends the Investment Company Act to remove the existing uncertainty as to the legality of the transfer for profit of a controlling interest in a mutual fund management company, and provides that a controlling interest in such a management company may be sold at a profit provided that for three years after the transaction at least 75 percent of the directors of the funds are independent of the new and old investment advisers and that the transaction does not impose an "unfair burden," as defined, on the fund; and contains other provisions. S. 470. P/S June 18, 1973. (193)

Securities Processing Act

Amends the Securities Exchange Act of 1934 as amended by vesting in the Securities and Exchange Commission (SEC) the power and the responsibility to direct the evolution of clearance and settlement methods employed by national securities associations and by broker-dealers engaged in interstate commerce; requires clearing agencies and securities depositories to register with and report to the SEC, and empowers the Commission to review and amend the rules of such entities; directs the Commission to proceed toward elimination, by December 31, 1976, of the negotiable stock certificate as a means of settlement in transactions between brokers and dealers, and to report to the Congress annually through 1976 on its progress with recommendations it might have for further legislation to eliminate the stock certificate; prohibits the imposition of State and local taxes in such a way as to inhibit unreasonably the development of an efficient national clearing and depository system; directs the Commission to consider the practice of registering securities in "street name" to determine whether such registration is consistent with the policies of the Securities and Exchange Act of 1934 and whether steps can be taken to facilitate communications between corporations and their shareholders while at the same time retaining the benefits of "street name" registration; requires registration and reporting by transfer agents; and contains other provisions. S. 2058. P/S August 1, 1973. (VV)

EDUCATION

Education of the Handicapped Amendments of 1973

Extends the Education of the Handicapped Act (Public Law 91–230) for three years, through fiscal year 1976, and authorizes therefor a total appropriation of $643.7 million; adds four new leadership positions at the Bureau of Education of the Handicapped to assist the associate commissioner in carrying out his duties; continues the advisory committee through July 1, 1976, at an annual authorization of $100,000; makes grant authorizations for preschool and school programs to the States of $65 million for fiscal year 1974, $80 million for fiscal year 1975, and $100 million for fiscal year 1976; requires each State to set forth a plan of the procedures it will use to identify, locate and evaluate every handicapped child in that State, to submit the plan to the Commissioner of Education for approval by December 31, 1974, to consider any amendment to the State plan a required portion of the State plan after June 30, 1975, and to establish policies and procedures to protect the confidentiality of data and information collected by the State; provides that no State shall expend funds for doing the plan required unless that State receives an amount greater than the amount allotted to that State in fiscal year 1973 and raises the minimum each State may receive from $200,000 to $300,000, increases the maximum allowable funds for administration and planning from $100,000 to $200,000, and provides that unless the aggregate of the amounts allotted to the States in fiscal year 1974 is $45 million or more these provisions shall not apply; authorizes for the three year period a total of $48 million for deaf/blind centers and services, $75 million for early childhood education, $37 million for regional resource centers, $1.5 million for recruitment and information, $135 million for manpower and personnel training, $42 million for research in the education of the handicapped, $55 million for handicapped persons, and $27.5 million for special programs for children with specific learning disabilities; amends the Higher Education Act of 1965, as amended, by allowing an institution to be eligible for funds if 10 percent of its current undergraduate body is composed of GI bill trainees; provides an entitlement of not less than 90 percent of funds obtained in the preceding year to local educational agencies which qualify for a phaseout of impact aid over a 5 year period if: (a) the local educational agencies experience a 10 percent decrease in the number of federally connected children during either of fiscal years 1974 or 1975, or (b) if such a decrease occurs in the 2 year period beginning July 1, 1973, and if these decreases are due to a cessation or decrease of activities announced after April 16, 1973; and contains other provisions. S. 895. P/S June 25, 1973 (VV)

National Commission on the Financing of Postsecondary Education

Extends the authorization of the National Commission on the Financing of Postsecondary Education and changes the date on which it must make its final report from April 30, 1973; provides that if fiscal year 1973 appropriations are $385 million or less for the basic educational opportunity grant program that the basic grants shall be limited to full time freshman students. H.J. Res. 393. Public Law 93–35, approved May 16, 1973. (VV)

GENERAL GOVERNMENT

American Revolution Bicentennial Commission

Authorizes an appropriation of $2,868,000 between February 16, 1973, and June 30, 1973, for expenses of the American Revolution Bicentennial Commission, of which not to exceed $1,200,000 would be for grants-in-aid to the States. H.R. 3694. Public Law 93–11, approved March 15, 1973. (VV)

Arctic winter games authorization

Authorizes an appropriation of $150,000 to the Secretary of Commerce for the purpose of assisting the financing of the Arctic Winter Games to be held in Alaska in 1974 and provides for disbursement of such funds on such terms and under such conditions as the Secretary deems appropriate. S. 907. P/S June 18, 1973. (VV)

Atomic Energy Commission authorizations, 1974

Authorizes a total appropriation of $2,055,-000 for the Atomic Energy Commission for fiscal year 1974 of which $1,740,750,000 is for operating expenses and $688,305,000 for plant and capital equipment including construction, acquisition or modification of facilities, land acquisition, and acquisition and fabrication of capital equipment not related to construction, and contains other provisions. S. 1994. Public Law 93–60, approved July 6, 1973. (206)

Commission on highway beautification—extension

Extends to December 31, 1973, the date for the Commission on Highway Beautification to submit to the President and the Congress its final report concerning implementation of the Highway Beautification Act of 1965 and authorizes therefor an additional appropriation of $250,000. S.J. Res. 42. Public Law 93–6, approved February 16, 1973. (VV)

Council on International Economic Policy

Amends title II of the International Economic Policy Act of 1972 to provide that, instead of serving as Chairman, the President shall designate a Chairman of the Council on International Economic Policy (CIEP) from among its statutory members; provides that the Executive Director of CIEP may appoint and fix salaries for members of the CIEP staff without regard to the provisions of title 5, U.S.C., governing appointments in the competitive service except, however, for personnel performing functions now performed by career personnel in the Office of the Special Trade Representative (STR) which will, in the future, be merged with CIEP; provides that effective June 30, 1973, the Executive Director of CIEP shall be appointed by the President subject to confirmation by the Senate; and authorizes therefor the appropriation of $3 million for each of fiscal years 1974 and 1975. S. 1636. P/S June 22, 1973; P/H amended June 28, 1973; House adopted Conference report August 3, 1973. (VV)

Disaster relief

Emergency disaster bill

Authorizes and directs the President to make grants to units of local government and State and local public agencies for predisaster assistance for fire suppression, tree removal, and reforestation work on public and private lands in the counties of Alameda and Contra Costa, California, to reduce the fire threat caused by a freeze in December of 1972 which killed tens of thousands of eucalyptus trees throughout the area; provides for reimbursement to property owners for actual or reasonable costs in carrying out tree removal activities on private property; and directs the President to exercise the authority conferred on him by section 221 of the Disaster Relief Act of 1970 to carry out the provisions of this act in order to avert or lessen the effects of a major disaster. S. 1697. P/S May 21, 1973. (VV)

Emergency Loan Program For Disaster Areas

Amends the Farmers Home Administration emergency loan program under the Consolidated Farm and Rural Development Act, which was curtailed by the Department of Agriculture by action announced on December 27, 1972, to provide a source of funds for farmers and ranchers in areas determined to be disaster areas by either the Secretary of Agriculture or the President; eliminates certain features, including the loan forgiveness feature and low interest rates, which became a part of the emergency loan program as a result of the Disaster Relief Act of 1970, Public Law 91–606, and the "Agnes-Rapid City" Act, Public Law 92–385; requires the Secretary to make, insure or guarantee loans to eligible applicants; sets the maximum interest rate on loans at 5 percent; requires that applicants be unable to obtain credit elsewhere at reasonable rates; makes it mandatory that the Secretary designate areas eligible for emergency loans where the criteria for such designation exists; repeals section 232 of the Disaster Relief Act of 1970, which effective July 1, 1973, requires the Secretary of Agriculture to cancel a part or all of the principal amount of certain loans and charge interest at a rate to be determined by the Secretary of the Treasury; applies the same interest rate to and eliminates the forgiveness feature for Small Business Administration disaster loans made under the Small Business Act in connection with any disaster occurring on or after the date of enactment of this act; and contains other provisions. H.R. 1975. Public Law 93–24, approved April 20, 1973. (66)

Domestic volunteer service act (ACTION)

Provides for the operation of all domestic volunteer service programs by the ACTION Agency, which was established by Reorganization Plan No. 1 of July 1, 1971, in a single piece of enabling legislation; authorizes appropriations for fiscal years 1974 and 1975 for the ACTION Agency's programs: VISTA (Volunteers in Service to America), the Peace Corps, the Foster Grandparent Program, RSVP (Retired Senior Volunteer Program), UYA (University Year for ACTION Program), the Service Corps of Retired Executives and the Active Corps of Executives; authorizes funds, for the first time, for administrative purposes; provides for new voluntary activities to meet a broad range of human and social needs beyond the strict anti-poverty programs including programs to provide alternatives to the incarceration of youthful offenders, to promote educational and job opportunities for returning veterans and to provide community-based peer group counseling and outreach for drug abuses; provides for two new older American programs: "Senior Health Aides" and "Senior Companions" modeled on the Foster Grandparent program; and contains other provisions. S. 1148. P/S July 18, 1973. (VV)

Emergency Petroleum Allocation Act of 1973

Grants to the President temporary authority until March 1, 1975, to deal with a national energy crisis involving extraordinary shortages of crude oil and petroleum products, or dislocations in their national distribution system, which he may delegate to the Secretary of the Interior or other agency head he deems appropriate; provides that the President shall designate an agency to supervise compliance and promulgate regulations under the act; authorizes that agency to require periodic reports from those subject to the act, subpena witnesses and documents, and to request the Attorney General to bring action to enjoin acts and practices in violation of the act; directs the establishment of an Office of Emergency Fuel Allocation within that agency to receive complaints from State and local governmental units concerning lack of gasoline or fuel oil supplies or price increases in violation of this act, which shall be empowered to order that adequate supplies be made available to communities threatened with the disruption of essential public services; directs the President within 30 days of enactment, after public hearings, to have published priority schedules, plans, and regulations for the allocation or distribution of crude oil and any refined petroleum product which is or may be in short supply nationally or in any region of the United States and authorizes temporary allocation in emergency situations pending their promulgation; provides that the President shall allocate or distribute, pursuant to the priority schedules, plans and regulations, any liquid fuel, whether crude or refined, or imported or domestically produced, which is in extraordinary short supply nationally or regionally; provides that the regulations shall include standards and procedures for determining or reviewing prices of allocated fuels; directs the President to use his authority under this act and existing law to assure adequate crude oil supplies to all refineries; establishes an allocation formula concerning sales to independent refiners and to independent dealers by producers or importers of more than 200,000 barrels per day of crude petroleum and/or natural gas liquids with the provision that this allocation program may be replaced or amended by the priority schedules, plans, and regulations issued to implement this act; provides that actions taken pursuant to the Economic Stabilization Act of 1970, as amended, shall continue in effect until modified or rescinded by or pursuant to this act; contains in sections 108–110 entitled the "Fair Marketing of Petroleum Products Act," provisions for the protection of dealers concerning supply and price and for the protection of franchised dealers in regard to cancellation of a franchise; authorizes suit by a retailer or distributor in the appropriate United States district court, without regard to the amount in controversy, against a distributor or refiner which engages in prohibited conduct; and contains other provisions. S. 1570. P/S June 5, 1973. (162)

Energy Policy Act of 1973

Creates in the Executive Office of the President a three member Council on Energy Policy to be appointed by the President by and with the advice and consent of the Senate which shall serve as the principal adviser to the President on energy policy; be a focal point for the collection, analysis, and interpretation of energy statistics; coordinate the energy activities of the Federal Government and provide leadership for State governments and other persons involved in energy actiivties; prepare a long-range comprehensive plan (the Energy Plan), to be updated annually, for energy development, utilization, and conservation; and, is to review all legislative recommendations and reports sent to Congress and, if it disapproves, send to the President and the Federal agency involved a statement in writing of its position and reasons therefor; directs the Council to prepare and submit to the President and the Congress on or before January 1, 1974, and annually thereafter, an energy report to accompany the Energy Plan including estimates of energy needs for the ensuing ten-year period, discussion of sources of supply for meeting those needs, and an evaluation of trends in price, quality, management, and utilization of energy resources; authorizes the Comptroller General to monitor and evaluate the operations of the Council and report to Congress with respect to Federal energy programs including his recommendations; authorizes appropriations for the purposes of the act of $1 million for fiscal year 1974, $2 million for fiscal year 1975, and $4 million for each subsequent fiscal year; and contains other provisions. S. 70. P/S May 10, 1973. (123)

Exemption of Federal Judiciary from charges for space and services

Relieves the Federal Judiciary and the U.S. Tax Court from all administrative duties in the calculation of charges for service, maintenance, repair, space, quarters or other facilities as required by section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended, by requiring the Administrator of the General Services Administration to provide such administrative services. S. 2079. P/S June 28, 1973.

Federal Election Campaign Act Amendments

Repeals the equal time requirement of Section 315 of the Communications Act as it applies to elective Federal office; makes at least 15 minutes of free time available to each of the candidates, whoever he may be; repeals the existing limitation on media and telephone spending with a total limitation on all expenditures by or on behalf of a candidate for Federal elective office; places a ceiling of 10 cents in the primary and 15 cents in the general election, multiplied by the estimate voting age (18 or over) population in the congressional district or the State, respectively; limits the expenditures by a Presidential candidate in any one State to the amount that a candidate for Senator from that State is entitled to spend; provides a floor as follows: permits expenditures of at least $175,000 (without regard to the amount reached by using the multiplication formula) for all Senatorial candidates, Delegates, Resident Commissioners, and candidates for the House of Representatives in States which are entitled to only one Representative and permits expenditures of $90,000 by candidates for the House of Representatives from a State entitled to more than one representative; places a limit of $3,000 on the amount that may be contributed to any candidate in any one year by any one contributor; places a limit of $25,000 in the aggregate on the amount which an individual may contribute to a political committee or on behalf of any candidate; places, except for the central campaign committee or the State campaign of a candidate, the national committee of a political party, or the Democratic or Republican Campaign Committees of the Senate or House of Representatives, a limit of $3,000 on the amount political committees may contribute to candidates for the Congress and for the Presidency; prohibits expenditures of over $1,000 by an independent individual on behalf of a candidate without certification by the candidate that the payment of that charge will not exceed the expenditure limitation for that candidate; creates a Federal Election Commission to administer and enforce the act; contains provisions for assistance to the States for voter registration; and contains other provisions. S. 372. P/S July 30, 1973 (344)

Federal Election Reform Commission

Establishes an independent commission, to be known as the Nonpartisan Commission on Federal Election Reform to conduct an extensive and exhaustive study of the practices engaged in by political parties and individuals in the course of Federal political campaigns; to consider the advisability of changing the term of office of Members of the House of Representatives, or the Senate, or the President of the United States; to make recommendations for such legislation, constitutional amendment, or other reforms as its findings indicate, and in its judgment are desirable to revise and control the practices and procedures of political parties, organizations, and individuals participating in the Federal electoral process; and contains other provisions. S.J. Res. 110. P/S July 30, 1973. (VV)

Federal elections

Sets a time for the holding of primary elections or nominating conventions for choosing candidates for election to the offices of U.S. Senator, Representative, Delegate, or Resident Commissioner by providing that they shall be held at any time during the period beginning on the first Tuesday in August; provides that a political party which nominates its candidate for election to the office of President by holding a national nominating convention shall hold that convention beginning on the third Monday of August of the year in which the President and Vice President are elected; makes election day, the first Tuesday next after the first Monday in November, in 1976, and every second year thereafter a national holiday; provides that the act shall take effect on January 1, 1976; and contains other provisions. S. 343. P/S June 27, 1973. (229)

Flood insurance

Amends the Housing and Urban Development Act of 1968 to increase from $2.5 billion to $4 billion the limitation on the face amount of flood insurance coverage authorized to be outstanding. S.J. Res. 26. Public Law 93–4, approved February 2, 1973. (VV)

Increases the authority for the Federal flood insurance program from $4 billion to $6 million. S.J. Res. 112. Public Law 93–38, approved June 5, 1973. (VV)

Foreign Service Building Act amendments

Authorizes a total of $59,611,000 for fiscal years 1974 and 1975 for the Foreign Buildings program administered by the Department of State of which $13,811,000 is for new construction, acquisition and development, and $45,800,000 is for operations. H.R. 5610. Public Law 93–47, approved June 22, 1973. (VV)

Fuel allocation; Hobby Protection Act

Provides for the establishment of a mandatory petroleum allocation program; amends the Economic Stabilization Act to provide that the President shall, with respect to the price level of beef, permit the passthrough of increases in raw agricultural product costs incurred since June 8, 1973, on the same basis as is permitted for meat and food products other than beef; provides protection for coin, token, and other collectors by requiring the marking of imitation numismatic and political items in order to prevent their being sold or traded as originals; and contains other provisions. S. 1880. P/S August 2, 1973. (357)

Government Printing Office

Provides that certifying officers of the Government Printing Office be responsible for the vouchers they certify for payment to the disbursing officer in the same way as other certifying officers of the Government; and contains other provisions. S. 1794. P/S June 28, 1973. (VV)

Grants the Public Printer the authority to adopt an official Government Printing Office seal which would have judicial recognition, and to designate employees to administer and certify oaths. S. 1795. P/S June 28, 1973. (VV)

Amends the Act of October 30, 1965, 40 U.S.C. 759(e), known as the "Brooks Bill" to restore full authority to the Joint Committee on Printing in the field of printing and binding, and thereby continue the responsibility for the administration of the contract on marginally punched continuous forms in the Government Printing Office under the direction of the Joint Committee on Printing. S. 1802. P/S June 28, 1973. (VV)

Maritime authorization, 1974

Authorizes appropriations for fiscal year 1974 for programs of the Maritime Administration within the Department of Commerce in the amount of $531,315,000, and amends title XI of the Merchant Marine Act, 1936, as amended to increase the loan guarantee authority of the Maritime Administration from $3 billion to $5 billion. H.R. 7670. Public Law 93–70, approved July 10, 1973. (VV)

Mint buildings

Increases from $45 million to $95 million the authorization of appropriations to the Department of the Treasury for the construction of mint facilities, such funds to be appropriated as may be necessary for each fiscal year beginning after June 30, 1963, and ending before July 1, 1983, with the provision that the aggregate of such sums shall not exceed the $95 million authorization. S. 1901. P/S June 27, 1973. (VV)

Motor Vehicle Defect Remedy Act

Amends the National Traffic and Motor Vehicle Safety Act by empowering the Secretary of Transportation to require that the manufacturer of a motor vehicle or an item of motor vehicle equipment (including tires) which contains a safety related defect or a failure to comply with a motor vehicle safety standard to remedy such defect or failure to comply without charge to the consumer; defines the administrative hearing procedure available to such manufacturer; provides for a procedure whereby the Secretary can act immediately to remove an obvious hazard by applying to a District Court for such temporary or permanent relief as may be necessary to protect the public; authorizes therefor an appropriation of not to exceed $46.773 million for fiscal year 1974; and contains other provisions. S. 355. P/S May 17, 1973. (VV)

National Commission on Productivity—Extension

Extends for an additional 2 months, to June 30, 1973, the President's Commission on Productivity. S.J. Res. 93. Public Law 93–34, approved May 14, 1973. (VV)

National Commission on Productivity and Work Quality

Renames the President's National Commission on Productivity as the National Commission on Productivity and Work Quality; sets the promotion of the productivity of the American economy and improvement of worker morale and work quality as objectives of the Commission and defines its functions; and contains other provisions. S. 1752. P/S May 10, 1973. (VV)

National Foundation on the Arts and Humanities Amendments of 1973

Authorizes appropriations at an increased level of funding for the National Endowment for the Arts and the National Endowment for the Humanities, grants-in-aid to States by the National Endowment for the Arts, and matching funds for gifts to the Endowments, in the total amount of $160 million, $280 million, and $400 million for fiscal years 1974, 1975, and 1976, respectively. S. 795. P/S May 2, 1973; P/H amended June 14, 1973; In conference. (107)

National Historic Preservation Act

Amends the National Historic Preservation Act of 1966; increases authorizations to $15.6 million, $20 million, and $24.4 million for fiscal years 1974, 1975, and 1976 respectively for matching Federal grants to States and the National Trust for Historic Preservation; extends authorizations of $100,000 for each of fiscal years 1974 and 1975 and authorizes $125,000 for fiscal year 1976 for United States participation in the activities of the Rome Centre; and provides that the Advisory Council on Historic Preservation shall continue in existence until December 31, 1985. S. 1201. Public Law 93–54, approved July 1, 1973. (VV)

National Science Foundation Authorization Act of 1974

Authorizes appropriations to the National Science Foundation for fiscal year 1974 in the amount of $632.6 million, and in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, $3 million for fiscal year 1974. H.R. 8510. Public Law 93– , approved 1973. (VV)

Office of Environmental Quality Authorizations

Authorizes (in addition to the standing authorization of $1 million per fiscal year contained in Public Law 91–190) an appropriation of $1.5 million for fiscal year 1974 and $2 million for fiscal year 1975 for the operations of the Office of Environmental Quality and the Council on Environmental Quality. S. 1379. Public Law 93–36, approved May 18, 1973. (VV)

Older Americans Comprehensive Services Amendments of 1973

Extends and amends the Older Americans Act of 1965 to enlarge the scope of the services provided therein; improves the organizational structure at the Federal, State, and local level of the agencies having responsibility for the delivery of such services; creates a Federal Council on the Aging to act as an advocate for the elderly with respect to Federal government policies and programs relating to their particular needs and problems; places the Administration on Aging in the Office of the Secretary of Health, Education, and Welfare and assigned primary responsibility for carrying out the act to the Commissioner on Aging; expands the existing program of formula grants to the States by providing funding for a range of social services in accordance with approved State plans; authorizes funds for direct grants to model projects with priority to projects in the areas of housing, education, and special transportation and other services for the physically and mentally impaired elderly; authorizes grants for multidisciplinary centers of gerontology and for multi-purposes senior centers; authorizes grants for training programs for personnel and for research and development projects in the field of aging; provides for a special study and demonstration projects on transportation problems of older Americans; makes surplus commodities available for nutrition programs; authorizes grants to States for older readers services; establishes an Older American Community Service Employment program; and contains other provisions. *NOTE:* (H.R. 15657 [92d–2d], a measure containing similar provisions, was pocket vetoed by President Nixon on October 30, 1973.) S. 50. Public Law 93–29, approved May 3, 1973. (17)

Peace Corps Act Amendments of 1973

Continues the Peace Corps program on a one year authorization with an authorization of appropriations of $77,001,000 to finance the operation of the Peace Corps during fiscal year 1974, and places the Peace Corps under Federal procurement law. H.R. 5293. Public Law 93–49, approved June 25, 1973. (VV)

Preservation of Historical and Archeological Data

Amends a 1960 law under which the Secretary of the Interior, through the National Park Service, conducts archeological salvage programs at reservoir construction to broaden the scope of activity to include all Federal or federally assisted or authorized construction projects which result in alteration of the terrain; authorizes the Secretary to conduct a survey and salvage program upon notification not only by the instigation agency but also by any other Federal or State agency or responsible private organizations or individuals; authorizes construction agencies to use or transfer up to one percent of funds appropriated for a project to the Secretary for survey and salvage work; provides that the costs incurred in connection with public works projects for archeological work under this act would become non-reimbursible project costs; and contains other provisions. S. 514. P/S May 22, 1973. (VV)

Public Works and Economic Development Act Amendments of 1973

Extends the Economic Development Administration (EDA) programs authorized by the Public Works and Economic Development Act of 1965 to enable disadvantaged local and regional areas to put in place the public facilities essential to economic development, for one fiscal year through June 30, 1974, with a total authorization of $430 million as follows: $200 million for grants under title I for public works and development facilities, of which not less than 25 percent nor more than 35 percent is for newly defined redevelopment areas under section 401(a)(6); $55 million for loan assistance under title II for financing public works and facilities and redevelopment area projects; $35 million for technical assistance under title III for alleviating conditions of excessive underemployment in certain areas; $45 million under title IV for projects in economic development centers and for an increase in grant assistance for projects to redevelopment areas; and $95 million for title V Regional Action Planning Commissions; continues the moratorium on changing the designation of economic development districts for one year; provides for up to 100 percent instead of up to 75 percent funding for administrative expenses of Indian tribes eligible for certain grants-in-aid under title III; and contains other provisions. H.R. 2246. Public Law 93–46, approved June 18, 1973. (117)

Recreation use fees

Amends the Land and Water Conservation Fund Act of 1965 to provide that there will be no charge for the day use or recreational use of certain facilities in recreational areas which most visitors might use. S. 1381. P/S May 16, 1973. (VV)

Amends the Land and Water Conservation Fund Act of 1965 to provide that there will be no charge for the day use or recreational use of certain facilities in recreational areas which most visitors might use; provides that there will be no charge for access to or use of any campground not having certain specified sanitary and convenience facilities; and defines the term "single visit" for purposes of charging admission fees as the length of time a visitor remains within the boundary of a designated fee area from the day he arrives to the day he leaves except that on the same day such admission fee is paid, the visitor may leave and re-enter the same area without payment of an additional fee. H.R. 6717. Public Law 93–81, approved August 1, 1973. (VV)

Renegotiation Act Amendments; Social Security Benefits Increase

Extends to June 30, 1974, the Renegotiation Act of 151, as amended, which authorizes the Government to recapture excessive profits on certain Government contracts and subcontracts; provides a social security cost of living benefit increase of approximately 5.6 percent effective June 1, 1974; increases the monthly income guaranteed under the Federal Supplemental Security Income (SSI) program for aged, blind and disabled persons from $130 to $140 for an individual and from $195 to $210 a month for a couple for months after June 1974; increases the earnings limitation for persons drawing social security from $2,100 to $2,400; raises taxable wages under social security from $12,000 in 1974 to $12,600; contains provisions to assure that aged, blind, and disabled persons now receiving cash assistance or eligible for Medicaid are protected from a reduction in benefits or loss of Medicaid eligibility when the SSI program becomes effective next January 1975; suspends for 4 months the Department of Health, Education, and Welfare's authority to issue new social services regulations scheduled to become effective July 1, 1973, unless new changes are proposed by the Department and approved by the Senate Finance Committee and the House Ways and Means Committee; and contains other provisions. H.R. 7445. Public Law 93–66, approved July 9, 1973. (225)

Service Contract Act extension to Canton Island

Amends section 8(d) of the Service Contract Act of 1965 (which provides labor standards and prevailing wage requirements for employees working under Government service contracts) to extend the jurisdiction of the act to Canton Island in the central Pacific which, in 1939, the United States and the United Kingdom jointly agreed to administer until 1989. H.R. 5157. Public Law 93–57, approved July 6, 1973. (VV)

Small Business Act Amendments

Amend section 4(c)(4) of the Small Business Act to increase the total amount of loans, guarantees, and other obligations or commitments outstanding by the Small Business Administration (SBA); consolidates and expands the present authorities in the Small Business Act provided by the Coal Mine Safety Act of 1969, the Occupational Safety and Health Act of 1970, and the Egg Product Inspection Act of 1970, into a new section authorizing loans to help small business concerns comply with standards imposed under any Federal law in order to provide a uniform approach and single framework for the extension of economic disaster loans to aid small business firms in complying with new Federal environmental, consumer, pollution, and safety standards; provides that Farmers Home Administration (FHA) and Small Business Administration disaster loans made in connection with disasters occurring prior to April 20, 1973, the enactment date of Public Law 93–24 which amended the emergency loan programs, are to be made on the same loan terms; authorizes, notwithstanding the provisions of Public Law 93–24, loan forgiveness on SBA and FHA disaster loans of up to $4,000 with respect to disasters occurring on or after April 20, 1973; continues the SBA's discretionary authority to refinance mortgages on substantially damaged homes and to suspend disaster loan payments in hardship cases by canceling the present July 1, 1973, expiration date for that authority; authorizes loans to persons engaged in the business of raising livestock who suffer substantial economic injury as a result of animal disease; authorizes loans to small businesses which suffer substantial economic damage as a result of the closing or reduction in the scope of operation of military bases; and contains other provisions. S. 1672. P/S May 17, 1973; P/H amended July 12, 1973; Conference report filed. (140)

Trust Territory of the Pacific Islands

Authorizes $64 million for fiscal year 1974 for the Trust Territory of the Pacific Islands for civil works and administrative programs; authorizes an additional sum of not to exceed $10 million for fiscal year 1974 to be used if necessary to offset reduction in or termination of Federal grant-in-aid programs or other funds made available to the territory by other Federal agencies; extends the authority of the Federal Comptroller for Guam to the Trust Territory of the Pacific Isands and prescribes his duties and responsibilities; and contains other provisions. S. 1385. P/S May 22, 1973; P/H amended June 19, 1973; Senate concurred in House amendment with an amendment June 21, 1973. (VV)

Truth in Lending Act amendments (fair credit billing)

Amends the Truth in Lending Act to protect consumers against inaccurate and unfair billing practices; prohibits, in title I, The Fair Credit Billing Act, unfair credit billing practices including provisions relating to resolution of billing errors, regulation of credit reports, acknowledgement of billing inquiries, prompt crediting of payments, length of the billing period, use of cash discounts, and prohibition of offsetting a disputed bill from funds on deposit; contains, in title II, largely technical amendments to improve the administration of the Truth in Lending Act and includes a provision limiting a creditor's maximum liability in a class action suit brought under the act to $100,000 or 1 percent of the creditor's net worth, whichever is less; prohibits, in title III, The Equal Credit Opportunity Act, any creditor from discriminating against any person on account of sex or marital status in granting or denying credit, including all credit transactions, whether for consumer, business, or other purposes and includes cash loans, installment sales, mortgage loans and the opening or closing of a revolving charge account; and contains other provisions. S. 2101. P/S July 23, 1973. (311)

Uniform Relocation Assistance and Real Property Acquisition Policies Act amendments

Amends the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to provide, until July 1, 1976, for full Federal funding of the first $25,000 for any single relocation payment for persons displaced by federally assisted programs and projects; expands coverage of the act to persons displaced by eight specified Federal programs; authorizes, through June 30, 1973, the head of a Federal agency to pay a State not in compliance with the act such funds as are necessary, in excess of the first $25,000 of cost, to make all payments and provide all benefits required by the act; and contains other provisions. S. 261. P/S February 2, 1973. (VV)

U.S. Travel Service authorization

Authorizes the appropriation of $22.5 million in each of the fiscal years 1974, 1975, and 1976 for the United States Travel Service which is charged with promoting foreign tourism to the United States. S. 1747. P/S June 13, 1973. (VV)

Voter Registration Act

Establishes a voter registration system for Federal elections through the mail; establishes within the Bureau of the Census a Voter Registration Administration to administer the program with an Administrator and two Associates of different political parties to be appointed for terms of 4 years by the President and confirmed by the Senate; provides that an individual who qualifies to be a voter under State law and registers as provided under this act shall be entitled to vote in Federal elections in that State; requires States to provide for an applicant to register up to 30 days before a Federal election; provides that the Administration shall prepare voter registration forms designed to provide a simple method to register by mail to be distributed by the Postal Service at least every two years, which the applicant shall mail or deliver when completed to the local registration agent who must then notify the applicant of his acceptance or rejection; provides, in regard to prevention of fraudulent registration, that, in addition to appropriate action under State law, a State official shall notify the Administration which shall provide assistance, and that when a State official or the Administration determines that a pattern of fraudulent registration or attempted fraudulent registration exists, either may request the Attorney-General to bring a civil action, in any appropriate United States district court to enjoin fraudulent registration; includes criminal penalties for the falsifying of voter registration forms or voting more than once; provides for payment to the States of the cost, as determined by the Administration, of processing registration forms under this act, and provides financial assistance to States adopting this system for State elections; and contains other provisions. S. 352. P/S May 9, 1973. (121)

Wagner-O'Day Act Amendment, 1973

Amends the Wagner-O'Day Act of 1938, as amended by Public Law 92–28, to increase the authorization of appropriations to the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped for fiscal year 1974 from $200,000 to $240,000. S. 1413. Public Law 93–76, approved July 30, 1973. (VV)

Waiver-of-claims authority

Extends the same waiver-of-claims authority as that granted to the Executive Branch for overpayments of pay and certain allowances to all agencies of the Legislative Branch except the House of Representatives. S. 1803. P/S July 24, 1973. (VV)

White House Conference on the Handicapped

Declares that it is the sense of Congress that the President call a White House Conference on the Handicapped within 2 years from the date of enactment of the resolution in order to make recommendations for further research and action in the field of the handicapped, and contains other provisions. S.J. Res. 118. P/S July 18, 1973. (VV)

Wool Products Labeling Act amendments

Amends the Wool Products Labeling Act of 1939 by substituting the term "recycled wool" for the terms "reprocessed wool" and "reused wool" thus combining the terms into one definition for the term "recycled wool." S. 1816. P/S July 20, 1973. (VV)

GOVERNMENT EMPLOYEES

Central Intelligence Agency Retirement Act amendment

Amends section 236 of the Central Intelligence Agency Retirement Act of 1964 for certain employees to (1) increase the quota on retirements from 800 to 2,100 for the period July 1, 1969, to June 30, 1974, and (2) establish a quota of 1,500 for retirements between July 1, 1974, and June 30, 1979. S. 1494. Public Law 93–31, approved May 8, 1973. (VV)

Executive, legislative, and judicial salaries

Provides that the Commission on Executive, Legislative, and Judicial Salaries submit its report to the President every other year instead of every four years and that the President likewise make his salary recommendations to the Congress biennially, by August 31, in the odd numbered years beginning in 1973; provides for such recommended pay increases to become effective on the first day of the first pay period which begins after 30 calendar days of continuous session of Congress unless disapproved by Congress by specific legislation changing the pay rates or by passage of a disapproval resolution by either body; and contains other provisions. S. 1989. P/S July 9, 1973. (VV)

Federal employees retirement

Allows Federal employees, who meet the present requirements for retirement upon involuntary separation of 25 years of service, or 20 years of service at age 50, to retire at their own option during a period when the employing agency is undergoing a major reduction in force. H.R. 6077. Public Law 93- , approved 1973. (VV)

Library of Congress

Provides pay increases for members of the police force of the Library of Congress. S. 1904. P/S June 28, 1973. (VV)

National Guard Technicians' Retirement

Changes, retroactively, from January 1, 1969, the crediting pre-1969 technician service as follows: (1) grants retirement credit for technician service performed before 1969 to all former technicians serving in any position subject to the retirement law on or after January 1, 1969; (2) allows credit for 100 percent of pre-1969 technician service for annuity computation purposes; and (3) permits eligible technicians to pay the full amount rather than 55 percent otherwise owed as a deposit for pre-1969 technician service. S. 871. P/S July 31, 1973. (VV)

Survivor Annuities of Civil Service Retirees

Amends chapter 83, title 5, U.S.C. by eliminating the reduction in annuity that a retiree takes to provide survivor benefits for his spouse during periods of nonmarriage allowing in effect, full annuity to an annuitant during these periods. S. 628. P/S July 31, 1973. (VV)

HEALTH

Child Abuse Prevention and Treatment Act

Provides financial assistance for demonstration programs for the prevention, identification, and treatment of child abuse and neglect through the creation of a National Center of Child Abuse and Neglect within the Office of Child Development in the Department of Health, Education, and Welfare; creates a National Commission on Child Abuse and Neglect to study the effectiveness of existing laws and of programs to prevent, identify, and treat child abuse and neglect, its extent and causes, and the adequacy of Federal, State and local funding for child abuse programs; authorizes an appropriation of $10 million for fiscal year 1974 and $20 million for fiscal years 1975, 1976, 1977, and 1978 respectively; and contains other provisions. S. 1191. P/S July 14, 1973. (282)

Child nutrition programs

Amends section 6 of the National School Lunch Act which authorizes expenditures for commodities to provide a means to enable the Department of Agriculture to meet school lunch and breakfast program needs for this fiscal year; requires the Secretary of Agriculture, for this fiscal year only, to make an estimate as of March 15 of the amount of commodities which the Department will deliver to schools; requires the Secretary (if this estimate is less than 90 percent of the value of the amount the Department originally planned to deliver to schools) to pay the States, no later than April 15, a cash amount equal to the difference between the initial estimate and the amount to be delivered this fiscal year as determined by the March 15 estimate, and to distribute the money to the States according to their ratio of meals served under the school lunch and breakfast program; directs the Secretary to use section 32 funds and funds from section 416 of the Agricultural Act of 1949 for the purposes of this act and to request, if necessary, a supplemental appropriation; waives the matching requirements for the funds distributed under this bill; and contains other provisions. H.R. 4278. Public Law 93-13, approved March 30, 1973. (VV)

Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act Amendments of 1973

Extends for 2 years through fiscal year 1976 the State formula grant program originally authorized by the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, Public Law 91-616, maintaining the annual authorization level at $80 million; extends the contract and project grant authority of the Act of 1970 for an additional 3 years through fiscal year 1976, and authorizes therefor appropriations of $90 million for fiscal year 1974, $100 million for fiscal year 1975, and $110 million for fiscal year 1976; adds a new special grant authority providing an additional allotment of $100,000 plus 10 percent of its formula allotment for each State which adopts the Uniform Alcoholism and Intoxication Treatment Act, or legislation substantially similar to that Act, which requires intoxication to be treated as a responsibility of the community's public health and social service agencies rather than of its criminal justice system; prohibits public or private general hospitals receiving funds from Federal agency sources from discriminating in their admissions or treatment policies against any person solely because of his alcohol abuse or alcoholism; deletes the language of the Act of 1970 placing the National Institute on Alcohol Abuse and Alcoholism within the National Institute of Mental Health and substitutes language placing it within the Department of Health, Education, and Welfare, thereby permitting, not requiring, the Secretary to place the Institute elsewhere within the Department; gives the National Institute on Alcohol Abuse and Alcoholism authority for eleven top level positions; places alcoholism project and contract authority under the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act; eliminates duplication by deleting section 247 of the Community Mental Health Centers Act; and contains other provisions. S. 1125. P/S June 21, 1973. (VV)

Emergency Medical Services Systems Act

Adds a new title XII to the Public Health Service Act authorizing for public and nonprofit private entities three separate programs of grant and contract assistance (1) for projects which include both feasibility studies and planning for emergency medical services systems; (2) for the establishment and initial operation of such systems, and (3) for expansion and improvement of such systems, and a new program in the present title VII of the act for training programs, especially those that afford clinical experience in systems assisted under the new title XII; requires an applicant for a grant or contract for the establishment and operation or for expansion or improvement of an emergency medical services system (EMS) to demonstrate that the system will meet each of specified component requirements within certain time limitations; provides that applications for grants and contracts for feasibility studies and planning shall include a showing of the need of the area for such a system, the applicant's planning qualifications and willingness to conduct the planning in cooperation with the area-wide health planning agency and with the entity responsible for evaluation or for the provision of such services in the areas of State health planning; provides that applications for grants and contracts for research in an amount in excess of $35,000 must be recommended for approval by an appropriate peer group review panel designated or established by the Secretary; provides that special consideration shall be given to applications for grants and contracts for establishment and initial operation of systems which will coordinate with statewide systems; contains requirements for emergency medical services systems' components including: inclusion of an adequate number of health professions and allied health professions personnel; appropriate training (including clinical training) for its personnel and continuing education programs; a central communications system interconnected within the system and with other appropriate EMS systems; a transportation system; easily accessible facilities capable of providing services on a continuous basis and access to specialized critical medical care units in the system's service or neighboring area, including transportation; the provision by each system of necessary emergency medical services, without prior inquiry as to ability to pay, to all patients requiring such services; the transfer of patients for follow-up care and rehabilitation, including vocational rehabilitation; provision for public education and information programs; provision for periodic, comprehensive, and independent review and evaluation of the system; capability for providing emergency medical services in its service area during mass casualties, natural disasters, or national emergencies; reciprocal arrangements for services with other or similar systems serving neighboring areas; provision of services in an appropriate geographical area; and for "consumers" (persons without professional training or financial interest in the provision of health care) to have adequate opportunity to participate in the making of policy for the system; establishes an interagency Committee on Medical Services to coordinate all Federal programs and activities which relate to emergency medical services and make recommendations to the Secretary respecting the administration of the new title XII; authorizes appropriations therefor for fiscal years 1974–1976 of $45 million, $65 million, and $75 million respectively, for a total of $185 million for those three fiscal years; directs the Secretary to continue the operation of the following Public Health Service hospitals in Seattle, Boston, San Francisco, Galveston, New Orleans, Baltimore, Staten Island, and Norfolk at the level in effect on January 1, 1973, and prohibits the Secretary from closing or transferring control of a hospital or reducing its services or activities only if specifically authorized by law enacted after the date of enactment of this legislation. S. 504. Vetoed August 1, 1973; Senate overrode veto August 2, 1973; House to reconsider September 12, 1973. (134,294,358)

Health Maintenance Organization and Resources Development Act of 1973

Defines in Part A of Title I, Health Maintenance Organizations, the functions and requirements for a health maintenance organization and the comprehensive health services to be provided by a health maintenance organization; authorizes funds for use by the Secretary of Health, Education, and Welfare for the fiscal years 1974–1976 for the following: $45 million for grants for planning and feasibility studies of developing or expanding health maintenance organizations; $70 million for grants for initial development costs; $85 million for construction grants; $85 million for grants for initial cost of operation; $60 million for construction loans; $85 million for loans for initial cost of operation; and $100 million for grants and loans to health maintenance organizations or nonprofit entities intending to become HMO's in rural areas; provides, in Part B, for an annual payment to certified health care providers as an initiative award in an amount equal to the administrative costs allowed by the Commission on Quality Health Care Assurance incurred in complying with the requirements of the Commission, and authorizes for this purpose $150 million; authorizes the Secretary to make annual capitation grants to health maintenance organizations during the first 3 years of operation serving persons who cannot meet the expenses of such organizations' premiums; requires that not less than 7.5 percent of the total amount appropriated for Part A of this title be used for this purpose; prohibits transfer of funds within the act; provides for waiver of open enrollment in specified circumstances; requires recipients of Federal funds under this act to keep records of full disclosure of the amount and disposition of funds; and authorizes the Secretary to contract with health maintenance organizations to provide health services to individuals who are eligible for such services from the Indian Health Service; in Title II, Commission on Quality Health Care Assurance Act of 1973, establishes a Commission on Quality Health Care Assurance in the Department of Health, Education and Welfare, composed of 11 members to be appointed by the President with the advice and consent of the Senate; provides that the Commission, among its duties, is to promulgate standards for qualifications of personnel, composition of medical groups, and other characteristics dealing with the adequacy of facilities and equipment; to gather data describing, in statistical terms, the process of health care in various parts of the country; and to monitor and enforce the meaningful and effective consumer disclosure provisions of the legislation; requires the publication of a description of any health care plan covered by this title within 90 days of establishment stating the fees and prices, scope of services, accessibility and availability of services, and a statement of certification by the Commission; authorizes the Commission to suspend certificates of approval of health care providers in certain circumstances; provides for arbitration in malpractice claims; and authorizes a total of $125 million over a three-year period as follows: $15 million for fiscal year 1974, $40 million for fiscal year 1975, and $70 million for fiscal year 1976 to carry out the provisions of title II; and contains other provisions. S. 14. P/S May 15, 1973. (132)

Health Programs Extension Act of 1973

Extends the 12 expiring health authorities in the Public Health Service Act, the Community Mental Health Centers Act, and the Developmental Disabilities Services and Facilities Construction Act, for health research and development; health statistics; public health training; migrant health; comprehensive health planning and services; medical libraries; Hill-Burton facilities construction; allied health training; regional medical programs; family planning; community mental health centers; and developmental disabilities for 1 year to June 30, 1974, at a total authorization level of $1,270.6 million; restricts the authorization for project grants under section 304(e)d of the Public Health Service Act to programs respecting neighborhood health centers, family health centers, lead-based paint poisoning prevention, and rodent control, by prohibiting the funding under this section of programs for which an alternative authority is contained in title I of this act; denies any court, public official, or public authority the right to require individuals or institutions to perform abortions or sterilizations contrary to their religious beliefs or moral convictions because an individual or institution had received assistance under the Public Health Service Act, the Community Mental Health Centers Act, or the Developmental Disabilities Act; and extends to June 30, 1974, the provisions of section 601, title VI, the Medical Facilities Construction and Modernization Amendments of 1970 (Hill-Burton amendments) designed to assure availability of appropriated health funds. S. 1136. Public Law 93-45, approved June 18, 1973. (63,163)

Lead-Based Paint Poisoning Amendments of 1973

Amends the Lead-Based Paint Poisoning Act, Public Law 91-695, and authorizes therefor an annual appropriation of $75 million for each of fiscal years 1974-1977; expands the authority of the Secretary of Health, Education, and Welfare to make grants to local and State government units for programs to detect and treat incidents of lead-based paint poisoning to include private, non-profit organizations; increases from 75 percent to 90 percent the Federal share for the cost of such programs; provides that no lead-based paint shall be applied to any toy, furniture, or cooking, drinking or eating utensil manufactured and distributed in interstate commerce after enactment of the act; provides that, effective January 1, 1974, that lead-based paint means any paint containing more than .06 percent lead, or if the Secretary after completing the study authorized by this act determines that a .05 percent level is safe, the .05 percent level shall be used instead; and contains other provisions. S. 607. P/S May 9, 1973. (VV)

Little Cigar Act of 1973

Amends the Federal Cigarette Labeling and Advertising Act (15 USC 1331-1340) as amended by the Public Health Cigarette Smoking Act of 1969 by expanding the prohibition on advertising media to include "little cigars"; defines the term "little cigar" to mean any role of tobacco wrapped in leaf tobacco or any substance containing tobacco (other than cigarettes) and weighing not more than 3 pounds per 1,000 units; and provides that it shall be unlawful to advertise little cigars on any medium of electronic communication subject to the jurisdiction of the Federal Communications Commission. S. 1165. P/S April 10, 1973; Reconsidered and P/S April 30, 1973. (VV)

National Institute of Health Care Delivery Act of 1973

Amends the Public Health Service Act to establish a National Institute of Health Care Delivery as a separate agency within the Department of Health, Education, and Welfare to carry out an accelerated multidisciplinary research and development effort to improve the organization and delivery of health care in the nation; authorizes up to eight regional centers and two National Special Emphasis Centers, a Health Care Technology Center, and a Health Care Management Center; authorizes appropriations, for both the Institute and the Centers, of $115 million, $130 million, and $145 million for fiscal years 1974, 1975, and 1976 respectively; establishes a 21 member National Advisory Council on Health Care Delivery to advise the Institute on the development, priorities, and execution of its programs; and contains other provisions. S. 723. P/S May 15, 1973. (VV)

Research in Aging Act, 1973

Amends title IV of the Public Health Service Act to provide for the establishment by the Secretary of Health, Education, and Welfare (HEW) of a National Institute on Aging (NIA) in the National Institutes of Health (NIH) for the conduct and support of biomedical, social, and behavioral research and training related to the aging process and the diseases and other special problems and needs of the aged, as authorized under section 301 of the Public Health Service Act and presently focused in the National Institute of Child Health and Human Development; provides that the Director of NIH shall assign functions to NIA or another institute when the activities overlap; directs the Secretary of HEW to (1) conduct scientific studies, through the Institute, for the purpose of measuring the impact on the biological, medical, and psychological aspects of aging, of all programs conducted or assisted by HEW to meet the needs of the aging in order to obtain data for assessment of the programs by the Institute, (2) carry out public information and education programs to disseminate information developed by the Institute which may aid in dealing with, and understanding, the problems associated with aging, and (3) prepare a comprehensive aging research plan within 1 year after enactment for presentation to the Congress and the President, along with a statement of the staffing and funding requirements necessary to implement the plan; and contains other provisions. *NOTE:* (H.R. 14424 [92d-2d], a similar measure, was pocket vetoed by President Nixon on October 30, 1972.) S. 775. P/S July 9, 1973. (VV)

INDIANS

Glen Canyon National Recreation Area concession operations

Directs that the annual franchise fee received by the Secretary of the Interior from the concessioner in connection with the Rainbow Bridge floating concession operation in Glen Canyon National Recreation Area be placed in a separate fund of the Treasury, and authorizes the Secretary to transfer annually such fees from the fund to the Navajo Tribe of Indians, in consideration of the tribe's continued agreement to the use of former Navajo Indian Reservation lands for the purpose of anchoring the Rainbow Bridge floating concession facility. S. 1384. P/S May 23, 1973. (VV)

Indian Claims Commission

Authorizes appropriations not to exceed $1.2 million for the expenses of the Indian Claims Commission for fiscal year 1974, and an additional $900 million for the expense assistance revolving loan fund. S. 721. Public Law 93-37, approved May 24, 1973. (VV)

Indian Financing Act

Provides to Indian organizations and individual Indians capital in the form of loans and grants that is needed to promote their economic development; authorizes a $50 million increase for the Revolving Loan Fund; provides a Loan Guarantee and Insurance Program which could generate as much as $200 million in new private capital; authorizes an Interest Subsidy Program; and provides an Indian Business Development Grant Program. S. 1341. P/S July 28, 1973. (VV)

Indian Judgment Distribution Act of 1973

Provides that if neither House of Congress, within 60 calendar days from the date of submission of a recommended plan by the Secretary of the Interior regarding the distribution of funds awarded to Indian Tribal groups by the Indian Claims Commission and the United States Court of Claims, passes a committee resolution disapproving such plan and thus requires authorizing legislation, the plan will become effective and the distribution of such funds made upon the expiration of the 60 day period or earlier if waived by committee resolutions by both the House and the Senate Committees on Interior and Insular Affairs, thereby relieving the Committees of the necessity of having to legislate on all judgment awards except for the most complicated. S. 1016. P/S May 22, 1973. (VV)

Joint Committee on Navajo-Hopi Administration—Abolishment

Abolishes the Joint Committee on Navajo-Hopi Indian Administration created during the 81st Congress to consider the problems peculiar to the Navajo and Hopi Tribes and oversee the expenditure of funds appropriated for the development of their reservations, construction of facilities, and other needed improvements, work which was principally completed in 1964. S. 267. P/S February 5, 1973. (VV)

Klamath Indian tribal land acquisition

Directs the Secretary of Agriculture to acquire by condemnation the remainder of the Klamath Indian Forest lands, for inclusion in the Winema National Forest, which the Klamath Tribe has directed the United States National Bank of Portland, a private trustee, to sell by the terms of its trust agreement and authorizes for this purpose to be appropriated an amount not to exceed $70 million. H.R. 3867. Public Law 93- , approved 1973. (VV)

Publication of material relating to the constitutional rights of Indians

Amends, for technical reasons, section 701 (c) of title VII of Public Law 90-284 to authorize the appropriation of such sums as may be necessary for the Secretary of the Interior (1) to annually revise and republish the document entitled "Indian Affairs, Laws and Treaties," (2) to revise and republish the treatise entitled "Federal Indian Laws," and (3) to have prepared and printed as a government publication an accurate compilation of the official opinions of the Solicitor of the Department of the Interior relating to Indian affairs. S. 969. P/S June 27, 1973. (VV)

INTERNATIONAL

Atlantic union delegation

Authorizes the creation of a delegation of 18 eminent citizens (6 each to be appointed by the House of Representatives, the Senate, and the President) to meet with similar unofficial delegations "from such North Atlantic Treaty parliamentary democracies as desire to join in the enterprise" in order to explore the possibility of agreement on a "declaration that the goal of their peoples is to transform their present relationship into a more effective unity based on Federal principles," and empowers the convention to invite other parliamentary democracies to participate in the process, which would also explore the possibilities for a timetable and a commission to move toward the goal by stages. S.J. Res. 21. P/S March 26, 1973. (VV)

Environmental modification as a weapon of war

Expresses as a sense of the Senate that the United States Government should seek the agreement of other governments, including all permanent members of the Security Council of the United Nations, to a proposed treaty for the complete cessation of any research experimentation or use of any environmental or geophysical modification activity as a weapon of war, including weather, climate, earthquake, and ocean modification activity. S. Res. 71. Senate adopted July 11, 1973. (266)

Euratom Cooperation Act of 1958 amendment

Amends section 5 of the EURATOM Cooperation Act of 1958, as amended, by increasing the amount, from 215,000 kilograms to 583,000 kilograms, of contained uranium 235 which the United States Atomic Energy Commission is authorized to transfer to the European Atomic Energy Community under the Agreements for Cooperation between the United States and EURATOM. S. 1993. Public Law 93- , approved 1973. (VV)

Foreign Military Sales and Assistance Act, 1974

Authorizes a total of $770 million for the foreign military grant assistance and sales programs and the economic supporting assistance program; authorizes $420 million for military grant aid on a country-by-country basis instead of in a lump sum which is allocated by the Executive Branch; requires military grant assistance recipients to pay 10 percent of the amount of the grant in their own currency to pay official U.S. costs; authorizes $200 million for credit sales to current grants recipients on concessional terms from July 1, 1973, to June 30, 1978; requires prior notification to Congress of military sales over $25 million or cumulative sales over $50 million in one year, which may then be made unless either House of Congress adopts a resolution within 30 days of continuous session thereafter disapproving the sale; prohibits the transfer of naval vessels to foreign countries except under the authority of this act; authorizes $25 million for foreign military training purposes; authorizes $125 million for supporting assistance on a country-by-country basis, of which not less than $50 million is to be available to Israel and $65 million to Jordan; prohibits the use of any appropriation for police or related traning programs for foreign countries; emphasizes the authority of the Secretary of State over the military assistance and sales policy by authorizing funds directly to the Secretary rather than to the President; authorizes a program of military assistance for Vietnam and Laos to replace that provided through Department of Defense authorization and appropriation bills; authorizes one-for-one replacement of arms and munitions for South Vietnam and Laos in accordance with the cease-fire agreements; authorizes $150 million in military aid for Cambodia with the provision that of a cease-fire is reached in Cambodia any additional arms or munitions shall be in accordance with the terms of the cease-fire; authorizes the President, in the event of a new offensive by North Vietnam, to provide unlimited military aid to South Vietnam; requires quarterly reports from the President on all U.S. assistance to South Vietnam, Laos, or Cambodia, the nature and extent of the official American presence, and the general status of implementation of the cease-fire agreements; and contains other provisions. S. 1443. P/S June 26, 1973; P/H amended July 26, 1973. (226)

International Monetary Fund and International Bank for Reconstruction and Development

Amends subsection (b) of section 3 of the Bretton Woods Agreements Act to authorize the President, by and with the advice and consent of the Senate to appoint different individuals to serve as alternates for the governor of the International Monetary Fund and of the International Bank for Reconstruction and Development. S. 1887 Public Law 93– , approved 1973.

International Voyage Load Line Act of 1973

Repeals the Foreign Load Lines Act, 1929, as amended, and substitutes this act, which provides the necessary legislation to implement the provisions of the International Convention on Load Lines, 1966, to which the United States is a party and which came into force on July 21, 1968, making it unlawful for a vessel to be so loaded as to submerge the prescribed load line or the point where an appropriate load line should be marked. S. 1352. P/S June 27, 1973. (VV)

People's Republic of China—Diplomatic privileges

Authorizes the President to extend to the Liaison Office of the People's Republic of China in Washington and to the members thereof the same privileges and immunities subject to corresponding conditions and obligations as are enjoyed by diplomatic missions accredited to the United States and by members thereof. S. 1315. Public Law 93–22, approved April 20, 1973. (VV)

Prohibition of intervention in foreign political affairs

Prohibits any citizen or resident of the United States from offering a contribution to any agency or employee of the United States for the purpose of influencing the outcome of an election for public office in a foreign country; makes it unlawful for any officer, employee, or agent of the United States to solicit or accept contributions to candidates or political parties to influence an election for public office in a foreign country; and contains other provisions. S. 2239. P/S July 26, 1973. (VV)

Radio Free Europe and Radio Liberty supplemental authorization, 1973

Authorizes additional fiscal year 1973 appropriations of not to exceed $1.5 million for Radio Free Europe and Radio Liberty to provide for increased costs resulting from the devaluation of the dollar on February 12, 1973. S. 1972. Public Law 93–59, approved July 6, 1973. (VV)

State Department authorization, 1974

Authorizes a total of $613,666,000, including $4.5 million for the U.S. share of expenses of the International Commission on Control and Supervision in Vietnam; prohibits the use of funds for further involvement of U.S. forces in hostilities in Indochina or aid to North Vietnam without specific authorization by Congress; establishes a new Bureau of Oceans and International Environmental and Scientific Affairs in the Department of State to be headed by an Assistant Secretary; requires that military base agreements with foreign countries be submitted to the Senate as treaties and also requires that the Azores base agreement with Portugal be submitted as a treaty; requires that funds be cut off for foreign affairs agencies which do not comply with Congressional Committee or General Accounting Office requests for information; prohibits use of funds appropriated pursuant to the act to be used for attempting to influence the outcome of legislation pending before Congress or the outcome of a political election; requires listing by rank of Foreign Service personnel selected for promotion; provides for the establishment of a Foreign Service grievance procedure consonant with due process; states the sense of Congress that the United States seek agreement on specific mutual reductions in military expenditures; and contains other provisions. H.R. 7645. P/H June 7, 1973; P/S amended June 14, 1973. In conference. (191)

TREATIES

Consular convention with Hungary

Establishes consular relations between the United States and the People's Republic of Hungary which will afford American citizens in Hungary a greater degree of consular protection and guarantee quick and unhindered communication between a citizen and his consul and prompt notification to the consul of any detention or other limitation, and provides for the establishment of consulates and the exchange of consular appointments according each country the facilities, privileges, and immunities afforded under similar bilateral consular conventions in force with a number of other countries, Ex W, 92d–2d. Resolution of Ratification agreed to March 27, 1973. (58)

Consular convention with Poland

Establishes consular relations between the United States and the Polish People's Republic; guarantees early notification of detention of a country's nationals and access thereto; describes consular functions and responsibilities in such fields as the issuance of visas and passports and the performance of notorial services; provides for the inviolability of consular personnel with regard to legal proceedings in the host country; and contains other provisions afforded under similar bilateral consular conventions in force with a number of other countries, Ex U, 92d–2d. Resolution of Ratification agreed to March 27, 1973. (56)

Consular convention with Romania

Replaces the convention currently in existence between the United States and the Socialist Republic of Romania; improves consular services in both countries to include the issuance of passports and visas, performance of notorial services, and representation of the interests of nationals in estate matters; assures that consuls whose nationals are detained or whose personal freedom is limited will be notified promptly and will have the right to visit and communicate with such nationals; and contains other provisions afforded under similar bilateral consular conventions in force with a number of other countries. Ex. V, 92d-2d. Resolution of Ratification agreed to March 27, 1973. (57)

Convention for the safety of life at sea amendments

Provides for improved radio-telephone watch procedures, more modern radiotelephonic devices, more detailed procedures for the operation of radiotelephonic equipment, and new regulations concerning traffic separation schemes. Ex. I, 93d–1st. Resolution of Ratification agreed to August 3, 1973. (362)

Convention on endangered species

Establishes a system by which governments may strictly control the international trade in specimens of species which are, or may be, in danger of becoming extinct as a result of that trade. Ex. H, 93d–1st. Resolution of Ratification agreed to August 3, 1973. (360)

Convention on the prevention of marine pollution

Establishes in each country party to the Convention a national system for regulating the ocean disposal of wastes comparable to the system provided for the United States by Title I of Public Law 92–532, the Marine Protection, Research and Sanctuaries Act of 1972. Ex. C, 93d–1st. Resolution of Ratification agreed to August 3, 1973. (359)

Convention with Japan for the Protection of Birds and Their Environment

Provides for the protection of species of birds which are common to the United States and Japan or which migrate between them and provides that each country will develop programs to preserve and enhance the environment of the birds protected by this agreement. Ex. R, 92d–2d. Resolution of Ratification agreed to March 27, 1973. (60)

Exchange of notes with Ethiopia concerning the administration of justice

Terminates the notes exchanged on September 7, 1951, concerning the administration of justice and constituting an integral part of the Treaty of Amity and Economic Relations Between the United States and Ethiopia. Termination of the notes, which set forth special commitments on the part of the Ethiopian Government regarding the trial of cases involving American citizens, would be in conformity with the U.S. policy of basing international agreements, in general, on the principles of equality and reciprocity. Ex. B, 93d–1st. Resolution of Ratification agreed to March 27, 1973. (59)

International Convention on load lines amendments

Amends the 1966 Load Lines Convention (which established uniform rules concerning the limits to which ships on international voyages may be loaded and brought international load line regulations into accord with modern developments and techniques in ship construction) by correcting a number of errors and ambiguities which have become apparent in such matters as technical terminology, geographic reference points, and cross references. Ex. D, 93d–1st. Resolution of Ratification agreed to August 3, 1973. (361)

United Nations Environment Program Participation Act of 1973

Authorizes and appropriation of $40 million for the total U.S. contribution to the United Nations Environment Fund and limits the fiscal year 1974 contribution to $1 million. H.R. 6768. P/H May 15, 1973; P/S amended June 8, 1973. (VV)

U.S. Information Agency authorization, 1973

Authorizes $193,249,500 for fiscal year 1974 for the United States Information Agency to carry out international informational activities under the authority of the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, and Reorganization Plan Number 8 of 1953. S. 1317. P/S May 30, 1973. (151)

United States oceans policy

Endorses the ocean policy objectives which were envisioned in the President's Ocean Policy Statement of May 23, 1970, and which are now being pursued by the United States delegation to the United Nations Seabed Committee preparing for the Law of the Sea Conference with regard to: (1) Protecting the freedoms of the high seas, beyond a twelve mile territorial sea, for navigation, communication, and scientific research, and free transit through and over international straits; (2) recognizing certain international community rights; (3) providing for the orderly and just development of mineral resources of the deep seabed as the common heritage of mankind; and (4) for the conservation and protection of living resources with regulation of fisheries, coastal State management of coastal species, and international management of such migratory species as tuna; and commends the United States delegation for its excellent work and encourages its efforts for an early agreement on an ocean treaty embodying these goals. S. Res. 82. Senate adopted July 9, 1973. (VV)

LABOR

Emergency Employment Act amendments

Extends for 2 years, through fiscal year 1975, the Emergency Employment Act of 1971 (public employment program) and authorizes $1.25 billion for fiscal year 1974 and such sums as may be necessary for fiscal year 1975; focuses the legislation to those in greatest need and for whom the government has the clearest responsibility: the disabled and Vietnam-era veterans, the economically disadvantaged, those unemployed for 15 weeks or more, and persons unemployed as a result of the closing of or a reduction in activities at a Defense Department facility; seeks assurance that sponsors will fill at least half of the public service jobs with disabled or Vietnam-era veterans; and contains other provisions. S. 1560. P/S July 31, 1973. (346)

Fair labor standards amendments (minimum wage)

Extends coverage to include under the definitions of employer and employee: the United States and any State or political subdivision of a State or intergovernmental agency, with the exemption of elected officials, their personal staff, appointees on the policy making level, or immediate advisors in State and local governments; includes within coverage, employees whose vocation is domestic service;

Establishes, for employees in activities covered by the Act prior to the 1966 amendments, an hourly minimum of $2.00 during the period ending June 30, 1974, and $2.20 thereafter; establishes, for employees in agriculture, an hourly minimum of $1.60 during the period ending June 30, 1974, $1.80 during the year beginning July 1, 1974, $2.00 an hour the year beginning July 1, 1975, and $2.20 an hour after June 30, 1976; establishes, for employees newly covered by the 1966 amendments and by the 1973 amendments, an hourly minimum of $1.80 during the period ending June 30, 1974, $2.00 during the year beginning July 1, 1974, and $2.20 thereafter;

Provides for presently covered employees in Puerto Rico and the Virgin Islands effective on the effective date of the legislation: (A) increases of 12 cents an hour if their wage order rates are less than $1.40 an hour; and (B) an increase of 15 cents an hour if their wage order rates are $1.40 an hour or higher; provides that newly covered employees (including commonwealth and municipal employees) are to have their wage rates set by special industry committees, and that this wage rate may not be less than 60 percent of the otherwise applicable or $1.00 an hour, whichever is greater; and that all employees (other than commonwealth and municipal employees) will receive, beginning one year after the effective date of this legislation, yearly increases of (A) 12 cents an hour per year if their wage order rates are less than $1.40, and (B) increases of 15 cents an hour per year if their wage order rates are $1.40 an hour or higher; provides that the following employees in Puerto Rico and the Virgin Islands are to have their rates set as if they were employed in the U.S. mainland: hotel, motel, restaurant and food services employees and U.S. employees and employees of the government of the Virgin Islands;

And contains other provisions. H.R. 7935. Public Law 93- , approved 1973. (229)

Job Training and Community Services Act (manpower revenue sharing)

Provides the legislative basis for special revenue sharing for manpower programs so that States and localities assume primary responsibility for carrying out training and employment programs in accordance with locally determined needs; authorizes $1.88 billion, of which $1.55 billion is for job training and $239 million for local community services activities; and contains new provisions relating to prime sponsors, program agents, councils and decategorization as well as other provisions. S. 1559. P/S July 24, 1973. (314)

Labor-Management Relations Act amendments

Amends section 302(c) of the Labor-Management Relations Act of 1947 to add legal service programs for employees, their families, and dependents for counsel or plan of their choice to the specified employer financed fringe benefits which may be established through joint labor-management administration, with the provision that legal services funds may not be used in suits against contributing employers except in workmen's compensation cases, suits against participating labor organizations, or suits against any employer or labor organization where the matter arises under the National Labor-Relations Act or this act or where a labor organization would be prohibited from defraying the costs of legal services by the provisions of the Labor-Managament Reporting and Disclosure Act of 1957. S. 1423. Public Law 93- , approved 1973. (136)

Penn Central rail dispute

Provides for Federal intervention to bring about a temporary halt in the strike of certain employees of the United Transportation Union against the Penn Central Transportation Company arising out of the Penn Central's plan to eliminate approximately 5,700 train crew positions by applying the final paragraph of section 10 of the Railway Labor Act (45 USC 160) and extends the 30-day period provided for in section 10, to 12:01 A.M., May 9, 1973, in order to secure additional time for an agreement to be reached; requires the Secretary of Transportation, not later than 45 days following enactment, to file a report to the Congress providing a full and comprehensive plan for the preservation of essential rail transportation services in the northeast section of the Nation; requires the Secretary of Labor, not later than 30 days following enactment, to submit to Congress a report detailing the progress, if any, of all negotiations, and any recommendations for a proposed solution; and contains other provisions. S.J. Res. 59. Public Law 93-5, approved February 9, 1973. (VV)

Rehabilitation Act of 1972

Amends the Vocational Rehabilitation Act to provide for more services to handicapped individuals; places greater emphasis on research and training of rehabilitation personnel and the development of innovative rehabilitation techniques, equipment, and devices which would make employment more feasible for a handicapped individual; establishes an Office for the Handicapped within the Department of Health, Education, and Welfare; creates a Federal Interagency Committee on Employment of the Handicapped, a National Commission on Transportation and Housing, and an Architectural and Transportation Barriers Compliance Board to continue and expand services to the handicapped and provides for an order of priority to serve those individuals with the most severe handicaps; and contains other provisions. *NOTE:* (A similar measure, H.R. 8395 [92d–2d], was pocket vetoed by President Nixon on October 27, 1972.) S. 7. Vetoed March 27, 1973. Senate sustained veto April 3, 1973. (24, 74)

Rehabilitation Act of 1973

Repeals the existing Vocational Rehabilitation Act, (29 U.S.C. 31–42), ninety days after the date of enactment of this act; provides, in title I, the administrative provisions for vocational rehabilitation services and includes State plan provisions, most of which are unchanged or only slightly changed from present law; includes provisions in the State plan requirements to insure that special emphasis is given to serving those individuals with the most severe handicaps; requires that an individualized written rehabilitation program be drawn up for every handicapped individual served in consultation with that individual; directs the Secretary of Health, Education, and Welfare to undertake a comprehensive study of the feasibility of the methods designed to prepare individuals with the most severe handicaps for entry into vocational rehabilitation programs and a study of the basic vocational rehabilitation State grant allotment formula and report alternative formulas to the Congress by June 30, 1974; bases the allotment formula on amounts appropriated rather than amounts authorized to be appropriated; consolidates, in title II, Research and Training, all research and training authority in existing law, to be administered by the Secretary through the Commissioner of the Rehabilitation Services Administration (RSA), providing a statutory basis for the RSA and the appointment of the Commissioner by the President; emphasizes applied research and the development of technology and devices to aid in solving rehabilitation problems of handicapped individuals and directs the establishment of Rehabilitation Engineering and Research Centers in order to aid in such development; includes a program of international research and exchange of personnel and technical assistance; contains, in title II, all special programs, grants, and related service activities which are not carried out by the State rehabilitation agency, includes a consolidaated special project authority, with special emphasis on projects for spinal cord injured, severely handicapped deaf and older blind individuals, and an earmarking of money under special projects for migratory agricultural workers; combines, in title IV, provisions of existing law, with changes and additions, relating to Secretarial responsibilities for administration and evaluation; directs the Secretary to ensure that maximum coordination and consultation takes place with the Veterans' Administration at the national and local levels with respect to rehabilitation services and related programs for disabled veterans; directs the Secretary to prepare, in consultation with other agencies, handicapped individuals and public and private organizations, a long-range projection for the provision of comprehensive services to handicapped individuals; includes, in title V, Miscellaneous Provisions, the creation of a Federal Interagency Committee on Handicapped Employees and an Architectural and Transportation Barriers Compliance Board; and contains other provisions. H.R. 8070. P/H June 5, 1973; P/S amended July 18, 1973; In conference. (VV)

MEMORIALS, TRIBUTES, AND MEDALS

B. Everett Jordan Dam and Lake

Changes the name of the New Hope Dam and Lake, North Carolina, to the B. Everett Jordan Dam and Lake. S. 2282. P/S August 3, 1973. (VV)

Cable car medals

Authorizes the Secretary of the Treasury to strike and furnish to the San Francisco Cable Car Centennial Committee not more than 150,000 medals commemorating the 100th anniversary of the invention of the cable car, and contains other provisions. S. 776. P/S March 14, 1973. (VV)

Commemoration of members of the armed services who served in the Vietnam war

States as a sense of the Senate that on Memorial Day, May 28, 1973, special commemoration be accorded the 359,879 dead and wounded members of the Armed Forces whose loss and suffering were occasioned by the war in Vietnam. S. Res. 117. Senate adopted May 21, 1973. (VV)

Eisenhower Memorial

Authorizes the use, for grants to Eisenhower College, Seneca Falls, New York, of $1 of the proceeds of the sale of each of the silver dollar proof coins being offered to the public at $10 each which bear the likeness of the late President of the United States, Dwight David Eisenhower. S. 1264. P/S May 2, 1973. (VV)

John Wesley Powell Federal Building

Names the headquarters building in the Department of Interior's Geological Survey National Center now under construction in Reston, Virginia, as the "John Wesley Powell Federal Building." S. 1618. P/S June 27, 1973. (VV)

Law Day

Pays tribute to the law enforcement officers of the United States on Law Day, May 1, 1973. S.J. Res. 11. P/S March 15, 1973. (VV)

Lyndon B. Johnson

Expresses the profound sorrow and deep regret of the Senate on the announcement of the death of Lyndon B. Johnson, a former President of the United States and a former Representative and Senator from the State of Texas, and designates the Presiding Officer of the Senate to appoint a committee to consist of all the members of the Senate to attend the funeral of the former President. S. Res. 24. Senate adopted January 23, 1973. H. Res. 152. House adopted January 23, 1973. (VV)

Expresses the sense of the Congress that in recognition of the long and distinguished service rendered to the nation and to the world by Lyndon B. Johnson, 36th President of the United States, his remains be permitted to lie in state in the rotunda of the Capitol from January 24 to January 25, 1973. H. Con. Res. 90. House adopted January 23, 1973. Senate adopted January 23, 1973. (VV)

Provides for payment out of the contingent fund of the Senate of all necessary expenses incurred as a result of S. Res. 24, which provides for members of the Senate to attend the funeral of Lyndon B. Johnson. S. Res. 34. Senate adopted January 24, 1973. (VV)

Lyndon B. Johnson Space Center

Designates the manned spacecraft center in Houston, Texas, as the "Lyndon B. Johnson Space Center" in honor of the late President. S.J. Res. 37. Public Law 93–8, approved February 17, 1973 (VV)

Members of the Armed Forces missing in action in Indochina

Pays special tribute to the members of the Armed Forces who are missing in action in Indochina on Memorial Day, May 28, 1973, and contains other provisions. S. Res. 115. Senate adopted May 15, 1973. (VV)

Monument to 1st Infantry Division

Authorizes the erection, in the District of Columbia, of a monument to the dead of the First Infantry Division, United States Forces in Vietnam. S.J. Res. 66 P/S February 19, 1973. (V)

Roberto Walker Clemente medals

Authorizes the Secretary of the Treasury to strike and furnish to the Chamber of Commerce of Greater Pittsburgh, Pittsburgh, Pa., one gold medal and not more than 200,000 duplicate medals to commemorate the outstanding athletic, civic, charitable and humanitarian contributions of Roberto Walker Clemente, and contains other provisions, H.R. 3841. Public Law 93–33, approved May 14, 1973. (VV)

Senator Stennis' birthday

Extends congratulations to Senator John C. Stennis on his birthday. S. Res. 156. Senate adopted August 3, 1973. (VV)

Vietnam war memorial

Provides for the erection in the District of Columbia of a memorial in honor of those who served in the Armed Forces of the United States in the Vietnam war; and contains other provisions. S.J. Res. 45. P/S April 12, 1973. (VV)

NATURAL RESOURCES—ENVIRONMENT

American Falls Dam replacement

Authorizes the Secretary of the Interior to enter into appropriate agreements to permit the water-users to arrange for the financing and construction of a replacement for the existing American Falls Dam, Upper Snake River project, Idaho, which has become unsafe as a result of deteriorating concrete, which would be acquired by the Secretary and operated as a feature of the existing Minidoka Reclamation project. S. 1529. P/S June 19, 1973. (VV)

Arkansas River Basin compact

Grants the consent of the United States to an interstate compact between Arkansas and Oklahoma, signed on behalf of the two States on March 16, 1970, to provide for the equitable apportionment of the waters of the Arkansas River and tributaries between the two States and encourages each State to maintain active programs of anti-pollution controls to further reduce water pollution in the Arkansas River Basin, S. 11. P/S June 28, 1973. (VV)

Clean Air Act extension

Extends for 1 year, to June 30, 1974, the Clean Air Act, as amended; authorizes the appropriation therefor of $475 million for fiscal year 1974; and contains other provisions. S. 498. P/S January 26, 1973. (VV)

Extends for 1 year to June 30, 1974, the provisions of the Clean Air Act of 1970 and extends, at constant dollar amounts, the authorization of appropriations in the act, which would otherwise expire June 30, 1973, in the total amount of $475 million. H.R. 5445. Public Law 93–15, approved April 9, 1973. (VV)

Endangered Species Act

Provides for conservation, protection and propagation of endangered species of fish and wildlife by Federal action and by encouraging the establishment of State endangered species conservation programs; authorizes jointly, the Secretaries of Interior and Commerce to list within their respective jurisdictions species which are either (1) endangered or (2) likely to become endangered within the foreseeable future; directs the Secretary to use his existing authority, funds under this act and funds under the Land and Water Conservation Fund Act of 1956 for land acquisition necessary for the purpose of conserving, protecting, restoring of propagating any endangered species; provides for the management of endangered and threatened species by the States under State plans that are approved by the Secretary; provides for financial aid to State wildlife management agencies which enter into cooperative or management agreements with the Secretary; imposes criminal and civil penalties for violations of the act; exempts Alaskan Native Indians and under certain conditions, any nonnative resident of an Alaskan Native village from the provisions of the bill regarding the taking of any endangered or threatened species if the action is for the purpose of consumption or use in a native community; and contains other provisions. S. 1983. P/S July 24, 1973. (313)

Flood Control Act of 1973

Authorizes development of flood control, multi-purpose and related projects and provides for studies and surveys to determine whether other plans should be developed. *NOTE:* (S. 4018 [92d–2d], a similar measure, was pocket vetoed by President Nixon on October 27, 1972.) S. 606. P/S February 1, 1973. (5)

Interstate Environment Compact Act of 1973

Provides the congressional consent required for any two or more States to enter into interstate compacts in the field of air pollution as set forth in section 102(c) of the Clean Air Act, as amended, and in the field of water pollution by section 103(b) of the Federal Water Pollution Control Act, as amended, and gives advance consent to interstate agreements called for by the Solid Waste Disposal Act, as amended; permits signatories to enter into supplementary agreements not inconsistent with applicable Federal law with each other, with other interstate agencies, and with the Federal Government and its agencies for the purposes of controlling interstate environmental pollution problems in the fields of land use, coastal zone management, energy production and transmission and related activities; provides that supplementary agreements are to become binding upon the signatory upon execution of the agreement by the chief executive and signatory legislative action to approve or condition the agreement, and provides that the Congress may by act of law expressly disapprove or condition the agreement with 90 days of congressional session following receipt of the agreement; provides for special supplementary agreements with foreign nations with the advance consent of Congress; provides that a signatory may withdraw from the compact by legislative enactment upon giving notice to all signatories a year in advance of its formal withdrawal; provides that nothing in this act shall affect Federal environmental protection legislation; and contains other provisions. S. 9. P/S June 22, 1973. (VV)

Land Use Policy and Planning Assistance Act

Establishes a national land use policy to encourage and assist the States to more effectively exercise their constitutional responsibilities for the planning and management of their land base through the development and implementation of State land use programs; establishes a grant-in-aid program to assist State and local governments and agencies to hire and train the personnel, collect and analyze the data, and establish the institutions and procedures necessary to develop and implement State land use programs; authorizes for grants to States $100 million a year for 8 years; establishes a grant-in-aid program to encourage cooperation among the States concerning land use planning and management in interstate regions and authorizes $15 million a year for

8 years therefor; authorizes $2 million a year for 8 fiscal years for training and research grants and contracts; establishes a grant-in-aid program to assist Indian tribes to develop land use programs for reservation and other tribal lands and to coordinate such programs with the planning and management of Federal and non-Federal lands adjacent thereto, and authorizes for this purpose $10 million a year for 8 years; authorizes the Executive Office of the President to issue guidelines to implement this act; authorizes the Secretary of the Interior to administer the grant-in-aid and other programs established under this act, to review, with the heads of other Federal agencies, statewide land use planning processes and State land use programs for conformity to the provisions of this act, and to assist in the coordination of activities of Federal Agencies with State land use programs; authorizes $10 million each year for five fiscal years to the Secretary for administration of this act; provides that the programs of this act be consistent with antipollution regulations and policies already enacted; establishes an Interagency Advisory Board on Land Use Policy to assist in the exchange of data and information pertinent to land use decisionmaking among all levels of government and the public and to recommend to the Congress such legislation it deems appropriate to establish land use policies and any requirement or procedures necessary to assure that such policies are implemented; and contains other provisions. S. 268. P/S June 21, 1973. (205)

McGee Creek Reservoir, Oklahoma

Authorizes a study of the potential McGee Creek Reservoir in Atoka County, Oklahoma, including a dam and reservoir primarily for the purpose of serving municipal and industrial water to Oklahoma City and small communities in the area. S. 2075. P/S July 26, 1973. (VV)

National Sea Grant College and Program Act of 1966 amendments

Provides an authorization of $30 million, $40 million, and $50 million for fiscal years 1974, 1975, and 1976 respectively for the National Sea Grant College marine research development programs within the Department of Commerce; authorizes $200,000 for a study of means of sharing, through cooperative programs with other nations, the results of marine research; and authorizes the Secretary to make contracts with and grants to participants for this purpose without matching share requirements; and contains other provisions. H.R. 5452. Public Law 93–73, approved July 10, 1973. (VV)

Safe Drinking Water Act of 1973

Establishes a program within the Environmental Protection Agency (EPA) to regulate drinking water whereby the Federal Government will exercise a new responsibility to set standards and provide assistance in order to protect public water supplies from contamination by providing that (1) EPA establish minimum Federal drinking water standards prescribing maximum limits for contaminants as well as standards for the operation and maintenance of drinking water systems and surveillance, monitoring, site selection and construction standards for public water systems to assure safe dependable drinking water; (2) EPA establish recommended standards to assure esthetically adequate drinking water; (3) the States may establish standards which are more stringent than the Federal drinking water standards; (4) the States will be primarily responsible for enforcing the standards, with Federal enforcement if the States fail to act or in cases of imminent hazard; (5) a National Drinking Water Council be established to advise the administrator on scientific and engineering matters; (6) EPA conduct and promote research, technical assistance, and training of personnel for water supply occupations; (7) EPA conduct a rural water survey within two years of enactment; (8) EPA make grants for special study and demonstration projects with respect to water supply technology; (9) EPA make grants to the States to defray the costs of State programs; and (10) citizens be authorized to bring injunctive suites against violators of primary drinking water standards and against the Administrator for failing to perform mandatory duties. S. 433. P/S June 22. 1973. (VV)

Saline water program authorization, 1974

Authorizes appropriations at an increased level of $9,127,000 for fiscal year 1974 for the Federal Saline Water Conversion programs conducted by the Secretary of the Interior to support a continuing research program into attractive new desalting technologies and to retain a technical capability in the Federal government to support planning and development which involves desalination, and contains other provisions. S. 1386. Public Law 93–51, approved July 1, 1973. (VV)

Solid Waste Disposal Act Exetension

Extends for 1 year, to June 30, 1974, the Solid Waste Disposal Act, as amended; authorizes the appropriation of $216 million for fiscal year 1974 to the Administrator of the Environmental Protection Agency and $22.5 million for fiscal year 1974 to the Secretary of the Interior, to carry out the provisions of this act; and contains other provisions. S. 498. P/S January 26, 1973. (VV)

Extends for 1 year, to June 30, 1974, the Solid Waste Disposal Act of 1967 (as amended by the Resource Recovery Act of 1970) and extends for 1 year, at constant dollar amounts, the authorization for appropriations therefor in the total amount of $238.5 million. H.R. 5446. Public Law 93–14, approved April 9, 1973. (VV)

Toxic Substances Control Act

Prevents unreasonable threats to human beings or the environment from the use of chemical substances and products containing chemical substances; authorizes the Environmental Protection Agency (EPA) to restrict the use or distribution of such substances or products by providing that: (1) new chemical substances which may pose unreasonable threats to human health or the environment be tested by their manufacturer prior to commercial production and the test results reviewed by EPA prior to production and that notification be given to EPA prior to the commercial production of all other new chemicals; (2) EPA specify and require testing of those existing chemical substances which there is reason to believe may present unreasonable threats to human health or the environment; (3) EPA be given regulation authority including the authority to restrict use or distribution, seize chemical substances in violation of certain requirements of the Act, and to take immediate action against the chemical substances creating imminent hazards; (4) manufacturers and processors of chemical substances be required to maintain certain records and reports to enable the Administrator of EPA to properly determine hazards; and (5) citizens be allowed to bring suits to enjoin certain violations of the act and to require the performance of mandatory duties of the Administrator of EPA; and contains other provisions. S. 426. P/S July 18, 1973; P/H amended July 23, 1973; in conference. (VV)

United States fishing industry

Sets forth congressional resolve to provide all necessary support to strengthen the United States fishing industry and to protect our coastal fisheries against excessive foreign fishing, and to provide interim measures to conserve overfished stocks and to protect our national fishing industry; recognizes, encourages, and supports the key responsibilities of the several states for conservation and scientific management of fisheries resources within the United States territorial waters; and commends Federal programs designed to improve coordinated protection, enhancement, and scientific management of all United States fisheries, both coastal and distant, including presently successful Federal-aid programs under the Commercial Fisheries Research and Development Act of 1964, and the newly developing Federal-State fisheries management programs. S. Con. Res. 11. P/S June 1, 1973. (VV)

Wasteland treatment plant operations training program

Continues through fiscal year 1974 the pilot operator training program for wastewater treatment plants (section 104(g)(1) of the Federal Water Pollution Control Act) at the annual authorization level of $7.5 million. S. 1776. P/S June 28, 1973. (VV)

Water Resources Planning Act amendments

Authorizes an appropriation of $3.5 million annually for fiscal years 1974 and 1975 for the Water Resources Council to carry out certain functions assigned to it under the provisions of the Water Resources Planning Act of 1965, as amended. S. 1501. Public Law 93–55, approved July 1, 1973. (VV)

NOMINATIONS—(ACTION BY ROLLCALL VOTE)

Vincent R. Barabba, of California, to be Director of the Census: Nomination confirmed July 24, 1973. (315)

Peter J. Brennan, of New York, to be Secretary of Labor: Nomination confirmed January 31, 1973. (4)

William P. Clements, Jr., of Texas, to be a Deputy Secretary of Defense: Nomination confirmed January 23, 1973. (1)

William Egan Colby, of Maryland, to be Director of Central Intelligence: Nomination confirmed August 1, 1973. (352)

Clarence M. Kelley, of Missouri, to be Director of the Federal Bureau of Investigation: Nomination confirmed June 27, 1973. (228)

Elliot L. Richardson, of Massachusetts, to be Secretary of Defense: Nomination confirmed January 29, 1973. (3)

Elliot L. Richardson, of Massachusetts, to be Attorney General: Nomination confirmed May 23, 1973. (145)

James R. Schlesinger, of Virginia, to be Director of Central Intelligence: Nomination confirmed January 23, 1973. (2)

James R. Schlesinger, of Virginia, to be Secretary of Defense: Nomination confirmed June 28, 1973. (243)

William L. Springer, of Illinois, to be a member of the Federal Power Commission: Nomination confirmed May 21, 1973. (141)

Caspar W. Weinberger, of California, to be Secretary of Health, Education, and Welfare: Nomination confirmed February 8, 1973. (14)

PROCLAMATIONS

Digestive Disease Week

Authorizes and requests the President to issue a proclamation designating the week of May 20–26, 1973, as "Digestive Disease Week." S.J. Res. 114. P/S May 17, 1973. (VV)

Honor America Day

Declares the twenty-one days from Flag Day, June 14, 1973, to Independence Day, July 4, 1973, as a period to honor America. S. Con. Res. 27. P/S May 31, 1973, P/H June 13, 1973. (VV)

International Clergy Week in the United States

Authorizes the President to designate the week of January 28, 1973, as "International Clergy Week in the United States". H.J. Res. 163. Public Law 93–2, approved January 26, 1973. (VV)

Jim Thorpe Day

Authorizes and requests the President to issue a proclamation designating April 16, 1973, as "Jim Thorpe Day". S.J. Res. 73. Public Law 93–19, approved April 16, 1973. (VV)

Mississippi River

Authorizes and requests the President to issue a proclamation designating June 17, 1973, as a day of commemoration marking the 300th anniversary of the opening of the upper Mississippi River by Jacques Marquette and Louis Jolliet. S.J. Res. 102. Public Law 93–41, approved June 14, 1973. (VV)

National Arthritis Month

Authorizes and requests the President to to issue a proclamation designating the month of May 1973 as "National Arthritis Month", and contains other provisions. H.J. Res. 275. Public Law 93–21, approved April 20, 1973. (VV)

National Autistic Children's Week

Authorizes and requests the President to issue a proclamation designating the week which begins on June 24, 1973, as "National Autistic Children's Week." H.J. Res. 296. Public Law 93–42, approved June 15, 1973. (VV)

National Clean Water Week

Authorizes the President to designate the period beginning April 15, 1973, as "National Clean Water Week". H.J. Res. 437. Public Law 93–18, approved April 14, 1973. (VV)

National Consumer Effort To Save Gas and Arrive Alive

Calls for all motor vehicle operators travelling on high-speed roads on week-ends and holidays, between the date of passage of this resolution and Labor Day, September 3, 1973, to: (1) travel at speed no greater than 10 miles per hour less than the posted speed limit; and (2) turn on headlights to encourage fellow travellers to join in the nation-wide campaign to slow down, save gas, save lives and save money. S. Res. 138. Senate adopted August 2, 1973. (VV)

National Employ the Older Worker Week

Designates the second full calendar week in March 1973 as "National Employ the Older Worker Week." H.J. Res. 334. Public Law 93–10, approved March 15, 1973. (VV)

National Historic Preservation Week

Authorizes and requests the President to issue a proclamation designating the calendar week beginning May 6, 1973, as "National Historic Preservation Week". S.J. Res. 51. Public Law 93–30, approved May 5, 1973. (VV)

National Hunting and Fishing Day

Requests the President to declare the fourth Saturday of September 1973 as "National Hunting and Fishing Day". H.J. Res. 210. Public Law 93–23, approved April 20, 1973. (VV)

National Legal Secretaries' Court Observance Week

Authorizes and requests the President to issue a proclamation each year designating the second full week in October as "National Legal Secretaries' Court Observance Week." H.J. Res. 466. Public Law 93–   , approved   1973. (VV)

National Moment and Day of Prayer and Thanksgiving

Authorizes the President to issue a proclamation designating the moment of 7:00 P.M. E.S.T., January 27, 1973, a national moment of prayer and thanksgiving for the peaceful end to the Vietnam war and the 24 hours beginning at the same time as a national day of prayer and thanksgiving, and contains other provisions. H.J. Res. 246. Public Law 93–3, approved February 1, 1973. (VV)

National Next Door Neighbor Day

Authorizes and requests the President to issue a proclamation designating the fourth Sunday in September 1973 as "National Next Door Neighbor Day." S.J. Res. 25. Public Law 93– , approved   1973. (VV)

Nicolaus Copernicus Week

Authorizes the President to designate the week of April 23, 1973 as "Nicolaus Copernicus Week" marking the quinquocentennial of his birth. H.J. Res. 5. Public Law 93–16, approved April 9, 1973. (VV)

Warsaw ghetto uprising

Authorizes and requests the President to proclaim April 29, 1973, as a day of observance of the 30th anniversary of the Warsaw ghetto uprising. H.J. Res. 303. Public Law 93–20, approved April 20, 1973. (VV)

Women's Equality Day

Designates August 26 of each year as Women's Equality Day in commemoration of that day in 1920 on which the women of America were first guaranteed the right to vote. H.J. Res. 52. Public Law 93–   , approved   1973. (VV)

SPACE

NASA authorization, 1974

Authorizes appropriations totaling $3,064,500,000 to the National Aeronautics and Space Administration for fiscal year 1974, as follows: for Research and Development, $2,245,500,000, including for space flight operation, $555.5 million, space shuttle, $475 million, advanced missions, $1.5 million, physics and astronomy, $63.6 million, lunar and planetary exploration, $311 million, launch vehicle procurement, $177.4 million, space applications, $161 million, of which $2 million is provided for NASA to formulate a long-term energy program that would explore options for energy generation and management from the many technologies the agency has developed, aeronautical research and technology, $180 million, space and nuclear research and technology, $72 million, tracking and acquisition data, $244 million, and technology utilization, $4.5 million; for Construction of Facilities, $112,000,000; and for Research and Program Management, $707,000,000; and contains other provisions. H.R. 7528. Public Law 93–74, approved July 23, 1973. (195)

TRANSPORTATION AND COMMUNICATIONS

Aircraft hijacking

Amends the Federal Aviation Act of 1958 to provide a more effective program to prevent aircraft piracy on both the international and domestic levels; implements, in Title I, the Convention for the Suppression of Unlawful Seizure of Aircraft (Hague Convention—Ex. A [92d–1st] to which the United States is a party and which came into effect on October 4, 1971; provides the President authority to suspend air service between the United States and any foreign nation he determines is not acting consistently with the provisions of the Hague Convention, in effect imposing, unilaterally, a U.S. air transport boycott; permits the Secretary of Transportation, with the approval of the Secretary of State, to restrict, limit, or revoke the operating authority of any foreign air carrier failing to afford necessary security safeguards to the traveling public; provides, in Title II, for the screening of all passengers and carry on baggage by weapons detecting devices prior to their being boarded on the aircraft; establishes under the Administrator of the Federal Aviation Administration an Air Transportation Security Force to provide a Federal law enforcement presence at the nation's major airports; and contains other provisions. S. 39. P/S February 21, 1973. (21)

Airport Development Acceleration Act of 1973

Amends the Airport and Airway Development Act of 1970 and the Federal Aviation Act of 1958 to increase Federal financial assistance for airport development throughout the United States; increases the present minimum annual authorization for airport development grants to air carrier and reliever airports to $275 million, and to general aviation airports to $35 million, for each of fiscal years 1974 and 1975, and the five year limit on obligational authority for the fiscal years 1971–1975 to $1.46 billion, funds which will come from the Airport and Airway Trust Fund; provides that the maximum 50 percent Federal share of project costs will be determined by the total number of passengers enplaned for all air carrier airports operated by the same sponsor and raises the maximum Federal share to 75 percent for general aviation or reliever airports; prohibits the levying by State and local governments of passenger "head" taxes or use taxes on the carriage of persons in air transportation; and contains other provisions. *NOTE:* (An earlier measure, S. 3755 [92d–2d], was pocket vetoed by President Nixon on October 27, 1972.) S. 38. Public Law 93–44, approved June 18, 1973. (9)

Alaska pipeline

In title V, the Trans-Alaskan Pipeline Authorization Act, makes a finding that the early delivery of oil and gas from Alaska's North Slope to domestic markets is in the national interest and that actions of the Secretary of the Interior and all other Federal agencies and officers heretofore taken on behalf of the executive branch with respect to the proposed trans-Alaska oil pipeline shall be regarded as satisfactory compliance with the provisions of the National Environmental Policy Act of 1969 and all other applicable laws; authorizes and directs the Secretary and all other Federal agencies and officers, without further action under the National Environmental Policy Act of 1969 or any other law, and notwithstanding the provisions of any law other than this title, such rights-of-way, leases, permits, approvals, and other authorizations necessary for the construction, operation, and maintenance of a trans-Alaskan oil pipeline system, a State of Alaska highway, and no more than three State of Alaska airports, all in accord with applications on file with the Secretary on the date of this act, with the route of the pipeline system to follow generally the route described in the pending applications, and subject to compliance with the stipulations contained in volume I of the final Environmental Impact Statement on the pipeline issued by the Secretary on March 20, 1972; authorizes, in title I, Rights-of-Way on Federal Lands, the Secretary, or appropriate agency head, to grant, issue, or renew rights-of-way over, upon, or through Federal lands for pipelines for oil or natural gas, reservoirs and other systems for impoundment, storage, transportation, or distribution of water, transportation or distribution of liquids and gases, other than oil, water, and natural gas, electric energy systems except insofar as the Federal Power Commission has jurisdiction under the Act of June 10, 1920, as amended (16 U.S.C. 796.797), communications and electronic systems, highways and other means of ground transportation, and any other necessary transportation or other systems which are in the public interest; provides that pipelines and other systems for the transportation of oil or natural gas and storage and terminal facilities therefor shall be operated as common carriers; in title II, authorizes negotiations by the executive branch with the Government of Canada to ascertain its willingness to permit construction of pipelines or other transportation systems across Canada territory for the transport of natural gas and oil from Alaska's North Slope to U.S. markets in regard to subsequent projects; grants, in title III, the Federal Trade Commission the requisite authority to insure prompt enforcement of the law the Commission administers by granting statutory authority to directly enforce subpoenas issued by the Commission and to seek preliminary injunctive relief to avoid unfair competitive practices; and contains other provisions. S. 1081. P/S July 17, 1973; P/H amended August 2, 1973. (289)

Amtrak Improvement Act of 1973

Amends the Rail Passenger Act of 1970 to upgrade the quality of rail passenger service and put it on a par with quality rail passenger systems operating in other countries; provides for an authorization of appropriations for fiscal year 1974 and for an increase in the ceiling on federally guaranteed obligations of the National Railroad Passenger Corporation; authorizes the Corporation to make all reasonable efforts to insure that elderly and handicapped individuals are given equal opportunity to utilize intercity transportation on passenger trains operated by or on behalf of the Corporation; gives the Corporation the power of eminent domain in order to acquire from owners other than governments and railroads right-of-way, land, or other property, and authorizes an Interstate Commerce Commission (ICC) proceeding through which the Corporation can acquire interests in property owned by a railroad or a government entity; requires the Corporation to initiate one new experimental route each year, and to operate it for a two year period and provides a means of discontinuing such service if it proves unsuccessful; vests jurisdiction over safety-related matters in the Department of Transportation and grants the ICC full and adequate powers to assure that adequate service, equipment, tracks, and other facilities are provided for intercity rail passenger service; allows private firms as well as the Corporation to offer autoferry service; prohibits any preclearance of budget requests, legislative recommendations, proposed testimony, or comments on legislation before submission to the Congress, and prohibits the impoundment of any funds authorized and appropriated by the Congress; clarifies the relationship of the Corporation to the Department of Transportation thus giving the Corporation more budgetary freedom and more direct accountability to Congress; and contains other provisions. S. 2016. P/S June 28, 1973; twice reconsidered for amendments and passed June 28, 1973. (VV)

Bicentennial Advance Technology Transportation System Demonstration Act

Authorizes the Secretary of Transportation to make an investigation and study for the purposes of determining the feasibility, social advisability, environmental impact, and economic practicability, of (1) a tracked air-cushioned vehicle or other high-speed ground transportation system between Washington, D.C., and Annapolis, Maryland, and (2) a surface effect vessel or other high-speed marine transportation system between the Baltimore-Annapolis area in Maryland and the Yorktown-Williamsburg-Norfolk area in Virginia for use as part of the Bicentennial celebration and authorizes therefor an appropriation of not to exceed $300,000; directs the Secretary to report the results of such investigation and study, together with his recommendations, to the President and the Congress, no later than 9 months after enactment of this act; and authorizes the Secretary to enter into such contracts and other arrangements as necessary for the construction and operation of such systems if such study demonstrates their feasibility; and contains other provisions. S. 797. P/S June 14, 1973. (VV)

Corporation for Public Broadcasting Authorizations, 1973

Amends the Communications Act of 1934 to authorize appropriations for the Corporation for Public Broadcasting at an increased level for fiscal years 1974 and 1975 of $50 million and up to an additional $5 million in matching funds for gifts for fiscal year 1974 and $60 million and up to an additional $5 million in matching funds for gifts for fiscal year 1975; authorizes appropriations of $25 million for fiscal year 1974 and $30 million for fiscal year 1975 for construction of education television and radio broadcasting facilities; requires radio and television stations receiving Federal assistance to make audio recordings of programs involving discussions of important public issues and make them available to the public at cost; and contains other provisions. *NOTE:* (H.R. 13918 [92d–2d], similar bill, was vetoed by President Nixon on June 30, 1972.) S. 1090. Public Law 93- , approved 1973. (113)

"Delta Queen"

Extends until November 1, 1978, the existing exemption of the steamboat "Delta Queen" from certain vessel laws relative to the construction standards of the Safety at-Sea Act (Public Law 89–777). H.R. 5649. Public Law 93- , approved 1973. (VV)

Emergency Rail Services Act Amendments

Assures the continuance of essential rail service in the Northeast and Midwest by authorizing the Secretary of Transportation to contract with the trustees of any railroad in reorganization under section 77 of the Bankruptcy Act for the continued provision of service in the case of actual or threatened cessation of such services; allows the Secretary to acquire by purchase, lease, or other transfer any equipment, facilities, or operating rights over the tracks of such a railroad; and contains other provisions. S. 2060. P/S July 27, 1973. (332)

Essential Rail Services Continuation Act of 1973

Assures the continuance of essential rail service in the Northeast and Midwest in the event that one or more of the seven railroads presently in reorganization under section 77 of the Bankruptcy Act ceases operations by authorizing the Interstate Commerce Commission to direct one carrier by railroad to operate over the lines of a non-operating carrier; requires the Commission to issue just and reasonable directions to the operating carrier which cover the handling, routing, and movement of traffic of the non-operating carrier; limits the duration of such directions to sixty days unless extended by the Commission for a period of not to exceed 180 days; authorizes funds to be appropriated in such amounts as may be necessary to reimburse a directed carrier for losses incurred because of operations it is directed to engage in by the Commission; and contains other provisions. S. 1825. P/S July 14, 1973. (VV)

Federal-Air Highway Act of 1973

Authorizes, in title I, the Federal-Aid Highway Act of 1973, for the Interstate Highway program $2.6 billion for fiscal year 1974, $3 billion for each of fiscal years 1975 and 1976, and $3.25 billion for each of fiscal years 1977, 1978, and 1979;

Eliminates the present single authorization for the primary and secondary systems and their urban extensions and substitutes a separate authorization for the rural and urban portions of these systems as follows: primary system in rural areas, $680 million for fiscal year 1974 and $700 million for each fiscal year thereafter, secondary systems in rural areas funded at $390 million and $400 million per fiscal year thereafter; authorizes for the urban system, $780 million for fiscal year 1974 and $800 million per fiscal year thereafter, with extensions of the primary and secondary system in urban areas funded at $290 million for fiscal year 1974 and $300 million per fiscal year thereafter; for forest development trails, $140 million per fiscal year; for parkways, $60 million for fiscal year 1974 and $75 million thereafter; for Indian reservation roads and bridges, $75 million per fiscal year; for economic growth center development highways, $50 million for fiscal year 1974, $75 million for 1975, and $100 million for 1976;

Extends the time for completion of the Interstate system until June 30, 1979;

Expands the urban system as presently designated to encompass all urban areas and to include collector streets and access roads to airports and other transportation terminals, with the urban system to be established as the State highway department may designate, and with the routes to be selected by local official with the concurrence of the State highway departments;

Permits the Secretary to approve as a project on any Federal-aid system the construction of exclusive or preferential bus lanes, highway traffic control devices, bus passenger loading areas and facilities (including shelters) and fringe and transportation corridor parking facilities; permits, beginning with funds authorized for fiscal year 1975, the Secretary to approve as a project on the urban system the purchase of buses, and beginning with funds authorized for fiscal year 1976 for the urban system, to approve projects for the construction, reconstruction, and improvement of fixed rail facilities including the purchase of rolling stock for fixed rail; provides that not more than $200 million of urban system funds for fiscal year 1975 shall be expended for the Federal share for the purchase of buses;

Increases the Federal share payable on account of any non-Interstate project from 50 to 70 percent with respect to all obligations incurred after June 30, 1973;

Provides that urban system funds apportioned to a State that are attributable to urbanizad areas of 200,000 population or more shall be made available for expenditure in the State in accordance with a formula developed by the State and approved by the Secretary, and in the event a formula has not been developed and approved for a State, to be allocated among such urbanized areas within the State in the ratio the population of such urbanized area bears to the population of all such urbanized areas or parts thereof within that State;

Authorizes the Secretary to promulgate noise level standards for the control of highway noise levels for Federal-aid projects approved prior to July 1, 1972; provides that buses must meet Environmental Protection Agency Standards under the Clean Air Act and the Noise Control Act of 1972, and, wherever practicable, the equipment must meet special criteria for low-emission products; requires that the planning and design of mass transportation facilities must be such as to meet special needs of the elderly and handicapped;

Authorizes under title II, entitled the Highway Safety Act of 1973, $100 million for fiscal year 1974, $125 million for 1975, and 150 million for 1976, from the Highway Trust Fund, for highway safety programs to be carried out by the National Highway Traffic Safety Administration, $42.5 million for fiscal year 1974, $55 million for 1975, and $65 million for 1976, for highway safety research and development to be carried out by the Administration, and $25 million for 1974, $30 million for 1975, and $35 million for 1976 for highway safety programs to be carried out by the Federal Highway Administration;

Authorizes programs for the elimination of hazards at rail highway crossings, the elimination or reduction of high hazard locations on highways and the elimination of roadside obstacles; provides for various studies concerned with safety; requires curb ramps for the handicapped for curbs constructed or replaced at all pedestrian crosswalks after July 1, 1976;

Increases, in title III, the Federal share of capital grants under the Urban Mass Transportation Act of 1964, as amended, to 80 percent, and increase from $3.1 billion to $6.1 billion contract authority under the Act;

And contains other provisions. S. 502. Public law 93- , approved 1973. (40, 351)

Federal Railroad Safety Act authorization, 1973

Authorizes appropriations of $19,440,000 for implementation of the railroad safety functions and $1,200,000 for implementation of the hazardous materials control functions of the act for fiscal year 1974. S. 2120. Public Law 93- , approved 1973. (VV)

Highway Safety Act of 1973

Authorizes $455 million for fiscal year 1974 and $475 million for fiscal year 1975 for highway safety programs, including $100 million for each of fiscal years 1974 and 1975 for the bridge replacement program, establishes a Federal-aid safer roads system, and authorizes $200 million of the total amounts authorized for each of fiscal years 1974 and 1975, to be available on a 90 percent Federal, 10 percent State matching basis, for the correction of highway hazards on that system; requires States to identify, by June 30, 1974, projects on the Federal-aid safer roads system which have to be corrected and assign priority to the correction of hazards falling within the following three major categories: (1) projects to improve highway marking and signing, (2) elimination of roadside obstacles, and (3) elimination of hazards at railroad-highway grade crossings; includes bicycle safety in the areas to be covered by highway safety standards and adds bicycle safety to required driver education programs; authorizes the use of appropriated funds for State highway safety programs for use in developing and implementing manpower training and demonstration programs; increases the minimum apportionment to any State for highway safety programs from one-third of one percent to one-half of one percent; authorizes the Secretary to carry out research on the relationship between the consumption of drugs and highway safety and to promulgate a highway safety program standard on drug use and highway safety; and contains other provisions. S. 893. P/S April 12, 1973. (VV)

Interim apportionment of interstate and other highway funds

Directs the Secretary of Transportation to apportion, as provided in the act, $1 billion of the sums authorized to be apportioned for fiscal year 1974 for immediate expenditure for the National System of Interstate and Defense highways, and authorizes the appropriation of $500 million from the Highway Trust Fund for fiscal year 1974 funding of the Federal-aid primary and secondary systems and their urban extensions, such funds to be available as follows: 45 percent for projects on the primary system; 30 percent for projects on the secondary system and 25 percent for projects on extensions of the primary and secondary systems in urban areas. S. 1808. Public Law 93-61, approved July 6, 1973. (VV)

Interstate Apportionment

Directs the Secretary of Transportation to apportion out of the Highway Trust Fund, $1 billion of the funds authorized for fiscal year 1974 for expenditure on the Interstate and Defense Highway systems. S. Con. Res. 6. P/S March 6, 1973. (VV)

Ocean Transportation in Noncontiguous States and Territories

Amends section 607(k) (8) of the Merchant Marine Act, 1936, as amended, to expressly include within the definition of "noncontiguous trade" trade between two or more points within Alaska, Hawaii, Puerto Rico, or any other territory or possession of the United States for the purpose of insuring that vessels trading between points within such States and insular territories and possessions are eligible for assistance from capital construction funds (tax deferred reserve funds) generated by the deposits made by eligible vessel operators under agreements with the Secretary of Commerce, and to make it clear that a vessel which has been built with such funds is legally permitted to between such points. S. 902. P/S June 30, 1973. (VV)

Rail freight car shortage

In view of the current railroad transportation crisis caused by a freight car shortage and other factors, declares it to be the sense of the Senate that (1) the Commodity Credit Corporation should make available to farmers the option to reseal loans on farm-stored wheat and feed grains with respect to the 1971 and 1972 crops; and (2) the President is urged and requested to appoint a special committee to conduct a study of the railroad freight car shortage problem and to submit to the President and the Senate Committees on Agriculture and Forestry and Commerce, within thirty days after its appointment, a report along with its recommendations for the most effective and practical means of (A) delivering adequate quantities of wheat to millers and feed grains to farmers and stockmen in the United States dependent upon such grain for feeding their livestock, and (B) alleviating the backup at those ports where numerous ships and railroad cars are waiting to be loaded and unloaded. S. Res. 59. Senate adopted February 19, 1973. (15)

Railroad Retirement Act and Interstate Commerce Act amendments

Increases the tax which railroads are required to pay under the Railroad Retirement Act; provides for retirement eligibility for men at age 60 with 30 years of service; provides for an extension to December 31, 1974, of the temporary railroad retirement benefit increases presently scheduled to expire July 1, 1973; provides for a pass-through of social security benefit increases which might be enacted between July 1, 1973, and December 31, 1974; increases the taxes which railroads are required to pay under the Railroad Retirement Act; provides for the establishment of a labor management committee to recommend a restructuring of the railroad retirement system to insure its actuarial soundness with a final report and recommendations to be submitted to the Congress by April 1, 1974; declares the intent of Congress to enact legislation in 1974, effective not later than January 1, 1975, which will assure the long-term actuarial soundness of the railroad retirement system; amends the Interstate Commerce Act to provide that the Interstate Commerce Commission shall, by informal rule-making under the Administrative Procedure Act, establish the requirements for petitions for adjustments of rates of common carriers occasioned by the tax increases prescribed in this act or by other law on or before January 1, 1975, and provides for expedited freight-rate making procedures applicable to interstate and intrastate rates; and contains other provisions. H.R. 7200. Public Law 93-69, approved July 10, 1973. (VV)

Rolling Stock Utilization and Financing Act

Establishes an Obligation Guarantee Board in the Department of Transportation as an independent agency, and an Obligation Guarantee Fund, to insure obligations incurred for the acquisition of rolling stock, and equipment or facilities; provides for Federal efforts to improve utilization of freight cars and other rolling stock by means of a national rolling stock information system, development and quarterly publishing of an index measuring freight-car utilization, a study by the Secretary on the utilization of freight cars and means to improve such utilization, and action under existing authority to improve utilization; provides, in the event of failure to solve the shortage problem, for potential direct government action to attempt to do so; provides for a railroad equipment corporation to acquire rolling stock and to manage rolling stock as a pool; and contains other provisions. S. 1149. P/S July 23, 1973. (306)

Ship Construction

Amends section 502(a) of the Merchant Marine Act, 1936, as amended, to extend from June 30, 1973, to June 30, 1976, the authority of the Secretary of Commerce to award subsidies for the construction of vessels on which the price has been established by negotiation between the prospective ship owner and the shipyard. H.R. 6187. Public Law 93-71, approved July 10, 1973. (VV)

West Coast Corridor Feasibility Study Act of 1973

Directs the Secretary of Transportation to make an investigation and study for the purpose of determining the social advisability, technical feasibility, and economic practicability of a high-speed ground transportation system between Tijuana, Mexico, and Vancouver, Canada, including the various means of providing such transportation, the cost, usage, environmental impact, and energy utilization and impact on energy resources; directs the Secretary to report the results of his study and investigation together with his recommendations to the Congress and the President no later than January 30, 1976, and submit an interim report to Congress on January 30, 1975; authorizes therefore an appropriation of not to exceed $8 million to carry out the provisions of this act; and contains other provisions. S. 1328. P/S July 11, 1973. (VV)

VETERANS

Drug and Alcohol Treatment and Rehabilitation Act

Provides for a fully-funded, comprehensive drug and alcohol treatment and rehabilitation program for addicted veterans regardless of service connection or the nature of their discharge; establishes a special medical treatment and rehabilitative services program for any veteran with a drug dependence or drug abuse disability, stressing highly individualized community-based, multimodality, in-house and contract services, including a wide range of vocational and educational counseling and rehabilitative services and job placement assistance; requires the Administrator to carry out a program or vocational rehabilitation for those Vietnam era veterans with addiction disabilities; broadens the eligibility for basic V.A. hospital care and medical services for service-connected disabilities; and contains other provisions. S. 284. P/S March 6, 1973. (31)

Health Care Expansion Act

Improves the ability of the Veterans' Administration (VA) to deliver quality medical care to its beneficiaries by widening the scope of treatment (particularly for ambulatory and nursing care); expands coverage to certain dependents of beneficiaries or former beneficiaries; provides for a voluntary, comprehensive sickle cell anemia screening and counseling program; expands the primary function of the Veterans Administration Department of Medicine and Surgery to include assisting in providing an adequate supply of health care manpower; provides for a contract to be made with the National Academy of Sciences for a study of staffing with a view to improving the staff-to-patient ratio in V.A. medical facilities; ensures that V.A. facilities are structurally safe; and contains other provisions. *Note:* (H.R. 10880 [92-2d], a similar measure, was pocket vetoed by President Nixon on October 27, 1972). S. 59. Public Law 93-82, approved August 3, 1973. (29)

National Cemeteries Act

Establishes within the Veterans' Administration (V.A.) a National Cemetery System consisting of those cemeteries presently under the jurisdiction of the V.A. and those to be transferred by September 1, 1973, to the V.A. from the Department of Army with the exception of certain specified cemeteries, including Arlington National Cemetery and those located at the service academies; directs the V.A. to conduct a comprehensive study and submit its recommendations on or before January 3, 1974, as to what our National Cemetery System and national burial policy should be; authorizes the Administrator of Veterans' Affairs to permit the flying of the American flag at cemeteries in the national cemetery system 24 hours a day; authorizes a special burial plot allowance of $150 (in addition to the present V.A. allowance for burial and funeral expenses of $250) in any case where a veteran is not buried in a national or other Federal cemetery; authorizes the burial of an unknown soldier from the Vietnam Conflict at Arlington National Cemetery; and contains other provisions. *Note:* (H.R. 12674 [92d–2], a similar measure, was pocket vetoed by President Nixon on October 27, 1972.) S. 49 Public Law 93–43, approved June 18, 1973. (30)

Veterans' Administration flexible GI interest rate authority

Restores the authority of the Administrator of the Veterans' Administration to set flexible interest rates on loans to veterans, which expired June 30, 1973; authorizes the Administrator to consult with the Secretary of Housing and Urban Development in order to set flexible interest rates on guaranteed, insured, and direct loans in excess of 6 percent as he determines the current loan market demands; and establishes that, to the maximum extent practicable, the Administrator shall carry out a coordinated policy on interest rates and loans insured by the Federal Housing Administration and the Veterans' Administration. H.R. 8949. Public Law 93–75, approved July 26, 1973. (VV)

Veterans' benefits

Amends title 38 U.S.C., to increase the Monthly rates of disability and death pensions and dependency and indemnity compensation and to increase income limitations relating thereto, and contains other provisions. H.R. 9474. P/H July 30, 1974; P/S amended August 2, 1973. (VV)

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NOMINATIONS—ACTION BY ROLL CALL VOTE

Vincent R. Barabba to be Director of the Census.
William P. Clements, Jr. to be a Deputy Secretary of Defense.
William Egan Colby to be Director of Central Intelligence.
Clarence M. Kelley to be Director of the Federal Bureau of Investigation.
Elliot L. Richardson to be Secretary of Defense.
Elliot L. Richardson to be Attorney General.
James R. Schlesinger to be Director of Central Intelligence.
James R. Schlesinger to be Secretary of Defense.
William L. Springer to be a Member of the Federal Power Commission.
Caspar W. Weinberger to be Secretary of Health, Education, and Welfare.

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Mississippi River (S.J. Res. 102).
National Arthritis Month (H.J. Res. 275).
National Autistic Children's Week (H.J. Res. 296).
National Clean Water Week (H.J. Res 437).
National Consumer Effort to Save Gas and Arrive Alive (S. Res. 138).
National Employ the Older Worker Week (H.J. Res. 334).
National Historic Preservation Week (S.J. Res. 51).
National Hunting and Fishing Day (H.J. Res. 210).
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†Airport Development Acceleration Act (S. 38).
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Ship Construction (H.R. 6187).
West Coast Corridor Feasibility Study Act (S. 1328).

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Drug and Alcohol Treatment and Rehabilitation Act (S. 284).
†Health Care Expansion Act (S. 59).
†National Cemeteries Act (S. 49).
Veterans' Administration Flexible GI Interest Rate Authority (H.R. 8949).
Veterans' Benefits (H.R. 9474).

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* Vetoed 1973.

† Vetoed 1972.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene at 12 o'clock noon on Wednesday, September 5, 1973. At the conclusion of remarks by the distinguished majority leader and the distinguished minority leader under the standing order, the distinguished junior Senator from Virginia (Mr. SCOTT) will be recognized for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements limited therein to 3 minutes.

At the conclusion of the transaction of routine morning business the Senate will proceed to the consideration of H.R. 9590, the bill making appropriations for the Departments of the Treasury and Post Office for fiscal year 1974. There is a time limitation on that bill of 2 hours, with 1 hour on any amendment and ½ hour on any amendment to an amendment, debatable motion for appeal. There may be some controversy about the bill—I do not know—but in any event the yeas and nays have been ordered on final passage of the bill.

On final passage of H.R. 9590, the Senate will go into executive session to consider Ex. L, 93d Congress, 1st Session, an amendment to article LXI of the Charter of the United Nations, and will vote immediately on the adoption of that measure. The yeas and nays have been ordered.

Upon the return to legislative session the Senate will take up, under a time limitation, S. 1914, a bill to provide for the establishment of the Board for International Broadcasting to authorize the continuation of assistance to Radio Free Europe and Radio Liberty, and for other purposes.

I expect yea-and-nay votes on amendments thereto and on final passage of that bill.

In summation, the leadership would anticipate, at the very least, three yea-and-nay votes on the first day after the Senate reconvenes following the August recess, and I have a feeling there will be more than three votes.

ADJOURNMENT TO WEDNESDAY, SEPTEMBER 5, 1973

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the provisions of Senate Concurrent Resolution 42, that the Senate stand in adjournment until 12 noon, Wednesday, September 5, 1973.

The motion was agreed to; and, at 7:28 p.m., the Senate adjourned until Wednesday, September 5, 1973, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate August 3, 1973:

OFFICE OF TELECOMMUNICATIONS POLICY

John Eger, of Virginia, to be Deputy Director of the Office of Telecommunications Policy, vice George Frank Mansur, Jr., resigned.

NATIONAL RAILROAD PASSENGER CORPORATION

The following-named persons to be members of the Board of Directors of the National Railroad Passenger Corporation for terms expiring April 28, 1977:

David Walbridge Kendall, of Michigan, reappointment.

Rose M. Fanucchi, of California, vice Catherine May Bedell.

Claude S. Brinegar, Secretary of Transportation, vice John A. Volpe.

CONFIRMATIONS—AUGUST 3, 1973

The Executive nominations confirmed by the Senate August 3, 1973:

DEPARTMENT OF DEFENSE

William Keith Brehm, of California, to be an Assistant Secretary of Defense.

DEPARTMENT OF COMMERCE

Karl E. Bakke, of Virginia, to be General Counsel of the Department of Commerce.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

James B. Gregory, of California, to be Administrator of the National Highway Traffic Safety Administration.

DEPARTMENT OF JUSTICE

Ralph F. Keil, of Delaware, to be U.S. attorney for the district of Delaware for the term of 4 years.

William F. Clayton, of South Dakota, to be U.S. Attorney for the District of South Dakota for the term of 4 years.

Donald J. Stohr, of Missouri, to be U.S. attorney for the eastern district of Missouri for the term of 14 years.

Harold M. Fong, of Hawaii, to be U.S. attorney for the district of Hawaii for the term of 4 years.

George K. McKinney, of Maryland, to be U.S. marshal for the District of Columbia for the term of 4 years.

Harold M. Grindle, of Iowa, to be U.S. Marshal for the Southern District of Iowa for the term of 4 years.

Victor Cardosi, of New Hampshire, to be U.S. Marshal for the District of New Hampshire for the term of 4 years.

Thomas K. Kaulukukui, of Hawaii, to be U.S. marshal for the district of Hawaii for the term of 4 years.

Edward J. Michaels, of Delaware, to be U.S. marshal for the district of Delaware for the term of 4 years.

Doroteo R. Baca, of New Mexico, to be U.S. marshal for the district of New Mexico for the term of 4 years.

Walter J. Link, of North Dakota, to be U.S. marshal for the district of North Dakota for the term of 4 years.

George L. Tennyson, of South Dakota, to be U.S. marshal for the district of South Dakota for the term of 4 years.

Royal K. Buttars, of Utah, to be U.S. marshal for the district of Utah for the term of 4 years.

Doyle W. James, of Colorado, to be U.S. marshal for the district of Colorado for the term of 4 years.

Charles E. Robinson, of Washington, to be U.S. marshal for the western district of Washington for the term of 4 years.

Bill Carnes Murray, of Georgia, to be U.S. marshal for the northern district of Georgia for the term of 4 years.

(The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

THE JUDICIARY

Leonard I. Garth, of New Jersey, to be a U.S. circuit judge, third circuit.

Joseph T. Sneed, of California, to be a U.S. circuit judge, ninth circuit.

John A. Reed, Jr., of Florida, to be a U.S. district judge for the middle district of Florida.

HOUSE OF REPRESENTATIVES—*Friday, August 3, 1973*

The House met at 11 o'clock a.m.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

We know that in everything God works for good with those who love him.—Romans 8: 28.

O Thou who art the light of all that is true and the life of all that is good, lay Thy hand in blessing upon us as we wait upon Thee and as we prepare ourselves for our August recess. Grant that we may so use these days that we may return renewed in body, mind, and spirit, and may those who travel, travel safely.

Keep us all, standing on this floor and in the gallaries, mindful of our duty to our country, to love her, to support her Constitution, to obey her laws, to respect her flag and to defend her against all enemies. May we also remember that Thou art ever with us always working for our good.

The Lord bless you and keep you in his love. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 4083. An act to improve the laws relating to the regulation of insurance in the District of Columbia, and for other purposes; and

H.R. 6713. An act to amend the District of

Columbia Election Act regarding the times for filing certain petitions, regulating the primary election for Delegate from the District of Columbia and for other purposes.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 8250. An act to authorize certain programs and activities of the government of the District of Columbia, and for other purposes;

H.R. 8917. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1974, and for other purposes; and

H.R. 9474. An act to amend title 38 of the United States Code to increase the monthly rates of disability and death pensions, and dependency and indemnity compensation, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 8917) entitled "An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1974, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Bible, Mr. McClellan, Mr. Robert C. Byrd, Mr. McGee, Mr. Montoya, Mr. Inouye, Mr. Chiles, Mr. Stevens, Mr. Young, Mr. Hruska, Mr. Hatfield, and Mr. Bellmon to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8152) entitled "An act to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to improve law enforcement and criminal justice, and for other purposes."

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1980. An act to amend the Defense Production Act of 1950, as amended.

AUTHORIZING CLERK TO RECEIVE MESSAGES AND SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS NOTWITHSTANDING ADJOURNMENT

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Wednesday, September 5, 1973, the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

AUTHORIZING SPEAKER TO ACCEPT RESIGNATIONS AND APPOINT COMMISSIONS, BOARDS, AND COMMITTEES, NOTWITHSTANDING ADJOURNMENT

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until September 5, 1973, the Speaker be authorized to accept resignations and to appoint commissions, boards, and committees authorized by law or by the House.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, SEPTEMBER 5, 1973

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, September 5, 1973.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

FEDERAL PROTECTIVE SERVICE POLICE FORCE

(Mr. MITCHELL of Maryland asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. MITCHELL of Maryland. Mr. Speaker, on August 2, 1973, at 10 a.m., more than 250 men of the Federal Protective Service held a rally on the west front of the Capitol to protest the inequities they experience.

The Federal Protective Service Police Force, unlike other law enforcement agents, do not receive:

A. Full law enforcement training . . .

B. Do not have clear-cut jurisdictional authority . . .

C. Do not receive grossly low salaries . . .

D. Do not enjoy benefits that other law enforcement agents receive . . .

The situation for FPS officers is patently unjust and lacking in equity.

I have introduced H.R. 7266, a bill to establish the Federal Protective Service Police Force within the General Services Administration and to provide minimum training, pay and other benefits for such a police force. Subcommittee hearings on my bill have been delayed because GSA has not yet submitted certain reports and documents which the subcommittee needs.

I alert my colleagues to this situation because I believe you will share my feeling that these men who protect us daily are clearly entitled to more equitable treatment and that entitlement should not be delayed by GSA procrastinations.

PUBLIC HEARINGS ON FOOD PRICE RISE

(Mr. JONES of Oklahoma asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. JONES of Oklahoma. Mr. Speaker, today I address a matter of vital importance to each of our constituents. The price of food, and present food shortages, reflect much more than a temporary, superficial problem.

Food prices are rising faster overnight than paychecks are in an entire year. Those on fixed incomes, especially the elderly, face incredible hardship.

Too many Americans feel the Federal Government has turned a deaf ear to this problem. I urge each Member of the House, as the closest link between the citizen and his Federal Government, to hold public hearings during the August recess on the fundamental question of food prices and food supplies.

I have great faith in listening to the people of this country. From hearings conducted by Members of this body perhaps will come new ideas for Congress to take the initiative in altering the present disastrous economic game plan.

When hospitals cannot purchase beef, when eggs are priced beyond the consumer, and when milk becomes a luxury, then we must reexamine our direction and purpose.

The Secretary of Agriculture merely brushes all of this aside, calling it a "rationing" of goods, but what he thoughtlessly forgets is that this is economic rationing, with decreasing amounts available to the poor and working families and unlimited quantities available to the wealthy.

I believe it is high time for the Members of Congress to begin concerted, organized efforts to bring the outrage of the citizenry to Washington. Public hearings during August seem an ideal way for us to allow individuals to express themselves on this serious matter, and to let the people make their ideas available for our consideration. We must let the people know that we will listen and we share their deep concern over this most fundamental issue.

SENATE HEARING ROOM IN TV COMMERCIAL

(Mr. BURGENER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BURGENER. Mr. Speaker, I hold in my hand last evening's edition of the Washington Star-News. On page C–1 there is a feature story with pictures of a most unusual occurrence. The Senate Watergate Committee is pictured during the filming of a commercial television entertainment show. The Senate hearing room is used for the setting of this rather incredible performance. Being new in the Congress, I do not know all the rules and regulations, but I am moved to ask at least the following questions:

First. Is it customary to transfer a quasi-judicial hearing, or at least the principal interrogators of such a hearing, into what appears to be an entertainment vehicle?

Second. Will the U.S. Government receive any of the revenues developed from the sale of commercials during the public showing?

Third. Why was the show billed as open to the public, and then priority given to the staff persons of the Senators who appeared, while between 500 and 1,000 people were turned away?

These are but a few questions that immediately come to mind, but I am certain that my colleagues in the House of Representatives, and the public at large will have many, many more.

Let me state for the record, and only speaking for myself, that I deeply resent these important hearings being taken in such a light vein. When does a serious legislative matter become entertainment? When does the vitally important quest for truth take on an almost sideshow atmosphere? When does audience participation move from the entertainment world to the Halls of the U.S. Congress ?

Finally, Mr. Speaker, I point out that I do not know the answers to these questions, but I hope that countless Americans will but ask the same ones. I only know that I am angered and saddened that this event made it necessary for me to even ask.

PRICE CEILING ON BEEF SHOULD BE LIFTED

(Mr. HUBER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBER. Mr. Speaker, everyone knows what is happening today as regards the meat supply in this country. But who is doing anything about it? I think the senior Senator from Texas yesterday took a determined step in the right direction. He offered an amendment this Wednesday to H.R. 5777—the Hobby Protection Act, which passed the Senate yesterday by a vote of 84 to 5. This amends the Economic Stabilization Act to the extent that the price ceiling on beef would be lifted. My strong hope is that this amendment will be approved by the conferees.

It reads as follows:

Sec. 15. Section 203 of the Economic Stabilization Act of 1970 is amended by adding at the end thereof the following new subsection:

"(k) In exercising the authority conferred by this section prior to September 12, 1973, with respect to the price level of beef, the President or his delegate shall permit the passthrough of increases in raw agricultural product costs incurred since June 8, 1973, on a dollar-for-dollar basis in the same manner and to the same extent as a passthrough of such increases is permitted in the case of meat and food products other than beef."

The House should strongly support this action. We cannot permit beef simply to disappear from our menu. Something should be done now and this is a constructive step, in my view. It is ironic indeed when we are offering food to the whole world, and in particular, the Communist part of the world, that at the same time, we are neglecting to provide for our own people. It is high time to reverse this misbegotten policy.

LEGISLATION TO ASSIST OUR SENIOR CITIZENS

(Mr. HILLIS asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. HILLIS. Mr. Speaker, today I am introducing seven bills to assist our senior citizens.

The seven bills are aimed at easing the financial burden on senior citizens, to allow them to remain self-supporting, rather than become additions to State welfare rolls. The bills would accomplish the following:

Include dental care, eye care, dentures, eyeglasses, hearing aids, and prescription drugs under medicare coverage;

Permit a married couple to receive social security benefits computed on their combined earnings record;

Establish an annual congressional senior citizen intern program, with funds for each Congressman to hire two interns for 2 weeks;

Allow a tax credit or refund of up to $300 on payments for local property taxes;

Allow disabled persons to qualify for social security benefits if they have ever worked 10 years under social security;

Authorize grants and loans to nonprofit groups to set up transportation services, like minibuses, to meet the special needs of the elderly and handicapped;

Establish a Select Committee on Aging in Congress to devote fuller attention to the special problems of the elderly.

The proposals were worked out with the recommendations and guidance of Mr. and Mrs. Paul Perdice of Anderson, Ind., who served as senior citizen interns for a week in my Washington office.

I am confident this legislation would be a big help in relieving the financial burden on all senior citizens. They were developed with the cooperation of two fine people who should know just what problems they and their elderly friends face.

Most important was their insistence that senior citizens do not want a handout—just a decent standard of living in a frightening age of inflation—I think we should provide the assistance they need through reasonable programs as those outlined in my bills.

MAKE FORT MIFFLIN A NATIONAL HISTORIC SITE

(Mr. BARRETT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BARRETT. Mr. Speaker, I have today introduced a bill to authorize the establishment of the Fort Mifflin National Historic Site in the State of Pennsylvania. A number of my colleagues from Pennsylvania have joined me in cosponsoring this measure, namely: Mr. Nix, Mr. Green, Mr. Eilberg, Mr. Ware, Mr. Williams, Mr. Biester, and Mr. Coughlin. The bill would make the fort a part of the national park system.

Fort Mifflin may not be a known household name but those who have studied the Revolutionary War are aware of its importance to our efforts to gain independence. In this regard it is the hope of the sponsors of the bill that it can be acted on in this Congress so that Fort Mifflin can take its rightful place and part in our Nation's activities celebrating its 200 years of independence.

Dating back to pre-Revolutionary War times, Fort Mifflin, or originally Fort Mud, was built on the west bank of the Delaware River below the mouth of the Schuylkill for the protection of Philadelphia from attack by water. Actual work began in 1772, but it was unfinished until the revolution when Brig. Gen. Thomas Mifflin, for whom it was renamed, completed it for the Pennsylvania Council of Safety.

The fort was the scene of a siege from September to November in 1777, when a small garrison of 400, of whom only 40 survived, held at bay an army of 12,000 British and a fleet of vessels for 7 weeks. This stand was credited by General Washington with a considerable share of the ultimate success of the American cause. The fort was bombarded by 250 guns and virtually blown to bits.

In 1798 Fort Mifflin was rebuilt. It was manned during the War of 1812, and used as a prison for Union deserters and Confederates during the Civil War. At the time of the Spanish-American War, it was remodeled and put into service as a magazine for the Philadelphia Naval Base. In 1959 the fort, covering 49.1 acres, was turned over by the United States to the city. It is being restored by the Shackamaxon Society, a Philadelphia group. The old fort was made a National Historic Landmark in September 1970.

SUSPENSION OF DUTY ON MANGANESE ORE

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 6676) to continue until July 1, 1976, the existing suspension of duty on manganese ore, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, strike out line 5, and insert: "the appendix to the Tariff Schedules of the United States".

Page 1, after line 10, insert:

Sec. 2. (a) Item 903.90 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by striking out "9/5/72" and inserting in lieu thereof "9/5/75".

(b)(1) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

(2) Upon request therefor filed with the customs officer concerned on or before the sixtieth day after the date of the enactment of this Act, the entry or withdrawal of any article—

(A) which was made after September 5, 1972, and before the date of the enactment of this Act, and

(B) with respect to which there would have been no duty if the amendment made by the first section of this amendment applied to such entry or withdrawal,

shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or relinquished as though such entry or withdrawal had been made on the date of enactment of this Act.

Amend the title so as to read: "An Act to continue until July 1, 1976, the existing suspension of duty on manganese ore, and for other purposes".

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

Mr. SCHNEEBELI. Mr. Speaker, reserving the right to object—and I shall not object—I take this time to ask the gentleman from Oregon to explain this legislation.

Mr. ULLMAN. Mr. Speaker, will the gentleman yield?

Mr. SCHNEEBELI. I yield to the gentleman from Oregon.

Mr. ULLMAN. Mr. Speaker, Members will recall that on June 27, 1973, the House unanimously approved H.R. 6676, which would extend to July 1, 1976, the suspension of duty on imports of manganese ore. In approving H.R. 6676, the Senate has added the provisions regarding the suspension of duty on imports of processed istle fiber, contained in H.R. 2261, which was also unanimously approved by the House on June 27. The Senate amendment would extend the duty suspension on processed istle fiber to September 5, 1975.

In addition, an amendment to the bill reported by the Senate Finance Committee correcting a typographical error which occurred in the printing of the House bill was approved by the Senate.

Mr. Speaker, the substantive Senate amendment to H.R. 6676 is meritorious, having been approved by the House previously, and I move that the House concur in the Senate amendments to H.R. 6676.

Mr. SCHNEEBELI. Mr. Speaker, we have no objection to this legislation on this side, and I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

SUSPENSION OF DUTY ON CERTAIN DYEING AND TANNING PRODUCTS

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 3630) to extend for 3 years the period during which certain dyeing and tanning materials may be imported free of duty, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Strike out all after the enacting clause and insert: That item 907.80 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended—

(1) by striking out "Canaigre," and inserting in lieu thereof "Logwood, canaigre,";

(2) by inserting "470.15," immediately before "470.23,"; and

(3) by striking out "9/30/72" and inserting in lieu thereof "9/30/75".

Sec. 2. (a) The amendments made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

(b) Upon request therefor filed with the customs officer concerned on or before the sixtieth day after the date of the enactment of this Act, the entry or withdrawal of any article—

(1) which was made after September 30, 1972, and before the date of the enactment of this Act, and

(2) with respect to which there would have been no duty if the amendments made by the first section of this Act applied to such entry or withdrawal.

shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entry or withdrawal had been made on the date of the enactment of this Act.

Amend the title so as to read: "An Act to extend until September 30, 1975, the suspension of duty on certain dyeing and tanning products and to include logwood among such products."

Mr. ULLMAN (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. SCHNEEBELI. Mr. Speaker, reserving the right to object, I shall not object, but I take this time to ask the gentleman from Oregon (Mr. Ullman), if he will explain this legislation.

Mr. ULLMAN. Mr. Speaker, will the gentleman yield?

Mr. SCHNEEBELI. I yield to the gentleman from Oregon.

Mr. ULLMAN. Mr. Speaker, the House will recall that H.R. 3630, as unanimously approved by the House on June 27 of this year, would suspend the duty on certain dyeing and tanning materials from the date of enactment to September 30, 1975. In approving H.R. 3630, as passed by the House, the Senate amended the bill in two respects, both of which are germane to the House passed bill.

The first Senate amendment would add logwood extract to those dyeing and tanning materials on which the duty would be suspended to September 30, 1975. The extension of the duty suspension to logwood extracts is an action to which the Committee on Ways and Means agreed to in the last Congress in favorably reporting H.R. 15795. That bill which was not acted upon prior to adjournment of the 92d Congress would have extended the duty suspension on the tanning and dyeing materials and would have added logwood extracts to the list of dyeing and tanning materials on which the duty was being suspended. As noted in the report of the Ways and Means Committee on H.R. 15795, of the 92d Congress, and in the Senate Report No. 93-322 on H.R. 3630, there is no domestic source of crude logwood and consumers of logwood extracts are dependent on imports to meet their needs.

The second Senate amendment would provide the retroactive suspension of duties on the tanning and dyeing materials covered by the legislation from September 30, 1972, and would, therefore, provide the liquidation or reliquidation of entries on the basis of duty-free treatment from that day to the day of enactment. I believe that such duty-free treatment is warranted in view of the history of duty suspension on imports of dyeing and tanning materials. Only a very few importers are involved and in terms of the duties paid such duty suspension would not constitute a windfall profit on entries liquidated between September 30, 1972, and the date of enactment.

Mr. Speaker, I believe the Senate amendment to H.R. 3630 are meritorious and I move that the House concur in the Senate amendments to H.R. 3630.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SCHNEEBELI. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I will ask the gentleman, I take it the amendments are germane to the bill?

Mr. ULLMAN. Mr. Speaker, the amendments are germane to the bill, and, in our judgment, beneficial to the consumers of this country.

Mr. SCHNEEBELI. Mr. Speaker, I concur in the changes made.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

AMENDING INTERNAL REVENUE CODE FOR THE RELIEF OF CERTAIN MEMBERS OF THE ARMED FORCES

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 8214) to amend sections 112, 692, 6013, and 7508 of the Internal Revenue Code of 1954 for the relief of certain members of the Armed Forces of the United States returning from the Vietnam conflict combat zone, and for other purposes, which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

Mr. BROYHILL of Virginia. Mr. Speaker, reserving the right to object, and I shall not object, but I take this time to ask the gentleman from Oregon to explain the bill.

Mr. ULLMAN. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL of Virginia. I yield to the gentleman from Oregon for that purpose.

Mr. ULLMAN. Mr. Speaker, the purpose of H.R. 8214 as reported to the House by the Committee on Ways and Means is to amend the Internal Revenue Code of 1954 to provide certain relief for military and civilian personnel returning from the Vietnam conflict, and the families of those individuals who were listed as missing in action and are subsequently determined to have died at an earlier time.

First, the bill extends the provision under present law, which permits military personnel who are hospitalized as a result of service in a combat zone to exclude military pay they receive during the period of hospitalization, to cover for a period of time the pay they receive while hospitalized after all combatant activities have terminated. Since the exclusion under present law only applies during the period in which there are combatant activities in a combat zone, the bill extends this exclusion for a period of time to cover a member of the Armed Forces who was hospitalized for an injury incurred in a combat zone in the waning days of the Vietnam conflict.

Second, the bill extends the provision which forgives Federal income taxes on income other than combat pay, which is presently excludable under another provision, in the case of a member of the Armed Forces who dies while serving in a combat zone—or as a result of an injury incurred while serving in a combat zone—to cover the period he is in a missing status even though it is subsequently determined that he actually died at an earlier time. Present law forgives income taxes through the year of a serviceman's actual death. The Committee on Ways and Means is of the opinion that it is appropriate to prevent any additional hardship to his family which could result from the collection of taxes for years following his actual death and, therefore, extends this forgiveness to cover the years a serviceman is in a missing status until his status is changed.

With respect to these first two changes, the bill provides that these benefits, in general, are not to apply for more than 2 years after the termination of combatant activities; however, in the case of the Vietnam conflict, the benefits would be available, in general, for a 2-year period after the bill is enacted.

Third, the bill deals with the question of when the special tax rates available to a surviving spouse should be available for a spouse whose husband was reported in missing status and is subsequently determined to have died at an earlier time. The bill provides that the widow is to be eligible for surviving spouse tax treatment for the 2 years following the year in which her husband's missing status is changed rather than the 2 years following the year of actual death.

H.R. 8214 as reported also clarifies existing law in two respects. First, present law provides an extension of time for performing various acts such as filing tax returns, paying taxes, or filing a claim for credit or refund of tax in the case of an individual serving in the Armed Forces of the United States—or serving in support of the Armed Forces in a combat zone. Since it is common for these individuals and their spouses to file joint returns, the question has arisen as to whether the spouse is entitled to the benefit of these extensions. The bill would clarify this by providing that the spouse of a serviceman—or the spouse of an individual serving in support of the Armed Forces—in a combat zone is to have the same extension benefits as are available to her husband. Second, the bill also makes it clear that the spouse of an individual in missing status may file a joint return during the period he is in missing status even if it is subsequently determined that he had been killed in action in a prior year. In each of these two changes, the bill provides a similar 2-year limitation after the termination of combatant activities and with respect to the Vietnam conflict as described above.

Additionally, the bill deals with the tax treatment of certain individuals who were illegally detained when the U.S.S. *Pueblo* was seized in 1968 by North Korea. In this regard, H.R. 8214 would provide an exclusion from income with respect to compensation received by the members of the crew to conform to the treatment available for prisoners of war in a combat zone.

Finally, H.R. 8214 as reported to the House would remove the requirement that a serviceman must be serving during an "induction period" in order to be eligible for certain benefits otherwise accorded. This change is necessary since the Military Selective Service Act of 1967 has expired and there is no longer an induction period.

Mr. Speaker, this bill has been reported unanimously by the Committee on Ways and Means and its enactment is supported by the Executive branch. I urge its passage by the House of Representatives.

Mr. BROYHILL of Virginia. Mr. Speaker, I rise in support of H.R. 8214, which will clarify the tax treatment of members of the Armed Forces and civilian employees who have been or are now either prisoners of war or missing in action. In my opinion, it is the least we can do for those who have sacrificed so much for us.

In addition to clarifying the law relative to the tax treatment afforded POW's and MIA's, the measure contains other provisions which will equalize the tax treatment of civilian and military personnel who were captured by North Korea from the U.S.S. *Pueblo* with the treatment extended to POW's in Vietnam and amend certain other provisions of the tax law relative to benefits granted military personnel which are now inoperative as a result of the expiration of the Military Selective Service Act of 1967.

H.R. 8214, as reported unanimously by the Ways and Means Committee, contains the basic recommendations made by the administration on February 21, 1973, as well as proposals contained in H.R. 8115, which I introduced on May 24, 1973. The committee made some technical changes and placed appropriate time limitations on the provisions recommended by the administration. These minor alterations are supported by the administration.

In the past, Congress has extended special tax treatment to members of the Armed Forces and civilian employees to cover hardships which they and their families have experienced with respect to the filing of income tax returns and the payment of tax during the periods they were in a combat zone and for certain periods subsequent to their presence in a combat zone. This legislation is designed to assure continuation of fair tax treatment in this regard and is occasioned by certain problems which have arisen as a result of the Vietnam conflict. The bill makes a number of changes which I will briefly describe.

First, it would permit hospitalized servicemen to continue to exclude their military pay up to the month hospitalization ceases, even if all combatant activities have terminated. This merely will equalize the tax treatment extended to servicemen injured during the waning days of the Vietnam conflict, but not fully recovered prior to the cessation of combat activities with those whose hospitalization as a result of injuries incurred in the conflict concluded prior to the cessation of the combat.

Second, it would extend current law to forgive any income tax liability until the date the serviceman's missing status is terminated where that date occurs later than the date of death. Since present law forgives income taxes only through the year of the serviceman's actual death, this change is needed to prevent hardship on the families who learn after an extended period of time that the serviceman, in fact, died earlier.

Third, it provides that a widow of a serviceman who was reported in missing status and later is determined to have died at an earlier time is to be eligible for surviving spouse tax treatment for the 2 years following the year in which her husband's missing status is changed rather than the 2 years following the date of actual death.

Fourth, the bill would permit the wife of a deceased serviceman to claim the benefits of tax forgiveness for the years when the serviceman was, in fact, although unknown to be, deceased despite the expiration of the statute of limitations.

Fifth, it would permit the filing of joint returns by the spouse of a serviceman during the period he is missing in action, even though it is later determined that he died at an earlier date. This provision is necessary in order to prevent hardship in those cases where the spouse learned at a subsequent date that her husband had, in fact, died in an earlier period.

Sixth, the bill permits the wife of a serviceman or the representative of his estate to defer filing any tax returns—either income or estate—until after the serviceman returns or his missing status is terminated.

For each of the above provisions, the bill provides generally for a 2-year limitation on the availability of the tax benefits after the termination of combatant activities in a combat zone. In the case of the Vietnam conflict, however, the benefits will be generally available for 2 years after date of enactment of the legislation.

In addition, H.R. 8214, as reported, extends to the civilian and military personnel who were captured from the U.S.S. *Pueblo*, the same tax benefits which in recent years have been granted to prisoners of war and missing in action persons serving in the Vietnam conflict.

Finally, the measure removes the requirement that a serviceman must be serving during an "induction period" in order to be eligible for certain tax benefits historically extended to military personnel. This change is required as a result of the expiration on June 30, 1973, of the draft law. Without the existence of that law, there is no longer an induction period. These changes were requested and are supported by the Departments of Defense and Treasury.

Mr. Speaker, this is an important bill for the servicemen who were POW's and for the families of those servicemen who either were or are listed as missing in action. I urge its approval.

Mr. HÉBERT. Mr. Speaker, I rise in support of the bill, H.R. 8214.

On May 25, 1973, I wrote the distinguished chairman of the Committee on Ways and Means and asked that he give prompt consideration to the problems which a quirk in the language of the Internal Revenue Code would have upon the families of servicemen who are listed as missing, recuperating from combat injuries or who are declared to be dead or presumed dead. I commend the gentleman from Arkansas (Mr. Mills) for the expeditious manner in which he and his committee have brought this relief legislation to the floor.

H.R. 8214 creates no new entitlements or benefits for the families of missing or injured servicemen. It merely extends certain tax benefits which the Congress, in its wisdom, has previously provided. The justification for these is obvious and has been thoroughly considered earlier.

Mr. Speaker, a war is a dreadful trying time for the families of our military personnel. There is constant fear that the soldier-father, son, brother or loved one will not return. There is the anxiety that, even if he does return, he may not be whole. What we have before us today is a series of financial relief measures which are directed at reducing the burdens placed by the whims of fate upon the families whose worst fears have come to pass.

While the Nation rejoices at the homecoming of former prisoners of war, at the return of our men from the Southeast Asian war, and at the prospect of some sort of peace in that area of the world, it cannot overlook the needs of those families who have received the bad news or, perhaps even more terrible, have received no news at all.

There is no rhyme or reason for that terrible burden to be increased. There is a very real and compassionate reason for that burden to be lightened.

We know of the efforts underway to obtain a full accounting for our MIA's—they are not forgotten and will not be forgotten. But neither shall we forget the families of those 1,249 men. And neither shall we forget those, somewhat more fortunate, who lie in hospital beds across our country, trying to rebuild the shattered bodies they offered in our defense.

Mr. Speaker, I urge the unanimous passage of this bill.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The Clerk read the bill, as follows:

H.R. 8214

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

(a) Certain Combat Pay of Members of the Armed Forces. Section 112 of the Internal Revenue Code of 1954 (relating to certain combat pay of members of the Armed Forces) is amended by revising subsections (a)(2) and (b)(2), respectively, by striking out the words: "; but this paragraph shall not apply for any month during any part of which there are no combatant activities in any combat zone as determined under section (c)(3) of this section".

(b) Income Taxes of Members of Armed Forces on Death.

(1) Section 692(1) of such Code (relating to income taxes of members of Armed Forces on death) is amended by striking out the word "death," and inserting in lieu thereof the following: "death (or, if later, in which falls the last date in which he is in missing status within the meaning on section 112(d)),".

(2) If refund or credit of any overpayment for any taxable year resulting from the application of section 692 of such Code (as amended by paragraph (1)) is prevented at any time before the date 1 year after the date of the enactment of this Act by the operation of any law or rule of law, but would not have been so prevented if claim for refund or credit therefor were made on the due date for the return for the taxable year of his death (or any later year), such refund or credit of such overpayment may, nevertheless, be made or allowed if claim therefor is filed before 4 years after the date of the enactment of this Act.

(c) Joint Returns.—Section 6013 of such Code (relating to joint returns of income tax by husband and wife) is amended by adding at the end thereof the following new subsection:

"(f) Missing in Action, Etc.—For purposes of this section and subtitle A—

"(1) General rule.—The spouse of a serviceman or civilian who is missing as a result of service in a combat zone may elect in accordance with this subsection to file a joint return for any taxable year in which he is in a missing status, if such spouse is otherwise eligible to file a joint return. Such election shall be valid even if the missing serviceman or civilian was deceased prior to such taxable year, and in such event, except for purposes of section 692 (relating to income taxes of members of Armed Forces on death), the income tax liability of the missing serviceman or civilian, his spouse, and his estate shall be determined as if he were alive for such year so long as the election remains unrevoked.

"(2) Missing.—For purposes of this subsection a serviceman or civilian to which this subsection applies includes any individual referred to in section 558 of title 37, United States Code, and section 5568 of title 5, United States Code, and the term 'missing status' has the same meaning as contained in section 551(2) of title 37, United States Code, and section 5561 of title 5, United States Code, respectively, except that the period of missing status shall not include a period with respect to which it is officially determined under section 552(c) of title 37, United States Code, that such a person is officially absent from his post of duty without authority.

"(3) Election.—The election referred to in paragraph (1) may be made with respect to each taxable year by filing a joint return in accordance with subsection (a) and under such regulations as may be prescribed by the Secretary or his delegate. The election may be revoked by either spouse on or before the due date (including extensions) for such taxable year, and in the case of an executor or administrator, in accordance with subsection (a)(3)."

(d) Time for Performing Certain Acts Postponed by Reason of War.—

(1) Section 7508(a) of such Code (relating to time for performing acts postponed by reason of war) is amended by striking out the words "of such individual—" which appear immediately before paragraph (1) and inserting in lieu thereof "of such individual or the spouse of such individual—".

(2) Subsection (b) of section 7508 of such Code is redesignated subsection (d) and there are inserted immediately after subsection (a) the following:

"(b) Extension of Benefits.—With respect to any tax liability of any person or his estate entitled to the benefits of subsection (a), the provisions of this section shall apply to the executor, administrator, or conservator of the estate of such person.

"(c) Special Rule.—The period of service in the area referred to in subsection (a) shall include the period during which an individual entitled to benefits under subsection (a) is in a missing status, within the meaning of section 112(d)."

(e) Effective Date.—The amendments made by subsections (a), (b), (c), and (d) shall apply for taxable years ending on or after February 28, 1961.

With the following committee amendment:

Strike out all after the enacting clause and insert:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT OF 1954 CODE.

Except as otherwise provided in this Act, whenever an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be a section or other provision of the Internal Revenue Code of 1954.

SEC. 2. CERTAIN COMBAT PAY OF MEMBERS OF THE ARMED FORCES.

(*a*) Amendment of Subsections (*a*) and (*b*) of Section 112.—Subsections (a) and (b) of section 112 (relating to certain combat pay of members of the Armed Forces) are each amended—

(1) by striking out "during an induction period" in paragraph (1),

(2) by striking out "during an induction period; but this paragraph shall not apply for any month during any part of which there are no combatant activities in any combat zone as determined under subsection (c)(3) of this section" in paragraph (2), inserting in lieu thereof "; but this paragraph shall not apply for any month beginning more than 2 years after the date of the termination of combatant activities in such zone", and

(3) by adding at the end thereof the following new sentence:

"With respect to service in the combat zone designated for purposes of the Vietnam conflict, paragraph (2) shall not apply to any month beginning more than 2 years after the date of the enactment of this sentence."

(b) Conforming Amendment.—Subsection (c) of section 112 is amended by striking out paragraph (5).

(c) Effective Date.—The amendments made by this section shall take effect on July 1, 1973.

SEC. 3. JOINT RETURNS; SURVIVING SPOUSE.

(a) Joint Returns.—Section 6013 (relating to joint returns of income tax by husband and wife) is amended by adding at the end thereof the following new subsection:

"(f) Joint Return Where Individual Is in Missing Status.—For purposes of this section and subtitle A—

"(1) Election by spouse.—If—

"(A) an individual is in a missing status (within the meaning of paragraph (3)) as a result of service in a combat zone (as determined for purposes of section 112), and

"(B) the spouse of such individual is otherwise entitled to file a joint return for any taxable year which begins on or before the day which is 2 years after the date designated under section 112 as the date of termination of combatant activities in such zone,

then such spouse may elect under subsection (a) to file a joint return for such taxable year. With respect to service in the combat zone designated for purposes of the Vietnam conflict, no such election may be made for any taxable year beginning more than 2 years after the date of the enactment of this sentence.

"(2) Effect of election.—If the spouse of an individual described in paragraph (1)(A) elects to file a joint return under subsection (a) for a taxable year, then, until such election is revoked—

"(A) such election shall be valid even if such individual died before the beginning of such year, and

"(B) except for purposes of section 692 (relating to income taxes of members of the Armed Forces on death), the income tax liability of such individual, his spouse, and his estate shall be determined as if he were alive throughout the taxable year.

"(3) Missing status.—For purposes of this subsection—

"(A) Uniformed services.—A member of a uniformed service (within the meaning of section 101(3) of title 37 of the United States Code) is in a missing status for any period for which he is entitled to pay and allowances under section 552 of such title 37.

"(B) Civilian employees.—An employee (within the meaning of section 5561(2) of title 5 of the United States Code) is in a missing status for any period for which he is entitled to pay and allowances under section 5562 of such title 5.

"(4) Making of election; revocation.—An election described in this subsection with respect to any taxable year may be made by filing a joint return in accordance with subsection (a) and under such regulations as may be prescribed by the Secretary or his delegate. Such an election may be revoked by either spouse on or before the due date (including extensions) for such taxable year, and, in the case of an executor or administrator, may be revoked by disaffirming as provided in the last sentence of subsection (a)(3)."

(b) Surviving Spouse.—Section 2(a) (defining surviving spouse) is amended by adding at the end thereof the following new paragraph:

"(3) Special rule where deceased spouse was in missing status.—If an individual was in missing status (within the meaning of section 60113(f)(3)) as a result of service in a combat zone (as determined for purposes of section 112) and if such individual remains in such status until the date referred to in subparagraph (A) or (B), then, for purposes of paragraph (1)(A), the date on which such individual died shall be treated as the earlier of the date determined under subparagraph (A) or the date determined under subparagraph (B):

"(A) the date on which the determination is made under section 556 of title 37 of the United States Code or under section 5566 of title 5 of such Code (whichever is applicable) that such individual died while in such missing status, or

"(B) the date which is 2 years after—

"(i) the date of the enactment of this paragraph, in the case of service in the combat zone designated for purposes of the Vietnam conflict, or

"(ii) the date designated under section 112 as the date of termination of combatant activities in that zone, in the case of any combat zone other than that referred to in clause (i)."

(c) Effective Date.—The amendments made by this section shall apply to taxable years ending on or after February 28, 1961.

Sec. 4. Income Taxes of Members of Armed Forces on Death.

(a) Amendment of Section 692.—Section 692 (relating to income taxes of members of Armed Forces on death) is amended—

(1) by striking out "In the case" and inserting in lieu thereof

"(a) General Rule.—In the case";

(2) by striking out "during an induction period (as defined in section 112(c)(5))"; and

(3) by adding at the end thereof the following new subsection:

"(b) Individuals in Missing Status.—For purposes of this section, in the case of an individual who was in a missing status within the meaning of section 6013(f)(3) (A), the date of his death shall be treated as being not earlier than the date on which a determination of his death is made under section 556 of title 37 of the United States Code. The preceding sentence shall not cause subsection (a)(1) to apply for any taxable year beginning more than 2 years after—

"(1) the date of the enactment of this subsection, in the case of service in the combat zone designated for purposes of the Vietnam conflict, or

"(2) the date designated under section 112 as the date of termination of combatant activities in that zone, in the case of any combat zone other than that referred to in paragraph (1)."

(b) Effective Date.—The amendments made by subsection (a) shall apply to taxable years ending on or after February 28, 1961.

(c) Refunds and Credits Resulting From Section 692 of Code.—If the refund or credit of any overpayment for any taxable year ending on or after February 28, 1961, resulting from the application of section 692 of the Internal Revenue Code of 1954 (as amended by subsection (a) of this section) is prevented at any time before the expiration of one year after the date of the enactment of this Act by the operation of any law or rule of law, but would not have been so prevented if claim for refund or credit therefor were made on the due date for the return for the taxable year of his death (or any later year), refund or credit of such overpayment may, nevertheless, be made or allowed if claim therefor is filed before the expiration of such one-year period.

Sec. 5. Time for Performing Certain Acts Postponed by Reason of War.

(a) Amendment of Section 7508.—Section 7508 (relating to time for performing acts postponed by reason of war) is amended by redesignating subsection (b) as subsection (d) and by inserting after subsection (a) the following new subsections:

"(b) Application to Spouse.—The provisions of this section shall apply to the spouse of any individual entitled to the benefits of subsection (a). The preceding sentence shall not cause this section to apply to any spouse for any taxable year beginning more than 2 years after—

"(1) the date of the enactment of this subsection, in the case of service in the combat zone designated for purposes of the Vietnam conflict, or

"(2) the date designated under section 112 as the date of termination of combatant activities in that zone, in the case of any combat zone other than that referred to in paragraph (1).

"(c) Missing Status.—The period of service in the area referred to in subsection (a) shall include the period during which an individual entitled to benefits under subsection (a) is in a missing status, within the meaning of section 6013(f)(3)."

(b) Effective Date.—The amendments made by subsection (a) shall apply to taxable years ending on or after February 28, 1961.

Sec. 6. Technical Amendments so That Certain Provisions Will Apply Without Regard to Whether or Not an Induction Period Exists.

(a) Sale of Residence.—Section 1034(h) (relating to sale or exchange of residence by members of the Armed Forces) is amended by striking out "and during an induction period (as defined in section 112(c)(5)".

(b) Nonapplication of Additional Estate Tax.—

(1) Section 2210 (relating to members of the Armed Forces dying during induction period) is amended by striking out "during an induction period (as defined in section 112(c)(5)),".

(2) The heading for such section 2201 is amended to read as follows:

"Sec. 2201. Members of the Armed Forces Dying in Combat Zone or by Reason of Combat-Zone-Incurred Wounds, etc.".

(3) The table of sections for subchapter C of chapter 11 of such Code is amended by striking out the item relating to section 2201 and inserting in lieu thereof the following:

"Sec. 2201. Members of the Armed Forces dying in combat zone or by reason of combat-zone-incurred wounds, etc.".

(c) Effective Date.—The amendments made by this section shall take effect on July 1, 1973.

Sec. 7. Extension of Section 112(d) of Code to Certain Members of Armed Forces and Civilians Illegally Detained in 1968.

(a) In General.—The first section of the Act of April 24, 1970, entitled "An Act to provide that, for purposes of the Internal Revenue Code of 1954, individuals who were illegally detained during 1968 by the Democratic People's Republic of Korea shall be treated as serving in a combat zone" (Public Law 91–235) is amended by adding at the end thereof the following new sentence: "For purposes of section 112(d) of the Internal Revenue Code of 1954, the period during which any member of the Armed Forces of the United States or any employee was so detained shall be treated as a period in which such member or employee is in a missing status during the Vietnam conflict as a result of such conflict."

(b) Effective Date.—The amendment made by subsection (a) shall apply with respect to compensation received for periods of active service after December 31, 1967, in taxable years ending after such date. If refund or credit of any overpayment for any taxable year resulting from the application of the amendment made by subsection (a) is prevented at any time before the expiration of one year after the date of the enactment of this Act by the operation of any law or rule of law, refund or credit of such overpayment may, nevertheless, be made or allowed if claim therefor is filed before the expiration of such one-year period.

Mr. ULLMAN (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed.

The title was amended so as to read: "A bill to modify the tax treatment of members of the Armed Forces of the United States and civilian employees who are prisoners of war or missing in action, and for other purposes."

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 1636, AMENDING INTERNATIONAL ECONOMIC POLICY ACT OF 1972

Mr. ASHLEY. Mr. Speaker, I call up the conference report on the bill (S. 1636) to amend the International Economic Policy Act of 1972, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of July 23, 1973.)

Mr. ASHLEY (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER. The gentleman from Ohio is recognized for 30 minutes and the gentleman from New Jersey will be recognized for 30 minutes.

Mr. ASHLEY. Mr. Speaker, the legislation before us was adopted in the House on June 28 by a recorded vote of 322 ayes to 62 nays, and is, I think, familiar to all of us. Let me address myself, then, to the items in disagreement between the version of the House and that of the Senate.

There were seven items in disagreement in the conference. The House receded to the Senate in one instance, in which the Senate bill allowed the President to appoint the Chairman of the Council on International Economic Policy from among the statutory members of the Council or any other person the President named as a Council member. The House amendment allowed the President to appoint a chairman from among the statutory members.

The second item in disagreement was one in which the Senate bill provided, with exceptions, that employees of the Council may be appointed without regard to civil service provisions governing appointment in competitive service. There was no comparable provision in the House amendment. The Senate receded to the House.

The third item in disagreement was one in which the Senate bill repealed the provision for an expiration date of the International Economic Policy Act, thereby making the Council on International Economic Policy a permanent organization. The House amendment extended the act to June 30, 1975. The Senate receded to the House with an amendment extending the Act until June 30, 1977.

The fourth item in disagreement was one in which the House amendment made appointment of any future Executive Director of the Council subject to Senate confirmation. The Senate bill would require Senate confirmation of the Executive Director, including the incumbent. The House position prevailed.

The fifth item in disagreement was one in which the Senate bill authorized $3 million to be appropriated each of the fiscal years 1974 and 1975, envisioning the merger of the Council on International Economic Policy and the Office of the Special Representative for Trade Negotiations. The House amendment authorized $1.4 million to be appropriated for fiscal year 1974, solely for the Council on International Economic Policy. The conferees accepted the House provision.

The sixth item in disagreement was one in which the House amendment added the Secretary of Transportation to the Council. No comparable provision was included in the Senate bill. The House provision was accepted.

The seventh and final item in disagreement was one in which the House amendment required that the annual International Economic Report of the President to be transmitted to Congress under section 207 of the International Economic Policy Act of 1972 included a comparative description and analysis of certain activities, policies and programs of the United States, the European communities, Japan and, whenever applicable, the U.S.S.R. The amendment also requires that the report include an analysis concerning the relationship between the U.S. Government and American business and recommendations for programs and policies to insure that American business is competitive in international commerce. No comparable provision was included in the Senate bill. The Senate receded to the House.

Mr. Speaker, I urge the adoption of the conference report.

Mr. WIDNALL. Mr. Speaker, I rise in support of this conference report.

Mr. Speaker, Members will recall that this legislation was hotly debated here on the floor. It is a rare privilege to report to you the bill you enacted has been brought back from conference virtually intact.

There were seven points of difference to be resolved in conference. Your conferees receded on one minor point regarding which members of the Council would be eligible for appointment as chairman. On all other points the other body receded except that on one point it was necessary to amend the House version slightly to reach agreement.

I think the gentleman from Ohio (Mr. ASHLEY) is to be complimented for his accomplishments as spokesman for the House position. I recommend your prompt acceptance of this report.

Mr. ASHLEY. Mr. Speaker, I yield to the gentleman from California (Mr. REES) such time as he may consume.

Mr. REES. Mr. Speaker, I was on the conference committee, and I might point out several potential problems. I signed the conference report. I think it is generally a good report. One of the problems though was that the Senate had asked for Senate confirmation of the now incumbent head of CIEP. Our version said that there would not have to be Senate confirmation of the present holder of that office, but that the future holder of that office would be confirmed.

This is a rather difficult concept to understand presently, but the problem is that the Office of the Special Trade Representative is supposedly scheduled to be folded into the office of CIEP, and the ambassadors of the Special Trade Representative's Office now have to be confirmed by the Senate, and this causes a problem because the present chairman of CIEP is not confirmed by the Senate, but the STR ambassadors are. I know there is a problem now in the Senate on the conference report because of this problem.

I should also like to point out that in our discussion on the floor on the bill we also discussed the problem of the special trade representative's office. Because of the technical nature of its work and because the STR is presently gearing up for the GATT hearings in Tokyo in September, it was the feeling of many of us that the STR not be folded into the Council on International Economic Policy until after Congress passes a trade bill and the trade bill is signed by the President. It is my understanding that there is an agreement between CIEP and the chairman of the Committee on Ways and Means that there will not be this folding in of the special trade representative into the Office of International Economic Policy until after the trade bill is agreed upon.

I would hope that at a later time—because the issue of trade policy in this country—is extremely important—that this House might look more closely into the actual mechanics of a negotiation of trade agreements and the relationship of this function in the entire context of the President's Council on International Economic Policy. I wish to bring up these points because there was some disagreement in the conference because the Senate conferees did not support the position of the Senate.

I would urge, though, that this House approve the conference report.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. REES. I yield to the gentleman from Iowa.

Mr. GROSS. Do I understand that the conference extends the life of this brain trust to 1977?

Mr. ASHLEY. Mr. Speaker, will the gentleman yield?

Mr. REES. I yield to the gentleman from Ohio who is the manager of the bill.

Mr. ASHLEY. Let me say to the gentleman from Iowa that the Senate bill had an indefinite life for the Council. The House bill, after an amendment was adopted that was offered by Mr. ROUSSELOT, had a life that extended through June 30, 1975. So the compromise was the present date that is in the conference report of June 30, 1977.

Mr. GROSS. So it is 1977, and it is an extension of 4 years, approximately.

Mr. ASHLEY. Yes. It is 4 years. It is not indefinite. It is not permanent as was called for in the Senate bill.

Mr. GROSS. Will the gentleman refresh my recollection as to the accomplishments, if any, of this outfit. What is the record?

Mr. ASHLEY. I referred previously to the report that is issued annually from the Council on Economic Policy, and would do so again. I think it will speak for itself.

Mr. CULVER. Mr. Speaker, I am hopeful that my amendment to the International Economic Policy Act of 1972 requiring the Council on International Economic Policy—CIEP—to review the present relationship between the U.S. Government and the private business sector, and then make recommendations to insure that American business remains competitive in international commerce, will bear fruit.

Although there has for the past several years been much discussion in both U.S. businesss and Government circles about redefining and restructuring business-Government cooperation, no one has ever attempted to review the multitude of policy and program aspects in a single, comprehensive, oversight study. Instead, we continue to approach this issue on an ad hoc basis—looking at each component separately—rather than trying, to develop a balanced mix of constructive assistance to the U.S. business community.

Since CIEP is charged with coordinating domestic and international economic policy, I believe the Council is a forum to begin developing the outline of what should be the Government-business relationship in terms of today's international economic realities. In addition to whatever areas of information the Council feels to be appropriate, it has been specifically instructed to study research and development policy; investment patterns; industrial manpower and training programs; tax incentives; financial assistance; export promotion programs; export market potentials; antitrust practices; and the need for long-range governmental economic planning. My second amendment added environmental practices to this list since environmental controls influence the international competitiveness of many industries and can in a real sense be considered part of the larger and long standing set of problems associated with nontariff barriers.

Historically, although perhaps not always in real practice, the private sector and the Government have preferred to operate at arms length. Where we have seen the Government respond to business interests it has, in many instances, been with regard to situations where special narrow private interests rather than broader public purposes have been served. We can surely give constructive thought to ways in which a more progressive and enlightened relationship of mutual benefit can be forged between Government and business, and I am hopeful that the CIEP report would provide an important and essential step in this direction.

GENERAL LEAVE

Mr. ASHLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. ASHLEY. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DERWINSKI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 335, nays 71, not voting 27, as follows:

[Roll No. 425]

YEAS—335

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashley
Aspin
Badillo
Barrett
Bell
Bergland
Biaggi
Biester
Bingham
Blackburn
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Burton
Butler
Byron
Carey, N.Y.
Carney, Ohio
Casey, Tex.
Cederberg
Chamberlain
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Conable
Conlan
Conte
Conyers
Corman
Coughlin
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, S.C.
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Dickinson
Diggs
Dingell
Donohue
Downing
Drinan
Dulski
Duncan
du Pont
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Grasso
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gubser
Gude
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hillis
Hinshaw
Hogan
Holifield
Holtzman
Horton
Hosmer
Howard
Huber
Hudnut
Hungate
Hunt
Hutchinson
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jordan
Karth
Kastenmeier
Keating
Kemp
Kluczynski
Koch
Kuykendall
Kyros
Landrum
Latta
Leggett
Lehman
Litton
Long, La.
Long, Md.
Lott
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKinney
Macdonald
Madden
Madigan
Mailliard
Mallary
Mann
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nichols
Nix
O'Hara
O'Neill
Parris
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Podell
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Railsback
Randall
Rangel
Rees
Regula
Reuss
Riegle
Rinaldo
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ruppe
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Saylor
Scherle
Schneebeli
Schroeder
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, N.Y.
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Talcott
Teague, Calif.
Thomson, Wis.
Thone
Thornton
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Veysey
Vigorito
Waldie
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Widnall
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Yatron
Young, Alaska
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki
Zion

NAYS—71

Anderson, Calif.
Ashbrook
Bafalis
Baker
Beard
Bennett
Burke, Fla.
Burleson, Tex.
Camp
Carter
Chappell
Clancy
Collins, Tex.
Crane
Davis, Wis.
de la Garza
Devine
Dorn
Eckhardt
Gonzalez
Goodling
Gross
Gunter
Hanrahan
Henderson
Hicks
Holt
Ichord
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kazen
Ketchum
Lujan
McKay
Mahon
Maraziti
Mathis, Ga.
Mizell
Moss
Myers
Obey
Owens
Poage
Powell, Ohio
Quillen
Rarick
Roberts
Rogers
Rousselot
Runnels
Ruth
Satterfield
Sebelius
Seiberling
Shuster
Snyder
Spence
Symms
Taylor, Mo.
Taylor, N.C.
Thompson, N.J.
Towell, Nev.
Treen
Vanik
Waggonner
Whitten
Wylie
Yates
Young, Fla.
Young, S.C.

NOT VOTING—27

Bevill
Blatnik
Brown, Mich.
Chisholm
Cotter
Davis, Ga.
Evins, Tenn.
Fisher
Fraser
Gray
Hanna
Jarman
King
Landgrebe
Lent
McSpadden
Mills, Ark.
O'Brien
Reid
Rhodes
Rooney, N.Y.
Smith, Iowa
Symington
Teague, Tex.
Wiggins
Wyman
Zwach

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Teague of Texas with Mr. Davis of Georgia.
Mr. Rooney of New York with Mr. Jarman.
Mr. Cotter with Mr. Zwach.
Mr. Blatnik with Mr. Wyman.
Mr. Gray with Mr. King.
Mr. Evins of Tennessee with Mr. Rhodes.
Mr. Bevill with Mr. Brown of Michigan.
Mr. Reid with Mr. Wiggins.
Mr. Fisher with Mr. Landgrebe.
Mrs. Chisholm with Mr. Fraser.
Mr. Hanna with Mr. O'Brien.
Mr. Smith of Iowa with Mr. Lent.
Mr. Symington with Mr. McSpadden.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

WELCOME TO THE PRESIDENT OF GABON, H.E., THE HONORABLE ALBERT-BERNARD BONGO

(Mr. VANDER JAGT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANDER JAGT. Mr. Speaker and my colleagues of the House, I appreciate having been granted this opportunity by the Speaker to speak for just a few moments concerning a very great honor that the House is receiving at this very moment.

Because it is against the rules of the

House, I do not intend to point out the fact nor do I ask my colleagues to recognize the fact that at this very moment we are being visited by an illustrious head of state.

However, it is certainly not against the rules of the House, and I am sure my colleagues would like to know, President Bongo of the Republic of Gabon, is here on a 3-day State visit visiting Washington. He is accompanied by the Vice President, the President of the Supreme Court, and many distinguished cabinet ministers of Gabon.

The Republic of Gabon, as you know, enjoys the third largest per capita income of any of the African nations, has vast natural resources, and is very close in its friendship with the United States of America.

President Bongo is here to visit with President Nixon and Secretary of State Rogers, but at his specific request he is visiting the legislative branch of our Government. I think it is to our honor he is visiting the people's House, the U.S. House of Representatives.

I know my colleagues join with me in welcoming President Albert-Bernard Bongo of Gabon.

BUFFET TO BE SERVED AT 6

(Mr. HAYS asked and was given permission to address the House for 1 minute.)

Mr. HAYS. Mr. Speaker, this will only take 10 seconds. Because it is anticipated we will be in late tonight, there will be a buffet served in the Members' dining room starting at 6 o'clock.

PERSONAL EXPLANATION

Mr. TIERNAN. Mr. Speaker, on rollcall No. 424 last night, the record indicates I was not recorded. I voted "aye," but the machine failed to record the vote. I know there is no way in the procedure of the House to make a change in the vote, but I do want it to appear in today's RECORD.

CONFERENCE REPORT ON H.R. 6370, FLEXIBLE INTEREST RATES

Mr. PATMAN. Mr. Speaker, I call up the conference report on the bill (H.R. 6370) to extend certain laws relating to the payment of interest on time and savings deposits, to prohibit depository institutions from permitting negotiable orders of withdrawal to be made with respect to any deposit or account on which any interest or dividend is paid, to authorize Federal savings and loan associations and national banks to own stock in and invest in loans to certain State housing corporations, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of July 31, 1973.)

Mr. PATMAN. Mr. Speaker, this legislation which passed the House on May 9, 1973, deals, as the Members know, primarily with the authority of the Federal financial regulatory agencies to establish flexible ceilings on rates paid on time and savings deposits and the troublesome question of NOW accounts, negotiable orders of withdrawal. As a result of not being able to reach agreement on NOW accounts, Senate Joint Resolution 128 was approved on July 6, 1973 (Public Law 93-63) extending this temporary authority for a 60-day period, retroactive from June 1 until August 1. The House bill extended until September 30, 1975 this authority, the Senate amendment (S. 1798) extended the same authority until June 1, 1974. The conferees accepted the compromise date of December 31, 1974. The resolution of the NOW account issue required 5 separate days of conferences with final agreement being reached on July 30. As the Members will recall, the House, by a rollcall vote of 264 to 98, prohibited NOW accounts in all 50 States. Inasmuch as NOW accounts have been in existence in Massachusetts since June of 1972 following a favorable opinion by the Supreme Judicial Court of Massachusetts and since September, 1972 in New Hampshire, the problem of a prohibition involving those two States understandably deadlocked the conference.

The compromise result, I believe, is a most satisfactory one. The House conferees insisted that all depository institutions except credit unions be permitted to offer NOW accounts in the two States, not just mutual savings banks as is now the case, to insure as much competitive equality as possible and of prime importance insisted upon full Federal Deposit Insurance Corporation supervisory regulatory control as provided for by section 3 of H.R. 6370. By prohibiting NOW accounts at this time in 48 states, the "experiment" should be confined to the two States where they now exist permitting regulatory supervision and meaningful evaluation for our future deliberations.

I will in a moment recognize the gentleman from Rhode Island (Mr. ST GERMAIN), chairman of the Subcommittee on Bank Supervision and Insurance who will expand on my remarks and will explain in some detail the other significant provisions of the conference report. Let me just say, however, that I believe this to be a good conference report representing the best of both bills. A true spirit of compromise was involved throughout. All sessions were long and arduous, with full participation by each conferee. I believe the result closely conforms with the position of the House and consequently I urge its adoption by the House.

Mr. PATMAN. Mr. Speaker, I yield to the gentleman from Rhode Island (Mr. ST GERMAIN), chairman of the subcommittee handling this bill.

Mr. ST GERMAIN. Mr. Speaker, I thank the chairman for yielding me this time. I support the conference report and wish to endorse the chairman's description of the report as a good report and one that follows as closely as possible the instructions of the House by its passage of H.R. 6370 on May 9.

The compromise date of December 31, 1974, (section 1 of the reported bill) for the extension of flexible interest rate control, known as Regulation Q authority, should allow adequate time for the committee to examine whether this device is adequate to insure a steady flow of home mortgage funds for the borrowing consumer at reasonable rates. Additional legislative and regulatory remedies clearly appear to be urgently required in view of the critical nature of the current credit crunch. Actions by the regulatory agencies since July 5 to restore stability to the current situation may well prove to be too little and too late as many deeply believe. The entire interrelated question of credit availability and the adequacy of our existing financial institutions, their basic structure and regulatory authorities, must be faced by the Congress to insure that the credit needs of our people are being met by these institutions. The further extension of regulation Q at this time serves notive that Congress fully expects the administration, the regulatory agencies and the Federal Reserve Board to face up to this Nation's housing crisis and that by necessity must and will become increasingly conscious of our oversight responsibilities for the administration of regulation Q.

As the gentleman from Texas stated, the most troublesome problem in the conference involved the status of NOW accounts, in existence since June, 1972, in Massachusetts and September, 1972, in New Hampshire. By the end of February, 56 of the 167 mutual savings banks in Massachusetts and 12 of the 30 mutual savings banks in New Hampshire were offering the NOW account service to their depositors. Hearings were held by the Subcommittee on Bank Supervision and Insurance on March 13, 14 and 15. We were understandably concerned about the potential effect upon competitive relationships since only one class of institution—mutual savings banks—could offer this new service. Of equal concern was the lack of adequate regulatory constraints. The House, on May 9, upheld the position of the subcommittee after extensive debate, by a rollcall vote of 264 to 98, prohibiting NOW accounts in all 50 States.

Conferences were held on May 30, May 31, June 11, June 26, and July 30. Agreement was reached rapidly on all other points in dispute, but it was not until July 30 that a compromise was reached on the treatment of NOW accounts in Massachusetts and New Hampshire (section 2 of the reported bill). The compromise does prohibit such accounts in 48 States, making an exception for such withdrawals from depository institutions in Massachusetts and New Hampshire.

The House conferees insisted, however, that all financial institutions in these two States be permitted to offer NOW accounts and repealed the Massachusetts exception to Regulation Q enacted into law by Congress in 1969 for state-chartered banks from FDIC regulation. Thus all activities of these institutions, including NOW accounts, will be under full

FDIC supervisory regulatory control as provided for by section 3 of H.R. 6370 (section 3 of the reported bill). Competitive inequalities, as a consequence, have been narrowed and the so-called experiment will be confined to Massachusetts and New Hampshire providing useful data to the subcommittee for our future deliberations.

The House bill extended the authority of the Federal Home Loan Bank Board in the same manner as it extended the authority of the Federal Deposit Insurance Corporation. The Senate amendment contained no comparable provision. The conferees receded to the Senate position.

The remaining sections of the conference report concerning which there was very little substantive disagreement during the conference can be described briefly.

Section 4 of the reported bill deals with the subject of savings and loan conversions. The Senate amendment provided for a moratorium on conversions from the mutual to stock form by savings and loan associations, the accounts of which are or would become insured by the Federal Savings and Loan Insurance Corporation until December 31, 1973. The House contained no comparable provision.

Our subcommittee did, however, hold hearings on May 15, 17, and 21 on H.R. 2419 which, if enacted, would have provided for a 2-year moratorium from the date of enactment. The testimony of virtually all witnesses supported the desirability of a further moratorium differing only in the length of such a moratorium. The House conferees accepted the Senate provision with an amendment extending the moratorium date until June 30, 1974, permitting adequate time for Congress to review the public policy aspects of pending conversion proposals. A limited exception for approval after December 31, 1973, was adopted for those few applications filed with the corporation before Senate passage of S. 1798 on May 22, 1973.

Section 5 of the reported bill provides authority for Federal savings and loan associations and national banks to invest in State housing corporations. The Senate amendment differed from the House bill in that it: First, had no ceiling on the amount of loans and loan commitments that any such association may make to State housing corporations other than whatever ceiling the Federal Home Loan Bank Board may, by rule, prescribe; second, placed the same aggregate limitation on investments which any such association may make to State housing corporations, as does the House bill, except that in the Senate amendment the Federal Home Loan Bank Board may, by rule, set a smaller aggregate limitation; third, directed the Federal Savings and Loan Insurance Corporation, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation to regulate investment in State housing corporations; and fourth, defined the terms "insured institution," "State member insured banks," "State nonmember insured banks," "State housing corporation," and "State." The House receded to the Senate provision.

Section 6 of the reported bill relates to premium payments by insured savings and loan associations to the Federal Savings and Loan Insurance Corporation. The Senate amendment amended section 404 of title IV of the National Housing Act to establish a new procedure for payment by insured savings and loan associations of premiums into the reserve fund of the Federal Savings and Loan Insurance Corporation. The House bill had no comparable provision. The conferees accepted the Senate provision.

Section 7 of the reported bill relates to the "doing business" tax by States of federally insured financial institutions.

The Senate amendment directed the Advisory Commission on Intergovernmental Relations to make a study with respect to the application by the States of "doing business" taxes on out-of-State commercial banks, mutual savings banks, and savings and loan associations and to report the results of such study together with its recommendations to Congress not later than December 31, 1974. The House bill had no comparable provision. The House accepted the Senate provision amending it significantly, however, by eliminating the list of permissible State taxes and in lieu thereof explicitly stated that no State or political subdivision may impose any tax measured by income or receipts or any other "doing business" tax on any insured depository not having its principal office within such State. The date of January 1, 1976, was a part of the House amendment to insure that the prohibition would not affect a State or political subdivision in the middle of a taxable year or period.

Section 8 of the reported bill relates to the enactment clause.

The House bill and the amendments made by it took effect 30 days after enactment, except the regulation Q extension amendment and the State housing corporation amendment took effect on enactment. The Senate amendment contained no comparable provision, and, therefore, it took effect on enactment. The Senate receded to the House provision.

Mr. Speaker, I do hope the Members of the House will agree with the conferees and adopt the conference report.

Mr. CLARK. Mr. Speaker, will the gentleman yield?

Mr. ST GERMAIN. I yield to the gentleman from Pennsylvania.

Mr. CLARK. Mr. Speaker, I commend the chairman of the Subcommittee on Bank Supervision and Insurance (Mr. St Germain) for the leadership which he has demonstrated in recent months with regard to H.R. 6370. This piece of legislation contains many significant and complicated provisions dealing with financial institutions generally; however, the most controversial provision involves the so-called NOW account.

Mutual savings banks in Massachusetts began offering these accounts approximately 1 year ago and thereby set in motion events which culminated in Monday night's conference decision. The NOW account involved an encroachment by mutual savings banks into the commercial checking account domain long dominated by commercial banks. Thus, mutual savings bank savers could issue checks on their savings accounts which would transform the traditional savings account into a hybrid checking and savings account. At the same time, Federal law prohibited commercial banks and savings and loan associations from engaging in similar practices.

Lengthy hearings were held in both the Senate and House; and spirited debates took place on the floors of both chambers. Under the leadership of Mr. St Germain, the House voted overwhelmingly, 264 to 98, to prohibit NOW accounts in all 50 States. The Senate, on the other hand, voted to ban the controversial accounts in 48 States, while leaving their fate undetermined in the States of Massachusetts and New Hampshire.

The conferees voted Monday night to adopt a position advocated by Mr. St Germain whereby the Federal Deposit Insurance Corporation would have plenary powers over mutual savings banks in Massachusetts. Thus, the so-called Massachusetts exception to regulation Q was eliminated from the law. In addition, it was decided that NOW accounts will be allowed to continue in the States of Massachusetts and New Hampshire on an experimental basis, even though they will be banned in the other 48 States until Congress believes that a successful experiment has been concluded in these two States.

Under the compromise reached by the conferees, the Federal bank supervisory agencies are empowered to regulate and structure these new accounts. Accordingly, the Federal Reserve Board, the FDIC and the Federal Home Loan Bank Board would be charged with the responsibility of prescribing such limitations on the use of NOW accounts as they deem necessary, including: uniform interest rates; limits on the number of checks which could be drawn in a given month; service charges; and usage limited to natural persons.

It is my understanding that the Federal Reserve Board has confirmed that the Federal bank supervisory agencies have adequate authority to accomplish the aforementioned purposes. It is my hope that the Federal agencies will exercise this authority in such a way as to foster competition, while preserving the distinction between commercial bank checking accounts and a convenient means of withdrawal from savings accounts at the depository institutions involved. Congress has clearly recognized that a watchful eye must be kept on this experiment and I am confident that the agencies will exercise their responsibilities in a manner compatible with congressional intent.

Thus, by broadening Federal bank supervisory authority over mutual savings banks in Massachusetts and by delegating the task of structuring and regulating these new accounts to these agencies, Congress has underwritten an experiment which may serve a useful purpose and point the way toward the expansion of NOW accounts beyond Massachusetts and New Hampshire.

It is my hope that a uniform interest rate might be established at a rate not more than 3 percent; that a limitation on the number of checks drawn in any given month might be instituted not exceeding five times; and that a mandatory service charge and such other restrictions might be prescribed as shall be necessary to insure the experimental nature of such accounts and to avoid unnecessary disruptions in the two States involved.

Again, let me commend the gentleman from Rhode Island for his leadership on this issue. He has carried the House position successfully through the conference and has fashioned a solution which serves the best interests of the financial institutions and consumers involved: I am happy to lend my support to the adoption of this conference report.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. ST GERMAIN. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Speaker, I appreciate the gentleman in yielding.

Mr. Speaker, I want to be sure we have this clarification in the RECORD on the moratorium. It is declared a continuation of the moratorium which now exists relating to conversion of savings and loan diversions will continue to June 1974.

Mr. ST GERMAIN. Until June 1974.

Mr. ROUSSELOT. Mr. Speaker, for complete clarity let me point out that the Senate version of the rate control bill included a moratorium on the conversion of mutual savings and loan's to the stock form of organization until December 31, 1973. The House version contained no such provision.

However, the House conferees insisted on extending the moratorium until June 30, 1974.

The Senate conferees agreed to this provision on the condition that as to "study applications" filed prior to May 22, 1973, (the date of passage of the Senate bill) the statutory moratorium would extend only until December 31, 1973, after which applications may be approved on their merit.

The term "study applications" is intended by the conference committee to mean applications submitted to the Federal Home Loan Bank Board during the period when the administrative moratorium of the Board was in effect.

The conference committee was aware of the fact that between July 26 and September 22, 1972, the Board announced that applications would be accepted and that during that period applications were accepted from five associations. The conferees considered limiting the short-term moratorium to those five applications, but specifically decided not to do so and that is the reason why the date of May 22, 1973, was chosen instead of the period between July 26 and September 22, 1972. It was known to the conferees that other applications had been submitted and it was not our desire to exclude them.

There are law suits now pending in the courts challenging the legality of the administrative moratorium. It has been our position that this legislation should not be determinative of that litigation.

Finally, the staff, in writing the language of the amendment and the conference report explaining it, considered and rejected a suggestion that the short-term moratorium be applied to "study applications accepted for filing," in favor of the language "study applications filed." This action of the staff was in accord with the intent of the conferees. We did not intend to pass judgment on the question of the right of applicants to submit applications or the right of the bank board to refuse to accept them during the period prior to Senate passage of the bill on May 22, 1973. After that time, of course, parties were on notice that a statutory moratorium was at least a probability.

Mr. ST GERMAIN. The agreement in the conference is in the legislation we recommend for adoption. It contains a grandfather clause. The date of the grandfather clause is May 22, 1973 the date of the passage of the Senate bill.

Mr. ROUSSELOT. I thank the gentleman.

DEAN OF HOUSE CELEBRATES 80TH BIRTHDAY

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. ST GERMAIN. I yield to the gentleman from Texas.

Mr. WRIGHT. Mr. Speaker, I asked the gentleman to yield so that I might announce to the House that on next Monday, August 6, while we are in adjournment, a significant event will be commemorated. On that day, next Monday, the dean of our House, the gentleman from Texas (Mr. PATMAN) will celebrate his 80th birthday. I think it appropriate that we take note of that fact. The dean is as agile as a squirrel and as sharp and alert as any man 30 years his junior. He will be 80 years young next Monday, and I know we all join in wishing for him many happy returns of the day.

Mr. ST GERMAIN. Mr. Speaker, might I say to the House I was very happy to yield for that purpose, but I ask the gentleman from Texas (Mr. WRIGHT) if when he revises his remarks he will say the dean is 80 years young, instead of 80 years old.

Mr. WIDNALL. Mr. Speaker, will the gentleman yield?

Mr. ST GERMAIN. I yield to the gentleman from New Jersey.

Mr. WIDNALL. Mr. Speaker, I appreciate having the time to present this conference report on H.R. 6370 for the minority. I shall not take long to do so as there is such a great deal of work left to accomplish before we can adjourn.

As my colleagues well know, the extension of the authority for regulation Q and the corollary provisions on various sectors of the financial community have been discussed at great length and in great detail as this bill has proceeded through the legislative process.

For my part, I am well satisfied that the bill reported by the conference committee adequately and justly reflects the will of the House. Those provisions which were in the House-passed bill have been modified only enough to gain the concurrence of the Senate conferees. Those provisions which were not in the House-passed bill have all been the subject of recent hearings or action by this body and I am certain fit in well with the sentiments of its Members. I ask that the House not delay in taking favorable action on this conference report.

Mr. BARRETT. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. Mr. Speaker, I yield to the gentleman from Pennsylvania.

Mr. BARRETT. Mr. Speaker, I rise in support of the conference report on the bill H.R. 6370, to extend certain laws relating to the payment of interest on time and savings deposits, and for other purposes.

The conference committee meetings on this conference report were lengthy, controversial, and complex. Most of the issues, though, involved in the conference were ones that could be readily agreed upon. The basic issue that held the conferees up was one involving the so-called NOW accounts which would permit depository institutions to withdraw from a time deposit by negotiable or transferable instruments for the purpose of making payments to third parties.

I strongly supported the use of NOW accounts and the authority to permit them to continue from the Banking Committee's consideration of this matter right up until the final agreement within the conference. I think that the use of such a financial instrument is indeed a healthy new tool for financial institutions, both commercial banks, and savings institutions. I am pleased that we have been able to extend regulation Q until December 31, 1974. I feel that we must continue the use of regulation Q well beyond the December 1974 expiration date.

Today, we all see the beginning of a massive credit crunch which has already encouraged the process known as disintermediation by which people remove their savings from savings institutions to invest them in higher yielding investment opportunities. Since most of the savings that the American public hold are in our savings institutions, such as savings and loan associations and mutual savings banks, any large movement of funds from these institutions cause disastrous effects on our housing industry. Most savings institutions cannot afford to pay high rates of interest that commercial banks and other financial institutions can afford to pay. These mortgage lending institutions have invested the public's savings in long-term mortgages which have a relatively lower yield than those investments of commercial banks. In short, they have borrowed short and lent long.

If the system that we have today of financing our housing industry is to be maintained on an even keel, then the strict applications of the provisions of regulation Q must be applied. The current situation with regard to regulation Q is, as we have seen in many areas of the country, causing disastrous effects on our mortgage lending institutions and the housing industry. The action by the Federal Reserve in permitting commercial banks to resort to such schemes as "wild card certificates" yielding in some cases over eight percent on a $1,000 certificate for 4 years is causing a massive flow of funds from the mortgage lending institutions. I have written Dr. Arthur Burns, the chairman of the Federal Reserve Board, requesting an end to such practices, but his reply to me was one of "stand by and watch further developments."

I am sorry that the conferees on this

conference report could not have taken some action to stem this incipient credit crunch. I am pleased that the Chairman of the full Committee has announced that the Committee will hold hearings immediately after the August recess on this whole question.

Mr. Speaker, I urge the adoption of the conference report.

Mr. REES. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from California.

Mr. REES. Mr. Speaker, I thank the chairman very much for yielding to me.

As the gentleman knows, the interest rate has been going up at an alarming rate for the last few months. I think short-term Government paper is over 8 percent. Federal funds have gone up. So has the prime rate which is now 8¾ percent, and it is predicted that there might be a chance of the prime rate going up to even 9, 9.5, or 10 percent.

In my own community in California we find that there are net withdrawals of money from savings and loan associations so that there is no long-term mortgage money available, and home building has almost ground to a halt.

One of the problems, of course, is competition of short-term governments and competition of corporate paper, and also the competition of what we call the "wild card certificate of deposit," which is a large certificate of deposit for 4 years. Much of the money now in savings and loan associations is going into this type of account.

I was wondering if the chairman might not let us know what the Committee on Banking and Currency is contemplating in future action, in September or October, to try to bring some order to the money market.

Mr. PATMAN. Mr. Speaker, the gentleman received the other day, and all the other members of the committee, a statement from the chairman outlining proposals submitted by the staff after their consideration of the major issues that are involved in the statement the gentleman has made including directly the specific subject the gentleman raises.

We are calling a meeting soon after the recess to have some oversight hearings. I, too, am greatly concerned about the increase in rates. Of course, the increase in interest rates before this caused the inflation we have. If we raise interest rates, we raise the price of everything that is offered for sale in the Nation, including the goods in the shelves. Today a person buying a $20,000 home must obligate himself to pay $40,000 at interest, or pay the equivalent of three $20,000 homes in order to get title to one such home.

The gentleman has brought out something that injures not only the economy, but the economic well-being of the 200 million people in this country. Something must be done about it.

May I invite the gentleman's attention to the fact that in the American Banker for August 1, the front page, it said that the Federal Reserve Board had given out a statement to the effect that although Federal funds are 13 percent now, and will probably go to 15 percent, the Board is not concerned about it so long as it does not interfere with an orderly market.

That is an alarming statement to make; that regardless of the interest rates, so long as the stock market is going along all right and people are investing in stocks, they have no concern about the rate of interest. I think that is very alarming, and we expect to go into such statements and we expect to do something that we believe will cause a reduction in these excessive and exorbitant interest rates. No one complains about paying reasonable rates of interest. They expect to do that, but whenever they put on excessive and exorbitant and usurious interest, that cannot be justified.

It is a challenge to the Congress to stop it, and stop it quickly.

Mr. REES. Mr. Speaker, then it is the gentleman's belief that the Committee on Banking and Currency in September or early October can come up with specific legislation which will help to stabilize interest rates in this country?

Mr. PATMAN. Yes, sir. I thank the gentleman for raising the question, because we have a job to do on this subject. We can do a good job, and we will do it before this session is over.

Mr. REES. I thank the gentleman. May I ask a question of the able chairman of the subcommittee, Mr. ST GERMAIN. I notice in the conference committee report that there is a moratorium on conversion from Federal Savings and Loans to stock associations. Was that the Senate version?

Mr. ST GERMAIN. The Senate had a moratorium to December of 1973. The legislation before the subcommittee was December of 1974. We compromised on the date, to June 30, 1974.

Mr. REES. Was there a moratorium in the House bill?

Mr. ST GERMAIN. No, there was not.

Mr. REES. Is the Senate amendment germane under our rules?

Mr. ST GERMAIN. Yes, it is. Everything is in order and checked out with the Parliamentarian.

Mr. REES. Will the gentleman's subcommittee be having hearings on conversion?

Mr. ST GERMAIN. Yes, we shall. We have had some. We will have further hearings.

Mr. REES. I thank the gentleman.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. Mr. Speaker, may I inquire if the minority wants to yield time?

Mr. WIDNALL. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding to me.

It has been said here this morning that the House bent the Senate to its will in this conference. Is it not true that the House receded on seven Senate amendments and the Senate accepted two House amendments?

Mr. WIDNALL. There were a number of Senate provisions which were not passed on by the House. There was a case of receding on the part of the House.

Mr. GROSS. The scorecard is about seven to two in favor of the Senate, in this instance, for whatever it is worth. I do not believe the House bent the Senate to its will.

Mr. PATMAN. Mr. Speaker, if the minority does not wish to use any more time, we shall not use any more time.

Mr. PICKLE. Mr. Speaker, I must say that my own feeling is that these are developments that we should watch closely. I can appreciate the administration's attempts to put more money into savings, even though I have serious doubts that tight money policies alone can cure our present inflationary problems. On the other hand, hiking the interest rates on savings could lead to severe financial strain for savings and loan institutions, as their costs go up and more savings are directed toward banks. This could mean less available money for housing construction, and the housing situation is already very restricted.

In view of this, I would hope that the Federal Reserve Board will keep a close eye on this situation, and I would hope that the members of the Banking and Currency Committee will maintain their usual diligence in overseeing these developments. I am glad to hear that the Banking and Currency Committee will hold hearings in September to examine again this very complex matter. Proper balance of interest rates between banks and savings and loan institutions must be maintained. I have had many of the savings and loan institutions in my district complain strongly that deposits to their institutions have literally dried up. This affects not only the savings and loan institutions, but drastically affects the home building industry.

The SPEAKER. Without objection, the previous question is ordered on the conference report.

There was no objection.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks and include extraneous matter on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

ANNUAL REPORT ON FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Education and Labor:

To the Congress of the United States:

In accordance with section 511(a) of the Federal Coal Mine Health and Safety Act of 1969, Public Law 91–173, the Secretary of the Interior annually prepares a report to the Congress on progress made in administering the law.

It is my pleasure to transmit to you the report for calendar year 1972 and to commend it to the attention of the Congress.

RICHARD NIXON.

THE WHITE HOUSE, *August 3, 1973.*

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Geisler, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On July 23, 1973:

H.R. 7528. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

On July 26, 1973:

H.R. 8949. An act to amend title 38 of the United States Code relating to basic provisions of the loan guaranty program for veterans.

On July 30, 1973:

H.R. 2323. An act to continue until the close of June 30, 1974, the suspension of duties on certain forms of copper;

H.R. 2324. An act to continue until the close of June 30, 1975, the existing suspension of duties for metal scraps; and

H.R. 6394. An act to suspend the duty on caprolactam monomer in water solution until the close of December 31, 1973.

On August 1, 1973:

H.R. 6717. An act to amend certain provisions of the Land and Water Conservation Fund Act of 1965 relating to the collection of fees in connection with the use of Federal areas for outdoor recreation purposes; and

H.R. 9172. An act to provide for emergency allotment lease and transfer of tobacco allotments or quotas for 1973 in certain disaster areas in Georgia and South Carolina.

ANNUAL REPORT ON THE RAILROAD SAFETY ACT OF 1970—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce:

To the Congress of the United States:

I transmit herewith the second annual report on administration of the Railroad Safety Act of 1970 (84 Stat. 971, 45 U.S.C. 421 et seq.) This report has been prepared in accordance with section 211 of the act, and covers the period January 1, 1972 through December 31, 1972.

RICHARD NIXON.

THE WHITE HOUSE, *August 3, 1973.*

REPORT ON PROPOSED LEGISLATION TO STRENGTHEN AND REVITALIZE FINANCIAL INSTITUTIONS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93-138)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee of the Whole House on the State of the Union; and ordered to be printed:

To the Congress of the United States:

Our country depends on a strong, efficient and flexible financial system to promote sound economic growth, including the provision of adequate funds for housing. Such a system is one which allows financial institutions to adapt to the changing needs of borrowers and lenders, large and small, and is free to make full use of technological innovations.

Events during the last decade, however, have revealed significant defects in the operations of our financial institutions. On two recent occasions when the Federal Reserve System moved to restrain the economy, it was found that the inadequacies of our financial structures created unnecessarily severe burdens for the business community and the consuming public. The consumer-saver was denied a fair market return on his savings, while the consumer and small businessman, as borrowers, often could not obtain adequate funds to meet their requirements.

The inflexibility of our financial system can be directly attributed to the methods used by the Government to direct credit flows—methods designed to meet the depressed economic conditions of the 1930's but poorly suited to cope with the expansionary conditions of the past decade. In recent years, government regulations have limited the efficency and flexibility of our financial system. Ironically, those regulations that were designed in part to keep a steady flow of funds moving into housing loans actually served to diminish that flow, severely penalizing both the borrower, who could not find funds, and the saver who received an unfairly low return on his savings.

As the Government tries to play its proper role in building a better financial system, we must proceed with one basic assumption: the public interest is generally better served by the free play of competitive forces than by the imposition of rigid and unnecessary regulation.

By law, thrift institutions—a category primarily composed of savings and loan associations but also including mutual savings banks—were created to provide funds for housing by maintaining large holdings of residential mortgages. However, earnings on holdings of previously acquired mortgages do not respond to changes in market interest rates. When market rates rise, the ability of thrift institutions to attract funds is limited and their ability to lend additional mortgage money is diminished.

Attempts to alleviate this problem by restrictive laws and regulations have achieved very little at great cost. The main technique has been to impose ceilings on the interest rates that financial institutions could pay savers for funds. The result, however, has often been a reduction in the flow of deposits to financial institutions. In many cases, in fact, deposits have been withdrawn so that they could be invested in higher yielding securities. Thus interest ceilings that were intended as a protective shield for the housing market turned out instead to be an additional burden.

Interest rate ceilings proved harmful to Americans both as savers and as borrowers in the late 1960's. Because the interest rate ceilings for deposits were often below market interest rates, small savers, who depended on banks and other saving institutions, were denied a fair rate of return on their money. On the borrowing side, smaller increases in savings deposits resulted in a sharp drop in loan funds available to consumers and small business firms.

Since financial institutions were prohibited from paying better interest rates, they were forced to compete for customers in other ways. Much of the public had to settle for so-called free services or even offers of consumer goods when in fact they may have preferred to receive higher interest on their deposits. In addition, such competition often led to increases in operating costs which prevented lending rates from declining when credit conditions later eased.

Finally, because of reduced inflows of savings, thrift institutions cut back on their mortgage lending or borrowed from Federal Home Loan Banks which had to pay market rates for their funds. Although the Federal Government stepped in and picked up some of the slack, mortgage flows were still disrupted.

Recognizing the need for action on all these problems, I appointed a Presidential Commission on Financial Structure and Regulation during my second year as President to study this entire matter and to make recommendations for reforming our financial institutions. The Commission's report identified quite precisely the causes of rigidity and instability in our financial institutions. Its recommendations were of major assistance in our further deliberations concerning the best ways to correct the weaknesses in our financial system.

The time to correct those weaknesses has come. Our current efforts to fight inflation and preserve the value of the dollar at home and abroad require strong financial markets. Without strong markets, the American public will be forced once again to bear excessive burdens.

If we do not act promptly, there is every reason to believe that those burdens will be even greater in the 1970's than they were in the 1960's. Educated by the last two credit crunches and by constant advertisements about interest rates, even the small saver will shift his funds to places offering higher yields. As market rates rise above passbook ceilings and the saver shifts his funds to obtain the higher interest rates, the result may be that little loan money is available from financial institutions.

In keeping wth that analysis, I will propose to the Congress legislation designed to strengthen and revitalize our financial institutions. These proposals may be divided into seven major areas:

(1) Interest ceilings on time and savings deposits should be removed over a 5½ year period.

(2) Expanded deposit services for consumers by federally chartered thrift institutions and banks should be allowed.

(3) Investment and lending alterna-

tives for federally chartered thrift institutions and banks should be expanded.

(4) Federal charters for stock savings and loan institutions and mutual savings banks should be permitted.

(5) Credit unions should be provided with greater access to funds.

(6) FHA and VA interest ceilings should be removed.

(7) The tax structure of banks and thrift institutions should be modified.

These recommendations would achieve the basic reforms our financial system requires. They represent the best suggestions from many different sources—from the Presidential Commission and from business, Government, consumer and academic communities.

The first five of these recommendations are designed to provide increased competition among banks and thrift institutions. Such competition would help to eliminate the inequities now imposed upon the small saver and borrower. My recommendations, and the increased competition that would follow, should reduce the cost of the entire package of financial services for the consumer. Furthermore, the saver would be assured a fair return on his money. In addition, thrift institutions would be strengthened, so they would no longer need the Government support required in the past.

Recommendations 6 and 7, along with the other recommendations, are designed to promote adequate funds for consumer needs, including housing finance. It is clear that interest ceilings on FHA and VA mortgage loans have failed to keep costs down, as evidenced in part by the widespread use of discount "points." At the same time, these ceilings have restricted the flow of private funds into mortgage markets. I will urge that individual States follow our lead and remove similar barriers to housing finance wherever such barriers exist.

The final recommendation would substantially broaden the base of housing finance. Although the final details have yet to be worked out, active consideration is being given to the creation of an income tax credit tied to investments in housing mortgages. Such a credit would be available to all lenders and could vary in direct proportion to the percentage of invested funds held in the form of such mortgages.

These recommendations are not the only steps being taken to strengthen the housing finance market. In my State of the Union Message on Community Development of March 8, 1973, I pledged that this Administration would undertake a comprehensive evaluation of our housing policies and programs and would recommend new policies to eliminate waste and better serve the needy. An interagency task force, under the leadership of Secretary Lynn, is now completing that task, and my recommendations will be presented to the Congress in the near future.

My recommendations on restructuring financial institutions represent a coordinated approach to this challenge, and I urge that they be considered as a package. For example, removing interest ceilings will not make a positive contribution unless banks and thrift institutions can expand their deposit and lending services. Flexibility and efficiency will be enhanced by placing competing institutions on a roughly equal footing with regard to three essential considerations: deposit powers, lending powers, and tax burdens. Finally, the tax recommendation and the removal of FHA and VA interest ceilings will help ensure more adequate funds for housing. The need for reform of our financial institutions is pressing. I urge the Congress to give these proposals its prompt and favorable consideration.

Richard Nixon.

The White House, *August 3, 1973.*

REPORT ON FEDERAL YOUTH CONSERVATION CORPS PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee on Education and Labor:

To the Congress of the United States:

The enclosed report by the Secretaries of Agriculture and Interior, describing the administration of the Youth Conservation Corps program during the summer of 1972, is submitted in compliance with Public Law 91–378.

The Federal Youth Conservation Corps program will continue during the summers of 1973 and 1974 under current authorizing legislation. I look forward to a thorough evaluation of the results of that program as a basis for recommending a future course of action.

Richard Nixon.

The White House, *August 3, 1973.*

PROVIDING FOR CONSIDERATION OF S. 1264, EISENHOWER COLLEGE MEMORIAL

Mr. LONG of Louisiana. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 518 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 518

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 1264) to authorize and direct the Secretary of the Treasury to make grants to Eisenhower College, in Seneca Falls, New York, out of proceeds from the sale of silver dollar coins bearing the likeness of the late President of the United States, Dwight David Eisenhower. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Louisiana (Mr. Long) is recognized for 1 hour.

Mr. LONG of Louisiana. Mr. Speaker, I yield the usual 30 minutes for the minority to the distinguished gentleman from Ohio (Mr. Latta) and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 518 provides for an open rule with 1 hour of general debate on S. 1264, a bill to authorize and direct the Secretary of the Treasury to make grants to Eisenhower College, in Seneca Falls, N.Y., out of proceeds from the sale of silver dollar coins bearing the likeness of the late President of the United States, Dwight David Eisenhower.

The grants to Eisenhower College may be made in an aggregate amount equal to $1 for each proof silver $1 coin which has been or is hereafter minted and issued bearing the likeness of the late President Eisenhower. The Eisenhower College has entered into a contractual agreement with the directors of the Samuel Rayburn Library at Bonham, Tex., to share academic resources in providing to students of political science, the collection of books and manuscripts housed in the Rayburn Library and the teaching faculty and library collections of Eisenhower College. The agreement provides for a sharing with the Rayburn Library of 10 percent of the funds received by the Eisenhower College as a consequence of the enactment of S. 1264.

The Committee on Banking and Currency estimates the cost to be $4,256,001 representing $1 for each proof dollar coin minted and issued at $10 each in 1971, and $1,778,112 for such dollars sold in 1972. Future allocations would depend upon the number of proof silver dollars purchased this year and annually thereafter from the Bureau of the Mint. The Treasury Department anticipates producing and selling 20 million such proof coins.

I urge adoption of House Resolution 518 in order that we may discuss and debate S. 1264.

Mr. LATTA. Mr. Speaker, I agree completely with the statement just made by the gentleman from Louisiana. He has made a very full and comprehensive review not only of the rule but of the bill.

This is a noncontroversial open rule with 1 hour of debate. The bill, however, is opposed by many primarily due to its open-ended feature which would not require appropriation.

I now yield 5 minutes to the distinguished gentleman from Michigan, the minority leader, Gerald R. Ford.

Mr. GERALD R. FORD. Mr. Speaker, I rise to endorse a rule that would bring to the floor of the House this legislation which would authorize and direct the Secretary of the Treasury to make grants to the Eisenhower College in Seneca Falls, N.Y., out of proceeds from the sale of silver dollar coins bearing the likeness of the late President of the United States, Dwight David Eisenhower.

This legislation, in my judgment, deserves our support. I feel that the legislation, from everything I know, is the memorial that the Eisenhower family wants for the late President.

I know there is some opposition based

on what they say will be a precedent. I know there may be some opposition for other reasons.

I do believe, however, when we look at what we have done for other Presidents and when we know that this project is what the Eisenhower family wants, that we ought to approve not only the rule but the legislation.

I should like to say on the record, however—I have said this to the president of Eisenhower College; I have said it to members of the board of trustees—that this legislation from the Federal Government's point of view will be the last Federal contribution. The president of the university and one of his staff members have said to me they will never come back and ask for additional funding. General Norstad and the others on the board of trustees have also assured me that this is the last request.

I told the president of the university that in light of that commitment, they must fit their plans to come within the resources that are expected and anticipated from this legislation.

On the basis of those firm, unequivocal commitments that are now on the record, plus the request from the Eisenhower family, and plus the belief that I think this is an appropriate memorial, a living memorial, to the late President, I favor both the rule and the bill.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from California.

Mr. ROUSSELOT. I appreciate our good minority leader's yielding to me. I appreciate his comments about the motives of the contribution to the Eisenhower College, but has the gentleman from Michigan been able to assure himself in his own mind that the commitment by the president of the college not to come for any further contribution will be any better this time than it was last time before congressional committees?

Mr. GERALD R. FORD. I think I have firmer assurance.

Mr. ROUSSELOT. I am very grateful to hear that, because I know the gentleman realizes—and this is a difficult thing to talk about, because it is like speaking against motherhood to oppose this rule—that there were very, very firm commitments given the last time a $5 million appropriation was given to this college by the Congress.

It is very understandable; it is a living memorial to a past President; but I am very much concerned that this is another way to receive money from the Federal Government without going through the normal process of the Committee on Education or the Committees on Appropriations.

Mr. GERALD R. FORD. I understand the gentleman's concern, but I hasten to point out—and I do it only to indicate that I think we do treat living memorials to Presidents differently than we treat other programs and projects.

I have supported the Kennedy Center. On the other hand, we directly support other fine arts facilities and programs out of other Federal programs, and I think the record shows we have far more generously contributed to the Kennedy Center than we have to any other local community fine arts building or program. We do it because it is a living memorial to a deceased President, and that is the justification, I think, here for the Eisenhower College being treated differently from any other institution of higher learning as far as Federal funds are concerned.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield further?

Mr. GERALD R. FORD. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Speaker, I appreciate the gentleman's yielding.

Is it not also disturbing to the gentleman from Michigan that as a part of this agreement the college itself entered into an agreement with the Rayburn Library so that all these funds will not go to the Eisenhower College itself?

Ten percent of the funds are going to go to the Rayburn Library. I want to make it clear I have no complaint about the Rayburn Library receiving Federal funds except that the political method to try to help this bill through the Banking and Currency Committee has become an obvious leverage technique. Obviously our chairman is from Texas and it is understandable how all the fine Members of the Texas delegation feel very friendly toward the Rayburn Library, but is this not a strange way to bring this kind of funding to the Rayburn Library? Does that disturb the gentleman?

Mr. GERALD R. FORD. Mr. Speaker, in answer to the question raised by the gentleman from California I think we have to go back and understand the very close personal relationship between former President Eisenhower and our former Speaker Sam Rayburn. They occupied two very high positions, about as high posts as can be achieved in our Government, simultaneously. Their working relationship was a very close one, so I can understand a relationship between the Eisenhower College and the Rayburn Library.

Mr. ROUSSELOT. But if the gentleman will yield further, we have a very complete memorial to Sam Rayburn right next door to us in the Capitol, the Rayburn Office Building, fully funded and now completed. The Rayburn Library is basically funded by other means and not in desperate need of funds. It disturbs me somewhat that included in this concept in order to receive bipartisan support, I am sure, we have a dissipation of the funds to the Eisenhower College. Does that not bother the gentleman from Michigan?

Mr. GERALD R. FORD. Not knowing as I do the very close relationship, both political and governmental, that President Eisenhower had with Speaker Rayburn.

Mr. ROUSSELOT. I thank the gentleman for yielding.

Mrs. GREEN of Oregon. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD I yield to the gentlewoman from Oregon

Mrs. GREEN of Oregon. Mr. Speaker, I thank the distinguished minority leader for yielding.

I am concerned about the way this $5 million has been upped to a possibility of $150 million because under a Senate provision in the Bank Holding Company Act amendment there was a provision to require the use of some silver and calling for the minting of 150 million silver $1 coins. As I understand it—nearly all of the 150 million silver dollars could be proof dollars.

Beyond that, I am also concerned because when the subcommittee I was presiding over held hearings on the original $5 million we did it on the assurance from the family and from the political leaders here in the Congress and the president of Eisenhower College that this would be the only time they would come to the Congress requesting special funds. The distinguished gentleman who represents that district in which this college is located—and believe me—he represents that district extremely well—he also said they would not ask Congress for more funds. I asked him in 1968—when we were considering the $5 million appropriation for Eisenhower College—"Do you see this as a one-time-only approach?"

He assured us this would be the only time the Congress would be asked for funds for the Eisenhower College. Then President Rosenkranz of the Eisenhower College appeared before the committee. I directed the question to him as follows:

> I am not talking about the eligibility of Eisenhower College to participate in all the other Federal programs for higher education but (Mr. Rosenkranz) do you see this $5 million as the only special contribution Congress would be called upon to make or do you see this as the first of many continuing contributions?
>
> Dr. ROSENKRANZ. No, I would see this as the only contribution that they would be asked to make.

This was promised not only to the Committee on Education and Labor but this was promised to the Congress, that they would never come back and ask for more funds.

It seems to me in terms of keeping their word that now when they come back and ask for $1 out of every Eisenhower proof dollar that is sold we could be giving them up to close to $150 million—150 million minus the 6 or 9 million uncirculated silver dollars already minted. It is just incredible to me we would do this.

Mr. GERALD R. FORD. Let me respond to my friend, the gentlewoman from Oregon. I was one who joined with the gentleman from New York in assuring several on that committee that this would be the one and last request for any additional funds.

I made that commitment in good faith. I do not hesitate to say on the floor of the House that I am embarrassed to say that in this instance they need more money, and that I have been able to rationalize in my own mind that for reasons of precedent, or emotion, we have to make the exception.

I do not mean this critically. I am simply saying that we do treat living memorials for Presidents differently than we do others. I can recall the people who had control and jurisdiction over the authorization and funding for the Kennedy Center, and I cannot tell the

Members how many times our colleagues on both sides of the aisle in good faith had promised the House and the Congress that "this is the last time."

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. LATTA. Mr. Speaker, I yield 5 additional minutes to the distinguished minority leader, the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Speaker, what I am saying is that, despite good-faith assurances by people on both sides of the aisle in this case, and good-faith assurances in the case of the Kennedy Center, when it involves a living memorial for a President, apparently we have to weigh emotion and feeling on the scales, and perhaps our judgment is outweighed by friendship and allegiance. What I am saying is that under these circumstances, as I have with the Kennedy Center, I think we have to be more generous. In this case, let me reiterate what I said at the outset, that this is the last time, and I want it clearly understood—clearly understood.

Mrs. GREEN of Oregon. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Speaker, I would suggest that legislation that could—that could amount to up to 100 million or 150 million for one small college, when all the other colleges across the country are desperate for funds and some are closing their doors, is questionable legislation at best. This House this year refused to appropriate $100 million for 2,600 colleges and universities for institutional aid. I really do not see how any Member of Congress can go back to his or her district and face the students, the faculty members, and presidents of their colleges who are facing a real financial crisis and say that we refuse to appropriate $100 million for 2,600 colleges, but we will make it possible for one small college to receive up to $10 million or even $150 million.

Mr. GERALD R. FORD. Mr. Speaker, let me make a comment on the statement made by the gentlewoman from Oregon.

I am told that it is not $150 million, but rather a total of approximately $20 million, because it relates only to proof sets.

If it were beyond that, it would be $150 million, but people here more knowledgeable than I am in this area, tell me that it is limited to the proof sets. It would be approximately $20 million.

Mr. STRATTON. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Speaker, I appreciate the gentleman yielding to me, because as he knows, I was the author of the original 1968 legislation providing funds to Eisenhower College.

I would like to clear up one thing. The gentlewoman from Oregon has been talking about how, under this bill, we would be denying equal treatment to other colleges, and we have seen an article in the Wall Street Journal a week ago and an editorial in the New York Times, all to the same effect. All of them overlook the fact that Eisenhower College is not just another college which happened to get named after a President and so was lucky enough to pick up a few bucks from Congress. Perhaps Washington, Jefferson, Lincoln, Roosevelt Colleges will all be in on us for funds too, the gentlewoman suggests.

This college was designated by Congress, as the gentleman from Michigan will recall, back in 1968 in Public Law 90–563 as the sole national memorial to President Eisenhower, just as the Kennedy Center had been designated earlier as the sole national memorial to President Kennedy.

I think the unique thing we ought not lose sight of in this House today is that President Eisenhower, who was a man of action and a great combat general, specifically expressed his desire that he did not want any monument of concrete or marble; he wanted a living memorial in this college. And that is precisely what Congress gave him in 1968 in Public Law 90–563, and for that purpose we appropriated $5 million to Eisenhower College.

The $5 million we appropriated, when one compares it with some of the other grants we have made for Presidential memorials, was a relatively paltry sum. I assured the committee at that time, as the gentleman from Michigan did too, that this was all that the college wanted. But we all know about overruns. We had one with the Kennedy Center, for example. And the bruising inflation which we are in now has put this particular Presidential memorial, Eisenhower College, in a bind just as it has done with other colleges.

But these other colleges are not officially designated memorials to a former President by act of Congress. We do have a responsibility, it seems to me, to do what we can today to help this one college survive. Let us also point out that the money that is being asked here is not coming out of the taxpayers; it is coming out of the sale of Eisenhower proof coins, which have been selling much more rapidly and extensively than anybody imagined, because of the love and affection in which President Eisenhower is still held by the people of the United States. Well if Ike's image, even after he is dead, can produce that kind of a financial return, do we not have a responsibility to use a small portion of these funds to keep alive the living memorial he wanted and that Congress in 1968 designated in his memory? I hope the rule will be adopted.

Mr. GERALD R. FORD. Mr. Speaker, when this 5 minutes allocated to me is up I will relinquish the floor, and others can proceed.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. I thank the gentleman for yielding.

Mr. Speaker, I believe the gentlewoman from Oregon (Mrs. GREEN) made the point that this bill provides in fact an open-ended grant. We cannot tell, really, how much money will need to be made available to Eisenhower College.

The gentleman from New York (Mr. STRATTON) said that we are only talking about 10 percent of the proceeds of the sale of Eisenhower dollar proof sets, and no money comes from the taxpayers. Well, where does it come from? Already more than $65 million of Eisenhower proof sets have been sold, and if this bill is enacted into law the Treasury will have to come up immediately with $6.5 million, and I mean like today, from money already in the hands of the Treasury.

The likeness of General Eisenhower will also be on the Bicentennial coin, and I have the feeling that we will sell considerable of those proof sets.

In this bill we are not just talking about 10 percent of the proceeds from the Eisenhower coins. The bill reads:

> in an aggregate amount equal to $1 multiplied by the total number of $1 proof coins which have been and are hereafter minted and issued . . .

So a friendly Treasurer of the United States could say, "Sales are lagging on the Eisenhower proof set; instead of selling them for $10 we will sell them for $5." Then 20 percent of the proceeds of the sale, or $1 from each sale would go to Eisenhower College.

The purpose is laudable. In its present form this is a bad bill, a bad precedent, and I do not believe it should be passed.

Mr. LATTA. Mr. Speaker, I yield myself 1 minute.

I believe this is a pretty good deal for the taxpayers of the United States.

These proof sets of the Eisenhower dollar sell for $10. The Federal Treasury is going to get $9 out of every one of those proof sets sold, while $1 will go to Eisenhower College.

If we can make $9 on every coin sold of the likeness of a former President, perhaps we should consider the minting of other coins.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Massachusetts (Mrs. HECKLER).

Mrs. HECKLER of Massachusetts. Mr. Speaker, I strongly support this bill. Every Member of the House should be aware of the fact that the bill is related specifically to the sale of special proof coins which sell at $10 a set to collectors. Projections of unlimited sales are unreasonable both because of the current economic situation, and because of past performance, making it very apparent that the "150" projection is really far from accurate.

Should the bill pass, $6.5 million would be forwarded to Eisenhower College.

I believe this is a unique and inspired method of financing a living memorial to a beloved and great President.

I have voted for appropriations for the Kennedy Center for the Performing Arts. After the first appropriaton, we were told very little more would be required, yet when another $15 million bill was presented to the Congress, I supported that, too, because President Kennedy also was a beloved President of the United States.

This is a fitting memorial to President Eisenhower because it is a living memorial. We are providing for the education of more young people, at an institution which has already established a reputation for academic excellence. It is also important for us to remember that President Eisenhower expressed his own wish that the college be considered the memorial to him. Mrs. Eisenhower indicated to the committee that this proposal was very close to the hearts of the Eisenhower family.

This is a better tribute to the memory of a late beloved President than bricks and mortar, however great the edfice might be.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. MARTIN).

(By unanimous consent Mr. MARTIN of Nebraska was allowed to speak out of order.)

ACTION OF THE COMMITTEE ON RULES ON YESTERDAY

Mr. MARTIN of Nebraska. Mr. Speaker, I believe it is vitally important to the House to know what transpired in the Committee on Rules last evening when we considered the granting of a rule for legislation which originally passed the House; went to the other body; and the other body added two amendments to that legislation.

One of these amendments concerned beef, and provided that the freeze currently in effect on beef was to be immediately rescinded.

Mr. Speaker, it is very interesting to note that this was a partisan issue in the Rules Committee, and on motion of the gentleman from Nebraska to report this legislation to the floor of the House with the other body's amendments, on a party-line vote of 10 Democrats opposing reporting that rule, the House was not given any opportunity to rescind the current beef freeze.

It is interesting to note that the majority leader in the well of the House only yesterday decried the fact that our restaurants are running very, very short of beef, and do not have sufficient beef to feed their customers; the housewives are not buying beef in the marketplace; and it is rapidly declining to the point where there is none at all on the shelves of our stores.

It is also very interesting, Mr. Speaker, to note some of the remarks that were made by the Democratic members of the Committee on Rules that they were not going to take the President off the hook in this regard; and they would let him stay on the hook.

Thus it is clear that the Democrats must bear the responsibility for the continuing lack of beef in the marketplace, the unemployment in the packing plants, and the shortages in the restaurants.

Politics should not be played with unemployment and with the serious beef shortage which is depriving the housewife of red meat with which to feed her family.

Mr. LONG of Louisiana. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. HAYS).

Mr. HAYS. Mr. Speaker, I would just like to reply to the gentleman from Nebraska (Mr. MARTIN) who just spoke, and point out that there is really no reason for the House to vote on this.

All the President has to do is to sign his name, and the controls will come off of beef. It is just that simple; nothing more is needed. He put them on by signing his name; he can take them off the same way.

Mr. Speaker, he has the authority both ways, so the gentleman really ought to be making his speech down at 1600 Pennsylvania Avenue if he can get in to make it.

Mr. LONG of Louisiana. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. REES).

Mr. REES. Mr. Speaker, and Members of the House, this bill disturbs me a great deal. I would like to honor General Eisenhower, who was my general in World War II, and who was my President for 8 years, but I really do not believe this is the best method to honor Dwight D. Eisenhower.

When we honored John Kennedy with the Kennedy Center, we built the Center. The funds were appropriated through the normal appropriations process, and the subsequent appropriations have been through the normal appropriations process. I would be delighted to coauthor any bill that might be introduced on this floor—and I believe all of us would—to give $6 million to the Eisenhower College if this could be a living memorial to a very fine President and a very great American.

If the Members will look at the bill, they will see in the bill that there is no limitation, that for every proof coin that is sold $1 would go to the Eisenhower College. And then there is the 10 percent going to the Rayburn Library.

In 1971 they sold 4.25 million proof dollars and in 1972 2.33 million. That is, $6.58 million, that would make, just in 2 years to go to Eisenhower College. It does not include 1973, 1974, 1975, or 1976 or every other year we might have this dollar minted. So we really do not know how much money we are giving to Eisenhower College; it could be $6 or $10 or $30 million.

I think really this is an irresponsible way of trying to build a memorial which I think all of us are in favor of. I would hope we could vote down the rule on this bill and I would hope we could then introduce specific legislation for a specific appropriation to Eisenhower College to honor this great man and honor his memory.

I am all for that. To say that we are saving money by selling proof coins—let me tell you, collectors will buy them no matter where the money goes. It does not matter whether it goes to Eisenhower College or the Federal Treasury; collectors will buy proof coins.

So what we are doing here is making an open end appropriation. We have no idea how much money will go to the college.

If you look at the report, on page 7 thereof there is a letter from the General Counsel of the Treasury which explains this. I think you should read it, because as responsible Members of the House you will realize we would be setting a very dangerous precedent by not having a specific appropriation limited to a specific amount of funds and limited to a specific purpose.

I say again this is an unlimited appropriation. We have no idea when it would be turned off. I do not know how many more memorials we will start financing with the unlimited circulation of proof dollars, half dollars, quarters, dimes, nickels, or whatever it might be.

Mr. WYLIE. Will the gentleman yield?

Mr. REES. I yield to the gentleman.

Mr. WYLIE. I thank the gentleman.

I think the gentleman is making a significant and informative statement, and I would like to associate myself with his remarks

I do not object, either, to making a direct appropriation or grant to Eisenhower College. I would support such a measure. But I do object to the back door arrangement provided for in this bill where we have no idea exactly what amount we are talking about or over how long a period.

The gentleman should be commended for his statement.

Mr. WIDNALL. Will the gentleman yield to me?

Mr. REES. I yield to the distinguished minority leader of the committee.

Mr. WIDNALL. I checked on the actual figures of sales at the mint and they differ somewhat from the figures you presented. The number of proof coins sold in 1971 was 4,260,494. In 1972 it was 1,779,531. The estimate for this year is 1,000,000, and there is a similar estimate for the year 1974 and 1975 of 1,000,000.

Mr. REES. I might mention again I got my figures from the report on page 7, and that was the report from the general counsel of the U.S. Treasury.

Mr. WALDIE. Will the gentleman yield?

Mr. REES. I yield to the gentleman.

Mr. WALDIE. Mr. Speaker, I commend the gentleman and wish to associate myself with his remarks.

Mr. LONG of Louisiana. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. VANIK).

Mr. VANIK. Mr. Speaker, I want to say with respect to the bill that I concur in the statement just made by our colleague from California (Mr. REES).

I would indeed be happy to support through the regular procedures an appropriation to the memory of President Eisenhower or former Speaker Sam Rayburn. However, I think it would serve the memory of the President more honorably to apply the proceeds of the mint set sale to reduce the Federal debt which he so thoroughly deplored in his years at the White House.

I am also concerned about the compounded loss to Treasury in the sum of $1 for each mint set sold and a charitable tax deduction to the purchaser of $1 for each mint set purchased.

Mr. LONG of Louisiana. Mr. Speaker, I yield 5 minutes to the gentlewoman from Oregon (Mrs. GREEN).

Mrs. GREEN of Oregon. I thank the gentleman.

I want to assure my colleagues my opposition to this particular legislation is not based on partisan consideration.

In 1968 my subcommittee voted $5 million for Eisenhower College, that seems to me an indication that it was nonpartisan; then, we did not object to a direct appropriation, but it is this backdoor approach, which seems to me misleading to the American people.

As further evidence that it is not on a partisan basis, that same year, or the same session of Congress, we had a request from Kennedy College, which I believe is in the State of Nebraska; Kennedy College pointed to the precedent that our committee had set by appropriating $5 million for Eisenhower College. Kennedy College requested the same appropriation, and they made exactly the same plea that the president of Eisenhower College had made.

Our committee, of which I was chairman, turned down the request of Kennedy College.

I was Oregon chairman for John Kennedy's campaign in 1960 in Oregon. I was very fond of the Kennedy family.

In turning down Kennedy College, it seems to me it ought to be another indication that our opposition is based on something else than partisan considerations. The two things that finally led our committee to that $5 million appropriation were, one, that it was to be a living memorial. I am in complete agreement with my colleague, the gentlewoman from Massachusetts. I am in favor of living memorials more than I am in favor of monuments to stone and mortar.

The second argument that was persuasive was the assurance from the president of the college, from the trustees, from political leaders in this House, from the Representative of that district in which the Eisenhower College is located, that this would be the one-time-only approach. Had there been any indication to us that they would have come back and up the figure many times over, I say to the Members we never would have appropriated that original $5 million.

I should like to clear up the amount of money that might be involved in this, and I should like to yield, if I may, to the very distinguished lady, the chairman of the subcommittee that handled this legislation for an answer in regard to the number of Eisenhower dollars, the number of dollars that had been authorized by the Congress, and what could be the total amount that this one college could obtain over the next 5 or 25 years? I yield to the gentlewoman from Missouri (Mrs. SULLIVAN) for an answer to that question.

Mrs. SULLIVAN. I am happy to answer the gentlewoman from Oregon.

Under a Senate provision in the Bank Holding Company Act Amendments of 1970 there was a provision to require the use of some silver in coins, calling for the minting of 150 million silver one-dollar coins, using silver transferred from the defense stockpile. There is nothing in the 1970 law to say how many of these 150 million coins should be proof coins. They mint the proof coins according to the number of orders they receive each year. The Treasury said in 1970 that it intended to make 20 million proof coins and 130 million uncirculated silver dollars out of the silver from the stockpile, but under the law the Secretary of the Treasury has complete discretion in this regard. S. 1264 authorizes grants to Eisenhower College in an aggregate amount equal to $1 multiplied by the total number of $1 proof silver dollar coins which have been and are hereafter minted, and so forth. Under the 1970 act, nearly all of the 150 million silver dollars could be proof dollars.

Proof coins are minted every year, and as long as President Eisenhower's image is on that dollar, every silver proof coin bearing his image would involve a $1 contribution to Eisenhower College under this bill. This could go on forever until they change the design on the front of the coin.

Mrs. GREEN of Oregon. I have a second question. This also includes the Bicentennial commemorative?

Mrs. SULLIVAN. Right, this would include the silver proof dollars which will be struck to be sold after July 4, 1975, under H.R. 8789, a bill now pending before the House to strike special Bicentennial dollars, half-dollars, and quarters. President Eisenhower's likeness would remain on the dollar Bicentennial coin. Only the reverse side could be changed under H.R. 8789.

Mrs. GREEN of Oregon. So that the Eisenhower College, under the bill for debate today, could get $1 for every Bicentennial commemorative that is also sold?

Mrs. SULLIVAN. As long as President Eisenhower's image is on one side of the dollar coin, yes.

Mrs. GREEN of Oregon. Then would not the gentlewoman from Missouri agree that this total might go up to $150 million over a period of years?

Mrs. SULLIVAN. Not quite that high. About 9 million of the uncirculated coins have been sold, so the limit would be a little less than $150 million. As I said, proof silver dollar coins are minted every year.

Mr. ERLENBORN. Mr. Speaker, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from Illinois.

Mr. ERLENBORN. Mr. Speaker, I thank the gentlewoman for yielding. I would like to clarify that this is certainly no partisan opposition to this rule or bill. I think this rule should be defeated. Five years ago the gentlewoman agreed reluctantly and I and other members of the subcommittee agreed reluctantly to bring out this bill for special treatment for the Eisenhower College and it was done only with the firm assurance they would not be coming back with additional requests. Now they are, and I think this should be defeated.

Mr. LONG of Louisiana. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. PATMAN), the chairman of the Banking and Currency Committee.

Mr. PATMAN. Mr. Speaker, this legislation will serve one of the finest, noblest objectives of this Republic—to aid, foster, and promote the education of our youth in the principles of democracy and the processes of government. In serving that objective, it will also honor two of the finest men this country has produced in nearly 200 years of national existence—Dwight D. Eisenhower and Sam Rayburn. And it will honor President Eisenhower and Speaker Rayburn in a manner which would have pleased them more than anything we could do—by providing support to the educational institutions they selected their lifetimes as their living memorials.

The bulk of the financial support contained in this legislation will go to Eisenhower College, at Seneca Falls, N.Y., but a substantial share will also go to the Sam Rayburn Library of Bonham, Tex., which contains all of the official papers of the greatest legislator to have served in the Congress of the United States, one who served longer as Speaker of the House than any man in our history.

It is particularly fitting that President Eisenhower and Speaker Rayburn are jointly remembered and honored in this legislation.

General Eisenhower was born in Denison, Tex. Speaker Rayburn lived from infancy in Fannin County, Tex., which is near where President Eisenhower was born. These two great men, with their roots firmly in the small towns of America, grew up to lead this country as contemporaries through some of its greatest crises and most glorious achievements—through World War II and then through most of the years of the Eisenhower Presidency when Mr. Sam was Speaker of the House of Representatives. The Rayburn leadership and legislative genius provided the funds and legislative authority which made possible the Eisenhower victories as Supreme Allied Commander in the European Theater of World War II, were instrumental in creating and strengthening NATO after the war. Mr. Sam then gave President Eisenhower dedicated and nonpartisan support in every cause in which the wellbeing of the Nation and the cause of freedom and peace were at stake.

I think all of us know of that background and recognize the importance of the rolls these two sons of Texas played in the national and international achievements of this country.

So what we are proposing here is simply to take a small portion of the tremendous profits realized by the Government from the sale of the proof Eisenhower silver dollars and return some of those funds as seed money toward the flowering and nourishment of learning in this country in the principles of democracy and the process of government. No better use could be found for these funds than to inspire youth in the study of the ideals to which President Eisenhower and Speaker Rayburn dedicated themselves as public officials.

I am mindful of the objections which have been raised to this legislation on the grounds that it would perhaps set some precedent for the future diversion of coinage receipts. It must be pointed out, however, that many of the Americans who have purchased proof Eisenhower silver dollars at $10 each did so, and are doing so, primarily because of their respect and admiration for the great American honored in these special and beautiful examples of coinage art. The profits on the sale of the proof dollars have been tremendous. No other individual coin in our history, I believe, has been sold by the Treasury at a price exceeding its face value. People have been willing to pay 10 times the face value of the proof dollar, not as part of a numismatic set, but as a single piece. It is unique. As long as this House remains dedicated to its trust in considering legislation carefully and on its merits, we do not have to fear the consequences of this bill as establishing a precedent which would have any unfortunate results.

Congress has already recognized the status of Eisenhower College as the official memorial to the late general and President and provided funds to help establish the college. In a few short years, this new college in New York State has made its mark as an outstanding educational institution, winning academic accreditation in remarkably short time. It has attracted a student body of earnest young men and women who already constitute one-half of the college's planned future total enrollment of 1,500 students. Its growth has been carefully planned to assure quality education for all who attend this institution.

The Rayburn Library at Bonham, Tex., which will share in a portion of the proceeds of this legislation through a contractual relationship with Eisenhower College, will provide political science students of Eisenhower College, and those of other colleges as well, a most unusual opportunity to learn about the legislative process through the work and life and heritage of our greatest speaker. [A Dwight D. Eisenhower study center will be established at the library to aid in this educational work, and a Sam Rayburn chair will be established at the Eisenhower College to keep alive the legislative genius of Mr. Sam. This is a most unusual cooperative relationship between two fine institutions, both of which serve as the living memorials to the great leaders they memorialize.]

I am deeply impressed by the support Eisenhower College has received from members of the late President's family—his widow, the much-loved Mamie Dowd Eisenhower; his son, the Honorable John Eisenhower, our former Ambassador to Belgium; and his brother, Doctor Milton Eisenhower, president-emeritus of Johns Hopkins University, who also served this Nation with such distinction as a public servant.

Mrs. Eisenhower probably expressed better than any one has done or could do what the college meant to her husband, and what this legislation means to those who loved him, when she wrote to this committee:

> Last summer, I had the opportunity to personally see Eisenhower College. I was deeply impressed. It has already proven to be a college of character, a quality which my husband hoped for as he watched its start and early growth.
>
> He felt so honored to have it carry his name. He admired everything about it, the courage of its founders, and the generosity of thousands across the country who helped finance its start.
>
> I have seen the truly wonderful progress of the college. I feel very much a part of it, and honored in having the main academic hall named for me. I want to do everything I can to help it serve those students who, in years to come, will follow the able young people I have talked to on campus.
>
> This is not only a memorial, it is an institution of great importance to this country. The funds to complete it will constitute an investment which will produce each year graduates who will take a responsible position in society. Can we ask for more?
>
> As so many know, for long years my husband treasured the thought of being an active part of a small college following his retirement. History now records how that dream was not realized, so I know he saw Eisenhower College, in part anyway, as his way of being closely associated with young people, thoughts which I admired so much and shared with him.
>
> The decision of Congress, earlier, to issue a new silver coin in his honor is a magnificent tribute, principally because it provided a way for all who wished so to have a lasting and valued keepsake of him. Knowing how his fellow citizens expressed their good thoughts about him over the years, I can't help but think they would be happy to find that in acquiring this keepsake that they were also helping to build his college.
>
> With enthusiasm and very deep gratitude, I welcome this proposal which will assure and hasten the completion of Eisenhower College.—Mamie Dowd Eisenhower.

Mr. LONG of Maryland. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. THORNTON).

Mr. THORNTON. Mr. Speaker, as I have looked about this city I have discovered the many monuments we have here with varied shapes and forms but I think few are as fitting or as functional as the Seneca Falls Institution which has perpetuated the memory of the Nation's 34th President.

This memorial is a memorial which not only honors our President's contribution to this country but also reflects his deep commitment to the cause of higher education. I am concerned that we now may be deciding whether an educational institution may serve as a national memorial.

In an address at Boston University more than 20 years ago, President Eisenhower stated, and I quote:

> I see no hope for the world, except through education, but I am most optimistic for the world because I believe in education.

A decade later, before this Congress, he said:

> Education is first and foremost an instrument for serving the aspirations of each person. It is not only the means for earning a living, but for enlarging life—for maintaining and improving liberty of the mind, for exercising both the rights and obligations of freedom, for understanding the world in which we live.

In 1965, he participated in the groundbreaking ceremonies for this small, liberal arts college in Seneca Falls. He said:

> I can think of no greater monument to any man than a college bearing his name.

Today, like other educational institutions across the land, this college needs money. That is not unusual. However, unlike other colleges, it does not have a large alumni body to form a source of income for it. I think that this Presidential memorial is seeking an appropriate source of funds. A schoolhouse is certainly as appropriate a memorial as an opera house or a monument of stone.

Mr. LONG of Louisiana. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Speaker, I think the gentleman from Arkansas who just spoke made a very important point. This is a Presidential memorial for the first time in the form of an educational institution.

And so, as the gentleman has said, this vote is also a test as to whether this body is willing to see a memorial in that unique form survive. We had no trouble at all a year or so ago, as I recall, when the distinguished gentleman from Illinois (Mr. GRAY) came in with a proposed memorial for President Eisenhower to build a sports stadium down town here. I think that was to cost $12 or $15 million, and the Members fell all over each other in the rush to get on the bandwagon and spend that kind of money, even though the gentleman from Michigan (Mr. GERALD R. FORD) and I pointed out that we already had a National Memorial to President Eisenhower.

Therefore, I do not believe that all of this concern for funds being expressed at this moment is really quite as sincere as it may appear to be. Let us remember that Eisenhower College has been made by law the National Memorial for President Eisenhower, under Public Law 90-563. We are forgetting that when we start talking about Kennedy College or Roosevelt College. Congress made this determination back in 1968. The gentlewoman from Oregon (Mrs. GREEN) who has always been interested in education, had these words to say at the time:

> Memorials to men who have led great nations have often been hewn of stone. This legislation to provide Eisenhower College in New York with the means to build educational facilities sets what I hope will be a pattern for future memorials to such men living, useful, vigorous elements of a nation dedicated to educational excellence for all its citizens.

So, this is on exactly the same footing as the Kennedy Center. They told us when the Kennedy Center came up here looking for money that it was only going to cost Congress $26 million; and we appropriated that sum. Then, later on, they came back and said they had had a slight overrun and needed another $15 million. I can remember the debate then: "Oh, there has been an overrun," some people complained. "You said $26 million was all you wanted."

But we appropriated the extra money anyway and just the other day the Kennedy Center, they came back here again for $5 million more to correct some of the vandalism, and we came through with that money, too.

I have listened to these remarks about how we ought to go about helping Eisenhower College some other way; and I would have no objection to trying some other way. But let us not kid ourselves. We are actually here now; we are operating on this bill. We are not nowhere else, and we do not have infinite time at our disposal. This bill came out of the other body by a unanimous vote, a bill originally offered by Senator JAVITS. There are those who say now: "Oh, I am really in favor of helping this college, but let us go back and do it in some other way." My friends, if we go back and try to do it some other way it is just not going to get done. The money that is being made available here for this memorial is money that is carrying out an earlier commitment of Congress. I would, however, have no objection to putting some limit on what could be turned over to Eisenhower College under this bill. That is a good idea. I do not think there ought to be any open-ended commitment, and I do not believe this bill is supposed to represent such a commitment.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, did we not make a contribution of Federal funds to the Eisenhower Library in Abilene?

Mr. STRATTON. Not that I know of, no. This is the only memorial that has been officially authorized by Congress, and the only memorial for which funds have been appropriated, so far as I know.

Mr. GROSS. Did not the Congress give a special tax dispensation to Mr. Eisenhower on the income for his book, "Crusade to Europe," to the tune of pretty close to a million dollars?

Mr. STRATTON. That was done at a time when General Eisenhower was alive. That had nothing to do with any memorial.

Mr. GROSS. How much blood do they want to extract from the taxpayers of this country?

Mr. WILLIAMS. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from Pennsylvania.

Mr. WILLIAMS. So far as giving President Eisenhower some kind of a tax break on the book he wrote, I should like to point out that the identical tax break applies to all athletes and other people who have a high earning capacity for a limited number of years. This was not anything developed for President Eisenhower.

Mr. LATTA. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. I thank the gentleman for yielding.

Mr. Speaker, I should like to make two points.

First, we are talking about a memorial for a late President, and I cannot think of anything that would be any worse as a memorial. This, to my way of thinking, is politics at its very worst.

We start with a broken promise, compound that with a crass political deal, and throw in about as high-powered a lobbying effort as we have seen in recent years, up to and including the placing of Mamie Eisenhower in the front row of the hearings, for whatever purpose that may have had.

Second, I would call attention to the preamble of the act. That does not indicate discretionary authority. If we read the exact words, it is to authorize and direct the Secretary of the Treasury. How can we call that anything but mandatory? It would escape the attention of this particular Member.

Rather than being a fitting memorial to a late President, I happen to believe this is probably an example of politics at its very worst.

Mr. LATTA. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Speaker, I just want to vouch for everything the gentlewoman from Oregon said, because I was the ranking minority member of her subcommittee at the time the bill was before the subcommittee in 1968. All the assurances that she indicated were made before the subcommittee.

A number of Members have said that this does not take money from taxpayers, but that is exactly what it is. This $1 per proof coin would otherwise go to the Treasury.

Simply because it will go to the Eisenhower College or to the Rayburn Library will not increase the sale of proof coins one bit, because if a person wants to contribute to the college or to the library he would not want to contribute $10 to get $1, but he could contribute directly to them.

Also, promises are being made again that they will never come back again to Congress. They do not have to come back again. All they have to do is convince the Secretary of the Treasury to mint some more proof coins, and the amount of money from the Federal Treasury or which would otherwise go to the treasury is virtually unlimited.

I should like to point out a college in my district, Lea College. Their problem is that they named the college after a small city. If it had been named after a President, the Congress could contribute money to it. You see this small college has even more financial problems than Eisenhower College.

We should not pass this bill.

Mr. LATTA. Mr. Speaker, I reserve the remainder of my time.

Mr. LONG of Louisiana. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. ROBERTS).

Mr. ROBERTS. Mr. Speaker, I want to point out two things with reference to this bill.

First, General Eisenhower was born in the Speaker's district, in the district I now represent. The Rayburn Library received all of the worldly goods the Speaker had, the man who presided over this Chamber for three times as long as anybody else in history. He did not ask for anything. He did not ask for Federal funds. He put everything he had into it. It is not enough to keep the library going.

So the Eisenhower College made an arrangement with the library to give them 10 percent of the funds. I want to talk about how much this is going to cost the Government. Let me say that for every one of those coins the Federal Government will make $9, and will give $1 to Eisenhower College, and a dime of that dollar will go to the library.

One cannot get a better return, when he is making $9 on everything they sell. The more they sell the more the Federal Government will make.

Mr. PICKLE. Mr. Speaker, will the gentleman yield?

Mr. ROBERTS. I yield to the gentleman from Texas.

Mr. PICKLE. Mr. Speaker, I was surprised that a few Members would have this kind of apprehension concerning a bill that goes to such a good purpose. It may not be the best precedent which any of us might want, and we may want to escape that. However, the fact is that the rule before us is for a very good cause, and I believe we would not want to look at this in a narrow manner and we should, instead, approve it because it serves to honor a very fine person.

Mr. ROBERTS. Mr. Speaker, I thank my colleague, the gentleman from Texas.

I wish to say one other thing: The only place where a graduate student may go to find all of the reports of the Congress and the Continental Congress, other than the Library of Congress, is the Rayburn Library. This will keep it open.

Mr. Speaker, I hope we will go along, and I hope they sell a lot of coins.

Mr. LONG of Louisiana. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Missouri (Mrs. SULLIVAN).

Mrs. SULLIVAN. Mr. Speaker, in the nearly 11 years since the gentleman from Texas (Mr. PATMAN) became chairman of the Committee on Banking and Currency, there have been very few occasions when I did not follow his leadership on legislation acted on in that committee. I have joined him in many battles in behalf of the public interest, and often we have stood together, in some seemingly hopeless causes, only to win out in the end. So, it is with great reluctance that I voice objection now, to a bill which I know is very, very close to my chairman's heart.

But as chairman of the subcommittee which has jurisdiction over such legislation in the Banking and Currency Committee, I cannot support S. 1264. Simply stated, my reasons are these:

First. It sets a precedent, in the diversion of coinage funds, that can only lead to further raids on the half billion dollars of annual seigniorage profits, from the manufacture and distribution of coins. If we do this for one college named after a President whose likeness appears on a coin, we have no reason not to do the same thing for any other college established as a memorial to a President honored on a coin. We have never before earmarked coinage receipts for any specific purpose. As I state in my separate views in the committee report, coinage receipts are not found money—they are an important source of revenues for the general fund. This bill makes a kind of section 32 out of coinage receipts, to be tapped first for Eisenhower College and subsequently for whatever good or emotional or popular cause which comes along.

The Banking and Currency Committee will be pressured and eventually forced to supersede the other legislative committees on any proposal which uses this back-door method of financing. If Eisenhower College can qualify for $6 million, or $10 million, or $14 million, or $20 million, or even $100 million—since there is no limit in this bill as to how much it could eventually receive—why not other colleges?

Second. Eisenhower College was established as a living memorial to the late President in 1968 by legislation which originated in the Education and Labor Committee. A top amount of $5 million was authorized, and this amount had to be matched by private contributions. The Federal funds could be used, under the 1968 act, only for construction. This bill supersedes the original act establishing the college as a memorial, and provides for an open-ended appropriation authorization to be used for any purpose the college wishes to use it for.

Approximately one-half of all of the money the college hopes and expects to receive from this legislation is tentatively earmarked for student aid—as an endowment fund of nearly $9 million. This is a purpose the Education and Labor Committee specified in 1968 that the memorial funds should not be used for, because Eisenhower College is eligible for all of the Federal student aid assistance available to all other colleges. Why give to 750 students—the present enrollment—or to a maximum of 1,500—the planned total enrollment—Federal student aid funds as a memorial to President Eisenhower? Any such funds given to the college as a memorial should be used as the Congress intended in 1968—for construction of facilities only.

Third. If we want to aid this college further, and also aid Rayburn Library as would be done indirectly by this bill, then we should amend Public Law 90-563, which established the college as a living memorial, to increase the amount of $5,000,000 authorized in 1968. I have introduced a bill, H.R. 9065, to do just that. It would increase by 50 percent the amount authorized for the college in 1968, reflecting the 50-percent increase since then in the costs of constructing educational facilities. H.R. 9065 also would authorize the college to share 10 percent of that increase with Rayburn Library for the cooperative educational activities the two institutions have recently contracted to provide jointly out of any additional special funds received by the college from the Congress from coinage receipts.

Fourth: My last point is this: The proof dollars which bear President Eisenhower's likeness are purchased primarily by coin collectors, who have been willing to pay 10 times the face value of this coin for a collector item. Under other legislation now pending before the House, H.R. 8789, all proof dollars minted for issuance beginning July 4, 1975, will bear special bicentennial designs on their reverse side with President Eisenhower on the obverse. The coin collectors, and other citizens purchasing proof dollars for their bicentennial designs, would be required under S. 1264 to contribute $1 to one particular college. This is unfair. I assume they will not be able to claim a charitable deduction for this $1 contribution on their income tax.

Despite its lofty objectives to memorialize President Eisenhower and Speaker Rayburn, this bill would carry out legislative and fiscal policies which President Eisenhower and Speaker Rayburn would undoubtedly have considered wrong.

The bill should be rejected, and new legislation brought before us to amend the 1968 act to give the college and the library as much money as the appropriate committee of the House—Education and Labor—believes is justified for educational purposes as fitting memorials to two outstanding Americans.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Speaker, I would like to try to clear up a few of the things that have been said here today.

Eisenhower College is located in my congressional district. Founded only 5 years ago it has been voted to membership in a 15 college and university consortium, an indication of the recognition it has already won from some century old institutions of learning.

The college will never be large. It was never intended to be. Eventually it will serve about 1,500 students. At present there are 800 students. Interestingly enough 48 percent of the student body receives some type of financial assistance.

There is no other memorial in honor of Dwight Eisenhower. By approving this legislation the House can join with the Senate and pay enduring honor to his memory.

Mr. Speaker, the point I would like to clear up is that this college did not come down here and invent this idea. Actually the idea for the memorial originated in an editorial in the Syracuse Post Standard. They indicated in that editorial that this would be "a memorial gesture of lasting magnitude."

As you cast your vote here today, I ask you not only to remember that he was one of our finest Presidents but also the great leader who commanded the armies of the free world when we successfully crushed the hideous forces of fascism and nazism.

I cannot think of a more fitting memorial to a great leader than one that will help end the ignorance and prejudice which he so successfully fought against.

Mr. McCLORY. Mr. Speaker, will the gentleman yield?

Mr. WALSH. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr, Speaker, I thank the gentleman for yielding.

Mr. Speaker, I wish to congratulate the gentleman for his very meaningful statement, and I wish to associate myself with the gentleman's remarks.

Mr. LATTA. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. CEDERBERG).

Mr. CEDERBERG. Mr. Speaker, it is with real reluctance that I must take a position in opposition to this legislation.

I served with President Eisenhower. He was the first President I served with. I came to Congress when he was inaugurated.

I served under the speakership of the Speaker Rayburn, who was a great man. Any Member who ever served with him could not deny that. He was one of the great leaders we have had here in the Congress.

Mr. Speaker, I believe we would set a very serious precedent by taking action today on this legislation, and I just want the record to be very clear, as I voice my opposition, that it has nothing to do with President Eisenhower, great man that he was, or with Speaker Rayburn.

That is not the point here at all. The point is I believe as we go down this road of precedents we will live to regret it at some point in the future.

Mr. LATTA. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. WILLIAMS).

Mr. WILLIAMS. Mr. Speaker, I rise in strong support of this legislation.

A lot of talk has been going on here today about the amount of money we are spending. Actually, the Eisenhower proof dollar is not worth a dollar and it is being sold for $10 purely because of the use of President Eisenhower's name.

We have sold 6,932,000 of these dollars to date, which means this sum of money will go for the purposes already described to you.

I do not know how much money was spent on the Jefferson Memorial when it started to settle approximately 4 years ago and the entire front was blocked off. I do not know how much money was spent on repair and maintenance of monuments that we have in commemoration of past great Presidents, but I do know how much money is involved here for an excellent purpose, earned through the use of President Eisenhower's name.

Mr. Speaker, I support this legislation.

Mr. LATTA. Mr. Speaker, I yield myself 1 minute.

(By unanimous consent, Mr. LATTA was allowed to proceed out of order.)

H.R. 5777

Mr. LATTA. Mr. Speaker, earlier in the debate on this rule the gentleman from Nebraska referred to the very important action of the Committee on Rules yesterday on H.R. 5777. This bill carried two very important Senate amendments.

One of them would have lifted the freeze on beef, and the other would have forced the President to invoke mandatory petroleum allocations.

I would like to say for the record that I was one of those who supported the bill with the amendments.

On a very crucial vote on the question of deferring action on this bill the vote was 9 to 6 to defer action. I think Members supporting this action will have to explain the same when they go back to the housewives out of beef and to their husbands who may be having difficulty buying gasoline.

Mr. LONG of Louisiana. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Georgia (Mr. STEPHENS).

Mr. DAN DANIEL. Will the gentleman yield?

Mr. STEPHENS. I yield to the gentleman.

Mr. DAN DANIEL. Mr. Speaker, I rise in support of this rule.

Mr. STEPHENS. Mr. Speaker, I know you are ready to vote on this rule, and it will not be very long before we vote.

Let me point out one thing that has not been pointed out to the House in all the arguments that have been made one way or the other.

When the House authorizes a coin like

the Eisenhower silver dollar, the House is launching a private enterprise, profit-making venture. The money derived from that is not derived other than through the profit-making system.

We are not in this instance using the taxpayers' money in the sense of it being a general tax that anybody has to pay. Nobody has to buy an Eisenhower silver dollar. I think that is a very important consideration.

When you talk about making direct appropriations, which some of you have said you favor, for something of this kind, I would object to making a direct appropriation for the college out of general taxpayers' funds.

I would make that objection because it is on the same foundation that we do not allow a corporation to pay a political campaign contribution, because there may be people in the corporate structure and stockholders who would not have their money spent in that fashion. But this money is spent by the individual of his own choice.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. STEPHENS. I yield to the gentleman from Iowa.

Mr. GROSS. Where is it proposed to get the $6½ million for the retroactive payments to the college?

Mr. STEPHENS. That $6½ million is from people who bought these $10 silver dollars.

Mr. GROSS. That $6½ million will have to be appropriated right out of the Treasury.

Mr. STEPHENS. Mr. Speaker, I urge support of the bill. Let us remember one thing, and that is what we are talking about: a memorial to President Eisenhower and Sam Rayburn, and let us forget about the rest of it.

Mr. KOCH. Mr. Speaker, I intend to vote for the rule so as to permit this bill to be discussed and amend on the floor. There are two amendments which I will offer or support if offered by others, and if either is rejected, I will not vote for the bill on final passage. The first amendment would strike from the bill any retroactive provision. It would be wrong to require the Treasury to turn over to the Eisenhower College $6.5 million as a result of coins heretofore sold. The second amendment would limit the amount to be received as a result of any such sales in the future to a maximum of $5 million representing the amount of the original grant to the college made by the Congress. It is my desire to provide for moneys for the Eisenhower Memorial just as I voted for moneys for the Kennedy Memorial. But I will not vote for the bill in its present form.

Mr. BARRETT. Mr. Speaker, S. 1264 to aid Eisenhower College and the Rayburn Library has my complete support. We need more legislation of this nature to assist our colleges in training the youth of America for the leadership roles that they will be called upon to fill in our democracy in the years ahead.

I am particularly pleased that a substantial share of the money which will be awarded to Eisenhower College under S. 1264 is intended to assist needy students from all over this country to attend an institution of higher learning dedicated to the ideals of service to the American people as exemplified by the life and the ideals of Dwight D. Eisenhower. And these students in turn will be able to spend part of their academic careers in study at the Rayburn Library where they will have access to the official papers of one of the greatest men to have served in the Congress of the United States, Speaker Sam Rayburn.

As a member of the subcommittee which has jurisdiction over this legislation I am not the least bit fearful that the passage of this legislation will create any problem for that subcommittee in the future. A precedent is not being established by this legislation as long as the Members of Congress now and in the future examine every bill on its own merits.

There are few bills that could come before the House which have more social merit than S. 1264. We are helping the youth of America to have a better understanding of the functions of government and the need for honesty in government. Speaker Rayburn and President Eisenhower were men of integrity. Their integrity matched their abilities. The bill should be passed.

Mr. WIDNALL. Mr. Speaker, I rise in support of S. 1264, which makes a portion of the proceeds from the sale of Eisenhower proof silver dollars available to Eisenhower College.

This bill will make Eisenhower College a living memorial to the late President Dwight David Eisenhower. The college is not merely named after him, but was named at its creation with the approval of the President being honored. It is clear that President Eisenhower wanted this college to exist and to prosper and in addition to his name, he gave it funds and friends and an indelible character.

It gave the general great pleasure as he saw it develop and grow and as he realized his name would always be associated with aspiring youth. At the dedication, Eisenhower said:

> I can think of no greater monument to any man than a college bearing his name; an institution which will be a vital, vigorous champion of freedom through proper education.

Mr. Speaker, I believe this bill should be passed, as it provides far more than just construction of a marble statute or a building in memory of a great President. Eisenhower College is a living, growing, thriving and vital memorial. Again, to quote Eisenhower at the dedication—

> . . . Let's have the finest faculty, let's bring in the knowledgeable lecturers, but let's do it in an atmosphere and an environment where the student's standards of respect for law, his moral standards, his willingness for accommodation with his fellow students will be expanded and strengthened.

What better living memorial could the Nation have than students who graduate from Eisenhower College holding these high morals and ideals as expressed by a totally unique man who was a soldier, a statesman, and an academician.

The other body has already passed this bill, and I urge similarly favorable action here.

Mr. BINGHAM. Mr. Speaker, I am opposed to S. 1264 for reasons very eloquently set forth in the dissenting views filed by the gentlelady from Missouri (Mrs. SULLIVAN), and stated during the debate on this resolution by a number of speakers.

However, I shall vote for House Resolution 518 because it is a normal, "open" rule providing for 1 hour of general debate and, thereafter, opportunity to amend the bill.

I realize that the Members are anxious to wind up the business of the day so that they may leave for the August recess. But to me that is not a sufficient reason for choking off further debate and the possibility of amendment.

GENERAL LEAVE

Mr. LONG of Louisiana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 518.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. LONG of Louisiana. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the noes appeared to have it.

RECORDED VOTE

Mr. GERALD R. FORD. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 183, noes 230, not voting 20, as follows:

[Roll No. 426]

AYES—183

Addabbo
Anderson, Ill.
Annunzio
Archer
Arends
Bafalis
Barrett
Bennett
Biester
Bingham
Blackburn
Boggs
Bolling
Brasco
Bray
Brooks
Broomfield
Brotzman
Brown, Calif.
Broyhill, N.C.
Buchanan
Burgener
Burke, Mass.
Burleson, Tex.
Byron
Carter
Casey, Tex.
Clausen, Don H.
Clawson, Del
Cleveland
Cohen
Collier
Collins, Tex.
Conable
Conlan
Corman
Coughlin
Daniel, Dan
Davis, S.C.
de la Garza
Delaney
Dellenback
Denholm
Dickinson
Dorn
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Erlenborn
Esch
Eshleman
Findley
Flood
Flynt
Ford, Gerald R.
Fraser
Frenzel
Gettys
Ginn
Gonzalez
Goodling
Grasso
Gubser
Gude
Gunter
Haley
Hanley
Hansen, Idaho
Harvey
Hastings
Hébert
Heckler, Mass.
Heinz
Hillis
Horton
Johnson, Colo.
Johnson, Pa.
Jones, Okla.
Jordan
Kazen
Kemp
King
Koch
Kuykendall
Latta
Lent
Long, La.
McClory
McCollister
McEwen
McFall
McKinney
McSpadden
Madigan
Mahon
Mailliard

Mallary
Mann
Maraziti
Mathias, Calif.
Mathis, Ga.
Matsunaga
Milford
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Moorhead, Pa.
Morgan
Mosher
Murphy, N.Y.
Myers
Nedzi
Nelsen
Nichols
Nix
O'Neill
Parris
Passman
Patman
Pepper
Perkins
Peyser
Pickle
Pike
Poage
Podell
Price, Ill.
Pritchard
Quillen
Railsback
Reid
Reuss
Rhodes
Rinaldo
Roberts
Robison, N.Y.
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Roy
Runnels
Ruppe
Ruth
Sandman
Sarasin
Sebelius
Shriver
Shuster
Sisk
Smith, N.Y.
Spence
Staggers
Stanton, J. William
Stark
Steelman
Stephens
Stratton
Talcott
Teague, Tex.
Thomson, Wis.
Thornton
Walsh
Wampler
Ware
White
Widnall
Williams
Wilson, Bob
Wilson, Charles, Tex.
Winn
Wright
Wydler
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki

NOES—230

Abdnor
Abzug
Adams
Alexander
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Armstrong
Ashbrook
Ashley
Aspin
Badillo
Baker
Beard
Bell
Bergland
Bevill
Biaggi
Blatnik
Boland
Bowen
Brademas
Breaux
Breckinridge
Brinkley
Brown, Ohio
Broyhill, Va.
Burke, Calif.
Burke, Fla.
Burlison, Mo.
Burton
Butler
Camp
Carey, N.Y.
Carney, Ohio
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clay
Cochran
Collins, Ill.
Conte
Conyers
Crane
Cronin
Culver
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, Wis.
Dellums
Dennis
Dent
Derwinski
Devine
Dingell
Donohue
Downing
Drinan
Edwards, Calif.
Eilberg
Evans, Colo.
Fascell
Fish
Flowers
Foley
Ford, William D.
Forsythe
Fountain
Frelinghuysen
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gibbons
Gilman
Goldwater
Green, Oreg.
Green, Pa.
Griffiths
Gross
Grover
Guyer
Hamilton
Hammerschmidt
Hanrahan
Harrington
Harsha
Hawkins
Hays
Hechler, W. Va.
Helstoski
Henderson
Hicks
Hinshaw
Hogan
Holifield
Holt
Holtzman
Hosmer
Howard
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Keating
Ketchum
Kluczynski
Kyros
Landrum
Leggett
Lehman
Litton
Long, Md.
Lott
Lujan
McCloskey
McCormack
McDade
McKay
Macdonald
Madden
Martin, Nebr.
Martin, N.C.
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Miller
Minish
Mink
Mollohan
Montgomery
Moorhead, Calif.
Moss
Murphy, Ill.
Natcher
Obey
O'Hara
Owens
Patten
Pettis
Powell, Ohio
Preyer
Price, Tex.
Quie
Randall
Rangel
Rarick
Rees
Regula
Riegle
Robinson, Va.
Rodino
Roe
Rogers
Rose
Rosenthal
Rostenkowski
Roush
Rousselot
Roybal
Ryan
St Germain
Sarbanes
Satterfield
Saylor
Scherle
Schneebeli
Schroeder
Seiberling
Shipley
Shoup
Sikes
Skubitz
Slack
Snyder
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stokes
Stubblefield
Studds
Sullivan
Symms
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Thompson, N.J.
Thone
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Whalen
Whitehurst
Whitten
Wilson, Charles H., Calif.
Wolff
Wyatt
Wylie
Yates
Young, S.C.
Zion

NOT VOTING—20

Brown, Mich.
Cotter
Diggs
Evins, Tenn.
Fisher
Giaimo
Gray
Hanna
Hansen, Wash.
Jarman
Landgrebe
Mills, Ark.
O'Brien
Rooney, N.Y.
Smith, Iowa
Stuckey
Symington
Wiggins
Wyman
Zwach

So the resolution was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Rooney of New York for, with Mr. Landgrebe against.

Mr. Gray for, with Mr. O'Brien against.

Mr. Fisher for, with Mr. Cotter against.

Mr. Hanna for, with Mr. Diggs against.

Until further notice:

Mr. Evins of Tennessee with Mr. Smith of Iowa.

Mr. Giaimo with Mr. Stuckey.

Mrs. Hansen of Washington with Mr. Wiggins.

Mr. Jarman with Mr. Zwach.

Mr. Mills of Arkansas with Mr. Brown of Michigan.

Mr. Symington with Mr. Wyman.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

END TO BOMBING IN CAMBODIA—LETTER FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following letter from the President of the United States:

THE WHITE HOUSE,
Washington, D.C., August 3, 1973.

Hon. CARL ALBERT,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: By legislative action the Congress has required an end to American bombing in Cambodia on August 15th. The wording of the Cambodian rider is unmistakable; its intent is clear. The Congress has expressed its will in the form of law and the Administration will obey that law.

I cannot do so, however, without stating my grave personal reservations concerning the dangerous potential consequences of this measure. I would be remiss in my constitutional responsibilities if I did not warn of the hazards that lie in the path chosen by Congress.

Since entering office in January of 1969, I have worked ceaselessly to secure an honorable peace in Southeast Asia. Thanks to the support of the American people and the gallantry of our fighting men and allies, a ceasefire agreement in Vietnam and a political settlement in Laos have already been achieved. The attainment of a settlement in Cambodia has been the unremitting effort of this Administration, and we have had every confidence of being able to achieve that goal. With the passage of the Congressional act, the incentive to negotiate a settlement in Cambodia has been undermined, and August 15 will accelerate this process.

This abandonment of a friend will have a profound impact in other countries, such as Thailand, which have relied on the constancy and determination of the United States, and I want the Congress to be fully aware of the consequences of its action. For my part, I assure America's allies that this Administration will do everything permitted by Congressional action to achieve a lasting peace in Indochina. In particular, I want the brave and beleagured Cambodian people to know that the end to the bombing in Cambodia does not signal an abdication of America's determination to work for a lasting peace in Indochina. We will continue to provide all possible support permitted under the law. We will continue to work for a durable peace with all the legal means at our disposal.

I can only hope that the North Vietnamese will not draw the erroneous conclusion from this Congressional action that they are free to launch a military offensive in other areas in Indochina. North Vietnam would be making a very dangerous error if it mistook the cessation of bombing in Cambodia for an invitation to fresh aggression or further violations of the Paris Agreements. The American people would respond to such aggression with appropriate action.

I have sent an identical letter to the Majority Leader of the Senate.

Sincerely,

RICHARD NIXON.

PROPOSED LEGISLATION FOR EISENHOWER COLLEGE AND RAYBURN LIBRARY

(Mrs. SULLIVAN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SULLIVAN. Mr. Speaker, in view of the fact that the rule was voted down on the previous bill, and the fact that so many Members have expressed a desire to help the Eisenhower College and the Rayburn Library, I have introduced, on June 28, 1973, H.R. 9065, which authorizes funds to the college and to the library through the regular congressional procedure.

This bill is before the Committee on Education and Labor, and I am certain it will have great interest if it is given consideration.

APOLOGY TO OUR FELLOW AMERICANS OF JAPANESE ANCESTRY IS DEMANDED

(Mr. BURTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON. Mr. Speaker, it is difficult to put into words, the great sense of outrage that I feel concerning the recent public display of bigotry by John J. Wilson during the course of the Watergate hearings.

Wilson's racial comment is an outrage and an affront to all decent people. Its derogatory implications would be shameful in any usage, but seem even more contemptible when aimed at a distinguished U.S. Senator and a decorated hero of World War II.

John Wilson owes Senator INOUYE an apology but more paramount, he owes the American people in general—and all Americans of Japanese ancestry, in particular—an apology.

CONFERENCE REPORT ON S. 502, FEDERAL-AID HIGHWAY ACT OF 1973

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 517 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 517

Resolved, That upon the adoption of this resolution it shall be in order to consider the conference report on the bill (S. 502) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes, and all points of order against said conference report are hereby waived.

The SPEAKER. The gentleman from Texas (Mr. YOUNG) is recognized for one hour.

Mr. YOUNG of Texas. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 517 provides that it shall be in order for the House of Representatives to consider the conference report on S. 502, a bill to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code. House Resolution 517 also provides that all points of order against the conference report are waived. There were at least 38 waivers of points of order necessary to bring the conference report up successfully.

S. 502 provides the following allocations for the Interstate Highway System: $2.6 billion for fiscal year 1974, $3 billion for each of fiscal years 1975 and 1976, and $3.25 billion annually for 1977 through 1979.

The bill also provides authority for $3 billion in contract authority for Federal grants for capital investment in mass transit facilities to be financed from the Federal Government's general revenues.

S. 502 provides for aid to noninterstate Federal highways in both rural and urban areas. The aid is allocated for both primary and secondary highways, and the appropriated funds will be drawn from the highway trust fund.

Mr. Speaker, I urge adoption of House Resolution 517 in order that we may discuss and debate S. 502.

Mr. LATTA. Mr. Speaker, House Resolution 517, provides for the consideration of S. 502, the Federal-Aid Highway Act of 1973 conference report. The rule waives all points of order against the conference report. This waiver was needed because in testimony before the Rules Committee, it was stated that there are 38 possible points of order that could be raised against the report. The possible points of order are as follows:

Sections in conference report (H. Rept. 93-410) Federal-Aid Highway Act of 1973 which are subject to a point of order on the ground that the conferees either exceeded the scope of their authority or that new material was added.

Section 102: *Authorization for the Interstate System*

Final conference figures above that in either bill.

Section 104: *General Highway Authorizations*

Final conference figures below that in either bill.

Section 105: *Definitions*

Definition of "urban area" expanded beyond either bill.

Section 109: *Federal-Aid Urban System*

New matter added. Designation by highway departments.

Section 110: *Removal of Designated Segments of the Interstate System*

Complete new subsection (h) added which allows an incorporated city to share the non-Federal costs that is needed to construct a segment of an Interstate System wholly within its boundaries.

Section 111: *Apportionment*

New matter added. Subsection (b) which authorizes that no state can receive less apportionment for the primary system than it received for the fiscal year ending June 30, 1973.

Section 121: *Public Transportation*

New matter added—subsection (k) which in essence says that no project shall be approved for the purchase of buses, passenger cars or rolling stock in any fiscal year where urban transportation funding or similar assured funding has been enacted to provide such funding for highway and public transportation.

Section 125: *Special Urban High Density Traffic Program*

The scope of the authorization for the use of this program has been broadened beyond that which appears in either bill.

Section 126: *Priority Primary Routes*

The limitation of 10,000 miles contained in the House bill has been removed and there is no top limit.

Section 129: *Great River Road*

The Federal share has been changed from the original House version and higher figures have been added for the last two years.

Section 133: *Study of Toll Bridge Authority*

New matter has been added under subsection (b) of this section, with the addition of the General Bridge Act of 1906.

Section 134: *National Scenic Highway System Study*

The scope of this study has been increased under subsection (b) of this section.

Section 140: *Metro Accessibility to the Handicapped*

Both bodies had 100% Federal funding for this program. This has been reduced to 80% Federal funding.

Section 145: *Donations*

New matter has been added to this section by the addition of the words "political subdivision."

Section 146: *High Speed Transportation Demonstration*

The addition of a study to this demonstration program is new material.

Section 147: *Rural Highway Public Transportation Demonstration Program*

Extended for one year beyond that contained in Senate bill.

Section 148: *Federal-Aid Systems Realignment*

Extended beyond the time period contained in either bill.

Section 149: *Toll Road Reimbursement Program*

New subsection (c) added which was not in the matter before the conferees.

Section 150: *Parkways*

New subsection (b) added.

Section 153: *Increased Federal Share—Effective Date*

Retroactivity with respect to prior obligations.

Section 155: *Highway Litter Study*

Expanded to include all systems.

Section 156: *Bridge Approach Standards*

New matter added.

Section 157: *Allocation of Urban System Funds*

New matter added.

Section 158: *Franconia Notch, New Hampshire.*

New matter added.

Section 161: *Highland Scenic Highway*

New matter added.

Section 163: *Demonstration Project—Railroad Highway Crossings*

Authorizations are general for all projects instead of specific as provided in matter in conference.

Section 164: *Financial Assistance Agreements*

New matter.

Section 165: *Bus and Other Project Standards*

New matter.

TITLE II

Section 203: *Rail-Highway Crossings*

Authorization for funding is reduced and revised.

Section 204: *Bridge Reconstruction and Replacement*

Authorization for funding is reduced and revised.

Section 205: *Pavement Marking Demonstration Program*

Authorization for funding is reduced and revised.

Section 208: *Drug Use and Driver Behavior Highway Safety Research*

Authorization for funding is reduced and revised.

Section 209. *Projects for High-Hazard Locations*

Authorizations are reduced and revised.

Section 210. *Program for the Elimination of Roadside Obstacles*

Authorizations are reduced and revised.

Section 214. *Pedestrian and Bicycle Safety Study*

Expanded to include bicycles.

Section 230: *Federal-Aid Safer Roads Demonstration Program*

All new material.

Section 231: *Bicycle Safety*

All new material.

TITLE IV

Section 402: *Conforming Adjustments*

New provision.

The report contains funding authority for continued construction of the Interstate Highway System with allocations from the highway trust fund; $2.6 billion for fiscal year 1974, $3.0 billion for each of fiscal 1975 and 1976, and $3.25 billion annually for 1977 and 1979, of which $12 billion is authorized in existing law. There is also $3.0 billion in contract authority for Federal grants for capital investment in mass transit facilities to be financed from the Federal Government's general revenues.

The deadline for States to schedule the construction of their remaining interstate segments is extended in the conference report from July 1, 1973, to July 1, 1974.

Mr. Speaker, I urge the adoption of this rule in order that the House may begin debate on the conference report.

Mr. YOUNG of Texas. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. WRIGHT. Mr. Speaker, I call up the conference report on the bill (S. 502) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of July 27, 1973.)

The SPEAKER. The gentleman from Texas is recognized for 1 hour.

Mr. WRIGHT. Mr. Speaker, I yield myself 3 minutes.

I would simply like to explain that this is the conference committee report on the highway bill. It has been hammered out on the anvils of mutual compromise with the other body.

The bill contains the authorizations for the next 3 years for various highway construction progams, $3 billion for mass transit capital grants on an 80–20 matching formula, and an innovative new title on the subject of highway safety.

I am convinced that this bill as it now emerges in the form of this conference committee report is a good bill, a sound bill, and undoubtedly the best bill that could have been achieved under the circumstances. It is a true compromise.

We encountered in the conference committee strong feelings on the part of our conferees representing the Senate. Yet they were conciliatory and harmonious, in many instances yielding to the position of the House. I think it is impossible to say that either House predominated more than the other.

The bill addresses the problems of the States and the cities for highways, for mass transportation facilities, and for highway safety. It is structured in such a way as to permit the States and cities of our Nation to look ahead and make intelligent plans for addressing the urgent transportation problems of the next 3 years.

So I earnestly urge all Members of the House to join in giving this conference committee report a resounding vote of approval.

Mr. Speaker, at this time I should like to yield to the chairman of the full Committee on Public Works, the gentleman from Minnesota (Mr. BLATNIK).

Mr. BLATNIK. Mr. Speaker, I rise in hearty support of the conference agreement on S. 502, the Federal-Aid Highway Act of 1973.

The Members who represented this body in conference—headed by their distinguished chairman, JIM WRIGHT of Texas, have labored for many long, tedious and almost continuously frustrating months under the most difficult circumstances, to achieve a realistic resolution, The other conferees are—Mr. KLUCZYNSKI, of Illinois, Mr. JOHNSON of California, Mr. STANTON of Ohio, Mr. HARSHA, of Ohio, the ranking minority member, Mr. CLEVELAND, of New Hampshire, Mr. DON CLAUSEN of California, and Mr. SNYDER, of Kentucky.

At this point, I think it is not only proper, but justifiable, to extend a truly earned and most earnest commendation to the House conferees. Mr. WRIGHT, who, in addition to his thorough knowledge of all the intracacies of this enormous piece of legislation, demonstrated outstanding skill in finally breaking through what—for weeks on end—appeared to be a hopeless impasse, and, in the finest sense of legislative skill, and delegation leadership, made possible the reconciliation which resulted in a realistic resolution of the many issues involved in this bill.

In so commending and congratulating Mr. WRIGHT, I also express my deepest appreciation to all of the House conferees, from both sides of the aisle, for the extraordinary achievement in terms of time and a truly concerned and deeply thoughtful effort to sustain the House position, yet make—in a prudent manner—the necessary accommodations, that had to be made, to reconcile the legitimate, although divergent, points of view on the part of a majority of the Members of the other body.

The spending authorized for our Nation's transportation systems in this conference agreement is less than the House proposed; in my judgment, it is not enough to satisfy our real highway and mass transit needs. But it represents the best achievable compromise between the President's minimal proposals and the recommendations of the House.

Despite the fiscal restraints imposed on our transportation program, this agreement embodies a great many sound provisions that amply justify its approval, notably in the area of highway safety.

Your conferees upheld the House on the need for a massive national effort to cut down the needless toll of death and injury on our highways, to eliminate dangerous grade crossings, rebuild and repair unsafe highway bridges, remove hazardous roadside obstacles, and provide improved pavement marking for the protection of both drivers and pedestrians.

This conference agreement retains the House provision for improvement of priority primary roads connecting to the Interstate System. This is one of the most important provisions of the 1973 highway legislation, because it goes directly to the heart of a problem that confronts both urban and rural areas—the deterioration of heavily traveled primary roads which have suffered from neglect during the 16 years in which our attention and our funds have been concentrated on the Interstate System.

The concept of setting aside a separate category of money under the title of "Priority Primary" has its genesis in three main principles. First, the emphasis on construction of the Interstate System has produced an obvious decrease in the funds available for our primary roads in both rural and urban areas. Second, the lack of adequate access roads to the Interstate System has, in some cases, made it difficult to use the Interstate System to its full potential, or has created traffic bottlenecks approaching parts of the Interstate System; and third, it has been found that an intermediate system of roads supplementing the Interstate System is required in many areas which although of lesser importance than the Interstate itself is of somewhat higher importance than the regular primary system.

This legislation provides additional money over and above the normal Federal-aid assistance to the States in the amounts of $100 million for fiscal year 1974, $200 million for 1975, and $300 million for 1976 for improvements on the primary system which are deemed the most important by the State highway departments and the Secretary of Transportation.

Because these routes lie in both rural and urban areas the apportionment of funds has been designated as 50 percent from the regular rural primary funds in the law and 50 percent from the formula for extensions of the primary system in urban areas.

A priority primary route may be developed to standards which range from a high-type two-lane rural road, to a controlled-access urban highway, depending on the traffic requirements of the route itself. "High traffic" is a relative term in the sense of what the composition of the traffic itself might be. A rural road carrying 3,000 vehicles a day, many of which are heavily laden trucks carrying grain, wheat, or pulpwood or timber to major shipping ports, for example, may be just as important in a priority sense as a suburban road carrying 20,000 vehicles a day most of which is composed of automobile commuter traffic. Each route may require a different type of treatment but each may be of similar relative priority.

The concept then of priority primary routes is one which is designed to face up to an immediate problem on a large portion of the most important routes connecting to or supplementary to the Interstate System. This is in keeping with a new declaration of policy contained in the bill which states that as the final phases of the Interstate System are completed increased emphasis be placed on the construction and reconstruction of the other Federal-aid systems.

This provision will be of enormous help not only to urban areas but to our rural and semirural areas whose needs have too long been neglected. And the program for economic growth center development highways, which offers a great opportunity for economic revival in countryside America, has been expanded and made a permanent part of our national highway effort.

There are many more provisions in the agreement which warrant the overwhelming support of the House, Mr. Chairman, including continued funding for the Great River Road to preserve the historic and scenic features of the Mississippi River Valley; authority for Federal aid in the construction of bicycle trails, forest highways and trails, and Indian reservation roads and bridges.

Beyond that, the agreement recognizes the transportation needs of our congested urban centers and provides the authority they seek for both mass transit and essential urban highways.

Mr. Speaker, I ask for overwhelming approval of this conference report.

Mr. JONES of Alabama. Mr. Speaker, will the gentleman from Texas yield?

Mr. WRIGHT. I yield to the gentleman from Alabama.

Mr. JONES of Alabama. Mr. Speaker, I want to commend the members of the conference committee for their unusually difficult chore in resolving the differences in the versions of this legislation previously approved by the two bodies. The gentleman from Texas, Representative Jim Wright, did an outstanding job as chairman of the conference to see that the problems were resolved so that our Nation's great transportation program can go forward.

He was ably supported throughout the difficult negotiations by the other members of the conference committee, Chairman John A. Blatnik, Representative John C. Kluczynski, Representative Harold T. Johnson, Representative James V. Stanton, Representative William H. Harsha, Representative James C. Cleveland, Representative Gene Snyder, and Representative Don H. Clausen. They all have performed a great service for the House Public Works Committee and for this body.

In dealing with complex and sometimes emotional issues, the conferees have displayed the patience of Job.

As careful reading of the House bill and reports will indicate, the Public Works Committee supports a transportation program that will provide the necessary balance for all the people of this country.

The conferees have done a remarkable job of maintaining a balanced approach to our Nation's transportation requirements.

The authorizations provided in the conference report will enable the States and urban areas to make their plans for the most efficient and economical engagement of the funds to be made available for various transportation needs.

The innovations and new initiatives called for in this legislation will enable the people of this country to have greater freedom of movement and will continue to provide benefits in the form of savings in time and money and prevention of needless deaths and injury through improved roads and highways.

I commend the efforts of the conference committee and I urge approval of the conference report.

Mr. HARSHA. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New Hampshire (Mr. Cleveland), one of the conferees.

Mr. CLEVELAND. Mr. Speaker, because of my opposition to opening up the trust fund for urban mass transit, including subways, I have not signed the conference report. My position is that there has not been adequate exploration of the rationale for rail transit diversion, much less a persuasive case for it established.

Nevertheless, I intend to vote for the bill because it does afford an opportunity to explore the matter of separate trust funding for mass transit. I hope the Public Works Committee and other committees of the House will address themselves to this promptly. The bill does contain worthwhile provisions.

One is compromise long sought by Senator Norris Cotton and myself to permit substantial improvement in the road passing through Franconia Notch in our home State of New Hampshire, while safeguarding the park-like atmosphere of the area adjacent to the highway.

Our compromise permits the construction of a parkway-type segment for Interstate Route 93, financed by interstate funds but with all interstate construction and design standards waived. Thus the 12-mile stretch of I93 will be built to geometric and construction standards based solely on the safety of the traveling public, the environment and the park-like character of the historic Notch. As House sponsor of this provision in the conference committee, I regarded this exception as essential in view of the scenic attractions of the area, including the rock formation known as the Old Man of the Mountains, which attracts countless tourists to the area. Such scenic attractions and magnificent skiing opportunities generate a great deal of traffic through the Notch, in addition to the vital commercial traffic for which the existing road serves as the most practicable route available.

Our selection of the term "parkway-type" highway, which has no rigid definition in law, and imposes not specific standards, has been deliberate to provide the State of New Hampshire and the Secretary of Transportation, with whom the ultimate responsibility for decision lies, the broadest possible range of options. This is to provide the maximum flexibility in designing the facility and controlling its use to achieve the economic and environmental compromise which all interested parties agree is our common objective.

Our regard for environmental values which led to rejection of interstate standards also necessitated an inherently related element of compromise.

Given the seasonal—and even hourly—fluctuation in demand for conflicting uses of this highway, the bill gives the State of New Hampshire with the concurrence of the Secretary of Transportation, the authority to vary permitted uses of this segment by specified types of vehicles during certain times of the day and of the year. For example, it would be incumbent on the State of New Hampshire not to permit the use of the Notch highway by large and slow-moving trucks during peak periods of high recreational travel during certain hours on certain weekends or holidays, but permit such use during days and during hours of low recreational use. Recreational travel is particularly heavy on the Fourth of July and Labor Day weekends, and during the first week in October when the foliage is at the peak of its splendor. It is also extremely heavy during the day while the skiing season is at its peak, even though the road would be practically unused by recreational travelers after early-evening hours and thus available to commercial traffic.

Mr. Speaker, this represents a true compromise, a balancing of environmental and economic interests. As the joint explanation of the conference report indicates, there was no House provision in the initial bill, because of a point of order. The Senate language has been substantially changed, but with the complete agreement of Senator Cotton, the original Senate sponsor.

Before I conclude my remarks, Mr. Speaker, I would like, for legislative history and clarification, to inquire of my friend, the gentleman from Texas (Mr. Wright) who served with distinction and patience as our chairman of the conference, a question.

The SPEAKER. The time of the gentleman from New Hampshire has expired.

Mr. HARSHA. Mr. Speaker, I yield 1 additional minute to the gentleman from New Hampshire.

Mr. CLEVELAND. Mr. Speaker, my question is this: For legislative history and clarification, I would like to inquire of Mr. Wright, the distinguished chairman of the conference.

My question is addressed to the language concerning permitted uses by specified types of vehicles during specified times of the day and of the year contained in section 158. It is my understanding that the State of New Hampshire should have the authority not to permit use of this stretch of highway by heavy commercial vehicles during peak periods of recreational and tourist travel. But given the route's historic role as a vital north-south economic and communications artery, as well as a recreational one, the State should also have the authority to permit use by heavy commercial vehicles at other times. Does the gentleman agree that this is the intent of our language in section 158?

Mr. WRIGHT. Yes, of course I do. If this stretch of highway through that beautiful section known as the Franconia Notch remains, as it will, a part of the Federal Interstate System or the Federal-aid-to-highways system, certainly its use by heavy-duty vehicles, such as trucks and others, at times which do not interfere with the peak recreational traffic would be proper.

The SPEAKER. The time of the gentleman from New Hampshire has again expired.

Mr. WRIGHT. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. Speaker, I would like to commend the gentleman from New Hampshire for the compromise which he worked out with us in the conference on this section. I do agree with his interpretation of the legislative intent.

Mr. CLEVELAND. Mr. Speaker, I thank the gentleman very much. I would like to invite him during the coming recess to come up for an on-the-spot visit to that beautiful notch if he does not have other plans.

Mr. PATTEN. Mr. Speaker, will the gentleman yield?

Mr. CLEVELAND. I yield to the gentleman from New Jersey.

Mr. PATTEN. Mr. Speaker, does the gentleman have a map of what he is talking about through the notch?

Mr. CLEVELAND. I do. I have plenty of them. I would be glad to furnish the gentleman with a map, and all other Members, too. I invite them to enjoy the splendors of the Granite State during the August recess or at any other time.

Mr. HARSHA. Mr. Speaker, I yield to the gentleman from California (Mr. Don H. Clausen).

Mr. DON H. CLAUSEN. Mr. Speaker, it has been my privilege to serve as a conferee on behalf of this body on the Federal-Aid Highway Act over the past several months. I support the conference report and urge my colleagues to vote for it.

The bill being offered today is the composite result of some 3,460 legislative man-days of concentrated and almost daily effort. It has been a long, painstaking and trying experience for everyone involved, but it has also been a very constructive and productive undertaking. I want to pay the highest tribute to Chairman Jim Wright, all the members of the conference and our extremely able staff members for the exceptional negotiating team efforts on behalf of the House, during this record-breaking, long, and grueling conference.

Mr. Speaker, let me say at the outset that it is absolutely essential that we pass this comprehensive legislation for the ongoing development of our highways and mass transit programs as quickly as possible so that it may be placed before the President at the earliest possible moment. The many programs embodied in this legislation are vital to the Nation and have already been delayed much too long.

While I, of course, do not fully agree with every provision in this bill, it nevertheless represents a sound and reasonable compromise that has been very carefully and laboriously worked out. As such, it is, in my judgment, the best bill attainable under the circumstances and I shall support it.

The contents of this legislation are so broad and comprehensive that it is virtually impossible to speak on every aspect of it, but I would like to comment briefly on some of its more important features. When this bill was originally before the House I spoke at some length on the issues involved. Today, however, I would like to be more specific.

The principal issue before the conferees on the Federal-Aid Highway Act of 1973 was the diversion of moneys from the highway trust fund for the construction, reconstruction, and improvement of rail mass transit facilities and for the purchase of buses and rail mass transit rolling stock. The bill as passed by the Senate would have made all funds authorized to be appropriated for the Federal-aid urban system for fiscal year 1974 and subsequent years available for the construction of fixed rail facilities and for the purchase of passenger equipment, and, in addition, would have made all sums authorized to be appropriated for the urban extension of the Federal-aid primary and secondary systems for fiscal year 1974 and subsequent years available for the purchase of buses.

I joined with other House conferees in vigorously opposing these diversions from the highway trust fund; however, after numerous meetings and much debate it became apparent that the conferees representing the other body would not agree upon a highway bill unless there were provisions for the diversion of rail mass transit of some funds authorized by that bill. The compromise that was reached and which is embodied in the conference report preserves the nondiversion features of the House-passed amendment to the Senate bill with respect to all funds authorized for fiscal year 1974, not to exceed $200 million of funds authorized for the Federal-aid urban system (D funds) for fiscal year 1975 may be made available for the purchase of buses. The diversion to rail mass transit has been postponed until funds authorized for the Federal-aid urban system for fiscal year 1976 have been apportioned at which time these funds, and these funds only, will be available for the construction of rail mass transit facilities and for the purchase of buses and rail rolling stock. These projects are to be carried out in accordance with all of the provisions of title 23 of the United States Code applicable to the Federal-aid urban system, except to the extent determined inconsistent by the Secretary of Transportation.

I am opposed to the diversion of highway trust fund moneys for expenditure for nonhighway purposes so long as the present and future essential highway needs of the Nation have not been provided for and the Interstate System is some 10 years from completion. This does not mean, however, that I am opposed to providing assured adequate funding for mass transit. In fact, I have advocated for several years the creation of a third trust fund, a mass transportation trust fund, to finance the many public mass transportation systems that are needed so badly in many of the urban areas of this country. In recognition of this need for assured funding for mass transportation, and, so as to avoid, if possible, the diversion of highway trust funds for rail mass transit purposes, the conferees agreed to include in subsection (k) of section 142 of title 23, United States Code, as amended by section 121 of this bill, a provision that the Secretary of Transportation shall not approve any project for the construction, reconstruction, or improvement of fixed rail facilities or for the purchase of buses or rail rolling stock in any fiscal year when there has been enacted an urban transportation trust fund or similar assured funding for both highway and public mass transportation. This provision was included in the conference report so as to permit the Ways and Means Committee of the House and the Congress as a whole to consider the creation of a mass transportation trust fund or other assured funding for public mass transportation before the actual diversion of highway trust fund moneys to rail mass transit occurs following the apportionment of the D funds authorized for fiscal year 1976.

Thus, the House conferees have avoided the violation of section 209(f)(1) of the Highway Revenue Act of 1956, which limits the use of highway trust fund moneys to obligations incurred in carrying out the Federal-aid highway laws attributable to Federal-aid highways, without giving the Ways and Means Committee and the Congress an opportunity to provide other assured funding for public transportation. It is my sincere hope that the Ways and Means Committee will give early attention to this most important matter and that the Congress will enact a law to establish, and provide continuing revenues for, a mass transportation trust fund, or otherwise provide assured funding for mass transportation during the year to year and a half before the D funds authorized for fiscal year 1976 are apportioned. I pledge my full support to the Ways and Means Committee in this endeavor, for I continue to believe that the need for continuing highway improvement is so essential to the economic, communication, and transportation life of this country and to provide for the safety of persons using the highways that we will have perpetrated a great disservice to the people of this country if we ultimately permit the diversion of highway trust fund moneys to other purposes while the resources of that fund are inadequate to meet even the most essential highway and highway safety needs.

As the Members of this body are well aware, the question of diverting highway trust fund moneys for urban rail mass transit was a key and controversial issue in committee, here on the floor, and in conference, and there is no doubt in my mind that it will remain a controversial issue for years to come. In all candor, there were very strong and justifiable feelings held and expressed on both sides of this question. In the final analysis, however, the critical and urgent need to immediately enact a long-overdue highway bill prevailed and, in a sense, provided the catalyst for compromise on this and other differences in points of view held by the various conferees.

While I personally question the wisdom, the soundness, and the practicality of diverting highway trust fund moneys for nonhighway purposes, the highest legislative body of this land has now worked its will on this question and I accept and shall abide by their decision. It is my sincere hope that this arrangement and the provisions contained in this bill to implement it will do the job intended and contemplated by its advocates.

This Federal-Aid Highway Act which we present for your consideration today contains $3 billion in contract authority for Federal grants for capital investment in mass transit facilities to be financed from the Federal Government's general revenues and the agreement reached in conference sets no time limit for distribution of these grants. This $3 billion authorization is up and above the $3.1 billion already authorized for such grants under the Urban Mass Transportation Act of 1964, the bulk of which has already been obligated.

In addition, beginning in fiscal 1975, major metropolitan areas and certain smaller urban areas would have the option of using their "urban system" allocation from the highway trust fund for either roads of passenger bus purchases, up to $200 million. Then, commencing in fiscal 1976, they could use all or any part of these allocations for buses, fixed rail transit systems, or highways—however, no trust funds could be used for mass transit operating support assistance. This identical option for 1976 would be available during fiscal 1974 except that any such mass transit grants would come from the general fund rather than the highway trust fund.

In addition, under a "transferability clause" included in the Conference agreement, urbanized areas would be per mitted to "trade" their allocations for "controversial" interstate segments for an equal dollar amount of mass transit grants from general revenues. These grants could be used to build rail lines or to buy rolling stock for any approved mode of public transportation. Moreover, highway funds for the A, B, C, D, and Interstate System may also be used for exclusive or preferential bus lanes, fringe and corridor parking areas, and other facilities to assist public mass transportation. In this regard, publicly owned transportation authorities may use, without charge, any portion of a Federal-aid highway right-of-way where sufficient land is available to accomodate needed rail or nonhighway public transit facilities.

Other important provisions of this legislation include funding authority for Interstate Highway System, the A, B, C, D system, the priority primary system, the special urban high density traffic program.

Of significant interest in this bill are the provisions for funding economic growth center development highways, the highway safety program, and bicycle transportation development.

The bill authorizes $40 million for the development of a bicycle transportation program in conjunction with the Nation's highway program. I introduced legislation with a similar intent just following the opening of the 93d Congress and I am very pleased that we were successful in including and retaining this provision in the final version of the bill.

The primary goal of this proposal is to provide for a separation of bicycles and automobiles in order to ensure the safety of both the motorist and the cyclist. At present, the bicyclist all to often finds himself competing with cars and trucks on our highways, roads and streets. For obvious reasons, the cyclist has a distinct and dangerous disadvantage in such competition and thus I believe we should consider his safety by encouraging the multiple us of our road network.

The "economic growth center concept" is converted in this bill from a demonstration program to a permanent part of our national highway system and I am of the view that it is one of the most important provisions of this legislation in that it reflects Congressional concern and consideration of the need to work toward a national policy of fiscal and institutional decentralization and a much needed revitalization of our rural areas. Unless and until we institute such a policy, we will never really be effective or successful in easing the tremendous pressures and burdens on our major metropolitan centers which are so seriously overcrowded today. This provision, in my judgment, is a positive and forward-looking step in that direction.

This bill also requires the Secretary of Transportation to report to the Congress on the feasibility of initiating a national scenic highway system to join together areas of unique natural and scenic beauty throughout the country. One such route that has been suggested is the Yellowstone to the Redwoods scenic highway route which would join Yellowstone National Park to the Redwood National Park and thereby traverse some of the most uniquely beautiful terrain to be found anywhere in America. In addition, I believe the Secretary will consider a route linking the Golden Gate National Recreation Area with the Olympic National Park in the State of Washington. Such a scenic highway would provide a coastal panorama of immense esthetic value.

Another needed and important provision included in our bill is authorization to permit the use of preferential lanes on Federal-aid highways during nonrush hours. I strongly support this provision which could lead to a redirecting of trucks from certain metropolitan area highways to exclusive truck lanes during peak commuting periods. This could result in a very desirable separation of trucks and cars in congested areas that would be safer and more functional for both. I hope this provision can be promptly implemented.

The highway safety portion of the bill is most important and essential in its own right. It is based on an in-depth and wide-ranging highway safety study by our committee. In my view, there is no question that this bill does more to make our highways safer than any previous highway legislation ever considered by the Congress.

It has been my privilege to serve on this Public Works Committee and on many of the Senate-House conferences with Congressman HARSHA.

The country and the traveling public must be deeply in the debt of this gentleman from Ohio for his outstanding and extraordinary leadership in this vital area of highway safety.

His brilliant, perceptive, and innovative talents have brought to this Congress the product of his long-time efforts in the form of title II of the Highway Act of 1973.

There were those who wanted to cut or alter the program. There were those that did not want to give it the funding priority the safety program deserved. But, BILL HARSHA stood firm in his determination to keep it intact in this conference.

Mr. HARSHA has been recognized by international safety organizations as an expert in this field. To me, he should be recognized as the "champion of highway safety" here in the Congress.

I take great pride in the fact that I have been closely associated with BILL HARSHA in advancing his highway safety ideals through the legislative process. The people of America will benefit for generations to come.

In 1972 over 56,000 lives were lost, almost 4 million people were injured and economic losses estimated in excess of $40 billion were sustained in highway mishaps. Now, preliminary figures for 1973 indicate that deaths continue to mount at over 4 percent annually, possibly yielding a toll as high as 58,000 or more traffic deaths before the year is out.

According to Howard Pyle, president of the National Safety Council, unless something drastic is done to reduce the carnage on our highways, between now and 1980, we can expect to lose: 18,000 under 5 years of age, 40,000 5 to 14 years of age, 188,000 15 to 24 years of age, 157,000 25 to 44 years of age, 107,000 45 to 64 years of age, and 90,000 65 years of age and over; for a grand total of 600,000 traffic deaths over the next 10 years.

The time has come to call a halt in this unnecessary killing. The time has come for an end to alarmist rhetoric about highway safety and a firm commitment to realistic programs which will reverse the escalating tide of mayhem on our highways.

It was this realization that prompted Congressman BILL HARSHA, of Ohio, to introduce what is surely the most ambitious highway safety legislation in history. The essence of his proposal has now been approved in conference.

The new programs contained in the conference report would launch five action programs on those highway-related factors which contribute most to accidents. In combination, these five programs should make a measurable dent in the accident-injury toll. Included would be programs to:

Install pavement markings on those rural highways where two-thirds of traffic fatalities now occur and where pavement highways have been demonstrated as cost-effective countermeasures.

Provide traffic control devices and improvements at the thousands of already identified high hazard locations where the expected safety and mobility benefits suggest cost-effective benefits.

Remove or ameliorate roadside obstacles, both natural and man made, that vehicles are apt to hit or incur further loss on control from, when they leave the traveled way either because of driver loss of control or as part of a collision avoidance maneuver.

Provide protection at all railroad crossings through the development and installation of new passive control signing and, where cost-effectiveness warrants it, to provide the means for yet more efficient transportation through either separation, relocation or installation or pertinent active warning devices.

Reconstruct or replace or install safety improvements on dangerously deficient bridges which threaten life and hinder mobility on the highways of our land.

Approval and vigorous implementation of these five action programs will produce dramatic results in the form of lives saved and accidents prevented. I might add that the flexibility is built in as an integral part of these programs.

The categorical grants which comprise the five "action" programs will effect safety improvements on the Federal-aid system. For off-system improvements, the conference report establishes a Federal-aid safer roads demonstration program. It would require each State, by June 30, 1974, to identify hazards to be corrected off the Federal-aid system under this program and assign priorities for their correction. Such hazard correction projects would fall into three major categories: First, projects to improve highway marking and signing; Second, projects to eliminate roadside obstacles; and Third, projects to eliminate hazards at rail-highway grade crossings.

To carry out this demonstration program over the next 3 fiscal years, a quarter of a billion dollars in highway trust fund moneys would be provided.

The Federal share in these safety improvement projects and those authorized by the five categorical grant "action" programs would be 90 percent.

In addition to the "action" programs, the act contains funding for National Highway Traffic Safety Administration and Federal Highway Administration section 403 programs at adequate levels. For State programs authorized under section 402, gradual increases over the next 3 years are proposed.

The objective here would be to provide a sufficient level of funding for Federal, State and local programs to increase and expand present efforts across-the-board, including the continued application of promising alcohol abuse highway safety countermeasures that, through continuous implementation and rigorous evaluation, may point the way to a more effective overall safety program.

Supplementing these on-going programs, are three research efforts offering great promise and potential. They are:

First. A pavement marking research and demonstration program aimed at (1) developing new devices and related delineating technology to provide motorists with cost-effective means for control and guidance under normal, as well as, adverse weather conditions and (2) advancing technology of traffic control markings by (a) analysis of application methodology and (b) continuous, significant evaluation of pavement markings with respect to both safety and capacity objectives.

Second. A new research program concentrating on drug-using and high-accident probability drivers. At the present time, very little is known about either type. If we are to successfully cope with the highway safety problem, we must learn more about the role and contribution to the accident picture that drivers in both categories play. It may be we will find that, in combination, alcoholic, drug, using and high-accident probability drivers are responsible for a major share of traffic fatalities.

Third. A driver education evaluation program—DEEP—wherein, through wide scale controlled field application training programs better understanding of various educational methods and techniques can be achieved.

Five additional studies of great promise are also included, all of which could yield handsome safety dividends. The first would explore the potential of using mass media, principally television, for alerting, educating and involving the American driving public in the cause of highway safety. Preparation of a series of educational safety films for use on TV and elsewhere would also be authorized and funded.

The second study would address itself to the question of how to involve the American people in the cause of highway safety. No safety effort can hope to succeed if people remain indifferent and uninvolved. Finding ways and means to encourage greater participation in the traffic enforcement and rescue process could save lives and go far toward converting the safety effort into a safety crusade.

The third study would explore the feasibility of establishing a National Center for Statistical Analysis of Highway Operations. One of the greatest weaknesses of the present program is the paucity of specific, up-to-date, operational data to support action programs. The trouble is that without adequate information, untold millions in safety moneys may be spent unwisely. Many States are now engaged in upgrading their accident investigation procedures. The next logical step will be to establish a national center to correlate and, where appropriate, disseminate the information gathered. With such a center in operation, we can be sure that we are putting our safety moneys where our safety problems really are.

The fourth study is most important. The Highway Safety Act of 1966 directed the Secretary of Transportation to conduct a study of highway safety needs to serve as a guide for the funding and implementation of that landmark legislation. The findings, conclusions, and recommendations of that report require updating. Particularly is this necessary in view of the alarming increase in traffic mishaps in recent years. An up-to-date needs study is necessary to assure that realistic highway safety goals are planned, programed, funded and successfully implemented.

A fifth and final study of pedestrian and bicycle safety would also be authorized. Approximately 10,000 pedestrians and 1,100 bicyclists died last year alone, roughly one-fifth of all traffic fatalities. Children and the elderly are the principal victims of these types of mishaps. While concerted efforts have been made to reduce the pedestrian and bicycling toll, a full and complete investigation and study is needed to develop new methods and techniques for coping more effectively with these safety problems.

Possibly, the most important safety provisions in the whole bill, however, are the two new incentive grants to be awarded to States for compliance with highway safety programs—section 219 of the conference report. The first of these expands on the recommendation of the administration for a sense of Congress resolution favoring the adoption of mandatory seatbelt legislation by the States. It authorizes the Secretary of Transportation to make substantial awards, up to 25 percent of section 402 apportionments, to those States adopting laws requiring the use of seatbelts.

Even if the controversial air bag fulfills the lifesaving promise of its proponents in a cost-effective way, not until the mid-1980's will the vehicle population of America be equipped with such devices. During the intervening period, seatbelts, which are already installed on most vehicles, offer the greatest promise of saving lives—that is if people will only use them.

Where mandatory seatbelt laws have been adopted, fatality reductions exceeding 20 percent have been achieved. At a minimum, this would effect a saving of 8,000 lives each year in this country. By providing substantial incentives, the adoption of such laws will be spurred thus leading to the saving of thousands of Americans—men, women, and children—each year.

Woven throughout the entire fabric of the Highway Safety Act of 1973 is the requirement of rigorous evaluation and reporting as an integral part of each and every program, research effort and study authorized. The Secretary of Transportation is instructed to report to the Congress annually on the status and the results achieved in each in a manner that will not only supply vitally needed information but will also provide the Congress with the input necessary to determine whether such programs, research and studies are achieving the purposes for which they were created. In this way, the best interests of the Nation and the American people can be truly served.

I believe that enactment of the foregoing recommendations, coupled with their full funding and rigorous implementation by the Department of Transportation will mark the end of the beginning of this Nation's efforts to reduce the carnage on our highways. Through these measures we can save 10,000 perhaps 15,000, and maybe more lives each year. Commensurate reductions in accidents, injuries and property damage will also occur.

The price tag for achieving these results will be high. For fiscal 1974, $461 million will be required; for fiscal 1975, $763 million; for fiscal 1976, $800 million. But if such funding is made available and vigorous leadership is provided at the Federal, State, and local levels, thousands upon thousands of Americans will live full and happy lives who might otherwise have perished in needless and senseless highway mishaps.

I am also pleased that the conference report includes a commitment in the House bill to earmark funds for the improvement of locations where highways and railways cross. These crossings are the scene of hundreds of fatal accidents each year and, to date, we have fallen behind in our efforts to modernize and safeguard them. The funds in this section will be utilized for needed protective devices as well as for the complete separation of the two.

In closing, Mr. Speaker, I believe we have before us today a good bill, a desperately needed bill, a long overdue bill, and as I said at the outset, the best possible bill under all the prevailing circumstances. Thus, I respectfully urge prompt and favorable passage.

Mr. HARSHA. Mr. Speaker, I yield to the gentleman from Mississippi (Mr. COCHRAN), a member of the committee.

Mr. COCHRAN. Mr. Speaker, this bill, as a result of conference, contains much needed authorizations over the next 3 years for the planning and construction of parkways throughout our Nation. I am very pleased that the amendment I had the privilege of offering in the Public Works Committee to increase the amount available for such parkways from $75,000,000 to $225,000,000 was retained with only a $15,000,000 reduction. In my own district, we have been working for my entire lifetime on the completion of the fabled Natchez Trace Parkway, a prime example of the beautiful and scenic parkways we have in this country. It is my sincere hope that, with this strong step forward, funds will soon be appropriated by this House to insure the prompt completion of the Natchez Trace Parkway.

Mr. HARSHA. Mr. Speaker, I yield to the gentleman from Illinois (Mr. HANRAHAN).

Mr. HANRAHAN. Mr. Speaker, after much deliberation, I wish to indicate that I will vote in favor of the Federal Highway Safety Act of 1973, as reported by the House-Senate conference committee to the House of Representatives.

I believe that this proposed act is essentially a necessary and beneficial piece of legislation, with one glaring defect. During the conference committee's extensive deliberations, language allowing the city of Chicago to proceed with construction of the Crosstown Expressway, I–94, in spite of the Governor of Illinois' strenuous objections, was added to the conference committee's report. As an opponent of the Crosstown Expressway, I wish to state my great disappointment that this step was taken without the express approval of either the Public Works Committee or the House as a whole. As matters now stand, the conference committee's report must either be accepted as a whole or totally rejected. While I fully support the many fine transportation provisions contained in the conference report, I am firmly opposed to the construction of the Crosstown Expressway.

It is thus with mixed emotions that I vote in favor of this legislation. I find it both depressing and ironic that within the same conference committee report there is now language allowing both diversion of funds from the highway trust fund for mass transportation and permission for the city of Chicago to undertake construction of an expensive, unnecessary expressway.

In my view the Crosstown Expressway should not be built for the following reasons:

First. The cost is prohibitive. It is conservatively estimated that the Crosstown Expressway will cost the taxpayers of the United States over $900 million. In addition, the taxpayers of Chicago will be assessed an additional $100 million as the local share. This would mean a minimum construction cost of over $50 million per mile of expressway.

Second. The Chicago metropolitan area is desperately in need of expanded mass transportation in order to reduce the number of automobiles used to travel from homes to jobs and back. The answer to Chicago's transportation crisis does not lie in building more concrete expressways, but in greater reliance on mass transportation.

Third. I believe construction of the Crosstown Expressway will result in higher levels of air pollution in areas near the proposed expressway route. It is readily admitted by Crosstown's proponents that the expressway will generate increased use of the private automobile as a means of transportation by people living near the expressway.

Fourth. Approximately 10,400 persons are expected to be displaced by the demolition of a 22-mile strip necessary to clear a path for the Crosstown Expressway. Although the Federal Relocation Act of 1970 provides for replacement housing, there has been no detailed specific plan prepared by the city of Chicago to provide for construction of such replacement housing prior to displacement. Until such a detailed plan is presented by the city of Chicago, it is ridiculous to consider construction of the expressway.

Fifth. The city of Chicago and specifically Crosstown Associates, the expressway's planners, have refused to reveal the specific route and key details relating to the Crosstown Expressway's construction. A full explanation of all aspects of this proposal is absolutely necessary before approval is granted to begin construction.

Sixth. There is a tremendous need for greater citizen participation in determining the final plans for any public work of the magnitude of the Crosstown Expressway. Up until now, the city of Chicago has only perfunctorily allowed citizens and businessmen to have any influence on the details of the expressway's construction.

In short, I strongly feel that it would be a great mistake for Congress or anyone else to approve the construction of the Crosstown Expressway. Although I will vote in favor of accepting the Conference Committee's Report on the Federal Highway Safety Act of 1973, I wish the record to clearly indicate that I am firmly opposed to granting the city of Chicago any authority whatsoever to begin construction of the Crosstown Expressway.

I include editorials at this print in the RECORD.

EDITORIAL—THIS IS AN EXPRESSION OF EDITORIAL OPINION BY STATION WMAQ–TV, DILLON SMITH, EDITORIAL DIRECTOR

This week Newsfive has reported on the proposed Crosstown Expressway. Now an editorial.

The best argument for the Crosstown, maybe the only valid one, is that it would take truck and auto traffic off the Kennedy and Dan Ryan Expressways.

The worst thing would be the cost—more than a billion dollars.

Mayor Daley and other supporters of the Crosstown have made a lot of claims that Newsfive has discovered are largely unsubstantiated.

It does seem logical this highway would stimulate new development on the West Side and could keep existing businesses there. But there's no proof of this.

City officials claim a study by the Northeastern Illinois Planning Commission shows the Crosstown would reduce air pollution. The Commission says it never made such a study.

Advocates of this highway contend it would not be difficult to relocate 4,000 families and 1,300 businesses, but secret memos prepared by Crosstown planners indicate there would be a relocation crisis.

Chicago does need an alternative to traffic congestion in the down town area. But nine million dollars have been spent designing and promoting the Crosstown and we still do not have evidence that it is the best solution.

The city should look for an alternative to the Crosstown, some solution that would not cost a billion dollars and force thousands of people out of their homes.

(This editorial was broadcast at various times on July 19, 1973.)

WGN EDITORIAL—CROSSTOWN EXPRESSWAY—No. 1

Sorting out the pros and cons concerning the proposed Crosstown Expressway is not an easy task. We have been making the effort, however, and concluded that the Crosstown should NOT be built. Some of our reasoning is as follows:

First, there's the consideration of traffic congestion. Supporters of the Crosstown Expressway say it will provide an alternate route for those going between the far north and far south sides of the city or the suburbs in those directions . . . an alternate to the Dan Ryan-Kennedy-Edens system, which brings a lot of traffic to the downtown area. This argument continues that since much of the traffic isn't concerned with downtown, a by-pass route would reduce traffic to reason at the hub of the expressway system.

We'd like to point out that there is a route for the by-passers. It's called the tri-state tollway, and while it isn't free, as the Crosstown would be, it does the job, all the way from Wisconsin to Indiana.

Second, there seems to be another traffic congestion factor. It must be one of Greshams' Laws that each few feet of highway begets a vehicle to occupy it. There hasn't been an expressway built here that didn't carry more cars the first day it opened than its designers said it wouldn't carry for ten or twenty years. Thus, moving a traffic jam elsewhere . . . from the Kennedy-Ryan to a Crosstown, merely provides room for another traffic jam to form.

Finally, as highways seem to breed traffic, traffic breeds pollution. Whether the highway is elevated, at grade or depressed, there will be pollution, air pollution and ear pollution. While a moving car fouls the air less than one creeping or stopped in traffic, we can't accept the premise that this new expressway will unclog traffic to a point where pollution is reduced.

These are just some of our reasons for opposing the Crosstown project. There are many, many more.

WGN EDITORIAL—CROSSTOWN EXPRESSWAY—No. 2

In a previous editorial we cited traffic considerations in opposition to the proposed Crosstown Expressway. In this editorial, we'd like to talk about the communities the proposed expressway would serve.

First, there are those who would be displaced to make room for an expressway. Although several routes have been considered, any route selected would displace *some* people. And not all of them would be pleased with their compensation, no matter how fair . . . or even inflated . . . it might be. There would be some businesses displaced, too, and along with them, jobs.

Now some proponents of the Crosstown said this project will turn the tide of businesses, particularly factories, which have been moving away from the south and southwest sides, taking jobs to the suburbs, where the plants can be served more easily by trucks. We doubt that those jobs already lost will come back to the city to nestle in the shadow of a new expressway. And those that are lost to the bulldozers would be the least likely to return.

Then, there's Midway airport. Still underused, it could be much more valuable for everyone if there were some sure, fast link between it and O'Hare Field. Crosstown proponents say their highway is the answer. But, as we've said before, it takes too long and takes too many cars to get to and from O'Hare Field, and more expressway is just going to bring more traffic.

We've supported extending the CTA's Kennedy Rapid Transit line to O'Hare Field. Others have pointed out that existing rail trackage could be used to bring mass transit to O'Hare via other routes. This same trackage runs the other way, too, just about parallel to the portion of the Crosstown plan linking the two airports. A mass transit line connecting the two airports not only moves transferring air passengers, it also provides a reasonable transportation route to those south and southwest siders who have seen their jobs move to the northwest suburbs.

These are just some of our reasons for opposing the Crosstown Expressway. There are others.

WGN EDITORIAL—CROSSTOWN EXPRESSWAY—NO. 3

We've discussed some of our objections to the proposed Crosstown Expressway in two previous editorials. Now, we'd like to present some concluding comments and a summary.

The last point we'd like to raise in opposition to the Crosstown Expressway is the cost. Right now, it's estimated that the project will cost about *one . . . billion* . . . dollars. That's about 27 and a half *million* dollars a mile. And that's just an *estimate*, based on today's costs. If the project were to be approved, how much would the estimate increase by the time construction got underway? And how much would it cost by the time it's finished? We don't know. Probably no one does, except that it will be more.

Some Crosstown proponents note, correctly, that most of the money would come from federal highway funds, and that if Chicago and Illinois don't apply for what would be a fair share, those dollars will go for roads in other states. They also point out that even the relatively small portion required from state and local governments can be spent only for transportation purposes. If the money isn't used in this manner, it can't be diverted to other worthy projects, such as education or mental health.

Spending federal money just because it's there is hardly reasonable or rational. The present system of ear-marking state funds is another story. Even so, these funds might well be available for a rapid transit project, linking the two airports, as we mentioned in a previous editorial in this series.

In this and two previous editorials, we have objected to the proposed Crosstown Expressway because of the cost, because there is a better way to move people, because of the uprooting of families and businesses to make way for the highway, and because we doubt it will really solve any traffic problems, but might instead create newer and bigger ones.

We think Chicago needs none of this.

EDITORIAL—THIS IS AN EXPRESSION OF EDITORIAL OPINION BY STATION WMAQ-TV, DILLON SMITH, EDITORIAL DIRECTOR

Chicago's Crosstown Expressway has not been built yet, and thousands of people want to make sure it never is.

The Crosstown has been designed to carry traffic around Chicago. It would run from the junction of the Kennedy and Edens Expressways south to Midway Airport. Then—and this is undecided—it would go either east to the Dan Ryan or south to Interstate 57. It would be 22 miles long and it would cost at least one billion dollars. That comes out to an almost unbelievable $50 million a mile.

The people who have been protesting against the Crosstown are not the sort of people who demonstrate because they enjoy shouting and marching and waving placards. Most of them are homeowners, middle-class Chicago residents who are afraid their homes will be taken and their neighborhoods will be destroyed.

These citizens have been having a tough time. They cannot find anyone in authority who will listen to them. No one will give them any definite information about the status of the Crosstown and how it will affect them. They must be getting the frustrated feeling they are fighting something that will not exist until they see the bulldozers rolling down their streets.

The anti-Crosstown people have been getting the royal runaround. Wherever they go to a private firm called Crosstown Associates or to various City Hall offices—there is no person who will admit any responsibility for the Crosstown planning.

This group of citizens is trying to exercise one of our constitutional rights, the right to petition government for the redress of grievances. They cannot even find out where to put the petition. Its about time the people who are making the decisions stop playing what looks to us like the old shell game.

The Crosstown Expressway is a bad idea. Our cities are supposed to be places to live, but many people in government have no reluctance to cover urban areas with concrete.

The Crosstown would be one more expressway with thousands of cars spewing pollution into the air we try to breathe.

Who wants this highway anyway? Well, the powerful trucking industry wants all the highways it can get. And highway planners in government think there's nothing nicer than a new expressway. That opinion, naturally, is shared by the big companies that build highways.

Mayor Daley talks about the importance of rebuilding the city, of making Chicago an attractive place to live. But he is in favor of the Crosstown. Does he realize a billion dollars is enough money to operate Chicago's schools' half a million pupils for almost a year and a half? How can he support the destruction of thousands of homes when there is a housing shortage? The cost of just one mile of this boondoggle—$50 million—is enough to build 2,000 new housing units.

The worshippers of concrete cannot seem to understand the meaning of human needs. They just keep repeating that the federal government will pay 90 per cent of the cost of building the Crosstown. Federal money or not, it is still our tax money and we think some people are too anxious to spend it on concrete.

(This editorial was broadcast at various times on June 24, 1972).

Mr. HARSHA. Mr. Speaker, I yield to the gentleman from Pennsylvania, a member of the committee (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, I wish to announce that I intend to vote in favor of the conference report on this highway bill, even though I do it with very mixed feelings. I am gratified that two of my amendments have remained intact in the bill. I am delighted that title II of our bill related to highway safety got through the conference unscathed. I regard title II as a truly historic piece of landmark legislation, the first that makes a comprehensive attack on the problem of the terrible slaughter that is taking place on our highways now. There is much in this bill that is good and it is for those things that I am voting.

I am pleased also that the integrity of the highway trust fund has been preserved at least for this year. This is a point in favor of the people in the villages and towns across America who need those trust fund moneys to upgrade a largely obsolete, substandard and often downright dangerous road system. So-called mass transit is not going to help them very much because when you are talking about mass transit, 90 percent of the time or more, you are talking about buses, and buses are dependent on those same obsolete, substandard, dangerous roads. So when the highway trust fund is busted in future years and is further drained of moneys for badly needed highways and highway upgrading, when our highway system begins to deteriorate because the fund is so overburdened with nonhighway drains that it cannot do the basic job for which it was created, when the people of America who are dependent on that highway system begin to complain, I hope those Members who supported the busting of the fund will stand up and tell those people that they were selected to pay the price, that it was thought to be more important to buy mass transit for a few of our largest cities than to upgrade the road system of the rest of the Nation, that they just will have to look elsewhere to find the funds to maintain their roads.

Yes, Mr. Speaker, I have deep misgivings about this aspect of the conference report. I think it is a slap at all of the people living outside of the big cities, who are dependent almost exclusively on our highway system for their transportation. I think it is a slap particularly at the people of rural America who now suffer the most from the grossly inadequate road system of rural America. And I think it is a slap at the families of all the people who will die on substandard roads in the future because there was no money left to make them safe.

I am voting for this bill. I am voting for highway safety. I am voting for the upgrading of substandard roads. I am voting for a better road system for America. I am voting to preserve the integrity of the trust fund this year. I mourn the busting of the fund in future years.

Mr. HARSHA. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, the most controversial issue of this legislation is represented by the conversion of the trust fund for mass transit. If the Members will recall, the House version of this bill had no diversion for any of the 3-year authorizations. The conference report comes back to this House with no diversion for fiscal 1974; with the diversion for fiscal 1975 from the trust fund in the sum of $200 million for buses; and for complete diversion for any and all forms of mass transportation for fiscal 1976 up to $800 million.

What this House must understand is that immediately upon signing this legislation, the administration must apportion the balance of the funds for fiscal

1974. Prior to December 31 of this year, the administration must apportion the funds for fiscal 1975.

And immediately upon that apportionment, those funds can be obligated by the several States. This means all this House salvaged out of this conference report were 4 lousy months of no diversion. Within 4 months the trust fund can be opened first for the purchase of buses and then, a year later, for purchases of any form of mass transit within the financial limitations.

I respectfully submit, Mr. Speaker, that this does not represent the position of the House nor is it even a compromise of that position.

Let me explain to you why this occurred. First, the White House worked in rather intriguing fashion, and most effectively I might add, to undermine the House position on this issue. Some of the spokesmen for the administration were less than forthright with me. In fairness let me say, this does not include the Department of Transportation. DOT's position was set forth initially as favoring diversion, and the Department held steadfast to that position, never offering to change. Second, that awesome array of special interest groups, the vaunted "Highway Lobby" referred to by some pundits as the mighty and powerful highway juggernaut, turned out to be, when the chips were down, little more than a spineless, sputtering chameleon—changing from "principle" to capitulation. There were some exceptions, but these were very few indeed. When this occurs—when the troops desert you—there is little alternative in the face of such overwhelming odds but to salvage what you can. This I believe the conferees did, and I might add did in an admirable fashion.

If you were aware of the conglomeration of rash counter-productive, untenable provisions that were sent to us by the other body, you could more readily appreciate the significance of my remarks. Without enumerating all of these provisions, suffice it to say that the House conferees did an outstanding job in that regard.

Certainly, insofar as the diversion issue is concerned, I feel I lost the battle. Bnt in doing so, I can say to you that I also feel I won the war because this conference report contains intact the highway safety legislation I authored. This is a redeeming feature which makes the battle seem worthwhile. Every provision, every categorical grant called for in my proposal—all designed to save lives—your lives, the lives of your family, your friends, and your constituents—is retained in this legislation. The highway safety provisions of S. 502 constitute the most comprehensive, profound highway safety legislation ever enacted by the Congress of the United States. If implemented properly and fully funded, this legislation will save literally tens of thousands of lives annually and prevent countless serious injuries. The priority of human life is such that I believe you could justify your vote for the conference report on the basis of the highway safety provisions alone.

Even if there were no other redeeming features in this legislation, in my humble judgment, the savings in lives, in human misery, in pain and suffering, to say nothing of the economic benefits, would more than justify your support of the conference report. And there are other redeeming features, some of which other speakers have alluded to.

Because of the principle involved and the consistent position I have historically taken on the diversion issue, constantly refusing to yield to some of the most excruciating pressures ever exerted, including a personal request from the President of the United States, I find accepting this conference agreement a most bitter pill to swallow. However, our Nation must have a highway bill. The economy demands it. The jobs of thousands upon thousands of working men and women depend upon it. The transportation system of this country requires it. And the safety of millions of Americans, the traveling public, dictates it. Therefore, I ask you on behalf of the welfare of our Nation to vote affirmatively on this conference report.

There are five points in the conference report that warrant additional clarification. They concern apportionments for rail-highway grade crossings, highway trust fund money for the pavement marking demonstration program, incentives for compliance with highway safety programs, the question whether the Secretary can advance the date for the installation of curb ramps for the handicapped, and the provision relating to highway safety standards.

RAIL-HIGHWAY CROSSINGS (SECTION 203)

Concerning rail-highway grade crossings, section 203(d) apportions funds provided for this program on a 50–50 sharing basis between rural and urban areas. This sharing formula was selected in accordance with the equality of funding between rural and urban systems provided in the Federal-Aid Highway Act of 1973.

In approving this formula, it was contemplated that within the rural and urban categories, available funds would be apportioned for rural areas, half in accordance with the primary system—the "A" system—and half in accordance with the secondary system—the "B" system. Both of these systems have identical apportionment formulas.

The same intention holds true for extensions of the Federal-aid primary and secondary systems in urban areas—the "C" system—and the Federal-aid urban system—the "D" system. The 50 percent of the funds which would be made available under this provision would be based half on the "C" formula and half on the "D".

Clarification is needed, in this regard, because of a difference in the apportionment formulas between the "C' and the "D" systems. The latter formula provides that "no State shall receive less than one-half of 1 percent of each year's apportionment" of Federal-aid urban funds. No similar floor on apportionments is contained for "C" system funds. Apportionments made under the "A" and "B" systems are identical.

Mr. WRIGHT. It might be well for my colleague from Ohio to explain the practical effect of such apportionment of funds.

Mr. HARSHA. Subsection (c) of section 203 provides that funds authorized by this section shall be available for projects on any Federal-aid system. Thus, based upon the priorities established by each State, it would be free to spend the moneys provided in either rural or urban areas.

Mr. WRIGHT. What you are saying then, Mr. HARSHA, if I may restate this point again, is that under the rail-highway grade crossings program, regardless of the apportionments formula used to allocate moneys to a State, it has the flexibility to spend the moneys provided where they are most needed.

Mr. HARSHA. That is correct and I thank my colleague from Texas for reiterating our intention in this regard.

PAVEMENT MARKING DEMONSTRATION PROGRAM (SECTION 205)

The second point I want to clear up relates to section 205 of title II, The Highway Safety Act of 1973. Subsection (e) is the authorizations subsection of the pavement marking program. As reported by the Committee on Public Works and approved by the House, this program was to be fully funded out of the highway trust fund. This funding approach was accepted by the Senate in conference. This is a demonstration program. To properly demonstrate what can be achieved, the program must apply to highways both on and off the Federal-aid system. The results learned will inure to the benefit of the Federal-aid system.

Mr. WRIGHT. I agree with my colleague from Ohio, it was the intention of the conferees that the pavement marking demonstration program, both on and off the Federal-aid system, be fully funded with highway trust fund moneys for all 3 years.

Mr. HARSHA. Once again, I am indebted to my colleague from Texas for making the intention of our conference report clear on this point.

INCENTIVES FOR COMPLIANCE WITH HIGHWAY SAFETY PROGRAMS (SECTION 219)

I want to say a brief word about the provision which authorizes incentive grants to those States which adopt mandatory seatbelt laws. Seatbelts, of both the lap and shoulder variety, can save a great many lives. Indeed, in view of the substantial cutback in funding of the five categorical grant "action" programs that we had to make in order to reach a conference compromise, it may well be that the incentives feature offers the greatest promise of saving lives of any program in the Highway Safety Act of 1973.

Mr. WRIGHT. If I may, I would like to ask my committee colleague, how the incentive grants provision would work. Would the kind of seatbelt laws that a State adopts determine the amount of incentive award which would be made to it?

Mr. HARSHA. As conceived, the Secretary would be authorized to promulgate criteria by which the safety belt laws of the individual states could be evaluated. Through such criteria, the level of incentive grant could be determined. Where a State is in full compliance with the Secretary's criteria, a maximum of 25 percent of a State's section 402 apportionments could be made.

Mr. WRIGHT. I must say that I find this a very exciting feature of the bill. If, through this device, we can encourage the States to adopt mandatory seat belt laws, we will save a great many lives for the simple reason that most cars on the road today contain safety belts—some of the lap variety; some with both lap and shoulder harnesses.

Mr. HARSHA. I could not agree more with my colleague from Texas, who has done so much for the highway safety cause.

CURB RAMPS FOR THE HANDICAPPED (SECTION 228)

My final comment relates to section 228 of title II of the conference report, the section entitled "Curb Ramps for the Handicapped." This provision requires that each highway safety program submitted to the Secretary by a State for approval shall, "Provide adequate and reasonable access for the safe and convenient movement of physically handicapped persons, including those in wheelchairs, across curbs constructed or replaced after July 1, 1976, at all pedestrian crosswalks throughout the State."

As I understand it, the July 1, 1976 date contained in the legislation, was set in order to allow the necessary time for adoption of enabling legislation by the States and affected local governments. I think it important for the Secretary to know that it was the desire of the conferees that the sooner this program can be implemented in each State, the better. In other words, we urge him to use his persuasive powers to assure that these new curb ramps are installed at the earliest feasible date in each State, before the 1976 deadline, if possible. The increased mobility and safety to the handicapped which will be afforded will be worth the effort.

Mr. WRIGHT. I commend my colleague from Ohio, who has led the highway safety effort in our committee, for him humanitarianism in this regard.

HIGHWAY SAFETY STANDARDS (SECTION 229)

I should like to raise one additional point which relates to a minor discrepancy which exists in section 229, the highway safety standards provision. As passed by the House, this new subsection applied to "each uniform safety standard promulgated . . . before January 1, 1973." The conferees advanced that date to July 1, 1973, and the conference report so reflects this change.

Through oversight, however, this change is not reflected, as it should have been, in the statement of managers.

Mr. HARSHA. I thank my colleague from Texas for clarifying this matter.

Mr. SNYDER. Mr. Speaker, I do not believe that the conference report we have before us here is the best one the conferees could come up with and still have a highway bill this year.

I have declined to sign the conference report because I am of the opinion that signing the report implies that I am commending it to my colleagues. I do not feel that I can do that in this instance. On the other hand, I do not think—when considerations of the overall necessity of the passage of this legislation are taken into account—that it is bad enough to vote against, or to risk depriving us of a bill.

It is bad in several respects which have been freely pointed out and upon which I will not linger here. Let me say in a general way that I do not believe the highway trust fund, into which the taxpayers have paid for a specific purpose, should be raided for another and different purpose. But, as I say, these reasons still do not warrant a negative vote or active opposition on my part.

Thank you.

Mr. HARSHA. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois.

Mr. COLLIER. Mr. Speaker, I thank the gentleman. I shall be very brief.

There is one aspect of this conference report—and I intend to vote for it, of course—that does disturb me, however, and it is a section that may eventually have some impact on the eastern boundary of my district.

In section 110(b) it appears to me that there is a veiled effort to accomplish the construction of a crosstown expressway in Chicago which will also, if the claims as I have them are correct, will spill across the boundary of the city of Chicago.

Therefore I would like some clarification as to what this new section actually does provide.

Mr. Speaker, Senator STEVENSON and Senator PERCY contend that this language would not permit the city of Chicago to bypass the provision that vests in the Governor's authority in such instances. Yet there has been insistence from other quarters that it does, and I just wonder, for the purpose of legislative history, what the gentleman from Texas might advise in this regard.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. COLLIER. Yes, I yield to the gentleman from Texas.

Mr. WRIGHT. Mr. Speaker, respectfully disagreeing with the opinions expressed by the two Senators from Illinois, if indeed they did express such opinions as have been characterized by the gentlman from Illinois (Mr. COLLIER), I must say that the language in subsection (b), as it appears on page 7 of the conference report, is clear and unequivocal.

It says that—

> in any case where a segment of the Interstate System was a designated part of such System on June 1, 1973, and is entirely within the boundaries of an incorporated city and such city enters into an agreement with the Secretary to pay all non-Federal costs of construction of such segment, such segment shall be constructed.

Mr. Speaker, the word is not "may" but "shall."

Now, interpreting that as best I can in light of my limited knowledge of the Chicago situation, I should have to say that any part of the Interstate System lying wholly within the city of Chicago——

Mr. Speaker, as I was saying, I should have to say that any part of the Interstate System lying wholly within the city of Chicago—and I believe that applies to the cross-town freeway lying within the incorporated limits of the city of Chicago—may be constructed and will be constructed if the city of Chicago wishes it constructed and is willing to pay all non-Federal costs of construction.

In other words, the 10 percent of construction costs against which Federal money is matched.

Mr. COLLIER. May I ask the gentleman if what is involved here is a change in what has been basic law heretofore, wherein the approval had to come through the office of the Governor and where previously a municipality did not have this authority? Is that a correct interpretation?

Mr. WRIGHT. I think the gentleman made a correct statement.

The SPEAKER. The time of the gentleman has expired.

Mr. WRIGHT. I yield the gentleman 1 additional minute in order that I may amplify upon the statement.

In this bill a greater degree of flexibility is given to the cities of the Nation than ever has been given to them. They are accorded a broader degree of option within their unilateral rights to exercise such options. For example, a city is permitted for the first time to remove a controversial segment of the Interstate System lying within its borders if it desires to do so and if it can be certified by the Department of Transportation that that particular segment is not necessary to there being a continuous Interstate System. Now, having granted to a city a right under certain circumstances to remove a section which it does not want, the conferees felt it only fair and equitable that we should give to the city the right to retain and construct a segment that it does want. In each of these situations we have given to a city a greater degree of flexibility.

Mr. HARSHA. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker, I would rise for the same purpose, I think, that the gentleman from Illinois (Mr. COLLIER) had in mind, namely, to try to clarify the meaning and intent of section 110(b) of the conference report.

I understand the material embraced there was a matter not confided to the conference committee either by the House or the Senate, and therefore one of the reasons for the general waiver which the Committee on Rules gave and which I supported.

However, I did want to make it clear—and I said it in the committee—in supporting that general waiver I was not indicating my approval of all the matters which had come out in the conference report.

I have some very grave reservations about that particular section. However, there was extensive colloquy, if I may have the attention of the distinguished chairman of the subcommittee, Mr. WRIGHT.

The SPEAKER. The time of the gentleman has expired.

Mr. WRIGHT. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. ANDERSON of Illinois. An extensive colloquy was had on the floor of the Senate when this conference report was considered on this particular section. The colloquy indicates that the interpretation to be placed on this amended section 103 of title 23 is that the State could be prevented from dedesignating a previously designated section of interstate highway——

The SPEAKER. The time of the gentleman has again expired.

Mr. HARSHA. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. ANDERSON of Illinois. And from transferring that mileage elsewhere under section 110(b) but that all of the State's responsibilities under title 23 still hold. In other words, with respect to the Uniform Relocation and Land Acquisition Policies Act of 1970, the National Environmental Protection Act of 1969, the Department of Transportation Act, and title 6, of the Civil Rights Act of 1964.

None of those responsibilities on the part of the State are abrogated by virtue of the inclusion of this amended language in section 103 of title 23; am I correct in that assumption?

Mr. WRIGHT. That is right. I would say to the gentleman that it was not the intention, nor do I think it is the product of the conference committee, to abrogate or deny any existing right of the State except as is specifically enumerated; namely, that any segment of an interstate system lying within a city which that city wishes to construct and is willing to pay the non-Federal cost for the construction of, shall be constructed. Beyond that I think there is no intent, nor do I think there is any effect, of limiting the rights of the States.

The SPEAKER. The time of the gentleman has expired.

Mr. HARSHA. I yield 2 additional minutes to the gentleman from Illinois.

Mr. ANDERSON of Illinois. I thank the gentleman for yielding. In addition, if I understand the gentleman, all of the environmental protections must be complied with before the construction of the highway can be undertaken. The Secretary does not lose—and I refer now to the Secretary of Transportation—any of his legal responsibilities and is not mandated to enter into an agreement to provide for the construction of a particular highway. This section, in short, does not mandate the construction of any particular highway?

Mr. WRIGHT. It mandates the construction only of a highway which fits the description of this paragraph. But it declares that, when the conditions herein enumerated are met, the highway shall be constructed.

Mr. ANDERSON of Illinois. But it would still require the agreement of the Secretary of Transportation, would it not, pursuant to other provisions of law?

May I have a response from the gentleman from Texas?

Mr. WRIGHT. I think the agreement of the Secretary of Transportation as mandated in the language of the act is that if there existed on the date aforementioned, June 30, 1973, a segment of Interstate System lying within the boundaries of a city, and if the duly elected officials of that city, speaking for the citizens of that city, wish to construct that segment, and if they are willing to contribute the non-Federal share of the cost of construction, that segment shall be constructed. To that extent, it would be a mandate to the Secretary.

Mr. ANDERSON of Illinois. If I may refer very briefly to the colloquy again that took place on the floor of the other body, the question was asked specifically at that time whether or not the language to which I referred mandated the building of any highway, and the response from the junior Senator from the State of Texas was, it is not a requirement that this be constructed; it would still require an agreement of the Secretary, and that is the point I am trying to make clear for our record this afternoon.

The gentleman agrees with that interpretation placed upon this language in the other body—that we still have the requirement of the agreement of the Secretary of Transportation?

Mr. WRIGHT. I should like to remind the gentleman that this is general legislation; this is not local or special legislation. This makes no reference to any given stretch of highway. This refers to any segment of an Interstate System which was designated part of that system as of June 30, 1973, wherever it may lie within the borders of a city, and if that city is willing to do those things stipulated, it mandates the construction of that segment that qualifies.

Mr. ANDERSON of Illinois. Mr. Speaker, I rise to clarify the meaning and intent of section 110(b) of the conference report on S. 502, the Federal-Aid Highway Act of 1973.

Section 110(b) reads as follows:

> (b) Section 103 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:
>
> "(h) Notwithstanding subsection (e) (2) and (g) of this section, in any case where a segment of the Interstate System was a designated part of such System on June 1, 1973, and is entirely within the boundaries of an incorporated city and such city enters into an agreement with the Secretary to say all non-Federal costs of construction of such segment, such segment shall be constructed."

This provision was not contained in either the House or the Senate version of this Highway Act. It was not studied by any congressional committee nor was it debated on the floor of either House. Indeed, it was only added to the bill in conference on the last day, with little discussion and with several of the conferees absent. I believe that this sets a bad legislative precedent. Further, I am convinced that an even worse precedent would be established if the record were not clear as to precisely what this provision does and what it does not do.

When the conference report was before the Senate, the two Senators from Illinois, Mr. Percy and Mr. Stevenson, engaged in extended colloquies with the Senate managers of the bill, Mr. Bentsen and Mr. Stafford. Throughout their colloquies two points were firmly established:

First. Nothing in this provision abrogates any of the responsibilities which the U.S. Secretary of Transportation has under Title 23, U.S.C. or any other Federal law, including the Uniform Relocation and Land Acquisition Policies Act of 1970 (42 U.S.C. 4601, et. seq.), the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.), section 4(f) of the Department of Transportation Act (49 U.S.C. 1653(f)), and title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000(d)).

Second. Nothing in this provision discharges the State of its basic responsibility under title 23, United States Code, to carry out the Federal-aid highway program. The essential Federal-State relationship which characterizes the program would not be substantially altered, nor would the basic grant-in-aid nature of the Federal-aid highway program be changed. Rather, each State would retain the responsibility of determining for itself its own priorities among the designated interstate routes within its borders. And each State would retain the authority to determine where within a designated corridor to build highways.

What the provision does essentially is to prevent a State from unilaterally designating a segment of the Interstate System, which was designated as of June 1, 1973 and which lies entirely within the boundaries of an incorporated city, provided that the city agrees to pay all non-federal costs of constructing such segment. Otherwise, all State and Federal provisions apply.

Inasmuch as relatively little doubt seems to have arisen as regards the U.S. Secretary of Transportation's continued responsibilities under the Uniform Relocation Act, the National Environmental Policy Act, title 23, and other Federal statutes, I shall concentrate, instead, on the implications of this section for the State's fundamental responsibility to carry out the program.

Since its inception in 1916, the Federal-aid highway program has been characterized by a cooperative Federal-State relationship in which the States have had primary responsibility for selecting and implementing projects. This cooperative Federal-State relationship has been one of the hall marks of the program and one of the essential reasons for its success. This conceptual basis of the program is not changed by this highway act. The basic departure which the 1973 Federal-Aid Highway Act marks from the past relates to a broadening of the purposes of the program and to a corresponding broadening of the uses of the Highway Trust Fund—not to a radical change in the decision-making process outlined in title 23, United States Code. While the bill does move further in the direction of involving local officials in planning and selecting urban transportation projects—which I very much support—the State's power and authority is by no means reduced. The goal is, rather, to increase local power and to require the concurrence of local and State officials in the formulation of urban transportation programs and policies. If anything, the State's role is enhanced by this legislation. For instance, section 123 of the conference report states:

> The authorization of the appropriation of Federal funds or their availability for expenditure under this chapter shall in no way infringe on the sovereign rights of the states to determine which projects shall be federally financed. The provisions of this chapter provide for a federally assisted State program.

Other provisions of title 23 U.S.C. underscore the point further. Examples include: Section 105, which directs the State to "submit to the Secretary for his approval, as soon as practicable after program approval, such surveys, plans, specifications, and estimates for each proposed project included in an approved program as the Secretary may require"; and section 110, which states:

> As soon as practicable after the plans, specifications, and estimates for a specific project have been approved, the Secretary shall enter into a formal project agreement with the State highway department concerning the construction and maintenance of such project.

In summary, the State's preeminent role in carrying out the Federal-aid highway program is not significantly undermined by section 110(b) or any other provision of this bill. At the same time the power and influence of local officials has been increased so that their concurrence will be required before most urban transportation projects can either be undertaken or halted. In general I believe that this is a very healthy development. The local, elected officials closest to the problem should have an increased say over the transportation programs and policies which often have a major impact on their communities.

On the other hand, this requirement of concurrence has led many in my State to fear that the apparent inability of the State of Illinois and the city of Chicago to agree on whether or not to build the Chicago Crosstown Expressway would result in the State's having to forfeit both the $900 million in Federal funds allocated to the project and the jobs and other economic benefits that would come with a Federal grant of that magnitude. Regardless of the relative merits or demerits of the Crosstown, a sacrifice of $900 million cannot be taken lightly. Fortunately, under a separate provision of this bill, the options available to the city and State will be much broader than to build the Crosstown or to lose the $900 million. Instead, if the Mayor and the Governor agree not to build the Crosstown, $900 million would be made available out of the general revenues for public transportation improvements within the State, including the improvement and expansion of the Chicago Transit Authority. I hope for the sake of the citizens of the city of Chicago and the State of Illinois that this new provision may make a solution to the Crosstown dilemma possible.

Mr. HARSHA. I yield 1 minute to the gentleman from Illinois (Mr. COLLIER).

Mr. COLLIER. Might I direct one question to the gentleman from Texas on this same matter? Do I then understand from the definition that he has given that if the crosstown proposal will at any point extend beyond the boundary of the city of Chicago then this authority would not exist unless the plans were changed in order to bypass the other provisions of the law requiring that there be approval by the Governor and the Director of Transportation; is that correct?

Mr. WRIGHT. I am not sure I understand the gentleman's question.

Mr. COLLIER. Very simply, if any one of these proposals is not totally within the boundaries, if at any point it spills over into another municipality, then this would not apply?

Mr. WRIGHT. That is not quite true. It would apply within the city.

The SPEAKER. The time of the gentleman has expired.

Mr. WRIGHT. Mr. Speaker, I yield the gentleman 1 additional minute so that I might try to make this question totally clear.

Let us take for example the specific situation to which the gentleman refers. It is my understanding that this particular stretch of highway about which the gentleman is concerned lies within two cities, the city of Chicago and the town of Cicero, Ill. The city of Chicago might choose to exercise this option with respect to that portion lying within the city of Chicago. The town of Cicero might choose to do so or it might not choose to do so. The town of Cicero would govern within the limits of the town of Cicero, and the city of Chicago would govern within the city limits of the city of Chicago. If both agree, the segment may be built across both.

Mr. COLLIER. If only one agrees, what is the situation?

Mr. WRIGHT. If one does not agree, it does not build that segment of the highway, but the other would be permitted to build its segment of the highway unilaterally if it desired to do so and agreed to contribute its own matching funds.

Mr. HARSHA. I yield 5 minutes to the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Speaker, I wish to compliment and to applaud the work and words of the gentleman from Ohio (Mr. HARSHA). I feel proud to have been associated with him in this controversy and I have no hesitancy in commending and congratulating him for a valiant fight for what I believe was principle and not expediency.

Mr. BLATNIK. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Minnesota.

Mr. BLATNIK. Mr. Speaker, I want to associate myself with the minority leader's comments. They were truly justified in the case of the gentleman from Ohio (Mr. HARSHA), the leader of the minority delegation on this conference committee. It goes without saying he is a man who does his homework and knows what he speaks of. He will always listen and always think something over. If he cannot change his mind he has a good reason for it and if he can, he does. We owe to the gentleman from Ohio great thanks for being able to overcome many of the problems and he has in the many consultations enabled us to have close coordination and liaison on both sides which made possible this outstanding achievement.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Texas.

Mr. WRIGHT. Mr. Speaker, I thank the minority leader for his comments and associate myself with his remarks concerning the knowledge and integrity and legislative skills of the ranking minority member on this committee, the gentleman from Ohio (Mr. HARSHA). Not only were his remarks earlier this afternoon truly eloquent, but also his contributions to this bill have been monumental. In the years to come human lives will be saved on the highways of this country because of the creative endeavors of the gentleman from Ohio (Mr. HARSHA). I am honored to join in paying this tribute to our ranking minority member.

Mr. GERALD F. FORD. By the words of praise for the gentleman from Ohio, BILL HARSHA, I do not mean to speak harshly about other members of the conference from the House side. I think they did a good job under the most adverse circumstances. They did as well as they could to uphold the House position. If they had the support they should have had from sound proponents with the right ideas, including some in the administration, we would have come back with even better legislation.

I am not bitter but I cannot help but be critical. As we drive down our interstate highways, as we drive down other highways partially funded by the Federal Government where they are constructing portions of the highway with Federal tax money paid for highway construction, we see signs that read something like this.

"Your highway taxes at work."

Crews are digging, they are pouring cement, they are erecting bridges of one kind or another. Since this new highway bill now provides for diversion from the highway fund of some construction to the purchase of buses, to the purchase of equipment, and eventually, I am sure, the bottomless pit of operating subsidy, I rue the day when, instead of putting signs on the side of the road, "Your highway taxes at work" building highways, they will have some high-speed bus purchased with highway tax construction money with a sign hung on the rear, "Your highway taxes at work."

I wonder how many of the people who paid those highway taxes for the construction of highways, are going to appreciate that bus pushing them off the highway.

Let me get back to the fundamentals of the legislation.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. HARSHA. Mr. Speaker, I yield 2 additional minutes to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, I think the gentleman from Ohio needs a special commendation for the safety portions of this legislation. It is monumental. It is forwardlooking.

There is another provision in here that I strongly support, and it is the new section 147, "Priority Primary Routes." This is an absolutely essential provision and will presumably speed-up the remaining portions of U.S. 131 in Michigan.

There are portions of our highway system that need this special emphasis, such as U.S. 131 and U.S. 31 in Michigan, and I am told that the mass transit lobby disapproves of this new provision. That could not make me happier, because I want priority primary routes constructed.

I applaud the effort of the conferees in achieving this provision.

Let me conclude with this comment: It is awfully hard to swallow a bill that diverts funds from the highway trust fund, but because of the safety features, because of the priority primary route provision, it is my intention to support the conference report.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Speaker, in view of the comment regarding diversion, does the gentleman accept the concept of a trust fund for establishing mass transit?

Mr. GERALD R. FORD. I certainly do, and to the extent I have any influence, I will do all I can to achieve that result.

Mr. HUNT. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from New Jersey.

Mr. HUNT. Mr. Speaker, I applaud the remarks of the distinguished minority leader, and I want to associate myself with his remarks.

It will be a sad day in this country, and for those of us who let this through, when we pass a conference report on a bill that permits this raid on the highway trust fund.

As the gentleman said, we will come to portions of the road where they will have some kind of gimmick with a sign on it to say, "We succeeded in stopping the road at this point."

Regardless of the fact that the money in the trust fund specifically was put there by the voters for highway construction, it has been diverted to other interests.

I compliment the gentleman.

Mr. HARSHA. Mr. Speaker, I yield to the gentleman from North Carolina (Mr. MIZELL).

Mr. MIZELL. Mr. Speaker, I rise at this time to express my support for the House-Senate conference report on the comprehensive Federal Aid-Highways Act.

I am supporting this legislation despite my continuing opposition to opening the highway trust fund for uses other than those originally intended.

This conference report contains a provision diverting up to $1 billion from the trust fund for financing urban mass transit systems—$200 million in 1975 and $800 million in 1976.

I continue to believe that the best way to finance urban mass transit systems—and I am not questioning the need for them—is to set up a special trust fund for that purpose, just as we have done for highways and airports.

But my objection to this feature is overshadowed by the many excellent provisions contained elsewhere in the bill.

I have nothing but the highest commendation for the distinguished ranking member of the Committee on Public Works, Mr. HARSHA, who is also the ranking member of the Transportation Subcommittee on which I serve, and the distinguished chairman of that subcommittee, Mr. WRIGHT, for the excellent work they have done with this legislation.

I count it a pleasure to serve with men of their vision and ability and dedication, and I commend them especially on their valiant efforts to preserve the integrity of the highway trust fund for as long as possible. They are both outstanding public servants, and this House is the better for having them.

Among the very worthwhile provisions of the bill are:

An expansion of the Interstate Highway System, and the primary and secondary roads system that supports it. This expansion is of particular importance to the Nation's rural areas, which need these new and improved transportation routes to help them open up for development and growth;

A comprehensive highway safety program designed to help reduce accidents and fatalities on the Nation's highways. This section includes important provisions dealing with extensive bridge repairs and railroad crossing signal improvements, as well as improved marking systems and high hazard area improvements:

A section I sponsored in the committee, calling for new corridor hearings on the proposed Corporation Freeway in Winston-Salem, N.C., the largest city in my district. These new hearings will guarantee that the voice of the people is heard and their concerns fully considered before any further work is done on this proposal.

In general, I find this legislation deserving of my support, and I am confident it will be beneficial to the Fifth District of North Carolina, to the State, and to the Nation as a whole.

Mr. WRIGHT. Mr. Speaker, I yield 5 minutes to the distinguished chairman of the Transportation Subcommittee, the gentleman from Illinois (Mr. KLUCZYNSKI).

Mr. KLUCZYNSKI. Mr. Speaker, I am very happy that the highway bill is up for a vote today. I want to say that the gentleman from Texas (Mr. WRIGHT) did a fine job, a splendid job at all times. He put in many, many hours and a lot of work.

As chairman of the Subcommittee on Transportation of the Committee on Public Works, I can say that we have had extensive hearings. We have listened to hundreds of witnesses. We worked mornings and afternoons. We listened to everybody interested, those who were for it and those who were opposed. There is not a Member of the Committee on Public Works who can say I did not give him all the time he could ask for all the questions he wanted to ask.

We worked very hard in the subcommittee, in the full committee, and before the Rules Committee, and the Speaker knows what we have done in the conference committee.

I have been in the House for 23 years. I have been on many conferences, but I had never witnessed anything like that in my life.

We came out with a good bill, and we, the Members of the House, should be proud of it. This will be the finest legislation ever enacted by any Congress. So I am going to ask the Members to vote for the conference report.

I was going to ask the gentleman from Texas (Mr. WRIGHT) some questions for the record. Of course, the other gentleman, Mr. COLLIER and Mr. ANDERSON of Illinois, asked him questions and I hope those are in the record.

Everybody knows how I feel about highways. That is why I want to put this in the record.

Mr. Speaker, I am very happy to have this legislation before the House, and I hope it will pass by a big vote.

Mr. Speaker, it gives me great pleasure to rise in support of this legislation. It has been the most difficult piece of highway legislation to ever come before this body.

On the other hand, with its difficulty has come to greater degree of understanding of the problems which this country faces in the field of transportation, particularly urban transportation.

A bill has been put together here which recognizes the relationship between urban and rural highways and which addresses itself also to the needs of mass transportation in our cities.

As everyone in this body knows. I represent an entirely urban district in the great city of Chicago. This bill contains substantial benefits in both mass transportation and highways which will benefit the city of Chicago as well as the other great cities of America.

You also know that I have, over the years, been a staunch defender of the integrity of the trust fund. I continue to believe that it is only through the highway trust fund that it has been possible to produce the best highway system in the whole world and I will continue to fight for the continuance of that fund.

In this bill, we allowed a limited diversion from that trust fund for mass transit and added $3 billion for the general fund for mass transit.

The conference report is an excellent compromise and I urge this body to pass it.

There is one element of the bill I would like to expand on, which is that of the interstate transfer provisions and those areas dealing with removal of segments from the Interstate System.

The House position prevailed for the most part on the subject. The previous status of existing law commonly referred to as the Howard-Cramer amendment was retained with the exception of increasing the allowable mileage provision from 200 to 500 miles and the use of the 1972 interstate cost estimate in place of the 1968 cost estimate.

The second House provision on interstate transfer allows the withdrawal of an interstate segment and using the Federal share of the cost of such route for mass transit purposes from the general fund.

It is therefore the intention of this bill that existing interstate transfer provisions with respect to highway routes themselves still retain the same principle as in existing law. I emphasize this point because it has come to the attention of the committee that certain interstate transfers have been approved and proposed which may not be in accord with present law. For example, it is not proper to remove an existing toll road from the Interstate System and expect to construct a substitute route which will increase the interstate cost in the next estimate.

The Committee on Public Works is concerned with the many costs of the Interstate System and does not want to see those costs accelerated by this kind of action.

By the same token, the conference committee added a section which will require already designated segments of the Interstate System in cities to be built if the city is willing to put up the matching money. We would expect this provision to be followed diligently by the States and the Secretary also.

A word about section 164 of the conference report, with specific reference to subsection (B) thereof, dealing with school bus operations.

First, the intent and legal effect of this section will not prevent those cities which have their own mass transit buses to allow them to be used by riders of school age to travel at reduced fares, nor to prohibit the routing of a public transit bus adjacent to school facilities, as a part of the regularly scheduled bus system service for any passenger.

In addition, either a school bus, if operated by a public body, or a public mass transit bus can be used on individual charter-type trips to transport schoolchildren to various points of interest within the actual geographic area served by the school bus operation or the city mass transit bus operation.

This would mean, for instance, that in the case of the Washington, D.C., area, public mass transit buses could be used to carry schoolchildren on special trips to such places of interest as Mount Vernon, the Washington Monument, or similar places within the metropolitan geographic area of the city, but are not to be used to carry schoolchildren on long distance trips, such as a visit from Washington to the city of New York.

I want to reaffirm that it was the intent of the conference committee that drafted subsection (h) of paragraph (B), section 103, title 23, that urban segments of the Interstate System, such as the Chicago Crosstown, be constructed if the local municipalities provide the local 10 percent matching funds.

Urban Interstate segments, such as FAI 494, commonly called the Chicago Crosstown, are necessary to complete urban transportation systems essential for the mobility of urban residents and necessary for the economic viability of urban areas such as Chicago.

It is quite clear that the intent of this subsection and the intent of the conferees is the following: that in any case where a particular portion of an Interstate System lies wholly within the boundaries of an incorporated city, that portion of the Interstate System may be constructed under this subsection, on the condition further contained in this subsection that the incorporated city agrees to pay all non-Federal costs of construction.

The Chicago Crosstown is taken as a prime example of the use of this section and it is a good one. Individual segments of the Interstate have logical terminal points on that freeway. It starts on the north at the **Kennedy Expressway, proceeds south and crosses the Eisenhower Expressway, proceeds south further and crosses the Stevenson Expressway and then proceeds easterly to the Don Ryan Expressway. The route could logically be a connecting link between any of these freeways or all of them. This is for the local officials to** decide.

This subsection would also allow two or more cities, adjacent to each other, who wish to band together and provide funding from their respective municipalities for those segments or portions of the Interstate System that are through their cities, to do so under this subsection. It is perfectly clear that regardless of the construction or nonconstruction of any other segments of the Interstate System that may link into a particular city, if that particular city determines to go ahead with that portion of the Interstate System that lies within its boundaries, it shall be done.

It is theoretically possible under this subsection that a circumstance may arise where an incorporated city may determine that the construction of a segment of an Interstate System is so essential to development of its overall transportation plan that this may require the Department of Transportation, through the Federal Highway Administration, to take a long look at this city's problem and determine that it may be necessary to develop a plan working through the city itself that will allow for the construction of this particular interstate segment.

This type of philosophy is consistent with other sections of this legislation which provide greater local determination regarding transportation plans and programs.

The committee intended, under this subsection, and this subsection only, that a direct relationship between local government and the Department of Transportation would be established.

Conferees on the part of the House wish to make it perfectly clear that this subsection appears in this particular piece of legislation to assure that vitally needed highway facilities such as the Chicago Crosstown be constructed at the earliest possible date.

One final point I would like to make has to do with the benefits in the transit elements of the bill for the elderly and the handicapped.

Section 301(g)(2) would authorize additional relief in meeting the transportation needs of the elderly and handicapped in those instances where UMTA determines that assistance under section 301(g)(1) is "unavailable, insufficient, or inappropriate" to meet the special needs of elderly and handicapped persons.

In such cases a private nonprofit corporation or association may apply for capital grants or loans for equipment and facilities under section 301(g)(2) with the understanding that requirements such as compliance with sections 13(c) and 3(e) of the act, demonstration of financial, legal, and technical ability, and evidence of unified or officially coordinated planning be met as a prerequisite to eligibility for funding.

Other elements of the conference report will be covered by other members and I know that the Members of this body will be happy with the explanation they will receive on this difficult piece of legislation.

Mr. MURPHY of Illinois. Mr. Speaker, will the gentleman yield?

Mr. KLUCZYNSKI. I yield to the gentleman from Illinois.

Mr. MURPHY of Illinois. Mr. Speaker, I should like to extend congratulations to my colleague from Illinois (Mr. KLUCZYNSKI), whose district is just north of mine. I know that the gentleman has been known for years as the father of the highway trust fund. I know what great effort and compromise on his part it took to agree to the compromise on the use of the highway trust fund for mass transit purposes.

I take this opportunity to offer my congratulations to the gentleman.

Mr. Speaker, during the House floor debate in April on the Federal-Aid Highway Act of 1972, I argued the need for a more realistic use of the highway trust fund. The trust fund, originally proposed for building and maintaining our Interstate Highway System, has served its purpose over the years.

What was responsive to the needs of all the people in 1956, however, is not necessarily vital or even vaguely appealing today. My fellow Chicagoans have watched pollution exceed acceptable levels and have witnessed the steady proliferation of roads. The physical changes have undoubtedly affected people psychologically. The masses began crying out for relief but were told that relief cost money.

The 1972 National Transportation Study confirmed my worst suspicions about Chicago. A comparison between the vehicular miles traveled and the miles of freeway available indicated that the Chicago freeways handle a capacity 110 percent greater than had been provided for.

Proponents of opening up the highway trust fund lost the House battle in April. The House failed to approve "busting" the highway trust fund for mass transit use by the cities. The situation was not without hope, however, since the Senate bill's language permitted the cities to use their trust fund allotments for mass transit.

The compromise of the House and Senate versions of the legislation is being debated on the House floor today before the August recess. The conference report delays opening the trust fund until fiscal 1974 and the cities will then have access to trust funds though reduced in amount from that approved by the Senate.

Although breaking the highway trust fund is the bill's most significant breakthrough, it is not the only section of the bill worthy of note. The conferees responded to the crisis of highway fatali-

ties in our Nation by authorizing funds to correct unsafe conditions.

The conference report provides safety research funds to evaluate the effects of drug use on driver behavior. Funds from the highway trust fund to identify and later eliminate roadside hazards and obstacles are also included. We all know areas with notoriously high accident rates but this bill proposes to do something about them.

A provision of the bill emphasizes local controls over highway projects, permitting the top city official to override a Governor's objections to a road project directly affecting the urban area. Although the Crosstown Expressway is not explicitly mentioned, this provision of the bill would pave the way for the expressway's construction despite the vehement objections of Governor Walker.

I have consistently opposed the Crosstown. Under ordinary circumstances, therefore, I would object to this language in the report which was not in the House-passed version. As I mentioned above, however, the conference report opens the highway trust fund for mass transit purposes in the cities. I was advised that objecting to the language affecting the Crosstown during debate would jeopardize floor approval of the section relating to mass transit.

The conference report on the Federal-Aid Highway Act of 1973 is an "all or nothing" proposition. I will not, therefore, vote to defeat the precedent-setting aspects of the highway bill in order to halt construction of the Crosstown.

Despite my serious reservations about the Crosstown, I am able to recognize both sides of the arguments. I have previously discussed at length with constituents my opposition to the Crosstown and I see no value in repeating myself at this time.

I do feel compelled, however, to comment on the Senate floor remarks by the Republican Senator from Illinois during the August 1 Senate debate on the conference report. Rather than confine his remarks to a factual analysis of Crosstown, the Senator inferred that the people of Chicago were "bulldozed" into accepting the Crosstown despite the devastating effect the expressway would have on their lives.

According to the Senator from the fine State of Illinois, section 110(b) of the conference report is a thinly-veiled attempt "to do one thing and one thing only—build the Crosstown Expressway in Chicago . . ." The Senator neglected to mention that this section of the report applies to numerous highway projects across the Nation.

The Senator from Illinois charged that section 110(b) was an attempt to build the Crosstown despite the fact that the Governor of the State does not want it built.

The Crosstown Expressway design project began in October 1967 and while Governor Walker disapproves of the construction, Illinois' former Governor Ogilvie approved the project.

On April 7, 1972, Governor Ogilvie directed the Department of Transportation to reevaluate the State's commitment to the Crosstown. The Department completed its study and the Governor reported the findings January 2, 1973. In the Governor's words:

> Their re-evaluation reaffirms the need for an expressway and public mass transportation system along the lines of the Crosstown concept. They report that such a system can be completed with a minimum of adverse effect on the environment. And they report further that the social and economic rights of the people of the communities affected can be assured and safeguarded.

In the Governor's words—

> It is my judgment that the completion of the Crosstown is justified for the greater good of the greatest number of the people of Cook County and of Illinois.

Some type of Crosstown route has been suggested since publication of the Daniel Burnham Plan of Chicago in 1909. Similar plans were part of the city of Chicago plans of 1939 and 1947.

The Chicago Area Transportation Study—CATS—a scientific urban transportation study, proposed a crossgrid of expressways in 1962, including the Crosstown route.

The Northeastern Illinois Planning Commission—NIPC—prepared a Comprehensive General Plan for the six counties of the Chicago metropolitan area and supported construction of the Crosstown in 1969–70. The study tested for residential development costs, job accessibility, air quality and resource management.

The Metropolitan Housing and Planning Council of Chicago gave its approval to the Crosstown pending specified corrections in the plan. According to Senator STEVENSON who commented on the Crosstown on the Senate floor August 1, the Council will now update its earlier study.

The Crosstown is nothing new to Chicagoans. The planning stages have been going on for 10 years now.

In 1963, the Transportation Advisory Group—TAG—was the first to analyze proposed routes for a Crosstown. Cook County and Illinois highway officials joined in this effort and were advised by CATS, the Chicago Area Transportation Study, and the Chicago Transit Authority.

On November 7, 1963, TAG established the Crosstown Expressway Task Force. The task force was comprised of government engineers and city planners. Their report, filed in 1966, proposed a Crosstown which was later rejected by the community for esthetic as well as practical reasons.

In 1967, the Crosstown Study Team reviewed and eliminated designs for the Crosstown. The Crosstown Design Team became the study team's professional consultant and in August 1968, the name of the group was changed to Crosstown Associates with the addition of a number of consulting engineers.

The Crosstown goals later formulated by Crosstown Associates attempted to stress the human interest aspects of the expressway as well as considerations of traffic needs. The emphasis was not only on maintaining the appearance of the area surrounding the Crosstown but on improving it with the addition of parks and recreational areas.

In his remarks on the Senate floor, the senior Senator from Illinois alleged that the Crosstown was being forced on the people of Chicago in "devious" ways since community acceptance of the proposal was not possible.

The number of public meetings held to discuss the project since 1969 exceed 50. Civic and homeowners' associations met with representatives from the Illinois Department of Transportation and/or city of Chicago and Crosstown Associates. Parties were encouraged to air their views, voice their apprehensions and demand answers to their questions.

As a result of community meetings, public hearings, and a general exchange of information, opposition to the Crosstown has been significantly reduced. I have noticed this change particularly during the last year.

If the Crosstown plans are discarded, the highway trust fund investment of $900 million will be transferred out of Chicago and into the hands of other locales across the country. These highway trust funds will be permanently lost to us. Many argue that Chicagoans have paid their share of road taxes over the years and they should not defer to other highway projects across the Nation when the Crosstown is itself such a potential source of income.

The actual building of the expressway will generate employment for workers and income for material suppliers. Furthermore, a sizable number of jobs created will be in unskilled and semiskilled categories.

The actual building of the expressway will generate employment for workers and income for material suppliers. It is estimated that an average of 6,300 jobs per year over a 10-year construction period will materialize. Again I stress, a sizable number of jobs created will be in unskilled and semiskilled categories.

Income earned while working on the Crosstown will in turn be spent in the Chicago metropolitan area for goods and services, thus improving the livelihood of countless other Chicagoans.

The commercial growth expected in the industrial parks within the Crosstown corridor is certainly a factor to consider. Reversing the trend that commercial establishments desert the cities for the suburbs, the Crosstown could indirectly contribute to improving the tax base.

These remarks should not be interpreted as a challenge to the Senator's credibility. I simply believe that no cause is served by lashing out against the Senate and House conferees and then concluding that section 110(b) does not necessarily apply to the Crosstown in Chicago at all.

Even supporters of the Crosstown are quick to admit the roadblocks. The 1970 Uniform Relocation Assistance Act guarantees a great deal to families and businesses uprooted by the Crosstown.

The environmental pitfalls of an expressway are another area of concern. Standards set in section 102(2)(C) of the National Environmental Policy Act of 1969, section 1653(f) of 49 U.S.C., section 470f of U.S.C. and section 309 of the Clean Air Act of 1970 must be met, and will be met, I am assured by the sponsors of the conference report.

In closing, I would merely add that

the question of whether to approve or disapprove the Crosstown is better left to the people back home in Chicago. I am confident that the Crosstown controversy will be resolved equitably, assuming that all facts and figures relating to it are made available for public inspection.

Mr. FINDLEY. Mr. Speaker, will the gentleman yield?

Mr. KLUCZYNSKI. I yield to the gentleman from Illinois.

Mr. FINDLEY. I should like to add my congratulations to my colleague from Illinois (Mr. Kluczynski) and the other members of the conference from the House, and to the members of the staff of the Public Works Committee, for a splendid achievement. I rise in support of the conference report.

Mr. KLUCZYNSKI. I thank the gentleman.

Mr. ANNUNZIO. Mr. Speaker, I have read carefully the statement of Senator Percy of Illinois on the Federal-Aid Highway conference report wherein he said:

> If one were reading through this bill, the language of section 110(b) would probably escape notice. It looks small and insignificant, buried as it is. However, it represents an attempt to change the entire history of our highway program by bypassing the Governor of a State, and trying to let the Mayor of a City authorize highways. This is, indeed, a radical change. But even more than that, this language is an attempt to get around the serious objections which have been raised to building a highway in the third largest City in the Nation, at a cost of over $1 billion.

Then Senator Percy goes on to say:

> This section does not relieve a State of its responsibilities under the law. The responsibility continues to rest with the State, and no one else, including a City, to actually construct the highways. As a part of that responsibility the State has to use its judgment and its discretion in seeing that all of the applicable laws are met before construction can even begin.

We find expressed here two different points of view: First, the city may or may not. Second, the State may or may not.

On the other hand, we find Senator Stevenson of Illinois saying:

> It would be a mistake for anyone to assume that this amendment settles the Crosstown controversy in the City of Chicago. Nine hundred million dollars of taxpayers' money in the highway trust fund has been set aside for the construction of this highway and mass transit facility. Yet the positions of the State House in Springfield and City Hall in Chicago with regard to how the $900 million ought to be spent have been uncompromising. It is not and should not be the business of the Congress to intervene and dictate a settlement in such local disputes.

The distinguished chairman of the Senate-House conference committee, Hon. James Wright of Texas, according to the August 3 edition of the Chicago Tribune, said, and I quote:

> I think the language is very clear, if the city wants to put up the (local) share of the money, it can build the Crosstown.

I want to point out to my colleagues in the House that we have here three separate views on the intent of this conference report. There has been a great deal of effort to establish congressional intent, yet the Federal courts, the executive branch of Government, and the various agencies making up the Federal bureaucracy have, in the last 10 years, paid very little attention to, and in many instances, have flagrantly violated, the intent of Congress.

I have had firsthand experience with violations of congressional intent. Congressional intent is very clear regarding a Congressman's right to send franked mail on official business anywhere in the United States, when it has the name, address, and ZIP code of the individual on the envelope. Yet, a suit was brought against me for exercising that right—a right that was substantiated by the expression of congressional intent on this House floor—and the lower district court issued an injunction against me, the circuit court of appeals upheld the decision of the lower court, and the Supreme Court refused to grant me a writ of certiorari. So much for congressional intent.

It is my fervent hope that this legislation will act as a conduit to bring the Governor of Illinois and the mayor of Chicago together in an amicable settlement that will benefit the people of our city and our State.

Mr. Speaker, this conference report represents over 3,000 man-days of hard work on the part of the members of the House-Senate Conference Committee. It is historic and landmark legislation because, for the first time in the history of our country, the highway trust fund has been cracked, and in 1975 the cities of America will receive $1 billion for mass transit from this fund. All of us know that the Interstate Highway System will be completed by 1980, and that we will have available billions and billions of dollars thereafter from the trust fund to use for developing and maintaining an efficient and safe mass transit system that is sorely needed in order to prevent our cities from choking to death.

As public officials, all of us, whether we are Governor, mayor, or Congressman, want to do what is best for the people of our State, our city, and our Nation. It is my hope, although we have many divergent views—pro and con—that all of us will continue to work together to insure that what is best for the people we are privileged to represent will finally be accomplished.

I do not want to raise false hopes that congressional intent will resolve this problem because I have little faith in congressional intent since I have experienced firsthand flagrant violations of congressional intent. In my humble opinion, the only way that the people can come out on top is for their public officials to recognize their needs and wants, and to work toward meeting and resolving those needs and wants.

Mr. WRIGHT. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. James V. Stanton) a member of the conference committee.

Mr. JAMES V. STANTON. Mr. Speaker, S. 502 represents the greatest transportation bill ever adopted by the Congress of the United States. It represents the most advanced progress for urban America of any legislation adopted in the history of this country.

It also represents the finest compromise ever enunciated by Members of the House.

I should especially like to pay tribute to two individuals, Jim Wright, and Bill Harsha, who have helped to mold this bill. I understand and appreciate that the gentleman from Ohio, Mr. Harsha, does not fully support certain provisions of the bill. This shows his legislative skill and ability, to mold a product by which he can agree with 75 percent of the package and still support it.

Mr. Speaker, it shows that these Members have the individual ability to negotiate the compromise that we need to put together legislative proposals in the House of Representatives.

I salute these two Members, the gentleman from Texas, Jim Wright, and the gentleman from Ohio, Bill Harsha.

Mr. WRIGHT. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. Johnson), one of the conferees.

Mr. JOHNSON of California. Mr. Speaker, the conference committee has performed an outstanding service in bringing to the House floor an effective and thoughtfully balanced report that merits the support of every Member of this body.

No conference in my memory has ever faced a more difficult task in dealing with problems ranging all the way from the pressing needs for mass transit in our big cities to the improvement of two-lane country roads on which more than 30,000 Americans are dying each year.

The conference has dealt responsibly with the needs of rural America by substantially increasing the funding for rural highway programs. Failure to act in this fashion would intensify the transportation problems of our cities, by accelerating the flow of people from the countryside to our already crowded urban centers.

Our population today is badly distributed; 80 percent of our people live on 5 percent of our land area. Half of all our people live on the perimeter of the mainland, within 50 miles of the Atlantic, the Pacific, the Gulf of Mexico, or the Great Lakes.

The best and brightest of our young men and women are still leaving the farms and small towns, because there are more job opportunities in the cities. We are not going to reverse that flow unless and until we develop adequate highways that will encourage industries to locate in those rural and semirural areas.

The conference report is sound and constructive legislation that looks to the transportation needs of all America, the needs of our small towns and rural areas, and the needs of our crowded cities.

I call your particular attention to that section of the bill authorizing the use of highway trust funds totaling $225 million over the next 3 years for construction of economic growth center development highways.

This program was initiated as a demonstration project in the 1970 Highway Act to determine whether highways can be used to promote the development of new communities, with significant potential for economic growth, away from the established population centers.

Over half of the $100 million authorized for this demonstration has been obligated. The program has attracted sufficient interest and support to warrant its expansion into a regular part of the Federal-aid highway program, and the conference report so recommends.

The objective of this program is to revitalize and diversify the economic life of our rural and smalltown areas, to enhance and disperse industrial growth and, so far as possible, to reverse the flow of population into our congested cities.

I also call your attention to the $140 million for forest development roads and trails and the other parts of the bill dealing with public domain highways and Indian roads. These are very necessary adjuncts to our regular Federal-aid highway program to the States and serve to give us a complete highway program.

I am personally pleased also that the inclusion of the House provision on priority primary routes was retained in the bill with substantial funding for the next 3 years. This program is a natural transition as the Interstate System draws to completion to provide a means to proceed with those important rural roads and urban streets which have been neglected during the concentrated effort to complete the Interstate System.

Mr. Speaker, this legislation deals responsibly and equitably with the transportation needs of the cities and the country. I urge final passage of the conference report.

Mr. WRIGHT. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Ms. ABZUG).

Ms. ABZUG. Mr. Speaker, I guess that in every compromise there are balances in disappointments. I believe that the committee and the conference committee worked very hard.

Mr. Speaker, I also have some disappointments. I have nevertheless indicated that I support this bill, because I am pleased that, for the first time, there will be an opportunity for some local mode and flexibility in the handling of funds.

I am happy to see that the fund will be available for the purchase of buses in 1975 to the tune of $200 million.

Mr. Speaker, I am happy to see that in 1976 we will, at long last, be able to determine for ourselves what to do with our own contribution in the trust fund. I believe that that is a step forward.

I believe frankly that if we consider the situation in this country, the overwhelming numbers of people who live in urban areas who are choking to death from carbon monoxide, the problems of pollution and congestion, we will recognize that this step forward is a very small step indeed.

Nevertheless I think this is an affirmative step in the right direction and that now we can begin to look to the future for a properly interrelated and planned urban system.

I join with others in complimenting the gentleman from Ohio (Mr. HARSHA) for his effort in the highway safety section of the bill.

I myself am grateful that some provisions were placed in the bill for aid to the handicapped and the elderly, in which I played a role.

I am happy to see, also, that cities can receive directly a fair and equitable share of their funds in the urban system, although I sought a much larger provision for direct earmarking.

The most glaring omission of the bill is that it provides no money for mass transit operating revenues. In New York City, for example, we are faced with a doubling of the cost of subway and bus fares, which are already too high. Unless we are able to maintain fares at their present levels, or preferably roll them back, history has shown that more and more riders will shift to the automobile. The cost of this shift, in terms of traffic congestion and environmental consequences, is incalculable. The fight must continue, therefore, to secure this type of desperately needed assistance.

On the whole I think it represents a significant achievement in the long campaign for badly needed aid for urban mass transit systems.

I urge support of this conference report.

Of course, I am happy to see the President has indicated he will sign this measure quickly into law so that we can get on with the business of developing a better balanced transportation system.

Mr. WRIGHT. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Speaker, I wish to point up a bit of the legislative history with respect to one portion of the conference report.

Section 154 of the conference report, appearing on page 29, is a portion related to the controversial North Expressway, a part of the proposed relocation of U.S. Highway 281, a 9.6-mile section serving traffic between downtown San Antonio and the San Antonio International Airport concerning certain highways in this area.

The Texas State Highway Department pressed a plan to construct the expressway through Almos and Breckenridge Parks and other areas that affected environmental concerns.

On August 13, 1970, the Secretary of Transportation, at the request of the State of Texas, authorized Federal participation in the North Expressway. The State of Texas thus voluntarily submitted itself to Federal law with full knowledge of the controversial nature of the project and applicable Federal statutes. The U.S. Court of Appeals for the Fifth Circuit subsequently enjoined the Texas Highway Department from constructing the proposed North Expressway through the area.

What happened there was the addition by the Senate of a nongermane amendment, or one that would have been nongermane under the jurisdiction of this Committee on Public Works under rule XI, section 16, wherein it is said:

> But it shall not be in order for any bill providing general legislation in relation to roads to contain any provisions for any specified road.

This is an amendment which would have violated that and which was placed in the conference report as section 154, to which I have referred. That went in on the Senate side. It would have been subject, of course, to a point of order under rule XXVIII, clause 4, in that it violated rule XVI, clause 7, and rule XI, section 16, providing for the jurisdiction of the Committee on Public Works.

I could not raise the point. I could not make the point of order under rule 28, clause 4, because the Committee on Rules saw fit to waive all points of order. I must construe the Committee on Rules' holding in this light: that certainly the Committee on Rules did not consider that section to be of significance or of great enough importance for this body to consider that point separately. I had thought it important as a matter of principle that the House not take a nongermane amendment without affording any opportunity for its separate consideration on the floor. To do so, of course, would permit the matter to become law without any specific consideration at any level in the House's processes. Certainly it could not reasonably be conceived that the Rules Committee intended this if the amendment had any important effect, like a waiver of application of the requirements of the National Environmental Policy Act in any area in which a NEPA statement is required under general law.

The SPEAKER. The time of the gentleman has expired.

Mr. WRIGHT. I yield one-half minute additionally to the gentleman from Texas.

Mr. ECKHARDT. For that reason this provision which has not had the debate of the House, nor the consideration of any committee of the House, and which the Committee on Rules did not think worthy of debate, must be construed as an unimportant amendment, one which does not in any way remove the NEPA limitations.

It must have the effect of accomplishing only what the language on its face purports to accomplish: to terminate the contractual relationship between the Federal and State Governments on the portion of the San Antonio North Expressway in question and provide for the repayment of certain Federal funds involved therewith. It cannot reasonably be construed to alter the duty that devolves on any Federal governmental agency to design and direct its action with the necessary regard to its impact on man's environment. The whole of the action must be in accord with these considerations and must be accomplished after the recommendation or report called for in 42 U.S.C. 4332(C).

Thus, where Federal highway construction covers an entire area, the project must be considered as a whole. And the whole plan must be accomplished in compliance with such policies and recommendations. The nongermane Senate amendment does not say that the State of Texas can buy itself immunity from such Federal policy application for the portion of a total project, federally instituted, going through Almos and Breckenridge Park. That portion of the total project is a part of, or is a result of, a major Federal action significantly affecting the quality of human environment, and it cannot be excised from the application of the provisions of the Environmental Policy Act except by clear legislative language purporting to accomplish that end. Certainly, the language of this amendment cannot be read as such clear language, and there is no legislative history in any hearings before a committee in the House, or on the floor of the House that can be used to amplify the language of the amendment so as to give it a meaning other than that which its words spontaneously yield.

I thank the gentleman from Texas for yielding.

Mr. KAZEN. Mr. Speaker, I disagree with the statement made by my colleague (Mr. ECKHARDT) that section 154 of this bill is an unimportant section. I submit that this section is just as important and just as valid as any other section of the bill and that it means exactly what it says.

When the State of Texas pays back the Federal aid highway funds on account of sections of the San Antonio North Expressway in Bexar County, Tex., as stated in that section, the Federal Government will cease to have any interest therein and the State of Texas can proceed to build those said portions according to State law.

Mr. WRIGHT. Mr. Speaker, I yield one-half minute to the gentleman from Missouri (Mr. BURLISON).

Mr. BURLISON of Missouri. Mr. Speaker, I should like to direct a question to the distinguished chairman on page 24, section 143(1) of the conference report. This deals with a route from the Southeastern part of the United States to Kansas City. I should like to ask the distinguished chairman if there is any language in that section, which provides for a feasibility study, to prevent a study of the closest and the cheapest route between the terminal points mentioned, that is, Kansas City, and Brunswick, Ga.?

Mr. WRIGHT. In response to the question of the gentleman from Missouri, there is nothing in this language which would prevent the study of alternate routes between the terminal points mentioned in each of these enumerated highway studies that have been directed to be made by that section of the bill.

Mr. BURLISON of Missouri. I thank the gentleman. He knows the situation in my district. The southeast section of Missouri is cut off from the State capital city of Jefferson City in that there is no direct highway route between the two points. This is a problem we have been plagued with for five decades. If the "crow flight" route were adopted in connecting Brunswick, Ga., with Kansas City, taxpayer funds would be saved while at the same time giving us a highway from Missouri's "bootheel" to the vicinity of Jefferson City and then on to Kansas City.

From the statement of the able manager of the bill, I am sure the Department of Transportation will look carefully at this issue and give every consideration to our position.

Mr. PERCY of Illinois. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from Illinois (Mr. PRICE).

Mr. PRICE of Illinois. Mr. Speaker, I will just take a moment to thank the chairman and his committee for their support of the demonstration program that permits local communities to solve the problem of eliminating railroad grade crossings over Federal-aid highways within urban areas.

Mr. HARSHA. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. I thank the distinguished gentleman for yielding in order to clarify certain aspects of the report. Under section 130 of title 23, Federal funds—which may amount to 100 percent of costs, except that the railroads must pay up to 10 percent—are to be used to eliminate "hazards of railway-highway crossings" where the federally aided highway system is involved. Such funding can amount to no more than 10 percent of all highway expenditures.

Section 203 of the bill is to eliminate hazards of railway-highway crossings—"separation, relocation or protection." Such funds can be expended on the Federal-aid system only with the Federal share amounting to 90 percent.

The question arises as to what, if any differences exist between this section and existing law, that it, section 130 of title 23. Since they both have similar purposes, why was it necessary to set up two separate sections, or rather, repeat what already exists.

There is, of course, a need for section 230, since it permits the expenditure of funds on roads off the Federal-aid system. Three categories of hazards are mentioned, including the hazard of railroad-highway crossings. Once again, the Federal share is 90 percent. It would be helped to determine if funds can be used only on nonfederally aided roads. In other words, could a Federal-aid highway be involved along with non-Federal roads. There may be a problem on this particular aspect since both sections are specifically directed to the Federal and non-Federal roads, respectively.

The questions are: First, what type of roads are involved; and second, whether track relocation is permitted under both section 203 and section 230.

Mr. HARSHA. Under section 203 it is possible for a relocation or the construction of protective devices, or for a separation of railroad crossings, under that provision, provided they are on the Federal aid system.

If the particular railroad crossing that the gentleman has reference to is not on the Federal aid system. Then if it meets all of the requirements set forth in the other section 230(b), referring to what we call a Safer Roads Demonstration Program, and if it is off of the Federal aid system, it is eligible for funding for relocation, in my judgment, proving it meets all of the requirements and priorities set forth in the legislation.

Mr. ANDERSON of California. Mr. Speaker, I rise in support of the conference report on S. 502, the Federal-Aid Highway Act, and I congratulate the conferees for adopting what I consider an acceptable compromise that can be supported by those of us who have been working to open the highway trust fund for bus or rail transit purchases.

This is not a perfect bill, as I am sure all will agree, and I am sure that each of us could find provisions with which we do not concur.

But, in fact, this proposal does place us on the right track to providing for a balanced transportation system by allowing flexible funding out of the highway trust fund.

Yes, the cities need the money immediately.

Yes, mass transit is needed now—not tomorrow or next year.

But this proposal, which permits immediate contract authority for bus or rail transit purchases, gives the Department of Transportation the authority necessary to act immediately to begin solving our transportation problems in our pollution-clouded cities.

Next year trust fund revenue will be available for bus purchases, and the following year rail systems are eligible for trust fund allocations.

When we consider that only last winter such a proposal was not even germane, and when we consider that only 1 year ago such a proposal was considered radical, I feel that all of us who have worked to permit flexibility in the use of highway trust fund revenue can be pleased.

This is a step, but a necessary step, toward flexibility and, as a result, I congratulate the conference committee and urge my colleagues to adopt this proposal.

Mr. RAILSBACK. Mr. Speaker, I would like to take this opportunity to commend the conference committee on the fine job they have done in reaching agreement on the highway bill. They have reached a solution that will be of great value in improving the system of transportation in this country.

At this time I draw attention to two provisions of special importance. The first of these provisions, which was wisely retained by the conference committee, provides for a study of laws and regulations governing toll bridges. Such a study is long overdue.

The situation which exists with respect

to two Mississippi River toll bridges in my district provides an example of the need for a study of how bridge tolls are set.

The second area of special interest concerns the authorization for the Secretary of Transportation to conduct feasibility studies on the construction of several highways, including one that would directly link Chicago and Kansas City.

The bridges I refer to are the Keokuk Bridge which carries traffic between Keokuk, Iowa, and Hamilton, Ill., and the MacArthur Bridge which spans the Mississippi between Burlington, Iowa, and Gulfport, Ill. The bridges are owned by the cities of Keokuk and Burlington, respectively.

The Keokuk Bridge was originally built as a private toll bridge in 1866. In 1941, the bridge was conveyed to the city of Keokuk by a deed subject to a condition that the city maintain the bridge as a free bridge for vehicular and pedestrian traffic. In 1952, 4 years after the bridge became free of debt, a 10-cent toll was established for passenger cars and the same toll remains in effect today.

Between 1952 and 1968 revenues of $3½ million from vehicular traffic and $1½ million from railroad and other accounts were collected—a total of approximately $5 million. Over $1½ million were used for nonbridge purposes by the city of Keokuk, including transferrals to the municipal building fund, airport fund, and other municipal projects.

The toll for passenger cars on Burlington's MacArthur Bridge had been 25 cents since 1933. The rate included the right to recross the bridge without further charges prior to midnight of the day on which the toll was paid. In 1968, the Burlington City Council eliminated the "free return" in effect doubling the toll.

Burlington has utilized revenues from the MacArthur Bridge for purposes unrelated to the maintenance and operation of the bridge. For example, between 1959 and 1968 revenues totaled approximately $4.15 million, and of that amount approximately $2½ million was transferred to the city of Burlington and utilized for various municipal programs. The action taken in 1968 was purportedly for the purpose of obtaining additional funds with which to provide raises for the police and fire departments.

Complaints to the Federal Highway Administrator caused him to order hearings as to the reasonableness of the tolls on these bridges in view of the large amounts being diverted to nonbridge related functions. A hearing examiner was appointed and hearings were held in April 1970. The hearing examiner relying in part on the case of *Clarksburg-Columbus Short Bridge Co.* v. *Wooding,* 89 F.2d 788 (C.A.D.C. 1937) rev. as moot, 302 U.S. 658, found in both the MacArthur Bridge and Keokuk Bridge cases, that the rates were not unjust or unreasonable. The Clarksburg case involved the question of the reasonableness of certain railroad freight rates.

The Federal Highway Administrator overruled the hearing examiner. He did so on two grounds, first, he felt he has the power to look at the uses or purposes of bridge toll revenues in determining whether tolls are reasonable, and second, the hearing examiner was incorrect in trying to utilize the comparison test set forth in the Clarksburg case, set forth above. The Administrator ruled that the term "reasonable and just" should be more broadly construed in light of the legislative history of bridge toll legislation passed by the Congress over the past 40 years. Thus, that in considering the reasonableness of tolls, allowance would be made only for bridge related costs. Burlington and Keokuk were ordered to submit new toll schedules on this basis.

Burlington sought a review of the Administrator's decision in their case in U.S. District Court for the southern district of Iowa. In the meantime, the Administrator ordered a new toll schedule into effect which was designed to produce only revenues sufficient to cover bridge related costs. The district court on January 13, 1971, held the order to be arbitrary and capricious, and without adequate basis in law, and permanently enjoined enforcement of the order. The judge held that since the case was one of the first instance, and since there was a "dearth of agency expertise" on the question, he was not required to give the usual deference to the interpretation of a statute by an administrative agency. He found further that the Administrator was incorrect in failing to apply the Clarksburg case.

The decision of the district court was appealed to the court of appeals for the Eighth Circuit Court. Because of the similarity between the MacArthur Bridge and Keokuk Bridge cases, the Federal Highway Administration has held the Keokuk Bridge case in abeyance pending the outcome of the court proceedings. The MacArthur Bridge case was argued in October of 1972, and the opinion by the circuit court was filed January 2, 1973. It affirmed the district court decision, except as to the remedy and order prescribed, and remanded the case to the district court. The district court order had enjoined the Administrator from setting tolls on any basis. The circuit court felt the question of the new toll schedule should have been remanded to the Administrator, with directions to conduct further hearings and to determine the question of reasonableness based on the findings of the district court. They specified that the Administrator be directed to include in his consideration the factor of a reasonable return on invested capital, which they define as:

> Invested capital as used herein shall include the amount, if any, which the City paid in acquiring the bridge in 1923, plus the amounts which it has paid subsequent to that date for additions to and reconstruction of the bridge; it shall not include amounts spent for interest on revenue bonds or for normal maintenance and repair since acquisition; and replacement cost shall not be a factor in such determination. No consideration need be given to debt service on existing debt by the Administrator in determining tolls inasmuch as a reverse currently exists in excess of the amount of the bonds presently outstanding.

The district court has remanded the case to the Administrator, with directions to conduct new hearings in line with the circuit court opinion. The Administrator is now in the process of appointing an administrative law judge to conduct the new hearings on both the MacArthur Bridge and Keokuk Bridge tolls. It is anticipated that the hearings will be held in late June.

Thus while the Federal agencies and courts argue over whether or not the tolls are reasonable, residents of my Illinois congressional district must continue to pay tolls which support not the bridge they cross but the municipal programs of the Iowa cities which own the bridges. In effect, my constituents are blackmailed into this payment, because the nearest alternate crossing is at Fort Madison, Iowa, 25 miles from the MacArthur Bridge and 23 miles from the Keokuk Bridge. To my constituents these bridges are a vital public service to which they must have reasonable access in order to perform such vital daily functions as going to work, taking their children to school, and obtaining medical care.

I am confident that the study called for in this bill will demonstrate the need for a procedure whereby the Federal Highway Administrator would be required to give his prior approval to any increase in the tolls charged on bridges over navigable waters.

The conference report also authorizes the Secretary of Transportation to conduct feasibility studies on the construction of several highways, including one that would directly link Chicago and Kansas City. This highway would pass through west-central Illinois and cross the Mississippi River at a point between Hannibal, Mo., on the south and Nauvoo, Ill., on the north. As you will remember, the study on this highway was the subject of an amendment I offered to the Highways Act and was approved by the House; a similar study was provided in the Senate version of the legislation.

The study is the first step toward the construction of a highway that has been long-needed and would have many benefits. A direct route would reduce the highway distance between Chicago and Kansas City by 125 to 150 miles, thereby saving travelers several hours time and frequently considerable cost. West-central Illinois, northeast Missouri, and southeast Iowa are presently unserved by any interstate or major highway network; a Chicago-Kansas City highway would provide access to a great agricultural region and would enable far more efficient transportation of agricultural products to major urban centers. It would also enable tourists to visit a large number of historic and recreational sites which are not now easily accessible. Most important, such a highway would encourage new industries to locate in this rural area, providing much-needed economic diversification and growth.

The construction of this highway has long been hoped for by the residents of my district. I am extremely pleased that the conferees has provided us with the first step toward this goal. These provisions and the others contained in the bill reported out of conference deserve support, and I urge the Members to give their approval to the conference report.

Mr. DORN. Mr. Speaker, I support the conference report on the Federal Highway Act of 1973. This is a compromise bill; had we not compromised with the other body, we simply would not have a bill at all. Mr. Speaker, may I commend the gentleman from Texas (Mr. WRIGHT) and the gentleman from Ohio (Mr. HARSHA) for their dedicated and devoted leadership on this long and difficult conference.

Mr. Speaker, I am especially pleased that this bill contains the program developed in our Public Works Committee for a Priority Primary Route System. This vitally needed program will authorize 70 percent Federal funding for improvement of heavily traveled roads that connect to the Interstate System. This is an important step toward development of a new system of interstate connectors.

I am pleased that this conference report also contains provisions to eliminate or reduce the dangers of highway-railroad crossings.

One of the most horrible of all traffic accidents is that grinding crash in which a train pulverizes a motor vehicle. Oftentimes the wreckage and the unfortunate victim or victims inside are dragged hundreds of feet down the railroad right-of-way.

I am sure almost every Member can recall just such a crash somewhere in his district, just as he can recall that the dangerous crossing involved continues to exist today just as it has for many, many years.

There are more than 220,000 public railroad-highway grade crossings in the United States at the present time, about one-third of them in urban areas and two-thirds in rural areas. Approximately 12,000 crashes between trains and motor vehicles occur at these crossings each year, resulting in 1,500 deaths and 7,000 injuries. Over 40 percent of these accidents happen at crossings where some sort of protection already exists, indicating that the problem is not always the lack of warning devices, but the inherently dangerous condition itself. In these cases, the only true solution is grade separation of the street or highway and the railroad track. This, of course, can be costly and difficult to achieve in view of the often complex local environmental and economic conditions. But we must do all that we can on an orderly, priority basis.

Section 203 of the act requires each State systematically to survey its road system to identify those railroad crossings which may require separation, relocation, or protective devices, and to establish a schedule of corrective projects. At a minimum, such a schedule must provide for signs at all railroad-highway crossings.

To help the States improve these dangerous crossings on the Federal-aid system $25 million is authorized for fiscal 1974, and $75 million for each of fiscal years 1975 and 1976. Other funds for this purpose remain available out of a State's regular apportionment for highway projects on all systems.

The act requires that the States report to the Secretary of Transportation by September 30, 1974, and every year thereafter, on progress being made to implement the highway crossings program and on accident reductions achieved.

Mr. Speaker, I join my colleagues in urging the adoption of the conference report.

Mr. HARRINGTON. Mr. Speaker, I rise in support of the substitute bill agreed upon by the conference committee on S. 502, the Federal-Aid Highway Act.

The most important difference between the House and Senate versions of the bills involves the highway trust fund financing for public mass transit. The Senate bill included the so-called Baker-Muskie amendment, which would have made $80 million in trust funds available for mass transit at the option of local officials. The House version contained no provision for using trust funds for mass transit, but did include the Wright amendment, which would have permitted local officials to exchange urban system trust funds for an equivalent amount in mass transit financing from general funds.

The compromise agreed upon by the conferees would permit up to $200 million in urban system funds for fiscal year 1975 to be used for bus purchase; beginning in fiscal year 1976, projects for fixed rail facilities and purchase of rolling stock could be approved.

The Wright amendment would be retained, but restricted to fiscal year 1974 and fiscal year 1975 only. Trust fund financing for buses or rail would cease in the event of enactment of an urban transportation fund or similar assured financing measures.

This is the most important provision of the conference report, and while I have made it clear repeatedly that in my view this is not enough, I certainly support this first effort to open the highway trust fund, and urge each of my colleagues to do the same.

Mr. MILLER. Mr. Speaker, as the House today considers the conference report on S. 502, the Federal-Aid Highway Act of 1973. I would like to address myself to one particular aspect of this important piece of legislation which is especially vital to the economic growth of southeastern Ohio.

That section of the act to which I am referring is the Economic Growth Center Development Highway provision—section 122. Though I am strongly opposed to the use of trust fund moneys for mass transit, I nevertheless want to commend the conferees for including the House-passed Economic Development Highway language in the conference report and, at the same time, I want to again underscore my support for the long-overdue expanded assistance this section of the 1973 Federal Highway Act will provide to rural areas with untapped economic potential.

Southeastern Ohio in general, and the tri-county region of Meigs-Vinton-Gallia counties, in particular, exemplify the rural regions of America which the House Public Works Committee had in mind when that committee first wrote the Economic Growth Center Development Highway language into the 1970 Federal Aid Highway Act.

The Economic Development Highway section of the conference report before us converts the program from a demonstration project to a permanent part of the Federal highway program.

The House version of the bill included an authorization of $150 million for each of fiscal years 1974 through 1976. The conferees have decreased this, I am told by the committee, to $50 million for fiscal 1974, $75 million for fiscal 1975, and $100 million for fiscal 1976. However, it is encouraging to note that even this revised authorization averages out to $75 million annually through June 30, 1976—an amount which is $25 million above the annual authorization for the 2-year demonstration program in the 1970 act. It is anticipated that the State of Ohio would get about 3 percent of each fiscal year's allocation for economic development highway construction and improvement, or approximately $6.75 million through June 30, 1976.

The original purpose for creating the economic growth highway program was stated as follows:

> To demonstrate the role that highways can play to promote the desirable development of the nation's natural resources to revitalize and diversify the economy of rural areas and smaller communities, to enhance industrial growth, to encourage more balanced population patterns, to check and, where possible, to reverse current migratory trends from rural areas and smaller communities, and to improve living conditions and the quality of the environment.

Actually, this is just a wordy way of saying something very basic and simple: that good roads and economic vitality are synonymous.

Consider, for example, that over 75 percent of all farm products produced in this country are transported to market by way of the highway system. One out of every six jobs in this country is in a highway-related industry—a total of 13.3 million jobs. The economic and social benefits realized as the result of good roads are practically beyond measure—easier access to industry, recreation, and population centers; vital linkage with rail, air, and water networks; increased land values; improved travel time; greater consumer access to goods and services; and lower commercial operating costs.

Some highways are built for people to get away. Others are built for regions to get ahead. Of the 3.8 million miles of highways, backroads, and streets across this country, almost 75 percent weaves its way through nonmetropolitan areas. Rural areas, especially those in the Appalachian region, which have been economically isolated and bypassed by significant industrial growth for years, constitute the most pressing need for enacting legislation such as this we are considering today.

To further document the importance of the economic development highway language in this bill, let me bring to the attention of the House a situation in southeastern Ohio which could result in brightening the economic outlook of the area considerably. About 18 months ago, the American Electric Power Corp. announced plans for the construction of the new multi-million-dollar James Gavin Power Plant to be located at Chesire, in Gallia County, Ohio. At the same time, it was disclosed that the powerplant's fuel source would be provided by a new Meigs Mine complex, to be located in Meigs County and Vinton County, Ohio. Coal reserves abundant enough to feed the Gavin Power Plant for decades will be extracted from the foothills of Meigs, Vinton, and Gallis Counties. The workforce required to construct the powerplant, mines, and related operations has steadily grown since news of this important development first surfaced.

Construction of the powerplant is well along and the Southern Ohio Coal Co. mine complex is rapidly developing into one of the most efficient industrial operations in the Ohio Valley. The combined plant and mine facilities will employ some 3,000 workers by 1976. Altogether, it is estimated that over 6,000 new jobs will be created in the impact area by 1980. Population is projected to increase by about 17,000 persons and the number of new households is expected to increase by nearly 3,500 homes. Studies project that personal income within the region will jump $30 million annually and retail sales will increase $17 million. New businesses are opening and it is estimated that school enrollments will increase by about 2,500 pupils by the time the new facilities are in full operation.

To bring the importance of these figures into sharper focus for those unfamiliar with the region, consider, if you will, the vital statistics of this same area before the lid was lifted on this new economic opportunity.

In a region historically plagued by economic stagnation, the young people of the tricounty region generally left the area following graduation from high school to seek job opportunities in the already overcrowded urban areas of the State. The absence of adequate incentives to stay in the region resulted in census statistics such as one of every eight persons in the region being over 65 and the average household income in one county in the impact area being little more than $6,200 annually. Area unemployment figures consistently topped both State and national levels.

In the decade between 1960 and 1970, the total population of Meigs, Vinton, and Gallia Counties decreased by more than 4,000 persons. The number of basic jobs—mining, manufacturing, construction, communications, utilities—rose slightly, but job opportunities in such fields as agriculture, services, retailing, and Government fell. In 1960, 2,287 residents in these three counties got in their vehicles each day and drove to an out-of-county job. By 1970, the number had risen to 2,420.

Now, there is a chance to change all this. And in a very real sense, every Member of this House has the opportunity today to help southeastern Ohio hoist a new horizon.

The people of the Meigs, Vinton, and Gallia County region are understandably enthusiastic about the prospects of new economic growth far surpassing any other opportunity they have witnessed over the past half century.

While the cause and catalyst to change are nearing full operating strength, the importance of adequate secondary roads tying together the ingredients of this economic revolution is also becoming increasingly apparent. At present, the highways in the immediate impact area are inadequate, and plans for their improvement are not keeping pace with the projected needs of the region. The Athens Messenger of Athens, Ohio, has championed the better highways campaign locally and has appropriately called highway construction and improvement of existing roads in the area "Need No. 1."

As the result of untiring efforts by local community leaders and opinion-makers there has been some movement to earmark funds for road work in and around the mine complex and powerplant. Efforts to generate similar enthusiasm at the State level, however, have consistently evoked a response that more Federal aid is necessary if the secondary roads are to get the help they need and deserve.

Legislation specifically oriented to areas of high economic growth potential, we are told, would be most useful.

Legislation, just like section 122 of the 1973 Federal-Aid Highway Act. Enactment of this legislation including the economic development highway provision, along with the allocation of funds to respective States, can prove to be one of the most beneficial investments we can make in support of economic growth in depressed areas.

I have requested of the Governor of Ohio that, pending approval of the act, the State indicate its intention to utilize funding under section 122 for the specific purpose of upgrading the secondary road system in the tri-county impact area and thereby brighten the economic and social outlook of southeastern Ohio to a degree never before realized in the Ohio Valley.

If my motives for promoting this particular aspect of the bill were selfish, and the case I have cited were an isolated one, I would not bother to go to lengths about the matter in the first place. But the role highways can play in this tri-county region of southeastern Ohio is representative, I am sure, of many other areas throughout Appalachia and across America. The situation I have outlined does not merely reflect the anticipated growth of a three-county corner of southeastern Ohio, but more accurately reflects similar situations in many counties and countless corners of States from one coast to the other.

It is, then, in the interest of all such regions greatly dependent upon good roads and adequate access routes over which goods and services will flow that I ask your support for the economic development highway section of the Federal-Aid Highway Act. Though the impact of such legislation will be most readily seen in areas such as those noted, the benefits from it will ultimately reach out to all.

Mr. BADILLO. Mr. Speaker, while I recognize the fact that this conference report on the Federal-Aid Highway Act represents progress of a sort for mass transit and while I appreciate the difficulties with which the conferees had to deal, I must speak in opposition. This conference report perpetuates our distorted national transportation priorities and by excluding the provisions for operating assistance to existing mass transit systems it represents a refusal to accept the fact that efficient urban mass transportation is a matter of public responsibility providing benefits to the entire Nation, not just to individual transit riders or communities.

It does us little good to make heroic pronouncements about a better environment, or to talk about cleaning up our air by curbing the use of automobiles when transit systems across the country are threatened with insolvency and steadily lose riders because of necessary fare increases.

By deleting the $800 million for operating assistance that was contained in the Senate bill, but at the same time authorizing billions for miles and miles of highways, the conferees have failed to recognize that, as the New York Times put it editorially "additional billions for benefit of the private truck and automobile are not the total answer to the Nation's transportation needs."

This fall, New Yorkers will be asked to approve a $3.5 billion State transportation bond issue, at least partially on the basis of preserving the current fare on city buses and subways and averting a disastrous fare increase that could end of bankrupting the entire transit system in New York City.

Were the Congress living up to its responsibilities to our urban centers, a bond issue of this scope and nature would be unnecessary.

I understand that legislation to authorize operating assistance to mass transit systems will be revived in both the House and the Senate later this year. I intend to do all I can to see that legislation enacted. In the meantime, I must vote in protest against this conference report which, in terms of urban transportation needs, is tokenism at its worst.

Mr. BROWN of California. Mr. Speaker, I am pleased that we have been able to pass this measure. But I would like to point out that this situation is really similar to that of a baby taking its first step; the significance lies in the fact that the step was taken, not in how far it went.

This is really not a very big step. But it may be the psychological turning point that will open up highway funds at all levels of government to provide a truly balanced transportation system. I have spoken many times over the last few months on this floor of the need to end the tyranny of the private automobile over the Los Angeles Basin. I have read from newspaper articles appearing in southern California which have described the incredible health hazards smog is causing my constituents and other southern Californians. Our action today is not going to even put a serious dent in the problem, but I hope that it presage further, more substantial action.

Mr. BIAGGI. Mr. Speaker, I rise in support of the conference report accompanying the bill, S. 502, the Federal-Aid Highway Act.

I opposed this bill when it originally came before the House because it failed to include use of urban area highway trust funds for mass transit purposes. The Senate version did include such a provision and I am pleased to see that the conferees agreed to include such a section in the compromise version of the bill.

The final version authorized urban areas to opt for the use of up to $200 million in urban area highway trust funds to purchase passenger buses. This would start in 1975. In the following year urban areas could use any amount of their urban highway funds for roads, buses, or rail mass transit. The 1976 bus-rail combination option would be possible in 1974 provided an urban area chosed to exchange its highway trust fund entitlement for a mass transit grant from general revenues.

One disappointment is that none of this trust fund moneys can be used for mass transit operating subsidies. This issue must be addressed by the 93d Congress if we are to have the hope of a viable, integrated transportation system in the 1970's. There is almost $18 billion in funds for highway construction authorized over the next 3 years under title I of the bill. Some $2 billion is authorized under title II for highway safety programs and $3 billion is authorized for urban mass transit programs in contract authority under the Urban Mass Transportation Act.

The bill is a fair compromise and should not be delayed further. While the provisions are not exactly what I would like to have seen in terms of tapping the highway trust fund for mass transit purposes, I am confident that once this first step is taken and it proves successful, future authorizations will permit local and State government to allocate their transportation dollars as they see fit.

Mr. Speaker, I urge my colleagues to adopt the report and I urge the President to sign it.

Mr. WRIGHT. Mr. Speaker, I have no further requests for time, and I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HUNT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 382, nays 34, not voting 17, as follows:

[Roll No. 427]

YEAS—382

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashley
Aspin
Bafalis
Baker
Barrett
Beard
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blackburn
Blatnik
Boggs
Bolling
Bowen
Brademas
Brasco
Breaux
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byron
Camp
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Collins, Tex.
Conable
Conlan
Conte
Conyers
Corman
Coughlin
Cronin
Culver
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Diggs
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Grasso
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gubser
Gude
Gunter
Guyer
Hamilton
Hammerschmidt
Hanley
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harrington
Harvey
Hastings
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Hosmer
Howard
Hudnut
Hungate
Ichord
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kemp
Ketchum
King
Kluczynski
Koch
Kuykendall
Kyros
Landrum
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McFall
McKay
McKinney
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, N.C.
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Neill
Owens
Parris
Passman
Patman
Patten
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Preyer
Price, Ill.
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Rees
Regula
Reid
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Saylor
Scherle
Schroeder
Seiberling
Shipley
Shoup
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, N.Y.
Snyder
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Walsh
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki
Zion

NAYS—34

Ashbrook
Badillo
Bray
Breckinridge
Butler
Clancy
Crane
Daniel, Dan
Devine
Dickinson
Flynt
Goodling
Gross
Haley
Harsha
Huber
Hunt
Hutchinson
Latta
McEwen
Martin, Nebr.
Mathis, Ga.
Myers
Powell, Ohio
Price, Tex.
Robinson, Va.
Ruth
Satterfield
Schneebeli
Sebelius
Spence
Symms
Wampler
Young, S.C.

NOT VOTING—17

Boland
Brown, Mich.
Cotter
Evins, Tenn.
Fisher
Gray
Hanna
Jarman
Landgrebe
Mills, Ark.
O'Brien
Pepper
Rooney, N.Y.
Smith, Iowa
Wiggins
Wyman
Zwach

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Brown of Michigan.

Mr. Gray with Mr. O'Brien.

Mr. Cotter with Mr. Landgrebe.

Mr. Fisher with Mr. Wiggins.

Mr. Hanna with Mr. Zwack.

Mr. Jarman with Mr. Wyman.

Mr. Smith of Iowa with Mr. Pepper.

Mr. Boland with Mr. Evins of Tennessee.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the conference report just adopted.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill and Joint and Concurrent Resolutions of the House of the following titles:

H.R. 5649. An act to extend until November 1, 1978, the existing exemption of the steamboat *Delta Queen* from certain vessel laws;

H. J. Res. 52. Joint resolution authorizing the President to proclaim August 26, 1973, as "Women's Equality Day";

H. J. Res. 466. Joint resolution authorizing the President to proclaim the second full week in October, 1973, as "National Legal Secretaries' Court Observance Week";

H. Con. Res. 209. Concurrent resolution expressing the sense of Congress that additional copies of hearings be printed; and

H. Con. Res. 266. Concurrent resolution to provide for the printing of committee hearings on the relationship of pesticides to environmental issues and other matters.

The message also announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following titles:

S. 1410. An act to amend section 14(b) of the Federal Reserve Act, as amended, to extend for one year the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6370) entitled "An act to extend certain laws relating to the payment of interest on time and savings deposits, to prohibit depository institutions from permitting negotiable orders of withdrawal to be made with respect to any deposit or account on which any interest or dividend is paid, to authorize Federal savings and loan associations and national banks to own stock in and invest in loans to certain State housing corporations, and for other purposes."

The message also announced that the Senate had passed a joint and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S.J. Res. 149. Joint resolution to extend the mutual and self-help housing program under title V of the Housing Act of 1949; and

S. Con. Res. 43. Concurrent resolution to make certain technical corrections in the enrollment of S. 1888.

CONFERENCE REPORT ON H.R. 7935, FAIR LABOR STANDARDS AMENDMENTS OF 1973

Mr. DENT. Mr. Speaker, I call up the conference report on the bill (H.R. 7935) to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rates under that act, to expand the coverage of that act, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of July 27, 1973.)

Mr. DENT (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DENT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, almost 40 years ago the Congress of the United States took up the question of establishing a minimum standard of working conditions in this country known as the Fair Labor Standards Act.

At that time the sides were pretty drawn as to the support of and opposition to this legislation.

Over these many years on occasions this matter has come again before the House, and the lines of opposition and of support have not changed very much. That is natural and to be expected.

This is a bread and butter issue. It deals with wages being paid and wages to be paid; it deals with hours of labor and payment for overtime.

Early in the beginning of this discussion it was recognized that there were different sections of the country that had different problems. It was recognized different types of employment had different problems and had to be treated differently. However, over the years the Congress has seen fit to remove in ensuing legislation some of the restrictions and to recognize changing criteria until we have reached the stage where we have almost a universally applied minimum wage and overtime act.

This Congress sent this particular matter to conference. It was a very difficult conference in a way, because the Senate had reached that point in its stage of thinking that most exemptions under the act should be removed. I might say that the most strenuous effort to remove the exemptions from the agricultural processing section of the bill were made by a Republican Member of the Senate, using as his arguments the statements made and the report made by two Republican Secretaries of Labor, Shultz and Brennan.

Some of us believed that the time had not yet come in certain areas to remove immediately the exemptions on overtime, so the House tried its best, and succeeded, I believe, in using a stretch-out method of cutting down on overtime exemptions. In the conference the House receded 13 times on key measures. The Senate receded 29 times. No person who has ever served on a conference committee could hope or expect to hold tight to a solid position as either House passes it, so, therefore, we feel in this difficult kind of a legislative effort we did as best as we could to hold as nearly as we could to the House position.

In the early days during the passage of this legislation under President Franklin D. Roosevelt, a statement was made by the President that no product that was not produced under the provisions of the Fair Labor Standards Act ought to be allowed to pollute the channels of commerce of this country. Further elaborating on that particular subject and statement of the President, the Senate wrote a provision in the act that stated no product, whether made or produced within the continental United States or anywhere else in the world, should be allowed to flow through the channels of commerce in this Nation. The House removed that provision after a great and long debate, and although there have been attempts to do the very thing that the President asked for, they have never been successful.

However, we did recognize not too many years ago that there was a movement in this country geographically of industrial and business activity, and during the great depression there was a great migration of industry, especially in the area of textiles, to the South. Industry will in any event, without exception in the history of the world since industrialization has come into being, always move to the low-wage area, and products for sale will always move to the high-wage area. Industry is only in being and was only conceived and created for one purpose: to produce goods for the use of peoples and to profit by it.

To counteract this very exclusive control over the production of goods, and the sale, and the profit from goods, the labor union came into being. The labor union was only conceived and put into being for one purpose, and that was to try to get an equitable share of the profits earned by the corporate entity for the men and women in the laboring and producing field. The labor unions have been able, in my opinion, to gain a reasonable part of the profit contributed by labor, but the great body of unorganized working in smaller groupings have been unable to organize, and so the Congress wisely, I believe, set up an organization within the Congress, the committee that handles minimum wage, to negotiate for the unorganized.

Any talk of giving somebody a gift by passing a minimum wage increase is as far from the truth as anybody can stray. The last amendment was in 1966. Just as a little example of what has happened during that time, in this area there is a particularly succulent sausage sold called a half-smoke. It is not made in my territory at all and I have a fondness for the product. In 1967 a half-smoke sold for 39 cents a pound. Last Friday I bought my usual allotment, as every now and then I do, and I bought 5 pounds at the market for 99 cents a pound. I talked to my wife yesterday and she said:

> If you have an opportunity, since you are not going to be in Washington for a month, you had better bring home about ten pounds. We are going to have a little barbecue later in the month.

I called up and asked the market if they had the half-smokes and they said "Yes." I neglected to ask the price. The price of a half-smoke which was 99 cents last Friday and 39 cents in 1967 had gone up to $1.49 a pound in these last several days. They did not say that the price of a half-smoke for those who work for $1.60 an hour would be set at a lower price. That person has to pay the same price as any Member or I for everything that person eats or wears or pays for taxes.

I cannot conceive of any realistic opposition to this legislation that will be raising the minimum wage in one instance by 40 cents to $2 an hour and in other instances by 20 cents.

Following good, historical lines of negotiation we have extended it to $2.20 in different steps. Following the same historical pattern we have lowered the hours of labor for overtime work.

If Members had accepted my recommendation in 1966 that minimum wages be put under the cost-of-living index, that would have automatically raised these wages at a greater pace than we do and if it kept pace with increases we have granted our millions of Federal workers, the wage today would be $2.38 an hour.

Some come with the argument, and we will hear it again today, that this puts us at a disadvantage in international trade. That argument should have been made years ago because at no time in the history of this Nation has there ever been a lesser margin paid between overseas wages and the minimum wages paid in this country. When my father came to America as a boy of 14 he got a job at $1 a day, but he left a homeland where they were getting 6 cents a day. No one ever hoped or tried to believe that this labor in the United States at $1 a day could compete with 6-cent-a-day labor in Europe, nor can anybody ever expect the labor content of any product to be the difference between foreign and domestic productivity.

We have in this country today a bill of $100 billion a year being paid through 137 or so different agencies in one form of relief or another. Do not lay the blame for carrying the economy forward in this country onto the shoulders of the least paid worker. There can be no valid argument that this legislation burdens the economy or causes inflation. It can be said, but it cannot be proven.

I would hope that, just as other Congresses have before, we step away from those tightly drawn lines of opposition and support and march together to meet a very necessary increase in the minimum wage in this country. We are doing something, yes. Slowly but surely we are drawing toward that point where we will have a universal minimum wage.

Dr. Conlan said many years ago that one of the dangers in minimum wage was that it would soon become the maximum wage. In every other country on the face of the Earth except the United States of America, which today yet we hope and pray is still a free enterprise nation, that has been true. But the difference between the average wage in the United States and the minimum wage widens every year, because we allow the minimum wage to drift backwards as the normally negotiated wage climbs forward, so the difference between the minimum wage and the going wage in 1966 has now widened to a considerable gap, as the price of sausages from 1966 through this day has widened to a very considerable gap. These men and women, I tell the Members, are the strongest souls in these United States fighting for the free enterprise of labor and the free enterprise of industry and business. Why? Because they are willing to work for less than they would receive on welfare. Courageous, honest, decent people.

You and I—you and I are the only voice that they have to negotiate for them. No one else can do it.

As I said earlier, the conference was tough because the Senate had come to that point where it felt that the time had come to remove the many exemptions, and they tried to prove their point. In all honesty, they did prove it, that new innovations in production facilities; new innovations in technology; computerization of production; all of these things that have come through the inventiveness of the American people have created a greater production per dollar's worth of labor than ever obtained before in the history of this or any other country.

But even so, that worker has to meet his obligations to pay for his shelter, to pay for his clothing, to pay for his food. Any person in this House who would believe that in this day a person working for $1.60 an hour can hope to meet the lowest standard of living, it is not there—it is not there. It will not be.

I am very proud to say to the House that we recognized the difficulties in the House of Representatives, the deep and rooted convictions of Members, honest convictions. So we did try to hold as secure as we could to the House position. But one cannot just roll over strong sentiments of both Republican and Democratic Members of the U.S. Senate. They were as one unit. They stood firm. They stood solid. Republicans and Democrats.

We were able to hold to the line on the wages and wage schedules. We were able to hold close to the line on 29 vital issues. When we receded we receded in most instances to gain a point.

For instance, it is said, "Well, you gave up on food processing." Did we? Let us see. The bill came to the House phasing out the overtime exemptions in 2 years. The House, late in the day, accepted one amendment, the amendment of the gentlewoman from Oregon, and voted to hold the status quo, where there would be no reduction in the exempted hours of food processing, and the number of weeks.

We went to the Senate. The Senate amendment immediately wiped out all of the exemptions given to food processing. We succeeded in getting the Senate to accept a provision that in 4 years eliminates the overtime exemption.

Mrs. GREEN of Oregon. Mr. Speaker, will my colleague yield on that point?

Mr. DENT. I am happy to yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. First may I express my admiration for the gentleman in the well. I have watched his work over a period of years, and I believe he does a remarkably fine job.

I strongly favor the increase in the minimum wage. As I have said many times, to me it is by far the best "war on poverty" that could ever be waged. If we let people earn a living wage, we do not need so many welfare programs.

Also, I am delighted the bill came back from the conference including minimum wage coverage for domestic workers.

But in terms of the overtime exemption, as I understand it, in the Senate bill they removed all the exemptions for overtime, not only for food processing but also for cotton processing, sugar processing, and tobacco processing.

I do not understand why the conference report comes back so that in the year 1977 the overtime exemption for food processing is eliminated entirely, phased out in 1977, but for the cotton and sugar processing, as I understand the conference report, they could still have 6 weeks with 60 hours work each week and not pay any overtime. The reason I am troubled by that is partly the gentleman's earlier remarks about the increased price of foods. When we have perishable foods, and the people in the cannery business have to pay overtime during the harvest season—they have to pass it on to the consumer. Cotton and sugar do not fall in the class of perishable foods, so I do not understand why the Senate held so fast on the food processing overtime exemption but apparently was perfectly willing to allow the overtime exemption of 6 weeks at 60 hours for the cotton and sugar processing.

Mr. DENT. Mr. Speaker, the House passed a bill in which there were no reductions on cotton or sugar. The Senate wiped out completely the allowances in cotton and sugar. We succeeded for the first time in the history of this legislation in reducing the number of hours that could be worked without overtime penalty. But let us consider the benchmark.

Mrs. GREEN of Oregon. Mr. Speaker, will the gentleman yield on that point?

Mr. DENT. Yes, I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Speaker, I will ask this question:

Is it not also true that the House bill went to conference with no reduction in the overtime exemption for food processing?

Mr. DENT. Yes. And what did we do?

Mr. Speaker, we worked out a compromise, and I believe that is what we went to the conference for.

We reduced it by a scheduled reduction in food processing, but we also reduced it hourly and weekly in cotton and sugar. We started with sugar and cotton with a 52-week exemption, the entire year, with unlimited number of hours. If they could get them to work 24 hours a day, they worked 24 hours a day.

We succeeded in bringing that down to 60 in 6 weeks, and lesser hours in other weeks, and we have started bringing it down. Everyone is on notice and everybody knows that when the next bill comes up, whichever Member may be around to handle it, that those particular industries will march along.

But with food processing, we started with a 14-week exemption—not a 52-week exemption period, and the benchmark difference is significant.

Mr. Speaker, the conference report to accompany H.R. 7930—Fair Labor Standards Amendments of 1973—is the result of 3 trying days of conference last week. I can say with complete sincerity, that the managers on the part of the House engaged in every sense in a meaningful conference. The House-passed bill was our benchmark and we did our best to uphold that position. The managers of the other body did the same. And the outcome is now before us for judgment.

I know there are those who will suggest we yielded on every crucial issue. But a measure of the differences between the two proposals against the emerging provisions of the conference report will demonstrate the shallowness of that argument. In actual fact, the conference report bears more the stamp of the House than the Senate. By actual count, the House receded on 13 key differences; the Senate receded on 29. On the question of schedules for increasing the minimum wage rates, for instance—invariably considered the most important feature of any minimum wage bill—the conference report contains the House position.

I cannot resist the temptation, Mr. Speaker, to comment on the latest in the litany of "Dear Colleague" letters my good friends Mr. QUIE and Mr. ERLENBORN have showered on us during the more than 3 years it has taken to arrive at this point in minimum wage legislation. It is dated August 1 and is a splendid example of creative writing.

They say they want you to resist the adoption of the conference report until "these inconsistencies are resolved in a manner compatible with the position of the House." When I read the listing of their complaints, I knew we were in good shape. Let us take them one by one.

First. They say the most "unacceptable" part of the conference report is the reinstatement of the historic ratio test for more than four students hired under the student differential. They go on to say that every employer who wants to give an employment opportunity for more than four students is limited to previous hiring experience.

Now that is simply not true. The historical ratio test will apply only to student employment in retail and service businesses, and not to employment in other areas. Moreover, they do not state that this test is in existing law, or that the Senate amendment retained its applicability to all retail and service employers—not alone to those employing more than four students.

Our objective was to make the student employment provisions as accessible and available as we could to the small businessman—and an employer who intends to employ more than four students at any one time is not likely to be very small.

So we have stood by the House position. And in the Conference, incidentally, the gentlemen who are now critical of our agreement in that respect helped shape it.

Second. Their second objection is to the phaseout of the limited overtime exemption applicable to agricultural processing. They say we "quickly receded" from the House position of no phaseout and agreed to the four-step phaseout—by 1977—provided in the conference report.

First of all, we did not "quickly agree." The agreement on that issue ultimately occurred on the third day of a 3-day conference.

Also, the Senate amendment provided for an immediate repeal of that exemption—with no phaseout schedule. We finally prevailed in insisting that the phaseout take place over an extended period, and a period of even longer duration than that provided by the original House bill.

What they do not tell you is that the administration has been recommending a phaseout of the exemption since 1970—and that Secretary Brennan reiterated that recommendation in testimony this year.

Third. They object to covering public employees engaged in law enforcement and fire protection activities. We do propose to cover these employees and they are entitled to that coverage. But we do so in a reasoned manner consistent with the unusual nature of the employment. We do not put them into a 40-hour workweek, as my friends suggest. Rather, we put them initially into a 192-hour per 4-workweek period—an average of 48 hours per week—to allow wide latitude in the ability of their employers to schedule their work.

Fourth. Mr. QUIE and Mr. ERLENBORN say that we contribute to abandoning the "traditionally protective treatment of small business in minimum wage legislation," by agreeing to phase out the retail or service establishment test exemption of $250,000.

This has nothing whatsoever to do with small business and let us not be fooled that it does. These establishments are parts of a chain or conglomerate. They have economic superiority over legitimate small businesses and should not be permitted—to the extent we can help with this legislation—to maintain that advantage.

The small businessman is protected in this report—he retains his $250,000 exemption without change. It is only elements of chains and conglomerates we are reaching here.

Moreover, the House conferees succeeded in resisting a Senate provision which did go to the heart of small business—a provision, in fact, which spoke to the treatment of so-called "Mom-and-Pop" activities.

Fifth. Finally, my friends close with some idle references to other provisions which are hardly earthshattering.

In sum and substance, they apparently have no legitimate complaint about the conference. But I know they had to say something after it ended because they had been telling you all along that we would go over there and merely accede to the provisions of the other bill. As I stated earlier, the Senate yielded on 29 points; we yielded on 13.

Mr. Speaker, the legislation before us is moderate and balanced to the community of employers but nonetheless significant to America's workers.

It increases the minimum wage rate in gradual increments to $2.20 an hour for all covered workers. The increases are staged over time in order to diffuse any possibly adverse economic impact. There is no need to defend $2.20 an hour in the face of today's inflationary realities. It is indefensible. It is too little, but it is the best we can do.

The legislation will also extend minimum wage coverage to nearly 7 million workers, the most significant categories being domestic service employees and public employees. Overtime coverage will be extended to more than 8 million workers.

A summary of the provisions follows:

H.R. 7935—SUMMARY OF THE FAIR LABOR STANDARDS AMENDMENTS OF 1973

Category of Coverage	Hourly rate	Effective date
A. Increase in the minimum wage rate:		
Nonagricultural employees covered under the minimum wage provisions of the Fair Labor Standards Act prior to the effective date of the 1966 amendments (including Federal employees covered by the 1966 amendments).	$2.00	1st day of the second full month after the date of enactment.
	2.20	July 1, 1974.
Nonagricultural employees covered under the minimum wage provisions of the Fair Labor Standards Act by the 1966 amendments and 1973 amendments.	1.80	1st day of the second full month after the date of enactment.
	2.00	July 1, 1974.
	2.20	July 1, 1975.
Agricultural employees covered under the minimum wage provisions of the Fair Labor Standards Act.	1.60	1st day of the second full month after the date of enactment.
	1.80	July 1, 1974.
	2.00	July 1, 1975.
	2.20	July 1, 1976.
B. Extend coverage of the act:		
Minimum wage coverage will be extended to the following:	Overtime coverage will extended to the following:	
Federal employees.	Federal employees.	
State and local employees.	State and local employees.	
Domestic service employees.	Domestic service employees.	
Retail and service employees.	Retail and service employees.	
Conglomerate employees (in agriculture).	Seasonal industry and agricultural processing employees.	
Telegraph agency employees.	Telegraph agency employees.	
Motion picture theater employees.	Hotel, motel, and restaurant employees.	
Logging employees.	Food service employees.	
Shade grown tobacco processing employees.	Bowling establishment employees.	
	Nursing home employees.	
	Transit (local) employees.	
	Cotton ginning and sugar processing employees.	
	Seafood canning and processing employees.	
	Oil pipeline transportation employees.	
	Partsmen and mechanics in certain vehicle sales establishments.	

BRIEF SECTION-BY-SECTION ANALYSIS

SECTION 1. *Short Title.*—Provides that the act may be cited as the "Fair Labor Standards Amendments of 1973."

SECS. 2 and 3. *Nonagricultural Employees.*—Provides a minimum wage rate for nonagricultural employees covered by the act prior to the effective date of the 1966 amendments, and Federal employees covered by the 1966 amendments, of not less than $2 an hour beginning on the first day of the second full month after the date of enactment, and not less than $2.20 an hour beginning July 1, 1974.

Provides a minimum wage rate for nonagricultural employees covered by the 1966 and 1973 amendments to the act of not less than $1.80 an hour beginning on the first day of the second full month after the date of enactment, not less than $2 an hour beginning July 1, 1974, and not less than $2.20 an hour beginning July 1, 1975.

SEC. 4. *Agricultural Employees.*—Provides a minimum wage rate for agricultural employees covered by the act of not less than $1.60 an hour beginning on the first day of the second full month after the date of enactment, not less than $1.80 an hour beginning July 1, 1974, not less than $2 an hour beginning July 1, 1975, and not less than $2.20 an hour beginning July 1, 1976.

SEC. 5. *Government, Hotel, Motel, Restaurant, and Food Service Employees in Puerto Rico and the Virgin Islands.*—The minimum wage rate for hotel, motel, restaurant, food service, and Government of the United States and the Virgin Islands employees in Puerto Rico and the Virgin Islands shall be in accordance with the applicable rate in the United States.

Other Employees in Puerto Rico and the Virgin Islands.—Provides for an increase of $0.12 an hour on wage orders presently under $1.40 an hour, and $0.15 an hour on wage orders $1.40 or more an hour, effective on the first day of the second full month after the date of enactment. Provides additional annual increases of identical amounts until the wage order rates are in conformance with applicable rates in the United States. In the case of an agricultural employee whose hourly wage is increased (above that required by wage order) by a subsidy paid by the Government of Puerto Rico, the increases shall be applied to the sum of (1) the wage rate and (2) the amount of the subsidy.

Provides for the establishment of special industry committees to recommend minimum wage rates for employees newly covered by the 1973 amendments (including employees of the Government of Puerto Rico and its political subdivisions). The recommended rates cannot be less than 60 per centum of the rates applicable to U.S. employees covered by the 1966 and 1973 amendments, or $1 an hour, whichever is higher.

With respect to other employees covered under wage orders, the rates cannot be less than 60 per centum of the otherwise applicable rates in the United States, or $1 an hour, whichever is higher. Employees of the Government of Puerto Rico and its political subdivisions are subject to this provision only in the initial establishment of wage order rates pursuant to the recommendations of special industry committees.

Provides further that, special industry committees recommend the minimum wage rate applicable in the United States except where pertinent financial information demonstrates inability to pay such rate. Also, that a court of appeals may upon review of a wage order specify the minimum wage rate to be included in the wage order.

SEC. 6. *Federal and State Employees.*—Amends definitions of the act to permit the extension of minimum wage and overtime coverage to Federal, State, and local public employees. Federal, State, and local public employees engaged in fire protection or law enforcement activities, or employed in correctional institutions, are provided a limited overtime exemption if under agreement entered into between the employer and the employee a work period of 28 consecutive days is accepted in lieu of a workweek of 7 consecutive days, and if overtime compensation is paid for employment in excess of 192 hours in such work period during the first year after the effective date, 184 hours in such period during the second year, 176 hours in such period during the third year, 168 hours in such period during the fourth year, and 160 hours in such period thereafter.

SEC. 7. *Domestic Service Workers.*—States a finding of Congress that domestic service in households affects commerce and that the minimum wage and overtime protections of the act should apply to such employees. This section prescribes therefore, the minimum wage (not less than $1.80 an hour beginning on the first day of the second full month after the date of enactment, not less than $2 an hour beginning July 1, 1974, and not less than $2.20 an hour beginning July 1, 1975) and overtime (compensation for hours worked in excess of 40 per week) rates applicable to such employees. If such employee resides in the household of the employer, minimum wage compensation only is required. The provision does not apply to a person who, on an intermittent basis, provides baby sitting services, or who provides companion services. Domestic service employees are described as those whose compensation for services constitutes "wages" under section 209 of the Social Security Act.

SEC. 8. *Retail and Service Establishments.*—Reduces and ultimately repeals the "dollar volume" test for coverage of retail and service establishments of a "chain" under the minimum wage and overtime provisions of the act. Effective July 1, 1974, the minimum wage and overtime provisions of the act will apply to such establishments with gross annual sales or services of $225,000 or more; and effective July 1, 1975, gross annual sales or services of $200,000. Beginning July 1, 1976, all such retail and service establishments will be subject to the minimum wage and overtime provisions of the act.

SEC. 9. *Tobacco Employees.*—Retains a limited overtime exemption for employees engaged in activities related to the sale of tobacco. Overtime compensation must be paid for employment in excess of 10 hours in any workday and 48 hours in any workweek for a period or periods not to exceed 14 workweeks in the aggregate in any calendar year. Without this section, the limited overtime exemption would be ultimately repealed by section 19.

Also repeals the present minimum wage exemption for employees engaged in the processing of shade-grown tobacco.

SEC. 10. *Telegraph Agency Employees.*—Repeals the minimum wage exemption for employees of small telegraph agencies, and reduces and ultimately repeals the overtime exemption for such employees. During the first year after the effective date of the 1973 amendments, overtime compensation must be paid to such employees for hours worked in excess of 48 per week; during the second year, for hours worked in excess of 44 per week; and thereafter, for hours worked in excess of 40 per week.

SEC. 11. *Seafood Canning and Processing Employees.*—Reduces and ultimately repeals the overtime exemption for employees engaged in the processing and canning or seafood. During the first year after the effective date of the 1973 amendments, overtime compensation must be paid to such employees for hours worked in excess of 48 per week; during the second year, for hours worked in excess of 44 per week; and thereafter, for hours worked in excess of 40 per week.

SEC. 12. *Nursing Home Employees.*—Amends the overtime exemption for nursing home employees to provide an overtime exemption for employment up to 8 hours in any workday and up to 80 hours in any 14-consecutive-day work period. This coverage is identical to that for hospital employees. The present overtime exemption for nursing home employees is for employment up to 48 hours in any workweek.

SEC. 13. *Hotel, Motel, and Restaurant Employees and Tipped Employees.*—Reduces the overtime exemption for employees (other than maids and custodial employees in hotels and motels) employed in hotels, motels, and restaurants. During the first year after the effective date of the 1973 amendments, overtime compensation must be paid to such employees for hours worked in excess of 48 per week, and thereafter, for hours worked in excess of 46 per week.

The overtime exemption for maids and custodial employees in hotels and motels is reduced and ultimately repealed. During the first year after the effective date of the 1973 amendments, such employees must be paid overtime compensation for hours worked in excess of 48 per week; during the second year, for hours worked in excess of 46 per week; during the third year, for hours worked in excess of 44 per week; and thereafter, for hours worked in excess of 40 per week.

With respect to tipped employees, the tip credit provision of the act is not to apply unless the employer has informed each of his tipped employees of the tip credit provision and all tips received by a tipped employee have been retained by the tipped employee (either individually or through a pooling arrangement).

SEC. 14. *Salesmen, Partsmen, and Mechanics.*—Provides an overtime exemption for any salesmen primarily engaged in selling automobiles, trailers, trucks, farm implements, boats, or aircraft if employed by a nonmanufacturing establishment primarily engaged in the business of selling such vehicles to ultimate purchasers. Also provides an overtime exemption for partsmen and mechanics of automobile, truck, and farm implement dealerships.

SEC. 15. *Food Service Establishment Employees.*—Reduces and ultimately repeals the overtime exemption for employees of food service establishments. During the first year after the effective date of the 1973 amendments, overtime compensation must be paid to such employees for hours worked in excess of 48 per week; during the second year, for hours worked in excess of 44 per week; and, thereafter, for hours worked in excess of 40 per week.

SEC. 16. *Bowling Establishment Employees.*—Reduces and ultimately repeals the overtime exemption for employees employed in bowling establishments. Beginning 1 year after the effective date of the 1973 amendments, such employees must be paid overtime compensation for hours worked in excess of 44 per week, and beginning 2 years after the effective date, for hours worked in excess of 40 per week.

SEC. 17. *Substitute Parents for Institutionalized Children.*—Provides an overtime exemption for couples who serve as houseparents of children who are institutionalized by reason of being orphaned or having one deceased parent. Further provides that such employed couples must receive cash wages of not less than $10,000 annually, and reside on the premises of the institution and receive their board and lodging without cost.

SEC. 18. *Employees of Conglomerates.*—Precludes the availability of the minimum wage exemption presently applicable for certain employees employed in agriculture to a controlling conglomerate with an annual gross volume of sales made or business done in excess of $10 million, if the conglomerate materially supports the employing agricultural entity.

SEC. 19. *Seasonal Industry Employees.*—Existing law provides an overtime exemption for employment in seasonal industries up to 10 hours in any workday or 50 hours in any workweek for not more than 10 workweeks during the calendar year. Existing law also provides an overtime exemption for employment in agricultural processing up to 10 hours in any workday or 48 hours in any workweek for not more than 10 workweeks during the calendar year. In the case of an employer who does not qualify for the overtime exemption under both categories the exemption is extended to 14 workweeks during the calendar year for the category under which he does qualify.

The overtime exemption for employment in seasonal industries is reduced to 48 hours in any workweek for not more than 7 workweeks beginning January 1, 1974 nor more than 5 workweeks beginning January 1, 1975, and not more than 3 workweeks beginning January 1, 1976. The overtime exemption for employment in agricultural processing is reduced to not more than 7 workweeks beginning January 1, 1974, not more than 5 workweeks beginning January 1, 1975, and not more than 3 workweeks beginning January 1, 1976. In the case of an employer who does not qualify for the overtime exemption under both categories, the exemption is reduced from 14 workweeks during the calendar year to 10 workweeks during 1974, to 7 workweeks during 1975, and to 5 workweeks during 1976. Effective December 31, 1976, the overtime exemptions are repealed.

SEC. 20. *Cotton Ginning and Sugar Processing Employees.*—Repeals the current overtime exemption and provides a limited overtime exemption for certain employees engaged in cotton ginning and sugar processing as follows:

	Hours of work permitted during each such workweek without payment of overtime compensation		
Annual workweeks	1974	1975	1976 and thereafter
6 weeks	72	66	60
4 weeks	64	60	56
2 weeks	54	50	48
2 weeks	48	46	44
Balance of year	48	44	40

SEC. 21. *Transit Employees.*—Reduces and ultimately repeals the overtime exemption for any driver, operator, or conductor employed by an employer engaged in the business of operating a street, suburban or interurban electric railway, or local trolley or motor bus carrier. During the first year after the effective date of the 1973 amendments, overtime compensation must be paid to such employees for hours worked in excess of 48 per week; during the second year, for hours worked in excess of 44 per week; and thereafter, for hours worked in excess of 40 per week. In determining the hours of employment of such an employee, hours employed in charter activities shall not be included if (1) the employee's employment in such activities was pursuant to an agreement or understanding with his employer arrived at before engaging in such employment, and (2) if employment in such activities is not part of such employee's regular employment.

SEC. 22. *Cotton and Sugar Services Employees.*—Retains a limited overtime exemption for certain employees engaged in cotton ginning and sugar processing activities. Overtime compensation must be paid for employment in excess of 10 hours in any workday and 48 hours in any workweek for a period or periods not to exceed 14 workweeks in the aggregate in any calendar year. Without this section, the limited overtime exemption would be ultimately repealed by section 19.

SEC. 23. *Motion Picture Theaters, Logging Crews, and Oil Pipeline Transportation Employees.*—Repeals the minimum wage exemption for employees of motion picture theaters, and logging employees, but retains the overtime exemption for such employees. Also repeals the overtime exemption for employees of oil pipeline transportation companies.

SEC. 24. *Employment of Students.*—Provides for the employment of full-time students (regardless of age but in compliance with applicable child labor laws) at wage rates less than those prescribed by the act in retail and service establishments, agriculture, and institutions of higher education at which such students are enrolled. Students may be employed at a wage rate of not less than 85 per centum of the applicable minimum wage rate or $1.60 an hour ($1.30 an hour in agriculture), whichever is the higher, pursuant to special certificates issued by the Secretary. Such special certificates shall provide that such students shall, except during vacation periods, be employed on a part-time basis (not to exceed 20 hours in any workweek). In the case of an employer who intends to employ five or more students under this section, the Secretary may not issue a special certificate unless he finds the employment of any such student "will not create a substantial probability of reducing the full-time employment opportunities" of other workers. The "historical proportion" provisions in existing law, as modified by the 1973 amendments, are also applicable to a retail or service employer employing five or more students under this section. These provisions are a limiting factor on the number of students which may be so employed.

In the case of an employer who intends to employ less than five students under this section, the Secretary may issue a special certificate if the employer certifies to the Secretary that he is not thereby reducing the full-time employment opportunities of other workers. The certification requirements are not applicable to the employment of full-time students by the educational institutions at which they are enrolled. Sections 15 (Prohibited Acts) and 16 (Penalties) of the act would be applicable to an employer who violated the requirements of this section. A summary of the special certificates issued under this provision is required to be included in the Secretary's annual report on the act.

Section 24 also provides that the Secretary may waive the minimum wage and overtime provisions of the act with respect to a student employed by his elementary or secondary school, where such employment constitutes an integral part of the regular education program provided by the school and is in accordance with applicable child labor laws.

SEC. 25. *Child Labor.*—The employment of children under age 12 in agriculture is prohibited unless they are employed on a farm owned or operated by their parents or guardians, or on a farm exempt from the minimum wage provisions of the act. Children 12 or 13 years of age may work in agriculture only with the written consent of their parents or guardians or if their parents or guardians are employed on the same farm. For persons 14 years of age or older, prior consent is not required for employment in agriculture.

Any person who violates the child labor provisions of the act or applicable regulations, is subject to civil penalties. The Secretary is permitted to require employers to obtain employee's proof of age.

SEC. 26. *Suits by the Secretary.*—Authorizes the Secretary to sue for back wages (which he can do now) but also to sue for an equal amount of liquidated damages without requiring a written request from the employee. The Secretary could also sue even though the suit might involve issues of law that have not been finally settled by the courts. In the event the Secretary brings such an action, the right of an employee provided by section 16(b) of the act to bring an action on behalf of himself, or to become party to such an action would terminate, unless such action is dismissed without prejudice, on motion by the Secretary.

SEC. 27. *Economic Effects Studies.*—In addition to and in furtherance of the requirements of section 4(d) of the act, the Secretary is required to conduct studies on the justification or lack thereof for each of the exemptions provided by sections 13(a) and 13(b) of the act. Such studies shall include an examination of the extent to which employees of conglomerates receive the sections 13(a) and (b) exemptions and the economic effect of their inclusion in such exemptions. The report on the study would be due not later than January 1, 1976.

SEC. 28. *Effective Date.*—Provides that unless otherwise indicated, the effective date of the 1973 amendments shall be the first day of the second full month which begins after the date of enactment.

Mr. Speaker, I would now like to speak to a couple of provisions in order to clarify any possible misunderstanding derived from the language of the conference report.

We extend minimum wage coverage, for instance, to logging employees in small crews. Their employers say, "How can we pay the minimum wage when they go out on their own in the morning and return at night? We do not actually know how many hours they worked during the day?"

The Secretary already has experience in that kind of situation and has been guided by the courts. Ordinarily such an employee has periods of complete freedom and it would be difficult to determine the exact hours worked. Accordingly, any reasonable agreement of the parties which takes into consideration all of the pertinent facts will be accepted as a proper basis for determining hours worked.

With respect to the student employment provision, I would point out that the term "employer" is defined in the statute and was not chosen without being mindful of legislative intent. It does not appear in the relevant provisions of existing law, so the Secretary cannot be guided by past practice.

We intend by the use of the term "employer," that the Secretary look to the highest level of person acting directly or indirectly in the interest of an employer in relation to an employee; that is, the highest structure of ownership or control. We intend, for example, that a controlling conglomerate or a chain be considered the employer when the Secretary determines whether one of its subsidiaries or establishments is employing less than five—or more than four—students pursuant to special certificates. See ***Phillips* v. *Walling*,** 324 U.S. 400 and ***Mitchell* v. *Bekins Van and Storage Company*,** 352 U.S. 1027.

Mr. Speaker, I hope this conference report will enjoy an affirmative vote of substantial proportions. It not only deserves that degree of approval, but such an indication may help eliminate any doubt about its ultimate enactment.

Mr. Speaker, there are several provisions in this conference report which, I suspect, would not appear were it not for the persistent advocacy of the gentleman from California (Mr. BURTON). The gentleman is a senior member of the subcommittee and has been the most attentive and diligent member with respect to the total legislation before us. But several of its provisions bear his personal imprint.

The overtime treatment of nursing home employees, for example, is due exclusively to the efforts of Congressman BURTON. That treatment requires the payment of overtime compensation for hours worked in excess of 8 per day and

80 per each 2-workweek period. The 8-hour daily limitation is unique in the Fair Labor Standards Act and is enjoyed by only two categories of workers: hospital employees and now, thanks to PHIL BURTON, nursing home employees.

In this same regard, the 40-hour workweek will become reality to maids and custodial employees of hotels and motels. The reason again, is PHIL BURTON. While others were agreeing on a 46-hour workweek for all hotel and motel employees, PHIL's instincts led him to the most disadvantaged among that work force: the maids and custodial employees. It is not accidental that they alone were selected out from among their coworkers and accorded the 40-hour workweek. Unless, of course, you call PHIL's adamance accidental.

The conglomerate provision was conceived solely in his mind, although many of us quickly endorsed it. But PHIL was the first to focus on the inequity of conglomerates avoiding the payment of minimum wage rates and overtime—especially given their economic superiority. Although the Senate did not allow us to go as far with this provision as we would have liked, it is significant that the conference did not end without the inclusion of a conglomerate provision in the report. And PHIL's was the last voice heard on the subject.

We also finally succeeded in raising the minimum wage farmworkers to the same level applicable to all other workers. PHIL offered this proposal in committee where it was first approved. When he offered it, there were those who sincerely felt it would kill the bill, irrespective of its humane and compelling nature. But it looks as though PHIL's motivation and political sense prevailed, because the House voted affirmatively on the provision and the Senate soon followed suit. It appears in the conference report.

Finally, this legislation covers domestic service employees under the minimum wage and overtime provisions. No group of employees was ever more deserving of those basic protections. But they were denied until 1973. I will not suggest that PHIL BURTON was alone responsible for accomplishing this long-delayed response to humane need. The gentleman from Missouri (Mr. CLAY) and the gentlelady from New York (Mrs. CHISHOLM) were strong and articulate advocates, as were others—especially women Members and those in the black caucus. But PHIL BURTON stood with them and was equally instrumental in defending the rights and simple entitlements of these economically and socially deprived workers.

I am grateful for his assistance in every respect. He was a resourceful and steadfast ally and shouldered many of the burdens that I, as chairman, would otherwise have been encumbered with. He is aware of my gratitude because good frends know and understand one another. But I thought outside observers should also have the benefit of knowing who played what role, so that history does not obfuscate the realities of the moment.

Mr. QUIE. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, some of us had some substantial differences concerning this bill when it went through the House. We did not prevail. And so I do not stand before the Members today arguing about the rates of the minimum wage, because they were the same in both bills; there was a little difference in the time in which they would go into effect in the Senate bill as distinguished from the House bill.

By the same token, I certainly would have liked to have seen a much better youth differential than was in the House bill. However, the majority of the House made a decision on that.

Mr. Speaker, at the time the House bill went through, I did not point out some of the improvements in the youth differential that were in the House bill. If I had, I might have given the impression that it was good enough and we could not have gotten the votes for our substitute. It turned out that we did not get the votes for our substitute anyway.

Coming back from conference, to me the greatest disappointment I have in the legislation was the change that was made as a result of the concession of the House to the Senate, the House receding. This is concerning a provision in the present law which I believe denies thousands of young people an opportunity for a job, because there are a number of retail and service employers who feel as I do: that it is much healthier for a young person to have a job, and those employers will then go out of their way to expand job opportunities for them, providing there is a youth differential without undue restrictions.

Now, in retail and service establishments, if an employer wants to hire more than four students under the youth differential program, he is limited to the proportion of hours in which he hired youth during the 12-month period prior to May 1, 1961. If he was established after that point in history, then he cannot hire any more students than another establishment in the same enterprise, or a similar establishment in as close an area as possible, in the 12-month period prior to May 1, 1961.

We have been putting such historical limitations in agriculture bills before, and I can tell you it throws the whole thing out of whack. Here again we are going back to the history of the experience in that 12-month period prior to May 1, 1961. It was terribly unwise. The House conferees should have stood by its language.

The other body accepted the fact that the employer only has to certify to the Secretary he will not replace full-time workers if he hires four fewer students, but if he wants to hire five or more the Secretary has to make a finding first that he will not replace full-time employees. Even if he makes that finding, he still cannot hire more than the experience in his own establishment or a similar establishment some place in the same metro area or some place else as close as possible prior to May 1, 1961.

Therefore I think the conference report is a mistake, and I hope that we would vote down this conference report and then write a better piece of legislation than we have now. I know it will take a little bit more time, but let us look at future years and the jobs of thousands of young people in this country which are at stake.

As I have pointed out before, young people are having tremendous difficulties these days, and one of the major ones is they cannot find jobs. A job at 85 percent of the minimum is a lot better than no job, roaming the streets and getting into trouble.

There are other provisions of the bill that I think we should not have receded from as we did. Rather than take more time to explain them, I will yield to some of my colleagues to do that.

So, Mr. Speaker, I reserve the remainder of my time, and I yield now 5 minutes to the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. Mr. Speaker, this bill before us today has had a long history. I guess we have spoken concerning the minimum wage bill so many times on the floor of the House that most of our colleagues feel they have heard the story over and over so often they do not need to hear it again. However, I would like to remind the House that we had a vote on the minimum wage bill last year and also we had a vote on whether we would send it to conference after it was amended by the other body.

In adopting the bill last year we had a clear-cut vote on the question as to whether we would include the Canal Zone in the increase in the minimum wage. The House voted not to include the Canal Zone. Again this year we had a clear-cut separate vote on that issue, and the House voted not to include the Canal Zone. What happened in the conference? There was no discussion. The majority members of the conference did not say, "Well, now, the House position has been stated clearly twice, and we would like to argue with the Senate conferees that the House position ought to have been sustained." Oh, it would have been so refreshing had that happened, but that is not what happened. They immediately proceeded to accede to the Senate position and follow what was clearly thrown out twice by the House—before sending the bill to the other body.

Last year we refused to send the bill to conference. We made the argument then that we cannot have an honest conference if we do not have conferees a majority of whom are committed to our House position.

What happened this year on the Canal Zone amendment I think is a good indication we had an argument last year that was valid.

We have already had some colloquy on the floor concerning another separate vote taken in the House this year relative to employment in industries that are characterized by a seasonal character. The House clearly voted to sustain the position of Mrs. GREEN of Oregon. The vote was 257 to 173. With that clear-cut indication of the feeling of the House, do not the Members think it would have been refreshing if the majority of the House conferees had said, "We would like to take a vote," and at least once vote to sustain the House position? Then we will discuss this and maybe we will have to give in by adjusting our differences."

But no, that did not happen. They immediately moved away from the House position. They did not try to sustain it at all. I think that is another indication of why someday the House rules ought to be changed, and I hope that will be soon, to provide that a majority of the House conferees ought to be those who are in favor of the House position and will try to sustain the House position in conference.

What has this conference done? It has brought out a bill that was worse than the bill that passed the House. I should like to point out a few things besides the youth or student differential that my colleague, the gentleman from Minnesota (Mr. QUIE) has discussed. We are extending—and the House bill would have extended—coverage to Federal, State, and local employees. The controversy in the committee over whether overtime coverage should go to fire and police employees led to the House bill, when it was brought to the floor of the House, excluding overtime coverage for fire, police, and correctional employees. The conference—and again I must report that our House conferees did not fight very much to sustain the House position—now extends overtime coverage to these employees of State, local, and Federal Government. Oh, it will be said that this is just phased down; we are not going to impose the 40-hour week immediately.

But look carefully at the conference report. It says if the employees enter into an agreement with the employer, then we will phase down; otherwise, if the employee decides he does not want to give up his right to time and a half or double time, the firemen and the policemen are going to have a 40-hour week from the effective date of this act. Just think what that might do and will do, if this becomes law, to the budget of the cities and the municipalities and the States that now and for years have had varying hours for fire and police that do not conform to the normal 40-hour week.

Where are they going to find the funds to all of a sudden start paying time and a half and double time for these employees?

The SPEAKER. The time of the gentleman has expired.

Mr. QUIE. Mr. Speaker, I yield 5 additional minutes to the gentleman from Illinois.

Mr. ERLENBORN. I thank the gentleman.

Mr. BAKER. Mr. Speaker, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Tennessee.

Mr. BAKER. What is the situation with regard to congressional officers in this bill, so far as recordkeeping provisions are concerned?

Mr. ERLENBORN. I am happy to inform the gentleman that the extension of the minimum wage and overtime provision does not apply to House employees. It applies only to a limited number of people in the legislative branch, and they would be employees of the General Accounting Office.

Mr. BAKER. Is the committee then telling me that they are relieving the House of this burden and imposing the law on all of the business community throughout our Nation, exempting ourselves?

Mr. ERLENBORN. It is, I think, a little worse than that. It is not just the business community we are going to impose this on. It is every housewife who employs a maid 1 day a week. She is going to have to keep records of the hours and the days of work for which she pays, and she is going to be subject to the enforcement of the law by the Department of Labor.

Mr. BAKER. How in the world can we justify leaving ourselves out of this enormous burden?

Mr. ERLENBORN. I wish I could answer the gentleman's question. I do not know.

Mr. COLLIER. Mr. Speaker, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Illinois.

Mr. COLLIER. How would the overtime provisions that the gentleman has related, as they affect municipal employees, be applied—to school employees?

Mr. ERLENBORN. School employees would be covered by a 40-hour week.

Mr. COLLIER. So that means that in a school situation if teaching personnel, training personnel, or substitute personnel were obliged to perform some service on Saturday in connection with extracurricular activities, and they were employed 40 hours a week, they would fall under the overtime provisions of this act?

Mr. ERLENBORN. In my opinion they would. The 40-hour week would apply.

Mr. QUIE. Mr. Speaker, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Minnesota.

Mr. QUIE. Mr. Speaker, there may be a little question on that because professionals are exempt and I do not know how the teachers would come under it. That question never came up. It would be a question whether the teachers would be considered to be professionals or not. Otherwise they would be covered.

Mr. COLLIER. What about the nonteaching staff? We had a question some years ago about a subsequent need for judicial review, adjudication and clarification as it applied to school employees, particularly school bus drivers. I would be just curious to know whether or not when a school, as so often happens and particularly during peak times of enrollment and so on would bring in a staff on Saturday, do they fall under overtime provisions of this bill?

Mr. ERLENBORN. As the gentleman from Minnesota stated, unless they are exempt as professionals they would fall under coverage of this bill.

Mr. QUIE. They would be covered.

Mr. ERLENBORN. And it would be necessary to pay them time and a half or double time.

Mr. BURTON. Mr. Speaker, will the gentleman yield?

Mr. ERLENBORN. I will yield only briefly to the gentleman.

Mr. BURTON. As the gentleman knows we passed this coverage to the schools in 1966, and I think in all fairness as between the two parties it should be noted it was a gentleman on the Republican side of the aisle who offered the amendment and the conference adopted it. It was my recollection it was the gentleman from Illinois (Mr. COLLIER) but I tried to confirm it while the gentleman had the time.

Mr. COLLIER. Mr. Speaker, if the gentleman will yield, that is true, and that is why I said now I would be interested in the application of the overtime provisions.

Mr. BURTON. I am not trying unfairly to utilize the gentleman's time. As I understand it the bus driver is not the problem under the educational part, but it was the bus drivers especially who would be working overtime and it would not be affecting the basic educational institution.

Mr. ERLENBORN. I would like to move to another topic and that is the question of the $250,000 gross test for retail establishments. The conferees receded to the Senate provision with an amendment. It is described on page 28 of the conference report in this fashion:

> The Senate amendment expanded the coverage of large retail and service activities to include employees of all establishments of chain operations in which the chain enterprise has gross annual sales of more than $250,000. The House bill had no similar provision. The Senate receded with an amendment that phased out the dollar volume establishment test in sec. 13(a)(2) as follows:
>
> 1. $250,000 until July 1, 1974.
> 2. $225,000 on and after July 1, 1974.
> 3. $200,000 on and after July 1, 1975.
> 4. Repealed July 1, 1976.

What will the effect of this be. It means if under single ownership there is a retail establishment, that has a $240,000 gross business, they will not be under the provisions of the act, but if one man owns two small establishments and if he does only $50,000 worth of business, he will be and both of the establishments will be under the act. It really makes very little sense. It has nothing to do with the competitive position of the one store to the other, the size of the store, and so forth. The mere fact that there is common ownership of the several small stores, two or more stores would make all of them come under the provisions of this act for minimum wage and overtime.

This sort of result seems to me to be completely ridiculous and foolish and has no bearing to the historic posture of this act to exempt small business, and to make the minimum wage and overtime provisions apply only to the retail and service establishments.

Mr. Speaker, I think that this conference report should be rejected.

Mr. QUIE. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. HUBER).

Mr. HUBER. Mr. Speaker, this was my first attempt to serve on a conference committee. Regrettably, I did not have the chance to sit in on all of the meetings, but it was certainly instructive to me, at least, as an individual who has been meeting payrolls for years—almost 30 years—to see how this minimum wage process is carried out.

I enjoyed the chairman's comments about steel and problems of tobacco. Last night, in the bill providing for the Alaskan pipeline, we required the construction companies to fill their future needs of steel pipe from the United States and not use foreign steel.

I happen to serve on the board of a steel company with warehouses in three

States. We do not stock foreign steel as a matter of policy. Also, I drive an American-made car, and would presume that everyone who puts in these requests to buy American-made products also uses American products. Regrettably, I understand this is not always the case. There seems to be two sets of values in these matters.

Mr. DENT. Mr. Speaker, will the gentlemen yield?

Mr. HUBER. I yield to the gentleman from Pennsylvania.

Mr. DENT. Mr. Speaker, I not only use an American car, but I do not even allow a non-American car to get in my driveway.

Mr. HUBER. I agree with the chairman completely. I point out only that when we try to bring in these artificial barriers to protect our industry I am not sure we are accomplishing our goal. When we think we are helping the American worker are we actually helping him? Previous objectors to this report have indicated we are not going to improve the position of the young worker. We are going to make it much more difficult for him to get a job—$1.60 an hour is ridiculous for the principal wage earner of a family. I just cannot imagine people living on that low wage. I favor an increase in the minimum wage, but we should also provide for the young single teenager, and make him employable. Before we move we must be very careful how we attack these problems. Fine sounding slogans, saying we must use American boats or buy steel pipe from America, are not enough. We ought to make sure that our people can manufacture those products at a price that is competitive.

We are not encouraging industry by means of this measure or making it more productive; we are making it tougher and tougher for our products to compete, not because of the minimum wage—that is not where the problem is. If our products were competitive we would not have to worry about buying American, and this is a question of productivity.

I would hope that before this term of the Congress is over, we help make our industry more competitive with its foreign counterparts. Just passing arbitrary, false standards is not, in the long run, a solution to the problem.

Mr. QUIE. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Speaker, a review of the conference report has confirmed my belief that the House conferees have receded to the Senate in some of its important provisions. The provision most important to me and to my constituents is the one that relates to coverage of public safety and fire fighting employees.

I voted for the House bill because these employees were specifically exempted. I cannot vote for the conference report, because the House has accepted the Senate language, and that language would be disastrous for the municipalities in my area.

The provisions, described on pages 26 and 27 of the Senate Committee Report, are complicated, but careful study indicates that the bill requires overtime over 196 hours for each of 13 28-day periods during the first year. The number of hours is reduced each year for 5 years. At the end of the 5 years, overtime must be paid over 160 hours in each 28-day period.

Firefighters in my district work 24-hour shifts with 48 hours off. Their total hours in a normal 28-week period would be about 228.

It is true that Labor Department regulations exempt sleep time from the normal 24-hour shift. However, if fire calls occur during the sleep time, this exemption is lost. Since fire calls are unpredictable, overtime is unpredictable. Municipal budgets are fine-tuned to municipal levies and levy limits. Municipalities cannot stand uncertainties.

St. Louis Park, Minn., a town of 55,000 in the middle of my district, computes its extra costs over the 5-year period at today's wage and fringe scales to be nearly $1 million. If the city of St. Louis Park were to reduce its shifts to 8 hours, it would have to add 13 extra men. The cost over 5 years at today's wage and fringe rates would then be about three-quarters of a million dollars.

The city of St. Louis Park has not made a determination yet as to whether it will pay the overtime or hire the new firefighters. The reason it has not done so is because it is even now subjected to a mill-levy limitation imposed by the State legislature. It is already at its limit, and therefore it cannot accept either of the alternatives noted above. Realistically its only alternatives are first, to cut firefighting services or second, to cut some other needed local service and then decide whether to pay overtime or hire new firefighters.

I submit that this bill puts the municipalities in my district into an impossible position. This bill is supposed to protect people, but instead this Senate provision will render irreparable harm to the people of my district.

The bitterest irony of the whole situation is that the firefighters themselves have expressed opposition to the plan. They like their 24-hour shifts, and they enjoy the part-time jobs and the leisure which those shifts afford them.

Therefore, Mr. Speaker, even though I voted for the House bill, I must vote against the conference version and indicate my support of the veto if a veto should follow. I would like to repeat that if the proponents of this bill had not been greedy—if they had not been so willing to take the Senate position, which probably never could have passed the House—many Members, like myself, might have supported this bill. Because they had to have the whole loaf, they have probably caused the failure of this bill.

Mr. KEATING. Mr. Speaker, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from Ohio.

Mr. KEATING. I should like to compliment the gentleman from Minnesota for his awareness of the problems of municipalities. Having served in city government, I recognize the problem this would create. I join the gentleman in his remarks, and will follow his lead and vote no on this bill.

Mr. FRENZEL. I thank the gentleman from Ohio.

Mr. SARASIN. Mr. Speaker, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from Connecticut.

Mr. SARASIN. As the gentleman from Minnesota stated he did, I voted for the original bill also. I have a problem with this.

When I was in the Connecticut Legislature, we passed an overtime provision, or a sort of minimum wage standard, applying to everyone, and we found out that at least the fire departments in the State were in a real dilemma simply because they had contracts negotiated in good faith and were now told to go on a 40-hour week. They came back to the legislature and asked that we repeal that portion of the law, and we did.

My question is, As this bill has now been brought back to us, if adopted, what would the status of that situation be?

Mr. FRENZEL. I really cannot answer the gentleman. All I can say is that the municipalities in my district believe they are going to be stuck with overtime cost, or will have to hire additional firemen, or will have to reduce services in the city.

Mr. QUIE. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Speaker, the gentlewoman from Oregon has effectively pointed out that one of the problems we have in this bill as it comes back to us is the fact that on behalf of some, that is cotton processing and sugar processing, exemptions from overtime are maintained, but for all others in the seasonal industry they are effectively eliminated, though over a period of time.

As one who has historically had an interest in what we do to try to provide an adequate supply of food I must admit I am very disturbed and unhappy over the action of the House conferees in bending to the will of the Senate and taking provisions not in the House bill and in fact specifically rejected in the House by a record vote.

That kind of action on the part of the House conferees is but one reason why I believe the conference report ought to be rejected and voted down.

I do not say that lightly. I recognize full well the arguments that can be made on behalf of an increase in the minimum wage. But on balance, when we consider all the implications contained in this conference report—the youth differential and the effect this will have on young people's employment opportunities; on State and local employees; on seasonal industries across the United States of all kinds, who will, in my judgment, at least, find it more difficult to deal with the problem of highly perishable products in a way that makes sense and supplies food in the way it should be done in this country—as we look at the effect on households by virtue of the action of the conference, I believe the conference report should be rejected.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Speaker, I should like to commend the gentleman on his action on the conference report. I share his extreme disappointment concerning what seems to be a retrogression rather than any progress on this matter of the youth opportunity wage.

Mr. Speaker, am I correct in my understanding that the conference report takes us back to the 1961 law in requiring recertification, thus making it even more difficult for the limited number of college students who would be available or could draw the 85 percent of the minimum under the law? The recertification requirements would make it even more difficult for that limited number to qualify?

Mr. STEIGER of Wisconsin. Mr. Speaker, the gentleman is correct.

That kind of retrogression, it seems to me, was a serious mistake. Of all the issues dealt with in the minimum wage, the question of what we do with youth employment is to me the most fundamental. What we have done is to go backward, and we have not even retained what the House was attempting to do in dealing with this problem.

Mr. ANDERSON of Illinois. Mr. Speaker, if the gentleman will yield further, he will recall that I offered that amendment and we were unsuccessful when we had that amendment considered earlier.

Mr. Speaker, I believe that is one of the most serious defects in this conference report.

Mr. J. WILLIAM STANTON. Mr. Speaker, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from Ohio.

Mr. J. WILLIAM STANTON. Mr. Speaker, I appreciate the gentleman yielding to me.

I rise to associate myself with the gentleman from Wisconsin (Mr. STEIGER) and the gentleman who preceded him in the well, Mr. FRENZEL, of Minnesota. I find it most regrettable that the House conferees receded to the Senate in regard to two specific points.

First, as the gentleman from Minnesota has so eloquently stated, the overtime provisions for police and firemen will raise havoc in the small towns and communities in my congressional district.

Second, the subject of a proper youth differential is a subject that I have heard from more in regard to minimum wage than any other facet of the entire bill. In my congressional district part-time employment for high school youths and others in that age bracket has given them an opportunity to develop partially their own independence. I think it is tragic that the conferees did not recognize this important difference.

I sincerely hope that if this conference report is voted down, new minimum wage legislation will be brought quickly back to the House floor so that the millions of people who will rightfully benefit by this increase can receive the benefits as stated in the rest of this conference report.

Mr. DENT. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. BURTON) in order to respond to a deliberate misrepresentation.

Mr. HUNGATE. Mr. Speaker, will the gentleman yield?

Mr. BURTON. I yield to the gentleman from Missouri.

Mr. HUNGATE. Mr. Speaker, my colleagues may be interested in considering problems of inflation and wage needs to read the enclosed article from the UAW Washington Report, of July 16, 1973, volume 13, No. 29, United Automobile, Aerospace, and Agricultural Workers of America, UAW, as it shares with its members the views of U.S. News & World Report on pay raises, and fringe benefits in an article headed "Congressional Goodies."

We will all wish to consider this carefully as future legislation on the subject of pay raises and fringe benefits are considered. When UAW and U.S. News & World Report agree on this issue congressional decisions should be easier.

The article follows:

CONGRESSIONAL GOODIES

On top of a base of $42,500 a year, members of the House and Senate also receive—

Liberal retirement benefits after five years service. Top pension; $34,000 a year after 32 years of service.

Rent-free offices: one in Washington, D.C., as many as three at home.

Salary allowance for staff, based on number of constituents. Top allowance: $586,160 for Senators, $165,168 for House members.

Free mailing privileges on "office business" mail, plus allowances for airmail and special delivery—up to $1,520 a year for Senators, $910 for Representatives.

More than 300 hours of free long-distance calls.

Telegram allowance based on number of constituents—as high as $20,000 a year for Senators from largest States.

Stationery allowance of up to $4,250 for House members, up to $5,000 for Senators at special cut-rate stores on Capitol Hill.

Free official round trips home—18 a year for House members, a much greater number for Senators, based on a complex formula. In addition: travel allowances of 20 cents a mile for getting to and from Washington at the start and finish of session. And: an allowance of $50 a day while on official business overseas.

Up to $3,000 a year tax deduction for living costs in Washington.

Free underground parking on Capitol Hill.

Free emergency medical care from physicians and nurses at Capitol Hill medical center, which contains examination room, laboratory.

Free drugs if prescribed by Capitol physicians.

Medical care in any military hospital at a flat fee of $61 a day, regardless of the type of treatment.

Government-subsidized health-insurance plan.

A $45,000 life-insurance policy at special rates, plus widows benefit equal to one year's salary—$42,500.

Free swimming pools and gyms—one for Senators, one for House members.

Free steam rooms, masseurs, physiotherapy.

Free haircuts for Senators, $2 for Representatives, at special barber shops; beauty shops at reduced rates for female members.

Free flowers for offices, entertaining.

Reduced-rate meals, free of sales taxes, at private dining rooms in Capitol.

TV and radio-studio service, at discount rates.

Free access to congressional research service for help on speeches, answering constituents' queries.

Mr. BURTON. Mr. Speaker, of course, there is some apparent misunderstanding with reference to what the report before us did in terms of youth employment and what is the current state of the law.

The conference committee in the main stayed with the House provision, over the very vigorous objection of the Senate, and, I might add parenthetically, somewhat to my own surprise.

Mr. Speaker, currently all the employers of youth must obtain precertification and must establish some historical relationship in their hiring patterns before they can hire students. The bill before us somewhat simplifies that procedure where four or fewer students are involved.

The SPEAKER. The time of the gentleman from California (Mr. BURTON) has expired.

Mr. DENT. Mr. Speaker, I yield an additional 30 seconds to the gentleman from California (Mr. BURTON).

Mr. BURTON. Mr. Speaker, I would like to just make this one final observation.

I wish to commend my distinguished chairman of the subcommittee (Mr. DENT) for the 4 long years he has put into this bill, because all of us know that we last enacted minimum wage legislation some 7 years ago. Most of the persons covered under the minimum wage bill have not had an increase as a result of the minimum wage for 6 years.

I think the gentleman from Pennsylvania deserves the plaudits of all of us.

I would like to note, also, if I may, the meaningful effort made by a number of our colleagues on the other side to reach as best an accommodation as they might. I am sure they would be the first to admit as to wages we won the fight, because there was no effort to raise our wages on the Senate side.

Mr. DENT. I wonder if the gentleman from Minnesota wants to rebut anything the gentleman from California said. I know you feel strongly about your youth differential, but do not vote on a misapprehension. This restriction only applies to retail and service business. In all other instances it does not apply. We now allow every retail store in the United States four free employees. They do not have to be certified. It has to be an enormous establishment to hire four new or five employees all together.

Mr. QUIE. Mr. Speaker, I yield myself 1 minute.

The gentleman from Pennsylvania says it only refers to a retail service establishment.

Mr. DENT. Will the gentleman yield? Is it not true that the historical ratio is in the bill from its inception and it only refers to service in retail employment?

Mr. QUIE. It is in the law, but I pointed out earlier that you took it out in the House. The House-passed bill removed the historical ratio test. I pointed out that if a retail or service employer wanted to hire more than four, he will still be limited by historical experience. If he hired four or less he would not. There are thousands of students who will be denied jobs because of that.

Another thing is that agricultural processing cannot even have a youth differential. You will recall the Matsunaga amendment was adopted and accepted which would have permitted a youth differential for agricultural processing, and I offered that amendment in the conference, but it was rejected.

Mr. DENT. Mr. Speaker, I yield myself 1 minute to respond.

What the agricultural portion of this legislation does never did concern itself with this, and you know it. I know that the Senate removed the employment of those 12 years and younger unless they were on a farm with their parents. The crops that are gathered in off season, when they are in school in many areas of this country, are strawberries and potatoes and cherries. That picking is done by closing the schools down for the period of picking these crops.

They wiped out that exemption and we put it back in and extended it to accept the historical procedure. They put it right back to where it was, because now that employment——

The SPEAKER. The time of the gentleman has expired.

Mr. DENT. Mr. Speaker, I yield the remaining time to the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Speaker, the managers on the part of the House at the conference on the amendments to the Fair Labor Standards Act did an excellent job defending and preserving the substantive position of the House on the major issues. I highly recommend support for the conference report.

The schedule of increases in the minimum wage and the effective dates were virtually the same in the two bills and the conference adopted the House position. The increases in the minimum wage will begin on the first day of the second full month after enactment. Subsequent increases will occur on July 1 of each succeeding year.

The House conferees' success was most important on some issues on which Senate provisions with no counterpart in the House bill were totally rejected by the conference.

"MOM AND POP" STORES

The Senate would have repealed the provision excluding the annual gross volume test of the so-called Mom and Pop stores. But the House conferees insisted and we preserved the Mom and Pop exemption from minimum wage and overtime coverage. It is important that Members understand that this legislation does not affect the small businessman. The conference report phases out—by 1976—the $250,000 establishment test; that test applies, however, only to individual retail or service stores within a "chain" operation. The conference report retains the $250,000 enterprise test—and that test applies to the independent stores and businesses in your town and mine. Those exempt businesses will not be treated any differently under this legislation than they are now under existing law.

CHILD LABOR

The Senate bill had child labor provisions which would have prohibited the employment of children on farms other than those owned or operated by their parents without the written consent of their parents or guardians. Violations of the Senate provisions would have subjected farmers to fines of up to $1,000. Again, the House stood firm. The employment of children is prohibited only on the largest farms covered by the act under the 500 man-day test and the conglomerate farms. The small farmer in the neighborhood can continue to employ youngsters in healthy and useful farmwork with the consent of their parents.

YOUTH DIFFERENTIAL

With respect to the youth differential the House conferees won a substantial victory, preserving the idea that the small businessmen should not be required to undertake complicated precertification and accounting procedures to be able to hire as many as four students at the subminimum wage. The possibility of students being employed at a subminimum wage in retail and service establishments, agriculture and institutions of higher education as provided in the House bill was preserved. The House provision that permitted a minimum wage and overtime exemption for students employed by an elementary or secondary school if the employment constitutes an integral part of the school's regular education program was also retained.

SEASONAL HAND HARVEST WORKERS

The Senate amendment would have repealed immediately the minimum wage exemption for local and seasonal hand harvest workers. The House had no such provision and here the conference resulted in a compromise. The seasonal hand harvest exemption from minimum wage coverage was retained, but hereafter such workers will be counted as employees for purposes of the man-day test for coverage.

SEASONAL PROCESSING WORKERS

Instead of immediately repealing the overtime exemption for seasonal employees or industries, as the Senate would have done, the House conferees succeeded in phasing down the removal of the exemption and putting off the repeal of the exemption for 5 years.

TOBACCO EMPLOYEES

The House position with respect to the overtime exemption of employees engaged in a range of activities connected with the warehousing and sale of tobacco was preserved in its entirety. In addition, an overtime exemption for employees engaged in the processing of shade-grown tobacco was added.

COTTON GINNING AND SUGAR PROCESSING

The present overtime exemption for cotton ginning and sugar processing employees was reduced, but in such a way as not to harm either industry. There will be no changes in 1973. Thereafter, the number of permitted hours per workweek will gradually be reduced through 1976 but substantial and adequate overtime will be permitted.

SEAFOOD PROCESSING

The Senate amendment would have repealed outright the overtime exemption for seafood canning and processing employees. The conference resulted in a gradual phaseout over a 3-year period.

In these and in a number of other respects the conference arrived at compromises. The Senate would have eliminated immediately virtually all the overtime exemptions and expanded coverage to a degree which very few Members of the House would have approved. The House conferees managed to resist the strongly felt Senate positions and we came up with compromises which are consistent with the position of the House in every major respect.

I would like to congratulate my colleague, the gentleman from Pennsylvania (Mr. DENT), and the other members of the conference for the excellent work that was done in the conference and for the first-rate results of their efforts.

Mr. QUIE. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, normally I know the circumstances are such that the majority retains the last time for themselves. Therefore, I will yield back the balance of my time rather than take the 2 minutes now, taking unfair advantage.

Mr. BIAGGI. Mr. Speaker, I rise in support of the conference report which accompanies the bill H.R. 7935, the Fair Labor Standards Amendments of 1973.

As a cosponsor of the bill and as one of the House conferees, I take particular pride in this report and feel it includes the best provisions of both the Senate and House passed bills. This report is not only a triumph for the Congress, but more importantly, for the working man and woman of America who stand to gain the most from the adoption of this report.

The minimum wage figures agreed to by the conferees represent a true awareness and sensitivity to the financial plight of the average worker in America today, who is forced to endure constantly rising prices without an equivalent rise in his take-home pay. In light of this, it was imperative for the conferees to come up with a realistic hourly minimum wage figure, which would be adequate enough to allow the average worker to support a family, but reasonable enough not to trigger any inflationary spiral. The increase in the minimum wage to $2.20 an hour for most nonagricultural workers by July 1974, and for agricultural workers by July 1976, is the most outstanding aspect of this bill. For the first time, agricultural employees will be under the same minimum wage category as nonagricultural workers.

This report also calls for a substantial extension of the minimum wage coverage for a wide sector of the American work force. Included in this group are such major groups as Federal, State and local employees, domestic employees, and retail and service employees of "chain stores."

The conferees also took the important step of agreeing to modified Senate provisions which would phase out by the year 1977 overtime exemptions on seasonal industry and agricultural processing employees, except sugar processing and cotton ginning employees.

Mr. Speaker, I wish to pay special tribute to my distinguished friend and colleague from Pennsylvania (Mr. DENT) for his tireless and dedicated efforts on behalf of the American worker. I urge the adoption of this report by my colleagues and the signature of the bill by the President so that the long-overdue benefits proposed in the measure can be enjoyed by the American workers as soon as possible.

The SPEAKER. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the Chair was in doubt.

Mr. QUIE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 253, nays 152, not voting 28, as follows:

[Roll No. 428]

YEAS—253

Abzug
Adams
Addabbo
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
Badillo
Barrett
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blatnik
Boggs
Bolling
Brademas
Brasco
Breaux
Breckinridge
Brinkley
Brooks
Brown, Calif.
Broyhill, N.C.
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Burton
Carey, N.Y.
Carney, Ohio
Carter
Chisholm
Clark
Clausen, Don H.
Clay
Cohen
Collins, Ill.
Conte
Conyers
Corman
Coughlin
Cronin
Culver
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Dorn
Drinan
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Flood
Flowers
Foley
Ford, William D.
Forsythe
Fraser
Fulton
Gaydos
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Grasso
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gude
Gunter
Hamilton
Hanley
Hansen, Wash.
Harrington
Harsha
Hastings
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Holifield
Holtzman
Horton
Howard
Hungate
Ichord
Johnson, Calif.
Johnson, Colo.
Jones, Ala.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kluczynski
Koch
Kyros
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
McCloskey
McCormack
McDade
McFall
McKay
McKinney
McSpadden
Macdonald
Madden
Mailliard
Maraziti
Mathias, Calif.
Matsunaga
Mazzoli
Meeds
Metcalfe
Mezvinsky
Milford
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nichols
Nix
Obey
O'Hara
O'Neill
Owens
Passman
Patten
Perkins
Peyser
Pickle
Pike
Podell
Preyer
Price, Ill.
Pritchard
Railsback
Randall
Rangel
Rees
Reid
Reuss
Riegle
Rinaldo
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
St Germain
Sandman
Sarasin
Sarbanes
Saylor
Schroeder
Seiberling
Shipley
Sikes
Sisk
Skubitz
Slack
Snyder
Staggers
Stanton, James V.
Stark
Steed
Steele
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Taylor, Mo.
Taylor, N.C.
Thompson, N.J.
Thornton
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Walsh
Wampler
Whalen
White
Widnall
Williams
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wolff
Wright
Wyatt
Wydler
Yates
Yatron
Young, Ga.
Zablocki

NAYS—152

Abdnor
Anderson, Ill.
Archer
Arends
Armstrong
Ashbrook
Bafalis
Baker
Beard
Bowen
Bray
Broomfield
Brotzman
Brown, Ohio
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Burleson, Tex.
Butler
Byron
Camp
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clawson, Del
Cochran
Collier
Collins, Tex.
Conable
Conlan
Crane
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Wis.
Dellenback
Dennis
Derwinski
Devine
Dickinson
Downing
Duncan
Edwards, Ala.
Erlenborn
Esch
Flynt
Ford, Gerald R.
Fountain
Frelinghuysen
Frenzel
Frey
Froehlich
Fuqua
Gettys
Goldwater
Goodling
Gross
Gubser
Guyer
Haley
Hammerschmidt
Hanrahan
Hansen, Idaho
Harvey
Hinshaw
Hogan
Holt
Hosmer
Huber
Hudnut
Hunt
Hutchinson
Johnson, Pa.
Jones, N.C.
Kazen
Keating
Kemp
Ketchum
Kuykendall
Landrum
Latta
Lott
McClory
McCollister
McEwen
Madigan
Mahon
Mallary
Mann
Martin, Nebr.
Martin, N.C.
Mathis, Ga.
Mayne
Michel
Miller
Minshall, Ohio
Mizell
Montgomery
Moorhead, Calif.
Myers
Nelsen
Parris
Pettis
Poage
Powell, Ohio
Price, Tex.
Quie
Quillen
Rarick
Regula
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rousselot
Ruth
Satterfield
Scherle
Schneebeli
Sebelius
Shoup
Shriver
Shuster
Smith, N.Y.
Spence
Stanton, J. William
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Symms
Talcott
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Thone
Towell, Nev.
Treen
Veysey
Ware
Whitehurst
Whitten
Wilson, Bob
Winn
Wylie
Young, Fla.
Young, Ill.
Young, S.C.
Young, Tex.
Zion

NOT VOTING—28

Alexander
Blackburn
Boland
Brown, Mich.
Cleveland
Cotter
Dulski
Evins, Tenn.
Fisher
Gray
Hanna
Hébert
Jarman
King
Landgrebe
Lujan
Melcher
Mills, Ark.
O'Brien
Patman
Pepper
Rooney, N.Y.
Ryan
Smith, Iowa
Wiggins
Wyman
Young, Alaska
Zwach

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Cotter for, with Mr. Hébert against.

Mr. Boland for, with Mr. Fisher against.

Mr. O'Brien for, with Mr. King against.

Mr. Young of Alaska for, with Mr. Landgrebe against.

Mr. Gray for, with Mr. Jarman against.

Mr. Cleveland for, with Mr. Blackburn against.

Mr. Alexander for, with Mr. Brown of Michigan against.

Until further notice:

Mr. Rooney of New York with Mr. Hanna.

Mr. Dulski with Mr. Mills of Arkansas.

Mr. Evins of Tennessee with Mr. Lujan.

Mr. Ryan with Mr. Wyman.

Mr. Smith of Iowa with Mr. Wiggins.

Mr. Patman with Mr. Zwach.

Mr. Pepper with Mr. Melcher.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DENT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

CONFERENCE REPORT ON S. 1888, AGRICULTURE AND CONSUMER PROTECTION ACT OF 1973

Mr. POAGE. Mr. Speaker, I call up the conference report on the bill (S. 1888) to extend and amend the Agricultural Act of 1970 for the purpose of assuring consumers of plentiful supplies of food and fiber at reasonable prices.

The Clerk read the title of the bill.

The SPEAKER. The Clerk will read the conference report.

The Clerk read the conference report.

(For conference report and statement, see proceedings of the House of July 31, 1973.)

The SPEAKER. The Clerk will read the Senate amendment to the House amendment.

The Clerk proceeded to read the Senate amendment to the House amendment.

(For Senate amendment to House amendment, see proceedings of the Senate of July 31, 1973.)

Mr. POAGE (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the further reading of the Senate amendment to the House amendment.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

MOTION OFFERED BY MR. POAGE

Mr. POAGE. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Poage moves to concur in the Senate amendment to the House amendment to the bill, S. 1888, with an amendment as follows: On page 48, line 14, in the engrossed Senate amendment, insert the following new subsection (d) to section 815 of paragraph 27:

"(d) The Secretary of Agriculture is directed to implement policies under this Act which are designed to encourage American farmers to produce to their full capabilities during periods of short supply to assure American consumers with an adequate supply of food and fiber at fair and reasonable prices."

PREFERENTIAL MOTION OFFERED BY MR. FINDLEY

Mr. FINDLEY. Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. Findley moves that the motion of the gentleman from Texas, Mr. Poage, be laid on the table.

The SPEAKER. The question is on the preferential motion offered by the gentleman from Illinois (Mr. Findley).

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. CONTE. Mr. Speaker, I demand a recorded vote.

A recorded vote was refused.

So the preferential motion was rejected.

The SPEAKER. The gentleman from Texas (Mr. Poage) is recognized for 1 hour.

Mr. POAGE. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, for 6 months the general

farm bill has traveled an arduous path but I believe our actions today can finally crystalize all the hard work the Congress has put into enacting a major new farm program. Hundreds of amendments have been considered, voted, rejected, or adopted to this bill as the will of the Congress has determined. Your conferees met at all hours and on weekends to resolve the differences between the Senate and House-passed bill—and were able to resolve 110 out of 111 of those differences.

Abiding by the position of the House, conferees insisted on the House position and prevailed on a vast majority of the issues in disagreement. Finally, on the last difference—the so-called Dickinson amendment—neither body was willing to budge from its adopted position and the conferees reported in disagreement.

Before us we have a bill that would have been the conference bill if we had not been forced to report in disagreement. It assures farmers they will not be faced with complete loss of income in case of a market collapse, and will enable them to get the credit necessary for full production. Only with full production can we feed America and meet present export demands. This is a full production bill. It should be welcomed by consumers and producers alike.

The amendment I am offering will assure that American farmers produce to their full capabilities during periods of short supply in order that consumers will be provided with an adequate supply of food and fiber at fair prices. It is a directive to the Secretary of Agriculture that he implement policies under the act to encourage farmers to produce more in time of shortage, and I ask that it be adopted as a final supplement to the 110 areas of conference agreement embodied in the Senate bill before us.

If we vote affirmatively for my motion, we will in effect agree to a bill that has the support of the administration and can receive the President's signature. Passage of the bill now is necessary to assure that next year's crop is planted to obtain the fullest possible agricultural production.

If we do not pass this bill, there is every likelihood that next year's farm program will instead be based on old laws designed to retard agricultural production instead of encouraging it. In such a case, the bread tax would still be in effect. To vote against my motion would be to reject a better and more effective food stamp program with rigid guides to insure that there will be no abuse under the program. It would reject a totally new conservation program designed to wage an all out attack on pollution and erosion in rural America.

I urge Members of the House to vote affirmatively for the previous question and for the adoption of the Senate bill with the additional amendment I am offering.

Mr. Speaker, I yield 5 minutes for discussion only to the gentleman from California (Mr. Teague).

Mr. TEAGUE of California. Mr. Speaker, I have never been quite sure just what "for discussion only" means, but I shall not take more than the 5 minutes.

First, I should like to say that I think the chairman has done a splendid job in the conference. He is quite correct when he says that the House prevailed in the majority of instances in our controversies with the Senate conferees. I was and still am against the bill. We did not prevail in maintaining the House provision banning food stamps for strikers. That is the only remaining issue.

Mr. Poage has come up with a perfectly legal and ingenious device, I want the Members to all understand, and I am not criticizing him one bit for having done so. It is only this situation in which we find ourselves. There can only be one amendment to the motion, unless the previous question is voted down. The amendment Mr. Poage has offered is perfectly innocuous. It means nothing whatsoever, and it is offered in order to prevent someone else from offering a motion, someone like Mr. Dickinson, banning food stamps for strikers.

We did twice, here in the House take action to bar food stamps for strikers. I will say to Mr. Poage's everlasting credit, he stuck to that position in the conference, and five of our seven conferees did, but the Senate on a very close vote did not go along. That is the point in disagreement. If we are to have a chance to vote again on the matter of banning food stamps for strikers, we must defeat Mr. Poage's motion. I want to be sure that the Members all understand that.

I thank the chairman for yielding to me.

Mr. POAGE. Mr. Speaker, I yield 5 minutes to the gentleman from Alabama (Mr. Dickinson) for purposes of discussion only.

PARLIAMENTARY INQUIRY

Mr. DICKINSON. I thank the chairman for yielding.

Mr. Speaker, may I present a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DICKINSON. Mr. Speaker, as I understand the situation now, it is a very delicate parliamentary situation. What we are voting on is a Senate amendment to a House amendment to a Senate bill. That means it has been amended to the first degree, and with the chairman of the Committee on Agriculture adding this innocuous amendment, that is an amendment to the second degree, and no more are allowed.

My question is, On the motion for the previous question, if the question is voted down, should a substitute or an amendment be offered to the motion of the chaiman, must it be germane to the innocuous amendment?

The SPEAKER. The amendment proposed by the gentleman from Texas is now before the House. The amendment contained in the motion of the gentleman from Texas would be subject to a germane amendment if the previous question on this motion were rejected.

Mr. DICKINSON. I thank the Chair.

Mr. Speaker, let me explain the situation. An attack on the motion for the previous question would avail us nothing. The Chair has ruled that in order to substitute or to amend the motion put by the chairman, the distinguished chairman of the Committee on Agriculture, it must be germane to the amendment that he has offered. It is an innocuous amendment saying that we are going to urge the farmers to do good in the food and fiber business. So any amendment to his amendment must be germane to that, and it cannot be one a limitation of payments or assignment of acreage, or food stamps, or anything else. So the parliamentary situation is very simple. There is only one way to get at it, one way only, and that is not to vote down the previous question, but it must be a direct attack on and a vote down of the motion offered by the chairman, the gentleman from Texas (Mr. Poage).

If that is voted down, in that case the floor will be open for another motion to concur with an amendment which I intend to offer if recognized. Unless that is done none of the other wished-for amendments and none of the other opponents will prevail, and there is nothing to amend other than the technical amendment or innocuous amendment that has been offered.

So to restate it, there is only one way we can get to any substantive amendment because only one amendment will lie. It will not open up Pandora's box. It will not open up the bill for a multitude of amendments. We do not have to worry about whether it will open up the whole thing and whether they can get at the acreage allotments or limitation of payments or whatever. Only one amendment will prevail.

If the innocuous amendment the chairman has offered prevails, that is it, that is all. If it is voted down, then one other amendment may be offered. If it passes, that is if it is my amendment and if it passes, then that is the end of it. If that is voted down, then one other amendment may be offered until an amendment is accepted. So that is the parliamentary situation. It is as clear as I can make it, as complicated as it is.

We have one issue before us. If we are interested in seeing that the truly poor and the really hungry children get the food stamps we have authorized them to get and we want to see to it that they continue to get them but we do not want to authorize food stamps for strikers, then when we reach that point we must vote down the motion offered by the chairman of the committee to adopt the Senate amendment with an amendment, vote that down, and then I will seek recognition to offer my motion or my amendment which is then to concur in the Senate amendment with my amendment, and that will be a straight up and down vote on the issue and we will reconcile it at that time.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Illinois.

Mr. ARENDS. Mr. Speaker, the gentleman has explained the situation very clearly. Those of us in the majority who voted against the food stamps for strikers and who want to maintain our position will have to do just what the gentleman said just now, and that is to vote down the amendment offered by the gentleman from Texas.

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. POAGE. Mr. Speaker, I yield the gentleman for purposes of discussion only 1 additional minute.

Mr. DICKINSON. Mr. Speaker, in this 1 minute I would like to publicly thank the chairman and the conferees of the House who stuck to the House position. They sustained the House position, including the chairman. It was a tough vote, including the Senate side.

Members will probably hear that if we do not accept this, the bill is dead, but it is not so. We will come back and we will get a farm bill and I ask the Members not to be scared about having no farm bill, because we will have a farm bill. That is just a talking point and I hope the Members will not fall for it.

Mr. Speaker, I am personally indebted to the chairman for upholding the position of the House and for the many courtesies the chairman has extended to me.

Mr. POAGE. Mr. Speaker, I yield 3 minutes for discussion only to the minority leader, the gentleman from Michigan (Mr. Gerald R. Ford).

Mr. GERALD R. FORD. Mr. Speaker, over a period of 3 or 4 days the House labored long in a somewhat controversial atmosphere in an earnest effort to write a farm bill. I did not approve of the bill as it left the House. I thought it had many deficiencies. But fortuitously because of the framework of the bill that the Senate passed and the framework of the bill we passed, the conferees ingeniously were able to come up with a conference report that is much more satisfactory.

I have in my possession, Mr. Speaker, a letter from the Secretary of Agriculture which he has asked me to read, and it is as follows:

Department of Agriculture,
Office of the Secretary,
Washington, D.C., August 2, 1973.

Hon. Gerald R. Ford,
House of Representatives,
Washington, D.C.

Dear Jerry: By this letter I pledge my support of the Senate passed Farm Bill which has been transmitted to the House, and I want you to know that it will be my recommendation that the President sign this bill if it's passed in its present form by the House.

Sincerely yours,
Earl L. Butz,
Secretary.

Mr. Speaker, I agree virtually entirely with the Secretary of Agriculture. I support the farm bill, especially that portion relating to agriculture. However, it is my intention to support the position taken by the gentleman from California (Mr. Teague) and the position taken by the gentleman from Alabama (Mr. Dickinson).

The House conferees tried, but were unsuccessful, in insisting on the Dickinson amendment which was in the House version. It is regrettable that, under the procedure we are faced with, we cannot have again a straight up-and-down vote on the Dickinson amendment, but the facts of life are that in order to have that vote again we must, under the interpretation of the parliamentary situation, vote down the Poage amendment.

The Poage amendment is an innocuous but clever amendment. The facts are that if the Members want to insist on an important amendment that the House approved twice, perhaps three times, Members should vote "No."

If that amendment is defeated, then either an amendment offered by the gentleman from California or an amendment offered by the gentleman from Alabama will give us a chance to reiterate and reemphasize the Dickinson amendment and attach it to the farm bill.

Mr. POAGE. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. Findley) for the purpose of discussion only.

Mr. FINDLEY. Mr. Speaker, I thank the Chairman for this time. My main purpose is to let any who may be interested know that there will be more than one person on his feet when the time comes seeking recognition; not just the gentleman from Alabama. He seeks to amend the bill in regard to the question of food stamps for strikers.

In my case, and in the case of Mr. Conte, we will seek to offer a motion to concur with an amendment, but a different amendment than that proposed by the gentleman from Texas or that proposed by the gentleman from Alabama.

The House on two different occasions very strongly, by record vote, supported a tight limitation on payments to farmers. The first test vote was 195 to 157 on the House Agriculture Appropriation bill. Then, when the farm bill came along, by an even stronger vote of 246 to 103, it supported the very strict, no-loophole limitation language that I offered.

This vote came on the heels of the House supporting a much looser form of payment limitation offered by the gentleman from Minnesota (Mr. Bergland), so the House very clearly has voiced its support for strict limitation by a far greater margin, I must say, than the House has ever voted to deny food stamps for strikers, so on the scale of equity between these issues, I would think the House would want to vote down these motions until the opportunity would come for my motion to reinstate strict payment limitation language.

The motion I am prepared to offer, if I am recognized for it, will not only restore the strict limitation language which the House twice by strong margins has voted to support, but also to strike from the bill the $10 million per year which would be made available to Cotton, Inc.

The conference committee can be congratulated on some of the achievements it has accomplished. I believe, in respects other than the two items I have mentioned the bill now before us is superior to the bill that emerged from the House.

Nevertheless, on these two vital issues I believe the House should not pass up the opportunity presented to it again this day to reinstate the tight limitation language on individual payments and also strike from the bill the $10 million authorized to Cotton Incorporated.

Mr. POAGE. Mr. Speaker, I yield 2 minutes for discussion to the gentleman from Massachusetts (Mr. Conte).

Mr. CONTE. Mr. Speaker, the Congress is oblivious to public sentiment and ignorant of economic conditions. That is the conclusion one must draw if this farm bill is passed. It is so inflationary, so full of loopholes, and so contrary to the public interest, it is a hoax on the American public.

I urge my colleagues to defeat the amendment offered by the distinguished committee chairman, so that the vital reforms that the House passed on earlier on several occasions and by overwhelming margins can be salvaged and restored.

Government by subsidy has been the keynote of the farm program for too many years. This year seemed an opportune time to begin the long overdue process of dismantling these costly and outmoded farm doles.

Such a course was overwhelmingly favored by the administration, public sentiment, and economic conditions.

The American public became enraged by farm subsidies when they realized that beef supplies are scarce, when the price of chicken started edging toward a dollar a pound, and when shortsighted Government programs began disrupting their diets and their pocketbooks.

Public sentiment was clearly expressed in the agriculture appropriations bill on June 15, when two amendments were adopted: a strict $20,000 ceiling on subsidy payments and a prohibition against further subsidies to Cotton, Inc.

When the omnibus farm bill came before the House, these two amendments were quickly adopted. A strict $20,000 per farm ceiling on subsidy payments—with tough prohibition against the practices of subdividing farms or subleasing cotton acreage allotment in order to evade the payment limitation—was approved by a vote of 246 to 163.

Then, the amendment to bar further subsidy payments to Cotton, Inc., the promotion-research darling of the cotton lobby—that spends money better than it promotes cotton, was approved by a vote of 241 to 162.

Then, as my colleagues will remember, the committee chairman took the bill away from the House over the weekend. And then the deals started coming. Take out the cotton section and pass the rest of the bill. Give us Cotton, Inc., and you will get food stamps for strikers. Take out the escalator clauses and the President won't veto it. And so on.

It was only after deal after deal fell through that my liberal colleagues realized they had been taken. That is when I put the cotton section back in the bill.

At that point, we still had a salvageable bill.

But we lost the amendment to prohibit funds to Cotton, Inc., on a parliamentary fluke during the hectic chaos of final passage.

As you remember, the confusion at that time was so great, the committee chairman had to print the final version of the bill in the Record so that members could know what they had passed.

On the $20,000 payment limitation provision, my attempt to offer a motion to instruct conferees was adroitly blocked by another parliamentary subterfuge. With only one "motion to instruct" allowed, a member of the committee offered an innocuous "sweetheart" motion about food for North Vietnam that really had only one purpose. It was meant solely to block my motion, so that conferees would not be bound to the payment limitation provision.

That allowed the farm bill conferees to

do us in again. Just like they did in 1968, 1969, and 1971, when previous payment limitation amendments passed by the House were gutted. Again, they have pulled the plug on the payment limitations sections and opened up all the old loopholes. They have subverted this section so that farm subsidy payments can be bigger than ever.

The Federal Government doled out $4 billion in subsidies last year. Over the next 4 years, the subsidy bill could amount to another $12 billion.

It is time for the Congress to enact a farm bill without allowing secret tradeoffs, "sweetheart" motions, and parliamentary ploys that block the will of the majority. It is time we stopped selling the consumer down the river to make a handful of "fact cat" corporate farmers even richer.

This farm bill does not help the small family farmer. It gouges the consumer and the taxpayer. The prime beneficiaries are "King Cotton" and the big corporations who take a good giveaway when it is offered.

I urge my colleagues to vote down the motion offered to concur with the amendment, so that these vitally needed reforms may be restored in the farm bill.

Mr. POAGE. Mr. Speaker, I yield 2 minutes for discussion only to the gentleman from California (Mr. BURTON).

Mr. BURTON. Mr. Speaker, Chairman POAGE has handled this most complicated and arduous assignment with inordinate skill. I should like to note there is a significant danger, if there is any amendment other than the thoughtful one the chairman has in mind, to the bill. There would be great danger the Senate might not accept the bill at all.

For those of us who live in the cities it is very important that the fundamental food programs be maintained as they are in this bill, and they certainly will become law if we will just have the good sense to follow the leadership of the gentleman from Texas through this procedural morass and on the substance of the votes we shall have in the next 30 minutes.

I urge my colleagues to follow the gentleman's leadership.

Mr. POAGE. Mr. Speaker, if we are going to have a farm bill Members need to vote "aye" on ordering the previous question and to vote "aye" on the motion.

Mr. Speaker, I move the previous question on the motion.

The SPEAKER. The question is on ordering the previous question.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 349, nays 54, not voting 30, as follows:

[Roll No. 429]

YEAS—349

Abdnor
Abzug
Addabbo
Alexander
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Armstrong
Ashbrook
Ashley
Aspin
Badillo
Bafalis
Barrett
Beard
Bennett
Bergland
Bevill
Biaggi
Bingham
Blackburn
Blatnik
Bolling
Bowen
Brademas
Brasco
Bray
Breaux
Breckinridge
Brinkley
Brooks
Brotzman
Brown, Calif.
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Camp
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clay
Cochran
Collier
Collins, Ill.
Collins, Tex.
Conlan
Conyers
Corman
Crane
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Donohue
Dorn
Downing
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Flood
Flowers
Flynt
Foley
Ford, William D.
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Fuqua
Gaydos
Gettys
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Green, Oreg.
Green, Pa.
Grover
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harsha
Hastings
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Howard
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Keating
Ketchum
Kluczynski
Koch
Kuykendall
Kyros
Landrum
Latta
Leggett
Lehman
Litton
Long, La.
Long, Md.
Lott
McClory
McCloskey
McCollister
McCormack
McEwen
McFall
McKay
McKinney
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Metcalfe
Mezvinsky
Milford
Miller
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Neill
Owens
Parris
Passman
Patten
Pepper
Perkins
Pickle
Pike
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Rees
Regula
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robinson, Va.
Rodino
Roe
Rogers
Roncalio, Wyo.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruth
St Germain
Sarasin
Sarbanes
Satterfield
Saylor
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steiger, Ariz.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Walsh
Wampler
Ware
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wilson, Charles, Tex.
Winn
Wright
Wyatt
Wylie
Yatron
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion

NAYS—54

Adams
Anderson, Calif.
Anderson, Ill.
Archer
Arends
Baker
Bell
Biester
Broomfield
Brown, Ohio
Buchanan
Clawson, Del
Cohen
Conable
Conte
Coughlin
Cronin
Davis, Wis.
Drinan
Ford, Gerald R.
Forsythe
Froehlich
Giaimo
Grasso
Gross
Gubser
Hanrahan
Harrington
Harvey
Hosmer
Jones, Okla.
Kemp
Lent
McDade
Mallary
Mayne
Michel
Minshall, Ohio
Pettis
Robison, N.Y.
Roncallo, N.Y.
Sandman
Scherle
Schneebeli
Steele
Steelman
Steiger, Wis.
Symms
Teague, Calif.
Whalen
Wilson, Charles H., Calif.
Wolff
Wydler
Yates

NOT VOTING—30

Boggs
Boland
Brown, Mich.
Cleveland
Cotter
Dingell
Evins, Tenn.
Fisher
Gray
Griffiths
Hanna
Hébert
Jarman
King
Landgrebe
Lujan
Melcher
Mills, Ark.
O'Brien
Patman
Peyser
Reid
Rooney, N.Y.
Ruppe
Ryan
Smith, Iowa
Wiggins
Wyman
Young, Alaska
Zwach

So the previous question was ordered.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Fisher.
Mr. Cotter with Mr. Jarman.
Mr. Hébert with Mr. Patman.
Mr. Reid with Mr. Young of Alaska.
Mr. Melcher with Mr. Wyman.
Mrs. Boggs with Mr. Ruppe.
Mr. Boland with Mr. Zwach.
Mr. Evins of Tennessee with Mr. Wiggins.
Mr. Gray with Mr. Brown of Michigan.
Mr. Dingell with Mr. Peyser.
Mr. Hanna with Mr. Cleveland.
Mrs. Griffiths with Mr. O'Brien.
Mr. Mills of Arkansas with Mr. King.
Mr. Ryan with Mr. Landgrebe.
Mr. Smith of Iowa with Mr. Lujan.

The result of the vote was announced as above recorded.

Mr. STEIGER of Wisconsin. Mr. Speaker, is the demand for a division of the question to concur with an amendment in order?

The SPEAKER. Under the present conditions such a demand is not in order.

Mr. STEIGER of Wisconsin. I thank the Speaker.

Mr. HARRINGTON. Mr. Speaker, I rise in support of the Senate's decision to continue the provision of food stamps for workers on strike. I urge the House to do likewise for two reasons. I would have misgivings about a collective bargaining system whose balance could be lost because one side to a dispute faced hunger in defending its legitimate interests. And these misgivings would intensify if the health of innocent children were to depend on the forsaking of one side's negotiating position.

The integrity of the collective bargaining process is strengthened, not diminished, by allowing working people and their families to receive food stamps if they qualify in other respects. Many union families would not so qualify, but the stamps insure that members at the lower tip of the income spectrum can participate in strike activity. As for the responsibility of Government, it lies in making certain that collective bargaining is truly an adversary process between two capable parties. It is my opinion that cutting off food stamps would greatly interfere with that process.

This conviction prompts my second objection. We all agree, I am sure, that children in this country, and for that matter, all around the world, must have access to required nourishment, regardless of the acts of their parents. We have also established that in the United States there are indeed thousands of children without wholesome diets who are suffering physical and mental harm from which they will never recover. It is troubling enough that Congress has so far failed to pass the programs to save these youngsters; certainly we should refrain from anything which might add to their numbers. Here, however, we are discussing a proposal to deny food stamps to the offspring of parents who possess fewer resources than the typical union family and who join their more fortunate coworkers in perfectly legal actions.

If decent food and the option to strike are both basic rights, than we have no business forcing poor workers to choose one or the other.

Mr. STEIGER of Wisconsin. Mr. Speaker, this strategy is designed to preclude the House from working its will on the one out of three areas of disagreement, the Dickinson amendment. I supported the Dickinson amendment when it was considered in the House and would like to do so tonight but what we are faced with is a motion to concur with an amendment. Since I support the farm bill I have no choice because of the parliamentary situation. I must say, Mr. Speaker, that the ruse being used today of a nonconferring report effectively precludes the Members of the House from having a full debate on the issues as well as diminishing the ability of Members to vote on the Dickinson amendment.

I am disturbed, Mr. Speaker, at the decision of the conferees to bring back a report in disagreement. The rules of the House on the manner of handling this makes it almost impossible to have a substantive debate on the matters in agreement as well as those in disagreement.

I support the farm bill and I also support the Dickinson amendment but the motion with which I am faced leaves me no choice but to vote aye.

Mrs. GRIFFITHS. Mr. Speaker, I wish to comment on the conference committee compromise provision with respect to the question of food stamps for recipients of the new supplemental security income program. This was a genuine attempt to prevent the aged, blind, and disabled from losing benefits to which they are now entitled or would be entitled to in the future under the old welfare system. Unfortunately, the compromise provision would result in an administrative nightmare that worsens even the complexity of the current welfare programs.

This compromise provides that recipients of the new SSI benefits or of additional State payments are eligible for food stamps unless their new cash payments at least equals the total of the State welfare payment in effect in December 1973 and the food stamp bonus payable at that level on that date. This sounds good in theory, but the problem is that these benefit comparisons would have to be made on a case-by-case basis.

Let me show you exactly what is entailed in administering this provision. Now, when an aged person applies for Federal-State old age assistance, the State figures out the grant amount and, generally, computes a food stamp entitlement and eligibility for medicaid. Under this new operation, the person applies for SSI first. The Federal agency computes this payment. Then, if the Federal Government also administers the State supplement, the agency must compute that payment and medicaid entitlement based on different sets of rules—which will vary from State-to-State—than apply to SSI. Then, somebody will have to compute what the welfare payment for this person would have been under the still different set of rules which applied to the State welfare program in December 1973. Then, the food stamp agency must compute what the food stamp bonus would have been under the old State payment. Then, the total of the old welfare payment and the old food stamp bonus are compared with yet another amount: the total of SSI and State supplement amounts.

If the new total is less than what would have been paid under the old welfare program and food stamps—mind you, the person need never have actually received this hypothetical amount, since this nonsense applies to new recipients as well as old, the person is eligible to participate in the food stamp program. The food stamp bonus is then recomputed based on the total of SSI and State supplements using new food stamp schedules and rules.

In my judgment, this is an impossible, crazy provision. Would any of my colleagues want to be responsible for running this thing? For making all those computations correctly and assuring the Congress that you will have made no errors when the GAO comes around to audit?

I want to remind my colleagues that we have already legislated the requirement that States assure that no current welfare recipient is worse off in terms of cash after the implementation of SSI. Regardless, we should not accept this provision.

Mr. FOLEY. Mr. Speaker, I am extremely pleased with the provisions of S. 1183, the omnibus farm and food stamp bill which has been passed by the House today. I believe that the general farm provisions have been extensively reported and well understood. I should like to limit my comments this evening to one aspect of the food stamp program which is highly technical and perhaps needs some clarification.

I refer to those provisions in the bill that relate to food stamp eligibility for so-called supplemental security income recipients. By the amendment to section 3(e) of the Food Stamp Act of 1964, as amended, the committee intends that the Department will not alter the regulations relative to those who are automatically eligible—as of July 1973—for food stamps, that is, if they are adult-recipients of public assistance or eligible under Public Law 92-603, as amended.

In addition, we intend that the words in the conference committee amendment "for any purpose" shall be construed to mean: If any individual receives income benefits or payments as described in the amendment and said payments are equal to or greater than the sum of the food stamp cash-out, plus the December 1973, entitlement described therein, then, in that event, said individual if and when so disqualified to receive food stamps, shall not have his income and resources conconsidered as a member of the household in determining the eligibility of the other individuals, if any, in said household, for purposes of their eligibility, or for the bonus value entitlement under the food stamp program.

Mr. PICKLE. Mr. Speaker, the issuance of food stamps to strikers is an emotional matter more than a factual matter. It is absolutely correct that a person who goes out on strike ought not to automatically be given free food stamps. The Congress has never intended that this would be the case, and I do not think that even labor union members feel that this is so.

The only person who ought to receive food stamps is a person you would be classified as a poverty level recipient.

In effect, food stamps is a welfare type of assistance and we make them available when a person becomes almost destitute and needs help. I think that for that reason when handled properly food stamps can be a good thing—whether they are a regular worker, or a union employee, or a private citizen.

Our present law says that a person can receive food stamps when he has liquid assets not in excess of $1,500 and also that he must not refuse to work at any comparable job except at the specific plant which has been struck. If that law is enforced, I do not think there would be this hue and cry that we hear every year in the Congress. I am afraid the average person thinks that any union employee on strike can automatically get food stamps. That is not the case or certainly it should not be the case.

I am afraid, however, that the law is not being enforced as rigidly as we think it should. If the Secretary of Agriculture would see that these regulations were carried out, I think that you would see a lot of the opposition, or at least the bitter opposition, on the food stamp matter erased.

The conferees this past week recognizes that there must be a stronger enforcement on the food stamp matter. Let me read the language from the committee report on page 40 as follows:

> "They deplore the lack of enforcement of existing food stamp regulations which require that an able-bodied person in the household register for employment "including a person who is not working because of a strike or lockout at his usual place of employment." It is the specific intent of the Conferees that this provision of the regulations be rigidly and uniformly enforced by the Department of Agriculture and those agencies administering the program at the local level under the auspices of the Department. Eligibility for strikers for food stamps should be carefully scrutinized prior to certification and certification made only in those cases where the household of the individual striker applicant meets all of the requirements of eligibility as in the case of other applicants.

Mr. Speaker, that language is a clear

indication to the Department of Agriculture to see that the food stamp regulations are properly enforced. If they are not enforced, assuming the passage of this legislation, then this House and this Congress will pass strong legislation against the food stamp program. I do not think a person ought to be denied food stamps because he is a member of a union, just as he should not be automatically entitled to it. He must be eligible for the stamps.

I am going the "second mile" this year on food stamp matters and, like many Members of this House, will hold in abeyance our judgment as to how this law will be enforced. It had better be enforced strongly.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. POAGE).

The question was taken; and the Speaker announced that the ayes appeared to have it.

RECORDED VOTE

Mr. TEAGUE of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 252, noes 151, not voting 30, as follows:

[Roll No. 430]

AYES—252

Abdnor
Abzug
Addabbo
Alexander
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
Badillo
Barrett
Beard
Bergland
Bevill
Biaggi
Bingham
Blatnik
Boggs
Bolling
Bowen
Brademas
Brasco
Breaux
Brinkley
Brooks
Brotzman
Brown, Calif.
Brown, Ohio
Broyhill, N.C.
Burke, Calif.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Chappell
Chisholm
Clark
Clay
Cochran
Conyers
Corman
Culver
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Dorn
Drinan
Dulski
Eckhardt
Edwards, Calif.
Eilberg
Evans, Colo.
Fascell
Flood
Flowers
Foley
Ford, William D.
Fountain
Fraser
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Ginn
Gonzalez
Green, Pa.
Gross
Gude
Guyer
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harsha
Hawkins
Hays
Hechler, W. Va.
Helstoski
Henderson
Hicks
Hillis
Holifield
Holtzman
Howard
Hungate
Ichord
Johnson, Calif.
Johnson, Colo.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kluczynski
Koch
Kuykendall
Kyros
Landrum
Latta
Leggett
Lehman
Litton
Long, La.
Long, Md.
Lott
McCloskey
McCollister
McCormack
McFall
McKay
McSpadden
Macdonald
Madden
Mahon
Mailliard
Martin, Nebr.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Mezvinsky
Miller
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Neill
Owens
Passman
Patten
Pepper
Perkins
Pickle
Pike
Poage
Podell
Preyer
Price, Ill.
Price, Tex.
Quie
Railsback
Randall
Rangel
Rarick
Rees
Regula
Reuss
Riegle
Roberts
Rodino
Roe
Roncalio, Wyo.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruth
St Germain
Sarbanes
Scherle
Schroeder
Sebelius
Seiberling
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taylor, Mo.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Veysey
Vigorito
Waggonner
Waldie
Walsh
Wampler
White
Whitten
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wright
Wyatt
Yates
Yatron
Young, Ga.
Young, Tex.
Zablocki

NOES—151

Adams
Anderson, Calif.
Andrews, N.C.
Archer
Arends
Armstrong
Ashbrook
Bafalis
Baker
Bell
Bennett
Biester
Blackburn
Bray
Breckinridge
Broomfield
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Butler
Byron
Camp
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Clawson, Del
Cohen
Collier
Collins, Tex.
Conable
Conlan
Conte
Coughlin
Crane
Cronin
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Wis.
Dellenback
Dennis
Derwinski
Devine
Dickinson
Downing
Duncan
du Pont
Edwards, Ala.
Erlenborn
Esch
Eshleman
Findley
Fish
Flynt
Ford, Gerald R.
Forsythe
Frelinghuysen
Frenzel
Frey
Giaimo
Gibbons
Gilman
Goldwater
Goodling
Grasso
Green, Oreg.
Grover
Gubser
Gunter
Haley
Hanrahan
Harrington
Harvey
Hastings
Heckler, Mass.
Heinz
Hinshaw
Hogan
Holt
Horton
Hosmer
Huber
Hudnut
Hunt
Hutchinson
Johnson, Pa.
Jones, Okla.
Kemp
Ketchum
Lent
McClory
McDade
McEwen
McKinney
Madigan
Mallary
Mann
Maraziti
Martin, N.C.
Michel
Milford
Minshall, Ohio
Moorhead, Calif.
Parris
Pettis
Powell, Ohio
Pritchard
Quillen
Rhodes
Rinaldo
Robinson, Va.
Robison, N.Y.
Rogers
Roncallo, N.Y.
Rousselot
Sandman
Sarasin
Satterfield
Saylor
Schneebeli
Shoup
Shuster
Smith, N.Y.
Snyder
Spence
Steele
Steelman
Steiger, Ariz.
Studds
Symms
Talcott
Taylor, N.C.
Teague, Calif.
Towell, Nev.
Treen
Vander Jagt
Ware
Whalen
Whitehurst
Widnall
Williams
Wilson, Bob
Winn
Wolff
Wydler
Wylie
Young, Fla.
Young, Ill.
Young, S.C.
Zion

NOT VOTING—30

Boland
Brown, Mich.
Cleveland
Collins, Ill.
Cotter
Evins, Tenn.
Fisher
Gray
Griffiths
Hanna
Hébert
Jarman
King
Landgrebe
Lujan
Melcher
Metcalfe
Mills, Ark.
O'Brien
Patman
Peyser
Reid
Rooney, N.Y.
Ruppe
Ryan
Smith, Iowa
Wiggins
Wyman
Young, Alaska
Zwach

So the motion was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Gray for, with Mr. King against.

Mr. Young of Alaska for, with Mr. Wyman against.

Mr. O'Brien for, with Mr. Brown of Michigan against.

Mr. Lujan for, with Mr. Boland against.

Mr. Zwach for, with Mr. Cotter against.

Mr. Hébert for, with Mr. Peyser against.

Mr. Melcher for, with Mr. Cleveland against.

Mr. Reid for, with Mr. Landgrebe against.

Mr. Hanna for, with Mr. Ryan against.

Until further notice:

Mr. Rooney of New York with Mrs. Collins of Illinois.

Mr. Evins of Tennessee with Mr. Jarman.

Mr. Fisher with Mr. Ruppe.

Mr. Metcalfe with Mr. Wiggins.

Mr. Mills of Arkansas with Mr. Patman.

Mrs. Griffiths with Mr. Smith of Iowa.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. POAGE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report and on the motion just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

REQUEST TO CONSIDER SENATE CONCURRENT RESOLUTION 43, TECHNICAL CORRECTIONS IN ENROLLMENT OF S. 1888

Mr. POAGE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate concurrent resolution (S. Con. Res. 43) to make certain technical corrections in the enrollment of S. 1888.

The Clerk read the Senate concurrent resolution as follows:

S. CON. RES. 43

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (S. 1888) to extend and amend the Agricultural Act of 1970 for the purpose of assuring consumers of plentiful supplies of food and fiber at reasonable prices, the Secretary of the Senate be, and he is hereby, authorized and directed to make the following corrections in the text of the bill as finally approved by the two Houses.

On page 7, line 2, strike the quotation marks.

On page 20, line 3, strike "(a)".

On page 28, at the end of line 17, insert a comma.

On page 28, line 18, strike out "(C)" and insert "(D)".

On page 29, line 10, after the quotation marks, insert a comma.

On page 29, line 11, strike out "(D)" and insert "(E)".

On page 29, line 16, strike out "(E)" and insert "(F)".

On page 29, line 19, strike out the period and insert ", and".

On page 29, line 20, strike out "(F)" and insert "(G)".

On page 40, line 20, before the first word, insert quotation marks and "SEC. 703."

On page 40, line 21, strike out the double quotation marks and insert single quotation marks.

On page 40, line 23, strike out the period and the double quotation marks and insert single quotation marks and a period.

On page 45, line 12, strike out the quotation marks.

Strike out the matter which begins with line 18 on page 52 and ends with line 19 on page 53, and insert such matter on page 54 after the last line on that page.

On page 67, line 13, after "amended", insert "(1)".

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. CONTE. Mr. Speaker, reserving the right to object, may I ask, What is the unanimous-consent request?

The SPEAKER. The gentleman has made a unanimous-consent request for immediate consideration of the Senate concurrent resolution, to correct technical errors in the bill.

Mr. CONTE. Mr. Speaker, I object.

PARLIAMENTARY INQUIRY

Mr. POAGE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. POAGE. Mr. Speaker, would it be in order for me to move to take up the Senate concurrent resolution?

The SPEAKER. It is not a privileged concurrent resolution. It can only be called up by unanimous consent or some other procedure that is authorized by the rules of the House.

CONFERENCE REPORT ON H.R. 8510, NATIONAL SCIENCE FOUNDATION AUTHORIZATION

Mr. TEAGUE of Texas. Mr. Speaker, I call up the conference report on the bill (H.R. 8510) to authorize appropriations for activities of the National Science Foundation, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of July 26, 1973.)

Mr. TEAGUE of Texas. Mr. Speaker, the conference report which we are considering today authorizes appropriations for the National Science Foundation for fiscal year 1974. The managers on the part of the House worked out a compromise with our Senate counterparts which reconciles the differences in the authorized levels for specific programs and categories, and other matters which were in disagreement between the House and Senate versions of H.R. 8510.

In passing H.R. 8510, the Senate struck all after the enacting clause in the House bill and substituted new language. I shall now review how the differences between the two versions were reconciled in conference.

This year the National Science Foundation requested a total authorization of $579,600,000, plus $3 million in excess foreign currencies. The level authorized by the House was $609,900,000, plus $3 million in excess foreign currencies, and the corresponding totals in the Senate version were $643.1 million and $3 million in excess foreign currencies.

Of the 13 budget categories in the NSF authorization bill, the House and Senate were in disagreement over authorization figures for 7 of these categories. The Senate accepted the House figure for five of the categories in disagreement, and the remaining two were compromised approximately halfway between the figures approved by the two bodies. The total authorization agreed to by the conferees is $632.6 million plus $3 million in excess foreign currencies. This total is $22.7 million more than authorized by the House, and $10.5 million less than authorized by the Senate for fiscal year 1974. At this point I should like to insert into the RECORD a table showing the details of the budget actions. I shall also explain these actions more thoroughly in a few moments.

There were a number of other important actions taken by the conferees. The proportional obligational requirement included in the House bill was stricken, and the traditional transfer clause found in the fiscal year 1973 authorization action was substituted. This action, taken reluctantly by the House conferees, was agreed to in order to assure that any proportional obligational requirement finally enacted would be in complete accord with general anti-impoundment legislation which might be approved by the Congress.

Other major actions by the conferees included the setting of obligation minima for three programs in two of the budget categories, together with obligation minima for three of the budget categories themselves. Other provisions in the final bill free $4.5 million of fiscal year 1973 funds allocated for ship construction/conversion and for other purposes; require the NSF to keep its authorizing committees fully and currently informed of all its activities; and prohibit NSF funds to be used for research on a living human fetus outside the mother's womb. I shall describe all of these actions in more detail later on.

At this point I should like to discuss the actions taken by the conferees that affect authorized funding levels for the 13 budget categories.

The NSF budget category Scientific Research Project Support contains almost half the total NSF funds. This year NSF requested $275 million for the purpose of supporting basic research activities under the supervision of outstanding scientists throughout the country. The House increased this level by $10 million, while the Senate retained the lower level requested by NSF. The conferees agreed on the higher House level in order to help assure a more adequate base of research results for the many vital, high technology programs of this Nation.

NSF requested $99.6 million for national and special research programs. These are major research activities beyond the capabilities of single institutions, and are often worldwide in scope. The House increased the requested budget level by $3 million so that the oceanographic ship, *Eltanin*, could be put back in service. This should permit it to continue its vital antarctic research program for another year. The Senate increased the House figure by an additional $6 million for oceanography-related programs. The conferees compromised halfway between, for an authorized total of $105.6 million.

For national research centers, the $46 million total that was requested by NSF was approved by the House and the Senate, and confirmed by the committee of conference.

The computing activities budget of NSF was authorized at $8,200,000 by the House and $10 million by the Senate. The conference committee accepted the lower House figure, feeling this would still permit NSF to carry out its activities in this area at substantially the same level as during fiscal year 1973.

Both the House and Senate versions of this bill had approved $8,300,000 for science information activities. This was an amount identical to that requested by NSF, and the conferees confirmed this total.

There was also no change made in the Foundation request for international cooperative scientific activities; $6,200,000 was made available for this purpose.

The program research applied to national needs provides support for a significant amount of applied and problem-oriented research at NSF. The House previously increased the Foundation request of $70.5 million to $71.3 million, in order to provide more funds for programs in energy research and technology. The Senate, mainly because of large increases in energy research and earthquake engineering, approved an authorization of $111.7 million. The compromise of $91 million is $19.7 million above the House figure and $20,700,000 below the Senate figure. This does, however, provide about $40 million for energy research activities, together with smaller increases for earthquake engineering and technology assessment.

The NSF request of $1 million for intergovernmental science programs was unchanged by action of the House, the Senate, and conferees.

NSF requested no fiscal year 1974 funds for institutional improvement for science although it announced plans to spend $9 million of prior year funds for this purpose. Both the House and Senate bills include $2 million in fiscal year 1974 funds in order to maintain the total obligational authority for institutional grants at the same level as in fiscal year 1973.

For graduate student support the conferees recommended $11.5 million, the sum approved by the House. This is $500,000 above the Senate authorization and compares to a NSF request of $6.7 million.

Over the years science education improvement has been one of the most important activities of the National Science Foundation. This year NSF requested only $26.2 million for this purpose, although it testified that it intended to obligate $33.8 in prior year funds for these programs. The House increased the NSF request by $9 million, while the Senate approved only $2.2 million more than requested. The conferees accepted the House figure for this category, and specified that the $9 million increase above the Foundation request be allocated between the following five activities:

Ethnic minority college program.

Technician/technologist science education projects.

Science faculty fellowships and research participation.

Undergraduate student projects.

Undergraduate scientific instructional equipment program.

I should like to remind my colleagues that last year Congress passed an amendment to the Foundation's basic act, the National Science Foundation Act of 1950 which emphasized the responsibilities of the Foundation for supporting programs in science education at all levels in our Nation's educational institutions. This increase aims at carrying out that mandate.

The planning and policy studies budget category was authorized at a level of $2,600,000 by the House, an increase of $600,000 over the NSF request. The corresponding Senate figure was $4,600,000. The Senate concurred in the lower House figure, and the conferees agreed that this increase should at least for the time being, permit adequate additional planning capability for the Director of the National Science Foundation as he carries out his new responsibilities for coordination of Federal scientific activities as specified by Reorganization Plan No. 1 of 1973.

The program development and management budget category provides the NSF with staff salaries and other needs for its day-to-day operating activities. NSF requested $29 million for this purpose, but the House, the Senate, and the conferees approved $30 million because of anticipated additional costs related to the Director's assumption of many functions of the Office of Science and Technology and the President's Science Adviser.

Section 2 of the bill as reported by the Committee of Conference contains spending minima for three budget categories, as well as minima for three activities contained within two additional to permit it to be used for broad oceanship construction conversion.

The Senate bill had a floor of $3 million under the Oceanographic Ship Construction/Conversion program in the National and Special Research programs budget category. The conferees agreed to increase this minimum to $6 million and at the same time broaden the language to permit it to be used for broad oceanography-related programs, including ship construction/conversion.

The Senate bill also contained a $25 million minimum for energy research and technology and an $8 million minimum for earthquake engineering, both in the budget category research applied to national needs. The conferees accepted these specific minima, although, as I shall explain later, a language change broadened the restriction so that the funds which were authorized and appropriated in prior years but not obligated by June 30, 1973 were also included as allowable under the minimum obligation feature.

Additional minima that were specified by the conferees were: $10 million for institutional improvement for science, $13 million for graduate student support, and $67.5 for science education improvement. These figures also include prior year funds. Referring the minima for these budget categories to new obligational authority alone we find that they total $1 million for institutional improvement for science, $10.5 million for graduate student support, and $33.7 million for science education improvement.

I mentioned earlier that the minimum obligation levels contained in section 2 of the bill as recommended by the conferees refer to prior year funds as well as fiscal year 1974 funds. This is possible because in the past the NSF appropriation has been no-year money. This means that funds not obligated by the end of the fiscal year are kept on their books and can be obligated at any time in the future. The appropriation bill for fiscal year 1974, which has passed both the House and Senate ends this practice and makes the NSF money "1-year." The House and Senate versions of the appropriation bill which I just referred to, also specified that funds which are unobligated in June 30, 1973, shall be merged with and added to fiscal year 1974 funds. Thus, the action of the conferees in merging a prior year funds with the new obligation authority for the purpose of specifying obligation minima makes this section similar to the authorization bill as passed by the two bodies.

I should like to emphasize that this action of merging new funds with old in no way increases the total available to the NSF for these activities, but merely describes these funds in a different way so that they are more easily compared to the funds in the appropriation bill.

I should like to state emphatically that the activities and budget categories included in section 2 represent programs judged to be extremely important by the Committee of Conference for the scientific well-being of the country. Although these minimum obligation levels are sometimes lower than the amount authorized by the individual budget categories, that fact in no way reduces the significance of the higher authorized level. That higher level should be considered as an appropriate goal for NSF if sufficient appropriations are made available.

Section 3 as recommended by the conferees provides not more than $5,000 for extraordinary expenses authorized by the NSF Director. Section 4 authorizes $3 million in excess foreign currency for NSF expenses outside the United States. Section 5 provides that authorized funds shall remain available for obligation or expenditure by NSF for such period or periods as specified in the appropriation act. These three sections were contained in both the House and Senate bills as passed, and need no further explanation at this point.

H.R. 8510 as passed by the House included as section 2 a proportional obligation requirement. This was designed to prevent selective withholding of appropriated funds for NSF programs as authorized by Congres. It required this proportional obligation of funds in all of the budget categories which I have just mentioned with the exception of the last. "Program Development and Management."

The managers on the part of the House reluctantly agreed to delete this section in conference. They did so, however, in order to make sure any such requirement would be compatible with any general anti-impoundment legislation which might be passed by Congress later this year. Furthermore, the Conferees agreed to request that the appropriate legislative committees in both the House and Senate give further consideration to developing legislation that would include a proportional obligational requirement for inclusion in next year's authorization bill. As I understand it, this means that we will continue to make efforts to perfect the wording of such a requirement, following closely the progress of general anti-impoundment legislation. If the NSF should deviate significantly from a spending pattern that would have resulted from section 2 of the House bill being included in the authorization act, then we will probably include such language in next year's bill and recommend its passage once more. I believe that this will serve notice on the NSF that we are serious about enforcing congressional priorities in those programs which are funded by congressional action, and shall insist those priorities shall be implemented in the future.

Section 7, the "Student Unrest" provision, is identical to section 7 of the House version and section 8 of the Senate version. An identical section is included in last year's authorization act as well as the acts for a number of previous years.

Section 8 of the bill as recommended by the Committee on Conference is identical to Section 8 of the House version of H.R. 8510, which provides that the $4,500,000 earmarked for Oceanographic Ship Construction Conversion in the fiscal year 1973 authorization act, Public Law 92-372, be made available for other purposes. With NSF taking research ships out of service for lack of operating funds, it is silly to require them to construct more.

Section 9 is the same as Section 10 of the Senate version. No similar provision was included by the House. This section requires that the NSF keep its authorizing committees fully and currently informed on all its activities.

The House conferees accepted this provision in order to facilitate the oversight activities which the legislative committees must perform with respect to NSF. It is expected that in partial fulfillment of this section, the NSF will provide the appropriate legislative committees of the House and Senate with full and complete reports on all of its activities at the end of each quarter of the year, with the first such report due on September 30, 1973. We shall expect these reports to give detailed accounts of precisely how the Foundation is acting to meet the requirements set forth in the authorization act and in the related conference and committee reports.

Section 10 is identical to section 9 of

the House bill, a floor amendment adopted by the House which provides that no NSF funds may be used to support research on a human fetus outside the mother's womb and with a beating heart. The Senate conferees receded to the House position on this section.

Section 11 lists the short title of this act.

There were two sections in the Senate bill which were deleted by the committee of conference which have not been discussed heretofore. First, section 4 in the Senate version authorized additional supplemental amounts for increases in salary, pay, retirement or other costs as authorized by law. This section was deleted as unnecessary, the conferees agreeing that the specific legislation authorizing such increases is adequate for the purpose of providing additional funds for the program development and management budget category.

The Senate version included as section 9 a provision that would establish a Division of Energy Research and Technology. The conferees agreed to omit this section on the grounds that it was unnecessary and that it put artificial restraints on NSF administrative flexibility. The conferees also agreed, however, that Energy Research and Technology is a proper emphasis for the NSF, and that the Foundation should establish such a division under its existing authority as soon as practicable.

Mr. Speaker, the conference report as adopted by the managers on the part of the House and the managers on the part of the Senate represents a sound program of research and education in the sciences by the National Science Foundation. It is fiscally responsible in every way, being significantly less in its total new obligational authority than last year's authorization act. The NSF has done a good job in the past, and they will continue to do so. I believe this report is worthy of the support of every Member of this distinguished body.

I should also like to take this opportunity to compliment the conferees who represented the House of Representatives. They have done a capable job in representing the interests of this body and have reported a fine bill.

I hope that all of my colleagues will enthusiastically support this conference report on H.R. 8510 authorizing appropriations for the NSF for fiscal year 1974.

H.R. 8510—COMPARISON OF FISCAL YEAR 1974 NATIONAL SCIENCE FOUNDATION BUDGET: HOUSE, SENATE, AND CONFERENCE VERSIONS

[In millions of dollars]

Budget category	Fiscal year 1973 authorization[1] 92–372	Fiscal year 1974 NSF request	Fiscal year 1974			Fiscal year 1973 carry-over funds to be released	Total fiscal year 1974 NSF obligational authority
			House authorization	Senate authorization	Conference		
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
1. Scientific research project support	269.01	275.0	285.0	275.0	285.0		285.0
2. National and special research programs	125.04	99.6	102.6	108.6	105.6		105.6
3. National research centers	41.70	46.0	46.0	46.0	46.0	2.0	48.0
4. Computing activities	11.70	9.1	8.2	10.0	8.2	.9	9.1
5. Science information activities	10.50	8.3	8.3	8.3	83.		8.3
6. International cooperative scientific activities	4.70	6.2	6.2	6.2	6.2		6.2
7. Research applied to national needs (RANN)	80.00	70.5	71.3	111.7	91.0	8.7	99.7
8. Intergovernmental science programs	1.70	1.0	1.0	1.0	1.0		1.0
9. Institutional improvement for science	18.50		2.0	2.0	2.0	9.0	11.0
10. Graduate student support	21.20	6.7	11.5	11.0	11.5	[2] 2.5	[3] 14.0
11. Science education improvement	80.80	26.2	35.2	28.7	35.2	33.8	69.6
12. Planning and policy studies	2.75	2.0	2.6	4.6	2.6		2.0
13. Program development and management	29.30	29.0	30.0	30.0	30.0		30.0
Subtotal	696.90	579.6	609.9	643.1	632.6	56.9	689.5
Foreign currency program	7.00	3.0	3.0	3.0	3.0	2.0	5.0
Total	703.90	582.6	612.9	646.1	635.6	58.9	604.5

[1] Includes reprograming actions.

[2] An additional $3,500,000 in fiscal year 1973 funds for postdoctoral fellowships is not planned for release in year 1974 by NSF.

[3] Does not include the $3,500,000 in fiscal year 1973 funds earmarked for postdoctoral fellowships in the legislative report of the Committee on Science and Astronautics, Report No. 93-284, pl 122.

Mr. MOSHER. Mr. Speaker, as the ranking Republican conferee on the NSF authorization for fiscal year 1974, I would like to indicate my complete endorsement of the conference authorization. This conference report was agreed to unanimously by all conference committee members and I urge that the House give its support to the report.

The committee of conference agreement provides a fiscal year 1974 NSF authorization of $632.06 million plus $3 million of foreign currency. This amount is an increase of $22.7 million over the original House authorization of $612.9 million; but I emphasize that, in spite of this increase, this year's conference authorization is $68.4 million or approximately 10 percent less than last year's authorization.

The House conferees have carefully reviewed the final conference authorization and while a significant number of changes were made in order to reach an accord, the modifications do result in a further strengthening of the fiscal year 1974 NSF program. In particular, the committee of conference gave additional emphasis to NSF's activities in basic research, applied research, and science education.

Among the major budget increases agreed to by the conferees was a $20 million addition to the NSF program of research applied to national needs—RANN. In recent years, the Foundation has expanded its research efforts in selected applied research areas which are most relevant to the Nation's pressing domestic problems. This work is designed to supplement high priority mission-oriented Federal research which is generally too broad in scope or too fundamental in substance to be pursued by a particular mission agency. The two program areas within this NSF activity which were increased, and for which minimum spending levels were established, are energy research and earthquake engineering.

I personally look forward to NSF becoming more heavily involved in energy related research. This Nation is faced with an enormous increase in energy demand that is being complicated by factors as diverse as exhausted fuel supplies, international balance of payments, environmental preservation, and the cost of living. The implications, as well as dimensions of the energy problem require a sharp and immediate focusing of our resources in this critical area.

The second area within RANN which was increased over the original House authorization is earthquake engineering. This NSF program is unique in that it is the only effort of its kind aimed at discovering practical methods and techniques to alleviate the destructive forces caused by earthquakes.

Three other important program categories which were addressed by the committee of conference pertain to general science education.

I am especially pleased the Senate agreed to the position of the House in providing additional funding for institutional improvement for science, graduate student support, and science education improvement.

The emphasis given by the conference report to those three select education areas is very significant. Many of the individual activities in the science education field have suffered severe cutbacks over the past few years to the point whereby a once well-balanced program is being seriously jeopardized. In this bill, the bulk of the funding, therefore, is directed to the restoration and further strengthening of this effort. Hopefully, this infusion of new money will not only provide a symbolic revitalization of the program, but also indicate the intent of the Congress to have these programs more appropriately funded in future years.

As further emphasis, because of the past reluctance of NSF to obligate the full funding recommended by the Congress in the general science education area, statutory minima were included for all three programs of institutional improvement for science, graduate student support, and science education improvement. The inclusion of such minima will limit the funding which NSF can either transfer to other categories or simply not obligate. The minima for these three efforts is $10 million for institutional improvement for science; $13 million for graduate student support; and $67.5 million for science education improvement.

Our intention, therefore, is that out of the $94 million authorized for expenditure in the general science education area, NSF will be required by law to spend not less than $90.5 million.

I would also like to stress that the conferees gave careful consideration to the proportional obligation requirement which was contained in the original House bill. The concept of program minimas was adopted in lieu of the proportional obligation requirement, however, because of the desire by the conferees to assure that such a requirement would be compatible with any general anti-impoundment legislation which might later be passed by Congress.

But I call to the attention of OMB and NSF that the conferees did agree that further consideration would be given to the proportional obligation approach prior to drafting next year's legislation should there be significant deviation by NFS from the expanding pattern and the program priorities outlined by the Congress.

Mr. Speaker, I believe that the conference report under consideration here does provide a fiscal program improved and strengthened over that originally submitted by NSF. Budget increases are being recommended but these additions are supported by compelling evidence.

The conference report as adopted by House and Senate conferees outlines an excellent program and one which deserves our complete support. I especially want to compliment the staff of our Science Committee for an outstanding job in laying the basis for our negotiations with the Senate conferees; our staffers were exceptionally effective.

Mr. LEGGETT. Mr. Speaker, it was only a month ago that this body passed the National Science Foundation Authorization for fiscal year 1974. We did so with an overwhelming vote of 364 to 6 and I wholeheartedly urge that we likewise endorse the conference report that is before us today.

The conferees first recommendation is for an increase of $3 million for national and special research programs. These involve such projects as the international decade of ocean exploration, global atmospheric research, arctic and antarctic research, an international biological research program, and logistical assistance for the field of oceanography. Since most of these involve international cooperation not only will this grant support important large scale research, but it will also foster the free exchange of information between the most scientifically advanced nations. The Assistant Director for national and international programs of the NSG, Dr. Thomas B. Owen, said in the House hearings on this bill that the overall objective here is:

> To maximize the effectiveness of cooperative science efforts that support our Nation's foreign policy and the advancement of U.S. national research objectives. (Page 183.)

In addition, I think it is clear to all of us that the oceans offer an incredible potential for productive development. To further this end, and to avoid the destructive exploitation of marine resources that ignorance so often engenders, I feel that $3 million is a farsighted and reasonable increase to the $102.6 million that we agreed upon before.

The other area where the conference report would authorize additional funds, is under the title "Research Applied to National Needs." The thrust of this $19.7 million boost is to increase scientific efforts in energy research. The 1972 report of the Task Force on Energy of the House Committee on Science and Astronautics states:

> Now is the time to implement a greatly increased national energy research and development effort. Studies alone are not enough. Adequate funds and technical manpower must also be committed. (Page 3.)

This NSF program is specifically intended to provide practical solutions.

The conferees' amendment provides that of the amount authorized for "Research Applied to National Needs" "not less than $25 million shall be available for energy research and technology programs including, but not limited to solar, geothermal, and other unconventional energy sources." Page 2. What does the task force on energy have to say about solar and geothermal energy? On solar energy it states:

> Because of its continous and virtually inexhaustible nature, solar energy R. & D. should receive greatly increased funding. Near term applications of solar power for household use seems likely, and central station terrestrial solar power and satellite solar power are attractive long-term possibilities. (Page 5.)

And regarding geothermal energy, the report concludes:

> Because of the vast reserves of thermal energy located in the earth's underground water and rocks, and its widespread distribution, geothermal energy should have greatly increased R. & D. emphasis. (Page 5.)

In view of the recent energy shortage, it is imperative that this work be undertaken. Similarly, the conferees' recommendation that the NSF establish a division of energy research is an important step toward the long-term alleviation of the energy crisis.

The weather, earthquakes, the environment, and our cities will also receive added NSF attention with these funds—all with the goal of providing usable knowledge beyond that already available.

Mr. Speaker, I commend Mr. TEAGUE of Texas and his fellow conferees for the excellent job they have done. Since its establishment in 1950, the NSF has made an indisputable contribution to science and to this country and I hope my colleagues support it today.

Mr. TEAGUE of Texas. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

CONFERENCE REPORT ON H.R. 8658, DISTRICT OF COLUMBIA APPROPRIATIONS, 1974

Mr. NATCHER. Mr. Speaker, I call up the conference report on the bill (H.R. 8658) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1974, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of July 30, 1973.)

Mr. NATCHER. Mr. Speaker, the conference report we present at this time to the House carries a total of $954,731,200 for the District of Columbia. This amount coupled with Federal grants of $234,431,100 will provide a total budget of $1,189,162,300 for fiscal year 1974.

When we consider the fact, Mr. Speaker, that we have 748,000 people in the District of Columbia, I am sure the Members will agree that the amount contained in this conference report certainly is adequate for the operation of the District of Columbia government during the fiscal year 1974.

Mr. Speaker, the District of Columbia funds contained in the conference report total $954,731,200. This amount is $9,447,800 below the House bill, and $3,928,300 below the Senate bill. This allowance is $36,492,800 below the amount requested in the budget for the fiscal year 1974. The Federal payment to the general fund is $187,450,000. This is the same as in both the House and Senate bills. The Federal funds in the bill for the District of Columbia, Mr. Speaker, total $417,717,000.

When we add the $234,431,100 in Federal grants along with the other items that are from Federal funding, we have a total of $689,425,100. This amount includes the Federal payment of $187,450,000 I mentioned earlier, plus the payment for water and sewer service to the Federal establishment which totals $4,083,000, revenue sharing in the amount of $37,277,000, Federal loans totaling

$226,184,000, and the Federal grants which total $234,431,100.

Mr. Speaker, for operating expenses the conference report carries a total of $786,920,200. This amount is $552,200 above the House bill and $4,064,400 below the Senate bill. We have a repayment-of-loan figure in this conference report which totals $39,633,000. This is the same as the amount carried in both the bills as they passed the House and Senate.

Mr. Speaker, under this conference report we have a total of 38,747 positions funded. When we consider the total amount carried in this conference report, and compare it with any of the 50 States or any city in the country, we will find the budget per capita is the largest in the United States of America.

At this point in the RECORD, Mr. Speaker, I will insert a tabulation summarizing the action taken.

The tabulation referred to follows:

DISTRICT OF COLUMBIA APPROPRIATION BILL, 1974 (H.R. 8658)

CONFERENCE SUMMARY

Agency & Item	New budget (obligational) authority, fiscal year 1973	Budget estimates of new (obligational) authority, fiscal year 1974	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	New budget (obligational) authority recommended by conference action	Conference action compared with— New budget (obligational) authority, fiscal year 1973	Budget estimates of new (obligational) authority, fiscal year 1974	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
FEDERAL FUNDS									
Federal payment to the District of Columbia:									
General fund	$181,500,000	$190,000,000	$187,450,000	$187,450,000	$187,450,000	+$5,950,000	−$2,550,000		
Water fund	2,550,000	2,555,000	2,555,000	2,555,000	2,555,000	+5,000			
Sanitary sewage works fund	1,524,000	1,528,000	1,528,000	1,528,000	1,528,000	+4,000			
Total, Federal payment to the District of Columbia	185,574,000	194,083,000	191,533,000	191,533,000	191,533,000	+5,959,000	−2,550,000		
Loans to the District of Columbia for capital outlay (from the U.S. Treasury):									
General fund	90,968,000	190,700,000	187,969,000	177,969,000	177,969,000	+87,001,000	−12,731,000	−$10,000,000	
Highway fund	16,706,000	11,900,000	11,900,000	11,900,000	11,900,000	−4,806,000			
Water fund	2,933,000	7,067,000	7,067,000	7,067,000	7,067,000	+4,134,000			
Sanitary sewage works fund	13,960,000	25,000,000	25,000,000	25,000,000	25,000,000	+11,040,000			
Metropolitan area sanitary sewage works fund	6,252,000	4,248,000	4,248,000	4,248,000	4,248,000	−2,004,000			
Total, loan appropriation to the District of Columbia	130,819,000	238,915,000	226,184,000	236,184,000	226,184,000	+95,365,000	−12,731,000	−10,000,000	
Grand total, new budget (obligational) authority, Federal funds	316,393,000	432,998,000	417,717,000	427,717,000	417,717,000	+101,324,000	−15,281,000	−10,000,000	
DISTRICT OF COLUMBIA FUNDS									
Operating expenses:									
General operating expenses	(64,829,000)	(69,278,000)	(66,491,000)	(68,564,000)	(67,539,000)	(+2,710,000)	(−1,739,000)	(+1,048,000)	(−$1,025,000)
Public safety	(200,229,000)	(213,450,000)	(210,960,000)	(205,558,700)	(206,357,000)	(+6,128,000)	(−7,093,000)	(−4,603,000)	(+798,300)
Education	(187,900,000)	(200,836,000)	(196,567,000)	(199,399,700)	(198,029,000)	(+10,129,000)	(−2,807,000)	(+1,462,000)	(−1,370,700)
Recreation	(14,079,000)	(14,300,000)	(14,300,000)	(14,300,000)	(14,300,000)	(+221,000)			
Human resources	(216,335,000)	(220,587,000)	(216,401,000)	(220,493,600)	(218,443,000)	(+2,108,000)	(−2,144,000)	(+2,042,000)	(−2,050,600)
Highways and traffic	(22,105,000)	(23,485,000)	(23,274,000)	(23,460,200)	(23,460,200)	(+1,355,200)	(−24,800)	(+186,200)	
Environmental services	(45,302,800)	(45,873,000)	(44,593,000)	(45,426,400)	(45,010,000)	(−292,800)	(−863,000)	(+417,000)	(−416,400)
Annualization of pay increases		(13,782,000)	(13,782,000)	(13,782,000)	(13,782,000)	(+13,782,000)			
Additional municipal services, inaugural ceremonies	(879,000)					(−879,000)			
Settlement of claims and suits	(158,000)					(−158,000)			
Total, operating expenses	(751,816,800)	(801,591,000)	(786,368,000)	(790,984,600)	(786,920,200)	(+35,103,400)	(−14,670,800)	(+552,200)	(−4,064,400)
Repayment of loans and interest	(28,144,000)	(39,633,000)	(39,633,000)	(39,633,000)	(39,633,000)	(+11,489,000)			
Capital outlay	(122,981,000)	(150,000,000)	(138,178,000)	(128,041,900)	(128,178,000)	(+5,197,000)	(−21,822,000)	(−10,000,000)	(+136,100)
Grand total, District of Columbia funds	(902,941,800)	(991,224,000)	(964,179,000)	(958,659,500)	(954,731,200)	(+51,789,400)	(−36,492,800)	(−9,447,800)	(−3,928,300)

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. NATCHER. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

I want to compliment the gentleman for taking at least a few minutes to explain this conference report. It is quite contrary to the previous conference report that we had a few moments ago on the National Science Foundation. I want to compliment the gentleman for taking just a few minutes to explain it. The District of Columbia, in my opinion, is much, too much overstuffed with Federal funds but, of course, we cannot do very much about it at this late hour and in this conference report.

I thank the gentleman for the explanation that he has made.

Mr. NATCHER. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DELLENBACK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 342, nays 47, not voting 44, as follows:

[Roll No. 431]

YEAS—342

Abdnor
Abzug
Adams
Addabbo
Anderson,
  Calif.
Anderson, Ill.
Andrews, N.C.
Andrews,
  N. Dak.
Annunzio
Arends
Armstrong
Ashley
Aspin
Badillo
Barrett
Bell
Bergland
Bevill
Biaggi
Biester
Bingham
Blatnik
Boggs
Bolling
Bowen
Brademas
Brasco
Bray
Breaux
Breckinridge
Brinkley
Brooks
Brotzman
Brown, Calif.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton
Butler
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clark
Clausen,
  Don H.
Clawson, Del
Clay
Cochran
Cohen
Collins, Ill.
Conable
Conte
Conyers
Corman
Coughlin
Cronin
Culver
Daniels,
  Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Fascell
Findley
Fish
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Fuqua
Gaydos

Gettys
Giaimo
Gibbons
Ginn
Goldwater
Gonzalez
Goodling
Grasso
Green, Oreg.
Green, Pa.
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holt
Holtzman
Horton
Hosmer
Howard
Hungate
Hunt
Ichord
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kemp
Kluczynski
Koch
Kuykendall
Kyros
Landrum
Latta
Lent
Litton
Long, La.
Long, Md.
McClory
McCloskey
McCormack
McEwen
McFall
McKay
McKinney
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Metcalfe
Mezvinsky
Michel
Milford
Miller
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
O'Neill
Owens
Parris
Passman
Patten
Pepper
Perkins
Pettis
Pickle
Pike
Poage
Podell
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Rangel
Rees
Regula
Reuss
Rhodes
Riegle
Rinaldo
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
St Germain
Sarasin
Sarbanes
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, N.Y.
Snyder
Staggers
Stanton,
  J. William
Stanton,
  James V.
Stark
Steed
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wilson,
  Charles H.,
  Calif.
Wilson,
  Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Yates
Yatron
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki
Zion

NAYS—47

Archer
Ashbrook
Bafalis
Baker
Beard
Bennett
Broomfield
Burleson, Tex.
Byron
Camp
Clancy
Collins, Tex.
Conlan
Crane
Daniel, Dan
Daniel, Robert
  W., Jr.
Froehlich
Gilman
Gross
Hanrahan
Huber
Hudnut
Hutchinson
Jones, Tenn.
Ketchum
Lott
McCollister
Mayne
Moorhead,
  Calif.
Myers
Powell, Ohio
Randall
Rarick
Roberts
Rousselot
Ruth
Sandman
Satterfield
Saylor
Scherle
Shuster
Spence
Symms
Towell, Nev.
Treen
Young, Fla.
Young, S.C.

NOT VOTING—44

Alexander
Blackburn
Boland
Brown, Mich.
Cleveland
Collier
Cotter
Dickinson
Diggs
Evans, Colo.
Evins, Tenn.
Fisher
Ford,
  William D.
Gray
Griffiths
Grover
Hanna
Hawkins
Hébert
Holifield
Jarman
King
Landgrebe
Leggett
Lehman
Lujan
McDade
Melcher
Mills, Ark.
Nichols
O'Brien
Patman
Peyser
Railsback
Reid
Rooney, N.Y.
Ruppe
Ryan
Shoup
Smith, Iowa
Wiggins
Wyman
Young, Alaska
Zwach

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Hawkins.
Mr. Cotter with Mr. Mills of Arkansas.
Mr. Boland with Mr. Jarman.
Mr. Gray with Mr. Wiggins.
Mr. Evins of Tennessee with Mr. Zwach.
Mr. Alexander with Mr. Shoup.
Mr. Hanna with Mr. Ruppe.
Mr. Hébert with Mr. Railsback.
Mr. Reid with Mr. Peyser.
Mr. Ryan with Mr. King.
Mr. Smith of Iowa with Mr. Grover.
Mr. Leggett with Mr. O'Brien.
Mr. Melcher with Mr. Collier.
Mr. Nichols with Mr. Dickinson.
Mr. Fisher with Mr. McDade.
Mr. Diggs with Mr. Lehman.
Mr. Patman with Mr. Cleveland.
Mr. Evans of Colorado with Mr. Lujan.
Mr. William D. Ford with Mr. Blackburn.
Mrs. Griffiths with Mr. Landgrebe.
Mr. Holifield with Mr. Brown of Michigan.
Mr. Wyman with Mr. Young of Alaska.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 6: On page 4, line 21, insert:

Provided further, That $6,821,700 shall be available for reimbursement to the United States for services provided to the District of Columbia by the offices of the United States attorney and the United States marshal for the District of Columbia.

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate No. 6 and concur therein with an amendment, as follows:

In lieu of the sum of $6,821,700 named in said amendment, insert the following: "$7,821,700".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 21: On page 15, line 16, insert:

SEC. 18. Appropriations in this Act shall be available for services as authorized by 5 U.S.C. 3109.

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate No. 21 and concur therein.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

GENERAL LEAVE

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to, and that I may be permitted to include a tabulation summarizing the action taken.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

CONFERENCE REPORT ON H.R. 8760, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1974

Mr. McFALL. Mr. Speaker, I call up the conference report on the bill (H.R. 8760) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1974, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. GROSS. Mr. Speaker, reserving the right to object, does the distinguished gentleman from California propose to take 2 or 3 minutes to tell us what happened in conference on this bill?

Mr. McFALL. Yes, I do.

Mr. Speaker, I have about a 4-minute speech which I believe explains the bill and the changes which were made.

Mr. GROSS. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of July 31, 1973.)

Mr. McFALL (during the reading). Mr. Speaker, I ask unanimous consent that the statement of the managers be considered as read.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. McFALL. Mr. Speaker, the conference agreement on the transportation appropriations bill is a good one. In a few instances, after considering all pertinent factors, we are recommending that programs go forward at a faster rate than is proposed in the budget. These few relatively minor increases, however, are more than offset by reductions in other parts of the bill.

The $2,898,446,006 of new budget authority included in the bill is $112,286,000 less than the budget request and $227,005,089 less than the fiscal year 1973 appropriations. In addition, appropriations to liquidate contract authorizations have been reduced by $28,757,000. The net effect of these actions on current year expenditures is a reduction of about $60 million below the budget.

The bill is $145,215,000 more than when it left the House. Most of this amount, $118 million, is for two items on which we had deferred action because of lack of legislative authority. Both of these items are budgeted and both amounts agreed to by the conferees are within the budget requests. The other increases over the House bill are relatively small.

In summary, the conference agreement includes a total of $51,450,000 for the Office of the Secretary of Transportation. This is $975,000 more than provided by the House and $1,550,000 less than proposed by the other body. We have not approved the 10 staff assistants requested for the Department's secretarial representatives.

For the Coast Guard, the bill would provide $748,228,006. The major change from the House bill under this heading is in connection with the Coast Guard Reserve.

We did not include funds for this program when the bill was before the House because the authorizing legislation had not yet passed. After the vote on the conference report, I will offer a separate motion to concur in the amendment of the Senate to appropriate $25 million for the Coast Guard Reserve.

Most of the differences between the two bills for the Federal Aviation Administration were fairly evenly divided.

Although we did agree to a $6 million Senate add-on under the Federal Highway Administration, the conference agreement is, in total, $1,480,000 less than when the bill left the House. In the area of highway safety the bill includes $44,757,000, which is $125,000 more than the House bill and $5 million below the Senate.

The other major increase over the House bill is for Amtrak. As you will recall, we did not include funds for Amtrak in our original bill, because the authorization had not yet passed the House. In conference we agreed to provide $102.1 million for Amtrak. This is partially offset by a rescission of $9.1 million of previously appropriated funds.

There were two other important actions taken by the conferees in connection with the appropriations for the Federal Railroad Administration. The first deals with railroad safety. In this area, we have earmarked $1.4 million for additional railroad safety inspectors, and have included $1.5 million for grants-in-aid for railroad safety. The second action deals with the tracked air-cushion vehicle research program. The conference agreement increases the funding for this research by $3 million to a level of $6.5 million. I feel, as do the other conferees, that this $6.5 million should be used primarily for research on the 150-mile-per-hour tracked air-cushion vehicle.

For the urban mass transportation administration, the conference agreement represents about an even split between the two bills.

There were no amendments in disagreement under title II. With respect to the limitations on obligations contained in title III of the bill, the conference agreement is $2,650,000 below the budget. In addition, the language prohibiting new or increased user charges has been retained by the conference action.

In summary, I think it is important to point out that this bill was about $140 million below the budget when it left the House. It was about $42 million below the budget as passed by the other body. And in its present form it is $112 million less than the budget.

Mr. Speaker, I urge that the conference report be agreed to. I will insert a table in the Record giving the conference figures in detail:

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION BILL, 1974

[Note: All amounts are in the form of "appropriations" unless otherwise indicated]

Agency and item	New budget (obligational) authority, fiscal year 1973	Budget estimates of new (obligational) authority, fiscal year 1974	New budget (obligational) authority recommended in the House bill	New budget (obligational) authority recommended in Senate bill	Conference action	Conference action compared with—			
						New obligational authority, 1973	Budget estimate, 1974	House bill	Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
TITLE I—DEPARTMENT OF TRANSPORTATION									
Office of the Secretary									
Salaries and expenses	$23,970,000	$24,500,000	$24,300,000	$25,200,000	$24,475,000	+$505,000	−$25,000	+$175,000	−$725,000
Transportation planning, research, and development:									
Appropriation	31,500,000	28,675,000	24,500,000	25,500,000	25,000,000	−6,500,000	−3,675,000	+500,000	−500,000
By transfer	(7,000,000)	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)	(−6,000,000)			
Transportation research activities overseas (Special foreign currency program)		500,000					−500,000		
Grants-in-aid for natural gas pipeline safety	875,000	875,000	875,000	1,500,000	1,175,000	+300,000	+300,000	+300,000	−325,000
Consolidation of departmental headquarters	800,000	850,000	800,000	800,000	800,000		−50,000		
Total, Office of the Secretary	57,145,000	55,400,000	50,475,000	53,000,000	51,450,000	−5,695,000	−3,950,000	+975,000	−1,550,000
Coast Guard									
Operating expenses	548,900,000	546,370,000	544,400,000	547,900,000	545,400,000	−3,500,000	−970,000	+1,000,000	−2,500,000
Appropriation for debt reduction	−164,905	−171,994	−171,994	−171,994	−171,994	−7,089			
Subtotal, operating expenses	548,735,095	546,198,006	544,228,006	547,728,006	545,228,006	−3,507,089	−970,000	+1,000,000	−2,500,000
Acquisition, construction, and improvements	131,550,000	74,500,000	74,500,000	77,250,000	75,500,000	−56,050,000	+1,000,000	+1,000,000	−1,750,000
Alteration of bridges	12,500,000	7,000,000	4,000,000	4,000,000	4,000,000	−8,500,000	−3,000,000		
Retired pay	[1] 76,789,000	81,000,000	81,000,000	81,000,000	81,000,000	+4,211,000			
Reserve training	31,735,000	25,000,000	[2] Defer	25,000,000	25,000,000	−6,735,000		[2] +25,000,000	
Research, development, test, and evaluation	17,500,000	17,000,000	14,000,000	14,000,000	14,000,000	−3,500,000	−3,000,000		
State boating safety assistance	4,500,000	4,500,000	3,500,000	4,500,000	3,500,000	−1,000,000	−1,000,000		−1,000,000
Total, Coast Guard	823,309,095	755,198,006	721,228,006	753,478,006	748,228,006	−75,081,089	−6,970,000	+27,000,000	−5,250,000
Federal Aviation Administration									
Operations:									
Appropriation	1,150,538,000	1,211,250,000	1,193,500,000	1,206,800,000	1,200,500,000	+49,962,000	−10,750,000	+7,000,000	−6,300,000
By transfer	[1](21,523,000)					(−21,523,000)			
Engineering and development	[3] 22,700,000	13,750,000	11,500,000	13,750,000	11,500,000	−11,200,000	−2,250,000		−2,250,000
Facilities and equipment (Airport and Airway Trust Fund)	302,650,000	250,000,000	250,000,000	250,000,000	250,000,000	−52,650,000			
Research, engineering, and development (Airport and Airway Trust Fund)	66,000,000	70,000,000	55,000,000	66,500,000	62,095,000	−3,905,000	−7,905,000	+7,095,000	−4,405,000
Grants-in-aid for airports (Airport and Airway Trust Fund):									
Planning grants	15,000,000	3,000,000				−15,000,000	−3,000,000		
Development grants (appropriation to liquidate contract authorization)	(100,000,000)	(200,000,000)	(200,000,000)	(200,000,000)	(200,000,000)	(+100,000,000)			

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION BILL, 1974—Continued

[Note: All amounts are in the form of "appropriations" unless otherwise indicated]

Agency and item	New budget (obligational) authority, fiscal year 1973	Budget estimates of new (obligational) authority, fiscal year 1974	New budget (obligational) authority recommended in the House bill	New budget (obligational) authority recommended in Senate bill	Conference action	Conference action compared with—			
						New obligational authority, 1973	Budget estimate, 1974	House bill	Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Federal payment to the Airport and Airway Trust Fund (intragovernmental transaction)	[1] ($73,397,000)					(−$73,397,000)			
Operation and maintenance, National Capital Airports	12,265,000	$14,800,000	$14,400,000	$14,400,000	$14,400,000	+2,135,000	−$400,000		
Construction, National Capital Airports	2,600,000	3,400,000	3,000,000	3,000,000	3,000,000	+400,000	−400,000		
Total, Federal Aviation Administration	1,571,753,000	1,566,200,000	1,527,400,000	1,554,450,000	1,541,495,000	−30,258,000	−24,705,000	+$14,095,000	−$12,955,000
Federal Highway Administration									
Salaries and expenses:									
Appropriation	13,325,000	15,200,000	14,300,000	12,800,000	12,800,000	−525,000	−2,400,000	−1,500,000	
By transfer	[1, 4] (98,498,428)	[4] (106,000,000)	[4] (101,900,000)	[4] (101,900,000)	[4] (101,900,000)	[4] (+3,401,572)	[4] (−4,100,000)		
Highway beautification:									
Appropriation	965,000	1,020,000	1,000,000	1,020,000	1,020,000	+55,000		+20,000	
Appropriation to liquidate contract authorization	(12,000,000)	(35,000,000)	(30,000,000)	(30,000,000)	(30,000,000)	(+18,000,000)	(−5,000,000)		
Highway-related safety grants (appropriation to liquidate contract authorization	(12,000,000)	(10,000,000)	(7,000,000)	(7,000,000)	(7,000,000)	(−5,000,000)	(−3,000,000)		
Rail crossings—demonstration projects	2,000,000	18,000,000	10,000,000	18,000,000	14,000,000	+12,000,000	−4,000,000	+4,000,000	−4,000,000
Railroad-highway crossings demonstration projects				15,000,000	6,000,000	+6,000,000	+6,000,000	+6,000,000	−9,000,000
Territorial highways (appropriation to liquidate contract authorization)	(2,000,000)	(2,600,000)	(2,600,000)	(2,500,000)	(2,500,000)	(+500,000)	(−100,000)	(−100,000)	
Darien Gap highway	15,000,000	30,000,000	15,000,000	5,000,000	5,000,000	−10,000,000	−25,000,000	−10,000,000	
Federal-aid highways (trust fund—appropriation to liquidate contract authorization)	(4,891,990,000)	(4,320,000,000)	(4,315,900,000)	(4,315,900,000)	(4,315,900,000)	(−576,090,000)	(−4,100,000)		
Right-of-way revolving fund (trust fund—appropriation to liquidate contract authorization)	(35,000,000)	(16,000,000)	(4,000,000)			(−35,000,000)	(−16,000,000)	(−4,000,000)	
Forest highways (appropriation to liquidate contract authorization)	(23,000,000)	(8,000,000)	(8,000,000)	(8,000,000)	(8,000,000)	(−15,000,000)			
Public lands highways (appropriation to liquidate contract authorization)	(16,000,000)	(3,000,000)	(3,000,000)	(3,000,000)	(3,000,000)	(−13,000,000)			
Total, Federal Highway Administration	31,290,000	64,220,000	40,300,000	51,820,000	38,820,000	+7,530,000	−25,400,000	−1,480,000	−13,000,000
National Highway Traffic Safety Administration									
Traffic and highway safety	77,185,000	[5] 56,882,000	44,632,000	49,757,000	44,757,000	−32,428,000	−12,125,000	+125,000	−5,000,000
By transfer			(9,000,000)	(9,000,000)	(9,000,000)	(+9,000,000)	(+9,000,000)		
State and community highway safety (appropriation to liquidate contract authorizations)	(70,000,000)	(100,557,000)	(100,000,000)	(100,000,000)	(100,000,000)	(+30,000,000)	(−557,000)		
Total, National Highway Traffic Safety Administration	77,185,000	56,882,000	44,632,000	49,757,000	44,757,000	−32,428,000	−12,125,000	+125,000	−5,000,000
Federal Railroad Administration									
Office of the Administrator, salaries and expenses	2,835,000	3,200,000	2,900,000	2,900,000	2,900,000	+65,000	−300,000		
By transfer	[1] (56,000)					(−56,000)			
Railroad research	10,350,000	13,000,000	10,500,000	10,350,000	10,350,000		−2,650,000	−150,000	
Railroad safety	7,000,000	8,000,000	7,000,000	9,400,000	8,900,000	+1,900,000	+900,000	+1,900,000	−500,000
Grants-in-aid for railroad safety				1,500,000	1,500,000	+1,500,000	+1,500,000	+1,500,000	
High-speed ground transportation research and development	52,500,000	27,100,000	17,100,000	23,600,000	20,100,000	−32,400,000	−7,000,000	+3,000,000	−3,500,000
Grants to National Railroad Passenger Corporation	9,100,000	93,000,000	[3] Defer	115,500,000	102,100,000	+93,000,000	+9,100,000	+102,100,000	−13,400,000
Rescission of unobligated balance				(−9,100,000)	−9,100,000	−9,100,000	−9,100,000	−9,100,000	−9,100,000
Emergency rail facilities restoration	[1] 34,748,000					−34,748,000			
Total, Federal Railroad Administration	116,533,000	144,300,000	37,500,000	163,250,000	136,750,000	+20,217,000	−7,550,000	+99,250,000	−26,500,000
Urban Mass Transportation Administration									
Urban Mass Transportation Fund:									
Administrative expenses	6,542,000	7,000,000	5,200,000	5,000,000	5,000,000	−1,542,000	−2,000,000	−200,000	
Research, development, and demonstrations and university research and training	96,250,000	63,000,000	29,600,000	40,800,000	35,050,000	−61,200,000	−27,950,000	+5,450,000	−5,750,000
Appropriation to liquidate contract authorization	(232,000,000)	(380,000,000)	(380,000,000)	(380,000,000)	(380,000,000)	(+148,000,000)			
Total, Urban Mass Transportation Administration	102,792,000	70,000,000	34,800,000	45,800,000	40,050,000	−62,742,000	−29,950,000	+5,250,000	−5,750,000
St. Lawrence Seaway Development									
Limitation on administrative expenses	(797,000)	(840,000)	(820,000)	(820,000)	(820,000)	(+23,000)	(−20,000)		
Total, title I, Department of Transportation	2,780,007,095	2,712,200,006	2,456,335,006	2,671,555,006	2,601,550,006	−178,457,089	−110,650,000	+145,215,000	−70,005,000

Footnotes at end of table.

Agency and item (1)	New budget (obligational) authority, fiscal year 1973 (2)	Budget estimates of new (obligational) authority, fiscal year 1974 (3)	New budget (obligational) authority recommended in the House bill (4)	New budget (obligational) authority recommended in Senate bill (5)	Conference action (6)	Conference action compared with— New obligational authority, 1973 (7)	Conference action compared with— Budget estimate, 1974 (8)	Conference action compared with— House bill (9)	Conference action compared with— Senate bill (10)
TITLE II—RELATED AGENCIES									
National Transportation Safety Board									
Salaries and expenses	$7,785,000	$8,000,000	$7,975,000	$7,975,000	$7,975,000	+$190,000	−$25,000		
Civil Aeronautics Board									
Salaries and expenses	[1] 14,373,000	14,767,000	14,767,000	14,767,000	14,767,000	+394,000			
Payments to air carriers	80,800,000	66,431,000	66,431,000	66,431,000	66,431,000	−14,369,000			
Total, Civil Aeronautics Board	95,173,000	81,198,000	81,198,000	81,198,000	81,198,000	−13,975,000			
Interstate Commerce Commission									
Salaries and expenses	[1] 33,720,000	35,000,000	34,750,000	34,750,000	34,750,000	+1,030,000	−250,000		
Payment of loan guarantees	[6] 12,000,000					−12,000,000			
Total, Interstate Commerce Commission	45,720,000	35,000,000	34,750,000	34,750,000	34,750,000	−10,970,000	−250,000		
The Panama Canal									
Canal Zone Government:									
Operating expenses	[1] 55,950,000	59,361,000	59,000,000	59,000,000	59,000,000	+3,050,000	−361,000		
Capital outlay	4,500,000	4,500,000	3,500,000	3,500,000	3,500,000	−1,000,000	−1,000,000		
Panama Canal Company:									
Limitation on general and administrative expenses	(20,556,000)	(21,037,000)	(21,037,000)	(21,037,000)	(21,037,000)	(+481,000)			
Total, the Panama Canal	60,450,000	63,861,000	62,500,000	62,500,000	62,500,000	+2,050,000	−1,361,000		
Washington Metropolitan Area Transit Authority									
Federal contribution	[7] 131,181,000	[8] 97,745,000	[8] 97,745,000	[8] 97,745,000	[8] 97,745,000	−33,436,000			
Interest subsidy	[1] 4,885,000	12,728,000	12,728,000	12,728,000	12,728,000	+7,843,000			
Total, WMATA	136,066,000	110,473,000	110,473,000	110,473,000	110,473,000	−25,593,000			
Commission on Highway Beautification									
Salaries and expenses	[1] 250,000					−250,000			
Total, title II, related agencies	345,444,000	298,532,000	296,896,000	296,896,000	296,896,000	−48,548,000	−1,636,000		
TITLE III—GENERAL PROVISIONS									
Department of Transportation									
Federal Aviation Administration:									
Grants-in-aid for airport development (limitation on obligations)	(280,000,000)	(280,000,000)	(280,000,000)	(310,000,000)	(300,000,000)	(+20,000,000)	(+20,000,000)	+$20,000,000)	(−$10,000,000)
Federal Highway Administration:									
Highway beautification (limitation on obligations)	(40,000,000)	(55,000,000)	(45,000,000)	(55,000,000)	(50,000,000)	(+10,000,000)	(−5,000,000)	(+5,000,000)	(−5,000,000)
Territorial highways (limitation on obligations)	(4,000,000)	(4,000,000)	(4,000,000)	(4,000,000)	(4,000,000)				
Forest highways (limitations on obligations)	(20,000,000)	(16,000,000)	(18,000,000)	(18,000,000)	(18,000,000)	(−2,000,000)	(+2,000,000)		
Public lands highways (limitation on obligations)	(12,000,000)	(5,000,000)	(5,000,000)	(12,000,000)	(10,000,000)	(−2,000,000)	(+5,000,000)	(+5,000,000)	(−2,000,000)
National Highway Traffic Safety Administration:									
State and community highway safety (limitation on obligations)	[9] (95,000,000)	[9] (90,200,000)	[9] (80,000,000)	[9] (85,000,000)	[9] (80,000,000)	[9] (−15,000,000)	[9] (−10,200,000)		[9] (−5,000,000)
Urban Mass Transportation Administration:									
Urban mass transportation fund (limitations on commitments)	(1,000,000,000)	(1,000,000,000)	(980,000,000)	(1,000,000,000)	(985,550,000)	(−14,450,000)	(−14,450,000)	(+5,550,000)	(−14,450,000)
Total, limitations on obligations	(1,451,000,000)	(1,450,200,000)	(1,412,000,000)	(1,484,000,000)	(1,447,550,000)	(−3,450,000)	(−2,650,000)	(+35,550,000)	(−36,450,000)
Total, title I, II, and III, new budget (obligational) authority	3,125,451,095	3,010,732,006	2,753,231,006	2,968,451,006	2,898,446,006	−227,005,089	−112,286,000	+145,215,000	−70,005,000
Consisting of—									
Appropriations:									
Fiscal year 1973	(2,994,270,095)					(−2,994,270,095)			
Fiscal year 1974	(131,181,000)	(2,920,372,006)	(2,662,871,006)	(2,878,091,006)	(2,808,086,006)	(+2,676,905,006)	(−112,286,000)	(+145,215,000)	(−70,005,000)
Fiscal year 1975		(90,360,000)	(90,360,000)	(90,360,000)	(90,360,000)	(+90,360,000)			
Memorandum:									
Appropriations to liquidate contract authorizations	(5,393,990,000)	(5,075,157,000)	(5,050,500,000)	(5,046,400,000)	(5,046,400,000)	(−347,590,000)	(−28,757,000)	(−4,100,000)	
Appropriations for debt reduction	(164,905)	(171,994)	(171,994)	(171,994)	(171,994)	(+7,089)			
Rescission of unobligated balance				(−9,100,000)					(+9,100,000)
Grand total	(8,519,606,000)	(8,086,061,000)	(7,803,903,000)	(8,005,923,000)	(7,945,018,000)	(−574,588,000)	(−141,043,000)	(+141,115,000)	(−60,905,000)

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[1] Includes funds provided in 2d supplemental appropriation bill, Public Law 93–50.

[2] Amount not considered by House due to lack of legislative authorization.

[3] Includes $3,500,000 for passenger screening systems.

[4] Excludes administrative costs of highway-related safety grants program.

[5] Excludes $35,063,000 which is not authorized.

[6] Plus interest to the date of payment.

[7] Advance appropriation for fiscal year 1974.

[8] Includes $90,360,000 advance appropriation for fiscal year 1975.

[9] Also includes obligations for Federal Highway Administration, highway-related safety grants.

I should like now to yield to the distinguished ranking Republican on the committee, the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Speaker, I rise in support of the conference report on H.R. 8760, the transportation appropriations bill for fiscal year 1974.

I believe that this is a bill that every Member of the House can be proud of. Its $2.9 billion price tag is $227 million below the new obligational authority provided in 1973.

The distinguished gentleman from California (Mr. McFALL) deserves our commendation for the expertise he has displayed and the leadership he has provided as the chairman of the Transportation Appropriations Subcommittee. All the conferees on this important bill are to be applauded for their efforts in fashioning this year's transportation bill. The teamwork and dedication displayed by the members of the Transportation Subcommittee and by the distinguished gentleman from Texas (Mr. MAHON) and the distinguished gentleman from Michigan (Mr. CEDERBERG) resulted in eliminating $70 million of the increases the Senate added to the House-passed version of the bill.

I believe that this bill is a fiscally responsible bill. While it is $145.2 million above the new obligational authority provided in the House bill, the increase should be placed in context. Fully $118 million of this increase is attributable to two items which the House did not act upon because of the lack of authorizing legislation—$25 million for the Coast Guard Reserve and $93 million for Amtrak. Both of these items are at the budget level. Further, the conference bill provides $112.3 million less than was requested in the budget.

I am extremely pleased that the bill now contains an appropriation for the Coast Guard Reserve. Because of the lack of authorizing legislation, the House was unable to provide an appropriation for the Reserve, despite the broad-based support for the program. The $25 million provided in the conference bill is a barebones amount, but I firmly believe that this is absolutely necessary in order for the Reserve to fulfill its essential functions.

This spring the Coast Guard Reserve did an admirable job of assisting the victims of the Mississippi River flood. This was the first time the Reserve was called up under its peacetime mission, and I am sure it will not be the last. These Reservists also provide assistance in such activities as marine environmental protection, boating safety, domestic icebreaking, port safety and security, and search and rescue operations.

I would like to emphasize the search and rescue responsibilities of the Coast Guard Reserve, because it is very important to a number of my colleagues.

As you may remember, the House adopted an amendment offered by my distinguished colleague from Michigan (Mr. VANDER JAGT). This amendment added $600,000 to the operating expenses of the Coast Guard for the operation of search and rescue stations that were slated for closing. The Coast Guard now intends to use the $600,000 to keep 10 of the 13 stations operating on at least a limited basis. I think that it is important to note that the operation of many of these stations will depend heavily on the Coast Guard Reserve. I believe that this is a very productive use of our valuable Reserve manpower, and it is an indication of the return our Nation will receive on its investment in the Reserve in 1974 and in the years to come.

The action taken by the conferees also insures that there will be an increased effort to study the natural gas pipeline distribution system. In light of some of the recent disasters, the need for this study is unquestioned, and the committee expects the Department to make a report to the Congress on this very important matter by the end of October.

Other important provisions in the final version of the bill include $1.4 million for an additional 95 railroad inspectors, and $4.75 million for university research in the Office of the Secretary and in the urban mass transportation administration. The research funds will be used to bring a broad base of talent to bear on the major transportation problems of today and tomorrow. The Department is making a real effort to see that these programs meet our transportation needs and that they complement the development of a national transportation policy.

I am confident that this bill will allow the Federal Government to continue leading the effort to develop a viable national transportation system. I urge my colleagues to approve this conference report.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. McFALL. I yield to the gentleman from Iowa.

Mr. GROSS. The gentleman states that one of the increases in the bill, a sizable increase, was $93 million for Amtrak. That was withheld from the bill when it passed the House, when this bill was approved by the House, by reason of no authorization. Has that authorization been enacted into law and signed by the President?

Mr. McFALL. We had anticipated in the conference that the bill would be acted on in the House, since it was on the calendar for this week. However, no action was taken on that bill. The language in the bill requires an authorization by the Congress for the program before some of the money will be available. The authorization has passed the Senate, I might tell the gentleman from Iowa, but it has not passed the House of Representatives.

Mr. GROSS. Yes, but it still is unauthorized?

Mr. McFALL. That is correct, but some of the money would not be available for expenditure until fully authorized by law.

Mr. HORTON. Mr. Speaker, will the gentleman yield?

Mr. McFALL. I yield to the gentleman from New York.

Mr. HORTON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, on February 28, 1973, I received a letter from Adm. Chester R. Bender, Commandant of the U.S. Coast Guard, informing me that the Coast Guard Station at Sodus Point, N.Y., which is in my congressional district, was to be closed. This was one among 13 search and rescue stations throughout the country slated to be closed. Because of my familiarity with the operation of this station and the valuable service provided to the boaters in Sodus Bay and Lake Ontario, I immediately contacted the Department of Transportation and requested that this decision be given a second look in light of information which I supplied on the necessity of this operation in the Sodus Bay area. Since that time, my staff and I have endeavored to work directly with the Coast Guard on this problem, however, the response I have received has been less than adequate. It has been very difficult for me or my staff to get information from the Coast Guard on the Sodus Point Station.

On June 20, I, along with other Members of the House sought to reverse the decision to close the 13 stations by supporting an amendment offered by Congressman GUY VANDER JAGT, which increased the amount of the Coast Guard appropriation by $600,000. This money was to be applied to the preparation of a report by the Coast Guard with respect to the closing of certain search and rescue units during 1973, and to the reopening and operation of any search and rescue units determined by such report to be desirable for the maintenance of an effective search and rescue capability.

The Coast Guard proceeded with the study, and on July 25, a Coast Guard report was delivered to my office which outlined a plan for reopening 10 of the 13 search and rescue stations on a limited basis. Of major concern to me was the plan for the Sodus Point Station. According to the report—

> SAR services in the vicinity of Sodus Point will be provided by the Coast Guard Auxiliary. The area has an active Auxiliary flotilla, but due to the nature of the Auxiliary operations and the limitations of their craft and personnel, only weekend and holiday service will be provided. Due to the local availability of the Auxiliary, emergency service may be provided during the week. This service will continue throughout the normal boating season. Two stationkeepers will be required to assist in the administration and security. Although many Reservists live in the Sodus area they are already augmenting nearby regular Coast Guard Stations.

In addition, the Sodus Point Station is to be allocated $36,700—$20,000 is for salaries of the two stationkeepers, $1,200 to cover moving costs of this personnel, $1,000 for communications costs, $9,000 for the operation and maintenance of the plant and property, $2,000 for start-up and support costs and $3,500 for patrol costs. No Coast Guard vessels are authorized for use at Sodus Point, whereas two had been stationed there.

While this plan will provide some of the protection needed by weekend and holiday boaters, it will not provide the 24-hour year-round service which was available prior to the closing and which is vital for the safety of boaters and others in this area. Prior to the closing of this station, there were a number of severe boating accidents resulting from the presence of an abnormal amount of debris floating on and sitting under the surface of the bay and lake due to damage by tropical storm Agnes and the abnormally high lake levels. Within 28 days of the closing of this station, five persons have lost their lives in boating accidents. The first incident occurred on June 2, the day after the station was finally closed. On this day, a small overloaded outboard motor boat capsized within 900 feet of the Coast Guard Station site and within the navigational channel out of the bay which the station overlooks. Two of the boat's occupants were able to swim to safety and two drowned after floundering in the water for several minutes. Then, on June 28, a Thursday—a day which according to the Coast Guard report would not be covered by the Auxiliary—three men and two women spent 10 hours clinging to a capsized boat in Lake Ontario just a half mile from shore. The ordeal finally became too much for the two women and one of the men and they were swept away and drowned. It is incidents such as these which point out the glaring need for this station, and I am sure that there have been other such tragedies at the other stations which were closed.

When the Department of Transportation's appropriations bill was sent to the Senate, I talked with my colleagues, Senators JACOB JAVITS and JAMES BUCKLEY about the Vander Jagt amendment and what Senate action would be necessary to make clear the intent of the amendment and to achieve the reopening, on a full-time basis, of the Sodus Point Station. The Senate Appropriations Committee, in reviewing the bill, felt it would be necessary to add an additional $922,000 for the reopening, on a full-time basis, of all of the 13 stations which were closed. The intent of the committee, to fully reactivate the 13 stations, was made clear in a statement by Senator JAVITS. The Senate then passed the bill and asked for a conference with the House. The House conferees, feeling that the Coast Guard should have sufficient funds to reopen the stations, did not go along with the Senate action. However, it is evident that the Coast Guard does not intend to reopen any of these stations on a full-time basis, but rather on a limited schedule of holidays and weekends. As can be noted by the two incidents which I related, this is simply not adequate.

I think that all of us will agree that no price can be put on a human life. I realize it is not possible at this late stage of the legislation to take the necessary action to revise this bill; however, in view of the statement of the conferees, I trust this situation will be watched carefully and closely so at the appropriate time the money can be reinstated.

Mr. McFALL. I would assure the gentleman that is correct. We are aware of this matter in the Great Lakes area. The House expressed its will by adding $600,000 for this in June. I think the gentleman has referred to the program that the Coast Guard has for operating these rescue stations. It is a program which will utilize the Coast Guard Reserve and Auxiliary.

We did not put in the additional $922,000 included by the Senate because we believe there will be a shortfall in military personnel in Coast Guard in the coming fiscal year and they will have sufficient money to provide the activities necessary for these SAR stations.

We are aware of the problem and the Coast Guard has submitted a plan. We think it will work. Both the gentleman from Massachusetts (Mr. CONTE) and I, as well as the other members of the committee want the Coast Guard Reserve activities to be increased. We think the Coast Guard Reserve and Auxiliary will be able to do this job.

We will monitor it and if there are complaints by Members of Congress that the job is not being done, we will ask the Coast Guard to provide the necessary facilities and men in order to do the job necessary to provide safety in the Great Lakes area.

Mr. HORTON. I thank the gentleman from California.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. McFALL. I yield to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Speaker, I would like to tell the gentleman from New York who has spoken to me on this matter many times that even though we agreed to delete the additional $922,000 from this conference report, in the conference report the gentleman will find this language:

> The conferees reiterate the positions expressed in both the House and Senate committee reports with respect to the importance of the Coast Guard's search and rescue operations. The conferees are desirous that adequate search and rescue capabilities are provided in those areas in which the Coast Guard has indicated that it will reopen SAR stations.

Mr. HORTON. I thank the gentleman from Massachusetts.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. McFALL. I yield to the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding.

I compliment the conferees on the part of the House for accepting $25 million for the Coast Guard Reserve. They do play a very important part.

Mr. McFALL. I thank the gentleman.

Mr. Speaker, I want to express my appreciation to the gentleman from Massachusetts (Mr. CONTE) and all of the other conferees for their cooperation on this bill.

Mr. FROEHLICH. Mr. Speaker, will the gentleman yield?

Mr. McFALL. I yield to the gentleman from Wisconsin.

Mr. FROEHLICH. Mr. Speaker, I associate myself with the remarks of the gentleman from New York. I am very much dissatisfied with the weekend service at Plum Island Station as it has been given. I was one of those who wanted to increase the funds. I was told by the Coast Guard originally when the money saving was talked about that we were going to save $113,000 by closing that station. Now they tell me it will cost $115,900 to open it for the weekend. The totals do not jibe. There has to be more investigation and of course my office is doing it but I think in the view of both the House and the Senate they are not complying with what is wanted at these stations.

Mr. McFALL. I assure the gentleman we will cooperate with him to see that the Coast Guard is available and ready to do the job necessary in this area.

Mr. McEWEN. Mr. Speaker, will the gentleman yield?

Mr. McFALL. I yield to the gentleman from New York.

Mr. McEWEN. Mr. Speaker, I wish to associate myself with the remarks of the gentleman from New York and the gentleman from Wisconsin. I say to the Members of this body that I am very appreciative of the efforts of the chairman, Mr. McFALL.

Mr. Speaker, I want to repeat what the gentleman from Wisconsin has said. If anybody in the Coast Guard reads the record of what has occurred here today, they are going to realize that they will lose some good friends in the House of Representatives if they do not have some straight answers and good information. I am grateful that we are going to have weekend service through the auxiliary, but I have always, as we all have on coastal waters, dealt with them and relied on what they told us. However, some of us were terribly misled. We are going to remember it, and take a hard look at it in the future.

Mr. HUDNUT. Mr. Speaker, will the gentleman yield?

Mr. McFALL. I yield to the gentleman from Indiana.

Mr. HUDNUT. Mr. Speaker, the $3.2 million figure with respect to the continuation of the appropriation for continued train service between New York, Kansas City, Chicago, and Florida raises a question in my mind. The ICC and Amtrak have proposed that the Floridian Limited will be discontinued.

Is there any assurance in this conference report that the train service on these lines will be continued?

Mr. McFALL. Mr. Speaker, we have provided $3.2 million for this purpose. I cannot assure the gentleman that this will force Amtrak to provide service.

We have asked them to do it and provided the funds for them to do it. We hope that they do.

Mr. HUDNUT. It is the gentleman's intention that they do it?

Mr. McFALL. Yes.

Mr. MINSHALL. Mr. Speaker, will the gentleman yield for 30 seconds?

Mr. McFALL. I yield to the gentleman from Ohio.

Mr. MINSHALL. Mr. Speaker, I know that many of the Members have received many letters from those in the aviation community regarding the increase of user taxes in the upcoming year. I would like to point out that the House conferees insisted on the language that will prevent such an increase of user taxes. It is amendment No. 44, page 10 of the conference report.

The Members might want to bring

that to the attention of their staffs in answering their mail.

Mr. YATES. Mr. Speaker, I rise in support of the conference report. As a member of the conference committee, I examined the legislation carefully and I believe that the appropriations bill will help us to meet our transportation needs.

But I would like to direct my remarks to specific provisions of the report dealing with urban mass transportation for the handicapped. When this transportation bill originally came before the House in June, I offered an amendment which would have added $3 million to the bill for the purpose of funding research and development in transportation for the aged, the handicapped, the lame, all those who need help in their desperate plight for transportation. These disadvantaged people were looking to the Congress for leadership in research to provide breakthroughs in new forms of transportation. Unfortunately, my amendment was defeated by a narrow margin.

The need is critical, as is shown by letters I have received from my constituents, such as the letter from Lois Henneman which reads, in part, as follows:

> We are desperate, fighting handicapped citizens trying to live and work in dignity. We want to pay our share, but $8.00 a day is too much for anyone. Mr. Robert Reneker, President of Swift and Company, for which I work, pays $1.00 a day on public transportation to and from his home. I have to pay $8.00. As a former Secretary of Transportation, Alan Boyd said "mobility is the fifth freedom, we would like to enjoy this fifth freedom along with everyone in the country."

I urged members of the conference committee to reexamine the provisions in the appropriations bill dealing with mass transportation for the handicapped.

I am happy to report, Mr. Speaker, that the conference committee decided to increase the funds available for this purpose in the special projects appropriation by $1 million.

I would hope that the administrators of the urban mass transportation program would have imagination and foresight in using the $1 million to help meet the urgent transportation needs of the handicapped. I believe that it would be the desire of all my colleagues to see this money spent on research to help the many disadvantaged and crippled people in this country live in independence and dignity.

I urge support of the conference report.

Mr. McFALL. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DELLENBACK. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device; and there were—ayes 359, noes 5, not voting 69, as follows:

[Roll No. 432]

AYES—359

Abdnor
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Aspin
Badillo
Bafalis
Baker
Barrett
Beard
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Blatnik
Boggs
Bolling
Bowen
Brademas
Brasco
Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Camp
Carney, Ohio
Carter
Casey, Tex.
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cochran
Cohen
Collier
Collins, Ill.
Collins, Tex.
Conable
Conlan
Conte
Conyers
Corman
Coughlin
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Eilberg
Erlenborn
Esch
Eshleman
Fascell
Findley
Flood
Flowers
Flynt
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fuqua
Gaydos
Gettys
Giaimo
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Grasso
Green, Oreg.
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holt
Holtzman
Horton
Hosmer
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kazen
Keating
Kemp
Ketchum
Kuykendall
Kyros
Landrum
Lent
Litton
Long, La.
Long, Md.
Lott
McClory
McCloskey
McCollister
McCormack
McEwen
McFall
McKay
McKinney
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Mezvinsky
Michel
Milford
Miller
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
O'Neill
Owens
Parris
Passman
Patten
Pepper
Perkins
Pettis
Pickle
Pike
Poage
Podell
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Randall
Rangel
Rarick
Rees
Regula
Reuss
Rhodes
Riegle
Rinaldo
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Roush
Rousselot
Roy
Roybal
Runnels
Ruth
Sandman
Sarasin
Sarbanes
Satterfield
Saylor
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shriver
Shuster
Sikes
Slack
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Symington
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Towell, Nev.
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Yates
Yatron
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion

NOES—5

Ashbrook
Crane
Gross
Powell, Ohio
Symms

NOT VOTING—69

Alexander
Ashley
Bingham
Blackburn
Boland
Brown, Mich.
Broyhill, Va.
Carey, N.Y.
Cederberg
Cleveland
Cotter
Edwards, Calif.
Evans, Colo.
Evins, Tenn.
Fish
Fisher
Foley
Fulton
Gibbons
Gray
Green, Pa.
Griffiths
Grover
Hanna
Hawkins
Hébert
Heinz
Holifield
Howard
Jarman
Kastenmeier
King
Kluczynski
Koch
Landgrebe
Latta
Leggett
Lehman
Lujan
McDade
Melcher
Metcalfe
Mills, Ark.
Nichols
O'Brien
Patman
Peyser
Railsback
Reid
Roberts
Robinson, Va.
Rooney, N.Y.
Rostenkowski
Ruppe
Ryan
St Germain
Shipley
Shoup
Sisk
Skubitz
Smith, Iowa
Sullivan
Teague, Tex.
Tiernan
Wiggins
Wilson, Charles H., Calif.
Wyman
Young, Alaska
Zwach

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Edwards of California.

Mr. Cotter with Mr. Fulton.

Mr. Boland with Mr. Gibbons.

Mr. Gray with Mr. Koch.

Mr. Evins of Tennessee with Mr. Lehman.

Mr. Alexander with Mr. Nichols.

Mr. Hanna with Mr. Mills of Arkansas.

Mr. Hébert with Mr. Rostenkowski.

Mr. Reid with Mr. Zwach.

Mr. Ryan with Mr. Wyman.

Mr. Smith of Iowa with Mr. Fish.

Mr. Melcher with Mr. Wiggins.

Mr. Fisher with Mr. Robinson of Virginia.

Mr. Jarman with Mr. Shoup.

Mr. Carey of New York with Mr. Cleveland.

Mr. Evans of Colorado with Mr. Skubitz.

Mr. Foley with Mr. Ruppe.

Mr. Green of Pennsylvania with Mr. Cederberg.

Mrs. Griffiths with Mr. McDade.

Mr. Hawkins with Mr. St Germain.

Mr. Holifield with Mr. O'Brien.

Mr. Howard with Mr. Broyhill of Virginia.

Mr. Kluczynski with Mr. Young of Alaska.

Mr. Roberts with Mr. Landgrebe.

Mr. Shipley with Mr. King.

Mr. Sisk with Mr. Peyser.

Mr. Teague of Texas with Mr. Brown of Michigan.

Mrs. Sullivan with Mr. Heinz.

Mr. Tiernan with Mr. Latta.

Mr. Charles H. Wilson of California with Mr. Railsback.

Mr. Kastenmeier with Mr. Blackburn.
Mr. Leggett with Mr. Lujan.
Mr. Metcalfe with Mr. Bingham.
Mr. Ashley with Mr. Grover.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 7: Page 4, line 25, strike out "1975" and insert "1977".

MOTION OFFERED BY MR. M'FALL

Mr. McFALL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. McFALL moves that the House recede from its disagreement to the amendment of the Senate numbered 7 and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: "1976".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 8: Page 5, line 9, insert:

RESERVE TRAINING

For all necessary expenses for the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services; $25,000,000: *Provided*, That amounts equal to the obligated balances against the appropriations for "Reserve training" for the two preceding years shall be transferred to and merged with this appropriation, and such merged appropriation shall be available as one fund, except for accounting purposes of the Coast Guard, for the payment of obligations properly incurred against such prior year appropriations and against this appropriation: *Provided*, That this appropriation shall be available only upon the enactment into law of authorizing legislation by the Ninety-third Congress.

MOTION OFFERED BY MR. M'FALL

Mr. McFALL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. McFALL moves that the House recede from its disagreement to the amendment of the Senate numbered 8 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 12: Page 7, line 25, strike "1975" and insert in lieu thereof "1976:"

MOTION OFFERED BY MR. M'FALL

Mr. McFALL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. McFALL moves that the House recede from its disagreement to the amendment of the Senate numbered 12 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 14: Page 9, line 15, strike "1975" and insert in lieu thereof "1976."

MOTION OFFERED BY MR. M'FALL

Mr. McFALL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. McFALL moves that the House recede from its disagreement to the amendment of the Senate numbered 14 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 21: Page 11, after line 12 insert the following:

RAILROAD-HIGHWAY CROSSING DEMONSTRATION PROJECTS

For necessary expenses of railroad-highway crossings demonstration projects, to remain available until expended: $15,000,000, of which $5,943,000 is for projects at Elko, Nevada, and $6,000,000 is for projects at Wheeling, West Virginia, and $3,057,000 for project at Lincoln, Nebraska; and $10,000,000 of these amounts shall be derived from the Highway Trust Fund: *Provided*, That this appropriation shall be available only upon enactment into law by authorizing legislation of the Ninety-third Congress.

MOTION OFFERED BY MR. M'FALL

Mr. McFALL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. McFALL moves that the House recede from its disagreement to the amendment of the Senate numbered 21 and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert the following:

RAILROAD-HIGHWAY CROSSINGS DEMONSTRATION PROJECTS

For necessary expenses of railroad-highway crossings demonstration projects, to remain available until expended: $6,000,000, of which $1,700,000 is for projects at Elko, Nevada, and $600,000 is for projects at Wheeling, West Virginia, and $700,000 is for projects at Lincoln, Nebraska; and $4,000,000 of these amounts shall be derived from the Highway Trust Fund: *Provided*, That this appropriation shall be available only upon enactment into law of authorizing legislation by the Ninety-third Congress.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 28: Page 15, line 12, strike "$7,000,000" and insert in lieu thereof "$9,400,000".

MOTION OFFERED BY MR. M'FALL

Mr. McFALL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. McFALL moves that the House recede from its disagreement to the amendment of the Senate numbered 28 and concur therein with an amendment, as follows:

In lieu of the sum stricken and inserted by said amendment, insert "$8,900,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 29: Page 15, line 13, after the comma insert the following: "of which $1,400,000 shall be available only for additional safety inspectors."

MOTION OFFERED BY MR. M'FALL

Mr. McFALL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. McFALL moves that the House recede from its disagreement to the amendment of the Senate numbered 29 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 30: Page 15, after line 14, insert the following:

GRANTS-IN-AID FOR RAILROAD SAFETY

For grants-in-aid to carry out a railroad safety program, $1,500,000: *Provided*, That this appropriation shall be available only upon enactment of authorizing legislation by the Ninety-third Congress.

MOTION OFFERED BY MR. M'FALL

Mr. McFALL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. McFALL moves that the House recede from its disagreement to the amendment of the Senate numbered 30 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 32: Page 16, after line 2, insert the following:

REDUCTION IN APPROPRIATIONS

Appropriations heretofore granted under the head "Grants to National Railroad Passenger Corporation" are reduced by the sum of $9,100,000.

MOTION OFFERED BY MR. M'FALL

Mr. McFALL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. McFALL moves that the House recede from its disagreement to the amendment of the Senate numbered 32 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 33: Page 16, after line 6, insert the following:

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation, $115,500,000, to remain available until expended, of which $61,500,000 shall be available only upon the enactment into law of authorizing legislation by the Ninety-third Congress: *Provided*, That not to exceed $7,100,000 is to be expended only in connection with the construction of station and related facilities to serve the Metroliner at New Carrollton, Maryland.

MOTION OFFERED BY MR. M'FALL

Mr. McFALL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. McFALL moves that the House recede from its disagreement to the amendment of the Senate numbered 33 and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment insert the following:

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation, $102,100,000, to remain available until expended, of which $48,100,000 shall be available only upon the enactment into law of authorizing legislation by the Ninety-third Congress: *Provided*, That not to exceed $500,000 is to be expended only in connection with the construction of station and related facilities to serve the Metroliner at New Carrollton, Maryland.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. McFALL. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I should like the record to show I am unalterably opposed to this amendment, but under the circumstances I will not seek a vote on it this evening.

Mr. McFALL. I thank the gentleman.

Mr. GROSS. I thank the gentleman for yielding.

The SPEAKER. The question is on the motion offered by the gentleman from California.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 44: Page 27, strike out "which are in excess of the levels in effect on January 1, 1973" and insert in lieu thereof the following: "which did not exist as of January 1, 1973, until such program is reviewed and approved by the appropriate committee of the Congress.

MOTION OFFERED BY MR. M'FALL

Mr. McFALL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. McFALL moves that the House recede from its disagreement to the amendment of the Senate numbered 44 and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: "which are in excess of the levels in effect on January 1, 1973, or which did not exist as of January 1, 1973, until such program is reviewed and approved by the appropriate committees of the Congress".

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

GENERAL LEAVE

Mr. McFALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report (H.R. 8760) just agreed to and to include therewith pertinent material and tables.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

PERSONAL EXPLANATION

Mr. DULSKI. Mr. Speaker, I was recorded as being absent on the vote on the conference report on the Fair Labor Standards Amendments of 1973 (H.R. 7935). I was delayed on official business in my office. Had I been present I would have voted "aye."

PERSONAL EXPLANATION

Mr. PEPPER. Mr. Speaker, I was presiding this afternoon over a panel on the curbing of crime before the Junior Bar Section of the American Bar Association and while I was absent so presiding I missed the vote on rollcall No. 427 and rollcall No. 428. If I had been present I would have voted "aye" on both of those rollcalls.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for the remainder of the day or the week, if any, and the schedule for the House on resumption following the recess.

Mr. O'NEILL. Mr. Speaker, if the distinguished minority leader will yield I will be happy to respond.

Mr. GERALD R. FORD. I yield to the majority leader.

Mr. O'NEILL. Mr. Speaker, there will be no further legislative business for today, and we have already adopted the adjournment resolution.

As far as the program for the week of September 3, 1973, on Monday and Tuesday we will be continuing the August recess and we will come back into session on Wednesday.

On Wednesday we will have H.R. 7645, State Department authorization, conference report;

House Journal Resolution 512, the HUD loan insurance, conference report:

H.R. 8920, Lead Base Paint Poisoning Prevention amendments, under an open rule with 1 hour of debate;

H.R. 8449, national flood insurance expansion, under an open rule with 1 hour of debate.

Then on Thursday we will have H.R. 6912, par value modification, conference report;

H.R. 1672, Small Business Act amendment, conference report;

H.R. 8351, Amtrak authorization, under an open rule with 1 hour of debate.

Then on Friday we will have S. 1697, emergency eucalyptus assistance, under an open rule with 1 hour of debate.

H.R. 8547, Export Administration Act amendment, open rule with 1 hour of debate.

Other conference reports may be brought up, and any further change in the program will be announced during that week.

Mr. Speaker, may I say that I want to wish to the minority leader, the Speaker, and all the Members of the House, a restful and enjoyable vacation. I hope when we come back after Labor Day that we will be well rested and ready to go to work for 4 weeks until October 15, when we do hope for adjournment.

Mr. GERALD R. FORD. Mr. Speaker, let me say to my friend from Massachusetts, the distinguished majority leader, that I am grateful for his best wishes.

I extend to him the same wishes; to the Speaker, and to all the Members on both sides of the aisle.

FOURTH ANNUAL MEETING OF NATIONAL LEAGUE OF FAMILIES OF POW'S/MIA'S

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. MONTGOMERY. Mr. Speaker, this past weekend, the National League of Families of POW's/MIA's held their fourth annual meeting in Washington. Of course, most of those in attendance were the loved ones of those 1,200 servicemen still listed as missing in action.

Mr. Speaker, I repeat again what I have said on the House floor previously. We cannot allow our happiness over the return of the known prisoners of war to blunt in anyway our desire to obtain a complete and factual accounting of those men still missing. It is our duty and obligation to make certain that all points of the peace agreement dealing with missing in action are carried out. I urge my colleagues to join with me to help the loved ones of the missing in action in their time of need.

Mr. Speaker, I include at this point in the RECORD a report on the National League's recent meeting by the executive director and a copy of 31 resolutions passed by them.

STATEMENT OF SCOTT ALBRIGHT, EXECUTIVE DIRECTOR

JULY 30, 1973.

More than 500 wives and parents of Americans who are still listed as prisoners-of-war or missing-in-action in Southeast Asia have just concluded their fourth annual meeting in Washington, D.C.

The vast majority of these wives and parents, and many others who were unable to come to Washington, are deeply disturbed by the inability of our Government to obtain the "accounting" of our missing men that was promised in the Paris agreement, signed six months ago.

Obviously, the blame for this failure must be laid at the feet of the North Vietnamese. Under the terms of the agreement, North Vietnam accepted full responsibility for the accounting of all missing Americans "throughout Southeast Asia."

But while we recognize that North Vietnam is to blame for not living up to these terms of the agreement, our members also have been constantly and painfully aware that not one of our own Government leaders—neither the President, the Secretary of State, the Secretary of Defense nor any other important official—has made a single effort to call public attention to this problem.

As a result, many Americans today probably think the prisoner-missing issue has been fully resolved. Yet, we still have men listed as prisoners-of-war who were not released by the other side and have not been accounted for: we still have over 1200 "missing men" about whom no new information of any kind has been made public since the cease-fire was signed last January.

To date, we have not even been allowed to exhume and repatriate the remains of a single American serviceman who is acknowledged by the other side to have "died in captivity."

Last Thursday, leaders of our organization met with Dr. Henry Kissinger. At that time, we made plain to him our growing dissatisfaction with the fact that our elected and appointed leaders have not made strong public demands that the North Vietnamese account for our missing, return our dead and explain the discrepancies that exist with respect to men who we know were captured but who were neither released nor accounted for. And we also told Dr. Kissinger that it is important that the American people be made aware that the prisoner/missing issue is still very much an issue.

Dr. Kissinger indicated that this would be done. Yesterday, the White House furnished us with the text of a diplomatic note on this subject, which was later delivered to the North Vietnamese, in Paris.

We understand that today the White House and State Department are simultaneously releasing (or have already released) the text of this document to the press.

We are gratified to see this swift action.

We are gratified that the North Vietnamese have now been put on notice about their derelictions.

But we cannot let this opportunity pass without reminding the world that North Vietnam's leaders already know better than anyone else what they have not done. We want the world to know. We want the world to be made aware of the fact that they have not yet had even the common decency to return the bodies of the 23 Americans they admit died in Hanoi's prisons, or the bodies of 22 others they admit died in captivity in the south.

Our citizens must be reminded that even though we did get back some of our men who were held as prisoners-of-war, there are still more than 1200 families all across the country who continue to live in the agony of not knowing the fate of their husbands and sons.

We want our fellow citizens to start asking their elected officials about these men.

Where are those men who were captured, who we know were captured, and who were not returned to us, who were not listed among those having died in captivity, and about whom the other side has furnished absolutely no accounting of any kind? Where are they?

Where are the more than 300 men listed as missing in Laos, about whom we have no information of any kind? Why has no information been provided on those men captured in Laos and of whom we have capture-photographs—the strongest possible evidence that they were, indeed, taken prisoner? Where are they?

Why cannot immediate arrangements be worked out to return the bodies of the 55 men who have been officially listed by the other side as having died in captivity? Why?

These are a few of the questions, we want our fellow countrymen to start asking—loud and clear. And we want to hear them repeated at the White House, in the State Department, at the Defense Department, on the floors of the House and Senate, in our embassies abroad, in the chambers of our state capitols and by our representative at the United Nations. And we want, and demand, that these questions be asked again and again and again, in every responsible forum, until they have been satisfactorily answered.

RESOLUTIONS—ANNUAL CONVENTION, JULY 1973

1. The League urges the President to press for additional information from the Democratic Republic of Vietnam (North Vietnam) the Pathet Lao, the Khymer Rouge and the Viet Cong, concerning all Americans who are still missing; that the case of each man carried in missing status be judged on an individual basis, and that where discrepancies exist, the Government of the United States will pursue every feasible avenue of investigation, and that where the information is conclusive as to the circumstances surrounding the incident, statuses be reviewed and charged in accordance with the preponderance of information.

2. Resolved that prior to a status change, a review may be initiated by the wife, children, parents, brothers, sisters, and thereafter, there must be an opportunity for the family members to participate in the review and final decision based on the evidence and information considered.

3. The League shall use every means at its disposal to prevent the changing of status on any missing-in-action personnel until Article 8 (B) of the Paris Agreement is fully implemented.

The League endorses as an acceptable procedure for changing a status, the following:

At the request of a family member (wife, parent, child) a review will be held before any status is changed.

The appropriate service secretary shall not change a status to MIA of those presently carried as POW, and

When U.S. inspection teams have received all required assistance from the DRV, PRG, Pathet Lao, etc., for the purpose of discharging their responsibilities and thus enabling them to make recommendations to the appropriate service secretary concerning status changes, the following procedures shall prevail:

(a) change to POW if MIA is found to be alive.

(b) change to KIA if remains are found that can be positively identified.

(c) change to PFOD if remains are not recoverable but new information warrants a change.

4. The League is opposed to any and all presumptive findings of death in Southeast Asia until after our search teams have been permitted to enter all areas of South Vietnam, North Vietnam, Laos and Cambodia, complete their searches in all said areas, and make their reports.

5. The League strongly recommends that all United States Government officials (military and civilian) immediately cease using such phrases as:

"All POWs returned", "We have no evidence of any POWS still alive in Southeast Asia", and "our involvement in Southeast Asia is over with",

and speak instead in terms of the discrepancies in the accounting of our POW/MIAs.

6. The League shall initiate and continue a massive letter writing campaign to acquaint and solicit support of the media on the MIA issue. This shall include: (a) discrepancies, (b) military efforts to account for MIAs, (c) lack of cooperation by the DRV, PPRG, Pathet Lao, and Khymer Rouge, which prevents full accounting.

7. The League strongly recommends that the Defense Department, all four services, and the State Department adopt uniform procedures for all aspects of accounting including notification or processing of information to next-of-kin.

8. The League strongly recommends that DOD keep each individual family (both primary and secondary next-of-kin) fully informed of new and continuing procedures being used to account for each man, such as: visits to site of incident and whether or not information is uncovered.

9. The League strongly requests that families receive regular status reports through service newsletters on activities of the Joint Casualty Resolution Center.

10. The League shall inquire as to what department, team or organization in Southeast Asia is actively seeking further information on the possibility of locating missing Americans who are still alive, and whether General Kingston has a counterpart charged with such responsibilities.

11. The League shall pursue a vigorous policy of opposing any U.S. aid for reconstruction of NVN until the North Vietnamese have assisted the U.S. Government in obtaining the return of all living POWs and the fullest possible accounting of all Americans who are missing in action in Southeast Asia.

12. The League shall establish a liaison office in Southeast Asia to be manned by our own concerned members in order to achieve on-the-spot results and action for our missing men.

13. The League's Board of Directors shall contact DOD regarding the practice some casualty sections have indulged in of recording statements made by family members that are not pertinent to the man himself; the inclusion of certain observations made by the family members in the record by the Casualty officers tend to read differently than was intended.

14. The League shall undertake a mass media campaign to include a documentary of those individuals missing-in-action or captive in Southeast Asia; this project should begin no later than 1 August. The documentary should be requested of a major network sympathetic to our cause.

15. The League's Board of Directors is hereby directed to respectfully request that all representatives and senators take a public position on the MIA issue. We suggest that the Congress use their mailing, local newspaper column, and all other means at every opportunity to speak out positively on the MIA subject and that the vote on HR–271 Bill be a roll-call vote.

16. We unanimously recommend that the League send letters and fact sheets to all members of Congress by return receipt requested, and also undertake a bulk mailing (cards) campaign to our elected officials.

17. The League requests that President Nixon appoint an individual at the White House Executive Staff level whose primary responsibility will be to carry out the President's pledge for the complete accounting of our missing men.

18. The League proposes that a village-to-village campaign project be started on a national level. This should be implemented through letter writing from a humanitarian standpoint on behalf of each man missing in Southeast Asia.

19. The League's Board of Directors is instructed to contact Congressman Huber to introduce a (second) bill similar to HR–271 on Laos, Cambodia, and the People's Republic of China.

20. Resolved that the current retiring National Coordinator be an ex-official member of the Board of Directors for one year.

21. The "most favored nation" Bill for Russia is now before the House Ways and Means Committee (chaired by Wilbur Mills). The League is instructed to request an Amendment asking Russia to influence North Vietnam to abide by and implement the Paris Agreement of 27 January 1973.

22. The League urges all international brotherhoods of Unions to refuse to load or unload, manufacture or otherwise handle cargo and any and all commodities destined for countries having friendly relations with North Vietnam until North Vietnam accounts for and returns (or causes to be accounted for and returned) all living Americans detained anywhere in Southeast Asia, and all dead Americans previously carried as POW or MIA.

23. The League requests on open hearing by the Senate Foreign Relations Committee before 15 August with witnesses to include a Laos returnee released by North Vietnam and a returnee who was held by the PRG, so that the Committee and public may be made aware of the number of men still unaccounted for in those areas.

24. The League respectfully requests the Governments of China and USSR to exhaust all efforts available through their good relations with North Vietnam, PRG, Khymer Rouge, and Pathet Lao to seek the release and accounting of all missing in action and prisoners of war. And that, this resolution be delivered personally to the representatives of

the Governments of Russia and China located in the United States, or, if refused, to leaders in Peking and Moscow with the news media present.

25. The League requests the State Department and the Defense Department to permit returnees to publicly reveal all information they have about missing men who were not repatriated (i.e., names written on walls, men seen at one time). The League firmly believes that families and the public have the right to know this information.

26. The League is dissatisfied with the inactivity of the United States Government and North Vietnam in providing the Joint Casualty Resolution Center the rights of overflight and entry into all of Southeast Asia. The League demands that all efforts be exhausted to make all parties (the Governments of U.S., DRV, PRG, Pathet Lao and Khymer Rouge) aware of the fact that American POWs must be released or satisfactorily accounted for and the missing accounted for within six months.

27. The League strongly opposes the granting of "most favored nation" status for trade with the United States to either Russia or China until these two countries have assisted in bringing the war in Southeast Asia to an end, and until they have demonstrated their insistence that North Vietnam must vigorously assist the United States in obtaining the fullest possible accounting of all Americans missing throughout Southeast Asia.

28. The League believes that the present U.S. role in the United Nations is actually encouraging the United Nations' attitude of indifference toward the plight of missing Americans and their families. The League believes that unless the United Nations is able to secure an acceptable accounting of MIAs in 90 days, our Government should immediately reduce its share of the United Nations Budget to 7% which is our percentage of the population of all UN member states. The League further believes that such action is not merely an option, but a legal obligation of our Government under Article I of the Geneva Convention.

29. Be it moved that the Board arrange the program at the next convention to allow time to have the resolutions printed and in the hands of the delegates prior to voting on them.

30. Resolved that we as a League sponsor a cross-country run from The West Coast to East Coast ending in Washington, D.C. by persons carrying an American flag to call attention to the fact that the war is not over for some 1,300 Americans still missing in action or prisoners of war in Southeast Asia and their families.

31. The League at its 1973 National Convention goes on record to identify and make known to all family members and concerned citizens the names of those senators and congressmen on the national and state levels who actively support the National League of Families and all State Chapters in their efforts on behalf of over 1,300 men missing in Southeast Asia. We also resolve that we will identify and name those senators and congressmen on the national and State levels who show NO concern for our men or fail to actively support the work of our National League and State Chapters.

IMPEACHMENT RESOLUTION IS PREMATURE

(Mr. BIAGGI asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BIAGGI. Mr. Speaker, I have refrained from engaging in public debate over the guilt or innocence of the Watergate principals, but the introduction of an impeachment resolution has forced me to speak out. Such action is ill-conceived, improvident, and inconsiderate of the rights of constitutional due process.

I am a Democrat, but we are talking here about the Presidency of the United States. This issue transcends partisan politics. The welfare of the Presidency is directly related to the welfare of this Nation and hence this matter should be dealt with in a most responsible and cautious fashion.

Let me remind my colleagues, Mr. Speaker, that no one has even been indicted yet with the exception of the actual burglars of the Watergate. Yet, in fact, the President and many of his present and former aides have been tried, convicted, and condemned in the news media.

Where are the rights of these men to a fair trial? This must be paramount to the right of a free press to inform and the right of the public to know. This country has always considered the rights of an individual sacred and rightly so. We make a mockery of our judicial system when the circus-like atmosphere of the Senate investigating committee hearings on national TV makes an unbiased trial impossible.

Impeachment of the President may be in order at a later date. This process, however, has grave import and should not be taken lightly. We must be certain that a preponderance of evidence exists before taking so serious a step.

I have no argument with legitimate congressional inquiry for legislative purposes. However, I condemned the Valachi hearings in 1963 for their public indictment and trial of Italo-Americans through the characterization of organized crime as a peculiarly Italian thing: and I condemn the Senate hearings today as a biased investigation which seeks to trap and embarrass the President rather than protect his rights as an individual, and pursue their stated purpose of determining the need of additional legislation.

If anything is to be condemned, it is the fact that under these circumstances a swift and fair trial cannot be accomplished in this country, if any resolutions are in order, this Congress should be calling for an overhaul of the judicial system to guarantee every American—including the President of the United States—a speedy, unbiased trial on charges presented against him.

CONGRESSMAN KEMP PARTICIPATES IN CAPTIVE NATIONS WEEK COMMEMORATION

(Mr. DERWINSKI asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DERWINSKI. Mr. Speaker, our distinguished colleague from the 39th District of New York, Jack Kemp, has just returned from Taipei where he was participating in the Captive Nations Week commemoration in the Republic of China. At the major rally during the commemoration, Mr. Kemp was the featured speaker. His remarks are of such great significance and so pertinent to foreign policy developments that it is with special emphasis that I insert them into the Record at the conclusion of these remarks. I believe that this address merits the study of all Members.

Jack Kemp has become one of the outstanding leaders in the Congress in efforts on behalf of freedom of peoples in Eastern Europe and in the Soviet Union proper, such as the Ukranians, Soviet Jews and numerous other non-Russian captives in the U.S.S.R. He has participated as House spokesman in the U.S Congress on Captive Nations.

The Captive Nations Week commemoration in the Republic of China is another example of the spirited leadership he is providing in the endless struggle that we must continue to wage so that all men will ultimately be free. This address by Jack Kemp was delivered on July 17 in Taipei, Taiwan.

U.S. Representative Jack Kemp's Speech During Captive Nations Week in the Republic of China

Mr. Chairman, Ladies and Gentlemen of the Conference, it is a great honor to be here in the Republic of China, Free China, to commemorate with you this Captive Nations Week. I join with you, in rededicating ourselves and our best efforts to hasten the day when man's birthright of freedom is enjoyed by all who still live in the darkness and bondage of Communism.

In just three years, my country, the United States of America, will celebrate its 200th anniversary of independence and freedom as a nation. One of our founding fathers, Thomas Jefferson, said at the inception of our nation, "The God who gave us life gave us liberty at the same time." That ideal, I believe, is as true for you as it is for me and it is as true for the mainland Chinese as it is for captive peoples around the world; and that is why I am here today to help proclaim with you this noble ideal. Together we can say to the world this ideal is an eternal truth that transcends time and place as well as race and color.

We commemorate today the hundreds of millions of human beings, once free, who now live not by their choice behind the Bamboo and Iron Curtains. We, who are free to come and go as we choose, to read and watch what we wish, to assemble without fear, to speak our minds and our hearts, here assembled, send forth a message to the Chinese on the mainland, to the besieged peoples of the Southeast Asian peninsula, to the Soviet Jews, Ukrainians and other nationalities in the Soviet Union, to the people of the Baltic States, to the Poles, Hungarians, Bulgarians, Czechoslovaks, to the East Germans, and all the people of Eastern Europe, to the Cubans, to every Captive people throughout the world: "We have not forgotten you, we will never forget you and that freedom is your birthright."

The youth, the workers and the intellectuals in the captive world know what it means to be deprived of liberty. With their grasp of the real and true values of human existence, the captives of totalitarianism are freedom's most trusted allies; tomorrow they shall be its staunchest guardians.

By participating in Captive Nations Week we proclaim to the world that we will never acquiesce to the bondage of any people and we reassure our captive brothers that we are still determined to work for everyone's freedom, which in essence means our freedom as well.

In this time of great uncertainty and anxiety around the world, I believe that the basic premises and convictions that have guided American foreign policy in its defense of the free world and in its defense against communist aggression and expansionism since the end of World War II are not only still valid but are still accepted by the majority of the American people and by our President. That premise rests on negotiation and diplomacy undertaken from a position of strength.

Nowhere can any man be totally free until everywhere men are free. You citizens of Free China know that fact only too well.

Your scholar, Lin Yu-tang, has pointed out that: "This is the lesson of Chinese history. The greatest tyrants always have the shortest dynasties." I am confident, as I know you are confident, that the basic love of the Chinese people for freedom, peace, tolerance, understanding and the Golden Mean, will prevail.

I am also proud to be here today because I think that the Republic of China is one of the most important and inspiring symbols of freedom and progress in the world today. Just as the Berlin Wall is a symbol of communism's fear of freedom, the Republic of China is a symbol of man's indomitable will and desire for freedom.

The real revolution in Asia is not taking place in mainland China but right here on Taiwan in the Republic of China where you have accomplished a cultural, economic and political miracle paralleling the American revolution in its promise of human freedom. What greater rebuke to communism than the startling contrast between Taiwan and the mainland, one free the other slave. But the survival of freedom requires more than just determination. It requires an adequate defense capability, and I believe it is the role of the United States to assure the ROC the military means so necessary to the defense and promotion of Chinese freedom as it is also our role to help freedom-loving people throughout the world.

It is indeed tragic and a blow to the free world that the Republic of China was deprived of representation in the United Nations, which you had served so faithfully and responsibly since its inception. It would add greatly to the tragedy if the act were considered by any party to be a precedent for future action. It would be equally harmful if anyone were to interpret the events of the past few years as indicating a slackening of American support for your nation. On the contrary, the most significant document is still very much in force: the Mutual Defense Treaty of March 1955 which commits the United States to the defense of the Republic of China and the Pescadores; and which has been reaffirmed by President Nixon in his foreign policy reports to Congress, most recently in April and May of this year when he stressed our nation's policy of friendship for the 15 and a half million people of your country. The Formosa Resolution, passed into law by the 84th Congress, also continues to authorize the President to take actions necessary to protect the Republic of China and the Pescadores against attack. I want to assure you these are not just words but the commitment of American honor by our President, the U.S. Congress and, more importantly, the American people. It is being reaffirmed by a resolution introduced in the U.S. Congress last week of which I am honored to be co-sponsor and which at last notice, is being supported by more and more of the ROC's many friends and allies in the United States Congress.

We in the United States must not for one moment allow ourselves to forget that the Republic of China has always been among our most trustworthy and loyal allies. You have never betrayed the United States and never for a moment thought of concluding a separate peace during World War II despite the many opportunities and we in Congress believe the United States has an equal commitment to you both militarily and morally.

I believe the American people must also understand that the strategic importance of the Republic of China is incalculable to the stability of the East Asian and Western Pacific region—an area for which the United States has made great sacrifice. Since the days of the Korean War, the Republic of China has become increasingly important to U.S. strategic interests in the area. Geographically, your nation acts as a vital link in the Western defense system ringing Communist China from Japan to Thailand.

Let me turn for a few minutes to Southeast Asia. We in America do not look on the Pacific as an alien sea, or upon Asia as a feared or alien shore. For generations, we have traded across this ocean, and now the jets go back and forth. In a very real sense, we are a Pacific people, as we are also an Atlantic people. We are not—nor can we ever be—indifferent to what happens here. And least of all can we turn away from an aggression which seeks to crush free and independent nations and toward that end, would eject the protective and positive American influence from the Western Pacific. While it is true that America cannot and in fact should not be the world's policeman, it is the essence of the Nixon Doctrine as enunciated by our President at Guam that we will continue to be relevant throughout the world in our leadership, providing military and economic assistance and above all keeping strong the integrity of our commitments and treaties with the free world allies. And, in so doing, we help defend our own nation. This to my way of thinking is the essence of our role here in Asia, to provide assistance and support to the non-communist countries of Asia.

I was privileged to be at the White House reception when President Nixon stated the essence of our mission in Southeast Asia so well. He said, "If any country, with the support of a major power, invades another country and conquers it and imposes a communist government upon that country, and it succeeds, then that kind of action will be tried again, or at least encouraged. So if the communist invasion of South Vietnam by North Vietnam, supported by major powers, were to succeed without our acting, it would not only mean that 17 million South Vietnamese would come under Communist tyranny with all the bloodbath that would inevitably follow, but it would mean in the Mideast, in Europe and in other parts of the world this same thing would be encouraged."

"But there is a brighter side to that," the President said, "If on the other hand, that kind of invasion of one country by another country, supported by a major communist power, if it fails, if it is stopped, if it is discouraged, then the chance of its being tried again in Asia and in the Mideast, in Europe, or in Latin America, is reduced." One need only visit Asia to realize the truth of his statement. There are perhaps better roads we might have chosen to an honorable peace, but this does not mean we should now give in or give up to Le Duc Tho in current negotiations for the implementation of the Paris Agreement. On the contrary, America must not give in. If the communists are sincere in seeking peace, they should be willing to abide by the Paris Agreement as well as the Geneva Accords of 1954 and 1962. Those agreements in which the Soviet Union and Red China concurred certified the right of South Vietnam along with Laos and Cambodia to make its own way within a framework of neutrality.

If the communists are now willing to return to that legal basis we could say fine and move on to the more creative work that awaits us all in the vast Pacific Basin; trade, education, the growing of food, stamping out of disease, funding of industry, and communications. But if the enemy is bent on exploiting the treaty in order to leave the rest of Southeast Asia vulnerable to continuing aggression, then let us without delay force them into the open so that no one will be in doubt what is at stake and who is at fault.

None of us will take second place to any other in willingness to do everything possible to achieve peace. But it is precisely because we do want peace that we plead for a review of history.

We must never forget the two lessons men everywhere and in every time have had to learn: that the price of freedom is dear but not nearly so costly as the loss of freedom—and that the advance and continuation of civilization depends on those values for which men have always been willing to die. National defense is not a threat to peace; it is the guarantee of peace with freedom; and as costly as arms for defense may be, there is one thing far worse than an arms race and that is arms inferiority.

Page after page of history has been bloodied by the reckless adventures of power-hungry monarchs and dictators who mistook man's love of peace for weakness.

The dust-bin of history is littered with the remains of those countries which relied only on diplomacy to secure their freedom. We must never forget—in the final analysis—that the only road to the peace we all want and to a realistic opportunity for people to determine their own destinies is to negotiate from strength, and not weakness.

How many nations have backed down the road of good intentions to end up against a wall of no retreat with the only choice to fight or surrender? We do not repudiate man's dream of peace. We must not. It is a good dream and one we share with all men, for that dream is as old as man himself. But how to preserve freedom and win the peace needs our constant attention and study.

We can go back a few years and recall a time of crisis with which you are all familiar. The mainland Chinese were threatening to invade the offshore islands and Formosa. The world tensed and we heard the familiar terror talk that any action of any kind would bring on World War III. And then another voice was heard speaking. Dwight David Eisenhower said: "They'll have to crawl over the Seventh Fleet to do it."

The invasion of Formosa did not take place; no young men died; and World War III did not follow.

By contrast in 1962, after the Geneva Agreement for the neutralization of Laos was a failure, we listened to those who said that Laos would be the wrong place, at the wrong time to make our stand known. So we backed down from the 1962 Geneva Agreement in Laos in order to "buy peace in our time." But instead, we helped buy war in Vietnam.

From Southeast Asia to Formosa, to the Middle East, credibility is the first line of defense against potential aggression. If no one believes in our word or in our agreements, we will have ushered in an era not of negotiations but of trepidation and self-doubt not worthy of a world leader and dangerous to the free world.

Let me make my own position clear. I believe that the United States has work to do and a place to fill in the Pacific, and that we must remain steadfast until the security of our allies has been assured in freedom and independence.

And I totally reject the idea that the Republic of China can be used as a bargaining counter in any negotiations between major powers. The status of your Nation is not negotiable because your freedom is not negotiable.

You should know that less than two months ago, on the floor of the House of Representatives in Washington, D.C., I was pleased to be one of more than 50 U.S. Congressmen who participated in an extended discussion of US–Sino policy. The participants in that discussion were men and women of both political parties and all philosophical persuasions. The thrust of their remarks was that the United States should and must stand fast by its old ally and good friend, the Republic of China, for if America's commitment is not valid here on Taiwan or in Southeast Asia, how can it be valid in the Middle East, in Europe, or anywhere in the world.

Free China is unquestionably a great symbol of freedom to the still enslaved people in mainland China. Thousands of young Chinese risking their lives to seek freedom in Hong Kong are indisputable proof of the love of liberty in the hearts of the Chinese people. The number in the first four months of this year is twice that of the same period in 1972. And last year, refugees poured out of mainland China at the fastest rate since the Great Exodus in 1962. The Republic of China is also a symbol to the 20 million Chinese who live in other Asian countries—Chinese who still pledge allegiance to Free, not Communist China. It is also a symbol of US determination to keep its commitments to old friends and allies and the world. Other nations will weigh their own future with the US by observing US relations with the Republic of China.

I for one will do all that I can to keep the US and the Republic of China what they have been and should continue to be—friends, allies, and partners in freedom.

I am steadfast in my determination that the sovereignty and territorial integrity of the Republic of China will be preserved.

These are not happy times for those of us who enjoy freedom because so many of our brothers are not free. It is easy sometimes to grow discouraged when you consider just how many remain behind the Bamboo and Iron Curtains—more than one billion men, women, and children. Yet, we dare not grow discouraged. So much, so many, depend upon us. We, you and I, have a solemn responsibility in all that we say and do to the captive peoples.

What can we do? We can hold rallies like this one to demonstrate to captive and captor alike that we have not forgotten those who are enslaved and that we will not rest until they are slaves no more.

We can put pressure through public attention on the captors to grant basic human freedoms to their captives. Public pressure can and does work. It has resulted in freedom for thousands who otherwise would have remained behind the Iron Curtain, such as Soviet Jews. But much more must be done. Trade and credit concessions, and diplomatic negotiations can be used to encourage the freedom movement. We can continue to insist on the truth by telling about the plight of captive peoples. We can talk about the thousands of courageous Chinese who have risked their lives to leave Maoism for a free future in Hong Kong or on Taiwan but most of all we must keep in sight our goal of freedom for all. We must encourage and support captive peoples. We must keep the faith and promote the spirit of liberty that burns in the hearts and minds of people everywhere. For after all, it is this spirit that provides our greatest hope. It is a spirit that will never die as long as there are freedom loving people such as are gathered here in this hall, such as Dr. Ku and the World Anti-Communist League and the Asian People Anti-Communist League whom I salute and commend. This spirit unites people everywhere and it is the spirit of one young prisoner who told me what it meant to him who was a captive of the Communists for seven years. I asked him what was the one thing that helped him the most to prevail. He said to me, "Mr. Congressman, if you lose your money you have lost nothing; if you lose your health you have lost something; but if you lose your spirit, you have lost everything." Let us resolve never to lose that spirit, as it is truly the hope of the world. Thank you.

PRESSURE ON NELSEN COMMISSION

(Mr. NELSEN asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. NELSEN. Mr. Speaker, I wish to take this opportunity to insert in the RECORD a copy of a letter I recently received from Mr. Duane Roloff, chairman of the Martin County Republican Committee in my Second Congressional District in Minnesota.

The letter tends to speak for itself. However, the reason I call this to the attention of the Members of the House at this time is that I assume that each of you may have individuals receiving calls back in your districts similar to that which Mr. Roloff received. I only hope that the calls you receive in your district regarding this matter do not distort the facts, as it appears they were distorted in the conversation between the individual who called him from Washington and Mr. Roloff.

I do not recall that I have ever questioned the motives of a Member of this House who has supported one particular type of bill over another in the Congress. I must say that I am surprised that a representative of a coalition of "activist groups," as Mr. Roloff referred to them, is questioning my motives in urging that the Nelsen Commission recommendations be separated from a bill recently reported out of the House District Committee. I urged that action in subcommittee and in the full committee as the wisest path. At no time have I said or intimated that I wanted these separated because I want the game played my way.

I am vitally interested in the well-being of the District of Columbia, as the RECORD in this Congress and earlier Congresses will clearly indicate. But I am for good government, and as I indicated to Mr. Roloff and to others publicly, I do not want the work of the Nelsen Commission to go down the drain with something I feel jeopardizes the implementation of the many recommendations we have made for economy, efficiency, and improved services in the District government.

Obviously Mr. Roloff felt that pressure was being applied to him by the individual who spoke to him. This prompted him to correspond with him, and he has consented to the insertion of his letter in the CONGRESSIONAL RECORD. Certainly if the contact with Mr. Roloff is indicative of the other calls that have been made to my district, many of you may expect much the same treatment during the period of the summer recess which is ahead of us.

Let us debate the merits and vote the issues on the floor when this matter comes up after the recess and, as Mr. Roloff suggests, "not give too much credibility to the pressure being applied" by the activist groups.

MARTIN COUNTY REPUBLICAN COMMITTEE,
Minnesota, Minn., July 28, 1973.

Representative ANCHER NELSEN,
Washington, D.C.

DEAR ANCHER: I received a telephone call Thurs. evening at approximately 10 PM. from a Julie Kalnaberda from Washington, D.C. She indicated she works for the YWCA League and is participating in a coalition of "activist groups" working for the District of Columbia self government. She indicated that her group was making a number of calls to various groups within your congressional district for the purpose of bringing pressure to bear on you to support the current omnibus bill being presented on D.C.

I did question her at some length about the various proposals and the only conclusion I could come to would be that if you are "dragging your feet" on this as she indicated, it is because they appear to be wanting too much too soon and some of the items in the omnibus bill are dangerous.

This morning I received an Air Mail Special Delivery letter with many photo copied articles, editorials, Summary of H.R. 9056. The thing that bothers me about it is the fact that they have some fancy stationary, they have preaddressed mailing labels, the postage cost 92c, the telephone call was rather lengthy, the gal that called was very persuasive in her arguments, and this in itself raises a red flag with me, but there is an additional point that I would like to make on it.

In a number of instances she referred to the fact that in the past you had helped the District of Columbia Committee and they were greatful for it but you seem to be out of touch with things as they are currently. She made references to the fact that this year Congress had to pass a law to make it legal for kite flying in the District of Columbia, made reference to the fact that the laws as they were originally passed were very out dated, and that your reluctance at this time to follow along with all the changes seem to indicate that just because you weren't getting your way with the Little Hoover Commission Report you were going to say if the game can't be played my way, I won't play at all. Her inference was that you were out of step with the times and that we should then put pressure on you so that you would support the bill.

I thanked her for her time, advised her that she had given me her side of the story and I would correspond with you, get your view, then make a decision that seemed logical to me.

I have to make an assumption at this point, and it is as stated above that if you are in fact, "dragging your feet", I would assume that it was because you feel that it goes too far considering the fact that the District of Columbia does have its peculiar setup whereby the very large portion of the otherwise taxable base of the City is owned by the Federal Government and thus belong to all the people of the Country and thus the responsibility for taxation should then also rest with all of the people of the Country and the only way this can be done is through the end result of the expenditure of taxation being held by the Representatives of all of the people of the Country, namely Congress. It would seem that you will undoubtedly receive much pressure, but I rather doubt that this will be from groups that are normally on "your side of the fence anyway" and thus hope that you do not give too much credibility to the pressure being applied.

Thank you.

Sincerely,

DUANE ROLOFF,
Chairman.

BURIAL EXPENSE ALLOWANCE FOR VETERANS

(Mr. TIERNAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. TIERNAN. Mr. Speaker, I have been advised by a number of my constituents that the present $250 veterans' funeral and burial expense allowance is wholly inadequate to pay the cost of such services. Perhaps in 1958, when this amount was originally approved, it was sufficient to cover burial costs. But today, 15 years later, it certainly is not sufficient. I feel that the original congressional intention—that of providing financial assistance to ensure a decent funeral and burial of those who have fought for their country and who have had a service connected disability—should be supported today by increasing the amount available for these purposes.

For this reason I am introducing a bill which would increase the veterans burial and funeral allowances from $250 to $750.

STATEMENT OF CARMINE BELLINO AND AFFIDAVIT OF OLIVER W. ANGELONE

(Mr. VIGORITO asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. VIGORITO. Mr. Speaker, I wish to submit for the RECORD a statement by Mr. Carmine Bellino, Chief Investigator of the Watergate Committee, regarding charges recently made by Mr. George Bush concerning activities by Mr. Bellino during the Kennedy/Nixon debates. Attached also is an affidavit by Mr. Oliver W. Angelone, a D.C. private investigator, refuting the affidavits of Joseph Shimon and John Leon, as inserted in the CONGRESSIONAL RECORD on July 24, 1973.

STATEMENT BY CARMINE BELLINO—7/24/73

I have read the charges about me made by George Bush and the affidavits attached to his statement. The charges are absolutely false. I categorically and unequivocally deny that I have ever ordered, requested, directed or participated in any electronic surveillance whatsoever in connection with any political campaign.

By attacking me on the basis of such false and malicious lies, Mr. Bush has attempted to distract me from carrying out what I consider one of the most important assignments of my life. I shall continue to exert all my efforts to ascertain the facts and the truth pertinent to this investigation.

STATEMENT BY OLIVER WILLIAM ANGELONE

Oliver William Angelone, being duly sworn deposes and says:

1. I make this affidavit for submission to Senator Sam Ervin and Senator Howard Baker, Jr.

2. I have been advised that affidavits insinuate that I may have participated in electronic surveillance during the 1960 presidential campaign. The insinuations are entirely false.

3. During the 1960 presidential campaign, Mr. Carmine Bellino was engaged in locating the source of anti-Catholic literature. Mr. Bellino requested that I assist in finding out whether an individual, whose name I cannot now recall, was registered at any of the hotels in Washington.

I may have requested Mr. Joseph Shimon to assist in obtaining some information from a hotel. I may also have told Mr. Shimon that the information was requested by Mr. Bellino.

I know I did not request Mr. Shimon to engage in any activities except to obtain the information as requested.

4. I was never requested to engage in any electronic or physical surveillance of any person at any time during the 1960 presidential campaign, and I did not engage in such activities.

OLIVER WILLIAM ANGELONE.

Sworn to before me this 25th day of July, 1973. John Drew.

PRICE CONTROLS AND COST OF LIVING COUNCIL

(Mr. PARRIS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. PARRIS. Mr. Speaker, since today is our final day of legislative activity before we recess for 4 weeks I would like to bring to the attention of my colleagues in this House a situation which in my opinion is placing the American economy in serious jeopardy.

I refer to the administration's on-again off-again price controls and the fruitless activities of the Cost of Living Council. Since the Cost of Living Council was first created on December 22, 1971, by Executive order and since the President exercised the authority to impose price controls on the American people, the economic stability of this Nation has gone from bad to worse.

Since 1971 the cost of a pound of hamburger has jumped 24 cents per pound, pork chops have increased 49 cents per pound, bacon has climbed 41 cents per pound to a record price, 1 dozen large eggs has gone up 30 cents and rents have reached record levels. In short, Mr. Speaker, the burden on the average American is becoming increasingly intolerable in spite of, or perhaps even because of the efforts of the Cost of Living Council.

Members of this body will, I am sure, face a veritable hornets nest of consumer and constituent protest during their visits to their districts in the coming weeks. Today, I would like to offer the hope that when we return from recess in September that we promptly take a new hard look at the problems which now beset the American public because of the constant tinkering with the Nation's economy by the Cost of Living Council. The phases and changes in the price control laws change more often than phases of the moon and each time create chaos to the consumer and the business community as well.

This Cost of Living Council costs the taxpayers of this Nation almost $5 million annually in administrative expenses, and yet because of the Council and its long lists of announcements, revisions, and changes, the public confidence in the economic stabilization program has decreased to where it is questionable as to how much longer the general public will have any faith at all in its efforts to stabilize the economy.

Each new phase of the price controls program has seen the Cost of Living Council spend valuable time getting reorganized. Meanwhile the new program has each time lost momentum and the cost of living for the man on the street has taken another jump forward. Seeing no success in its efforts at holding the line on prices, the Council has turned its costly machinery to extensive recordkeeping.

I submit, Mr. Speaker, that if we are going to continue to juggle the American economy like so many oranges in a basket, we do not need to spend millions of dollars annually so the Cost of Living Council can keep records of the feat.

I believe the Council is doing more harm than good and I believe at this point the American housewife, who this week is learning that she can no longer afford to buy beef in the supermarket, agrees with me. I urge the President to abolish the Cost of Living Council and give serious consideration to abolishing the entire program of price controls and return this Nation to a free economy. If however, the decision is that this Nation must continue in this economic straitjacket, I believe the Internal Revenue Service, an agency which has widespread respect among the citizenry, could handle the necessary recordkeeping with its present administrative staff.

By turning the current activities of the Cost of Living Council over to the IRS, we would at least be promoting more efficiency in Government since the duties and the responsibilities will rest with the organization which is already providing most of the personnel for the current economic programs.

PENSION REFORM LEGISLATION

(Mr. TIERNAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. TIERNAN. Mr. Speaker, last week Senator PHILIP HART introduced legislation which I believe would bring tremendous progress in reforming our private pension system. For this reason, I am introducing a similar bill today although I wholeheartedly support the pension reform legislation which has previously been introduced by Congressman DENT.

The legislation now being discussed by the House has been extremely important in focusing attention on abuses in the pension system. Proposed reforms would remedy the dangers a long-service employee has of losing his earned pension. Giant strides in the areas of vesting, funding and insurance are being made by these reforms.

But reforms must go further, they must deal with the basic structure of the pension system. The basic assumption in the pension system is that large numbers of persons must lose in order to have a few benefit. True reform would abolish this assumption.

The real shortcoming of provisions presently being considered is that the benefits will not be extended to most workers. First, they will not benefit 50 percent of our workers, those that are not covered by a pension plan. Second, of the workers presently covered by pension plans, proposed reform will not benefit the worker who changes jobs frequently in our mobile society. In most plans a worker who changes jobs only once every 5 years will not receive any benefits from these reforms.

Finally, the surviving spouse or dependents of pension program participants will receive no benefit. Since the Federal Government provides a tax subsidy to the private pension system to the tune of $8 billion annually, it is imperative that reforms encompass the broadest possible base of the working population. The bill I am introducing would do that.

This bill would completely restructure the private pension system. It would create a limited number of private, competitive, insured institutions regulated by the Securities and Exchange Commission. These institutions would vie for contributions made by employers for their employees or by employees and self-employed persons for themselves and their dependent spouses. An employee need not be covered by a pension plan to make contributions to these institutions. Employees can evaluate each institution and choose where their contributions will be invested. These contributions will be tax deductible. The employee chooses when to retire, he then begins receiving a lifetime annuity calculated on the basis of the total amount in his account and his actuarially determined life expectancy. If the pension participant dies the surviving spouse would continue to receive benefits.

An added advantage of this new structure is that the institutions would bear the administrative costs of the retirement funds. Many small firms previously have been hampered in starting pension plans because the administrative costs were prohibitive. This obstacle for small firms would be removed under this new system.

Now that we have begun pension reform, we should not leave it at the first stage but carry through with our efforts to extend reform to cover all workers.

INCREASING NUMBERS OF POLICE KILLED IN ACTION COMMENSURATE WITH RISING CRIME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 10 minutes.

Mr. HOGAN. Mr. Speaker, the alarming and steady escalation in the crime rate in America over the past 17 years, of which the increasing number of policemen killed in the line of duty is just one aspect, has aroused the deep concern of all responsible citizens. For the past 17 years the Nation's crime totals have been rising yearly, with annual increases ranging from 1 percent in 1959 to a staggering 17 percent in 1968. Just this year we have seen the beginning of the reversal of this appalling trend. On March 28, President Nixon announced that the crime totals for 1972 showed a decline of 3 percent. The credit for this encouraging development goes to the dedicated members of our law enforcement profession. The decline is directly attributable to the efforts of law enforcement.

We must realize what a demanding task our policemen are performing and we should commend them accordingly. More than our commendations, however, they need our concerned and continuing support. The fight against crime is the responsibility not only of the beleaguered policeman, but of all members of society. The President's Commission on Law Enforcement and Administration of Justice made the following statement in its 1967 Task Force Report on the Police:

> The fact is, of course, that even under the most favorable circumstances the ability of the police to act against crime is limited. The police did not create and cannot resolve the social conditions that stimulate crime. They did not start and cannot stop the conclusive social changes that are taking place in America. They do not enact the laws that they are required to enforce, nor do they dispose of the criminals they arrest. The police are only one part of the criminal justice system; the criminal justice system is only one part of the government; and the government is only one part of society.

If we hope to make further progress in the fight against crime, we must clarify and strengthen the laws our police enforce; we must coordinate all elements of our criminal justice system, and we must band together as a society in supporting and cooperating with our police forces in this most urgent endeavor. I am happy to be able to say that efforts are already underway to further these three objectives. I am pleased, too, that I am serving on a subcommittee of the House Judiciary Committee which is responsible for reforming the Federal Criminal Code.

The argument which claims that strict enforcement of the law often conflicts with the alleged right of the criminal to sympathetic treatment and a second chance ignores the far more fundamental rights of the law-abiding citizen. Even those citizens who have been fortunate enough not to become the innocent victims of crime have paid dearly for society's leniency toward crime. They have paid in the form of fear, anxiety, and forfeited freedom, as well as in higher courts and higher taxes. The American people have a right to safety, order, and security. If we do not want our society and our American way of life to be placed at the mercy of criminals, we must take a resolute, unequivocal stand against crime.

Essential to a firm posture against crime are a well-defined, enforceable system of laws and an unambiguous, well-publicized set of penalties for unlawful behavior. The Criminal Code Reform Act would accomplish a comprehensive, systematic revision of Federal criminal laws. The bill has two main facets, the redefinition of Federal crimes and the establishment of clear criteria for sentencing. I am proud to be a cosponsor of this important legislation and I am also pleased to be a member of the special subcommitee of the House Judiciary Committee charged with the responsibility for this legislation.

A few examples will give you an idea of the kind of changes we propose to make. First, Federal jurisdiction would be expanded to cover a few areas of compelling Federal interest not adequately covered under present law. These extensions of Federal jurisdiction will serve to complement State jurisdiction and thus increase the effectiveness of State judicial systems, while preserving their integrity. One extension of Federal jurisdiction, for instance, would make it a crime to travel in interstate commerce not only for the purpose of bribing a witness in a State court proceeding, but also for the purpose of intimidating such a witness. In such cases intimidation, which might even take the form of extreme violence, is not covered under present Federal law. This change will facilitate the successful completion of State criminal proceedings.

In addition to these extensions of Federal jurisdiction, the reform act would redefine Federal crimes, reduce the number of different classes of offenses where the multiplicity of categories breeds confusion rather than clarity, and codify general defenses available to the defendants. This is all in the interest of eliminating ambiguity and furthering uniform interpretation of the laws. The clarification of the insanity defense is one of the most needed of the new definitions. The present proposal would make the insanity defense applicable only if the defendant, "as a result of mental disease or defect, lacked the state of mind required as an element of the offense charged." The mere presence of mental disease or defect would not be a sufficient defense.

The Criminal Code Reform Act would also provide more definite criteria for sentencing. These criteria would prevent unjustified disparity in sentencing for similar offenses and protect the suspect from the personal whim of a hostile judge. Since our new attitude toward crime puts priority on the protection of the innocent, law-abiding citizen, rather than the coddling of the hardened criminal, the new proposals set mandatory minimum prison terms for those offenders whose continued presence in society would entail inordinate danger to peaceful citizens. Mandatory minimum prison terms will be prescribed for traffickers in hard narcotics, persons using dangerous weapons in the execution of a crime, and persons convicted as leaders of organized crime.

Clarification of the criteria determining sentencing does more than facilitate a uniform meting out of punishment; it is essential if our system of penalties is to have its full deterrent value. More important than crime detection is crime prevention. One of the prime factors preventing a criminal from committing a crime is contemplation of the punishment he will face if he is caught. The establishment of fixed criteria for sentencing will remove from the mind of the potential criminal the hope that he might get off because of the discretionary authority of the judge.

To achieve the maximum deterrent to crime, we must not deny ourselves the use of our greatest weapon—the death penalty. I strongly support the proposal to reinstate the use of the death penalty. Present proposals would make the death penalty apply where it is now in the statutes and in cases of war-related treason, sabotage, and espionage. It would be mandatory unless a posttrial hearing uncovers certain mitigating factors.

Another important step toward crime prevention is the strengthening of laws against the disseminators of dangerous drugs. The rise in crime during the 1960's can, in part, be tied to the growing traffic in hard narcotics during the same period. Drug abuse and addiction have been shown to be a direct cause of crime. While we must continue to expand our treatment and rehabiliation services to help the addict free himself from the bonds and misery of addiction, we must, at the same time, redouble our efforts to clamp down on the pusher. The pusher, aside from his own criminality, instigates others to commit crime. He plays on the naivete of our young people and draws them into a life of misery and crime. Such individuals are a danger to society and they should not be allowed to roam free. In the interest of protecting society and of removing one source of increased crime, I support proposed legislation to increase sentences for heroin and morphine offenses and to deny pretrial release to those charged with trafficking in heroin or morphine.

In addition to a strong, clear, enforceable set of laws, a concerted attack on crime requires coordination and cooperation. We must make sure that all elements of our criminal justice system operate as a team, and we, the public, must accept our duty to support and cooperate with our law enforcement officers. Proposals to expand Federal jurisdiction to cover loopholes in criminal jurisdiction are aimed at aiding State jurisdictions in carrying out their judicial proceedings. In this way, the ability of the combined Federal and State criminal systems jointly to foil the criminal will be enhanced. The President's proposed law enforcement special revenue sharing will meet the need for financial cooperation, as well, between the Federal and the State criminal justice systems.

At the State and local levels, too, efforts are being made to pool law enforcement resources. Some localities are trying to make the resources of metropolitan police forces available to rural jurisdictions, which, statistics show, have been least able to cope with the rising crime rate. While crime in the nation as a whole dropped 3 percent in 1973, in the suburbs and rural areas it continued to rise by more than 2 percent. Sharing of law enforcement capabilities by metropolitan and rural jurisdictions will help to alleviate this situation. In addition, many State law enforcement agencies are providing crime laboratory facilities and information systems for the use of local agencies. In this way, localities can have the benefit of facilities they could not themselves afford, and crime information gathered throughout the State can be stored in one central location, making coordination of our local agencies much more feasible than it has been in the past.

Not only must law enforcement procedures on various levels be coordinated, but also the law enforcement process must be better integrated into the total criminal justice system, if we are to insure maximum effectiveness in fighting crime. One priority in this area is reducing the time between arrest and trial. We must provide speedier and more rational trial procedures in Federal criminal cases.

We must also actively seek to improve the relationship between the police and the average citizen. The average American citizen wants a safe, peaceful place in which to live and raise his family, a place free from the constant danger of personal injury or property loss, a place where his children can enjoy their youthful pastimes without being exposed to the wiles of the drug pusher and the hardened criminal. Over the past 15 years or so, some citizens have lost their faith in the ability of our law enforcement officers to make America a safe place to live. It is the mistaken policy of leniency toward crime which is at the root of this loss of confidence. The unnerving rises in crime which this policy fostered, together with the underhanded efforts of a few hostile people to discredit the integrity of the police and undermine their authority, have left the average citizen discouraged and bewildered. We must renew our confidence in our police forces and actively cooperate with them in the effort to eradicate crime. Any sign of citizen apathy or faltering of support for the police makes the criminal bold and limits the authority the police command in the eyes of the criminal.

Because of the crucial importance of police-community relations, they have become the subject of considerable discussion among law enforcement experts. The President's Commission on Law Enforcement and Administration of Justice made the following statement in 1967:

> Police-community relationships have a direct bearing on the character of life in our cities, and on the community's ability to maintain stability and to solve its problems. At the same time, the police department's capacity to deal with crime depends to a large extent upon its relationship with the citizenry. Indeed, no lasting improvement in law enforcement is likely in this country unless police-community relations are substantially improved.

Suggested approaches to the problem center around training the police in human relations, informing the public, including youngsters, about the role of the police, providing forums for communication between the police and the community, and enabling the police to respond more quickly and more relevantly to citizen problems and complaints.

The police forces here in Prince George's County are well on the way to implementing these suggestions. Trainees undergo extensive training in human relations. This training includes sessions at St. Elizabeth's Hospital in which recruits test their tact and presence of mind in simulated pantomime situations. To acquaint young people with the role of the police, the department's community relations division presents safety talks with films to children in kindergarten through grade six and runs day-long classroom "rap" sessions for junior and senior high school students. These school programs have won the commendation of the National Conference on Criminal Justice. The department also conducts classes in traffic law, juvenile law, and home safety at the community school, an adult summer school in the Landover area. The county ride-along program gives both young people and adults an opportunity to observe at first-hand how a policeman goes about his job. Through this program, any citizen who is a sophomore in high school or older may ride along with a patrolman on a regular tour of duty. To provide a forum for constructive interchange between citizens and police, beat officers meet once every two weeks with neighborhood groups to discuss local concerns. "Operation Identification," run at the local rather than the county level, allows citizens to participate directly in facilitating the work of the police by labeling valuables with identification numbers. Police-community cooperation is also the key to a special crisis intervention program which provides for joint investigation of potentially explosive situations by members of the police department and members of the County Human Relations Commission. In many cases, the police officer and a representative of the Human Relations Commission, by talking with the persons involved, have been able to prevent small disturbances from growing into major confrontations. Finally, to inform citizens in need of available community services, the department's community relations division acts as a 24-hour referral agency.

The policeman is not just a crime fighter; he is a community servant who must always be ready to help those in need, whatever their need may be. Our policemen are learning how better to communicate their concern for the individual citizen and their willingness to help. The rapport they create will not only help in the fight against crime, but it will be an invaluable contribution to the renewal of the feeling of cooperation and shared responsibility, which have always characterized the American way of life.

Our police forces are performing their role admirably. With their help, with the benefit of the proposed crime legislation and with the support of all Americans, we can make America the peaceful, safe place to live which we all deserve. We have made progress in the fight against crime, as indicated by the 1972 crime totals, but can make far more progress through legislative channels in this Congress.

NEED FOR DEEPWATER PORTS IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. EDWARDS) is recognized for 10 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, my comments today are on the need for deepwater ports in America and on the corresponding need for the Congress to continue to exercise leadership in this important area.

Our acute energy shortage has been brought to the attention of every American in recent months. We have learned just how much we rely on petroleum products to keep the country and the economy moving. We have seen how our fuel needs, our balance of payments, the strength and stability of the dollar, the health of our domestic economy, and our national defense posture are so tightly interwoven that if one strand frays, all the others are affected.

We rely heavily on oil imports to satisfy our energy needs. This reliance will not diminish in the foreseeable future, and many experts believe it will increase significantly. It is an urgent priority, then, that the United States have the best, most economical port system to handle oil imports.

Deepwater ports will be needed because the fuel will reach the United States in supertankers of unprecedented size. Since our natural ports cannot handle these huge vessels, we must construct offshore terminals which can cope with supertankers. The Maritime Administration reports that if we do not build our own deepwater port facilities, we will have to rely on transshipment through neighboring foreign terminals, such as in Canada, the Bahamas, or elsewhere. This would heighten our already dangerous reliance on outside sources and our unfavorable outflow of dollars.

Mr. Speaker, I believe the need for deepwater ports is both evident and immediate. I urge the Congress to move expeditiously toward legislation which will accelerate the construction of superports. We need legislation which insures the environmental soundness of ports, setting up stringent but reasonable environmental criteria to protect our beaches and marine life. Just as the secondary economic benefits of deepwater ports—refineries, general industrialization, petrochemical plants—must be considered, so must the corresponding secondary environmental impact be evaluated.

While the task of selecting the sites for deepwater port facilities may come later, I will touch briefly on the advantages of Ameraport, off the coast of Alabama and Mississippi. A July report of the U.S. Army Corps of Engineers found after extensive study that the development of deepwater ports along the gulf coast is economically and environmentally feasible, that in fact two or three ports in the gulf coast area are economically desirable.

The Ameraport off Alabama and Mississippi is uniquely qualified within the Gulf Coast area. Transportation costs to the southeastern and eastern States would be reduced. Completion of the Tennessee-Tombigbee Waterway and a deepwater port in the Gulf of Mexico should fall into approximately the same *construction-com*pletion time frame. The Tennessee-Tombigbee Waterway, joining forces with the waterways, highways, and railroads of the area, will connect the Gulf of Mexico with mid-America by a strong, reliable, balanced transportation system.

Ameraport embodies sound national security since its location off Alabama and Mississippi would disperse refineries rather than crowding them into areas already heavily populated with these facilities. Ameraport provides better nautical safety and reduced possibility of oil spills by minimizing the traffic of supertankers in areas with numerous oil and gas production platforms.

Many other arguments could be offered in favor of deepwater ports generally and Ameraport specifically. But perhaps the important entreaty to make to this body is that a bill be passed in the near future which will provide the legislative fuel to drive the deepwater port issue to the point that the United States leads the world in superport capability and efficiency.

BUFFALO EVENING NEWS SAYS "COME AND DO BETTER"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 30 minutes.

Mr. KEMP. Mr. Speaker, I ran for Congress 2½ years ago because I loved my country and wanted to help it, and because I considered the competition of ideas to be the highest of all forms of competition.

During these difficult times, when the political profession is under increasing attack and cynical regard, I cannot encourage too strongly that young people get involved in the political process. Watergate notwithstanding, politics is not fraught with dishonesty, deception, or dirty tricks. It is a very human institution tended by individuals with very human characteristics. In that context, the need for idealistic, highly motivated, enthusiastic young people of high moral principle has never been greater.

The Buffalo Evening News, in an August 1 editorial, commended John Ehrlichman for his answer to Gordon Strachan who had previously counseled American youth to stay away from politics. At this point, I insert the News editorial on John Ehrlichman's rebuttal of Strachan:

Come and Do Better

However one may regard John D. Ehrlichman's Watergate testimony in general, or his overall attitude toward the swollen role of the presidency in our system of constitutional checks and balances, we'll say this for him: He gave America's youths a much better piece of advice about the public service than his young White House colleague, Gordon Strachan, did a week earlier.

Mr. Strachan had given a kind of ultimate testament to his own disenchantment with government, as a result of his getting caught in the Watergate web. He said his advice on political careers would be: "Stay away." But that's not John Ehrlichman's view. Said he:

"Our government and our politics are only as idealistic as the people who administer the laws and run the campaigns and fulfill the traditions. If some young Americans know that their ideals or ideas or motives are sounder or purer than those of the people now in politics or government, then I think Gordon should have said to them, 'Come and do better.' . . .

"People must be attracted who will come here to fight for what they believe in and to work long hours to get things done. . . I hope that young people don't stay away. I hope they come here and apply their idealism and their enthusiasm and their high moral principles. . . . But young Americans, if you come here come with your eyes wide open. If you go to work for the President and the executive branch there are very few in the Congress or the media that are going to throw rosebuds at you. If you favor change . . . you will have to fight for it.

"And be prepared to defend your sense of values. . . . You will encounter a local culture which scoffs at patriotism and family life and morality. . . . But you will also find many great people who know that a pearl of great price is not had for the asking and who feel that this country and its heritage are worth the work, the abuse, the struggle and the sacrifices. Don't stay away. Come and join them and do it better."

As sound a piece of career counseling, all in all, as we've ever heard, and worthy of inclusion in any college political science textbook. In the context of Watergate, however, we would have to offer just one addendum—one which the John Ehrlichmans of this administration could have used in their youth:

Come and do better, by all means. But when you come bring one thing more than idealism, enthusiasm, high principles and wide-open eyes. Bring reverence for the American constitution, and especially for all those liberties of the people and restraints on the government embodied in its Bill of Rights.

No one armed with that need worrk about getting involved in any future Watergate nor need he doubt that "this country and its heritage are worth the work, the abuse, the struggle and the sacrifices."

The following is the actual testimony of John Ehrlichman as he tells young people to "come and do better":

I could not close without commenting on Gordon Strachan's answer of the other day to the question "Do you have any advice for the young Americans who are expressing their disenchantment with government and the political process." Gordon said "Stay away." And your gallery laughed. But I don't think many other Americans laughed at that answer, I certainly didn't, nor do I agree with Gordon's advice. Our political system and our real governmental institutions are not just the buildings and the laws and the traditions that one sees here in the City of Washington. Our Government and our politics are only as idealistic, as honest, as the people in those buildings who administer the laws and run the campaigns and fulfill the traditions. If some young Americans know that their ideals or ideas or motives are sounder or purer than those of the people now in politics or government, then I think Gordon should have said to them "Come and do better. Don't stay away."

Somehow, in politics and government it seems that there is always someone to fill the job. If you don't take it, you can be sure that somebody else will. We are either going to have highly motivated able people running the political campaigns and filling the offices in government or we will surely have seat-warmers and hacks who will fill these places and the country will be the worse for it. People must be attracted who will come here to fight for what they believe in and to work long hours to get things done. I hope that young people don't stay away, I hope they come here and apply their idealism and their enthusiasm and their high moral principles. I hope they come and test their ideas and their convictions in this marketplace. I hope they do come and do better.

With young Americans "If you come here come with your eyes wide open. If you go to work for the President and the Executive Branch there are very few in the Congress or the media that are going to throw rosebuds at you. If you favor change in what our Government is and what it does in our society you will have to fight for it. No such thing has been won here by default, at least not recently, and be prepared to defend your sense of values when you come here, too. You will encounter a local culture which scoffs at patriotism and family life and morality just as it adulates the opposite, and you will find some people who have fallen for that line. But you will also find in politics and Government many great people who know that a pearl of great price is not had for the asking and who feel that this country and its heritage are worth the work, the abuse, the struggle, and the sacrifices. Don't stay away. Come and join them and do it better."

Mr. Vice Chairman, this Select Committee has an awesome responsibility to find the truth. Such a search cannot be made by one whose eyes are clouded by pre-conception or partisanship, it can only be found by those with open mind, free of bias and unfairness. I am confident that the truth is there to be seen. It only needs the see-ers.

I include John Ehrlichman's closing statements at this point for the RECORD:

Mr. Vice Chairman and Members of the Committee, I prepared for this hearing with just two objectives: First to state the truth as nearly as recollection and research could enable me to do and thereby to establish the falsity of the charges made against me by your star witness. For nearly five days I have submitted to your cross-examination to permit a test of the truth of my testimony. In my opening statement I listed a number of questions which I asked you to inquire about because I believe they are central to this matter and because I have some information about them.

In the past five days a great deal of time has been spent mostly on a few of them. As a result, there is now remaining one matter which I believe is important enough to mention in passing to the Committee. I did not have an opportunity to review with the Committee my notes of my second interview with Gordon Strachan. I think it is important to the Committee to know that as you read those notes the question which I continually put to Mr. Strachan all the way through was "Is there anything else. Are you giving me the whole list. Are these all the people in the White House who are involved, and have you told me everything you know about their involvement." In other words, the list you see in the Strachan notes is intended, as I recall the interview with Mr. Strachan, to be an exclusive list, and that does not appear on the face of the notes, and I think it's important for you to have that.

My secondary objective here was to be prepared to raise a voice for the President, who is unrepresented here. As your questions developed, I had no opportunity to do so as his advocate, I only shed some light on facts which disproved a few of the false allegations which have been advanced against him here. I do not apologize for my loyalty to the President any more than I apologize for my love of this country. I only hope that my testimony here has somehow served them both.

BLUE RIBBON COMMISSION TO EVALUATE WHITE HOUSE TAPES SUGGESTED AS MEANS OF BRINGING WATERGATE HEARINGS TO END

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. BAKER) is recognized for 10 minutes.

Mr. BAKER. Mr. Speaker, as a means of ending the trauma of Watergate which engulfs all of us as long as the hearings before the Senate select committee continue, I have written to President Nixon to respectfully suggest that he submit the tapes in question to a blue ribbon commission of executive, legislative, and judicial leaders for evaluation and judgment.

I respect the confidentiality of the tapes and I concede to the President whatever degree of Executive privilege he wishes to invoke to guard the privacy of these conversations within his office. By the same token, I realize that as long as there is not some report on the contents of the tapes to verify the truth of the President's statement about his involvement, there will be people who will have doubts and who will use these reservations to discredit the President and his administration.

It is for this reason that I have written to the President to urge him to make the tapes available to a blue ribbon commission so that his position can be established before the world with all doubts removed. In so doing there will be no need for the hearings to continue and the special prosecutor can end his investigation.

I believe my proposal to be reasonable and workable. For the sake of the country and his leadership which we need so desperately, I trust President Nixon will agree to a compromise of this sort and we can set about naming the members of the Commission. The composition of the Commission and the responsibilities with which it would be charged are spelled out in my letter to President Nixon. I feel obliged to place a copy of the letter before my colleagues with the hope that others will agree to the propriety of this approach and will also prevail upon the President to accept it.

My letter to the President follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., August 2, 1973.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: A public controversy rages over whether or not you should release selected tapes of conversations in your office to the Senate Select Committee on Presidential Campaign Activities and to the Special Prosecutor, Archibald Cox.

My own opinion is that these are personal, private matters. They are a record of conversations which took place in your office; at your meetings. Whether or not they should be made public is entirely up to you. When you say they enforce the truth of your statements about your knowledge of events, I accept that.

I regret that more people don't accept it with the same faith in your integrity as I do. As long as their doubts persist, there will be an unwillingness to give you the benefit of the doubt and all that you have done in the name of peace and progress will erode. This should never happen. It isn't fair to you and it isn't fair to the country.

For this reason, I respectfully submit a suggestion for verifying what you say about the contents of the tapes and, at the same time, accommodate the needs of the Senate Committee and the Special Prosecutor.

I suggest that you, The President, voluntarily and openly offer to make available to an independent blue-ribbon commission all requested and relevant tapes, papers and other documents; and that you offer to meet privately with the commission and discuss in detail your personal knowledge and beliefs.

I would suggest that this commission serve as the *sole* body seeking or gaining access to these Presidential sources; that the commission study the sources thoroughly and impartially; and then report fully to Congress, the Supreme Court, to the President and to the American people simultaneously on all facts relevant to the Watergate incident with emphasis upon "what the President knew or should have known and the time at which he knew it or should have known it," specifically with regard to any conspiracy to obstruct justice. All other information—personal as well as that affecting national security and international relations—would remain thoroughly confidential, upon penalty of being held in contempt of Congress and the Supreme Court.

The Senate Select Committee, the Senate as a whole, the House of Representatives, the Special Prosecutor, the Attorney General, the Supreme Court and all others dealing with the investigation and prosecution of the incident, would accept the findings of the commission as "full, fair, accurate and sufficient" for all purposes whatsoever.

I suggest that this commission be composed of the Chief Justice of the United States as chairman; with two members from the federal judiciary as selected by the chairman; the Speaker of the House of Representatives; the President of the Senate; two Governors of the States, one chosen by Congress and the other by the President; and two members at large, one chosen by the President and one chosen by Congress.

Mr. President, such a commission would be representative of the three branches of government and of the people. They would be in a position to impartially evaluate all the points in question and present findings which would be "full, fair, accurate and sufficient." Such a report would clarify once and for all your role; the Select Committee could complete its hearings; the Special Prosecutor could complete his investigation; the nation could move away from the diversion of Watergate and concentrate on the people's welfare.

I trust, Mr. President, that you will agree with this approach and give it your blessing for the good of the country and the President who guides it.

Respectfully,

LAMAR BAKER,
Member of Congress.

THIRTEEN BILLION DOLLARS IN FARM EXPORTS: A NEW ERA FOR FARMERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Dakota (Mr. ANDREWS) is recognized for 15 minutes.

Mr. ANDREWS of North Dakota. Mr. Speaker, the sale of wheat to Russia, the importance of developing and maintaining foreign markets for our farm products and the impact of this effort on our economy and the entire Nation; these are events and issues that demand thorough discussion and better public understanding.

THE RUSSIAN WHEAT SALES GOOD OR BAD

First of all, I want to discuss the importance of last year's significant increase in grain exports, including the much discussed and often misunderstood sale of wheat to Russia.

This was the biggest sale of wheat ever made to a single country in U.S. history—totaling some 400 million bushels. This, and the subsequent sale of wheat and feed grains to China was important for a number of reasons; first, our involvement on the battlefields of Southeast Asia was settled on the wheat fields of America because our food was a powerful inducement to these two countries to seek a final setlement; and second, our food will continue to be an effective force in securing an enduring peace.

Furthermore, the sale greatly reduced our stocks of surplus wheat and taxpayers saved more than $450 million in storage and related program costs. The subsequent increased price of wheat poured millions of additional dollars into our farm States' economy.

Contrary to some critical reports and news stories, the export subsidies in this sale did not amount to $300 million—they were only $158.3 million.

If all of this is true—and it is—then why the controversay surrounding the Russian wheat sale? Why the critical GAO report? Why the misconceptions in some of the press?

Some of the criticism directed at the Russian wheat sale is valid. While I publicly predicted the sale more than 6 months before it was announced, I also publicly voiced my displeasure at the sloppy way it was being handled. I questioned the lack of communication between USDA and the farmers. I questioned the lack of proper guidelines in handling such a massive sale. I sharply questioned the ability of our rail transportation and port facilities to handle such a volume of grain in so short a time. I suggested that the delivery of this grain should be stretched out so it would not overtax our boxcar capacity and leave our own farmers stranded with millions of bushels of wheat they could not deliver for sale.

Yes, this type of criticism is valid, and I noted it at the time, not a year later. The people who now attempt to make political hay of the sale by grasping at straws prove they have 20-20 hindsight. Their exaggerated charges and tortion of facts frankly smacks of political opportunism.

We must not forget that in spite of the errors of handling the sale, the overall results are excellent—a very good deal for the United States.

I think it is time to put this Russian sale in proper perspective—to evaluate its immediate and long-range impact on our whole farm export efforts which are so vital, not only to us in the agricultural Midwest, but to the entire country.

It does no good to keep bemoaning past mistakes. The responsible thing to do is correct them and this is being done.

Certainly, the Russians purchased a sizable quantity of wheat from us last year at a price far below this year's price, but that was the price of wheat at that time.

The lower price of last year was available to any foreign purchaser of wheat at that time and represented no special deal. That is the way the market works. It is significant that the Russians and Chinese have already ordered 300 million bushels of our wheat for delivery this fiscal year at the present much higher price.

It does no good for eastern economists and newsmen to arouse public resentment by using the Russian wheat sale as the sole cause of recent food price increases. This is a blatantly false charge and anyone who knows the difference between a bushel of wheat and a bale of hay realizes it.

It is important to remember that the last time wheat was selling for $3 a bushel in Minneapolis was 25 years ago and the price of a pound loaf of bread was less than 15 cents. Today, with wheat again at $3, a pound loaf of bread in Washington costs 35 cents or more. So the price of food to the consumer involves far more than just basic farm prices.

To keep harping on mistakes now corrected and to keep misleading the public may seriously endanger our future export efforts. Such irresponsibility came dangerously close to resulting in an amendment to the farm bill a few weeks ago that would have precluded future shipments of grain to Russia and China, two of our biggest potential customers. While we were successful in defeating that amendment, next time if the misinformation peddlers are able to persist, we may not be as successful.

FARM EXPORTS AND THE FARMERS

Let us take a look at the impact the Russian wheat sale and our total foreign export program has had on farm prices.

The average national domestic price of wheat before the sale was $1.68 a bushel. After the sale of some 400 million bushels of wheat had been negotiated with Russia and after another 800 million bushels had been sold to other countries, the price of wheat rose to an average of $2.49 a bushel. Today, the price of wheat is well over $3 a bushel.

A year ago, before the Russian wheat sale, the country was burdened with a surplus of wheat in storage—more than 900 million bushels. Even with another record wheat crop in 1972, we now have only 400 million bushels on hand.

If we had a billion bushels of wheat carryover what do you think the price would be today?

But the Russian wheat and grain sale is only one small part of our total farm export effort.

A great many of us in Congress with fine help from commodity and farm organizations and the USDA have worked hard to expand and develop foreign export markets for our food. And we have succeeded.

Five years ago, in 1968, our total farm exports were $6.3 billion. In the last fiscal year the total was over $13 billion.

This farm export success with the promise of even greater expansion opens up a whole new era for American agriculture.

Last year's sale of some $13 billion of farm products to foreign countries is hopefully no "one-shot" phenomenon. We have built up our export market solidly and with care. Because we have, we now have a reputation of being abundant and reliable suppliers, but all of this could be shot down by ill-conceived actions based on misinformation.

We must realize that only if our export efforts are not hampered or endangered by self-seeking politicians and short-sighted policies, can our foreign export market be expected to expand to even greater levels in the years ahead.

Other nations are becoming more prosperous and the people in those nations are demanding more high protein food.

American farmers are the most efficient in the world and we are blessed with great natural resources for agriculture. We can remain not only competitive in the farm export market; we can be the leading supplier.

What does this mean for farmers? It means we can, under such legislation as the "target price" farm program, provide the incentives and income assurances so that farmers can meet not only the food and fiber demands at home but those of our foreign markets, as well.

The long-sought dream of "parity" and full freedom to produce for farmers may soon be realized, but only if we work at it.

FARM EXPORTS AND NORTH DAKOTA

Now let us examine what impact the Russian wheat sale had in North Dakota.

On July 1, 1972, just before the sale, there were 190 million bushels of wheat in storage in North Dakota. Our farmers were just starting to harvest a 216-million-bushel wheat crop. This meant that by the end of the harvest season, North Dakota wheatgrowers would be faced with a 400-million-bushel wheat stockpile.

The average price of wheat in North Dakota on July 1, 1972, was $1.33 a bushel.

It is an immutable law of farm economics that when large stockpiles of farm commodities "overhang" the market, the price is low and the price will not rise above Government support levels until sales remove the depressing pressure of surpluses.

And that is exactly what happened.

The Russian, other export and domestic sales removed all but 79 million bushels of the 400 million bushels. By July 1 of this year the price of wheat had risen from $1.33 a bushel to $2.38 a bushel within a year.

North Dakota's 1973 wheat crop is projected by USDA at 240 million bushels, and the price of wheat could average $3 a bushel in North Dakota—right now it is higher.

Now, let us see what all this means in dollars and cents to the economy of North Dakota.

North Dakota wheatgrowers sold more than 320 million bushels of wheat in the 12-month period of July 1, 1972, to July 1, 1973. Most North Dakota farmers got full benefit from the increased wheat prices because only 20 percent of the total wheat stocks, including the 1971 carryover and the 1972 harvest, was sold by September 30, 1972, according to the Statistical Reporting Service of the USDA.

But let us make a conservative guess that North Dakota wheat farmers enjoyed a 60-cent-per-bushel increase in the price of wheat over the July 1 market price of $1.33.

That adds to a net gain for North Dakota farmers of over $190 million.

If this year's wheat crop in North Dakota hits the projected estimate of 240 million bushels and the price is $3 a bushel—and it could be higher—then the price gain over the July 1, 1972, market of $1.33 a bushel would be $1.67

and the gross net increase in wheat income for this year would be about another $400 million.

In other words, the Russian wheat sale will mean a total increase in wheat income alone of $590 million to North Dakota wheatgrowers from July 1, 1972, through this marketing year.

That represents more than $950 for every man, woman, and child in North Dakota.

FARM EXPORTS AND THE ENERGY CRISIS

As everyone knows, the Nation has a tough fuel crisis on its hands—one that may be with us for some time.

Increasing oil imports makes this Nation dependent on the uncertain policies of foreign nations. It also badly upsets our balance of trade which is already in serious imbalance.

For the year ending July 1, 1973, our Nation's balance-of-trade deficit was approximately $4.5 billion and, in my view, it is extremely important to note that the United States purchased more than $4.8 billion worth of foreign crude oil during this same period. There is no question but what we will continue to buy increasing amounts of foreign crude oil to meet our accelerating domestic demands.

What do you think would happen to our balance of trade were it not for our $13 billion export of farm products? The dollar would soon be facing an even more alarming jolt on the world money market than it is now.

Just to be practical about it, I wonder if these people who are now questioning our farm export program are much interested in being cold or facing a blackout some winter when fuel oil that is needed is no longer available.

Finally, let me make one more observation about the vital relationship between farm exports and the fuel crisis.

By establishing better relations with Russia and China and developing permanent markets in those countries for our food products—and those markets have vast potential—we can exchange our food for their oil, of which they have massive reserves. Their food needs are even more critical than our oil needs.

The fact that they have a continuing need for great quantities of food reduces the chances of an abrupt halt in our fuel supply which is certainly possible if we depend solely on Mideast countries for our crude imports. This just makes good sense.

FOOD EXPORTS AND THE NATION

I have already pointed out what our $13 billion of farm exports have meant to bringing peace and to our balance of trade and what future exports can mean to soften the national fuel crunch.

There are other benefits to the Nation.

Food can lay the basis for an enduring peace.

Hungry people are restless and frustrated people, always subject to revolt and violence.

Food can be the most powerful tool for good will if used and distributed wisely and humanely.

Our Nation's farmers are without peer in their ability to produce. America is blessed with the most superb agricultural resources of any nation in the world.

I say, let us unleash our farm production to its fullest capacity. Farmers will respond to better prices gained through increased exports with increased production. Consumers at home will continue to eat better and cheaper than in any other nation and we will once again become the world leaders in this mutual quest for an enduring peace.

CONSERVATION OF NATURAL RESOURCES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. McKinney), is recognized for 5 minutes.

Mr. McKINNEY. Mr. Speaker, patriotism takes many forms, not the least of which is the conservation of our Nation's natural resources. And it is to this form of patriotism that I direct this piece of legislation I am introducing today, for I believe every American has the duty and responsibility to help protect our dwindling energy supplies.

Confronted with the reality of a gasoline shortage, we are now considering any number of proposals to ease the crisis situation, ranging from recommendations to reduce highway speed limits from 70 to 60 miles per hour, a move estimated to cut fuel consumption by 11 percent; to long-range measures such as mandating a decrease in the weight being the single most important parameter effecting urban fuel economy.

We Americans drive our 85 million cars nearly 1 trillion miles a year and in the process consume nearly 70 billion gallons of gasoline. By volume this is equivalent to 4.3 million barrels of crude oil a day and to 14 percent of all the energy resources consumed in the United States annually. It is clear that steps must be taken, and soon, to reduce the amount of gasoline consumed by the automobile. The inefficiency of today's motor vehicles is cutting deeply into our available supplies of oil and costing us dearly in foreign exchange. However, I believe in American technology and know-how and our ability to achieve ever greater fuel savings through alternative engine technologies. I would hope this could be achieved freely through the marketplace rather than through congressional mandate.

At the same time I believe a conscientious effort is required by all Americans to conserve gasoline. Secretary of Interior Rogers Morton has called upon Americans to cut down on their driving in order to help protect our petroleum resources. As part of this effort, I am today introducing legislation designed to help the prospective car buyer make a rational choice in the selection of his car in terms of gasoline consumption.

American motorists have an overwhelming number of size vehicles from which to choose and they can select from seemingly endless lists of optional equipment items. I believe the purchaser has the right to know the amount of gasoline consumed by the vehicle he is contemplating and be able to compare one car with another—with a breakdown in terms of gasoline consumption according to model and options. Over the life of his vehicle the average car owner spends nearly 60 percent of the original price of his car on gasoline. With possible rationing of gasoline and with rising prices for gasoline, our citizens will have their lifestyles modified and their pocketbooks pinched unless they begin to make gasoline consumption a prime consideration in the selection of their automobiles.

My bill would amend the Motor Vehicle Information and Cost Savings Act, requiring that the fuel consumption of every new model car—both domestic and foreign—be prominently displayed in the form of a window sticker, beginning in January 1974. The fuel consumption label would list the gas consumed per mile in urban driving, in country driving; with power-guzzling devices such as air conditioners, power steering, and automatic transmission; as well as an itemizing of optional devices that may aid fuel economy, such as steel belted radial tires.

A recent study by the Environmental Protection Agency has confirmed what many automobile owners have suspected for years: small foreign cars get slightly better mileage per gallon of gasoline than their American competitors. And big cars, regardless of where they are manufactured, eat up more than twice as much gasoline as small ones.

When a prospective buyer enters an automobile showroom, he should have at his fingertips information that can perhaps influence him to buy a car which can help save our gasoline resources: That the American Gremlin gets 18 miles per gallon while the Javelin, depending on the model, varies from 14.3 to 10 miles per gallon. Or that in your Chrysler cars, one model Charger gets 12.2 miles per gallon and the Fury gets but 9.7 or 8.7, depending on the model. Maybe then he might choose the Chrysler Valiant which gets 17.9 miles per gallon. Looking at Ford cars, the buyer might want the Pinto at 21.4 miles per gallon instead of the Maverick model which gets 14.7 or the Torino model which gets but 8.5. Among the General Motors cars, one Vega model gets as much as 21.5 miles per gallon while another gets but 18. Such information, derived from Federal emission test procedures at the EPA laboratory, should be readily available to every purchaser so that he may make comparisons among our domestic cars and foreign imports.

With rising gas prices, this is invaluable information for the consumer. Moreover, we hear so much about the trouble-free rotary engine, but how many of us know that fuel economy data on the 1973 rotary engine vehicle represents a 35 percent loss in fuel economy when compared to the average for the same weight vehicle equipped with conventional engines. The mass production of this machine in our country could have a substantial negative impact on total gasoline consumption unless improvements are made in that engine.

In 1971 over 60 percent of new cars were sold with factory equipped air conditioning. EPA has just completed studies which demonstrate that air conditioning reduces gas mileage 9 percent on the average and 20 percent on a hot day in urban traffic. This is something I believe the average car purchaser would like to know before he opts for an air conditioner—or at least before he turns it on.

Another pertinent statistic is that 90 percent of our automobiles are sold with automatic transmissions, which have been estimated to have a 5 to 6 percent fuel penalty. Also, differences in vehicle weight can account for as much as a 50 percent loss in fuel economy. A 5,000-pound motor monster consumes 100 percent more fuel than its 2,500-pound counterpart.

One of the few positive trends in fuel economy has been the increased use of radial tires on American cars. It has been estimated that a 10 percent increase in fuel economy can be realized from the use of steel belted radials. Many an American consumer, I am sure, would like to have that information when purchasing a car or when in the market for tires.

I might mention here that much has been made of the loss in fuel economy due to the recently mandated emission controls. I have read ads deploring the "drastically reduced mileage" because of the emission controls. Yet EPA studies show these controls increase gas consumption in the range of only 7 to 8 percent, a figure which can be offset, for example, by use of radial tires.

While, admittedly, consumers might get different mileage depending on the manner in which the vehicle is driven, type of route and terrain traveled, speeds at which the vehicle is driven, design of the engine, state of tune and overall mechanical condition, nevertheless information derived from tests prescribed by the Environmental Protection Agency would offer concrete mileage comparisons among the various model cars.

In essence, my bill is a consumer information measure. A prospective car buyer invariably asks about mileage. Uppermost in his mind may not be a desire to conserve our petroleum resources. Financial considerations may be his prime motivation. But regardless of his priority at the time of purchase, listing the energy consumed by the vehicle in urban driving, in country driving, and with power-guzzling accessories could prove a determining influence in the purchase and could help safeguard our energy resources.

Also, it is my hope that this legislation might encourage manufacturers to produce a vehicle that can achieve more efficient use of fuel. I don't believe an automobile engine that can get 35 miles to the gallon is a far-fetched fantasy.

A WHITE HOUSE CONFERENCE ON ENERGY?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Robison) is recognized for 10 minutes.

Mr. ROBISON of New York. Mr. Speaker, I have a twofold purpose in addressing my colleagues today. First, a few days ago a prestigious group of representatives from business, government, private research organizations, and major universities met in an Engineering Foundation, "Conference on Energy Research," and it is my privilege to present to the House of Representatives the recommendations of that conference. Secondly, as a result of the determination of that group, I am introducing today legislation to authorize a "White House Conference on Energy." In a statement to the Engineering Foundation Conference, I proposed that such a White House conference might provide the best possible forum for gathering a national consensus on the proper goals of energy policy and planning, and I was most gratified by the action of the Engineering Foundation Conference in making that proposal one of the conference's final recommendations.

By way of a little background on the Engineering Foundation Conference on Energy Research I would like to invoke a long-standing conviction of mine that Members of Congress who have colleges and universities in their congressional districts are blessed with a well-spring of expertise and provocative ideas which can be be immensely helpful in the performance of congressional responsibilities. My own continuing dialogs with the universities in my district have yielded countless legislative ideas and invaluable consultation on questions before Congress. One outgrowth of many such discussions with faculty members of the Cornell University Water Resources and Marine Sciences Center was the suggestion that government had not really tapped the wide spectrum of expertise and interest in this country which can contribute to energy policy and planning. A further corollary would be that government must encourage far more public participation in the formulation of energy policy, since the way of life of every individual may well be dramatically affected by the future implementation of such policy.

The seed of an idea which grew out of our discussion quickly grew to fruition through the hard work of several individuals who took it upon themselves to organize the kind of study group which we felt to be capable of providing a fresh look at the directions of Federal management and organization of energy research. On June 5 of this year invitations to an Engineering Foundation Conference on Energy Research were sent to environmentalists, businessmen, university representatives, consultants, and private research organizations by Mr. William C. Ackermann, Urbana, Ill., member of the National Academy of Engineering; Leonard B. Dworsky, Ithaca, N.Y., professor of civil engineering at Cornell University and chairman of the Power Division Research Committee of the American Society of Civil Engineers; and Mr. Eugene Eaton, Washington, D.C., president of Resources Technology and a consultant on energy matters to the National Academy of Engineering.

During mid-July some 70 individuals gathered at New England College, Henniker, N.H., and, during a week of intensive discussion, drew up a set of recommendations which are worthy of very close attention as we in Congress prepare legislation to reorganize Federal energy research and development agencies. I will insert a summary of those recommendations below, together with the text of a letter of transmittal to the President, but, before doing so, I would like to give my own overview of the thinking which came out of this conference.

Besides presenting us with some very specific suggestions on the policy alternatives which lie ahead, this group has contributed a most engaging suggestion of the process which our energy planning ought to take during the coming decades. I am most enthusiastic over this suggestion, implicit in the conference recommendations, that there can be an orderly movement toward energy resource objectives which necessarily involves every segment of public opinion.

As I previously noted, it was my honor to submit a statement to the conference in which I suggested the group might consider the feasibility and effectiveness of a White House Conference on Energy as a means of gaining the broadest possible consensus on energy policy and planning objectives. I should mention that I had hoped to present that statement personally, and to join the august company of my colleague from Washington (Mr. McCormack), and Dr. Gordon MacDonald of the National Academy of Sciences, who appeared as keynote speakers. As is too often the case, last minute committee business forced me to remain here; however, the conference did see fit to include the proposal in its final recommendations. It did so by placing the proposed White House Conference on Energy at the outset of a plan of policy development which maps the necessary steps for organizing government to properly undertake energy research.

If we are to plan and act on an orderly basis, there must be a clear idea of the beginning and end of that planning process. With the phrase "energy crisis" ringing everywhere, the beginning is not so hard to furnish. Through its working groups the Engineering Foundation Conference attempted to define some of the parameters of our energy supply capability and, then, to design the public institutions which best utilize the physical and technological resources available. The findings of these study groups are extensive in their scope, and at a future time I intend to go into some of their details; but for the present, I would generalize to say that the conference has very persuasively suggested that our dilemma lies not in the supply of energy resources, but in the institutions which are formed to manage that supply.

This contention, emanating from the conference recommendations, strikes me as one of those essential truths which has waited too long to be clearly stated. Perhaps, we have moved toward the ends suggested here, but I am not sure we have done so for the right reasons. Once clearly spelled out, the suggestion that the right organizational forms may yield the right supply of energy allows solid footing from which to begin considering planning alternatives.

If we have a start, then, we still lack direction; and in seeking that direction the Engineering Foundation conference advises that we draw on the widest possible public consensus. This gathering of national needs and proposed solutions is the stuff of a White House conference, where representatives of every public voice can contribute to the formulation of energy research priorities while, at the same time, suggesting the "energy ethic" which can best serve our national goals and aspirations.

The fundamental equation here, and the necessary starting point for a White House conference, is that supply equals demand. This equation may offer a painfully pragmatic perspective on the way we are to husband energy resources in the future, yet it is now clear to the most hardened skeptic that the days of energy abundance are over—at least for a while. As long as the demand side of the equation continues to press the supply side, policy, organization, and management are going to have to give almost equal research and development time to the still unknown features of energy demand.

And, once demand becomes the subject of serious research, innumerable social questions must be considered, as planners and policy bodies assess the effect of various alternatives on the life styles we are now accustomed to. I am suggesting through my introduction of legislation to authorize a White House Conference on Energy that some of the answers to these questions of social adjustment may already be present, and we need only ask the same people who are to make that adjustment. Through a White House conference, the people of this country can determine how they can best fit future life styles to future energy supply.

Mr. Speaker, I have much more to say on this topic, but I will stop here for now, recognizing that I have touched only the first stage of a much larger proposal. My purpose for now is to propose that one excellent way to begin our effort to equalize energy supply and demand is to clarify present needs and future aspirations through a White House Conference on Energy. I ask that my colleagues consider this idea and that they note the summary of findings and recommendations of the Engineering Foundation Conference on Energy Research. I should also point out, as I insert this summary, that the recommendations in it come solely from the conference participants, who were given free rein in making their proposals:

ENGINEERING FOUNDATION CONFERENCE ON ENERGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION

SUMMARY—FINDINGS AND RECOMMENDATIONS

A serious energy problem exists in the United States, and if massive attention, talent, and funds are not devoted to it at once, serious consequences to our national security, economy, life style and environment will result. The problem has immediate short, medium, and long term dimensions.

Energy research, development and demonstration are central to solution of our national energy problem. Although there are numerous excellent programs underway, we find that these are highly fragmented, underfunded, unbalanced, and that the overall program lacks policy, leadership, and plans.

The Conference recommends that an intense, directed, national and regional program of research, development, and demonstration (R.D. & D.) be initiated at once.

Organizational units are proposed which can be established quickly and are adequate at this time. Their operational considerations are outlined.

A research, development, and demonstration effort at a billion dollars per year has been proposed by the President and from within Congress. If properly phased, this appears to be a reasonable initial effort.

The President is urged to convene a White House Conference on Energy to enhance public understanding, but timed so as not to impede implementation of Conference recommendations.

OPERATIONAL CONSIDERATIONS

The R.D. & D. program must essentially be concerned with the equation: Supply-Demand. The program will be equally concerned with both sides of the equation, although equal funding may not be required on both sides. The program should be concerned with testing and demonstrating alternative courses of action in priority order while maintaining environmental quality, societal objectives and reasonable reserves.

Leadership must be exercised by the federal government using broadly representative advice and participation, and employing both public and private expertise and facilities.

The program must be concerned with immediate, short range (3-5 years) mid-range (5-15 years) and long range (15 years—end of fossil era).

The supply R.D. & D. must be concerned with all conventional fuels, conversions, and deliveries that are commonly recognized as well as environmental and social matters. It should also be equally concerned with unconventional sources and approaches for long range application. Attention must be devoted to creating incentives and streamlined contractual procedures and patent interests.

The demand R.D. & D. must be concerned with utilization, conservation, environment, economics, incentives, and education. It must utilize fully the social and behavioral sciences.

The program must be conducted in an open manner with attention to public information and opportunities for formal and informal input from the public.

There must be continuous overview of the R.D. & D. program from the perspective of total energy considerations and national objectives.

Planning and program evaluation coupled with needed adjustments in priorities or programs must be a major characteristic.

The R.D. & D. program must be a judicious mix of governmental, joint government/private, and private enterprises. Experience in the energy field, particularly, emphasizes the desirability of heavy use of the private sector for innovation and rapid transfer of new technology to commercialization.

Collection, analysis, and dissemination of date on manpower, fuel resources, and other pertinent factors as well as demands should be maintained on a regional, national, and international basis.

Universities should be encouraged to become heavily involved in energy R.D. & D. by conducting research and by developing qualified manpower in the technical, social, and managerial fields.

The Conference strongly favors competition while avoiding unnecesary duplication among qualified R. & D. entities whether within government, university, industrial, or private firms as a means of stimulating innovation, flexibility, and quality of R. & D. product.

We believe that the current generation of R.D. & D. programs and projects are sufficiently well identified that they should be undertaken without delay, but subject to the simultaneous establishment of planning, monitoring, and review processes. An example of an area urgently requiring attention is coal research and its conversion to cleaner and alternate forms.

MANAGEMENT OPTIONS

Discussions at the Conference included numerous administrative suggestions — only three elements of which are set forth in this report. These must be staffed and advised by individuals broadly representative of the industry and the various interests.

Meanwhile, a strong consensus evolved with regard to several principles of energy organization. One is that planning, implementation, and regulation must be administratively separated. A further point is that the weapons function should be clearly separated from energy research.

The Conference recognizes that at various times in our national history circumstances have required, and we have successfully forged new technological organizations. The Manhattan Project, the AEC, and NASA are successful examples of these. Yet, while these are examples of our organizational and managerial genius, they are not appropriate models of the organization required for energy at this time.

The Conference also recognizes that many institutional arrangements are both possible and have been proposed for energy R.D. & D. and the numerous and important related fields. The Conference feels that it is critically important that we not lose time in debating and deciding upon the optimum or ultimate total institutional arrangement. Therefore, it proposes that the three organizational elements for which it sees a clear need be established at once with further organizational form evolving if this proves desirable. Specifically we propose:

1. An Energy Policy Council be established in the office of the President. This is viewed as a small, powerful, and essential body comparable to the Council of Economic Advisers or the Council on Environmental Quality. This Board would advise the President on all matters concerning energy including planning, evaluation, and priorities; the R.D. & D. agency, and related elements throughout government; and the relations and implications of all energy matters to national policy, objectives, and programs.

2. An Energy Research, Development and Demonstration Agency be created as an independent agency with location in government comparable to the present NASA, AEC, or NSF.

3. A national Energy Research, Development and Demonstration Planning Body be created with responsibility to concentrate on energy R.D. & D. national strategy and separated from the ongoing tactical operational programs of the independent Energy Research, Development and Demonstration implementing agency. A major characteristic of this Planning Body would be the wide and very strong mix of government and industry representatives; of those concerned with supply of and demand for energy; and of those concerned with environment, quality of life and life-styles. While initially this R.D. & D. planning agency should be a separate organization, its ultimate organizational locus would be determined by experience.

ABOUT THE CONFERENCE

The Engineering Foundation Conference on "Energy Research-Management Alternatives to meet Regional and National Needs" met at New England College, Henniker, New Hampshire during July 15-20, 1973. The Conference organization, the six supporting work group reports, the list of participants, and the invited papers are contained in companion documents.

The Conference participants of some 75 persons were not only concerned with the subject issue, but brought together a wide variety of backgrounds. This was enhanced by documents provided from recent reports

primarily from the Legislature and Executive branches of the federal government. Our deliberations were prefaced and greatly stimulated by a number of prominent invited speakers.

The findings and conclusions are the responsibility of the individual conferees. While not every individual may fully agree with every point, broad consensus was obtained in the findings and recommendations expressed here.

It should be emphasized that the conference was concerned with research, development, and demonstration; but this was considered with reasonable appreciation of the much larger total energy question which is far more complex and almost boundless. There was also a conscious effort to consider previous national efforts in advanced technology and the potential roles of branches and levels of government, the private sector, the universities, and other groups.

FRAUDULENT LAND-SALE SCHEMES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. RUPPE), is recognized for 10 minutes.

Mr. RUPPE. Mr. Speaker, I am today introducing a bill aimed at fraudulent land-sale schemes, several of which have recently surfaced in my home area of northern Michigan. The story may well be familiar to you, inasmuch as public attention to this problem is growing daily.

An interstate land sales company sent out high-pressure salesmen through the small towns of Michigan, selling "investment mortgages" in "estates" in the Southwest, promising not only a regular investment income, but eventual ownership of beautiful terrain. The customers they pursued were almost without exception the elderly, especially retirees and widows, who are now in no position to recover from the loss of their life savings. Many invested thousands of dollars in a company they knew only through a door-to-door salesman and in land they had never seen.

Not surprisingly, those promised fat interest checks never appeared, and the company was not responsive when investors asked for their money back. Some people tried to foreclose on their "mortgages," only to be told that land was not worth a fraction of the selling price without the promised improvements.

This kind of fraud must stop. Unfortunately, it exploits one of most Americans' most treasured dreams: owning your own land, especially owning land at the right place and at the right time to make a profit. Too many purchasers have bought remote pieces of ground with no facilities and no future, despite warnings to the contrary.

I believe that all of us here in Congress have a legitimate concern in this area, whether we are from a State whose land is being exploited by these promoters, or whether we represent constituents who are being defrauded. All those who deplore deception should be offended by those abuses.

Congress recognized this problem in the late sixties, and passed the Interstate Land Sales Full Disclosure Act, designed to halt the sale of parcels of desert and swamp to unsuspecting buyers. The heart of the act was disclosure. It required each company promoting interstate land sales to file reports with the Department of Housing and Urban Development to reveal vital information on financing, geographical considerations, the availability of water, and so forth. A copy of the report is to be furnished to the buyer, and functions as the primary safeguard.

This clearinghouse function of the Office of Interstate Land Sales is vitally important. However, I believe the time has come to recognize the need for a more vigilant role for that Office. Regulation in a variety of areas has shown that too often the consumer remains unprotected largely because of his ignorance of the safeguards available to him.

Unfortunately, there has been a widespread tendency both among the public and the land development industry to misconstrue the act's intent. This may be due to ambiguity in the language of the act, or hesitancy on the part of the industry, which may have feared a detrimental effect on its marketing practices. However, in the years since the act took effect, I believe it can be fairly said that the vast majority of legitimate land developers in this country have recognized the need for legislation. They want to help clean up the good name of the industry which has been smeared by the operations of a handful of unscrupulous developers.

I am today introducing a series of amendments to the Interstate Land Sales Full Disclosure Act, designed to clear up any remaining ambiguities about the purpose of the act, and to strengthen the Office of Interstate Land Sales Registration. These amendments will change the emphasis of the program from that of data-collection to investigation and regulation. Overall, it will help correct those problems which have appeared since enforcement of the act began several years ago.

These amendments are aimed at easing the burden of enforcement of the act, encouraging a tougher stance by the Office of Interstate Land Sales, and making recovery a reasonable possibility. First, it eases the burden of proof on the purchaser to prove he was the victim of misrepresentation. Next, it extends the "cooling-off" period during which the purchaser has a chance to reflect on the deal he has made and perhaps check on its legitimacy. This cooling-off period is now denied those whose contract says that the purchaser acknowledges being given all the necessary disclosure papers. My amendments would not allow this vital protection to be signed away in the fine print of the contract.

This bill will also make it clear that it is unlawful for any developer to sell lots without furnishing an adequate bond to insure that the developer delivers all that he promised. Most important of all, this bill would direct the Interstate Land Sales Office to take affirmative action as to each development within its jurisdiction. Not only would they furnish information to those who are well enough informed to ask for it, but they would investigate the extent and accuracy of each registration and every alleged misrepresentation.

Mr. Speaker, there is something in our national character that treasures the ownership of land. My purpose in introducing this legislation is not to thwart or obstruct that natural tendency, but to assure that the American dream of owning one's own little corner of the world cannot be destroyed by a few unscrupulous land developers.

PUBLIC SAFETY OFFICERS BENEFIT ACT OF 1973

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, today I am introducing a bill that I believe to be most urgent legislation. This bill passed the Senate in March of this year, and I am hopeful that it will pass the House and become law when we return from the August recess.

This bill provides that when a public safety officer has been killed in the line of duty and the direct and proximate cause of such death was a criminal act or an apparent criminal act, the Law Enforcement Assistance Administration shall pay a benefit of $50,000 to the specified persons under the act.

Public safety officer means a person serving a public agency as a law-enforcement officer including a corrections or a court official.

The risk of lethal violence faced daily by peace officers in city after city across the country has increased in the past few years. In my city of San Antonio we have witnessed the shameful occurrence of four deaths of law-enforcement officials in a matter of a few months this year.

Public safety officers, dedicated to their law-enforcement careers, are not nearly so concerned with their low salaries as they are of maintaining and preserving the security of their families. Legislation such as this bill will give them this well-deserved security.

This bill will also cover prison guards. The prison guard in recent years has been faced with an increase in violence within the prison system. It is obvious to all that we need prison reform, but we will always need guards, and unless these men and women feel that their families will be provided for if something should happen to them, we are not going to find the qualified people needed for these positions.

I recently received a sad letter from a resident of Texas who related to me the story of her friend's brother who was a prison guard at Arizona State prison and was killed while on duty this past June.

This young fellow's wife is Korean and has not lived in the United States very long. She was, as you can imagine, very dependent upon him. They also have three small children, which she must now raise without a father. I think we would all agree that this is a very sad situation for this woman and her family, and if this bill I am proposing today becomes law, this young woman and her family will be in some way compensated for their great and tragic loss. Money can in no way replace a human life but it can lessen the hardships that the families will have to suffer.

Crime knows no jurisdictional boundary, nor respects the color of a law-enforcement officer's uniform. Each officer, whether sheriff, deputy, highway patrolman, policeman or prison guard, must be fully cognizant that death may come to him in the performance of his sworn duties.

I believe these guaranteed benefits would improve the quality of law enforcement by lifting the morale of those who enforce the law. Thus, this proposed legislation would have at least two positive results; direct financial benefits to the families of slain public safety officers, and improved law enforcement.

I urge that this legislation be passed as it is the moral obligation of this country to adequately compensate those who risk their lives to protect all of society.

STATEMENT BY THE AFL–CIO EXECUTIVE COUNCIL ON THE ADMINISTRATION TRADE BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 5 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, time and again, both in the Ways and Means Committee and on the House floor I have spoken about the damages being inflicted on U.S. industry and the American laborer by the unfavorable trade policies this Nation has been burdened with in recent years. I have fought long and hard to protect the industrial economic base of this country and I have been backed in this effort by the organized average American working man and woman. Too often the voice of this truly "silent majority" is stifled by the overwhelming influence of lobbyists and fat cat tycoons who spend their tax-free profit dollars in efforts to prevent the Congress from enacting laws that will benefit the everyday worker and consumer. Now, with the defeat of amendments in the Ways and Means Committee that would provide for only the most minimal safeguards to threatened U.S. industries, we are faced with an administration trade bill that not only will cost thousands upon thousands of workingmen their jobs, but also surrenders to the President unlimited authorities that Congress will never be able to control. Every Member of this House should stop 1 minute and listen to the laborers of America. I am including in the RECORD the official policy statement of the AFL–CIO on the administration's trade bill, H.R. 6767, and suggest that this concise document be carefully reviewed in light of the continual erosion of America's economic power.

Following is the text of the AFL–CIO statement:

STATEMENT BY THE AFL–CIO EXECUTIVE COUNCIL ON ADMINISTRATION TRADE BILL, OAK BROOK, ILL., AUGUST 2, 1973

Much of America's current economic distress can be directly traced to misguided and misapplied foreign trade and investment policies.

The American worker, public and businessman are all suffering from erosion of the U.S. industrial base, the battering of the dollar and deepening trade deficits.

Trade legislation currently being drafted in the Congress fails to deal with the realities of the Seventies and would, in fact, accelerate the calamity facing the U.S. industrial society.

In a specific test vote, the House Ways and Means Committee rejected a provision that would have established minimum safeguards against the torrent of imports that are sweeping away American jobs.

In a contrary move, the committee accepted provisions that would provide the President with virtually unlimited authority to reduce to zero the minimum trade safeguards that now exist. Badly hit U.S. industries, such as chemical and allied products, apparel, electronics, shoes, steel products, steel, stone, clay and glass, autos and aircraft would suffer further heavy erosion or stunted growth as a result of the bill's provisions as they now stand.

In April, when the Administration's trade bill was introduced, the AFL–CIO categorized it as bad legislation. The trade bill that is now taking shape in committee is equally bad, having only cosmetic changes that appear to restrict the President's authority and appear to give the Congress control over trade agreements, but do not.

The bill provides no specific machinery to regulate the flood of imports. It does not deal at all with the export of U.S. technology and capital to other parts of the world where corporations can maximize profits and minimize costs at the expense of U.S. production and jobs. It does nothing to close the lucrative tax loopholes for American-based multinational corporations which make it more profitable for them to locate and produce abroad.

As it stands now, unless the committee reconsiders some tentative decisions and takes action to provide adequate and specific safeguards to meet these deficiencies, the bill is worse than no bill at all.

Unless it is revamped, the AFL–CIO must urge the House to defeat the Administration bill. We would then ask the House to turn to consideration of the Burke-Hartke bill which provides a comprehensive framework for restoring America's economic health and regaining the necessary balance in international trade.

A VETERANS' PENSION PROPOSAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. GUNTER) is recognized for 5 minutes.

Mr. GUNTER. Mr. Speaker, on July 30 the U.S. House of Representatives approved H.R. 9497 which provides for a 10-percent cost-of-living increase to veterans, widows, and children receiving nonservice-connected pensions as well as dependent parents receiving dependency and indemnity compensation.

According to that indomitable defender of veterans' causes, the Honorable OLIN E. "TIGER" TEAGUE of Texas, the Veterans' Administration has assured the Congress that the bill will restore practically all of the reductions in pensions which occurred as a result of the 20-percent social security rate increase last year.

This is all well and good for this year. But what about next year? And the year after that?

Because 90 percent of all social security payments is counted in determining total annual income of a veteran, a social security increase may cause an actual reduction in pensions depending on the exact amount of the increase and the amount of other income received by the veteran or dependent.

In fact, the Veterans' Administration released figures showing that 1.2 million pensioners had a reduction in their VA pensions as a result of the social security increase enacted in 1972. The VA also released figures that revealed that some 20,000 pensioners were dropped from the pension rolls entirely and 15,000 of these pensioners stood to suffer a loss in aggregate income as a result of the social security. Hopefully, the Senate and House will agree on a formula or a straight increase that will prevent this from happening.

More importantly, though, there should be a means to prevent automatically increases in social security benefits from decreasing a man's or woman's pension. Most of those receiving veterans pensions are social security recipients as well.

Today, I am introducing legislation which would provide that monthly social security benefit payments shall not be considered as income in determining eligibility for pensions. The bill would also increase income limitations so that veterans might earn a little more money, if they wish, and not suffer a loss in pension.

Specifically, this legislation would:

Increase the income limitation from $2,600 to $3,000 for single veterans with no dependents.

Increase from $3,800 to $4,200 the income limitation for those with dependents.

Increase the maximum pension payments for single veterans from $130 to $140 a month; for a veteran with one dependent from $135 to $150 monthly; a veteran with two dependents from $140 to $155 a month; and a veteran with more than two dependents from $145 to $160 monthly.

Deletes social security payments from the maximum income limitation test.

One of the recommendations of the U.S. Veterans Advisory Commission, established by President Johnson, stated:

> The Commission recommends that pensions as a benefit for war veterans and their survivors, should be maintained as a federal program providing financial aid above and beyond the levels of public assistance and that, within reasonably improved limits, increases in other form of income should not adversely affect veterans' pensions . . .

It is time that we put the Commission's recommendation into practice.

"SWEETHEART" ANTITRUST AGREEMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. JAMES V. STANTON) is recognized for 30 minutes.

Mr. JAMES V. STANTON. Mr. Speaker, I am today introducing legislation, which closely follows S. 782, authored by the distinguished Senator from California, the Honorable JOHN TUNNEY, except that my bill contains a retroactive feature. Both bills establish new procedures for settlement of antitrust cases via a consent decree. Only July 18 the Senate approved S. 782 by a unanimous vote, and I commend Senator TUNNEY for his keen perception and diligent work in initiating action on this vitally important subject.

About 80 percent of all antitrust cases are settled by consent decrees, which are agreements between the Justice Department and the defendant, approved by the court, as to action to be taken to remedy violations of law. By this procedure, a costly and time-consuming trial is avoided. However, the procedure has the disadvantage that a full airing of the facts usually does not take place, and indeed, it may even degenerate into a process for ratifying, quickly and quietly, an agreement which gives mere lipservice abating the violations, and lets stand the serious abuses that prompted the suit. In short, the decrees may take on the aspects of a "sweetheart" agreement.

The bill I am introducing today guarantees that in all efforts to settle through a consent decree, there will be an opportunity for significant involvement by both the courts and the public. Presently there is a 30-day period for comment by interested parties on the terms of the consent decree offered by the Justice Department. This legislation extends that period to 60 days.

Presently the Department of Justice provides no more information on the terms of the proposed settlement than that which can be contained in a brief press release, the circulation of which is relatively limited. This legislation requires the Department to publish a whole series of facts relevant to the case, including a complete description of the alleged violations of the law, an outline of the possible solutions that were considered, and an explanation of how the proposed settlement will deal with the practices or conditions enumerated in the complaint. In order to insure that this information receives wide dissemination, the bill further requires that the material be published in both the Federal Register, and in local newspapers. A related provision requires that the defendant file with the court information on communications it has had with Government officials.

Presently the Department of Justice is not required to respond to any of the comments it receives on the proposed settlement. This legislation requires that the Justice Department respond to all such comments, and that the response be both filed with the court and published in the Federal Register.

Finally, this legislation makes clear that the court is to take an active role in the proceedings, and not merely rubberstamp what is presented by the defendant and the Justice Department. In its consideration of the proposed settlement, the court is authorized to take into account all of the above information, and whatever else can be adduced through a hearing, the calling of expert witnesses, or other means, as the court sees fit.

Mr. Speaker, I became aware of the pressing need for this legislation through the work I have done in urging that an antitrust case now before the U.S. District Court in Cleveland, Ohio—United States against Standard Oil Co. of Ohio—be resolved promptly, and in a manner that serves the public interest. In my many communications with the Attorney General and others, I have been trying to accomplish in this specific case what this bill would mandate in all antitrust cases: a well-informed and comprehensive review of the proposed consent decree by the court and the public.

My initial concern over this case stemmed from the seemingly interminable delay the case encountered in its initial stages. The case was filed by the Justice Department in September 1970, and it was not until May 1973, that a proposed consent decree was filed. I have serious reservations about this consent decree, believing it to be, quite frankly, a capitulation by the Justice Department. For the information of my colleagues, I am attaching copies of the most recent correspondence I have had with Attorney General Richardson and U.S. District Court Judge Thomas Lambros. Also attached is a memorandum I received from the Northern Ohio Petroleum Retailers Association, outlining its objections to the consent decree.

Judge Lambros, a distinguished and highly regarded jurist, acted in a constructive manner by extending the period for comment and by holding, on July 16, a hearing on the consent decree. Judge Lambros has taken the case under advisement. Originally he planned to issue a ruling by the end of July, but on July 31, he stated that because of the complexities of the case, a decision would not be reached until September 10.

I believe the disclosure requirements of the legislation I am introducing today should be applied to this case, as well as to the ITT and other cases, and so my bill includes a section making certain of these requirements applicable to all consent decrees filed after December 31, 1972. I urge that the House act expeditiously to improve the antitrust laws in the manner contemplated in this bill.

Following are the items referred to above:

CONGRESS OF THE UNITED STATES,
Washington, D.C., May 30, 1973.

Hon. ELLIOT RICHARDSON,
Attorney General of the United States, Department of Justice, Washington, D.C.

DEAR MR. RICHARDSON: This letter to you is in connection with an important antitrust matter, Civil Action No. C 70–895, United States v. The Standard Oil Co. (Ohio), pending in U. S. District Court, Northern District of Ohio. For your information, Justice Department attorneys have entered into a tentative agreement with the defendant resulting in a consent decree which, if approved by the court, will terminate this case very soon.

The reason for this communication is to urge you, while there is yet time, to abrogate the aforesaid agreement, as I seriously doubt that it is in the public interest, or failing that action, that you ask the court (as I have done) to continue this matter so you will have an opportunity to review personally the issues that are involved, and all the circumstances of this case. (I enclose a copy of my letter of May 16 to the Honorable Thomas B. Lambros, the federal judge in whose courtroom this litigation is pending).

I think it is entirely appropriate that you undertake such a review—and that you make your own independent decision because the timing of this matter is such that, obviously, you will bear the ultimate responsibility for how the case is concluded—even though you have had no hand in the developments that have brought the case to its present stage and, until now, no authority of influence over the proceedings.

Although I am not a party in this case. I have been watching its rather slow progress because I feel that the litigation is very much in the interests of my constituents, many of whom are customers of Sohio or other oil companies whose pricing policies are affected by Sohio's actions. This matter has assumed, recently, even greater urgency because of the shortage of gasoline and resultant projections that the price per gallon of gasoline is likely to rise steeply.

It is possible that, after familiarizing yourself with the facts, you might agree with me that *no settlement* of this case, whatever its terms, would be in the public interest—and that what is really required, to assure public confidence in the fairness of these proceedings, is a public airing of all the issues in open court.

In this connection, I might point out that the enclosed letter from your Justice Department to the defendant, dated May 2, indicates that the federal prosecutors are basing their agreement, at least in part, on the "oral representation" from the company.

To assist you in your review, I am taking the liberty of enclosing also a memorandum to me, dated February 13, from the Honorable Raymond J. Grabow, counsel for the Northern Ohio Petroleum Retailers Association.

Sincerely,

JAMES V. STANTON,
Member of Congress.

CONGRESS OF THE UNITED STATES,
Washington, D.C., May 16, 1973

Hon. THOMAS B. LAMBROS,
U.S. District Court,
Federal Court House,
Cleveland, Ohio.

DEAR JUDGE LAMBROS: This letter to you is in connection with Civil Action No. C 70–895, United States v. The Standard Oil Co. (Ohio).

On behalf of my constituents, I am asking that you refrain at this time from entering a final judgment in this case, and that you extend the 30-day period for the filing of views and objections by outside parties. These 30 days, of course, date from May 2, 1973, when a consent settlement was filed with your court, reflecting an agreement between attorneys for the Justice Department and the company.

Although I am not a party in this case, I have been watching its rather slow progress because I feel that the litigation is very much in the interests of my constituents, many of whom are customers of Sohio or other oil companies whose pricing policies are affected by Sohio's actions. This matter has assumed, recently, even greater urgency because of the threatened shortage of gasoline and resultant projections that the price per gallon of gasoline is likely to rise steeply.

The reason for my request to you is to give me time to state my objections to the consent settlement. I intend to make my views known to the U. S. Attorney General, but, as you know, the present occupant of that office, Mr. Richard Kleindienst has resigned and is staying on only until his successor is qualified and takes over. Although President Nixon has named Elliot Richardson to the position of Attorney General, this nomination is being held up by this Senate because of controversial issues that have been raised by the appointment.

Therefore, I am in a position at this time where it would be pointless for me to write to the present lame-duck Attorney General, and inappopriate to write to the incoming Attorney General, whose identity is not known to me, since Mr. Richardson's nomination may or may not be confirmed. Further more, even if the nomination is confirmed, the 30-day period in the case before you may have lapsed by that time.

Therefore, again, I respectfully ask that you continue this matter until such time as I have had an opportunity to make my views known to the new Attorney General.

Sincerely,

James V. Stanton,
Member of Congress.

Office of the Attorney General,
Washington, D.C., June 6, 1973.

Hon. James V. Stanton,
House of Representatives,
Washington, D.C.

Dear Congressman Stanton: This will acknowledge receipt of, and thank you for, your letter of May 30, 1973, requesting that I withdraw the consent of the government to the proposed judgment in U.S. v. The Standard Oil Company (Ohio), Civil Action No. C 70–895, in the United States District Court for the Northern District of Ohio.

I have reviewed the materials accompanying your letter and a copy of the proposed consent decree. However, inasmuch as I am still in the process of familiarizing myself with my new responsibilities, I do not think it appropriate in this case for me to reverse the action heretofore approved by the Antitrust Division under my predecessor.

The Antitrust Division, I am sure, is dedicated to the achievement of the same goals which you seek: lower prices for the consumer, adequate supplies of gasoline, and the freedom of independent businessmen to make their own individual decisions in economic matters. I doubt that a court will approve the entry of a decree which does not adequately serve these ends.

In this connection, I am advised that a petition for leave to intervene in this proceeding has been filed on behalf of the Northern Ohio Petroleum Retailers Association. Although it is the Department's policy to oppose formal intervention in proceedings of this nature, we do urge the courts to hear the views of those who object to decretal provisions as amici curiae. This procedure will be followed in this case, and I am sure that the court will have the benefit of and will carefnlly consider both your objections to the decree and those of NOPRA. To give the Antitrust Division additional time to consider your objections and those of NOPRA, we have requested an additional 15 days before the court considers whether it should enter the proposed decree.

I am sure that you can understand my reluctance to intervene on short notice in a matter which has been handled in its virtual entirety under my predecessor. However, I have instructed the Antitrust Division to give careful consideration to the views expressed in your letter as well as the objections of any other person in this proceeding.

Sincerely,

Elliot L. Richardson.

Cleveland, Ohio,
February 13, 1973.

Re United States of America against the Standard Oil Co. (Case No. C 70–895).

Hon. James V. Stanton,
Member of Congress, Longworth Building,
Washington, D.C.

Dear Congressman: As you are keenly aware, the above-mentioned anti-trust case has been pending in the District Court in Cleveland, Ohio for since September 19, 1970. During the entire period of its pendency, you have been most diligent in attempting to have the case resolved without the passage of an unreasonable period of time. Unfortunately, the wheels of justice at the Justice Department have not moved with speed but at a turtle's pace—and, one wonder's how fast the case may not have moved without *your* diligent concern and repeated inquiry.

As you also aware, there is presently being considered at the Department of Justice (Anti-Trust Division), a proposed "Consent Entry" which if authorized by the department, and approved by Standard—and the Court, would conclude the case. A copy of a Plain Dealer news article dated February 11, 1973 is enclosed for general background information. I have been asked by James V. Cresente, Executive Director of the Northern Ohio Petroleum Retailer's Association, with whom you are familiar, to acquaint you with NOPRA'S position with respect to the contemplated consent decree being weighed by the parties to conclude the case.

Specifically, it is NOPRA's position that the consent entry does not go far enough to prohibit Standard Oil Company's marketing practices as related to their anti-competitive practices and their use of a method of marketing designated presently as "Incentive Manager Stations". The lawsuit was originally filed after the Justice Department assumed jurisdiction of the subject matter from the Federal Trade Commission; all this happening after NOPRA filed a formal, written and detailed Complaint with the FTC. In the Justice Department suit, SOHIO was accused of utilizing a marketing method of distribution known as "Commission Manager Stations". Thus, as a result of the so-called "C-Manager" operation, SOHIO was accused of controlling and influencing the price of gasoline and petroleum products being sold to the public within the State of Ohio and northeastern Ohio in particular.

In the suit filed by the Justice Department, and among the relief prayed for, was the request that SOHIO be enjoined and restrained from continuing, in any manner, to carry out, directly or indirectly, the agreements (C-Managers Stations), * * * and from engaging in any other agreements *having a like or similar purpose or effect.* (Emphasis given by us).

Almost immediately after the suit was filed, SOHIO proceeded to phase out the so-called "Commission Manager Stations" and began to introduce a hybrid-system of marketing outlet called "Incentive Manager or I-Manager Stations". Virtually, the same procedures were to be followed by the station manager whose income was derived from "commissions" on petroleum sales but whose scope of authority and jurisdiction was still rigidly controlled by SOHIO. By the use of the new hybrid system of "Incentive Managers" employees of the I-Manager are paid by the company, with the payroll being deducted from the commissions earned by the I-Manager. Many significant problems are generated from this method of operation, including the remaining and unanswered question—Who really controls the station? Is it the I-Manager or is it SOHIO? If the station is company-controlled, then the employees at the station properly are subject to being unionized; if not, then the employees are technically not available for unionization. If company controlled, SOHIO can still set and influence the price of petroleum products, such as in the objectionable "Commission Manager System"—the same as SOHIO can, we insist, under the hybrid system of "Incentive Manager", *and soon!*

It is NOPRA's position that the Justice Department has directly if not tacitly permitted SOHIO, ever since the filing of the lawsuit in September of 1970, to permit SOHIO to set up its "Incentive Manager Marketing System"—a hybrid, which still has the same effect upon the consumer market as the Commission Manager system. Also, since the Justice Department has asked that all similar methods be restrained, we believe that the obligation is incumbent upon the Justice Department to terminate any use of the "Incentive Manager System" as well. Simply putting a new facade on the same objectionable system is no way to conclude an offensive business practice by SOHIO. Gasoline and oil prices will still be influenced by SOHIO should this hybrid-system be allowed to exist. Either a station is company operated, or dealer operated! If company operated then SOHIO has a right to determine its pricing policies . . . but *not* when a station is dealer operated. Obviously, the effect on the consuming public as to *gasoline prices* is more than apparent.

NOPRA has communicated this same position to the Cleveland representatives of the Justice Department who have assured us that our objections would be forwarded to Washington for further consideration as related to the proposed consent decree. We are concerned that this lawsuit will be terminated by the Justice Department in a blaze of "fanfare" . . . but with the same anti-competitive end result—"Incentive Manager Stations", the old monster with a face-lift.

We are preparing to request the District Court, when the Consent Decree is presented for approval by the Justice Department, to voice our objections. However, we feel that your continued intervention and concern about the suit is needed to protect the consuming public from high gasoline and oil prices. We continue to solicit your support and will be pleased to provide further information to you should you believe it is needed.

Thank you.

Raymond J. Grabow.

FEDERAL PROPERTY ACT AMENDMENT IN CRIME CONTROL ACT OF 1973

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Holifield), is recognized for 15 minutes.

Mr. HOLIFIELD. Mr. Speaker, I wish to speak about section 525 of H.R. 8152, the Law Enforcement Assistance Amendments to the Omnibus Crime Control and Safe Streets Act of 1968. As it has emerged from conference, it contains an amendment to one of the donable surplus property provisions of the Federal Property and Administrative Services Act of 1949, as amended. The apparent objective of section 525 was to add law enforcement programs to the purposes for which surplus personal property may be given to eligible donees under the Federal donable property program. However, section 525 amends only subsection 203(n) of the Federal Property Act; and therefore it falls short of that objective. Section 525 should also have amended subsection 203(j). That subsection establishes the three broad categories of purposes for which donable property may be transferred to eligible recipients. These are education, public health, and civil defense. Section 203(j) also contains authority by which the Administrator of General Services, upon appropriate determinations by the Secretary of Health, Education, and Welfare or the President, may in his discretion, donate the surplus property.

Neither section 525 nor any similar provision of H.R. 8152 was part of the bill as it passed the House. It is a Senate floor amendment accepted in conference.

The Federal Property Act falls within the legislative jurisdiction of the Committee on Government Operations. As chairman, I am naturally concerned by the existence of section 525 of H.R. 8152, which section was brought to my attention only after the conference report on H.R. 8152 was submitted to the House on July 26. My concern has been made even stronger because the attempt to bring law enforcement programs into the donation program appears, from a legislative standpoint, to be defective in that it fails to include amendments to the operative language for the donation program in subsection 203(j) of the Federal Property Act. Subsection 203(n), with or without the amendment, is simply an administrative and housekeeping provision for facilitating the implementation of the donation program by authorizing cooperative agreements between Federal agencies and the State surplus property distribution agencies. The latter are State instrumentalities required by the Federal Property Act itself with a mission of assisting in the distribution and control of property donated within each State to eligible recipients. It is my judgment that the language of subsection 203(n), as amended by section 525, does not authorize the Administrator of General Services to make donations for the benefit of law enforcement programs. Subsection 203 (n) is specifically tied to donations made pursuant to subsections 203(j) (3) or 203 (j) (4). As I stated, neither of these paragraphs is amended by section 525 of H.R. 8152.

The result is that we seem to have a legislative anomaly. Even applying liberal standards of statutory interpretation, I believe that the implementing authorities; namely, the Administrator of General Services and the Administrator of the Law Enforcement Assistance Administration, are not given an adequate legislative base for taking any affirmative action to make donable property available for law enforcement programs.

The Federal donation program was created as a result of action by our committee. For many years, the committee had a special subcommittee specifically charged with jurisdiction over operations and legislation relating to the donation program. Our former Speaker, John McCormack, and our former colleague, John Monagan, chaired such subcommittees. Thus, the donation program has received continuous intensive oversight by our committee from its inception.

In this Congress, the legislative and investigative responsibility for this program has been assigned to the Government Activities Subcommittee, under the chairmanship of Congressman JACK BROOKS. That subcommittee now is making a full investigation of the operations and objectives of the donation program. Pending before that subcommittee today are 10 different bills that would open up the donation program to such additional categories of recipients as State fish and wildlife agencies, volunteer firefighting organizations, and public museums. The problem of adding new categories of eligibles is difficult. Thorough justification, along with careful property selection and distribution guidelines, must be provided when consideration is being given to new groups eligible to take from the declining volume of available surplus personal property.

This case well exemplifies, Mr. Speaker, the need of the House and the various committees to give close attention to the jurisdictional concerns of our Government Operations Committee when amendments to the Federal Property Act are included in other legislation. I am sure that all committees recognize this practical principle, and I hope the future will see it adhered to more strictly, so that we may avoid the kind of problem created now by the defective amendment of the Federal Property Act found in section 525 of H.R. 8152.

IN SUPPORT OF ESTABLISHING AN AMERICAN FOLKLIFE CENTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO), is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, our rich ethnic and cultural heritage of crafts, folk art, music, and dance is one of America's most treasured possessions. It reflects the values, traditions, dreams, and experiences of a multitude of people of different ethnic backgrounds working together to build a new Nation. In our increasingly urbanized and mechanized society, it is a reminder of the individual independence and initiative, freedom of expression and creativity, which have made our country great.

We live in a time in which the whole pattern of American life is undergoing considerable change. One might say, in fact, that the promise of American pluralism is at last coming into its own. A year or two ago, the best-selling volume entitled "The Rise of the Unmeltable Ethnics" focused on the passing of the 19th century "melting-pot" ideal of American society, an ideal which sought to blur the distinctiveness and identity of every group, reducing everyone to a kind of "least-common-denominator." In its place, we see an emerging diversity in which the whole "melting-pot" image has been replaced by that of a tapestry or symphony, an image which recognizes and even accentuates the special character of each part.

It is my belief that a better understanding of the contributions of various races and faiths and ethnic backgrounds to our cultural heritage would contribute immensely to lessening tensions, eliminating prejudices, and bringing about a better understanding among people. To this end, it is essential that we preserve our cultural heritage and ethnic traditions. This can be done in many ways—by sponsoring folk festivals, by teaching our young people to enjoy and appreciate the songs, music, craftsmanship, language, literature, and art of their ancestors; by keeping alive the skills which produce them; and by supporting efforts to bring folk art and culture to people in urban areas.

I believe that this is a matter of appropriate concern to the Federal Government, and so today I am introducing a bill which would establish an American Folklife Center in the Library of Congress. This bill would make it a statement of national policy that the history of the United States effectively demonstrates that building a strong nation does not require the sacrifice of cultural differences; that American folklife has a fundamental influence on the desires, beliefs, values, and character of the American people; and that it is in the interest of the general welfare of the Nation to preserve, support, revitalize, and disseminate American folklife traditions and arts.

The proposed folklife center would be authorized to make contracts, grants, loans and scholarships to individuals and groups for the promotion of research, scholarship, and training in American folklife; for the organization and production of live performances, festivals, exhibits, and workshops related to American folklife; and for the production of exhibits, displays, audio-visual and other materials illustrating some aspect of American folklife. It would also establish and maintain an archive of all kinds of creative works, objects, materials, artifacts, and audio and visual recordings which can be loaned to museums, educational institutions, and other individuals and organizations, or disseminated and broadcasted over radio and television.

Mr. Speaker, it would be a great tragedy indeed if knowledge of the crafts, arts, and traditions that have contributed so richly to our cultural and ethnic heritage were to disappear from the American scene. Our young people, in particular, need a better understanding of that heritage to give them a sense of identity and individuality, as well as tolerance for the differences of others. Too often, instead of a real appreciation for the contributions of various ethnic groups to the development of our Nation, what they get are demeaning stereotypes.

In recent years educators and textbook writers have given greater attention to the treatment of minority groups in our textbooks, but we still have very far to go toward teaching our young people about the positive and tangible contributions of ethnic groups to American culture and experience. There is a great and urgent need for more research and scholarship, for teaching and resource materials, for more demonstrations and festivals of folk arts and crafts, and for means of preserving arts, crafts, and traditions which might otherwise be lost.

An American Folklife Center located in the Library of Congress could fill this need. I urge my colleagues' support for early action and speedy passage of this legislation.

THE 183D ANNIVERSARY OF THE U.S. COAST GUARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. MURPHY) is recognized for 15 minutes.

Mr. MURPHY of New York. Mr. Speaker, August 4, 1973 marks the 183d anniversary of the U.S. Coast Guard. This organization is aptly referred to as the "humanitarian branch" of our armed services. It has a reputation for being one of the most efficient and effective units within our Federal service. Today I would like to express a few words of appreciation for the brave men and women serving in the Coast Guard.

It was Alexander Hamilton who established what evolved into our modern Coast Guard. In 1790, as first U.S. Secretary of Treasury, Mr. Hamilton called for the establishment of the Revenue Cutter Service. The Cutter Service merged with the Lifesaving Service to form the modern Coast Guard in 1915. The Coast Guard remained with the Treasury Department until the formation of the Department of Transportation in 1967.

Today the Coast Guard has a force of approximately 38,000 officers and personnel, 300 ships, 170 aircraft and 2,000 boats. The Coast Guard distinguishes itself as being a small and versatile branch of our armed services. An officer can be a cutter today and assigned to port safety function next year. Even Coast Guard equipment is designed for multipurpose use. Modern cutters are suited to both search and rescue and oceanographic duties. Coast Guard helicopters fly anti-pollution patrol, lift heavy loads for the construction of navigational aids and carry flood victims to safety.

The Coast Guard is made up of highly competent men and women many of its career people having been educated at the Coast Guard Academy in New London, Conn. During the past decade, the Academy upgraded and modernized its education curriculum for aspiring young cadets. Writes H. R. Kaplan:

> Sea duty, however traditional, is only one aspect of an officer's career. Of increasing importance is knowledge of modern managerial techniques, psychology and many other related fields of administration. Some of these young men will have the responsibility of representing their country on international maritime groups . . . they will have to be able to think in global rather than purely service terms. The more parochial concept of education, which served well enough in an earlier day, no longer suffices.

Included in the ranks of the Coast Guard is an organized unpaid volunteer force of 37,281 dedicated men and women. The volunteers conduct an educational program to encourage safe boating, inspect motorboats for safety regulations and aid the regular Coast Guard in time of emergency. Recently this group helped in the fight to control the raging floods of the Mississippi River. Without their help, thousands of people would have died and the loss of property would have been far greater than it was.

Because authority is both coordinated and decentralized, the Coast Guard can perform a variety of tasks, domestically and globally. The Coast Guard was once primarily a defense service: in World War II, Coastguardsmen fought and died in the European and Pacific theaters, in the Atlantic, Pacific, Mediterranean and the Carribbean, and during the Vietnam conflict, the Coast Guard had patrol ships stationed in Indo-Chinese waters. Today, its primary defense duty consists of protecting fisheries. Off Alaska alone, there are 31,383 statute miles which the Coast Guard must protect. The late Nick Begich, Member of Congress from Alaska, said last year:

> An area of particular concern to Alaskans (is) our fisheries (which) are increasingly being taken over by foreign fishing fleets, and unless increased protection of these fisheries is forthcoming, the economic impact on Alaska will be quite devastating. . . .
>
> The Alaska Legislature . . . commends the United States Coast Guard for its foresight in designing ships of the secretary class and in particular for assigning a secretary-class ship to temporary duty in Alaska waters. . . .
>
> The United States Coast Guard is urgently requested to assign one or more ships of the "Mellon" class to duty in Alaska on a permanent basis, the only means by which our fisheries may receive increased protection from foreign encroachment.

The day-to-day functions of the Coast Guard are concerned with marine transportation and coordination. Coast Guard radio equipment keeps all U.S. ships alerted about potential navigational hazards; U.S. surface navigation capability and national presence in the polar regions depend on Coast Guard icebreakers. The International Ice Patrol locates, tracks, and reports the presence of icebergs to all participating ships.

Cooperation and teamwork are the keynotes of the Coast Guard philosophy. The automated merchant vessel report—AMVER—is a voluntary program operated by the Coast Guard whereby merchant vessels of many nations voluntarily furnish daily reports of their position, course, speed, and destination. The information is fed into a computer which maintains a continuous plot of the 5,600 ships which participate in the system. If a ship reports that it has problems, the AMVER computer quickly determines which nearby ships will be able to render aid.

AMVER is only a part of the Coast Guard's Search and Rescue duties. For years now, the Coast Guard has been hoping to coordinate a world-wide search and rescue force. Just 2½ years ago, the air and rescue seminar was held to create such a force. The United Nations Intergovernmental Maritime Consultative Organization—IMCO—requested that the Coast guard bring together 23 nations to study the feasibility of "Universal Search and Rescue—The Possible Dream." Participants in the Seminar included representatives from Australia, the Bahamas, Canada, Denmark, France, West Germany, Greece, Iceland, Ireland, Israel, Italy, Japan, Liberia, the Netherlands, Norway, Panama, Poland, Spain, Sweden, the Union of Soviet Socialist Republics, the United Kingdom, the United States and Yugoslavia. Recommendations on particular problems were made by the Seminar on Search and Rescue Operations, Search and Rescue Communications, Search and Rescue Incidents and Search and Rescue Safety Programs. Today, a coordinated international network exists to answer the ever-mounting demand for search and rescue assistance.

The Coast Guard is also charged with the enforcement of Federal laws concerned with the orderly flow of seaborne commerce. Last year, the National Transportation Safety Board recommended and Congress passed legislation to empower the Coast Guard to establish traffic control systems in navigable waters where chances of accidents were high. The Board urged this action because the number of collisions on United States navigable waters increased from 735 in 1966 to 821 in 1970. To control sea-traffic, the Coast Guard first approves plans of vessels for design before construction. When the vessels have been constructed, they are monitored by the Coast Guard during loading and unloading operations. The Coast Guard makes periodic safety inspections all year round. In heavily trafficked areas, sea lanes have been established to further prevent potential collisions. And, an advisory system based on a radar plot of all traffic and close communications between the center and the participant ships has now been created.

If, however, an accident does occur, the Coast Guard, true to its motto of Semper Paratus, that is, always ready, is prepared. The Coast Guard aids in the fight against water pollution by controlling massive oil spills in offshore areas. A research and development program conducted by the Coast Guard yielded excellent results. Writes Suzanne Montgomery in "Undersea Technology:"

> A new system . . . to remove the oil cargo from a damaged tanker may well be a critical "band-aid" for use in averting a major pollution incident. The Coast Guard-developed system basically involves the air-drop of pumping equipment and huge collapsible plastic bags next to a stricken tanker. The oil cargo is transferred to the 500-ton capacity bags, which are then towed by surface craft to pier facilities.

This system is dubbed ADAPTS—Air-Deliverable Anti-Pollution Transfer System. ADAPTS is part of the early detection procedures used by the Coast Guard to enforce the Water Quality Improvement Act of the Environmental Protection Agency.

I think that it is apparent that the Coast Guard is one of the most valuable branches of our Armed Forces. I am especially interested in Coast Guard activities because I am the chairman of the Subcommittee on the Coast Guard and Geodetic Survey and Navigation of the House Merchant Marine Committee. Of particular significance to me is the fact that the Coast Guard is responsible for carrying out pollution control activities. The problem of the pollution of our waters by oil from ships as a result both of collisions and dumping of waste is of concern to the Coast Guard Committee. And, I intend to continue, intensify and expand the efforts of the committee to see that our ports and waterways are made safe and free of pollution.

The Coast Guard Committee exercises oversight responsibility over all of the activities of the Coast Guard. It has jurisdiction over the authorization—appropriations for the Coast Guard for ships, planes, shore facilities and installation—of programs involving the acquisition, construction and improvement of facilities.

It has been my pleasure to sponsor a bill that Congress passed which authorized $103 million for the Coast Guard. This sum will, among other things, pay for the following:

The procurement of vessels and aircraft.

The construction of shore and offshore establishments for the Coast Guard.

Funds for payments to bridge owners for the cost of alteration of railroad and public highway bridges to permit free navigable waters of the United States.

The establishment of a vessel traffic system in the New York Harbor.

The establishment of the vessel traffic system in the New York Harbor is very important to me; the Ports and Waterways Safety Act of 1972 did not call for any such traffic system. Corps of Engineers statistics show 350,465 vessel transits of New York Harbor in 1971. Coast Guard casualty data for 1971 cite 34 collisions and 21 groundings. New York Port Authority estimates that in 1970 every fourth vessel entering was a tanker.

The project will be a phased approach to providing an integrated traffic system using VHF–FM communications, improved aids to navigation, limited electronic surveillance, and a manned traffic center for coordination of traffic movements on the waterways around New York. The traffic center will be located on Governor's Island. New York, and the service will be available 24 hours a day.

I was also happy that men and money for long range navigational systems that had been eliminated by the Office of Management and Budget were restored by Congress as a result of subcommittee hearings. The restoration of these funds will correct a major foul-up by the administration that would have jeopardized the navigational needs of the United States major nuclear weapons system, and international air and maritime commerce.

Currently, I am working to pass H.R. 5384, a safety measure which would change loadline standards from a ship's weight to its length. This bill would also make it a criminal offense to permit an overloaded vessel to depart from a port in violation of a detention order or alter prescribed loadline marks.

It is not only the activities of the Coast Guard which concern me; I also am interested in the continued modernization of the organization of our Armed Services which would provide for fair and equal treatment to all personnel. For this reason, I am sponsoring legislation to provide for the full integration of women into the Coast Guard Reserve. The service no longer needs a segregated Women's Reserve functioning outside the mainstream of the Coast Guard. This legislation would allow women to both train and serve on active and inactive duty as an integral and equal part of the Coast Guard team.

The Coast Guard Reserve was first authorized in 1941, with membership limited to males. In 1942, the Women's Reserve—termed SPARS, an acronym for the Coast Guard motto, Semper Paratus—was set up as a branch of the Coast Guard Reserve. In 1943, the act was repealed, and all of the women then in the Coast Guard Reserve were separated from the Service. In 1949, the Women's Reserve was re-established as a branch of the Coast Guard Reserve. My proposal, which will afford equal treatment to all members of the Coast Guard regardless of their sex, is long overdue.

Mr. Speaker, I would like to insert into the RECORD a list of bills that will come before the Coast Guard Subcommittee in September and the months to follow after our August recess:

LIST OF BILLS

H.R. 8175—To amend title 14 of the United States Code in order to require prior congressional approval of any action by the Commandant of the Coast Guard to change the location of, consolidate or discontinue any Coast Guard establishment.

Coast Guard Medical Care—An Administration bill to transfer authority for medical care of Coast Guard members from the Public Health Service to the Coast Guard and authorizes use of physicians and other medical and dental personnel and facilities from other Federal agencies and the civilian sector on a reimbursable basis.

Omnibus Coast Guard Bill—Contains numerous minor amendments dealing with personnel benefits and clarifying Coast Guard's authority.

H.R. 5975—High Seas Intervention in Oil Pollution Casualties. Implements the 1969 Brussels Convention concerning the right of a coastal state to take remedial action when threatened by oil pollution originating from a casaulty occurring beyond the jurisdiction of the coastal state.

H.R. 5384—Load Line Convention. Implements provisions of International Convention on Load Lines, 1966, which entered into force on July 21, 1968. Requires load lines on American vessels engaged in foreign trade and on foreign vessels on the Navigable Waters of the United States.

H.R. 7269—Deduction from Gross Tonnage for Slop Oil and Vessel Sewage. Permits vessels to deduct tank space used for carriage of slop oil and sewage and spaces containing machinery used exclusively for processing such materials from calculation of gross tonnage.

H.R. 735—Vessel Documentation Act. Enables owners of U.S.-flag vessels to register vessels economically and expeditiously.

Amendments to R.S. 4433 (46 U.S.C. 411) Concerning Boiler Pressure—Revises statutory control of standard boilers to keep pace with developments in the analysis and testing of materials which allow for safety protection at standards more liberal than in existing law.

H.R. 6120—A bill to permit the vessel MANATRA II to be inspected, licensed, and operated as a passenger-carrying vessel and for other purposes.

H.R. 4553—A bill to amend section 4171 of the Revised Statutes to allow the endorsement of certificates of registry of alternate masters.

H.R. 6262—A bill to strengthen the penalties for violation of the Great Lakes Pilotage Act of 1960.

H.R. 7308—A bill to amend the Great Lakes Pilotage Act of 1960 to limit the liability of Great Lakes pilots.

H.R. 1902 and H.R. 3141—To transfer the Coast Guard to the Department of Defense.

I believe that the 93d Congress will take action on some of the most significant Coast Guard bills of our time. It is gratifying for me to be working with an organization whose programs are rapidly expanding to meet the needs of the modern era.

At this point, I would also like to mention the important Intergovernmental Maritime Consultative Organization—IMCO—conference on maritime safety to be held in London from October 8 to November 2. This conference will bring together the 23 IMCO participant nations to update and coordinate the efforts to eradicate the pollution of our oceans and seas.

The London convention is an outgrowth of the September 1970 Committee on the Concerns of Modern Society meeting of NATO held in Brussels. The committee set forth the goal of cleaning our oceans by 1975, if possible, or at the latest by 1980. During the past months, the Marine Safety Committee of IMCO has drafted and approved the final text of a resolution which calls for the prevention of pollution from ships. I look forward to attending the Conference with U.S. Coast Guard representatives and wholeheartedly believe that global cooperation among those nations who have major maritime concerns will help us to attain our goal of preventing ocean and sea pollution.

Before I conclude, I would like to cite Adm. Willard J. Smith, former Commandant of the U.S. Coast Guard.

> I see the Coast Guard of the future continuing its present roles, probably on an expanded basis and certainly with a greater degree of public recognition. We are no strangers to marine sciences, Arctic development or the battle against pollution. Each of these fields seems destined to receive an increasing share of our national efforts. As they do, the work of the Coast Guard will become better known and we are likely to be given additional responsibilities.

I, myself, am confident that the Coast Guard will be fully capable of meeting the challenges that the future brings. Today, on the 183d anniversary of the Coast Guard, I salute those dedicated men and women who have served and continue to serve the best interests of our Nation in time of war and peace. The Coast Guard is truly one of the most valuable sectors of our armed services. It has been rewarding to work with "the Humanitarian Branch" and I look forward to helping the Coast Guard achieve its goals in the future.

INTRODUCTION OF AID TO LIBRARIES AND FREE FLOW OF EDUCATION AND CULTURAL MAIL ACT OF 1973

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. WILLIAM D. FORD) is recognized for 5 minutes.

Mr. WILLIAM D. FORD. Mr. Speaker, today I have introduced a bill entitled "Aid to Libraries and Free Flow of Educational and Cultural Mail Act of 1973."

This bill corrects an anomaly in the Postal Reorganization Act and places the shipments of books and other educational materials to libraries, educational institutions and individuals in the United States under the so-called library rate.

At the time of passage of the Postal Reorganization Act of 1970, shipments between libraries were pegged at the "library rate" and shipments to libraries and educational institutions were placed in the special fourth-class rate. The act also provided that within 5 years the rates for shipments of books and educational materials to libraries and other educational institutions would be at a level that would recover all costs incurred by such shipments.

This bill provides for 10-year phasing, rather than 5-year phasing, and provides further that the preferential treatment of books and other educational materials shall be continued for shipments not only between libraries but to and from libraries, educational institutions, and individuals.

Mr. Speaker, this legislation is necessary because the major victims affected by "special fourth-class" rate increases are schools and libraries. At least 75 percent of the materials shipped under the special fourth-class rate are books: Libraries and educational institutions receive approximately 50 percent of their books through the mail, and the postal charges are paid by the recipient—the schools and libraries. Within this group, the major victims are the small and rural libraries, which receive almost 90 percent of their books and educational materials through the mail.

Congress had determined that books as a class have a high educational, cultural, and scientific value no matter how they are distributed. The very same books may be purchased by an individual through a book club or in a book store, or he may have access to them through a public school or a college library, but under the existing law the postage rate to individuals and public libraries is the same and will reach fully attributable costs within the next 4 years. This bill stretches out the payment of the full rate for an additional 4 years.

Every dollar saved in postage is critical to the maintenance and quality of library service. Every dollar spent by libraries and schools on postage results in a dollar decrease in the amount of funds applicable for books and other educational materials. Because of this, and in light of the drastic cutbacks in the current budget for libraries, it is imperative that we give relief to the libraries and schools of our country by passage of this legislation.

The amount involved in this particular bill is a minimal amount as far as the Postal Service is concerned, but if it should not be passed, it will have a major affect on libraries and educational institutions in this country.

In times such as these, our Nation needs, and indeed must have, an educated citizenry. As Madison put it so succinctly:

> Knowledge will forever govern ignorance; and a people who mean to be their own governors must arm themselves with the power which knowledge gives.

Mr. Speaker, at this point I would like to insert the full text of this bill into the RECORD:

H.R. —

A bill to amend title 39 of the United States Code, with respect to financing the cost of mailing certain matter at reduced rates of postage, and other purposes

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, This act may be cited as the "Aid to Libraries and Free Flow of Educational and Cultural Mail Act of 1973."

SEC. 2(a). section 3626 of Title 39, United States Code, paragraphs (1) and (2) are amended to read as follows:

(1) the revenues received from rates for mail under former sections 4358, 4452(b) and (c), and 4554 shall not, on or after the first day of the ninth year following the effective date of the first rate decision applicable to this class or kind, exceed the direct and indirect postal cost attributable to mail of such class or kind (excluding all other costs of the Postal Service); and

(2) the rates for mail under sections 4359, 4421, 4422 and 4452(a) shall be equal, on and after the first day of the fifth year following the effective date of the first rate decision applicable to that class or kind, to the rates that would have been in effect for such mail if this subsection had not been enacted.

SEC. (3) section 3622 of Title 39, United States Code, is amended

(1) by renumbering subsection "(8)" as "(9)" and inserting a new subsection "(8)" as follows:

"(8)" the educational, cultural, scientific and informational value to the recipient of mailed materials; and".

CARL GREENBERG—EMINENT POLITICAL JOURNALIST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. REES) is recognized for 10 minutes.

Mr. REES. Mr. Speaker, Carl Greenberg, the distinguished, incisive political writer for the Los Angeles Times and former political editor of the Los Angeles Examiner, will be honored at a retirement dinner at the Century Plaza Hotel on August 14.

I do not think Carl is really retiring, but the rumor that he might be is certainly a welcome excuse to honor him, something that many of us who know Carl have wanted to do for years.

My reason for not believing that Carl is really retiring is based on the fact that before joining the Times Carl was with the Examiner for 30 years, and everyone knows that Hearst newspaper reporters, especially veterans of the police desk and the political beat, do not retire until at least their 80th birthdays. Carl will be 65 on August 19 and will probably keep writing for at least another 15 years—that old Hearst service feeling is too strong in his blood.

I first met Carl after my election to the California Assembly in 1954 when he was covering the Los Angeles and Sacramento political beat for the Los Angeles Examiner. When I found out, as a freshman assemblyman, that Carl had been a veteran police reporter before being assigned to politics, I became suspicious of the legislature, wondering why a police reporter was covering the workings of California's distinguished statesmen of the legislative branch.

Everything turned out all right. The qualities which Carl developed sitting in the press room of the Los Angeles Police Department—a nose for the facts, a sense of fairness, and a mental toughness to see through the shams of life—made him one of California's greatest political reporters.

Perhaps my most difficult election was my first reelection campaign in 1956. I was not expected to win. I had won 2 years before in a grueling door-to-door campaign intermixed with brilliant speeches and also, according to some cynics, because my opponent had been convicted of bribery 2 weeks before the election. The opposition wanted the seat back and acted like it all through the election. Other than the work of dedicated precinct volunteers, everything seemed to be going the wrong way. Carl interviewed me about his paper's endorsement, an endorsement I did not expect to receive. But, much to my surprise, the weekend before the election, I received the Examiner's endorsement. I won the election, after a recount, by 162 votes. Thank you, Carl. I know that the pressure you received from the Examiner was all the other way.

Those of us who have served with Carl, whether in Sacramento, Los Angeles, or on the campaign trail, will miss him if the rumors of his retirement are true. He represents the finest traditions in journalism, and his career has been such that it reinforces our historic concept and belief in the freedom of the press in this country.

My best wishes to you, Carl, and your lovely wife, Gladys—and thank you for your contributions toward making our society a better one in which to live.

Mr. CORMAN. Mr. Speaker, on August 14 of this year the many friends of Carl Greenberg will honor him. His outstanding abilities as a political journalist and equally outstanding qualities as a human being are more than ample reason for this tribute. Carl's acumen for the best in political reportage has given him an unparalleled place in the political milieu of California and the Nation.

As a reporter for the Los Angeles Examiner and the Los Angeles Times over the past 40 years Carl has expressed his knowledge and insight into politics for many grateful Angelenos. As a Congressman I know how important it is for all Americans to understand the complex yet intriguing aspects of politics. Carl's incisive articles and political editorship have given both the papers he worked for and simultaneously the field of journalism new heights of excellence in enlarging such understanding.

Carl Greenberg will be retiring soon and his columns in the Times will be missed by all of us who have come to depend on his perceptive analysis. I can think of no greater honor for a member of the fourth estate than to be respected and admired by his colleagues as well as those who have at times been the subject of his writings. Carl Greenberg enjoys this singular honor. As his friend and respectfully admirer, I extend my best wishes for a well-earned rest and for many years of health and continued success.

Mr. HOSMER. Mr. Speaker, on August 14 Carl Greenberg, an old and dear friend of mine, will retire as political writer for the Los Angeles Times. His execution of responsible newspaper reporting has gained him many devoted friends throughout California and elsewhere. As a token of my esteem for Carl, I request that the following letter I have prepared to be read at Carl's retirement dinner be inserted in the CONGRESSIONAL RECORD.

AUGUST 14, 1973.

Mr. CARL GREENBERG,
Los Angeles Times,
Los Angeles, Calif.

DEAR CARL: Somehow we all know in the back of our minds that tempus fugits, but only does it come to the forefront when someone like yourself decides to retire, which, in cases such as yours, turns out to be an occasion which rightfully drips with affection and nostalgia.

One of the good things about my career in politics has been the occasional opportunity over the years to enjoy your friendship and political acumen. Frankly, I doubt that things will really change very much after your retirement because I anticipate that you will manage to be as active in some way as you have always been which, of course, will continue to be a great job to your friends.

Nonetheless, on this occasion I must retread the usual and extend my best wishes to you for a long, happy, healthy and enjoyable retirement—which I know you are going to have anyway.

With fond regards,

CRAIG HOSMER,
Member of Congress.

Mr. PETTIS. Mr. Speaker, I rise to join my colleagues in paying tribute to Mr. Carl Greenberg who is retiring at the end of a distinguished career in journalism. Carl Greenberg has reported on politics for both the Los Angeles Times and the Los Angeles Examiner.

A well informed citizenry is a prerequisite for any republic. If our Nation is to thrive, there must be an uninhibited flow of information. Conscientious, hard working newsmen like Carl Greenberg are essential to this process; they have made it work.

I welcome this opportunity to add my congratulations on Mr. Greenberg's fine career to the many I am sure he will receive when he leaves the Los Angeles Times.

Mr. ANDERSON of California. Mr. Speaker, for over a quarter of a century, I have both respected and enjoyed the talent of the distinguished political writer, Carl Greenberg.

His interest in news reporting started at a young age, when he was a student at Los Angeles High School. He worked on the high school's daily, Blue and White, until he graduated in 1926. Three months later he began his professional career in reporting at the Los Angeles Express and the Los Angeles City News Service as a general assignment reporter. In 1943, Mr. Greenberg joined the Los Angeles Examiner where he was assigned to cover politics. Soon after the Los Angeles Examiner ceased publication in 1962, he joined the staff of the Los Angeles Times.

When I was in the California Assembly and then as lieutenant governor, I began to know Carl personally, as well as professionally, and I soon learned to appreciate the problems inherent in gathering news. I felt then, as I do now, that he was an extremely fair and objective journalist.

Throughout his career, Carl Greenberg has received numerous awards and honors. In 1957, the California Assembly adopted concurrent resolution No. 12 commending him for his "outstanding work as a political editor." Other honors include: the Associated Press Writing Contest Silver Award, an award by the Los Angeles Chapter of Theta Sigma Phi for best metropolitan news reporting, and a "resolution of commendation" from the directors of the California Newspapers Association. In addition, Carl Greenberg has been listed in Who's Who in America and Who's Who in the West.

Besides his noted activity in political journalism, Mr. Greenberg has been active in community affairs. Among the organizations of which he is a member are the Los Angeles Press Club, Los Angeles Lodge 487 of B'nai B'rith, Sigma Delta Chi, and Kappa Tau Alpha.

In addition to achieving success in the field of journalism, Carl Greenberg is a devoted family man to his wife of 43 years, Gladys, and their son, Howard.

Mr. Speaker, Carl Greenberg has truly done a great service to the Los Angeles community. Both the journalistic fraternity and the public will miss the incisive comments and critical analyses of this gifted writer.

Mr. BELL. Mr. Speaker, it has been brought to my attention that a distinguished writer for the Los Angeles Times is soon to retire. Carl Greenberg has written stimulating essays for many years, and I, along with many of his readers, will miss his interesting comments.

Mr. Greenberg contributed to the Los Angeles Examiner before joining the staff of the Times. His thought-provoking commentaries have done much to enlighten the readers of those newspapers. Today, when many political issues are covered by the press, the commentators provide invaluable insights into the important issues.

Mr. Greenberg's contributions will be long remembered by his reading public, and I want to take this opportunity to send him my best wishes and compliments on his fine work.

Mr. EDWARDS of California. Mr. Speaker, the American press is an institution of inestimable value to the freedoms of the American people. There have been few who have served that profession and the people of California better than the distinguished political writer Carl Greenberg.

Mr. Greenberg has been at the very heart of the major events in contemporary history. For 19 years, he covered the rise of Earl Warren from his days as attorney general through his years as Governor and Chief Justice of the Supreme Court. He had the opportunity to interview Presidents Richard Nixon, Lyndon Johnson, John Kennedy, and Harry Truman.

His in-depth stories have been honored by his colleagues in awarding him a "resolution of commendation" from the California Newspaper Association, and the Silver Award from the Associated Press. His many accomplishments have been acknowledged by the California Assembly which passed a resolution honoring his "outstanding work."

It is an honor to have known and been associated with a man of Mr. Greenberg's character and expertise. Carl Greenberg must be very proud to look back on such a successful and useful phase of his life. Now, with deadlines over, he can pursue his interests at his own pace.

Mr. CHARLES H. WILSON of California. Mr. Speaker, the Los Angeles Times and its vast readership will lose a fine political writer when Carl Greenberg retires later this year.

Carl, whom I have had the pleasure of knowing and working with throughout my tenure in public office, leaves behind him a remarkable 47-year career in journalism. For, immediately after graduating from Los Angeles High School, Carl began his newspaper apprenticeship in the classic way—as a copyboy and reporter for the Los Angeles Evening News.

From that time on, Carl Greenberg single-mindedly pursued his chosen profession, serving the city news service of Los Angeles and the Los Angeles Examiner before joining the Times in 1962. Because of his thorough orientation in the Los Angeles area and his extensive background in the newspaper field, the Times was indeed lucky to attract Carl's by-line.

Carl, who covered the California State Legislature for 19 years—and numbers among his many honors an award by the California assembly for "outstanding work as a political editor—is knowledgeable not only about State politics but possesses equal acuity on the national level. He has personally interviewed four Presidents: Truman, Kennedy, Johnson, and Nixon, and is widely respected in Washington as well as in Sacramento and Los Angeles.

Carl Greenberg's unquenchable curiosity and diligence, combined with his imposing reportorial skills, have won him the friendship and respect of his peers. The press community will turn out en masse on August 14 at a dinner in his honor where Gov. Ronald Reagan and former Gov. Pat Brown, both Greenberg fans, will co-host the festivities.

While we will miss Carl in his professional role, we thank him for serving the public so well in providing that "first rough draft of a history" which is the focus of responsible news reporting. I join with my California colleagues in wishing him and his wife, Gladys, many rewarding and happy retirement years.

Mr. DANIELSON. Mr. Speaker, I am sure that my colleagues are aware of the impending retirement of Carl Greenberg from his duties as the political writer for the Los Angeles Times. Mr. Greenberg has been deeply involved in the world of journalism since he began working as a copyboy for the Los Angeles Evening Express in 1926. Needless to say, he has acquired an awesome amount of experience over the years and has been given numerous awards for his outstanding work.

Carl Greenberg has played an important part in the political scene in southern California ever since I returned from World War II. His contributions to the political life of the Southwest have been many and great, and his fine writing will be sorely missed by devoted readers throughout the region and the country.

PERSONAL STATEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANIELSON) is recognized for 5 minutes.

Mr. DANIELSON. Mr. Speaker, the RECORD for July 30, 1973, lists me as not voting on roll No. 402, the vote on final passage of H.R. 9474, providing increases in the rates of disability and death pensions for veterans. I would like the RECORD to show that I am a cosponsor of this bill, that I was, in fact, present and voting in favor of this legislation, and cannot explain why I am listed as absent other than to assume there was a failure in the electronic voting device.

On August 1, 1973, important duties delayed me just long enough to make me miss the vote on Roll No. 415. If present, I would have voted in favor of the amendment to reduce the funds for salaries and expenses for the Office of Management and Budget by 5 percent.

DR. IRVING BENNETT NAMED OPTOMETRIST OF THE YEAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. CLARK) is recognized for 5 minutes.

Mr. CLARK. Mr. Speaker, I am very proud to commend a constituent of mine upon his being named optometrist of the year by the American Optometric Association at its recent congress. Dr. Irving Bennett of Beaver Falls, Pa., has served in community as an outstanding health care practitioner and has served his community in a civic sense as well, as a man who cares what course his home charts in its person-to-person relationships.

As Dr. J. C. Tumblin, outgoing president of the 17,800-member association, said in presenting the award to Dr. Bennett—

> He is a kind of person who is not satisfied with superficial volunteerism. His life of public services does not overflow with 1 year terms of office. Rather it is built solidly with years of the steadfast determination needed to accomplish worthwhile endeavors.

This concerned optometrist has not set about to compile a long impressive list of committee memberships and trusteeships. His contributions are impressive, nonetheless, for their impact upon the community life of Beaver Falls.

For 17 years, including 10 as president, Dr. Bennett has served on the citys board of education. During this period, the community built two new school buildings, merged school districts for more efficient operation, instituted a revolutionary merit system for teacher pay increases.

Dr. Bennett's 10-year tenure on the recreation commission, including 5 years as chairman, also was a period of accomplishment for Beaver Falls. The community swimming pool was desegregated, three new city playgrounds were built, as well as a city ice skating rink. He played a significant part in uniting the local Jewish community to build a community center.

He has been a prime organizer and president of the Beaver Falls human relations commission. He has served as vice president of the local community action committee of the Office of Economic Opportunity; member of the policy advisory committee for the local Headstart program; profession division chairman for the local United Fund; chairman of the United Jewish Appeal.

Dr. Bennett has served the interests of constantly updating and upgrading his profession. He has served as president of his county branch of the State association for the blind. He has been active in the movement of optometrists, eye physicians and the local Parent-Teacher Association working for a 6-year school vision screening program.

During his 25 years of service to optometry, Dr. Bennett has served for 5 years as volunteer executive secretary of the Pennsylvania Optometric Association. He worked to develop and served as secretary of the Society of Optometric Association Executives. Former editor of the Journal of the American Optometric Association, Dr. Bennett now edits Optometric Management.

This long record, with meaningful accomplishments, is hard to match. Dr. Bennett epitomizes concern for his profession and for his home community. He has not sought out glamor jobs. He has seen what needed to be done and set about doing just that. My congratulations to him on this national recognition as optometrist of the year.

NATIONAL HOME AND NEIGHBORHOOD PRESERVATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Miss HOLTZMAN) is recognized for 10 minutes.

Ms. HOLTZMAN. Mr. Speaker, my congressional district has experienced serious housing problems. Sixty percent of the housing units are over 40 years old. Thousands of homeowners and tenants live in these aged buildings, but are unable to finance necessary repairs and improvements. Moreover, many of my constituents are elderly persons, who must watch the homes they have already paid for deteriorate because they cannot afford to make repairs out of small, fixed incomes. Many are living in apartments owned by landlords who would like to make repairs on their properties, but cannot derive enough rental income to finance the costs. The problem of deterioration and abandonment has infected the Federal programs administered in my district. FHA now owns over 200 abandoned, and, in many instances, dilapidated properties. There is every indication that this is a problem in urban areas throughout the country. In Detroit, for example, FHA owns over 15,000 of these abandoned properties.

We must develop methods to preserve and improve the Nation's housing, otherwise housing quality will erode, houses will be abandoned, and neighborhoods will decline. I am introducing a bill designed to correct this problem which would create three ways to enable present owners to repair, preserve and maintain their properties—and our neighborhoods.

First, my bill provides for Federal insurance of mortgages to enable property owners with sound or near sound properties to refinance their mortgages at existing levels of monthly payment, in order to make repairs necessary to keep the property in sound condition. Property owners may also use this program to refinance often disastrous "balloon payment" provisions in older, conventional mortgages. In order to guarantee that tenants in buildings insured under this section will enjoy the benefits of sound housing without incurring unreasonable rent increases, the bill provides that the Secretary of the Department of Housing and Urban Development must consider tenants' comments on the condition of the property and the effect of any proposed rent increase.

Second, my bill provides for direct Government loans and grants to elderly or handicapped homeowners, to enable them to make repairs necessary to maintain the basic livability of their homes. In this regard, it provides flexible cost limits on the amount of loans and grants available, so that a homeowner in New York City could receive up to $6,000 in loans or grants.

Finally, the bill provides for emergency loans to homeowners who, because of temporary unemployment or illness, would otherwise be unable to meet existing mortgage payments or repair requirements.

It is crucial to the health of our cities and the housing needs of our citizenry that our existing housing is neither destroyed nor allowed to deteriorate by governmental action or inaction. I hope this legislation will be seriously considered and quickly adopted by this Congress.

STOCKPILING OF NERVE GAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. OWENS) is recognized for 5 minutes.

Mr. OWENS. Mr. Speaker, in past weeks I have become increasingly concerned about our national policy of stockpiling nerve gas. Some of my colleagues and I are today submitting a resolution and a bill which focus on the problem. Although I just sought cosponsors 2 days ago, already 26 Members have joined. Others, I hope, will do so later. In a colloquy on the floor earlier this week, Chairman HÉBERT of the House Armed Services Committee agreed that hearings would be held this fall on the bill.

This Nation needs to continue to maintain a strong defensive posture in the world. I realize this as well as all other Members and we see this need reflected and supported in our Defense Department budget. It is not my intention in calling for this renewed attention to the problem of chemical warfare to suggest that our defense posture should be weakened unnecessarily at the very time when a strong position is needed during this period of international disarmament negotiations.

However, much of what I read on the topic of chemical warfare suggests to me that there are considerable political disadvantages inherent not only in any use of chemical weapons but also in the position of any nation which has the capability to use these weapons on a large scale. One of the major political issues which evolved from our actions in South Vietnam concerned our use of herbicides. If there had been a definite and positive advantage which had accrued from such use which contributed significantly to the saving of American and allied lives and a humane shortening of that unfortunate war, much of the concern about the use of these chemicals might not have appeared. But this does not seem to have been the case. The United States has suffered severe disadvantages politically in the international arena in discussions of chemical disarmament as a result of such use and the military reports on the effectiveness of this chemical appear, at the very least, to be conflicting. Since these military reports are classified I have only the public discussions to guide me in this comment and these reports indicate that the military found only limited advantage in such use.

Other analyses of the effectiveness of chemical weapons suggest that the real advantage will accrue to the nation which first uses the weapons. Since we have already indicated that we will not initiate the use of such weapons, we seem to have already acknowledged that we do not need the advantage of a first use—and retaliatory uses would have less advantage. Again, I admit that I am not a tactical expert concerning the use of chemical weapons but the continuing arguments of analysts in this field suggest very strongly that the political consequences of initiating chemical warfare would be quite severe while the risks of escalating to nuclear warfare would be equally great in the event of such use.

In the interests of progress in our international negotiations on the control of chemical weapons as well as in the interest of resolving our current domestic dilemma concerning stockpiling, storage, and shipment of toxic chemical nerve agents, it seems to me that we need some immediate attention toward the completion of the task of formulating policies concerning the use of nerve agents. This task was only partially resolved during the President's examination in 1969 which led to the banning of biological weapons. The promise of ratification of the Geneva Protocol of 1925 has foundered in the semantics of definitions of chemical agents and the involvement of the United States in the Vietnam war. We are essentially out of that war—and it seems to me that 4 years is a long enough time to wait for the resolution of the definition of terms which seems to be blocking our first step toward the adoption of a treaty on chemical warfare, a step which will surely strengthen our further negotiations at Geneva on this subject.

What we are calling for in this resolution and this bill is not an attack on a news issue but a call for the completion of old business which should not be left undone any longer. If we do not resolve this question, openly in the public forum, we are going to continue to be subjected to isolated instances of hazard as are now occurring in Denver, where the Army is far behind schedule in eliminating a serious threat to the public health, and to the postponement of decisions on national policies, as in the Senate Foreign Relations Committee where we have been waiting for over a year for the resolution of the President's position on certain chemical agents.

Here, reprinted, are the bill and the resolution for Members to read.

RESOLUTION

A resolution to move forward toward immediate ratification of the Geneva Protocol of 1925, to request a public re-evaluation of the U.S. Policy which requires nerve gas stockpiles, and to require the Department of Defense to detoxify obsolete nerve gas presently stored near Denver, Colorado.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Whereas, the Geneva Protocol of 1925 banning use of chemical and biological warfare, authored by the United States, has never been ratified by the Senate because the question of whether herbicides and tear gas are covered by the Protocol has never been resolved, and

Whereas, the United States has conducted intensive and fruitful disarmament negotiations with other nations since 1969, and the United States position in negotiations to ban chemical weapons currently underway in Geneva is not clear because the United States has never ratified the Geneva Protocol of 1925, and

Whereas, adequate methods of inspection for possible violations in production of nerve gas not available in 1969, are being developed, and

Whereas, the Department of Defense did not detoxify the 463,000 gallons of nerve gas by 1973 stored at the Rocky Mountain Arsenal in Denver as pledged in 1969, and the Secretary of the Army has recommended that large stockpiles of nerve gas stored there be moved to the Tooele Army Depot in Utah, therefore,

Be it resolved, that it is the sense of the House of Representatives that both the President and Congress should resolve the position of the United States on the status of herbicides and tear gas so that the Senate may move forward toward immediate ratification of the Protocol, and

Be it resolved, that it is the sense of the House of Representatives that a public re-evaluation of the necessity for stockpiling nerve gas is needed at this time, and

Be it further resolved, that it is the sense of the House of Representatives that the Department of Defense should detoxify that amount of nerve gas which was to have been destroyed by now, and keep Congress informed of progress in meeting its timetable.

A bill to insure that no public funds be used for the purpose of transporting chemical nerve agents to or from any military installation in the United States for storage or stockpiling purposes unless it is the sense of the Congress to do so

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a new section following Sec. 409 (b) of the Act of Nov. 19, 1969 (50 U.S.C.C. 1512) is inserted as follows:

"None of the funds authorized to be appropriated by this Act or any Act may be obligated or expended hereafter for the purpose of transport of chemical nerve agents to or from any military installation in the United States for storage or stockpiling purposes unless the President has (a) made known to the Congress his position on the status of herbicides and tear gas under the Geneva protocol of 1925; (b) provided Congress with a reevaluation of the necessity for the United States policy of stockpiling chemical nerve agents, and (c) certified to the Armed Services Committees of Congress that such transportation is necessary in the interest of national security and that its disposal by detoxification would be seriously detrimental to the chemical weapon deterrent capability of the United States."

PROFITS BEFORE PATRIOTISM

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, I have spoken a number of times about the dangers inherent in the current energy crisis, not only to the standard of living we enjoy in the United States, but to America's position in the world community. As long as the United States continues to purchase vast amounts of oil from the Arab nations, we will be susceptible to the worst sort of political blackmail from them.

Time and again, Arab leaders in Libya and Saudi Arabia have intimated that, unless the United States abandons her traditional support for Israel, we face the risk of having our oil supply curtailed, and even cut off completely. While to date this has not happened, the Arab States are quite adept at striking fear into the hearts of American oil executives by their nationalization and price-raising schemes.

Apparently, one oil company has taken to heart the warnings constantly issued by the Middle Eastern oil producers. Standard Oil of California, it was reported in yesterday's New York Post, has sent a letter to its stockholders and employees, urging them to "support the aspirations of the Arab people and their efforts toward peace in the Middle East." This letter urged American support of the Arabs because Middle Eastern oil is vital to "the future welfare of the Western World."

This oil is not only vital to the welfare of our society; it is even more vital to the welfare of Standard Oil of California. At present the United States is importing some 5 million barrels a day of oil that is produced in the Middle East. This seems like a huge amount at first glance but, in fact, it is merely 7 percent of the U.S. consumption of crude oil. Last year, and this year until Canada herself began to run short, we imported more oil from Canada than we did from all the Middle Eastern oil producing nations combined.

What Standard Oil did not mention in its letter was that they are far more dependent on Middle Eastern oil than is the United States. In 1972, Saudi Arabia and Iran supplied a total of 61 percent of Standard's worldwide crude oil production, and Saudi Arabia alone supplied more than three times the crude oil Standard produced in the United States. Given figures like these, it becomes immediately apparent why Standard Oil is so concerned about U.S.-Arab relations.

Mr. Speaker, I think this behavior on the part of a major American corporation is unconscionable. Standard Oil of California is one of the eight largest oil producers in the United States, and one of the largest corporations in America. As such, it has a responsibility to more than making larger dividends for its stockholders. It has the responsibility of acting in the best interests of the United States. And a letter such as this can by no stretch of the imagination be in America's best interests.

What Standard Oil has done is to tell the Arab States that their political blackmail has found a willing victim, and that they can now continue in pressing their outrageous demands for the destruction of Israel without fearing an adverse reaction by the American Government. As long as the U.S. Government continues to operate under the policy that we must do everything possible to keep oil flowing from the Middle East, we will continue to be subject to such high-handed tactics from the Arab oil producers and their American customers.

We all are aware of the political clout a corporation such as Standard Oil of California has, particularly in the White House. That is what makes this letter even more damaging. At a time when Standard Oil of California has been named as a party to an FTC antitrust action, I find this action appalling. Standard Oil has a very capable body of lobbyists. Surely it need not turn its 240,000 stockholders into flag-wavers for the Arabs.

I think that this action underscores the need in this day and age to rethink our traditional assumptions about regulation of the energy industry and our consumption of energy. I would strongly support the divestiture of drilling and transportation from marketing in the oil industry. Incidents such as this convince me of the necessity for administering oil and refined petroleum products as a public utility. Such matters have become too important to be left entirely to private enterprise, particularly when private enterprise seeks to undermine a longstanding American policy of support for Israel.

JEWISH CEMETERIES DESECRATED IN WORLD WAR II

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, a few weeks ago I inserted some remarks on the work of Rabbi M. J. Rubin and his organization, Geder Avot, in the finding and restoration of Jewish cemeteries in Eastern Europe which had been desecrated by the Nazis during World War II. Reports are still coming out of Eastern Europe of cemeteries which were plundered, of Jewish headstones being used as paving for streets.

Rabbi Rubin and Geder Avot are carrying on their work under the dictates of the Torah, which sets strict requirements for the proper interment of the dead. Laying the dead to rest properly is a commandment which must be fulfilled by all Jews. He is on a holy mission, and I wish him and Geder Avot the greatest success in their efforts.

I would like to take this opportunity to correct an error in my earlier statement. At that time, I stated that Lvov, a city which had had its Jewish cemetery almost totally destroyed, was in Poland. This was in fact the case prior to World War II. But in the postwar settlements, Lvov became a part of the Soviet Union, under whose rule it remains today. This error in locating Lvov was inadvertent, and I thank those who were thoughtful enough to bring it to my attention.

There are, however, more than 2,000 Jewish cemeteries in Eastern Europe in a state of disrepair, if not total destruction. I would hope that the nations in which these cemeteries are located will assist Rabbi Rubin and Geder Avot in the work of restoration of Eastern Europe's Jewish heritage.

THE RIGHT TO FINANCIAL PRIVACY ACT OF 1973

(Mr. ROUSSELOT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ROUSSELOT. Mr. Speaker, today the Honorable CLAIR BURGENER, my colleague from California, and I have introduced a bill entitled, "The Right to Financial Privacy Act of 1973."

This bill is designed to protect the constitutional rights of citizens of the United States, and to prevent unwarranted invasions of privacy by prescribing procedures and standards governing the disclosure of financial information by financial institutions to Federal officials or agencies. CLAIR BURGENER and I, as members of the House Committee on Banking and Currency, believe this legislation is necessary to preserve the confidential relationship between financial institutions and their customers and the constitutional rights of these customers. Enactment of this bill would insure that the individual has the same rights of protection against unwarranted disclosure of records maintained in the financial institution as he would have if these records were maintained in his own possession.

The bill we have introduced today would allow the disclosure of a customer's records only if: the customer specifically authorizes the disclosure; the financial records are disclosed in response to an administrative subpena or summons providing the individual is notified by certified mail and directs the financial institution to comply, or the financial institution is served with a court order directing it to comply which is issued after the customer has been notified and has an opportunity to challenge the subpena or summons; a search warrant is obtained by the Federal official or agency which is served on both the customer and the financial institution; or a judicial subpena is issued with a copy being served on the customer and 10 days pass without notice that the customer has moved to quash the subpena.

A similar bill has been introduced by our colleague from northern California, the Honorable FORTNEY STARK, but the Rousselot-Burgener bill differs in that it does not preempt State and local laws regulating disclosure of customer information. Like legislation to govern actions by State and local officials and agencies has been introduced in California's State assembly, and it is entirely possible that other State legislative bodies might also wish to establish such regulatory controls as are appropriate to their individual requirements. The bill introduced by Mr. BURGENER and myself regulates only those actions of Federal officials and agencies.

Other financial privacy bills extend the regulating provisions to also govern actions by State and local officials and could possibly be in conflict with States rights. Also, other versions would only allow a financial institution to notify law enforcement officials of violations of criminal law suspected of being committed against the financial institution itself. The Rousselot-Burgener bill recognizes that in some rare instances the financial institution could have reason to suspect other violations of criminal law.

I urge that my colleagues review this important piece of legislation and consider it favorably when it comes before this House for a vote.

The bill follows:

H.R. —

A bill to protect the constitutional rights of citizens of the United States and to prevent unwarranted invasions of privacy by prescribing procedures and standards governing the disclosure of certain financial information by financial institutions to governmental agencies, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Right to Financial Privacy Act of 1973".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that—

(1) procedures and policies governing the relationship between financial institutions and government agencies have in some cases developed without due regard to citizens' constitutional rights;

(2) the confidential relationships between financial institutions and their customers are built on trust and must be preserved and protected; and

(3) certain reporting and recordkeeping requirements imposed on financial institutions by government agencies constitute a burden on interstate commerce.

(b) It is, therefore, the purpose of this Act to protect and preserve the confidential relationship between financial institutions and their customers and the constitutional rights of those customers and to promote commerce by prescribing policies and procedures to insure that customers have the same right of protection against unwarranted disclosure of customer records as they would have if the records were in their possession.

DEFINITIONS

SEC. 3. For the purposes of this Act, the term—

(1) "financial institution" means——

(A) a bank or trust company organized under the laws of any State or of the United States;

(B) a savings and loan association or building and loan association organized under the laws of any State or of the United States;

(C) a credit union organized under the laws of any State or of the United States; or

(D) any other organization chartered under the banking laws of any State and subject to the supervision of the bank supervisory authorities of a State.

(2) "financial records" means any original or any copy of—

(A) any debit or credit to a customer's deposit or share account with a financial institution; or

(B) any record held by a financial institution containing information pertaining to a customer's relationship with the financial institution.

(3) "person" means an individual, partnership, corporation, association, trust, or any other legal entity organized under the laws of a State or the United States.

(4) "customer" means any person patronizing a financial institution and utilizing service offered by that financial institution.

(5) "supervisory agency" means—

(A) the Federal Deposit Insurance Corporation;

(B) the Federal Savings and Loan Insurance Corporation;

(C) the Federal Home Loan Bank Board;

(D) the National Credit Union Administration;

(E) the Federal Reserve Board;

(F) the Comptroller of the Currency;

(G) any State department or agency which is required by law to perform periodic examination or audit of the financial records of non-Federal financial institutions; or

(H) any authority of any State or local government which the Secretary of the Treasury determines by regulation exercises supervisory functions substantially similar to those exercised by the agencies referred to in clauses (1) through (7) of this paragraph.

CONFIDENTIALITY OF RECORDS—GOVERNMENT

SEC. 4. (a) Except as provided by section 10, no officer, employee, or agent of the United States, or any agency or department thereof, may obtain copies of, or the information contained in, the financial records of any customer from a financial institution unless the financial records are described with particularity and—

(1) such customer has authorized such disclosure in accordance with section 6;

(2) such financial records are disclosed in response to an administrative subpoena or summons which meet the requirements of section 7;

(3) such financial records are disclosed in response to a court order which meets the requirements of section 8; or

(4) such financial records are disclosed in response to a judicial subpoena which meets the requirements of section 9.

(b) In any proceeding relating to such subpoenas, summons, and court orders, the customer shall have the same rights as he would have if the records were in his possession.

CONFIDENTIALITY OF RECORDS—FINANCIAL INSTITUTIONS

SEC. 5. (a) No financial institution, or any officer, employee or agent of a financial institution, may provide to any officer, employee or agent of the United States, or any agency or department thereof, copies of, or the information contained in, the financial records of any customer except in accordance with the requirements of sections 6, 7, 8, and 9.

(b) This section shall not preclude a financial institution from notifying law enforcement officials of violations of the criminal law suspected of being committed: *Provided*, That any access to customer records shall be governed by sections 4 and 5(a) of this Act.

CUSTOMER AUTHORIZATION

SEC. 6. (a) A customer may authorize disclosure under section 4(a)(1) if he furnishes to the financial institution or to those seeking a disclosure a signed and dated statement which—

(1) authorizes such disclosure for a period not in excess of three months;

(2) identifies the financial records which are authorized to be disclosed; and

(3) specifies the purposes for which, and the agencies to which, such records may be disclosed.

(b) No such authorizatiton shall be required as a condition of doing business with such financial institution.

(c) The financial institution shall notify the customer that he has the right to revoke such authorization at any time and the right to obtain a copy of the record which the financial institution shall keep of all examinations of the customer's record, including the identity and purpose of the person examining the record.

ADMINISTRATIVE SUBPOENA AND SUMMONS

SEC. 7. (a) An officer, employee, or agent of the United States or any department or agency thereof, may obtain financial records under section 4(a)(2) pursuant to an administrative subpoena or summons otherwise authorized by law only if:

(1) those serving such administrative summons or subpoena have first served a copy of the subpoena or summons on the customer in person or by certified mail, return receipt requested;

(2) the subpoena or summons includes the name of the intended recipient and, if applicable, the statutory purpose for which the information is to be obtained; and

(3)(A) the customer directs the financial institution to comply; or

(B) the financial institutional is served with a court order directing it to comply, issued after notice to and opportunity for the customer to challenge such subpoena or summons.

(b) Nothing in this Act shall preclude a financial institution from notifying a customer of the receipt of an administrative summons or subpoena.

SEARCH WARRANTS

SEC. 8. An officer, employee, or agent of the United States or any agency or department thereof, may obtain financial records under section 4(a)(3) only if he obtains a search warrant pursuant to the Federal Rules of Criminal Procedure. The search warrants shall be served upon both the customer and the financial institution. Examination of financial records may occur as soon as the warrant is served on the financial institution and the customer.

JUDICIAL SUBPOENA

SEC. 9. An officer, employee, or agent of the United States or any department or agency thereof may obtain financial records under section 4(a)(4) pursuant to a judicial subpoena only if—

(1) the supoena specifies—

(A) that the subpoena is issued for good cause and is material to the inquiry pursuant to which the subpoena has been issued; and

(B) that a copy has been served on the customer, in person or by certified mail, return receipt requested; and

(2) ten days pass without notice to the financial institution that the customer has moved to quash the subpoena. Where so notified, the financial institution may comply with the subpoena only when it is served with a court order directing it to comply, issued after determination of the customer's motion.

ACCESS

SEC. 10. Copies of, or the information contained in, financial records obtained pursuant to section 4 shall not be used or retained in any form for any purpose other than the specific statutory purpose for which the information was originally obtained, nor shall such information or records be provided to any other governmental department or agency or other person except where the transfer of such information is specifically authorized by statute.

EXCEPTIONS

SEC. 11. (a) Nothing in this Act prohibits the dissemination of any financial information which is not identified with or identifiable as being derived from the financial records of a particular customer.

(b) Subject to the limitations in section 10, nothing in this Act prohibits examination by or disclosure to any supervisory agency of financial records solely in the exercise of its supervisory function or the making of reports or returns required under the Internal Revenue Code of 1954.

RECORDKEEPING AND REPORTING

SEC. 12. Notwithstanding any other provision of law, the Secretary of the Treasury may not require an institution to maintain any financial records or to transmit any reports relating to customers unless—

(1) such records are required for use by a supervisory agency in the supervision of that institution; and

(2) such records are required to be maintained by the Internal Revenue Code of 1954.

JURISDICTION

SEC. 13. An action to enforce any provision of this Act may be brought in any appropriate United States District Court without regard to the amount in conroversy or in any other court of competent jurisdiction within three years from the date on which the violation occurs or the date of discovery of such violation whichever is later.

CIVIL PENALTIES

SEC. 14. (a) Any person, financial institution, or any officer, employee or agent of a financial institution, of the United States or any agency or department thereof, who obtains or discloses financial records in violation of this Act is liable to the customer to whom such records relate in an amount equal to the sum of—

(1) $100 for each violation;

(2) any actual damages sustained by the customer as a result of the disclosure;

(3) such punitive damages as the court may allow, where the violation is found to have been knowing or willful; and

(4) in the case of any successful action to enforce liability under this section, the cost of the action together with reasonable attorney's fees as determined by the court.

CRIMINAL PENALTIES

SEC. 15. (a) Any person, officer, employee, or agent of a financial institution, of the United States, or any agency or department thereof, who willfully and knowingly participates in a violation of this Act shall be imprisoned for not more than one year, or fined not more than $5,000, or both.

(b) Any person, officer, employee, or agent of a financial institution, the United States or any agency or department thereof, who induces or attempts to induce a violation of this Act shall be imprisoned for not more than one year, or fined not more than $5,000 or both.

INJUNCTIVE RELIEF

SEC. 16. In addition to any other remedy contained in this Act or otherwise available, injunctive relief shall be available to any person aggrieved by a violation or threatened violation of this Act. In the event of any successful action, costs together with reasonable attorney's fees as determined by the court may be recovered.

WAIVER OF RIGHTS

Sec. 17. No waiver of any right hereunder shall be valid, whether oral or written, and whether with or without consideration.

EFFECTIVE DATE

Sec. 18. The provisions of this Act shall become effective on the one hundred and eightieth day beginning after the date of its enactment.

A BILL TO AMEND THE FEDERAL SALARY ACT OF 1967

(Mr. ROUSSELOT asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ROUSSELOT. Mr. Speaker, today I am introducing a bill to repeal the present procedures for adjusting the pay of Members of Congress, Federal judges, and top Federal executives. The bill repeals the quadrennial commission concept and provides two separate mechanisms for approval of salary increases for the executive, legislative, and judicial branches. Under this legislation, the Civil Service Commission would conduct a review taking into account the pay comparability of these positions as well as the appropriate level of pay, and report recommended rates of pay for Members of Congress, legislative branch employees, Federal judges, and high-level Federal officials. By July 1 of each year, the Civil Service Commission is required to make recommendations to the President on its salary review of top-level executives, and the Commission would also tender its recommendations for salary adjustments for Members, legislative branch employees, and Federal judges directly to Congress on the same date, July 1. The President would submit to Congress only those recommendations with respect to the rates of pay for executive schedule positions, and Congress would review those recommendations that apply to the judicial and legislative branch. The President's recommendations shall be considered in each House not later than 30 calendar days of continuous session of Congress. If each House adopts by a yea-and-nay vote, a resolution of approval, the recommendations shall become effective. The bill specifies that it is the intent of Congress that any increase should not exceed the percentage increase in the Consumer Price Index for the period since the preceding pay adjustment, and that the Congress shall act as soon as possible on the Commission's recommendations.

The new procedures for the studies and recommendations with respect to pay will begin January 1, 1974.

In addition the bill provides for a pay increase for Members of Congress, Federal judges, and top executive officials this year in the same amount as that which will be given to other Federal employees and effective on the same date. This amount is unofficially estimated to be 5.5 percent effective January 1, 1974.

I urge that my colleagues review this bill for favorable consideration when it is brought before the full House for vote of the membership.

The bill follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 225 of the of the Federal Salary Act of 1967 is amended to read as follows:

"Sec. 225(a). Each year the Civil Service Commission shall conduct a review of the rates of pay of—

"(A) Senators, Members of the House of Representatives, Delegates to the House of Representatives, and the Resident Commissioner from Puerto Rico;

"(B) offices and positions in the legislative branch referred to in subsections (a), (b), (c), and (d) of section 203 of the Federal Legislative Salary Act of 1964 (78 Stat. 415; Public Law 88–426);

"(C) justices, judges, and other personnel in the judicial branch referred to in section 402(d) and 403 of the Federal Judicial Salary Act of 1964 (78 Stat. 434; Public Law 88–426); and

"(D) offices and positions under the Executive Schedule in subchapter II of chapter 53 of title 5, United States Code.

"Such review by the Commission shall be made for the purpose of determining and providing—

"(i) the appropriate pay levels and relationships between and among the respective offices and positions covered by such review, and

"(ii) the appropriate pay relationships between such offices and positions and the offices and positions subject to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates.

"(b) Reports by Commission to Congress and to the President.—(1) The Commission shall submit to Congress by July 1 of each year a report of the results of each review conducted by the Commission of the offices and positions within the purview of paragraphs (A), (B), and (C) of subsection (a) of this section, together with its recommendations. It is the intent of Congress that in no event shall the rates of pay be increased to levels higher than the then existing rates of pay increased by the percent rise in the Consumer Price Index (United States city average—all items) during the period beginning with the month during which the then last preceding pay raise was enacted and ending with the month preceding the month during which the current recommendations were submitted by the Civil Service Commission to Congress. It is the further intent of Congress that the recommendations be acted upon as soon as possible after submission to Congress.

"(2) The Commission shall submit to the President by July 1 of each year a report of the results of each review conducted by the Commission of the offices and positions within the purview of paragraph (D) of subsection (a) of this section, together with its recommendations.

"(c) Recommendations of the President With Respect to Pay.—The President shall transmit to Congress not later than August 31 his recommendations with respect to the exact rates of pay which he deems advisable for those offices and positions within the purview of paragraph (D) of subsection (a) of this section. In no event shall the recommendations of the President propose rates of pay which exceed the then existing rates of pay increased by the percent rise in the Consumer Price Index (United States city average—all cities) during the period beginning with the month during which the then last preceding pay raise was approved by the Congress and ending with the month preceding the month during which the current recommendations were submitted by the President.

"(d) Approval of Recommendations of the President.—(1) The recommendations of the President transmitted to the Congress under subsection (c) of this section shall be considered in each House not later than the thirtieth calendar day of continuous session of Congress following the date of transmittal of such recommendations. If each House adopts a resolution of approval of such recommendations, the recommendations shall become effective. In all such cases the vote of each House shall be determined by the yeas and nays. For the purpose of this paragraph the continuity of a session is broken only by adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the thirty-day period.

"(2) The rates of pay contained in the recommendations so approved shall become effective on the date or dates fixed by the President in the recommendations transmitted under subsection (c) of this section.".

Sec. 2(a). The first section of this Act shall be effective January 1, 1974.

(b) The rates of pay for those offices and positions within the purview of subsection (a) of section 225 of the Federal Salary Act of 1967, as amended, shall be adjusted to an amount equal to such rates increased by the average percent of increases in the 1973 pay adjustments under section 5305 of title 5, United States Code, and shall be effective on the first day of the first pay period that begins on or after the effective date of such 1973 pay adjustments.

AID TO LIBRARIES

(Mr. QUILLEN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. QUILLEN. Mr. Speaker, today I join in introducing a bill entitled "Aid to Libraries and Free Flow of Educational and Cultural Mail Act of 1973."

Briefly stated, the bill seeks to insure the long-standing precedent of congressional intent in its determination that books as a class of mail have a high educational, cultural, and scientific value.

The bill provides for a stretchout of the full rate increase for books and other educational materials to a period of 10 years rather than 5.

Further and importantly, it seeks a redress of an oversight in the Postal Reorganization Act of 1970 by including in the library rate the shipment of books and educational materials to libraries, educational institutions, and individuals. Presently the statute only applies to shipments of materials between libraries.

At a time when schools and libraries face an ever-worsening budget crisis, this bill represents a considerable savings to those institutions and individuals. The facts clearly show that at least 75 percent of the volume of materials shipped now by special fourth-class rate consists of books, of which half go to libraries and educational institutions—thus making the students of the Nation, both young and old, among the prime beneficiaries of this legislation.

I want to state clearly that the purpose of this legislation is not to set rates but merely to reaffirm a long-standing congressional policy to insure the free flow of ideas through the mails. In 1901, then Postmaster General Charles Smith summarized this in these words:

> Our free institutions rest on popular intelligence, and it has from the beginning been our fixed and enlightened policy to foster and promote the general diffusion of public information. Congress has wisely framed the postal laws with this just and liberal conception. It has uniformly sought to encourage intercommunication and the exchange of intelligence.

The Congress has since that time sought to carry out the mandate of fostering the dissemination of educational, cultural, and scientific informational matter through favorable postal rates and special mail classifications. I believe we would be remiss if we were to turn our backs on this long-standing congressional policy.

GOOD CHOICE FOR EPA

(Mr. GUDE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, as you know, it was recently announced that the President has appointed Mr. Russell E. Train, former Chairman of the Council on Environmental Quality, to be the new Administrator of the Environmental Protection Agency. I would like to first offer my sincere congratulations to Mr. Train, and know that my colleagues join me in wishing him much success in his new position.

Russell Train has a long and proven record of leadership in working to improve our environment. The President deserves special commendation for his considered appointment of Mr. Train to what is surely one of the most important positions in Government—to the extent that the decisions which that Agency must make so directly affect the everyday lives of every American citizen. I am certain that Russell Train will bring with him the same strong voice on behalf of a cleaner environment to EPA that he so frequently demonstrated in his position at CEQ.

The Washington Star-News of August 2, 1973, ran an editorial on Mr. Train's appointment. I would like to share with my colleagues the well deserved praise the Star has given him:

GOOD CHOICE FOR EPA

> All available evidence suggests that President Nixon made an excellent choice the other day in selecting a new chief for the Environmental Protection Agency. It's true that Russell E. Train has no experience in administration on the large scale he now must grapple with, but neither does anyone else we know of who holds high credentials as an environmental leader. And these Train certainly has, along with a good deal of talent and persuasive ability.
>
> The latter has been exercised lately in his strong contention—voiced to businessmen and others—that environmentalism is getting an unfair rap as a creator of economic and energy problems. Such claims are vastly exaggerated, he argues, with some rather impressive documentation.
>
> His leadership of the Council on Environmental Quality, since its formation in 1970, has produced highly valuable results, in studies, recommendations and legislation. But his most striking achievements have been in mobilizing international action to curb ocean pollution, and protect endangered species of animal, marine and plant life all over the world. Progress in these areas has been truly remarkable in the past year, and Train was in the forefront as this country's representative at international conferences.
>
> As head of the private Conservation Foundation, he was defending the environmental ideal for several years before entering government. Now comes his supreme test, for the EPA faces a severe dilemma in applying some difficult provisions of the Clean Air Act. Modifications in the law are proposed, and there will be pressures for more flexibility in other fields of pollution control as the pinch becomes more painful here and there. Train will occupy the position at which environmentalism and economics collide, as they surely will in some major instances. The question is, how much will he bend? To the very minimum that's required, we hope.
>
> That seems to be the message, too, in his statement that the EPA will continue to operate with the same independence assumed under its able first administrator, William D. Ruckelshaus. And Train emphasizes that the burden of proof will be on those who want to ease the environmental restrictions fixed by law. These are encouraging assurances, and we hope he proves equal to the pressures of politics, and divergent interests, that surely will converge with increasing momentum upon his agency.

THE 20TH ANNIVERSARY OF U.S. INFORMATION AGENCY

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, the Vice President of the United States has issued a statement in observance of the 20th anniversary of the establishment of the U.S. Information Agency. With the unanimous consent of the House, I would like to include Vice President AGNEW's statement at this point in the RECORD. The statement is as follows:

> It gives me great pleasure to join in celebrating the twentieth anniversary of the United States Information Agency.
>
> The activities of the USIA have imparted to people throughout the nations of the world a better understanding of the way of life we Americans treasure. Through the Agency's publications, libraries, educational and cultural programs; through the person-to-person contacts provided by USIA officers; and through the broadcasts of the internationally respected Voice of America, our message has been transmitted clearly to hundreds of millions who might otherwise never have received it.
>
> Today, as confrontation gives way to negotiation, clear communication becomes even more imperative. Paradoxically, as the world shrinks it becomes more complex, and as old animosities abate, subtle distinctions become increasingly significant. In such a period, our policies and goals must be communicated with special precision to the other peoples of the world. I am confident that USIA will continue to carry out this task with distinction.

THE DELAWARE RIVER

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, today I am introducing legislation to include a portion of the Delaware River, which flows between the States of New York and Pennsylvania, in the National Wild and Scenic Rivers System.

I am honored that the distinguished ranking minority member of the House Interior Committee, the gentleman from Pennsylvania (Mr. SAYLOR); the distinguished chairman of the House Interior Committee's Subcommittee on National Parks and Recreation, the gentleman from North Carolina (Mr. ROY TAYLOR); the gentleman from New York (Mr. GILMAN) and the gentleman from Pennsylvania (Mr. MCDADE) are joining with me as cosponsors of this legislation.

In 1968 the Wild and Scenic Rivers Act was passed by the Congress and signed into law by the President. This landmark legislation provided that it is "the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations."

The act established a National Wild and Scenic Rivers System administered by the Department of the Interior and designated eight rivers in the West and Midwest for immdiate inclusion in the System. In addition, 27 rivers, among them the upper Delaware River between Hancock, N.Y. and the Matamoras, Pa., were listed for detailed study as potential additions to the system.

The segment of the Delaware River which was studied flows about 76 miles between the States of New York and Pennsylvania, dividing New York's Catskill Mountains from Pennsylvania's Pocono Mountains. The area surrounding the river, in Wayne and Pike counties in Pennsylvania and Delaware, Sullivan, and Orange counties in New York, is characterized by wooded, rolling or rugged hills with scatterings of small settlements, farms, and clearings. Numerous streams feed into the Delaware River, and some stretches of "white water" are found along the river's course. The overall impression created by this twisting, gleaming river and its verdant valley is one of scenic and tranquil beauty.

Amazingly, although the river area is still relatively undeveloped and sparsely inhabited, about 57 million people, one-fourth of our Nation's population, live within 250 miles of it.

The major urban centers of New York City and Philadelphia are located within 120 miles of the river. Inclusion of the upper Delaware in the national Wild and Scenic Rivers System with proper Federal management and development of recreational facilities would offer generations of urban, suburban and rural residents the opportunity to utilize an excellent national resource.

Pursuant to the 1968 act's directive to

study the Delaware for possible inclusion in the National Wild and Scenic Rivers System, an interagency task force was organized in 1969 to carry out that task. Under the leadership of the Department of the Interior, representatives of the Bureau of Outdoor Recreation, the National Park Service, the Bureau of Sport Fisheries and Wildlife, the National Forest Service, the Environmental Protection Agency—EPA—the Army Corps of Engineers, the Delaware River Basin Commission, the Pennsylvania Department of Environmental Conservation, and the New York Department of Environmental Conservation, initiated a 4-year study of the river and its potential for Federal management.

The final report of this task force, which has not yet been released publicly, will reportedly recommend that the upper Delaware River be included in the National Wild and Scenic Rivers System, and accordingly I am introducing this legislation. The Governors of New York, New Jersey, Pennsylvania, and Delaware, all of whom are members of the Delaware River Basin Commission, have unanimously endorsed the project.

The bill provides that the upper Delaware would be immediately included in the National Wild and Scenic Rivers System. Within one year of enactment, the Secretary of the Interior would be required to establish detailed boundaries and development plans for the river unit which would be presented to the Congress for final approval. The basic guidelines to be followed by the Secretary are the conservation of the natural and scenic values of the river in coordination with the use and enjoyment of the river for all time by the American public.

Mr. Speaker, the encroachment of civilization, industrialization, pollution, and land development have struck the scenic areas of the East harder than any other portion of the country. In light of this and the fact that the upper Delaware is a priceless, vibrant resource which offers so much to the residents of our Northeastern United States, I urge the Congress to approve this legislation as quickly as possible.

GOVERNMENT IN THE SUNSHINE

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, the phrase "freedom of information" takes on greater importance daily as the Senate Select Committee on Presidential Campaign Activities continues to delve into the Watergate incident and related activities of the 1972 Presidential campaign. The claim of executive privilege, which clearly denies information not only to the Congress but to the Nation as well, has become a major tool for the withholding of Government material. The propriety of certain actions by the U.S. Department of Agriculture in negotiating last year's grain agreement with the Soviet Union has been questioned with respect to those who perhaps had advance knowledge of the sale while the vast majority of Americans were kept in the dark. Furthermore, indictments have been brought against former Government officials who are charged with exercising improper influence in proceedings before the Securities and Exchange Commission.

These are only a few of the issues and incidents which seem to point to a growing inclination on the part of Government to pursue a course dedicated to letting the people know only that information which the Government feels they should know. Decisionmaking in the Government clearly follows a closed-door, need-to-know policy, weighted in favor of a select few.

Early in the 93d Congress I introduced legislation called the Federal Government in the sunshine bill with the bipartisan support of more than 50 Members of the House. Patterned after the State "sunshine law" in Florida, that bill was designed to eliminate secrecy in both the executive and legislative branches of the Government by making deliberative processes in both branches open to public scrutiny.

With the initial, strong support of the Democratic caucus, a major objective of the "sunshine" bill was achieved early in March when the House adopted House Resolution 259. That resolution, which I sponsored, amended the Rules of the House to strengthen the presumption that all committee meetings—including those for the marking up of bills, which have traditionally been held in executive or closed session—should be open unless action is taken in open session by a recorded vote to close such meetings.

Prior to the adoption of this rule, Congressional Quarterly reported that 42 percent of the meetings held in the House during the 1972 session were closed to the public and the press. A study by Common Cause following adoption of the rule change, from March 7 through June 15, showed that of 284 meetings to draft bills, 47 were held in closed session, or approximately 16 percent.

I am hopeful that the positive experience of many committees which have held open markup sessions will lead to an even better record in future months. Of particular concern is the way Federal funds are allocated. With one exception, all House Appropriations Committee and subcommittee markup sessions have, I understand, been held in closed session. While I am sure the committee faces unique problems, I also feel that the public has a right to know what factors lead to congressional decisions on how to spend the public's money.

Today, however, I am introducing legislation to focus singularly on executive branch deliberations and agency procedures.

Following the introduction of S. 3881 in the 92d Congress by Senator LAWTON CHILES, he worked with interested parties in redrafting the "sunshine" bill to make certain provisions more specific and to include additional requirements including a prohibition on all ex parte communications in cases of rulemaking or adjudication by an agency. The bill I am introducing today is identical to the provisions contained in title II—Agency Procedures—of the redrafted bill introduced in the 93d Congress as S. 260 by Senator CHILES.

This bill would require that all meetings of multimember Federal agencies—at which any official action is discussed, considered, or taken—must normally be open to the public. These meetings could be closed only if their proceedings fell within one or more of the specific exemptions as prescribed by this act and only if a majority of the membership, in a public vote, decided to close the meeting. These exemptions are offered in the form of broad categories. They would include matters relating to national defense and security; items required by statute to be kept confidential; meetings related to internal management of an agency or committee; and disciplinary proceedings which could adversely affect the reputation of an individual. I am confident that these broad categories can be improved upon greatly with the full benefit of public input and committee consideration.

Furthermore, the bill provides that any citizen could challenge an agency's implementing regulations or decision to close a particular meeting. In such cases the courts would decide whether the material in question conforms to the spirit of this act and whether it falls within the domain of that specific exemption as enacted in the law.

Of particular importance I feel is the provision of the bill regarding ex parte communications between an interested person and a member or employee of the agency in the following types of proceedings:

Any case of agency adjudication or rulemaking on the record which under the Administrative Procedure Act is subject to a requirement of trial-type procedures;

Any agency rulemaking proceedings with respect to which the agency is required by the Administrative Procedure Act to afford public notice and opportunity for comment by interested persons;

Any proceedings to prepare an environmental impact statement required under the National Environmental Protection Act.

The agency involved would be required to publish any such ex parte communications on the public record.

This is an issue which I have been concerned with since 1960 when I first introduced legislation entitled the "Agency Hearing Standards of Conduct Act." That bill proposed a mandatory requirement that all communications with an agency, direct or indirect, regarding matters adversary in nature, be made openly and as a part of the agency proceeding in question. As proposed, it would have applied to all agency hearing proceedings which by law are subject to notice and opportunity for hearing—just as the sunshine bill requires. After notice of hearing, it would have been unlawful for any agency employee connected with the case to permit, entertain, or consider any interview, argument or communication concerning the case except through official hearing procedures. Any such attempts would be required to be disclosed as the sunshine bill requires.

Very stringent ex parte provisions were included in the Postal Reorganization Act of 1970 with respect to the Postal Rate Commission proceedings. In addition, I notice that the Attorney General has indicated that the Department of Justice will keep a record of all contacts and communications by persons outside the Department.

These are admirable steps, but I believe that the prohibition should apply uniformly to all agency proceedings involving adjudication or rulemaking. This is a very critical issue which has had the full support of the American Bar Association since at least 1956. Since that time the ABA has endorsed and supported efforts to enact the necessary Federal legislation. In a resolution adopted by the ABA House of Delegates in 1958, the Association stated:

> The American Bar Association has repeatedly urged that the organization and procedure of federal administrative agencies in the exercise of adjudicatory powers provide (1) that hearing officers be assured independence of judgment and impartiality in the trial of agency cases, (2) that the integrity of the judicial process at all levels in the agency be protected by confining decisions to the public hearing record in an environment totally free from any *ex parte* off-the-record representations, influences or pressures from any source.

In addition to making sure that all agency proceedings are free from "influence peddling," it is equally important that agency deliberations be conducted in open session. Instances of Federal administrative agencies conducting closed meetings on matters of substantial public concern are not uncommon. Oftentimes, closed meetings are such well-kept secrets that the public is not even aware that meetings are being held. The first contact that the public might have with the regulations promulgated by the agency could very well be at the point of administration.

I offer as an example of this practice the Federal Power Commission's proposed rulemaking to establish a uniform national rate for natural gas—docket No. R–389B. The FPC in proposing this rulemaking has sought little public input for its consideration. No public hearings were planned on these measures. Furthermore, there is little reason to think that the FPC would open up its meetings on this proposal as it has been FPC policy to keep Commission meetings closed.

The problem of natural gas pricing is one of great concern to the general public. The proposal under consideration by the FPC would have a tremendous impact on the availability and allocation of this very important energy resource. The "energy crisis" is not a private problem but a public one. As such, consideration of this rulemaking which will contribute to the determination of our national energy policy must be debated and scrutinized in a public forum.

Common Cause, a strong advocate of eliminating secrecy in government, has FPC's plans on the ratesetting proposals. In recent weeks they have pressed the FPC to fully open up its consideration of this proposal to the public. In response to Common Cause's efforts, the FPC has promised to "consider" opening up its proceedings on this issue. Not surprisingly, this consideration will take place behind closed doors.

In January, I spoke of the fundamental challenge facing the 93d Congress:

> That challenge is whether the Congress will meaningfully reassert its initiative in the policymaking process, reestablish its role as a viable force for leadership and change, and assume its constitutional responsibility and authority.

Six months later this challenge still remains for the Congress to confront, and the stakes are even higher than I had envisioned. The unprecedented secrecy within the executive branch continues to subvert a proper balance within our Government by denying both the Congress and the public access to information which is rightfully theirs. This is justified by extraordinary interpretations of such loosely defined principles as "Executive privilege" and "national security."

The results are unmistakable. The executive branch has sought to centralize all policymaking functions; and, I am sorry to say, it has been all too successful in this quest. This success is in no small part due to the proliferation of secrecy at all levels of Government operations. Secrecy and covert operations have served to distort the perspective of too many elements of our Government. A democratic government must remain accountable to the public which it is serving. Congress must take the initiative and remove the veil of secrecy from our Government and reestablish its link of accountability with the people.

I hope that consideration can be given to the "sunshine" proposal in ongoing efforts to strengthen and expand the Freedom of Information Act. I urge our colleagues to join in support of this important measure.

SENATOR DANIEL K. INOUYE

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, the Honorable DANIEL K. INOUYE who was referred to as "that little Jap" needs no defense from this or any other Member of Congress. And I would not rise in this House except that I cannot let pass without comment such a racial slur because it is an insult to all Japanese Americans. Japanese-American organizations have been working for years toward the goal of eradicating this verbal denigration, as well as all ethnic derogations.

To resurrect the "Jap" slur in connection with Senator INOUYE is patently even more absurd in view of his outstanding record of heroism in World War II, including having his arm shot off in the service of his country. His current service as a member of the Senate Watergate Investigating Committee has catapulted him again into the national limelight as a truly great American.

The member of the legal profession who would stoop to name calling impeached only himself by his remark. By his betrayal of this attitude, he has joined the ranks of those whose activities are being scrutinized for attempting to subvert our ideals of individual liberty and justice.

I call upon the White House to remove this man as counsel for its former aides. His retention as counsel is a national disgrace.

ANOTHER CALLOUS VETO

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, I rise to express my disappointment and regret over President Nixon's decision to veto S. 504, the Emergency Medical Services System Act of 1973. This House expressed its overwhelming support for the bill in a recent 306 to 111 floor vote.

I am most distressed because this is not an isolated instance of a health bill meeting with Executive displeasure. HEW recently admitted that over $1 billion in appropriated and desperately needed health funds never reached the intended recipients in fiscal year 1973. Health programs and particularly the Health Services and Mental Health Administration—HSMHA—are presently in reorganizational flux and few assurances are given that the end product will be a substantive improvement or even in line with the categorical health programs administered. Finally, the administration has submitted fiscal year 1974 budget requests that ask for the abrupt termination of services and training programs with not the slightest indication that consideration has been given to the long-range, serious impact of these cuts.

President Nixon has simply ceased to give leadership to our Nation's health programs. Studies which his administration has initiated and which were carried out within the executive departments have identified areas of continuing and in many cases intensified need. President Nixon has largely ignored these studies and continues to impound funds and seek new regulations and other means through which to evade congressional intent.

I am deeply disturbed by the continuing absence of strong, innovative, and effective health leadership. We have all, I think, come to recognize that the nature of our health care system is undergoing drastic and rapid change. We need direction from a concerned Executive.

The administration has identified certain needs; it has pointed to the need for coordinated emergency medical service systems. The administration has, however, failed to take the crucial step from pinpointing a need to meeting it. The Nixon administration has faltered between identifying health needs and implementing innovative health policy.

The original emergency medical services bill provided for demonstration centers; it provided time, the opportunity, and the funding for experimentation.

This Congress is aware of the need that exists; it has learned from the demonstration program efforts that coordinated emergency medical services can save lives as well as time and money. Through improved communications and greater cooperation between facilities and fuller utilization of our resources, we can offer a higher quality emergency health care to all our citizens.

What Congress has done is what the administration has failed to do. It has taken the initiative and offered what we have learned from our demonstration efforts to all our people.

In vetoing S. 504, President Nixon reaffirmed a pattern of administering health programs through rhetoric and dealing with health needs through neglect, President Nixon suggests that these systems be set up at local initiative with the Federal Government confining its responsibility to demonstration centers. I suggest that this is not decentralization but default.

I am deeply distressed that President Nixon has failed to provide the leadership necessary to implement this innovative and highly successful program. The Senate voted yesterday to override the President's veto; I am hopeful that the House will reaffirm its support for the bill and likewise vote to override when Congress returns in September.

STUDENT ASSISTANCE FOR RIVERSIDE UNIVERSITY

(Mr. PETTIS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PETTIS. Mr. Speaker, today, I have introduced private legislation for the relief of certain students whose academic and financial interests were disrupted when Riverside University in Riverside, Calif., went into bankruptcy.

Those students attending this institution who, in good faith, participated in various Federal student assistance programs, found themselves with none or very few academic credits which could be transferred to other schools. Their obligation to repay educational assistance was not as easily wiped out. Understandably reluctant to pay for something that was not received, many refused to honor their contracts. Independent lending institutions who had advanced the money—also in good faith—turned their claims over to the Office of Education for collection. Settlement attempts are still underway.

The private bill I introduced today will resolve the situation for affected students from Riverside University. Unfortunately, the problem is much larger than this one isolated case.

I am working now with my distinguished colleague from California (Mr. Bell) to draft general legislation which will correct the oversights in Federal law that allow incidents such as I have just cited to occur. We hope to offer a comprehensive bill soon after the August recess. In the interim, I would like to invite those of my colleagues who are interested to contact my office if they would like to offer suggestions or illustrations with which they have had experience that can help in these efforts.

TRIBUTE TO REV. MSGR. WILLIAM J. SHANNON

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, I rise at this time to pay tribute to the late Rev. Msgr. William J. Shannon, administrator and rector of the Cathedral of the Immaculate Conception in Syracuse, N.Y.

Msgr. Shannon, a native Syracusan and a close personal friend, passed away in May of this year. We mourn his death but we are grateful for his life. His was a life of selfless dedication to the principles for which he stood and the people whom he served.

Prior to entering the priesthood in 1943 "Jackie" Shannon made his fame as a radio personality and an entertainer in Syracuse. As a priest he single-handedly directed the renovation of the cathedral which stands as a monument to the tenacious drive that characterized his entire life. His contribution to the world extends far beyond the walls of the cathedral into the hearts of all those whom he met. He enjoyed the love and affection of people of all faiths throughout the community—an admiration that is singular in itself.

Rev. David F. Cunningham, Bishop of Syracuse, eulogized Msgr. Shannon in this way:

> If one were to look for a distinctive mark of Msgr. Shannon's ministry in the priesthood, one would say it was the wonderful rapport he had with people—he loved being with people and enjoying them.

He was a success in life because he gave completely of himself; the mark he has made on the diocese cannot be erased.

I am reminded of a quote by the Lebanese author, Kahlil Gibran:

> When you part from your friend you grieve not, for that which you love most in him will be clearer in his absence, as the mountain is clearer from the plain.

It is my sincere hope that Msgr. Shannon's legacy of personal warmth, exemplary leadership and religious devotion will live forever as an inspiration to all of us whose lives were blessed in being touched by his own.

ADMINISTRATION ENJOINED ON HELIUM CONTRACTS

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, on June 11, 1973, the U.S. District Court for the District of Kansas, in the case entitled *National Helium Corporation, et al.* v. *Morton, et al.*, civil action No. W-4568, ordered that the preliminary injunction issued on March 27, 1971, enjoining the Secretary of the Interior, his agents, and employees, from taking any action leading to the final termination of the Federal helium program and the implementing contracts to be continued in full force and effect pending further order of the court.

The importance of this farsighted decision is that it continues the existence of a Federal helium conservation program as enacted by Congress. The significance of the decision is that it illustrates, once again, the ineptness of this administration in their failure to understand the importance of protecting and conserving our precious natural resources.

The decision of the U.S. district court in Kansas enjoining the Secretary of the Interior from terminating the helium purchase contracts results from the dullard, neurotic, approach adopted by the Office of Management and Budget, in the early days of this administration, to cut back and stop the plethora of Federal programs. The Office of Management and Budget in their random survey of Federal programs to cut in order to achieve a reduction in Government spending stumbled to the unintelligent decision to terminate the helium purchase contracts which were authorized by Congress in the Helium Act Amendments of 1960.

If the all-knowing Office of Management and Budget had bothered to take a look at the legislative history concerning the establishment of the Federal helium conservation program, a different decision concerning the future of this program should have resulted. Such a decision would have saved the American taxpayers the tremendous expense required by this litigation, not to mention the possible expense to the taxpayers should the final decision in this case go against the United States.

In the 1950's President Eisenhower became concerned over the irresponsible wasting of our natural resources. He foresaw the time when new technological developments could not be commercialized because we literally threw away the minerals which would be needed. The one element which came into view then was helium. Shortages of helium had caused some problems for our country, and the President appointed a Cabinet-level task force to study the problem. The then Under Secretary of the Interior, now the Honorable Judge Chilson, was the chairman of that task force. Many departments were represented and after 2 years of work, President Eisenhower enthusiastically adopted their report and declared a new national helium conservation policy, with the observation that historians of the future would record this action of his administration as one of his greatest contributions. The Congress heard the results of this study, carefully deliberated all aspects, after consideration in the Interior Committees of both Houses, and almost unanimously passed the Helium Act of 1960 requiring the conservation of our helium resources. President Kennedy's administration implemented the program, and five plants producing 3½ billion cubic feet of helium per year were built and this vital natural resource saved.

We are now facing an energy crisis. We are on a crash program to utilize fully our coal resources, oil, gas, and other energy sources. These will meet our needs for some time. What does technology promise? We can now foresee the development of new energy sources. MHD can increase the production of electricity from coal by 50 percent. Electricity can be shipped hundreds of miles without loss in underground pipes with no effect on the environment, fusion power is within sight and can be an unlimited source of power in the distant future, and pollution-free mass transit at high speed can be achieved. All of these things will be available only because President Eisenhower's program to save a wasting asset—helium—was made the law of the land.

What has the Watergate mentality of the present administration's whiz kids done with this program?

Ignored the purpose of the Helium Act.

Violated the law designed to protect the environment.

Vented helium to the atmosphere with the high probability of paying full price for it.

Purchased 120 million cubic feet of helium from private producers during 1972 destroying the financing plan designed to pay for the conservation of helium and in violation of the existing law.

Urged spending hundreds of millions of dollars for fusion research while throwing helium away, the one material we must have to gain the results of such research.

Refused to bring to the Interior Committee a plan for the solution of the financial problems confronting the Federal helium conservation program.

Ignored the comments of scientists working on super-conducting transmission of power who warned that the abandonment of this helium conservation program would be a disaster.

When the American people living in the middle of the next century, with complete dependence on new energy forms requiring helium, long since exhausted from natural deposits by past generations bent on burning all the natural gas they could find, they will record two facts—President Eisenhower and the members of the 86th Congress will rank among the great men of foresight in history; this administration's termination of the Federal helium conservation program will rank below the level of Watergate.

Mr. Speaker, I am incorporating by reference at the conclusion of these remarks the opinion of the Kansas U.S. District Court for the benefit of my colleagues who have not had the opportunity to read the decision, and hopefully, to provide the administration a similar, if not, the initial opportunity to reassess the administration position on the Federal helium conservation program.

[In the U.S. District Court for the District of Kansas—Civil Action No. W-4568]

DECISION AND OPINION OF THE COURT

National Helium Corporation, Plaintiff, and Phillips Petroleum Company and Cities Service Helex, Inc., Intervenor-Plaintiffs, vs. Rogers C. B. Morton, Secretary of the Interior, and Elburt F. Osborn, Director, Bureau of Mines, Department of the Interior, Defendants

On March 27, 1971, this Court temporarily enjoined the Secretary of the Interior from terminating the National Helium Conservation Program as implemented by three helium procurement contracts entered into with the plaintiffs prior to a hearing on the merits or, alternatively, a reconsideration by the Department of Interior of its action in the light of the applicable substantive and procedural requirements of the National Environmental Policy Act of 1969, 83 Stat. 852, 42 U.S.C. §§ 4321, et seq.; the Helium Act, as amended by the Helium Act Amendments of 1960, 74 Stat. 918, 50 U.S.C. §§ 167, et seq.; and the Administrative Procedure Act, 5 U.S.C. §§ 551, et seq., *National Helium Corporation v. Morton,* 326 F. Supp. 151 (D. Kan. 1971), aff'd. 455 F. 2d 650 (10th Cir. 1971). Of particular concern to the Court was the failure of the Department of Interior to prepare a final environmental impact statement prior to taking the contemplated action. On February 2, 1973, the Secretary of Interior again determined that the helium procurement contracts should be terminated, since the purposes of the Helium Act of 1960 had been satisfied and, accordingly, notices were sent to the plaintiffs that termination would occur on April 4, 1973, at 8:00 a.m., C.S.T. Having prepared a final environmental impact statement in accordance with § 4332 (a) (C) of the National Environmental Policy Act, 42 U.S.C., the Secretary immediately moved for dissolution of the preliminary injunction.

In response to the defendants' notices of termination and motion for dissolution, the plaintiffs filed verified amended complaints seeking, *inter alia,* the continuation of the preliminary injunction pending a full hearing on the merits of the case. They alleged that: (1) the defendants had not complied with the procedural and substantive requirements of the National Environmental Policy Act, 42 U.S.C. §§ 4321, et seq. (hereinafter referred to as "NEPA"), the Helium Act Amendments of 1960, 50 U.S.C. §§ 167, et seq. (hereinafter referred to as the "Helium Act"); and the Administrative Procedure Act, 5 U.S.C. §§ 551, et seq., prior to the termination of the contracts; (2) the necessary conditions precedent for termination of the implementing contracts and the National Helium Conservation Program had not in fact occurred; and (3) the proposed agency action was otherwise arbitrary, capricious, an abuse of discretion, and not in accordance with law. In support of their allegations, the plaintiffs submitted documents, briefs, and a number of affidavits.

On March 14, 1973, the Court heard oral argument on the defendants' motion to dissolve the preliminary injunction. The defendants contended that since a comprehensive final environmental impact statement had been prepared, upon which the Secretary of Interior had determined to terminate the helium contracts, the Secretary's decision was entitled to a presumption of regularity, and the preliminary injunction should accordingly be dissolved. After a careful examination of the defendants' draft and final environmental statements and the pertinent comments attached thereto, the plaintiffs' amended complaint and supporting affidavits and documents, and the applicable law, the Court overruled the defendants' motion.

The Court had already ruled that it had jurisdiction of the suit by virtue of 28 U.S.C. §§ 1331, 1361, 2201 and 2202, and 5 U.S.C. §§ 701–706; that the plaintiffs had standing to raise the issues herein involved; that the termination of these contracts was a major federal action significantly affecting the quality of human environment and posing serious environmental consequences within the meaning of § 4332(2)(C) of NEPA, 42 U.S.C.; that the requirements of NEPA were applicable to the Department of Interior "to the fullest extent possible" in the administration of the Helium Act by virtue of 42 U.S.C. § 4332; that there had been a sufficient showing of a likelihood of irreparable injury to the plaintiffs and the public if the Secretary's action was not enjoined; and that the Secretary's decision was subject to limited judicial review pursuant to § 706(a) of the Administrative Procedure Act, 5 U.S.C., *National Helium Corporation v. Morton,* supra. Although the Secretary's decision was entitled to a presumption of regularity, "that presumption [was] not to shield his action from a thorough, probing, in-depth review." *Citizens to Preserve Overton Park, Inc. v. Volpe,* 401 U.S. 402, 416, 91 S.Ct. 814, 823, 28 L.Ed.2d 136 (1971).

Since the plaintiffs' amended complaints and supporting documents presented a substantial controversy involving complex factual and legal issues justifying the maintenance of the status quo pending further hearings, and the Court was convinced that the plaintiffs had established a probability of ultimate success, thereby justifying the issuance of a preliminary injunction in the first instance in accordance with the standards enunciated in *Crowther v. Seaborg,* 415 F.2d 437 (10th Cir. 1969), the Court determined that the dissolution of the previous injunction would be a futile gesture. See *Environmental Defense Fund v. Corps of Engineers of the United States Army,* 325 F. Supp. 749 (E.D.Ark. 1971). The Court did, however, require the plaintiffs to post a bond in the sum of $2,000,000 for the payment of such costs and damages as might be incurred by defendants if they were found to have been wrongfully restrained, and determined that this bond, along with the twenty-eight million dollars owed by the Government to the contractors, gave it a thirty million dollar security cushion.

The defendants immediately perfected an appeal of this Court's order denying their motion for dissolution of the preliminary injunction to the Tenth Circuit Court of Appeals. In response to the defendants' request, this Court also certified its subsequent orders denying the defendants' motions for summary judgment on the pleadings pursuant to Rule 56, F.R.C.P. and, in the alternative, dismissal of the amended complaints, in part, for lack of subject matter jurisdiction pursuant to Rule 12(b)(1), F.R.C.P. The Tenth Circuit did not rule on any of the orders, but it did direct that the trial on the merits should be held within thirty days on the administrative record, rather than by trial *de novo,* in conformity with the recent United States Supreme Court decision, in *Camp v. Pitts,* — U.S. — (No. 72-864, March 26, 1973). Having resolved the preliminary matters, reviewed the administrative record as supplemented by the plaintiffs, and heard oral argument, this case is ripe for final disposition.

FACTUAL BACKGROUND

This is a case of considerable complexity and moment. A basic review of the characteristics of helium and the history and development of this country's helium conservation program, including the role played by the implementing helium procurement contracts herein involved, consequently serves as an instructive prelude to its resolution. The summary which follows was gleaned from the administrative record submitted by the Department of Interior, including numerous departmental studies, compilations, and reports, and is supported by the findings of facts in related litigation in *Northern Natural Gas Company v. Grounds,* 292 F.Supp. 619, 624–680 (D.Kan.1968), aff'd. 441 F.2d 704

(10th Cir. 1971); *Air Reduction v. Hickel,* 420 F.2d 592 (D.C. Cir. 1969); and *Northern Helex Co.* v. *United States,* 445 F.2d 546 (Ct. Cl. 1972).

Helium is a colorless, odorless, and tasteless gas which, in the present state of scientific knowledge, will not react chemically or physically with any other element, except under laboratory conditions. Helium is noncombustible. It is the second lightest element found on earth next to hydrogen, which is highly combustible. Helium does not liquefy at standard atmospheric pressure until it reaches −452.1 degrees Fahrenheit, almost absolute zero and lower than any other gas. It is the only known gas which can develop superconductivity in metals. It is the best known transmitter of sound and the best conductor of heat at near absolute zero of any gas. It becomes a super fluid near absolute zero. Helium is non-toxic to man and it does not become radioactive.

Since its discovery on the sun by Sir Norman Lockyear in 1868, helium has grown from a laboratory curiosity with no practical applications to one of the most valuable, yet rapidly wasting, elements on earth. As measured by its demand, helium has established itself as a tool in shielded arc welding and other metallurgical applications, lighter-than-air applications, chromatography as a carrier gas, leak detection, heat transfer medium in nuclear power reactors, pressurizing and purging liquid propellants for space boosters, under sea work as a breathing gas when mixed with oxygen, medical research and therapeutic treatment, cryogenics, and in low temperature research. Helium is also presently being used as a coolant in high-temperature gas-cooled reactors.

Future uses of helium for which research is presently being carried on by the Government and private industry include its application in such areas as power generation by helium-cooled fission reactors, nuclear fusion reactors, superconducting systems of generation and transmission of power, magnetohydrodynamics, and transportation by superconducting magnetic levitation systems, to name a few. In the future, uses of helium are expected to develop which are now unforeseen or unknown.

Before 1960, with minor exceptions, the production and marketing of helium was accomplished by the Bureau of Mines, pursuant to the Helium Act of 1925, 50 U.S.C. § 161, et seq.:

"An act authorizing the conservation, production, and exploitation of helium gas, a mineral resource pertaining to the national defense, and to the development of commercial aeronautics, and for other purposes." 43 Stat. 1110.

The Act authorized the Bureau of Mines to operate plants, to store and care for helium, and to conduct exploration. The Secretary of Interior was authorized to acquire land or interest in land by purchase, lease or condemnation where necessary, to provide helium to supply the needs of the Army, Navy, and other branches of the Government. 50 U.S.C. § 161. Other than a minor amendment of the Act in 1927 in order to permit the limited leasing or selling of helium to aid scientific and commercial development, 44 Stat. 1387, the Act remained essentially the same until 1937. By amendment in 1937, Ch. 895, 50 Stat. 885, to the Helium Act of 1925, Ch. 426, 43 Stat. 1110, the Secretary was directed to purchase, if possible, all properties developed or constructed by private parties for helium production prior to the passage of the amendment.

Until the advent of World War II, the uses of helium outside the laboratory were in lighter-than-air-craft and, when mixed with oxygen, in medicine and deep-sea diving. Since the Government was the predominant consumer of helium, the emphasis of the helium program was accordingly upon meeting current and short-range helium needs. At the commencement of World War II, all helium extraction facilities were owned by the United States, and consisted solely of the Amarillo Plant, located at the Cliffside Field in Potter County, Texas, which had been purchased in 1933.

During World War II, the usefulness of helium was broadened considerably. Four plants were built to meet the greatly increased military need for helium, and during the 1950's demand for helium rose spectacularly due to the development of new uses, including atomic weapons, nuclear energy plants, military and civilian rocketry, exploration of outer space, cryogenics, and other uses connected with both science and industry. As increasing helium demands threatened to outstrip the production capacity of the Bureau of Mines, concern arose regarding the future ability to meet mobilization needs and the casual wastage of the natural resource. In 1957, the Director, Office of Defense Mobilization, recommended to the Secretary of Interior that a working group be established to determine the feasibility of making the conservation aspect of the helium program the primary, rather than incidental, objective of the Department of Interior.

A working group was subsequently established, comprised of representatives from the Departments of Commerce, Defense and Interior, Atomic Energy Commission, Office of Defense Mobilization, Bureau of the Budget, and Federal Power Commission. Headed by then Undersecretary of Interior, O. Hatfield Chilson, now our esteemed colleague on the federal bench in the District of Colorado, the group compiled a study entitled "Cost and Implementation of a National Helium Conservation Policy." (The Chilson Report, January 24, 1958).

As a result of the study, a national helium conservation policy was subsequently recomservation policy was subsequently recommended to President Eisenhower and formally approved on April 25, 1958.

The Report noted that approximately 99% of the known helium-bearing natural gas resources in the United States was concentrated in four fields containing approximately 119 billion cubic feet of potentially recoverable helium: (1) the Hugoton Field of Texas, Oklahoma and Kansas; (2) the Panhandle Field of Texas; (3) the Keyes Field of Oklahoma; and (4) the Greenwood Field of Kansas. The Report further noted that these fields had been developed by private companies to supply natural gas to fuel markets, and that since the companies merely considered the helium to be a minor impurity no effort was being made to remove it; consequently, the helium was merely passing into the atmosphere without serving any useful purpose.

The study group recognized a number of significant factors suggesting the need for a long term helium conservation program. First, although the demand for helium had been consistently rising, the emphasis of the helium program was on meeting current, short term needs. Second, helium was essential to the country's missile and atomic energy programs, and an invaluable industrial tool. Third, the helium supply being conserved by the Bureau of Mines, although sufficient to meet current foreseeable governmental needs, would likely not be sufficient to meet future governmental and private demands resulting from expected and unforeseeable developments in new and expanding technologies. Fourth, natural gas was the only known commercial source of helium, since recovery from the atmosphere and other sources was impracticable due to the economic and environmental barriers. Fifth, the world's largest helium-bearing gas fields were located in the United States, yet the helium was being allowed to vent into the air without serving any useful purpose and would probably be totally depleted by 1985. Sixth, due to the inability to place a "value" on helium as a result of the speculative nature of its future demand and the predominant government utilization, there was no economic incentive for private industry to extract and store the helium for future use. Seventh, if nothing was done, the nation's richest source of helium would be least available at a time when it was needed the most. Finally, that present legislation did not permit the implementation of a long-range conservation program as envisioned.

In order that an effective long-range helium conservation program might be implemented, the Report recommended that the Helium Act, 50 U.S.C. § 161, et seq., be amended in such a way so as to give the Secretary of Interior the authority to build up to thirteen new helium production plants to extract the helium prior to transmission of the natural gas to fuel markets, and to store the helium thus conserved in the government-owned Cliffside gas field or in some other suitable underground reservoir. In addition, the Report suggested that it might be feasible to augment this basic conservation plan by acquiring and shutting in relatively small isolated helium-bearing gas fields, although the acquisition of *all* of the fields was thought to be impracticable.

Since it was not certain that private companies would be willing or able to participate in the program, however, and in light of the current and unforeseeable importance of helium to the national welfare, the Report suggested that the legislation be drafted in such a way so as to authorize the Secretary to condemn the helium-bearing natural gas after its removal from place of deposit in nature. Furthermore, although suggesting an end to the long-standing governmental monopoly on the *production* of helium, the Report recommended that the Secretary retain control over the *sale* and *use* of helium produced by private companies not participating in the program, and thus be able to control the price of the gas and determine its end uses.

Due to the magnitude of the expense involved in accomplishing the conservation program, the Report recommended that: (1) private industry be encouraged to participate in the program by entering long-term contracts with the Government which would give the companies a reasonable return on their capital investment and, at the same time, help to defray the overall costs of the program; (2) the Secretary be authorized to set the price for the helium at a level which would enable the Department of Interior to cover all costs incurred in carrying out the provisions of the program; (3) all federal agencies and contractors purchase all major requirements of helium from the Secretary; and (4) the private companies participating in the program be prohibited from selling any helium to any purchaser other than the Secretary at a price lower than the lowest price paid by any government agency.

In 1958 the Department of the Interior proposed legislation to Congress for the implementation of the recommended conservation program. This was not acted upon, however, and redrafted proposals were subsequently submitted to Congress on July 27, 1959. After lengthy hearings and incidental revisions and amendments of the proposed bill, a legislative amendment was adopted on September 13, 1960, to be known as "An Act to amend the Helium Act of March 3, 1925, as amended, for the defense, security, and the general welfare of the United States."[1] 50 U.S.C. § 167, et seq. The Act became effective on March 1, 1961, and a limitation on the annual contracting authority of 47.5 million dollars was established by the Act of August 3, 1961, 75 Stat. 246, 253.

The 1960 Helium Act Amendments authorized the Secretary of the Interior to enter into long-term contracts for the acquisition, processing, transportation, or conservation of helium, not exceeding twenty-five years. 50 U.S.C. § 167a(a)(2). In addition, he was

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See footnotes at end of article.

given the power to acquire, by eminent domain, helium contained in helium-bearing natural gas and so much of such gas as was necessarily removed in the extraction process, if he were unable to acquire helium otherwise upon reasonable terms and at the fair market value. 50 U.S.C. § 167a(a)(2). In an attempt to make the program self-liquidating, the Act provided for a comprehensive system similar to that recommended by the Chilson Report. 50 U.S.C. §§ 167a(c), 167c, 167d and 167j. The Secretary was given authority to set his own price for the helium that he sold (50 U.S.C. § 167d(c)), and to establish and promulgate such rules and regulations, consistent with the directions of the Act, which were necessary to carry out its provisions. 50 U.S.C. § 167g.

Pursuant to the authority given the Secretary by the Helium Act Amendments, the the Secretary of Interior entered into helium procurement contracts with the plaintiff companies and with Northern Helex Company in August, October, and November, 1961. These companies were chosen due to the large amount of helium which they could assure, and their ability to accomplish the necessary production assemblage and perform the underlying contracts. The award of the contracts to these four companies obligated all of the available 47.5 million dollars contracting authority and thus completed that phase of the helium conservation program, unless and until the contracting authority was increased. That authority has not been increased by Congress.

Each contract provided for the sale and delivery to the United States of a helium-gas mixture for a term of twenty-two years. The companies were required to construct at their own risk and expense helium extraction plants and necessary facilities capable of processing at least 500 million cubic feet of Hugoton area gas per day (in the case of National Helium, approximately 840 million cubic feet of natural gas per day). The contracts followed a general pattern, although they varied in detail. Each contract contained an initial price per MCF of contained helium varying from $10.30 to $11.78. The prices were broken down into two parts, one related to the cost of gas and the other related to other costs. The companies have at all times fully met their obligations under the contracts.

Subsequent to the implementation of the expanded helium conservation program, numerous studies and reports concerning the program were prepared by federal agencies and by interested private groups and, in accordance with § 167n of the Helium Act Amendments, the Secretary of Interior made annual reports to advise Congress of the current status of the government's helium program. Generally, these reports contained financial, statistical, and operating information concerning the program for each fiscal year that it was in operation.

The helium conservation program apparently ran smoothly until some time in 1968. After the passage of the 1960 Act, however, several private companies had begun their own helium extraction outside of the government program. Because the Secretary's price for helium reflected not only direct extraction costs, but also a portion of the costs involved in the administration of the conservation program, the Secretary's price for helium exceeded the private producers' price. As the private companies' sales increased, the Secretary's sales decreased, despite increased overall demand.

In response to this situation, the Secretary proposed regulations in 33 Fed. Reg. 5219–20 (1968), which were later revised and officially published on October 18, 1968, in 33 Fed. Reg. 15478–80, to become effective December 2, 1968. The regulations would have forbidden government agencies *and their contractors* from purchasing their major requirements of helium from any source other than the Secretary, or private companies "eligible" under the regulations.

In *Air Reduction Company* v. *Hickel,* supra, these regulations were stricken down. The Court held that, although Congress had intended that the Secretary not lose his market because of private competition, it had not provided statutory authority to require government contractors to purchase their helium from the Secretary. The Court noted, however, that the Secretary's purpose could be accomplished by obtaining an Executive Order requiring that such provisions be included in all contracts entered into by government agencies. *Air Reduction Company* v. *Hickel,* supra, at p. 597. An Executive Order was never obtained.

It became increasingly evident that the costs of the program were not diminishing according to expectations and that the program was being adversely affected by the intrusion into what had been a virtually exclusive government market of private producers of helium. Moreover, the program was suffering financially from a temporary lull in sales occasioned principally by the large cuts in the space program. Consequently, the Department of Interior started negotiations with the four helium conservation contractors in an attempt to modify the contracts in a way that would reduce the costs of the program to the Government and still fulfill the goals of the program.

Due to diminished sales, however, the Department of Interior had fallen into arrears in making payments to the four helium contractors. Partial payments were made for a while, but payments ceased entirely in November, 1969, notwithstanding the continuance of deliveries. At the close of the calendar year of 1970, the Government owed large sums to the helium contractors for delivered helium. Consequently, on December 24, 1970, one of the helium contractors, Northern Helex Company, brought an action in the Court of Claims against the United States for breach of contract. In *Northern Helex Company v. United States,* 455 F. 2d 546 (Ct. Cl. 1972), the Court of Claims held that the Government was liable for anticipatory breach of the contract, but the issue of damages is still pending.

On January 26, 1971, and while negotiations were still in progress with at least one of the remaining contractors, the Department of Interior advised plaintiffs that, pursuant to paragraph 12.1 of the contracts, the contracts would be terminated effectively sixty days thereafter. Although specific language varied, each contract provided for termination as follows:

"12.1. Buyer [Federal Government] may, at its option, terminate this contract at any time if, (1) in the opinion of the Secretary of the Interior, the discovery of large new helium resources or a substantial diminution in helium requirements or any circumstance of similar nature should occur which would make the continued operation of Seller's plant and the continued purchase of helium gas mixture extracted therein unnecessary to accomplish the purposes of the Act or any amendment thereto, or (2) a material circumstance of force majeure making it impracticable or impossible for either Buyer or Seller to carry out its obligations under this contract which circumstance cannot be remedied with reasonable dispatch."

The President's Budget, issued on January 29, 1971, coincidentally, did not include a request for appropriations for the continued funding of the contracts.

On March 17, 1971, the plaintiffs filed the instant action against the defendants, and on March 26, 1971, this Court issued a preliminary injunction enjoining the termination of the contracts. Following the decision of the Tenth Circuit Court of Appeals in *National Helium Corporation v. Morton,* 455 F. 2d 650 (10 Cir. 1971), affirming this Court's holding, the decision to terminate the contracts was remanded to the Secretary for reconsideration in light of the requirements of the National Environmental Policy Act, 42 U.S.C. § 4331, et seq.

A draft environmental impact statement was subsequently prepared by the Department of Interior, and its availability was officially announced in the Federal Register on May 23, 1972. A final environmental impact statement entitled "Termination of Helium Purchase Contracts—United States Department of Interior—Bureau of Mines" was issued on November 13, 1972. On February 2, 1973, the Secretary of Interior gave notice of termination to the plaintiffs, to become effective sixty days thereafter. Accompanying the notices was a statement prepared by the Secretary justifying the termination of the helium conservation program in terms of the termination clauses of each of the helium purchase contracts.

The Secretary's termination statement, which is based on the Department's final environmental statement and the comments received from the private contractors, recognizes that: (1) the direct result of the decision to terminate the contracts will be that the Government will forego the storage of an estimated 20 billion cubic feet of helium which will be "wasted" or "depleted" if the contractors do not continue to extract and store the helium, prior to delivery of the natural gas to fuel markets; (2) natural gas—primarily fuel gas—is the only known source of helium other than the atmosphere, an environmentally and economically inferior source; (3) the currently proved "helium-rich" natural gas reserves (containing at least 0.3% helium) will probably be exhausted before the turn of the century; (4) it is known exactly how much, if any, "lean" helium-bearing natural gas will be available after the year 2000; (5) present studies predict large demands for helium for environmentally beneficial uses beginning around the turn of the century which *could* rapidly deplete the helium supply then in storage; and (6) assuming a lack of supply at a later time, future environmentally beneficial technological advancements *might* be precluded due to unacceptably adverse environmental effects of recovery from other sources.

In contrast to the above possibilities, the Secretary's statement notes that: (1) government demand for helium has decreased consistently since 1966, and is presently below the 1961 level; (2) present technological advancement enables recovery of helium from "lean" sources of helium-bearing natural gas *expected* to be available in large quantities in the future; (3) the Bureau of Mines estimates a total of 17 to 24 billion cubic feet of *probable* shut-in "helium-rich" reserves (i.e., found in natural gas fields not being exploited for present fuel purposes); (4) including the helium currently in storage, in shut-in government reserves, and expected to be recoverable from government-owned plants, total reserves approximate 44.5 billion cubic feet; (5) storage of recoverable helium at today's costs does not necessarily assure "low-cost" helium in the future; (6) the forecasted large demands for the future are "speculative" and of *questionable* reliability; (7) government agencies' estimates for future helium demands would not require removal of helium presently in storage "to meet essential government needs" until well into the next century; and (8) assuming the estimated total future demands were to materialize at the beginning of the next century, as predicted, the storage now of an additional 20 billion cubic feet of helium would merely delay, rather than foreclose, the necessity of obtaining helium from presently unknown or environmentally disadvantageous sources.

On the basis of the above *assumptions,* the Secretary determined that there had been a substantial diminution in helium requirements for essential government activities and that the termination was therefore authorized under Section 12.1 of the contracts, since the purposes of the Helium Act Amendments of 1960 had been satisfied, citing § 167m of the Act, 50 U.S.C.:

"It is the sense of the Congress that it is in the national interest to foster and encourage individual enterprise in the development and distribution of supplies of helium, and at the same time provide, within economic limits, through the administration of this chapter, a sustained supply of helium which, together with supplies available or expected to become available otherwise, will be sufficient to provide for essential Government activities."

In their amended complaints, the plaintiffs seek declaratory and injunctive relief setting aside the Secretary's decision to terminate the helium procurement contracts. In summary, the complaints allege that: (1) the Secretary's termination decision was not preceded by full compliance with the procedural and substantive requirements of the National Environmental Policy Act, 42 U.S.C. § 1331, et seq., and the Administrative Procedure Act, 5 U.S.C. § 701, et seq.; (2) the Secretary's termination decision was not warranted by the terms of the contracts, constituting the helium conservation program, and was accordingly inconsistent with the purpose of the Helium Act Amendments of 1960, 50 U.S.C. § 167, et seq.; and (3) the Secretary's termination decision was otherwise "arbitrary, capricious, an abuse of discretion, and not in accordance with law."

JURISDICTION

The plaintiffs' amended complaints not only challenge agency compliance with NEPA, but also seek review of agency action under the Helium Act Amendments of 1960, 50 U.S.C. § 167, et seq. The plaintiffs contend that the Secretary is, in effect, terminating the entire helium program authorized by Congress, and that this Court should review his action under the Administrative Procedure Act as authorized by Congress in 50 U.S.C. § 167h(a) in order to determine whether such action is "arbitrary, capricious, an abuse of discretion, or not otherwise in accordance with law." 5 U.S.C. § 706(2)(A).

The defendants concede this Court's jurisdiction to review procedural compliance with NEPA, but contend that the Court lacks jurisdiction to review the Secretary's decision on any other basis. The defendants assert three bases for this contention.

First, the defendants contend that assuming full agency compliance with NEPA, all other claims sound solely in contract; that since the amount in controversy exceeds the sum of $10,000, this Court lacks subject matter jurisdiction over such claims by virtue of 28 U.S.C. § 1346(a)(2); that the proper forum for the relief sought by the plaintiffs is the Court of Claims in an action brought under the Tucked Act, 28 U.S.C. § 1491; and that neither this Court nor the Court of Claims is authorized to grant equitable or declaratory relief under such contracts, as dictated by *United States v. King*, 395 U.S. 401, 89 S.Ct. 1813, 23 L.Ed.2 396 (1969), and *Richardson v. Morris*, — U.S. ——, 93 S.Ct. 629, 34 L.Ed.2d 647 (1973).

The Court does not quarrel with the basic proposition that it lacks jurisdiction to grant declaratory relief to private individuals or companies merely seeking to obtain specific performance of government contracts, but it categorically rejects such a characterization of this action. As is evident from only a cursory examination of the pleadings in this case, the plaintiffs are not suing for breach of government contracts and seeking damages or specific performance—they are requesting the Court to enjoin the improper termination of practically an entire helium conservation program created by Congress to prevent the unnecessary depletion of a vital natural resource.

Although the plaintiffs are admittedly motivated by private pecuniary considerations, which fact gives them standing to sue (*Association of Data Processing Service Organization, Inc. v. Camp.*, 397 U.S. 150, 153, 90 S.Ct. 827, 830, 25 L.Ed.2d 192 (1970)), the plaintiffs are also seeking vindication of the public's interest in protection of a vital wasting natural resource and the propagation of an important Congressional program. Viewing the plaintiffs' cause of action in this perspective, the Court will not permit the Secretary to shield his actions from judicial scrutiny and relegate the "public interest" to an impotent Court of Claims remedy "merely because it sounds in contract." *National Helium Corporation v. Morton*, 455 F.2d 650, 654 (10th Cir. 1971).

Second, the defendants contend that this is not in action solely against a government official, but is rather a suit against the United States, since the relief sought would expend itself upon the public treasury and preclude authorized government action, and that it is accordingly barred by the doctrine of sovereign immunity in accordance with *Wells v. Roper*, 246 U.S. 335, 38 S.Ct. 317 (1918); *Land v. Dollar*, 330 U.S. 731, 67 S.Ct. 1009, 91 L.Ed. 1209 (1947); *Larson v. Domestic & Foreign Commerce Corporation*, 337 U.S. 682, 69 S.Ct. 1457, 93 L.Ed. 1628 (1949); and *Dugan v. Rank*, 372 U.S. 609, 83 S.Ct. 999, 10 L.Ed. 2d 15 (1963). Although impliedly admitting that the Secretary's action in this case was "agency action" under the terms of the Administrative Procedure Act, 5 U.S.C. §§ 551(13) and 701(b)(2), the defendants assert that that Act does not act as a waiver of sovereign immunity.

It must be recognized at the outset that the plethora of cases dealing with the nebulous and sometimes oppressive concept of sovereign immunity cannot be completely reconciled. As Mr. Justice Stewart noted in *Malone v. Bowdoin*, 369 U.S. 643, 82 S.Ct. 980, 8 L.Ed. 2d 168 (1962):

"While it is possible to differentiate many of these cases upon their individual facts, it is fair to say that to reconcile completely all of the decisions of the Court in this field prior to 1949 would be a Procrustean task." 369 U.S. at 646; 82 S. Ct. at 983.

Since the Court is convinced that this action is clearly not barred by the doctrine of sovereign immunity, it will waive embarkment. See *Little v. Morton*, 445 F. 2d 1207 (4th Cir. 1971).

The defendants are correct in their assertion that the Administrative Procedure Act does not act as a waiver of sovereign immunity, *in and of itself*. *Motah* v. *United States*, 402 F. 2d 1 (10th Cir. 1968), *contra Scanwell Laboratories, Inc. v. Shaffer*, 424 F. 2d 859, 874 (D.C. Cir. 1970). Here, however, Congress itself implicitly waived sovereign immunity as a bar to review of "agency action" under the Helium Act Amendments of 1960. Section 167h specifically provides that:

". . . provisions of the Administrative Procedure Act of June 11, 1946, as amended, shall apply to *any agency proceeding and any agency action taken under this chapter* . . . and the terms 'agency action' shall have the meaning specified in the Administrative Procedure Act." (Emphasis added.)

It would indeed be anomolous for this Court to hold that sovereign immunity barred review of action specifically made subject to review by the sovereign, simply because such review might eventually expend itself upon the public treasury. Since the Secretary's action of terminating the helium procurement contracts was clearly "agency action," the doctrine of sovereign immunity is accordingly inapplicable.

Finally, the defendants contend that even if the doctrine of sovereign immunity is not applicable to the plaintiffs' non-NEPA claims, the Secretary's action of terminating the helium procurement contracts is not subject to review under the Administrative Procedure Act, since it is agency action "committed to agency discretion by law." 5 U.S.C. § 701(a)(2). There is simply no question but that the Secretary's action is action of an "authority of the Government of the United States," and that review is not prohibited by the Helium Act Amendments. 50 U.S.C. § 167h.

As noted by the Supreme Court in *Citizens to Preserve Overton Park, Inc. v. Volpe*, 401 U.S. 402, 91 S. Ct. 814, 28 L. Ed. 2d 136 (1971), the exception to the general rule that all agency actions are subject to judicial review, *unless* "committed to agency discretion by law," is a very narrow one. Referring to the legislative history of the Administrative Procedure Act, the Court noted that the exception is applicable only "in those rare instances where 'statutes are drawn in such broad terms that in a given case there is no law to apply.'" S. Rept. No. 752, 79th Cong., 1st Sess., 26 (1945):

"The statutes of Congress are not merely advisory when they relate to administrative agencies, any more than in other cases. To preclude judicial review under this bill a statute, if not specific in withholding such review, must upon its face give clear and convincing evidence of an intent to withhold it. The mere failure to provide specially by statute for judicial review is certainly no evidence of intent to withhold review." H.R. Rep. No. 1980, 79th Cong., 2d Sess., 41 (1945).

In determining whether in a particular case agency action is "committed to agency discretion by law," there is no presumption against review and in favor of administrative absolutism absent "a clear and convincing" showing of a contrary legislative intent or unless such purpose is fairly discernible in the statutory scheme. *Abbott Laboratories v. Gardner*, 387 U.S. 136, 141, 87 S. Ct. 1507, 1510–1511, 18 L. Ed. 2d 681 (1967). The inquiry is not limited to merely whether the agency was given discretion to act, but also whether: (1) Congress intended that the exercise of that discretion be left *solely* to the expertise of the agency; and (2) the exercise of that discretion in a particular case involves the resolution of matters within the special administrative competence of the agency. *Barlow v. Collins*, 397 U.S. 159, 166, 90 S. Ct. 832, 837, 25 L. Ed. 2d 192 (1970). The Court cannot indulge in broad generalizations, but rather must review each individual agency action complained of in the light of the specific statutory scheme provided by Congress.

An examination of the legislative scheme provided by Congress in the Helium Act Amendments of 1960 reveals that the Secretary was given broad discretion in choosing an appropriate method of implementing a national helium conservation program. In the exercise of that discretion, the Secretary chose to enter into long-term contracts with the plaintiffs, and within those contracts he provided a method by which they could be terminated in the event that further helium procurement was unnecessary to accomplish the purposes of the Act. On February 2, 1973, the Secretary again exercised his discretion when he determined that the continuation of the contracts was unnecessary, *since the purposes of the Helium Act had been satisfied*. That determination was necessarily predicated on the Secretary's interpretation of the intended scope and purposes of the helium conservation program as envisioned by Congress in the promulgation of the Helium Act, and in particular Section 167m, 50 U.S.C.

Implicit in the Secretary's determination to terminate these contracts was the Secretary's realization that, although he was given wide discretion in choosing the means of implementing the Helium Act, his actions were to conform to the overall objectives of the Act; that he was not given unfettered discretion to, in effect, change the underlying purpose of the Act itself. The plaintiffs contend that the Secretary's determination that the objective of the Act was to conserve helium for foreseeable and "essential government activities" was clearly erroneous and constituted an abuse of discretion. They do no request the Court to substitute its judgment for that of the Secretary in areas clearly intended to be left solely to his special administrative expertise, but they do assert that the Court is obliged to review the Secretary's decision insofar as it involves an interpretation of the underlying statute. The Court agrees.

The principal dispute in this case, beyond the agency's compliance with NEPA, clearly involves the Secretary's interpretation of the provisions of the Helium Act. Section 4332 (1) directs that "to the fullest extent possible . . . the public laws of the United States shall be interpreted and administered in accordance with the policies" therein set forth. If in determining to terminate the helium procurement contracts the Secretary interpreted the objectives of the Helium Act in an erroneous or unnecessarily restrictive manner, his action would be contrary to not only the Helium Act, but NEPA as well; the statutes themselves clearly provide "law to apply." This statutory dispute must ultimately be resolved, not on the basis of matters within the special competence of the Secretary, but by judicial application of canons of statutory construction. *Barlow* v. *Collins*, 397 U.S. 159, 90 S.Ct. 832, 25 L.Ed.2d 192 (1970). As Justice Harlan so aptly noted in his dissent in *Hardin* v. *Kentucky Utilities Co.*, 390 U.S. 1, 14, 88 S. Ct. 651, 658–659, 19 L.Ed.2d 787 (1968):

> "The role of the courts should, in particular, be viewed hospitably where . . . the question sought to be reviewed does not significantly engage the agency's expertise. 'Where the only or principal dispute relates to the meaning of the statutory term' . . . [the controversy] presents issues on which courts, and not [administrators], are relatively more expert."

In light of the nature of the specific agency action involved in this suit and the clear congressional intention to permit review of agency action taken pursuant to the Helium Act Amendment of 1960 (50 U.S.C. § 167h (a)), this Court will not preclude review merely because the statute is written in broad and permissive language, although such fact necessarily limits the *scope* of the review. See *Zuber v. Allen*, 396 U.S. 168, 90 S.Ct. 314, 24 L.Ed.2d 345 (1969), and *Mulloy v. United States*, 398 U.S. 410, 90 S.Ct. 1766, 26 L.Ed.2d 362 (1970).

Although it is unnecessary to reach the Secretary's ultimate decision in this case, since compliance with NEPA is a necessary prerequisite to taking any major federal action and the Court is convinced that the Secretary did not comply with the procedural or substantive requirements of NEPA, the Court would advise the Secretary to carefully review the Helium Act, *as a whole*, and especially in the light of its legislative history.

The Court has reviewed that history, and it has been unable to find any mention of limiting the scope of the program to satisfying only "essential government activities." On the contrary, the Chilson Report (which was the technical foundation underlying the legislative amendment), the remarks of Mr. Bennett[2] (Undersecretary of Interior who was the major agency representative encouraging passage of the Act), the repeated statements of Senator Allott[3] (the major sponsor of the Bill in the Senate), and the statements of those appearing before the Insular Committee, all repeatedly refer to the need to conserve the helium from being wasted "without serving any useful purpose." They all reflect deep concern that helium is wasting that might be needed at some future time for unforeseen needs of the entire nation. In the words of Senator Allott:

> "The measure now awaiting final action by this body is, as we all must know by now, for the purpose of taking care of the reserves of helium for future use, both civilian and defense requirements. Although it is estimated that present reserves are adequate to meet forecast requirements for some time, these reserves are being depleted. . . . Mr. President, if we do not act promptly to halt this negligent, careless waste, we shall have little helium left for the future when, perhaps, we shall need it most." 106 Cong. Rec. 17855 (Aug. 26, 1960).

In reviewing the Helium Act itself, the only mention of any possible limitation on the conservation program which could even remotely be considered as limiting the purpose to conserving helium only for "essential government activities" is found in Section 15, 50 U.S.C. § 167m. The Court has reviewed that section in light of the overall purpose of the statute, and it would encourage the Secretary to do the same. It *appears* to the Court that the section was intended to insure that the federal government would not interfere with private production, development, and sale of helium *unless* such activity interfered with the Government's need to make its own program self-liquidating or to provide for "essential government activities," and that it was not intended as a limitation on the conservation program itself.

SCOPE AND STANDARDS FOR REVIEW

Having resolved these preliminary jurisdictional issues, the Court will now turn to the resolution of the plaintiffs' claims. As previously noted, the Court views the Secretary's compliance or non-compliance with NEPA to be the central issue of this case at this time. The plaintiffs assert that the procedural and substantive requirements of NEPA were not satisfied, and that the Secretary's termination of the helium procurement contracts must be enjoined and the matter remanded to the Department of Interior.

The general rules regarding the scope and standards for review of agency action pursuant to the Administrative Procedure Act were only recently set out in detail by the Supreme Court in *Citizens to Preserve Overton Park, Inc. v. Volpe*, supra. In reviewing agency action, the Court is initially confronted with three questions: (1) what is the standard for review; (2) what is the scope of review; and (3) upon what evidentiary basis is the action to be judged.

First, the standard for review to be applied in this case is readily apparent. Section 706 of the Administrative Procedure Act, 5 U.S.C., provides that in *all* cases, a reviewing court must set aside agency action found to be "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law," or which fails to meet statutory, procedural, or constitutional requirements. 5 U.S.C. §§ 706(a) (A), (B), (C), (D). Since the Secretary's action in this case was not taken pursuant to a rule-making provision of the Administrative Procedure Act or based on a public adjudicatory hearing, neither the "substantial evidence" nor *de novo* review standards are applicable.

Second, the scope of review of agency action under the Administrative Procedure Act was clearly expressed by the Supreme Court in *Citizens to Preserve Overton Park v. Volpe*, supra, where the Court noted:

> "Even through there is no *de novo* review . . . the generally applicable standards of § 706 require the reviewing court to engage in a substantial inquiry. Certainly, the Secretary's decision is entitled to a presumption of regularity, . . . but that presumption is not to shield his action from a thorough, probing, in-depth review." 91 S.Ct. at 823–824.

Although this Court does not have the authority to substitute its judgement for that of the Secretary in areas of administrative expertise, it clearly does have the authority and obligation to engage in a careful scrutiny of the agency's action to determine whether such action was "arbitrary, capricious, and abuse of discretion, or otherwise not in accordance with law." This careful review is especially appropriate in a case such as this involving alleged non-compliance with the procedural and substantive requirements of NEPA. See *Calvert Cliffs' Coordinating Committee v. Atomic Energy Commission*, 449 F.2d 1109 (D.C. Cir. 1971); *Scenic Hudson Preservation Conference v. Federal Power Commission*, 453, F.2d 463 (2d Cir. 1971), cert. denied 407 U.S. 926, 92 S.Ct. 2453, 32 L.Ed.2d 813 (1972); *Environmental Defense Fund v. Corps of Engineers*, 470 F.2d 289 (8th Cir. 1972); and *Natural Resources Defense Council v. Morton*, 458 F.2d 827 (D.C. Cir. 1972).

Finally, a more difficult problem arises when determining upon what evidentiary basis an agency's action is to be judged in reviewing its propriety. Section 706 of the Administrative Procedure Act provides that "in making the . . . determination, the court shall review the *whole record*." The defendants have persistently maintained that the administrative record in this case consists solely of: (1) the information relied upon by the Secretary in reaching his decision; (2) the comments received from agencies and interested parties responding to the draft environmental impact statement; and (3) the information brought to the attention of the agencies by the plaintiffs. The Court categorically rejects that position.

The National Environmental Policy Act places a positive duty on federal agencies to prepare a comprehensive environmental impact statement prior to taking any major federal action (§ 4332). Prior to the preparation of the statement, the Act directs that the agency *shall* "consult with and obtain the comments of any federal agency which has jurisdiction by law or special expertise with respect to *any* environmental impact involved," and "initiate and utilize ecological information useful in restoring, maintaining, and enhancing the quality of the environment" (§ 4332 (C) and (G)). In this case the plaintiffs have proffered numerous documents and reports which were either prepared by the Department of Interior itself or other federal agencies, or readily available to any member of the public bearing directly upon the enivronmental impact of the Secretary's action. The defendants' pat response is that the documents were not brought to their attention by the plaintiffs prior to the preparaion of the final enviornmental statement or the Secretary's decision so they are not relevant. The fallacy inherent in this reasoning is that it assumes that it is the burden of others outside the agency to bring pertinent material to the attention of the agency—*it is not*. The duty to unearth and utilize all relevant and available information lies directly and unequivocally with the agency.

In reviewing agency compliance with NEPA, the Court is obliged to consider *all* relevant material bearing directly or indirectly on the environmental aspects of the action under consideration which were either (1) in the agency's files, but not disclosed in the final environmental statement; or (2) readily available to the agency had it fulfilled its statutory responsibilities. *Calvert Cliffs' Coordinating Committee v. United States Atomic Energy Commission*, supra, at p. 1119.

After having reviewed the administrative record submitted to the Court by the Department of Interior, and as supplemented by the plaintiffs, the Court is convinced that the Secretary's attempted compliance with NEPA, which is a necessary condition precedent to any major federal action, falls woefully short of the Act's requirements in a number of significant respects, primarily, the shortcomings of the Department's final environmental impact statement. Consequently, the Court does not reach the plaintiffs' remaining claims, but rather, remands this matter to the Department of Interior for further consideration in light of this opinion.

NEPA

In response to growing national concern about the state of the environment, Congress passed the National Environmental Policy Act (NEPA) in 1969. In so acting, Congress

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See footnotes at end of article.

specifically recognized the need for a national policy which would encourage the productive and enjoyable harmony of man with his environment (§ 4321). Although the Act does not create any substantive rights to a clean and productive environment or establish environmental protection as the *exclusive* goal of federal agencies, it does assure that environmental amenities are carefully considered along with other considerations so that a proper balance is ultimately reached. Section 101, 42 U.S.C. § 4331, requires the federal government to use "all practicable means, consistent with other essential considerations of national policy, to improve and coordinate federal plans, functions programs, and resources." Furthermore, in order to assure that the national policy is implemented and that all federal agencies plan and work toward meeting the challenge of a better environment, Congress specifically include certain "action-forcing" provisions. See S. Rep. No. 91–296, 91st Cong., 1st Sess. 9 (1969).

Section 102, 42 U.S.C. § 4332, provides, among other things, that each federal agency shall, "to the fullest extent possible," include in every recommendation or report on major federal actions a "detailed statement" on:

"(C)

(i) the environmental impact of the proposed action,

(ii) any adverse environmental effects which cannot be avoided should the proposed be implemented.

(iii) alternatives to the proposed action,

(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented."

In addition, the section requires that "officials consult with and obtain the comments of any federal agency which . . . has special expertise with respect to the environmental impact involved," prior to the preparation of the statement (§ 4332(2)(C)); that the agency "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources" (§ 4332(D)); and that the agency "initiate and utilize ecological information in the planning and development of resource-oriented projects (§ 4332(G)).

In furtherance of this congressional purpose, the Council on Environmental Quality has issued comprehensive guidelines for federal agencies to follow in conforming to the mandates of NEPA (36 Fed. Reg. 7724, 7727 (1971)), Executive Orders have been issued directing federal agencies to develop procedures for implementing and enforcing the Act (Executive Order 11514, 35 Fed. Reg. 4247 (1970)), and the Department of Interior has itself issued guidelines to be followed within its department in conforming with NEPA (36 Fed. Reg. 19,343–19,347 (1971)).

Based upon the clear language of NEPA, its implementing provisions, its legislative history, the many cases interpreting its import, and the underlying policy which it was intended to foster, it is clear that the mere formal filing of a document, in and of itself does not satisfy the Act's substantive and procedural mandates or preclude further inquiry by judicial review. As noted in the recent Tenth Circuit Court of Appeals decision in *Davis v. Morton*, 469 F.2d 593 (1972):

"Reading the Act and its legislative history together, there is little doubt that Congress intended all agencies under their authority to follow the *substantive and procedural mandates of NEPA*." 469 F.2d at 569. (Emphasis added.)

Compliance with NEPA is more than a mere ritual—it requires thorough research, investigation, corroboration, and consideration of the environmental effects attending a given agency action.

In determining whether an agency has complied with NEPA prior to taking major federal action, the focal point of attention is the impact statement. As noted by Judge Leventhal in *Natural Resource Defense Council, Inc. v. Morton*, 458 F.2d 827 (D.C. Cir. 1972), at page 833:

"Congress contemplated that the Impact Statement would constitute the environmental source material for the information of the Congress as well as the Executive, in connection with the making of relevant decisions, and would be available to enhance enlightenment of—and by—the public. The impact statement provides a basis for (a) evaluation of the benefits of the proposed project in light of its environmental risks; and (b) comparison of the net balance for the proposed project with the environmental risks presented by alternative courses of action."

Assuming that the agency has fulfilled its responsibilities by consulting with other agencies and utilizing available ecological and technical information, the statement should constitute a full-bodied record upon which Congress, the Executive, the public and the agency can adequately judge the wisdom of the proposed action. *Calvert Cliffs' Coordinating Committee* v. *Atomic Energy Commission*, supra (purpose of statement is to aid agency in its decision and to fully inform other interested agencies and the public of environmental consequences); *Environmental Defense Fund* v. *Corps of Engineers*, 325 F. Supp. 749 (E.D. Ark. 1971) (statement must alert President, Council on Environmental Quality, the public, and Congress to all known or possible environmental consequences); *Ely* v. *Velde*, 451 F. 2d 1130, 1138 (4th Cir. 1971) (genuine, rather than perfunctory compliance with NEPA requires agency to explicate fully its course of inquiry, its analysis, and its reasoning); *Greene County* v. *Federal Power Commission*, 455 F. 2d 412 (2d Cir. 1972), cert. denied, —— U.S. ——, —— S. Ct. ——, 34 L. Ed. 2d 90 (1972) (statement must present a single coherent and comprehensive environmental analysis).

Before turning to the final environmental impact statement compiled by the Department of Interior in this case, it is first instructive to note that this is not the run-of-the-mill NEPA case. Normally, a federal agency is proposing to take affirmative action—such as the building of a dam, nuclear power facility, or pipeline—which is likely to have certain adverse environmental effects, yet which will also benefit society in some appreciable manner. The courts are consequently involved in the acrimonious imbroglio of assuring that the agency has adequately weighed the possible adverse environmental effects against the likely beneficial goals of the action, and that a thorough cost-benefit analysis has, in fact, preceded the action.

In this case, however, the Department of Interior is not proposing to take any affirmative action—rather, the Department is recommending the abandonment of a comprehensive conservation program authorized by Congress to save a vital natural resource which was being needlessly frittered away without first serving any useful purpose. It is clear beyond peradventure that the recommended action will not benefit society, except perhaps economically, and then only temporarily. The question is—will it injure society?

The Department of Interior has consistently maintained from the beginning of this litigation nearly two years ago that the Secretary's action does not constitute major federal action—that it merely involves the termination of three contracts. An examination of the final environmental impact statement prepared by the Department of Interior in this case demonstrates that the Department of Interior continues to harbor that crabbed conception of this action.

THE IMPACT STATEMENT

On November 13, 1972, the Department of Interior issued a document entitled "Final Environmental Statement—Termination of Helium Purchase Contracts—United States Department of Interior—Bureau of Mines." The statement is comprised of eighty pages, excluding the comments received from other federal agencies and interested parties. It contains: (1) a general description of the proposed action (4 pages); (2) a general description of the environment (43 pages) including: the characteristics of helium (1 page); its current (9 pages) and prospective future uses (11 pages); its current proved, provable, possible, and speculative supply (11 pages); and its present and future demand to the year 2000 (9 pages); (3) a discussion of the environmental impact of the proposed action (11 pages); (4) a one-paragraph discussion of the possible unavoidable adverse environmental effects; (5) a two-paragraph discussion of the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; (6) a one-paragraph discussion of the irreversible and irretrievable commitment of resources involved in the termination; (7) a discussion of the alternatives to the proposed action (6 paragraphs); and (8) a description of the consultation which preceded the issuance of the statement, and a reply to the comments received.

The Department's final impact statement is far from a coherent and comprehensive environmental analysis. It consists primarily of a narrative description of helium's characteristics and present and future uses, supply, and demand. After reviewing it, however, certain basic facts are evident: (1) these contracts involve the largest *known* source of helium-rich natural gas in the world, and if the helium is not extracted and stored it will be irretrievably lost; (2) present uses of helium indicate it is a most important or even indispensable element in our existing science, industry and ecology; (3) helium holds considerable promise as a necessary tool in the development of many environmentally beneficial technological advancements in such areas as exploration and future development of the sea, underground transmission of large blocks of electrical energy, virtually pollution free generation of energy, and efficient high speed ground mass-transportation systems; (4) of the proven sources of helium-rich natural gas, most will probably be totally depleted some time between 1985–2000; (5) if the expected technological breakthroughs, many of which are now in the experimental stage, come to pass, helium will either have to be recovered from low content helium-bearing natural gas or the atmosphere; and (6) if these contracts are terminated, the future availability of helium will be totally dependent upon the actions of the private companies.

After reviewing this portion of the statement, a number of questions beg answering: What is to be gained by terminating the contracts? Assuming that we will eventually have to rely on low content helium-bearing natural gas, how much is expected to be available at the turn of the century? Will recovery of helium from the atmosphere be economically feasible, and if so, will there be any adverse environmental effects? What effect will a future shortage of helium have on the ability to go forward with research in the areas holding considerable environmental promise? If these technological advancements are precluded due to a lack of helium and we are forced to rely upon more conventional systems, what will be the environmental effects? If the program is working as envisioned by Congress and is, or could be, self-liquidating, why terminate it? Would it be economically feasible to expand the program? Is there any economic incentive for the private companies to extract and store the helium? These and other questions go completely unanswered in the impact statement.

The entire discussion of the environmental impact of the proposed action can be quickly summarized as follows: (1) the Government will forego the purchase and storage of approximately 20 bcf of a non-renewable resource; (2) whether this helium is extracted and stored is completely up to the companies; (3) there will be no immediate direct environmental effects to either continuation or termination of the contracts, besides a possibility of some unemployment within the contractors' corporate structures; (4) in the event that large demands should materialize due to the development of new technological advancements, the storage now of 20 bcf of helium would only extend, rather than foreclose, the necessity of turning to other sources of helium; (5) alternatives include variations of the recommended action or further expansion of the conservation program; and (6) although further expansion of the program could provide for additional helium and extend the period when helium will have to be obtained from unknown or environmentally disadvantageous sources, legislation does not presently allow for expansion so it is not a pertinent alternative.

In examining the final environmental impact statement to determine whether it complied with the substantive and procedural requirements of NEPA, it was unnecessary for the Court to substitute its judgment for that of the Secretary in matters within his special expertise. The statement is appallingly deficient in a number of respects *on its face*.

A. DESCRIPTION OF THE ACTION

One of the most important aspects of any final environmental impact statement is the clarity with which it sets forth the exact purpose of the proposed action—why the action is being recommended and what is to be gained from it. Once the purpose of the action is clearly in focus the decision-maker, Congress, the Executive, and the public are in a position to balance the possible adverse environmental effects against the benefits to be gained from the action and reach a balanced and knowledgeable decision on its merits.

In its final environmental impact statement, the Department of Interior states that the purpose of the action is the termination of three helium procurement contracts. Since it is clear that the termination will likely result in the wastage of approximately 20 bcf of a non-renewable natural resource, is the reader to conclude that the purpose of the action is to commit the helium to waste for no apparent reason? Regardless of Interior's interpretation of the Helium Act as not *requiring* the purchase and storage of this helium, there is no doubt but that it clearly has the *authority* to so act. What then is the purpose of the action?

Although it cannot be gleaned from the statement itself, a perusal of the administrative record shows that the primary reasons for the action are: (1) the fact that the program is not as financially sound as it was expected to be; and (2) the desire to save approximately forty million dollars annually for helium purchases during the life of the helium procurement contracts. If one or both of these reasons motivated the recommended action, then the final environmental statement should so state. Otherwise, there is no method by which to balance the interests and determine the proper course of action.

In addition, the statement not only fails to set forth the purpose for the action, but it also blatantly misdescribes the actual effect of the proposed action. The decision to terminate these contracts represents more than merely a decision to forego the purchase and storage of 20 bcf of helium. It means the effective withdrawal from the farsighted federal commitment to helium conservation made by Congress over a decade ago. It represents a return to the same situation that prevailed before the contracts were entered into—the needless and useless wastage of a vital natural resource before it serves *any* useful purpose—and a decision to essentially turn our backs on the future generations of Americans who are likely to be acutely confronted with a bankruptcy of resources.

B. SHORT-TERM USES OF MAN'S ENVIRONMENT

Section 4332(2)(C)(iv) of NEPA requires that each environmental impact statement set forth "the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity. . . ." The Council on Environmental Quality's Guidelines provide that "this in essence requires the agency to assess the action for cumulative and long-term effects from the perspective that each generation is trustee of the environment for succeeding generations."

In a feeble attempt to comply with this requirement the Department's statement merely notes that it will forego the purchase and storage of 20 bcf of helium, and that the extent to which this helium could thereafter be recovered is conjectural. Although the statement recognizes the possibility that future demand may outrun then available supplies, it merely notes that the storage of an additional 20 bcf of helium now would only extend the period when it would have to be obtained from unknown sources by 4–15 years. The Department's conclusion—since present storage will not prevent recourse to other sources forever, there is no need to consider conservation—is a non sequitur.

From the information contained in the comments received by the Department of Interior and the administrative record, there is little doubt but that large supplies of helium will be needed in order to assure the eventual realization of many environmentally beneficial technological breakthroughs expected to blossom around the turn of the century. The statement totally fails to consider the possible effects of termination on the ability to go forward with research, development, and the eventual application of these techniques. As noted in the Court's previous orders, some of the more important areas include electrical power generation by helium-cooled fission reactors, nuclear fusion reactors, superconducting systems of generation and transmission of power, magnetohydrodynamics, and transportation by superconducting magnetic leviation systems.

Although the statement makes no attempt to quantify the importance of 20 bcf of helium in these areas, the comments do. The Atomic Energy Commission opined that 20 bcf of helium would be sufficient to supply the necessary inventory for all of the nation's high-temperature gas-cooled reactors built through the year 2010. Union Carbide expressed the opinion that 20 bcf of helium would only supply one-third of the needed inventory for these reactors. Clyde E. Taylor, of the Lawrence Radiation Laboratory, estimated that 20 bcf of helium would provide the inventory for all of the nuclear fusion reactors built within the next fifty years. It is unknown how much helium will be needed in the other areas previously mentioned. Apparently, the Department did not feel it was important enough to look into.

In his recent message on the energy crisis, President Nixon stated that "if present trends continue unchecked, we could face a genuine energy crisis." But he added:

"The crisis can and should be averted, for we have the capacity and the resources to meet our energy needs if only we take the proper steps—and take them now."

There is no question but that new technological breakthroughs in techniques involving the use of large amounts of helium hold the promise of solving at least some of our future energy needs. In his message, the President recommended the development of a "more comprehensive, integrated national energy policy to meet the emerging energy challenge." He noted that he had proposed a 35% increase in the funding of the nation's nuclear fusion research and development effort to accelerate experimental programs and to initiate preliminary reactor design studies, including the development of MHD. There is no doubt that the energy research effort stands high on the nation's list of priorities. In fact, the country is spending over fifty million dollars annually for research in cryogenics and superconductivity. Any action now to terminate these contracts must, therefore, thoroughly consider the possible effect which might ultimately ensue. The statement totally fails in that regard.

C. POSSIBLE ADVERSE ENVIRONMENTAL EFFECTS

Due to the failure of the statement to adequately consider the possible effect of the termination of the contracts on the future development and application of the technological advancements mentioned above, the statement is obviously incomplete in this regard. Section 4332(2)(C) requires that each statement include a discussion of the environmental impact of the proposed action. The specific treatment given to this subject in the final statement is startling in its brevity and lack of depth.

In one paragraph, the statement points out that termination of these contracts would have no direct effect on the physical environment; that the Government would merely forego the purchase and storage of an additional 20 bcf of helium; and that some unemployment might result. The section concludes with the statement that if it should become necessary or desirable to extract helium from the atmosphere:

"It has been estimated that the power requirements to produce one billion cubic feet would be 26,000 megawatts. The generation of this amount of power using coal for fuel would add about 670,000 pounds per hour of pollutants to the atmosphere and increase thermal pollution by 3.5 times 10^2 Btu per day."

This scientific description of the effects of obtaining helium from the atmosphere was translated into understandable terms by the comments of Union Carbide Corporation. The 26,000 megawatts of power required to produce one billion cubic feet of helium is about one-tenth of the present United States power capacity. To obtain from the atmosphere the 20.7 billion cubic feet of helium which is proposed to be abandoned would require the equivalent of two years of the United States' total power output with the consequent inevitable air and thermal pollution:

"To illustrate the impact upon thermal pollution, applying [the] logic of supplying 3.8 billion cubic feet of helium in the year 2000, if the total heat produced from all of the required helium-from-air plants were cooled by the water from the Mississippi River, the river temperature would be raised approximately 10 degrees Fahrenheit. If, as another example, the heat were discharged to the air in atmospheric (wet type) cooling towers, over 40 million barrels of water would be evaporated each day. This is about 125% of New York City's average daily water consumption of 30 million barrels." (Contractors joint response to DES pp. 13–14.)

Although the Court cannot understand why the Department's final statement did not phrase the discussion of the environmental effects of obtaining helium from the atmosphere in more commonly understood terms, it does alert the reader to the problem.

The Court's major complaint regarding the Department's discussion of possible adverse environmental effects of the proposed action is, as previously alluded to, the failure to discuss *any* secondary and indirect environmental effects likely to arise in the future. The Council on Environmental Quality's

Guidelines specifically state that "both primary and secondary significant consequences for the environment should be included in the analysis." 36 Fed. Reg. 7725 (April 23, 1971). It further provides that:

"The Act (NEPA) also indicates that adverse significant effects include those that degrade the quality of the environment, *curtail the range of beneficial uses of the environment, and serve short-term, to the disadvantage of long-term, environmental goals*. . . . Significant adverse effects on the quality of the human environment include both those that directly affect human beings and those that indirectly affect human beings through adverse effects on the environment." (Emphasis added.)

In analyzing the statement's discussion of adverse environmental effects, two questions immediately come to mind: (1) what effect will the possible inability to go forward with research and development in the areas previously specified, due to the lack of an adequate supply of helium, have upon the future standard of living for Americans and the beneficial range of choices at the turn of the century; and (2) what will be the environmental effects of the necessity to utilize more conventional means of producing and transmitting energy and transporting large numbers of citizens to and from our cities? Although the statement does not even attempt to answer either question, the latter is somewhat answered by the comments to the statement.

Union Carbide estimated that 3,000,000 mw of nuclear powered electric generators would have to be built between 1980 and 2010. Assuming that helium was not available to supply (i.e., cool) these reactors, it noted:

"The environmental impact of being forced to choose a less desirable reactor because of inability to obtain the required helium supply would be very large indeed. One thousand 1,200 mw electric stations using pressurized or boiling water reactors instead would increase waste heat rejection by 1,000,000 mw. This much waste heat is sufficient to heat the Niagara River enough to cook any fish or other living creatures and make Lake Ontario a dead sea. If this amount of waste heat were rejected in conventional cooling towers, it would vaporize over a million tons of water per hour, or the equivalent of one hundred acre ponds ten feet deep every day."

The response of the Pacific Gas and Electric Company concurred with Union Carbide's conclusion, noting that if it should later become necessary to rely upon steam-cooled reactors it could have a "staggering environmental impact." The statement does not even mention these possible adverse environmental effects. What additional adverse environmental effects are likely to result from the present termination of these contracts is not discussed. The Court is aware of the speculative nature of these future projections, but the future supply of helium is likewise speculative. Complete analysis demands further attention to this area.

D. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS

Section 4332(2)(C) of NEPA requires that each statement contain a discussion of "any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented." In discussing this aspect of the environmental impacts of the proposed action, the Department of Interior merely notes that if the helium is not extracted from the natural gas streams, it will escape to the atmosphere. It then states that:

"Upon termination of the helium purchase contracts, the extent to which each of the companies would continue to recover helium from the natural gas available to it and the extent to which it would store such helium . . . would rest entirely with each of the companies."

NEPA requires that federal agencies "use all practical means, consistent with other essential considerations of national policy, to improve and coordinate federal plans, functions, programs, and *resources*, to the end that the nation may—

(1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

* * * * *

(5) achieve a balance between population and *resource* use which will permit high standards of living and a wide sharing of life's amenities; and

(b) enhance the quality of renewable resources and approach the *maximum attainable recycling of depletable resources*." § 4331(b). (Emphasis added.)

In addition to these requirements of NEPA, the Helium Act clearly places the responsibility for assuring that the helium conservation program is carried out in conformity with the Congressional objective squarely on the shoulders of the Secretary of Interior.

The Department of Interior cannot meet these responsibilities by merely recognizing that the future availability of helium will rest upon the companies' decisions. The impact statement should thoroughly examine what is likely to happen in the event that the contracts are terminated. Ever since the inception of the helium conservation program in 1960, the Government has operated on the assumption that current demands for helium, when coupled with the speculative nature of future helium demands, made it highly improbable that private companies would bear the economic burden of sorting the helium for future use. If this situation still prevails, and in light of the diminished current demand for helium it would appear that it does, then the statement should so admit. In that event, the inadequacies of the discussion of irreversible and irretrievable commitments of resources are self-evident. If, on the other hand, it is certain that the companies will continue to extract the helium, then such a discussion would be unwarranted. In either event, the statement should reveal the facts as they are so that the reader is not left hopelessly in the dark.

E. ALTERNATIVES TO THE RECOMMENDED ACTION

Section 4332(2)(D) of NEPA requires each federal agency to "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources." In addition, Section 4332(2)(C)(iii) provides that the statement shall include a discussion of "alternatives to the proposed action." As noted by the Second Circuit Court of Appeals in *Monroe County Conservation Council Inc.* v. *Volpe*, 472 F.2d 693, 697–698 (2d Cir. 1972):

"The requirements for a thorough study and a detailed description of alternatives, which was given further Congressional emphasis in § 4332(2)(D) is the linchpin of the entire impact statement."

Besides a short discussion of the alternatives available to the private companies if the contracts are terminated, the final environmental impact statement lists the following alternatives: (1) variations in the proposed action, such as termination of one or two of the contracts, which would only vary the action in degree; (2) continuation of the contracts coupled with extension of their terms and an expansion of the amount to be purchased, which would extend the period when helium would have to be recovered from other sources by 7–24 years; and (3) various alternative methods of obtaining additional helium from other sources. Insofar as the latter two alternatives are concerned, the statement notes that the Department presently lacks statutory authority to implement them.

Assuming the exact nature of and reasons for the proposed action had previously been stated, and the possible environmental effects of the action had been thoroughly explored, the discussion of alternatives to termination could rationally be judged. As previously noted, however, the statement at no time tells the reader why the contracts are being terminated. If future needs and future supplies of helium gas are speculative, as all parties admit, then an examination of the statement itself would lead the reader to believe that the reason was either: (1) to casually waste a vital natural resource for the monetary savings; or (2) to terminate the contracts because the amount of helium being conserved would only extend the time when helium would have to either be ignored as a natural resource or obtained from less environmentally advantageous sources, rather than preclude such occurrence. Obviously, this action is not motivated by either of these reasons, but what is the reason? The Department's discussion of alternatives epitomizes its attitude in the entire matter.

Decisions of this magnitude simply cannot be made in conference rooms behind closed doors. NEPA requires full disclosure of the exact nature of and reasons for a given action. It is only in this manner that an action can be judged on its merits and a reasoned choice between alternatives can be reached. When Congress passed the Helium Act in 1960, it provided a method by which the helium conservation program could be made self-liquidating—a method by which helium could be preserved for future generations at little or no cost to this generation. They realized that the loss of a natural resource before it served any useful purpose, in and of itself, constituted a needless and unwarranted environmental impact.

There is no question but that the termination of these contracts involves "unresolved conflicts concerning alternative uses of available resources." It is also clear from an examination of the administrative record in this case that the reason for the termination of the helium procurement contracts is the failure of the conservation program to become fiscally self-sufficient. The obvious alternative to cancelling these contracts is to make the program self-sustaining, yet the impact statement does not even consider this aspect. The Court finds this omission fatal.

The many documents and reports found in the administrative record and the comments received in response to the issuance of the draft environmental statement list a number of financial and legislative alternatives which could make the program financially sound. They include: (1) negotiation with the contractors in an attempt to obtain a lower purchase price (a tentative agreement with National Helium Corporation would have reduced the Government's cost for helium-gas mixture by nearly 40%); (2) requiring all Government contractors to purchase their helium requirements from the Department by Executive Order, as suggested in *Air Reduction Company* v. *Hickel*, 420 F. 2d 592 (D.C. Cir. 1969); (3) varying the sale price of the helium (Congress had originally recommended that the helium be sold for $40–$45, while the Department is presently selling it for $35); (4) placing a federal tax on the sale of helium not produced by the Government; (5) giving foreign governments a preferential right to purchase some of the helium and store it in the Cliffside facility; (6) lowering or eliminating the interest charge on borrowed money now used to operate the program; (7) treating the helium stored in Cliffside as a stockpile (materials and supplies now stockpiled such as copper, zinc, cobalt, and manganese, do not have interest added to current market price when sold, as helium does); and (8) prepayment to the Government by public utility companies ordering nuclear power stations, i.e., high temperature helium gas-cooled reactors (HTGR) for a future supply of stored helium to insure operation during the life of the reactor (see Appendix to Response of Union Carbide Corporation to Environmental Statement). Are any of these alternatives feasible? Would they individually or in combination assure a self-liquidating program or even an expanded conservation program which would take care of the needs of future generations? The statement's discussion does not even mention these alternatives, let alone analyze them in relation to the overall goals of the conservation program, but merely leaves the matter to the imagination of the reader.

In addition to the failure of the statement to discuss alternatives to the termination of the contracts which could make the present program self-sustaining—alternatives recommended by many of the officials within the Department of Interior itself—the statement is wholly lacking in a meaningful discussion of alternatives which could at least minimize, if not avoid, the future necessity of either going without helium, and consequently the technological advancements expected to be derived from its availability, or obtaining it from sources posing serious environmental effects. Although the statement lists the possibility of expanding the program in order to obtain additional sources of helium, it at no time analyzes the feasibility of such expansion or the overall minimization of possible adverse environmental effects attending such expansion.

The Council on Environmental Quality's Guidelines provides that in any action involving unresolved conflicts concerning alternative uses of available resources the statement must engage in a rigorous evaluation of alternatives:

"A rigorous exploration and objective evaluation of alternative actions that might avoid *some or all* of the adverse environmental effects is essential. *Sufficient analysis of such alternatives and their costs and impact on the environment should accompany the proposed action through the agency review process in order not to foreclose prematurely options which might have less detrimental effects.*" 36 Fed. Reg. 7725 (April 23, 1971) (Emphasis added.)

There is absolutely no question but that the proposed action of the Department of Interior poses serious possible adverse environmental effects, despite the failures of the statement to elucidate them, and that the future availability of helium poses unresolved conflicts. If the continuation of these contracts alone will only *extend* the period within which helium might be scarce, then a full discussion of alternative methods of minimizing the eventual scarcity is demanded. The statement's discussion of these alternatives is simply too vague, general, and conclusionary. See *Environmental Defense Fund, Inc. v. Froehlke,* 4 E.R.C. 1829 (8th Cir. 1972), and *Natural Resources Defense Council, Inc. v. Morton,* 458 F. 2d 827, 834 (D.C. Cir. 1972).

The Court is aware of the defendants' contention that a vigorous analysis of alternatives requiring changes in legislation is normally not required of agencies. If this case merely involved the termination of three contracts the Court would fully agree with the contention that a rigorous examination of alternatives beyond the Department's legislative authority would be unnecessary. The Court *does not* agree. As has been previously noted, the Court views the Department's proposed action in this case as, *in effect,* a decision that a comprehensive program authorized by Congress is either unworkable, unwarranted, or unnecessary. It is more than a decision to terminate these three contracts, it is a decision to totally abandon a farsighted concept of present conservation for future utilization, and it could very well have the effect of precluding future expansion of the program.

As Senator Jackson noted prior to the passage of NEPA:

"The needs and aspirations of future generations make it our duty to build a sound and operable foundation of national objectives for the management of our resources for our children and their children. The future of succeeding generations in this country is in our hands. It will be shaped by the choices we make. *We will not, and they cannot escape the consequences of our choices.*" 115 Cong. Rec. volume 115, part 30, page 404116. (Emphasis added.)

If we are to make the necessary choices today, we must first be fully aware of the available range of alternatives. The Congressional decision to implement the conservation program was preceded by a thorough analysis and consideration of the broad long-range effects attending the present wastage of helium and the available alternatives. A decision to terminate the program now must likewise be preceded by such an analysis—it simply has not been.

F. PROCEDURE

There are a number of unresolved conflicts involved in the Department's proposed termination of the helium procurement contracts. Some of the more outstanding ones are: (1) Will there be any appreciable natural gas available at the turn of the century to serve as a source for future helium demands? (2) What effect will a future helium shortage have on this country's growing inability to meet its energy needs? (3) What effect will the possible inadequacy of helium at the turn of the century have on the ability to go forward with the development of such promising technological advancements as nuclear fusion, undersea exploration and development, outerspace exploration, and mass transportation? (4) What effect will a helium shortage have on the development of similar technologies in other countries of the world that are not blessed with such plentiful supplies of helium as this country? Although NEPA does not require "crystal ball" accuracy or the discussion of remote or speculative possibilities, it does require the agencies to take a "hard look" at the possible environmental impact of a given action and discuss reasonably foreseeable effects with a thoroughness commensurate with their severity and the significance of the action. The Court is convinced that the Department's attempted compliance with NEPA in this case falls far short of these responsibilities.

Section 4332(2)(C) of NEPA requires that before making the required detailed statement on environmental impact, the federal officials responsible for the statement "shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved." The extent of consultation by the Department of Interior in this case is indicated at the end of the text of the statement. The Department merely sent copies of the draft environmental statement to the federal agencies and invited, within a forty-five day time structure, comments and estimates of future helium requirements. Although several agencies expressed the desirability of more time and further consultation, there apparently was none.

In 1970, Congress passed the National Materials Policy Act of 1970, 84 Stat. 1234, 42 U.S.C. § 3251, et seq. Section 202 of that statute states that it is the purpose of the Act:

"To enhance environmental quality and conserve materials by developing a national materials policy to utilize present resources and technology more efficiently, to anticipate the future materials requirements of the nation and the world, and to make recommendations on the supply, use, recovery, and disposal of materials."

In furtherance of this policy, the Act created a National Commission on Materials Policy to look into the nation's and the world's resources (including energy), make long-range predictions as to their availabilities, and provide recommendations in such broad areas as maximization of resource use; conservation and environmental protection; preferred technologies and research priorities; waste management and recycling; the use of incentive, penalties, and other control techniques; public education and the reshaping of values. On June 20, 1973, the Commission is due to submit their report to the White House and Congress. Although the work of the Commission is obviously related to the proposed termination, and despite the suggestion of the Environmental Protection Agency that the Secretary confer with it, the Department did not even send them a copy of the draft statement.

Section 4332(2)(G) of NEPA, requires that agencies "initiate and utilize ecological information in the planning and development of resource-oriented projects." The National Science Foundation advised the Department of Interior that it was considering funding a "detailed study of helium needs and reserves through our Research Applied to National Needs Program." Such a study is, in fact, in progress at this time. The Department was urged to participate in the study, but it declined, due to the pending litigation.

In response to the plaintiffs' contention that the Department's failure to either consult with or actively participate in these comprehensive studies constitutes a clear violation of the requirements of NEPA, the defendants reply that either: (1) they were not brought to their attention by the plaintiffs, an observation of dubious validity; or (2) the Department's participation in such studies might have jeopardized their status in pending litigation. A response to this reasoning is unnecessary.

PUBLIC HEARINGS

Due to the failure of the Department of Interior to comply with either the procedural or substantive requirements of NEPA, the Court is remanding this matter to the Department for further consideration in light of this opinion. The plaintiffs have asserted that upon remand the Department should be ordered to hold public hearings, due to the large number of unresolved conflicts inherent in the proposed action. The great majority of the scientists, industry officials, and Congressmen responding to the Department's final environmental impact statement also requested public hearings. The response of the Department of Interior to such requests was:

"It is felt that the material accumulated in the draft environment impact statement and the responses thereto is more than adequate for the purposes of preparing a final environmental statement and of informing the public, and that hearings would not develop new material of a substantive nature which would materially aid in meeting these objectives. Therefore, public hearings were not scheduled."

As noted by the Tenth Circuit Court of Appeals in affirming this Court's order granting a preliminary hearing in this case, "neither NEPA nor APA compels [the Secretary] to appoint an examiner and conduct hearings." *National Helium Corporation* v. *Morton,* 455 F. 2d 650, 656 (10th Cir. 1971). The Council on Environmental Quality's Guidelines (36 Fed. Reg. 7724–7725), the Executive Order implementing NEPA (Executive Order 11514, 35 Fed. Reg. 4247), and the Department's own guidelines (36 Fed. Reg. 18343, 19346, October 2, 1971), do, however, provide that public hearings shall be held "whenever appropriate." It is clear, therefore, that the Department's failure to hold public hearings was not contrary to law. The question is—was it an abuse of discretion? See *Jacarilla Apache Tribe of Indiana* v. *Morton,* 471 F. 2d 1275, 1285–1286 (9th Cir. 1973).

In light of the large number of unresolved issues extant in this case, the deep public concern expressed by those responding to the Department's draft statement, the need for public enlightenment in areas involving the future availability of natural resources such as this, and the overriding national policy issue, involved in this proposed action, the Court is convinced that the Department's failure to hold public hearings did constitute an abuse of discretion. The Court simply cannot envision a more "appropriate" case. Although the Court does not agree with the plaintiffs' contention that such hearings must necessarily be adversary in nature, the Court does believe that some type of formal hearings would materially advance the public interest and improve the overall quality of the Department's statement. The resulting final environmental statement would then serve as an instructive base for national action, administrative or legislative, or both.

ORDER

This Court has already ruled that the proposed action of the Department of Interior threatens irreparable injury to the plaintiffs and the public interest. A preliminary injunction is now in effect. For the reasons herein stated, the Court finds that the Secretary of Interior has not complied with either the procedural or substantive requirements of NEPA. Since compliance with NEPA is a necessary condition precedent to taking any major federal action, the Court does not reach the propriety of the Secretary's actual decision to terminate these contracts. To reiterate, the purpose for requiring strict compliance with NEPA is to assure that the decision-maker does, in fact, take a "hard look" at possible environmental impacts of a given action, balance those impacts against the benefits to be derived from the action, and reach an ultimate decision which gives fair consideration to environmental amenities.

Due to the many inadequacies of the final environmental impact statement prepared by the Department of Interior, and before the Secretary when he made his final decision, such balancing process simply could not have occurred. Assuming that the Secretary had been fully apprised of the environmental impacts involved in the termination of these contracts, his decision might have been different. This matter must, therefore, be remanded to the Department of Interior for further consideration in light of this opinion.

It is therefore ordered that the preliminary injunction issued by this Court on March 27, 1971, enjoining the defendants, their agents and employees, from taking any action leading to the final termination of the National Helium Program and the implementing Contracts No. 14–09–0060–2429, No. 24–09–0060–2434, and No. 14–09–0060–2424, be, and the same hereby is, continued in full force and effect pending further order of this Court.

It is further ordered that the bond previously set as payment of such costs and damages as may be incurred by defendants if they are found to have been wrongfully restrained, shall continue in full force and effect pending further order of this Court.

At Wichita, Kansas, this 11th day of June, 1973.

Frank G. Theis,
U.S. District Judge.

FOOTNOTES

[1] Pub. L. 86–777, 74 Stat. 920. All proceedings were before the 86th Congress. The bill which became the Helium Act Amendments of 1960 was H.R. 10548. Other bills which were considered are S. 827, S. 2567, S. 3376, H.R. 8440, H.R. 8451 and H.R. 11030. The Reports of the hearings before the Committee on Interior and Insular Affairs, United States Senate, on H.R. 10548 and S. 3376, June 1 and 15, 1960, and the Report of Hearings Before the Subcommittee on Mines and Mining of the Committee on Interior and Insular Affairs, House of Representatives on H.R. 8440, H.R. 8451, H.R. 10548 and H.R. 11030, February 19, March 10 and 11, 1960, are printed. The Report of the House Committee is designated H. Rptr. No. 1552 and of the Senate, S. Rptr. No. 1814, with a minority report by Senator Carroll designated Part 2. Debate in the House and Senate is reported in 106 Cong. Rec., pp. 9089–9095, 15119–15125, 17855, 18936–18538, 18544–18546, 18602–18609 and 18902–18904.

[2] See, *Hearings on H.R.* 8440, 8451, 10548, 11030 *before the U.S. Senate Comm. on Interior and Insular Affairs,* 86th Cong., 2d Sess. (1960).

[3] See, 106 Cong. Rec. 17855, 18544–45, 18546, 18602 (1960).

TRIBUTE TO A GOOD SCOUT

(Mr. ALBERT asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ALBERT. Mr. Speaker, as I always welcome news of citizen efforts to inspire a greater knowledge of and confidence in the responsibilities of the American experience, I was thrilled to read of Mr. M. E. Dobbins of Durant, Okla., and his 41-year commitment to the Boy Scouts of America. As described in an excellent article by Mr. Bob Swearengin in the July 26, 1973, Byran County Star, Mr. Dobbins' close association with the Scouts is highlighted by an enthusiastic participation in activities which encourage both self-reliance and cooperative citizenship. As a result of his dedication, this venerable troop leader has helped an impressive number of young men achieve Scouting's highest individual honor, the Eagle Scout Award. I insert the following article to share my pride and appreciation for the devotion of this fine Oklahoman and American:

Good Scout Still Trails Eagle at Age 68

(By Bob Swearengin)

It was a bright sunny Sunday—a perfect day to leave for camp.

Boy Scouts of assorted shapes and sizes were sprinkled on the green lawn, amid cots, packs and various camping gear. Soon the bus would leave.

I unloaded the 11-year-old and stopped to chat for a few minutes with some of the other parents. Gosh . . . it seemed like only yesterday I was sitting on that grass with the other kids, anxiously awaiting a week in the woods. A quarter of a century sure can zip by in a hurry.

I realized that one thing hadn't changed during all that time when someone put a hand on my shoulder and said "hello." Because there was M. E. Dobbins, my old scoutmaster, getting ready to take my youngster to camp. Still helping kids trail the Eagle at age 68.

And after 41 years of service and 61 Eagle Scouts, Dobbins is as enthusastic about the program as ever. "Kids still need citizenship training," he said. "Maybe more so now than ever before."

The basic program hasn't changed much through the years, Dobbins said. It still emphasizes duty to God, country, others and self, in that order. A young man who is willing to work will grow in citizenship, leadership, self-confidence, and responsibility.

"The approach is different nowdays, though," said Dobbins. "A boy used to have to pass the Tenderfoot test before he was registered. But now the philosophy is that we can't teach scouting if we don't have him in. So a boy must be a Scout two months before he becomes a Tenderfoot. In that time he has to learn the Scout oath and law, demonstrate that he practices these ideals, and demonstrate Scout spirit. He has to earn citizenship and one other skill award, earn a merit badge, and take part in a personal growth agreement with one of the leaders.

"We're trying to develop more responsibility. A boy sits down with a leader, talks about his plans, and outlines his goals in scouting. He keeps this in his record book for future reference."

There's more emphasis on responsibility nowdays, but a Scout has more freedom to pursue his interests, too. In the old day, requirements up through first class rank were pretty well fixed. Nowdays the first class scout must earn eight skill awards, but only citizenship is on the required list. For the other seven, he can choose from all kinds of interesting areas: first aid, conservation, swimming, camping, family living, environment, community living, physical fitness, communications, cooking and hiking.

Merit badges work the same way. Five are required for first class and two of these must be citizenship in the community and first aid. But the other three can be any of a hundred, ranging from fish and wildlife management to reading to machinery. A youngster nowdays can do his thing and advance in rank too.

Dobbins thinks this is a good thing. He remembers one Scout who didn't make it to Eagle because he had a weight problem; he couldn't do the chinups on the personal fitness merit badge. A boy with that problem today could still earn his Eagle if he could pass one of the alternate badges: swimming and sports.

Incidentally, Eagles often run in families, All three of the Haskell Taylor's boys made Eagle Scout. Durant families with two are M. E. Dobbins, Weldon Lasater, G. P. Gentry, Oscar Borin, Troy Scoggins, Bill Steger (formerly of Durant), and Clyde Parker. The Parkers, Ron and Don, are twins. There's one father-son combination, to—Eugene Smith and his son. For 19 of Dobbins' 61 Eagles, it was a family affair.

Dobbins said kids haven't changed much through the years, although some of them spend too much time indoors with the television and not enough time outdoors with nature. The biggest change, he added, has been pressure from the increase in activities for youngsters. "Kids have so many other things to do nowdays that it's hard to give them the Scouting program," he said. "Unless a boy really budgets his time, it's hard to work it all in.

"I'm not opposed to the other activities, but I am sold on Scouting because a boy gets something he won't get anywhere else. Scouting develops more than one phase of a boy's life.

"In a program like this, you're going to keep a boy out of trouble, too. And my theory is that it's a whole lot better to keep him out than to try to remodel him after he gets in."

The funniest incident Dobbins remembers was early one morning at camp. It was just about daybreak and the kids were flopped out on their cots asleep when a big owl swooped out of the trees and narrowly missed the boys. They woke up in a hurry. "I don't know what that old owl was thinking about," said Dobbins, "but he created a lot of commotion there for awhile. Boys were scattering everywhere."

Dobbins says you can take a boy to camp and teach him more in a week than the rest of the year put together. Most important: "He learns to live with others, get along, and respect their rights."

Dobbins never was a Scout himself and got his training in a course at East Central State College. He was a teacher at Fletcher, Oklahoma, and the Methodist preacher there decided to start a troop. "I offered to be an assistant," he said. "The next year he turned it over to me and I've been at it ever since."

It's been a busy 41 years since then and Dobbins has no doubts about whether it's worth it. "If it's meant a thing in the world to half the boys I've had in my troops, it's been worth my time," he said.

"And another thing. One of my scouting boys saved another kid's life one time with artificial respiration he learned in the troop. That one thing made it all worthwhile."

"Then too, it's such a joy to see kids do right and really get something out of the program."

What makes a good scoutmaster? "You've got to love boys in spite of all that meanness," Dobbins said with a grin. "And a fellow should put in three days a week and throw in nights and Sundays—and have a good wife, too. One man can't put the program over, though, without help from the parents and everybody else."

That "everybody else" includes some able hands down at Troop 618 at the First Baptist Church in Durant. They include Dr. Claude Stuteville, Dr. Gordon Wright, Max McClendon, and David Barker, an SSC student who is one of Dobbins' Eagle Scouts.

Mr. and Mrs. Dobbins have two grown sons. Bob is a major with the Green Berets in the Canal Zone, and James is working on his master's degree in youth work at the Baptist Theological Seminary in Louisville, Ky.

EXTENDING FOOD AND DRUG ADMINISTRATION AUTHORITY TO MEDICAL DEVICES

(Mr. ROGERS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ROGERS. Mr. Speaker, today, I am introducing a bill to extend and expand the Food and Drug Administration's authority in an area in which consumers are significantly unprotected—medical devices. I am joined in introduction by the following members of the Subcommittee on Public Health and Environment: Mr. Kyros, Mr. Symington, Mr. Roy, Mr. Nelsen, Mr. Carter, Mr. Hastings, Mr. Heinz, and Mr. Hudnut. Senate Health Subcommittee Chairman Kennedy and several members of that subcommittee are introducing a virtually identical bill today.

Mr. Speaker, during the last Congress I introduced H.R. 1545, a medical device bill which embodied the recommendations of a distinguished HEW study group on medical devices chaired by Theodore Cooper, M.D., the director of the National Heart and Lung Institute. The administration also has proposed legislation in this area, which has been introduced recently as H.R. 6073. I think this new bill combines the best of both proposals.

This bill calls for the Food and Drug Administration to provide for inventory of all devices and separation of them into three categories—First, devices for which adequate evidence does not exist to assure safety and effectiveness or to insure that exposure thereto will not cause unreasonable risk of illness or injury and for which standards may be inappropriate and which should therefore be subject to premarket review; second those for which, in order to reduce or eliminate unreasonable risk of illness or injury, it is appropriate to establish a reasonable standard to assure safety and efficacy; third those devices having a generally accepted medical use, which are safe and effective when used according to instruction, which present a minimum risk and which should be exempt from standards or premarket scientific review.

The job of classifying the devices is to be done by various panels appointed by the FDA. Panels will be composed of members skilled in development or utilization of devices.

The end result will be that all devices will be placed in one of the three categories based on the complexities of the device and what type of review the panels feel is necessary for protection of the public.

The work by the panels will then trigger action by the Food and Drug Administration. The FDA is to develop standards determined by the panels to be appropriate for certain devices. It also is to issue declarations with respect to devices for which it will be necessary to conduct scientific review.

Mr. Speaker, I have asked that a detailed section-by-section analysis of the bill be made available to the public at the offices of the full committee on Interstate and Foreign Commerce within the next few days, and I will not go into every detail of the bill being introduced today. It is appropriate only to mention at this time the major differences between the subcommittee bill and the administration's recommendation. Included in our bill, for example, and absent from the administration measure are—

First. A provision mandating classification of medical devices already on the market, by panels of qualified nongovernment experts, into three groups: those requiring standards; those requiring premarket safety clearance through expert outside scientific panels; and those requiring no clearance or standards because they are considered safe and effective as labeled. This is one of the principal recommendations of the Cooper study.

Second. A clear and easy-to-understand definition of medical device. Recent court decisions have demonstrated that considerable confusion exists over the high degree of similarity between the present statutory definitions for the terms "drugs" and "device." Indeed, the Food and Drug Administration's regulatory history in attempting to regulate devices is replete with examples of battles over phraseology, definition, and prosecution. A definition that will clearly define what is a device as opposed to a drug is of concern not only to the Food and Drug Administration but to the device manufacturers who must comply with the law; and it is obvious that to have the kind of consistent enforcement that will protect the consumer, there must be a consistent, legally sound definition.

Third. Authority to authorize temporary permits permitting a device to vary from an established standard so new products can be investigated without unnecessary and time-delaying red tape. Flexibility is vitally important in this field. We must avoid rigidly uniform regulation which would stifle technological advances. This provision is intended to expedite the availability of useful, reliable and safe devices, and to restrict availability of dangerous or unsafe devices.

Fourth. Establishment of a product development protocol or plan of investigation in lieu of the scentific review requirements to regulate devices subject to frequent change and modification. Here again, we are trying to eliminate as much as possible delays in approving device changes which would benefit the consumer in order to get these improvements and changes to the consumer or patient quickly.

Fifth. A provision that Federal standards for devices will override differing State regulations. This is essential, I believe, if we are to have uniformity, rather than a hodge-podge of State regulations. If local conditions require differing standards a waiver is authorized upon application to the Secretary.

Sixth. Exemptions for custom devices from both the standard and scientific review provisions. These would involve special devices developed by physicians to meet a particular patient's needs. These devices normally would not be in widespread use, yet if a physician were required to undergo clearance or meet special standards for each custom device, it would stifle innovation, initiative, and progress. Moreover, and even more important, the patient involved could not be treated properly because the device he would need would not be on the market because of Government controls.

Mr. Speaker, in the last decade, six Presidential messages from both Democrats and Republicans have requested legislation to give the FDA specific authority to require all devices to be safe, reliable and effective before marketing. Hearings—and action—are past due. The Subcommittee on Public Health and Environment will move on this legislation just as soon as its schedule will permit.

Mr. Speaker, the need for this legislation has been evident for some time. Plastic heart valves have caused toxic reactions, endangering patients. Kidney dialysis machines have malfunctioned because of electric failures. Monitoring devices such as heart probes, have exposed patients to the hazards of electrical shock.

Medical literature between 1963 and 1969 turned up reports of 89 deaths from pacemakers; 512 deaths from heart valves; 28 deaths from catheters; and an estimated 1,200 deaths every year from electrical shock.

Then there are the thousands of patients injured, many of them permanently, because of badly designed and ill-functioning devices. Many additional injuries are not reported either by hospitals or doctors because of the threat of malpractice suits.

Handicapped by a lack of adequate authority, the Food and Drug Administration has been hard pressed to cope with these problems, which have reached alarming proportions. In my view, the bill being introduced today will give to the FDA proper authority to insure public protection, and authorizes the agency to do it quickly and efficiently without discouraging innovation. I look forward to bringing this legislation to the floor of the House soon.

COMPREHENSIVE ALCOHOL ABUSE AND ALCOHOLISM PREVENTION, TREATMENT, AND REHABILITATION ACT AMENDMENTS OF 1973

(Mr. ROGERS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ROGERS. Mr. Speaker, today, I,

Chairman Staggers of the Committee on Interstate and Foreign Commerce, along with nine other members of the Subcommittee on Public Health and Environment, Mr. Kyros, Mr. Preyer, Mr. Symington, Mr. Roy, Mr. Nelsen, Mr. Carter, Mr. Hastings, Mr. Heinz, and Mr. Hudnut, are introducing the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act Amendments of 1973.

Alcoholism, drug abuse and mental health problems directly afflict 10 percent of our population and the social and psychological ramifications for the families and friends of the afflicted affect millions more. These problems are national problems and need to be attacked with a bipartisan front. Thus, I am extremely pleased that 10 of the 11 subcommittee members and our distinguished full committee chairman have coauthored this bill.

The bill has two principal features, Mr. Speaker. First, it establishes within the Department of Health, Education, and Welfare a new Administration, the Addiction and Mental Health Administration. This new governmental unit will consist of the National Institute on Alcohol Abuse and Alcoholism—NIAAA—the National Institute of Mental Health—NIMH—and the National Institute on Drug Abuse—NIDA—when established pursuant to the Drug Abuse Office and Treatment Act of 1972. Existing statutory language which establishes the NIAAA and the NIDA is amended by this bill so that the organizational structures and authorities are virtually identical. Statutory authority for NIMH is established for the first time by this legislation, and it too sets up an Institute with the same organizational structure and authority.

The new Administration would bring all three programs under a common Director, yet all would be considered on an equal footing. I want to stress that it is the firm intention of the sponsors of this bill that all three institutes would be equal units within this new Administration, each with its own Director. To further emphasize the equal status, a panel, the National Panel on Addiction and Mental Health, composed of one public member from each of the advisory councils to the Institutes, is established which shall advise, consult with and make recommendations to the Director of the Administration concerning the functions and responsibilities of the Administration.

The bill also revises the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 in several ways. It increases the amounts authorized for special project grants and reduces the authorizations for formula grants to the States to reflect budget realities. It provides special project moneys to States that will implement the Uniform Alcoholism and Intoxication Treatment Act which would remove public intoxication from the criminal justice system. It revises and improves sections of the existing law with respect to confidentiality and admission of patients to hospitals.

Mr. Speaker, I feel that the reorganization of the presently existing offices which have responsibility for programs of treatment and research in the fields of alcoholism, drug abuse and mental health deserves special attention. This reorganization places Federal authority for alcohol programs where it belongs: under the Assistant Secretary for Health. It makes equal and separate programs of alcoholism, drug abuse, and mental health, yet assures their coordination. I would ask my colleagues and others interested in Federal health programs to review this proposal carefully and let the subcommittee have their comments.

NOVEMBER 3 THROUGH 10—NATIONAL HIGH BLOOD PRESSURE WEEK

(Mr. ROGERS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ROGERS. Mr. Speaker, today, I and nine of the other members of the Subcommittee on Public Health and Environment are introducing a joint resolution to designate the week of November 3 through 10 of this year as National High Blood Pressure Week. Cosponsors of this legislation are Mr. Kyros, Mr. Preyer, Mr. Symington, Mr. Roy, Mr. Nelsen, Mr. Carter, Mr. Hastings, Mr. Heinz, and Mr. Hudnut. Mr. Speaker, high blood pressure, or hypertension, is an underlying cause of heart attack, stroke, and kidney failure. Although at least 10 percent of our population, 23 million people, suffer from this disease, most are unaware of the threat to their lives. I think it is necessary to focus public attention on the problem of hypertension in an effort to reach those who have the disease and do not know it as well as stimulate those who are aware of their illness to follow a proper course of treatment. This measure is a good beginning, and I hope it will receive prompt consideration by the appropriate House committee.

BEEF PRICE FREEZE

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker over the last week, I have received many telephone calls and telegrams from constituents in the 14th District about the impact of the beef price freeze.

As the distinguished majority leader pointed out yesterday, this is not just a consumer problem but is developing rapidly into a major labor problem.

Hundreds of workers in the meat industry in Akron are already out of work. Over half of the meatpacking houses in the area are shut down, and the remainder expect to close their doors by this weekend.

These lay-offs naturally spill over into other industries, affecting the jobs of hundreds of other workers in Akron and thousands of workers around the country. For example, B. F. Goodrich in Akron uses tallow, a byproduct of meat slaughtering, in the production of tires. According to a Wall Street Journal article yesterday:

> The company said tallow is so critical to the rubber-making process that a shortage "could force production curtailments" throughout the industry.

In passing the economic stabilization legislation last April, Congress gave the President the authority to deal with the problem of high food prices. He obviously can lift the beef price ceiling whenever he wishes, but for some reason which remains a mystery to me, the administration is holding fast to the September 12 date. If this policy is not reversed, the situation which is serious today will be disastrous by September 12.

The President has the authority to act, and I have urged him to do so both in a telegram to him personally and in a telegram to Melvin Laird, Counselor to the President for Domestic Affairs.

With the vote in the House Rules Committee yesterday to defer action on this issue until September, any chance of congressional action prior to the recess was lost—although any such action might have been futile since the President has been quick to veto anything he does not agree with.

I am hopeful, Mr. Speaker, that the administration will look at what is happening around the country, will be sensitive to the tremendous human dislocation and suffering which holding to this arbitrary date of September 12 is causing, and will lift the freeze immediately.

Mr. Speaker, I insert the Wall Street Journal article in the Record immediately following my remarks:

Curb on Rubber Firms' Production Looms as Beef Scarcity Cuts Vital Tallow Supply

(By Everett Groseclose and
Jeffrey A. Tannenbaum)

For want of tallow—the simple fatty substance that has been used to make candles since time began—a huge chunk of American industry may soon be grinding to a halt.

That's the specter raised yesterday by B. F. Goodrich Co., Akron. In an announcement that took by surprise even long-time insiders of the rubber industry, the company said tallow is so critical to the rubber-making process that a shortage "could force production curtailments" throughout the industry.

The shortage is so severe, Goodrich said, that if it goes on very long and isn't solved "within a matter of weeks" the job security "of thousands of U.S. rubber workers is threatened."

Goodrich had barely mentioned the word tallow before other rubber companies began to report that their tallow situation, too, is getting to the crucial point. "Nobody is more amazed than me," said one industry insider, "because I didn't even know we used the stuff." He added, "But I'm told that tallow is ever so critical—it's a critical rubber processing aid—and the shortage is already bad."

To help correct the shrinking supply situation, Goodrich said it is urging the federal government to impose an immediate embargo on tallow exports.

Tallow, as every school child knows, is a beef by-product used to make candles. What every school child doesn't know is that it's also used in a number of other things, such as industrial lubricants, for the making of animal feeds and for the manufacture of soap.

By one industry estimate, about 40% of the tallow is used in animal feed. About 27% goes into the making of fatty acids; about 23% goes into soap and about 10% goes for industrial lubricants and other applications.

The importance of tallow is illustrated by a partial list of business interests using fatty acids alone. The list ranges from the rubber industry, the vinyl plastics industry, the detergent industry, cosmetics, pharmaceuticals, toiletries, ointments, shaving cream and textile chemicals.

The shortage arises, of course, largely because the slaughter of beef is almost at a standstill. In addition, Goodrich said tallow suppliers are able to obtain higher prices from overseas customers because government price controls are holding down the price U.S. buyers can pay.

There are two basic sources of tallow—meat packers, who slaughter cattle, and renderers, who collect beef scraps and make protein for animal feed. Many meat packers and renderers are holding back tallow from the market in anticipation of higher prices later, said David R. Eagleson, vice president of the oleochemical group of Emery Industries Inc., Cincinnati, a buyer of tallow. "There's been very little tallow moving on the market for the last two weeks," he said.

Under Phase 4 rules, Mr. Eagleson said, many renderers expect to post higher prices in about two weeks. "Even though there'll be some freeing up of tallow by the renderers as of Aug. 12 or so," he warned, "the packers will still be in a dire situation, and the tallow supply from the packers will continue to go downhill until Sept. 12" (when the meat price freeze is expected to end).

The government recently moved to limit tallow exports to 90% of the 1972 level, Mr. Eagleson said, but the decline in tallow production, coupled with the withholding of tallow from the market, has more than offset any benefit from the export restriction. He added that, in any case, exports must be restricted further, probably to 75 of the 1972 level. However, he said the total ban on exports proposed by Goodrich isn't necessary.

Ashland Chemical Co., a division of Ashland Oil Inc. that makes fatty acids, has been able to purchase only about 10% of its tallow needs for the past month, said Charles A. Aldag, vice president and general manager of the chemical products division of Ashland Chemical. "I've been in this business 17 years and I've never seen a shortage of tallow before," Mr. Aldag said.

Ashland Chemical has started allocations of various grades of industrial stearic acids as a result of the tallow shortage, Mr. Aldag said. "We're confronted with eventually running out of inventory" of products made from tallow, he added.

DRUG ABUSE THERAPY PROGRAMS IN THE SCHOOLS

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, on June 22, 1973, the Select Committee on Crime approved and adopted a report entitled "Drugs in Our Schools." A copy of this report was sent to each Member of the House and the Senate so that they might be aware of the seriousness of this problem among the youth of our Nation. Today, I am introducing a bill with the cosponsorship of 54 of my colleagues, to create a program to deal with drug abuses in our Nation's schools. As chairman of the House Select Committee on Crime, I found that our drug abuse education efforts were not enough and in some cases merely give students information on how to use drugs rather than discouraging them from using them. I am convinced that the Federal Government must give substantial support to the schools to enable them to train teachers, counselors, and parents and to institute group therapy and peer pressure group programs to rehabilitate these young people who often get their introduction to drugs in the schools.

Unfortunately, all of us are waiting for somebody to do something about the problem. We are losing the war against drug abuses because we have failed in our efforts to combat it at its source. Our committee's preliminary investigation of the matter revealed the problem was severe but our investigation demonstrated the drug crisis in our schools clearly exceeded our worst expectations. To assist State and local school agencies to effectuate drug abuse programs, the committee recommend a massive program of Federal funding, as set forth in my bills, H.R. 9899, H.R. 9900, and H.R. 9901 to amend the Elementary and Secondary Education Act of 1965 to provide for drug abuse therapy programs in schools, which I introduced today.

As a result of our hearings on the drug problems in our schools, the Select Committee on Crime recommended that every school board in the country should develop a well-conceived plan directed at ending drug abuse in the schools. Each school district should institute programs of instruction for its teachers whereby the teachers are thoroughly educated in the drug abuse problems germane to the school district and school at which the teacher is employed. Schools should be encouraged to condition promotions and salary increases on attendance at such drug abuse programs. In addition, there should be drug abuse counselors for every school which requires them. We are dealing with a problem of great magnitude and I am convinced that the $500 million a year for the next 5 years as provided in my bill is necessary and a lesser sum cannot do the job of protecting students from becoming drug abusers.

While there are many programs throughout the country doing a splendid job in dealing with this problem, they can only make a small dent in the overall problem. Our committee report on the subject discusses these programs but points up clearly the need for further help for our young people through the schools, particularly when we know that 80 to 90 percent of all high school students have been introduced to drugs and that the problem is now serious among elementary school children. The best place to start to avert an even larger addict population is with the young people who are acquiring the habit and the schools are where the action is.

To further bring the seriousness of this matter to the attention of my colleagues in the House, I should like to include a typical article appearing in the Texarkana, Ark., Gazette, of July 7, 1973, titled, "Drug Crisis in the Schools." The article referred to follows:

[From the Texarkana (Ark.) Gazette, July 7, 1973]

DRUG CRISIS IN THE SCHOOLS

There is a frightening air of emergency about a newly issued congressional report on drug abuse in the nation's schools. The House Select Committee on Crime says the problem has reached "crisis proportions," adding that "drug abuse in our schools has become so extensive and pervasive that it is only the uniquely gifted and self-possessed child who is capable of avoiding involvement. . . ."

This assessment echoes and confirms many parents' worst fears about the dangers their children face. We are now told that few are likely to escape them.

Indeed, says the report, "our investigation demonstrated that the drug crisis in our schools greatly exceeded our worst expectations. It is infecting our youth and contaminating our schools and leaving a trail of devastation that will take a decade to remedy." Well, then, the remedial program should begin at once, without question, and on a massive scale.

We say this not merely on the strength of the House Crime Committee report, but in awareness that other assessments have given essentially the same picture. The public school system is seriously poisoned by this phenomenon, which requires a response of major proportions.

Just such a response is recommended by the House committee. It would earmark two billion dollars of federal money to help local school boards deal with the problem over the next four years. That is a lot of money, but the drug abuse sickness in our schools requires heroic counter measures.

Mr. Speaker, I am confident all of my colleagues in the House share my concern about the grave problem of drug abuse in our schools and I hope they will join me in pressing for enactment of this legislation for the prevention and correction of drug abuse. If given the opportunity and support, we believe the school authorities will find the most effective ways to curb drug abuse by students. A determined effort is necessary not only because of the serious impact on the lives of youthful abusers but also because of the well-known relationship between drug abuse and crime. It has been widely estimated that 50 percent of all serious crime is related to drug abuse. Consequently, curbing drug abuse will not only have an enormous impact on the lives of student drug abusers, but it should be one of the most significant ways of reducing crime. Any reasonable expenditure to reduce crime is not only desirable but a public necessity.

I am privileged to have the following list of Members of the House as cosponsors on this legislation:

LIST OF COSPONSORS

Bella Abzug (D-N.Y.), Bill Alexander (D-Ark.), Glenn Anderson (D-Calif.), L. A. Bafalis (R-Fla.).

Bob Bergland (D-Minn.), Frank Brasco (D-N.Y.), James Burke (D-Mass.), Yvonne Burke (D-Calif.).

Bill Chappell (D-Fla.), Shirley Chisholm (D-N.Y.), William Clay (D-Mo.).

James Collins (R.-Tex.), John Conyers (D-Mich.), Thaddeus Dulski (D-N.Y.), Bob Eckhardt (D-Tex.).

Jack Edwards (R-Ala.), Dante Fascell (D-Fla.), Donald Fraser (D-Minn.).

Don Fuqua (D-Fla.), William Green (D-Pa.), Bill Gunter (D-Fla.), Michael Harrington (D-Mass.).

Augustus Hawkins (D-Calif.), Ken Hechler (D-W. Va.), Henry Helstoski (D-N.J.).

Lawrence Hogan (R-Md.), James Howard (D-N.J.), Harold Johnson (D-Calif.), William Keating (R-Ohio).

Edward Koch (D-N.Y.), John Kluczynski (D-Ill.), William Lehman (D-Fla.).

John McFall (D-Calif.), Ray Madden (D-Ind.), Edward Madigan (R-Ill.), James Mann (D-S.C.).

John Melcher (D-Mont.), Parren Mitchell (D-Md.), Robert Mollohan (D-W. Va.), William Moorhead (D-Pa.).

John Murphy (D-N.Y.), Morgan Murphy (D-Ill.), J. J. Pickle (D-Tex.), Bertram Podell (D-N.Y.), Robert Price (R-Tex.), Charles Rangel (D-N.Y.), Fortney Stark (D-Calif.).

Charles Thone (R-Nebr.), Victor Veysey (R-Calif.), Joseph Vigorito (D-Pa.), Joe Waggonner (D-La.).

Jerome Waldie (D-Calif.), Antonio Won Pat (Guam), Andrew Young (D-Ga.).

"DIARIO LAS AMERICAS"

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, the evening of July 29 at the Fontainebleau Hotel on Miami Beach on the occasion of a great testimonial tribute, where more than 1,200 were present to honor Dr. Horacio Aguirre and the "Diario Las Americas" on the 20th anniversary of the newspaper, the principal address was delivered by Dr. Manolo Reyes, distinguished news editor and commentator of Television WTVJ, Channel 4, the CBS outlet in Greater Miami. My distinguished colleagues, Honorable DANTE FASCELL with his lovely wife, and Honorable WILLIAM LEHMAN with his lovely wife, and my wife and I were present on this inspiring occasion. Also present were distinguished news editors from Latin America as well as from many parts of the United States. It was a great outpouring to Dr. Horacio Aguirre for having with his distinguished brother, Dr. Francisco Aguirre, 20 years ago established a great newspaper published in Spanish to serve not only the Spanish speaking people of the Greater Miami area and Florida but Spanish speaking people throughout the United States and Latin America.

Throughout its eminent life the "Diario Las Americas" has been the voice of freedom, liberty, and human dignity. It has fought tyranny, communism, and every sort of restraint upon the freedom of the mind or the body of man. Dr. Manolo Reyes, in his inspiring address, has eloquently described the importance of the "Diario Las Americas" in protecting and perpetuating democracy and freedom in the Western Hemisphere. Dr. Reyes, a former distinguished editor, television station proprietor, lawyer, civic leader, and citizen of Cuba until he was forced out of Cuba by threatened arrest by Castro and his cruel communistic regime, knows how to appreciate freedom. He left Cuba on 2 hours notice to his wife and family, abandoning a successful business, a distinguished professional career, beautiful home with all of its lovely furnishings and environment, and came to the United States with his family with nothing. His own has been a great and eloquent voice for freedom and human dignity on station WTVJ and in the civic councils of the Greater Miami area. He has appeared before House and Senate Committees in the Congress pointing out the dangers Castro and communism from Cuba constitute to the United States.

So Dr. Reyes was particularly fitted to be chosen to deliver the principal address at this exciting testimonial dinner for Dr. Horacio Aguirre and the "Diario Las Americas" on the 20th anniversary of this great publication. My distinguished colleagues, DANTE FASCELL and WILLIAM LEHMAN, and I were thrilled at the stirring words that Dr. Manolo Reyes delivered and the audience gave him a rising ovation when he concluded.

As long as there are great voices like that of the "Diario Las Americas" and Dr. Horacio Aguirre and Dr. Manolo Reyes holding aloft the cause of liberty and fighting for the cause of freedom, freedom will be more secure for the enjoyment of free men.

In order that our colleagues may have an opportunity to appreciate the great address of Dr. Manolo Reyes, on behalf of my colleagues, DANTE FASCELL and WILLIAM LEHMAN, and myself, I insert the address of Dr. Reyes in the RECORD following my remarks:

ADDRESS OF DR. MANOLO REYES

I stand at this podium fulfilling an honored duty, probably the largest in the American Continent. I say the largest, because before us tonight, the Americas will embrace to pay tribute to their very own newspaper, "Diario las Americas".

There are many others—with a greater capacity—who should be exercising this privilege which I am now endeavoring to fulfill. But I was chosen by God's will and His wishes are commands which I follow. We all have to agree that our lives belong to Him and only by following His Divine wishes, may our lives gain their full meaning.

This essential spirit of religion is the foundation upon which this great newspaper stands. Its pages are forever open to different roads leading to faith and hope.

There is an historical event which enriched the United States in the year 1953.

On July 4th of that year . . . the "Diario las Americas" was founded by the brothers Horacio and Francisco Aguirre. Their outstanding view of the future was one of the most important factors contributing to "El Diario's" success.

For over thirty years, Miami has been called "The Gateway to the Americas" by all the countries South of the border. Now, in the Space age, it has been made a reality.

Today, Miami is a unique city in itself, known not only in the United States but throughout the Western Hemisphere. It is a city where both the cultures and traditions of every country in North, Central and South America meet.

Presently, for every one hundred people walking through the streets of Miami, most likely fifty of them will speak Spanish. This sociological phenomenon has not occurred overnight, though "El Diarrio" has been a bridge of communication and understanding among them and has offered through its pages the appropriate social climate in which everybody can live as neighbors and brothers.

These are times in which sometimes fear or incapacity are disguised by assuming positions which lack strength of principles.

Principles are not exercised because it's stylish or because one might obtain prestige by being in the public eye. Principles are above what people might say, above human respect and those interests acquired. Principles are exercised and defended by beliefs and convictions, because to lead a life without principles is not worth living.

A leader is a product of sound principles. Today, we pay tribute to a man of this caliber . . . a true leader, not only in these areas but in Panamerican dimensions too: Dr. Horacio Aguirre.

In his case, we can cite a very true proverb: "Behind every great man there is a woman". We are also paying tribute to his constant companion, his distinguished wife: Helen Aguirre.

"Diario las Americas", under the expert direction of Dr. Aguirre has grown enormously. It started in 1953 with only 8 pages and at present has added up to 84 pages with special editions.

National Geographic Magazine published in its last issue that "Diario las Americas" is circulating 63,000 issues daily. This impressive amount is due largely to the fact that it is a newspaper which uses journalistic "objectivity", refusing to use any type of party controversy.

Today, "El Diario", is read by not only businessmen and laborers alike, but is present at the White House and on Presidential desks throughout the continent.

Diario las Americas has refused on many occasions to use political advertisements and reports, that would otherwise boost circulation by the thousands and bring a large increase in its assets. To its director, journalism represents a form of priesthood. He would rather sell less but have the integrity of huge sectors of the community respected.

"Diario las Americas" practices 2 rules applying to the countries of America . . . they are: adding and multiplying, but never subtracting or dividing.

On its pages, the truth of a Continent is reflected. Its penetrating power is strong and firm to the American family. This is why reading "el Diario" for a short time, many average citizens are inspired to become involved in fighting American's problems.

There is a golden chapter in the history of el Diario las Americas. A chapter I'm going to emphasize here . . . as a Cuban and with the honor it conveys.

There are not many occasions in the history of mankind in which an exiled community has had to represent its country oppressed in chains. The task is a heavy one, but only God will entrust it to those who can fulfill it.

The martyred Island is captive and silenced. My brothers who are behind cannot speak with liberty. It is the duty of those born in Cuba, now living in exile, to convey their messages. Since the start of the Cuban exodus to this friendly land, Diario las Americas opened its pages to those who were fleeing oppression and tyranny. Its pages have always been opened for the Cuban's objective information and have been far from using destructive criticism.

"Diario las Americas" has made clear its position as a fortress for liberty.

Its task has been a great one. It is impossible to summarize them in a few simple words.

When a Cuban exile is relocated to any other area in this nation where very little is said regarding the Cuban situation, they anxiously wait the arrival of "Diario las Americas". To them it is like a breath of fresh air from their beloved country.

It is the inspiration of every Cuban living in exile to have their children learn the names of Cuba's six provinces as well as knowing the names of this nation's fifty States. And if they know the history of Jefferson, Lincoln and Washington; they should also know Marti, Maceo, Agramonte and Bolivar.

There are people that say that the Cubans in exile are not united in the fight for freedom; precisely "Diario las Americas" is the best tool to quell their disbeliefs. Through its pages Cubans of all times merge in a solid embrace and with their opinions they enlighten the future of the exiles.

In its social sections it relates the prestigious events happening in the community and in this way points out the help the exiles give to community affairs. In its sport pages it gives detailed desscriptions of the best of our sports-minded youth. And in its editorials it tirelessly repeats that Cuba's liberty means peace and security for the Americas.

Ladies and gentlemen . . . the best rebuff for those who think that we Cubans are divided, is this historical meeting here tonight, where Cubans from all walks of life are gathered to tell Dr. Horacio Aguirre "you are one of us".

Even if you were born in Nicaragua but are living in the United States, you are as Cuban as we because you've earned it through your unselfish task for the freedom of Cuba.

Dr. Aguirre, speaking for our exiled countrymen and our brothers still held captive on the martyred island, we gather here tonight to tell you, from the bottom of our hearts . . . thank you. Cuba will never forget you.

COMMITTEE EMPLOYEES

HOUSE COMMITTEE ON AGRICULTURE

July 13, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1973, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Permanent staff:		
Christine S. Gallagher	Chief clerk (through Mar. 31, 1973).	$8, 413. 56
Hyde H. Murray	Associate counsel	17, 985. 72
John F. O'Neal	General counsel (effective Feb. 15, 1973).	13, 600. 00
Lacey C. Sharp	General counsel (through Jan. 15, 1973).	1, 402. 29
John V. Rainbolt	Associate counsel (effective Jan. 3, 1973).	12, 361. 09
Fowler C. West	Staff director	15, 000. 00
Louis T. Easley	Press assistant	13, 650. 06
George F. Misslbeck	Printing editor	11, 299. 92
Betty M. Prezioso	Staff assistant	8, 998. 08
Lydia Vacin	do	8, 998. 08
Martha S. Hannah	do	8, 998. 08
Marjorie B. Johnson	Secretary to associate counsel.	8, 998. 08
Peggy L. Pecore	Calendar clerk	8, 998. 08
Investigative staff:		
Bertha W. Maginniss	Staff assistant (January 1–2).	72. 20
Mildred P. Baxley	Staff assistant	8, 998. 08
Doris Lucile Farmarco	do	7, 318. 08
Mary Perry Shaw	do	7, 318. 08
Doris R. Swischer	Staff assistant (January 1–2).	77. 34
Nan Strohmenger Hunger.	Staff assistant (effective February 26, 1973).	2, 771. 83
Julia W. Kogut	Staff assistant (effective January 3, 1973).	7, 500. 00
Glenda L. Temple	Secretary to general counsel (effective February 15, 1973).	5, 000. 00
Steven Allen	Staff consultant (effective Apr. 1, 1973).	3, 999. 99
Janet Jaenke	Staff assistant (effective May 23, 1973).	591. 12
Nancy Gail Glass	Staff assistant (effective June 1, 1973).	466. 67

Funds authorized or appropriated for committee expenditures	$150, 000. 00
Amount of expenditures previously reported	None.
Amount expended from Jan. 1, to June 30, 1973	45, 444. 88
Balance unexpended as of June 30, 1972	104, 555. 12

W. R. POAGE, Chairman.

COMMITTEE ON APPROPRIATIONS

July 15, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1973, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Keith F. Mainland	Clerk and staff director	$18, 000. 00
Paul M. Wilson	(Reemployed annuitant).	3, 780. 00
Jay B. Howe	Staff assistant	18, 000. 00
Robert M. Moyer	Staff assistant (to Mar. 30).	9, 000. 00
G. Homer Skarin	Staff assistant	18, 000. 00
ugene B. Wilhelm	do	18, 000. 00
amuel R. Preston	do	18, 000. 00
unter L. Spillan	do	18, 000. 00
enry A. Neil, Jr	do	18, 000. 00
ubrey A. Gunnels	do	18, 000. 00
George E. Evans	do	$18, 000. 00
Earl C. Silsby	do	18, 000. 00
Peter J. Murphy, Jr	do	18, 000. 00
John M. Garrity	do	14, 719. 62
Robert B. Foster	do	14, 719. 62
Milton B. Meredith	do	14, 982. 48
Thomas J. Kingfield	do	12, 616. 80
Donald E. Richbourg	do	12, 616. 80
Robert C. Nicholas, III	do	12, 459. 12
George A. Urian	do	11, 355. 12
Dempsey B. Mizelle	do	11, 670. 54
Charles W. Snodgrass	do	11, 565. 42
John G. Plashal	do	9, 199. 74
Byron S. Nielson	do	8, 805. 48
J. David Willson	do	11, 535. 96
Americo S. Miconi	do	11, 565. 42
Derek J. Vander Schaaf	do	14, 351. 64
Robert L. Knisely	do	7, 727. 82
Richard N. Malow	do	12, 353. 95
Frederick F. Pfluger	do	15, 665. 88
John G. Osthaus	do	9, 666. 69
Paul E. Thomson	do	8, 936. 88
Charles G. Hardin	Staff assistant (from Mar. 1).	6, 666. 66
Edwin F. Powers	Staff assistant (from Apr. 23).	5, 345. 55
Lawrence C. Miller	Editor	14, 309. 04
Paul V. Farmer	Assistant editor	10, 146. 00
Gerald J. Chouinard	Administrative assistant.	8, 936. 88
Austin G. Smith	Clerical assistant	8, 411. 22
Dale M. Shulaw	do	7, 038. 46
Gemma M. Weiblinger	do	5, 187. 13
Virginia M. Keyser	do	6, 150. 72
Jane A. Meredith	do	4, 836. 42
Betty Swanson	do	7, 622. 64
Eva K. Harris	do	4, 678. 74
Marcia Matts	do	5, 519. 88
Helen Murphy	Clerical assistant (to Mar. 31).	2, 759. 94
Sandra A. Gilbert	Clerical assistant (from Mar. 25).	3, 733. 34
Randolph Thomas	Messenger	6, 369. 36
Harold Griffin	Minority clerk (to Jan. 31).	2, 373. 75
Francis M. Hugo	Minority clerk (from Feb. 1).	12, 500. 00
Enid Morrison	Staff assistant to minority.	12, 161. 86
Mary H. Smallwood	Clerical assistant (majority).	7, 764. 60
Samuel A. Mabry	do	7, 764. 60
Catherine M. Voytko	do	7, 452. 00
T. Robert Garretson	do	7, 452. 00
Naomi A. Rich	do	7, 282. 38
Laura E. Lineberry	do	7, 055. 04
Susan L. Shaw	do	7, 452. 00
George F. Allen	do	7, 764. 60
Linda Steele	Clerical assistant (minority) (to Feb. 28).	2, 362. 58
David H. Kehl	Clerical assistant (minority).	7, 333. 34
Carolyn J. Johnston	Clerical assistant (minority) (to Feb. 28).	2, 218. 46
Thomas H. Hardy	Clerical assistant (minority).	7, 764. 60
Rachel Shugars	Clerical assistant	7, 125. 00
Diane Dillon	Clerical assistant (majority) (to Apr. 30).	4, 968. 00
James W. Dyer	Clerical assistant (minority).	9, 254. 88
Mary Ann Bond	do	6, 045. 30
Barbara C. Wallace	Clerical assistant (minority) (to Jan. 31).	924. 36
Patience S. Vaccaro	Clerical assistant (minority).	7, 350. 00
Anna L. Lamendola	do	6, 599. 88
William Martin	Clerical assistant (minority) (to Mar. 31).	3, 875. 01
Paul Imse	Clerical assistant (minority).	9, 150. 68
Lawrence E. Siegel	Clerical assistant (minority) (from Feb. 1).	6, 458. 33
Peggy Ehringhaus	Clerical assistant (minority) (to Jan. 3).	78. 75
Linwood Bolles	Clerical assistant (minority) (to Jan. 3).	82. 06
Valsin Marmillion	Clerical assistant (minority) (for March only).	933. 40
Charles M. Seeger	Clerical assistant (minority) (from Mar. 7).	6, 333. 35
Stephen T. Adams	Clerical assistant (minority) (from Mar. 1).	7, 333. 32
Robert McConnell	Clerical assistant (minority) (to June 16).	6, 625. 00
Douglas Mulligan	Clerical assistant (minority) (from Apr. 1).	$2, 949. 99
Karen S. Vagley	Clerical assistant (minority) (from Apr. 1).	5, 000. 01

Amount of expenditures previously reported	$693, 312. 52
Amount expended from Jan. 1, to June 30, 1973	742, 796. 08
Total amount expended from July 1, 1972, to June 30, 1973	1, 436, 108. 60

GEORGE H. MAHON, Chairman.

COMMITTEE ON APPROPRIATIONS

July 15, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1973, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Cornelius R. Anderson	Chief, surveys and investigations staff.	$17, 757. 80
Leroy R. Kirkpatrick	Director, surveys and investigations.	17, 232. 30
David A. Schmidt	1st assistant director, surveys and investigative staff (from May 1).	5, 666. 66
Dennis F. Creedon, Jr	2d assistant director, surveys and investigative staff (from June 1).	2, 733. 33
Willie C. Law	2d assistant director, surveys and investigative staff (to May 31).	13, 357. 15
Mary Alice Sauer	Administrative assistant.	8, 152. 80
Frances May	Clerical assistant	7, 055. 04
Beatrice V. Dew	Clerical assistant (to Mar. 9).	2, 232. 31
Sharon Tinsley	Clerical assistant	4, 468. 44
Genevieve A. Mealy	Clerical assistant (from Apr. 21).	1, 901. 67
Hirsch, Arnold H	Consultant	8, 000. 00
Agriculture, Department of:		
Brannon, R. W	Investigator	18, 689. 90
Johnston, Harry	do	12, 632. 25
Robison, John S	do	11, 741. 64
Air Force Audit Agency:		
Gibb, Donald J	do	6, 485. 98
Army Audit Agency:		
Brockington, Solomon E.	do	2, 508. 96
Civil Service Commission:		
DeSipio, Jack A	do	7, 060. 18
Commerce, Department of:		
Lombard, Edward	do	2, 415. 90
Defense Contract Audit Agency:		
Herron, Maurice A	do	14, 442. 84
Federal Aviation Administration:		
Simpson, Thompson J.	do	15, 808. 56
General Services Administration:		
Flanagan, Kevin F	do	19, 859. 88
National Aeronautics and Space Administration:		
Carey, Bernard F	do	11, 198. 91
Habib, Edmund J	do	13, 787. 20
Perry, John J	do	9, 350. 65
Stepka, Francis	do	2, 963. 47
Vojvodich, Nick S	do	6, 825. 88
Naval Audit Service:		
Wyte, David M	do	4, 192. 00
Federal Bureau of Investigation:		
Angevine, Stuart W	do	13, 722. 80
Baber, John R	do	2, 491. 44
Bennett, Carl L	do	14, 376. 80
Bennett, Willis, Jr	do	13, 400. 80
Berge, Thomas W	do	10, 500. 40
Bosko, Andrew P	do	12, 736. 80
Brummitt, Donald A	do	13, 400. 80
Carroll, Gerard C	do	13, 722. 80

COMMITTEE EMPLOYEES—Continued

COMMITTEE ON APPROPRIATIONS—Continued

Name of employee	Profession	Total gross salary during 6-month period
Carson, W. Dana	do	$14,376.80
Creedon, Dennis F., Jr	do	13,720.24
Delp, Warren P	do	7,438.80
Franklin, Robert M	do	13,722.80
Goedtel, John G	do	13,722.80
Geer, James H	do	11,441.60
Haynes, William P., Jr	do	12,082.80
Kamin, Russell N	do	9,547.60
Leffler, Raymond P	do	10,922.08
Maher, Martin F	do	14,092.00
Malyniak, Joseph 'Jr	do	13,209.60
Mansfield, James P	do	13,722.80
McCreight, Allen H	do	10,548.00
McEliece, Richard F	do	13,722.80
McGahey, Hugh B	do	14,376.80
Michalski, Joseph E	do	13,722.80
Morris, Earle J	do	13,400.80
Nash, William C	do	13,722.80
Radican, John J	do	13,400.80
Ramey, Marion S	do	2,503.20
Schaum, Edward V	do	13,722.80
Schmidt, David A	do	10,818.56
Schwant, C. Dale	do	8,236.80
Shannon, Andrew J	do	14,376.80
Szoka, Charles E	do	13,722.80
Talley, Raymond E	do	12,736.80
Theisen, Lyle J	do	8,032.80
Van Wagenen, John A	do	11,760.80
Welch, William H., Jr	do	14,376.80
Wood, H. Branch	do	14,376.80
Strittmatter, Marie L	Clerical assistant	2,444.80
Stull, Ann K	do	3,364.40
Health benefits (FBI)		4,350.42
Life insurance (FBI)		1,631.98
Retirement (FBI)		28,344.15
FICA (FBI)		339.86
Travel expenses		158,187.55
Miscellaneous expenses.		3,436.73

Funds authorized or appropriated for committee expenditures	$1,722,500.00
Amount of expenditures previously reported	640,450.27
Amount expended from Jan. 1 to June 30, 1973	924,529.54
Total amount expended from July 1, 1972 to June 30, 1973	1,564,979.81
Balance unexpended as of June 30, 1973	157,520.19

GEORGE H. MAHON, Chairman.

COMMITTEE ON ARMED SERVICES

July 5, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1973, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Frank M. Slatinshek	Chief counsel	$18,000.00
Earl J. Morgan	Professional staff member.	17,950.00
William H. Cook	Counsel	17,950.00
John J. Ford	Professional staff member.	17,747.64
Ralph Marshall	do	16,083.78
George Norris	Counsel	15,445.98
James F. Shumate, Jr	do	15,445.98
William H. Hogan, Jr	do	12,756.12
H. Hollister Cantus	Professional staff member.	11,262.48
Oneta L. Stockstill	Executive secretary	13,865.34
Berniece Kalinowski	Secretary	10,121.70
L. Louise Ellis	do	10,121.70
Edna E. Johnson	do	10,121.70
Dorothy R. Britton	do	10,121.70
Innis E. McDonald	do	7,598.22
Ann R. Willett	do	6,322.62
Emma M. Brown	do	6,322.66
Nancy S. Jones	do	5,775.00
Diane W. Bowman	Secretary (from Feb. 1).	$4,390.70
Mary Ann McKibben	Secretary (from May 22).	1,140.64
Brenda J. Gore	Secretary (through May 21).	4,952.72
Sally A. Moore	Secretary (through Jan. 31).	878.14
William B. Short, Jr	Clerical staff assistant	8,319.18
James A. Deakins	Clerical staff assistant	7,653,66
Issiah Hardy	Messenger	5,490.66
Staff, Armed Services investigating Subcommittee (from Jan. 3, 1973) (pursuant to H. Res. 185 and H. Res. 264, 93d Cong.):		
John T. M. Reddan	Counsel	17,750.41
John F. Lally	Assistant counsel	15,904.88
Richard A. Ransom	Professional staff member.	14,588.83
Rose C. Beck	Secretary	7,513.70
Adeline Tolerton	Clerk	6,581.44
Joyce C. Bova	Secretary	5,477.52
Diane Bowman	Secretary (through Jan. 31).	819.44
Mary Ann McKibben	Secretary (Apr. 27 through May 21).	729.17

Funds authorized or appropriated for committee expenditures H. Res. 185 and H. Res. 264	$225,000.00
Amount of expenditures previously reported	0
Amount expended from Jan. 3, 1973 to June 30, 1973	73,194.61
Total amount expended from Jan. 3, 1973 to June 30, 1973	73,194.61
Balance unexpended as of July 1, 1973	151,805.39

F. EDWARD HÉBERT, Chairman.

HOUSE COMMITTEE ON BANKING AND CURRENCY

July 15, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 3 to June 30, 1973, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross 6-month salary during period
Standing committee:		
Paul Nelson	Clerk and staff director	$17,800.00
Orman S. Fink	Minority staff director	17,800.00
Curtis A. Prins	Chief investigator	17,800.00
Charles B. Holstein	Professional staff member.	17,800.00
Benet D. Gellman	Counsel	17,800.00
Joseph C. Lewis	Professional staff member.	17,800.00
Graham T. Northup	do	17,800.00
Mary W. Layton	Secretary to minority members.	15,773.21
Donald G. Vaughn	Administrative assistant.	10,198.80
Total		150,572.01
Investigative staff:		
Rose Marie Allen	Assistant clerk	4,406.09
Deborah Ann Amburgey.	Secretary	4,678.73
Annette M. Bouchard	do	1,888.88
Richard C. Barnes	Professional staff member.	10,969.01
James P. Caldwell	do	1,666.67
L. Marie Chaillet	Secretary, minority	3,999.99
Eileen Cooper	do	3,341.13
Davis O'Connell Couch	Counsel	11,403.10
Jane N. D'Arista	Professional staff member.	7,106.73
Dolores K. Dougherty	Research associate	9,604.64
Michael Paul Flaherty	Assistant counsel	10,397.16
John P. Hollihan, III	Assistant clerk, minority.	450.00
Lucia Gonzales	Secretary	$1,709.11
Stuart Halpert	Counsel	7,025.11
Helen Hitz	Administrative assistant.	11,229.07
Linda L. Hoff	Secretary	4,473.58
Lorraine G. Inman	do	3,116.68
Joseph J. Janinski	Professional staff member.	16,066.46
Mary E. Kirk	Assistant clerk	6,748.28
Ellen Marie Larkin	Research assistant	800.00
Joel V. Lumer	do	1,222.22
Mary-Helen McGrath	Secretary	5,764.29
Kelsay R. Meek	Professional staff member.	15,082.41
Mildred S. Mitchell	Assistant clerk	10,113.78
Clifford E. Payne	do	4,742.04
Margaret M. Rayhawk	Research associate	9,900.46
Yan Michael Ross	Counsel, minority	14,342.10
Merrill Stevenson	Assistant clerk	8,317.76
Jeanne Carolyn Smith	Secretary	6,142.66
Richard L. Still	Professional staff member.	8,218.07
Barbara Ann Thompson	Secretary	5,718.43
Robert E. Weintraub	Staff economist	1,600.00
Donald J. Winn	Professional staff member.	4,825.16
Miles MacIntyre	Assistant clerk	138.88
Total		217,208.28

Funds authorized or appropriated for committee expenditures (H. Res. 306—General)	$818,800.00
Amount of expenditures previously reported	None
Amount expended from Jan. 3 to June 30, 1973	232,446.36
Total amount expended from Jan. 3 to June 30, 1973	232,446.36
Balance unexpended as of June 30, 1973	586,353.64

WRIGHT PATMAN, Chairman.

SUBCOMMITTEE ON HOUSING OF THE COMMITTEE ON BANKING AND CURRENCY

July 15, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 3 to June 30, 1973, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Brent B. Barriere	Assistant clerk	$716.67
M. Wendell Belew, Jr	do	716.67
Terrence Boyle	Minority counsel	2,569.12
Marie L. Chaillet	Minority secretary	3,641.11
Wanda Jean Clarkson	Secretary	7,410.61
Marilyn Donahue	Minority secretafy	2,233.33
Patricia A. Eley	Assistant clerk	6,596.44
Jane Carey Enger	Secretary	10,113.79
David Glick	Counsel	17,800.00
George Gross	do	17,800.00
Emily M. Hightower	Secretary	9,266.51
Casey Ireland	Minority staff member	17,800.00
Benjamin B. McKeever	Assistant counsel	16,115.65
Gerald R. McMurray	Staff director	17,800.00
Carolyn Sheredy	Secretary	500.00
Catherine M. Smith	Minority secretary	5,675.14
Anthony Valanzano	Minority counsel	9,441.67
Doris M. Young	Assistant clerk	10,388.14
Total		156,584.85

Funds authorized or appropriated for committee expenditures (H. Res. 306—Housing)	$407,500.00
Amount of expenditures previously reported	None
Amount expended from Jan. 3, to June 30, 1973	166,152.48
Total amount expended from Jan. 3, to June 30, 1973	166,152.48
Balance unexpended as of June 30, 1973	241,347.52

WRIGHT PATMAN, Chairman.

COMMITTEE EMPLOYEES—Continued

COMMITTEE ON THE DISTRICT OF COLUMBIA

July 17, i973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 3 to June 30, 1973, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Standing committee:		
Dorothy E. Quarker	Chief of staff (P)	$17,800.00
Robert B. Washington	Chief counsel (P)	17,800.00
John E. Hogan	Minority counsel (P)	17,195.75
Ruby G. Martin	Counsel (P), effective Feb. 5, 1973.	10,138.86
Daniel Martin Freeman.	Counsel (P), effective Apr. 23, 1973.	4,344.45
James T. Clark	Staff assistant (C)	14,810.97
Dale MacIver	Staff assistant (C), effective Feb. 1, 1973.	9,583.33
Mary B. Wyatt	Staff assistant (C), effective Apr. 1, 1973.	6,750.00
Jacqueline E. Wells	Staff assistant (C), effective Apr. 9, 1973.	5,011.10
Linda L. Smith	Staff assistant (C), effective Apr. 16, 1973.	4,104.17
Maria L. Otero	Office administrator (C), effective Feb. 5, 1973.	6,083.33
Leonard O. Hilder	Investigator (Jan. 3, 1973 to Jan. 31, 1973) minority research assistant, effective May 1, 1973.	5,776.41
Edith Booker	Secretary, from Mar. 5, 1973 to Apr. 5, 1973.	1,119.45
Jacques Depuy	Subcommittee counsel, Subcommittee on Government Operations, from Feb. 5, 1973 to Mar. 31, 1973 (transferred to investigative committee Apr. 1, 1973).	3,111.12
Ann Darneille	Subcommittee research assistant, Subcommittee on Government Operations (transferred to investigative commission Mar. 1, 1973).	416.67
Carolyn Emigh	Subcommittee research assistant, Subcommittee on Business, Commerce and Taxation (transferred to investigative commission Feb. 15, 1973).	388.89
Hayden S. Garber	Counsel, (terminated Jan. 31, 1973).	2,195.75
Othello Steinkuller	Secretary (terminated Jan 31, 1973).	1,436.99
Betty Alexander	do	1,328.54
Witney Turley	Investigator (terminated Jan. 31, 1973).	1,487.72
Patrick Kelley	Assistant Counsel, (terminated Jan. 31, 1973).	1,230.83
Terry D. Hill	Clerk, (terminated Jan. 31, 1973).	902.61
La Vonne Manley	Secretary, (transferred to investigative committee Feb. 1, 1973).	272.22
Total		133,289.16
Investigative committee:		
La Vonne Manley	Secretary, (effective Feb. 1, 1973).	5,833.35
Wanda Worsham	Minority secretary	6,307.97
Lorraine McDaniels	Secretary (effective Apr. 1, 1973) Investigative Committee.	3,000.00
Jean Stultz	do	3,500.01
Grace DeMaio	Secretary (effective Apr. 26, 1973).	1,715.29
Joan Middleton	Secretary (effective May 14, 1973).	1,566.67
Theodore Richardson	Clerk, (effective Apr. 16, 1973)	$1,979.18
Louise Winston	Receptionist (effective Mar. 1, 1973).	3,166.68
Wilbur Hughes	Investigator (effective May 2, 1973).	2,458.33
Joyce Gantt	Secretary (effective May 29, 1973).	1,054.16
David Salmon	Clerk, (effective Jan. 1973, terminated Apr. 15, 1973).	2,861.11
Mary Schuler	Clerk, (effective: Mar. 1, 1973, terminated Apr. 20, 1973).	444.45
Browardine Broyhill	Clerk, (terminated Jan. 31, 1973).	902.61
Rebecca Moore	Subcommittee consultant, Subcommittee on Business, Commerce, and Taxation.	7,416.67
Carolyn Emigh	Subcommittee research assistant, Subcommittee on Business, Commerce, and Taxation, effective Feb 15, 1973; terminated Apr. 30, 1973.	2,111.10
Margaret Hoffmann	Legislative Assistant, (Jan. 3, to 31, 1973), subcommittee research asistant, subcommittee on Business, Commerce, and Taxation, (effective May 1, 1973).	2,833.
Joseph Clair	Subcommittee counsel, Subcommittee on Education, effective Apr. 1, 1973.	5,133.32
Michal Duberstein	Subcommittee research assistant, subcommittee on Education, effective Apr. 1, 1973.	750.00
Jacques Depuy	Subcommittee counsel, Subcommittee on Government Operations, effective Apr. 1, 1973.	5,000.01
Ann Darneille	Subcommittee research assistant, Subcommittee on Government Operations, effective Mar. 1, 1973.	1,666.68
Harley J. Daniels	Subcommittee counsel, Subcommittee on Judiciary, effective Apr. 1, 1973.	6,249.99
Stephen Swaim	Subcommittee consultant, Subcommittee on Revenue and Financial Affairs, effective Apr. 1, 1973.	4,250.01
Margi Mosbaek	Subcommittee research assistant, Subcommittee on Revenue and Financial Affairs, effective May 1, 1973.	1,166.66
Joseph D. Kirschten	Subcommittee consultant, Subcommittee on Labor, Social Services and International Community, effective May 1, 1973.	3,683.34
Hilma Lou Ivey	Subcommittee research assstant, Subcommittee on Labor, etc., , from May 1 to 31, , 1973.	241.67
Karen Fleischer	Subcommittee research assistant, Subcommittee on Labor, etc., , effective June 1, 1973.	241.67
Total		75,534.26

Funds authorized or appropriated for committee expenditures	$275,000.00
Amount of expenditures previously reported	
Amount expended from Jan. 3, to June 30, 1973	77,991.96
Total amount expended from Jan. 3, to June 30, 1973	77,991.96
Balance unexpended as of June 30, 1973	197,008.04

CHARLES C.DIGGS, JR., Chairman.

COMMITTEE ON EDUCATION AND LABOR—STANDING COMMITTEE

July 15, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1973, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Donald M. Baker	Chief clerk and associate counsel (from Jan. 1 to June 30, 1973).	$18,000.00
Donald F. Berens	Administrative assistant (from Jan. 1 to June 30, 1973).	13,643.52
Louise Maxienne Dargans.	Research director (from Jan. 1 to June 30, 1973).	18,000.00
William F. Gaul	Associate general counsel (from Jan. 1 to June 30, 1973).	18,000.00
Hartwell D. Reed, Jr	General counsel (from Jan. 1 to June 30, 1973).	18,000.00
Benjamin F. Reeves	Assistant to chairman and assistant clerk (from Jan. 1 to June 30, 1973).	18,000.00
Austin P. Sullivan, Jr	Legislative director (from Jan. 1 to June 30, 1973).	18,000.00
Louise M. Wright	Administrative assistant (from Jan. 1 to June 30, 1973).	14,822.10
Marian R. Wyman	Special assistant to chairman (from Jan. 1 to June 30, 1973).	17,676.66
Minority staff:		
Robert C. Andringa	Minority staff director (from Jan. 1 to June 30, 1973).	18,000.00
Charles W. Radcliffe	Minority counsel (from Jan. 1 to June 30, 1973).	18,000.00
Louise W. Finke	Assistant to minority Staff director (from Jan. 1 to June 30, 1973).	8,674.08

Funds authorized or appropriated for committee expenditures	Contingent fund
Amount of expenditures previously reported	0
Amount expended from Jan. 1 to June 30, 1973	$198,816.36
Total amount expended from Jan. 1 to June 30, 1973	198,816.36
Balance unexpended as of June 30, 1973	Contingent fund

CARL D. PERKINS, Chairman.

COMMITTEE ON EDUCATION AND LABOR—FULL COMMITTEE INVESTIGATING STAFF

July 15, 1973

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 3 to June 30, 1973, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Carole J. Ansheles	Assistant clerk (from Jan. 3 to June 30, 1973).	$3,119.15
Portia A. Battle	Assistant clerk (temporary) (summer) (from June 16 to June 30, 1973).	266.67
Patricia R. Bowley	Administrative assistant (from Jan. 3 to June 30, 1973).	6,498.25
William H. Cable	Counsel (from Jan. 3 to June 30, 1973).	12,164.70

COMMITTEE EMPLOYEES—Continued

COMMITTEE ON EDUCATION AND LABOR—FULL COMMITTEE INVESTIGATING STAFF—Continued

Name of employee	Profession	Total gross salary during 6-month period
Katherine Kennedy Clark (Gibbons).	Research assistant (from Jan. 3 to June 30, 1973).	$9,607.02
Ron M. Constine	Assistant clerk (temporary) (summer) (from June 21 to June 30, 1973).	166.67
Elizabeth A. Cornett	Administrative assistant (from Jan. 3 to June 30, 1973).	9,604.47
Lelia T. Cornwell	do	8,555.87
Karen Y. Foley	Assistant clerk (temporary) (summer) (from June 1 to June 30, 1973).	500.00
Eydie Gaskins	Administrative assistant (from Jan. 3 to Mar. 31, 1973).	4,471.95
Katherine Gaudette	Secretary (from Apr. 17 to June 30, 1973).	1,726.67
Marilyn L. Hargett	Assistant clerk (temporary) (summer) (from June 18 to June 30, 1973).	216.67
Kevin J. Jennier	Assistant clerk (temporary) (summer) (from May 29 to June 30, 1973).	533.33
Douglas P. Katcher	Research assistant (from Jan. 3 to June 30, 1973).	4,158.85
Richard Lim	Staff assistant (from Jan. 3 to June 30, 1973).	5,146.63
Mattie Maynard	Research assistant (from Jan. 3 to Feb. 28, 1973).	214.45
Shirley R. Mills	Secretary (from Jan. 3 to June 30, 1973).	8,555.87
Lewis D. Morris, Jr	Assistant clerk (temporary) (summer) (from June 1 to June 30, 1973).	500.00
David S. Putnam	Staff assistant (from Jan. 3 to June 30, 1973).	5,327.66
Timothy T. Reese	Assistant clerk (from Jan. 3 to June 30, 1973).	3,119.15
Peter Schott	Assistant clerk (from Jan. 3 to June 30, 1973).	4,343.73
W. Thornton Scott	Assistant clerk (temporary) (summer) (from May 21 to June 30, 1973).	666.67
Michael D. Sherman	Assistant clerk (temporary) (summer) (from June 11 to June 30, 1973).	333.33
Mary L. Shuler	Secretary (from Jan. 3 to June 30, 1973).	7,797.88
Jeanne E. Thompson	Legislative assistant (from Jan. 3 to June 30, 1973).	10,472.69
Ronald F. Tucker	Research assistant (temporary) (from Jan. 3 to Jan. 23, 1973).	367.99
Robert H. Van Meter, III	Assistant clerk (temporary) (summer) (from June 18 to June 30, 1973).	216.67
John E. Warren	Research assistant (from Jan. 3 to June 30, 1973).	5,432.45
Minority:		
Kim Allinger	Secretary (from Apr. 1 to June 30, 1973).	2,150.01
Cynthia Dean Banzer	Minority legislative assistant (from Jan. 3 to Jan. 31, 1973).	1,226.63
Edith C. Baum	Minority counsel for labor (from March 29 to June 30, 1973).	7,411.12
Mildred S. Blumel	Secretary (from Jan. 3 to June 30, 1973).	4,158.85
Cecilia C. Broughton	Secretary (from Jan. 3 to Mar. 31, 1973).	2,317.60
Christopher T. Cross	Minority legislative associate (from Jan. 3 to June 30, 1973).	15,959.66
Susan Connolly DeMarr.	Secretary (from April 20 to June 30, 1973).	1,873.62
Janet Craig Haddesheimer.	Minority research assistant (from June 1 to June 30, 1973).	$875.00
Karen L. Huester	Minority clerk-typist (from June 29 to June 30, 1973).	40.00
Martin L. LaVor	Minority legislative associate (from Jan. 3 to June 30, 1973).	14,999.05
Jo Anne Pierson	Secretary (from Jan. 3 to June 30, 1973).	4,470.77
Silvia J. Rodriguez	Secretary (from Jan. 3 to June 30, 1973).	5,634.67
John Charles Sheerlin	Minority counsel for labor (from Apr. 1 to June 30, 1973).	9,000.00
Yvonne Franklin Smith.	Minority legislative associate (from Jan. 3 to June 30, 1973).	9,357.46
Dorothy L. Strunk	Secretary (from Jan. 3 to June 30, 1973).	6,708.64
Dennis J. Taylor	Minority associate counsel (from Jan. 3 to Mar. 14, 1973).	4,962.60

Funds authorized or appropriated for committee expenditures	$720,000.00
Amount of expenditures previously reported	0
Amount expended from Jan. 3 to June 30, 1973	217,669.63
Total amount expended from Jan. 3 to June 30, 1973	217,669.63
Balance unexpended as of June 30, 1973	502,330.37

CARL D. PERKINS, Chairman.

GENERAL SUBCOMMITTEE ON EDUCATION, NO. 1

(Representative Carl D. Perkins, Chairman)

July 15, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 3 to June 30, 1973, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Eydie Gaskins	Special assistant (from Apr. 1 to June 30, 1973).	$4,573.59
John F. Jennings	Counsel (from Jan. 3 to June 30, 1973).	16,560.40
Alexandra J. Kisla	Clerk (from Jan. 3 to , Jan. 31, 1973).	1,292.05
Toni E. Painter	Secretary (from Jan. 3 to June 30, 1973).	3,467.85
Ivan Swift	Legislative assistant (from June 1 to June 30, 1973).	1,750.00

Funds authorized or appropriated for committee expenditures	$90,000.00
Amount of expenditures previously reported	0
Amount expended from Jan. 3 to June 30, 1973	33,268.13
Total amount expended from Jan. 3 to June 30, 1973	33,268.13
Balance unexpended as of June 30, 1973	56,731.87

CARL D. PERKINS, Chairman.

SPECIAL SUBCOMMITTEE ON LABOR, NO. 2

(Representative Frank Thompson, Jr., Chairman)

July 15, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 3 to June 30, 1973, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Jeunesse M. Beaumont	Clerk (from Jan. 3 to June 30, 1973).	$8,832.84
A. Jefferson Dodds	Assistant clerk (from June 1 to June 30 1973).	433.33
Hugh G. Duffy	Counsel (from Jan. 3 to Jan. 15, 1973).	1,137.50
Donald J. Kaniewski	Research assistant (from Jan. 3 to June 30, 1973).	2,919.63
Cheryl G. Matcho	Secretary (from Jan. 3 to June 30, 1973).	4,815.51
Robert E. Moss	Counsel (from Jan. 3 to June 30, 1973).	12,638.61
Daniel H. Pollitt	Special counsel (from Jan. 3 to May 31, 1973).	3,288.90
Richard Shaffer	Research assistant (from Apr. 2 to June 30, 1973).	1,606.96
Judith Simmons	Assistant clerk (from Apr. 1 to Apr. 30, 1973).	125.00

Funds authorized or appropriated for committee expenditures	$90,000.00
Amount of expenditures previously reported	0
Amount expended from Jan. 3 to June 30, 1973	39,716.16
Total amount expended from Jan. 3 to June 30, 1973	39,716.16
Balance unexpended as of June 30, 1973	50,283.84

CARL D. PERKINS, Chairman.

GENERAL SUBCOMMITTEE ON LABOR, NO. 3

(Representative John H. Dent, Chairman)

July 15, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 3 to June 30, 1973, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Barbara A. Dinuson	Secretary (from Jan. 3 to June 30, 1973).	$3,708.34
Adrienne Fields	Clerk (from Jan. 3 to June 30, 1973).	9,097.52
Karen L. Heck	Assistant clerk (from June 18 to June 30, 1973).	140.83
Julie M. Nichols	Secretary (from Jan. 3 to Mar. 17, 1973).	1,562.50
Robert E. Vagley	Director (from Jan. 3 to June 30, 1973).	16,996.51

Funds authorized or appropriated for committee expenditures	$90,000.00
Amount of expenditures previously reported	0
Amount expended from Jan. 3 to June 30, 1973	32,993.32
Total amount expended from Jan. 3 to June 30, 1973	32,993.32
Balance unexpended as of June 30, 1973	57,006.68

CARL D. PERKINS, Chairman.

COMMITTEE EMPLOYEES—Continued

SELECT SUBCOMMITTEE ON LABOR, NO. 4

(Representative Dominick V. Daniels, Chairman)

July 15, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 3 to June 30, 1973, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Loretta A. Bowen	Clerk (from Jan. 3 to June 30, 1973).	$7,960.57
Alexandra J. Kisla	Research staff assistant (from April 2 to June 30, 1973).	3,213.88
Daniel H. Krivit	Counsel (from Jan. 3 to June 30, 1973).	15,525.57
Catherine R. Romano	Research staff assistant (from Jan. 3 to Mar. 31, 1973).	2,615.57
Laura Wells Stanton	Research assistant (from Jan. 3 to June 30, 1973).	4,301.67
Charles R. Zappala	Assistant clerk (from Jan. 3 to May 31, 1973).	1,480.00

Funds authorized or appropriated for committee expenditures	$90,000.00
Amount of expenditures previously reported	0
Amount expended from Jan. 3 to June 30, 1973	35,570.63
Total amount expended from Jan. 3 to June 30, 1973	35,570.63
Balance unexpended as of June 30, 1973	54,429.37

CARL D. PERKINS, Chairman.

SELECT SUBCOMMITTEE ON EDUCATION, NO. 5

(Representative John Brademas, Chairman)

July 15, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 3 to June 30, 1973, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Jack G. Duncan	Counsel (from Jan. 3 to June 30, 1973).	$13,600.00
Eleanor M. Finver	Secretary (from Apr. 9 to June 30, 1973).	1,822.23
Marianne Frederick	Secretary (from Jan. 3 to June 30, 1973).	1,466.66
James Harvey	Deputy assistant (from Jan. 3 to June 30, 1973).	7,416.67
Alice Koller	Researcher (from Feb. 9 to Apr. 30, 1973).	2,277.77
Christine M. Orth	Staff assistant (from Jan. 3 to June 30, 1973).	4,516.67
Gladys Marie Walker	Secretary (from Jan. 3 to June 30, 1973).	4,477.76

Funds authorized or appropriated for committee expenditures	$90,000.00
Amount of expenditures previously reported	0
Amount expended from Jan. 3 to June 30, 1973	41,449.06
Total amount expended from Jan. 3 to June 30, 1973	41,449.06
Balance unexpended as of June 30, 1973	48,550.94

CARL D. PERKINS, Chairman.

SPECIAL SUBCOMMITTEE ON EDUCATION, NO. 6

(Representative James G. O'Hara, Chairman)

July 15, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 3 to June 30, 1973, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross 6-month salary during period
Rosanne Aceto	Assistant clerk (from Feb. 1 to June 30, 1973).	$3,548.50
Suzanne L. Black	Research assistant Jan. 3 to Jan. 31, 1973).	1,226.65
Maxienne L. Brown	Secretary (from Jan. 3 to Jan. 31, 1973).	981.31
Alfred C. Franklin	Counsel (from Feb. 1 to June 30, 1972).	9,287.35
James B. Harrison	Staff director (from Feb. 1 to June 30, 1972).	12,310.15
Sally K. Kirkgasler	Director (from Jan. 3 to Jan. 31, 1973.)	1,349.30
Bernard M. Murphy, Jr.	Research assistant (from June 1 to June 30, 1973).	433.33
Elnora Helen Teets	Clerk (from Feb. 1 to June 30, 1973).	5,519.85

Funds authorized or appropriated for committee expenditures	$90,000.00
Amount of expenditures previously reported	0
Amount expended from Jan. 3 to June 30, 1973	36,790.40
Total amount expended from Jan. 3 to June 30, 1973	36,790.40
Balance unexpended as of June 30, 1973	53,209.60

CARL D. PERKINS, Chairman.

SUBCOMMITTEE ON EQUAL OPPORTUNITIES, NO. 7

(Augustus F. Hawkins, Chairman)

July 15, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 3 to June 30, 1973, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
William J. Beckham, Jr.	Director (from Feb. 21 to June 30, 1973).	$10,875.01
Patricia S. Fleming	Research assistant (from Feb. 1 to June 30, 1973).	6,333.35
Susan Durkee Grayson	Special assistant (from Apr. 1 to June 30, 1973).	3,500.01
Natile Meyer	Receptionist (from Apr. 9 to June 30, 1973).	455.57
Carole M. Schanzer	Clerk (from Jan. 29 to June 30, 1973).	4,361.12

Funds authorized or appropriated for committee expenditures	$90,000.00
Amount of expenditures previously reported	
Amount expended from Jan. 3 to June 30, 1973	33,605.95
Total amount expended from Jan. 3 to June 30, 1973	33,605.95
Balance unexpended as of June 30, 1973	56,394.05

CARL D. PERKINS, Chairman.

SUBCOMMITTEE ON AGRICULTURAL LABOR, NO. 8

(Representative William D. Ford, Chairman)

July 15, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 3 to June 30, 1973, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Rosanne Aceto	Assistant clerk (from Jan. 3 to Jan. 31, 1973).	$662.39
Meredith P. Branson	Clerk (from Feb. 1 to June 30, 1973).	6,333.35
Roy P. Dyson	Research aid (from Mar. 1 to June 30, 1973).	2,383.34
Alfred C. Franklin	Counsel (from Jan. 3 to Jan. 31, 1973).	1,733.64
James B. Harrison	Staff director (from Jan. 3 to Jan. 31, 1973).	2,297.89
Thomas R. Jolly	Counsel (from Feb. 1 to June 30, 1973).	7,916.67
Patricia R. Morse	Clerk (from May 1 to June 30, 1973).	2,208.34
Daniel H. Pollitt	Assistant clerk (from Feb. 1 to June 30, 1973).	2,083.35
William Simmons	Assistant clerk (from May 1 to June 30, 1973).	1,300.00
Elnora Helen Teets	Clerk (from Jan. 3 to Jan. 31, 1973).	1,030.37

Funds authorized or appropriated for committee expenditures	$90,000.00
Amount of expenditures previously reported	0
Amount expended from Jan. 3 to June 30, 1973	32,315.02
Total amount expended from Jan. 3 to June 30, 1973	32,315.02
Balance unexpended as of June 30, 1973	57,684.98

CARL D. PERKINS, Chairman

TASK FORCE ON WELFARE AND PENSION PLANS, NO. 9 GENERAL SUBCOMMITTEE ON LABOR

(Representative John H. Dent, Chairman)

July 15, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 3 to June 30, 1973, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Vance J. Anderson	Counsel (from Jan. 3 to June 30, 1973).	$11,759.35
Carol L. Barbero	Staff assistant (from Jan. 3 to April 15, 1973).	4,981.51
Patrice C. Connerton	Clerk-typist (from May 8 to June 30, 1973).	1,060.00
Thomas J. Hart	Assistant counsel (from Jan. 3 to Jan. 31, 1973).	1,063.09
Suzanne Hays	Staff assistant (from Jan. 3 to June 30, 1973).	4,433.92
Leonard Kelley	Assistant clerk (from June 1 to June 30, 1973).	325.00
Russell J. Mueller	Actuary and minority legislative associate (from Apr. 2 to June 30. 1973).	6,922.21

COMMITTEE EMPLOYEES—Continued

TASK FORCE ON WELFARE AND PENSION PLANS, NO. 9 GENERAL SUBCOMMITTEE ON LABOR—Continued

(Representative John H. Dent, Chairman)

Name of employee	Profession	Total gross salary during 6-month period
Robin Reid	Minority secretary (from Apr. 1 to June 30, 1973).	$2,199.99
Frances M. Turk	Clerk (from Apr. 21 June 30, 1973).	2,527.77

Funds authorized or appropriated for committee expenditures	$220,000.00
Amount of expenditures previously reported	0
Amount expended from Jan. 3 to June 30, 1973	54,276.51
Total amount expended from Jan. 3 to June 1973	54,276.51
Balance unexpended as of June 30, 1973	165,723.49

CARL D. PERKINS, Chairman.

COMMITTEE ON FOREIGN AFFAIRS

July 9, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1973, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Marian A. Czarnecki	Chief of staff	$18,000.00
Albert C. F. Westphal	Staff consultant	18,000.00
Franklin J. Schupp	do	9,000.00
Harry C. Cromer	do	18,000.00
Melvin O. Benson	do	5,500.34
Everett E. Bierman	do	15,703.68
John J. Brady, Jr	do	14,419.98
John H. Sullivan	do	14,419.98
Robert K. Boyer	do	12,030.74
John Chapman Chester	do	14,419.98
Peter Anthony Abbruzzese.	do	13,310.70
Lewis Gulick	do	9,000.00
George R. Berdes	Subcommittee staff consultant.	13,865.34
Robert B. Boettcher	do	13,403.16
Goler T. Butcher	do	13,865.34
R. Michael Finley	do	12,160.16
Clifford P. Hackett	do	13,865.34
Charles S. Levy	do	11,837.98
Henry M. Lloyd	do	146.53
Michael H. Van Dusen	do	12,030.74
Thomas R. Kennedy	do	8,925.00
Helen C. Mattas	Senior staff assistant	12,983.28
Mary Louise O'Brien	Staff assistant	11,586.18
Paula L. Peak	do	9,571.92
Ray Sparks	do	9,998.22
Thelma H. Shirkey	do	6,349.14
Arlene M. Atwater	do	6,296.58
Shirley A. McManus	do	7,209.96
Bernadette M. Jenkins	do	6,349.14
Audray Lee Clement	do	3,673.01
Donna Gail Wynn	do	5,187.36
Prudence Verby	do	247.22
Andrew B. Vanyo	Clerical assistant	5,324.28
Jalayne R. Bruce	Staff assistant	5,257.02
Jeanne M. Salvia	do	5,519.88
Arlene M. Hennessey	do	5,608.92
Robert A. Stoner	Clerical assistant	4,288.87
Karen J. Patterson	Staff assistant	2,833.32
Josephine R. Weber	do	2,638.88
Dona Sims	Special assistant	444.45
Theana C. Yatron	do	444.45
Diane Lyn Miesel	Staff assistant	341.67

Funds authorized or appropriated for committee expenditures	$607,500.00
Amount expended from Jan. 1 to June 30, 1973	231,415.71
Balance unexpended as of June 30, 1973	376,084.29

THOMAS E. MORGAN, Chairman.

COMMITTEE ON GOVERNMENT OPERATIONS

July 15, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 3 to June 30, 1973, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Expenses, Jan. 3, through June 30, 1973:		
Full committee		$8,998.62
Special investigative staff.		46,805.57
Legislation and Military Operations Subcommittee.		42,426.35
Government Activities Subcommittee.		48,564.56
Intergovernmental Relations Subcommittee.		58,732.18
Conservation and Natural Resources Subcommittee.		65,988.11
Foreign Operations and Government Information Subcommittee.		66,353.87
Legal and Monetary Affairs Subcommittee.		44,803.82
Special Studies Subcommittee.		54,206.53
Total		436,879.70
Standing Committee, Hon. Chet Holifield, chairman:		
Herbert Roback	Staff director	18,000.00
Elmer W. Henderson	General counsel	18,000.00
Miles Q. Romney	Counsel-administrator	18,000.00
Douglas G. Dahlin	Associate counsel (from June 1, 1973).	2,291.67
Dolores L. Fel'Dotto	Staff member	9,712.56
Ann E. McLachlan	Staff member	9,414.00
Catherine S. Cash	Staff member	8,214.86
Marilyn F. Jarvis	Staff member	8,349.90
Lilian M. Phillips	Staff member	7,675.80
John Philip Carlson	Minority counsel	18,000.00
William H. Copenhaver.	Minority professional staff member (through May 31, 1973).	13,272.00
Clara Katherine Armstrong.	Minority research assistant.	8,663.76
Standing Committee, Hon. Chet Holifield, chairman:		
Expenses		8,998.62
Special investigative staff, Hon. Chet Holifield, chairman:		
Robert F. Carmody	Minority staff member (from Apr. 2, 1973).	5,933.33
Warren B. Buhler	Minority staff member	9,872.12
Stephen M. Daniels	Minority staff member (from Feb. 19, 1973).	7,004.93
Richard L. Thompson	Minority staff member (from Apr. 9, 1973).	4,351.55
Sheila G. Nathanson	Minority staff secretary (from Mar. 2, 1973).	3,116.61
Karen L. Tauber	Minority staff secretary (from May 14, 1973).	1,201.12
Eileen W. Theim	Staff member	6,498.25
Ralph T. Doty	Clerical staff	4,668.81
Paul N. Nelson	Clerical staff	4,158.85
Total		46,805.57
Legislation and Military Operations Subcommittee, Hon. Chet Holifield, chairman:		
Charles Goodwin	Subcommittee counsel (from June 1, 1973).	1,435.00
John Paul Ridgely	Investigator	11,422.62
Michael T. McGinn	Defense analyst (from June 25, 1973).	283.33
Catherine L. Koeberlein.	Research assistant	8,792.01
Mary Etta Haga	Stenographer	$5,484.54
Joseph C. Luman	Defense analyst (through February 28).	4,020.95
Douglas G. Dahlin	Staff attorney (through May 31, 1973).	10,652.89
Expenses		335.01
Total		42,426.35
Government Activities Subcommittee, Hon. Jack Brooks, chairman:		
William M. Jones	Subcommittee staff director.	14,556.07
William H. Copenhaver.	Counsel (from June 1, 1973).	2,333.33
C. Don Stephens	Research analyst	11,405.23
Lynne Higginbotham	Clerk-stenographer	7,629.14
Kathryn J. Ruksenos	Secretary (from Mar. 9, 1973	2,644.4
Paul A. Mutino	Counsel (through June 3, 1973).	8,607.31
Expenses		1,389.14
Total		48,564.65
Intergovernmental Relations, Subcommittee, Hon. L. H. Fountain, chairman:		
James R. Naughton	Counsel	17,033.41
Delphis C. Goldberg	Professional staff member	17,033.41
Gilbert S. Goldhammer	Consultant	11,103.52
Pamela R. Horsmon	Clerk-stenographer	5,484.54
Margaret M. Goldhammer.	Secretary	4,603.49
Expenses		3,473.81
Total		58,732.18
Conservation and Natural Resources Subcommittee, Hon. Henry S. Reuss, chairman:		
Phineas Indritz	Counsel	17,033.41
David B. Finnegan	Associate counsel	14,260.13
David H. Baris	Legal assistant	8,312.84
Josephine Scheiber	Research analyst	8,772.49
Ruth M. Wallick	Stenographer	6,444.73
Frances B. Lee	do	4,619.07
Expenses		6,545.44
Total		65,988.11
Foreign Operations and Government Information Subcommittee, Hon. William S. Moorhead, chairman:		
William G. Phillips	Subcommittee staff director.	17,033.41
Norman G. Cornish	Deputy subcommittee staff director.	17,033.41
Harold F. Whittington	Professional staff member.	13,080.39
L. James Kronfeld	Counsel (from Apr. 1, 1973).	6,249.99
Martha M. Doty	Clerk	5,315.29
Almeda J. Harley	Secretary	4,113.40
Expenses		3,527.98
Total		66,353.87
Legal and Monetary Affairs Subcommittee, Hon. Wm. J. Randall, chairman:		
Erskine Stewart	Subcommittee staff director (from Mar. 1, 1973).	8,904.59
William G. Lawrence	Associate counsel (from Mar. 26, 1973).	5,277.79
Jeremiah S. Buckley	Assistant counsel	7,964.55
D. Faye Taylor	Clerk (from Apr. 19, 1973).	2,299.99
Eleanor M. Vanyo	Secretary (from June 11, 1973).	555.55
Charles A. Intriago	Assistant counsel (through Feb. 15, 1973).	2,740.48
Richard L. Still	Counsel (through Mar. 23, 1973).	6,863.35
Frances M. Turk	Clerk (through Apr. 20, 1973).	3,627.33

COMMITTEE EMPLOYEES—Continued

COMMITTEE ON GOVERNMENT OPERATIONS—Continued

Name of employee	Profession	Total gross salary during 6-month period
Helena A. Grady	Secretary (through June 8, 1973).	$3,644.83
Expenses		2,925.36
Total		44,803.82
Special Studies Subcommittee, Hon. Floyd V. Hicks, chairman:		
Joseph C. Luman	Subcommittee staff director (from March 1, 1973).	9,079.79
Jacob N. Wasserman	Counsel	15,666.85
Dean S. Kalivas	Professional staff member (from Apr. 1, 1973).	5,000.01
James L. Gyory	Investigator	7,952.56
Wileen O. Moore	Clerk	4,921.76
Geraldine A. Fitzgerald.	Secretary	4,158.85
Erskine Stewart	Subcommittee staff director (through Feb. 28, 1973).	4,234.81
Expenses		3,191.90
Total		54,206.53

Funds authorized or appropriated for committee expenditures H. Res. 277, 93d Congress — $1,219,700.00

Amount of expenditures previously reported — ----------

Amount expended from Jan. 3, to June 30, 1973 — 436,879.70

Total amount expended from Jan. 3 to June 30, 1973 — 436,879.70

Balance unexpended as of June 30, 1973 — 782,820.30

CHET HOLIFIELD, Chairman.

COMMITTEE ON HOUSE ADMINISTRATION

July 13, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1973, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
John Walker	Staff director	$18,000.00
Frank B. Ryan	Director, information systems.	18,000.00
Louis Freed	Assistant clerk	18,000.00
Robert Gray	Chief auditor	17,638.68
Melvin Miller	Minority clerk	5,819.26
John Blair	Assistant to the staff director.	14,419.98
Ralph Murphy	Minority's assistant clerk.	13,142.52
Louis Silverman	Assistant clerk	10,666.80
Mary Stolle	do	7,885.50
Evelyn H. Wilson	Office manager	7,885.50
Judith Vargas	Assistant cerk (minority).	4,710.27
Robert Anton	Assistant legal counsel.	1,875.01
Ralph Smith	Minority clerk	2,900.00
Thomas S. Foster	Election clerk	4,030.36
William Sudow	Printing clerk	10,000.02
John Boos	Library and memorials clerk.	10,154.98
Rose Wooden	Assistant legal counsel	9,462.60
Joseph Ventura	Personnel clerk	8,683.77
Gurney S. Jaynes	Assistant clerk	6,932.70
Judith Simmons	Accounts assistant clerk.	6,254.38
Gerald Wygoda	Assistant clerk	2,110.00
V. Tomlinson Youngblood.	do	6,308.40
Johanna Lucas	do	6,308.40
John Paul Tolson	do	6,308.40
Lynne E. Pattridge	do	5,519.88
Vickie S. Moser	do	5,257.02
Linda Hoffman	Printing assistant clerk	$4,324.98
Barbara Giaimo	E. & M. assistant clerk	4,619.75
Judith Rigby	Assistant clerk	3,504.65
Pamela Bussen	Personnel assistant clerk.	4,187.72
Cheryl J. Peck	E. & M. assistant clerk	3,374.90
David Carlton, Jr	Police clerk	8,125.00
Shirley L. Harris	Assistant clerk	4,216.65
Eric Honick	Elections clerk	6,000.00
Tony Pappas	Accounts clerk	8,822.23
Thomas Hart	E. & M. clerk	1,484.17
Donna Craig	Police assistant clerk	750.00
Ronald Merenbach	Assistant clerk	4,200.00
Cathy McMaster	Police assistant clerk	2,225.00
Natile Meyer	E. & M. assistant clerk	1,298.33
Deborah Liggett	Assistant clerk	940.00
Olliovia Frasier	do	920.00
Charlene Brimmer	Assistant clerk (minority).	855.56
Margaret Dinneen	Assistant clerk	450.00
Sebastian Tom	E. & M. clerk	1,375.00
Gregory Gill	Assistant clerk	450.00
Robert Byrd, Jr	do	450.00
Paul DiLorenzo	do	500.00
John Maxwell	do	325.00
Colette Bohatch	do	183.33
Cynthia Cortese	do	273.33
John Ford	do	130.00
James Burnes	do	300.00
Thomas Latham	Accounts clerk	95.00
Wyatt L. Overton	Assistant clerk	60.00

Funds authorized or appropriated for committee expenditures — $450,000.00

Amount of expenditures previously reported — None

Amount expended from Jan. 1, to June 30, 1973 — 174,781.55

Total amount expended from Jan. 1, to June 30, 1973. — 174,781.5

Balance unexpended as of June 30, 1973 — 2/5,218.45

WAYNE L. HAYS, Chairman.

COMMITTEE ON HOUSE ADMINISTRATION

(House Information Systems)

July 13, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1973, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Charles Graham	Deputy director	$16,812.28
Sheldon Grosberg	Management assistant.	11,453.33
Howard Ulep	Technical assistant	10,253.32
Kathy August	System factors specialist.	6,761.23
Mary Frye	Executive secretary	5,266.96
Margaret Hyland	Secretary	4,211.52
John Stiegelmair	Head (planning and analysis).	11,132.67
Paula Weirather	Secretary	4,679.15
Dwight Pfaehler	Senior information systems specialist.	11,136.68
Edmond S. Mesko	Information systems specialist.	9,917.28
Jean Walker	System factors analyst	1,300.00
Stuart M. Robinson	Senior information system specialist.	11,612.81
Edward R. Mills	Information systems specialist.	10,785.85
Charles Arrowsmith	do	10,011.27
Don F. Anderson	System factors analyst	8,284.18
Kathryn Smith	Assistant information systems specialist.	840.27
Antoinette Gauther	Communications terminal operator.	4,313.67
Diane Franklin	do	4,342.48
Patricia Costlow	do	4,426.02
Ada Taylor	do	4,184.79
Carol L. Rich	do	4,086.67
Marsha Madden	do	4,448.52
Barbara Pittman	Clerk-typist	2,640.19
Stephen Stofko	Senior information system specialist.	12,104.02
Earl D. Watterson	Information system specialist.	$8,343.10
Don L. Robinson	System factors specialist.	6,296.54
Robert W. Garrett	Information system specialist.	11,136.68
Lynn Alcock	Coordinator	5,230.59
Cherie Barnes	Communication terminal operator.	3,652.25
Betty Gill	do	708.08
Martha Crouse	do	4,184.79
Frank Robertson	Computer service (head).	12,930.10
Betty Sharp	Secretary	375.11
Dianne Sisson	do	260.00
Norman Young	Application development (manager).	11,331.19
Jasper Wagliardo	Senior systems analyst	10,002.03
William Freeman	Systems analyst	9,667.48
Robert Klukas	Senior systems analyst	9,251.41
William Hill	Systems analyst	8,826.52
Jimmy Powell	Programer	7,540.40
David Brazeal	Programer analyst	7,845.51
Vernon Walters	do	6,986.61
Ann Wightman	Programer	5,489.16
Curtis Merrick	Systems operation (manager).	10,814.06
Robert Cohen	Senior systems analyst	9,708.50
John T. Reed	Systems analyst	9,579.21
Harold W. Harding	Systems programer	5,045.72
John Wunderlich	do	8,830.82
Noah St. Clair	Senior systems programer.	8,456.28
Diana Lee Yudiskas	Programer analyst	6,860.36
Benjamin Candler	do	7,351.93
Timothy Gunter	Programer	5,896.19
Kerry M. Frazier	do	5,747.72
Waites J. Ward	Data processing (supervisor).	7,637.90
Robert Mumma	Computer operation coordinator.	5,196.2
Frank W. Byrd	Computer operator	4,840.02
Gerald Barnes	do	4,756.11
Thomas J. Hawk	do	4,756.11
James Guthrie	Programer	2,114.16
Barbara Burda	Data preparation coordinator.	4,442.56
Mary Conroy	Production control specialist.	3,609.68
Deloris Gilliam	Data preparation trainee.	3,053.35
Berthine Washington	do	3,053.35
Steve Newman	Courier	3,570.79
Elmer Whiting	Computer operator	4,581.11
Linda Hall	Secretary	2,650.73
Dianne L. Oshetski	do	3,309.73
Kathleen Fleege	Communication terminal operator.	2,291.31
Francine Cromwell	Receptionist-secretary	2,876.98
Katherine Diamond	Data preparation specialist.	1,701.38
Ed Fairleigh	Data control specialist	1,615.86
Samuel Rogers	Computer operator	1,964.57
Donald Morris	Administrative application.	4,296.93
Louis Johannes	Courier	1,350.19
Lewis duBusc	Information systems specialist.	3,349.21
Barbara Swart	Communication terminal operator.	1,066.64
Susan Starr	System factors analyst	2,323.10
David Underwood	Systems analyst	2,613.47
Marie Williams	Information systems specialist.	2,344.73
Sandra Levine	Communication terminal operator.	790.11
Geoffrey White	Junior research assistant.	516.67
Stephanie Everett	Communication terminal operator.	863.65
Wilburn Smith	Senior information systems specialist.	2,227.30
Kendall Free	Systems analyst	1,532.27
Gerald Murphy	Information systems specialist.	1,867.91
Katherine Bye	Technical research	714.00
Francis Jones	Secretary, junior	605.69
Paul Pritchett	Communication terminal operator.	596.32
Hettie K. Prater	Technical aide	990.07
Ruth Wauters	Programer analyst	881.11
Stuart Edwards	do	623.21
Jeremy Frey	Research intern	30.00

Funds authorized or appropriated for committee expenditures — 2,400,000.00

Amount of expenditures previously reported — None

Amount expended from Jan. 1 to June 30, 1973 — 480,958.01

Total amount expended from Jan. 1 to June 30, 1973 — 480,958.01

Balance unexpended as of June 30, 1973 — 1,697,803.24

WAYNE L. HAYS, Chairman.

COMMITTEE EMPLOYEES—Continued

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

July 17, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 3 to June 30, 1973, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Sidney L. McFarland	Staff director and chief clerk.	$18,000.00
Lewis A. Sigler	General counsel	18,000.00
William L. Shafer	Consultant on mines, minerals, and public lands.	18,000.00
Charles Leppert, Jr	Minority counsel	17,738.00
Lee McElvain	Assistant counsel and consultant on National Parks and Recreation.	16,658.15
Jim T. Casey	Consultant on water and power resources.	[1]2,856.16
Charles Conklin	Special counsel on public lands and environmental matters.	[2]14,789.70
Patricia A. Murray	Full committee clerk	11,086.23
Patricia B. Freeman	Administrative assistant.	9,977.62
Miriam L. Waddell	Secretary-clerk	7,760.3
Marsha Lane DeGon	Clerk, Subcommittee on National Parks and Recreation.	7,483.2
Jack Daum	Staff consultant (minority) (as of Apr. 1, 1973).	5,625.0
Joanne Marie Suter	Secretary-clerk (minority) (as of Apr. 16, 1973).	2,291.68
Salaries paid pursuant to H. Res. 291, 93d Cong.:		
Charles Conklin	Special consultant on public lands and environmental matters (from Jan. 3 to Jan. 31, 1973.	$2,760.74
Adrian P. Winkel	Consultant on Territories and Insular Affairs (term. Jan. 31, 1973; reep (Mar. 1, 1973).	13,224.44
Edward Weidenfeld	Special counsel on energy matters (term. Jan. 31, 1973).	2,379.61
Bertha D. Drotos	Secretary-clerk (minority).	6,133.33
Edward Gaddis	Staff assistant	5,484.54
Marston L. Becker	Printing clerk	9,323.70
Inez Jarvis	Secretary-clerk	8,226.75
Nancy Lou Larson	Clerk, Subcommittee on Territories and Insular Affairs.	8,160.45
Mary Lee Gennari	Clerk, Subcommittee on Water and Power Resources.	5,945.31
Kathy C. Loeffler	Clerk-receptionist	4,684.56
Therese M. Mariner	Clerk (term. Apr. 30, 1973).	3,273.95
David W. Luken	Staff consultant (minority) (as of Feb. 1, 1973).	5,833.35
Jim T. Casey	Consultant on water and power resources (as of Feb. 1, 1973).	14,327.50
Maurice J. Shean	Consultant on Territories and Insular affairs, (as of Feb. 1, 1973).	13,403.15
Rebecca D. Shapiro	Clerk, Subcommittee on Indian Affairs (as of Mar. 1, 1973).	3,166.68
Pamela Warfield	Clerk, Subcommittee on the Environment (as of Mar. 1, 1973).	3,625.01
Michael S. Alonge	Staff assistant, Subcommittee on Environment (from Mar. 1, to Mar. 31, 1973).	1,139.00
Stanley E. Scoville	Staff assistant, Subcommittee on Environment (as of Mar. 1, 1973).	5,500.00
James J. McCusker	Consultant on mines and mining (as of Mar. 16, 1973).	7,291.65
Franklin Ducheneaux	Consultant on Indian affairs (as of Mar. 15, 1973).	7,361.10
Carol L. Hall	Staff assistant, Subcommittee on Mines and Mining (as of Mar. 26, 1973).	$3,166.67
Robert A. Hunt	Consultant on public land (as of Apr. 1, 1973).	6,500.01
Elizabeth K. Medeiros	Clerk, Subcommittee on Mines and Mining (as of Apr. 1, 1973).	2,000.01
James A. Rock	Staff consultant (minority) (as of Apr. 15, 1973).	4,222.23
Nancy G. Drake	Clerk Subcommittee on Public Lands (as of Apr. 16, 1973).	2,812.50
Clay E. Peters	Staff consultant (minority) (as of Apr. 16, 1973).	4,166.68
Thomas S. Dunmire	Staff consultant (minority) (as of Apr. 4, 1973).	2,358.22
Bruce Driver	do	4,229.16
Sharon Peck	Secretary-clerk (minority) (as of May 1, 1973).	1,583.34
Mark Panitch	Staff assistant Subcommittee on Environment (from May 15, 1973 to June 14, 1973).	1,250.00
Jay Parker	Staff assistant Subcommittee on Environment (as of June 15, 1973).	511.11

Funds authorized or appropriated for committee expenditures	$694,000.00
Amount of expenditures previously reported	None
Amount expended from Jan. 3 to June 30, 1973	200,315.70
Total amount expended from Jan. 3 to June 30, 1973	200,315.70
Balance unexpended as of June 30, 1973	493,684.30

JAMES A. HALEY, Chairman.

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[1] Appointed to investigating staff as of Feb. 1, 1973.

[2] Appointed to standing committee staff as of Feb. 1, 1973

COMMITTEE ON INTERNAL SECURITY

July 5, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1973, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Standing commttee (majority):		
Donald G. Sanders (P)	Chief counsel (resigned Mar. 31, 1973).	$8,800.00
Robert M. Horner (P)	Staff director	11,932.00
Richard L. Schultz (P)	Counsel	15,377.78
William H. Hecht (P)	Executive staff assistant.	16,462.20
Alfred M. Nittle (P)	Legislative counsel	16,280.53
Richard A. Shaw (C)	Chief investigator (to standing Apr. 16, 1973).	5,000.00
William G. Shaw (C)	Research director	12,649.85
V. Bernice King (C)	Financial secretary	9,605.46
Mary M. Valente (C)	Administrative secretary.	10,019.32
John F. Lewis (P)	Professional staff assistant (to standing Apr. 1, 1973).	7,643.10
Anniel Cunningham (C).	Chief files section (terminated Apr. 15, 1973).	5,437.75
Standing Committee (minority):		
DeWitt White (P)	Legal counsel	16,923.79
Herbert Romerstein (C).	Minority chief investigator.	15,905.07
James L. Gallagher (C)	Research analyst	12,996.49
Investigative committee (majority):		
Margie D. Biggerstaff	Secretary	5,535.80
Charles Bonneville	Investigator (resigned Apr. 7, 1973).	4,655.89
Daniel Butler	Documents clerk	$5,740.78
Joseph A. Campbell III.	Assistant documents clerk (terminated May 23, 1973).	2,676.70
S. Janice Coil	Secretary	6,287.32
Anniel Cunningham	Chief files section (to investigative Apr. 16, 1973).	3,959.53
Florence P. Doyle	Secretary	5,252.19
Karen Sue Dring	Information classifier	3,909.04
Elizabeth Edinger	Editor (resigned Mar. 31, 1973).	4,201.81
Daniel R. Ferry	Assistant counsel	10,179.92
Andrea Foy	Information classifier (resigned Jan. 11, 1973).	180.25
Helen M. Gittings	Research analyst	9,779.32
Elizabeth Goltra	Information classifier (appointed Feb. 1, 1973—resigned Mar. 31, 1973).	1,166.66
S. Diana Hardin	Information classifier (appointed June 1, 1973).	569.51
Doris Jaeck	Information analyst	5,547.25
Mildred V. James	Clerk-typist	3,890.43
John F. Lewis	Professional staff assistant (terminated Mar. 31, 1973).	7,473.25
Norma H. Lewis	Secretary	5,644.68
Tina V. Markey	Information classifier (appointed Feb. 12, 1973).	2,638.73
Virginia Masino	Receptionist	4,659.86
Anita Maggio	Clerk	3,564.92
Maureen P. Ontrich	Information analyst	4,876.13
Alma T. Pfaff	Research analyst	6,152.63
Peggy Pixley	Editorial clerk (resigned Mar. 31, 1973).	2,742.46
Robert Poos	Research analyst (terminated June 30, 1973).	10,439.81
Stuart Pott	Investigator	7,601.85
Audrey Rollins	Secretary	5,211.24
Richard A. Shaw	Chief investigator (terminated Apr. 15, 1973).	5,569.21
Albert H. Solomon, Jr.	Investigator	10,969.01
Nancy M. Stankus	Information classifier (resigned Jan. 12, 1973).	189.83
John N. Stratton	Investigator	8,723.66
Barbara C. Sweeny	Clerk-stenographer	4,800.90
Josehph Thach, Jr	Information analyst (terminated June 30, 1973).	9,554.98
Susan K. Tonkinson	Information analyst	4,838.50
Investigatve committee (minority):		
George C. Armstrong	Investigator	7,952.56
Richard Norusis	do	8,500.98
William T. Poole	Research analyst	7,550.17
Linda Spirt	Secretary	6,024.35
Browardine Broyhill	Research assistant (appointed Apr. 1, 1973).	1,125.00

Funds authorized or appropriated for committee expenditures	$475,000.00
Amount of expenditures previously reported	None
Amount expended from Jan. 3 to June 30, 1973	235,623.05
Total amount expended from Jan. 3 to June 30, 1973	235,623.05
Balance unexpended as of June 30, 1973	239,376.95

RICHARD H. ICHORD, Chairman.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

July 13, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 3 to June 30, 1973, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Clerical staff:		
W. E. Williamson	Clerk	$18,000.00
Kenneth J. Painter	1st assistant clerk	16,679.64
Marcella F. Johnson	Assistant clerk	10,882.02
Frank W. Mahon	Printing editor	10,975.86
Eleanor A. Dinkins	Clerical assistant	8,726.64
Mary Ryan	do	8,726.64
Edwin E. Thomas	Staff assistant	7,744.20

COMMITTEE EMPLOYEES—Continued

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE—Con·

Name of employee	Profession	Total gross salary during 6-month period
Marion M. Burson (minority).	Staff assistant (Jan. 1, 2 1973).	$176.27
Lewis E. Berry (minority).	Minority counsel	18,000.00
Professional staff:		
William J. Dixon	Professional staff member.	18,000.00
Robert F. Guthrie	do	18,000.00
Charles B. Curtis	do	18,000.00
Lee S. Hyde	do	16,500.00
Jeffrey H. Schwartz	Professional staff member (from Apr. 1, 1973).	6,249.99
Elizabeth Harrison	do	6,249.99
John Gamble	Counsel	12,476.3
Additional temporary employees under H. Res. 182 and 303:		
A. Bennet Schram	Staff assistant (minority) (to May 31, 1973).	9,243.55
Henry Thomas Greene	Staff assistant (minority).	11,796.12
Barbara L. Bullard	Clerical assistant (minority).	7,445.22
Darlene G. McMullen	do	5,287.32
Jan B. Vlcek	Staff assistant (minority) (from May 7, 1973).	3,327.61
Bertram J. Levine	Staff assistant (minority) (from Apr. 1, 1973).	5,546.01
Thomas C. Sawyer	Staff assistant (minority) (from Apr. 23, 1973).	4,190.32
Joanne E. Bell	Clerical assistant	5,257.02
Violet M. McCarthy	do	7,359.78
Ann P. Jordan	do	4,936.08
Barboura C. Flues	do	6,100.74
Helen M. Dubino	Clerical assistant (to June 17, 1973).	14,289.41
Clarence E. Martin III	Clerical assistant (from May 14, 1973).	1,044.45
Michael J. Barrett	Clerical assistant (from Mar. 28, 1973).	2,325.00
William C. Barnich	Clerical assistant (to Jan. 31, 1973).	876.17
Laura F. Elder	Clerical assistant (from Jan. 8, 1973).	6,127.08
Lucye L. Summers	Clerical assistant (from Feb. 1, 1973).	5,208.35
Jo Anne Glisson	Clerical assistant (from Apr. 1, 1973).	2,499.9[illegible]
John L. Duncan	Staff assistant (from Apr. 16, 1973).	3,125.00
Susan Tomasky	Clerical assistant (from June 4, 1973).	525.00
Walter J. Graham, Jr	Staff assistant	14,278.50
Steve Lawton	do	14,27
Michael R. Lemov	do	14,278.5
Richard Krolik	do	14,278.5
Louise D. Wilmer	Clerical assistant (from June 1, 1973).	500.0
Special subcommittee on Investigations:		
Daniel J. Manelli	Chief counsel	17,747.64
William T. Druhan	Staff assistant	15,629.46
James F. Broder	do	14,974.56
James R. Connor	do	14,492.40
Benjamin J. Smethurst.	do	15,629.46
Mark J. Raabe	Staff attorney	14,419.98
Michael J. Parker	do	12,201.48
Albert J. McGrath	Special assistant	7,875.54
Raymond C. Cole	do	10,513.98
Elizabeth G. Paola	Clerical assistant	8,726.64
Russel D. Mosher	Staff assistant	5,811.06
Diane G. Kirchenbauer.	Clerical assistant	6,378.06
Michael F. Barrett	Staff attorney	14,419.98
Elizabeth A. Eastman	Clerical assistant	7,355.16
Special securities study group:		
Robert L. Stern	Special consultant	15,251.88
Harvey Rowan	Staff attorney	13,668.18
Judith Ann Quinn	Clerical assistant	4,991.52
Jean F. Zofcin	Clerical assistant (from Apr. 9, 1973).	2,273.23
Marion S. Ryan	Clerical assistant (from June 4, 1973).	748.50

Funds authorized or appropriated for committee expenditures	$1,180,000.00
Amount of expenditures previously reported	
Amount expended from Jan. 3, to June 30, 1973	384,639.96
Total amount expended from Jan. 3, to June 30, 1973	384,639.96
Balance unexpended as of July 1, 1973	795,360.04

HARLEY O. STAGGERS, Chairman.

COMMITTEE ON THE JUDICIARY

July 13, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January ? to June 30, 1973, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Herbert Fuchs	Counsel	$18,000.00
Garner J. Cline	Associate general counsel.	17,730.46
Jerome M. Zeifman	General counsel	17,720.83
William P. Shattuck	Counsel	17,191.38
Donald G. Benn	Associate counsel	16,312.50
Frances Christy	Legislative analyst	11,108.46
Jane C. Caldwell	Clerical staff	9,600.24
Gertrude Clara Burak	do	8,540.64
Franklin G. Polk	Associate counsel (from Apr. 1, 1973).	8,400.00
Roberta E. Eisenberg	Clerical staff	8,081.10
Alan A. Parker	Counsel (from Apr. 1, 1973).	7,500.00
Roger A. Pauley	Associate counsel (from Apr. 1, 1973).	7,500.00
R. Frederick Jett	Counsel (through Mar. 31, 1973).	7,467.99
Bess E. Dick	Staff director (through Mar. 9, 1973).	6,900.00
Thomas E. Mooney	Associate counsel (from Apr. 1, 1973).	6,900.00
Alma B. Haardt	Clerical staff (from Feb. 7, 1973).	5,559.69
Ann P. Sartori	do	4,592.49
Daniel L. Cohen	Assistant counsel (from Feb. 1, 1973 through Mar. 31, 1973).	3,333.34
Salaries paid Jan. 3, 1973, through June 30, 1973, pursuant to H. Res. 74 and 265, 93d Cong.:		
Frank H. Addonizio	Clerical staff (through June 1, 1973).	1,313.34
Maurice A. Barboza	Counsel (from Mar. 1, 1973).	7,000.00
Michael W. Blommer	Associate counsel (from Feb. 13, 1973).	10,120.00
Sharon L. Borg	Clerical staff (from June 18, 1973).	325.00
Pearl L. Chellman	Clerical staff	6,306.10
Daniel L. Cohen	Assistant counsel (through Jan. 31, 1973; from Apr. 1, 1973).	6,249.90
Alexander B. Cook	Associate counsel (from Mar. 26, 1973).	5,541.67
Lois D'Andre	Legislative assistant (from June 1, 1973).	1,250.00
Howard C. Eglit	Assistant counsel (through May 11, 1973).	8,363.35
Arthur P. Endres, Jr	Assistant counsel	9,583.24
James F. Falco	Counsel (from June 10, 1973).	1,400.00
James B. Farr	Messenger-clerk	4,268.83
Mary Shea Gaffney	Clerical staff	5,539.19
Linda C. Gersten	Staff analyst	8,131.11
Alma B. Haardt	Clerical staff (through Feb. 6, 1973).	1,269.22
Herbert E. Hoffman	Special counsel for Federal criminal law reform (through Mar. 31, 1973).	8,800.00
Alice M. Jackson	Clerical staff	5,015.39
R. Frederick Jett	Counsel (from Apr. 1, 1973).	300.00
Michael Kelemonick	Clerical staff	7,008.99
B. Dianne McConnell	do	3,588.91
Florence T. McGrady	do	7,008.99
Betty Jean McKay	Clerical staff (from Mar. 20, 1973).	2,468.88
Thomas E. Mooney	Associate counsel (through Mar. 31, 1973).	5,415.67
Mary Louise Morrison	Clerical staff (from May 1, 1973, through June 14, 1973).	1,173.33
Nancy L. Parke	Clerical staff (from Feb. 21, 1973).	3,466.67
Alan A. Parker	Counsel (from Feb. 1, 1973, through Mar. 31, 1973).	5,000.00
Roger A. Pauley	Associate counsel (from Feb. 6, 1973, through Mar. 31, 1973).	4,666.67
Franklin G. Polk	Associate counsel (through Mar. 31, 1973).	7,736.68
Joan Porter	Clerical staff (from May 14, 1973).	$1,148.88
Ruth T. Pratt	Clerical staff (through Jan. 31, 1973).	902.61
Ruth O. Robinson	Assistant counsel (from Apr. 2, 1973).	5,686.12
Ann P. Sartori	Clerical staff (through Feb. 6, 1973).	1,048.33
Arden B. Schell	Assistant counsel (from Mar. 13, 1973).	4,799.99
Alice M. Smith	Clerical staff (from Jan. 2, 1973).	5,013.66
Mary G. Sourwine	Clerical staff	7,368.80
Jared B. Stamell	Assistant counsel (from Mar. 6, 1973).	6,388.90
Peter T. Straub	Associate counsel (from Feb. 19, 1973).	9,716.65
Annelie Tischbein	Clerical staff (through Apr. 30, 1973).	3,603.33
Louis S. Vance	Messenger-clerk	5,213.29
Dorothy C. Wadley	Clerical staff (from Mar. 7, 1973).	3,483.35
Priscilla A. Welsh	Clerical staff (from Jan. 2, 1973, through Mar. 30, 1973).	2,688.90
Minne White	Clerical staff	8,900.00
Janice A. Zarro	Assistant counsel (from May 14, 1973).	1,893.05

Funds authorized or appropriated for committee expenditures	$536,217.75
Amount expended from Jan. 3, 1973, through June 30, 1973	211,251.29
Balance unexpended as of June 30, 1973	324,966.46

FUNDS FOR PREPARATION OF UNITED STATES CODE, DISTRICT OF COLUMBIA CODE, AND REVISION OF THE LAWS

A. Preparation of new edition of United States Code (no year):	
Unexpended balance Dec. 31, 1972	$94,960.05
Expended Jan. 1 to June 30, 1973	26,900.42
Balance June 30, 1973	68,059.63
B. Preparation of new edition of District of Columbia Code:	
Unexpended balance Dec. 31, 1972	197,636.08
Expended Jan. 1 to June 30, 1973	28,898.43
Balance June 30, 1973	168,737.65
C. Revision of the Laws, 1973:	
Unexpended balance Dec. 31, 1972	21,980.00
Expended Jan. 1 to June 30, 1973	18,000.00
Balance June 30, 1973	3,980.00

PETER W. RODINO, JR., Chairman.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

July 9, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1973, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Standing committee staff:		
Ernest J. Corrado	Chief counsel	$18,000.00
Neb P. Everett	Counsel	15,917.56
Francis D. Heyward	Counsel (February–June).	9,181.25
Leonard L. Sutter	Counsel	14,000.00
Robert J. McElroy	Chief clerk (January)	2,997.19
Frances P. Still	Clerk (January), chief clerk (February–June).	5,140.51
W. Bernard Winfield	Clerk	11,867.77
Vera A. Barker	Secretary	9,625.00
Albert J. Dennis	Investigator (January)	1,916.67
Terrence W. Modglin	Clerk (February)	708.33
Richard N. Sharood	Minority counsel	15,000.00
William C. Rountree	do	10,500.00
Virginia L. Noah	Minority clerk	9,500.00
Investigative committee staff:		
Francis D. Heyward	Counsel (January)	2,285.83
A. Ronald Santo	do	1,666.67
Gus Bakas	do	1,666.67
Mary C. McDonnell	Counsel (February–June).	8,750.00
Frank M. Potter, Jr	Counsel (March–June)	5,700.00

COMMITTEE EMPLOYEES—Continued

COMMITTEE ON MERCHANT MARINE AND FISHERIES—Con.

Name of employee	Profession	Total gross salary during 6-month period
Carl L. Perian	Professional staff member.	$13,000.00
William H. Hamilton	Professional staff member (April–June).	4,666.67
Donald A. Watt	Editor	10,108.98
Terrence W. Modglin	Clerk (March–June)	3,208.32
Ruth I. Hoffman	Assistant clerk	7,000.00
Ronald W. C. Watt	Assistant clerk (January).	833.33
Jacquelyn M. Westcott	Stenographer-clerk (February–June).	5,416.65
Eleanor P. Mohler	Secretary	6,250.00
Betty Ann Nevitt	do	6,111.11
Pauline M. Dickerson	Secretary (January)	1,367.11
Lucye L. Summers	do	1,083.06
Jane C. Wojcik	do	1,298.83
Gwendolyn H. Lockhart.	Assistant minority clerk.	6,500.00

Funds authorized or appropriated for committee expenditures	$291,500.00
Amount of expenditures previously reported	
Amount expended— from Jan. 1 to June 30, 1973	89,588.7
Total amount expended from Jan. 1 to June 30, 1973	89,588.77
Balance unexpended as of June 30, 1973	201,911.23

LEONOR K. SULLIVAN, Chairman.

COMMITTEE ON POST OFFICE AND CIVIL SERVICE

July 10, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1973, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Standing committee staff:		
Martiny, John H	Chief counsel	$18,000.00
Smiroldo, Victor C	Staff director and counsel.	17,749.98
Irvine, William A	Assistant staff director	17,749.98
Kazy, Theodore J	Senior staff assistant	17,749.98
Mesker, Roy C	Staff assistant (from Mar. 15).	10,452.77
Fortune, Francis C	Coordinator	14,800.02
Lockhart, Robert E	Assistant counsel	15,049.98
Devlin, Ralph J	Staff assistant	14,599.98
Thornton, Elsie E	Chief clerk	12,750.00
Wells, Barbara M	Executive secretary	9,480.00
Simons, Blanche M	Secretary	8,755.02
Investigative staff, pursuant to H. Res. 180 and 261 of the 93d Cong., 1st sess.:		
Full committee:		
Andrews, Julia L	Junior staff assistant (Mar. 5–16).	150.00
Barry, Margaret	Secretary (minority)	5,438.91
Bates, Kathryn E	do	6,526.67
Brown, Lorraine L	Secretary (to Jan. 31)	812.91
Bakall, Diane A	Intern (from May 21)	600.00
Coultrap, Ray H	Staff assistant (minority).	7,441.41
Gabusi, John B	Staff assistant	12,476.75
Gustafson, Tanya A	Intern (minority) (from June 25).	80.00
Harding, Delois	Secretary (to Feb. 28)	1,682.73
Howard, Alton M	Printing editor	9,987.76
Hugler, Edward T	Investigator	14,091.67
Kennedy, Thomas R	Staff assistant (to Feb. 28).	4,154.11
Napier, Margaret G	Secretary	5,878.92
Pendleton, Maria R	Document clerk	8,855.50
Peters, Dorothy L	Secretary	7,802.33
Raymond, Anthony J.	Staff assistant (minority).	12,262.24
Scoville, Stanley E	Research assistant (to Feb. 28).	2,416.68
Thomas, Catharin	Assistant document clerk.	4,885.09
Warfield, Pamela T	Secretary (Feb. 1–28)	908.33
Manpower and Civil Service Subcommittee:		
Campbell, Austin B	Assistant counsel (to Apr. 30).	$5,736.10
Snipes, Justine P	Secretary	7,628.20
Bethea, Barbara F	Junior staff assistant	3,857.78
Pankonin, Patricia G.	Secretary (from May 6).	1,604.17
Holton, Ann C	Intern (from May 21)	533.33
Postal Service Subcommittee:		
Barton, Richard A	Staff assistant	12,475.13
Cox, Cassandra L	Secretary (from May 1).	1,416.66
Hatcherson, Jane W	Secretary (to May 15)	3,621.67
Gates, Gregory A	Intern (from June 1)	300.00
Burwell, Robert J	do	300.00
Postal Facilities, Mail, and Labor Management Subcommittee:		
Gould, George B	Staff assistant	13,453.68
Mahoney, Joseph T	Associate staff assistant (from Mar. 1).	3,833.32
Ciaravella, Jo Ann	Secretary	5,456.47
Brand, Hugh McGuire, Jr.	Intern (from June 1)	400.00
Stetler, Mary Catherine.	Intern (from June 11)	266.67
Retirement and Employee Benefits Subcommittee:		
Neuman, Robert A	Staff assistant (to Mar. 31).	5,622.23
Terry, Donald F	Staff assistant	6,319.44
Lumb, Carol P	Secretary (to Feb. 11)	891.81
Gwinn, Mansel Bruce.	Clerk (from Feb. 12)	3,088.90
Schreiber, Ann F	Staff assistant (from Apr. 1).	6,125.01
Lee ,Clifford Thomas.	Intern (from June 25)	60.00
Census and Statistics Subcommittee:		
Bullock, Richard D	Staff assistant (from May 24).	2,775.00
Bray, Austin C. Jr	Assistant counsel (from Mar. 1).	5,000.00
LaMotte, Bettie J	Secretary (from Mar. 1).	4,000.00
Kerry, Linda Louise	Intern (from June 12)	190.00

Funds authorized or appropriated for committee expenditures	$638,000.00
Amount of expenditures previously reported	0
Amount expended from Jan. 3 to June 30, 1973	235,285.13
Balance unexpended as of June 30, 1973	402,714.87

THADDEUS J. DULSKI, Chairman.

COMMITTEE ON PUBLIC WORKS

June 30, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 3 to June 30, 1973, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Standing committee staff:		
Richard J. Sullivan	Chief counsel	$18,000.00
Lester Edelman	Counsel	17,789.70
Lloyd A. Rivard	Engineer consultant	17,789.70
Carl H. Schwartz, Jr	Consultant—projects and programs.	6,864.00
James L. Oberstar	Administrator	17,795.25
Dorothy A. Beam	Executive staff assistant.	12,228.12
Meriam R. Buckley	Calendar clerk	10,198.80
Sterlyn B. Carroll	Staff assistant	8,524.44
Ruth Costello	do	9,094.62
Clifton W. Enfield	Minority counsel	18,000.00
Richard C. Peet	Associate minority counsel.	17,716.08
Erla S. Youmans	Minority executive staff assistant.	10,260.36
Investigating staff:		
Phyllis Beall	Staff assistant	4,202.76
Steven H. Bourke	do	9,597.88
Peggy Lynn Clements	do	$6,675.00
William M. Corcoran	do	4,944.42
Patricia Carol Cross	Staff assistant (effective Mar. 15, 1973).	1,794.44
Catherine A. Evans	Staff assistant	4,964.66
Roger B. Furey	Staff assistant (effective Jan. 18, 1973).	2,248.61
Karen Maria Gilbert	Staff assistant	5,582.26
Anne Louise Howard	Staff assistant (effective May 29, 1973).	777.78
Ann J. Joseph	Staff assistant	4,301.67
Diana L. Juarez	Staff assistant (effective June 18, 1973).	216.67
Elizabeth Hall Kiley	Staff assistant (terminated Apr. 30, 1973).	2,181.47
Mary Kathryn Leonard	Staff assistant	4,568.79
Margaret McCarthy	do	4,673.51
Machele Miller	do	4,723.51
Shirley Ruhe	do	5,841.84
Robert F. Spence	do	9,465.56
Toby J. Stein	do	4,107.88
Clyde E. Woodle, Jr	Staff assistant (effective Jan. 29, 1973).	7,008.87
Olga Wynnyk	Staff assistant (effective Mar. 12, 1973).	2,422.23
Patricia A. Hill	Minority staff assistant.	6,427.76
Richard C. Barnett	do	7,278.00
Brenda G. Jones	do	4,936.06
Pauline L. DeCourcy	Minority staff assistant (terminated Mar. 31, 1973).	2,570.10
Alexandra R. Sassoon	Minority staff assistant (effective Mar. 1, 1973).	3,333.32
Joanne Marie Morrone	Minority staff assistant (effective Mar. 19, 1973).	2,833.32
Cheryl Ann Meyers	Minority staff assistant (effective Apr. 5, 1973).	2,269.45
Errol Lee Tyler	Associate counsel (effective Mar. 10, 1973).	9,250.00
Joseph A. Italiano	Editorial assistant	11,009.60
Robert F. Loftus	Technical staff assistant.	15,905.07
Henry G. Edler	Project coordinator (transferred to subcommittee on energy Mar. 1, 1973).	5,609.08
Ruth Constandy	Technical consultant (terminated Feb. 12, 1972).	2,578.89
Gordon E. Wood	Assistant minority counsel.	13,688.87
Marie M. Lynch	Clerk, Subcommittee on Water Resources.	7,025.90
Nancy B. Vitali	Clerk, Subcommittee on Public Buildings and Grounds.	6,423.85
Carl J. Lorenz	Counsel, Subcommittee on Economic Development (effective Mar. 1, 1973).	11,092.28
Subcommittee on Energy:		
Salvatore J. D'Amico	Counsel (effective Mar. 1, 1973).	11,172.54
Henry G. Edler	Technical adviser (effective Mar. 1, 1973).	11,605.00
Carole Dahlstedt	Clerk (effective Apr. 1, 1973).	3,999.99
Stephanie G. Negley	Staff assistant (effective Mar. 26, 1973).	3,166.67
June M. O'Connell	Staff assistant (effective May 14, 1973).	1,357.78
Subcommittee on Investigations and Review:		
Walter R. May	Chief counsel	17,800.00
Salvatore J. D'Amico	Associate counsel (transferred to Subcommittee on Energy Mar. 1, 1973).	5,361.27
John P. O'Hara	Associate counsel	16,453.55
Carl J. Lorenz, Jr	Associate counsel (transferred to Subcommittee on EDA Mar. 1, 1973).	5,361.27
Robert G. Lawrence	Associate counsel	17,096.31
George M. Kopecky	Chief investigator	17,800.00
Sherman S. Willse	Professional staff member (terminated Feb. 28, 1973).	5,361.27
Kathryn M. Keeney	Chief clerk	10,397.19

COMMITTEE EMPLOYEES—Continued

COMMITTEE ON PUBLIC WORKS—Continued

Name of employee	Profession	Total gross salary during 6-month period
Betty Hay Wright	Administrative assistant.	$9,877.34
Shirley B. Novotny	Staff assistant	6,855.67
Carol Dahlstedt	Staff assistant (transferred to Subcommittee on Energy, Apr. 1, 1973).	3,389.32
William O. Nolen	Investigator	10,969.01
George P. Karseboom	Professional staff member.	14,808.17
Charles A. Krouse	do	14,426.52
Agnes M. Ganun	Staff assistant	7,101.13
Virginia Middledorf	Staff assistant (effective Apr. 15, 1973).	2,660.00
Sheldon Gilbert	Minority counsel	15,595.77
Paul R. S. Yates	Professional minority staff member.	16,635.46
Martha F. Downie	Minority staff assistant	7,404.09
F. Robert Edman	Consultant	8,300.00
Richard C. Royce	do	4,200.00
Max Taher	do	4,300.00

Funds authorized or appropriated for committee expenditures (H. Res. 285)	$1,519,700.00
Amount of expenditures previously reported	0
Amount expended from Jan. 3, to June 30, 1973	483,037.05
Balance unexpended as of June 30, 1973	1,036,662.95

JOHN A. BLATNIK, Chairman.

COMMITTEE ON RULES

July 18, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1973, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Laurie C. Battle	Staff director and counsel (P).	$18,000.00
Margaret Anne Bundick	Staff assistant (C)	7,864.55
William D. Crosby, Jr	Minority counsel (P)	12,598.83
Jonna Lynne Cullen	Assistant minority counsel (P).	9,529.86
Donald Gregory Nicosia	Research analyst (C)	7,797.88
Winifred L. Watts	Administrative assistant (P).	10,497.99
Dorothy Ballenger	Secretary (C)	5,458.33

Funds authorized or appropriated for committee expenditures	$5,000.00
Amount of expenditures previously reported	0
Amount expended from Jan. 3 to June 30, 1973	1,239.36
Balance unexpended	3,760.64

RAY J. MADDEN, Chairman.

COMMITTEE ON SCIENCE AND ASTRONAUTICS

July 10, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1973, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
John L. Swigert, Jr	Staff director (from April 29).	$6,200.00
Charles F. Ducander	Chief counsel	18,000.00
James E. Wilson, Jr	Deputy director	18,000.00
John A. Carstarphen, Jr	Chief clerk and counsel	$18,000.00
Philip B. Yeager	Counsel	18,000.00
Frank R. Hammill, Jr	do	18,000.00
Carl Swartz	Minority staff	12,857.62
Joseph Del Riego	do	12,469.11
Mary Ann Robert	Secretary	7,964.51
Emily Dodson	do	7,632.58
Carol F. Rodgers	do	7,447.95
June C. Stafford	do	7,447.95
Theresa M. Gallo	do	5,506.55
Investigative staff (H. Res. 270):		
Harold A. Gould	Technical consultant	18,000.00
William G. Wells, Jr	do	16,198.52
J. Thomas Ratchford	Science consultant	16,510.89
John D. Holmfeld	Science policy consultant.	13,303.47
Thomas N. Tate	Technical consultant and counsel (from May 12).	3,675.00
Richard P. Hines	Technical consultant (to Mar. 31).	8,992.44
Philip P. Dickinson	do	7,885.03
Frank J. Giroux	Printing clerk	9,707.28
George W. Fisher	Clerk (from Apr. 1)	9,000.00
Elizabeth S. Kernan	Scientific research assistant.	4,760.87
Martha N. Rees	Secretary	7,128.63
Denis C. Quigley	Publications clerk	8,406.65
Patricia J. Schwartz	Secretary	5,619.23
Hazel R. Justice	Secretary (to Jan. 31)	785.98
Garnette Benton	Secretary (to Feb. 12)	1,855.07
Rita W. Schwall	Secretary (from Apr. 17).	3,031.95
Judith Ann Everett	Secretary (from May 1).	1,416.66
Don Cooper	Publications clerk (from June 1).	958.33

Funds authorized or appropriated for committee expenditures	$380,000.00
Amount of expenditures previously reported	0
Amount expended from Jan. 3 to June 30, 1973	161,252.29
Total amount expended from Jan. 3 to June 30, 1973	161,252.29
Balance unexpended as of June 3, 1973	218,747.71

OLIN E. TEAGUE, Chairman.

COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

July 3, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 3 to June 30, 1973, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
John M. Swanner	Staff director	$18,000.0
Bennett Wolfe	Assistant staff director.	16,670.22
Robert G. Allett	Senior staff member	18,000.00
Mariann R. Mackenzie	Secretary	11,697.42
Tempie W. Whittington	Assistant clerk	6,648.72

Funds authorized or appropriated for committee expenditures H. Res. 219 (Mar. 20, 1973)	$25,000.00
Amount of expenditures previously reported	0
Amount expended from Jan. 3, to June 30, 1973	1,033.35
Total amount expended from Jan. 3 to June 30, 1973	1,033.35
Balance unexpended as of June 30, 1973	23,966.65

MELVIN PRICE, Chairman.

COMMITTEE ON VETERANS' AFFAIRS

July 13, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1973, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross 6-month salary during period
Oliver E. Meadows	Staff director	$18,000.00
Donald C. Knapp	Counsel	18,000.00
John R. Holden	Professional staff member (minority).	17,177.90
Billy E. Kirby	Professional aide	17,177.90
Arthur M. Gottschalk	Professional aide (minority).	11,640.57
George W. Fisher	Clerk (through Mar. 31, 1973).	9,000.00
Helen A. Biondi	Clerk (from May 1, 1973).	12,170.82
Alice V. Matthews	Clerk-stenographer	8,296.55
Morvie Ann Colby	do	8,062.20
Marjorie J. Kidd	do	7,710.67
Diana Sue Gaujot	Clerk-Stenographer (minority) from June 1, 1973.	833.33
Patricia J. Wilton	Clerk-stenographer (minority) (through May 31, 1973).	5,063.15
Investigative staff:		
Audrey A. Powelson	Clerk-stenographer	6,076.44
Philip E. Howard	Investigator	17,065.16
Candis L. Graves	Clerk-stenographer	4,975.73
Vance L. Gilliam	Records clerk	4,804.70
Barbara Price Daniel	Clerk-stenographer	5,516.88
Sylvia Meadows	do	1,033.34
Margaret Boswell	do	792.23
Susan Dawkins	do	516.67

Funds authorized or appropriated for committee expenditures	$150,000.00
Amount of expenditures previously reported	None
Amount expended from Jan. 1 to June 30, 1973	49,785.67
Total amount expended from Jan. 1 to June 30, 1973	49,785.67
Balance unexpended as of June 30, 1973	100,214.33

WM. JENNINGS BRYAN DORN, Chairman.

COMMITTEE ON WAYS AND MEANS

July 1, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1973, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross 6-month salary during period
John M. Martin, Jr	Chief Counsel (P)	$18,000.00
Richard C. Wilbur	Minority Counsel (P)	18,000.00
John Patrick Baker	Assistant Chief Counsel (P).	17,749.98
Robert B. Hill	Professional Staff (P)	14,040.42
William Kane	do	17,457.78
James W. Kelley	do	17,749.98
Harold Lamar	do	17,749.98
A. L. Singleton, Jr	do	16,556.78
Florence Burkett	Staff Assistant (C)	8,202.72
Virginia Butler	do	9,750.12
William C. Byrd	do	6,613.80
Marie Crane	do	8,064.54
William Fullerton	do	17,749.98
Charles Hawkins	do	17,749.98
Grace Kagan	do	9,750.12
June Kendall	do	11,623.74
Elizabeth Lieblich	do	4,625.76
Danna Palmer	do	5,130.18
Doris Parker	do	5,125.56
Marsha Powell	do	4,994.16
Jean Ratliff	do	5,950.38
Karen Schwarz	do	6,045.54
Gloria Shaver	do	9,456.18
Margo Shildkret	do	4,468.44
Carole Vazis	do	7,555.12
Kaye Anne Weinstein	Staff assistant (C) to June 15.	6,493.71
Hughlon Greene	Document Clerk (C)	8,202.72
Walter Little	do	8,202.72
Under H. Res. 263, 93d Congress:		
John Meagher		17,348.10
Connie Faulkner (from April 6).		2,243.07

COMMITTEE EMPLOYEES—Continued

COMMITTEE ON WAYS AND MEANS—Continued

Name of employee	Profession	Total gross salary during 6-month period
Don Johnson (from June 15).		$400.00
Donald Whistler (from June 1).		200.00

Funds authorized or appropriated for committee expenditures	$125,000.00
Amount of expenditures previously reported	None.
Amount expended from Janaury 1 to June 30, 1973	32,480.92
Balance unexpended as of June 30, 1973	92,519.08

WIBUR D. MILLS, Chairman.

SELECT COMMITTEE ON COMMITTEES

July 2, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 31 to June 30, 1973, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Charles S. Sheldon II	Chief of staff	$9,000.00
Melvin M. Miller	Deputy chief of staff	12,000.00
Gerald J. Grady	Professional staff member.	7,540.29
Spencer M. Beresford	Counsel	10,300.00
Linda H. Kamm	do	9,266.67
Robert C. Ketcham	Special counsel	9,250.00
Roger H. Davidson	Professional staff member.	5,168.06
Terence T. Finn	Staff consultant	6,500.00
Dennis J. Taylor	Associate counsel	7,655.57
Mary E. Zalar	Chief clerk	5,000.00
Linda G. Stephenson	Assistant clerk	3,800.00
Shirley A. Kalich	Secretary	4,033.35
Rose M. Sanko	do	3,366.67
Carmen T. Bagherzadeh	do	3,333.32
C. Carleda Broughton	do	2,625.00
Joan Bannon Bachula	Research assistant	200.0

Funds authorized or appropriated for committee expenditures	$1,500,000.00
Amount of expenditures previously reported	
Amount expended from Jan. 31 to June 30, 1973	99,038.93
Total amount expended from Jan. 31 to June 30, 1973	99,038.93
Balance unexpended as of June 30, 1973	1,400,961.07

RICHARD BOLLING, Chairman.

SELECT COMMITTEE ON CRIME

August 3, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 31 to June 30, 1973, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Appleby, M. Irene	Secretary	$5,742.39
Bass, Avanell K	Office manager	8,358.58
Beccaccio, Livio A	Investigator	11,618.80
Bedell, Leroy C., Jr	Investigator, to Mar. 31 and investigator-hearings officer, from Apr. 1 to Apr. 30 and investigator, from May 1.	11,030.88
Blommer, Michael W	Associate chief counsel, to Feb. 12.	3,583.52
Boysen, Mary R	Secretary to associate counsel, to Jan. 15.	514.32
Canty, Marian	Secretary to chairman	$7,824.11
Collison, Frederick B	Investigator	9,427.50
Collison, Judith Ann	Secretary, from Apr. 11.	2,305.55
Cook, Martha A	Secretary, to Mar. 31 and press officer, from Apr. 1.	6,316.04
Douglass, Miriam E	Secretary, to June 19	5,509.98
Downey, Mary Faye	Secretary to Apr. 2	2,409.48
Duran, Lina Mabel	Staff executive secretary, to Mar. 31 and secretary-deputy chief counsel, from Apr. 1.	7,266.01
Dweck, Jacob	Research assistant, from May 25.	822.60
Englander, Patti	Research assistant, from June 1.	495.00
Fisher, Judith B	Secretary, to Feb. 28	2,083.34
Garrigan, Leah	Secretary, from Mar. 5	3,812.50
Goulart, Mary M	Finance officer	8,799.50
Grey, Evelyn Savage	Researcher	6,826.02
Henley, Martha S	Research assistant, from June 1.	428.40
Lynch, Richard P	Assistant counsel, to Feb. 28 and deputy chief counsel, from Mar. 1.	15,538.92
Madden, Raphael J	Research assistant	4,532.86
McDonald, James E	Investigator, to Mar. 31 and Assistant counsel, from Apr. 1.	11,030.88
McKenna, Robert E	Investigator	11,425.60
Nolde H. Christopher	Associate counsel, to Feb. 28 and chief counsel, from Mar. 1.	17,119.32
O'Halloran, F. Thomas	Assistant counsel, from Apr. 16 to May 11.	1,906.84
Otters, N. Ross	Investigator, to Feb. 22.	3,047.77
Petit, Michael D	Press officer, to Mar. 31 and information director, from Apr. 1.	11,618.80
Phillips, Joseph A	Chief counsel, to Jan. 31.	3,000.00
Reeping, Pauline B	Secretary to chief counsel, to Feb. 28 and secretary to the chief counsel, from Mar. 1.	8,082.46
Riggins, Evelyn	Secretary, from May 1	1,120.00
Roth, Caroline	Secretary, from Jan. 2 to Jan. 2.	30.56
Schauer, Margaret M	Research assistant	6,711.38
Seal, Betty B	Secretary to associate chief counsel, to Apr. 9.	2,891.36
Seidman, Ellen Shapiro	Research assistant, from May 21 to June 2.	171.36
Sullivan, Thomas K	Investigator	11,618.80
Trainor, Robert J	Assistant counsel, from Mar. 25.	5,429.16
Wales, Heathcote W	Special counsel, from June 19.	900.00

Funds authorized or appropriated for committee expenditures	$331,620.20
Amount of expenditures previously reported	None
Amount expended from Jan. 3 to June 30, 1973	263,623.31
Total amount expended from Jan. 3 to June 30, 1973.	263,623.31
Balance unexpended as of June 30, 1973	67,996.89

CLAUDE PEPPER, Chairman.

SELECT COMMITTEE ON THE HOUSE RESTAURANT

July 9, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1973, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Thomas J. Campbell	Staff director	$117.68
Barbara E. Cousins	Secretary	46.32
Total		164.00

Funds authorized or appropriated for committee expenditures (92d Cong.)	$44,141.98
Amount of expenditures previously reported	28,713.37
Amount expended from Jan. 1, 1973 to Jan. 2, 1973	213.90
Total amount expended from Jan. 1, 1972 to Jan. 2, 1973	28,927.27
Balance unexpended as of Jan. 2, 1973 (92d Cong.)	15,214.72

JOHN C. KLUCZYNSKI, Chairman.

SELECT COMMITTEE ON THE HOUSE RESTAURANT

July 9, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 3 to June 30, 1973, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Thomas J. Campbell	Staff director	$10,472.68
Barbara E. Cousins	Secretary	4,123.26
Total		14,595.94

Funds authorized or appropriated for committee expenditures (93d Cong.)	$33,500.00
Amount of expenditures previously reported	None
Amount expended from Jan. 3, 1973 to June 30, 1973	14,820.99
Balance unexpended as of June 30, 1973	18,679.01

JOHN C. KLUCZYNSKI, Chairman.

PERMANENT SELECT COMMITTEE ON SMALL BUSINESS

July 14, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1973, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Emilia E. Parrish	Secretary	$6,349.98
Brenda H. Napier	do	4,583.34
William A. Keel, Jr	Research analyst	18,000.00
Myrtle Ruth Foutch	Clerk	11,500.00
Donna M. Watson	Secretary	4,702.50
Henry A. Robinson	Counsel	17,500.02
Leslie A. Glick	do	4,416.67
Leslie R. Pennington (Resigned June 30, 1973).	Printing editor	9,900.00
Thomas G. Powers	Counsel	8,749.98
Elizabeth Turlington	Secretary	3,791.67
Justinus Gould	Counsel	17,291.67
Donald B. Roe (resigned Mar. 31, 1973).	do	5,000.01
Mary Eileen Hohman	Secretary	3,750.00
Howard Greenberg	Staff director	18,000.00
Lucille C. Hicks	Secretary	6,750.00
Millard V. Oakley (resigned Apr. 30, 1973).	General counsel	12,000.00
Charles E. O'Connor (resigned May 31, 1973).	Counsel	7,910.00
Christine Ann Stewart	Secretary	3,541.65
Michael J. Ward	Counsel	3,125.01
Robert M. Walker	Staff assistant	4,750.00
Linda Louise Spakes	Secretary	5,583.34
Charles D. Loyd	General counsel	1,600.00
Bernadette O. Romanesk	Secretary, minority	5.749.98
James R. Phalen	Minority counsel	13,000.02
Susan Pearce	Secretary, minority	4,999.98

COMMITTEE EMPLOYEES—Continued

PERMANENT SELECT COMMITTEE ON SMALL BUSINESS—Continued

Name of employee	Profession	Total gross salary during 6-month period
Paul Kritzer	Assistant minority counsel.	$11, 250. 00
Elmira R. Stewart	Secretary, minority	4, 099. 98

Funds authorized or appropriated for committee expenditures	$563, 000. 00
Amount of expenditures previously reported	
Amount expended from Jan. 3 to June 30, 1973	221, 969. 90
Total amount expended from Jan. 3 to June 30, 1973	221, 969. 90
Balance unexpended as of June 30, 1973	341, 030. 10

JOE L. EVINS, Chairman.

JOINT COMMITTEE ON CONGRESSIONAL OPERATIONS

July 12, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1973, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross 6-month salary during period
Eugene F. Peters	Executive director	$18, 000. 00
Raymond L. Gooch	Staff counsel	15, 250. 02
Cynthia K. Watkins	Office manager	6, 833. 33
Donald G. Tacheron	Director of research	17, 749. 98
George Meader	Staff counsel	17, 920. 47
Ann Holoka	Research assistant	8, 500. 00
Reta Orem	Receptionist/clerk	2, 141. 66
Beverly Jean Muncy	Stenographer	2, 866. 67
Robert J. Kelley	Administrative Officer	9, 624. 98
Richard M. Bates	Placement clerk	3, 791. 67
James F. McAllister	Administrative Officer	13, 750. 02
Anne Garrett Burfield	Temporary clerk	222. 22
Gerard C. Snow	Administrative Officer	4, 791. 68
Laura Reed	Temporary clerk	252. 78
James S. Machowski	Placement clerk	4, 249. 98
Raul Robert Tapia	Temporary clerk	1, 500. 00
Sally Katherine Murphy	Placement clerk	311. 11
Stephen E. Markovich	Temporary clerk	375. 00
Robert David Agree	do	1, 000. 00
March E. Dyer	Placement clerk	4, 166. 66
Betty A. Franklin	do	3, 688. 88
Lee A. Riedel	do	2, 766. 66
Ingrid V. Percival	Temporary clerk	369. 44
Jerrie Lynne Warthan	do	208. 33
Peggy L. Thornton	do	186. 67
Mary Catherine Pugh	do	1, 372. 24
John R. Spear	Placement clerk	895. 83
Mark L. Greenberg	do	1, 594. 43
Karen B. Graham	do	2, 057. 78
Grace Seckler	do	1, 594. 43
Terrell M. Tannen	do	979. 17
Gerald P. McCartin	Temporary clerk	1, 875. 00
Denise Ann West	Placement clerk	711. 11
J. E. Vandelly	Temporary clerk	3, 000. 00
Jerome N. Eller	do	1, 000. 00
Marguerite E. West	do	330. 55
Diane Spiegel	Placement clerk	256. 67
Peter B. Crouch	Temporary clerk	1, 500. 00
Janice Kay Casner	Stenographer	1, 875. 00
Fay C. Hilterbrick	Temporary clerk	766. 67
Mooney A. Stotesbury	Stenographer	330. 55
Ernest Lee Dugas	Clerk	1, 399. 99
Barbara S. Hoffman	Temporary clerk	1, 200. 00
Susan B. Perry	do	3, 166. 67
Robert W. Witt	do	3, 430. 55
William F. Walsh	do	5, 450. 00
Richard T. Galgay	do	3, 461. 12
John Gilman Stewart	do	2, 000. 00
Paul W. McKee	do	2, 966. 67
William B. Blacklow	do	3, 034. 71
Martha Grundman	do	222. 22
Joan M. Porter	do	111. 11

Funds authorized or appropriated for committee expenditures	$460, 000. 00
Amount of expenditures previously reported	143, 297. 69
Amount expended from Jan. 1 to June 30, 1973	231, 111. 06
Total amount expended from July 1, 1972 to June 30, 1973	374, 408. 75
Balance unexpended as of June 30, 1973	85, 591. 25

LEE METCALF, Chairman.

JOINT COMMITTEE ON DEFENSE PRODUCTION

July 31, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1973, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross 6-month salary during period
Harold J. Warren	Staff director and and counsel.	$17, 244. 80
Charles S. Brewton	General counsel	17, 916. 31
Cary H. Copeland	Assistant staff director.	12, 899. 64
Mattie I. Echols	Secretary	6, 070. 14
Charles H. Liner, Jr	Professional staff	3, 500. 00
Robert S. Riggs	Staff assistant	4, 205. 58
J. Michael Hemphill	Professional staff	9, 772. 50
Robert B. Geddie, Jr	Staff assistant	4, 611. 09
Linda Mace McKee	Clerk	788. 55
Adrienne Ann Hampton	do	657. 13

Funds authorized or appropriated for committee expenditures	$143, 530. 00
Amount of expenditures previously reported	65, 771. 76
Amount expended from Jan. 1, 1973 to June 30, 1973	77, 711. 78
Total amount expended from July 1, 1972 to June 30, 1973	143, 483. 54
Balance unexpended as of June 30, 1973	46. 46

JOHN SPARKMAN, Chairman.

JOINT COMMITTEE ON INTERNAL REVENUE TAXATION

July 15, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to July 1, 1973, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Laurence N. Woodworth	Chief of staff	$19, 999. 98
Lincoln Arnold	Deputy chief of staff	18, 000. 00
Arthur Fefferman	Chief economist	18, 000. 00
Nicholas A. Tomasulo	Legislation counsel	18, 000. 00
Herbert L. Chabot	Assistant legislation counsel.	17, 895. 00
Harrison B. McCawley	Refund counsel	14, 714. 17
James H. Symons	Statistical analyst	18, 000. 00
John Germanis	do	14, 937. 48
Albert Buckberg	Economist	16, 633. 33
Michael D. Bird	do	16, 935. 42
Leon Klud	do	11, 141. 67
Bernard M. Shapiro	Legislation attorney	15, 757. 08
Mark L. McConaghy	do	12, 461. 67
Donald C. Evans	do	12, 436. 67
Howard J. Silverstone	do	15, 068. 73
Robert A. Warden	do	15, 068. 73
Robert A. Blum	do	12, 545. 00
James Billinger	do	12, 436. 67
Joseph P. Spellman	Refund attorney	11, 469. 98
Carl E. Bates	do	11, 469. 98
Anastasia Connaughton	Statistical clerk	11, 586. 48
Joseph E. Fink	do	11, 638. 73
Allan Rosenbaum	Accountant	12, 159. 33
Joanne McDermott	Secretary	9, 283. 32
Linda Savage	do	7, 262. 90
Blanche Nagro	Secretary (refund)	7, 037. 50
Jamie L. Daley	Secretary	6, 543. 73
June Matthews	do	5, 979. 57
Marcia B. Rowzie	do	6, 365. 43
Amelia Del Carmen	do	5, 871. 23
Sharon Malcom	Secretary (refund)	4, 691. 68
Jacqueline S. Pfeiffer	Secretary	6, 409. 18
Ellen I. Woodriff	do	5, 045. 43
Alexa Gage	do	5, 470. 83
Theresa Sbarra	do	5, 045. 43
Elizabeth Freret	Legislation attorney (Jan. 2, to May 4, 1973).	8, 541. 65
Maria L. Winter	Secretary (as of Feb. 20, 1973).	$3, 879. 16
Richard Eigenbrode	Clerk (as of May 10, 1973).	850. 00
Michael Cook	Clerk (as of Mar. 1, 1973).	2, 541. 67
Cynthia F. Wallace	Statistical clerk (as of June 25, 1973).	216. 67
Herman H. Wommack	Clerk (as of June 19, 1973).	266. 67

Funds authorized or appropriated for committee expenditures	$937, 720. 00
Amount of expenditures previously reported	401, 680. 15
Amount expended from Jan. 1 to July 1, 1973	441, 882. 92
Total amount expended from July 1, 1972, to July 1, 1973	843, 563. 07
Balance unexpended as of July 1, 1973	94, 156. 93

WILBUR D. MILLS, Chairman.

SPECIAL COMMITTEE TO INVESTIGATE CAMPAIGN EXPENDITURES

July 18, 1973.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1973, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
John Warren McGarry	Chief counsel	$12, 600.00
David H. Bodiker	Minority counsel	11, 039. 70
Jeanette E. White	Secretary	5, 467. 28
Mary Patricia Kelly	do	2, 368. 76
Susan Thompson	Secretary (Apr. 1 to June 6).	693. 92
Louise M. Hallahan	Secretary (2 months)	630. 84
Kathy Sandy	Secretary (2 days)	73. 34
Jeanne Vertner	do	50. 23

Funds authorized or appropriated for committee expenditures	$45, 000. 00
Amount of expenditures previously reported (special committee)	
Amount expended from Jan. 2 to June 6	39, 262. 76
Balance unexpended as of June 6	5, 737. 24

NEAL SMITH, Chairman.

GENERAL LEAVE

All Members (at the request of Mr. LITTON) to extend their remarks on the subject of the special order of (Mr REES) today.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DU PONT) and to revise and extend their remarks and include extraneous matter):

Mr. BIESTER for 5 minutes, today.

Mr. HOGAN for 10 minutes, today.

Mr. EDWARDS of Alabama, for 10 minutes today.

Mr. KEMP, for 30 minutes, today.

Mr. BAKER, for 10 minutes, today.

Mr. ANDREWS of North Dakota, for 15 minutes, today.

Mr. MCKINNEY, for 5 minutes, today.

Mr. ROBISON of New York, for 10 minutes, today.

Mr. Ruppe, for 10 minutes, today.

(The following Members (at the request of Mr. Litton) to revise and extend their remarks and include extraneous material):

Mr. Gonzalez, for 5 minutes, today.

Mr. Harrington, for 5 minutes, today.

Mr. Burke of Massachusetts, for 5 minutes, today.

Mr. Gunter, for 5 minutes, today.

Mr. Wolff, for 5 minutes, today.

Mr. James V. Stanton, for 30 minutes, today.

Mr. Holifield, for 15 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Mr. Murphy of New York, for 15 minutes, today.

Mr. William D. Ford, for 5 minutes, today.

Mr. Rees, for 10 minutes, today.

Mr. Danielson, for 5 minutes, today.

Mr. Clark, for 5 minutes, today.

Miss Holtzman, for 10 minutes, today.

Mr. Owens, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Hébert, and to include extraneous material immediately following the vote today on the conference report on H.R. 8214.

Mr. Saylor and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the Record and is estimated by the Public Printer to cost $1,933.25.

Mr. Steiger of Wisconsin to extend his remarks during debate on the conference report on S. 502 today.

Mr. Rhodes and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the Record and is estimated by the Public Printer to cost $522.50.

Mr. Miller to extend his remarks in the body of the Record just prior to the vote on the conference report on S. 502 today.

Mr. Anderson of Illinois, to revise and extend his remarks and to include extraneous matter, relating to his remarks made earlier today on S. 592.

Mr. Hungate to revise and extend his remarks and include extraneous matter during debate on conference report on H.R. 7935.

(The following Members (at the request of Mr. du Pont) and to include extraneous matter:)

Mr. Steiger of Arizona.

Mr. Bell in two instances.

Mr. Frey.

Mr. Anderson of Illinois in three instances.

Mr. Conte.

Mr. Mizell in 10 instances.

Mr. Hogan.

Mr. Ketchum in two instances.

Mr. Vander Jagt.

Mr. Camp.

Mr. Carter.

Mr. Dellenback in four instances.

Mr. Talcott in two instances.

Mr. Keating in six instances.

Mr. Goodling.

Mr. Gilman.

Mr. Hanrahan.

Mr. Scherle in two instances.

Mr. Brotzman.

Mr. Huber.

Mr. Kemp in two instances.

Mr. Chamberlain in two instances.

Mr. Nelsen in four instances.

Mr. Robison of New York.

Mr. Forsythe.

Mr. Froehlich.

Mr. Young of Illinois in four instances

Mr. Quillen in four instances.

Mr. Myers in two instances.

Mr. Hunt.

Mr. Regula in three instances.

Mr. Broyhill of Virginia.

Mr. McKinney in two instances.

Mr. Minshall of Ohio in four instances.

Mr. Frenzel in two instances.

Mr. Sarasin.

Mr. Derwinski.

Mr. Veysey.

Mr. Bray in three instances.

Mr. Gerald R. Ford in five instances.

Mr. Steele.

Mr. Buchanan in five instances.

Mr. Crane.

(The following Members (at the request of Mr. Litton) and to include extraneous matter):

Mr. Rosenthal.

Mr. Steed in two instances.

Mr. Jones of Tennessee.

Mr. Gaydos in two instances.

Mr. Flood in two instances.

Mr. Rees in five instances.

Mr. Harrington in 10 instances.

Mr. Moakley in two instances.

Mr. Gonzalez in three instances.

Mr. Rarick in three instances.

Mr. Leggett in two instances.

Mr. Byron in five instances.

Mr. Diggs in two instances.

Mr. Hicks.

Mr. Dingell.

Mr. Hamilton.

Mr. Moorhead of Pennsylvania in five instances.

Mr. Murphy of New York in five instances.

Mr. Vanik.

Mr. Rodino.

Mr. Mahon.

Mr. Hungate in three instances.

Mr. Burton in two instances.

Mr. Drinan.

Mrs. Griffiths.

Mr. Fisher in two instances.

Mr. Roe in four instances.

Mr. Anderson of California in three instances.

Mr. Gibbons.

Mr. Johnson of California.

Mr. Gettys.

Mrs. Mink.

Mr. Rogers in five instances.

Mr. Davis of Georgia.

Mr. Biaggi in 10 instances.

Mr. Kyros in five instances.

Mr. Waldie in three instances.

Mr. O'Neill.

Mr. McCormack.

Mr. Preyer.

Mr. Adams.

Mr. Dulski in five instances.

Mr. William D. Ford.

Miss Jordan.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1980. An act to amend the Defense Production Act of 1950, as amended; to the Committee on Banking and Currency.

S. 2058. An act to amend the Securities Exchange Act of 1934 to provide for the regulation of clearing agencies and transfer agents, and for other purposes; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3630. An act to extend until September 30, 1975, the suspension of duty on certain dyeing and tanning products and to include logwood among such products;

H.R. 4083. An act to improve the laws relating to the regulation of insurance in the District of Columbia, and for other purposes;

H.R. 5649. An act to extend until November 1, 1978, the existing exemption of the steamboat *Delta Queen* from certain vessel laws;

H.R. 6370. An act to extend certain laws relating to the payment of interest on time and savings deposits, to prohibit depository institutions from permitting negotiable orders of withdrawal to be made with respect to any deposit or account on which any interest or dividend is paid, to authorize Federal savings and loan associations and national banks to own stock in and invest in loans to certain State housing corporations, and for other purposes;

H.R. 6676. An act to continue until July 1, 1976, the existing suspension of duty on manganese ore, and for other purposes;

H.R. 6713. An act to amend the District of Columbia Election Act regarding the times for filing certain petitions, regulating the primary electon for Delegate from the District of Columbia, and for other purposes;

H.R. 7935. An act to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rates under that act, to expand the coverage of that act, and for other purposes;

H.R. 8152. An act to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to improve law enforcement and criminal justice, and for other purposes;

H.R. 8510. An act to authorize appropriations for activities of the National Science Foundation, and for other purposes;

H.J. Res. 52. Joint resolution authorizing the President to proclaim August 26, 1973, as "Women's Equality Day"; and

H.J. Res. 466. Joint resolution authorizing the President to proclaim the second full week in October 1973 as "National Legal Secretaries' Court Observance Week".

SENATE ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to enrolled bills and a Joint Resolution of the Senate of the following titles:

S. 1410. To amend section 14(b) of the Federal Reserve Act, as amended, to extend for three months the authority of Federal Reserve banks to purchase United States obligations directly from the Treasury;

S. 1887. An act to provide for the appointment of alternates for the governors of the International Monetary Fund and of the International Bank for Reconstruction and Development; and

S.J. Res. 144. Joint resolution to provide for a temporary extension of the authority of the Secretary of Housing and Urban Development with respect to the insurance of loans and mortgages, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 8152. To amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to improve law enforcement and criminal justice, and for other purposes.

ADJOURNMENT

Mr. LITTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of Senate Concurrent Resolution 42, 93d Congress, the Chair declares the House adjourned until 12 o'clock noon on September 5, 1973.

Thereupon (at 7 o'clock and 12 minutes p.m.), pursuant to Senate Concurrent Resolution 42, the House adjourned until Wednesday, September 5, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1210. A letter from the Assistant Secretary of Commerce for Administration, transmitting a report on the use of appropriated funds by the Department of Commerce during fiscal year 1973 for the support of executive dining rooms, pursuant to Public Law 92-607; to the Committee on Appropriations.

1211. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements other than treaties entered into by the United States, pursuant to Public Law 92-403; to the Committee on Foreign Affairs.

1212. A letter from the Secretary of the Interior, transmitting the annual report of the U.S. Government Comptroller for the Virgin Islands for fiscal year 1972, pursuant to Public Law 90-496; to the Committee on Interior and Insular Affairs.

1213. A letter from the Chairman, Indian Claims Commission, transmitting the final determination of the Commission in docket Nos. 217, 15-K, and 29-J, *Citizen Band of Potawatomi Indians of Oklahoma and Potawatomi Nation represented by Citizen Band of Potawatomi Indians of Oklahoma, et al.; The Prairie Band of the Potawatomi Tribe of Indians, et al.; and Hannahville Indian Community, et al., plaintiffs*, v. *The United States of America, defendant*, pursuant to 25 U.S.C. 70t; to the Committee on Interior and Insular Affairs.

1214. A letter from the Chairman, Indian Claims Commission, transmitting the final determination of the Commission in docket No. 304, *The Ottawa Tribe and Guy Jennison, Bronson Edwards and Gene Jennison, as representatives of the Ottawa Tribe, plaintiffs*, v. *The United States of America, defendant*, pursuant to 25 U.S.C. 70t; to the Committee on Interior and Insular Affairs.

1215. A letter from the Acting Administrator, Environmental Protection Agency, transmitting the annual report on the cost of clean air, pursuant to section 312(a) of the Clean Air Act, as amended by Public Law 91-604; to the Committee on Interstate and Foreign Commerce.

1216. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on scientific and engineering positions established in NASA as of June 30, 1973, under the provision of section 203(b)(2) of the National Aeronautics and Space Act of 1958 (72 Stat. 426, 429), pursuant to 42 U.S.C. 2473(a); to the Committee on Post Office and Civil Service.

RECEIVED FROM THE COMPTROLLER GENERAL

1217. A letter from the Comptroller General of the United States, transmitting a report on the use of appropriated funds by the General Accounting Office during fiscal year 1973 for the support of executive dining rooms, pursuant to Public Law 92-607; to the Committee on Appropriations.

1218. A letter from the Comptroller General of the United States, transmitting a report on the use of revenue sharing funds by the 50 State governments and the District of Columbia; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DONOHUE: Committee on the Judiciary. H.R. 6274. A bill to grant relief to payees and special indorsees of fraudulently negotiated checks drawn on designated depositaries of the United States by extending the availability of the check forgery insurance fund, and for other purposes; with amendment (Rept. No. 93-448). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DANIELSON: Committee on the Judiciary. H.R. 1376. A bill for the relief of J. B. Riddle; with amendment (Rept. No. 93-445). Referred to the Committee of the Whole House.

Mr. BUTLER: Committee on the Judiciary. H.R. 2207. A bill for the relief of Joseph C. Leeba; with amendment (Rept. No. 93-446). Referred to the Committee of the Whole House.

Mr. MANN: Committee on the Judiciary. S. 396. An act for the relief of Harold C. and Vera L. Adler, doing business as the Adler Construction Co.; with amendment (Rept. No. 93-447). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Illinois (for himself and Mr. Mailliard):

H.R. 9862. A bill to improve the conduct and regulation of Federal election campaign activities and to provide public financing for such campaigns; to the Committee on House Administration.

By Mr. ANDERSON of Illinois (for himself, Mr. Bafalis, Mr. Baker, Mr. Beard, Mr. Blackburn, Mr. Buchanan, Mr. Butler, Mr. Byron, Mr. Cederberg, Mr. Cleveland, Mr. Collins of Texas, Mr. Conlan, Mr. Coughlin, Mr. Derwinski, Mr. Devine, Mr. Fisher, Mr. Forsythe, Mr. Frenzel, Mr. Hastings, Mrs. Holt, Mr. Hosmer, Mr. Huber, Mr. McClory, Mr. Mathis of Georgia, and Mr. Rhodes):

H.R. 9863. A bill to amend section 1951, title 18, United States Code, act of July 3, 1946; to the Committee on the Judiciary.

By Mr. ANDERSON of Illinois (for himself, Mr. Robinson of Virginia, Mr. Roncallo of New York, Mr. Rose, Mr. Sebelius, Mr. Shuster, Mr. Steiger of Arizona, Mr. Thomson of Wisconsin, Mr. Vander Jagt, Mr. Veysey, Mr. Ware, Mr. Whitehurst, Mr. Winn, Mr. Young of Florida, and Mr. Young of Illinois):

H.R. 9864. A bill to amend section 1951, title 18, United States Code, act of July 3, 1946; to the Committee on the Judiciary.

By Mr. BAFALIS:

H.R. 9865. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

By Mr. BAFALIS (for himself, Mr. Anderson of Illinois, Mr. Dellums, Mr. Hansen of Idaho, Mr. Keating, Mr. Michel, Mr. Robinson of Virginia, Mr. Teague of California, and Mr. Williams):

H.R. 9866. A bill to deauthorize permanently the recently halted Cross-Florida Barge Canal; to the Committee on Public Works.

By Mr. BARRETT (for himself, Mr. Nix, Mr. Green of Pennsylvania, Mr. Eilberg, Mr. Ware, Mr. Williams, Mr. Biester, and Mr. Coughlin):

H.R. 9867. A bill to authorize the establishment of the Fort Mifflin National Historic Site in the State of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BIAGGI:

H.R. 9868. A bill to designate the Veterans' Administration hospital in the Bronx, N.Y., as the Henry A. Whalen Memorial Veterans' Hospital, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BREAUX (for himself and Mr. Studds):

H.R. 9869. A bill to amend the Duck Stamp Act with respect to the treatment of moneys received from the sale of migratory-bird hunting stamps, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. BROTZMAN:

H.R. 9870. A bill to amend the Internal Revenue Code of 1954 to authorize a tax credit for certain expenses of providing higher education; to the Committee on Ways and Means.

By Mr. BURGENER (for himself, Mrs. Chisholm, Mr. Gilman, Mr. Rees, Mr. Riegle, Mr. Hechler of West Virginia, Mr. Archer, Mr. Butler, Mr. Cronin, Mr. Denholm, Mr. Gunter, Mr. Ketchum, Mr. Moorhead of California, Mr. Young of Illinois, Mr. Wyatt, and Mr. Minish):

H.R. 9871. A bill to amend title 5, United States Code, to provide for a reduced retirement annuity for a Member of Congress who remains in office after becoming 70 years of age; to the Committee on Post Office and Civil Service.

By Mr. CLANCY:

H.R. 9872. A bill to amend the Internal Revenue Code of 1954 to allow an income tax credit for tuition expenses of the taxpayer or his spouse or a dependent at an institution of higher education, and an additional credit for gifts or contributions made to any institution of higher education; to the Committee on Ways and Means.

By Mr. DEVINE (for himself, Mr. Hunt, Mr. Goodling, Mr. Winn, Mr. Clancy, Mr. Guyer, Mr. Davis of Georgia, Mr. Minshall of Ohio, Mr. Michel, Mr. Veysey, and Mrs. Green of Oregon):

H.R. 9873. A bill to transfer the functions of the Passport Office to a new agency of the Department of State to be known as the U.S. Passport Service, to establish a Passport Service Fund to finance the operations of the U.S. Passport Service, and for other purposes; to the Committee on Foreign Affairs.

By Mr. ERLENBORN (for himself, Mr. Hudnut, Mr. McCollister, and Mr. Young of Illinois):

H.R. 9874. A bill to revise the Welfare and Pension Plans Disclosure Act, and to strengthen and improve the private retirement system by establishing minimum standards for participation in and for vesting of benefits under pension and profit-sharing retirement plans, and for other purposes; to the Committee on Education and Labor.

By Mr. FISH:

H.R. 9875. A bill to amend title 32, United States Code, to provide that Army and Air Force National Guard technicians shall not be required to wear the military uniform while performing their duties in a civilian status; to the Committee on Armed Services.

By Mr. GUNTER:

H.R. 9876. A bill to amend title 38 of the United States Code increasing income limitations relating to payment of disability and death pension, and dependency and indemnity compensation and to provide that monthly social security benefit payments shall not be considered as income in determining eligibility for pensions under that title; to the Committee on Veterans' Affairs.

By Mr. HARRINGTON:

H.R. 9877. A bill to amend the National Housing Act to substitute a single subsidy housing program for the existing plethora of programs; to the Committee on Banking and Currency.

H.R. 9878. A bill to provide long-term custodial care and home care to the chronically ill; to the Committe on Interstate and Foreign Commerce.

By Mr. HARRINGTON (for himself, Mr. Fascell, Mrs. Heckler of Massachusetts, Ms. Jordan, Mr. Rangel, and Mr. Stokes):

H.R. 9879. A bill to require the President to include in the budget transmitted to Congress additional information showing the regional impact of the budget proposals by State and congressional districts, and for other purposes; to the Committee on Government Operations.

By Mrs. HECKLER of Massachusetts (for herself, Mr. Koch, Mr. Nix, Mr. Mollohan, Mr. Brasco, Mr. Stark, Mr. Regula, Mr. Podell, Mr. Rosenthal, Mr. Brown of California, Mr. Duncan, Mr. Moorhead of Pennsylvania, Mr. Eilberg, Mr. Mallary, Mr. Conyers, Mr. Henderson, Mr. Whitehurst, Mr. Sarbanes, Mr. Derwinski, Mr. Won Pat, Mr. Mitchell of Maryland, Mr. Moakley, Mr. McCloskey, Mr. Corman, and Mr. McCormack):

H.R. 9880. A bill to amend the Consumer Credit Protection Act to prohibit discrimination on the basis of sex or marital status in the granting of credit, and to make certain changes with respect to the civil liability provisions of such act; to the Committee on Banking and Currency.

By Mrs. HECKLER of Massachusetts (for herself, Mr. Koch, Mr. Don Clausen, Mr. Mazzoli, Mr. Frelinghuysen, Mr. Towell of Nevada, Mr. Leggett, Mr. Roe, Mr. Tiernan, Mr. Breaux, Mr. Mosher, and Mr. Jones of Oklahoma):

H.R. 9881. A bill to amend the Consumer Credit Protection Act to prohibit discrimination on the basis of sex or marital status in the granting of credit, and to make certain changes with respect to the civil liability provisions of such act; to the Committee on Banking and Currency.

By Mr. HILLIS:

H.R. 9882. A bill to amend the Urban Mass Transportation Act of 1964 to authorize grants and loans to private nonprofit organizations to assist them in providing transportation service meeting the special needs of elderly and handicapped persons; to the Committee on Banking and Currency.

H.R. 9883. A bill to amend title II of the Social Security Act to permit the payment of benefits to a married couple on their combined earnings record where that computation produces a higher combined benefit; to the Committee on Ways and Means.

H.R. 9884. A bill to amend title XVIII of the Social Security Act to include dental care, eye care, dentures, eyeglasses, and hearing aids among the benefits provided by the insurance program established by part B of such title; to the Committee on Ways and Means.

H.R. 9885. A bill to allow a credit against Federal income taxes or a payment from the U.S. Treasury for State and local real property taxes or an equivalent portion of rent paid on their residences by individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. HOGAN:

H.R. 9886. A bill to amend the age and service requirements for immediate retirement under subchapter III of chapter 83 of title 5, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 9887. A bill to amend the Internal Revenue Code of 1954 to provide that the first $3,000 of an individual's civil service retirement annuity (or other Federal retirement annuity) shall be exempt from income tax; to the Committee on Ways and Means.

By Mr. HUNGATE:

H.R. 9888. A bill to amend the Internal Revenue Code of 1954 to permit certain retroactive changes in qualified pension plans and change certain provisions concerning qualification of pension plans; to the Committee on Ways and Means.

By Mr. KETCHUM:

H.R. 9889. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangement shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

H.R. 9890. A bill to amend title 38 of the United States Code in order to provide for the payment of tuition, in addition to educational assistance allowances, for veterans pursuing educational programs; to the Committee on Veterans' Affairs.

H.R. 9891. A bill to increase veterans education assistance rates by 10 percent; to the Committee on Veterans' Affairs.

H.R. 9892. A bill to amend title 38, United States Code, in order to grant to veterans 45 months of educational assistance entitlement and to extend the limitation on such assistance under two or more programs to 55 months; to the Committee on Veterans' Affairs.

H.R. 9893. A bill to amend title 38 of the United States Code in order to repeal the delimiting period for completing programs of education; to the Committee on Veterans' Affairs.

By Mrs. MINK:

H.R. 9894. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to prohibit the importation of agricultural commodities when pesticides are used in conection with such commodities in a manner which is prohibited in the United States by any Federal law; to the Committee on Agriculture.

H.R. 9895. A bill to provide Federal programs of educational, employment, and other assistance to areas with heavy concentrations of foreign-born persons; to the Committee on Education and Labor.

By Mr. MOSS:

H.R. 9896. A bill to amend section 412(b) of the Federal Aviation Act of 1958 to prohibit approval of certain air carrier agreements by the Civil Aeronautics Board, except in case of an emergency, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. NELSEN:

H.R. 9897. A bill to amend section 303(b) of the Interstate Commerce Act to remove certain restrictions upon the application and scope of the exemption provided therein, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER:

H.R. 9898. A bill to authorize recomputation at age 60 of the retired pay of members and former members of the uniformed services whose retired pay is computed on the basis of pay scales in effect prior to January 1, 1972, and for other purposes; to the Committee on Armed Services.

By Mr. PEPPER (for himself, Mr. Waldie, Mr. Price of Texas, Mrs. Chisholm, Mr. Harrington, Mr. Fuqua, and Mr. Hawkins):

H.R. 9899. A bill to amend the Elementary and Secondary Education Act of 1965 to provide for drug abuse therapy programs in schools; to the Committee on Education and Labor.

By Mr. PEPPER (for himself, Ms. Abzug, Mr. Alexander, Mr. Anderson of California, Mr. Bafalis, Mr. Bergland, Mr. Brasco, Mr. Burke of Massachusetts, Ms. Burke of California, Mr. Chappell, Mr. Clay, Mrs. Collins of Illinois, Mr. Conyers, Mr. Dulski, Mr. Eckhardt, Mr. Edwards of Alabama, Mr. Fascell, Mr. Fraser, Mr. Green of Pennsylvania, Mr. Gunter, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Hogan, Mr. Howard, and Mr. Johnson of California):

H.R. 9900. A bill to amend the Elementary and Secondary Education Act of 1965 to provide for drug abuse therapy programs in schools; to the Committee on Education and Labor.

By Mr. PEPPER (for himself, Mr. Keating, Mr. Koch, Mr. Kluczynski, Mr. Lehman, Mr. McFall, Mr. Madden, Mr. Madigan, Mr. Mann, Mr. Melcher, Mr. Mitchell of Maryland, Mr. Mollohan, Mr. Moorhead of Pennsylvania, Mr. Murphy of New York, Mr. Murphy of Illinois, Mr. Pickle, Mr. Podell, Mr. Rangel, Mr. Stark, Mr. Thone, Mr. Veysey, Mr. Vigorito, Mr. Waggonner, Mr. Won Pat, and Mr. Young of Georgia):

H.R. 9901. A bill to amend the Elementary and Secondary Education Act of 1965 to provide for drug abuse therapy programs in schools; to the Committee on Education and Labor.

By Mr. PEYSER:

H.R. 9902. A bill to revise the Welfare and Pension Plans Disclosure Act; to require pension plan termination insurance; and for other purposes; to the Committee on Education and Labor.

By Mr. PODELL (for himself, Ms. Abzug, Mr. Addabbo, Mr. Bell, Mr. Blatnik, Mr. Brasco, Mr. Brown of California, Ms. Burke of California, Ms. Chisholm, Mrs. Collins of Illinois, Mr. Conyers, Mr. Edwards of California, Mr. Eilberg, Mr. Gray, Mr. Hawkins, Mr. McDade, Mr. Mitchell of Maryland, Mr. Mollohan, Mr. Rees, Mr. Rangel Mr. Riegle, Mr. Rosenthal, Mr. Stark, Mr. Waldie, and Mr. Stokes):

H.R. 9903. A bill to amend title IV of the Social Security Act to make it clear that an individual who is not working because of a strike or other labor dispute will be considered unemployed for purposes of aid with respect to dependent children of unemployed fathers; to the Committee on Ways and Means.

By Mr. ROUSH (for himself, Mr. Breaux, Mr. Harrington, and Mr. Moakley):

H.R. 9904. A bill to amend the Communications Act of 1934 to provide grants to States and units of local government for the establishment, equipping, and operation of emergency communications centers to make the national emergency telephone No. 911 available throughout the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. ROUSH (for himself, Mr. Burton, Mrs. Heckler of Massachusetts, and Mr. Roe):

H.R. 9905. A bill to amend title II of the Social Security Act to provide for voluntary agreements between ministers and their employers to treat ministers as employed persons; to the Committee on Ways and Means.

By Mr. ROYBAL:

H.R. 9906. A bill to amend titles 39 and 5, United States Code, to eliminate certain restrictions on the rights of officers and employees of the Postal Services, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SMITH of New York:

H.R. 9907. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STAGGERS:

H.R. 9908. A bill to provide for project grants for the development and demonstration of programs for rehabilitative, habilitative, personal support, residential, medical, dental, and mental health services for the chronically ill residents of identified population areas; to the Committee on Interstate and Foreign Commerce.

By Mr. TIERNAN:

H.R. 9909. A bill to establish an equitable private retirement system; to the Committee on Ways and Means.

By Mr. TOWELL of Nevada:

H.R. 9910. A bill to authorize and direct the Secretary of the Interior to make available to Nevada the Red Rock Recreation Lands, located in Clark County, Nev., for use for park and recreation purposes; to the Committee on Interior and Insular Affairs.

By Mr. VEYSEY (for himself, Mr. Beard, Mr. Bell, Mrs. Boggs, Mr. Brasco, Mr. Brinkley, Mr. Brown of California, Mr. Burke of Florida, Mr. Collier, Mrs. Collins of Illinois, Mr. Danielson, Mr. Duncan, Mr. Frey, Mr. Gaydos, Mr. Guyer, Mr. Hawkins, Mr. Holifield, Ms. Holtzman, Mr. Moorhead of California, Mr. Riegle, Mr. Roybal, Mr. Sarasin, Mr. Schneebeli, and Mr. Thone):

H.R. 9911. A bill to establish a Federal program to encourage the voluntary donation of pure and safe blood, and to establish a national registry of blood donors; to the Committee on Interstate and Foreign Commerce.

By Mr. VEYSEY (for himself, Mr. Sarbanes, and Mr. Vander Jagt):

H.R. 9912. A bill to establish a Federal program to encourage the voluntary donation of pure and safe blood, and to establish a national registry of blood donors; to the Committee on Interstate and Foreign Commerce.

By Mr. WAGGONNER (for himself, Mrs. Boggs, Mr. Breaux, Mr. Dan Daniel, Mr. Davis of Georgia, Mr. Flowers, Mr. Henderson, Mr. Long of Louisiana, Mr. Passman, Mr. Rarick, Mr. Rose, Mr. Taylor of North Carolina, and Mr. Ichord):

H.R. 9913. A bill to amend the Merchant Marine Act of 1936, as amended; to the Committee on Merchant Marine and Fisheries.

By Mr. WHITEHURST (for himself, Ms. Abzug, Mr. Conyers, Mrs. Collins of Illinois, Mr. Davis of Georgia, Mr. Denholm, Mr. Edwards of California, Mr. Forsythe, Mr. Hansen of Idaho, Mr. Harrington, Mr. Henderson, Mr. Jones of North Carolina, Mr. Ketchum, Mr. O'Brien, Mr. Parris, Mr. Pepper, Mr. Riegle, Mr. Robison of New York, and Mr. Rose):

H.R. 9914. A bill to amend title 38, United States Code, to provide that remarriage of the widow of a veteran after age 60 shall not result in termination of dependency and indemnity compensation; to the Committee on Veterans' Affairs.

By Mr. WYATT:

H.R. 9915. A bill to amend title III of the act of March 3, 1933, commonly referred to as the "Buy American Act," with respect to determining when the cost of certain articles, materials, or supplies is unreasonable; to define when articles, materials, and supplies have been mined, produced or manufactured in the United States; to make clear the right of any State to give preference to domestically produced goods in purchasing for public use, and for other purposes; to the Committee on Public Works.

By Mr. YOUNG of South Carolina:

H.R. 9916. A bill to establish in the State of South Carolina the Snow Island National Historical Park; to the Committee on Interior and Insular Affairs.

By Mr. YOUNG of South Carolina (for himself, and Mr. Spence):

H.R. 9917. A bill to amend the Federal Trade Commission Act (15 U.S.C. 44, 45) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. ADDABBO (for himself, Ms. Abzug and Ms. Holtzman):

H.R. 9918. A bill to require that a percentage of U.S. oil imports be carried on U.S.-flag vessels; to the Committee on Merchant Marine and Fisheries.

By Mr. ANNUNZIO:

H.R. 9919. A bill to provide for the establishment of an American Folklife Center in the Library of Congress, and for other purposes; to the Committee on House Administration.

By Mr. BELL (for himself, Mr. Davis of Georgia, Mr. Mosher, Mr. Brown of California, Mr. Esch, Mr. Goldwater, Mr. Hechler of West Virginia, Mr. Roe, Mr. Thornton, Mr. Winn, and Mr. Cronin):

H.R. 9920. A bill to direct the National Science Foundation to undertake an expanded program of earthquake prevention and prediction research, and for other purposes; to the Committee on Science and Astronautics.

By Mr. BROYHILL of Virginia:

H.R. 9921. A bill to authorize recomputation at age 60 of the retired pay of members and former members of the uniformed services whose retired pay is computed on the basis of pay scales in effect prior to January 1, 1972, and for other purposes; to the Committee on Armed Services.

H.R. 9922. A bill to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes; to the Committee on the District of Columbia.

H.R. 9923. A bill to amend title 5, United States Code, with respect to the recrediting of sick leave of employees previously separated from the service for not more than 3 years, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CLARK:

H.R. 9924. A bill to abolish the U.S. Postal Service, to repeal the Postal Reorganization Act, to reenact the former provisions of title 39, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CORMAN (for himself, Mr. Bell, Mr. Brown of California, Mr. Del Clawson, Mr. Edwards of California, Mr. Hawkins, Mr. Hinshaw, Mr. Hosmer, Mr. Johnson of California, Mr. Rees, Mr. Rousselot, Mr. Ryan, Mr. Stark, and Mr. Charles H. Wilson of California):

H.R. 9925. A bill to provide for the establishment of a national cemetery in Los Angeles County, Calif.; to the Committee on Veterans' Affairs.

By Mr. DIGGS:

H.R. 9926. A bill to amend the Horizontal Property Act of the District of Columbia; to the Committee on the District of Columbia.

By Mr. DIGGS (for himself, Mr. Badillo, Mr. Rooney of Pennsylvania, Mr. Reuss, Mr. Rosenthal, Mr. Mitchell of Maryland, Mr. Conyers, Mr. Roush, Mr. Young of Georgia, Mr. Bell, Mr. Obey, Mr. Studds, Ms. Abzug, Ms. Schroeder, Ms. Burke of California, Mr. Nix, Mr. Hawkins, Mr. Corman, Mr. Harrington, Mr. Edwards of California, Mr. Pepper, Mr. Metcalfe, Mr. Riegle, Mr. Helstoski, and Mr. Thompson of New Jersey):

H.R. 9927. A bill to reorganize the governmental structure of the District of Columbia, to provide a charter for local government in the District of Columbia subject to acceptance by a majority of the registered qualified electors in the District of Columbia, to delegate certain legislative powers to the local government, to implement certain recommendations of the Commission on the Organization of the Government of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. DORN:

H.R. 9928. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. GIAIMO (for himself, Mr. Cotter, Mrs. Grasso, Mr. McKinney, Mr. Sarasin, and Mr. Steele):

H.R. 9929. A bill to provide for the identification of a restructured rail transportation system in the Midwest and Northeast regions of the Nation in order to meet the present and future needs of commerce, the national defense, and the environment; the service requirements of passengers, mail, shippers, States, communities, and the consuming public; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GONZALEZ:

H.R. 9930. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a Federal death benefit to the surviving dependents of public safety officers; to the Committee on the Judiciary.

By Mr. HARRINGTON:

H.R. 9931. A bill to amend the Federal Power Act to require that advertising expenses of any public utility regulated by such act be no more than research and development expenditures for purposes of determining rates and charges of any such public utility; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Pennsylvania (by request):

H.R. 9932, a bill to amend title II of the Social Security Act to provide that an individual may become entitled to widow's or widower's insurance benefits at age 45 whether or not disabled, subject to the existing actuarial reduction but with a benefit amount no lower than 80 percent of the decreased reduction but with a benefit amount no lower than 80 percent of the deceased worker's primary insurance amount, and to provide for the payment of widow's and widower's insurance benefits equal to 100 percent of such amount where initial entitlement is at or after age 60 (rather than only at or after age 65); to the Committee on Ways and Means.

By Mr. KASTENMEIER:

H.R. 9933. A bill to improve the conduct and regulation of Federal election campaign activities, to provide public financing for such campaigns, and to establish limitations on spending with respect to such campaigns; to the Committee on House Administration.

By Mr. KYROS (for himself and Mr. Boland):

H.R. 9934. A bill to amend the Wool Products Labeling Act of 1939 with respect to recycled wool; to the Committee on Interstate and Foreign Commerce.

By Mr. LITTON (for himself, Mr. Danielson, Mr. Roush, Mrs. Schroeder, Mr. Clark, Mr. Bowen, Mr. Conyers, Mr. White, Mr. Pickle, Ms. Abzug, Mr. de Lugo, Mr. Rose, Mr. Sisk, Mr. O'Brien, Mr. McCormack, Mr. Davis of Georgia, Mr. Ginn, Mr. Baker, Mr. Nix, Mr. Hillis, Mr. Thompson of New Jersey, Mr. Yates, Mr. Culver, Mr. Landgrebe, and Mr. Stark):

H.R. 9935. A bill to amend the Internal Revenue Code of 1954 to restrict the authority for inspection of income tax returns by, and the disclosure of information therein to, Federal agencies; to the Committee on Ways and Means.

By Mr. McKAY (for himself, Mr. Johnson of Colorado, Mr. Roncalio of Wyoming, and Mr. Evans of Colorado):

H.R. 9936. A bill to facilitate the incorporation of the reclamation townsite of Page, Ariz., Glen Canyon unit, Colorado River storage project, as a municipality under the laws of the State of Arizona, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. McKINNEY:

H.R. 9937. A bill to amend the Automobile Information Disclosure Act to provide for the disclosure of fuel consumption by certain automobiles, under rules prescribed by the Administrator of the Environmental Protection Agency, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MURPHY of New York (for himself, Mr. Wright, Mr. Won Pat, Mr. Podell, Mr. Nix, Mr. Charles H. Wilson of California, Mr. Smith of New York, and Mr. Stokes):

H.R. 9938. A bill to provide for a national educational campaign to combat the lack of consciousness on the public as to the danger of improper uses of motor vehicles on the highways, and to impose an additional tax of one-tenth of 1 cent per gallon on gasoline and other motor fuels to pay for the costs of such campaign; to the Committee on Ways and Means.

By Mr. QUIE:

H.R. 9939. A bill to establish a U.S. Fire Administration and a National Fire Academy in the Department of Housing and Urban Development, to assist State and local governments in reducing the incidence of death, personal injury, and property damage from fire, to increase the effectiveness and coordination of fire prevention and control agencies at all levels of government, and for other purposes; to the Committee on Science and Astronautics.

By Mr. RIEGLE:

H.R. 9940. A bill to amend the Occupational Safety and Health Act of 1970 to improve the administration of that act with respect to small businesses; to the Committee on Education and Labor.

By Mr. RIEGLE (for himself and Mr. Stark):

H.R. 9941. A bill to prohibit certain acts with respect to petroleum, petroleum products, and natural gas; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Mr. Charles H. Wilson of California, and Mr. Blatnik):

H.R. 9942. A bill to establish an Office of Consumer Affairs in the Executive Office of the President and a Consumer Protection Agency in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes; to the Committee on Government Operations.

By Mr. RUPPE (for himself, Mr. Aspin, Mr. Blackburn, Mr. Dellenback, Mr. Fauntroy, Mr. Heinz, Mr. McCloskey, Mr. Podell, Mr. Quie, Mr. Rees, Mr. Sarasin, Mr. Steelman, Mr. Veysey, and Mr. Charles H. Wilson of California):

H.R. 9943. A bill to establish a national program for research, development, and demonstration in energy technologies and energy conservation and for the coordination and financial supplementation of Federal energy research and development; to conduct a thorough review and assessment of the current status of research and development in energy technologies and energy conservation in both the public and the private sector; to increase efficiencies of energy production and utilization, reduce environmental impacts, develop new sources of clean energy, demonstrate specific technologies, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ST GERMAIN:

H.R. 9944. A bill to establish fishing zones of the United States beyond its territorial seas, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. SISK:

H.R. 9945. A bill to provide for the establishment of a national cemetery within the boundaries of the San Luis unit of the Central Valley project, California; to the Committee on Veterans' Affairs.

By Mr. SNYDER:

H.R. 9946. A bill to abolish the U.S. Postal Service, to repeal the Postal Reorganization Act, to reenact the former provisions of title 39, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. JAMES V. STANTON:

H.R. 9947. A bill to reform consent decree procedures, to increase penalties for violation of the Sherman Act, and to revise the Expediting Act as it pertains to Appellate Review; to the Committee on the Judiciary.

By Mr. WALSH:

H.R. 9948. A bill to amend title III of the act of March 3, 1933, commonly referred to as the Buy American Act, with respect to determining when the cost of certain articles, materials, or supplies is unreasonable; to define when articles, materials, and supplies have been mined, produced or manufactured in the United States; to make clear the right of any State to give preference to domestically produced goods in purchasing for public use, and for other purposes; to the Committee on Public Works.

By Mr. WOLFF:

H.R. 9949. A bill to clarify the meaning of certain provisions of the Criminal Code relating to unlawful interception of communications and other provisions of law; to the Committee on the Judiciary.

By Mr. YOUNG of Illinois:

H.R. 9950. A bill to increase the membership of the Advisory Commission on Intergovernmental Relations by two members who shall be elected town or township officials; to the Committee on Government Operations.

By Mr. BINGHAM (for himself, Mr. Saylor, Mr. Taylor of North Carolina, Mr. Gilman, and Mr. McDade):

H.R. 9951. A bill to designate a segment of the Delaware River flowing between the State of New York and the State of Pennsylvania as a component of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BLACKBURN (for himself, Mr. Lent, Mr. McCollister, Mr. Obey, Mr. Gunter, and Mr. Harrington):

H.R. 9952. A bill to amend the Clayton Act to encourage competition in the production, refining, and marketing branches of the petroleum industry by prohibiting any oil company from engaging in more than one such branch of the industry; to the Committee on the Judiciary.

By Mrs. BURKE of California:

H.R. 9953. A bill to amend title VI of the Public Health Service Act to provide for adequate outpatient care in medically underserved areas; to the Committee on Interstate and Foreign Commerce.

By Mr. CHAPPELL:

H.R. 9954. A bill to authorize the Secretary of the Interior to sell certain rights in the State of Florida; to the Committee on Interior and Insular Affairs.

By Mr. CHAPPELL (for himself, Mr. Yatron, Mr. Davis of South Carolina, Mr. Gaydos, Mr. Leggett, Mr. Clark, Mr. Taylor of North Carolina, Mr. Kyros, Mr. Brown of California, Mr. Veysey, Mrs. Chisholm, Mr. Rose, Mr. Hawkins, Mr. Bafalis, Mr. Moss, Mr. Pepper, Mr. Carney of Ohio, Mr. Collins of Texas, Mr. Keating, Mr. Cohen, Mr. Cleveland, Mr. Gunter, Mr. Gonzalez, Mr. Conyers, and Mr. Harrington):

H.R. 9955. A bill to amend title II of the Social Security Act to provide that an individual may qualify for disability insurance benefits and the disability freeze if he has 40 quarters of coverage, regardless of when such quarters were earned; to the Committee on Ways and Means.

By Mr. CHAPPELL (for himself, Mrs. Green of Oregon, Mr. Roe, Mr. Edwards of California, Mr. Lott, Mr. McCormack, Mr. Moakley, Mr. Sarbanes, Mr. Bevill, Mr. Fuqua, Mr. Hillis, Mr. Davis of Georgia, Mr. Breaux, and Mr. Baker):

H.R. 9956. A bill to amend title II of the Social Security Act to provide that an individual may qualify for disability insurance benefits and the disability freeze if he has 40 quarters of coverage, regardless of when such quarters were earned; to the Committee on Ways and Means.

By Mr. CRONIN (for himself, Ms. Abzug, Mr. Baker, Mr. Bingham, Mrs. Chisholm, Mr. Davis of Georgia, Mr. de Lugo, Mr. Duncan, Mr. Gilman, Mr. Hogan, Mr. Leggett, Mr. Moorhead of California, Mr. Studds, Mr. Walsh, and Mr. Won Pat):

H.R. 9957. A bill to amend the Federal Aviation Act of 1958 and the Interstate Commerce Act to authorize reduced fare transportation on a space-available basis for persons who are 65 years of age or older; to the Committee on Interstate and Foreign Commerce.

By Mr. DAVIS of South Carolina:

H.R. 9958. A bill to authorize the disposal of metallurgical grade chromite from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

By Mr. DENHOLM (for himself, Mr. Alexander, Mr. Bergland, Mr. Bowen, Mr. Brown of California, Mr. Gunter, Mr. Jones of Tennessee, Mr. Jones of North Carolina, Mr. Johnson of Colorado, Mr. Madigan, Mr. Mathis of Georgia, Mr. Melcher, Mr. Rarick, Mr. Sisk, Mr. Stubblefield, Mr. Symms, Mr. Vigorito, Mr. Young of South Carolina, and Mr. Zwach):

H.R. 9959. A bill to amend the Internal Revenue Code of 1954 to restrict the authority for inspection of income tax returns by Federal agencies; to the Committee on Ways and Means.

By Mr. WYLIE (for himself, Mr. Widnall, Mr. Barrett, Mrs. Sullivan, Mr. Anderson of Illinois, Mr. Cederberg, Mr. Johnson of Pennsylvania, Mr. Gonzalez, Mr. J. William Stanton, Mr. Rees, Mr. Blackburn, Mr. Williams, Mr. McKinney, Mr. Rousselot, Mr. Frenzel, Mr. Roncallo of New York, Mr. Mitchell of Maryland, Mr. Burgener, Mr. Fauntroy, Mr. Goodling, Mr. Quillen, Mr. Winn, Mr. Ware, Mr. Beard, and Mr. Steelman):

H.R. 9960. A bill to authorize the Secretary of the Treasury to make grants to Eisenhower College and the Rayburn Library; to the Committee on Education and Labor.

By Mr. DUNCAN:

H.R. 9961. A bill to authorize the disposal of approximately 258,700 short tons of copper from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

By Mr. WILLIAM D. FORD (for himself and Mr. Quillen):

H.R. 9962. A bill to amend title 39 of the United States Code, with respect to financing the cost of mailing certain matter at reduced rates of postage, and other purposes; to the Committee on Post Office and Civil Service.

By Mr. FRASER (for himself, Mr. Adams, Mr. Conte, Mr. Obey, and Mr. Stark):

H.R. 9963. A bill to amend the Interstate Commerce Act to provide that no pipeline company engaged in the transportation of oil may transport oil through its pipelines if that company has an interest in such oil; to the Committee on Interstate and Foreign Commerce.

By Mr. FREY:

H.R. 9964. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

By Mr. FROEHLICH:

H.R. 9965. A bill to amend the Internal Revenue Code of 1954 to provide relief to certain individuals 62 or more years of age, or disabled and 60 or more years of age, who own or rent their homes, through a system of income tax credits and refunds; to the Committee on Ways and Means.

By Mr. FROEHLICH (for himself and Mr. Symms):

H.R. 9966. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for sewer charges in the same manner as the deduction allowed for real property taxes; to the Committee on Ways and Means.

By Mr. GINN:

H.R. 9967. A bill to designate certain lands in the Blackbeard Island National Wildlife Refuge, McIntosh County, Ga., as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. GOLDWATER:

H.R. 9968. A bill to amend the Social Security Act to prohibit the disclosure of an individual's social security number or related records for any purpose without his consent unless specifically required by law, and to provide that (unless so required) no individual may be compelled to disclose or furnish his social security number for any purpose not directly related to the operation of the old-age, survivors, and disability insurance program; to the Committee on Ways and Means.

By Mr. HARRINGTON (for himself, Ms. Abzug, Mr. Baker, Mr. Bergland, Mr. Brown of California, Mr. Carney of Ohio, Ms. Chisholm, Mr. Corman, Mr. Fascell, Mr. Moakley, Mr. Murphy of New York, Mr. Podell, Mr. Riegle, Mr. Stark and Mr. Tiernan):

H.R. 9969. A bill to provide for posting information in post offices with respect to registration, voting, and communicating with lawmakers; to the Committee on Post Office and Civil Service.

By Mr. HUNGATE:

H.R. 9970. A bill to amend the Internal Revenue Code of 1954 to permit certain retroactive amendments in qualified pension plans and to change certain provisions concerning qualification of pension plans; to the Committee on Ways and Means.

By Mr. LITTON:

H.R. 9971. A bill to repeal the authority of State officials to inspect corporate tax returns; to the Committee on Ways and Means.

By Mr. LITTON (for himself, Mr. Blackburn, Mr. Breckinridge, Ms. Griffiths, Ms. Holtzman, Mr. Hudnut, Mr. Jones of Oklahoma, Mr. McSpadden, Mr. Melcher, Ms. Mink, Mr. Moakley, Mr. O'Brien, Mr. Randall, Mr. Roy, Mr. Ryan, Mr. Stokes, Mr. Studds, Mr. Thompson of New Jersey, Mr. Thornton, Mr. Whitehurst, Mr. Charles Wilson of Texas and Mrs. Boggs):

H.R. 9972. A bill to amend the Legislative Reorganization Act of 1970 to provide seminars to freshmen Members of the Congress, and for other purposes; to the Committee on House Administration.

By Mr. LONG of Maryland (for himself, Mr. Brown of California, Mrs. Chisholm, Mrs. Collins of Illinois, Mr. Edwards of California, Mrs. Green of Oregon, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Leggett, Mrs. Mink, Mr. Moss, Mr. Reid, Mr. Riegle, Mr. Rosenthal, Mr. Roy, Mr. Roybal, Mr. Waldie, Mr. Charles Wilson of Texas, Mr. Won Pat, and Mr. Moakley):

H.R. 9973. A bill to amend title 18 of the United States Code to require the consent of all persons whose communications are intercepted under certain provisions relating to certain types of eavesdropping; to the Committee on the Judiciary.

By Mr. McCORMACK (for himself, Mr. Teague of Texas, Mr. Mosher, Mr. Bell, Mr. Davis of Georgia, Mr. Winn, Mr. Fuqua, Mr. Symington, Mr. Goldwater, Mr. Esch, Mr. Camp, Mr. Roe, Mr. Conlan, Mr. Cotter, Mr. Parris, Mr. Cronin, Mr. Bergland, Mr. Martin of North Carolina, Mr. Pickle, Mr. Brown of California, Mr. Milford, Mr. Thornton, Mr. Gunter, and Mr. Annunzio):

H.R. 9974. A bill to establish a Department of Energy, to transfer to such department appropriate responsibilities from other Federal departments and agencies, and for other purposes; to the Committee on Government Operations.

By Mr. MURPHY of New York:

H.R. 9975. A bill to amend the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organizations, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. O'BRIEN:

H.R. 9976. A bill to amend and improve the Adult Education Act; to the Committee on Education and Labor.

H.R. 9977. A bill to establish within the Peace Corps a special program to be known as the Vietnam assistance volunteers program; to the Committee on Foreign Affairs.

H.R. 9978. A bill to confer U.S. citizenship on certain Vietnamese children and to provide for the adoption of such children by American families; to the Committee on the Judiciary.

By Mr. PATTEN:

H.R. 9979. A bill to amend the rules of the House of Representatives and the Senate to improve congressional control over budgetary outlay and receipt totals, to provide for a Legislative Budget Director and staff, and for other purposes; to the Committee on Rules.

By Mr. PRITCHARD (for himself and Mr. Cohen):

H.R. 9980. A bill to require that a percentage of U.S. oil imports be carried on U.S.-flag vessels; to the Committee on Merchant Marine and Fisheries.

By Mr. REES:

H.R. 9981. A bill to amend section 19(g) of the Federal Reserve Act; to the Committee on Banking and Currency.

H.R. 9982. A bill to establish a municipal code for the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. REGULA:

H.R. 9983. A bill to establish a Commission on Federal Elections to carry out the Federal Election Campaign Act of 1971 and to recommend further reforms with respect to regulation of campaign activities; and for other purposes; to the Committee on Ways and Means.

By Mr. ROGERS (for himself, Mr. Kyros, Mr. Symington, Mr. Roy, Mr. Nelsen, Mr. Carter, Mr. Hastings, Mr. Heinz, and Mr. Hudnut):

H.R. 9984. A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to assure the safety and effectiveness of medical devices; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Ms. Abzug, Mr. Addabbo, Mr. Badillo, Mr. Biaggi, Mr. Bingham, Mr. Brasco, Mrs. Chisholm, Mr. Delaney, Ms. Holtzman, Mr. Peyser, Mr. Podell, Mr. Rangel, Mr. Wolff, and Mr. Murphy of New York):

H.R. 9985. A bill to extend the duties of the Executive Protective Service to include the protection of the United Nations buildings in New York City, and for other purposes; to the Committee on Public Works.

By Mr. RUPPE:

H.R 9986. A bill to amend the Interstate Land Sales Full Disclosure Act; to the Committee on Banking and Currency.

By Mr. SANDMAN:

H.R. 9987. A bill to amend the Urban Mass Transportation Act of 1964 to provide a substantial increase in the total amount authorized for assistance thereunder, to increase the portion of project cost which may be covered by a Federal grant, to authorize assistance for operating expenses, and for other purposes; to the Committee on Banking and Currency.

By Mrs. SCHROEDER (for herself, Mr. Bingham, Mr. Gude, and Mr. Stokes):

H.R. 9988. A bill to to provide for the establishment within the Department of Health, Education, and Welfare of a National Center on Child Development and Abuse Prevention, to provide financial assistance for a demonstration program, and for other purposes; to the Committee on Education and Labor.

By Mr. STEPHENS (for himself, Mr. Blackburn, Mr. Hanna, Mr. Gettys, Mr. Rees, Mr. Brasco, Mr. Gonzalez, Mr. Young of Georgia, Mr. Frenzel, Mr. Hanley, Mr. J. William Stanton, Mr. Widnall, Mr. Brown of Michigan, Mr. Crane, Mr. Roncallo of New York, Mr. Burgener and Mr. Wylie):

H.R. 9989. A bill to further the national housing goal of encouraging home ownership by regulating certain lending practices and closing and settlement procedures in federally related mortgage transactions to the end that unnecessary costs and difficulties of purchasing housing are minimized, and for other purposes; to the Committee on Banking and Currency.

By Mr. TIERNAN:

H.R. 9990. A bill to amend title 38, United

States Code, to increase the amount of veterans' benefits for burial and funeral expense allowances from the present $250 to $750; to the Committee on Veterans' Affairs.

By Mr. VAN DEERLIN:

H.R. 9991. A bill to amend title 10, United States Code, to authorize the use of health maintenance organizations in providing health care; to the Committee on Armed Services.

By Mr. VIGORITO:

H.R. 9992. A bill to amend the Federal Trade Commission Act (15 U.S.C. 44, 45) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed lawful; to the Committee on Interstate and Foreign Commerce.

By Mr. YATRON:

H.R. 9993. A bill to amend the Federal Trade Commission Act (15 U.S.C. 44, 45) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. YOUNG of Illinois (for himself, Mr. Price of Illinois, Mr. Madigan, Mr. Railsback, Mr. Crane, Mr. Shipley, Mr. O'Brien, Mr. Arends, Mr. Gray, Mr. Derwinski, Mr. Michel, Mr. Hanrahan, Mr. Findley, Mr. Mayne, and Mr. Butler):

H.R. 9994. A bill to amend the Federal Trade Commission Act (15 U.S.C. 44, 45) to provide that under certain circustances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. ANDERSON of Illinois (for himself and Mr. Dellenback):

H.R. 9995. A bill to improve the conduct and regulation of Federal election campaign activities and to provide public financing for such campaigns; to the Committee on House Administration.

By Mr. BURGENER (for himself, Mr. Roncallo of New York, and Mr. Regula):

H.R. 9996. A bill to amend the Truth-in-Lending-Act to protect consumers against inaccurate and unfair billings practices, and for other purposes; to the Committee on Banking and Currency.

By Mr. COHEN (for himself, Mr. Burke of Massachusetts, and Mr. Ullman):

H.R. 9997. A bill to provide income tax incentives for the modification of certain facilities so as to remove architectural and transportational barriers to the handicapped and elderly; to the Committee on Ways and Means.

Mr. DIGGS (for himself, Mr. Podell, Mr. Roybal, Ms. Mink, Ms. Collins of Illinois, Ms. Chisholm, Mr. Mosher, Mr. Pritchard, Mr. Reid, Mr. Eckhardt, Mr. Tiernan, Mr. Eilberg, Mr. Meeds, Mr. Stokes, Mr. Green of Pennsylvania, Mr. Clay, Ms. Holtzman, Mr. Bingham, Mr. Biester, Ms. Jordan, Mr. Esch, Mr. McCloskey, Mr. Brademas, and Mr. Kastenmeier):

H.R. 9998. A bill to reorganize the governmental structure of the District of Columbia, to provide a charter for local government in the District of Columbia subject to acceptance by a majority of the registered qualified electors in the District of Columbia, to delegate certain legislative powers to the local government, to implement certain recommendations of the Commission on the Organization of the Government of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. ESCH:

H.R. 9999. A bill to strengthen and improve the private retirement system by establishing minimum standards for participation in and for vesting of benefits under pension and profit-sharing plans and to improve the protection and interests of participants and beneficiaries, by increasing contributions for self-employed individuals and shareholders of electing small business corporations and for other purposes; to the Committee on Ways and Means.

By Mr. FASCELL:

H.R. 10000. A bill to provide that meetings of Government agencies shall be open to the public, and for other purposes; to the Committee on Government Operations.

By Mr. FASCELL (for himself and Mr. Goldwater):

H.R. 10001. A bill to amend the Internal Revenue Code of 1954 to provide an additional itemized deduction for the use of a passenger automobile in a carpool; to the Committee on Ways and Means.

By Mr. GOLDWATER:

H.R. 10002. A bill to provide a standard of fair personal information practices; to the Committee on the Judiciary.

By Mr. HARRINGTON:

H.R. 10003. A bill to establish within the Department of Labor a Railroad Reorganization Adjustment Assistance Administration, to transfer thereto certain functions and duties of other departments and agencies relating to railroad reorganization adjustment assistance, to establish a comprehensive program of railroad reorganization adjustment assistance, and for other purposes; to the Committee on Banking and Currency.

By Ms. HOLTZMAN:

H.R. 10004. A bill to help preserve and improve low- and moderate-income housing; to the Committee on Banking and Currency.

By Mr. KARTH:

H.R. 10005. A bill to amend the Internal Revenue Code of 1954 to provide income tax incentives to improve the economics of recycling wastepaper; to the Committee on Ways and Means.

By Mr. KEATING (for himself and Mr. Kemp):

H.R. 10006. A bill to repeal the Economic Stabilization Act of 1970; to the Committee on Banking and Currency.

By Mr. LITTON (for himself, Mr. Shoup, Mr. Helstoski, Mr. Coughlin, Mr. Blatnik, Mr. Devine, Mr. Rooney of Pennsylvania, Mr. Mailliard, Mr. Seiberling, Mr. Hawkins, Mr. Moakley, and Mr. Hinshaw):

H.R. 10007. A bill to amend the Internal Revenue Code of 1954 to restrict the authority for inspection of income tax returns by, and the disclosure of information therein to, Federal agencies; to the Committee on Ways and Means.

By Mr. LONG of Maryland (for himself and Ms. Jordan):

H.R. 10008. A bill to amend title 18 of the United States Code to require the consent of all persons whose communications are intercepted under certain provisions relating to certain types of eavesdropping; to the Committee on the Judiciary.

By Mr. LUJAN (for himself, Mr. Runnels, Mr. Evans of Colorado and Mrs. Schroeder):

H.R. 10009. A bill granting the consent and approval of Congress to the Cumbres and Toltec Scenic Railroad Compact; to the Committee on the Judiciary.

By Mr. MURPHY of New York (for himself, Mr. Ashley, Ms. Abzug, Mr. Addabbo, Mr. Barrett, Mr. Brasco, Mrs. Chisholm, Mr. Clark, Mr. Dominick V. Daniels, Mr. Dent, Mr. Helstoski, Mr. Minish, Mr. Myers, Mr. Nix, Mr. Roe, Mr. Rostenkowski, Mr. James V. Stanton, Mr. Thompson of New Jersey, Mr Charles H. Wilson of California, and Mr. Podell):

H.R. 10010. A bill to amend the Natural Gas Act; to the Committee on Interstate and Foreign Commerce.

By Mr. OWENS (for himself, Ms. Abzug, Mr. Ashley, Mr. Brown of California, Mrs. Chisholm, Mr. Conyers, Mr. de Lugo, Mr. Dellums, Mr. Edwards of California, Mr. Green of Pennsylvania, Mr. Hamilton, Mr. Helstoski, Mr. Koch, Mr. Kyros, Mr. Leggett, Mr. McDade, Mr. McKay, Mr. Mollohan, Mr. Riegle, Mr. Reuss, Mr. Rooney of Pennsylvania, Mr. Sarbanes, Mr. Thompson of New Jersey, Mr. Ullman, and Ms. Schroeder):

H.R. 10011. A bill to insure that no public funds be used for the purpose of transporting chemical nerve agents to or from any military installation in the United States for storage or stockpiling purposes unless it is the sense of the Congress to do so; to the Committee on Armed Services.

By Mr. OWENS (for himself, Mr. Mosher, Mr. Moakley, Mr. Obey, and Mr. Harrington):

H.R. 10012. A bill to insure that no public funds be used for the purpose of transporting chemical nerve agents to or from any military installation in the United States for storage or stockpiling purposes unless it is the sense of the Congress to do so; to the Committee on Armed Services.

By Mr. PETTIS:

H.R. 10013. A bill for the relief of certain students harmed by the insolvency of Riverside University of Riverside, Calif.; to the Committee on the Judiciary.

By Mr. PREYER (for himself, Mr. Broyhill of North Caroline, Mr. Byron, Mr. Carter, Mr. Devine, Mr. Kuykendall, Mr. Kyros, Mr. McCollister, Mr. Nelsen, Mr. Rooney of Pennsylvania, Mr. Roy, Mr. Symington, Mr. Ware, and Mr. Young of Illinois):

H.R. 10014. A bill to amend the Federal Trade Commission Act (15 U.S.C. 44, 45) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. ROBISON of New York:

H.R. 10015. A bill to authorize the President to call and conduct a White House Conference on Energy; to the Committee on Interstate and Foreign Commerce.

By Mr. ROGERS:

H.R. 10016. A bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry; to the Committee on Education and Labor.

H.R. 10017. A bill to amend title 44, United States Code, to direct the Clerk of the House of Representatives to provide each Member of the House with additional copies of his individual voting record for distribution by that Member for public inspection in his congressional district, and for other purposes; to the Committee on House Administration.

H.R. 10018. A bill to require that a percentage of U.S. oil imports be carried on U.S.-flag vessels; to the Committee on Merchant Marine and Fisheries.

By Mr. ROGERS (for himself, Mr. Staggers, Mr. Kyros, Mr. Preyer, Mr. Symington, Mr. Roy, Mr. Nelsen, Mr. Carter, Mr. Hastings, Mr. Heinz, and Mr. Hudnut):

H.R. 10019. A bill to amend the Comprehensive Alcohol Abuse and Alcoholism Prevention Treatment, and Rehabilitation Act of 1970 and other related acts to concentrate the resources of the Nation against the problem of alcohol abuse and alcoholism; to establish tion within the Department of Health, Education, and Welfare; and for the other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Ms. Abzug, Mr. Addabbo, Mr. Badillo, Mr. Biaggi, Mr. Bingham, Mr. Brasco, Ms. Chisholm, Mr. Delaney, Ms. Holtzman, Mr. Koch, Mr. Peyser, Mr. Podell, Mr. Rangel, Mr. Wolff, and Mr. Murphy of New York):

H.R. 10020. A bill for the relief of New York City, to the Committee on Appropriations.

By Mr. ROUSSELOT (for himself and Mr. Burgener):

H.R. 10021. A bill to protect the constitutional rights of citizens of the United States and to prevent unwarranted invasions of privacy by prescribing procedures and standards governing the disclosure of certain financial information by financial institutions to governmental agencies, and for other purposes; to the Committee on Banking and Currency.

By Mr. ROUSSELOT:

H.R. 10022. A bill to amend section 225 of the Federal Salary Act of 1967 to reform the procedures for adjusting certain executive, legislative, and judicial salaries, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. STEIGER of Wisconsin (for himself and Mr. J. William Stanton):

H.R. 10023. A bill to continue the community development program as a part of the Office of Minority Business Enterprise; to the Committee on Education and Labor.

By Mr. STUDDS (for himself, Mr. Boland, Mr. Burke of Massachusetts, Mr. Conte, Mr. Donohue, Mr. Harrington, and Mr. Moakley):

H.R. 10024. A bill to establish the Nantucket Sound Islands Trust in the Commonwealth of Massachusetts, to declare certain national policies essential to the preservation and conservation of the lands and waters in the trust area, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. VANDER JAGT (for himself and Mr. Steele):

H.R. 10025. A bill to amend the Public Health Service Act to expand the authority of the National Institute of Arthritis, Metabolism, and Digestive Diseases in order to advance the national attack on diabetes; to the Committee on Interstate and Foreign Commerce.

By Mr. WALDIE:

H.R. 10026. A bill to promote public confidence in the integrity of Congress by providing for public disclosure of Federal income tax returns by Members of Congress and candidates for that office; to the Committee on Standards of Official Conduct.

By Mr. WALSH (for himself, Mr. Gerald R. Ford, Mr. Hastings, Mr. Horton, and Mr. McClory):

H.R. 10027. A bill to amend the act of October 12, 1968, to increase from $5 million to $15 million the amount authorized for grants to Eisenhower College, Seneca Falls, N.Y.; to the Committee on Education and Labor.

By Mr. ANDERSON of Illinois:

H.J. Res. 705. Joint resolution authorizing the President to designate the period beginning October 14, 1973, and ending October 20, 1973, as National Machine Tool Week; to the Committee on the Judiciary.

By Mr. CRONIN (for himself, Mr. Dan Daniel, Mr. Derwinski, Mr. Hillis, Mr. Hosmer, and Mr. Ketchum):

H.J. Res. 706. Joint resolution proposing an amendment to the Constitution of the United States to authorize Congress, by three-fourths vote of both Houses, to override decisions of the Supreme Court; to the Committee on the Judiciary.

By Mr. FISH:

H.J. Res. 707. Joint resolution to authorize the return of the remains of Pocahontas to the United States and the establishment of an appropriate memorial commemorating her place in American history; to the Committee on Interior and Insular Affairs.

By Mrs. GREEN of Oregon (for herself, Mr. Aspin, Mr. Bell, Mr. Carey of New York, Mr. Gaydos, Mr. Long of Louisiana, Mr. Mazzoli, Mrs. Mink, Mr. Udall, and Mr. William D. Ford):

H.J. Res. 708. Joint resolution proposing an amendment to the Constitution of the United States relating to the strengthening of the system of checks and balances between the legislative and executive branches of the Government as envisioned by the Constitution with respect to the enactment and execution of the laws and the accountability to the people of the executive as well as the legislative branches of the Government; to the Committee on the Judiciary.

By Mr. HAWKINS:

H.J. Res. 709. Joint resolution, a national education policy; to the Committee on Education and Labor.

By Mr. JONES of Oklahoma (for himself, Mr. Camp, Mr. Jarman, Mr. McSpadden, and Mr. Steed):

H.J. Res. 710. Joint resolution authorizing the President to issue a proclamation designating the week of June 17, 1974, as "National Right of Way Week," and for other purposes; to the Committee on the Judiciary.

By Mr. McCOLLISTER:

H.J. Res. 711. Joint resolution proposing an amendment to the Constitution of the United States for the protection of unborn children and other persons; to the Committee on the Judiciary.

By Mr. ROGERS (for himself, Mr. Kyros, Mr. Preyer, Mr. Symington, Mr. Roy, Mr. Nelsen, Mr. Carter, Mr. Hastings, Mr. Heinz, and Mr. Hudnut):

H.J. Res. 712. Joint resolution to designate the week of November 3 through 10, 1973, as "National High Blood Pressure Week"; to the Committee on the Judiciary.

By Mr. WHALEN:

H.J. Res. 713. Joint resolution relating to sudden infant death syndrome; to the Committee on Interstate and Foreign Commerce.

By Mr. FROEHLICH (for himself, Mr. Symms, and Mr. Rousselot):

H. Con. Res. 287. Concurrent resolution requesting the President to proclaim January 14 through January 20, 1974, as "National Snowmobiling Week"; to the Committee on the Judiciary.

By Mr. HUBER (for himself, Mr. Heinz, and Mr. Murphy of Illinois):

H. Con. Res. 288. Concurrent resolution expressing the sense of Congress with respect to the missing in action in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. PEPPER:

H. Con. Res. 289. Concurrent resolution expressing the sense of Congress that our NATO allies should contribute more to the cost of their own defense; to the Committee on Foreign Affairs.

By Mr. FRASER (for himself, Mr. Dellums, Mr. Stokes, and Mr. Roe):

H. Res. 523. Resolution to express the sense of the House regarding diplomatic relations between the United States and Sweden; to the Committee on Foreign Affairs.

By Mr. GUDE (for himself, Mr. Fraser, and Mr. Matsunaga):

H. Res. 524. Resolution expressing the sense of the House that the U.S. Government should seek agreement with other members of the United Nations on prohibition of weather modification activity as a weapon of war; to the Committee on Foreign Affairs.

By Mr. HARRINGTON:

H. Res. 525. Resolution of inquiry into the bombing of Cambodia and Laos, January 20, 1969, through April 30, 1970, by U.S. forces; to the Committee on Armed Services.

H. Res. 526. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Central Intelligence Agency, and for other purposes; to the Committee on Rules.

By Mr. HILLIS:

H. Res. 527. Resolution for the creation of congressional senior citizen internships; to the Committee on House Administration.

By Mr. OWENS (for himself, Ms. Abzug, Mr. Ashley, Mr. Brown of California, Mrs. Chisholm, Mr. Conyers, Mr. Corman, Mr. de Lugo, Mr. Dellums, Mr. Edwards of California, Mr. Green of Pennsylvania, Mr. Hamilton, Mr. Helstoski, Mr. Koch, Mr. Kyros, Mr. Leggett, Mr. McDade, Mr. McKay, Mr. Mollohan, Mr. Riegle, Mr. Reuss, Mr. Rooney of Pennsylvania, Mr. Sarbanes, Mr. Thompson of New Jersey, and Mr. Ullman):

H. Res. 528. Resolution to move forward toward immediate ratification of the Geneva Protocol of 1925, to request a public reevaluation of the U.S. policy which requires nerve gas stockpiles, and to require the Department of Defense to detoxify obsolete nerve gas presently stored near Denver, Colo.; to the Committee on Armed Services.

By Mr. OWENS (for himself, Mr. Mosher, Mr. Moakley, and Mr. Obey):

H. Res. 529. Resolution to move forward toward immediate ratification of the Geneva Protocol of 1925, to request a public reevaluation of the U.S. policy which requires nerve gas stockpiles, and to require the Department of Defense to detoxify obsolete nerve gas presently stored near Denver, Colo.; to the Committee on Armed Services.

By Mr. ROSENTHAL (for himself, Mr. Bingham, Ms. Holtzman, Mr. Lehman, and Mr. Stark):

H. Res. 530. Resolution creating a select committee to conduct an investigation of matter affecting, influencing, and pertaining to the cost and availability of food to the American consumer; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DELLENBACK:

H.R. 10028. A bill for the relief of certain Korean orphans; to the Committee on the Judiciary.

By Mr. FRENZEL:

H.R. 10029. A bill for the relief of Kim Yong Soon; to the Committee on the Judiciary.

By Mr. GREEN of Pennsylvania:

H.R. 10030. A bill for the relief of Mrs. Mary Wadlow; to the Committee on the Judiciary.

By Mr. KEMP:

H.R. 10031. A bill for the relief of Thomas S. Leonhard; to the Committee on the Judiciary.

By Mr. PARRIS (by request):

H.R. 10032. A bill for the relief of James B. McGuire; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

REVITALIZATION OF THE NEW YORK METROPOLITAN RAIL SYSTEM

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 1973

Mr. McKINNEY. Mr. Speaker, in light of the national concern for the future of the Penn Central and the northeast corridor, the Greenwich Environmental Action Group has worked with Mr. Charles Masterton of the Northeast Transportation Coalition to publicize and disseminate his plan for the revitalization of the New York metropolitan rail system. Because the Greenwich Environmental Action Group believes the Masterton plan would aid in making possible a sound and effective northeast corridor rail system, they have sent the Masterton plan to Federal, State, and local officials, environmental groups, private railroad associations, and citizen action groups, requesting their comments. In September the group plans an initial regional meeting in Greenwich, Conn., to evaluate the Masterton plan.

As part of the continuing dialog on solutions to our rail crisis, I would like to share with my colleagues the Masterton plan for a feasible rail-freight system in the tri-State area of New York, Connecticut, and New Jersey, as well as recommendations of Mr. Masterton and the Greenwich Environmental Action Group regarding creation of a governmental organization to revitalize our Nation's rail system:

THE MASTERTON PLAN

This is a proposal for the development of a feasible rail-freight system in the Tri-State area of New York, Connecticut and New Jersey.

It is our belief that any major plan for the movement of goods and people into and through a metropolitan region must be viable for at least 50 years and must consider, on a long-term basis, the critical factors of energy, land-use and pollution. At no time are we suggesting that a rail system is the exclusive answer. We speak here to the fact that, in many instances, it will be ultimately more economical as well as more environmentally compatible to create a workable rail system to coordinate with highway freight movement, and, where necessary, auto transit.

While this plan is initially directed toward a rail-freight system, there are many areas where passenger service can be tremendously improved by using the tracks of the refurbished rail line. Where rail freight is now running, the right of way is often sufficiently wide that it can handle additional track for improved passenger service.

Where we have indicated freight movement through the Metropolitan area, it would be equally practical to implement a significant improvement in passenger travel (i.e. Bronx, Westchester, Southwestern Connecticut moving across the Hell Gate Bridge into Jamaica, and from there with a single change to virtually every point on Long Island including the airports).

It is certainly also conceivable, as these lines are re-established as a rail system, that with no great additional efforts, a coordinate scheme could be established to tie in with the entire MTA subway system network. With these additional procedures and connections, every place on Long Island can be reached, from Westchester and Connecticut.

FREIGHT RAIL TRANSIT

The prime facility required to establish a freight rail system in the *Northeast corridor* is the construction of a tunnel, in Upper New York Bay, running from St. George in Staten Island to Bay Bridge in Brooklyn as an alternative, from Greenville in New Jersey, to Bay Bridge, Brooklyn.

Connecting R.R.:

A. The Lackawana, through the tunnel can use existing L.I.R.R. tracks in Brooklyn of an existing rail freight line, and will connect to Fresh Pond Junction in Queens.

B. From Fresh Pond Junction, the Long Island Rail Road line moves to Jamaica via Richmond Hill, and then proceeds to every major point in Long Island.

C. From the same location, freight can move to the Long Island City area, covering factories and yards. From Long Island City, Penn Central lines already exist for movement over the Hell Gate Bridge to Connecticut and all New England.

D. Also from Fresh Pond Junction, the line already exists directly to the Hell Gate Bridge via Sunnyside Junction, to travel straight through the major freight yards in New Haven, Springfield and Boston areas.

On the other side of the tunnel, on the Jersey side, these would be the connections:

E. At Bayway, with the Shore Line Jersey Central Railroad.

F. At Linden Junction, with the Penn Central Main Line.

G. The Jersey Central Main Line at Cranford.

H. The Erie Lackawana coming from the North and Northwest, can feed through the Penn Central connection into the new tunnel.

Some of the suggested refurbishings of the rail line to accommodate this improved rail freight system would include:

1. New electrification overhead between Linden Junction and Fresh Pond Junction, thence to Long Island City on one line, and to Sunnyside Junction on the other.

2. Upgrading of tracks, rights of way, switches, and signals along the above mentioned routes.

3. Improvements to the existing rail bridge over the Arthur Kill to enable it to carry a tremendously increased traffic pattern.

4. Raising the clearances beyond Hell Gate to the North on the New Haven Line to permit the passage of Piggy-Back trailers on flat cars.

5. The construction of Piggy-Back terminals, and car loading terminals to serve rail freight forwarders and consolidators: One each for Brooklyn and for Queens, possibly in the Canarsie area, for Brooklyn; and in the coverage for Nassau and Suffolk, one in the East Farmingdale area.

6. An auto train terminal in Long Island, at a convenient and acceptable location.

PASSENGER RAIL TRANSIT

It is important to initially indicate the current traffic flow into the core of Manhattan as presently constituted, as quoted by Mayor Lindsay on Mass Transit, in the N.Y. Times on May 6th.

On the basis of a 24 hour typical business day, listed below are the statistics from all directions:

The North: From the Bronx, Westchester, New Jersey and Connecticut: approximately 74,000 people a day come in by commuter rail; and 400,000 people move into the core by automobile.

The East: From Queens and Long Island: 75,000 passengers a day by commuter railroad. 350,000 people a day by automobile.

West from New Jersey: 92,000 passengers a day by commuter railroad or comparable facility. 95,000 people a day by automobile.

On a daily basis, 85,000 people come into the New York "core" by automobile. It is imperative that this number be cut down dramatically and drastically.

It is a fact that a great majority of these people come into New York, Manhattan, the core, by themselves, in automobiles.

In the New York Times of May 11, 1973, Stewart L. Udall, the Former Secretary of the Interior, for President Kennedy, has written a letter regarding his reference to President Nixon's energy message.

Obviously, the number of automobiles using gasoline coming into New York has become a tremendous reason in this city as well as throughout the United States for some of the shortage problem of energy fuel (and air pollution)

Mr. Udall's concept of saving energy is the fact that we frequently squander much of our energy.

And to quote Mr. Udall, "Our one man, one car, transportation policy is an economic hemorrhage";

Presently, rail freight travels to or from Long Island by the following routes:

I. Penn Central: *From New England and Northeast Canada*—direct via Hell Gate Bridge. *From elsewhere*—via either of two ways:

Route A: Via Selkirk (near Albany), Hudson at Stuyvesant; thence Beacon, Hopewell Jct., Brewster, and Danbury to Stratford, Conn.; thence to L. I. via Stamford and Hell Gate Bridge.

Route B: Via Maybrook—freight must be routed via Lehigh and Hudson River RR or otherwise to Maybrook, N. Y., thence over the Hudson at Poughkeepsie, thence Hopewell Jct., Stratford, Hell Gate.

II. Erie Lackawana; Lehigh Valley: Via freight cars on barges across New York Harbor with all the delay caused by disassembly and reassembly of cars at each riverbank plus the possibility of fog closing down all barge movement in New York Harbor for a time.

1. The proposed tunnel would eliminate the colossal waster of time, money, and labor expended in above-described ways of getting rail freight to Long Island from all directions over than North. It would provide direct fast through service to all Long Island from New Jersey and beyond: South-Southwest—and West.

2. It would provide fast through freight service by the shortest route to New England from New Jersey and points south and west thereof. At present such service must either cross the Hudson slowly over the rickety bridge at Poughkeepsie, or travel up the west bank of the Hudson to Selkirk yard near Albany.

3. The speed and facility of freight service to New England and Long Island from New Jersey and beyond would lower freight rates and at the same time increase the revenues of the bankrupt carriers.

4. This tunnel would make it unnecessary for freight to be trucked through the Bronx, Brooklyn, or Manhattan, to Queens, Nassau and Suffolk counties, as it could then go by rail via piggy-back or freight car instead. It would greatly reduce truck freight through

N.Y.C. and its suburbs, passing thru to New England and beyond.

5. It would take some autos off the road and convenience the owners of such cars by making possible an auto-train service from Long Island.

6. This reduction of trucking throughout New York would greatly improve the quality of the air in the city and its suburbs adjacent to any Thruway.

7. The tunnel and related installations can be self-financing in part, through user charges and rentals made possible by the following benefits or savings:

A. The elimination of car float yards, float bridges, float barges, and tugs, and sales or other utilization of all land used for such purposes.

B. The time (up to 24 hours), use of equipment, and manpower in presently moving New England freight via Poughkeepsie bridge and Selkirk saved through this proposed construction plus the upkeep of the bridge, rail lines, and facilities needed for servicing the Poughkeepsie Bridge Route.

C. The time, effort, and expense arising from the present carriage of rail freight to Long Island via car float or roundabout routing.

D. Service charges and/or rentals from the proposed Piggy-back, carloading (for rail freight forwarders) and auto-train terminals.

Once the rail system is re-established and refurbished for freight movement there would be no problem to tremendously improve the entire passenger rail transit system into the core of Manhattan.

With overhead electrification, installed additionally between Jamaica and Fresh Pond Junction, a passenger train could run from any point from Westchester and Connecticut, Southward over the Hell Gate Bridge into Jamaica where an across-the-platform change can be made to almost any point on Long Island via the L. I. R. R.

Obviously, with this kind of a situation existing, the need for any new bridge crossing like the possible Rye-Oyster Bay Bridge, becomes incredibly unnecessary.

A station, as an example could be built, at Maurice Avenue, Queens, where connections could be made between New Rochelle and New Haven with one change of trains.

One block from this station on Maurice Avenue A Station on the Port Washington line of the L.I.R.R. could be built to provide easy connections with the J.F.K. Airport line and the proposed Jamaica-Fresh Pond-New Haven line via Hell Gate (Station at Queens Blvd., Kneeland and Jacobus Sts.)

(Present plans for the J.F.K. line already provide for a transfer station at Woodhaven where it crosses the Jamaica-Brooklyn line of the L.I.R.R.)

If these three above-mentioned stations were built, then J.F.K., could be connected with all points on the L.I.R.R., plus all points on the New Haven Line beyond New Rochelle, as well as Penn Station in N.Y.C.

RECOMMENDATIONS

As suggested by our Secretary of Transportation, Mr. Claude Brinigar, to create a whole new workable concept of Rail System, a new organization must be established to implement, supervise, and control. The actual selection of this new group must be immediately determined by Congress.

We might suggest, however, such an organization, newly established to consolidate the existing rail track, and to refurbish where necessary, would be an "Instrumentality of Government" headed by a single person. The following are several suggested guidelines to this "Instrumentality of Government", created to regenerate rail freight transportation in the northeast: (referred to below as I.O.G.)

1. The I.C.C. shall not be given the responsibility for the operation of rail services in the Northeast, nor any increase in its present responsibilities. It was set up to enforce transportation regulations and settle transportation quarrels, and is incapable of crash program salvage operations or creative innovation. I.C.C. has done little to arrest, or even sound the alarm against the decline of rail.

2. This I.O.G. should be separate from, and independent of the department of transportation, which has now many responsibilities over both rail transportation (public) and highways (primarily used by private transportation).

The interests and outlook of the users and carriers of private transportation are at variance with the users and carriers of public transportation.

Since D.O.T. has heavy responsibilities toward both, it would have to devote so much effort reconciling the one with the other that it would have little energy for immediate revitalization of rail freight transportation in the Northeast.

Re-establishing a viable rail freight system in the Northeast, must not be undertaken by a "referee" organization like I.C.C.; or by a highway oriented organization like D.O.T., where its interests are so varied regarding transportation modes.

This must be undertaken by some new instrumentality, approaching the critical situation, as a task force.

3. This task shall be given to an Instrumentality of the Federal Government, created especially for this purpose, must be headed by one person, and highly responsive to both Congress and the Executive.

4. This commission shall be granted generous and ample power and money to reorganize, consolidate, abandon, maintain, and improve (within the limits of due process and sensible restraints) all rail lines and facilities North and East of Cape Charles, Washington, Cincinnati, and Chicago, and also over the same of bankrupt Northeastern carriers extending into other parts of the U.S. Whatever mixture of nationalization and private ownership Congress shall decide upon, whatever claims or interests Congress shall elect to protect, this arrangement must prevail, at least until rail transportation in the Northeast is set upon its feet again.

5. All revenues from rail-related operations of such lines and carriers must be put into a common kitty and expended where most needed for the general transportation good of the Northeast taken as a whole.

6. The financial position, well-being, and future prospects of AMTRAK and Northeastern Regional Transportation Authorities, must be protected and respected by this I.O.G.

7. Generous capitalization on easy terms, as requested in the Astro Plan, shall be provided this I.O.G. for new rolling stock, facilities and equipment and improved rights-of-way to serve this territory where most needed.

8. This I. O. G. shall erect in all metropolitan areas in the northeast new and/or vastly expanded yards, terminals, and other facilities for piggy back, flexi-van, and carloading freight forwarded services.

9. This I. O. G., being so empowered, shall revise all rules, fares, and practices within this territory, and between this and other parts of the U.S. to the end of making piggy-backing, rail transport forwarding, at the very least, equally competitive with over-the-road trucking.

10. To make rail freight from South and West directions time-competitive to Long Island and New England vis-a-vis other modes, this I. O. G. shall immediately construct a rail freight tunnel under New York Harbor linking Jersey rail with Long Island R.R. and New England rail.

11. Consolidations shall be made liberally, and abandonments made only sparingly and under the most dire conditions, and be governed by these guides.

A. A master plan for consolidations shall be immediately drawn up with priorities of urgency defined and a stage-by-stage schedule formulated with time schedule.

B. The Northeastern rail network shall be considered as a web wherein the strands mutually support each other. No strand shall be severed until ample studies and hearings shall conclusively demonstrate that the proposed abandonment does not imperil any remaining strand in the web.

C. Judicial hearings must be abundantly, meticulously, and conveniently provided for consideration of and decisions on (1) The submitted master plan as a whole, (2) each stage as a whole, and (3) each particular abandonment or consolidation proposed. Provision must also be made to re-open or review decisions already made in the light of significant new developments that make Northeastern or local rail transportation a new concept of freight and passenger movement.

D. Environmental considerations, impact on community well-being, and hardships to consignees shall be given equal weight for consideration with hardships to shippers and possibilities of monetary loss to any person or corporation whose well-being this I. O. G. is mandated to look after.

12. The imbalance of rates must be corrected.

COMMUNIST SUBVERSION OF YOUTH: THE 10TH WORLD YOUTH FESTIVAL

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 1973

Mr. ASHBROOK. Mr. Speaker, once again the Soviet-controlled international youth apparatus has organized what is euphemistically called a "World Youth Festival," but which is in reality a propaganda and agitation program designed to indoctrinate young people with Communist propaganda and, potentially, to recruit them into the ranks of the world Communist movement.

Literature disseminated by the U.S. Preparatory Committee for the 10th World Festival of Youth and Students—which is also known as the 10th World Youth Festival Preparatory Committee—demonstrates clearly that this project is wholly Communist in origin and that the organizing for U.S. representation at this alleged "youth" gathering, scheduled for July 28 through August 5 of this year in Communist East Berlin, is being carried out by the Communist Party, U.S.A., acting through its official youth front, the Young Workers Liberation League—YWLL.

For example, a leaflet entitled "Come to the 10th World Festival of Youth and Students for Anti-Imperialist Solidarity, Peace and Friendship" has recently come into my hands. Interestingly, this document bears the printing label "209," which is the label of the Prompt Press, characterized by the Attorney General of the United States as far back as 1942 as being an organization that—

> Prints the bulk of the literature issued by the Communist Party and its affiliates and

[which] is reliably known to be owned by the Communist Party.

That this characterization is still applicable is clearly indicated by the fact that both Political Affairs, self-identified as the CPUSA's official theoretical organ, and Party Affairs, the official internal publication intended only for party members, are today printed by the Prompt Press, as is material issued by many of the party's numerous front groups.

This leaflet invites recipients to write for "a Festival application" and gives as the address the "U.S. Preparatory Committee for the 10th World Festival of Youth and Students, 29 West 15th Street, 7th floor, New York, N.Y. 10011." This is the address of the national headquarters of the YWLL, which, as I indicated above, functions as the official youth apparatus of the Communist Party, U.S.A.

The leaflet in my possession also bears a stamped alternative return address: "10th World Youth Festival Preparatory Committee, 537 South Dearborn—Room 804, Chicago, Ill. 60605." This, significantly, is precisely the same address as the headquarters of the Illinois section of the YWLL.

The partial list of sponsors as reflected by this leaflet further confirms the Communist-front nature of this enterprise. Of those listed, the following have been identified either as members of the Communist Party or as former members who have remained closely alined with the party and its aims:

Angela Y. Davis, member of the CPUSA Central Committee and, according to the sponsor list, "Honorary Chairwoman, U.S. Preparatory Committee, 10th World Festival of Youth & Students;

Patricia Bonner-Lyons, a candidate for presidential elector at large on the CPUSA ticket in Massachusetts in 1972 and an active member of the YWLL;

Lee D'Lugin, identified before the House Committee on Internal Security as a member of the New York State Committee of the CPUSA and described on the sponsor list as being affiliated with the New York Committee for Trade Union Action and Democracy, which is an affiliate of the Communist Party-controlled National Coordinating Committee for Trade Union Action and Democracy, the vehicle by which the party is currently trying to organize rank-and-file trade unionists;

Dr. Carlton Goodlett, former CPUSA member who has remained an active supporter of the party and who is identified on the leaflet as the secretary of the World Peace Council, the principal international Communist "peace" front controlled directly by the Soviet Communist Party;

John Line, State chairman of the Michigan Young Workers Liberation League who was described in the January 1973 issue of Party Affairs as "a member of our own party;"

John Lumpkin, a member of the Illinois State committee of the CPUSA who served as a candidate for presidential elector on the CPUSA ticket in Illinois in 1972;

Charlene Mitchell, a member of the Central Committee of the CPUSA and moving force in the development of the CPUSA-front National Organization Against Racist and Political Repression, formed at the CPUSA-initiated and controlled Founding Conference for a National Defense Organization Against Racist and Political Repression, held in Chicago, Ill., on May 11–13 of this year;

Mark Rogovin, another candidate for presidential elector on the Illinois CPUSA ticket in 1972;

Carlos E. Russell, billed as "Dean, School of Contemporary Studies, Brooklyn College," and identified as a member of the CPUSA in sworn testimony before the Senate Internal Security Subcommittee in 1970;

Jarvis Tyner, member of the CPUSA Central Committee and National Chairman of the Young Workers Liberation League; and

Henry Winston, identified in the sponsor list as "National Chairman, Communist Party, U.S.A."

Besides Bonner-Lyons, Line, and Tyner, several other sponsors are also members of the CPUSA-controlled Young Workers Liberation League:

David Bailey, an active member of the YWLL's Harlem branch, Third World Affairs Coordinator for Vietnam Veterans Against the War, contributor of an article to the August 26, 1971, issue of World magazine—a supplement to the CPUSA's official newspaper, the Daily World—and 1970 campaign worker for CPUSA candidates in New York;

Richard Hoyen, who has served the YWLL as a member of its central committee, as its national peace director, and as national coordinator of the Nguyen Van Troi Hospital Committee, a Communist front run by the YWLL from YWLL national headquarters in New York City with the cooperation of the CPUSA-dominated Peoples Coalition for Peace and Justice and the PCPJ-affiliated Vietnam Veterans Against the War and National Student Association as part of a worldwide campaign launched by the World Federation of Democratic Youth and the International Union of Students, both of which are Soviet-controlled international Communist youth fronts;

The above-mentioned John Lumpkin, educational director of the Illinois section of the YWLL who represented the YWLL at a conference of the International Union of Students in Communist Czechoslovakia early in 1971;

Juana Mangaoang, a Seattle, Wash., student who was an initiating sponsor of the CPUSA-controlled Emergency Conference to Defend the Right of the Black Panther Party To Exist, held in March 1970 in Chicago, and who is also a member of the CPUSA-controlled National Coordinating Committee for Trade Union Action and Democracy;

Joseph Allen "Mongo" Smith, chairman of the Los Angeles branch of the YWLL; and

Tony Ulen, who has served the YWLL as its Pennsylvania State chairman.

Thus, of the 45 people listed as sponsors on the cited leaflet, there are no fewer than 11 who have been identified as members of the Communist Party, U.S.A., and at least nine who have been identified as members of the CP's official youth apparatus, the Young Workers Liberation League. Further, it is most significant to note that these are not merely rank and file Communists. Rather, there are the CPUSA's national chairman and three members of the party's central committee; a member of the party's Illinois State committee; a member of the party's New York State committee; and six top-ranking officers from the party's YWLL: the national chairman, a member of the central committee, the educational director of the Illinois section, the Los Angeles chairman, and the Michigan and Pennsylvania State chairmen.

In addition to these 20 prominent Communist Party and/or YWLL members, others of the sponsors have significant interlocking relationships with a number of additional Communist fronts. For example, sponsor Ramon Arbona, the first secretary of the U.S. section of the Puerto Rican Socialist Party, a Communist-oriented, violence-prone group, has supported activities of the U.S. Committee for Justice to Latin American Political Prisoners, a front group of the Trotskyite Communist Socialist Workers Party, and of the Guardian, a Communist newsweekly. He has also participated in May Day activities organized by the CPUSA and was a scheduled speaker at a May 19, 1972, meeting of the Communist Party's West Side Marxist Forum in New York City.

More recently, Arbona served as a sponsor of the CPUSA-initiated Founding Conference for a National Defense Organization Against Racist and Political Repression, along with other World Youth Festival sponsors Rev. Ben Chavis, Angela Y. Davis, Puerto Rican terrorist Carlos Feliciano, Carlton Goodlett, John Line, Charlene Mitchell, Carlos Russell, Joseph "Mongo" Smith, Jarvis Tyner, Joseph Walker, and Henry Winston.

Another Youth Festival sponsor, John Lumpkin, was in attendance at the Founding Conference; and the following festival sponsors emerged from the conference as members of the National Executive Committee of the Communist Party-controlled defense group created as a result of its deliberations: Angela Davis, one of three "Co-Chairpersons"—all three of whom, significantly, are known CPUSA members; Rev. Ben Chavis and Maria Elena Gaitan, among the "Vice-Co-Chairpersons;" and Charlene Mitchell and Maria Gaitan, both of whom are among the "at large" members of the national executive committee.

Another festival sponsor, Tim Brick of the Student Union for Peace and Justice, was among U.S. delegates to the World Assembly for Peace and Independence of the Peoples of Indochina, organized by the Communist World Peace Council and held in Versailles, France, on February 11–13, 1972, after which he turned up as a scheduled speaker for a February 27, 1972, meeting in Los Angeles organized by the CPUSA-controlled Peace Action Council of Southern California, one of the primary affiliates of the CPUSA-dominated Peoples Coalition for Peace and Justice.

Rev. Ben Chavis, referred to above, is also a member of the board of directors of the Southern Conference Educational

Fund, cited as "a CPUSA front group" in the 1972 annual report of the House Committee on Internal Security. He also played a continuing role in the evolution of the Angela Davis defense movement into the National Organization Against Racist and Political Repression and was reported in 1969 to be involved in activities of the Black Panther Party in North Carolina.

Festival sponsors Ossie Davis and Ruby Dee, the well-known actor and actress, have records of affiliation with fronts and causes of the Communist Party, U.S.A., matched by few people in this country. Both have, for example, been intimately involved in activities centering around the CPUSA's Negro quarterly publication Freedomways, and Davis has been a sponsor of such other Communist Party operations as the Emergency Conference To Defend the Right of the Black Panther Party To Exist, the American-Korean Friendship and Information Center, and the Freedom and Peace Party, as well as being on the national council of the CPUSA-controlled National Emergency Civil Liberties Committee.

Eddie Demmings, another festival sponsor, is identified on the sponsor list as a member of the National Committee of the Venceremos Brigade, described by Hon. Richard H. Ichord, chairman of the House Committee on Internal Security, as "a Cuban Communist propaganda and infiltration effort," and was in fact also a member of both the third and fifth contingents of the brigade working in Communist Cuba.

Helen Greever is identified on the sponsor list as executive director of the Southern Conference Educational Fund, one of the Communist Party's principal front organizations, while festival sponsor Leith Mullings has been a speaker at an August 1972 meeting of the Young Workers Liberation League and a teacher for a series of classes held beginning February 12, 1973, at the Harlem Institute for Marxist Studies, an operation of the Communist Party and YWLL.

Prof. Harold Rogers, a festival sponsor and editor of African Agenda, has spoken under the auspices of the Daily World, the YWLL, and the Harlem Institute for Marxist Studies and contributed a book review to the May 9, 1970, issue of the Daily World. He also was a financial contributor to the pro-Communist magazine, The Minority of One, in October 1966.

Joseph Walker is identified on the festival sponsor list as "president, U.S. Chapter, International Organization of Journalists." The IOJ has been officially cited numerous times as a Soviet-controlled international Communist front organization. Walker, who is also New York editor of Muhammad Speaks, official organ of the Black Muslims, serves as a vice chairman of the CPUSA-controlled American-Korean Friendship and Information Center, was a sponsor of a May 14, 1971, birthday tribute to CPUSA. National Chairman Henry Winston has written for the CPUSA publication New World Review, and has been an active participant in conferences organized by the World Peace Council, including one in Communist East Berlin on June 21–24, 1969, and another held in Budapest, Hungary, on May 12–16, 1971. He also sponsored a reception for CPUSA political committee member, Claude Lightfoot, on March 25, 1973.

Another Festival sponsor, Prof. Fred Whitehead, identified as "vice president, American Federation of Teachers, Local 2176, Carbondale, Ill.," was a speaker at an April 20, 1973, forum in Chicago conducted by the CPUSA's Daily World and has written an essay published as part of a series on "Marxism and Literary Criticism" by the CPUSA-front American Institute for Marxist Studies, whose director is Party Theoretician Herbert Aptheker; and still another festival sponsor, Tim Yeager, a member of local 238 of the International Brotherhood of Teamsters in Iowa City, Iowa, was a contributor to a fund drive conducted by the Daily World as announced in the February 8, 1973, issue of that CPUSA newspaper.

Mr. Speaker, the degree to which the Communist Party, U.S.A., and its youth apparatus, the Young Workers Liberation League, are represented on the list of sponsors for the so-called U.S. Preparatory Committee, together with the significant pattern of interlocking relationships between the U.S. Preparatory Committee and other Communist fronts as outlined above, should convince even the most skeptical observer that the U.S. Preparatory Committee is nothing more than an operation of the CPUSA and YWLL designed to serve as an integral part of an international Communist campaign to win world youth to the Communist cause and to subvert them to Communist agitation and propaganda purposes.

ELECTION CAMPAIGN FINANCE REFORM PAST DUE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 1973

Mr. BROWN of California. Mr. Speaker, recent events have more than amply demonstrated the need for reform of election campaign finance laws. Last year's blatant coercion of money from American Airlines by Herbert Kalmbach, then private attorney to President Nixon and leading fundraiser for the President's campaign, is exactly the kind of activity which has caused the vast majority of the American people to distrust our Government and all politicians.

Tom Wicker has detailed this coercion in an article which appeared in the San Bernardino Sun on July 11 of this year. Mr. Wicker aptly points out that the Nixon administration strong-armed corporations like American Airlines into giving contributions "not so much, probably, as a quid pro quo for any specific favor as 'in fear of what would happen if it were not given.' "

This class of incidents represents only one of a large number of abuses of the political process which were heaped on the American public by those who ran the Nixon campaign, and it will be particularly disappointing if Congress fails to take steps to prevent a recurrence of such events. I am currenly cosponsoring legislation, such as the Clean Elections Act of 1973, which would go a long way toward averting future fundraising abuses of the political process.

Major provisions of the act would limit contributions by individuals and committees during any 1 year; provide some public financing of campaigns and incentives for small contributors; provide blocks of publicly subsidized television time to Federal candidates in general elections; and, establish a Federal Elections Commission with powers to subpena witnesses, to compel evidence, and to initiate court actions against violators of the act.

An article such as Mr. Wicker's makes me even more determined to see enactment of reform of campaign finance practices. I would like to share the article with you at this time.

Strong Arm and a Greedy Hand

(By Tom Wicker)

New York.—Chairman George A. Spater of American Airlines probably understated the case last week when he said that "a large part of the money raised from the business community for political purposes is given in fear of what would happen if it were not given."

Such money, in short, is largely pay-off money, even if nothing is specifically purchased; yet, even as the Watergate investigations are finally exposing the system, another Senate committee is trying to ease off on the stronger campaign financing law that went into effect in 1972.

Look at the position Spater was in last year when the mysterious Herbert Kalmbach put the bite on American Airlines for $100,000 for the Nixon reelection fund.

Corporate political contributions under old and new laws were illegal; but Spater did not have to be told that:

American Airlines' plan to merge with Western Air Lines, a bid to take over the promising western tourism routes, was just then pending before the Civil Aeronautics Board.

Kalmbach, (who now apparently contends that, like John Dean, he saw little of President Nixon in recent years) was then billed as Nixon's private attorney and leading fundraiser.

Kalmbach was also an attorney for United Airlines, a competitor of American who had filed its opposition to the American-Western merger.

In all those circumstances, Spater could hardly help but conclude—Kalmbach would have had to make no representations—that if American did not wish an evil eye cast on the merger by the Nixon administration, it had better come through; and it did, with an illegal $75,000.

The fact that the merger later was disapproved anyway has little to do with the impropriety of American Airlines having been put in such a position by a representative of the President of the United States; and that Spater and his colleagues should have resisted rather than yielding suggests mostly that those who are without such sin are entitled to make the point.

Eastern Airlines, confronted with a similar request, refused—which was at least easier for it to do, because it was not in the same supplicant's position as American. It remains to be seen how many other corporations were strongarmed for contributions, and yielded—not so much, probably, as a quid pro quo for any specific favor as "in fear of what would happen if it were not given."

Special Prosecutor Cox and his staff are going deeply into this pernicious practice apparently armed with a good list of the companies involved.

Despite such disclosures, despite the documented fact that the Nixon campaign collected huge sums of cash that were improperly reported or not reported at all, despite the fact that the Senate's own special committee investigating all aspects of 1972 campaign abuses does not plan to delve into the financing aspects until this fall, the Senate Rules Committee already has voted to weaken significantly the new campaign money rules put into effect last year.

One of the committee's revisions would repeal the provision banning companies and unions with government contracts from raising political funds through individual contributions; the other would permit political contributors to withhold their addresses and occupations.

By the real need is for Congress to make it impossible for companies like American Airlines to be put under the kind of pressures exerted on them last year; and, on the other hand, to make it impossible for companies or industries to grease government palms with political contributions (as the dairymen did in 1971 and 1972) in hopes of favorable political decisions.

The best way to do that is to provide an equitable means of federal financing for federal elections—perhaps, as the current Stevenson-Mathias bill would do, by a combination of government money and strictly limited individual contributions, pegged to sensible spending limits.

It is not clear whether the Nixon administration went further than have other administrations and candidates of either party in squeezing money out of people and organizations with good reasons to fear the government or court its favor; but it is clear that such practices have been all too possible to any group of men fleetingly in power.

To put a stop to that possibility is the one major need indisputably disclosed by the Watergate investigations.

Whatever its antecedents in other administrations, incidentally, the American Airlines episode rebukes those who have persisted in picturing the Watergate matter as limited essentially to the wiretapping and burglary at Democratic party headquarters in 1972, as well as those who have insisted that ordinary political corruption was not involved.

With every day that passes, every fresh disclosure, every stale denial that soon proves inoperative, it becomes more apparent that the Nixon administration has been as unsavory and unprincipled as any on record—more so than most—and has been caught red-handed to a degree unmatched in at least half a century.

THE NATIONAL AGENDA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 1973

Mr. HAMILTON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include a speech I gave on July 28, 1973, in Valparaiso, Ind., on the national agenda:

THE NATIONAL AGENDA

Not long ago, I was exercising my Constitutional prerogative of free speech and criticism before a group of bright young foreign students. With much heat, and I suspect every little light, I was blasting away at one policy after another which were aggravating the social ills of the day: inflation, food prices, taxes, Watergate, drugs, crime, the energy shortage and all the rest. Finally, a brash, young, and I happened to notice, extraordinarily attractive Australian girl put her graceful arm into the air and sweetly asked, "What would you do to change things for the better?"

It is a fair, even if tough, question, and under the circumstances, I had it coming to me. I did not give that memorable young lady a very good answer, but I'm coming back tonight for a second try.

We begin where we are: Vietnam, Watergate, inflation and all the rest have come crashing down upon us. Our traditional optimism as Americans about the future has slipped a notch or two. Our faith has faltered. The average citizens knows in his heart that all is not well with the ship of State and that government does not work as well as it should in solving the problem before us.

The polls tell us that at no time has public confidence in both public and private institutions been so low. Out of 16 institutions in America, from the news media to the churches to the Government, a majority of Americans could not say they had much confidence in the leaders of a single one. Not one of the 3 branches of the Federal Government could generate as much as 30% of the public to express a great deal of confidence in them.

The overriding question, then, is the same question the Australian girl asked, What should we do? What steps should we take to put this country on a steady course, to restore our confidence and our pride in our Nation?

Let me speak, then, tonight about "the big picture," the large canvas, and, by using broad strokes suggest the directions we must go, approaches we must take as a nation to set ourselves again upon a steady course, and to rekindle our confidence.

A SOUND ECONOMY

First, we need a sound economy.

There is a general feeling in America today that the economy just isn't working right. There is an underlying fear of inflation and unemployment, and a fervent hope for economic stability and growth. The average citizen is trying his level best to make some headway against taxes and rising prices. He feels he is losing the battle, and he is uneasy about his own and his country's well-being.

We seek economic goals;

Adequate growth;

High levels of production and employment;

And reasonable price stability.

It's easy to hit any one of those targets. It's hard to hit them all simultaneously—but not impossible. We did it before in the period from 1961 to 1965.

It can not be done, however, with an economic policy that

Controls and then decontrols;

Freezes and then unfreezes;

Swings widely from phase I to phase II to phase III to phase III½ to phase IV;

Cannot make up its mind between laissez-faire economics and strict controls.

Firm, steady national leadership is essential for a sound economic policy that generates confidence.

We need:

A tough and fair Phase IV which will concentrate on big business and big labor;

Improved manpower programs, especially in areas like health care, where manpower shortages create inflationary pressures;

The elimination of barriers to employment—sex, age and race—to increase the supply of trained labor;

Open and competitive international markets;

Strengthened competition, including vigorous enforcement of the anti-trust laws and less government protection of inefficient industries;

Fiscal and monetary policies marked by restraint, including a tight ceiling on government expenditures;

And finally, the encouragement of production, the best weapon against inflation, by government policy.

NEW PRIORITIES

Second, we must reorder the national priorities, to concentrate our resources on the needs of the country.

The most fundamental issue we face in the nation is to determine our national priorities.

The federal budget is where we confront the hard choices on priorities, objectives, strategies and size. The President has proposed his budget which embodies his priorities. The Congress must consider its merits and demerits.

Mr. colleagues and I in the Congress have concluded that the President was right about the size of the budget, and I do not believe the Congress will or should exceed the spending limitation he suggested.

But within that ceiling, I and many of my colleagues have sharp differences with the President.

The President's budget cuts civilian programs: manpower training, education, health care, housing, rural and urban development, environmental pollution, social services.

I have contended that efficiency-oriented reductions can be made in defense spending without diminishing our national security, and reasonable tax reforms can be achieved without disrupting our economy, which, together, will enable us to free resources to meet the truly human needs in this country.

In a nation which produces over ¼ of the world's goods and services, but has only 6 percent of its population, no one should go without the necessities of life. Our work is simply not done when:

5 million Americans are in substandard incomes;

4.2 million Americans are unemployed;

And 20 percent of the elderly live in poverty. The defense reductions could begin with these items;

Cost overruns of $31.5 billion;

Military servants for 970 top-ranking brass costing $21 million a year;

The Pentagon grade creep, with more 3 and 4 star generals and admirals with a 2.3 million man-armed force than at the height of World War II. Even though we have 900,000 fewer officers today than in 1945, there are 2,000 more colonels, Lt. colonels, navy captains and commanders at a cost of about $2 billion more than if the 1964 distribution were maintained.

The supplying of 45 limousines and 42 helicopters to transport the top brass in Washton;

Almost 30,000 officers collecting flight pay who hold non-flying positions;

131 defense contractors in 1972 made excessive profits, some of them as high as almost 2,000 percent of net worth.

The choices here are specific:

10 B–52 bombing sorties cost the same as a 22-bed nursing home.

We spend for the F–14, a sophisticated jet fighter, the same amount as for the control and prevention of health problems.

For 1 Vulcan cannon, we can build 13 2-bedroom low-cost housing units.

We spend as much on the Trident submarine as for all funds for higher education student assistance.

We spend for one aircraft carrier enough to pay $10,000 annual salary to 100,000 elementary teachers.

We have to ask ourselves if these expenditures truly reflect our own sense of priorities.

Defense spending accounts for 42 percent of the President's budget, human resources for 25 percent. Of the controllable funds, in his budget, the President proposes to spend 65 percent on defense, and 35 percent on all other items.

Choosing our national priorities is the most difficult task in government. I'm merely suggesting that to set this country on a steady course, it is time to shift our resources to meet the problems of the people here at home, and that this can be done without new taxes, without more inflation, and without weakening our national defense.

EFFECTIVE AND EFFICIENT GOVERNMENT

Third, we must make government effective and efficient.

A broad sentiment exists in this country for a prudent assessment of federal programs, including federal spending. We all know that government is not as efficient as it ought to be. We all want to reduce duplication, unnecessary bureaucracy, red tape and waste.

If you ask the man in the street a few questions about government, more likely than not, he'll tell you that government is too big, too expensive, too confusing and too inefficient. Many of us in government share his concerns and believe we simply have to find ways of making government work better.

In the past 40 years:

The number of civilian employees in the federal government has increased from 600,000 to 2.8 million;

The budget has grown from $4.6 billion to $270 billion;

And since 1963, the number of federal grant programs to state and local governments has grown from 160 to 1,000, which now channel $43 billion to these governments.

There are just too many separate programs for effective administration.

The domestic activities of the federal government will cost about $180 billion this year, and the heart of the problem is to use that money effectively.

The federal government makes this enormous sum available in several ways:

It dispenses cash (e.g. social security benefits).

It helps people buy essential goods and services (e.g. food stamps, college scholarships, Medicare).

It provides public services for specific purposes (e.g. categorical grants to states and cities for libraries and highways).

It shares revenues with state and local governments for broad purposes (general revenue sharing).

What is needed is not exclusive reliance on one approach or the other, on categorical grants or revenue sharing, but a better mix—the use of the technique of assistance best designed to meet specific needs:

Categorical grants for specific areas of national concern, like assistance to the handicapped;

Revenue sharing to allow consolidation of existing categorical grant programs to meet broad needs, for example, law enforcement, and to allow states and localities to devise their own priorities and programs.

Some problems can best be approached outside the Federal budget, for example, industrial pollution. Our main effort ought to be to strengthen market incentives by making it more expensive for polluters to pollute, using a system of taxes and effluent charges, which will make pollution costly and anti-pollution efforts profitable.

To make government more efficient, there is an urgent need to adopt a more systematic approach to identifying which Federal instrument is appropriate for carrying out different purposes.

We also need to ask some hard questions about the equity of Federal programs:

We pay out a lot of money to the elderly, but we don't assist young, struggling families or low wage earners.

We provide medical care coverage for ordinary medical expenses, but not for prolonged nursing home care.

Eligibility rules for Medicaid vary enormously from state to state.

Housing programs help a small minority of the poor families well, but the majority of the poor receive nothing.

The Federal Government pays for most of the cost of our highways, and airports are constructed with Federal assistance, but railroads operate their systems without subsidies for carriage of freight.

We provide heavy subsidies to cities for sewage treatment plants to reduce water pollution, but none for controlling air pollution from municipal incinerators.

We must take the time to rethink our Federal programs to make them more equitable.

I have concluded that high on the agenda of things we must do to set this country on a steady course is to focus more attention on the effectiveness, the efficiency and the equity of Federal programs.

TAX REFORM

Fourth, as part of this effort, special efforts must be made to bring greater equity and simplicity into our tax code.

In recent years Federal taxes have become more repressive:

We rely more on the payroll tax (1960, 16 percent of total tax revenues; 1974, 30 percent of total tax revenues);

We rely much less on the corporation tax (1960, 23 percent; 1974, 19 percent);

The tax burden has increased for low-income families;

Because of preferences, the very rich pay less than one-third of their income in taxes in spite of high top-bracket rates;

You are acquainted with the inequities of the tax structure:

One American with an income of $2.2 million paid taxes last year at a rate of only 5.7 percent, while an average working man, with a wife and two children to support, with a salary of $10,000, pays 9 percent in Federal income taxes.

In 1971, the major oil companies paid taxes at the rate of 6.7 percent.

276 taxpayers in 1971 with adjusted gross incomes of $100,000 or more paid no taxes.

The reasons for these gross disparities are preferences or loopholes. Through tax preferences and loopholes, the Government loses in all about $55 billion a year. That's over 20 percent of last year's entire budget.

Because these tax preferences are so very expensive, they should be continually balanced against our other national needs and altered as our priorities demand. The tax structure should not be reviewed every 20 years, as we have done in the past, but every year. Its size and complexity require a continuing, sustained examination to assure simplicity and equity.

Tax reform is an issue that generates strong feelings and raises serious economic questions. I do not wish to destroy incentives or investment or economic growth. We should proceed cautiously—but we should proceed.

It is possible to raise substantial money from tax reform by making our taxes fairer, and without eliminating personal exemptions, charitable deductions, deductions for mortgage interest and other provisions that benefit many middle income taxpayers.

EQUAL OPPORTUNITY

Fifth, we need to provide all Americans with an equal opportunity to participate in American society.

As we survey the struggle for equality in America over the past decade, the progress we have made is undeniable and encouraging, but the distance we have yet to go is also impressive. For every gain for minority groups in the past decade, there has been a widening of the gap between the blacks and the whites in this country.

While it is true that the American black is more likely than ever before to be:

Earning a decent income;

Holding a good job;

Living in a better neighborhood;

And completing his education.

Each of these generalizations hides the barriers that the black still faces.

Compared to the white man, the black man is:

Twice as likely to be unemployed;

3 times as likely to be in poverty;

Much more often trapped in deadend jobs;

And paid the same with a college education as a white high school dropout.

Civil rights issues today are more complex than they were a decade ago. It's not hard to determine whether a black man is being denied his Constitutional right to vote by a bigoted registrar. It becomes very complicated to prove that a black man is being denied a job or a promotion because of racial bias or because of an aptitude test that was loaded against him.

I have the impression that the task in the 1970's is to implement the rights that blacks won in the 1960's.

The civil rights laws, the court decisions, and the executive orders of the 1960's form an impressive civil rights arsenal. What is lacking now is enforcement. Not half-hearted enforcement, which I see too much of today, but vigorous, extensive and sustained efforts, marked by an escalated commitment to secure equal opportunity for all Americans.

How America deals with blacks and their aspirations will define for decades to come what kind of country America really is. This country will either be selfish and oppressive, or it will be greatly troubled, but still pursuing its original moral purpose and promise.

America so far has failed to deliver to many minority citizens the full measure of equality that lies at the heart of the American idea. We have the ability to make that delivery. I hope we can generate the will.

SECRECY—MONEY—POWER

Finally, if we are to restore confidence in government, then we must deal with the 3 problems that are, in my mind, at the root of the lack of confidence in government today; Secrecy, money and the concentration of power.

SECRECY

One reason people do not have confidence in government today is because the government operates too secretly. Any reasonable person recognizes the necessity of secrecy in government in a number of situations, including:

Intelligence information,

Diplomatic negotiations,

Military plans,

And secret weapons.

But secrecy has become an accepted way of doing business in Washington, with a presumption of non-disclosure of government papers and an absurd classification system. The people don't like secrecy or a government that practices it. A government that prefers to do its business in secret will not have the public's confidence. The public's business ought to be done in public.

It now turns out that American B-52's bombed Cambodia secretly 3500 times over 14 months before the U.S. invaded that land in 1970 and while the President and Secretary of Defense Laird insisted we were neutral, and with the DOD later knowingly providing the Congress with false information.

This is only the latest in a long line of revelations which illustrate our government's addiction to secrecy.

Some reforms have occurred. The Congress is beginning to open up the Congressional appropriations process to public examination, and to record publicly more of our votes, but secrecy still cloaks the decision-making processes of the executive branch.

The distinctive marks of a democracy are its commitment to an open society and the assumptions that policy can be improved by steady public examination and debate. At the very least, disclosure should be the rule, not the exception, and the burden should be placed on the federal government, not the party seeking disclosure, to justify denying information to the public.

MONEY

People will not have confidence in their legislature until they have confidence in the manner in which their legislators are chosen. The presence of mountains of cash, unreported, and spent with no accounting, was a common element in almost every element of Watergate.

The most important facts about campaigning today are that political campaigns are frightfully expensive and most expenditures go unreported.

The democratic process requires a system that is open and honest. The present system is neither.

Campaign costs have reached the stage where they threaten the lifeblood of the democratic system. They simply must be gotten under control.

In 1970, 15 candidates ran in Senate races in 7 large states. 11 of the 15 were millionaires and all of the 7 winners were millionaires.

Today 90% of the contributions made to political candidates come from only 1% of the population. This means, of course, that a small number of people have the potential to exert enormous influence beyond their numbers.

The new campaign finance reform law has helped, but a whole series of steps must be taken to protect the integrity of American elections, including:

Sharp limitations of the size of individual gifts,

Overall limits on expenditures for a given race,

Complete reporting of contributions and expenditures,

And the creation of a tough, independent enforcement agency to insure compliance.

POWER

Americans instinctively dislike placing all power in one person. They believe that governmental power should be jointly possessed. A mood of anxiety has gripped this country about the expansion of presidential power at the expense of the Congress.

When a President asserts that he has the right to spend or not to spend money that the Congress appropriates if he believes it is in the national interest . . .

When he asserts an executive privilege as a shield for information and uses the doctrine of executive privilege to save himself from political embarrassment . . .

When a President without consulting the Congress:

Can commit American troops to Korea, Cuba, the Dominican Republic, Vietnam,

Can make commitments pledging the money and lives of Americans,

Can conclude a ten-year war by executive agreement,

Then the balance of power between the President and the Congress is out of joint.

Today, the constitutional power of the Congress to declare war is passed to the President. The constitutional power to ratify treaties has been nullified by the extensive use of executive agreement, and the constitutional power to advise and consent has been diminished and ignored.

This is not what the Founding Fathers intended. They intended for the Congress to play an important role in shaping the foreign policy of the nation. In the most important decisions of government, those involving war and peace, the Founding Fathers clearly indicated to deny the President unrestrained power.

The essential step is for us to support efforts in the Congress to regain its place as a co-equal branch of government and to stand against the concentration of power in the hands of one man—even the President. We stand for a government of shared power and responsibility.

WATERGATE MESS IS STALLING THE PROCESSES OF GOVERNMENT

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 1973

Mr. HARRINGTON. Mr. Speaker, the Watergate affair, as it has come to be called, has had effects attributed to it that I have frankly doubted. Column after column has presented the case that the sordid episode has brought the machinery of government to a grinding halt. Failure to address fundamental domestic, economic, and social issues has not stemmed from preoccupation with Watergate, but from the President's well-known overriding interest in foreign policy and indifference to domestic policy questions. This has been the case until recently.

Evidence is beginning to mount, however, that Watergate may be bringing Government decisionmaking to a halt; that even where the President is essentially disinterested, issues have been addressed in the past, that now go waiting for attention.

Hobart Rowen of the Washington Post wrote a column, "Watergate Mess Stalls Key Policy Decisions," on July 29 that persuasively argues that Watergate is decisively and destructively interfering with the processes of Government. This is a serious matter indeed, and I would like to insert the column at this point for the information of my colleagues:

[From the Washington Post, July 29, 1973]

WATERGATE MESS STALLS KEY POLICY DECISIONS

(By Hobart Rowen)

The Watergate mess, culminating now in President Nixon's refusal to turn over his tapes to the Ervin Committee or special prosecutor Archibald Cox, is still eroding public confidence in government.

Some argue that the day-by-day operations of the federal agencies continue unimpeded. That is only partially true: as many as 100 top policymaking federal jobs remain vacant as prominent business executives and professional men shun the invitation to join the Nixon administration.

An influential U.S. corporate leader told this correspondent the other day: "I am worried about what appears to be a near-cessation of government activity. There is no leadership, and something must be done to pull this country together."

But the specific problem of day-to-day governmental operations, as important as that is to people who need routine decisions, isn't the big one.

What troubles thoughtful people in the business community and elsewhere is that Presidential concentration on the Watergate problem has stalled policy decisions on the key issues of inflation, energy, food supplies and the U.S. role in a world in which it is no longer the dominant power.

The extravagant and dreadful misuse of American resources through the long years of war in Southeast Asia crippled the dollar, and forced Nixon into two devaluations which not only shattered faith in the U.S., but have enabled the rest of the world to compete more successfully for American farm products. A cheap dollar also leads to foreign takeover of some American enterprises.

The food problem well illustrates the absence of a strong hand at the helm.

Serious academic studies, notably one by Lester R. Brown of the Overseas Development Council, point to the fact that food shortages are going to be a worldwide problem for a long time to come, because of rising incomes coinciding with only limited possibilities for expanding food areas under cultivation. Meanwhile, a decline in the global fish catch threatens another major source of protein.

But so far as I know, no one in the Nixon administration in any policymaking capacity is giving serious thought to this problem, or considering any multilateral approach. No one is concerned with what might be called the world food economy.

In fact, our responses to the food problem have been uniquely selfish and inward-looking, Nixon having resorted to export controls on soybeans and related products even though that dealt a serious blow to Japan.

The energy problem, brought about in part by bad planning and greed on the part of the major oil producing companies was met initially with a degree of panic which inspired fear of immediate rationing.

But as a report by former Ambassador Peter G. Peterson to President Nixon spells out, there still is no international policy on energy, even though this nation "can not go it alone."

Peterson pointed out that failure to cooperate with Japan and Europe on the use of Mideast oil might result in "cannibalism," driving oil prices out of sight, adding some $5 billion annually to the U.S. import bill.

But Washington isn't concentrating on an international approach to the energy problem. It is doing nothing significant to stimulate the production of smaller cars. Peterson, the strongest advocate of an integrated international economic policy that ties together our trade, monetary, energy and security problems is now out of government, and no one in Washington has yet picked up the ball.

All of these problems, meanwhile, are worsened by the short-term outlook for the domestic economy. The most pressing worry at the moment is a tight money policy which threatens to produce a monetary "crunch" similar to that of 1969–70.

In the space of one month, average mortgage rates spurted an unprecedented 1 full percentage point to about 8.5 per cent. Responsible government and industry leaders predict that the rate in areas not controlled by usury laws will run to about 9.5 per cent shortly.

A top government money expert freely acknowledges that the prime lending rate of commercial banks, now 8.5 to 8.75 per cent, could hit 10 per cent. "I wouldn't be surprised by that," he says.

None of this leads to a conviction that the men at the top in Washington have things very well in hand. The administration appears to be playing everything by ear, on a day-to-day basis, with little thought for the future.

In 1972, the Federal Reserve Board pursued an easy money policy, and the Agriculture Department promoted a policy of scarcity on the farms by keeping acreage out of production. Both policies having contributed mightily to inflation (and both traceable in part to political considerations), we have now shifted to a tight money policy, and a program to stimulate the production of food.

The average citizen can be forgiven if he wonders how long today's policies will last, and snickers at official assurances that all is well. Can we go on this way for another 3½ years?

SMALL BUSINESS ADMINISTRATION DISASTER LOANS

HON. GEORGE E. DANIELSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1973

Mr. DANIELSON. Mr. Speaker, over the past months, I have been stressing the need for the creation of a comprehensive national disaster insurance program, so that our citizens and the Federal Treasury can be protected against the economic disruption caused by natural disasters. In order to demonstrate the severity of the problem, I inserted in the April 30, 1973, CONGRESSIONAL RECORD, a summary of major natural disasters since 1964, commencing on page 13600.

Today, for the benefit of my colleagues, I am placing in the RECORD a summary of Small Business Administration disaster loans since 1958, broken down by State. These figures demonstrate that a great many States have had one or more disasters large enough to qualify for SBA assistance in almost every year since 1958. In addition, they demonstrate that no State has been free of disasters. The reader should keep in mind that SBA disaster loans are not available to the extent that the individual's loss was covered by insurance. Therefore, the following summary shows only those losses which were not covered by insurance, or those losses which exceeded the amount covered by insurance:

SMALL BUSINESS ADMINISTRATION DISASTER LOANS APPROVED BY FISCAL YEAR, 1954–DECEMBER 1973

Fiscal year	Number of loans	Total amount	SBA share
Alabama:			
1954			
1955			
1956	31	$142, 054	$142, 054
1957	8	100, 282	100, 282
1958	36	594, 971	582, 471
1959	17	569, 500	569, 500
1960			
1961	88	380, 701	369, 601
1962	14	187, 600	187, 600
1963	17	170, 750	170, 750
1964	6	67, 700	67, 700
1965	25	70, 800	70, 800
1966	32	89, 850	89, 850
1967	4	17, 700	17, 700
1968	26	1, 000, 100	884, 235
1969	7	336, 100	347, 600
1970	249	1, 917, 650	1, 917, 650
1971	79	247, 700	247, 700
1972	6	53, 800	53, 800
1973[1]	1	334, 000	334, 000
Total	646	6, 281, 258	6, 153, 293
Alaska:			
1954			
1955			
1956			
1957			
1958			
1959			
1960			
1961	1	2, 000	2, 000
1962			
1963	2	61, 000	61, 000
1964	517	31, 291, 530	20, 247, 728
1965	850	45, 048, 561	43, 353, 100
1966	208	16, 247, 534	15, 861, 983
1967	107	7, 270, 874	6, 866, 764
1968	3, 527	61, 295, 894	61, 065, 619
1969	165	5, 051, 994	5, 027, 878
1970	148	2, 605, 900	2, 605, 900
1971	105	1, 703, 050	1, 703, 050
1972	78	988, 740	988, 740
1973[1]	11	108, 550	108, 550
Total	5, 719	171, 675, 627	167, 892, 312
Arizona:			
1954			
1955	8	$71, 400	$71, 400
1956		(3, 500)	(3, 500)
1957			
1958			
1959			
1960			
1961			
1962			
1963			
1964	21	41, 009	41, 009
1965	4	31, 000	31, 000
1966	10	850, 000	850, 000
1967	23	782, 570	782, 570
1968	14	626, 400	626, 400
1969	2	257, 000	257, 000
1970	2	7, 600	7, 600
1971	189	1, 040, 950	1, 040, 950
1972	1	90, 000	90, 000
1973[1]	2, 362	8, 255, 428	8, 255, 428
Total	2, 636	12, 049, 857	12, 049, 857
Arkansas:			
1954			
1955			
1956	21	80, 039	77, 515
1957			
1958	64	1, 003, 002	993, 002
1959	23	586, 361	564, 993
1960	4	9, 000	9, 000
1961	98	1, 057, 250	1, 507, 250
1962	10	220, 100	216, 350
1963	2	85, 000	85, 000
1964	4	55, 000	52, 200
1965	9	51, 330	51, 330
1966	11	24, 690	24, 690
1967	1	42, 000	42, 000
1968	94	1, 985, 415	1, 981, 415
1969	35	691, 900	674, 400
1970	2	50, 000	48, 000
1971	11	559, 600	559, 600
1972	5	232, 000	215, 000
1973[1]			
Total	394	7, 182, 687	7, 101, 745
California:			
1954	6	49, 030	49, 030
1955	2	3, 000	3, 000
1956	635	5, 317, 681	5, 123, 106
1957	114	1, 469, 699	1, 437, 655
1958	64	367, 145	365, 855
1959	105	1, 014, 395	1, 014, 395
1960	54	517, 541	517, 541
1961	13	201, 944	201, 944
1962	213	2, 437, 225	2, 437, 225
1963	271	1, 802, 532	1, 802, 532
1964	187	2, 050, 550	1, 919, 864
1965	252	6, 696, 117	6, 300, 126
1966	175	9, 347, 647	8, 707, 738
1967	153	1, 872, 595	1, 872, 595
1968	88	1, 371, 853	1, 371, 853
1969	718	6, 476, 283	6, 476, 163
1970	496	5, 280, 514	5, 276, 964
1971	17, 505	86, 564, 954	86, 564, 954
1972	44, 227	146, 161, 070	146, 038, 300
1973 [2]	17, 305	38, 007, 508	37, 988, 908
Total	82, 583	317, 009, 283	315, 469, 748
Colorado:			
1954			
1955	13	27, 200	27, 200
1956	1	150, 000	150, 000
1957	25	121, 360	116, 610
1958	8	93, 275	88, 150
1959	1	2, 900	2, 900
1960			
1961	1	2, 625	2, 625
1962	4	7, 500	7, 500
1963			
1964	7	27, 665	27, 665
1965	5	930, 000	930, 000
1966	1, 064	30, 686, 561	30, 247, 034
1967	14	244, 500	244, 500
1968	4	163, 000	143, 500
1969	1	73, 000	73, 000
1970	16	252, 385	244, 885
1971	10	317, 820	304, 220
1972	30	439, 275	432, 525
1973[1]	24	807, 650	807, 650
Total	1, 228	34, 346, 716	33, 849, 964
Connecticut:			
1954			
1955	55	207, 012	207, 012
1956	1, 063	20, 526, 005	19, 047, 392
1957	8	41, 930	43, 030
1958	1	3, 800	3, 800
1959			
1960			
1961			
1962	1	2, 190	2, 190
1963	7	327, 600	251, 600
1964	4	161, 700	161, 700
1965	1	$75, 000	$75, 000
1966			
1967			
1968			
1969			
1970			
1971	1	100, 000	100, 000
1972			
1973[1]	242	1, 855, 422	1, 855, 422
Total	1, 383	23, 300, 659	21, 747, 146
Delaware:			
1954			
1955	1	6, 000	6, 000
1956			
1957			
1958			
1959			
1960			
1961			
1962	108	2, 591, 700	2, 349, 680
1963	20	454, 200	425, 935
1964			1, 700
1965			
1966			
1967			
1968			
1969			
1970			
1971			
1972	1	5, 000	5, 000
1973[1]			
Total	130	3, 056, 900	2, 788, 315
Florida:			
1954			
1955			
1956	1	3, 000	3, 000
1957			
1958	65	889, 060	889, 060
1959	8	200, 692	200, 692
1960	22	107, 121	107, 121
1961	712	7, 310, 472	7, 310, 472
1962	67	1, 960, 930	1, 960, 930
1963	9	20, 495	20, 495
1964	6	48, 600	48, 600
1965	726	5, 053, 603	5, 041, 003
1966	1, 034	7, 924, 230	7, 897, 830
1967	57	244, 300	244, 300
1968	38	273, 300	273, 300
1969	27	103, 250	103, 250
1970	9	159, 600	159, 600
1971	24	378, 050	378, 050
1972	4	501, 100	498, 420
1973[1]	977	5, 967, 245	5, 967, 245
Total	3, 786	31, 145, 048	31, 100, 368
Georgia:			
1954	13	41, 275	41, 275
1955		750	750
1956	5	69, 500	69, 500
1957			
1958	5	32, 025	32, 025
1959			
1960	2	151, 000	151, 000
1961	9	72, 800	72, 800
1962			
1963	3	22, 900	22, 900
1964	3	11, 900	11, 900
1965	8	184, 190	184, 190
1966	16	130, 150	130, 150
1967	3	40, 000	40, 000
1968	1	900, 000	900, 000
1969			
1970	2	4, 195	4, 195
1971	2	6, 000	6, 000
1972	25	154, 500	154, 500
1973[1]	12	172, 600	172, 600
Total	119	1, 993, 785	1, 993, 785
Hawaii:			
1954			
1955			
1956			
1957	19	129, 215	117, 587
1958	4	14, 609	13, 874
1959	2	20, 667	20, 667
1960	25	417, 239	376, 099
1961	177	9, 967, 744	8, 981, 994
1962	6	124, 865	116, 929
1963	4	28, 000	27, 000
1964	1	10, 000	9, 000
1965	5	37, 700	37, 700
1966	11	331, 350	304, 550
1967	1	7, 140	7, 140
1968	21	50, 623	50, 623
1969	5	151, 955	138, 455
1970	12	154, 615	154, 615
1971	3	10, 200	10, 200
1972	5	734, 000	664, 300
1973[1]	3	52, 600	47, 730
Total	304	12, 242, 522	11, 078, 463

See footnotes at end of table.

Fiscal year	Number of loans	Total amount	SBA share
Idaho:			
1954			
1955			
1956			
1957	5	$59,250	$59,250
1958			
1959			
1960			
1961			
1962	69	272,550	272,550
1963	2	15,930	15,930
1964	1	4,173	4,173
1965	20	255,033	251,533
1966	4	21,960	21,960
1967			
1968			
1969			
1970			
1971	1	3,700	3,700
1972	2	7,373	7,373
1973[1]	5	314,136	314,136
Total	109	954,105	950,605
Illinois:			
1954			
1955			
1956	4	34,300	34,300
1957	1	8,000	8,000
1958	89	487,001	487,001
1959	11	50,217	50,217
1960	13	33,971	33,971
1961	33	169,085	169,085
1962	5	70,300	70,300
1963			
1964			
1965	28	133,300	133,300
1966	85	536,178	536,178
1967	62	411,250	411,250
1968	153	1,793,895	1,793,895
1969	21	207,050	205,200
1970	13	103,950	103,950
1971	19	80,100	80,100
1972	9	927,300	927,300
1973[1]	3,787	11,935,493	11,935,493
Total	4,333	16,981,390	16,979,540
Indiana:			
1954			
1955			
1956	23	138,050	138,050
1957	6	115,750	110,730
1958	20	184,805	184,805
1959	43	97,508	97,508
1960	4	12,500	12,500
1961	27	39,380	39,380
1962	3	8,708	8,708
1963			
1964	69	396,235	371,485
1965	65	454,622	443,312
1966	43	894,500	864,860
1967			
1968	3	130,000	130,000
1969	1	40,000	40,000
1970	24	171,500	171,500
1971			
1972	9	521,450	521,450
1973[1]	100	222,554	222,554
Total	440	3,427,562	3,356,842
Iowa:			
1954	2	33,000	33,000
1955	7	92,873	92,873
1956			
1957			
1958			
1959	31	303,550	303,550
1960	7	18,520	18,520
1961	38	85,550	85,550
1962	16	149,840	149,840
1963	6	10,250	10,250
1964			
1965	145	1,152,195	1,121,289
1966	52	401,424	365,801
1967	49	692,900	633,905
1968	58	629,488	629,488
1969	148	1,520,058	1,518,558
1970	69	719,410	719,410
1971	23	868,300	848,300
1972	33	785,800	735,000
1973[1]	473	1,139,338	1,133,588
Total	1,157	8,602,496	8,398,922
Kansas:			
1954			
1955	9	39,600	39,600
1956	37	190,314	190,314
1957	29	306,000	302,000
1958	42	284,880	284,880
1959	74	635,226	632,956
1960	34	225,795	225,795
1961	20	74,940	94,940
1962	16	75,902	74,402
1963	3	2,702	2,702
1964	7	11,570	11,570
1965	90	$473,636	$473,636
1966	483	3,078,473	3,078,473
1967	192	1,693,990	1,693,990
1968	8	22,500	22,500
1969	1	70,000	70,000
1970	4	17,380	17,380
1971	4	192,000	173,250
1972	15	1,958,900	1,813,260
1973[1]	9	2,185,500	2,146,150
Total	1,077	11,539,308	11,327,798
Kentucky:			
1954			
1955			
1956	1	35,000	25,000
1957	753	5,510,714	4,911,174
1958	45	416,035	364,735
1959	1	120,000	108,000
1960	5	69,700	54,200
1961	54	522,201	522,201
1962	61	359,084	355,084
1963	595	4,058,494	3,737,459
1964	290	1,742,264	1,615,840
1965	4	26,300	26,300
1966	4	13,950	13,950
1967	21	144,310	144,310
1968	60	411,665	411,665
1969	18	195,300	195,300
1970	134	615,925	615,925
1971	49	156,945	156,945
1972	34	1,124,020	1,098,645
1973[1]	45	273,729	273,729
Total	2,174	15,795,636	14,630,462
Louisiana:			
1954	1	2,000	2,000
1955			
1956	2	7,000	7,000
1957	48	336,960	336,960
1958	385	3,900,907	3,730,787
1959	34	939,798	933,798
1960	5	61,000	61,000
1961	2	130,000	130,000
1962	19	109,850	109,850
1963	3	11,500	11,500
1964	1	1,500	1,500
1965	93	805,804	805,804
1966	26,348	113,685,142	113,642,272
1967	824	6,610,950	6,610,950
1968	37	152,495	152,495
1969	1	12,000	12,000
1970	3,130	36,368,682	36,368,682
1971	213	3,646,824	3,646,824
1972	22	650,800	605,060
1973[1]	2	432,000	374,800
Total	31,170	167,865,212	167,543,282
Maine:			
1954	27	10,775	10,775
1955	54	86,200	86,200
1956			
1957			
1958			
1959			
1960			
1961	6	9,930	9,930
1962			
1963			
1964	150	189,036	189,036
1965	2	1,750	1,750
1966			
1967	16	22,300	22,300
1968	8	18,735	18,735
1969			
1970	45	310,300	310,300
1971	40	134,355	134,355
1972	264	1,458,260	1,452,260
1973[1]	199	1,079,446	1,042,946
Total	811	3,321,087	3,278,587
Maryland:			
1954			
1955	89	278,040	278,040
1956	5	21,525	21,525
1957			
1958			
1959			
1960			
1961	1	33,000	33,000
1962	79	1,928,775	1,783,775
1963	21	436,800	430,800
1964			
1965			
1966	1	94,000	94,000
1967	6	342,400	342,400
1968			
1969			
1970	5	489,900	489,900
1971	1	120,000	120,000
1972	850	4,571,599	4,571,599
1973[1]	5,359	33,104,458	33,104,458
Total	6,417	41,420,497	41,269,224
Massachusetts:			
1954	21	$115,800	$115,800
1955	103	734,131	734,131
1956	356	6,208,450	6,193,450
1957	4	15,500	15,500
1958	2	8,500	8,500
1959			
1960	23	47,955	47,955
1961	5	33,940	33,940
1962	3	120,567	120,567
1963	1	12,250	12,250
1964	2	6,000	6,000
1965	6	71,500	71,500
1966	1	14,000	14,000
1967	60	99,500	99,500
1968	98	2,134,283	1,955,783
1969	18	266,835	266,835
1970	4	25,700	21,200
1971	8	143,650	143,650
1972	1,254	6,112,436	6,112,436
1973[1]	735	3,979,473	3,979,473
Total	2,704	20,150,470	19,952,470
Michigan:			
1954			
1955	1	5,000	5,000
1956	114	766,486	747,465
1957	25	256,950	224,550
1958	3	14,000	14,000
1959			
1960			
1961			
1962			
1963	1	25,000	22,500
1964	22	395,350	383,150
1965	93	1,143,475	1,142,175
1966	26	524,640	524,640
1967	7	37,400	37,400
1968	306	4,213,050	4,213,050
1969	3	50,500	50,500
1970			
1971	1	175,000	175,000
1972	4	1,198,300	1,198,300
1973[1]	584	2,094,271	2,094,271
Total	1,190	10,899,422	10,832,001
Minnesota:			
1954			
1955			
1956			
1957			
1958	21	135,252	129,432
1959	17	32,500	32,500
1960	11	166,153	150,353
1961	5	14,400	13,650
1962	2	3,100	3,100
1963	7	18,600	18,600
1964	5	105,600	105,600
1965	251	2,361,325	2,246,096
1966	248	3,141,397	3,113,974
1967	15	98,550	98,550
1968	10	158,000	158,000
1969	61	595,500	565,500
1970	33	299,797	299,797
1971	11	45,200	45,200
1972	6	185,900	170,525
1973[1]	4,257	8,413,850	8,413,850
Total	4,960	15,775,124	15,564,727
Mississippi:			
1954	26	175,691	175,691
1955	1	223,000	150,000
1956			
1957			
1958	111	1,548,709	1,536,059
1959	36	619,513	619,513
1960	4	414,000	410,000
1961	62	375,891	375,891
1962	15	238,044	238,044
1963	1	7,000	7,000
1964	2	4,000	4,000
1965			
1966	561	3,151,480	3,099,337
1967	14	416,650	416,650
1968	30	658,950	658,950
1969	5	127,600	127,600
1970	9,225	93,317,308	93,317,308
1971	3,242	27,506,351	27,506,351
1972	251	1,223,791	1,223,791
1973[1]	2	957,300	957,300
Total	13,588	130,965,278	130,823,485
Missouri:			
1954			
1955			
1956			
1957	14	188,751	188,751
1958	241	3,272,878	3,245,032
1959	69	883,465	883,465
1960	15	157,795	157,795
1961	6	13,400	13,400
1962	22	459,315	449,315
1963			
1964	4	8,500	8,500

SMALL BUSINESS ADMINISTRATION DISASTER LOANS APPROVED BY FISCAL YEAR, 1954-DECEMBER 1973—Con.

Fiscal year	Number of loans	Total amount	SBA share
Missouri—Cont.			
1965	19	$93,070	$93,070
1966	128	1,158,237	1,151,237
1967	15	133,950	133,950
1968	13	557,200	557,200
1969	3	390,650	390,650
1970	11	201,600	187,380
1971	39	581,600	581,600
1972	33	1,014,200	971,600
1973[1]	4	566,000	551,500
Total	636	9,680,611	9,564,445
Montana:			
1954	1	1,800	1,800
1955			
1956			
1957			
1958			
1959			
1960	21	130,450	115,450
1961	2	3,030	3,030
1962			
1963	1	5,400	5,400
1964	11	35,600	35,600
1965	416	2,746,468	2,560,352
1966	1	23,000	23,000
1967			
1968	9	31,890	31,890
1969	3	8,400	8,400
1970			
1971	2	49,000	44,100
1972	5	141,400	131,900
1973[1]	22	1,041,400	965,800
Total	494	4,217,838	3,926,722
Nebraska:			
1954			
1955			
1956	5	48,150	48,150
1957	5	34,285	34,285
1958	8	35,212	35,212
1959			
1960	60	264,750	264,750
1961	35	243,398	243,398
1962	9	12,500	12,500
1963	5	37,150	37,150
1964	24	151,220	148,520
1965	71	290,630	290,630
1966	20	133,827	133,827
1967	32	131,700	131,700
1968	314	715,400	715,400
1969			
1970			
1971	79	1,144,200	1,209,200
1972	31	303,350	303,350
1973[1]	15	423,150	423,150
Total	713	3,968,922	3,931,222
Nevada:			
1954			
1955	14	57,319	57,319
1956	32	240,390	240,390
1957	6	91,600	91,600
1958			
1959			
1960			
1961			
1962	8	20,800	20,800
1963	17	64,217	62,567
1964			
1965			
1966			
1967			
1968			
1969			
1970			
1971	1	178,000	178,000
1972	3	439,000	439,000
1973	1	125,000	125,000
Total	82	1,216,326	1,214,676
New Hampshire:			
1954	1	400	400
1955	9	24,700	24,700
1956			
1957			
1958			
1959			
1960	5	39,000	39,000
1961	2	161,999	161,999
1962			
1963			
1964			
1965	4	376,000	376,000
1966	2	96,300	87,670
1967			
1968	1	42,000	42,000
1969	3	141,100	141,100
1970	3	131,200	131,200
1971	5	140,200	140,200
1972	90	552,350	552,350
1973	58	617,803	617,803
Total	183	2,323,052	2,314,422
New Jersey:			
1954	35	$171,617	$171,617
1955	8	63,915	63,915
1956	96	1,151,456	1,146,456
1957	2	3,800	3,800
1958			
1959			
1960			
1961	115	513,839	513,839
1962	827	7,037,811	6,830,445
1963	192	2,766,500	2,766,500
1964	8	1,085,500	1,085,500
1965	1	15,000	15,000
1966	1	140,000	140,000
1967	48	253,550	253,550
1968	51	458,020	458,020
1969	192	1,334,805	1,334,805
1970	15	27,075	27,075
1971	3	3,090	3,090
1972	6,125	23,917,380	23,917,380
1973[1]	305	23,013,075	23,013,075
Total	8,024	61,956,433	61,741,067
New Mexico:			
1954			
1955	8	61,800	61,800
1956	18	53,300	53,300
1957	1	10,000	7,500
1958	2	13,800	13,800
1959			
1960			
1961			
1962	6	23,600	23,600
1963			
1964	17	91,575	91,575
1965	7	29,400	29,400
1966	4	40,600	40,600
1967	5	60,100	60,100
1968			
1969	13	106,000	106,000
1970	29	234,100	234,100
1971	3	17,900	17,900
1972			
1973[1]	330	2,329,100	2,329,100
Total	413	3,071,275	3,068,775
New York:			
1954	17	94,873	94873
1955	7	71,360	71,360
1956	80	1,273,150	1,270,150
1957		(7,000)	(7,000)
1958			
1959			
1960			
1961	422	1,564,693	1,564,693
1962	62	426,485	388,985
1963	21	294,215	294,215
1964	104	626,174	623,374
1965	3	127,500	125,000
1966	3	127,500	127,500
1967			
1968	13	95,000	90,000
1969	2	10,900	10,900
1970	31	232,109	232,109
1971	35	122,484	122,484
1972	15,452	32,955,035	32,955,035
1973[1]	30,662	180,879,843	180,834,708
Total	46,914	218,894,321	218,798,386
North Carolina:			
1954			
1955	210	1,419,705	1,419,705
1956	223	885,991	885,991
1957	3	9,500	9,500
1958			
1959	20	87,780	87,780
1960			
1961	91	494,240	494,240
1962	91	1,313,400	1,313,400
1963	16	135,010	135,010
1964			
1965	32	230,500	230,500
1966			
1967	2	30,600	30,600
1968	4	201,800	195,800
1969	3	34,900	34,900
1970			
1971	10	32,350	32,350
1972	14	59,180	59,180
1973[1]	24	681,570	681,570
Total	740	5,616,526	5,610,526
North Dakota:			
1954			
1955			
1956			
1957			
1958	37	1,275,722	1,174,322
1959		2,000	2,000
1960	4	65,956	62,206
1961			
1962	12	116,000	113,250
1963			
1964	1	6,000	6,000
1965	5	51,000	51,000
1966	6	14,700	14,700
1967	12	$24,750	$24,750
1968	1	4,000	4,000
1969	215	800,150	795,350
1970	486	2,167,425	2,167,425
1971	112	367,700	367,700
1972	2	9,200	9,200
1973[1]	1	12,400	11,160
Total	894	4,917,003	4,803,063
Ohio:			
1954			
1955			
1956			
1957			
1958			
1959	271	2,128,752	2,022,994
1960	24	171,400	152,350
1961	2	11,600	11,600
1962	2	2,000	2,000
1963	55	210,830	200,830
1964	169	1,178,775	1,178,775
1965	21	192,920	192,920
1966	6	250,300	250,300
1967	16	83,410	83,410
1968	25	242,600	242,600
1969	25	330,920	330,920
1970	215	2,703,574	2,690,674
1971	4	136,700	136,700
1972	4	252,800	252,800
1973[1]	483	2,286,594	2,286,594
Total	1,322	10,183,175	10,035,467
Oklahoma:			
1954	1	10,000	10,000
1955	17	197,470	197,470
1956	55	451,064	451,064
1957	26	385,902	349,152
1958	22	213,250	205,500
1959	2	12,000	10,500
1960	101	308,480	300,610
1961	36	286,325	285,325
1962	11	79,333	79,333
1963			
1964			
1965	1	1,500	1,500
1966	3	14,100	14,100
1967			
1968			
1969	3	5,500	5,500
1970	147	598,592	598,592
1971	77	1,150,100	1,150,100
1972	100	1,001,400	922,950
1973[1]			
Total	602	4,688,016	4,581,696
Oregon:			
1954	3	14,000	14,000
1955			
1956	65	848,860	848,360
1957	29	189,828	189,828
1958	2	7,500	7,500
1959			
1960	3	33,000	33,000
1961	2	22,000	22,000
1962			
1963	41	373,742	366,958
1964	16	133,450	133,450
1965	312	3,579,843	3,241,504
1966	43	1,136,182	1,090,252
1967	2	361,000	361,000
1968	7	90,350	90,350
1969	8	177,845	177,845
1970	10	251,750	251,750
1971	10	124,660	124,660
1972	42	1,278,130	1,270,630
1973[1]	17	422,119	422,119
Total	615	9,044,259	8,645,206
Pennsylvania:			
1954			
1955	5	12,500	12,500
1956	263	3,609,698	3,423,718
1957	33	594,800	594,800
1958			
1959	24	121,790	121,790
1960	1	19,500	19,500
1961			
1962			
1963	16	298,400	285,950
1964	30	297,100	290,100
1965	9	147,700	147,700
1966			
1967	16	138,200	138,200
1968	15	129,250	123,250
1969			
1970	25	240,150	240,150
1971	6	49,650	47,400
1972	1,630	9,452,935	9,310,235
1973[1]	79,602	649,342,694	649,342,694
Total	81,675	664,454,367	664,097,987
Rhode Island:			
1954			
1955	232	1,636,136	1,636,136
1956	67	609,000	609,000
1957	2	1,900	1,900

Fiscal year	Number of loans	Total amount	SBA share
1958	1	$3,000	$3,000
1959			
1960			
1961			
1962			
1963			
1964			
1965			
1966			
1967	1	10,000	10,000
1968	9	241,525	241,525
1969	31	48,000	48,000
1970	2	150,000	150,000
1971			
1972	7	219,100	219,100
1973 [1]	19	259,400	259,400
Total	371	3,178,061	3,178,061
South Carolina:			
1954			
1955	131	2,148,960	2,148,960
1956	6	75,394	72,594
1957	6	57,750	57,750
1958	1	(2,000)	(2,000)
1959			
1960	116	372,355	372,355
1961			
1962			
1963			
1964			
1965			
1966	1	4,000	4,000
1967			
1968	2	58,000	58,000
1969	10	182,300	182,300
1970	5	203,250	203,250
1971			
1972	1	230,000	230,000
1973 [1]	1	3,000	3,000
Total	280	3,333,009	3,330,209
South Dakota:			
1954			
1955			
1956			
1957			
1958	10	91,099	85,099
1959	1	12,000	12,000
1960	13	389,335	377,960
1961	2	24,495	17,145
1962	3	42,700	42,700
1963	34	177,300	177,300
1964	1	2,000	2,000
1965	24	187,180	182,680
1966	43	287,800	287,800
1967	5	7,285	7,285
1968	4	12,500	12,500
1969	14	58,900	54,760
1970	4	62,450	62,450
1971	3	131,000	98,875
1972	349	2,073,200	2,045,800
1973 [1]	3,377	57,238,629	57,214,199
Total	3,887	60,797,873	60,680,553
Tennessee:			
1954			
1955			
1956	10	44,150	44,150
1957	2	10,450	10,450
1958	45	406,907	406,907
1959	8	95,446	90,946
1960			
1961			
1962			
1963	13	80,650	80,650
1964			
1965	8	60,180	60,180
1966	7	134,000	134,000
1967			
1968	24	460,100	451,200
1969	11	267,780	267,780
1970	10	100,150	100,150
1971	16	404,160	404,160
1972	15	300,050	300,050
1973 [1]	35	223,368	223,368
Total	204	2,587,391	2,573,991
Texas:			
1954	3	21,850	21,850
1955	80	315,716	315,716
1956	13	591,000	574,450
1957	173	2,051,144	2,003,951
1958	211	1,828,602	1,728,952
1959	77	452,054	425,554
1960	18	176,384	176,384
1961	83	492,920	489,420
1962	4,005	17,430,155	17,430,155
1963	73	600,510	600,510
1964	102	342,062	342,062
1965	39	258,060	258,060
1966	181	2,026,766	2,010,041
1967	134	475,747	470,867
1968	9,022	32,727,624	32,720,049
1969	367	1,992,500	1,992,500
1970	1,530	$11,714,917	$11,712,267
1971	27,920	149,157,855	149,141,390
1972	20,878	70,165,996	70,126,496
1973 [1]	2,305	10,614,325	10,614,325
Total	67,214	303,436,187	303,154,999
Utah:			
1954			
1955			
1956			
1957	1	25,000	25,000
1958			
1959			
1960			
1961			
1962			
1963	17	99,600	99,600
1964			
1965			
1966	13	33,500	33,500
1967			
1968			
1969			
1970			
1971	11	404,300	404,300
1972	6	927,400	927,400
1973 [1]	3	364,000	364,000
Total	51	1,853,800	1,853,800
Vermont:			
1956	1	20,000	20,000
1957			
1958			
1959			
1960			
1961			
1962			
1963			
1964	13	167,300	167,300
1965	3	46,500	46,500
1966			
1967			
1968			
1969			
1970	5	378,600	378,600
1971	2	53,000	53,000
1972			
1973 [1]	5	417,400	377,320
Total	29	1,082,800	1,042,720
Virginia:			
1954			
1955	5	21,540	21,540
1956	23	378,900	378,000
1957	53	234,580	234,580
1958	2	29,000	29,000
1959			
1960			
1961	12	116,650	116,650
1962	138	1,133,050	1,133,050
1963	36	305,200	305,200
1964	58	298,950	298,950
1965	2	12,500	12,500
1966	1	12,000	12,000
1967	6	189,700	189,700
1968			
1969			
1970	713	12,421,389	12,328,393
1971	55	996,075	996,075
1972	9	846,450	846,450
1973 [1]	7,522	58,762,017	58,762,017
Total	8,635	75,758,001	75,664,105
Washington:			
1954			
1955			
1956	45	360,223	345,923
1957	11	43,839	43,839
1958	1	1,228	1,228
1959	2	18,000	18,000
1960	7	50,400	50,050
1961	4	41,100	41,100
1962			
1963	20	154,107	153,807
1964	9	1,804,300	1,804,300
1965	74	2,001,125	1,973,195
1966	49	2,142,525	2,142,525
1967	6	381,400	381,400
1968	1	1,000	1,000
1969	18	200,800	200,800
1970	1	1,000	1,000
1971	40	115,842	115,842
1972	166	1,505,111	1,484,736
1973 [1]	450	3,014,488	3,014,488
Total	904	11,836,488	11,773,583
West Virginia:			
1954			
1955	17	67,150	67,150
1956			
1957	48	252,050	252,050
1958			
1959	5	$33,350	$33,350
1960			
1961			
1962	104	584,250	584,250
1963	198	860,000	860,000
1964	72	274,950	247,950
1965	4	8,300	8,300
1966	1	30,000	30,000
1967	100	846,950	846,950
1968	4	61,800	61,800
1969			
1970	24	78,510	78,510
1971			
1972	582	3,103,300	3,050,800
1973 [1]	4,169	15,095,838	15,095,838
Total	5,328	21,269,448	21,216,948
Wisconsin:			
1954			
1955			
1956	7	65,632	56,632
1957		(1,500)	(1,500)
1958	9	120,800	98,500
1959	26	170,283	161,493
1960	2	23,400	21,060
1961	4	20,000	20,000
1962			
1963			
1964	8	118,400	95,900
1965	88	639,035	629,525
1966	19	256,200	249,700
1967	6	17,500	17,500
1968	2	7,000	7,000
1969			
1970	5	210,680	204,250
1971			
1972	7	1,165,750	1,099,750
1973 [1]	173	1,276,464	1,167,464
Total	356	4,089,644	3,819,274
Wyoming:			
1954			
1955			
1956			
1957			
1958	2	11,500	11,500
1959			
1960			
1961			
1962	6	27,940	27,940
1963	2	4,137	4,137
1964	2	3,000	3,000
1965			
1966			
1967			
1968	21	49,933	49,933
1969			
1970			
1971			
1972	4	480,850	480,850
1973 [1]	2	180,500	180,500
Total	39	757,860	757,860
Guam:			
1963 [2]	570	6,192,389	5,881,882
1964	555	5,653,942	5,470,727
1965	69	142,100	142,100
1966			
1967			
1968			
1969			
1970			
1971			
1972			
1973 [1]			
Total	1,194	11,988,431	11,494,709
Puerto Rico:			
1954			
1955			
1956			
1957	137	370,375	370,375
1958		19,353	19,353
1959		(8,000)	(8,000)
1960			
1961	606	770,100	770,100
1962	89	102,300	102,300
1963			
1964			
1965	7	161,100	159,100
1966	1	3,000	3,000
1967			
1968			
1969			
1970	118	121,300	121,300
1971	7,402	18,622,100	18,622,100
1972	637	1,399,800	1,399,800
1973 [1]	1	1,200	1,200
Total	8,998	21,562,628	21,560,628

SMALL BUSINESS ADMINISTRATION DISASTER LOANS APPROVED BY FISCAL YEAR, 1954–DECEMBER 1973—Con.

Fiscal year	Number of loans	Total amount	SBA share
Virgin Islands:			
1960	22	$61,160	$61,160
1961	2	23,000	23,000
1962			
1963			
1964			
1965			
1966			
1967			
1968			
1969			
1970			
1971	31	102,100	102,100
1972	3	23,800	23,800
1973[1]			
Total	58	210,060	210,060
Trust territories:			
1972[3]	2	35,000	31,500
1973[1]	1	30,000	27,000
Total	3	65,000	58,500
District of Columbia:			
1973[1,4]	103	583,822	583,822
National totals:			
1954	157	742,111	742,111
1955	1,086	7,872,477	7,799,477
1956	3,309	44,402,267	42,422,499
1957	1,597	12,991,664	12,243,939
1958	1,559	17,305,827	16,771,341
1959	908	9,201,747	9,013,061
1960	625	4,514,860	4,379,035
1961	2,778	25,735,643	24,726,193
1962	6,106	39,680,469	38,917,648
1963	2,305	20,230,360	19,482,369
1964	2,509	48,873,180	47,315,003
1965	3,891	76,454,552	73,596,360
1966	30,950	199,253,693	197,463,022
1967	2,035	24,237,021	23,769,036
1968	14,126	114,176,638	113,594,925
1969	2,128	22,347,775	22,231,869
1970	17,011	175,102,132	174,955,386
1971	57,407	298,084,815	297,941,725
1972	93,342	323,947,581	322,865,126
1973[1]	166,184	1,131,497,450	1,131,022,105
Grand total	380,013	2,596,652,257	2,581,252,230

[1] Through December.
[2] No loans approved before 1963.
[3] No loans approved before 1972.
[4] No loans approved before 1973.

EXPENSE AND WASTE INVOLVED IN FOREIGN AID

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, August 2, 1973

Mr. HARRY F. BYRD, JR. Mr. President, newspapers of July 25 published an excellent column by Henry J. Taylor concerning the expense and waste involved in foreign aid.

Mr. Taylor points out that the legislation voted upon in the Congress under the label "foreign aid" represents only part—it is actually about one-third—of the total cost of U.S. assistance to other nations.

I feel that Mr. Taylor's points are well taken and that new appropriations for foreign aid cannot be justified in this period of foreign government deficits and high inflation.

I ask unanimous consent that the text of Mr. Taylor's column, "America's Foreign Aid: Millions Down the Drain," be printed in the Extensions of Remarks.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

AMERICA'S FOREIGN AID: MILLIONS DOWN THE DRAIN

(By Henry J. Taylor)

Afghanistan has been the toy of King Mohammed Zahir Shah for 40 years. And when strongman cousin Lt. Gen. Daud Khan overthrew him on July 17, luxuriating at the moment at an Italian health spa, the cheery sound you heard was the U.S. taxpayers' money tinkling, clinking, clanking down the drain.

Another $425 million of our foreign aid is gone with the wind.

Year after year, our tax payments pass into rich people's pockets around the world, as in Afghanistan, and precious little reaches the poor. Both King Zahir and cousin Daud operate like an octopus secure in a rocky cleft, snapping up what it wishes. And neither has any more interest in the Afghanistan people than in a horse race in Ireland.

This Stone Age fiefdom still has no economic base whatever. It is a poverty-stricken place where aged men and women stand idly by while ragged children walk aimlessly along the road. But you will find in Afghanistan flocks of air-conditioned Cadillac limousines for the officials and a hoard of governmental extravagances that would make old "Diamond Jim" Brady blush.

As in other, similar countries on the receiving end of our handouts, it's merely a case of "what I take belongs to me; what you give is your own fault."

We U.S. taxpaying peasants are presently supplying military and/or economic aid to 91 countries. Through many, many years we have been giveaway minded. That's what has cost us so much. This viewpoint creates compromises with wisdom, efficiency and good policy.

The record stands: We find countless places to start and no place to stop in projects that can acquire a momentum and a life of their own.

Like Coney Island's Magic Maze, there are all kinds of ways in and no way out.

Back in 1962, the countries getting aid (Afghanistan one of them) totaled 98. Out of the whole kit and kaboodle, only seven countries have been eliminated in all of the past 11 years. As one result, a brick thrown nearly any place in the world—as in Afghanistan—is sure to hit the American taxpayer.

We're told that the foreign aid bill we are paying for 1973 is $3.2 billion.

This disclosed $3.2 billion is bad enough, heaven knows; but when you really get into it, the $3.2 billion is only a part of the picture. The rest—which is colossal—is hidden.

The best authority I know for the truth about our foreign aid is long-time House appropriations subcommittee Chairman Otto E. Passman, D-La. He has held hundreds on hundreds of hearings on the subject, traveled himself to the main spending centers, continuously studied the whole setup from top to bottom and knows the facts fully—a no-nonsense man totally equipped.

Passman has told me that the disclosed bill is utter nonsense: It might as well have been popped out of an Afghanistan medicine man's basket of snakes.

Passman points out that more than double the billions is the true amount.

The $3.2 billion fails to include the Food for Peace deliveries; our payments for the Inter-AmericaBank, the International Development Association, other international organizations, the Peace Corps, etc. The additional billions are scattered in 14 other separate budget sections and are not included in the $3.2 billion foreign aid figure.

We have given more and asked less than any nation in the history of the world. That's another reason why we can be proud that we are Americans. A meat-ax attack on our foreign aid would be foolhardy and dangerous. But only a solvent America can be a helping America. We must donate our substance not according to our desires but according to our means. And the floating crap game known as our foreign aid program has long since become too large to support and too complex to understand.

Each of the endless reorganizations of the disbursing agencies, always with alibis, merely serves as a broken promise. And, hey—that's our money!

If we haven't anything better to do with our hard-earned U.S. tax dollars than send them to the ilk of most of these 91 countries, the entire U.S. Internal Revenue Service should turn in its uniforms.

AMTRAK SERVICE IS POOR

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. WALDIE. Mr. Speaker, I have received a copy of a letter sent by my constituent, Mrs. Richard Sharkey, of Walnut Creek, Calif. to Amtrak, concerning the conditions she encountered on that system. On a train ride from Okaland, Calif. to Providence, R.I., she was confronted with dirt, cockroaches, long delays, poor service, and cold food. It is incredible to me that this type of service is found on a public transportation system; once purported to be new and improved. It is my opinion that my colleagues and fellow citizens should be made aware of this situation and consider what action to take to rectify the problems.

Mrs. Sharkey's letter follows:

LETTER

DEAR SIR: I am sending you this letter to inform you of the services I received on your so-called new train "Amtrak". You have changed the name but, it is still the same dirty, slow train.

I boarded the train June 7, 1973 at 9:15 a.m., Located my roomette # 8 car # 0635 which had been arranged for me by Van Ness Travel, Inc. 1703 Oak Grove Road, Concord, Calif. 94520. I was all settled waiting for the train to start when the porter informed me another lady had this room and told me to move to # 6.

We left Oakland at 9:30 a.m. arrived a few miles up the track and was told there was a derailment ahead. We sat there for sometime then started to back up to Richmond. It took them 4 hours to find out if they could use another railroad company's tracks. We were 6½ hours late getting started again. We arrived at Port Chicago at 3 p.m. I could have walked from my house in Walnut Creek and got there faster.

We arrived in:
Sacramento, 6 p.m.
Truckee, 9:45 p.m.
Odgen, Utah, 10:20 a.m., June 8, 1973.
Green River, Wyo., 1:40 p.m.
Cheyenne, Wyo., 6 p.m.
Creston, Ia., 10:50 a.m., June 9, 1973.
Osceola, Ia., 11:25 a.m.
Ottumwa, Ia., 12:40 p.m.
Chicago, Ill., 5:30 p.m., June 9, 1973.

The roomette I had was full of dust and lint. My mattress had the smell of urine on it. The next morning I reported this to the porter who said the train was full and there was nothing he could do about it. So Friday I slept in the same smelly bed.

In the morning I found out that there had been an empty room that night and that the porter had slept in it.

The car's air conditioning went out, also the units in other cars and the diner. There were cockroaches that got in a baby's car bed and the mother sat up all night with the lights on to watch they didn't get to her baby again.

Because of equilibrium problems, chronic asthma and a dust allergy, my doctor advised me to travel by train. Believing the advertisement in the newspaper about Amtrak I agreed with the doctor to travel by train, while my family flew to Providence, Rhode Island. They were expecting me to arrive June 10, at 2:45 p.m.

Since we arrived late in Chicago, Amtrak let me call my family and tell them I would arrive June 11, at 2:45 p.m. in Providence. Then they put me up at the Palmer House in downtown Chicago for the night. They didn't seem to care about the exact amount I had spent when I checked back to the Amtrak office. Then I was placed on the train in Chicago car #4031 Roomette #1. to New York. The roomette was dusty and had at least a weeks dirt and lint in and around the chair. In the morning I was informed we were a hour late and no one knew why. I went to breakfast and found the diner car air conditioning was out. I waited ½ hour before they took my order and when it came it was cold. The waiters were cross and unpleasant to everyone.

Arriving in New York at 12:15 p.m. I was told to sit down and watch the board for the time and gate it would leave from for Providence. I was afraid to leave my seat and get something to eat for lunch so I had to go without lunch. I got on the train for Providence and sat in the nonsmokers car because I also have an allergy to cigarette and cigar smoke. This car had the air conditioning out also. They told us to move to the smokers car because the air conditioning was working in that car. Finally arriving in Providence at 3:45 p.m. 1 hour later than my family had been told I found them very upset. They didn't know what else had happened to me and didn't know if I had even left Chicago.

So when it was time to make reservations to come home my husband said, "No way" was I going to travel by train and arrive home in the condition that I arrived in Providence.

So after taking double the dosage prescribed of tranquilizers, I boarded the plane. I was placed in the center of the plane where I would notice the least movement. I arrived home six hours in the same condition that I left Providence.

I would like to complement the waiters from Oakland to Chicago who had to feed us till 11 p.m. Thursday night because of the extra passengers they would not have had to feed if the train had been on time. The diner car again was not air conditioned but, they served us as fast as they could and there were no bad tempers and the food was served hot. They even apologized for running out of food.

Due to false advertisement of Amtrak and their so-called new train; to the worst trip I ever had to go through; to the extra expense of having to fly home, I believe I'm entitled to a full refund.

A duplicate of this letter is also going to: U.S. Senator Alan Cranston, U.S. Senator John Tunney, Rep. Jerome R. Waldie, Rep. Fortney H. Stark and Senator John Nejedly so they will know how some of their taxpayers money is being spent when the government has to subsidize Amtrak for there loses.

Sincerely,

Mrs. Richard C. Sharkey.

HONOR GORDON GILLINGS, LONG-TIME MAYOR OF GURNEE

HON. ROBERT McCLORY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. McCLORY. Mr. Speaker, one of the most honored citizens of the 13th Congressional District of Illinois, Gordon Gillings, is to be feted at a testimonial dinner meeting on Sunday, August 26, at the Rustic Manor in Gurnee.

Mr. Speaker, it has been my privilege to know Gordon Gillings during the entire period of his 24 consecutive years as president of the village of Gurnee, an office from which he retired only this year.

Mayor Gillings' service to his community and to this great part of mid-America has been largely as a volunteer. His contributions have involved the generous use of his talents as an engineer, as well as an innate ability to meet and deal with people from all walks of life.

Mr. Speaker, during Gordon Gillings' service as village president of Gurnee, the community has tripled in population. This has been an orderly growth in which the residential, business, and industrial areas of the community have been expanded and developed. During this period, a new village hall has been erected. A park district has been created, and new water and sewer systems have been constructed to serve the growing population.

Mr. Speaker, as chief engineer of the Warren Township High School for some 35 years, Gordon Gillings has been in close touch with the community and its citizens. He has been a faithful member and officer of the Bethel Lutheran Church in Gurnee, and he has headed an exemplary household comprised of his attractive and faithful wife, Carol, and two lovely daughters, Lynn and Cheryl.

Mr. Speaker, I am pleased to call to the attention of my colleagues in the House of Representatives this outstanding citizen of Illinois, and to recall briefly his career in public service. On Sunday evening, August 26, 1973, I shall extend to Gordon Gillings and to his wife, Carol, heartfelt congratulations and best wishes, and I am proud indeed to call this event to all to whose attention these remarks shall come.

NIXON ON WAGE AND PRICE CONTROLS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. RARICK. Mr. Speaker, as the American people have been progressed from the failures of phase I to the devastation of phase IV of the administration's price controls, it is well to recall President Nixon's radio and television address on economic policy and productivity on June 17, 1970, when he said:

> A third choice was the route of wage and price controls. That would lead to rationing, black marketing, total Federal bureaucratic domination, and it would never get at the real causes of inflation.
>
> * * * * *
>
> I will not take this nation down the road of wage and price controls, however, political expedient they may seem.
>
> Controls and rationing may seem like an easy way out, but they are really an easy way in to more trouble—to the explosion that follows when you try to clamp a lid on a rising head of steam without turning down the fire under the pot.
>
> Wage and price controls only postpone a day of reckoning, and in so doing they rob every American of an important part of his freedom.
>
> Nor am I starting to use controls in disguise. By that I mean the kind of policy whereby government makes executive pronouncements to enforce "guidelines" in an attempt to dictate specific prices and wages without authority of law.
>
> * * * * *
>
> This is not the time for the Congress to play politics with inflation by passing legislation granting me standby powers to impose controls on wages and prices. The Congress knows I will not impose controls because they would do far more harm than good.

By now even the President should be convinced that he was right in 1970.

FLORIDA STATE FIREMEN'S ASSOCIATION STRESSES NEED FOR FEDERAL SUPPORT OF FIRE PREVENTION EFFORTS

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. FUQUA. Mr. Speaker, the Subcommittee on Science, Research, and Development of the House Committee on Science and Astronautics, of which I am a member, is currently holding hearings on fire safety and fire prevention. It is hoped that these hearings will afford us a better understanding of the scope of the fire problem and the extent to which the Federal Government must become involved. Historically, fire protection has been considered a local responsibility. In the State of Florida not only is this the case, but of some 17,000 firemen approximately 14,000 are volunteers. These hearings should demonstrate the necessity for a vigorous Federal focus on the fire problem.

On May 4, 1973, the final report of the National Commission on Fire Prevention and Control was transmitted to the President. This excellent report, entitled, "America Burning," provides us a well-documented account of the seriousness of the fire problem in the United States. Fire is a major national problem. Annually, fire claims nearly 12,000 lives and injures over 300,000. Property loss figures ranging from $11.4 billion to $13 billion do not take into account the losses from businesses that must close and from jobs that are interrupted or destroyed.

Companion bills have been introduced in the House of Representatives and the Senate to begin the process of making the recommendations of the Fire Prevention and Control Commission a legislative reality. Of utmost importance is the creation of a U.S. Fire Administration in the Department of Housing and Urban Development which can bring the vast resources and personnel of the Federal Government to bear on the great threat of fire and provide essential assistance to local fire prevention and fire safety efforts. The establishment of a National Fire Academy must also rank high on the priority list of fire-related legislative efforts.

The Commission's report recognized

that those paying most heavily for destructive fires are the Nation's firefighters. Theirs is the most hazardous profession of all. Their death rate is 15 percent greater than the next most dangerous occupations—mining and quarrying. In 1971, the injury rate for firefighters was 39.6 per 100 men—far higher than that of any other profession. That same year, 175 firefighters died in the line of duty; an additional 89 died of heart attacks, and 26 are known to have died of lung disease contributed to by the routine smoke hazard of their occupation. It is high time that these public-minded citizens be provided the same consideration in the development of national priorities that are given other employment groups. Again, it is important to remember that a vast majority of the firefighting effort in this country is performed by volunteers.

We have in this country a solid base on which to build a stronger effort in the field of fire prevention and control. We have the technology with which this effort can be drastically improved. For example, in the ongoing programs at NASA and in the research applied to national needs program of the National Science Foundation, we have strong and imaginative research and development programs which are producing technology that can be used in this field. We have medical research efforts in the universities and in the National Institutes of Health which are making major strides toward the prevention and treatment of burns.

The report of the Fire Commission and the many bills which have been introduced in the House all propose that we now make a major, new effort in this area. The most striking finding in the Commission's report is, it seems to me, that by taking action now we can cut the losses in lives and property by 5 percent per year. One important area in which the Federal Government must participate is in the award of grants for the purchase of firefighting equipment incorporating advanced technology.

On Tuesday, July 31, 1973, it was my pleasure to introduce Mr. Charles R. Robinette when he submitted an outstanding statement to the subcommittee on behalf of the Florida State Firemen's Association and the Fire Fighters Standards Council of the State of Florida. Mr. Robinette is uniquely qualified to speak to the problems and needs of firefighters in the State of Florida and the Nation at large and I would like to give the House the benefit of his remarks to the subcommittee. Mr. Robinette's statement follows as well as an article that appeared in the Washington Post stressing the urgent need for Federal relief to beleaguered fire departments across our country.

Mr. Robinette makes an excellent point in his testimony—that we must depart from the concept of local, and frequently inadequate, funding and insert the State and Federal Governments into this funding void. It is important that the Congress pays special attention to the recommendations of those men who are involved in the day-to-day administration of fire safety and fire protection efforts. I believe these hearings dealing with fire prevention and control are some of the most important hearings the subcommittee has held in recent years. The testimony we have heard so far has confirmed my view that even a modest increase in the national effort can produce major savings in lives and property. For this reason, I feel we should make an all-out effort to insure even more dramatic results in terms of reducing human suffering, deaths and injuries to our firefighters, and property losses.

Mr. Robinette's statement and the Post article follow:

TESTIMONY OF CHARLES R. ROBINETTE

Mr. Chairman, Honorable members of the House Sub-committee on Science, Research and Development: This testimony is respectfully submitted by Charles R. Robinette, of Tallahassee, Florida, as first vice president and legislation chairman of the Florida State Firemen's Association, and vice chairman and legislation chairman of the Fire Fighters Standards Council of the State of Florida, for and in behalf of these organizations.

The Florida State Firemen's Association is a non-profit organization, with the expressed objective of improving the capabilities of the more than 17,000 fire service personnel of Florida in providing fire protection to the communities of the State. The Fire Fighters Standards Council is an agency of the State with important statutory responsibilities relating to training and education of fire fighters and the improvement of the level of fire safety throughout the State of Florida.

For too many years, Federal, State and local governmental agencies have failed to give full recognition to the needs of fire protection in their respective areas of responsibility. In a great many instances, the support that was provided amounted to only a token gesture which served to magnify, rather than minimize, the many problems associated with an acceptable level of safety for the lives and property of the citizens of this nation.

Despite this minimal support, the fire services have, consistently, attempted to perform the duties they have assumed with the resources afforded them. It is a matter of public knowledge and record that the fire protection problem with which the fire service is faced has gone beyond the point where makeshift improvisations are adequate to meet the need. The potential for major loss of lives and property inherent in the mind-boggling advancements in today's architectural designs, massive structures, exotic materials and fuels, industrial complexes, transportation facilities and problems, and the accelerating trend toward numerous megalopolitan communities, have created a situation in which the traditional and conventional approaches to fire protection are no longer adequate to provide an acceptable level of fire safety for the citizens of this nation.

In addition to the fire potential existing in the urban localities, serious consideration should also be given to the fire problem in the changing environment that was once the rural areas of the State.

In these rapidly changing land areas throughout Florida, as well as in many other states, there is a continuing proliferation of high rise motels, office buildings, and homes for the aged; as well as, major industrial, institutional and mercantile occupancies.

The transient population of the motels in these areas are particularly vulnerable to injury and death from fire, because of the occupants' lack of familiarity with the physical layout of the building and the difficulty of egress under fire conditions.

Furthermore, within these ill-defined rural areas are many of the institutions used for housing mentally retarded citizens, children, the aged and indigent, and others who rely upon the State or local government for their sustenance. The office buildings, industries, and mercantiles present a potential for a major fire that would tax the resources of a large city. Yet, fire protection services available to them are either non-existent, or if available are staffed and equipped to provide only minimal protection to small residences and stores. In a great many instances this additional fire potential has been created without the local fire officials even being aware of the condition being developed. Consequently there has been no effort made to increase the resources for fire protection, to meet the added hazards.

In many areas where this added fire potential has been recognized, it must unfortunately go unattended due to the inability of those local governments to provide the funds necessary to alleviate the problem.

The existence and magnitude of these problems dictate the departure from the concept of local, and frequently inadequate, funding and makes monetary support from State and Federal sources an essential part of a solution to the overall problem.

The programs I advocate in behalf of my constituents are not purely local in impact or application, each has clear and definite implications to the national problems of fire safety and are, therefore, of rightful concern to the Federal government and worthy of your support to the extent that these problems have national significance.

The proposed establishment of a National Fire Administration is of vital concern in that the increasing annual loss of lives and property by fires, the individual economic deprivation and costs associated with treatment of burns and injuries with the attendant emotional traumas, the personal disabilities and disfigurements, loss of earning capacity and, above all, the diminution of fulfillment as a human being, makes this as much a matter of importance to the Federal government as any other socio-economic problem with which it is faced.

Current statistics reflect a deplorable condition in this respect, and we believe that, with a proper information gathering system, there is no question that the loss of lives and property would be shown to be substantially higher and, thereby, more accurately reflect the true magnitude of the devastation and desolation suffered from unwanted fires.

We support the establishment of the proposed National Fire Administration in a department which is operational at the Federal, State, and local levels and which, by virtue of its present structure, is capable of implementing approved programs with minimal delay and the least additional administrative cost, and be most cognizant of and responsive to the needs of the fire service. Furthermore, we advocate the creation of the Administration in order that the program envisaged by this measure be administered by those having concrete knowledge and experience in the highly specialized factors associated with fire protection. Absence of this specialized knowledge diminishes the practicability of any approach to fire safety, and usually results in higher costs, excessive time delays, and ineffectual administration in the essential features of approved programs.

A National Fire Academy, as proposed, should not be a "bricks and mortar" facility but, rather, an aggregation of persons whose minds are finely attuned to the needs of the fire service, having significant experience in the science of fire protection and a superior ability to share this knowledge with others. The economic obstacles faced by most members of the fire service in attending classes far distant from their work situation could be overcome by the staff of the National Fire Academy utilizing existing state facilities suitable for such convocations, thereby eliminating undue costs that would attend the creation of a centralized facility.

The scheduling of classes, seminars, conferences, workshops, colloquia, and all the other means and devices currently used for the development of skills should be made available at such State facilities under the supervision of the National Fire Academy; not only to career fire service personnel, but also to those who, by virtue of position or profession could most effectively improve fire protection in all its implications. These persons include architects, builders, educators, fire safey engineers, and especially state and local governmental officials who influence the level of fire protection in their respective communities.

The National Fire Data System, as proposed, and which we support, should to a great degree, provide for the needs of the fire service for access to authoritative information relating to prevention and control of fire, protection of lives and property from fire, reduction of economic loss, and other significant factors. Information so derived can then be used as the basis for effective fire protection programs at the State and local levels. These programs will include definitive provisions for fire safety in structures, institution of acceptable compromises with total fire safety that will allow for the productive use of certain environments such as chemical plants, industrial complexes, high-rise structures, and others which, currently, are highly susceptible to the ravages of fire.

Additionally, this information will have particular application to the improvement of fire safety in schools and educational institutions which, in many areas of our nation, have notoriously poor records of losses of lives and property from fire.

Within the recent past, industrial development, the introduction of synthetic materials, the use of roads, railways and waterways for the transportation of exotic, highly flammable and toxic materials, and other combustibles for which the fire service has insufficient knowledge to provide effective fire protection, and even the resources for prompt extinguishment and control, makes the establishment of a Fire Research and Development agency an indispensible adjunct to fire protection.

Existing laboratories and testing standards do not realistically reproduce the conditions that prevail at a going fire, and scaling factors now in use frequently give erroneous results. Because of these factors some materials are presumed to be safe for certain applications and practical use later proves this to be otherwise. By the same token, some materials that would have useful and economical applications are forbidden on the basis of small-scale testing. It is essential that development programs be conducted on protective clothing and equipment, extinguishants and methods of application, detection and alarm systems, installed fire suppression and life safety systems, methods of construction, and many other items which cannot be conducted by the private sector because of the economic factors involved. Research into the hitherto unknown secrets of the phenomena of fire could readily open the door to knowledge comparable to that obtained from the studies of nucleonics and aerospace with consequent benefits in terms of prevention and control of fire. Information derived from research and development would be made available to the fire service through the National Fire Data System. Information of this nature is not currently available to the fire service, resulting in less effective fire protection programs than will be possible when it is made available in useable form.

Protective clothing and equipment designed to provide adequate protection for the fire fighter against the hostile and deadly environments in which he must work cost in excess of $1,000 on today's market. This includes breathing protection against the toxic and suffocant by-products of combustion which are encountered in virtually every structural fire; body protection against the high ambient temperatures and direct flame impingement he must face in order to perform essential tasks; properly designed and constructed protection for his extremities and head to protect him against death or disabling injuries.

The cost of such items for adequate personal protection far exceeds the ability of the majority of fire protection agencies to pay, with the result that most fire fighters are exposed to the hazards associated with fire fighting without the protection ordinarily provided to the workman in many other lines of work having substantially lower personal risk factors.

The resources, in apparatus and equipment, for the control and extinguishment of fire must, of necessity, be designed and constructed to have a sustained life factor, dependability and durability in operation, and have all the capabilities associated with the demands of the fire potential of our communities. In order to obtain these essential characteristics, the purchaser is faced with the need to expend from $30,000 to $50,000 for a basic pumping unit, and from $60,000 to $100,000 for a basic ladder truck which is required for rescue and fire control in multi-storied structures.

The cost of these essential items of apparatus and equipment far exceed the ability to pay of any but the larger and more affluent communities, with the result that the smaller cities are forced to subsist with inadequate resources for fire control. This condition merits immediate Federal recognition and financial support.

However, it is important to recognize that the most expensive or sophisticated apparatus and equipment is virtually worthless in fire control unless the personnel who use and operate it are properly trained in its application to the tasks for which it was designed. Any grants of funds, or other Federal support, should be contingent upon all personnel who will use or work with these resources being properly and adequately trained, with provisions for sustained programs leading to retention of the essential skills.

The humanitarian aspects of the proposed burn centers forms an essential part of any comprehensive planning for alleviation of the human suffering and deprivation associated with unwanted fires.

In addition to the programs included in this legislation, we urge this committee to consider programs designed to insure practical identification of hazardous materials while in the process of manufacture, in transit, in storage, or on display for vending. The identification systems in present use fail, in most significant aspects, to serve the needs of emergency forces, the transportation industry, or of the public. We therefore recommend this Committee favor the adoption of NFPA 704M (Identification of Materials) in order to meet this essential need.

In summary, please let me say that my constituency believes that the magnitude of the fire problem in the United States, its adverse impact upon the economic stability of our nation, and its cost, in lost lives and injuries to its victims, makes it a matter coming within the rightful purview of our Federal government, and worthy of supportive funding and assistance to the State and local level.

I, therefore, respectfully recommend that this Committee favorably report the proposed legislation, together with our recommendations, in the best interests of the fire service and the citizens of Florida and of the nation as a whole.

[From the Washington Post, July 29, 1973]

PANEL URGES CREATION OF U.S. FIRE AGENCY

(By Ted Frederickson)

Fire takes 12,000 lives, disfigures 300,000 people and destroys $111.4 billion in property each year in the United States—a problem met with striking indifference by most Americans.

That conclusion is at the heart of a 177-page report compiled by the National Commission on Fire Prevention and Control, which has recommended the creation of a U.S. Fire Administration to lead a coordinated attack on what the commission has called a major national problem.

The report, entitled "America Burning," was commissioned in the Fire Research and Safety Act of 1968 and compiled by the little-publicized, 20-member commission over a two-year period ending with the 1973 fiscal year last week. Although it has been transmitted to both Congress and the President, commission members are still hoping to discuss their recommendations with Mr. Nixon.

Most of the commission's 90 recommendations are embodied in a bill introduced in the Senate in May by Sen. Warren Magnuson (D-Wash.) and in the House by Rep. Wright Patman (D-Tex.). A staff member of the Senate Commerce Committee said hearings on the bill are planned for this fall—probably September or October.

The staff aide said he anticipated little opposition to the bill in the Commerce Committee because it is cosponsored by Magnuson, the chairman, and Sen. Norris Cotton (N.H.), the ranking Republican member.

Fire, says the commission's report, is a major national problem. "Appallingly," says the report, "the richest and most technologically advanced nation in the world leads all the major industrialized countries in per-capita deaths and property loss from fire."

One commission member, Dr. Anne W. Phillips, a burn specialist at Massachusetts General Hospital, pointed out in a minority report that U.S. fire deaths (143,550) greatly exceeded U.S. battle deaths (45,925) during the period of the Vietnam war.

After gathering information and conducting hearings in Washington, Chicago, Los Angeles, and San Francisco, the commission said, "It became clear that a deeper federal involvement was needed to help repair the omissions and help overcome the indifference of Americans to fire safety."

The commission called for the establishment of a U.S. Fire Administration within the Department of Housing and Urban Development to assist state and local governments in increasing the effectiveness and coordination of fire prevention and control.

In conjunction with the new agency, the commission recommended:

A national fire academy to help state and local jurisdictions in training and planning for fire protection and education programs.

A national fire data system to collect in one place all useful fire data, including death and injury statistics, property loss information, and data concerning causes, locations and numbers of fires.

A research and development unit to provide for and encourage new fire-preventing and fire-fighting technology, and to act as a central source of research information.

Grants to local governments to prepare fire protection.

Other key points in the commission's 90 recommendations called for:

Legislation to increase the number of burn treatment units in the United States from 12 to 25; increased training for burn specialists and more research into burn treatment.

An increased emphasis on prevention of fires, making it at least equal to fire suppression as a priority.

A high priority for identifying combustion hazards in materials by the Consumer Product Safety Commission.

Adequate building and fire prevention codes in all municipalities, and strict enforcement.

Action by individual homeowners to prevent fire deaths, injuries and losses, by providing exit drills and early warning devices.

Adoption of strict codes requiring specific construction features, exit facilities, fire detection systems and sprinkler devices for institutions caring for the young and the elderly.

Richard E. Bland is an associate professor of engineering research at Pennsylvania State University, a volunteer fireman for the last 30 years and the chairman of the commission. He says the message of the commission report is simple and frightening:

"As we have more people, we have more fuels, we have more power, we have more hazards. Death and destruction from fire are extensive now, and we can expect the death toll and property loss to increase unless action is taken—now."

Why a federal agency? "Well I don't particularly like the idea of creating still more bureaucracy," said Bland, "but the fire problem is a basic one. All fires are the same natural process, and we need a central place where we can bring it all together.

"There's a real tendency to be provincial in matters of fire, and we feel that a federal agency could cut across boundaries and improve fire prevention and fire suppression everywhere," he said.

"It would not be like a regulatory agency," said Bland. "Rather, it would allow states and cities to run their own fire programs, but would use the leverage of grant-making to encourage master planning."

In her minority report, Dr. Phillips opposes the creation of a federal agency, arguing that the agencies that already have responsibilities in fire prevention and control (primarily the Bureau of Standards in the Department of Commerce) could do the job if beefed up.

Her concern is that something has to be done now, and that lives would be needlessly lost during the time it would take to set up the new machinery.

Dr. Phillips also argues for a smaller overall budget, but more money for educational programs on fire prevention and control, particularly among the young.

"I appreciate her arguments," says Bland, "especially in regard to the young. But the majority felt the fire problem to be primarily a people problem—about 75 per cent people and 25 per cent technological—and we believed the fire program should not be in a hardware-oriented agency like the Bureau of Standards."

"That's why we advocated that the Fire Administration be established in HUD; we felt we could have more impact in the housing area, since about 80 per cent of fire deaths occur in one- and two-family dwellings."

Bland is a firm believer in fire prevention, but says he is not obstinate about it: "I'm not the kind of person who demands 100 per cent safety. But if we can cut fire losses in half, why not do it? If we got a 60 per cent cure for cancer, it would be treated as a big deal, and it is. A similar reduction in fire deaths is probably within our grasp, but we won't do it."

"For example, there's no good reason why buildings over three stories with over 10,000 square feet of floor space should not have a sprinkler system," he said.

The commission report predicts that if its recommendations were carried out, fire losses would be reduced about five per cent each year until losses were halved in 14 years.

People, said Bland, could do much for themselves in reducing fire losses and deaths. His recommendations to them, in order of priority, would be:

"Get an early warning device to detect the products of combustion, such as smoke and heat. They're not that expensive; I saw one in the Sears and Roebuck catalog for only about $45."

"Develop a plan for escaping in the event of fire, and practice it with all members of the family. Being conscious of the danger is important."

"Get a sprinkler system if you can afford it. Since they've started using plastic pipe, they are not as expensive as they once were."

"Have a fire extinguisher in the house. Most big fires start as small fires and could easily be put out with a 5- or 10-gallon extinguisher. I'll never forget seeing a farmer standing next to his barn, which was burning out of control. 'If only I had a fire extinguisher,' he told me, 'I could have put it out easily.' "

AMERICAN MOVIES ARE BETTER THAN EVER

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. BRADEMAS. Mr. Speaker, "American movies are better than ever" was the unanimous opinion of the three distinguished authorities on American films who recently appeared on Washington Insight, a monthly discussion program I am privileged to moderate for station WSJV-TV in Elkhart, Ind.

Appearing on this program were Charlton Heston, actor and president of the American Film Institute; Pauline Kael, film critic of the New Yorker magazine and author of numerous books on film; and Jack Valenti, president of the Motion Picture Association of America.

All three of these outstanding citizens had appeared as witnesses for the Select Education Subcommittee, which I have the honor to chair, on legislation to extend and amend the National Arts and Humanities Foundation Act.

The AFI receives a degree of support from the National Arts Endowment.

Mr. Speaker, I ask unanimous consent to insert at this point in the RECORD the transcript of this discussion:

WASHINGTON INSIGHT: THE FUTURE OF AMERICAN FILM, WSJV-TV, ELKHARDT, IND.

Mr. BRADEMAS. The Congressional Subcommittee I chair is busy right now considering legislation to continue the Federal program to support the arts. Both Democrats and Republicans in Congress and every President since President Eisenhower have supported help to the creative and performing arts in the United States as necessary to a genuinely civilized society.

Among the most powerful of the arts, surely, is the motion picture. And, equally sure, no country has made greater contributions to the film than the United States. Here today to talk with me about the future of American films are three distinguished persons from the world of film.

Jack Valenti is the President of the Motion Picture Association of America, a position he has held for over six years. From 1963 to 1966 Mr. Valenti was a principal assistant to President Lyndon B. Johnson.

Charlton Heston is, of course, a noted actor and former President of the Screen Actors Guild. Mr. Heston is also chairman of the American Film Institute and a former member of the Council of the National Endowment for the Arts, which determines what Federal grants are made to the arts in the United States.

Pauline Kael is regarded by many as the ablest film critic in the United States. She writes for The New Yorker magazine and the most recent of her many books is entitled Deeper into Movies, a compilation of some of her reviews.

Mr. BRADEMAS. Let's begin the questioning today and our discussion with you, Miss Kael, and let me ask you, are movies better than ever?

Miss KAEL. It's a terrible thing to have to admit because the industry always used that as a slogan in the days when they weren't, but I think they are now. I think that a new diversity has come into movies in the last few years and I've just been astonished at the riches. There was a period, the late '60's, when things seemed to become standardized and dead. The studios in Hollywood were putting all their financing into super-large productions and many of them were awful, awful disasters. Dr. Doolittle, Star, well, Camelot—we remember all those.

But now some of the younger talent has broken through and there's new talent all over the world and not just in this country. There are several new directors who are doing interesting work in Italy, some of the older directors of the new wave, the men in their 30's or 40's now in France and, from the emerging nations and also from the United States, young men have been breaking through. So far, no women except at a rather small level.

WHY AREN'T WOMEN MORE INVOLVED IN MAKING FILMS

Mr. BRADEMAS. Why is that? Why aren't more women involved?

Miss KAEL. Well, women were never really involved very much in Hollywood and they have not been involved, with rare exceptions, all over the world. Partly, in entertainment there is an old tradition that goes very far back. Women were considered harlots and actresses were the harlots. They never got positions of authority in the acting profession even though women became great stars on the stage.

It was very difficult for a woman to make her way into a directing position. Now women, however, did get into writing, and a lot of the important early screenwriters were women but there were very, very few women directors.

But recently the change in the whole temper of this country * * * the young girls * * * it is simply amazing. If you went to a college five years ago, the girls in the audience would only ask the question that would please their boyfriend. They would ask trivial little questions like, what do you think of the Academy Awards? Now they speak up and they speak with their own minds; they have direct opinions; and there is an audacity about their opinions that I think means they are going to move into real equality in film, which is tough in terms of the fact they are going to have to deal with union craftsmen.

Mr. BRADEMAS. Mr. Valenti, you in effect are the principal spokesman here in Washington for the motion picture industry. What do you think of two of the points Miss Kael made, one about the role of women in the making of films as distinguished from acting in them, and the other, about the relationship between the development of young filmmakers and the established industry?

WOMEN'S MAJOR BREAKTHROUGHS WILL BE IN WRITING

Mr. VALENTI. I think Miss Kael is right that women have not taken an active part. I see the principal role where women can make breakthroughs in the industry is in writing. It is my theme that the greatest poverty we have today in the motion picture world is the caliber of writing. I think we need more writers, better writers. I think this is an area where women can make a very definite contribution and I would think that in the next five to ten years, it would come from the colleges of this country and from the American film industry and other places where the emerging talent is now being fermented. I believe this is where they are going to make a big mark. Later on, perhaps, in the directing field.

It does take, as we talked earlier before this program, it takes a certain amount of stamina, a certain amount of physical stamina as well as stamina of the spirit to persuade yourself that you are going to do well in this business because it is not easy to break into the film world.

Miss Kael. You know, Jack, I think they are going to want to direct because it is a challenge to young women now. It is easier to get in to be a screenwriter and I think just because of that, the new spirit of some of the younger women is going to make them want to break through and want to become directors.

Mr. Heston. Some of the 40 fellows at the American Film Institute who are studying filmmaking now on grants from the Institute are women. I think the problem of women historically directing film is as you outline. I think there is another factor. I've been directed by a woman as an actor on the stage, never in film.

I think it's also important to remember that there have been a very few successful women directors. Oddly enough, probably the most successful was Ida Lupino who, in addition to her career as an actress, directed several films in the forties. Probably she remains to this day the most successful woman director of film.

Miss Kael. Well, she worked rather independently compared to Dorothy Ourisner who did work for MGM and did direct big stars.

DIRECTORS ARE "PATERNAL" FIGURES

Mr. Heston. But I think there is another factor of which I am unaware as a filmmaker. That is, it is not an insurmountable barrier for a woman who wants to direct but requires a special solution for her. The director-actor relationship is a paternal one. Now, you can make it a parental one, as I said in a seminar with some of these fellows at the Institute last week on directing and handling actors. Traditionally, what an actor, even an established actor, looks to in a director is at least a parental—and traditionally it has been a paternal—kind of relationship.

Miss Kael. Don't you think that might change?

Mr. Heston. I don't think it will change. It's inherent in how an actor-director channel of creative communication must work. It can work for a woman, as one of the girls, who is a directing fellow, said, "What about that?"

I said, "Well, among the many things a successful film director must be is a good captain. It has logistic problems and administrative problems and disciplinary problems that are simply inherent in the medium and what film is, any kind of film."

And, she said, "Well, how am I going to be a good captain?"

I said, "Maybe that isn't the role you should aim for. You can be the great earth-mother though, that might work."

Mr. Brademas. And have a maternal role?

Mr. Heston. Yes, I'm just suggesting that it's there.

Miss Kael. I'm inclined to think that whole patriarchal relationship of the director who sits at the table when the crew's on location, who sits at the head of the table and is the big papa is passing away. I would like to think that some of that will break down as production becomes lighter and the crews become smaller because I think it's been an awful burden on the egos and on the energy systems of directors.

ONE CREATIVE CONCEPTION MUST BE IMPOSED

Mr. Heston. Well, speaking from inside the film experience, as an actor, one of the problems of film is that it is a joint creative undertaking, which imposes, obviously, unique problems because art by collaboration is seldom successful. That may be one of the reasons why it's so hard to make a good film. There has to be one creative concept that is imposed. You can't say to the cameraman, "Now, naturally, I felt we should shoot it this way but I'll certainly concede to your shot; if you really feel in your heart that you want to do the other kind of shot, we certainly will."

And then the actor says, "Now wait, I think we should do this shot." I say, "Okay, now we're going to do it this way."

Miss Kael. You see, I believe in the prime authority of the director, certainly, but I also think that younger people are going to think in terms of a participatory democracy and they are going to work much more flexibly with actors. They are going to want more improvisation, more looseness, more spontaneity.

Mr. Valenti. I'm all in favor of improvisation. There is probably a far greater degree of input not only from actors but from cameramen, from makeup men, from prop men.

Now, let me give you the other side of that picture. And I have never made a film so I can speak authoritatively on all aspects of it. But I do know something about the problems that are inherent in making films.

I remember listening to Federico Fellini, who I think all of us would agree is one of the great filmmakers of all time. He was speaking to a seminar at the AFI and some of these young people were wanting Fellini to confirm some of their own feelings. And they would say, "Now, Mr. Fellini, isn't it true that when you get on the set that you do work with improvisation, a lot of cinema verite, isn't that the way you operate?"

Fellini looked at this young boy as if he were mad. He said, "Making a film is like taking a trip to the moon. It's terribly disciplined and structured."

He said, "I never make any film unless I know precisely what I am going to shoot . . . I do get on the set, and we do change from time to time but there's a basic theme, a very definite concept that I have already written out in advance. I know exactly what I am going to do."

Now I think it is very hard to tell Fellini as a great artist that he doesn't know how to make a film. I think this disciplinary aspect is inherent in the art.

DISCIPLINE VERSUS SPONTANEITY

Miss Kael. But you asked the boy or man. Ask Jean Renoir and he'll say, "I want freedom. I want the actors to develop their ideas. I want to be able to improvise. I want to take off from the script."

Of course, they need the basic theme in the script, but he wants to be able to use the accidents, to use the location, to use the rain that comes or someone walking. And if you ask younger directors like Truffaut or, five years ago, when he was making better movies, you would ask Godard, or if you ask the young Americans, I think they would want that freedom and I think that the actors who work with them want that freedom too. Because they've been made to develop the other way, they feel emasculated.

Mr. Brademas. Mr. Heston.

Mr. Heston. I've never felt emasculated. I've worked for both kinds of directors. I think it's part of the actor's responsibility to respond. I worked with Orson Wells, who uses improvisation, who rewrites and restructures scenes to an incredible degree but who also is a very strong hand. John Ford tears out scenes and decides not to shoot them. Democracy is a marvelous way to run a country; it's a hell of a way to make a movie.

Mr. Brademas. Let me ask you this question because it is in part I think related to what we've been talking about here. Someone spoke about the rise of young filmmakers in the United States, and Miss Kael earlier in our hearings on the arts bill talked about not directors of films but used, I thought purposely, the phrase, "filmmakers." I would like to ask Miss Kael, first, to expand a little on what she means by that and also on the direction she thinks movies might be going in the United States.

And then I'd like to ask Mr. Heston to say something about how he sees the work of the American Film Institute, and maybe Mr. Valenti on how we can encourage and make possible young people getting into the making of films.

Miss Kael, would you talk about that?

WILL FILMMAKERS REPLACE DIRECTORS

Miss Kael. On the filmmaker as opposed to the older concept of the director? The term began to be current in the '60's and I think it was a reaction against the old methods of studio production technique. That is, a director was thought of as someone whom the studio assigned or who took a project and then shot it. Now this is not always the case. I mean very often the directors develop an idea based on something they feel very moved by, that they care about, but it is thought of in general as a more impersonal process, whereas the filmmaker thinks of expressing himself on film and putting together a project in which his personality and all of his creative drives would come out.

Now that is putting it at its boldest but I think most of the young Americans who want to go into films think of themselves as the filmmaker, not as directors, because they are frightened and turned off at the idea of being hirelings who are assigned to direct the film. And actually they don't know how to work that way and they don't want to work that way.

And I think they're right not to want to work that way, because it results in a very impersonal kind of filmmaking, and that kind of filmmaking already looks like television and has a slightly dead quality. Movies shot for television that are shot in 11 days, television series, have a certain routine quality that resembles old movies. That's very unappealing to young people because it reeks of the factory. And I think it would be very bad if they do get caught up in it because I do think that that's going to die out and it should die out.

Mr. Brademas. Mr. Heston, you referred earlier to the AFI, the American Film Institute. I wonder if first, you could say what the American Film Institute is, and then maybe talk about what it's doing in the way of encouraging young filmmakers. I might ask you also to say something about its relationship to this legislation that we've been working on.

THE AMERICAN FILM INSTITUTE

Mr. Heston. The American Film Institute is the only specially mandated creation of the whole Federal arts program. Under President Johnson's Administration, when the Foundation was first created, he said, let there be an American Film Institute and indeed there was an American Film Institute. We have in my view not enough money. We have a very small share of the total Federal art dollar, especially when you consider the enormous importance of film to the people of the world and the significance both historically and presently of American film.

But I think our programs are beginning to be well established. I guess the best way to summarize our function is that we are concerned with identifying and preserving the great heritage of American films and providing stimulus to the present American film and opportunity to the future of the American film. As Miss Kael says, this future very properly lies in the young, as is true in any art. I think it is particularly in films because filmmaking is enormously demanding. It's like running a war.

Mr. Brademas. Let me ask Jack Valenti a question about that war. Has the war, as Mr. Heston put it, that's involved in making films or, as Miss Kael says is a killer, significantly changed in terms of the weapons and the fighters out in Hollywood over the last generation?

WARS CHANGE, TIMES CHANGE, BUT SOME THINGS STAY THE SAME

Mr. Valenti. Yes, I think it's changed a good deal from the times that Miss Kael was talking about in the days of Hollywood, as we generically understand it to be the old

Hollywood, with the tycoons and the moguls and the vast studios and the fat contracts, with everybody under contract.

All that's changed. It's a lonelier and more fragile system today, from an economic standpoint. The major companies have been in deep financial troubles over the past decade and they've had to become leaner and fitter. There are no longer stars under contract; there are no longer directors and writers under contract. It's an entrepreneurial situation in which so-called independent actors, like Mr. Heston, or John Wayne or Kirk Douglas, make their own films and they go to a major distributor for financing and distribution. A young filmmaker has an idea and he is able to persuade somebody to give him private financing. And then he'll go to a larger company to try to get him the rest of his money, completion money that he needs, for his distribution.

The economic factor in movies is there and we didn't make it that way but that's the way it is. Also, we are overlooking one important element in the whole factor of moviemaking. And that is the American and world audience. It is one thing to make a film for yourself. It is another thing to make a film that people will want to see. Therefore, films are a very diverse mix. There is a so-called small, personal film which was created mainly, I presume from my reading the history of film, from Miss Kael, done largely in Europe, and post-war, beginning with the realistic directors in Italy and then moving on to France and England and then it moved to this country.

Then there is the so-called entertainment film, *The Poseidon Adventure, The Lost Horizon,* which are not small personal films. They have no message really but they are to entertain.

Now the financing company has to make a determination of the amount of money it has available and how to mix its films. The small film is the blockbuster, the audience-oriented film. And really what the problem is in the film industry today is how you make this mix because inevitably it comes down to your making a film for more than a million dollars, say a half a million dollars, a lot of money. And how do you get people to want to see it?

So, many people in this country will import the films of Bergman and Truffaut and the other great directors, knowing that the audience is going to be small but that they want to be attached to this kind of intellect. But at the same time distributors and financial backers must have the so-called action film, the Western film, the comedy, what we call the escape film, in order to find a way to the end of the year. The money that you have taken in must exceed the money you have put out.

Now the basis of the problem today is: how does a young filmmaker inject himself into this economic situation, because films are not an art form that live naked and alone beyond the shining ledgers of the bankers.

Mr. Brademas. Miss Kael is yearning to be heard on this subject; I can feel it.

THE YOUNG AUDIENCE IS NOT BEING NOURISHED

Miss Kael. Well, I feel what's happening is that the companies are by-passing the young audience because they don't know how to reach it and because it's safer to make films they know will have almost guaranteed response abroad and have a certain guaranteed audience here. These are the films, the big films.

The producers really don't take chances on anything risky because they don't have the feel of the young audience. Nobody quite has it because it's so volatile, but in a sense the whole young audience, the real audience of the movies, is not being nourished by Hollywood. It's being nourished from abroad and yet it could be nourished by the younger generation of filmmakers if we could just find a way for their work to reach theatres.

Mr. Brademas. Mr. Heston?

Mr. Heston. Miss Kael seems to feel that there is not only somehow sprung fresh from the sea like Venus an instant generation of remarkably talented young filmmakers, which I am inclined to agree with, but that there is facing them a unique agony, a maze that never existed before. Now, I think that on the contrary, the basic condition which has always been the main problem for any filmmaker and is certainly so now is the one Jack implied in his response, and that is the enormous cost of the raw materials of film.

Now historically, we tend to look at these things with tunnel vision often. It's interesting to get the longer view. We were speaking earlier of the exciting new capacities for improvisation of the young filmmakers. The most improvisatory film work ever done was, of course, done by the early silent actors in Hollywood when they went out in the morning with a few notes on the back of an envelope and came back with two reels of a movie.

But nonetheless, whether a filmmaker like Fellini or the early Harold Lloyd films or Buster Keaton films or Welles, whether they work in an improvisatory manner or work like Hitchcock and Fellini—I used him to cite the wrong example—in a totally scripted, totally prepared way, it is still necessary to reach an audience sufficiently large to pay for the cost of your raw materials.

Now, though Miss Kael's profession depends on discerning quality and attracting its audience to it—and I agree with the opinion of her peers that she is better at it than anyone currently writing about film in America—I think it is important to remember that historically contemporary critical judgments have often been in error. For example, I mentioned Buster Keaton. It wasn't until five years before his death that it suddenly occurred to everyone that he was one of the premier filmmakers of America.

Miss Kael. That was largely because his films were not in distribution for people to see.

Mr. Heston. Films were very popular when he made them but it never occurred to critical observers of art at the time to identify them as the artistic work that they undoubtedly were.

Miss Kael. No, I think some of us did. I wrote about him as an artist long ago. But the problem was that he worked in the silent period and it was very difficult to convert those films to put them in a form for modern audiences. Actually they still haven't reached the American audience they should reach.

Mr. Heston. The point I was making, it's a very minor point, but his films were very successful with an audience at the time they were made but they . . .

Miss Kael. But they were also critically well received.

Mr. Heston. Not very.

MANY EUROPEAN MODERNS STUDIED HOLLYWOOD

Mr. Valenti. Let me inject something. I want to follow along on something that Chuck said. Because I think it is very germane to what we are talking about, and that is the volatility of critical judgment.

I, too, agree that Pauline Kael is the best writing today and if I'm hesistant about a judgment of a film, I'll take Pauline's judgment on it because I think it is usually going to be right. However, it is curious to me that some of the great, the personal directors, let's take Truffaut—he wrote in his own book that he learned the art of moviemaking in the Francaid cinematheque where he watched the gangster films of the 1920's and early '30's and the Mervin LeRoys and the Howard Hawks and all these people, and he learned his craft from these people who operated in the factory, the old caverns of the movie moguls and indeed the Hollywood that is now dead.

Miss Kael. Right, let's take that for granted and I agree with you. But now we have generations of filmmakers in this country and there are several generations of them already who have learned to work on very light portable equipment. Some of them have never even handled 35 millimeter but they can do amazing things. But the only way for them now to reach a larger audience is to go out to Hollywood and try to do what the older generation knew how to do, which nobody really wants anymore and which the younger generation doesn't know how to do, and it defeats them.

Mr. Brademas. Let me interrupt to say we only have about a minute left and maybe I can come back to each of you a 15-second comment on the question I put to Miss Kael earlier, beginning with Mr. Valenti. The question is: Are movies better than ever?

Mr. Valenti. I share Pauline's feeling. I think they are. I think the quality, the perception, the intelligence of these movies is much better than it was and I think it's because of the audience today. It's more educated and more discerning and they are demanding a higher quality of films.

Mr. Brademas. Mr. Heston.

Mr. Heston. As usual about film I think Miss Kael was correct, I think some are better; I think the future may be even more exciting than the present and I'm lucky to be part of that.

Mr. Brademas. Miss Kael, we'll let you have the last word.

Miss Kael. I think it's the only institution in America we can be optimistic about.

Mr. Brademas. Well, that's very encouraging indeed. Ladies and gentlemen, I'm sorry but our time is up and I hope you have enjoyed, even as have I, this very lively discussion of the future of American films with three distinguished American authorities in the film world—Miss Pauline Kael, the film critic of the New Yorker Magazine; Mr. Charlton Heston, the distinguished actor; and Mr. Jack Valenti, the President of the Motion Picture Association. This is Congressman John Brademas thanking you for sitting in on another edition of "Washington Insight."

LAND-USE TYRANNY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. CRANE. Mr. Speaker, in the near future the House will consider a Federal land-use bill. This proposed legislation would authorize the Federal Government to distribute grants to the States for use in the development of statewide zoning. The bill includes a number of specific provisions which make it clear that those States which seek Federal funds will have to adopt the federally promulgated rules.

While many seem to advocate Federal zoning plans, others who have studied local zoning ordinances in some depth find that even these are in violation of individual rights and serve no useful public purpose. In his volume, "Land Use Without Zoning," attorney Bernard Siegan compared Houston, a city which has no zoning ordinances, with nearby Dallas, which does.

Mr. Siegan discovered, after an extensive study, that Houston and its suburbs do just as well as Dallas, in fact, somewhat better.

In Dallas, the government tells individuals where they can and cannot build homes and office buildings, while in Houston there are no geographical restrictions. The result is that the Houston skyline is just as orderly as the one in Dallas. The Houston business section is contained in one large self-created "district." The same is true of residential areas and Siegan discovered that land values proved effective in separating business and industrial real estate from the single family lots.

The only people, he discovered, who really benefit from zoning are the planners themselves.

If the Congress assumes the power to tell individual citizens what to do with their private property, it will be doing the opposite of what the Constitution mandates. Will private property any longer be private if the Government may tell individuals how they may use it?

Discussing this legislation the Phoenix Gazette editorially noted that its effect would be to make property owners,

> Landless serfs beholden to the lord of the manor in Washington. With Washington controlling use, titles to property would become worthless scraps of paper in a modern system of feudalism.

The Gazette points out that,

> Because the bill provides no compensation to land owners whose property values would be reduced or even demolished by the environmental provision, the measure very likely may be unconstitutional. The Constitution provides that private property shall not be taken for pubic use without compensation.

I wish to share with my colleagues the editorial, "Land Use Tryanny," which appeared in the Phoenix Gazette of June 11, 1973, and insert it into the RECORD at this time.

[From the Phoenix Gazette, June 11, 1973]

LAND USE TYRANNY

For all that land use planning has to recommend it, Arizona and every other state would be better off with no planning at all than with planning directed from Washington that would usurp local control and all but confiscate private lands.

With Washington having bungled so much on so many local scenes, it is surprising indeed that the majority of the Senate Interior Committee would report out legislation that would make Uncle Sam a czar over land use everywhere in the country. Yet that is precisely what has happened.

To his great credit, Arizona's Sen. Paul Fannin, who cosponsored the bill with the hope of providing federal assistance and cooperation for local planning, is blowing the whistle on the version that came out of the committee.

Sen. Fannin says the Land Use Policy Act as it reads now "would do great violence to our traditional American rights," certainly an accurate description. If Washington gets to decide on land use, the states, other local governments and the people will have no say in the destinies of their neighborhoods and communities.

In effect, property owners would be reduced to landless serfs beholden to the lord of the manor in Washington. With Washington controlling use, titles to property would become worthless scraps of paper in a modern system of feudalism.

Under the Land Use Policy Act, areas of "critical environmental concern" would be subject to severely limited uses. According to Sen. Fannin, that provision is so broad that it "is not folly to say that in some states every square foot of private and state land could fall within such a limitless definition."

Oddly enough, lands owned by the federal government, which in Arizona at least are threatened by very real environmental hazards, would be exempt from designation as areas of critical concern. What sort of foolishness is that?

Because the bill provides no compensation to land owners whose property values would be reduced or even demolished by the environmental provision, the measure very likely may be unconstitutional. The Constitution provides that private property shall not be taken for public use without compensation.

If it becomes law, however, the courts would be left with the sticky question of deciding when a restriction becomes "taking" of land. Litigation on that issue could continue for years, during which property owners might lose investments, and the results could be disappointing.

All in all, S. 268, the Land Use Policy Act, is a dangerous piece of legislation that promises to do little good for Americans but could do a lot to destroy their rights.

ALASKAN PIPELINE BILL

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. DON H. CLAUSEN. Mr. Speaker, a great deal of concern and discussion has revolved around the so-called Dellenback amendments to title II of H.R. 9130.

I herewith attach a statement directed toward clarifying the position of those who do not believe them to be necessary:

THE ALASKAN PIPELINE BILL (H.R. 9130) AND THE NATIONAL ENVIRONMENTAL POLICY ACT

The amendments to H.R. 9130 proposed by Congressman Dellenback and others are for the announced purpose of rendering the action of the full committee compatible with the National Environmental Policy Act of 1969 (NEPA). The amendments are unnecessary to achieve this purpose and the adoption of the amendments would guarantee substantial delay, due to litigation, in the development of much needed North Slope reserves.

Title II of H.R. 9130, as reported, (1) finds that actions of the Secretary heretofore taken with respect to the proposed trans-Alaskan oil pipeline constitute satisfactory compliance with NEPA (Sec. 202(d)), (2) directs the Secretary to issue the necessary rights-of-way and permits for construction of the pipeline (Sec. 203(a)), and (3) declares that the issuance of authorizations for construction of the pipeline shall not be subject to judicial review on the basis of NEPA (Sec. 203(d)).

The proposed amendments would delete these three provisions and substitute a provision calling for expeditious treatment by the courts of any ensuing litigation.

The issues are as follows:

1. Is H.R. 9130 incompatible with NEPA?

H.R. 9130 does not exempt the pipeline from NEPA. It simply provides that since NEPA has been complied with, additional delaying litigation should be prevented.

A. There has been NEPA compliance.

An inter-governmental task force, under the leadership of the Department of the Interior, devoted more than 175 man-years of research and analysis to comply with NEPA and to produce the most comprehensive Environmental Impact Statement (6 Volumes) ever prepared under that Act. In addition, a 3 volume Economic and Security Analysis and the most comprehensive and stringent set of technical and environmental stipulations ever imposed upon any project were prepared. The entire effort utilized the services of hundreds of highly competent government career professionals from every applicable discipline.

All four Federal judges who considered the environmental issues in the Wilderness Society litigation (District Court and 3 Courts of Appeals judges) determined that the Secretary had fully complied with the requirements of NEPA. The 4 judges constituting the majority in the Court of Appeals decision did not decide to the contrary but refused to consider the issue until Congress amended the Mineral Leasing Act (a "monstrous" refusal, according to Judge MacKinnon).

B. Congressional authorization of the pipeline, as provided in H.R. 9130, is not subject to NEPA.

NEPA applies only to actions of Federal agencies. It does not, and could not apply to specific actions of the Congress itself. Under H.R. 9130, Congress, rather than a Federal agency, is taking the major Federal action with respect to the trans-Alaska pipeline. Thus, NEPA, as a legal issue is irrelevant. This is the same approach adopted by the Udall proposed substitute bill. Even lawyers for environmental plaintiffs in the Wilderness Society litigation agree with this interpretation. See attached Exhibit A.

2. Would the adoption of the proposed amendments result in extensive delay due to further litigation:

A minimum of 1 to 2 years of further delay will occur if Congress merely delegates the decision-making role on the pipeline to the Secretary.

After the Secretary made his May 11, 1972 decision to authorize the trans-Alaska pipeline, it took almost a year for the courts to review that decision in the Wilderness Society litigation, despite the fact that each court accorded the case extraordinary expedition. The parties to the suit agreed to expedited pre-trial discovery and a stipulated record for trial; the District Court Judge issued his decision on the day the trial ended; the Court of Appeals waived its rules by permitting use of the trial court briefs on appeal and prompt argument; the *certiorari* petition to the Supreme Court was expedited without regard to the time permitted in its Rules. The net result was no decision on the NEPA issue.

Under the proposed amendment, the case would be relitigated. There is no way possible for the second litigation to require less time than the first. Thus, the proposal to order judicial priority will avail nothing. Moreover, in the likely event that the Supreme Court would accept review of the case after another Court of Appeals decision, final decision could be delayed an additional year. And, after all that time, if the court should send the case back to the Secretary on a technicality, we would be right back where we are today. This is no fanciful supposition; Judge MacKinnon voiced concern that this case might be a repetition of the *Three Sisters Bridge case.*

In sum, the Secretary has been unable, and the courts have been unwilling to take the necessary action to get North Slope oil and gas to the Nation. There is no possibility that they can or will take the action needed for a year—or several years. Only Congress can resolve the dilemma. By adopting the proposed amendments, Congress would be shirking its responsibility in this important matter.

PREGNANCY AND BENEFITS—THE RIGHTS OF WOMEN

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Ms. ABZUG. Mr. Speaker, recently in California a major victory was won when a Federal court decided that California working women were entitled to State disability benefits for pregnancy or pregnancy-related complications. In a 2 to 1 decision, section 2626 of the California Unemployment Insurance Code was declared unconstitutional. Section 2626 states:

> "Disability" or "disabled" includes both physical illness and mental or physical injury. An individual shall be deemed disabled in any day in which, because of his physical or mental condition, he is unable to perform his regular or customary work. In no case shall the term "disability" or "disabled" include any injury or illness caused by or arising in connection with pregnancy or termination of such pregnancy and for a period of 28 days thereafter.

The purpose of the California Unemployment Insurance Code is "to compensate in part for the wage loss sustained by individuals unemployed because of sickness or injury and to reduce to a minimum the suffering caused by unemployment." The disability insurance program grants benefits to those unable to work because of nearly any physical or mental conditions. Pregnancy is as debilitating—no more or less so—as other physical or mental conditions covered by the disability insurance program. The economic hardship suffered by pregnant women when they cannot work is identical to the hardship of other disabled workers.

The State failed to show any rational grounds for excluding pregnancy—the State was merely saving expense by arbitrarily denying benefits to a class of citizens. Certainly a State should be concerned with preserving the fiscal integrity of its programs, but it cannot accomplish this by "invidious distinctions between classes of its citizens," *Shapiro* v. *Thompson*, 394 U.S. 618, 633 (1969). If cost is an issue, perhaps all claims which exceed a certain amount should be excluded. But to arbitrarily deny benefits to women who are pregnant has no justification. It would be as discriminatory as denying benefits to those who have sickle cell anemia.

Some myths have allowed this to happen. Those who oppose pregnancy inclusion claim that women will abuse the disability fund. But the fact is that women work because of economic necessity. Forty percent of all women work, and the overwhelming majority of these women are single, widowed, divorced or separated, or have husbands who earn less than $7,000 per year. The State has denied benefits on the basis of generalities and stereotypes contrary to fact and to the equal protection clause. Some women suffering pregnancy-related disabilities will have large claims, many will not.

Those who oppose pregnancy inclusion claim that since pregnancy is voluntary, it should not be covered. No woman chooses to have abnormal pregnancies or pregnancy complications. The high number of abortions also attests to the fact that many pregnancies are not voluntary. Meanwhile, it should be noted that other "voluntary" conditions such as injuries resulting from drunken driving, cosmetic surgery, sex-change operations, attempted suicide, lung cancer caused by smoking as well as solely male disabilities such as vasectomies or prostate operations are all compensated under the State disability law.

This case is currently being appealed to the Supreme Court.

Since the pregnancy exclusion has no rational basis, the California court declared it unconstitutional. This decision will aid thousands of California women. I hope that all States and insurance companies with similar discriminatory policies will likewise follow suit. Pregnancy-related disabilities must be treated like all other disabilities.

THEOLOGY AND ECOLOGY

HON. WILLIAM H. HUDNUT III

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. HUDNUT. Mr. Speaker, as a member of the House Subcommittee on Public Health and Environment and the Republican Task Force on the Environment, and as an ordained Presbyterian clergyman who served as a parish minister before coming to the Congress, I am intrigued by the theological rationale that could possibly be developed to undergird, explain, and motivate modern man's efforts to preserve the environment from pollution; and I offer the following thoughts on theology and ecology with the hope that they may be of some interest to my colleagues. I am sure it is possible for persons holding similar commitments about saving earth, air, and water from abuse and spoilage, to come down on different sides of given particular issues, as for example, the trans-Alaskan pipeline which we are debating today, and we must certainly always remember that reasonable men will often differ on the right method for implementing a mutually agreed upon goal; but deeper than these differences lies a fundamental commitment, a basic intent, a comprehensive rationale—and it is to this that I would address myself in these remarks:

It has been suggested that the decade of the 70's will be known as the "Age of Ecology"—and to ignore this would be irresponsible. As the Chairman of the Department of Religion at Earlham College, Dr. Richard A. Baer, Jr., has observed, "The Church is badly in need of a distinctly 20th century theology of nature and of a land ethic pertinent to this age of technology and population explosion."

Begin with two contrasting pictures—one a Norman Rockwell painting, the other a recent cartoon.

"Rockwell painted a picture of an elderly woman who had paused to say a prayer of thanks before she began her meager meal in a cafeteria. It portrayed her with head bowed and hands folded, completely oblivious of those around her. Laboring men and business people had paused to watch her, not merely curious but obviously impressed by the act. The picture appeared on the cover of a popular magazine and occasioned widespread comment throughout America. It sounded a note which a materially-minded people found strangely appealing. Millions who had been careless in their attitudes toward God were stirred by memories of days gone by when they were thankful for all God's goodness and when they, too, had paused to express their gratitude to the Almighty before they began a meal." (Quoted in Wallis, Chas. L., '70 from G. E. Thomas, Spiritual Life in the New Testament, p. 297)

The carton to which I referred is not made for laughing. Six smoke stacks from a large and especially grotesque factory, labelled industry, spread black ink across the sky, while three huge drains gush filth into a surrounding cesspool. Amid the tanks and pipes looms the proprietor of this enterprise, a fat-faced man with a cigar. He grins toothily down at a wretch crawling from the slime with a newspaper that proclaims, "Pollution Latest: Science Foresees End of Life on Earth in 35 years." Mr. Industrialist is replying, "Boy, you had me worried for a moment there—I thought you said three to five years." (Wall Street Journal, January 8, 1970)

If, with the woman in Rockwell's picture we have truly thankful hearts, it will influence our attitude toward the world of nature, its products and environment. He who is not careless in his attitude toward God will not be careless in his attitude toward God's gifts to His children, one of which is the world of nature. Anyone who truly believes that the fruits of the field, the trees of the forest, the natural resources of the ground, the air we breathe, the water we drink, the animals we kill for food, the earth we inhabit, the crops we harvest, are God's gifts, and truly appreciates them as such, will, it seems to me, not only pause like Rockwell's devout woman to express gratitude, but also do whatever he or she can to see to it that God's gift of the physical environment in which we live and move and have our being is protected and conserved, rather than polluted, wasted or destroyed as was the case with the selfish profit-minded industrialist in the cartoon.

THE ECOLOGICAL CRISIS

The evidence of our senses, what we see and hear and read almost daily, compels us to recognize that mounting levels of pollution and population, trash and noise, are plunging us deeper into an ecological crisis. It may not be as dire as some apocalyptically predict, but none will deny that it is real. I am not expert enough to judge, for example, whether biologist Paul Ehrlich is right or wrong in his speculation that on the basis of trends already well evident, the oceans of the earth will, within ten brief years from now, by 1980, have lost their ability to support animal life—which would, needless to say, plunge the world into a horrendous chaos. I am as ill-equipped as probably 99% of the American people to assess the long-range affects of foul air, impure water, depleted natural resources and exploding populations. I am not sure whether or not there won't be any air left to breathe by the year 2,000, or any ground for the people to live on, or whether the ice cap will have melted and we'll all have floated away. It is difficult for me to know whether or not trees are being cut faster than they are growing, or whether or not our country will possibly be engulfed by trash since right now we have to cope with 3.5-billion tons of solid waste each year in America, and the figure is increasing. A layman like myself does not have the scientific answers to these problems; but *when all is done and said, is it not safe to conclude that we have a serious problem?* It has produced a rising ground swell of indignation in our country as more and more people realize the magnitude of the present crisis and the perilous consequences of further neglect? An avalanche of published information signals that the crisis is worldwide and that it does pose a threat to the survival of human life.

ITS TWO DIMENSIONS

It seems to me that the ecological crisis has *two dimensions*—a pragmatic one and a philosophical one. Call them scientific and theological. At the one level, we attack the surface manifestations of the problem—uncontrolled technology, unlimited population growth, unregulated industry, and so on; at the other, we talk about people's attitudes and values in their view of life. The *Wall Street Journal* was right in an editorial on the ecological crisis (Apr. 21, 1970) when it observed that "the quality of life in America is by definition more than physical." I do not think therefore that it is wide of the mark to suggest that the ecological crisis is at bottom religious. What we do about the environment depends on our basic beliefs about the world and about ourselves.

THREE BIBLICAL PRINCIPLES

So may I suggest three Biblical principles that in my opinion should inform our thinking about the ecological problem?

(1) *This Is God's World*

This is God's world, and as such, all things in it have value. That's part of the meaning of the Creation Story in Genesis. God made the world and everything in it and pronounced it all good. The Psalmist says: "The earth is the Lord's and the fulness thereof, the world and those who dwell therein . . ." (Psalm 24:1–2) Paul quotes that Old Testament passage with approval in his First letter to the Corinthians, as if to teach man respect for nature and appreciation of God's world. The Bible rings with songs of thanksgiving to God for the blessings of food and air and water and land and harvest, and our attitudes as Christians should be equally grateful. "God has two dwellings," said Isaac Walton, "One in heaven, and the other in a meek and thankful heart."

To be sure, we cannot always be grateful for the world of nature—not when an avalanche destroys a mountain village in the Alps, or an earthquake a city in California or Japan, or a forest fire a summer vacation spot, not when a tidal wave engulfs a half-million people in Pakistan or a typhoon ravages the Philippines. Our little six-year-old came home with a joke this fall that was funny the first 20 times we heard it. "What is a tornado?" he asks. "I don't know, Teddy, tell me." "It's Mother Nature doing the twist." Mother Nature does do a twist sometimes. She does go on rampages.

But by and large, with the blessings of food to eat, land to cultivate, air to breathe, and light to see, with the reliable changing of the seasons and the beauties of sunsets and flowers and starry nights and mountaintop vistas, we have a great deal to be thankful for. "For the beauty of the earth, for the beauty of the skies," we sing with gratitude. A religious man will value nature as God's creation. He will not regard it as a means to his own ends, as if the world exists for his own unconditional use. Think of Job, who was finally overwhelmed by the majesty and wonder of nature. Think of Jesus talking about the lilies of the field and giving countless illustrations from nature to make His points. Think of God noticing the sparrow's fall—even if the culprit is DDT. Think of St. Francis delighting in God's birds and animals, sensing the dignity and equality of all creatures, and calling the earth His sister and the sun His brother. Nature belongs to God and does not simply exist to be exploited by man.

(2) *Man Is a Steward*

This leads to the second basic principle. Man is a steward. He is given dominion over the earth, as we read in Genesis and Psalm 8. This does not mean he is given a carte blanch to exploit and subjugate and plunder and rape and destroy. He is a trustee of the gift God has given him. The Creation Story teaches that God created man to till the ground (Gen. 2:15) to care for it and cultivate it and use it well.

The modern mind does not necessarily agree with this view of man's relationship to the world. Modern man tends to view God's world as His own exclusive property. Many of us went to "Expo '67" in Montreal and thought it exciting, fantastic and wonderful. But did we catch the heresy of the main theme—"Man and His World"? Is it true, as Woody Guthrie sings, "this land is your land," or was Abraham Lincoln closer to the mark when he spoke in his last Thanksgiving Day Proclamation (1864) of the land as being assigned to us by a gracious God as our dwelling place? Is it right for the American alligator to be exterminated for ladies handbags, or for ancient California redwoods to be cut down for patio furniture? Religious people must ask: what are our responsibilities as stewards of the world of nature? And we must confess, with Senator Jennings Randolph of West Virginia: "We have for too long taken a careless, unthinking approach to our use of nature."

I think we must say that from the biblical viewpoint, with the privilege of dominion there goes the responsibility of trusteeship. After all, the Catholic Church produced not only Franciscans who marvelled at the world of nature, but also Benedictines, whose careful agricultural practices transformed much of Europe's wilderness into gardens, and incidentally, transformed a few grapes into some pretty good wine. Jesus pointed out in some of His parables (Luke 12:42; 16:1; etc.) that men must make a good accounting of themselves as to how they use the talents and resources God has given them. Which suggests to us that our responsibility is to deal as wisely as we can with the limited resources of nature's animal and vegetable and mineral kingdoms which have been entrusted to us, just as we try to do with things that belong directly to us, like our money and cars and homes and clothes.

(3) *Love of Neighbor*

Then thirdly, I think a theology of ecology will stress that we are our brother's keeper, as we read in Genesis 4, and that we must have the welfare of our neighbor in mind. Jesus said that love of neighbor is the second great ethical imperative after love of God (Matt. 19:19). Sin is self-centeredness. Sin is pursuit of self-interest at the expense of others. The trouble with the prevailing values in our culture is that they are thing-oriented rather than life-oriented, profit-centered too much, people-centered not enough. They are materialistic, not personal. This means that all too often, we do not care what happens to the other fellows so long as we make our money and enjoy our comfort. But followers of the biblical ethic are people who care. They take the needs of their neighbors seriously. They try to express love in their daily attitudes and actions. They are concerned about the quality of life as well as the quantity of production. They understand that no man is an island unto himself and that what one man does usually affects many others. It is reported that a sign in Texas advertises a local park as the cleanest park in America, and the reason why it is so clean is that near the picnic tables are signs that say: "The people here before you left this clean for you."

So the third Biblical principle that should influence our thinking about the ecological crisis is the one of love of neighbor. Religious man will be concerned about the health and welfare of his fellowman, and he will be committed to whatever steps he can take to humanize and improve the quality of life on this planet.

THREE PRACTICAL STEPS

These three principles drawn from the Bible can serve as a start in thinking about the theological dimensions of the ecological crisis we are facing today. How do we translate our concern into action?

(1) First of all, we must recognize that the crisis does have a religious dimension. Pollution is a moral problem. Poisoned air and water and land have moral implications. We must not say that it is just a question of technological improvements solving the problems that we face. It is also a matter of attitudes and values. We must understand that we cannot live responsibly unless we are willing to grapple with the problems of nature and natural resources.

(2) Secondly, we must act where we can and where we are as individuals, to combat waste and pollution and to support the conservation effort: We must try our best not to pollute the environment or deface God's world or contribute to the devastation of our natural resources. And this says something to me personally about how I keep my car tuned up and how I get rid of my leaves and how I dispose of litter along the highways and trails that I travel, and how I plan the size of my family, and so forth and so on. And it also says something to me personally about channeling some of my charitable giving to programs and agencies that are trying to keep my country that I love beautiful and clean and safe and healthy.

(3) Thirdly, we must act corporately wherever we can to achieve our goals.

Two illustrations, one negative and one positive. In Michigan, there is a lake called White Lake. It is almost 60 feet deep. Not long ago, you could see to the bottom of it. In 1970, I was told: "You can't do that now, and you're not even supposed to swim in it." It was polluted, due to several contributory causes, not the least of which is that just a mile north, near Montague, Michigan, a manufacturing company is discharging into Lake Michigan pollutants at the following rate: Sulphides, 255 lbs. per day; chloride, 54,443 lbs. per day; nitrogen, 2544 lbs. per day; copper, 141; antimony, 283; flourides, 1785; chromium, 4.25; cyanide, 11.22; and phiocyanates, 70 lbs. per day. Concerned citizens wrote letters to the Secretary of the Interior and the Governor and the Water Resources Commission and appealed to the company, but in 1970 the 17,000,000 gallons per day being discharged by this company into Lake Michigan had not been purified of the polluting materials I mentioned. And I think this was a sad commentary on corporate irresponsibility.

On the other hand, you can cite many examples in the business world where corporations are trying to meet some of the social problems that afflict us today. So I quote the following from a 1970 speech by the former President of Eli Lilly and Company. Burton Beck was speaking of the Corporation's social consciousness which he said "we view as a corporate strength."

"We pride ourselves on our sensitivity to the needs of society and on the efforts we make to help answer those needs . . . (one) area of current concern in which we feel we have been able to make a substantial contribution is pollution control . . . Our new manufacturing plant near Clinton, Indiana . . . is expected to be in full operation by the first quarter of next year. In building the Clinton Laboratories our goal was to design a plant that would not in any appreciable way cause pollution or degradation of the environment. We asked our engineers to seek new approaches to waste disposal even if this meant designing new manufacturing processes. The result was a significant pioneering effort."

Here is an illustration of translating theology of ecology into responsible positive corporate action.

CONCLUSION

This is God's world. He has given it to us as a trust. He wants us to use it well, and to make it inhabitable and pleasurable for our fellowman. He wants us to be co-workers with Him in the conservation of an earth that is safe and fair and clean.

TAX REFORM AND THE AMERICAN WAY

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. QUIE. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

Mr. Speaker, American education is improving by encouraging the diversity which has been present since the founding of the country.

Private higher education can be innovative and responsive to student needs relatively unfettered by regulations often governing public institutions. I strongly believe this diversity should be encouraged. The Tax Reform Act of 1969 contained some provisions which have tended to "dry up" charitable contributions. At the present time, the House Ways and Means Committee has completed hearings on another tax reform measure and will be resuming consideration of this issue after the August recess. Some proposals would revise the Internal Revenue Code in a manner which would be even more restrictive and reduce charitable contributions further.

I submit for the information of my colleagues an article written by Dr. Edgar Carlson, executive director of the Minnesota Private College Council:

TAX REFORM AND THE AMERICAN WAY

What would you say is the most distinctive thing about America?

We are not any longer alone in espousing the fundamental rights of man.

We are not the only country that believes in the democratic process; some countries get much larger turn-outs at the polls, even when they do not have a single party system.

I am prepared to argue that the most distinctive element in the "American way" of doing things is that we believe in the public-private sponsorship for public services. Unlike collectivist countries we do not believe that *only* government should be involved in programs intended to meet human needs. Unlike most western European democracies we do not believe that public policy should *discourage* private initiative in meeting human needs and social problems. We believe that public policy should *encourage* such efforts.

This is most evident when one compares tax policy in the United States and tax policy in Scandinavian countries, for instance. In those countries no deductions are allowed for gifts to education or cultural activities, or health or welfare agencies and efforts, since these services are being provided through tax dollars. Where such private enterprises exist and have demonstrable needs they may receive support from tax sources but they do not characteristically qualify as beneficiaries of tax-deductible gifts.

In the United States private initiative in providing such public services has been an inherent part of our national development. Schools and colleges, hospitals, welfare services and institutions, centers of art and science and nearly all comparable activities were first the concern of private persons and agencies before they became the concern of governing bodies. In part, this is the direct product of the separation of church and state. Historically the religious and the political structures and commitments have been the two major sources of social services and institutions. The decision of the founding fathers that there should be no "establishment" of religion meant that the impulse to service which has always characterized the religious spirit founded independent institutions and agencies to perform many of those functions which in the countries from which they came had been performed by a society in which state and church were not easily distinguished. It is the uniqueness of our American history which has in fact given us this unique tradition of dual sponsorship of programs and institutions that are designed to meet basic human needs—education, hospitals, welfare, art, research and all the rest.

In the course of our history we have developed policies intended to encourage individual initiative and support. Among these policies are those that relate to the deductibility of gifts to charities. Far from being "loop-holes" for avoiding social responsibilities, these are consciously designed "tax incentives" to encourage people to assume social responsibilities on their own. When the government succeeds in inducing people to freely support schools, care centers, cultural and other activities which are admittedly good for society, they reduce the demands for tax resources to carry on the same or similar functions. In fact, they reduce such costs in most cases because the degree of subsidy is generally less under private than under public sponsorship. However, the principle at stake is not primarily the question of dollars saved; the principle is the distinctiveness of the "American way." It is part and parcel of our country's tradition and character that private impulses should be permitted—even stimulated—to participate voluntarily in meeting our public needs. A society which did the same things but relied solely on tax monies to do them would be a drastically different society than one in which both public and private efforts are engaged in meeting those needs.

The Congress must keep this in mind as it reviews again what is and is not proper by way of tax incentives and tax preferences. Those who believe in this American way should be careful not to protect those who are only concerned with preferential tax arrangements for themselves, but we must be equally vigilant against the temptation to channel all resources into the support of public programs and thus destroy the viability of the characteristically American public-private way of meeting public needs.

There are two specific changes proposed in legislation before the Congress which educators agree would have a very damaging effect on private support of private and public institutions. The first is the reduction or elimination of the right of a donor of property to claim credit for the fair market value of that property. It is proposed that his deduction should be the cost to him rather than the value to the recipient and that he should then be taxed for the appreciation.

Another proposal is that the deduction allowed for gifts to charitable organizations from estates should be limited to 50% of the gross estate, with the remainder subject to full tax even though going to charity.

Current laws allowing credit for appreciated value and allowing donors to transfer their estates to meet public needs through privately or publicly sponsored agencies are not "tax-loop-holes", they are "tax incentives". No one can use them unless he is willing to help meet a public need.

UNITED NATIONS EXPANDS LAND HOLDINGS TO AUSTRIA

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. RARICK. Mr. Speaker, a proposed "United Nations City" to house an ever-increasing international bureaucracy is reported to have the Austrians in a turmoil.

Apparently Austrians, who are conservative are more inclined to worry about Austrian taxpayers than the Socialists in power or the U.N. crowd, find it difficult to explain the biggest building project in the history of their country; that is, $600 million to be placed under the control of sinister one-world outside influences.

Reportedly, they take little assurance that the "U.N. City" would contribute to Austria's national security. Possibly even the Austrians realize that the U.N. occupation of their country would make them a U.N. satellite.

I insert a related newsclipping in the RECORD as follows:

OVERRUN SOARS TO $450 MILLION: U.N. OFFICE COST STIRS AUSTRIA

(By Richard Homan)

VIENNA.—The biggest building project in Austria's history, a $600 million "United Nations City" to house U.N. and other international activities in Vienna, is seriously imperiled by huge cost overruns and disputes between Austria's leading political parties.

As Parliament recessed for the summer, Chancellor Bruno Kreisky tried to salvage the project on the ground that it was "essential to Austria's national security." But he warned in a closed caucus of his Socialist Party that if the opposition does not diminish, U.N. Secretary General Kurt Waldheim "can save himself a trip to Vienna in the fall for the cornerstone-laying."

Work on the controversial project, which is to be a complex of five buildings on the banks of the Danube, began in February after more than four years of dispute over the awarding of contracts. The cornerstone ceremony has tentatively been scheduled for late September.

The dispute has produced libel and slander suits, some involving Kreisky and other leading figures, and a parliamentary investigation followed by a stormy debate last year. During the debate, two opposition members interrupted Kreisky's discussion of persons involved in the project with shouts of "They're all Jews." The minority report of the Parliamentary committee made accusations of "graft" in the awarding of contracts.

In recent weeks, new cost figures and indications that voters are becoming more concerned with priorities of public spending have prompted the conservative People's Party to renew its opposition, although the project was conceived by that party during its rule.

Four years ago, U.N. City was to have cost $150 million. Projections in this year's federal budget indicate that it would now cost $350 million, but in his most recent statements Kreisky has called it a $600 million project.

Karl Schleinzer, leader of the opposition party, said recently that in view of the new cost estimates, "The entire questionable complex must once again be very carefully examined, since we don't have enough money for schools and hospitals.

Kreisky proposed that the entire issue "be taken out of the political arena" and he asked for a pledge from the opposition that "you won't bring it up every three or four months."

Continued opposition or a scaling down of the project, he warned, "would raise doubts throughout the world as to whether Austria is qualified to house international organizations."

Austria, a neutral nation, has made an effort to identify itself closely with the United Nations and other international organizations, and Kreisky has related the construction of U.N. City with Austria's security.

"What is Vienna, after all?" he said. "A big city squeezed into the edge of Western Europe. Vienna can have prestige only if it becomes a major international center; otherwise this construction would be an excessive luxury. It will be an essential factor in the security of all Austria. Our nation will become a relay-station for world politics. Other nations will protect it and respect it and will not endanger it."

Kreisky also saw commercial advantages: "The federal Chamber of Commerce cannot be indifferent to the question of whether Austria builds a $600 million project or spends only $150 million," he said, in an effort to win stronger support from businessmen, who control the People's Party.

The U.N. City complex is chiefly to house two major agencies with headquaters in Vienna—the U.N. Industrial Development Organization and the International Atomic Energy Agency—and the much smaller office of the U.N. High Commission for Refugees.

These organizations now have 2,000 employees in cramped, temporary quarters throughout Vienna. Both expect to expand if new buildings are made available, but a spokesman for the International Atomic Energy Agency has said that the U.N. City, as now planned, would provide considerably more space for his organzation than it will need.

In an international design competition held four years ago, an American team headed by Cesar Pelli of Los Angeles, a partner in the internationally known firm of Victor Gruen Associates, won first prize. British and West German groups finished second and third.

A year later, however, the contract for the design of the project was given to an Austrian architect who had finished fourth in the competition. Kreisky has said that the decision was based on the cheaper cost and greater flexibility of the proposal by Johann Staber, the Austrian.

During the parliamentary debate last year over the handling of the contract award, the government arranged a public exhibition of the 1,804 documents and pieces of correspondence involved in the affair, and Kreisky himself conducted some visitors through the display of neatly arranged photocopies on long wooden tables in the federal chancellery.

HOLDING THE LINE ON SPENDING

HON. STANFORD E. PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 1973

Mr. PARRIS. Mr. Speaker, when I campaigned for election last year I promised the residents of my district that I would work to hold down the cost of operating the Government, because I know that increased Government spending is the cause of higher prices, higher taxes, and inflation.

I believe that this Nation can and must do more to control the rising cost of Government and the rising cost of living. I am not alone in that belief. Among those who share my opinion, especially as it relates to the field of aviation, are the many aircraft owners and pilots across this Nation. At this time, under my leave to revise and extend my remarks, I include in the RECORD a recent editorial on this subject which appeared in the August issue of The Aircraft Owners and Pilots Association magazine The Pilot:

SPENDING

"The most important single thing the Congress can do in holding down the cost of living is to hold down the cost of government," he said. ". . . I shall continue to veto spending bills that we cannot afford, no matter how noble-sounding their names. If these budget-busters became law, the money would come out of your pocket—in higher taxes, higher prices, or both. . ."—Richard Nixon, June 13.

It's almost as if someone in AOPA had written that. We've been saying the same thing for years. In 1963 we recommended a carefully documented 36-percent cut in the FAA's budget, which, at that time, was $810 million. Today, 10 years later, the budget is 262 percent higher and stands at $2.126 *billion.*

The time is long past due when Congress should take long, cold looks at government expenditures for civil aviation, and what it's costing the taxpayer. We've already commented on the extent of this vast bureaucratic empire: 56,500 employees for a total of 141,570 active aircraft, or 2.5 planes per employee. The average cost per active plane is a monumental $15,017, just to support this bureaucracy for one year.

Responsible government officials must listen to us. We think the days of unreasoning panic over aviation accidents and resultant huge budgets have long outlasted their usefulness. The entire civil aviation community—airlines and general aviation alike—is probably as safety-conscious a group of humans as exists. The only justification we've ever heard for all the costly bureaucracy has been, 'Think of what the accident rate *might* have been were it not for the FAA." Uninformed laymen and Sunday feature writers may believe that, but it would be hard to convince many others. Every major accident in civil aviation in recent years has invariably been with planes and pilots fully certificated by the FAA.

Of greatest value to users of the airspace are the air traffic control system and the navigation aids. But now they are badly distorted. Instead of serving the user, ATC is designed to fly planes loaded with exotic equipment, while pilots sit by as virtual automatons. Almost everything FAA now buys costs twice what it should. And every user of the airspace is presently being hammered into a preconceived FAA mold; either you do it this way, or you don't fly. This is 180 degrees out of phase with FAA's original public-service concept.

The FAA needs a thorough, knowledgeable, and ruthless going-over. Once again, we have studied its many parts, as we've been doing for years. Today, we'd estimate it could be cut back at least 50 percent. Rules and regulations could—and should—be pulled back to the point where simpler basic rules exist for the great majority of users. Any users who can't abide by those rules must bear an additional burden, to whatever extent is necessary, to bring them up to a minimum safe standard.

The destruction of general aviation is now a distinct possibility. All of the forces that threaten its existence are visible on the horizon, and all of them are being fathered by the Department of Transportation and its $2,126-billion-a-year subsidiary, the FAA. They are like buckets of water, poured on a drowning man: TCAs, altitude-reporting transponders, new microwave landing system, tough new requirements of Part 61, 25-kHz channel spacing—they go on and on. And what the FAA forgot, or couldn't do legally, other bureaucracies have concocted: sweeping threats in the name of the environment, more and higher charges by the FCC, costly gadgets dreamed up by well-meaning members of Congress, etc. Even the price of charts is up over 100 percent.

Are all 346 control towers in the country essential, or just FAA featherbedding? No spokesmen for general aviation ever said they needed them—nor were they asked. The criteria for towers must be overhauled and, if the facts warrant, drastically rewritten. Considering the price of a typical tower, the only ones that should be left are those whose necessity is clearly proved, and which general aviation agrees to. Even those that remain must be cut back; at least one shift of costly employees can be eliminated from almost all towers.

The same is true of traffic control centers. General aviation has never been asked for its requirements. The entire ATC system must be drastically revised—downward. The federal government only has a responsibility for providing a basic system, one designed to serve the vast majority of users. Any super-system must be paid for by those who profess to need it, not the overwhelming majority. Restrictions must be cut back severely; the TCA is the symbol of the distorted manner in which the great majority of airspace users are being discriminated against in favor of a glittering few.

Actually, the DOT has supplied its own ultimate answer. The entire cost-allocation study of DOT operated (and still does) on the premise that civil aviation in the U.S. serves no public interest. If one is to believe these bureaucrats, then what right has the federal government to spend any public funds at all on aviation? Logically, it should fold up the FAA, or at least reduce it to a policing body, and turn the entire civil aviation industry over to private enterprise. A private company operating the air traffic control system would never think of foisting a 747 system on Cherokees; they'd sell various types of users only those services for which they were willing to pay.

Many of us in general aviation have a serious responsibility we've ignored all these years. We've revelled in the luxury of all these exotic devices and systems, somehow being content with what the government has "given" us. That's an old American fallacy, and now we're facing the moment of truth. As the majority segment of the civil aviation industry, general aviation has never stated a requirement for the bulk of all this costly stuff—yet it's now being dunned for it. And the dunning will almost certainly wreck general aviation, at least as we know it today.

If Mr. Nixon and/or Congress truly are concerned with economy in government, the civil aviation bureaucracy is a ripe place to start.

FOND FAREWELL?

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. DULSKI. Mr. Speaker, for the benefit of the Department of Defense, I am including below the farewell message prepared by Dr. James R. Schlesinger, former Director of the Central Intelligence Agency, and distributed to all employees of that Agency upon his departure to assume the post of Secretary of Defense.

I am informed that CIA employees who survived the recent RIF, accomplished mainly by forced retirements, were not too impressed by this fond farewell by Dr. Schlesinger after his bull-in-the-china-shop approach to reorganization of this Agency. Having endured his unknowing and unfeeling presence for 3½ months, employees cheered at the news of his pending departure.

One wonders by what authority and for what reason the Secretary of Defense could promise "continued scrutiny" of the CIA. What role does he envision he will play in future years based on his familiarizing himself with that Agency for only 3½ months?

DIRECTOR OF CENTRAL INTELLIGENCE,
Washington, D.C., July 2, 1973.

MEMORANDUM FOR ALL PERSONNEL OF THE CENTRAL INTELLIGENCE AGENCY AND THE INTELLIGENCE COMMUNITY STAFF

As the time comes to bid farewell, let me say a few words to those of you in the Agency and on the IC staff who are, of course, the special responsibility of the DCI. Brief as has been my tenure as DCI, my interest in the intelligence community and intelligence processes is of long standing and will continue. Along with the other elements of the community, you will have my interest and sympathy—as well as my continued scrutiny—as you grapple with the difficult problems that are unavoidable.

Let me make two observations.

First, as the international environment becomes more fluid and the balance of military power approaches more closely to a rough equality, the importance of good intelligence will increase rather than diminish. The wider range of political forces and the counterpoise of opposed instrumentalities mean that excellence of intelligence will in many circumstances determine the ultimate outcomes.

Second, in light of both the stakes and the limitation on resources, the intelligence community must function as a community rather than a collection of warring entities. The Central Intelligence Agency, properly to fill its function, must itself be one Agency, part of a larger community serving our national leadership. To assist our leaders, intelligence must be absolutely first class. The story must be told exactly as you see it, but the style and manner of presentation should be such to ensure that the story gets through and is understood. There must be no muffling or waffling of the message. Differences of view can be clearly stated. And the true range of possible outcomes of U.S. policy choices must be exposed to our national decision-makers.

Moreover, the community will have to fulfill its larger role on a diminished level of real resources. That is indeed a challenge. I am pleased that my successor as DCI shares my own determination that the many talents in the intelligence community be efficiently managed, be flexible in responding to new challenges, and will adhere firmly to the established legal limitations.

There is more talent in this Agency than in any comparable group within the Federal Government. Harnessed together and properly exploited, this talent can and, I am confident, will make an indispensable contribution to the future of this nation.

Let me close by expressing a personal word of thanks to all of you for your support during this recent period, and to wish all of you the best in the future.

JAMES R. SCHLESINGER.

PLEASANT HILL HIGH SCHOOL HONORED

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. WALDIE. Mr. Speaker, I have received notice of an award presented to the Mount Diablo Unified School District in Concord, Calif., in my congressional district. The award consists of a grant in kind by the National Humanities Faculty, part of the National Endowment for the Humanities. The school which will benefit from the award is Pleasant Hill High School, in particular the American studies program taught by Mr. Richard McElhare and Mr. Mike Schultz. They will be visited and assisted throughout the year by professionals in the field of the humanities.

The type of program that the National Humanities Faculty sponsors is the type of progressive innovation in American education that deserves our full support. I commend the NHF, the Mount Diablo Unified School District, and Mr. McElhare, and Mr. Schultz for their efforts and participation in such programs.

For the RECORD, I submit the letter received from the National Humanities Faculty:

THE NATIONAL HUMANITIES FACULTY,
Concord, Mass., July 16, 1973.

Hon. JEROME WALDIE,
House of Representatives,
Washington, D.C.

DEAR MR WALDIE: It is a great pleasure for me to be able to report to you that Mt. Diablo Unified School District in Concord, California, has been accepted as a National Humanities Faculty project school for 1973–74. Through the program a team of outstanding scholars and practitioners in the field of the humanities will meet with a group of District teachers on the evaluation, enrichment, and dissemination of a team-taught course in American Civilization and 11th graders.

Funded principally with federal funds through the National Endowment for the Humanities, the NHF was established in 1968 to help improve the teaching of the humanities in the schools. To carry out this task, we conduct a program of visiting humanists, bringing university professors, creative artists, and others into a chosen group of schools who have applied to us for help. Essentially, we make it possible for teachers to enter into informal conversations with professional humanists about their common concerns in the teaching of the humanities as disciplines and the exercise of humanistic values as the core of the whole educational process.

A maximum of twenty schools are chosen as project sites each year, so it is particularly noteworthy that Mt. Diablo was chosen among applicants from across the country.

After five years of operation and work in over 130 schools in all parts of the country, we truly feel the NHF is making a significant contribution to American education, and we are most happy to be working at Mt. Diablo.

Yours very sincerely,

LOWELL S. SMITH,
Assistant Director.

1974 BUDGET SCOREKEEPING REPORT NO. 5

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. MAHON. Mr. Speaker, I am inserting for the information of Members, their staffs, and others who may be interested, a few excerpts from the "Budget Scorekeeping Report No. 5, as of July 28," prepared by the staff of the Joint Committee on Reduction of Federal Expenditures. The report itself has been sent to all Members.

This report reflects the latest official budget estimates, as revised on June 1, which project a unified budget deficit for fiscal year 1974 of $2.7 billion—with a Federal funds deficit of $18.8 billion. In a recent statement, the President indicated the possibility of a balanced budget on the unified budget basis for fiscal year 1974, assuming further increase in revenue and assuming no increase in current outlay estimates.

This scorekeeping report is as of July 28 and shows that the impact of congressional actions completed to that date would be to increase budget outlays by nearly $1 billion. However, it should be noted that many significant actions are as yet incomplete; these can be expected to materially affect the final impact of congressional actions on 1974 outlays. In other words, these scorekeeping figures should be regarded as preliminary since much legislation is yet to come.

It is evident that, if we are to adhere to the $267.1 billion ceiling approved by the House last week, the Congress must restrain itself. This ceiling would require outlay reduction of $1.8 billion from the current budget outlay estimate, and implies absorption of any spending increases the Congress may provide—by our actions as well as inactions on pending requests affecting the budget.

We are hopeful that when all the appropriation bills for this session are in we may be able to remain within the budget and achieve a reduction. But, of course, there are a number of legislative measures pending which would mandate additional spending if enacted.

Also it should be especially noted that the budget totals assume congressional action on a number of measures which would reduce certain program costs by some $1.4 billion. Inaction on this requested reduction and reform legislation would have the effect of increasing 1974 spending totals. These items are shown on table No. 4 in the report.

The staff of the joint committee is making every effort to keep this 1974 budget scorekeeping information as current as possible, so that it will be useful to Members in ascertaining our present fiscal position. Another report in this series will be published very shortly, bringing the information up to the date of the August recess.

The excerpts from the July 28 report that I am inserting here include the scorekeeping highlights from the text and the main scorekeeping table. These excerpts follow:

EXCERPTS FROM 1974 BUDGET SCOREKEEPING REPORT NO. 5 AS OF JULY 28, 1973

FISCAL YEAR 1974—SCOREKEEPING HIGHLIGHTS

The impact of Congressional action to July 28 on the President's fiscal year 1974 requests (revised June 1) for budget authority and budget outlays, as shown in this report, may be summarized as follows:

[In millions]

	House	Senate	Enacted
1974 budget authority requested	$288, 135	$288, 135	$288, 135
Congressional changes to date (committee and floor action):			
Appropriation bills	+1, 197	+1, 080	+431
Legislative bills:			
Backdoor and mandatory increases	+2, 180	+3, 784	+1, 393
Shifts from 1973 and other changes	+3, 311	+3, 849	+3, 311
Total, changes (see table 1, for details)	+6, 687	+8, 712	+5, 135
1974 budget authority as adjusted by congressional changes to date	294, 822	296, 847	293, 270

	House	Senate	Enacted
1974 budget outlay estimate	268, 671	268, 671	268, 671
Congressional changes to date (committee and floor action):			
Appropriation bills	+892	+1, 276	+576
Legislative bills:			
Backdoor and mandatory increases	+565	+934	+532
Adjustments and other changes	−157	−41	−157
Total, changes (see table 1, for details)	+1, 300	+2, 169	+951
1974 budget outlays as adjusted by congressional changes to date	269, 971	270, 840	269, 622

While this report reflects congressional increases over the budget amounting to about $1.0 billion as of July 28, it should be noted that many significant actions are as yet incomplete which may materially affect the final impact of congressional action or inaction on budgeted 1974 outlays.

Deficit position

The 1974 unified budget deficit, as revised June 1, is estimated at $2.7 billion—a decrease of $10 billion from the original January estimate of $12.7 billion. This latest official deficit estimate reflects a federal funds deficit of $18.8 billion and a trust fund surplus of $16.1 billion.

On the basis of changes to date (including committee action) by the respective Houses of Congress in budget outlay and revenue requests, the 1974 unified budget deficit would be:

[In billions]

Budget estimate (revised June 1)	$2. 7
Based on House changes to date	4. 9
Based on Senate changes to date	4. 7
Based on changes enacted to date	4. 5

The above deficit calculations are based on the latest official deficit estimate as of June 1. Although the President indicated the possibility of a balanced budget in his statement of July 26, official Budget/Treasury reestimates have not been transmitted and are therefore not incorporated in this report. The President's statement in this regard was: "With the economy now operating at a high level, revenues in fiscal year 1974 should approximate, without any tax increases, the overall level of expenditures I proposed last January—about $269 billion."

Appropriation bills

Completed action to date on appropriation legislation reflects the 1974 outlay impact of actions taken with respect to 1973 supplemental appropriations and other requests in the Urgent and Second Supplemental bills. Conference committee action is reflected for two regular 1974 appropriation bills, with the major impact for:

HUD, Space-Science-Veterans bill: increase of $439 million in budget authority, with negligible effect on outlays.

Incomplete action on 8 regular 1974 appropriation bills is reflected in this report, with the major impact as follows:

Passed House and Senate:

Agriculture bill: House reduction of $134 million in budget authority and increase of $135 million in outlays; Senate increase of $657 million in budget authority and increase of $625 million in outlays.

Transportation bill: House reduction of $140 million in budget authority and $70 million in outlays; Senate reduction of $42 million in budget authority and $21 million in outlays.

Passed House:

Labor-HEW bill: increase of $1,264 million in budget authority and $490 million in outlays.

Legislative bills—"backdoor" and mandatory

Completed actions: To date, there has been completed action on 8 legislative bills carrying backdoor or mandatory authorizations affecting fiscal 1974. The major items are:

Welfare and medicaid amendments: mandatory increases of $122 million in budget authority and outlays.

Social security—exempt wages: backdoor increase of $100 million in outlays.

Unemployment benefit extension: backdoor increase of $116 million in outlays.

Veterans benefits: two bills expanding mandatory veterans benefits by $175 million in budget authority and outlays.

Highway programs: additional backdoor contract authority of $1.3 billion. The 1974 outlay impact is undetermined. (Conference action.)

Traffic safety: additional backdoor contract authority of $281 million. The 1974 outlay impact is undetermined. (Conference action.)

Pending actions: In addition, there are 16 legislative bills carrying backdoor or mandatory authorizations which have passed or are pending in one or both Houses of Congress.

House action pertaining to 9 such measures would increase budget authority by $408 million, having an outlay impact of at least $383 million excluding the undetermined effect of increased contract authority.

Senate action pertaining to 10 such measures would increase budget authority by $2.4 billion, having an outlay impact of at least $362 million excluding the undetermined effect of increased contract authority.

The scored backdoor or mandatory impact of these pending legislative bills includes the following major programs and amounts in excess of the budget:

Veterans drug treatment: mandatory veterans benefits of $144 million in budget authority and outlays as passed by the Senate.

Veterans pensions: mandatory veterans benefits of $208 million in budget authority and outlays pending in the House.

Legislative bills—shifts from 1973 adjustments and other changes

Completed action has been taken on 3 additional legislative bills having impact on the 1974 budget totals:

REA loans: removes lending program from the budget, thereby decreasing budget totals by $579 million in budget authority and $157 million in outlays.

Airport development: enactment of this contract authority in fiscal 1973, instead of 1974 as requested, has the effect of reducing 1974 budget authority by $560 million and shifting it into 1973.

Highway programs: enactment of this contract authority in fiscal 1974, instead of 1973 as requested, has the effect of reducing 1973 budget authority by $1,450 million and shifting it into 1974.

Urban mass transportation: enactment of this contract authority in fiscal 1974, instead of 1973 as requested, has the effect of reducing 1973 budget authority by $3 billion and shifting it into 1974.

Revenue legislation

The June 1 budget revisions estimate revenue for fiscal 1974 at $266 billion. This is an increase of $10 billion over the original January estimate of $256 billion. Although the President indicated the possibility of a further revenue increase of about $3 billion in his statement of July 26, official Budget/Treasury reestimates have not been transmitted and are therefore not incorporated in this report. The President's statement in this regard was: "With the economy now operating at a high level, revenues in fiscal year 1974 should approximate, without any tax increases, the overall level of expenditures I proposed last January—about $269 billion."

To date, legislation has reduced 1974 revenue estimates (revised June 1) by $840 million, as follows:

Railroad Retirement: decrease of $612 million due to failure on part of the House and Senate to provide additional trust fund receipts requested.

REA loan repayments: decreased receipts by $348 million by removal of program from budget totals.

Social security wage taxes: increase of $120 million in trust fund revenue due to a wage base increase.

FISCAL YEAR 1973: SCOREKEEPING HIGHLIGHTS

The impact of now completed congressional action, and inaction, in the current session on the President's revised 1973 requests for budget authority and outlays, as shown in this report, may be summarized as follows:

[In millions]

	House	Senate	Enacted
Congressional changes:			
Budget authority:			
Appropriation bills	+1, 024	+1, 507	+1, 019
Legislative bills	+560	+840	+620
Inaction on proposed legislation	−4, 455	−4, 455	−4, 455
Total	−2, 871	−2, 108	−2, 816
Outlays:			
Appropriation bills	−142	−97	−147
Legislative bills	+245	+339	+154
Inaction on proposed legislation	−1	−1	−1
Total	+102	+241	+6

The scored impact of appropriation and other legislation affecting fiscal 1973 budget requests includes the following major items:

Inaction on proposed amendments reducing requests for certain voted Labor-HEW bill items by $966 million with little or no outlay impact due to the lateness in the fiscal year.

Second Supplemental appropriation: reduction in items in the bill offset by inaction on proposed rescissions has the effect of increasing budget authority by a net of $52 million, with estimated outlay reductions of $219 million in 1973.

Airport development: enactment of this contract authority in fiscal 1973, instead of 1974 as requested, has the effect of increasing 1973 budget authority by $620 million shifted from 1974.

Impoundment restoration: such legislation has been considered with regard to four rural loan and grant programs. One legislative restoration has been enacted relating to rural emergency loans; this is expected to increase 1973 outlays by $154 million.

Federal-aid highways: failure to enact requested backdoor contract authority reduces 1973 budget authority by $1,450 million.

Urban mass transportation: enactment of this contract authority in fiscal 1974, instead of 1973 as requested, has the effect of decreasing 1973 budget authority by $3 billion and shifting it into 1974.

THE 1973 BUDGET TOTALS

The revised budget estimates for fiscal year 1973 submitted January 29, and as subsequently revised, are compared with the preliminary actual 1973 figures which were announced in Treasury/Budget statement of July 27, as follows:

[In billions]

	Jan. 29 estimate	As subsequently revised	Preliminary actual
Budget authority	280. 4	281. 6	[1] 280. 0
Unified budget outlays	249. 8	249. 8	246. 6
Unified budget receipts	225. 0	232. 0	232. 2
Unified budget deficit	−24. 8	−17. 8	−14. 4
Trust funds surplus	(+9. 3)	(+10. 9)	(+10. 5)
Federal funds deficit	(−34. 1)	(−27. 9)	(−24. 9)

[1] Partially estimated.

TABLE 1.—ESTIMATED EFFECT OF CONGRESSIONAL ACTIONS DURING THE 1ST SESSION OF THE 93D CONGRESS ON INDIVIDUAL BILLS AFFECTING BUDGET AUTHORITY AND OUTLAYS (EXPENDITURES) (AS OF JULY 28, 1973)

[In thousands of dollars]

Items acted upon	Congressional actions on budget authority (changes from the budget)			Congressional actions on budget outlays (changes from the budget)		
	House (1)	Senate (2)	Enacted (3)	House (4)	Senate (5)	Enacted (6)
Fiscal year 1974:						
Appropriation bills (changes from the 1974 budget):						
1973 bills:						
1973 Labor-HEW appropriations (continuing resolution, Public Law 93-9)				(1)	(1)	(1)
Urgent supplemental, 1973 (Public Law 93-25)				+36,000	+36,000	+36,000
Second supplemental, 1973 (Public Law 93-50)[2]				+34,000	+209,000	+149,000
Inaction on proposed rescissions				[3] +370,600	[3] +370,600	[3] +70,6030
1974 regular bills:						
Legislative Branch (H.R. 6691)	−16,900	−36,592	(4)	−16,000	−11,400	(4)
Agriculture, Environmental and Consumer Protection (H.R. 8619)	−133,813	+657,375	(4)	+135,000	+625,000	(4)
District of Columbia (H.R. 8658)	−5,281	−15,281	(4)	−5,000	−14,500	(4)
Transportation and related agencies (H.R. 8760)	−139,501	−42,281	(4)	−70,000	−21,000	(4)
Housing and Urban Development, Space, Science, Veterans (H.R. 8825)	+453,501	+500,920	[5] +439,047		[6] +45,000	(5)
Labor, Health, Education, and Welfare (H.R. 8877)	+1,264,352			+490,000		
Interior and related agencies (H.R. 8917)	−4,877			+9,000		
State, Justice, Commerce, the Judiciary (H.R. 8916)	−82,134			−40,000		
Public Works and Atomic Energy (H.R. 8947)	−81,074	+15,513	[5] −8,066	−16,400	+37,000	[5] +20,000
Treasury, Postal Service, and general government (H.R. 9590)	[5] −57,647			[5] −35,000		
Subtotal, appropriation bills	+1,196,626	+1,079,654	+430,981	+892,200	+1,275,700	+575,600
Legislative bills (changes from the 1974 budget):						
"Backdoor" spending authorizations (not requiring further appropriation action):						
Federal Financing Bank (contract authority) (H.R. 5874, S. 925)	[5] +25,000	+25,000		[5] NA	NA	
Flood insurance (borrowing authority) (H.R. 8449)	[5] Indefinite			[5] NA		
Federal-aid Highway Act of 1973 (contract authority) (S. 502) (increase over requests)	[7] +1,307,220	[7] +1,307,220	[5] +1,307,220	NA	NA	[5] NA
Airport development (contract authority) (Public Law 93-44)				+20,000	+20,000	+20,000
Traffic safety (contract authority) (S. 502)	+915,000	+245,000	[5] +281,000	NA	NA	[5] NA
Freight car loan guarantee (borrowing authority) (S. 1149)		+2,000,000			NA	
Subtotal, "backdoor"	+2,247,220	+3,577,220	+1,588,220	+20,000	+20,000	+20,000
Mandatory spending authorizations (requiring payments over which there is little or no control through the appropriation process):						
Uniform relocation assistance (S. 261)		+95,000			+95,000	
Feed grain program (H.R. 6791)	[5] +89,000			[5] +89,000		
Eucalyptus tree fire hazard (S. 1697)	[5] +11,000	+16,000		[5] +11,000	+16,000	
Peanut support (H.R. 6646)	[5] +8,600			[5] +8,600		
Winema Forest expansion (H.R. 3867)	+60,000	+60,000	(4)	+60,000	+60,000	(4)
Welfare—medicaid amendments (Public Law 93-66)		+122,000	+122,000		+122,000	+122,000
Public safety officers death gratuity (S. 15)		+6,000			+6,000	
Public safety officers group life insurance (S. 33)		+20,000			+20,000	
Victims of crime—payments (S. 300)		+7,000			+7,000	
Deputy marshals pay raise (H.R. 5094)	+2,070			+2,070		
Early retirement—customs inspectors (H.R. 6078)	[5] +3,900			[5] +3,900		
Veterans drug and alcohol treatment (S. 284)		+144,136			+144,136	
Veterans dependents' health care (S. 59)	+64,915	+103,800	[8] +64,915	+64,915	+103,800	[8] +64,915
Veterans national cemeteries (Public Law 93-43)	+96,720	+110,000	+110,000	+96,720	+110,000	+110,000
Veterans pension increase (H.R. 9474)	[5] +208,400			[5] +208,400		
Civil Service—minimum retirement (S. 1866)		[5] +14,500			[5] +14,500	
Social security-exempt wages (trust fund) (Public Law 93-66)		+120,000	+120,000		+100,000	+100,000
Unemployment benefits—extension (trust fund) (Public Law 93-53)					+115,700	+115,700
Railroad retirement (revenue) (trust fund) (Public Law 93-69)	−612,000	−612,000	−612,000	NA	NA	NA
Subtotal, mandatory	−67,395	+206,436	−195,085	+544,605	+914,136	+512,615
Other legislative bills (with provisions having impact on budget totals):						
Rural electrification loans—remove from budget (Public Law 93-32)	−579,000		−579,000	−157,000		−157,000
Forest roads and trails—repeal of permanent appropriation (S. 1775)		[5] −40,900			[5] −40,900	
Airport development (contract authority)—shift to 1973 (Public Law 93-44)	−560,000	−560,000	−560,000			
Federal-aid highways (contract authority)—shift from 1973 (S. 502)	+1,450,000	+1,450,000	[5] +1,450,000			(5)
Urban mass transportation (contract authority)—shift from 1973 (S. 502)	+3,000,000	+3,000,000	[5] +3,000,000			(5)
Subtotal, other	+3,311,000	+3,849,100	+3,311,000	−157,000	−40,900	−157,000
Subtotal, legislative bills	+5,490,825	+7,632,756	+4,704,135	+407,605	+893,236	+375,615
Total, fiscal year 1974	+6,687,451	+8,712,410	+5,135,116	+1,299,805	+2,168,936	+951,215
Fiscal year 1973:						
Appropriation bills (changes from the revised 1973 budget):						
1973 Labor-HEW appropriations (continuing resolution, Public Law 93-9)	[1] +966,000	[1] +966,000	[1] +966,000	(1)	(1)	(1)
Urgent supplemental, 1973 (Public Law 92-25)	+1,800	+1,800	+1,800	+72,000	+72,000	+72,000
Second supplemental, 1973 (Public Law 93-50)[2]	−326,196	[9] +155,885	−331,196	[10] −225,000	[10] −180,000	[10] −230,000
Inaction on proposed rescissions	+382,888	+382,888	+382,888	[3] +11,000	[3] +11,000	[3] +11,000
Legislative bills (changes from the revised 1973 budget): Airport development (contract authority)—shift from 1974 (Public Law 93-44)	+560,000	+840,000	+620,000			
Legislative bills directing restoration of certain program reductions (impoundments) contemplated in the budget (changes from the revised 1973 budget):						
Rural electrification loans (Public Law 93-32)	[11] NA		[11] NA	[11] NA	+84,000	[11] NA
Rural environmental assistance (REAP) (H.R. 2107)			(5)	+41,000	+51,000	(5)
Rural emergency loans (Public Law 93-24)				[7] +154,000	[7] +154,000	+154,000
Rural water and sewer grants (H.R. 3298)			(12)	+50,000	+50,000	(12)
Inaction on legislative proposals in the 197′ budget:						
Federal-aid highways (contract authority)—shift to 1974	−1,450,000	−1,450,000	−1,450,000			
Urban mass transportation (contract authority)—shift to 1974	−3,000,000	−3,000,000	−3,000,000			
Other (see table 5)	−5,000	−5,000	−5,000	−1,000	−1,000	−1,000
Total, fiscal year 1973	−2,870,508	−2,108,427	−2,815,508	+102,000	+241,000	+6,000

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[1] The continuing resolution extended funding for items in the vetoed 1973 Labor-HEW appropriation bill to June 30, 1973, in lieu of processing another regular 1973 appropriation bill in this session. The revised 1973 budget estimates showed appropriations for these items at the level requested last session, and also proposed amendments to the then-pending requests. The level of the budget authority under the continuing resolution, the same as provided last session, is estimated to be about $1,000,000,000 higher than shown in the budget, and no action is contemplated on the proposed amendments to reduce budget authority by $966,000,000 with potential outlay effect of $470,000,000 in 1973 and $391,000,000 in 1974. The scorekeeping above shows the impact of inaction on the proposed amendments in budget authority.

[2] Replaces vetoed bill, H.R. 7447.

[3] Estimated increase due to obligation of funds, proposed in the budget for rescission, pursuant to congressional intent and related court orders.

[4] Subject to or in conference.

[5] Committee action.

[6] Does not reflect possible outlay effect, estimated at $70,000,000, of Senate floor amendment which provided that funds in bill for housing programs would not become available unless HUD funds presently impounded are released and used for purposes appropriated.

[7] Enacted figure used for comparability.

[8] Pending signature.

[9] Includes increases of approximately $192,000,000 in the nature of reappropriation of impounded 1973 funds.

[10] Does not reflect any possible effect on outlays resulting from denial of transfer authority requested for Defense Department.

[11] Would provide for program continuation at higher level than requested, but would remove program from budget.

[12] Vetoed.

NA—Cost estimate not available or undetermined at this time.

CLOSING THE ENERGY GAP

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. DON H. CLAUSEN. Mr. Speaker, as we consider the Alaska pipeline legislation, H.R. 9130, here on the floor of the House of Representatives today, I have decided to place in the CONGRESSIONAL RECORD a recent speech delivered on May 23, 1973, by a nationally recognized environmentalist, Mr. Robert W. Fri, the Acting Administrator of the Environmental Protection Agency.

I believe Mr. Fri's comments are timely, profound and provocative but, more importantly, they place in "historical perspective" the facts relating to the so-called energy crisis and should serve as "food for thought" for every thinking American.

Mr. Fri suggests two ways to close the energy gap—"produce more, waste less." I ask my colleagues to read this article because I sincerely believe it portrays the "situation in America" as it relates to the energy and full requirements of our people:

Americans are far and away the most energy intensive society in the world, accounting for more than one-third of total energy consumption while representing only about six percent of the world's population. Our hard-working energy servants have made us the most productive and affluent people on earth, and we like these servants so well we get more all the time. Thirty years ago Buckminster Fuller estimated that the average American had at his beck and call the equivalent of 153 slaves. Today that number would be about 400.

Americans use 70 quadrillion Btu's of energy every year. That's the equivalent of 2.8 billion tons of coal, or 616 billion gallons of oil, or 70 trillion cubic feet of gas. These are impressive figures, but they're really incomprehensible.

To put it into one frame of reference—2.8 billion tons of coal is a string of 100-ton railroad hopper cars 265,000 miles long; and the mean distance to the moon is only 240,000 miles.

Or try this—the *Globtick Tokyo,* at 477,000 deadweight tons, is the largest supertanker now in service. Depending on cargo density, this ship can carry about 180 million gallons. If we had to import all our energy needs by tanker, nine of these mammoth vessels would have to be offload every single day—nearly 3,400 ships a year.

We have become so accustomed to energy in its various forms that we take it for granted. Reportedly, a schoolboy when asked to name Edison's greatest achievement, replied: "Without Edison we'd have to watch television by candlelight."

That's an ingenuous response to be sure but it typifies a general attitude. We have been so prodigal in our energy habits for so long that very few people give more than scant thought to energy sources and the complexities involved in making that energy available for our use. We're numb to what making this much energy means.

How many people translate household electricity into strings of coal hopper cars or strip-mined hillsides? How many people realize that the gas which flames beneath the morning coffee pot may have left a well far out into the Gulf of Mexico days beforehand? What motorist, refueling at the neighborhood service station, thinks of tankers and refineries, pipelines and oil spills?

Yet, as an environmentalist, I want energy, too. Energy is a vital component in our environmental rehabilitation program, as well as to our efforts to bring the full measure of prosperity to all Americans. The problem is not what we want, but how to get it. How can we satisfy a reasonable demand for energy, and keep our environment whole and healthy, too? In a sense, the answer to that question is plain. We will have to produce more and waste less. These are not options—we must do both.

For America's energy needs today are supplied overwhelmingly by fossil fuels, with oil and gas providing 77 percent. There are all kinds of estimates on fossil fuel reserves and a confusing array of predictions on how long they will last under varying degrees of husbandry. One thing alone is certain—fossil fuels are finite.

We need time—a great deal of it—to develop a perpetual supply. Fossil fuels powered the industrial and technological revolutions. They have made us a high-energy culture. But if we are to maintain our high standard of living and preserve our environment as well, we must look to other power sources for the long term. And we must develop these sources while we still have fossil fuels available to provide the energy required for further breakthroughs.

The National Science Foundation estimated that the United States could have 395 million kilowatts of geothermal electric generating capacity by the year 2000. That's more than today's total capacity.

We are working on breeder reactors which are perpetual power systems but they must contend with problems of radiation and disposition of spent fuel elements. And we have barely begun our search for ways to use our largest nuclear power source—the Sun itself. NASA is studying the feasibility of an orbitting satellite to collect and convert sunlight into electricity and beam it by microwave to Earth.

There is much work to be done and, to buy the time we need, it is imperative that we make the wisest use of our existing fossil fuel resources. The trick is to get us safely into the 1980s with known technology. To accomplish this in ways which are least harmful to the environment will demand judicious evaluation and balancing of the environmental complexities in the whole energy chain—exploration, production, processing, transportation and consumption.

There is no perfect solution. The energy situation is replete with bittersweet alternatives. Our greatest fossil fuel resource is coal—but most of it has a high sulfur content. The ideal fuel is natural gas—but it's the fuel in shortest supply. There are large reserves of oil and gas in Alaska's North Slope area—but there is the permafrost, earth faults and the North Pacific.

Nearly everyone agrees that refineries and deep-water ports must be built—just build them somewhere else. On the whole, offshore drilling holds great promise—but this or that particular shoreline must be exempt. A nuclear power plant seems like a great solution—but don't build it too close to home. And so goes the energy thrust and environmental parry of our fragmented way of developing new energy sources.

At a time which demands dispassionate analysis and sound judgment we seem, instead, to be getting escalated psychological warfare. People in the oil and gas states blame consumers in the Northeast for low fuel prices. A bumper strip in Louisiana reads: "Let the bastards freeze!" In Oklahoma they've added: "And in the dark, too!" When a trade group touts: "A nation that runs on oil can't afford to run short"; an environmentalist counters with: "A nation that runs short can't afford to run on oil."

We simply can't afford the luxury of automatic opposition, whether it be industry opposition to environmental regulation or environmental opposition to energy development. Such behavior only leads to conflicts which delay decisions, often for so long a period of time that the ultimate decision must be made between poorer alternatives than were available in the first instance.

It is extremely difficult to weigh the environmental impacts of energy facilities against the benefits of energy use. And this is especially true where, as in most instances, the people who are adversely affected are not the same people who benefit.

In this context it is important to appreciate fully that as the United States is not a self-sufficient nation, no city, no state, no region within the country can go it alone. The benefits one area provides to others at some environmental cost are recompensed by benefits supplied to it from outside at environmental costs to others. It is, therefore, just and prudent to make our environmental decisions on the basis of the society as a whole. The problem is doing it.

It is relatively easy to determine the environmental impact of each link in the energy chain; it is much harder to determine which of these impacts is the most serious. Which is the greater risk—a coastal oil spill or an inland health hazard? Which is more disruptive—a power brownout or gasoline rationing? Forced to a choice, which is more valuable—clean air or clean water?

But hard as it is, we must incorporate rational consideration of tradeoffs into our decision making process, generate as many of the revelant facts as possible, carefully analyze the alternatives, debate them responsibly, and come to reasoned judgments as the best choice for society. We—all of us—must learn to advocate energy programs that best solve the twin problems of power and pollution.

In his energy message last month President Nixon specifically provided for environmental assessment of each proposed new energy source. This was a call to reason; not a signal to choose sides. There is room for give and take on energy matters—and there is a need.

The clean fuels problem is an excellent case in point. The Clean Air Act directs the Environmental Protection Agency to set air quality standards which protect the public's health and welfare. Primary standards—those intended to protect public health—are to be met by 1975. The secondary standards—those relating to the public's welfare—do not have a precise target deadline but are to be achieved within a reasonable period of time.

For stationary sources—electric generating stations, industrial plants, office buildings, stores and residences—the main problem lies in achieving the sulfur oxide standards. The problem is resolved by burning low sulfur fuels in the first instance or by removing sulfur from stack gases where high sulfur fuel is burned. The pinch comes because there will not be sufficient clean fuel in 1975 to do the job and there will not be enough desulfurization or stack gas cleaning facilities to make up the difference.

Our studies indicate that by 1975 power plants alone will need 600 million tons of coal, more than 1.2 billion barrels of oil and about 25 trillion cubic feet of natural gas. Analysis of state regulations shows that roughly three-quarters of this coal and five-sixths of the oil must meet stringent sulfur content limits if the clean air standards are to be met.

But strict enforcement of all state sulfur regulations in 1975 will create a clean fuel gap of 100 million tons of coal. We would just not be able to use one-sixth of the coal we would need to meet energy demands. In the process, we would put some 15 to 20 thousand miners out of work. And what would replace this coal?

It is not in this Nation's best interest to rely heavily on natural gas to meet industrial environmental requirements. As a boiler fuel, gas is better suited to serve smaller users—residential and commercial customers—since sulfur removal equipment is most efficient and economical in large scale operations.

And oil is clearly the most expensive alternative to solve the sulfur problem. In addition to the higher cost per Btu, the probable need to increase oil imports would adversely affect our balance of payments. Furthermore, in view of our recent problems with refining capacity and the world supply of crude oil, it is not at all clear that we can depend on large scale oil imports to solve our problems even if we wanted to.

So we must use our coal reserves to meet our energy needs. And we must attain the primary, or health-related, air standards. We have written the Governors of the key coal-using states urging them to modify state plans as necessary to insure that national air quality health needs are met first. If these states modify their plans, the available clean coal and limited supplies of coal and limited supplies of coal stack-gas cleaning technology can be used in the most polluted areas and the primary standards can be met. This amounts to a policy of phasing-in secondary standards which would probably be achieved in all states by 1977 or by 1978. But it is a policy that allows us to have clean air and adequate energy—both by narrow but reliable margins—in this decade.

If this policy is implemented, and if energy producers and consumers act in good faith to solve their own problems, we must still go through a complicated transition period between now and 1975. We must, for example, physically redistribute clean fuel supplies to where they are needed. During this transition, some spot shortages of clean fuels may occur. Thus, our clean fuels policy and our variance policy go hand-in-glove to produce the result we all want by 1975.

This is a carefully crafted solution to a very complex problem. How easy it would be to listen to the simplistic call to abandon environmental health in favor of unconstrained energy production. But our answer offers the only prospect of achieving our environmental goals in a way which minimizes dislocations in our energy situation and the costs to the consumer.

Can we do it? Yes, it is legally permissible and physically possible. Will we do it? Will the states extend the dates for meeting secondary standards? Will users voluntarily redistribute low-sulfur fuels to the areas where it is most necessary? To these last questions I must confess that I just don't know. It seems naive to say "yes" and cynical to say "no."

I do know that if it is not done voluntarily Congress will be faced with two unpleasant options—to relax the Clean Air Act or to give some Federal agency authority to allocate scarce fuel supplies to meet the Act's requirements. We intend to be vigorous in urging other Federal agencies and the Congress to adopt energy policies which will stimulate production of needed clean fuels and insure their availability where most needed.

But there are two ways of closing the energy gap—producing more and wasting less. Until the day comes when we can afford to be as extravagant with energy as we actually are today, we must take steps to conserve it. We need not docilely accept a seven percent per year growth in energy demand.

We are energy grasshoppers, living for today without a thought for tomorrow. We consume our energy nearly as fast as we produce it. Any significant slowdown in production or delivery forces curtailments such as those we witnessed last winter.

One-half of every barrel of domestic crude oil goes for gasoline to power automobiles and trucks, very convenient but inefficient vehicles. We have let our rail passenger and transit systems fall apart. Airliners, on the average, fill only half their seats. In intercity freight transportation railroads carry one-half of the tonnage at one-tenth of the total fuel consumption. Nine times as much energy is used by trucks to move the other half of the tonnage.

We can't make more fossil fuels but we can extend the useful lifetimes of what we have. Last year the Office of Emergency Preparedness released a study on energy conservation. The most significant suggestions were improved home insulation, more efficient air conditioning, streamlined industrial processes and equipment, and four transportation improvements:

Shifting intercity freight from highway to rail;

Shifting intercity passengers from air to ground;

Shifting urban passengers from autos to mass transit;

Consolidating urban freight movement.

The environmental ethic for energy is not quite "waste not, want not" but conservation will carry us a long way. If we undertake a coordinated program we can reduce energy use by up to 20 percent without impairing our standard of living. The potential benefits from the energy savings in the residential and commercial markets are particularly important for pollution control because most fuel savings will be in natural gas and electricity.

By cutting down on energy demand and with some adroit juggling of clean fuel supplies we should be able to get through the mid-1970s crunch. For the mid-term—1980 into the 21st century—we must develop our present energy technologies to the optimum. And for the long-term we need to make wise investments today in research and development of perpetual power supplies. Estimates of 300 and 400 year lifespans of fossil fuel reserves may seem like a comfortable margin but looking over our shoulder that would only take us back to around the founding of Williamsburg. And that wasn't so very long ago.

TIME FOR THE DOLLAR TO COME BACK HOME

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. HANNA. Mr. Speaker, recent events in international finance have made two points painfully apparent. First, unilateral actions in international money markets do not in the long run benefit anyone very much but speculators. These unilateral actions and crisis reactions provide flexibility to speculators which they otherwise would not have. By being able to play one side off against the other and by being able to anticipate currency reactions made necessary by the unilateral moves of other countries, the present situation provides to speculators what a recent article in the Economist calls, "a one-way option to make profits." It is clear that the solution to the currency problems of this country and of our international partners can come only through a determined multilateral effort at developing joint, long-range international economic policy. Only by moving together to deal with our currency situation is there any hope of a meaningful long-term solution.

The second point which has become painfully apparent is that, despite two devaluations of the dollar and what is now generally regarded as an undervalued currency, the dollar has been unexpectedly slow in returning to this country. With the dollar deflated and with prices on Wall Street declining, it is indeed an economic time to "buy American." Still, there is now approximately $90 billion of American overseas investment as against only $14 billion of foreign investment in this country. We should be able to look forward to American companies who receive substantial earnings on their overseas investments exercising their financial leadership by seeking to return a portion of their overseas earnings through nonprofitable investment in this country. Without such leadership, it may well become necessary to require a specified percentage of these earnings to be returned, or at least reinvested, back home.

These developments in the direction of favoring money speculators and of the slowness of dollars to flow back to the United States are discussed in a rather timely article recently published in the Economist. I hope my colleagues will seize upon the opportunity to note the observations of this distinguished journal on these matters:

CRISIS IN THE MILLPOND

British tourists in France and some other countries got about 10 per cent less for their sterling than they expected last weekend, so that they found themselves spending £22 for each £20 of holiday expenditure they had budgeted for. This was very embarrassing and annoying for them, especially as some hotels and shops were not changing sterling at all, so they had to join sweltering queues at banks to be rooked. Probably, too, both the dollar and sterling were somewhat, although not dramatically, undervalued—and had become so with too much of a jerk. It was therefore sensible that the world's central bankers should devote their usual monthly Sunday in Basle to discussing what to do about it.

Everybody should welcome any steps they now take to remove those of their own restraints that make exchange markets more unstable than they otherwise would be. The key problem is that more dollars have piled central banks want, chiefly because they will not use them to buy dollar assets that are going most cheaply; such as, just now, shares in American industry. Most of these countries would be overjoyed if their other public investments—such as Maplin and the Chunnel—promised to cover purchase costs, even from this year's profits, in less than 10 years. Just such a public investment project—an export-earning one that would desirably counter excessive American influence on the biggest multinational corporations—would be achieved by switching excess central bank dollars either directly or by lending to some other public institutions, into buying General Motors' equities on Wall Street at their present p/e.

But it is said that central banks must not participate in buying foreign assets that might go down as well as up in price. Instead the German Bundesbank has in these past months put many billions of its marks into foreign assets (i.e., liquid foreign exchange holdings) that were quite certain to go down in price, because speculators were dumping them on it in the knowledge that the Bundesbank's other artificial commitments (e.g., attempting to keep the D-mark within the EEC's snake) obligated it to buy foreign exchange precisely at the moment when everybody knew that its depreciation was imminent. When bodies like the Bundesbank give speculators a one-way option to make profits by thus legally obligating themselves to be the fall guy, those speculators naturally withdraw money from freer markets (such as world stock markets) in order to enjoy this privilege; and everybody then pretends to be most surprised when world stock markets go down.

The switch of foreign central banks' dollars into buying parts of American industry would be the most effective cure for the present malaise; so it would also be the biggest break with present tradition, and therefore will not be widely adopted (although Britain, which now has more dollars than it needs, would be wise to cause a great surprise by loosening its artificial restrictions on investing them: i.e., abolishing the so-called dollar premium). The second most obviously artificial restriction which the central banks hug to themselves may be abandoned more quickly, because we probably are now reaching a term to Europe's willingness to go along with America's delusion that gold prices, will be kept down (and South Africa and Russia injured) if central banks agree never to trade in gold with each other except at one-third of its market price. Since central banks have more gold to sell than buy, this restriction now does the opposite. Of course, central banks should sell and buy gold at whatever price they can get for it; this would now help the dollar a bit.

THE FAULT WAS A FIXING

At Basle on Sunday the central bankers preferred to concentrate on the belief that they can counter the speculative movements of funds by secretly borrowing a masse de manoeuvre from each other and craftily playing it into the market in the reverse direction. To the extent that the present exchange rates of the dollar and sterling are illogical, this will work. The danger is that some countries (especially France) may be confusing exchange rates that are illogical with rates that are just inconvenient.

The biggest muddle is the argument that the "crisis" shows that floating rates have failed, so that the world had better return to fixed rates. The world fortunately cannot return to the old fixed-rate system because it was an attitude of mind: a blind trust that countries which ought to devalue (like Britain in 1957–67) would for some reason sacrifice a lot of growth and borrow a lot of money before eventually doing so, and that countries which ought to upvalue would accumulate a lot of about-to-be-depreciated dollars and import a lot of mounting inflation before doing so. Now that nobody believes countries will be so foolish for long, the surprising new orthodoxy is that they should please be so foolish for a little. So ministers say that rates should be "fixed but adjustable" (which is the same as saying that a shape should be square but round) and continental EEC countries are supposed to be able to operate a snake in a tunnel (i.e., to be able to float best while tied together).

Each delusion means that a one-way option is offered to speculators for a brief gasping space, and it was the temporary existence of the snake that caused the last fortnight's "crisis". The German mark was up at the top of the permitted range and so was being supported there (i.e., the Germans were selling marks at a cheaper price than everybody knew would soon be paid for them), so speculators naturally took their fill of these until the Germans had to act, and then the Brandt government did not act in a logical way. Instead of floating out of the snake, it tried to fix a new and more expensive rate against the other EEC snake currencies. This promptly provided a one-way option that other EEC currencies like the French franc, previously near the top of the snake, might be upvalued (certainly they would not be devalued), so last week there was a move into them out of any other currencies lying about (chiefly dollars and sterling).

It is true that one virtue of the old fixed-rate system has foolishly been jettisoned in the new regime of what will (perhaps with very brief intervals) now be perpetual floating: namely, the discipline that fixed rates imposed on weak currency countries to try to keep their interest rates and exports up, and on strong currency countries to keep their interest rates down. Today the United States is responding to the inflation caused by the weakness of the dollar by making the dollar weaker still by illegally banning its biggest export, soybeans (on the ground that these are so expensive that it needs to keep them at home), and the British are responding to the inflation spurred by the weakness of sterling by cajoling building societies and others to hold their interest rates down (and thus to keep sterling weaker and house and other prices up).

Through the looking-glass, the Germans, faced by an inflation caused by the inflow of money, are inexcusably raising their domestic interest rates, which will cut back their internal demand but cause more money to come in. In both exchange markets and macroeconomics the Brandt government is now eerily repeating all the mistakes of the Wilson government in Britain in 1964–67, and for much the same reason: it is a nominally left-wing but actually very cautious government which has an inferiority complex towards a right-wing financial establishment that insists that demand deflation is the only orthodox policy to pursue even at a time when it is horribly inappropriate.

SELF-CORRECTING MUDDLES

Could the world be precipitated into an actual slump by these muddles in high German and by the failure of so many of the world's rulers to understand what their own financial system is all about? Fortunately, so long as capital movements are kept reasonably free, most of the muddles are eventually self-correcting; and the world should not be too worried at the thought that its leading finance ministers are meeting again later this month.

If the meeting makes any announcement about moving back to a new ptatern of "fixed but adjustable exchange rates", there will be an outcry from most economists; but this will not matter because any such restrictive system will not last long anyway. It would be better if smaller restrictive systems, like the European snake, died sooner than later; but the snake's death will be caused by market movements, not ministers' itineraries. The restrictions that persist are causing some distortions which will correct themselves in time. Our guess is that the main ones are that Wall Street is too low, that sterling exports to Europe are too cheap (maybe no bad thing in this first year that Britain is in Europe), and that sterling and dollar prices of imported commodities are too high (partly because some have been used, like gold, as speculative counters). The commodities distortion has certainly hurt Britain, but the corollary is a guess that they will come down, although there are large questions over the timing. This is an important consideration in gauging the right policy to tackle Britain's real economic problem, to which the next article turns.

THOUGHTS ON THE BICENTENNIAL

HON. STANFORD E. PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. PARRIS. Mr. Speaker, one of my constituents, Mr. John R. Kanline, of Alexandria, Va., has come up with a rather novel idea for helping celebrate this Nation's bicentennial in 1976. Mr. Kanline outlined his thoughts on the subject recently in a letter to the editor of the Washington Star-News and at this time under my leave to revise and extend my remarks, I include that letter in the RECORD:

U.S.A. IN MINIATURE

SIR: With the Bicentennial fast approaching I believe that the creation of a small and different type of national park depicting in miniature the main features and sites of this great nation would have great tourist (20 million tourists to D.C. a year) and patriotic appeal to our international guests and citizens who live and visit here.

Supporting this idea are the many Americans who may have had the good fortune to visit such a park called "Modurodam" near The Hague in the Netherlands. This small 4-acre park includes two miles of miniature railroad, 44,000 lights, castles, bands that play, windmills, ships, ports, canals and the major sights of the Netherlands, all carefully done to scale. Princess Beatrix is the Mayor, with a children's council. Each year on occasion blind children are brought to see the exhibits with their hands.

In an American version one could visualize both modern and historical sites with walkways or a conveyance to permit visitors to get a close look at such Americana as Mt. Vernon, the Capitol, Washington Monument, the White House, New York Skyscrapers, Niagara Falls, Mt. Rushmore, the Golden Gate Bridge, steel mills, industry, airports, oil refining, the Grand Canyon and numerous other possibilities. Perhaps U.S. architectural and engineering schools could participate in the project.

The Dutch miniature park was established by the wealthy parents of a young Dutch student executed by the Nazis in World War II. It attracts several million visitors each year with revenues going to sick students and to make yearly additions to the park. Even with only several million visitors a year this feature has functioned successfully for fifteen years and at a profit.

This points to the opportunity for such a facility here which could be a feature attraction for the Bicentennial. In my opinion it would rank with the Kennedy Center as a popular site for tourists and local citizens and take up a minimum amount of space.

As a profitable venture such a proposal should appeal to the Smithsonian, U.S. industry, the Park Service and Philanthropic organizations. I'm sure our Dutch friends would lend their experience and technical know-how to the project. But, what is needed first is that the proposal be placed before the citizens of the area and the nation. I hope this letter will stimulate the beginning of some interest and later action by those who are in a position to assist in some way.

JOHN R. KANLINE.

ALEXANDRIA, VA.

SOLVING THE PENN CENTRAL CRISIS

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. STEELE. Mr. Speaker, within the next few weeks the Congress will be considering legislation aimed at alleviating the ominous Northeast railroad crisis. It will hardly be the first time in recent years that Congress has addressed itself to the problems of the rail transportation industry. The last three Congresses have passed more than 25 railroad-related measures, and have given close scrutiny to many more. Already this session, House and Senate members have introduced 130-plus pieces of railroad legislation.

This body is well aware that dealing with the crisis of the rails has been an enormously challenging task. But it has also been an enormously frustrating one.

We have recognized the indispensible character of rail service to our national transportation system. We have dealt extensively with rail passenger service, labor-management difficulties, and retirement and safety provisions. But we have yet to fully resolve the problems in any of these areas.

To recall the legislative History briefly:

We have argued and negotiated, reargued and renegotiated, the terms by which a viable intercity rail passenger system can be maintained. What emerged from those arguments and negotiations—the Amtrak system—has demonstrated that well-managed and reliable train service, such as that provided between Washington and New York, can be of significant value in moving people between cities. But Amtrak has certainly not lived up to our fullest expectations or to its fullest potential, and—as any Connecticut commuter knows—passenger travel by rail can still be an exasperating experience.

We have heard repeatedly from both sides of the chronic labor-management dispute. We have puzzled long hours over the employment requirements of the rail companies and rail unions. But we have never found a long-term plan that was agreeable to both sides of the conflict.

We have acted to upgrade safety conditions of rail operations and to increase retirement and social security payments. We have met with some success in this regard, but areas for improvement and conciliation still remain.

Despite the progress that we have made in these and other rail-related matters, there is today in Congress a sense of deep frustration concerning the railroads. Their problems are complex and seemingly inexhaustible. But, Mr. Speaker, none of these problems have proven as relentless and annoying as the dilemma of the Penn Central railroad system.

Penn Central is the largest of the Nation's railroads, operating over 20,000 miles of track in 16 States and two Canadian provinces. Over its lines flow one-fifth of the Nation's freight and two-thirds of its passengers. It employs 83,000 persons system-wide. It is perhaps the primary artery for the flow of goods and services through the Northeast. In Connecticut and Rhode Island, many shippers are entirely dependent on it alone to move needed supplies in and out.

Clearly, the services provided by the Penn Central are critical to the economic and social health not only of the States served by the Penn Central but of the entire country. Yet for the past 3 years the Penn Central has lingered near total collapse. And today, that collapse looms larger than ever before, with the recent court order that Penn Central either reorganize or liquidate. The final day of reckoning has come for the Penn Central.

What would that collapse mean, Mr. Speaker? First of all, it would mean the additional collapse of virtually the whole railroad system in the Northeast. Already five other railroads besides Penn Central are in bankruptcy, and others are consistently operating in red ink. Should Penn Central's services halt, the effect on the morale of the entire railroad industry would be grave. Further, many of the smaller railroads throughout the Northeast use Penn Central facilities or services in their daily operations. Were these services and facilities to close, these smaller rail interests would be hard pressed to find substitutes for them. The Penn Central undergirds the whole Northeast rail structure, and without that undergirding the structure would collapse.

The economic and social effects of such a collapse would be disastrous.

This is particularly true for New England. New England relies extensively on the rails to obtain vital commodities from all over the Nation. As much as 40 percent of commercial traffic in New England moves by rail, and for certain essential goods—fuel, lumber, steel—the figures are higher. Industry depends heavily on the rails to acquire raw materials and to ship finished products; without rail service, many existing industries would be forced to close, and no new ones would be built. Likewise, the agricultural interests of New England utilize the railroads to ship in vital feed grains from the Midwest and to move produce out to other areas of the region and country. In terms of the overall labor market, a shutdown of the Penn Central could affect hundreds of thousands of workers in New England alone.

In Connecticut, for example, the Penn Central operates 654 miles of track and employs 3,900 persons on a payroll of $43 million. Its State and local taxes total over $130,000 yearly. It purchases $3½ million in goods and services from industries located in the State, thereby generating more than 11,000 supplementary jobs. It invests close to $11 million per year in industrial development within the State. Add to those figures the jobs and revenues of industries that depend on Penn Central services, and the consequences of a rail shutdown for the labor and economy of the State become frightening. Further, the effect on the Connecticut consumer would be harsh: the Penn Central, along with the Central Vermont, ships into the State for in-State use 1,600,000 tons of coal, 800,000 tons of primary metals, and nearly a million tons of foods every year. None of these vital imports could be moved by truck at anything like comparable rates, and the result would be either large-scale inflation in the retail prices of these goods or disappearance of these commodities from the market. These figures indicate how disastrous a shutdown would be for Connecticut—and Connecticut stands to suffer less than a number of States like New York, New Jersey, Indiana, and Pennsylvania.

Termination would also have detrimental environmental results. The railroads not only provide an essential public service, but they do so with significantly less harmful effects on our energy and environmental resources than any other mode of transportation. Studies conducted by the Department of Transportation indicates that the pollution level per passenger-mile for a modern electric train is only one-thirtieth that of the automobile, while its energy consumption requirements are one-tenth that required by the automobile. Rail freight burns one-fourth the fuel per ton-mile required by truck freight.

And I need not remind this House of the overcrowded conditions of the Nation's highways, such as the Connecticut Turnpike or Route 91 between Hartford and New Haven. It is especially important in these times of fuel shortages, motor vehicle pollution, and strangling highway congestion that we not allow our vital railway system to cease functioning. The costs in environmental damages alone would undoubtedly be much greater than the cost of maintaining and reorganizing the Penn Central and other crippled railroads.

Further, the delicate position of rail commuter and passenger operations would be undermined by the collapse of the Penn Central and other bankrupt rail companies. Although the current Northeast rail crisis focuses on freight carriers, Penn Central is deeply involved in Amtrak services. As a result, it takes little imagination to grasp the harmful fallout for commuter traffic that would follow inevitably from a collapse of the freight rails.

What more would the collapse mean? To appreciate the full results, we must remember that we are not talking about simply a regional problem. The demise of the Penn Central railroad would have a rippling effect that would be felt in every area of the Nation. The 17 States serviced by the Penn Central and other bankrupt railroads hold half the Nation's population—100 million people. These millions are the primary market for many farmers, businesses, and industries throughout the Nation. Into the Northeast flow lumber from the Northwest, grains from the Plains States, produce from the South—and this is only a fraction of the total picture. Were the national transportation system unbalanced by a Penn Central shutdown, the entire country would suffer adversely.

Congress has taken full note of the critical importance of the rails to the Nation's welfare. It has affirmed repeatedly its willingness to aid the Penn Central and other troubled railroads in times of emergency. The 91st Congress enacted emergency rail services legislation, guaranteeing $100 million to the Penn Central in trustee certificates. The 92d Congress authorized substantial loans to the Penn Central and other railroads damaged by Hurricane Agnes. And this 93d Congress acted to delay crippling strike against Penn Central for 90 days just this past spring. We have clearly indicated our readiness to aid the ailing rails to restabilize themselves. And we have heard repeated assurances from the management of these rails that only 6 or 8 or 12 months of congressional aid and patience would be necessary for the troubled companies to become solvent again.

Yet, today, 3 years after the original Penn Central crisis of June 1970, the situation has only worsened. The short-range, ad hoc measures Congress has enacted have not countered the effects of the railroad's continually inept management. Ineffectual government regulation of the rails has further compounded the problem. It is now clear that Congress should have moved more swiftly to develop a comprehensive national transportation policy, including northeastern rail service as a vital factor. But in the final analysis, it is rail mismanagement that has led us into this swamp. Management in its present form has failed to deal adequately with its own problems, and Congress must again come to its aid.

How should we approach the problem this session? The time has come for decisive action. We are tired of simply applying Federal bandages to the gaping wounds in Penn Central's cash flow, and I believe there are few in this House who are willing to go this route again. We must not continue our stop-gap methodology any longer. It is essential that we seek to provide for a long-range and hopefully permanent solution to the ills of rail transportation, and that we do so now. It is time to get the Penn Central monkey off Congress' back.

We must have a bill which is similar in scope to legislation now before the Senate, one which provides the funds and the mechanism for designing a rational core system in the Northeast and Midwest regions, and one which protects all existing routes, branches and spur lines while the final masterplan is being developed.

Once this design is delivered, Congress would have in its hands a thoroughly researched reorganization plan. It would then be the task of Congress to approve the details of the plan and provide the necessary funds for implementing it. Although we cannot say now exactly what the final contours of the solution will be, there are a number of premises on which I believe Congress should base its final deliberations.

First, we must be cautious not to equate a rational rail network with a significantly smaller rail network. I believe that, as our Nation becomes more and more disenchanted with highway congestion and pollution, and as modernized rail design and technology make rail travel and shipping more desirable, the rails will occupy an increasingly central position in filling our transportation needs. There is a danger that, in our haste to reorganize the present rail mess, we will lose many rail services that could prove beneficial in the future. Instead, we must attempt to maintain and modernize existing facilities to accommodate technological innovation, and we must consider expanding the rail system for a primary role in 21st century transportation.

Second, in the immediate realm, we must recognize that a rational plan will include not only profitable lines, but some unprofitable ones as well. It is an inescapable fact that some lines providing necessary public services will operate at a loss. The plan must include provisioins for assuring that these unprofitable but essential branches remain in service.

Third, we must halt further abandonments of rail service in the affected regions until a complete study of the effects of anticipated abandonments can be executed by the ICC. While we are in the process of assessing the rail service needs of the Nation, it makes no sense to discontinue services, thereby crippling many communities, when a full study of the Northeast rails is imminent.

Fourth, during the planning interim, it is essential that present rail facilities and rights-of-way be retained. It would be calamitous if segments of railroad deemed vital to the final core system were auctioned off by a liquidated company during that interim period. Continued liquidation of branch and main lines would eliminate valuable rail assets which could be utilized in and might even prove critical to a new core system, as well as cause severe economic hardships for many of the communities involved. In the words of Robert T. Cairns, chairman of the Connecticut Transportation Authority,

> We must see that piecemeal dismemberment does not destroy the possibility of a viable core system.

Fifth, Congress must see to it that a full-scale track and facility renovation program is included in the reorganization plan, supported by Federal funds if necessary. Present rail service is hindered by outdated equipment and track, which reduces top speed levels—the key factor in the train's competition with motor and air transportation. Much of what the rails operate with and over is antiquated, left over from the days of the railroad explosion into all parts of the country near the turn of the century. Coequal with rail reorganization must be rail upgrading and renewal.

Finally, Congress must address the problem of protecting employees dislocated by the reorganization. Although no reliable figures are available as yet, it is certain that Federal assistance will be necessary in some form for laborers whose lives are disrupted by necessary changes in the railway map.

All of this, Mr. Speaker, deals with a long-term solution to the railroad crisis. But we are still left with the present emergency. Penn Central needs immediate assistance to avoid liquidation. Although funds are available through the Hurricane Agnes legislation and other sources, it is possible that the totals will not be enough to satisfy the bankruptcy court or to reverse the railroad's negative cash flow. In that event, Congress must stand ready to provide further operating funds. On this matter we have no real choice. But while doing so, we must make it clear that we do not intend to subsidize the bankrupt railroads any longer than is necessary to develop a comprehensive reorganization plan. This should be the last time that Congress is forced to rescue the rails from imminent collapse.

Mr. Speaker, Congress has long grappled with the vexing Penn Central problem. But it has not yet focused on developing a comprehensive long-term solution to the whole northeastern transportation mess. Once again, we must act with haste under emergency conditions. But this time we must simultaneously lay the groundwork for a reorganization and restructuring of the rails which will enable this marvel of 19th century technology to play the major role it is capable of playing in a new and revitalized 20th century national transportation system.

REVENUE SHARING FAILS LABOR AND MINORITIES, AFL-CIO BELIEVES

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. BRADEMAS. Mr. Speaker, general revenue sharing, and now the special revenue sharing proposals, have been touted by the administration as a revolutionary means of revamping and improving the way the State and local governments deliver federally funded public services.

Like so many of the Nixon administration's proposals, however, these ideas are long on rhetoric but short on promise.

At the recent 63d annual conference of the National Urban League held here in Washington, AFL-CIO Legislative Director Andrew Biemiller set out a most cogent analysis of what is wrong with these proposals.

I recommend Mr. Biemiller's analysis to my colleagues:

REMARKS BY ANDREW J. BIEMILLER

The labor movement and the civil rights movement share a vital interest in setting the record straight on revenue sharing.

Our mutual concern for human welfare and human dignity makes it imperative to expose and stop the cruel, callous hoax that is revenue sharing.

It is the people—working people, unemployed people, city people, minority people, poor people, low- and middle-income people—who have been short-changed, bypassed, and ignored by revenue sharing.

NEW FEDERALISM STOPS SOCIAL PROGRESS

The Nixon Administration touts revenue sharing as a way to strengthen state and local government by giving them more control over more federal money.

This is little more than the old "states' rights" slogans and policies we fought against together in the past. The so-called "New Federalism" is a thinly-disguised effort to turn back the clock on social progress in America.

The basic issue is human welfare and human dignity. That was the issue when we opposed "states' rights", and it is the issue today as we oppose revenue sharing.

REDISTRIBUTING FROM THE POOR TO THE RICH

Bitter experience shows very clearly that revenue sharing redistributes federal money from those who have little to those who have much; from the inner city to the high-hat suburbs; from those who support strong, effective labor standards and civil rights protection to those who want to weaken these standards.

Revenue sharing was merchandised—like so much deodorant—in such an alluring political package last year that Congress passed the so-called "general revenue sharing" bill. It's hard to say "No" to Santa Claus.

Let me note for the record that the AFL-CIO opposed this legislation. When we saw that congressional approval was inevitable, we tried to get improvements into the bill. Regrettably, we had very little success.

REVENUE SHARING: FOOL'S GOLD

Governors and local officials truly believed they were going to receive a general revenue sharing bonanza of $30 billion over a five-year period. It's no wonder they put the heat on Congress to approve what they were told would be additional revenue—revenue to reduce taxes and improve services. They were looking for the pot of gold at the end of the rainbow—more than $5 billion in 1972.

Many of these state and local officials now realize their revenue-sharing pot is full of "fool's gold".

DEMOCRATIC GOVERNORS REPORTED TO BELIEVE REVENUE SHARING A MISTAKE

Instead of getting more money, state and local governments are getting less. There is much agreement that revenue sharing is an inadequate substittue for existing federal grant money.

Here's one typical comment from a Mayor, Boston's Kevin White, quoted in the Washington Post of June 17:

"I'm one who fought for the basic tenents of New Federalism in the form of general revenue sharing for the past three years. I find myself chagrined that I don't know now what I have, except that I have less money in the short run and probably the prospect of less money in the long run." And a governor, Jimmy Carter of Georgia, said recently:

"I was at a meeting . . . with a good portion of the 31 Democratic governors, and I believe the opinion now unanimously is that it (general revenue sharing) was a mistake . . . I believe there's a general feeling on the part of many mayors, governors and others that this has indeed been a step backward."

AN OUTRAGEOUS ADMINISTRATION ATTACK WHICH MUST BE FOUGHT

Instead of piling general revenue sharing money on top of existing federal grant money, the Nixon Administration launched an extraordinary attack against established categorical federal grant programs. This outrageous effort to cut back or kill the social programs—programs we worked so hard to get started in the 1960s—must-and-will-be fought at every turn.

Existing federal categorical grant programs are being strangled and starved. And the AFL–CIO, for one, is not willing to stand silent while the hopes and futures of millions of Americans are committed to a grave of governmental indifference.

President Nixon is using his veto power to kill appropriations bills. Programs aimed at providing jobs, improving health and education, better housing, and controlling pollution are given varying degrees of the Administration's "Kill-them-dead" treatment.

AFL–CIO FOUGHT "NO STRINGS" SHARING IN 1965

Congressionally-appropriated funds have been impounded, raising a serious confrontation between presidential power and our constitutional form of government.

The AFL–CIO has fought "no-strings' distribution of federal money since 1965 when it was first proposed. We said then, and we say now, it is ludicrous to pass out federal money to state and local governments without firm controls to make certain taxpayers' money is spent to meet national priorities and in accordance with national labor and civil rights standards.

"NO STRINGS" ALSO MEANS "NO ADDITIONAL"

We have repeatedly pointed out that "no-strings" general revenue sharing money would not add one federal penny to the money available to the states and local communities. With no requirement for priority targets, revenue sharing money can go to reducing a rich man's property taxes while poor families continue to be shortchanged on basic education, health, welfare, housing, and employment.

While the general revenue sharing law piously calls for fair labor practices and federal civil rights guarantees, the fact is there can be no enforcement of these "paper" requirements.

The labor movement and the civil rights movement share a common interest in getting federal money targeted into priority areas of human need. We have a common interest in making sure that federal civil rights guarantees and federal fair labor practice requirements are properly and fully enforced in projects and programs supported by federal money.

PITFALLS REPEATED IN SPECIAL REVENUE SHARING

Unfortunately, the same dangers and pitfalls that exist in connection with general revenue sharing are repeatedly in special revenue sharing.

In 1971, before Congress passed the general revenue sharing bill, the President proposed "special" revenue sharing block grants which would consolidate some 130 categorical grant programs. The President suggested consolidation of these existing grant programs into six broad "block-grant" areas—law enforcement, manpower training, urban development, transportation, rural development, and education.

There's no question that the rapid growth of federal grant programs in the 1960s, to help meet America's need for public facilities and public services, almost inevitably created some administrative problems and overlapping grants.

But this situation by no means justifies dismantling and destroying essential social programs. Nor does it justify an abdication of the federal government's key role in developing, financing and guiding the public investment and public service that are essential to the nation's welfare and progress.

NATIONAL PRIORITIES ABDICATED IN SPECIAL REVENUE SHARING

The AFL–CIO opposes special revenue sharing block grants. We believe that national priorities and national goals must be set at the national level. No rational person can deny that America faces vast unmet public needs. If anyone tries to tell you that the "hour of crisis" for America's cities has passed take him for a walk down Florida Avenue. Meeting these needs requires the cooperation of all citizens and all institutions, private as well as public.

Many major domestic problems are rooted in a shortage of services and facilities that are traditionally and appropriately the responsibility of government. Some of these problems and shortages can be dealt with at the state and local community level, with administration and financing by state and local government.

But it is the federal government—which represents all of the American people—that holds the key. To put it very simply, the federal government cannot escape its responsibility for national problems and the states cannot exercise that national responsibility.

PRESSING PROBLEMS ARE NATIONAL IN SCOPE

The most pressing domestic problems—unemployment, equal opportunity, housing, health care, pollution, and crime—are nationwide in scope and impact. These problems are not confined by the boundaries of the 50 states and 80,000 local government units. They require national leadership with federal programs and federal financial support. And national leadership, in turn, requires a willingness to meet the problems that face this country.

LEAA—A TRIAL RUN THAT FAILED

One area in which there is experience with block grants is the federal Law Enforcement Assistance Administration—a "trial run" at special revenue sharing. The experience has been bad, very bad.

The billion-dollar block-grant law enforcement assistance program has been "characterized by inefficiency, waste, maladministration and, in some cases, corruption," according to the report of a House Government Operations Subcommittee. The report finds that law enforcement block grants have had "no visible impact on the incidence of crime in the United States," that there is "woefully inadequate" information on state programs, that there is little assurance that the taxpayer will soon have the fiscal and program safeguards to which he is entitled.

And we have reports that, in some areas, so-called "law enforcement" block grant funds are being used to pay prison labor $5 a day to build more jails and prisons. This is progress?

The chairman of the Subcommittee, Congressman John Monagan (D) of Connecticut, declared that "LEAA continues to be either unwilling or unable to curb state abuses under the block grant programs, despite the strong rhetoric of its guidelines."

This is precisely the concern of the AFL–CIO.

FROM BAD TO WORSE

It's bad enough that revenue sharing means less money for urban problems. It's even worse that whatever money does become available is going to be passed out without adequate labor protections and anti-discrimination requirements.

Regulations and guidelines written on paper don't mean a damn unless there is a capacity and a willingness in the national government to enforce these requirements. Unfortunately, this kind of leadership is utterly lacking in the Nixon Administration.

CUTTING $100 BILLION TO PUT THE PEOPLE LAST

For fiscal 1974, the Nixon Administration is proposing to emasculate or eliminate federal programs totalling $17 billion. Over the next five years the Nixon budget cuts will result in a cumulative total reduction of more than $100 billion. If successful, President Nixon will have succeeded in reordering this nation's priorities in reverse—putting the people and their needs last.

If Congress adopts the special revenue sharing programs proposed by the President, many vital job-creating public service and public investment programs will be totally dismantled and others will be rendered virtually inoperative.

For example, in the area of community development and housing, the Nixon Administration's budget proposals would, in effect, bring to an end the direct federal role in revitalizing the nation's cities and increasing the availability of housing for low- and moderate-income families.

SUBSTANTIAL JOB CUTS

Budget cuts threaten to end urban renewal, model cities, low-rent housing and homeownership programs. These cuts could mean substantial job losses—in on-site construction, as well as in production and distribution of steel, lumber, glass, cement, and other building materials—at a time when almost 5 percent of the total workforce and nearly 10 percent of minority workers are already unemployed.

No amount of revenue sharing rhetoric and statistic doubletalk can hide the fact that, in city after city, Administration budget policies are victimizing the poor, the sick, the young, the old and minorities. While the San Clementes and Key Biscaynes may not need public housing, the Newarks, Clevelands and Oaklands do.

BUDGET ABANDONS EDUCATION

In education, the Administration's vaguely-formulated program of special revenue sharing means a large-scale abandonment of quality education for all children as a goal. It would eliminate or under-fund vital programs that are investments in our children.

Categorical aid-to-education programs were enacted by Congress to meet critical needs largely ignored by state and local officials. By lumping these programs into a single big special revenue-sharing check, the Administration blatantly invites state and local officials to return to past practices of allocating funds on the basis of whim, rather than genuine demonstrable need.

PROCLAIMING MYSTICAL POWERS FOR AMBROSIA OF REVENUE SHARING

I don't doubt that many education programs can be improved—but improvement is quite different from dismantling and destroying whole programs. Too often the problem has been bad administration by local officials who used education money contrary to the intent of Congress. And it is these same local officials who have hindered progress and thwarted national goals that the Administration now proclaims will draw mystical super powers of administration from the ambrosia of revenue sharing. By loosening controls, the Administration would aggravate the problem of poor local administration rather than contribute to its solution.

The AFL-CIO has consistently pressed for more federal funding for schools. We are not going to abandon education programs we fought so long to achieve.

What's at stake is not a few education programs we are proud to have played some small part in getting passed. The stakes are much higher. Are education problems going to be attacked in a national effort? Or are they to be attacked piecemeal, in thousands of schools districts with varying degrees of competence and desire?

That is why we reject completely Administration proposals for special educational revenue sharing. They provide no additional funds for the schools. They would only divert money from existing programs which Congress carefully designed to meet specific needs.

MINORITIES LOSE MOST UNDER MANPOWER REVENUE SHARING

The biggest losers in the Administration's plans for manpower revenue sharing would be minority workers and minority youths.

First of all the Nixon Administration wants to kill the job-creating Public Service Employment Program established by the landmark Emergency Employment Act of 1971.

This program opened up about 150,000 jobs in 17,500 state and local government agencies. It provides jobs, income and self-supporting dignity for workers. And it also provides useful public services in a variety of fields—health, education, recreation, environmental protection and public safety.

Yet the Administration wants to kill this program that is widely recognized as effective and successful and useful.

Furthermore, the federal government's role in planning and operating on-the-job and classroom training programs, funded under the Manpower Development and Training Act, would be turned over to state and local government by "special" Manpower Revenue Sharing.

NEIGHBORHOOD YOUTH CORPS WOULD DISAPPEAR

The Neighborhood Youth Corps, which helps open opportunities for part-time jobs so that low-income youths can complete their education, would no longer be a federal responsibility. It would disappear in Manpower Revenue Sharing.

In fact, if it wasn't for recent court action and the determination of a bipartisan group of Senators, the entire Neighborhood Youth Corps program would have disappeared this year. If the Administration has its way, the hopes of some 600,000 young people would be impounded along with the $256 million for the program.

Look at what the Administration has been telling local governments about Neighborhood Youth Corps funds. "Use your EEA money instead," they say. What they mean is fire the fathers and mothers to hire the kids. That's the "New Federalism" in a nutshell, and that's the kind of mentality we are fighting.

The Administration also wants to cut back funds for the Job Corps and decentralize its activities into Manpower Revenue Sharing where it too would soon disappear totally.

WIN A PUBLIC RELATIONS GIMMICK

The only manpower program of any consequence in the Nixon budget is WIN, the Work Incentive Program, aimed basically at getting welfare recipients to work. Labor protection standards in the WIN program are so weak that welfare recipients far too often are placed in marginal, substandard, low-paid jobs. They go from poverty on welfare to poverty on the job. The only people who win with WIN are Administration public relations experts.

That is the trouble with the whole Manpower Revenue Sharing proposal—it is a Madison Avenue gimmick. Decentralizing and decategorizing are slogans that simply don't meet human needs for jobs, training, income and human dignity.

The Nixon Administration is now trying to put Manpower Revenue Sharing into effect by Executive fiat, in direct defiance of the constitutional system of checks and balances.

CONGRESSIONAL ACTION IS IMMATERIAL TO THE ADMINISTRATION

The House Education and Labor Committee reports that "high-ranking officials of the Labor Department have indicated to the Committee that, as far as they are concerned, they have their orders, and congressional action or inaction is immaterial to them."

The Watergate hearings show that the Administration played fast and loose with the Bill of Rights. Manpower revenue sharing shows they have been trying to play fast and loose with Articles I and II of the Constitution.

Make no mistake about it. The "New Federalism" and revenue sharing are but code words for a massive attack against social programs that contribute to human welfare and dignity.

The AFL-CIO is determined—and I am confident the Urban League is determined—to repulse this attack. And let me make it crystal clear, we are not just fighting a holding action. We intend to press on for social and economic justice for all Americans.

PHASE IV SHOULD BE GIVEN A CHANCE TO WORK

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. HARRINGTON. Mr. Speaker, when the President and his advisers announced the imposition of the most recent price freeze on June 13, they emphasized that the phase IV price controls program which would follow would involve tighter standards, and more mandatory compliance procedures than phase II. They also stressed that the new guidelines would be temporary and designed to return the economy as quickly as possible to a free market system. The President said:

> We are not going to put the American economy into a strait jacket. . . . Such actions would bring good headlines tomorrow and bad headaches six months from now for every American family. . . . We must not let controls become a narcotic—we must not become addicted.

Phase IV guidelines have now been announced, though not yet finalized. The administration's ill-conceived and premature effort to end controls under phase III exacerbated the inflationary trend and necessitated the "tougher" controls now proposed under the phase IV program. Even before the proposed regulations were being formulated, however, we were warned that the new controls would be short-term. It seems to me that the administration's apologetic, even hostile, attitude toward curbing inflation by price controls could abort any effort to alleviate and rectify the distortions.

On July 15, 1973, the Washington Post carried a commentary by Hobart Rowen which explains the importance of allowing phase IV controls the time to work. I wish to call my colleagues' attention to this problem by inserting the article at this time.

The article follows:

NIXON SHOULD GIVE CONTROLS CHANCE TO WORK

(By Hobart Rowen)

Even as the final touches are being put on what we are assured will be a "tough" Phase IV (something like Phase II of wage-price controls), the administration keeps making noises about decontrol.

"The only way to get out of controls is to get out of controls," a high administration officials says somewhat belligerently.

The Labor Management Advisory Committee, on which Cost of Living Council director John Dunlop puts great reliance, issued a statement the other day urging the elimination of all controls as soon as possible this year.

"The only way to extricate the country from wage and price controls is to phase them out," the L-M statement said. The language sounds suspiciously like Dunlop's; if he didn't actually write it, he surely would have no philosophical disagreement with it.

In a speech to the New York Sales Executive Club last week, Commerce Secretary Frederick B. Dent began to chatter about "Phase V," which would mark the end of controls.

"The most important issue," declared Dent, "is what kind of an economy we will have in Phase V."

And Mrs. Anne Armstrong, a presidential counselor, told reporters in Tallahassee, Fla., that "because of the toughness (of Phase IV) it will be very brief."

Thus, the administration seems really not to have learned a lesson from the senseless junking of Phase II (economist Walter W. Heller calls it the "summum boner"). When it moved into Phase III, the administration gave the impression that it was no longer serious about pursuing controls—that it could hardly wait to get rid of them entirely.

As Brookings Institution economist Barry Bosworth observes, many of the problems that surfaced in Phase III—for example, rising food costs—would have developed even had Phase II been continued.

"But the widespread interpretation of Phase III as a signal of an end to controls multiplied price increases in early 1973," Bosworth says.

There is certainly a limit to what we can reasonably expect from Phase IV, in view of past blunders of the Nixon administration, rising food prices (which stem in good part from stupid agricultural policies), and the hysterical flight into commodities and out of paper money which is boosting imported raw material prices.

But some things can be expected, not the least of which is an administration attitude that is not apologetic about nor downright hostile to controls. Mr. Nixon and his aides must quit a covert sniping at controls and give them a chance to work.

That requires, as a backdrop, the maintenance of a strong fiscal-monetary policy. Many economists, including Heller and Arthur M. Okun, now think the time when a tax increase might have been useful has already slipped past. That puts the burden on monetary policy and many people already see a parallel with the money "crunch" of 1969–70.

As for Phase IV price controls, they will have to do even better than Phase II in limiting increases. Of course, there must be a return to the pre-notification principle—elimination of which was perhaps the biggest of all Phase III blunders.

Some prices, after the freeze, will have to go up. But COLC staff people have been talking too loosely about the "back-up" of cost increases for large industrial companies during Phase II and III. The sharp rise in consumer finished goods prices (averaging about 1 per cent a month) at a time when—as Dunlop proudly claims—wage advances have been modest can only mean that there has been a good deal of unjustifiable price hiking during Phase III. This shouldn't be legalized at one stroke and called an unpreventable "bulge."

But the main thing the administration must avoid is any sort of promise to get rid of controls quickly. A specific time limit to Phase IV would be the ultimate disaster.

"The way to unwind controls is to untie one knot at a time," says Okun. "We ought to tiptoe out of rigid controls very gradually to avoid the risk of a new inflation followed by a new freeze. The overeagerness to return to a free market in Phase III gave us the opposite movement in Freeze II."

The language of the forthcoming announcement on Phase IV will tell us a lot about whether Messrs. Nixon, Shultz and Dunlop have learned this lesson. Don't get your hopes too high.

THE APPLICATION OF JUSTICE TO FEDERAL NARCOTICS AGENTS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. RANGEL. Mr. Speaker, on April 4, 1972, Bureau of Narcotics and Dangerous Drugs agents, dressed as hippies, and carrying rifles and shotguns, illegally broke into the cabin of Mr. Dirk Dickenson in Humboldt County, Calif. The agents suspected Mr. Dickenson of running a million dollar hallucinogenic drug lab on his heavily wooded property. None of the agents identified themselves as law enforcement officials.

Mr. Dickenson, unaware of the fact that the men who had entered his home were Federal agents, attempted to flee and was shot and killed by BNDD agent Lloyd Clifton. A search of Mr. Dickenson's property, however, did not reveal even the remnants of a drug lab.

The Justice Department, in an investigation which resembled the Department's first Watergate probe, cleared Agent Clifton of any wrongdoing for shooting Mr. Dickenson.

In January 1973, the State of California indicted Agent Clifton on second degree murder and involuntary manslaughter charges.

The Justice Department recently filed a brief in a California Appeals Court to have the charges against Agent Clifton dismissed on the grounds that he was a Federal employee acting in an official capacity when he shot Mr. Dickenson.

A few weeks ago, I sent a letter to Attorney General Elliot Richardson asking him to withdraw the Department's motion to have the State of California's charges against Agent Clifton dismissed. I firmly believe that there is no reason why this man should not stand trial. The Attorney General informed me, however, that since Agent Clifton was originally cleared of any wrongdoing by the Justice Department, that the Department was now bound by law to provide his legal defense. Further, because this matter is now in the courts, Agent Clifton could not even be suspended from the Drug Enforcement Administration since a suspension would ultimately lead to a public hearing which could be quite prejudicial to the court cases.

I do feel, however, that my colleagues should be informed of this incident for it is absolutely essential that the Department of Justice realize that Congress will not permit this type of activity to take place again. San Francisco Chronicle correspondent Paul Avrey wrote an excellent article on this shocking occurrence. I would like to place this article in the RECORD.

[From the San Francisco Chronicle, May 15, 1972]

STORY OF DEATH IN DRUG RAID

(By Paul Avery)

ALDERPOINT, HUMBOLDT COUNTY.—At 1:43 p.m. on April 4, Dirk Dickenson and his girl friend Judy Arnold heard a roaring whup-whup-whup-whup above the cabin on Pratt mountain and ran out onto the back deck.

"My first thought was 'far out,'" Miss Arnold recalls. "It was a big, green helicopter. Filled with longhairs. Dirk and I waved at them. A couple of them waved back."

A minute later, Dickenson, 24, the suspected "chemist" of an illegal drug ring, lay dying on a steep, rocky slope just below the cabin. Attempting to flee down the slope, he had been shot in the back by federal narcotics agent Lloyd Clifton.

DEPUTY

A Humboldt county sheriff's deputy, pistol at the ready, was first to the side of the writhing body. Sure he would find a gun—"or some sort of weapon"—he searched everywhere around.

He found nothing. Dicksenson had not been armed.

It was some 20 minutes before a first aid kit and stretcher arrived and Dickenson was carried to the Army helicopter. He died on the helicopter en route to a hospital 60 miles away in Eureka.

While Clifton and the deputy kneeled by Dickenson, helpless to do anything for him, other members of the 19-man raiding party fanned out over the property. They were searching for what government "hard intelligence" had indicated would be there: a "million-dollar lab" manufacturing the dangerous hallucinogen drug PCP (phencyclidine hydrochloride).

EMBARRASSED

Two days later it was acknowledged with embarrassment that while some drugs (small "stashes" or marijuna, hashish and peyote) and other possibly incriminating items (one a pill-making press, obviously not recently used) had been discovered, a careful search of 40 acres had failed to turn up a laboratory.

What had been touted to Eureka newsmen invited along as "the biggest drug raid in Humboldt county history—possibly the biggest in California" had turned out to be a bust.

And a man was dead.

Here is the anatomy of that raid.

Dickenson's death has been cited as the reason for the shroud of secrecy that has surrounded the events of April 4 at the remote mountain cabin seven miles west of the little town of Alderpoint, itself hardly more than a wide spot on a southern Humboldt county road.

The fatal incident is being investigated by both District Attorney William F. Ferroggiaro of Humboldt county and U.S. Attorney James L. Browning in San Francisco.

The outcome of both investigations will be determinations as to whether agent Clifton will be criminally charged in connection with the fatal shooting of Dickenson.

Browning must decide whether Clifton unlawfully "summarily executed" Dickenson (in other words, deprived him of his right to appear in court), or acted properly in firing at the fleeing suspect.

If it is decided no federal charge is warranted, Ferroggiaro must then determine whether Clifton should face trial on a state charge that could range from involuntary manslaughter up to first degree murder.

STORY

What happened during a period of less than a minute is what both investigations are trying to determine.

The Chronicle has talked with a number of persons involved with the raid and this version of what occurred—confirmed by a law enforcement official investigating the entire incident—has emerged:

The suspected PCP drug ring had been under intense federal investigation since January when an undercover agent made a "buy" of the drug from a man in Hayward who said his "connection" was named Dirk.

Other buys were set up, cars were followed, addresses noted and, by mid-March, the federal investigators had identified Dickenson and a number of other persons as alleged co-conspirators in the making and sale of PCP.

It was learned Dickenson and two other suspects owned the 40 acres near Alderpoint and, when the man allegedly selling PCP to them remarked the "lab" was near Garberville, the pieces seemed to fall together. One federal agent is said to have shouted "eureka."

PREPARATIONS

Humboldt county came into the case in March. Undersheriff Robert Bollman was told there would be a raid on a "million-dollar lab" and was asked to supply deputies to go along with the federal strike team. He took part in some of the planning but—for some reason thus far unexplained—did not notify District Attorney Ferroggiaro about what was supposed to be the biggest raid in the county's history. The D.A. first learned of the raid when notified of Dickenson's death.

Although aerial photographs of the property were taken at an altitude of 5000 feet by a light plane, at no time did the investigators attempt any form of ground surveillance of the cabin—which one county detective had strongly suggested.

In late March, the raid was scheduled for April 4 and federal arrest and search warrants for five persons and three locations were obtained on April 3.

READY

Late the night of April 3, Bollman learned for the first time that an Army helicopter—loaned by the Presidio of San Francisco—was to be used. The federal agents also first learned then Bollman had invited three Eureka newsmen to cover the raid. The agents were furious but finally agreed the newsmen could go along.

Nine lawmen, Clifton among them, boarded the helicopter and ten others drove from Eureka in squad cars.

They were unaware that Dickenson, his girl friend and a neighbor were at that very moment in the sheriff's substation in Garberville talking over a business matter with county animal control officer Bill Bushnell.

Less than two hours later, Bushnell had been enlisted as part of the raiding team—to shoot, if necessary, several "vicious" Saint Bernard dogs owned by Dickenson.

The raids in Alderpoint, Hayward and Burlingame were supposed to occur at the same moment—but didn't. The cabin raid was late.

At 1:30 p.m., Dickenson and Miss Arnold, who is 23, were drinking Jack Daniels whiskey on the rocks and talking over plans for one of his business ventures, making elegant coffee tables out of slabs of redwood burls.

SURPRISE

They heard the helicopter, waved as it passed the cabin, then to their surprise, saw it turn and start to land in the front yard.

"We ran back inside. The helicopter was blowing dust through the front door, which was open. Dirk shut it and then he shouted 'look!' I saw all these men with guns running toward the cabin," said Miss Arnold.

(All of the federal officers on the chopper raid could easily have been mistaken for hippies. They had long hair, wore hip clothes—one sported a blue and white football jersey with the number 27 on it—and their small, gold badges, were concealed from view.)

"Dirk yelled to me 'Run, Judy, Run!' Then the door crashed open and two men with guns grabbed me. One held me and the other continued on.

"There was terrible confusion and I couldn't hear anything because the helicopter was starting to lift off.

"When it got quiet again, I heard someone say 'he's been hit.' I somehow knew they were talking about Dirk and that he'd been shot, even though I never heard any shot.

FLIGHT

"I broke up at that point and I don't remember much of what happened, except they wouldn't let me go down and see Dirk or go with him to the hospital."

Dickenson had vaulted the railing of the back deck, dropped 12 feet to the rocky slope below and was making his way toward a six-foot-high barbed wire fence, 110 feet away.

Undersheriff Bollman apparently was the single witness to the shooting. He has said he saw narcotics agent Clifton on the back deck, his arm outstretched, aiming a snub-nosed revolver down the hill.

"I heard him (Clifton) say 'halt or I'll shoot.' I looked down and saw someone running and then I heard a gunshot and he (Dickenson) went down." Bollman has told investigators.

The question as to why Clifton fired at Dickenson remains unanswered—officially.

"I can't discuss any aspect of a matter under investigation," said U.S. Attorney Browning. District Attorney Ferroggiaro has echoed that statement.

The Chronicle has been told its reporters cannot talk with Clifton.

ACCOUNT

But from two authoritative sources, it has been learned that Clifton gave this account of the incident to his superiors in the Federal Bureau of Narcotics and Dangerous Drugs:

Among the first out of the helicopter—its engine roaring and its rotor blades popping loudly—Clifton was racing toward the cabin door when, out-of-the-corner of his eye, he saw a fellow agent suddenly fall sprawling on the ground.

Clifton believed the agent had been shot by someone inside the cabin (it had been expected several armed drug makers might be inside).

Clifton rushed into the cabin along with federal agent Ed McReedy, who took Miss Arnold into custody. Clifton continued out onto the back deck and saw Dickenson going down the rocky slope.

Still believing an agent had been gunned down, and believing the running man—it is not clear whether he knew it was Dickenson—had done the shooting, Clifton yelled out the warning, then fired.

The bullet entered Dickenson's back three inches above the waist next to the spinal cord, coursed down at a 60-degree angle and exited through the groin. Death, 30 minutes later, resulted from massive internal bleeding due to severed arteries.

DELAYS

Although "gunplay" has been considered a strong possibility because of intelligence as to "weapons in the cabin" (a .22 caliber pistol and a number of hunting rifles and shotguns were found), no one had thought to bring a doctor along on the raid and the closest first aid kit was in a squad car parked a quarter-mile away.

The helicopter pilot refused to land in the same spot again, because he felt it was too dangerous, so Dickenson had to be carried a considerable distance to the chopper.

Fellow agents said Clifton seemed shocked to learn he had shot an unarmed man and that none among the raiders had been wounded.

About 30 minutes after the raid started, the Eureka newsmen were ordered to leave the area. They left with a number of questions unanswered.

More than a month later many questions are still being answered with "no comment."

REPORTS

But the night of April 4, reporters in San Francisco were informed by the federal narcotics bureau that the three "coordinated" raids had produced four arrests, seizure of numerous varieties of drugs, including "150,000 tablets of LSD," that some agents on the Alderpoint raid had suffered "minor injuries" and that a fleeing suspect had been killed.

Government documents showing what was seized in the Bay Area raids list only "2000 LSD tablets" and a small quantity of other drugs. No mention of any PCP, except as "white powder," was made.

Just as puzzling was the discovery on the Alderpoint property on May 2 of two cans of a chemical component of PCP, a shattered lab measuring flask and pieces of broken chemical bottles. The find was made by District Attorney Ferroggiaro who was at the scene, making diagrams for his investigation of the shooting, when he wondered where a long, black water hose, leading into the woods, might end.

He followed it 200 yards into a clearing and found a wooden tent platform and the described objects that could possibly be construed as being part of a "lab."

CONFLICT

The district attorney refused comment as to why the federal search of the 40 acres had failed to find this possibly important evidentiary cache only 200 yards from Dickenson's house. Defense lawyers contend the government planted it. The government denies this.

The continuing investigation also was cited locally as the reason to refuse to give The Chronicle any information regarding possible guidelines federal narcotic agents have relating to use of firearms.

But a routine check in Washington shows that the Federal Bureau of Narcotics and Dangerous Drugs gives a manual to its agents' which contains this paragraph:

"The agent should not shoot at any persons except to protect his own life or that of some other person. The agent will not fire at fleeing automobiles, suspects or defendants. The firing of warning shots is prohibited. It is not intended, of course, that an agent remain passive in a threatening situation, therefore endangering his life or that of a fellow agent. He must, however, use caution and act in a calm and deliberate manner when he finds use of his firearm necessary."

That paragraph, says attorney Philip Scott Ryan, who is representing Miss Arnold (arrested on a "possession of marijuana" charge and Dickenson's parents in a civil action), "is the keystone to the whole incident."

"Dirk Dickenson wasn't any PCP chemist. He was a high school dropout with a minor police record. But none of that matters.

"Even if he had been a kingpin Mafia heroin supplier he was wrongfully shot and killed that day at Alderpoint. The government's own regulations show this and common sense should have made it apparent then, as it is apparent now."

MURDER BY HANDGUN: A CASE FOR GUN CONTROL—No. 12

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. HARRINGTON. Mr. Speaker, each day, on the average, 57 people in this country are killed by guns.

Eddie Eldridge, age 25, was one of the people who was killed today. He was fighting with another man, Derr Andrilik. Andrilik's wife took a gun and fired it once. She did not know how to use it and said she only wanted to fire it into the air to frighten her husband's assailant. Instead, she killed him.

Ronnie Miller, age 18, was also killed today. He was shot by another 18-year-old on the sidewalk in front of his house. We do not know why.

Those two murders, typical of a nationwide pattern, took place in Chicago. But if we picked up the newspapers in Los Angeles, or Detroit, Philadelphia, or Dallas, we would be almost certain to find at least one murder reported.

The increasing numbers of handgun deaths—21,000 every day, led former Congressman Abner Mikva of Illinois to comment on the need for strong gun controls. He said:

> The real American tragedy is that murders like these might have been avoided with strict handgun control. Handguns made death not only possible but probable. They made the crime safe, easy and sure. We can stop making it so easy to get a handgun. We can stop listening to the people who complain that banning the sale and manufacture of handguns will "inconvenience" them because they will not be able to buy handguns to shoot at targets. It would be better to begin listening to the complaints of the victims—the wives, friends, husbands, lovers, innocent bystanders who have been cut down with a weapon that has one basic function—to kill human beings.

The article from the Chicago Sun Times of August 2 follows:

TWO MEN, A GIRL FRIEND, A WIFE, A GUN—DEATH

Two persons were killed in unrelated incidents after shootings Wednesday on the North and South sides.

Eddie Eldridge, 25, of 5125 N. Kenmore, was killed after a fight with Derr Andrilik, 43, of 5131 N. Kenmore. According to Patrolman Thomas Moss, Andrilik allegedly insulted Eldridge's girl friend. Eldridge hit Andrilik with a bottle and began beating him, police said. Andrilik's wife, Margaret, 30, concerned over her husband's safety took a gun and fired it once.

Eldridge died after being taken to Weiss Memorial Hospital. Mrs. Andrilik said she did not know how to use the weapon but wanted to fire it in the air to frighten her husband's assailant. Andrilik was being treated at the hospital.

On the South Side, police have charged Michael Echols, 18, with murder in the death of Ronnie Miller, 18, of 8049 S. Carpenter.

Echols, of 6928 S. Lafin allegedly shot Miller on the sidewalk in front of his house. He was to appear Thursday in Felony Court, 26th and California.

THE 15TH OBSERVANCE OF CAPTIVE NATIONS WEEK

HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. FLOOD. Mr. Speaker, the incoming mail on the observance of Captive Nations Week is most reassuring. People and officials in all parts of our country have enthusiastically responded to this annual event.

As the evidence shows, we have not, by far, lost our politico-moral commitment toward the two dozen and more captive nations.

The following examples well indicate this:

First. Proclamations by Govs. Otis R. Bowen, of Indiana, Edwin Edwards, of Louisiana, and Marvin Mandel, of Maryland;

Second. An editorial on "Captive Nations Week" in the July 12 edition of the Catholic Standard; and

Third. In the same publication an article by Rev. Denis Dirscherl, S.J., "Oriental Despotism, Aftermath of Revolution."

The material follows:

State of Indiana: Proclamation

To All To Whom These Presents May Come, Greeting:

Whereas, the freedom-loving peoples of the captive nations look to the United States as a bulwark of human freedom and to the people of the United States as leaders in bringing the captive nations freedom and independence; and

Whereas, the Congress of the United States by unanimous vote passed Public Law 86–90 establishing the third week in July each year as Captive Nations Week and inviting the people of the United States to observe such week with appropriate ceremonies and activities; expressing their sympathy with and support for the just aspirations of captive peoples for freedom and independence;

Now, therefore, I, Otis R. Bowen, Governor of the State of Indiana, do hereby proclaim the week of July 15–21, 1973, as Captive Nations Week in Indiana.

State of Louisiana: Proclamation

Whereas, the subversive policies of Russian and Chinese Imperialism have reached across international frontiers to the very shores of America; and

Whereas, these policies have enslaved the citizens of free nations into a Colonial Empire serving the interest of Russia and Peking to the detriment of the historical and cultural values of the enslaved peoples of the captured nations; and

Whereas, the United States has a warm understanding and sympathy for all peoples to have the right to self-determination, which means the right freely to choose their own government and to pursue their own economic development; and

Whereas, Louisiana has been a haven for the many thousands of refugees who have fled the entrapped nations in the hope of continuing the good fight through peaceful means against the tyrants of totalitarianism; and

Whereas, in accordance with Public Law 86–90, wherein the Congress of the United States sets aside the third week of July each year as Captive Nations Week and urges the people of the United States to join in prayers and appropriate action to peacefully liberate these captives, for it is only in the freedom for all nations will we find a just and lasting peace,

Now, therefore, I, Edwin Edwards, Governor of the State of Louisiana, do hereby proclaim the week of July 15–21, 1973, as Captive Nations Week in Louisiana.

The State of Maryland: Proclamation

Whereas, The imperialistic policies of Russian Communists have led, through direct and indirect aggression, to the subjugation and enslavement of the peoples of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, Mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Serbia, Croatia, Slovenia, Tibet, Cossackia, Turkestan, North Vietnam, Cuba, and others; and

Whereas, The desire for liberty and independence by the overwhelming majority of peoples in these conquered nations constitutes a powerful deterrent to any ambitions of Communist leaders to initiate a major war; and

Whereas, The freedom-loving peoples of the captive nations look to the United States as the citadel of human freedom and to the people of the United States as leaders in bringing about their freedom and independence; and

Whereas, The Congress of the United States by unanimous vote passed Public Law 86–90 establishing the third week in July each year as Captive Nations Week and inviting the people of the United States to observe such week with appropriate prayers, ceremonies and activities; expressing their sympathy with and support for the just aspirations of captive peoples for freedom and independence;

Now, therefore, I, Marvin Mandel, Governor of the State of Maryland, do hereby proclaim the week of July 15–21, 1973, as Captive Nations Week in the State of Maryland, and call upon the citizens of this State to join in observing this week by offering prayers for the peaceful liberation of oppressed peoples all over the world.

Captive Nations Week

While many people look with some hope, if not enthusiasm, toward the efforts for the reestablishment of a modus vivendi between the United States and the Communist-dominated nations of the world, there are many more who view the efforts as ill-fated. It is difficult for this latter group to visualize the success of such a venture in the light of modern history.

Since 1920, more than 29 nations have lost their independence and sovereignty as a direct result of the ruthless oppression of their Communist conquerors. None has regained its freedom as yet. Nevertheless the policy of our country has been moving slowly toward an accommodation with these oppressors. Many logical but pragmatic reasons are being put forward in support of this effort.

This year the 15th annual observance of Captive Nations Week will be held here and abroad during the week of July 15–21. This annual observance serves as a reminder to the rest of us that many people and nations throughout the world are captives who have little or no hope at this time for even eventual freedom.

It seems to us that any efforts that are made by our leaders to establish better relations with the Communist-dominated countries must be accompanied by demands for the guarantee of freedom for all peoples. Anything less on our part would be an ignoble capitulation for reasons of pure expediency.

Aftermath of Revolution

(By Fr. Denis Dirscherl, S.J.)

The following article was prepared in conjunction with Captive Nations Week, which will be observed July 15–21.

The Russian Revolution of this century was supposed to build a new society over the dust and ashes of the old. To wipe out the Czarist police state and put an end to all human exploitation, to liberate all men and create an equitable, happy society—in a word, to build a heaven on earth—these were the avowed aims and promises of the Russian revolutionaries of this century.

What they instead effected, confirming Marx's own worst fears, is a system of Communist entrenchment termed "oriental despotism" by a modern Russian scholar.

The Civil War of 1917 tore Russia apart and laid much of it waste. The Reds fought viciously to save their revolution and the Whites tried to overthrow it. For a time, the latter seemed likely to succeed, since Britain, Czechoslovakia, Finland, Poland and the United States were opposed to the Bolsheviks.

The resistance these countries offered to the Reds, however, proved in the end to be mere crumbs. They failed to appreciate the significance of the Revolution and the devastating consequences of their failure to repel the Red forces.

The Whites, strung out across the Soviet Union, could boast of many capable generals and military strategists: Denikin, Kolchak, Kornilov, May- Maevsky, Mannerheim, Wrangel, and Yudenich. But these men were simply unable to reach unanimity on how to conduct the war and, more importantly, what kind of society to organize after the war. The Whites lacked the narrowly defined cohesion of the Reds.

In brief, the most glaring and fatal catastrophe of the White campaign, besides the absence of strong general leadership, was the failure to mount an attractive and compelling political credo. The Whites, in addition, lacked a pragmatic "do it now" spirit. They had the opportunity to re-route history. Instead, the Reds took it from them.

The next revolt was more symbolic than actual, but its repercussions ran deep. The Kronstadt uprising began on March 7, 1921, about 20 miles west of Leningrad in the Gulf of Finland. Kronstadt was one of the major naval bases of the Russian north. Its garrison of troops had originally welcomed and supported the revolution of 1917. But when the revolutionaries' promises turned sour, they rebelled along with other workers.

Under the slogan, "Soviets without Bolsheviks!", the Kronstadt sailors and workers demanded greater economic and political freedom for workers and peasants alike. When the sailors refused to relent, Trotsky ordered them to be "shot like partridges." The uprising was quelled and the survivors of a garrison of almost 14,000 were shot or imprisoned. This uprising forced Lenin's regime to grant concessions in economic measures, but at the same time it solidified the regime's military might.

Resistance to the regime was short-lived once Stalin followed Lenin to power. Stalin masterfully played one faction against another, liquidating individuals and masses alike, the most drastic being the man-made famine in the Ukraine where thousands were wiped out.

The last dramatic opportunity for widespread uprising, and indeed, the overthrow of Communism, came at the beginning of World War II. When Hitler's troops forced their way into the heartland of Eastern Europe, many natives were ready to greet the invaders with open arms.

The Germans, however, took an ill-advised strategic stance. They had imprisoned in their own country Lt. General Andrey Andrevich Vlasov after wiping out his command, the Soviet Second Shock Army. He soon became the symbol of Russian resistance to Stalin. As such, he afforded the Germans an excellent opportunity to sweep through Russia, especially the Ukraine and the Baltic States.

As late as 1944, thousands applied daily to join the Liberation Army, but Hitler's aides hedged their bets and kept Vlasov immobilized. Meanwhile Hitler cruelly manhandled his captives in Eastern Europe, kept scandalous prisoner of war camps, and thoroughly alienated those who had at first greeted his armies as their liberators from Stalin.

Today after 50 years of Communism, oppression in the Soviet State is as great as ever. The secret police is stronger, though less visible than formerly; dissent is stifled and little freedom is allowed under the system proposed to free man. Freedom under Communism means the acceptance of necessity—akin to the concept of oriental despotism.

The grounds for the flaws of Communism, so visible today worldwide, were apparent a century ago to both Karl Marx and Frederick Engels. Engels candidly remarked that "A people which oppresses another cannot emancipate itself. The power which it uses to suppress the other finally always turns against itself. As long as Russian soldiers remain in Poland, the Russian people cannot free itself either politically or socially."

Later Marx himself came forward with other telling remarks about Russia. He referred to the strong stand of Oriental Despotism existing in Russia for centuries. In his words, "Muscovy (the early Russian kingdom) was raised and educated in the vicious and miserable school of Mongolian slavery. It won its strength only by becoming a virtuoso in the arts of slavery. Even after having liberated itself, Muscovy as conqueror played its traditionally slave-like role."

Marx and Engels referred to the "timeless stupor" of the masses of Russia's past. Marx saw the makeup of Russia dominated by the "yellow peril" or Mongol tradition.

Lenin himself feared that a new Asiatic restoration might take hold of the Russian scene by means of the revolution. His "fears" have become realized. Due to the managerial economy and tight control over the body politic, the masses are still, in effect, as dispersed, fragmented, and powerless as they were before the revolution. The forces of continuity are indeed powerful, almost overwhelming in Russia today.

In many respects Marx's own devastating critique of Russia is far more poignant, more relevant than in his own day, especially in regard to his concept of oriental despotism.

THE CASE OF ROYBAL

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. STARK. Mr. Speaker, one of our colleagues, Ed Roybal, has recently been noted in the California Journal as the leader of the emergent Spanish-speaking political force in the State of California. He has come to be known, both in the House and in his district, as the spokesman for a powerful young movement. In the 10 years that he has spent in the House he has worked devotedly to secure and safeguard the civil rights and liberties of all groups of Americans. As a tireless and articulate representative of many Spanish-speaking Americans, he serves as an inspiration to his colleagues, as a true spokesman for his constituents.

I would like to insert for the benefit of my colleagues, a tribute paid to Ed Roybal in an article of May 1973:

A View From Within: "Years of Shout" Seen Over in Chicano Politics

(By Juan Manuel Hererra)

"THE CASE OF ROYBAL"

Where we are going can be seen in the example of Edward Roybal, a United States Congressman, who over the last 10 years has risen steadily in the congressional hierarchy. He is typical of the practitioner of hard, realistic politics, always building and investing in the political process. And it is this type of leader, particularly, that has been forced off-stage in the continuing dramas of "El Movimiento". Indicative of change is the fact that a few months ago in Los Angeles, Chicanos of many persuasions discussed seriously the possibility of organizing behind Roybal as their candidate for Mayor. They realized that he was their biggest political asset. That meeting was symptomatic of the processes at work off center-stage in the movement: it illustrates, once again, the waning of those forces that formed over the last 10 years within this movement.

Roybal's comeback is no minor development. Looking back, it is clear that his kind of thinking and his kind of building have laid the foundation for the emergence of Spanish-speaking people as a political force in California.

WOMEN IN UNIONS

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Ms. ABZUG. Mr. Speaker, recently the Official Journal of Communications Workers of America published an article concerning women trade unionists and their first statewide women's conference held in San Francisco in July. In an effort to underline the significance of women laborers' political activism, I wish to draw this article to the attention of my colleagues.

During the conference, 300 women demonstrated their support for the AFL–CIO United Farmworkers Union. Panel discussions were held on the topic of women in the labor movement. Also, many resolutions were adopted by the conference calling for such things as better working conditions for women, a closer analysis of union pensions and welfare, and continued support for the United Farmworkers Union in its struggle against the growers and the Teamsters Union.

By so organizing and stating their position, women in unions become a strong voice in the constant struggle for social justice and equality. Women unionists create a direct impact on the feminist movement itself, and will continue to develop needed leadership and social reform. The article follows:

Working Women's Wire

CALIFORNIA WOMEN TRADE UNIONISTS MEET

More than 300 women working from AFL–CIO unions throughout California interrupted the opening session of their own conference on women's rights in San Francisco last weekend to demonstrate their support for the AFL–CIO United Farm Workers Union which is fighting an assault on its contracts and membership in California's grape vineyards by the Teamsters' Union and a number of growers.

The conference, the first statewide women's conference sponsored by the California Labor Federation, AFL–CIO, recessed its opening session at noon to demonstrate at a nearby Safeway store, a target of the union's lettuce boycott.

The decision to demonstrate in support of the farm workers was taken shortly before Ann Ginger, a Hastings Law School professor, urged the conference participants to become more aggressive in fighting for women's rights.

"It takes an aggressive approach to protect the rights of working people, especially working women," she said.

A large number of CWA local members attended the conference. CWA Staff Representatives in attendance included Ken Croswell and Sharon Wilkes, who served on the Resolutions Committee.

Panel discussions were held on such topics as "Working Women and the Law," "Negotiating Women's Issues," "Organizing the Unorganized," and "The Role of Women in the Labor Movement."

Among resolutions adopted by the conference, which was charged by Edith Withington of Local 29 of the Office and Professional Employees International Union of Oakland who was elected permanent chairperson of the conference, were those calling for:

Establishment of a permanent women's conference on an annual basis;

Analysis of union pension and welfare plans in terms of sex discrimination and the drafting of model clauses to erase such inequities;

Development of more female leadership in the trade union movement;

Support for enactment of AB478, a California AFL–CIO-sponsored bill introduced by Assemblyman Willie Brown (D-San Francisco) which would protect working conditions standards for women by extending them to men;

Continue support of the Farah strike and boycott; and,

Continued support for the United Farm Workers Union in its struggle against the growers and the Teamsters' Union.

MICHIGAN CITY, IND., NEWS DISPATCH CONDEMNS SECRET BOMBING OF CAMBODIA

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent to insert at this point in the Record the text of an editorial published July 26, 1973, in the Michigan City, Ind., News Dispatch condemning the Nixon administration's secret bombing of Cambodia.

The editorial follows:

Secret Bombing

There seems no end to revelations damaging to what remains of President Nixon's prestige and adding to alarm at the aggrandizement of power by the executive branch.

One of the latest is the Defense Department disclosure that B–52 bombers carried out at least 3,500 presidentially authorized secret raids over Cambodia beginning in March, 1969, at a time when we recognized the ostensibly neutral government of Prince Sihanouk.

According to one Pentagon spokesman, falsified reports were officially ordered after the raids to hide their number, frequency and objectives.

Hide from whom? Certainly the Cambodians knew they were being bombed. Surely they somehow leaked the word to the Russians and the Chinese and any other potential U.S. enemy. The only people who didn't know were 200 million Americans and most of their 535 representatives in Congress.

The President's penchant for secrecy, for the "loneliness of command," continued even in a situation where candor would have been most beneficial to the administration, not to mention America's image abroad. This was the Christmas, 1972, bombing of North Vietnam which outraged even staunch and longtime supporters of the President's (public) Vietnam policies.

Not until weeks after the war ended, when it was too late to do any good, did the Defense Department release photographic proof that there had been no such thing as "carpet bombing" of Hanoi and only minimal damage to nonmilitary targets.

Secrecy, with its implied distrust of the patriotism and contempt for the intelligence of the citizenry, is always self-defeating in a democracy, as Richard Nixon is so sadly finding out.

THOMAS P. JAHNIGE DIES

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. CONTE. Mr. Speaker, it is with deep sadness that I inform this body of the death of Mr. Thomas J. Jahnige of Williamsburg, Mass., author, professor, student of government and a former congressional fellow.

Mr. Jahnige was a man of considerable accomplishment and great potential. He died last week following a long illness which he accepted bravely and calmly. He was only 35, but already he had established an outstanding reputation as an associate professor of government at Smith College, Northampton, Mass., where he taught since 1965.

I had the opportunity of working closely with him for several years, particularly during the 6 years he served as director of Smith's Washington summer intern program.

So impressed was I by his talents and his deep knowledge of government, that I prevailed upon him to become my special assistant here in my Washington office during the summer of 1969.

No stranger to Washington, Mr. Jahnige, as a congressional fellow, worked in the offices of my colleague from Ohio, Mr. MOSHER, and former Senator Ralph Yarborough of Texas. He was the author of several articles and two books—"The Federal Judicial System," and "The Federal Courts as a Political System."

This sterling record in so short a time, however, is merely one measure of the man. Mr. Jahnige was much more than a man of public achievement. He was a loving husband, devoted father and involved citizen. He had great knowledge of, faith in and respect for the institutions of this Government—traits we so sorely need in this country today.

But most of all, Tom Jahnige was a warm and good man of quiet courage. I am proud to have had him as a friend, and I share the grief of his wife, Molly, his daughter, son, and all his family.

Mr. Speaker, I submit for the RECORD, related articles from the Daily Hampshire Gazette of July 25, the Holyoke Transcript of July 26, and the Springfield Union of July 26:

[From the Hampshire (Mass.) Gazette, July 25, 1973]

THOMAS JAHNIGE DIES

WILLIAMSBURG.—Thomas Paul Jahnige, 35, of North Street, died Tuesday morning at Yale-New Haven Hospital. He had been an associate professor of government at Smith College where he has taught since 1965.

He was author of several articles on the federal courts and Congress and is co-author of two books, "The Federal Judicial System," and "The Federal Courts as a Political System."

At Smith he was also director of the Social Science Research Center and director of Smith-Washington Summer Intern program for six years.

This past year he has served as a member of the Census Bureau's Advisory Committee on Population Statistics, and since 1970 he has been on the executive committee of the International Survey Library Association, Roper Public Opinion Center.

Before coming to Smith he was in Washington, D.C. on a Congressional Fellowship from the American Political Science Association where he worked in the offices of Congressman Charles A. Mosher, (R-Ohio) and Senator Ralph Yarborough (D-Texas).

He also worked as a special assistant to Congressman Silvio O. Conte during the summer of 1969.

LOCAL ACTIVITIES

Locally he served on the Williamsburg Republican Town Committee and as its chairman in 1970–71, as well as serving on the Williamsburg Planning Board.

He is a member of St. John's Episcopal Church and served on its vestry.

He was born in Meriden, Conn., June 28, 1938 and received his B.A. from Yale University in 1960 and his Ph. D. from Claremont Graduate School, Claremont, Calif. in 1965.

He is survived by his wife, Molly (McCaslin) Jahnige; a daughter, Mary Katherine and a son, Paul John; his parents, Ralph and Elizabeth Jahnige of Meriden; a brother, Ralph of Ridgefield, Conn.

The funeral will be Friday at 2 p.m. in St. John's Episcopal Church.

Burial will be in Village Hill Cemetery, Williamsburg.

The Childs Funeral Home is in charge of arrangements and there will be no calling hours.

Gifts may be sent in his memory to the Chemotherapy Research Fund, Yale-New Haven Hospital or to St. John's Episcopal Church.

[From the Holyoke (Mass.) Transcript-Telegram, July 26, 1973]

THOMAS JAHNIGE, PROFESSOR AT SMITH, DEAD AT 35

Thomas P. Jahnige, 35, of North St., Williamsburg, author, associate professor of government at Smith College and a former special assistant to Cong. Silvio O. Conte, died Tuesday in Yale New Haven (Conn.) Hospital after a long illness.

Death was attributed to Hodgkins disease, according to a hospital spokesman.

A member of the Smith faculty since 1965, Mr. Jahnige was the author of several articles on the federal courts and Congress, and co-author of two books, "The Federal Judicial System" and "The Federal Courts as a Political System."

At Smith he was director of the social science research center and the Washington summer intern program for six years.

ADVISORY BOARD

In the past year he has served as a member of the Census Bureau's advisory committee on population statistics. Since 1970 he had been on the executive committee of the International Library Assn. and Roper Public Opinion Center.

Before coming to Smith, Mr. Jahnige was in Washington, D.C. on a congressional fellowship from the American Political Science Assn. He worked in the offices of Rep. Charles A. Mosher and Sen. Ralph Yarborough. He also worked for Conte during the summer of 1959.

In Williamsburg he served on the Republican Town Committee and as its chairman in 1970–71 as well as serving on the Planning Board. He was a member of St. John's Episcopal Church.

Born in Meriden, Conn., he attended Yale University, graduating in 1960. He later earned his Ph.D. at Claremont, Calif., Graduate School in 1965.

He leaves his wife, Molly, a daughter, Mary Katherine and a son, Paul John, all at home; his parents, Ralph and Elizabeth Jahnige of Meriden and a brother, Ralph of Ridgefield, Conn.

The funeral will be held Friday in St. John's Episcopal Church, Williamsburg. Burial will be in Village Hill Cemetery there. Childs Funeral Home, Haydenville, is in charge of arrangements.

[From the Springfield (Mass.) Union, July 26, 1973]

THOMAS P. JAHNIGE, AUTHOR, PROFESSOR

WILLIAMSBURG.—Thomas P. Jahnige, 35, of North Street, Williamsburg, author, associate professor of government at Smith College and a former special assistant to U.S. Rep. Silvio O. Conte R-Pittsfield, died Tuesday in Yale New Haven (Conn.) Hospital following a long illness.

Death was attributed to Hodgkins disease, according to a hospital spokesman.

He taught at Smith since 1965. He was author of several articles on the federal courts and Congress and co-author of two books, "The Federal Judicial System" and "The Federal Courts as a Political System."

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He leaves his wife, Molly, a daughter, Mary Katherine and a son, Paul John, all at home, his parents, Ralph and Elizabeth Jahnige of Meriden and a brother, Ralph, of Ridgefield, Conn.

The funeral will be Friday in St. John's Episcopal Church. Burial will be in Village Hill Cemetery. Childs funeral home is in charge.

GRAND VENERABLE JOSEPH H. BILLECI

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. WALDIE. Mr. Speaker, the Grand Lodge of California, the State's foremost Italian-American organization, recently concluded its 38th convention where Joseph H. Billeci was reelected grand venerable.

I am extremely proud to have Mr. Billeci as a close friend. He is a dedicated leader for an organization which has a long record of community service.

At this point, I would like to call the attention of my colleagues to a portion of the remarks made by Mr. Billeci during a speech to full membership of the Grand Lodge in convention in San Mateo, Calif., last month. I believe it states quite eloquently and simply the fine goals of his organization:

SPEECH BY MR. BILLECI

What is it that makes so many of us work so hard for the Good of our Order? Certainly not monetary gain, for those of us who have activated ourselves within the Order, know the costs involved—Then it must be for other reasons, reasons that are much more meaningful. Reasons that sometimes are most difficult to describe. These reasons are certainly not a means of self edification, or self glorification, but rather a sincere and dedicated effort to always advance and to enhance the position of the Italian Americans, not only in our jurisdiction, but throughout the entire country. We look with pride on the contributions, achievements and accomplishments pertinent to our nationality and our goals.

INTERNATIONAL SECURITY PACT

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. DERWINSKI. Mr. Speaker, in the last few weeks, I have been continually pleased with the response shown by articles and materials relevant to the respect for Captive Nations Week.

At this time, I insert another article which is an excellent commentary by Dumitru Danielopol, the renowned international correspondent of Copley Press. The article very effectively addresses itself to the seriousness involved in the International Security Pact.

The article follows:

[From the San Diego Union, July 12, 1973]

CAPTIVE NATIONS SEE PERIL IN EUROPEAN SECURITY PACT

(By Dumitru Danielopol)

Captive Nations Week has special significance this year.

Established by Congress in 1959 and observed during the third week in July, it is to remind the free world of the plight of so many less fortunate nations that have, since 1920, fallen under the domination of international communism.

"The desire for liberty and independence by the overwhelming majority of the peoples of these submerged nations constitutes a powerful deterrent to war and one of the best hopes for a just and lasting peace . . ." said Public Law 8690.

The argument was that the honest aspirations of captive peoples constituted a spur that would goad the Communists to liberalize, and at the same time restrain them from new foreign adventures. The threat of an active underground is a powerful deterrent.

The annual presidential proclamation is a restatement by the United States that it recognizes the captive people's ultimate right of self determination. It has been a ray of light and hope for freedom-loving peoples. Just the knowledge that the great American democracy remembers their ordeal sustains many.

But each year the sustenance of words from Washington seems to grow more meager. This year Captive Nations Week comes at an ominous moment in the opinion of exile leaders.

The Russian-demanded European Security Conference has opened in Helsinki, and Moscow is bent on legitimatizing forever the boundaries Eastern Europe created by the Red army in 1944–45.

A position paper written by the Assembly of the Captive European Nations and the American Friends of the Captive Nations states:

"The European security conference . . . in Helsinki has long been sought by the Soviet Union for the . . . purpose of achieving formal Western recognition of the Soviet imposed regimes and frontier in Eastern Europe."

The paper appeals to the Western world and especially the United States to counteract Soviet efforts "to use the conference for the purpose of stabilizing their empire."

These men of bitter experience also are anxious about another part of the world.

A paper by Prof. Lev Dobriansky of Georgetown University, one of the initiators of Captive Nations Week, calls special attention to the vulnerable states in war-torn Southeast Asia where American force and American interest are waning rapidly.

"For the decade of the '70's the dominant question is 'who's next?'" Dobriansky says. His candidates for possible Red control are Laos, Cambodia, South Vietnam and the Republic of China.

He points out that none of the Communist countries have ceased in efforts to subvert and conquer their neighbors.

Despite his smiles in Washington and San Clemente, Soviet Secretary Leonid Brezhnev has just reiterated his pledge of help to Hanoi and the Viet Cong and he has expressed faith in the "ultimate triumph of their cause."

The multiple violations by Hanoi of the cease-fire and the illegal buildup of forces in that area with Soviet and Chinese tanks, missiles and other material, Dobriansky says, must be viewed as a prelude to new Communist pressures.

It was Hanoi's Le Duc Tho who just restated his Communist philosophy:

"According to Marxist-Leninist theory, so long as imperialism exists there will be war. . . ."

When a war with communism is lost, the outcome is new captive nations.

NATIONAL VOLUNTEER FIREMAN'S DAY

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. MIZELL. Mr. Speaker, I rise at this time to announce that I am cosponsoring legislation to make January 17 of each year National Volunteer Fireman's Day.

The date of January 17 was chosen to honor volunteer firemen because that is the birthdate of Benjamin Franklin, who founded the first volunteer fire company in the United States.

The designation of this day as a day of gratitude and appreciation for the service and the courage of the Nation's volunteer firemen is certainly a sincere and enthusiastic gesture, but no such tribute can adequately repay the debt that we as American citizens owe to these gallant firefighters.

There is no higher degree of public service than that attained by the private citizen who forsakes the comfort and security of his home to risk injury and even death in the service of his fellowman. Such is the service, and such are the risks, which the volunteer fireman assumes without hesitation time after time.

In the Fifth Congressional District of North Carolina, which I am privileged to represent, the volunteer fireman is held in particularly high esteem, for we have some excellent volunteer companies which year after year perform with unusual skill and bravery in combatting fires that would otherwise be the cruel claimant of homes and businesses and ways of life—and life itself.

And so it is with pride and with sincere thanks that I join in this well-deserved tribute to the volunteer firemen of North Carolina's Fifth District, and their comrades throughout the State and the Nation.

TEAMSTERS PENSION FUND AND ORGANIZED CRIME

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. STEIGER of Arizona. Mr. Speaker, I include an article from the April issue of Overdrive magazine written by Jim Drinkhall.

The article follows:

SLANTED, HO-HUM COVERAGE BY NEWSPAPER AFTER CENTRAL STATES PENSION FUND LOAN

". . . Nevada has in great measure profited by the Central States, Southeast and Southwest (Areas) Pension Fund."

LAS VEGAS SUN.

It's business as usual at 8550 West Bryn Maur in Chicago, the headquarters of the Central States, Southeast and Southwest Areas Pension Fund: the number of federal investigations into questionable loans increases, those connected with past loans are in jail, on their way or on trial, and the money continues to flow in (and then out).

One recent occurrence, though, seems to indicate that officials at the Fund at least want to change their image, if not their method of operation. In February, Dan Shannon was appointed as Administrator of the Fund. Shannon, a young CPA with a well-known reputation for solid integrity, was formerly the president of the Chicago Park District. Although the title "Administrator" is a new one at the Fund, it is believed that Shannon actually replaced Francis Murtha, who for many years was the Executive Secretary. But even though Murtha hasn't been with the Fund since mid-December last year, it has been learned that he's still in the same building as the Fund, but receives his paycheck from the Central States Drivers Council.

As part of the face-lifting, according to one source at the Fund, the lease agreement for the $3 million jet plane, owned by Allen Dorfman's Union Casualty Company, has been cancelled. While that might sound good (the facts show another story: according to records of the Federal Aviation Administration, that plane is still in the name of the trustees of the Fund, fully two and a half months after it supposedly was returned to Dorfman (federal law requires a change in ownership to be reported to the FAA within 30 days).

Further, according to Shannon, the Fund hasn't made any new real estate loans since last June. While it is true that Fund loan activity has slowed down (probably because of the number of federal investigations being conducted), it hasn't stopped. Overdrive has discovered at least one new real estate loan by the Fund within the time period when supposedly no new loans were made. Additionally, the loan activity referred to is "new;" there have been a number of loans made to people who already have loans outstanding with the Fund, including those who are in financial trouble and have had loans refinanced.

It is possible (though few are optimistic) that Shannon's employment by the Fund will signal an about-face from their past practices. As the activity of the Fund is monitored this year, it will eventually be possible to make an evaluation as to whether things will really change, or whether it will in fact be "business as usual."

On another front, the Fund's public image was promoted by a Las Vegas newspaper. The investigation into that campaign produced the following:

On each of the last five days of January, an article on the Central States, Southeast and Southwest Areas Pension Fund appeared in the Las Vegas *Sun*. Taken together, this 5-part series went into some detail concerning Fund loans in Nevada, and made general reference to loans made throughout the country. Overall, the series said, Fund loans in Nevada have been beneficial for the state as well as the Union membership; and the clear implication was that Fund loans elsewhere in the country were sound investments.

The author of the series was Jim Barrows, an associate editor of the *Sun*. In Las Vegas and in newspaper circles, Barrows is considered a digger when it comes to subjects that smell funny, and he is known for his fairness. But persons familiar with his writing said they were surprised at the series on the Fund. One comment was that it "doesn't look like the kind of thing he usually does;" a statement that was repeated by others. It should not be implied in the slightest that Barrows' personal or professional integrity was being questioned. What finally goes into a newspaper is subject to the publisher's views. In the case of the Las Vegas *Sun*, the publisher is Hank Greenspun.

A newspaper reader should expect that if he reads an article in the news section of the paper, the subject is being presented in as balanced and fair a light as possible. It would be unfair, for example, if a newspaper gave one political candidate more coverage than another, but failed to dispose that the candidate was related to the publisher. Perhaps that coverage would not be affected by the relationship, but at least the readers should be made aware of the fact. The same can be said of Greenspun's paper. Nowhere in the Fund series was it mentioned that Hank Greenspun is a long-time personal friend of Jimmy Hoffa, or that he has been the recipient of a Fund loan.

Among *Sun* staff members and others in Las Vegas, Greenspun's loan from the Fund seems to be common knowledge. But the reason he received it, they say, is that the *Sun* was in financial trouble, and the Fund loan saved it from bankruptcy. Keeping a newspaper alive, especially one that causes controversy (and the *Sun* has always been controversial), is certainly a laudable act; there are pitifully few left in the country. It appears, though, that no one has bothered to check into the claim that the loan was made to save the *Sun*. The facts are that Hank Greenspun borrowed the money to build a golf course.

In 1958, Greenspun received a loan for $250,000 at 6 per cent interest. Prior to the approval of the loan, employer trustee Fred Strecker complained that the interest rate was too low. Hoffa became indignant at that, and a discussion was held "off the record." In that discussion, Hoffa explained that he favored the loan because "this gentleman is an influential man in Las Vegas." The loan, of course, was granted, and a year later was increased to $500,000, still at 6% interest. By 1962, Greenspun was having difficulties repaying the money used to build Paradise Valley Golf Course. Satisfactory arrangements between Greenspun and the Fund trustees were made, though, and Greenspun eventually repaid the loan. Since receiving that loan, Greenspun has been an outspoken defender of Hoffa on the pages of the *Sun*. His remarks on the loan and his subsequent enthusiasm for Hoffa and the Teamsters would be highly relevant, but Greenspun has continually refused to discuss the matter with Overdrive. In addition to the Teamsters, Greenspun has developed other curious relationships in Nevada. At least one involves stock transactions, and that is apparently so interesting that, according to sources, the Justice Department's Organized Crime Strike Force in Los Angeles and the Internal Revenue Service are well into an extensive investigation of those dealings.

Equally intriguing are the *Sun* series on the Fund; not for what they say, but rather for what they omit.

According to Jim Barrows, he looked at the Fund from strictly the financial point of view. In other words, how profitable were the Nevada loans from a banker's point of view? In the first place, looking at them from a bank's viewpoint is not accurate because so very many Fund loans were originally turned down by banks or were the kind of venture they shied away from. Secondly, given the extensive history of known corruption involving Fund loans almost since its inception in 1955, and the dozens upon dozens of people who have gone to jail because of them, it seems that the premise of considering only their profitability is as sound as considering only the profit aspect of Hitler's slave labor camps. The conclusion in each case is that both probably were.

In order to research the articles, said Barrows, he merely contacted the Fund, and was given access to their records. Why Barrows would be given such quick and easy freedom to such information is something of a mystery because any number of reporters over the years—including those from Overdrive—have been just as quickly refused. Barrows said the Fund flew him to Chicago, and he was allowed any information he wanted. The *Sun* series, however, indicates that the information kept by the Fund is a constantly shifting commodity. The total amount of money loaned in Nevada, according to Barrows' records from the Fund, and those obtained by Overdrive, differ markedly to the extent that the variance is in the millions of dollars.

The *Sun* article on Fund loans to Circus Circus states that Fund records show a total of $18.3 million loaned to that casino/hotel. But records obtained by Overdrive, and documents on file in the Clerk County Recorder's office, show that $19.1 million has been extended. This discrepancy is not explained by the *Sun*. How did Sarno get the loans?, asks the *Sun*. There are many people who would like to know the answer to that question, but the *Sun* does not provide it. The Justice Department and IRS investigation into Circus Circus, its owner Jay Sarno, and organized crime figures from Chicago—detailed by Overdrive in January—are dismissed in one sentence by the *Sun* as a "smear."

Circus Circus continues with what appear to be serious financial problems, and rumors in Las Vegas are that Sarno wants to sell the business and build another hotel/casino in Las Vegas. When questioned about that, Sarno would only say: "I would sell anything I ever owned if I had the right price. It's as simple as that."

A source in the Fund's Chicago office has reported that Sarno has asked that his interest payments be set aside for one year, and that his loans be refinanced. Fund officials won't publicly comment on that, but Sarno stated that "I don't have any moratorium yet. I had a discussion, and there's no moratorium approved except on a lot of conditions."

Similarly, the involvement of organized crime in the Fund-financed Dunes, Landmark, Stardust, and Caesar's Palace gambling casinos, and the Sunrise Hospital, are all ignored by the *Sun*. This, in spite of the fact that it has become known that two federal agencies are conducting massive investigations into Fund loans in Nevada. The *Sun* lists the Fund loan to King's Castle outside Reno, and then shows the balance due. Missing from their account of this loan is that King's Castle went out of business in early 1972 and still has not been reopened. In addition, the former owner, Nat Jacobson, is being tried on kidnapping charges.

At one point, Barrows quotes Jay Sarno as saying: "All the loans (to Circus Circus) were 100% legitimate. They were approved by the Nevada Gaming Control Board . . ." The undeniable implication of this statement is that nothing can be amiss in these transactions because of the Board's approval. To draw such a conclusion is misleading in that it misrepresents the function of the Board.

In the past, the Nevada Gaming Control Board has had the reputation of being controlled by politicians, and issuing licenses on the basis of favoritism. According to Nevada law, the Board is supposed to investigate anyone wishing to operate or own a gambling establishment, as well as those who receive any financial benefit from it. The current Board, though, does not reflect these allegations. It is considered a tough one, and no charges of favoritism have been even suggested.

Before a person or corporation can buy into a gambling business in Nevada, an investigation must be made to determine whether approval of the transaction will be made. Generally, the Board must be satisfied that those who control gambling are in fact legitimate. The investigations—which sometimes stretch over a period of months—must be paid for by the applicant. If the Board asks a question about financial transactions or personal associations, and the person takes the Fifth Amendment, it is grounds for denial or revocation of the license.

The source of any funds used in the gambling operation must prove to be legitimate. In the case of the Pension Fund, the Board states that since the source of the Fund's money for loans is the employer contributions on behalf of the employees, the source is a legitimate one. The fact that organized crime figures may manipulate the Fund, or that kickbacks may be involved, is not within the jurisdiction of the Board. Recently, a Texas gambler could not identify precisely where he had obtained a large amount of money. He was, according to one source, simply an old-time gambler who actually couldn't remember where the money came from; he had simply won it gambling. The Board said that wasn't satisfactory, and the man withdrew his application.

During the approval of one of the loans from the Fund to Circus Circus, the loan agreement was submitted to the Board for their approval. It was noted that one of the provisions was that the Fund trustees could replace Sarno under certain circumstances. The Board passed the word to the Fund that if they insisted on having that in the agreement, the Fund trustees would have to undergo an investigation. That provision was quickly revised by the Fund.

The Board's concern about possible hidden interests and kickbacks involving Fund loans is apparent from an action taken by them in early 1972. Following the conviction of Allen Dorfman for fraud, the Board instituted a requirement that anyone connected with a gambling casino who obtained a Fund loan would have to sign a special affidavit swearing that no one other than the licensee has received, or will receive, a financial interest in the business without first receiving Board approval.

Throughout the *Sun* articles, numerous examples are given—in generalities, not specifics—to show that the Fund has made good investments in stocks and bonds. Examples are cited to show that the Fund has invested $70.9 million in stocks and bonds which are currently worth $85.56 million. What the *Sun* doesn't show, however, is what rate of return these stocks and bonds are bringing in. Are they making a fair return or not? The *Sun* investigation does not show this.

Records of the Fund obtained by Overdrive—but apparently not disclosed to the *Sun*—show in some detail the profit or loss of Fund investments. These documents show that from 1969 to 1971, sales of stocks, bonds and real estate by the Fund resulted in a spectacular loss of over $13 million. Most interesting of these transactions is the sale of bonds for a huge $5,300,000 loss. Selling bonds for a loss means that they were sold for a price lower than their purchase price. And the reason such sales are made, it is assumed, is that the Fund was strapped for cash. A number of sources have tended to confirm this, stating that recently the Fund has loaned out the money so rapidly that money has not been available to pay the small number of pensions under its obligations, and that the Fund has resorted to this kind of money-losing sale as well as actually borrowing money from banks.

There are 42,000 Teamsters receiving pensions, according to the *Sun*, but Fund records only list 39,865. One article also states that the pensions are in the monthly amounts of between $90 to $350. How many are for which amount was not mentioned by the *Sun*, nor will Fund officials disclose the breakdown.

One entire article was given to a state-by-state list of loan totals made and balances due. They are next to meaningless, however, inasmuch as they don't show the interest rate, the identities of the borrowers and their current state of repayment. From what overdrive can determine from the information it has gathered, compared to the *Sun* list, there are a number of loans in which organized crime figures have an interest or exert control, as well as ones involving trustees of the Fund. Under the heading of New Mexico loans, the *Sun* shows original loans made totaling over $4 million, with a balance due of zero. The facts concerning these loans are that the amount loaned is a million dollars more than what the Fund records apparently show, and practically none of this money has been repaid.

Given the continuous investigations, trials and convictions (there are active federal investigations into at least 12 Fund loans which have not yet resulted in indictments) involving the Fund, it seems incredible that a newspaper would accept the Fund's information without checking it. But knowing Greenspun's relationship with Hoffa, the Fund trustees and a number of borrowers provides at least some insight into the *Sun's* actions.

AFFIDAVIT

STATE OF NEVADA, COUNTY OF CLARK

Following Allen Dorfman's conviction on 6 counts of fraud, the Nevada Gaming Control Board decided that all persons connected with gambling who borrowed from the Fund would be required to sign affidavits like the one reproduced here.

——— being first dully sworn, deposes and states with respect to the loan commitment to ——— set forth in a letter dated ——— from the Teamsters Pension Fund, I hereby state to the effect that no individual or business entity, other than those described in the loan agreement, shall receive any proceeds from the loan or derive any benefits from the loan, and further that there are no agreements or understandings with any individual or business entity who may have been involved in the obtaining of this loan, (except as may be described in an attachment to the affidavit), whereby they are to receive anything of value, including but not limited to any agreement for professional services, options, service contracts insurance contracts, etc., resulting from the application for or the granting of the loan.

CARELESSLY TAPED DOORKNOBS

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. HARRINGTON. Mr. Speaker, the Ervin committee has uncovered more than simply the facts in its investigation of the Watergate and related White House activities. It has revealed for public view the attitudes which underlay the criminal activities allegedly authorized by Mr. Ehrlichman and Mr. Haldeman. The attitudes which infected the White House and Committee To Re-Elect the President's staff gave them an unfounded and unconstitutional license to create what Tom Wicker has likened to a secret police force. Mr. Wicker's commentary, which appeared in the New York Times on July 27, pinpoints a frighteningly plausible comparison of the White House "plumbers" who committed burglaries in the spurious name of "national security" to Hitler's SS.

The specter of another era of terrorism in the name of moral superiority is not to be frivolously dismissed. As Senator TALMADGE recognized, the line of reasoning employed by the White House could also give the President power to commit murder in the name of national security. The carelessly taped doorknobs which led to the discovery of Mr. Ehrlichman's "plumbers" barely saved the Nation from the institution of a police state.

Mr. Speaker, I believe this sad and dangerous aspect of the President's claim to so-called implied powers alarms the entire Nation. It is worth calling the attention of my colleagues to Mr. Wicker's incisive analysis, and I wish to insert the commentary in the RECORD at this time:

[From the New York Times, July 27, 1973]

MR. NIXON'S S. S.

(By Tom Wicker)

By late October 1971, Attorney General John Mitchell, exasperated by his difficulties with J. Edgar Hoover, had persuaded President Nixon to fire the elderly and cantankerous F.B.I. director. An appointment for Mr. Hoover was made at the Oval Office; unaware of what was in store, he went over to talk to the President.

All afternoon, Mr. Mitchell waited at the Justice Department for word that the deed had been done. But the word never came. Finally, the Attorney General called Mr. Nixon and asked what had happened.

"I had him in here," the President replied. "But I just couldn't do it."

That story, recalled by a former Administration official, takes on verisimilitude from the testimony of John D. Ehrlichman that "the Administration would have been better off if Mr. Hoover had been retired . . . he was fixed in his views and he had made operations very difficult."

At least two Presidents and three Attorneys General had reached that conclusion before Mr. Nixon and Mr. Mitchell. But no President did anything about it—all, probably, for the same basic reasons. Mr. Hoover was regarded as an icon of law, order and patriotism by so many people that firing him might have been politically unprofitable; and he might, or might not, for all anyone knew, have been willing to use whatever information he had in his files against a President who tried to force him out—or against that President's associates.

So far as is known, however, only the Nixon Administration took direct action to get around Mr. Hoover's "fixed views" and the frustrations they caused. Unable to face the political or other possible consequences of proceeding legally—by removing Mr. Hoover and bringing in a new F.B.I. director, whose nomination would have had to be confirmed by the Senate—Mr. Nixon created his own secret police, answerable only to the White House, not known to the public or financed by specific Congressional appropriation, and ordered these "plumbers" to do what he could not get the F.B.I. to do.

This secret Presidential police force then was given a highly charged "national security" mission—so much so that Mr. Ehrlichman quoted from Mr. Nixon's own admission of May 22 that he could understand "how highly motivated individuals" could feel justified in breaking into the office of Daniel Ellsberg's psychiatrist to steal Mr. Ellsberg's medical records. (The same highly charged group of "plumbers" transferred intact to Mr. Nixon's re-election committee, where no national security matters had any place, later broke into Democratic party headquarters twice.)

Mr. Ehrlichman did not specifically order the burgling of the psychiatrist's office, he said, nor did Mr. Nixon. Yet they gave a low-level group of adventurers such latitude and urgings that Mr. Nixon later could "understand" how the plumbers decided on the burglary. In fact, Mr. Ehrlichman said that, even if specifically unauthorized, the burglary was well within Mr. Nixon's powers to guard the national security—as, indeed, was the creation of his secret White House police unit.

To hear Mr. Ehrlichman tell it in his condescending manner, Mr. Nixon had the power to do virtually anything he pleased, and by authority of Congress, because of a statute setting out legal limits on electronic eavesdropping. That statute adds that nothing in it is intended to inhibit a President's power to guard against foreign intelligence activities. So if the leaking of the Pentagon Papers by Daniel Ellsberg was linked, or possibly linked, to foreign intelligence activities, Mr. Nixon had a free hand in tracking down the matter, according to Ehrlichman.

But as Senator Ervin pointed out, what the statute in question seems to say in the "mother tongue" is that nothing in the specified wiretap limitations is intended to limit his capacity to guard against foreign intelligence activities—that is, by wiretapping or bugging, since the measure is concerned only with eavesdropping, and since the courts, so far, have left the executive free to eavesdrop without a court order on foreign embassies, agents and the like.

To stretch this, or even the "implied" Presidential powers of the Constitution, into authority to create a secret police force and send it out to commit burglaries, for whatever laudable purpose a President may think he has, is to assert an unlimited Presidential power to set aside the law when it inconviences him and when he can find any slight possibility—never hard to do—of foreign intelligence activity.

As Senator Talmadge inquired, does this reasoning give the President power to order murders? Why only three or four or five "plumbers"? Suppose a President thought he needed fifty, a hundred, a thousand? Mr Ehrlichman has outlined the road to a White House S.S.; and he has made clear that, by the margin of a carelessly taped doorknob, the nation has escaped the beginnings of a police state.

MARINE CORPS LEAGUE

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. DORN. Mr. Speaker, the U.S. Marine Corps has an illustrious history of patriotic, courageous and effective service to the Nation and to the cause of freedom. On the occasion of the 50th anniversary year of the Marine Corps League we are pleased to call to the attention of the Congress two splendid articles concerning the league:

MARINE CORPS LEAGUE CONVENTION SET FOR MIAMI

WASHINGTON, D.C., August 1, 1973.—The Marine Corps League will hold their 50th Anniversary National Convention in Miami Beach, August 19–24, 1973. Convention Headquarters will be the Marco Polo Hotel. This announcement was made by Gilbert E. Gray of Kingston, New York, National Commandant of the Marine Corps League.

On hand for some sun and fun, reunions with former comrades, and serious business meetings will be Marine Corps veterans and their families, ranging in service from World War I combat to the Vietnam Conflict, and numerous U.S. military campaigns and expeditions in between.

Taking note of the celebration of their half-century mark, President Nixon issued a special message saluting the efforts and contributions of the Marine Corps League for "preserving and supporting the ideals of the Marine Corps while offering guidance and assistance to young Americans."

One of the few veterans organizations chartered by the U.S. Congress, the Marine Corps League was established by a small group of predominantly Warld War I Marine veterans who met in New York City on June 6, 1923 to formulate plans for a national organization to perpetuate the Marine Corps spirit. Major John A. Lejeune, then Commandant of the U.S. Marine Corps, was elected the first National Commandant of the Marine Corps League.

His present-day successor as Commandant of the Marine Corps, four-star General Robert E. Cushman, Jr., will attend the Miami national reunion and will be the principal Convention speaker at the Grand Banquet on August 24.

The League's two highest awards, the "Iron Mike" Award, and the "Dickey Chapelle" Award will be presented this year to The Honorable John W. Warner, Secretary of the Navy, and Mrs. Donald Spicer, President General of the National Society Daughters of the American Revolution.

Warner, a former Navy enlisted man and Marine Corps officer, will receive the "Iron Mike" Award for his sterling contributions to the Navy-Marine Corps team. Mrs. Spicer, the daughter, sister, widow, and mother of Marine Corps officers, and national leader of the 195,000 member esteemed women's organization, will be honored with the "Dickey Chapelle" Award for a lifetime of exemplary patriotic service and community leadership.

Previous recipients of the "Iron Mike" Award have been Bob Hope, David Duncan, Howard K. Smith, Barry Zorthian, Ross Perot, John Wayne, and U.S. Administrator of Veterans Affairs Donald E. Johnson. Past winners of the "Dickey Chapelle" Award, presented annually in memory of the famed newswoman killed by an enemy land mine while on patrol with a Marine company in Vietnam in 1965, are Miss Martha Raye, Lucy Caldwell (USO), Marjorie Merriweather Post, Verona Devney (Project HOPE), Esther Clark and Betty Donovan Rentrop (newspaper columnists).

Preliminary convention activities start Monday, August 20 with a National Staff Meeting and a pool-side fiesta for early registrants. Business sessions begin Tuesday morning, August 21 with a Joint Opening Session of the Marine Corps League and the Marine Corps League Auxiliary. The busy pace for the balance of the week will include action on Resolutions and a substantial revision of the By-Laws, Committee Reports, Workshops, VA Hospital visits, a Memorial Service for deceased Marines, and election of new officers for the coming year.

The 1973 National Conventional Chairman is Mr. Larry Bassin, 101 W. 20th Street, Apt. 5A, Hialeah, Florida 33010. Telephone: (305) 888-8703.

THE MARINE CORPS LEAGUE—A HISTORY OF THE FIRST FIFTY YEARS—1923–1973

(By Richard J. O'Brien)

THE MARINE CORPS LEAGUE

"The Marine Corps League is an alumni association of the United States Marine Corps. Its membership is open to men who have served before, during, and since the World War. Thus it is in a position to grow progressively stronger each year, because more and more persons will become eligible for membership. It is asserted by its members that the potential membership of the league now is approximately 100,000, and that its actual membership is spread throughout the country."

Congressman Arthur D. Healy of Massachusetts used the above words in 1937 in support of his successful bill which incorporated the Marine Corps League. President Franklin D. Roosevelt signed it on August 4th of that year, making the Marine Corps League one of the very few veterans organizations chartered by the U.S. Congress.

The enactment of this bill followed by fourteen years the founding of the Marine Corps League at the Hotel Pennsylvania in New York City on June 6th, 1923, a date especially chosen, as it was the fifth anniversary of the U.S. Marine counterattack in Belleau Wood. Thus, from the very first the League sought to commemorate events of special interest to Marines.

The forming of the League took place during an All-Marine Caucus called by Sidney W. Brewster of New York, a retired Marine major, who was Commandant of the Marine Corps Veterans Association (MCVA), forerunner of the League. The MCVA itself was formed only eight months before on the 147th birthdate of the Corps, November 10th, 1922, in the Hotel McAlpin, New York City. It was composed of individual groups of Marines who had banded together after the First World War to perpetuate the Marine Corps Spirit in their own communities. In their ranks were Marine veterans of the Civil War, the Spanish-American War, and the First World War, as well as several expeditions in between.

The genius of the Marine Corps League for 50 years has been the spirit of *Semper Fidelis.* It was at work from the first, moving the founders of our organization in setting down the great objects of our corporate being. Their motives were patriotic and fraternal, and they were very proud of their honorable service in the Marines, "the oldest branch of the nation's military service." With but minor modification in language the original Objects of the League are identical to those still in force half a century later. It may be said in truths that have stood, Marine-like, against the assaults of Time.

THE FIRST DECADE, 1923–33

There was much debate at the All-Marine Caucus about the name of the group to emerge from the reorganization of the Marine Corps Veterans Association. The more than 150 delegates representing every section of the Nation were in agreement that this, the first national Marine Organization, would embrace in-service Marines as members as well as civilian Marines. Since, at that time, active duty Marines were not officially considered "veterans" (even though many had fought in countless campaigns all over the globe), the group voted to change its name, and the Marine Corps League was born.

While all the delegates who attended are co-founders of the League, one of their ranks is considered the Father of the Marine Corps League, and that is John A. Lejeune, the Major General Commandant of the U.S. Marine Corps, and first National Commandant of the League.

"Johnny" Lejeune gave to the League three mottos: *Semper Fidelis* (Always Faithful); Once a Marine—Always a Marine; and "All for One and One for All." This latter caused him to mobilize the recruiters on behalf of the League, and the League on behalf of the recruiters and the Reserves. His strong backing and encouragement enabled the League to get a good start. Many of his officers at Marine Headquarters doubled in brass in the League, including Major J.C. Fegan as our National Adjutant, and Sergeant A.E. Beeg as Paymaster. Lejeune was elected to six consecutive one-year terms as National Commandant.

National Conventions were held in the fall each year of this first decade from New York to Chicago to Dallas, and cities in between. The only year no convention was held was in 1932, and that owing to the severe financial condition of the Country due to the depression. This period was devoted to "shaking down" the League, to adopting and refining the Constitution. By-Laws, rituals, and approving such items as the League colors (Crimson and gold), grave marker, and its lapel button.

Of major importance was the League's involvement with the Belleau Wood Memorial Association (BWMA) in the efforts to preserve that Marine Corps battlefield in France. Through considerable effort the League was able to finance the operation of the Wood for a two year period. The cost was becoming too heavy a drain on the fledgling League and too great a burden on the BWMA. At last the battlefield was turned over to the American Battle Monuments Commission. The Commission maintains Belleau Wood to this date as an historic park.

Lejeune firmly believed that the Marine Corps Commandant should be Commandant of the League. So, when he retired from active service, he stepped down as League Commandant as well, recommending Major General Wendell C. Neville, his successor as Commandant of the Corps, to head the League. In response, on April 3rd, 1929, the National Staff of the League elected Neville, a holder of the Medal of Honor, as National Commandant.

Neville, while accepting the post, believed the League should be civilianized. He asked W. Karl Lations of Massachusetts, the seniormost Vice Commandant, to run the League in his stead. This Lations did, and he was subsequently elected as the first civilian commandant at the 1929 convention in Cincinnati. Among his accomplishment was to move the League headquarters to downtown Washington from Marine Corps Headquarters. Lations' major contribution as Commandant was the conversion of the League to a civilian business-like basis for the benefit of all.

By its policy the League is "non-political, non-partisan, and non-sectarian." But the League has always reserved the right to engage in political and legislative issues which affected the welfare of the U.S. Marine Corps, the League itself, and of its constitutent or subsidiary organizations, and the rights, privileges and benefits which were based on military service of any member thereof.

The League used its legislative weight to back legislation favorable to Marines and other veterans, and to oppose that which was not. Its greatest weight of the decade, however, was felt when an attempt was made in the early 1930's to abolish the Marine Corps under the guise of "economy." That this effort failed was due in part to vigorous protestations by the members of the League, led by National Commandant Carlton A. Fisher of New York.

New York Detachment No. 1, with Angelo John Cincotta, Milton Soloman, and Frank X. Lambert leading the way, secured donations from members of the League throughout the Country. They bought full page advertisements in daily newspapers protesting against any decrease or possible abolition of the United States Marine Corps. They initiated a drive to send letters of protest to the Congress and the President. Congressman Frances P. Bolton of Ohio speaking in 1953, attributed the "untiring efforts of the Marine Corps League in the 1930's" to the abandonment of efforts to disband the Corps as an economy move.

THE SECOND DECADE, 1934–43

The membership strength of the League improved every year, rising to 17,143 by the end of the second decade.

Jerome D. Cohen of Massachusetts. National Junior Vice Commandant in 1937, was the force behind the movement for federal incorporation of the Marine Corps League. Working through Senator David I. Walsh and Congressman Healy, both of Massachusetts, he was successful in securing passage of this significant bill on August 4th, 1937.

Thus, a new era began, and the Marine Corps League, under National Commandant Maurice A. Illch, gained greatly in national stature. (Before he was to pass away in 1972, Illch would be accorded the title of "Grand Old Man of the Marine Corps League" because of his great spirit and many faithful years of prior and subsequent national service).

Although several detachments of the League had auxiliaries for years it was not until the 14th National Convention in Akron in 1937 that the Marine Corps League Auxiliary was chartered as a national subsidiary organization. The first National President was Marian L. Harper of New Hampshire.

In 1938, Sylvester Corrigan, a wealthy oilman from Oklahoma, passed away, leaving a large sum of money to the Marine Corps League. The will was contested by relatives, and the League finally settled for $15,000. Of this sum, $5,000 was placed in the Corrigan Memorial Fund, an irrevocable trust, with the income going to the mother of Niles Huff, a Marine who died while serving in the Marines. Mrs. Huff died a few years later so that the interest on this trust now accrues to the League. $10,000 was put in the Niles Huff Memorial Fund with the income going to the League. For a time this money was given to the mother of a deserving Marine.

The Devil Dogs, the Honor Society of the League, was authorized as a subsidiary organization in Boston in 1939. Gerald L. Bakelaar of New Jersey was elected as first Chief Devil Dog.

In 1942 League Commandant Chris Cunningham and National Adjutant-Paymaster Steve Brown started publication of a monthly tabloid, the *Marine Corps League Bulletin*. It quickly won the approval of the membership and before long had a press run of 45,000 with some editions being 32 pages. From 1924–1940, League news had been carried in the pages of *Leatherneck Magazine*. But from 1942 on, the League published its own paper or magazine, with the banner years being 1942–50 under Cunningham and Brown.

When World War II broke out, three of the League's first five civilian commandants returned to active duty with the Marine Corps. They were Past National Commandants Illch, Fisher, and Lations. Hundreds of rank and file Leaguers followed their examples. Their actions gave visible proof to our slogan, "Once a Marine—Always a Marine."

In 1943, under the leadership of Thomas Wood of Ohio and Alexander F. Ormsby of New Jersey, the League spearheaded a drive for proper post-war plans for the benefit of veterans in the area of Rehabilitation. This embraced the setting up of clearing houses in Cincinnati and other cities by business houses and industrial leaders. Veterans were given vocational guidance and efforts were made to place them in the type of work for which they were best fitted. The services of medical specialists were enlisted for those suffering from rare diseases and arrangements were made to secure treatment for them at nominal cost, far below regular fees.

THE THIRD DECADE, 1944–53

The League achieved its membership high shortly after World War II when 27,664 were carried on the rolls under League Commandant Thomas Sweeney of Illinois.

During this period the League sponsored several exhibit tours of enemy war materials with money accruing to the League's Welfare Foundation. Many thousands of dollars for this worthy cause were obtained in this manner.

Under Commandant Alan Stevenson of New York in 1945 the Marine Corps League. was accorded the privilege of representing Marines before the Veterans Administration (VA) in presenting claims and obtaining veterans rights. Florence E. O'Leary of Ohio became the first Service Officer.

The following year the Internal Revenue Service exempted the Marine Corps League from income tax payments. The Service also declared that contributions made to the League and its Auxiliary units would be deductible income tax items.

With the end of World War II America turned its focus on its returning disabled veterans. League and Auxiliary members and representatives of other groups visited them in VA hospitals, volunteering their free-time in behalf of the sick and wounded. To coordinate the efforts of these volunteers, the Veterans Administration Voluntary Service (VAVS) program was created. The League and Auxiliary supported the VAVS program from the beginning, and continue to do so today, 27 years later, as a program that literally goes to the heart of the Marine Corps League.

In 1944, a Marine Corps recuperation center in Oregon came to the attention of the League when Leaguers from Portland tried to obtain recreational equipment for returning veterans of the Pacific campaigns. An almost spontaneous League effort to assist the Marine Barracks, Klamath Falls, resulted. League and Auxiliary detachments across the country sent the needed equipment, and funds for other recreational purposes. L. L. Pittinger of Oregon became a full-time League Service Officer there. The concerted effort remained through the close of the Barracks two years later.

Following World War II the Marine Corps League adopted a project for the erection of the heroic-sized bronze statue of the flag raising on Iwo Jima by Felix DeWeldon in the Nation's Capital. Congress approved of the project, the Department of the Interior provided the land, the Fine Arts Commission approved the design, and the U.S. Marine Corps favored the project all the way. All that was needed was for the League to come up with the anticipated cost of $250,000. This proved to be a Gargantuan fund-raising task for which the League was not organized. National Liaison Officer, Colonel Jean W. Moreau, USMC (Ret.), then formed an independent organization, the Marine Corps War Memorial Foundation, Inc., which raised the money from regular Marine Corps units, Marine Corps Reserve (inactive), and other sources. League and Auxiliary contributions exceeded $7,000. Final costs were placed at nearly one million dollars. When the monument, erected to the memory of our comrades who have fallen on all the fields of battle in Marine Corps history, was dedicated on November 10th, 1954, National Commandant George K. Shamgochian of Massachusetts and other distinguished Leaguers were in attendance. In 1950, the outbreak of the Korean War and the resultant mobilization of the Marine Corps Reserve cut a wide swath through the ranks of the Marine Corps League. An estimated 30% of the membership was called up. Whole detachments were mothballed while its members went off to war. Every issue of the League *Bulletin* carried names of Leaguers killed in action. Some of these Marines held office on the department level.

While in National Convention at Washington in 1950 the League received a surprise visit from Harry S Truman, President of the United States. The president came to apologize for earlier intemperate comments made about the U.S. Marine Corps being the "Navy's police force," and having "a propaganda machine that is almost equal to Stalin's." The National Bugler, Herbert Baldwin of Florida, was so swept up by the unexpected visit he could scarcely sound the notes of "attention." The President's brief visit was well received by National Commandant Clay Nixon of Washington, and the delegates in attendance.

Under the leadership and inspiration of John R. O'Brien of New Jersey the Marine Corps League embarked on a "Free Beer for GI's in Korea" campaign. League detachments collected contributions from especially marked beer cans placed in taverns. General of the Armies Douglas MacArthur in answer to a letter of inquiry, wrote he would be glad to accept the free beer, and that the cans should be marked, "Gift—Not for Sale—For our Armed Forces in Korea from the Marine Corps League." The beer was purchased and shipped by Major General E. O. Ames of California. The Staten Island detachment of New York raised $2,350 for this cause, more than any other League detachment.

Throughout this decade the League continued to back legislation of importance to the Corps. It fought unification and the abolishment of transfer of the U.S. Marine Corps to the Army. In the battle to make the Commandant of the Marine Corps a member of the Joint Chiefs of Staff, the Honorable Mike Mansfield of Montana and Brigadier General James P. S. Devereux, USMC (Ret.), the hero of Wake Island, testified in their individual capacities as representatives of the Marine Corps League, rather than as members of congress, which they were. Their testimony, and thousands of letters to congressmen from Leaguers, helped to turn the tide of victory.

In an effort to combat Communism, the League conducted nationwide Americanism drives and engaged in educational work through the medium of speakers in the organization.

THE FOURTH DECADE, 1954–63

In order that the League might be suitably represented at ceremonies in the vicinity of Washington on national holidays and other important occasions, two area Marines, John P. Lester of the District of Columbia and Raymond B. Butts of Virginia, formed the League's National Guard of Honor. Appropriately uniformed, the Guard appeared numerous times throughout the decade at parades, funerals, and other significant occasions at the call of the national Commandant where the National Colors were presented.

One of the League's key programs developed during this period. The Marine Corps League Foundation Fund, conceived and led by Herbert Rose and Claude H. Downing of Florida, was created to assist certain qualified persons in acquiring an education above or equivalent of the scholastic high school level. First presented at the 33rd National Convention in Miami in 1956, the Foundation Fund was approved the following year at the convention in San Jose, California.

Through the present time all funds received by the Foundation are still intact.

Out of a desire to recognize its own, the League, in 1959, instituted the National Marine of the Year Award. The first recipient was I. D. Hale of Wisconsin, for his outstanding efforts in League and veterans affairs. There were several subsequent years where no award was made as none were found qualified for such a high honor.

In 1963, a proposal from the Lou Diamond Detachment of Ohio led to the reorganization of the National Headquarters of the League. A 15-member Board of Trustees was created consisting of eight Division Vice Commandants, four National Trustees, the National Commandant, Senior Vice Commandant, and Junior Past National Commandant. While the latter three each had one-year terms, the Division Vice Commandants and Trustees were elected to rotating three year terms with four up for election each year. The Board of Trustees system provided for stability and continuity in the handling of League affairs, and continues into our 50th year as the governing body of the League.

THE FIFTH DECADE, 1964–73

This decade commenced with the publication of a Marine Corps Order encouraging close cooperation with the League by Marine Corps officials. The freshening and strengthening of relations between the Corps under General Wallace M. Greene, Jr., and the League under Raymond B. Butts, was a felicitous beginning for the coming years.

With the advent of the Vietnam war the League threw its support behind the Civic Action Fund for Vietnam, sponsored by the Marine Corps. Reserve. Throughout the period of active Marine Corps involvement in Southeast Asia, the League and Auxiliary donated untold thousands of dollars to the Civic Action Fund for General Lew Walt's use in waging his important 'other war' in Vietnam.

On a note of pride, and "to perpetuate patriotism and valor," the League and Auxiliary teamed up in 1965 to construct entrance gates to the grounds of the famous Freedoms Foundation in Valley Forge, Pennsylvania. National Commandant Burton P. Daugherty of Michigan and National President Helen Robinson of New York presided at the ceremonies which were attended by high-ranking civilian and military officials. The dedication coincided with the League's 42nd National Convention in nearby Harrisburg, Pennsylvania.

In early 1966 the League corrected the perennial problem of bonding pay-masters and commandants through the purchase of a blanket position bond covering each of these officers automatically. Mid-West Vice Commandant James H. Shultz of Kansas was instrumental in arranging the bonding at a cost far below what the cost would have been if each individual detachment had procured its own.

The fifth decade saw the Marine Corps League adopt its two great Youth programs, Young Marines, and Youth Physical Fitness.

Originating as an idea of the Brass City Memorial concept grew and was formally established as a League-wide program by resolution of the 41st National Convention meeting in Wichita in 1964. Commandant Daugherty signed the National Charter at Ansonia, Connecticut on October 17th, 1965. The first director of Young Marines was Steve Zuraw of Connecticut. This action program for youths 8–17 emphasizes eight points basic to the development of Young Marines: citizenship; leadership; physical fitness; school; home and outside activities; personal habits; character; and drill. Its motto is "Our Youth is the Future." By decades end over 5,000 Young Marines were enrolled in 65 detachments located in 21 states.

Youth Physical Fitness, the second of the League's two ever-expanding youth programs, was adopted by the League at the 1967 Mid-Year Staff Meeting in Arlington, Virginia. The program had been a great success in Ohio, where in 1965, it earned a Gold Medal from the Freedoms Foundation at Valley Forge "for outstanding contribution to the youth of junior and senior high school age through its physical fitness program."

Walter A. Churchill of Ohio, the Father of the Youth Physical Fitness Program of the Marine Corps League, conceived the program, largely financed it through its developmental staffs, and serves today as its National Chairman. The program is currently operating in 20 states with a potential of five million or more youths participating. The goal of 20 million youths participating by 1975, the 200th birthdate of the U.S. Marine Corps, has been established.

To help finance both the Young Marines and the Youth Physical Fitness programs, Churchill, a Past National Commandant, developed the United States Marines' Youth Foundation in 1968. This carefully organized Foundation provides support for appropriate youth activities sponsored by Marine Corps-oriented organizations. It has helped enable the League's youth programs to develop without undue concern for funding and helped ensure their success.

On February 8th, 1967, after attending the Secretary of the Navy's briefing in Washington, League officials led by National Commandant Claude H. Downing, acting in response to a challenge from Marine Corps Commandant General Greene, to "do something besides talk," founded, in coordination with seven other national Navy-Marine Corps oriented organizations, the Navy-Marine Corps Council. The purpose of the Council was to further the collective efforts of the several organizations in areas wherein they had common interests and objectives in support of the Navy-Marine Corps team. The Council meets regularly, and may recommend actions and resolutions on behalf of the Navy Department to its members, but does not publish or implement such actions or resolutions in its own name.

At the 1971 Mid-Year Staff Meeting the League's Board of Trustees voted to support Marine Corps' desires that there be created a United States Orienteering Federation (USOF). This was reaffirmed at the 1971 National Convention in San Antonio. The Marine Corps had adopted orienteering, a world sport combining cross-country running and land navigation, as a military sport. Under the League's umbrella an organizational meeting was held at League Headquarters on August 1st, 1971, at which a complete set of By-Laws for the USOF was approved. The USOF, which embraces civilian and military orienteering clubs and individuals, was later incorporated under the laws of Virginia, and was accepted into the International Orienteering Federation (IOF). The President's Council on Physical Fitness and Sports has since recognized orienteering and approved it for participation in the Presidential Awards Program, a significant step.

Two long-time Leaguers from Ohio, Philip A. Schloss and John L. Kleinhans, were elected USOF President and Secretary/Treasurer respectively. The USOF, spawned and still assisted by the Marine Corps League, already has had a tremendous impact on orienteering in America. Its influence is expected to grow with the passage of time.

Throughout this period the League's voice was raised in concern over such issues as drug abuse, possible amnesty to draft dodgers, our POWs/MIAs, and the planned reduction in the number of beds in our VA hospitals. On the local level the Golden Triangle Detachment of Texas commenced its successful HALT Program. (Hire A Leatherneck Today) as one example of Leaguers helping in the important area of jobs for veterans.

Out of concern for the wounded, Marines including James Merna of Maryland, Don Yeaman of Washington, Larry Bassin of Florida, and Joseph O. Pueschel of Hawaii, with their fellow Leaguers conducted special projects to entertain the hospitalized. Operations with names like Cheer, Hurricane, Appreciation, and Care and Recuperation did much to help our veterans forget their difficulties and see, at least for a time, that people really cared, and that there was a happier side to life.

Near the end of the decade the League, under National Commandant H. Lynn Cavin, adopted optional health and life insurance programs for the benefit of the membership, and voted to support the Marine Military Academy in Harlingen, Texas, by seeking out potential Cadets for admission.

As this goes to press National Commandant Gilbert E. Gray of New York is preparing to go to Belleau Wood, France, with a veteran of that battle and other Leaguers to commemorate the 50th birthdate of our beloved Marine Corps League. U.S. Marines and French and German officials have been invited to meet there in friendship, and to help commemorate the golden occasion with planting a tree, conducting respect for the past, and hope for the future.

CONCLUSION

Many of the events described above were highlights. Less spectacular were the day to day activities of the inidividual civilian and in-service Marine Leaguers. Always faithful to the purposes of the League they maintained true allegiance to our Nation, practiced Americanism in all its forms, engaged in programs which benefitted their communities, assisted the Marine Corps with quiet recruiting efforts and other activities, celebrated the birthday of the Corps each November 10th as well as other historical occasions of peculiar interest to Marines, basked in their Marine comradeship, visited the sick, aided the distressed, and, when the time came, buried their own.

Marines great and small have marched with John A. LeJeune in the ranks of the League, men like Ray Davis, Chesty Puller, Lew Walt, Smedley D. Butler, Harry Lee, Lou Diamond, J. C. Breckingridge, Clifton B. Cates, Mickey Finn, Len Chapman, John Glenn, Lou Wilson and many thousands of others who, in war and peace, have proudly worn the Globe and Anchor.

The Spirit of Semper Fidelis has moved many in the League to outstanding achievement. Marines like Jack Brennan, Merton C. Lowe, Jackie Steinquest, John Baker, Raymond Wilkowski, Orville Hubbard, Mason D. Wade, John P. Lester, Patrick J. Cody, Robert Blanard, Jack Davis, Harold Welsh, Hugh Maus, Charley Stone, Lucian J. Caldara, Lue Madsen, John S. Zak, S. Johanna Glasrud, Edward J. Bange, C. A. Boedigheimer, C. A. McKinney, to name but some of the dedicated Leaguers not previously mentioned. Their ranks are legion.

In its 49th year, the Secretary of the Navy in Washington, John H. Chaffee, paid a singular tribute to the Marine Corps League. In an open letter to all members, Chaffee pointed out that the League ". . . is providing outstanding leadership for our communities, in the same tradition that the Marine Corps has provided distinguished leadership on the field of battle."

He continued:

"The Marine Corps League will be 49 this June. During those nearly five decades, possibly the most valuable of the League's contributions—from my standpoint—has been its support of the Marine Corps. You have, indeed, helped to preserve the traditions, promote the interests and perpetuate the history of the U.S. Marine Corps. I appreciate that support.

"I urge your membership to continue, even to redouble, its efforts. The Marine Corps is strengthened by your support. The nation and its people benefit from the work of the Marine Corps League."

The 'Society of Leathernecks', as the League was called in 1923, has come a long way in fifty years, from John A. Lejeune to his successor in office as Commandant, Gilbert E. Gray. Its headquarters in that time went from Washington to Albany, to Baton Rouge, to Philadelphia, and back to the Washington area, this time to stay. Today its potential membership is over 1,000,000, with its actual membership scattered all over the world.

The Marine Corps League is recognized as one of the leading national veterans organizations. It members speak of its history and traditions with pride, and they have worked long and hard to make the League, "second only to the U.S. Marine Corps."

And, like the Corps itself, its record is one of achievement.

CHILDREN'S MENTAL HEALTH

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. HARRINGTON. Mr. Speaker, I have often inserted articles in this RECORD on the mental health needs of the American people, particularly the children. This week, the Washington Star-News has printed two articles by Wayne King on the status of the mental health treatment of children. His report analyzes the great number of children who need treatment and are not receiving it. Over 10 percent of the children are estimated to suffer from mental illness to such a degree that they require professional treatment. In 1971 only 772,000 received treatment in an established facility.

The articles also summarize the types of treatment that the children are receiving. Play therapy is often used to establish communication between therapist and child patient. Often such therapy for the child can lead to introduction of one or both of the parents to treatment with the end result of a happier family.

For the information of my colleagues, the two articles follow:

STRESS PUTS KIDS IN THERAPY

(By Wayne King)

By most standards, 11-year-old Paula was a model child, a bit quiet and introspective by comparison to the other children in the well-to-do suburban midwestern community where she lived, but studious, obedient and never a bit of trouble—until the day she began looking at the floor and refused to say anything at all.

School officials, who were aware that there had been problems at home, quarrels, and an impending divorce, were nonetheless shocked at the diagnosis: Severe schizophrenic withdrawal.

A San Diego mother of a 3-year-old was more sophisticated. When her son developed violent hostile tendencies, she was certain she had the remedy. She simply laid down on the floor and invited the boy to kick her.

By the time he was 5, the boy had begun attacking his kindergarten teachers, and when he was 6 the mother finally agreed to professional help.

"He has been under treatment for two years now," says his psychiatrist. "And it's a long hard pull."

The two disparate cases are among the literally hundreds of thousands that come before child psychiatrists, psychologists and social workers each year in rapidly growing numbers.

They are unusual in their severity, but it is statistically clear that the age of analysis that has swept America for more than two decades now has a new component, the "kiddie on the couch."

The label is inappropriate—the couch is rare if not non-existent among child therapists—but it is clear that growing numbers of children are receiving some kind of psychotherapy.

In 1966, a survey by the National Institutes for Mental Health found that 473,000 children under the age of 18 were being treated through some established mental health facility. By 1971, the most recent survey, that figure had grown to 772,000—a 63 percent increase. The figures do not include a number of private patients and other children who did not visit clinics, hospitals or established mental health centers.

Moreover, Dr. Ner Littner, psychiatrist and director of the child therapy program of the Chicago Institute of Psychoanalysis, one of the best regarded training programs for child psychotherapists, estimates that 10 percent of all American children have sufficient emotional problems to warrant professional attention. And only a miniscule number are getting help.

Although some psychiatrists contend that the rapid growth of child therapy results from increased awareness of psychological problems among children—not more disturbed children per se—the more common view is that there is indeed more stress on children and thus a greater number of mental problems.

"My guess," says Littner, "is that both the rate and severity of mental illness are increasing among children."

"Why?" asked Robert Traisman, a psychologist in Skokie, Ill. "The answer is to pick up a newspaper. There is more stress within families, more uncertainty about values to live by, an increase in academic demands on the young, a more automated, less personal society."

Most child therapists agree with a Chicago psychotherapist who notes: "Psychotherapy sessions rely heavily on some form of communication. Adults rely on talking, verbal communication, and so most sessions are prolonged talking. But kids are less verbal and with them you are more likely to establish a method of communicating that relies on play or some other interest, like drawing pictures.

Such techniques are often used to discover a child's feelings. George, a 7-year-old Detroit youngster treated by Marjorie Wallon, a child psychologist, when encouraged to draw pictures, scrawled two figures—a very tiny father and a very large boy.

"Then he told me that the big one was himself and the little one was his father," related Mrs. Wilson.

"He said he wished at times that he could reverse the situations and be in control of his father, because he was angry with him," she continued. It developed that much of George's discipline problems resulted from jealousy of his father and competition with him for his mother's attention. Gradually he learned to deal with this.

The most prevalent approach to child problems is a technique called play therapy. As the name suggests, the child is encouraged to play, in some manner that causes him or her to interact with the therapist and, in a few cases, with the parents as well.

A child therapist's office will thus often look more like a basement playroom than a psychiatrist's office, filled with puppets, dolls, stuffed animals, doll houses, toy furniture, blocks, coloring books and the like.

These toys do several things: they help the child to relax and enter into a pleasant relationship with the therapist, breaking down barriers: They often induce the child to enjoy the idea of therapy, and, most importantly, they provide clues to a child's attitudes, emotions and relationships—thus the emphasis is on "people" toys, such as puppets and dolls.

Also, says another leading child analyst, "the stigma has been taken off mental illness and people are discovering that when Johnny wets his bed at 13 he might be sick emotionally rather than physically."

There is, moreover, a feeling that the earlier psychological problems are dealt with, the better. "The basic emotional problems suffered by adults practically all have roots in the first six years of life," says Littner.

The list of treatable problems—which many parents might ignore as both transient and insignificant—includes nailbiting, thumb-sucking, temper tantrums, bed-wetting and masturbation.

Then there are conduct disorders such as seclusiveness, worrying, apathy, submissiveness, shame, guilt, fighting, cruelty, defiance of authority, truancy and stealing.

There are neurotic traits—tics, spasms, stammering, phobias (of which fear of school is a prominent one), and hyperactivity.

Finally, there are the far more serious matters of psychosis such as schizophrenia and paranoia.

Treatment varies widely, from traditional individual psychoanalysis to supervised group play and general counseling. Parents may or may not be deeply involved, although it is generally agreed that their cooperation is essential and in many cases therapy is conducted on a family basis.

Dr. Harold Davidson, a child analyst in the wealthy Detroit suburb of Birmingham, Mich., has used traditional psychoanalysis on children as young as 6, although he now confines the practice to older children.

"A child can't lie down on the couch and tell you whatever comes to his mind. He just chatters, according to Dr. Davidson. He says, 'do you know what the teacher said in school today?' And this and that, and from that you glean what's going on in his mind. You teach him to be introspective by wondering about what he's saying. You might say, 'I wonder why you did that?' or 'I wonder why you made that slip of the tongue?' "

CHILDREN UNDER STRESS—2: PROBLEM CHILD—PROBLEM PARENTS

(By Wayne King)

In most cases, child therapists say, parents cooperate fully in treatments once the problems are explained to them. Some complain about approach—the father of an 11-year-old in San Francisco was taken aback to learn he was paying $25 an hour (actually 45 minutes) for his son to play chess with the analyst.

Cost is usually a major consideration. Fees for private treatment can range from $15 for group sessions to a normal high of about $60 an hour for an individual psychoanalysis—with occasional but rare higher fees reported. The average is $25 to $40 an hour.

Parents often erroneously reason that children should be treated at a reduced rate, something like half-fares at a movie. Generally, however, psychiatrists agree that dealing with a troubled child is even more difficult than with an adult.

In almost all cases, the child's difficulties relate to his parents. This usually means involving the parents, if not in treatment themselves, at least in a cooperative situation.

"It's probably impossible to treat children without getting parents to participate or cooperate," says Dr. Mortimer Blumenthal, chief of outpatient psychiatrist services for children at Mount Sinai Hospital.

"For one thing, children don't volunteer for treatment. They are brought in," Blumenthal notes, adding:

"In a few instances parents have brought their child to a therapist for treatment only to find themselves on the couch—finding they created the problem themselves."

It is statistically clear that the age of analysis that has swept America for more than 20 years has a new component—the "kiddie on the couch."

A 1966 survey by the National Institutes of Health found that 473,000 children under 18 were being treated through established mental health facilities: By 1971, a 63 percent increase was noted, to 772,000 patients. And experts calculate that only a tiny portion of those needing help are getting it.

The mother of 9-year-old Carl asked for help at Mount Sinai because, she said, she "could not live with him any longer." He was aggressive, hyperactive and fought with his parents. He was preoccupied with violence and had no friends. The mother said that as an infant her son was "too big to hold" and "hurt her arms."

At six months he was, in her words, a "killer" who almost demolished his crib. A girl, three years younger, was no problem, the mother said, but she fought constantly with the boy. At school, however, inquiries revealed that teachers found Carl likeable, bright and he did very well, although he was occasionally mischievous. "So you can see the outlines of the problem," said Blumenthal. The mother—and, it turned out, the father as well—sorely needed counseling themselves. The whole family is being seen at Mount Sinai, and Carl is less aggressive at home.

There is significant difference of opinion on how much the modes and stresses of modern living contribute to emotional problems among children. Dr. Charles Casat, director of the San Diego Children's Health Center, insists that "this is not a sick society in terms of our young children."

However, Dr. Ebbe B. Ebbesen, associate professor of psychology at the University of California-San Diego, and Dr. Rosalind Feirabend, psychologist at San Diego State University, take a more qualified view, on the basis of a study they have made showing that "violence is becoming a way of life in America," and can be traced in part to children's upbringing.

Ebbesen says: "It seems to me that American society rewards aggression. Kids are trained to compete and, moreover to win. Even mothers teach their sons to get ahead even if it means taking something from someone rather than sharing. History is taught in our schools in the same way, with the emphasis on, in eras delineated by, wars. Even our heroes are violent people, not only our historical heroes but contemporary ones like Joe Namath or, for blacks, the George Jacksons and Soledad Brothers. The fact that violence seems to pay off makes the problem worse, for children as well as adults."

Dr. Morris Weiss, a child psychiatrist in suburban Detroit, notes: "A syndrome I see more and more of, especially in the suburbs, is the average child with a flat I.Q. of 100 who is suffering because he is in a classroom where the average may be as high as 120.

It depresses him, makes him anxious and hostile. this is not a simple problem; you have to help the parent accept realistic expectations for this child. In some ways, it resembles trying to tell parents about a retarded child. It's a blow to them."

In other areas, where there are large military bases, therapists are noticing another problem: difficulties among the children of military men, particularly those returning from long tours of duty abroad.

In San Diego County, for example, one psychiatrist estimated that nearly one-fifth of the children brought to family services centers and private psychiatrists were from military families.

Mrs. Anne Janda, who is in charge of the Oceanside-Carlsbad office of the family service association of San Diego County, serving the Marine Corps' Camp Pendleton, has been dealing with the emotional problems of military Children.

Johnny D., whose father had been a Marine for over 20 years, constantly heard that he should be "a good soldier," and his home was run like a boot camp, with rigid discipline. Two of Johnny's brothers accepted it. But Johnny, more sensitive, more reflective, resented it and rebelled. When the father returned from a second Vietnam tour, he ordered him to cut his long hair, to stop seeing a 13-year-old girl friend, and to "shape up and be a man for a change." Johnny ran away—and on his return was taken to a psychiatrist. After long sessions, Johnny's father—and the mother too—were convinced of a need to give Johnny more opportunity for self expression—they were won over, and now Johnny and his father are repairing an old motorcycle evenings in the family garage and, although the boy is still receiving weekly treatment, his resentment and hostility have largely disappeared.

Most child therapists say a substantial majority of their patients are boys—the reverse of the adult situation. In San Diego for example, boys outnumber girls about five to three among young children receiving psychiatric treatment. A major reason, therapists say, is that boys may tend to become more serious discipline problems and thus become more apparent to school authorities.

High visibility might also account for the large number of hyperactive children receiving treatment.

"It's easy to overlook a quiet, sensitive, withdrawn child who sits in the back of the room and never bothers anyone," says a New York therapist. "That child might be as seriously disturbed as the 9-year-old who's throwing a fit and trying to kill the teacher. But you can't ignore him."

Dr. Casat of the Children's Health Center in San Diego, estimates that up to 20 percent of the child population is hyperactive.

Treatment of hyperactivity—sometimes described privately by psychiatrists as "monster management"—varies according to the underlying cause.

Drugs, especially Ritalin, or Dextroamphetamine, are often used, although the practice remains controversial. The drug is a stimulant to adults but tends to calm overactive children.

"EDUCATION AND THE COMMONWEAL," AN ADDRESS BY JOHN H. FISCHER, PRESIDENT, TEACHERS COLLEGE, COLUMBIA UNIVERSITY

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. BRADEMAS. Mr. Speaker, one of the most thoughtful and perceptive leaders in American education over many years has been the distinguished president of Teachers College, Columbia University, Dr. John H. Fischer.

I believe that Members of Congress will read with interest the text of the address delivered at the commencement day convocation at the Teachers College, Columbia, on May 16, 1973, by Dr. Fischer, and I insert his address at this point in the RECORD:

EDUCATION AND THE COMMONWEAL

(By John H. Fischer)

If a Commencement Day speech conforms to convention, it touches upon the virtues of the graduates, it describes the challenges awaiting them in the rough world beyond the campus, and it inspires them to venture forth with confidence and courage. I hope you will not mind if I depart somewhat from that customary pattern—somewhat but not completely—for there is a good deal to be said in praise of this Class of 1973. There are altogether 1,571 of you. You have earned 1,045 Master of Arts degrees, 70 Master of Science, 140 Master of Education, 25 Professional Diplomas, 220 Doctorates of Education, and 70 Doctorates of Philosophy. One of you will be the last in the long procession of our baccalaureates. In the number of doctorates you outrank every class except 1953, when the high tide that followed World War II swept through the College. Contrary to fears often expressed these days, you represent no surplus of overeducated and unemployed specialists. The vast majority of this class and virtually all who are graduating with the doctorate are either already employed in appropriate posts or have bright and active prospects.

You deserve a good reception for you have done good work. At your admission you met higher requirements than most of your predecessors. In your course work, in your essays and dissertations, in your field work, you have displayed high competence. A number of you have already made significant contributions in scholarship, in professional practice, and in community service and leadership. You have demonstrated in many ways your social commitment, your intellectual strength, and your personal integrity. The faculty and staff, like your fellow students, are proud of you and we are proud to be your associates.

NOT THE USUAL SCRIPT

I told you I would not follow the usual script which catalogs the dragons in the forest where you are to play St. George. Instead I want to talk about what is worrying me in those woods. If it turns out that some of you share those worries, I'll feel reassured.

Pondering what to say to you today, I was no more able than most of you to ignore the pervasive and persistent effect on my thoughts and emotions of the situation in Washington. The capital is not to be mistaken for the country, but what occurs at the pinnacle of the government necessarily carries a special significance. It is at the apex, however, that we expect our aspirations, our values, and our strengths to be symbolized and reflected. The shocking events of the Watergate affair, the Ellsberg trial and the successive revelations are not what concern me most. What really troubles me is how as a people we react to these events, how we appraise them, and what we do with what we learn.

In the 1950's one of our wisest and most esteemed colleagues, George Counts, published a paragraph so pertinent to this situation that it might have been written yesterday:

". . . we know that every civilization does rest upon a social and moral foundation. If the necessary loyalties are seriously weakened, if social consciousness or social conscience decays, if a spirit of indifference or corruption comes to pervade public relations, if essential standards of conduct and performance are seriously lowered, if the masses of population become pauperized through the concentration of wealth, if society is divided into bitterly contending classes and factions lacking a common conception of welfare, if a people loses faith in itself or hope for the future because of some terrible defeat or catastrophe—if such conditions appear and become chronic, then we may be sure that a civilization is facing evil days."

The Watergate affair and the other ugly reports that are coming to light daily may suggest a defeat of sorts but they do not constitute a catastrophe. They do disclose deep and serious flaws in the fabric of this democracy. The problem lies less in the failures of the individuals whose names are making headlines than in the underlying conditions that make such failures possible. What is truly disturbing is that large numbers of Americans dismiss the entire sequence as relatively unimportant. That persons in high positions of public trust have deliberately violated the law, have callously overridden the civil rights of their fellow citizens, and invaded their privacy, have sabotaged and subverted the process of choosing candidates and electing a president—all that would be bad enough. But what is worse, because it is more ominous, because of what it says about us as a people, is that so many view this conduct as merely the sort of foul play one expects and tolerates in the game of politics. After all, as any sports fan knows, if the penalty is within the calculated risk, a well-timed foul can do a lot for a clever team. If we may judge from the survey findings, the symptoms of a serious malaise in our society disturb no more than a minority of our citizens. We seem unable to understand that more than a game plan has gone wrong.

LITTLE PUBLIC ATTENTION

What made it possible for us to get into such a mess or what should be done to correct it are questions that attract remarkably little public attention. Compare, if you will, our complacency now with our consternation when the Russians orbited their Sputnik ahead of our first satellite. A wave of embarrassment and self-recrimination swept the country as we tried to decide who had lost that first heat of the space race for us. Men who should have known better blamed the schools, castigating them for not producing physicists and engineers to match Russia's. Later, when revised federal budgets had enabled us to soar ahead of the Russians, few bothered to note that the people who produced the successful plans and hardware were products of the very schools that a few years earlier the critics had condemned.

Today, when questions about the part education should play in the political process would be very much to the point, almost nobody is asking them. And even when questions are raised, they miss the central point. Several days ago a friend suggested to me that we at Teachers College ought to be thinking about why the education of the principals in the Watergate affair did not develop in them more dependable character qualities. It's a fair question and an old one. In one form or another the relation between education and character has occupied philosophers and pedagogues for thousands of years. But a matter more fundamental than character weakness in a few dozen individuals is why our system of universal education has not engendered in our population as a whole a keener appreciation of moral values, a higher level of expectation toward our political system, and higher standards for judging our elected officials. Why do we so consistently expect mediocrity and accept mendacity in our political leaders?

Some find comfort in pointing out that the current unhappy disclosures demonstrate that our system does work. But even that assertation is doubtful. As John Gardner reminded us, the system very nearly didn't work. What did work was the sharp eye of a private security guard and the irrepressible persistence of two young Washington Post reporters.

To be sure, the checks and balances of our Constitution are there because our forebearers understood the hazards of unrestrained power and were acquainted with other human weaknesses. But our polity rests ultimately on the assumption that when ordinary men and women are suitably informed they may be expected most of the time to make political choices with intelligence, with reason, and in good faith. To support that assumption and give it continuing validity is one of the principal functions of popular education in a democracy. If our education has fallen short in performing that function, we had better know about it and we had better be doing something about it.

THE EDUCATORS

Harold Benjamin once wrote: "To know the education of a people it is necessary to know who all their schoolmasters are and in what disguises they operate."

The schoolmasters of the American people operate in many disguises. They speak with many voices. Some teach in familiar haunts and others offer instruction from the most unlikely places. They are called editors, producers, advertising managers, drill instructors, and vice presidents for corporate communications. They come as attorneys and archbishops, health commissioners and shop stewards, baby sitters, marriage counselors, and pilots of blimps with airborne commercials. Scoutmasters and stockbrokers; merchandisers and astrologers; pediatricians, pornographers, and policemen—all carry teaching loads in the common schools of our society. To all of them and countless more we owe the lessons that fill our days and nights and the curriculum that shapes our national character.

This network of public instruction is complex and far-flung. Within it, the competition for attention is as clever as it is endless. The teaching technology some of the schoolmasters employ is powerful beyond belief. And where, amongst all this talent and power, do you come in? School teacher, clinical psychologist, counselor, professor of philosophy, state administrator, or dean of a nursing school, what is there left for you to do? What is the professional educator's role in cultivating a heightened perception of the general welfare, a keener sense of personal responsibility, a morally grounded attitude toward public issues?

We who staff the institutions and agencies openly dedicated to education hold no commission to sanction what our countrymen may learn, what they believe, or what they choose to respect. We carry an obligation of a different order. It is to help those we teach to view every learning opportunity with discernment, to appraise their learnings in perspective, and put whatever they learn to constructive use.

We can do more. In our daily routines and as contributors to the policies of our institutions we can insist on a comprehensive conception of the public interest. An increasingly popular notion holds that when contending special interests have been accommodated through compromise or concession the public interest has been served. It happens to be a mistaken idea. If I may slightly twist an ancient fable: That the elephants have settled their differences is no reason to believe that the welfare of the ants has been protected. Due regard for articulate special interests is a necessary part of public policy formation, but by no means is that the whole process.

THE PEOPLE

Walter Lippmann's observation, now twenty years old, carries unusual timeliness today. The phrase "The People of the United States," meaning the authority that ordained and established the Constitution, Mr. Lippmann pointed out, should not be defined as the inhabitants of the country on June 21, 1788. In the course of that day some citizens of the United States died and others were born. In a century, the entire population had been altered.

"The People," Lippmann wrote, "are a corporation, an entity which lives on while individuals come into it and go out of it . . . Besides the happiness and security of the individuals of whom a community is at the moment composed, there are also the happiness and security of the individuals of whom generation after generation it will be composed."

The moral is easy to state but difficult to live by: Those who happen temporarily to hold responsibility and authority in government or, we may add, in an institution, are not owners but trustees. The terms of that trust make them accountable not only legally for the present, but morally to the past and to the future.

Good citizenship in such a society as ours includes, to be sure, self discipline and a commitment to civility in public affairs. But it demands also respect for what has preceded and a feeling of responsibility for what will ensue.

"The generations are," as Bernard of Chartres put it, "like dwarfs seated on the shoulders of giants" and enabled therefore "to see more things than the Ancients and things more distant."

BUSINESS OF EDUCATION

It is quite the proper business of education, and most particularly it is our business now, to remind the current generation of the appropriateness of humility and faithfulness in discharging our common social and political stewardship. A major part of our own stewardship as educators is to keep alive those principles of the good and free society that transcend personal preference and temporary expediency. Such principles Lippmann calls the Public Philosophy: regard for rationality, the tradition of civility, the assurance of due process, and so on through the familiar catalog that free men, when they are wise, cherish and cultivate.

Most of us are aware that our institutions still stand on foundations formed by those principles, but many who use the institutions do not understand the principles, they have not learned to value them, and they are ignorant of what is necessary to preserve them.

Civilization is no laissez-faire matter. A liberal democracy, like ours, is no open arena offering unfettered free play to every form of personal initiative. Maintaining a free and good society is intricate and demanding: it calls for discipline, intelligence, artistry, charity, justice. Unless the people and their agents alike share a constant concern for the commonweal, neither liberty nor equality can long survive. It is precisely the weakening of regard for the commonweal that threatens us, in the nation and in our neighborhoods. Unless we become aware of that threat and move to meet it, this country is in for trouble.

WATERGATE

No show in recent memory has enjoyed such advance notices as the one that will be opening in the Senate Caucus Room on May 17th. We may anticipate fascinating tales of malfeasance in federal office and stories of hidden treasure rivaling the legends of Captain Kidd. But as we watch and listen we had better keep clear what ought to be disturbing us. It is not the instances of arrogant illegality in high places that should worry us, but the far more extensive, if less dramatic, evidence that so many less prominent centers of power, so many individual hearts and minds, are motivated by the same selfish purposes, the same disrespect for decency and democracy. Watergate, we have been told, is but the tip of the iceberg. That may be true in a sense the investigative reporters never intended to convey.

Most educators long ago rejected the idea that the school's proper work is to mold students to a predetermined pattern of moral behavior. In the shifting lexicon of our profession even the term "character education" has become dated and dusty. Yet it remains undeniable that in every school some sort of moral climate prevails. That climate is determined in part by the social milieu in which the school exists, in part by the attitudes and assumptions teachers reflect in their own behavior, in part by the explicit attention teachers and students direct to issues touching on moral and ethical values.

Every teacher must determine how to deal with these facts of educational life. Are we to accept the prevailing moral milieu uncritically? Will we examine our own assumptions and attitudes? Shall we purposefully design approaches to involve our students in considering moral issues?

Whatever we choose to do, every decision to commit or to omit is certain to have consequences. Those consequences, gradually and in accumulation, alter personalities and influence the evolution of a society. That our decisions should be respectful of each individual and his individuality hardly needs to be said. My argument today is that those decisions should also respect our moral and cultural heritage, the commonwealth of values that, being too often taken for granted, is commonly neglected. We can play a major part toward correcting that error. We ought to play it and I hope we shall, not only with feeling, but with conviction.

For the splendid accomplishments that already stand to your credit, I hail you. In whatever good work you want and mean to do in the years ahead, my wish is that you *fare well!*

NEW CITY GOVERNMENT FOR WASHINGTON, D.C.—A SUMMARY OF H.R. 9682

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. DIGGS. Mr. Speaker, the bill voted out 20 to 4 by the D.C. Committee will modernize the city government for the Nation's Capital. The main features of the bill are given in the following memorandum:

SUMMARY OF H.R. 9682—DISTRICT OF COLUMBIA SELF-GOVERNMENT AND GOVERNMENTAL REORGANIZATION ACT

TITLE I—SHORT TITLE, PURPOSES, AND DEFINITIONS

This title contains the short title, purposes, and definitions of the principal terms used in the bill.

TITLE II—GOVERNMENTAL REORGANIZATION

In accord with recommendations of the Nelsen Commission, this title gives the Mayor and City Council broad powers heretofore held by four major Federal or quasi-federal agencies—the Redevelopment Land Agency, the National Capital Housing Authority, the National Capital Planning Commission and the District of Columbia Manpower Administration.

SEC. 201. Redevelopment Land Agency.

The RLA is established as an agency of the District of Columbia Government. Its corporate status and board of directors are retained but the District Government is given the authority to dissolve the corporation.

SEC. 202. National Capital Housing Authority.

The NCHA is transferred to the District Government.

SEC. 203. National Capital Planning Commission and Municipal Planning.

The NCPC is designated as a Federal Planning Agency for the Federal Establishment in the District and the Mayor is designated as the central planning agency for the District except for Federal and international projects. The Commissioner and the NCPC shall publish the comprehensive plan for the District, composed of the plan for the federal interest drawn up by the Commission and the plan for the District drawn by the Commissioner. This section changes the composition of the NCPC and sets out the procedure for submitting all comprehensive plans and amendments to the NCPC prior to their implementation and for a NCPC veto if it finds that the plans adversely affect the Federal interest.

SEC. 204. District of Columbia Manpower Administration.

This section transfers responsibility for the administration of the District's public employment program, unemployment compensation, apprenticeship training programs, and the workman's compensation program from the Department of Labor to the District of Columbia Government.

TITLE III—DISTRICT CHARTER PREAMBLE, LEGISLATIVE POWER AND CHARTER AMENDING PROCEDURE

This title delegates legislative power from the Congress to the District of Columbia Government.

TITLE IV—THE DISTRICT CHARTER

This title contains the charter for the District of Columbia, outlining the basic components of the new government. This title must be approved in a charter referendum and is amendable only in a referendum by the people.

Part A—The Council

This part establishes that there will be a 13 member council, with 5 members elected at-large, 8 elected from wards, in partisan elections, held in the even, non-Presidential years. No more than three at-large candidates may be nominated by any one party. The Chairman of the Council is to be elected by the Council from among the at-large members. This part sets the qualifications for holding office, compensation for members, the powers of the Council and the procedure for filling a vacancy.

Part B—The Mayor

This part establishes the Office of Mayor. The Mayor is elected for a four year term simultaneous with those of the Council members. This part also sets the compensation, qualifications and the means for filling a vacancy.

Part C—The judiciary

This part vests the judicial power in the D.C. Court of Appeals and the D.C. Superior Court, establishes a D.C. Judicial Nomination Commission and continues the D.C. Commission on Judicial Disabilities and Tenure. Both Commissions shall be composed of 9 members, including appointments by the President of the United States, the Speaker of the House of Representatives, the President of the Senate and by the Unified Bar of the District of Columbia. This part provides for the Mayor to nominate judges for 15 year terms from lists provided by the D.C. Judicial Nomination Commission. It also provides a process for the removal, suspension and involuntary retirement of judges.

This part is not amendable by Charter amendment. Also provided in Title VI is a section which prohibits the Council from changing Title 11 of the D.C. Code providing for the organization, administration and jurisdiction of the District Courts.

Part D—District budget and financial management

This part institutes comprehensive expenditure control systems for both operating and capital outlay activities, establishes the office of Auditor (responsible to the legislative branch), and authorizes the General Accounting Office to audit all accounts and operations of the D.C. Government. This part requires the Mayor to annually submit a budget to the Council and the Congress which shall include a multiyear plan and a multiyear capital improvement plan for all agencies of the District, a program performance report comparing actual performance of as many programs as is practicable, and an issue analysis statement. It also provides for the City Council to appropriate monies on a line item basis.

Part E—Borrowing

This part provides for the sale of non-taxable general obligations and revenue bonds.

Part F—Independent agencies

This part continues the existing status of 5 independent agencies. It changes the appointive procedures so that the Mayor shall appoint the members of the Board of Elections with the advice and consent of the Council. Those appointments to the Zoning Commission, the Public Service Commission and the Armory Board previously made by the President shall be made by the Mayor with the advice and consent of the Council. This part also states that changes in the zoning maps shall not be inconsistent with the comprehensive plan for the District and that all changes must be submitted to the NCPC for its comments. This part provides for the Mayor and Council to set the maximum amount for the annual budget for the School Board with the Board specifying the purposes for which such funds shall be expended.

Part G—Recall procedure

This part establishes the procedures for the recall of the Mayor or any member of the City Council or Board of Education by the voters of the District.

TITLE V—FEDERAL PAYMENT

This title authorizes an annual federal payment for fiscal years 1976–1977 "in such amounts as the Congress may from time to time appropriate." The Mayor is required to develop intercity expenditure and revenue comparisons based on certain specified criteria in preparing his recommendation to the Council for the amount of the federal payment. The recommendation of the District Government is submitted to OMB which transmits it to Congress.

TITLE VI—RESERVATION OF CONGRESSIONAL AUTHORITY

Congress retains the right to enact legislation for the District on any subject and to pass an act disapproving any action taken by the District of Columbia Council. The Council is also prohibited from doing certain things, including: imposing a tax on U.S. property, changing Title 11 of the D.C. Code providing for the organization, administration and jurisdiction of the Courts, imposing any tax on personal income of any person not a resident of the District, permitting the construction of buildings in excess of the present heights limitations set by Congress.

TITLE VII—REFERENDUM AND SUCCESSION IN GOVERNMENT; TEMPORARY PROVISIONS; MISCELLANEOUS; AMENDMENTS TO DISTRICT OF COLUMBIA ELECTION ACT; RULES OF CONSTRUCTION; AND EFFECTIVE DATES

This title provides for a referendum on Title IV of this Act. It amends the Hatch Act and the District of Columbia Election Act. It authorizes neighborhood councils and provides for the continuation of the Court system and the Board of Education. It also establishes the powers of the President during the transitional period and gives the dates on which the various sections of this Act will go into effect.

THE HANDICAP TAX

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. HARRINGTON. Mr. Speaker, today I am introducing legislation that would grant an additional tax deduction to parents who have a disabled dependent child under the age of 19. Such legislation is needed to help these families meet the extra financial costs created by the educational and health care demands of the handicapped child.

Each year the Congress approves funding for programs designed to aid the disabled child. Yet these programs, particularly the educational ones, do not reach two-thirds of the handicapped children who require such services. At present, there are more than 7 million disabled children in this country. Of these, there are 2,445,550 children with a speech impairment; 1,388,000 with emotional disturbances; 1,697,500 mentally retarded; 697,300 with learning disabilities; 348,600 hard of hearing; 52,300 deaf, 348,600 crippled; 69,800 visually handicapped; and 40,900 multihandicapped. Of this number, only 2,857,551 are being served; the other 4,225,949 remain unserved. This is a national disgrace.

In Massachusetts alone, more than 88,000 disabled children are helped though State schools and special private schools. Tuition costs at these schools depend on the severity of the disability, but costs generally run between $4,000 and $10,000 a year. Many parents simply cannot avoid such high expenses. I have received many letters from parents who have a handicapped child, but the financial burden is destroying the family. Here are some examples:

DEAR REPRESENTATIVE HARRINGTON: As the mother of an autistic boy, I am finding it very difficult to pay for his medical and dental care without aid. My son is non-verbal. Because of this handicap when he is ill, I have no way of knowing what or where he is having pain. I cannot afford to guess. This always results in a visit to the hospital.

With normal children an accident requiring stitches can be done quite quickly and simply. The mentally-ill child needs to be asleep; therefore, there is the added expense of operating room, anesthesia and an overnight stay in the hospital.

Recently we had a dentist bill of eight hundred dollars ($800.00) due to hospitalization. We are struggling to hold on to our home and keep up with all the other financial obligations.

Your kind interest in this vital matter is greatly appreciated.

Sincerely yours,

——— ———.

HON. MICHAEL J. HARRINGTON,
House of Representatives,
Washington, D.C.

SIR: I am the parent of a severely emotionally disturbed fifteen year old daughter. Her condition has also been described at various times as autistic, both terms being a form of mental illness. She has been so afflicted since birth.

The Association for Mentally Ill Children (AMIC) has informed me that you are sponsoring a national health insurance plan and that you would be interested in knowing of the needs of these children and their parents in connection therewith.

As you may know, these have been the "forgotten children" of America. Their parents have struggled almost alone in attempting to better their lot in life. Although not counting the cost, in an effort to aid them we have found that like most unfortunates, the attempted cure has been expensive, very often to the detriment of the remaining children. I believe that these expenses should be included in a bill such as yours. It would seem that such a bill is justified only if costs such as these are reimbursed.

The following are several examples of what I mean. She was unable to attend public school and our only choice was to keep her at home or send her to an institutional school out of state. We felt she was an integral part of our family and only we could offer her a chance at a normal life. We prevailed on a nursery school-kindergarten in Roxbury to accept her at age 6 and allow her to spend the day with normal children and develop as much as possible. This went on for only six years at a cost of approximately $1,000.00 per year. She was on expensive medication during this time (and since) which could be tallied. I suppose into the thousand(s) dollars bracket. We have been able to find only one dentist who will treat her but this requires an anesthetist and other attendants leading to a bill of $200.00 or $300.00 each time she requires work. I could go on with other examples but I think enough is included to show that in addition to unmeasurable heartbreak, a great financial burden is imposed on the patients.

I appreciate this opportunity to communicate with you and thank you for your kind consideration.

Very truly yours,

——— ———.

MICHAEL HARRINGTON,
Representative, State House,
Boston, Mass.

DEAR MR. HARRINGTON: We are the parents of a four-year-old daughter, who has been diagnosed encephalographic, autistic, mentally retarded, and emotionally disturbed.

Our trips to the neurologist and pediatrician are quite frequent, and at one time she was taking four prescriptions a day.

We were also sent to the Putnam Childrens' Center for psychiatric evaluation, and our insurance company paid a grand total of $10.00 on a $350.00 bill.

We are also forced to send her for nursry and therapy at the Cerebral Palsy Center in Lawrence (they are also equipped to handle other handicapped children) because there isn't a state program for her at present. Without assistance, we are paying approximately $130.00 per month for this education. We feel this is necessary until another appropriate program is available. She had been refused at the state program at the Fernald School.

We are also having to send her to a special dentist dealing with children who do not communicate. I do not have facts regarding this expense whereas she is having her first appointment on Nov. 4. But, I know that our insurance company, which is Washington National will not cover such dentistry.

As you can see, the expense of having a handicapped child is great, and the insurance program we have does not help us with this special type of coverage. We are beginning to feel the pressures of financial burden, and we wish you much success in obtaining insurance coverage for children with such special needs.

Sincerely,

——— ———.

GENTLEMEN: I am writing in regards for Health Insurance for Emotionally Disturbed Children. Children of this nature involve quite an extensive medical and dental expense. A regular dentist will not take him so I have to take him to the Children's Hospital Dental Clinic which charges more per visit. When he had to have fillings he had to go to the hospital and stay two days.

He has more white corpuscles than red so he has to get blood tests every year. He also has to have evaluation tests, E.E.G.'s and attend Seizure Clinic.

Yours truly,

——— ———.

HON. MICHAEL J. HARRINGTON,
The Congress of the United States,
Washington, D.C.

DEAR REPRESENTATIVE HARRINGTON: Like so many parents of children diagnosed as suffering from early childhood mental illness, I have known the burden of large medical bills which have run into thousands of dollars, and which have ranged from frequent psychiatric visits and regular therapeutic day care programs to expensive dental care to comprehensive evaluations including neurological exams and EEG's to bills for medication.

I don't know how many other families have had our experience of being unable to get any kind of health insurance coverage for their mentally ill children, but this was a worry and expense for six or seven years. When our Army health insurance was terminated because of his father's discharge from the service, we tried to arrange for coverage through Blue Cross, Continental Casualty and others. He was rejected by all; he was not even considered for partial coverage because of his disability. His case was reviewed every few years but always with the answer "No." Two years ago I was able to have him included under a group plan of Blue Cross because I worked for a large company and there were no questions asked. However, I am never quite sure about the validity of his coverage. Should his disability be questioned, after a medical crisis, as grounds for denying him coverage, we would be in serious financial trouble. We have been fortunate that he has had no prolonged physical illness or serious injury that would require hospitalization, or we would have been wiped out financially.

Although it sometimes seemed unfair to my other child to deny him in order to pay his bills, I had no choice. I had to do what was medically prescribed for my handicapped son, but how I wished there was some kind of aid to help with the bills!

I hope that the health problems of those who have chronic illnesses, mental or physical, will receive the careful consideration of Congress in developing a national health care program, so that families burdened by the care and worry of a handicapped child, need not be burdened by excessive financial hardship.

Sincerely,

——— ———.

GENTLEMEN. It has come to my attention that the proposed federal legislation providing for a National Health Insurance Plan does not, at present, include full coverage for treatment of mental illness. This is, in my view, a serious flaw that will only serve to compound the most grievous failure in the present practice of American medicine. Anyone familiar with the National Health Programs of European countries (Sweden, Denmark, Germany, for instance), can surely attest to you from experience that financial coverage for mental illness is of critical, social and medical importance.

The fact of mental illness alone has a destructive effect upon the family unit. The prognosis is usually uncertain and with it comes the kind of despair that drains confidence and hope and makes one fear the future. And it is at that time of distress, when one is least able to cope with it, that our system places on the family a huge and almost intolerable burden of expenses. The emotional shock, in other words, is compounded by a prolonged threat to the material resources of the family. I cannot imagine that this is medically defensible and the social destruction caused by this depressing burden is, as you must be aware, very severe.

You may perhaps have sensed that I am speaking here from personal and very painful experience. Because of unsuspected and undetected injuries at birth (we could not afford private medical care at that time), both of our boys are afflicted by severe emotional and speech impairments resulting from brain damage. They cannot live in a regular social setting and need special schooling. When they were less than three years old we began to seek treatment for them. The costs of private therapy, extending over a period of years, were so great that I could not even begin to defray them from my salary. My wife was thus compelled to work full-time, even at highly irregular hours, in order to pay the bills from clinics and psychiatrists. And she had to do this at a time when she herself was suffering from serious fits of depression and needed medical attention and therapy. We spent well over ten-thousand dollars on psychiatric therapy alone.

After waiting for many years, we were finally fortunate enough to find a residential children's clinic that would accept our boys and offer them treatment and schooling during the week. But with this the financial problems did not end, of course. The State of Massachusetts bills us for $80 a day for these services. Since my daily income is less than $40, I cannot possibly hope to meet these expenses. My debts to the state are rising steadily and must by now amount to $60,000. Fortunately, the Department of Mental Health, has charity enough not to enforce payment. But the laws clearly state it could do so and could thus lay claim to whatever assets I have or may have in the future. This, gentlemen, is a miserable way to live, especially when one is used to paying one's bills and feels guilty when one cannot. And when and where will it end? I may still have to provide for these children twenty or thirty years from now unless they do recover.

I therefore urge you to include the coverage for treatment of mental illness—diagnosed as such by a certified medical board—in your projected health plan. What a relief it would be to pay a premium of let us say, $150 a month and then feel entitled to medical care without incurring a burden of financial guild. And as far as potential abuse is concerned (upper-class couch psychiatry, for instance), I am sure that any competent physician can tell genuine mental malfunction apart from social or emotional affectation.

I beg you earnestly to consider my plea.

Sincerely yours,

——— ———.

DEAR REP. HARRINGTON: The following is a list of expenses we have had for Health Evaluations:

Dr. Dodge, St. Louis	$1,500
Dr. Scholl, Boston	200
Dr. Yerkes, Brookline	2,400
Emerson special therapy	200
Dr. Lofgren, Boston	400
Prescription Ritalin	50

——— ———.

ASSOCIATION FOR MENTALLY ILL
CHILDREN, REGION III CHAPTER,
Arlington, Mass., November 13, 1971.
Hon. MICHAEL HARRINGTON,
Washington, D.C.

MY DEAR MR. HARRINGTON: I have recently been informed of your interest in the problems of emotionally-disturbed children. As president of the Region III Chapter of the Association for Mentally Ill Children I would like to convey to you some ideas of the problems which parents in our group have consistently faced. Although I speak in general terms only, I can assure you that my comments are supported by personal knowledge of many specific cases. I believe that these comments are, therefore, generally applicable to most such children throughout the state and the country as well.

Children who are in the categories that are referred to as severely emotionally disturbed or mentally ill comprise a relatively small group whose needs are both poorly understood and great. A very large portion of these children have a basic mental capability that is either normal or near normal (some may be above normal); however, for a wide variety of reasons they are functioning at a level of performance considerably below their potential. The reasons for their difficulties are in most cases poorly understood and difficult to diagnose. In a recent survey of parents within our chapter it was revealed that eighteen (18) different diagnoses have at one time or another been applied to a sample of nineteen (19) different children, in some cases as many as six (6) different diagnoses being applied to one child. An examination of this survey also reveals that there are large differences both in the degree and nature of the problems among the nineteen children involved.

The complex, poorly-understood nature of these problems and the relatively small number of children involved (which results in poor public understanding of them) are the roots of our current problems. These are that this group of children, with a very few exceptions, is not getting an adequate level of care and training properly planned to meet their needs. As a consequence our current expectancy must be that the majority will never make significant progress and will end up in custodial care in institutions. The price of such a situation in terms of lost potential, of long-term cost of sometimes unnecessary custodial care, of parental frustration, and of knowledge that we as able American citizens have not provided an opportunity for full participation in the joys of life to this unfortunate minority of children, is indeed very great. For the reason it is my belief that these children need and deserve very special consideration in planning any program for general public health care, such as the various proposals now being considered by Congress.

Over the past few years there has been great progress in improving our capability to help these children. New schools and new classes using innovative techniques have been established which are beginning to yield very encouraging results, sometimes with children who had previously appeared to be hopeless. Some of these programs involve use of behavior modification techniques; many involve very intensive levels of instruction with a high instructor/pupil ratio; most involve a careful programming of instruction to fit the individual needs and capabilities of each child. Only a small number of our children is currently receiving the benefits of such programs; however, their existence provides a ray of hope for all. Possibly more importantly, a considerable reservoir of professional personnel skilled in new techniques is beginning to accumulate.

There are currently two principal obstacles to providing adequate care for these children. The first is lack of funds to provide the necessary facilities. The second is the need for effective management of the process of providing care and training for them. The first and foremost is the financial aspect. The cost of training and education for these children varies widely dependent upon the nature of each child's problem and the type of facility into which he is entered. Representative programs and approximate costs are illustrated below:

1. Special education class for emotionally-disturbed children—$2,000/year.
2. Class in private day school for emotionally-disturbed children—$3,000/year.
3. Residential schools for emotionally-disturbed children—$8,000 to $10,000/year.
4. Intensive day school program for emotionally-disturbed children—$8000/year plus.
5. Intensive residential school program for emotionally-disturbed children—$20,000/year.

These rates are representative of actual situations in Massachusetts when available financial help can be obtained from the 750 program. Most of this help is in categories one (1) to three (3) described above and the availability of such help is limited by budgeting considerations, bureaucratic inertia, etc., so that only a portion of our needy children can obtain that care. In addition, because of the variations in causes and the lack of precise diagnosis it is often difficult for parents to establish that their children are eligible for these programs. For children who are to any extent seriously disturbed the very intensive programs illustrated by categories four (4) and five (5) above are needed for a period of two to three years to upgrade their performance to the point that they can benefit from the less intensive programs.

It is quite apparent that very few parents can afford programs in categories three (3) to five (5) above and many, probably most, cannot afford the less expensive ones in categories one (1) and two (2). For those that can there is normally a financial sacrifice that causes hardships for all other members of the family. Thus we see a situation in which only the erudite relatively wealthy minority of people are in positions to provide proper care for their emotionally-disturbed children. The poor, the uneducated, the members of underprivileged classes cannot hope to be able to provide adequate care and training for their children.

The best way to provide for our mentally-ill/emotionally-disturbed children is by considering them as being a special class of people suffering from "catastrophic illness" who are placed in a special category to be funded entirely by the government under the national health program expected to be legislated into law in the coming session of Congress. Having been assured that funding is available when needed the existing school capacity will expand rapidly to meet the need. By establishing a special category the second major obstacle to providing adequate care and training can also be overcome. A small unit within the administrative structure supervising the national public health programs can be created to run this program. It would hopefully be manned primarily with professional personnel who are especially qualified to handle these children. They could therefore see that children are provided care and training on the basis of need and not of diagnosis.

With the type of program described in this letter our emotionally-disturbed/mentally-ill children should be able to get the training which will permit them to perform up to their full potential. This should reduce the case load in our mental institutions in the long run, thereby realizing net economies. In addition our society would benefit by the efforts of the "useful citizens" who are the successful products of this program. Lastly, our national conscience would be satisfied by knowing that we have fulfilled our moral obligations to our unfortunate children.

I and all members of Region III Chapter appreciate your interest and receive encouragement from your efforts.

Yours very truly,

CHARLES E. HARRISON, *President.*

Below is a list of approximate costs incurred during the last six years in caring for our seriously disturbed child.

Evaluations:	
Boston Floating Hospital	$100
Kennedy Memorial Hospital	100
Benhaven School	100
Putnam Childrens Center	25
Framingham Youth Guidance Center	25
Parmenter Health Center	15
Tuitions per month:	
Putnam Childrens Center (2 years)	70
Benhaven School	35
In-patient treatment per month: Kennedy Memorial Hospital—80 percent covered by insurance—forced to remove our child when insurance payments reached $10,000 (8 months)	1,500
Out-patient treatment: Orthopedics, Neurology-Kennedy Memorial (1 year)	200

Therapies:

Boston Floating Hospital—2½ years (per month plus transportation, parking)	70
Robbins Speech Clinic—2 years (per year plus transportation and parking)	225
Vitamin program (1 time cost)	50

Medications.—Tranquilizers and anticonvulsants: variable costs.

Dental work.—All work except examination and cleaning requires overnight hospitalization.

—— ——.

Medical costs of the families for their disabled children are met by the Federal or State government only if the parents are on welfare. Health insurance costs are high and many families with a disabled child cannot afford the insurance. In addition, insurance does not cover the cost of special education and training and only rarely covers the costs of mental illness.

Under present law, a person can claim an additional exemption for a blind spouse. There is no reason why this cannot be extended to include all handicapped children. The rationale is the same for each, but in the case for the children, the expenses incurred by the family is far greater. Many families depend on the additional income of a working teenager, but when the youth is crippled, it is harder to find work at all, much less work that pays a decent wage.

Many families with a crippled child do not make enough to pay taxes. They, of course, would not be affected by this legislation. However, I have introduced and cosponsored other legislation to provide health care and education to all handicapped children. This legislation that I am introducing today will provide direct assistance to the families that need the financial break. It would be a major step in recognizing the needs of the family. For it is not just one person who is affected when a child is handicapped but it is the entire family unit. It is this family that we are trying to aid, while alleviating the additional financial burden.

Since I have no computer, it is impossible for me to give an accurate cost figure at this time. However, I have asked the Internal Revenue Service to provide me with that information which I will make available as soon as it is received.

The Ways and Means Committee, to which this bill will be referred, is in the process of considering tax reform legislation. I urge the committee to give its most careful attention to this proposal.

PUBLIC POLICY AND GRADUATE EDUCATION

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. BRADEMAS. Mr. Speaker, I am pleased to call to the attention of Members of the House a speech recently delivered by our distinguished colleague from Washington, Mr. Meeds, before the Council of Graduate Schools.

Although Mr. Meeds, who made such significant contributions to the development of the Education Amendments of 1972, makes several illuminating points, I want to cite, in particular, his view that the current apparent oversupply of Ph. D.'s has been artificially induced by the Nixon administration's unwillingness to fund elementary and secondary education programs, as well as medical research programs, at anything near the levels that are needed.

Concludes Mr. Meeds:

> What I'm trying to suggest is that a significant part of this . . . oversupply is a self-fulfilling prophecy on the part of the Nixon Administration. The White House is dictating a paucity of professionals because of an absence of aspiration.

Mr. Speaker, I insert at this point in the Record, Mr. Meeds' cogent analysis of the current state of graduate education.

SPEECH BY CONGRESSMAN LLOYD MEEDS

At the outset let me express my gratitude to your co-chairmen, Dean Joseph L. McCarthy and Dean C. J. Nyman, for inviting me to discuss graduate education with you. With the large number of Deans present, this may be one of the few occasions in the nation where one can refer to the "Dean business" and mean something other than the Watergate. It does seem, however, the White House has become the ultimate isolated ivory tower.

Whatever the term used when graduate deans deliberate, there are several quite serious issues to be discussed here. The Nation's future is in large degree dependent on the work in which you are involved. Graduate education is not the solution to all our problems but it can provide people with the means through which solutions can be found.

GRADUATE EDUCATION IN TROUBLE

There is at the moment considerable debate over whether graduate schools are part of the problem itself, rather than a gateway to solutions. There is no better way to awaken the sleeping or to galvanize those listening than to repeat the opening sentence of the Newman report: "Graduate education in the United States is in trouble." As you know, the report then describes the decline and fall from a golden age of growth. The strong implication is that unless drastic measures are taken, this sort of "golden age" may be of the type that precedes senility and death. That is a severe judgment, a heatedly disputed judgment, but one that cannot be ignored.

The bases for that judgment are well known: charges of oversupply, failure to plan properly, education for education's sake, academic prejudices, the PhD glut, training out of tune with national needs, etc., etc. All these assertions have at least some validity. But I am convinced the major contributing factor is something else—a failure of national leadership.

The rapid expansion of graduate schools—particularly in the early and mid-1960's—was a sign of national vitality and concern. Education was a prime national priority and so were concerns about the human and social needs of this nation. I fully believe—and I expect to be disputed on this point—that graduate schools at that time proceeded with considerable concern for our national priorities. It is also my feeling that the current downturn in graduate education is merely symptomatic of the lack of commitment by the current administration to those same national priorities. There is no longer a commitment to solve the problems we attempted to deal with in the early and mid-1960's. The result is a malaise not only in graduate education but in all education . . . and indeed in most other areas of social concern.

UNMET COMMITMENTS

It is true that graduate enrollment growth has stalled. It is true that there are more Doctors of Education than we presently can use. And it is true that grave dislocations have resulted in proverbial cab drivers with doctorates. But I think the situation would be entirely different had we fully met those commitments we made back in the early and mid-1960's. If we had met that commitment to the children of this nation by appropriating more than one-third of the authorized funds under title I of the Elementary and Secondary Education Act. And think about this. What would be the demand right now for educators with advanced degrees, cross-disciplinary education and training if President Nixon had not vetoed the Early Childhood Development Act?

Those are just two aspirations in which I have been heavily involved where there has been a recent failure of nerve—and conscience—in the White House. There are many others.

I helped write the Elementary and Secondary Education Act. I'll never forget the hopes many of us had that we were extending the American dream to the educationally disadvantaged. But the Vietnam war got in the way and we have not yet attempted this dream at the scope we envisioned.

I also recall the great expectations when we launched the Early Childhood Development Act from committee. Here we were finally beginning to deal with children at an age when a difference could really be made. But that dream foundered on a veto by Mr. Nixon and an intemperate veto message smearing the program as a bone tossed to the right wing.

If we had met our commitment to just those two programs, I submit that far from a surplus of advanced degree holders in education, we would probably be in a state of shortage right now.

MEDICAL RESEARCH

And what if we were really meeting our needs in the field of medical research and manpower? Nowhere is there a clearer contrast between aspiration and performance. Budget cuts of $20 million, $18 million, or $10 million research and training grants are dismissed with the rationale they are no longer needed. I think the following quotation from the budget message of the Secretary of HEW speaks for itself:

"In previous years, as support for biomedical research increased, the need for additional researchers was clear, and research training received federal funding. Research budgets, except in special areas, are now being stabilized, and the general need for a greater number of trained biomedical research scientists has passed. In this sense, the Federal role in the support of massive increases in trained research manpower has been fulfilled. A continued Federal push to train researchers may well lead to an oversupply of scientists who will be unable to find appropriate employment."

The administration's cuts in the Federal budget have certainly done wonders to create an oversupply in areas where research grants were eliminated . . . such areas as stroke, kidney disease and mental health . . . just to name a few that are eliminated or drastically reduced.

And I'm having a little trouble assimilating the notion that we are approaching a proper level of health care for our citizens. On the contrary, I think we've got a long ways to go before every citizen of the United States has the opportunity for decent health care. How many research positions would there be if we had some kind of universal health plan . . . as we should?

We don't have enough physicians right now to cover the small towns in the second congressional district. That's why the regional medical program started the Darrington Clinic with nurse-practitioners. But the Nixon administration wants to eliminate the RMP efforts as well.

SELF-FULFILLING PROPHECY

What I'm trying to suggest is that a significant part of this health field oversupply is a self-fulfilling prophecy on the part of the Nixon administration. The White House is dictating a paucity of professionals because of an absence of aspiration.

And oh yes, the lowly graduate student. We are told graduate degree seekers can now make their own way, subject to the largesse of shrunken scholarship funds and . . . as sometimes happens . . . the local welfare authorities. As for science students, again I quote from the HEW budget message: "the incomes of doctoral level scientists are such as to make it appropriate to expect them to bear the cost of their training themselves. Amounts secured through loans can be repaid from adequate salaries after training is completed." You'll be happy to know that—I'm sure some of you didn't know until you were told by HEW.

What this all seems to amount to is a perverse puritan ethic: If you really deserve a graduate degree, obviously you are worthy enough to be able to pay for it yourself. If you need assistance, then you obviously aren't worthy.

Meanwhile, the administration has requested a $4.7 billion increase in the Pentagon budget—which is almost the exact amount they ask be cut from the health budget.

SELF-INFLICTED WOUNDS

But I didn't come here just to damn the perfidious administration and call for a retaliatory strike on the office of management and budget. There are some real problems in graduate education besides fund cuts . . . and there is a real political lesson to be learned. I'm not an educator and I lay no claim to academic expertise. But as a practicing politician I can tell you that the recent reverses suffered by graduate schools in the political arena were at least partly self-inflicted. These proposed budget cuts are hard to restore on Capitol Hill because of a lack of support from the graduate schools. Most Members of Congress are simply unaware of the havoc in research and intellectual progress that could result. And the reason they are uninformed is because you haven't told them. The simple, short and unpleasant truth is that national policy will not be changed just by a lot of griping at faculty meetings. Let me give you an example.

Last year, I served on the Conference Committee that wrote the final version of the Higher Education Act of 1972. That was one of the most important Federal laws affecting higher education in this century. Some observers compared it to milestones such as the creation of land-grant colleges. That conference lasted for months, and during that entire time I do not recall being contacted by a single graduate school dean.

But during the same period, my office was nearly overrun by jobless political science PhD's and social scientists. So empirically, on the basis of available evidence, I could have concluded one: the graduate schools must not have any problems with this legislation, and two: they're so heavily funded the market is glutted with doctoral candidates.

You know and I know those are cruelly distorted generalizations. But the reason I know it is because I serve on the Education and Labor Committee and try to follow higher education issues. Most Congressmen don't have the time. All they may see is those stranded jobseekers and a continuing pile of mail complaining about Federal spending.

The only education news they may receive is the latest student activity sufficiently bizarre to titillate the news media.

So when the administration points to graduate overproduction and says cut here, well, somebody better be there to defend graduate schools. We're all getting a lot of heat on Federal deficit spending, and unprotected budgets get cut. Its as simple as that, as those of you who follow interest group theory know.

ACADEMICS AND THE POLITICAL PROCESS

The solution? I'm going to make what to many of you academicians may regard as a horribly improper suggestion. It's called get into politics. For many years educators stood back, shook their heads and accepted the dashing of aspirations as a flock of sheep lead to the inevitable. As late as 1961, a poll by the National Education Association of its own members showed that 51% felt it was improper to be involved in politics.

Any reordering of national priorities will be achieved in the same manner it occurred initially—by the political process. You may not like this process which is, as Winston Churchill put it, "The worst form of government, except all others." The alternative is the priority imposed by the Nixon administration and the current Federal budget.

By getting politically active I am really asking more of you than punching doorbells, writing letters and informing your elected Representatives. The key phrase in the Newman report, in my view, is: "The root of the problem is that there is little constructive debate on what the Federal role in graduate education really should be."

APPROPRIATE FEDERAL ROLE

All too many of the letters written, articles published, and testimony presented protesting the changing pattern of Federal support has focused on money alone. Too little effort has been spent in making and clarifying the appropriate Federal role. You can help clarify that role.

The administration's position, as outlined in the budget request, is that the pattern of higher education should follow an Adam Smith supply-and-demand theory. Graduate enrollments and specialties should correspond to the job market, with little or no planning ahead.

I believe our Nation is too complex, its needs are too great and its people too dependent on one another to produce scientists and top educators in random prioriites.

The Federal Government, simply as supplier of money, is in a position to put some coherence into where we are going, meeting our need for social scientists, guiding the drift of biomedical research or starting out into complete, basic unknowns and cross-disciplinary explorations.

I believe we are going to need an educated infrastructure to prepare for needed social change in this Nation—to make good on our commitments to ourselves and our children. That's my goal—or at least one of them. But ours is not a government designed to unilaterally impose priorities or pathways upon graduate schools or anything else. And that brings us back to the political commitment I am asking of you today.

A PUBLIC DISCUSSION

I am asking that you commit yourselves, as educators and deans, to join in public discussion on the course of graduate education in this country. The public and the Congress needs your expertise and your opinions on such questions as what fields of inquiry should be stressed, how graduate education should be financed, how post-graduate study can be linked to our social and humanitarian needs, how we can avoid some of the shoals detected in the Newman Report and . . . perhaps most importantly . . . how to increase public understanding and encouragement of our intellectual and social progress?

Frankly, I don't have any pat answers. No single person in that room, on that campus, or in the Congress is likely to have all the answers. But together, if we can open up this discussion to include academicians, politicians, and thoughtful citizens throughout the Nation, we may be able to wrest graduate education from the limitations of happenstance, overspecialization, erratic funding, and insufficient planning into the foundation for the future progress of this society.

Now I'd like to hear your views.

FEDERAL CAMPAIGN FINANCING ACT

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. WALDIE. Mr. Speaker, today I am introducing a Federal Campaign Financing Act which would provide for the substantial public financing of Presidential primary and general elections. It would also severely limit the size of private contributions to such campaigns.

Most of my congressional colleagues are deeply distressed about the way in which campaign funding now occurs. The Watergate scandal has revealed to us and to the public the degree to which it is possible to abuse an electoral process which depends heavily upon private financing and which has few legal controls. There can be no doubt today that large donations given secretly cause a lack of confidence in Government when they are ultimately discovered and a corruption of Government when not discovered. In fact, it is reasonable to state that any large campaign contribution, no matter how "clean" its source or its purpose, now raises doubt, justifiable or not, in the public about the honesty of the recipient official.

Government means little unless it has the confidence of the people. It is the duty of the Congress to insure that this confidence is maintained. One of the most important duties of the Congress is to establish guidelines or standards which will protect the public interest. In the case at hand, the most reasonable standard is one which prescribes limits for private funding of political campaigns, and which clearly sets forth the public interest by establishing a system for providing public financing.

A Campaign Financing Act such as the one I propose offers a dual set of protections, however. Not only does it advance the idea that the public should be as free as possible from doubt about the influences which affect its officials, but it also frees the current large contributor from his fear that if he does not come in with a large gift there will be retribution against him from an offended President or one of his minions in the Executive Establishment. The great corporations in the United States should not have to feel that they must purchase fair treatment for their interests. Their products, services, and needs should receive governmental consideration on their merits, and there should be no Federal official waiting in the shadows for a campaign contribution which will insure that this is the case.

Of course, the great pressure on all political figures today is the cost of campaigning for any elected office. The Presidency is only the most extreme example of cost escalation. Last year campaign costs for all candidates for public office totaled at least $400 million—one-third more than was spent 4 years before. The governorship of a large State may cost the winner $3 million or more in campaign funds, but that is only a fraction of the total spent by all the candidates in any one of those races. Many candidates have to drop out because they are "financially unqualified" to hold high office, not because their programs and plans lack merit. We know that this is true in the extreme for prospective Presidential candidates during the primary election phase, and that both major parties, have been left in debt because of the system of campaign financing.

The bill which I am introducing will make it possible for any viable candidate to get a running start at a campaign without compromising his principles or coming under undue influence from big money sources. It will tend to force candidates to concentrate on small income sources, and thereby to attend more carefully to the interests of the public at the grassroots level. Most important of all, my bill would go far toward restoring the faith of the public in the integrity of the Government, and would thereby make the Government more effective.

CONGRESSMAN PIKE'S REFLECTIONS ON MATTERS MILITARY

HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. NEDZI. Mr. Speaker, one of the benefits of serving on the House Armed Services Committee is the opportunity we committee members have to enjoy the quick mind and the quick wit of our colleague, Congressman Otis Pike, of New York.

Congressman Pike is invariably probing, witty, and occasionally unorthodox. This combination encourages you to pay attention and if you listen you are rewarded with some shrewd observations and analysis.

The July 1973 issue of Armed Forces Journal carries a characteristic Pike performance.

Under leave to extend my remarks in the Record, the article follows:

The Military-Industrial Complex Revisited

(By Representative Otis G. Pike)

Representative Otis G. Pike (R–N.Y.) presented this very timely and provocative speech to the Armed Forces Management Association in Washington on 7 June.

Pike, a veteran member of the House Armed Services Committee, is a cantankerous friend of the military. He fumes at some of the Pentagon's maneuverings but basically supports military budgets and is a proponent of a strong defense. Recently he took the forefront in getting the Navy to stop practice firing on the Puerto Rican island of Culebra where for thirty years the less than 1,000 American citizens living there have been harassed by U.S. Navy's weapons training. Despite his serious demeanor, Pike retains a sense of humor. His periodic press releases are read regularly by non-constituents who appreciate biting satire with serious overtones.

By way of setting the stage, I would like to read an extract from what I am sure is the favorite newspaper of this distinguished audience. "The President has boldly and courageously committed this Nation to a great power role in Asia. It is a role for which many of his countrymen may not be prepared. It is a role from which most of them surely would like to escape. It is a role that history would have compelled them to disavow or embrace sooner or later . . . The President's paper is simply a declaratory statement describing the task we have already undertaken—and one that we undertook, if we had rigidly understood it—the moment that World War II compelled us to assemble the greatest military force in world history. That force and power deprived us of the luxury of indifference toward or isolation of events anywhere in the world."

Incredious as it may seem that was a verbatim extract from an editorial which appeared in the Washington Post.

Not yesterday's edition, obviously, but rather the one that came out July 13, 1966, not seven years ago.

Perhaps the secret of remaining abreast of the "Times"—or the "Post"—and garnering all those Pulitzer Prizes is not to become overly-rigid in one's thinking.

Four years ago in presenting to Congress his views on the threat which American military power must be prepared to withstand, Secretary Laird described the threat thus—

"While we do not consider aggression by the USSR likely in the present political climate, the fact remains that the Soviets have a vital interest in preserving the status quo in Central Europe and to retaining their hold on Eastern Europe. A crisis that could lead to a conflict could arise if the political situation substantially changed in a way that threatened the USSR or its hegemony over Eastern Europe, or if a Soviet government saw opportunities for other ways to apply critical pressures on the cohesion of the Alliance. Such a crisis could escalate to hostilities."

Tremendous changes have taken place since that time. A year ago in February the President of the United States accompanied by a full brigade of reporters and television cameramen exchanged toasts of hospitality and friendship with Mao Tse Tung and Chou En Lai. One year ago last month with another brigade of reporters and cameramen, President Nixon visited Moscow and signed an agreement which allegedly limited strategic arms. Soviet basketball teams play ours all over America. Chinese gymnasts have replaced Chinese ping-pong players as a stellar attraction. Russian diplomats lounge in their Embassy and Chinese diplomats lounge at the Mayflower.

These fantastic breakthroughs in our international relations have caused such a tremendous re-evaluation over at the Pentagon that this year the Secretary of Defense said:

"While we do not consider aggression by the USSR likely in the present political climate, the fact remains that the Soviets have a vital interest in preserving the status quo in Central Europe and in retaining their hold on Eastern Europe. A crisis that could lead to a conflict could arise if the political situation substantially changed in a way that threatened the USSR or its hegemony over Eastern Europe, or if a Soviet government saw opportunities for other ways to apply critical pressures on the cohesion of the Alliance. Such a crisis could escalate to hostilities."

I can't tell you which Secretary of Defense said it, for I don't remember which week it was said, but it's as if the Rip Van Winkles of the Pentagon had not heard about anything which has happened in the past four years.

Our defense planners really ought to be launching a new talent search for a more likely villain to portray in their annual analysis of the military threat.

Russell Baker, the joker-in-residence with the *New York Times*, may have inadvertently come up with a likely candidate. In a recent column he speculated on the choices open to the President to distract the media's obsessive attention away from Watergate. His inspired first choice was that the President should bomb France.

Considering the wariness with which Presidents Pompidou and Nixon faced each other on neutral ground up in Iceland last week, this may not be as funny as Baker intended. Even the codfish swimming offshore held promise of doing what France had failed to do, that is, break up the NATO alliance, the cornerstone of all U.S. foreign policy.

The trouble that a lot of us seem to be having in rethinking a coherent defense posture for this great nation, I suspect, really stems from the trouble we're having shaking off the spell of Camelot. Who in this room, for example, can forget the exhilaration on hearing John F. Kennedy's great declaration: "We shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival and the success of liberty."

But that was in 1961, and the ensuing decade has made it abundantly clear that we will *not* pay *any* price.

We will *not* bear *any* burden.

We will *not* meet *any* hardship.

And most certain we will not oppose any foe to assure the survival and success of liberty, at least as liberty is defined and practiced in Vietnam, Cambodia, or for that matter, Greece.

In 1970, the new doctrine was articulated by President Nixon thus:

"(My) central thesis is that the United States will participate in the defense and development of allies and friends, but that America cannot—and will not—conceive all the plans, design all the programs, execute all the defense of the free nations of the world."

So we begin to talk about "fly before buy" and "design to cost."

If top management in defense industry is confused and whiplashed by the contradictions in our defense policies, it's probably because, at bottom, our defense policies don't accord with our diplomatic initiatives and, indeed, as time goes by seem to be diverging ever further apart.

But what's a joint chief to do when he doesn't know from one day to the next on what continent he's to be fighting in defense of what kind of liberty, whether it will be in a jungle swamp, frozen tundra or high sierra, against sophisticated mechanized armies supported by nuclear weapons, or guerrilla bands armed only with AK 47s? He's going to ask for more, that's what he's going to do.

And so words like "back-up" and "redundancy" crop up in the jargon emanating from the Pentagon. "Redundancy" has a nicer lilt to it than "duplication" which, as everybody knows, is wasteful. So's "back-up" of course, but if you can remove the customary connotation, with any luck and a good P.R. staff you can convince civilians that it's actually a military virtue.

Ergo, to assure nuclear deterrence we need a "triad of forces." That is, if the Minuteman missile fails, for some ungodly reason to exit its silo when the button is pushed, we need a Poseidon submarine at sea to go after the same target. And if both fail, we need to send a manned strategic bomber to do the job.

If all three work as planned, however, which even I concede is possible, we need a special staff of high-ranking admirals and generals to keep the same target from being eliminated not twice over, but thrice over. And that, of course, is what we've got in the Joint Strategic Targeting and Planning Staff situated in a deep hole out in Nebraska.

Industrial management feels the backlash of all this in responding to Requests for Proposals ("FRP's) which issue from the Pentagon from time to time for super-sophisticated hardware. And even if it's for an air defense missile system that will engage 50 targets simultaneously on the move and throw rocks when it runs out of missiles, some contractor will bid on it. And even though the missile performs superbly in user tests, when the rock ejector jams, there is consternation, recrimination and hard feelings all around—and the Congressman who reads the GAO report and rushes to expose the foul-up gains another headline.

I admire the fortitude and endurance of contractors who persist in the competition. In my own district I have had a case in which the plans, specifications, and assorted forms given to a prospective producer of a very simple *flat felt washer* weighed 7½ pounds—and a lot of it was microfilm.

The problem, of course, is not exclusively of the Pentagon's own making: we in Congress and you in industry share culpability in the unwieldy, cumbersome and inefficient structure which has been achieved. So where do we go from here?

I do not believe we can or should greatly reduce defense spending.

I do not believe that our active duty military establishment is too large.

I do not believe our active duty military establishment is too strong.

What I do believe is that it is too fat and that it is high time that we consider not only the cost of our military establishment but also *where* the money is being spent and the relationship of this spending to today's realities, not those of Camelot.

First, in the strictly physical sense, the entire United States military establishment is larded—and I use the word advisedly—with both officers and enlisted men whose personal physical condition is such that their presence in our military establishment contributes to its weakness and not to its strength. We have air-conditioned them and inner-springed them and foam rubbered them and ice-creamed them to the point where a 10-mile hike would be an insurmountable burden for far too many of our military.

The fat in our military is, of course, demonstrated in another way, and that is in our grade structure. It is too large in generals and admirals, lieutenant generals and vice admirals, major generals, brigadier generals and rear admirals, colonels and Navy captains, major and lieutenant commander. It is not too large in captains, first and second lieutenants, lieutenant j.g. and ensigns in the Navy. And the same imbalance holds true in the enlisted ranks.

The ratio of officers to enlisted men was one officer for every 7 and one-half enlisted men only five years ago. Today it is one officer for every 6 enlisted men. That trend will continue until someone with the authority to make it stick says "no."

Perhaps the greatest mistake Congress has made has been in lacking the intestinal fortitude to say "no" to the all volunteer Army when it was proposed by the Administration and when we believed it wouldn't work. You are all familiar with what we have done in increasing military pay to attract volunteers and to keep him in the service.

This is why there isn't any money left for research, and this is why there isn't any money left for development, and this is why there isn't any money left for procurement, and this is why there isn't any money left for operations, and this is why our military is drowning in fat as well as in paper.

It is time—it is long past time that we changed our thinking. We have looked backward for our threats and it's time we looked forward. If we are going to look backward anywhere, let's look backward to the toughness and leanness and meanness of the military establishment we used to have and can have again if only some tough mean people in the Pentagon and some tough mean people in industry and some tough mean people in Congress would only have the guts to say "no" once in a while.

INTRODUCTION TO INDIAN FINANCING ACT OF 1973

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. WALDIE. Mr. Speaker, today I am introducing the Indian Financing Act of 1973. This bill is identical to S. 1341 as it was amended by the Senate Committee on Interior and Insular Affairs and is intended to supply financial assistance for the development of Indian affairs and organizations.

At present, there is a desperate necessity to provide financial aid for the economic development of Indian communities. The poverty and high unemployment which surround most minority groups is particularly evident in the native American communities, a situation rightfully leading to increasing frustration and despair.

The present need for providing financing for economic growth is a matter which cannot be ignored. The creation of more jobs and the improvement of the average standard of living are essential if the Indian is ever to receive the equal status for which he is striving and is most deserving.

THE ALASKAN OIL PIPELINE

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. O'HARA. Mr. Speaker, I voted in favor of final passage of the Alaskan oil pipeline legislation; but I did so with grave reservations. I am concerned about the action of this body to exempt this major project from the provisions of the National Environmental Policy Act; but, more important, I am dismayed that the trans-Canadian pipeline alternative which might have brought oil directly to the energy-poor midwest was not given serious consideration.

The key to the so-called energy crisis is not that oil does not exist, but that in the future we will be forced to rely on untrustworthy sources. Most notable of these is the Middle East which may be providing 35 percent of our oil needs in 1980. The threat, then, is not that the Earth may run dry, but that the international supply of goodwill may run dry.

Although some countries in the Middle East can be counted on now to supply us with our short-term needs, future wars and international extortion may be serious threats to our national supply of oil. We must act positively to avoid a situation in which foreign oil magnates could direct American foreign policy.

The trans-Alaskan pipeline does not effectively address this problem. Oil would be delivered to a region which is not seriously threatened by foreign oil dominance. The addition of 2 billion barrels of oil a day to the west coast will result in a surplus of oil which most likely will be exported. Meanwhile such attractive alternative sources of oil as western South America, offshore California, and the Gulf of Alaska would be underdeveloped. In fact, the Elk Hills Naval Petroleum Reserve guarantees that the west coast is the one region of the country which cannot be the victim of international oil blackmail.

The real threat of foreign pressure is east of the Rockies, in the area which accounts for more than 80 percent of the Nation's oil consumption and which may be over 50 percent dependent on non-Canadian foreign oil by 1985. Oil cannot be efficiently transported over the Rocky Mountains, so a surplus on the west coast will be no consolation to oil-starved Easterners in the event of an international crisis. The only relief that trans-Alaskan pipeline will offer to consumers east of the Rockies might be the diversion into the Midwest of a few hundred thousand barrels a day of Canadian oil presently being piped to Seattle, while even more may be shipped to other countries. So, my constituents in the Midwest do not stand to gain very much oil from an Alaskan pipeline.

But natural gas is another story. A trans-Canadian gas pipeline could supply the Midwest with a regular supply of much-needed natural gas. Unfortunately, it is becoming clear that the forces which fought for an Alaskan oil pipeline are interested in an Alaskan natural gas pipeline. The scheme whereby gas would be piped to Valdez, liquified and shipped to the west coast is surfacing regularly in the press. If such a plan were adopted, the Midwest would be cheated out of an essential source of natural gas.

I voted today for final passage of the Alaskan oil pipeline legislation with two considerations firmly in mind.

First, I did so with the clear understanding on my own part that the trans-Alaskan route is not the only way to get oil from the North Slope to the waiting markets of this Nation. As a matter of fact, the trans-Alaskan pipeline, by itself, most certainly will not provide the relief that consumers in most of the "lower 48 States" need in the face of the present energy crisis.

I believe consideration should be given immediately to planning a second Alaskan oil pipeline—this one cutting across Canada to bring oil to the Midwest, where it is so urgently needed.

Second, I voted for this legislation because I know that tapping the oil reserves is the necessary first step to getting at the vast supplies of natural gas which also exist beneath Alaska's North Slope. To bring this natural gas to market, I intend to fight for a trans-Canadian gas pipeline.

The energy problems which this Nation faces will not be resolved simply by building a pipeline across Alaska. More oil for the densely populated areas east of the Rockies, and more natural gas for middle America, will still be required—and these can best be brought to the consumer with a second oil pipeline and by a natural gas pipeline, both of them from Alaska directly into the Midwest. I hope my colleagues will join me in seeing that these two projects receive the highest priority.

NONPUBLIC SCHOOLS AT WHICH CASH VOUCHERS FOR EDUCATION COULD BE USED

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. ASHBROOK. Mr. Speaker, the State of New Hampshire is considering a unique federally aided experiment to insure freedom of choice and diversity in its public and nonpublic schools.

In participating districts selected for the 2-year program, parents will receive a voucher equal to the cash value of the annual per pupil cost in the district that they can present to the public or nonpublic school of their choice to pay for their children's education. Parents also will be able to supplement the voucher with their own funds.

State, local, and about $3.3 million in Federal funds would be used. All Federal, State, and local laws would have to be obeyed. Control of the project remains with elected State and local officials, with a minimum of involvement planned from Washington, D.C.

In this program, parents will be able to shop for the school they believe will best educate their children, regardless of race, color, creed, religion, or socioeconomic status, without having to pay more taxes than they already do for that right.

A table listing available nonpublic schools in New Hampshire, their tuition and related data, developed by Dean Hansell of my staff, is presented below.

If the voucher value is placed at about $1,000, as has been discussed, parents could apply to at least 16 nonpublic, private schools to educate their children. Other schools would be available to parents who could supplement the voucher. All but one parochial school in New Hampshire sets tuition below $1,000.

The table follows:

NONPUBLIC ELEMENTARY AND SECONDARY SCHOOLS, NEW HAMPSHIRE

School and headmaster	Tuition		Enrollment	Grades	Affiliation	Phone (area code) 603
	Day	Boarding				
PRIVATE ELEMENTARY AND SECONDARY SCHOOLS						
Proctor Academy, Andover, David Fowler	$750–$1,200	$3,700	200	9 to 12	Nonsectarian	735-5124
Kellogg School, Bedford, Mrs. Jean B. Macewan	1,400		50	1 to 8	do	623-8718
Children's House, Bethleham, Mark Downing	600–720		15	K to 1	do	444-2867
Cardigan Mountain, Canaan, Norman Wakey	1,850	3,700	150	K; 6 to 9	do	523-4321
Horizon's Edge, Canterbury, William Meeh	1,000	3,200	30	1 to 8	Friends	783-4388
St. Paul's School, Concord, William A. Oates	1,400	2,800	490	8 to 12	Episcopal	225-3341
Calvary Baptist Christian Day, Dairy, William N. Garvin	250		37	K to 3	Nonsectarian	432-8261
Children's Workshop, Dover, Janet Carrico	(1)	(1)	25	K to 2	do	868-2920
Dublin Christian Academy, Dublin, Leon M. Moddy	1,840	3,730	76	9 to 12	do	563-6131
Dublin School, Inc., Dublin, Michael L. Cornog	1,840	3,740	75	9 to 12	do	563-3331
Marathon House, Dublin, Bruce A. Shaw			17	1 to 12	do	563-7581
Highview Church Farm, East Lempster, Thomas B. Odgen	(2)	(2)	50	1 to 12	do	863-1775
Pioneer Elementary, East Westmoreland, Russell W. Havens			24	1 to 8	do	399-4803
Palmer House, Eaton Center, Sarah J. Anderson	2,700	3,950		1 to 12	do	447-2863
Child Garden Country Day, Exeter, Mildred G. Carson	(3)	(3)	90	K to 6	do	772-4621
Phillips-Exeter Academy, Exeter, Richard W. Day	1,600	3,000	960	9 to 12	do	772-4311
Christian School, Gorham, Pastor Vondel Allen	300		8	1 to 6	do	466-2325
Crotchett Mount School for Special Education, Greenfield, J. Phillip Boucher	3,935	[4] 6,640	225	Varying	do	547-8311
The Van School, Hancock, David H. Brogden			12	9 to 12	do	525-3728
The Harrisville School, Harrisville, David Sobel			35	K to 1	do	827-3033
Appleton Academy, Ipswich, Charles Markham	1,450	3,960	30	9 to 12	do	878-2420
Keene Learning Community, Keene, Michael Franklin	(2)	(2)	20	9 to 12	do	446-2238
White Mountain School, Littleton, E. Charles Sanborn	1,800	3,600	80	8 to 12	Episcopal	444-2928
Rivendale School,[5] London, Loren Puffer		3,600–6,320	20	9 to 12		783-4314
The Dairy Field School, Manchester, Ralph J. Scozzafava	1,500–1,575		187	7 to 12	Nonsectarian	660-4524
Easter Seal Rehabilitation Center, Manchester, Larry Gammon	(2)	(2)	80	Varying	do	622-6438
Miss Jacques Private School, Manchester, Alliette Jacquettes			125	K to 8	do	623-6051
Manchester State Industrial School, Manchester, Norman K. Morgan			150	6 to 12	do	625-5471
Kimble Union Academy, Meridan, John P. Cotton	1,600	3,750	185	9 to 12	Gospel Ministry	63580
Our School, Milford, David Craft			10	1 to 2	Nonsectarian	878-2678
Mount Hope School, Nashua, John Gale	(2)	(2)	85	Varying	do	889-2442
Mautobon, Nashua, Macy E. Morgie			25	9 to 12	do	889-7861
Bubbling Brook, Nashua, Hugh R. Devries	(6)	(6)	5	7 to 12	do	888-1537
New Hampden School, New Hampden, Louis Gnerre	1,800	3,600	228	9 to 12	Baptist and Free Will Baptist.	744-5571
Great Day School and Training Center, Newington, Phillip Eward, Jr	[6] 1,800	[6] 2,340	215	Varying	Nonsectarian	436-2014
Boynton School, Orford, Arthur J. Boynton, Jr	1,250		10	9 to 12	do	353-4784
Witch Hazel Farm School, Nottingham, Leslie B. Bryce			9	K to 4	do	924-7362
The Well, Peterborough, James A. Garland			56	1 to 10	do	924-6908
Happy Valley Day School, Peterborough, Mrs. Donna Cole	(7)	(7)	10	K to 4	do	924-7362
Holderness, Plymouth, Donald C. Hagerman	1,850	3,900	215	9 to 12	Episcopal	536-1257
Hampshire Country, Rindge, Mrs. Margaret M. Raundal	(8)	(8)	90	9 to 12	Nonsectarian	899-3325
Meeting School, Rindge, Mrs. Margaret Knotts		3,000	40	10 to 12	Friends	899-3366
Colin Blakeney Memorial, Rochester, Jean O. Schnererhorn			22	1 to 8	Nonsectarian	332-1177
South Eastern, N.H., Christian Day, Somersworth, Rev. Galen M. Robertson (acting)			50	K to 6	do	692-3043
Austin-Cate Academy, Strafford, Nelson A. McLean	1,795	3,100	17	8	do	664-5555
Pembrook Place, Suncook, Ernest L. Freeman		3,500	25	3 to 8	do	485-7141
Pine Haven Boys Center, Suncook, Rev. Bruno Schiavon	(9)	(9)	25	3 to 8	Catholic	485-7141
Spaulding Youth Center, Tilton, Alvin R. Carter			35	1–8	Nonsectarian	286-8901
Tilton School, Tilton, John F. MacMorran	1,700	3,600	165	9–12	Methodist	286-4342
Estabrook School, West Lebanon, Robert C. Quillin			37	1–10	Nonsectarian	298-9898
High Mowing School, Wilton, Robert H. Pittman		3,500	80	9–12	do	654-2391
Shiloh Christian Day, Wilton, William C. Marshall			6	2–10	do	654-9985
Pine Hill Waldorf, Wilton, Ann Pratt	(10)	(10)	18	K–4	do	654-6003
Brewster Academy, Wolfeboro, C. Richard Vaughan	1,950	3,500	100	9–12	do	569-1600

School and headmaster	Tuition		Enrollment	Grades	Affiliation	Phone (area code) 603
	Day	Boarding				
PUBLIC APPROVED ACADEMIES						
Pinkerton Academy, Dairy, Ivah A. Hackler	830		1,520	9 to 12	Nonsectarian	432-2588
Coe-Brown Academy, Northwood, G. Scott Darling			150	9 to 12	do	942-5531

[1] $400, kindergarten, ½ day; $600, kindergarten, full day; $665, grades 1-2.
[2] No charge.
[3] $400 to $900 depending upon income.
[4] Ward with nurse, $7,200.
[5] For hard case juveniles.
[6] Negotiable according to income.
[7] $600 full day, $200 ½ day, no boarding.
[8] $9,610 to $12,360 boarding only.
[9] No day student; $960 under age 14; $1,000 to $1,200 age 14 and over.
[10] Kindergarten, $425; grades 1 to 2, $475; grades 3 to 4, $525.

Note: Data reflects status through May 1973. Information was not available from some nonpublic schools closed for the summer.

Source: New Hampshire State Department of Education Voucher Project Office; New Hampshire Archdiocesan Schools.

CATHOLIC PAROCHIAL ELEMENTARY SCHOOLS

School and headmaster	Tuition [1] day	Enrollment	Grades	Phone (area code) 603
Catholic, East Berlin, Sr. Irene F. Comptosis.	$175 family	280	1-5	752-1176
Catholic, West Berlin, Sr. Mary Claire Hennessy.	do	330	1-5	752-7413
Catholic Junior High, Berlin, Sr. Margueritte Rousseau.	do	320	6-8	752-2243
St. Mary, Clairmont, Sr. Julius M. Dolloff.	$40 1st, 2d; $10 3d, 4th	260	1-8	542-6341
Our Lady of Grace, Colebrook, Sr. Hazel M. Fortin.	$65 1st, 2d; $45 3d; $25 4th.	125	1-8	237-4420
St. John, Concord, Sr. M. Claude Souza.	$60, 100 family [2]	230	1-8	225-3222
St. Thomas Aquinas, Dairy, Sr. Lorainne Trombley.	$75 family	160	1-6	432-2712
Dover Catholic, Dover, Sr. M. Bernadine Smith.	$100, 150, 200 [2] family	490	K-8	742-3299
St. Mary, Franklin, Sr. M. Victorine Kean.	No charge [3]	320	1-8	934-5739
Villa Augustina, Goffstown, Sr. Rachel Croteau.	$220 1st; $200 family (sic)	230	K-8	497-2361
Sacred Heart, Hampden, Sr. Mary Frances Trudeau.	$50 family	240	4-8	926-9152
Presentation of Mary Academy, Hudson, Sr. Doris Rajotte.	$275	235	K-8	883-6362
St. John the Evangelist, Hudson, Sr. Vivian Plante.	$100, 130, 150 [2]	440	1-8	882-5941
St. Patrick, Jaffrey, Sr. Catherine Feeney.	$50-250 1st; $25-100 2d; $25-50 3d.	210	1-8	532-7676
St. Joseph, Keene, Sr. David B. Morrison.	$72 1st; $108 2d	280	K-6	353-2720
Holy Trinity Sacred Heart, Laconia, Sr. Fernand A. Joyal.	50 1st, $100 family	200	5-8	524-4155
St. John, Laconia, Lucille McDonald	do	230	1-4	524-3156
St. Rose of Lima, Littleton, Sr. Dorothy Mary Lord.	$60 family in parish; $65 child nonparish.	130	1-6	444-3361
St. Marie Hillcrest Parochial, Manchester, Sr. Alliette Angers.	$60 1st student; $20 2d; $10 3d, 4th.	280	4-8	624-0801
St. Patrick's (Hillcrest), Manchester, Sr. M. Marietta Laporte.	$60 1st; $20 2d; $10 3d, 4th.	190	1-3	669-1052
Northeast Catholic, St. Catherine, Manchester, Janet Bellcourt.	$55 student; $75 to $100 family.[2]	430	1-5	622-1711
St. Joseph's (Northeast Catholic), Manchester, Sr. Cecilia Oldfield.	$180	275	1-5	624-4811
South Catholic, Manchester, Sr. M. Thomas Norris.	$60 family; $60 1st, $40 2d [3]	500	1-6	627-7547
Southeast Catholic, Manchester, Sr. Rachel Jette.	$60-75 1st; $25-60 2d; $10 3d.[2]	500	1-6	622-0414
Holy Cross Kindergarten, Manchester, Sr. Irene Gaumont.	Not available	34	K	668-0510
Mast Mary Day, Manchester, Sr. Roseanne LaBounty.	$300 1st: $250 2d; $200 3d	220	K-8	627-1971
Sacred Heart, Manchester, Sr. Marie-Marth Courture.	$120 1st; $110 2d; $100 3d	300	1-8	622-3312
St. Anthony Junior High, Manchester, Sr. Pauline Labelle.	do	315	7-8	627-2413
Augustine, Manchester, Sr. Pauline Plante.	$60 to $80 pupil; $35 1st, 2d; $20 3d; $10 4th.	455	K-6	623-1995
St. Casimir, Manchester, Sr. Florita Biedron.	$30 1st; $20 2d; $10 3d	150	1-8	623-6411
St. Edmond, Manchester, Sr. Yvette Boucher.	$80 pupil; $80 family (sic) [4]	165	1-6	623-6028
St. Francis of Assisi, Manchester, St. Mary Chisholm.	$75 1st; $100 family	260	1-8	669-2069
St. John the Baptist, Manchester, Sr. Irene Blanger.		420	1-8	624-1853
St. Rafael, Manchester, Sr. Mary Monaco Marchi.	$55 1st; $105 family	240	1-8	669-3932
Holy Infant Jesus, Nashua, Sr. Mariette Charron.	$60	355	1-8	882-0553
Sacred Heart, Nashua, Sr. Mary Farcina Morrin.	No charge; $183 [2]	270	1-8	889-0212
St. Aloysius, Nashua, Sr. Marguerete Fortier.	$60 to $135 pupil; $200 family.[2]	410	1-8	882-7011
St. Christopher, Nashua, Sr. Mary Leon Pennell.	$150 to $300 child [2]	860	1-8	882-7442
St. Francis Xavier, Nashua, Sr. Lilian Perreault.	$50	295	K-8	882-7232
St. Joseph's, Nashua, Sr. Lorraine Berrthiaume.	None; $250 [2]	550	1-8	883-2441
St. Patrick Convent, Pelham, Sr. M. Gregory Pickford.	$60 child; $120 family	275	1-8	635-2941
Lady Isle, Portsmouth, Sr. Dorothy McLaughlin.	$460 1st; $330 2d; $280 3d; $220 4th.	150	K-8	436-2167
St. Patrick, Portsmouth, Sr. M. Anastasia Smith.	$250 to $400 family [5]	360	1-8	436-0749
Holy Rosary, Rochester, Sr. Rochelle Traham.	$75 to $210 1st student; $25 2d; $15 to $50 3d.[5]	385	1-8	332-4803
St. Mary, Rochester, Sr. Joseph Miriam Sheehan.	$90 family	265	1-8	332-1884
St. Joseph's Salem, Sr. Kathleen Dumphrey.	$175 to $330 per pupil	360	1-8	893-6811
Somersworth Catholic, Somersworth, Sr. Corrine Hebert.	$100 family	475	1-6	692-4523
John the Baptist, Suncook, Sr. Louise Auclair.	$52 1st; $32 2d; $22 3d; $12 4th.	258	1-8	485-7050
St. Albert, West Stewartstown, Sr. Rita Marie Proulx.	$60 family	122	1-8	246-8631
Holy Cross Pre-School, West Franklin, Sr. Muriel Florent.	$2 1st [6] (sic); $1 2d	56	K	934-5153
Bishop Brady, Concord, Sr. M. Neri Burrows.	$260 1st student; $236 2d; $212 3d.	450	9-12	224-7418
St. Thomas Aquinas, Dover, Sr. M. Raymunda Smith.	$380 1st; $570 family	700	9-12	742-3206
Lasallette Seminary, Enfield, Rev. Robert J. Plante.	$1,700, boarder only	140	9-12	632-4324
Presentation of Mary Academy, Hudson, Sr. Mariette Plante.	$375	162	9-12	883-8192
St. Marie, Manchester, Sr. Eunice Fluet.	$100 1st; $150 nonparishioner; $75 2d; $75 each additional; $50 3d nonparishioner.	240	9-12	622-8215
Manchester Trinity, Manchester, Br. Michael Griffin.	$250 1st, 2d; $200 3d, 4th	750	9-12	668-2910
Bishop Guertin, Nashua, Br. John L. Collignon.	$500	600	9-12	889-4107
Mount St. Mary's Seminary, Nashua, Sr. M. Eleanor Finn.	$400 1st; $300 2d, 3d	345	9-12	889-2741

[1] Tuition does not reflect contribution of parish.
[2] Different rate depends on parish.
[3] A weekly collection is held.
[4] St. Edmond will not reopen in fall of 1973.
[5] Larger numbers are those paid by nonparish members.
[6] Fees are paid per session.

IN HONOR OF BILL BAGGETT, COMMANDER, AMERICAN LEGION, DEPARTMENT OF OKLAHOMA

HON. CLEM ROGERS McSPADDEN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. McSPADDEN. Mr. Speaker, I rise to pay tribute to one of the youngest of 56 department commanders of the American Legion, an organization chartered by the Congress of the United States.

Bill Baggett, a 29-year-old newsman of Tahlequah, Okla., served during the Vietnam era, in the Army from 1966 to 1968. He helped form the new American Legion Post, Blackfox-Hartness 135, in Tahlequah in 1970 which, at the time of its organization, was composed of 100-percent Vietnam veterans. Since that time, I am told, they have let some of us older fellers in.

Bill Baggett, to me, Mr. Speaker, exemplifies the opposite to the polarization of those who fled from their country rather than answer the call to serve. When his call came, Bill served, and following his honorable service, returned to Oklahoma to continue his service to the community, State, and Nation. The past year he served as department—State—

vice chairman and just the past weekend, was elected to the highly exalted post of department commander, following in the footsteps of such notable Oklahoma Legionnaires who were department commanders before they rose to national prominence. I refer to the late Senator Robert S. Kerr, the Honorable Preston Moore, and more recently, J. Milton Patrick, all Oklahomans and all national commanders.

Bill Baggett is the first Vietnam wartime veteran to be elected department commander of Oklahoma and I am told, by American Legion National Headquarters in Indianapolis, is one of the youngest veterans to be elected to head any of the American Legion's 56 departments.

To Bill Baggett, his wife, Donna, his daughter, Shannon, 2, and their second child, which is expected this month, I offer congratulations and hope that he may receive Divine Guidance in helping to perpetuate a part of the Preamble to the Constitution of the American Legion:

To uphold and defend the Constitution of the United States of America.

To maintain law and order.

To inculcate a sense of individual obligation to the community, state and nation.

To combat the autocracy of both the classes and the masses.

To make right the master of might.

To promote peace and good-will on earth.

To safeguard and transmit to posterity the principles of justice, freedom and democracy.

Mr. Speaker, I would submit that those words could be used as a guideline for us all in these perilous times. Mr. Chairman, it is the young men like Bill Baggett, who will follow in our footsteps, who in fact are pushing into leadership, who can and will bring an end to wars and rumors of wars, and eventually, achieve the goal of the American Legion: no more veterans or veterans' organizations because there have been no more wars.

PRIVATE PENSION SYSTEM

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. MINISH. Mr. Speaker, it is anticipated that the House will consider legislation during this Congress to overhaul the Nation's private pension system. Reform in this area is long overdue. It is time that some order, stability, and reliability was introduced into this virtually unregulated sector of our economy.

Mr. Nicholas Raimo, secretary-treasurer of Teamsters Local 843, Springfield, N.J., knows firsthand the shortcomings of the present pension system. I commend the following statement by Mr. Raimo to my colleagues:

STATEMENT BY NICHOLAS RAIMO

In December of 1971, I was elected to the office of Secretary-Treasurer of Teamsters Union Local 843 for a term of three years and officially took office on January 24, 1972. Previously, I had been employed at the Ballantine Brewery since 1949 in the delivery department. At the present time, I am one of the trustees of the New Jersey Brewery Pension and Welfare Trust Fund.

The American public has a great stake in a private pension system that offers greater reliability and a better coverage than what exists in America now. In 1971, the true situation was summed up very well by Assistant Secretary of Labor, Thomas R. Donohue, when he told the House Sub-Committee on Labor that:

"In all too many cases the pension promises shrinks to this; If you remain in good health and stay with the company until you are 65 years old, and if the company is still in business, and if your department has not been abolished, and if you haven't been laid off for too long a period, and if there is enough money in the fund, and if that money has been prudently managed, you will get a pension."

Therefore, my remarks in pension reform is directed to members of the 93rd Congress requesting their support in the passage of Senate Bill 4, the Retirement Income Security for Employees Act, and the passage of the companion bill submitted by Congressman Joseph G. Minish.

In light of the intensive study of pension and welfare funds conducted by the subcommittee on Labor headed by Senator Harrison A. Williams in 1972, one of the top priority issues left hanging over from the 92nd Congress was pension reform. A promising drive to enact such legislation came to naught in the last session when the bill for pension reform was sidetracked to the Senate Finance Committee.

The Senate Finance Committee regurgitated the bill without its major features. Killed by the committee were sections on: Vesting, Portability, Funding, and Re-Insurance.

I concur with the Senate Labor Committee which in its report on the bill had said that "there can be no compromise with the obligation that working men and women have a right to live their retirement years, not only with human dignity, but with freedom from financial insecurity."

With the increasing trend to corporate mergers and bigger conglomerates and runaway plants, which has shown to be No. 1 reason for the loss of pension protection for millions of workers in America, it is very important that the friends of working men and women in the 93rd Congress resume the fight for the passage of this legislation on pension reform.

In New Jersey, a pension bill was approved that would impose a special tax on companies that leave the state and deprive their workers of pension benefits. Assemblyman Herbert J. Klein (D-Passaic) said he hoped the bill would lead to other, more general legislation in the field. "It has become apparent that legislation is sorely needed to ensure pension benefits promised to an employee at age 35 or 40 will actually be provided to him or her upon reaching retirement age."

35 million American workers have their eyes focused on the 93rd Congress regarding the passage of the Retirement Income Security for Employees Act of 1973. This should be the number one priority during the current congressional session. Help correct deficiencies in the private pension system by supporting and voting for the passage of this bill.

THE STATE DEPARTMENT AND ACCESS TO INFORMATION

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. ASHBROOK. Mr. Speaker, according to last Sunday's New York Times, the Department of State is very much concerned about a provision in the Department of State Appropriations Authorization Act of 1973 providing to certain congressional committees a wide range of State Department information heretofore unavailable. There are, of course, valid arguments on both sides of the question as to what information relating to national security and foreign policy can safely be dispatched to the legislative branch. Also, the use of misclassification of documents to safeguard departmental errors is a point in favor of wider access.

I can cite one case, dating back to the end of World War II, in which foreign policy and national security objections were finally removed as a bar to disclosure to the public of out-of-date information. This case involves the Operation Keelhaul files relating to the forced repatriation of hundreds of thousands of Russian and other refugees and displaced persons in allied hands who were shipped back to the Soviet Union. The third objection to the release of the Keelhaul information was the necessity of obtaining the concurrence of the British Government as this was a joint American-British operation. I understand the British Government has yet to give their approval.

In a second case, more controversial from a historical standpoint, it is claimed that both the British and the United States have files relating to the possible escape of the Imperial Family of Russia in 1918 from Ekaterinburg, Russia, where, historians generally claim they were murdered. I need not stress the unique and controversial nature of this claim, yet recently a member of Parliament and leader of the Liberal Party in Britain asserted that the British Government had such a file and asked to have it made public. In the United States there are similar assertions that the State Department has similar information on this issue which to date has not been released.

The question arises as to why this outdated information in both cases cited above, if it indeed exists in the second case, should not be made known to the public. These are certainly not current cases where the handling of sensitive information on foreign policy should be as restricted as possible. In these cases, any information either clarifying or disproving various allegations on both issues should be released.

Perhaps the only solution to this problem is to require by law that Congress have, with realistic restrictions, wider access to State Department information.

I insert at this point a letter to the Secretary of State concerning the access-to-information issue:

CONGRESS OF THE UNITED STATES,
Washington, D.C., August 2, 1973.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: Your attention is directed to the enclosed conference report on the Department of State Appropriations Authorization Act of 1973 and especially to Sec. 13(a) entitled "Access to Information." As indicated in the New York Times of last Sunday, State is very much concerned about this Congressional attempt to gain access to information heretofore unavailable. As I understand it, this proposal is an effort to greatly expand that section of the Foreign Service Act of 1946 which grants to certain Congressional Committees access to efficiency records of Foreign Service officers.

Regardless of the merits or demerits of the proposal, it must be conceded that there is a definite need for the public to know the facts of political life as soon as possible, but within the limits of national security and foreign policy but free of misrepresentations concerning such limits.

Because of selected disclosures and omissions, the learned community and representative political leaders are concerned that they do understand the importance of recent political events. This realization has led to a great deal of reservation and disquiet regarding the understanding of recent events and the willingness to accept current governmental actions without direct access to pertinent data.

There are two subjects dating back several decades which currently "agitate" historians and scholars of international affairs, not to mention some Members of Congress. One is "Operation Keelhaul", the code name for the forced return of hundreds of thousands of refugees and displaced persons to the Soviet Union. According to reports many of these persons tried to commit suicide, even prior to their return, and others died in concentration camps run by the NKVD. I believe it is in the national interest that the Department of State no longer bear the onus of helping to cover up this operation.

Another matter concerning the Soviet Union dates back to the Communist Revolution. This is the fate of the Imperial Family. Although it has been generally accepted that the family was assassinated, there is considerable scholarly and public discussion of reports that in fact the Russian Imperial Family was rescued through a joint operation in which American citizens participated.

Allegedly, the rescue of the Imperial Family took place with the knowledge of the British and Japanese Governments. In this connection, I invite your attention to a London Times article which reports that Jeremy Thorpe, a Member of the British Parliament and leader of the British Liberal Party, asks Her Majesty's Government to disclose all information which it possesses regarding British participation in the fate of the Imperial Family. Mr. Thorpe specifically asked Her Majesty's Government to confirm the authenticity of the so-called Hardinge Report to King George V detailing the route of the Imperial Family from Odessa to Breslau via Bulgaria and Austria.

Mr. Thorpe also asked the British Foreign Office to disclose the correspondence between the British and American Governments regarding the contents of all archives relating to the fate of the Russian Imperial Family.

I should hope that the Department of State would take the wise decision of removing these two subjects from the area of public speculation by disclosing immediately all the facts regarding these two issues.

Regarding Operation Keelhaul, the communication from Mr. Thomas Huston, then a White House advisor, to Mr. Julius Epstein, who will shortly attempt for a second time through the courts to have the Keelhaul files made public, indicated that the British Government's concurrence on the release of the files to the American public and that the previous objections based on national security and foreign policy considerations had been removed by this Administration.

I believe you would be serving the U.S. national interests, as well as the interests of the British Government, if you would impress on Her Majesty's Government the harmful effect further delay in disclosing publicly the facts in these two matters will have in the academic world and that you will take every step to persuade the British Government to agree to such disclosures.

Sincerely yours,

JOHN M. ASHBROOK,
Representative to Congress.

AS OTHERS SEE US

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. WHITEHURST. Mr. Speaker, the Watergate affair has attracted worldwide attention, and it is quite possible that some of the views in the foreign press, being more detached, are more objective than those expressed here at home.

The following commentary by Angus Maude, a Member of Parliament, appeared first in the Sunday Express in Scotland and was subsequently reprinted in the Pensacola News on July 10, 1973. I am inserting it in the RECORD so that my colleagues and others can have an opportunity to see a somewhat different view of the whole case.

VIEWPOINT: UNITED STATES TAKES LEAVE OF ITS SENSES

(NOTE—How do the Scots view Watergate? Pensacola businessman Burney Henderson, vacationing in Scotland brought home this editorial from the Sunday Express of Scotland.)

(By Angus Maude)

Have the Americans taken leave of their senses? Looking objectively at the handling of the Watergate affair and its ramifications, one is almost forced to the conclusion that they have.

It is pretty horrifying to watch the way in which supposedly responsible Americans in the higher echelons of politics and public affairs are going about the business of discrediting not only their President but the whole system of government in the United States.

The Press and the other media are enthusiastically urging them on, and revelling in the resultant mess. Every accusation against President Nixon and his staff, however untested and however tainted its source, is given the widest publicity. Every possible innuendo is used to slant the impression given to the public, apparently in the hope of fixing the people's verdict before half the evidence has been heard.

Perhaps the most nauseating feature of the campaign is the self-righteous pretense of the smearers that they are only "acting in the public interest" and "helping to get at the truth."

The only facts that they are interested in are those that can be used to discredit the President; and the way the campaign has been handled is not in the public interest at all, but deeply damaging to the United States and to all the best things for which America stands.

All the half-forgotten elderly whizz-kids of the Jack Kennedy era have been writing articles—many of them syndicated over here—viciously venting their traditional hatred of President Nixon, but adding sententiously that the whole horrible business is really a blessing in disguise which will lead to much-needed reforms in the system of government.

Clearly they see it as a heaven-sent bandwagon on which they can hitch a ride towards the ultimate triumph of Senator Edward Kennedy.

That victory for this deplorable man would be for them and for most of the Eastern American Liberal Establishment, a desirable consummation of the present campaign is sufficient guide to their sense of values.

Of course, the Watergate Affair is a sorry mess. It is at least obvious that the President appointed some pretty strange people to his personal and political staffs. But the widespread assumption that he himself is guilty of corruption and illegal practices is still unsupported by convincing evidence.

In default of this, his detractors have resorted to the argument that if he were not guilty he would have proved himself innocent, which is a typical inversion of the principles of fairness and justice for which they purport to stand.

The important point, however, is this, Watergate truth emerges at the end of the inquiries, whether the President is vindicated or brought down, the whole business is being handled and exploited in a way calculated to do the most, not the least, lasting damage to America and to the true interests of its people.

Mr. Nixon's enemies, of course, are saying smugly that it is his handling of the affair that is doing all the damage, but even a cursory study of the American Press coverage makes it clear that this is not true.

They are out to destroy him, and they do not seem to care who or what suffers in the process.

Of course, I do not know what, if anything, the President has to hide, but at this critical juncture for both the American economy and his own foreign policy, he carries a burden of responsibility that must make him hesitate to become personally involved too deeply in the comparative irrelevancy of the Watergate inquiries.

Any responsible householder is more concerned about an imminent threat to the fabric of his building than about a temporary smell in the drains.

You would have thought that any educated American can foresee the desperate consequences of a major constitutional crisis at this time. And that any responsible commentator over there would hesitate before light-heartedly handing out more ammunition to America's enemies in this country. Yet the B.B.C. seems to be positively revelling in it.

Why have the B.B.C.—and ITV news and current affairs men been playing up the Watergage business so assiduously? They cannot really believe that the British public find it all that riveting.

They, like their American counterparts, seem to be actuated by a compulsive hatred of Mr. Nixon. Everything is slanted against him. Often they refer to him contemptuously just as "Nixon"—a familiarity they would never resort to with, say, Mr. Brezhnev or General Amin.

Is this just a fixation of intellectual liberals? Or are our media, too, so deeply infiltrated by anti-American Leftists that they feel compelled to attack the one man who seemed likely to save America and restore its influence in world affairs?

Let us remember one or two things about President Nixon.

He won his landslide election victory because the American people recognized his practical achievements and wanted him to complete the job.

He seemed to be halting the hopeless drift towards anarchy and violence in which the country was involved.

Peace has returned to chaotic university campuses. A stand was at least being made for law and order. He was getting to grips with the problem of inflation.

Mr. Nixon brought to its only possible end the hopeless bloody struggle in Vietnam, a struggle to which Kennedy and Johnson had committed America at the wrong time and on the wrong terms. He has laid the foundations of détente with Russia and China.

America, and indeed the whole Western world, aleady owes him quite a lot. If he survives we may yet come to owe him a great deal more. No possible successor is likely to be a statesman of anything like his calibre.

Above all, let us pray that if Mr. Nixon is brought down by the rabble now pursuing him, the damage to America and its friends may be less than they seem determined to inflict.

Perhaps they will at least have the grace to stop appearing to enjoy it all so much.

U.S. POSTAL SERVICE SHOULD BE SUBJECT TO NEPA

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. KEATING. Mr. Speaker, today, I am introducing legislation which will make the U.S. Postal Service subject to section 102(2)(c) of the National Environmental Policy Act. This legislation is necessary in view of the special status which the Postal Service has enjoyed since its reorganization.

Under the terms of the Postal Reorganization Act, the Postal Service was defined as a government corporation. Because of its governmental affiliations, it was permitted to retain several exclusively governmental powers such as the right of eminent domain and exemption from local zoning ordinances. However, because of its corporate aspects, it was exempted from many of the statutes which limit the power of Federal agencies. Thus, in its present position, the Postal Service is not legally bound by the restrictions which apply to American businesses, nor is it bound by the laws which govern Federal agencies.

Although the Postal Service claims that it complies voluntarily with Federal statutes, exceptions do occur. And when they do, the people who are hurt by postal activities have no real legal recourse. Such an instance has recently occurred in my own district.

Cincinnati postal officials decided to shut down three neighborhood post offices and to build one very large consolidated facility. They then chose a site in a residential community, away from existing bus lines. Many citizens raised objections. People living near the proposed site objected that construction of the facility would alter the face of the neighborhood and violate local zoning ordinances. People living in the outlying areas claimed that their service was being taken away and that the new site was too distant for them to use. In general, postal officials refused to litsen to the problems stated by these citizens. Only by strong and continuous pressure have the residents been able to get the postal officials to reassess their position.

If passed, my legislation would require the Postal Service to file a detailed environmental impact statement containing a full discussion of alternative sites before proceeding with construction. Then, citizens who do not feel that a Postal Service decision is wise can challenge it. Alternatives can be discussed. Communities will be better served.

SWEDEN: THE WORLD'S MOST UNNEUTRAL NEUTRAL

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. PRICE of Texas. Mr. Speaker, a resolution has recently been introduced in the Senate urging the United States to resume "normal friendly relations" with Sweden. I would like to take this opportunity to express the strongest opposition to such a move. It was so-called neutral Sweden, not the United States, that was responsible for the disruption of relations, illustrated by the absence of a U.S. Ambassador to Sweden since August 1972, and the indication of the U.S. Government in January 1973 that an Ambassador from Sweden would not be welcome in Washington. In December of 1972, the Prime Minister of Sweden, Mr. Olof Palme, culminated a long series of acrimonious attacks on the United States by falsely and vindictively comparing our actions in Vietnam to the Nazi massacres during World War II. This accusation is bitterly ironic and insulting, since during World War II, when the lives of American soldiers were being sacrificed in the struggle against Hitler's forces, Sweden's policy of moral "neutrality" permitted German troops to use Swedish railroads in order to invade Norway, but prevented French and British troops from entering Swedish territory. Sweden was an essential supplier of iron ore to Germany, and it was not until 1945 that trade between moralistic Sweden and Nazi Germany ceased.

Abusive and strident denunciations of U.S. policies cannot disguise the basic hypocrisy of Sweden's self-righteousness. Our feelings of resentment and indignation are entirely comprehensible and justified. Nor can Sweden's vociferous moralizing hide the fact that her "neutrality" actually favors our enemies. For instance, over the years Sweden welcomed with open arms approximately 600 deserters and draftdodgers from the U.S. Army, but Swedish generosity did not extend to the unhappy Asian refugees expelled from Uganda by General Amin. Sweden could accept only 200 or 300 of these unfortunate victims of barbarism.

Worse, Sweden has given over $50 million in aid to North Vietnam, but barely $3 million to South Vietnam. Sweden has an Ambassador in Hanoi, but has no diplomatic representation at all in Saigon. This is a strange form of "neutrality," which favors relations with American enemies but not with American friends, and voices only faint objections to Vietcong atrocities or to the use of North Vietnam or Russian tanks to invade South Vietnamese villages.

Sweden consistently lends support to national liberation movements, even the Vietcong and the Palestinian terrorists, and denounces colonialism, discrimination, and racism. However, not a word is ever said about the slavery currently practiced by tribal groups in a number of African states. Nor does Sweden's moral and material support of revolutionaries and third world countries deter a very lucrative trade relationship with South Africa.

In fact, economic factors, not morality, are one reason for Sweden's noisy anti-American pronouncements, despite the pretense of neutrality. Sweden stands to profit by expanding trade with the developing countries and with the Communist bloc.

Sweden's supposedly objective and impartial moral position is also in reality a response to domestic economic and political conditions. Radicalism and anti-Americanism are stylish these days. Swedish television programs and schoolbooks are biased and distorted in their treatment of life in the United States. They emphasize only our problems and gloss over our great achievements.

It is very shocking but very revealing that, according to the New York Times, Mr. Jerome Holland, our last Ambassador to Sweden, was the only U.S. Ambassador in Europe who required a bodyguard. And we all remember that when Mr. Holland who is black, first arrived in Sweden he was greeted by a hostile egg-throwing crowd screaming racist insults. I can only say that people who live in glass houses should not throw stones.

Mr. Palme's Social Democratic Party depends on Communist support to stay in power, and this is an important motivation for the Prime Minister to cater to the radical Left with his crude ideological diatribes—especially since his words do not cost Sweden anything. The United States has and will continue to protect Swedish "neutrality" with our European defense system and our strategic deterrent. This makes Sweden's reliance on "neutrality" even more ironic.

Sweden is much more careful of the feelings of its powerful neighbor, the Soviet Union. When Alexander Solzhenitsyn won the Nobel Prize in 1970, Sweden was afraid to give him the award in a public ceremony.

Mr. Palme had best look to his own affairs rather than meddling in those of other nations. Sweden will hold elections this September, and the outcome for the Social Democratic government is very uncertain.

In light of Sweden's adolescent and hypocritical behaviour, her pretentious piety that prescribes answers for all countries except her own, and Olof Palme's sensational provocation, it is completely proper and fitting that the United States maintain its attitude of dignified reserve. The United States is completely justified in silently protesting Sweden's abusive extremism. Resuming friendly relations with Sweden would only encourage Mr. Palme's sanctimonious blustering. The disruption in Swedish-American relations was not "needless," as the Senate resolution terms it. Rather it was the logical response to a Swedish policy of two-faced neutralism.

AN UNPUNISHED DOUBLE MURDER

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. BRASCO. Mr. Speaker, 5 months ago, eight Arab terrorists cold-bloodedly murdered two American diplomats in Khartoum, capital of the Sudan. As of today, they reside in semidetention in that city, confident that their eventual fate will be swift release and acclaim as heroes throughout the Arab world. All indications point to a fulfillment of their expectations, as they have yet to be brought into court for a preliminary hearing.

The Sudanese Government obviously has no desire to offend the terrorists, giving further substantiation to claims that these international assassins could not function without the aid and comfort provided by unofficial actions of the country involved. Nowhere is this better illustrated than in the case of the murder of Ambassador Cleo Noel and his chief deputy G. Curtis Moore.

In this case, Sudanese Cabinet ministers have been quoted regarding the entire story, and their comments are intriguing reading. According to these sources, chances of severe punishment for the murderers is minimal at this point. In the eyes of the Sudan Government, Al Fatah has been absolved of all blame.

Many of us will recollect that at the time of the crime, President Nimeri took to the air and accused Al Fatah and Yasser Arafat, its leader, of perpetrating the crime from start to finish. Now he has reversed the tone and factual content of his original speech of blame. Now, it seems, Al Fatah had nothing to do with it at all. So bereft of blame are they, in fact, that Nimeri is considering allowing them to reopen their Sudanese office.

Recently, there was an indefinite postponement of the preliminary hearing on the murder charge. Now this might cause some people to believe that a little backstairs collusion was transpiring. Perish the thought, soothes the Sudanese Minister of Information, pooh-poohing the accusations of a deal guaranteeing the murderers of the American diplomats a light sentence after a show trial.

Sudanese criticism of the terrorists has evaporated. In fact, a love feast seems to be taking place between the terrorists and the Sudanese Government. Also of interest is the fact that although all eight of the murderers immediately confessed to the deeds, their confessions will not be admissible at any trial, should one eventually take place.

Meanwhile, the United States continues to stand by its commitments to make available significant economic assistance to the regime. We have pledged some $20 million in cash and food for the war-ravaged southern Sudan, where the Arab north waged genocidal warfare against the black south for a number of years.

Another $11 million in low-interest loans has been committed this year for a major Sudanese irrigation project.

This is about the total equation as it stands today. I wonder how many of the State Department's committeed Arabists will plunge forward, palpitating with eagerness to serve in the Sudan? I wonder how the families of the two slain diplomats feel over this appalling state of affairs? Has their Government done anything to gain justice in this affair? Where are the apologists, who are willing to downgrade any attempt to reveal this network of terror?

I am not surprised by this sequence of events, although it saddens me to see American diplomats butchered and their Government stand by and not make a meaningful move to have their assassins brought to justice.

One obvious alternative would be for the U.S. Government to simply withhold all assistance of any kind until justice of a sort is done. Certainly the majority in Congress would support such a move. However, we shall await such a move in scant expectation of its emergence.

Our official attitude seems to be: "What's a double murder between friends?"

NEENAH-MENASHA, THE BEAUTIFUL TWIN CITIES, MARK CENTENNIAL

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. STEIGER of Wisconsin. Mr. Speaker, as we approach the Nation's 200th anniversary, all of us are becoming more aware of the richness of our heritage. Though the national celebration is still 2 years away, the same justifiable pride in heritage is exhibited this week in the twin cities of Neenah-Menasha, on the northwest shores of Lake Winnebago in east-central Wisconsin.

I want to pay a well-deserved tribute to the two cities now celebrating their 100th year of cityhood. A century ago their forebears elected to establish their futures along the waters of Lake Winnebago, Little Lake Butte des Morts and the Fox River. As the Oshkosh, Wis. Daily Northwestern said on July 25, that decision was wise "esthetically, economically, and recreationally."

Neenah-Menasha, with some 39,000 people living within their boundaries, are an industrial giant in Wisconsin. Only Green Bay offers more industrial jobs in the Fox River Valley than does the Twin Cities area. Paper products from the two cities are known all over the world.

The 9-day celebration in Neenah-Menasha is a benchmark in Wisconsin's history. An editorial in the July 29 Appleton, Wis., Post-Crescent describes the event as follows:

NEENAH-MENASHA CELEBRATES

The industrial twins on the northwest shores of Lake Winnebago, bisected by hard-working rivers and separated by a tree-lined boulevard and a century of tradition, are jointly celebrating their 100th year of cityhood this week.

Actually, Neenah already is a centenarian. Menasha, which was first as a village, became a city a year later in 1874. But few, especially outsiders, think of two communities; rather, they call them Neenah-Menasha with hardly a pause for the hyphen.

The Twin Cities' 9-day centennial celebration got off to a booming beginning yesterday as 60 aerial bombs, one a minute, church bells and sirens signaled the start of the second century.

Before the festivities are over next Sunday, Twin Citians as well as thousands of visitors will have new insights into the history, culture, education and industry that have spelled progress and the good life in Neenah-Menasha over the years. And they should have a lot of fun, too.

The Twin Cities, since their infancy, have been closely allied with industry. The waterways first meant flour-power to the pioneers but when Minneapolis took away that claim to fame, papermaking took over.

And as the major paper firms grew, especially Kimberly-Clark Corp., the communities gained a spot on the world-wide marketing map.

Today, the industrial efforts of the Twin Cities are still mainly directed toward paper products, although publishing and foundry firms also get national as well as local attention.

The Twin City area boasts more industrial jobs, about 12,000 of them, than any other place in the Fox Valley outside of Green Bay. The workers' paychecks consistently rank among the top in the state.

Thousands of employes commute daily to Neenah-Menasha's mills and plants from throughout the Fox Valley. They, and the 39,000 people who live within the Twin City boundaries, are well aware of the outstanding working and living conditions there.

So are the lake enthusiasts who fish, sail and race, in winter as well as summer, at the northern gateway to Lake Winnebago.

The centennial theme, "Together we grow," reflects the oneness of the twin communities. It also points to the challenges of cooperation as the cities gird for the second century.

THIRTY DAYS IN JAIL FOR LEAA

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mrs. SCHROEDER. Mr. Speaker, the Denver District Attorney has called my attention to another example of government waste, disguised this time as a report entitled "Local Jails: A Report Presenting Data for Individual County and City Jails From the 1970 National Jail Census." The report was issued by the Law Enforcement Assistance Administration, a branch of the Department of Justice.

This is a 481 page, 2-pound, compilation of the 1970 status of every minor city and county jail in the United States. Included are institutional, inmate, expenditure and employment data for each jailhouse. In the opinion of this District Attorney, it does not have sufficient merit to justify its cost.

Not only was the production of this report a waste of valuable time, effort and money, but its distribution was also prodigal. The D.A.'s office received several of these when only one—if that many—would have been enough. Many of these were addressed to deputies, he said,

> Who have long since gone into private practice or in one case died.

In a time when the public screams because of high taxes and agencies cry because of lack of funds, it is a tragedy that the LEAA uses its money on such a useless publication.

U.S. COAST GUARD ANNIVERSARY

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. CONTE. Mr. Speaker, I would like to take just a moment to say a few words on behalf of the U.S. Coast Guard, which is celebrating its 183d anniversary this Saturday, August 4. As you all know, the Coast Guard is the smallest of our armed forces and it does not get a lot of coverage in our national media. But it is a proud service—doing a fine and important job.

Each year, the Coast Guard responds to over 50,000 calls for assistance—saving over 2,000 lives. The value of property saved far exceeds their budget. Along the coastline of my own State of Massachusetts, they are particularly active.

Aside from rescue work, they enforce many laws dealing with pollution and safety of our ports. Coast Guardsmen have been working around the clock to help solve the never-ending problems with respect to foreign fishing interests working off our shores.

The first Coast Guard cutter was built in Newburyport, Mass., many years ago and it was aptly named the *Massachusetts*. So we, in Massachusetts, are especially proud of the Coast Guard.

My personal connection with the Coast Guard has extended over nearly the entire 15 years I have served in the Appropriations Committee in this House. First, when the Coast Guard's budget was handled by the Treausry-Post Office Subcommittee and, more recently, when jurisdiction switched to the Transportation Subcommittee, I have been involved in studying the operation and efficiency of this service.

From this experience, I can say that, man for man, the Coast Guard takes second place to no other service.

Since its inception in 1790, the Coast Guard has played a vital role in every conflict our country has faced. The skill and bravery of its officers and men, down through the generations, are legendary. And it has paid the great price always demanded of those dedicated to defending this country. In World War I, for example, the Coast Guard suffered greater losses, in proportion to its strength, than any of the other U.S. Armed Forces. But it got the job done, just as it did in World War II, in Korea and, most recently, in Vietnam.

While it is justifiably proud of its wartime record, the Nation's dependence on the Coast Guard never relaxes during times of peace because of the great variety of important roles it plays in such areas as search and rescue, combatting pollution, enforcing the maritime laws, safety and transportation operations, and exploring the resources of the seas.

It is a diversified and demanding service requiring every conceivable kind of skill and knowledge to handle the range of tasks it faces.

For 183 years it has handled those tasks in a magnificent manner and all Americans can be thankful that the Coast Guard has served, and continues to serve, our needs. I congratulate all the men of this proud service and wish them many happy returns on this anniversary.

TWENTY-YEAR PURSUIT OF TRUTH

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. VAN DEERLIN. Mr. Speaker, the U.S. Information Agency begins a third decade this week, its young life having spanned four Presidential terms.

The minority leader, GERALD R. FORD, yesterday inserted in the RECORD a letter from President Nixon noting the Agency's milestone. It is significant, I think, that Mr. Nixon's predecessors similarly recognized the importance of our worldwide informational effort.

President Eisenhower stressed the need for "bringing the truth to peoples of other nations." President Kennedy emphasized the importance of the Agency's support for U.S. foreign policy. President Johnson, speaking in 1965, said:

> In this era the USIA has the most valuable role to fulfill. It is a most important arm of our Government. There is no partisanship associated with it because the success of USIA is a success for all Americans.

USIA's efforts supplement and complement the important role of the private communications media. As a member of the journalism profession, I would note that the news media could not take on the job for which USIA was created. USIA must go deeper than the day-to-day news to provide official explanations of U.S. policies, including texts, and background information to foreign leaders and opinion makers. USIA films, exhibits, lecturers, and publications seek to portray the thrust of our society, going beyond the headlines to explain the often undramatic aspects of American life, culture, and history essential to an understanding of our country and its policies. The continuing efforts to explain the facts and underlying principles of our policies, to correct the willful or unintentional distortions about our country abroad—the daily tasks of USIA—are simply not the primary purposes or concerns of the private commercial media. Nor do they communicate with people in closed societies which USIA's broadcasting arm, the Voice of America, does so effectively.

The U.S. Advisory Commission on Information recently stated that "USIA is an ideal agency in a time of detente and dialog." The Commission said:

> For just as crisis tends to feed on crisis, so detente can generate detente . . . (and) the communications of detente reinforce and help perpetuate atmospheres of detente.

As the U.S. Information Agency enters its 21st year, Mr. Speaker, its role in promoting better understanding among the world's peoples has never been more vital.

CONGRATULATIONS TO CHAIRMAN WRIGHT PATMAN

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. ANNUNZIO. Mr. Speaker, a tribute is in order on the occasion of the birthday August 6 of the distinguished chairman of the House Banking and Currency Committee, Hon. WRIGHT PATMAN. I offer my heartiest congratulations and extend my best wishes to him and his wife Pauline.

Chairman PATMAN has captured the respect and admiration of many of the country's top leaders and having served in the Banking and Currency Committee for almost 9 years, I can testify that it has been an inspirational experience for me to serve with this farsighted and humane man.

WRIGHT PATMAN has fought vigorously over the years to strengthen the credit union system in the United States, and as a result, he has come to be known as "Mr. Credit Union" in our country. His legislative efforts have helped develop a credit union movement which today totals 23,000 credit unions with 26 million members and $20 billion in assets.

During World War II, he was instrumental in establishing the Small Defense Plants Administration which later evolved into what we know today as the Small Business Administration. He has done more than any legislator I know to protect and encourage the small businessman in America.

WRIGHT PATMAN has fought to make the Federal Reserve Board answerable to the Congress of the United States, because it and not the Federal Reserve is comprised of lawfully elected representatives of the people. He has fought to end loan-shark and sharp-practice finance company abuses directed against our brave servicemen in the Armed Forces. He has fought for the maintenance of realistic and reasonable interest rates for the American people, and only this week has again come out strongly against the current high interest policies of the Federal Reserve which are severely damaging the interests of the vast majority of the working people of our Nation.

On the occasion of your birthday, Mr. Chairman, I wish you many, many more years of good health in order that you may continue your fight on behalf of the little people of America, who through your efforts have secured genuine representation in the Halls of Congress.

DISTRICT OF COLUMBIA NO-FAULT AUTOMOBILE INSURANCE

HON. W. S. (BILL) STUCKEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. STUCKEY. Mr. Speaker, I introduced H.R. 5448, a bill to provide a system of no-fault automobile insurance for the District of Columbia on March 8, 1973. Hearings and subcommittee markup have been held on this important legislation; consideration by the full District of Columbia Committee is anticipated in September. I would like to share with my colleagues, for their information, two of the many excellent statements received in support of H.R. 5448:

TESTIMONY OF RALPH E. "DUTCH" VANDERVORT, GOVERNMENT RELATIONS CONSULTANT TO CAR AND TRUCK RENTAL AND LEASING ASSOCIATION OF DISTRICT OF COLUMBIA IN FAVOR OF H.R. 5448, MAY 2, 1973

Mr. Chairman, it is my pleasure to appear before you and the members of this subcommittee to speak out in favor of HR-5448. Our organization has maintained a position of active support for all *strong* no-fault automobile insurance proposals. This support comes as a result of the record of dissatisfaction experienced by the members of our industry, as citizens and as businessmen, in dealing with the tort-liability system.

I am sure that you gentlemen are aware of the myriad shortcomings of the current system, and I will not recount them here, However, I believe that it is safe to generalize that the current tort-liability system for settling automobile accident claims compensation is often untimely in paying even the most deserving victims.

Experience in states which have adopted no-fault automobile insurance plans has shown that the no-fault system can provide fast, efficient and equitable compensation at less cost than the traditional system. Careful analysis shows that no-fault insurance achieves these results largely through the elimination of administrative and legal costs inherent in the settlement of claims through tort actions. Thus CATRALA feels that the system adopted for this city should rightly provide a high level of first party benefits coupled with a high threshold for tort remedy for extreme disability or pain and suffering. Other factors which aid in streamlining the no-fault system are the principle of insurance following the individual, rather than the vehicle, and the elimination of subrogation. With insurance following the individual, each person involved in an accident will maintain a direct line of communication with his own insurance carrier. The elimination of subrogation helps to minimize the administrative and legal expenses which just increase the cost of insurance.

Perhaps the single most beneficial result of adoption of a strong no-fault insurance system is the reduction of the case loads of our various courts. With the drastic reduction in the number of automobile accident cases, the courts will have more time to devote to the ever increasing criminal court load.

This committee has the opportunity to bring to the District of Columbia one of the most meaningful and progressive innovations ever to appear in the field of insurance. CATRALA of D.C. hopes that you and the Congress as a whole can respond to the opportunity by enacting strong and effective no-fault insurance for this capital city.

EXCERPTS FROM THE STATEMENT OF CLYDE M. WEBBER, NATIONAL PRESIDENT OF AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES

In January 1973, the National Executive Council of the American Federation of Government Employees, AFL-CIO, representing over 650,000 Federal employees, officially adopted a resolution introduced at our last Convention favoring National No-Fault Auto Insurance. In light of this action and pending enactment of a National No-Fault program, our organization endorses in principle H.R. 5448, whose purpose is to establish a District of Columbia No-Fault Motor Vehicle Insurance Act, effective January 1, 1974.

One of the major attributes of this Bill, in our estimate, is that it will finally introduce a mandatory insurance program for all drivers in the District.

We are also impressed by the attempt of this Bill to provide a measure of equity for the poor as well as the rich. Under this Bill, those with potentially high wage loss, and with expensive vehicles—those with more to protect in terms of material value of the vehicle or loss of income—would pay higher premiums, while those with less to protect would pay proportionately lower premiums, since premiums will be based on loss-incurring potential. This plan also seeks to distribute benefits in a more socially desirable way by compensating each victim, regardless of fault, for his actual economic loss. This would decrease the wide gap which now exists between economic loss and compensation. Moreover, in light of its mandatory nature, this compensation is related rather directly to the premiums paid.

Among its other virtues, this Bill would reduce the time lag between injury and settlement of auto accident liability claims; thus the injured party can commence rehabilitation immediately. Moreover, unlike the present tort system, where victims of accidents often defer rehabilitation to increase claims, this Bill rewards early rehabilitation by penalizing any insured person who refuses to commence it. This is an important element in this Bill because it is socially desirable to encourage all injured persons to return to a productive life as soon as possible.

We realize that the specific details appearing in H.R. 5448 will probably be the subject of considerable review by the House D.C. Committee prior to the reporting of this Bill to the floor of the House. However, we are pleased to find in this Bill a basic consonance with H.R. 10, a Bill introduced by Congressmen Moss and Dingell intended to provide preemptive legislation as guideline for No-Fault Auto Insurance by the States. Because of this consonance, we are pleased to observe that early consideration of H.R. 5448 is practicable, since it is already highly compatible with H.R. 10.

In summary and conclusion, we urge early consideration of H.R. 5448, which we support both in principle and in most of the explicit provisions which it contains.

U.S. REPRESENTATIVE JACK KEMP SPEAKS ON THE REAL MEANING OF THE PRO FOOTBALL HALL OF FAME AT CANTON, OHIO

HON. RALPH S. REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. REGULA. Mr. Speaker, last weekend our colleague, the Honorable JACK KEMP, delivered an address at the enshrinement dinner preceding the enshrinement of Joe Schmidt, Jim Parker, and Raymond Berry in the Pro Football Hall of Fame in Canton, Ohio. Guests included Red Grange, George Halas, Mel Hein, Cal Hubbard, Don Hutson, John McNally, Bronco Nagurski and Ernie Nevers.

This address delivered by a man who knows and played pro football, was one of the most thoughtful addresses I have heard on the importance of sports in our national life.

It was a great weekend, the dinner, the enshrinement and then the pro football game between the New England Patriots and the San Francisco 49er's. The speech of our distinguished colleague, JACK KEMP made it all the better.

I therefore insert the text of his speech for the thoughtful consideration of others:

U.S. REPRESENTATIVE JACK KEMP SPEAKS ON THE REAL MEANING OF THE PRO FOOTBALL HALL OF FAME AT CANTON, OHIO

Thank you very much, Curt Gowdy for that very thoughtful introduction and ladies and gentlemen for that very warm welcome. Bishop Kearns, Mayor Stanley Cmich, Chairman Wade Norris and my good friend, director of the Hall of Fame, Dick Gallagher. I always knew I would make it to Professional Football's Hall of Fame, but of course, this isn't exactly the way I planned it. Nonetheless, I'm deeply honored to be your principal speaker tonight and to share with you in honoring the great middle linebacker of the Detroit Lions, Joe Schmidt; professional football's all-time great offensive lineman Jim Parker, of the Baltimore Colts; and certainly the most dedicated and able pass catcher in modern times, if not all time, Raymond Berry of the Colts. Coach Hayes, Coach Ewbank, and Mr. William Clay Ford captured, I think, the essence of this award by telling us about the years of sacrifice and dedication these football greats have manifest in their lives. Raymond, Jim and Joe are truly reflective of all the football greats presently enshrined and indeed of the highest qualities of pro football as played in the National Football League.

After thirteen years of quarterbacking in professional football and now serving my second term in the U.S. Congress, I find many parallels between football and government. I believe there are many lessons to be learned on the football field and on the playing fields of America that are of great benefit in the lives of our young people and which are collectively vital to the life of our country. I wish tonight, on this great occasion before this tremendous audience of more than 1500 people gathered here in Canton, Ohio, to honor these three great professional football stars, to make the point that there is more to athletics in our society than just the winning of awards or the winning of games or even the enshrinement of individuals in Halls of Fame. As important as these are, I think it would be a mistake tonight to focus attention only on this award without taking time to reflect on the qualities developed in their lives which have helped them to overcome so many obstacles in order to make the Hall of Fame. For to focus attention solely on the award, or the honor, or the success, is to lose sight of the many hardships and challenges that have been overcome and which seem to me the reason that I think the Hall of Fame really exists and it's for this reason I wanted my son, Jeffrey, to be here with me, not just to see the Hall of Fame and meet the stars, but to know the real purpose behind this award.

The real meaning of the Hall of Fame is to serve an example, a symbol, and a beacon, by which young men and women around this country can gain inspiration and motivation to press on, despite temporary setbacks to their goals in life; and whether or not they reach the Hall of Fame—it is in the competition and in the striving that those qualities are forged that make for better people and better citizens of this great Republic.

Sports in general, and football in particular, are a microcosm of our society and our competitive way of life. I would hasten to add at this point that I do not mean the type of competition that is some type of a Darwinian biological struggle in which only the strong can survive by stepping on the weak. Rather it is the type of competitive society in which competition leads to productivity and requires cooperation, where not just the strong can succeed, but the weak as well. All are lifted up not only by their own efforts, but by the inspiration and help they receive from those who achieve the highest. As a microcosm of our competitive society, sports help teach the type of perspective that is so necessary if one is not to lose hope at the sight of life's many obstacles. In sports, as in all human experience, we win and lose, try and fail and try again, get knocked down, and get up, and learn, hopefully, to never give up or give in. Problems are not roadblocks but challenges.

Just as individuals are tested, so too are nations. And this Nation has always responded to challenge and it will do so again. For this is the testing time as in fact we have had many before. The metal of our nation is never tested under the easiest of conditions. It is always tested in the fiercest of fire. It is what we do when the going is toughest that adds to that dimension of America's life which determines whether or not we rise above our problems and build a better tomorrow. I am confident we can and indeed will.

We live in an age of great doubt and cynicism in which all of our institutions are under direct attack. It is an age of uncertainty when few people have the type of philosophy or perspective that allows them to really understand what is happening to us and how to address the real issues of our being, values and purpose.

The Spanish philosopher, Ortega y Gassett, said of his age, "We do not know what is happening to us and that is precisely what is happening to us." Sports, I think can help us understand what is happening to us and helps put in perspective this age of challenge.

What is being honored tonight here in Canton, Ohio, is that transcendent quality of the human spirit that unites us all, black and white, young and old, man and woman, spirit that derives strength from challenge. The spirit that never gives up. I believe that is the spirit upon which this country was founded, upon which it grew and upon which we must build even further if we are to have a better tomorrow. It has been said that if you lose your money you have lost nothing. If you lose your health you have lost something, but if you lose your spirit, you've lost everything. We must never lose our spirit, either as individuals, or as a nation.

Our prisoners of war who have returned from five, six, or even in some cases seven or more years of prison camp in North Vietnam had that spirit. It's the same spirit upon which America was forged. It's the spirit of American football. It's the spirit that is still alive not just in this room and in the Hall of Fame, but across our land in our schools, churches and synagogues and homes. It's the spirit that believes that no matter how down, no matter how far out, no matter how low or how much of a handicap he or she may have, will never give in. That's the spirit of competition; that win or lose, you keep trying, and as former President Theodore Roosevelt once said it is to that type of person to whom the real credit in life goes. He said, "The credit in life goes not to the critic who stands on the sideline and points out where the strong stumble, but rather, the real credit in life goes to the man who is actually in the arena, whose face may get marred by sweat and dust, who knows great enthusiasm and great devotion and learns to spend himself in a worthy cause, who at best if he wins knows the thrill of high achievement and if he fails, at least fails while daring greatly, so that in life his place will never be with those very cold and timid souls who know neither victory nor defeat."

Tonight as we look upon these outstanding and successful professional football players, Joe, Jim and Raymond, I think it would be a mistake if we did not realize the setbacks and defeats that each has faced in his life, along with the moments when each was knocked down, only to get up and to come back to the battle, even more determined to prevail. That type of spirit will succeed, not only in the lives of individuals but in the life of our country, not only in sports fields, but off the field as well. It is that type of spirit held by our POW's, by our Founding Fathers, by the American professional football players enshrined in the Hall of Fame here in Canton and by millions of other Americans from every walk of life, religion, and race. It is that spirit which we honor tonight and to me that is the real meaning of the Hall of Fame.

This is truly the testing time for America and I believe sincerely that just as those who we honor tonight have met that test, so too will our country as it has so many times in our past history.

VOICE OF DEMOCRACY

HON. RONALD A. SARASIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. SARASIN. Mr. Speaker, it gives me great honor to bring to the attention of this assembly, the achievement of a young man from Connecticut, Mr. Gary Rosenthal. Gary was recently named the State winner in the annual Veterans of Foreign Wars "Voice of Democracy" contest.

It was my pleasure to speak with Gary at the Connecticut State VFW Convention banquet. His attitude and accomplishment truly reflect the fine ideals instilled in him by his parents and I am sure that his future endeavors will serve many who lack the great inspiration and confidence in our country.

The following is the complete text of Gary's speech:

Albert Adams lived and worked in a prosperous town in the United States in 1914. Three years later, his body lay cold and lifeless on a field in France. Edward Plocharozyck lived in the United States in 1940. Five years later, only twenty years old, he died in the South Pacific serving as a Marine. Father Maximilian Kolbe offered his life in service of those poor prisoners at Concentration Camps, in Germany, during World War II. What did all these men have in common? They all possessed a spirit, an idea, that beckoned them to give up their lives to retain a basic right. That spirit and that right was freedom.

Freedom is not a gift. No one will hand it to you on a silver platter and bid you to do with it what you please. It must be earned. Earned by the blood and sweat and the sacrifice of those who wish to possess it. I am blessed with freedom, because others before me have struggled to obtain it. I and others like me taste the fruits of freedom, which were won by those who sacrified in order to be free.

My responsibility as a free citizen and patriot is to be ready to give up my life if need be to preserve freedom for myself and others. I must be ready and willing to offer my services to my country if and when it calls.

It is much easier to understand my responsibility to preserve and protect the free nations and peoples if we think of freedom as a torch, and as its light the spirit of liberty. It is my duty to spread this light to the far reaches of the earth and to protect it from the dark orb of tyranny. I have an obligation to prove to the world that a free people can achieve and excel far beyond the capacity of those burdened with despotism and oppression.

One of the paramount tasks I am compelled to perform is that of rekindling the flame of liberty in the hearts and minds of today's youth. Many have forgotten the importance of the meaning of the word freedom and the effort and toil of those brave men, women and children who won it for them. But all it takes is one spark to set the flame of freedom burning in their souls once again.

But how do we produce this spark? One salient method is education. The youth of America should be instructed in the value of living in a free nation and the torment of living under tryranny; and the best form of education is an example. I must show by example what the responsibility of every free citizen is to retain the right of liberty.

To do this I must obey the laws. The laws were written for the people and by the people, to protect the people. We must always remember that the laws and the government are really extensions of the people. Therefore, it is up to us to take an active part in our community, state and national government. I must encourage my fellow citizens to respect the laws because they are necessary to enjoy freedom. I must work with the government, not against it. If it is necessary to improve the government by change, then it must be a peaceful change by the will of the people. It must be remembered that the government we form must ensure us of our freedom and protect us from oppression.

It is my responsibility to improve myself, my community, and my nation as best I can by demonstrating what it means to be free.

I must call out to the world the blessings of liberty as if I were a bell anouncing a great event; and truly, from every mountain side, let freedom ring.

To this young man we must offer our congratulations and very best wishes for success in the future.

CAPTIVE NATIONS WEEK, 1973

HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. FLOOD. Mr. Speaker, the 15th observance of Captive Nations Week was a clear success. In almost all sections of the country the traditional week was observed. Forward-thinking Americans have well demonstrated that they cannot and will not forget the captive nations in central Europe, within the U.S.S.R., in Asia, and in Cuba. For a few illustrative examples of the week's commemoration, I submit the following:

First. Proclamations by Govs. Dale Bumpers, of Arkansas, Kenneth M. Curtis, of Maine, and John J. Gilligan, of Ohio; and

Second. An article by Tom Littlewood on "Captive Nations Week, a Paradox"; and

Third. A characteristic letter of citizen interest written by Mrs. Claire M. Richert of West Palm Beach, Fla.

STATE OF ARKANSAS PROCLAMATION

Whereas, the imperialistic policies of Russian Communists have led, through direct and indirect aggression, to the subjugation and enslavement of the peoples of Poland, Hungary, Lithuania, Ukraine, Czecho-Slovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, Mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Serbia, Croatia, Slovenia, Tibet, Cossackia, Turkestan, North Vietnam, Cuba, and others; and

Whereas, the desire for liberty and independence by the overwhelming majority of peoples in these conquered nations constitutes a powerful deterrent to any ambitions of Communist leaders to initiate a major war; and

Whereas, the freedom-loving peoples of the captive nations look to the United States as the citadel of human freedom and to the people of the United States as leaders in bringing about their freedom and independence; and

Whereas, the Congress of the United States by unanimous vote passed Public Law 86-90 establishing the third week in July each year as Captive Nations Week and inviting the people of the United States to observe such week with appropriate prayers, ceremonies and activities; expressing their sympathy with and support for the just aspirations of captive peoples;

Now, therefore, I, Dale Bumpers, Governor of the State of Arkansas, do hereby proclaim that the week commencing July 16, 1973 be observed as "Captive Nations Week" in Arkansas, and call upon the citizens of our state to join with others in observing this week by offering prayers and dedicating their efforts for the peaceful liberation of oppressed and subjugated peoples all over the world.

In witness whereof, I have hereunto set my hand and caused the Great Seal of the State of Arkansas to be affixed at Little Rock, the Capital, this 7th day of July, in the year of our Lord, Nineteen Hundred and Seventy Three.

STATE OF MAINE PROCLAMATION

Whereas, Captive Nations Week provides Americans with the opportunity to show their concern for the plight of 100 million East and Central Europeans living under Communist rule; and

Whereas, the desire for liberty and independence by the overwhelming majority of peoples in these conquered nations constitutes a powerful deterrent to any ambitions of Communist leaders to initiate a major war; and

Whereas, the freedom-loving peoples of the captive nations look to the United States as the citadel of human freedom and to the people of the United States as leaders in bringing about their freedom and independence; and

Whereas, the Congress of the United States by unanimous vote passed Public Law 86-90 establishing the third week in July each year as Captive Nations Week and inviting the people of the United States to observe such week with appropriate prayers, ceremonies and activities; expressing their sympathy with and support for the just aspirations of captive peoples for freedom and independence;

Now, therefore, I, Kenneth M. Curtis, Governor of the State of Maine, do hereby proclaim the week of July 15–21, 1973, as Captive Nations Week in the State of Maine and call upon the citizens of Maine to join with others in observing this week by offering prayers and dedicating their efforts for the peaceful liberation of oppressed and subjugated peoples all over the world.

Given at the office of the Governor at Augusta, and sealed with the Great Seal of the State of Maine, this Eleventh day of July, in the Year of Our Lord, One Thousand Nine Hundred and Seventy-three, and of the Independence of the United States of America, the One Hundred and Ninety-eighth.

STATE OF OHIO PROCLAMATION

Whereas, Americans are no strangers to struggle and strife in the continuing battle waged against tyranny and oppression; and

Whereas, it is fitting that all Ohioans join with nationality organizations and other concerned citizens throughout our state and nation in speaking out against the suffering and oppression born by those who are forced to live in nations enslaved by the powerful tyrants of Europe and Asia; and

Whereas, on this annual observance, let all of us bow our heads in humble tribute to these men, women and children who continue to seek the freedoms which we enjoy and offer our assistance to someday assure the rights of peace, freedom and integrity for all.

Now, therefore, I, John J. Gilligan, Governor of the State of Ohio, do hereby designate July 15–21, 1973, as Captive Nations Week in the State of Ohio, and urge all Ohioans to recognize the significance of this event.

In witness whereof, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed at Columbus, this 13th day of July, in the year of our Lord, One Thousand Nine Hundred and Seventy Three.

[From the Binghamton (N.Y.) Press, June 18, 1973]

CAPTIVE NATIONS WEEK, A PARADOX

(By Tom Littlewood)

WASHINGTON.—A few days after Soviet leader Leonid I. Brezhnev completes his visit to the United States, the White House will issue President Nixon's routine proclamation commemorating the observance next month of Captive Nations Week.

By resolution of Congress in 1959, the year of Nikita S. Khrushchev's visit to this country, the special week is designated annually. In addition the same resolution committed the United States, insofar as Congress is able to do so, to the objective of "liberating" the non-Russian people who have come under Communist rule.

Many ethnic Americans nourish the hope that the lands of their parents and grandparents will somehow be freed of Communist control.

In the intervening years, meanwhile, American foreign policy has been transformed. The President introduced an era of negotiation and understanding, containing a tacit acceptance of Soviet domination over Eastern Europe.

Radio Moscow declared last year that Captive Nations Week had become "a completely outdated affair."

Obviously, explained Henry A. Kissinger at about the same time, circumstances have changed and no longer is there the imminent expectation of violent upheavals or peaceful changes in Eastern Europe.

Last year the platform of the Republican party hailed Nixon's "new era of diplomacy" and friendship with the Communist powers.

Following Khrushchev's visit, the 1960 platform prepared for the first Nixon presidential campaign by saying that "our greatest task is to nullify the Soviet conspiracy," a task requiring that the nation remain "inflexible against every tyrannical encroachment."

Some of those in the captive nations movement consider it ironic that Jewish liberals who were ridiculing anti-Communists and the "devil theory" of communism not many years ago are now outspoken protesters against Soviet repression directed at Jews.

"Kissinger seemingly is concerned exclusively with the plight of Soviet Jews," remarked Dr. Lev E. Dobriansky. "But what of the mass arrests of Ukrainian intellectuals. Are they to be forgotten?"

An economist at Georgetown University, Dobriansky has been a leader of the National Captive Nations Committee for many years.

Rep. Edward J. Derwinski, R-Ill., a longtime congressional spokesman for the movement, said it would be easier to form coalitions with Jewish groups if they were striving for the principle of free immigration for all.

Derwinski said the rhetoric of the movement is more subdued now, most of the "Birchers and way-outers" have been weeded out, and "there has been an adjustment to the realities of the time."

Lithuanian, Rumanian, Czech, Polish and other organizations are devoting themselves to specific issues in Congress—the defense budget, the funds for Radio Free Europe (which Sen. J. William Fulbright would discontinue as "a relic of the Cold War.")

The realities of the time are that the United States is prepared to keep its nose out of Eastern European affairs if the Russians will do the same where they don't belong, especially in Latin America.

And so, too, have the domestic ethnic politics of resentment undergone a startling transformation since 1959. This is due to the concern of American Jews over restrictions placed upon their brethren in the Soviet Union.

Poles and Ukrainians from Buffalo and Detroit were expected to participate in symbolic protests when Brezhnev is greeted by the President today. Their national organizations are cooperating with the administration by stimulating no demonstrations, but some of the local committees are making separate plans.

The State Department is worried about the far greater potential for a disturbance among militant Jews organized as the Union of Councils for Soviet Jews.

The Jewish "establishment"—older organizations represented in the National Conference on Soviet Jewry—are appealing to their members to cool it. The conference is sponsoring a series of public "assemblies" that are not intended to be demonstrations.

Isaiah Minkoff, executive vice chairman of that group, pointed out that the Israeli government is anxious not to "irritate Mr. Nixon, the source from whom all Phantoms (jet aircraft) flow."

On his side, Brezhnev comes with increased commerce between the two economies on his mind. Living standards are a hot consumer issue in Russia, and the Soviets need American technology and grain.

Nevertheless, the influence of American Jewry in both political parties is such that legislation to grant most-favored-nation trade status to the Soviet Union is dependent upon the immigration policy of the Soviet Government.

American Jews were aroused by the refusal of the Soviet Union to permit emigration of Jews to Israel without the payment of a sizable fee.

Zbigniew Brzezinski, director of the Research Institute on Communist Affairs at Columbia University, has observed:

"Latin America is likely to undergo intense political-ideological conflicts, dominated by anti-American passions. The fact that their sharp edge will be directed against the United States will tempt Moscow to give some of these revolutionary activities its tacit or indirect support.

More demonstrative encouragement may may be forthcoming from Moscow for established anti-American governments in Latin America, with Soviet naval visits to Latin American ports becoming routine during the seventies.

". . . The issue of Eastern Europe will not be resolved until the Soviet Union learns the same lesson that the United States has learned in Latin America: Spheres of imperial hegemony can be maintained only at a very high cost."

It is precisely to avoid any negotiated freezing of the status quo that the representatives of the captive nations organizations have been directing their attention to Brezhnev's visit.

Aloyius A. Mazewski, president of the Polish-American Congress and the Polish National Alliance, called at the State Department recently with a reminder of the points that he thought should be raised anew with the Soviet leader.

The ethnic groups have an interest in another subject that will be high on Nixon's agenda next week: finding out whether the Russians are willing to remove troops from Eastern Europe in return for the mutual balanced withdrawal of American forces from West Germany and other parts of Western Europe.

Sentiment is growing in Congress for a reduction of American divisions in Europe. But the President has resisted until the Soviets are ready to do the same on their side.

WEST PALM BEACH, FLA.,
July 11, 1973.

To the EDITOR.

DEAR SIR: Foes of communism, at home and abroad, are observing Captive Nations Week July 15th through July 21st. These seven days commemorate the billion living human beings whose nations have been enslaved by Communist Russia.

The long list of Captive Nations begins with Armenia which fell in 1920, and extends to North Vietnam (1954) and Cuba (1960). It is graphic illustration of Russia's dynamic goal of world domination.

It is timely for Americans to reflect upon their neighbors who exist without freedom or hope, because we, too, are on the schedule. It can happen here!

Moscow is annoyed at any public attention being drawn to the plight of the Captive Nations, because it belies its pretense, that communism is just another peace-loving form of government. It is trying to propagandize anti-communism sentiment as an out-moded relic of the "cold war." It cannot hide a billion slaves from sight, so desires the world to believe that those in captivity are not hungering for freedom and self-determination.

We must not be deluded that "detente" means peace. It is the nature of the bear to appear docile and cuddly as long as you are feeding it, and to kill without passion when you stop. The Russian symbol is quite appropriate for the amoral creed of communism, which is simply that anything that promotes communism is good and anything that does not is evil.

Communism must be rejected and opposed by everyone who believes that man has a soul and a destiny and that no government on earth possesses the right to reduce human souls to cattle.

Pray this week for those who have no freedom. Pray this week that your own freedom will not be given away.

Sincerely yours,

CLAIRE M. RICHERT.

WHAT DO I DO FOR THE NEXT 20 YEARS?

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. FRASER. Mr. Speaker, the New York Times Magazine June 17 published an article by Susan Jacoby about a group of working-class women in Brooklyn, N.Y. The article, "What Do I Do for the Next 20 Years?," describes the women's individual and collective attempts to transcend their roles as wives and mothers and move into the labor market.

These women do not consider themselves feminists.

No group of women seems further removed from the worlds of Gloria Steinem and Betty Friedan, Ms. magazine, marriage contracts, "alternative life-styles," sexual experimentation and all of the upper-middle-class paraphernalia frequently associated with the feminist movement.

According to Ms. Jacoby.

Yet they are facing an economic and social problem a growing number of American women encounter at middle-age. Their children are grown, they are unemployed and undereducated and they have 20 or so years before reaching legal retirement age.

The women described in this article represent an impressive sector of our population. Their problems should not be dismissed as insignificant, nor should their potential as productive citizens be underestimated.

The article follows:

WHAT DO I DO FOR THE NEXT 20 YEARS?

(By Susan Jacoby)

"I'm short, fat and 45."

Rose Danielli digs her fork into a large piece of Sara Lee cherry cheesecake as she begins to describe herself at the first meeting of a women's consciousness-raising group last September. Twelve women are crowded into the living room of a small red-brick house in the East Flatbush section of Brooklyn; many are old friends who have shared senior proms, weddings, births, miscarriages, family deaths and all of the other minor and major events of life in a close-knit working-class community where neighbors still care about one another. Now they are supporting one another in a new experience: an effort to expand their middle-aged lives beyond the comfortable roles of wife, mother and grandmother. No group of women seems further removed from the worlds of Gloria Steinem and Betty Friedan, Ms. magazine, marriage contracts, "alternative life-styles," sexual experimentation and all of the upper-middle-class paraphernalia frequently associated with the feminist movement.

"My mother-in-law asked me the other day if I was one of those 'women's libbers,'" continues Mrs. Danielli, "and I told her I had always been something of a 'libber' even though I like being called 'Mrs.' She said she guessed I was telling the truth, because she remembered how hard I fought for my girls to go to college. My husband and I never went to college, and everyone in the family thought our three girls would go to work to help put my son Johnny through.

"Way back when the kids were in grade school, I told my husband, 'Joe, if one of our kids is going to college, all of them are going. Your girls aren't gonna have 10 children like your mama—they've gotta do something with their lives just like our boy.'

"Both of our families were shocked when our oldest girl went off to college—Joe's papa kept asking if we didn't need the extra money she could bring in working as a typist. We needed money, all right, but I never gave in—even when times were toughest and we were eating spaghetti without meat sauce three nights a week."

There is a note of solid satisfaction in Rose Danielli's voice as she finishes both her story and the cheesecake. The women have agreed to begin their first session by describing the most significant failures and successes of their lives; they will start to talk about the future after evaluating the past. The old friendship and neighborly bonds give their discussion a more comfortable aura than the sort that usually prevails in Manhattan consciousness-raising sessions, which frequently reflect the fragmented and transient nature of affluent high-rise apartment living.

"I was going to break the rules and interrupt," admits Alice Martino, a construction worker's wife who grew up on the same block with Rose in East Flatbush. "I thought Rose might go on and on about being fat, as though there were nothing more to her story."

The life stories outlined by the women have many common elements. The women are all in their 40's; most grew up in first- and second-generation Italian or Jewish immigrant homes. A few have lived in East Flatbush since they were children, and the rest came from nearby blue-collar neighborhoods. Most of the women graduated from high school, went to work for a year or two at poorly paid jobs, married by age 20 and quickly started having children. Only two of the 12 had any education beyond high school. Rose Danielli's background is typical; she worked as a telephone operator for a year before marrying Joe, a telephone installer, when they were both 19.

The husbands are blue-collar union men or white-collar workers employed by the city government; their general income range is between $9,000 and $14,000 a year. Most of the families have at least three children. Homemade soups and clothes are a necessary economy for them rather than an expression of the "traditional female role." Their houses represent the only important financial investment of their lives and are maintained with appropriate care—postage-stamp lawns raked free of leaves, living-room sofas glazed with plastic slipcovers and reserved for company, starched kitchen curtains, home freezers stocked with the specials the women unearth in numerous grocery stores on Saturday mornings. They worry in equal measure about the rising price of ground chuck, the fact that so many of their grown children are leaving the old neighborhood, and how to get along with the blacks who are moving into the area. A movie and dinner in a local Chinese or Italian restaurant is a once-a-month event. Manhattan is "the city," a place to be visited on wedding anniversaries for dinner and a hotel floor show.

Whatever their problems, the women love their husbands and are not about to leave them. They do not expect to liberate themselves by living alone, although they understand why some younger women find marriage an unsatisfactory state. They have neither the education nor the work experience to be tapped as token women for high-powered jobs in high-powered companies. One woman in the group says she is waiting breathlessly for the day when the local 6 o'clock news will feature a broadcaster who is not only black and female but over 40, thereby providing on-screen representation for three oppressed groups instead of two.

Nevertheless, the women are convinced that they can build a future different from the traditional path laid out by their mothers and grandmothers. The feminist movement is responsible in large measure for their belief that they can change the course of their middle-aged lives.

The movement was gaining strength and national publicity at a time when the women who make up the East Flatbush group began to face the void most full-time mothers experience after their children grow up and leave home. Their comments in the group sessions indicate that two main concerns spurred their interest in feminism: the feeling that society in general, and their husbands in particular, no longer viewed them as sexually interesting or even sexually functioning women, and the realization that they were "out of a job" in the same sense as a middle-aged man who is fired by his employer of 20 years.

The idea of a formal consciousness-raising group was suggested last fall by Lillian Schwartz, the only one of the women with any extensive contacts outside the neighborhood. She had been active for many years in citywide organizations concerned with the public schools, and she was hearing more and more about the feminist movement from the women she met in the course of her volunteer work. At the same time, her three closest friends in East Flatbush were constantly mulling over the question of what to do with the next 20 or 30 years of their lives. They agreed that an organized group might help them figure out what to do and quickly recruited enough interested women to make up a manageable dozen. Lillian hunted down a copy of Ms. with advice on how to form a consciousness-raising group.

The most important decision at the first meeting was that the sessions would be held regularly on Tuesday nights. Except in emergencies, they would not be subject to interference by children and husbands who had other activities in mind. At the second session, several women reported with glee that the announcement of a regular meeting had caused a storm in their homes. "In our house, my husband expects me home every evening," explained one woman. "That is, unless he decides to go bowling. Then I can go to the movies by myself or out to a neighbor's."

Some of the husbands resented the decision to regularize the meetings because they had chosen to view the group as just another *Kaffeeklatsch*. The reactions of the men included bitter opposition, secret sabotage, amused resignation and quiet support. "My poor man asked what he should tell the neighbors if they called and asked for me on Tuesday night," recalled a woman whose husband is part-owner of a Jewish delicatessen. "I told him to tell anyone who called the truth, that I'm working out what to do with my life. He said the hell he would, he'd tell them I was doing something for the temple."

Sarah Thomas, the 40-year-old wife of a policeman, had the biggest problem: Every time she planned to leave the house for her women's group, her husband had a minor household accident requiring her attention. The women were appropriately sympathetic when she arrived an hour late for the second meeting because her husband's ankle needed soaking after he twisted it on the front stoop. Before the next meeting, Sergeant Thomas carved a deep slice in his thumb with a potato peeler. When he poured boiling water over his hand, Sarah and the other women began to suspect the accidents were not entirely accidental.

At the fifth meeting Sarah reported that "I told him since he was an experienced police officer he was used to dealing with emergencies and I was sure he could take care of a slight burn by himself. I figure if I just sail out of the house anyway, he'll stop having these accidents." (She proved a poor prophet, because she continued to attend the women's group meetings and, as of June, her husband was still chalking up at least two accidents a month.)

Most of the women spent considerable time talking about personal sexual problems during the early weeks of the group. In this respect, they resemble the younger wives, single women and divorcees who make up the membership of most consciousness-raising groups. But they are of a more reserved and modest generation than the younger feminists. No one mentions foreplay or sexual positions. If the East Flatbush women are worried about orgasms, they do not talk about it. An occasional mention of premarital sex produces flushes of embarrassment. But they are all acutely aware of the unfulfilled sexual desires that seem to be the lot of many middle-aged women in American society. To a greater or lesser degree, most of the women reported the same problem: The frequency of sexual relations with their husbands diminished drastically after they entered their 40's. For the unluckiest women, sex—like a night out in "the city"—became an event reserved for birthdays and anniversaries. "It's more like a monument than an act of love," one commented.

"I just want to be recognized as a woman," said Ruth Levine, a mother of five whose 100-pound figure and short black hair make her look a decade younger than her 46 years. Her husband is a cab driver who has worked 14- to 16-hour days throughout most of their married life.

"I'm going to be alive for another 20 or 30 years," she observed. "My husband and I sleep together maybe once a month. Oh, it's not that he wants another woman—I don't think that at all. It's just that . . . I'm familiar. Men really don't think of women in their 40's that way, in a sexual way. I know it isn't the way I look—I'm prettier now than I was when I had five children under the age of 10 to run after all day. I don't feel like having orgies, but I'm too young for this . . . this . . . it's almost an end to sex. I don't know how to make my husband realize this without hurting him. I don't want him to feel I'm making demands he can't meet. And I don't even know if I have the courage to talk about it with him, after all these years of letting the man lead the way. . . ."

Another woman sadly recalled a night when she put her arms around her husband while he was watching television and he pushed her away. "He said, 'Help, I married a sex maniac.' He made it sound like a joke, but I knew he was only half-teasing. Then he said, 'You know, Debbie, we're really getting too old for much fooling around. Our kids are going to be getting married pretty soon.' "

Alice Martino mocked the sex advice offered by conventional women's magazines. "They tell you to be careful to keep up your looks, don't walk around in front of your husband in rollers, go out and buy a new black negligee. But those little gems are stupid, because most women who like men have been following them for years. My hair is combed and my fanny is still pretty firm and I don't wear flannel pajamas to bed. It's the idea of settling into a new role after you get past a certain age that's so hard to fight.

"You know, when you were 20 the thing to do was make love and have children. Our eldest boy is getting married next month. The other night Rick said to me, "Well, pretty soon I'll be able to call you grandma.' I said he would over my dead body, that I would have murdered him if he'd called me 'Ma' while our kids were growing up. He laughed and said he was a fool, because he'd forgotten the time I shut him out of the bedroom after he gave me a new baby carriage for my birthday. A baby carriage. For *my* birthday!"

With the exception of Rose Danielli, who correctly surmised that losing 60 pounds would make a major change in her own sense of physical well-being as well as her husband's sexual behavior, the women agreed that spending money on "a new look" was not the answer to a lagging sex life. As a group, they were somewhat more tolerant of the sexual insecurities of middle-aged males than the younger women in consciousness-raising groups. Some of them compared the fatigue of their husbands with the exhaustion they felt when they were looking after small children.

"Life plays a dirty trick on women," said Ann Nussbaum, whose husband is a bookkeeper with the city Finance Administration. "The men think you're gorgeous when you're too young to know anything about life. How well I remember how hard it was to take any interest in my husband when I had been changing diapers all day. Now I have much more time and interest for sex, but my husband is the one who's beat. He does tax returns to make extra money on the side—I know he just feels like rolling over and going to sleep at the end of the day.

One of the things I feel I have to get across to him is that being physically affectionate with each other doesn't have to mean sex; he doesn't have to feel all this pressure that men seem to feel about performance. I agree with Ruth that it's hard to talk about these things after a lifetime of being silent, but I don't see how we can get anywhere unless we speak up about what's bothering us."

As the group sessions continued, most of the women reported considerable success in their attempts to talk about sex with their husbands. They began seeking out more sex information from medical studies and books on women's health by feminist writers. Several women said their husbands were especially impressed by the Masters and Johnson finding that normal men and women can continue to enjoy sex into their 60's. Said Rose Danielli: "Joe told me, 'You know, Rose, we were brought up in ignorance even if we did manage to have four kids. This Masters-Johnson thing you're telling me about—I thought a wife would think her husband was a dirty old man if he kept trying to take her to bed when they were 50 years old."

One woman who was going through menopause reported that her husband was greatly relieved to learn she could still function sexually. "Like most of us here, I never really talked about these things with my husband. When I finally got up the nerve to say something, I found out he thought the change of life meant that a woman would find it difficult—physically difficult, that is—to have sex. I told him I was looking forward to the change because it meant I wouldn't have to worry about getting pregnant anymore. He said he'd never looked at it that way."

Many members of the group linked their sexual plight with the more general emptiness of middle-aged women who have devoted their entire lives to their families. "My nights will take care of themselves if I have something to occupy my days," said one. By December—the third month of the group sessions—most of the discussions centered around the need to find some sort of work.

Ruth Levine, who had never worked outside her home, surprised the rest of the group by becoming the first to take the plunge into the job market. She applied for a job as a file clerk in a large advertising agency and was hired with a warning from the personnel department that "most of the girls on your floor will be 25 years younger than you are."

Feminist opponents of job discrimination are correct in their assertion that file clerking is a thankless, dead-end task reserved by large companies for women. However, the upper-middle-class, college-educated feminists often fail to realize that a woman with no training may look upon a mundane job as an opportunity rather than an insult. For Ruth Levine, who had rarely left her neighborhood for 25 years, the file clerk's job was an important step into a wider world.

"Well, I know it's not much of a job in the eyes of anyone else," she reported to her group after she had been working for a month. "Even the secretaries look down on file clerks—especially a file clerk in her 40's. And I agree with some of the stuff I read in Ms. these days—a man, even a dumb one, would never have to take one of these jobs. But to me the job is something. Someone has to do this kind of work. I never went to college, I never worked before I was married, and I don't really have the training for anything more. What do I get out of the job? For one thing, I get to meet a lot of different people who give me new things to think about.

"The young girls ask me 'Mrs. Levine, why are you working at your age when you have a husband and children? We're just waiting to get married and out of this hole.' I tell them I'm working because it's better than sitting home and being a vegetable, and that they should get themselves some more training or they'll be file clerks 20 years from now, whether they get married or not. I don't see any practical advice for girls like this in any of the magazines, including Ms. and Cosmopolitan. Cosmo tells girls how to put rouge on their breasts and Ms. tells you how to start your own business, but no one tells file clerks that life will stretch into a big zero unless they improve their skills."

The other important thing Ruth gets out of her job is money: She brings home more than $90 a week after taxes and Social Security withholding. "It makes me feel both that I'm independent and that I'm contributing something to the household," she said.

Sarah, the wife of the accident-prone police sergeant, broke in: "Whenever I talk about getting a job, my husband says I'm contributing something by staying home."

"I know, I know, I've heard it all," Ruth replied, "My Hal said exactly the same thing. He said it made him feel like a second-class man, that he couldn't take care of his family by himself. I said, 'Hal, our youngest kid is 16. What am I going to do with myself for the next 20 years?' I told him I'd feel like we were pulling together—the way we did when the kids were little—if I could bring in a little money to make our lives easier.

"At first we agreed the money would go into a special account in my name, so it would be clear he was still paying for everything. Finally Hal saw the money was piling up and it was crazy not to use it. We put part of it into the regular budget and are saving the rest for a vacation."

Ruth reported that her husband's attitude toward her job changed slowly but definitely. He became less concerned about the fact that she was making money of her own and began to cut down on his own 14-hour work days in his taxi. The most unexpected dividend was a significant improvement in their sex life.

"I can't believe it. We have a sex life again. For the first time in years Hal can go out with me once a week; he comes home at 7 o'clock instead of midnight. That little bit of extra money makes a big difference to us. We go to bed together more than we did for the last 10 years.

"Hal and I have never been much for talking about sex, but one night he turned to me in bed and said, 'You know, Ruthie, I was just too beat to pay attention to you this way. I didn't realize it until you went to work and took some of the money pressure off me.' I said, 'You know, Hal, I didn't realize it either.'"

Ruth is taking a shorthand course so that she can move into a better-paying secretarial job next fall. After she took the first step, four other women in the group found jobs. Two returned to the secretarial work they had done before they were married, one found an opening as a teacher aide in the Head Start program for preschool children, and another put her fluent Italian to work as an interpreter for older immigrants in their dealing with city agencies. Two women in the group decided they would go to college and were accepted in adult-education programs leading toward a bachelor's degree.

The women who plan to enter college are undergoing profound changes that have also made a deep impact on their husbands. "I don't think I could take file clerking," announced Alice Martino one night, "but I'm not prepared for anything else. I always wanted to go to college, and I think that's just what I'm going to do."

Unlike many of the women, Alice has no serious financial problems. Her husband, Rick earns more than $16,000 a year as a construction worker; they live rent- and mortgage-free in a house Alice's mother left them when she died. Their children are between ages 18 and 24, and are either currently attending college or have graduated.

Alice is enrolling in the highly respected adult-education program at Brooklyn College. After considering several possibilities, she decided on teaching as a career because she felt it offered the easiest entree for an older woman. She plans to make a specialty of speech and reading therapy because there is a shortage of trained personnel in those areas despite an over-all teacher surplus.

Contradicting the hard-hat stereotype, Alice's husband turned out to be more favorably disposed toward the feminist movement than the other women's husbands. In fact, he decided to follow his wife's example. "He confessed he was jealous of my plans to go to college," Alice said, "and then he decided he was being stupid because he could do it too. College was never a possibility for him when he was younger—he was the oldest son and his parents needed money very badly. He's thought about architectural engineering for years; he always said he knew more about putting up buildings than the engineers on the job.

"Anyway, he said he always assumed a man couldn't change his wife in midstream but he figured if women were trying to do it, why not him. It won't be easy for him trying to build a new career when he's over 40, but it won't be easy for me either. We have it planned. I'll be teaching before Rick gets his engineering degree, and he'll have a pension because he's been in the union since he was 18. We'll have plenty of money to get along on while he looks for an employer who doesn't think a man is a fossil when he gets to be 40. As far as my teaching goes, I'll be less of a fossil than the younger teachers."

One of the more conservative women in the group told Alice she sounded like a starry-eyed 18-year-old. "I feel like one," she replied. "I haven't been this optimistic about life since I was 18."

Joan Loewenstein, who is also entering Brooklyn College next fall, was equally optimistic. She hopes to become a statistician or a computer programer. "A lot of people have been telling me I'm out of my mind to be thinking about this big a change 'at your age.' Oh, they love to use that phrase—'at your age.' But I've been lucky like Alice—my husband has been wonderful. His partner in the deli started this business about my age, and he said, 'What do you think she should do at her age, buy a cemetery plot?' Abe is convinced I have a talent for math because I've always helped him keep the books for the store, done our income-tax return, that sort of thing.

"You know, we had a joint checking account all of our lives, but Abe always gave me the household money every week. I never wrote a check for anything unless it was something like the mortgage payment. I would never have bought myself a new dress without checking with him first. Abe has been doing some thinking on his own about Women's Lib. He says it suddenly hits him how stupid it was for him to be doling out household money to me when I keep the books better than he does.

"So, the other night he tells me, 'Joan, I'm not giving you money for the house anymore, you take what you need. Here I am, a man who's been letting a woman keep his books for 20 years, and still telling her what to spend each week. I know what I got out of it, but what did you get? I never really wanted to be cheap, it was just the way my parents did things.'

"You know, I was surprised at all this from Abe. Then I started thinking about that question—what *did* I get out of it. Well, I told Abe I was able to save some money from my allowance on the sly. He said, 'So, now you'll save on the open.' I guess it was sort of comfortable, acting like a little girl about money. Anyway, it sure won't do for a college girl—oophs, woman—who wants to program computers."

Not all the women have had as much success in changing their own lives or the attitudes of their husbands. Judith Katz, who worked as a secretary before her marriage 20 years ago, encountered stiff opposition when she went back to work in the counseling office of a Brooklyn junior high school. Her husband especially resents the fact that she wanted a job enough to take an opening in a ghetto school with a tough reputation. As an expression of his disapproval, he refuses to ride the subway with his wife in the morning. Another of the women, an accountant's wife who is already attending classes at Brooklyn College, did not speak to her husband for several weeks after he told her, "You're too feather-brained to finish cleaning the house, much less four years of college."

In general, the East Flatbush men who disapprove of feminism express their reactions more openly than the professional husbands of upper-middle-class women who are the most vocal and visible participants in the movement. College-educated men are often reluctant to attack women's liberation in principle, but their practical behavior is another matter. Judging from the wide variety of male reactions described by the Flatbush wives, Middle-American men who are no more or no less disturbed than other American men when the women in their lives try to break out of the traditional female pattern.

The East Flatbush women have considerable difficulty identifying with the widely publicized leaders of the movement. Said one: "I confess I don't feel much of a sense of sisterhood when I see pictures of Gloria Steinem with her streaked hair and slinky figure. I feel somehow that these people don't know how it is to be getting older with very little money and education. They have it a lot better than we do—it's not true that we're all in the same boat."

Another woman disagreed: "Well, there's one thing we all have in common—we're all afraid of muggers and rapists when we walk down a dark street at night. And that's something we have in common with the colored women who live right here in East Flatbush, even though most of us are better off financially than they are."

The women do identify with the movement on a variety of specific issues—child day-care centers, equal pay for equal work, the right to abortion and contraceptive information, the need to educate young girls to think of themselves as individuals in their own right instead of viewing themselves only as future wives and mothers. Several of the women now spend considerable time trying to introduce these reformist ideas into the conservative social environment of East Flatbush. One of their immediate goals is a health information service for girls and women of all ages; they feel that most East Flatbush women are unlikely to use the referral services now available in Manhattan. Rose Danielli had hoped to organize such a service through her church but ran head-on into a clash with her priest over contraceptive information.

"My husband said, 'Oh, Rose, don't get into a battle with Father———.' Then he said, 'I give up. If you were willing to do battle with my mama you won't stop with the priest.'

"But Joe doesn't really mind the way I feel—in fact, I think he's kind of proud. This year our oldest girl gets her doctor's degree from Stanford, our boy gets his master's and our second youngest girl graduates from Hunter College. Joe told his parents the other night that sending all of this kids through college was the proudest accomplishment of his life, and that he wouldn't have done it if I hadn't insisted.

"We had to fight our girls, too, until they were old enough to have some sense. They used to remind me that I got married when I was 19 and their dad and I were happy. I just told them their grandparents never finished high school and they were happy too, but it's not progress if the next generation lives the same way. To me, that's what Women's Lib is all about—progress. In small steps, maybe, but still progress."

Next fall, the East Flatbush group will take in five new women because several of the founding members will be too busy with jobs and college courses. All of the women call that progress.

A FARMER'S VIEW

HON. W. S. (BILL) STUCKEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. STUCKEY. Mr. Speaker, the following article appeared recently in the Coffee County Progress, a biweekly newspaper in Douglas, Ga. It was written by a Coffee County farmer who writes a weekly column for the paper. I think it does an excellent job of presenting the farmer's viewpoint concerning high food prices.

I deplore the high cost of food American consumers are faced with today, but I also feel that too often consumers do not see the other side of the picture. Although this article was written during phase 3½, I feel the ideas expressed are still applicable to our general economic situation in this country today.

The article follows:

A FARMER'S VIEW

(By Thurman Gillis)

"There is no mystery whatsoever as to why retail food prices have risen in the past year. The answer lies almost entirely in the rise of wholesale farm prices," says economist Arthur Okum.

"Profit margins in the food-processing business have been absolutely miserable all down the line. The farmer on the other hand has been enjoying considerable prosperity," stated Economist Walter Heller.

Thus the economist has waved his magic wand and determined the farmer is to blame for high food prices. Having done so, he can go back to drinking his High Ball in his total environment controlled Pent House.

The fact is that Americans today pay a smaller percent of their income for food than ever before. In 1950, a full 24 percent of disposable personal income went for food; last year, it was down to 16 percent. In no other industrial nation is the percentage so low.

The farmers share of the retail food dollar has steadily declined in the past 25 years falling from about 52¢ out of every dollar in 1947 to an all-time record low of 40¢ in 1972.

If the farmer gave his corn away a 32¢ box of cornflakes would cost 2.8¢ less. The box costs more than that. Do we hear people complaining about the high price of the box? If the farmer gave his wheat away, the price of a loaf of bread would be 2.6¢ less.

The average return on investment in farming is 5 percent compared to 15 percent in manufacturing.

Despite the above mentioned facts the President and his Economist say we must have cheaper food prices.

We now have a sixty day ceiling on food prices at the retail level. Wages, rents, dividends and interest rates are not frozen. Great effort was made to explain that raw agricultural product prices were not frozen. However one could not have been more effective in placing a ceiling on raw agricultural product prices. By reverse, prices will be rolled back to the farmer. It is clear that farmers were again singled out.

President Nixon now aims to phase out crop subsidies for wheat, feed grains and cotton over a three year period. In fact, the White House is cold bloodedly clear about its plan for the farm of the future. Of the 2.8 million farms still existing in the United States, the Agriculture Department considers that as many as 1.2 million may be too poor to survive. For these "displaced refugees" if their future does not include Agriculture, then what?

The Administration as yet sees no help for the farmers being driven from their land by a government that is forcing them to leave. It seems agriculture and the United States may well be destroyed by bureaucrats and politicians not capable of understanding.

LETTER TO PRESIDENTS OF THREE MAJOR TELEVISION NETWORKS

HON. EDWIN D. ESHLEMAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. ESHLEMAN. Mr. Speaker, following is a copy of my letter of July addressed to the presidents of the three major television networks, with a copy of their respective answers. I felt my colleagues and other readers of the CONGRESSIONAL RECORD might be interested in what they had to say:

JULY 11, 1973.

Mr. ELTON H. RULE,
President, American Broadcasting Co., Inc.,
New York, N.Y.

DEAR MR. RULE: Kindly give me your reasons of why you would alternate (one network per day) coverage of the Senate Committee Watergate hearings prior to the testimony of Mr. John Dean—then have simultaneous network coverage by all three networks during Mr. Dean's testimony—but then revert to alternating network coverage?

I will be most interested in your comments, especially in view of the fact that Mr. John Mitchell was a much higher official in the Administration than was Mr. John Dean.

Sincerely,

EDWIN D. ESHLEMAN.

COLUMBIA BROADCASTING SYSTEM, INC.,
New York, N.Y., July 26, 1973.

The Honorable EDWIN D. ESHLEMAN,
The House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN ESHLEMAN: I am replying to your letter of July 11, in which you ask why CBS rotated coverage of the Watergate hearings before and after John Dean's testimony while offering "simultaneous network coverage by all three networks" when Mr. Dean testified. You compare this to the rotating coverage when John Mitchell testified, noting that he "was a much higher official in the administration" than Mr. Dean.

The decision was unilateral, made by each network at different times. I can, of course, speak only for CBS.

The decision in question was based simply on the importance of the anticipated testimony. It had nothing to do with the relative position of either individual in the Administration.

It was clear from earlier statements and disclosures that Mr. Dean and his testimony was central to the entire Watergate investigation. Further, he had been on the White House staff; he had openly broken with the President; he had been fired by the President. Add to this his assertion that he would not become a scapegoat and you have all the makings of a potentially explosive witness. The same could not be said of Mr. Mitchell. While we recognized that obviously Mr. Mitchell's testimony would be important, we did not believe that it would equal Mr. Dean's.

Now, even in hindsight, it is quite clear that Mr. Dean's testimony was certainly the most dramatic and potentially the most newsworthy. This is stated neither as a judgment of guilt in the Watergate affair nor as an assessment of the credibility of Mr. Dean's testimony. The decision that you question was one involving a host of difficult, delicate and interrelated judgments including what was likely to occur at the hearings, public interest and getting across the story.

As succeeding witnesses are scheduled, CBS will approach the question of rotating coverage or carrying the hearings in full, as we have done to date. For example, with John Ehrlichman testifying this week, CBS scheduled special coverage on Tuesday from 10 PM to 11 PM, on Thursday from 10 PM to 11 PM and on Friday from 8 PM to 9 PM. On Wednesday, we covered the hearings live as part of the regular rotation practice.

Cordially,

JOHN A. SCHNEIDER.

ABC NEWS,
New York, N.Y., July 19, 1973.

Representative EDWIN D. ESHLEMAN,
Congress of the United States, House of Representatives, Washington, D.C.

DEAR CONGRESSMAN ESHLEMAN: Elton H. Rule has asked me to reply to your letter of July 11th in which you inquire as to the basis for ABC's determination to cover John Dean's appearance before the Senate Watergate Committee live for his entire testimony while limiting live coverage of the testimony of John Mitchell and other witnesses to those days when ABC had the rotation responsibility.

Under the rotation plan, each network makes its own determination as to the extent of its live coverage of the hearings on days it does not have the rotation responsibility.

In the case of Mr. Dean, we made the determination, based on our advance information, that the probable newsworthiness of his testimony warranted full live coverage. As it turned out, the latter days of Mr. Dean's appearance, were largely repetitious of his earlier testimony.

Guided by that experience, we made the determination in the case of Mr. Mitchell, following his first day's testimony, that further live coverage in addition to our rotation responsibility was not warranted.

As the Watergate hearings progress, ABC News will continue to make judgments concerning live coverage based on our best evaluation of the probable newsworthiness of the testimony.

Only at the conclusion of the hearings can it be properly judged whether we have treated them fairly and honestly. I am confident you will find that we have.

Sincerely yours,

WILLIAM SHEEHAN.

NBC NEWS,
New York, N.Y., July 20, 1973.

The Honorable EDWIN D. ESHLEMAN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN ESHLEMAN: Julian Goodman has discussed with me your letter raising questions about NBC News coverage of the Watergate hearings, and I volunteered to respond directly to you and to acquaint you with the reasoning that has led to our present scheduling pattern.

When the hearings opened we knew they would be making important news, but we could not know how long they would continue, what schedule would be followed or what, or how many, witnesses would be called. We were also confident there would be unpredictable developments of significant public interest, and all these factors indicated the desirability of full live coverage. So we started on that basis, as did the other networks.

As we came through the early days of the hearings, which featured testimony by a series of technical witnesses, we discerned at least two shortcomings in having all three networks carrying the same pool coverage simultaneously and daily. First, there was the question of how long this course could be followed if the hearings lasted a long time; second, the three-network coverage reduced or eliminated viewer choice of programming across the country. On this latter point, our affiliates began reflecting viewer complaint in their communities and we heard directly from the viewing public.

Consequently, the lawyers for each of the network companies met to determine what could be done that would be legally proper, and as a result the rotation pattern of coverage was agreed on and adopted.

We followed it until John Dean's appearance, which presented a new situation. Dean appeared to be the first witness capable of speaking directly to the key question of the President's knowledge of the Watergate affair and subsequent events. While we were in the process of deciding whether to depart from the rotational pattern, the other two networks announced that they would resume daily live coverage of the hearings. This combination of factors prompted NBC to resume live coverage on a daily basis.

During the week of Dean's testimony, however, we again began receiving criticism, comparable to what we have received before, this time making the point that even for a witness of special importance, the rotation system would provide full, live coverage for those interested and still offer the nationwide audience alternate programming.

We recognized the validity of this contention and during the long recess following Dean's testimony we considered the options and decided to return to rotation coverage in the weeks ahead and announced our plans to do so. As of this writing we have adhered to the rotation system.

I believe it is important to note that the rotation system was begun in the first place as an experiment, and we so described it in our initial announcement. In departing from it we were, in effect, experimenting with an experiment, and throughout our coverage we have been guided by considerations of journalistic competition and our desire to provide optimum television service to the viewing public. Some viewers have assigned partisan motives to our judgments, which, of course, is absurd.

As of now, we plan to stay in rotation, unless some compelling development directs otherwise. We cannot forecast what that might be, but nearly each session of the hearings seems to bring novel considerations to our task, and we are trying to deal with them on a day-to-day basis to the best of our ability so the public may be fully and accurately informed.

Sincerely yours,

RICHARD C. WALD.

WOMEN: MYTHS VERSUS FACTS

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mrs. GRIFFITHS. Mr. Speaker, poor Mr. Rowen. Since women have learned to read and think, it is no longer safe for a columnist to write a bunch of old myths concerning jobs and employment. The following are three letters to the editor responding to Mr. Rowen's comments, carried in the Washington Post of August 2:

LETTERS TO THE EDITOR: THE EMPLOYMENT OF WOMEN

WOMEN AND JOBS

Hobart Rowen's comments that the progress of black women is made at the expense of black men is nonsense.

Statistics from the Department of Labor indicate that of all full-time workers, white men earn the most, then come black men, followed by white women, and last are black women who suffer doubly because of sex and race.

In the last decade, children living in a family headed by their father had a 50–50 chance of getting out of poverty. Children living in a family headed by their mothers had a *zero* chance of getting out of poverty, for the number of female-headed families increased, particularly among blacks.

If race discrimination ended tomorrow, many black women and their families would still be in poverty.

BERNICE SANDLER,
Member, Advisory Committee on the Economic Role of Women to the President's Council of Economic Advisers.
WASHINGTON.

In his July 12th column, Hobart Rowen discusses the economic progress of black Americans in the last decade. The data quoted were analyzed by Richard Freeman of the Brookings Institution. Rowen comments that, ". . . Paul Samuelson and others properly called attention to . . . (the fact that) some of the progress of black women cited by Freeman must be at the expense of black males . . ."

As a group of black and white women, we feel that this statement avoids the real issues such as:

1) Black women with college degrees who work full time earn less than black men with an eighth grade education. If we accept Freeman's findings that the average income of black women is virtually on a par with the white women's (except in the South), this tells us that black and white women alike would earn only 64% of the median annual income of black and white men, or only 59% of the median income for white men.

2) The majority of men and women in our society do not compete for the same jobs. Economic research has revealed that occupational segregation by sex is more prevalent than by race. Therefore, it is nonsensical to state that progress of black women is at the expense of black males.

Statements such as Paul Samuelson's do a great deal of harm by giving the false impression that one must choose between equal employment opportunity for black women or black men. This is simply not the case. Moreover, the fact that men like Samuelson and Rowen make comments of this sort shows their disregard for or ignorance of the double jeopardy of economic discrimination on the basis of race and sex from which black women suffer.

The important point to be made is not the inaccurate assertion that the progress of black women is at the expense of black men but that despite some progress black women are still at the bottom of the barrel economically.

The above is endorsed by individuals active in a variety of organizations dedicated to the elimination of discrimination, including the American Association of University Professors, the American Economic Association, the American Association for the Advancement of Science, the Center for Women Policy Studies, the National Organization for Women, the Women's Caucus for Political Science, Household Technicians of American and the Federation of Organizations for Professional Women.

ARVONNE FRASER,
President, Women's Equality Action League.

JOSEPHINE HULETT,
Field Office, National Committee on Household Employment.
WASHINGTON.

The view that ". . . some of the progress of black women must be at the expense of black males" is the exact opposite of the view that I hold and that I testified to on July 10 before the Joint Economic Committee Griffiths' Subcommittee Hearings on Sex Discrimination. And conversation with my friend Hobart Rowen authorizes me to point out that Rowen did not mean to attribute to me the above quoted fragments from his July 12 column. At the Brookings discussion of the Freeman paper, I made quite different points. Ironically, more than a dozen years ago, when I was a monthly columnist of The Washington Post, I made the opposite point—that the gains of people previously discriminated against do not generally come *at the expense of others in the community.* Being a private in the army fighting against racial, sexual, and other discriminations, I am properly sensitive to misinterpretation of my position.

I wish to go on record as concurring with the views of the above letter: Women, both white and black, are at an undeserved economic disadvantage relative to men; black women are particularly at the bottom of the barrel economically, and any progress they make will *not* imply that black men are thereby made worse off.

PAUL A. SAMUELSON,
Professor of Economics, MIT.
CAMBRIDGE, MASS.

(NOTE.—The column in question attempted only to reflect the summary printed in the Brookings papers which said: "Some suspected that the gains of black females reflected in part the dependence of black families on women's income, which stemmed in part from the inferior position of males.")

RIEGLE ISSUES CALL FOR POLITICAL RENAISSANCE

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. RIEGLE. Mr. Speaker, at a press conference in the Capitol Building this morning I made the following statement, and would like to share it with my colleagues:

CALL FOR POLITICAL RENAISSANCE

During the Watergate hearings we have heard Gordon Strachan urge young people to "stay away" from politics—later John Ehrlichman urged them to "come in" with the warning that they would find here in Washington a culture "which scoffs at patriotism and morality."

Both these men are discredited spokesmen—disclosures thus far indicate that both may be indicted by the grand jury—and neither, to my knowledge, has even sought—or won—public office. Neither has offered useful advice. The subject they have opened up, however, is clearly the most vital issue before the American people at this time.

While it has special meaning for young people—it is just as essential for people of all ages. There is no issue about which I have a more urgent concern, or deeper personal conviction—and so I must join this dialogue.

I believe our self-government process is in grave danger in America today.

As a citizenry we have failed to step up to personal tasks required to produce effective self-government—and we now find government often directed by people that seem accountable to no one.

I believe our self-government process in America has fallen into extreme jeopardy. We talk of democracy—but we do not have real democracy in our country today.

The often prohibitive campaign costs of seeking public office block most people from any real chance to be elected representatives. We are today largely a government of the rich—or of the friends of the rich. Public financing of campaigns could change that.

Many of our laws and government programs reflect the pervasive special interest character. There is, for example, little equity in our tax laws—or most of the governmental spending priorities. The American people are today a doormat for special interest government—with the ITT scandal, wheat deal scandal, milk-lobby scandal, and the Watergate scandal being some of the most immediate examples. This must be corrected.

We also find a double standard of justice. The powerful people, in and out of government, who break the law are often excused, or given another chance—whereas the average citizen—without expensive legal counsel—is inevitably punished with the full force of the law. We destroy faith in our system of law—when our most prominent citizens break the law and are not brought to justice. There must be only one standard of justice, and it must apply equally to all of us.

American politics needs a thorough housecleaning—and I want to urge the American people—of all ages, parties, regions and philosophies to come forward and begin the clean-up.

What is at stake is our liberty—our honor—and our future. Our nation has been forced to "wallow in Watergate" because the best among us have not—in elections past—stepped forward and become our leaders.

The fact that only 55% of America's eligible voters bothered to vote in the 1972 Presidential campaign is a national disgrace—and says, I think, that our people were inspired by the choices available. Where are those candidates who can rally the American people—who can give our elections new purpose and meaning?

The answers are to be found among 210 million Americans—new men and women who have the vision and integrity to restore our political process if they will only step forward and offer their leadership.

This, then, is what we must do:

First, we need thousands of new candidates across our land—people willing to seek public office now and in 1974. The new standard must be independence, integrity, hard work, and absolute loyalty to the broad public interest.

Second—Campaign workers and volunteers of all ages and from all walks of life must step forward to support and elect the best candidates we can find. We need hundreds of thousands of campaign workers—and we need them now. Experience isn't necessary—we learn by doing.

Third—We must insist that the political debate focus on the real human agenda facing our people—jobs, education, health care, a decent living standard, security in old age, equity and justice. We must not allow ourselves to be duped and divided by political dirt, vicious campaign tactics, or phony issues used as diversionary strawmen.

Fourth—We must enter and renew our major political parties, and our various third force political movements. They can and must be made stronger, more open and more relevant to the true needs of our people.

If one central fact should burn through to us at this moment in American history it is that politics—and self-government—are what we make them.

We suffer today—for what we failed to do yesterday.

Self-government means self—it means each and every one of us. It is time for a renaissance in American politics—and that means that each one of us must step up to the challenge of self-government—and begin building a new government—of the people, by the people, and for the people.

MARINE CORPS LEAGUE CONVENTION SET FOR MIAMI

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. SMITH of New York. Mr. Speaker, this is the golden anniversary year of the Marine Corps League. During the week of August 19 the Marine Corps League will be holding their 50th anniversary national convention in Miami Beach, Fla. It is my privilege to insert at this point in the RECORD a press release and historical article on the Marine Corps League:

MARINE CORPS LEAGUE CONVENTION SET FOR MIAMI

WASHINGTON, D.C., August 1, 1973.—The Marine Corps League will hold their 50th Anniversary National Convention in Miami Beach August 19–24, 1973. Convention Headquarters will be the Marco Polo Hotel. This announcement was made by Gilbert E. Gray of Kingston, New York, National Commandant of the Marine Corps League.

On hand for some sun and fun, reunions with former comrades, and serious business meetings will be Marine Corps veterans and their families, ranging in service from World War I combat to the Vietnam Conflict, and numerous U.S. military campaigns and expeditions in between.

Taking note of the celebration of their half-century mark, President Nixon issued a special message saluting the efforts and contributions of the Marine Corps League for "preserving and supporting the ideals of the Marine Corps while offering guidance and assistance to young Americans."

One of the few veterans organizations chartered by the U.S. Congress, the Marine Corps League was established by a small group of predominantly World War I Marine veterans who met in New York City on June 6, 1923 to formulate plans for a national organization to perpetuate the Marine Corps spirit. Major General John A. Lejeune, then Commandant of the U.S. Marine Corps, was elected the first National Commandant of the Marine Corps League.

His present-day successor as Commandant of the Marine Corps, four-star General Robert E. Cushman, Jr., will attend the Miami national reunion and will be the principal Convention speaker at the Grand Banquet on August 24.

The League's two highest awards, the "Iron Mike" Awards, and the "Dickey Chapelle" Award will be presented this year to The Honorable John W. Warner, Secretary of the Navy, and Mrs. Donald Spicer, President General of the National Society Daughters of the American Revolution.

Warner, a former Navy enlisted man and Marine Corps officer, will receive the "Iron Mike" Award for his sterling contributions to the Navy-Marine Corps team. Mrs. Spicer, the daughter, sister, widow, and mother of Marine Corps officers, and national leader of the 195,000 member esteemed women's organization, will be honored with the "Dickey Chapelle" Award for a lifetime of exemplary patriotic service and community leadership.

Previous recipients of the "Iron Mike" Award have been Bob Hope, David Duncan, Howard K. Smith, Berry Zorthian, Ross Perot, John Wayne, and U.S. Administrator of Veterans Affairs Donald E. Johnson. Past winners of the "Dickey Chapelle" Award, presented annually in memory of the famed newswoman killed by an enemy land mine while on patrol with a Marine company in Vietnam in 1965, are Miss Martha Raye, Lucy Caldwell (USO), Marjorie Merriweather Post, Verona Devney (Project HOPE), Esther Clark and Betty Donovan Rentrop (newspaper columnists).

Preliminary convention activities start Monday, August 20 with a National Staff Meeting and a pool-side fiesta for early registrants. Business sessions begin Tuesday morning, August 21 with a Joint Opening Session of the Marine Corps League and the Marine Corps League Auxiliary. The busy pace for the balance of the week will include acion on Resolutions and a substantial revision of the By-Laws, Committee Reports, Workshops, VA Hospital visits, a Memorial Service for deceased Marines, and election of new officers for the coming year.

The 1973 National Convention Chairman is Mr. Larry Bassin, 101 W. 20th Street, Apt. 5A, Hialeah, Florida 33010. Telephone: (305) 888-8703.

THE MARINE CORPS LEAGUE: A HISTORY OF FIRST 50 YEARS, 1923–73

(By Richard J. O'Brien)

"THE MARINE CORPS LEAGUE"

"The Marine Corps League is an alumni association of the United States Marine Corps. Its membership is open to men who have served before, during, and since the World War. Thus it is in a position to grow as more and more persons will become eligible for membership. It is asserted by its members that the potential membership of the league now is approximately 100,000, and that its actual membership is spread throughout the country."

Congressman Arthur D. Healy of Massachusetts used the above words in 1937 in support of his successful bill which incorporated the Marine Corps League. President Franklin D. Roosevelt signed it on August 4th of that year, making the Marine Corps League one of the very few veterans organizations chartered by the U.S. Congress.

The enactment of this bill followed by fourteen years the founding of the Marine Corps League at the Hotel Pennsylvania in New York City on June 6th, 1923, a date especially chosen, as it was the fifth anniversary of the U.S. Marine counterattack in Belleau Wood. Thus, from the very first the League sought to commemorate events of special interest to Marines.

The forming of the League took place during an All-Marine Caucus called by Sidney W. Brewster of New York a retired Marine major, who was Commandant of the Marine Corps Veterans Association (MCVA), forerunner of the League. The MCVA itself was formed only eight months before on the 147th birthdate of the Corps, November 10th, 1922, in the Hotel McAlpin, New York City. It was composed of individual groups of Marines who had banded together after the First World War to perpetuate the Marine Corps Spirit in their own communities. In their ranks were Marine veterans of the Civil War, the Spanish-American War, and the First World War, as well as several expeditions in between.

The genius of the Marine Corps League for 50 years has been the spirit of *Semper Fidelis*. It was at work from the first, moving the founders of our organization in setting down the great objects of our corporate being. Their motives were patriotic and fraternal, and they were very proud of their honorable service in the Marines, "the oldest branch of the nation's military service." With but minor modification in language the original Objects of the League are identical to those still in force half a century later. It may be said in truth that have stood, Marine-like, against the assaults of Time.

THE FIRST DECADE, 1923–33

There was much debate at the All-Marine Caucus about the name of the group to emerge from the reorganization of the Marine Corps Veterans Association. The more than 150 delegates representing every section of the Nation were in agreement that this, the first national Marine Organization, would embrace in-service Marines as members as well as civilian Marines. Since, at that time, active duty Marines were not officially considered "veterans" (even though many had fought in countless campaigns all over the globe), the group voted to change its name, and the Marine Corps League was born.

While all the delegates who attended are co-founders of the League, one of their ranks is considered the Father of the Marine Corps League, and that is John A. Lejeune, the Major General Commandant of the U.S. Marine Corps, and first National Commandant of the League.

"Johnny" Lejeune gave to the League three mottos: *Semper Fidelis* (Always Faithful); Once a Marine—Always a Marine; and "All for One and One for All." This latter caused him to mobilize the recruiters on behalf of the League, and the League on behalf of the recruiters and the Reserves. His strong backing and encouragement enabled the League to get a good start. Many of his officers at Marine Headquarters doubled in brass in the League, including Major J. C. Fegan as our National Adjutant, and Sergeant A. E. Beeg as Paymaster. Lejeune was elected to six consecutive one-year terms as National Commandant.

National Conventions were held in the fall each year of this first decade from New York to Chicago to Dallas, and cities in between. The only year no convention was held was in 1932, and that owing to the severe financial condition of the Country due to the depression. This period was devoted to "shaking down" the League, to adopting and refining the Constitution, Bylaws, rituals, and approving such items as the League colors (crimson and gold), grave marker, and its lapel button.

Of major importance was the League's involvement with the Belleau Wood Memorial Association (BWMA) in the efforts to preserve that Marine Corps battlefield in France. Through considerable effort the League was able to finance the operation of the Wood for a two year period. The cost was becoming too heavy a drain on the fledgling League and too great a burden on the BWMA. At last the battlefield was turned over to the American Battle Monuments Commission. The Commission maintains Belleau Wood to this date as an historic park.

Lejeune firmly believed that the Marine Corps Commandant should be Commandant of the League. So, when he retired as League Commandant as well, recommending Major General Wendell C. Neville, his successor as Commandant of the Corps, to head the League. In response, on April 3rd, 1929, the National Staff of the League elected Neville, a holder of the Medal of Honor, as National Commandant.

Neville, while accepting the post, believed the League should be civilianized. He asked W. Karl Lations of Massachusetts, the seniormost Vice Commandant, to run the League in his stead. This Lations did, and he was subsequently elected as the first civilian commandant at the 1929 convention in Cincinnati. Among his accomplishments was to move the League headquarters to downtown Washington from Marine Corps Headquarters. Lations' major contribution as Commandant was the conversion of the League to a civilian business-like basis for the benefit of all.

By its policy the League is "non-political, non-partisan, and non-sectarian." But the League has always reserved the right to engage in political and legislative issues which affected the welfare of the U.S. Marine Corps, the League itself, and of its constituent or subsidiary organizations, and the rights, privileges and benefits which were based on military service of any member thereof.

The League used its legislative weight to back legislation favorable to Marines and other veterans, and to oppose that which was not. Its greatest weight of the decade, however, was felt when an attempt was made in the early 1930's to abolish the Marine Corps under the guise of "economy." That this effort failed was due in part to vigorous protestations by the members of the League, led by National Commandant Carlton A. Fisher of New York.

New York Detachment No. 1, with Angelo John Cincotta, Milton Soloman, and Frank X. Lambert leading the way, secured donations from members of the League throughout the Country. They bought full page advertisements in daily newspapers protesting against any decrease or possible abolition of the United States Marine Corps. They initiated a drive to send letters of protest to the Congress and the President. Congressman Frances P. Bolton of Ohio speaking in 1953, attributed the "untiring efforts of the Marine Corps League in the 1930's" to the abandonment of efforts to disband the Corps as an economy move.

THE SECOND DECADE, 1934–43

The membership strength of the League improved every year, rising to 17,143 by the end of the second decade.

Jerome D. Cohen of Massachusetts, National Junior Vice Commandant in 1937, was the force behind the movement for federal incorporation of the Marine Corps League. Working through Senator David I. Walsh and Congressman Healy, both of Massachusetts, he was successful in securing passage of this significant bill on August 4th, 1937.

Thus, a new era began, and the Marine Corps League, under National Commandant Maurice A. Illch, gained greatly in national stature. (Before he was to pass away in 1972, Illch would be accorded the title of "Grand Old Man of the Marine Corps League" because of his great spirit and many faithful years of prior and subsequent national service.)

Although several detachments of the League had auxiliaries for years it was not until the 14th National Convention in Akron in 1937 that the Marine Corps League Auxiliary was chartered as a national subsidiary organization. The first National President was Marian L. Harper of New Hampshire.

In 1938, Sylvester Corrigan, a wealthy oilman from Oklahoma, passed away, leaving a large sum of money to the Marine Corps League. The will was contested by relatives, and the League finally settled for $15,000. Of this sum, $5,000 was placed in the Corrigan Memorial Fund, an irrevocable trust, with the income going to the mother of Niles Huff, a Marine who died while serving in the Marines. Mrs. Huff died a few years later so that the interest on this trust now accrues to the League. $10,000 was put in the Niles Huff Memorial Fund with the income going to the League. For a time this money was given to the mother of a deserving Marine.

The Devil Dogs, the Honor Society of the League, was authorized as a subsidiary organization in Boston in 1939. Gerald L. Bakelaar of New Jersey was elected as first Chief Devil Dog.

In 1942 League Commandant Chris Cunningham and National Adjutant-Paymaster Steve Brown started publication of a monthly tabloid, the *Marine Corps League Bulletin*. It quickly won the approval of the membership and before long had a press run of 45,000 with some editions being 32 pages. From 1924–1940, League news had been carried in the pages of *Leatherneck Magazine*. But from 1942 on, the League published its own paper or magazine, with the banner years being 1942–50 under Cunningham and Brown.

When World War II broke out, three of the League's first five civilian commandants returned to active duty with the Marine Corps. They were Past National Commandants Illch, Fisher, and Lations. Hundreds of rank and file Leaguers followed their examples. Their actions gave visible proof to our slogan, "Once a Marine—Always a Marine."

In 1943, under the leadership of Thomas Wood of Ohio and Alexander F. Ormsby of New Jersey, the League spearheaded a drive for proper post-war plans for the benefit of veterans in the area of Rehabilitation. This embraced the setting up of clearing houses in Cincinnati and other cities by business houses and industrial leaders. Veterans were given vocational guidance and efforts were made to place them in the type of work for which they were best fitted. The services of medical specialists were enlisted for those suffering from rare diseases and arrangements were made to secure treatment for them at nominal cost, far below regular fees.

THE THIRD DECADE, 1944–53

The League achieved its membership high shortly after World War II when 27,664 were carried on the rolls under League Commandant Thomas Sweeney of Illinois.

During this period the League sponsored several exhibit tours of enemy war materials with money accruing to the League's Welfare Foundation. Many thousands of dollars for this worthy cause were obtained in this manner.

Under Commandant Alan Stevenson of New York in 1945 the Marine Corps League was accorded the privilege of representing Marines before the Veterans Administration (VA) in presenting claims and obtaining veterans rights. Florence E. O'Leary of Ohio became the first Service Officer.

The following year the Internal Revenue Service exempted the Marine Corps League from income tax payments. The Service also declared that contributions made to the League and its Auxiliary units would be deductible income tax items.

With the end of World War II America turned its focus on its returning disabled veterans. League and Auxiliary members and representatives of other groups visited them in VA hospitals, volunteering their free-time in behalf of the sick and wounded. To coordinate the efforts of these volunteers, the Veterans Administration Voluntary Service (VAVS) program was created. The League and Auxiliary supported the VAVS program from the beginning, and continue to do so today, 27 years later, as a program that literally goes to the heart of the Marine Corps League.

In 1944, a Marine Corps recuperation center in Oregon came to the attention of the League when Leaguers from Portland tried to obtain recreational equipment for returning veterans of the Pacific campaigns. An almost spontaneous League effort to assist the Marine Barracks, Klamath Falls, resulted. League and Auxiliary detachments across the country sent the needed equipment, and funds for other recreational purposes. L. L. Pittinger of Oregon became a full-time League Service Officer there. The concerted effort remained through the close of the Barracks two years later.

Following World War II the Marine Corps League adopted a project for the erection of the heroic-sized bronze statue of the flag raising on Iwo Jima by Felix DeWeldon in the Nation's Capitol. Congress approved of the project, the department of the Interior provided the land, the Fine Arts Commission approved the design, and the U.S. Marine Corps favored the project all the way. All that was needed was for the League to come up with the anticipated cost of $250,000. This proved to be a Gargantuan fund-raising task for which the League was not organized. National Liaison Officer, Colonel Jean W. Moreau, USMC (Ret.), then formed an independent organization, the Marine Corps War Memorial Foundation, Inc., which raised the money from regular Marine Corps units, Marine Corps Reserve (inactive), and other sources. League and Auxiliary contributions exceeded $7,000. Final costs were placed at nearly one million dollars. When the monument, erected to the memory of our comrades who have fallen on all the fields of battle in Marine Corps history, was dedicated on November 10th, 1954. National Commandant George K. Shamgochian of Massachusetts and other distinguished Leaguers were in attendance. In 1950, the outbreak of the Korean War and the resultant mobilization of the Marine Corps Reserve cut a wide swath through the ranks of the Marine Corps League. An estimated 30% of the membership was called up. Whole detachments were mothballed while its members went off to war. Every issue of the League *Bulletin* carried names of Leaguers killed in action. Some of these Marines held office on the department level.

While in National Convention at Washington in 1950 the League received a surprise visit from Harry S. Truman, President of the United States. The president came to apologize for earlier intemperate comments made about the U.S. Marine Corps being the "Navy's police force," and having "a propaganda machine that is almost equal to Stalin's." The National Bugler, Herbert Baldwin of Florida, was so swept up by the unexpected visit he could scarcely sound the notes of "attention." The President's brief visit was well received by National Commandant Clay Nixon of Washington, and the delegates in attendance.

Under the leadership and inspiration of John R. O'Brien of New Jersey the Marine Corps League embarked on a "Free Beer for GI's in Korea" campaign. League detachments collected contributions from especially marked beer cans placed in taverns. General of the Armies Douglas MacArthur in answer to a letter of inquiry, wrote he would be glad to accept the free beer, and that the cans should be marked, "Gift—Not for Sale—For our Armed Forces in Korea from the Marine Corps League." The beer was purchased and shipped by Major General E. O. Ames of California. The Staten Island detachment of New York raised $2,350 for this cause, more than any other League detachment.

Throughout this decade the League continued to back legislation of importance to the Corps. It fought unification and the abolishment of transfer of the U.S. Marine Corps to the Army. In the battle to make the Commandant of the Marine Corps a member of the Joint Chiefs of Staff, the Honorable Mike Mansfield of Montana and Brigadier General James P. S. Devereux, USMC (Ret.), the hero of Wake Island, testified in their individual capacities as representatives of the Marine Corps League, rather than as members of congress, which they were. Their testimony, and thousands of letters to congressmen from Leaguers, helped to turn the tide of victory.

In an effort to combat Communism, the League conducted nationwide Americanism drives and engaged in educational work through the medium of speakers in the organization.

THE FOURTH DECADE, 1954-63

In order that the League might be suitably represented at ceremonies in the vicinity of Washington on national holidays and other important occasions, two area Marines, John P. Lester of the District of Columbia and Raymond B. Butts of Virginia, formed the League's National Guard of Honor. Appropriately uniformed, the Guard appeared numerous times throughout the decade at parades, funerals, and other significant occasions at the call of the national Commandant where the National Colors were presented.

One of the League's key programs developed during this period. The Marine Corps League Foundation Fund, conceived and led by Herbert Rose and Claude H. Downing of Florida, was created to assist certain qualified persons in acquiring an education above or equivalent of the scholastic high school level. First presented at the 33rd National Convention in Miami in 1956, the Foundation Fund was approved the following year at the convention in San Jose, California. Through the present time all funds received by the Foundation are still intact.

Out of a desire to recognize its own, the League, in 1959, instituted the National Marine of the Year Award. The first recipient was I. D. Hale of Wisconsin, for his outstanding efforts in League and veterans affairs. There were several subsequent years where no award was made as none were found qualified for such a high honor.

In 1963, a proposal from the Lou Diamond Detachment of Ohio led to the reorganization of the National Headquarters of the League. A 15-member Board of Trustees was created consisting of eight Division Vice Commandants, four National Trustees, the National Commandant, Senior Vice Commandant, and Junior Past National Commandant. While the latter three each had one-year terms, the Division Vice Commandants and Trustees were elected to rotating three year terms with four up for election each year. The Board of Trustese system provided for stability and continuity in the handling of League affairs, and continues into our 50th year as the governing body of the League.

THE FIFTH DECADE, 1964–73

This decade commenced with the publication of a Marine Corps Order encouraging close cooperation with the League by Marine Corps officials. The freshening and strengthening of relations between the Corps under General Wallace M. Greene, Jr. and the League under Raymond B. Butts, was a felicitous beginning for the coming years.

With the advent of the Vietnam war the League threw its support behind the Civic Action Fund for Vietnam, sponsored by the Marine Corps Reserve. Throughout the period of active Marine Corps involvement in Southeast Asia, the League and Auxiliary donated untold thousands of dollars to the Civic Action Fund for General Lew Walt's use in waging his important "other war" in Vietnam.

On a note of pride, and "to perpetuate patriotism and valor," the League and Auxiliary teamed up in 1965 to construct entrance gates to the grounds of the famous Freedoms Foundation of Valley Forge, Pennsylvania. National Commandant Burton P. Daugherty of Michigan and National President Helen Robinson of New York presided at the ceremonies which were attended by high-ranking civilian and military officials. The dedication coincided with the League's 42nd National Convention in nearby Harrisburg, Pennsylvania.

In early 1966 the League corrected the perennial problem of bonding paymasters and commandants through the purchase of a blanket position bond covering each of these officers automatically. Mid-West Vice Commandant James H. Shultz of Kansas was instrumental in arranging the bonding at a cost far below what the cost would have been if each individual detachment had procured its own.

The fifth decade saw the Marine Corps League adopt its two great Youth programs. Young Marines, and Youth Physical Fitness.

Originating as an idea of the Brass City Memorial the concept grew and was formally established as a League-wide program by resolution of the 41st National Convention meeting in Wichita in 1964. Commandant Daugherty signed the National Charter at Ansonia, Connecticut on October 17th, 1965. The first director of Young Marines was Steve Zuraw of Connecticut. This action program for youths 8–17 emphasizes eight points basic to the development of Young Marines: citizenship; leadership; physical fitness; school; home and outside activities; personal habits; character; and drill. Its motto is "OUR YOUTH IS THE FUTURE." By decades end over 5,000 Young Marines were enrolled in 65 detachments located in 21 states.

Youth Physical Fitness, the second of the League's two ever-expanding youth programs, was adopted by the League at the 1967 Mid-Year Staff Meeting in Arlington, Virginia. The program had been a great success in Ohio, where in 1965, it earned a Gold Medal from the Freedoms Foundation at Valley Forge "for outstanding contribution to the youth of junior and senior high school age through its physical fitness program."

Walter A. Churchill of Ohio, the Father of the Youth Physical Fitness Program of the Marine Corps League, conceived the program, largely financed it through its developmental stages, and serves today as its National Chairman. The program is currently operating in 20 states with a potential of five million or more youths participating. The goal of 20 million youths participating by 1975, the 200th birthdate of the U.S. Marine Corps, has been established.

To help finance both the Young Marines and the Youth Physical Fitness programs, Churchill, a Past National Commandant, developed the United States Marines' Youth Foundation in 1968. This carefully organized Foundation provides support for appropriate youth activities sponsored by Marine Corps-oriented organizations. It has helped enable the League's youth programs to develop without undue concern for funding and helped ensure their success.

On February 8th, 1967, after attending the Secretary of the Navy's briefing in Washington, League officials led by National Commandant Claude H. Downing, acting in response to a challenge from Marine Corps Commandant General Greene, to "do something besides talk," founded, in coordination with seven other national Navy-Marine Corps oriented organizations, the Navy-Marine

Corps Council. The purpose of the Council was to further the collective efforts of the several organizations in areas wherein they had common interests and objectives in support of the Navy-Marine Corps team. The Council meets regularly, and may recommend actions and resolutions on behalf of the Navy Department to its members, but does not publish or implement such actions or resolutions in its own name.

At the 1971 Mid-Year Staff Meeting the League's Board of Trustees voted to support Marine Corps' desires that there be created a United States Orienteering Federation (USOF). This was reaffirmed at the 1971 National Convention in San Antonio. The Marine Corps had adopted orienteering, a world sport combining cross-country running and land navigation, as a military sport. Under the League's umbrella an organizational meeting was held at League Headquarters on August 1st, 1971, at which a complete set of By-Laws for the USOF was approved. The USOF, which embraces civilian and military orienteering clubs and individuals, was later incorporated under the laws of Virginia, and was accepted into the International Orienteering Federation (IOF). The President's Council on Physical Fitness and Sports has since recognized orienteering and approved it for participation in the Presidential Awards Program, a significant step.

Two long-time Leaguers from Ohio, Philip A. Schloss and John L. Kleinhans, were elected USOF President and Secretary/Treasurer respectively. The USOF, spawned and still assisted by the Marine Corps League, already has had a tremendous impact on orienteering in America. Its influence is expected to grow with the passage of time.

Throughout this period the League's voice was raised in concern over such issues as drug abuse, possible amnesty to draft dodgers, our POWs/MIAs, and the planned reduction in the number of beds in our VA hospitals. On the local level the Golden Triangle Detachment of Texas commenced its successful HALT Program, (Hire A Leatherneck Today) as one example of Leaguers helping in the important area of jobs for veterans.

Out of concern for the wounded, Marines including James Merna of Maryland, Don Yeaman of Washington, Larry Bassin of Florida, and Joseph O. Pueschel of Hawaii, with their fellow Leaguers conducted special projects to entertain the hospitalized. Operations with names like Cheer, Hurricane, Appreciation, and Care and Recuperation did much to help our veterans forget their difficulties and see, at least for a time, that people really cared, and that there was a happier side to life.

Near the end of the decade the League, under National Commandant H. Lynn Cavin, adopted optional health and life insurance programs for the benefit of the membership, and voted to support the Marine Military Academy in Harlingen, Texas, by seeking out potential Cadets for admission.

As this goes to press National Commandant Gilbert E. Gray of New York is preparing to go to Belleau Wood, France, with a veteran of that battle and other Leaguers to commemorate the 50th birthdate of our beloved Marine Corps League. U.S. Marines and French and German officials have been invited to meet there in friendship, and to help commemorate the golden occasion with planting a tree, conducting respect for the past, and hope for the future.

CONCLUSION

Many of the events described above were highlights. Less spectacular were the day to day activities of the individual civilian and in-service Marine Leaguers. Always faithful to the purposes of the League they maintained true allegiance to our Nation, practiced Americanism in all its forms, engaged in programs which benefitted their communities, assisted the Marine Corps with quiet recruiting efforts and other activities, celebrated the birthday of the Corps each November 10th as well as other historical occasions of peculiar interest to Marines, basked in their Marine comradeship, visited the sick, aided the distressed, and, when the time came, buried their own.

Marines great and small have marched with John A. LeJeune in the ranks of the League, men like Ray Davis, Chesty Puller, Lew Walt. Smedley D. Butler, Harry Lee, Lou Diamond, J. C. Breckingridge, Clifton B. Cates, Mickey Finn, Len Chapman, John Glenn, Lou Wilson and many thousands of others who, in war and peace, have proudly worn the Globe and Anchor.

The Spirit of *Semper Fidelis* has moved many in the League to outstanding achievement, Marines like Jack Brennan, Merton C. Lowe, Jackie Steinquest, John Baker, Raymond Wilkowski, Orville Hubbard, Mason D. Wade, John P. Lester, Patrick J. Cody, Robert Blanard, Jack Davis, Harold Welsh, Hugh Maus, Charley Stone, Lucian J. Caldara, Lue Madsen, John S. Zak, S. Johanna Glasrud, Edward J. Bange, C. A. Boedigheimer, C. A. McKinney, to name but some of the dedicated Leaguers not previously mentioned. Their ranks are legion.

In its 49th year, the Secretary of the Navy in Washington, John H. Chaffee, paid a singular tribute to the Marine Corps League. In an open letter to all members, Chaffee pointed out that the League ". . . is providing outstanding leadership for our communities, in the same tradition that the Marine Corps has provided distinguished leadership on the field of battle."

He continued:

"The Marine Corps League will be 49 this June. During those nearly five decades, possible the most valuable of the League's contributions—from my standpoint—has been its support of the Marine Corps. You have, indeed, helped to preserve the traditions, promote the interests and perpetuate the history of the U.S. Marine Corps. I appreciate that support.

"I urge your membership to continue, even to redouble, its efforts. The Marine Corps is strengthened by your support. The nation and its people benefit from the work of the Marine Corps League."

The "Society of Leathernecks", as the League was called in 1923, has come a long way in fifty years, from John A. Lejeune to his successor in office as Commandant, Gilbert E. Gray. Its headquarters in that time went from Washington to Albany, to Baton Rouge, to Philadelphia, and back to the Washington area, this time to stay. Today its potential membership is over 1,000,000, with its actual membership scattered all over the world.

The Marine Corps League is recognized as one of the leading national veterans organizations. Its members speak of its history and traditions with pride, and they have worked long and hard to make the League, "second only to the U.S. Marine Corps."

And, like the Corps itself, its record is one of achievement.

FHA INSURANCE AUTHORITY NOW, MARAZITI SAYS

HON. JOSEPH J. MARAZITI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. MARAZITI. Mr. Speaker, my district office in Boonton, N.J., has been deluged with calls from concerned citizens whose FHA housing loans have been held up because insurance authority for FHA loans and mortgages expired June 30, and has yet to be reauthorized by the Congress.

One gentleman in particular is left in the uncomfortable position of having sold his house, moved out, and is unable to move into the new one he is supposed to purchase because of the holdup in FHA loan authority. He has a wife and family to house.

To forestall any further hesitancy on the part of the other body to move on the Housing Finance Bill Conference Report, House Joint Resolution 512 until after the recess, I have introduced a bill which provides a simple extension of FHA authority for the Administrator of the Department of Housing and Urban Development through September 30, 1973. This would carry the Federal Housing Administration through the August recess when the Congress would not be in session.

This legislation also gives the Secretary authority to set flexible interest rate ceilings on FHA loans, which he announced on July 5 that he would set at 7¾ percent. I feel this flexible interest rate ceiling authority is important for both FHA and VA loans to be viable sources of mortgage and loan insurance during changing money market conditions.

It pleases me that the House has acted swiftly today to pass a bill similar to mine providing a short term extension of FHA loan authority through October 1. The American taxpayers deserve this consideration of their housing needs.

To encourage swift action by the President, I am sending him a telegram today to urge him to sign this legislation into law as quickly as possible. I sent a similar telegram to him on July 24, 1973, urging his prompt approval of the VA interest rate bill.

Hopefully, when the House reconvenes in September the Congress will enact more permanent legislation which will revitalize FHA as a prime source of mortgage assistance for the American taxpayer.

A TRIBUTE

HON. CLEM ROGERS McSPADDEN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. McSPADDEN. Mr. Speaker, I would call attention to a hero. It has been said that every hero with the passing of time becomes a bore, but this hero for the nonce is a hero. A macho, if you please.

Bernard Goldstein is a man personally unknown to me, but his stance in these critical times of artificially created shortages of beef should receive as wide dissemination as possible. Mr. Speaker, Mr. Goldstein for 16 years has supplied the White House with beef.

On Monday, he refused a request by the White House for 15 pounds of filet mignon and New York strip steak. I could continue, but after this brief remark, to paraphrase Marie Antoinette's probably legendary statement when she was told the hordes of Paris were hungry, Bernard has told the White House, "Let them eat ground," but the author said it better.

The article by Bruce Howard, which appeared in the Tuesday, July 31, 1973, Washington Star-News, is as follows:

WELCOME TO THE CLUB, WHITE HOUSE IS TOLD

(By Bruce Howard)

The meat shortage has been brought home to President Nixon—literally.

Bernard Goldstein, president of District Hotel Supply, Inc., the largest hotel and restaurant meat supplier in the city, yesterday turned down a White House order for 15 pounds of filet mignon and New York strip steak.

"We've been supplying the White House with meat for 16 years," Goldstein said, "and this is the first time we've ever refused them."

"But if Mrs. Housewife feels the meat crunch, so should the White House. They started the shortage, and they should know about it. They don't deserve any better treatment than anyone else."

Goldstein said he offered the White House a lower quality meat instead—"I had no trouble filling their ground beef order," he said with a smile—but they said no thanks.

"We're talking principle here," Goldstein said. "I realize I'm sticking my neck out—I may even lose the account—but I feel 1 have a chance to do something to help the (meat) industry.

"I had an order from the number one household in the world, and I had to say no. I told them to take filet mignon off the menu until the freeze is over."

NEW GOAL FOR FOREIGN AID

HON. LLOYD MEEDS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. MEEDS. Mr. Speaker, a bipartisan majority of the Committee on Foreign Affairs has recently embarked on an effort—embodied in the Mutual Development Corporation Act, introduced by our distinguished colleague, Mr. ZABLOCKI—that has been called the most significant House initiative in our Foreign Affairs program since the decisions leading up to the adoption of the Marshall plan.

This major reform deserves the attention and support of the House, and with unanimous consent I include in the RECORD following the conclusion of my remarks, an editorial of June 7, 1972, from the Minneapolis Tribune, and reports from the New York News, the Washington Post, and the Journal of Commerce and Commercial. These materials provide a clear analysis of the nature and merits of the act.

Simply stated, the act will have three principal benefits to the United States and to the free world: First, it will sharply focus U.S. economic aid to meet the food, health and educational needs of the poorest people of developing nations—rather than to the erection of monuments to our largess in the form of dams, airports and superhighways; second, it will provide Federal assistance to American industry in financing exports to developing nations—which are rich in resources but short on cash; and third, it will enable U.S. industry to maintain and increase its share of trade with the developing nations, which will provide the U.S. economy with a high payoff in the form of a better linkage to these much needed raw materials.

I would also like to call my colleagues' attention to the creation of a new Emerging Nations Committee of Member of Congress for Peace Through Law. This new committee, on which I am most pleased to serve as vice chairman, under the able and sincere chairmanship of Congressman CHARLES WHALEN, will examine U.S. relations with the emerging nations, and consider in depth the views, problems, and aspirations of these countries. It is our hope thus to provide an effective channel through which the Congress may be currently informed of such matters, and to provide a legislative focus for their consideration.

The articles follow:

[From the New York (N.Y.) News, June 10, 1973]

THE HOUSE SETS A NEW GOAL FOR FOREIGN AID: SUCCESS

(By Jerome Cahill)

For the first time in more than a quarter of a century, the House of Representatives appears ready to take the lead in a major reform of America's program of economic assistance to the poor nations of the world.

If the initiative is successful—and prospects are at least 50–50 that it will be—these are the benefits that sponsors say will redound upon the United States and the free world:

American industry will receive important new government help in financing exports to developing nations, which are rich in resources but short of cash.

The growing share of trade with the developing countries now held by our industrial competitors will be reduced with a payoff to the U.S. economy in the form of a stronger claim to vitally needed raw materials in the so-called Third World.

Direct U.S. economic aid will be more sharply focussed toward meeting the food, health and educational needs of the poorest people of developing nations, instead of building superhighways and dams.

The concepts are embodied in the proposed Mutual Development and Cooperation Act of 1973 introduced by 26 members of the House Foreign Affairs Committee. It will be the subject of a hearing Tuesday and will reach the House floor later in the month.

Led by Rep. Donald Fraser (D-Minn.), the congressmen over three years ago began casting about for a more effective alternative to the U.S. foreign aid program of the 1960's with its emphasis on building up the industrial base of the developing world.

Their discussions were given impetus by evidence that despite the massive outlays of U.S. dollars during the period, the world's poorest people were just as bad off as they ever were. They were immune from the benefits of industrial development.

The end result of the discussions is the proposed bill which seeks to correct this by taking the same amount of U.S. economic aid as proposed by the administration—$1 billion this year—and channeling the money into programs aimed at meeting the most pervasive problems affecting the poorest groups in such countries—food, rural development, population growth, health and education.

A reversal of America's declining volume of exports to the lowest-income nations of the world, which support a population of more than a billion, is the objective of the second and most novel feature of the bill. It would create a development fund authorized to issue credit of up to a billion dollars a year available on terms that would enable U.S. companies to compete with other industrial nations. If U.S. exports increased by that amount, 80,000 new jobs would be created for American workers, while the developing countries would be receiving resources needed for their own development.

James P. Grant, president of the Overseas Development Council, a private, nonprofit research group, calls the bill the most significant initiative in the House since the Herter select committee was created in 1947. That committee laid the groundwork for the Marshall Plan which rebuilt Europe after World War II.

[From the Minneapolis Tribune, June 7, 1973]

AID FOR THE POOREST AND PROFIT

One has to be impressed as much by the ingenuity as the substance of a foreign-aid proposal offered last week by a bipartisan majority of the House Foreign Affairs Committee. Consider this unlikely combination of elements: The bill should appeal to development idealists. It offers new markets to profit-minded American exporters. It has the potential of increasing U.S. employment. It would not increase taxes, and it is politically shrewd in other ways as well.

The first of the bill's two major provisions has a high humanitarian content. In his latest State of the World Message, President Nixon said that U.S. aid "is focused on a few key areas, such as population planning, agriculture, health and education." The committee bill takes him at his word allocating funds by such categories. Leaders in the development field, notably Robert McNamara of the World Bank, have been calling for greater aid emphasis on the poorest people in the poorest countries. That, too, is what the bill would require of the $1 billion already included in the administration aid request.

Another provision addresses the complaint that American exporters suffer a disadvantage competing in developing-country markets with European and Japanese companies that are aided by their governments. But there are conflicting trends. For instance, U.S. sales to developing countries have been large and growing; that market accounted for a third of all U.S. exports last year. But the resulting trade surplus—the excess of American exports to developing countries over imports from them—shrank from an annual rate of over $2 billion in the 1960s to a tenth of that amount in 1972. Moreover, the volume of American exports to the poorest countries, those with per-capita incomes under $200, has been shrinking.

To reverse that trend and, in the process, boost American business and employment, the bill would establish an export development credit fund. Beginning at $1 billion a year, the fund would extend credit to the lowest-income countries at low rates and extended terms for their purchase of needed American products. It would raise capital in public markets as do other federally chartered agencies. The cost differential resulting from the fund's borrowing at market rates and lending on soft terms would come from the continuing repayments of loans from past foreign-aid programs. Since no new appropriations would be needed, the fund authorization would bypass the Appropriations Committee, whose chairman is a long-time foe of foreign aid.

We can visualize any number of technical and philosophical objections to the proposal, one of whose chief advocates is Minnesota's Rep. Donald Fraser. So far, the objections appear outweighed by the bill's merits. For example, one high administration official has already expressed privately his reservations about the rearrangement of aid priorities. But priority-changing is never a painless process. The executive branch and Congress as a whole will, we hope, welcome this imaginative new approach to an old subject.

[From the Washington Post, May 31, 1973]

HOUSE PANEL STRESSES AID TO POOREST NATIONS

An effort to refocus U.S. foreign aid on acute problem areas of poor nations was announced yesterday by a majority of the members of the House Foreign Affairs Committee.

They said they will cosponsor admendments including one to concentrate U.S. aid on food, rural development, nutrition, population growth, health, education, and human resources development programs.

"Projects would be selected which most directly benefit the poorest majority of the people in these countries and which enable them to participate more effectively in the development process," the congressmen said in a joint statement.

Another amendment would create an Export Development Credit Fund authorized to make $1 billion in loans annually for credit for U.S. exports to the lowest income countries.

A third would rename the foregn aid program as the Mutual Development and Cooperation program.

Rep. Clement J. Zablocki (D-Wis.) said cosponsorship of the foreign aid revision by 22 of the committee's 40 members should assure its approval by not only the committee but also the House.

Zablocki said the changes are consistent with comments in President Nixon's May 3 State of the World message, even though they would revise the President's request for a two-year extension of the foreign aid program as is.

[From the Journal of Commerce, May 30, 1973]

PANEL WILL PROPOSE AID POLICY SHIFTS

(By Richard Lawrence)

WASHINGTON, May 29.—A majority of the House Foreign Affairs Committee will unveil tomorrow proposals for a sharply revised U.S. foreign aid program, including creation of a new U.S. export financing fund.

The fund, to promote U.S. sales to the world's poorest nations, would supplement the Export-Import Bank. Its initial target would be to finance about $1 billion a year in exports, at very low interest rates and long terms.

A new AID agency, tentatively called the Mutual Development and Cooperation Agency, would administer the export fund. The fund would draw on both borrowings in the commercial money market and repayments of past U.S. foreign aid loans. Broadly, the proposed AID unit would take over the foreign aid programs of the existing Agency for International Development (AID). The program would be made to focus more sharply on directly helping the "poor majority" in the developing countries.

The programs would largely concern health, education, nutrition, population control, public administration and human resources development. Education projects, for example, would be more likely to involve primary or secondary schools, rather than higher-level facilities.

"FOUNDATION"

The agency would operate more like "a foundation," one observer said. Little, if any, distinction would be made between outright donations and long-term loans. There would be strong emphasis on providing technical services.

The House committee indicates it would authorize an initial $1.3 billion in fiscal 1974 for these programs, the amount President Nixon recently proposed for bilateral economic aid during the coming fiscal year.

The export credit development fund would not be part of the $1.3 billion authorization, as it would rely on the private money market and then relend on much softer terms, say, three per cent a year over 30 years.

Repayments on foreign aid loans would be used to offset the cost defferentials.

The fund would finance U.S. exports to only the poorest countries, with per capita incomes of less than $200, such as India, Indonesia and Haiti.

The Export-Import Bank finances U.S. exports to nearly all nations, including the wealthiest. It rarely extends credits of more than 10 years, and its standard annual rate is 6 per cent.

The new fund is needed to help stem the steady decline in the U.S. share of poor country markets, the House committee will argue.

The head of the NEL agency would become a kind of "development czar," coordinating all U.S. foreign aid and reporting directly to the President. He would sit on both the National Security Council and the Council for International Economic Policy.

The proposals have the backing of about 20 House Foreign Affairs Committee members, representing a slight majority of the panel. Both ranking Democrats and Republicans are co-sponsoring the bill.

It marks the first major original foreign aid proposal from Congress since the Marshall Plan, observers here say. It may gather enough support to become enacted, but the Nixon Administration's position will be important.

The first reaction from administration circles appears to be cool, possibly because of larger political considerations. The committee initiative might be interpreted as a new attempt by Congress to assert itself over the administration.

HAPPY BIRTHDAY TO THE COAST GUARD ON ITS 183D ANNIVERSARY

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mrs. SULLIVAN. Mr. Speaker, during the years I have had the privilege of serving in the House of Representatives and as a member of the Merchant Marine and Fisheries Committee, and particularly during this session of the Congress as the chairman of that committee, I have become familiar with the remarkable work of the U.S. Coast Guard.

The Coast Guard is celebrating its 183d anniversary this Saturday, August 4, and I would like to just say a few words of praise and thanks and wish them well on their birthday.

Most of my colleagues from the coastal States know full well of the many duties which they perform—particularly with respect to rescues at sea—fighting pollution—and keeping the peace among American and foreign fishing interests. During this past spring, I have learned first-hand of the work of this truly good service in connection with the disastrous floods all along our great Mississippi River, including a part of my own congressional district. Working with local officials, they really pitched in to aid in the saving of many lives all along the river. The work of the Coast Guard Reserve, which was called up during the floods, was especially noteworthy. Here was a Reserve force making a great contribution during peacetime.

I am pleased to note the Coast Guard's birthday and to publicly thank them for their fine work over the years.

AMERICAN RED CROSS HONORS DAVID W. SHAW

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. ST GERMAIN. Mr. Speaker, as a consequence of an accident that occurred in Hope Valley, R.I., on January 4, 1973, the American National Red Cross will present the Red Cross Certificate of Merit to one of my constituents, Cpl. David W. Shaw, of the Rhode Island State Police, and I believe that his heroism is worthy of mention in the Congressional Record.

The Red Cross Certificate of Merit is the highest award given by the American Red Cross to any person saving the life of another by the use of skills learned in a Red Cross first aid, small craft, or water safety course. Corporal Shaw had had this training, and the cool application of his knowledge, not only by acting as an individual but as part of a valiant team effort, is credited with saving the lives of three people.

An official memorandum of commendation issued by order of Col. Walter E. Stone, superintendent of the Rhode Island State Police, explains that on the morning of January 4, 1973, the Hope Valley Barracks received a report of a motor vehicle accident in which a car had crashed through a guard rail, had landed upside down, and was almost completely submerged in the White Rock Stream, trapping its occupants inside.

Corporal Shaw, with Cpl. Robert E. Carr, and Trooper Gerard E. Brissette, immediately responded to the accident scene and the need of the victims trapped in the vehicle which they found resting on its roof and submerged in about 5 feet of water. The troopers waded into the icy, muddy water to determine the existence and number of passengers inside the car, and Corporal Shaw was successful in forcing open one of the car doors. An unconscious woman and a partially conscious man were removed from the car and were administered first aid. When the male victim indicated that a small child was still in the car, Corporal Shaw waded back to the automobile and found the unconscious body of a 5-year-old girl wedged behind the back seat. Recovering her, he instantly began mouth-to-mouth resuscitation, and continued until her breathing was restored. The other troopers had successfully revived the man and woman by this same method, and the three victims were then taken to the hospital at Westerly, R.I., where they were treater for shock and immersion.

The official commendation states:

> The Troopers involved in this rescue are to be highly commended for their prompt, effective and diligent action taken during this emergency which saved the lives of three persons. Their actions reflect the highest

standards long associated with the Rhode Island State Police.

The American Red Cross will present the certificate of merit to Cpl. David Shaw because his heroic action "exemplifies the highest ideal of the concern of one human being for others who are in distress."

To both of these tributes, I want to add my own words of praise and appreciation, and I am certain that others, reading about this episode of courage, will join me in congratulating not only Cpl. David Shaw of Riverside, R.I., but his fellow troopers, Carr and Brissette, and citizens, everywhere, who daily respond to emergencies with acts of bravery.

WATERGATE DOUBLE STANDARD

HON. SAMUEL L. DEVINE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. DEVINE. Mr. Speaker, in the New York Times on August 2, William Safire wrote an essay entitled "The Great Howcum." The article dramatically points out the double-standards that seem to be the order of the day, not only by the Watergate Committee and its staff, but more importantly certain segments of the press and networks. The column follows:

THE GREAT HOWCUM

(By William Safire)

WASHINGTON.—President Eisenhower used to have a benign "enemies list" of his own. Whenever somebody irritated him, he would write that person's name on a scrap of paper, crumple it up and throw it in a bottom drawer, thereby ridding himself of what later came to be called hangups.

When Senator Sam Ervin observed on "Face the Nation" last weekend: "Down in North Carolina, we say—'howcum?' ", his remark sent me to my bottom drawer where I keep my crumpled-up howcums. Flattened out and presented here today, these collected howcums represent a cathartic checklist for diehards, some specifics to fling about in justifying that lingering feeling of helpless resentment.

Howcum the lack of investigation of massive vote frauds in the 1960 Kennedy-Nixon campaign has never been called a "cover-up"?

Howcum John Dean's flat assertion under oath that "I planted no stories" received no refutation from the dozens of people with whom Dean and his lawyers planted stories?

Howcum there has been no clamor to investigate the investigations inflicted on the 1968 Nixon-Agnew campaign?

Howcum people usually sensitive to ethnic or religious slurs feel free to disparage "the Germans" in the White House, and like to identify Haldeman and Ehrlichman as Christian Scientists when they identify no other witness's religious affiliation?

Howcum it is laudable to raise funds to ransom Cubans recruited to land at the Bay of Pigs, but terrible to raise funds for "support and lawyers fees" to Cuban-Americans who broke into the Watergate? (This howcum collapses under examination of motive, but it has a certain symmetry.

Howcum those rightly indignant at unfair prying into the private lives of public figures have shown no interest in the anti-Republican snooping activities of Carmine Bellino, as brought out into the open by George Bush?

Howcum it was right for the Internal Revenue Service to hand over tax returns to a Kennedy investigator, without so much as a written request, when it is wrong for Nixon investigators to even breathe the initials "I.R.S."?

Howcum the wrath of civil libertarians so properly aimed at the misuse of Government power to "get" individuals never managed to get cranked up (with the lonely exception of Wayne Morse) at the misuse of Government power by Robert Kennedy to "get" Jimmy Hoffa?

Howcum nobody is asking now what "foreign intelligence reasons" were given for the King's telephone, or about the propriety of F.B.I. agents seeking to leak contents of those tapes to newspaper editors?

Howcum nobody ever objected before to the "dirty tricks" and "negative advance" perfected by Lyndon Johnson's campaign staff and described on page 349 of Theodore White's "The Making of the President 1964"?

Howcum Daniel Schorr of C.B.S., who as the subject of F.B.I. harassment has more reason than any other reporter to be angry at this Administration, has been reporting the Ervin hearings with restraint and insight, while Carl Stern of N.B.C. has felt free to indulge his biases?

Howcum Bob Haldeman, who was supposed to be so efficient, never arranged for the taping of Presidential conversations aboard the yacht Sequoia? (Maybe this howcum came out of the wrong drawer.)

Howcum the incredible similarity of the devotion of Gordon Liddy and Daniel Ellsberg to a "higher law" has led to one's lionization and the other's incarceration?

Howcum the people who are so irate about our secret bombing of North Vietnamese sanctuaries near the Cambodian border never so much as waggle a finger at North Vietnamese troops for assembling on Cambodian soil in the first place?

Howcum the scoffers who were so certain that the Vietnam cease-fire would not last longer than a few weeks are not admitting they may have been wrong after six months?

Howcum the report that President Johnson surreptitiously taped conversations with George Wallace has raised not a single eyebrow?

That cleans out my howcum drawer. An even longer list could be tellingly directed at the Nixon Administration, but these accumulated resentments are presented to suggest that much of what appalls us today has its roots in the callousness or apathy of too many of us in the past.

The great howcum, as they call it down in North Carolina, is this: Howcum we cannot agree to apply a single standard to political morality, and as we try to raise that standard together, to admit that nobody has the perfect right to cast the first stone?

BILL NATCHER A GOOD EXAMPLE

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. ASHBROOK. Mr. Speaker, legislators, and public officials generally are not held in too high esteem in the public mind these days. Unfortunately, some of this is our own fault. Many of those entrusted with public confidence have not discharged their duties in such a way as to add to the distinction of public servants. Yet, there are many notable examples of good public service that go unnoticed. Everyone talks about those who misuse their office or make mistakes but how many times do we congratulate those who serve in a way that was envisioned by the Founders of our Republic.

Certainly one of the finest gentlemen in this body is our colleague BILL NATCHER of Kentucky. In addition to his fine personal qualities which make him a very popular Member, he is one of the most dependable legislators in this body. Yesterday, August 1, 1973 marked the 20th anniversary of his service in the House. In that period of time he has compiled, in addition to a host of friends and wide respect, a most admirable attendance record. He has a 100-percent attendance record in votes on issues before this body.

Mr. Speaker, we should be proud of the fine service of this distinguished colleague and I join his many friends in wishing him many more years of constructive and loyal service to his district and his country.

NORMAN W. NEUKOM—DEDICATED PUBLIC SERVANT

HON. GEORGE E. DANIELSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. DANIELSON. Mr. Speaker, I would like to take this opportunity to honor a selfless man after 35 years of service to the people of the United States, and especially to the people of the Los Angeles area. Norman W. Neukom announced his retirement earlier this year after spending over half his life dedicated to the achievement of fair and equal treatment under the law for all. Over the years, he has been experienced in several perspectives of the practice of law, first as a private attorney, then as an attorney for the office of the U.S. attorney, and finally, as a highly respected referee in bankruptcy.

Mr. Neukom was honored earlier this year by a dinner given for him and attended by over 200 friends and admirers. This high respect for Mr. Neukom is shared by all those who have had the opportunity to work with this faithful servant and most competent jurist. Those who have encountered Norman Neukom have benefited by their association, and many felt compelled to demonstrate their appreciation personally to Mr. Neukom. His rare combination of experience and legal expertise, compounded by Mr. Neukom's extraordinary personality makes his background a truly notable one.

Although born in Indiana, Mr. Neukom was raised in Los Angeles, and graduated from Los Angeles High School. After brieflly attending the Southern Branch of the University of California—later to be UCLA—Mr. Neukom worked in a variety of pobs, from oil filed worker to drug clerk, before returning to school at the University of Southern California. He received his law degree in 1927, and practiced law for 7 years before becoming an attorney for the Bureau of War Risk Litigation, where war-related disability recoveries were determined.

After 2 years, Mr. Neukom transferred to the U.S. Attorney's Office in Los Angeles, where he spent the next 23 years, with the exception of 2 years serving in the U.S. Navy during World War II. In the U.S. Attorney's Office, Mr. Neukom tried and supervised many cases that helped determine important points of law.

Over the years, Mr. Neukom participated in the handling of over 50 cases involving food and drug law violations, without a defeat. He was honored for his contributions in this field by the Food and Drug Administration, in appreciation of his efforts to provide a solid foundation for subsequent developments in the law.

In 1960, Mr. Neukom was appointed to be a referee in bankruptcy. In this capacity, he was described by a prominent bankruptcy attorney as "an excellent lawyer, liked by everyone, and possessing an ideal judicial temperament." On that statement, I should only like to once again add my personal congratulations and sincere appreciation to a fine gentleman, a great lawyer and jurist, and a cherished friend.

AN ACT TO PROTECT U.S. DOMESTIC AND FOREIGN POLICY INTERESTS IN THE REPUBLIC OF SOUTH AFRICA

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. RODINO. Mr. Speaker, I am today introducing a bill that would encourage American persons and/or corporations with major business investments in South Africa to pursue fair employment practices among all employees.

Specifically, this legislation would allow the President to delegate to the Secretary of Labor and a Presidentially appointed Advisory Board the obligation to insure that the concepts of equal pay for equal or comparable work, equal fringe benefits, equal hiring and training opportunities, and equal opportunity for advancement are followed by all American persons and/or corporations maintaining major investments in South Africa and thereby representing the American public abroad.

The Advisory Board—composed of representatives from the fields of labor, education, business, and civil rights; a representative from the Departments of Commerce and State; a representative from the Equal Employment Commission; and finally two public interest representatives—would assist the Secretary of Labor in the review of the employment practices of each eligible person and/or corporation. Once a satisfactory review had transpired, the person and/or corporation would be placed on a roster signifying adherence to fair employment practices in South Africa and eligibility for Federal Government contracts.

Important safeguards included in this legislation are:

First, the opportunity for notice and a hearing prior to the initial review of employment practices;

Second, a Presidential exemption—up to a maximum of 90 days—from the provisions of the act if reasons of national security are paramount; and

Third, the opportunity for notice and a hearing in the event that a sworn charge of unfair employment practice is lodged against a person and/or corporation subject to the act or if a written charge of reasonable cause to believe a violation has occurred is filed by an Advisory Board member.

Once the charge is aired, appropriate findings would be issued. Any action thereafter would be based upon these findings.

Mr. Speaker, this measure which would do much to lessen the effectiveness of an institutionally cheap labor market detrimental to the economic well-being of the American worker. Just recently, Foote Minerals closed three of its ferrochrome processing plants in the United States because "imported prices, from South Africa, are reportedly even below U.S. production costs in certain cases, making it increasingly difficult for the domestic industry to compete."[1]

Finally, it is strikingly clear that we cannot and should not ignore the fact that the racist doctrine of apartheid, by which millions of blacks are subjugated by a small white minority, is abhorrent to the American people and the world community. It should not be supported. In this august legislative body which enjoys a fine history and commitment to the enactment of legislation which recognizes the equal rights of all persons regardless of race, color, national origin or sex, approval of this measure requiring a similar commitment by American persons and/or corporations with major business interests in South Africa should be immediately forthcoming.

THE MISSING IN ACTION

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. BROTZMAN. Mr. Speaker, direct American troop involvement in the Vietnam War has come to an end. Our troops have been withdrawn from that country. The Americans officially listed as prisoners of war by Hanoi have been returned. And the American people are turning their interest to other, more peaceful pursuits.

But there are a great number of Americans who cannot forget Vietnam for other pursuits. These are the people who have suffered the death of a loved one, the people who served in the war and came home maimed for life, and the people who continue to suffer uncertainty over the fate of loved ones on the missing in action list, neither confirmed dead nor prisoner.

For the last group of Americans, there can be no end to the Vietnam chapter in the history of America until each and every man declared missing in action can be accounted for. The President realized this and made it an essential part of the Paris Accords last January and again this summer. Article 8, paragraph (b) of the January 27 agreement reads as follows:

> The parties shall help each other to get information about those military personnel and foreign civilians of the parties missing in action, to determine the location and take care of the graves of the dead so as to facilitate the exhumation and repatriation of the remains, and to take any such other measure as may be required to get information about those still considered as missing in action.

Because of the intransigence of the Communist forces in Southeast Asia in refusing to comply with the provisions of article 8, American negotiators sought and received additional language in the supplemental accords reached on June 13th. In those accords the following statement appears:

> In conformity with Article 8(b) of the Agreement the parties shall help each other to get information about those military personnel and foreign civilians of the parties missing in action, to determine the location and take care of the graves of the dead so as to facilitate the exhumation and repatriation of the remains, and to take any such other measures as may be required to get information about those still considered missing in action. For this purpose, frequent and regular liaison flights shall be made between Saigon and Hanoi.

To date, the Department of Defense teams set up for the purpose of investigating crash sites, exhuming remains, and identifying MIA's have not been allowed to visit the necessary sites in Communist hands, or even to exhume the remains of graves so far shown to them. Only two trips from Saigon to Hanoi have been allowed the investigators, and such trips are not scheduled to continue. Yet, there are more than 1,200 cases left unresolved.

We in the Congress must not allow such blatant disregard for humanity to go unchallenged. We have a duty to those listed in the missing in action category and to their families to do all in our power to compel North Vietnam and the Vietcong to allow us to carry out this humanitarian task. There can be no accommodation, no reconciliation and no real peace until the Communist forces act to remedy this situation.

Accordingly, I am today introducing a concurrent resolution which establishes it as the sense of Congress that it shall be the policy of the United States that our Government shall cease forthwith all consideration of aid, trade, diplomatic recognition or any other form of accommodation with the Democratic Republic of North Vietnam or the Provisional Revolutionary Government—Vietcong—until such time as the agreements I have cited above are complied with to the fullest possible extent.

My resolution would let the families of the MIA's know that we have not forgotten them. We are deeply aware of the inexcusable failure on the part of the Communists to comply with the agreements and our humanitarian request.

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[1] *"Metals Week,"* Dec. 12, 1972.

This resolution would demonstrate that Congress is resolute in its determination to see justice done for the MIA's and their families.

I would urge the Committee on Foreign Affairs to give this matter its utmost consideration and report my resolution favorably to the floor of the House at an early date.

UNEARTHING THE HOWCUMS—UNEARTHING THE DOUBLE STANDARD?

HON. ANDREW J. HINSHAW

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. HINSHAW. Mr. Speaker, there are many persons throughout the country who believe that those who profess to be concerned about the common good and those responsible for, and who participate in, congressional inquiries should conduct these hearings and utter their public statements in an unbiased and politically nonpartisan manner. I believe we generally agree that this should be our goal.

However, in discussions with my constituents, and others, it comes across loud and clear that many times there is little political morality by those who proclaim themselves to be the protectors of our public and private morals.

William Safire, writing in the Washington Star-News on Thursday, August 2, 1973, has stated this problem extremely well and takes to task those who, by their conduct, adopt a double standard.

For the benefit of those of my colleagues who did not read his incisive article I am including it in the RECORD, and it reads as follows:

UNEARTHING THE HOWCUMS

(By William Safire)

President Eisenhower used to have a benign "enemies list" of his own. Whenever somebody irritated him, he would write that person's name on a scrap of paper, crumple it up and throw it in a bottom drawer, thereby ridding himself of what later came to be called hangups.

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Howcum it was right for the Internal Revenue Service to hand over tax returns to a Kennedy investigator, without so much as a written request, when it is wrong for Nixon investigators to even breathe the initials "IRS"?

Howcum the wrath of civil libertarians so properly aimed at the recent misuse of government power to "get" individuals never managed to get cranked up (with the lonely exception of Wayne Morse) at the misuse of government power by Robert Kennedy to "get" Jimmy Hoffa?

Howcum nobody is asking now what "foreign intelligence reasons" were given for the unconscionable tapping of Martin Luther King's telephone, or about the propriety of FBI agents seeking to leak contents of those tapes to newspaper editors?

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RAYMOND NICHOLS

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. WINN. Mr. Speaker, I would like to take this opportunity to pay tribute to a man well known throughout the State of Kansas for his endeavors in the field of higher education. On this past July 1, Raymond Nichols retired as chancellor of the University of Kansas, after serving the university in many capacities for 44 years.

At this time, I would like to quote the remarks made by the chairman of the Kansas Board of Regents at a recent all-alumni luncheon:

> The University of Kansas has had a long distinguished history. Within this history are names of many people who have helped lead KU to the prominent position it enjoys in higher education today. Foremost among these is the name of Raymond Nichols, the 12th Chancellor of the University."
>
> Ray Nichols has prepared the University of Kansas for the beginning of a new era—an era of the extension of mutual understanding and trust between academia and the people of Kansas, and with this understanding and trust, a broadening of support heretofore never experienced by KU in its long and illustrious history.

Mr. Speaker, this man began his years of service to his alma mater in 1929 when he assumed the job of executive secretary of the university. Forty years later, Raymond Nichols was the recipient of a KU citation for distinguished service.

No other person in KU's history has been so loved and respected by students, faculty, and Kansas alumni as has Ray Nichols. He made himself available at all times, and he was always very helpful and cooperative. As an indication of the high regard in which he was held, KU's new space technology building will be named Raymond Nichols Hall, and in addition, the Kansas Board of Regents has bestowed upon him the honorary title of chancellor emeritus.

I know my colleagues will want to join me in paying tribute to this fine man.

TROOP CUTS OVERSEAS

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. ROBISON of New York. Mr. Speaker, last Tuesday I had intended to vote for the Esch-Carter amendment to the military procurement authorization, but as the legislative situation developed, I, and many other colleagues sympathetic to the amendment, did not have the opportunity to vote for an amendment directly comparable to the language proposed by the gentleman from Michigan (Mr. ESCH) and the gentleman from Kentucky (Mr. CARTER).

Had I been given the opportunity to vote for this amendment, I would have done so for a number of reasons.

In the face of a most impressive lobbying effort by opponents of this and related amendments, I should first add to the explanations already presented by my colleagues and provide yet more clarification of the substance and intent of the Esch-Carter language. That proposal would have directly reduced the total U.S. force level by 200,000 troops. It would have done so by requiring that U.S. overseas force levels be reduced by 100,000 men, and that force levels within the United States be reduced by 100,000. In the aftermath of such cuts, the total military manpower of this country would remain at 2,019,865 men, a formidable military component capable of meeting any conceivable military threat, notwithstanding the quickening pace of international negotiations which seek to further reduce the possibility of military conflict between the major powers.

When suggesting this amendment, my colleagues (Mr. Esch and Mr. Carter) were very sensitive to the international responsibilities this Nation recognized as essential to a generation of peace, and attentive to the prospects for further diplomatic talks which may result in a mutual reduction of military forces in Europe. It is for these very compelling reasons that the amendment was drawn to allow maximum flexibility in planning and implementing the troop cuts mandated.

The proposal did not specify that troop reductions must take place in the NATO area—or in any other part of the world, for that matter—but it did say, most emphatically, that changing world conditions and a careful assessment of national priorities require that we make a sensible reduction in our military forces at this point in time.

In the flurry of speeches and briefings by State and Defense Department officials aimed at congressional troop-reduction proposals, virtually all emphasis and effort has been expended toward justifying the present size of our military commitment to NATO. It may be unfair to draw from that the fact that there are no good arguments against a small troop reduction in non-NATO overseas forces, yet it is nevertheless apparent that the 600,000-strong Korean military force can very readily perform its mission with a slight reduction in the 42,000-man U.S. force presently stationed in that country. And, one wonders if it is not equally valid that the 45,000 Americans in Thailand and the 40,000 in the Ryukyus Islands cannot be similarly reduced in light of the agreement between Congress and the President that all U.S. military activity in Southeast Asia shall terminate on August 15.

Even though there are almost 300,000 non-NATO U.S. troops overseas—and it is conceivable that 100,000-man reduction could very safely be achieved from this complement—we will inevitably get to NATO in discussing the kind of reduction in force proposed by the Esch-Carter amendment. There are at least 2 days of responding to the general tenor of argument which has come from the State Department and the Department of Defense during the past 2 months. One form of rebuttal would take those statements and position papers apart, point-by-point, and thereby include that, even within the strategic and tactical framework articulated by these spokesmen, there remains sufficient flexibility to allow some reduction in force from the present 305,000-troop level.

Given the time and the proper forum, I am prepared to do precisely that, by starting from the premise that there is simply no way to rationalize that a particular number of troops—305,000, 250,000, or a million, for that matter—result in a particular level or strength of commitment to NATO. These remarks do not allow for that kind of exposition, so for the present I would like to suggest a second tack, which is to discuss what I find to be the two primary justifications for the present size of our NATO force. Before doing so, let me mention that I am thoroughly convinced that our NATO alliance, and our direct participation in it, have been fundamental to the emerging détente between the United States and the U.S.S.R. And, I believe it irrefutable that we will build upon that détente by maintaining a strong and battle-ready European alliance.

By the same lights, I do not see the magic in the number 305,000—that being the size of U.S. ground and naval forces in Europe in suppport of NATO. These 305,000 Americans are there, we are told, for two reasons. They are there because the rough nuclear parity which has evolved between the two superpowers creates the necessity for a conventional force deterrent in Europe. And, secondly, those men are in Europe as a living symbol of the United States' commitment to the future vitality of the NATO alliance.

To address either of these assertions, we must first draw some perspective on the size of the total NATO force and the size of the U.S. complement within that force. There are, today, approximately 3 million men serving in the Armed Forces of the NATO allies, so that the present U.S. complement is about 10 percent of the total NATO force. Given these proportions, it is evident that the present U.S. NATO complement carries a relatively small share of the conventional combat mission of the NATO alliance. Is it not possible, then, that 275,000 U.S. troops participating in the NATO force—or even 250,000—can effectively join with their 3 million European compatriots to perform their military mission?

By the same lights, why cannot 275,000 or even 250,000 Americans signal a very firm U.S. commitment to NATO—since, in fact, 280,000 were sufficient to do so in 1968? Who can possibly doubt this Nation's commitment to the security of Western Europe when hundreds of thousands of Americans have died in Europe on two previous occasions when our allies were threatened militarily?

There are those, of course, who do raise doubts about the strength of our commitment to the NATO nations, and who respond that, by weakening our presence in NATO to any degree, we hasten the possibility that Europe may become "Finlandized." I cannot accept this line of response. Not when, at this very moment, nine of 13 U.S. Army divisions have as their mission the reinforcement of NATO allies in the event of a conventional strike by the Warsaw Pact nations.

It defies reason, history, and our own assuredness of our commitment to the defense of Western Europe to presume that a small reduction in our NATO force—as the Esch-Carter amendment might have occasioned—could cause our allies to buckle, to doubt the intentions of this country, to rush to "Finlandize" themselves as the only practicable alternative. Those eventualities just do not follow, and are immensely out of proportion to the slight troop withdrawal which might have resulted from the Esch-Carter amendment.

Let me conclude on this note, Mr. Speaker, I am among the most ardent supporters of the NATO alliance, and I share company in that conviction with the gentleman from Michigan (Mr. Esch), and the gentleman from Kentucky (Mr. Carter). We each listened to the statements and briefings of administration spokesmen; we each sifted and weighed every phrase of those positions, and we found ourselves most confident in suggesting to this body that we can reduce U.S. overseas force levels by 100,000 troops, and our domestic forces by 100,000, at absolutely no risk to our national security, and with absolutely no diminution of our commitments to our foreign allies.

Perhaps, during the course of our debate on the military procurement authorization, the House made this point in a different way. Although the Esch-Carter amendment did not come to a vote, we had the opportunity to vote for another bipartisan amendment which reduced the military procurement authorization across the board by $950 million. I voted "Yes" for that amendment, and I would hope to see the spirit of that provision carried through in the Defense appropriation bill still to come.

THE CHILDREN OF COLUMBUS

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. MINISH. Mr. Speaker, in recent years we have witnessed an upsurge in interest in the cultural heritage of various American ethnic groups. This new ethnic consciousness is reflected in a large body of literature which chronicles the history, background, and current status of American subgroups.

A constituent of mine, Prof. Francesco Cordasco, of Montclair State College, has provided a valuable summary of significant historical writings on Italian-Americans and I am pleased to share Professor Cordasco's work with my colleagues:

THE CHILDREN OF COLUMBUS: THE NEW ITALIAN-AMERICAN ETHNIC HISTORIOGRAPHY

(By Francesco Cordasco, Montclair State College)

In the floodtide of the new ethnic awareness, the Italian experience in America has been given a prominent attention. It is hardly fortuitous that Italian-American academicians (until the 1960s in little evidence in the universities and colleges) have discovered a cultural *ethos* which relates them to both an enviable minority status and the new egalitarianism, and that they have begun exploring the vast, unchartered expanses of their American experiences. In recent years, the academic community has witnessed a proliferating number of works which attest to these explorations, and which suggest an impatience in clearing away the neglect of past decades. In a little over a year, four new books have turned their attention to the Italian-American experience; if these new volumes are to be correctly appraised, they must be related to that frame of reference largely defined by the earlier works in the same field. The more important of these earlier volumes will be briefly noted.

Andrew F. Rolle's *The Immigrant Upraised: Italian Adventurers and Colonist in an Expanding America* (1968) traces the history of Italian immigrants in the American West, in some 22 states west of the Mississippi, and is an invaluable study not only of immigrant Italian experience but equally of the multi-faceted identities out of which the American frontier and Western tradition emerged; and as a corollary urban tableau, Humbert S. Nelli's *The Italians in Chicago, 1880–1930: A Study in Ethnic Nobility* (1970) advances the thesis that the Italian urban ethnic colony served primarily as a staging ground where a rural people fashioned new life styles in adjusting to American habits and ideas; a contrary view is Rudolph J. Vecoli, *Chicago's Italians Prior to World War I: A Study of Their Social and Economic Adjustment* (1963) which claims that the life of the Italian subcommunity essentially reflected both the *ethos* and structure of the Italian *Mezzogiorno*. Joseph Lopreato's *Italian-Americans* (1970) "represents a sociologist's efforts to summarize and, where possible bring up to date our knowledge of major aspects of the Italian-Americans' social experiences as they bear on their continuing assimilation." Luciano J. Iorizzo and Salvatore Mondello's *The Italian-Americans* (1971) seeks "to integrate the Italian-American experience with major themes in American history;" and Alexander DeConde, in *Half Bitter, Half Sweet: An Excursion Into Italian-American History* (1972) provides a panorama of Italo-American relationships orchestrated against the background of the massive emigrations of Italians to the United States. Leonard Covello's unpublished doctoral dissertation (1944), *The Social Background of the Italo-American School Child* was the major source for the Italian materials in Nathan Glazer and Daniel P. Moynihan's *Beyond the Melting Pot* (1963; 1970). The publication of Covello's dissertation in 1967 (reprinted in 1972) was heralded as "A major work of great importance in the sociology of education and in the history of migration." (*Genus*, 24:277, 1968).

It is against this background that the new books by Messrs. Rolle, Tomasi, LaGumina, and Amfitheatrof are to be understood. They are part of a continuing momentum to create a monographic literature, and hopefully a scholarly archives, for the study of the Italian-American experience; itself, not unlike the proliferation in Black Studies publications, and ethnic sociological tracts. Of the present four works, that of Rolle is the more conventional.

Rolle takes "an historical approach to the immigrant experience . . . describing why immigrants left Italy, how they were changed by American culture, how they fared, and where they settled." At best it is an historical primer (in the *Minorities in American Life* series, edited by Alexander DeConde) intended to open up "minority studies to young people" and to meet a "social and educational need." It is a competent review, and Rolle is best in those areas which reflect his own researches ("The Exploring Italians;" "Missionaries;" and "Onto the Land."), essentially, vignettes carved out of his significant full-scale study, *The Immigrant Upraised*. Less satisfactory is his treatment of Italians in the cities ("The New Immigration and Urbanism") which avoids the hard questions framed in the researches of Nelli and Vecoli: and in a broader sense, Rolle does not deal with the harsh themes of conflict and acculturation which fashioned the responses of Italian *contadini* encapsulated in an hostile urban environment. In a last chapter/epilogue ("Beyond Adjustment"), Rolle tries to take hold of some of the themes which have eluded him, but without success. If one is disposed to accept some of his statements, his inadequately detailed text fails to give them credence, *e.g.*, "Today's truculent grandchildren of immigrants, no longer prime targets of hostility, wear red, white, and green buttons calling for 'Italian power.' They insist upon voicing their heritage at public rallies and more often on certain feast days. The descendants of Italian immigrants may seem more willing to acknowledge both good and bad in their forefathers; but the Italian-American Civil Rights League and The Americans of Italian Descent proclaim, in essence, that he who is non-Italian has no right to make such judgments." (p. 122)

Much of the detail which could have given Rolle the substantive contexts which his primer lacks is in the invaluable archive assembled by Tomasi. An important mirror of the "round of life" in the Italian community was the progressive journal *Charities* sponsored by The Charity Organization Society of New York. The COS was actively involved in all of the major urban issues: tenement conditions, crime, health needs, immigration, child labor; and *Charities* served "as a significant clearing house for the thinking and programs of social and settlement workers throughout the United States during the early 20th century." Tomasi has brought together out of *Charities* a significant corpus of materials (1894–1912/13) which deal with the Italian immigrant: the progressives of the period are energetically here, *i.e.*, Eliot Norton, Jane Addams, Robert A. Woods, Lilian Brandt, Florence Kelley; and the themes are immigration, assimilation, labor abuses, housing and social conditions, criminality, health and the scourge of tuberculosis. This is a contemporary register which sees the Italian *ethos* through American eyes, and recommends "enlightened" needs (the few Italian observors, *e.g.*, Antonio Mangano and Gino C. Speranza are, in some ways, more anglicized than their American benefactors); yet, Tomasi has made easily accessible a major resource depository which recreates the Italian subcommunity at the height of its existence as it was viewed by sympathetic American observers. There is, of course, another literature to which the materials in *Charities* were a foil: the nativisitic and abrasively racist clamor which culminated in the restrictive legislation which ended the mass immigration of Italians. And, still neglected, is that vast literature in Italian which responded to the Italian experience in America, written by literate Italian immigrants of every persuasion (political pamphleteers and ideologues, religious reformers, journalists, chroniclers, etc.) of which the following (to cite just two titles) are representative: Gaetano Conte, *Dieci Anni in America: Impressioni e Ricordi* (1903); Alfredo Bosi, *Cinquanti' Anni di Vita Italiana in America* (1921). Much of the bibliographical history and periodicity of the newspapers/journals and printed ephemera of the Italian community are yet to be worked out. The recent microfilming of *La Voce Del Popolo* (San Francisco, 1868–1905) is an auspicious beginning.

LaGumina's *Album* is a disappointment. Its text (intended for young readers?) is crudely filiopietistic, *e.g.*, "Italian-Americans [are] an industrious, God-fearing, family-loving people; and this, today, is a rich cultural heritage." The photographs are injudiciously chosen (and incorrectly captioned, *e.g.*, immigrant Russians identified as Italians, p. 7), without any indication of provenance given. How bad it is as a photographic archive can be measured against the superlative collection of Allan Schoener, *Portal to America: The Lower East Side, 1870–1925* (1967); and, if it is intended as a text for young readers (an important part of the instructional literature of the ethnic revival) it is totally inadequate alongside the works of Barbara Marinacci, *They Came From Italy* (1967), and Jerre Mangione, *America is also Italian* (1969).

It was inevitable that the Italian experience in America would invite the attention of a talented journalist who eschewed the sensationalism of Nicholas Pileggi and avoided the vertiginous portraits of Mario Puzo's "godfather business." Amfitheatrof (born in Milan of a Russian father and Italian mother, and resident in the United States since age seven) has given us an extraordinary chronicle in *The Children of Columbus* which he properly calls "an informal history of the Italians in the new world." A former *Time-Life* correspondent in the Far East (and currently a writer for *Time-Life* Books), Amfitheatrof uses all of the impressionistic techniques associated with the craft of the literary correspondent; and his book is a series of brilliantly sketched pieces (in the tradition of a forgotten Richard Harding Davis) held together loosely in an historical framework. For whatever reason, and not unlike DeConde's *Half Bitter/Half Sweet*, Amfitheatrof anchors his narrative in Italian history; but, fortunately, after brief excursions into the history of 15th/16th century Italian navigators, the Renaissance, and the Risorgimento, he leaves these tangential tributaries and breaks into the main channel of the American experience. What follows are the impressionistic tableaux, each assigned a chapter, each capable of standing by itself, and each brilliantly written for the evocation of effect out of substance.

Enrico Tonti and Filippo Mazzei are juxtaposed (with all of their contrasts) as Italianate identities in a 17th/18th century America; Giuseppe Garibaldi and Antonio Meucci are the nexus for the discussion of mid-19th century America; and Luigi Palma di Cesnola is a demoniac Italian adventurer in America's Civil War and a restive force in an expanding national destiny. Amfitheatrof approaches the great peasant migrations of the late 19th century *via* an essay on the Italian South (largely deriving from Foerster's *Italian Emigration* of our time [1919/1968] and Covello's *Social Background*), and with this essay, as a sociological *caput mortuum*, sketches Italian life in America on a broad canvass (it is these latter pieces which ethnic historiographers will find of special value). Here is a sample (the tragic Lawrence, Mass., 1912 textile strike):

"It was the [Italian] immigrant women of Lawrence who finally broke open the strike. They sent their children away, to safety and sustenance . . . The IWW [International Workers of the World] strike fund was meager, and each family received only 33 cents a day with which to buy food and coal. It was decided, as conditions deteriorated, to evacuate the children rather than go back to work on the millowners' terms. On February 10, some 120 children were put aboard a train for New York, where they were met by three thousand members of the Italian Socialist Federation. When the train arrived at Grand Central Station, onlookers 'wept as they saw the obvious signs of poverty and suffering these half-starved children had endured. Newspapers that had attacked the IWW suddenly turned the full blast of their criticism on the wool trust.' Many of these children had rickets, a bone disease caused by undernourishment. 'These children had been starving from birth.' [William D.] Haywood told a crowd at Cooper Union. 'They had been starving in their mothers' wombs. And their mothers had been starving before the children were conceived.' " (p. 180)

Amfitheatrof is equally facile in other thematic encounters, *e.g.*, on the indigenous literature of the Italian ghetto:

"There were also hundreds of poems written in Italo-American. One of the most ambitious had Dante arriving as an immigrant. After being processed through Ellis Island, Dante was disembarked at the Battery where he was met by Virgil who escorted him through the Lower East Side to Mulberry

Bend—a tour of Purgatory. But the majority of these Italian-American poems were short, bitter commentaries on the indignities and injustices of immigrant poverty. This is a free-verse translation in English of a sonnet written in Italian but employing such Italian-American terms as *briccheliere* (bricklayers) and *ruffo* (roof)."

The Bricklayers came over by the thousands,
A whole Italian gang with calloused hands,
To raise a building forty stories high
Not counting in the basement or the roof.
The skyscraper's now done; it towers up,
A symbol of American achievement.
But who recalls the greenhorns, the paesani,
The ones who died without the sacraments?
What did they gain when error or misfortune
Came crashing down upon them on these floors?
Poor Guinea, helpless, God-forsaken Dago . . .
Seated before his thick half-pound of steak
The boss just laughs and shows his golden tooth.
"Who's dead is dead. I'm breathing. I don't care."

(pp. 244–45)

And he is remarkably perceptive, in distilling out of a huge literature, vignettes of crime; ethnic politics (which includes a superb portrait of LaGuardia); anomic responses in the twin dynamics of conflict and acculturation; and the new "more complex self-awareness" of the Italian Americans of the 1970s. It may not be true that "The children of Italian immigrants no longer feel Italian;" but it is true that the children of Columbus "in shedding a sense of apartness from American life . . . have also relinquished their once-powerful emotional associations with a remote Italian world that they knew second-hand, from family recollections and legends."

Amfitheatrof's successful book (and there is little doubt that it will rival Puzo's *Godfather* on middle-class reading tables) underscores the rich, essentially untapped, ethnic veins which traverse the American corpus. It is a herald of many more to come; hopefully, a new American history and sociology in which academic communities will play an important role.

CAPT. EMIL H. PRAEGER

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mrs. COLLINS of Illinois. Mr. Speaker, today is the birthday of a great American who, although he is neither from my district nor from my State, is the grandfather of my legal researcher, Rick, and belongs to all of the people of this great country of ours. Capt. Emil H. Praeger, U.S. Navy, retired, is celebrating his 81st birthday in his home State of New York where he is still chairman of the board of Madigan-Praeger, Inc. Captain Praeger and/or his civil engineering firm will be remembered for the renovation of the White House during the Truman administration and, more recently, for the report that he submitted concerning the renovation of the west central front of the Capitol.

Captain Praeger served in both world wars, helped to develop most of the New York City and surrounding area road and highway system, and was in charge of the design and construction of the United Nations General Assembly building. Captain Praeger is also noted for his design of the Phoenix project during World War II where he designed the docks for LeHavre harbor, had them floated across the English Channel and sunk in place. This engineering technique was later used in his design of Pier 57 in New York City and the Tappen Zee Bridge in Tarrytown, N.Y. His engineering experience has also been applied to the reclamation of Jones Beach, Dorado Beach, the foundation design of the Verrazano Bridge as well as the design of the Long Island Sound Bridge, considered to be one of the most creative, innovative and beautiful to be designed in years.

Most recently, Captain Praeger designed the Los Angeles Dodger's stadium—Chavez Ravine—and, as chairman of the board, oversaw the design and construction of Shea Stadium, New York City; Houston Astrodome, Houston, Tex., and the RFK Stadium here in Washington, D.C.

I wish Captain Praeger many more birthdays, as I am sure the rest of America does.

THE COMMUNITY ANTICRIME ASSISTANCE ACT OF 1973

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. RODINO. Mr. Speaker, I am today introducing legislation entitled the Community Anticrime Assistance Act of 1973, which previously has been introduced by my distinguished colleagues on the Committee on the Judiciary, Mr. CONYERS and Mr. FISH. This bill, if enacted, would provide Federal anticrime assistance grants to cities, combinations of cities, public agencies and nonprofit private agencies. The legislation would utilize private resources to aid in the reduction of crime, by instituting joint programs between the police, citizens, and all segments of the community to report criminal activity and improve citizen cooperation and involvement with the entire criminal justice system.

Fear of senseless, unpredictable, and often vicious crime has driven many of our citizens to organize to protect themselves. Citizen patrols and "crime watches" are operating in some parts of New York City; Washington, D.C.; Alexandria, Va.; Fall River, Mass.; Hammond, Ind.; Minneapolis, Minn.; Omaha, Nebr.; and other cities and towns. Wealthier citizens are able to hire guards or professional protection agencies to provide extra security for their homes and neighborhoods. Middle- and lower-income citizens cannot afford this extra protection, and must either do without and suffer increased risks of becoming victims of crime, or provide their own security at the expense of their limited leisure time and resources.

Our legislation should provide the basis for linking the resources of private industry, business, and labor, with the anticrime efforts of citizens, to forge a strong partnership in the fight against crime. Such legislation is long overdue, since there is no present coordinated Federal program to provide the impetus for, and assistance to, cooperative efforts by citizens to reduce crime.

Our legislation directs the Department of Justice, through its Community Relations Service—CRS—to administer the program of community anticrime assistance. The Community Relations Service, subsequent to its creation by the Civil Rights Act of 1964 to resolve community racial disputes, has undertaken new responsibilities to improve relations between citizens and criminal justice agencies. The Attorney General's First Annual Report on Federal Law Enforcement and Criminal Justice Activities indicates that CRS helped to develop administration of justice and community relations programs, and sought to establish local criminal justice coordinating councils, composed of private business, labor, education, and religious groups, and other interested citizens, to handle specific crime control and law reform projects.

Various citizens programs including home-alert, merchant-alert, and supervised nonpolice tenant patrols have assisted law enforcement agencies in the detection and apprehension of criminals. A recent report of the National Institute of Law Enforcement and Criminal Justice—U.S. Department of Justice, 1972—found that in Washington, D.C., and New York City:

> Nonpolice tenant patrols measurably reduce the incidence of stranger to stranger crimes. The decline in actual offenses and in opportunities to commit crime was significant . . . In some housing projects the presence of nonpolice tenant patrols had a greater impact on crime than saturation patrols instituted by the police department.

Similar safety patrols are also in operation in other major cities.

The Boston and Detroit projects, funded by LEAA discretionary grants, have reported a high degree of success to date. In Boston, robberies dropped 77 percent, assaults 22 percent, and purse snatching 78 percent, after institution of the program. Clearly, citizen participation can have a positive effect on crime prevention, and this concept has received extensive support from Presidential Crime Commissions, Federal, State, and local agencies, and private organizations.

President Johnson's Commission on Law Enforcement and the Administration of Justice, 1967 Task Force Report on the Police stressed the need for citizens to take an active role in law enforcement:

> Crime is not the business of the police alone. . . . Police need help from citizens, from private organizations, from other municipal agencies, and from crime prevention legislation. . . .
>
> To reduce crime in their communities citizens must be prepared to back up their police forces with more than slogans. They need to keep in mind, but in perspective, the possibilities of crime in their daily lives and take reasonable steps to limit criminal opportunities. In emergency situations, they must assume the responsibilities of summoning aid for victims or police in distress; they cannot stay free of involvement and

yet expect others to protect them. In groups and even as individuals they can supply desperately needed auxiliary resources to the police, the courts, and correctional officers.

The Attorney General of the United States, in a 1969 address to the National Council on Crime and Delinquency, recommended a detailed plan for citizen involvement in crime prevention, including private anticrime funds for assistance to the private sector, "town hall" meetings on crime problems, a cabinet level council on law enforcement, and a national clearinghouse for community organizations.

The National Commission on the Causes and Prevention of Violence in 1969 called for the establishment of private citizens organizations and a National Citizen Justice Center.

In 1971, the Advisory Commission on Intergovernmental Relations report on State-local criminal justice systems, devoted an entire chapter to citizen involvement in crime prevention, citing numerous ways in which citizens can safely and efficiently participate in the criminal justice system.

The National Advisory Commission on Criminal Justice Standards and Goals working papers on January 1973, recommended citizen involvement to reduce crime and governmental corruption.

Finally, the Council on Municipal Performance recently surveyed law enforcement methods in 30 major cities, and found that four of the five cities with the lowest crime rate cited police-community cooperation as one of three primary crime control approaches. Significantly, three of the five cities with the highest crime rates—Newark, San Francisco, and St. Louis—reported that lack of community cooperation was the major obstacle to crime control.

Clearly, crime control cannot be considered to be within the exclusive province of our governments, Federal, State, and local. In the past 5 years we have poured more than $2 billion into Law Enforcement Assistance Administration programs to reduce crime, and nevertheless this Nation's crime index continues at an unacceptably high rate, threatening the safety and peace of mind of our citizens in cities, suburbs, towns, and rural areas throughout this country.

While we are working on long-range programs to eliminate some of the basic causes of crime—education, housing, equal opportunity, health and the like—our short-range goals of crime control depend on the will of our people to initiate crime prevention programs on their own and to cooperate with Federal, State, and local governments in a unified fight to reduce crime in our cities. Our legislation will provide a beginning in financial assistance and support from the Federal Government for such positive citizen involvement, and we are confident that implementation of this program would result in a substantial reduction in our Nation's crime rates.

PROPOSED CAMPAIGN FINANCING LEGISLATION

HON. GARRY BROWN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. BROWN of Michigan. Mr. Speaker, I have today introduced legislation to put the financing of campaigns for Federal elective office in a glass house for all the world to see and where I think such activity rightfully belongs.

My bill entitled, "The Federal Campaign Contributions and Expenditures Act of 1973," would establish a kind of Federal bank whose sole function would be to receive contributions to, and make expenditures on behalf of, all candidates for Federal elective office. There would be no public financing of election campaigns as has been proposed by some, but rather Federal dominion would be exercised over the receipt and disbursement of all funds to insure that the accounting is accurate and recipients of expenditures as well as contributors are clearly known and identified. I am confident that my approach to the problem avoids some of the obvious problems of outright public financing of campaigns for Federal elections, yet recognizes the proper governmental concern in the traditional method of campaign financing through contributions from the citizenry at large.

Established by my legislation would be a Federal Elections Commission, to be composed of five members, one each to be appointed by the majority and minority leaders of both Houses and by the President. The Commission would have supervisory control over the agency given the operating authority under the bill, which agency would be called the "Office of Federal Campaign Contributions and Expenditures."

It would be the function of this Office to receive all contributions made to candidates for Federal elective office and to hold such funds on deposit for the candidate, much as a bank does for a depositor. Then, upon authorization by the candidate, the Office would draw checks against the account in payment of obligations incurred during the campaign. Additional clout would be given to the control provided over expenditures by provisions in the bill making it unlawful: For anyone other than the Office to make any payment for campaign needs on behalf of a candidate; and for any person, firm, or corporation to accept payment for any such campaign activity from any source other than the Office of Campaign Contributions and Expenditures.

The making of both the payment and the receipt of payment of campaign expenditures unlawful except when such payments are made by the Office of Campaign Contributions and Expenditures, is probably the most significant part of the bill. Under the table, disguised, or the resort to no-record cash transactions would be eliminated under my proposal since such shenanigans would be more than just questionable tactics, they would be criminal.

In this way, all contributions to candidates would be funneled to the Office where comprehensive records would be maintained for public view, and all payments of campaign expenses would be made by the Office. The hoped-for result of this traffic pattern would be complete, accurate, and accessible accounting of the source and amount of all contributions to candidates and of the purpose, amount, and payee of all expenditures made during a campaign.

I might note that my intention regarding the Office is to keep it as neutral as possible with respect to candidates and their relations with their contributors, creditors, and competing candidates. Thus, I have, in drafting the bill, attempted to circumscribe the authority as closely as possible and I have purposely left intact the powers of the Comptroller General in the areas of enforcement of media expenditure limitations, investigations of complaints of violations of federal campaign law, and the issuance of orders regarding such violations.

In addition, because of the constitutional, administrative and definitional problems I foresaw, this legislation would not assert jurisdiction over groups and committees whose interest is in a particular issue or whose interests lie in both Federal, and State, and local candidates; that is, those whose financial attention has not yet focused on a particular candidate for Federal office. However, if such a committee or group were to decide to make an expenditure on behalf of a candidate for a particular purpose, such as a TV spot, it would be precluded from doing so itself by the prohibition mentioned earlier. Instead, it would have to divert the money, in the form of a contribution appropriately earmarked, to the Office and the Office would then, upon authorization from the candidate, make the payment.

Likewise, my legislation does not attempt to set new spending limitations or the like since many proposals are already focusing on this subject and whatever may be the ultimate determination of such matters, the Office of Campaign Contributions and Expenditures is a necessary mechanism to assure compliance and faithful execution of these other mandates.

In conclusion, Mr. Speaker, let me just say that I think the bill I have introduced today is capable of striking the delicate balance between the tradition of citizen contributions to favorite candidates and the need for the rest of society to know how much, from whom, and for what purposes a candidate is receiving and using his contributions. I think the creation of the Office of Federal Campaign Contributions and Expenditures will accomplish that purpose with a minimum of Federal involvement and expense, and I would urge my colleagues to favorably consider this bill.

VALUABLE SERVICE FROM YOUTH ADVISORY COUNCIL

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. SYMINGTON. Mr. Speaker, today I take special pride in calling to the attention of my colleagues the valuable work performed during the past year by the 37 young men and women who served on my nonpartisan Youth Advisory Council. I formed the council in 1971 to advise me on matters before the Congress of concern to the young citizens of my district and to initiate positive projects to advance the interests of young people in the community. Each high school in Missouri's Second Congressional District sent a student representative to the council in 1972–73, and all of the representatives are to be commended for the quality of service they gave.

For my part, I offered the students an open and direct line of communication to me, as well as the resources of my office. But the imagination and initiative came from them, in plentiful supply. They dealt with problems that were close to them—problems they faced in everyday life—and in doing so achieved an uncommon degree of effectiveness.

In the fall of 1972, a St. Louis area high school student was rendered paraplegic in a football accident, and it was found that no school insurance policy existed to protect him or other school athletes. The Youth Advisory Council formed a Committee on Health Insurance, chaired by Lis Weber, which immediately conducted a thorough and complete survey of all high school athletic departments in the Second District to determine the quality of high school insurance programs as well as general safety conditions in athletic departments. The results of the study were reported to me and will in turn be referred to the 1973–74 Youth Advisory Council this fall for updated study and dissemination. The council's prompt action last fall should enhance the safety of students throughout the community.

Juvenile justice is another daily concern of the young. Alarming numbers of children and youth are entering the juvenile justice system; moreover, many of the victims of juvenile crime are children and youth. The 1971–72 Youth Advisory Council conducted an extensive study of the Missouri juvenile justice system and concluded that a new State agency responsible for guaranteeing the delivery of needed youth services would improve the quality of justice for juveniles. During the past year further studies were conducted, and the council worked to transform its recommendations into legislative realities.

I joined the Committee on Juvenile Justice in meeting with a Missouri State Senator to discuss possible State and Federal legislation that would reflect the council's recommendations. Under the leadership of Doug Phillips, Pat Hicks, and Jeff Dale, the Committee on Juvenile Justice advanced its proposals persuasively. Doug was invited to testify before a Missouri Joint Interim Legislative Committee which was drafting legislation in the juvenile justice field. I found the testimony sufficiently significant to place in the CONGRESSIONAL RECORD, January 25, 1973, and the legislative committee incorporated a number of the council's recommendations, including the creation of a State division of youth services, in the bill it finally proposed. Doug later appeared before the Missouri Senate Criminal Justice Committee to testify in favor of the bill, which ultimately passed the State Senate. At the Federal level, the council registered input by suggesting an amendment to legislation establishing an Institute for Continuing Studies of Juvenile Justice. The amendment, which was included in the bill, provides for the input of young citizens into the Institute on an ongoing basis. In addition to its direct legislative activities, the Committee on Juvenile Justice participated in a number of relevant meetings and conferences.

The problem of chemical substance abuse, which the council found to be symptomatic of larger problems as well, was explored by the Committee on Drug Problems, chaired by John Fox. The committee visited and studied prevention and treatment services throughout the St. Louis area. So much has been said about substance abuse that it may seem as though public interest in the issue is beginning to decline. Nevertheless, the council recognized its gravity and kept well informed and abreast of conditions in the community.

Young people are, after all, the primary consumers of education, and I believe it would be especially encouraging to parents to learn that the members of my Youth Advisory Council gave their attention to methods of paying for it. A position paper on the funding of education was presented to me by Joe Duggan and Lou Fablan of the Committee on Education. I will submit the paper to the incoming council members this fall for further study and recommendations.

Young people are indeed a major consumer group of many products, and consumer affairs do concern them. A Committee on Consumer Protection, cochaired by Mary Jo Milligan and Dave Morlock, studied several pieces of consumer legislation that were pending in Congress and shared their findings with me.

There are a great many municipal courts in the 2nd District, and although they deal with large numbers of citizens regularly, they are seldom scrutinized. A Committee on Municipal Courts, under the leadership of Doug Phillips, Bob Niemeler, and Alan Bornstein, laid the groundwork for a thorough study of municipal courts in the St. Louis area, to make known to the council and the public basic practices and procedures of these courts, and to allow a study of this information to determine whether these courts are in fact just to citizens of all age-groups, income-levels, and races. I will pass onto the 1973–1974 council the plans and background information already developed for such a study.

A Youth Advisory Council Committee on Emergency Medical Services examined legislation at both the State and Federal levels to improve the quality of emergency care and studied the local situation by conferring with local physicians and hospital administrators. In order to get a first-hand observation of emergency medical service needs, council members volunteered to serve as "victims" in a mock disaster at a local hospital. Hospital officials commended them for their cooperation and convincing performance in the drill. The committee's many and varied activities were carried out under the leadership of Mike Blind, Chip Murray, and Liz Weber.

The Committee on Emergency Medical Services discussed the many aspects of the existing system and of proposed improvements with legislative leaders and experts at the 1973 Missouri Youth Legislative Forum in the State capital. The entire council traveled to the meeting, and council members participated in work sessions on juvenile justice, prison reform, education, and adult rights and responsibilities at age 18. Doug Phillips served as chairman of the Youth Legislative Forum.

When the State legislature was presented with a proposal to grant full majority rights to 18-year-olds, the council gave considerable thought to the matter and endorsed the proposal. Doug Phillips was asked to present testimony to the Missouri House Judiciary Committee on behalf of the council's position, and he did so in February 1973.

The many and varied activities of the Youth Advisory Council in 1972 and 1973 demonstrate not only seriousness of purpose and commitment but also a substantial ability to get things done. Of great value in this regard was the work of Doug Portell, Youth Council Coordinator, who performed many of the staff functions of the council while serving as a student member. And the entire council joined in identifying problems and trying to deal with them in the most effective manner. Their studies led them to many places—they came to me but they also went to State and local government agencies and officials, to various meetings and forums, and to many individuals; they went wherever they were led in the pursuit of answers.

The council members recognized they could not solve everything in one meeting or in 1 year. Consequently, they continued projects that had been initiated by their predecessors and began projects to be further developed in the future. Their ability to see themselves as part of an ongoing endeavor contributed greatly to their successes and to the groundwork they laid for future accomplishments.

Finally, in all their work, these students went beyond the initial commitment and enthusiasm we have come to take for granted in young people—they carried out their projects with a continuation of commitment we are not used to seeing—if only because we don't always look for it or give it a chance to flourish. In short, the 37 young men and women who worked with me this past year combined some of the best natural qualities of youth—the hope and strength of spirit—with a large dose of maturity. The fruits of this combination are of clear and substantial value. I would like to express my sincere appreciation to the following individuals:

Sandy Beck, Mike Blind, Alan Bornstein, Tim Brady, Mary Causino, Jeff Dale, Sue Dannenmaler, Joe Duggan, Lou Fabian, Bill Flaika, John Fox, Susie Green, John Hamilton, Laura Hawes, Pat Hicks, Mat Librach, Joanie Lyles, Denise Mandie, Nan McCurdy, Mary Jo Milligan, Dave Morlock, Chip Murray, Bob Niemeier, Richard Parks, Doug Phillips, Doug Portell, Jane Ruzicka, Laurie Sabol, Debby Sansone, Henry Scott, Doug Schwartz, Chris Schulte, Becky Smith, Richard Stoff, Bill Thorne, Liz Weber, Rick Yelton.

MY BUTZ IS HURTING

HON. JERRY LITTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. LITTON. Mr. Speaker, I would like to express my irritation at a statement made by Secretary of Agriculture Butz yesterday in regard to the present freeze on beef prices. The freeze was economically idiotic and many of us said it would not work when it was put on. Now that it has proven to be such a failure, the Secretary says that politicians pushed him into it.

When the President announced in July that beef prices would remain frozen until September 12, Secretary Butz publicly endorsed the idea even though he knew a similar freeze had been a dismal failure in pork and poultry. I predicted then the freeze would have to be lifted by mid-August because by then we would be facing serious beef shortages. The Secretary maintained the freeze would continue until September 12. Now, in the face of beef shortages, the Secretary says if he had his druthers he would consider lifting the freeze before September 12.

I think it is about time Secretary Butz gave this country some agriculture leadership. First we subsidize farm exports and then we embargo them. In April consumers boycott beef and in July they are crying for it. One day the Secretary infers that anyone who favors food price freezes is a fool; the next day he embraces the freezes and when they do not work, he says we were pushed into them by politicians.

I feel it is about time the OMB admits it does not know a bale of hay from a bushel of beans and turns agriculture decisions back to the Department of Agriculture before the consumer's pocketbook and the farmer's livelihood are both severely damaged.

It is my firm belief that agricultural decisions have been coming from the OMB instead of the Secretary of Agriculture who I feel knew in advance that food prices were going up because of food shortages and that you do not solve problems of food shortages with food price freezes. Secretary Butz is an agricultural economist and is too smart a man in this area to have been responsible for the decisions that have our country in such a food mess.

I contacted the OMB and asked them to tell me who in their department was making agricultural decisions. Their reply listed 10 men in OMB and, aside from 2 who had an economic background in forestry, only 1 of the 10 had any academic background in agriculture. We have hundreds of men in the Department of Agriculture a few blocks from OMB and I think it is about time we started using them before both consumers and producers, as well as our economy, are hurt further.

GEN. A. J. GOODPASTER ON NATO AND AN ERA OF DÉTENTE

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. PATTEN. Mr. Speaker, I would like to take this time to submit for the RECORD excerpts from an address given by Gen. A. J. Goodpaster to the Georgetown Center for Strategic and International Studies. General Goodpaster's keynote remarks led a discussion on "Alliances in an Era of Détente," and there is certainly no one more qualified to speak on this subject than General Goodpaster, Supreme Allied Commander, Europe, and Commander in Chief, U.S. European Command.

Since 1969, the General has held the important position as head of NATO and the American forces in Europe. His military career began when commissioned a second lieutenant upon graduating from West Point in 1939, and with that start he went on to become a respected military leader and a distinguished American citizen.

General Goodpaster's words on the role of NATO in international affairs today deserve to be reviewed. He is a great man with important and welcome words on our world today.

Excerpts of General Goodpaster's address follow:

KEYNOTE ADDRESS BY GEN. A. J. GOODPASTER, SUPREME ALLIED COMMANDER, EUROPE

EXCERPTS

I first want to emphasize that I have long considered detente one of the four objectives of NATO, along with deterrence, defense, and solidarity. These objectives are interrelated in a number of ways. We need to achieve all four together, not any one merely by itself.

Deterrence must, of course, head the list. Deterrence is today, as it was when the treaty of the North Atlantic Alliance was signed back in 1949, the chosen route by which to provide for the security of our people while safeguarding our freedoms. For deterrence means simply insuring and reinforcing peace by dissuading military attacks and military pressures.

* * * * *

The objective of deterrence includes dissuading the Soviets not only from direct military attack but also from policies and tactics based on the exercise of military pressures.

For this deterrence to be effective, we must convince the Soviet leaders that the risks and the costs of war would far outweigh any gains they could realistically expect to make. Thus deterrence rests squarely on the second traditional objective of NATO, defense. In addition, of course, if deterrence should fail, strong and ready defense forces would come into play as the essential means of safeguarding our nations.

The third objective of the Alliance is solidarity—collective action and unity among the nations of the Alliance. Our integrated military command— Allied Command Europe, which stretches from the North Cape of Norway across Central Europe and the Mediterranean to Eastern Turkey—joins with other institutions of NATO to serve this objective. . . .

* * * * *

As I indicated earlier, I consider detente the fourth objective of NATO. Detente is a word which is much used these days—and, I might add, often abused. In a recent speech in Bonn, Sir Alec Douglas-Home distinguished between "real" detente and "illusory" detente, and the distinction seems to me both valid and important. Genuine detente, a meaningful and durable detente, must be based on reducing and removing the causes of tension among nations, rather than merely the symptoms of tension. And in today's world, one preeminent cause of tension is the massive and still-expanding military power maintained by the Soviet Union.

A reduction in the surface manifestations of tension not accompanied by a reduction in the basic causes—what Sir Alec called illusory detente—carries considerable risks. It could give our people a false sense of security, and lead them to drop their guard. Thus it would actually increase the danger and reduce the stability in our position, and thereby in fact contribute to future tension, rather than resolve it.

My first main point about NATO and detente, then, is that detente is, quite properly, one of the principal objectives of NATO. My second point is closely related. We are in an era of detente, I would argue, largely because of the success of NATO in achieving these objectives. Indeed, it seems to me that we do not emphasize often enough—or perhaps not loudly enough—just how tremendously successful NATO has been. For more than two decades now it has been the North Atlantic Treaty Organization, above all else, that has preserved the peace and safeguarded the freedom and prosperity of Western Europe and North America.

Since the end of World War II, twenty-eight years have passed without war in Europe. For comparison, twenty-eight years after the end of the First World War, Europe had undergone the six years of death and destruction of World War II. This is the first time in many centuries that Europe has had so long a period of peace.

* * * * *

For, while the era of detente has been marked in the West by tendencies toward a weakening of dedication and support for NATO, and by a concentration on the divisive problems facing the Alliance, there is no evidence of similar developments in the Warsaw Pact. Indeed the hard facts are just the opposite. Despite all the talk of detente and accommodation, the last few years have been marked by a continuing—and disturbing—growth in Russian military strength.

The Soviets may be talking more quietly just now, but they are carrying a big stick, which is in fact getting bigger. An independent study conducted not long ago by Professor Erickson of Edinburgh University confirmed that there have been substantial and sustained increases in Soviet military forces during the last few years. This conclusion occasioned widespread comment and a good deal of surprise. And this is a fact which is itself surprising, since there had been no lack of public statements, including some of my own, about the increase that had been taking place in the Warsaw Pact forces. In each one of the last six years—since the time in fact of the removal of Khruschev—the Soviet military budget has increased in real terms over the military budget of the previous year. Recent published estimates indicate that the Soviet military budget exceeds that of the

United States—from a total national economy only half as large. In this area of detente, then, NATO faces a kind of paradox—on the one hand continuing negotiations with some degree of euphoria and weakening of support, and on the other hand growing Soviet forces—the strongest military power the world has ever seen. What should we do in this situation?

The primary thing we should do, I believe, is to keep a keen edge on our thinking processes. We should take conscious care not to slip further into the complacency, the unthinking euphoria, that is already all too widespread in connection with military needs and problems. We must realize, and somehow make sure the public realizes, that the military strength of NATO is not in contradiction to the search for detente and peace. It is rather an essential element, an indispensable underpinning, for that search.

* * * * *

The question is often asked, "Why are US troops still in Europe twenty-eight years after the end of World War II?" Posed in these words, the question is an invitation to confusion. I consider that the right question is not how long it has been since World War II, it is how long it is before World War III. The US troops in Europe are there to keep World War III from taking place, and they have been succeeding in this task for nearly three decades. It is a worthy task.

A second version of the question is almost as faulty, and as pernicious: "Why are US troops in Europe to defend the Europeans—why don't the Europeans defend themselves?" The answer to this charge, of course, is first of all that the bulk of the defense forces in Europe are in fact provided by the Europeans—ninety percent of the ground forces, seventy-five percent of the air forces, and eighty percent of the ships. This is an important fact that is all too little realized in the United States.

* * * * *

But it is, above all, US security interests that are involved in Europe. As John McCloy put it in his testimony to the Randall Subcommittee, "the extent of our interdependence is such that if we attempt to visualize a Europe no longer on our side but opposing us in all critical issues, neutral or oversensitive to all Communist pressures, the prospect would be bleak indeed."

There are, I believe, three propositions that are basic to United States security interests in this regard. The first proposition is that NATO, or something like it, is essential to the security interests of the United States, just as I believe it is to the security interests of every other member of NATO. Without NATO, the West would lie exposed to Soviet pressure, to Soviet efforts to pick off countries one by one, and to dangerous instability and threats to peace.

The second proposition is that a substantial collective force, in-being, in-place in Western Europe, is essential to a viable NATO and therefore to United States security. Without such a real, living force in being, NATO could become no more than a "scrap of paper," like other treaties before it. Moreover, if this collective force were lost, I for one do not believe it would be possible to build it again.

The third proposition is that a balanced American military force contribution in the European area, not substantially less than we have there today, is at present essential to the continued existence of a strong collective force, therefore, to the continued effectiveness and viability of NATO, and therefore to the security interests of the United States. This will remain true until mutual reductions can be made with the other side.

And a clinching point to me in all this is that the forces we have in Europe are much more effective militarily in achieving our aims of deterrence, peace, and stability by being *there* than by being in the United States. President Nixon trenchantly underlined this same conclusion when he said, "The United States can no more disengage from Europe than from Alaska."

Certainly the burden of maintaining these forces and of defense in general is not light. The measures that I urge—maintaining forces at their present levels until the Soviet Union agrees to balanced reductions, continuing our programs of modernization and improvement—these policies will not be cheap nor can they be expected to prove universally popular in this era of detente. In this regard, I like to compare NATO's military force to a small town police department which, in more than twenty years, has not had to cope with a single major crime.

We therefore find it increasingly difficult to obtain from the community budget the money for a new patrol car and to justify to the town council the employment of so many policemen. But I would point out that the NATO policemen on the corner—hard at work at deterrence—have had a major hand in preventing any major crimes from taking place.

This comparison seems to me to illustrate two important dimensions of national contributions to NATO. The first and most obvious one is the contribution of military forces. Here the maintenance of force levels and the conduct of modernization programs are of great importance to the future of the collective military security of the NATO nations. But a second set of contributions are of equal importance: The efforts by national leaders to create and strengthen an atmosphere of understanding and support for the sacrifices required for the collective defense, at a time when such support must come from reason and constructive thought, and not from the visceral impulse of fear.

Today a vital part of a nation's contribution to NATO is a willingness to take the political heat that is involved in shaping and meeting our military obligations.

In 1951, when he addressed the Congress of the United States, General Eisenhower predicted: "The cost of peace is going to be a sacrifice, a very great sacrifice individually and nationally. But total war is a tragedy; it is probably the suicide of civilization." Today, in this era of detente, total war seems to be much more remote than it seemed in 1951. I know of nothing, however, that has reduced the costs of peace. On the contrary, those costs and the sacrifices they demand continue to be heavy.

Today, despite inflation and an atmosphere of detente, it is vitally important that the nations of NATO obtain the money for the new patrol car and other more modern equipment. It is equally important for them to justify the policemen to the town council.

Now, as perhaps never before, there is a need for national leadership that can and will maintain the collective strength of the nations, and make clear to all the interdependence of deterrence and detente. Only thus will NATO continue to be in the coming years what it has been in the past—the most successful alliance for peace and security that the world has ever known.

CORPORATE TAX STUDY

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1973

Mr. VANIK. Mr. Speaker, yesterday, August 1, I delivered a speech in the House on corporate Federal tax payments and Federal subsidies to corporations for 1972. This was a major speech of some 18 pages with numerous tables and complex footnotes.

As usual, the Government Printing Office did a fantastic job of printing this speech with the tables in the period of just a few hours. However, there are a few typographical errors. My staff and I are in the process of meticulously proofreading this data, and I will enter a few corrections in tomorrow's Record.

I want to take this opportunity today to mention this, since many of the figures in my speech are being widely quoted. I hope that interested persons will delay in reprinting from this data until the few typographical errors are corrected in tomorrow's Record.

"CAROWINDS"

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. DORN. Mr. Speaker, may I recommend to my colleagues in the Congress, their families, constituents, and friends a visit to CAROWINDS. This fabulous amusement and recreation center will be open to the public every day during the August recess of the Congress and every weekend through the late fall.

From Washington, CAROWINDS is less than a day's drive down superb Interstate Highway 85 with other splendid highways connecting from the South, East, and the West. Nearby is the International Airport of the Queen City of Charlotte. CAROWINDS is astride the North Carolina-South Carolina line, 10 miles south of Charlotte, N.C., and 13 miles north of Rock Hill, S.C., on Interstate Highway 77. CAROWINDS is thus located in the congressional districts of my distinguished colleagues—the Honorable Tom S. Gettys of South Carolina and Jim Martin of North Carolina. Gov. James A. Holshouser of North Carolina and Gov. John C. West of South Carolina recently dedicated this great historical, cultural, and entertainment attraction in appropriate ceremonies. CAROWINDS is recommended by the Recreation and Tourism Departments of the Carolinas and by historical societies and agencies throughout the southeast. The birthplace of Andrew Jackson, the Kings Mountain National Battlefield and Park, and Cowpens National Battlefield and Park are nearby and countless other historic attractions are located near CAROWINDS.

In the beautiful Piedmont Belt of the Carolinas at the foothills of the Blue Ridge Mountains, CAROWINDS is ideally situated. CAROWINDS is the largest amusement park in the United States. Its main entrance features a magnificent colonial mansion with the North Carolina-South Carolina State line in exact center of the mansion. In front of the mansion is the carriage from the famous 1939 movie "Gone With the Wind." In your imagination you can see both Scarlett O'Hara and Rhett Butler. There are well over 100 attractions crammed in 73 acres of CAROWINDS. Over 1,200 young men and women of high school and college age are employed for the summer season.

These young people are selected for their charm, personality, and talent.

Clean, wholesome, dynamic entertainment will thrill every moment of your stay at CAROWINDS. Three centuries of Carolina history, heritage, and tradition are depicted through a fantastic multimedia show projected on a huge 140-degree screen. CAROWINDS emphasizes ecology, environment, and natural beauty. It features a magnificent avenue of magnolias, shrubs, flowers, and even vegetable gardens and Indian lore.

In a recent news story, CAROWINDS is thusly described:

> A 100-yard strip of golden concrete now marks the place where the border of the two Carolinas passes through the entrance to CAROWINDS.
>
> In a colorful ceremony dedicating the mansion entrance to the new theme park, CAROWINDS President E. Pat Hall described the occasion as the beginning of a new era of harmony between the two Carolinas.
>
> The State's 1973 Pageant Queens, Connie Dorn of Kinston, N.C., and Bonnie Corder of Columbia, S.C., assisted Hall in pouring the golden concrete strip on the Carolina border which divides the magnolia lined gateway to CAROWINDS.
>
> Lights are set in the strip so that passengers on the 340-foot CAROWIND Skytower as well as passengers in planes can see how the State line divides the park at night.
>
> CAROWINDS officials also uncovered names of 146 counties in the two States which are engraved in bronze in the court of the Carolinas. The name plaques are set in concrete squares which form the courtyard immediately behind the eight columned mansion entrance building. Coins tossed in the unique bistate pool in the center of the courtyard are donated by CAROWINDS to the Shriners Hospital for Crippled Children in Greenville, S.C.

Earl Patterson Hall, president of CAROWINDS, is one of America's most dynamic and imaginative businessmen. His is a Horatio Alger, Knute Rockne, Jack Dempsey story of obscurity to fame. Born March 28, 1921, on a farm near Matthews, N.C., Pat learned early to scrape for himself. He was one of a family of 10 children—six brothers and three sisters. After graduating from high school, Pat took a job as an office boy in Charlotte. Three years later, he joined the U.S. Army where he served faithfully and loyally. In 1946, he returned to his hometown and married Hope Pitts, a news girl with the Charlotte Observer. Pat Hall's business success was spectacular. In a few years, he was one of the Nation's outstanding businessmen. While Pat Hall was building his immense business reputation, he was also constantly experiencing a recurring dream. Yes, Pat Hall "had a dream." His first visions came during a trip through California's Disneyland in 1955. Overwhelmed by its magical qualities, he began to think what a similar park could do for his native Carolina.

During the next 14 years, he would visit amusement parks at every opportunity wherever his business arrangements would take him. By the late 1960's he had seen virtually every family recreation complex in the entire world and the dream of a theme park showcasing the great heritage of Carolina was now taking on new dimensions. Pat Hall's next booming business announcement came on October 10, 1969, when he declared he would build a $250-million recreational-residential-industrial complex called CAROWINDS. Far more than a sound business investment, Hall saw CAROWINDS as a new platform from which to express his great love for children. Having been one of ten, he had fathered four more himself. Pat Hall's dream is now a reality. He and his lovely and charming wife, Hope, preside daily over the world's greatest recreation and amusement center—CAROWINDS.

DEATH CLAIMS DR. BELL

HON. JESSE A. HELMS

OF NORTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Friday, August 3, 1973

Mr. HELMS. Mr. President, it is with great sadness that I report to the Senate the passing of a fine Christian leader and a great American, Dr. L. Nelson Bell.

Dr. Bell was well-known to many Members of this body. His life and his great work have been an inspiration to many thousands of men and women whose faith was strengthened by this man's unyielding dedication.

Dr. Bell was the father of Mrs. Billy Graham. He died in his sleep early yesterday morning. I feel, Mr. President, that it was a measurement of the man that Mrs. Bell, when she discovered that her husband had passed away, calmly called a friend and said, "Dr. Bell is in Heaven now."

Dr. Bell will be missed, and most especially by Mrs. Helms and me. We extend our deepest sympathy, of course, to Dr. Bell's family. But at the same time, we rejoice in his splendid life, and are grateful that this remarkable man passed our way.

I ask unanimous consent that an article from this morning's Washington Post be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

> PROTESTANT LEADER L. NELSON BELL DIES
>
> (By Marjorie Hyer)
>
> The Rev. Dr. L. Nelson Bell, a major figure in American Protestantism and the father-in-law of Evangelist Billy Graham, died early Thursday at his home in Montreat, N.C. He was 79.
>
> Dr. Bell was reported by Dr. Graham, who lived nearby, to have died "very peacefully" and apparently in his sleep, only a few hours after having addressed a world mission conference of the Presbyterian Church in the United States.
>
> The church leader had been under treatment for both circulatory and vision problems, but was able to maintain an active writing and speaking schedule.
>
> Last June, he completed his term as moderator of the Presbyterian Church in the United States, known as the Southern Presbyterian Church.
>
> His one-year term in his denomination's highest honorary post was made more strenuous by severe polarization within the church along conservative-liberal lines.
>
> Although Dr. Bell, a former medical missionary to China, was widely identified with the conservative position, he worked hard—and to some extent in vain—to keep dissident congregations within the fold. Nearly 200 churches have withdrawn from the parent denomination, which they maintain has departed from the Biblical faith.
>
> When the first handful of dissident congregations met last November to form a new church, Dr. Bell predicted sadly. "Judging by the past history of splinter movements, it is very likely that this group will split up."
>
> As a young man, he turned down a career in professional baseball to pursue studies that would eventually lead him into three other careers.
>
> When the threat of war brought an end to his 25 years as a medical missionary in China in the summer of 1941, he practiced surgery in Asheville, N.C.
>
> Plagued by a recurring heart condition, he retired from medical practice in 1956.
>
> The same year, he and Dr. Graham were instrumental in founding Christianity Today, a fortnightly journal published in Washington that has come to be recognized as the voice of evangelical Protestantism in this country.
>
> His name has continued on the magazine's masthead as executive editor.
>
> Two books, "While Men Slept" and "Convictions to Live By," have been compiled from the biweekly column, "A Layman and His Faith," which Dr. Bell has written for the journal.
>
> Dr. Bell continued to live in Montreat, which is also the site of a major conference center of his church, but made frequent trips to Washington to take part in editorial conferences at the magazine. His last visit here was on June 21.
>
> According to a spokesman for Christianity Today, his last column, written shortly before his death, will appear in the Aug. 31 edition. It deals with the resurrection.
>
> Dr. Graham described his father-in-law as a "Christian world leader and kind counselor to many."
>
> In 1957, Dr. Bell received an editorial award from the Freedoms Foundation of Valley Forge and the following year was cited for the best editorial of the year by the Freedoms Foundation.
>
> Dr. Bell's China experiences are told in a book, "A Foreign Devil in China," by John C. Pollock.
>
> He is survived by his wife, the former Virginia Myers Leftwich, and four children: Mrs. Graham of Montreat, Mrs. C. Donald Montgomery of Las Alamos, N.M.; Mrs. John N. Sommerville, a missionary to Korea who was home at the time of Dr. Bell's death, and the Rev. B. Clayton Bell, who was just named pastor of Highland Park Church in Dallas, Tex., the largest church in the denomination.

GEORGIA STATE STUDENT CHOSEN NSPA DISTINGUISHED SCHOLAR

HON. HERMAN E. TALMADGE

OF GEORGIA

IN THE SENATE OF THE UNITED STATES

Friday, August 3, 1973

Mr. TALMADGE. Mr. President, the National Society of Public Accountants, representing some 14,000 independent practitioners in the accounting profession, has announced the award of 22 scholarships for the 1973–74 academic year through the Society's Scholarship Foundation.

I am pleased to note that the NSPA Scholarship Foundation has chosen David R. Grande of Augusta, Ga., a senior at Augusta College, where he is president of the Student Government Association, as the recipient of the Distinguished Scholar Award. This is certainly well-deserved recognition of his outstanding scholarship and leadership, and I commend him on this award.

This recognition is granted the applicant judged to be the most outstanding in competition with accounting students from across the Nation.

Mr. Grande, in addition to receiving the scholarship grant, will be awarded a plaque in commemoration of this honor.

The final selection of the scholarship winners was made from among 480 students who submitted applications to the NSPA Foundation. All applicants were judged for scholastic achievement, financial need, demonstrated leadership ability and extracurricular activities.

The students selected and their home towns and the schools that they are attending are as follows:

NAME, HOMETOWN, STATE AND SCHOOL

David R. Grande, Augusta, Georgia; Augusta College.

Douglas J. Reid, Uxbridge, Massachusetts; Johnson and Wales College.

Larry Johnson, Lewiston, Maine; Auburn Main School of Commerce.

Samuel P. Starr, Chambersburg, Tennessee; Pennsylvania State University.

Linda L. Hart, Plattsburgh, New York; Plattsburgh State University.

Donald M. Liechty, Pittsville, Maryland; Strayer College.

David M. Ross, Arlington, Virginia; University of South Carolina.

Steven G. Messing, Coral Gables, Florida; University of Florida.

James E. Esselman, Oshkosh, Wisconsin; University of Wisconsin.

Edward J. Wainscott, Muncie, Indiana; Ball State University.

Michael A. Smith, Chattanooga, Tennessee; University of Tennessee.

Delores Y. Nybo, Gulfport, Mississippi; Phillips College.

Wesley Peterson, Audubon, Minnesota; Moorhead State College.

Lonna M. Pueringer, Red Lake Falls, Minnesota; Moorhead State College.

James P. Hall, Tulsa, Oklahoma; University of Tulsa.

Terry K. Fisher, Bartlesville, Oklahoma; Oklahoma University.

Lynn L. Kenshalo, Greeley, Colorado; University of North Colorado.

Don W. Ramet, Pocatello, Idaho; Idaho State University.

Jim G. Sabbatini, Fresno, California; California State University.

Sherman Anderson, Bountiful, Utah; University of Utah.

Winnie Hung, Hong Kong, B.C.C.; Church College of Hawaii.

David Yu, Laie, Hawaii; Church College of Hawaii.

My sincere congratulations to all these individuals and best wishes for success in the careers that they choose. It is, of course, especially pleasing that a Georgia student and school were selected to head this list.

Begun in 1969, the donations of individual accountants and outside contributors have made this worthwhile program available to 75 students now. The financial aid has been increased to $300.

This type of project reflects an awareness that the strength of the future of our country is to be found in our young people.

The National Society of Public Accountants should be commended for its part in this important endeavor.

SENATOR MAGNUSON—A LEADER IN HEALTH

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Friday, August 3, 1973

Mr. SCHWEIKER. Mr. President, in the June 1973 issue of Journal of Podiatric Education, the official monthly publication of the American Association of Colleges of Podiatric Medicine, the distinguished chairman of the Appropriations Subcommittee for Labor-HEW, Warren G. Magnuson, was the subject of a column called "Congressional Leaders in Health."

The column is aptly titled. Chairman Magnuson is truly a leader in health, and has staunchly supported adequate funding for important health programs even in the face of stiff opposition. The article points out that in the 5 years Senator Magnuson has chaired the Labor-HEW Subcommittee, annual health spending has increased by over $10 billion.

As a member of Chairman Magnuson's subcommittee, I can attest to the competence and fairness with which he runs the subcommittee, and also the vigor with which he defends the principles in which he believes. I congratulate him for being honored by the American Association of Colleges of Podiatric Medicine.

Mr. President, out of respect for and as a tribute to my good friend and colleague from the great State of Washington, I ask unanimous consent at this time to have the column from the Journal of Podiatric Education printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

CONGRESSIONAL LEADERS IN HEALTH—WARREN G. MAGNUSON

Warren G. Magnuson, as the 3rd ranking Member of the United States Senate, is easily one of the most powerful men in Congress. The Washington Democrat has spent more than half of his 68 years in Congress—7 in the House of Representatives and 29 in the Senate—while establishing himself as a leader of health and education causes and a champion of the "ordinary citizen.' Widely respected by his colleagues as well as those in business and the professions, Sen. Magnuson has carved out an impressive and enviable record of legislative achievements.

As early as the 1930's, the Minnesota native exhibited his interest and knowledge in the health field by introducing legislation establishing the National Cancer Institute and, in later years, the National Institutes of Health. The Senator's interest in the health field expanded broadly in the 91st Congress when he assumed the Chairmanship of the Appropriations Subcommittee for Labor-HEW, where he has been instrumental in assuring adequate funding in vital health fields.

In this endeavor, Sen. Magnuson has found himself repeatedly at odds with the Administration. Following a presidential veto of a Labor-HEW appropriations bill, he acknowledged that the Nixon Administration's budget was badly out of balance, but asked, ". . . *why is it out of balance. Is it because we in the Congress added money to his* [Pres. Nixon] *woefully inadequate requests for training doctors and aid to emotionally disturbed children?*" His answer was "no," as he indicated that investment in health and education pays dividends which far outweigh initial costs.

Senator Magnuson has been outspoken in proclaiming the need for adequate funding of health programs. When he became Chairman of the Labor-HEW Subcommittee in 1969, the federal outlays for health programs totalled $11.6 billion, representing 6.3% of total budget outlays. The Fiscal 1974 estimate for federal outlays for health programs is $21.7 billion, or 8.1% of the federal budget. Thus, in the five years in which he has chaired the Senate appropriating subcommittee, annual health spending has increased by over $10 billion.

Some of the legislation sponsored by Sen. Magnuson which has become law includes the National Health Service Corps, the Toy Safety Act, the Cigarette Warning Act, the Poisonous Prevention Packaging Act, and the Auto Safety Research Act.

Senator Magnuson has consistently led his committee to appropriate funds for health and education far beyond those funds passed by the House of Representatives. There is every indication that his pattern will continue into the future.

THE AUTOMOBILE DRIVER EDUCATION ACT

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. MURPHY of New York. Mr. Speaker, if the danger of an epidemic that would kill 60,000 Americans and injure 5 million others were forecast for 1973, all possible means would be employed to stop or reduce the intensity of such a tragedy. Such an epidemic is predicted for 1974 and the present prognosis is that it will continue indefinitely. One hundred and fifty Americans can be expected to die today alone. Five thousand more will be permanently injured. Yet, this is not a disease which can be eased by our doctors but, rather, by us, the lawmakers of this country; for this disease is not cancer or heart attacks—although it kills more than either—but traffic accidents. Unlike a disease, however, these accidents are viewed as inevitable by too many people. Ironically, they are inevitable only insofar as the public believes them to be so.

While I support any efforts to improve the safety standards of cars and roadways, I feel that this is not attacking the crux of the problem. Cars will be made safe through the supervision of their manufacturers; but they will be made far safer through the education of their drivers. It is the latter who are estimated to be the cause of 90 percent of all accidents. It is they who must receive our concerted efforts at prevention.

Presently approximately 50 percent of all drivers are receiving driver education prior to obtaining their licenses. This, however, accounts for only a small percentage of the 115 million drivers in this country and takes no account of the 95 million nondrivers who, as pedestrians, are part of the shocking national death rate. Even those drivers with some education will quickly lose its beneficial results if the education is not constantly refreshed in their minds.

My proposal, consequently, calls for a campaign of education and reeducation through the media. This program would center on thoroughly researched, psychologically tested, expertly prepared 1-minute capsules. The purpose would not be to scare but, rather, to inform. These "ads" would clarify for citizens a law that many of them may well be hazy on, as well as giving training on what to do in specific danger situations—driving on ice, for instance.

I realize that the networks have an obligation to donate time to public safety announcements. My program, however, calls for more coverage than the media could provide under their public service, and I propose the following plan for the funding of this large program. I am calling for the addition of one-tenth of 1 cent Federal tax on each gallon of gas and other motor fuels. The expense to each driver will be about 85 cents a year but the tax will raise $85 million. There is virtually no expense entailed in the collection of the tax and need be little incurred in its administration. Therefore, almost the entirety of the fund can be used to obtain the goal of informed and safer driving.

Compared to the 85 cents which each American purchaser of gas would be taxed, approximately $15 billion is presently being payed annually by taxpayers for either the direct or indirect cost of traffic accidents. Even if the program which I propose is only 1 percent effective, it will cut this figure by $150 million, to make no mention of the savings of lives and good health, the value of which is beyond these statistics. Dr. Douglas Toms, former head of the National Highway Safety Bureau, has, however, estimated a far higher success rate than this 1 percent figure. He believes that the program I have proposed, funded by $85 million, would cut traffic accidents by 15 percent. The cost to each citizen of such a reduction is small by anyone's standards—as small as the benefits are large.

I insert the text of the "Automobile Driver Education Act" in the Record at this point:

H.R. —

A bill to provide for a national educational campaign to combat the lack of consciousness of the public as to the danger of improper uses of motor vehicles on the highways, and to impose an additional tax of one-tenth of a cent per gallon on gasoline and other motor fuels to pay for the costs of such campaign

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Automobile Driver Education Act."

Sec. 2. (a) The Secretary of Transportation, acting through such officers and agencies of the Department of Transportation as he deems appropriate, shall carry on a national educational campaign designed to educate drivers, pedestrians, and others with respect to (1) the dangers incurred when driving on, crossing, or otherwise using the highways, and (2) improving safety on the highways.

(b) In carrying out his functions under subsection (a), the Secretary may engage in research, provide training, and engage in any other activity which will effectuate the purposes of this Act.

Sec. 3. (a) Effective July 1, 1973, the taxes imposed by sections 4041(a) (relating to tax on liquids used or sold for use in diesel-powered highway vehicles) and 4081 (relating to tax on gasoline) are hereby increased by one-tenth of a cent a gallon.

(b) For purposes of the Internal Revenue Code of 1954, any additional tax imposed by subsection (a) shall be treated as a tax imposed by section 4041(a) or 4081, as the case may be, of such Code.

Sec. 4. (a) The additional taxes imposed by section 3 are hereby appropriated to the Highway Trust Fund.

(b) Amounts deposited in the Highway Trust Fund pursuant to subsection (a) shall be available, as provided by appropriation Acts, to pay for the costs (including costs of administration) incurred by the Department of Transportation in carrying out the provisions and purposes of this Act and for no other purpose.

GRADUALISM ON SOVEREIGNTY

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, August 3, 1973

Mr. HARRY F. BYRD, JR. Mr. President, the July 25 edition of the Hopewell, Va., News included an excellent article by Mr. Anthony Harrigan, executive vice president of the U.S. Industrial Council, concerning issues involved in U.S. sovereignty.

Mr. Harrigan takes note of a recent address by Ambassador John Scali, U.S. Representative to the United Nations, in which it was stated that a resolution of the United Nations Security Council was binding upon the United States. The resolution in question called for an embargo on trade with Rhodesia, and such an embargo was put into effect by former President Johnson.

In 1917 Congress repealed this embargo as it affected the importation of chrome ore, a vital strategic material, from Rhodesia into the United States. Ambassador Scali took the position that the action of Congress violated international law.

In his article, Mr. Harrigan attacks the statement of Ambassador Scali as "off base" and points out that if the Ambassador's statement were correct, the sovereignty of the United States would be undermined.

I heartily agree with Mr. Harrigan's view, and have taken the same position in speeches on the floor of the Senate.

I ask unanimous consent that the article, "Gradualism on Sovereignty," be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

Gradualism on Sovereignty

(By Anthony Harrigan)

In a very perceptive article in State of the Nation Newsletter, Prof. Henry Paolucci of St. John's University in New York writes that "gradualism in surrendering American lives, honor, and sovereignty is the great American scandal of our time, for which the Watergate coverup itself is but a cover-up."

Dr. Paolucci is a rare figure in the academic world—a nationalist intellectual. He believes strongly in the concept of national sovereignty and its basis in a people with a common set of recollections from the past and expectations for the future. Sovereignty, in other words, is the essence of nationhood. It is what character and purpose are in an individual. Yet, in our time and country, there is a studied effort to phase-out sovereignty and to substitute supranational authority. The effort to weaken the concept of national sovereignty is paralleled by a foreign policy leading to a submissive detente with the Soviet Union.

For confirmation of Dr. Paolucci's position, one has only to consider the recent statement of Ambassador John Scali, U.S. Representative to the United Nations. On June 7, Ambassador Scali gave an address on the subject of the U.N. and used the occasion to attack Congress for passing a law permitting importation of vitally needed chrome ore from Rhodesia.

Ambassador Scali's speech has come under fire in the U.S. Senate. U.S. Sen. Harry F. Byrd, of Virginia termed "nonsense" Mr. Scali's assertion that the position of the U.N. Security Council on the embargo of trade with Rhodesia is binding on the United States. Sen. Byrd strongly denied that the U.N. can take action binding on the Congress or the people of the United States.

Sen. Russell B. Long, chairman of the Senate Finance Committee, supported Sen. Byrd's stand. "If Mr. Scali thinks that other nations of the world respect a resolution of the Security Council or of the General Assembly as being international law binding on them," he said, "I would invite him to go around the world and find out how many nations do regard it as being international law and binding upon them."

This senatorial concern with Mr. Scali's speech is right and necessary. Ambassador Scali was way off base when he called on Congress to change the law to be in conformity with the action by the U.N. Security Council. Regardless of how members of Congress feel about trade with Rhodesia, they should be concerned with the mistaken and improper statement by U.S. Representative to the U.N. that the actions of the international forum are binding on the United States. If Mr. Scali were correct, the sovereignty of the United States would be undermined; the decisions of Congress could be vetoed by the votes of a combination of communist powers, neutralist states and mininations in the U.N.

Other nations have refused to accept U.N. resolutions as authoritative. Israel, for example, has repeatedly rejected United Nations statements that are the handiwork of the Arab nations backed by the communist and Afro-Asian countries. Very recently, France declined to accept the authority of the World Court in the controversy over atomic tests in the Pacific. No valid reason exits why the United States should obey the dictates of an organization whose membership is so overwhelming opposed to American goals and objectives.

It is unlikely that the Congress, at this point, will subordinate its authority to the U.N. Nevertheless, it is disturbing that Mr. Scali, the U.S. Representative to the U.N., has such a defective understandng of the sovereign powers of the United States. Given such an incident as Mr. Scali's speech, it is no wonder that many Americans are concerned about a gradualist, step by step abandonment of national sovereignty. It is not an illusory fear, as Dr. Paolucci and Sens. Byrd and Long make clear.

NATIONAL HEALTH INSURANCE

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. MOORHEAD of Pennsylvania Mr. Speaker, the high cost of health care has provided journalists with ample material for thousands of articles.

Yet skyrocketing costs of medical care are a legitimate concern to millions of Americans. Congress soon must develop a mechanism, from the many legislative proposals now before us, to ease this burdensome cost.

James Moorhead, writing for the Dardanell newspaper chain of Allegheny County, which publishes the Wilkinsburg Gazette, the Penn Hills Progress, and the South Hills Record among others, has offered his thoughts on the subject.

With a certain amount of fatherly pride, I would like to commend this article to my colleagues and include it in the RECORD at this time:

HEALTH CARE COSTS PILED ON MIDDLE AMERICAN

(NOTE.—Members of Dardanell Publications editorial staff present their views in this space on a rotating basis. Views expressed are not necessarily those of Dardanell Publications.)

(by Jim Moorhead)

The middle American should be yelling louder than anyone about the need for a national health insurance program.

Middle-aged with middle income, he is too young for medicare and too wealthy for Medicaid. He pays for health care at all costs, for all people.

But the income tax system gives him little credit for doing so. Current tax deductions favor the rich. They can afford large expenditures for health care and therefore receive large tax deductions for them. The more they spend, the more they get back.

The middle American, though, finds that while his medical expenses devour a proportionately large share of his income, a tax deduction remains an unaffordable luxury.

The answer? A proper national health insurance program can bring to the middle American medical benefits being developed for the poor and aged, and which the rich already have because they can afford to pay for them.

But which one? A plethora of bills await Congressional action. A common factor among many should be understood.

Proposals by President Nixon, the insurance companies, and the American Medical Association all work from the premise that the present system conducted by the private health industry is working. They argue that all it needs is more money.

Untrue. Private insurance companies have botched the job badly.

Each American last year was spending 145 percent more for health care than he was 10 years ago—$394 per person, compared with $161 in 1962. During the same period, the Consumer Price Index was increasing by 36 percent. If there are no changes, experts predict health care costs will continue to rise 10 percent for at least two years.

The story told by health indicators is equally dismal. The U.S. trails behind 14 other countries in infant mortality, behind 27 other nations in life expectancy for males at age 45, and 11 others in life expectancy for females.

Despite the fuss made by private health insurers over how extensive their coverages are, the important point is that the insured three-fourths of the population has only about one-third of its medical bills paid through insurance. Expenses for drugs, dental care, and office visits are excluded from most policies.

The system actually feeds inflation in several ways. For example, an estimated one out of four patients hospitalized on any given day would not be there if insurance paid for out-of-hospital care. Unnecessary hospitalization drives up the total cost of health care, including the premiums paid for insurance.

The cost of an average day in the hospital in 1972 was $105.30, up 126 percent since 1964.

All blame does not rest with private health insurance. But it has shown itself incapable or nondesirous of controlling costs and assuring quality.

Almost nothing more than billpayers, they cannot be considered as a vehicle for financing medical care for the American people.

What then? The Health Security Plan, sponsored by Senator Kennedy and others? This promises comprehensive coverage to nearly all Americans under a program of shared costs among the federal government, employers, and individuals.

But its faults are many. The flatly stated intention of dismantling nearly all existing financial programs overnight, without the assurance of anything better than a well-intentioned dream seems hardly wise. The final price tag would undoubtedly be a stunner.

Be smart, middle American. You now work one month a year to pay your health care and health insurance bills. Urge Congress to move thoughtfully, yet urgently. Urge Congress to avoid another half-baked plan like Medicaid. Do not just lie back and say "aah" and leave matters to your "friend," the insurance company.

COPERNICUS, FOREFATHER OF MODERN ASTRONOMY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. RODINO. Mr. Speaker, today in connection with the Fifth Annual New Jersey Polish-American Day we honor Copernicus, the forefather of modern astronomy. Not only was Copernicus an accomplished astronomer, he was also well educated in the fields of mathematics, law and medicine. Besides these achievements he secured an active and powerful position in the church which he held until his death.

It was Copernicus who made a bold break with tradition. Until his theory of astronomy came to be accepted it was widely believed that the heavens revolved around a stationary Earth. Somehow Copernicus comprehended the true nature of the Earth. His understanding led him way beyond the scientific technology of his time. He was sincerely devoted in his constant pursuit of knowledge.

Copernicus' wide culture, experience of affairs and practical ability were as important as his intellect in his achievement. He had the strength, wisdom and patience not to expose himself to, and be frustrated by, ignorant and vicious opposition. His intellectual courage should certainly be admired or perhaps even emulated to some extent. He surely set a fine example.

Polish heritage even beyond Copernicus is rich in tradition and contributions. Both Polish and Polish-Americans have surely proven themselves to be among the most prominent and distinguished in many fields. I join my many Polish friends in celebrating this special occasion and honoring Copernicus and all other Polish-Americans who have contributed so much in science, technology, government and other fields. These achievements are greatly appreciated and valued by all Americans.

WHY VETERANS' RECORDS BURNED

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Ms. ABZUG. Mr. Speaker, the fire at the Military Personnel Records Center in St. Louis last month was devastating, and emerges as an even greater tragedy with the disclosures about its avoidability. Military records from World War I through the Vietnam war containing data about pensions, disability compensation and discharge information were totally destroyed.

The frustrating facts behind the blaze reemphasize the need for the enforcement of fire safety standards. Although sprinkler systems were in prominent use in 1955 when the building was constructed, none were installed. At that time a closed filing system was in use, but when the filing system was changed to an open one, where records were placed in boxes and open shelves, there should have been no question about the installation of a sprinkler system.

The following article from Business Week magazine, July 21, 1973, points out several interesting facts regarding the neglect of the Army Corps of Engineers and General Services Administration with regard to the safeguarding of their important records:

WHY THE VETERANS' RECORDS BURNED

In the aftermath of the fire that raged for two days on the top floor of the vast Military Personnel Records Center in St. Louis, these startling background facts emerged:

When the building was put up in 1955–56, architect George E. Kassabaum was unable to sell the Army on a sprinkler system. "They said water damage was a much more severe threat than any fire could be," reported Kassabaum.

Also rejected, to insure "maximum flexibility" of record files, were fire doors to divide floors that are more than twice the size of a football field.

The roof of the six-story building was a solid concrete shell with no openings. The Army insisted on this design to forestall illegal entry from above.

All these measures contributed to the frustration of legions of firefighters who battled for two days to bring the fire under control. Once it gained headway, the blaze swept unchecked from end to end of the 728-ft.-long floor. Firemen were able only to dab ineffectively at the edges of the conflagration by training their hoses through windows at either end.

Fueling the flames were the service records of 6-million post-World War II veterans, 9-million veterans of World War II, and 5-million World war I vets. Included, too, were records of some 300,000 veterans who have been discharged from military service in recent months, among them a group given dishonorable discharges whose cases are still under appeal.

Sharp criticism was directed at the Army Corps of Engineers, which built the structure; the Army, which operated it originally, and the General Services Administration, which is currently in charge. St. Louis County Fire Marshal James E. Holdinghaus said it was a prime example of how not to build a high-rise structure. "Firemen don't have a chance if the proper safeguards are not built into such a structure," he said. Officials said they had repeatedly—to no avail—recommended installation of a sprinkler system, ceiling vents, and other safety measures.

A top Veterans Administration official described the destruction of records as "a tragic loss." Defense Dept. lawyers were said to be "in a state of shock." Stored on the sixth floor in boxes on open shelves were all the records of the Adjutant General and service records for Army officers, all AG and service records for noncommissioned officers from 1912 to 1960, and similar records for veterans discharged in recent months. They contained data essential in the adjudication of claims against the government for widow's pension, disability compensation, and other causes.

A VA official said that data are available for "restructuring" the files to "minimize any chance of a person losing a legitimate claim." The VA has a complete index for all servicemen back to the Spanish-American war.

A day after the fire, there developed an exquisite irony. The public relations arm of the Kansas City-based GSA region announced first-place winners in various categories for fire prevention. The winner in the large-federal-building class was—you guessed it—the Military Personnel Records Center.

WILSON'S ETHNIC SLUR MUST BE CONDEMNED

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. BIAGGI. Mr. Speaker, on Wednesday, America was confronted with just one more of a long line of ethnically oriented insults that have diseased our society, that have pervaded even the sanctity of Congress, an edifice built as a bulwark for democracy where men's rights for equality stand first among other considerations. I speak of the vicious slur by John J. Wilson against one of our finest legislators, the distinguished Senator DANIEL INOUYE.

It is because of such statements and such prejudices that for hundreds of years the black man was ashamed of the color of his skin and the Indian was slaughtered at the hands of his brothers. Such statements as those by that self-termed "little American" John J. Wilson portray the extent of prejudice among the peoples of America. But we must remember—only our own diligence, our own pursuit of freedom, can cause the labels of inferiority to crumble and the eyes of the world to look at us as a land where all are really free.

A man's ancestry does not decide his capabilities. A Jew's blood runs no thinner than a Catholic's and his national heritage does not make him any less a man.

We all know of the tremendous sacrifices of Senator INOUYE both in peace and war. He is a man to be emulated, a man who deserves the thanks and respect of every American.

A man's heritage is a part of his strength. It is that extra bit of identification and oftentimes that extra bit of comfort. It is something each of us should be proud of and respect when we see it in others.

In this great Nation in which every town, village, and city is its own international melting pot, men have kept vitality in their social existence by sharing the uniqueness each has to offer. Senator INOUYE, like everyone else, shares this quality as an American of Japanese descent. He portrays just one aspect of the whole known as the United States of America.

A man's history is precious, like a jewel it shines and deserves respect, and it should never be the center of selfish animosities formulated by another.

LET'S MEDDLE IN SOVIET AFFAIRS—FOR JUSTICE

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. BELL. Mr. Speaker, Si Frumkin is a distinguished Californian who has served for some years as chairman of the Southern California Council for Soviet Jews. His views on problems involving Soviet Jews deserve attention, and accordingly, I am pleased to draw this article, appearing in the August 1, 1973, edition of the Los Angeles Times, to the attention of my colleagues:

LET'S MEDDLE IN SOVIET AFFAIRS—FOR JUSTICE

(By Si Frumkin)

Senator J. William Fulbright (D–Ark.) seems to have emerged as the spokesman for the opposition to the proposed Jackson amendment, which Jews everywhere adamantly support.

The Jackson measure, of course, would deny most-favored-nation status to a country that restricts the free emigration of its citizens. Its immediate effect would be to deny the Soviet Union the privilege of exporting its products almost duty-free into the American market.

Fulbright, in statements filled with righteous indignation, denounces the Jackson amendment as "meddling in the internal affairs of another country," and urges us to ignore Soviet disregard of the most elementary human rights because to do otherwise might hurt the feelings and wound the pride of the Soviet hierachy in a time of delicate international negotiations.

Surely Fulbright has ancestors who arrived in this land from some European country. We are a nation of immigrants, and as descendants of immigrants have preserved within us a conviction that any human being, anywhere in the world, has the right to leave the place where he no longer feels happy so that he may seek his fortune elsewhere. This is what the Jackson amendment is all about.

It is important to note that the Jackson amendment is not anti-Soviet and/or pro-Jewish. The words "Soviet Union" and "Jew" do not appear in the amendment or its House counterpart—the Mills-Vanik Freedom of Emigration Bill. The measure would apply to any country that restricts the free emigration of its citizens.

Why then is there no protest from other countries that enjoy most-favored-nation status? Why don't we hear objections from France, England or Mexico? Could it be that only the Russians would be affected because they are the only ones who insist on keeping their citizens behind bars like some new 10th-century species of caged animal?

All the Russians have to do is to adhere to the same standards of civilized behavior that is observed by every other country in the world, and any threat they see in the Jackson amendment would immediately dissipate. If they refuse to do this, the onus must be on them, not on our legislators.

Fulbright has decided that he is not pleased with this state of affairs—he deplores "meddling." We must be charitable and assume that his aversion to it does not date back to the time when the federal government "meddled" in the internal affairs of the sovereign state of Arkansas during the Little Rock unpleasantness. At that time Fulbright stood behind Gov. Orval Faubus during the latter's stand against the admission of black pupils at Central High School.

Still "meddling" is a serious charge and Fulbright is an honorable man, so what of meddling?

The scene: The House of Representatives of the U.S. Congress votes 300 to 1 to apply trade sanctions against Russia because of the persecution of Jews in that country. Time: 1911, the administration of Teddy Roosevelt.

Indeed, the United States has quite a history of "meddling"—many examples could be cited that are at least as dramatic as this one. In fact, there was a time when we felt that we had a moral obligation to intercede on behalf of freedom and liberty throughout the world.

It was America that formulated the principle of self-determination after World War I, and it was President Wilson's insistence on the preservation of human rights that prompted Clemenceau's famous aside to Lloyd George wherein Wilson arrived at Versailles: "Look out, here comes Jesus Christ."

Our intervention on behalf of the oppressed resulted in respect—yes, love—for America among all those who could look to us as torchbearers of freedom. Lately, however, our interventions have not been so pure or so commendable, Southeast Asia, Guatemala, the Dominican Republic—these are not glorious chapters in our history. Perhaps it is time for us to change course and "meddle" on the side of liberty once again.

The Russians need American goods to save their economy from collapsing, but they have already told us that they do not have the money to pay for what they buy. The prospect is that we American taxpayers will lend the money to the Russians. The prospect is also that the money will not be repaid—after all, the Russians still owe us money from World War II.

It's a lousy deal and one which any credit manager of any company would turn down without hesitation. So why not ask the Russians to pay not only in dollars but also in some concessions to freedom?

Polite persuasion never works in international politics. Pressure and force usually do, and history has handed us a weapon that we can use to obtain some freedom for oppressed Soviet citizens. If this be "meddling," then let us meddle—in the name of justice.

POLITICAL PRISONERS IN SOUTH AFRICA

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. DIGGS. Mr. Speaker, July 11 was the 10th anniversary of the arrest in South Africa of the leadership of the African National Congress, and others, who were subsequently sentenced to life imprisonment at the Rivonia trial. This was one of the first of the great political trials in South Africa, which decimated the leadership of the African majority in the sixties, and banned the political parties and movements of over 80 percent of the population which is black.

Amnesty International is concerned with political prisoners throughout the world, and has consistently tried to draw attention to the very bad situation in South Africa. On the occasion of the 10th anniversary of the Rivonia trial, Amnesty's executive director for the United States, Dr. Amelia Augustus, has made a statement on the treatment of political prisoners in South Africa. I include it in the RECORD.

AMNESTY INTERNATIONAL OF THE U.S.A.,
New York, N.Y., July 9, 1973.

POLITICAL PRISONERS IN SOUTH AFRICA

Amnesty International is a non-governmental organization with no political affiliations, whose object is to secure throughout the world the implementation of Articles 5, 9, 18, and 19 of the United Nations Universal Declaration of Human Rights. These articles prohibit arbitrary arrest and detention, and outlaw the use of torture or cruel and humiliating treatment.

In the South African context, arbitrary arrest and detention *incommunicado* have become over the past few years, the standard method of silencing political opponents of the regime. Such measures as the Terrorism Act and the Suppression of Communism Act are already sufficiently notorious, both in their intention and their operation; I need not enter into a detailed description of them here. The same is true of the torture or maltreatment of detainees.

In a society based explicitly on an ideology of descrimination, one should not be surprised to find that discrimination extends to within the prisons themselves. The discrimination concerns specifically political prisoners, since their prison conditions, whether they are white or black, are worse than those of ordinary criminal prisoners. In addition the conditions of black prisoners (and most political prisoners in South Africa are black) are worse than those of whites. This is in direct contravention of the U. N. Resolution on Standard Minimum Rules for the Treatment of Prisoners (endorsed by the United Nations Economic and Social Council on July 31, 1957) which states as a basic principle that "there shall be no discrimination on grounds of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." (Part 1, 6(1))

It is interesting to note that the 1969 *Report on Prison Administration in South Africa* included the entire text of the U.N. Standard Minimum Rules in an appendix. Comparison is thus invited between the Rules and the actual conditions under which political prisoners in South Africa are held.

(1). All prisoners in South Africa must serve a maximum of two-thirds of their sentences; but all, *except* political prisoners, have the right to earn remission of up to one third. For example, a convicted prisoner sentenced to nine years for robbery can, by good behavior, be released after serving only six years; a prisoner of conscience convicted of contravening one of the state security laws must serve his full sentence. A member of the South African parliament put it succinctly in June 1968 when he said: ". . . one is better treated in South Africa if one has committed the crime of rape or assault or battery or attempted murder, or any of the serious crimes, as far as remission is concerned, than if one has committed a crime which falls in the category of an offence against the State."

(2). In addition to being refused remission, political prisoners are excluded from amnesties. For instance, many thousands of criminal prisoners were amnestied May, 1971, on the tenth anniversary of the declaration of the South African republic; no similar amnesty was extended to political prisoners at that time, in spite of the appeals of Amnesty International and other international organizations.

(3). A third aspect of the discrimination against political prisoners concerns the total ban on news from the outside world which is inflicted on them. Political prisoners include many of the most intellectual, highly-educated, and politically aware elements of African, Indian, and Colored society in South Africa; the few white long-term political prisoners also fall into this category. It is in direct violation of the Rule 39 of the Standard Minimum Rules, which states that "prisoners shall be kept informed regularly of the the more important items of news by the reading of newspapers, periodicals or special institutional publications, by hearing wireless transmissions, by lectures or by any similar means as authorized or controlled by the administration.

(4). Black political prisoners in South Africa are also discriminated against in a number of other ways which contravene the Standard Minimum Rules. For instance, white political prisoners in Pretoria Prison have now been allowed accommodation in workshops where they can use their skills. But African, Colored, and Asians on Robben Island are employed in the quarries, crushing and dressing stone, collecting seaweed and moving sand. In consequence African graduates, lecturers, and lawyers are crushing rock, by virtue of the fact that they are "politicals" and blacks. Furthermore, Rule 37 of the Standard Minimum Rules, which specifies that prisoners should be allowed visits from family and friends at regular intervals, is violated in the cases of most of the African political prisoners on Robben Island; one may cite for instance the 16 Namibians who have been serving life sentences for political offences on the island since 1969—the difficulties encountered by the relatives of these men in attempting to make the journey from Namibia to Cape Town in order to visit them are practically insufferable. In other instances also, the conditions do not conform with the Standard Minimum Rules. Corporal punishment is used to punish breaches of discipline, chaining is employed as a means of restraint, and there exists gross discrimination in the matter of diet which would result in African prisoners receiving unsuitable food. The infliction of the death penalty in South Africa is marked by an extreme racial bias. Almost half the world's known hangings take place in South Africa, and almost without exception the persons executed are Africans. Furthermore, the number of crimes for which the death penalty may be imposed is increasing, and these include crimes against the state as defined by the Sabotage Act of 1962 and the Terrorism Act of 1967, under which the burden of proving his innocence falls on the accused. Capital punishment for political crimes is a fact in South Africa—to quote but one instance, about forty African members of the PAC were hanged following politically-motivated riots in the Western Cape during 1962.

Amnesty International is deeply concerned by the victimization of African and political prisoners. We would urge that political prisoners in South Africa be accorded the same right of amnesty and the right to earn remission of sentence as other prisoners. To ignore this point would be to countenance yet another aspect of the system of repression through which the advocates of *apartheid* silence and intimidate its opponents.

CBS SEEKS TO BROADEN PUBLIC PARTICIPATION IN GOVERNMENT

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. MATSUNAGA. Mr. Speaker, along with many of my colleagues and other thoughtful Americans, I applauded the recent adoption by the Columbia Broadcasting System—(CBS)—of a new policy which will permit the presentation of contrasting views following major Presidential broadcasts.

CBS, the first of the major networks to adopt such a policy, has taken a significant step on the road to increased public participation in government. By ending the all but exclusive domination of the airwaves enjoyed by Presidents of both political parties, and expanding its post-broadcast coverage to include the views of members of the legislative branch and other knowledgeable members of the public, CBS has assured a more meaningful public debate on the great national issues in the future.

Regrettably, however, the historic significance of the new CBS policy has been largely overlooked due to criticism of a relatively minor aspect—the CBS abandonment of so-called instant analysis of Presidential broadcasts by broadcast journalists. Some critics even go so far as to accuse the network of a "craven surrender" to the Nixon administration. That, of course, is an unfair accusation, for I am informed that CBS has not abandoned its privilege of commenting editorially on addresses by the President. In fact, the new policy may result in more comprehensive and more thoughtful analyses of Presidential broadcasts. As CBS news analyst Eric Severied has said—

> [Instant analysis] works okay when you get an advance text of a speech, or a briefing on its content, but if you don't have these advantages, what comes out on the air is poor journalism. We're not being fair to ourselves or to our audience.

Mr. Speaker, I believe that the new CBS policy will not only be fair, it will be more informative and more interesting to the public. It deserves our support.

ANOTHER TRAVESTY OF JUSTICE RESULTS FROM PLEA BARGAINING

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. BIAGGI. Mr. Speaker, I recently spoke at length about the rash of incidents of judicial abuse resulting from the misuse of plea bargaining. Plea bargaining occurs when the prosecutor and the defense attorneys combine forces and permit an accused violator of the law to plead guilty to a lesser charge, thus eliminating the need for a trial.

Another incredible example of the misuse of plea bargaining occurred last Saturday in New York City. Robert Martin, a 27-year-old Pentagon correspondent for a German newspaper, was attempting to peddle marijuana to a group of 12 teenagers in the West Village section of the city. These responsible youngsters reacted by dragging this pusher into the neighborhood police station.

What was the result? A mere 18 hours later, Martin walked out of the station a free man after the four charges against him were reduced by plea bargaining to disorderly conduct and he received a suspended sentence.

Is this the way we teach our young to respect the law? I hardly think so. This case is so incredible I want to include the newspaper account of it in the RECORD for the benefit of my colleagues:

KIDS DRAG HIM TO COPS, BUT HE BARGAINS OUT

(By Harry Stathos)

A 27-year-old reporter was literally dragged into the W. 10th St. station house by a dozen West Village neighborhood teenagers late Saturday night after he allegedly tried to sell marijuana to them.

However, 18 hours later he walked out of court when four charges against him were plea-bargained down to disorderly conduct and he received a suspended sentence.

The suspect, Robert A. Martin of Reston, Va., appeared before Manhattan Criminal Court Judge Milton Samorodin, who dropped three charges against him with the consent of an assistant district attorney and he was allowed to plead guilty to disorderly conduct. The judge gave him a conditional discharge.

KID 16 AND UNDER

Martin, who works as the Pentagon correspondent of the Overseas Weekly, a privately owned newspaper published in Frankfurt, Germany, which is published for U.S. servicemen in Europe, protested, saying he is a Quaker and that he wanted to spend 15 days in jail under the maximum sentence. But the judge refused, and Martin walked out of the courtroom.

Martin was arrested by Police Officer George Mourlot, 27, when the neighborhood youngsters took him into the station house about 11 p.m. Saturday.

One 16-year-old boy and four 14-year-olds told police they were playing with a group of teenagers near Pier 49, not far from the Hudson River, when Martin drove up and allegedly offered them marijuana.

The indignant youths grabbed Martin and forced him to go with them to the station house, where a surprised Mourlot placed him under arrest after an investigation.

After informing Martin of his rights, police asked him whether they could search his car, and he gave his permission. Mourlot said he found a duffel bag on the front seat with a wooden box inside that contained two bags of marijuana and a pipe for smoking hashish.

Martin was charged with felony sale of dangerous drugs to persons under 21; felony possession of dangerous drugs; a misdemeanor for loitering, and a misdemeanor for endangering the welfare of a minor.

CHANGING MINDS

Police Officer Eric Morris, who was in the station house when the youths brought in the suspect, said: "We were amazed to see this group of kids bringing in a grown man. But we're happy to see them do something positive for a change because they have been bum-rapped in the past."

Morris said that many of the neighborhood kids in the West Village have been blamed for acts of vandalism in the past and this action "will change a lot of people's minds."

"It's refreshing to see kids rebel now against marijuana," he added. "In the past, they would have just taken it and we never would have heard of it. It's a good sign."

WHY THE REVERSAL ON OEO?

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. ASHBROOK. Mr. Speaker, today I sent the following open-letter to the President of the United States regarding the change in policy toward the poverty program:

DEAR MR. PRESIDENT: Earlier this year you stated to the American people your intention to reverse the direction of the poverty program. To carry out this policy, you nominated Howard Phillips as Acting Director of the Office of Economic Opportunity. During his six month tenure at OEO, Phillips worked tirelessly to institute your stated objectives.

The man who you recently nominated to replace Phillips, however, has initiated many changes that seem inconsistent with your policy. Since taking over as Acting Director, Al Arnett has:

(1) in testimony before a Congressional committee requested funds to continue the operations of OEO and community action programs

(2) funded many grants which had been rejected or stalemated under Phillips, included the Colorado Migrant Council, the Community Nutrition Institute and the Rural Housing Alliance

(3) extended funding of all OEO legal service backup centers for an additional six months and voiced strong support for them

(4) transferred funds from conservative-oriented new initiatives into community action programs.

(5) funded the Rand Corporation Dayton health experiment despite strong Congressional opposition to the experiment and the questions of propriety involved

(6) failed to reaffirm the regulations which Phillips issued to restrict the use of Federal funds for left wing lobbying activities

(7) instituted a joint union-management task force for participatory leadership of OEO

(8) removed and failed to reinstate many of the employees and consultants hired by Phillips to carry out your stated objectives

(9) agreed to transfer the OEO migrant division to HEW rather than the Labor Department and to protect the left wing activists now working in the division

Do these changes, Mr. President, reflect a change in your position regarding the poverty program or are these changes an example of a holdover bureaucracy in OEO subverting your policy? If your policy is being subverted, then the Arnett nomination should be withdrawn.

VIRGINIA COUNTY PROVIDES INFORMATION

HON. STANFORD E. PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. PARRIS. Mr. Speaker, Prince William County, which I have the honor of representing, is attempting to provide its residents with full and complete information concerning the county's activities, an action which I think is most commendable.

At this time, under my leave to revise and extend my remarks, I would like to place in the RECORD a recent article from the Manassas, Va., Journal Messenger outlining the county's information program and profiling its new information officer, Mr. Jack Dabney.

DABNEY SEES JOB FREE OF POLITICS

Prince William County's new public information officer, Jack Dabney, sees his office as very much divorced from politics. "It cannot be a political arm, and this office won't be," he asserted in an interview yesterday.

Dabney started work Monday as the county's first public information officer, coming to the $15,000 a year post from radio stations WEZR and WEEL where he was news director.

He has temporarily set up quarters in what was formerly County Attorney Floyd C. Bagley's office before Bagley moved to offices on Peabody Street next to the Personnel Office.

Dabney doesn't plan to remain there for long, however. He wants to move out into the outer offices of the Board of County Supervisors "to get in the mainstream of things." His temporary quarters are due to be occupied by Cora Lee Cardwell, clerk to the county board and her deputy, Shirley Hawkins.

Dabney envisions his role to be in three major areas. First, he sees his office as a source of supplemental information between the county government and the Supervisors' constituents.

While he does not intend to pattern Prince William's public information office after any other jurisdiction, he noted one service provided by the City of Fairfax that he would like to implement here. That would be an information telephone which would provide a taped automatic answering service. The information would probably be changed daily. The information telephone could preview an upcoming board agenda, list official board actions and provide emergency news such as school and road closings during snow storms, he suggested.

Secondly, he sees his role to assist the county press corps and to encourage cooperation of county departments with the local press.

While noting that he does not have the authority to order closing channels of communications between various county departments and the press (such an order would have to come from County Executive J. J. Salovaara, he said), he does not view his office as the only funnel of information. He did not think yesterday that it would be necessary for all county information to be channeled through him.

"I don't really want this office to serve as an Iron Curtain," he declared. "I don't believe it was envisioned to be."

"The press corps should remember I am a county employe. But I do not envision it as a cover-up office. I will put forth my full efforts to answer any question. I will either relay the information or why I cannot get it," he said.

Thirdly, Dabney sees his job as one of a go-between the general community and general procedures. He got his first opportunity Monday when a county resident called to inquire as to the procedure for obtaining a special use permit to use a mobile home for a residence because of hardship reasons. Dabney said he had called the zoning office to obtain the information and then relayed it to the citizen.

Before coming on the job, Dabney participated in an emergency simulation developed as part of an emergency training program by the University of Virginia. Dabney said he did not receive the training other county employes did but is aware of the role he will have to play should an emergency such as Hurricane Agnes develop.

He will not take over the dispersal of routine police information. He also said he does not intend to be the disseminator of information in "major political crises," leaving the task of investigative reporting to the press corps.

Dabney discussed several ideas he has for improving the flow of information from the county to the press. One complaint members of the press have had is the inability to get information on board days because the "press folders" are often incomplete.

Within the means of his limited budget, Dabney suggested that he could maintain a master folder which would be available to all members of the press. Copies of any information in the master folder would be available on request.

One of the first major jobs facing the new public information officer is the creation of an annual report. If it is desired by the Supervisors that the report be in the same form as in the past, Dabney said its publication will about shoot his budget for the year.

Dabney said the Virginia Freedom of Inmation Act "is what we will live by."

A NEW KENT STATE INVESTIGATION

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, thank Heaven for small favors. And a small, but significant development is what occurred this morning when the Justice Department announced it would reopen the inquiry into the killing of four Kent State University students 3 years ago by Ohio National Guardsmen.

In making the announcement, Attorney General Richardson said he doubted that the inquiry would turn up any new evidence to substantiate a violation of Federal law but he admitted that there were certain areas of the incident that needed additional review.

This tepid response from the Justice Department is a response nonetheless.

Still I would feel more secure knowing that a committee of the Congress is doing an independent inquiry into the killings, or at least looking into the Justice Department's handling of the original investigation.

Therefore I am heartened that our colleague DON EDWARDS, chairman of Subcommittee No. 3 of the Judiciary Committee, announced he will monitor the Justice Department's latest effort and if necessary initiate his own investigation into the matter.

TEAMSTERS PENSION FUND AND ORGANIZED CRIME

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. STEIGER of Arizona. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include in the CONGRESSIONAL RECORD another of a series of articles written by Jim Drinkhall. The article is entitled "Extortion and Kickbacks Charged in New Central States Pension Fund Scheme":

EXTORTION AND KICKBACKS CHARGED IN NEW CENTRAL STATES PENSION FUND SCHEME

The already-shaky retirement future of Teamsters members covered under the Central States, Southeast and Southwest Areas Pension Fund was placed in further jeopardy recently by government action against a company which has received Fund loans. The steps being taken by federal agencies were started following an investigation begun by OVERDRIVE in early 1972.

In Washington, D.C., a federal grand jury has been hearing testimony from at least two men who have been granted partial immunity from prosecution. This case, being handled by the Justice Department, centers on the question of kickbacks being paid to obtain over $23 million in Fund loans by an Indiana-based corporation.

And while activity on this loan has surfaced, the federal probe by two agencies into Fund loans has widened yet further, involving transactions which have occurred outside the United States. Through information obtained from various sources, the number of Fund loans under active investigation for possible criminal violations is fast approaching 20. In addition, three series of transactions are "very near" the indictment stage, according to one source in New York.

On March 28, Allen Dorfman—considered by most to be the prime mover in illegal Fund activities—surrendered to federal authorities in Chicago to begin serving his sentence on six convictions for fraud and conspiracy. Dorfman was convicted in 1972 on charges arising out of his taking a $55,000 kickback for expediting a Fund loan. Although he is supposed to serve one year at the minimum-security prison in Marion, Illinois, those familiar with him and his connections believe that he will manage to be released in about three months. In the meantime, his well-oiled alliance with organized crime and the Fund will continue to operate, and it is expected that he will take up where he left off upon his release.

The federal grand jury in Washington is probing into the tangled affairs of Telesis Corporation, a company incorporated in Delaware, but with its home office in Lafayette, Indiana. Testimony before the grand jury has been kept secret, and investigators for the Justice Department aren't commenting on what they've uncovered after pouring over thousands of pages of documents. A fairly complete picture can be pieced together, though, based upon OVERDRIVE's investigation launched a year ago. Prior to the grand jury action, this magazine had been able to interview a number of people and has had access to numerous pieces of correspondence and records. What finally emerges is a tale spanning eight years, millions of apparently wasted and unaccounted for dollars belonging to Teamsters members, and amply laced with allegations of kickbacks, attempted extortion and fraud.

Telesis was formed in 1965 by Ferris Traylor and Richard Shively, and their plans were to get into the cable television business. The company started out with $100,000 of Traylor's, but the stock was split equally between the two. In the same year, Telesis was ok'd to do business in Illinois. The principals found that they needed an additional source of financing (they already had received some from a company called Economy Finance) to handle the rapid expansion that Traylor said was the best move.

At this time, an individual named Sam Block was doing some unspecified work for Telesis. Block learned that the company wanted money, and passed the word to Traylor that he had sources who could help. Traylor agreed, and three were mentioned to him. Two never materialized, but the third did: Block introduced Traylor to the Central States Pension Fund.

Little is known of Samuel B. Block. He has always remained an elusive, shadowy figure, but his access to power, plenty of it, is known to insiders in the nation's capital. He is known in the vague capacity of "lobbyist"; a man who is able to convince politicians of the correctness of his client's point of view, and a person with access to what a Congressman might need or want. Additionally, he has been known as a money mover; a contact man able to gain entry to the inner sanctums of groups having huge arsenals of cash. One person Block was extremely close to who controlled that kind of money was Jimmy Hoffa.

The point at which Block became so very well-connected with Hoffa and the Teamsters is something of a mystery. What has been revealed is that after Hoffa's close political lieutenant, Sidney Zagri, was killed in the early 1960's, Block came into his own, wielding the same enormous authority and power. Throughout Overdrive's investigation of Telesis, a number of attempts were made to interview Block. None were successful, as Block became quite adept at avoiding phone calls and personal visits. His only visible operation is that he is associated with a company called Techbuilt Homes, an enterprise which doesn't officially exist, according to the Recorder of Deeds in the District of Columbia.

Exact details of the original contact with the Fund by Traylor are blurred, probably on purpose because of the grand jury sessions. What has come to light, though, is that the Fund did approve a series of multi-million dollar loans to Telesis. The first transaction involved over $7 million, with Telesis to receive pieces of it over a two year period, 1966–1968. Conditional upon this loan, and perhaps some of the others after that, was payment to Block of a 3% "finder's fee," plus a 1% "service fee," payable to the Fund. Some have said that the "service fee" charged by the Fund, supposed to cover closing costs and other items, is merely a device to legitimize the kickbacks spread around to some of the trustees of the Fund. No one has ever been convicted under such a theory, however.

Prior to the payment of the 3% "finder's fee," according to one source, Allen Dorfman entered the picture. Shortly thereafter, Traylor and Shively were being pressured to pay a 6% fee. There apparently was resistance to paying this higher fee, but in the end, according to this account, Shively drew up papers approving that percentage, and they were signed by Telesis officials. Traylor insisted that the Fund trustees would never approve 6%, but then one day Dorfman called him and said that the steering committee of the Fund had approved the 6%. "Dorfman was elated," said Traylor, "and he reminded me that I said he couldn't do it, but that he got it approved."

Traylor then related that those papers came back to Telesis before the 6% was paid. They were sent to John Early, Telesis' lawyer, and they had this handwritten notation on them: "Dear John, please destroy all these. Nate Wolfberg." The person signing that note was Nathan Wolfberg, a lawyer in the Chicago firm of Teitelbaum, Wolfberg & Guild. These are the lawyers of the Pension Fund who compose and assist with loan agreements. Until he died earlier this year, Joseph Teitelbaum was a master mind genius when it came to drawing up these documents, as federal investigators have grudgingly admitted. And Wolfberg is in the same class, they add. When questioned about this 6% figure, Wolfberg said that he doesn't remember what the finder's fee was, but denies that it was 6%.

Although no one will say why the finder's fee didn't go through at 6%, it is believed that Wolfberg felt that such a high fee would raise embarrassing questions, and he convinced Dorfman and the trustees to drop it to 3%. That Block received 3% as a finder's fee has been verified. What happened after that is a question which both the IRS and Justice Department are zeroing in on. One source has said that Block claims he didn't get most of the money. If that is true, then who did get it? Some believe that it was Jimmy Hoffa, but another person close to the Fund in Chicago states flatly: "Allen Dorfman got it. Maybe not all of it, maybe some went to Hoffa. But Block gave it to Dorfman." The accuracy of that statement will be established if federal investigators are able to trace the money to its ultimate destination. If they are, the source will most likely be identified after the grand jury hands down indictments.

The first indication that the Fund's interest in Telesis was more than that of a lender came in 1967. In that year, documents obtained by OVERDRIVE show, Champ Madigan, an employer trustee of the Fund (he died in 1972) became a director of the corporation. Another interesting item was that Telesis placed its insurance with Amalgamated Insurance Agency Service, an Illinois company controlled by Dorfman. By 1968, Madigan was listed as a vice-president as well as a director. And these new directors were added: Allen Dorfman and Sam Block.

Dorfman and Block know nothing about cable television, so it is of more than passing interest that they now would be in a position to take part in decisions directing the financial future of Telesis. It has been suggested that Dorfman obtained a position with Telesis because he would be able to protect the Fund's interest in the company. But in reality, Dorfman had no position with the Fund; he was supposedly just a "special consultant." Block, it would seem, would have even less reason to be connected; he was simply a middleman in a prospective loan transaction. And during this same year, a total of $10 million of Fund money had gone into Telesis, with more promised.

At the same time, Telesis was having serious financial problems, and was unable to repay the Fund as originally promised. This occurred, claims Traylor, because Dorfman wanted to control Telesis and milk it of its assets. According to Traylor, Dorfman wanted him out of the company because he (Traylor) simply wanted to run a CATV business profitably. He would have left, he says, if Dorfman and the Fund would have purchased his stock at a fair price. But he says that Dorfman and Albert Matheson (a Detroit lawyer who is also an employer trustee) demanded that he accept about half the amount he wanted. Traylor refused, and what followed then was a full-scale attempt to get his stock and force him out of Telesis.

Lending credence to this is the fact that the Fund did seriously begin proceedings to foreclose on the Telesis loans. Traylor's lawyer blocked this attempt, and a settlement agreement was signed whereby Traylor would leave. Part of the terms were that Traylor be released from his personal note to the fund, and his real estate which was put up as security for the Fund loans was returned to him. In addition, 365,000 shares of his stock were signed over to Block, the Fund and others. Traylor's only connection with Telesis in late 1968 was the stock he still had, said to be worth over a million dollars.

Wolfberg's explanation of Traylor's leaving was that he wasn't a good money manager, and that Telesis' problems were his doing. He referred to Traylor as an "entrepreneur who gets in trouble." On the other hand, he said, Shively was a professional in the cable TV business. It has been learned, though, that both men entered the CATV field on the same day, and that Shively's previous experience had been as a television personality and had run television stations for Traylor. The implication that Traylor is financially incompetent doesn't seem to stand up in light of the fact that he has been wealthy for quite a while, and continues to be, through various ventures and businesses he operates.

Following Traylor's departure, even more persons connected with the Fund moved into Telesis: Wolfberg became the secretary of the company and two Fund trustees were added as directors—Don Peters, a Teamsters official from Chicago, and Al Matheson. In addition to remaining as a director, Block became vice-president. Dorfman and Madigan remained as directors, as might be expected.

Based upon Wolfberg's claim that Telesis' financial plight was due to Traylor, and since his departure the Fund was able to obtain almost total control of the company's operation, one would expect Telesis to reverse its condition, and begin working toward profitability. After all, those familiar with cable television unanimously agree that it's an extremely profitable business, and even Shively (now president) said that it's "a very good business." And the Fund advanced millions more to Telesis that year.

But all of this was a facade masking something very wrong with Telesis. Certain documents obtained by OVERDRIVE show that by the end of 1969—more than a year after Traylor left—Telesis was on the verge of bankruptcy. At that time, the company had received over $12 million from the Fund in four separate loans. And now most of it had vanished. Telesis owed the Fund a total of just about $14 million; a million-and-a-half dollars in unpaid interest alone was also past due.

For reasons known only to the trustees (and they refuse to discuss the subject), more money was funneled into the tottering company. By the end of 1970, two more loans totaling just about a million dollars were made. These loans were approved and the money dispersed even though Telesis continued to fall behind with its payments. Now, the company owed the Fund over $16 million, with $3 million of that in past due interest. Whether it was the sheer embarrassment of the situation or in furtherance of their plans, the trustees decided to halt the situation; not by foreclosure, as the circumstances seemed to indicate, but rather by "revising" the agreement so that Telesis only had to make interest payments. Following that, the trustees voted to advance more money. Right now, the total Fund commitment to Telesis is $23,600,000.

Since then, and even up to the present, according to sources, Dorfman and apparently others have been attempting to gain control of Traylor's stock and take over the assets of Telesis (they operate CATV outlets in 8 midwest states). At one point, using Shively as a front, goes this report, they attempted, through a complicated transaction, to transfer a profitable Telesis asset (KNOP TV in North Platte, Nebraska) into Shively's name so that he could dispose of it and share the proceeds with Dorfman, Matheson and others. It has been verified that the Board of Directors at Telesis did vote to approve some form of sale as described, but Traylor, who still has an interest in that station, blocked the transaction.

Whether the Fund (or, more correctly, the members covered by the Fund) will suffer a catastrophic loss on this loan remains to be seen. The grand jury is still in session (as of the middle of this May) and more witnesses who have refused to testify are expected to be granted immunity and then called before it. One significant indication of what the future holds came to light recently during a meeting among top Teamsters officials and others. The subject, naturally, was the most serious problems (financial and criminal) facing the Fund. With respect to Telesis, it was stated that if the company wasn't drastically and immediately overhauled, it would most likely be forced into bankruptcy.

WITHHOLD COMMITMENTS ON HOME RULE BILL

HON. WILLIAM M. KETCHUM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. KETCHUM. Mr. Speaker, several members of the Committee of the District of Columbia have forwarded a letter to each Member of the House urging them to keep their options open on the matter of home rule until H.R. 9682 is taken up on the floor of the House. I submit the text of the letter for the collective attention of my colleagues who might not otherwise have an opportunity to read it in the rush toward adjournment for the summer recess:

COMMITTEE OF THE DISTRICT OF COLUMBIA,
Washington, D.C., August 3, 1973.

DEAR COLLEAGUE: Recently H.R. 9682, a home rule bill for the District of Columbia, was reported out by the Committee on the District of Columbia. In the coming weeks you may be urged to endorse or otherwise support this bill; however, we urge you to keep your options open on this matter until it reaches the Floor and can be debated on its merits.

The Report of the Commission on the Organization of the Government of the District of Columbia (also referred to as the Nelsen

Commission) was filed with the Speaker of the House on August 17, 1972. The Report contains over 450 recommendations designed to promote economy, efficiency, and improved services in the transactions of the departments, agencies, etc., of the government of the District of Columbia.

The Senate District Committee in reporting out the bill establishing the Nelsen Commission recognized the Federal interest in productive economy in the District by stating:

"Your committee has recognized its obligation to all of the Nation's taxpayers, who give a substantial measure of financial support to the operations of the District of Columbia government: the logical complement of the appropriation of an annual Federal payment is oversight and reform in the interest of productive economy at least."

It is disappointing that the Nelsen Commission recommendations are entwined in this home rule bill; we tried to separate them in the Full Committee, but this was denied by vote of the Committee. However, it appears unfair to the Members of the House, who authorized the Nelsen Commission study and the $750,000 to cover its cost, that these major opportunities for improvement in the local government may be lost by being tied to H.R. 9682, this 132 page bill which bristles with controversial provisions. For instance, it is undesirable to eliminate the traditional Congressional review of the total budget for our Nation's Capital, as provided in H.R. 9682, at a time when the District is entering a period of rapidly increasing costs for debt service requirements (for Congressionally approved capital projects) and to meet retirement funding costs; and to deny any reservation of authority to the Congress and our Presidents in such areas as the appointment of judges, which they have had from 1801 to date.

In the event the House finds H.R. 9682 unacceptable, we will be prepared to submit alternatives for you to consider when this matter comes up on the Floor, such as an amendment in the nature of a substitute that would permit the Nelsen Commission recommendations to be considered separately on their merits.

Should you have any questions, please call us or have your staff call the Minority Committee staff at 57158.

Sincerely yours,

ANCHER NELSEN, EARL F. LANDGREBE, GENE TAYLOR, WILLIAM H. HARSHA, STEVEN D. SYMMS, E. G. SHUSTER, JOEL T. BROYHILL, and WILLIAM M. KETCHUM, *Members of Congress.*

HISTORIC LANDMARK IN BUFFALO TO BE PRESERVED

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. DULSKI. Mr. Speaker, in the midst of our modern glass, steel, and concrete cities, people in our country often speak wistfully of the beauties of the venerable architecture of Europe. Centuries-old structures on the European continent are lovingly renovated and carefully maintained and are a joy for architectural enthusiasts and admirers of beauty. In the United States, on the other hand, when the needs for space and buildings change, we are more apt to send in the wrecking ball and bulldozer regardless of historic or architectural value.

Such a waste was narrowly averted in Buffalo in the case of the Ansley Wilcox Mansion. This historic site, where Theodore Roosevelt took the oath of office as President of the United States following the assassination of President McKinley, was slated for destruction. But the Interior Department was persuaded to designate it a National Historical Site, and I am proud to say that legislation which I sponsored and which was supported by my colleagues provided Federal funding to aid in its restoration. Today it is visited by a growing number of tourists as well as by area groups and individuals.

Our old main post office building in Buffalo has been threatened with demolition, but plans are being formulated to save it. It is one of the most beautiful structures in the country—a masterpiece of Victorian architecture, and esthetic pleasure.

I would like at this point to insert a recent WGR–TV–AM–FM editorial on this subject:

OLD POST OFFICE/ETHNIC INSTITUTE

A couple of years ago we suggested that the old post office on Ellicott Street be demolished if no use could be found for it. Most people who wrote us said we were wrong. The post office building should stay. It is still a prominent landmark downtown. The fate of the old building hasn't been determined, but a suggestion has been made to use it as an ethnic center. If that means an active progressive organization that will make a meaningful contribution to the people of this city, we go along with it. Where would the money for such a project come from? Who would manage the operation? What service would it provide? It requires some cold calculations.

Buffalo's multi-national heritage gives this city a richness and charm very few American cities can claim. This city and its people have been instrumental in the progress of this nation. We think an active and progressive organization to commemorate our forebears and honor our present citizens would be fitting for the Post Office Building if community need and support can be generated.

As a welcome change from the "down with the old, on with the new" philosophy, citizens in Buffalo do want to preserve this landmark and progress is underway.

Last week I met with representatives from the Buffalo and Erie County Historical Society, Landmark Society of the Niagara Frontier, County Executive Edward Regan, and various ethnic organizations. We are working to answer the questions raised in the editorial, and I believe we are finding these answers. With strong community support, this prominent landmark will be preserved for the Niagara frontier.

TRIBUTE TO LOUIS C. PERTEET

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. ANDERSON of California. Mr. Speaker, today I take great pleasure in honoring Mr. Louis C. Perteet, a true humanitarian, who risked his life to save the life of a fellow man. This is truly the most honorable deed a human can perform.

On October 6, 1972, Mr. Perteet heard screams coming from a building at the Long Beach Naval Shipyard. He entered the building and found a fellow employee kneeling with his left hand lodged inside a highly energized degaussing unit. At the risk of his own life, Louis Perteet broke the electrical hold by pushing the injured employee from the unit. He moved the man a safe distance from the electrical unit and then left to call for assistance. When he came back, Mr. Perteet found that the injured employee had been forced back to the unit by the energy generated by the machine. Again, he moved and assisted him until the ambulance arrived.

Mr. Speaker, I am extremely proud to have such a man as Louis Perteet as one of my constituents. He has certainly performed a heroic action and an extraordinary service, and in recognition of his courageous action, Louis Perteet is today receiving the well-deserved, "Distinguished Civilian Service Award for Heroism" from the Department of the Navy.

I know Louis Perteet's wife, Marcia, and their young daughter, Jansen, are extremely proud of him, and I am sure that all the people of the Long Beach area will want to join me in commending Mr. Perteet for his courageous action.

FEDERAL REGULATION OF FOOD SAFETY

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. VANDER JAGT. Mr. Speaker, in 1969 a recall of products containing cyclamates—an artificial sweetener—was a matter of considerable public concern. Indeed, to those millions of Americans who are diabetic and hence forced to rely upon artificial sweeteners, the recall and its extension in 1970 were a matter of critical concern.

Recent studies in this country and abroad suggest that the cyclamate ban may have been unnecessary. The new results have failed to substantiate conclusions previously reached regarding the harmfulness of cyclamates. In the Wall Street Journal of July 2, 1973, staff writer Richard D. James reports that the cyclamate issue will be reopened by the Food and Drug Administration as a result of the current tests.

Mr. Speaker, governments as well as other institutions learn much from experience. I believe that the Food and Drug Administration is today acting in a very responsive manner in its evaluation of the safety of saccharin. The public has a right to expect a safe food supply. It has an equal right to expect a regulatory agency to whom Congress has assigned that responsibility to avoid precipitous actions and to ensure that the decisionmaking process is sound. It is in an effort to render congressional and administrative decisionmaking more scientific that I have introduced H.R. 7439, a bill to direct the National Academy of Sciences to study certain requirements of the Federal Food, Drug and Cosmetic Act.

As a sponsor of the National Diabetes Act of 1973 with Congressman WILLIAM A. STEIGER and 99 other Members of the House, I am especially concerned that we provide proper and safe food ingredients to ease the burden of diabetics.

The Wall Street Journal coverage of the cyclamate situation sheds considerable light on an area of vital concern to millions of Americans. For this reason, Mr. Speaker, I ask that this article be included at this point in the RECORD.

REMEMBER CYCLAMATES? MAYBE THEY WERE NOT SO HARMFUL AFTER ALL—NEW STUDIES SAID TO CONTRADICT CANCER EVIDENCE THAT LED TO FDA'S BAN ON SWEETENERS

(By Richard D. James)

CHICAGO—Cyclamate artificial sweeteners may be innocent after all.

Evidence is beginning to accumulate in research laboratories around the world that the chemicals, which the government banned in 1970, don't pose the health hazard once thought. It's too soon to say whether the sweeteners will return to the market; that's up to the Food and Drug Administration to say after it examines the new findings. The drug industry, however, is following the developments with interest, and at least one large company is readying a major effort to resume marketing.

Before their ban, cyclamates were the largest selling artificial sweeteners. In 1968, the last year prior to marketing restrictions, some 17 million pounds of cyclamates were produced with a value of about $34 million. Diet-conscious Americans consumed the low-calorie substances in all sorts of foods from jams, jellies and canned fruits to soft drinks. Sales of cyclamate-sweetened diet cola were estimated to be around $300 million annually at wholesale prices. Sales of other cyclamate-sweetened canned goods ran to millions more.

So far, no completely acceptable replacement for cyclamates has been found, though numerous companies are working to develop one. The only other widely used sugar substitute is saccharin. Users, however, claim it has a bitter aftertaste, and some say it may soon go the way of cyclamates.

OFF THE "SAFE" LIST

The National Academy of Sciences currently is conducting studies on the safety of saccharin for the Food and Drug Administration. The FDA recently removed saccharin from its list of substances classed as "generally recognized as safe" and issued a temporary order limiting usage to no more than one gram a day for an adult.

Two saccharin studies that have been published show that the substance apparently causes bladder cancer in test animals. Depending on the National Academy of Sciences findings, the FDA may be under pressure to ban saccharin under a 1958 law that prohibits the use in food of any chemical that causes cancer in animals.

This was the law the government invoked in October 1969 when it announced a ban on cyclamates in soft drinks. That ban was extended in August 1970 to include all marketing of the artificial sweeteners, including that in foods labeled as drugs, for diabetics or dieters, which the government at first had said it would permit.

The ban was prompted by a study conducted for Abbott Laboratories, the largest U.S. cyclamate producer, by Food and Drug Research Laboratories, a private independent research organization. Groups of rats were fed various doses of cyclamates and saccharin. Of 80 rats fed the highest dosage, eight developed bladder cancer. Rats in the lower-dosage groups weren't affected.

MORE ANIMALS, LONGER PERIODS

The new work suggesting cyclamates aren't a hazard involves not only more test animals but also higher doses of the sweetener for longer times than the original research. One key study, by Dr. Dieter Schmahl of the German Cancer Research Center at Heidelberg University, which will be published late this summer, involves 832 rats, twice the number in the earlier study done for Abbott.

Moreover, in Dr. Schmahl's study the animals received cyclamates during their entire lives instead of just two years as in the earlier study. Only with lifetime feeding "can low-grade carcinogenic (cancer-producing) effects be detected which become manifest in very old animals," Dr. Schmahl writes.

The rats received cyclamates in doses ranging from one to two and a half grams per 2.2 pounds of body weight. This is equal to what an adult would have gotten before the cyclamate ban from drinking 200 to 400 bottles of diet cola a day. Dr. Schmahl found bladder cancer in only one of the 832 rats, an animal receiving the lower dose. No cancer was found in the higher-dose groups. He concludes that the tumor was produced by an unrelated bladder condition that, in humans, is known to lead to cancer.

The National Cancer Institute is sponsoring studies in which even higher doses of cyclamate are being fed to test animals. The work is just being concluded and won't be completely evaluated at least until August, but preliminary reports indicate it has produced nothing to tie cyclamates to cancer.

"There's no evidence they (cyclamates) cause cancer," says Dr. Freddy Homburger of Bio-Research Consultants Inc. of Cambridge, Mass., one of the researchers under contract to the institute. His study, results of which have just been reported to the institute, involves some 300 rats and mice that were fed up to five grams of cyclamate daily for each 2.2 pounds of body weight during their lifetimes. That's twice the amount fed in Dr. Schmahl's work.

The cyclamate research also has been extended to other animals as well. Dr. Phillipe Shubik, director of the University of Nebraska's Eppley Institute for Research in Cancer, is feeding the sweetener to 360 golden hamsters. The work, also sponsored by the National Cancer Institute, still has another month to run. But Dr. Shubik says: "We have examined quite a few of the animals and have found nothing adverse."

If cyclamates don't, in fact, produce cancer, how do scientists explain the study that triggered the government's ban? They don't yet have a definite answer, but they suggest several possibilities. One is that since the rats' diet in the original work was a mixture of cyclamates and saccharin, the saccharin could have caused the tumors. At the time, the researchers were inclined to blame cyclamates because a separate study revealed that one rat being fed cyclohexylamine (CHA), a chemical relative of cyclamates, had developed bladder cancer.

Researchers also now realize that cyclamates sometimes contain impurities, some of which could cause cancer. Finally, it was found that the rats used in the original test were infested with worms, which some scientists now believe predispose the animals to bladder cancer.

ABBOTT YES, PFIZER MAYBE

The Food and Drug Administration will soon have to consider the significance of the new findings. Abbott Laboratories is presently compiling the results as part of a food-additive petition asking the agency for permission to resume marketing. The company, whose cyclamate sales prior to the ban totaled about $16 million a year, says it will file the petition by mid-August. Abbott still has some stocks of cyclamates remaining, and it has retained some of its production facilities.

The other former major producer, Pfizer Inc., also has retained some of its production facilities, and industry sources say the company would resume marketing if the FDA were to clear the way. Pfizer won't say what its plans are. A spokesman says the company understands the new research is favorable and that it will be watching Abbott's activities "with interest."

Food companies also are watching the situation. "Our people are aware of the new research," says a Pillsbury Co. spokesman. FDA clearance however, "wouldn't automatically mean we'd go back on the market" with cyclamate-sweetened products, he adds. "We'd have to see what kind of consumer acceptance there was." Prior to the ban, Pillsbury sold cyclamates as a tabletop sweetener under the name Sweet 10 and in a low-calorie drink, Funny Face.

Whether consumers would accept cyclamates as safe, of course, isn't known, but Abbott Labs believes there are indications they would. "From the number of letters we have received since the ban, we know there is a backlog of interest," a spokesman says.

TICKLISH PROBLEMS

Reopening the cyclamate issue will pose some ticklish problems for the FDA. Even though the new findings don't substantiate the original research on which the agency based its 1969 and 1970 rulings, the original research has yet to be explained away, and so far scientists don't appear to have enough facts to do that. Too, there is the political embarrassment that might follow if the FDA were to reverse itself, thus admitting that it made a hasty—and apparently wrong decision. (On the other hand, of course, there are those who would commend the FDA for erring—if indeed there was an error—on the side of caution rather than permitting a product to remain on the market when any doubt existed about its safety.)

Finally, the FDA will almost certainly insist on considering other hazards besides cancer that have been blamed on cyclamates. For instance, prior to the ban, FDA scientists found that CHA produced significant breaks in chromosomes of rats. The experiments were based on the fact that the human body sometimes converts the artificial sweeteners into CHA.

Scientists aren't certain what the significance of the broken chromosomes really is, but some worry they may lead to cell mutations and eventually to birth defects or other conditions.

Recent research casts some doubt on the chromosome issue. A study by Dr. Ben Oser of Food and Drug Research Laboratories, which isn't connected to the FDA, found no evidence of chromosome breakage in any of the test animals.

RELAXATION IN GERMANY

Heart and circulatory problems also are sometimes attributed to cyclamates. Dr. Schmahl of Heidelberg University, however, says he examined his rats for evidence of these problems and found none at all. "Feeding of the sweeteners and mixtures of the sweeteners used was tolerated by the rats unexpectedly well," he writes.

At least one country has relaxed earlier restrictions on cyclamates. At the time of the U.S. ban, Germany limited their use to table sweeteners. Late last year, however it approved the sweeteners for foods and beverages. Few countries have followed the U.S. in instituting a total ban.

Officially, the FDA says that it will consider Abbott's petition when it is received. "If somebody comes forward with convincing evidence of cyclamates' safety we're legally obligated to issue an additive order (permitting marketing). So it will depend on how convincing the evidence is," says Dr. Virgil Wodicka, director of the FDA's Bureau of Foods, which must rule on the matter. Dr. Wodicka says he is aware of the new research but hasn't seen any of the results.

Drug-industry sources say they have been encouraged by FDA officials in private conversations regarding cyclamates. "The FDA has indicated that it would like to have a wide variety of artificial sweeteners available so there won't be over-indulgence in just one of them," says one source.

WE MUST NOT NEGLECT THE ELDERLY

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. CULVER. Mr. Speaker, I would like, once again, to call to the attention of the House the national crisis centering on our neglect of older Americans. This is an important concern not only to the State of Iowa, with its 12 percent elderly population, but to the entire Nation. These people must be assured that their retirement years can be lived with dignity and peace of mind.

One way in which we could facilitate this goal would be to open better channels of communication between ourselves and senior citizens and thus learn firsthand of their problems, including limited means of transportation, fixed incomes, loneliness, and health. Some of these difficulties are illustrated in an article from the Cedar Rapids Gazette which I am inserting into the RECORD today:

YEARS BRING JOY, HEARTBREAK TO ELDERLY

(By Dale Kueter)

Ben Franklin: "All would live long, but none would be old."

Maude Weaver is anxious to "get back in the saddle again."

Staying home (she is recuperating after a five-week hospital stay) all the time bends her life-style.

"I feel better every morning," she chortled. Every day she plays the piano and organ, and soon will be back at Jane Boyd Community House, Riverside Recreation center and her other engagements, making music for the elderly.

Sometimes she sits with an old person. Maude Weaver, soon to be 81, is a happy person. "My life is as happy as it can be without my husband," she said. "We had a very happy life together." A widow for 11 years, she lives at 4420 Bowling S.W.

Across town, John Q. Elderly sits heartbroken. One side of his living room chair, where he sits most of the day, is a box of tissues to wipe his tears. On the other side of the chair is a wastebasket nearly full.

To use his real name would embarrass him, because he is self-conscious about his deep grief. He is 82. Last January, his wife for 61 years died. He is extremely lonely. He has no children.

Nate Leibsohn is lonely too. But his memories produce smiles instead of tears. His wife, Helena, whom he married in Frankfurt, Germany, 63 years ago, died in 1967.

Leibsohn lives at 4630 Midway drive NW, a single-level home that he maintains neatly with the help of a once-a-week visit of a woman from Homemaker Service. He hasn't seen his son and daughter for seven years, and can't remember when he last saw his grandchildren.

Mr. and Mrs. Jess Stevens, 2251 C street SW, are quite crippled. About the only place they go outside their Hawthorne Hills apartment is the doctor's office. He is 81. She is 71.

Many of their friends have died, but new friends visit often. Their children visit regularly. "We're happy," said Mrs. Stevens. "I love to read. I read to Dad, and my ears are good," she said. "We get the 'Good Old Days' magazine and 'Capper's Weekly'."

Growing old is a tough pill to swallow for most. But life as an elderly person, although considerably more restricted and dependent, can be lived much like life at any stage. Some make the best of it. Some don't.

One thing appears certain. Being old in 1973 is quite different than it was a decade or more ago.

The emphasis on being young is incessant. Why, you can even take away as much of the gray as you want.

Ironically, as everyone tries harder to look younger, recent years have produced a greater recognition of problems the elderly must cope with. Senior power has come into being as evidenced in local and national government.

"We really have a pioneer group of elderly," said Meta Schwiebert, director of the Council on Aging. "In years past, the elderly were part of a close-knit family circle." "Today," she said, "families really aren't structured to take in grandparents."

A two-year-old study by Iowa State University, "Life After 70 in Iowa", reveals that one-third of the children of elderly persons interviewed had left the state. Only a third of the elderly had children living in the same community in which they lived.

So the elderly, particularly those alone, must more and more depend on friends to escape loneliness. "When you get older," said Miss Schwiebert, "you have to develop a fabric of continually making new friends as the old ones die."

Many elderly still cluster about the familiar. "They play golf, or cards, or are active in churches the same way they have always been," she continued. "It's when you have become stranded from things you have always known that you need help."

The help comes in many ways, through hundreds of organizations. Some elderly maintain strong ties to their lifelong occupation by being active in employment retiree groups.

Churches sponsor Keen Agers and Senior Citizens groups. The unknown question is how many elderly persons fail to associate with any peer group, remain alone, just putting in time.

In 1930, there were 184,239 persons in Iowa over age 65, or 7.5 percent of the population. By 1960, the number over 65 had grown to 327,685 or 11.8 percent of the state's population. In 1970, there were 350,293 over 65, 12.4 percent of the population.

In Linn county in 1930, there were 6,196 over 65, also 7.5 percent of the county's population. In 1960, there were 13,496 over 65 in Linn county, 9.9 percent of the population, and in 1970, 14,812, or 9.1 percent.

"Many times," said Frank Sieh, executive director of Family Service agency, "some physical illness is the first time society's attention will be called to the problems of a particular individual.

"Many of our elderly were brought up in an era of helping yourself and don't consider welfare as a right."

Sieh adds other dimensions to elderly life. "There are elderly wealthy, elderly poor; elderly healthy and elderly ill. The person caught old, poor and ill spirals into a dire situation."

Young and middle-aged persons usually have the versatility to meet financial demands. In fact, Sieh points out, most working people improve themselves financially every year.

"The elderly cannot anticipate improving their financial position by their own effort, and with some a constant preoccupation about money makes old age a bitter thing," he said.

Loneliness, abetted by immobility, is the biggest problem many elderly face. Many who provide services to the elderly say the mere visit with an elderly person can be the greatest gift.

"The fact that Meals on Wheels provides a hot lunch every day, is great," said Alice Eicher, administrative assistant at Family Service, "but the person coming every day, being there, is even more important to many."

She believes Americans have less respect for the elderly than in most other countries. The relationship between elderly persons and their children is not as strong in this country, she claims.

"It seems," said Sieh, "that early in life now we orient ourselves to the wife and kids, to a nucleus family." In the past, grandma and grandpa were very much a part of the family, he observed.

"And many young people," he continued, "just don't have the wealth to do a great deal for their parents." Despite distance, said Sieh, families are maintaining more contact, if only by letter and telephone, than had been forecasted by social scientists.

Sieh believes it would be a big mistake to paint the plight of the elderly picture all bleak. "It depends so much on the individual," he said. Mildred A. Scott, director of the Senior Recreation center in Greene square, agrees.

"Many elderly are self-sufficient," she said. "The problems of aging are not necessarily unique, only the elderly have less ability to solve their problems. Many of the problems for the elderly didn't come until after World War II when compulsory retirement came."

WORK PLANS

"Many elderly had planned to work until death," said Miss Scott. "With compulsory retirement, they had to find something else to fill their time."

Miss Scott has worked with the elderly for more than 20 years, and gets perturbed by anyone who would diminish a person's value on the basis of age. "Older people are people!"

The Iowa State study describes aging in American society as "essentially a process of attrition in which individuals increasingly give up claim to important cultural values."

As one grows older, the study says, it becomes increasingly more difficult to retain valued goals of personal independence, energetic living, good health, or social and economic status.

There are pervasive stereotypes in our society that older persons tend to be forgetful, childlike, feeble, and asexual, the study points out. Even so, the Iowa State study reveals a very high number of elderly, 91 percent of those they surveyed, were satisfied with their life.

Seventy percent disagreed that old age "is the dreariest time of life." At the same time, however, only half said they are as happy in old age as when younger. Still, 60 percent said old age was better than they thought it would be.

Jess and Jennie Stevens' biggest problem is not being as active as they once were. "We used to have such a nice garden when we lived in Rompot, and we went dancing a lot," she said.

"We had a big yard and I kept it mowed all the time," said Jess, who worked on a railroad section crew for 48 years.

"I don't think children are deserting their parents," said Mrs. Stevens. "They are so much busier today, involved in the rat race of making a living.

"We're happy being together," she said, then recalled the times when her husband was gone for several days at a time working on the railroad. "He worked awfully hard," she said.

"It doesn't bother me a bit to grow old," said Mrs. Stevens. "I had good parents, a good home. My life has been good. It (being old) is heaven compared to being young. I had to work hard then, barely keeping body and soul together."

WORKED HARD

Nate Leibsohn worked hard too.

"I lost everything in the Depression, and

I made up my mind then to get a business of my own," he said. The rest of his life was in the shoe business, selling new ones and repairing old ones.

"I was in my shop so many years," he recalled fondly, "meeting the public. They took me out of the shoe shop in 1967." His shop, located on urban renewal property and razed, now is the site of the Village Inn motel.

At 83, Mr. Leibson's eyesight is failing. He can't read. He can't drive. His 1966 Plymouth is in perfect condition. It has only 3,600 miles. "I just put in a new battery," he said proudly. "It runs good."

He would like to live life over again. "I had a very good wife. I think of her a lot. She brought me my lunch at the shop, and many times helped me clean shoes." He is proud of his workmanship as a shoe repairman and his ability to build a business.

"My advice to people is to keep on working," he said. "They say you should get a hobby, to go fishing. But how long does that last. In one year, you are disgusted.

"A man who can't produce something is worth nothing. When you are born a loafer, it's different."

Once a week when the Homemaker Service woman comes, he gets out of the house. "Many of my old friends are dead," he said. "Maybe those who aren't will read this and give me a call."

But he is coping with old age. Since his wife died, John Q. Elderly has not. "You are never ready to give them up," he said tearfully of his departed wife. "I don't like living alone. I get awful lonesome, especially in the evening. I cry a lot."

Meals on Wheels bring him lunch every day, otherwise he is alone. After his monthly payment on a small bungalow, he has less than $90 left from his social security check.

"The only time they'll ever get me to leave this house is when they carry me out," he said, again picturing his wife as though she were still with him. His grief is overpowering.

"There were four of us boys," he said. "We used to play pinochle. I expect I wouldn't be any good at that any more. My mind is with her."

RECIPE FOR LIFE

Maude Weaver has a recipe for a happy old life. "I don't let myself be lonely. You have to keep busy, help others, always have a smile." She doesn't regard old age as a burden.

"I have many friends," she smiled. "I got over 100 cards when I was in the hospital."

"As you approach old age," said Miss Schwiebert, 69 years young herself, "you have to do something about it." She has just started a new career, working with the aged.

Attitude is a big factor in growing old, and perhaps the secret lies within a phrase posted on a wall at the Council on Aging office:

"Youth is a gift of nature, but Age is a work of art."

TRIBUTE TO MR. MILES LEADERMAN

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. HOGAN. Mr. Speaker, at this time I would like to pay a special tribute to one of my constituents, Mr. Miles Leaderman, who has personally demonstrated his concern for law and order.

Mr. Leaderman, an employee with the U.S. Postal Service, played a major role in the apprehension of two criminals. He followed four men, who had robbed a drug store of $2,500, and was able to get a clear description of the men and their license plate number which he promptly turned over to the police.

Mr. Speaker, the crime rate in America has escalated during the last decade at a staggering rate. I realize what a demanding task our policemen are performing and I commend them accordingly. At the same time, I would like to give special commendation to Mr. Leaderman for his act of bravery and his special service to the community.

IN TRIBUTE TO ELMA LEWIS

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. MOAKLEY. Mr. Speaker, I am indeed proud to announce to my colleagues and the American people that the American Revolutionary Bicentennial Commission in Washington and Vision Associates of New York have chosen the National Center of Afro-American Artists—NCAAA—led by its famous Founder-Director Elma Lewis, as the national representation of "the symbol of the arts made meaningful in current history." A half-hour documentary film about the NCAAA, the major film of the Bicentennial Commission, will be shown on a thousand TV stations across the Nation in September. Future plans call for the film to be used extensively as a short subject in theaters throughout this Nation and abroad.

Miss Lewis needs no introduction to the people of Boston. She is the recipient of over 100 national and international awards as well as nine honorary doctorates. The NCAAA was found by Ms. Lewis in a 6-room apartment in Roxbury in 1950. Originally called the Elma Lewis School of Fine Arts—ELSFA—the school has grown into a fine institution of education, culture, and heritage where, according to Ms. Lewis:

> We are stating black heritage, and sharing the beauty of our arts with all people.

The center employs 125 professionals from all art disciplines and serves over 350,000 people annually. The original ELSFA is now one of 40 such components making up the NCAAA.

One of the NCAAA's many successful programs is the technical theater training program in Norfolk Prison serving over 100 inmates. The Norfolk program has produced such stage successes as "The Plague," "Cadillac Alley," "Blak Rhythms," and "The Installment Plan"—plays conceived, written, and performed by the men inside the walls. Both the inmates and correctional officials of the prison have asked for more courses to continue and expand this highly successful program, a program which has given many inmates the tools with which to carve a new, productive future.

Another well-known and highly acclaimed program is the Elma Lewis playhouse in the park. In recent years, Boston audiences have been treated to performances by such famed stars as Duke Ellington, Baba Olatunji, and the Alvin Ailey Dance Troop, as well as talented local performers. Located in Franklin Park, it is now going into its eighth season of 62-free performances which have annually drawn over 100,000 people.

Besides these programs there are 15 other professional performing and visual arts companies and programs as well as numerous career-oriented training programs in the arts, management, and teaching.

Writer, producer, Director Lee Bobker of Vision Associates has titled the film, "We Hold These Truths" and intends for it to give focus to the bicentennial theme—"Festival, Heritage, and Horizon." The NCAA will represent the festival section.

According to Bobker:

> The film is going to reflect the tremendous potential in this country to do what you want.

Ms. Lewis was chosen as a symbol of this "revolutionary American spirit" because "she epitomizes individuals who have made a major impact in their communities without waiting for Federal funds—one who said:

> Here's a problem, I will do something about it.

Fittingly, Ms. Lewis' own motto is—

> You can what you will.

I can think of no one more deserving of this recognition. For almost 25 years Elma Lewis has selflessly given of herself to build the NCAA from its very modest begininng into what is considered one of the finest centers for the arts in the world. Elma is to be applauded further for these untiring efforts in light of the fact that the center has been operating with a chronic shortage of funds since its conception. Yet she has always shown the courage to go in the face of this poverty. And it is this courage and drive to accomplish a goal that makes Elma Lewis a living example of the spirit upon which this great Nation was formed.

LEGISLATION TO EXPEDITE OUR SEARCH FOR AMERICAN MIA'S

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. HUBER. Mr. Speaker, I have good news and bad news to report today.

First for the bad news. The North Vietnamese and the Vietcong, despite their signed pledge to help the United States account for the more than 1,250 Americans listed as missing in action in Southeast Asia, are still blocking our MIA search teams.

The North Vietnamese and Vietcong prohibit the examination of plane and helicopter crash sites in territory they hold, and they are not permitting the examination and exhuming of the bodies of American graves behind their lines—both in direct contradiction of the agreements they signed in Paris.

Now for the good news. My House concurrent resolution, which expresses the sense of Congress that our Government shall cease forthwith all consideration of aid, trade, diplomatic recognition or the like if the North Vietnamese and Vietcong do not help us expedite our search for American MIA's is receiving strong bipartisan cosponsorship by Members with widely differing political ideologies.

Last night, H. JOHN HEINZ III, of Pittsburgh, Pa., joined the ranks of cosponsors. He was No. 57. With "57" varieties, we cannot help but prevail.

"ONE ALONE"—WELL, NOT REALLY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. DERWINSKI. Mr. Speaker, I have been looking forward to the performance of "The Student Prince" at the Kennedy Center. However, I understand that the "The Desert Song," and another great Sigmund Romberg production will run into early September and I may not have the opportunity to again be inspired by "The Student Prince". However, lovers of musical theater in the Chicago area will fare much better.

I am especially pleased to note that a most gifted columnist Dean Linton, assistant editor of the Suburban Life in Chicago, expressed in his column a most heart-warming commentary on the revival of the Sigmund Romberg productions.

The column follows:

(By Dean Linton)

"ONE ALONE"—WELL, NOT REALLY

It did my middle-aged heart good last weekend to see so many people really enjoying themselves once again in musical theatre.

The exceptionally good ticket business which both "The Desert Song" and "The Student Prince" have experienced at Chicago's Shubert Theatre during the usually slow downtown summer season should be evidence enough that there still is a craving for such productions.

Producer Lehman Engel might have been inspired for the Sigmund Romberg resurrections by the success of revivals "No, No, Nanette" and the current Debbie Reynolds' Broadway hit "Irene," along with our apparent nostalgia craze.

But it had to take real guts to gamble the amount of money needed to mount these fine productions of well worn Romberg operettas of 50 years ago.

Sure, the story lines are weak and the humor of the early 1920s is even weaker, but the Romberg music is there in its full glory, equaled by a superior orchestra and cast, with a few minor exceptions.

Fresh, new costumes and scenery bring sparkle to the Shubert stage which has seen far too many drab sets in recent years to inspire much enthusiasm from even the constant theatre-goers.

It is a joy to sense the great audience acceptance, to feel the near "sing along" participation when the Romberg heroes slip into The Desert Song's "Blue Heaven and you and I" and the prince's "Serenade."

Yes, it's an experience to watch senior citizens relive those "golden days" when Romberg was king, and for us "middle-agers" and even some "young folk" who are experiencing the charm of Romberg on the stage for the first time.

I think it's great to leave a theatre humming the melodies you've just heard. But that doesn't occur too often in our contemporary musical theatre. Of course there are exceptions, but far too few.

The Shubert is experiencing capacity crowds and ticket demands on this pre-Broadway run has prompted the "held over" sign on the marquee. Apparently the "I wouldn't be caught dead in the Loop after dark" scare isn't bothering these music lovers.

There's room for Romberg, Rodgers and Hammerstein, Lerner and Loewe and a host of others when the productions are well done and priced within the means of the general public.

And there's certainly room for Three Dog Night, Led Zeppelin, Blood, Sweat and Tears, Chicago and other such rock groups, who seem to have little trouble filling the Auditorium, Stadium or International Amphitheatre for their programs.

Although the rock concerts aren't my particular cup of tea either, I can't help but disagree with the inobjective manner which a Lyons reader approached the rock music subject in a letter to the editor last Thursday.

To term rock music as that played "in the lowest dives and cabarets, with creepy sleazy characters in attendance" is neither being objective or truthful.

The youth of every generation has had its own life-style, music, dress, etc.

Ours is no different. Tolerance and understanding always has been needed to bridge this age-less generation gap.

I guess what this all boils down to is that it's great to see some good entertainment aimed primarily at us oldsters, 30 and up.

Who knows? Maybe 50 years from now today's younger generation will bemoan the fact that the Sons of Led Zeppelin aren't being amplified enough in their revivals.

As the old newsreel said, "Time marches on."

GIRL SCOUTS, U.S.A., HONOR BUFFALO, N.Y., STORE

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. DULSKI. Mr. Speaker, the National Equipment Service, the sales division of Girl Scouts of the U.S.A., has inaugurated an annual recognition of the 25 most outstanding Girl Scout departments in major retail stores across the country.

I am pleased to learn that from over 2,000 stores, my constituent, Mr. Ralph H. Wilcove, president of Sattler's in Buffalo, N.Y., has been given the Most Outstanding Girl Scout Department in the U.S.A., 1973 award.

The award is in honor of management's interest in Girl Scouting and the community, as well as superior performance in handling Girl Scout merchandise.

I am very well acquainted with Mr. Wilcove and his store, and there is no one more deserving of this recognition. Congratulations to the Girl Scouts of the U.S.A. for their selection, and to Sattler's for their contribution.

EARTHQUAKE RESEARCH: WHERE DOES THE FAULT LIE?

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. BELL. Mr. Speaker, I am today introducing a bill to greatly expand the Federal Government's Earthquate Research program. The goal is to develop techniques to predict, to prevent, and to reduce the hazards of earthquakes in the United States.

As a native of California, I experienced the great earthquake of 1971 and witnessed the vast destruction it created. Many lives were lost and many people were left bewildered and terrified by the erroneous predictions of a greater aftershock to follow. The initial earthquake itself was harmful enough to leave people with no place to turn, no home to return to, and a lack of knowledge as to where to begin rebuilding the private life they had worked so hard to create for themselves—a life that was shattered in a matter of seconds. Sixty-four persons were killed and more than $500 million damage was caused by that 1971 California earthquake.

But by no means are earthquakes solely a problem for California. The Office of Emergency Preparedness has designated over 20 States as containing areas of high seismic risk. These States range from Alaska in the northwesternmost tip of our country to Arkansas and Mississippi in the deep South. They include several States along the east coast, as well as many in the Midwest. As is evident, the earthquake problem is of the utmost national concern.

Research is currently being conducted in the United States by both the Federal Government and the States, notably California.

However, this research is limited and does not meet the need we face now of discovering earthquakes before they discover us and cause more damage than we are able to cope with in terms of money and lives. We need a greater national effort in studying these fatal disasters. Moreover, current Federal research efforts are fragmented in different agencies and are stymied by a lack of coordination.

Great progress has already been made in earthquake research. Three major breakthroughs have occurred over the last 20 years. Electronic devices and computers have been developed, the Department of Defense and the Atomic Energy Commission have invested some $230 million into research for detecting underground nuclear explosions, and intensive study into the cause of the first really large earthquake in the world—the Alaskan earthquake of 1964—has been conducted by modern instruments.

With the progress of this research, prediction of earthquakes has become a great possibility. A system for prediction would require the deployment of massive automated instrument systems along faults to monitor changes in the earth's crust that accompany the buildup of forces that generate earthquakes. The automated field measurements in combination with the results of experimental and theoretical studies of mechanical processes that generate earthquakes would provide a working computer model of the earth's crust, which could be used to predict the time and location of earthquakes larger than a magnitude of five on the Richter scale.

The control of earthquakes, apart from prediction, may also be feasible. The first planned effort to control earthquakes is presently in progress at Rangely oil field in northwestern Colorado. Experiments are being conducted testing the effects of fluid injection on the cause of earthquakes, as well as the interaction of fluids and rock structures. Tests have shown that fluid injection tends to loosen the earth, thereby allowing less ground movement during a quake. Strain accumulation and release rates along active faults can be manipulated by fluid injection to provide for gradual release of stress and less impact at one time. Other experiments observe and study quakes and earth movements induced by underground nuclear explosions.

A third area of great potential is hazard reduction. One of the great concerns of earthquakes has been the force with which they hit and destroy structures. Finding methods to give our buildings and other structures stronger support would enable us to control the impact of an earthquake. This field requires much research, but a part of the needed data can be obtained through advancing earthquake engineering.

An ability to find "earthquake-proof" sites is necessary to the location of nuclear reactors. As the use of nuclear energy increases, finding safe sites for these potentially dangerous installations becomes ever more important. The relevance of earthquake research to our energy supply is further evidence of the national scope of the earthquake problem. The techniques and instruments used for locating earthquakes are also used in analyzing sites. The data acquired through this earthquake engineering will also provide needed data for construction techniques. Knowledge of more durable construction methods and better placement of our structures, avoiding fault areas in particular, will be of great benefit to our minimizing loss from earthquake damage.

Mr. Speaker, my bill proposes the further expansion of earthquake research by the Federal Government, as well as the installation of prediction systems throughout the country in regions of high seismic risk.

Although other legislation has been introduced calling for either earthquake research or prediction programs, my bill represents a truly comprehensive approach to the earthquake problem, since it involves wide-ranging research into methods of prevention and hazard reduction as well as prediction.

Perhaps the greatest virtue of this bill lies in its provisions for coordinating the on-going Federal earthquake research effort. The General Accounting Office, in an evaluation of Federal earthquake research programs last fall, concluded that—

> Fragmented responsibility and lack of national goals have made a coordinated research attack on the Nation's earthquake problems difficult.

The GAO found that the several federal agencies involved in earthquake research were engaged in overlapping and duplicative programs. The result has been an inefficient and wasteful use of the limited resources we have assigned to the earthquake problem. This legislation will correct this crippling deficiency. It assigns to the National Science Foundation the responsibility to coordinate the Federal Government's overall earthquake research program, without depriving the other Federal agencies their proper role in the effort.

I am delighted that nine of my colleagues on the Science and Astronautics Committee are cosponsoring this measure. They are John Davis, the chairman of the Science, Research, and Development Subcommittee, which will consider the legislation, Charles Mosher, the ranking minority member of our full committee, and George Brown, Paul Cronin, Marv Esch, Barry Goldwater, Jr., Ken Hechler, Robert Roe, Ray Thornton, and Larry Winn.

A national program of earthquake research is of the utmost importance now if tragedy is to be averted. I believe that this legislation will provide both the most effective administration of our Federal effort and the most promising results.

NEW PRESIDENTIAL ELECTIONS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. BINGHAM. Mr. Speaker, I have been gratified to receive quite a number of communications from around the country in response to legislation I have introduced (H.J. Res. 547) to amend the Constitution to permit Congress to call for new Presidential elections. Among those communications is one from Mr. Cyrus Eaton, chairman of the board of the Chesapeake & Ohio Railway Co., and a distinguished American. Readers of the Record will, I think, be interested to know of Mr. Eaton's support for the concept of new Presidential elections, and will find his other recommendations for Government reform provocative, as I did. Mr. Eaton's letter follows:

The Chesapeake & Ohio Railway Co.,
Cleveland, Ohio, July 17, 1973.

Hon. Jonathan B. Bingham,
Washington, D.C.

Dear Congressman Bingham: Heartiest congratulations on the proposed constitutional amendment to permit Congress to call for new presidential elections, as set out in your "Report from Washington" for June. There are two additions that I wish you would consider.

One would provide for four-year terms for members of the House of Representatives, with elections to be held at the same time as presidential elections. This should command the support of the Congress, since the present system of biennial primary and final elections amounts, in effect, to a campaign every year.

The other change would be to divest the President of the powers of Commander-in-Chief of the Army, Navy and Air Force. In no other nation in the world, democracy or dictatorship, does a civilian head of state exercise such absolute authority in this day and age. What may have been fitting and proper for President Washington, after his service as General, is now considered an absurdity by leading military experts everywhere.

Sincerely yours,

Cyrus Eaton.

NATIONAL SCOUT JAMBOREE

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. FREY. Mr. Speaker, 51 Boy Scouts from the Ninth Congressional District in Florida stopped by in Washington yesterday on their way to the National Scout Jamboree at Moraine State Park near Pittsburgh, Pa.

These boys, from Troop 205, in Maitland, Fla., for the most part financed their own way to the National Jamboree and the stop over in Washington.

I met with the Scouts yesterday and found them enthusiastic about the jamboree, which opened today, and their visit to Washington and tours of national monuments and historic sites.

The 51 boys from Troop 205 will join about 40,000 other Boy Scouts from the eastern United States today for the eighth National Jamboree.

Another 30,000 Scouts are already in their week-long jamboree in Farragut State Park in Idaho.

This is the first year the Scouts of America have held two jamborees, one in the East and one in the West, and this demonstrates the new National Scouting emphasis on getting more people involved in Scouting, whether they live in the East, the West or come from the city or farm.

The Scouts from Troop 205 represent what is right with American youth today, they represent the adventurous spirit and the willingness to learn more about their Nation and at the same time develop sound minds and bodies.

As an indication of Troop 205's interest in Scouting, and thus in America, the Troop already has 10 Eagle Scouts.

Those Eagle Scouts are: Tom Slade, Michael Tipton, James Slade, III, Scott McPherson, Brian Andrew, Bob Amend, Michael Abernathy, Frank Kovacik, Henry Howard, and Kevin Schloot.

Those Scouts, along with Troop leaders, Robert McPherson, Wayne Rohlsing, Mike Callahan, James Tipton, and Don Abernathy, were among those meeting with me in Washington yesterday.

Others who stopped by the Nation's Capitol on their way to the National Jamboree were: Howard Irish, Sidney Lynch, Scott Schimmel, Thomas Douglas, James Tipton, Jr., Michael Amend, Andrew McDonald, Ken Acre, Jeffrey

Clark, Eric Clark, Richard Orth, Charles McGathy, Tony Ragsdell, Ken Hendryx, David Hendryx, Rodney Williams, Michael Callahan, Arthur Bushner, Doug Richter, Bill Murphy, Richard Buchanner, Rick Norden, Glenn Gomer, Scott Hall, Clifford Schilling, Richard Kovacik, William Barnwell, Tom Ramsey, Hudson Marvel, Bruce Pflueger, Steven Rohlsing, Thomas Carver, James Conniff, Mark Feinberg, Richard Weidley, Jr., David Lasley, and Don Sawyer.

I know my colleagues join me in wishing the Scouts well at their National Jamboree and in encouraging more young people to get involved in this fine organization.

ON INTRODUCTION OF THE UTILITY ADVERTISING AND RESEARCH AND DEVELOPMENT ACT OF 1973

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. HARRINGTON. Mr. Speaker, it is now generally recognized that the United States has a serious energy problem. Whether or not it is a "crisis" is a matter of debate, but it is clear that our energy usage is growing too rapidly and we are wasting too much energy. The inevitable results of our energy gluttony are depletion of our resources, degradation of our environment, and increased costs to consumers.

And, yet, the gas and electric utilities of America continue to advertise and promote their products. Even if no energy shortage did exist, it would not make sense for these utilities to advertise at considerable expense to consumers. Consumers do not "buy" electricity; they "use" electricity. Consumers do not "shop" for electricity, or buy competing brands of electricity. An electric or gas utility is a natural and legal monopoly. The consumer has no choice but to use the product supplied by his utility.

But still utilities advertise. The consumption of electricity in this country is doubling every 10 years. Huge nuclear generators are being constructed in close proximity to densely populated urban areas; miles and miles of western land is being stripped to provide coal for mammoth generators in the Southwest—generators which have blackened the skies in what once was the cleanest part of the country. The country is being traversed by thousands of miles of new transmission lines, and thousands or square miles of forests and fields are being flooded for hydroelectric facilities.

Yet, if one turns on his television set, one still hears ads promoting the use of electric heat, the most inefficient heating system currently in use. A home heated by electricity costs over three times more per unit to heat than a similar home heated by natural gas. It also consumes more than twice as much primary energy resources per Btu than a home heated by gas. But still, electric home heat is being promoted by electric companies.

At the same time that utilities are spending hundreds of millions of dollars on promotional advertising, considerably less is being spent on research and development. In fact, the efficiency of electric power systems in this country has actually been declining in the last 10 years. In 1964, efficiency, which is defined as total energy sold divided into the amount of primary fuel needed to create that power, was 29.4 percent. In 1970, it had declined to 27.8 percent.

In 1970, the electric utility industry spent only $46 million for research and development, as opposed to $306 million for sales and advertising. In the past year, the utilities have raised their R. & D. budget to somewhere over $100 million. By comparison, one camera company, Kodak, spent over $200 million by itself for R. & D. Given the enormity of the electric utility industry, and the pressing need for research in the energy field, the amount of research being done is simply not adequate.

Numerous bills have been introduced to create a Federal agency to fund and conduct energy research. I support this approach, but also feel that the private utilities industry should be encouraged to undertake their own research programs.

To this end, I am today introducing the Utility Advertising and Research and Development Act of 1973. The bill itself, and the premise behind it are simple. No public utility should spend more money for advertising than it spends for research and development. The bill directs the Federal Power Commission not to allow utilities to pass on to consumers expenditures for advertising that exceed expenditures for R. & D. projects.

Since the FPC already has clear definitions of both advertising and R. & D., this provision will not create administrative difficulties. And the bill does not prohibit advertising expenditures in excess of R. & D. expenditures—it simply makes the company's stockholders pay for the additional advertising, not the public.

There is a real need for energy research—there is little need for utility advertising. I believe the legislation I have introduced today offers a responsible means of dealing with these two problems in a relatively simple way.

Mr. Speaker, I include the text of the bill in the Record.

H.R. —

A bill to amend the Federal Power Act to require that advertising expenses of any public utility regulated by such Act be no more than research and development expenditures for purposes of determining rates and charges of any such public utility

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 205(a) of the Federal Power Act is amended—

(1) by inserting "(1)" after "(a)" in such subsection; and

(2) by adding to the end of such subsection the following new paragraph:

"(2) The rules and regulations affecting or pertaining to rates and charges as specified in paragraph (1) of this subsection may not allow such rates and charges to be based on any amount of advertising expenses which exceeds the total expenditures on research and development spent by such public utility in any fiscal year of such public utility."

Sec. 2. The amendments made by the first section of this Act shall become effective with respect to advertising expenses and research and development expenditures incurred by public utilities in the first fiscal year of any public utility, regulated under the Federal Power Act beginning after the date of enactment of this Act.

KOREAN-AMERICAN ORPHANS

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. DELLENBACK. Mr. Speaker, today I am introducing a private bill calling for admission of 25 teenage Korean orphans to the United States. I realize, of course, that 25 will seem an unusually large number for one bill. The circumstances surrounding these orphans, however, are also unusual, and, in my judgment, justify special treatment for them.

The 25 orphans listed in my bill are all mixed-race offspring of Korean women and American servicemen. They are currently living in Seoul, Korea, in group foster homes under the care of the Holt Adoption Program, Inc., an internationally recognized children's service agency. Over the years, all the normal administrative channels of relief for this group of orphans have been explored and exhausted. Now that they are approaching adulthood, surely humanitarian considerations demand that some expeditious means be found to bring these innocent victims of the Korean War to America and to the new homes they have been waiting for all these years.

In order to help these teenagers obtain the guidance and foster home placement in America which they so desperately need, the Holt Agency is willing to assume all financial responsibility for home placement as well as educational training. There is no question of their becoming public charges. Furthermore, during the years which the 25 orphans have spent in Holt group homes in Korea, they have been taught English and are being given American cultural training to assist them in adjusting as rapidly and easily as possible to the United States.

I have been requested to introduce this legislation by the Holt Adoption Program, Inc., of Eugene, Oreg., of whose board I have been a member for a number of years; but I am also doing so out of my own concern for the future of these orphans. Those familiar with the Holt Agency will certainly share my conviction that this outstanding agency will do everything possible to see that these orphans are well taken care of once they arrive in America. Many may in fact remember Harry and Bertha Holt, the Oregon farm family who adopted eight Korean orphans after the Korean War and then went on to found the program which has brought thousands of homeless children on chartered airplanes to eager American parents in history's first "babylift." Over the past 20 years, thousands more of these innocent victims of the Korean war have found new lives around the world thanks to the conviction of Harry Holt that "Every Child Deserves a Home of His Own."

Now we have a special group of American-Korean teenagers who have been waiting years for word of adoption. The bill I am introducing today is urgently needed to insure that our Nation's moral obligation to these young people is met and that their futures will have hope. My colleague from Oregon Senator HATFIELD, has introduced identical legislation in the Senate, and it is my hope that both bills will see quick and favorable action in their respective bodies.

REDUCED TRAVEL FARES FOR SENIOR CITIZENS

HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. TALCOTT. Mr. Speaker, inflation, or for that matter any adverse economic problem, has a brutal effect on our senior citizens. It is most unfair for these people who have worked a lifetime for their pension to have it eroded by the ravages of an inflation they did not cause and are powerless to stop. This coupled with the disintegration of the family in our society today, are among the reasons I am introducing legislation which will permit our senior citizens the opportunity to travel at reduced fares on all common carriers in interstate commerce.

Because travel is so costly and senior citizens are generally forced to live on a fixed income often forces these individuals to become housebound. My bill will provide half-fare travel during nonpeak hours. This allowance would increase a desired mobility of these deserving senior citizens. Hopefully, this legislation would help the air carriers which many times operate at half capacity. However, all modes of transportation would be included. Our senior Americans must be assisted to lead a full and resourceful life.

Mr. Speaker, the text of my bill follows:

H.R. —

A bill to prohibit common carriers in interstate commerce from charging elderly people more than half fare for their transportation during nonpeak periods of travel, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Senior Citizens' Transportation Act of 1973".

TRANSPORTATION IN INTERSTATE COMMERCE

SEC. 2. (a) Notwithstanding any other provision of law, no common carrier for hire transporting persons in interstate commerce shall, during nonpeak periods of travel, charge any eligible elderly person more than half the published tariff charged the general public in connection with any transportation which is requested by any such person.

(b) In any case in which a common carrier can show that it incurred an economic loss during any calendar year solely because of the requirement imposed by subsection (a), such carrier may apply to the head of the Federal agency having jurisdiction over the filing and publishing of the tariffs of such carrier for Federal financial assistance with respect to all or part of such economic loss. The head of any such Federal agency is authorized to pay to any such carrier (1) an amount not exceeding one-half the difference between the published tariff and the tariff charged elderly persons for each such person carried during the calendar year covered by the carrier's application, or (2) an amount not exceeding the aggregate of the economic loss of the carrier claimed under such application, whichever is less.

(c) The head of each such Federal agency is authorized to prescribe such regulations as he may deem necessary to carry out the provisions of this section, including but not limited to the defining of nonpeak periods of travel and regulations requiring uniform accounting procedures.

(d) The head of each such Federal agency is authorized to establish a commission of elderly persons to advise him in carrying out the provisions of this section.

(e) As used in this section, the term "eligible elderly person" means any individual sixty-five years of age or older who is not employed full time.

TRANSPORTATION IN INTRASTATE COMMERCE

SEC 3. Section 3 of the Urban Mass Transportation Act of 1964 (49 U.S.C. 1602) is amended by adding at the end thereof the following new subsection:

"(f) In providing financial assistance under this Act, the Secretary shall give preference to applications made by States and local public bodies and agencies thereof which will adopt (or require the adoption of) specifically reduced rates during nonrush hours for any elderly person in the operation of the facilities and equipment financed with such assistance, whether the operation of such facilities and equipment is by the applicant or is by another entity under lease or otherwise. As used in this subsection, the term 'elderly person' means any individual sixty-five years of age or older.".

OUR NATION SALUTES THE HONORABLE RONALD S. GALL, OF NEW JERSEY, DISTINGUISHED AVIATION-SPACE JOURNALIST AND GREAT AMERICAN

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. ROE. Mr. Speaker, in today's fast-moving world of time and space, the good deeds of man are oftimes secluded in the silent admiration of his family and friends whereas if the story could be told his achievements and accomplishments could inspire the youth of America and serve as a shining example of the vast intricate fiber that has been woven by our people throughout the centuries to make our world a better place to live in and maintain our Nation's preeminence and leadership in global affairs.

I am pleased and privileged to call your attention to the outstanding contributions that have been made to the quality of our life by a leading citizen of our community and State of New Jersey, respected industrialist and businessman, outstanding conservationist and environmentalist and longtime personal friend and neighbor, the Honorable Ronald S. Gall, who has extended a lifetime of outstanding service in aviation research, design, and development and has been nationally recognized as a distinguished aviation-space journalist.

With your permission, Mr. Speaker, I would like to insert at this point in the RECORD a news article that recently appeared in the Paterson News, one of New Jersey's most prestigious newspapers, which tells the story, as it is, of the man himself at the other end of Ronnie Gall's learned pen and provides some insight of the quality of his leadership and the depth and scope of his exemplary achievements on behalf of his fellowman. The Paterson News story was written in tribute to Mr. Gall's having been awarded the highly coveted honor of the U.S. Aviation Writers' Association and reads as follows:

RONALD GALL VOTED LIFE MEMBER OF U.S. AVIATION WRITERS' ASSOCIATION

WAYNE.—A man of many honors in the fields of aviation as well as in county and state public activities, has been awarded one of the most significant recognitions.

Ronald S. Gall, of Pines Lake, long active in aerospace journalism, has been unanimously voted a life member of the Aviation/Space Writers Association, one of only six persons so honored in an organization of 900 members, to all of whom he is well known and highly respected.

Presented recently by the association's secretary, William F. Kaiser, the citation read: "To Ronald S. Gall, in recognition of his more than four decades of outstanding activity in the field of aviation-space journalism, his leadership programs for the advancement of peace through air power, his continuous promotion of better relations between industry and the press, his insistence on maintaining the highest standards of integrity and veracity in writing and reporting, and especially for his many contributions to and his ardent support of the association since its inception . . ."

Gall retired two years ago after 32 years with Curtiss-Wright Corp., Wood-Ridge, where he was corporate director of public relations and advertising and assistant to the president. A former newspaperman and an associate member of the North Jersey Pica Club, he has long been associated with aviation-space journalism. He was on the board of directors of the Aviation/Space Writers Association and publisher and pictorial director of its manual published in 1970.

Called the dean of aviation public relations executives, Gall was given a special citation in 1969 by the Aviation/Space Writers Association for "distinguished and consistent practice of high integrity public relations for Curtiss-Wright . . ."

Earlier that year, Gall was cited by Vice Admiral V. J. Semmes, chief of naval personnel for his "dedicated service to the U.S. Navy." He is a past vice president of the Passaic-Bergen Council of the Navy League of the United States and has held membership in the Air Force Association.

Other than his naval and space-oriented affiliations, Gall has been a member of the Paterson General Hospital Board of Trustees, served on the New Jersey State Resource Development Council of the State Department of Conservation and Economic Development, the Wayne Board of Education, and the Wayne Advisory Board of the New Jersey Bank. He served for many years as a Passaic County jury commissioner and as a foreman of a Grand Jury.

The much-honored writer resides at 1208 Pine Lake Drive West with his wife, Helen, who is a lawyer as well as a noted poet and author of many articles published in nature magazines.

Mr. Speaker, Ronald Gall and his wife, Helen, were strong conservationists long before the Nation's conscience was awakened to the day-by-day threats to our environment and throughout the years, through their writings and, by example, through their highest standards of excellence, have expressed their deep concern and actively pursued a resolution to the growing problems confronting the integrity of our environment and ecological system. I know I am deeply honored to be numbered amongst their many, many friends and am pleased to have this opportunity to join with you and our colleagues here in the Congress in a national salute to all of their good works.

FRENCH MINISTER SUGGESTS WOMEN'S BENEFITS

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Ms. ABZUG. Mr. Speaker, the need to recognize as legitimate the work of nonpaid housewives in our society is apparent. Fourteen percent of all elderly women compared with 1 percent of elderly men have no income. Among those age 65 or over who do receive an income, the median annual income of men is approximately $3,750, while that of women is $1,900. Inequities exist in our social security and pension systems—not to mention credit, estate and gift tax laws, unemployment insurance, income tax laws, and welfare programs—which must be reformed in order to meet the survival needs of countless older women. To this end, I have introduced H.R. 252 which would amend the Social Security Act so that housewives would be covered and credited as performing services for the purposes of benefits. Legislation such as this will improve immensely the lot of older women.

I wish to draw to the attention of my colleagues an article recently published in the Washington Star-News. Although French public health minister Poniatowski's suggestion does not extend pension benefits to French women who have contributed a lifetime of housework, it does constitute a step in recognizing the economic contribution of women. His plan would give pensions at age 65 to mothers who have at one time worked in paying jobs. Officials in the French Health Ministry are already implementing his suggestion and drafting legislation to expand the social security system to include these women. Furthermore, there are hints that the French Government will soon extend benefits to all elderly women—to those who have worked hard but never been paid. We should likewise show that we value the contributions of our working housewives.

The article follows:

FRENCH MINISTER SUGGESTS WOMEN'S BENEFITS

(By William Steif)

PARIS.—French public health minister Michel Poniatowski wants the government to treat motherhood as a job, entitling a mother to a pension at age 65.

He proposed the idea in a weekend interview, and today officials in the Health Ministry confirmed they were drafting legislation to expand France's social security system to include mothers. They said it will be ready for parliament late this year.

"I will make sure that in the future mothers will enjoy a true social status," Poniatowski said, "and that they will be able to benefit from a pension."

While the idea seems startling—one health ministry official said France would be "the first country anywhere to have such legislation"—it actually represents only an expansion of what already is on the books here.

Eighteen months ago about 760,000 mothers who at one time worked became beneficiaries of government contributions to the social security fund. The 760,000 mothers are those with incomes low enough to qualify for government contributions on behalf of an employer who doesn't exist and an employee who doesn't earn an amount sufficient for the contribution to be computed. The government contributes about $16.25 a month for each of the 760,000. Total cost to the government is around $200 million a year.

Now Poniatowski wants to expand the system to cover all mothers who at one time worked in France. There are about 2.6 million; adding them to the system would quadruple the cost.

That still leaves 1.9 million French mothers who have never worked at any job but motherhood and who still, presumably would not be covered. But there are hints from inside the government that these would be next to become beneficiaries of the government largesse.

GAO WATCHES FOR BIG SPENDERS

HON. STANFORD E. PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. PARRIS. Mr. Speaker, as you know, one of my major concerns as a Member of this body is the need for fiscal responsibility in government.

As a member of the Government Operations Committee, I am constantly reminded of the excesses in Federal spending and the need for keeping the Federal budget under control. I am also constantly aware of the excellent job done by the General Accounting Office, which merits high praise for its efforts as a congressional fiscal watchdog.

Recently an article about the General Accounting Office appeared in the Christian Science Monitor. At this time, under my leave to extend and revise my remarks, I include that article in the RECORD.

"FISCAL FBI" HUNTS BIG SPENDERS IN WASHINGTON

(If Congress has the power of the purse, who watches how the money from the purse is spent? Who sees that funds are spent as they should be—wisely, efficiently, economically? The answer: Congress's little-known "fiscal FBI"—the General Accounting Office.)

(By Lucia Mouat)

WASHINGTON.—Economy-minded congressmen such as Sen. William Proxmire and Rep. Les Aspin wouldn't be without it.

Neither would less well-positioned taxpayers if they knew what it was doing for them—saving their government $263 million in cash during 1972, for instance.

Operating in gray semianonymity for most of its half-century existence, it recently has been breaking into the black newsprint of Page 1 headlines several times a month.

Give up?

It's Congress's fiscal FBI—that investigative auditing agency with the somewhat stodgy name: the General Accounting Office (GAO)

Actually the more than 1,000 reports this federal financial sleuth issues each year on everything from cost overruns on defense contracts to sanitation conditions in food-processing plants are anything but stodgy in conclusions and impact.

Though carefully couched in the most discreet language and always accompanied by the criticized agency's own view of the facts and comments, these blue-and-gray-covered reports enjoy rare esteem in the capital city as accurate, objective, and increasingly influential.

INFLUENCE EXTENDS FAR

Technically, GAO's enforcement power is almost nil. However, in a city where information is as valued and often as tightly guarded as gold bullion at Ft. Knox, this auditing agency's influence extends far beyond its legal powers.

Often fact-finding alone spurs reform. In the GAO's annual finger-pointing at federal agencies in hundreds of specific cases of wasted taxpayer dollars, onetime exposure to the spotlight is usually enough.

Among the many savings last year for instance were more than $1 million when the Department of Defense (DOD) shifted to buying surplus American butter (rather than buying its European counterpart) and more than $131 million when the Army followed GAO's suggestion to reduce heavy-equipment purchases and instead repair equipment already on hand.

Sometimes, though, changes are long in coming. GAO officials suggest that here, their reports' efforts to stir thought along new lines, considering alternative means to desired ends, is service enough to Congress and the taxpayer.

A bulky report on health facilities' construction costs issued last fall is, so far, a case in point.

Over the years, GAO has slowly but steadily been extending the scope of its probes—all with Congress's approval.

Formally set up in 1921 to keep close watch over congressionally appropriated funds, the agency at first assumed a clerical preoccupation with whether or not agencies balanced their books and spent what they said they did for declared purposes.

EFFECTIVENESS SOUGHT

Twenty-three years ago, Congress authorized the GAO to look beyond mere fiscal accountability to efficiency and, three years ago, to delve even deeper—into the sensitive area of program effectiveness.

This ever-broadening interpretation of auditing is implicit in the original legislation, in the view of Elmer B. Staats, GAO's Comptroller General, and well within the bounds of at least the Latin definition of the term—oversight—which he prefers to use.

Strict fiscal accounting now takes 10 percent of the 4,800-member GAO staff's time. Establishment of internal audits in various federal agencies and department (about half have them so far) has helped to lighten this load.

Also, as the prospect of more lump sums of federal money going directly to state and local governments grows, the GAO has been working with these governmental units to establish sound, uniform audit standards.

The Comptroller General, a tall, red-haired Kansan who has a PhD in public administration from the University of Minnesota and enjoys the independence of a 15-year presidential appointment (he is midway through), is openly eager to move the office into areas in which the GAO is "more uniquely equipped" to serve Congress and which are more "relevant" to the national legislature's needs.

HOW ROLE IS VIEWED

He envisions the GAO's rule not as that of a "think tank" for Congress, assessing national program priorities and advocating one solution over another, but rather as one pointing out areas of waste, inexpensive alternatives, and of assessing whether or not specific programs meet their legislative objectives.

At a time when the legislative branch has been rapidly losing ground in its tug-of-war with the executive branch, the scope and clout of the auditing agency's role as a congressional helpmate are considered crucial.

Accordingly, an effort is reviving on Capitol Hill to strengthen the GAO's legal muscle as a fiscal investigator. One such effort passed the Senate in 1969 but was never even reported out by the House Government Operations Committee.

One of the GAO's major problems in collecting data for Congress is the stone wall of noncooperation it meets in some agencies.

Two of the biggest withholders of information are the Treasury (though the Comptroller General stresses that the situation is improving) and the Internal Revenue Service.

In the case of Treasury's refusal to provide the working papers behind the Lockheed loan transaction of the department's Emergency Loan Guarantee Board, congressional committee intervention secured the data, but as Mr. Staats says, "They [Treasury officials] still contend officially we have no legal right to it."

DIFFICULTY SPOTLIGHTED

Crux of the difficulty here is that when the GAO has a difference of legal opinion such as this with an executive-branch agency, it is effectively the Attorney General and the Justice Department which become the counsel for both. Almost invariably, according to GAO officials, the executive-branch version of the law gains the upper hand.

One current case in point involves GAO's relatively new job of gathering data on presidential campaign contributions and monitoring campaign media spending. Several times in the course of its investigatory work, the GAO came across repeated failures of finance Committees for the Re-election of the President to report certain contributions.

Interviewing a number of individuals reported to have made such political gifts, GAO investigators in most cases were told in the affirmative that contributions had been made. Although the Justice Department has levied fines in a few instances, Mr. Staats repeatedly has called on the Office of the Attorney General to "take the initiative" in prosecuting more of the many alleged violations.

"How can you get separation of powers under such conditions?" asks Mr. Staats. "We think it's essential not to have to depend on the executive branch to say whether or not we can bring a case to court."

The GAO also seeks power to subpoena records of the many contractors who supply goods and services to the government. Although the law is quite clear on this point, insisting that such records be provided, reluctant contractors often opt for delays rather than outright refusals to stave off the GAO. "They don't say 'no' but they don't say 'yes.'" says Paul Dembling, GAO's general counsel.

CLUB IN THE CLOSET?

Bills introduced on the Senate side by Sen. Abraham A. Ribicoff (D) of Connecticut and Sen. Sam J. Ervin Jr. (D) of North Carolina would award the GAO both of these valuable legal tools.

In GAO's view, the mere possession would be a deterrent. As Mr. Dembling puts it, "Having a club in the closet could prove to be very useful."

No such legislation has yet been introduced on the House side, and it is considered less likely to vote the GAO the new powers. However, as one GAO staff member says, "The House voted to cut off funds for U.S. bombing of Cambodia this year—who knows what they'll do on the GAO?"

Proponents of a stronger GAO insist the congressional auditing arm will be no less discreet in treating information as classified (if it is) and/or including the agency's comments in reports than before.

As a former employee of the executive branch—serving as deputy director of the Bureau of the Budget under four presidents—Mr. Staats concedes he well understands agency reluctance:

"They are concerned that if we have the information physically it may get distribution or taken out of context." However, he says he has no sympathy for this position because he feels GAO precautions are such as to leave it no basis.

In the meantime, as GAO auditing functions have broadened at least in theory, so has the nature of the staff. In the last four years, more professionals, such as lawyers, engineers, sociologists, and the like, have been hired than accountants. In addition to a headquarters and 50 on-site audit offices in various governmental agencies in Washington, there are 15 field offices around the United States and 4 overseas.

BUDGET FAIRLY SOLID?

The GAO network operates on a $90-million-a-year budget, slim by some standards but generally considered fairly solid.

About 70 percent of the legislative agency's reports are self-initiated. Congressional requests from both individuals and committees have quadrupled over the last six years since Mr. Staats has been in office and now keep about 25-to-30 percent of the staff fully occupied.

Despite its reputation for accuracy and nonpartisanship, the GAO does have its critics. For the most part, however, they are few, and the criticism is muted.

Understandably, executive agencies sometimes bristle at charges leveled at them, but since GAO findings are usually based on their own records, they are often hard-pressed to refute them.

There are a few on Capitol Hill who say they think the GAO is too friendly with the executive branch. "I don't think they're really digging as much dirt out as they should be," says one Republican committee aide.

REPORTS DEBATED

If the reports are too cautious and bland for some, devoid of "purple language" and "desk pounding," Mr. Staats insists it is strictly intentional.

Though admitting this one subject on which there is constant internal debate, the Comptroller General sees it as the prerogative of the individual congressman to add such peppery adjectives when a report happens to suit his purposes.

The timing of reports is a more universal concern. Everyone would like to see them come out faster and be more closely timed to congressional appropriations and authorization decisions. With access delays a substantial factor, the average GAO report takes six to nine months before the agency's printing office (it has its own) puts out the final version. However, as Mr. Staats points out, so-called "letter" reports, a few pages long, can often be issued within a week or two, and GAO staff members can always brief congressional committee members well before any GAO reports are finished.

Some who commend the nonpartisanship of GAO reports themselves are critical of the politics involved in the congressional follow-through or lack of it.

Recalling the days in the mid-1960's when he served as a member of the House Government Operations Committee, and majority staff members greatly outnumbered the minority, Rep. Robert McClory (R) of Illinois says:

"The committee deliberately sidestepped investigations of discrepancies and irregularities which might reflect on the [Democratic] administration."

Whatever the politics of Congress's choices of action, Mr. Staats considers the GAO's objectivity and credibility among its main strengths. As time goes by in this political city, the GAO may find itself increasingly hard-pressed to preserve that reputation for neutrality. As it moves further into the sometimes subjective area of evaluation, it may trigger some charges of partisanship.

VEYSEY URGES END TO BEEF PRICE FREEZE

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. VEYSEY. Mr. Speaker, I rise to direct the attention of all Members of the House to the beef supply situation and the need for an end to the freeze on beef prices.

I have received evidence that up to 25 percent of the beef processing employees in the Los Angeles area are now unemployed.

Nationwide, beef marketing and beef supplies are down 26 percent from last week and 32 percent from last year.

During the last week in July last year, American farmers marketed 469,000 head of beef. During the same week this year, that figure was down to 323,000 head.

Yesterday, only 80,000 head were marketed, only a week ago yesterday, 116,000 head were sold.

Across the country, 45 packingplants have shut down completely. Some of the smaller ones will not be able to open again unless the freeze is lifted soon.

Another 31 packingplants, including many of the largest in the Nation, have curtailed production by as much as 50 percent.

Mr. Speaker, these figures spell out clearly, why one-fourth of the beef processing industry employees have been laid off their jobs, why many large restaurants are rationing their beef, why the American housewife across the country is struggling to find enough beef to feed her family, and ironically, why the White House this week was unable to buy a full beef order.

Beef producers are not likely to release any more cattle for slaughter than they absolutely have to until the freeze ends. They reason that it would be foolish to sell if they can wait until September 13 when the freeze is scheduled to be lifted.

And they are holding cattle—they're holding them out of the feedlots as long as possible, and those which are already on feed are getting their feed cut back. The idea is simply to wait this freeze out, and count on sharply higher prices to offset the extra cost of holding on to the cattle.

Mr. Speaker, the dangers of keeping this freeze on through mid-September are numerous. By drying up the beef supply between now and then, and holding prices frozen, we are inviting black marketing on a grandiose scale.

Of course, with the supply of beef sharply down, the price of other substitute foods is going to go up accordingly, thereby increasing, rather than lowering the food bill for many consumers. And that has already happened. With the freeze scheduled to last another six weeks, pork, lamb, and poultry prices will rise to all-time record levels.

On another front, such distortions in the normal pricing and marketing machinery, can wreak havoc with the supply-demand relationship in the intermediate future.

Every steer that gains 100 pounds extra because of the freeze induced holdout will be substantially overweight when he is finally marketed. And if one out of every three head normally sold is off the market until after September 12, we can project a supply of beef above normal immediately following the September 12 freeze cutoff.

Conceivably such a substantial temporary oversupply could bring economic chaos to the beef industry, as well as to producers of other livestock whose prices would fluctuate accordingly.

Mr. Speaker, I urge my colleagues to take the initiative in attempting to convince the President and the Cost of Living Council to end the beef price freeze as soon as possible. It was economic folly to maintain the freeze on beef while eliminating it on other products.

And it is pure foolishness to continue the freeze on beef when we can see so clearly the detrimental impact that it is having, and will continue to have.

Mr. Speaker, yesterday, the Senate voted 84 to 5 to end the freeze on beef prices by legislation. I appeal to each of my colleagues to show the same judgment and take a leading role in bringing the freeze to an early end.

STATEWIDE RECYCLING PLAN

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. DINGELL. Mr. Speaker, on August 1, the Washington Star-News featured an article on a statewide plan in Connecticut for recycling garbage. This reuse of solid waste provides metal, glass, and fuel, while reducing disposal problems. I insert the article along with my approval and recommendation that this program be a model for other States:

TRASH: THE ANSWER

HARTFORD, CONN.—Short on dumping grounds and tired of smoky incinerators, Connecticut has announced a statewide recycling plan that eventually will convert all its garbage into electricity, fuel and reusable metal and glass.

The state Department of Environmental Protection earlier this week unveiled a 20-year, $295-million blueprint for solid waste disposal that relies heavily on still unproven technology being tested in other parts of the country.

A spokesman for the federal Environmental Protection Agency said the plan was unique in its scale.

It calls for Connecticut to build 10 "resource recovery plants" at the rate of one each year beginning in 1976. The plants will separate bulk refuse into reusable materials such as aluminum, glass and ferrous metals, which will be sold.

What little remains will be carted away to landfills.

The state plans to build 45 centers where garbage will be collected and shipped to the recovery plants by truck, barge or rail. The plan also calls for 18 new landfills.

The state hopes to increase the amount of waste recovered from the present figure of less than 5 per cent to more than 60 per cent by 1985.

By 1975, they anticipate recovering enough from iron and steel to build 200,000 automobiles, enough glass to make 450 million bottles, 23,000 tons of aluminum and enough energy to generate 10 per cent of Connecticut's energy needs.

Pulverized, combustible refuse will be mixed with oil in a conventional power plant boiler and burned to produce electric power.

More than 3.3 million tons of garbage—more than a ton for every man, woman and chid in the state—went to Connecticut dumps, landfills and incinerators in 1972. The amount is expected to double in 20 years.

State environmental officials say only one incinerator in Connecticut presently meets federal air pollution standards and only 14 of 144 landfills meet federal pollution standards.

Once the system is built, annual operating costs are expected to be around $50 million. The system is to become self-supporting through user fees and the sale of recycled waste. The General Electric Co., received more than $1 million to create the Connecticut plan.

Briefly, here is how it is supposed to work:

Incoming refuse will be shredded to eight-inch particles, then sent through a series of vertical zig-zag passages where an upward blast of air will separate it into light and heavy materials.

Lighter materials such as paper and plastic will be carried up to a storage bin while dirt, rocks, glass and metal will fall into another.

The lightweight matter eventually will go through a "combustible separator" where embedded glass and inert particles will be removed. What's left will be shredded to one-inch particles and stored for fuel.

FURTHER ENVIRONMENTAL OBJECTIONS TO THE GARRISON DIVERSION UNIT PROJECT OF THE BUREAU OF RECLAMATION

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. VANIK. Mr. Speaker, on June 28, Congressman SAYLOR and I opposed the appropriation for fiscal year 1974 of the Bureau of Reclamation's Garrison Diversion Unit project in North Dakota. Our opposition was based on both environmental and economic factors.

Since that time, we have received a copy of a letter from Russell Train to Secretary Morton which expresses strong opposition to the continuation of the project on environmental grounds.

Now, additional information opposing this project has become available. I would like to enter into the RECORD a memo from the Bureau of Sport Fisheries and Wildlife—a Bureau of the Department of the Interior—concerning the draft environmental impact statement for the Garrison Diversion Unit. It now appears that even within Interior itself, there is growing recognition of the disastrous environmental consequences of this project.

The memo follows:

U.S. DEPARTMENT OF INTERIOR, FISH
AND WILDLIFE SERVICE, BUREAU
OF SPORT FISHERIES AND WILDLIFE,
Washington, D.C., July 9, 1973.

To: Commissioner, Bureau of Reclamation.

Through: Assistant Secretary for Fish and Wildlife and Parks.

From: Director, Bureau of Sport Fisheries and Wildlife.

Subject: Review of Draft Environmental Impact Statement for the Garrison Diversion Unit.

This is in response to a memorandum from Mr. W. H. Keating, Assistant Commissioner of Reclamation, dated April 9, requesting our review and comments on a draft environmental impact statement for the Garrison Diversion Unit, North Dakota. We have reviewed this statement, and, as a result, we have reached the following conclusions:

The draft environmental statement does not provide an adequate assessment of the impact of this project on the fish, wildlife, and recreational resources in the project areas, not does it provide sufficient information to make such an assessment possible.

Major exclusions are (1) a description of the environment and the associated flora and fauna in a level of detail that would provide a base for assessing the impacts of the project, and (2) a description of the various habitats that will exist after the project and a description of the fauna that might occupy such habitats.

The mitigation of adverse impacts of the project on fish and wildlife resources and enhancement of such resources through the development of the 36 fish and wildlife development facilities must be reexamined because of new knowledge of the northern prairie pothole ecosystem and new directives of this Department on wetlands and their associated flora and fauna.

The following comments address general topics which we believe must be addressed in the final EIS. Specific comments on the draft EIS are appended.

FISH AND WILDLIFE FACILITIES

Our review of the fish and wildlife facilities has shown that emphasis was placed on providing permanent fresh water areas for ducks. However, factors of importance to waterfowl, shore birds, and other species of birds and animals were not sufficiently analyzed in light of today's knowledge of the prairie pothole region. Some of these factors are:

1. The importance of brackish and saline marshes to migratory shore birds.
2. The relative value to all species of migratory birds of those wetlands presently found in the proposed fish and wildlife development areas to the proposed managed marshes.
3. The impact of carp and other rough fish species on waterfowl production areas throughout the project area. It should be mentioned that National Marine Fisheries Service has advised that screening technology is available which may prevent entry of rough fish into the McClusky Canal.
4. The impact of project waste water on waterfowl production areas.
5. The adequacy of presently planned water supply systems and schedules to provide water to control or prevent botulism outbreaks associated with managed marshes.

All of the above factors must be examined before an adequate environmental assessment of the impact of the proposed fish and wildlife facilities can be made. A comprehensive assessment of the relative values of wetlands should include consideration of water permanency, depth, salinity, and associated vegetation and invertebrate communities.

Construction of the Garrison Diversion Unit will take place over a period of several years. During this period, new techniques in marsh development and management may appear. These techniques would influence the development and management proposals for the fish and wildlife areas. We would like to emphasize that present plans for these areas are not rigid and could be modified if modifications appear desirable. Language to this effect should be included in the final statement.

National Wildlife Refuge (NWR's) and Game Management Areas (GMA's)

An analysis of the impact of the project on existing NWR's and GMA's must be made. This analysis should include J. Clark Salyer NWR, Sand Lake NWR, Tewaukon NWR, Audubon NWR, Arrowwood NWR, plus GMA's in the project area. The present statement does not examine the impact of increased flows, increased levels of dissolved solids, increased levels of pesticides and nutrient loads, the potential introduction of carp, and other changes in the productivity and carrying capacity of these areas. A particularly significant problem is the increase in total dissolved solids that will occur in J. Clark Salyer NWR. Should Canada refuse to allow the quality of the water entering their country through the Souris River to be degraded and J. Clark Salyer NWR is used as an evaporative sump for project waste water, the value of this area to fish and wildlife would be lost.

Natural Wetlands

In addition to the above questions on NWR, GMA, and proposed fish and wildlife areas, impacts on rural wetlands are not quantified. One concern is the impact of ground water level changes induced by project canals intersecting various aquifers. What is the zone, of influence of these canals? Will wetlands be drained through such actions? If wetlands are created by raised water levels as has occurred in other areas, will they be maintained or drained? Other concerns are the extent and location of direct wetland losses due to drainage for farm land, routing of canals through wetlands, and changes of water quality and volume in natural wetlands modified for water conveyance or storage.

In any reexamination of the values of wetlands to migratory birds, the technique described by Stewart and Kantrud in "Classification of Natural Ponds and Lakes in the Glaciated Prairie Region," *U.S. Bureau of Sport Fisheries and Wildlife Resource Publication 92*, may be used for guidance.

This resource publication along with other technical data and publications, such as those found on the appended bibliography, could be used to describe all the wetlands to be impacted by the projects. Such a description should provide a comprehensive chemical, physical, vegetational, and faunal description of each wetland complex. The productivity of these areas should be quantified wherever possible. At a minimum waterfowl, shore bird, and furbearer production should be estimated. The relative value of each major complex as resting and feeding grounds for migrating birds should be described. Once such a baseline description has been accomplished, the changes caused by the project can be similarly described, and the losses or gains in productivity and other wildlife values can be estimated.

Uplands

The impact on the wildlife resources of modifying upland habitat of the project area has not been examined in sufficient detail nor has it been quantified. Of particular concern to our Bureau is the impact of land use changes on migratory birds that utilize the uplands during the breeding season A complete accounting of the present upland habitats, including quantification of native and domestic pasture and hayland, cropland, idle land, and other land types, should be made for each segment of the project. Estimates of the species composition and abundance of breeding migratory birds inhabiting each of these areas should be made. Post-project conditions should be described at the same level of detail.

Riparian Habitat

The riparian habitat and associated woodlands found along the Souris, Sheyenne, and James River systems provide limited but unique wildlife habitat in North Dakota. Modification of these areas through such project activities as channelization, riprapping, and increased volumes of flow and nutrients, in adjacent streams will have an impact on the value of these areas for fish and wildlife. We believe this impact should be assessed in detail.

Fisheries Resources

The potential for enhancing the fisheries' resources of North Dakota through the development of the Garrison Diversion Unit appears to be significant. Restoration of Devils Lake and stabilized flows in various rivers are examples of project actions that will enhance fisheries potential. There are project impacts that may reduce or prevent the realization of this potential. Some of these impacts are the possible introduction of carp and other rough fish, increased concentrations of agricultural chemicals and feedlot effluents, increased dissolved solids, channelization, and installation of numerous pumping stations.

We believe a more comprehensive description of the various aquatic habitats found in the project area is needed. Where applicable, these descriptions should provide profiles of flow velocity and volume, dissolved solids, nutrient levels, dissolved oxygen, temperatures, and other water quality measurements. The flora and fauna of these aquatic areas should be described giving special attention to fish species composition and abundance. By providing such background information, the changes in the environment can be described and the impact on fish and wildlife resources estimated.

We believe such an analysis would have the added advantage of identifying actions that could be taken to minimize adverse impacts or enhance fish and wildlife values.

Enhancement of Fish and Wildlife Resources

In any water development project, unexpected habitat changes occur. While some of these may be detrimental, many times the changes have the potential for significantly improving fish and wildlife production. A good example of this is the wetlands that were created by various water developments in the Columbia Basin Project.

Development of the Garrison Diversion Unit will undoubtedly create unexpected habitat changes that will directly benefit fish and wildlife, or through management will have the potential for benefiting fish and wildlife. Some of the changes we can anticipate are the creation of wetlands adjacent to project storage and conveyance facilities and increased riparian habitat along project conveyances, storage facilities, and drains.

To fully realize the potential benefits of these changes, it may be necessary for these areas to be dedicated to and managed for fish and wildlife use. As an example of the need for management to realize the potential of these changes, we noted that no mention was made in the statement of the increased demand for hatchery-reared fish generated by development of new fishing areas created by the Garrison Diversion Unit. Demands on production from existing hatchery facilities exceed present production capabilities. New facilities or expansion of existing facilities may be needed if anticipated stocking requirements created by the Garrison Diversion Unit occur.

We believe that the potential for enhancement of fish and wildlife productivity beyond the fish and wildlife development facilities should be recognized in the statement. We also believe that the methods that could be employed to realize such potential benefits should be discussed in the statement.

It is fully recognized that the Bureau of Reclamation has not previously been made aware of some of the foregoing. It appears that in some cases, additional studies will be required if the deficiencies are to be corrected. Our regional planning staff stands ready to elaborate on these matters and to assist you in the preparation of a final statement.

KENNETH E. BLACK.

FLIGHT PAY FOR SENIOR OFFICERS: A DIALOG

HON. RALPH S. REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. REGULA. Mr. Speaker, last month the House voted to instruct its conferees to insist on disagreement to title III of the Senate amendment to H.R. 8537 amending the Dependents Assistance Act of 1950. The issue was flight pay for officers of the armed services who are qualified pilots of the rank of colonel and above who are not assigned to flying jobs. Following the vote of the House refusing to accept the Senate amendment which would have authorized such pay, I received a thoughtful letter from a naval aviator reflecting a point of view not discussed during debate. I believe our dialog served a useful purpose and may to each of my colleagues. I, therefore, insert the text of our correspondence for all to read:

LETTERS

DEAR MR. REGULA: I am taking this opportunity to write to you concerning the vote by the House on June 28, 1973 on bill HR 8537 to disagree with the amendment of the Senate concerning flight pay for senior officers.

I was born and raised in Canton, Ohio, and my permanent home address is 2743 Blackfriars Drive, NW, Canton, Ohio. I entered the naval service in 1942 and have been a naval aviator since 1947, so you can see I have an interest in the final decision of the Congress concerning subsequent revisions to the flight pay issue.

I would like to present to you some aspects of this issue which were not debated and which might be of assistance to you in the future. In the 26 years that I have been a designated aviator, there was never a question in my mind or in the minds of my compatriots that I would ever be denied flight pay except for one reason, i.e., unable to pass a flight physical. My financial base (investments, college programs for my children, etc.) has always been predicated on the reasonable assumption that the Congress would not arbitrarily reduce significantly my income. Needless to say, the decision to reduce my income by 10% has created financial problems.

Be that as it may, I believe the decision to terminate flight pay for senior officers not involved in flight operations, per se, will have an adverse impact on the efforts of the Services to induce young men to make a career out of military flying, and in the long run will cost the taxpayers significantly more than the immediate short term savings. The young aviators can't help but observe that the Congress has "changed the rules in the middle of the game" so to speak, and that they too could be subjected to arbitrary decisions which would impact unfavorably on their financial status. They know that if they fly for the airline companies that the Teamsters Union will assure them of financial stability.

As a result, it is my belief that in order to provide for the air power necessary to ensure that the United States can have some control over its destiny with relation to other countries, it will be necessary to provide sizeable bonuses to aviators, just as we are now doing today for submariners.

One other aspect of this issue which warrants discussion is the fact that an overwhelming majority of the senior officers who are not actively flying were forced to do so involuntarily. They were directed not to fly in order to cut down on the cost of maintaining aircraft. A large majority of these relatively young senior flight officers would no doubt be ordered back into a flying status in the even of a national emergency requiring full mobilization.

Mr. Regula, I ask only that you review carefully this most complex issue when it returns to the Congress for further consideration, and that your decision be based upon something more relevant than the somewhat frivolous argument that was presented June 28th, and that was alluded to in the Washington Post as having a decided impact on the House in their decision to terminate flight pay for senior officers not engaged in combat flying.

Respectfully yours,
Capt. DELMAR H. EVANS,
U.S. Navy.

DEAR CAPTAIN EVANS: I would be interested in your thoughts on why you feel that those who fly should receive more compensation than an officer of comparable rank assigned to artillery or some other type of military responsibility. The floor discussion did not really speak to this question and yet it seems to me that this is a basic issue.

Sincerely yours,
RALPH S. REGULA,
Member of Congress.

DEAR MR. REGULA: This is in reply to your letter of July 12, 1973, in which you indicated that you would be interested in my views as to why those who fly should receive more compensation than an officer of comparable rank assigned to artillery or some other type of military responsibility.

First I would like to state that the views herein are mine alone and do not necessarily represent those of the Navy. I would further hasten to add that I am not qualified to comment on the amount of compensation considered appropriate for those officers assigned to artillery or other type responsibilities.

The issue as I see it is that the government spends approximately two years and about $800,000 to train a pilot. There is a civilian market for this skill, and I have a strong feeling that a vast majority of the nation's airline pilots are former military pilots. So there is a situation somewhat like that in the medical profession. Additional compensation has to be offered in order to encourage these service members to make a career out of the military. An additional cost factor in this nebulous equation is the aircraft accident rate. As the quality of pilots go down the accident rates go up. With the cost of military aircraft approaching one million dollars each it doesn't make much sense to look for ways to save money by cutting costs for pilot compensation.

In peacetime, there aren't too many factors which would encourage a pilot to make a career out of the military rather than the civilian airlines under the current compensation rules. The 45 year old service pilot takes a 10% pay cut at the time in his life when his family's financial demands are at a peak. The 45 year old airline pilot can look forward to 15 more years of flying with steady increases in salary, a salary significantly higher at the onset.

The military pilot is forced to accept his reduction in income or retire and face considerable financial instability while seeking a new occupation, here again at a time in his life when he needs considerable financial stability.

The military pilot also realizes that his profession is considerably more hazardous as evidenced by his high insurance rates and the periodic loss of close personal friends—losses that occur during routine training flights as well as in combat. In fact, most of my close friends that were killed in aircraft accidents were killed during *routine* training flights.

In summary, I believe that in order to save money in the long run, more compensation to military pilots, not less, will be required, and I believe it will be significantly more than what was required in the past, because in peacetime the military career probably will not appeal to many of our citizens. As you know back home in Ohio we have a saying, "Penny wise and pound foolish." I believe the decision to terminate flight pay for senior officers fits that saying very aptly.

Yours most respectfully,
Capt. DELMAR H. EVANS,
U.S. Navy.

DEAR CAPTAIN EVANS: Thank you for your reply to my letter about flight pay.

You cite some cogent reasons why senior pilots in the service should be compensated more than those who are not flying. Flight pay is incentive pay. If the purpose is to provide senior officers with financial stability and to retain them in the service, then lets do that and call the pay something other than flight pay. If the purpose is to provide a monetary compensation for dangerous activities, and flying is considered a dangerous activity, then only those that actually fly should receive the pay.

If you have no objections, I would like to publish the text of our dialogue in the Congressional Record in the hopes of sparking greater national interest in this matter.

With best regards, I am,
Sincerely yours,
RALPH S. REGULA,
Member of Congress.

DEAR MR. REGULA: This is in reply to your letter of July 24, 1973, in which you expressed a desire to publish the text of our dialogue on flight pay for senior officers in the Congressional Record.

I am flattered that you consider my comments worthy of such recognition and I would be honored to have our dialogue included in the Record.

Yours most sincerely,
Capt. DELMAR H. EVANS,
U.S. Navy.

HILL UNIT REVISES U.S. EVIDENCE RULES

HON. WILLIAM L. HUNGATE

OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Friday, August 3, 1973

Mr. HUNGATE. Mr. Speaker, the following article from the Washington Post of August 3, 1973, is helpful in describing the activities and program of the Subcommittee on Criminal Justice of the House Judiciary Committee, in its work on the proposed Evidence Code.

I would like to correct one error, the occurrence of which is easily understandable since the reporter and I discussed the matter over an eight-party country telephone line.

The article quotes me saying:

> Everybody already knows the law of privilege.

What I actually said was "everybody already thinks he knows the law of privilege."

The article follows:

HILL UNIT REVISES U.S. EVIDENCE RULES

(By John Field)

A House Judiciary subcommittee has revised the Supreme Court's proposed Federal Rules of Evidence to eliminate the most controversial sections from the standards under which federal judges will admit testimony.

The Subcommittee on Criminal Justice, chaired by Rep. William L. Hungate (D-Mo.), deleted from the new rules a much-criticized provision which would have protected confidentiality of state secrets and eliminated provisions that would have drastically restricted the privilege against testimony by spouses and the doctor-patient privilege.

The new evidence code, adopted last fall by the Supreme Court and originally scheduled to have gone into effect July 1, was to have provided for uniformity among the U.S. District Courts in admitting evidence in civil and criminal cases, but many of the changes made by the subcommittee would hamper that goal.

The revised rules, which were open to comment by the legal community and the general public last month, are a key topic of conversation among trial lawyers attending the annual convention of the American Bar Association here this week and next. At least two ABA panels—one for lawyers and one for judges and magistrates—will be discussing the new evidence rule specifically.

The normal procedure for adoption of court rules was suspended by Congress when it received the proposed Federal Rules of Evidence early this year from the Supreme Court. Normally, court rules go into effect if either house of Congress has not vetoed them within 90 days of receipt.

This year, however, Congress suspended enactment of the rules to give it more time to study them, and the Hungate subcommittee has been working under some time pressure to get the revisions completed as soon as possible.

In the key area of privileges against testimony, the House subcommittee revisions substitute a general rule on privileges for specific rules drafted by the Committee on Rules and Practice and Procedure of the U.S. Judicial Conference and adopted by the Supreme Court.

The general rule, except in the area of Fifth Amendment rights against self incrimination or other congressionally enacted privileges, provides that state law will apply if the state where the district court is located has a law on the subject, and in other cases so-called common law as interpreted "in the light of reason and experience" will apply.

That is how existing law applies on all questions of admissibility of evidence in federal courts, and the rules draftsmen, headed by attorney Albert E. Jenner of Chicago, had sought to eliminate the ambiguity of the "In light of reason and experience" standard.

Congressional critics of the new rules, however, feared that the Supreme Court was, in effect, making new law in adopting the specific privilege rules.

Hungate, explaining why the subcommittee dropped the privileges rules, said many of the witnesses who testified in six days of hearings felt "everybody already knows the law of privilege," so that it didn't need to be in the proposed evidence rules.

The rules dropped by the subcommittee included:

Lawyer-client privilege, which was generally the same as most current state laws.

Husband-wife privilege which was much more restrictive than most state laws and was criticized as having a profound effect on family relationships.

Psychotherapist-patient privilege substituted for the more general doctor-patient privilege, which was left out of the rules by the drafters.

State secrets, which also included "official information" in addition to secrets relating to the national defense or foreign relations.

The last privilege was especially controversial amid the debate over executive privilege as it relates to the Watergate scandals and the dairy co-op case, in which milk price supports were increased while substantial contributors by the dairy co-ops were being made to President Nixon's re-election campaign.

The Supreme Court however, could adopt a ruling similar to the evidence rules' state secrets provision when the Watergate subpoena cases reach the high court.

The federal rules route, however, would have had the acquiescence of Congress, and therefore probably would have carried greater weight and been more definitive than a disputed Supreme Court ruling on the subject of official secrets and executive privilege.

Hungate noted that the main criticism of the rules, other than on the privileges issue, was a lack of notice to the legal community and the general public. To eliminate this, the tentative revised rules were open to comment last month.

Hungate expected the subcommittee to resume work on the rules after Congress' August recess, with hopes of reporting the revised rules to the full Judiciary Committee by Oct. 1. He said floor action is expected by the House before this session of Congress ends.

Since the bill provides that the rules won't take effect until six months after enactment, the new rules will not be in use in federal courts until at least a year after the Supreme Court originally intended for them to become effective.

In revising the rules into an act of Congress, the subcommittee was also careful to make technical changes in the wording of the rules to make it clear that the Supreme Court cannot make law when it "prescribes" rules "pursuant to statutory authority," in the wording of the revised rules. To this end, the new provision for the Supreme Court to amend the evidence rules gives either house of Congress 180 days, instead of 90, to veto any amendment.

STATEMENT ON REPEAL OF THE PRESIDENT'S WAGE-PRICE POWER

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. KEATING. Mr. Speaker, I have today introduced legislation to repeal the Economic Stabilization Act which gives the President the authority to impose wage and price controls. Recent experience with the phase 3½ price freeze has clearly demonstrated that price controls tend to create shortages and distortions. Furthermore, the phase 3½ freeze as well as the earlier freeze which the President announced on August 15, 1971, have shown that short-term freezes are not effective in permanently slowing the rate of inflation.

In examining the President's economic program, it is essential to point out that the two freezes within the past 2 years were announced amid vastly different economic conditions. In 1971, the economy was recovering from a recession. There was substantial overcapacity as the unemployment rate in August 1971, stood at 6.1 percent overall and 5.7 percent among experienced wage and salary workers. The inflation rate was not very severe prior to the imposition of the freeze. In the 9 months from December 1970, until August 1971, the overall rise in the Consumer Price Index was 3.8 percent while the rise in food prices was 4.8 percent. The economy on which the President imposed the August 1971 freeze was thus not greatly overheated and controls might have been expected to work.

The announced purpose of the August 1971 freeze was to slow the rate of inflation so that we might return to a free market economy with a lower rate of inflation than prior to the freeze. The freeze was successful in holding down prices during the freeze period which is not really surprising. The significant statistic is the rate of price increase which occurred in the post-freeze bulge. From November 1971, until February 1972, the Consumer Price Index rose at an annual rate of 4.8 percent while food prices rose at a 9.7 percent rate. No one can tell what the rate of inflation would have been in the absence of a freeze, but most economists agree that much of the price increase pressure was merely postponed during the freeze and showed up afterwards when the freeze was lifted.

In mid-1973, the economy was operating very close to capacity. In May 1973, the overall unemployment rate was 5 percent and the rate among experienced wage and salary workers was 4.6 percent. In the first quarter of 1973, GNP increased at a seasonally adjusted annual rate of 15.2 percent including a 17.8-percent rise in consumer expenditures for food products. During the phase III period prior to the imposition of the latest freeze on June 18, the CPI increased at an annual rate of 8.3 percent while food prices increased at the rate of 20.3 percent. In this setting, a price freeze could be expected to be disastrous as well as ineffective. This is exactly what happened.

Immediately after the imposition of the freeze, it became evident that distortions were appearing in many sectors of the economy. The food industry was by far the hardest hit because demand had been surging and wholesale and commodity prices were rising sharply in the period prior to June 13. At the same time, retailers and wholesalers had not yet adjusted their prices to reflect their increased costs and a squeeze resulted.

Raisers of livestock and poultry received the most publicity on their problems, but the hardships extended to many industries. Vegetable and fruit wholesalers were forced to sell products at a loss since raw farm prices were not frozen. Margarine producers were faced with losses if they continued production and flour millers were faced with a similar problem.

Since July 18, when the President lifted the price freeze on all food products except beef, the detrimental effects of controls on the beef industry have been highlighted. Slaughter figures are down sharply this week and there are widespread reports of beef shortages.

The post-freeze price bulge will apparently eat up most of the slowdown which was accomplished by the freeze. A Newsweek survey this week of prices in five major cities reported price increases of up to 22 percent on pork chops, 18 percent on lamb chops, and 35 percent on bacon. These are admittedly extreme examples, but Herbert Stein, Chairman of the Council of Economic Advisers, has warned that further food price rises are in store. All experts agree that the beef price will rise substantially whenever the freeze is lifted on that product.

There are those who argued for the imposition of direct wage and price controls on the grounds that there is no other way to prevent runaway inflation. This proposition overlooks the fact that the Federal Government has been pursuing an extremely inflationary monetary-fiscal policy.

If our past experience of the last 2 years has taught us anything it is that our economy defies simple solutions to complex monetary problems. With the economy in its current expansionary state it is essential that the Federal Government pursue a policy of fiscal restraint.

The freeze of August 15 turned out not to be a short temporary action, but the story of a long drawn out policy that is now in phase IV. There cannot be a phase V, we must move to completely eliminate wage and price controls and let the pressures of the marketplace work.

The period since August 15, 1971, has seen some of the sharpest increases in the cost of living, an unprecedented attack on the dollar abroad, and now policies to restrict the export of American products. It is my opinion that the U.S. economy and the interests of the consumer, of labor, and of industry will be better served by a lack of direct economic controls. I am, therefore, introducing this bill to repeal the Economic Stabilization Act.

STATEMENT OF DR. THOMAS D. KINNEY

HON. RICHARDSON PREYER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. PREYER. Mr. Speaker, Dr. Thomas D. Kinney, director of Medical Education, Duke University Medical Center, intended to testify on July 26 before the Senate Subcommittee on Appropriations for Labor-HEW, chaired by Senator WARREN MAGNUSON. Because of the large number of individuals who requested invitations to testify before the aforementioned subcommittee, it became apparent that witnesses would have only about 5 minutes to present their testimony. Dr. Kinney, therefore, is submitting his statement to the committee staff for insertion in the Record of the hearings. I would also like to place his very cogent statement into the Record.

I believe Dr. Kinney's remarks commending the budget of the National Institutes of Health, one of our greatest national resources in the field of medicine, are particularly timely and I commend Dr. Kinney's statement to all who are concerned with medical research:

Statement of Dr. Thomas D. Kinney

Mr. Chairman, distinguished members of the Committee, I am Thomas D. Kinney, M.D., Professor and Chairman of the Department of Pathology, Duke University, and Past-President of the Federation of American Societies for Experimental Biology. The Federation consists of the American Physiological Society, the American Society of Biological Chemists, the American Society for Pharmacology and Experimental Therapeutics, the American Society for Experimental Pathology, the American Institute of Nutrition, and the American Association of Immunologists, with a membership of 13,000. Approximately one half of the members of the Societies teach in the Nation's 110 medical schools. The remainder are members of the faculties of universities and colleges, work in nonprofit research institutions, in the pharmaceutical industry, or are employed by the Federal Government. As experimental biologists, we provide most of the basic discoveries which undergird the improvement of medical care for the Nation.

I appreciate the opportunity to testify before this Committee for the support of the budget for the National Institutes of Health.

I reviewed the Administration's budget for fiscal year 1974 and I am deeply concerned that the proposed budgets for all Institutes, with the exception of Cancer and Heart, have been decreased. The largest decrease, over 13 million, was in the National Institute of General Medical Sciences. I am also alarmed at the obvious trend to increase funding for "targeted" research through contracts at the expense of grants. The grant mechanism has prevailed for more than 20 years with an enviable record of success.

The National Institutes of Health represents a Federal establishment which, since World War II, has built a reputation of excellence, both nationally and internationally. NIH supported most of the Nobel Laureates awarded prizes during this period in the fields of Chemistry, Physiology or Medicine.

During the past several years, there has been an effort to industrialize research and to do away with the peer-review system, to phase out training grants and to dismantle NIH. I find it most difficult to understand this reasoning or to comprehend its justification. Contracts have led to reduction in the work load of many study sections where a merit review and a critical evaluation of program objectives by outstanding Federal and non-Federal scientists have recommended awards based upon quality and promise toward the improvement of the health of the American people. History has proven that the grant system has worked and has been successful. Now we are faced with the proposition that scientific merit and quality should give way to an evaluation system through the contract mechanism and that awards should be made on the basis of the low bidder. Loss of faith in the old system will produce pedestrian science and will lead to higher costs, and, very possibly, to overruns.

The Office of Management and Budget has suggested a dissolution of study sections. In proposing this surgery, OMB has suggested that reviews of grant applications be made by in-house staff. Most Institutes lack the trained professional personnel to carry out this most important function properly. Inhouse reviews divorced from outside peer review of both contracts and grants can lead to no less than the support of mediocre research.

The rate of discovery of new biomedical knowledge essential to the health of the American people will suffer if the Administration's proposed—

1. Elimination of training grants and fellowships,
2. Reduction in research grants,
3. Funding in capitation grants below levels recommended,
4. Elimination of construction funds,

are allowed to stand. A gradual erosion of our entire health system will occur at a time when we need to improve the delivery and application of research findings.

Let me say an additional word about contracts. We are not at a point where all fundamental knowledge has been delivered. We are, therefore, not in a position to offer "crash" programs for delivery of a service or a product when the product is unknown. Contracts, for the most part, are for pocurement purposes or product delivery. Research grants provide the information by which services and products can be delivered. I urge that grant and contract funds be a single line item for each Institute budget. The study sections and advisory councils of the individual Institutes should determine, based on relevancy, quality and merit, the mechanism for funding. Such a system would improve flexibility for funding both programs and peer review for all.

The Federal budgetary "pinch" is with us. The scientific community is well aware that economies are required. Science for science's sake is no longer saluted, but we need not make scientific research the scapegoat for our budget deficits. We admit the need for careful selection and we should not invest in marginal risks and long shots. We are the taxpayers too. Nevertheless, biomedical research has delivered better drugs, better surgery, better vaccines. Research has also led to prevention and cures for diseases and afflictions that two decades ago crippled the population. The rapid return of sick individuals to the work force has more than repaid the costs of research.

The Administration's budget for fiscal 1974 proposes drastic shifts in priorities for support of research and training of biologists. The medical schools and universities are being heavily affected by this precipitous action. I am sure you have read about the dilemma faced by two of the leading medical schools of the District of Columbia—Georgetown and George Washington. The same situation prevails at Duke, as well as at most other schools and universities which have been engaged heavily in biomedical research. The situation looks grave for 1974; it would appear worse in years to come. We could easily be set back a decade by the loss of trained manpower alone. Biomedical research knows no boundaries. Many of the breakthroughs which have contributed to the improvement of the health of mankind have emanated from among the various Institutes, regardless of the categorical designation or the area of research of a particular scientist.

The Administration is interested in more trained physicians, national health insurance, better health care, while at the same time abolishing training grants which over the years have provided the manpower this country needed to produce the doctors required to take care of the rapidly expanding population in the United States. Reduction of funding for research grants and training grants has already seriously affected most of the medical schools throughout the country. The trend must be reversed. This matter deserves the most serious consideration of this Committee. American medical schools, because of lack of funding, facilities, etc., have been forced to turn away many of the best student applicants. Because of the doctor shortage, this country now depends on foreign-trained physicians. Of the 54,600 interns and resident physicians in the U.S. hospitals, 17,500 are foreign trained.

I think it foolhardy to reduce the support of other NIH activities in order to provide increased funding for Cancer and Heart —a reshuffling of the budget is not the way to go. I support adequate funding for the two major Institutes, but certainly not to the detriment of other research endeavors.

The basic tenet of the Hippocratic doctrine urges physicians "to hold fast to that which is good." The present crisis in the funding of medical research may destroy that which most of us think is good and may turn out to be the worst decision in recent years.

I recommend, therefore, that long-term national harm be avoided and that this Committee restore support to each of the NIH programs, at least to the fiscal 1972 levels.

This concludes my testimony. I will be pleased to answer questions.

SOUTH VIETNAMESE POLICE AND PRISON SYSTEM

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. HARRINGTON. Mr. Speaker, the abuses that the South Vietnamese Government has made of its police and prison system have been well documented by investigative committees of the Congress, as well as by numerous private organizations. Nothing that I could say would express the mentality of the regime in dealing with dissent as well as a communique I received from the South Vietnamese Embassy. The communique accuses those who have brought to light the excesses of the prison system of being Communist-led. It is the kind of accusation we thought was abandoned by civilized societies more than a decade ago. Its presence in an official statement by the South Vietnamese Government indicates one of the sources of the intolerable political conditions that exist in that country today. I commend this to all my colleagues' attention.

Excerpts from the communique follow:

During the recent months, the Ministry of Foreign Affairs of the Republic of Viet-Nam has received many private letters and petitions from various communist or leftist organizations which purposely distorted the truth about the treatment of prisoners in the Republic of Viet-Nam. Other letters were intervening for the release of some detainees.

After carefully studying the contents the Ministry realizes that nearly all of these letters and petitions are written or cyclostyled under the same formula and signed by members of related organizations. This fact proves that this is a campaign of intoxication directed and orchestrated by International Communism. Under the label of peace and solidarity movements, International Communism has exploited the name of justice and humanity to foment a campaign of denigration and pressure aiming at forcing the Government of the Republic of Viet-Nam to release their comrades.

To answer the communists once and for all, as well as to enlighten those who are innocently poisoned by the communist distorted propaganda, the Ministry of Foreign Affairs attaches hereafter its views regarding the baseless denunciations of the communists.

The problem of the return of Vietnamese civilian personnel is governed by Article 8(c) of the Paris Agreement and Article 7 of the related Protocol and is under the competence of the Two Party Joint Military Commission. Both Sides have agreed upon the designation of National Red Cross of Canada and Poland to visit all places where the captured and detained Vietnamese civilian personnel are held in conformity to Article 9(b) of the same Protocol. . . .

While speaking of the so-called "political prisoners" in South Viet-Nam, the communists as well as misinformed people purposely negate the existence of democracy and freedom in the RVN, two principles for which this country has been fighting.

If by "political prisoners" one means people detained only because of their opposition to the policies of the Government, then there are no "political prisoners" in South Viet-Nam. Nobody has been arrested merely for having expressed his views against the Government. On the contrary, as shown by facts, South Viet-Nam members of the opposition are freely advocating their views in Parliament and in the press.

If by "political prisoners" one means those people belonging to organizations whose main aim is to overthrow the elected Government of South Viet-Nam, such as the NLF, and who performed subversive activities on behalf of these organizations, then the fate of these prisoners will be determined by Article 8(c) of the Agreement and Article 7 of the related Protocol.

That is all the excerpts.

HON. MENDEL DAVIS ADDRESSES PRAYER GROUP

HON. TOM S. GETTYS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. GETTYS. Mr. Speaker, one of the great privileges that Capitol Hill staff employees have is to attend the weekly Wednesday breakfast prayer meeting. At each such meeting the discussion is led by a Member of the House or a House employee.

Members of the House hold our weekly prayer group breakfast on Thursday and at which a Member always leads the discussions.

Representative MENDEL DAVIS of South Carolina addressed the Capitol Hill employees prayer group on August 1. I heard so many complimentary comments concerning the remarks of Congressman DAVIS from those in attendance that I asked for a copy of his address, and I am so impressed with the thoughts expressed by my friend and colleague that I am placing his entire talk in the RECORD for the benefit of all to read. Nothing is more important in our world today, Mr. Speaker, than having sincere, dedicated and Christian men in Government service. I recommend the reading of the thoughtful remarks of Congressman DAVIS.

The remarks follow:

CAPITOL HILL EMPLOYEES PRAYER GROUP

The Bible says . . . in 2nd Corinthians . . . "Where the spirit of the Lord is, there is liberty."

I would like for all of us to think of those words today as we are gathered here . . . and what those words have meant to Americans for generations. As we approach the 4th of July in the year 1976 . . . the 200th celebration of our liberty as a Nation . . . it is important that we think once more of "The spirit of the Lord."

The founders of this Nation had no doubts about the spirit of the Lord being caught up in the daily workings of the United States Government and its people. When the Declaration of Independence was framed on July 4, 1776, God was everywhere a part of the daily existence of those great men . . . and they naturally included the Lord in their declaration . . . a document which has gone on to become one of the most outstanding statements on the condition of man the world has ever seen.

"When in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the Earth, the separate and equal station to which the laws of nature and of nature's God entitle them. . . ." they said in opening.

And they said . . . "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights . . ."

And in closing, they said . . . "We, therefore, the Representatives of the United States of America, in general Congress, appealing to the supreme Judge of the World . . ."

And finally, knowing that what they were about to sign amounted to a declaration of revolution against the King of England . . . and realizing, also, that their future was uncertain . . . and uncharted . . . and fraught with danger and suffering . . . they turned again to the Lord. They said:

"And for the support of this declaration, with a firm reliance on the protection of divine providence, we mutually pledge to each other our lives, our fortunes and our sacred honor."

There were no questions of faith . . . or of God's overwhelming influence . . . in the colonial America of 1776. The founders of this country . . . the leaders of our revolution for freedom . . . knew that the future safety of this Nation lay with the wishes of God. They accepted that as a matter of course.

And the spirit of the Lord permeated the Government they created. No one ruled the United States by divine right. Man, they said, was created equal before the Lord . . . and, therefore, he ought to be equal before the law, if that law reflected the Lord's will. And, they held, the average citizen of this country should run his country . . . because each citizen was a creature of the Lord . . . and this Nation was created by men with faith in God.

God was very real to such men as Benjamin Franklin and Thomas Jefferson. Men such as those signers of the declaration understood that a Nation starting out forgetful of God's law and God's absolute power could not long survive.

We have survived now for nearly 200 years . . . and maybe it is time that we look again at our responsibilities to God as American citizens. If we have forgotten our reliance on the Lord, maybe this is the day when we shall hear His commandment to us again.

In the Book of Micah, in the sixth chapter and the eighth verse, there is a quotation which I think sums up pretty well what God would have us do as Americans. To me, the words have always had special meaning. If the founding fathers had chosen one passage from the Bible to express their duties to God as the country left the fold of Great Britain to sail alone, I think they would have chosen these words from Micah:

"He hath shown thee, O man, what is good: and what doth the Lord require of thee, but to do justly, and to love mercy, and to walk humbly with thy God?"

To do justly . . . to love mercy . . . to walk humbly with thy God.

The Lord asks that we do justly. He is speaking to all of us as individuals in our daily lives. He is asking that we do unto others as we would have them do unto us. He is telling us to do *good* in our dealings with each other . . . that we remember to be just in our daily lives.

Government in this great land of ours ultimately means government by individual citizens. If the United States is to do justly . . . if it is to be known in the world as a land of justice and good . . . then it is the responsibility of each one of us to see that justice prevails . . . that moral rightness pervades our day-to-day lives . . . and that God's law is practiced by each one of us in our dealings with each other.

Not just when the heat's on. Not just when it suits us. Not just when we agree with justice. But always. We must not surrender justness . . . and we must not compromise it for the quick reward of the moment.

People speak today of immorality in government. They look on the Congress and the executive branch and their politicians in general, and they say that morality has departed the government.

But in our democratic society, government only reflects the mood of the people . . . no better, no worse. If our government does not abide by God's law . . . if it is not just . . . then the people must make it so. We must do justice to ourselves, our fellow man, and our God if we are to live a life that will be worthy of heavenly reward.

If justice and right do not prevail in our land . . . it is up to all of us to live as God would have us live to make it so.

And God would have us love mercy, also Does this mean that we should love the criminal who escapes his penalty because of a technicality? Does it mean we should lay down our arms overnight in order to be kind to our enemies? I think not.

I think it *does* mean that we should have room in our hearts to forgive those who wrong us . . . that we must not forget our ability to be gentle when violence is all around us. The most merciful man who ever walked the Earth was Jesus Christ . . . the Son of God. He loved his fellow man . . . saw him as an imperfect creature . . . and was able to forgive him, even as he died on the cross. His lesson to us is that we must overcome generations of hate and remember that a merciful man follows in the footsteps of Jesus.

It is easy to strike back in anger. It is hard to turn the other cheek. Jesus turned the other cheek time after time . . . and he did not equivocate on the matter. Being merciful does not connote weakness. We are the strongest, most powerful people on earth in terms of arms and treasure. But Jesus spoke of another kind of strength . . . an inner fortitude that made it possible for him to be kind to his enemies and to those less fortunate.

We are all God's children on this earth. We were all created in his image. If we are strong but have no mercy to show . . . no charity in our hearts . . . then we are working to dissolve that image.

Jesus showed us how to be merciful. "Go and do thou likewise" he said. We can make America a merciful nation and include all mankind in our tomorrows.

Certainly, the signers of the Declaration of Independence in the year 1776 understood God's mercy. It was because the King of England showed no mercy on his American colonies that those brave men decided the time had come for the American people to strike out on their own.

"In every stage of these oppressions" . . . the signers declared . . . "we have petitioned for redress in the most humble terms: Our repeated petitions have been answered only by repeated injury. A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be a ruler of a free people."

This Nation was founded on mercy. If that fundamental precept has departed our national character, we must work . . . you and I . . . to see that it returns.

And we must walk humbly with our God. If a man cannot walk humbly with his God . . . in his own way and at his own speed . . . he cannot walk with his fellow man. God taught us peace through the life of Jesus . . . the most splendid life ever lived on this earth. Jesus taught us not to worship violence . . . any kind of violence, be it looting and burning or neglect of our poor and homeless. If we are not men of peace, we are not walking humbly with our God.

We cannot imagine ourselves as being God's equal . . . but there are many among us in this land today who think they are. They despoil what God created. They dispute God's word. They disobey God's laws. They are not humble before God.

Being humble before our Lord does not suggest weakness. Nor does being merciful. Nor does practicing justice. They reflect an inner strength . . . A realization of our power and our goodness as a Nation.

If we do justly . . . if we love mercy . . . And if we walk humbly with our Lord, this great Nation will last forever. . . . And the world will take note again of the greatness of the American people.

On July 4, 1776, the signers of the Declaration of Independence had no question about the greatness of the American people . . . because they did not question that this was a Nation under God . . . and a Nation under God's laws.

It is for us today to rededicate ourselves in their belief. To say to them . . . "We have listened . . . and we have heard . . . and what you planned for us so many years ago is still coming true."

The spirit of the Lord is still with us . . . and there is still liberty burning brightly in this Nation.

FREEDOM OF EMIGRATION

HON. HAROLD V. FROEHLICH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. FROEHLICH. Mr. Speaker, I have been somewhat concerned by a recent Evans and Novak column which disclosed that the President had issued a warning to certain congressional leaders not to allow the issue of the Soviet Union's emigration policy to interfere with his efforts to establish a working trade relationship with Soviet officials. The thrust of the column appears to be that, in the President's view, enactment of the Jackson amendment or the Vanik-Mills bill, which I have cosponsored would impede his pledge to Chairman Brezhnev to grant most-favored-nation treatment and Export-Import Bank credits to the Soviet Union.

It is apparently the position of the administration, as enunciated by Dr. Kissinger, that even if Moscow needs U.S. trade and credits so badly that it will permit the U.S. Congress to dictate its emigration policy, the United States should use this advantage to extract concessions affecting the entire United States, not one "favored group" or foreign country.

Dr. Kissinger's statement suggests that he and his cohorts may not be familiar with the actual text of the proposals before Congress. The Vanik-Mills bill and the Jackson amendment prohibit most-favored-nation treatment and commercial and guarantee agreements to any nonmarket economy country which denies to its citizens the right to emigrate or which imposes more than nominal fees upon its citizens as a condition to emigration. Note the terms—"any nonmarket economy country" and "its citizens." These proposals do not regulate trade with Russia alone. They would apply to any country with restrictive emigration policies, including the Soviet Union. They would apply to Romania, Poland, Czechoslovakia, and East Germany, to name but a few. In addition, the term "its citizens" does not mean one favored group. It means all citizens within a country, regardless of race, religion, or creed.

The plight of the Soviet Jews has made headlines and it has proved to be the impetus needed for the legislative proposals now pending in the Congress. But restrictive emigration practices, in addition to not being limited to the Soviet Union, are not limited to Jews. Statistics indicate that there are more than 1,000 gentiles presently in Romania who desire to emigrate to the United States in order to join close relatives here. They are being prohibited by the Romanian Government from doing so. There are also approximately 3,000 people in Poland, very few of whom are Jewish, presently being denied the right to emigrate to the United States to be reunited with their families. The legislation I have co-sponsored is designed to rectify these injustices as well as those which presently exist in the Soviet Union.

There are two other points that should be considered. The first deals with most-favored-nation treatment and credit guarantees. It should be remembered that the pending legislation does not prohibit all trade. It only prohibits subsidized or preferential trade such as that granted under most-favored-nation treaty clauses. The legislation simply provides that countries with repressive emigration policies and procedures will not be granted all rights and privileges which are granted to the "most-favored-nations" in the area of international commerce.

The second point deals with an inherent human right which, to my mind, transcends man-made laws and statutes. It is the right of the individual to live free from repression and suppression. When such freedom is denied him, when a person is prosecuted or persecuted because of his beliefs or convictions, be they religious or political, he should have the right to remove himself from the country which binds him. When he can no longer live in peace, then he should have the right to leave in peace.

To those who deny the existence of such a moral law or such an inherent human right, however, the written record is clear. Freedom of emigration is reinforced by existing international law. The Universal Declaration on Human Rights—regarded by international lawyers as the authoritative interpretation and extension of the U.N. Charter—in article 13, paragraph 2, sets forth the right of everyone to leave any country, including his own. A declaration sponsored by the Soviet Union, the Declaration on Colonialism, which was adopted by the United Nations in 1960, calls upon all states to observe faithfully and strictly all the provisions of the Universal Declaration on Human Rights. This would, of course, include article 13, paragraph 2.

The International Convention on Racial Discrimination, adopted unanimously by the General Assembly in December 1965, specifies in article 5, paragraph 4, subsection 2, that contracting parties obligate themselves to respect the right of anyone to leave any country. The Soviet Union ratified this Convention in January 1969, thus making it binding law in that country.

Article 12 of the International Covenant on Civil and Political Rights, adopted unanimously by the U.N. General Assembly in December 1966, calls for the right of anyone to leave any country. The Soviet Union signed this covenant.

Thus, the public posture of the Soviet Union is public knowledge. How can valid objections be made to a proposal which is but a reiteration of these agreements.

Our country's commitment to the cause of aiding those who flee repression and persecution is inscribed on the base of the Statue of Liberty. It should also be inscribed in our hearts.

Let us search our hearts as we ponder this issue and let the conscience of our country decide, on the basis of our heritage and tradition, not on the alleged threat of a breach in détente.

TAX ANALYSTS AND ADVOCATES CALLS FOR INDEPENDENT AUDIT OF NIXON PAPERS GIFT

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. GIBBONS. Mr. Speaker, people outside of Congress have forcefully brought to the public attention questions concerning matters that may involve the President's tax return.

I realize that this is a very serious matter. So that all of my colleagues may know what these questions are, I am attaching to the end of my statement a copy of a press release dated July 30, 1973, from Tax Analysts and Advocates, a public interest tax law firm located here in Washington.

In addition to this press release, I am including a letter signed by Mr. Thomas F. Field, executive director of Tax Analysts and Advocates, dated July 30, 1973, and addressed to Donald C. Alexander, Commissioner of Internal Revenue.

I hope all Members will give close attention to the issues raised in these two documents.

The material follows:

Tax Analysts and Advocates Calls for Independent Audit of Nixon Papers Gift

WASHINGTON.—Tax Analysts and Advocates has called upon Internal Revenue Commissioner Donald C. Alexander to consider the appointment of independent auditors to determine whether President Nixon was entitled to a $570,000 tax deduction for pre-Presidential papers his spokesmen claim were donated to the National Archives ahead of a deadline set by the Tax Reform Act of 1969.

Ira L. Tannenbaum, Director of Tax Advocates, a public interest law firm here, has conducted a detailed analysis of the Presidential papers question based upon publicly available information. He concludes that the President is not entitled to a tax deduction because he "did not give over control of his papers to the Archives," so as to constitute a valid gift by the cut-off-date.

On the basis of the 16-page Tannenbaum study, Thomas F. Field, Executive Director of TA/A, recommended in a letter to be formally delivered on Monday (July 30) to Internal Revenue Commissioner Alexander, that he "investigate these issues thoroughly" and "give serious consideration to placing the investigation in the hands of independent tax auditors appointed for this purpose." Appointment of such auditors would be similar to Attorney General Elliot L. Richardson's appointment of special Watergate prosecutor Archibald Cox.

Assuming a 50% tax bracket for the President, the $570,000 deduction would be worth $285,000 in tax savings spread over a maximum six year period. Because the statute of limitations already has run out on the tax return filed for 1969, as much as $75,000 probably cannot be collected by the IRS if the deduction proves to be invalid.

According to published reports in The Washington Post, and not contradicted by Presidential spokesmen, President Nixon transferred 1,217 cubic feet of pre-Presidential documents to the National Archives in March 1969, about four months prior to the effective date of the 1969 tax law provisions that limited to the cost of the items themselves, tax deductions for papers and other memorabilia created by the donor. Ultimately, 382 cubic feet of papers were specifically selected after the cut-off date as a gift.

Not only has there been no delivery or acceptance of the documents in a manner to qualify as a gift under the law, but the deed purporting to make a gift to the United States of the documents was never delivered to the General Services Administration, the custodian of federal property, before the deadline for making the gift.

Thus, Tannenbaum argued, the $570,000 tax deduction the President claimed for the alleged gift is not proper.

Tannenbaum acknowledged that, unless fraud were proved, the three-year statute of limitations already had run out on the President's 1969 tax return. But a carry-forward provision in the 1969 tax act makes it almost certain that portions of the deduction were taken in tax years 1970 through 1972, which are still open for tax assessments. "In the normal course of events," Tannenbaum wrote, "if IRS agents determined, as we have, based upon the preliminary evidence available, that full charitable deductions taken in 1970 and subsequent years, stemming from the 1969 purported gift of Presidential papers, were not justified . . . a thorough audit of the tax returns in question would be made."

If the audit showed that the facts were to be substantially similar to those outlined in the press reports, Tannenbaum continued, "the Internal Revenue Service would file a notce of deficiency."

"However, it is obvous that Internal Revenue Service agents and their superiors . . . would be extremely reluctant to audit the tax returns of the President of the United States as if he were an ordinary taxpayer. Or even if the IRS were willing to conduct such an audit, in view of the fact that the results of such an IRS audit would be questioned as to whether they were reached in the proper disinterested manner. We have no knowledge whether any previous incumbent presidents were subject to IRS audits."

In view of all this, Tannenbaum said, "the retention of special, independent auditors would appear to be preferable to an ordinary IRS invesigation to evaluate the correctness of President Nixon's personal tax returns for those years in which charitable contribution deductions were taken for the papers transferred to the National Archives in 1969."

"The value in subjecting the President's tax returns to such an audit obviously is not merely in attacking in an additional manner a man, a number of whose actions currently are subject to criticism and investigation," he continued. "Rather, there is an important need to make clear to the American public that income taxes of Americans in positions of power and high visibility are being assessed correctly, and that the tax laws are being fairly applied to them. If clear cases of non-compliance, such as permitting charitable deductions for the 1969 donation of Nixon papers, are permitted to occur without challenge by the Internal Revenue Service, the Service will run a substantial risk of greater non-compliance with the tax laws by average taxpayers. American taxpayers are willing to pay their fair share under our self-assessment tax system only if they believe more visible taxpayers are also paying their legal share."

The Tax Reform Act of 1969, in effect, limited tax deductions for gifts of letters and memoranda by federal officials to the cost of the paper on which they were written instead of the value to collectors of such memorabilia. The provision contained an effective date of July 25, 1969, so delivery and acceptance of President Nixon's papers before that date were necessary for him to be eligible for anything more than what probably would have been a nominal deduction.

Tannenbaum said that the applicable criteria for determining whether and when a gift was made which would qualify for a charitable contribution deduction under Section 170(a) (1) of the Internal Revenue Code and the relevant regulations are those developed under the common law of gifts. Under this law, there are three basic requirements for the making of a valid gift:

The donor must possess the intent to give.

There must be a physical transfer of the gift to the recipient coupled with the relinquishment of dominion and control over the property or, alternatively, there must be a deed or gift executed by the donor and delivered to the donee.

The donee must accept.

These conditions were not fully met in the purported gift of the pre-Presidential papers, Tannenbaum asserted.

Tannenbaum does not discuss the question of the President's intent, because little evidence concerning this requirement has been made public. However, he said, there is much evidence that there was no delivery for the purposes of making a gift prior to the July 25, 1969, deadline.

The mere fact that the papers were transferred to the Archives in March 1969 is not proof of a delivery for purposes of determining whether a gift was legally made, Tannenbaum said. The Archives also serve as a storage facility for the papers of public officials, he noted, and transfer of the papers could have been merely a preliminary step to the making of a gift to the Archives or else a temporary move preparatory to transfer elsewhere. As of the July 25, 1969, deadline, it appears the President legally could have regained possession of any or all of the papers delivered earlier to the Archives.

There was no delivery by deed, Tannenbaum went on. He said court precedents show that for transfer of a gift to have legally occurred, the instrument of transfer, if one is used, must be outside the control of the donor. The deed, unsigned by President Nixon, was not transmitted to the Archives until some time in 1970, well past the July 1969 deadline.

The requirement that the gift be accepted by the donee still is unmet, Tannenbaum asserted, because the Archives has given no formal acceptance of the proffered papers which apparently were offered to the Archives subject to numerous conditions which might cause the Archives ultimately to reject the papers. The deed, forwarded to the Archives in 1970, still has not been countersigned by the General Services Administration, the official custodian of such gifts, to signify its acceptance of the Nixon papers.

The General Services Administration has not complied with TA/A's request under the Freedom of Information Act to produce the relevant documents, including a copy of the deed. Attempts to reach the lawyers who represented the President were not successful. However, since the publication during June of the stories, there have been no press reports contradicting the original statement of the facts.

TAX ANALYSTS AND ADVOCATES,
Washington, D.C., July 30, 1973.

Re: Auditing the President's Tax Returns

Hon. DONALD C. ALEXANDER,
Commissioner of Internal Revenue,
Washington, D.C.

DEAR MR. ALEXANDER: Enclosed is an analysis which has just been completed by Ira L. Tannenbaum of my staff. As you will see, it deals with the tax deductions claimed by President Nixon in connection with a 1969 transfer of papers to the National Archives. This analysis will appear in today's edition of our publication, *Tax Notes*.

We have not undertaken this study in a partisan spirit. Our job is to analyze tax issues for the press in response to inquiries—and there have been many press inquiries since the Washington Post first published the basic facts relating to the President's 1969 transfers of papers. The enclosed study represents our professional response to those questions.

As a tax lawyer, I see no adequate basis for the claim that the President is entitled to a $570,000 tax deduction for his 1969 transfer of papers to the National Archives. The reasons for this conclusion are set forth in the enclosed analysis. That analysis indicates quite clearly, I think, that there are strong grounds for proposing audit adjustments in connection with the President's recent tax returns.

Due to the lapse of time, the statute of limitations now bars any adjustment of the President's tax liabilities for the year 1969. But the year 1970, and subsequent years, are still open for assessment, and it appears that the carryover deductions available to the President in those years with respect to his transfer of papers almost certainly exceed those claimed in 1969.

The complete facts regarding the President's 1969 transfers of papers are not in the public domain. But, if the same facts were known in connection with an ordinary citizen as are now on the public record in connection with the President's 1969 transfer of papers, an audit would almost certainly be undertaken by the Internal Revenue Service. Under the circumstances, anyone interested in maintaining public confidence in the fairness of the tax system must necessarily be concerned about the possibility that nothing will be done to audit those of the President's tax returns that are still open under the statute of limitations.

The audit of a President's tax returns is obviously a highly sensitive business, and a President is certainly entitled to the same procedural safeguards in this connection as are other citizens. However, the problems connected with a Presidential tax audit can be lessened, without lessening public confidence in the fairness of the proceedings, by appointing independent tax auditors. This proposal is explored in more detail in the enclosed analysis. You are, of course, in a better position than I to judge what audit procedure is most appropriate in the circumstances.

I agree with your view, recently reported in the press, that the principal challenge facing you as Commissioner is maintenance of public confidence in the integrity of the Internal Revenue Service. This goal cannot be achieved unless the very serious questions relating to the tax treatment of the President's 1969 transfer of papers are resolved in a way that is perceived by the public to be fair and impartial. I therefore urge you to investigate these issues thoroughly and to give serious consideration to placing the investigation in the hands of independent tax auditors appointed for this purpose.

Best regards,

THOMAS F. FIELD,
Executive Director.

THE "TRUCE" IN VIETNAM

HON. SAMUEL H. YOUNG

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. YOUNG of Illinois. Mr. Speaker, I rise to bring to the attention of my colleagues a report to the International Commission for Control and Supervision—ICCS— in Saigon by a Canadian truce supervisory team. In a straightforward and absolutely clear manner, this report accuses North Vietnam of continuing its troop infiltration of South Viet-Nam in deliberate violation of the Paris truce agreement.

The news accounts of the contents of this report quote sections of the report in sufficient detail to provide solid evidence that repeated continuous deliberate truce violations by North Vietnam is and has been occurring since the signing of the cease-fire agreement in January 1973.

It should be noted and emphasized that the Canadian Government has withdrawn from participation in the ICCS, because of flagrant truce violations by North Vietnam. This Canadian report explains that government's decision to end its participation in the ICCS, a decision also prompted by what the Canadian Government has asserted is the intransigence of the ICCS Polish and Hungarian members to supervise the cease-fire in a fair and impartial manner.

The ICCS was created early this year as an international "third party" agency to administer the truce which was supposed to be brought about by the Paris agreement signed last January 27. Since then, the United States has withdrawn its troops from Vietnam in accordance with this agreement and a later one signed June 13, also in Paris. But as every Member of the House most surely is aware, blood still is being shed in Viet-Nam. That war continues despite the agreements to end it. Too little publicity has been given to the responsibility of North Vietnam for this situation and these events.

A number of allegations have appeared in the news media concerning whose fault it is that the fighting in Vietnam has not been halted. Scores of accusations against all parties to the Paris agreements have been lodged with respect to violations. These allegations and accusations have some from the parties themselves, which tends to lessen their merit in the eyes of skeptics.

But now comes the Canadian report with accusations and allegations of its own, which must by any fair-minded person be considered impartial, for the Canadians have no advantage to gain by this action, and indeed have criticized the United States on many occasions.

According to the report, North Vietnam has engaged in "massive" and "unrelenting" infiltration of troops into South Vietnam's Mekong Delta since the January cease-fire. Thousands of fresh troops, it says, have come and are coming into South Vietnam, never having heard of the Paris accords, the various peacekeeping forces, or the departure of the U.S. troops.

These North Vietnamese soldiers left their own country just about the time the Paris agreement was signed in January, the report says, and they were instructed to keep coming, even though article 7 of the agreement expressly prohibits such troop movements.

This Canadian report was based on interrogations of captured North Vietnamese soldiers, who said they entered South Vietnam in June after a 5-month march down the Ho Chi Minh Trail in Laos and Cambodia. In addition, the report says, large groups of North Vietnamese civilians—including doctors, lawyers, and engineers—are entering Vietcong-held territory in South Vietnam "to practice their professions."

The Canadian report has been quoted:

> Based on the testimony of captured North Vietnamese soldiers—North Vietnam—without being deterred one scintilla by the Paris agreement, has been infiltrating massive armed North Vietnamese troop units into Cambodia and South Vietnam in order to conduct military operations against the Republic of (South) Vietnam.
>
> It can also be concluded that there never has been the slightest indication during the four and a half months following the cease fire that the Democratic Republic of (North) Vietnam has modified its infiltration policy.

The report, according to news accounts, says the North Vietnamese have conducted an "unrelenting" drive to move men and equipment down the Ho Chi Minh Trail system. Interrogated prisoners said they had crossed into South Vietnam from Cambodia in the second week of June, swimming a canal into Chaudoc Province.

The prisoners, according to the report, said they had almost no contact with any officials or soldiers of the South Vietnamese National Liberation Front during their trip. Yet these North Vietnamese troops changed into Vietcong uniforms at the border, which the Canadian report concludes is evidence once again that the military operations in South Vietnam's Mekong Delta are controlled by the North Vietnamese, not the Vietcong.

The Canadians indicated they were not sure how many North Vietnamese troops moved into the Mekong Delta since January. Captured North Vietnamese soldiers said that incoming troops moved down the trail in groups of 500, and that at one time as many as 20 of these groups were "stacked up" at a rest station, because U.S. bombing had interdicted the trail ahead.

These infiltrators since captured said they hiked south along a narrow jungle trail. Truck and tank traffic used hard-surfaced parallel roads. At various places along the trail, the infiltrators would rest and receive supplies at stations operated by North Vietnamese support troops and decorated with banners welcoming the soldiers. These stations were undisturbed by bombing in Laos, they said, but often were hit by air strikes in Cambodia.

These same troops told the Canadian team that they saw at least six groups of about a hundred civilians each also heading south along the Ho Chi Minh Trail. About 8 percent of the civilians were women, they said.

Mr. Speaker, this report by an impartial Canadian truce team deserves careful consideration by this Congress and the U.S. public. It indicates that the North Vietnamese persist in their objective of conquering South Vietnam—cease-fire or no cease-fire. It indicates that North Vietnam has no intention of seeking merely a political status in South Vietnam, but rather still is determined to take over South Vietnam through force of arms—agreement or no agreement.

SHORTAGES OF BEEF

HON. BARBARA JORDAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Miss JORDAN. Mr. Speaker, the sorry state of our economy is no more clearly illustrated than in the growing shortages of beef in supermarkets across the country. Phase after phase of new economic policies have failed to stem what now seems to be an irreversible tide of inflation, with higher prices and increasing shortages of critical products. The most serious problems are now apparent in the supply of beef. The National Association of Food Chains has estimated that beef supplies in the Nation's supermarkets are 40-percent below normal. Slaughterhouses and packing plants are shutting down across the country. Price gouging and black markets are cropping up in many areas. Many cattlemen are either holding their beef off the market in anticipation of higher prices once the freeze on beef is lifted, or are selling to the Canadians, Japanese, or Mexican markets which are unencumbered by the freeze. Harris County in my home State of Texas has reported that cattle rustling is occurring at double last year's rate.

The proximate cause for this acute shortage of beef is the Cost of Living Council's decision to maintain a freeze on beef until September 12. Why that magic date was chosen no one seems able to explain. While other prices of other food products have been allowed to rise to reflect cost increases, beef has an absolute ceiling price which is now far below the actual cost to beef suppliers of bringing meat to market. If current trends continue, beef may not be available at any price. What good is a ceiling price if there is no meat available at that price? The Nation is now confronted with an unpalatable choice—either we immediately allow the price of beef to rise, or we face increasing beef shortages.

Yesterday, the Senate chose to allow beef prices to rise so that beef suppliers would continue to bring their products to the American marketplace. In an 84-5 vote, the Senate adopted Senator JOHN TOWER's, Republican of Texas amendment to remove the price freeze on beef and allow suppliers the passthrough of increases in raw agricultural product costs since June 8 on a dollar-for-dollar basis. The same day, the House Rules Committee voted 9-6 against allowing the House to consider this amendment today, deferring it instead until after the August recess. So, Mr. Speaker, the House will not have to make any difficult decisions on this critical problem today, and by the time we come back to Washington in September it will be too late. The only remaining hope for early action to avoid further shortages and black markets in beef is for the administration and the Cost of Living Council to heed the warning of the Senate vote and lift the freeze on beef. Let the American consumer at least have a choice between higher priced beef or no beef, rather than no choice at all because beef is not on the grocery shelves.

If we abdicate our responsibility today to act on this issue, let us not also abdicate our responsibility to assess the economic and agricultural policies of the Federal Government which have allowed such shortages and skyrocketing prices to occur. The entire Nation is in a state of shock as we watch the steady deterioration of the most powerful economy in the world. The Congress must discover why this has happened and help to fashion remedies for it. What are the explanations for the as yet unexplained collapse of production and the economy, the spreading crisis in food supply and cost? Why have we experienced this year the most rapid rise in retail food prices in more than 20 years? Why did inadequate competition in the food industry, in an estimate by the Federal Trade Commission, cost American consumers some $2.5 billion in higher prices in 1973? Answers to these questions and many more which we hear every day from our constituents have only been hinted at, not fully and openly addressed in the course of a thorough inquiry into the state of our economy and how to bring it back to health.

The House Judiciary Committee's Subcommittee on Monopolies and Commercial Law has been undertaking part of that inquiry in the past few months. These hearings on Competition and Enforcement of the Antitrust Laws in the Food Industry have raised more questions than they have answered about U.S. agriculture and its recent performance. But they have also underscored for me the Federal Government's deep involvement in regulating the food industry. Few areas of the economy can match agriculture in the number and extent of Federal controls placed upon their operation, from enforced price-fixing to strict limits on output. Thus the Federal Government must assume a large share of the blame for inadequate food supplies and high prices, and must immediately undertake the investigations and the changes needed to restore balance to the food industry.

OBJECTIONS TO SONNENFELDT CONFIRMATION MUST BE ANSWERED—PART VII

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. ASHBROOK. Mr. Speaker, on May 23, I began a series of RECORD insertions concerning the nomination of Mr. Helmut Sonnenfeldt as Under Secretary of the Treasury, which nomination is before the Senate Treasury Committee. Mr. Sonnenfeldt now is listed as Director, Operations Staff-Europe of the highly sensitive National Security Council which handles foreign policy and national security matters in the Executive Office of the President.

On May 17, the New York Times ran a first-page story by Mr. Seymour M. Hersh which began:

> Henry A. Kissinger personally provided the Federal Bureau of Investigation with the names of a number of his aides on the National Security Council whom he wanted wiretapped, Justice Department sources said today.

The account went on to say that Mr. Sonnenfeldt was one of those whose phones were tapped in order to learn the source of leaks of sensitive information from within NSC.

Also mentioned in the Hersh article was John D. Hemenway who opposed the Sonnenfeldt confirmation before the Senate Finance Committee on May 15 and who listed a number of people who were familiar with other alleged leaks by Mr. Sonnenfeldt in the past.

On May 20, Mr. Hemenway wrote to the New York Times to correct misstatements which he claimed were made in the Hersh piece. As far as I can ascertain, the New York Times did not print Mr. Hemenway's letter.

On May 29, I inserted the Hersh article in the CONGRESSIONAL RECORD, page 17183 and, to complete the record. I include the Hemenway letter, along with the editorial from the Evening Star on Soviet Anti-Semitism, be inserted in the RECORD at this point:

WASHINGTON, D.C.,
May 20, 1973.

THE EDITOR,
The New York Times,
New York, N.Y.

DEAR EDITOR: Mr. Seymour M. Hersh's May 17, 1973 page one story on wire taps which were authorized by Dr. Henry A. Kissinger also contains highly misleading and inaccurate information concerning my Senate testimony opposing the nomination of Mr. Helmut Sonnenfeldt to be Under Secretary of the Treasury.

Mr. Hersh's primary source for this material was given as Mr. Michael M. Stern, Assistant Chief Clerk of the Senate Finance Committee. Mr. Stern told me on May 19th that he viewed as inaccurate the published material concerning the Sonnenfeldt Hearing that was attributed to him. Mr. Stern was present during the entire period Mr. Sonnenfeldt and I testified.

Mr. Hersh acknowledged to me that he had not read my testimony concerning Mr. Sonnenfeldt, nor did he have a copy at the time he wrote his story. Pressed by the filing deadline for the story, he depended upon telephonic information from Mr. Stern.

In my testimony I did *not* challenge Mr. Sonnenfeldt's confirmation because Sonnenfeldt, as stated by the *NYT*, was ". . . responsible for at least two security violations in the nineteen-fifties . . ." although that seems to be a fact. In Mr. Hersh's report, an unnamed White House source ". . . noted that Mr. Sonnenfeldt 'prides himself on his brilliance and his intellectual capability' and added, 'In a very innocent way, a man like that can let things slip.' "

However, I did challenge Mr. Sonnenfeldt's confirmation for four clearly-stated reasons appearing prominently on page one of my ten-page written statement for the Committee (24 pages, counting annexes):

(1) Mr. Sonnenfeldt's professional judgement is faulty;

(2) Mr. Sonnenfeldt's personal standards of integrity are unacceptably low;

(3) Mr. Sonnenfeldt has performed acts that violate his oath of office;

(4) Mr. Sonnenfeldt's confirmation will place the Senate in the position of seeming to condone illegal acts and violations of conduct for Federal Service set by the Congress itself.

With respect to (1), Mr. Sonnenfeldt himself admitted to the Committee that his judgment on Cuba was dead wrong (a number of other episodes referred to have not been discussed by Mr. Sonnenfeldt, as yet). With respect to (2) and (3), the public record as published in the Congressional Record and the press over the years was cited by me; additionally, three episodes known to me of my own first hand knowledge were cited, but these were not in the "late nineteen fifties", as stated by Mr. Hersh (or Mr. Stern) and did not all concern security breaches. In fact these other episodes—which may not be all of them—occurred in 1963, 1971, and 1972 and all bore directly on Mr. Sonnenfeldt's integrity. Finally, with respect to (4), I cited the available evidence to establish that Mr. Sonnenfeldt's lateral entrance into the US career diplomatic service (at the relative rank of major general) was fraudulent. I introduced a statement by a senator, written at the time, citing the nomination as a crass violation of career standards, since Sonnenfeldt never had served in a diplomatic post of any kind, domestically or overseas.

Morever, on the day Mr. Sonnenfeldt testified and again on May 17, the Senate Finance Committee was informed in writing by knowledgable persons present in the Hearing Room that Mr. Sonnenfeldt was not truthful or fully candid in his testimony on May 15. Several senators present, by their questioning of Mr. Sonnenfeldt, indicated their intention to be thorough, since the matters I had raised were either true or false and are easily capable of being proved or disproved.

No evidence was produced by Mr. Sonnenfeldt or anyone else on 15 May suggesting that Mr. Sonnenfeldt was qualified for the post of Under Secretary of the Treasury by virtue of his training, or experience, or proven wisdom. In this connection, we have only the *NYT* references to Mr. Sonnenfeldt who ". . . prides himself on his brilliance . . ." and "Henry (Kissinger, who) had (past tense in original) a high regard for Sonnenfeldt."

As the NYT knows, because of the extensive reporting on incidents connected directly or obliquely with the Watergate, Mr. Sonnenfeldt's wire was "bugged" by Dr. Kissinger. This was not the only time in his bureaucratic career that Mr. Sonnenfeldt's telephones were "bugged." Since the substance of these conversations can be proved to relate to my own personal matters I intend to demand access to the Sonnenfeldt tapes at a Civil Service Hearing now scheduled to be held later this month.

It will concern me if the NYT does not publish this clarification, since the Seymour Hersh story is the second instance in 1973, so far, containing highly misleading innuendoes about me in the NYT. For example, on January 31, 1973 (p. 14), in an article on John Stewart Service by Eric Pace, the NYT reported that ". . . newly mimeographed tracts . . . were strewn across the white napery at todays luncheon by John David Hemenway, a former Foreign Service Officer with conservative views. . . ." The 'tracts' were characterized by O. Edmund Clubb as "very vulgar". (Clubb, the NYT reveals was accused of security violations in the McCarthy era. Some source concerning such a matter!) In fact, the one-page information sheet which I handed out contained citations from Mr. Service's own dispatches from China. The quotations were presented as questions for a question period that never came. Ask "Scottie" Reston, who was present and to whom I personally gave a copy. The questions were embarassing to "old-China-hands" who wish to re-write history, perhaps; "vulgar", they were certainly not.

For the information of the NYT, I am an independent-minded American from the middle-west with moderate views, not "Conservative" as the NYT uses that term. My only previous denouncements in the press have come from the Soviet press when, in 1963, I was denounced in the virulently anti-Semitic "Judaism Without Embellishment", by the notorious Jew-baiter, Trofim K. Kichko. That book, you will recall, is something straight out of the Third Reich of Hitler, but it was published by the Ukrainian Academy of Science of the Uk.R.S.R., USSR. (The Evening Star recalled Kichko's contribution to 'science' on May 14, 1969, tear sheet attached.) On p. 99 and subsequent of that infamous book, US diplomat John David Hemenway and two Japanese companions are denounced for using their initiative to investigate the facts of the state policy of the USSR of anti-Semitism. (That was more than ten years ago, before it became fashionable.) In my view, such interests on the part of a US official in the USSR were totally consistent with the best liberal traditions of America, even if this might not jibe with the NYT image of Hemenway as a "Conservative". I hope the NYT will understand why I do not wish to be tabbed with its labels unless the paper is prepared to go into my views in greater depth than a superficial phrase.

If the NYT does not correct its inaccurate article regarding my role in the Sonnenfeldt confirmation hearings, it will cause me to wonder anew whether the two inaccurate articles are part of a pattern established by the NYT in boycotting any reports of the Hemenway Hearing at the Department of State. Your Washington reporters and your New York office have been informed over the past three years. Even the Washington Post belatedly published a page on the case (December 11, 1972). But then, Mr. John W. Dean III, in what might have been his last official act—turning down Hemenway's appeal to the President—may not be the kind of news that the NYT feels is 'fit to print'.

Sincerely yours,

JOHN D. HEMENWAY.

SOVIET ANTI-SEMITISM

In 1963 a Ukrainian writer named Trofin K. Kichko published a crudely anti-Semitic book called Judaism Without Embellishment. The work fit into a long tradition of Ukrainian anti-Semitism. In that province occurred the worst of the pogroms conducted by the Czarist government. In that republic took place the warmest welcome the Nazi invaders received from any Soviet group.

With that background, Kichko's book was actually a sign of Russian progress, for it was disowned and suppressed by the Soviet government.

But now the author has done it again. And his new work, Judaism and Zionism, was published by the Enlightenment Society of Kiev, a government sponsored agency for the increase and diffusion of knowledge. In the Soviet Union books, like tractors, are the product and instrument of the state, which gives the official change of heart a sinister aspect.

Anti-Semitism seems to have been used by the Czars as a kind of sop to the population, to give the peasants something to think about besides their misery and someone to blame the misery on besides the obvious causes of greed and incompetence in the ruling class. The Soviets may be using traditional anti-Semitism in the same way.

There is also a disturbing international aspect to the appearance of the book at this time. Kichko sees the state of Israel as embodying what he calls the vengeful and destructive nature of the "God of the Jews." This Jewish God, of course, is also the God of the Christians, the God of the Moslems and, even in a distorted way through the Old Testament prophetic style of Karl Marx, the God of the Communists.

As the Middle East hovers on the edge of a new war, as conversations continue about the intervention of the major powers, it is deeply distressing that the Soviet state should see fit to present such tired old travesties of thought as Kichko's.

BURN TREATMENT CENTERS

HON. JOHN W. DAVIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. DAVIS of Georgia. Mr. Speaker, one of the most agonizing injuries which our citizens experience is the burn injury resulting from fire. The pain and disfigurement which burn injuries produce, and the prolonged period of recovery which they require clearly suggest that the maximum amount of information about both fire prevention and about injury treatment should be made available to every American.

In the hearings on fire legislation just concluded by the Subcommittee on Science, Research, and Development of the Committee on Science and Astronautics testimony was heard from Dr. Curtis P. Artz of the University of South Carolina. Dr. Artz is one of the country's outstanding experts in the field of burn treatment, and has been one of the leaders in the establishment of burn treatment centers in several parts of the United States.

One of the most interesting and useful facts pointed out by Dr. Artz is that both the chances of recovery and the speed of recovery are measurably increased if a patient with burn injuries is treated in an established burn center. Furthermore, the transportation, either by air or by other means, of a burn-injured patient in the first 24 hours after the injury is sustained, does not adversely affect his or her chances of recovery. As a result it can be of critical importance that information about the existence and location of such burn centers be widely known. For that purpose I include below an abbreviated version of Dr. Artz' statement and an article listing the burn centers and related types of facilities in this country. I believe that this information can be of value to every citizen.

STATEMENT OF DR. CURTIS PRICE ARTZ

Each year in the United States about eight persons per thousand are significantly injured by fire. About 8,000 individuals die from burns each year. There are approximately two million burn injuries annually and of these about 300,000 are classified as bed disabling injuries. During the past several years there has been a rapid increase in the number of burn care facilities and an expanding interest in the large number of physicians, nurses, and paramedical personnel concerning burns. The number of burn treatment facilities has increased from a half dozen to more than 90 hospitals that now have some type of specialized burn program. It is generally estimated that we need about 7,000 burn intensive care beds. It is the primary goal of every burn surgeon to work for the establishment of sufficient special care facilities to provide all major burn victims the availability of our current resources and improving expertise. It is universally accepted and documented by a number of studies that better survival with less morbidity results when treatment of patients with major burn injuries is rendered in special treatment centers by trained personnel rather than in community hospitals. It is also recognized that this improved care shortens hospitalization so much that the actual cost is less when the patient is treated in a specialized facility.

To emphasize the importance of improved care for burned victims it would seem wise to point out that accidental injury destroys about 17 years of human life for every one thousand inhabitants in the United States. Cancer is really less destructive in that it only takes about 15 years of life per one thousand persons each year. Although burns is the most severe form of injury to which man is liable, they do not represent all accidents. They are a significant entity, however, and account for about 8% of man years lost due to accidents in the United States. A severe burn is a very catastrophic illness. It is catastrophic due to its effect on the family, catastrophic in its physiologic effect on the individual and catastrophic in cost. Since the burned patient is such a major form of injury, he has served as an ideal model for the injured man in our studies. Many things learned in the burned patient have been major breakthroughs for other forms of injured people.

Currently a partial and full thickness burn that covers half of an individual's body carries a 50% mortality. Obviously, much research needs to be done if we are going to salvage many patients who die today from burns. The best place to accomplish research is in a specialized institute. Fruitful new ideas come from individuals who are intimately associated with the day-to-day care of burn patients. Thus, specialized burn centers not only provide better treatment but also an experience and environment in which fruitful research can be accomplished.

Thus, the greatest single need in the care of burned patients today is the development of a large number of specialized treatment centers. To be able to do this, however, we must provide well-trained personnel. In fact, it is extremely important that we first train the personnel. Without trained personnel specialized facilities cannot be developed. It must be remembered that a large number of various disciplines form the burn team. These include not only the surgeons but also nurses, physical therapists, occupational therapists, anesthesiologists, dietitians, inhalation therapists, laboratory technicians, psychiatrists and many others. Thus, the great current need is for support in the training of the burn team. This undoubtedly is the first phase in the development of any type of burn facility, center or program.

It is generally believed that a major burn facility that can handle difficult problems associated with burned victims is needed for about every two million people. Certain geographical areas can support and should have specialized centers or institutes where research and teaching are as important as patient care. Other areas should have a burn unit in a large general hospital and others should have specialized burn programs in one ward or section of the hospital. All require a well-trained team of highly specialized individuals.

The value and yield of burn research can only be evaluated objectively in limited ways. One yardstick is the presentation of research results at our national meetings. During the past five years the National Institutes of Health funded projects resulted in 26% of all research papers presented at The American Burn Association meetings. Of the remaining sources of research contributions the bulk came from the U.S. Army Institute for Surgical Research Unit at Brooke Army Medical Center and the three Shrine burn institutes. These considerations point out the needs for expansion of quality research programs. In depth training programs to assure a broad foundation in the fundamentals of research are a prerequisite for implementation of expanding quality research.

For productivity in the development of personnel in burns one can look with pride at the track record of the U.S. Army Institute for Surgical Research. It was founded in 1949. It has furnished the only organized training ground for physicians in burn care or research on a large scale basis. It has produced four chairmen of departments of surgery, seven professors of surgery, nine professors in other disciplines, fifty-one associate and assistant professors. Fourteen of these now supervise burn units throughout the country and twenty-five others are involved part-time in burn care. Such an extensive program is vital to our balanced growth and development. More are needed but equally as vital are the programs designed to improve clinical care, expand their teaching and establish small research programs of quality.

Classification of Burn-Care Facilities in the United States

(By Irving Feller, MD, and Keith H. Crane, MS)

The concept of specialized care facilities for the burned patient is relatively new. The first "burn units" were established in 1947 at the Medical College of Virginia, and at the Army Surgical Research Unit in San Antonio, Tex. These units were organized to provide, within their walls, almost all of the resources required for these severely injured patients. Additional units were established in the next two decades. In 1969, a survey of the short-term general and children's hospitals in the United States was completed, to determine the availability of facilities for the care of the burned patients. Only 32 such facilities could be identified. In addition to the hospitals that provide special facilities for burned patients, 46 others are identified with improved care. These facilities and special programs are not alike, and a classification of them is provided to differentiate the levels of care provided.

Of the 6,062 hospitals initially contacted, 4,000 responded. Of those, 539 either claimed to provide specialized burn care or were considered as burn referral centers by other hospitals, or both. The remaining hospitals indicated that they had no special provisions for care of burned patients.

The results of this study indicated that "specialized care" was a very general term which covered a range from hospitals exclusively for burns to doctors specializing in burn patient care, but working within general hospital facilities.

In order to describe precisely the spectrum of treatment, five levels of burn care were defined in order of increasing specialization: (1) general care, (2) general intensive care, (3) burn program, (4) burn unit, (5) burn center. They are defined as follows:

"*General care* is defined as treatment given in a hospital with no specialized facilities or areas for burn care and no consistent plan for management of the patient.

"At the *general intensive care* level, burns are often treated in a specialized facility or area, such as an intensive care unit, with other patients, but no consistent plan for management of burns is followed. However, the problems associated with more-severe burns are recognized, and the patient is placed in the available intensive care area.

"*Burn programs* are found in the hospital that has no specialized facilities or areas for burn care, but in which a consistent plan, conducted by an interested and experienced physician (or jointly by many physicians), is followed for management of burns. As a measure of experience, it was assumed that the physician is treating at least 25 burns per year.

"A *burn unit* is a burn program being conducted in a specialized facility which is used only for burns. It was assumed that this facility has at least four beds and in which at least 35 patients are treated each year.

"A *burn center* is basically a larger burn unit, with special emphasis on research and teaching as well as on patient care. It was assumed that the facility has at least six beds and in which at least 50 patients are treated yearly."

Starting in July 1968, a second questionnaire was sent to the previously located 539 hospitals, as well as to all medical schools. These questionnaires were followed up by telephone calls and site visits or both when the questionnaires were either not returned, incomplete, or contradictory.

This second survey revealed that out of 6,062 short-term general and children's hospitals, only 78 provided some form of specialized burn care. This group includes 12 burn centers, 20 burn units, and 46 burn programs. There are also 300 hospitals that use their intensive care areas for burn patients. Interestingly enough, 160 of the general-care hospitals were considered as burn referral centers by other hospitals, even though they provided no specialized burn care. These results are summarized in Table 1.

The 12 burn centers are individually listed in Table 2. This listing shows the burn center location, doctor(s) in charge, hospital(s) administratively responsible, bed capacity of the facility, and the number of annual admissions. The listing is alphabetical by location (city within state). Table 3 lists the 20 burn units in an identical fashion.

In Table 4, the burn programs are presented alphabetically by state, listing the city, physician, and hospital. The geographic distribution of the burn centers, burn units, and burn programs is shown in the Figure. (Figure not printed.)

During the past 20 years, the understanding of the complex medical problems presented by seriously burned patients has increased. Over 9,000 published articles and books on various aspects of burn treatment testifies to the increasing interest, research, and activity in this area.[1] In the few burn-care facilities within the country, statistics on high mortality and morbidity rates are being challenged and changed.

Unfortunately, there has not been a matching growth of burn centers or other facilities where new concepts in treatment can be consistently carried out for the patients' benefit. In fact, of approximately 75,000 annual admissions of patients with burn injuries, only 7,700 are treated in hospitals that have burn-treatment programs. More facilities that offer specialized treatment are urgently needed in every category. A classification and location of the existing facilities within the United States is presented.

This study was supported in part by Public Health Service grant HS00131-05.

FOOTNOTE

[1] Feller I: *International Bibliography on Burns*. Ann Arbor, Mich., American Burn Research Corp., 1969.

TABLE 1.—*Classification of levels of burn-patient care*

Facility:	Number
Burn center	12
Burn unit	20
Burn program	46
Total	78
General intensive care	300
General care	5,684
Total	6,062

TABLE 2.—BURN CENTERS IN THE UNITED STATES

Location, doctor(s) in charge, hospital(s)	Bed capacity, number	Annual admissions, number
Los Angeles: John Winkley, M.D.; Los Angeles County General Hospital	30	325
Atlanta: H. Harlan Stone, M.D.; Grady Memorial Hospital, Emory University Hospital	25	180
Chicago: John Boswick, M.D., Nelson Stone, M.D.; Cook County Hospital	35	425
Iowa City: S. E. Ziffren, M.D.; University of Iowa Hospital	9	75
Boston: Oliver Cope, M.D.; Shrine Burns Institute, Massachusetts General Hospital	30	225
Ann Arbor, Mich.: Irving Feller, M.D.; University of Michigan Medical Center, St. Joseph Mercy Hospital	14	150
Cincinnati: Bruce MacMillan, M.D., Robert Hummel, M.D.; Shrine Burns Institute, Cincinnati General Hospital	55	325
Columbus Ohio: E. Thomas Boles, M.D.; Childrens Hospital	20	125
Dallas: Charles Baxter, M.D.; Parkland Memorial Hospital	12	200
Galveston, Tex.: Duane Larson, M.D., Stephen Lewis, M.D.; Shrine Burns Institute, John Sealey Hospital	30	300
San Antonio, Tex.: Basil Pruitt, Col., MC; U.S. Army Surgical Research Unit, Brooke Army Medical Center	60	390
Richmond, Va.: B. W. Haynes, M.D.; Medical College of Virginia Hospital	36	220
Total	356	2,940

TABLE 3.—BURN UNITS IN THE UNITED STATES

Location, doctor(s) in charge, hospital(s)	Bed capacity, number	Annual admission, number
Mobile, Ala.: John Crosby, M.D., Byron Green, M.D.; Mobile General Hospital	8	150
Phoenix, Ariz.: William Price, M.D.; Maricopa County General Hospital	9	100
Orange, Calif.: Irving Rappaport, M.D.; Orange County Medical Center	8	125
San Francisco: Gerald O'Connor, M.D., Vincent Pennisi, M.D.; St. Francis Memorial Hospital	10	50
Washington, D.C.: John Lilly, M.D.; Children's Hospital of the District of Columbia	6	50
Miami, Fla.: Hiram Polk, M.D.; Jackson Memorial Hospital	16	75
Detroit: James Lloyd, M.D.; Children's Hospital	11	120
St. Paul: James Lefeve, M.D.; St. Paul Ramsey Hospital	10	150
St. Louis:		
Harvey Butcher, M.D.; Barnes Hospital	6	50
William Monafo, M.D.; St. Johns Mercy Hospital	11	90
Albany, N.Y.: Mark Wong, M.D.; Albany Medical Center	10	120
Brooklyn, N.Y.: I.C. Song., M.D., Bertram Bromberg, M.D.; Kings County Hospital	6	175
New York: Ronald Ollstein, M.D., George Crikelair, M.D.; Harlem Hospital Center	20	100
Chapel Hill, N.C.: C. F. Zukoski, M.D.; North Carolina Memorial Hospital	7	40
Akron, Ohio: Clifford Boeckman, M.D.; Children's Hospital of Akron	14	140
Toledo, Ohio: James Sullivan, M.D., John Kelleher, M.D.; St. Vincent Hospital and Medical Center	8	35
Tulsa, Okla: Frank Clingan, M.D.; Hillcrest Medical Center	10	125
Pittsburgh: Charles Copeland, M.D.; Mercy Hospital	6	50
Houston: Melvin Spira, M.D.; Ben Taub General Hospital	12	140
Milwaukee: George Collentine, M.D.; St. Mary's Hospital	30	225
Total	218	2,110

TABLE 4.—*Burn programs in the United States*

Birmingham, Ala; Alan Dimick, MD; University of Alabama Hospital.

Little Rock, Ark; Merlin Kilbury, MD; St. Vincent Infirmary.

Los Angeles; Franklin Ashley, MD; University of California Hospital.

Oakland, Calif; LCNR Dwight Galloway, MC; US Naval Hospital.

Palo Alto, Calif; Donald Laub, MD; Palo Alto-Stanford Hospital.

San Francisco; Thomas Hunt, MD; San Francisco General Hospital.

San Mateo, Calif; (MD not identified); San Mateo County General Hospital.

Sherman Oaks, Calif; Richard Grossman, MD; Sherman Oaks Community Hospital.

Denver; Ben Eiseman, MD; Denver General Hospital.

Washington, DC; William Matory, MD; Freeman's Hospital.

Washington, DC; Maxine Schurter, MD; Gordon Letterman, MD; George Washington University Hospital.

Jacksonville, Fla; Samuel Stephenson, MD; Duval Medical Center.

Tampa, Fla; Joan Fletcher, MD; Tampa General Hospital.

Augusta, Ga; Carl Jelenko, MD; Eugene Talmadge Memorial Hospital.

Chicago; Harvey Zarem, MD; Mark Ravitch, MD; University of Chicago Hospital.

Kansas City, Kan; David Robinson, MD; Lucian Leape, MD; University of Kansas Medical Center.

Lexington, Ky; Paul Weeks, MD; University of Kentucky Medical Center.

New Orleans; Francis Nance, MD; Charity Hospital of New Orleans.

Baltimore, Md; (MD not identified); University of Maryland Hospital.

Boston; Alfred Morgan, MD; Peter Bent Brigham Hospital.

Springfield, Mass; Joseph Baker, MD; Springfield Hospital.

Eloise, Mich; Robert O'Neal, MD; Wayne County General Hospital.

Minneapolis; Donald McQuarrie, MD; Veterans Administration Hospital.

Rochester, Minn; John Simans, MD; St. Mary's Hospital.

Kansas City, Mo; J. G. McDonald, MD; Childrens Mercy Hospital.

St. Louis; Francis Paletta, MD; St. Louis University Hospital.

Hackensack, NJ; Edward Dana, MD; Hackensack Hospital.

Montclair, NJ; William Conroy, MD; Mountainside Hospital.

Brooklyn, NY; Kaj Holmstrand, MD; Brooklyn-Cumberland Medical Center.

Buffalo; Louis Cloutier, MD; Emergency Hospital Diocese of Buffalo.

Buffalo; George Reading, MD; Edward J. Meyer Memorial Hospital.

East Meadow, NY; Leonard Rubin, MD; Meadowbrook Hospital.

New York; Felicien Steichen, MD; Lincoln Hospital.

Rochester, NY; Robert McCormack, MD; John Morton, MD; Strong Memorial Hospital.

Durham, NC; Nicholas Georgiade, MD; Duke University Medical Center.

Winston-Salem, NC; Julius Howell, MD; North Carolina Baptist Hospital.

Oklahoma City; John Schilling, MD; Edwin Smith, MD; University of Oklahoma Hospital.

Philadelphia; George Manstein, MD; Albert Einstein Medical Center.

York, Pa; John Angelo, MD; York Hospital.

Charleston, SC; Curtis Artz, MD; Medical College Hospital.

Memphis; Roger Sherman, MD; City of Memphis Hospital.

Seattle; Donald Hall, MD; Children Orthopedic Hospital and Medical Center.

Seattle; James Cantrell, MD; King County Hospital.

Morgantown, WV; Walter Moran, MD; West Virginia University Hospital.

Madison, Wis; Robert Hickey, MD; University of Wisconsin Hospital.

Neenah, Wis; Eugene Schrang, MD; Theda Clark Memorial Hospital.

MR. WILSON'S SQUALID REMARKS

HON. BROCK ADAMS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. ADAMS. Mr. Speaker, I was shocked to hear the very ugly, arrogant and completely uncalled for racial slur emitted from the lips of that "renowned and respected attorney," John Wilson, in making reference to one of our most distinguished and honored Senators from Hawaii, DANIEL INOUYE.

Quite to the contrary of any thought which might have been hovering in Mr. Wilson's mind, Senator INOUYE and the other distinguished Senators of the Senate Select Committee on Presidential Campaign Practices have done a magnificent service to this country by exposing not only the alleged illegal activities perpetrated by members of the Nixon administration and the President's Reelection Committee, but also the disregard for our Constitution and laws of the land exhibited by some high officials and their legal counsel.

Senator INOUYE is helping to restore some decency to our country and its political system in his work in the Watergate hearings. It is quite obvious that we all have a great deal further to go before that goal of true decency is actually achieved.

I think the Washington Post's editorial staff in their editorial in this morning's paper, puts the problem in a nutshell—and I would like permission to have that editorial reprinted along with my remarks at this point in the RECORD:

MR. WILSON'S SQUALID REMARK

"That's just the way I speak. I consider it a description of the man. I wouldn't mind being called a little American." Thus John J. Wilson, lawyer for H. R. Haldeman and John Ehrlichman, explained (if that is the word we want) his disdainful allusion to Sen. Daniel Inouye (D-Hawaii) as "that little Jap." As is so often the case with people who perceive their fellow citizens in this way, Mr. Wilson's "explanation" was, if anything, more revealing than his original remark. That is, as distinct from Senator Inouye ("that little Jap"), Mr. Wilson thinks of himself as an American. What, then, does he think Senator Inouye is? A foreigner? A foreigner serving in the United States Senate? A foreigner who lost his right arm in World War II fighting in the American army in Europe? A native-born American who has won the Distinguished Service Cross for heroism in action and who has spent most of his adult life in public service and who is nonetheless . . . somehow . . . a *foreigner?*

Well, whatever else Mr. Wilson may assume about these matters, we think he's got one thing exactly right. "I wouldn't mind being called a little American," Mr. Wilson said. The small and squalid spirit of his remarks suggests to us that the description will do just fine.

ON INTRODUCING RESOLUTION TO CREATE A STANDING COMMITTEE ON THE CENTRAL INTELLIGENCE AGENCY

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. HARRINGTON. Mr. Speaker, recent Watergate disclosures, disillusionment by the unauthorized war in Laos, and shades of past operations, such as the Bay of Pigs fiasco, have all caused Congress to focus greater attention on CIA activities. Members of the CIA oversight subcommittees of Congress, who once accepted the word of the CIA almost unquestionably, are now reassessing the role of congressional oversight and should be commended.

It is well established that Congress has failed in the past to provide adequate scrutiny. Too often, it seems to me, we have been misled, misinformed, or have failed to adequately question the CIA concerning its activities. Otherwise many of its more questionable activities, such as the secret war in Laos, could have been prevented.

Because of the enormous scope of CIA activities and operations, standing committees in each House of Congress, with full staffs, will have to be established to provide adequate oversight. Therefore, today Senator PROXMIRE and I are introducing resolutions to create such committees in our respective Houses of Congress. These committees shall consist of members of the Armed Services Committees, members of the Committees on Foreign Relations and Foreign Affairs, and the remainder from members of the respective Houses. Their functions shall include consideration of all matters concerning the CIA, exclusive of matters of appropriations of funds for the operation of the Agency within the jurisdiction of the Committee on Appropriations.

These resolutions require prompt, affirmative consideration by Congress. Another bill I introduced, along with 28 of my colleagues, H.R. 8592, would amend the National Security Act of 1947 giving Congress greater oversight control over the CIA. Together with the creation of the standing committees, we can assert greater control over the CIA and help prevent future embarrassments, illegal and immoral CIA activities, undermining of legitimate foreign policy, and subversion of American democracy.

Mr. Speaker, I would like to insert a copy of my resolution so that it can be inspected by my colleagues:

HOUSE RESOLUTION —

Resolved, That clause 1 of Rule X of the Rules of the House of Representatives is amended by redesignating paragraphs (e) through (u) as paragraphs (f) through (v), respectively, and by inserting after paragraph (d) the following new paragraph:

"(e) Committee on the Central Intelligence Agency, to consist of fifteen Members as follows: Five Members concurrently serving on the Committee on Armed Services, five Members concurrently serving on the Committee on Foreign Affairs, and five other Members."

SEC. 2. Rule XI of the Rules of the House of Representatives is amended by redesignating clauses 5 through 33 as clauses 6 through 34, respectively, and by inserting immediately after clause 4 the following:

"5. Committee on the Central Intelligence Agency.

"(a) Central Intelligence Agency."

SEC. 3. Paragraph (a) of clause 3 of Rule XI of the Rules of the House of Representatives is amended by inserting ", other than the Central Intelligence Agency" immediately before the period at the end thereof.

SEC. 4. Clause 2 of Rule XIII of the Rules of the House of Representatives is amended by striking out "clause 22 of Rule XI" and inserting in lieu thereof "clause 23 of Rule XI".

AUGUST 21, 1968—ANNIVERSARY OF CZECHOSLOVAKIA'S LOSS OF FREEDOM

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. DERWINSKI. Mr. Speaker, while we are in recess and thus the RECORD will not be available to the Members, I want to express my views on an international date of special significance that will be remembered, August 21, 1968, when Russian troops occupied Czechoslovakia to suppress the liberalization that was developing in that country.

Several years have passed since that date and the peoples of Czechoslovakia remain under the heel of the Soviet Russian goosestep.

I emphasize this point to the Members this afternoon, feeling as I do that this episode demonstrates the rigid and barbaric nature of the Soviet dictatorship. For those people in all parts of the world, August 21, 1968 should be remembered as a day when the blooming of freedom was nipped in the bud and the rights of these peoples remain divided until this day.

TORTURE IN SOUTH AFRICAN PRISONS

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. DIGGS. Mr. Speaker, over the last few years there have been persistent reports of prisoners being tortured, kept in solitary confinement, detained indefinitely without trial, and sometimes dying under mysterious circumstances while in the hands of the South African police. The South African system of apartheid, with complete power held by small white minority, depends on complete repression of all political and civil rights for the Africans, Asians and coloreds, and the use of police terror on a massive scale.

Some of the evidence of the use of inhumane methods of interrogation and punishment has been collected and analyzed by the United Nations Unit on Apartheid. I include a few extracts from this remarkable document, entitled "Maltreatment and Torture of Prisoners in South Africa," in the RECORD:

MALTREATMENT AND TORTURE OF PRISONERS IN SOUTH AFRICA

Maltreatment and torture of opponents of *apartheid,* in prisons and police cells, has become an essential feature in the implementation of the policy of *apartheid* in South Africa in the past decade. Thousands of opponents of *apartheid*—the leaders and participants in the struggle of the oppressed people for freedom and human dignity, as well as whites who have supported and joined this struggle—have been detained and imprisoned for no offense but their participation in the legitimate struggle. They have been subjected to prolonged solitary confinement, threats, abuse and ill-treatment. The Special Branch of the Police has subjected many of them to special cruelty—assaults, electric shocks, "statute torture", deprivation of sleep and sophisticated psychological torture—in order to extract confession or information on the struggle against *apartheid.* More than a score of detainees have died in prison.[1]

The incidents of specially cruel and brutal treatment of the prisoners and detainees, reviewed in chapter III, represent but a fraction of the actual cases. They have occurred in prisons and police cells scattered all over the country. The Government has consistently shielded the officers of the Security Branch and other policemen accused of assaults and torture from punishment or impartial investigation.[2] The conclusion is inescapable that cruelty against opponents of *apartheid* is the application of a deliberate and centrally directed policy, and that torture by the Security Police is condoned, if not actually encouraged, by the Government.

The South African régime has continued to perpetrate such brutality in flagrant defiance of United Nations resolutions and world opinion. The South African régime hopes to intimidate the oppressed people of the country to acquiesce in *apartheid.* But in fact, by its policies and actions the Government is only creating a graver crisis in South Africa and beyond.

The political prisoners and detainees in South Africa are the participants in a long and arduous struggle for the principles of the United Nations Charter and the Universal Declaration of Human Rights. Leaders

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Footnotes at end of article.

like Nelson Mandela, Walter Sisulu and Abram Fischer have won the respect and admiration of Governments and peoples all over the world for their heroism and humanism. They and their fellow-prisoners are, indeed, the genuine leaders and representatives of the great majority of the people of South Africa.

METHODS OF THE INQUISITORS

The treatment of persons detained under the detention laws is governed by special regulations promulgated by the Minister of Justice. They are denied even the minimum protection of the regulations under which prisoners convicted of common law crimes are normally kept. The conditions of imprisonment are laid down by the Security Branch, and not by the prison authorities.

What may be considered unlawful treatment for condemned murderers may be lawful in the case of these detainees. For example, almost all the detainees have been subjected to prolonged periods of solitary confinement, most of them far beyond the 30 days laid down by the Geneva Convention relative to the Treatment of Prisoners of War as the maximum for prisoners of war in exceptional cases. Detainees are often denied even one hour of exercise a day or access to open air. They are not allowed to have reading matter (except perhaps the Bible) or writing instruments to relieve what the courts called "the tedium of their confinement". Such solitary confinement is itself, according to experts, cruel and inhuman treatment.

In addition, available evidence indicates that the Security Police have frequently resorted not only to brutal assaults but to electric shock torture, statue torture, refused to permit sleep for long periods and various other and more sophisticated methods of torture.

The growing impunity of the Special Branch is reflected in the fact that while only Africans and other non-whites were subjected to physical assaults in 1963, white men have also been assaulted since July 1964, when Mr. Alan Brooks, Mr. John Harris and Mr. Hugh Lewin were assaulted. In addition, many others were subjected to statue torture. There remained still some restraint with regard to white women: the assault on Miss Stephanie Kemp and the prolonged interrogation of Miss Ann Nicholson in 1964 may have been isolated cases, as suggested to the *Ad Hoc* Working Group;[3] but the many cases of statute torture in 1965–1966 could only be a deliberate policy. African women have been subjected to deliberate brutality, especially in the case of Mrs. Winnie Mandela and others in 1970.

Allegations of similar torture have been made from so many centres and have involved so many local officers—in addition to certain interrogators who travel from Pretoria to other areas—that there is reason to believe that Security Branch officers have been trained in these methods. Moreover, it appears from the evidence that they have been experimenting with various refinements.

GESTAPO METHODS

Again and again, a parallel has been drawn between torture of political prisoners in South Africa and the practice of the Nazi Gestapo in Germany. The *Ad Hoc* Working Group of Experts reported to the Commission on Human Rights in 1967:

"The procedures and methods utilized by the Special Branch and police for interrogation of detainees and arrested persons are very similar to, if not identical with, those reported to have been used by the Gestapo under Hitler's Nazi régime in Germany." (E/CN.4/950, para. 1143.)

In this connexion, it may be noted that the torture of detainees became frequent in South Africa after Mr. B. J. Vorster was appointed Minister of Justice in 1962. During the Second World War, Mr. Vorster had been a General in the Ossewa Brandwag, a paramilitary organization which engaged in acts of sabotage against the war effort, in sympathy with Nazi Germany. He had been interned from September 1942 to January 1944 and then placed under house arrest. Soon after becoming Minister, he promoted Mr. H. J. van den Bergh, a junior police officer who had been detained in the interment camp with him, to the post of head of the Security Branch.[4] He obtained arbitrary powers of house arrest and provided the Security Branch with the detention laws. He has protected the Security Branch by consistently refusing to hold a public inquiry despite numerous complaints of torture and repeated and widespread demands in Parliament and by the public.

MR. RAYMOND EISENSTEIN

Mr. Eisenstein was detained under the 90-day law in 1964.

It was reported that he was punched steadily on one spot on his arm for three hours until it was swollen. He was forced to stand for 28 hours. He then sat down and was kicked and beaten. He was seized by his testicles, lifted up bodily, taken to the window and threatened with dropping. He then made a statement which was false. (E/CN.4/950, para, 917).

MR. DOUGLAS MTSHETSHE MVEMBE

Mr. Mvembe, 73, a pensioner, was detained under the Terrorism Act and subsequently tried with Mrs. Mandela and others.

He said that he was forced to stand on bricks. As he was unable to balance on the bricks, he was handcuffed and tied to a grating above his head, his feet touching the bricks. "It looked as if I was on the cross. I would thirst and ask for water . . . After many pleas for water they would give me a drop and then withdraw the mug from my mouth." He was tortured for three days and nights.

MISS SHANTI NAIDOO

Miss Naidoo, a clerk who had suffered imprisonment and restriction for opposition to apartheid, was detained under the Terrorism Act on 3 June 1969 and called as a State witness in the trial of Mrs. Mandela and others.

She told the court that she had been kept in solitary confinement, subjected to brutal interrogation and threatened with the arrest of all her family. She had had to sleep on the floor of the cell. She had made a statement only after a five-day interrogation during which she had not been allowed to sit or sleep. She said:

"I was interrogated, I was forced to make certain admissions because I couldn't stand the strain of standing on my feet for hours and hours . . .

"My mind went completely blank and I went to sleep standing and I had a sort of a dream in which I was actually speaking to the officers who were interrogating me, in my sleep, and afterwards when I had sort of regained my senses, I was interrogated on this dream I had which was complete nonsense.

"The interrogation went on for five days without any sleep."

She refused to give evidence on the ground that two of the accused were her friends, and was sentenced to two months in prison. After serving the sentence, she was again detained for four months under the Terrorism Act.

MR. AHMED TIMOL

Mr. Timol, 30, a school teacher, was detained under the Terrorism Act on 22 October 1971. He died on 27 October, after a fall from the tenth floor of the Security Police headquarters in Johannesburg. The Security Police claimed that he had committed suicide.

An inquest was held after a delay of several weeks: the magistrate refused the application of the family's counsel for information in the possession of the prosecutor, and the inquest was delayed until an appeal of the ruling was decided by the Supmeme Court.

It was disclosed at the inquest that Mr. Timol had been interrogated by Lieutenant-Colonel W. P. van Wyk, Captain Dirker, Captain Bean, Captain J. Z. van Niekerk and Captain Johannes Gloy. On the day of the death, he had been interrogated by Captain Gloy and Captain van Niekerk from 8 a.m. to 3.30 p.m.[5]

Results of the *post mortem* examination had shown several injuries sustained between three and 10 days before death. Medical specialists testified that these injuries could have been caused by blows and kicks with a boot.[6]

The magistrate, Mr. J. J. L. de Villiers, found on 22 June 1972 that Mr. Timol had committed suicide and that no one was to blame for his death.

Evidence received in 1963 and 1964 from Robben Island prison, where non-white political prisoners are gaoled, indicated brutal and widespread ill-treatment. There were allegations of frequent assaults by warders, attempts at sodomy by hardened criminals, hard manual labour, other indignities and humiliation, and lack of decent medical attention.[7]

Leaders of the people like Nelson Mandela continue to be obliged to work in the lime quarry or to break stones. They are given unpalatable food and are obliged to wear shorts. They receive no bread but only mealie meal.

A letter smuggled out of Robben Island prison in March 1969 indicated a continued lack of medical attention. A prisoner wrote:

"It has become imperative to us to write and report to you the most intolerable conditions to which we are subjected.

"The poor medical treatment we receive is a matter which must receive your first attention. From last year four of our men died mainly through negligence. Practically no treatment was given to them until they were completely helpless. Their ailments became complicated beyond remedy, and then only were they taken to a hospital in Cape Town, Somerset Hospital.

"In a matter of a week, Marks died, Simon Mkele stayed for a few days in hospital. He also died. This one had a medical recommendation to be discharged from prison but this never materialized.

"Headman Sindile Ncaphayi, of Port Elizabeth, is a case that requires special attention. He took ill on August 6 and reported sick. During this time there was an epidemic at Robben Island. About a hundred or more were affected. The doctor did not come until August 26. Only on August 30 was Ncaphayi sent to Somerset Hospital. He died on September 1.

"We have few more of our men who are really seriously ill. And if no action is taken they will definitely die. TB and asthmatic patients are forced to work in the quarry, a most brutal arrangement.

"Please arrange for a commission of inquiry to investigate this position. The food quality is exceedingly poor." (A/AC.115/L.243)

FOOTNOTES

[1] Nineteen persons held under the general detention laws since 1963 have died in detention. The Government has claimed that eleven of these had committed suicide. Hilda Bernstein, *The Terrorism of Torture,* p. 54. In addition, at least two persons died during detention under Proclamation R. 400 in the Transkei. Republic of South Africa *House of Assembly Debates* (Hansard), 11 February 1972, col. 164. All these 21 were non-whites.

[2] The Government has not charged any members of the Security Branch for assaults and torture against detainees, though there has been evidence in numerous cases of assaults, including the death of several detainees. Large numbers of policemen are annually convicted of assaults and other of-

fences against prisoners but the Government has retained many of them in employment.

[3] Communication of Miss Sylvia Neame to the *Ad Hoc* Working Group of Experts, E/CN.4/AC.22/19, annex II.

[4] Suzanne Cronje, *Witness in the Dark*, pp. 3–4; E/CN.4/950, para. 600 (testimony of Mr. A. Sachs). In 1969, Gen. van den Bergh was made head of the newly created Bureau for State Security, with a budget of over 4 million rand. The Security Police budget was increased that year by 200,000 rand to 1.2 million rand. *Cape Times*, 11 August 1969.

[5] *The Star*, Johannesburg, 26 April 1972.

[6] *Rand Daily Mail*, Johannesburg, 5 and 24 May 1972.

[7] Affidavit by Mr. L. R. Galela, a former prisoner, transmitted by the Pan-Africanist Congress on 19 November 1963 (A/AC.115/L.41); three affidavits by former prisoners transmitted by Mrs. Ruth First on 12 May 1964 (A/AC.115/L.73).

SALARIES

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. ZWACH. Mr. Speaker, on July 30 I joined with 236 of my fellow Members in voting to defeat the rule which would have provided for the consideration of increases in certain executive, legislative, and judicial salaries.

The President now receives $200,000, the Vice President $62,500, Chief Justice and Speaker of the House $62,500, Associate Justices and Cabinet Officers $60,000. President of the Senate $49,500, and heads of agencies $42,500.

I believe these salaries are more than adequate and I will continue to oppose, in every way I can, any attempt to increase them.

Mr. Speaker, I would like to insert into the CONGRESSIONAL RECORD, an editorial that first appeared in the Montevideo American and was reprinted in the Ortonville Independent on July 18, 1973.

It best explains the way I feel about pay increases for public officials:

SALARIES

In his column recently, Congressman John Zwach states that he will oppose any attempt to raise the salary of our men in Washington. This writer certainly supports Zwach and agrees with him that election to public office is a public trust and that motivation should stem from higher ideals than that of getting rich.

Perhaps when Zwach finishes the job in Washington he'll come to Minnesota and see what he can do for us here.

Mayor Charles Stenvig, for instance, is one of the lower salaried employees in the city of Minneapolis. At $21,800, there are six of his subordinates who receive $30,000 per year or over. Perhaps Stenvig should consider applying for the job of superintendent of schools; the pay there is $7,000 above his present salary at its lowest level.

Only one state official, the liquor control commissioner, receives under $20,000 per year, according to a recent survey done by the Minneapolis Star and Tribune. He is paid $19,000 per year.

Apparently one of the highest paid public officials in the state is Hennepin County medical examiner John J. Coe. He received $54,168. Of those surveyed at the University of Minnesota athletic director Paul Giel was the lowest paid at $30,000.

It is difficult to measure, sometimes, the work done or the worth of a public official. Sometimes we wrongly assume that those who are in the public eye the most should be paid the most because obviously they are doing the most. Such is not the case, to be sure.

But with everything else sprouting up around us, the line against inflation must be held somewhere. It might not be out of the way to suggest that some public officials, both elected and appointed, begin the move by paring their own salaries a bit and follow through by cutting costs in their departments or areas of responsibility.

And it is this point that Zwach's point becomes valid. When one holds public office, no matter how he got there, he is holding a public trust. While no one expects him to work for free or at a personal sacrifice, one must not expect to reap huge financial gains.

Aside from some healthy five-figured salaries, many of the officials surveyed also receive automatic salary increases, mileage expenses for travel and some even receive their homes.

With such benefits abounding in high places, it is a minor miracle that more people aren't clawing their way up the ladder to success. This writer is not suggesting that the jobs of these officials are easy or that many are not earning their salaries.

This writer is merely questioning the dramatic heights some salaries have achieved. It is time to question at what point one reaches the point of diminishing returns. How much is a man, in a given job, worth? Is there a point at which the cost of maintaining that fellow in that position outweighs his being there? Simply put: Is it possible for us to one day find ourselves paying our public officials too much, more than they are worth?

It is something to think about.—Montevideo American.

PETÖFI EXHIBITION AT THE LIBRARY OF CONGRESS

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. PATTEN. Mr. Speaker, recently an exhibition about the life and works of Alexander Petöfi was held at the Library of Congress lasting for over a month.

The exhibition featured an excellently selected number of books, facsimiles and other materials about the life of this literary genius, who, despite dying at the age of 26, is considered to be the greatest Hungarian poet, and certainly one of the great European poets along with Heine, Byron, and Tennyson.

Translations of his work into various European and Asian languages were also featured, as were many of the American editions of his poems starting with the 1850's and ending with publications around 1969.

Credit for this display of Hungarian culture and of the man whose ideals of freedom and democracy were closely in line with those of Abraham Lincoln should be given to the Finnish-Ugrian Specialist of the Library of Congress, Dr. Elemer Bako, and to the leadership in foreign cultural presentation so often displayed by the Library of Congress as a whole. Dr. Bako's work on Petöfi has been commented upon by many of us earlier this year.

RESOLUTIONS BY COMMUNICATIONS WORKERS OF AMERICA

HON. MELVIN PRICE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 1973

Mr. PRICE of Illinois. Mr. Speaker, last month the Communications Workers of America held their 35th annual convention at Miami Beach. During the course of the convention, the 2,500 delegates adopted a number of resolutions on major issues facing the United States.

At this point in the RECORD I would like to include a letter from Joseph A. Beirne, president, Communications Workers of America, and relevant material pertaining to five of the resolutions adopted on a recommended legislative agenda for 1973, housing, energy crisis, cutbacks in social services, and the abuse of technology:

COMMUNICATIONS WORKERS OF AMERICA,
Washington, D.C., July 23, 1973.

DEAR CONGRESSMAN: Last month 2,500 men and women of the Communications Workers of America met in Miami Beach at the Union's 35th Annual Convention. As a part of the Convention proceedings, these delegates adopted resolutions setting the policy of the Union on a variety of issues of national concern. Five of the resolutions—Legislative Agenda for 1973, Housing, Energy Crisis, Cutbacks in Social Services, and the Abuse of Technology—I feel would be of interest to you.

This Union's leaders for a number of years have been concerned over the problems of individual privacy, occasioned by the many advances in communications technology of the last several decades. Our Convention Resolution, "'Abuse of Technology': Freedom's Enemy Corruption's Ally," addressed itself to the erosion of the cherished concept of privacy. The Convention Resolution noted that "national security" has been used as a pretext for undue use of eavesdropping and corruption of our American political process. The Resolution calls on the Congress to establish standing committees on individual privacy, which would undertake complete reviews of the state of the technology which can be abused. The Union's Convention asks for "appropriate legislation to interpret Fourth Amendment guarantees in the light of present technology, so as to move the Nation away from the invitation to the massive corruption of our liberties."

In our Resolution on "Housing" we call upon the Department of Housing and Urban Development "to rescind the moratorium on subsidized housing and community development programs," and to return to the goal set forth in the Taft-Wagner-Ellender Act of 1949 of "a decent home for every American family." CWA realizes there have been widespread abuses and failures in the federal housing program, and we call upon Congress to enact comprehensive housing reform legislation to insure the success of the program.

One of the great tragedies of the federal government's current fiscal policy is the attempt by the Department of Health, Education and Welfare to curtail or eliminate social service programs for children, adults, and the aged, blind and disabled. Again, CWA acknowledges there have been abuses in this program, but in 1972 Congress enacted amendments to the Social Security Act which set a $2.5 billion ceiling on the amount of money that could be spent on social services. This figure permits the continuance of most of these vital services while at the same time bringing needed reform to the program. In our Resolution on "Cutbacks in Social Services," CWA calls upon HEW "to cease its dismantling of the social services programs, and urges it to work with the Congress to design new programs and to improve the present ones."

The Communications Workers of America feels one of the most critical problems facing the American consumer today is the availability of energy. Adequate energy to fuel our nation's growth is essential. None of the current sources of energy—oil, natural gas, coal, nuclear energy, or water power—is in such abundance as to satisfy demands for the future. Furthermore, the United States must turn away from dependence upon foreign sources of petroleum products, and concentrate on tapping the vast potential of the Alaskan North Slope and the Continental Shelf. Our Resolution on "The Energy Crisis" supports the building of an Alaskan pipeline, but only after all environmental risks have been minimized and "stringent anti-pollution controls put into force." CWA also supports "Congressional efforts to establish a Council on Energy Policy, which will have the purpose of drawing up a coordinated program to meet our nation's energy needs, both now and in the future." In addition, we feel the federal government should launch a comprehensive, high-priority research and development program "to study ways to increase and diversify our energy supply."

Finally, our Resolution entitled "Legislative Agenda for 1973" calls upon Congress "to renew its efforts in 1973 to enact into law legislation supported by CWA dealing with tax equity, national health insurance, trade reform, and pension reform." We believe 1973 should go down in history as a year of great social progress, rather than as a year marked by tumult and scandal. We feel the four legislative goals set forth in our Resolution are attainable, but only through hard work on the part of our Union and the Congress. Therefore, we ask "that as a sign of good faith and dedication to these four legislative goals, Congress forego its 1973 August recess to work for their enactment."

Attached to this letter you will find copies of the five resolutions mentioned. I hope you will take the time to read them.

Sincerely yours,

Joseph A. Beirne,
President.

Housing

"A decent home for every American family" was the general goal set forth in one of the pioneer pieces of housing legislation, the Taft-Wagner-Ellender Act of 1949.

This federal commitment to ensure decent housing for all Americans was further strengthened when Congress enacted the Housing Act of 1968. For the first time, specific housing goals and timetables were established—26 million units, including 6 million units for low- and moderate-income families—to be built during the ten years from 1969 to 1978.

But in the intervening five years since the national housing goal was established, these high expectations have failed to reach fruition. The glowing promise of decent housing for all Americans has given way to bureaucratic corruption and the criminal indictment of FHA officials. Congressional failure to enact the 1972 Housing Act, and finally, a federally-imposed moratorium of subsidized housing projects.

On January 8, 1973, the Nixon Administration dealt the final blow to federally-supported housing programs. On that day the Secretary of Housing and Urban Development announced a massive moratorium on subsidized housing and community development programs.

This unilateral action by HUD has ended the federal commitment to provide "a decent home for every American family."

The action was not taken because the problems of the cities have been solved. Nor was it taken because the 10-year housing goal had been met. HUD simply gave up trying to administer the federal housing program. HUD was unable to reform itself, or, with the help of Congress, bring about the needed reforms in the federal housing programs.

Now, hundreds of thousands of Americans will be deprived of decent housing. Thousands of workers in the construction industry and thousands of workers in industries related to housing—furniture workers, appliance manufacturers, and maintenance personnel—will lose their jobs.

The moratorium will also mean that nonprofit sponsors—churches, labor unions, civic and minority groups, who have built over 40 percent of all subsidized housing—will have to cancel their proposed projects. No longer will the federal government be a potential source of funds for projects such as the CWA Retirement Housing Project.

In conjunction with the moratorium on subsidized housing, the Nixon Administration has impounded large sums of money needed to operate existing public housing projects, and has cut back the amount of money available for their operating budgets in the coming fiscal year. In order to continue operation, public housing groups will be forced to reduce services and eliminate needed personnel. Groups like the Nashville Metropolitan Development and Housing Agency, of which the CWA Apartments is a part, have been told by HUD to raise their rents to make ends meet. This will force low-income tenants—people for whom public housing was primarily built—out of the public housing projects.

Both the moratorium and the cutback in public housing operating funds will impact on those people who most desperately need good housing—the lower income group. These actions can only bring about bitterness on the part of this group, and a feeling that they have been betrayed by their government.

The Communications Workers of America realizes that the federal housing programs are not perfect. But we also recognize the great need that exists for quality housing.

Therefore, be it resolved: That the Communications Workers of America urges the Department of Housing and Urban Development to rescind the moratorium on subsidized housing and community development programs.

Be it further resolved: That the Union calls upon the Congress to enact comprehensive housing legislation to reform the existing federal housing programs and to meet the continuing need for quality housing in our nation.

And be it finally resolved: That the Union calls upon both the Nixon Administration and the Congress to provide the funds necessary to ensure adequate operation of the nation's public housing projects.

Legislative Agenda for 1973

While 1973 will forever be remembered as one of tumult and scandal, it also can go down in history as a year of social progress. The Congress, in 1973, has a unique opportunity to enact four vital pieces of legislation, which would improve the lives of all Americans. The four legislative proposals are:

Tax Equity.
National Health Insurance.
Trade Reform.
Pension Reform.

Tax equity is both a necessity and a right owned to the American taxpayer. Hard-working men and women for decades have unjustly borne the brunt of the Federal tax structure.

Now is the time to stop those who legally avoid billions in tax liability, those who were able in 1969 to stop the momentum toward a genuinely fair tax system. The taxes avoided by corporations and wealthy individuals must be made up somewhere. That "somewhere" is the pockets and purses of American working men and women.

All of the so-called "tax preferences," otherwise known as "loopholes," must be examined on a case-by-case basis to determine if the national interest is better served by their repeal. Many bills now pending in Congress purport to be tax reform. Only those pieces of legislation which call for the examination and correction of tax loopholes will be supported by CWA.

Now is the time for a comprehensive program of national health insurance as the only solution to the twin problems of skyrocketing medical costs and delivery of essential medical services to all Americans. Such a program must meet all the challenges of health care delivery—financing, control of costs, manpower and facility development, and distribution reform.

Many pieces of pending legislation are masquerading as national health insurance programs. Only the National Health Security Act, sponsored by Senator Edward M. Kennedy and Congresswoman Martha W. Griffiths, provides a truly comprehensive program of national health insurance and deserves the support of CWA.

Now is the time for a solution of the nation's foreign trade problems, but not in a retreat into a position of neo-isolationism. American jobs must be protected without erecting barriers to free trade. A major aspect of trade legislation must be to eliminate the incentives encouraging American companies to export jobs. American-based multinational corporations must be made to pay appropriate taxes on earnings. The flow of imported goods must be adjusted to maintain a steady proportion of the market in competition with domestic goods. The Nation needs tariff policies coordinated with industrial adjustment, worker retraining, and relocation needs. The interests of consumers and industries threatened by increased imports or decreased exports must be protected.

Now is the time for Congress to enact pension reform legislation. CWA supports the Williams-Javits "Retirement Income Security for Employees Act," which provides long-needed structural reforms. The bill would set high standards for funding and vesting of workers' pension, and would guarantee that many millions of workers who are employed for 8 years would have vested rights. An essential part of the Williams-Javits bill is plant termination insurance, to guarantee that workers whose companies are sold or dissolved would not lose pension rights.

It is vital that these four pieces of legislation be enacted into law, and 1973 is the most opportune time. Legislative history indicates that Congress tends to do its most important work in odd-numbered years, when legislators are less worried about election campaigns.

Although 1973 is nearly half over, none of these four key pieces of legislation has made any significant progress through the legislative process.

Therefore, be it resolved: That the Delegates of the 35th Annual Convention of the Communications Workers of America call upon the Congress to renew its efforts in 1973 to enact into law legislation supported by CWA dealing with tax equity, national health insurance, trade reform, and pension reform; and

Be it further resolved: That as a sign of good faith and dedication to these four legislative goals, Congress forego its 1973 August recess to work for their enactment.

The Abuse of Technology: Freedom's Enemy, Corporation's Ally

The question of privacy of the individual has reached its most serious point since the pre-Revolutionary period, when British-military men were able to invade and search homes.

The Declaration of Independence cited ". . . a long train of abuses . . ." and "Despotism" suffered by the Colonies at the hands of George III. The Fourth Amendment to the Constitution guarantees that:

"The right of the people to be secure in their persons, house, papers, and effects, against unreasonable searches and seizures, shall not be violated. . . ."

The noble intentions of the founders of the Nation appear to have been vitiated in recent years, not by a King of England, but by native Americans who seek such a degree of leeway as to invade by technological means.

The ever-present wish to pry into others' personal business has been aided by the abuse of technology. Literally and figuratively, "bugs" have been eating their way into the body politic.

Electronic and optical devices, available in the mid-1970s, are capable of allowing snoopers to overhear telephone conversations, to operate "mail covers," to retrieve bank account and medical history information, and to have two-way television in the home. Using certain telephone equipment and the proper codes, an eavesdropper can dial a citizen's number and listen in at will. CWA files contain the details of other abuses of communications technology, including the illegal tap of a telephone used by an employee of the Federal Communications Commission, a closed-circuit TV camera in a restroom of a telephone building, and a chief operator's monitoring console in the bedroom of her home. A device on the market allows a telephone set not in use to become an "open microphone" for eavesdropping.

Detection of these devices is difficult, usually impossible. Thus the existence of such devices and practices is an open invitation to corruption. The citizen appears to have little protection of law.

In an awareness of the dangers, CWA gave testimony in 1965 and 1967, when a Senate Subcommittee held hearings on "Right of Privacy" legislation. The CWA position has historically been outright opposition to wiretapping and other forms of eavesdropping, except when a clearly defined and genuine national security issue is involved.

Numerous major events since 1969 have shown that "national security" has been used to justify wiretapping and attempts to corrupt the American political process. Felonies have been procured and condoned by high government officials, with "national security" now used as the reason. The situation now has taken on the mark of a "secret snooperstate."

Presently, no single Committee of Congress and no single Executive Branch Department or Agency has entire jurisdiction over the questions of individual privacy. The responsibilities are fragmented.

The time has come, CWA believes, for a comprehensive review of the state of communications technology which can be abused in the area of privacy. The time has come, CWA believes, for a complete review of the statutory provisions against such abuses.

Be it resolved: That this Convention call upon the Congress to establish standing committees on individual privacy, with mandates to study the problems and report the appropriate legislation to interpret Fourth Amendment guarantees in the light of present technology, so as to move the Nation away from the invitation to the massive corruption of our liberties.

CUTBACKS IN SOCIAL SERVICES

For more than a decade, the federal government has recognized and accepted the major responsibility for curing the social ills of our country.

The assumption of this responsibility was necessary when it became evident that although state and local governments could perform a share of this function, they could not adequately handle the national problem. Only the federal government with its resources and organizing ability could maintain and coordinate a national social services program.

The great pieces of social legislation that were enacted by Congress in the 1960's brought the social services programs into existence. Since then these programs have served to raise the level of aspiration and the level of attainment for thousands of unfortunate and needy Americans, and given them something they had never had before—hope.

Hope for working mothers, who without adequate day care facilities for their children, would be eating up the taxpayers' dollars on welfare rolls.

Hope for the elderly confined to their homes and frequently suffering from chronic illness.

Hope for the mentally retarded, who can be helped to achieve the maximum development of their capabilities.

Hope for young people, who might otherwise end up as juvenile delinquents.

And hope for those persons suffering from the illness of alcoholism or drug addiction, and who again want to know human dignity and lead productive lives.

Now, the Department of Health, Education and Welfare, through administrative fiat is seeking to curtail or eliminate these social services programs as part of the Administration's effort to cut back government expenditures. The effect of this action will be to force back upon the state and local governments the added burden of caring for these needy persons abandoned by the federal government.

Many federal programs were designed to cure centuries old problems in the quickest time possible, and in the process there have been some abuses. CWA recognizes the need to bring about reform in the social services programs, but not in such a way as to kill the programs.

It was never the intent of Congress that the greater part of these programs should be wiped out leaving thousands upon thousands of children, adults, and the aged, blind, or disabled without hope. But that will be precisely the effect if HEW has its way.

Congress has already taken the first steps toward reforming the social services programs. In 1972, Congress enacted amendments to the Social Security Act which set a $2.5 billion ceiling on the amount of money that could be spent on social services. This figure was carefully chosen because it would permit the continuance of most of these vital services while at the same time reforming the programs. An example of the Administration's attitude toward Social Security beneficiaries is the plan to cut $616 million for Medicare payments from the Fiscal year 1974 budget.

The Communications Workers of America feels that curtailing these social services programs with the sole purpose of cutting back on federal expenditures will in the long run result in greater expenditures on the part of state and local governments to maintain these needed services, and increased taxes for their residents.

Also, should the programs be eliminated, many of the people who have been able to get off the welfare rolls because of the programs will be forced to go back on the welfare rolls to the detriment of the working, taxpaying public.

And finally, a curtailment of the social services programs will result in lost jobs for the thousands of men and women who are employed by the states and localities to administer the programs.

Therefore, be it resolved: That the 35th Annual Convention of the Communications Workers of America calls upon the Department of Health, Education and Welfare to cease its dismantling of the social services programs, and urges it to work with the Congress to design new programs and to improve the present ones.

ENERGY CRISIS

Among the most critical problems facing the American consumer today is the availability of energy. American industrial and economic growth has been so rapid that increased demand for more energy has severely strained the capacity of the energy-producing industry. The result has been an ever-widening "energy gap."

In some parts of the nation, schools, factories, and businesses were forced to close due to a lack of heating oil for their furnaces. The shortage of gasoline has already become acute in some areas of the country with the rationing of gasoline a very real possibility.

Americans have always felt that their day-to-day use of energy was as readily available as the flick of an electric switch or the starting of an automobile engine. This has led most Americans to take for granted the continued supply of all the energy they need.

The nation's population, by conservative estimate, will increase by 37 million between 1970 and 1985 to 241 million. The 20–35 age group during that period will increase by 19 million—or 44 percent. Members of this group influence economic activity more than any other. Most of them marry, start families, and buy the whole range of consumer goods from new houses and automobiles to toasters and television sets. It is this group, more than any other, who will demand more and more energy.

While the country grows in population, the per capita use of energy also is expected to increase. In 1955, each American used the energy equivalent of 40 barrels of oil. By 1985, this figure is expected to increase to 100 barrels. Although adequate energy is absolutely essential to the welfare of the United States, none of the five domestic sources of primary energy—oil, natural gas, coal, nuclear energy, and water power—is today adequate to meet the nation's needs.

The United States depends upon petroleum—source of oil and natural gas—to satisfy three-fourths of its overall energy. But petroleum has become the energy source in shortest supply. To satisfy the needs for petroleum products, U.S. suppliers have began to rely heavily upon foreign sources, a fact which will create two serious problems for the United States, regarding the balance of payments and national security.

Currently, the cost of imported petroleum runs to $4 billion. If the United States is forced to import the amounts of oil and natural gas necessary by 1985, the dollar outflow is expected to run to $30 billion a year. Such a huge balance of payments deficit could not be borne by the American economy at home and abroad.

National security implications are involved because the Middle East and Africa are emerging as the major suppliers of our petroleum imports. Because operating facilities are so highly concentrated in these areas, they are vulnerable to both sabotage and military action. In the unfortunate event of a large scale armed conflict between nations, the entire petroleum production of the Middle East and Africa could halt.

The United States must turn away from its growing dependence upon foreign petroleum sources, and increase the development of its proven domestic sources, primarily the Continental Shelf and the North Slope of Alaska. Before a means of transporting the oil from Alaska's North Slope is devised and before extensive drilling operations are undertaken on the Continental Shelf, all environmental risks must be minimized and stringent anti-pollution controls put into force. If the industry is to meet the petroleum needs of our country, a trans-Alaska oil pipeline is a necessity, but its construction should only be undertaken with adequate environmental safeguards.

While coal has proven the most abundant source of energy, about one-third of the recoverable reserves has a sulphur content too high to meet current air pollution standards. Stringent environmental protections must be adhered to in either the mining or the burning of coal. Strip mining operations must be accompanied by effective restoration of the land. The burning of high sulphur content coal must be accompanied by proper air pollution controls and filtering devices. Also, extensive research must be undertaken in the fields of coal "gasification" and liquefaction—two processes by which treated coal can be used to replace oil and natural gas.

Nuclear reactors offer a great potential source of primary energy. Nuclear power is virtually limited to the generation of electricity, in the steam cycle. Nuclear power cannot now be used directly for industrial, commercial, transportation, or residential purposes. Nuclear energy poses serious environmental questions, including safety of wide areas near nuclear generating plants. Again, adequate environmental and engineering safeguards must be incorporated into each nuclear generating plant. The Atomic Energy Commission acted wisely when it established its Bureau of Safety, to enforce safeguards in use of nuclear energy.

While electricity produced by water power is pollution-free, the construction of dams may raise serious ecological questions. Since a relatively few hydroelectric sites that can be developed and effectively utilized still remain, the amount of electricity generated with water power is not likely to increase significantly. However, scientists see a great potential source of primary energy in the tapping of geothermal steam areas located in the West. This free source of energy that can be harnessed to produce electricity still requires a great deal of research before the use of geothermal steam is proven feasible.

If the United States ever is to solve its energy problems and increase the available supply, a comprehensive, high-priority research and development program to study ways to increase and diversify our energy supply must be undertaken for the first time by the Federal Government. The present energy shortage proves that the President needs expert advisers on energy matters, and Congress needs better information.

There is the need today for an independent voice to examine the performance to date of Government and industry, and to tell the people why Government and industry have allowed the energy shortage to develop.

To date, the single response by Government and industry appears to be efforts to increase oil and gas prices and strike down environmental protection laws and regulations dealing with the petroleum industry. A few forward-thinking Members of Congress have validly questioned whether the energy shortage is genuine or imaginary.

Therefore, be it resolved: That the Communications Workers of America supports Congressional efforts to establish a Council on Energy Policy, which will have the purpose of drawing up a coordinated program to meet our nation's energy needs, both now and in the future.

Be it further resolved: The Union calls upon the Congress to enact legislation which will mobilize the nation's scientific and technological resources for a long-term, large-scale program to ensure the full utilization of the nation's proven energy sources and the development of alternative energy sources.

ALL THE PIGS ARE MORE EQUAL

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. DRINAN. Mr. Speaker, I would like to bring to the attention of my colleagues an article which appeared in the Sunday, July 29, New York Times concerning the economic status of women in the United States.

The article focuses on the extremely productive hearings of the Joint Economic Committee, organized and chaired by Representative MARTHA W. GRIFFITHS. The committee has heard expert testimony about discrimination against women, and has heard witness after witness charge that the Federal Government itself overtly discriminates against some women and fails to enforce its own antidiscrimination laws on behalf of others.

I am pleased to share this timely article with my colleagues:

WOMEN AND MONEY—ALL THE PIGS ARE MORE EQUAL

WASHINGTON.—In 1971, a milestone was passed all but unnoticed. For the first time, more than half of the married women in the United States worked in paid jobs for at least part of the year.

This fact, only recently published, was cited over and over again last week by witnesses before the Joint Economic Committee of Congress. And so was another statistic from the Census Bureau: three-quarters of all the women who work for pay either have no husband or a husband whose income is under $7,000 a year.

The working wife has become the norm, not the exception, and working women, married or unmarried, are for the most part working for one reason: need.

Yet, witness after witness said, the laws and public policies and business practices of the nation are still based in large measure on the assumption that only a minority of women work outside the home (especially married women) and that those who do are largely working just for "pin money."

The hearings by the Joint Economic Committee marked the first time that any committee of Congress has attempted to take a comprehensive look at the economic status of women in the United States. They were organized and chaired by Representative Martha W. Griffiths, Democrat of Michigan, one of the senior members of Congress. It was Representative Griffiths who worked out the strategy that finally got the Equal Rights Amendment through Congress two years ago after forty years of failures.

For six days, Mrs. Griffiths and a few of the male members of the Joint Committee, who wandered in and out of the hearings, heard expert testimony about discrimination against women in virtually every aspect of their economic lives: jobs, pay, education, taxation, insurance, credit, unemployment compensation, social security and private pensions. And witness after witness charged that the Federal Government itself overtly discriminates against some women and fails to enforce its own antidiscrimination laws on behalf of others.

The two-income married couple pays more in Social Security taxes than the one-worker family with the same income, but it gets less back when the husband and wife retire.

Only 48 per cent of the back pay that has been found to be owed to women because of violations of the Equal Pay Act has ever been paid, partly because courts have sometimes reduced the awards, but mostly for reasons Government officials could not explain.

On the average, women live six years longer than men. But the insurance industry charges women for life insurance as if they only live three years longer.

Savings and loans and other mortgage lenders generally refuse to count even part of a married woman's income when considering a home mortgage. The theory is that the wife might get pregnant or, for other reasons, decide to quit work, leaving her husband unable to meet the monthly payments. The fear is not supported—in fact, it is contradicted—by studies of mortgage delinquencies.

The Office of Federal Contract Compliance, which is supposed to make sure that Government contractors do not discriminate against women or minorities, has no women in professional positions in any of its field offices.

THE GASOLINE SHORTAGE

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. RAILSBACK. Mr. Speaker, the gasoline shortage in our country has become a critical problem. Rising gasoline prices, the closing of smaller gas stations, limits on purchasable gas—all indicate a situation that requires prompt action.

My colleague, Mr. LUJAN, has discussed with me the gasoline shortage and possible solutions. He pointed to the fact that the government—Federal, State, and local—is the biggest consumer of gasoline. In 1972, about 60 percent of the gasoline used in this country was used by the Government. I agreed with Mr. LUJAN that we should consider as a partial solution that all Federal Government agencies cut back on gasoline use at least 10 percent.

For the review of my colleagues, I insert a letter I recently sent to the President on this very matter:

DEAR MR. PRESIDENT: My colleague, the Honorable Manuel Lujan, has discussed with me the critical gasoline shortage facing our nation. The situation appears to be getting worse, and it is time for some positive action on the part of the government.

The government is the biggest consumer of gasoline. During 1972, about 60 per cent of the gasoline used in this country was used by the government—federal, state, and local.

The American Petroleum Institute estimates that our present rate of gasoline consumption will result in a 10 per cent increase of the 131 billion gallons used in 1972 this year. The Institute projects that 1973's consumption will be between 10 and 12 per cent higher in 1974.

My state, Illinois, uses about 7 per cent of the non-military gasoline in the United States, and about 21 per cent of the gas used for the military.

If something is not done to conserve gasoline, vital public services will be hampered. Police and fire protection, farm production, transportation, construction, trash and garbage collection—all would be jeopardized.

I am taking this opportunity to join Mr. Lujan in urging you, in view of the crisis, to consider an executive order calling on all federal government agencies to cut back gasoline use by at least 10 per cent. Such a nationwide cutback could save an estimated eight to ten billion gallons of gasoline a year.

Thank you for your consideration of this matter.

Sincerely,

TOM RAILSBACK,
Member of Congress.

JOINT CONGRESSIONAL COMMITTEE ON ATOMIC ENERGY ANNOUNCES SCHEDULING OF PHASE II PUBLIC HEARINGS ON NUCLEAR REACTOR SAFETY

HON. MELVIN PRICE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. PRICE of Illinois. Mr. Speaker, as chairman of the Joint Committee on Atomic Energy, I am pleased to announce the scheduling of phase II of the committee's public hearings on nuclear reactor safety. During phase I of these hearings on January 23, 1973, the committee received testimony from outgoing AEC Chairman Dr. James R. Schlesinger.

Phase II of the safety hearings have been scheduled for September 25, 26, and 27, 1973, with sessions beginning on each of those days at 10 a.m. and 2 p.m. The objective of phase II is to develop a complete public record of the present status of the safety of civilian nuclear power reactors and related matters. The committee plans to receive oral testimony from Atomic Energy Commissioners, representatives of the Commission's regulatory staff, Directors of Commission reactor safety research programs, the Advisory Committee on Reactor Safeguards, and representatives of the Atomic Safety and Licensing Board panel.

In announcing the scheduling of phase II I want to note that the Atomic Energy Commission has completed its work on the nuclear safety report requested by the joint committee—The Safety of Nuclear Power Reactors and Related Facilities—WASH 1250—and has made it available to the committee and the public. I believe that it is timely for the joint committee to now receive oral testimony and hold discussions on the subject matter of this report and, in particular, the substantive current issues of importance to nuclear reactor safety.

The committee is aware of several significant safety-related issues now being considered under the AEC's rulemaking procedure. In some cases, the records of these proceedings have been referred to the Commission for decision. In other cases the records are nearly completed. The committee does not intend to foreshorten the Commission's deliberations in connection with these rulemaking cases and would not expect discussion of the ultimate judgments to be reached by the Commissioners. It is clear, however, that the Commission witnesses can and should be prepared to discuss the factors which must be considered in reaching decisions on important matters such as acceptance criteria for emergency core cooling systems and effluents from nuclear power reactors.

The committee intends to conduct a third phase of the nuclear safety hearings during the fall of this year. In phase III, testimony will be received from representatives of the nuclear community, environmental organizations, and the public at large. The committee is especially interested in obtaining the views of those persons outside the Government having expertise in areas important to the consideration of the safety of nuclear power reactors.

An announcement providing further information concerning the conduct of the phase III hearings will be made at a later time.

ST. ALBANS SHOULD BE NEW QUEENS VA FACILITY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. BIAGGI. Mr. Speaker, 2 weeks ago, I and other members of the New York delegation from Queens visited the St. Albans Naval Hospital which is due to be deactivated by the Navy. I disagree strenuously with this plan; however, in the event that the Navy intends to go through with it, the best alternative would be to convert the facility to a Veterans Hospital.

The Borough of Queens in New York City has no veterans facility at the present time. Between it and its neighboring county, Nassau, there are over half a million veterans.

There has been some positive movement in Congress toward authorization of a veterans facility for Queens. The cost for a new facility, of course, would be extremely high. The cost of conversion, however, would be a great deal less. Estimates put such a cost at roughly $5 million. The Hospital itself is an ideal facility. It has extensive research facilities, where the first open heart-lung machine was built by hand and where the first operation of this kind was performed successfully in the New York area. The hospital is an accredited teaching facility for surgery, medicine, and dentistry.

St. Albans has an ideal capacity of 1,000 beds and was able to handle 2,000 patients during the Vietnam conflict. It has a brand new building that is to house WAVES and that could easily be converted to provide housing for medical students. The 120 acre park-like grounds also include a 1,200-seat auditorium, a recreation building, and a swimming pool.

The minor conversion needs for the complete project could be accomplished quickly and the hospital can be put into speedy service to meet the needs of a large veteran population.

There has been some talk that this facility could be substituted for the construction of a new facility in the Bronx, which has already been authorized. This, too, would be ill-advised. Both facilities are needed and both should be constructed. The existing Bronx facility is greatly outmoded and should be replaced with a new, modern facility to meet the needs of the many veterans in the Bronx and lower Westchester County.

Mr. Speaker, I urge the House Veterans Affairs Committee to take quick action to assure that if St. Albans is finally abandoned by the Navy Department, it will be converted to a Veterans facility immediately thereafter.

AEC STATEMENT OF RADIOACTIVE WASTE MANAGEMENT

HON. MIKE McCORMACK

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. McCORMACK. Mr. Speaker, during recent weeks a new barrage of sensational statements concerning the handling and management of radioactive wastes has appeared in many of the Nation's newspapers. The context of much of this material is that the AEC has been and is irresponsible in its program for handling of such wastes, and that because of such irresponsibility there is a threat of radioactive poisoning to the population of certain areas of the country.

Nothing could be further from the truth. If ever there was an outstanding program for exercising caution and safety, it has been in the AEC's program for handling radioactive material. I know that to be a fact because I worked as a nuclear research scientist for 20 years in a major AEC laboratory. Much of that time I worked with very large quantities of highly radioactive materials. I know from personal experience that because of the AEC's standards for safety it is far safer to work in an AEC laboratory than it is to work in an average industrial facility in the United States.

In addition to providing safe programs, the AEC has for years assembled and made available to the public a vast library of authoritative documented information on the proper handling and management of radioactive material. This includes documentation of the hazards associated with every single radioactive nucleus in existence, particularly with respect to biological uptake and involvement with human physiology. If the AEC can be criticized for anything it would be for not publicizing and sensationalizing its own high safety record.

The AEC has announced today that it will prepare environmental statements on its waste management operations for the three major sites where wastes are stored. These will be based to a very large degree on the wealth of material that has been assembled by the AEC on every aspect of environmental protection during the last 25 years. In addition the AEC has released today a bibliography of more than 1,000 public technical reports on management of radioactive wastes. These have been published every 2 weeks since January 1961.

I am proud that this Nation can boast such responsible management as the AEC provides, and proud also that the AEC's documented records are available to any member of the public who wishes to obtain the facts on radioactive waste management.

The statement released by the AEC today is as follows:

AEC TO PREPARE ENVIRONMENTAL IMPACT STATEMENTS ON THREE WASTE MANAGEMENT OPERATIONS

The Atomic Energy Commission announced today that environmental impact statements on waste management operations at the Hanford Reservation in eastern Washington, the Savannah River Plant in South Carolina, and the National Reactor Testing Station in Idaho Falls, Idaho, are being prepared.

AEC has always required its site contractors to perform extensive environmental monitoring. A great deal of information on site ecology, meteorology, geology, hydrology, and seismicity, is therefore available, which has been used in the preparation of specific environmental impact statements on discrete waste management projects at AEC sites.

Now, three more comprehensive impact statements are being prepared to cover all aspects of the total waste management program at Hanford, Savannah River, and Idaho Falls. These will be considered by the Commission when making decisions that relate to waste management activities. They should also contribute to a better public understanding of nuclear waste management processing.

The Commission will make draft impact statements available at the earliest possible time so that the Council on Environmental Quality, appropriate federal, state, and local agencies, and the public, may comment.

In addition to preparation of the three statements, the Commission plans to establish, as soon as possible, five information centers where these waste management data will be readily accessible to the public. The centers will be the AEC public document rooms in Washington, D.C.; San Francisco, California; Richland, Washington; Aiken, South Carolina; and Idaho Falls, Idaho.

The Commission also announced today the issuance of a bibliography of literature dealing with waste management at the Hanford Reservation. The bibliography contains abstracts of 1,098 technical reports and articles which have appeared in Nuclear Science Abstracts—issued every two weeks—from January, 1961, through July, 1973. All of the reports are publically available, and most are available for review at more than 50 university libraries around the country.

The AEC publication, "Radioactive Waste Management, a Bibliography of Publically Available Literature Pertaining to the U.S. AEC's Hanford, Washington Production Site," T.I.D.—3340, August 1973, is available free of charge from the U.S. AEC Technical Information Center, P.O. Box 62, Oak Ridge, Tennessee, 37830.

ON THE ALASKAN PIPELINE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. BIAGGI. Mr. Speaker, I supported the Alaskan pipeline bill voted on yesterday for numerous reasons which I would like to elaborate on here for the RECORD.

First and foremost in my mind were considerations of national security. With the heightening tensions in the Middle East, it is clear we may soon face a cutoff of our oil supplies from that sector. The Arabs have steadily increased their prices and taken over control of companies operating in the area to the point where they are reaping large economic benefits. This store of wealth will enable them to cut off our supply without suffering serious economic consequences. Without the supply of oil from the Northern Slope of Alaska, we would be unable to respond to this threat and might be faced with the necessity of abandoning our support of Israel.

It is for this reason more than for any alleged oil shortage that I voted for the bill. Along those same lines, I opposed the Canadian pipeline as an alternative. I am convinced that the pipeline can be built in Alaska in an environmentally safe condition. Thus, it is imperative that we maintain complete national control over the pipeline. While Canada has been a most friendly ally over the years, the vagaries of foreign policy in all countries these days makes future predictions unreliable.

In addition, there were other considerations for supporting the pipeline. This project would mean numerous jobs and a substantial economic transfusion for the economy of Alaska and the country at large. For this reason, I also supported amendments that required the employment of only U.S. nationals and the use of only U.S.-made goods in the construction of the pipeline. Both of these provisions will help assure a large benefit for the American economy.

I also supported two additional, worthwhile amendments that deal with the national economy.

The first, which passed, prohibited the export of the crude oil from the pipeline unless Congress adopts a concurrent resolution permitting the export. This is essential to assure that the oil will end up in U.S. supplies. I also supported an amendment, which did not pass, that would have allocated half the oil coming through the pipeline to States east of the Mississippi River. This is where the alleged fuel shortage is most critical. Such an amendment, had it been adopted, would have assured my home State of an adequate supply of fuel oil—particularly home heating oil—for the winters.

There were several amendments introduced to protect the environment and assure that a precedent would not be set by construction of the Alaskan pipeline. Foremost of these was the amendment that would have eliminated the section that exempted the pipeline from judicial review under the National Environmental Policy Act. This would have been the easiest way to assure an end to any precedent. However, this amendment failed. Nevertheless, other amendments that were adopted and the general and specific debate clearly set forth the intent of Congress that no precedent was being set by barring further judicial review under NEPA.

Numerous other amendments offered by the distinguished gentleman from Michigan (Mr. DINGELL) were also sound and would have tightened up any loopholes that might have developed with respect to violation of the environment.

I supported all of these amendments and regret that most of them did not pass. However, one which did pass removed the dollar limitation on the liability of oil companies for any oil spills resulting from the pipeline oil. This assures that any spills will be the full responsibility of the companies involved. It should also make them more cautious in handling the oil moving through the pipeline.

The pipeline must go forward and it must go through Alaska. I hope the bill can be moved through conference quickly and sent to the President for signature. I also hope that no further delays will result in the construction of this important aspect of our national energy supply.

SHEFFIELD, MASS., CELEBRATES 200TH ANNIVERSARY

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. CONTE. Mr. Speaker, many towns in Massachusetts are known for their famous residents. Sheffield, in my First Congressional District, which celebrates the 200th anniversary of the signing of its "Declaration of Freedom" this year, is one of these towns.

Revered president of Columbia University in the mid-1800's Frederick Augustus Porter Barnard, for whom Bernard College in New York was named; his brother, Civil War General John Gross Barnard; respected botanist and mineralogist Chester Dewey; famed song writer George Francis Root, who penned "The Battle Cry of Freedom," "Tramp, Tramp, Tramp, the Boys Are Marching," and other stirring patriotic songs during the Civil War, and former Speaker of the U.S. House of Representatives and President pro tempore of the Senate Theodore Sedgwick, are all native sons of this lovely town in the southwestern quadrant of the Bay State.

Sheffield is also well known as the place where the early seeds of freedom—of colony from crown and of slave from master—were sown and nurtured.

To recall the notable events of early Sheffield is to recall some of the finest moments in the history of one of the most beautiful areas of western Massachusetts, the Berkshires.

Sheffield was founded by Matthew Noble, a hardy pioneer, who, in the fall of 1724, traveled west from the town of Westfield to establish a home in the vast, thick forest that was the Berkshire region. The settlement thus begun by Noble was the first in that area.

Much of the early success of the town of Sheffield resulted from the frequent town meetings held to discuss pressing problems. Begun in 1733, the general meetings were occasions when the citizens might gather to devise ways to promote settlement in the area.

In one of its first such meetings, townspeople voted to erect a meeting house and employ a person to preach. Religion was taken and supported seriously in those times, and, at one point, attendance at church was required every 3 months.

The threat that the Massachusetts Colony would fall under the rule of New York's Dutch Colony and the concurrent threat that England's King George III and his Parliament would take away their land rights, led the citizens of Sheffield to take precautions. To protect their rights and to state their beliefs, a statement was drafted that came to be called the Declaration of Freedom. Without a doubt, that document is the most enduring achievement of the Sheffield general meetings. Basic human rights were asserted for Sheffield residents and for residents of all the Colonies. The document recognized the same principles that were the kernel of the American Declaration of Independence—life, liberty, and the pursuit of happiness.

I believe it is altogether fitting that the citizens of Sheffield have reserved the weekend of August 18 to mark the 200th anniversary of the signing of this important document.

"All This Freedom Talk," the name of the official anniversary play, written by Arthur C. Chase, retired assistant headmaster of the Berkshire School in Sheffield, will be presented August 18 and 19. It tells the story of Sheffield's "Mum Bett," and her struggle for freedom from slavery. Her famous court case, Brown and Bett against Ashley, in 1781, is a landmark in the fight for individual rights and the struggle for freedom and equality for all.

One might ask, quite appropriately, if there was some quality of geography or climate that made this spirit of independence flourish so in Sheffield. It is a site of great scenic beauty and within its environs are mountains, rolling hills, and the valley of the Housatonic River.

Although the town of Sheffield was never a large industrial center, there was a time when small industries employed many local residents. Today Sheffield, with a population of 2,400, is the leading agricultural community in Berkshire County—the westernmost county in the State. It is the county's center for poultry raising and dairy farming. The Southern Berkshire Regional School District, the first 12-grade regional school district in Massachusetts, is headquartered in Sheffield.

Mr. Speaker, Sheffield residents take a real antiquarian's pride in the history of their town and their Declaration of Freedom, as well they might. They will be rolling out the welcome mat to this lovely and historic spot August 18 and 19 with an arts and crafts exhibition and gala parade. It is with enthusiasm that I enjoin all of my colleagues to visit the town of Sheffield during this time.

WATERGATE AFFAIR

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. ROBISON of New York. Mr. Speaker, despite the prime status accorded such clamoring issues as the Watergate affair, I must remind my colleagues that, while it does not rate extensive television coverage, the question of amnesty still waits to be fully discussed. In six previous statements made before the House, I have highlighted my concern, from both historical and practical standpoints, that we as a Nation begin the inescapable challenge of repairing our tattered self-esteem and unity, which have been the domestic side effects of a tragic war. In short, the amnesty issue cannot be ignored or quickly passed off as unimportant, for as well as being paramount to the lives of those involved, it is also a means by which we can exercise our strength and confidence in the enduring aspects of what I believe to be an essential national cohesiveness.

We are half-way there, if there is any indicator in the response resulting from a recent interview in the Wall Street Journal concerning my attitudes toward amnesty. Since June 18, when that interview was printed, I have received approximately 60 letters, weighed about equally pro and con. Some applauded my nerve and supported my stance—some, were appalled that I could even consider such so-called traitors in the same breath with reconciliation and individual forgiveness. From the angry mother who harshly wrote "I tell you here and now I wish I had told my son this country was not worth serving to preserve the hides of sly, clever men like you," to the Sheriff from Billerica, Mass., who said, "A more sensitive attitude toward amnesty would certainly be a step in recovering some of our strength as a nation for the people, by the people—thank you and continue the courageous effort you have started." The correspondence has been as diverse as the category human emotion.

A sergeant major from World War II wrote, via Rev. Ned Cole, Bishop of the Episcopal Diocese of Central New York:

> "A recent issue of The American Legion Magazine had a lengthy proposal for handling the matter. Roughly, it paralleled the plan used by the Truman administration following World War II. It called for individual screening of each and every draft evader, and I would like to add my own comments to this procedure.
>
> There are really four classes of evaders. For some, if they had gone through the process of induction, would have found that they were physically or mentally unqualified for military service.
>
> Another group, merely by registering, would have identified themselves to certain sheriffs or police departments.
>
> The largest group I really feel sorry for. They, for CO reasons, or for other idealistic motivation have paid a very high penalty. They have wasted the best years of their lives in Canada or elsewhere, years when they should have pursued education, or established themselves in some occupation. The penalty has yet a long way to go. For example, how do any of them account for the missing years on an application for employment? Especially if the employer or personnel manager happens to be a veteran? These men should not have to come back to give equivalent service in the Peace Corps, Vista, etc., but should be just turned loose.
>
> The fourth group, probably a tiny minority, are determined to raise havoc with the American form of government. Subversives, violent radicals, with criminal intent. These should be under surveillance for a long time, possibly for the rest of their lives.
>
> The whole process of amnesty must be one of law, best moved from military law to civil law.
>
> In our relations at this time with Russia, China, and Japan, it would appear that conditions in the Far East are very stable, and that the Vietnam War was entirely unnecessary . . .
>
> No reasonable person wants war, whether he be a Christian or a non-Christian. I am far from alone dreaming of the day when there will be no more war, but I will not see it in my lifetime, I am sure. For to unilaterally lay down our arms, and make war no more, as a few of our most idealistic draft evaders believe, is to crucify the people of the United States. Until every nation renounces war, insurrection, terrorism, subversion, and sanctions—all forms of force—this nation must maintain a large, well-trained military establishment, and I am content that my son is a part of it."

From Wichita, Kans.:

> I had opposed this war both on moral and pragmatic reasons since 1963—perhaps because I knew that inevitably my fine son and son-in-law would probably be drawn into it, as they were. My son-in-law, a marine, lost his left arm and suffered many other lasting wounds there. Because of my stand, I felt isolated from my friends and even from some members of my family. I try to be a Christian, have always been an active member of my church. I really carried a burden of guilt about this war; and I wrote repeatedly to my representatives in Congress over the years.
>
> I am most relieved that we no longer have ground forces there, and pray we shall stop bombing Cambodia. We must find it in our hearts to forget, at least, if not forgive those who could not find it in their conscience to participate actively in this very tragic and questionable war.
>
> The tradegy of that war will linger on and continue to divide us as a people if we do not arrange some kind of amnesty. It is so ironic that we can entertain our former enemies in the White House, but we cannot find the compassion to let our own sons return home.
>
> I do not think we are really this lacking in love and understanding; our leaders have failed to give us the proper direction. That is the reason I am so heartened by your brave stand. May God bless you.

From New York City, a Wall Street Journal reader writes:

> "Those of our young people who have with great mental anguish and at great material costs to themselves and their families acted to prevent being victimized are not criminals. They deserve acclaim as brave patriotic Americans fighting in the only way open to them to make the Constitution mean something. It is those who allowed themselves to be herded who are the cowards of our time. Civilized Justice demands that these fighters against Presidential usurpation of authority and Congressional impotence be promptly released from whatever punishment of threats of punishment or exile they are suffering."

From Bristow, Okla.:

> I note by the Wall Street Journal that you are going to bat for our modern Benedict Arnolds. Don't you realize what a dangerous precedent for future years? . . . If Congress and the Senate had got up like men and stopped Kennedy and Johnson from getting into the war, there would be no amnesty to worry about now. You can't blame the young for running away instead of going and fighting in the jungles. Nevertheless, if granted amnesty, Sweden and Canada would be filled with U.S. deserters in the next war.

From Shelby, Nebr.:

> I like the idea that our country is big enough to tolerate people with different ideas. The American Legion magazine had an article this year that told of amnesty boards after World War II. We can surely work out some system to let these young people come back to the U.S.A.
>
> Our country may need some of these people who dare to be different. A lot of those people were among the first settlers in America.

And lastly, from a constituent in Waverly, N.Y.:

You have changed my mind . . . on the Amnesty Problem. You sure make good sense.

Mr. Speaker, while not attempting in any way to "blow my own horn", I sincerely hope I make "good sense," and that those of us in Congress who are willing to grapple with this problem can succeed in underscoring certain blatantly conspicuous needs in this country; in particular, a kind of honesty and impartial reflectiveness that has lately been mowed over by emotionalism. We can begin to nurse back to health our national unity by responsibly tackling this most controversial problem.

BEEF SHORTAGE SERIOUS

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. KEATING. Mr. Speaker, despite administration claims to the contrary, the country is now faced with a severe beef shortage. The sharp dropoff in the slaughter of cattle which has occurred since the phase IV rules were announced on July 18 gives the clearest indication of the severity of the beef shortage to come.

The following table gives the number of heads of cattle slaughtered weekly since April of this year. The figures for early April reflect the national boycott of meat which occurred at that time.

Slaughter—weekly total followed by daily average, both in thousands of head

Week ending:		
Apr. 7	456	91
Apr. 14	477	95
Apr. 21	571	114
Apr. 28	554	111
May 5	581	116
May 12	621	124
May 19	600	120
May 26	619	124
June 2[1]	537	134
June 9	607	121
June 16	596	119
June 23	599	120
June 30	601	120
July 7[1]	500	125
July 14	626	125
July 21	588	117
July 28	538	107
Aug. 4[2]		81

[1] Holiday that week.

[2] Based on 1st 3 days of this week.

If the pace established the first 3 days of this week is maintained, production this week will be down 25 percent from last week and 35 percent from the previous week. As can be seen from the table, production of beef had been at a relatively high and stable rate prior to July 18.

The slaughter figures show conclusively that a shortage is developing but they do not tell the whole story. The distribution of the available supplies is not normal because of the hoarding which has been caused by the fear of shortages. There are reports that some of the supply has been finding its way into the black market. The Wall Street Journal reported on August 1 that more American beef was finding its way to Canadian processors, only to be returned to the United States as higher priced imports. All these facts mean that less and less beef is going to be available to the normal American consumer who is neither hoarding nor has access to black market supplies.

The irony of the present shortage is that it need not occur. The Department of Agriculture had estimated that total cattle coming to market in the 90-day period from July 1 to September 1 would be about 6,989,000. This would have been an increase of 11 percent over the 6,302,000 which came to market from April 1 to July 1. These are cattle which would be an available supply if the price ceiling is lifted. If the beef ceiling is kept on until September 12, there will be a sharp decrease in total cattle marketed instead of an increase.

The prospect of an end to the beef price ceiling is not a pleasant one. Undoubtedly, there will be price rises whenever the ceiling is lifted. James McClane, Deputy Director of the Cost of Living Council, was quoted in the Wall Street Journal as predicting that an immediate suspension of the beef price ceiling would cause the price of beef to rise 10 percent at one fell swoop resulting in a 1-percent rise in the consumer price index. These beef price index rises would come on top of other recent substantial rises in food prices.

The alternative to lifting the ceiling would be even less pleasant than a suspension of the lid on prices. There would then be shortages lasting for well over a month until the ceiling was lifted on September 12. The fact that beef prices were frozen is not very much help when there is none to buy. Substantial rises in the price of beef will then occur on September 12. We would only be delaying our recovery from economic controls by continuing the freeze on beef prices until September 12.

PRODUCTION OF THE CONGRESSIONAL RECORD

HON. HOWARD W. CANNON

OF NEVADA

IN THE SENATE OF THE UNITED STATES

Friday, August 3, 1973

Mr. CANNON. Mr. President, the July 1973 edition of the Inland Printer, a publication devoted to stories concerning the graphic arts, has an interesting article about the production of the CONGRESSIONAL RECORD at the Government Printing Office which I am sure Members of Congress will enjoy reading. I ask unanimous consent that it be printed in the Extension of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RECORD AT GPO—LETTERPRESS/HOT METAL DO THE JOB

Letterpress printing and hot-metal composition are still the methods used for producing one of the world's most unusual publications—the *Congressional Record*. While the U.S. Congress is in session, virtually every word said on the floor of the House and Senate is transcribed, set in type, printed and delivered to Washington's power brokers before most people are having their breakfast coffee the next morning.

The *Congressional Record* is produced at the Government Printing Office. Because of the tight schedule and variations in size, turning out the *Record* makes production of the average newspaper look like a leisure hobby.

Approximately 50,000 copies of the *Record* are printed during each run. Issues range in size from 64 to more than 300 pages. The largest single issue was produced Oct. 10, 1965; it contained 704 pages. One hundred Linotypes are used for composition along with a battery of Monotype machines for tabular work.

The size of each issue is affected by the obvious variable of the length of the daily House and Senate sessions. Also, there is a section of the *Record* called "Extensions of Remarks." This is used for material which was not said on the floor but which the representatives or senators want to appear in the *Record*. This can be anything from speeches they did not give, newspaper clippings, commendatory statements about groups of constituents—or just about anything else.

The words "From the *Congressional Record*" are used to dignify all sorts of special-interest material. In reality, it simply means that someone persuaded his representative to have something printed in the *Record*.

Production of the *Congressional Record* starts with six reporters in the House and six in the Senate. Each reporter has one transcriber and two clerks. Every hour is divided into six 10-minute sections with each reporter and his team responsible for one segment each hour of the proceedings. There is a rather complex numbering system used for keeping track of the material.

Prior to its insertion in the *Record*, each of the legislators quoted is given his own copy to edit. Because of the time squeeze, getting copy back from all these people and delivering it to the GPO for overnight production makes keeping it straight, and in sequence, one of the most difficult problems.

It has been suggested that reporters directly punch tape instead of producing hard copy which must then be set. There seems to be little likelihood of this happening since the legislators insist on being able to edit their own copy.

For inclusion in the following day's *Record*, the deadline for copy with tabular matter is 7 p.m. and for straight copy 9 p.m. When copy does not make the deadline, type-high galley slugs are inserted to reserve the approximate amount of space needed. It is not unusual to have 40 or 50 "outs" from the House copy alone. This obviously complicates makeup.

The GPO schedule calls for the last stereotype plate to be ready for the press at 2:15 a.m. Press time on the double-deck rotary, web-fed presses is about two-and-a-half hours. Currently President Nixon's staffers now get very early delivery of the *Record* to prepare for 7 a.m. briefings at the White House. When you consider the volume and complexity of material, the time schedule is almost overwhelming.

Since the *Record* is produced at night and requires a large number of workers, its schedule, which is tied to the Congressional sessions, obviously creates some staffing problems. When Congress reconvenes, a staff is assembled largely from the day shift. While many of the people seem to thrive on the half-mad rush in which the *Record* is produced, they are also paid a 15% bonus over dayside rates.

Production demands on workers are extremely high. For example, the standard for Linotype operators is 4,250 ems per hour, which is much higher than most newspaper standards. Many experienced Linotype operators simply cannot keep up the pace and leave after a trial period.

The Government Printing Office was founded in 1861 as a result of criticism of the cost and problems resulting from having government printing handled by private plants. One hundred years ago, in 1873, the first *Congressional Record* was produced by the GPO for the same reason. This is rather ironic as the GPO today buys more than half of all its printing from private plants. Outside procurement was initiated in 1929 and has grown consistently since that time.

From 1837 to 1873, debates and proceedings of Congress were reported in the privately owned *Congressional Globe*. Typographically, the *Congressional Record* really reflects the era in which it was founded. The only really major style change it had was in 1941 when it switched from two- to three-column makeup. Interestingly, this was the original format of the old *Congressional Globe*.

During its entire history, only one illustration, a political cartoon about income tax, has run in the *Congressional Record*. That was in 1913. The furor it created has precluded the use of anything but text material since that time.

Considering the speed and pressure under which it is produced, the *Congressional Record* has remarkably few typographical errors. However, because of the prominence of the persons mentioned and the careful reading the *Record* receives, the errors have generally produced a swift and noisy reaction. For example, when Congressman Blatnik of Minnesota was incorrectly identified as Mr. Beatnik, howls could be heard from as far away as Minneapolis. A headline reading, "President Johnson on a Fun Raising Trip to California," generated an even greater interest in careful proofreading.

DIFFICULTIES AND PROBLEMS CONFRONTING THE PRESIDENT

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. MICHEL. Mr. Speaker, an article appearing in the Sunday, July 29, 1973, edition of the Washington Star-News written by Mr. Bruce Herschensohn illustrates more clearly than anything I have read the tremendous difficulties and complex problems confronting any man who is elected President of the United States.

I commend the text of this article to my colleagues and urge all of you to read it, and then read it again. Its message is surely one that is food for thought and contemplation.

I insert the article in the RECORD at this point:

[From the Washington Star-News, July 29, 1973]

GIVE NIXON FLOWERS NOW

(By Bruce Herschensohn)

People always like dead presidents. It's the live ones they try to discredit.

That fact has never become more apparent than it has in recent times with the tragic losses of former Presidents Truman and Johnson.

I went to school with someone with whom I am still in contact. Through the years we have discussed politics and, most often, we have taken differing views. He was, from the outset, a professional president-discreditor.

Shortly after Gen. Eisenhower's death in 1969, I received a call from him. He said, "A great man is dead—a great man," he repeated. I agreed. The trouble was that he was giving me a revision from the position he maintained during Gen. Eisenhower's presidential years. I knew from past experience, however, that he didn't like any presidents while they were in office. Out-of-office presidents were fine. Dead ones were great. But if they were alive and in office, they presented some sort of public competition to his own rather unsuccessful and unfulfilling life . . .

Though at this date I cannot quote his words precisely, . . . (I recall that) in his first year of college he told me, "Truman is coarse and ill-mannered. Nothing more than a haberdasher. I wish FDR was back. FDR had dignity. There's no dignity in the White House anymore."

Years later, he said, "I wish Ike would pay as much attention to this country as he does to his golf score. He's a father image. A nice guy. We don't need a nice guy. We need a president with guts—like Truman."

. . . Unfortunately there are those who can only begin to see a president in perspective when the North Portico of the White House is shrouded in black and its flag is at half-staff.

What is it that would give us the means to view any president in true perspective while he serves us? Should there be a change in the demands we insist the President obey?

Of course not. Our expectations are reasonable enough. To the President we simply say:

Help the poor, but don't raise taxes.

Be courteous to the press while they rip you apart.

Raise profits for the farmer while keeping food costs down for the consumer.

Protect our national security while keeping nothing secret from the American public or the world.

Please both management and labor simultaneously.

Insure that communism does not overtake Southeast Asia, but do not defend that area of the world.

Make sure Israel is not overtaken, but keep our weapons out of the Mid-East.

Keep NATO as strong as the Warsaw Pact, but reduce our military strength in Europe.

Do not take sides in the conflicts between Pakistan and India but make sure hostilities do not recur.

Help smaller nations against the forces of aggression, but do not become the policeman of the world.

Keep our Army strong but stop the draft.

Halt subversion in Latin America, but reduce antagonism between the U.S. and Cuba.

Diminish crime but lessen the authority of the police.

Insure school integration but don't allow the federal government to step into local affairs.

Control pornography but do not bring about any form of censorship.

Increase Social Security benefits, but not their rates.

Protect the environment, but ease the penalties of polluters.

Increase guaranteed health care, but don't let socialism encroach upon the free market place.

Give responsibility to others within your administration, but do not delegate authority.

Investigate every accusation of Washington's morning newspaper, though it had cried wolf with false accusations for four years.

Let each person in your administration speak his own mind, but always have their statements be consistent with other members of the administration.

Call for candor on the part of your staff, but allow all their personal correspondence to you and staff members to be read by the media.

Give each voter your unswerving loyalty, but downplay loyalty of your staff.

Live a life of exemplary morality, but don't be a square.

Be a master television performer, but don't use any media techniques.

Do all of these things. And further keep your pledge to work for a generation of peace, but save your time to see all those who want to see you, and read everything sent to you without delegation, for otherwise you will be in isolation . . .

And lastly, for all presidents: Behave like a god but unlike a god, stand unexcused and condemned if one of your associates turns out to be a Judas.

And in the case of this particular President: Tend to all your business of your second term while your first term is put under a microscope in public, exempting from the microscope's lens all of your accomplishments, but examining in the minutest detail anything seemingly negative that can be withdrawn, whether or not it has relevancy to the avowed purpose of the examination.

And tend to all your business while your closest friends answer charges and accusations, real or unreal, in front of millions without benefit of the protections given a defendant in court. And realize, too, that anyone of those senators conducting the hearings who may bring out any fact of defense, can be considered partisan, while the definition of "non-partisan" for a committee member is anyone who opposes you, no matter his political party. Listen to the fairness of the pre-judgment of the chairman who has publicly labeled you in a speech as "the most repressive President in the history of the Republic," after hearing less than half the testimony. Listen to the sugar-coated, homespun philosophies and watch benevolent smiles treated upon anyone who tries to destroy your administration, and watch the hostility and hear the harrassment towards those who defend it. And whether your friends are guilty or innocent, and no matter how much they have done for this country, watch your friends while they are blemished for life.

And don't tell us about your past accomplishments. We have no interest in the fact that you brought about new relations with China, or brought about a detente with the Soviet Union, or signed nuclear agreements, or brought our prisoners of war home, or have taken our troops out of Vietnam, or stopped revolts and fires in the cities. We do, however, care very much about where the money came from for the geraniums in your California garden.

Yes, the rules we set for the presidency are very simple: Only the same rules which we prescribe and observe for ourselves, our families and our closest friends. Who, among us, shouldn't be casting stones?

Who, among us, would not be pleased to have our accomplishments dismissed and replaced with the errors of an associate?

Of course, the word "Watergate" is exciting and some rush to see its revelations in the same way some rush to the sound of a siren, perhaps hoping to see a victim, with the subconscious delight that the victim is not they—because they know it could be.

I have seen smiles when a television viewer hears a witness saying "in hindsight." But if we could all let your forethought advance to hindsight, we could place this moment in the perspective of the 4½ years past, and the 3½ years to follow.

Twenty years ago, when I was a messenger boy at RKO Radio Pictures in Los Angeles, I worked for a man named Edwin Wald. Prior to his entrance to motion pictures he was a shoe salesman. Though he was a very great man, I am sure his name is not familiar to you as, after all, shoe salesmen and heads of messenger rooms are not given much of a place in history. When I knew him he was a man in his seventies, rather small in physical stature, always wore a hat, even indoors, and he was able to walk only by the use of very heavy braces on both legs and with the help of a cane.

He became known as a kind of studio philosopher, a man from whom you would seek advice. His opinions were often given brusquely, often with toughness, never with diplomacy, always with wisdom.

One day I was standing with him outside the messenger room on one of those long studio streets framed by sound stages. It was noontime and the technicians, artists and craftsmen were walking to and from lunch. With his upraised cane he pointed to some far off walkers and he said to me, "When I'm gone, a lot of these people are going to put flowers on my grave. But," he said, "at that time I won't be able to smell them." Then he paused, lowered his cane and allowed his weight to be supported by it. He looked up the street in the opposite direction and, in an untypically soft voice, addressing no one in particular, he said, "Give me my flowers now."

Mr. Wald died six years later. I do not know if I did or did not give Mr. Wald his flowers while he was alive, but he deserved them. I do know that I have never put flowers on his grave and I never will.

It's too late.

ON THE NEED FOR MENTAL HEALTH PERSONNEL

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. BIAGGI. Mr. Speaker, I would like to call to your attention the crucial shortage of trained professional personnel to care for the mentally ill and the handicapped. These unfortunate people are too soon forgotten in the busy activities of everyday life. Yet their problems affect everyone.

Approximately 21 million Americans—about one-tenth of our national population—are deficient in speech, language and/or hearing. The U.S. Office of Education reports children with speech and hearing disorders comprise the largest single disability group among persons under 21 years of age. Only 1.4 million of the 2.5 million school-age children with speech impediments are receiving some form of needed speech training; 1.1 million receive no services at all.

There is a shortage of trained professionals in virtually all school districts. The professional-to-pupil ratio in the speech-impediment areas is approximately one pathologist for every 82 speech-impaired children. The situation is worse in the case of professionals who work with children with deficient hearing. Only about 3,900 audiologists and teachers of these children are presently employed in the special education programs in the public schools. Close to 28,000 are needed—seven times the number now providing services.

An estimated 20 million people or 1 out of every 10 Americans is suffering from some form of mental or emotional illness that requires medical treatment. Mental illness or other personality related disturbances are usually significant factors in criminal behavior, delinquency, suicide, alcoholism, narcotics addiction, and very often factors of divorce. In 1970 approximately 338,592 patients were confined to State and county mental institutions. How many people who asked for help were turned away? Where did these needy people find help or were they ignored to suffer alone?

It is estimated that there are approximately 6 million Americans who are mentally retarded, half of whom are under the age of 21. Of almost 3 million individuals only 603,000 are being educated or trained in the public schools. There are only 48,000 full time staff teachers conducting special classes for the mentally retarded. This means there are only 79 teachers per 1,000 pupils, with many children receiving no help at all. In my visits to Rockland State Hospital, Willowbrook State School, and Letchworth Village State School, I found numerous instances of noncompliance with Federal regulations. The wretched conditions could be described as right out of the Middle Ages. The largest problem is the lack of personnel to supervise, care for and train the patients. For a specific example, on Friday, February 4, 1972, following a call to my office from Mr. and Mrs. John Renelli, that their daughter had been severely beaten, I visited the hospital at Willowbrook and accompanied by a member of Willowbrook's medical staff to visit the child and to ascertain the extent and causes of her injuries. She was suffering from massive injuries, with multiple unhealed sores and bruises over her entire body. One eye had been injured and was closed and extremely swollen. Her chin and lip had been cut and stitched, her nose was badly scraped and there were possible skull injuries. Their daughter, Adrienne, had been violently abused by other patients because of lack of proper supervision and personnel.

These children need special love and individual care to be able to lead healthy, useful lives. By encouraging more volunteers to help in our institutions and schools we could free the professionals for problems which necessitate supervision. Further, they could provide the individual attention which encourages children to find their place in society.

My bills H.R. 314 and H.R. 315 would not solve the immense problem overnight, but would aim at decreasing the shortage of trained professional personnel by encouraging college students to opt for a course in this field.

My first bill would amend the student loan provisions of the National Defense Education Act to allow for partial or total cancellation of loan obligations for full-time professional service in public or private, nonprofit mental hospitals and in schools for the handicapped.

My second bill would encourage the part-time employment of psychology, sociology, and social work students in hospital programs involving the treatment of mentally disturbed patients or the mentally retarded. Each student majoring in those and/or related departments will be required to complete a certain number of hours actually working as a volunteer in a State mental institution. By instituting an "open-door" policy to student volunteers and encouraging active participation by our educational institutions we can provide urgently needed, virtually untapped manpower source. Young people of today are capable, enlightened, and anxious to work. Not only will they be contributing a valuable service but they will be learning about new careers and experiencing life.

As the human problems grow and worsen we are faced with an administration which has chosen to cut back the funding of programs for the mentally ill and the handicapped. But no one has bothered to estimate the cost of these funds cuts in terms of lost human potential, or to put a price on the suffering this policy will cause the families of those afflicted with mental disabilities. It is only through enactment of legislation such as I have proposed that we can expect to make any inroads in the fight to provide decent care and humane treatment for everyone.

DAYTON LIGHT RAIL TRANSIT STUDY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. CRANE. Mr. Speaker, I have called to the attention of my colleagues the Dayton Light Rail Transit study in the past. Recently, I addressed some questions on the project to the consulting engineers who are preparing the study. Their answer was most responsive and so that all Members might be advised of the progress of this report, I include my letter to Mr. Louis T. Klauder and Associates along with their answers to be included in the RECORD at this point:

JULY 24, 1973.

Mr. LOUIS T. KLAUDER,
L. T. Klauder and Associates,
Philadelphia, Pa.

DEAR MR. KLAUDER: As a member of the Mass Transit Sub-committee of the Banking and Currency Committee, I have been monitoring the Dayton light rail project very closely.

Some disturbing reports have come to my attention and rather than raising these questions after your study has been completed, I thought it best to bring my concerns to your attention at this time to see if these matters could be clarified.

As I see it, the advantages of light rail over conventional rail rapid transit, in applicable situations, involve not only the vehicles size but also the type of rights-of-way, signaling systems, etc., etc.

Indications are that, outside of vehicle size, your study is headed toward recommendations which would make the proposed Dayton route similar to the Lindenwold line, with costs per mile nearly equal to those of conventional rail.

I believe there will be intense national interest in the Dayton project because if the study makes a convincing case that light rail can be installed in medium markets at reasonable costs, there may indeed be a place for this kind of technology in the United States. But if your recommendations should provide for such an upgraded system that there is little difference in cost between conventional rail and light rail, I believe light rail technology will be a dead issue.

Now, it may be that in order to operate freight service on the same line certain cost adjustments need to be made, but in such a case, I would hope your figures would differentiate between those costs required for light rail and those required for a joint passenger-freight operation. Also, perhaps your study contemplates the use of certain highway related funds for the elimination of grade crossings and the like. I would hope that these funds would be clearly distinguishable from the real costs of the project.

Accordingly, I would appreciate it very much if you could give me a progress report on your study and comments on these important issues.

Best regards.

Sincerely yours,

PHILIP M. CRANE,
Member of Congress.

LOUIS T. KLAUDER AND ASSOCIATES,
Philadelphia, Pa., July 27, 1973.

Subject: Dayton Light Rail Transit Study.

Hon. PHILIP M. CRANE,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN CRANE: Thank you very much for your letter concerning the Dayton light rail transit study, which arrived at our offices in Philadelphia yesterday afternoon.

We were delighted to learn of your interest in the Dayton light rail projects, and pleased that you would take the time to convey your questions concerning it to us.

We agree that the prospects for light rail transit in Dayton deserve national attention, since solutions there may point the way for many other cities of moderate size throughout the United States.

Cities like Dayton have been handicapped in recent years, because they are too large to be able to depend solely on automotive transportation, but not large enough to support full-scale rapid transit similar to the Lindenwold line here in Philadelphia.

The Lindenwold line has been an outstanding success. We think it is the best demonstration yet of how effective and valuable modern rapid transit can be.

Since its opening in early 1969, the Line:

(1) Has operated continuously without mishap.

(2) Has experienced ridership growth of approximately 13% per year, and now carries more than 40,000 riders per day.

(3) Has derived revenues from fares that are approximately twice as high as those charged for subway travel across the river in Philadelphia.

(4) Has achieved the highest level of operational efficiency ever seen in the rapid transit industry, through reliance on modern electronics and automation.

(5) Has had the fewest employees per passenger and per pasenger-mile of any rapid transit line in the country.

(6) Has become the only rapid transit system in the United States meeting all costs of operation from farebox receipts.

(7) Has, in fact, generated an operating surplus to offset some of the capital costs for the system, amounting in the current year to approximately 12% of farebox revenues received.

There are many reasons for this extraordinary record of accomplishment, but the principal ones are high service speeds, frequent trains, an unmatched record of reliability and reduced total expense for commuters. Speeds and expense have had the greatest impact. Daily trip times and out-of-pocket costs were cut in half when the Line opened.

Construction of the Lindenwold line was completed in late 1968, at a cost of approximately $93 million. The investment was financed without assistance from the federal or state governments.

The investment represented an average construction cost of approximately $8 million per mile of new line when built. The same construction today would cost approximately $13 million per mile.

These unit cost figures are lower than typically would be experienced for a new system like the Lindenwold line, because the tunnels in Camden and Philadelphia and the bridge crossing of the Delaware River used by the Lindenwold trains were in place before the new line was begun. Where elements such as these need to be included in new construction, the unit cost for a system like the Lindenwold line is approximately $30 million per mile, at today's prices.

We are not considering a Lindenwold line for Dayton.

Rail transit in Dayton will have to compete in an auto oriented market. High speeds, reliability and low expense will therefore certainly have a large effect on the success of rail transit service, just as was the case with the Lindenwold line.

We are convinced, however, that these objectives can be achieved for the passenger volumes that can be expected in Dayton at much lower cost.

Our feasibility report on the Dayton light rail line is not yet complete, but we expect to be able to show that the line could be built for less than $3 million per mile, including all costs of construction. This represents approximately one-fourth of the current cost of the Lindenwold line, approximately one-tenth of the cost of full-scale rapid transit in most other situations, and an equally small fraction of any highway alternative that would be expected to carry equivalent passenger volumes in the corridor under study.

The low cost for construction reflects major savings related to fixed facilities. The line we have under consideration would lie at grade throughout its length. There would be no tunnels, no elevated viaducts, no grade separations and no large station structures. Traction power and signal systems would be lean and as simple as they could possibly be made and still get the job done safely.

We foresee virtually no costs for construction of the line that would be exclusively related to the preservation of railroad freight service in the corridor.

The rail transit service would offer speed and cost advantages equivalent to those experienced in southern New Jersey as a result of the Lindenwold line. Travel times and out-of-pocket costs for commutation by rail during peak travel periods would be half as large as presently experienced for automotive trips.

As a result, our preliminary figures indicate that estimated ridership on the line would be twice as large as that previously estimated for a busway service in the same corridor. With this volume, revenues derived from a flat fare of 40¢ per passenger would be sufficient to cover operating costs with a comfortable margin.

We don't have responsibility in our study for comparative evaluation of alternative forms of rapid transit for the light rail corridor. We believe, however, that the light rail line offers service and operating cost advantages vastly superior to any alternative we have heard yet discussed for the corridor. And these advantages may be expected to multiply over future years in our chronically inflationary economy.

I hope this review of the situation is satisfactory, and that you will find yourself in agreement that the expected construction cost of the light rail line appears more than reasonable, for a facility that can be expected to serve the people of Dayton and nearby communities so well during the next forty years.

I earnestly hope that this is the case, because the message needs to be carried to your colleagues in Congress and beyond, before it will be possible to get light rail lines in Dayton and elsewhere actually built and into operation.

We do sincerely appreciate your interest.

Yours very truly,

GEORGE R. BEETLE.

STUDENT PAPER ON HEARING AID INDUSTRY

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. GUDE. Mr. Speaker, I would like to share with my colleagues an interesting paper that has resulted from my summer high school intern program.

Thirty-one outstanding high school students from the Eighth District of Maryland have recently completed a 3-week program of seminars, field trips, and individual research. Each intern selected a topic of current interest, conducted a close study of problems and possible solutions, and submitted a paper of his or her findings at the conclusion of the program.

From these papers, I have selected one that shows especially conscientious research in a neglected but important area: the hearing aid industry. This study, written by Nadine Woodard, of Springbrook High School, discusses the problems faced by consumers in this industry, and its text follows:

Running a close second to Ms. Woodard's paper is a fine analysis of noise pollution effects by Douglas L. Beresford, a student at Landon School.

Ms. Woodard's paper seems to me a valuable contribution to the 93d Congress, and its text follows:

THE HEARING AID INDUSTRY

(By Nadine Woodard, Springbrook High School, July 13, 1973)

"I am just as deaf as I am blind. The problems of deafness are deeper and more complex, if not more important, than those of blindness. Deafness is a much worse misfortune. For it means the loss of the most vital stimulus—the sound of the voice that brings language, sets thoughts astir, and keeps us in the intellectual company of man."

—HELEN KELLER

INTRODUCTION

The blind carry white canes and wear innocent, almost omniscient expressions. In return, they each receive a seven hundred fifty dollar exemption on their federal income tax forms. The retarded and palsied often appear physically "different"; their related organizations sponsor annual telethons which raise millions of dollars for research and individual aid.

However, the hearing impaired receive no exemptions, sponsor no telethons, and do not appear to be physically handicapped. Hearing aids are the only tell-tale signs of their misfortune, bulging under clothing or protruding from the ear. When purchasing hearing aids, the deaf are literally paying high prices to compensate for their handicaps. These high prices help to explain the fact that while fifteen million Americans have significant hearing impairments, only ten percent of those afflicted wear hearing aids.[1] When faced with outrageous prices, the social stigma attached to hearing aid use, the lack of public and consumer education about hearing loss, and the shortage of qualified hearing health professionals, it is little wonder that few hearing impaired persons bother to seek help. Unscrupulous sales techniques coupled with misleading advertising often

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Footnotes at end of article.

induce those persons who do seek help to make needless or inappropriate hearing aid purchases. Half of all hearing aid users are aged sixty-five or over, the majority of whose family incomes are less than four thousand dollars.[2] Another three to five million hearing aid users are school-aged children.[3] When a forty million dollar industry[4] reaps unjustifiable profits from children and the aged, a situation exists which *must* be altered.

I. HEARING IMPAIRMENT

Hearing loss is the most prevalent physical disability in America. The Department of Health, Education, and Welfare estimated in 1962 that one out of every four health impairments among the civilian, non-institutional population is a hearing loss. In fact, more than twice as many persons suffer from hearing losses than from visual defects.[5] The trend towards hearing loss has been mounting alarmingly during the past few years. This sudden rise is due to an increased life expectancy among the aged, a decline in the infant mortality rate, and the rapid growth of noise pollution.

One would expect that the marked rise in the number of hearing impaired persons would be accompanied by an increased public consciousness of the problems of hearing loss. After all, even partial deafness may cause enormous problems. Undiagnosed deaf children may be labeled "retarded" or "slow-learning". Elderly aunts or uncles may be studiously avoided by family members who are weary of shouting themselves hoarse in order to communicate. But unfortunately, hearing problems which may be alleviated by ear surgery or hearing aid use are largely ignored. Some parents refuse to admit the possibility of defects in their offspring. Middle-aged persons may conceal their conditions in vain attempts to deny advancing years. But the primary reason why people are willing to evade the fact of hearing loss is money. Hearing aids may be purchased at prices ranging from seventy-five dollars to seven hundred fifty dollars.[6] This type of investment is one of great magnitude for families with growing children and adults living on fixed incomes.

It is important to note that not all hearing problems can be alleviated by hearing aid use. The effectiveness of a hearing aid depends to a great extent on the individual's kind of hearing loss. There are two major types of hearing losses: conductive and sensori-neural. Conductive loss results from the inadequate conduction of sound waves to the inner ear. The sound waves may be obstructed by foreign objects (such as marbles or wads of cotton), congenital malformations, infections, fluid in the middle ear, or by bony overgrowth (otosclerosis). Sounds are blocked and muffled uniformly as if the ear were covered with the hand. The quality of sound may be the same, but the loudness or intensity will be reduced. Sensori-neural loss results from abnormalities in the nerve centers of the inner ear, the nerve pathways to the brain, or in the portion of the brain that receives and interprets audio nerve signals. An individual with a sensori-neural loss (also called nerve deafness or perceptive deafness) is unable to hear particular sound frequencies, or tones. As a result, the individual may confuse certain words and letters in normal speech. Surgery can often correct conductive hearing losses. However, since sensori-neural losses can rarely be corrected medically or surgically, persons with sensori-neural loss usually have no other recourse than to be fitted with a hearing aid.

The proper fitting of a hearing aid can give tangible help to the hearing impaired. A 1962 study of twelve hundred deaf persons by the Department of Health, Education, and Welfare showed that after a year of rehabilitation, their combined annual income jumped from $308,000 to $2,743,000; an increase of seven hundred ninety percent.[7] It must be stressed, though, that a hearing aid can never "cure" a hearing problem. As a man-made electronic device, it can only help to partially compensate for hearing loss by amplifying the sound that comes to the ear. This compensating function is very important, but it is *not* a replacement for proper medical attention to the causes of the loss.[8] Hearing losses may be caused by tumors, diabetes, allergies, arteriosclerosis, virus infections, or other factors. For this reason, a complete physical examination by the family doctor is a sensible first step to rule out or treat such possible causes of hearing loss before specific testing of hearing begins.[9]

II. PROFESSIONAL AID

The specific tasks of diagnosing the type and cause of hearing loss and fitting the proper hearing aid to the individual concerns three major groups of professionals. Otolaryngologists are surgeons who specialize in ear, nose, and throat cases. Otologists are otolaryngologists who further specialize in ear problems only (for simplicity, both will be referred to in this paper as otologists). Otologists have completed a three to four year college undergraduate program, three to four years of medical school, a year of internship and three to four years of resident training in their specialty.[10] Obviously, no one other than a medical doctor is qualified to diagnose ear diseases, specify the causation of hearing impairment, and treat pathologies of the auditory mechanism.

If an otologist determines that a hearing aid will benefit a hearing impaired person, he will perform extensive hearing tests himself or refer the individual to an audiologist for further evaluation. Audiologists are non-medical, university trained specialists skilled in evaluating hearing loss and recommending hearing aids. They must complete a minimum of four years as a college undergraduate, with a major in speech pathology and audiology, two years as a graduate student studying audiology, and one year of supervised paid professional experience.[11] Audiologists who have met these requirements must pass a written exam before they can possess a Certificate of Clinical Competence from the American Speech and Hearing Association (the professional body that governs the field of audiology). Although some otologists refer their patients directly to hearing aid dealers, one should see an audiologist before shopping for a hearing aid. The audiologist can determine if an aid is necessary, and what particular specifications an aid should have in order to fully benefit the individual. He will include the specifications in a recommendation which the person will then take to a hearing aid dealer. The audiologist may also advise that the individual purchase a certain model or brand of hearing aid from a dealer.

Unlike otologists and audiologists, dealers are permitted to pursue their profession without undergoing any particular training. However, many dealers possess certificates reading "Certified Hearing Aid Audiologist." The 1972 Directory of the National Hearing Aid Association (the dealers' trade association) states that:

"'Certification' is granted only to those (dealers) who have taken advanced training for service to the hearing handicapped. The 'Certified' member (of the Association) has successfully completed a prescribed course of study, passed a rigorous examination and met strict requirements of experience, competence and character."

The "rigorous . . . prescribed . . . advance training" lauded in this statement is a home correspondence course entitled "Basic Home-Study in Hearing Aid Audiology, Revised Edition." The instruction program costs approximately one hundred seventy-five dollars, and consists of twenty lessons contained in fifty and one-half pages of text. The lessons are mailed to the "student" separately in sequence. After reading the text and answering one-half to two pages of questions at the end of each lesson, the "student" mails in the answered questions and receives the next lesson by return mail. After the completion of the twenty lessons, the "student" takes a "final exam" (in the home and without supervision). If he "passes" the "exam" he becomes a Certified Hearing Aid Audiologist" and receives a formal diploma.[12]

The use of this title is deceptive to the unwary consumer. The terms "audiologist" and "certified" imply a medical and professional competence in excess of what actually exists. Consumers are often confused between dealers with this title and actual audiologists with Certificates of Clinical Competence from the American Speech and Hearing Association. For this reason, many consumers think that they have been examined by a doctor or audiologist when they have not.

Certified audiologists and medically-trained otologists have complied with sterner training requirements than a "certified" dealer. Unfortunately, many consumers are unaware of this fact. Seventy percent of all hearing aid purchasers fail to consult otologists or audiologists before making their purchases.[13] When persons go directly to hearing aid dealers, they are placing their future in the hands of salesmen, who, solicitous though they may be, are largely intent on making a sale. Tragically, some dealers never bother to refer their customers to qualified otologists, and take upon themselves the diagnosis and testing of hearing problems and the prescription and fitting procedures. By this action, dealers imply that they are qualified to replace the medical and academic training of otologists and audiologists. A mere correspondence course cannot possibly train a dealer in the scores of complex medical causes of hearing loss. As for the dealers' argument that they possess "training by experience", "it's like saying that because barbers were performing surgery long before surgeons—and without any formal training—we should continue to rely on them. Only adequate training plus experience equals competence; years of experience without proper training equals only prolonged incompetence."[14]

III. HEARING AID SALES

There are presently at least five hundred hearing aid models on the market.[15] Their high cost (typically from three hundred dollars to five hundred dollars each) is probably the single greatest complaint of the hearing impaired against the hearing aid industry. Most hearing aid manufacturers agree that the average hearing aid user gets about two and one-half years' use out of his hearing aid.[16] In addition, the user must also purchase innumerable batteries, cords and accessories.

Hearing aid models can be classified into two basic types: air conduction and bone conduction. The four styles of air conduction aids are those commonly recommended. The all-in-the-ear aid is small, cannot provide powerful amplification, and is used only in cases of mild hearing loss. Body units are large and powerful. They may be carried in a front pocket or strapped to the body under the clothing by a cloth harness. Wire cords deliver sounds from the body unit to the ear. Eighty percent of all hearing aids are of intermediate power. These aids are either the behind-the-ear or the eyeglass type.[17]

Footnotes at end of article.

The final retail price of a typical hearing aid bears little relationship to the aid's cost of manufacture. Consumers Union reported in the May 1971 issue of "Consumer Reports" that the component parts of hearing aids are extremely inexpensive. Their component cost breakdown for a typical hearing aid is as follows:

One magnetic microphone	$6.10
One magnetic receiver	6.10
Three transistors	1.32
Seven resistors	.70
Six capacitors	2.10
Remaining parts (battery, volume control, plastic shell)	8.00
Total	24.32

"Consumer Reports" also stated that: "Labor and all other costs, including substantial advertising and promotion, would bring the total manufacturing cost today, by generous estimate, to about $75 for the average hearing aid."

The final retail cost of a hearing aid to the consumer is typically over three times the cost of the same aid to the dealer. The primary explanation for high dealer margins is not actual selling costs, but rather the limited volume of sales of the average dealer, from which he must derive a reasonable income. About five thousand dealers must divide up annual sales of about five hundred thousand hearing aids.[18] The majority of dealerships, mostly one or two person operations, average eighty-five aids sold per year, or less than two sales per week.[19] In addition, most dealers carry only one line of hearing aids instead of selling a variety of brands competitively.

A convincing sales technique is compulsory if the dealer is to maintain his livelihood. Salesmen obtain "leads" on possible candidates for hearing aid use from previous customers, and from advertisemnets urging persons to "mail this coupon in today for *free* information on how YOU may rediscover the beauty of hearing". When arriving at the prospect's home, a salesman employs a number of "lines" to gain entry. After tossing the prospect a few compliments, the salesman attempts to convince him that he should take a hearing test by using statements such as: "If there is really something wrong that may cause trouble later on, it would be a good idea to find out what it is now so it can be corrected." [20] This statement is misleading because it implies that the salesman is competent of medically diagnosing the problem, that his products are capable of "correcting" the problem, and that the hearing loss will become more severe if not remedied immediately. When taking the individual's "case history", the salesman is actually probing for additional "leads". Next, the salesman tests the prospect's hearing with an audiometer (a device which tells how many decibels of sound are necessary to overcome the person's hearing loss). At this point, a direct quotation from the Beltone "Consultant's Manual" is useful in illustrating the real motivation of the salesman.

"Study the Audiogram. Learn to make silence work for you. Don't say anything for a moment or two. When you think sufficient time has elapsed and it is appropriate to proceed, look the prospect squarely in the eye—and say 'Mrs. Prospect, tell me—what have you been waiting for? Look at this audiogram . . . Do you know that quite a bit of your hearing is gone? You're missing an enormous amount of the sounds of life that are around you. You can't afford to do that, Mrs. Prospect.'

"Mrs. Prospect, you are fortunate that it's not so bad we cannot help you.' (Do not discuss price yet—hold up your hand and go on talking—or say 'We'll come to that in a few minutes—the most important thing is how we can help you.')

"Continue to show your concern as you ask, 'Why haven't you taken care of something as important as this before, Mrs. Prospect?' Keep the prospect's whole attention focused on you. Wait for the answer. This is the key question that should give you the real reason why the Beltone purchase has been postponed. It will help you qualify the prospect and give you clues as to what chances are of making the sale today . . .

"Don't give up easily. Most new Consultants make this error—not realizing that a bit more effort and talk with a prospect will make all the difference between a sale and no sale." [21]

Two "close" techniques advocated in the Beltone Manual are the "ear-impression close" and the "binaural close." The "ear-impression close" is described as a "natural part of the demonstration." The technique comprises getting the customer to sign a sales contract and make a deposit while a plastic hearing aid ear-mold impression is solidifying in his ear. The "binural close" encourages the prospect to purchase two hearing aids instead of one. Virtually no dealer has the equipment necessary to test the objective benefits of a binural fitting. Because of the persistent effort required in learning to use just one aid and the exorbitant price involved (seven or eight hundred dollars), doctors recommend beginning with one aid, and then considering the possibility of a second. Finally, scare tactics and totally deceptive statements are used by the salesman to convince more "difficult" prospects to purchase hearings aids. Individuals are told that "a cold is much easier to cure than pneumonia", and that failure to use a hearing aid will increase their degree of hearing loss. That concept is blatantly false. After the purchase, the hearing aid that the person actually keeps will not be the same one with which he was "tested", and as a result, its performance will differ slightly. Whether or not trial periods are granted and the conditions governing the trial period (such as "rental" costs, if any) is dependent upon the individual dealer. As for repairs: replacements are needed frequently, and they, too, can be a financial burden.

Incompetence, deceptive and misleading statements, inadequate or even non-existent testing and testing facilities and extreme pressure tactics have made the hearing aid industry into what it is today. The industry is analogous to a spider, as it preys on people like flies once they have been trapped in the web of deafness. It is time that its stranglehold on the destinies of the hearing impaired be released.

IV. LEGISLATION

The sole governmental regulation of the hearing aid industry is through the Federal Trade Commission. Its "Trade Practice Rules for the Hearing Aid Industry" are generally quite thorough. However, the rules are lacking in one specific area. Rule Six, Sections A and B under the title "Deception as to Benefit of Services or Advice of a Physician, Etc." states:

"(a) In connection with the sale or offering for sale of industry products, it is an unfair trade practice for any industry member to represent, directly or by implication, that the service or advice of a physician have been used in the designing or manufacturing of industry products, or will be used or made available in the selecting, fitting, adjusting, or testing of industry products relative to the individual needs of consumer-purchasers, when such is not the fact.

"(b) The prohibitions of this rule are applicable to the use of the terms 'doctor,' 'physician,' 'otologist,' or 'otolaryngologist'; to any abbreviations, variations, or derivatives of such terms; and to the use of any symbol, depiction, or representation having a medical connotation."

Section B should be amended to read ". . . to the use of the terms 'doctor,' 'physician,' 'otologist,' 'otolaryngologist,' or 'audiologist.'" This amendment would make the use of the term "Certified Hearing Aid Audiologist" an unfair trade practice.

In its report of the hearing aid industry in Minnesota, the Minnesota Public Interest Research Group cites several incidences where a trade practice rule has been violated. A hearing dealer in the Minneapolis-St. Paul area was harassed and intimidated by other dealers because of his high volume approach to hearing aid sales. His peers' activities appear to be in violation of Rule 2, which states:

"It is an unfair trade practice for any member of the industry, either directly or indirectly . . . to enter any understanding . . . with any other persons to fix or maintain the price of any goods or otherwise unlawfully restrain trade.

"It is an unfair trade practice to . . . use any form of threat, intimidation, or coercion to reduce any member of the industry to become a party to any understanding, agreement, combination, or conspiracy."

If such activities appear to have been found in Minnesota, it is likely that similar practices are occurring in other states. Therefore, Congress should increase the amount of appropriations to the Federal Trade Commission. Increased appropriations would enable the FTC to enlarge its investigative staff, thereby performing its regulatory duties with greater thoroughness and efficiency.

In addition, Congress should appropriate funds to the Department of Health, Education, and Welfare for a public education program centering on deafness. This program would attempt to overcome the social stigmas connected with hearing loss. Films, pamphlets, television commercials, and perhaps television forums would, for example, give general information about deafness and inform people of the steps to take when purchasing hearing aids. In time, hearing loss would become as accepted as myopia.

State laws are presently concerned with the concept of dealer licensure. When Oregon became the first state to require dealer licensure in 1960, the hearing aid industry was a solid front against licensing. However, by 1967, the industry became the foremost backed of licensure proposals. It realized that licensure would lend dealers an aura of professionalism, and that dealers in states where licensure had taken place have more of a chance on cashing in on Medicaid funds. Specific provisions vary from state to state, but generally, licensing laws require that anyone fitting or dispensing hearing aids must obtain a license from a state board of examiners. The board is generally comprised of five to seven members, with one otolaryngologist, one audiologist, and the rest hearing aid dealers. Licenses are awarded subject to the laws' requirements regarding minimum age, residency, high school education, etc. Virtually all of the state laws have "grandfather clauses" which grant licenses to those dealers already in business when the provision took effect.[22] Since it will take years for the number of dealers licensed by examination to eclipse the number of dealers with licenses under grandfather clauses, the presence of these clauses in many state laws has significantly reduced the laws' impacts.

State examining boards should be made available for consumers' complaints. The number of dealers occupying positions on the boards should be reduced. These positions could be filled by qualified parents, members of citizen action groups, or other consumers. Door-to-door sales of hearing aids should be strictly prohibited.

State educational programs should also be established along the same lines as the federal programs. Mobile hearing testing units could be furnished to check the hearing of persons in isolated towns, shut-ins, and the elderly, not to mention diagnostic checks for pre-school-aged children.

The deaf and hearing impaired have been tolerating prejudice and injustice for years.

Previous to this report, congressional hearings have been held, reports have been published, and plans have been finalized. But somehow, effective legislation to aid the hearing impaired has never gotten past the planning stages.

The Ralph Nader-inspired Retired Professionals Action Group, based in Washington, D.C., will "soon" publish a report on the hearing aid industry. Hearing impaired persons throughout this country are hopeful that "maybe this time" beneficial legislation will be enacted.

FOOTNOTES

[1] United States Congress, Senate, Committee on the Judiciary, *Prices of Hearing Aids*, Report by Subcommittee, 87th Congress, 2nd Session, on S. 258, October 1, 1962 (Washington: Government Printing Office, 1962), p. 2.

[2] *Ibid.*, p. 3.

[3] *Statements on Deafness* (Washington: Alexander Graham Bell Association for the Deaf).

[4] United States Congress, *op. cit.*, p. 1.

[5] United States Congress, *op. cit.*, p. 2.

[6] United States Congress, Senate, Special Committee on Aging, *Hearing Loss, Hearing Aids, and the Elderly*, Hearings before Subcommittee, 90th Congress, 2nd Session, July 18–19, 1968 (Washington: Government Printing Office, 1968), pp. 245–247.

[7] United States Congress, Senate, Committee on the Judiciary, *op. cit.*, p. 4.

[8] Minnesota Public Interest Research Group, *Hearings Aids and the Hearing Aid Industry in Minnesota* (Minneapolis: November 13, 1972), p. 9.

[9] *Hearing Loss—Hope Through Research*, National Institute of Neurological Diseases and Stroke, National Institutes of Health, Public Health Service Publication 207 (Washington: Government Printing Office, 1971), pp. 17–18.

[10] Minnesota Public Interest Research Group, *op. cit.*, p. 7.

[11] *Ibid.*, p. 8.

[12] *Ibid.*, pp. 49–50.

[13] "Hearing Aids—What the Buyer Should Know," *Consumer Reports* (May, 1971), p. 316.

[14] Minnesota Public Interest Research Group, *op. cit.*, p. 51.

[15] "Hearing Aids—What the Buyer Should Know," *op. cit.*, p. 314.

[16] United States Congress, Senate, Committee on the Judiciary, *op. cit.*, p. 3.

[17] Minnesota Public Interest Research Group, *op. cit.*, p. 9.

[18] "Hearing Aids—What the Buyer Should Know," *op. cit.*, p. 315.

[19] Minnesota Public Interest Research Group. *op. cit.*, p. 16.

[20] United States Congress, Senate, Committee on the Judiciary, *Prices of Hearing Aids*, Hearings before Subcommittee, 87th Congress, 2nd Session, on S. 258, April 18, 19, 24, 25, and May 16, 1962 (Washington: Government Printing Office, 1962), p. 411.

[21] *Ibid.*, p. 417.

[22] Minnesota Public Interest Research Group, *op. cit.*, p. 71.

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Senator Stafford—Mike Francis, Room 5215.
Senator Cranston—Louis Ringwalt, Room 452.
Senator Kennedy—Jan Verrey, Room 431.
Senator Mondale—Ellen Hoffman, Room 443.
Senator Beall—Bernie Richey, Room 362.

The students who participated in my intern program were:

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Penny Harms, Montgomery College
Stephen Adler, Albert Einstein High School
Douglas L. Beresford, Landon School
William M. Bucher, Jr., Winston Churchill High School
Jan P. Kurtz, Charles W. Woodward High School
Thomas P. O'Brien, Robert E. Peary High School
Calvin G. Carter, Rockville High School
Kathleen Cook, Wheaton High School
Carla D'arista, Bethesda-Chevy Chase High School
Mary Pat Fox, Winston Churchill High School
Beth Gelin, Richard Montgomery High School
Michael Hoff, Bethesda-Chevy Chase High School
Leslie D. Hyde, Madeira School
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Brian Ochs, Northwood High School
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Peggy Pendergast, Academy of the Holy Cross
Richard Rybeck, Albert Einstein High School
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Denise Simms, Ursuline Academy
Susan Silverstein, Sidwell Friends School
Yvette Trujillo, Stone Ridge Country Day School
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Shari Strobel, Colonel Zadok Magruder High School
Diane Tibbs, Paint Branch High School
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Celeste Wiser, Holton-Arms School
Nadine E. Woodard, Springbrook High School
Marc Wortman, Walt Whitman High School
Catherine Vierbuchen, Walt Whitman High School

SUPPORT FOR PUBLIC CAMPAIGN FINANCING

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Friday, August 3, 1973

Mr. SCHWEIKER. Mr. President, in tonight's Washington Star-News, columnist James J. Kilpatrick discusses the question of public financing of political campaigns, in a column, "A Way To Fund Campaign."

He endorses the view, that I share, that we must not stop work on campaign reform with the spending and contribution limits we passed last week in S. 372, but that we must also seriously explore the alternative of utilizing public funds for campaigns, an idea he said, "whose time has come."

Last week Senator MONDALE and I introduced S. 2238, the "Presidential Campaign Financing Act of 1973." Other public financing bills have been introduced, and hearings on public financing of campaigns have been scheduled for September.

I share Mr. Kilpatrick's feelings that in the wake of Watergate, we must "remove the curse of money that now corrupts our political process." I urge my colleagues to review his column, and ask unanimous consent that it be printed in the Extensions of Remarks following these remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Star-News, Aug. 3, 1973]

A WAY TO FUND CAMPAIGN

(By James J. Kilpatrick)

More than 65 years ago, President Theodore Roosevelt sent a message to the Congress. He was concerned about the high cost of the presidential campaign of 1904 and the bi-elections of 1906.

"The need for collecting large campaign funds would vanish," said the old Rough Rider, "if Congress provided an appropriation for the proper and legitimate expenses of each of the great national parties . . ."

Roosevelt's idea, in brief, was for the public financing of federal elections. It is an idea, I submit, whose time has just about come.

This represents a change of position on my part, and on the part of other conservatives who have objected to federal financing in the past. We have felt that any such program would be unwise in terms of fiscal policy, and we have argued that corollary regulations, limiting private contributions and otherwise regulating the conduct of political campaigns, would infringe upon First Amendment freedoms.

These are serious objections, and I reluctantly put them aside. What we are talking about is a complex system of appropriating public funds to be spent by private hands—by political parties and by individual candidates. Such a prospect requires, at a minimum, a network of tight controls, supervised by a massive bureaucracy. A workable plan would have to cover both primary and general elections; it would have to give account to third parties and to possibly frivolous candidates; and it might create new evils, by reviving bossism and entrenching office holders, as objectionable as the old evils it is intended to dispel.

Yet it seems to me, on balance, that drastic measures are needed if we are to remove the curse of money that now corrupts our political process. If we do not learn at least this lesson from Watergate, we are doomed to repeat that wretched course of instruction. By fixing tight limations on individual contributions, the Senate early this week moved in the right direction; yet a great deal remains to be done.

Political campaigns, of necessity, are expensive. They are especially costly, and especially difficult, for newcomers who challenge incumbents. Once we clip the wings of political angels, as the Senate proposes, some alternate plan of campaign financing will have to be provided. The present scheme of tax checkoffs and tax deductions is feeble and ineffective. Roosevelt's forthright proposal of 1907 could dispel the clouds that now shadow public confidence in public institutions.

This is the important thing. The walloping contribution from the milk producers to the Nixon campaign may have been utterly untainted by any thought of a bribe; but under the circumstances, it smacked of corruption. The $100 bills that came from Robert Vesco may have been prompted by motives of snow-white purity; but the charge is widely believed that the case bought access to high places. George Spater, chairman of the board of American Airlines, has explained why a large part of the political money given by the business community is given: "It is given in fear of what could happen if it were not given."

This pattern has to be broken. Granted, the drafting of a workable law on public financing will not be easy. This whole business of election reform, as last week's debate in the Senate made clear, is in part a choice of lesser evils as better than greater evils. The suspicious thought will not go away that some members, in the pious name of election reform, are in fact taking a leaf from the famous textbook in political science by John Wesley Dean, "Maximizing Our Incumbency, or, How to Screw Our Opponents."

Acknowledging all this, it still seems to me that a Rooseveltian experiment is worth trying. It might cost the taxpayers $100 million a year, but if the approach served to break the curse of implicit bribery, the plan would be cheap at twice that price.

QUESTIONNAIRE SURVEYS

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. WILLIAM D. FORD. Mr. Speaker. I am pleased to share with my colleagues the response to my Ninth Annual Questionnaire Survey of the residents in my congressional district.

In March, I sent questionnaires to each of the more than 150,000 homes in my district, seeking their opinions on some of the issues facing our country. I have conducted such a survey each year since my election to Congress in 1964 and the results have been invaluable to me as a Representative in Congress.

The percentage results reported here represent tabulation of approximately the first 10,000 returns.

The questions as they appeared on the questionnaire, the percentage results, and my accompanying comments on each, are listed below:

1. The soaring cost of food has become one of the major problems of the day. Among the suggested answers are permanent price controls, elimination of farm subsidies and artificial price supports, or consumer boycotts to bring prices down. Which do you think is the answer?

[Percent]

	Yes	*No*
a. Permanent Price Controls	58	42
b. Elimination of Farm Subsidies	84	16
c. Consumer Boycotts	40	60

I was pleased to see that the overwhelming majority of my constituents agree with my votes to limit farm subsidies represent a way to attack the problem of rising food prices. It is absolutely unfair to the American public to use their tax dollars to subsidize farm profits, forcing them to pay higher prices for their groceries. Price controls and consumer boycotts can be only temporary and occasional measures in the war against inflation.

2. The cost of health care in America is increasing at an unprecedented rate. At the same time, that health standards are decreasing. I have cosponsored the Kennedy-Griffiths Health Security Bill, which would bring all Americans under a Federal health-insurance program to pay all medical and hospital bills. It would be financed in a manner similar to Social Security.

	Percent Yes	*Percent No*
a. Do You Favor Such a Federal Health Insurance Program?	65	35

As a cosponsor of the Kennedy-Griffiths health security bill, I am encouraged to see a growing number of Americans coming to recognize the need for this type of legislation. Most of the other industrialized nations of the world have long since adopted some form of national health insurance; it is a long-overdue step for the United States.

3. Two years ago, the Post Office Department was abolished and the Postal Service Corporation was created to administer the Nation's mail service. Critics contend that service has become worse and that the Postal Service Corporation is putting economy above service.

	Percent Yes	*Percent No*
a. Do You Think Mail Service Has Become Worse?	76	23
b. Do You Think Mail Service Is Better?	9	91
c. Would You Favor Abolishing the Postal Service Corporation and Returning to Our Former System?	62	38

As the response from my constituents shows, the general public is not happy with the service they are receiving from the Postal Service Corporation. Postal rates have already risen, and further increases are a certainty. Service in general has become worse and mail delivery takes longer and longer. Employee morale is at an all-time low. I believe that postal service is a logical function of government, and that the taxpayers are entitled to service. Like a majority of my constituents, I think that mail service is much worse under the Corporation plan, and that we should return to our former system.

4. The Administration has promised that the United States will take the lead in a massive program to help rebuild North Vietnam, once all our prisoners are returned, our missing are accounted for, and permanent peace is achieved. Critics contend the President had no right to make such a promise without first consulting Congress.

	Percent yes	*Percent no*
a. Do You Favor Substantial Economic Aid to North Vietnam?	8	92

b. Do You Favor Continued Economic Aid to South Vietnam?	34	66
c. Do You Favor Continued Military Aid to South Vietnam?	22	78

I think these answers indicate that, in my district at least, people are thoroughly frustrated with our long and costly intervention in the affairs of Southeast Asia, and want to bring it to a total end. I wholly agree that we should cut off all military aid to South Vietnam. So far as economic aid to either North or South Vietnam, I could not conscientiously support President Nixon's recommendation for such aid so long as he continues to veto money appropriated by Congress to solve the many pressing problems here in our own country.

5. American workers are covered by thousands of private and public pension plans, which are subject to little regulation. Each year, many workers lose their pension rights when they change jobs or when their employers go out of business. Even those who retire with pensions have a broad range of benefits, from very good to very poor.

	Percent yes	*Percent no*
a. Do you favor legislation providing Federal safeguards to insure that a working man or woman will receive the pension benefits which they have been led to believe will be theirs upon retirement?	96	4

This overwhelming response shows how deeply my constituents feel about this critical issue. As a member of the Education and Labor Committee, and its General Labor Subcommittee, I have been active in the fight for pension-reform legislation, and served on a pension task force which conducted hearings throughout the Nation to obtain first-hand information. We are in the process of drafting legislation at this time, and hope to bring it to the floor for a vote before the end of the current session of Congress. It is one of our top priorities for the year.

6. Considerable concern has been expressed recently over basic press freedoms, in view of Administration harassment and intimidation of newsmen. Legislation has been proposed that would permit a reporter to refuse to reveal the source of a news story, even in court, unless it involved national security or libel

	Percent yes	*Percent no*
a. Do You Favor Such "Press-Shield" Legislation	66	34

I was pleased to see a sizable majority support the idea of protecting a newsman's source of information, and I was frankly surprised that the percentage was not even higher. The importance of a free and unhampered press was never more vividly demonstratd than in the Watergate scandal, which was brought into the open only through dogged investigative reporting by Washington newspapermen. I have cosponsored press-shield legislation, and will fight for its adoption.

7. Both the Congress and the Administration agree that Federal spending should be reduced, but there is broad disagreement on which programs should be cut, and which should be expanded. President Nixon, in fact, is refusing to spend money appropriated by Congress for programs with which he does not agree.

a. In which Three Areas Do You Think The Federal Budget Should Be Cut? (The following percentages represent the number of people who listed these issues among their three choices; only those with 10% or more are listed):

	Percent
1. Foreign Aid	45
2. Welfare	35
3. Defense	32
4. Cost of Government	42
5. Subsidies	17

b. In What Three Areas Do You Think The Federal Budget Should Be Increased?

	Percent
1. Education	27
2. Health Care	18
3. Senior Citizen Benefits	17
4. Environmental Protection	15
5. Crime and Drug Control	13
6. None	13

I think, Mr. Speaker, that these responses show how deeply the American people feel about the need to solve our domestic problems. Fully 77 percent of the respondents cited foreign aid and defense spending as the logical areas to reduce the Federal budget, and the need to reduce spiraling welfare costs is obvious to us all. I have consistently voted to reduce foreign aid and defense spending, and have long advocated welfare reform. Like my constituents, and in the same order, I feel that education, health care and aid for senior citizens should rank as our Nation's top priorities.

8. What are the three most important problems facing our Nation today? Give me your priorities.

	Percent
1. Crime and drugs	44
2. Inflation	40
3. Taxes	17
4. Government corruption	14
5. Pollution	14

It is obvious that my constituents see the drug menace and street crime as a joint problem, and a major problem—an analysis I agree with. Inflation is a close second, and has become even worse since my questionnaire was mailed. The Nixon "game plans" and his on-again, off-again control system have proved ineffective. Our economy has reached a point of chaos, and the lack of leadership in the White House is becoming painfully obvious. The entire Watergate mess is an undoubted factor, since so many of the President's top aides have been fired or forced to resign as a result of the continual revelations of high level corruption. It is no wonder that Government corruption was ranked fourth among the Nation's problems, and this percentage would probably be even higher if the survey were being made today. We can hardly expect to solve the crime problem with such a sordid example set at the highest levels of Government. When the investigation is concluded, and the guilty persons weeded out of their positions, we must work to restore the American people's badly shattered faith in the integrity of their leaders. I will support any reasonable legislation to prevent the recurrence of Watergate-type scandals in the future.

AUXILIARY POLICE UNIT PROTECTS LOCAL CITIZENS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. BIAGGI. Mr. Speaker, I would like to draw to my colleague's attention an article printed in the August 1973 issue of Response magazine—a periodical prepared by the Defense Civil Preparedness Agency that is geared toward publicizing outstanding activities occurring throughout the Nation that protect local citizens.

The article pertains to the success of just one of many outstanding auxiliary police force units located throughout New York City. These groups of concerned volunteers have, through their contribution of time and effort, helped to make neighborhoods throughout New York a safer place to shop and live. I have spoken previously of the attributes of creating such voluntary forces throughout the Nation and the description below presents a convincing argument in support of such a program. I hope that my fellow colleagues agree that Federal backing of voluntary police forces would be an important step in our fight against crime in America.

The article follows:

NEIGHBORHOOD OFFICERS

NEW YORK, N.Y.—Just as in any community, the Nation's largest city is made up of many individual neighborhoods. And according to Carmin G. Novis, Director of New York City's Emergency Control Board-Civil Defense, that's where the city's 6,000 volunteer men and women Auxiliary Police are working to solve problems: in the neighborhoods where they live. Examples:

In an effort to reduce a growing number of false alarms, Auxiliary Police headquarters staff met with Fire Department officials and identified the locations of fire alarm boxes with a particularly high record of false alarms. Then at the precinct level, Auxiliary Police patrol routes were modified to enable the volunteer uniformed officers to maintain greater surveillance of the fire alarm boxes in question.

REDUCE FALSE ALARMS

In addition, members of the Auxiliary Police initiated and maintained a continuous dialogue with merchants, building custodians, and street leaders on the hazards to the community resulting from false alarms. The result was a 36 percent reduction in the number of false alarms.

"The response from the community was successful," Director Novis said, "primarily because of the fact that Auxiliary Police are assigned to patrols in those communities in which they live. This enables the Auxiliary Police to discuss matters with people in the community on a first-name basis."

Another example of neighborhood service by the Auxiliary Police was the experimental "Operation Open Blocks" program, aimed at the problem of people being unable to make evening purchases from pharmacies, grocery stores, and other businesses because owners were unwilling to keep their establishments open at night.

The plan was to select a small area in an under-privileged neighborhood, assign added Auxiliary Police members to night patrol in the area, reduce the risk of crime by increasing police surveillance, and encourage more store owners to stay open at night, at least between 8 p.m. and 11 p.m. during the week.

Of course there had to be enough police auxiliaries volunteer for night duty to provide the needed coverage.

STORE OWNERS COOPERATE

The 77th Precinct, where the Auxiliary Police unit had grown from 15 members to 112 in less than a year, was selected. Store owners on Kingston Avenue, between Atlantic Avenue and Bergen Street, were canvassed. "Most were pleased and agreed to cooperate," Mr. Novis said, "but others said they would wait and see what happened."

About a week before the added night patrols started, a public education program was carried out in the area with handout literature made available to each participating merchant so that he could pass it out to his customers.

"We consider the program a success," Mr. Novis said. "Doubtful owners are now convinced. Auxiliaries, with assistance of one patrolman from the regular police force, are fulfilling their pledge, and stores remain open. Residents are coming out to shop, and again the Auxiliary Police have demonstrated their ability to respond to community needs—right where they live."

LEGISLATIVE STATUS REPORT

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. CHARLES H. WILSON of California. Mr. Speaker, I wish to place in the RECORD a status report of the legislative measures which I have introduced and cosponsored during the 93d Congress. It is my belief that this legislative survey will inform my constituents in the 31st District of California of my position on major legislative issues before the Congress and of my concern with the various problems confronting our Nation today.

I would therefore want to place in the RECORD my first status report for the 93d Congress, January 3 to August 3, 1973:

AGRICULTURE

H.R. 4869 (Sisk): Prohibition of discriminatory state burdens upon interstate commerce in wine.

H.R. 7443 (Wilson): Repeal of the bread tax on 1973 wheat crop.

H.R. 9094 (O'Hara): To conform state inspection standards of marketing, labeling, packaging and ingredient requirements to those of the Federal Meat Inspection Act.

ARTS AND HUMANITIES

H.R. 9640 (Perkins): Establishment of an American Folklife Center in the Library of Congress.

CHILD WELFARE

H.R. 6819 (Schroeder): Establishment of a national center on child development and abuse prevention.

CIVIL LIBERTIES

H.R. 1279 (Wilson): Requirement that individuals be apprised of records concerning them which are maintained by government agencies.

H.R. 1281 (Wilson): To protect the constitutional rights of civilian employees of the executive branch of the U. S. government. Employee Benefits Subcommittee hearings. Wilson testified.

H.R. 2200 (Wilson): Free Flow of Information Act. Similar to H.R. 5928 to be reported in lieu.

H.R. 6211 (Bell): Continued operation of the legal services program.

H.R. 4426 (Wilson): Confidentiality of information furnished in response to questionnaires, inquiries and other requests from the Bureau of the Census. Census and Statistics Subcommittee hearings. Wilson testified. Similar Bill H.R. 7762 reported in lieu.

H.R. 7762 (Wilson): Confidentiality of information furnished in response to questionnaires, inquiries and other requests from the Bureau of the Census. Reported to the House with amendments.

CONGRESSIONAL REFORM

H.R. 4 (Fascell): To open meetings of government agencies and of Congressional committees to the public.

H.R. 1283 (Wilson): To provide for no cost letter mail to Senators and Representatives.

H.R. 9004 (Grasso): To provide no cost letter mailing to the President, Vice President, Congressmen and Federal executive departments.

H. Res. 472 (Grasso): Toll-free telephone service for calls to the District offices of Congressmen.

CONSUMER PROTECTION

H.R. 2932 (Wilson): Definition of food supplements in the Food, Drug and Cosmetic Act.

H.R. 3781 (Bingham): Licensing of food manufacturers and processors.

H.R. 8153 (Roy): Consumer Savings Disclosure Act on savings deposits.

H.R. 8570 (Moss): Definition for inclusive airline tour charters.

DISASTER ASSISTANCE

H.R. 6317 (Danielson): Creation of a Federal Disaster Insurance Corporation.

H.R. 6904 (Flood): Establishment of a national program of Federal insurance against catastrophic disasters.

H.R. 7240 (Roush): Establishment of emergency communications facilities.

ECONOMY

H.R. 4820 (McFall): One year extension of the Public Works and Economic Development Act.

H.R. 6161 (McFall): Establishment of a temporary price-wage board.

H.R. 8621 (Abzug): Equitable rents under the economic stabilization program.

H.R. 9382 (Harrington): Inclusion in the Budget of information showing the regional impact of proposals on state and Congressional Districts.

H. Con. Res. 194 (Wolff): Resolution to collect overdue debts.

EDUCATION

H.R. 1146, 2892, 4068 (Roybal): National Act for School Construction.

H.R. 3521 (Wilson): Income tax credit for tuition paid for the elementary or secondary education of dependents.

H.R. 3885 (Wilson): Grants to states for vocational rehabilitation services to those with severe disabilities.

H.R. 4189 (Badillo): Tutorial and instructional services for homebound or handicapped children.

H.R. 6332 (Hastings): Extension of the Public Health Services Act, the Community Mental Health Centers Act and Developmental Disabilities Services and Facilities Construction Act.

H.R. 7818 (Meeds): Improvement of the Adult Education Act.

H.R. (Peyser): Development and implementation of youth camp safety programs.

H.R. 9058 (Heinz): Equitable funding for state vocational rehabilitation services.

H.R. 9364 (Burke): Provision for autistic children in the Mental Retardation Facilities and Community Mental Health Centers Construction Act.

ELECTION REFORM

H.R. 4427 (Wilson): Establishment of a program for canvassing of the election process through the Census Bureau.

H.R. 6031 (Fraser): Designation of payments to the Presidential election campaign fund on the front page of the income tax return.

H.R. 9642 (Rangel): Voter registration through the postal service.

H.J. Res. 412 (De Lugo): Participation of Guam and the Virgin Islands in Presidential elections.

EMPLOYMENT

H.R. 1418 (Reuss): Public service employment for unemployed persons.

H.R. 3942 (Conte): State technical services available to municipal governments.

H.R. 3987 (Hawkins): Public Service Employment Program.

H.R. 5401 (Corman): Extension of unemployment insurance coverage to employers of four or more agricultural workers.

H.R. 7964 (Mink): To prohibit discrimination against locally recruited personnel in overseas differentials and allowances.

H.R. 8058 (Burton): To require contractors of U.S. agencies producing motion picture films to pay prevailing wages.

H.R. 8792 (Roybal): To require contractors of U.S. agencies producing motion picture films to pay prevailing wages.

ENERGY CRISIS

H.R. 3615 (Denholm): Amendment of the Rural Electrification Act.

H.R. 4695 (Wilson): Termination of the oil import control program.

H.R. 7865 (Addabbo): Requirement that U.S. flag vessels carry a percentage of oil imports.

ENVIRONMENTAL PROTECTION

H.R. 3795 (Dingell): Endangered Species Conservation Act.

H.R. 4420 (Veysey): California's right to enforce its more stringent motor vehicle emission standards.

H.R. 6451 (Mathias): Establishment of the California Desert National Conservation Area.

H.R. 6823 (Wilson): Enlargement of the Sequoia National Park.

H.R. 6824 (Wilson): More effective control of aircraft noise.

H.R. 7774 (Johnson): Salinity control program for the Colorado River.

H.R. 8659 (Anderson of Calif.): Federal income tax credit for motor vehicle emission controls.

H.R. 9709 (Fascell): Income tax deductions for automobile carpools.

FIRE PREVENTION

H.R. 4103 (Steele): Creation of the National Fire Academy. Subcommittee hearings.

H.R. 4104 (Steele): Grants to states, counties and local communities for training programs for firemen.

H.R. 4105 (Steele): Grants for educational fire science programs.

H.R. 4106 (Steele): Financial aid to local fire departments for the purchase of firefighting equipment.

H.R. 4107 (Steele): Financial aid for local fire departments for the purchase of firefighting suits and self-contained breathing apparatus.

H.R. 4108 (Steele): Three year extension of fire research and safety programs.

H.R. 4109 (Steele): National Fire Data and Information Clearinghouse Act.

H.R. 4110 (Steele): Extension of Flammable Fabrics Act to construction materials used in interior of homes and offices.

H.R. 4111 (Steele): Labeling of vehicles transporting hazardous materials.

H.R. 8098 (Symington): Improvement of local fire protection districts and departments.

H.R. 9281 (Brasco): Retirement of certain law enforcement and firefighter personnel. Ordered to be reported by POCS Committee.

H.R. 9374 (Patman): Establishment of a U.S. Fire Administration and National Fire Academy and coordination of fire prevention at all levels of government. Subcommittee hearings.

H.J. Res. 687 (Dupont): To proclaim January 17th as "National Volunteer Firemen Day."

FOREIGN AFFAIRS

H.R. 3333 (Wilson): Limitation of the use of armed forces without a declaration of war by the Congress. Committee hearings. Wilson testified. H.J. Res. 542 in lieu passed House.

H.R. 6424 (Bingham): War Power Act.

H.R. 4186 (Anderson of Cal.): Establishment of a cabinet committee for Asian American affairs.

H.R. 3919 (Mills): Prohibits most-favored nation treatment for denial of right to emigrate. Included in trade bill now pending in Ways and Means Committee.

H.R. 4369 (Esch): Japan-United States Friendship Act.

H. Res. 239 (Wilson): Panama Canal Zone sovereignty and jurisdiction.

H.J. Res. 587 (Derwinski): Commending the *N.Y. Times* for its defense against the People's Republic of China.

H. Con. Res. 267 (Lott): Continued close relations with the Republic of China.

H. Con. Res. 281 (Huber): The Missing in Action in Southeast Asia.

GOVERNMENT OPERATIONS

H.R. 1284 (Wilson): Improvement of the Leave system for Federal employees. Ordered reported by POCS Committee with amendments.

H.R. 1870 (Rosenthal): Cost-of-living pay increase for Federal employees in heavily populated cities and metropolitan areas.

H.R. 4266 (Melcher): Senate appointment of the Director of the Office of Management and Budget.

H.R. 4928 (Dulski): Congressional control of certain Presidential pay increases.

H.R. 6567 (Hawkins): Congressional control of the Office of Economic Opportunity reorganization.

H.R. 8290 (Wylie): Senate confirmation of the Director and Deputy Director of the Office of Management and Budget. Congress passed S. 518 in lieu. President vetoed; sustained.

H.R. 9003 (Grasso): Toll-free telephone numbers at regional offices and executive governmental agencies.

H.R. 9107 (Waldie): Increases in certain annunities of Chapter 83 of Title 5, USC, for Federal employees. Ordered to be reported by POCS Committee.

H.R. 9533 (Koch): Regulation of expenditures on private residential property guarded by the Secret Service.

H. Con. Res. 174 (Hawkins): Continuation of the Office of Economic Opportunity.

HEALTH

H.R. 2222 (Fulton): Voluntary health insurance for medical, hospital and dental care.

H.R. 7440 (Vander Jagt): Expansion of the National Institute of Arthritis, Metabolism and Digestive Diseases.

H.R. 7733 (Wilson): Authorization of health maintenance organizations to provide health care.

H.R. 8986 (Veysey): National registry of blood donors.

H.R. 7091 (Biaggi): Payment under the supplementary medical insurance program for optometrists' services and eyeglasses.

H.R. 9256 (Waldie): Increase of government contribution to the costs of health benefits for Federal employees. Ordered to be reported by POCS Committee.

HIGHWAY SAFETY

H.R. 5263 (Wilson): Seatbelts for all schoolbuses. Subcommittee hearings. Wilson testified.

H.R. 6094 (Aspin): Safety design standards for schoolbuses.

H.R. 7973 (Rooney): Improved enforcement of motor carrier safety regulations.

H.R. 9436 (Rooney): Extension of highway safety fund deadlines.

HOLIDAYS AND DAYLIGHT SAVINGS TIME

H.R. 5981 (Quillen): To restore the observance of Memorial Day and Veteran's Day to their historic dates.

H.R. 7858 (Wilson): Establishment of Daylight Saving Time on a year-round basis.

H.J. Res. 687 (Dupont): Designation of January 17th as "National Volunteer Firemen Day".

IMPOUNDMENT

H.R. 3943 (Conte): To prohibit the President from impounding any funds without the consent of the Congress. Similar to H.R. 8480. S. 373 passed the House in lieu.

H. Res. 242 (Brown): Authorization for Congressmen to sue on behalf of the House because of the President's illegal impoundment of funds.

LAW ENFORCEMENT/PENAL REFORM

H.R. 936 (Railsback): Establishment of an institute for continuing studies of juvenile justice.

H.R. 1285 (Wilson): To revise the pay structure of the police forces of the Washington National Airport and Dulles International Airport.

H.R. 1286 (Wilson): Revision of the pay structure for non-supervisory positions of Deputy United States Marshals.

H.R. 4403 (Reid): Anti-hijacking Act.

H.R. 4600 (Biaggi): Law Enforcement Officer's Bill of Rights.

H.R. 8402 (Wilson): Compensation to victims of crime.

H.R. 9238 (Ketchum): Additional immigration personnel to patrol the U.S. borders.

H.R. 9239 (Ketchum): Illegal aliens.

MILITARY AFFAIRS

H.R. 309 (Bennett): Additional pay for permanent professors at the U.S. service academies.

H.R. 3623 (Findley): Adjustment assistance to prisoners of war of the Vietnam era.

H.R. 7378 (Hosmer): Combination of the 11th and 12th Naval Districts.

H.R. 7857 (Whitehurst): Reemployment rights of members and former members of the U.S. armed forces.

H.R. 8687 (Leggett): To revise special pay structures for physicians, dentists, veterinarians and optometrists of the uniformed services.

H.R. 9528 (Biaggi): Appointment of students at state maritime academies and colleges as reserve midshipmen in the U.S. Navy.

H.R. 9530 (Biaggi): Increase of subsistence payments to students at state marine schools.

PENSION REFORM

H.R. 3883 (Wilson): Revision of the Welfare and Pension Plans Disclosure Act.

H.R. 3884 (Wilson): Revision of the Welfare and Pension Plan Disclosure Act.

H.R. 5219 (Eilberg): Non-taxation of the pensions of policemen and firemen and their dependents.

H.R. 5558 (Waldie): Retirement of immigration, naturalization and customs bureau inspectors under hazardous occupations provisions.

H.R. 9257 (Waldie): Rates of employee deductions, agency contributions and deposits for civil service retirement. Ordered to be reported by POCS Committee.

POSTAL SERVICE

H.R. 528 (W. D. Ford): Financing of the cost of mailing certain matter free of postage or at reduced rates. Similar bill, H.R. 8929, reported in lieu by POCS Committee.

H.R. 1282 (Wilson): Elimination of certain restrictions on the rights of officers and postal service employees. Subcommittee on Postal Facilities and Mail hearings. Chairman Wilson testified.

H.R. 4428 (Wilson): Financing of the cost of mailing certain matter free of postage or at reduced rates. Similar bill H.R. 8929 reported in lieu by POCS Committee.

H.R. 5184 (Wilson): Annual authorization of appropriations to the Postal Service. Similar bill with amendments, H.R. 2990, passed House.

H.R. 5312 (Wilson): Uniformity in Labor Relations of the U.S. Postal Service. Postal Facilities and Mail Subcommittee hearings. Chairman Wilson testified.

H.R. 5513 (Hillis): Improved nationwide standards of mail service.

H.R. 7202, 9167, 9168, 9169 (Wilson): Establishment of an arbitration board to settle disputes between supervisory organizations and the U.S. Postal Service. Subcommittee on Postal Facilities and Mail hearings. Chairman Wilson testified.

H.R. 7554 (Hanley): Financing of the cost of mailing certain matter free of postage or at reduced rates. Similar bill, H.R. 8929, reported in lieu by POCS Committee.

H. Res. 261 (Dulski): Funds for the investigation and study authorized by H. Res. 180. Passed house.

PUBLIC LAND

H.R. 2199 (Wilson): To permit suits to adjudicate disputed land titles.

H.R. 2218 (Wilson): Settlement of the title to certain property located in the vicinity of the Colorado River in Imperial County, California.

H. Res. 183 (Wilson): Settlement of the title to the Colorado River property in Imperial County by the Chief Commissioner of the Court of Claims.

H.R. 4855 (Rostenkowski): Establishment of an Urban Parkland Heritage Corporation.

H.R. 6602 (Matsunaga): National Park supervision and Naval construction of shoreside facilities at the U. S. ship "Arizona" memorial at Pearl Harbor.

H.R. 9115 (Bafalis): Deauthorization of the cross-Florida barge canal.

SCIENCE

H.R. 1287 (Wilson): Authorize the National Science Foundation to conduct research and educational programs to prepare the country for conversion from defense to civilian, socially oriented research and development activities.

H.R. 5204 (Bell): Establish a framework of national science policy and focus the nation's scientific talent on its priority problems.

SOCIAL SECURITY

H.R. 3886 (Wilson): Improvement of the Older American's Act of 1965. S. 50 passed in lieu. Public Law 93-43.

H.R. 4564 (Stokes): Reduced time qualifications for old age and disability insurance benefits.

H.R. 4887 (Wolff): Require states to not consider social security increases in determining eligibility for other assistance programs.

H.R. 5358 (Rooney): Revision of the system for Federal match funding to states for social services assistance.

H.R. 7092 (Biaggi): Remove limitation on the amount of outside income which an individual may earn while receiving social security.

H.R. 7093 (Biaggi): Increase the lump-sum death payment to $750.

H.R. 7097 (Biaggi): Inclusion of qualified prescription drugs under the Hospital Insurance program.

H.R. 8019 (Heinz): Delete 10 percent limitation provision to states for social services payments to the aged, blind and disabled.

H.R. 9097 (Rosenthal): Free or reduced airline rates for handicapped persons and for individuals 65 years and older.

H.R. 9381 (Corman): Half-fare for elderly people on common carriers during non-peak travel periods.

H. Con. Res. 226 (Grasso): Opposition to the curtailment of Medicare and Medicaid program benefits.

TAX REFORM

H.R. 851 (Koch): Extension of full tax benefits of income splitting to unmarried persons.

H.R. 969 (Reuss): To raise additional revenues by tax reform.

H.R. 1040 (Corman): Broadening the income tax base, equity among taxpayers, reform of the income and estate tax provisions.

H.R. 4727 (Wilson): Charitable contribution deduction for purposes of the estate tax.

H.R. 5218 (Eilberg): Tax exemptions for supporting a mentally retarded dependent.

H.R. 5992 (Sikes): Amend Section 4182 of the Internal Revenue Code of 1954.

H.R. 6340 (Koch): Charitable tax deductions for blood donations.

H.R. 6353 (Pepper): Tax deductions for theft losses, on costs for theft protection and for the medical or funeral expenses of crime victims.

H.R. 6360 (Rinaldo): Licensing of persons in the business of preparing tax returns.

H.R. 7094 (Biaggi): Exemption of the first $5,000 of retirement income of taxpayers 65 or older.

H.R. 7095 (Biaggi): Full deduction of medical expenses incurred for the care of individuals 65 or older.

H.R. 7096 (Biaggi): Personal exemption for a dependent over 65 without regard to the dependent's income.

H.R. 9822 (Cohen): Tax incentives for the modification of architectural and transportational barriers to the handicapped or elderly.

VETERANS

H.R. 1493 (Fraser): Prevent reduction of veteran's pensions because of increased social security benefits.

H.R. 4751 (Danielson): Certain social security benefit increases be disregarded in determining pension. Subcommittee hearings. Wilson testified.

H.R. 5903 (Wilson): Establishment of a national cemetery in Los Angeles County.

H.R. 6195 (Wilson): Veteran's disability rates and construction of veteran's hospitals.

H.R. 9147 (Breaux): No time limit on veteran's educational benefits.

H.R. 9148 (Breaux): Emergency treatment of veterans in private hospitals.

H.R. 9706 (Biaggi): Sixty day military privileges and health benefits to former military members.

EQUAL PAY AT GE

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Ms. ABZUG. Mr. Speaker, it is my pleasure to report to my colleagues that as a result of a sex discrimination suit brought by the International Union, IUE Local 901, and 81 women, the Fort Wayne General Electric plant has instituted new, higher wage rates, job posting and upgrading procedures, and is providing $300,000 in backpay to some 350 female employees. The far-reaching changes mark the out-of-court settlement of the 1972 lawsuit, and according to the current IUE Journal, are "the forerunner of procedures to be negotiated locally throughout GE under the new national contract."

I am delighted to see that women are achieving substantial successes in their universal struggle to achieve equality with men. "Equal pay for equal work" is finally being realized after centuries of sexist oppression. For more information on this recent IUE victory, I commend the following article to my colleagues' attention.

The article follows:

Pay and Upgradings Won for Fort Wayne Women

Fort Wayne, Ind.—New, higher wage rates are in effect and backpay totaling an estimated $300,000 is being processed for some 350 women employees of General Electric, Fort Wayne, as a result of settlement of a sex discrimination lawsuit brought against GE by the International Union, IUE Local 901 and 81 of the women.

The dollar amount of the settlement is believed to be the largest ever in an Equal Pay Act case initiated by parties other than the Federal Government.

The suit alleged that GE had paid the female employees less than males doing comparable or nearly comparable work in 21 different job categories. IUE charged that GE maintained two separate classifications for each of these jobs, one of which was filled entirely or predominantly by males while the other was entirely or predominantly female. In each case, the male classification was higher paid, with hourly differentials up to 94.5¢

The settlement, worked out after months of union-management studies of the jobs, provides for retroactive upward rate adjustments for the female side of 19 of the 21 classifications, plus the institution of job posting and upgrading procedures throughout the Fort Wayne plant.

The case has a broad impact for all IUE-GE locals. Wherever discriminatory wage rates exist, they are being or will be challenged and the Fort Wayne victory will have a bearing on the outcome.

The job posting procedures established here are the forerunner of procedures to be negotiated locally throughout GE under the new national contract.

In addition to the backpay, the Fort Wayne rate adjustments will continue to bring an estimated $250,000 per year in higher wages for the women affected. Distribution of backpay checks is expected to begin July 25.

The job posting-upgrading procedures will provide new opportunities for upward mobility to all IUE-represented GE employees at Fort Wayne, including members of racial minorities and men as well as women.

The settlement provides for the posting of all primary vacancies, with the jobs to be awarded on the basis of seniority, subject to qualifications, to persons bidding for them. (A primary vacancy is one that does not result from filling another vacancy.) Other vacancies will be filled on the basis of seniority, subject to qualifications, from among employees who have stated a preference for the job involved. Employees may state such preference at any time for an unlimited number of jobs.

The rate adjustments, plus the job posting-upgrading provisions will eliminate the separation of male and female classifications.

Upward rate adjustments for certain jobs not covered by the settlements will be worked out between IUE and GE in order to establish and maintain a rational rate relationship among all jobs.

The suit, filed on Feb. 14, 1972, was dismissed recently, following approval of the settlement by a Federal Court.

JENNINGS-SHAMBO STATEMENT

In a joint statement, IUE President Paul Jennings and IUE-GE Conference Board Chairman John Shambo said, "The Fort Wayne settlement is a major step in eliminating persistent discrimination which is so costly to our members. The impact of this victory will be felt far beyond Fort Wayne and beyond IUE itself."

The complaint was initiated by Local President Tom Willhelm and former Business Agent Bob Wire. It was carried forward by Willhelm and Tom Rebman, who succeeded Wire as business agent.

The legal case was prepared and conducted by IUE attorneys Winn Newman, Ruth Weyand and Bob Friedman.

A SPECIAL TRIBUTE TO ST. JOSEPH'S HOSPITAL AND MEDICAL CENTER, PATERSON, N.J., COMMEMORATING 105 YEARS OF QUALITY HEALTH CARE

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. ROE. Mr. Speaker, St. Joseph's Hospital and Medical Center, a true regional center of medical care, which is administered by the Sisters of Charity of Convent Station and located in Paterson in my congressional district, State of New Jersey, recently commemorated its century of progress and expanded health care facilities. Today, I am pleased and privileged to call their many hospital services to your attention and respectfully request that you join with me in commendation to the Honorable William F. Johnson, president, and Sister Jane Frances Brady, S.C., the administrator and treasurer, together with the other officers and trustees of this outstanding medical center, and hereby seek national recognition of all of their good works through our Nation's most historic journal of Congress.

The following excerpts of an article that appeared in the Paterson News, one of New Jersey's most prestigious newspapers, most eloquently depicts the vast expansion program that has been and is taking place at St. Joseph's Hospital and Medical Center to help meet the growing needs of our community, State, and Nation.

St. Joseph's Hospital and Medical Center

NAME CHANGE TELLS OF PROGRESS

Paterson.—Not time alone, or size alone, or staff distinction alone, make a hospital more than a facility serving the immediate medical needs of its adjacent community.

"A hospital become a regional center of medical care," says William F. Johnson, president of St. Joseph's Hospital and Medical Center here, "When it has developed medical services, instituted educational programs so complex that smaller hospitals in the area rely on its excellence as a referral center for their patients."

Johnson was talking about the recent adoption of the hospital's new corporate title, "St. Joseph's Hospital and Medical Center".

"In a very real sense," he said, "the name change is a summary of the achievements and service which have brought us from 1867 through Dec. 31, 1972. The past year, our 105th, was truly a historic one for us and for the wide geographic community we serve."

Sister Jane Frances Brady, S.C., Administrator of St. Joseph's, since November last, recalled 1972 "as the last full year in which we at St. Joseph's enjoyed the dedicated service of our late beloved former Administrator, Sister Anne Jean Regan. "It was a year that brought us many advances, a year in which many of her plans for St. Joseph's came to fruition."

"St. Joseph's, through 1972, continued to expand and developed all of the services and facilities required to deliver excellent medical care to its immediate community, a community changing, with new demands, new expectations, new needs," Hospital President Johnson continued.

"At the same time," he said, "St. Joseph's was also reviewing its medical and educational responsibilities to the wider community of smaller suburban hospitals, physicians practicing throughout our area, and the burgeoning general population which has developed outside of the city over the past 25 years."

"Our Board of Trustees, our administrative and medical staffs have developed a master plan to provide the kind of dual medical excellence our society requires in the '70's and will require to an even greater degree into the century ahead."

Johnson called the hospital's $9.5 million development program the latest phase of this master plan.

"We are taking this major step forward in full confidence that the entire community we serve will support us," he said.

Said Sister Jane Frances, "Sister Anne Jean has left us a trust to continue her work. Our new Development Program is but one of the more concrete and obvious plans she had for St. Joseph's. When it is completed, it will be a memorial to this great lady in bricks and mortar and vastly expanded community services."

Sister Jane calls the change in the hospital's name to include the term Medical Center, another part of the tribute to the memory of Sister Anne Jean.

"It was she who brought us to our present level of excellence, to our present diversity and comprehensiveness as a major regional medical center, serving Northern New Jersey."

SPECIAL SERVICES EXPANDED IN 1972

Quite independent of the major $9.5 million program of progress initiated in 1972 by St. Joseph's Hospital and Medical Center, the hospital planned expansion of two important special services. These were in Renology, directed by Dr. Mark Needle, and Cardiology directed by Dr. Russell Brancato. New construction is slated to expand the 27-machine Renal Dialysis Unit, Passaic County's only such facility. Near completion now is the new Cardiac Catheterization Laboratory, which will be the area's largest and most comprehensive facility for the diagnosis of coronary disease.

These two services, regional in scope and dimension, are among a growing list of highly complex facilities available to the scores of communities throughout Passaic County and on its perimeter in Bergen, Morris and Sussex Counties.

Others include: Rehabilitation medicine—St. Joseph's operates the largest Rehabilitation Medicine Unit in a general hospital in Northern New Jersey, with a full-time Director of Rehabilitation Medicine—Dr. Melvin Goldberg—and programs of speech and hearing therapy, physical therapy, occupational therapy, hydro-therapy.

Infertility clinic—The newest techniques and equipment are used to discover and treat the causes of infertility. St. Joseph's is the only Passaic County hospital using the cool-light laparascope for diagnosis of infertility and several other gynecological conditions.

Amniocentesis fetal blood gas testing, fetal monitoring—Newborn babies have a greater chance of survival because of the varied complex testing and diagnostic techniques used.

Computerized radiation dosage—St. Joseph's is the only hospital in Passaic County to have been designated a major cancer treatment center by the New Jersey Regional Medical Program's automated dosimetry project. St. Joseph's is now "on line" via computer with New York's Memorial Hospital for Cancer and Allied Diseases to prescribe radiation dosage more precisely. More than 500 patients are treated by St. Joseph's radiation therapy department each year.

Psychiatric Day Care Center—St. Joseph's was the first in the area to have a psychiatric day care center function as part of a general hospital. Most of the mental health services provided by St. Joseph's in past years are now a part of the program provided by the Community Health Center Inc. of Paterson. The hospital is one of a three-member consortium, making up the Center. St. Joseph's is the base for the Center's Mental Health Clinic and it is also a partner in the HELP LINE service, providing round-the-clock aid to people with emotional and mental problems.

EDUCATION AND TRAINING PROGRAMS

The education and training of physicians, medical students, technicians, and other para-professionals is expanding rapidly at St. Joseph's Hospital and Medical Center in Paterson, in cooperation with the New Jersey College of Medicine and Dentistry of New Jersey and other institutions. There are three levels of Medical Education—the Undergraduate Externship Program, the Post-graduate Internship Program and Residency Programs.

Approved residencies are: Medicine, Surgery, Obstetrics-Gynecology, Orthopedics, Pathology, Anesthesiology.

Affiliations for nursing education are: William Paterson College, Felician College, Bergen Community College, Passaic County Community College, Fairleigh Dickinson University.

Other educational affiliations are: Medical Technology—Fairleigh Dickinson University, University of Scranton. Radiologic Technology—Passaic County Community College. Inhalation therapy—Bergen County Community College, Passaic County Community College. Speech pathology—Columbia University. Psychology—Fairleigh Dickinson University.

From its earliest days, St. Joseph's has been a leader in preparing its people to give excellent service to its own patients and provide other hospitals and community with a pool of skilled personnel.

Other educational programs at St. Joseph's include: Pharmacology Internships, Dietary Internships, Surgical Technician Program, Psychology Internships, Speech Pathology Training, LPN Training in affiliation with Passaic County Technical and Vocational School.

Mr. Speaker, thank you for this opportunity to present to you and our colleagues here in the Congress the story of St. Joseph's and our pride in the outstanding public service rendered by the officers, board of trustees, and 1,600 employees of St. Joseph's. I also respectfully request that you join with me in commendation to the current officers and members of the board of trustees of this distinguished lifesaving institution, comprised of highly reputable and outstanding religious and lay leaders of our community, as follows:

THE HONORABLE OFFICERS

William F. Johnson, President.
Frank J. Davies, Vice President.
Sister Jane Frances Brady, S.C., Treasurer/Administrator.

TRUSTEES

Sister Joseph Vincent Egan, Secretary.
Sister Hildegarde Marie Mahoney.
Sister M. Angelica Doris.
Frank M. Ash, M.C.
Maurice J. Brick.
Sister Claire Majella Scanlon.
Right Reverend Monsignor Joseph R. Brestel.
Francis B. Brogan, M.D.
Gerald B. Cramer.
Edwin Englehardt.
Eward B. Haines.
Charles T. Murphy.
Mrs. Thomas A. (Vivian) Sanfacon.
Mrs. A. J. (Felicita) Zimmerman.
Robert Dalzell.
Mrs. Raphael R. Goldenberg.
Robert Marcalus.
A. Gerard Peters, M.D.
Julius Treet, Jr.

HONORARY TRUSTEES

Most Reverend Lawrence B. Casey.
Thomas J. Brogan.
John Agnew.
Frank L. Bradley.
F. Raymond Peterson.

Mr. Speaker, we are indeed proud of St. Joseph's Hospital and Medical Center and the accomplishments of its administration, the staff, and the religious and lay leaders of our community who have contributed to this century of progress, and extend our deepest appreciation to them and the many other dedicated and devoted staff personnel at this hospital who throughout the years have contributed to the building, expansion, administration, and delivery of quality health care services to all of our people.

ON THE WATERGATE INVESTIGATION

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. BIAGGI. Mr. Speaker, the long-running special investigation by the Ervin committee in the Senate is beginning to take on aspects of partisan politics. I feel a sense of duty to speak out in this matter.

As president of the Grand Council of Columbia Association, representing over 80,000 Italo-Americans in civil service, I publically protested the Valachi hearings in 1963. By focusing only on one aspect of organized crime, these hearings implanted in the American mind the impression it was the only aspect. As a result, that effort had disastrous effects on the collective character of Americans of Italian ancestry. Today, primarily as a result of the Valachi hearings, and subsequent publicity, and amplified by "The Godfather" film, there is scarcely a single American who does not identify all organized crime as being Italian, specifically by referring to it as "Mafia" or "Cosa Nostra," And more disastrously, there is present in this land the suspicion that every Italian may somehow be involved in organized crime, just because he is Italian.

Today, with the Watergate, we see the the same thing happening. The President and many of his present and former aides are being tried, convicted and condemned in the press and on the television screens of the Nation. The result of these antics will be the impossibility of giving anyone involved in the matter a fair trial. They will not even be able to get a fair hearing.

Where are the rights of these individuals? I cannot agree with the argument that the right of the public to know and the press to inform is paramount. First and foremost must come the protection of the rights of the individual, particularly his right to a fair and impartial trial. Yet no editor of the leading liberal publications have sought to defend this right as it applies to the President and to the others allegedly involved in the Watergate incident.

Some say the President has set himself above the law. Yet by denying the President the protection of the law, has not the Ervin Committee and the press themselves set the President out beyond the law? They have separated him from the law by claiming that the right of the American people to be fully informed on this issue is more important than the President's individual rights to a fair and impartial hearing before the courts. They have in fact denied him the equal protection of the law guaranteed by the Constitution.

This hearing has gone on too long already. It is doing damage to the basic institutions of this country, particularly to the Office of the President of the United States. Even though I personally have been a target of the dirty tricks of Ulascewitz, I still cannot condone the actions of the Ervin Committee, the news media and others to "get the President." This is partisan politics, pure and simple, and should be stopped.

Mr. Speaker, so that all my colleagues might have the benefit of a more eloquent and documented presentation of this argument, I would like to include in the RECORD a column by Patrick Buchanan which appeared in the New York Times today. There is a great deal of food for thought in these words. I hope my Democratic colleagues take notice.

The article follows:

MR. NIXON AS THE TARGET

(By Patrick J. Buchanan)

(". . . The reaction by journalists and politicians to the Watergate break-in has been morally even more corrupt than the Watergate activities themselves."—Chancellor W. Allen Wallis, University of Rochester, June 10, 1973.)

WASHINGTON.—Chancellor Wallis' indictment is understated. The Watergate crowd cannot hold a candle to its principal accusers in politics and the press.

Berated morning, noon and night with Watergate, the nation has seen its important business put off, its economic interests and currency suffer in foreign markets, its reputation in the world diminished. There now appears no damage to United States interests that is unacceptable—no political principle they will not rise readily above—to sink their teeth in the President of the United States.

Since the gavel rang down on Army-McCarthy, the nation's dominant media has warned, ad nauseam, against the inevitable injury to rights and reputations inherent in the Congressional Investigating committee, where no clear legislative purpose is being served. Eisenhower's refusal to allow his aides to testify before Senator McCarthy was received, therefore, as an act of statesmanship. Today, however, when the quarry is not domestic subversives or organized crime—but Richard Nixon and his men—the old caveats are forgotten in the frenzy of the case.

"Trial by headline," "guilt by association," and "Hearsay testimony," long the subject of scathing editorials, are now the source of daily headlines. In a questionable tribute to the power of the press, today, 36 percent of the American people have become convinced the President had prior knowledge of the Watergate break-in, though not a single witness has so testified.

Nor is one surprised to learn that the publications beating the drums for immediate public disclosure of the most sensitive papers and conversations of the President are one and the same with the publications in the vanguard demanding an absolute shield law to protect in perpetuity the confidentiality of their reporters' notes.

So much excellent scholarship has already been produced on the double standard of the liberal establishment, the exercise becomes as redundant as one more essay on Hamlet.

Let us suppose, nevertheless, that brothers Liddy & Hunt had done their breaking and entering on behalf of the antiwar movement. Had Judge "Maximum John" Sirica then handed down his draconian sentences—20 and 35 years respectively for first-offense burglary—to pressure the pair to betray confederates and superiors—would this trampling upon the spirit of the Eighth Amendment have been so loudly and universally applauded?

Poor Liddy & Hunt. If only, like Ellsberg, they had dropped their stolen papers off at the national desk of The New York Times, instead of the campaign desk of Jeb Magruder, they might be sharing the Pulitzer Prize.

In the catalogue of crimes against civil rights, how grievous is Watergate? We know of course that in the temple of American liberalism, off the main altar, there stand the marble likenesses of Franklin Roosevelt and Earl Warren. Yet, three decades ago, thanks to this pair, 110,000 Japanese-Americans were stripped of savings and property and hauled off to concentration camps. Alongside this atrocity against civil liberties, how really serious was Hunt's bag job on Ellsberg's analyst, or Liddy's rummaging through O'Brien's mail?

And, despite the cheers and applause of the yahoos assembled in the caucus room, how seriously can one take the "extremist humbug"—in a Richmond paper's phrase—of Senator Sam's teary-eyed declaration that Watergate is worse than the Civil War in which half a million Americans lost their lives?

Indeed, what is there in Watergate that is without precedent in the Democratic administrations and campaigns of the recent past? Wiretapping electronic surveillance?

But it was under Attorney General Robert Kennedy, not John Mitchell, that the F.B.I. taps went on the phones of Dr. Martin Luther King, Jr., and the Democratic National Committee was not the first target of a political tap. Adlai Stevenson was bugged at the Democratic convention in 1960. Barry Goldwater was the subject of a full-court press in 1964. N.B.C. bugged the 1968 Democratic convention. And in the fall of that year, Mrs. Anna Chennault was the subject of a "national security" wiretap, the products of which were turned over to Democratic nominee Hubert Humphrey, for use at his discretion.

Dirty tricks?

When the Nixon and Goldwater campaigns of the early sixties were bedeviled with phony press releases, bollixed schedules and trains chugging out of the station before time, this was laughed off as the work of the "merry prankster, Dick Tuck." When, however, there arrived at a 1972 Muskie fundraiser 200 steaming pizzas, a giant floral wreath, two magicians all the way from Charlotte Amalie and a dozen Middle Eastern and African ambassadors in rented limousines, suddenly this becomes "political sabotage," meriting Congressional investigations and screaming headlines.

What of "political spies"? Are they a CREEP innovation? Hardly. When a newsman weasled his way into the confidence of the Nixon campaign, transcribing conversations, filching memoranda, the fruit of his deceptions, "The Selling of the President, was hailed as a centerpiece of the new journalism by publications that now affect horror at "political espionage" against Hubert Humphrey. The parties who lionized Joe McGinnis would terminate with extreme prejudice the Sedan Chair brothers.

Theodore H. White reminds us that, back in 1964, Mr. Ehrlichman's predecessor, White House counsel Myer Feldman, headed up a "five o'clock club," that had in hand Barry Goldwater's speeches well before their scheduled release. Whence came these documents? "Don't ask," White House aide John Roche was told on inquiry.

What of the charge with which Michigan Congressman Brown has been pilloried in testimony—the alleged Congressional cover-up of a campaign scandal? What the Congressman did was vote against a partisan investigation of Watergate by the Patman Committee—following the established precedent of Senators Talmadge, Inouye, and Ervin, who voted, each of them, seven times in 1964 to restrict a Congressional investigation into the shenanigans of L. B. J. protege Bobby Baker.

The foregoing is not to excuse or condone or justify the misdeeds of Watergate but to place them in perspective. It is to suggest to the President's friends that the President's adversaries have not marshaled all these troops and all this artillery simply to "get at the truth about Watergate."

They are after larger game. What the left has in mind is not just running to ground their adversary of a quarter century but strangling in its infancy the President's new majority, rendering "inoperative" the political verdict of 1972, and reimposing upon the nation the politics, policies and programs repudiated in a million voting booths in November.

With all due respect to the senior Senator from Tennessee, the ultimate question of Watergate is not, "What did the President know and when did he first know it?" The ultimate question is not legal. It is not judicial. It is political: whether the democratic verdict of the American people in November of 1972 will be allowed to stand, or whether it will be overturned by a defeated minority—with Watergate as their weapon.

As Godfrey Sperling of The Christian Science Monitor perceived two months ago:

"Watergate has become the last best hope for liberals who are convinced that the President is leading a counter-revolution. Much of the zeal behind the Watergate probe is led by liberal critics who want to break the President in order to blunt Mr. Nixon's conservative thrust . . . the President's critics are really quite desperate. They are literally fighting for their political lives. . . ."

As has been argued by spokesmen of both the Republican party and the conservative movement, political and social, neither bear any culpability whatever for Watergate. Both, however, have a vital stake in the outcome.

One trusts that with the future of a sympathetic Administration, and the interests of the conservative movement in the balance, we will not see validated Whittaker Chambers' harsh verdict that the central shortcoming of conservatives is the failure to retrieve their wounded.

STATUS OF APPROPRIATIONS BILLS, 93D CONGRESS, 1ST SESSION

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. MAHON. Mr. Speaker, today the House adjourns for the August recess and I want to take this opportunity to place before the House an accounting of our progress in processing the appropriations bills of the session.

For the session, the House has considered 12 appropriations measures. The second and urgent supplemental bills dealt with fiscal year 1973. The 10 remaining general appropriations bills pertain to fiscal year 1974.

The Senate has approved seven of the

1974 appropriations bills and, as of close of business today, conference action will have been completed on four of those measures.

Three general appropriations bills for fiscal year 1974 remain to be considered by the House: defense, military construction, and foreign assistance. There have been authorization problems associated with the remaining three bills.

I include a summary table for the RECORD at this point:

ACTIONS ON BUDGET ESTIMATES OF NEW BUDGET (OBLIGATIONAL) AUTHORITY CONSIDERED IN APPROPRIATION BILLS, 93D CONG., 1ST SESS., REVISED TO AUG. 1, 1973

[Does not include any "back-door" type budget or spending authority in legislative bills; or any permanent (Federal or trust) authority, under earlier or "permanent" law,[1] without further or annual action by the Congress]

Bill and fiscal year	House actions				Senate actions			Final action	
	Budget requests considered	Reported by committee	Approved by House	Compared with budget requests	Budget requests considered	Approved by Senate	Compared with budget requests	Reported by conference	Compared with budget requests
A. Bills for fiscal 1974:									
1. Legislative (H.R. 6691)	$566, 945, 389	$550, 044, 940	$550, 044, 940	−$16, 900, 449	$677, 150, 959	$640, 558, 952	−$36, 592, 007		
2. Agriculture-Environmental and Consumer Protection (H.R. 8619)	9, 519, 551, 600	9, 385, 750, 600	9, 385, 737, 600	−133, 814, 000	9, 519, 551, 600	10, 176, 926, 500	+657, 374, 900		
3. District of Columbia (Federal funds) (H.R. 8658)	432, 998, 000	427, 717, 000	427, 717, 000	−5, 281, 000	432, 998, 000	417, 717, 000	−15, 281, 000	$417, 717, 000	−$15, 281, 000
4. Transportation (H.R. 8760)	[5] 2, 892, 732, 006	[5] 2, 752, 631, 006	[5] 2, 753, 231, 006	−139, 501, 000	[5] 3, 010, 732, 006	[5] 2, 968, 451, 006	−42, 281, 000	2, 898, 446, 006	−112, 286, 000
5. HUD-Space-Science-Veterans (H.R. 8825)	18, 617, 453, 000	19, 070, 954, 000	19, 070, 954, 000	+453, 501, 000	18, 617, 453, 000	19, 118, 373, 063	+500, 920, 063	19, 056, 500, 000	+439, 047, 000
6. Labor-HEW (H.R. 8877)	31, 552, 115, 000	32, 816, 467, 000	32, 816, 467, 000	+1, 264, 352, 000					
7. Interior (H.R. 8917)	2, 274, 431, 300	2, 269, 554, 200	2, 269, 554, 200	−4, 877, 100	2, 377, 467, 300	2, 488, 773, 700	−111, 306, 400		
8. State-Justice-Commerce-Judiciary (H.R. 8916)	4, 235, 080, 000	4, 150, 143, 000	4, 152, 946, 000	−82, 134, 000					
9. Public Works-AEC (H.R. 8947)	4, 757, 469, 000	4, 671, 695, 000	4, 676, 395, 000	−81, 074, 000	4, 757, 469, 000	4, 772, 982, 000	+15, 513, 000	4, 749, 403, 000	−8, 006, 000
10. Treasury-Postal Service-General Government	4, 901, 345, 000	4, 843, 698, 000	4, 845, 398, 000	−55, 947, 000					
11. Defense	[3] (77, 124, 223, 000)								
12. Foreign Assistance	[3] (4, 316, 567, 000)								
13. Military Construction	[3] (2, 937, 900, 000)								
14. Special Resolution, Gold Devaluation	[3,4] (2, 250, 000, 000)								
Total, bills for fiscal 1974, to date	79, 750, 120, 295	80, 938, 654, 746	80, 948, 444, 746	+1, 198, 324, 451	39, 392, 821, 865	40, 583, 782, 221	+968, 347, 556	27, 122, 066, 006	+303, 474, 000
B. Bills for fiscal 1973:									
1. Urgent Supplemental (H. J. Res. 496)	1, 366, 800, 000	494, 800, 000	[2] 1, 368, 600, 000	+1, 800, 000	1, 366, 800, 000	1, 368, 600, 000	+1, 800, 000	1, 368, 600, 000	+1, 800, 000
2. 2d Supplemental (H. R. 7447, vetoed)	[3, 162, 880, 434]	[2, 855, 542, 209]	[2, 855, 542, 209]	[−307, 338, 225]	[3, 607, 105, 504]	[3, 659, 239, 279]	[+92, 133, 775]	[3, 362, 845, 279]	[−244, 260, 225]
3. 2d Supplemental (H.R. 9055)	3, 607, 105, 504	3, 362, 845, 279	3, 362, 845, 279	−244, 260, 225	3, 607, 105, 404	3, 362, 845, 279	−244, 260, 225	3, 362, 845, 279	−244, 260, 225
Total, bills for fiscal 1973	4, 973, 905, 504	3, 857, 645, 279	4, 731, 445, 279	−242, 460, 225	4, 973, 905, 504	4, 731, 445, 279	−242, 460, 225	4, 731, 445, 279	−242, 460, 225
C Cumulative totals for the session, to date:									
1. House	84, 724, 025, 799	84, 796, 300, 025	85, 679, 890, 025	+955, 864, 226					
2. Senate					44, 366, 727, 369	45, 315, 227, 500	+725, 887, 331		
3. Enacted								31, 853, 511, 285	+61, 013, 775

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[1] The budget for 1974, as submitted Jan. 29, 1973, tentatively estimated total new budget authority for 1974 at $288,029,000,000 gross ($256,761,000,000 net of some $31,268,000,000 interfund and intragovernmental transactions and certain so-called proprietary receipts handled as offsets for budget summary purposes only). Of this total, an estimated $146,477,000,000 does not require current action by Congress; it involves so-called permanent appropriations such as interest, and various trust funds, already provided for in other basic laws. The remainder, $172,820,000,000 is for consideration at this session (mostly in the appropriation bills). About $8,600,000,000 of the $172,820,000,000 was shown in the January budget as being "for later transmittal" for supplemental requirements under present law, new legislation, and allowances for contingencies and civilian pay raises, and $49,534,408 of the remainder requires legislative reauthorization through various annual authorization bills or where the authorization expires periodically.

[2] $873,800,000 was added on the House floor as a committee amendment and was covered by a budget estimate.

[3] These estimates, totaling $91,539,454,000, were included in the President's budget but have not been finally acted on by the Appropriations Committee.

[4] "Not to exceed."

[5] Includes $90,360,000 in advance 1975 appropriations.

EUROPEAN TROOP REDUCTIONS: WHY THEY ARE NECESSARY

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. KYROS. Mr. Speaker, the American people have made great strides toward world peace in the opening years of the 1970's. The SALT agreement, the Paris accords, and the current negotiations on mutual balanced force reductions should contribute to a worldwide reduction in tensions and lead the United States to a reassessment of national priorities.

Given the gradual lessening of cold war tensions, it is my contention that we can now reevaluate our defense expenditures and make selective, carefully evaluated reductions in our defense posture.

The time has come for strenuous efforts to reduce the balance-of-payments deficit which, in the defense area alone, amounted to over $2 billion this year. In this regard current troop levels in Europe provide us with an excellent example of an area in which sound, justifiable reductions could be made without damaging our position in world affairs. Our European allies have made tremendous progress in postwar economic growth and they are now capable of contributing a greater share to their own defense.

I have found the following testimony by Edward L. King, given before the Subcommittee on Europe of the House Foreign Affairs Committee especially pertinent to this question of European troop reductions.

The testimony follows:

REDUCTION OF U.S. MILITARY FORCES STATIONED IN WESTERN EUROPE

(By Edward L. King)

Mr. Chairman and Members of the Subcommittee: I appreciate your invitation to appear before you and discuss reductions in the number of U.S. military forces stationed in Europe.

Mr. Chairman, I strongly support an adequate program of national defense. And I believe we should honor Congressionally approved treaty articles that commit us to assist in the defense of the security of other nations whose security significantly impacts upon our own. However, I do not believe that we should continue to maintain costly overseas military personnel and bases that are excessive to our actual treaty "commitments" and to the scope of the military "threat" that exists in the area.

In my estimation that is exactly what we are doing today in Europe. According to the Department of Defense there are 319,000 military men and women (accompanied by around 225,000 dependents) stationed in Europe. This is more than the 311,600 military personnel we had stationed in Europe in June 1961 before the Berlin Crisis. Despite a Berlin Agreement, detente between East and West, a SALT agreement and growing trade across the Iron Curtain, the number of U.S. military personnel in Europe has increased over the levels of the Cold War days.

The cost of maintaining U.S. forces in Europe and in the U.S. with NATO missions has steadily climbed from $12 billion in FY 1971 to an estimated $17 billion in FY 1973. Balance of payments deficits resulting from military accounts in Europe have been estimated at $1.8 billion in FY 1973.

The Department of Defense has justified these costly manpower levels on the basis of "U.S. commitments under primary applicable treaties" and the Soviet "threat" in Europe. The NATO treaty is cited as the "primary applicable treaty" requiring our current troop deployments in Europe.

Yet the NATO Treaty does not specify any level of U.S. military force to be stationed in Europe. Indeed it does not even require members to take military action to meet a common threat. The size and composition of U.S. military forces assigned to NATO has been determined by the Executive Branch of the U.S. Government—not by substantive "commitments" contained in treaty articles.

The most binding language in the NATO Treaty in regard to military commitments and forces is contained in Articles 3, 4, and 5, which read:

Article 3: "the parties, separately and jointly, by means of continuous and effective self-help and mutual aid, will maintain and develop their individual and collective capacity to resist armed attack."

(Under this article the U.S. has felt compelled to assume a costly 25-year obligation of massive military assistance to NATO countries.)

Article 4: "the members agree to consult whenever, in the opinion of any of them, the territorial integrity, political independence or security of any of the parties is threatened."

Article 5: "the members agree to consider an armed attack against one . . . an attack against them all." But each signer agrees only to "assist the party or parties so attacked by taking . . . such action as it deems necessary, *including* the use of armed force." (underlining added)

Article 11 states that the provisions of the NATO Treaty shall be carried out by the member states "in accordance with their respective constitutional processes." Neither the President nor the Congress is committed by an article in the NATO Treaty to any particular military course of action or level of military force in Europe. Thus I seriously question the legitimacy of using the "NATO Treaty" as the justification for the commitment of about 500,000 active military personnel to an "initial defense of NATO." On the basis of the "NATO Treaty" the Department of Defense in FY 1974 will allocate 8 active Army and Marine divisions, 6 aircraft carriers, over 80 surface warships and attack submarines, and 21 air squadrons to defend NATO.

These forces are allocated for "forward deployment" to NATO as a result of voluntary consultative agreements with our NATO allies entered into by the Executive Branch, and decisions made by the President, the National Security Council, the Secretary of Defense and the Joints Chiefs of Staff. Congress has not always played a role. For example, Congress has not made a direct determination concerning U.S. troop levels in Europe since it approved sending 5 divisions to Europe in 1951.

What is the "Soviet threat" which is used as a basis for the deployment of 319,000 U.S. military personnel in Europe? The Department of Defense has stated the "threat" in almost these same words for the past four fiscal years.

"While we do not consider aggression by the USSR likely in the present political climate, the fact remains that the Soviets have a vital interest in preserving the status quo in Central Europe and in retaining their hold on Eastern Europe. A crisis that could lead to a conflict could arise if the political situation substantially changed in a way that threatened the USSR or its hegemony over Eastern Europe, or if a Soviet Government saw opportunities for other ways to apply cirtical pressures on the cohesion of the Alliance. Such a crisis could escalate to hostilities."

There is a great deal of vague supposition contained in this description of the extent of the Soviet threat to Europe. But the American people have kept over 300,000 of their sons and daughters in Europe, and paid ever-increasing billions each year to help defend our allies against this nebulous and increasingly unlikely "threat". It is difficult indeed to understand or justify the large number of U.S. military personnel deployed to Europe, and the resultant escalating costs that weaken the international value of the dollar, in view of the estimation of the "threat" and the high percentage of our European-based military personnel engaged in noncombatant duties.

How many U.S. military personnel stationed in Europe are assigned to fight in defense of our allies and U.S. national security? The main combat force is the 198,600 Army troops stationed in Central Europe. The Department of Defense has stated that in FY 1974 116,000 of these troops will be serving in "combat units". But are all personnel assigned in a "combat unit" actually involved in combat against an enemy? Using the Army's most favoraable divisional combat-to-support ratio of 42% combat and 58% support, the ratio of Army personnel stationed in Europe assigned to combat and support duties is as follows:

	Fiscal year 1974	Combat	Support
4⅓ divisions[1]	65,300	27,426	37,874
2 armored cavalry regiments	6,100	2,562	3,538
Berlin Brigade	3,900	1,638	2,262
Other combat units[2]	17,900	7,518	10,382
Missile forces[3]	22,900	9,618	13,282
Units supporting divisions	65,500	27,510	37,990
Strategic communications, intelligence, and security	10,900		10,900
DOD/joint activities, free world and other services support and others	6,100		6,100
Total	198,600	76,272	122,382

[1] 64,600 is the total authorized strength of the divisions.

[2] Artillery, combat aviation, combat engineers, and air defense.

[3] Includes 7,600 in direct support of missile forces.

The above table shows that using the Army's most favorable combat-to-support ratio there are 46,000 more support than combat troops stationed in Central Europe. If the less favorable percentage of the number of Army personnel assigned to combat skill jobs (i.e. individuals whose primary duty is to fire on the enemy) is used for computation then the figures change to the following:

	Fiscal year 1974	Combat	Support
4⅓ divisions	65,300	15,672	49,580
2 armored cavalry regiments	6,100	1,468	4,636
Berlin Brigade	3,900	936	2,964
Other combat units	17,900	4,296	13,604
Missile forces	22,900	5,496	17,404
Units supporting divisions	65,500	15,740	49,784
Strategic communications, intelligence and security	10,900		10,900
DOD/joint activities, free world and other services support and others	6,100		6,100
Total	198,600	43,608	154,992

Regardless of which ratio is used to measure the combat capability of our forces in Central Europe, it is apparent that a majority of them are serving in noncombatant headquarters and support roles. How do these military power deployments that we have maintained in Europe for over 20 years actually defend U.S. national security? The oft-stated purpose of our conventional general purpose manpower in Europe is to provide a means of phased "flexible response" to a Soviet ground attack. Any level of Soviet attack is highly unlikely. But if an attack were to occur it is doubtful that U.S. deployments in Central Europe would be able to respond successfully in a purely conventional manner. They are not positioned, trained, manned, or equipped to conduct an effective non-nuclear initial forward defense.

To provide a militarily credible ability to respond to a conventional Soviet attack, U.S. forces deployed in Central Europe plan on a warning and mobilization period of about 30 days. A caveat to this effect is written into all Department of Defense statements of U.S. land force missions in NATO.

With such an assumed 30-day warning and mobilization period prior to the commencement of hostilities, the U.S. divisions could be repositioned, reinforcements flown in from the U.S., some of the dependents evacuated and usable war-time lines of supply and communication (which are presently nonexistent) could be opened.*

Without such a period of preparation—in the event of a sudden attack—it would be impossible to accomplish any of these requirements, or to gain necessary air superiority to permit the landing of the rapidly airlifted U.S. reinforcements. Yet these airlifted reinforcements are essential to any hope of making a forward defense in Europe. For example, the Department of Defense has stated, "U.S. Army forces located in West Germany are spread thin. However, our plans for Europe include substantial augmentation. That part of the Reforger Division which is based in the continental U.S. is part of the Commander-in-Chief of Europe's M-Day force and therefore will be deployed during a period of increased tension. Also we plan to deploy an additional two divisions to Europe within 30-days. These two divisions are the *minimum essential* for the conduct of an initial conventional defense in the Central Region." (italics added.)

It is not possible for the U.S. Seventh Army to conduct an effective initial forward defense east of the Rhine River without these two divisions and their ten supporting elements. In the absence of these so-called "2+10" units U.S. forces deployed in West Germany would have no choice but quickly to resort to tactical nuclear weapons to save themselves from being pocketed and destroyed. Since the late 1950's they have planned on making first use of tactical nuclear weapons from 2.5 to 20 kilotons, within the first 72 hours of commencing battle.

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*The ability of our forces to rapidly reinforce by air is questionable. For example, Exercise Reforger II conducted in the late summer of 1970 tested U.S. ability to rapidly airlift troops to Europe. This exercise required nearly 10 months of planning, cost around $10 million and took a week to move 11,400 soldiers to Europe. Only about 3,800 of those troops were actual combat personnel. The rest were command and support personnel. It then took those airlifted force another week to remove their pre-positioned heavy equipment from storage and put it in operational condition. A 1973 General Accounting Office report indicates that much of the pre-positioned equipment was either in the wrong place, or vulnerable to early capture by Soviet ground forces positioned only 180 miles away. There is the further problem that it is very likely that in any conventional ground attack, Soviet tactical air and armored units supported by conventional-armed rockets and long range artillery, could capture or put out of service most of the airfields that our airlifted reinforcements must use as forward landing sites. This would mean that it would not only be impossible to reinforce our presently "thinly spread" forward defense forces, but also make it impossible to evacuate the more than 60,000 dependent women and children living among those forward military units.

In 1970 General Lyman Lemnitzer, the U.S. Supreme Commander in Europe from 1962 until 1969, stated the scope of the problem our deployed conventional forces face in Central Europe. In testimony before this Committee he said, "One of the greatest problems that would confront NATO today would be a large conventional attack. Then we would be faced with a decision to use nuclear weapons or be defeated."

Rather than providing a "flexible" manner of response, U.S. conventional troop deployments in West Germany actually lock us into early first use of tactical nuclear weapons, which would initiate an escalation that could quickly lead to a massive nuclear exchange.

And would it be diplomatically feasible during any period of rising tension in Europe to commence rushing large numbers of U.S. military forces to Europe. Wouldn't such a military movement during moments of crisis accelerate and intensify the danger of war?

Also, doesn't the positioning of thousands of our tactical nuclear weapons within a few hours range of Soviet ground forces threaten a hurried use of nuclear weapons to prevent their early capture? And what of the U.S. Atomic Demolition Mines (ADM's) that are stored close to the West German frontier, wouldn't they have to be used in the first hour or so of any "conventional" battle to prevent capture?

As General George C. Marshall pointed out in 1950, there is nothing magical about the level of U.S. ground force deployments to NATO. The number of 5 divisions in Europe was picked by the Executive Branch and the Department of Defense in 1950, as a representative beginning contribution to NATO—until the NATO countries could raise the 80 odd divisions they had agreed to at the Lisbon Conference. But over the intervening 23 years the initial random selection of 5 U.S. divisions in Europe has somehow become a permanent fixture, which some say cannot be changed. Few see the U.S. force for what it is: not so much a viable military force for conventional defense, but a large hostage force manning a tactical nuclear tripwire that is heavily encased in noncombatant administrative and support personnel. The force guarantees that any American President must opt for immediate nuclear war in Europe. Not to do so would be to negate long-standing military contingency planning to use ADM's and tactical nuclear weapons of up to 20 kilotons, in the early hours of any sudden conventional attack. In the event of attack, Presidential denial of the early, first-use of these nuclear weapons would place nearly a half million U.S. servicemen and their dependents in grave danger of being killed or captured.

A smaller, better organized and positioned U.S. ground force could actually accomplish the same nuclear tripwire role as our present over-commanded and over-supported force. There would be two major differences; 1) it would cost less in direct costs and balance of payments loss, 2) it would provide the President with greater flexibility before having to resort to the use of tactical nuclear weapons.

But present troop deployments in Europe—and particularly in the Federal Republic of Germany—have become a sacred cow, politically sacrosanct. This has largely been the result of using military troop levels as the wrapping to cover the basically political nature of the real issue of U.S. primacy in European affairs. U.S. involvement and interest in Europe is probably more economic than military, but military troop levels have been used as a facade to divert attention and justify not publicly addressing more serious political problems. Over the years it has been far easier to defend and justify continued U.S. presence and influence in Europe on the basis of classified military requirements rather than on the basis of political expediency.

For over 10 years various military reasons have been advanced to delay consideration of reducing the U.S. military force levels in Europe. Yet during that time the British and Canadians have withdrawn forces. The French withdrew 10 divisions. The Portuguese withdrew forces. And during the Vietnam War the U.S. quietly withdrew over 100,000 men. But at home, American "Europeanists" continued to put forth arguments why there could be no reduction in the number of U.S. military personnel in Europe. Upon examination most of these arguments prove to be straw men.

The theory has been advanced that any reduction in the number of U.S. divisions in Europe would be interpreted by our European allies as a signal of a lessening of U.S. resolve to help defend them and mark the beginning of Soviet dominance. This theory has been advanced as much by our State and Defense Departments as by our allies. As we have seen, on close examination it has little validity. Thousands of troops have been removed from NATO and there has been no psychological collapse on the part of the Western European people. To give serious credence to such unreasoned behavior is to fail to understand the worldliness and maturity of the European people. There has been no rush to reach a hasty accommodation with the Soviets. What has happened has been an increased interest on the part of our European allies to strengthen the Alliance.

There are those who argue that there can be no reduction in the number of U.S. troops stationed in Europe—and particularly in West Germany—because any reduction might damage the *ostpolitik* of Mr. Brandt and weaken the internal political position of the West German Social Democratic Party. This is, of course, supposition based on confidences exchanged with these European political figures at NATO Council meetings. What is not supposition is that the Federal Republic of West Germany under the Social Democrats is able to devote a larger per capita share of its GNP to public health expenditures than the United States. At the same time the Federal Republic spends a smaller per capita share of its GNP on military expenditures than does the United States. West Germany has practically no unemployment compared to a chronic U.S. unemployment rate of around 5%. While we can find no government money available for child day care centers, the West German government has funded one of the most advanced day care programs.

It is my belief that the continued presence of excessively large numbers of costly U.S. military personnel in West Germany, which in effect releases West German manpower and money for domestic purposes, is to subsidize West German social development programs at the expense of fund-starved American domestic programs.

This is most difficult to justify under even the most dire defense circumstances. But such an expenditure of tax dollars is indefensible when one stops to consider that the majority of the U.S. troops that we are paying billions to maintain in Europe, are noncombat administrative and support personnel who would not fight to defend either the West Germans or the American taxpayer. And such a subsidization becomes even more indefensible when the vague, unlikely nature of the "threat" is considered along with the mission assigned to our costly conventional ground forces.

But the time is never ripe for reductions. Mutual Balanced Force Reductions (MBFR) is the latest in a long series of delaying tactics designed to keep U.S. forces indefinitely in Europe aiding allies that have for years failed to live up to their pledged commitments. As one delaying tactic after another has fallen away, MBFR has been increasingly used as the rationale why no reductions that would save American taxpayers money, could be made in U.S. troop levels. During the past three years the fact that East-West exchanges preparing the way for MBFR discussions were taking place has been used as a reason for postponing reductions. And during those three years American troop levels were increased by around 20,000 men. Now after five months of preliminary MBFR discussions, we are told that the conference may begin in September. The slowness of these preliminary discussions brings into serious question whether either the U.S. or the USSR is sincerely interested in mutual reductions. All indicators to date point to MBFR as yet another delaying tactic to avoid facing the military implications of a changing situation in Central Europe brought about by the Berlin accord and ongoing political and economic detente.

The true significance of MBFR has been succinctly expressed by Albert Willot, Counselor on the Belgian Permanent Delegation to the North Atlantic Council in a recent article appearing in the *NATO Review* (Vol. 21, No. 1). Mr. Willot points out:

"That Europeans should not labour under a misapprehension. Even in the absence of any agreement with the East on MBFR, the United States will sooner or later be compelled for well-known domestic political reasons, to reduce the level of their conventional presence in Europe. It must, too, be admitted that the Europeans are most unlikely to make up the difference. But it is here that MBFR comes in. By means of MBFR it may be possible to delay, and perhaps even for a long time limit this inevitable trend towards the reduction of American conventional forces in Europe.

"The mere attempt to enter negotiations on MBFR would have a delaying effect and this effect should normally last as long as the negotiations themselves. It should not be at all difficult to persuade the American public that the moment when negotiations are about to open, or when negotiations have just begun on force reductions with the East, is not the most appropriate time to carry out unilaterally—in other words without any quid pro quo—any early withdrawals of American forces from Europe. Lastly, there is reason to hope that MBFR would limit this American tendency simply because, following the reductions, force ceilings would be established. The psychological effects that may be expected to flow from the imposition of such a ceiling on force levels can easily be appreciated. Even the most staid motorist has a natural tendency to drive at the maximum legal speed limit."

To delay making needed reductions in the excessive and featherbedded U.S. conventional force deployments to NATO, and thereby help alleviate the international strain on the dollar is a costly mistake. And to make this mistake because of European reluctance to assume a more equitable portion of their own conventional defense, or to assist West German political figures, or from a naive hope for substantive results from the stalled MBFR talks, is to act contrary to what I feel are the best interests of the United States. If there is a sincere desire on the part of the superpowers to reduce military force levels in Central Europe, those reductions cannot realistically be on a man-for-man basis due to the difference in present strength and the disparity in distance that each side would withdraw its forces. It would seem feasible to assume that a ratio of exchange could be as easily worked out with a smaller number of U.S. troops as the present level. Past U.S. troop reductions in 1968 were characterized by former Secretary of State Rusk as being "tension lessening signals" to the Soviet Union. Further phased U.S. reductions—coordinated with our NATO allies—could again serve to stimulate Soviet initiatives to reduce their own European troop deployments.

In considering possible U.S. troop reductions in Europe it is helpful to examine the deployment of our forces that are stationed there. The Department of Defense has indicated that as of December 31, 1972 U.S. military personnel were stationed in Western Europe and related areas as follows:

Belgium, 2,000.
Denmark MAAG, 7.
France MAAG, 7.
Germany, 221,000.
Greece, 3,000.
Iceland, 3,000.
Italy, 10,000.
Morocco, 1,000.
Netherlands, 2,000.
Norway MAAG, 6.
Portugal, 1,000.
Spain, 9,000.
Tunisia, 14.
Turkey, 7,000.
United Kingdom, 21,000.
Afloat in Mediterranean, 24,000.
Other, 3,000.

These deployments also raise some questions concerning the efficacy of the U.S. military role in helping defend Western Europe. For example, why is it necessary to continue to station 3,000 U.S. military personnel in Italy assigned to the Southern European Task Force (SETAF) for the purpose of providing nuclear missile fire support to the Italian armed forces? These missile forces consist of two battalions totalling less than 1,000 men manning obsolete Pershing missiles which could easily be replaced by more mobile air or sea missiles. And what treaty article requires that the U.S. station 1,000 military personnel in Morocco to help defend that country? There are two U.S. Air Force combat fighter squadrons (about 36 planes) and a Polaris submarine squadron (12 submarines) permanently stationed in non-NATO Spain, yet it requires 9,000 military personnel there to man and support this handful of combat power. There are no U.S. combat elements stationed in Portugal, and only an anti-submarine warfare squadron in the Azores, but there are 1,000 U.S. military personnel stationed there. There are no U.S. ground combat elements stationed in Belgium, but 2,000 personnel are stationed in the country. What treaty article or combat mission requires the presence of 21,000 U.S. military personnel in the United Kingdom?

It is such dribbling away of costly military manpower in questionable noncombat duties that keeps our military force levels unnecessarily high in Europe and throughout the world. It is imperative that such a wasteful structuring of our military forces be changed to streamline them into a more combat capable force requiring less administrative and support back-up.

But even more imperative is the necessity that the United States and our NATO allies face the hard choices that must be made at this juncture in the history of the NATO Alliance.

The United States can no longer financially afford to maintain its past level of conventional military force in Europe. If a concept of conventional defense is to continue, our European allies must either assume the major share of the costs of keeping U.S. conventional ground forces in Europe or provide substantially increased numbers of conventional forces themselves.

The U.S. ground force contribution to a NATO conventional defense structure does not need to be as large and support-heavy as it is today. I would recommend the retention of a corps-size force of two divisions (one armored, one mechanized) supported by an armored cavalry regiment and an anti-aircraft brigade. This force would be supported by the divisional initial support increments and one logistical command.

Pre-positioned heavy equipment for one division should be placed in storage in the Benelux countries. Supply levels stocked in Europe should not exceed 45 days of combat supply. Tactical nuclear weapons should be reduced in number and moved to storage sites near the Channel ports. A "wartime" line of communications for NATO forces should be established across the Benelux countries to supply U.S. corps force repositioned along the line Hanover-Kassel in West Germany. Such a U.S. ground force would require less than 150,000 ground troops in Europe.

The American people should no longer be expected to pay more billions to provide forces to defend our NATO allies than those allies are willing to pay to defend themselves. Nor should the American people go on paying for a military force which provides a small margin of combat capability in comparison to the cost of its deployment. The issue of our NATO forces is critical. A decision must no longer be postponed. The future of our dollar and our domestic society wait upon decisions which provide for austerely meeting our legitimate treaty commitments, but at the same time ending the waste of our money on unnecessary troops and bases in Europe.

Thank you, Mr. Chairman, for the Committee's time and consideration. I would be happy to respond to any questions you may have.

HARRY VOLKMAN, THE WEATHERMAN

HON. SAMUEL H. YOUNG

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. YOUNG of Illinois. Mr. Speaker, today, Friday, August 3, 1973, is an excellent day to talk about the weather.

Here in Washington, it is cloudy and overcast, and we have had a few sprinkles of rain. Chicago, however, the weather is beautiful. The sun is shining, and the temperature is very moderate and comfortable in the 60-degree range. There is an old saying that—

> Everyone talks about the weather and nobody does anything about it.

People around the United States rely more and more upon radio and television for their weather reports. The weatherman is a title that has taken on a new and added dimension. In particular, the television weatherman is a professional in every sense of the word.

Not so long ago, there was a group known as the "Weathermen," who received a good deal of adverse publicity in connection with their demonstrations and antiestablishment views. Their motto was:

> You don't have to be a weatherman to tell which way the wind is blowing.

Fortunately, however, the term "weatherman" today is a term that is an appellation that is respected. The television weatherman, for example, must have a good knowledge of meteorology, the ability to interpret satellite pictures of the earth, the talent to understand high and low pressure areas, and the perspicacity to review weather data and apply it to a particular region. In addition to having the technical knowledge mentioned, the television weatherman must also have the ability to explain the weather so that the viewing public will understand the weather phenomena.

Harry Volkman of Glenview, Ill., is one of these new professionals who has been an extremely popular and able weather prognosticator to the Chicagoland area. On behalf of the people of the 10th District of Illinois, I am proud to recognize his exceptional talents and abilities.

A TRIBUTE TO CHESTER WIGGIN

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. O'NEILL. Mr. Speaker, Just a few days ago, a tragic accident occurred at Boston's Logan Airport. Eighty-eight people died in the crash of a Delta Airlines flight.

Among those whose lives were so tragically ended was a man who had faithfully served New Hampshire, New England, and the Nation for some 30 years.

While Chester Wiggin was a native of New Hampshire, we in Massachusetts liked to think of him as one of our own. For he always seemed to be working in our interest.

Chet graduated from Dartmouth College and Boston University Law School. He was a member of the Massachusetts, District of Columbia, and Supreme Court bars. During World War II, Chet served in the Marine Corps, rising to the rank of lieutenant colonel.

Thereafter, Chet embarked on a highly successful public service career. From 1953 to 1962, he served as administrative assistant to Senator Bridges. Upon Senator Bridge's death, Senator COTTON, rather than allow Chet to leave the Hill, offered Chet a position as his administrative assistant.

In 1970, as may well have been inevitable, and was certainly warranted, Chet's tremendous capabilities came to the President's attention. He was appointed Cochairman of the New England Regional Commission.

In October 1972 the President realized, as many others had earlier, that Chet's talents more than merited his appointment to a national post. So Chet spent the last months of his life as a Commissioner of the Interstate Commerce Commission.

His death terminates a career that included great contributions to many people's welfare and promised to contribute much more. It is a national tragedy.

My wife Mildred joins me in offering our deepest sympathy to Chet's wife, Joyce.

FULL FINANCIAL DISCLOSURE

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. WALDIE. Mr. Speaker, the Watergate scandal has done a great disservice to American politics. It has given the public the impression that all elected officials must have some sort of contact with "dirty money" or questionable sources of income in order to survive. While we know this to be untrue for all but a very few public figures, just saying that this is the case will not allay a growing public suspicion.

Let us face it. The public has a perfectly good reason to wonder about the influences being brought to bear upon its elected representatives. We know that men near the President have made enormous compromises with the public interest in order to procure moneys for his election. We know that the campaign finances of the assured winner of the 1972 election were handled in an incredibly slipshod manner, and that much of the money was paid out for clearly illegal or unethical purposes. If this kind of malfeasance has come so close to the Presidency, why should not a citizen wonder about its having reached other levels of elected officials as well?

It is easy enough to set the record straight, and to begin to rebuild public confidence in politics. The Congress can act now to bind itself by law to the concept of full financial disclosure by enacting a simple measure to require that tax returns of all candidates for Federal office be made public. We have no choice but to lead in this area if we wish to recapture the full respect of our constituents for ourselves and the great institutions of which we are a part.

Mr. Speaker, I must add that enactment of my bill would be just a first step in the resolution of a nationwide problem. I hope that the several States will also enact similar legislation in an effort to rebuild the credibility of the political process at the most local levels.

I ask that the full text of my bill be printed in the RECORD at this point.

H.R. 10026

A bill to promote public confidence in the integrity of Congress by providing for public disclosure of Federal income tax returns by Members of Congress and candidates for that office

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Congressional Disclosure of Income Act".

SEC. 2. Each United States Senator and each Representative in (or Resident Commissioner to) the Congress of the United States who reports his income to the Federal Government for income tax purposes on a calendar year basis shall file with the Secretary of the Senate of the United States or the Clerk of the House of Representatives of the United States, as the case may be, by the 30th day of April of each year, a certified copy of his Federal income tax return for the preceding calendar year. If he does not report his income to the Federal Government for income tax purposes on a calendar year basis, but rather on the basis of a different taxable year, he shall file said certified copy of his Federal income tax return with said official within fifteen days of the time he files said return with the Internal Revenue Service. Each candidate for Congress of the United States shall file his Federal Income Tax Return for the preceding year with the same official of the respective Houses within fifteen days of his qualifying as a candidate for such office.

SEC. 3. If said United States Senator or Representative in (or Resident Commissioner to) the Congress of the United States has received any additional income from any source during said calendar year or other taxable year which is not reported on said Federal income tax return, he shall file a separate sworn statement of such additional income at the same time and in the same manner as he files the certified copy of his income tax return provided for in section 2. Such separate sworn statement shall identify the source, nature, and amount of such additional income received, listing each source and the amount received from such source separately.

SEC. 4. The Secretary of the Senate of the United States or the Clerk of the House of Representatives of the United States shall—

(a) maintain all documents filed under section 2 in such manner that they shall be available for public inspection and copying during regular business hours; and

(b) preserve such documents for public inspection during the term or terms of office and during the period of his candidacy for such office, of the individual filing the same and for two years thereafter.

SEC. 5. Whoever knowingly and willfully violates any of the provisions of section 2 or 3 of this Act shall be fined not more than $1,000 or imprisoned not more than one year or both.

CHAOS IN BEEF MARKETS

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. SCHERLE. Mr. Speaker, the following editorial attempts to explain the catastrophic situation that exists throughout the country simply because the administration is too stubborn to admit they made a mistake.

CHAOS IN BEEF MARKETS

What is happening in the markets for cattle and beef was predictable (and was predicted) on July 19 when the Phase IV price control system was announced. Leaving beef price ceilings in place while removing other meats and poultry from control made beef shortages inevitable.

Farmers who could do so conveniently have held back fat cattle from market until the beef price ceilings are scheduled to come off Sept. 12. Consumers have rushed to the meat counters to buy beef while the ceilings stay on. Some people have been hoarding by stocking up freezers with beef.

Now there are signs of other distortions. A few black markets have been reported. Canadian meat packers have bought some cattle in U.S. markets and hauled them back to Canada for slaughter. The ceilings on retail meat prices tend to hold down the price of cattle, so that Canadian meat packers apparently can make a profit on buying live animals here.

There has been some talk that the meat might be brought back into the U.S. for sale at prices above the ceilings. The wholesale price of imported beef, like the price of cattle, is not under control. The higher cost of imported beef can be passed on to the retail level under the regulations.

However, the Cost of Living Council said Tuesday that this "pass through" provision does not apply to meat exported from the U.S. in any form (including the live animal) and brought back into the U.S. for sale. So, if a Canadian packer sold beef from U.S. cattle in the U.S., the beef could not be legally sold above the ceiling prices.

The retail ceilings on beef set last March are still in effect, therefore, for beef from U.S. cattle whether they were shipped to Canada for slaughter or not.

The traffic to and from Canada in cattle and beef, if it exists to any significant extent, will not last long.

But even in the six weeks remaining before the beef price ceilings come off, considerably more black marketing and other distortions in the beef market could occur.

The administration would save itself some headaches if it took off the beef ceilings right now.

SNOW'S ISLAND

HON. EDWARD YOUNG

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. YOUNG of South Carolina. Mr. Speaker, on a recent trip to observe a logjam at the mouth of the Pee Dee and Lynches Rivers with the Corps of Engineers, we passed by Snow's Island in our small boat. One of the men in the boat pointed out that the island was used by Gen. Francis Marion as a campsite and place to hide his provisions from the British during the Revolutionary War.

One of my ancestors, Lemuel Benton, fought under the command of Francis Marion.

The sight of this beautiful island, some 5,000 acres, with its raw, natural beauty intrigued me. We obtained a copy of the book written by Dr. Bass entitled "The Swamp Fox," and read the story of how Francis Marion fought during the Revolutionary period of our country. Ofttimes with few men and nearly always under adverse circumstances. This man of small stature, originating from a Hugenot background, with a dedication to his faith, his Lord, and his country, kept the hope for independence alive. Many of his own men deserted the cause and returned to their farms; some of his fellow countrymen remained loyal to the Crown and were, therefore, enemies. But when he had the opportunity to choose between destroying these men or allowing them to live, he always acted with compassion.

In the South we seldom pay tribute to our heroes of times gone by.

We have introduced a bill that would make Snow's Island a national park. We realize full well that there are times when this island is flooded from the waters of the Lynches and Pee Dee Rivers. Permanent facilities could be built on Dunham's Bluff with only restrooms on Snow's Island itself.

It would be desirable to leave Snow's Island in its natural, solitary state. Part of the area could be used for campsites and due to its intrinsic beauty, it would attract attention from all over the Nation.

We believe Snow's Island historic value should be preserved and brought to the attention of the American people who love our heritage, by making it a national park, thus preserving its significance for not only our generation, but for those to come.

THE TRIMBLE CENTENNIAL

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. JONES of Tennessee. Mr. Speaker, it is my pleasure as Congressman from Tennessee's Seventh Congressional District to announce the celebration of the Trimble, Tenn., centennial which will be held during the month of August. The good people of Trimble have worked long and hard in preparation for this event. It is their desire as well as my honor to invite everyone to Trimble to join in the centennial celebration of this proud and peaceful town.

In 1873, the railroad which was being constructed from Paducah, Ky., to Memphis, Tenn., experienced bankruptcy. Construction was halted in the virgin forest and rich soil of Dyer County, in west Tennessee. At this location, a settlement sprang up which eventually became a terminal of the railroad. Through the years, Trimble has developed and prospered, until today, it is one of the truly outstanding small towns of west Tennessee. Trimble is now a seat of cotton, corn, soybeans, and livestock production as well as grain shipping and industrial development. The Illinois Central Gulf Railroad serves the shipping needs of the Trimble area. The friendly folks of Trimble have reason to be proud of their community. Good schools, good churches, and good people highlight the outgrowth of this community pride.

For the centennial celebration, Trimble will return to its early days. Men wearing beards and women in long dresses and bonnets will be common sights. Activities will include old-fashioned ice cream suppers, united religious services, parades, contests, and antique displays.

The celebration is being held throughout the month of August. The door of the town is open, and my good friends in Trimble would be happy to be your host for the fun and festivities of the Trimble, Tenn., centennial celebration.

MORE FAME FOR COLTON YELLOW JACKETS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. BROWN of California. Mr. Speaker, I would like to bring your attention once again to the accomplishments of a fine group of high school students, the Colton High School Marching Band, and their director, Harold Warman. Due to their efforts and those of their families and friends, and because of the generosity of thousands of people from the Inland Empire and elsewhere, this band recently traveled to Geneva, Switzerland, as part of an 18-day European tour. In my opinion, the Colton group is one of the best high school bands in the country; all the praise they have recently received is well deserved.

I am entering in the Record an article by Henry Mendoza which appeared in the July 30 issue of the San Bernardino Sun which describes the band's experiences in Geneva. The article reads as follows:

Colton Band Did Its Stuff and Geneva Stood Still

(By Henry Mendoza)

Geneva, Switzerland.—Leave it to a bunch of high school kids to figure out a way to stop the wild drivers here.

Have a parade.

March six bands, about 800 musicians strong, down the busiest streets of Geneva on a lovely Saturday afternoon.

That's what it took July 21 to stop traffic and empty the sidewalk cafes here, and the Colton High School Marching Band was the center of attention.

Thousands lined the three-mile parade route, an unusual show of interest according to Geneva natives. And they enjoyed a fine band review, starting with the predominantly black Lincoln, Nev., Strutting Band and ending with Colton and its unique letter carrier identification unit that stole the show.

The Colton band played its competition parade march—"Rifle Regiment."—But it was the letter carrying unit that received the warmest applause. The letters, which are shields attached to the arms and look like Yellow Jacket wings, are used in a snappy routine that reveals the letters "C-O-L-T-O-N" and then "Yellow Jacket Marching Band," in precise sequence.

At the end of the parade, band director Harold Warman gave in to requests from the crowd and about 500 parade watchers gathered around the band in Parc Mon-Repos for a brief concert, which again spotlighted the lettercarriers in a pair of dance routines from the band's competition half-time shows.

Colton, 126 strong, had the largest band in the parade and was placed at the end because it was considered the best band there, said Gordon Norman, Glendora High Band Director and the parade official in charge of parade alignment. Norman has been working as the U.S. coordinator for the Geneva Youth Musicale, which is this first week's main activity and the principal reason for this European trip.

The parade along the lake-front here highlighted the Colton Band's first week of activity in Europe.

It climaxed a week's schedule that included a moving outdoor performance on the lawn of the United Nations complex, a small, informal, outdoor concert, an evening performance in this city's Ice Palace and the parade, aside from lectures and rehearsals spliced with some sight-seeing.

The Colton traveling troupe, which numbers 159, has found Geneva a beautiful start to the Band's 19-day European tour.

The city is at one end of Europe's largest lake, after which it is named. Although French is the predominant language, Geneva's international flavor has made the language barrier easier to handle. A number of the accompanying Mexican-American adults who speak Spanish have found that language useful in communicating with transplanted Spaniards.

The band is staying in the convention-center-like Palais de Expositions.

It was in a small park across from the Palais that the bands drew their first audiences Friday, July 20, in small, outdoor concerts. Sunday's formal concert was in the nearby Ice Palace, with an official reception following.

Just two blocks from the Palais is a small restaurant called "Wimpy's" which serves hamburgers and has already become the Colton Band's favorite stop.

The band flew out of Los Angeles July 16. After a minor plane maintenance problem converted farewells from a large group of well-wishers into a 2-hour affair, the takeoff was greeted with loud applause by the bandsmen.

When the plane rolled out toward the runway before takeoff, one member of the group commented, "These kids worked awfully hard to make this plane move." In retrospect, the enormous mechanical know-how that makes a huge jet fly seemed to have been matched by the efforts in battle drives, bake sales, candy peddling and car washes of the previous eight months.

For a majority of the band members it was their first lengthy jet flight. Each moment, at the beginning, was a memorable experience.

But as the band's time in the air approached ten hours and three flights, with a new day dawning in windows on the left side of the cabin, even "Lady Sings The Blues" on the plane's film screen could not hide the youth's weariness.

But the performances, first in the park then on the streets of Geneva, seemed to recoup that energy.

Mr. Speaker, I have been accused of being biased in my remarks about the band because Colton is my hometown. I invite any of our colleagues who may wish to hear for themselves just how good the Colton Marching Band is to contact me. I am confident that I can arrange for any Member of Congress to attend one of their performances in California to confirm their talents.

ATTORNEY WILSON'S REMARKS

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Ms. ABZUG. Mr. Speaker, I have been following the Watergate hearings quite closely, and, as you know, I consider the daily revelations of the Nixon administration's "dirty tricks" an affront to the intelligence of the American people. I think the arrogant attitude of Mr. Nixon and his staff could not have been better articulated than by John J. Wilson, the attorney for H. R. Haldeman. Apparently, the memory of Spiro Agnew's reference to a reporter as a "fat Jap" lives on in Mr. Wilson's remark about Senator Inouye's being a "little Jap."

I think the editorial on this incident in today's Washington Post in an appropriate expression of outrage, and I am inserting it in the Record for the benefit of my colleagues.

The text of the editorial follows:

Mr. Wilson's Squalid Remark

"That's just the way I speak. I consider it a description of the man. I wouldn't mind being called a little American." Thus John J. Wilson, lawyer for H. R. Haldeman and John Ehrlichman, explained (if that is the word we want) his disdainful allusion to Sen. Daniel Inouye (D-Hawaii) as "that little Jap." As is so often the case with people who perceive their fellow citizens in this way, Mr. Wilson's "explanation" was, if anything, more revealing than his original remark. That is, as distinct from Senator Inouye ("that little Jap"), Mr. Wilson thinks of himself as an American. What, then, does he think Senator Inouye is? A foreigner? A foreigner serving in the United States Senate? A foreigner who lost his right arm in World War II fighting in the American army in Europe? A native-born American who has won the Distinguished Service Cross for heroism in action and who has spent most of his adult life in public service and who is nonetheless . . . somehow . . . a *foreigner*?

Well, whatever else Mr. Wilson may assume about these matters, we think he's got one thing exactly right. "I wouldn't mind being called a little American," Mr. Wilson said. The small and squalid spirit of his remarks suggests to us that the description will do just fine.

IT IS NOW "U.S. CUSTOMS SERVICE"

HON. TOM STEED

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. STEED. Mr. Speaker, I attach herewith pertinent parts of a press release from the Department of the Treasury on the subject of instituting a new name for the U.S. Customs Service, one of the oldest, most important, and proudest agencies of the U.S. Government:

It Is Now "U.S. Customs Service"

The Treasury Department's Bureau of Customs will be renamed The U.S. Customs Service, effective August 1, 1973. The date marks the 184th anniversary of the agency, which was established by the First Congress in 1789.

The name change was signed by Secretary of the Treasury George P. Shultz on April 4, 1973, to become effective on August 1. The order was published in the Federal Register on May 30.

U.S. Commissioner of Customs Vernon D. Acree stated that the name change more properly portrays the wide range of Customs services to the public. Custom protects the Treasury against fraud, collects revenue on imported merchandise, combats smuggling of contraband, interdicts illicit narcotics and drugs, and enforces the Tariff Act and a host of other laws for the protection of the public.

"Service to the public has been the hallmark of U.S. Customs from its early beginnings down to the present," Commissioner Acree said. "Our posture at the borders in our relations with passengers arriving from abroad; our attitude in our dealings with the world trading community; our numerous contacts with other nations, all exemplify the concept of public service."

During fiscal 1973, the U.S. Customs Service collected more than $4 billion in revenue on $58 billion in imported merchandise. It processed more than 247 mililon persons who were cleared b. Customs, and confiscated illicit drugs valued at over $432 million.

Although the primary responsibility of the U.S. Customs Service is to administer the Tariff Act, it enforces the laws of some 40 different federal agencies, offices and boards which prohibit or restrict certain imports such as hazardous substances, endangered species of animals, and medicinals and drugs.

CULTURAL LAUREATE PROPOSED AS CLIMAX FOR 1976 OBSERVANCE

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. BROYHILL of Virginia. Mr. Speaker, my friend, Donald L. Miller, chairman of the Bicentennial Committee, Post 24 American Legion, Alexandria, Va., and editor of Spirit of '76, published by the Heritage Group for Citizenship Education, Inc., Washington, D.C., recently called my attention to an interesting plan for an event to climax the Bicentennial year in northern Virginia, a plan for a cultural laureate.

As I believe these plans would be of interest to all who are interested in Bicentennial plans, I request permission to insert a brief story by Mr. Miller about the cultural laureate at this point in the Record.

Cultural Laureate Proposed as Climax for 1976 Observance

From the start of planning for the American Revolution Bicentennial observance it was apparent that the year 1976 would need a climactic event.

A world exposition that would draw participation from other nations, projected for Philadelphia, was swamped by difficulties and abandoned. High hopes for a $2 billion federally-funded Bicentennial Parks network were dashed when it became obvious that a tax-sore populace would not underwrite the cost. A new plan was needed.

As he assessed real property in Northern Virginia or flew one of his private planes crosscountry, Allen Turner pondered over the best way to project the real Spirit of '76. His thoughts began to formulate a continuing event less costly than the Bicentennial Parks and more far reaching than a world exposition.

His proposal was to establish the annual or biennial award of Cultural Laureates. The Laureates would recognize outstanding cultural contributions to mankind and encourage excellence in pure science, applied science, literature, the Arts, philosophy, religion, Social Sciences, Language, history general works, communications and statesmanship in every nation on earth.

The American Revolution grew out of thoughts and experiences of many nations. America was built by immigrants from all over the world. What more apt way to crystallize the Bicentennial than to launch a Cultural Laureate program, created and funded by the American people, to recognize and encourage progress all over the world?

In the minds of Allen Turner and those who gathered about him as Founders of the Cultural Laureate Foundation there grew a picture of an event in 1976. Before an audience made worldwide by satellite TV and dramatic by on-the-spot attendance of the highest cultural achievers of every nation on earth the President of the United States solemnly presents Cultural Laureates to men and women selected for the honors first by their peers in their own nation, and then by a cultural world assembly composed of cultural leaders of every nation.

To Mr. Turner and others who are proposing the Cultural Laureates, the American Revolution was an explosion of ideas, and the War of Independence was fought to remove obstacles to the continuous unfolding of that Revolution.

The explosion of ideas was articulated into a system which assured every one's freedom to have ideas, to discuss them, to test them, to put the good ones to work for one's fellow men and the freedom to benefit from what one did for others. The Laureate program embodies this concept.

As the project is now structured, the Cultural Laureate Foundation will function as a service group to state and national structures established to select state and national Laureates, and to a World Cultural Assembly, established to select the World Cultural Laureates from among those already selected by their peers as National Laureates from every country on earth.

It is contemplated that National Cultural Laureates will be awarded in 1975 and in each second year thereafter. The World Cultural Laureates are to be awarded in 1976 and in each alternate year following.

The Laureate awards will be accompanied by a money grant: one part for the Laureate recipient, one part to continue his work; and a third part to finance his or her visits to hold symposia and conferences with people in like fields in other nations.

The credit for the World Cultural Laureates would accrue to the American people but the benefits would be shared by every people on earth.

HELMS' TESTIMONY DIGNIFIED

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. HUNT. Mr. Speaker, yesterday, the U.S. Ambassador to Iran and former Director of the Central Intelligence Agency, Richard M. Helms testified before the Senate Watergate Committee.

Mr. Helms came before the committee to explain the relationships between the CIA and the Watergate break-in. He was apparently there because Howard Hunt, an ex-employee of the Agency was involved in the break-in—a situation which has given the press a great deal of glee, as it affords them the opportunity to fill their pages, and to take potshots at an agency involved in "intrigue."

Mr. Helms was not only a credit to himself but to his old agency. He proved himself knowledgeable, literate, composed, and a man with a great deal of respect for integrity.

One of Mr. Helms' responses is well

worth repeating, and remembering. He said:

> It does not seem to get across very well but the Agency had nothing to do with Watergate break-in. I hope all the newsmen in the room hear me clearly now.

Enough said.

DIABETES RESEARCH FUNDS: MAIL RESPONSE AND SENSIBILITY

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. STEELE. Mr. Speaker, on July 16 I introduced H.R. 9304, to appropriate $20 million in Federal funds toward a cure for the dreaded disease, diabetes. Since that time, my office has received an enormous volume of mail in support of the appropriation. Today I would like to share and comment on some of that mail.

Many of the responses I have received have come from professional medical researchers, men and women whose daily task is the discovery of a cure for diabetes. These researchers are living on the edge of major breakthrough, but their hopes have been shaken severely by the million dollar cutback in Federal diabetes allocation for fiscal year 1974. For instance, one physician working in cell transplant research writes,

> Thus far, our work is very encouraging indeed and continued funding is of utmost importance at the current time.

Without emergency moneys, this research might die on the eve of a monumental discovery.

Organizations devoted to the conquering of diabetes have responded with great enthusiasm. Through their communications with me, I have come to appreciate the phenomenal abilities of groups like the Juvenile Diabetes Foundation, the American Diabetes Association, and the Research Action for Diabetes group to gain private and public support for diabetes research. The Diabetes Research and Education Hospital built in Birmingham with funds raised by the Diabetes Trust Fund is a magnificent achievement, and an important milestone in the search for a diabetes cure. But just as I have come to appreciate the successes of these and other groups, I have come to realize even more clearly how urgently necessary Federal monetary support of diabetes research is. A speedy cure will come only if the Federal Government strongly aids these independent organizations.

But easily the most touching—and to my mind the most persuasive—responses come from diabetics or parents of diabetics themselves. Some are quite simple, stating only their willingness to help in getting diabetes legislation through Congress and their determined hope that a cure will be forthcoming. One Connecticut parent writes, in words that echo in letters from across the country:

> I have a 14 year old son who's been a diabetic for nine years. News of this nature is encouraging. Is there anything we can do to assist in this legislation?

Others describe the daily trauma of being diabetic:

> I had thought that we were the people with the "forgotten illness." There are *no major fund drives* to help cure and eradicate diabetes. We faced a pretty dismal future. . . .
>
> Some of us can hardly afford to pay our taxes, food, rent, and "general living." We must also spend approximately $15 to $20 per month for insulin, needles, doctors, etc. We faced a future of always feeling ill, restricted by what we eat, blindness, heart disease, and many other hazards.

Some express anguish at knowing that, since diabetes is a hereditary illness, they are passing on genes to their children genes with diabetic tendencies:

> We have been waiting for a breakthrough for generations. My family has been suffering with this ailment, passing it on to succeeding offspring. If a cure is expected momentarily, it cannot come too soon.

The letters from diabetic children are among the most touching pieces of mail I have ever received. Quite often, these are children who know only two things: their own sufferings, and the hope that someday soon the cure will be found which will spare them a future of blindness, kidney malfunction, degeneration of the vascular system, amputation of gangrenous extremities, and early death. I include just one of these letters, this one from a 10-year-old girl in my Connecticut district:

> I read Monday's paper, June 16. I was so happy to hear that because I am a diabetic. I have been one for five years today. The money has to go to a federal office before it can go on diabetes. Gee 20 million dollars is a lot of money, but I hope it goes through because I will be the first one to have the operation and I hope they find a cure. I am 10 years old going on 11 August 15. I was one at 6 years old when I became a diabetic. I was hurt but there was not a thing I could do, the doctors could not do a thing for any of us, but hope to find a cure but it takes money. I love all of you for doing this for me and all of them.

For half of her short life, this child has suffered from diabetes. She is only one of over 3 million young Americans who share her fate.

The life of the diabetic, as these and other letters indicate, is one of frustration, discomfort, and sometimes despair. But it can often be one of valiance. I have read a number of letters from diabetics who refused to live anything less than the fullest life possible. Not untypical of these is a Maryland woman who described herself, her sister, and her brother as juvenile diabetics, yet her brother holds a college degree, her sister holds a master's degree, and she herself is returning to college to begin pre-medical study in hopes of becoming a doctor—and she has two children.

And there is this letter from the mother of a courageous diabetic in Bridgeport, Conn.:

> [Diabetes] is an affliction which hit home. My daughter was adjudged a juvenile diabetic in 1962 when she was 13. . . . Since that time she has lived every day of her life dependent on insulin dosage.
>
> She has managed to complete four years of college (away from home and on her own) and is presently enrolled in a Doctorate program for a Ph. D. in molecular biology, which she tells me has to do with genetic structure. In the sense that diabetes is hereditary, there have been no known cases within the immediate family, and perhaps research will unveil this mystery.
>
> Would it not be ironic that the very money you desire to be appropriated for this study might very well be used by my daughter in her research days in the future?

Mr. Speaker, not only would this be ironic; it would be the most compelling symbol imaginable of the potential rewards of the $20 million appropriation which I have proposed.

Let me reiterate one point from my introductory remarks to H.R. 9304. We are talking here about one $20 million increase in Federal money available to diabetes research. Using conservative estimates of the national diabetes population, that is only $4 per known diabetic. The average diabetic spends that much every week for medication and treatment. The Federal money we are talking about—money that could push us through to a cure, perhaps within the year—is a small percentage of what diabetes now costs Americans for 1 year of medical care. Plainly, this appropriation makes sound economic sense—without taking into account at all the physical and emotional suffering diabetes causes.

The message I relay from my mailbox to this House could not be clearer: We must commit ourselves, with immediate and realistic funding, to the earliest cure for diabetes that we can help produce.

STANDARD OIL CO. OF CALIFORNIA AND ENERGY CRISIS

HON. ELIZABETH HOLTZMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Ms. HOLTZMAN. Mr. Speaker, I am deeply disturbed by reports of an attempt by the Standard Oil Co. of California to influence U.S. policy in the Middle East.

The chairman of Standard Oil has written to the company's 300,000 shareholders and employees asking them, as a result of the energy crisis, to support "the aspirations of the Arab people" and to urge the United States to "work more closely with Arab governments." This statement by an oil company with major financial interests in the Arab nations is a clear warning to those of us who feel that the United States must continue its strong support of Israel.

It is true that we are facing an energy crisis, a crisis which will require careful planning, the conservation of energy, and the development of new sources of power. We should not, however, let the oil industry use the energy crisis to panic the American people. Standard Oil's support for the Arabs comes from a desire to protect its billion dollar contracts with Arab countries, not from a concern about this Nation's energy needs.

American foreign policy should not be directed by corporations concerned only with profits. This has happened too often in the past, and done much damage to our position and interests in the world.

I believe that we have a moral duty to our valiant, democratic ally in the Middle East. America's policy toward Israel cannot be changed through the scare tactics of the self-seeking oil industry.

WASHINGTON NEWS NOTES

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. HOSMER. Mr. Speaker, there follows the August issue of Washington News Notes which I circulate to various groups and individuals in the congressional district I am honored to represent:

CONGRESSMAN CRAIG HOSMER'S WASHINGTON NEWS NOTES, AUGUST 1973

HOSMER ON AID TO HANOI

Congressman Craig Hosmer has introduced a Resolution in the House to end all consideration of aid, trade, diplomatic recognition or any other communication, travel or accommodation with North Vietnam unless they live up to their agreements to facilitate the search for our MIA's. Hosmer said: "Our inspection teams have viewed graves near Hanoi, said by the North Vietnamese to be those of Americans, but they have not been permitted to examine or exhume one grave, nor allowed to visit a single crash site in enemy-held territory." More than 1,200 Americans are listed as MIA's or possible POW's.

SAFER AUTOS

The Department of Transportation has ruled that airbags—dashboard devices that inflate automatically to protect passengers—will be required on all new cars after 1975. Airbag tests involving more than 1,800 autos under actual driving conditions have been credited with saving several lives and preventing many injuries while recording only one malfunction.

SOCIAL SECURITY BOOST

President Nixon has signed into law a bill raising Social Security benefits to some 30 million Americans by 5.9 percent starting July 3, 1974. The new law also: raises maximum earnings permitted beneficiaries from $2,100 a year to $2,400 effective January 1, 1974; raises the Social Security taxable wage base to $12,600 in 1974 to help pay for the higher benefits; raises Federal welfare guarantees for the aged, blind and disabled from $130 to $140 per month for single persons and from $195 to $210 for couples, effective next July 1, and requires states with higher welfare payments than the Federal government guarantees, to make up the difference.

BENEFIT DEADLINE NEAR

New benefits for wives of military retirees, if their husbands die, are available under a law passed last year. Deadline to enroll in the new military Survivor Benefit Plan is just around the corner—September 20, 1973, but so far only about one-third of the eligible military retirees have signed up for their potential survivors. Applications (DD Form 1881) and full information about the plan can be obtained from any nearby military facility. Congressman Hosmer vigorously supported enactment of the new benefits.

MONUMENTAL TRIVIA

Washington area prices may be skyrocketing, but the Washington Monument is sinking—by .0047 feet a year! Only 555 feet tall, this marble obelisk has dropped nearly five inches over the past 89 years. At that rate, it will have disappeared below ground by the year 113,073. Don't put off that trip to Washington any longer!

RECIPE FOR CONGRESSMAN HOSMER'S FAMOUS ELEPHANT STEW

Ingredients

1 elephant (medium size)
2 rabbits (optional)
Salt and pepper to taste
Brown gravy, lots

To prepare

Cut elephant into small bite-size pieces. This will take about two months. Reserve the trunk, you will need something to store the pieces in. Add enough brown gravy to cover. Cook over kerosene fire about four weeks at 465°F.

This will serve 3,800 friends or 1,900 relatives. If more are expected, the two rabbits may be added. But do this only if necessary, as most people do not like to find hare in their stew . . .

VIETNAM VETS—THE "SECOND-CLASS" VETERANS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. BROWN of California. Mr. Speaker, I recently received a letter from a young man who has something very important to say to each of us here in the Congress. Mr. James F. Lynch, Jr. enlisted in the Army in 1966, after receiving his draft notice, and went on to serve 4 years in the service, three of them as an officer. He earned a Bronze Star in Vietnam, and left the Army in 1970 with the rank of captain.

James Lynch describes himself as an "army brat"—in quotes. His father, a career NCO, served in World War II, Korea, and Vietnam. The senior Mr. Lynch has been a member of the VFW for over 20 years, and himself used the GI bill. Both of the Lynches are quite familiar with the military and veterans' affairs in general.

He describes his experiences after leaving the Army; let me quote from his letter:

> I immediately returned to college at Penn State University under the G.I. Bill. Since my return I have been active in veteran's affairs, including helping to establish an organization at the Commonwealth Campus which I first attended, and Chairman of the Legislative Affairs Committee and Vice President of the Penn State University Veteran's Organization. I am now President of that organization. I have also worked as a counsellor in the Veteran's Problem Center at Penn State.
>
> At present, I am in the middle of a Masters Program in political science, and my G.I. Bill is about to run out. When I left this service we had $4,000.00 in the bank. Even though I have always held a part-time job, we have spent that and gone $5,000.00 in debt in order to barely support our family of four. The point of all of this is to let you know that I am directly familiar with almost all of the problems which face the Vietnam veteran, and I think that I can say something constructive about them.
>
> It is my sincere hope that the attached statement will be of some use to you. With best regards,
>
> Sincerely,
>
> JAMES F. LYNCH, Jr.

Having served for 8 years on the Veterans' Affairs Committee during my previous terms in this body—part of that time as chairman of the Education and Training Subcommittee—I am well aware of the problems faced by the returning veteran. I am proud of the legislation which I helped enact during those years to assist those who spent years in the service of their country. Even now, although my 2 years absence from this body caused me to lose the seniority which enabled me to hold the subcommittee chairmanship, I am cosponsoring more than a dozen pieces of legislation which would help our returned Vietnam veterans. But the fact that some of us have introduced bills to improve the situation does not help even one veteran; those bills must be enacted by the Congress and signed by the President before they can help anybody.

Mr. Speaker, I would urge every Member of this House—and of the Senate as well—to take just a few minutes and read the statement which James Lynch has sent me. I cannot believe that a majority of the Congress would not immediately support legislative action to improve the situation after reading just how badly this Nation is treating its veterans. I wish to insert the entire statement in the RECORD at this point, and then I would like to add just a few thoughts:

STATEMENT BY JAMES LYNCH

This nation has a proud tradition of caring for those who have fought her wars. The realization on the part of the government and people of the United States that those who have risked and sacrificed their lives and health should be repaid has indeed been laudable. Today, America is in danger of repudiating this principle.

We who have served in Vietnam know that we are at least as deserving of the nation's gratitude as the veterans of any other war. One need hardly be reminded that this war took the second largest toll of any in our history. Likewise, it is not necessary to emphasize that Vietnam's casualties are just as dead or disabled as those of any other conflict.

What does, perhaps, deserve emphasis are the facts that can be pointed out by veterans of previous wars, particularly those who have served in Vietnam as well. In no other war has the American soldier borne the brunt of disenchantment with government policy. In no other war has the American soldier been subject to such antipathy on the part of the people of countries which are our nation's "allies." In no other war has the individual G.I. been subject to such identification with minorities within his ranks whose actions were beyond his control because of government policy, criminal acts, or social pressures.

The unique characteristics of the Vietnam War have had significant effects on the veteran. We have returned to a society in which our service is not recognized—indeed, when applying for jobs many veterans have found it better not to mention their service because of the risk of being identified as a junky, or worse.

Leaving aside the adequacy of veterans benefits for the moment, it should be mentioned that veterans are not even made adequately aware of what they can receive or who to go to for assistance. For instance, New York City has found it necessary to establish its own department of veterans affairs to help veterans find out who they can turn to. At Penn State University, my own Veteran's Organization found it imperative to work with the administration to establish a Veteran's Counselor's Office and an emergency loan fund, to make up for lapses in the administration of benefits.

It seems absurd that, in a country which claims to value the contributions of the veteran, Vietnam veterans should be unemployed at a rate higher than the rest of the population. Yet, despite television ads and statements of good will on the part of employers, this is the case. In January, 302,000 Vietnam veterans were unemployed, with those twenty to twenty-four years of age leading the way at 10.2%. In the face of all this, the administration moved to cut almost one billion dollars in the Public Employment Program of the Emergency Employment Act, knowing full well that thirty-eight percent of this program's employees are Vietnam Era veterans.

Medical and disability benefits have always been a program to which the Veteran's Administration could point with pride. At present, this pride is in danger of being misplaced. Eighty-one million dollars have been cut from V.A. hospital construction and there has been a 7.5 percent reduction in V.A. medical research funds. In addition there has been an arbitrary lowering of the daily patient census in V.A. hospitals, from 82,000 to 80,000. To top all of this off, the meat ax has chopped off 1.8% of the already inadequate V.A. hospital staffs. All of this is certainly significant enough, but when massive reductions in disability payments are added to it—cuts which affect Vietnam veterans almost exclusively—a curious pattern emerges. Of course, it is common knowledge that these cuts were not implemented on schedule by order of the President. What is not common knowledge is that the plans were not abandoned, but simply returned to the V.A. for further study.

If the effect of these moves is obvious, it becomes even more critical when applied to those veterans who are seeking help with a drug problem. How can these men be helped when there were almost unbearable waiting periods for treatment before the cuts? Another problem which relates primarily to drugs is that of the general discharge. There are thousands of Vietnam Era veterans whose lives are permanently marred by possession of these less-than-honorable discharges. A significant number of these men were guilty of nothing more than possession of marijuana, an offense which the military and society in general has belatedly put into perspective. At present, however, nothing is being done to alter the records of these veterans to reflect their careers more realistically.

Only 43.7% of today's veterans are using educational or training benefits of any type, while only 23.4% have entered colleges or junior colleges. There are, I believe three major reasons for this low percentage, which is ridiculously below that of World War II veterans and at a time when a college education is much more essential. The first of these is simply a lack of information about how, and encouragement, to use these benefits.

A second major factor arises out of the character of the draft. As is common knowledge, those who were drafted to serve in Vietnam (and a large portion of those who were enlisted) were men who could not qualify for, or afford to go to, college. The service did little to change the status of most of these men. Yet remedial programs which would qualify these veterans to use their educational benefits are painfully scarce.

The last reason for the low usage rate is the most important. It is that G.I. Bill Educational and Training benefits are simply inadequate—veterans cannot afford to go to college. This is amply illustrated by the fact that usage rates in the various states correlate with the availability of programs offered by the states which fill the void left by V.A. benefits. Of the largest states, usage rates range from 49.2% in California to 26.7% in Ohio and New Jersey. It must be remembered that Vietnam veterans have nowhere else to turn if the federal government is letting them down, since it seems unlikely and unfair that he go to his family for help. Besides, if a veteran's family could afford to send him to college, the chances are that they would have done so *before* he was drafted or forced to enlist to serve in Vietnam.

To put current G.I. benefits into perspective, look at the fact that a single veteran in my state of Pennsylvania can earn $144.00 a month more under unemployment than he can by going to college full time, *without* any tuition or books to pay for. Although students are not eligible for welfare, a comparison with qualification figures for public assistance is even more illustrative. Although my county in Pennsylvania has one of the lowest standards in the state, the figures clearly point out the plight of married vets. If a veteran has one child, he can spend $70.00 a month for school expenses before he reaches the level under which other people get public assistance. If he has two children he can afford $40.00, and with three children the figure is $17.00! When federal figures are used, the picture is even more bleak. Washington has set the "lower consumption" budget for a family of four at $351.00 per month. So, a veteran with a wife and two children can go to Penn State University, for instance, by simply applying for his G.I. benefits, and then coming up with an additional $35.00 a month to subsist, $351.00 for the month each year when he gets no benefits, $1,000.00 a year for tuition, $160.00 for books annually, another $50.00 or so for miscellaneous school expenses, and a prayer that no one gets sick. The Vietnam veteran is constantly reminded of the wonderful opportunity provided to him by a grateful government, and then is provided some $2,000.00 less a year than that government itself declares to be the minimum for anyone to keep body and soul together.

Of course, one might expect the vet to get a part time job to help himself through school. However, part time jobs tend to wreak havoc with an academic program, especially when one considers that today's veterans are likely not to have the best backgrounds for college. In addition, I challenge anyone to locate sufficient part time jobs in a college community—not to mention what they pay. Mention might also be made of the so-called abundance of federal scholarship and loan programs, until one considers the fact that veterans seldom qualify for them because the G.I. Bill is held against them as assistance already being received. The reasoning of this approach to the problem sems a bit flawed anyway. What sense does it make to cut short one federal program, only to ask its recipients to utilize another?

Although money is the most significant problem, there are certainly others. For example, the G.I. Bill provides for 36 months of education. This is exactly enough to complete work for the normal baccalaureate degree. However, if a veteran fails any courses, or is in a five-year program, or changes his major course of study, or qualifies for graduate school, he is out of luck. Admittedly, those who fall into these categories are a minority, but a significant one. There seems to be no reason why provisions should not be made for them.

What I've said so far paints a fairly rough picture for today's veteran. Most people would agree that the situation is not an enviable one, but we constantly hear that World War II and Korean War vets had it just as rough. The plain facts are that this contention is simply untrue. It is discouraging to see those who should know better insisting that today's G.I. Bill is equal to its predecessors. It becomes doubly frustrating when these people are in positions of public leadership, but refuse to answer the criticisms made of their argument and simply insist on maintaining an outdated and fallacious position.

To those who insist that today's G.I. Bill is equal to that of World War II, I offer a challenge to respond to *facts*. The costs of education have gone up 400% since World War II—how has the G.I. Bill compensated for this? Many colleges offered special help to veterans after World War II which today's vet does not receive. For example, after World War II, Penn State offered low cost housing and trailer courts to veterans. Today, the Vietnam veteran spends $160.00 a month for a one bedroom apartment. If there is equality between the two programs, why were 70% of the undergraduate students after World War II veterans, as compared to the fantastic fall-off in usage rates today? Why were half of the World War II veterans able to go to private institutions, while 80% of Vietnam veterans are compelled to go to public colleges?

There is one comparison which the opponents of a fairer G.I. Bill can ignore but cannot refute. The World War II veteran received $1,175.00 a year for subsistence and tuition. If this figure is adjusted to 1973 dollars, using the Department of Labor's Consumer Price Index, it becomes $2,250.00 per year (remember, this only reflects inflation of consumer prices, not the tighter part-time job market, the lack of low-cost housing, or the 400% rise in education costs). Since the student receives only eleven months benefits per year, he *should* get $250.00 a month to be on a par with the World War II vet. He *gets* $220.00 a month, and the discrepancies become worse as one adds additional dependents.

It is incomprehensible to me how anyone has the nerve to state that things are as good for the veteran as they ever were.

Why have the problems of veterans gotten so little attention in a nation which can justly be proud of its accomplishments in the past? There is no certain answer, but I think some constructive observations can be made.

Since the Vietnam War has been an unpopular conflict, the military services and the individual veteran have been looked upon as undeserving of any special considerations. Regardless of whether America's policies have been good or bad, it seems that those who served in an unpopular war deserve, if anything, extra credit because our job was doubly difficult. It is blatantly unfair for the veteran to suffer the effects of misplaced blame.

Another reason we may not be getting the attention deserved is that Vietnam veterans have not joined the established super-organizations, the VFW and American Legion, in droves. We have, therefore, not received the full benefits of their political clout. The reasons for this development again go back to the nature of the war itself. Many Vietnam veterans either disagreed with government policy or were influenced by public attitudes. At any rate, many of us have no desire to be subjected to the type of behavior demanded by these organizations—behavior which requires the demonstration of a unique kind of patriotism consisting of draping oneself in the flag and refusing to disagree with any government policy. I do not mean to declare war on these groups, but I am saying that they have generally been too narrow, up until now, for today's veteran.

While other groups have agitated for what they felt was justly due to them, the Vietnam veteran has remained quiet, secure in his belief that America would pay her dues. This has, perhaps, been our mistake. Rightly or wrongly, other groups have made great progress while we still await our fair share.

Probably the biggest reason for our shortchanging at the hands of the government has been the action of the politicians themselves. Those who supported the war constantly tried to play down its costs and effects. One way of doing this has been to minimize the problems of, and expenditures on, veterans. Those who opposed the war have, generally, found it awkward to identify too closely with our cause. The situation has become so absurd that the veterans group at one of our neighboring universities found it necessary to oppose the reelection of their Congressman because of his negative stand on veteran's benefits. This Congressman is a ranking member of the Veteran's Affairs Committee and a long-time supporter of the war.

The recent mood of the federal government—a mood which developed since the war ceased to be front-page news, I might add—can only be viewed by us as hostile. There have been the cutbacks in medical care which I mentioned earlier, the attempt to cut disability benefits, the destruction by compromise of the G.I. Bill raise which the Senate passed unanimously last year and which would have been very nearly equitable, and the impoundment of funds for much-needed programs. How else can we regard the government's attitude?

As I said before, the established veterans organizations have not as yet proven themselves to be adequate representatives of the Vietnam veteran. I would like to stress that I say this without animosity. However, it was the Vietnam veteran's own organization, the National Association of Concerned Veterans (NACVI), which filed suit against the Commissioner of Education for the release of $25 million in appropriated "Cranston Amendment" funds which had been impounded by the administration. We were successful in this effort. Again, the indication is that if we want help, we must help ourselves by taking decisive action on our own because we cannot count on our supposed friends.

Without wishing to appear trite, I feel compelled to state that recent events have "added insult to injury." I speak of the aggrandizement of the P.O.W.'s. Before continuing, however, I must stress that this is *not* an attack on the P.O.W.'s but on those whose admiration of them is shallow and short-sighted. We feel that the P.O.W.'s are Vietnam veterans like the rest of us, no better, no worse. They did what was asked of them, were unfortunate enough to be captured, and did their best to remain alive. We all respect that, and no one wishes to degrade it. However, we all took the same chance, and the returned P.O.W.'s are certainly better off than those who died, or are paralyzed, or blind, or will never walk again. I would venture to say that any prisoner of war would say the same.

What is particularly galling about the situation is that, while the average veteran is being ignored or having his benefits cut back, the P.O.W.'s, mostly career officers and N.C.O.'s, are being promised jobs if they are discharged, invited to the White House, and given national publicity for their every problem. At present, this session of Congress has had almost as many bills introduced to it to assist P.O.W.'s exclusively as there have been to assist *all* of the rest of us! Without considering why they were captured in the first place, they have been made the symbols of "peace with honor". I would like to suggest that the symbol of peace in Vietnam be men like Jim Mayer, the President of the National Association of Concerned Veterans, who is missing two limbs as a result of his service in Vietnam. The honor can be had by giving us all the considerations now reserved for prisoners of war.

What do we think should be done? The answers should be obvious by now, but I'll summarize. I won't drag it out by quoting numbers, but bills have been introduced, or soon will be, into Congress to take care of virtually every pressing need.

We need true veteran's preferences for employment, so that Vietnam vets can, at least, be employed at no higher a rate than the population in general. There must be a coherent program of remedial education to allow those who do not presently qualify for training or college to utilize their benefits. Medical facilities, particularly drug treatment programs, must *at least* be kept at their current levels. Those who hold general discharges for offenses which are no longer considered serious, should be sought out and their records should be changed.

There is a desperate need for an overhauling of benefits for training and education. As it did after World War II, the G.I. Bill should cover tuition and leave enough to live on. These figures could be based on the federal government's own "poverty level" and, considering today's economy, should have cost of living adjustments built in. There is also every reason to approve the comparatively inexpensive proposals to increase educational benefits to 48 months duration. None of these proposals are new, but all are overdue.

Now that the war in Vietnam is, hopefully, over, the American people want nothing more than to wipe it from their memories. Those of us who have served there want to forget, too. The way to put the experience behind us is not to ignore those who have borne the brunt of the sacrifice, however. If the Vietnam veteran is not given what's due to him, the memories of the war will be longer lasting and more unpleasant than anyone now foresees.

Mr. Speaker, I neglected to add that there is one additional person who should read that statement, and that is President Nixon. For he is one of those politicians who have been so generous with the cotton candy of glorious praise of our fellow citizens whom we sent to fight and die for us, while at the same time being stingy with the meat of substantive veterans' benefits. As Mr. Lynch points out, those most in favor of war have sometimes been those least willing to pay the costs of the war.

I intend to speak further of this situation in the future, Mr. Speaker. And I intend to continue speaking about it, until something is done about it. America cannot let this debt go unpaid.

THE FEDERAL RESERVE BOARD'S CREDIT CRUNCH CALLS FOR URGENT CONGRESSIONAL REVIEW

HON. WRIGHT PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. PATMAN. Mr. Speaker, the Federal Reserve Board's credit crunch relentlessly continues its devastating course and, as the evidence clearly shows, conditions will worsen unless the Congress initiates legislation to require the financial regulators to act in the public interest.

What brought on the credit crunch?

According to the evidence, which is coming in from the thousands of thrift institutions all over the country, we know that the Federal Reserve Board and its high-interest-rate policies are directly responsible for the crunch. When the Federal Reserve Board lifted the lid on interest rates on July 5, an immediate and irreversible movement of funds began from the thrift institutions into commercial banks. As a result, the savings and loan associations, who are the principal sources of financing for homebuyers, were forced to either turn away borrowers or to raise interest rates charged on home mortgages so that most people could not afford to purchase a home. Under such circumstances it is obvious that the savings and loan institutions will be harmed. Because of the present and potential dangers inherent in the rate war, many officers of these institutions have rightly petitioned the Congress to bring order into this regulatory chaos. The Congress should respond positively to the needs of this segment of the credit market because, in the final analysis, whether this country meets its housing needs ultimately depends on the strength and existence of these institutions.

WHO ULTIMATELY MUST SUFFER THE CONSEQUENCES OF HIGH INTEREST RATES?

While evidence shows that the financial regulatory system needs to be changed to protect our thrift institutions so that they can promote the public's interest in housing, the credit crunch brought on by unwise decisions in the Federal Reserve also shows that the entire system of regulation needs drastic reform to insure that all who need credit may obtain it when needed and at reasonable rates.

Under our economic system, credit is the life blood of the economic system. But the way the credit system is now being regulated, it is the small businessman, the low- and moderate-income family, the laboring man, and the farmer who is denied access to credit markets at a time when they need it most. An economic system which only works for the rich and powerful is not the kind of system this country deserves.

As the present system falters, the harm is not so great to the rich and powerful—their position of power and wealth allows them to "ride out" hard times with relative ease—but the harm is acutely felt by those who are least able.

Clearly, individual members of the financial institutions bear some responsibility in assuring a reasonable flow of funds to the credit markets but I should point out that the present credit crunch was brought upon us by a Federal regulatory agency. This clearly gives the Congress primary responsibility in correcting this situation and I do not believe that the Congress would want to do anything other than take prompt and positive steps toward reform.

For this reason it is my intention to call a hearing immediately after the recess to consider all aspects of the credit crunch and the manner in which it is related to financial structure and regulation. I hope in the course of hearings we can hear from all segments and gain a sound understanding of what is wrong and what the Congress can do to correct those wrongs. In particular, I hope that the Congress will not only look into the specific needs of the financial institutions involved but, more importantly, that we can find and will receive strong support for meaningful reform which will assure long term protection to the public interest in this vital area.

In calling for these hearings, I am not unmindful of the great interest and concern that Members have expressed to me since the credit crunch has developed. Since that time I have received many inquiries from Members and so that all may know of their concern, I wish to insert in the RECORD at this time a representative sample of their correspondence:

PERPETUAL BUILDING ASSOCIATION,
Washington, D.C., July 31, 1973.

Hon. LAWRENCE J. HOGAN,
House of Representatives,
Washington, D.C.

DEAR LARRY: I am sure you are aware of the recent authorization by the Federal Reserve Board and the Federal Home Loan Bank Board for increased interest rates which may be paid on various forms of savings by commercial banks and savings and loan associations, at which time the historical differential between banks and savings and loan associations was reduced from ½ of 1% to ¼ of 1%. This in itself has had no material effect upon savings flow, only increasing operating costs without any added benefit, as of the present time.

The really damaging regulation was the change in the rates on certificates of deposit, particularly the four-year certificates in minimum amounts of $1,000 or multiples thereof where the rates were allowed to vary consideraly, at the discretion of the institution. This was also true of the larger certificates of deposit in excess of $100,000 or more. As a result savings and loan associations have been losing funds to other market instruments such as Treasury Bills and/or Bonds, but the losses are the heaviest in those areas where unrestricted bank competition has appeared. This condition will undoubtedly worsen in the months ahead.

The effect on mortgage lending has been quite drastic as many institutions in the Washington area have completely withdrawn from the home mortgage market. Our Association which does not issue certificates of deposit while suffering disintermediation is continuing to make home loans on a limited basis to those individuals who are savings members of the Association, to home builders with whom we have maintained relations for a period of years, as well as real estate brokers on a restricted basis.

If the present trends continue we too will undoubtedly have to take another look at our mortgage lending activities which further aggravate the situation for home owners in Washington and its surrounding Metropolitan area. The Governmental agencies involved should immediately eliminate ceiling-free, four-year savings certificates which seem to be creating most of the havoc.

Sincerely yours,
THORNTON W. OWEN,
President.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., August 2, 1973.

Mr. THORNTON W. OWEN,
President, Perpetual Building Association, Washington, D.C.

DEAR MR. OWEN: Many thanks for your recent letter expressing your concern over the recent savings rate increases authorized by the Federal Reserve Board.

I have forwarded a copy of your letter to the House Committee on Banking and Currency and to the Federal Reserve Board so that they too, will be aware of your sentiments.

Once again, thank you for taking the time to write and give me the benefit of your views.

Sincerely,
LAWRENCE J. HOGAN,
Member of Congress.

RIDGEWOOD,
Brooklyn, N.Y., July 24, 1973.

Congressman JOSEPH P. ADDABBO,
House of Representatives,
Washington, D.C.

DEAR MR. ADDABBO: I am writing to you as my office is in your district. I am the attorney for Home Federal Savings and Loan Association, which has its office at 7001 Forest Avenue, Ridgewood, Queens County, New York, and would like to bring to your attention the recent action of the Federal Reserve Board and the Federal Home Loan Bank Board in removing any ceiling on interest on four year Certificates of Deposit issued either by Commercial Banks, Savings Banks, or Savings and Loan Associations.

The Association which I represent has first mortgage loans of over $256,000,000, all but a very few of which are mortgages on dwelling houses. Our savings accounts are slightly over $255,000,000, and it is evident that we are performing the principal function of Savings and Loan Associations by making money available for home construction and to potential home owners. The action of the Federal Reserve Board and the Federal Home Loan Bank Board in removing the ceiling on four year Certificates of Deposit encourages savers to deposit their money in Certificates of Deposit with Commercial Banks, whose main business is lending money to commercial organizations and large corporations. An automobile company, a large manufacturer or a public utility is in the position to pay 8, 9 and 10% interest, whereas the small home owner is not. Inasmuch as these are the organizations to which commercial banks cater, they will be in a position to pay a higher rate of interest on Certificates of Deposit than Savings and Loan Associations, and thus drain off the funds which are relied upon for home building and home ownership into other channels.

It should be obvious that unless something is done immediately to rectify the situation there will be no new financing of homes, which will result in the cessation of home building, and will make it very difficult to sell old houses because of lack of financing. Very little more than this would be needed to create a severe depression in this country.

Hopefully, Congress will see the danger before it is too late and act accordingly.

Very truly yours,
HUGO DREHER.

HOUSE OF REPRESENTATIVES,
Washington, D.C., July 27, 1973.

Chairman WRIGHT PATMAN,
Banking and Currency Committee, Rayburn Building, Washington, D.C.

DEAR MR. CHAIRMAN: I am enclosing herewith a copy of a letter I have received from Hugo P. Dreher, Esq., the attorney for the Home Federal Savings and Loan Association.

Mr. Dreher comments on the possible detrimental effects by the recent ruling of the Federal Reserve Board and the Federal Home Loan Bank Board.

He makes the observation that the removal of the ceiling on interest on four year Certificate on Deposit, may deterimentally effect financing homes and possibly drain off the funds which are relied upon in this important section of our economy.

I would sincerely appreciate being advised if your Committee is considering this problem. I would also appreciate your comments and views on this subject.

With kind regards, I am
Sincerely yours,
JOSEPH P. ADDABBO,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., July 31, 1973.

Hon. WRIGHT PATMAN,
Chairman, House Committee on Banking and Currency, Rayburn House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Enclosed is a copy of a letter I have just received from the president of the Home Federal Savings and Loan Association of Shawnee, Okla., describing the adverse effects of the recently announced changes in savings rates. I would greatly appreciate any consideration and comment you may give his remarks.

Thanking you for this kindness, I am
Sincerely yours,
TOM STEED,
Member of Congress.

HOME FEDERAL SAVINGS AND LOAN ASSOCIATION,
Shawnee, Okla., July 24, 1973.

Hon. TOM STEED,
U.S. House of Representatives, Rayburn Building, Washington, D.C.

DEAR TOM: I am sure that you are aware that on July 5, 1973, major changes in savings rates were anounced by various government agencies. The action was taken by most of these agencies because the movement to higher rates was precipitated by the Federal Reserve Board.

This Board responded to pressure from the big city banks and failed to grasp the adverse effects it would have on local housing markets, and difficulties faced by Savings and Loan Associations as a result of the new savings rate schedules. The rates announced virtually eliminated additions to passbook accounts and opening of new certificates at other than the highest rate.

Since the announcement, we have only had one day of the eleven that we have been open when savings added to accounts exceeded those withdrawn. In addition, we have had a multitude of requests to up-grade certificate accounts to those paying higher rates. This increases our cost tremendously, and there is no way that we can have a corresponding increase in income.

Because of the nature of our business, it takes a substantial period of time to increase the overall loan rate. Even if we charge unconscionably high rates for loans, it will take 5 years for us to regain the position we were in before the July 5, 1973, announcement.

It seems as if these authorities in Washington are trying to eliminate the small, locally controlled financial situation. I hope that you will do all in your power to correct this chaotic situation.

Sincerely,
HOME FEDERAL SAVINGS AND LOAN ASSOCIATION OF SHAWNEE,
HAYLOR H. FISHER, Jr., *President.*

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., July 25, 1973.
HOUSE BANKING AND CURRENCY COMMITTEE STAFF
Washington, D.C.

GENTLEMEN: I am enclosing copies of two letters from constituents regarding the re-recent action by the Federal Reserve Board and its effect on savings and loan institutions.

I would appreciate receiving all the information you can give me in reference to the points raised in these letters.

Sincerely,
JOHN BREAUX.

JENNINGS FEDERAL SAVINGS AND LOAN ASSOCIATION,
Jennings, La., July 19, 1973.
Hon. JOHN B. BREAUX,
House of Representatives, Room 319, Cannon House Office Building, Washington, D.C.

DEAR SIR: The survival of the savings and loan business as a supplier of mortgage money for home owners is at stake.

Recent action by the Federal Reserve Board removing all controls on savings rates paid by banks (on 4-year deposits), forces savings and loans to drastically increase mortgage interest rates because of this increase in the cost of money.

Please, help us to continue our role in the housing market by supporting legislation that will help the savings and loans combat the unfair competitive conditions now existing in the commercial banks. We feel a halt in the new housing market will be a bad thing for us all.

Very truly yours,
CHARLES A. MACK, Jr.,
Manager.

O'ROURKE, GOSSEN AND ASSOCIATES,
ARCHITECTS AND ENGINEERS,
July 19, 1973.
Hon. Congressman JOHN BREAUX,
Cannon House Office Building,
Washington, D.C.

DEAR JOHN: You, no doubt, have been contacted by others concerning the latest developments concerning the change in interest rates. All this business is doing is creating chaos in the financial business and jeopardizing the stability of some of the newer and smaller savings and loans. There is no doubt that ultimately these increases are passed on to the consumer.

I am enclosing herewith a bulletin from the U.S. Savings & Loan League which explains it far better than I could. We ask your help and also solicit the help of your colleagues.

Sincerely,
DON J. O'ROURKE, AIA.

UNITED STATES SAVINGS AND LOAN LEAGUE,
Chicago, Ill., July 17, 1973.
TO SAVINGS ASSOCIATES EXECUTIVES.

LETTERS TO CONGRESS NEEDED ON SAVINGS RATE WAR

The officers of the U. S. League met in Washington today to review developments in the savings market since the major changes in savings rates were announced by various government agencies on July 5. The widespread concern and dissatisfaction within the savings and loan business over these developments is clearly justified.

In the view of the League officers, the movement to higher rates was precipitated by the Federal Reserve Board. The Federal Home Loan Bank Board had to respond and authorize higher rates to savings and loan associations. The Federal Reserve failed to grasp the adverse effect which will be felt on local housing markets and the difficulties faced by savings and loan associations as a result of the new savings rate schedules.

The chief problem posed by the movement upward in savings rates was the creation of a "wild card" savings category with no rate ceilings on funds deposited for four years or longer. From reports received from around the country, there is ample evidence that this action in effect meant the removal of ceilings on savings certificates or roughly half the funds held by savings and loan associations. The result of a free rate category has been that shorter term certificates are, in fact, not salable. Commercial banks are promoting this category heavily with no restrictions on the total amount of these funds they can accept, paying 7½%, 8% and more, on four-year certificates.

The result has been the start of a dangerous savings rate war. It is impossible, of course, for savings and loan associations to match the rates paid by commercial banks without charging unconscionably high rates for mortgages—which will most certainly bring most mortgage markets to a halt.

It is also clear that there is a great deal of concern and distress in the business over the practice on the part of many commercial banks of increasing automatically the rates on outstanding savings certificates.

Every effort must be made to assure that banks are not permitted to automatically increase rates on outstanding certificates without requiring an extension in the maturity of such certificates (commensurate with the rate to be paid) and including the newly required penalty clause.

While it would be possible for the Federal Reserve Board to resolve these major concerns on the part of the savings and loan business, we have little hope that the Federal Reserve will, in fact, take appropriate action to check the savings rate war now underway.

In the judgment of the League officers, therefore, it is essential that the Congress begin to focus attention on the major emergency problems that now confront the savings and loan business and the housing industry as a result of the July 5 action.

An effective vehicle for congressional intervention is provided by the law governing interest rate controls on savings accounts which has been extended until August 1 and will be considered later this month by a House-Senate Conference Committee.

We urge you, therefore, to communicate immediately with your Representative and your two United States Senators expressing your personal views on the confusion, chaos, and unfair competitive conditions which have developed in your savings market since July 5. You should urge congressional review of actions precipitated by the Federal Reserve reimposition of ceilings on long-term savings and the elimination of the four-year certificate on which there is no rate ceiling.

Of course, in writing to your Congressmen, you will want to do so in your own words and in terms of the actual situation in your own city. In many cases, copies of ads from local newspapers will be helpful along with specific descriptions of the tightness of the mortgage market. You should stress the grave danger of removing savings rate ceilings at a time of inflation and rising interest rates.

It would be appropriate for you to give copies of your letters to the builders and Realtors you finance so that they recognize their welfare is linked to the decisions Congress makes to restore order to the present chaotic state of the savings markets. It would also be appropriate for you to urge your builder and Realtor friends to write their Congressmen.

Your officers are also shifting into high gear with plans for other essential legislation. This would include improved powers and authorities for associations that would permit changes on both the assets and liabilities side of our business. It would also include 100% insurance of public funds, tax-exempt interest on savings accounts, improvements in the Federal Home Loan Bank Act, and tax deferred retirement accounts, etc. We will report further on this in the near future.

The officers regard the present emergency as the most serious threat to the savings and loan business since 1966. We hope this sense of urgency will be conveyed in your communications to members of your congressional delegations and that you will transmit these sentiments immediately.

Please send the U.S. League copies of your correspondence.

Sincerely,
RICHARD G. GILBERT,
President.
GEORGE B. PRESTON,
Vice President.
TOM B. SCOTT, Jr.,
Legislative Chairman.
NORMAN STRUNK,
Executive Vice President.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., June 18, 1973.
Hon. WRIGHT PATMAN,
Chairman, Banking and Currency Committee, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Please read the attached letter or ask an appropriate staff member to do so and give me the benefit of the thinking of your Committee and staff on the recommendations which are made. It will be appreciated if this can be done within the next few days.

With all good wishes, I am
Sincerely,
BOB SIKES.

FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF PANAMA CITY,
Panama City, Fla., July 9, 1973.
Hon. ROBERT L. F. SIKES,
House of Representatives,
Washington, D.C.

DEAR BOB: I am a concerned citizen of the savings and loan business. I am very disturbed about the future of the savings and loan association. As you well know, this has been the backbone of the homeowners for a very long time.

I was very much disturbed when I read that Mr. Arthur Burns, the Federal Reserve Board Chairman, and the Federal Deposit Insurance Corporation had increased rates that commercial banks could pay on savings, and even more disturbed when I found that the Federal Home Loan Bank had followed suit for the nation's savings and loans.

The Federal Reserve Board Chairman knows that the savings and loans are locked in on long term mortgages for a long time, when the commercial banks make mostly short term loans and can turn their loans over very rapidly to increase their rates and, therefore, pay a higher dividend rate. This action can only serve to increase home loan interest rates, as well as interest on all products, (also make Government borrowing more expensive).

Our biggest mistake has been trying to hold down long term mortgage rates to the very lowest rates possible and still make a profit. However, by doing this we are now in a position where home loan demand is up and we cannot market (sell) our loans due to the low interest yield. We are forced to borrow short and lend long to meet current demand.

The higher dividend rate will only force most of us out of the mortgage business, and we can only borrow from our Federal Home Loan Bank for only a short time, in order to hold the mortgages that we now have (and cannot sell) due to the low interest rate which, as you know, do not prepay before maturity.

As you know, any rate increase on savings affect all savings, but an increase in mortgage rates only applies to loans made after the effective increase date.

The average cost of our savings was 5.54% before the current rate increase, and the average rate of return on all of our mortgages is 7.3%, as shown on the attached schedule. However, this does not tell the whole story, because of the high cost of operations (overhead) must be taken into account, which is almost 2% of mortgage loans.

It would not be necessary for us to charge the 8½% interest, which we are currently charging, if we could increase most of the low interest loans up to 7.5%. We would only be charging current borrowers 7.5%.

My proposal would be that the Federal Home Loan Bank Board be instructed by Congress to require some type of variable interest rate mortgage. A mortgage such as outlined below maybe would save the savings and loan industry from a catastrophe caused by increased dividend rates and increased operating costs.

1. Require the use of a mortgage form with an interest adjustment period every three years from date of mortgage.

2. The mortgage form must require the lender to give the borrower at least 90 days' notice if any change is to be made in the interest rate. (This would give the borrower 90 days in which to try to secure cheaper financing, if rates were increased or not decreased to the borrower's satisfaction. Also, no prepayment penalty could be charged on this loan if refinanced with another lender at a lower rate than offered.)

3. Require the lender to publish in the local newspaper on the last day of each month the current interest rates being charged on each type of loan. (Require by regulation that supervisory authorities of the Federal Home Loan Bank Board examine the published rates, and the rates of mortgages closed during each month. This would keep any mortgagor from being exploited. The lender, in giving the 90 day notice could not charge an amount greater than the published rate 90 days before the new increase or decrease was to go into effect.) (This to be reviewed and controlled by Federal Examiners.)

4. Monthly payments to remain the same throughout the life of the loan. This would result in lengthening or shortening mortgage maturities.

Under this plan, competition would control the increase or decrease in the mortgage interest adjustment the same as it now does on any new conventional loan made each day. Variable rate mortgages cannot be tied to any national average or price index, due to the difference in operating costs of each association, and operating costs in different parts of the country. We should not be required to charge a lower or higher rate than another association in our town or across the nation, if we are able to hold operating costs down (or if our costs were higher).

This type of loan must be undertaken on a nation-wide basis. One association in a community could not adopt this type of program and expect to make loans unless it was common among all savings and loans. I am sure that a loan of this type would be accepted by the consumer on a national basis without hesitation.

A mortgage program of this type started today would take about twelve years to feel any real relief. However, I am sure that it would gradually decrease mortgage interest rates.

This is the only survival for the savings and loan industry. I know of no industry, business, or labor that will agree to sell you a product or work for you at today's prices for the next five, ten, twenty, or twenty-five years, which is what we agree to when we make a long term loan.

Congress could even go further by requiring that any undue profits above a certain per cent of average assets (that any association tried to make or made) be paid directly to the Federal Savings and Loan Insurance Corporation after taxes.

Congress should be drawing more distinct dividing lines between Savings and Loans and Commercial Banks instead of trying to make them more competitive with one another. "We do not want to be a bank, we want to be a savings and loan."

Also, congressional action is needed to control merging, which is forcing the small savings and loan out of business. If merging is continued, I can foresee in the near future only two or three ultra large savings and loans in Florida. This country was built on the small competitive business.

Getting a charger approved for a new savings and loan is like getting a liquor license in Florida. The organizing directors have something they can sell (merge) to the larger institutions at a very large profit.

Your help is needed now!

Very truly yours,

PAUL H. EUBANKS,
President.

CONGRESS OF THE
UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., July 31, 1973.

Hon. WRIGHT PATMAN,
Chairman, House Banking and Currency Committee, Washington, D.C.

DEAR MR. CHAIRMAN: For the consideration of your committee, I am enclosing copies of letters from Mr. R. C. Winstead and Mr. John A. Williams, concerning the Federal Reserve Board's decision granting commercial banks authority to increase the limits banks can pay on savings accounts.

With kindest regards and best wishes.

Sincerely,

L. H. FOUNTAIN.

UNITED FEDERAL
SAVINGS AND LOAN,
July 25, 1973.

Hon. L. H. FOUNTAIN,
Washington, D.C.

DEAR MR. FOUNTAIN: As a result of the recent changes in the savings, on July 5, 1973, the Savings and Loan industry has been jeopardized by the close competition of the commercial banks.

No doubt, the number of new housing starts will begin to recede as the new interest rates take effect, with no rate ceilings on savings funds which are deposited for more than four (4) years.

There is no way for the Savings and Loan Associations to compete with the rates paid by commercial banks unless we charge exceptionally high rates for home mortgage loans. This leaves room for only one solution—a halt to conventional home building.

May you also note that many commercial banks are entertaining the idea of automatically increasing the rates on certificate funds acquired previous to the new rate hikes. Effort must be made to assure the Savings and Loan Associations that commercial banks are not permitted to increase existing rates on savings without two (2) requirements.

1. Add the newly required penalty clause to the existing certificate.

2. Extend the maturity date of the certificate.

These changes in savings rates at a time of rising interest rates on home mortgages leads only to increasing inflation.

Thank you for your consideration in this matter.

Sincerely,

JOHN A. WILLIAMS,
Mortgage Loan Department.

UNITED FEDERAL SAVINGS AND LOAN,
July 25, 1973.

Hon. L. H. FOUNTAIN,
House of Representatives,
Washington, D.C.

DEAR MR. FOUNTAIN: Recent actions of the Federal Reserve have created problems in the savings and loan industry. We have been forced to raise our own rates just to retain those funds that we now hold in savings. By raising savings account rates it will force mortgage interest rates up, thereby slowing down the number of housing starts.

By having to increase savings rates will cut the margin of profit to a bare minimum until the higher mortgage rates can offset the loss being experienced on all of the low percentage loans now outstanding.

Many associations throughout this country, and I would venture to say almost 100% have mortgage loans with rates as low as 4% which is a real drag on our industry. Back when these loans were made, rates were not changing as fast as they are today. One could make a low percentage loan and not worry about an economic loss. However, this is not the case today because even the 6% loans made a few years ago are experiencing losses. Unlike our friends in the commercial banking business, their loans are paid off in a much shorter period of time and at a much higher rate of interest which gives them more flexibility and the ability to pay higher rates.

Under the new rules, they have been given an advantage of automatically increasing interest rates on outstanding certificates and we have not. This has been brought to our attention on several different occasions.

In my opinion, congressmen should study our market conditions and determine why such action has been taken to cause confusion and continued inflation.

Thank you for your time and concern in this matter.

Sincerely,

R. C. WINSTEAD,
Vice-President and Loan Officer.

JACKSONVILLE FEDERAL SAVINGS AND LOAN ASSOCIATION,
Jacksonville, Fla., July 24, 1973.

Hon. CHARLES E. BENNETT,
U.S. House of Representatives,
Washington, D.C.

Re bank-savings and loan rate war.

DEAR CHARLIE: You are certainly lucky that you are not in Jacksonville today, trying to buy a home. For about the last three or four months, as you know, the financial picture has been getting gradually tighter, but mortgage money was still fairly plentifully available around Florida. The price had edged up a little, but not more than ¼ or ½ point.

But that situation has now changed drastically. When the Federal Reserve turned the commercial banks loose with a—wild card—no limit-type of CD, the weekend of July 5th; it has created a situation which could well result in drying up the mortgage market completely.

In our particular case, a commercial bank across the street from us, immediately started offering 7¾% (effective yield—8.06), four year certificates. This was drained off a large number of our accounts.

In general, the commercial banks are able to pay a higher rate on these certificates, because they charge so much more on a big category of their loans, types that we cannot even make at all. On their automobile financing, credit card, consumer loans, etc., they charge an add-on interest rate, which results in a yield to them of between 15 and 20%. There is just no way that a Federal can lend on single-family housing, or any housing for that matter, and produce this kind of return.

With the gradually tightening money situation of the last three or four months, and then the cataclysmic chaos, and rate war of the last two weeks; it has already forced some of the lenders out of the market altogether. They have stopped taking applications on many types of loans, until the situation clarifies to some extent.

If the savings and loan business is going to be able to continue to finance two thirds of the homes in America, some protection must be given our savers, so that their money will not be drained off into the commercial banks, high rate—short term-business oriented—lending.

There are several bills before the Congress now which could reinstate long standing rate differentials, which have made it possible for our business to finance the majority of American homeowners.

The whole housing industry would appreciate anything that you can do—and the sooner, the better—to restore some order to the savings picture.

Very truly yours,

JACKSONVILLE FEDERAL.
W. M. MASON, Jr.,
President.

JULY 31, 1973.

Hon. WRIGHT PATMAN,
Chairman, Banking and Currency Committee, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I am enclosing for your consideration an extract from correspondence from one of my constituents.

As you will observe he is pointing to recent actions taken by the Federal Home Loan Bank Board and the Federal Reserve's Board of Governors in their regulation of savings and loan companies, which seem to result in a discrimination against savings and loan associations. I imagine you are receiving similar reports from others, but thought you might wish to have this in considering what, if any, legislative action may be appropriate.

Thank you for your attention to this matter.

Sincerely,

JOHN F. SEIBERLING,
Member of Congress.

(Attachment.)

I feel, that a month ago, there were hundreds of thousands of satisfied savings customers in the United States. Today, there are hundreds of thousands of dissatisfied and confused customers, even though higher rates are being offered. In early July, The Federal Reserve Board announced the change in rates which allowed banks to offer new rates on their savings accounts and savings certificates. The Federal Home Loan Bank also announced changes for the Savings and Loan industry.

First, it seems to me that one change which the Fed allowed has been somewhat defiant of Congressional action. Congress had approved the rate control extension bill dated 6/29. It controlled rates to be paid savers by both banks as well as savings and loans. On July 5, when the Fed announced a new schedule of savings rates, it included a wild card category whereby there was no interest rate ceiling on CD's of four years or longer, with a minimum denomination of $1,000. What good is rate control with this kind of loophole permitted by the Fed?

Finally, the increased savings rates and resulting increased costs can be paid for only by the home buyers and home builders. Rates of 8–8½% are now standard for real estate mortgages. At a time when many people still need to be housed, it does not seem wise to be driving up mortgage interest rates. It appears to me that the precipitous action taken by the Fed, followed by our Federal Home Loan Banks, has not helped the financial industry to attract funds or, for that matter, hold funds that might seek much higher interest rate yields.

FRANK MANCINI RETIRES

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. MINSHALL of Ohio. Mr. Speaker, I regret to inform you that on June 30, 1973, an outstanding man, a credit to his community and to Federal service, retired after 31 years of service with General Services Administration. The man to whom I refer is Frank W. Mancini.

Mr. Mancini began his Government career in 1942 as an operating engineer at the Navy Finance Center, then located in the old Higbee Co. building in Cleveland. Soon after, he was promoted to building manager in charge of maintenance of all Government owned and leased buildings in the city of Cleveland.

Because of his impeccable record, experience and ambition, Mr. Mancini was shortly thereafter promoted to area manager, supervising maintenance and improvements in all Government buildings located in a 44-county northern Ohio area.

Always affable and understanding, Frank has the reputation of "getting along" with the hundreds of maintenance employees in the area, and of dealing sternly, yet fairly, with contractors and suppliers. A dedicated and capable Government employee, Frank Mancini, who numbers U.S. Senators, Congressmen, judges, and agency heads among his many friends, will be missed around Ohio's Federal establishments.

Along with his many other friends and associates, I would like to extend to Frank W. Mancini a hope for happiness and good health in his retirement.

AN OUTSTANDING NEWSPAPER CAREER

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. JOHNSON of California. Mr. Speaker, during the month of August an event of significant importance in the newspaper profession in the State of California will take place. This is the retirement of Mr. Carl Greenberg, longtime political writer for newspapers of Los Angeles.

At the present time Mr. Greenberg is serving as a staff member of the Los Angeles Times. It does not seem possible that the time has come for Carl to retire and those days when we served together in Sacramento are so far in the past.

I knew Carl when I was a member of the California State Legislature and he was covering the legislature so ably for the LA press. During that period, I was tremendously impressed with the dedicated, thorough reporting. He always dug deep and came up with the facts. The resulting presentation to the newspaper readers of the LA area and all of southern California of the activities in the State capitol conveyed to these readers the true comprehensive picture of what was happening in the State government.

In this manner, Carl contributed tremendously to good government at the State level. There are few in his profession that have contributed more.

During the years that I have served in the House of Representatives, I have continued to follow, through the press, his fine reporting. My respect for the outstanding job continues to be great.

As Carl leaves the Los Angeles Times, he can do so with the knowledge that our State and its people have benefited greatly from his knowledgeable reporting of public affairs over the years. May I take this opportunity to extend to Carl my heartiest congratulations on an outstanding career and say that I hope that his retirement will be all that he wishes and certainly deserves.

AMERICAN AUTO INDUSTRY

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. VANIK. Mr. Speaker, America's automobile industry is enjoying one of the best years in its history. American automakers sold more cars in the first half of 1973 than in any other previous 6-month period since the auto was invented. Domestic sales from January 1, 1973 through June 30 totaled 5,214,623, almost 600,000 units more than the previous 6-month high. The profit figures of the Big Four reflect this trend. Ford Motor Co., for example, experienced second quarter profits 39 percent above the same period a year ago. First half profits increased 41 percent over 1972.

Behind the figures, however, I am concerned that the American automobile industry is seriously misjudging the shifting character of consumer demand for automobiles. Evidence to bolster my apprehensions is appearing in the statistics of the market demand already compiled for 1973. In short, I am concerned, Mr. Speaker, that the automobile industry is not reacting quickly enough to rapidly changing consumer tastes. The result could be a serious decline in automotive sales in 1974, placing millions of workers in jeopardy.

APATHY IN THE AUTO INDUSTRY

Manufacturing automobiles has become a central institution in our economy. The Motor Vehicle Manufacturers Association proudly proclaims that 1 out of every 6 employed persons in the United States works in the manufacture, distribution, maintenance, and commercial use of motor vehicles; 1 out of every 5 of the nation's 311,464 wholesale establishments sell automotive products; and 1 out of every 4 retail dollars is spent for automotive related purchases.

The impact of the Big Four is so pervasive that one analyst of the industry has quipped, "When Detroit sneezes, the Nation catches a cold."

In view of the vast importance of the auto industry to the health of our economy, it is absolutely essential that the management in Detroit be innovative and responsive. Unfortunately, past events in the industry do not allow much room for optimism.

The threat of foreign competition has been continually hanging over domestic producers. There have been no periods of serious market penetration by foreign manufacturers. The procrastination of Detroit in meeting these challenges provides a clear example of the lack of astute judgment by management in Detroit.

The first period of increased foreign imports occurred in the late 1950s. By 1959 import penetration had reached 10 percent of the domestic market. To counter this trend, the manufacturers finally introduced the compact. The compact was tremendously successful because it met the demands of the American consumer for an economical, dependable automobile. By 1962 compacts soaked up 31 percent of domestic demand and the share of imports was reduced to 3 percent.

But the industry was not content with the small car market—it tried to goad the consumer to larger, more expensive models. For this reason, the advantage the automakers gained with the introduction of the compact was gradually eroded through the sixties. The automakers' reluctance to meet the desires of the consumer precipitated the second import crisis, which reached significant proportions by 1968.

Import sales reached 1 million units in that year. By 1969, 1.1 million units were sold; by 1970, the total reached 1.3 million units. Their share of the market has expanded from 7.3 percent in 1966, to 11 percent in 1969, and 13 percent in 1970. Against this background the manufacturers began—slowly—to readjust their marketing strategies; 1970 saw the introduction of the subcompact.

The response occurred only after a good deal of hesitation, confusion, and procrastination by management in Detroit. In May of 1968, GM's President Edward N. Cole commented on the flood of imports:

> We don't know why it is happening, but there has got to be some kind of solution.

Even with the introduction of Detroit's new line of subcompacts, it is clear that the dedication of the automakers to provide Americans with a low cost, efficient automobile is shallow.

Detroit's efforts have not been impressive. The American subcompact has had surprisingly little impact on the foreign car boom. The total foreign car import for the first quarter on this year was 15.7 percent of the domestic market—up 7 percent from the first quarter of 1972.

The simple fact behind all these maneuvers by the managers of Detroit is that the American consumer wants a low cost, efficient automobile which gets lots of miles to the gallon. But the automakers do not want to admit this fundamental fact. Instead, they are more concerned with creating a demand for their more luxurious—and more profitable large, overpowered cars—demand encouraged by limiting the appeal of their smaller cars.

They are fearful of "locking in" these customers into the subcompact class: "Make the product too appealing," they appear to be saying, "and you might find they would not want anything else." The failure of Detroit to respond adequately to consumer demand has cost the jobs of American workers. For every car imported, Detroit loses the opportunity to make and sell one more car.

The second area in which the automakers of Detroit have displayed less than astute business sense is in the area of pollution control. It should not have been difficult to see during the decade of the sixties that air pollution—particularly from automobiles—was reaching crisis proportions. Something was going to be done. Unfortunately, the automakers were not the ones to do it. It was not until the Congress took positive and forceful action with the passage of the Clean Air Act that the problem of automobile air pollution was thoroughly addressed. The National Academy of Sciences offers this revealing criticism of the management in Detroit.

> It is unfortunate that the automobile industry did not seriously undertake such a program on its own volition until it was subjected to governmental pressure. A relatively modest investment over the past decade, in developmental programs related to emissions control could have precluded this crisis that now prevails in the industry and the nation.

Undoubtedly, many of the problems the Big Four presently find with the Clean Air Act standards could have been avoided, if they had been willing to cooperate more actively in their formulation.

The failings I have outlined do not arise from extraordinary challenges. Every businessman—from the corner baker to the biggest industrials—must learn to forecast changes in the market in order to maintain his competitive advantage. If he does not learn to "roll with the punches" he will soon fail. It is the job of management to anticipate these challenges, assess their importance, and formulate adequate responses. It is in this central responsibility that the managers of Detroit have not been impressive.

Mr. Speaker, if one fact is clear from all the exposure the "energy crisis" has received, it is that the era of cheap energy is over. The American consumer will no longer be able to cruise along the Nation's highways confident of inexpensive and plentiful supplies of gasoline. In fact, until the problems of our intermediate supply are solved, gasoline shortages will be a fact of life for the near future. At the same time, it is not inconceivable that gasoline prices will climb to 50 and 60 cents a gallon in the next decade.

To get an indication of the adequacy of Detroit's response to our growing gasoline shortages, my staff and I conducted a market survey of autodealers in the Cleveland, Ohio, area.

During the last 2 weeks of July my office contacted 46 Cleveland area automobile dealers. Acting as individuals interested in purchasing a car, my staff requested of each dealer information on the availability of various automobile lines from subcompact to intermediate. The results, I think, are significant. The data reveals that the autodealers are particularly unequipped in meeting the public's demand for smaller, more efficient, and economical automobiles.

Generally speaking, compacts and subcompacts were immediately available only in seriously limited numbers, or not at all. An individual wanting a small car would be forced to wait anywhere from 1½ to 4 months for delivery. On the other hand, larger, medium, and intermediate size automobiles were in greater supply at the dealerships, although the waiting period for these models were comparable.

[Available for immediate delivery]

Dealer and model	Number	Waiting period[1]
Ford Motor Co.:		
A:		
Pinto	1	4-6 weeks.
Maverick	2	
LTD	20	
B:		
Pinto	0	Unsure.
Maverick	0	
LTD	4	
C:		
Pinto	0	Mid-September.
Maverick	0	
LTD	7	
D:		
Pinto	10	Unsure.
Maverick	10	
LTD	20	
E:		
Pinto	0	End of September.
Maverick	0	
LTD	8	
F:		
Pinto	2	4-6 weeks.
Maverick	0	
LTD	4	
G:		
Pinto	3	Sept. 20.
Maverick	4	
LTD	0	
H:		
Pinto	0	Mid-September.
Maverick	2	
LTD	3	
I:		
Pinto	3	September.
Maverick	5-10	
LTD	(2)	
J:		
Pinto	0	Do.
Maverick	3	
LTD	20	
General Motors:		
Chevrolet Division:		
A:		
Vega	0	End of September.
Nova	2	
Impala	150	
B:		
Vega	4	Unsure.
Nova	5	
Impala	100	
C:		
Vega	1	Early October.
Nova	3	
Impala	50	
D:		
Vega	1	Mid-September.
Nova	2	
Impala	50	
E:		
Vega	2	September-October.
Nova	2	
Impala	20	
F:		
Vega	1	Early September.
Nova	0	
Impala	15	
G:		
Vega	4	October-November.
Nova	0	
Impala	(3)	
H:		
Vega	1	September-October.
Nova	0	
Impala	(3)	
I:		
Vega	2	Early September.
Nova	4	
Impala	(3)	
J:		
Vega	1	October.
Nova	4	
Impala	(3)	
K:		
Vega	20	Do.
Nova	20	
Impala	(3)	
Pontiac Division:		
A:		
Ventura	0	
Catalina	0	
B:		
Ventura	3	Late September.
Catalina	100	
C:		
Ventura	5	October.
Catalina	60	
D:		
Ventura	3	Do.
Catalina	50	
E:		
Ventura	5	End September.
Catalina	20	
Oldsmobile Division:		
A:		
Omega	1	Late September.
88 Series	36	
B:		
Omega	4	Do.
88 Series	25	
C:		
Omega	3	Late September/ October.
88 Series	13	
D:		
Omega	1	October.
88 Series	8	
E:		
Omega	0	September.
88 Series	4	
American Motors:		
A:		
Gremlin	2	August.
Hornet	0	
B:		
Gremlin	0	September.
Hornet	0	
C:		
Gremlin	1	August.
Hornet	1	
D:		
Gremlin	2	September.
Hornet	0	
E:		
Gremlin	3	Early Sept.
Hornet	0	
F:		
Gremlin	8	6-7 weeks.
Hornet	0	
G:		
Gremlin	2	4-6 weeks.
Hornet	2	
H:		
Gremlin	2	September.
Hornet	1	
Chrysler-Plymouth:		
A:		
Dart	7	Late September.
Valiant	0	
Fury	50	
B:		
Dart	0	Mid-August to mid-October.
Valiant	24	
Fury	5-6	
C:		
Dart	(3)	October.
Valiant	12	
Fury	20	
D:		
Dart	(3)	Do.
Valiant	1	
Fury	11	
E:		
Dart	(3)	September-October.
Valiant	2	
Fury	5	
F:		
Dart	30-50	Unsure.
Valiant	5	
Fury	20	
G:		
Dart	(3)	Do.
Valiant	5	
Fury	5	

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[1] For cars on order from the manufacturer.

(2) Many.

(3) Dealership does not carry this model.

From the 45 dealerships sampled, it is clear that subcompacts and compacts are simply not available in significant numbers in the Cleveland area. Of the Ford dealerships, only 19 Pintos were on hand. With the Chevrolet Vega, a similar picture emerges with the exception of one dealership which had 20 on the lot. Of the five Oldsmobile dealerships only nine Omegas—the new compact—were available. American Motors dealers had the most depleted inventories. Our sample of eight dealerships turned up only 20 Gremlins and 4 Hornets.

The blame for depleted inventories does not lie with the individual dealers. Repeatedly, during the survey, my staff was confronted with such dealer comments as, "I could sell a Pinto a day, if I had them," or "You just cannot find small cars." The root cause of the scarcity rests with the manufacturers in Detroit. Their inadequate assessment of market growth has led to the perilously low inventory levels which I have uncovered in this survey.

From the standpoint of the consumer, the results are significant. An individual rarely goes into a dealership with a set idea of the type of car he wants. He must balance a number of factors including optional equipment, trade-in value, any special dealer packages, and, of course, new car availability. With waiting periods of the length evidenced in my study, the consumer interested in an economical automobile is left stranded. He must either buy what is available, wait the several months to get what he wants, or turn to foreign alternatives.

The Automotive News has detailed the changing nature of the automotive market.

SHIFTS IN MARKET SHARES

Percent change in penetration June 1973 v. 1972

Subcompact	+24.8
Compact	+17.7
Import	+12.4
Luxury	−5.4
Intermediate	−6.7
Standard	−17.9
Medium	−19.8

(Based on retail sales reported by makers.)

With economy-sized small cars unavailable for immediate delivery, increasing numbers of American consumers are turning to foreign cars. In June, while the domestic market expanded to record proportions, foreign sales totaled 175,400 or 16.2 percent of the total market—a record high. It is clear that foreign sales are strong and growing stronger. If Detroit does not take positive steps in meeting consumer demand our balance of payments and ultimately the jobs of millions of Americans will be jeopardized.

It is clear to me the automakers understand that the American automobile is undergoing fundamental change. Henry Ford recently stated that subcompacts, compacts and foreign cars will absorb a greater proportion of the market, "probably as high as 50 percent by 1977." In order to take advantage of this expanding opportunity, the industry will have to abandon some of its time-honored marketing and promotional practices.

For the automaker the margin of profit on a larger, heavier car is considerably greater than the profit which can be made on a smaller car. As a result, Detroit is constantly pressuring its customers to "trade up." They accomplish this task in essentially two ways. First, they limit the appeal of their smaller cars chiefly by limiting the options available on them. Second, they increase the size of their existing lines.

These practices must be abandoned. Innovative strategies of marketing and promotion must be developed to satisfy the real needs of the American consumer. To encourage and promote changes that must be made, I have introduced the Fuel Economy Act of 1973. By establishing a graduated excise tax based on fuel economy on each new car, this proposal would force automakers to incorporate fuel economy as part of their business strategy. This is not an effort to hammerlock the industry; the tax is imposed in model year 1977. I want industry to have enough time to assess the impact of the tax and act accordingly.

The data I am releasing today indicates that the automakers in Detroit have not been active in meeting the demands of the burgeoning small car market. The management of the Big Four must take immediate, affirmative action to adjust their production schedules and promotional practices to meet the rapidly changing character of today's market. No less than the prosperity of the industry and the health of the economy is at stake.

RESULTS OF PUBLIC OPINION POLL

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. COLLIER. Mr. Speaker, the results of my 17th annual public opinion poll indicate an increasing awareness and concern for national issues on the part of the residents of the Sixth District of Illinois.

Nearly 27,000 persons took time to record their thoughts on 13 questions, and when you consider that this response is many times the size of the average sampling used by professional pollsters, I believe the results will be of interest to my colleagues.

The complete results follow:

Are you in favor of granting unconditional amnesty to draft dodgers and deserters? Yes: 12.87%; No: 86.29%; No Response: 0.84%.

Do you favor U.S. aid for post-war reconstruction of South Vietnam? Yes: 42.19%; No: 55.37%; No Response: 2.45%.

Do you favor U.S. aid for post-war reconstruction of North Vietnam? Yes: 11.25%; No: 86.48%; No Response: 2.28%.

Would you favor diverting 1c per gallon of the Federal Gasoline Tax (Highway Trust Fund) to aid mass transit? Yes: 74.40%; No: 24.45%; No Response: 1.14%.

Would you favor legislation providing for no-fault automobile insurance on a national basis? Yes: 76.46%; No: 18.14%; No Response: 5.40%.

Do you approve of the President withholding certain funds authorized by Congress in order to keep Federal spending under control? Yes: 69.16% No: 28.70%; No Response: 2.15%.

Do you favor extending deadline dates for meeting environmental standards where necessary to cope with the energy crisis? Yes: 66.42%; No: 30.71%; No Response: 2.86%.

Do you favor re-imposing nonflexible wage and price controls for a period not to exceed one year? Yes: 66.26%; No: 30.20%; No Response: 3.54%

Would you support an amendment to the Education Appropriation Bill banning use of Federal funds for school busing programs established to achieve racial balance? Yes: 68.93%; No: 29.51%; No Response: 1.57%.

Do you believe reporters should be given complete immunity from revealing their news sources? Yes: 49.99%; No: 47.39%; No Response: 2.62%.

Do you believe capital gains should be treated as regular income for tax purposes? Yes: 52.76%; No: 42.88%; No Response: 4.36%.

Do you think the emergency powers of the government should be expanded to deal with strikes seriously affecting health, safety and welfare on a regional basis, as well as on a national basis? Yes: 80.94%; No: 17.49%; No Response: 1.57%.

Do you approve of the Supreme Court ruling that abortions are permissible under certain circumstances? Yes: 72.21%; No: 25.58%; No Response: 2.21%.

(NOTE.—All percentages were calculated to four decimal places, then rounded off, so totals do not always equal 100%.)

ON LOVING MY COUNTRY

HON. HERMAN E. TALMADGE

OF GEORGIA

IN THE SENATE OF THE UNITED STATES

Friday, August 3, 1973

Mr. TALMADGE. Mr. President, recently brought to my attention was a powerful and eloquent sermon delivered on July 1 by Minister W. Frank Harrington, pastor of Peachtree Presbyterian Church.

Dr. Harrington entitled his address, "On Loving My Country," and I found it an inspiring testimonial on both the greatnesses and weaknesses of America.

I commend this very fine address to the attention of my colleagues and ask unanimous consent that it be printed as an extension of my remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ON LOVING MY COUNTRY

(Text: Amos 7:10–17)

I like the coming of the 4th of July each year because it is a time to remember our heritage as a nation. All over our nation in the days that lie just immediately before us there will be colorful parades and bands will be playing . . . and patriotic banners will be waving, and little children will be standing on street corners with flags of our country in their little hands.

I have noticed in recent months an increasing number of bumper stickers carrying the message, "America: Love It Or Leave It!" Now, this admonition is not easily dismissed. It confronts one with a distinct challenge! I would like to ask a psychiatrist sometime what it is that causes something in our psychic to desire to express something on a bumper sticker—or on our license plates.

I was driving toward the center of town one day this week and I saw a license plate that said, "GRR." That intrigued me! And so I weaved through the traffic to find out who would be driving such an antagonistic kind of car, and it was a little lady about seventy-five sitting there driving it! I wonder what it was that welled up out of her psychic to put "GRR" on her license plate!

But I've noticed this bumper sticker, "America: Love It or Leave It", and it confronts us with a challenge. Is it really asking us too much to say that we should love our country? If we do not love it, and cannot love it, is it really too much to suggest that we leave it and find a country that we can love? It's not an easy statement to read and dismiss for it poses other questions. How does a Christian love his country? How do we get our churchmanship and our citizenship together?

"America: Love it or leave it!" . . . To be very candid, now, I find it easy to be sympathetic with that statement. I speak to you today as one who unapologetically and unhesitating says he is patriotic! I still like to hear the "Star Spangled Banner", and sing the songs of patriotism . . . and make no apology about it! And so it is easy for me to be sympathetic because there is so much about our country that one can love.

I have little patience with those who want to destroy it. My forefathers, as did yours, came to this land, many as indentured servants, seeking freedom and they won it with blood, toil, and sacrifice. And having won it they did not hoard it as a selfish possession to be enjoyed by their generation but they passed something on to us—the torches to be tended by us—and passed on to succeeding generations to our children and to our children's children if possible!

I can remember as a lad hearing the stories from my grandfather, who told of saddling the horse for his father, who rode up one side of Black River and burned the bridges so that Sherman's army couldn't cross and destroy our section of South Carolina. A part of my upbringing has been to have a respect for and a love for one's country and its heritage. I find it easy to be sympathetic with the statement. . . . Who, for example, can read the Declaration of Independence and not respond with a strong affirmation of love for his country? Who can read the Bill of Rights and not stand more erect? Who can read the Constitution of this republic and not be grateful for the authors and appreciative of the protection that it offers for the least and the lowest citizen of this land? I find no embarrassment in unashamed patriotism and love for my country! I rather like the stanza of that hymn that goes . . .

"My native country, thee, Land of the Noble Free, Thy name I love. . . ."

This land of ours has great beauty . . . It has a rich variety of people . . . Its record of achievements is breathtaking. . . . And all around the world today, while we are criticized, we are still looked up to as a symbol of hope and freedom!

Again, I repeat, because I love this country, because I love all that it professes to be and aspires to be, I am inclined to be sympathetic with the slogan . . . "Love it or leave it!"

If man has no love for his country, can find nothing in it worthy of his devotion, and is not in sympathy with its professed ideals, he had best go where he can invest his life with joy and fulfillment! Such a man should not leave in disgrace, but should be permitted to go with dignity and freedom, but he should go!

Walter Scott put it this way:

"Breathes there the man, with soul so dead,
  Who never to himself hath said,
This is my own, my native land,
  Whose heart hath ne'er within him burned
As home his footsteps he hath turned,
  From wandering to a foreign strand."

"Love it or leave it!"

But the deeper questions come back when we ask, What does it mean to love our country? To whom are these bumper slogans addressed? "Love it or leave it." What motivates their widespread distribution? Love, we are told in an old adage, "is blind." We know from experience this is true because our love for our children and our families is often blind, but we know that this kind of blind love is not in the best interest of those we love. In the long-run it is a very weak kind of love that does not and cannot face the realities involved. A mother, for example, who insists on the perfection of her son despite the obvious faults in his life is frightened. A mature love would say . . .

"I know that my son is not perfect, but, nevertheless, I love him and I'm trying to correct his faults."

Likewise, the person who says, "My country, right or wrong," is, in my judgment, going too far! If it is suggested that we should leave America rather than challenge the ills of this nation, then we are being called upon to give an infantile love, and being challenged to live by illusions and to ignore the seeds of destruction already growing in our native soil!

Again, the question that this sermon poses comes with a haunting persistence . . . "What does it mean to love our country?"

(1) *In the first place, it surely does not mean a refusal to confront its problems!*

The blemishes that disfigure the face of our nation, the malpractices that in the past have distorted justice must be dealt with and confronted! I have, thank God, been privileged to visit some of the great cities of the world. In Paris and in London, in the late afternoon and early evening, Sara and I walked through the parks and thoroughly enjoyed ourselves. We felt safe and secure.

Billy Graham, in an interview this week with the Atlanta Magazine, expressed a similar feeling when he said he could walk through the parks, I believe, in Singapore and feel secure. "But in the great cities of our own country I would not walk through the parks at night. I would be afraid to do so!"

It is sad, but true, that we lead the world in crimes of rape, robbery, and assault! Our homicide rate is more than twice that of Finland, and from four to twelve times higher than the rates in a dozen other countries of advanced civilization. The past decade has seen a 200 percent increase in arrest rates on charges of robbery involving boys from 10–14 years of age.

Last night's paper said there has been a 12% increase in crime in Atlanta. . . . And one who lives in this city must come to realize that we have a crime and homicide problem of immense proportions! Just this past week a high police official was quoted as saying that the high instances of breaking and entering homes and robbing innocent people was just a part of an increase in crime trend in our day!

An article in Fortune magazine recently pointed out that 75 percent of all crimes remain unsolved!

My friends, we can no longer dismiss the decadence of our day as a mere mundane statistic or just an indication of a developing trend because we have more people! Surely, to love my country does not mean that I have to accept the evils that exist and the pestilence of vice that stalks our land without calling upon us as Christian men and women as citizens to wake up and face the situation that we confront!

This leads me to observe . . .

(2) Secondly, that surely loving my country does not mean that I should leave it rather than speak out!

The fact is that many people who say, "America: Love it or leave it" are not thinking of the well-being of the country at all. They are thinking of themselves, their own pleasures, and their own comfort. They feel that they have it made, and they do not want anything or anyone to upset their plans for the future. They would like to put everything disagreeable out of sight. Just as we want our criminals in jail, our mentally disturbed in hospitals, the sick under sedation, the aged in places far from our homes, the poor in the ghettos, the war over there and not here . . . so they would like to push the crying needs of our nation out of sight! It can't be done!

So, if anyone begins to press for action . . . the whole prospect of dragging the evils in the open is so upsetting that they would rather the critics leave than say anything!

Loving our country demands that we say something about the evils that will destroy us! Let's not forget that many of the men and women who are great in our eyes today, as great patriots, were not so thoroughly loved and respected by their contemporaries.

Last night I took off at the National Airport in Washington, and the great plane, as it soared up into the heavens, circled over the city and there dotting the ground below was the Lincoln Memorial, the Washington Monument, the Jefferson Memorial, the White House and the Capitol, and one could not help but remember and appreciate our heritage as a nation.

As I looked down at the Jefferson Memorial I remembered that Jefferson, the author of the Declaration of Independence, was accused by his fellow countrymen of leading the country into rack and ruin because he was critical of some of the problems that existed.

John Adams was roundly criticized for championing an unpopular cause. You see, any tampering with the "status quo,", which may be soundly evil, always brings the cries of protest.

Now the prophets of the Old Testament really loved their country, and they were almost without exception cruelly treated and maligned because they brought a message from God which spoke with telling clarity to the evils of their day. I read in your hearing today an eloquent passage from the Book of Amos. Amos, in his day, was regarded as an outside agitator. He came from the country down South and he went up North to speak to the cities there. He had been a tender of sycamore trees, and came to the big city where he observed the oppression of the poor by the wealthy and the well-to-do. Amos, by the way, was not a clergyman—he was not ordained—he was a concerned layman.

And, so it was that under the compelling power of the Spirit of God Amos spoke out, and if you will read the book that bears his name you will read some of the most striking, terse, direct, and passionately poetic lines to be found in the Bible! In a time of substantial security for his nation he lifted his voice in the name of God to protest what he saw because he loved his country. What he said to his nation because he loved it is what I want to say to you today as citizens of this community and of this land. He said:

"God rules over and judges all men and all nations. There will come a time of accounting when all men will sit at a table of consequences!"

And I tell you the situation that is revealed on our television sets every day in these Watergate hearings just sickens a person! To realize that in the highest echelons of our nation's government men have perjured themselves.

I am reminded of what Hambone wrote. Do you know who Hambone was? He was a cartoon character on the front page of the News & Courier when I grew up. And one day Hambone said, "The truth stands by itself—but a lie, you have to keep propping it up!"

And that's what is happening! Amos said:

"God demands righteousness of His people; by their fruits you shall know them!

"God condemns social as well as personal sins. He believes that we are our brother's keeper!"

And as Amos looked about him he saw a wayward and complacent nation, and in his own words he said,

"God desires that justice roll down like waters, and righteousness like an everlasting stream!"

I love my country, but my love for it is more than sentiment. My love for it must find expression in the establishment of justice, and the ordering of society for the welfare of all citizens. Love of God and love of nation need not be in conflict! Love for God will be manifested in our attempt to realize the ideals of a nation reflecting the righteousness of God! To love my country, therefore, requires that I seek to make known to all men the nature of God as He is revealed in Christ!

So, we come back to where we began . . . "America: Love it or Leave It!"

As for me, having viewed it in some perspective from across the sea. I have no intention of leaving but I do, as a Christian minister, intend to speak out concerning the sins of this nation! It would be a betrayal of our faith ever to dilute our moral influence for the sake of expediency. We abhor moral mediocrity! Christian ministers who must in some measure maintain constant scrutiny over the political life of the nation should always be brave enough, whatever the embarassment in terms of political pressure, to speak boldly where moral issues are involved!

I would rather my church be wrong than to say it has no message at all for a world that needs every urge to righteousness. And this, I believe—the major weakness of our time has been a departure from the fundamentals! Our age has been full of techniques without principles . . . material possessions without spiritual power, tactics without strategy, skill without character, a demanding of rights without an acceptance of responsibility! Our time knows how, but it has not sufficiently known what and why!

We have not learned that the training of a man's mind, without the education of his heart and the feeding of his soul, is filled with peril, for what we have done, if we leave out the spiritual nurture, is to create a clever devil! The entire decade through which we have just passed has been marked by an increasing toleration of wrong! It is, therefore, high time for us to return to the fundamentals—the knowledge and the love of God, loyalty to His truth, obedience to His will, eagnerness to live in the Spirit of Christ and make brotherhood a reality on earth!

Let me close with two statements. The first was written on June 12, 1775 and it's called, as it was issued by the Continental Congress meeting then—and they knew that war was imminent with a mother country, since that day, a "Declaration of Dependence Upon God." In a most specific way it reflects the religious outlook that prevailed in colonial America. It reads:

"This Congress do earnestly recommend that Thursday, the twentieth day of July next, be observed by the inhabitants of all English colonies on this continent as a day of public humiliation, fasting, and prayer; that we may, with united hearts and voices, unfeignedly confess and deplore our many sins, and offer up our joint supplications to the all-wise, omnipotent, and merciful disposer of all events; humbly beseeching Him to forgive our iniquities, and to remove our present calamities!"

Each of us can do his part to bring this spirit of dependence upon God increasingly into our government, especially in these critical times when so much misery has come about because men have abandoned or defied Him!

Then Jonathan Wainwright, one of the captured generals during World War II, immediately following the victory of the free world, was flown back to the United States. He had been starved, mistreated, and whipped while an enemy prisoner. On Thanksgiving Day 1945, he prayed this prayer:

"Oh, God our Father, today we give thee thanks for the things we take for granted, for freedom, for security of life for loved ones. We thank thee that once again men may have hope, the opportunity to work and plan for a better future, a chance to secure peace and an ampler life for themselves and their children. Keep us humble in the day of victory; make us wise in the presence of great problems, strong and brave in the face of danger, and sympathetic and generous as we face the appalling need of a war-torn world. In gratitude for all who paid the price of victory, we now ask thy guidance as we dedicate ourselves to that cause for which they gave the last full measure of devotion. . . . Lord of hosts, be with us yet . . . lest we forget . . ."

"God bless our native land!
Firm may she ever stand,
Through storm and night,
When the wild tempests rave,
Ruler of wind and wave,
Do thou our country save
By thy great might!"

HOW OIL COMPANIES CONTROL COAL

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Ms. ABZUG. Mr. Speaker, with all the talk of an energy crisis, one tends to forget that we own at least three to four centuries' reserves of coal. Why are we then experiencing shortages? Why are we underutilizing our most plentiful energy resource? First, the technology of coal production poses several problems: underground mining endangers human lives and strip mining threatens the environment. Second, the burning of coal yields unsafe pollutants. Yet scientists have been saying for years that all of these obstacles can be overcome. According to their predictions, we should now be benefitting from perfected methods of producing and employing coal. Why are we still unable to employ our vast reserves?

That question cannot be directly answered at present. But our search for the answer indicates why we find no answer—our search takes us to the several other major industries which own and control much of the coal industry. According to the current United Mine Workers Journal, 11 of the 15 largest coal companies are controlled by outside concerns, by America's largest corporations representing businesses with a less-than-impartial interest in the future of coal.

At a time when an oil shortage threatens our Nation's health and welfare, as we learn of fuel shortages expected to affect our homes, schools, hospitals, and offices this winter, the status of the potentially-booming coal industry becomes most relevant, I do not subscribe to the argument of big business that relaxation of environmental standards is necessary to realize the potential of our coal supplies. First, we should take a good look at the complex interrelationships among the giants in the industry and examine their profit-motivated practices which result in higher prices for the consumer. In this regard, I commend the following UMW Journal article to the attention of my colleagues.

The article follows:

THE NEW ENERGY BARONS: HOW BIG OIL CONTROLS THE COAL INDUSTRY

(By MATT WITT)

UMWA coal miners have been fighting coal operator control over their lives ever since the union was formed in 1890: company stores, company doctors, company houses, company wage cuts in hard times, company discrimination against immigrant or black miners, company firing of safe workers—in short, domination over those who risk death or injury or dust-filled lungs to bring the black wealth out of the ground by those who take the profits home.

In 1973, the battle continues. Throughout the coalfields, miners are already talking about the 1974 contract struggle, and many of the goals you hear discussed are the unachieved goals of the past—pay for the sick worker and care for the widows and disabled, a decent living through automatic raises during inflation, the right to enjoy some sunlight through decent vacations and pensions, the right to fearlessly demand safety and to bid on jobs without discrimination, protected by a clear and readable grievance procedure.

There's a lot of talk, too, about the fight between energy companies and the public, known as the "energy crisis." We hear about how coal miners' jobs are being threatened by the failure to develop sulfur pollution controls—and how coal miners' paychecks are being gutted further by 40 cents-a-gallon prices for gas. And large coal companies now are talking about the high profits of western mining at the expense of existing jobs in the East or Midwest.

In 1973, the battle continues, but there is an important change that makes the contract and energy fights that much tougher. The coal barons have changed.

Today's big coal companies aren't just selling groceries to a few captive communities or deciding the future of jobs for a few hundred miners. In fact, today's big coal producers are in most cases not really coal companies at all. Instead, they are divisions of some of the largest and most powerful oil and metal corporations in the world, corporations which are selling an "energy crisis" to an entire captive nation for a high economic and environmental price, and which are attempting to decide from an oilman's point-of-view the future of jobs for the entire coal industry.

The invasion of these high-powered energy corporations began in the 1960's. Gulf Oil acquired Pittsburg and Midway Coal, the thirteenth largest producer, in 1963. In 1966, Continental Oil bought out the giant of the eastern coal industry, Consolidation Coal. In 1968, Occidental Petroleum took over Island Creek Coal, the third largest coal producer, while Standard Oil of Ohio took over Old Ben Coal, now the tenth largest producer.

In these same years, Kennecott Copper acquired Peabody Coal, now number one in production, while General Dynamics became the eleventh largest producer by buying Freeman Coal and United Electric Coal, and American Metal Climax climbed to sixth place after buying Ayrshire Collieries.

When the dust cleared 11 of the 15 largest coal companies were controlled by outside interests. Through their own production and acting as brokers for smaller companies' coal, 13 of these 15 companies controlled more than 60 per cent of annual U.S. coal sales.

Other oil companies which did not move into coal production in a big way did move into control of coal reserves. Standard Oil of New Jersey, now called Exxon, suddenly bought at least 7 billion tons of reserves. Atlantic Richfield became the second largest holder of federal coal land leases, with 43,500 coal acres.

The new coal industry run by oil means one change right off the bat: the UMWA is no longer bargaining with single-product coal companies, but with huge enterprises who make their money on a variety of businesses. Shutting down the coal production of Consolidation Coal or Island Creek during a contract strike was bound to have more effect when Consol and Island Creek were independent than it will now when each only contributes about 10 per cent of its parent company's total revenues.

This change has led to suggestions of joining with other energy unions like the Oil, Chemical, and Atomic Workers (OCAW) or of boycotting Conoco and Gulf and Sohio gasoline during the next contract strike if that is legal. But UMWA officials seem to think that rather than mimicking the concentration of the companies it would be better to pressure Congress, the Federal Trade Commission and the Justice Department into reversing that concentration. President Miller called for an investigation along those lines in his June 6 energy statement to the Senate Interior Committee.

The contract is one way oil control of coal affects the coal miner. Energy policy is another major way.

From a business point of view, oil's investment in coal made a great deal of sense. Coal was an unusually profitable industry, as it continues to be. But more importantly, by controlling coal the oil companies moved into position to stall industry and government research into technology necessary to fully develop coal as oil's competitor, such as low-sulfur burning techniques and gasification and liquefaction.

Moreover, the reserves of oil were clearly limited. A shift into control of other energy production would allow the oil companies to play off one resource against another to obtain the highest prices, the least "labor trouble," and the most advantageous treatment from government.

GAME PLAN WORKED

It was a good game-plan, and it worked—for the oil companies and against the coal miner. While Island Creek Coal's production per month fell in 1972, compared to the non-strike months of 1971 and while the nation screamed for energy, the chairman of the board of Occidental Petroleum, Island Creek's parent, was off to the Soviet Union to arrange for $8 billion worth of natural gas and to Saudi Arabia to arrange more oil imports.

While the coal industry failed to press development and use of sulfur pollution control devices, new coal giants Continental Oil and Gulf Oil and others were instead investing their money in uranium reserves and nuclear power processing, just in case.

And whether by conspiracy or just by common actions toward a common goal, the push an independent coal industry would naturally make for coal gasification and liquefaction has not taken place under oil leadership.

Actually, oil opposition to the processes of changing coal into substitutes for natural gas or gasoline has a surprisingly long history. Gasoline made from coal was used during World War II to power Hitler's war effort. By a written business agreement between I. G. Farben, a German chemical firm which developed the technique, and Standard Oil of New Jersey, Jersey Standard was given sole right to the process outside Germany. They proceeded to sit on it to keep anyone from using it in competition with Standard's oil and gas.

Consolidation Coal, when still independent announced in 1961 that plans first developed in 1947 for gasification would be successful within ten years.

A contract was signed with Consol in 1963, before it was bought by Continental, calling for $9.9 million in federal money for development of gasoline from coal.

According to James Ridgeway in his excellent book on the energy crisis, *The Last Play*, "by 1971 the government had paid Continental $20 million and the plant still did not work. Indeed, the Interior Department had renegotiated the contract, letting Continental off the hook entirely, continuing to provide them more funds so that the plant could be used for desulphurization of oil."

A Bureau of Mines official estimates that private industry spends $500 million a year on oil and gas research, but only $25 million on coal research.

WHO CONTROLS PRODUCTION NOW?

15 largest coal producers and major interest	1972 in tons
Kennecott Copper (Peabody Coal Co.): Metal	71, 595, 310
Continental Oil (Consolidation Coal Co.): Oil	64, 942, 000
Occidental Petroleum (Island Creek Coal Co.): Oil	22, 605, 114
Pittston Co.: Coal	20, 639, 020
United States Steel Corp.: Steel	16, 254, 400
American Metal Climax, Inc.: Metal, oil	15, 718, 787
Bethlehem Mines Corp.: Steel	13, 335, 245
Eastern Gas and Fuel (Eastern Associated Coal Corp.): Gas	12, 528, 429

15 largest coal producers and major interest	1972 in tons
North American Coal Corp.: Coal	11,991,004
Standard Oil of Ohio (Old Ben Coal Corp.): Oil	11,235,910
General Dynamics: Aircraft weapons	9,951,263
Westmoreland Coal Co.: Coal	9,063,919
Gulf Oil (Pittsburg & Midway Coal Mining Co.): Oil	7,458,791
American Electric Power (Central Ohio, Central Appalachian Windsor Power Coal): Electric utilities	7,437,000
Utah International: Coal, metal	6,898,262

WHO OWNS COAL FOR THE FUTURE

Company	Estimated reserves	
	Total (billion tons)	Low sulphur (percent)
Burlington Northern RR	11.0	100
Union Pacific RR	10.0	50
Kennecott Copper (Peabody Coal)	8.7	27
Continental Oil (Consolidation Coal)	8.1	35
Exxon (Monterey Coal)	7.0	NA
American Metal Climax (Amax Coal)	4.0	50
Occidental Petroleum (Island Creek Coal).	3.3	28
United States Steel	3.0	NA
Gulf Oil (Pitts. & Midway Coal)	2.6	8
North American Coal	2.5	80
Reynolds Metals	2.1	95
Bethlehem Steel	1.8	NA
Pacific Power & Light	1.6	100
American Electric Power	1.5	Minimal
Eastern Gas & Fuel Association (Eastern Assoc. Coal)	1.5	33
Kerr-McGee	1.5	60
Norfolk & Western RR	1.4	99
Utah International	1.3	94
Westmoreland Coal	1.2	88
Pittston Co	1+	100
Montana Power (Western Energy)	1	100
Standard Oil of Ohio (Old Ben Coal)	.8	Minimal
Ziegler Coal	.8	0
General Dynamics (Freeman/United Elec.)	.6	0
Rochester & Pitts. Coal	.3	0
Carbon Fuel	.1	97
Amer. Smelting & Refin. (Midland Coal)	.1	0

Note: As coal loomed larger as a key energy resource, oil companies and other outside corporations rushed during the 1960's to buy 11 of the top 15 coal producers. Outside control is even tighter on coal's future, as 16 of the top 17 holders of coal reserves are oil companies, railroads, steel and metal interests.

NA—Not available.

While the oil-dominated coal industry was going slow on gasification and liquefaction, the lack of an independent voice for coal interests left coal very low on the federal government's list for public research subsidies to private industries. The current federal budget calls for only $62 million for coal research, less than 10 per cent of the total federal energy research budget.

But while Big Oil lobbyists dampened the government's enthusiasm for research subsidies to promote coal as a competitor to oil, they successfully encouraged other substantial kinds of government welfare to help oil achieve and maintain its grip on coal.

IRS GAVE TAX BREAK

Not only did the Justice Department fail to take anti-trust action against any of the oil-coal purchases, but the Internal Revenue Service (IRS) made a special ruling which allowed Continental Oil to avoid paying taxes on the income it used to buy Consolidation Coal. In effect the coal miner—as a taxpayer—helped Continental to buy Consol through a complicated tax subsidy. Two years later, Kennecott Copper took advantage of the same public tax subsidy in buying Peabody Coal.

By another IRS ruling, coal operators can avoid paying taxes on up to half their income through a special depletion allowance. This is particularly attractive to steel companies and others like General Dynamics, which are the main users of their own coal since they can often sell coal to themselves at an inflated price and show the profits in the coal division where the taxes are lower.

The depletion allowance and other special tax breaks generally have the effect of attracting investment by corporate giants with large amounts of money, like oil companies.

OTHER KINDS OF WELFARE

The same government generosity to coal producers is reflected by the failure to enforce mine safety laws and collect fine assessments and the failure to make coal operators pay from the beginning for black lung disease caused by high dust levels in their mines. Again, the government has been happy to provide every kind of financial break for the coal industry except research, apparently because every break except research helps oil and other interests who have moved into coal.

A bald example of government assistance in the oil takeover of coal is the leasing of federal coal lands to large interests like Atlantic Richfield and Continental Oil for an average $1 per year rental on each acre leased. These companies have been successfully pounding on the Interior Department's door, especially in the last ten years, in order to tie up valuable low-sulfur coal by keeping it out of production until they are ready to exploit it with gasification and liquefaction when the oil business runs into trouble from political problems in the Middle East and emptying of U.S. reserves.

Thus, the amount of federal coal acreage leased soared from about 200,000 acres in 1960 to more than 775,000 in 1970. Yet, less than 2.4 per cent of the land leased in that decade is under production.

Despite the clear statement in Section 187 of the Mineral Lands and Mining Act that the Secretary of the Interior shall "insure . . . the prevention of monopoly" in leasing public lands, the top 15 lessors control over 60 per cent of the leased lands, and someday, when the energy conglomerates are ready to use the land they've leased, they may still be paying the ridiculously low rates for which they originally signed.

With federal coal lands held out of production and government and industry research into sulfur control and conversion techniques held to a minimum, the oil industry is nearly in a position to get whatever it wants because coal is not ready to take over its rightful share of the energy market. Big Oil would have a much more difficult time asking the public to ignore the environmental risks of offshore drilling or supertankers or the Alaska pipeline if an independent coal industry had developed coal as a ready alternative.

In the same way, oil and other large outside interests can use the lag in sulfur control development they seem to have caused to force acceptance of their plan for western strip mining. Such mining is more profitable for the operator because it employs fewer men, often not under UMWA contract, but could threaten tens of thousands of coal miners' jobs and carry tremendous costs to the eastern and midwestern electric power consumer and to the environment.

Proper development of washing and blending of midwestern medium- and high-sulfur coal and expansion of eastern low-sulfur mining would have hurt the ability of the oil-coal barons to sell their western plan to the public.

ORGANIZE TO FIGHT BACK

The fight against oil domination of coal is not one the UMWA can wage alone. This is particularly true with the coal industry completely robbed of its voice box. For example, National Coal Association President Carl Bagge, who should speak for coal's interest but who speaks for his oil bosses, called on June 18 for loosening anti-trust laws to allow greater concentration by energy companies—just the opposite of what is needed.

A coalition with other unions, environmental organizations, and consumer groups would be necessary to lobby for abolition of tax incentives for concentration and for the government investigations and anti-trust actions which President Miller has demanded.

The coal barons have changed, but the need to organize against their power remains much the same. The profits and the control of lives are still in their hands. Only now the entire country is a company town.

THE COMPANIES THAT CONTROL YOUR FUTURE

Since the early 1960's, some of America's largest corporations have been rushing to buy up the coal industry, with oil giants, like Occidental Petroleum, Gulf Oil, and Continental Oil leading the way.

Private and government money for research that would make coal a competitor to oil, like gasification, liquefaction, and sulfur control, slowed to a trickle.

Other kinds of companies, especially steel interests, were attracted by possible tax advantages, and everyone was interested in the coal industry's high profits and bright future.

Whether UMWA miners now work for oil giant Standard Oil of Ohio or for weapons builder General Dynamics or for house builder Jim Walters, the effect is to leave coal policy in the hands of Big Oil and to pit the UMWA against the nation's richest corporations in the next contract struggle.

Listed below are some of the largest coal companies controlled by outside interests.

CONTROLLED BY THE OIL INDUSTRY

Coal producer and controlling company

Consolidation Coal, Continental Oil.
Island Creek Coal, Occidental Petroleum.
Old Ben Coal, Standard Oil of Ohio.
Pittsburg & Midway Coal, Gulf Oil.
Arch Coal, Ashland Oil.
Monterey Coal, Humble Oil.
Hawley Fuel, Belco Petroleum.
Canterbury Coal, Western Industries.

CONTROLLED BY THE STEEL INDUSTRY

Coal producer and controlling company

U.S. Steel, U.S. Steel.
Bethlehem Steel, Bethlehem Steel.
Republic Steel, Republic Steel.
Gateway Coal, Jones & Laughlin.
Buckeye, Olga & Youngstown Coal Mines, Youngstown Sheet & Tube.
Kaiser Steel, Kaiser Steel.
Cannelton Coal, Cannelton Industries.
Inland Steel, Inland Steel.
Armco, Armco.
National Mines & Beaver Creek Coal, National Steel.
Pikeville Coal, Steel Company of Canada.
Woodward Company, Woodward Company.
C. F. & I: Steel, C. F. & I. Steel.
Wheeling-Pittsburgh Steel, Wheeling-Pittsburgh Steel.

CONTROLLED BY UTILITIES

Coal producer and controlling company

Central Ohio Coal, Central Appalachian & Windsor Power Coal, American Electric Power.
Western Energy Company, Montana Power.
Pacific P & L, Pacific Power & Light.
Duquesne Light Company, Duquesne Light Company.
Washington Irrigation & Development, Washington Irrigation & Development.
Southern Electric Company, Southern Electric Company.
Greenwich Collieries & Tunnelton Mining, Pennsylvania Power & Light.
Alabama Power Company, Alabama Power Company.
Eastover Coal, Duke Power Company.

CONTROLLED BY METAL COMPANIES

Coal producer and controlling company

Peabody Coal, Kennecott Copper.
Amax Coal, American Metal Climax.
U.S. Fuel Company, U.S. Smelting & Refining.

CONTROLLED BY CHEMICAL COMPANIES

Coal producer and controlling company

Semet Solvay, Allied Chemical.
Barnes & Tucker, Alco.
Union Carbide, Union Carbide.
C & K Coal, Gulf Resources.

CONTROLLED BY OTHER INTERESTS

Coal producer and controlling company

Freeman Coal & United Electric, General Dynamics.
Utah International, Utah International.
Alabama By-Products, Alabama By-Products.
MAPCO, MAPCO.
Ogleday Norton, Ogleday Norton.
International Harvester, International Harvester.
Boone County Coal, Zapata Noress.
Twilight Industries, U.S. Natural Resources.
Simpson Coal, Galloway Land Company.
Allison Engineering, Allison Engineering.
Aloe Coal, Pullman, Inc.
Gilbert Imported Hardwoods, Gilbert Imported Hardwoods.
U.S. Pipe and Foundry, Jim Walters Corp.

NEED FOR EXPANDED EDUCATIONAL SERVICES FOR THE HANDICAPPED

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. BRADEMAS. Mr. Speaker, I want to bring to the attention of my colleagues a most perceptive article, on the education of handicapped children, which was written by Mr. Henry Gottlieb and published in the June 10 edition of the Miami Herald.

Says Mr. Gottlieb:

> In a nation that strives to offer free education to everyone, 4.2 million mentally and physically handicapped youngsters are being deprived of learning because their schools are short of cash.

The article, Mr. Speaker, goes on to document some of the appalling human tragedies to which special education is addressed, and notes that fully to provide special services for our Nation's handicapped children would mean a staggering total cost of more than $3 billion above what is now being spent on education.

Mr. Speaker, I do not have to tell my colleagues that the present financial crunch our schools are experiencing mitigates against their being able to provide the additional funds needed for handicapped children.

Indeed, the States, as well as the District of Columbia, have argued in court that they should not be required to provide special educational services for the handicapped because of the high costs of providing such services.

The courts, however, Mr. Speaker, have ruled that such arguments are not acceptable, and in several important cases have ruled that States must provide special educational programs appropriate to the handicapped child's needs.

But quite apart from these legal decisions, which mandate that States spend more on handicapped children, there is, I believe, a compelling moral argument in favor of educating handicapped children.

Perhaps the distinguished chairman of the Senate Labor and Public Welfare Committee, Senator HARRISON WILLIAMS of New Jersey, best expresses this view:

Said Senator WILLIAMS:

> It is time to change our attitudes, to rid ourselves of the old myths and to begin dealing with realities. Handicapped children are children. They have the same rights as any other child to hope, to learn, and to be free.

Mr. Speaker, along with 13 members of the Education and Labor Committee, I have introduced the Education of the Handicapped Children Act, which would authorize the Federal Government to pay for 75 percent of the extra costs involved in educating handicapped children.

Senator WILLIAMS is cosponsor of a companion bill in the Senate.

The Select Subcommittee on Education, which I have the honor to chair, hopes to begin hearings on this bill before the end of the year.

So that my colleagues, Mr. Speaker, can understand the urgency of our acting speedily on this measure, I insert Mr. Gottlieb's article at this point in the RECORD:

HANDICAPPED CHILDREN DENIED FULL EDUCATION

(By Henry Gottlieb)

In a nation that strives to offer free education to everyone, 4.2 million mentally and physically handicapped youngsters are being deprived of learning because their schools are short of cash.

Angela Coleman, a 9-year-old partially blind girl from Augusta, Ga., is grades behind in reading because her school can't afford special books with large type.

Twenty-two educable but autistic children in the Tidewater area of Virginia were turned away from schools because the added costs of teaching them were too much for their community to bear. The parents are currently trying to get the federal courts to get their children back into classes.

According to the Senate committee on Labor and Public Welfare, only 17 states are serving more than half their physically and mentally disabled children. One million disabled children aren't in schools of any kind.

STATES OFFER LITTLE HELP

In 1971, seven states provided less than 20 per cent of their handicapped children with a suitable education and, according to the committee, one state, Arkansas, offered an equal education to only 10 per cent of its disabled children.

How well children are taught depends in part on the severity of their problems, the committee said. The hardest to control in classrooms are the emotionally disturbed, and of these, only 13 percent were getting an education, the committee contended.

But of the nation's crippled or orthopedically handicapped children, whose minds are as sound as those of their peers, only 35 per cent were getting adequate training. Of the trainably mentally retarded, 57 per cent were being taught, the committee said.

"There are seven million handicapped children in the United States," said Sen. Harrison A. Williams (D., N.J.) in a speech to the Senate.

"Close to 60 per cent of these children are denied the educational programs they need to have full equality of opportunity."

"The education that they are likely to receive will in no way prepare them for a life of independence and in most cases their exposure to learning opportunities will be so irregular that it may have been better not to have made the effort at all," Williams said.

The chief problem, he said, is a lack of money.

"It's not always that the schools don't care. The problem is they have money problems and it costs a lot to give a disabled child the education he needs."

According to the Senate Labor and Public Welfare Committee, it costs approximately 80 per cent more to educate a handicapped child than it does to teach a normal child.

Thus it would cost between $400 and $800 per pupil to give the nation's handicapped children a decent education—a staggering total cost of more than $3 billion above what is now being spent on education, the committee projects.

What disturbs Williams is that recent federal court decisions are making the school districts' pleas of "sorry, no funds," illegal excuses.

On Aug. 1, 1972, District Court Judge Joseph Waddy, sitting in the District of Columbia, handed down what is now viewed as a landmark decision outlining the rights of handicapped children.

The ruling stemmed from a complaint brought on behalf of seven Washington, D.C., children age 7 to 16, suffering from such problems as brain damage, epilepsy, mental retardation and orthopedic disabilities. None of the children was allowed to attend public schools and none was given public grants to seek a private education.

THE COST RUNS HIGH

The District of Columbia Board of Education argued in response that these and other disabled children could not be handled because of the high costs of educating them. Statistics indicated it costs about $900 per pupil more to educate a disabled child in Washington than a normal child. Giving a full education to a disabled child would cost the school board about $8.7 million more each year.

But Waddy ruled that pleas of poverty were unacceptable.

"Their failure to fulfill this clear duty to include and retain these children in the public school system, or otherwise provide them with publicly supported education, and their failure to afford them due process hearing and periodical review, cannot be excused by the claim that there are insufficient funds," Waddy said.

And he ordered the children accepted in public schools or given tuition grants to attend institutions that could deal with their problems.

In addition to the Waddy decision, federal courts in Pennsylvania, Virginia, Connecticut and Michigan also have been asked to deal with the question of education for handicapped children and, according to the Council of Exceptional Children, the right of handicapped children to get a complete education is being upheld.

"The decisions have substantiated the right of handicapped children to equal protection under the law—including being provided with an education," said the council, which supports legislation aiding disabled children.

If the courts are mandating these expensive services to disabled children, who is going to pay for them?

The federal government, says Williams.

"It is hard to argue to the state that the federal government is serious about full educational opportunity when we are not willing to invest funds to make this goal a reality," Williams says.

For this purpose, Williams and 23 Senate cosponsors have introduced a bill that would underwrite 75 per cent of the excess costs it takes to educate a handicapped child.

Thus, if a state is currently paying $1,800 for educating a handicapped child—$1,000 more than it pays for other children—the Williams bill would pay the state $750.

DETAILED PLANS

In addition, the states would be required to submit detailed plans to the U.S. Commissioner of Education outlining plans to implement special education programs in its state. Included in the plans would be timetables showing when facilities will be built, when personnel will be hired and how funds will be raised. And the plans would have to be in operation by Jan. 1, 1977.

The bill also includes as children those between 3 and 21 years old. Most states, for example New Jersey, do not provide free public education for handicapped children until they are 5 years old.

Thus the bill would provide the same services for 3-year-olds in need of educating that it would for school-age children.

For example, this would pay for nursery school education for retarded or physically disabled tots who currently must wait until they are 5 before getting free professional teaching.

"It's important to give children with disabilities a head start, because by the time they reach age 5 they often already have a sense of failure," says Zelda Pollack, administrator of a private nursery school run by the New Jersey Association for Children with Learning Disabilities.

Passage of legislation like the Williams bill would make a real change in the lives of six children who currently are on a waiting list to enter the NJACLD's nursery school Mrs. Pollack heads on the campus of the College of St. Elizabeth in Convent Station, N.J.

EXPAND SERVICES

"If school boards are getting 75 per cent of their excess costs repaid, they can afford to extend services to preschool children," Mrs. Pollack says. "We would like to expand our services here, but there's no money.

"And because there hasn't been enough money for preschool age children, it's costing the school boards more money in the long run, because when problems go uncared for, they're more expensive to deal with at a later date."

Williams agrees that spending money when problems are small is the way to save money in the long run, and this is his argument to potential critics who gasp at his proposal's $1.7 billion price tag.

"The expense is minimal compared to what it has cost this society to deny appropriate services and maintain handicapped children at a level which is far less than their potential," Williams says.

He says if disabled children are not educated, they become a drain on society's resources. It is cheaper in the long run to educate disabled children than to be tight with money when they are children and face the burden of having a large segment of the population unproductive as adults, he states.

"It is time to change our attitudes to rid ourselves of the old myths and to begin dealing with realities," Williams says. "Handicapped children are children. They have the same rights as any other child to hope, to learn and to be free."

BILL INTRODUCED FOR EISENHOWER COLLEGE AND RAYBURN LIBRARY

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. McKINNEY. Mr. Speaker, as we are all aware the vote to grant a rule to debate S. 1264, the Eisenhower College and Rayburn Library failed.

Because I realize the importance of maintaining a living tribute to President Eisenhower, and Speaker Rayburn, in accordance with the wishes of the late President and his family, I have joined with Congressman WYLIE today in introducing a bill which would enable this national monument to become a reality.

This bill would provide $4½ million for the Eisenhower College and $500,000 for the Rayburn Library, in Bonham, Tex. This outright grant I feel is a much more equitable means of providing funds for the support of these two fine institutions. It would put a limit on the amount of money provided whereas S. 1264 stated no limitation on the amount, the only determinant being the $1 multiplied by the total number of proof coins which had been and thereafter minted.

I believe that the image of President Eisenhower and Speaker Rayburn grows throughout this country and the world with the passage of time. It seems most fitting that the Eisenhower College and Samuel Rayburn Library should be supported by the entire Congress as a living memorial to these two great Americans.

CONFLICT OF INTEREST?

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. FRENZEL. Mr. Speaker, it has come to my attention that one of our colleagues, who holds two elected positions, first as chairman of the House Administration Committee and second as chairman of the Democrat congressional committee, has been accused of a conflict of interest between the two positions. The allegation, as I understand it, is that the Democrat congressional committee chairmanship carries with it the obligation to help elect Democrat Members of Congress, including a horde of incumbents, and that the job of chairman of the House Administration Committee carries with it the capability of influencing legislation which might help to elect a lot of Democrats.

The chairman of the House Administration Committee was elected to that job by his peers in the Democrat caucus after being elected to the Congress by the people of his district. He was also elected chairman of the Democrat congressional committee.

I did not elect him, and I am one who often takes positions contrary to those of the chairman, particularly on election campaign laws, but I do not support the conflict allegation. I think it is terribly important that Congressmen not be foreclosed from serving in positions of party leadership. Our system is best served by healthy and capably led parties. I do not believe the chairman of the House Administration Committee, or any other Congressman, should be denied one political party position simply because of his congressional assignment. I hope none will be afraid to serve in such positions.

A MISSION FOR THE BAR ASSOCIATION

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. EDWARDS of California. Mr. Speaker, Joseph Rauh, Jr., one of America's most distinguished lawyers, has written a thoughtful analysis of one of the side issues of the Watergate affairs. His article in the August 1 issue of the Washington Post discusses "the present crisis of confidence in the legal profession," and the opportunity that lawyers have to restore confidence in their profession at the annual meeting of the American Bar Association.

I commend this excellent article to the attention of my colleagues:

A MISSION FOR THE BAR ASSOCIATION

(By Joseph L. Rauh, Jr.)

In the light of Watergate it may be considered no more than a common cliche to point out that the legal profession has failed in its sworn duty to uphold the law.

Certainly it will be considered incredibly naive to suggest that the American Bar Association do something about it. Nevertheless, an ashamed lawyer at least ought to be allowed to wonder out loud whether the legal profession has not acted so badly and has not dropped so far in public esteem as to warrant some dramatic and drastic action by the American Bar Association—such as scrapping its entire 100-page business-as-usual agenda at its meeting here and devoting the entire proceedings to considering remedies for the present crisis in the profession.

Most lawyers, I believe, are ashamed of what they have seen on television and in the press these past weeks: a lawyer President suppressing facts needed to enforce the laws he is sworn to uphold; a former Attorney General describing discussions of illegal conduct in his office at the Department of Justice; the President's own personal lawyer flitting around the country arranging secret payments to known criminals; an ex-counsel to the President detailing his role in obstructing justice; a lawyer top assistant to the President defending the legality of burglary; a lawyer acting FBI Director destroying material evidence. And this, sadly, is only the tip of the iceberg. What of the lawyers who developed, implemented and defended the administration's program of selective law and order, a program attacking street crime while endorsing the wholesale violation of other laws. What of the administration lawyers engaged in already-adjudicated illegality in refusing to enforce civil rights laws, in impounding funds for social programs, in dismantling OEO; what of the plan to "screw" political opponents with IRS investigations, and heaven knows what else; what of the legally-groundless bombing of Cambodia going on at this very moment.

The able president of the American Bar Association, hard put for an explanation of all this, raised the question "whether lawyers who participate in government, at policy and administrative levels, have not lost that professional detachment from their clients' affairs that makes it possible for them to be objective—whether they are not, as it were, too easy victims of the philosophy that winning an election is all-important." But one can properly question Mr. Robert Meserve's assumption that government lawyers are really so very different from those in the private sector, there is no evidence whatever that the latter have more "professional detachment from the client's affairs" or are less imbued with the philosophy that winning is "all-important." Indeed most lawyers carry their principles and habits from private practice into the government and not the other way around.

The problem is far more basic. Somewhere along the line, from law school to admission to the bar and on through the practice of law, something has gone wrong. Somewhere considerations of the public interest and support for the rule of law dropped out of the vision of too many lawyers. Somewhere the clients' interest became identical with right even to the extent that the end justified any means. Just look at the current scene: corporate lawyers attacking every governmental regulation that is in the interest of the consumer, condoning and defending if not participating in price fixing, representing the management of companies rather than their stockholders; "superlawyers" lobbying to defend and aggravate tax loopholes while obstructing every social program for want of funds; lawyers for unions in obvious conflict of interest, furthering the regimes of corrupt incumbent officers who continue to oppress the members whose dues pay the lawyers. And all this and more is ratified by legal disciplinary committees, staffed from the very firms that engage in these practices who look the other way and spend their time investigating overzealous representation by lawyers defending individual rights and minor infractions by impoverished members of the bar.

The American Bar Association has not been the defender of the public interest over the years. For example, in the old McCarthy days, it yielded to the temper of the times and even supported the excesses of the House Un-American Activities Committee before the Supreme Court and urged the overriding of President Truman's courageous veto of the now practically-defunct Internal Security Act of 1950. Its record in civil rights was no less ignominious; while purporting to speak for all lawyers, it continued its color bar long after segregation had been outlawed by the courts in other areas of public participation. Its support of the confirmation of Clement Haynsworth and Harrold Carswell is equally well known. But, despite this past record, there are many who feel the situation is changing rapidly and that the American Bar Association is dedicating far more of its energies to the public interest today than ever before. This 1973 convention is a rare opportunity for the association to prove that dedication.

The present crisis of confidence in the legal profession presents the American Bar Association with the opportunity and the obligation to demonstrate its new vitality. The simple act of canceling the agenda and focusing every session of every committee or section of the association on the present crisis would evidence to the public that legal business-as-usual is over and that lawyers are determined to clean their own house. Beyond this, there are many subjects to be discussed far into the night at a time when so many lawyers come together: Have the law schools adequately taught the public interest role of the lawyer in society and his unique responsibility for the rule of law in our country? Has there been adequate discussion of this role in legal writings beyond law school? Is there not some way to spell out standards of proper legal conduct in simple terms and to hold the profession to such standards? Have legal disciplinary bodies sought to implement the spirit of the public interest and the rule of law or have they too often exhibited a contrary view? Have the thousands of young lawyers who want to make a career of public interest law been given the support they deserve and is there any way they can be propelled into the leadership of our profession? A public airing of these and other matters would at least evidence the bar's realization of the crisis it faces and its determination to start on the road back.

On Law Day each year lawyers applaud John Adams for his defense of British soldiers, Clarence Darrow for his support of an unknown Tennessee teacher and Charles Evans Hughes for his struggle on behalf of Socialist legislators. The task ahead is to make this image of the public-spirited few a practical reality for the many. The American Bar Association has a historic opportunity to begin the movement in that direction.

THE NATIONAL BLOOD BANK ACT

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. SEIBERLING. Mr. Speaker, a hospital is not the most likely place where one would expect to contract a fatal disease. Yet at least 10,000 Americans die and 500,000 become seriously ill each year as a result of one of the most simple and routine medical procedures performed in hospitals today—the blood transfusion. These people the the victims of serum hepatitis, an infection of the liver causing nausea, itching, fever, diarrhea, yellowing of the skin, extreme pain, and all too frequently, death.

Serum hepatitis comes primarily from contaminated blood resulting from infectious donors and inadequately sterilized syringes and needles. The most common sources of contaminated blood are the numerous commercial blood banks which buy blood from donors for up to $5 per pint and sell it to hospitals for as much as $40 a pint.

Too often, commercial blood banks are more concerned with profitmaking than with providing safe blood. They are apt to be less careful about the cleanliness of their equipment and less selective of their donors, many of whom are transients and addicts who need money to buy drugs or alcohol.

Paid donors are more likely to carry hepatitis and lie about past illnesses in order to gain a few fast dollars than voluntary donors. Statistics show that blood from paid donors is 70 times as likely to be infected with hepatitis than voluntarily donated blood. Unfortunately, hospitals are forced to use commercial blood, which accounts for over one-third of the U.S. blood supply, or else curtail transfusions.

Commercial blood banks, unless properly regulated, are a danger not only to patients receiving blood transfusions in hospitals, but to blood donors themselves. Serum hepatitis could be spread from donor to donor if equipment used on one person who was a carrier of the disease was not properly sterilized.

Blood banks gained recent attention as health hazards in the 14th District of Ohio when 12 cases of serum hepatitis developed in the past 2 months, raising fears of a hepatitis epidemic. These cases were traced to a commercial blood center in Akron which had no State, Federal, or local regulation. Akron city health officials have had a difficult time tracking down donors who have given blood in the past several months, even with the blood center's help.

Akron Councilwoman Elsie Reaven has introduced legislation in the Akron City Council to place strict restrictions on blood donations as a result of the recent outbreak of serum hepatitis. I think Akron is fortunate to have someone taking this initiative, and I commend Councilwoman Reaven for her effort.

Unfortunately, people do not usually have a choice as to where they are going to have an accident or fall ill and need a blood transfusion, and chances are it will not be in Akron. Safe blood is needed in hospitals throughout the country, and I do not think we can afford to wait until an outbreak of sedum hepatitis moves every local government into taking action to regulate blood banks. We must have nationwide blood safety standards immediately.

One hundred and fifteen Members of the House and myself have cosponsored a bill introduced by Congressman VICTOR VEYSEY which would establish a national program of blood safety. The National Blood Bank Act would establish a national blood bank program in the Department of Health, Education, and Welfare and require the inspection, licensing, and regulation of all blood banks. The program's director would set standards for donor selection, management of inventories, and limitation of paid donors. The bill also authorizes a $9 million national program to recruit voluntary donors.

Mr. Speaker, people are going to stop giving their much-needed blood if steps are not taken to insure greater safety in blood banks. If the supply of safe, voluntarily donated blood dries up, the ability of our hospitals to deal with the medical needs of the American people will be seriously impaired. At this point I insert the text of the National Blood Bank Act in the RECORD:

H.R. 8986

A bill to establish a Federal program to encourage the voluntary donation of pure and safe blood, and to establish a national registry of blood donors

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. The Congress finds that human blood is necessary for medical treatment and that an adequate supply of pure and safe blood throughout the United States is essential to the welfare of the Nation. Congress further finds that interstate shipment of pure and safe blood and blood components is necessary for the welfare of the United States; that since human blood is a living tissue which cannot be manufactured, an adequate interstate supply of blood depends upon the willingness of individuals to donate their blood; that since the virus hepatitis, malaria, and other diseases are transmitted in human blood and are found significantly more often in the blood of persons who donate for monetary compensation than in the blood of voluntary donors, the purity and safety of the national blood supply is seriously threatened by the inadequate level of voluntary donation and by monetary compensation of blood donors. The Congress therefore finds that the welfare of the United States will be promoted by development of a 100 per centum voluntary blood supply as soon as feasible, that voluntary donation should therefore be encouraged and promoted, and that certain procedures and standards should be established with respect to the operation of all blood banks in the United States.

Sec. 2. There is established in the Department of Health, Education, and Welfare a National Blood Bank program.

Sec. 3. (a) In order to assure an adequate supply of pure and safe blood throughout the Nation, the Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") shall—

(1) promulgate regulations for licensing and inspection of blood banks;

(2) develop, by grant or contract, new procedures, materials, and techniques to inform the public of the need to donate blood voluntarily;

(3) provide direct assistance to establish an adequate supply of voluntary blood in those parts of the country where it is presently unavailable;

(4) develop a national program to honor and recognize voluntary donors;

(5) establish yearly goals of voluntary donors for each blood bank;

(6) conduct evaluations of the effectiveness of various recruitment techniques and inform the licensed blood banks of the most effective techniques;

(7) classify blood banks as either "class A blood banks" or "class B blood banks";

(A) a class A blood bank is one which collects no more than a specified percentage of its blood from paid donors. The Secretary is authorizd to qualify a blood bank which does not meet this percentage as a class A blood bank if, in his opinion, its previous record of performance qualifies it to be so classified;

(B) a class B blood bank is any blood bank not classified as a class A blood bank";

(8) annually increase the percentage of voluntary donors to qualify as a class A blood bank to the highest level consistent with an adequate national blood supply; and

(9) require that each unit of blood collected by a blood bank be clearly labeled as obtained either from a class A blood bank or a class B blood bank.

(b) The Secretary shall maintain a registry of all persons who give blood after July 1, 1973, to a licensed blood bank and shall identify donors on such registry who may have been implicated in the transmission of hepatitis or who should otherwise be disqualified as blood donors. The Secretary shall notify all blood banks of such disqualifying information.

ADVISORY COUNCIL

Sec. 4. (a) Establishment.—There is established an Advisory Council to be composed of the following nine members appointed by the President:

(1) two representatives from each national blood bank system, one of whom shall be a person with not less than five years' recent experience in blood bank administration;

(2) three representatives of blood consumer groups including:

(A) one hospital administrator;

(B) one representative of organized labor;

(C) one representative of business management; and

(3) two persons experienced in advertising and public relations neither of whom may be employed or retained during their service on the Council by any firm or other organization which is engaged in operating a blood bank.

(b) Duties of Council.—The Advisory Council shall—

(1) make recommendations to the Secretary with respect to long-term policy goals to be pursued by the Secretary in carrying out his functions under section 3 of this Act;

(2) make recommendations to the Secretary with respect to the encouragement of blood donation and the motivation, recruitment, and recognition of blood donors;

(3) make recommendations to the Secretary relating to reciprocal transactions between national blood bank systems to the extent that no agreement relating to such transactions exists between such systems; and

(4) make recommendations to the Secretary relating to the removal of the cost for purchasing blood, as distinguished from the combined cost of the blood and its processing, from coverage under health insurance plans.

(c) Travel Expenses: Per Diem.—While away from their homes or regular places of business in the performance of services for the Council, members of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5 of the United States Code.

BLOOD ASSURANCE PROGRAMS

Sec. 5. No person other than a blood bank which is classified as a "class A blood bank" may maintain any program in which individuals deposit blood in advance of their need for blood or pledge to give blood upon request.

PURCHASE OF BLOOD BY FEDERAL GOVERNMENT

Sec. 6. No agency, department, or other instrumentality of the Government of the United States shall contract for or pay for the provision of blood from any person other than a class A blood bank and such agency, department, or other instrumentality shall take such measures as may be necessary to insure that such blood has been tested according to the best available test for hepatitis.

PENALTIES

Sec. 7. Any person who willfully violates any provision of this Act or any rule or regulation promulgated thereunder shall be guilty of a misdemeanor and shall, on conviction thereof, be subject to imprisonment for not more than one year, or a fine of not more than $1,000, or both.

DEFINITIONS

Sec. 8. For the purposes of this Act, the term—

(a) "Blood" means human whole blood, or any component thereof.

(b) "Blood bank" means any person or other entity engaged in the bleeding of individuals and performing any of the following functions—

(1) recruitment of blood donors;

(2) processing of blood for transfusions;

(3) storage of blood;

(4) crossmatching of blood;

(5) administration of blood to individuals; or

(6) preparation of blood components for transfusion.

(c) "Blood donor" means a paid blood donor or a voluntary blood donor.

(d) "Paid blood donor" means an individual who receives monetary compensation or an adjustment in his scheduled period of prison confinement for his donation of blood or any component thereof.

(e) "Voluntary blood donor" means any individual donating his blood other than a paid donor.

AUTHORIZATION

Sec. 9. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

GILMAN SUPPORTS PRESERVATION OF THE DELAWARE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. GILMAN. Mr. Speaker, I am today pleased to join several of my colleagues in introducing legislation bringing part of the Delaware River into the National Wild and Scenic Rivers System.

That portion of the Delaware which runs through my district will, as a result of this bill, come under the provisions of the Scenic Rivers Act, preserving the natural free-flowing condition of the river by protecting the environment surrounding its banks.

Historically, the Delaware came into being over 300 million years ago, when the Appalachian Mountain range rose, creating the necessary gap for the Delaware's fetal existence.

Anyone aware of its history and who has seen the beautiful Delaware freely flowing with its clean waters and abundance of fish and wildlife can readily recognize the sound rationale in including the Delaware under the provisions of this protective act.

With our cities rapidly encroaching on the relatively few areas of untouched natural beauty, it is incumbent upon Congress to assure the preservation of wilderness areas for future generations.

Including the Delaware River within the National Wild and Scenic Rivers Act is a manifestation of our enthusiastic support for the preservation of our Nation's natural beauty.

NATIONWIDE REFORESTATION IS CALLED FOR

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. RHODES. Mr. Speaker, I know that all Members of the House are deeply concerned about obtaining adequate housing for all citizens of the country. Most certainly, achieving this goal is dependent upon an adequate supply of soft and hard lumber for such construction.

Mr. Gene C. Brewer, vice chairman of Southwest Forest Industries, has addressed himself to the problem of realizing and maintaining a reliable supply of wood products for the construction industry. Mr. Brewer's speech, which follows, points out the need for a nationwide reforestation program. I am hopeful that all Members will find Mr. Brewer's facts and remarks helpful in planning for the future.

America's Forests at the Crossroad—Problems or Opportunities

(Address by Gene C. Brewer)

My purpose today is to share certain thoughts and convictions concerning our forests, to provide perspective on our problems and opportunities; and, hopefully, to excite your interest and your pride in our forest industry.

As a nation, The United States is at a forestry crossroad. We are faced with an urgent need to make some decisions—gutty decisions—vital to the economic and social well-being of our nation and vital to our leadership role of the world forest industry.

If our industry has a social responsibility, and I think it does, it is to the future of this nation. In my opinion the most meaningful way we can discharge that obligation is to pursue a vigorous, planned, nationwide reforestation program.

Our posture at the crossroad must be one of a positive and forthright search for solutions which lead to balanced use and full productivity of our forest lands. Choices must be made in an informed and rational way. This implies tradeoffs and compromises because our country cannot afford militant, winner take-all attitudes.

While we're pondering what the future might bring, let's pause just for a moment and reflect on our accomplishments. Let's put aside the goldfish bowl syndrome and the barbs of our critics. Let's recognize that we are responsibly serving some basic needs of the people of our nation—even in the face of heavy odds at times. And, finally, let's not be apologetic for shortfalls of the past.

As we stand at the crossroad, let's hold our heads a little higher and be proud of what we are now doing and in what the pioneers did before us. But let's not kid ourselves either—we can be *proud*, but we must also be humble in our service to our fellow man and take note that our achievements, over time, will be measured in the crucible of the marketplace. So let's see what our problems and opportunities might be.

At this moment, we are faced with what might seem to be insurmountable problems; but, in reality, are great opportunities in worldwide marketing potentials for the products of American forests. However, we also must conclude that if we don't start now to practice intensive management on every forested acre available to us and begin intensive forest management of every idle acre, coupled with an accelerated research and product development program, we will fail to take advantage of our opportunities and, in fact, we won't have enough wood and wood fiber to even meet domestic demands by the end of the century.

In a way, the current "Energy Crisis" has brought our national forestry situation into focus.

The looming loss of heat, motive power, and cooling and lighting capabilities have demonstrated that untoward delay can be catastrophic. On the other hand, in terms of forest productivity, by starting now, we can avoid anything like the worsening "Energy Crisis". And we can do so at great benefit for our nation, for the people of our industry and for the total environment.

A great deal of attention has been focused on our forests and on the profession of forestry in the last four or five years. The resulting publicity, for the most part, has not been favorable. However, it is questionable how many conclusions drawn from this concentrated attention and criticism have any basis in fact.

Some critics argue that we are cutting our trees faster than we are growing them. Some contend that the last tree available to us will be cut down very soon. There are even those who feel that since we arrived on the shores of the Pacific, there is no place else to go—they think we have literally "used-up" America from border to border and from coast to coast. No more frontiers to conquer!

The facts disagree with both the last-tree thesis and the last-frontier idea. We do have yet other frontiers and they are to be found in (1) the increased yield which modern management of our commercial forest base can bring; and (2) accelerated research for improved utilization and new product development, both keyed to the expanding world demand for forest products.

To be sure we understand each other, when I speak of forest products, I am speaking of solid wood and wood fiber in its various forms from timber to tissue, which altogether includes several thousand separate products.

Let's examine the world situation first. Free trade is the essence of American business and foreign policy. The forest industry is an integral part of the total trade structure. Pulp, paper, lumber, plywood, hardboard, and particleboard and many other woodbased items are highly significant worldwide. Today, due to international trade, these products are playing an increasingly important part of everyday living everywhere, and we cannot afford to be isolated from that trade.

Let's first play a numbers game and take a look at population figures. The Food and Agriculture Organization of the United Nations estimates that the total population of the world will be about 6.5 billion people by the year 2000—an increase of 3.5 billion, or more than 100 percent—or, simply, two for every one now on earth!

With these figures and economic forecasts as background, FAO and other world forestry leaders predict that consumption of wood products in all forms will double by the year 2000.

To put this in perspective, world consumption today totals about 250 billion board feet annually, in roundwood equivalents.

Double that is indeed an impressive figure!

What does all this mean to our forest products industry, *and where in the world is all of this wood and wood fiber going to come from?*

A satellite view shows that forests cover about 28 percent of the world's land area, or about 9 billion acres out of the total 32 billion. FAO estimates that world commercial timber inventories for both hardwood and softwood total 12.6 trillion cubic feet of softwood and 8.2 trillion cubic feet of hardwood, or a one-third—two-third ratio. The softwoods primarily are in North America and the Soviet Union, and the hardwoods, mostly tropical species, in Latin America, Africa and Southeast Asia, with lesser volumes in North American temperate zones.

So, it would appear, on the surface, that we have enough inventory around the world to take care of growing demand. Therefore, it would seem the only problem is, over the span of time, to move the resource from where it is to where it is needed, at the right time, in the proper form, and at acceptable costs. But let's dig deeper—the timber volume harvested does not follow the inventory, either geographically or by softwood or hardwood. In 1969, worldwide timber harvest figures show the softwood harvest exceeded hardwoods by 2½ times—180 billion to 70 billion board feet—that red flags the danger of a future softwood shortage, with which I'm mainly concerned.

Latin American forests, like those in some parts of the Far East and Africa, are many years away from full development. Not only are they relatively inaccessible, but they are composed of a tremendous variety of mixed hardwoods for which markets and manufacturing technology either do not exist or are only beginning to come under significant research. The exceptions are certain types of mahogany and related species flowing from Southeast Asia and Africa, and some from the Amazon—for the most part in solid wood products—lumber, veneer, and plywood.

Western Europe is intensively managing every available forest acre and has been doing so for a long time, but productive capacity of the land has just about peaked out. A trade journal reported recently that construction of one more pulp mill proposed in Scandinavia could be the last.

The Soviet Union has the largest volume of softwood timber growing stock—about 2.3 trillion cubic feet, or more than one-half (53%) of the world total. However, most of it is in Siberia. This suggests that Russia has the potential to be a more important supplier to world markets; but for a variety of reasons, not much change is expected for the near term.

The U.S. and Canada, combined, has nearly one-third of the total softwood timber stand, or 1.4 trillion cubic feet. But FAO reports that about 40 percent of the harvest presently comes from these nations, which suggests that, here again, harvest and inventory are out of balance.

Fortunately, Canada has an excellent forest land base that is capable, over time, according to the Canadian Forestry Service, of producing twice its current output of about 4 billion cubic feet—in round wood equivalents. Fortunately, too, in many respects, the U.S. is Canada's natural market.

Of particular interest to the U.S. is that, not too many years ago, leaders in Japan also wanted to know where in the world they could go to satisfy pyramiding demands for wood-based products. Then engaged a well-known international forestry consultant and he literally scoured the planet in search of appropriate sources of raw materials for Japanese industry. The results were interesting.

The research pointed up that the best places in the world for Japan to obtain softwood fiber were Alaska, British Columbia and the Pacific Northwest. *The evidence is quite conclusive that the consultant's advice was followed. It appears that the Japanese were alert to our potential long before we were.*

Perhaps they perceived that the forests of North America, generally, and the United States, specifically, have the capability of sustaining substantial additional per acre yield of long fiber softwoods when modern forestry techniques are applied.

In that regard, we have many dedicated professional foresters, in both public and private service, who have the know-how to manage our forests creatively. Examples of their years of planning and researching and intensively managing the productive forest base can be found in many parts of the nation.

Realization of their goals was sometimes an uphill battle against all odds, but renewability of our forests is now an established fact. With well-funded, balanced management programs, we can increase not only per acre yields of timber, but we can improve the forest environment with full recognition of ecological concerns.

Nature has a marvelous system called photosynthesis, which captures solar energy and converts carbon dioxide to lifegiving oxygen to produce what Bruce Barton called, "The Miracle of the Ages, The Tree."

There are other benefits to be accrued in this process of growing and supplying increasing quantities of long fiber softwood to both the domestic and world markets. John Strange, president of the Institute of Paper Chemistry, recently said it this way: "I don't think it's stretching things to say that the forest-based industries are among the principal stewards of the entire ecosystem and that a substantial number of the programs aimed at environmental control and energy conservation would be relatively futile in the absence of this stewardship."

Strange continued, "The fact that our raw material is renewable is important to us, but the fact that it is regenerative to the entire fabric of life is important to everyone!

And Dr. Barry Commoner, the environmentalist, has said, "Forestry is the only natural resource industry that puts anything back."

This, then, is one part of the new frontier!

Let's recall, just for a moment, our earlier discussion about populations around the world. Forget the figures themselves, but remember the fact that the world will soon have a new dimension in the consumption of the earth's resources, which I don't believe has been fully appreciated.

An emerging fact of life is a growing awareness throughout the world that raw materials are the key to an industrial economy. These resources are often located in undeveloped countries, but these countries are no longer eager to export raw materials which can better be used in developing their own economies and social structures.

So, we must recognize the ability of "Emerging Nations" to buy material things and we must also recognize the ability of "Developed Nations" to compete increasingly for raw materials. Witness Japan and Western Europe.

Now let's examine briefly how the U.S. forest industry has been involved in world trade. Of interest is the fact that we have been a net importer of wood-based products since 1941; and since 1948, the imbalance has been running between 6 and 7 billion board feet annually—expressed in roundwood equivalents.

In 1971, in roundwood equivalents, we exported 7.2 billion board feet and we imported 16.4 billion board feet for a net imbalance of 9.2 billion board feet. Altogether, we produced about 66 billion, so our usage was 75 billion board feet in all product categories.

Quickly, imports were primarily lumber and pulp and paper products from Canada, with smaller amounts of logs and plywood, mostly hardwood from the Far East. Exports were composed chiefly of pulp and paper and logs, with lesser amounts of lumber and plywood.

The United States does a lot of business with Japan, of course, since it is one of the world's largest importers of wood and fiber products. We are heavy suppliers not only of logs and chips, but are shipping increasing quantities of lumber and pulp and paper products. Japan's economy is booming and there is every reason to believe her requirements will continue to expand. Just in pulp and paper products alone, Japanese requirements are expected to double by 1985.

Our country also is supplying markets in Spain, the Netherlands, Ireland, the United Kingdom, Switzerland, Portugal, Norway, Iceland, Greece and Yugoslavia and many others. This trade demonstrates that we have the technology to meet virtually any market requirement.

Curiously enough, even though Sweden and Finland dominate the European markets for kraft, newsprint and other paper and wood products, our own multinational companies are supplying some of that same market with many of the same products, and doing so on a highly competitive basis.

We must strive to export more of the things that we *must* do best, and that is produce high-value finished products. Research must lead the way to highly sophisticated production techniques which should become a way of life in this country as we go about the business of selling what we have, and buying what we don't have, in the international market for wood and wood fiber products.

On the domestic scene, we also face problems and opportunities. Simply stated, how do we participate in growing world markets for forest products and, at the same time, furnish our growing domestic requirements? This latter is no small task since it is conservatively estimated that, by 1985, our needs will have increased by 50 percent and doubled by the turn of the century, or before!

As I see it, we have three alternatives—

(1) We can keep the status quo with adverse consequence to our standard of living; or

(2) We can increase our imports with further consequence to our balance of trade and competitive pressures; or

(3) We can accept the challenge and increase our output of finished products by—

(a) Increased annual timber harvest resulting from improved forest management.

(b) Greater utilization of forest residues.

(c) Greater manufacturing efficiencies.

(d) Accelerated research and product development.

In my opinion, alternatives 1 and 2 are not acceptable so we are left with the third, and that is to increase our output.

But here's the crunch. Let's assume that the demographers and the economists are right and that our own and world requirements for wood-based products will double by 2000, which indicates a modest growth rate of less than 3 percent annually. This means *that just to keep even* with the current imbalance of trade, *we must double our domestic output!*

That sounds good. But, on that premise, we would also be doubling our imports and thus be short 18 billion board feet of softwood lumber rather than 9, so this is yet another gap to close. Our nation and its people must rise to this challenge and assume the responsibility for stretching our wood supply to the ultimate through research and applied engineering as well as managing all commercial forest lands intensively so we can grow all the wood we obviously must have.

We need even more of the kind of innovative talent and curiosity that led Dr. Mason to invent hardboard; that led to the development of plywood and particleboard, and hosts of other products.

In wood, we have an efficient, relatively inexpensive, and potentially readily available fiber which, fortunately, provides many beneficial aspects to the environment. As a "for instance," let's take advantage of wood's inherent characteristics and, in combination with elements of the chemical and mineral world, develop a "universal" material that can be "engineered" for a particular requirement. We're doing some of that now, but we need to go much further. Thus, as another part of our new frontier, we need not only to stretch our materials, we need to "stretch our minds"—in short, to imagine what may at present seem unimaginable.

To do less than proceed aggressively on our twin frontiers—forestry and product research—would be unwise and costly, as an even worse crunch will come when international competition for available wood fiber intensifies and shortages begin to appear around the world. We've had a taste of that already.

What can we in the U.S. do about it?

For perspective, consider this. When Columbus sailed, there were over a billion acres of forest land in what are now the 48 contiguous states. The Forest Service has reported that in 1970, about 28 percent of the nation was forested. This means that today, more than 500 years and 200 million people later, there still are 754 million acres of forest land remaining—70 percent of the original stand! Of this 500 million acres are classified as commercial forest land.

When you consider the cities we have built; the farms we cultivate; the highways and the airports that span the country, it is amazing that this much forest land still exists. Consider, too, that 250 million acres have been set aside for non-commercial use. This includes national parks, wilderness areas, national monuments and the like.

On this point, it might seem that the forest industry is "against" these projects. Not at all, but the industry does say these single-purpose, non-commercial uses should be weighed against the other needs of our nation in the scale of public interest.

The 500 million productive acres remaining in the U.S. for intensive management are basic to the market opportunity I have mentioned several times. Of this acreage, industry owns 13 percent. Various governmental jurisdictions own about 30 percent and the remainder, or nearly 60 percent, is owned by about 4 million individual citizens. But, here again, the inventory and harvest are not in line. For example, federal agencies own almost 60 percent of the softwood sawtimber inventory, primarily in the West, and yet contribute only a third to the harvest. For the most part, these timber stands are mature and are not putting on growth—a cogent reason for an orderly increase in harvest, thereby freeing the land for regeneration with its attendant benefits.

In that regard, with adequate funding and intensive management, yield from forest lands under the jurisdiction of the Forest Service could be increased in the short term by at least 50 percent, according to both retired Chief of the Forest Service Ed Cliff, and present Chief John McGuire. It is further indicated that by 2000, the yield could be doubled—*a dramatic and vital input to future needs.*

Industrial forest owners are doing everything possible to increase yields. Weyerhaeuser Company, for instance, estimates that by using modern forestry techniques, a given acreage may provide up to five times as much wood fiber over a three-century growth cycle than it would if it were left to nature alone.

What basically is needed is a similar attitude and will on the part of the Congress and the Executive Branch—directed to both the public ownership and the millions of small private owners whose 300 million acres offer great potential. Since these private lands represent the nation's most significant underdeveloped fiber source for the long-term, specific legislation providing timber-growing incentives is essential.

On the public side, a redefinition of the mission of the federal timber agencies will be required. No longer is it appropriate for the federal role on these public lands to be custodial. Public lands must be managed productively for the benefit of *all* the owners. All citizens have the right to expect a fair return on their forest ownerships.

Some legislators share that view. Sen. John Sparkman of Alabama has introduced a bill to make it happen. The Sparkman Bill, which merits immediate and continued support, is S. 1775, "The Wood Supply and National Forest Lands Investment Act of 1973." It is co-sponsored by Sen. John Tower of Texas.

Sen. Sparkman's measure would not only stimulate tree growing on small private woodlots, it would establish a forest lands planning and investment fund to provide long-term, sustained financing for timber management and reforestation in the national forests. Sen. Mark Hatfield of Oregon has introduced S. 1996, "American Forestry Act", which authorizes programs to increase all forest values, including timber management on Federal lands and provides forestry incentives for small private woodland owners.

Another measure, sponsored by Sen. Stennis of Mississippi is now a part of the Senate Farm Bill and also provides incentives for indiivdual non-industrial woodland owners.

Historically, our federal land managing agencies have been, and still are, hampered by appropriated fund constraints which do not permit sustained allocation of funds for timber stand improvement, reforestation, mortality salvage, and all other aspects of intensive forest management so badly needed on publicly owned timber lands.

Beyond this, we need a funding method that would assure continuity in research for the development of new products, new methods of utilization, and perhaps entirely new concepts that cannot be entertained due to the constraints induced by the appropriation procedure.

It's time to get to the heart of the matter and provide permanent financing procedures through "earmarked" funds from timber sale receipts. This will permit the government agencies to make long-term plans and do the job of balanced timber management and product research the nation and the world need and which we know they are capable of doing.

In turn, those in the private sector, dependent on federal timber, must be encouraged to make investments in new facilities and embark on sustained product development and marketing programs.

Putting all this together, it is my view that the projected world demand for industrial wood *can* be balanced with supply, *provided* that all forested areas are developed to full potential and provided, too, that accelerated research and product development is carried on simultaneously. Improved utilization goes hand-in-hand with increased forest yields.

With respect to softwood, it is essential that Canada and the U.S. double forest output over the next 30 years. Russia will become an increasingly important supplier to world-wide softwood markets, but primarily directed to Europe and Japan.

On domestic hardwoods, certain species are now in short supply, but the long-range outlook is encouraging, given reasonable environmental requirements. Tropical hardwoods are plentiful and will become more of a factor in world markets, but economic circumstances and the nature of the forests will inhibit rapid development.

America's forests, as is apparent, are at the crossroad. We have a tremendous challenge ahead if we are to simultaneously meet domestic needs and participate in expanding world markets.

Our problem may be just one of waking up to our opportunity. We have a commercial forest base second to none in the world. We have the technology, a favorable climate, and access to the capital required to implement a program for increased productivity. But we must have a new, vigorous, sense of direction along with a sense of urgency. We know what to do. We know how to do it. What we lack is the will to do it. *We must define our national purpose and goals with respect to our forest lands.* Land is our basic asset. How we put it to use will determine to a very great extent the economic and social well-being of our nation.

Land, literally, lies at the root of man's partnership with the forest. Only we, among natural resource based industries are free of the problem of using up reserves. We are free of that constraint because we are dealing with a predictably renewable resource—the tree! Based on the renewability of the forest, ours is a self-perpetuating industry and we have it within our grasp to initiate programs now which will insure that future generations of Americans will not only have sufficient wood fiber for the necessities of life but will have forests for other social, aesthetic and recreational amenities, also important in the lives of us all.

On that point, I might raise the question, "who in our scheme of things, is responsible for tomorrow?" Bear in mind that in forestry we are not talking about the 5 or 8 year lead time indicated in the energy situation. We are talking about 25–40 years because, by definition, forestry is a long-range business. We are, indeed, at the crossroad and the time span is critical. The year 2000 is only 27 years away—less time than it takes to bring a Douglas fir or a Southern pine seedling to harvest.

Many public figures are claiming that the current "Energy Crisis is contrived—a conspiracy by the major energy companies. I wonder what will be said at the turn of the century if we face a similar crisis in forest products with the possibility of rationed housing, newsprint, and household items.

Now is the time for decisions—gutty decisions by the industry, by Congress, and the Executive Branch. This calls for vision, courage and statesmanship of the highest order because there is no short-term payoff. Once accomplished, however, we'll have sound investments, ever enhancing in value, in research and development programs and in balanced forestry programs on both public and private lands. Forestry, along with agriculture, could well be the lifeline of our nation.

THE COMPREHENSIVE CHRONIC ILLNESS ACT OF 1973

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. HARRINGTON. Mr. Speaker, last year I introduced a discussion draft of a proposal that would provide all Americans who suffer from disabling chronic illnesses with federally financed home care, nursing home care, and other custodial care. Today, I am reintroducing that proposal, entitled "The Comprehensive Chronic Illness Act of 1973."

In a time of such rampant inflation, to be chronically ill in America is to be chronically in debt. Escalating hospital and doctor bills have driven millions of sick people to the verge of bankruptcy. Many who cannot afford proper care go unaided. The bill is designed to meet both the human and financial needs of those 22 million Americans who suffer from disabling chronic ailments.

Chronic illness is not a problem of the unfortunate few, but of the unfortunate millions. With the advances in medical science, more Americans are reaching the age at which they become vulnerable to arthritis, emphysema, cancer, heart disease, and other chronic illnesses. Nearly 11 million Americans suffer from arthritis alone. Rheumatism afflicts another 6 million. Heart diseases have stricken more than 15 million Americans with another 13 million suspected sufferers. More than 500,000 people suffer from multiple sclerosis. Parkinson's disease, which is primary among the crippling neurological diseases, afflicts more than 1 million individuals, and 50,000 more Americans will be stricken by this disease this year.

The majority of the chronically ill are poor. The poor suffer three times more heart disease than the general population; seven times as many eye defects; five times more mental retardation; and five times more nervous disorders. The victims of chronic ailments have an average income bordering on the poverty level, with the high costs of medical treatment—between $900 and $1,000 a month for some ailments—they often cannot afford the basic necessities for life. Their afflictions worsen when the needed care cannot be obtained; the person is forced to miss more work, thus reducing the level of income still further. It is a vicious circle.

No one is immune from the risk of catastrophic illness, and no one should be left without the means to pay for treatment. The bill I offer would help break the cruel link between health and wealth.

Chronic illnesses know no age restrictions; they disable both young and old. The physically handicapped, the mentally retarded, the autistic child, the young or middle-aged person suffering from multiple sclerosis, muscular dystrophy, heart disease, Hodgkins disease, and other diseases all are equally in need of adequate health care, regardless of adequate health care, regardless of level of income of them, their parents, or spouses.

In recent years, we have become increasingly aware of the misutilization of high cost hospital facilities and institutions for health care which could be accomplished elsewhere. We need a middle ground between the home and hospital. We need facilities where a person can obtain custodial care and still remain in close contact with his family. It has been estimated that 10 percent or more of the chronic, long-term patients in Massachusetts hospitals and institutions could be released if they had foster homes or halfway nursing home facilities available to them. We need to examine our present method of health care delivery to these people.

I know that the legislation I am introducing today is very costly. No clear and definite cost estimate has ever been made. But we know that it will cost several billion dollars. Many will accuse me of irresponsible legislating—of failing to understand that our financial resources are finite. My answer is that I do not offer this bill as the only answer to the problem. I offer it so that we may have a forum from which to speak about those individuals who will not be covered by national health insurance. We cannot simply close our eyes to the fact that millions of people will not get health coverage; that millions of people will be forced into debt and will not receive the adequate care or training which they deserve. If national health insurance cannot cover everyone, then let us admit this and let us at least choose those whom we want to cover. But let us not fool our constituents into believing that national health insurance will, indeed, be comprehensive.

The problem as I see it is that as a Nation we have failed to set our priorities. And one reason we have failed to set those priorities is that we have not clearly articulated them. Obviously, the elderly, the retarded, and others with long-term, chronic conditions are a priority. The question is how much help the Federal Government is willing to give them.

Mr. Speaker, with the House Interstate and Foreign Commerce Subcommittee on Public Health and the Environment intending to hold hearings on the issue of national health insurance, it is imperative that we not forget the health needs of at least 10 percent of our population.

I offer this bill so that we may finally get down to an honest and forthright discussion of our own capacities as a nation to give assistance to the various citizens who need it.

An analysis of the bill follows:

ANALYSIS OF THE BILL

The bill will cover the chronically ill who have been neglected by most Federal programs. Services covered by the proposal will include:

1. Nursing home care: medically necessary care and services provided to an individual who is chronicaly ill in a qualified nursing home;

2. Other custodial care: necessary care and services (other than nursing home care) provided to an individual who is chronically ill or is mentally retarded in a facility that meets the requirements established under the Act;

3. Home care: care and services which are furnished to an individual in his home for the purpose of maintaining his health. Such service will include the provision of medication, medical equipment, nursing care, homemaker services, and rehabilitation including occupational counseling;

4. Paramedical care: medically-related care and services which are furnished by an agency approved by the Secretary of HEW;

5. Emergency medical care: the effective delivery of health care services under emergency conditions which are a result of the patient's condition;

6. Education and training: services provided to physically and mentally handicapped children and adults, tailored to their individual needs and provided by nonprofit agencies;

7. Day nursing home care: care and services provided to an individual in an approved facility which does not provide its patients with 24-hour acommodations subject to the same limitations as provided for nursing home care;

8. Night nursing home care: care and services provided to an individual in an approved facility which furnishes nursing home care and other custodial care during the night-time hours, but does not provide the patients with 24-hour accommodations, subject to the same limitations as provided for nursing home care;

9. Weekend nursing home care: care and services provided to an individual in an approved facilty which is primarily engaged in furnishing nursing home care and other custodial care and services from Friday evening to Sunday evening, subject to the same limitations as provided for nursing home care.

The part-time nursing home programs are based on successful experience in Great Britain. The purpose of this kind of care is to provide needed treatment while keeping the patient in close contact with his family.

The restrictions on nursing homes are similar to, but more stringent than, those proposed in the Kennedy-Griffiths bill. These regulations include:

1. The establishment of a 10-member utilization review board which will consist of four members of the general public, two physicians, one registered nurse, one paraprofessional, and two patients, not more than two of whom shall be on the staff of the facility. This board will meet every thirty days to determine the need of future care in each case;

2. Annual policy review on the advice of the utilization review board;

3. Designation of a physician responsible for the execution of such policies;

4. Operation by an accredited hospital or under the supervision of a nursing home administrator licensed by the state in which the facility is located;

5. The requirement that the health care of every patient be under the supervision of a physician, and that a physician be available to furnish the necessary medical care in case of an emergency;

6. Maintenance of adequate clinical records on all patients;

7. Provision of 24-hour registered nurse service sufficient to meet the needs of the patients. At least one registered nurse would be on duty at all times;

8. Appropriate methods for the prescription and dispensing of drugs;

9. Designation of an officer charged with the duty of protecting the legal rights of patients.

Any other custodial care facility must be a nursing home, a public or private institution or training school which is primarily engaged in providing care or training, or both, to the chronically ill. The facility must meet other appropriate requirements as determined by the Secretary of HEW.

All institutions participating in the act must keep written policies and procedures which are subject to the review of the Secretary of Health, Education, and Welfare. They must also meet the standards and regulations of the State in which they are located.

Payment to the providers will be determined by the Secretary of Health, Education, and Welfare. The act will be funded through general revenues. There will be no duplication of benefits between this act and other governmental programs.

Over a 5-year period, the Secretary of Health, Education, and Welfare shall complete a study on the costs of providing the care under this act, and he shall transmit his report to the Congress and to the President.

The act will be effective on the first day of the first calendar month which begins 6 months after the date of the enactment.

Mr. Speaker, this program will adequately meet the needs of the chronically ill in America. They have been neglected too long.

FEDERAL POST CARD REGISTRATION

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. FRENZEL. Mr. Speaker, on July 25, I inserted the preliminary results of a poll of the 50 secretaries of State in the RECORD on page 26018. This poll was taken in an effort to determine the amount of support for a Federal post card registration system.

Since many Members indicated interest in the final results of the poll, they are as follows: 40 election officials responded; 3 secretaries felt that a system of Federal post card registration is a better alternative than their current State system; 30 stated that they preferred their current registration system to the proposed Federal post card system; 8 felt that at a given cost other alternatives may or will be better than the post card system; 3 secretaries thought any of the alternatives were acceptable or were neutral. The total number of responses is 44 which is greater than the number who replied, 40. This is due to the manner in which the questionnaire was constructed. It was possible for a secretary to check two alternatives.

I hope all Members will be interested in these responses from the people who are charged with making our registration system work.

"GOODBYE LIBERALISM FOREVER," AN ADDRESS BY THOMAS L. HUGHES, PORTLAND STATE UNIVERSITY, OREG.

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. BRADEMAS. Mr. Speaker, I take this opportunity to draw to the attention of Members of Congress the text of an outstanding address delivered by Thomas L. Hughes, president of the Carnegie Endowment for Peace, at the commencement exercises at Portland State University, Portland, Oreg., on June 9, 1973.

Mr. Hughes has had a distinguished career in public service, having been for a time administrative assistant to our then-colleague in the House of Representatives, the Honorable Chester Bowles, and later as Director of the Department of Intelligence and Research in the Department of State.

The text of Mr. Hughes' address, entitled "Goodbye Liberalism Forever," follows:

GOODBYE LIBERALISM FOREVER

(Commencement address by Thomas L. Hughes)

Young women and young men of the Class of 1973, your parents, teachers, and friends:

It took President Wolfe some time to phone. He explained when he wrote: "You were not here in 1969 because we invited Pat Harris. You were not here in 1970 because we wanted Art Buchwald. You were not here in 1971 because we had John Forbes Kerry. You were not here last year because we preferred Marya Mannes. But we want you for commencement, 1973."

Somehow all this rather reminded me of that lovely passage in Margaret Truman's recent memoirs of her father about what actually happened on Inauguration Day, 1953. According to Margaret, the President-Elect, General Eisenhower, tried to force the incumbent, President Truman, to pick him up at the Statler Hotel en route to the ceremonies. Dad, reports Margaret, was very conscious of the fact that he was still President, and he announced: "If Ike doesn't pick me up, then we'll go in separate cars." Eisenhower capitulated and stopped by the White House to pick up Truman. There was very little conversation during their one-mile ride to the Capitol. Finally Ike remarked he had not come to Truman's own inauguration in 1949 because he had not wanted to attract attention away from the President. That roused Dad, according to Margaret, and he said to Ike: "You were not here in 1949 because I did not send for you. But if I had sent for you, you would have come."

Your President sent for me, and here I am. I come to you, of course, from Washington. There, as we took off, the pilot said: "Directly ahead of us on our line of ascent, at approximately 1:00 o'clock those on the right side of the aircraft can't miss the famous Watergate complex, while on the other side, at about 11:00 o'clock those on the left will have a superb view of the equally famous Lincoln Memorial." All the way in to National Airport to catch the flight the latest bumper stickers were also in evidence: "Free the Watergate 500", "We brake for animals and wiremen", and "Honk if you think he's guilty."

ALMOST CYNICAL

Commencements are, traditionally, the best of times for some—like you. They are the worst of times for others—like myself, whose advance billing on this occasion nearly makes me guilty by association with the whole rotten system. I refer to a recent issue in the Portland State *Perspective*. It began by referring to me as "one of the few genuine intellectuals of the Kennedy era, a funny, skeptical, almost cynical man." These sentiments were snatched from David Halberstam's new book, "The Best and The Brightest". Simple self-restraint prevents me from demonstrating the first three of those characteristics this afternoon. But, I suppose, that "almost cynical" will haunt me, the way quotations from best sellers have a habit of doing, right into the obituary columns.

"Almost cynical". A hell of a lot rides on that almost. I suppose he means something more than the forgivable bouts of soul-satisfying pessimism which anyone of sensitivity must have experienced from time to time during the disappointments of the past decade. "Seeing things as they really are is true cynicism", Noel Coward used to say, thereby proclaiming himself a true cynic. Seeing things as they almost really are makes one, I suppose, almost cynical. Yet my parents would still have been offended by David Halberstam's phrase. They brought me up in the tradition of Charles Kingsley—most often remembered as the author of *Westward Ho*—whose only other claim to fame is his deathbed advice to his daughter: "Be good sweet child, and let who will be clever." She, like me, was clearly intended to be one of the best, not one of the brightest.

THINGS FALL APART

Just as cynicism grew while Americans debated their alleged betrayal by the best and the brightest, so cynicism is now galloping ahead as we confront the high-level crimes of the creeps and the crudest. This is a time of forboding when, as Yeats said, things fall apart. If the Johnson Administration taught us that the best lacked all conviction, the Nixon Administration is teaching us that the worst are full of passionate intensity. The cynics who conceived, ordered, and performed the lies and the laundering, the bugs and the break-ins, the forgeries and the cover-ups, are in part relying upon—and are excused by—their fellow cynics who tell the Gallop pollsters that everybody does it. The result is that Americans in general at this unhappy moment do, in fact, risk being divided between the cynical and the almost cynical.

In his charming autobiographic letters to his grandson, Victor Gollancz tells of a telegram he received during World War I from his best friend at Oxford. The message was sent just before the friend went into action for the first time on the Western front. It ended with the words: "Goodbye Liberalism Forever." Gollancz read it as written, without stops. Only later did he find out that it was the fault of the telegraph office and was supposed to read: "Goodbye. Liberalism Forever!" It was meant as a flaming watchword—not a farewell cry of despair.

A ONCE AND FUTURE LIBERAL AMERICA

Only yesterday the private eyes and plastic bags were well on their way to poisoning the politics of a once liberal America. The plumbers and polygraphers and perjurers whose names are now household words clearly had one thing in common: their liberal chromosomes were missing. Those who sent the burglars and buggers forth with their red wigs and rubber gloves were prepared, you may be sure, to say goodbye to liberalism forever. We are only beginning to realize how close they came to succeeding: how near we have just been to saying goodbye to any near-term chances for an effective regeneration of the liberal spirit in America. The Spirit of '76 which men in the White House had in mind for us, and which animated their conspiracies, was a spirit utterly foreign to Jefferson's Declaration—a spirit that had nothing to do with liberty, nor with the pursuit of happiness, nor with the inalienable rights of men who are created equal. Some of the nation's leaders deliberately set about alienating the rights which other Americans thought they enjoyed by birth.

THE WATERGATE POISON: THAT WRONG CAN BE RIGHT

Nor is there evidence, even at this late date, that those who planned and perpetrated these outrages understand what, if anything, they have done wrong. "All I did", says the indicted former Attorney General, "was to help re-elect the President." By contrast, even Clifford Irving had the honesty to say en route to jail for his fraud sentence: "If I had had the slightest idea it would have turned out the way it did, I wouldn't have done it." By the same token, the residual liberalism of contrition seems to be missing among the President's practitioners of domestic *Realpolitik*. Even this week Mr. Haldeman was reportedly still at his White House desk with the familiar sign on it: "No problem is so big or complicated that it can't be run away from." We shall see.

Of course, liberals and illiberals alike have said goodbye to many forms of liberalism during its rich and checkered history. Moreover it has always been one of the chief frustrations of liberalism, as well as one of its chief glories, that every liberal is free to define it in his or her own way. But the presence or absence of identifiable liberal ingredients also still defines the difference between true cynics and those whose pessimism is tempered with hope.

NOT A DEGREE-LESS MAN AMONG THEM—WHAT DID THEY LEARN?

Thus one wonders what these graduates of institutions of higher learning learned at their alma maters—about the realities behind the phrases that used to trip so easily from their lips: law and order . . . public morality . . . integrity in government. "Watch what we do instead of what we say", said John Newton Mitchell of Fordham and St. John's. Bit by bit we are now learning what he did, and what the others did as well: Colson of Brown and George Washington University; Ehrlichman of UCLA and Stanford; Haldeman of Redlands and the University of California; Mardian of Columbia and USC; Magruder of Williams and the University of Chicago; and so it goes. Not a degree-less man among them, most of them with two, some of them with three, from many of America's most famous educational institutions.

Eagle scouts, lawyers, Junior Chamber of Commerce award winners, YMCA directors, men of the year—think what they might have learned from their liberal educations if they had bothered to do so. Think what they could have brought to their high offices instead of what they did bring:

Instead of zealotry, they could have brought the liberalism of proportionality—the spirit of a government of laws, not men.

LIBERAL SKEPTICISM MISSING

Instead of fanaticism, they could have brought the liberalism of skepticism—that safeguard against being too sure that one is always right.

Instead of trampling over statutory responsibilities, they could have brought the liberalism of respect for institutions established for specific purposes, not to be bypassed, contaminated, subverted, or supplanted at the personal whims of a President.

Instead of the closed circuitry of a private cabal, they could have brought the liberalism of public responsibility, the instincts for accountable leadership and collaboration in an open society.

Instead of unreasoning servility, they could have brought the liberalism of critical loyalty along with the judiciousness which distinguishes it from disloyalty.

Instead of corrupting the domestic scene by importing alien practices, they could have resisted the temptation to overleap the boundary lines between covert operations abroad and Constitutional rights at home.

Instead of creeping amorality, they could have inculcated habits of thought which might have preserved some consequential glimmerings of the difference between ends and means.

Instead of suspending moral judgment, they could have brought the liberalism of self-insight, self-awareness, even conscience.

In short, instead of a crisis of governance, they could have given us a respectably conservative chapter in the world's oldest continuing experiment in building a practical liberal society.

AN UNENDING PROCESS OF LEARNING

The liberal options have always been open—and fortunately remain open—to any American who wishes to choose them. But they are especially available to those whose liberal education best justifies itself as preparation for a liberal life—in the professions, public service, or whatever else. The process is unending, and therefore, so is the hope. And it is appropriate to remind ourselves of that set of liberal themes as well, especially on occasions like this.

A generation ago I remember sitting where you are sitting. The identity of our commencement speaker I have long since forgotten, but I do recall his theme. He told us that there was little hope for humanity unless we proved to be at least twice as good as our parents. By twice as good, he meant twice as free from superstition and prejudice, twice as emancipated from the dying gods of yesterday, twice as able to face facts without disguising or distorting them, twice as clear in intellectual perceptions, twice as inventive in social action, twice as interested in achieving and preserving world peace, twice as courageous in purpose and committed in aim—in short, twice as dedicated, twice as liberal, and twice as mature.

The audience reaction was instantly favorable and unanimous. Our parents nodded their confident agreement with the speaker's sentiments, smilingly accepting his recitation of their own inadequacies. To the extent that the exhortation to outdo our parents provoked much thought at all among the graduating class, we implicitly responded "that's easy".

A quarter century later, I suspect you do not think it possible that we have been twice as good as our parents. Hence even by the normal criteria of geometric progression, you will presumably have to be many times as good as we. At any rate it is no news to you that you graduate into a society uptight with crises beyond the Watergate—the priorities crisis, the poverty crisis, the racial, urban, cultural, and monetary crisis, and the crisis of Cold War battle fatigue.

I do not know how many of you accept how many of the following propositions, let alone with what degree or fervor or fear. For most militant student colleagues, however, the issues of contemporary industrialized societies have become increasingly the same. They share a common loss of faith in the capacity of existing societies to reform. They are tired of asking the right questions about integration, urbanization, automation, and consensus politics. They are bored with all bureaucracies. They are repelled by the mass media, business comforts, the technological prison, and the malaise of affluence. They are offended by the tamed liberals, the irrelevant labor unions, the hypocrisies of personal ambition and the condescensions of the Old Politics. They feel powerless before the obvious manipulations of the law itself, before the diversion of domestic substance into demoralizing foreign ventures, before the dead hand control of men and ideas whose time has gone.

WE NEED ALL THE MORAL INSIGHT WE CAN GET

But copping out in reaction to these propositions is not very helpful when we need all the moral insight we can get. Thus we shall have no vacation from foreign policy, no time off for good behavior at home, and surely no time off for bad behavior. The arts of dialogue and conciliation—each of them liberal arts—may be in short supply both here and abroad, which means we will need them all the more. In both places the issues always will be what they always have been: the everlasting, value-laden issues of where to stand and when.

Above all else that simple inevitability speaks truth to the generation gap, saying: defy it, span it, close it, work across it, live beyond it. Consider, just consider, that the famous psychedelic barrier of age thirty is not really the generational divide to end all generational divides. I know how intimidating it is. But I suggest that it is not too early for you to start making your own adjustments to the infallible proposition that you will, before long, be thirty-one. Indeed, incredible as it may seem, two and one-half million Americans stop being thirty every year and become thirty-one.

ACCEPT SOME OF THE TRUTHS ALREADY ACCEPTED

Meanwhile in the few years you have left before entering the older generation, I invite you to give some thought to another liberal proposition. You do not have to feel that you necessarily lose your originality by accepting some of the truths already accepted by your predecessors. Allow for the possibility that your generation may not in fact be the world's first discoverers of music or art or the dignity of man—perhaps not even the inventors of sex and peace and justice. There remain a few practitioners of each over 30 whose liberal education is not yet at an end.

Predictions are hazardous. But I suspect that when you are as old as I am, and look back from 1998 on the intervening 25 years, you will be conscious of rediscovering some old discoveries. By then, depending on your temperament, you will be relishing or squirming under the embrace of a new establishment. You will have earned resentments by prematurely retiring men of unique experience like me who will find it self-evident that we merit many more years of public service. We will shamelessly be accusing you of elbowing us aside with an alleged ruthlessness quite unheard of hitherto.

OLD FOGEYISM CAN BEGIN AT ANY AGE

Some things, of course will have changed. Dr. Spock, the steadiest of your lifetime companions—from birth through draft cards crises to the heady politics of war and peace—will have retired by then to write about geriatrics. The children of light and the children of darkness and the children of permissiveness alike will sit in the seats of power. The New Left will have become the Old Left as the New Men themselves grow old. You will be manning old barricades against hordes of youthful nihilists who lack your mellowing appreciation of both substance and style. At best they will regard you as Old Fogies, and you will be accusing one another of the same. What is worse, you will all be right, for Old Fogeyism can begin at any age. Some of you are undoubtedly Old Fogies already. At any rate you will long since have surmounted and survived the Orwellian doomsday of 1984. You will be but two short years this side of Herman Kahn and the year 2000. And as the 21st century rolls around, I anticipate that many of you will be meditating about the timelessness of age and the timelessness of youth.

Like other old men around you, you will have started to believe the liberal proposition that youth is not a time of life, but a state of mind. There is no reason why you should not learn this before you become too old yourselves. Because it, too, just happens to be true. "Are you ready?" Martin Buber asked a group of us on an Israeli kibbutz in 1950. "That is the great question," he said. "Are you ready—for each other, for history, for the world?" Conceivably some of you are ready now. Some others of you will never be. There are others three times your age, who have always been ready—and who continue to live lives full of positive, imaginative, constructive engagement, wrestling with the great issues with undiminished zest. Next to my family, I count as the greatest privilege of my life to have known and worked closely with some of the most youthful members of an older generation. They were liberals. I can report the obverse as well—that I have also worked with colleagues, years younger than I who are among the oldest men I know. They were not liberals. I have been around long enough to tell the difference between the old who are young and the young who are old.

SEPARATED OR LINKED, NOT BY GENERATIONS, BUT BY IDEAS

Sooner or later you will find, if you have not already found, that the great gaps in conversation are not generational gaps, but gaps inside generations. You will be helped in this discovery by the course of events themselves. For a generation never takes power on its own, except in schools and universities. Very shortly now you will have all the rest of us for competitors, critics, and colleagues—separated or linked together by a mutuality of interests or, best of all, ideas.

The links across generations between persons of notably generous spirit—these rank high among the gifts which liberalism forever bestows. Their presence or absence will, I think, be utterly decisive in redefining the character of our national interest, not to speak of making our national interest once again interesting to others. Here is a task which can in full measure all the dedication and spontaneity which the conscience-stricken cutting edge of the graduating classes of 1973 can provide.

Your generation already has a reputation for the intensity of your individuality—your stress on bone honesty, your introspection. Overdone, however, concentration on your individual selves can jeopardize our common democracy. Once more the liberal tradition puts the problem in the constructive balance which it requires. Despite the liberal's individualism, self-awareness, passion for uniqueness, rejection of the lowest common denominator, he or she cleaves to the wider human angle of vision—to the special insights it engenders, the special appreciations it teaches, the special requirements it lays upon our American officialdom and public alike. If you can be both the liberal individualist and the liberal humanitarian, then you will have grasped an essential key to the future, very possibly the key of keys.

ELEMENTS OF SUSTAINING POWER

If these are not the elements of sustaining power that lie at the roots of the only American worth having and holding, then I do not know what those elements are. If I were not sure that these are the ultimate, indispensable underpinnings of America's policies at home and abroad, then I would be prepared to give the cynics their day. If I did not believe that the liberal tradition eternally provides the kind of head start we all need, then I would not see why anyone should expect a new birth of liberalism from you. But as it is, I do.

And so, at the end of the day, I am a liberal without apology, a liberal without embarrassment, a liberal without regret. To the degree that I am sorry for anything, it is not that I am a liberal, but that I am not more liberal than I am.

Here on the rim of the Pacific it has always been easier to say such things than in the convoluted East. "Eastward I go only by force, but westward I go free," wrote Thoreau over a century ago. "I must walk toward Oregon," he added, "and not toward Europe."

Since then Oregon has had more than its per capita share of the nation's liberal leadership and insight. Men and women of both parties have reinvigorated that tradition in public life and carried it forward at critical moments in the recent past. You are doubly fortunate to have learned and labored under the long liberal shadows some of them have cast.

Whatever it is you now say goodbye to, take enough liberalism along with you to last a lifetime of decent, democratic effort. If you do, you will create that "tie between the person and the event" which the poet thought was the "secret of the world."[*] If you do, you will personally help assure that the inner voice of liberalism will speak as insistently to the better angels of our nature a hundred years hence as it did in the Victorian idiom of a hundred years ago:

Say not the struggle naught availeth,
  The labor and the wounds are vain,
The enemy faints not, nor faileth,
  And as things have been they remain.

If hopes were dupes, fears may be liars;
  It may be, in yon smoke conceal'd,
Your comrades chase e'en now the fliers,
  And, but for you, possess the field.

For while the tired waves, vainly breaking,
  Seem here no painful inch to gain,
Far back, through creeks and inlets making,
  Comes silent, flooding in, the main.

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[*] Ralph Waldo Emerson.

And not by eastern windows only,
When daylight comes, comes in the light;
In front the sun climbs slow, how slowly.
But westward, look! the land is bright!"

—*Arthur Hugh Clough.*

FAIR PLAY

HON. ROBERT P. HANRAHAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. HANRAHAN. Mr. Speaker, this past week Mr. George Bush, chairman of the Republican National Committee, made a statement which brought out extremely important information in relation to the Watergate hearings. It is extremely important in terms of "fair play" during the course of the hearings. It raises some very serious questions about Mr. Carmine Bellino, the man who is currently serving as Chief Investigator of the Senate Watergate Committee. I would like to have the text of Mr. Bush's remarks placed in the RECORD for my colleague's information:

STATEMENT BY HONORABLE GEORGE BUSH, CHAIRMAN, REPUBLICAN NATIONAL COMMITTEE

A few weeks ago information came to my attention that led me to believe that the Republican National Committee and certain Republican Party and Presidential campaign officials had been spied upon during the 1960 Presidential campaign.

Further there was a strong indication that the spying included the use of electronic devices and possibly even electronic surveillance of the hotel space in which then Vice President Nixon prepared for his television debates with then Senator John F. Kennedy.

Further there was strong indication, and I have no doubt in my own mind that such was the case, that this spying and surveillance had been ordered by a key aide of the Kennedy campaign manager.

I retained counsel for the purpose of investigating and analyzing the information in order that, to the limited extent facts can be gathered without legal or court process, I might know whether there was substance to such allegations or whether they were simply unfounded rumors.

I am now convinced that there is, in fact, substance to the allegations, for I have been given three affidavits sworn to under oath together with other investigative and analytical material which provide that substance.

The Republican National Committee and key officials of the Committee and of the 1960 Presidential campaign were indeed under surveillance and spied upon. This surveillance and spying was for the purpose of watching the movements specifically of one employee of the Republican National Committee, Mr. Ab Hermann, who had important duties in the 1960 Nixon campaign. Mr. Hermann was not aware he was being watched. One of the sworn statements by one individual alleges that it was that person's clear impression that electronic surveillance against Richard Nixon "wrapped up" the debates for then Senator Kennedy.

A second affidavit by a former Inspector of Police of the Metropolitan Police Department of the District of Columbia states that he was approached on behalf of this same man to assist in gaining access and entry to certain suites at the then Wardman Park Hotel for the purpose of installing electronic eavesdropping devices in those suites.

The man, who according to these affidavits ordered and directed the spying on these Republicans, is the Chief Investigator of the Senate Watergate Committee, Carmine S. Bellino.

I have never met the people who executed these sworn affidavits, but I do have the sworn affidavits. I had planned to release this information at a news conference on July 14, 1973, but one of the men who signed an affidavit, Mr. John Leon, died the previous day. In deference to his widow and family, I cancelled the news conference on July 14.

I cannot and do not vouch for the veracity of the statements contained in the affidavits, but I do believe that this matter is serious enough to concern the Senate Watergate Committee, and particularly since its Chief Investigator is the subject of the charges contained in the affidavits. If these charges are true, a taint would most certainly be attached to some of the Committee's work.

Some will say in releasing this information that I am trying to justify Watergate. That simply is not true.

I have deplored Watergate openly and publicly. I have felt troubled by it and, indeed, sickened by it. I have urged that the matter be promptly resolved by full disclosure. I have urged the prompt calling of all material witnesses.

It is not my intention to be saying, "Oh, everyone does this stuff in politics, so forget Watergate." It is my intention to say that elementary fairness requires that some balance prevail, that serious violations of the public trust have gone on prior to Watergate and that it is a gross distortion to microscopically analyze one campaign and totally ignore what others have done in other campaigns.

I have been seriously concerned at the fervor of attention, at the distortion of perspective on all of this. There was corruption. No honest Republican would deny it. Every honest Republican deplores it. In fact, every honest Republican hates it.

But now I have presented some serious allegations that if true could well have affected the outcome of the 1960 Presidential race. The Nixon-Kennedy election was a real cliffhanger, and the debates bore heavily on the outcome of the people's decision.

If the recollections and impressions contained in these affidavits are true and attempts were made to bug Richard Nixon's hotel suite before the debates to affect their outcome, then the public should know about it.

It also seems important to me, and I believe to any fair-minded person given the sensationalism of Watergate and the vitriolic commentary by some that is being unloaded on the 1972 Nixon campaign and in some quarters on the President himself, that the public realize that the Democrats did, in fact, according to all three affidavits in my possession, spy on an official of the Republican National Committee and that they approached an Inspector of the D.C. Metropolitan Police Department to gain his cooperation in bugging Republican rooms at the then Wardman Park Hotel.

Fair play dictates that the United States Senate immediately conduct an investigation into the charges contained in the attached affidavits. It seems to me in fairness that this investigation be conducted before the television cameras with appropriate parties under oath.

To the extent that any of the allegations contained in the affidavits are true, it is my fervent hope that they will aid this Committee in its quest for legislative answers to ending once and for all illegal, unlawful, corrupt and detestible campaign activities conducted by one camp against the other.

One final point. The justification for the Committee's existence is to design legislation to end the kind of activity that is alleged to have occurred, both in 1960 and 1972, and possibly even in other campaigns in other years and for other federal offices. Thus I urge the Senate Watergate Committee to begin immediately to draft appropriate legislation that will forever clearly make such activity unlawful and to that end I offer my services and the services of the Republican National Committee. I call upon my counterpart, Mr. Strauss and the Democratic National Committee, to do likewise for this issue transcends even the most remote partisan consideration. It has been said before by others but I believe worth repeating that the very confidence of a people in its government is directly proportionate to their confidence in their nation's electoral process. This is a matter not to be trifled with, but one which cries out for the immediate attention of the Senate Watergate Committee, the Congress, the President and all Americans.

COMMISSION ON FEDERAL ELECTIONS TO CARRY OUT THE FEDERAL CAMPAIGN ACT OF 1971

HON. RALPH S. REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. REGULA. Mr. Speaker, today I am introducing a bill "To establish a Commission on Federal Elections to carry out the Federal Election Campaign Act of 1971 and to recommend further reforms with respect to regulation of campaign activities; and for other purposes."

This bill contains many of the recommendations of the President of the United States and some of the best provisions of the various bills introduced in this and the other body to date.

The purpose of my bill is to provide a Commission on Federal Elections that is wholly independent, charged with implementing the Federal Elections Campaign Act of 1971 and studying and recommending such changes to that act as may be necessary. I have attempted to make it more attractive for the small contributor to contribute to Federal elections and, unlike the bill passed by the other body, to State and local elections. By the same token, I have limited the amounts that can be contributed to any one candidate and have strengthened what I believe to be the intent of the 1971 Federal Elections Campaign Act—that is, accountability—by providing that only one committee may be authorized to make expenditures on behalf of and receive contributions for any one candidate.

I recently polled the constituents of my district and 1 of the 10 questions I asked was: "Should Federal tax dollars be used to finance election campaigns?" The response I received was overwhelmingly in the negative. I therefore rejected any proposal to federally subsidize our time-honored free elections procedures but have, I believe, achieved the same results as those who advocate such financing by providing for a greater tax credit or deduction, at the election of the contributor, for his contribution to individual candidates.

I believe my bill offers a reasonable alternative to both those that say our present system of elections favors "those that have or can get it" and those that advocate a Federal subsidy of potential politicians.

Briefly, my bill establishes a permanent five man Federal Election Commission appointed by the President. The Commission is given the power and authority to supervise and implement the Federal Elections Campaign Act of 1971 as amended.

I also establish a Nominating Committee to recommend to the President suitable persons, for appointment to the permanent Commission. This Nominating Committee consists of Members of Congress and individuals from private life. The President is not bound by the recommendations of the Nominating Committee; however, their combined expertise should aid the President in appointing only the highest qualified to the Elections Commissions and result in a balanced effort on the part of the Commission.

The Commission is further charged with conducting an extensive study of the practices engaged in by political parties and individuals in the course of Federal elections campaigns and to recommend to the Congress the changes and reforms it deems necessary.

The Commission is given administrative and investigatory powers and is required to report its recommendations to the Congress and the President by December 1, 1974.

The bill makes it unlawful for any person other than a candidate, an official national party committee, or any official congressional or Senate campaign committee to make directly or indirectly contributions or expenditures on behalf of any candidate, including the authorized committee of that candidate, in any calendar year any amount in excess of $2,500 in case of a Presidential or Vice Presidential election and $1,000 in the case of congressional election. What I mean by the official national committee of a candidate or his authorized committee is that committee that is certified by the Federal Election Commission under the 1971 Act, as amended, and I limit the number of such committees to one and only one. Every candidate for Federal office is required to appoint a single committee to handle his campaign financing. In addition, I have provided procedures whereby a candidate for State and local office, may for the purposes of complying with Internal Revenue Code, designate a single political committee which would then be bound by the campaign act provisions. Intercommittee transfers of money are prohibited.

As I have already alluded, one of the most important sections of my bill is that providing tax incentives for political contributions. I have provided that contributions or gifts of money to a candidate must be made to the single authorized committee appointed to handle that candidate's campaign finances. I also provide for an increase in the allowable tax credit from $12.50 to $250 and for the deduction from $50 to $500, both in the case of individuals.

However, the aggregate contributions and gifts of money by a taxpayer to any such committee may not exceed either $25 for tax credit treatment and $50 for deduction treatment in any 1 year. In order to take advantage of the maximum tax credit or deduction for a political contribution, the contributor would, therefore, have to contribute to more than one political candidate.

The text of my bill is as follows:

H.R. 9983

A bill to establish a Commission on Federal Elections to carry out the Federal Election Campaign Act of 1971 and to recommend further reforms with respect to regulation of campaign activities; and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Election Reform Act of 1973".

COMMISSION ON FEDERAL ELECTIONS

SEC. 2. (a) There is hereby created a commission to be known as the Commission on Federal Elections (hereafter in this Act referred to as "Commission") which shall be composed of five members, who shall be appointed by the President, by and with the advice and consent of the Senate, one of whom shall be designated by the President as Chairman. In making appointments, the President shall consider the recommendations of the nominating committee made pursuant to section 3. The Chairman, when so designated, shall act as Chairman until the expiration of his term of office as Commissioner. Any member of the Commission may be removed by the President for neglect of duty or malfeasance in office but for no other cause.

(b) (1) Except as provided in paragraph (2), (A) the Commissioners first appointed under this section shall be appointed for terms ending three, four, five, six, and seven years, respectively, after the date of the enactment of this Act, the term of each to be designated by the President at the time of nomination: and (B) each of their successors shall be appointed for a term of seven years from the date of the expiration of the term for which his predecessor was appointed.

(2) Any Commissioner appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A Commissioner may continue to serve after the expiration of his term until his successor has taken office, except that he may not so continue to serve more than one year after the date on which his term would otherwise expire under this subsection.

(c) Not more than three of the Commissioners shall be affiliated with the same political party. A Commissioner may not engage in any other business, vocation, or employment.

(d) No vacancy in the Commission shall impair the right of the remaining Commissioners to exercise all the powers of the Commission, but three members of the Commission shall constitute a quorum for the transaction of business. The Commission shall annually elect a Vice Chairman to act in the absence or disability of the Chairman or in case of a vacancy in the office of the Chairman.

(e) The Commission shall maintain a principal office and such field offices as it deems necessary and may meet and exercise any of its powers at any other place.

(f) (1) The Chairman of the Commission shall be the principal executive officer of the Commission, and he shall exercise all of the executive and administrative functions of the Commission, including functions of the Commission with respect to (A) the appointment and supervision of personnel employed under the Commission (other than personnel employed regularly and full time in the immediate offices of commissioners other than the Chairman), (B) the distribution of business among personnel appointed and supervised by the Chairman and among administrative units of the Commission, and (C) the use and expenditure of funds.

(2) In carrying out any of his functions under the provisions of this subsection the Chairman shall be governed by general policies of the Commission and by such regulatory decisions, findings, and determinations as the Commission may by law be authorized to make.

(g) The Chairman, subject to subsection (f) (2), may employ such other officers and employees (including attorneys) as are necessary in the execution of the Commission's functions.

(h) (1) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(60) Chairman, Commission on Federal Elections."

(2) Section 5315 of such title is amended by adding at the end thereof the following new paragraph:

"(98) Members, Commission on Federal Elections (4)."

NOMINATING COMMITTEE

SEC. 3. (a) There is hereby established a nominating committee, which shall have the duty of recommending to the President suitable persons for appointment to the Commission. Not less than ninety days before transmitting to the Senate the name of any person he intends to appoint to the Commission (or within ninety days before making any recess appointment) the President shall request the committee's recommendations respecting the appointment. Within thirty days after receiving such request, the committee shall submit to the President the names of at least two recommended individuals for each appointment to be made.

(b) The committee shall consist of the following members:

(1) Four members of the Senate, two from each of the major political parties, appointed by the President of the Senate;

(2) Four members of the House of Representatives, two from each of the major political parties, appointed by the Speaker of the House of Representatives;

(3) Nine individuals from private life to be appointed by the President of the United States, of whom (A) two shall be the respective Chairman of the national political parties having polled the highest and second highest vote pluralities in the last national election, and (B) seven shall be selected from the general public on the basis of their experience and expertise in public service or political science. No more than four of the seven selected from the general public shall be members of the same political party.

(c) (1) Except as provided in paragraphs (2) and (3), members shall be appointed under subsection (b) (1), (2), and (3) (B) for terms of four years.

(2) Of such members first appointed—

(A) 3 shall be appointed for terms of one year,

(B) 4 shall be appointed for terms of two years,

(C) 4 shall be appointed for terms of three years, and

(D) 4 shall be appointed for terms of four years,

as designated by the President at the time of appointment.

(3) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of his term until his successor has taken office.

(4) A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(5) The Chairman and Vice Chairman shall be designated by the committee from among the members of the committee.

(d)(1) Members of Congress who are members of the committee shall serve without compensation in addition to that received for their services as Members of Congress; but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the committee.

(2) Each member of the committee who is appointed by the President is entitled to pay at the daily equivalent of the annual rate of basic pay of Level II of the Executive Schedule for each day he is engaged on the work of the Commission, and is entitled to travel expenses, including a per diem allowance, in accordance with section 5703(b) of title 5, United States Code.

(e) The committee shall adopt rules of procedure to govern its proceedings. Vacancies on the committee shall not affect the authority of the remaining members to continue the committee's activities, and shall be filled in the same manner as the original appointments.

STUDIES BY COMMISSION

SEC. 4. (a) The Commission shall——

(1) conduct an extensive and exhaustive study of the practices engaged in by political parties and individuals in the course of Federal political campaigns, which might include, but would not be limited to, such matters as:

(A) the adequacy of procedures for the enforcement of existing laws relating to political campaigns and campaign financing:

(B) the existing and alternative methods of financing political campaigns and limitations on campaign spending;

(C) the review of Federal tax laws as they relate to the financing of political campaigns;

(D) the purposes for which money is expended in political campaigns, such as development of campaign organizations, campaign advertising, voter registration, and polling;

(E) the methods and procedures by which candidates are nominated for Federal office by political parties;

(F) the adequacy of safeguards against unethical, disruptive, fraudulent, violent, or otherwise wrongful campaign tactics;

(G) the interrelationship of Federal, State and local campaigns, and of Federal, State and local laws relating to campaigns and campaign financing; and

(H) the length of the period over which candidates are required to campaign for nomination and election to Federal office;

(2) make recommendations for such legislation, constitutional amendment or other reforms as its findings indicate, and in its judgment are desirable to revise and control the practices and procedures of political parties, organizations, and individuals participating in the Federal electoral process.

(b) The Commission may require directly from the head of any Federal executive department or agency or from the Congress, available information which the Commission deems useful in the discharge of its duties under this section. All Federal executive departments and agencies and the Congress shall cooperate with the Commission and furnish all information requested by the Commission to the extent permitted by law.

(c) The Commission may enter into contracts with Federal or State agencies, private firms, institutions, and individuals for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties under this section.

(d) The Commission shall submit to the Congress and the President such interim reports and recommendations as it considers appropriate, and the Commission shall make a final report of the results of the study conducted by it pursuant to this section, together with its findings and such legislative proposals as it deems necessary or desirable, to the Congress and the President at the earliest practicable date, but no later than December 1, 1974.

SUPERVISION OF FEDERAL ELECTION PRACTICES

SEC. 5. (a)(1) Section 102 of the Federal Election Campaign Act of 1971 is amended by adding at the end thereof the following new paragraph:

"(7) The term 'Commission' means the Federal Elections Commission established by section 2 of the Election Reform Act of 1973."

(2) Sections 104(a)(3)(C), 104(a)(B), 104(a)(5), 105, and 308(c) of such Act are each amended by striking out "Comptroller General" wherever it appears and inserting in lieu thereof "Commission".

(3) Section 301(g) of such Act is amended to read as follows:

"(g) 'Commission' means the Federal Elections Commission established by section 312."

(4) Section 302(d), 302(f)(2) (A) and (B), 303(a), 303(b)(11), 303(c), 304(a), 304(b) (12) and 306 (b), (c), and (d), the section heading for section 308, and sections 308(a), 308(b) and 308(d)(1) of such Act are each amended by striking out "supervisory officer" wherever it appears and inserting in lieu thereof "Commission".

(5) Section 304(a) of such Act is amended by striking out "appropriate supervisory officer" and inserting in lieu thereof "Commission".

(6) Sections 304(a) and 308(a) (1) and (4) of such Act are each amended by striking out "him" and inserting in lieu thereof "it".

(7) Section 307 of such Act is amended by striking out "Comptroller General of the United States" and inserting in lieu thereof "Commission".

(8) Section 308(a)(7) (B) and (C), 308 (a) (9), and 308(d)(1) of such Act are each amended by striking out "he" and inserting in lieu thereof "it".

(9) Section 309(a) of such Act is amended by striking out "a supervisory officer" and inserting "the Commission".

(b) The second sentence of section 303(a) of such Act is repealed (but such reepal shall not affect any obligation existing under such sentence on the effective date of this subsection).

(c) The amendments made by this section shall take effect 30 days after three members of the Commission first take office.

LIMITATIONS ON POLITICAL CONTRIBUTIONS

SEC. 6. (a) Section 608 of title 18, United States Code, is amended by redesignating subsection (c) as subsection (f) and by inserting after subsection (b) the following:

"(c) It is unlawful for any person, other than a candidate, an official national party committee, or any official congressional or Senate campaign committee to make, directly or indirectly, contributions to or expenditures on behalf of, any candidate and the authorized committees of such candidate, during any calendar year, in total aggregate amount in excess of—

"(1) $2,500 in the case of a candidacy for President or Vice President of the United States; or

"(2) $1,000 in the case of a candidacy for the United States or House of Representatives.

"(d) It is unlawful, except as otherwise provided in subsection (c) of this section, for any person to make, directly or indirectly, contributions to, or expenditures on behalf of, any political committee, in any calendar year in excess of the aggregate amount of $2,500.

"(e) For the purposes of subsection (c) of this section the terms 'official national party committee', 'official congressional campaign committee', 'official Senate campaign committee', and 'authorized committee' of a candidate means a committee certified by the Federal Elections Commission under section 304A of the Federal Election Campaign Act of 1971."

(b) Title III of the Federal Election Campaign Act of 1971 is amended by inserting after section 304 the following new section:

"CERTIFICATION OF COMMITTEES

"SEC. 304A. (a) The chairman of any political organization or party which had candidates for Federal office on the ballot in ten or more States in the next previous Federal election may file a statement with the Commission, in such form and manner and at such times as it may require, designating the Official National Party Committee of such party or organization. Such statement shall include the information required by section 303 of this Act together with such additional information as the Commission may require.

"(b) The chairman of a committee organized by the House or Senate members of any political party having more than 20 per centum of the membership of either the Senate or House of Representatives of the United States, as the case may be, may file a statement with the Commission, in such form and manner and at such times as the Commission may require, designating the 'Official Senate Campaign Committee' or 'Official Congressional Campaign Committee', as appropriate, of such political party. Such Statement shall include the information required by section 303 of this Act together with such additional information as the Commission may require.

"(c) Upon receipt of a statement filed under subsections (a) or (b) the Commission shall promptly verify such statement, according to such procedures and criteria as it may establish, and certify not more than one official national party committee, official Senate campaign committee or official House congressional campaign committee, respectively, for any party meeting the requirements of this section.

"(d) Every candidate for Federal office shall file a statement with the Commission, in such manner and form and at such times as the Commission may prescribe, authorizing a political committee as the single committee authorized to receive contributions, and make expenditures in behalf of, such candidate. No political committee, other than such authorized committee, may, either directly or indirectly, receive contributions or make expenditures in behalf of, such candidate. Such committee may not make any contribution to any other political committee or to any candidate other than the candidate which authorized it; nor may it make any expenditure or other disbursement except on behalf of the candidate who authorized it.

"(e) A political committee, which is not a committee authorized by a candidate under subsection (d) or a committee certified under subsection (c), may not make a contribution to any political committee other than a committee authorized by a candidate under subsection (d) or a committee certified under subsection (c).

"(f) An individual who is a candidate for nomination or election to a State or local office may, for purposes of sections 41 and 218 of the Internal Revenue Code of 1954, designate a single political committee as the political committee authorized to receive contributions and make expenditures in behalf of such candidate. If a candidate designates a political committee under this subsection, then such committee may not make contributions, or expenditures or other disbursements, except on behalf of the candidacy of such candidate. The definitions in section 301 of the terms 'candidate,' 'political committee,' 'contribution,' and 'expenditure' shall apply for purposes of this subsection; except that in applying the definitions of such terms to this subsection, 'State or local election' shall be substituted for 'Federal election' wherever 'Federal election' appears in the definitions of such terms in section 301. For purposes of this subsection, the term 'State or local election' means an election for a public office of a State or of all or part of one or more political subdivisions thereof."

(c) The amendments made by this section shall take effect on January 1, 1974.

INVESTIGATORY AND OTHER FUNCTIONS OF COMMISSION

SEC. 7. (a) The Commission may, by one or more of its members or by such agents or agency as it may designate, conduct any hearing or other inquiry necessary or appropriate to its functions anywhere in the United States. The Commission shall publish notice of any proposed hearing in the Federal Register and shall afford a reasonable opportunity for interested persons to present relevant testimony and data.

(b) The Commission shall also have the power—

(1) to require, by special or general orders, any person to submit in writing such reports and answers to questions as the Commission may prescribe; and such submission shall be made within such reasonable period and under oath or otherwise as the Commission may determine;

(2) to administer oaths;

(3) to require by subpena the attendance and testimony of witnesses and the production of all documentary evidence relating to the execution of its duties;

(4) in any proceeding or investigation to order testimony to be taken by deposition before any person who is designated by the Commission and has the power to administer oaths and, in such instances, to compel testimony and the production of evidence in the same manner as authorized under paragraph (3) of this subsection;

(5) to pay witnesses the same fees and mileage as are paid in like circumstances in the courts of the United States;

(6) to initiate, prosecute, defend, or appeal any court action in the name of the Commission for the purpose of enforcing the laws subject to its jurisdiction, through its own legal representative with the concurrence of the Attorney General or through the Attorney General; and

(7) to delegate any of its functions or powers other than the power to issue subpenas under paragraph (3), to any officer or employee of the Commission.

(c) Any United States district court within the jurisdiction of which any inquiry is carried on, may, upon petition by the Commission with the concurrence of the Attorney General or by the Attorney General, in case of refusal to obey a subpena or order of the Commission issued under subsection (b) of this section, issue an order requiring compliance therewith; and any failure to obey the order of the court may be punished by the court as a contempt thereof.

(d) The Commission is authorized to enter into contracts with governmental entities, private organizations, or individuals for the conduct of activities authorized by this Act.

TAX INCENTIVES

SEC. 8. (a) Section 41 of the Internal Revenue Code of 1954 (relating to political contributions to candidates for public office) is amended—

(1) in subsection (a), by inserting "qualifying" before "political contributions",

(2) in subsection (b)(1), by striking out "$12.50" and inserting in lieu thereof "$250", and striking out "$25" and inserting in lieu thereof "$500".

(3) in subsection (b)(3), by inserting "qualifying" before "political contribution", and

(4) by striking out subsection (c) and inserting in lieu thereof the following:

"(c) Definitions.—For purposes of this subsection:

"(1) Qualifying political contribution.—The term 'qualifying political contribution' means a contribution or gift of money to an eligible committee, to the extent that the aggregate contributions and gifts of money by the taxpayer to such committee do not exceed $25 in the taxable year.

"(2) Eligible committee.—The term 'eligible committee' means a political committee certified under subsection (c) of section 304A of the Federal Election Campaign Act of 1971 or a political committee authorized by a candidate under subsection (d) or (f) of such section."

(b) Section 218 of such Code (relating to contributions to candidates for public office) is amended—

(1) in subsection (a), by inserting "qualifying" before "political contributions" and by striking out "(as defined in section 41(c)(1))",

(2) in subsection (b)(1), by striking out "$50" and inserting in lieu thereof "$500", and by striking out "$100" and inserting in lieu thereof "$1,000",

(3) in subsection (b)(2), by inserting "qualifying" before "political contributions", and

(4) by redesignating subsection (d) as subsection (e) and inserting after subsection (c) the following new subsection:

"(d) Qualifying Political Contribution.—For purposes of this section, the term 'qualifying political contribution' means a contribution or gift of money to an eligible political committee (as defined in section 41(c)(1)), to the extent that the aggregate contributions and gifts of money by the taxpayer to such committee do not exceed $50 in the taxable year."

(c) The amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 1972.

SECRET BOMBING, SECRET ANSWERS

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. HARRINGTON. Mr. Speaker, I read in yesterday's Congressional Record, along with my colleagues in the Congress, the response of the Defense Department to my Resolution of Inquiry into the secret bombing of Cambodia and Laos. Their answer, as well as the effort of the Armed Services Committee to obtain it, seems incredibly meager in light of the extensive secrecy and deception surrounding these raids.

That a $1.5 billion activity of the U.S. Government can go unreported to the American people and their representatives is, in itself, a terrible affront to our supposedly open processes of Government. But that the authorities who knew about that operation must be bludgeoned by Congress into releasing the information is even more tragic.

After several years of successfully keeping the massive bombing raids secret, the Defense Department has only seen fit to inform the public when sternly prodded. Even with the filing of a Resolution of Inquiry with the cosponsorship of 32 Members of Congress, the information provided is incomplete in several respects. Therefore I have today introduced a new resolution to obtain that data, including: The cost of American aircraft lost, the immediate release of all available records pertaining to American casualties, and the places targeted and hit in the secret raids.

The manner in which this information reached the Congress is indicative of the low priority placed on keeping the people informed that has characterized our military policy in Indochina. I received no communication from the committee, no letter from the Department of Defense, and no advance indication that the statistics were to be furnished. Even at this late date, the Defense Department and the Armed Services Committee continue to exhibit little desire to disseminate the truth concerning our Indochina military activities.

In one sense, the continued silence of those Members of Congress who were informed of the bombing raids—Congressmen Arends, and Ford, and Senator Stennis are the only ones who are alive—is a puzzling and regrettable aspect of this entire affair. That they would allow official misstatements about the bombing go unanswered is another sorry measure of the depth to which secrecy has driven us, and stands as an affront to every Member of Congress from whom the truth was hidden.

For those of my colleagues who were unable to find the reply of the Defense Department in the obscurity of the body of the Record, I am inserting below the text of the answers as they appeared yesterday on pages 27751 through 27752:

QUESTIONS OF BOMBING OF CAMBODIA AND LAOS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. Hébert) is recognized for 10 minutes.

Mr. HÉBERT. Mr. Speaker, on July 25, 1973, the gentleman from Massachusetts (Mr. Harrington) submitted a privileged resolution which was referred to the Committee on Armed Services. The resolution posed a series of 10 questions concerning the extent of the bombing of Cambodia and Laos, during the period January 20, 1969, through April 30, 1970.

Immediately, upon receipt of House Resolution 508 by the Committee on Armed Services, a written request was made to the Department of Defense for an expedited report on the questions raised in the resolution.

Subsequent to the introduction of House Resolution 508, Mr. Harrington introduced an identical resolution on July 31, 1973, House Resolution 519, for himself and a number of other Members. Also, on Wednesday, August 1, 1973, Mr. Harrington again introduced an identical resolution, House Resolution 520, for himself and a number of other Members.

Set out below is a communication from the Department of Defense received by the Committee on Armed Services on Thursday, August 2, 1973. The communication is self-explanatory and responsive to the questions raised in the resolutions. I wish, however, to point out that since the response to question No. 5 is classified it can not be included in the public record. The details of the response to question No. 5 are, under Rules of the Committee on Armed Services, available to Members of Congress in the room of the Committee on Armed Services.

The Defense Department's letter and enclosure follow:

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., August 1, 1973.

Hon. F. Edward Hébert,
Chairman, Armed Services Committee, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Secretary Schlesinger has asked that I reply to your letter of July 26, which enclosed House Resolution 508.

Attached are specific responses to the questions raised in this House Resolution. As noted, some of these data are under continuing review and other information is not immediately available within the Department of Defense. We are reexamining many of these statistics and will provide your Committee with an update of them prior to the conclusion of the August recess.

In the interest of making this information available as widely as possible, all but one of these answers have been prepared in an unclassified form. The one classified question is, of course, clearly identified as such.

Sincerely,

JOHN O. MARSH, Jr.

ENCLOSURE: ANSWERS TO QUESTIONS POSED IN HOUSE RESOLUTION 508, JULY 25, 1973

Some degree of error may be expected in the statistics provided herein, primarily as a result of imprecise location of borders and disputed claims. Deviation from earlier release figures may also be expected as a result of the continuing refinement of the data base.

Question: "(1) The number of sorties flown by United States military airplanes, for bombing purposes, over Cambodia and Laos during the period January 20, 1969, through April 30, 1970, distinguished by type of aircraft."

Answer: The following data are derived from that already provided to the Congress. They include the entire month of January, 1969. The data provided to the Congress do not permit a separate identification of sorties for the period 20–31 January 1969. We are continuing our review of these statistics to verify their accuracy. We expect that this review will result in changes to these data. Revised data will be submitted prior to the conclusion of the Congressional recess.

	Laos	Cambodia
TACAIR	191, 402	22
B–52	8, 520	3, 630

Question: "(2) The tonnages of bombs and shells fired or dropped on Cambodia and Laos during the period January 20, 1969, through April 30, 1970."

Answer: The following data are derived from that already provided to the Congress. They include the entire month of January, 1969. The data provided to the Congress do not permit a separate identification of sorties for the period 20–31 January 1969. We are continuing our review of these statistics to verify their accuracy. We expect that this review will result in changes to these data. Revised data will be submitted prior to the conclusion of the Congressional recess.

	Laos	Cambodia
U.S. TACAIR	476, 571	0
B–52	244, 586	103, 921

No U.S. naval gunfire was used in Cambodia or Laos. No records are available to provide the amount of U.S. artillery expended in the two countries during this period. It is believed to be negligible if any. Not included in these figures are NVN ordnance expenditures nor ordnance expended by the opposing Laotian/Cambodian forces or other third country forces.

Question: "(3) The number and nomenclature of airplanes lost by the United States over Cambodia and Laos during the period January 20, 1969, through April 30, 1970."

Answer: U.S. Military Aircraft Losses in Cambodia and Laos 20 January 1969–30 April 1970

	Laos			Cambodia			
	Combat	Operational	Total	Combat	Operational	Total	Total
A–1	28	1	29	0	0	0	29
A–26	2	0	2	0	0	0	2
A–4	7	8	15	0	0	0	15
A–6	7	1	8	0	0	0	8
A–7	8	10	18	0	0	0	18
AC–130	2	0	2	0	0	0	2
B–57	3	0	3	0	0	0	3
C–130	1	0	1	0	0	0	1
CH–3	5	0	5	0	0	0	5
EC–47	2	0	2	0	0	0	2
RA–3	0	1	1	0	0	0	1
RA–5	1	0	1	0	0	0	1
RF–4	8	0	8	0	0	0	8
RF–8	0	1	1	0	0	0	1
TA–4	2	0	2	0	0	0	2
U–1	0	0	0	1	0	1	1
F–100	16	0	16	0	0	0	19
F–105	19	0	19	0	0	0	19
F–4	53	2	55	0	0	0	55
HH–8	1	0	1	0	0	0	1
HH–53	1	0	1	0	0	0	1
O–1	0	0	0	1	0	1	1
O–2	6	1	7	0	0	0	7
OH–6	0	0	0	1	0	1	1
OV–1	1	0	1	0	0	0	1
OV–10	4	1	5	0	0	0	5
UH–1	9	1	10	4	0	4	14
UH–2	0	1	1	0	0	0	1
YQU	0	1	1	0	0	0	1
Total	186	29	215	7	0	7	222

Question: "(4) The number of members of the Armed Forces of the United States killed, wounded, captured, or missing in action while participating in missions in or flights over Cambodia and Laos during the period January 1, 1965, through July 25, 1973, including the date of and the country in which the member of the Armed Forces was killed, wounded, captured, or missing in action during that period."

Answer: This information is not currently available in the Department of Defense. We have taken action to obtain this information. It will be provided to the Congress prior to conclusion of the August recess.

Question: "(5) The sources of intelligence permitting the identification of priority bombing targets in Cambodia and Laos during the period January 20, 1969, through April 30, 1970, including the number of reconnaissance sorties flown by United States airplanes and the names and number of units involved in the collection and processing of intelligence on the ground in or out of Cambodia and Laos to identify priority bombing targets in Cambodia and Laos."

Answers:

The answer to this question is classified SECRET by the Department of Defense.

The classified response to Question No. 5, in accordance with the rules of the Committee on Armed Services, is available for review and inspection by Members of Congress in the rooms of the Committee on Armed Services.

Question: "(6) Documents giving the best available estimate of civilian and military casualties incurred by Cambodia and Laos during the period January 20, 1969, through April 30, 1970, including the targets of bombing in Cambodia and Laos."

Answer: We have no documents which provide useful information on the totals of either civilian or military casualties in Cambodia or Laos during this time frame. Several factors prevented the maintenance of such records:

(a) Heavy jungle canopy precluded effective aerial photography.

(b) Heavy antiaircraft fire frequently prevented flying observation craft from making post-strike reconnaissance.

(c) There were usually no on-scene ground observers to report casualties.

(d) Bomb damage reporting that does exist is fragmentary, occasionally inconsistent, and inadequate to support any estimates of casualties.

(e) It is important to realize that many civilian casualties in both Laos and Cambodia have been caused by enemy forces.

Question: "(7) The cost incurred by the United States as a result of all bombing and shelling carried on by the United States in or over Cambodia and Laos during the period January 20, 1969, through April 30, 1970, including the costs of bombs and shells, ships, and airplanes employed in the transportation, and dropping and firing of such bombs and shells, maintenance of such ships and airplanes during such period, salaries of United States military personnel, during such periods, involved in operating and maintaining such ships and airplanes, cost of equipment destroyed or damaged while participating in bombing missions over Cambodia and Laos, and all other expenses attributable to such bombing and shelling, during the period January 20, 1969, through April 30, 1970."

Answer: Based upon the fighter bomber and B–52 sorties data user for answers 1 and 2, the estimated total costs of these sorties are as follows:

[Millions of dollars]

Fighter bomber	$1, 204
B–52	343
Total	1, 547

The costs of these sorties are based upon an average cost per sortie which includes such increments as fuel, bombs, maintenance and personnel. The costs do not include logistical support provided from the United States in support of operations, since these costs cannot be identified to specific combat operations. Also, an average cost for B–52 sorties has been used without differentiation between the origins of the sorties.

Also, the incremental costs of these sorties; that is, the differential between the cost of a combat sortie versus a peacetime training sortie is as follows:

[Millions of dollars]

Fighter bomber	$49
B–52	74
Total	123

Again, average sortie costs have been used and this calculation assumes that for training purposes essentially the same amount of sorties would have been flown by the aircraft in order to maintain combat proficiency.

Question: "(8) The names of the military and civilian authorities approving the decisions to undertake bombing in Cambodia and Laos during the period January 20, 1969, through April 30, 1970."

Answer: These operations were approved by the Commander-in-Chief.

Question: "(9) The names of the military and civilian authorities approving the decisions to maintain inaccurate files and information and to submit false documents to

Congress concerning the bombing of Cambodia and Laos during the period January 20, 1969, through April 30, 1970."

Answer: The dual reporting system for these operations was established to maintain the security directed by senior civilian authorities. The procedures were developed by military authorities. The senior civilian in the Department of Defense in 1969 was the Honorable Melvin R. Laird, Secretary of Defense. The senior military officer was General Earle Wheeler, USA, Chairman of the Joint Chiefs of Staff.

No military or civilian authority made or approved a decision to submit false documents to the Congress.

Question: "(10) The names of the officials in the executive branch and Congress, as well as others outside of Government, who received correct and accurate information regarding the bombing of Cambodia and Laos during the period January 20, 1969, through April 30, 1970."

Answer: Attached are two lists of DoD personnel who had varying degrees of information on these operations. One list identifies key personnel for the Planning stage and the other identifies key personnel in the Execution stage.

Listed below are members of Congress advised of these operations. They were not briefed on a continuing basis throughout the operation: Senators Russell, Stennis and Dirksen; Congressmen Rivers, Arends and Ford.

We have no lists of personnel in other departments of the Executive Branch who had access to this information.

KEY PERSONS HAVING ACCESS TO SPECIAL ARC LIGHT STRIKES—OPERATION MENU—PLANNING STAGE, THROUGH MARCH 17, 1969

OSD: Secretary Laird, Deputy Secretary Packard, and BGen. R. E. Pursley.

JCS: Gen. E. G. Wheeler, Gen. W. C. Westmoreland, Gen. J. P. McConnell, Adm. T. H. Moorer, Gen. L. F. Chapman, LGen. J. B. McPherson, VAdm. N. C. Johnson, LGen. J. C. Meyer, MGen. G. B. Pickett, BGen. J. E. Glick, Col. D. P. McAuliffe, Col. F. L. Smith, Col. G. D. Roberts, Col. R. B. Sitton, and Mr. P. M. Kearney.

CINCPAC: Adm. J. S. McCain, Jr.

CINCSAC: Gen. B. K. Holloway.

COMUSMACV: Gen. C. W. Abrams.

The scope and depth of participation by those on these lists varies considerably, all members of the Joint Chiefs of Staff were kept fully informed. However, they were not involved in planning or discussions outside DoD except when acting as CJCS, Gen. McConnell and Adm. Moorer were the only chiefs who were acting CJCS during the planning phase.

KEY PERSONS HAVING ACCESS TO SPECIAL ARC LIGHT STRIKES—OPERATION MENU—EXECUTION STAGE, MARCH 18, 1969, TO MAY 1970

OSD: Secretary Laird, Deputy Secretary Packard, Brig. Gen. R. E. Pursley, and Capt. D. J. Murphy.

JCS: Gen. E. G. Wheeler, Gen. J. P. McConnell, Adm. T. H. Moorer, Gen. W. C. Westmoreland, Gen. J. D. Ryan, Gen. L. F. Chapman, Lt. Gen. J. B. McPherson, Vice Adm. N. C. Johnson, Lt. Gen. J. C. Meyer, Lt. Gen. John W. Vogt, Rear Adm. M. B. Freeman, Brig. Gen. M. W. Kendall, Brig. Gen. C. A. Jackson, Brig. Gen. J. E. Glick, Col. D. P. McAuliffe, Col. F. L. Smith, Col. E. S. Harris, Jr., Col. R. B. Sitton, Col. B. L. Davis, Col. J. W. Pauly, Mr. P. M. Kearney, Lt. Col. P. R. Zavitz, Col. J. S. Mace, and Col. R. A. Monge.

CINCPAC: Adm. J. S. McCain, Jr.

CINCSAC: Gen. B. K. Holloway.

COMUSMACV: Gen. C. W. Abrams.

Eighth Air Force (SAC): Lt. Gen. A. C. Gillem.

VISIT TO FRENCH ENERGY PROJECT

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. TEAGUE of Texas. Mr. Speaker, I have received a report from Representative MIKE MCCORMACK, Democrat, of Washington, of the Committee on Science and Astronautics. It is based on his visit to two French energy projects during the committee visit to the 30th International Paris Air Show. His observations and conclusions merit the attention of my colleagues, the executive department, and the public. To solve our energy problems we should learn as much as we possibly can from other nations.

In connection with the visit of members of the Committee on Science and Astronautics to the Paris Air Show, I spent May 29 and May 30, 1973, visiting two major French energy projects: the Rance Tidal Power Station and the Phenix Demonstration Liquid Metal Fast Breeder Reactor. Dr. Thomas Ratchford of the committee staff, accompanied me on these visits. Our hosts for both visits were extremely gracious, informative, and candid in their technological discussion and economic projections.

From my various discussions with French officials several points immediately emerge. The French do not see themselves in an energy crisis. They believe that their nuclear energy program will provide the electrical power they need on schedule. They do not appear concerned with their requirements to import large amounts of oil.

RANCE TIDAL POWER STATION

The Rance Tidal Power Station is located on the Rance River estuary near St. Malo and Dinard on the Britanny coast. During the equinoctinal tides, the amplitudes there reach 44 feet. Mills utilizing tidal power appeared in this area as early as the 12th century.

The Rance estuary is closed off by a 535-foot rock-fill dike and a 378-foot movable dam. The dam contains six sluice gates which permit the exchange of water between the estuary and the sea.

Construction on the project began in January 1961. The first bulb unit—high volume, low velocity horizontal turbine—was placed in service in August 1966. The 24th and last unit was placed in service in December 1967. M. Dominique Roux is the chief engineer and his assistant is M. Picne Simon. Other explanations were aided greatly by Jacques Feuillebois, our interpreter.

The installed electrical capacity is 240 megawatts, about one-fourth the size of large modern thermal plants in this country. Because of the intermittent operation due to the tidal flow, the average power level during 1972 was about 60 megawatts. This means that the total electrical power output was equivalent to about an 8-megawatt thermal powerplant.

The Rance facility is controlled by a sophisticated computer system which feeds its output into the electrical distribution generated where needed. This is necessary for efficient operation, because the tidal power production of course does not necessarily correspond with the demand peaks of the power grid. This further reduces the value of any tidal powerplant.

Of particular interest was the Rance pumping system. The turbines are run backwards to pump seawater into the estuary at a low head; this water then generates electricity at a large head, getting back about 4 kilowatt hours for each kilowatt hour used in pumping.

The tidal powerplant was built and is operated by the French Government power monopoly, Electricité de France—EDF. I was unable to get precise figures as to the cost of the electricity which is generated by the Rance facility, although it is evidently more than 10 mills per kilowatt hour. Tidal power has been judged not competitive with nuclear power by EDF, and the proposal for a much larger power station enclosing the area between the peninsulas of Britanny and Cotentin has been shelved.

The high quality of engineering and workmanship was noteworthy. In fact, the Rance facility was somewhat "gold plated," that is, it seemed to be overengineered and designed as a showcase for this unique French technology. It was working smoothly, and it was quite easy to follow the operation of the plant from the control room. A major technical accomplishment was the cathodic protection for the metal turbines; although they have been exposed to seawater since 1967, there is absolutely no evidence of any corrosion.

As the French readily pointed out to us, the plant is not economically successful, because of the high capital costs, and there is not likely to be any further construction of this type of facility. Their analysis indicates they should go nuclear simply because it is cheaper.

PHENIX DEMONSTRATION LIQUID METAL FAST BREEDER REACTOR

The Phenix Liquid Metal Fast Breeder Reactor—LMFBR—is located in Marcoule, about 30 kilometers north of Avignon. Located on the Rhône River, Marcoule is about 30 kilometers south of Pierrelatte, the French uranium diffusion facility. Phenix is being constructed by the Commissariat à l'Energie Atomique—CEA, and Electricité de France—EDF. It will be operated by EDF.

Dr. Jean Megy is head of Project Phenix and explained the Phenix design and operation in great detail. He was assisted by Andre Cregut, chief of the Management Group; Pierre Gabet, deputy to Cregut; Bernard Guillemard, chief of testing; Tanneguy Le Marechal, deputy to Guillemard; and Pierre Labat, chief of implementation. Mr. George Le Guelte, of the International Relations Section of the CEA headquarters in Paris, accompanied us from Paris to Marcoule and return. He briefed us ahead of time on the activities of the CEA, with emphasis on its breeder program.

Phenix is a sodium cooled fast neutron

reactor with a rating of 250 megawatts electric. This demonstration plant is expected to go into operation late this year. It will utilize secondary heat exchanges with once through cooling from the Rhône. After it has been in operation for about a year, construction is scheduled to begin on a prototype 1,000 megawatts electrical LMFBR northwest of Lyon, also on the Rhône.

The test facility for the fast neutron reactor fuel, Rapsodie, has been in operation at the Cadarache Nuclear Research Center since 1967. The French officials think that potential problems which might arise with the fuel elements and the sodium coolant have been solved with the Rapsodie experiments.

The total cost of Phenix is estimated at $110 million. This means that installed cost by kilowatt would be $440, an exceptionally low figure for a demonstration plant such as this which utilizes advanced technology in a fast neutron environment.

The Phenix design utilizes three cooling loops. One radioactive sodium loop through the reactor exchanges its heat to another — nonradioactive — sodium loop. The second sodium loop in turn transfers its heat to a water loop that furnished steam at 510 degrees C. for the steam turbines. The thermal efficiency is calculated to be greater than 40 percent.

We were most impressed with the Phenix reactor. It will be ready to go on line in the fall of 1973, about 9 years ahead of our first LMFBR demonstration plant. Sodium has already been loaded and sodium tests were underway while we were present.

Although some observers have expressed reservations about this French effort, I am convinced the Phenix reactor will start up as planned, barring some unforeseen accident. The 1,000 megawatts electrical LMFBR near Lyon may well be in operation 2 to 3 years before the first U.S. demonstration plant is on the line. We in this country would do well to learn all we can from the French experience.

CARL DIEFFENDERFER: A YOUNG MAN OF COURAGE

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. BYRON. Mr. Speaker, I would like to take a moment to call to my colleagues' attention a recent incident in Carroll County that did not capture national headlines, but one that holds a valuable lesson for all of us.

I am speaking of the raw courage and quick thinking of a seriously injured Eldersburg youth who was determined to live and found the strength to do just that. His left leg almost gone from an accidental gunshot blast, young Carl Dieffenderfer, 15, took quick action to save his own life by making a pressure bandage and tourniquet out of his shirt and belt and then dragged himself over a barbed wire fence and then 200 yards out of the woods where he had been hunting to get help.

It is with great respect and admiration for Carl's courage and fierce determination in the face of overwhelming odds that I pay tribute to him publicly today. For it is young men such as Carl who will turn the promise of a great American future into reality. I hope his actions will serve as an example for all of us to follow.

GYPSY MOTH CONTINUES MARCH THROUGH PENNSYLVANIA

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. GOODLING. Mr. Speaker, yesterday in this House the word "environmentalists" was very much overworked. I am not certain how one defines this word, but I like to think I fall into the category of an environmentalist and that I have been one long before many who preach conservation today were born.

In too many instances we appear to have developed a new breed of "instant experts" who disregard the rule of reason and adopt an emotional approach where the environment is concerned. I, personally, have had a few battles with these emotion-oriented individuals in the course of hearings conducted by the congressional committees on which I serve.

These persons belong to that group who cannot see the forest because of the trees. It is a sad commentary that this group is in a position of authority with respect to the establishment of pollution standards and, consequently, must bear the sole responsibility for the destruction of millions of acres of forest trees. In the East, the gypsy moth is having a field day. In the Pacific Northwest, the tussock moth is in the process of destroying more than 400,000 acres of desirable evergreens. Both of these destructive insects were being kept within reasonable bounds until scientific fact gave way to emotion, and the use of DDT was banned. While attempts to find desirable substitutes are being made, the deciduous and evergreen banquet tables continue to be crowded by hungry moths with insatiable appetites.

An interesting article appeared in a recent issue of the York Dispatch, York, Pa. I submit it for the record, hoping that the environmentalists will read it and gain an awareness of the destruction they have wrought through their emotional approach to a practical problem of vast dimensions.

GYPSY MOTH CONTINUES MARCH THROUGH PENNSYLVANIA

The Gypsy moth, with its insatiable appetite for vegetation, has encountered little trouble while eating its way across large areas of Pennsylvania, according to state officials.

Although official figures are not yet in, state forestry officials say the insect could defoliate more than a million acres. Last year's loss, 404,000 acres, was a record.

"We keep trying to tell people," lamented Sydney Kurtz, assistant district forester for a hard-hit four-county area of eastern Pennsylvania. "But it's like everything else. Until it comes, nobody cares about it."

Lack of funds has hampered the battle against the gypsy moth, officials report.

Operating on a $300,000 budget, funded by federal, state and county authorities, Pennsylvania pest control officials this year were able to spray some 40,000 acres with a temporarily effective substance called Dylo.

"If we treated all the infestations that exist, it would run $3 million to $4 million," said Jim Michols, chief of forest pest management for the Pennsylvania Department of Environmental Resources.

RESEARCH FUND

With a $200,000 research fund, the state is working toward developing parasite insects, the only form of control considered environmentally sound. This summer, five varieties of wasps and flies were released. The results now are being evaluated.

Until it was banned in 1963 for environmental reasons, DDT was successful in preventing the spread of the moth.

Over the weekend, Sen. Hugh Scott urged approval of an additional $500,000 to stop the scourge of the forests.

Scott said the additional money would bring to more than $2.2 million the total appropriations request for control of the gypsy moth.

The defoliation is occurring in Pike, Monroe, Carbon, Northampton, Lehigh, Berks, Schuylkill, Centre, Lebanon and Bucks counties, Scott said.

IMPORTED FROM EUROPE

The moth was first imported from Europe to Massachusetts in 1869 for silk producing purposes. Now it is chewing southwestward across Pennsylvania at an average pace of six miles a year. It has been spotted in every county in the state.

Tourism has felt the effect. The moths, in their caterpillar stage, plopped into swimming pools and turned mountain roads into slippery byways. Some disgruntled visitors reportedly cut short their stays in some motels.

"These things will probably be in Harrisburg next year and there's some beautiful trees around that Capitol building," commented Bob Uguccioni, executive director of the Pocono Mountain vacation bureau.

"It's really crazy that that little moth from Europe could have this effect, and we can't seem to get the proper people alarmed enough about this thing," he observed.

FORT WORTH FIVE DEFENDANT NEEDS HELP

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. BIAGGI. Mr. Speaker, I just received a letter from Paschal Morahan, who is one of the Fort Worth Five unjustly imprisoned in a jail in Texas. He received word that his father is gravely ill and may be close to death. He is seeking the permission of the court to go to Ireland and visit his ailing father.

Mr. Morahan's father was admitted to Merlin Park Hospital in Galway, Ireland, in June for an operation on his hip and for spinal arthritis. Since the operation, he has not responded to treatment making another operation necessary last week. His situation is critical.

It is a crime not to permit Paschal Morahan to visit his father. He and the others have done nothing except to exercise their constitutional rights and privileges. They should not be in jail in the first place. His request for a furlough to visit his father should certainly be granted. Mr. Speaker, I urge all my colleagues to join me in writing to Judge

Leo Brewster, U.S. Court House, Fort Worth, Tex. 76102, and ask that he grant Paschal Morahan's request for permission to visit his father.

PUBLIC WELFARE PROGRAMS

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mrs. GRIFFITHS. Mr. Speaker, I would like to call to the attention of my colleagues two reports recently released by the Subcommittee on Fiscal Policy of the Joint Economic Committee in conjunction with its review of public welfare programs. These reports are: Paper No. 7—"Issues in the Coordination of Public Welfare Programs," and Paper No. 8—"Income-Tested Social Benefits in New York: Adequacy, Incentives, and Equity."

Paper No. 7 contains studies of the relation to welfare reform of programs for social security, unemployment insurance, day care, health care, and State and local cash welfare assistance. This volume offers the sometimes unorthodox views of six authors on how to achieve a more rational public welfare system instead of the hodge-podge collection of programs we now have.

Two general conclusions which I personally have drawn from these papers are:

> Many low- and moderate-income workers gain little or no financial advantage from their own or their employers' contributions to social insurance programs such as social security and unemployment insurance. Because of the peculiar relationship of these programs to cash welfare assistance, they have contributed in vain.
>
> We have developed a two-tier benefit system in programs as diverse as day care, health care, and housing. We directly subsidize these services for some of the poor, and we indirectly subsidize them through the income tax system for upper-income groups. The great losers are moderate-income workers.

Paper No. 8 is a case study of public welfare programs in New York. While findings for other locations might be similar, New York is especially interesting, because the city and the State have made full use of various Federal programs available at local option; they have set eligibility standards and benefits at levels among the highest in the Nation; they have developed many State and local programs to fill identifiable gaps in Federal programs; and because a substantial share of New York City's population receives some public welfare benefit.

Facts on specific areas are valuable to Federal policymakers if we are to understand how laws and regulations adopted at the national level are implemented locally. This study analyzes the disparate and complicated rules in nine major program areas, and examines the level of benefits provided, how fairly benefits are distributed, whether the programs result in disincentives to work, and how effectively they are administered. The program areas include public assistance, food stamps, school lunches, medicaid, publicly subsidized housing, day care, dental care, foster care and homemaker services, and veterans pensions. It is the first analysis of the interrelationship of Federal, State, and city programs in New York and their impact on incentives to increase income.

Copies of these studies may be obtained from the Government Printing Office or the Subcommittee on Fiscal Policy.

E. BRUCE CAFKY RETIRES FROM SBA

HON. TOM STEED

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. STEED. Mr. Speaker, our friend and fellow Oklahoman E. Bruce Cafky, a truly outstanding career public servant, recently announced his retirement.

Bruce Cafky spent 40 years in government service, the last 11 of them as branch manager of the Small Business Administration in Oklahoma. In that position he received a number of citations for superior work.

Whether handling the many inquiries of the public interested in the SBA program, or dealing with natural disasters such as tornado and flood, Bruce Cafky always did a courteous and conscientious job.

The following article released by SBA gives the highlights of his career:

E. Bruce Cafky Retires After 40 Years of Government Service

E. Bruce Cafky, District Director for the Oklahoma City office of the Small Business Administration, has announced his retirement after 40 years of government service.

Cafky, a native Oklahoman, became branch manager of the Oklahoma operation of SBA in June, 1962. Oklahoma was one of the first states west of the Mississippi River to open a Small Business Development Center. Until his appointment as branch manager, he was in charge of procurement and technical assistance functions in Oklahoma for SBA.

Cafky was responsible for administering SBA's programs in the state for small businesses. These include financial counseling and assistance, help in selling to or buying from the federal government and advice and assistance with management and production problems.

In 1966, the Oklahoma City office, under Cafky's direction, ranked second most effective office in the nation. In 1972, this office ranked 2nd in the 5-state region and is having another banner year in all program categories this fiscal year.

Cafky was reared and educated in Forgan, in Beaver County, then attended the University of Oklahoma. He went to work for the government in 1933, serving in the treasury, interior and agriculture departments, the general accounting office and the bureau of aeronautics before affiliating with the SBA. He spent three years in the Navy in World War II.

Cafky's parents were pioneers of the state, coming here long before statehood. His father, the late O. H. Cafky, spent a lifetime in the banking business in Western Oklahoma as did his two older brothers. His mother, the late Ella Wright Cafky, was active in women's and civic clubs, serving as national committeewoman for the Democratic party and as President of the National Federation of Women's Clubs.

He and his wife Lee live at 4212 NW 36th St. in Oklahoma City. They have one daughter and one grandson.

CONGRESSMAN TOM STEED'S COMMENTS CONCERNING MR. CAFKY'S RETIREMENT

"I am proud to have been Bruce's personal friend for over 30 years and was pleased beyond word when he was presented with a citation a few years ago by the National Small Business Administration. He has done an outstanding job for Oklahoma and SBA and I want to wish him a happy retirement life."

SPEAKER CARL ALBERT'S STATEMENT CONCERNING MR. CAFKY'S RETIREMENT

"I have never known a more devoted public servant than Bruce Cafky. To me, he employs all those qualities which make for an outstanding government employee. His tremendous knowledge in his field; his complete dedication to his mission; his willingness to go the extra mile; his ability to communicate; his eagerness to be of service and his export advice and counsel have all been invaluable in his performance as Director of the Oklahoma City Office of the Small Business Administration. To my staff and me, he is "Mr. Small Business of Oklahoma." Not only have we appreciated and enjoyed our professional relationship with Mr. Cafky, we have treasured our personal relationship with Mr. Cafky. We certainly are going to miss Mr. Cafky but we are delighted that he will now have an opportunity to take a well deserved rest and do some of the things he has always wanted to do but did not have time for in the past. We salute him and wish him every happiness."

DECEPTION PERPETRATED ON THE HOUSE AND THE AMERICAN PEOPLE

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. WALDIE. Mr. Speaker, I note that several Members of Congress, including Mr. Arends and Mr. Gerald R. Ford, were informed by the Pentagon that this Nation was bombing on a sustained basis the neutral nation of Cambodia during a time when our President denied such was taking place.

Without commenting on the monstrous nature of this deception on the American people, let me express my disappointment and regret that our colleagues did not inform us of this policy.

I know the CIA reports only to a few Congressmen and we must accept in faith they are performing their responsibilities properly but it is too much to now agree the Pentagon need only report to a select few who favor their policies and thereby comply with their responsibility to Congress.

Not only do I protest the contempt of our system demonstrated by the President when he lied to the American people and to the Congress when he stated we respected "scrupulously" Cambodian neutrality, but I vehemently protest the action of my colleagues, Mr. Arends and Mr. Gerald R. Ford, in withholding this vital information from the Congress.

RESTRICTIONS INCREASE TRAVEL COST

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. LEGGETT. Mr. Speaker, whenever I am in my district in California, I encounter a number of constituents who express a desire to come to Washington and see in person the workings of the Federal Government, the scenes of historical importance, and the monuments to our national heritage. They tell me, though, that such an excursion is impossible due to the time and effort demanded in undertaking a 3,000-mile automobile trip, and the prohibitively high cost of flying such a distance. As a result, the vast majority of my constituents have never been able to take advantage of the valuable experiences to be gained from a visit to the Nation's Capital, experiences which I do not feel should be denied any American.

A bill will soon be coming before the House which will partially remedy this situation, increasing the economic feasibility of air travel for many of my constituents, and Americans in general. This bill, H.R. 8570, is an amendment to the Federal Aviation Act of 1959, whereby the restrictions that have hampered the growth and development of low-cost Inclusive Tour Charter—ITC—vacation travel within the United States will be removed.

An ITC is a tour package designed in accordance with principles of mass purchasing. Long popular in Europe, where over 12 million people took advantage of them last year alone, these packages consist of transportation on a specially designated charter flight, and in many cases, food and lodging. Volume sales contribute to radically decreasing the cost of these items. An ITC would permit a constituent from my California district to save up to 50 percent over the cost of a nonpackage vacation in Washington.

In addition to the personal benefits millions of American travelers will receive from ITC's, the American tourism industry will get an enormous, and much-needed boost. The low price-tag of an ITC will serve not only to influence greater numbers of our countrymen to expend their travel dollars within the United States, but also to encourage foreign travel to our country.

Americans should be given all possible opportunities to see their native land. The westerner should see the East; the easterner should enjoy the beauties of the West. As more people become able to travel around the country and experience the personal contact with the people and places of other regions, we might look forward to a growth of communication and understanding among the American people, and an enhancement of our sense of national identity. With this goal in mind, Mr. Speaker, I strongly urge all Members to vote in favor of H.R. 8570 when it comes before the House.

The National Air Carriers in a recent publication point up the air needs of the country as follows:

> Business and industry should "expand their efforts to bring the cost of travel, lodging and means within reach of millions of additional visitors" to the nation's bicentennial celebrations. Air carriers and shipping lines should "continue exploring new ways of inexpensive transportation to and from this country."
>
> —President Nixon, July 4, 1972.
>
> One out of every two Americans have never taken a vacation away from home. More than 50 million over the age of 18 have never traveled by air.
>
> Yet in Europe it's a different story. Millions of people of modest means find that they can afford to take not one, but two, flying holidays each year to such places as Spain, Greece, the Middle East, or Africa.
>
> During Senate hearings on May 15, 1973, Senator Howard Cannon, chairman of the Aviation subcommittee, compared vacation travel opportunities in Europe and the U.S. "While we like to say we lead in most areas," he said, "I think insofar as low-cost mass transportation is concerned, it appears that we do not lead in that field and they are quite well ahead of us."
>
> One reason for the difference in vacation travel habits on the two sides of the Atlantic is price. Most European governments encourage low-cost travel. As a result of these policies, last year 12 million of their working people purchased inexpensive one-stop Inclusive Tour Charters (ITCs), popularly known as packaged holidays.
>
> The U.S. Civil Aeronautics Board (CAB) will not permit the sale of similar budget holidays to Americans, or to foreign citizens who wish to visit the U.S.A. Though one-stop Inclusive Tour Charters have been the most popular mode of vacation travel abroad for some 15 years, they are still barred from our airlines.
>
> Meanwhile the cost of domestic travel keeps rising. Airlines received governmental approval for two increases in domestic air fares, totaling nearly 9 percent, within the past two years.
>
> In a report to the President on June 25, 1973, the National Tourism Resources Commission said, "The European experience with package tours shows that the concept has merit . . . if air travel within the United States were more economical, Americans might be less inclined to vacation abroad . . . it is difficult for the United States to compete with inclusive tour charters to other countries when restrictions are applied to mass air travel opportunities to this country."

TRIBUTE TO BILL HUDDY

HON. WILLIAM M. KETCHUM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. KETCHUM. Mr. Speaker, I am honored to call to the attention of the Congress today a man who, for 20 years, has distinguished himself as a broadcast journalist. Mr. Bill Huddy of Santa Barbara, Calif., is a dedicated and tireless individual who exemplifies the very essence of public broadcasting in America today.

A nationally recognized and honored television newsman at television station KEYT channel 3 of Santa Barbara, he is anchor man for the "Bill Huddy Report" which marked its 20th year with KEYT on July 24, 1973. During this time he has personally logged 10,000 broadcasts, a remarkable achievement in itself.

In 1972 KEYT News of Santa Barbara and the "Bill Huddy Report" were awarded five Golden Mike Awards for excellence in broadcast journalism by the Radio and Television News Association of Southern California. This had never been accomplished previously by any man or station in the history of the association.

Nationally, the Radio-Television News Directors Association, on whose board of directors he is privileged to serve, recognized him for distinguished achievement in broadcast journalism. There is no finer compliment than one's own colleagues from across the Nation taking a rare action such as this one.

In addition, countless service clubs, philanthropic organizations, charities, and associations have time and time again counted on KEYT and the "Bill Huddy Report" to assist them in whatever manner they could, and they have frequently commended both Bill Huddy and the television station for the immense display of community concern with which they responded. Both the Air Force and the Naval Reserve have likewise honored him. Indeed, his contributions, on the screen and off, weigh mightily in promoting community understanding among the many areas KEYT serves.

Bill Huddy is active in national campaigns to protect what he feels is a most cherished freedom of ours, freedom of speech. As chairman of the rules committee of the national Radio-Television News Directors Association, he authored and saw through to passage at the national convention a resolution urging strong shield laws for newsmen throughout the Nation.

A native Californian, he was born in Los Angeles and launched his career in broadcasting with KIST radio of Santa Barbara and KCMJ of Palm Springs. He and his wife, Jean, have two sons—Bill Jr., 19, and Bryan, 17. Bill Huddy is a member of the Navy League and is a vice president of KEYT.

Bill is not only a personal friend of mine, but is known and respected by many individuals throughout the country. He is a man of outstanding character and ability, dedicated to the quality of excellence in his field. I know my colleagues join me in congratulating Bill Huddy and television station KEYT on the tremendous accomplishments and honors of the past, and in wishing them every continued success in their ceaseless efforts to achieve broadcast excellence.

HANDICAPPED VETERANS WHO TRAVEL BY AIR

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. CHAMBERLAIN. Mr. Speaker, one of my constituents, a wounded veteran of

World War II, who has had shrapnel imbedded in his chest for some 25 years, has brought to my attention the complications encountered when traveling by air because of the magnetic inspection procedures that have been instituted at all airports. In response to my inquiries directed to officials at the Veterans' Administration and the Federal Aviation Administration, the suggestions to alleviate these difficulties were given to me to pass on to my constituent, and, since this may be of interest to others with a similar problem, I am asking permission that the response from FAA be include in the RECORD.

At this time, Mr. Speaker, I feel it would also be appropriate to commend the FAA for the effective inspection procedures that have been established and the success achieved to date in deterring airplane skyjacking.

The suggestions to handicapped veterans follow:

SUGGESTIONS TO HANDICAPPED VETERANS WHO TRAVEL BY AIR

Present airport security measures for screening passengers and their carry-on baggage apply to everyone without exception, the Federal Aviation Administration says.

However, the agency has issued special instructions to airline security personnel urging them to process the handicapped in a "tactful, effective and considerate manner." Instructions note that ambulatory patients generally can be cleared with walk-thru or hand-held detection devices, but those confined to wheelchairs or those with prosthetic devices, shrapnel, etc. may require a consent search consisting of a simple "pat down."

To further expedite the screening process, a handicapped person should:

1. Call the airline in advance requesting special handling or a private screening, if desired.

2. Arrive at the airport early. This will give security personnel sufficient time to make the security screening checks required by law.

3. Identify himself. FAA suggests that handicapped veterans use the Veterans Administration's "Prosthetic Service Card," VA Form 10-2501 and/or present a letter from the VA or his personal physician that indicates that the individual has shrapnel or surgically implanted metal devices in his body which might trigger the screening detectors.

4. Cooperate fully. In many cases, the "pat down" consent search may be the fastest means of clearing a handicapped person and it is suggested for some of the handicapped air travellers.

FAA's main concern is to assure safe flight to all air passengers. The 100 percent screening program is designed to accomplish this.

SWISSVALE BOROUGH MARKS ANNIVERSARY

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. GAYDOS. Mr. Speaker, as our Nation prepares to celebrate the 200th anniversary of its birth, I believe it fitting and proper to salute the many communities which have played a role in its growth and development.

Therefore, on behalf of my colleagues, I would like to extend the congratulations of the U.S. House of Representatives to a small community in western Pennsylvania which is marking its 75th anniversary.

The borough of Swissvale, although formally chartered on July 30, 1898, will be observing its diamond jubilee August 13–18 and a gala celebration has been planned by local merchants, civic leaders, and elected officials. The borough occupies its own niche in the history of the United States for it was named by a woman novelist who achieved national recognition for her work with the underground railroad during the Civil War—Jane Grey Swisshelm.

Mr. Speaker, I know my colleagues join me in wishing the residents of Swissvale the very best on this occasion and may their future be as rich as their past.

RESTORING OUR PROMISE TO VA PENSIONERS

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. HANNA. Mr. Speaker, last Monday, the House passed a worthy bill to provide a cost-of-living increase to those most in need in the non-service-connected pension program. But during this period of runaway inflation, there is still a need which is unmet in this area. At the beginning of this year, 1.6 million Americans—about 70 percent of those receiving non-service-connected VA pensions—were notified of reductions in their allotments. These cutbacks were not the result of any affirmative income-producing activity on the part of the pensioners themselves. Rather, they resulted from the 20 percent increase in social security benefits which the Congress overwhelmingly approved last year. Pending before the Veterans' Affairs Committee is a bill which I have cosponsored—H.R. 4751—which is intended to deal with this problem. The bill provides that the 20 percent increase in social security benefits approved last year shall be disregarded in determining a pensioner's entitlement under the non-service-connected pension program. This legislation is vitally needed to both insure that the intent of Congress in passing the social security increase be fully implemented and to guarantee to those recipients of Federal aid on fixed incomes that their needs will be met during this period of rampant inflation.

The fact that the distribution of non-service-connected pension benefits is geared to a recipient's income does not sufficiently explain to the 1.6 million non-service-connected pensioners who are social security recipients why they cannot receive the full benefit of last year's congressional action. The reduction of non-service-connected benefits in this instance in effect discriminates against a particular class of social security recipients by making the value of the increase voted them last year less than the value it has to others. While Congress last year voted the VA pensioner receiving social security benefits an average increase of $26.50 per month in his social security benefits, the net increase in the income of the non-service-connected pensioner will be only $19. This kind of discrimination against a certain group of social security recipients is simply not justified. The immediate concern should be with making adequate provision for those receiving assistance during a period of runaway inflation. That concern was expressed last year in the Congress' action with regard to social security.

What was done in 1972 to meet a pressing need should not be undone, even partially, in 1973, when that need still exists.

The necessity for legislation like H.R. 4751 becomes even clearer when one considers the human effect of these pension reductions. Those receiving non-service-connected pensions exist on the margin of subsistence. The maximum income limitation for payment of non-service-connected pension benefits is $2,600 per year for persons without dependents and $3,800 per year for pensioners with dependents. Even the most minor of downward adjustments in the income of these Americans to meet program formulas can impose the harshest of human costs. Examples of these harsh results are legion. One constituent of mine—a veteran of both world wars—wrote to me that the social security increase last year raised his total annual income to $2,633.04—$33.04 above the income limitation for the non-service-connected pension program. As a result of this increase, veteran benefits of $1,158.96 were terminated. The net effect on this veteran's income was a loss of approximately $700 per year.

To be sure, this constituent of mine presents an extreme example of the problem addressed by H.R. 4751. But this kind of result is a far cry from what Congress intended in enacting the Social Security increases last year. Those pensioners receiving social security benefits had the right to rely upon the actions of the 92d Congress, to believe that Congress meant what it said last year, and to expect that the full increase in aid they received last fall would not be suddenly reduced by winter. Downward adjustments of income legitimately relied upon by these veteran pensioners play havoc with their lives. It is a harshness of present Federal programs which should be ended—and it will be ended if H.R. 4751 is adopted.

Like the legislation we have recently passed, H.R. 4751 is limited legislation to deal with a particular problem—the full implementation of congressional intent with regard to the social security increase of last year. As such, it would not be inconsistent with any attempt to look at the broader picture. I would hope that the Veterans' Affairs Committee would favorably report H.R. 4751 and restore the commitment Congress made to these 1.6 million pensioners last year.

THE 1973 CAPTIVE NATIONS WEEK

HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. FLOOD. Mr. Speaker, both here and abroad the 1973 Captive Nations Week observance was a huge success. As in the past, in New York, Boston, Philadelphia, Cleveland, Chicago, Los Angeles, and in many other cities citizens rallied to express their hopes and feelings toward the 1 billion of mankind still held in totalitarian Communist captivity. This augurs well for our future America.

The following indicate these expressions:

First. Proclamations by Mayors Moon Landrieu of New Orleans, Clifford S. Bartholomew of Allentown, Pa., and Maurice A. Ferre of Miami, Fla.; and

Second. Reports in the Binghamton, N.Y., Press and Svoboda concerning the week and rights in Ukraine.

The material follows:

COMMUNITIES PREPARE TO MARK CAPTIVE NATIONS WEEK

NEW YORK, N.Y.—Scores of communities across the nation have finalized plans for the annual observances of the Captive Nations Week, designated for the third week of July each year by Public Law 86-90 which was passed by U.S. Congress in 1959 and signed by the late President Dwight D. Eisenhower.

The law "authorizes and requests the President of the United States to issue a proclamation" on that occasion and to continue issuing such proclamations each year "until such time as freedom and independence shall have been achieved for all the captive nations of the world."

Since 1959, each President of the U.S. has issued such a proclamation. Last year, President Nixon issued such a document on the eve of the CN Week and is expected to do likewise this year.

The nation-wide observances, involving ethnic communities whose members trace their ancestral ties to the nations held captive by the Communists, are preceded by similar proclamations issued by state governors and city mayors. To mark the Week, special committees are set up in various centers of the U.S. The National Captive Nations Committee is headed by Prof. Lev E. Dobriansky, who is also president of the UCCA.

Ukrainian Americans, usually in the forefront of these observances, take part through local chapters of the UCCA.

Prof. Dobriansky has sent out a letter to all U.S. Senators and members of the House, reminding them of the Captive Nations Week resolution and public law 86-90 and calling upon them to make appropriate statements on the floor of the Congress.

Among the first to do so was Rep. Edward J. Derwinski (R.-Ill.) who on June 4th reminded his colleagues of the annual observance and its importance to the cause of freedom for the nations held captive by the Communists. Mr. Derwinski entered into the Congressional Record an article by Dr. Dobriansky, titled "On the Threshold of New Captive Nations." U.S. Senators and Congressmen are expected to make their statements in the course of the CN Week, beginning Sunday, July 15, through Saturday, July 21.

In New York City, Mayor John V. Lindsey will sign a proclamation Tuesday, July 17, at 2:00 p.m. in the City Hall's Blue Room.

The actual observances in the city will begin Sunday, July 15, with a Liturgy at St. Patrick's Cathedral at 10 a.m., according to an announcement of the CN Week Committee headed by Judge Matthew Troy.

The religious services will be preceded by a parade down Fifth Avenue from 59th street. After the services at St. Patrick's, Judge Troy and many guests of honor will lead a colorful parade up Fifth Avenue to 72nd street, then up to Central Park Mall where a rally and a concert will be held.

On Thursday, July 19, a motorcade through midtown Manhattan will start at 6 p.m. from First Avenue and 40th Street.

The Ukrainian contingent in these events will be led by the officers of the United Ukrainian American Organizations which constitutes the local UCCA chapter.

CITY OF ALLENTOWN, PA.

PROCLAMATION

Whereas, Communist Russia, which has engulfed the countries of Eastern and Central Europe, the territories of half of Asia and Cuba at the very doorstep of the United States, continues to demonstrate its aggressive policies in many parts of the world; and

Whereas, the avowed aim of Communist Russia is the enslavement of the entire free world, including the United States; and

Whereas, the people whose native lands have suffered the horrors of Russian captivity, will never allow the cause and spirit of freedom to be stifled; and

Whereas, the United States of America remains the true citadel of freedom and hope of all the oppressed peoples in the world; and

Whereas, the observance of "Captive Nations Week" throughout the United States will dramatize the plight of the captive and enslaved peoples behind the Iron Curtain; and

Whereas, the Lehigh Valley Branch of the Ukrainian Congress Committee of America will mark this year's "Captive Nations Week" with appropriate ceremonies to be held on Sunday, July 15, 1973. Nineteen hundred and seventy-three marks the Fifteenth Anniversary of the first Proclamation of "Captive Nations Week".

Now, therefore, I, Clifford S. Bartholomew, Mayor of the City of Allentown, Pennsylvania, do hereby proclaim that the week of July 15-21, 1973 be observed as—"Captive Nations Week".

CITY OF NEW ORLEANS, OFFICE OF THE MAYOR.

PROCLAMATION

Whereas, each year, Captive Nations Week has served as a dramatic demonstration of the solidarity of the American people with their captive brethren in East-Central Europe; and,

Whereas, the justification of Captive Nations Week was forcefully stated in the following words of Public Law 86-90: "The desire for liberty and independence by the overwhelming majority of the people of these submerged nations constitutes a powerful deterrent to war and one of the best hopes for a just and lasting peace;" and,

Whereas, nationwide observance, preceded by Captive Nations Week proclamations by the President and by Governors and Mayors of many states and cities, offer Americans a public platform for manifesting their continued concern for the plight of 100 million East and Central Europeans living under Communist rule; and,

Whereas, it is surely in the interest of the free world to do everything in its power to encourage and support the will to freedom to the Captive Nations of the Soviet empire—because, in the words of PL 86-90, this bill to freedom "constitutes a powerful deterrent to war and one of the best hopes for a just and lasting peace:"

Now, therefore, I, Moon Landrieu, Mayor of the City of New Orleans, do hereby proclaim the period of July 15-21, 1973 to be "Captive Nations Week" in New Orleans.

PROTECTION FOR DIPLOMATIC COMMUNITY IN NEW YORK

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. ROSENTHAL. Mr. Speaker, New York City proudly hosts the United Nations and the approximately 200 foreign missions and consulates which comprise its extensive diplomatic community. But the substantial cost of protecting that community has fallen, unfairly I believe, on the New York City taxpayer rather than on the Federal Government.

Accordingly, I am today introducing legislation to:

First. Extend executive protective service coverage to the United Nations and the diplomatic community in New York City, and

Second. Reimburse New York City for the additional security costs of the United Nations' 25th anniversay celebration in 1970.

Joining me in cosponsoring this legislation are: BELLA ABZUG, JOSEPH ADDABBO, HERMAN BADILLO, MARIO BIAGGI, JONATHAN BINGHAM, FRANK BRASCO, SHIRLEY CHISHOLM, JAMES DELANEY, ELIZABETH HOLTZMAN, EDWARD KOCH, PETER PEYSER, BERTRAM PODELL, CHARLES RANGEL, LESTER WOLFF, and JOHN MURPHY.

As one of the world's central cities, New York hosts numerous foreign diplomatic and trade delegations and has always provided the necessary support for them. With its many foreign consulates and missions, New York proudly plays a vital role in world affairs, but the city cannot afford the cost of supplying police protection to the diplomatic community itself. Such a burden is an unfair demand upon New York residents.

The police and security problems of the diplomatic community are actually more demanding in New York City than in Washington. New York has nearly 200 consulates and missions compared to Washington's 122 embassies. The Federal Government provides executive protective service for Washington diplomats and fairness dictates that coverage be extended to New York City as well.

In addition, the U.N.'s 25th anniversary celebration called for heavy police protection costing over $2.6 million. These expenses should be covered by the U.S. Treasury with a reimbursement to the city.

Under my proposal, the 70 police now assigned to guard the foreign missions in midtown Manhattan would be more effectively employed in directly protecting the citizens of the city—and at an annual saving of $1.9 million.

Each time world tensions increase, whether in the Middle East or as a result of the treatment of Soviety Jewry or an even such as the Munich Olympic massacre or because of racial policies in South Africa or Rhodesia, special security problems arise and New York police are required to provide additional protection. This represents an additional drain on New York's already overburdened police force.

I therefore urge support for this legislation which would free both city police and city funds for use in other essential areas in New York City.

HEROIC ACTION

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. QUILLEN. Mr. Speaker, the recent heroic action of a young man from my district has been called to my attention by my friend and colleague, Congressman WALTER B. JONES, who represents the First District of North Carolina. I would like to share this wonderful story.

Mr. Randall Edwards, while vacationing at Atlantic Beach, N.C. on June 12, 1973, rescued four individuals from the turbulent waters of the Atlantic Ocean, while approximately 100 people stood by watching without attempting to help those in danger.

Randy is a native of Bristol, Tenn., and was educated in Tennessee and Florida. He is presently employed at Bristol Univac and is married to the former Nancy Huff. They have two wonderful children, Stevie, age 4, and Jamie, age 2.

This young man is an avid outdoorsman and he enjoys hunting, fishing, and swimming. His newest interest includes karate, and he has already earned his first belt.

Randy, who is 23 years of age, is a very modest man and does not feel that his actions deserve any special praise.

However, I cannot agree with him. I feel his courage merits the highest recognition.

This story is the perfect modern-day example of the parable of the Good Samaritan, who stopped and ministered to the needs of a fellow human being, rather than passing on the other side of the road.

I nominate Randy for the highest award in heroism this country or any organization can bestow and I am pleased and proud to bring this remarkable feat to the attention of the CONGRESSIONAL RECORD readers.

The following narrative furnished me depicts a full account of this incident:

> The following people are involved in this narrative:
>
> Mrs. Howard T. Waldrop (Gay) and her daughter, Tricia (9 years old) 1207 Drexel Lane, Greenville, North Carolina.
>
> Mrs. Ray Hassell (Judy), Gay's daughter, Morehead City, North Carolina.
>
> Wendy Cayton (11 years old), Morehead City or Beaufort, North Carolina.
>
> Randy Edwards (Randall S.) 206 Hemlock Road, Bristol, Tennessee.
>
> On June 12, 1973, while on the beach near the Sportsmen's Pier at Atlantic Beach, Gay Waldrop noticed that her daughter, Tricia, and Wendy Cayton had drifted out farther than she wished on a rubber raft. She did not consider that the girls were in danger because they were less than one hundred feet from shore; however, when she motioned for them to come in they did not respond.
>
> After requesting help from men on shore and being refused, Gay went after the girls herself. When she reached them, even though she could still touch bottom herself, she could not get the footing necessary to push the raft toward shore and soon found herself in water over her head, swimming the side stroke and trying to push the raft—unsuccessfully.
>
> When Gay's older daughter, who was on the beach with her two pre-school children, realized that her mother was in trouble, she entered the water to try to help. Judy is a strong swimmer and a certified Water Safety Instructor. She could neither get the raft to shore nor help her mother.
>
> Meanwhile people on the shore and on the pier were gathering and seemed to be aware of the dilemma, but no one took any action either to help the four people or to seek help. Eventually two young men made an attempt to move the children on the raft toward shore, but were unsuccessful. Finally Randy Edwards, who had just come on the beach, realizing that some one was in trouble, swam out. After several efforts, he managed to get the children to the beach, leaving Gay and Judy still in the water, Gay holding onto the raft and Judy swimming.
>
> After taking the children to safety, Randy returned to assist Gay, who was exhausted by this time. With Randy's help, Gay managed to get on top of the raft so that he could push it more easily. However, each time he pushed the raft toward shore where he thought she could gain her footing, she was carried out beyond his grasp by the action of the waves. Time after time he went back for her, and finally, after she had been in the water for approximately half an hour, he was able to get her to shore.
>
> Meanwhile, Judy was still swimming, but could not get in through the riptide. Randy immediately turned his attention to her. By this time a rope with a life-ring had been supplied, and Judy was pulled to safety.
>
> It should be pointed out, that except for the two young men who had tried unsuccessfully to help, none of the many, many on-lookers on shore offered any assistance. Gay was not able to get the names of the men because they had disappeared by the time she reached shore.
>
> Randy Edwards' persistence and courage, in face of great danger to himself, saved four people from needlessly drowning (with more than one hundred people looking on).
>
> Gay feels that it was an act of God that Randy was on the beach that day. He was on a vacation with his family and had planned a deep-sea fishing trip. However, he had decided against the fishing trip because of seasickness on the previous day. He had arrived on the beach after this drama had begun.
>
> It should be noted that the water did not appear to be rough on that day. However, immediately after this near tragedy occurred the beach was posted and closed to swimmers for the remainder of the day.

CAN IT BE THAT JOHN DEAN, OF ADMITTED GUILT, WILL SUCCEED IN HIS SCHEME TO TALK HIS WAY OUT OF A TRIP TO THE PEN?

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. FISHER. Mr. Speaker, the massive publicity generated by the Senate select committee and by the news media in an effort to prove that President Nixon had been informed that some of his aides were secretly involved in a Watergate coverup conspiracy, has caused many Americans to wonder what effect this movement, regardless of its ultimate outcome, will have on the accountability of such admitted criminal conspirators as John W. Dean III. Tapes have taken over recently and may prove to be useful, but people still wonder what is going on.

While the President's possible involvement is of vital interest, if proven, I find many people deeply concerned about the guilty whose trials may be affected by the Senate hearings. The thrust of the inquiry now seems to focus on the President. Referring to the committee's primary objective a July 2 issue of Newsweek stated:

> A member of the committee conceded privately last week that, whatever the legislative purposes of the inquiry, it amounts to a trial of Richard Nixon.

With evidence of guilt stacked heavily against him, Dean's strategy since his exposure has been to admit complicity but to seek immunity from prosecution at any cost. Exploiting to the limit the forum provided him by the Ervin committee, which granted him immunity from prosecution for anything he might choose to say, the former White House counsel made a pitch for public sympathy and at the same time sought to cash in on the extremely generous treatment accorded him by such publications as the New York Times, the Washington Post, Time, and Newsweek magazines.

Accordingly, with the help of two lawyers he prepared an elaborate 245-page statement, carefully tailored to achieve his objectives, and expertly designed to maximize its usefulness for TV coverage.

DEAN'S MOTIVATIONS AND STRATEGY

To evaluate Dean's veracity, his motivations, and the grand strategy to escape punishment, it is well to review some of the activities his course of action has followed and the degree of apparent success to which he can point thus far.

It was on last March 21 that John Dean, then counsel to the President, at the urging of Richard A. Moore, a senior White House aide whom Dean often relied upon for advice, sought and obtained a private meeting with President Nixon for the purpose of disclosing what he knew about the Watergate coverup, activities. Although Dean now claims the President already had knowledge about some aspects of the coverup it is significant that it was not until March 21 that he sought a special audience in order to divulge his own complicity and other coverup details he evidently assumed the President knew nothing about as of March 21.

It appears that Dean's defense plans began to jell after one of the top Watergate convicted burglars, James McCord, wrote a letter to Judge Sirica in which McCord charged that others were involved in the scandal. Dean knew that could include him. At about that time, according to Time, the White House counsel developed a fear H. R. Haldeman was back-pedaling, and Dean "was beginning to protect his flanks." A written report on the Watergate scandal, requested by Haldeman, was partially completed by Dean but withheld while he secretly sought legal advice. At that point he frantically began a series of secret meetings with the Justice Department prosecutors, hoping for immunity in exchange for his testimony.

The real payoff came on April 17 when President Nixon announced there would be "no immunity" for any White House people involved. At the March

21 meeting the President reportedly told Dean he had to go before the grand jury without immunity. Dean, according to Newsweek, took all of that as a threat to him personally and 2 days after April 17 vowed "never to be made a scapegoat." Two weeks later he was fired, and the grand strategy to escape prison was accelerated. He readily embraced and decided to exploit the role of Judas in the official White House family.

DEAN SEEKS IMMUNITY FROM JUSTICE DEPARTMENT

The press reported that following his dismissal Dean returned to the Justice Department, again offering to incriminate others as a trade-out for immunity. But the prosecutors apparently felt they had the goods on him and declined his offer. He then rushed to Capitol Hill where he went into a huddle with Ervin committee staffmen—seeking immunity. In accordance with committee practice, he had to outline his proposed testimony, what he had to offer that would justify the committee to take the extraordinary action of granting immunity from prosecution. The committee had been searching in vain for evidence which would link the President to knowledge that a coverup had taken place. Dean was very much aware of the committee's dilemma, and he made the most of it. The committee promptly accepted his offer and immunity was arranged.

Speaking of John Dean's craving for immunity, one pundit said of him:

> I'll talk and I'll talk, with impunity. But only if I'm granted immunity.

Archibald Cox, the special prosecutor, tried in vain to block the televised testimony of Dean, fearing the immunity and the publicity would jeopardize the Government's criminal case it was preparing against the former White House counsel, now recognized as a ringleader among the conspirators. Cox then filed with Judge Sirica sealed copies of evidence the Government had accumulated against Dean, and expressed the belief a case could be made without it being fatally affected by anything which might develop during Dean's forthcoming committee testimony, to which immunity would apply.

In appraising John Dean's motivations, it should be kept in mind that he made no secret of his obsession against going to prison. One Washington press report stated Dean feared his youthful appearance would make of him a special sex target at the hands of fellow prison inmates.

JOHN DEAN'S ANTIPATHY FOR PRESIDENT AND OTHERS

After or perhaps before he left the White House John Dean developed a bitter attitude toward the President and some of Dean's former coworkers. On the eve of his departure he seems to have collected copies of all the memos and other documents which he might be able to use to embarrass the White House. In fact, during his committee testimony he produced 50 exhibits, only a limited number of which related in any meaningful way to the Watergate scandal. They included items obviously offered for the sole purpose of publicity and designed to embarrass the President and Dean's former associates—not relevant to Watergate at all.

Since the non-Watergate portion of Dean's testimony serves to illustrate an ignominious aspect of Dean's modus operandi, a few examples will be cited.

Taking advantage of freedom to talk about anything or anybody, whether related to Watergate or not, Dean produced an informal list of 200 names put together in the summer of 1971 by a White House staffman, which Dean claimed "the White House staff" considered to be the administration's prime domestic enemies. There was no claim the President had in fact ever seen the list or approved it, but it made top billing for the TV audience and the press. Although prepared more than a year before the Watergate burglary, and could have no remote connection with factual information relating to the alleged coverup, it afforded Dean a rare opportunity to vent his spleen toward the White House and court the favor of the press.

Dean's ingenuity and sense of news appeal paid off for him. The list of "enemies" which he sneaked out of the White House gained top coverage. Time magazine, for example, described it thus:

> The most bizarrely captivating documents that John W. Dean turned over to the Ervin committee were the ones from the White House (relating to the "enemies").

Dean felt impelled to let the world know that in the White House he picked up a piece of gossip from some source that periodic surveillance of Senator EDWARD KENNEDY was surreptitiously ordered by somebody—as if that had any remote relationship to the Watergate scandal which was supposed to be the subject of the committee hearing.

As another example, Dean felt his role as a star witness was further enhanced by disclosing an occasion he said the President saw a lone man carrying a 10-foot sign stretched out in front of Lafayette Park, within sight of the President's window, and that prompted the President to order "thugs" to be gathered to take care of the protester. How utterly absurd and how petty could a witness indulge in his efforts to ridicule the man who had adorned him with a high position of honor and trust.

As everyone in Washington knows, there are pickets in front of the White House every week carrying an assortment of banners. It goes without saying that if anything resembling Dean's report actually occurred, it had to be a big joke, perhaps based upon a wisecrack. In any event no "thugs" were gathered and there was no surveillance of Senator KENNEDY. Above all, what possible relevancy could such nonsense have to the subject of the committee's inquiry—the Watergate coverage? But it made good copy for headlines.

There were any number of other descriptions of incidents, totally and completely unrelated to Watergate, included in the free-wheeling, sky's-the-limit 245-page hodgepodge, obviously presented for embarrassment and to endear the White House turncoat to the news media. His long-range purpose was, of course, to add fuel to news reports and, hopefully, aid in his battle to "beat the rap," as jailbirds call it.

Dean's far-ranging non-Watergate breaches earned for him the unenviable sorbriquet of "John the squealer."

THE REAL NITTY-GRITTY OF THE GRAND STRATEGY

Even Newsweek recognized John Dean's desperate plight, and reported "he is equally concerned with staying out of prison." Then added:

> His chances now depend heavily on his making such a splash before the committee that he will at last be granted immunity by the Watergate prosecutors—or, alternatively, that his case will be thrown out of court because of publicity.

John Dean did make good on his assurance to the committee staff that he would implicate the President in Watergate. That was evidently the key output which gained for Dean the committee's promise of immunity against prosecution for anything he might choose to say, and enabled him to take full advantage of much sought and much needed publicity called for in his grand strategy.

RICHARD MOORE'S BOMBSHELL

What neutral observers recognize as the biggest single bombshell that has been tossed into the hearings thus far was the testimony given by venerable Presidential Aide Richard A. Moore. After telling the committee in carefully measured words that Dean on March 30 confided in him for the first time about Watergate coverup matters, Moore insisted that Dean promptly relay all the information he had directly to the President. Dean assured Moore that he was convinced the President was in the dark about the coverup activities. Following Moore's urging, Dean sought and obtained the March 21 meeting with Mr. Nixon, following which Dean told Moore his report had included everything he knew to tell, and that the President showed surprise.

Moore, quiet-like but positive about what he remembered, was undoubtedly the most impressive witness from the standpoint of truth and veracity, relating to the coverup, that the committee has thus far heard. Commenting on Moore's devastating testimony, the Wall Street Journal editorially stated:

> Mr. Moore is one of the few Watergate witnesses who inspires personal faith . . . His conduct before the committee, finally, carries the ring of a man who is not telling a contrived story but merely relating the truth as he sees it.

DEAN'S PUBLICITY MAY PAY OFF

Despite the committee's grant of immunity, it must be kept in mind that the Department of Justice maintains that it had already accumulated enough evidence to justify a conviction. But he appears to have good reason to hope that the massive publicity he achieved at the hearing may insulate him against a sustainable conviction. There is considerable judicial precedent to justify that belief.

In the case of United States against Delaney, which publicitywise was somewhat similar to the Watergate case, a Federal circuit court held that the publicity in that instance prevented a fair trial and required a reversal of the conviction. That publicity, of course, was mild indeed compared with the Senate committee hearings, particularly as applied to John Wesley Dean III.

If publicity, aside from immunity, was

John Dean's chief objective, it was more than realized. In addition to nationwide TV coverage of his testimony, newspapers pulled out all the stoppers and both Time and Newsweek featured Dean on their front covers 2 weeks in a row. Rarely if ever has such recognition been accorded an admitted participant in a criminal conspiracy.

Incidentally, most of the press coverage seemed to discount the seriousness of Dean's unauthorized withdrawal of $4,850 from a $15,200 account which he was holding in trust for undetermined political use by the Republican Party. He said that his raiding of the cookie jar was mostly to pay for his wedding last fall. He admitted he did not bother to replace the money which he took illegally until this spring when, on advice of his lawyer, he put the entire $15,200 in a trust. That was probably the best advice his lawyer has ever given him.

This misappropriation may be considered relatively unimportant, but in the minds of many people it serves as an alert warning concerning John Dean's reliability.

HEARINGS DIFFICULT TO CONTROL

Grave concern has been expressed about the conduct of the hearings. Such emotionally packed inquiries are difficult for any committee to contain, although I am sure the committee did not condone audience outbursts of partisan approval or disapproval during the testimony of witnesses. Such expressions may have an adverse and perhaps irreparable effect on the listening audience and jeopardize possible convictions. A Houston Chronicle editorial deplored the practice, and commented:

> Outbursts of hissing and laughter are detracting from the dignity and purpose of the hearing. Carried a little further, the Watergate hearing will become an audience participation show.

The July issue of Newsweek coverage of Dean's testimony was interspersed with the following: "The audience burst into stormy applause." "The audience cheered." "The audience roared with laughter." "It got lost in the titters of the audience."

All of this adds to the sum total of the publicity picture which enveloped the hearings during Dean's appearance, as well as that of others, and will undoubtedly figure significantly in any criminal prosecutions.

PEOPLE WANT WATERGATE CONCLUDED

Mr. Speaker, the public has a right to expect John Dean and every other proven participant in the Watergate scandal to answer and be held fully accountable for their misdeeds against society.

We can only hope the select committee will soon be able to conclude its hearings. It seems to be generally agreed that thus far the committee's efforts, however well intentioned, have produced more thunder than lightning so far as light on the proof of guilt of Watergate suspects is concerned. And it may be that more reliable evidence will be forthcoming. That remains to be seen.

We do know that many Americans are fed up with Watergate. They want every proper step to be taken, but they want the issues resolved. They know that seven principals in the break-in and bugging have been tried and convicted—long ago. If there are a half dozen—or a dozen—others who did anything wrong, then they wonder why it is necessary to spend a million dollars to finance the hearings and some $4 million to finance an array of 36 special prosecutors to perform a function which many think could and should be done within a few weeks by a hard-working, well-directed grand jury.

Unfortunately, the accuracy of public knowledge of the true facts relating to Watergate still leaves much to be desired. Certainly televised testimony such as that given by such "Waterbuggers" as James McCord and such coverup conspirators as John Dean must leave a terribly distorted and obviously confused and misleading understanding of what the true facts are.

ENTIRE NATION SUFFERS

Moreover, the public has shown understandable concern over the adverse effect this type of publicity is having upon America, both at home and abroad. If substantive results are achieved, that is one thing. Certainly some dignified and enlightening testimony has been heard. But if, as in the past, most of the testimony features conflicts, self-serving claims, cross-accusations, unconfirmed rumors, nonrelevant aspersions, hearsay impressions, and TV-oriented exposure, comprise the total product—that is quite another thing. And it tends to tarnish the Nation's image and tends to undermine confidence in governmental processes. We can only hope that some good, somehow, will come out of the overpublicized inquiry. Again, it remains to be seen.

DRUG ABUSE

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. KEATING. Mr. Speaker, I am today cosponsoring legislation which is being introduced to implement the Crime Committee recommendations concerning drug abuse in our schools.

During the hearings conducted by the Select Committee on Crime, it was found that drug abuse in our schools has increased at an alarming rate—that 80 to 90 percent of all high school students have been introduced to drugs and that the problem is now serious among elementary school children.

A recent Gallup poll showed that since March of 1971, drug addiction has risen from seventh to third place on the public's list of "most important" national problems.

The number of heroin addicts has also been steadily rising—from 315,000 in 1969 to 559,000 in 1971. By March of that year, President Nixon officially determined that the heroin menace in this country had reached the dimensions of a "national emergency."

In addressing this grave problem, the legislation which I am cosponsoring today will accomplish the following objectives:

First, a program of Federal assistance is established to enable each school board in the country to develop a plan directed at ending drug abuse in the schools. In this regard, each school district should institute programs of instruction for its teachers whereby the teachers are thoroughly educated in the drug abuse problems germane to the school district and school at which the teacher is employed. Schools are also encouraged to condition promotions and salary increases on attendance at such drug abuse programs, and there should be drug abuse counselors for every school which requires them.

Second, a program of Federal support to State and local school agencies is established to enable them to train counselors and parents, as well as teachers, on the subject of drug abuse. Therapy and peer pressure group programs to rehabilitate these young people would also be included.

This legislation, when enacted by the Congress, will undoubtedly have a meaningful impact in lessening the extent of drug abuse throughout our country's school systems.

The entire thrust of this legislation is to prevent drug abuse amongst students in our Nation's schools.

For too long, teachers, school administrators, school boards, and even parents have ignored the problem in the blind hope that the scourge of drug abuse would not strike their students or their children.

Close cooperation between schools and law enforcement agencies will be emphasized in the drug education programs that will be undertaken if this legislation is adopted.

It is the aim of this legislation to turn the tide against those who seek to make our schools havens for drug abuse.

When students really understand that they only get one chance to live life and that drugs destroy the capability and human potential they possess, the students' attitudes and opinions will come down on the drug dealer, and those who seek to infect fellow students with the disease of drugs.

One of the most significant findings of all of our investigations into drug abuse in schools was that students themselves were pushing drugs on other students and that the nature of drug use was infectious.

When a convert to drugs "turned on," the first thing he sought to do was turn on his friends and associates—first for the fun of having companionship in drug use and later for the pure profit of dealing in drugs and, of course, to support his own drug habit.

The legislation introduced today is broad in scope and ambitious in design but the problem confronting U.S. parents, U.S. students, and U.S. schools is very, very large.

I urge early consideration of this bill by the appropriate committees to make this program a reality.

I would like to emphasize to my colleagues two other important recommendations of the Crime Committee which do not require specific legislation, but which do require dilligent followup efforts by the Congress:

First, it was recommended that there be a continued investigation and research program into the propriety of placing more rigid controls on the production and distribution of barbiturates not already placed under strict government control; and

Second, that Congress carefully monitor over-the-counter drug advertisements on radio and television to determine the effectiveness of the industry's efforts at self-regulation.

These two additional recommendations of the Crime Committee are most important if the attack on drug abuse is to be comprehensive and ultimately successful.

SENIOR CITIZENS DEDICATE "JOHN FRASER HALL"

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. GAYDOS. Mr. Speaker, the Allegheny County Housing Authority dedicated a new $1.6 million, senior citizen, high-rise apartment building July 26 in the Borough of Turtle Creek, Pa.

This community is part of the 20th Congressional District, which I am proud to represent, and I want to assure my colleagues the construction of this edifice is greatly appreciated by many of its residents. It is more than just a 10-story building of brick and stone to them. It is home. It also is evidence that Government can do something to help the people of this Nation who have given it so much for so long.

John Fraser Hall was built through the combined efforts of Turtle Creek's officials and civic leaders, working in cooperation with county, State, and Federal authorities, including the Department of Housing and Urban Development. With its completion, the county housing authority now has the responsibility for managing approximately 3,400 units, both elderly and family, in this section of Pennsylvania.

Taking part in the dedication ceremony were some of Allegheny County's most prominent figures, who lauded the hours of unselfish efforts and years put forth toward the building's completion. Words of tribute came from Mr. Thomas R. Finlon, chairman of the county housing authority; Mayor Thomas I. Stevenson of Turtle Creek, and Mr. John J. Rettger, president of the borough council; County Commissioners Leonard C. Staisey and Thomas J. Foerster, and Mr. James W. Knox, executive director of the housing authority.

Mr. Knox presented the key to the new building to its eldest resident, Mrs. Beatrice Eisele, a gracious lady of 91, and it was my privilege to furnish it with an American flag that had been flown over our Capitol. This was raised into position by Mrs. Patricia M. Meyers, manager of the building; Mayor Stevenson; Mrs. Mary Sauter, the first tenant, and Louis Kreiling, Jr., commander of American Legion Post 640.

During the course of the ceremony, it was mentioned that if more Federal officials left Washington to view what can be accomplished with tax dollars perhaps there would be less of an inclination to impound funds for domestic programs which our people need. I find a great deal of truth in the observation.

I might also point out there is an historical significance to the new John Fraser Hall. It is built near the site of Fraser's Trading Post, which was located in 1753–54 on the west side of Turtle Creek at its junction with the Monongahela River. The ground now is occupied by Edgar Thomas Works, U.S. Steel Corp., but there is a marker calling attention to the original tenant of the area. Mr. Fraser came to Turtle Creek from Venago, Pa., when the French occupied that area. His stay was short, however, and he abandoned the post when the French advanced to Fort Duquesne.

Mr. Speaker, it is with great pleasure I call the dedication of John Fraser Hall to the attention of my colleagues and I invite them to join me in wishing the new residents many years of enjoyment in their new home.

PROBLEMS FACED BY SMALL, NONPROFIT MUSEUM GROUPS

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. FORSYTHE. Mr. Speaker, I am most pleased to have located within my district a fine example of an organization which is dedicated to the people of its community—an organization which is making every effort to continue in its service, despite insurmountable financial obstacles.

The Merabash Museum in Willingboro, N.J., has operated over the past 3 years on a most meager budget and has only survived due to the determination and resourcefulness of its founder and president, Mark Henderson, Jr.

I believe Mr. Henderson's remarks before the Senate Special Subcommittee on the Arts and Humanities in support of the Museum Services Act are, therefore, most appropriate. Hopefully, his statement will provide my colleagues with a better insight into the problems faced by small, nonprofit museum groups.

STATEMENT BY MARK HENDERSON, JR.

Merabash Museum transformed its purpose, objectives and philosophy into effectively, active and stimulating programs in less than one year, attesting to the perception, initiative and sincerity of the organization.

Four highly successful exhibitions have been presented, capturing the attention of the communities and winning public acclaim. Total attendance exceeded 40,000 visitors.

Immediately following the first exhibition, public schools requested programs for their pupils. Education being its primary purpose and objectives, Merebash embarked upon its project of presenting museological experiences in schools. As of March 1973, ten schools had been serviced, all unsolicited requests. This indicates the value attributed to the innovative and delightfully appealing approaches to exhibiting and providing student learning experiences.

In the process of serving the public and educational institutions, yet another program was conceived to serve as an incentive for youth while providing cultural direction. Merabash undertook a project for training high school and college students in museum operations. This program was extremely successful in both engaging the youth and the community in cultural activities with positive benefits derived.

All the services provided by Merabash Museum were made possible by the private contributions of the corporate membership and interested individuals; donations from the business community; in kind services of professional and trades people, through intermuseum cooperation; and collaborating artists, collectors' and galleries assisting.

The demands for the museums services have grown beyond our expectations and capability.

Merabash Museums immediate needs are the capital to acquire: Facilities, equipment, personnel, and material.

The corporation has established the organizational plans and its five year budget plan and in view of the high receptivity of its pilot projects, is absolutely convinced that the museum should proceed with expansion of its programs without delay.

The Merabash Museum Corporation together with its affiliate the friends of Merabash, Incorporated, will proceed to engage in the most productive self-sustaining activities possible. However, the development of access to and the actual acquisition of financial support from other than revenue producing activities of the corporations is essential to survival.

Both the purpose and the benefits to be derived justify supporting the financial needs of Merabash Museum.

CAPTIVE NATIONS WEEK

HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. FLOOD. Mr. Speaker, the inflow of responses and results regarding the recent observance of Captive Nations Week is both remarkable and inspiring. Despite our peaceable overtures toward the totalitarian regimes in the Communist empire, these results show that our people are morally bound to the struggle for freedom by the captive peoples and nations themselves.

Further examples of this are as follows:

First. Proclamation by Gov. William A. Egan of Alaska;

Second. Proclamations by Mayors Jason Luby of Corpus Christi, Tex., Batholomew F. Guida of New Haven, and Harry W. Maier of Milwaukee; and

Third. An enlightening statement by citizens in the triple cities of New York on Brezhnev's visit.

I include the proclamation and statements at this point in the RECORD:

PROCLAMATION—CAPTIVE NATIONS WEEK

The citizens of Alaska are sympathetic toward the people of captive nations and their goal for renewed self-destiny.

We recognize the desire for liberty and independence by the overwhelming majority of peoples in the world's conquered nations and strongly support their efforts to regain individual liberty and freedom.

The freedom-loving peoples of the captive nations look to the United States as the citadel of human freedom.

The Congress of the United States by unanimous vote passed Public Law 86-90 establishing the third week in July each year as Captive Nations Week and inviting the people of the United States to observe this week with appropriate prayers, ceremonies, and activities; expressing their sympathy with and support for the just aspirations of captive peoples.

I, William A. Egan, Governor of Alaska, hereby proclaim the week beginning July 15, 1973, as

CAPTIVE NATIONS WEEK

in Alaska, and call upon the citizens of our State to join with others in observing this week by offering prayers and dedicating their efforts for the peaceful liberation of oppressed and subjugated peoples all over the world.

Dated this 16th day of July, 1973.

WILLIAM EGAN,
Governor.

PROCLAMATION

Whereas, the recent talks with Brezhnev cannot erase the fact that the peoples of the captive nations in Central Europe, within the USSR, in Asia and Cuba still are captive under totalitarian Red rule; and,

Whereas, the desire for liberty and independence by the majority of peoples in these nations constitutes a powerful deterrent to any ambitions of Communist leaders to initiate a major war; and,

Whereas, the freedom-loving peoples of the captive nations look to the United States as the citadel of human freedom and to the people of the United States as leaders in bringing about their freedom and independence;

Now, therefore, pursuant to the powers vested in me as Mayor of the City of Corpus Christi, I do hereby proclaim the week of July 15 through 21, 1973

CAPTIVE NATIONS WEEK

in Corpus Christi and call upon the citizens to join with others in observing this week by offering prayers and dedicating their efforts for the peaceful liberation of oppressed and subjugated peoples all over the world.

In witness whereof, I have hereunto set my hand and caused the Seal of the City of Corpus Christi, Texas, to be affixed this 11 day of July, 1973.

JASON LUBY,
Mayor, City of Corpus Christi, Tex.

PROCLAMATION

Whereas: The quest for general relaxation of tension and world peace is the key objective of all freedom-loving peoples and one to which the American Friends of the Captive Nations have always fully subscribed; and

Whereas: One of the requisites for achieving this goal is a Europe united in freedom, with each and every nation able to exercise its inalienable right to self-determination; and

Whereas: The greatness of our Country stems from the most diverse of racial, religious, and ethnic backgrounds; and

Whereas: In accordance with Public Law 86-90, unanimously adopted in 1959 by the Congress of the United States by which the third week of July is annually designated as Captive Nations Week; and

Whereas: Captive Nations Week provides an opportunity for all Americans to show the freedom seeking peoples of Ukrainia, Albania, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland and Romania that they have not been forgotten; and

Whereas: A successful Captive Nations Week would continue importantly to raising the morale of captive people and would thus serve the vital interests of the United States and the entire free world.

Now, therefore, I, Bartholomew F. Guida, Mayor of the City of New Haven, Connecticut, do hereby designate the period of July 15-21, 1973, as "Captive Nations Week" and call upon all to observe this week with appropriate ceremonies.

In witness thereof I have hereunto set my hand and caused the seal of The City of New Haven to be affixed.

BARTHOLOMEW F. GUIDA,
Mayor, City of New Haven, Conn.

[Office of the Mayor, City of Milwaukee]

PROCLAMATION

Whereas: Public Law 86-90, adopted unanimously by the Congress of the United States in 1959, designated the third week of July each year as a period during which special concern for people living under Communist rule is to be shown; and

Whereas, In the words of Public Law 86-90, ". . . . The desire for liberty and independence by the overwhelming majority of the people of these submerged nations constitutes a powerful deterrent to war and one of the best hopes for a just and lasting peace. . ."; and

Whereas, Captive Nations Week, since its inception in 1959, has provided a fitting opportunity for Americans to show their solidarity with the people of East and Central Europe; and

Whereas, This year's Captive Nations Week will be observed against the background of the recent summit meetings between President Nixon and Leonid Brezhnev, Secretary-General of the Soviet Communist Party, and the recognized need to continue diplomatic talks despite the ideological differences that separate the Free from the Communist World;

Now, therefore, I, Henry W. Maier, Mayor of Milwaukee, do hereby proclaim the period of July 15-21, 1973, as CAPTIVE NATIONS WEEK, and I urge all freedom-loving citizens to observe this week with appropriate ceremonies aimed at reaffirming our dedication to the principles of national self-determination for all peoples and sustaining the hopes and aspirations of the captive nations.

HENRY W. MAIER,
Mayor.

PROCLAMATION—CITY OF MIAMI, FLA.

Whereas: the period of July 15-21, 1973, represents the 15th observance of Captive Nations Week, as recognized by joint Resolution of the United States Congress and signed by President Dwight D. Eisenhower, and

Whereas this event has traditionally served as a dramatic demonstration of the solidarity of the American people with their captive brethren in East-Central Europe, and

Whereas nationwide observances, preceded by Captive Nations Week proclamations by President Richard M. Nixon, as well as by the Governors and Mayors of many states and cities, offer all Americans a fresh opportunity for manifesting their continued concern with the plight of 100 million East and Central Europeans deprived of their inalienable rights by the Communist regimes;

Now, therefore, I, Maurice A. Ferre, Mayor of the City of Miami, Florida, do hereby proclaim the week beginning Sunday, July 15, 1973, as

CAPTIVE NATIONS WEEK

In observance thereof I urge the people of the City of Miami, to join with me in reaffirmation of America's fixed dedication to freedom and national self-determination for all peoples in order to sustain the hopes and aspirations of those seeking escape from despotic oppression in the captive nations.

In witness whereof I hereunto set my hand and cause the seal of the City of Miami to be affixed.

Done in the office of the Mayor of the City of Miami, Florida.

MAURICE A. FERRE,
Mayor.

JULY 15, 1973.

[From the Ukrainian Congress Committee of America, Triple Cities Branch]

STATEMENT ON BREZHNEV'S VISIT

BINGHAMTON, N.Y., June 17, 1973.—On Monday, June 18, 1973, Leonid I. Brezhnev, General Secretary of the Communist Party of the Soviet Union (CPSU), will begin his official visit to the United States, having been invited here by President Richard M. Nixon. He comes to our shores as the uncrowned Czar of the Soviet Russian Empire.

The purpose of his visit is very clear: he will endeavor to obtain more U.S. credits, American grain and American technological equipment. As a self-appointed "peace bearer", Brezhnev will also seek Washington's approval of his European policy aimed at the maintenance of the status quo dividing Europe, the removal of U.S. armed forces from Western Europe and the strengthening of the Soviet Russian political, economic and cultural hegemony over all of Europe.

CRIMES OF BREZHNEV AGAINST THE UKRAINIAN PEOPLE

For almost a decade, Brezhnev has been veritable dictator over the millions of people in the USSR and the satellite states.

As free American citizens, we publicly accuse Brezhnev and his regime of inhuman crimes, and cultural and ethnic genocide committed against the Ukrainian people, as well as against all other non-Russian peoples of the USSR. Specifically:

(1) Numerous arrests, illegal trials, and severe sentences meted out to hundreds of Ukrainian intellectuals for demanding and defending the right of the Ukrainian language and Human Rights, to which the Ukrainian people are entitled according to Soviet Constitution and the U.N. Universal Declaration of Human Rights.

(2) The enforced Russification policy in Ukraine and the forcible imposition of the Russian language in all schools, universities, as well as in the administration, courts, and all public offices in Ukraine;

(3) Ruthless exploitation of the economic resources and riches of Ukraine for the strengthening of the Soviet Russian empire and the expansion of its domination in Europe, Asia, and in the world at large;

(4) The brutal destruction of the Ukrainian Catholic Church and the Ukranian Autocephalic Orthodox Church.

APPEAL TO PRESIDENT NIXON

Telegrams have been sent to our congressional leaders: Senator James L. Buckley, Senator Jacob K. Javits, and Representative Howard W. Robison. In these telegrams they are asked to intercede with President Nixon so that no U.S. economic concessions be made to Brezhnev until:

(1) The Soviet government desists from arresting Ukrainian intellectuals;

(2) The Soviet government releases those intellectuals who have been sentenced to concentration camps and "psychiatric wards";

(3) The Soviet government grants the Ukrainian people and other non-Russian peoples in the Soviet Union the basic human rights including the freedom of religion and the freedom to emigrate.

[From the Binghamton (N.Y.) Press, June 18, 1973]

AREA UKRAINIANS ASK RESTORATION OF RIGHTS

When Soviet leader Leonid I. Brezhnev meets in Washington with President Nixon this week he should be granted no economic concessions from the United States until Russian crimes against non-Soviet citizens are ended, according to Triple Cities Ukrainians.

In a telegram to Rep. Howard W. Robison of Tioga County and Sens. Jacob Javits and James L. Buckley, the Triple Cities branch of the Ukrainian Congress of America has asked the Congress members to appeal to Nixon before the U.S.-Soviet talks close.

The Ukrainians said Nixon should wait for these Soviet concessions before approving any economic aid to Russia:

The Soviet government stop its arrests of Ukrainian intellectuals.

The Russians agree to release intellectuals who have been sentenced to concentration camps and "psychiatric wards" for the expression of their beliefs.

Brezhnev allows the Ukrainian people and other non-Russians living in the Soviet Union the basic human rights of freedom of religion and freedom to emigrate.

Before Brezhnev is given more United States credit, grain and technological aid, the Ukrainians said he must be forced to amend his internal policies.

The group said Brezhnev and other Soviet leaders were guilty of Cultural and ethnic genocide against Ukrainians and other non-Russians, including illegal arrests and trials, religious suppression and economic exploitation of many of its citizens.

MILITARY PROCUREMENT AUTHORIZATION

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1973

Mr. DOMINICK V. DANIELS. Mr. Speaker, in considering the military procurement authorization we had the opportunity to express the will of the Congress on the question of troop commitments in Europe. Mr. Speaker, I supported the O'Neill amendment and opposed the substitute because I felt we had an opportunity to break new ground in developing a rational foreign policy based on world realities. Regrettably, we apparently failed to develop the proper record to support the argument for troop reductions. Nevertheless, in providing for a study, we did not close the door on the issue.

Our present military strength and our commitment to European defense is an issue with which only Congress can and should come to grips. It is readily apparent from the testimony of the Secretary of Defense, James Schlesinger, before the House Committee on Armed Forces, that the administration is content to rely on the same old homilies relative to our relationship and commitment to Europe. The Defense Department relies on these homilies in spite of post-World War II and post-Vietnam war agreements which most recently include the SALT-I agreements, the Common Market and England's entry into it, as well as other economic, diplomatic, and military treaties and agreements which have changed the relative position of the United States to Europe. In spite of this change, we continue to operate as if the lessons of two decades had not been burned into our history.

The fact is that Europe, thanks to our subsidizing a major portion of its defense needs, is enjoying a boom economy while the United States, in large part due to an unfavorable balance of payments, is vainly attempting to fight off a severe recession. The balance-of-payments deficit due to our military forces in Europe alone will come to more than $1.5 billion in fiscal 1973. The security of this Nation or of any nation depends more on its internal political and economic stability than on outward appearances of strength. It is absurd to presume that we can bargain from an appearance of strength and assume the other side will be blinded by mirrors. In today's world, just as we are capable of making intelligent estimates as to the ability of the other side to wage war, they too are capable of making the same estimates as to our ability. And both sides look beyond the mirrors to domestic economics and politics.

In addition to economic considerations, the new ability of Europe to provide for its own defense, and developments on the diplomatic front which have changed the relationship between the United States, Europe, and the Soviet bloc, we are faced in this country with a major domestic issue. That question, which seems lately to arise on every foreign and domestic proposal presented to the Congress, is the tendency over the past 25 years of the Congress to acquiesce to the diminution of our powers in favor of the Executive.

As a result of the Congress willingness to permit the aggrandizement of power by the Presidency, we have created in that office an almost mythic quality which prevents us from considering rationally the proposals submitted to us by the executive branch. Indeed, we have acquiesced to such a degree that the executive branch no longer submits proposals to the Congress; rather it submits fiat accompli, leaving the Congress and the people to like it or lump it.

We still express incredulity over the Gulf of Tonkin resolution which was presented to the Congress without hearings and on the questionable assertions from the "best and the brightest" in the administration. Certainly the Vietnam war, whose escalation followed from that resolution, should have taught us that Congress, while it is not the repository of all wisdom, certainly is the repository of more collective wisdom than seems to pervade the executive branch. Proper congressional consideration of major questions of national policy are critical to the well-being of the Nation and are more reliable than the cool assertions of so-called experts in the Department of Defense.

Recently in testimony before the Senate Subcommittee on Arms Control, International Law and Organization of the Foreign Relations Committee, Senator MIKE MANSFIELD made a telling point. He stated that—

> *The fundamental difficulty in discerning semblance to America's policy abroad during the past 25 years is that the commitment and level of U.S. forces abroad has determined our policy rather than our policy determining the level of U.S. forces abroad.* (Emphasis in original.)

Thus, we make war not because we have rationally thought out the consequences and then provide the troops, but we make war because we have the troops and then rationalize the consequences. That is the story of Vietnam and unless we face reality, that will be the story of the next war into whose quagmire we will become stuck. Congress must take the responsibility and provide only those resources necessary for the defense of the Nation.

HOUSE OF REPRESENTATIVES—*Wednesday, September 5, 1973*

The House met at 12 o'clock noon.

Msgr. James P. Cassidy, Ph. D., director of health and hospitals, Archdiocese of New York, offered the following prayer:

O Heavenly Father, we ask Your blessing upon this historic assemblage as it begins its deliberation. We ask you to bless them with the wisdom of Solomon, that they may legislate for the good of all the people of this land.

Bless them Lord, with the courage to ignore their own selves and to be sensitive to the needs of the people they have been elected to serve. May they be aware of the social, emotional, and health-care needs of the people of our country and the whole world.

Grant them the vision to see beyond themselves and beyond even their own country to the whole community of man which you have created. And may they look beyond this world to the next where we may all be joined together in Your wisdom and love forever and ever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the proceedings of Friday, August 3, 1973, and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Geisler, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On August 6, 1973:

H.R. 8152. An act to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to improve law enforcement and criminal justice, and for other purposes.

On August 14, 1973:

H.R. 4083. An act to improve the laws relating to the regulation of insurance in the District of Columbia, and for other purposes;

H.R. 6713. An act to amend the District of Columbia Election Act regarding the times for filing certain petitions, regulating the primary election for Delegate from the District of Columbia, and for other purposes; and

H.R. 8658. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1974, and for other purposes.

On August 16, 1973:

H.J. Res. 52. Joint resolution authorizing the President to proclaim August 26, 1973, as "Women's Equality Day";

H.J. Res. 466. Joint resolution authorizing the President to proclaim the second full week in October 1973 as "National Legal Secretaries' Court Observance Week";

H.R. 3630. An act to extend until September 30, 1975, the suspension of duty on certain dyeing and tanning products and to include logwood among such products;

H.R. 3867. An act to amend the act terminating Federal supervision over the Klamath Indian Tribe by providing for Federal acquisition of that part of the tribal lands described herein, and for other purposes;

H.R. 5649. An act to extend until November 1, 1978, the existing exemption of the steamboat *Delta Queen* from certain vessel laws;

H.R. 6370. An act to extend certain laws relating to the payment of interest on time and savings deposits, to prohibit depository institutions from permitting negotiable orders of withdrawal to be made with respect to any deposit or account on which any interest or dividend is paid, to authorize Federal savings and loan associations and national banks to own stock in and invest in loans to certain State housing corporations, and for other purposes;

H.R. 6676. An act to continue until July 1, 1976, the existing suspension of duty on manganese ore, and for other purposes;

H.R. 8510. An act to authorize appropriations for activities of the National Science Foundation, and for other purposes;

H.R. 8760. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1974, and for other purposes; and

H.R. 8947. An act making appropriations for public works, for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1974, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2282. An act to change the name of the New Hope Dam and Lake, North Carolina, to the B. Everett Jordan Dam and Lake.

The message also announced that the Vice President, pursuant to Public Law 84–689, appointed Mr. JACKSON, Mr. PELL, Mr. BAYH, Mr. EAGLETON, Mr. TUNNEY, Mr. BENTSEN, Mr. MANSFIELD, Mr. JAVITS, Mr. PEARSON, Mr. COOK, Mr. STEVENS, Mr. BUCKLEY, and Mr. HUMPHREY to be delegates, on the part of the Senate, to the North Atlantic Assembly to be held in Ankara, Turkey, October 21 to 27, 1973.

SWEARING IN OF MEMBER

The SPEAKER laid before the House the following communication, from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
September 5, 1973.

Hon. CARL ALBERT,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: This is to advise that the Clerk's Office received today a certification of the Special Election held in the First Congressional District of Maryland to fill a vacancy created by the death of William O. Mills.

This certification indicates that ROBERT E. BAUMAN received the greatest number of votes cast and has been and is duly elected as Representative in the First Congressional District of Maryland.

The above mentioned certification is on file in the Clerk's Office.

With kind regards, I am
Sincerely,
W. PAT JENNINGS,
Clerk, House of Representatives.

The SPEAKER. The Representative-elect will present himself at the bar of the House for the purpose of having the oath of office administered to him.

Mr. BAUMAN presented himself at the bar of the House and took the oath of office.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
August 3, 1973.

Hon. CARL ALBERT,
The Speaker, House of Representatives.

DEAR MR. SPEAKER: Pursuant to the authority of the House granted on August 3, 1973, the Clerk received today from the Senate the following messages: That the Senate agree to the amendment of the House of Representatives to the amendment of the Senate numbered 6 to H.R. 8658; That the Senate agree to the amendments of the House of Representatives to the amendments of the Senate numbered 7, 21, 28, 33, and 44 to H.R. 8760; That the Senate agree to the amendments of the House of Representatives to S.J. Res. 25; and That the Senate agree to the amendment of the House of Representatives to the amendment of the Senate to the amendment of the House of Representatives to the bill (S. 1888) entitled "An Act to extend and amend the Agricultural Act of 1970 for the purpose of assuring consumers of plentiful supplies of food and fiber at reasonable prices.

With kind regards, I am
Sincerely,
W. PAT JENNINGS,
Clerk, House of Representatives.
By W. RAYMOND COLLEY.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to the authority granted him on Friday, August 3, 1973, he did on Saturday, August 4, 1973, sign enrolled bills of the House, and an enrolled bill and joint resolution of the Senate as follows:

H.R. 8658. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1974, and for other purposes;

H.R. 8760. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1974, and for other purposes;

S. 1888. An act to extend and amend the Agricultural Act of 1970 for the purpose of assuring consumers of plentiful supplies of food and fiber at reasonable prices; and

S.J. Res. 25. Joint resolution to authorize and request the President to issue a proclamation designating the fourth Sunday in September 1973, as "National Next Door Neighbor Day."

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
August 31, 1973.

Hon. CARL ALBERT,
The Speaker,
House of Representatives.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 2:30 p.m. on Friday, August 31, 1973, and said to contain a message from the President transmitting a Federal Pay Comparability Alternative Plan.

With kind regards, I am
Sincerely,
W. PAT JENNINGS,
Clerk, House of Representatives.

FEDERAL PAY COMPARABILITY ALTERNATIVE PLAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93–140)

The SPEAKER laid before the House the following message from the President of the United States; which was read and together with accompanying papers was referred to the Committee on Post Office and Civil Service and ordered to be printed:

To the Congress of the United States:

At a time when the rising cost of living is a major concern to us all, the Federal Government and its employees have a special obligation to avoid any action that would needlessly fan the flames of inflation. This obligation must not be taken lightly, even in cases when meeting it involves a reasonable element of self-denial.

It is in this spirit, and with the knowledge that the action I am taking will help to hold down the cost of living for all Americans, that I now recommend a sixty day deferral in the pending pay adjustment for Federal employees.

As required by law, I am also transmitting to the Congress an alternative plan designed to meet both the rightful needs of those who serve the Government and the common interest of the general public who must bear the burden of increased inflation.

Under this plan, a pay increase for all Federal employees based upon an appropriate comparability adjustment would become effective on the first pay period beginning on or after December 1, 1973. The level of the comparability adjustment will be determined during the next few weeks. My "agent" on Federal pay, the Director of the Office of Management and Budget and the Chairman of the Civil Service Commission, has recommended an average pay increase of 4.77 percent. This recommendation is now being reviewed by my advisory committee on pay, and this committee will make its own recommendations to me in late September. At that time, I will make my decision on the appropriate comparability adjustment.

I regret asking for this postponement of a Federal pay increase but there can be no doubt of its necessity. At a critical time in the economic health of our Nation, when many are being called on to make sacrifices in order to hold down inflation, no one should enjoy special immunity. Thus far labor and management in the private sector have done their share by acting with commendable restraint in agreeing upon new wage increases. As one of the largest groups of workers in the country, Federal employees can do no less. In fact, Federal employees have a unique role to play in the fight against inflation because every dollar of their pay comes out of the Federal budget. It is especially important this year, as we seek a balanced, noninflationary budget, that Federal spending be held to a minimum.

I urge the Congress to support this action, not because it is politically expedient or the easy thing to do, but because it is in the best interest of all Americans.

The alternative plan is attached.

RICHARD NIXON.

THE WHITE HOUSE, *August 31, 1973.*

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
August 14, 1973.

Hon. CARL ALBERT,
The Speaker, House of Representatives.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 3:32 p.m. on Tuesday, August 14, 1973, and said to contain a message from the President transmitting the fifth annual report on national housing goals as required by section 1603 of the House and Urban Development Act of 1968.

With kind regards, I am

Sincerely,

W. PAT JENNINGS,
Clerk, House of Representatives.
By W. RAYMOND COLLEY.

FIFTH ANNUAL REPORT ON NATIONAL HOUSING GOALS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93-141)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Banking and Currency and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit herewith the fifth annual report on national housing goals, as required by section 1603 of the Housing and Urban Development Act of 1968.

RICHARD NIXON.

THE WHITE HOUSE, *August 14, 1973.*

TENTH ANNUAL REPORT ON SPECIAL INTERNATIONAL EXHIBITIONS CONDUCTED DURING FISCAL YEAR 1972—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs:

To the Congress of the United States:

As required by law, I herewith transmit to the Congress the Tenth Annual Report on Special International Exhibitions conducted during fiscal year 1972 under the authority of the Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87-256).

This report covers exhibitions produced by the U.S. Information Agency and presented abroad at international fairs, expositions, and festivals, primarily in Eastern Europe and the Soviet Union. It also covers labor missions abroad, which are operated by the Department of Labor.

RICHARD NIXON.

THE WHITE HOUSE, *September 5, 1973.*

THIRD ANNUAL REPORT ON HAZARDOUS MATERIALS CONTROL AS REQUIRED BY THE HAZARDOUS MATERIALS TRANSPORTATION CONTROL ACT OF 1970—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce:

To the Congress of the United States:

I transmit herewith the Third Annual Report on Hazardous Materials Control as required by the Hazardous Materials Transportation Control Act of 1970, Public Law 91-458. This report has been prepared in accordance with Section 302 of the Act, and covers calendar year 1972.

RICHARD NIXON.

THE WHITE HOUSE, *September 5, 1973.*

FIFTH ANNUAL REPORT OF THE NATIONAL SCIENCE BOARD ENTITLED "SCIENCE INDICATORS 1972"—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Science and Astronautics:

To the Congress of the United States:

I am pleased to submit to the Congress the Fifth Annual Report of the National Science Board entitled "Science Indicators 1972." It has been prepared in accordance with Section 4(g) of the National Science Foundation Act, as amended by Public Law 90-407.

This report represents an initial effort by the National Science Board to develop indicators of the state of science and technology in this country. As the Board observes, however, present indicators principally reflect the application of resources to science and technology and not the return that the Nation receives from its considerable investment in research and development. I strongly support the intention of the National Science Board to develop better measures of the outputs from our Nation's scientific and technical enterprise in contributing to the progress and welfare of the United States and its citizens.

RICHARD NIXON.

THE WHITE HOUSE, *September 5, 1973.*

REPORT OF FEDERAL ACTIVITIES IN JUVENILE DELINQUENCY, YOUTH DEVELOPMENT, AND OTHER RELATED FIELDS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Education and Labor:

To the Congress of the United States:

As required by section 408 of the Juvenile Delinquency Prevention and Control Act of 1968, I am submitting a report of Federal activities in juvenile delinquency, youth development, and related fields.

This report covers the period from July 1, 1971 to June 30, 1972 and evaluates the efforts and activities of the Youth Development and Delinquency Prevention Administration which is responsible for the program. This agency is under the jurisdiction of the Social and Rehabilitation Service of the Department of Health, Education, and Welfare. The report also describes the activities of other Federal agencies and departments in the field of juvenile delinquency.

I commend it to your careful attention.

RICHARD NIXON.

THE WHITE HOUSE, *September 5, 1973.*

ANNUAL REPORT BY THE DIRECTOR OF THE NATIONAL CANCER PROGRAM, A PLAN FOR THE PROGRAM DURING THE NEXT 5 YEARS, AND THE REPORT OF THE NATIONAL CANCER ADVISORY BOARD—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce:

To the Congress of the United States:

I am pleased to transmit to you the reports required by Section 410A(b) and Section 410B(g) of the National Cancer Act of 1971. These documents consist of the annual report by the Director of the National Cancer Program, a plan for the Program during the next 5 years, and the report of the National Cancer Advisory Board. We are still considering the review of present administrative processes and will transmit that to the Congress when our review is completed.

These reports reflect a great deal of studious consideration by many dedicated citizens, both consultants to the National Cancer Program and officials of the National Cancer Institute. Understandably, the documents do not present the cancer problem and its needs in the larger context of all health requirements. Nonetheless, I am transmitting these documents without delay to share with

Congress the information that has been generated thus far, intending to place the proposals of the National Cancer Program in the context of overall health requirements as future budgets are submitted. I emphasize the fact that my proposed budget for the Cancer Program in fiscal year 1974, at $500 million, is more than double the budget for these purposes in fiscal year 1971.

I am satisfied that the National Cancer Program begun this past year is proceeding very well. Both the spirit and the letter of the National Cancer Act of 1971 are being vigorously carried out. The leaders of the Program are innovative and dynamic. Funds are being used effectively and efficiently without raising public expectations that cannot be realized.

Of course, no one can control or predict when the objectives of the National Cancer Program will be attained. All the money and all the organization which the Federal Government can provide will not by themselves win this battle. Success ultimately depends upon the expertise and performance of the doctors, scientists, health professionals, and the volunteers who support them across America and around the world.

RICHARD NIXON.

THE WHITE HOUSE, *September 5, 1973.*

COMMUNICATION FROM THE CLERK OF THE HOUSE OF REPRESENTATIVES—ROBERT L. MAURO AGAINST W. PAT JENNINGS

The SPEAKER laid before the House the following communications from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
August 13, 1973.

Hon. CARL ALBERT,
The Speaker, House of Representatives.

DEAR SIR: On this date I received an unattested copy of the Order granting the defendant's Motion for Summary Judgment and dismissing the action that was issued by the U.S. District Judge in the case of Robert L. Mauro v. W. Pat Jennings, Clerk of the U.S. House of Representatives, and Francis Valeo, Secretary of the U.S. Senate, Civil Action No. 447-73 (U.S.D.C. D. D.C.)

The unattested Order dismissing said action dated August 3, 1973 and issued in the U.S. District Court for the District of Columbia is herewith attached, and the matter is presented for such action as the House in its wisdom may see fit to take.

Sincerely,

W. PAT JENNINGS,
Clerk, House of Representatives.

DEPARTMENT OF JUSTICE,
Washington, D.C., August 10, 1973.

Hon. W. PATRICK JENNINGS,
Clerk of the House of Representatives, Washington, D.C.

DEAR MR. JENNINGS: Enclosed is a copy of an Order granting defendants' Motion for Summary Judgment in the matter of *Robert L. Mauro* v. *W. Pat Jennings, et al.*, U.S.D.C. D. D.C., Civil Action No. 447-73.

Thank you for your cooperation and assistance in this litigation. If I may be of further assistance to you, please do not hesitate to contact me.

Sincerely yours,

IRVING JAFFE,
Acting Assistant Attorney General.

[U.S. District Court for the District of Columbia—Civil Action No. 447-73—August 3, 1973]

ROBERT L. MAURO, PLAINTIFF, v. W. PAT JENNINGS, CLERK OF THE U.S. HOUSE OF REPRESENTATIVES, AND FRANCIS R. VALEO, SECRETARY OF THE U.S. SENATE, DEFENDANTS

ORDER

This matter having come before the Court on defendants' Motion to Dismiss or, in the Alternative, for Summary Judgment, and the Court having considered the pleadings and the briefs filed by the parties, and the Court having concluded that there is no disputed issue of material fact and that the defendants are entitled to judgment as a matter of law, it is hereby this 3rd day of August, 1973,

ORDERED

That defendants' Motion for Summary Judgment be and is hereby granted and Summary Judgment be and is hereby entered in defendants' favor and the action is dismissed.

——— ———,
U.S. District Judge.

TRIBUTE TO THE LATE HONORABLE TOBY MORRIS OF OKLAHOMA

(Mr. STEED asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. STEED. Mr. Speaker, it is with great sadness that I announce the death of former Congressman Toby Morris, of Oklahoma, who passed away unexpectedly at Lawton on September 1.

Toby Morris served five terms as a Member of this House from the Sixth District of Oklahoma, from 1947 to 1953, and again from 1957 to 1961. He was a man of conscience and integrity whose highest ambition was to be of service to the people. He faithfully discharged that aim in life both as a Member of Congress and as a district judge in the State of Oklahoma, a position in which he held three separate tenures.

A native of Texas, Judge Morris was born at Granbury in Hood County on February 28, 1899. As a child of 7 he was brought to Oklahoma when his family moved there a year before statehood.

Brought up on a farm in Cotton County, he attended schools at Randlett, Temple, and Walters.

He left high school to enlist in the Army during World War I, seeing frontline service with the 110th Combat Engineers, 35th Division, as private, corporal, and then sergeant.

After the war he studied law in his father's office and was admitted to the bar in 1920.

His first public office was that of court clerk of Cotton County, to which he was elected at age 21. After 4 years in that position he held the office of county attorney for 4 years.

Private practice followed, and in 1937 he was named district judge after having moved to Lawton. He remained on the bench until his first election to Congress in 1946.

Judge Morris was a Democratic member of the 80th, 81st and 82d Congresses. In 1952 his district was largely combined with another in a change forced by the census. He lost in the subsequent primary, and returned to Oklahoma, where in 1954 he again was elected district judge.

Two years later he gained reelection to the House, where he was a Member of the 85th and 86th Congresses, serving on the Armed Services Committee.

After losing in the 1960 primary, he was named a judge of the Oklahoma State industrial court. Then, in 1966, he once more became district judge and continued in that capacity until his retirement in 1971.

Toby Morris was a Member of the House when I came here at the beginning of 1949. He was a hard-working member of our delegation and a loyal friend whom I will always remember. I am happy that the accidents of redistricting him made him my constituent during the last 6 years. Oklahoma can be proud of his record.

At a later time I will ask for a special order for appropriate remarks in his memory.

THE HONORABLE ROBERT E. BAUMAN

(Mr. GUDE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GUDE. Mr. Speaker, it is a great honor in returning from the recess of this session of Congress to be able to greet a new colleague and Member of this body, the distinguished gentleman representing the First District of Maryland. My distinguished colleague brings with him much knowledge and experience developed in his earlier years as a loyal and diligent member of the legislative staff of the House and as a page 20 years ago. He also brings a special understanding and familiarity with a large portion of the State of Maryland, and the experience of legislative representation as a member of the Maryland State Senate. I am pleased to welcome him here today.

Mr. HOGAN. Mr. Speaker, will the gentleman yield?

Mr. GUDE. I yield to my colleague from Maryland (Mr. HOGAN).

Mr. HOGAN. Mr. Speaker, it is with great pleasure that I welcome Mr. ROBERT BAUMAN of the First District of Maryland to the membership of this body.

I have known BOB for many years and I know him to be an intelligent, articulate, and hard working individual. I am fully confident that he will render the type of outstanding service to his constituents in the First Congressional District of Maryland that they received under Rogers C. B. Morton and Bill Mills.

BOB has dedicated his life to government and politics. He began his political experience here on Capitol Hill where he served first as a page in the House beginning in 1953 and worked in various legislative capacities until 1955. He served as a member of the Maryland State Senate, until his recent election to the U.S. House of Representatives, and he was recognized by his colleagues there as a devoted and thoughtful legislator. I am confident that BOB will quickly gain the respect and admiration of his new colleagues in the House of Representatives as well.

I campaigned actively for BOB's recent election because I felt very strongly that his ability and dedication would make him a tremendous asset to the House and be a significant advantage to the people of Maryland.

Mr. Speaker, as all of us who are privileged to serve here are aware, this is truly the People's House. The powers of this body are great and its traditions are very strong and deeply rooted in the history of our Nation. Mr. BAUMAN has been entrusted by the people of the First District of Maryland to represent them here and carry on in the traditions of the House. They selected him to help make those decisions that profoundly affect their lives and the future of their children and our country. This is a great responsibility and a deep privilege, I can assure the voters in Maryland's First Congressional District that they have elected an able and competent individual for the task. I know he will serve them ably and well.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. GUDE. I yield to the distinguished minority leader, Mr. GERALD R. FORD.

Mr. GERALD R. FORD. Mr. Speaker, I join with the gentlemen from Maryland, Mr. GUDE and Mr. HOGAN, and others in the Maryland delegation in congratulating BOB BAUMAN.

He was a great help to us when he worked for the House, and we are delighted that he is now a Member of the House.

COOPERATION BETWEEN THE CONGRESS AND THE CHIEF EXECUTIVE

(Mr. SIKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIKES. Mr. Speaker, I congratulate the distinguished majority leader for his significant proposal for closer cooperation between Congress and the President. This is constructive thinking and a very necessary forward step. There is much that is needed in important legislation if America's progress is to be assured. Only by understanding and cooperation between the legislative and executive branches can the results be obtained that we both want.

Mr. O'NEILL's proposal can open the door to the passage of bills which are needed now. I trust that the administration will respond in kind.

MISSISSIPPI ARMY NATIONAL GUARD NO. 1 IN RETENTION AND RECRUITING OF PERSONNEL

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, it is with a great deal of pride that I rise to commend the Mississippi Army National Guard for being No. 1 in the Nation in the retention and recruiting of personnel as of June 30 of this year. The officers, and men of the Mississippi Army Guard are to be commended for their outstanding efforts which resulted in their reaching 106.6 percent of their authorized strength level.

I wish I could present as glowing a report for all the States in the Nation, but unfortunately many of them are continuing to experience problems in the retention and recruiting of personnel. Many of the States have attained only around 80 percent of their authorized strength level for the Army National Guard and a few are at the 70 percent level. Mr. Speaker. I think this points out the need for the Congress to act quickly on the package of incentives legislation I have introduced for the Guard and Reserves.

By providing retirement at age 55, survivors benefits, full-time life insurance coverage and enlistment and reenlistment bonuses, we can take an important step forward in assuring that the National Guard and Reserves are able to retain and recruit the men and women we need for national defense purposes.

LEAVE OF ABSENCE

Mr. HAMMERSCHMIDT. Mr. Speaker, on behalf of our distinguished colleague from Arkansas (Mr. MILLS) I ask unanimous consent that he receive an official indefinite leave of absence.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

CALL OF THE HOUSE

Mr. FRENZEL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 433]

Alexander
Badillo
Bell
Blackburn
Blatnik
Boland
Bolling
Breaux
Breckinridge
Burke, Calif.
Cederberg
Chisholm
Clark
Clawson, Del
Cohen
Collins, Tex.
Conyers
Corman
Cronin
Davis, Ga.
Davis, S.C.
Delaney
Diggs
Dingell
Eilberg
Fascell
Flood
Flowers
Ford, William D.
Gray
Gubser
Gunter
Guyer
Hanrahan
Hays
Hébert
Heckler, Mass.
Henderson
Holifield
Jones, Ala.
Jones, Tenn.
Latta
McEwen
McKay
McSpadden
Mann
Maraziti
Mathis, Ga.
Metcalfe
Mills, Ark.
Mink
Moorhead, Pa.
Mosher
Murphy, Ill.
Murphy, N.Y.
Nelsen
Owens
Peyser
Quillen
Reuss
Robison, N.Y.
Rooney, N.Y.
Runnels
Ruppe
Sandman
Scherle
Shipley
Shriver
Sisk
Stark
Stephens
Stubblefield
Taylor, Mo.
Teague, Tex.
Vander Jagt
Waldie
Walsh
Wilson, Charles, Tex.
Wright
Young, S.C.

The SPEAKER. On this rollcall 354 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONFERENCE REPORT ON HOUSE JOINT RESOLUTION 512, EXTENSION OF HOUSING AND URBAN DEVELOPMENT PROGRAMS

Mr. PATMAN. Mr. Speaker, I call up the conference report on the joint resolution (H.J. Res. 512) to extend the authority of the Secretary of Housing and Urban Development with respect to the insurance of loans and mortgages, to extend authorizations under laws relating to housing and urban development, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of July 31, 1973.)

Mr. PATMAN (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Speaker, reserving the right to object, does the gentleman from Texas propose to take some time to explain briefly the report?

Mr. PATMAN. Yes, I expect to.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, the purpose of House Joint Resolution 512 is to extend the authority of the Secretary of Housing and Urban Development with respect to a number of expiring authorities and authorizations in the field of housing and urban development.

The conference report contains several major differences from the joint resolution passed by the House. I would like to describe these briefly.

First, the House resolution provided "open end" authorizations for fiscal year 1974 for the following HUD programs: urban renewal, model cities, open space, and neighborhood facilities. The Senate-passed resolution authorized specific amounts for these and other programs in lieu of the House's "open end" authorizations.

The conference report contains the following specific new authorizations for fiscal year 1974:

First, $140 million for annual contributions for the low rent public housing program;

Second, $664 million for the urban renewal program;

Third, $63 million for the open space program; and

Fourth, $40 million for the neighborhood facilities program.

Second, the Senate resolution required the HUD Secretary and the Administrator of the Farmers Home Administration to cease the suspension of Federal housing assistance programs or the withholding of funds for the current or any succeeding fiscal year, and to carry out such programs to the fullest extent possible pursuant to the contract authority or other funds appropriated or otherwise made available by the Congress.

The conference report contains these Senate provisions. After extensive discussion, the conferees were of the opinion that the moratorium on these programs imposed by the administration early this year was contrary to the intent of the Congress. The conferees' opinion was reinforced by the decision of the Federal District Court for the Federal District Court of the District of Columbia, which ordered the Department of Housing and Urban Development to activate these programs as soon as possible.

And third, the Senate resolution authorized the HUD Secretary to make expenditures for correcting serious defects in one- and two-family homes financed under certain FHA mortgage insurance programs, if:

First, the original mortgage amount was no greater than the statutory ceiling permitted under the section 235 homeownership program;

Second, the defect is one which existed on the date of the insurance commitment;

Third, a proper inspection would have revealed the defect; and

Fourth, the mortgage was insured no earlier than 3 years prior to enactment of this resolution.

The conference report contains these provisions with two amendments. The first amendment clarifies the authority of the HUD Secretary to make expenditures to correct defects out of the insurance funds obligated for insurance of the mortgages involved. It also authorizes such appropriations as may be needed to reimburse the insurance funds for expenditures or anticipated expenditures. The second amendment makes clear that payments made to or on behalf of owners of homes with defects are to be used to pay the costs of correcting those defects, where correction is feasible, and not for other purposes.

These provisions were extraordinarily troublesome for House conferees. However, it must be borne in mind that the need to provide these reimbursements was brought on by the failure of FHA in recent years to adequately inspect homes prior to FHA approval. As a result, large numbers of low- and moderate-income families were permitted to buy overpriced and defective homes in reliance on supposedly competent FHA inspections. The conferees regard these provisions as adequate to compensate those victimized by FHA's inefficient procedures, and hopefully FHA will make more thorough inspections on homes in the future.

I urge adoption of the conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. WIDNALL. Mr. Speaker, I yield 1 minute at this time to my colleague from Michigan, the distinguished minority leader (Mr. GERALD R. FORD).

LEGISLATIVE PROGRAM

Mr. GERALD R. FORD. Mr. Speaker, I take this time to ask a question of the distinguished majority leader.

Can the gentleman from Massachusetts indicate to the Members of the House what the legislative program is for the remainder of the week, and if there are any changes?

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I am happy to yield to the gentleman from Massachusetts, the distinguished majority leader (Mr. O'NEILL).

Mr. O'NEILL. Mr. Speaker, I am happy to respond to the minority leader.

As the Members will note, on Wednesday, today, H.R. 7645, State Department authorization conference report, has been stricken from the schedule because of the fact that the gentleman from Ohio (Mr. HAYS), the subcommittee chairman who handles this bill, is ill, and we have taken it off at the request of Chairman MORGAN.

The program will be exactly the same until we come to Friday, Senate 1697, Emergency Eucalyptus Assistance. This has been taken off at the request of one of the sponsors, the gentleman from California (Mr. SISK).

As the Members know, we announced previous to our August vacation that it was the intent of the leadership, with the agreement of the minority leadership, that we will work Fridays until the session is completed. We hope the session is completed sometime during the middle of October, or the first of November at the latest. That is what we are striving for. Consequently, we have said that we would work on Fridays.

In view of the fact that there is but one bill on the schedule for Friday, H.R. 8547, Export Administration Act amendment, open rule, 1 hour of debate, we will put it on schedule at the end of Thursday, if it is at all possible. It is the intent of the leadership to finish the business for the week on Thursday, if possible.

Mr. WIDNALL. Mr. Speaker, at this time I yield myself such time as I may consume.

Mr. Speaker, the bill that we are considering today, House Joint Resolution 512, was passed by this House on May 21, 1973, as a simple 1-year extension of HUD's authority with respect to its mortgage insurance programs. Amendments in the other body add two provisions which would completely change the thrust of the House Joint Resolution 512. Amendment 9 would direct the Secretary of Housing and Urban Development to fund all section 235 and section 236 projects for which he has authority. Amendment 10 would add a major program requiring the Federal Government to pay for repairs of structural defects in certain houses which have FHA mortgages on them.

Since the conference committee agreed to retain these sections, we are now called up to extend HUD mortgage insurance authority and, at the same time, enact ill-considered provisions into law. The House should vote down the conference report and save itself the ordeal of an assured veto. Then we can deal with the issue of extending mortgage insurance by itself as it should be.

After we have extended HUD's mortgage insurance authority, which everyone agrees is of utmost importance, we then can consider amendments 9 and 10 on their own merits. We should not enact these two provisions if they cannot stand on their own two feet, but must ride on the coattails of another, more viable proposal. All too often Congress has bought a pig-in-the-poke on housing.

It seems to me that the adding of these two amendments was both misguided and precipitous. Because of these two provisions, passage of the resolution was delayed and HUD's mortgage insurance authority lapsed for over a month. It has disrupted a program which is vital to the housing goals of the country. In addition, it places the future of this program in doubt because its worth is drastically decreased if it is to be held hostage for undesirable proposals, and subjected to a stop-and-go existence.

In addition, these provisions have not been adequately considered; no hearings have been held on them and no explanations have been advanced as to why they are the best or the most appropriate solutions to the problems they address. By this stratagem, we are forced to consider these proposals in a fashion that is necessarily rushed and straitjacketed.

The two proposals are similar in one major respect: each seizes on a single approach to a serious problem in the housing field and mandates the adoption of this approach without considering any alternatives. To deal with the problems of subsidized housing, amendment 9 would require that the old section 235 and 236 programs be reinstituted. We are all aware of the problems these programs have caused, and I for one cannot see mandating their use. If anyone here wishes to mandate their use, I would trust that he has not been critical of them in the past.

Amendment 10 at least embodies a new proposal which might conceivably prove somewhat useful within the limitations imposed by its many shortcomings. However, we are on the eve of receiving the administration's housing proposals, which are due Friday. We surely should wait and see what suggestions are made by those designated to administer this Nation's Federal housing programs. It is inconceivable that anyone would wish to create or reinstitute programs, especially when their enormous costs are considered, unless all the weaknesses are examined and alternative approaches evaluated. The method chosen to advance these proposals deliberately precludes such an examination and evaluation.

Mr. PATMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. BARRETT).

Mr. BARRETT. Mr. Speaker, this conference report is urgently needed to extend certain HUD authorizations, and particularly the authority of the FHA to insure mortgages.

As Members know, this conference report was not acted upon during the week before the summer recess because of the need to expand the FHA authority quickly so as not to produce havoc in the mortgage credit. Both House and Senate leaders felt that certain provisions of House Joint Resolution 512 might have produced another delay in extending FHA's authority. Consequently, the FHA authority was separately extended to September 30, 1973. The conference report would extend that authority to June 30, 1974.

The conference report also makes specific dollar authorizations for several HUD programs, orders the secretaries of HUD and Agriculture to reactivate the Federal housing subsidy programs, and expands the authority of HUD to correct defects in homes financed under certain FHA programs where a reasonable inspection of the property would have disclosed the defects. The statement of managers accompanying the conference report contains a full explanation of these provisions.

The Senate conferees simply would not recede on these provisions, and after extensive discussion the House conferees receded with amendments. The Senate-passed dollar authorizations were reduced by nearly half; and the HUD authority to correct defects was clarified and tightened. The chairman, my esteemed colleague from Texas, has adequately explained these amendments.

I urge the House to adopt the conference report so that these HUD programs can be fully carried out by HUD.

Mr. PATMAN. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. ASHLEY).

Mr. ASHLEY. I thank the chairman.

I should like, Mr. Speaker, if I might, to have the attention of the distinguished minority leader of the committee, Mr. WIDNALL, for the purpose of asking him some questions.

On the basis of the comments of the gentleman from the floor just a moment ago, I take it that his opposition to the conference report is based upon the inclusion of two provisions, namely the reimbursement provision, and, secondly, the mandating of the expenditure of funds by the Secretary of Housing and Urban Development; is that correct?

Mr. WIDNALL. That is correct.

Mr. ASHLEY. In other words, the fact that the House bill was essentially an "open end" authorization bill, whereas the Senate bill contained specific line item amounts, and the fact that there was a compromise on that, as the gentleman knows, in conference bear no relation to his opposition; that is not the basis of his opposition?

Mr. WIDNALL. Mr. Speaker, I believe the gentleman knows that I did not sign the conference report.

Mr. ASHLEY. I know he did not, but what I am trying to do is isolate the reasons for his opposition.

Mr. WIDNALL. If the gentleman is suggesting that I am opposing authorization, I have not opposed that.

Mr. ASHLEY. Very fine. Then, Mr. Speaker, if I might, let me address myself to the two areas of opposition which the distinguished gentleman from New Jersey has directed attention to.

The first, as I recall the order of his proceeding, was with respect to reimbursement. Now, the gentleman knows, of course, that this body, as well as the Senate, and, indeed, the President, has gone on record through previous legislation which has been signed into law to provide for reimbursement where there were substantial structural defects in section 235 housing; is that not so?

Mr. WIDNALL. That is so.

Mr. ASHLEY. Now, is it not also a fact that all that the inclusion of the reimbursement section in this conference report does is to say that with respect to low-cost housing, housing under sections 221(d)(2) and 203(b) essentially under $24,000, where there are the same kinds of structural defects which should have been discovered by FHA inspection, the same situation applies, and that the same remedy should be available; is that not a fact?

Mr. WIDNALL. Mr. Speaker, I do not believe it works out that way.

Mr. ASHLEY. I would like to address the question——

Mr. WIDNALL. I say, I do not believe it works out that way.

Mr. ASHLEY. Mr. Speaker, will the gentleman explain that? As a matter of actual fact, the reimbursement provision in this only goes back 3 years.

Mr. WIDNALL. By "235" the gentleman is talking about really low-income people; is that correct?

Mr. ASHLEY. Well, yes, we certainly are. But by the provisions of the Stevenson amendment adopted on the floor of the Senate, the same things applied to the 221(d) housing and the 203(b) programs. There are families that are in housing with substantial defects and which have cost $25-, $28-, $30,000, but they cannot be beneficiaries of this provision. Only those families that are in the lower cost housing, just as in the section 235 program, can; so the same income group will benefit.

Mr. WIDNALL. Mr. Speaker, the gentleman is referring to lower cost housing?

Mr. ASHLEY. The gentleman is correct.

Mr. WIDNALL. Now, the fact that individuals and families are in lower cost housing does not mean they are low-income families.

Mr. ASHLEY. Well, ordinarily, these homes have been in older, declining urban areas. The ceiling on the cost of the home at about $24,000 assures that. Beyond that there can be no reimbursement.

The SPEAKER. The time of the gentleman has expired.

Mr. PATMAN. Mr. Speaker, I yield the gentleman 5 additional minutes.

Mr. ASHLEY. My point, Mr. Speaker, is simply to point out that the reimbursement provision that is objected to by the gentleman from New Jersey is not new to us. We voted for it before. What we said was where the FHA inspection was ineffective and dishonest, as it has been in many cases, and where the FHA inspection should have produced knowledge of structural defects, the purchasing family is entitled to some measure of relief.

If that is true, and it is, Mr. Speaker, what the Stevenson amendment says is this: with respect to the other forms of lower cost housing, the same remedy should be available. So there is nothing new in this.

This is the first thing on which the gentleman from New Jersey has based his argument asking that the conference report be voted down.

The second is equally without foundation. He says that the conference report should not be approved by this body if it contains a provision mandating the expenditure of funds. This strikes me as a peculiar position to take inasmuch as this body and the other body have already voted for anti-impoundment legislation.

What on earth is new about this? The fact is that I took the position—and others did, too—in the conference that this provision is not necessary. It is not necessary, in my view, for two reasons: first, we have already legislated in this area; and second, the courts have gone on record as finding to be in violation of law the impoundment of funds for the programs in question in the conference report. So my position in the conference was—and I fought for the House position—that we do not need this.

The other body voted on this very specifically. They were stubborn and unyielding. After several meetings the House Members said in effect, "For heaven's sake, this has already been passed upon by the House and the Senate in anti-impoundment legislation. This only repeats that." Therefore, the House conferees did accede to the Senate.

My point is very much the same as the one I just sought to make with respect to reimbursement. These are not grounds that are sufficiently meaningful on which to base total opposition to the conference report. After all, it does contain an FHA extension to June 1974. This is very important, as everybody knows. It contains the basic authorization for programs that are essential in terms of community development and in terms of housing. For the gentleman from New Jersey to take the floor and base his argument on these superficial and, in my view, flimsy bases he has propounded simply does not make sense to me.

On that note I would urge the Members of this body to approve the conference report with all possible expedition.

Mr. FRENZEL. Will the gentleman yield?

Mr. ASHLEY. I yield.

Mr. FRENZEL. I take it from your discussion you are saying this is nothing new. In paragraph (2)(B) of this amendment it indicates that this insurance covers any mortgage insured under section 203, which, as I take it, is any standard FHA mortgage. If I own an FHA mortgage, as long as the mortgage was not greater than the maximum under section 235, I could be stuck for the cost of this new insurance. The Secretary under (3) in the lower part of that same paragraph also could require from me an agreement to reimburse him for any defect. Is that not correct? That is the whole law.

Mr. ASHLEY. This is the basic authority of the law.

Mr. FRENZEL. This embraces every

sale under FHA of mortgaged houses in this country.

Mr. ASHLEY. No. On the contrary, it does not. There is a stipulation——

Mr. FRENZEL. Wait a minute. It says under 2(b) that it is covered by a mortgage——

The SPEAKER. The time of the gentleman has expired.

Mr. WIDNALL. Mr. Speaker, I yield 6 minutes to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Speaker, the gentleman from New Jersey, Congressman WIDNALL, has constructively outlined the overall weaknesses of the provisions added by the other body to House Joint Resolution 512. I agree with much of what he has said and would like to associate myself with his remarks. I would also like to, in greater detail, on amendment No. 9, point out several flaws in that proposal.

Amendment No. 9 would order the Secretary of Housing and Urban Development to reinstitute immediately any suspended Federal housing assistance programs and to expend all available funds for such programs. The Secretary is directed to carry out these programs to the fullest extent possible pursuant to the contract authority made available by Congress.

There is no doubt that there is a problem trying to provide decent housing for those in this country who could not otherwise afford it. However, amendment No. 9 will not solve this problem; it will only waste large amounts of money. It has become common practice here in Washington to throw money at a problem in the hope that the problem will go away. Unfortunately, it is only the money that goes away. However, this situation differs slightly in that it would require the Government to throw large sums of money at a problem knowing full well that the money will not solve the problem. Actually, it may exacerbate the problem instead.

The shortcomings of the housing programs are so numerous that I will only mention a few. In the first place, they are full of inequities. They are "vertically inequitable" in that they do not benefit those people whose need is the greatest. Many more moderate income families, both numerically and proportionately, are benefited by the 235 and 236 programs than are people with lower incomes that need help far more. This would not be serious if we were doing an adequate job of fulfilling the needs of our low income families. We could then look with pride on benefiting moderate income families with the 235 and 236 programs. However, this is not the case; the 235 and 236 mechanisms divert limited funds away from low income housing into moderate income housing.

Horizontal inequity exists too, because the programs do not treat those with equal needs equally. These programs serve only a very few of the numerous potentially eligible beneficiaries. Less than 5 percent of those eligible have been benefited by these programs thus far. And these percentages will not be significantly increased by reinstituting the programs. Gross inequities are inevitable under a system in which such a small percentage is selected out of the total. On the basis of an almost random type of selection, some people are selected and awarded generous subsidies, averaging almost $1,000 per unit per year under some programs. Further, HUD estimates that approximately 20 percent of all 235 and 236 units will be foreclosed or will fail. Surely any program with this kind of track record must be reevaluated.

There are also specific problems with each of the two programs. The impact of section 235 has largely been that construction of subsidized units has replaced planned unsubsidized units. According to HUD, the indication is that for every 100 section 235 units constructed, between 80 and 90 previously planned unsubsidized housing starts were abandoned. In addition, ownership under section 235 has often had devastating effects on families who are not ready for home ownership.

Section 236 has failed by the most basic test of all: efficiency. Again, according to HUD figures, projects constructed under section 236 have cost, on the average, approximately 20 percent more than similar unsubsidized units. Thus, one effect of section 236 has been to pay for inefficiency with Federal money.

At a time when inflation is running at an extraordinary annual rate, mandating use of existing housing programs would add fuel to the fires of inflation. And the costs would not be limited to spurring inflation today; the Government will be paying for these projects annually for up to 40 years. For all that period of time, the Federal budget will be weighted down by payments estimated at between $6.2 and $15 billion.

Finally, it is most inappropriate for the Congress to decree at this time that HUD shall deal with the problems of low-cost housing by reinstituting these programs. The President has directed an across-the-board evaluation of the entire housing situation and this evaluation, along with recommendations that grow out of it, are to be forwarded to the Congress this week. I am hopeful that the President's recommendations will contain proposals that will deal with the problem of providing decent housing for low-income families in an equitable, noninflationary way. But, at this time, we do not know whether his recommendations will provide the most satisfactory answer to this problem. Therefore, the most appropriate and responsible course of action for us at this time is to postpone action on low-cost housing until we have had a chance to study the President's proposal's. If they prove satisfactory, there is no reason to direct the wholesale reinstitution of the section 235 and 236 programs. And, even if we disagree with the President's recommendations, it is surely better to determine their comparative values first before we resume throwing money away as proposed in amendment No. 9.

Mr. WIDNALL. Mr. Speaker, at this time I yield 3 minutes to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Speaker, the gentleman from Ohio (Mr. ASHLEY) and I were engaged in a discussion, and I should like to regenerate that discussion. If the gentleman from Ohio would be good enough to answer, is it not true that the Stevenson amendment favors mortgages of all kinds, subject to the limitation that in each case the original mortgage cannot exceed the limit which applies to 235?

Mr. ASHLEY. No, the gentleman does not accurately state the matter. The Stevenson amendment covers only two FHA programs, new programs, namely under section 203(b) and 221(d)(2). There are three conditions which exist combined together before the Stevenson amendment would have application.

In the first place, the amount of the mortgage cannot exceed generally $24,000. There is a formula, and that is the reason that I say "generally."

Second, the Department of Housing and Urban Development must find that the defect involved in the particular home existed at the time of the sale and should have been revealed by the FHA inspection. Those are the conditions that have to combine together.

Mr. FRENZEL. I thank the gentleman. I believe I understand what he has covered.

Mr. Speaker, in my judgment, this does open up a new situation of mortgage insurance that covers a great many FHA sales and resales on existing housing. If the original FHA mortgage is less than $24,000, when you sell your home, you will accept liabilities under this particular insurance provision, which are, of course, unknown, but possibly substantial. The Secretary of Housing and Urban Development has the authority to enter into an agreement with the seller. That is, he may not guarantee a mortgage until the seller agrees to reimburse against this insurance requirement. None of us may be able to sell our homes if they happen to be under this mortgage requirement.

If somebody alleges a defect, I do not know how one proves a defect in existing housing unless he is there with a camera and 25 witnesses.

It seems to me this would put us into what we might call a lawyers' paradise in trying to decide whether a defect existed before or whether it existed later.

Mr. FRENZEL. Mr. Speaker, this conference report on House Joint Resolution 512 reflects another imposition on the House by the Senate of features not even considered in the House. It is nice occasionally to improve a product with outside inputs, but it is ridiculous to have a continuous stream of nongermane, and germane, but unreasonable, amendments foisted on the House by the Senate.

The Proxmire and Stevenson amendments contained in the conference report may be germane to the subject, but I believe we look pretty silly letting them be tacked on to a simply FHA extension bill.

I cannot predict the effect of the Proxmire amendment, but I personally cannot imagine how it may work. New commitments are likely to require appropriations in years well beyond fiscal 1974. To hurry commitments would invite more scandals in a scandal-torn program. If Congress was really serious about housing, it could pass a housing bill. That is the best way around the current freeze.

The Stevenson amendment is more serious. Since it covers sales under all FHA mortgages—subject to mortgage size limits—made within 3 years, it could affect thousands of sales, including those already made and about which buyer and seller have no knowledge.

It contains an unstated and unknown appropriation to cover costs of insurance on such sales. If ever there were a case of unwarranted backdoor spending, this is it. However, the Secretary of Housing and Urban Development is also authorized to force payments to cover insurance from sellers of homes. Sellers would never know what their liability might be. This authority could restrict the sale of homes more seriously than the high cost of mortgage money.

Finally this amendment opens up a "lawyer's paradise." It is pretty difficult to prove whether defects existed at time of sale, or not. One person's definition of a serious defect may be considerably different from another's, especially if one is a buyer and the other is a seller.

Because of these defects, but mostly because the Senate has overdecorated our simple FHA extension, I urge this House to support the motion to recommit this report to the conference committee. There, the extraneous amendments can be excised, and our FHA extension can be reaffirmed.

Mr. WIDNALL. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. J. WILLIAM STANTON).

Mr. J. WILLIAM STANTON. Mr. Speaker, this conference report we have under consideration before us at the present time was signed, as Members will notice, by only one Member on the minority side. I believe this reflects the attitude of a great many Members of the House in that all of us feel a great sense of obligation, once the House has passed legislation, to fulfill our obligation in conference and to back up the House position. We will have similar legislation coming tomorrow as far as the Small Business Administration. On that I was in the minority but I signed the conference report. There was a House vote on a particular provision I am against but I signed the conference report and I will refer to that and reflect my position on that tomorrow. But what we have here is an important principle and I would like to direct the attention of the Members to two points.

First of all, under the leadership of the House subcommittee chairman, the distinguished gentleman from Pennsylvania (Mr. BARRETT), a meeting was called on April 17 for the purpose of, and I quote "providing necessary extensions and authorizations for Federal HUD and Farmers Home Administration programs."

I am sure the gentleman from Pennsylvania will agree with me it was the intention of our subcommittee to hold off any meaningful amendments by Members of the House until such time as we could meet on a further date. This is not reflected in the conference report before us today.

We have in this a very important and meaningful amendment from the gentleman from Illinois in the other body. If we are going to accept these kinds of amendments without the House first having an opportunity to exercise its will under the leadership of our chairman, then I think we are totally off base.

I believe we should send this legislation back to the conference because there is a question raised by the gentleman from Wisconsin in the other body who smilingly said that we have got to have this mandatory spending amendment.

I will say this on behalf of the Members of the House on both the Republican and Democratic side as far as the conferees are concerned. We equally fought against this amendment. We felt it was unnecessary and should not be there but we encountered stubbornness on the part of a couple Members of the other body which flew in the face of the House, and it was said that the House had to act positively upon this necessary and meaningful legislation.

I urge my fellow Members to seriously consider sending this back to conference, because that is where it belongs, and let us stick by the House provisions of the bill.

Mr. WIDNALL. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. BROWN).

Mr. BROWN of Michigan. Mr. Speaker, I was very interested this morning to read in the Washington Post that the majority leader of the House, the gentleman from Massachusetts (Mr. O'NEILL), said he thought it was about time that the Congress stopped promoting, assisting, or permitting confrontations with the White House and that rather the Congress should start spending its time and making greater effort for cooperation, conciliation if necessary, I guess, but in any case to work with the White House so that the necessary business of this Nation could be accomplished. I commend the gentleman from Massachusetts, the distinguished majority leader, for these comments.

I think he is absolutely right. A confrontation between the Congress and downtown does nothing for the American people. I think right here, as we return from this recess and to this first piece of legislation, we really can do that which the majority leader has said we should do. The Members will have the opportunity to do that when the motion to recommit is offered so that this piece of legislation can go back to conference and the only two areas of contention, those two areas which have been imposed on the House by the other body, can be eliminated and we can go forward with an extension of the very necessary FHA and housing programs.

Now, what is wrong with the conference report? The gentleman from Ohio pointed them out in his colloquy with the gentleman from New Jersey. The only two areas with which we have trouble are the mandatory spending provision imposed by the Senate, the amendment of the gentleman from Wisconsin in the other body, which says that all contract authority, all funding available to the President shall be spent irrespective of its impact on the economy; irrespective of whether it can be effectively used; irrespective of any considerations that are relevant to these programs.

This provision in the conference report should be deleted, and it can be if we recommit the conference report to the conference.

The second provision with which we have difficulty—once again, neither of these provisions was acted upon by the House—the so-called Stevenson amendment of the other body, proposes to extend, as the gentleman from Ohio has pointed out earlier, a provision, a very special provision in the 235 housing program to other FHA insurance programs. It even extends it to the conventional 203 program.

However, since even the other body recognized the inappropriateness of such a provision, it put a maximum on the amount of the mortgage to which the provision did apply, but that still is a conventionally FHA insured mortgage. It is not a subsidized mortgage. It is not a mortgage that involves any of our other subsidized or special Government programs.

We recognized, when we put this provision in and made it applicable to the 235 program, that a special problem existed in the 235 program. The Government has a very great and special interest in that program. The Government is subsidizing the cost of financing of the housing under that program; in fact all of the cost of the financing above 1 percent. Not only does the Government have a greater stake, the person involved in a 235 mortgage is a low income person who does not have the financial capacity to go out and find money, save money, to make the repairs that might be needed in that housing and which repairs may have been needed at the time of the writing of the mortgage. However, to extend that very special program to other FHA insured mortgages is absolutely wrong. In fact, it almost brings us to the point where we are adopting a different philosophy with respect to FHA insured housing.

FHA insurance, as my colleagues know, was intended to insure the lender insofar as the mortgage is concerned. There are many who have argued that this insurance covers the condition of the security as well as the loan. However, the law is clear that this argument is invalid, in fact there is a Supreme Court case on the very question.

Under the law, the buyer, when he is using FHA insurance, is required to be advised and to be informed that the appraisal done by FHA is an appraisal solely to protect the Government's interest in the item insured; that is, the mortgage, not the home.

Now, to ignore this basic principle is to twist reality. The U.S. Supreme Court has so expressly ruled. In *U.S.* v. *Neustadt*, 366 US 696 (1961), the Court held that the objective of the appraisal system is to protect the Government, and the Government only.

Referring to the legislative history, the Court stated:

> It was repeatedly emphasized that the primary and predominate objective of the appraisal system was the "protection of the Government and its insurance funds";

The Court continued:

> that the mortgage insurance program was not designed to insure anything other than the repayment of loans made by lender-mortgagees;

And the Court continued:

> and that "there is no legal relationship between the FHA and the individual mortgagor." Never once was it even intimated that, by an FHA appraisal, the Government would, in any sense, represent or guarantee to the purchaser that he was receiving a certain value for his money.

Mr. J. WILLIAM STANTON. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Michigan. I yield to the gentleman from Ohio.

Mr. J. WILLIAM STANTON. I appreciate the gentleman in the well yielding.

I believe it would be worthwhile for the Members of the House to listen to the summary of what Housing and Urban Development officials had to say about the Stevenson amendment the gentleman is discussing.

> As finally adopted by the Senate, Senator STEVENSON's amendment neither in all probability reflects the ideas of its supporters nor does it make much sense technically.

I consider it important to point out, on the merits of the Stevenson amendment, the very important fact that we are accepting something we in the House in our committee can work on, whatever problem we do have in this field.

Mr. BROWN of Michigan. I thank the gentleman for his comments.

May I conclude as I began. There are two problems with this conference report. Both of those problems were imposed upon the House by the other body. Both were opposed by many Members of this body, if not most, in the conference.

Those two provisions are the mandatory spending provision and the so-called Stevenson amendment and probably adoption of either and clearly adoption of both will provoke a veto of this needed legislation.

If we are going to carry out and really show that we believe in what our majority leader has said about avoiding confrontations with the White House as he was quoted this morning in the Washington Post—and I am speaking to the Members on this side of the aisle primarily—I suggest the action of this House should be to recommit this conference report, to send it back to conference.

Let us adopt the FHA extensions. Let us get on with the housing program, and consider other provisions when it is appropriate to do so.

Mr. WILLIAMS. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Michigan. I yield to the gentleman from Pennsylvania.

Mr. WILLIAMS. I should like to join with the gentleman in his opposition to this conference report.

Let me call the attention of Members to the material contained on page 4 of the conference report.

We already know that if anybody purchases a home with a mortgage of $24,000 or less under the 235 program they can be reimbursed for any serious defects existing in the house at the time of purchase.

The conference report we have before us right now would extend that to all FHA mortgages. If anyone were to buy a $40,000 house, with $16,000 down, 2 years later they could attack that sale and say there were serious defects existing at the time and be reimbursed by the FHA.

I can tell the Members there is no program that has been a greater disappointment than the 235 program, and now we are going to extend reimbursing families for defects in homes covered by regular FHA mortgages.

Mr. Speaker, this makes this conference report a little more than a travesty, and it certainly should be defeated.

Mr. BROWN of Michigan. Mr. Speaker, let me just conclude again by saying that in referring this conference report back to the conferees so that we can work out these problems and come forward in the spirit of cooperation about which the majority leader spoke, we are doing no harm. The FHA programs are extended already until October 1. We will have time to work out a better conference report; we will have time to give further consideration, if necessary, to these two problem areas, and, in any event, the will of the majority leader will prevail.

The SPEAKER. The time of the gentleman from Michigan (Mr. BROWN) has expired.

Mr. PATMAN. Mr. Speaker, may I inquire if the minority has finished its time?

The SPEAKER. The time of the minority has expired.

Mr. PATMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. ASHLEY) to conclude the debate.

Mr. ASHLEY. Mr. Speaker, I do not suppose that there is any reason for surprise that my associates on the other side of the aisle continue to resist the idea of mandating the expenditure of funds.

In the week before the recess occurred, this matter was considered; it came before this body, and it was adopted by this body. Since the House has acted in this matter, there is nothing new in this conference report that has not been approved by this body. The fact that the House conferees acceded to the Senate with respect to this provision cannot be considered as being inconsistent with the will of the House of Representatives as reflected and expressed no longer ago than in the week immediately prior to recess.

Second, I suppose there is no reason for surprise that there is embarrassment for many of us here with respect to the caliber of FHA inspections. When we talk about reimbursement, Mr. Speaker, let us make it clear that we are talking about reimbursing families earning between $6,000 and $12,000 for the cost of structured defects that FHA inspectors should have caught and in many cases would have caught if it were not for the fact that they were dishonest.

Mr. Speaker, those are strong words, but the fact of the matter is that FHA inspectors in many parts of the country, particularly here in the East, are under indictment at this very time. Court cases are proceeding because the inspections these men have performed have been deliberately dishonest and fraudulent.

Is it the position of this body that the victims of fraud and deception in such cases should have no recourse other than to the dishonest conspiracy that existed between the FHA inspector and the beneficiary of the fraud?

What we say, Mr. Speaker, is that whether the FHA inspection was deliberately or unintentionally ineffective and bad, the families earning between $6,000 and $12,000, families who cannot afford to come back after the fact and make good on the structural defect, should have and should be provided this measure of relief.

Mr. ROSTENKOWSKI. Mr. Speaker, as the House of Representatives today considers this conference report to extend the insuring authority for the Federal Housing Authority, I would hope that my colleagues would pay particular heed to the section of the legislation that would provide certain reimbursement costs to owners of section 203(b) and section 221(d)(2) nonsubsidized housing.

This provision would help to rectify a situation under existing law that has inflicted much hardship upon purchasers of certain FHA housing in the center cities. In addition to helping purchasers of this housing, this provision could greatly reduce the overall costs of HUD by limiting the situations in which the Department would have to "make good" on defaulted mortgages.

As I stated in a letter to the House conferees, urging them to acecpt this Senate-inserted provision, "I am convinced that language of some type must be incorporated in the final bill to insure that consumers who buy housing supported by the FHA are receiving true value for their money."

Too often, a purchaser discovers that his newly bought home, presumably approved by the FHA, is structurally substandard and will require an additional expenditure of more than he can afford to bring it up to local building standards. As a result, he moves out and defaults on his mortgage, causing a loss both to himself and to the FHA who must now fulfill its insuring agreement by paying the mortgagee all sums legally due to him by the defaulting mortgagor.

Hopefully, the legislation before us for final approval today will rectify this exasperating and expensive problem. The language agreed upon by the House and Senate conferees would require the FHA to reimburse the owner of section 203(b) and section 221(d)(2) housing for the cost of repairs necessary to correct structural defects that seriously impair the use and livability of his new home. Hopefully, this will force the Department of Housing and Urban Development to more carefully inspect 203(b) and 221(d)(2) housing for potential violations of the local building code before it agrees to insure the mortgage on such property.

While this provision will thus impose

a heavier burden of inspection on the FHA than has been the case in the past, it is only in keeping with the guarantee provisions of these FHA insurance programs. In addition, in those cases where structural defects still appear despite FHA investigatory efforts, it will be far less expensive for the Government to reimburse the homeowner for the costs necessary to make his house acceptable to local standards than it would be to assume the entire mortgage if the mortgagor elected to default.

The objections raised by those who oppose these reimbursement provisions do not, in my opinion, appear justified in light of the history of defaulted mortgages in these FHA programs. In addition, these amendments should not be discussed in terms of what they themselves will cost the Government in expenditures, but rather in terms of to what extent they will reduce the overall Federal insuring cost of these housing programs.

In closing, Mr. Speaker, much has been said in this Chamber with regard to a forthcoming "major overhaul" of all Federal housing programs and why it is necessary that we wait until this overhaul is completed rather than attempt to adjust individual sections of the existing program. While this might well be the most logical method in which to develop a totally new coordinated approach to federally sponsored housing, it does little to aid those persons who have become victims of the weaknesses inherent in the existing program. As I have often told my colleagues on the Housing Subcommittee, I will support any substantive revision of the Federal role in housing that they determine is best suited for the national interest. But, at the same time, I do not feel that I can ignore the impact of our existing programs on the people in our cities. It is for this reason that I strongly support the conferees' action in accepting the Senate reimbursement amendments and urge my colleagues to do likewise.

Mr. PATMAN. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

MOTION TO RECOMMIT OFFERED BY MR. WIDNALL

Mr. WIDNALL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the conference report?

Mr. WIDNALL. I am opposed to it in its present form, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. WIDNALL moves to recommit House Joint Resolution 512 to the committee on conference.

Mr. PATMAN. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. GERALD R. FORD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device; and there were—yeas 202, nays 172, not voting 60, as follows:

[Roll No. 434]

YEAS—202

Abdnor
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Archer
Arends
Armstrong
Ashbrook
Bafalis
Baker
Bauman
Beard
Bennett
Bevill
Bray
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Burleson, Tex.
Butler
Byron
Camp
Carter
Casey, Tex.
Chamberlain
Clancy
Clausen, Don H.
Cleveland
Cochran
Collier
Conable
Conlan
Conte
Coughlin
Crane
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Ga.
Davis, Wis.
Dellenback
Dennis
Derwinski
Devine
Dickinson
Dorn
Downing
Duncan
du Pont
Edwards, Ala.
Erlenborn
Esch
Eshleman
Findley
Fish
Fisher
Flynt
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Fuqua
Gilman
Ginn
Goldwater
Goodling
Green, Oreg.
Griffiths
Gross
Grover
Gubser
Guyer
Haley
Hammerschmidt
Hansen, Idaho
Harsha
Harvey
Hastings
Heinz
Hicks
Hillis
Hinshaw
Hogan
Holt
Hosmer
Huber
Hudnut
Hunt
Hutchinson
Ichord
Jarman
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Keating
Kemp
Ketchum
King
Kuykendall
Landgrebe
Landrum
Latta
Lott
Lujan
McClory
McCloskey
McCollister
McDade
McKinney
Madigan
Mahon
Mallary
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mazzoli
Michel
Milford
Miller
Minshall, Ohio
Mitchell, N.Y.
Mizell
Montgomery
Moorhead, Calif.
Myers
Nichols
O'Brien
Parris
Passman
Pettis
Powell, Ohio
Price, Tex.
Pritchard
Quie
Railsback
Rarick
Regula
Rhodes
Roberts
Robinson, Va.
Rogers
Rose
Rousselot
Ruppe
Ruth
Sarasin
Satterfield
Saylor
Schneebeli
Sebelius
Shoup
Shriver
Shuster
Sikes
Skubitz
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Steelman
Steiger, Ariz.
Steiger, Wis.
Symms
Talcott
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Thone
Thornton
Towell, Nev.
Treen
Vander Jagt
Veysey
Waggonner
Walsh
Wampler
Ware
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wyatt
Wylie
Wyman
Young, Fla.
Young, Ill.
Young, S.C.
Zion
Zwach

NAYS—172

Abzug
Adams
Addabbo
Anderson, Calif.
Annunzio
Ashley
Aspin
Badillo
Barrett
Bergland
Biaggi
Biester
Bingham
Boggs
Bowen
Brademas
Brasco
Breaux
Brooks
Brown, Calif.
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Burton
Carey, N.Y.
Carney, Ohio
Chappell
Chisholm
Clay
Collins, Ill.
Cotter
Cronin
Culver
Daniels, Dominick V.
Danielson
de la Garza
Dellums
Denholm
Dent
Donohue
Drinan
Dulski
Eckhardt
Edwards, Calif.
Eilberg
Evans, Colo.
Evins, Tenn.
Fascell
Flood
Foley
Ford, William D.
Fraser
Froehlich
Fulton
Gaydos
Gettys
Giaimo
Gibbons
Gonzalez
Grasso
Gray
Green, Pa.
Gude
Hamilton
Hanley
Hanna
Harrington
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Holtzman
Horton
Howard
Hungate
Johnson, Calif.
Jones, Okla.
Jordan
Karth
Kastenmeier
Kazen
Kluczynski
Koch
Kyros
Lehman
Lent
Litton
Long, La.
Long, Md.
McCormack
McFall
Macdonald
Madden
Mailliard
Matsunaga
Meeds
Melcher
Mezvinsky
Minish
Mitchell, Md.
Moakley
Mollohan
Morgan
Moss
Murphy, N.Y.
Natcher
Nedzi
Nix
Obey
O'Hara
O'Neill
Patman
Patten
Pepper
Perkins
Pickle
Pike
Poage
Podell
Preyer
Price, Ill.
Randall
Rangel
Rees
Reid
Reuss
Riegle
Rinaldo
Rodino
Roe
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ryan
St Germain
Sarbanes
Schroeder
Seiberling
Slack
Smith, Iowa
Stanton, James V.
Steed
Steele
Stokes
Stratton
Studds
Sullivan
Symington
Thompson, N.J.
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Whalen
White
Whitten
Wilson, Charles H., Calif.
Wolff
Wydler
Yates
Yatron
Young, Alaska
Young, Ga.
Young, Tex.
Zablocki

NOT VOTING—60

Alexander
Bell
Blackburn
Blatnik
Boland
Bolling
Breckinridge
Cederberg
Clark
Clawson, Del
Cohen
Collins, Tex.
Conyers
Corman
Davis, S.C.
Delaney
Diggs
Dingell
Flowers
Gunter
Hanrahan
Hansen, Wash.
Hays
Hébert
Henderson
Holifield
Jones, Ala.
Jones, Tenn.
Leggett
McEwen
McKay
McSpadden
Mann
Mathis, Ga.
Mayne
Metcalfe
Mills, Ark.
Mink
Moorhead, Pa.
Mosher
Murphy, Ill.
Nelsen
Owens
Peyser
Quillen
Robison, N.Y.
Rooney, N.Y.
Runnels
Sandman
Scherle
Shipley
Sisk
Stark
Stephens
Stubblefield
Stuckey
Taylor, Mo.
Waldie
Wilson, Charles, Tex.
Wright

So the motion to recommit was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Rooney of New York against.

Mr. Blackburn for, with Mr. Holifield against.

Mr. Del Clawson for, with Mr. Moorhead of Pennsylvania against.

Mr. Hanrahan for, with Mr. Waldie against.

Mr. McEwen for, with Mr. Murphy of Illinois against.

Mr. Cohen for, with Mr. Blatnik against.

Mr. Bell for, with Mr. Conyers against.

Mr. Quillen for, with Mr. Dingell against.

Mr. Scherle for, with Mr. Hays against.

Mr. Taylor of Missouri for, with Mr. Gunter against.

Mr. Cederberg for, with Mr. Clark against.

Mr. Nelsen for, with Mr. Delaney against.

Mr. Collins of Texas for, with Mrs. Hansen of Washington against.

Mr. Henderson for, with Mr. Corman against.

Mr. Davis of South Carolina for, with Mr. Metcalfe against.

Until further notice:

Mr. Alexander with Mr. Owens.
Mr. Boland with Mr. Breckinridge.
Mr. Mosher with Mr. Flowers.
Mr. Mayne with Mr. Diggs.
Mr. Sandman with Mr. Jones of Alabama.
Mr. Peyser with Mr. Mann.
Mr. Stubblefield with Mr. Leggett.
Mr. Jones of Tennessee with Mr. McKay.
Mr. Mathis of Georgia with Mrs. Mink.
Mr. Mills of Arkansas with Mr. Stark.
Mr. Wright with Mr. Sisk.
Mr. Shipley with Mr. Robison of New York.
Mr. Charles Wilson of Texas with Mr. Stephens.
Mr. Stuckey with Mr. McSpadden.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEAD-BASED PAINT POISONING PREVENTION ACT AMENDMENTS

Mr. LONG of Louisiana. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 504 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 504

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8920) to amend the Lead Based Paint Poisoning Prevention Act, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 8920, the Committee on Banking and Currency shall be discharged from the further consideration of the bill S. 607, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 8920 as passed by the House.

The SPEAKER. The gentleman from Louisiana is recognized for 1 hour.

Mr. LONG of Louisiana. Mr. Speaker, I yield the usual 30 minutes to the minority to the distinguished gentleman from Nebraska (Mr. Martin) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 504 provides for an open rule with 1 hour of general debate on H.R. 8920, a bill to extend and amend the Lead-Based Paint Poisoning Prevention Act.

House Resolution 504 provides that after the passage of H.R. 8920, the Committee on Banking and Currency shall be discharged from the further consideration of the bill S. 607, and it shall then be in order in the House to move to strike out all after the enacting clause of S. 607 and insert in lieu thereof the provisions contained in H.R. 8920 as passed by the House.

Title I of H.R. 8920 authorizes grants for the detection and treatment of children with high lead levels in their blood. Title II authorizes grants for programs to eliminate the hazards of lead-based paint poisoning and title III authorizes Federal research and demonstration programs. The bill permits titles I and II grants to be made to private nonprofit and community organizations as well as public agencies. Section 6 of the bill amends the act by changing the definition of lead content in paint from 1 percent lead by weight to 0.5 percent lead by weight. H.R. 8920 also increases the maximum Federal share of title I programs to 90 percent—the present figure is 75 percent.

The cost of H.R. 8920 will be approximately $52.5 million for each of fiscal years 1974 and 1975.

Mr. Speaker, I urge the adoption of House Resolution 504 in order that we may debate and discuss H.R. 8920.

Mr. MARTIN of Nebraska. Mr. Speaker, as the gentleman from Louisiana (Mr. Long) has said, House Resolution 504 provides for an open rule and 1 hour of debate on this legislation. He has adequately explained the bill itself.

It came out of the Committee on Banking and Currency unanimously, and came out of the Rules Committee unanimously. I know of no opposition to the rule, and reserve the balance of my time.

Mr. LONG of Louisiana. Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. PATMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8920) to amend the Lead-Based Paint Poisoning Prevention Act, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. Patman).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 8920, with Mr. Thompson of New Jersey in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. Patman) is recognized for 30 minutes, and the gentleman from New Jersey (Mr. Widnall) is recognized for 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. Patman).

Mr. PATMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 8920, a bill to amend the Lead-Based Paint Poisoning Prevention Act would provide for the continuation of a very important program that the Congress enacted in 1970 to provide assistance for the detection and elimination of a serious manmade childhood disease, lead paint poisoning.

The Lead-Based Paint Poisoning Prevention Act was sponsored by our distinguished colleague who is a member of the Banking and Currency Committee, Bill Barrett of Pennsylvania, and the distinguished member from New York, the late Congressman William Fitts Ryan.

Lead paint poisoning in children is a problem experienced in many of our older urban areas across the United States. Small children usually from the ages of 1 to 6 years ingest paint chippings which contain amounts of lead which when ingested cause serious damage to the central nervous system causing mental retardation and causing serious damage to the blood system of these children. The Congress recognized this problem in 1970 and enacted the Lead-Based Paint Poisoning Prevention Act. This act provided for grants by the Secretary of Health, Education, and Welfare to local communities to eliminate lead-based paint poisoning. Second, it provided grants to local communities for the detection and treatment of lead-based paint poisoning; and finally, it provided for a Federal demonstration and research program to determine the nature and extent of lead-based paint poisoning in the United States. This act also defined the term "lead-based paint" to mean any paint containing more than 1 percent lead by weight. H.R. 8920 would continue these programs by providing for additional authorizations totaling $105 million over the next 2 fiscal years and would provide for a new definition of lead content in paint at a new lower level of 0.5 percent lead by weight.

Mr. Chairman, this bill was reported out of the Committee on Banking and Currency by a 25-to-0 vote and I believe merits the strong support of the Members of the House. I urge its adoption.

Mr. WIDNALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to commend the gentleman from Pennsylvania (Mr. Barrett) for his untiring, consistent hard work in seeking to eliminate the dreadful threat of poisoning in infants caused by the ingestion of lead-based paint, recognizing the national urgency—the continuing cost in loss of life and suffering—he has dedicated himself to the study of the problem and a search for solutions. He is due great credit for bringing this bill forward. I am sure there will be full agreement and support as we consider the bill, H.R. 8920.

Over a long period of study, the committee has learned a great deal about the cause, effect, and incidence of poisoning resulting from the ingestion of lead-based paint.

It is a widely dispersed, manmade, but preventable situation that we are dealing with. Remnants and residues of dangerous lead-based paint products, mostly in old structures, are the cause for an alarming number of tragic poisonings. The actual number of victims is, of course, one of the problems we must pursue. The fact that there are continuing new cases of lead poisoning is ample cause for alarm. Most frequently the contaminating material is old paint—a type which was in use some 30 years ago containing as much as 50 percent basic carbonate of lead. Paint applied at that time is now deteriorating with age and is commonly found to be cracking and peeling in houses still in use from that period.

We are informed that the contaminant is sweet in taste and attractive to the inquisitive child's interest. With the source so readily available, ingestion occurs quite naturally. When such practice is unobserved or allowed to continue by unsuspecting adults it may yield a consequence of either death or irreversible disability to the child. Recognized disabilities resulting from lead poisoning include mental retardation, cerebral palsy, convulsive seizures, blindness, behavioral disorders, and other neurological handicaps.

Truly, the loss and suffering associated with such poisonings are beyond measure. It is imperative that effective actions and adequate resources be marshaled to eliminate this insidious threat to the children of our Nation. In this circumstance, a directed and fully coordinated Federal effort is clearly essential.

Speaking in general terms, we know a great deal about what must be done. We know how to screen and diagnose lead poisoning. We know that the environment of greatest risk is common to certain areas such as urban, inner-city, pre-World War II construction.

However, there are many things about the present situation that we do not know. We need to fix acceptable levels of lead content in paint. We need to find acceptable means for removing concentrations of lead contaminants. And, we need to apply this new knowledge in the elimination of hazards and the prevention and treatment of lead poisoning.

Mr. Chairman, I believe all of these points are recognized in H.R. 8920—the proposal now before us. We can do no greater service to this Nation than to recognize the dangers and prevent future loss and disability among our children.

We can certainly do no less than to support the proposal now before us.

Mr. PATMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. BARRETT).

Mr. BARRETT. Mr. Chairman, I am pleased to be able to present to the House the bill, H.R. 8920, to amend the Lead-Based Paint Poisoning Prevention Act.

This bill was approved by the Banking and Currency Committee on June 28 by a vote of 25 to 0. Before proceeding to discuss this bill, I would like to take this opportunity to commend the distinguished gentleman from New Jersey (Mr. WIDNALL) and the distinguished gentleman from Michigan (Mr. BROWN) for the fine cooperation and suggestions they made in our consideration of the lead paint bill. Their suggestions and amendments were adopted by the committee, and I believe have made the lead paint bill a noncontroversial bill and, of course, has greatly improved the bill.

I would like to comment on highlights of the bill. First of all, this bill would authorize $105 million over the next 2 fiscal years for the three grant programs—detection and treatment, elimination, and research—under the Lead-Based Paint Poisoning Prevention Act. Authorizations for this program expired on June 30 of last year. If the lead-based paint poisoning prevention program is to continue, we need to provide additional authorizations. I believe this figure is reasonable and well below the $400 million authorization contained in the Senate-passed lead paint bill.

Second, the bill would change the definition of lead content in paint from the existing 1 percent lead by weight to 0.5 percent lead by weight immediately upon the enactment of this bill. In the bill that we considered in subcommittee there was an additional definition of lead paint to be implemented on January 1, 1974. This definition was 0.06 percent lead by weight. After considerable discussion in the subcommittee and with consultation with the Secretary of Health, Education, and Welfare, we determined that this should be stricken from the bill, that the Secretary be afforded adequate time to determine a new definition of lead in paint and to report back to the Congress on December 31, 1974, with his new findings.

Third, the bill would authorize the Secretary of Housing and Urban Development to establish procedures to eliminate, as far as practicable, the hazards of lead-based paint poisoning to any existing housing which may present such a hazard and which is covered by an application for mortgage insurance or housing assistance payments under a program administered by HUD. Such procedures would apply to all housing constructed prior to 1950.

Finally, the bill contains a provision that was in last year's housing bill to provide for a Federal preemption of all State and local laws regarding requirements, prohibitions, and standards relating to lead content in paints.

Mr. Chairman, I believe that this bill is a relatively noncontroversial bill and it should be approved by the House.

Mr. Chairman, in conclusion, I would like to highlight the importance of this bill. Coming as I do from one of the older and larger cities of this country, the city of Philadelphia, I have had personal experience with families of children who have been afflicted with this manmade disease, lead paint poisoning. The committee report points out 400,000 children are believed to be suffering from high blood levels of lead poisoning each year. Ingestion by young children of paint chips from peeling walls in older buildings has caused severe damage to the central nervous system, as well as mental retardation and brain damage. The Federal Government does not provide the needed assistance that is embodied in this bill. It will cost this Nation approximately $200 million annually for treatment, education, and institution care for those children that have been afflicted by this lead paint, if the provisions of this bill are not enacted into law.

Mr. Chairman, I urge adoption of this bill.

Mr. MOSS. Will the gentleman yield?

Mr. BARRETT. I yield to the gentleman.

Mr. MOSS. I would like first of all to compliment the gentleman and the members of the committee on reporting this legislation.

However, I do have two questions.

Section 506 appears to preempt State and local laws regarding the lead content of paints which would conflict with the provisions of this bill. Am I correct in assuming that this section does not apply to State laws outside the scope of this bill?

Mr. BARRETT. That is absolutely correct.

Mr. MOSS. Mr. Chairman, if the gentleman would yield further, am I correct in assuming that section 506 is not an attempt to modify the provisions of the Federal Hazardous Substances Act which deal with the setting of safe levels of lead in paints and State activities with regard to such levels?

Mr. BARRETT. That is also absolutely correct.

Mr. MOSS. Mr. Chairman, I thank the gentleman for yielding.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. WIDNALL. Mr. Chairman, I have no further requests for time.

Mr. PATMAN. Mr Chairman, I yield 5 minutes to the gentleman from New York (Mr. ROSENTHAL).

Mr. ROSENTHAL. Mr. Chairman, I rise in support of H.R. 8920—which amends Public Law 91-695, the Lead-Based Paint Poisoning Prevention Act—and to offer three amendments which I feel will strengthen the battle against childhood lead poisoning.

This bill is aimed at detecting, curing, and preventing a disease which currently afflicts some 400,000 children. Less than 16,000 of these young victims actually receive treatment and half of them are left mentally retarded. About 200 youngsters die each year from lead poisoning.

In my city of New York, there are 30,000 children who each year suffer from lead poisoning, but fewer than 1,000 cases are reported each year. Lead poisoning is a disease endemic to the slums. Although the city outlawed the use of lead in interior paints more than 10 years ago, leaded paint still remains on walls which have been covered with newer nonleaded coats.

Nearly 2½ million children are vulnerable to lead poisoning because they live in substandard housing with leaded paint peeling off interior walls. Many mothers are unaware of the dangers of eating lead chips and are not prepared to indicate to the physician that such dangers exist in the home. What is more, the early symptoms of lead poisoning are vague—nausea, lethargy, and crankiness—consequently both parent and physician have a difficult time attributing the symptoms to their proper cause.

Even hospital treatment to remove the lead is not a completely effective means to combat lead poisoning. Simply sending a deleaded child back to a leaded environment where he can once more swallow peeling chips of lead-based paint is as ridiculous as curing a man of pneumonia and then forcing him out into a freezing rainstorm with no shoes, no hat, and no coat.

This spring, the other body unanimously passed a similar bill, S. 607. The principal differences between the House and Senate versions are the permissible level of lead in paint, the amount of funding authorized and the preemption of Federal law. Because I believe the Senate bill is the more desirable of the two, my amendments attempt to bring the House bill in line with those provisions.

First. Federal preemption: H.R. 8920 amends title V of the Lead-Based Paint Poisoning Prevention Act by declaring null and void "any and all laws" of States and local governments relating to lead content in paints "which differ from the provisions of this act." My amendment would have the provisions of the act supersede only those State and local laws and regulations which are less stringent than those of H.R. 8920. In other words, this bill defines a safe level of lead in paint at 0.5 percent. Without my amendment, a city like Chicago, which sets the lead level at 0.06 percent, would find its standards undermined. My amendment will permit Chicago to keep its stronger standards while preventing others from setting weaker standards than the federally-set lead level for paint.

Second. Lead content: Section 6 of H.R. 8920 defines lead-based paint as that containing 0.5 percent or more lead by weight—the same standard set by FDA regulations. The Senate bill goes one step further, lowering the acceptable lead content to 0.06 percent after December 31 of this year unless the Secretary of Health, Education, and Welfare determines that a higher level, not to exceed 0.5 percent, is safe. My amendment is essentially in line with the Senate language except that it requires the Secretary to hold public hearings prior to making his determination. This will help preclude hasty and secret decisions.

The 0.06-percent level is feasible. The FDA Commissioner, in an order published in the Federal Register—March 11, 1972, 37 F.R. 5299—noted that the National Paint & Coatings Association had notified him that it anticipated its members can produce by 4 months from now interior products not exceeding the 0.06-percent maximal lead level, and by January 1975, make exterior products meeting this same requirement.

The American Academy of Pediatrics and U.S. Public Health Service recommended the 0.06-percent level. The Senate report on S. 607 stated:

> Government scientists working with experts in the field of toxicology concluded that paint containing more than 0.06% lead, dried on wall surfaces, may endanger the health of young children.

Under my amendment, the 0.06 percent standard will go into effect January 1, 1974, unless the Department of Health, Education, and Welfare, following public hearings, provides justification for implementing a different lead level content. If a different level is justified, it cannot exceed 0.5 percent lead content in interior residential paints.

Third. Funding: Section 7 of H.R. 8920 authorizes spending $105 million over the next 2 years, compared to $300 million over 4 years in S. 607. My amendment would adopt the spending authorization of the Senate bill.

Title I of the House bill authorizes $20 million for fiscal year 1974 and 1975 for grant assistance in the detection and treatment of lead-based paint poisoning; my amendment would provide $30 million a year for the next 4 years.

Title II of H.R. 8920 authorizes $30 million for each of the 2 fiscal years for grant assistance in the elimination of lead-based paint poisoning; my amendment would increase the authorization to $40 million a year over 4 years.

Title III authorizes $2.5 million for the 2 fiscal years for research and demonstration programs to find the best methods to remove lead-based paint from interior and exterior surfaces of residential homes; my amendment would provide $5 million a year for the 4 years.

Enactment of this measure will stand as a tribute to our late colleague William Fitts Ryan of New York, who for many years fought for this type of legislation and to whom much of the credit must be given for the current awareness in the Congress and in the Nation about lead poisoning.

Mr. WIDNALL. Mr. Chairman, at this time I yield 5 minutes to the gentleman from Pennsylvania (Mr. WILLIAMS).

Mr. WILLIAMS. Mr. Chairman, I, too, want to join in commending Mr. BARRETT for bringing out such a fine bill as H.R. 8920. I want to call the Members' specific attention to two provisions in the bill. One appears on page 4, section 301, paragraph (b).

> The Secretary of Health, Education, and Welfare shall conduct appropriate research on multiple layers of dried paint film, containing the various lead compounds commonly used, in order to ascertain the safe level of lead in residential paint products. No later than December 31, 1974—

Just the end of next year—

> the Secretary shall submit to Congress a full and complete report of his findings and recommendations. . . .

I should also like to call the Members' attention to page 6 under "Federal Housing Administration Requirements":

> SEC. 6. Section 501(3) of the Lead-Based Paint Poisoning Prevention Act is amended by striking out "1 per centum lead by weight" and inserting in lieu thereof "five-tenths of 1 per centum lead by weight".

This actually cuts in half the amount of lead which is permitted in paint under the Lead-Based Paint Poisoning Prevention Act.

I will have to respectfully disagree with my esteemed colleague, the gentleman from New York (Mr. ROSENTHAL) to the effect that paint should have a percentage of six-hundredths of 1 percent by weight. Having had some experience in quantitative chemical analysis, I can tell the Members that it would be almost impossible to determine whether or not lead paint contains six-hundredths of 1 percent of lead.

Another thing, too, it is generally recognized that in the manufacture of paint a small amount of lead is necessary, and one-half of 1 percent is half of what is permitted now, and with less than that it would be impossible to make a paint that would really do the job it is supposed to do.

Having lived very close to Mr. BARRETT's district—which adjoins mine—I am familiar with the older homes where the paint is peeling and the children are actually eating the paint containing lead. However, in that paint the lead percentage is 30, 40, and 50 percent, and sometimes even more.

So I have no objection to Mr. ROSENTHAL's amendment about instructing HEW to have public hearings, but I definitely object to reducing the amount of lead to six-hundredths of 1 percent. It is an amount too small to do any good, and it is an amount too small to even be measured.

With the exception of that I do not object to the other amendment which the gentleman from New York (Mr. ROSENTHAL) has mentioned, such as public hearings to be held by HEW, I strongly urge Members to support fully H.R. 8920 as presented.

Mr. PATMAN. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Ms. ABZUG).

Ms. ABZUG. Mr. Chairman, it has been estimated that 400,000 children are affected by high blood levels of lead each year. The Department of Health, Education, and Welfare has reported that 16,000 young children require medical treatment each year for lead poisoning resulting from the children eating paint and plaster chips; 3,200 children suffer moderate to severe brain damage from this disease. Another 800 have brain tissue deterioration which requires permanent institutionalization. Another 200 die annually from lead poisoning.

Childhood lead poisoning is a devastating disease. Its symptoms may appear insidiously or suddenly. The child, whose gums may become blue, may lose his appetite for food, vomit, become less alert and more irritable, have temper tantrums or develop a clumsy staggered walk. The child may experience abdominal pains which can become so severe that he doubles up from spasm of the bowel. Lead can cause tiny hemorrhages in the brain leading to convulsions and coma. It may also interfere with the functioning of nerves in the arm and leg, causing a paralysis called wrist or foot droop.

Mr. Chairman, I rise in support of H.R. 8920, the Lead-Based Paint Poisoning Prevention Act amendments, a fine piece of legislation which carries on the work and the spirit of my late and distinguished colleague from New York, William Fitts Ryan. The act has been drafted with sensitivity to the needs of our Nation's poorer citizens who pay the heaviest price for this terrible disease. I also support the proposed amendments as I believe they will considerably strengthen this legislation. The poor, in this time of severe housing shortages across the country are condemned to the oldest and most decrepit dwelling units available. Their housing is often covered with hazardous lead-based paint. Although many units have since been repainted with low lead paints now mandated by law, every time a leak or crack appears causing surface abrasion, the original dangerous high lead paint becomes exposed and conditions are ripe for a new case of childhood lead poisoning.

The legislation and the amount authorized are necessary to deal with the magnitude of the national lead poisoning problem we are facing today. Albeit even more money should be authorized as did the other body.

The legislation also provides for grants to private nonprofit community organizations for treatment of lead poisoning and elimination of the problem. Community groups often have a greater awareness of community problems than do local units of Government. This is the first time that community groups have been encouraged to extend their programs through Federal funding and I am pleased at the possiblities unearthed through this provision.

It is often said that the hope of our Nation lies in our children. Many challenges remain ahead for generations to come. We cannot afford to pay the price of childhood damage, death, and disease caused by lead poisoning. I urge support of this critically needed legislation.

Mr. ZWACH. Mr. Speaker, I rise in support of H.R. 8920, the amendments to the Lead-Based Paint Poisoning Prevention Act.

On March 20, 1973, I introduced H.R. 5905 providing for a "five-tenths of 1 per centum" level in lead-based paints. FDA has recommended the 0.5 percent, which is considered to be 20 times the margin of safety for children.

Senator KENNEDY's bill, S. 607, calls for a 0.06 percent, a figure that is unrealistic to manufacturers and not backed by any proven scientific facts.

The days of old lead paint, such as linseed oil base, are gone. Today the function of lead in paint is not color pigment, but rather it is a drying agent. The 0.5-percent level allows for use of lead for drying, while at the same time provides the necessary margin of safety for children.

H.R. 8920 also provides for Federal research by HEW in order to ascertain the safe level of lead in residential paint products. A full report would be due by December 31, 1974. If we need a level of lead content in paint lower than five-tenths of 1 percent let us wait until we have the research to support that level, and not unduly place an unbearable extra burden on the backs of paint manufacturers.

H.R. 8920 also contains a section establishing full Federal preemption to create one nationwide lead content standard. Because of interstate commerce in the paint industry we need a uniform national standard, not State-to-State standards.

I would like to commend the Banking and Currency Committee, especially the Housing Subcommittee, for the leadership displayed in handling this legislation, and recommend favorable support for this bill by my distinguished colleagues.

Mr. ROYBAL. Mr. Chairman, I rise in support of H.R. 8920 which extends and improves the resources available for detecting and combating the effects of lead-based paint poisoning. This bill is similar though not precisely identical to H.R. 1081 which I introduced on the first day of Congress. Although I would prefer a stronger bill, there is great need for this legislation at the present time and I commend the bill to all my colleagues.

Lead-based paint poisoning is an illness that primarily affects children aged 1 to 6 who live in the urban inner city. Many of the buildings in our Nation's largest cities are of pre-World War II vintage. At that time it was common for people to use a paint that may have contained as much as 50-percent basic carbonate of lead. Today, this paint is peeling off the walls and ceilings of these dwellings in small chips. Small children often eat these paint chips with disastrous consequences.

Lead poisoning damages the central nervous system of small children and often leads to mental retardation, blindness, and severe damage to the blood system. It is estimated that 200 children die each year and that another 400,000 children suffer from high blood levels due to this type of poisoning.

The bill contains a number of major provisions. First, it authorizes grants of $20 million for fiscal years 1974 and 1975 to be utilized in the detection and treatment of lead-based paint poisoning. It also raises the Federal share of program costs to 90 percent from the current 75 percent level.

Second, the bill authorizes the expenditure of $60 million over the next 2 years for grant assistance in the elimination of lead-based paint poisoning. These grants would be utilized to establish procedures to remove all interior and exterior surfaces of residential housing in which lead-based paint has been used.

Next, there is a $5 million authorization over the next 2 years for a study of the most effective methods to remove lead-based paint from interior and exterior surfaces of residential homes. It also directs the Secretary of HEW to conduct research on multiple layers of dried paint film in order to ascertain the safe level of lead in residential paint products.

The bill also changes the definition of lead content in paint from the existing 1 percent lead by weight to 0.5 percent lead by weight. The bill also calls for the Secretary of HEW to do research on a new definition of lead in paint and report his finding to Congress on December 31, 1974.

Fifth, the bill authorizes the Secretary of HUD to establish procedures to eliminate the hazards of lead-based paints to housing which is covered by an application for mortgage insurance or housing assistance payments under a HUD-administered program. This provision applies to all housing constructed prior to 1950.

Finally, the bill contains a preemption clause with respect to all State and local laws regarding requirements relating to lead contents in paint.

I am convinced that this bill is absolutely necessary to protect the children of our Nation from a serious illness. I hope that we can pass this bill today with an overwhelming majority so that the administration is aware of Congress commitment to the eradication of this problem.

Mr. WIDNALL. Mr. Chairman, I have no further request for time.

Mr. PATMAN. Mr. Chairman, I have no further request for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 8920

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled, That (a) section 101(a) of the Lead Based Paint Poisoning Prevention Act is amended by striking out "units of general local government in any State" and inserting in lieu thereof "public agencies of units of general local government in any State and to private nonprofit organizations in any State".

(b) Section 101(b) of such Act is amended by striking out "75 per centum" and inserting in lieu thereof "90 per centum".

(c) Section 101 of such Act is amended by adding at the end thereof the following new subsection:

"(e) The Secretary is also authorized to make grants to State agencies for the purpose of establishing centralized laboratory facilities for analyzing biological and environmental lead specimens obtained from local lead based paint poisoning detection programs.".

(d) Section 101 of such Act is further amended by adding at the end thereof the following new subsection:

"(f) No grant may be made under this section unless the Secretary determines that there is satisfactory assurance that (A) the services to be provided will constitute an addition to, or a significant improvement in quality (as determined in accordance with criteria of the Secretary) in, services that would otherwise be provided, and (B) Federal funds made available under this section for any period will be so used as to supplement and, to the extent practical, increase the level of State, local, and other non-Federal funds that would, in the absence of such Federal funds, be made available for the program described in this section, and will in no event supplant such State, local, and other non-Federal funds.".

SEC. 2. (a) Section 201 of the Lead Based Paint Poisoning Prevention Act is amended by striking out "units of general local government in any State" and inserting in lieu thereof "public agencies of units of general local government in any State and to private nonprofit organizations in any State".

(b) Section 201(a)(2) of such Act is amended to read as follows:

"(2) the development and carrying out of procedures to remove from exposure to young children all interior surfaces of residential housing, porches, and exterior surfaces of such housing to which children may be commonly exposed, in those areas that present a high risk for the health of residents because of the presence of lead based paints. Such programs should include those surfaces on which non-lead-based paints have been used to cover surfaces to which lead based paints were previously applied; and".

(c) Section 201 of such Act is amended by adding at the end thereof the following new subsection:

"(c) Any public agency, of a unit of local government or private nonprofit organization which receives assistance under this Act shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for purposes of audit and examination, any books, documents, papers, and records that are pertinent to the assistance received by such public agency of a unit of local government or private nonprofit organization under this Act."

SEC. 3. Section 301 of the Lead Based Paint Poisoning Prevention Act is amended to read as follows:

"FEDERAL DEMONSTRATION AND RESEARCH PROGRAM

"SEC. 301. (a) The Secretary of Housing and Urban Development, in consultation with the Secretary of Health, Education, and Welfare, shall develop and carry out a demonstration and research program to determine the nature and extent of the problem of lead based paint poisoning in the United States, particularly in urban areas, including the methods by which the lead based paint hazard can most effectively be removed from interior surfaces, porches, and exterior surfaces of residential housing to which children may be exposed.

"(b) The Secretary of Health, Education, and Welfare shall conduct appropriate research on multiple layers of dried paint film, containing the various lead compounds commonly used, in order to ascertain the safe level of lead in residential paint products. No later than December 31, 1974, the Secretary shall submit to Congress a full and complete report of his findings and recommendations as developed pursuant to such programs, together with a statement of any legislation which should be enacted or any changes in existing law which should be made in order to carry out such recommendations."

SEC. 4. (a) Title III of the Lead Based Paint Poisoning Prevention Act is amended—

(1) by adding at the end thereof the following:

"FEDERAL HOUSING ADMINISTRATION REQUIREMENTS

"SEC. 302. The Secretary of Housing and Urban Development (hereafter in this section referred to as the 'Secretary') shall establish procedures to eliminate as far as practicable the hazards of lead based paint poisoning with respect to any existing housing which may present such hazards and which is covered by an application for mortgage insurance or housing assistance payments under a program administered by the Secretary. Such procedures shall apply to all such housing constructed prior to 1950 and shall as a minimum provide for (1) appropriate measures to eliminate as far as praticable immediate hazards due to the presence of paint which may contain lead and to which children may be exposed, and (2) assured notification to purchasers of such housing of the hazards of lead based paint, of the symptoms and treatment of lead based paint poisoning, and of the importance and availability of maintenance and removal techniques for eliminating such hazards. Such procedures may apply to housing constructed during or after 1950 if the Secretary determines, in his discretion, that such housing presents hazards of lead based paint. The Secretary may establish such other procedures as may be appropriate to carry out the purposes of this section. Further, the Secretary shall establish and implement procedures to eliminate the hazards of lead based paint poisoning in all federally owned properties prior to the sale of such properties when their use is intended for residential habitation."; and

(2) by inserting after "PROGRAM", in the caption of such title, a semicolon and the following: "FEDERAL HOUSING ADMINISTRATION REQUIREMENTS".

(b) The amendments made by subsection (a) of this section become effective upon the expiration of ninety days following the date of enactment of this Act.

SEC. 5. Section 401 of the Lead Based Paint Poisoning Prevention Act is amended by inserting ", in consultation with the Secretary of Housing and Urban Development," after "Secretary of Health, Education, and Welfare".

SEC. 6. Section 501(3) of the Lead Based Paint Poisoning Prevention Act is amended by striking out "1 per centum lead by weight" and inserting in lieu thereof "five-tenths of 1 per centum lead by weight".

SEC. 7. (a) Section 503(a) of the Lead Based Paint Poisoning Prevention Act is amended (1) by striking out the word "and" and inserting in lieu thereof a comma, and (2) by inserting before the period a comma and the following: "and $20,000,000 for each of the fiscal years 1974 and 1975".

(b) Section 503(b) of such Act is amended (1) by striking out the word "and" and inserting in lieu thereof a comma, and (2) by inserting before the period a comma and the following: "and $30,000,000 for each of the fiscal years 1974 and 1975".

(c) Section 503(c) of such Act is amended (1) by striking out the word "and" and by inserting in lieu thereof a comma, and (2) by inserting before the period a comma and the following: "and $2,500,000 for each of the fiscal years 1974 and 1975".

(d) Section 503(d) of such Act is amended by striking out all matter after the semicolon and inserting in lieu thereof "and any amounts authorized for one fiscal year but not appropriated may be appropriated for the succeeding fiscal year.".

(e) Title V of the Lead Based Paint Poisoning Prevention Act is amended by adding at the end thereof the following new sections:

"ELIGIBILITY OF CERTAIN STATE AGENCIES

"SEC. 504. Notwithstanding any other provision of this Act, grants authorized under sections 101 and 201 of this Act may be made to an agency of State government in any case where State government provides direct services to citizens in local communities or where units of general local government within the State are prevented by State law from implementing or receiving such grants or from expending such grants in accordance with their intended purpose.

"ADVISORY BOARDS

"SEC. 505. (a) The Secretary of Health, Education, and Welfare, in consultation with the Secretary of Housing and Urban Development, is authorized to establish a National Childhood Lead Based Paint Poisoning Advisory Board to advise the Secretary on policy relating to the administration of this Act. Members of the Board shall include residents of communities and neighborhoods affected by lead based paint poisoning. Each member of the National Advisory Board who is not an officer of the Federal Government is authorized to receive an amount equal to the minimum daily rate prescribed for GS–18, under section 5332 of title 5, United States Code, for each day he is engaged in the actual performance of his duties (including traveltime) as a member of the Board. All members shall be reimbursed for travel, subsistence, and necessary expenses incurred in the performance of their duties.

"(b) The Secretary of Health, Education, and Welfare, in consultation with the Secretary of Housing and Urban Development, shall promulgate regulations for establishment of an advisory board for each local program assisted under this Act to assist in carrying out this program. Two-thirds of the members of the board shall be residents of communities and neighborhoods affected by lead based paint poisoning. A majority of the board shall be appointed from among parents who, when appointed, have at least one child under six years of age. Each member of a local advisory board shall only be reimbursed for necessary expenses incurred in the actual performance of his duties as a member of the board.

"EFFECT UPON STATE LAW

"SEC. 506. It is hereby expressly declared that it is the intent of the Congress to supersede any and all laws of the States and units of local government insofar as they may now or hereafter provide for a requirement, prohibition, or standard relating to the lead content in paints or other similar surface-coating materials which differs from the provisions of this Act or regulations issued pursuant to this Act. Any law, regulation, or ordinance purporting to establish such different requirement, prohibition, or standard shall be null and void.".

Mr. PATMAN (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

AMENDMENT OFFERED BY MR. ROSENTHAL

Mr. ROSENTHAL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROSENTHAL: Page 6, strike out lines 20 through 23 and insert in lieu thereof the following:

SEC. 6. Section 501(3) of the Lead Based Poisoning Prevention Act is amended to read as follows:

"(3) the term 'lead based paint' means—

"(A) prior to December 31, 1973, any paint containing more than five-tenths of 1 per centum lead by weight (calculated as lead metal) in the total nonvolatile content of liquid paints or in the dried film of paint already applied;

"(B) after December 31, 1973, any paint containing more than six one-hundredths of 1 per centum lead by weight (calculated as lead metal) in the total nonvolatile content of liquid paints or in the dried film of paint already applied, except that if prior to December 31, 1973, the Secretary, based on studies conducted in accordance with section 301(b) of this Act, determines after public hearings that another level of lead, not to exceed five-tenths of 1 per centum, is safe, then such other level shall be effective after December 31, 1973.".

Page 4, line 20, strike out "December 31, 1974" and insert in lieu thereof "December 31, 1973".

Mr. ROSENTHAL. Mr. Chairman, section 6 of the bill under consideration merely retains the existing FDA standards for amount of lead in paint and makes no progress in reducing or eliminating the amount. The bill defines lead-based paint as that containing 0.5 percent lead by weight—the same standard set by FDA regulations. My amendment, which conforms to the Senate bill, goes one step further by lowering the acceptable lead content to 0.06 percent after December 31 of this year unless studies by the Secretary of Health, Education, and Welfare show that a higher level, not to exceed the current 0.5 percent limit, is safe.

The 0.06 percent level is not only desirable but it is feasible. The FDA Commissioner, in an order published in the Federal Register—March 11, 1973, 37 F.R. 5299—noted that the National Paint and Coatings Association had notified him that it anticipated its members can produce by 4 months from now interior products not exceeding the 0.06-percent maximum lead level, and by January 1975, exterior products meeting this same requirement.

The American Academy of Pediatrics and the U.S. Public Health Service recommends the 0.06-percent level. The Senate report on S. 607 stated:

> Government scientists working with experts in the field of toxicology concluded that paint containing more than 0.06 percent lead, dried on wall surfaces, may endanger the health of young children.

I propose striking out all of section 6 on page 6 and inserting the language of S. 607 defining lead-based paint.

Under my amendment, a limit of 0.5 percent lead in paint is established prior to December 31, 1973. On January 1, 1974, the maximum level of lead will be 0.06 percent by weight unless the studies by the Secretary of Health, Education, and Welfare indicate otherwise.

My amendment would also change the date those studies are due. Under S. 607 that deadline is October 1, 1973, less than 4 weeks from now; the bill before us sets that deadline at December 31, 1974. I propose setting the date—in section 3, line 20, page 4—at December 31, 1973.

My amendment to section 6 of H.R. 8920 is identical to the Senate bill except that it requires the Secretary to hold public hearings prior to making this determination. This will help preclude hasty and secret decisions.

Mr. KOCH. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I want to bring to the attention of the House what lead poisoning really is, because we talk about it in the abstract. I suspect most Members in this Chamber have never seen a child who has lead poisoning. I have. I have seen children in the city of New York with lead poisoning and because the poor in the city of New York are overwhelmingly nonwhite, most of the children who are involved happen to be black or Latin. I have seen how a child looks when he has lead poisoning. Let me describe it for the Members of the House.

The child may have an enlarged head. The head will actually be outsize and he may have a moronic look, depending on the stage of the lead poisoning. In some cases, that child can become a vegetable. Lead poisoning is irreversible at a certain stage, and when one reaches that point that child may have to be institutionalized and to institutionalize a child costs about $10,000 a year. These children do not necessarily have short lives, and merely assuming a longevity of 25 years in an institution, that would be $250,000 just for that child, and that child may be a vegetable. He is institutionalized away from his home. He is not going to be someone who is going to contribute to society. He will be a drain on the taxpayer for life.

The amendment of my good friend from New York (Mr. ROSENTHAL) does not do something startling. It merely puts in the House bill that which is already in the Senate bill and that which the industry has said it can do. Therefore, what he is asking and what I am supporting is that we require of the industry what it says it can do, and by so doing so prevent lead poisoning and prevent thousands of lives from being destroyed and prevent millions of taxpayers' dollars from having to be spent.

This is an amendment which is helpful not only to the child—and that is the most important aspect—but it is also helpful to the country from every point of view.

Mr. Chairman, I urge the adoption of the amendment.

Mr. CARTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I shall support this legislation. From what I read, 400,000 children in the United States suffer the hazards of lead poisoning because of ingestion of lead-based paints in their homes.

However, I am a little bit alarmed for the amounts of money appropriated for these years. I notice under section 503, section 7(a) provides $20 million for 1974 and $20 million for 1975, and section 7(b) provides $30 million for 1974 and $30 million for 1975.

Mr. Chairman, it is my feeling that money should be expended in this area. Definitely, I want no child to suffer from lead poisoning. But I have long maintained that in the area of health expenditures should be determined by the morbidity, mortality, and economic impact of the disease.

I point out that for diabetes we spend a greal deal less money each year than would be provided under this particular bill, that we are authorizing here today. Funds spent on diabetes would amount to something between $8 million and $15 million, yet approximately 5 to 10 million people in our country are affected by diabetes today.

There are some 14 million people, at least, in our country who are affected by arthritis, yet we spend only $4 million or $5 million for research and treatment in this area.

We have the possibility that 400,000 children may be affected by lead poisoning from ingestion of paint. Certainly I want to do everything I can to prevent it. But I would point out we are not reasoning, we are not using commonsense. We should use the proportionate part of our expenditures on health in this area as we do in others. It should bear the same proportion or the same ratio as we spend for diabetes, as we spend for arthritis and for other diseases, as to the number of people affected.

In other words, Mr. Chairman, our expenditures should be based upon mortality, morbidity, and economic impact. Let us not forget this, and let us wisely spend our funds. We are going overboard in this bill, which calls for the expenditures of some $100 million.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I am happy to yield to the gentleman for a question.

Mr. BARRETT. It is not a question. I want to point out that the cost to the Government is about $200 million annually in treating these children.

Mr. CARTER. I have yielded for a question, but the gentleman does not ask a question. I have read that, but I have also read it is possibly some 400,000 children. No one has more empathy for those children than I have, but that is "possibly."

I want to do something about it. I am going to support this legislation. But we are not reasoning, really, when we authorize such a great expenditure in this particular field.

We have done this in every other area. It is sort of a white horse for some of us to ride.

We should give the same emphasis to each disease according to impact, not just this one, but to all according to mortality, morbidity, and economic impact.

Mr. BROWN of Michigan. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the amendment proposed asks us to amend section 6 of the committee bill, which would, as written, tighten the Lead-Based Paint Poisoning Prevention Act's definition of lead-based paint from 1 percent lead by weight to five-tenths of 1 percent by weight. The proposed amendment would further reduce the standard to .06 percent of lead by weight.

I would consider adoption of such an amendment ill-advised, irresponsible, and to a certain extent impulsive. The .06 standard is not based on meaningful, relevant evidence, yet this amendment proposes to adopt it as the industrywide standard of safety.

Mr. Chairman, the Committee on Banking and Currency debated this question at length and concluded that it should not be incorporated into the Lead-Based Paint Poisoning Prevention Act as the definitive standard. Rather, the Committee concluded that the 0.5 standard should be adopted until further evidence is in, and as I will point out in a few minutes, the evidence will be forthcoming shortly in volume.

First, however, let me suggest why the 0.06 standard is irrelevant to the question to which the entire act is addressed. The research from which the .06 figure was extrapolated was conducted by Dr. Kehoe of the Kettering Laboratory of the University of Cincinnati. In his study Dr. Kehoe used various amounts of lead acetate, a highly water soluble lead compound, which is no longer used as an element in manufacturing paint, mixed with water. He gave this solution to adult males and measured their physical reactions to various levels of concentration. From this basic data, as the proponents of the amendment have suggested, the American Academy of Pediatrics extrapolated once again the effects and determined .06 lead by weight as the "safe" level of lead paint.

Mr. Chairman, let me digress for a moment and suggest that no lead in paint is probably the safest level. So what is a "safe" level is relatively insignificant from the standpoint of saying what level is "safe", since it is obvious if .06 is safe, .05 would be safe, .04 would be safe, and .00 obviously would be the safest.

But that does not mean that any figure above these based upon present scientific data, is not "safe."

Remember, Mr. Chairman, we are talking also about a prospective standard here, not one that will do anything at all about old lead-based paint that might already cover the walls of tenement buildings. Thus, we have to look at the elements of paint manufactured today.

Thus at least three of the elements of Dr. Kehoe's research are inapplicable to the question at hand. He used water soluble lead acetate mixed with water and given to adults. We are concerned with dried paint, containing only insoluble lead compounds ingested by children. Yet this is to be the basis or the amendment would be the basis for a standard of safety for the entire paint industry.

It is obvious to me, and was readily apparent to the members of the Committee on Banking and Currency, that any responsible standard of safety must be based on as much scientific evidence as it is possible to develop.

This brings me to my second point: that additional evidence is being adduced right now. There are currently in progress no less than four studies of this precise question, and all of them appear to be using more appropriate methods than the study of Dr. Kehoe.

Those inquiries are: The National Paint and Coatings Association lead paint ingestion study, being conducted by the Midwest Research Institute of Kansas City, Mo.; the New York City study being conducted by the New York University Medical Center, Tuxedo, N.Y.; the Federal Drug Administration study being conducted by the New York University Medical Center, Tuxedo, N.Y., started in July of this year; and fourth, the Bureau of Community and Environmental Management study, which is the study of the Department of Health, Education, and Welfare.

This latter study has been started, and the Department has advised us that it will probably not be completed, and they probably will not have any real probative evidence until next year.

Now, on the basis of these studies and what I have said, it is obvious to me that a great amount of scientific evidence will be forthcoming shortly. To adopt the .06 standard at this time would serve to ignore this rush of research activity or pretend that nothing of substance will be produced by it.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. Brown) has expired.

(On request of Mr. Barrett and by unanimous consent, Mr. Brown of Michigan was allowed to proceed for 3 additional minutes.)

Mr. BROWN of Michigan. The 0.05 standard was adopted by the committee not as a definitive standard, but as one that is safe based on current and past research on this subject and will permit the results of the further research I have described to be thoroughly considered.

I yield to the gentleman from Pennsylvania.

Mr. BARRETT. Mr. Chairman, I rise in opposition to the amendment and wish to associate myself with the remarks of the gentleman from Michigan. He is an excellent member of our committee and very knowledgeable. We worked on this matter together.

We were doubtful as to the content in lead paint and whether it should be 0.06 percent or 0.5 percent. We asked the Department of HEW to inform us on this and recessed long enough to get the word back from them. They said 0.5 would be acceptable. They asked that they be given time to extend their research for 18 months, and we agreed on that.

What we are talking about now is what the gentleman has already spoken about; namely, the hard layers of lead-based paint on walls and ceilings where it is chipped and peels and falls to the floor and a child picks it up and ingests it. What we are trying to do is save as many as 400,000 children from being afflicted with lead poisoning and hopefully do it immediately.

I join the gentleman and hope the amendment offered by the gentleman will be voted down.

Mr. BROWN of Michigan. I thank the gentleman for his remarks and wish to add that some may say, in effect, if you adopt the 0.5 rather than the 0.06 standard, you have weakened the bill. It was suggested by the proposer of the amendment. There is no one who wants to weaken the bill from the standpoint of protecting children, but I could just as well propose an amendment to make it 0.00 and say that his 0.06 amendment is a weakening proposal. In doing so I might be politically wise but scientifically ignorant.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I, too, am concerned by the tremendous increase in spending proposed under this bill. It is my understanding that in fiscal year 1972 and fiscal year 1973 there was appropriated for the purposes set forth in this program $7.5 million or a total of $15 million for those 2 fiscal years. This bill proposes to spend $52.5 million in the present fiscal year and $52.5 million in fiscal year 1975. What is the justification for this many-times-over increase in spending for this purpose?

Mr. BARRETT. Will the gentleman yield?

Mr. GROSS. I yield.

Mr. BARRETT. You know, I was so interested in what you were saying that I lost track of what you were talking about. But let me point out the amount you are speaking of came through the Public Health Service. The $7 million appropriated came through the Public Health Service, which gave no consideration to or took no action with respect to what this bill has done.

We are asking for $105 million for the 2 years against the $400 million which is asked by the Senate, and which has been passed in the Senate.

I do not believe we are extravagant in this bill. I do not feel, frankly, that one can measure dollars against the health of these children. Out of those 400 I think the gentleman from Michigan can also tell you right now that possibly 200 of them will die every year, over 200.

Mr. GROSS. I have read the bill and the report. Those figures probably were accurate when the report was written, so let us dispense with that.

But what is the justification for going from $7.5 million in each of the past 2 fiscal years to $52.5 million in the next 2 fiscal years?

Mr. BARRETT. Will the gentleman yield further?

Mr. GROSS. Yes, I am glad to yield further to the gentleman from Pennsylvania.

Mr. BARRETT. That is a very good point. And the reason is that we are looking into all the structures that have been built prior to 1950. We are finding in those areas a very heavy lead paint on the walls of these old structures, and we are trying through research, and through demonstration, to prove that we can clean these areas up and make them more healthful for the children in these communities.

Mr. GROSS. I am unable to understand why the Federal Government is in this program at all, except, perhaps, to set standards for the country. Why is the financing not a responsibility of the States and the local subdivisions of government? The State of Pennsylvania and the city of Philadelphia, for example, should deal with this paint situation instead of coming and asking for funds from the Federal Treasury. Why should not the States and local subdivisions of government do this? Surely they are competent to deal with this situation.

Mr. BARRETT. Will the gentleman yield further?

Mr. GROSS. Yes, I yield further to the gentleman from Pennsylvania.

Mr. BARRETT. Let me talk about Philadelphia, because I know a little about the situation there, and I can associate with it with ease.

Let me say to the gentleman from Iowa that in the city of Philadelphia, not too far from where my office is, they had a child upon whom they performed surgery, and they took a ball of lead out of that child that was about the size of a dollar.

Philadelphia has been working hard on this. Philadelphia would like to be the model for all the other cities in cleaning up these conditions. Philadelphia has put its own money into this program, but we need additional Federal money to assist the States and other cities throughout the country.

Mr. GROSS. Why do they need Federal money? The States have more money than does the Federal Government, which is in debt head over heels.

I repeat, this program is a responsibility of the States and the local subdivisions of government, including the counties and the municipalities, and not of the Federal Government.

Mr. Chairman, I am not opposed to eliminating lead poisoning but there is no reason why the financing of this program should be loaded on all the taxpayers, and this is an unconscionable increase over the past 2 years. Moreover, it makes no sense at all a 2-year expenditure of $105 million—an increase of some 85 percent over the last 2 years—simply because the Senate has approved a bill calling for an expenditure of $400 million.

Additionally, the States, counties and municipalities should use the funds they obtained from the revenue-sharing program to solve this problem. I cannot support this bill in its present form.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. Rosenthal).

The amendment was rejected.

AMENDMENT OFFERED BY MR. ROSENTHAL

Mr. ROSENTHAL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROSENTHAL: Strike out line 24 on page 6 and all that follows down through line 14 on page 7, and insert in lieu thereof the following:

SEC. 7. (a) Section 503(a) of the Lead Based Paint Poisoning Prevention Act is amended (1) by striking out the word "and" and inserting in lieu thereof a comma, and (2) by inserting before the period a comma and the following: "and $30,000,000 for the fiscal year ending June 30, 1974, and for each of the next three succeeding fiscal years".

(b) Section 503(b) of such Act is amended (1) by striking out the word "and" and inserting in lieu thereof a comma, and (2) by inserting in lieu thereof a comma, and the following: "and $40,000,000 for the fiscal year ending June 30, 1974, and for each of the next three succeeding fiscal years".

(c) Section 503(c) of such Act is amended (1) by striking out the word "and" and by inserting in lieu theerof a comma, and (2) by inserting before the period a comma and the following: "and $5,000,000 for the fiscal year ending June 30, 1974 and for each of the next three succeeding fiscal years".

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. ROSENTHAL. I yield to the gentleman from Texas.

Mr. PATMAN. The gentleman indicated he had another amendment. I wonder if he would consider asking unanimous consent to consider them en bloc.

Mr. ROSENTHAL. I think not, because the other amendment is of a different subject matter.

This amendment, Mr. Chairman, which conforms with S. 607, represents a compromise between these two measures by authorizing the spending of $300 million over 4 years. Section 7 of H.R. 8920 authorizes spending $105 million over the next 2 years.

Mr. Chairman, when I introduced lead-paint-poisoning-prevention legislation of my own this spring, I patterned it after legislation which passed the other body in the 92d Congress and which envisioned a $400 million program over 4 years.

The legislation before us today authorizes funding of barely 25 percent of that which my bill called for and gives the law only half the 4-year lifespan I sought.

My amendment, which conforms with S. 607, represents a compromise between these two measures by authorizing the spending of $300 million over 4 years. Section 7 of H.R. 8920 authorizes spending $105 million over the next 2 years.

H.R. 8920, title I, authorizes $20 million for fiscal years 1974 and 1975 for grant assistance in the detection and treatment of lead-based-paint poisoning; my amendment would provide $30 million a year for the next 4 years.

Title II of H.R. 8920 authorizes $30 million for each of the 2 fiscal years for grant assistance in the elimination of lead-based-paint poisoning; my amendment would increase the authorization to $40 million a year over 4 years.

Title III authorizes $2.5 million for the 2 fiscal years for research and demonstration programs to find the best methods to remove lead-based paint from interior and exterior surfaces of residential homes; my amendment would provide $5 million a year for the 4 years. I would agree with the gentleman that, if we could get down to zero percent of lead, it would be the safest thing.

What I propose here, by increasing some of the authorizations, is that much can be done in terms of treatment and detection.

In many cases, particularly in the city of New York, they do not determine or detect this disease until it is much too late, until the situation is beyond recall, and medical treatment is obviously helpless at that point. By increasing this kind of money where there are 200 deaths a year, all we are going to do is try to do something about finding out by research and development methods of getting paint off the walls, detection methods, providing money for local community, city, and State governments so that they can screen these kids, so that they can have medical resources and facilities available, so that detection can be a meaningful thing.

I can sympathize with my very good friend, the gentleman from Kentucky, Dr. CARTER, who says there ought to be some kind of relationship between this disease and others. I, for one, would be perfectly willing to substantially increase the authorization and appropriations for heart and cancer and for kidney disease and diabetes, but those bills are not before us today.

We have a situation where there are 400,000 youngsters involved with this kind of disease. There are 200 deaths a year. There is no way of equating the financial worth of a life. The testimony before the committee is that $200 million a year is lost in terms of productivity, medical expenses, hospitalization, and things like that. It would seem to me that, notwithstanding all the grievous problems, budgetary problems, this Nation has, to spend this kind of money in an effort to save 200 lives a year and help in the health and well-being of 400,000 youngsters is a very useful and proper thing to do.

I very seriously urge the adoption of this amendment.

Mr. KOCH. Mr. Chairman, will the gentleman yield?

Mr. ROSENTHAL. I should be happy to yield to the gentleman from New York.

Mr. KOCH. Mr. Chairman, I support the gentleman's amendment, and I point out that while we are talking about 200 deaths a year, we are also talking about those children of the 400,000 who become mentally retarded and some of whom turn into vegetables. And it is the taxpayers who will have to pick up the cost of medical care and institutionalization.

On the one hand we say to the people of this country—the poor—we are not going to build adequate housing for you; we are not going to provide the millions of dollars necessary to create safe and habitable housing. On the other hand we also say to them we are not going to do anything about the substandard miserable houses and apartments that they are presently living in. We are not going to help make them safer. We are going to continue to let their children suffer the effects of lead poisoning.

That is not reasonable. That is not compassionate. That is not humane. That does not enhance the reputation of this House.

Mr. CARTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as I recall I have not voted against a bill involving health except one time since 1964. As I said, I have great empathy for these children and I want to do everything possible to help them, but the expenditure, as my distinguished friend, the gentleman from New York, has said of $300 million over a period of 3 years is beyond the realm of reason. Really we want to do everything we can and we think it can be done much less expensively than that.

As far as limiting the amount of lead in paint, I would go along with that and that can be done under the Product Safety Act, as the distinguished gentleman from Texas (Mr. ECKHARDT) told me a little while ago.

But just to compare the different diseases, for instance, for sickle cell anemia we have 50,000 people who are afflicted with that disease and 2,000,000 who carry the trait, but there is much less money authorized for that. For Cooley's anemia, and that is another disease from which more deaths occur than we have from lead poisoning, 200,000 persons carry the gene, but we have much less money spent in the fight against it. We are totally out of proportion and out of line in this proposal.

I am going to support some legislation along this line, but let us get our figures down within the realm of reason. We must act according to the mortality rates, the morbidity and the impact against our people. We must deal with the stress of the disease and its effect upon our people.

Mr. ROSENTHAL. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I yield to the gentleman from New York

Mr. ROSENTHAL. Mr. Chairman, I wonder if the gentleman sees a distinction between this ailment and other diseases. Other diseases are not caused necessarily by the manufacture and use of home products, as this disease was caused by the production of paint. I somehow see a different sense of responsibility where society has overtly helped cause the disease.

Mr. CARTER. I yielded for a question. I thank the gentleman for his contribution. He never asked the question and I decline to yield any further.

Mr. Chairman, I regret very much that our children have this trouble and I think we can accomplish our purpose with much less money. Certainly I want to support legislation to help them, but $300 million is again beyond the realm of reason.

Mr. BARRETT. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I pointed out in my statement that the committee acted on this bill I think very wisely. We explored every facet, economics of the bill as well. We voted this out 25 to 0. Everybody had an opportunity to weigh and evaluate the economics of it. We felt that $105 million would be adequate.

Mr. Chairman, we do not want to destroy the possibility of getting a bill through the executive branch by adding this kind of money to it. I hope the gentleman from New York will go along with us so we can get this bill out and on the statute books so we may protect these children.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. ROSENTHAL).

The amendment was rejected.

AMENDMENT OFFERED BY MR. ROSENTHAL

Mr. ROSENTHAL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. ROSENTHAL: Page 9, lines 17 and 18, strike out "which differs from the provisions of this Act" and insert in lieu thereof "which is less stringent (as determined by the National Bureau of Standards) than the corresponding requirement, prohibition, or standard provided by this Act".
>
> Page 9, line 20, strike out "different" and insert in lieu thereof "less stringent".

Mr. ROSENTHAL. Mr. Chairman, section 7 of the bill under consideration prohibits States and local governments from establishing stronger standards of protection against the danger of lead poisoning. This, to me, is Federal preemption at its worst.

My amendment would require that Federal standards prevail only in jurisdictions which have weaker standards. It does so by striking out on lines 17 and 18 of page 9 the words "which differs from the provisions of this act" and inserting in lieu thereof "which is less stringent—as determined by the National Bureau of Standards—than the corresponding requirement, prohibition or standard provided by this act"; and by striking out on line 20 the word "different" and inserting in lieu thereof "less stringent."

This is necessary to protect cities like Chicago which define the permissible level of lead in paint as lower than that set forth in this bill. H.R. 8920 permits 0.5 percent lead in paint; Chicago says paint cannot contain more than 0.06 percent lead. That, incidentally, is the level set by the Senate-passed bill, effective December 31, 1973.

In our effort to eliminate lead poisoning, it would be self-defeating and wrong for us to discourage those States and local governments which have the desire to establish strong standards.

The determination of whether standards set by a State or local government are more or less stringent than those set federally by the Congress would be left to the capable expertise of the National Bureau of Standards. This concept was embodied in Section 1102 of H.R. 16704, last year's housing bill, as reported to the House by the Committee on Banking and Currency. Therefore, I would expect the committee and the bill's managers to find this amendment familiar and hope it is acceptable.

Mr. WIDNALL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would like to call attention to the provisions of the Consumer Product Safety Act—Public Law 92-573—of 1972, which serves as the basic law in regulation of product safety requirements. Among other things, the act directs that:

> Whenever a consumer product safety standard under this act is in effect and applies to a risk of injury associated with a consumer product, no State or political subdivision of a State shall have any authority either to establish or to continue in effect any provision of a safety standard or regulation which prescribes any requirements as to the performance, composition, contents, design, finish, construction, packaging, or labeling of such product which are designed to deal with the same risk of injury associated with such consumer products, unless such requirements are identical to the requirements of the Federal standard.

In recognition of this, I submit that the question of granting such rights is preempted.

Mr. BROWN of Michigan. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I quite concur with what the gentleman from New Jersey (Mr. WIDNALL) has said. Furthermore, I wish to point out that if there was any doubt in the minds of those of us who have supported the 0.5 percent standard, that it was inadequate, we might be concurring with the gentleman that a stricter standard should apply, but we think the 0.5 percent standard is adequate and the scientific evidence available today established that it is adequate.

I think the gentleman is aware, since he has been a Member of this House for some time and has supported meat inspection standards which provided that there could be no deviation from the standards applied by the Federal Government and the gentleman is aware of Federal maritime sanitation standards, where other laws were preempted and no other standards were permitted even though more restrictive—that preemption has become the rule rather than the exception in these regulatory areas.

This does create problems for some States because they might like to adopt stricter standards, but this is one Nation and we have an interstate commerce clause in our Constitution which prohibits encroachments or infringements and impediments upon the free flow of commerce in this Nation.

The gentleman is well aware that standards of this nature are appropriate to be adopted for all of the States. I think in this case it is especially appropriate.

Mr. BARRETT. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, there are only about six paint manufacturers in the country, and we would be causing a condition that would be very difficult for them to comply with as far as nationwide uniformity if we were to exempt any of the States.

The Department of Health, Education, and Welfare said they would like to have 18 months to make a thorough study on the ingestion of the lead-based paints. They would, after a reasonable length of time, find out exactly what is an appropriate level. We asked them if they could report back to us sooner than 18 months, and they said they would do it as quickly as possible. If that comes back recommending a lower level we will immediately offer an amendment to lower the lead content in paint.

I hope the amendment will be defeated.

Mr. KOCH. Mr. Chairman, I move to strike the last word.

I rise in support of the amendment, and I should like to take out of the realm of controversy, as to whether it should be the standard my good friend from New York (Mr. ROSENTHAL), has suggested, which the House unfortunately defeated, or the standard now in the bill. I believe that fight is over for today. We lost that battle.

But there is something much more fundamental, and that is, does this House want to find itself on every occasion assuming that it knows best in every area, that there is no possibility that a city legislature or a State legislature might better deal with a local situation and decide for its residents what it wants to set as a standard as for example in its housing, so long as that standard is higher than the Federal floor.

I point this out with respect to the city of New York or the city of Chicago. In the city of Chicago they have a higher standard, and they are getting paint. It is not as though suppliers will have to manufacture some new paint which does not exist. They are getting paint meeting their standard.

Does that mean the legislators representing the city of Chicago have to say, "We do not know what we are doing. The Federal Government knows everything. They are going to tell us what the maximum standards should be, because when one goes to Congress he becomes omnipotent, he becomes so much better than a State legislator or a city legislator and he knows so much more about local problems"?

I do not believe that is the point of view of most Members of the House. Most of us believe, yes, we are going to set certain standards below which no one shall fall, but we are not going to say that we are so wise that we will prevent a particular area in some matters, and not in every case, from saying, "We can do better. We in Chicago—if Chicago happens to be the leader as is the case here—"can do better." Are we going to say to Chicago, "No, you will have to do as bad as the rest of us"?

I do not believe we should put ourselves in that situation.

Are we discriminating if we permit Chicago or Boston or New York City to set a higher standard, no we are permitting initiative to take place, and we are permitting the competitive market forces to prevail. We are going to get better paint not just for Chicago but even for the area of the gentleman from Michigan (Mr. BROWN) because when we have competition, when we have people competing to sell their paint, having a higher standard in Chicago we are going to have every paint manufacturer saying, "We can do it, too."

What do they do now? Do they not even now say, "Our paint lasts for 15 years," or "Our paint is termite proof or whatever"? Will it not be nice when a paint manufacturer says, "Our paint is lead poison proof and it will not hurt your children."?

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. KOCH. I am happy to yield to the distinguished chairman.

Mr. BARRETT. I want to point out to the gentleman there is nothing in this bill that prevents a State or city having a lower content than 0.5 percent.

Mr. KOCH. If that were only true there would be no problem. It happens that the legislation preempts in this area. I defy the gentleman to establish it does not.

Let me put it another way. If the gentleman and the chairman of the committee and those on the other side of the House will say this bill does not preempt, and I believe that would be terrific, I would accept the gentleman's statement.

Is that what the gentleman is saying?

Mr. BARRETT. Mr. Chairman, it does preempt. It does, but we do not say that if they are using a lower content than 0.5 percent, there is no reason to interfere with them.

I believe our committee would like to see no lead in paint.

Mr. KOCH. I know, but the preemption, as it stands——

Mr. BARRETT. But if they go beyond 0.5, then they are told what to do.

Mr. KOCH. This legislation prohibits higher local standards.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. KOCH. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, may I ask the gentleman, does not the city of New York get revenue sharing? What is the purpose of revenue sharing if not to solve some of the problems of the States and municipalities?

Mr. KOCH. Mr. Chairman, I have a high regard for the gentleman from Iowa, and what he is talking about is the amendment that was defeated a little while ago. The amendment that is on the floor now has nothing to do with a single dollar that the gentleman from Iowa wants to protect. All it says is that if a State wants to have a higher standard, the Federal Government ought not to interfere with that. I believe the gentleman has always been agreeable to permitting States to do what is reasonable.

Mr. GROSS. Yes. I just wish they would do it.

The CHAIRMAN. The time of the gentleman from New York (Mr. Koch) has expired.

(On request of Mr. Brown of Michigan and by unanimous consent, Mr. Koch was allowed to proceed for 1 additional minute.)

Mr. BROWN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. KOCH. Yes, of course I will yield to the gentleman.

Mr. BROWN of Michigan. Mr. Chairman, at the outset, I would like to say that I do not think I have ever been more surprised to find such an unexpected advocate of States rights as the gentleman in the well.

Mr. KOCH. I support States rights. If the gentleman has listened to my statements in the past it would not come as a shock to the gentleman that I have supported States rights on the floor.

Mr. BROWN of Michigan. Mr. Chairman, did the gentleman support the Federal Maritime Sanitation Standards? I am sure he did.

Mr. KOCH. I believe I did.

Mr. BROWN of Michigan. There is preemption in that law.

Mr. Chairman, did the gentleman support the recent Federal Meat Inspection Standards?

I am sure that he did. Preemption occurs there.

Mr. KOCH. Mr. Chairman, I am not an expert in this area, but my understanding of the protections to be afforded for the shipping of beef are that of a floor and not a ceiling.

Mr. BROWN of Michigan. Mr. Chairman, the gentleman is wrong. In the State of Michigan there were more stringent standards in effect than those established by the Federal Government, yet though the State of Michigan fought the preemption in the courts the more stringent standards in the State of Michigan were held to be unenforceable due to the Federal preemption.

Mr. KOCH. At any rate, I assure the gentleman that I do support his State's right to have a higher meat standard, the Federal Government should have standards below which no State can fall but should not limit higher standards States may seek to impose in their area.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. Rosenthal).

The amendment was rejected.

AMENDMENT OFFERED BY MR. BIAGGI

Mr. BIAGGI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Biaggi: Page 5, line 19, insert after the word "purchasers" the following: "and tenants".

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. BIAGGI. I am delighted to yield.

Mr. BARRETT. Mr. Chairman, we have had an opportunity to go over this amendment. We are of the opinion that the amendment would improve the bill, and if it is all right with the other side, we would gladly accept it.

The CHAIRMAN. The gentleman from New York (Mr. Biaggi) still has the floor.

Does any other Member wish to be heard?

Mr. BROWN of Michigan. No, Mr. Chairman, I believe the gentleman should be heard.

Mr. BIAGGI. Mr. Chairman, section 4 of this bill is a new section which requires the Secretary of Housing and Urban Development to establish procedures to eliminate, as far as practicable, the hazards of lead-based paint poisoning in any existing housing which may present such a hazard, and which is covered by an application for mortgage insurance or housing assistance payments administered by the Secretary.

These requirements, as written in this bill, pertain only to the purchasers of such housing units, and make no mention of those individuals who are presently tenants. For this bill to have any substantive effect in New York City and other urban areas, this amendment should be adopted. In New York for example, the problems of lead-based poisoning are particularly acute. This amendment would simply assure that tenants exposed to the dangers of lead-based paint would at least be notified of this danger and advised of steps for treatment and prevention of lead poisoning.

Mr. WIDNALL. Mr. Chairman, will the gentleman yield?

Mr. BIAGGI. I yield to the gentleman from New Jersey.

Mr. WIDNALL. Mr. Chairman, I do not see anything objectionable in that amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BROWN OF MICHIGAN

Mr. BROWN of Michigan. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Brown of Michigan: Page 4, line 16, under section 3, delete "the Secretary of Health, Education, and Welfare" and enter, "the Chairman of the Consumer Product Safety Commission".

Page 4, lines 20 and 21, delete "Secretary" and enter "Chairman".

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Michigan. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. I thank the gentleman for yielding.

We have no objection to the gentleman's amendment. We talked about this before, and we would be glad to accept the amendment.

Mr. BROWN of Michigan. I thank the gentleman for his support and endorsement of the amendment.

Mr. Chairman, through communications with HEW and the Chairman of the Product Safety Commission, it has come to my attention that section 3 of the proposed bill would assign responsibility to the Secretary of HEW for matters previously assigned to the Chairman of the Consumer Product Safety Commission. My amendment is intended to correctly assign responsibility so that it will be consistent with existing organizational structure in the executive branch.

Specifically, section 3 of the proposed bill would introduce a new requirement for a research program to ascertain the safe level of lead in residential paint products. The bill proposes to assign responsibility for such research to the Secretary of Health, Education, and Welfare.

The need for such research is not in question and I am pleased to support such a proposal.

However, the responsibility and authority for such an effort should properly rest with the Chairman of the Consumer Product Safety Commission.

Mr. Chairman, I refer to the Consumer Product Safety Act of 1972—Public Law 92-573. The act vested authority and responsibility with the Chairman of the Consumer Product Safety Commission to protect the public from hazardous consumer products. Part of that agency's current efforts are directed to the determination of a safe level of lead and other heavy metals in paint. In the interest of consistency in management it would be an unwise decision to assign identical responsibilities to both the Secretary of Health, Education, and Welfare and the Chairman of the Consumer Product Safety Commission. In the interest of efficient use of funds and expediency in completion of the proposed research it would also be most unfortunate to assign the proposed task to the Secretary of Health, Education, and Welfare.

Mr. Chairman, I want to emphasize that there is no intent to discourage mutual support of common interests between these agencies. It is to be hoped that such considerations are properly given. It is important, however, that the executive branch be given clear and consistent direction so that accountability and performance can be properly credited.

I offer this amendment at the specific request of the Chairman of the Consumer Product Safety Commission.

I know of no opposition and I move for passage of the amendment as proposed.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

Mrs. BURKE of California. Mr. Chairman, I would like to ask the Members of this Chamber to consider for a moment the consequences of a serious medical problem that needlessly afflicts over 400,000 children annually. Each year lead paint poisoning causes 200 children to die; it leaves over 800 children with brain damage severe enough to require permanent institutionalization and another 3,000 with moderate to severe damage.

Among the Nation's pediatric public health problems, probably none is more senseless or susceptible to cure than lead paint poisoning. The disease is caused when children eat peeled or chipped lead-based paint in old buildings. Thus, as the late Representative William F. Ryan said last year in Senate hearings on the subject:

> Lead poisoning is not some rare malady waiting for a miracle cure. It is totally man-made and a totally preventable disease. It exists only because we let it exist. The failure of this Nation to meet the menace of childhood lead poisoning has sentenced thousands of young children to lives of misery, disease, and even death. It is a stain on our national conscience.

In 1971, the Lead-Based Paint Poisoning Prevention Act was enacted. It received low funding, however, and even lower political priority. Last year, the Senate voted to strengthen the programs, but the House acquiesced and took no action. The Congress must act today to salvage the very lives of thousands of our children who would otherwise be doomed to the most miserable of fates.

In looking back on the past, we cannot escape the fact that one of the reasons the Nation has never mounted a serious public health campaign against lead paint poisoning is that the disease mostly affects the poor, the black, the Spanish-speaking, and others who must often endure the conditions of slum housing. The Department of Health, Education, and Welfare, for example, suggested in a recent study of New York City that as many as 86 percent "of the reported cases of lead poisoning have occurred among black and Spanish-speaking persons."

Yet, if our national conscience cannot be aroused because "only the poor are being victimized," perhaps the economic arguments can be more compelling: HEW estimates that lead paint poisoning costs the Nation over $200 million annually, a sum that does not include the incalculable value of the lives of our children. In passing this legislation, we will only be affirming the stated goals of the President in his 1971 health message to the Congress. In that message, he stated:

> If more of our resources were invested in *preventing* sicknesses and accidents, fewer would have to be spent on costly cures . . . In short, we should build a true "health system", not a "sickness system" alone. We should work to maintain health, not merely to restore it.

Unless we act now, the needless poisoning will go on, leaving in its wake thousands of fatalities and incapacitated minds. Simple humanity dictates that we do no less.

The CHAIRMAN. If there are no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the Chair, Mr. THOMPSON of New Jersey, chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 8920) to amend the Lead Based Paint Poisoning Prevention Act, and for other purposes, pursuant to House Resolution 504, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BARRETT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 368, nays 11, present 1, not voting 54, as follows:

[Roll No. 435]

YEAS—368

Abdnor
Abzug
Adams
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashley
Aspin
Badillo
Bafalis
Baker
Barrett
Bauman
Beard
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Boggs
Bowen
Brademas
Brasco
Bray
Breaux
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clay
Cleveland
Cohen
Collier
Collins, Ill.
Conable
Conlan
Conte
Cotter
Coughlin
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, Wis.
de la Garza
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Fisher
Flood
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gubser
Gude
Guyer
Haley
Hamilton
Hammer-schmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holt
Holtzman
Horton
Hosmer
Howard
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Jones, Okla.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kemp
Ketchum
King
Kluczynski
Koch
Kuykendall
Kyros
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McFall
McKinney
Macdonald
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Mezvinsky
Michel
Milford
Miller
Minish
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Moss
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Brien
O'Hara
O'Neill
Parris
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Pritchard
Quie
Railsback
Randall
Rangel
Rees
Regula
Reid
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robinson, Va.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Satterfield
Saylor
Schneebeli
Schroeder
Seiberling
Shoup
Shriver
Shuster
Sikes
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steelman
Steiger, Wis.
Stokes
Stratton
Stuckey
Studds
Sullivan
Symington
Talcott
Taylor, N.C.
Teague, Calif.

Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Winn
Wolff
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—11

Ashbrook
Camp
Cochran
Crane
Gross
Landgrebe
Price, Tex.
Rarick
Rousselot
Steiger, Ariz.
Symms

ANSWERED "PRESENT"—1

Sebelius

NOT VOTING—54

Addabbo
Alexander
Bell
Blackburn
Blatnik
Boland
Bolling
Breckinridge
Cederberg
Clawson, Del
Collins, Tex.
Conyers
Corman
Davis, S.C.
Delaney
Dellenback
Diggs
Dingell
Evins, Tenn.
Flowers
Gunter
Hanrahan
Hays
Hébert
Heinz
Holifield
Jones, Ala.
Jones, Tenn.
Landrum
McEwen
McKay
McSpadden
Madden
Mathis, Ga.
Metcalfe
Mills, Ark.
Mink
Mosher
Murphy, Ill.
Owens
Quillen
Robison, N.Y.
Rooney, N.Y.
Runnels
Scherle
Shipley
Sisk
Stark
Stephens
Stubblefield
Taylor, Mo.
Waldie
Wilson, Charles, Tex.
Wright

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Alexander.

Mr. Rooney of New York with Mr. Davis of South Carolina.

Mr. Breckinridge with Mr. Flowers.

Mr. Waldie with Mr. Diggs.

Mr. Hays with Mr. Collins of Texas.

Mr. Blatnik with Mr. Robison of New York.

Mr. Murphy of Illinois with Mr. Del Clawson.

Mr. Holifield with Mr. Dellenback.

Mr. Dingell with Mr. Cederberg.

Mr. Gunter with Mr. Quillen.

Mr. Metcalfe with Mr. Delaney.

Mr. Conyers with Mr. Madden.

Mr. Corman with Mr. Hanrahan.

Mr. Shipley with Mr. Blackburn.

Mr. Boland with Mr. Scherle.

Mr. Mathis of Georgia with Mr. Bell.

Mrs. Mink with Mr. Heinz.

Mr. Evins of Tennessee with Mr. McEwen.

Mr. Addabbo with Mr. Mosher.

Mr. Jones of Alabama with Mr. Mills of Arkansas.

Mr. Jones of Tennessee with Mr. Landrum.

Mr. McKay with Mr. Sisk.

Mr. Stark with Mr. Wright.

Mr. Stephens with Mr. McSpadden.

Mr. Owens with Mr. Taylor of Missouri.

Mr. Charles Wilson of Texas with Mr. Stubblefield.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provisions of House Resolution 504, the Committee on Banking and Currency is discharged from the further consideration of the bill S. 607.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. PATMAN

Mr. PATMAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Motion offered by Mr. PATMAN: Strike out all after the enacting clause of S. 607 and insert in lieu thereof the provisions of the bill H.R. 8920, as passed, as follows:

That (a) section 101(a) of the Lead Based Paint Poisoning Prevention Act is amended by striking out "units of general local government in any State" and inserting in lieu thereof "public agencies of units of general local government in any State and to private nonprofit organizations in any State".

(b) Section 101(b) of such Act is amended by striking out "75 per centum" and inserting in lieu thereof "90 per centum".

(c) Section 101 of such Act is amended by adding at the end thereof the following new subsection:

"(e) The Secretary is also authorized to make grants to State agencies for the purpose of establishing centralized laboratory facilities for analyzing biological and environmental lead specimens obtained from local lead based paint poisoning detection programs.".

(d) Section 101 of such Act is further amended by adding at the end thereof the following new subsection:

"(f) No grant may be made under this section unless the Secretary determines that there is satisfactory assurance that (A) the services to be provided will constitute an addition to, or a significant improvement in quality (as determined in accordance with criteria of the Secretary) in, services that would otherwise be provided, and (B) Federal funds made available under this section for any period will be so used as to supplement and, to the extent practical, increase the level of State, local, and other non-Federal funds that would, in the absence of such Federal funds, be made available for the program described in this section, and will in no event supplant such State, local, and other non-Federal funds.".

SEC. 2. (a) Section 201 of the Lead Based Paint Poisoning Prevention Act is amended by striking out "units of general local government in any State" and inserting in lieu thereof "public agencies of units of general local government in any State and to private nonprofit organizations in any State".

(b) Section 201(a)(2) of such Act is amended to read as follows:

"(2) the development and carrying out of procedures to remove from exposure to young children all interior surfaces of residential housing, porches, and exterior surfaces of such housing to which children may be commonly exposed, in those areas that present a high risk for the health of residents because of the presence of lead based paints. Such programs should include those surfaces on which non-lead-based paints have been used to cover surfaces to which lead based paints were previously applied; and".

(c) Section 201 of such Act is amended by adding at the end thereof the following new subsection:

"(c) Any public agency, of a unit of local government or private nonprofit organization which receives assistance under this Act shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for purposes of audit and examination, any books, documents, papers, and records that are pertinent to the assistance received by such public agency of a unit of local government or private nonprofit organization under this Act."

SEC. 3. Section 301 of the Lead Based Paint Poisoning Prevention Act is amended to read as follows:

"FEDERAL DEMONSTRATION AND RESEARCH PROGRAM

"SEC. 301. (a) The Secretary of Housing and Urban Development, in consultation with the Secretary of Health, Education, and Welfare, shall develop and carry out a demonstration and research program to determine the nature and extent of the problem of lead based paint poisoning in the United States, particularly in urban areas, including the methods by which the lead based paint hazard can most effectively be removed from interior surfaces, porches, and exterior surfaces of residential housing to which children may be exposed.

"(b) The Chairman of the Consumer Product Safety Commission shall conduct appropriate research on multiple layers of dried paint film, containing the various lead compounds commonly used, in order to ascertain the safe level of lead in residential paint products. No later than December 31, 1974, the Chairman shall submit to Congress a full and complete report of his findings and recommendations as developed pursuant to such programs, together with a statement of any legislation which should be enacted or any changes in existing law which should be made in order to carry out such recommendations."

SEC. 4. (a) Title III of the Lead Based Paint Poisoning Prevention Act is amended—

(1) by adding at the end thereof the following:

"FEDERAL HOUSING ADMINISTRATION REQUIREMENTS

"SEC. 302. The Secretary of Housing and Urban Development (hereafter in this section referred to as the 'Secretary') shall establish procedures to eliminate as far as practicable the hazards of lead based paint poisoning with respect to any existing housing which may present such hazards and which is covered by an application for mortgage insurance or housing assistance payments under a program administered by the Secretary. Such procedures shall apply to all such housing constructed prior to 1950 and shall as a minimum provide for (1) appropriate measures to eliminate as far as practicable immediate hazards due to the presence of paint which may contain lead and to which children may be exposed, and (2) assured notification to purchasers and tenants of such housing of the hazards of lead based paint, of the symptoms and treatment of lead based paint poisoning, and of the importance and availability of maintenance and removal techniques for eliminating such hazards. Such procedures may apply to housing constructed during or after 1950 if the Secretary determines, in his discretion, that such housing presents hazards of lead based paint. The Secretary may establish such other procedures as may be appropriate to carry out the purposes of this section. Further, the Secretary shall establish and implement procedures to eliminate the hazards of lead based paint poisoning in all federally owned properties prior to the sale of such properties when their use is intended for residential habitation."; and

(2) by inserting after "PROGRAM", in the caption of such title, a semicolon and the following: "FEDERAL HOUSING ADMINISTRATION REQUIREMENTS".

(b) The amendments made by subsection (a) of this section become effective upon the expiration of ninety days following the date of enactment of this Act.

SEC. 5. Section 401 of the Lead Based Paint Poisoning Prevention Act is amended by inserting ", in consultation with the Secretary of Housing and Urban Development," after "Secretary of Health, Education, and Welfare".

SEC. 6 Section 501(3) of the Lead Based Paint Poisoning Prevention Act is amended by striking out "1 per centum lead by weight" and inserting in lieu thereof "five-tenths of 1 per centum lead by weight".

SEC. 7. (a) Section 503(a) of the Lead Based Paint Poisoning Prevention Act is amended (1) by striking out the word "and" and inserting in lieu thereof a comma, and (2) by inserting before the period a comma and the following: "and $20,000,000 for each of the fiscal years 1974 and 1975".

(b) Section 503(b) of such Act is amended (1) by striking out the word "and" and inserting in lieu thereof a comma, and (2) by inserting before the period a comma and the following: "and $30,000,000 for each of the fiscal years 1974 and 1975".

(c) Section 503(c) of such Act is amended (1) by striking out the word "and" and by inserting in lieu thereof a comma, and (2) by inserting before the period a comma and the following: "and $2,500,000 for each of the fiscal years 1974 and 1975".

(d) Section 503(d) of such Act is amended by striking out all matter after the semicolon and inserting in lieu thereof "and any amounts authorized for one fiscal year but not appropriated may be appropriated for the succeeding fiscal year.".

(e) Title V of the Lead Based Paint Poisoning Prevention Act is amended by adding at the end thereof the following new sections:

"ELIGIBILITY OF CERTAIN STATE AGENCIES

"SEC. 504. Notwithstanding any other provision of this Act, grants authorized under sections 101 and 201 of this Act may be made to an agency of State government in any case where State government provides direct services to citizens in local communities or where units of general local government within the State are prevented by State law from implementing or receiving such grants or from expending such grants in accordance with their intended purpose.

"ADVISORY BOARDS

"SEC. 505. (a) The Secretary of Health, Education, and Welfare, in consultation with the Secretary of Housing and Urban Development, is authorized to establish a National Childhood Lead Based Paint Poisoning Advisory Board to advise the Secretary on policy relating to the administration of this Act. Members of the Board shall include residents of communities and neighborhoods affected by lead based paint poisoning. Each member of the National Advisory Board who is not an officer of the Federal Government is authorized to receive an amount equal to the minimum daily rate prescribed for GS-18, under section 5332 of title 5, United States Code, for each day he is engaged in the actual performance of his duties (including traveltime) as a member of the Board. All members shall be reimbursed for travel, subsistence, and necessary expenses incurred in the performance of their duties.

"(b) The Secretary of Health, Education, and Welfare, in consultation with the Secretary of Housing and Urban Development, shall promulgate regulations for establishment of an advisory board for each local program assisted under this Act to assist in carrying out this program. Two-thirds of the members of the board shall be residents of communities and neighborhoods affected by lead based paint poisoning. A majority of the board shall be appointed from among parents who, when appointed, have at least one child under six years of age. Each member of a local advisory board shall only be reimbursed for necessary expenses incurred in the actual performance of his duties as a member of the board.

"EFFECT UPON STATE LAW

"SEC. 506. It is hereby expressly declared that it is the intent of the Congress to supersede any and all laws of the States and units of local government insofar as they may now or hereafter provide for a requirement, prohibition, or standard relating to the lead content in paints or other similar surface-coating materials which differs from the provisions of this Act or regulations issued pursuant to this Act. Any law, regulation, or ordinance purporting to establish such different requirement, prohibition, or standard shall be null and void.".

The SPEAKER. The question is on the motion of the gentleman from Texas (Mr. PATMAN).

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read a third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 8920) was laid on the table.

GENERAL LEAVE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed, and also on the motion to recommit on House Joint Resolution 512.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

EXPANDING NATIONAL FLOOD INSURANCE PROGRAM

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 494 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 494

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8449) to expand the national flood insurance program by substantially increasing limits of coverage and total amount of insurance authorized to be outstanding and by requiring known flood-prone communities to participate in the program, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Florida is recognized for 1 hour.

Mr. PEPPER. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 494 provides for an open rule with 1 hour of general debate on H.R. 8449, a bill to expand the national flood insurance program by substantially increasing limits of coverage and by requiring known flood-prone communities to participate in the program.

H.R. 8449 substantially increases the available limits of both subsidized and unsubsidized flood insurance coverage for all types of properties.

It also requires the purchase of flood insurance in communities where such insurance is available, before receiving any form of Federal "financial assistance for acquisition or construction purposes" in an area which has been designated as being flood prone. The bill requires the Secretary of Housing and Urban Development to notify flood-prone communities, and give them an opportunity to join the program or show that they should not be designated "flood prone."

Mr. Speaker, today there is a paramount need for greater coverage under the national flood insurance program. I urge adoption of House Resolution 494 in order that we may discuss and debate H.R. 8449.

Mr. LATTA. Mr. Speaker, today we are considering House Resolution 494 which provides for the consideration of H.R. 8449, the Flood Disaster Protection Act of 1973, under an open rule with 1 hour of general debate.

The primary purpose of H.R. 8449 is to expand the national flood insurance program by increasing the limits of coverage and the total amount of insurance authorized and by requiring flood-prone communities to participate in the program. Being one of the sponsors of this legislation and having introduced H.R. 6571 on April 4, 1973, to accomplish the same purposes as H.R. 8449, I support the rule and the bill. This legislation is most important to the people of my district living in the vicinity of Lake Erie in particular as it increases, among other things, the limits of coverage on single-family dwellings by 100 percent.

More specifically, this bill makes flood insurance available on all types of buildings in increased amounts. Contents are also insurable, independently of whether the structure in which they are located is insured, but they are generally insurable only while within the enclosed structure described in the policy.

The bill requires the purchase of flood insurance, where available, in order to receive Federal financial assistance for acquisition or construction purposes in any area designated by the Secretary as being flood prone. If the assistance received is in the form of a loan, insurance need not be maintained in excess of the outstanding balance or beyond the term of the loan. However, where a grant is made in a flood-prone area, flood insurance is required for the entire useful life of the assisted project, and for the full value of the property, up to the amount of insurance available.

Federal instrumentalities regulating banks are required to issue regulations, requiring that people receiving approved mortgage loans, also purchase flood insurance, if the property is located in a flood-prone area where insurance is available.

Flood insurance would also be required on existing structures receiving Federal financial assistance in a flood-prone area, but with the increased amounts of subsidized coverage available under this bill, it is not anticipated that this requirement will cause hardship.

The bill increases the limitation on the total amount of flood insurance outstanding at any one time from the present $6 to $10 billion.

Section 201 requires the Secretary to notify flood-prone communities, and give them an opportunity either to enter the flood insurance program or establish that they are not flood prone.

Section 202 denies Federal financial assistance, as described above, approved after July 1, 1975, for areas identified by the Secretary as having special flood hazards, unless the community in which the area is located is by then participating in the national flood insurance program so that flood insurance will be available to the project.

Mr. Speaker, I urge the adoption of this rule and the passage of the bill.

Mr. PEPPER. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. PATMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8449) to expand the national flood insurance program by substantially increasing limits of coverage and total amount of insurance authorized to be outstanding and by requiring known flood-prone communities to participate in the program, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. PATMAN).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 8449, with Mr. THOMPSON of New Jersey in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. PATMAN) will be recognized for 30 minutes, and the gentleman from New Jersey (Mr. WIDNALL) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. PATMAN).

Mr. PATMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, during the past year and a half a number of sections of this country have experienced the worst series of flooding episodes in our Nation's history. After every major flood disaster this country has experienced in the past 30 years, the Congress has always responded with immediate flood assistance programs to assist those who have experienced losses that have resulted in these floods.

In 1968, the Congress enacted the Federal flood insurance program which provided, for the first time, a federally subsidized program of flood insurance. Flood insurance has never been offered by major insurance companies because of the lack of actuarial basis upon which such insurance could be written and because of the catastrophic losses involved.

The bill which we are considering today greatly expands the Federal flood insurance program. H.R. 8449, the proposed amendments to the flood insurance program, would double all the limits of insurance coverage, both subsidized and unsubsidized.

Under existing law the present subsidized insurance coverage is $17,500; this would increase to $35,000 under the present bill. It would also increase to $70,000 for nonsubsidized coverage. Insurance coverage would also increase for contents coverage from the existing $5,000 to $10,000. The bill would also increase the total amount of flood insurance coverage to be made available from the current $6 billion amount to $10 billion.

Land use requirements would be retained in order for a community to be eligible for the flood insurance coverage, and the studies to identify and determine actuarial rates for flood-prone communities would be greatly accelerated. The provision in existing law providing for the denial of Federal Government disaster relief to those who could have purchased flood insurance for a year or more, but did not do so, would be eliminated and replaced by a requirement that flood insurance, if available, must be purchased in connection with federally related financing of projects in identified flood-prone areas as a condition of the Federal assistance. Communities having been identified as flood-prone areas would be notified and required to participate in the flood insurance program by July 1, 1975, or be denied federally related financing for projects in these flood-prone areas.

H.R. 8449 would also direct the Secretary of the Department of Housing and Urban Development to also establish procedures assuring adequate consultation with elected public officials relating to notification to and identification of flood prone areas and application of criteria for land use. The bill would also provide for an appeals procedure through the Federal district court for any local community aggrieved by any final determination of the Secretary invested in him by the Flood Insurance Act.

Mr. Chairman, I would also point out that this bill is strongly supported by the administration, and I would urge all Members to support this important bill to expand flood insurance protection.

Mr. PATMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. BARRETT).

Mr. BARRETT. Mr. Chairman, I am pleased to present to the House the bill, H.R. 8449, the Flood Disaster Protection Act of 1973. This bill was approved by the Committee on Banking and Currency unanimously on June 19. This bill basically expands the existing Federal flood insurance program that was enacted in 1968 as part of the Housing and Urban Development Act of that year which provided for the first time flood insurance for those areas of the country designated as flood-prone areas.

H.R. 8449 would double all the limits of flood insurance coverage, both subsidized and unsubsidized. You will note on page 7 of the committee report the existing figures on the insurance coverage and the increased coverage provided for under the bill before you for consideration. The total amount of flood insurance coverage that can be written would increase from $6 billion to $10 billion.

Land use requirements would be retained and studies to identify and to determine actuarial rates for flood-prone communities would be greatly accelerated. The provision under the existing flood insurance program denying disaster relief to those who could have purchased flood insurance for a year or more, but did not do so, would be eliminated and replaced by a requirement that flood insurance, if available, must be purchased in connection with federally related financing of projects in identified flood-prone areas as a condition of any Federal assistance. Communities which have been identified as flood-prone areas would be notified and required to participate in the flood insurance program by July 1, 1975, or be denied federally related financing for projects in such areas.

Finally, the bill would direct the Secretary of Housing and Urban Development to establish procedures assuring adequate consultation with elected public officials relating to notification to and identification of flood-prone areas and the application of criteria for land use.

H.R. 8449 would also provide for an appeals procedure through the Federal district court for any local community aggrieved by any final determination of the Secretary invested in him by the Flood Insurance Act. This bill is strongly supported by the administration.

Mr. Chairman, I would urge all Members to support this important bill so that we may expand this much needed insurance protection.

I yield back the balance of my time.

Mr. WIDNALL. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, I want to commend the gentleman from Pennsylvania for his very hard work in bringing this bill to the House.

He has provided a concise presentation of the content of the proposed legislation and I will not dwell upon those points.

I wish there was less need for this legislation, but 1973 has become the "Year of the Flood." Floods are becoming all too common and the number of homeless victims is ever increasing. Also, these problems are no longer limited to coastal areas. Tragedies have befallen many communities throughout large areas of the country and the future does not indicate any lessening of the threat.

In 1972, 48 Presidentially declared disasters were recorded; 45 of these were floods. Less than 5 percent of the $3 to $4 billion loss was covered by insurance. The balance was ultimately covered by disaster relief payments or restored through long-term indebtedness on the part of the property owner.

Property losses due to floods are rising tragically each year. Unless such losses result in a disaster declaration—by the President, the SBA Administrator, or the Secretary of Agriculture—or unless the flooding occurs in an area eligible for flood insurance—property owners must pay the cost themselve. Private flood insurance protection is simply unavailable.

Mr. Chairman, I take pride in having initiated the original proposal for a national Flood Insurance program in 1956 and in my association with the distinguished Members of this Chamber who have consistently worked to develop the present program. Were it not for this program, there would be no property insurance protection against floods in this Nation.

The present program has been slow in reaching all areas of need. The Nation is not receiving the full benefits of the program. Property owners are continuing to build in flood-prone areas—in most cases they are unaware of their mistake—and the risk of losses to be compensated through disaster relief programs is being enlarged daily.

The national flood insurance program is the first and only Federal program with an effective sanction for regulatory flood hazard reduction measures. The proposed legislation will effectively foster safer and better development and building in flood hazardous areas.

Today, less than half of the Nation's flood-prone areas are actually eligible for flood insurance. In order to extend the program to a nationwide application and in order to provide the property owner with a viable, actuarially sound flood insurance program, we must strengthen the program. This legislation proposes to do these things. It has been carefully prepared and carries the unanimous support of the committee.

It also has strong support by the administration. I believe it properly balances the Federal largess, in subsidizing the insurance rates, with stringent land use controls. It is only in this way that we will have any hope of preventing greater losses in the future.

I strongly urge that the House enact H.R. 8449 as reported.

Mr. BARRETT. Mr. Chairman, I have no requests for time.

Mr. WIDNALL. Mr. Chairman, at this time I yield 3 minutes to the gentleman from Florida (Mr. BAFALIS).

Mr. BAFALIS. Mr. Chairman, I do not rise in opposition to this bill, but I think it is important that the Members of the House understand the ramifications of this piece of legislation. This legislation is quite different from the 1968 Flood Insurance Act that passed the Congress. The previous bill was not a mandatory piece of legislation. Under this legislation after July 1975 any community that refuses to accept the levels that have been set by HUD will lose the right and the people living within that community will lose the right to arrange financing through any lending institution that is federally insured. That means savings and loans, and that means banks.

In essence, under the mandatory controls communities are going to have to build within the levels set by HUD. I do not believe that there is a Member in this Chamber who wants taxpayers' dollars used in a time of disaster, and we should prohibit anyone from building in a flood-prone area below the levels that reasonably would be expected in any type of a flood. However, the problem is that there may be some 20,000 flood-prone areas in this Nation. And I am told by HUD that there is a possibility that each and every Member of this House has a flood-prone area within his or her congressional district.

The problem is that HUD has not identified all of those districts at the present time, therefore many of your local communities and your local people do not know whether or not they can live within the levels that will be set by HUD.

Mr. Chairman, my main objection to this bill is that local officials do not have the proper amount of input in setting realistic flood levels.

As we move into the amendment process several amendments will be offered. Hopefully those amendments will allow the local communities to participate and to participate strongly in setting reasonable flood levels. I hope that when the amendment process time arrives that this body will pay particular attention, because each and every Member of this House may be affected in their various communities.

Mr. GILMAN. Mr. Chairman, I rise in support of the Flood Disaster Protection Act which seeks to fulfill the urgent need for an effective insurance program throughout the flood prone sections of our country.

At the same time, I call to the attention of my colleagues a flagrant deficiency in our national insurance programs, a deficiency affecting the lifeblood of our Nation, our farmers.

The bill we are considering today provides flood coverage for a businessman's structures and for the contents of those structures, his inventory. This same bill also extends coverage to a farmer's structures and the contents of those structures. However, while the nonagricultural businessman's vulnerability to losses in his inventory lifeline can be controlled to the extent that he provides for storage within structures, the farmer's risk of uninsurable losses in his inventory lifeline, namely his crops, is far greater simply because he has no choice but to let his crops ripen out in the open field.

This bill which we are considering today is not a proper mechanism for providing insurance coverage for a farmer's crops out in the field, this was not the intent of the committee in preparing this legislation.

However, I am certain that many of my colleagues will agree that as we provide urgently needed, reasonably priced insurance for a businessman and his inventory in flood prone areas with the passage of this bill, there is an equally urgent need to provide a sound and feasible insurance program for the farmer and his inventory, for his crops in the field. We must assure farmers in flood areas the same protection as any businessman sustaining flood damages.

Those of us representing agricultural districts are aware of the Department of Agriculture's Federal Crop Insurance Program.

While the Crop Insurance Program is a worthy vehicle for the specific areas and the farmers it services, its limited budgetary restrictions prevent insuring farmers in flood prone areas.

Currently the Crop Insurance Program operates on a $12 million dollar annual budget. It is severely restrictive in both the types of insurable crops and the geographic areas entitled to insurance. Because of the severe limitations placed on the program administrators, the Federal Crop Insurance Program does not provide adequate coverage for a wide spectrum of farmers and farm areas.

In a recent letter, M. R. Peterson, manager of the Federal crop insurance program, stated:

> There has been gradual expansion of the crop insurance service since Congress placed it on an experimental basis in 1948. However, due to limited resources for this purpose, in recent years little expansion has been possible.

In considering today's flood insurance proposal, I call upon my colleagues to also consider the plight of our farmers, many of whom raise their crops in the choice rich acreage that are in flood regions. Our farmers need a realistic and reasonable flood insurance program.

I intend to investigate the possibility of providing adequate coverage for these farmers and invite assistance of my colleagues, many of whom represent farming districts in flood areas. In the interest of aiding our farmers, I am hopeful that we can find the necessary resources to provide for an effective disaster insurance program for our Nation's food producers.

Mr. BROTZMAN. Mr. Chairman, I rise in support of H.R. 8449, the Flood Disaster Protection Act of 1973, and I take this opportunity to commend the Members of the House Banking and Currency Committee for their efforts in bringing this legislation to the floor of the House today.

H.R. 8449 contains two features of particular importance to the Metropolitan Denver area on which I would like to comment.

First, the committee has increased both subsidized and total per-unit flood insurance coverage limits to more responsibly reflect the realistic costs attributable to flood damage. In an urban area such as Denver, where the Platte River joins several tributaries within a few miles of downtown, these limits are of essential importance to a speedy and full recovery of losses in the aftermath of a flood. These limits are equally important to those suburbs in the Denver area where residential, industrial and agricultural property line the Platte's banks. This action by the committee will mean adequate flood insurance protection for thousands of businesses and families along the course of the Platte in the years to come.

Secondly, I am happy to see that the committee has accepted the amendment offered by the gentleman from Georgia (Mr. BLACKBURN) which would encourage localities to establish conservation areas in flood plain lands. This is of particular interest to me because I have worked for the last few years on behalf of the city of Littleton, Colo., with the Corps of Engineers to have just such a so-called flood plain park created in the area south of Denver.

I believe that these parks will provide a very viable alternative to channelization and will give the people in the surrounding area a source of enjoyment and

recreation. It is an innovative idea and I am glad to see the committee take the position it has on this issue.

Once again, Mr. Chairman, I commend the members of the committee for their diligence in reporting this legislation to the floor of the House and I urge the passage of the bill.

Mr. McDADE. Mr. Chairman, I rise in support of the bill, H.R. 8449, to extend the National Flood Insurance program, and I commend the members of the Banking and Currency Committee for their action in bringing this bill to the floor today for our consideration.

My congressional district lay directly in the heart of the devastation wrought by Hurricane Agnes. I can attest to the overwhelming need for this legislation on a firsthand basis. I would like to stress to the Members that, while I support this bill, I also recognize that it is only a first step along the road to recovery for many flood victims. It is by no means the final solution to their long-range needs. But it is an important step.

In the aftermath of Hurricane Agnes, I spent many hours by helicopter and on foot crossing flood-wracked portions of my congressional district. Everywhere the story was the same. No one had insurance against flood damage, and even if they wanted coverage, they could not obtain it. For despite the overwhelming need to expand coverage, homeowners have been ineligible for flood insurance because their communities were unable to meet stringent Federal guidelines written into the Federal flood insurance program. Many more local officials were totally unaware of either the program or the necessary redtape required to make their communities eligible.

Because the 1968 Flood Insurance Act contained such stringent land use and zoning restrictions, communities were actively discouraged from admission to the program. Through increasing coverage on both subsidized and unsubsidized insurance on all types of properties, by authorizing additional total outstanding coverage from $6 to $10 billion, and by mandatory notification of all communities located in a flood-prone area, the tremendous communications gap between local communities and the vital benefits of the Federal program should be alleviated.

I mentioned that this bill is only a first step only because I believe that the long-range solution lies in a comprehensive program of self-insurance. This is the only answer to preventing the staggering losses of property which resulted from Hurricane Agnes from occurring again.

I have sponsored legislation, along with several of my colleagues in the House, to create a National Disaster Insurance Fund for flood damage by amending the Housing and Urban Development Act of 1968. My bill provides for an automatic inclusion of flood insurance coverage in each fire and property policy sold in the United States. It further provides for a 3-percent surcharge on premiums to be collected by every insurer on each fire and property insurance policy sold in the country, whether or not such policy includes flood insurance coverage. This money plus 1 percent of all sums paid on SBA and FHA disaster loans as well as any other sums appropriated by Congress would fund a National Disaster Insurance Fund. This fund would be used to make payments for the full amount of loss suffered by the victim of a flood during a presidentially declared natural disaster. In my opinion, this is the way to get the entire job done.

Mr. Chairman, the victims of flood and earthquake have suffered from two floods. One is a flood of bureaucratic redtape which drowned local governments. By removing that redtape, we can make a significant contribution to protect local communities against the staggering losses that accompany disasters of the magnitude of Hurricane Agnes. H.R. 8449 does this, and I am pleased to lend my support to its passage.

Mr. PRICE of Illinois. Mr. Chairman, all too frequently residents of the 23d District are faced with the problem of heavy rains and the consequent threat of severe flooding. Living along the banks of any body of water presents difficulties, but to make one's home at the convergence of the Mississippi and Missouri Rivers is to live with the threat of flooding and loss of crops, land, and personal belongings.

Fortunately, a levee system has been built which has helped to alleviate much of the problem. In addition, aid of many kinds has always been available to flood victims from various agencies after the fact and in the past few years the Federal Government has seen fit to initiate a flood insurance program to assure residents of flood-prone areas of help before disaster strikes.

The national flood insurance program, adopted in 1969, has aided many in the past years. However, with the rising costs of construction, land, and labor has come a need for more protection than the 1969 program can give. For this reason I would like to give my support to the passage of H.R. 8449, the Flood Disaster Protection Act of 1973, raising the amount of coverage provided in the 1969 legislation.

If enacted, this bill would double the current coverage allowable to purchasers of Federal flood insurance. Single-family residences could be insured for up to $35,000 with $10,000 contents coverage. Commercial structure coverage will be tripled to $100,000 coverage with an additional $100,000 for contents. This would be a boon to owners of commercial property who previously received only an unrealistic $5,000 for damaged merchandise.

In addition, the bill would limit the expenditure of Federal funds in flood-prone areas to only those projects which purchased flood insurance, thus providing a substantial savings of tax dollars.

• The passage of this legislation is essential for protecting the hard-earned investments of homeowners and commercial property owners located in low-lying, flood-prone areas throughout the Nation. Land in these areas may now be developed, with Federal flood insurance acting as a regulator between the investor and possible financial ruin by floodwaters. This new program, then, will be of great help to the businessman and more importantly to the millions of individual citizens who may at some time in the future be faced with loss of their homes and personal belongings.

Mr. Chairman, this spring we witnessed one of the worst periods of flooding in our country's history. In all sections of the Nation we are still suffering the repercussions of this disaster. In my State alone over 1 million acres of farmland were flooded, crops were lost, families were left homeless, and millions of dollars in damages were incurred.

As my colleagues and I know, there are agencies at this moment working on flood control projects which will alleviate such disasters as those we have recently seen. However, until we are able to effectively control flooding, we must provide for the welfare of those who bear the brunt of the damage. Therefore, I urge my colleagues to join me in giving their full support to the passage of this most important act.

Mr. ESCH. Mr. Chairman, I rise today to strongly support H.R. 8449, the National Flood Insurance Expansion Act, legislation which would increase the coverage under the national flood insurance program.

Since the establishment of a nationwide flood insurance program in 1968, many homeowners and businesses throughout the country have been able to obtain insurance coverage never before available. Indeed, Monroe County in my own district in Michigan has been hard hit by continual flooding from Lake Erie and this program has demonstrated the need for such a program. It perhaps more importantly emphasizes the urgent necessity to expand this program.

Under the present law, the limit for coverage of a residential home is $17,500. Our experience in Monroe County has shown us the inadequacy of this limit. H.R. 8449 would increase that limit to $35,000. Likewise, whereas the limit on the coverage of the contents of a residential home is $5,000, H.R. 8449 would increase that figure to $10,000.

Mr. Chairman, these limits are realistic limits, limits fitted to the situation in which we now find ourselves. The people of Monroe County have invested their life savings in their homes and property. They are not wealthy and more often than not they are retired and on a fixed income. There situation is compelling testimony for the need of this legislation.

There is perhaps no more frustrating an experience than being unable to do everything necessary to alleviate the suffering of those who have been victims of the recent flooding. As a Congressman I can and have asked for a Presidential declaration of disaster; I can work with the Small Business Administration, the Office of Emergency Preparedness and other Federal agencies to insure that all potential assistance is made available. I can prod the Army Corps of Engineers to do their utmost to protect every home in a flood-prone area.

Yet to the many residents who call me with special problems and stories of extreme hardships, I often find myself saying I only wish it was within my power to do more.

Today there is an opportunity to do something more by supporting the legislation now before us. It is legislation whose worthiness and necessity recent experience overwhelmingly supports. I would urge all of my colleagues to join me in voting for this legislation.

Mr. MOORHEAD of Pennsylvania. Mr. Chairman, I rise in wholehearted support of H.R. 8449, the Flood Disaster Protection Act of 1973.

The Housing Subcommittee on which I serve worked laboriously on this important bill before sending to the full Banking and Currency Committee.

Our subcommittee membership is well-versed in the problems related to Federal flood insurance protection. In addition to our many hearings on the subject, both the subcommittee chairman, the ranking minority member, myself and other members of the subcommittee, are from States which were ravaged in recent years by floods and hurricanes. We have met and talked with thousands of constituents and dealt firsthand with those innocent victims who must piece together their lives following one of these catastrophes.

Under the proposed Flood Disaster Protection Act—

All limits of coverage, both subsidized and unsubsidized, would at least double, and total program size would increase from $4 billion to $10 billion;

Land use requirements would be retained, and studies to identify and determine actuarial rates for flood-prone communities would be accelerated;

The denial of disaster relief to those who could have purchased flood insurance for a year or more, but did not do so, would be eliminated and replaced by a requirement that flood insurance, if available, must be purchased in connection with federally-related financing of projects in identified flood-prone areas as a condition of the Federal assistance;

Communities having identified flood-prone areas would be notified and required to participate in the flood insurance program by July 1, 1975, or be denied federally-related financing for projects in such areas; and

Directs Secretary to establish procedures assuring adequate consultation with elected public officials relating to notification to and identification of flood-prone areas and the application of criteria for land use. Provides for an appeals procedure through Federal District Court for any local community aggrieved by any final determination of the Secretary invested in him by Flood Insurance Act.

I want to impress upon you that this bill before you today is a tough bill. But its strength is a reflection of the difficulties inherent in providing a Federal flood insurance program which is more, in the words of the Federal Insurance Administrator:

> Than a reckless and unjustifiable give-away program that could impose an enormous burden on the vast majority of American taxpayers without giving them any hope in return.

Our bill does a number of things, not the least of which is to increase the available limits of insurance coverage for all types of properties. Further, we authorize an increase in amounts of coverage outstanding from $4 billion to $10 billion.

Yet the controversy in this bill comes from language which I believe is absolutely necessary if we are to have a viable Federal flood insurance program.

This is the provision which prohibits Federal financing and assistance for acquisition or construction within flood-prone areas identified as such by the Secretary of HUD which refuse to participate in the flood insurance program and continue to permit building in flood planes.

It's a big stick but it's a vital one.

Much less through perfidy than naivete, individuals just have not purchased available Federal flood insurance. Yet when a catastrophe occurs, it is Uncle Sam who ultimately foots the bill.

I believe H.R. 8449 is a wise and completely justified improvement to the current Federal flood insurance program. I urge your support for this bill.

Mr. RARICK. Mr. Chairman, this legislation is being peddled as a necessary improvement on the existing Federal flood insurance program. Certainly, this has great public appeal especially in the light of this year's disastrous floods and the hurricane season being on us; however, this legislation goes far beyond merely improving the existing Federal flood insurance program—it approaches collectivization of private property.

The bill is designed to increase flood insurance coverage while minimizing potential losses by setting rigid land use standards controlling construction as well as building sites in flood-prone areas. The land use proposals are not only compulsory but so extreme that unless local officials comply on a community-wide basis, all Federal financing could be denied for any future progress or growth of the community. The determination as to what is or is not a flood-prone area and the land use regulations that must be met for a flood-prone area to qualify for flood insurance is left to the absolute authority of unelected bureaucrats in Washington. The right of appeal is given, not to any landowner, but only to the "governing body of the community." The bill also gives the Federal bureaucracy absolute authority to determine flood rise zones and minimal premium rates. This legislation is so stringent that if adopted there seemingly would be no future need for flood insurance because the land use restrictions would prevent any construction in a flood-prone area.

The bill before us, H.R. 8449, is land use legislation that is designed to aid the insurance companies carrying flood insurance to spread their risk by making the flood insurance program mandatory. A community which includes an area that has been designated flood-prone by Federal officials stands to lose all forms of Federal assistance if it refuses to enter the program. Thus, the chief beneficiary of this legislation is the insurance company, not the American people.

This bill gives the Federal bureaucrats yet another club to use on two important aspects of our society, the housing construction industry and the mortgage loan industry. In doing this, the legislation increases the power of the Federal Government over the local governing bodies. Land zoning and the establishment of prevailing building codes in a community have historically been under the control of the local governing body. This legislation transfers this power to unelected Federal bureaucrats with no established right of appeal given to the people themselves. People own land and it is people who desire flood insurance—not governing bodies of a community.

Furthermore, Mr. Chairman, this bill would allow the Federal Government to, in effect, control the growth of a community. Urbanization, and its accompanying problems, is the cause of many of the problems of our society, a problem which in reality can be solved only through expansion. The bill before us would limit this expansion and doom certain of our cities to an ever-increasing rise in urban problems. The city of New Orleans is but one example of this type of situation. Baton Rouge, the capital of Louisiana and the major city in my district, is another. According to information I have, a plan prepared by the Corps of Engineers places 90 percent of the parish in which the city of Baton Rouge is located within flood-prone areas. Thus, if this legislation is adopted as written, Baton Rouge would be limited in its growth. Housing construction in these flood-prone areas would be prohibitive in cost because of the mandatory requirements established by unelected Federal officials. Thus, the city—instead of growing and expanding normally—would be forced to grow and expand within certain areas. This can only lead to more and greater congestion and more difficult problems such as those that accompany increased urbanization.

It should be understood that the far-reaching effects of this so-called flood insurance bill are not limited in application to Louisiana or other low-lying areas and coastal States. Every congressional district may be affected with the identified flood-prone areas being estimated between 10,000 to 20,000 communities all over the United States.

Should land use programs as proposed by H.R. 8449, the Federal flood insurance bill, become law, private landowners may hold title to their property and pay taxes, but the use to which their land may be put will be determined by the collective decisions of others claiming to be acting for the common good of all—whatever that may be.

Mr. Chairman, the value of my people's liberty, freedom, and safety is too high a premium to pay for increased flood insurance coverage. My people recognize the need for revision of the present program to provide for increased coverage, especially in view of the inflationary trends. However, I cannot cast my people's vote for this land use legislation as written and urge our colleagues to vote it down.

Mr. J. WILLIAM STANTON. Mr. Chairman, the amendment of the gentleman from Florida (Mr. BAFALIS) points out an extremely important part of the legislation that is before us today. First of all, as the gentleman so rightly pointed out, we are taking today a different procedure than we have in the past in regard to flood control legislation in removing it from the voluntary to the mandatory stage in this legislation. The effects on these communities in those who get it and those who do not get it down the road are going to be very serious.

At the time of the hearings before our committee on this, public officials from the State of Florida and certain cities in the flood plain States showed up and pointed out that really when the Secretary of HUD makes a determination, there is no loophole or route that a city or a community can take to overrule HUD's decision. The Secretary of HUD will make his determination based on material compiled by the Corps of Engineers.

I felt very strongly at the time that this is certainly a great power of life or death over the development of these communities. However, the trouble with the Bafalis amendment, as far as I can personally see, is that what it is mandating that HUD do is simply, first and foremost, that a public hearing has to be held in the community in which the problem exists, and that then the results of that hearing will be forwarded to the National Academy of Sciences.

What the administration worries about in this regard is that, first of all, they expect 10,000 or better applications in the next 6 months to come up for approval or disapproval.

What my amendment does is recognize that the Corps of Engineers and the Secretary should not necessarily be the final determinant, but any information that the community has can be brought to the attention of HUD, scientific data or otherwise, to overrule their jurisdiction within 20 days after the information is put in the Federal Register. Then the mechanism is such that the Secretary is required to review all this information, and any subsequent scientific data that he gets, he can either give to the National Academy of Sciences if he wants to, or he can handle it by hearings, or review it in any manner or with whatever flexibility he wants to, and I think this becomes extremely meaningful, especially under the legislation of the amendment that we passed here awhile ago of the gentleman from Illinois concerning the Great Lakes and cyclical levels of water.

The Secretary of HUD can use that, for example, in these areas around the Great Lakes to control flood insurance, to start with. Once all of this flexibility is taken, the data is assembled, and then it is clearly a case where these cities can take it to the district court involved in this legislation, and they have a right of review. All I have tried to do is be somewhat flexible, I believe, in some kind of review. I would certainly say to the gentleman from Florida (Mr. BAFALIS) that this hopefully is more acceptable to everybody involved, from what I have been told. Certainly, if it has not been acceptable, I certainly would have backed the gentleman's amendment because we do need this flexibility.

Mr. BAFALIS. Mr. Chairman, will the gentleman yield?

Mr. J. WILLIAM STANTON. I yield to the gentleman from Florida.

Mr. BAFALIS. I have several questions regarding the substitute. No. 1, how does the gentleman in this amendment cover the problem of communities that have already had flood levels set that they do not think are realistic? They do not have a right under this substitute. They do under the original amendment.

Mr. J. WILLIAM STANTON. I would say, first of all, that the amendment that the gentlewoman from New Orleans is going to offer that where new scientific data can be submitted where a judgment is already issued, HUD is required to reopen and reconsider that case. I would say that the gentleman has a point, and if the gentlewoman from New Orleans is going to offer her amendment, that would solve this particular problem.

Mr. BAFALIS. Will the gentleman yield further?

Mr. J. WILLIAM STANTON. I yield to the gentleman from Florida.

Mr. BAFALIS. There are two other sections that concern me. One allows the Secretary to take any other means as he deems appropriate. He does not have to go to the National Academy of Sciences. He can but it is not necessary. He can do whatever he wishes to do.

Then it says "until the conflict in data is resolved to the satisfaction of the Secretary," not to the satisfaction of both the community and the Secretary, but only to the Secretary.

So really what this substitute does is gut the original amendment because it puts the bill back in the posture it was in without the original amendment. It still leaves to the Secretary the full determination as to the flood levels.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(By unanimous consent, Mr. J. WILLIAM STANTON was allowed to proceed for 1 additional minute.)

Mr. J. WILLIAM STANTON. In answer to the gentleman all I can say is what I said before. I am in complete sympathy with the gentleman but I understand the administration's point of view is that they are locked in and have thousands of applications coming in. It might be a real monstrosity.

Mr. BAFALIS. If the gentleman will yield, I would think giving the communities the right to be heard would be much less expensive than having the local communities going to the courts. I think if judicial review is the only remedy, most communities would ask for judicial review.

Mr. J. WILLIAM STANTON. Under my amendment I think in certain cases it would be wise and maybe in most communities in Florida it would be best for them to hold public hearings but this binds them into holding public hearings. All I want is the flexibility. I hope I am right in that regard.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. J. WILLIAM STANTON. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. I think it makes it more acceptable to our side and we can agree and certainly we can move on with this amendment.

Mr. SIKES. Mr. Chairman, will the gentleman yield?

Mr. J. WILLIAM STANTON. I yield to the gentleman from Florida.

Mr. SIKES. Of course all of us are trying to establish the right of the community to be heard and then to develop a simple procedure for correcting an inequity if it is so that an inequity exists. I think the amendment offered by the gentleman from Florida provides a more simple and direct way of accomplishing this and it is a much more desirable substitute.

Mr. J. WILLIAM STANTON. I would like to ask the gentleman from Florida a question. The Administrator of this program has strong objections to the Bafalis amendment, according to my staff. I have been told this is not necessarily the case now and I do not know how we will solve that at this particular time but certainly we will in conference. I agree in principle with the Bafalis amendment.

Mrs. HOLT. Mr. Chairman, I rise to express my support for H.R. 8449, the Flood Disaster Protection Act of 1973. This bill is designed to meet the pressing need for a comprehensive insurance program for flood prone areas.

It will expand the national flood insurance program by increasing the limits of coverage and the total amount of insurance authorized. The devastation which occurred during the Hurricane Agnes dramatically brought home the need for an improved and revised national flood insurance program. I am sure that many of us still retain vivid mental pictures of the destruction wrought by that storm; vivid memories of huge losses in housing, personal belongings, business properties, and farmland.

This bill will not provide a panacea for the problems associated with flooding, but it is a step in the right direction. It strikes a fair balance between Government assistance and individual self-reliance, and I am pleased to have the opportunity to lend my support to its passage.

My colleague from New York (Mr. GILMAN) has identified one deficiency in this act, the failure to provide coverage for field crops. I fully concur with his remarks concerning the necessity for this body to consider additional legislation to protect the farmer's inventory.

In addition to crops produced on land, there is also a demonstrated need to provide catastrophic assistance to our shellfish industry. One of the effects of Agnes in my home State of Maryland was the deposition of huge amounts of contaminated silt and sediment in the Chesapeake Bay. The end result was contaminated shellfish products which were unfit for human consumption. The economic impact on those men who earn their living from the Bay was staggering.

Mr. Chairman, after passage of this bill today, I hope that this Congress will turn its attention to the formulation of a realistic and effective disaster protection program for those individuals who harvest food resources of both the land and the sea.

Mr. PATMAN. Mr. Chairman, since the minority has no further requests for time, and we have no further requests for time, I would ask that the Clerk read the bill.

The CHAIRMAN. If there are no further requests for time, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Flood Disaster Protection Act of 1973".

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. (a) The Congress finds that (1) annual losses throughout the Nation from floods and mudslides are increasing at an alarming rate, largely as a result of the accelerating development of, and concentration of population in, areas of flood and mudslide hazards; (2) the availability of Federal loans, grants, guaranties, insurance, and other forms of financial assistance are often determining factors in the utilization of lands and the location and construction of public and of private industrial, commercial, and residential facilities; (3) property acquired or constructed with grants or other Federal assistance may be exposed to risk of loss through floods, thus frustrating the purpose for which such assistance was extended; (4) Federal instrumentalities insure or otherwise provide financial protection to banking and credit institutions whose assets include a substantial number of mortgage loans and other indebtedness secured by property exposed to loss and damage from floods and mudslides; (5) the Nation cannot afford the tragic losses of life caused annually by flood occurrences, nor the increasing losses of property suffered by flood victims, most of whom are still inadequately compensated despite the provision of costly disaster relief benefits; (6) it is in the public interest for persons already living in flood-prone areas to have both an opportunity to purchase flood insurance and access to more adequate limits of coverage, so that they will be indemnified for their losses in the event of future flood disasters; and (7) it is in the national interest to preserve, protect, develop, and (where possible) restore the flood capacity and resources of the Nation's flood plain areas and to maintain the natural environment of such areas.

(b) The purpose of this Act, therefore, is to (1) substantially increase the limits of coverage authorized under the national flood insurance program; (2) provide for the expeditious identification of, and the dissemination of information concerning, flood-prone areas; (3) require States or local communities, as a condition of future Federal financial assistance, to participate in the flood insurance program and to adopt adequate flood plain ordinances with effective enforcement provisions consistent with Federal standards to reduce or avoid future flood losses; (4) require the purchase of flood insurance by property owners who are being assisted by Federal programs or by federally supervised, regulated, or insured agencies in the acquisition or improvement of land or facilities located or to be located in identified areas having special flood hazards; and (5) provide for and encourage the establishment of conservation areas, and encourage the formulation of flood plain ordinances which to the fullest practicable extent give priority consideration to the natural flood capacity, soil conservation, and ground water replenishment functions of flood plains and to their natural scenic, inspirational, esthetic, and recreational values, their natural commercial fish and wildlife and timber values, and their historic, archeologic, ecologic, and other scientific values.

DEFINITIONS

SEC. 3. (a) As used in this Act, unless the context otherwise requires, the term—

(1) "Act" means the National Flood Insurance Act of 1968 (42 U.S.C. 4001–4127);

(2) "community" means a State or a political subdivision thereof which has zoning and building code jurisdiction over a particular area having special flood hazards;

(3) "Federal agency" means any department, agency, corporation, or other entity or instrumentality of the executive branch of the Federal Government, and shall include the following federally sponsored agencies: Federal National Mortgage Association and Federal Home Loan Mortgage Corporation;

(4) "financial assistance" means any form of loan, grant, guaranty, insurance, payment, rebate, subsidy, disaster assistance or grant, or any other form of direct or indirect Federal financial assistance, other than general or special revenue-sharing or formula grants made to States;

(5) "financial assistance for acquisition or construction purposes" means any form of financial assistance which is intended in whole or in part for the acquisition, construction, reconstruction, repair, or improvement of any publicly or privately owned building or mobile home, and for any machinery, equipment, fixtures, and furnishings contained or to be contained therein, and shall include the purchase or subsidization of mortgages or mortgage loans but shall exclude assistance for emergency work essential for the protection and preservation of life and property performed pursuant to the Disaster Relief Act of 1970;

(6) "Federal instrumentality responsible for the supervision, approval, regulation, or insuring of banks, savings and loan associations, or similar institutions" means the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Comptroller of the Currency, the Federal Home Loan Bank Board, the Federal Savings and Loan Insurance Corporation, and the National Credit Union Administration;

(7) "Secretary" means the Secretary of Housing and Urban Development; and

(8) "conservation area" means a portion of a flood plain which (A) can be efficiently utilized for floodwater flowage, detention, and storage, conservation of soil and water, scenic, greenspace, and recreational purposes, wildlife and timber production, nursery, rearing, and food supply of fishes, or scientific and educational purposes, and (B) has been designated by the appropriate State or local public body as an area to be so utilized without encroachment by flood-damageable developments.

(b) The Secretary is authorized to define or redefine by rules and regulations, any scientific or technical term used in this Act, insofar as such definition is not inconsistent with the purposes of this Act.

TITLE I—EXPANSION OF NATIONAL FLOOD INSURANCE PROGRAM

INCREASED LIMITS OF COVERAGE

SEC. 101. (a) Section 1306(b)(1)(A) of the National Flood Insurance Act of 1968 is amended to read as follows:

"(A) in the case of residential properties—

"(i) $35,000 aggregate liability for any single-family dwelling, and $100,000 for any residential structure containing more than one dwelling unit, and

"(ii) $10,000 aggregate liability per dwelling unit for any contents related to such unit;".

(b) Section 1306(b)(1)(B) of such Act is amended by striking out "$30,000" and "$5,000" wherever they appear and inserting in lieu thereof "$100,000".

(c) Section 1306(b)(1)(C) of such Act is amended to read as follows:

"(C) in the case of church properties and any other properties which may become eligible for flood insurance under section 1305—

"(i) $100,000 aggregate liability for any single structure, and

"(ii) $100,000 aggregate liability per unit for any contents related to such unit; and".

REQUIREMENT TO PURCHASE FLOOD INSURANCE

SEC. 102. (a) No Federal officer or agency shall approve any financial assistance for acquisition or construction purposes on and after July 11, 1973, for use in any area that has been identified by the Secretary as an area having special flood hazards and in which the sale of flood insurance has been made available under the Act, unless the building or mobile home and any personal property to which such financial assistance relates is, during the anticipated economic or useful life of the project, covered by flood insurance in an amount at least equal to its development or project cost (less estimated land cost) or to the maximum limit of coverage made available with respect to the particular type of property under the Act, whichever is less: *Provided*, That if the financial assistance provided is in the form of a loan or an insurance or guaranty of a loan, the amount of flood insurance required need not exceed the outstanding principal balance of the loan and need not be required beyond the term of the loan.

(b) Each Federal instrumentality responsible for the supervision, approval, regulation, or insuring of banks, savings and loan associations, or similar institutions shall by regulation direct such institutions on and after July 1, 1973, not to make, increase, extend, or renew any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Secretary as an area having special flood hazards and in which flood insurance has been made available under the Act, unless the building or mobile home and any personal property securing such loan is covered for the term of the loan by flood insurance in an amount at least equal to the outstanding principal balance of the loan or to the maximum limit of coverage made available with respect to the particular type of property under the Act, whichever is less.

FINANCING

SEC. 103. Subsection (a) of section 1309 of the National Flood Insurance Act of 1968 is amended by—

(a) inserting "without the approval of the President" after the words "such authority", and

(b) inserting a period in lieu of the comma after the figure "$250,000,000" and striking out all of the words that follow.

INCREASED LIMITATION OF COVERAGE OUTSTANDING

SEC. 104. Section 1319 of the National Flood Insurance Act of 1968 is amended by striking out "$6,000,000,000" and inserting in lieu thereof "$10,000,000,000".

FLOOD INSURANCE PREMIUM EQUALIZATION PAYMENTS

SEC. 105. Section 1334 of the National Flood Insurance Act of 1968 is amended by deleting subsection (b) and by redesignating subsection "(c)" as subsection "(b)".

DEFINITION OF FLOOD

SEC. 106. Section 1370(b) of the National Flood Insurance Act of 1968 is amended by inserting "proximately" before "caused".

TITLE II—DISASTER MITIGATION REQUIREMENTS

NOTIFICATION TO FLOOD-PRONE AREAS

SEC. 201. (a) Not later than six months following the enactment of this title, the Secretary shall publish information in accordance with subsection 1360(1) of the Act, and shall notify the chief executive officer of each known flood-prone community not already participating in the national flood insurance program of its tentative identification as a community containing one or more areas having special flood hazards.

(b) After such modification each tentatively identified community shall either (1) promptly make proper application to participate in the national flood insurance program or (2) within six months submit technical data sufficient to establish to the satisfaction of the Secretary that the community either is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The Secretary may, in his discretion, grant a public hearing to any community with respect to which conflicting data exist as to the nature and extent of a flood hazard. If the Secretary decides not to hold a hearing, the community shall be given an opportunity to submit written and documentary evidence. Whether or not such hearing is granted, the Secretary's final determination as to the existence or extent of a flood hazard area in a particular community shall be deemed conclusive for the purposes of this Act if supported by substantial evidence in the record considered as a whole.

(c) As information becomes available to the Secretary concerning the existence of flood hazards in communities not known to be flood prone at the time of the initial notification provided for by subsection (a) of this section he shall provide similar notifications to the chief executive officers of such additional communities, which shall then be subject to the requirements of subsection (b) of this section.

(d) Formally identified flood-prone communities that do not qualify for the national flood insurance program within one year after such notification or by the date specified in section 202, whichever is later, shall thereafter be subject to the provisions of that section relating to flood-prone communities which are not participating in the program.

EFFECT OF NONPARTICIPATION IN FLOOD INSURANCE PROGRAM

SEC. 202. (a) No Federal officer or agency shall approve any financial assistance for acquisition or construction purposes on and after July 1, 1975, for use in any area that has been identified by the Secretary as an area having special flood hazards unless the community in which such area is situated is then participating in the national flood insurance program.

(b) Each Federal instrumentality responsible for the supervision, approval, regulation, or insuring of banks, savings and loan associations, or similar institutions shall by regulation prohibit such institutions on and after July 1, 1975, from making, increasing, extending, or renewing any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Secretary as an area having special flood hazards, unless the community in which such area is situated is then participating in the national flood insurance program.

REPEAL OF DISASTER ASSISTANCE PENALTY

SEC. 203. Section 1314 of the National Flood Insurance Act of 1968 is repealed.

ACCELERATED IDENTIFICATION OF FLOOD-RISK ZONES

SEC. 204. (a) Section 1360 of the National Flood Insurance Act of 1968 is amended by inserting the designation "(a)" after "SEC. 1360." and adding new subsections "(b)" and "(c)" at the end thereof to read as follows:

"(b) The Secretary is directed to accelerate the identification of risk zones within flood-prone and mudslide-prone areas, as provided by subsection (a)(2) of this section, in order to make known the degree of hazard within each such zone at the earliest possible date. To accomplish this objective, the Secretary is authorized, without regard to sections 3648 and 3709 of the Revised Statutes, as amended (31 U.S.C. 529 and 41 U.S.C. 5), to make grants, provide technical assistance, and enter into contracts, cooperative agreements, or other transactions, on such terms as he may deem appropriate, or consent to modifications thereof, and to make advance or progress payments in connection therewith.

"(c) The Secretary of Defense (through the Army Corps of Engineers), the Secretary of the Interior (through the United States Geological Survey), the Secretary of Agriculture (through the Soil Conservation Service), the Secretary of Commerce (through the National Oceanic and Atmospheric Administration), the head of the Tennessee Valley Authority, and the heads of all other Federal agencies engaged in the identification or delineation of flood-risk zones within the several States, shall, in consultation with the Secretary, give the highest practicable priority in the allocation of available manpower and other available resources to the identification and mapping of flood-hazard areas and flood-risk zones, in order to assist the Secretary to meet the deadline established by this section."

PRIORITY FOR ESTABLISHMENT OF CONSERVATION AREAS

SEC. 205. Section 1315 of the National Flood Insurance Act of 1968 is amended by adding at the end thereof the following new sentence: "In the formulation and adoption of such measures, priority consideration shall be given to the establishment and maintenance of conservation areas (as defined in section 3(a)(8) of the Flood Disaster Protection Act of 1973)."

AUTHORITY TO ISSUE REGULATIONS

SEC. 206. (a) The Secretary is authorized to issue such regulations as may be necessary to carry out the purpose of this Act.

(b) The head of each Federal agency that administers a program of financial assistance relating to the acquisition, construction, reconstruction, repair, or improvement of publicly or privately owned land or facilities, and each Federal instrumentality responsible for the supervision, approval, regulation, or insuring of banks, savings and loan associations, or similar institutions, shall, in cooperation with the Secretary, issue appropriate rules and regulations to govern the carrying out of the agency's responsibilities under this Act.

CONSULTATION WITH LOCAL OFFICIALS

SEC. 207. In carrying out his responsibilities under the provisions of this title and the National Flood Insurance Act of 1968 which relate to notification to and identification of flood-prone areas and the application of criteria for land management and use, the Secretary shall establish procedures assuring adequate consultation with the appropriate elected officials of general purpose local governments, including but not limited to those local governments whose prior eligibility under the program has been suspended.

SPECIAL STUDY

SEC. 208. The Secretary of Housing and Urban Development shall undertake a study and make recommendations to the Congress not later than one year after the date of the enactment of this Act with respect to economical and cost-effective methods of coordinating the improvement of land or facilities located or to be located in identified areas having special flood hazards with existing public facilities and improvements in such area.

TITLE III—APPEALS

SEC. 301. The National Flood Insurance Act of 1968 is amended by adding at the end thereof the following:

"Chapter V—APPEALS

"SEC. 1380. The governing body of any community aggrieved by any final determination of the Secretary made by virtue of authority invested in him by this Act, or by the Flood Disaster Protection Act of 1973, may appeal such determination to the United States district court for the district within which the community is located not more than sixty days after receipt of notice of such determination by the governing body."

Mr. PATMAN (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the bill be dispensed with, that it be printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

AMENDMENT OFFERED BY MR. GONZALEZ

Mr. GONZALEZ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GONZALEZ: On page 8, line 21, add a new section to read as follows:

"(c) Notwithstanding the other provisions of this section, flood insurance shall not be required on any State-owned property that is covered under an adequate State policy of self-insurance satisfactory to the Secretary. The Secretary shall publish and periodically revise the list of States to which this subsection applies."

Mr. GONZALEZ. Mr. Chairman, I rise to offer an amendment that I am confident will receive the approval of all Members.

As a member of the subcommittee wherein the bill originated and as a strong supporter of this legislation, my attention was called to the need for this amendment by the Governor of Texas and his staff.

This is in reality a pro forma clause that should have been contained in the original draft of the bill.

It simply exempts those States with an adequate self-insurance program from unnecessary and costly federally mandated program.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Texas.

Mr. PATMAN. Mr. Chairman, we have examined the gentleman's amendment. We know about it, and I believe the other side does. If the other side is willing to agree to it, we would agree.

Mr. GONZALEZ. I thank the distinguished Chairman. I believe that neither side represented on the committee will have any objection.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. Mr. Chairman, we have made a fair observation of the gentleman's amendment, and we are satisfied with it. We will accept it if the minority side will do so.

Mr. WIDNALL. Mr. Chairman, the minority has no objection.

Mr. BARRETT. Mr. Chairman, I ask for a vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. GONZALEZ).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. YATES

Mr. YATES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. YATES: Page 9, after line 17, add the following new section:

EXTENSION OF FLOOD INSURANCE PROGRAM TO COVER LOSSES FROM EROSION AND UNDERMINING OF SHORELINES

SEC. 107. (a) Section 1302 of the National Flood Insurance Act of 1968 is amended by adding at the end thereof the following new subsection:

"(g) The Congress also finds that (1) the damage and loss which may result from the erosion and undermining of shorelines by waves or currents in lakes and other bodies of water exceeding anticipated cyclical levels is related in cause and similar in effect to that which results directly from storms, deluges, overflowing waters, and from other forms of flooding, and (2) the problems involved in providing protection against this damage and loss, and the possibilities for making such protection available through a Federal or federally sponsored program, are similar to those which exist in connection with efforts to provide protection against damage and loss caused by such other forms of flooding. It is therefore the further purpose of this title to make available, by means of the methods, procedures, and instrumentalities which are otherwise established or available under this title for purposes of the flood insurance program, protection against damage and loss resulting from the erosion and undermining of shorelines by waves or currents in lakes and other bodies of water exceeding anticipated cyclical levels.

(b) Section 1370 of such Act is amended by adding at the end thereof the following new subsection:

"(c) The term 'flood' shall also include the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion of undermining caused by waves or currents of water exceeding anticipated cyclical levels, and all of the provisions of this title shall apply with respect to such collapse or subsidence in the same manner and to the same extent as with respect to floods described in paragraph (1), subject to and in accordance with such regulations, modifying the provisions of this title (including the provisions relating to land management and use) to the extent necessary to insure that they can be effectively so applied, as the Secretary may prescribe to achieve (with respect to such collapse or subsidence) the purposes of this title and the objectives of the program."

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. YATES. Mr. Chairman, the amendment I am offering today would extend the flood insurance program to cover losses which result from unusual erosion and the undermining of our shorelines. This amendment is urgently needed to protect coastal communities across the Nation from the tragic property damage that has been caused by the erosion of our shores.

Mr. Chairman, there is presently no Federal program that provides assistance to private property owners who suffer losses from the gradual erosion of our shorelines. While there are programs designed to provide relief for erosion damage that results from a specific flood or storm, there are no means available for property owners to protect themselves from the erosion which results from unexpected cyclical rise in water levels.

Yet erosion can cause as much—or more—damage as a serious flash flood or storm and the extent of the erosion problem is enormous. The Army Corps of Engineers' national shoreline study reports that 20,500 miles of shoreline suffers from significant erosion damage. And about two-thirds of this shoreline damage has accrued on property that is privately owned and not eligible for Federal assistance under the present law.

Moreover, Mr. Chairman, this problem is one that affects the entire Nation. The national shoreline study states that:

> About 42% of the 37,000 miles of shoreline outside of Alaska is undergoing significant erosion. . . . The erosion is widely distributed, without respect for political boundaries or property lines. Private and public owners suffer alike. Shore protection programs are not keeping pace with needs and this is particularly evident where private owners are involved and public funds are not available.

Damage from erosion has amounted to hundreds of millions of dollars. The problem greatly exceeds the ability of many small property owners to pay out of their pockets for the massive damage that has occurred. In many cases, property in which an entire life savings has been invested has been washed away.

Mr. Chairman, the shores of the Great Lakes alone have suffered enormous damage due to unprecedented high water levels. Communities and property owners up and down the coastline are experiencing severe flooding and erosion problems. According to the national shoreline study, of the 3,700 miles of Great Lakes shoreline, 1,300 miles are subject to significant erosion. This includes 1,100 miles of privately owned land which is not covered by any existing Federal program.

In the city of Chicago, erosion damage due to the current high lake levels has caused extensive damage to homes, apartment buildings, and condominiums along the lakefront. Many property owners living in a condominium or cooperative on a fixed or limited income are now finding that their life's investment is in jeopardy and there is no protection available. Midwest magazine has estimated that in Chicago by early spring, $10 million of property damage will have resulted from this winter's extraordinary high lake levels and strong winds. The situation clearly requires immediate action.

Mr. Chairman, I firmly believe that the national flood insurance program is a most appropriate vehicle to protect property owners against losses due to erosion. My amendment would simply provide that property damage due to flooding which has been caused by unusual erosion become eligible for insurance protection under this act. This amendment is perfectly consistent with the purposes of the flood insurance program. In fact it would seem extremely inconsistent to specifically exclude damage due to erosion from this insurance coverage. The problems which result from flooding due to a flash flood and from the gradual erosion of our shorelines are, after all, virtually indistinguishable.

Mr. Chairman, the enormous damage which has resulted from the erosion of our Nation's shorelines has been thoroughly documented. The substantial losses which have occurred from the destruction of property cannot be sustained by property owners without Federal assistance. This amendment would provide urgently needed insurance coverage against erosion damage and would be a minimal expansion of the program which presently provides coverage for similar damage. I strongly urge support for my amendment.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Pennsylvania (Mr. BARRETT).

Mr. BARRETT. Mr. Chairman, we have no objection to the amendment. We have gone through the amendment carefully and if it is agreeable to the minority side we would accept it.

Mr. WIDNALL. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from New Jersey.

Mr. WIDNALL. Mr. Chairman, the minority has no objection to the amendment.

Mr. YOUNG of Illinois. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Illinois (Mr. YOUNG).

Mr. YOUNG of Illinois. Mr. Chairman, would the wording the gentleman has added to this legislation, particularly the words "exceeding anticipated cyclical levels", will that standard be sufficient so that damages which have been caused by the current levels of Lake Michigan be a flood type of situation where loans could be extended under damage caused by that type of flooding?

Mr. YATES. It is my intention and the intention of this amendment to take care of such situations because the levels of Lake Michigan and the other Great Lakes are much higher than the expected cycles the Army Corps of Engineers had anticipated. The cycles of the levels of the lakes vary from year to year. At the present time they are the highest in the history of the country and have resulted in tremendous damage to the owners of apartments and condominiums and homes in my district along the shore of Lake Michigan. I am told the same situation prevails with respect to homeowners who have their homes on the shores of the other lakes. It would be the intention to take care of the situation the gentleman just described.

Mr. YOUNG of Illinois. I commend my colleague, the gentleman from Illinois (Mr. YATES), for introducing this amendment. I join him in support of it and I urge my colleagues to support it.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from California.

Mr. HOSMER. Mr. Chairman, does this apply to inland lakes only or also to ocean shores?

Mr. YATES. It could if the Army Corps of Engineers has records of the levels of coastlines. I suppose this would apply to that as well.

Mr. HOSMER. Will the gentleman yield again?

Mr. YATES. I yield to the gentleman from California (Mr. HOSMER).

Mr. HOSMER. Is this not a different kind of risk than the risk of a flood we would normally conceive of? I am not sure that we have not gotten apples and oranges we are trying to mix into one insurance pool that are not necessarily compatible.

Mr. YATES. I will tell the gentleman this takes care of an unusual situation such as a flood. With respect to ordinary situations where lake levels are at the levels—and I assume that is the point the gentleman has in mind—which are in accordance with the normal cycles of such waters, there would not be any damage that would occur.

Mr. HOSMER. This is the water damage, yes, but water damage that is in the bill now has to do with that which comes from the overflowing of the rivers. The water damage the gentleman is now speaking about is that which comes from the rise of levels of larger bodies of water and erosion that comes from that and these would be distinctly different processes.

Mr. YATES. No, it is an unusual kind of process, not the ordinary kind, and it causes just as much damage as the kinds of floods covered by the bill.

Mr. HOSMER. But the important thing from the insurance point is not the resulting damage but what causes the damage. That determines the insurability and the rates of insurance. These instances are two entirely different things.

Mr. YATES. The fact remains that the damage is caused by an unusual amount of water.

Mr. HOSMER. But the rate ought to be different in one case than in the other. The gentleman's amendment would cause the rates to be the same under subsidized insurance.

Mr. YATES. I assume the insurance corporation will take that into consideration.

Mr. J. WILLIAM STANTON. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Ohio.

Mr. J. WILLIAM STANTON. Mr. Chairman, I thank the gentleman for yielding. The gentleman did discuss this with me before. I think we should point out to the other Members that first of all these communities must qualify under basic flood insurance regulations before they are eligible for this.

We do have that general overall further protection?

Mr. YATES. Further protection.

Mr. J. WILLIAM STANTON. Protective measure.

Mr. YATES. That is correct.

Mr. BURLISON of Missouri. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Missouri (Mr. BURLISON).

Mr. BURLISON of Missouri. Mr. Chairman, I think in his colloquy with the gentleman from California the gentleman from Illinois has covered the erosion situation that evolves from an overflow of the lakes; flooding, so to speak, of the lakes and also of the ocean shores.

I think certainly the gentleman includes, or intends to include with his language, erosion and damage which may occur from the overflow of rivers as well. Isn't that obvious?

Mr. YATES. Mr. Chairman, I would anticipate that it would be covered if it were an unusual kind of erosion and not the kind that is gradual and takes place over the course of years.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(At the request of Mr. BURLISON of Missouri and by unanimous consent, Mr. YATES was allowed to proceed for 1 additional minute.)

Mr. YATES. Mr. Chairman, my amendment proposes to cover an unusual and unexpected kind of erosion, not the gradual type which occurs over many, many years.

Mr. BURLISON of Missouri. Mr. Chairman, I believe the language says "lakes and other bodies of water."

Mr. YATES. Correct.

Mr. BURLISON of Missouri. So it would include inland rivers and drainage ditches.

Mr. YATES. The gentleman is correct.

Mr. BURLISON of Missouri. Mr. Chairman, I thank the gentleman from Illinois for yielding.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. YATES).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ARCHER

Mr. ARCHER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ARCHER: Page 15, line 16, add the following new sections to chapter V:

SEC. 1381. Any person, the owner or lessee of real property which has declined in value or been adversely affected as the direct result of any final determination of the Secretary made by virtue of authority invested in him by this Act, or by the Flood Disaster Protection Act of 1973, may appeal such determination to the United States District Court for the district within which said property is located not more than sixty days after receipt of notice of such determination by the governing body of the community in which said property is located.

SEC. 1382. Appeals made under the authority of this chapter shall be treated as trials *de novo* for the purpose of making determinations of fact with regard to the existence of flood-prone areas within a given community and with regard to the specific boundaries of such flood-prone areas.

Mr. ARCHER. Mr. Chairman, I offer this amendment because I am concerned about the individual property owner whose property may lie within a flood plain as defined and delineated by the Secretary under authority granted him in this bill.

As this program is implemented throughout the country in each of our districts, there is going to be a great deal of conflict as to where the lines of the flood plain are, and there is going to be contradictory testimony and contradictory facts from different engineering firms and from the Corps of Engineers.

If an individual's property lies within the flood plain, it will be severely affected as to value because there will be limitations as to what can be built on it and how the structures can be built. I think that because this, in effect, is a taking comparable to a condemnation proceeding by act of the Secretary, that the individual should have the right to have his day in court if he disagrees with a decision by the Secretary.

My amendment simply gives him this right.

Mr. Chairman, I ask its adoption.

Mr. BARRETT. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I hate to do this to one of our very fine former members of our committee. This amendment, I am quite sure, if we were to adopt it, would cause a multiplicity of court suits and litigation. I do not think this is what the gentleman hopes to accomplish.

It would forestall the flood insurance program, due to the backlog of cases in the various courts.

I am opposed to the amendment.

Mr. ARCHER. Mr. Chairman, will the gentleman yield?

Mr. BARRETT. I am glad to yield to the gentleman from Texas.

Mr. ARCHER. I have great respect for my colleague from Pennsylvania. I ask him if he does not believe that every individual who has the value of property taken away from him by Government action should be entitled to have his day in court, and whether an individual under this bill does have an opportunity, as it is presently written, to have his day in court.

Mr. BARRETT. The bill indicates any aggrieved person will have the right to sue.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. BARRETT. I will be glad to yield after I make this one statement as to the appeal. The bill reads "the governing body of any community aggrieved by any final determination made by the Secretary by virtue of the authority invested in him by this Act, or by the Flood Disaster Protection Act of 1973, may appeal such determination to the United States District Court for the district within which the community is located."

Mr. ARCHER. That is my whole point. The right of appeal is given to the community, but the individual property owner has absolutely no legal right to a day in court under this legislation.

Mr. BARRETT. I should like to say to the gentleman that this would involve a multiplicity of litigation. The other way, according to the description in the bill, would cause less litigation. They would have a right to appeal to the district court.

Mr. ARCHER. If the gentleman will yield further, the condemnation type proceedings often have many suits involved, but the individual rights of a property owner at least are protected to where he has his day in court. I believe he should have that under this bill also.

Mr. BARRETT. The local governing body would take care of that.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. BARRETT. I yield to the gentleman from California.

Mr. ROUSSELOT. I appreciate the gentleman from Pennsylvania yielding. I know how anxious he is for this bill to pass. I cannot understand why the gentleman, whom I know is in favor of every single individual having his day in court, would object to this fine amendment offered by the gentleman from Texas, who is merely trying to protect the right of an individual to be able to go to court. I really do not understand the gentleman's reasoning as to why this amendment should be opposed, knowing how thoroughly he believes in the right of everybody to have a day in court.

Mr. BARRETT. If the gentleman were using a proper procedure in this case he would go to the local governing body, and they would go to court. The gentleman's amendment indicates there would be a multiplicity of cases.

Mr. ROUSSELOT. If what the gentleman said was correct I would agree, but that is not the case. That is what the good gentleman from Texas is trying to do. He is a good attorney, and he is trying to make sure that the right of an individual to go to court is preserved, for the little homeowner. That is why I cannot understand why the gentleman from Pennsylvania does not with open arms accept this fine amendment.

Mr. BARRETT. The gentleman from Pennsylvania has long arms, and up to this point they have been pretty sturdy, but I do not want to distort the harmony in this bill and the flood control program by putting in multiple litigations which would tie up the flood insurance program.

Mr. ROUSSELOT. This will not tie up the bill.

Mr. BARRETT. It would tie up the program for a number of years.

Mr. ROUSSELOT. This will not tie up the program. This will merely protect the right of an individual.

I rise in support of the amendment, and I believe it should be supported by all those who believe in the civil right of every individual to go to court.

Mr. BARRETT. Mr. Chairman, I do not yield further, and I hope the amendment will be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. ARCHER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BAFALIS

Mr. BAFALIS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BAFALIS: Page 11, after line 10, insert the following new subsection:

(e) If any community objects on scientific grounds to the Secretary's determination of the flood level for land use purposes of such determination for such community or within 60 days of the enactment date of this legislation, the Secretary, in cooperation with the local community, shall conduct public hearings within a reasonable time in such community, giving reasonable notice and opportunity for hearings and taking a record of all oral and written evidence submitted at such hearing. The Secretary shall then refer such record to the National Academy of Science for that body's review. The Academy shall study this record and issue a report either 1) sustaining the Secretary's initial determination or 2) advising the Secretary to commission a new study based on the information presented by the community. This shall be done under an arrangement under which the actual expenses incurred by such Academy in conducting such review will be paid by the Secretary. Upon receipt by the Secretary of the report of the Academy, the Secretary shall make any new determination of such flood level as required based on the report of the Academy. Until the Secretary has made such determinations as necessary, the provisions of section 202 of this Act shall not apply with respect to the community.

Mr. BAFALIS. Mr. Chairman, as I mentioned earlier, my main concern with this legislation is that local communities do not have a chance to participate.

The gentleman from Georgia (Mr. GINN) and I have offered this amendment, and I must tell the Members that this is a bipartisan effort. A letter explaining this amendment went out this morning, but I am afraid many of the Members have not received it yet.

The bill that was passed in 1968 was not a mandatory piece of legislation, and only some 250,000 homeowners have come under that bill during the last 4 or 5 years.

Mr. Chairman, the problem with this particular legislation that we are now considering is that it is mandatory. After July 1, 1975, every person who wants to build in a flood-prone area is going to have to buy flood insurance, and that community is going to have to comply with the levels, not set by an elected public official, but set by the Secretary of HUD, who is an appointed official.

Now, for those of us who believe the best government is that government which is closest to the people, in essence, local government, must support this amendment, because it gives the local government, our local officials in each and every community, the right to participate in determining reasonable flood levels, and it takes away from the Secretary the arbitrary position which he can take in setting levels that are ludicrous in some cases.

Let me give the Members some examples. I have some counties in my district that never during the last 125 years had a flood level anywhere near the level that has been set by HUD in those communities. Under the present legislation, houses that have been built in those communities where a level has already been set are not going to be allowed to get flood insurance because the owners did not realize at the time they built those houses that the community had refused to accept the levels set by HUD.

Mr. Chairman, all we are saying in this amendment is that if a community, based on scientific data, within 60 days after the Secretary's determination appeals that determination, the Secretary must hold a public hearing. The data from that public hearing is submitted to the National Academy of Sciences. The National Academy reviews that material and makes a determination either that the Secretary's original level is correct or that the Secretary must go back and reexamine the facts. It gives our local people, our local governments, the chance to participate in determining those levels that are being set. It does prohibit Washington from telling us "This is the level you must live with."

Mr. Chairman, I believe it is a very reasonable amendment, and I hope the Chairman will accept the amendment.

Mr. SIKES. Mr. Chairman, will the gentleman yield?

Mr. BAFALIS. I yield to the gentleman from Florida.

Mr. SIKES. Mr. Chairman, I wish to endorse the statement made by my distinguished colleague from Florida.

The amendment very simply assures that each community will have the right to have a hearing.

Mr. BAFALIS. That is correct.

Mr. SIKES. In addition, it establishes the right of appeal after the hearing, and it outlines the procedure by which a community may appeal the decision; is that correct?

Mr. BAFALIS. That is absolutely correct.

Mr. SIKES. Surely every community has that right. I would hope that the distinguished gentleman from Pennsylvania, who is managing the bill, would see fit to accept the amendment.

I have, as he knows, the very highest respect and greatest regard for him. I feel sure he and the committee will want a procedure by which the respective communities can have a voice in a matter of such great importance to each of them. Without the amendment offered by the gentleman from Florida it is obvious the community has little voice in what HUD decides is the proper level.

Mr. BAFALIS. If I may respond to that, under the present bill, the community does have the right to tell the Secretary of HUD that they think the level is too high but the Secretary does not have to listen to the community under this legislation.

Mr. SIKES. And under the gentleman's amendment there would be a hearing by which corrective measures can be taken.

Mr. BAFALIS. Yes, sir. The procedures are spelled out very specifically in this amendment.

Mr. BARRETT. Will the gentleman yield to me?

Mr. BAFALIS. I yield to the distinguished chairman of the subcommittee.

Mr. BARRETT. We pointed out—and it is in the bill—that the community or any group which has a hearing and feels they are aggrieved by the Secretary, of course, has the right to appeal to the district court.

Mr. BAFALIS. Mr. Chairman, I must tell you it is a travesty, I believe, to tell the local officials the only recourse they have is to go to court. They should have recourse at the time these decisions are being made, and the bill only gives them recourse through the courts.

Mr. KAZEN. Will the gentleman yield?

Mr. BAFALIS. I yield to the gentleman.

Mr. KAZAN. What is the recommendation the gentleman proposes in his amendment? Is it an appeal to the Secretary himself?

Mr. BAFALIS. No. It is an appeal from the findings and the Secretary would have to hold a public hearing and all information at that hearing would go to the National Academy of Sciences for a determination. They would do one of two things: either sustain the level set by the Secretary or else tell the Secretary to completely investigate and review the original level that he had determined. All of that information can be made public and used at a later time, if necessary.

Mr. ROUSSELOT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Florida.

I had the opportunity to sit through much of the hearings on this legislation. I believe that the element that the gentleman from Florida has introduced by bringing in the National Academy of Sciences introduces a proper balance and is a prevention against the arbitrary use of power by the Secretary of HUD. I do not believe the present Secretary Mr. Lynn would do that, but I do believe it properly gives the local community the right to introduce additional information and data from other scientific bodies than just the Corps of Engineers. I think it is a proper protection given to a local body.

In the case of Los Angeles, for example, we have a flood control district. The Los Angeles Flood Control Administration is staffed with very substantial people who have been engaged for years in determining flood levels in a scientific manner. In many cases they might be in honest disagreement with a decision of the Corps of Engineers, when the corps is called upon by the Secretary to make a decision.

I think the National Academy of Sciences is a proper place to decide differences that might exist and yet still give us adequate protection to make sure that we do not get away from the effort to try to eliminate improper building in flood plains as we have in the past.

The gentleman from Florida, who I know worked very hard with many local agencies that are concerned about this problem, has done an excellent job in providing a thoughtful amendment to bring about a balance in this legislation.

I hope that all my colleagues will be inclined to support this thoughtful amendment.

Mr. GINN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the Flood Disaster Protection Act of 1973 is a good bill in many respects, but it also presents some problems that demand very serious consideration by this body.

I believe it is very important that we all understand two things about this bill.

First, this bill would make Federal flood insurance mandatory in thousands of communities throughout the Nation. Insurance would be mandatory in any area that HUD determines to be flood prone. HUD says that there is at least one flood-prone area in every congressional district in the Nation.

Second, this bill, for the first time in American history, gives HUD the power to set building codes for local communities. We are giving a Federal agency the unrestrained authority to tell thousands of local governments that they must in effect change their local building codes to suit the Department of Housing and Urban Development.

I, for one, am very much opposed to this concept. I do not believe enough research has been done in this area. Even HUD cannot to this day tell me how many flood-prone areas there are in the Nation. They only have estimates.

This amendment is, in my opinion, a very moderate effort to build some safeguards into this sweeping new program.

The heart of HUD's power in this bill is that the Secretary is given the authority to set ground levels for home and office construction. If you build below that level, you cannot get a mortgage loan.

This will be a huge program and there will be errors made by honest men in determining these flood levels. I have seen that happen in my own district in Chatham County, Ga. I can assure you that any errors in this level can be tremendously disruptive to community development.

Under this amendment, if a flood-prone community believes that the flood level set by HUD is not fair, then the community has 60 days in which to object to the ruling. If they file an objection, HUD must come down to the local area and hold public hearings. The local community has the opportunity to tell why they think HUD was wrong, and HUD has the opportunity to say why it thinks it is right.

When the hearings are over, HUD sends the hearing record to the National Academy of Sciences. The Academy studies any questions involving the scientific accuracy of the HUD flood level. The Academy has a great deal of expertise in this matter, and I am sure it will make a good and impartial review.

The National Academy then issues its opinions, and HUD is required to issue a new ruling on the flood level, taking into consideration any new information learned during the hearings or review.

That is all. HUD still controls its program. I suppose it could ignore the local community and ignore the National Academy. But it would do so with the knowledge that the local community could then go to court, and go to court armed with the ammunition to prove that it has been wronged.

Essentially, this whole procedure would simply insure that HUD would make no arbitrary and capricious judgments in setting flood levels.

In my own district, HUD set a flood level at one point of 6 feet above sea level. Then they raised it to more than 13 feet. Now we have heard unofficially that they are going to raise it again.

This causes me to believe that we must have safeguards. This is going to be a huge new Federal program. The Federal Insurance Administration has a very small staff. They will be overloaded and have to shoot from the hip many times. Many times they will make mistakes. I think it is essential that we build into this bill some kind of procedure so that the local communities can defend themselves from the mistakes of the bureaucracy.

Finally, let me simply ask you to remember that this is historic legislation. We are surrendering in this bill the right of many local communities to set their own building codes. If you believe that it is necessary that we do so, then so be it. But let me appeal to you to put some kind of safeguard in this legislation to give our local people a fighting chance to insure that the actions of the Federal Government will be fair and impartial.

Mr. BURLISON of Missouri. Mr. Chairman, I rise in support of the amendment of the gentleman from Florida (Mr. BAFALIS) and the gentleman from Georgia (Mr. GINN). The restrictions in the bill which permit the Secretary of HUD to terminate Federal programs within a community which does not qualify for flood insurance are too stringent for districts which have significant numbers of flood-prone communities. This amendment gives some relief in this regard, and, therefore, I intend to vote for it. The amendment permits the submission of evidence by the local community with respect to what the flood-prone level determination should be. It also requires a decision made by the Secretary, to which the local community objects, to be submitted to an independent scientific body, to wit: The National Academy of Sciences, for that body's review. These are important safeguards.

It does not, however, go far enough. For that reason I intend to support, and hope the House will agree to, the Rarick amendment, which will be subsequently offered, which strikes from the bill those provisions which empower the Secretary to terminate Federal funding programs in those areas which fail to comply with the regulations of the Secretary, and, therefore, fail to qualify for flood insurance.

SUBSTITUTE AMENDMENT OFFERED BY MR. J. WILLIAM STANTON FOR THE AMENDMENT OFFERED BY MR. BAFALIS

Mr. J. WILLIAM STANTON. Mr. Chairman, I offer a substitute amendment for the amendment offered by the gentleman from Florida (Mr. BAFALIS).

The Clerk read as follows:

Substitute amendment offered by Mr. J. WILLIAM STANTON for the amendment offered by Mr. BAFALIS: In vieu of the language offered by the gentleman from Florida (Mr. BAFALIS) insert the following:

"In establishing projected flood elevations and flood-risk zones with respect to any community pursuant to sections 1360(2) and 1361 of the National Flood Insurance Act of 1968, the Secretary shall give consideration to any technical or scientific information timely submitted by the community that tends to negate or contradict the information upon which he proposes to act. Such data shall be deemed timely submitted if it is received by the Secretary within 30 days after notice of his proposed determination is published in the Federal Register. Upon receipt of such data, the Secretary shall resolve the conflict in data by consultation with the parties and agencies involved, by administrative hearing, by submission of the conflicting data to an independent scientific body (such as the National Academy of Sciences) for advice, or by such other means as he may deem appropriate. Until the conflict in data is resolved to the satisfaction of the Secretary and he makes a final determination on the basis of his findings in the Federal Register, and so notifies the governing body of the community, flood insurance previously available within the community shall continue to be available, and no person shall be denied the right to purchase such insurance at chargeable rates. The reports and other information used by the Secretary in making his final determination shall be made available for public inspection and shall be admissible in a court of law in the event the community seeks judicial review as provided by this section."

Mr. BAFALIS. Mr. Chairman, I rise in opposition to the substitute amendment and I ask this House to bear with me for a moment while I read from languge which totally destroys the original amendment. It says that any conflicting data may be sent by the Secretary to the National Academy of Sciences for advice or may take any other means as he may deem appropriate. That does not give to the local community the right to appeal to a third uninterested party. It goes on to say:

> Until the conflict in data is resolved to the satisfaction of the Secretary—

And that is what we are attempting to stop, to take that away from the Secretary, the sole determining power to set these flood levels. Therefore I must oppose the substitute amendment.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Ohio (Mr. J. WILLIAM STANTON), to the amendment offered by the gentleman from Florida (Mr. BAFALIS).

The question was taken; and the chairman being in doubt, the Committee divided, and there were—ayes 21, noes 34.

So the substitute amendment offered by the gentleman from Ohio (Mr. J. WILLIAM STANTON) to the amendment offered by the gentleman from Florida (Mr. BAFALIS) was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. BAFALIS).

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. BOGGS

Mrs. BOGGS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mrs. BOGGS: Page 14, line 15, after "use" insert "including criteria derived from data reflecting new developments that may indicate the desirability of modifying elevations based on previous flood studies,".

Mrs. BOGGS. Mr. Chairman, this has to do with the section where the Secretary consults with local officials in the application and setting forth of criteria upon which land use and management will be based. It has become apparent, especially in our area, and particularly in the last dreadful flooding of the Mississippi River, that the actuarial rates which were set by a Corps of Engineers' study assumed that the levees of the Mississippi were really just paper levees. Yet, they held against the longest period of time and highest flood pressure in history.

They have now agreed to restudy this criteria and come up with new actuarial rates based on this reevaluation.

What we would like to do is extend this type of review to all areas where new scientific data is gathered and new protection is provided for the people in those areas. For instance, we have a large coastal protection project going on now whereby each year, as each lock and each levee is completed, there will be many coastal areas that will be better protected.

We would hope that as this protection is provided, that the land use and management criteria will be reviewed and new rates can be set in an ongoing situation.

Mr. Chairman, I would hope that this amendment would be agreed to.

Mr. BARRETT. Mr. Chairman, we have no objection to this amendment. It is agreeable on this side of the aisle.

Mr. WIDNALL. Mr. Chairman, we concur in the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Louisiana (Mrs. BOGGS).

The amendment was agreed to.

Mr. HOSMER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I shall not speak but briefly, but I did want to express my appreciation to the committee for bringing forward this legislation which is going to be such a great benefit to so many homeowners in so many areas throughout this Nation. It is going to be particularly helpful to the residents in both my congressional districts, the one I had last week and the one I got this week by virtue of a court ordered reapportionment.

About a third to a half of each of those areas is in a flood plain. I have worked very hard to obtain the cooperation of the Corps of Engineers and others to install flood control facilities, but we all know that those take a long time and we had many of these predicted floods or opportunities that have been calculated, and many of these floods are well within the periods before which these additions to the flood control facilities can be completed.

I very much urge complete support for this bill.

AMENDMENTS OFFERED BY MR. TREEN

Mr. TREEN. Mr. Chairman, I offer amendments.

The Clerk read as follows:

> Amendments offered by Mr. TREEN: H.R. 8449 is amended—
>
> 1. In line 15, on page 7, by striking the date "July 11, 1973" and inserting in lieu thereof "December 31, 1973";
>
> 2. In line 10, on page 8, by striking the date "July 1, 1973" and inserting in lieu thereof "December 31, 1973";
>
> 3. After line 21, on page 8, by adding a new section to read as follows, and renumbering the following sections accordingly:
>
> "ESTABLISHMENT OF CHARGEABLE RATES
>
> "SEC. 103. Section 1308 of the National Flood Insurance Act of 1968 is amended by striking subsection (c) thereof and inserting in lieu thereof the following new subsection:
>
> '(c) Notwithstanding any other provision of this title, the chargeable rate with respect to any property, the construction or substantial improvement of which the Secretary determines has been started after December 31, 1973, or the effective date of the initial rate may published by the Secretary under paragraph (2) of section 1360 for the area in which such property is located, whichever is later, shall not be less than the applicable estimated risk premium rate for such area (or subdivision thereof) under section 1307 (a) (1).'.";
>
> 4. After line 13, on page 9, by adding a new section to read as follows, and renumbering the following sections accordingly:
>
> "EMERGENCY IMPLEMENTATION OF PROGRAM
>
> "SEC. 106. Subsection (a) of section 1336 of the National Flood Insurance Act of 1968 is amended by striking the date 'December 31, 1973' and inserting in lieu thereof 'December 31, 1975'.".

The CHAIRMAN. Does the gentleman wish to ask unanimous consent that the amendments be considered en bloc?

Mr. TREEN. Yes, Mr. Chairman. I ask unanimous consent, in view of the fact that they are all related to the same subject, that the amendments be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. TREEN. Mr. Chairman, this amendment has bipartisan support, and I hope it will have the support of both the majority and minority members of the Committee. This amendment has been worked out in consultation with Mrs. BOGGS, of the Second District of Louisiana, and I am also instructed to say with Mr. HÉBERT, who represents the First District of Louisiana, and Mr. BREAUX, who represents the Seventh District of Louisiana, also join in this amendment. This represents the entire coast of Louisiana.

Mr. Chairman, this amendment would make three necessary and noncontroversial technical changes in the bill reported by the committee, plus one major change that subsequent public and congressional reaction has shown to be desirable and that we believe will be welcomed by all Members whose districts contain one or more flood-prone areas that would be affected by the bill.

Two of the technical changes would simply change the effective date for the mandatory purchase of flood insurance—in connection with the receipt of Federal or federally related assistance for projects in flood-prone areas—from July 1973 to December 1973, in recognition of the delays which have been incurred by this bill, in bringing it to the floors of both Houses.

The third technical change would simply extend the emergency flood insurance provision under which communities can enter the program immediately and without waiting for a time-consuming ratemaking study to be completed, for another 2 years—from December 31 of this year to December 31 of 1975, in order to permit a continuation of the rapid expansion of the program which began subsequent to Hurricane Agnes. By December of 1975 it is hoped and it is expected that most of HUD's ratemaking studies will have been completed, so that a further extension of time will not be necessary.

The major change that would be made by this amendment is to give realistic recognition to the fact that not only have most communities not participated in the program in the past but also to the fact that most of the 2,400 communities that have participated do not have the necessary technical data available on which to base minimum first-floor elevations in their land-use measures.

Thus, persons who build or who have built in identified special flood hazard areas may subject themselves to prohibitively expensive actuarial flood insurance rates, even though they are in compliance with local building codes at the time the construction takes place. I understand that some of these rates go up to as high as $11 per $100 of insurance.

Similarly, many persons, even within those communities where sufficient technical data existed to enable the establishment of a 100-year flood elevation early in the program, appear to have been unaware of the implications of that standard at the time of construction—largely because of the failure of local officials to adequately enforce their land-use commitments in the early stages of the program—with the result that they, too, are now subject under the act to the payment of prohibitively expensive flood insurance rates.

Mr. Chairman, the unintentional adverse effects of this provision of the existing National Flood Insurance Act did not become sufficiently clear until the committee had already reported out H.R. 8449 and the flood-prone communities began to focus on the financial effect of requiring flood insurance in connection with Federal or federally related financial assistance in special flood hazard areas of communities that, for example, would suddenly be identified for the first time, or that had been identified some time ago but had failed adequately to enforce the 100-year flood standard. In New Orleans, for example, numerous homes were built only to the 50-year flood elevation, based in part on a lower standard previously enforced by FHA within HUD itself, and the builders are in some cases experiencing difficulty in selling their houses because the FHA purchasers must purchase flood insurance at the time of acquisition,

The CHAIRMAN. The time of the gentleman from Louisiana (Mr. Treen) has expired.

(By unanimous consent, Mr. Treen was allowed to proceed for 1 additional minute.)

Mr. TREEN. Mr. Chairman, what these amendments would do is to enable HUD to offer subsidized rates to all construction that has already occurred and that will occur up until the December 31 effective date of the amendments so that builders of houses already in existence will not be penalized by an elevation requirement that they did not know about or sufficiently understand at the time of construction. The amendments would also defer the effective date for the application of actuarial rates for future construction until the 100-year flood elevation data has been provided to the community by HUD, rather than to have it apply—as under the present act—as soon as the existence of a special hazard area within the community has been determined.

Mr. Chairman, I urge the adoption of the amendments.

Mr. WIDNALL. Mr. Chairman, the minority has had an opportunity to examine these amendments, and we concur and are willing to accept them on this side.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Louisiana (Mr. Treen).

The amendments were agreed to.

AMENDMENT OFFERED BY MR. LONG OF LOUISIANA

Mr. LONG of Louisiana. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Long of Louisiana: Page 9, after line 17, insert the following new section:

SUBSIDIZED COVERAGE FOR PROPERTIES IN AREAS WHERE FLOODING IS CAUSED BY FEDERAL FLOOD CONTROL PROJECTS

Sec. 107. (a) Part A of chapter II of the National Flood Insurance Act of 1968 is amended by adding at the end thereof the following new section:

"SUBSIDIZED COVERAGE FOR PROPERTIES IN AREAS WHERE FLOODING IS CAUSED BY FEDERAL FLOOD CONTROL PROJECTS

"Sec. 1337. Notwithstanding any other provision of law, any property located in an area which (as determined in accordance with regulations prescribed by the Secretary in consultation with local officials as provided in section 207 of the Flood Disaster Protection Act of 1973) has special flood hazards as a result of the construction or operation of a water resources project by the Secretary of the Army acting through the Corps of Engineers or by the Secretary of the Interior acting through the Bureau of Reclamation, but which would not otherwise be an area having special flood hazards, shall be eligible for flood insurance under the program under this title (if and to the extent it is eligible for such insurance under the provisions of this title other than this section) without payment of any premium by the owner or lessee of such property. The Secretary shall develop, establish, and promulgate such procedures as may be appropriate to provide for the payment of the premiums due in such cases, on behalf of the insured owners or lessees of the properties involved (either pursuant to premium waiver or by way of reimbursement), from the National Flood Insurance Fund established by section 1310."

(b) Section 1310(a) of such Act is amended—

(1) by striking out "and" at the end of paragraph (4);

(2) by striking out the period at the end of paragraph (5) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(6) for the payment of insurance premiums for subsidized coverage under section 1337."

(c) The amendments made by this section shall apply with respect to policies of flood insurance executed on or after the date of the enactment of this Act.

Mr. PATMAN (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas.

There was no objection.

Mr. LONG of Louisiana. Mr. Chairman, I have discussed this matter, which is designed to correct small inequitable situations but which, so far as I am informed, applies only to my congressional district out of all the areas in the entire country. I have discussed the matter with Members of the minority and the majority, and I hope they will be willing to accept my amendment, which is designed to correct this inequitable situation.

Mr. PATMAN. Will the gentleman yield?

Mr. LONG of Louisiana. I will be happy to yield to the gentleman from Texas.

Mr. PATMAN. We have discussed it on this side and are familiar with the hearings held by the subcommittee on this subject. We are convinced it is all right, and we are for it on this side of the aisle.

Mr. WIDNALL. Will the gentleman yield?

Mr. LONG of Louisiana. I am happy to yield to the distinguished gentleman from New Jersey.

Mr. WIDNALL. I would like to ask the gentleman a question in connection with the amendment.

Does this apply only to existing structures?

Mr. LONG of Louisiana. It was not my intention, Mr. Chairman, in drawing the amendment to have it apply only to existing structures. It was my intention simply to give a measure of compensation to landowners where the Corps of Engineers or the U.S. Government, by affirmative action, cause an area to be flood prone that had not been flood prone prior to that time. I see no reason to say just because that situation developed in the past that these people should be penalized, and consequently it would not be my intention that the amendment would apply only to existing structures.

Mr. WIDNALL. The purpose of my question is this: In a discussion with the gentleman about this in the past I have had the understanding, though it was not spelled out by the gentleman, that it only covered existing structures.

It seems to me, with respect to new structures, knowing the conditions, I should think it would be plain to people who intend to go in to build these structures.

Mr. LONG of Louisiana. I would be inclined to agree with the gentleman from New Jersey. However, I think there is one point of difference. For example, what usually happens now is the Corps of Engineers takes the property of an individual to build a project, and they know it is going to cost them some money so they consider the cost of the land to be a part of the cost of the project. I see no reason why it should be any different when, by building a project which creates a flood-prone area they in effect take someone's property, and that taking is going to either deny the owner the right to use the property or, at least penalize them in their right to use it.

Mr. WIDNALL. That is all the questions I have.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. Long).

The amendment was agreed to.

AMENDMENTS OFFERED BY MR. RARICK

Mr. RARICK. Mr. Chairman, I offer several amendments and ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. Rarick: Strike out section 102 (beginning on page 7, line 12, and ending on page 8, line 21); and redesignate the succeeding sections accordingly.

Page 10, strike out lines 5 through 22.

Page 10, line 23, strike out "(c)" and insert "(b)".

Page 11, strike out lines 3 through 10 and insert the following:

such additional communities.

Strike out section 202 (beginning on page 11, line 11, and ending on page 12, line 4); and redesignate the succeeding sections accordingly.

Mr. RARICK. Mr. Chairman, I assure the Members that being from the capital city of Louisiana, a flood-prone area, that my people and I support a flood insurance program. However, we have serious reservations toward a compulsory land-use program such as this bill before us proposes.

Several weeks ago the City-Parish Council of Baton Rouge considered qualifying for the new compulsory Federal flood insurance program. At that time, the council members learned that if this bill was passed, they would be required to come up with a federally accepted program including a land-use control plan. At that time the council members rejected considering the proposal saying that they did not believe that the Federal Government should have the power to coerce anybody to comply with land-use provisions in order to qualify for Federal flood insurance. Eventually they were told that if they did not adopt the land-use program, all Federal funds would be cut off.

At that time my district office started to be deluged with inquiries about what kind of Congress we are running which would authorize bureaucrats to force people into programs which the people want and which the taxpayers themselves are financing, but which they feel should be controlled at the local level by their elected officials.

We have heard enough discussion today for everyone to be aware that this is controversial legislation.

There have been some perfecting amendments, yet the real oppressive provision of the bill, the compulsory forcing of people living in flood-prone areas to accept a Federal flood insurance program, remains in the bill.

My amendment would merely strike out section 102 which contains the mandatory provisions requiring that those citizens who live in areas designated as flood prone qualify for and purchase Federal flood insurance.

Another part of my amendment would delete section 202 which is the Federal blackjack, which prevents any Federal officer or agency from approving any financial assistance in areas which have failed to submit to Washington's directives on land use.

For those Members who are interested as to what constitutes financial assistance that would be cut off by this bill, I suggest they turn to page 4, line 18, under "Definitions". Here they will see that "financial assistance means any form of loan, grant, guaranty, insurance, payment, rebate, subsidy, disaster assistance or grant, or any other form of direct or indirect Federal financial assistance, other than general or special revenue-sharing or formula grants made to States."

This could include highway funds, Small Business Administration loans, grants to education, disaster assistance, money for health facilities, welfare assistance, VA benefits and pensions, and most other forms of Federal moneys which now benefit local communities. This Federal club is clearly intended to bludgeon local communities into submission to Federal edict. This moves far beyond the original intent of a Federal flood protection program which I have in the past supported.

I can assure the Members, that having studied it, these amendments that I have offered would not strip the Federal flood insurance bill or render it ineffective. They will bring it back to the existing provisions of law, and make it acceptable to the people.

I for one believe we should allow the local governments and the local people themselves to have as much control over their flood protection as possible.

Loss of private property rights is too high a price to pay for increased flood insurance coverage.

Mr. Chairman, I would urge the adoption of the amendments.

Mr. BARRETT. Mr. Chairman, would the gentleman yield?

Mr. RARICK. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. Mr. Chairman, I want to agree with the gentleman from Louisiana in indicating that these amendments do not hurt the bill, they do not hurt it, they just scuttle the bill. They tear the guts out of the bill. What the gentleman from Louisiana has asked us to do here would destroy everything we have done this afternoon. These amendments would take everything entirely out of the bill, land control, everything else.

And if there are any amendments that should be opposed—and as much as I love the gentleman from Louisiana—I have to say that everybody in this House ought to get up on their hind legs and vote against these amendments.

Mr. RARICK. Would the gentleman not agree that what these amendments would do is to allow the program to remain voluntary as to participation by the local communities, and simply remove the club whereby the Federal Government can threaten to cut off all Federal funds for failing to bow down to Washington edict?

The existing program has been accepted in over 2,000 communities. Certainly I have done nothing to disembowel the flood insurance program. The people themselves can still participate voluntarily without land use regimentation.

Is that correct?

Mr. BARRETT. We will go down in history today destroying one of the most human pieces of legislation ever brought in this House. This would do nothing but scuttle and gut the bill. I do hope the House will vote this down and vote it down immediately.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Louisiana (Mr. RARICK).

The amendments were rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. THOMPSON of New Jersey, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 8449) to expand the national flood insurance program by substantially increasing limits of coverage and total amount of insurance authorized to be outstanding and by requiring known flood-prone communities to participate in the program, and for other purposes, pursuant to House Resolution 494, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. WIDNALL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 359, nays 21, not voting 54, as follows:

[Roll No. 436]

YEAS—359

Abdnor
Abzug
Adams
Addabbo
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashley
Aspin
Badillo
Bafalis
Baker
Barrett
Bauman
Beard
Bennett
Bergland
Biaggi
Biester
Bingham
Boggs
Bowen
Brademas
Brasco
Bray
Breaux
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Cleveland
Cohen
Collier
Collins, Ill.
Conable
Conlan
Conte
Cotter
Coughlin
Crane
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Ga.
de la Garza
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Fisher
Flood
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gubser
Gude
Guyer
Haley
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hawkins
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holt
Holtzman
Horton
Hosmer
Howard

Huber
Hudnut
Hungate
Hunt
Hutchinson
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Jones, Okla.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kemp
Ketchum
King
Kluczynski
Koch
Kyros
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McFall
McKay
McKinney
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Mezvinsky
Milford
Miller
Minish
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Moorhead, Calif.
Moorhead, Pa.
Morgan
Moss
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Brien
O'Hara
O'Neill
Parris
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Railsback
Randall
Rangel
Rees
Reid
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Ruppe
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Satterfield
Saylor
Schneebeli
Schroeder
Sebelius
Seiberling
Shoup
Shriver
Shuster
Sikes
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Steed
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stokes
Stratton
Stuckey
Studds
Sullivan
Symington
Talcott
Taylor, N.C.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Towell, Nev.
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—21

Ashbrook
Bevill
Camp
Cochran
Davis, Wis.
Edwards, Ala.
Flynt
Gross
Hammerschmidt
Landgrebe
Mann
Montgomery
Powell, Ohio
Rarick
Regula
Ruth
Symms
Thornton
Treen
Waggonner
Whitten

NOT VOTING—54

Alexander
Anderson, Ill.
Bell
Blackburn
Blatnik
Boland
Bolling
Breckinridge
Cederberg
Clawson, Del
Clay
Collins, Tex.
Conyers
Corman
Davis, S.C.
Delaney
Diggs
Dingell
Evins, Tenn.
Flowers
Fuqua
Gunter
Hanrahan
Hays
Holifield
Ichord
Jones, Ala.
Jones, Tenn.
Kuykendall
Landrum
McEwen
McSpadden
Mathis, Ga.
Metcalfe
Michel
Mills, Ark.
Mink
Mosher
Murphy, Ill.
Owens
Quillen
Rooney, N.Y.
Runnels
Scherle
Shipley
Sisk
Stanton, James V.
Stark
Stephens
Stubblefield
Taylor, Mo.
Teague, Calif.
Waldie
Wilson, Charles, Tex.

So the bill was passed.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Alexander.

Mr. Breckinridge with Mr. Flowers.

Mr. Hays with Mr. Anderson of Illinois.

Mr. Waldie with Mr. Clay.

Mr. Blatnik with Mr. Charles Wilson of Texas.

Mr. Murphy of Illinois with Mr. McEwen.

Mr. Holifield with Mr. Hanrahan.

Mr. Dingell with Mr. Bell.

Mr. Gunter with Mr. Quillen.

Mr. Metcalfe with Mr. Delaney.

Mr. Conyers with Mr. McSpadden.

Mr. Corman with Mr. Fuqua.

Mr. Shipley with Mr. Cederberg.

Mr. Boland with Mr. Collins of Texas.

Mr. Mathis of Georgia with Mr. Teague of California.

Mrs. Mink with Mr. Kuykendall.

Mr. Stark with Mr. Mosher.

Mr. Sisk with Mr. Taylor of Missouri.

Mr. Jones of Alabama with Mr. Del Clawson.

Mr. Evins of Tennessee with Mr. Blackburn.

Mr. Diggs with Mr. Mills of Arkansas.

Mr. Davis of South Carolina with Mr. Scherle.

Mr. Ichord with Mr. Michel.

Mr. Landrum with Mr. Jones of Tennessee.

Mr. Owens with Mr. Stephens.

Mr. James V. Stanton with Mr. Stubblefield.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include any relevant extraneous matter on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

AUTHORIZING CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 8449

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill the Clerk be authorized to correct section numbers, punctuation, and cross references, to reflect the actions of the House in amending the bill H.R. 8449.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

NCIC ADVISORY COMMITTEE MEETING: AN OPEN AND SHUT CASE

(Mr. OBEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. OBEY. Mr. Speaker, given the refusal of the State of Massachusetts to plug its criminal history files into the Federal Bureau of Investigation's National Crime Information Center—NCIC—until safeguards against potential abuse have been guaranteed, it is worth noting that the NCIC Advisory Policy Board will hold a public meeting next week in Kansas City, Mo.

However, the board advises that "a portion of the meeting dealing with the operational aspects of NCIC will be, of necessity, closed to the public," and I should like to point out that neither the Federal Advisory Committee Act nor the Freedom of Information Act recognizes a simple assertion of "necessity" as justification for closing part of a meeting.

I am including the Board's meeting announcement from the Federal Register, a list of the Board's 15 members I received from the FBI on August 31, and a source-list of articles about the Massachusetts refusal that was prepared for me by the Congressional Research Service. Note that the Board now has three fewer members than it did when FBI Director Clarence Kelley submitted a Board roster to Senator MATHIAS during his confirmation hearings. Kelley's own name no longer appears, nor do those of John R. West of Boston or William L. Reed of Tallahassee.

[From the Federal Register, Aug. 29, 1973]

NATIONAL CRIME INFORMATION CENTER ADVISORY POLICY BOARD—NOTICE OF MEETING

[Department of Justice, Federal Bureau of Investigation]

The National Crime Information Center Advisory Policy Board will meet on September 13 and 14, 1973, at the Prom Sheraton Hotel in Kansas City, Missouri. The meetings will begin at 9:30 a.m. and conclude at 4:30 p.m.

The purpose of this meeting will be to review the minutes of the previous meeting, to consider suggestions concerning NCIC and discuss matters presented as new business.

The meeting will be open to the public. Persons who wish to make statements and ask questions of the Board Members, must file written statements or questions at least twenty-four hours prior to the opening of each meeting. These statements or questions shall be delivered to the person of the Designated Federal Employee or the Assistant Director, Computer Systems Division of the FBI.

To the extent that time permits, public discussion is invited regarding agenda items.

A portion of the meeting dealing with the operational aspects of NCIC will be, of necessity, closed to the public.

The NCIC Advisory Policy Board is constituted according to Public Law 92–463 and its membership is composed of law-enforcement representatives from throughout the United States.

Further information may be obtained from Mr. Norman Stultz, Section Chief, Computer Systems Division, FBI HQ, Washington, D.C.

Minutes of those portions of the meeting which are open to the public will be available 30 days from the date following the adjournment on September 14, 1973, upon request of the above designated FBI Official.

WASON G. CAMPBELL,
Assistant Director,
Computer Systems Division.

[FR Doc.73–18257 Filed 8–28–73;8:45 am]

NCIC ADVISORY POLICY BOARD

Colonel James J. Hegarty, Director, Arizona Department of Public Safety, Post Office Box 6638, Phoenix, Arizona, 85005.

Mr. O. J. Hawkins, Assistant Director, Identification and Information Branch, California Department of Justice, Post Office Box 608, Sacramento, California 95803.

Colonel Ray Pope, Director, Department of Public Safety, Post Office Box 1456, Atlanta, Georgia 30301.

Mr. L. Clark Hand, Superintendent, Idaho State Police, Post Office Box 34, Boise, Idaho 83707.

Mr. Robert K. Konkle, Superintendent,

Indiana State Police, Indiana State Office Building, 100 North Senate Avenue, Indianapolis, Indiana 46204.

Colonel John R. Plants, Director, Department of State Police, 714 South Harrison Road, East Lansing, Michigan 48823.

Colonel D. B. Kelly, Department of Law and Public Safety, Division of State Police, Box 68, West Trenton, New Jersey 08625.

Mr. William E. Kirwan, Superintendent, New York State Police, Public Security Building 22, State Campus, Albany, New York 12226.

Dr. Howard M. Livingston, Director, Police Information Network, Department of Justice, 111 East North Street, Raleigh, North Carolina 27602.

Colonel Robert M. Chiaramonte, Superintendent, Ohio State Highway Patrol, Columbus, Ohio 43205.

Major Albert F. Kwiatek, Director, Bureau of Technical Services, Pennsylvania State Police, Post Office Box 2771, Harrisburg, Pennsylvania 19107.

Colonel Walter E. Stone, Superintendent, Rhode Island State Police Headquarters, Post Office Box 185, North Scituate, Rhode Island 02857.

Captain J. H. Dowling, Communications Bureau, Police Department, 128 Adams Avenue, Memphis, Tennessee 38103.

Mr. George P. Tielsch, Chief of Police, Seattle, Washington 98104.

Colonel R. L. Bonar, Superintendent, West Virginia State Police, 725 Jefferson Road, South Charleston, West Virginia 25309.

SOURCE-LIST OF ARTICLES ABOUT MASSACHUSETTS REFUSAL TO JOIN THE NATIONAL CRIME INFORMATION CENTER (NCIC)

DATE, NEWSPAPER, HEADLINE

Dec. 28, 1972—New York Times; FBI Data Bank Held Wasteful.

Jan. 16, 1973—Harold News, Fall River, Mass.; Agency Shielding State Records.

Jan. 16, 1973—Enterprise, Brockton, Mass.; (no headline available).

Jan. 16, 1973—Gazette, Worcester, Mass.; Records of Criminals are Put Off Limits.

March 3, 1973—Boston Globe (m); 42 State and U.S. Agencies Denied Access to Bay State Police Files.

March 29, 1973—Sun Chronicle, Attleboro, Mass.; Given Access to Police Arrests.

March 29, 1973—Times, Gloucester, Mass.; Four More Agencies Can View Records.

March 29, 1973—News, Springfield, Mass.; Secret Criminal Records Available to 50 Agencies.

April 6, 1973—Union, Springfield, Mass.; Secrecy Shrouds Crime Records.

April 6, 1973—Boston Globe (m); Privacy Council Votes to Probe Access to Crime Files.

April 9, 1973—Union, Springfield, Mass.; Time for the Hatter to Pour Tea.

April 11, 1973—The Real Paper, Boston; Crime Stoppers: Programming People.

April 12, 1973—Boston Evening Globe; Battle Looms Over Access to State Criminal Records.

April 15, 1973—Boston Globe (m); Computer Spies, Beware.

April 15, 1973—New York Times Magazine; Marked for Life: Have You Ever Been Arrested?

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July 28, 1973—Boston Globe; Richardson to Re-study State Crime Files Suit.

August 1, 1973—Computerworld; Iowa Imposes Tight Restrictions On Use of Its Crime Data Bank.

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GHOST VOTING

(Mr. CRANE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CRANE. Mr. Speaker, on Thursday, August 30, 1973, the nationally syndicated column by Jack Anderson carried a serious allegation concerning the integrity of this body and its Members. I refer to the Anderson allegations concerning "ghost voting" under the electronic system here in the House of Representatives. I include the column in the RECORD at this point.

HOUSE VOTING VIOLATIONS INDICATED

(By Jack Anderson and Les Whitten)

There is compelling evidence to indicate that some congressmen are using the new computer at the House of Representatives to falsify votes on important legislation.

The voting computer—which has cut the once-lengthy House roll call procedure to 15 minutes—is activated when a member inserts his personal card into a terminal on the House floor. The computer immediately registers the congressman's name and vote.

A number of congressmen and their staffers now charge that votes have been recorded for members who were not present during the roll call, a violation of House floor rules which do not allow proxy votes.

Yet congressmen have confided to us that their colleagues have been seen putting more than one card into the computer terminals. Our sources also say that pages have been seen inserting cards for absent members.

One of our informants in the House believes that illegal voting took place during the tally on three important measures: the Erlenborn amendment to hold down minimum wage increases, the Symms bid to roll back the debt ceiling which failed 206–205 on July 25, and the Crane amendment to legalize the ownership of gold.

"I can't prove any cheating, but I'm sure of it," one veteran congressman told us. "I first came to suspect it last month. One day this summer, a roll call vote reached 421 (out of the 435 members in Congress.) I can't remember any other time except opening day when that many congressman voted."

The voting totals for 1973 are, indeed, peculiarly higher than in past years. The average number of members voting on bills this year between the July 4 recess and the August vacation was 405. In the recent past, average votes for the same period have never been over 382.

Comparing computerized voting to the old voice vote system, a congressman pointed out that "It's easier to slip someone's card in than it is to answer for him by voice. I've heard a little cloakroom talk about hanky-panky, but it's the darnest thing to catch." House tally clerks will only concede that cheating the machine is "not impossible."

Lately, some congressmen, including members of the conservative Republican "Steering Committee," have been murmuring about privately monitoring suspected cheaters so they can be quietly warned before their behavior creates a House scandal.

Meanwhile, one waggish critic recalled the tradition that the ghosts of Henry Clay and John Quincy Adams still stalk the marble halls of the House. That's nothing, he quipped. Present-day wraiths are recording votes in the House computers while their bodies are out recording golf scores at Congressional Country Club.

Quite frankly, I read this article with more than passing interest because one of the votes in which Anderson specifically alleges ghost voting took place, was that on the so-called Crane amendment concerning the right of American citizens to buy, sell, or hold gold. You will recall, Mr. Speaker, that this amendment failed of passage on a tie vote, 162–162.

As a member of the Committee on House Administration which had the original jurisdiction over the installation of the electronic voting system, I remember well one of the alternatives which we considered in that committee was the possibility of including thumbprints on the electronic voting card, which would then be matched by the live thumbprint of the Member being recorded electronically at the voting station itself, specifically to prevent instances of fraud such as that which Mr. Anderson alleges. At that time, I shared the concern of many of my colleagues on the committee who believed that to institute such a procedure would be to question the integrity of the House itself.

Today, however, when the integrity of the executive branch of government has been shaken by allegations with which we are all familiar, it ill behooves us here in the House of Representatives, the peoples' body, to stick our head in the sand and claim that possibilities such as Mr. Anderson alleges cannot occur here.

Therefore, Mr. Speaker, I would urge you to exercise your own prerogative under House rule 774b, which says that the Speaker may order the calling of the names of Members on a rollcall vote at his discretion by a standard rollcall rather than by electronic voting. It would seem to be particularly important that live rollcalls take place on any vote which might in any way be considered a close vote here in the House, so that, no matter what the outcome, further allegations cannot be made and the integrity of the House cannot be questioned. At the same time, I have today addressed a letter to the chairman of my own committee, the

Committee on House Administration, asking that the procedure under which Members identify themselves in electronic voting be open for reconsideration and for possible modification.

These are but two options which are open to us at this time, Mr. Speaker, and I would urge you to give them full consideration. I am not in a position either to substantiate or to deny the allegations Mr. Anderson has made. However, I certainly would point out that the seriousness of those allegations which call into question the very integrity of this body, and which deserve more than passing attention from this body.

WHERE'S THE ACTION ON BUSING?

(Mr. HUDNUT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUDNUT. Mr. Speaker, having made some remarks last March about the importance of quality education in neighborhood schools, I regret that it is necessary for me to speak once again about a subject that is causing considerable turmoil and dislocation for the public school systems in and around Indianapolis, Ind. That subject is the forced busing of children to achieve arbitrary and artificial racial balance in our schools.

On July 20, 1973, Judge S. Hugh Dillin, a former Democrat State Senator, of the U.S. District Court for the Southern District of Indiana dealt yet another blow to quality public education, in many people's opinion, when he handed down a decision requiring the State of Indiana and 18 suburban school districts, several of which are not even in Marion County, to come up with a "metropolitan" plan of education. While such a metropolitan plan was being worked out, Judge Dillin ordered the Indianapolis school board to bus approximately 4,500 black students to the suburbs in Marion County and five surrounding counties. While Judge Dillin later granted a year's delay in this one-way busing of black youngsters across school district and county lines, the Judge continued to insist that the Indianapolis school board immediately come up with a better racial mix in the city schools.

Finally, on August 20, 1973, in what many people in my district regard as a willful arrogation unto himself of power and authority completely beyond his legitimate scope, he took that responsibility out of the hands of our elected school board, the body that will have to raise somehow the tremendous sums of money busing will cost, and appointed a two-man commission to prepare a desegregation plan for the 1973–74 school year. The Commission's plan to bus about 11,000 elementary students within the city was approved by Judge Dillin on August 30, 1973. In short, there will be substantial busing of our youngsters for racial purposes this year. To cite but one example, I personally know of a family in Indianapolis where five children, aged 15 to 8, are being bused to five different schools.

Legislators, taxpayers, parents, and civic leaders throughout Indiana have reacted to these latest developments in the Indianapolis case with a mixture of outrage, resentment and bewilderment—outrage over the obvious financial and social costs of busing large numbers of schoolchildren, resentment at having something forced down their throats through judicial fiat that they simply do not like, and bewilderment that a single Federal judge has the power to disregard the contrary judgments of elected school boards, bodies which by Indiana law are vested with the responsibility to run our public schools.

These concerns are shared by citizens across the country who ask: When will this Congress, controlled by a Democrat majority, do something about busing? When will hearings be held? When will a chance for debate be provided to vote this matter up or down? When will the voice of the American people speaking through their elective representatives be heard? When will positive action be initiated on a subject of vital concern to millions of Americans? When will the 85 percent or so in our country who, according to the polls, oppose forced busing, see their concern channeled into legislation?

On June 19, 1973, I submitted a bill to limit the power of the Federal courts concerning the forced busing of schoolchildren. On June 25, 1973, I signed discharge petition No. 1 to bring House Joint Resolution 286 to the floor of the House. This resolution seeks to amend the Constitution to end forced busing. Yet, both measures are bottled up in Democrat controlled committee and I understand that House action concerning busing has come to a standstill.

The same appears to be true in the other body where the Democrats are also in control. I would hope that their Judiciary Committee might hold hearings on this vital and vexing matter and support legislation or a constitutional amendment to stop busing, which is the same hope I hold for the House Judiciary Committee.

The simple point is that the American people want action from their elected representatives in Washington now. The time has come for the Congress to take decisive steps to end forced busing to achieve arbitrary racial quotas in our Nation's public schools.

We should not cast upon public schools and young children the burden of solving what busing advocates must concede is the root of racial imbalance in our schools, namely, racial imbalance in our neighborhoods. Those who plead for a fixed mathematical quota of black and white children in every school in the system should ponder one simple question: Do you want young children to be bused across the city simply because there are differences in the racial make-up of our communities? The removal of artificial barriers to employment and housing are the real solutions to this problem, not a dangerous experimentation with young lives and tampering with an institution as delicate as the urban school system. If the Indianapolis school system is viewed in this larger context, you will see an elected school board which is doing the best job it possibly can under difficult circumstances typical of large urban centers. Busing advocates are asking our schools to do too much—much more than the high percentage of the public can, should, or will tolerate.

EMERGENCY MEDICAL SERVICES SYSTEMS ACT

(Mr. MOLLOHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOLLOHAN. Mr. Speaker, on September 12, the House of Representatives will have an opportunity to confirm the role of the Congress in the establishment of national priorities when it considers and votes upon the motion to override the President's veto of S. 504, the Emergency Medical Services Systems Act.

The alternative is to abdicate our constitutional responsibilities, deny the American public the emergency health services which it so badly needs; and indirectly to accept responsibility for the extensive loss of life that occurs annually because of inadequate medical evacuation and emergency treatment systems, personnel, and facilities.

Without a strong federally directed program to assist and encourage communities—urban, suburban, and rural—to establish coordinated ambulance and rescue services and effective emergency treatment facilities, hundreds of accident victims will continue to be picked up in funeral home vehicles, attended by untrained personnel and eventually reach a medical facility too late to survive.

This measure is the outgrowth of over 2 years work, initiated in my office and continued most effectively in the Interstate and Foreign Commerce Committee under the able leadership of our distinguished colleagues, PAUL ROGERS and HARLEY STAGGERS.

The President in his veto message said that the bill authorized more money than could be prudently used and that it infringes on an area that is traditionally the concern of State and local governments. On the contrary, it is a sound bill. It authorizes a modest 185 million dollars to initiate a 3-year program to support the planning and establishment of local and regional services where none now exists or where present systems are inadequate. It deprives local authorities of none of their prerogatives as the President suggests. Instead, it provides Federal assistance for local programs which meet reasonable and constructive Federal standards.

The President's second reason for veto was the prohibition contained in the bill against the closing of seven Public Health Service hospitals. It should be noted that a Federal District Court Judge has, in a preliminary injunction, halted plans to close these hospitals "without congressional approval." I question the desirability of closing established public health facilities at a time when improved health service is one of our Nation's greatest needs.

Within my home State of West Virginia, emergency medical service is provided by more than 110 agencies staffed by personnel not yet trained to meet the minimum standards set by the American College of Surgeons. Sixty-one percent of these agencies are funeral homes, 14 percent are Government or nonprofit agencies, 13 percent are commercial firms and 12 percent are volunteer organizations. I do not question the integrity or motivation of any of these organizations, but I do contend that they need Federal assistance to do the job.

This measure has strong popular support from veterans organizations, labor unions, and civic leaders. Should we fail at this time to clearly establish humanitarian needs as one of our highest national priorities we will be not only ignoring the wants of our people but we will also be foregoing our obligation to determine those priorities.

The intent of the Congress has been clearly stated. The House accepted the conference report on S. 504 by a vote of 306 to 111. The Senate approved the conference report 97 to 0. The Senate has voted to override the veto by 77 to 16. I urge your support to enact S. 504 into law.

FOREIGN INVESTORS WOULD TAKE OVER CONTROL AND MANAGEMENT OF U.S. DEFENSE AND ENERGY INDUSTRIES

(Mr. MOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOSS. Mr. Speaker, as chairman of the Subcommittee on Commerce and Finance of the House Committee on Interstate and Foreign Commerce, I am deeply concerned over the trend which is fast developing, because of the devaluation of the dollar and for other reasons, for foreign nationals to undertake to acquire control and management of U.S. corporations through the process of tender offers to purchase the stock of these corporations.

This trend is particularly disturbing in regard to the long range adverse effects it can well have on American labor, and the more immediate effects it can have on our defense and energy industries. Our able colleagues JOHN DENT and JOSEPH GAYDOS have cosponsored a bill H.R. 8951, which may be helpful in solving this problem—and they have on July 23 and July 30, and on August 2 this year called the attention of the House to this matter, and have made particular reference to the activities of citizens of Japan and Canada in their undertaking to acquire control of U.S. corporations. In fact, they have brought to our attention the effort being made by the Canadian Government itself, through its Government-owned Canada Development Corp., to acquire Texasgulf, Inc., a major U.S. natural resources developer and supplier.

And, during the recent recess, I have learned through the press that CEMP Investments Ltd., of Canada, and other associated foreign nationals have made a takeover bid, through the tender offer process, for control of a California based corporation, the Signal Companies, Inc., which is an important U.S. defense contractor, and a major U.S. energy supplier—through its wholly owned subsidiaries, the Garrett Corp. and Signal Oil and Gas Co. I understand that the Signal Companies have taken this matter to court, and are currently seeking injunctive relief to halt the proposed takeover of their management. Mr. Speaker, I believe you will share my hope that their appeal to the court is successful, and my belief that the takeover of the control and management of any such U.S. corporation, by foreign nationals, would not be in the national interest of the United States. National security is involved here, in the broadest sense.

It is my intention to schedule hearings before my subcommittee on H.R. 8951 at a very early date, and I am hopeful that the Congress will soon provide a legislative solution to this problem of foreign takeovers of the managements of vital U.S. corporations through tender offers made to their stockholders.

MRS. LUCI NUGENT RECEIVES APOLLO AWARD

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, at its recent annual congress, the American Optometric Association gave its highest honor to a great American and dear personal friend of mine, Mrs. Luci Johnson Nugent. The Apollo Award was given to Mrs. Nugent in recognition of 8 years service in the Volunteers for Vision program.

While still carrying on her responsibilities as a teenager with school work and such, as well as official duties as daughter of the President of the United States, Mrs. Nugent accepted the post of honorary chairman of the Volunteers for Vision. At that time the organization was a screening vision adjunct of the Headstart program; in 1967 it became an independent, lay vision screening program.

Mrs. Nugent is second vice president and board member of Volunteers for Vision. She organized the first local chapter in Austin and has kindly agreed to help organize chapters that have sprung up in other Texas communities. In addition, she has helped in organizing lay vision screening organizations in Arizona, California, Colorado, Kentucky, Missouri, and Virginia. Since those early years in Washington as a teenager, this dedicated young woman has personally screened thousands of children.

Through these efforts and through her personal example of a person who discovered a visual problem and overcame it to increase her contribution to society, Mrs. Nugent is an inspiration to all visually disadvantaged.

Mrs. Nugent's own visual problem was discovered and treated at an early date. Despite healthy eyes and 20/20 visual acuity, she still had some difficulty with the meaning of written words. Optometric vision training reduced the problems caused because of poor ocular coordination and subnormal hand-eye and general coordination.

In praising the Washington optometrist who aided her, Dr. Robert Kraskin, Mrs. Nugent credited him for pointing to an avenue in which I could reach out to others and say "I care" in a way that I would have never known without him.

Mrs. Nugent has often mentioned the great pleasure she finds in her work—and seeing thousands of children find out that their problem really was not that they were slow or lazy, but their problem was simply a visual problem that had not been diagnosed and treated.

In presenting the award to Mrs. Nugent, Dr. J. C. Tumblin, outgoing president of the 17,800-member AOA, said:

> It would be difficult to find anyone who could equal the dedication, determination and unselfish service to the visual welfare of others that has been demonstrated by Mrs. Nugent.

Luci Johnson Nugent has contributed well beyond her years to the visual welfare of this Nation. She continues to share her time, her energies to insure that children will not be forced to come in second-best due to undetected vision handicaps, that all children will be able to truly see.

Mr. Speaker and distinguished colleagues, I know that Mrs. Johnson takes great pride and satisfaction in the work of her daughter. I also know President Johnson was deeply gratified to see his daughter continuing the great family tradition of public service.

I am sure my distinguished colleagues join me in recognizing a truly great American, Mrs. Luci Johnson Nugent.

THE 175TH ANNIVERSARY OF CHENANGO COUNTY

(Mr. HANLEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HANLEY. Mr. Speaker, this Saturday, September 8, the citizens of Chenango County will celebrate the 175th anniversary of the founding of their county.

I would like to spend a few moments in tribute to this county and its people, for there is much to be learned from them about the heritage of the United States and the development of the spirit of this land.

Since the first settlers arrived to clear the land in 1785 until today, Chenango County has retained and respects its agrarian heritage and its quiet, purposeful rural life. Besides its agrarian efforts, Chenango County is marked by a variety of commercial and industrial pursuits, and the citizens have devoted themselves to a wide variety of civic and charitable activities and to vigorous local governments.

Ever since Tuscarora Chief Thick Neck defended the area's enviable deer herds from invading Oneida hunters, this has been a happy hunting ground for thousands of nimrods each fall and thousands of sightseers in early spring when the deer gather along Chenango highways, feeding on the first patches of green under melting snow.

Named for the river which bisects it, Chenango means pleasant river flowing through the land of the bull thistle, a plant which has become the county symbol. It's not inappropriate. It suggests our ties with the early settlers and the clearing of lands which have made it one of the top dairying counties in the State.

At the same time, spectacular shades of red and yellow in the fall offer a clue to newcomer that in springtime, this is also one of the top maple producing counties in the State.

Besides the Chenango River down its middle, Chenango boasts the trout-filled Otselic on its extreme west, and on the east, the Unadilla which feeds into the historic Susquehanna at the county's southeast corner.

These assets undoubtedly were among the reasons people of sturdy stock, moving from the east, settled permanently here on their post-revolutionary trek westward. Chenango was formed from Herkimer and Tioga counties on March 15, 1798 and included 11 of the "Twenty Towns" in the "Governor's Purchase" which were deeded to the State of New York in a treaty achieved through Governor George Clinton on September 22, 1788.

A little more than a decade later, Chenango County was organized and now consists of 21 towns, 7 villages and 1 city. Incorporated in 1914, the city of Norwich is the county seat, with its historic courthouse, remarkably preserved, with an architectural stature drawing national interest and reputation.

It is not inconceivable that the famed Indian leader Joseph Brant may have touched on Chenango soil in prerevolutionary days when General Herkimer was called to Sidney in bordering Delaware County in a military action.

But Chenango had famous names of its own. The Mormon leaders, Joseph Smith and Brigham Young, once lived in the county before moving west and to greatness. Thurlow Weed, the fighting newspaper man who, after the turn of the 19th Century, got his start as an editor in Norwich and went on to put William Henry Harrison and Zachary Taylor in the White House. Anson Burlingame, Lincoln's ambassador to China, was a native of New Berlin and opened up the Orient. From Afton came Congressman Bert Lord who ably served in this body until his death in 1939. Gail Borden, developer of the process for condensed milk, boon to both health and nutrition as well as dairying, was born and raised in Chenango County.

Even before the turn of the century, the county was thriving. It was here the world-renowned Maydole hammers were made. Norwich was at one time the division home of the booming New York, Ontario Western Railway Company when the steam locomotive was adding growth and color to our national picture. In 1885, an itinerant minister made a $3 loan with Oscar G. Bell and started what became the Norwich Pharmacal Co. which later prospered with Doctor Jeffrey's spectacular ointment still marketed the world over as Unguentine.

Today, the county also produces a wide variety of goods including knit shirts and underwear, parts for space craft which carried men to the moon, fireplace equipment and accessories, shoes, dog food, bandages, forklift trucks and other material handling equipment, plastic products, pre-cut homes and log cabins ready to assemble, just to give an idea of the industrial diversity that flourishes there.

This is also the land of the square dance, both barn and modern, of country auctions, antique sales, church suppers and bazaars, of band pageants and concerts, art shows and musicals and crafts and country fairs.

With vast State forestlands and the expansion of our parks, the development of Rogers Conservation Education Center at Sherburne, swimming facilities, sportsmen's clubs, snowmobile and hiking and bicycle paths and campgrounds, the area is attracting an increasing number of tourists as well as urban people who find "life in the country" the realization of their impossible dream.

In the years ahead Chenango's people can be expected to keep on living, working and building, continuing to add their share for the glory of God and Country. In celebrating their anniversary we are in a very real sense celebrating and reaffirming the goals and ideals that have made this country great. I am sure you will agree that Chenango County is one of those special places in both its heritage and its hopes for the future, and I am sure all of you will join me in congratulating the people of Chenango County on their 175th anniversary.

HOUSING AND URBAN DEVELOPMENT ACT OF 1973

(Mr. BARRETT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BARRETT. Mr. Speaker, I introduce today, along with our colleague from Ohio (Mr. ASHLEY) the Housing and Urban Development Act of 1973.

This bill represents an effort on our part to develop an improved system of Federal assistance for housing and community development activities. Its enactment would enable communities of all sizes more effectively to carry out housing and community development activities within a framework of national goals and objectives.

The Housing Subcommittee began the task of reforming existing HUD programs during the 92d Congress. As Members know, the omnibus housing bill that failed to clear the Rules Committee late last year contained three far-reaching chapters which completely revised the laws governing the FHA mortgage insurance programs, the low-rent public housing program, and the urban renewal program.

These revisions would have provided a streamlined statutory framework for these important activities which would have enabled the Congress to evaluate the basic objectives and results of Federal assistance without being diverted by the often special purpose, conflicting and duplicatory, and obsolete provisions of existing laws. At the same time, these three chapters would have made possible more flexible and responsive administration by HUD to the benefit of both the users of the programs—homebuilders and developers, lending institutions, and local governmental units—and the individuals and families and communities that are their ultimate beneficiaries.

Despite the controversy over many of the provisions in the 1972 bill, the basic reforming thrust of these chapters was widely praised. The bill we introduce today continues that thrust and extends it to the Federal housing assistance programs.

Part I of the bill would establish a program of 3-year block grants to general purpose local governments to help finance community development and housing assistance programs. These new block grant programs, which would take effect on July 1, 1975, would replace the major HUD community development programs—the urban renewal, model cities, open space, neighborhood facilities, and water and sewer facilities programs—and the several housing assistance programs, the sections 235 homeownership and 236 rental assistance programs, the rent supplement and low-income public housing programs, and the rehabilitation loan and grant programs.

We regard the housing block grant program as the most important innovation contained in the bill. It is a necessary and indispensable supplement to the bill's community development provisions, which in 1972 were not only noncontroversial, but were strongly supported on both sides of the aisle in both the House and Senate.

As Members know, under the community development block grant program nearly approved by the Congress in 1972—

First. Existing categorical grant programs for community development—each with its own limited focus, grant formula, and unique program requirements—would have been consolidated into a single flexible tool for community development;

Second. Funds would have been allocated to communities on a uniform and equitable basis, taking into account both objective need factors and established program levels;

Third. Application and planning requirements would have been greatly simplified in order to avoid delay and uncertainties in the execution of community development activities; and

Fourth. Local elected officials, rather than special purpose agencies, would have been given principal responsibility for determining community development needs, setting priorities, and allocating resources.

We regard these basic elements of the community development program as equally applicable to federally assisted housing. Federal assistance for housing as well as community development, should be distributed on the basis of objective need factors; it should be provided, promptly and with a minimum of redtape, in a manner that permits localities to use that assistance in a way that meets their unique needs; and it should be administered so as to permit local elected officials, acting within a framework of Federal priorities, to make the critical decisions concerning the type of housing to be built or rehabilitated, the income groups to be served, and the cost and general location of that housing.

Part II of the bill would substantially revise the low-rent public housing program and, most importantly, authorize a major new program of modernization and renovation of existing public housing units. The modernization program would be designed to make substantial improvements in the thousands of public housing units built in the early years of the program—those built to the unduly austere standards of the 1940's and 1950's; and those that no longer meet local health and safety standards. In addition, modernization funds would be used to make physical alterations to projects to provide greater security to thousands of low-income tenants.

We believe the need for this major modernization and renovation program is overwhelming. Thousands of public housing units have, for a variety of reasons, fallen below present-day standards for decent housing accommodations. Yet with a reasonable expenditure of funds, these units can be brought up to present standards and made capable of serving thousands of individuals and families for years to come. Their continued deterioration will cost many times more in public funds, as the planned demolition of the Pruitt-Igo housing project in St. Louis demonstrates.

Part III of the bill would revise the law governing the Federal Housing Administration's programs of mortgage insurance, generally along the lines of the 1972 housing bill but with some major new features.

Most importantly, this part would structure the FHA mortgage insurance program to serve primarily the needs of middle-income families; that is, families with incomes above eligibility for direct subsidies, but who are being increasingly priced out of the conventional housing market. The bill would provide that interest rates on FHA-insured mortgages would be set by the Secretary of Housing and Urban Development at such levels as are necessary to avoid discounts of more than four points. In addition, when the interest rate is set by the Secretary at more than 7 percent, the interest rate on mortgages covering lower cost housing would remain generally at 7 percent, but in no event more than 1 percent lower than the regular interest rate. HUD would be required—through the Government National Mortgage Association—to use the "tandem plan" to support the lower interest rate mortgages at the price of not less than 96—that is, at a discount to the seller or builder of not more than four points.

These provisions are extremely important. They would help to serve the housing needs of millions of middle-income families in two ways: First, by keeping the cost of mortgage credit at reasonable levels; and second, by supporting the construction of lower cost housing during periods of rising interest rates and tight money.

Of course, the FHA would continue to provide mortgage credit for assisted housing, to be built or rehabilitated under the housing block grant program, and would be encouraged to continue and expand its activities in the inner-city areas of our large urban centers. These critical functions of the FHA must be strengthened if we are to meet our housing needs and help rebuild the deteriorated and deteriorating areas of our cities.

Part III also includes authority for the FHA to continue the sections 235 homeownership and 236 rental assistance programs, in revised form, for use during the transition to the new housing block grant program and afterward as residual programs for areas not being adequately served by the new program.

My colleague, Mr. ASHLEY, will present a full explanation of these proposals to the House in his statement on the bill. At this point, I wish to thank him for his outstanding role in developing this major reform of our Federal housing and urban development programs. I believe that this effort, coming closely after his development of the Urban Growth and New Communities Development Act of 1970, and the metropolitan housing block grant proposal, places him in the top rank of experts in the housing urban development field.

In closing, I would add two additional points. First, our advocacy of new housing and community development block grant programs does not imply, in any way, an endorsement of the views of the administration on existing HUD programs.

We believe the administration's public stance on housing programs as voiced over the past 4 years amounts to demagoguery of the worst kind—claiming credit for the hundreds of thousands of units produced under these programs, on the one hand, and, when confronted with program abuses resulting from lax and often dishonest administration, condemning them as ill-conceived and inherently defective, on the other. The effrontery of the claim by Kenneth Cole of the Domestic Council that the housing subsidy programs cannot be administered "even with the most advanced management techniques" defies belief. Members are well aware of the numerous examples of singularly inept administration of these programs by the FHA over the past 4 years, a disgraceful record that needs no repetition.

The fact is that the administration was and is intent on ending programs for which it could claim no real credit; programs which required substantial outlays of funds needed for its own foreign and domestic initiatives; and, most importantly, programs which it judged politically unpopular among the middle-income groups it seeks to convert to the Republican Party. If it were truly desirous of working with the Congress to develop new program approaches to serve our housing needs more effectively, it would not have taken the outrageous step of suspending the housing subsidy programs—an "unlawful act" in the view of a recent Federal district court decision—before viable program alternatives were available.

The new programs offered by this bill seek to employ the approaches contained in existing programs—developed by many Congresses and implemented by administrations of both parties—in a more efficient and flexible manner, under which communities may deal effectively with their particular housing and community development problems. They do so, primarily, by placing responsibility squarely on local elected officials to make the basic decisions concerning the determination of needs, the setting of priorities among those needs, and the selection of program tools needed to meet those needs. We believe the advantages offered by these new approaches can make significant contributions to the ability of our communities to solve their housing and community development problems.

Second, I would emphasize as strongly as possible the crucial difference between the block grant approaches contained in the bill and the administration's special revenue sharing approach as contained in the Better Communities Act.

The Better Communities Act is a thinly veiled effort by the administration to move toward a general revenue sharing approach for important categorical grant programs. Under its bill, a community is free to use Federal funds in any manner it deems fit so long as the funds are spent on an eligible activity specified in the bill. The activities specified are, of course, very broad, ranging from land acquisition and clearance of slum and blighted areas—carried on now under the basic urban renewal program—to the construction of any kind of public works and facilities—carried on now under certain grant programs and the public facilities loan program.

Consequently, a community could use the Better Communities Act funds solely for the construction of a major public work—such as an airport or sports coliseum—or a series of park and recreational areas throughout the city. There would be no HUD review or approval required of the community's proposed use of funds, apart from assurances that the equal opportunity requirements of recent Civil Rights Acts were adhered to and that the funds were, in fact, being used for the purposes outlined in the community's statement of proposed activities. The administration takes the position that the eligible activities permitted under the Better Communities Act are all consistent with national objectives and that HUD should not "second-guess" the community's evaluation of its community development needs.

The block grant approach is significantly different. Communities of 50,000 or over would be required to use their community development funds to undertake balanced programs which, first, eliminate or prevent slums and blight; second, provide housing for low- and moderate-income families; and third, provide improved community facilities and services. The housing block grants are made available to these communities to carry out the housing component of their community development programs.

Furthermore, HUD would be required to review carefully, prior to the approval of block grant funds, the community's overall community development and housing program—determining whether the community's proposed use of funds addresses the problems identified in the community's application; and whether the community has the capacity efficiently to carry out the program. Significantly, the bill makes clear that the amount of funds a city may receive pursuant to the formula represents a "maximum" entitlement only, and that HUD is expected to reduce the entitlement for any community that is not reasonably addressing its needs, in the context of the bill's national priorities, or not making sufficient progress in carrying out its program each year.

We view the block grant approaches as evolutionary in nature, moving gradually from a dominant Federal role in the carrying out of community development and housing activities to one in which the community is the principal actor, and HUD exercises a more qualitative review and evaluation function. We believe that the cities, particularly those of over 50,000 population which have had substantial experience in the housing and community development field, are capable of assuming these increased responsibilities and that HUD would be far more effective in its new role if it were not so heavily involved in the constant monitoring of projects.

I urge all Members to give careful consideration to this comprehensive legislation. We believe the new tools it would provide to communities throughout the country would significantly assist in the provision of housing and the revitalization of our communities.

Mr. ASHLEY. Mr. Speaker, the legislation which Mr. BARRETT, the chairman of the Housing Subcommittee, and I are introducing today addresses some of the most critical problems the 93d Congress faces: The moratorium on Federal housing and community development programs; the problems that in large part brought on the moratorium; and, most importantly, the nature and extent of future Federal efforts in housing and community development.

We believe that enactment of this legislation would help resolve many of the difficulties involved in our existing programs; that it would provide a significantly improved system of Federal assistance for housing and community development; and that it would enable us to resume the task of providing decent housing in revitalized communities throughout the country.

HIGHLIGHTS OF THE BILL

PART I—COMMUNITY DEVELOPMENT AND HOUSING ASSISTANCE BLOCK GRANTS

Authorizes 3-year programs of block grants to communities to help finance community development and housing assistance programs. For the first 3-year period, $8.25 billion would be allocated for community development and $2.25 billion for housing assistance. The housing and community development programs would be required to be mutually supportive.

First, programs replaced. The community development block grant would replace the following HUD categorical programs: Urban renewal—including neighborhood development and code enforcement programs—model cities, water and sewer facilities, neighborhood facilities, advance acquisition of land, and open space-urban beautification-historic preservation programs.

The housing assistance block grant would replace the following housing programs: section 235 homeownership assistance, section 236 rental and cooperative housing assistance, rent supplements, public housing, section 312 rehabilitation loans, and section 115 rehabilitation grants. Rural housing programs administered by the Farmers' Home Administration would not be affected.

Second, distribution of block grants—community development. Metropolitan areas would receive 80 percent of the funds and 20 percent would be allocated to nonmetropolitan areas. Funds would be allocated among metropolitan areas on the basis of a four-factor formula—population, housing overcrowding, poverty counted twice, and past program experience. Out of each metropolitan area allocation the same formula would be used to allocate funds to metropolitan cities—generally over 50,000 population—in the metropolitan area. The remainder of each metropolitan area's allocation and the nonmetropolitan area allocation would be distributed to States and other local governments. A priority in the distribution of these latter funds would be given to urban counties, localities whose programs were in accord with any State development policies or priorities, and localities which combined to conduct a unified community development program where coordination of activities among two or more localities was needed for effective implementation of a program. Metropolitan cities would be eligible to receive grants in excess of the amount allocated to them by the formula if their average annual grant under the replaced categorical programs over a previous 5-year period was higher than their annual formula share.

Housing assistance. Seventy-five percent of the funds would be allocated to metropolitan areas and 25 percent to nonmetropolitan areas. A three-factor formula—population, poverty counted twice, and housing overcrowding—would be used to allocate funds to metropolitan areas and to metropolitan cities in the metropolitan area. A priority in the distribution of the funds would be given to urban counties, smaller localities that combined with each other to conduct a single housing assistance program, and localities whose programs were in accord with any State development policies or priorities.

Eligibility to receive grants. Applicants for formula and discretionary grants would be required to demonstrate compliance with a number of requirements designed to assure furtherance of national policies, standards of performance, and balanced programs serving a variety of needs. Recipients of grants would also have to demonstrate a continuing capacity to conduct their programs effectively. An application for grants would be required for each 3-year period, but the Secretary of HUD would monitor the conduct of community development and housing assistance programs and require reports and audits.

Third, application requirements—community development. The application would have to show that the applicant:

Has specified short- and long-term community development objectives which are consistent with comprehensive local and areawide development planning and with national urban growth policies;

Has described the proposed activities, their estimated costs and general location;

Has formulated a program to meet the housing needs of low- and moderate-income persons who are residing or employed in the community or may reasonably be expected to reside in the community;

Has provided satisfactory assurances that the Civil Rights Acts of 1964 and 1968 will be complied with;

Has provided for adequate citizen participation and public hearings prior to submission of the application; and

In the case of a city eligible to receive a formula grant has developed a comprehensive program to eliminate or prevent slums and to develop adequate community facilities, public improvements, and supporting health, social and similar services.

Housing assistance. The application would have to show that the applicant:

Has surveyed the condition of the existing housing stock in the community and has assessed the housing needs of low- and moderate-income persons who are residing or employed in the community or may reasonably be expected to reside in the community;

Has formulated a program which takes into account the needs of a range of income levels and which provides for a balanced use of the existing housing stock and the construction of new units within the community depending on local conditions;

Has described the types of assistance to be provided, the estimated annual and long-range costs, the general location of projects, and the financing methods to be used;

Has indicated how the housing program relates to and furthers the objectives of any community development program carried out by the applicant;

Has provided satisfactory assurances that the Civil Rights Act of 1964 and

1968 will be complied with and has provided for citizen participation and public hearings in connection with the development of the program;

Has formulated activities designed to avoid undue concentrations of assisted persons in areas containing a high proportion of low-income persons;

Has coordinated the location of housing projects with the availability of adequate public facilities and services; and

Has described the commitment of State and local resources to be available in carrying out the program.

Fourth, activities—community development. The following activities could be financed out of community development funds:

The acquisition of land which is blighted, undeveloped or inappropriately developed; or which is necessary for historic preservation, beautification, conservation, or the guidance of urban development; or which is to be used for the provisions of public facilities and improvements eligible for assistance; or which is to be used for other public purposes;

The construction, acquisition or installation of specified public facilities and improvements which generally are eligible for assistance under the replaced categorical programs;

Code enforcement;

Demolition or rehabilitation of buildings and improvements;

Payments to housing owners for rental losses incurred in holding units vacant for displacees—by both community development and housing assistance programs;

Provision of health, social, counseling, training, and similar services necessary to support both the community development and housing assistance program;

Financing the local share of other federally assisted projects approved as part of a community development program;

Relocation payments for both housing and community development programs; and

Management, evaluation, and planning activities for both housing and community development programs.

Housing assistance. The following activities could be financed out of housing assistance funds:

Grants to bring owner-occupied single-family housing up to code standards and loans to finance repair or rehabilitation of privately owned residential property, where repairs or rehabilitation are conducted on a neighborhood basis or as an integral part of a community development program;

Loans to finance the purchase, rehabilitation, the resale of one- to three-family dwellings as part of a neighborhood rehabilitation program;

Periodic grants to reduce mortgage payments—principal, interest, taxes, hazard insurance, and mortgage insurance premiums—by up to 50 percent on one- to three-family houses purchased and occupied by the owner;

Periodic grants to reduce rentals to tenants and occupancy charges to members of a cooperative in both privately owned and publicly owned projects;

Loans to finance the construction or purchase with or without rehabilitation or repair of rental or cooperative projects;

Reduction of rentals in dwelling units leased by a public body or agency; and

Seed money loans to nonprofit organizations.

The following general requirements would apply:

Assisted homeowners would be required to pay a minimum of 20 percent of their incomes toward mortgage payments;

Assisted renters or cooperative members would have to pay a minimum of 20 percent of their incomes toward rents or occupancy charges;

Assisted housing units would be subject to prototype cost estimates developed in connection with FHA insured housing under part III of the bill, unless waived by the Secretary because of high land or site improvement expenses;

Persons receiving the benefits of assistance would be required to have incomes not in excess of 80 percent of the median income for the area, but at least 50 percent of the persons assisted during the 3-year program would have to have incomes within the lower half of those persons eligible for assistance;

The Secretary of HUD would define income uniformly for all areas; and

The consumer protections applicable to FHA insured housing would be applicable to State or local financed housing.

Fifth, debt financing—community development. Federally guaranteed obligations could be issued by States or localities to finance land acquisition.

Housing assistance. Rehabilitation loans and the construction, rehabilitation or acquisition of rental and cooperative projects which are likely to house assisted persons over a long period of time could be financed from funds obtained through the issuance of federally guaranteed State or local bonds. Tax-exempt financing could be used in connection with projects to be owned by a public body or agency and taxable bonds with 30 percent interest reduction grants would be required in connection with privately owned projects. FHA insured financing would also be permitted for housing assisted under the block grant program.

Sixth, effective date. Both the community development and housing assistance programs would become effective July 1, 1975.

Seventh, residual Federal programs. Considerably revised federally administered homeownership and rental assistance programs would remain available for use in areas in which the Secretary determined that housing assistance funds were not being utilized to meet the housing needs in those areas.

PART II—PUBLIC HOUSING

No new projects would be developed or units leased under the 1937 act after the effective date of the housing block grant program—July 1, 1975. However, a major new program of modernization and renovation of existing public housing units would be authorized. The modernization program would include bringing housing units up to local code standards, correcting obsolescence, and making physical alterations to provide greater security to residents. An additional $45 million in contract authority would be provided for this purpose, with appropriation act approval required. Existing projects would continue to be eligible for operating subsidies up to $300 million annually.

In addition, substantial improvements in the operation of existing public housing projects would be made, carrying over many of the provisions of the 1972 House bill, including opportunities for homeownership through conversions of existing projects, the conditioning of the availability of Federal operating subsidies on adoption of more effective management policies, the adoption of tenant selection policies likely to achieve a greater income mix, and the imposition of average minimum rentals of 20 percent of aggregate tenant incomes. A minimum per unit rental would also be imposed equal to 20 percent of the operating expenses attributable to the unit. Tenants receiving welfare assistance, like all other tenants, would be charged rentals not in excess of the greater of one-quarter of income or 20 percent of the operating costs attributable to their units. No requirement would be imposed on public welfare agencies as to the amount of assistance given to public housing tenants.

PART III—FHA MORTGAGE INSURANCE

This part would include a substantial revision of the FHA mortgage insurance program along the lines of the consolidation proposal contained in the 1972 House bill, but with several changes designed to improve the operation of the mortgage insurance programs.

SIGNIFICANT CHANGES

First, mortgage limits. Limits would be established on the basis of prototype cost estimates developed periodically by the Secretary for each housing market area in place of current statutory dollar limits. Subsidized mortgages would not exceed 110 percent of prototype cost and unsubsidized mortgages 180 percent.

Second, interest rates. Rates would be established by the Secretary at levels to avoid discounts in excess of four points. When the interest rate is established in excess of 7 percent, the interest rate on mortgages up to 130 percent of the prototype cost would remain at 7 percent. However, this lower rate would be increased as necessary to keep the differential with the regular rate at 1 percent. GNMA would be required to use the "tandem" plan to support the lower rate mortgages at a price not less than 96.

Third, downpayments. Higher loan-to-value ratios would permit insured mortgages to be made at more than 95 percent of value up to $35,000.

Fourth, FHA inner city activities. Various conditions would be imposed on FHA insurance in inner city areas, including a tie-in with community development activities designed to revitalize the area. A variety of new uses of mortgage insurance would be allowed involving refinancing, repairs, and the transfer of ownership of existing projects.

Fifth, subsidized programs. Sections 235 and 236 would be substantially revised for use during the transition to housing block grants and afterward as residual programs. Section 235 would be restructured along the lines of the homeownership component of the housing block grant program. Section 236 and rent supplements would be integrated into one program with features designed to encourage an economic mix in each project.

The maximum subsidy in the homeownership program would be the lesser of the difference between 20 percent of the homeowner's income and the payments due under the mortgage for principal, interest, taxes, insurance, and mortgage insurance premium or an amount equal to 50 percent of the mortgage payments. In the rental program, a minimum rental of 20 percent of income would be required. The maximum subsidy would be an amount sufficient to reduce rentals charged on the basis of 1 percent mortgage by 20 percent—35 percent in the case of a project designed primarily for the elderly. An economic mix would be required in the project and at least one-half of the tenants in a project—other than a project designed for the elderly—would at the initial renting be required to have incomes sufficient to meet rentals charged on the basis of a 1-percent mortgage with no more than 20 percent of their incomes.

Persons eligible for assistance under either program would be required to have incomes not exceeding 80 percent of the median income for the area. In addition, a family qualifying for homeownership assistance must be financially unable to afford new or existing homes available in adequate supply in the area with the assistance of unsubsidized mortgage insurance.

In order to provide Members of Congress a full understanding of this comprehensive bill, I intend to review the course of recent events and the problems, particularly in housing, that make new program approaches necessary; and then set forth how these new approaches can assist in achieving our national housing and community development goals.

BACKGROUND

In my opinion, the most convenient starting point is August 1, 1968, the date of enactment of the Housing and Urban Development Act of 1968. As Members know, that act, called by the late President Lyndon B. Johnson the Magna Carta of housing, committed the Nation to the production and rehabilitation of 26 million housing units over a 10-year period, of which 6 million were to be subsidized by the Federal Government in order to serve low- and moderate-income families. To achieve this goal of 6 million subsidized units, the Congress created two major new programs: the section 235 homeownership assistance program and the section 236 rental assistance program.

These programs—under which market interest rates were to be subsidized to a level as low as 1 percent—were intended to serve families of moderate income; that is, those with incomes ranging from $4,000 to $8,000. These new programs supplemented two older housing programs which served generally lower income groups—the low-income public housing program enacted in 1937, and the rent supplement program enacted in 1965. Together these four programs represented the basic Federal tools needed to meet the 1968 act's subsidized housing goal.

The Johnson administration was not alone in its enthusiasm for the new tools provided by the 1968 act. Both the incoming Nixon administration and the Congress demonstrated a full commitment to the new programs by providing full funding for 3 consecutive fiscal years—fiscal years 1970–72. Substantial funding was provided for the older programs as well. As a result, between August 1, 1968, and the end of fiscal year 1972, more subsidized housing was produced for low- and moderate-income families—largely through the new programs—than during the preceding three decades of federally assisted housing programs.

Yet as significant progress was being made in achieving the "production goal" of the 1968 act, the problems which accompanied rapid production came sharply into focus. These problems—inappropriate and often controversial locational decisions, the mounting annual cost of subsidies, the often poor quality of construction, and the inability of the Federal Housing Administration to maintain effective administrative controls during the high production period—were seldom discussed during the deliberations leading to enactment of the 1968 act.

This was scarcely surprising, for in 1968 the homebuilding industry was just emerging from one of its worst recessions in history. During the extraordinary tight money period of late 1966 and early 1967, homebuilding starts had declined to an annual rate of just over 1,000,000 units, the lowest rate in many years. The need for increased production to serve a growing population—and particularly families of low- and moderate-income—simply overshadowed these and other critical questions.

This is not to say that none of these concerns were raised in 1968 by Members of Congress or the general public. I believe it fair to say, however, as one of the ranking members of the Housing Subcommittee, that the Congress paid insufficient attention to all of these matters in the climate of crisis then affecting the homebuilding industry.

Just 4 years later, in late 1972, a major housing and urban development bill which would have, in part, extended the housing subsidy programs with only minor modifications failed to obtain clearance by the Rules Committee. There were, of course, numerous reasons for the Rules Committee's actions; however, it is undeniable that the general controversy surrounding the housing subsidy programs, which made many House Members reluctant to vote to continue them in an election year, were among the basic reasons for the Rules Committee's action. Thus, despite the progress being made in achieving the record production levels intended by the 1968 act, by late 1972 congressional and public discussion focused almost exclusively on a series of major problems associated with the programs and, deemed by many, to be inherent in the basic design of the programs themselves

PROBLEMS WITH THE EXISTING PROGRAMS

Although much of this discussion involved issues of a minor nature or was based upon inaccurate information and inadequate understanding of the facts and issues, several overriding problems appear to be the basic causes for the unpopularity of the programs. In my opinion, these problems—taken as a whole—set the stage for the suspension of the programs by the administration on January 5, 1973.

The first, and probably most critical, problem was the issue of site location of federally assisted housing. Like the low-rent public housing and rent supplement programs before them, the new sections 235 and 236 programs were quickly priced out of the market for land in the central cities where hundreds of thousands of lower cost units were needed. In other areas of the city and in the broader metropolitan area, vacant land was available at prices which were not prohibitive; but these areas were often withheld from lower cost housing use because of the fear that large enclaves of lower cost housing would depress property values. Local resistance was, of course, much greater where occupants of the proposed housing might be of a race different from the inhabitants of the area. Thus, the critical problem of finding suitable sites for lower cost housing became increasingly difficult and politically controversial.

Responses to the site selection problem have taken various forms—significantly, all involve greater degrees of participation in housing by locally elected officials: First, legislation sponsored by many Members of Congress providing for local governing body approval of the location of federally assisted housing projects; second, legislation sponsored by a number of members of the Housing Subcommittee providing for the approval by locally elected officials, acting through metropolitan housing agencies, of the general location of assisted housing projects in accordance with a regional 3-year housing plan; and third, administrative action by the Department of Housing and Urban Development giving priority for the very popular water and sewer facilities grants to communities that were willing to provide low- and moderate-income housing in their communities. This latter policy was short-lived due to its politically controversial reception.

A second major set of problems involved the cost to the Federal Government of subsidizing such large numbers of housing units and the overall quality of that housing.

The interest-subsidy technique authorized for the new sections 235 and 236 programs was eagerly embraced by the Congress in 1968 as a method of limiting to acceptable amounts the large annual outlays for assisted housing to be reflected in the Federal budget. However, by 1971 both the administration and Members of Congress were raising serious alarms concerning the total costs involved in providing subsidies for the 6 million units called for by the 1968 act. Annual outlays were estimated at $6 to $8 billion by fiscal years 1976 and 1977, and total outlays over a 30 to 40 year period—covering the terms of subsidized mortgages and annual contributions contracts—were estimated at $60 to $100 billion. Although these estimates were based on widely differing assumptions as to the expected rise in incomes of subsidy recipients and the corresponding reduction in their need for subsidy, all estimates were sufficiently huge as to concern supporters, as well as opponents, of the programs.

Furthermore, the site location and cost issues were raised against a background of widespread publicity concerning the often poor quality of housing constructed under the sections 235 and 236 programs and the virtually substandard housing provided thousands of inner-city poor families under the limited authority contained in the 1968 act to subsidize existing units under the section 235 homeownership program. Investigations by various congressional committees and by the Office of the Inspector General of the Department of Housing and Urban Development provided ample evidence of inept and often dishonest administration by FHA officials and of irresponsible and corrupt practices by private developers and realtors.

Significantly, the HUD investigative reports placed principal responsibility for this wide range of abuses on a "production at all costs" psychology of senior Department officials. As Members know, Congress is still grappling with the extent of the Federal Government's responsibility to reimburse the thousands of lower-income families victimized as a result of such shortsighted administration.

Thus, to many observers the Federal Government was incurring obligations of billions of dollars in subsidy costs for poor quality housing of which it would be required, in all too many cases, to become the owner as well. Combined with the political controversies involved in hundreds of locational decisions being made throughout the country, it is not surprising that many Members of Congress were relieved not to have had to vote to extend the programs in late 1972.

A third set of problems involved the very nature of the programs themselves. Nationally established requirements as to income eligibility, maximum mortgage limits governing the cost of housing, maximum subsidy per unit, and the mix between new and existing housing to be assisted, served to reassure the Congress as to the use of Federal funds, but served in too many instances to straitjacket communities in their attempt to deal with unique local housing needs.

Examples in this area are numerous and familiar, yet their importance would not be underestimated. For example:

Income limits for the new sections 235 and 236 programs are set at a certain percentage of public housing income limits which are often out-dated and which vary widely among often contiguous communities in the same metropolitan area. As a result, families with generally similar incomes may be eligible for housing subsidies in one community, but ineligible in nearby communities.

Maximum mortgage limits for the section 235 program—set at $18,000 per unit, or up to $21,000 and $24,000 in certain cases—make the program virtually inoperative in some major metropolitan areas and central cities, while providing for relatively high-cost housing on the outskirts of metropolitan areas and in rural areas.

Maximum subsidy costs per unit, which are set under the new programs at the difference between monthly payments at market interest rates and payments at a 1 percent rate, provide, relatively, too much subsidy for certain moderate-income families and too little for those of the lowest income. This latter point—that of too little subsidy for those of very low incomes—is involved not only in the new programs authorized by the 1968 act, but in the older public housing and rent supplement programs as well. The nearly annual congressional deliberations over the Brooke amendment, contained originally in the 1969 Housing Act, basically revolve around the question of how much subsidy per unit is to be made available on behalf of the very lowest income groups in our society.

The mix between new and existing units to be subsidized—set by the Congress in both the section 235 homeownership program and the low-rent public housing program to favor strongly the production of new or substantially rehabilitated housing—coupled with the applicability of mortgage limits which are too low to permit construction in high-cost areas, aggravates efforts to provide urgently needed housing in many areas of the country where a substantial stock of lower cost existing housing can be utilized for thousands of lower income families. The result is that housing subsidies flow, in all too many cases, to areas of the country which need lower income housing relatively less than others.

The fourth set of problems affecting the subsidy programs involves the nearly complete divorce of responsibility for overall community development from responsibility for providing housing.

Local elected officials at community and county levels are responsible for controlling the pace and timing of physical development in their areas, building schools, water and sewer lines, and other public facilities in a manner consistent with the physical and financial needs of their communities. Yet—apart from the largely negative tool of zoning—they have little or no responsibility for or control of the development of housing, which is a critical ingredient in the growth of their communities.

The Federal urban renewal program, for example, has been a key factor in the development of hundreds of communities over the past two decades. The urban renewal law requires communities to provide sites for the development of housing, particulrly for low- and moderate-income families. Yet, apart from the limited help available to them through the public housing program, communities are virtually powerless to assure that their renewal plans with respect to such housing will be carried out. In many cases, adequate housing subsidy funds are not available, or not available in a timely fashion; in others, there is a lack of competent sponsors to carry out the complex and time-consuming projects; and in yet others, the rigid national requirements contained in the subsidy programs themselves—maximum mortgage limits, for example—serve to frustrate and delay the best of efforts. At the present time, both the New York City and the District of Columbia redevelopment agencies hold large amounts of land available for urgently needed housing which cannot be built bceause of the lack of housing subsidy funds.

On the other hand, private builders, private nonprofit groups, and, in many cases, virtually autonomous local housing authorities control not only the kind of housing to be provided—large or small units, single or rental, and so on—the location of that housing, and, by virtue of the above decisions, its cost to the Federal Government, but whether housing will be provided at all. If a city lacks nonprofit groups capable of sponsoring projects, a local building industry willing to tackle difficult inner-city projects, or an aggressive and politically accepted local housing authority, subsidized housing simply will not be provided when and where it is needed.

In short, with respect to housing, the most critical decision of a public nature are entrusted primarily to private individuals and organizations, while the public officials most responsible for the orderly development of their communities are virtually by-passed, left to exercise largely negative powers, such as impeding housing development altogether, or compelling minor and often harmful modifications in projects being carried on by others. The current "no growth" and "phased growth" movements are in no small part the reaction of local elected officials to development that does not properly accommodate their public management responsibilities.

ADDITIONAL PROBLEMS

Two other problems are an integral part of the crisis affecting Federal housing programs.

The first involves the less critical but worsening housing needs of middle-income families; that is, families with incomes ranging from $8,000 to $15,000.

The tremendous increases in the cost of land, labor, materials, and mortgage credit over the past decade have priced substantial numbers of these families out of the new, and increasingly the used, housing markets. In early 1970, then HUD Secretary George Romney told the House Banking and Currency Committee that approximately 80 percent of all families in the country could not afford with 20 percent of their monthly income the median-priced new home then being produced. Three years of the worst inflation in the country's history, culminating in the record high interest rates of recent weeks, have, of course, made homeownership and reasonably priced apartments a dream for all but the highest-income groups in the country.

As a result, the housing needs of millions of middle-income families have placed great pressure on the Congress to expand the range of incomes eligible for Federal housing subsidies. During the 92d Congress, the administration proposed a substantial increase in the income limits applicable to the housing subsidy programs to accommodate these pressures, despite its own argument that, in view of expected funding levels, only a tiny portion of the families eligible for subsidy could reasonably hope to receive them. Members of the Housing Subcommittee rejected the proposal on the ground that increasing the number of families eligible for subsidy would reduce even further the amount of subsidy funds available for the country's lowest income groups, whose housing needs were the most serious of all.

These middle-income families were being ignored not only by the subsidized programs and conventionally built housing, but by the FHA unsubsidized programs as well. As increases in housing costs continued annually, the FHA single-family mortgage limit of $33,000 became an anachronism in the country's large metropolitan centers, where land and construction costs were very high. The FHA's share of the unsubsidized housing market declined sharply, and its basic single-family program is now regional in nature, all but inoperative in the high-cost Northeast, Middle West, and Far Western States.

This development raised basic questions about the future of the FHA, long the Federal Government's principal tool for expanding homeownership opportunities through a national system of mortgage credit. If the traditional FHA homeownership program was not serving its intended purpose, what should the FHA be doing, if anything at all? Could not the expanding private mortgage insurance system serve the country's middle-income families, leaving the subsidy programs as FHA's sole concern?

Second, and at the other extreme, there emerged into public focus—partly through the subsidy programs themselves and partly through the general plight of the Nation's central cities—the extraordinarily difficult problems of financing housing development in the declining inner-city neighborhoods of our great metropolitan areas. These neighborhoods—victims of years of social and economic decline, the flight of the affluent, often federally aided, to suburban areas, the changing location of employment opportunities, and land speculation of the most vicious and irresponsible kind—were the targets of both administrative and legislative mandates to the FHA to provide the mortgage credit considered so desperately needed to arrest further decay and begin the task of rebuilding.

Unfortunately, the FHA was neither prepared by experience nor motivation to deal sensitively with such an array of problems. The evidence—in terms of outrageous mortgage credit abuses and high foreclosure rates on the one hand, and further bitterness and alienation on the other—is all around us and rebukes our Nation's will and determination in this area.

THE PRESENT

The abrupt suspension of federally assisted housing programs by the President on January 5, 1973, ratified these increasingly negative views of the programs. They were, for the first time, officially condemned as "wasteful, inefficient, and inequitable" by then Secretary Romney, by Kenneth Cole of the Domestic Council, and by the President himself.

For the administration, it was extraordinarily convenient to take this arbitrary step of suspending the programs. It was faced with a serious short-term budget situation which would be worsened by further commitments under the programs. Overall housing production would continue at high levels because of the then ample supply of mortgage credit and the assisted units already committed and in the pipeline. And finally, and most important, the administration had begun to question—in the face of record housing production levels on the one hand, and increasing political problems affecting the subsidy programs on the other—the basic need for Federal housing subsidies at all.

Today, 8 months later, it would be difficult to maintain that the administration misread the mood and temper of the American people and the Congress.

The outcry against the moratorium has been, on the whole, a mild one; and even those who rightly condemn the moratorium for its disastrous effect on planned projects and the hopes of thousands of families appear to agree that a basic rethinking of Federal housing efforts is long overdue.

We agree with this latter position. The moratorium will have a disastrous impact on the amount of housing available to low- and moderate-income families in the immediate years ahead. The loss in units will run to hundreds of thousands before the Congress enacts and the administration is able to implement a new set of Federal housing tools. Even if the existing programs were reactivated, the increased cost of land, labor, materials and financing will render many projects economically infeasible. It is ironic that an administration which prides itself on introducing the most efficient management practices to government can have produced such a monumental management blunder.

Thus we seem to have returned to certain critical years in the history of housing legislation—1937, 1949, 1965, and 1968—about to debate once again the extent of our Nation's housing needs, the proper role of Government and private enterprise in fulfilling those needs, and the precise techniques to be used to produce and conserve housing at reasonable cost, efficiently, and equitably.

HOUSING NEEDS AND HOUSING PROBLEMS

We do not intend to participate in such a debate. We believe there is widespread agreement within the Congress and in the country as a whole that:

The need is substantial for additional actions to produce housing and to preserve and upgrade the existing housing stock, whether or not that need can be quantified at precisely 26 million units; millions of middle-income families are being priced out of the housing market and the housing needs of low- and moderate-income families remain at critical levels; we need policies and programs that promote both greater production of new units and upgrading of existing ones and more effective demand for housing among low- and moderate-income families.

Government at all levels and the private homebuilding industry have critical roles to play in meeting our housing needs; the Federal Government has recognized its housing responsibilities for nearly four decades; the thousands of local public housing authorities established since 1937 testify to the commitment of our cities; and, more recently, the rapid expansion of State housing finance agencies demonstrates the commitment of State government in this area; private enterprise simply cannot meet our housing needs without substantial assistance from Federal, State, and local governments; and

The precise techniques needed to build and preserve housing must be constantly reviewed and modified in order to meet changing needs and to meet established needs more effectively; there are numerous ways of providing assistance for housing at reasonable cost; and we should not hesitate to move to new approaches, so long as we do so in an orderly manner.

However, we must recognize certain realities concerning housing if we are to frame more effective approaches to meeting our needs.

First, our housing needs are of such a magnitude that they are not likely to be met in a short period of time without a massive commitment of the Nation's resources. Yet in view of other equally pressing social needs—in providing improved health services, quality education, and a cleaner environment—housing simply will not receive a priority claim on the Nation's resources. Consequently, we must face the necessity of striving for, and accepting, only incremental improvments in housing conditions. To promise more is to raise false hopes among those we most wish to help.

Second, there is no inexpensive way of providing housing assistance to low-income families. If we wish to serve individuals and families with the greatest housing needs, we must be prepared to provide substantial subsidies to them or on their behalf. To limit arbitrarily the amount of subsidy to any family often means to exclude automatically the neediest families. In view of the substantial Federal tax benefits that are realized annually by millions of homeowners on their home mortgages, excluding admittedly needy families, housing assistance cannot be justified.

And third, any program that applies limited resources to problems of great magnitude must in some respects appear to be inequitable to some and preferential to others. The equity problem raised by the administration with respect to the new housing programs created by the

1968 act—that millions of families are technically eligible for Federal subsidies, yet only a select few are likely ever to receive them—is a case in point. Yet few Federal—or State or local—programs are able, because of limited resources, to serve all of those technically eligible for assistance; choices must be made, and in creating programs Congress usually directs the administering agencies to establish priorities of one kind or other. In all but a few cases, the resulting inequity is inevitable.

Mr. Speaker, for the information of the Members I have compiled a summary of this legislation which I think will be of a great deal of help.

PART I—COMMUNITY DEVELOPMENT AND HOUSING ASSISTANCE BLOCK GRANTS

The details of the community development and housing assistance block grant part of the bill were previously described. I would like here to discuss some of our thinking on these programs.

Community development.—The proposed program of grants to localities for community development programs is almost identical to the proposal reported by the Banking Committee last year. There was general agreement then as to the desirability of consolidating various HUD categorical grant programs into block grants to give communities more flexibility in the use of funds to meet local needs and priorities.

The administration proposed a version of this consolidation of programs in 1971 and again this year which it called "special revenue sharing." The special feature of the administration's proposal is that the money flows out automatically to communities on the basis of a formula. There would be no Federal review of the effectiveness of the community's programs in meeting national goals of eliminating slums and blight and providing decent housing. We strongly object to the administration's approach. The reduction of redtape is not a goal which should override our concern that Federal funds be used effectively to meet national objectives.

Our proposal does not provide money automatically to local governments. It allocates funds to communities by a formula, but this allocation merely tells communities how much money they are eligible to receive if they meet certain requirements and national priorities and if they demonstrate a capacity on a continuing basis to carry out programs effectively. Under our proposal a community may receive in any year all of its formula allocation, a portion of it, or none of it depending on the quality of its development program and the community's performance in carrying out that program.

The administration's proposal falls far short of acceptability in another area. It continues the old approach of treating community development and housing separately. If there is anything we have learned in the last few years, it is that we cannot have sound community development without a close tie-in with housing assistance and that we cannot have effective housing programs without local governments providing adequate facilities and services and a healthy community environment for housing.

We believe that a coordinated program of community development and housing block grants is a sound approach toward meeting the needs in both areas.

Of course, until the effective date of the new community development program—July 1, 1975—existing programs should be funded by the Congress and carried out by HUD. The Congress is currently acting on funding authorizations for HUD's community development programs for fiscal year 1974. We expect similar congressional action on authorizations needed for fiscal year 1975.

Housing assistance.—The specific purposes of the housing block grant program are as follows: First, to provide housing funds to communities on the basis of objective need factors; second, to enable communities to plan and carry out unified community development and housing programs; and third, to provide communities the flexibility needed to use program tools in ways that enable them to meet local housing conditions. All of the provisions of the bill relating to housing block grants are intended to accomplish these purposes.

Allocation of funds.—Funds would be distributed to communities in substantially the same manner as under the community development block grant program: 75 percent of the funds would be allocated among the country's metropolitan areas and within them to metropolitan cities—generally cities over 50,000—pursuant to a three-part formula based on population, amount of poverty, and housing condition; 25 percent of the funds would be allocated to rural, nonmetropolitan areas—these funds would be in addition to the assistance provided rural areas under the Farmers Home Administration housing programs—State agencies, counties, and smaller communities could apply for discretionary funds available in each metropolitan area and in rural areas.

The Secretary would, of course, be given flexible authority to reallocate funds from metropolitan cities to other communities in metropolitan areas, and vice versa, after periodic determinations by him that funds allocated to certain communities are not likely to be utilized. Such flexible authority is essential to permit communities capable of using additional funds to do so expeditiously.

Authorization for grants.—Up to $2.25 billion would be authorized for grants during the first 3-year period of the housing block grant program. An amount to cover the full 3 years could be approved in an appropriation act prior to the first program year. Annual grants would be made up to $400 million the first year, $750 million the second year, and $1.1 billion the third year.

The Secretary of Housing and Urban Development would reserve a community's share of the 3-year amount in accordance with the community's maximum entitlement under the formula allocation provisions. The actual amount of funds approved for distribution to the community would depend on the community's meeting application requirements and demonstrating its capacity to utilize the funds.

It is anticipated that a portion of a community's annual grant would be used for short-term commitments, such as rehabilitation grants, leasing of units, or subsidizing tenants in existing projects. A substantial portion of the funds would be used in connection with long-term subsidy arrangements, such as those involved in constructing or acquiring projects to be occupied primarily by assisted persons. Thus, a portion of the second year's grant would provide second-year funding for projects begun in the first year, and a portion of the third year's grant would continue to subsidize projects begun in the first 2 years.

The amount of the authorization would continue to increase in this manner, reflecting the actual annual cost of the program. Long-term subsidy commitments would be supported by Federal guarantees of local bonds, FHA mortgage insurance, and the commitment of State and local funds.

UNIFIED COMMUNITY DEVELOPMENT PROGRAMS

Metropolitan cities would be entitled to receive an allocation of housing block grant funds in conjunction with their community development grant distributions. This would enable a community's application for community development and housing funds to be formulated, submitted, and acted upon by HUD simultaneously, so that the housing activities to be undertaken and the amount of housing funds to be available—over the 3-year period of the program—would be known by the community at an early stage. With this kind of coordination, the community would know immediately how many housing units would be assisted and families and individuals served and in what areas housing could be made available for persons to be displaced by community development activities.

It would also be able to coordinate the location of new housing units with existing or planned public facilities and services, such as schools, transportation, police and fire protection, and also with employment opportunities. Under existing programs, housing projects often have been located conveniently for the developer but for no one else.

States, counties, and small communities would apply for housing block grants—out of the discretionary funds available to the Secretary—in conjunction with their applications for community development funds or, where community development funds are not available to them, separately. These applicants would also be required to submit 3-year housing plans.

It should be noted that housing assistance would also be available directly through HUD in communities which do not apply for community development or housing funds, do not receive them because of the shortage of discretionary funds available to the Secretary, or are not fully utilizing funds available to them. In these localities, the residual homeownership and rental assistance programs—described in part III—would be available to serve housing needs.

Flexible use of funds.—Housing block

grants could be used by localities to finance the kinds of assistance currently available under the HUD housing subsidy programs; that is, to reduce interest rates on home and multifamily mortgages, to supplement rents paid by lower income families and individuals to make rehabilitation loans and grants, and to make "seed money" loans to nonprofit sponsors.

Use of these funds would be subject to important Federal requirements relating to maximum income and mortgage limits, minimum income contribution requirements, and, most importantly, the mix of income groups to be assisted. With respect to this latter requirement, the bill provides that persons receiving the benefits of housing assistance would be required to have incomes below 80 percent of the median income for the area, but at least 50 percent of those assisted during a community's 3-year program would have to have incomes within the lower half of those eligible for assistance in the community. This requirement would assure that a greater portion of our Federal housing assistance would be available to the lowest income families and individuals.

There would be no Federal requirement, however, as to the mix between new construction, rehabilitation, and use of the existing housing, other than the bill's requirement that a locality's 3-year program provide for a balanced use of the existing stock and the construction of new units. Communities with an ample supply of housing but with many older rundown units may wish to concentrate a substantial portion of their funds on rehabilitating and repairing the older units. Other communities, with expanding populations and vacant lands, may well allocate most of their funds toward the construction of new units. This is the kind of program flexibility needed for sound housing programs and what is largely missing in the existing array of Federal programs.

Two additional points should be made in conjunction with this new program.

First, the new program provides significant encouragement to States to expand their roles in providing housing to their residents. States have in recent years vigorously expanded their roles in meeting the housing needs of their residents, generally providing lower-cost tax-exempt financing which is further subsidized through the availability of sections 235 and 236 subsidies. The bill, by making housing block grants available for use in connection with publicly financed housing, furthers State efforts in this area. In addition, the bill provides a priority for applications from localities—other than metropolitan cities—where housing—and community development—activities are consistent with State development priorities. States would also be permitted to apply for housing development—block grants to carry on programs on behalf of smaller communities. We believe these provisions of the bill will serve to expand significantly State efforts in housing and community development.

And second, the bill provides communities with the opportunity to obtain long-term financing of housing activities at significantly lower interest rates, by encouraging the use of taxable municipal bonds with 30 percent interest subsidies. Such lower-cost, long-term financing of housing development will enable communities to maximize their use of subsidy funds and enable them to serve lower income families, at a substantial gain to the Federal Treasury, through the use of taxable, rather than tax-exempt, borrowing.

We believe the country's cities have the capacity to develop and carry out the housing assistance programs called for in the bill. Four-fifths of the nearly 500 metropolitan cities are involved in either the low-rent public housing program, the urban renewal program, or both. More than half of these cities are currently involved in both programs.

These figures demonstrate that our metropolitan cities have substantial experience in carrying out housing activities to their community development programs. We believe that with sensitive and understanding policy guidance from HUD and with the full support of the Congress, our cities will be able to translate that experience into more effective housing activities.

PART II—PUBLIC HOUSING ASSISTANCE PROGRAM

After July 1, 1975, the effective date of the housing block grant program, resources devoted to the existing low-rent public housing program would be concentrated on improving and modernizing the existing public housing stock and enhancing homeownership opportunities for public housing tenants.

At the end of 1972, more than 1¼ million public housing units were under long-term annual contributions contracts, of which slightly more than 1 million were under management. More than 3 million Americans—approximately 1½ percent of our total population—live in public housing. By fiscal year 1973, aggregate annual Federal outlays for public housing subsidies exceeded $1 billion for the first time. By any standard the low-rent public housing program represents an enormous public commitment, both moral and financial, toward the goal of achieving decent housing for our lowest income families.

In order to protect the substantial investment of Federal and local resources in the public housing stock, the bill would initiate a major new 3-year program designed to improve and modernize older public housing units. Current authority would be authorized providing $15 million annually for a 15-year period. This amount is the absolute minimum needed to preserve a major national asset worth in dollars many times that figure and, in fact, irreplaceable today in many communities at any cost.

The portion of the public housing stock that most requires upgrading ranges in age from 15 to 35 years. Units built prior to 1950 were financed, for the most part, with debentures to be paid out over a 60-year amortization period ending from 1998 to about 2010. Units built from 1950 to 1960 were financed on 40-year debt amortization schedules ending during the 1990's. This older housing stock must be upgraded to serve at least for the period required to amortize the debt incurred for it.

Most of the public housing built prior to 1960 was designed to meet the then minimum standards for space and facilities and densities. It was generally sturdy, but austere; architecturally repetitious and institutional in appearance. It was characterized by small rooms, small dining areas and open shelving in the kitchens, no doors on the closets, bare concrete floors, painted concrete block interior walls, exposed concrete ceilings, small refrigerators—often without freezer units—kitchen sinks without base cabinets, lack of adequate storage space, minimum heating equipment, and so on. Such austerity was justified in the name of economy, and it was expected that, with routine maintenance, these units would hold up under constant and hard usage for 40 to 60 years.

Needless to say, those expectations are not being realized. Beginning in the 1960's, the Federal Government began to understand the consequences of these shortsighted policies and started the process of adjusting its policies and standards to the normal requirements for decent and comfortable family living and to the hard fact that low-cost construction often means high-cost maintenance and early obsolescence.

The adjustment process has been slow and painful. Yet the public housing built in recent years is a vast improvement, in terms of amenities and livability, over that built during the first 20 years of the program. The fact remains, though, that we have on hand a large stock of housing from 15 to 35 years old that needs upgrading if it is to be made decent and livable and remain so for its remaining economic life.

The modernization funds proposed in this legislation would be restricted to three categories of use:

First. To correct obsolescence by bringing the older units up to present HUD standards for public housing;

Second. To bring units up to local building code standards; and

Third. To finance physical alterations necessary to provide better security for residents and the projects themselves.

These funds are not intended to be used for ordinary maintenance of units, nor to provide services associated with the everyday management and operation of public housing.

The nearly $100 million made available by the Congress since 1969 for the existing public housing modernization has been inadequate to carry out a meaningful program of improving the units most in need of modernization. The annual program level of $20 million is spread much too thinly over the many authorities which could use the funds effectively; and much of the funds have been used for ordinary maintenance and for tenant services activities that ought to be financed from maintenance and operating expense budgets.

There is a clear and urgent need for a substantially larger and more effective program of physical improvements to these older units. We believe that the funds proposed in the bill are the very minimum needed to preserve and upgrade these units, which, if lost to the public housing stock, would be prohibitively expensive to replace at today's land and financing costs. We estimate that this authorization would serve approximately 225,000 units at an average cost of $2,000 per unit.

Not only must funds be provided to upgrade existing public housing units, but substantial improvements must be made in the operation of these projects.

The bill would carry over many of the provisions relating to public housing contained in the 1972 housing bill. The subsidy structure for the public housing program would be revised so as to provide a more effective statutory framework for the new operating subsidy authorizations enacted by Congress in 1969 and 1970. However, no additional operating subsidies would be provided. The sum of $300 million for such subsidies would be available under the bill, approximately the level currently being utilized.

In order to promote more efficient management of projects by local housing authority officials, the bill directs the Secretary of Housing and Urban Development to insure, as a condition to the granting of annual operating subsidies, that: First, sound management practices will be followed in the operation of projects; second, effective tenant-management relationships will be established, and third, satisfactory tenant safety and maintenance standards are established. We believe these provisions are necessary to strengthen the legal authority of the Secretary to promote more efficient management practices which are responsive to the needs of tenants as well as the financial interests of Federal and local governments.

The bill also contains provisions designed to expand homeownership opportunities for tenants of public housing. There is adequate authority in the public housing law providing for the purchase of units by tenants; however, the bill would direct the Secretary to encourage the development by local housing authority managements of viable homeownership opportunity programs for their upper-income tenants.

The development of such programs is a difficult but essential aspect of effective and responsive public housing management. It is difficult because the responsibilities of ownership should not be thrust upon tenants without careful preparation. Yet, making such opportunities available is essential if the tenants are to have a credible commitment toward the efficient operation and success of their projects. Such a commitment can only be engendered by providing these tenants with a meaningful prospect of homeownership, that permanent stake in something of their own, which the vast majority of their fellow Americans enjoy.

PART III—MORTGAGE CREDIT ASSISTANCE

This part would completely rewrite the National Housing Act, the law governing the FHA mortgage insurance programs, along the lines approved by the Banking Committee during the 92d Congress. However, it would make several important changes in the committee's 1972 bill in order to enable the FHA mortgage insurance system more effectively to serve middle-income families and to provide for an orderly transition to the new housing block grant program.

The principal features of the revised FHA system would be as follows:

Insurance authorities. All mortgages and loans would be insured under the following authorities—title III—loans for home improvements, mobile homes, and historic preservation; title IV—unsubsidized—section 401—and subsidized—section 501—and subsidized—section 502—multifamily mortgages; health facilities—section 503; supplemental loans—section 504; and land development—section 505.

Flexible mortgage amounts. In place of various statutory dollar limitations on mortgage amounts, the Secretary of Housing and Urban Development would determine the development cost of prototype units in each housing market area; the maximum insurable mortgage amount for a subsidized dwelling unit could not exceed 110 percent of development cost; for unsubsidized housing, the maximum insurable mortgage could not exceed 180 percent of development cost.

Flexible interest rates. The Secretary would be directed to establish interest rates for FHA-insured mortgages at levels at which discounts in excess of four points could be avoided; when the FHA interest rate was established at a rate in excess of 7 percent, the interest rate on mortgages in amounts up to 130 percent of development cost would be set at 7 percent, or a higher rate but not more than 1 percent below the regular FHA interest rate; HUD would be required—through the Government National Mortgage Association—to use the "tandem plan" to support the lower interest rate mortgages at a price of not less than 96.

Insurance risks. There would be a single standard of insurability for all mortgages insured by the Secretary: Insurable risk; furthermore, the assets and liabilities of the existing insurance funds used under the National Housing Act would be transferred to a single general insurance fund under which all future FHA operations would be carried out.

Home mortgages—unsubsidized. Maximum loan-to-value ratios could not exceed 97 percent of the first $25,000 of appraised value, 90 percent of value between $25,000 and $35,000, and 80 percent of value over $35,000; the minimum downpayment required would be 3 percent of acquisition costs plus closing costs.

Multifamily mortgages—unsubsidized. Unsubsidized multifamily mortgages would be insured under one authority with uniform statutory terms, and could cover residential rental projects, cooperative and condominium housing, and mobile home courts; no statutory dollar limit on the amount of the project mortgage would be imposed; minimum equity requirements would be generally similar to those prescribed in existing law: for new construction, 10 percent of replacement cost; for rehabilitation, 10 percent of the cost of rehabilitation plus the value of the property before rehabilitation.

Subsidized programs. The sections 235 homeownership and 236 rental assistance program would be continued—under sections 402 and 502, respectively, of the Revised National Housing Act—in modified form for use during the transition to the new housing block grant program, and afterward as residual programs for areas not being adequately served by the new block grant program.

The FHA mortgage insurance programs, unsubsidized as well as subsidized, have encountered serious problems in recent years, calling into question the basic justification for a once widely accepted system of providing mortgage credit for residential construction.

As FHA's resources were increasingly devoted to meeting the problems of inner-city declining areas and the assisted housing goals of the 1968 act, dissatisfaction mounted with FHA's performance in its basic unsubsidized programs. Processing of applications for the basic single and multifamily programs was alleged to be too slow and burdensome for two principal reasons: First, the diversion of FHA's manpower and resources into the socially oriented housing programs; and second, the imposition on FHA of the equal opportunity requirements of the Fair Housing Act of 1968 and the environmental protections resulting from the Environmental Quality Act of 1969.

Other important factors contributed to the declining position of the FHA in the residential finance market. Chief among these was the Congress unwillingness to maintain FHA's availability in the country's high-cost areas—through increases in the maximum amount of mortgages that could be insured—and to reduce downpayment requirements in the face of the rising costs of housing that could be built. As a result, the private mortgage insurance system expanded rapidly, offering rapid processing of low-downpayment mortgages—5 percent on mortgages up to $36,000 and 10 percent on mortgages up to $45,000.

By 1971, HUD Under Secretary Richard Van Dusen proposed consideration of a privately owned FHA, similar to the Federal National Mortgage Association as approved by the 1968 act. The Mortgage Bankers Association called for the restructuring of the FHA within the executive branch by providing it an independent status and a return to its previous role of serving primarily middle-income unsubsidized families.

We disagree strongly with these proposals. We believe that despite the recent sharp decline in FHA's share of the resident market, the FHA has an essential role to play in providing mortgage credit for residential construction.

FHA-insured mortgages remain widely accepted credit instruments, traded freely on the secondary mortgage market, which help to provide an adequate supply of mortgage funds, particularly in periods of credit stringency. The FHA system is financially sound, capable of withstanding all but the most disastrous economic declines, in contrast to the young and largely untested private mortgage insurance industry. FHA remains an essential source of mortgage funds for assisted housing to be built and rehabilitated under the housing block grant program and for the urgent residential needs of inner-city declining areas. And finally, FHA's promotion of minimum property standards applied to location, design, materials, and construction methods continues to benefit consumers of FHA-financed housing directly, and by virtue of its impact on the market conventionally financed housing as well.

We believe that FHA's most crucial role in the years ahead is to assist in the construction of moderately-priced housing for families of middle income. As stated earlier, these families, particularly those with incomes from $8,000 to $12,000, simply cannot afford, without additional assistance, the median-priced new homes being built throughout the country; and are finding it increasingly difficult, due to the recent rampant inflation, to purchase existing homes as well.

The bill contains several provisions to enable FHA to assist middle-income families.

First, it provides for an increase in maximum insurable mortgage amounts which will result in more realistic limits for both unsubsidized and subsidized mortgages so that all FHA programs can be fully operational throughout the country.

Second, it provides for the setting of the interest rate applicable to lower-cost housing—that is, housing covered by mortgages not exceeding 130 percent of development cost—at a rate which generally does not exceed 7 percent, and in no event higher than 1 percent lower than the regular FHA interest rate. For example, if the FHA rate is set at 7½ percent, the rate on these lower-cost home mortgages would be set at 7 percent; if the rate is set at 8½ percent, the rate on lower-cost mortgages would be set at 7½ percent. HUD—through the Government National Mortgage Association—would be required to support the lower interest on these mortgages at a price of not less than 96—that is, at a discount to the builder or mortgage seller of not more than four points.

And third, it provides for a substantial reduction in downpayments required of purchasers. Under the bill, the principal obligation of any home mortgage may not exceed 97 percent of the first $25,000 of the appraised value of the house, 90 percent of the value between $25,000 and $35,000, and 80 percent of the value over $35,000. The required downpayment on a $35,000 home would be reduced to about 5 percent—$1,750—from the nearly 10 percent—$3,450—that would be required under existing law.

We believe these provisions would contribute significantly to the production of housing urgently needed to serve middle-income families. They would help keep the cost of mortgage credit at reasonable levels, and support the construction of lower-cost housing during periods of rising interest rates and tight money.

FHA also has an important role to play in encouraging more efficient and orderly land development, primarily in the suburban and exurban portions of our metropolitan areas. This part expands the authority of the FHA to finance the cost of large-scale land development by liberalizing the loan-to-value ratios contained in the existing title X land development program and permitting insured loans to cover the full range of public facilities and improvements authorized for new community development. We believe that activity under this program should be strongly encouraged by HUD.

Insurance funds and risks. Four separate mortgage insurance funds are used under the National Housing Act—the mutual mortgage insurance funds, the cooperative management housing insurance funds, the general insurance fund, and the special risk insurance fund. The bill would transfer the assets and liabilities of these funds to a single general insurance fund under which all future FHA operations would be carried out.

This transfer will provide the new general insurance fund the assets necessary to carry out future insurance activities on a financially sound basis and will permit the establishment of a single standard of insurability for future FHA mortgage transactions: that is, a standard of insurable risk. This new standard was approved by the Banking Committee in the 1972 housing bill for the bulk of FHA mortgage operations.

The need for a uniform standard to be applied to all mortgage insurance transactions has been amply demonstrated in recent years. It is both unwise and confusing to categorize mortgage insurance on assisted housing, for example, as "special risk" transactions. When financial assistance is being provided by the Federal Government, such housing should be able to meet the same standards of insurability that FHA unsubsidized housing must meet. The same requirement should apply to mortgages covering housing in our older urban areas. The community development and housing block grant programs provide important new tools to communities to deal with the multiple problems of these areas. We expect the Secretary, in considering applications for mortgage insurance in such areas, to determine whether the community's community development and housing activities give promise of stabilizing values and generally upgrading the area involved. We believe that the combination of community improvements and FHA mortgage credit can provide significant help in arresting deterioration in such areas, and that the "insurable risk" standard will not serve to deprive these areas of FHA's mortgage credit resources.

The new "General Insurance Fund" would be self-supporting. The bill contains no provision—such as that in existing law with respect to the special risk insurance fund—authorizing appropriations to make up deficits in the fund.

Transition and residual housing assistance programs. As stated earlier, the new housing block grant program would go into effect on July 1, 1975. Assuming enactment of housing legislation by midsummer of 1974, there remains a need for continuing the sections 235 homeownership and 236 rental assistance programs during the transition period. In addition, there is a need to continue these assistance programs on a residual basis, after the housing block grant program goes into effect, in order to serve housing needs in communities which either do not apply for community development funds or do not receive community development funds because of the shortage of discretionary funds available to the Secretary. It would be unfair to deprive residents of such communities, access to Federal housing assistance.

Thus, in order to provide housing assistance for both transitional and residual purposes, this part continues the sections 235 and 236 programs under sections 402 and 502, respectively, of the Revised National Housing Act. However, in order to improve the operation of the programs and to facilitate their use under the new block grant program, the bill makes the following changes in existing law governing the programs:

Homeownership assistance—first, income limits would be set in each housing market area by the Secretary at 80 percent of median income in the area with adjustments by the Secretary for family size and for areas of unusually high construction costs or low median incomes; second, mortgage limits would be set for each area under the new prototype cost procedure; third, the downpayment required for assistance would be at least 3 percent of the acquisition cost of the property; fourth, the maximum subsidy would be set at one-half of the monthly payment due under the mortgage for principal, interest, taxes, insurance, and mortgage insurance premium, which approximates the maximum assistance provided under existing law; and fifth, there would be no provision concerning the amount of assistance available with respect to new construction or rehabilitation and existing housing; existing law provides that up to 40 percent of the funds available for homeownership assistance may be used with respect to existing housing.

Rental assistance—first, income and mortgage limits would be changed in the same manner as in the homeownership program; second, the income contribution required of a tenant would be set at not less than 20 percent of his income—in place of the 25-percent requirement in existing law—this change would provide a modest increase in benefits to tenants who are not obtaining equity in their units with Federal assistance, as is the case with families assisted under the homeownership program; third, the maximum assistance with respect to any project could not exceed the amount needed to reduce the basic rental charge for units—established on the basis of a mortgage bearing interest at the rate of 1 percent—by 20 percent—35 percent where the project is designed for elderly or handicapped tenants; and fourth, at the time of initial renting of projects—

other than for the elderly or handicapped—at least half of the units in each project must be rented to tenants whose incomes are such that the basic rentals do not exceed 20 percent of their incomes. The changes in the rental assistance program described under third and fourth above are intended to provide the legislative authority for a complete consolidation of the section 236 rental program and the rent supplement program. These programs have been carried on administratively as one program in recent years, with 20 to 40 percent of the units in section 236 projects being further assisted under the rent supplement program. The consolidation proposed in the bill provides the statutory framework for promoting a broader range of incomes within rental projects and for providing the deeper subsidies required to serve low-income families and individuals.

The bill provides additional contract authority of $150 million for homeownership assistance and $200 million for rental assistance for fiscal year 1975, which we hope will be a year of transition to the new housing block grant program.

FUNDS FOR CUSTOMS FOR ADDITIONAL FACILITIES ALONG MEXICAN AND CANADIAN BORDERS

(Mr. HARSHA asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HARSHA. Mr. Speaker, today I have introduced at the request of the Department of Treasury, a bill to increase the amount authorized to be expended to provide facilities along the border for enforcement of the customs and immigration laws. The bill would increase from $100,000 to $200,000 the existing limitation on the amount of funds which may be expended for the construction of inspectional facilities for the enforcement of the customs and immigration laws along the Mexican and Canadian borders.

The following is an analysis of the legislation:

ANALYSIS

Under existing law (19 U.S.C. 68) the Secretary of the Treasury and the Attorney General are authorized to expend from the General appropriations of the Bureau of Customs and the Immigration and Naturalization Service such amounts as may be necessary to acquire land and erect buildings, sheds, office quarters, and living facilities which are otherwise unavailable, at points along the Canadian and Mexican borders and in the Virgin Islands, as an aid to the enforcement of the customs and immigration laws, provided that the amount expended on any one project, including the site, does not exceed $100,000. The Attorney General is authorized to expend not more than $100,000 for similar purposes in Guam. If a project is intended for the joint use of the Bureau of Customs and the Immigration and Naturalization Service, its combined cost including the site is charged to the two appropriations concerned. The proposed bill would increase the maximum costs that may be incurred under existing law to $200,000.

The proposed new ceiling of $200,000 is needed to meet the increased costs of site acquisition and construction since 1962 when Congress last amended the Act entitled "An Act to provide better facilities for the enforcement of the customs and immigration laws", approved June 26, 1930, as amended (19 U.S.C. 68), and to provide for future projected increases in these costs. Border inspection facilities are usually erected in remote areas immediately adjacent to the Mexican and Canadian international boundaries. Costs are influenced by the unusually great distances that both men and materials must be transported to the job site. Often, the contractor is forced to provide either per diem or room and board to his employees. Subcontractors for plumbing, heating, electrical, bricklaying, and carpentry services are reluctant to bid on the projects because of the indeterminate factors caused by the great distances the projects are removed from towns and cities. As a result, most projects are "overbid" for protective purposes. Building materials, in many instances, are required to be hauled in over distances in excess of 500 miles. In most instances, water for construction purposes has to be trucked to the construction site. Often, potable water must be transported and stored in costly facilities. Extreme weather conditions, particularly along the Canadian border where temperatures reach as low as 40° below zero combined with the long winter season, increase construction time.

In addition to these factors which increase construction costs, a substantial increase in the cost of labor and materials has taken place since the limitation of $100,000 was authorized. These rising costs have resulted in a diminution of the purchasing power of the dollar so that the $100,000 available in 1962 is equivalent to $58,000 today. Costs for key materials and skilled labor has increased 73% since 1962 while costs for key materials and common labor have increased by 91% over 1962 levels. These increased costs coupled with new requirements for secondary inspection areas, search rooms and public facilities have operated to make the $100,000 limitation unrealistic.

Also to be considered is the fact that since fiscal year 1972, traffic crossing in the United States at the Mexican and Canadian borders has increased by 43 percent. These increases have in many cases exceeded the capacity of existing facilities, and have in other cases created a need for new facilities.

A further factor contributing to the need for increasing the $100,000 limitation is the alarming and unprecedented flow of narcotics and dangerous drugs into the United States from abroad during recent years. The administration's top priority antinarcotic program has resulted in intensified customs enforcement efforts which is in some cases placing a severe strain upon customs facilities. Customs officers are making more thorough and an increased number of primary and secondary searches of persons, baggage and vehicles. Facilities to meet the demands of this intensified effort are imperative. When facilities are inadequate to meet the needs the efficient and effective enforcement of the customs and revenue laws may be severely prejudiced.

The present customs program for building new facilities and expanding existing facilities must be continued and accelerated if the Customs Service is to continue to efficiently and effectively fulfill its mission of revenue collection and the prevention of smuggling, while at the same time expediting the flow of border traffic.

COMPARATIVE TYPE SHOWING CHANGES IN EXISTING LAW MADE BY PROPOSED BILL

Changes in existing law proposed to be made by the bill are shown as follows (existing law proposed to be omitted is enclosed in brackets, and new matter is italic):

THE ACT OF JUNE 26, 1930, AS AMENDED

To aid in the enforcement of the customs and immigration laws along the Canadian and Mexican borders and to provide better facilities for such enforcement at points along such borders at which no Federal or other buildings adapted or suitably located for the purpose are available, and for similar purposes in the Virgin Islands of the United States, the Secretary of the Treasury and the Attorney General are hereby authorized to expend, and for similar purposes in Guam the Attorney General is hereby authorized to expend, from the funds appropriated for the general maintenance and operation of the Customs and the Immigration and Naturalization Services, respectively, the necessary amounts for the acquisition of land, the erection of buildings, sheds, and office quarters, including living quarters for officers where none are otherwise available: Provided, That the total amount which may be so expended for any one project, including the site, shall not exceed [$100,000] *$200,000*, and that where the project is for the joint use of the Customs Service and the Immigration and Naturalization Service, the combined cost of the project, including the site, shall be charged to the two appropriations concerned.

THE CURRENT ECONOMIC SITUATION

The SPEAKER pro tempore (Mr. MAZZOLI). Under a previous order of the House, the gentleman from Illinois (Mr. MICHEL) is recognized for 20 minutes.

Mr. MICHEL. Mr. Speaker, this is the season when the CONGRESSIONAL RECORD will be filled with the moanings and groanings of assorted prophets of gloom and doom. There will be caterwauling, distortion, and magnification of the Nation's faults—real or conjured.

This past weekend we have seen the handwriting on the wailing wall by the barons of big labor, who still are dragging their crustaceous shells of class warfare around with them. On no other Labor Day in history have their utterances been more at variance with the views of the rank and file American working man or woman. At no other time were they more blatantly self-serving politics. One of them referred to the trickle down theory, which the figures discredit so completely that he should have been ashamed to exhume it. In attacking the old dragon of profits, the labor boss failed to mention that three-fifths of the dollars handled by America's productive corporations go to labor. It was ironic that one of these political purveyors of gloom and doom told a TV interviewer that the strike is diminishing as a weapon in labor-management bargaining, because workers are drawing down such large paychecks that they do not like to give them up.

The President is under fire on the economic front. Mr. George Meany, head of the AFL–CIO, spent the Labor Day weekend blasting his policies. When asked on nationwide TV what he thought should be done to straighten out the economy, he said he thought the question was unfair. So much for the Meany road to economic salvation.

I would be quick to remind Mr. Meany and most of the big labor leaders in this country that it was they who initially kept urging the administration and Congress to impose controls on the economy. But once they found out how much selective controls can disrupt the free enterprise system, they all cried out how bad they are. Of course, it would be natural for them to ask for control on everything but wages. But we all know how unrealistic that approach is.

Now, from the United Auto Workers camp, we are hearing how bad overtime is—to have it imposed involuntarily upon their members. My, how times have changed. I wonder if a poll were taken, how many of the wives are objecting to that time and a half and double time that fattens up those paychecks. It indicates to me that here again the rank and file of labor is pretty well off when they are making so much that they can quickly turn their backs on the additional income that might be theirs from overtime. Before we start complaining it might be well to compare again the wages, working conditions, leisure hours, and opportunities of the American worker against those in any European country, Japan, Russia, or any other industrialized country.

It is also ironic that the Russian wheat deal, which has provided thousands of jobs for American workers making tractors, rail cars, driving trucks, loading ships, and hundreds of other related jobs—this wheat deal is now being attacked by Mr. Meany as being against the workingman. Mr. Meany should know that the farm export field offers us a profitable road ahead, an opportunity to market our huge agricultural production.

The United States today is riding a boom. Our gross national product is running at a rate of $1,272 billion. There are 3 million more people working today than a year ago. There are 84.7 million jobs, an alltime record, and wages are also at an alltime high. There were 1.6 million new jobs created in the first half of 1973 alone.

In 1970 with a population of 204,879,000 we had 78,627,000 people employed. Since then our population is up 2.4 percent to 209,866,000, but the number of jobs has grown nearly 6 million, an increase of more than 7 percent—twice as fast as the population.

Personal income is up during this period from $542 billion in 1970 to $681 billion by May of this year, a jump of 25 percent. During this same period the sales of nondurable goods was up 24 percent, durable goods up 52 percent. Prices during this period rose 13 percent. These figures show that real buying power steadily kept ahead of inflation. Now we must fight to preserve this edge, and that is the job of the administration, the Congress, and the American people, who, by exercising the laws of supply and demand, are the ultimate decisionmakers on inflation. Good, sound, Federal policies, particularly restraint in creating deficit spending, can help do the job.

The unemployment rate today is at 4.7 percent, and the drop in joblessness is especially pronounced in the ranks of U.S. Vietnam veterans, with 4.1 million of them now at work.

Real income is up 5.25 percent for the year—that means that even with inflation considered, Americans are ahead of last year in buying power. Consumer spending rose by a 12-percent rate during the first half of 1973. Industrial production was up 8 percent and consumer finished goods up 6 percent. Farm parity is at 88 percent, the highest level in 20 years.

Inflation is our biggest domestic problem. It came about largely because of policies in the past that we are trying to correct today. There are those who seek to downgrade America in an attempt to make political hay out of inflation. They are, in most cases, the same people who have been voting steadily over the past years for excessive Federal spending which caused much of today's inflationary woe.

We have been on a Federal spending jag that has added $465 billion in debt to our economic mainstream. This Federal money, borrowed because it was more than we took in, has been injected into our economy and has been extremely inflationary. But, with $26 billion of the taxpayer's money going into "deadhorse" yearly interest payments, we still have advocates of excessive Federal spending today calling for bigger and better deficits.

It is the height of hypocrisy and the ultimate in irresponsibility to decry inflation and the efforts of the administration to corral it on one hand, and then turn around and vote for budget busting inflationary deficit spending. Many have been getting away with it for years. However, the American consumer today has come to realize that adding deficit Federal "funny money" with nothing behind it but political promises to the economy is inflationary, robs the family budget of purchasing power by bidding prices up, and causes more wasted tax dollars in interest payments.

During fiscal 1973 the level of Federal spending was held to $247 billion, largely by the insistence and courageous actions of the President. As a matter of fact, during the first 6 months of this calendar year income was practically matching expenditures.

In fiscal 1974, the President has announced that spending should be held to the $269 billion level. If those who are filling the RECORD with lamentations really want to help the fight against inflation, they can support the President's efforts to curb spending. Instead we see a parade of budget-busting legislation and mutterings about overriding the President's vetoes.

There is also loose talk of a paralysis of Government. I might point out that only three appropriation bills have been signed into law in 8 months of congressional labor. There are trade reform measures, tax reform, housing, military procurement, pension reform, foreign aid, consumer protection, the energy crisis, election and campaign spending reforms, and a sound, workable medical care program—these are just a few of the top priority items that should be getting the full attention of this Congress. The President has proposed and according to his press conference this afternoon will present a new state of the Union message next week. It is now time for the Congress to move on these proposals.

Congress has made some progress this year notwithstanding the news media's preoccupation with Watergate, but we are still facing a huge workload. We can exercise all kinds of congressional muscle if we want to "get on with the Nation's business" as the President has asked us to do.

Finally, today, Mr. Speaker, I want to call attention to the "two-way" stretch that is being attempted in the inflation field. We cannot have it both ways—expanded spending and lower prices. I note that a female columnist for one of the major news magazines decries inflation in the same column that she attacks what she calls a tight-fisted President.

If we learn nothing else from our inflationary roller coaster ride, we should learn that the Federal Government has the responsibility and obligation to lead the way toward fiscal commonsense. I am certain that more and more Americans recognize this fact, and that the votes we have on future money bills will be watched closely. People now know that when legislation is described in glowing terms that tell what it will do for them, behind the facade is the fiscal reality, and they want to know what it will do to them, fiscally, and in adding Federal intervention into their lives.

As we go into the harvest season of fall, the U.S. economy is rolling along at peak production. We see no big buildup of inventories. Prices are beginning to ease off at the supermarket. The dollar is gaining ground. Stock prices are edging up. Inflation is still our No. 1 domestic problem, but here again the rate is below that currently prevailing in most other affluent countries. I sense that we are coming out of it, and if we follow the sound, sensible programs that the President has formulated, we can have a continuing peacetime prosperity and a better living standard for all our people.

REPORT TO CONSTITUENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WILLIAMS) is recognized for 15 minutes.

WATERGATE

Mr. WILLIAMS. Mr. Speaker, Watergate hearings have continued and their major effect has been the loss of confidence in the U.S. Government by foreign countries, and the continued severe devaluation of the American dollar abroad. To date, little evidence has been offered that the President has had any involvement with Watergate. That testimony was given by witnesses of dubious reputation, such as John Dean, fired from a previous legal position for unethical conduct, who were caught in numerous lies and repeated contradictions in their own testimony.

None of the testimony has in any way indicated, nor will it, that the Republican National Party was involved in the Watergate affair. Watergate was the product of the Committee to Re-Elect the President, some members of the White House staff, and a few officials of the executive branch of our Government.

Meanwhile the President continues his attention to affairs of state. Speaking of

the excellent job that President Nixon is doing, Mr. Melvin Laird, former Secretary of Defense and now a White House staff member, commented on a recent national television program about the President's superior conduct of foreign policy, his ending of the war, his improving of relations with both China and the Soviet Union, his revenue-sharing approach for better communities and schools, and his numerous other accomplishments.

All Members of Congress were shocked to learn that the President was taping his telephone conversations and private discussions. This was done without the knowledge or consent of those with whom he was talking. No one's private conversations with any public official should be taped without his knowledge. I have never used, nor ever thought of using, any form of bugging, taping, or electronic surveillance in the numerous campaigns in which I have participated. All anyone needs to do to discover what an opponent is doing is read the newspapers.

ALASKAN PIPELINE

On August 2, 1973, Congress passed the trans-Alaskan pipeline bill with my assistance and support. This bill will allow the Secretary of the Interior to grant the necessary rights-of-way from Alaska's North Slope to the all-weather port of Valdez. This pipeline will bring crude oil from the largest single source ever found in the United States to the American people.

The Interior Department has prepared a 6-volume environmental impact statement which assures that the pipeline will operate safely. Automatic shutoff valves will close any time a pressure drop indicates a break in the line. The U.S. Environmental Protection Agency has approved the statement and four judges who have heard litigation on the issue have all agreed that the Interior statement is in full compliance with the National Environmental Policy Act. If I had not been completely assured that the statement was sound, I would not have cast my vote for the bill.

Our country needs the Alaskan pipeline now. Our current demands for fuel oil and gasoline mean that new sources of crude oil must be developed as quickly as possible. The trans-Alaskan pipeline is superior to any other route from the standpoint of national security and its completion will decrease our dependence on oil imports from countries with unstable governments.

PENSION PROTECTION BILL

On July 25, 1973, I cosponsored legislation to protect and regulate most pension plans, both private and public. This legislation is badly needed to protect the pension rights of millions of Americans who fail to receive pension benefits, because they are discharged, laid off, resign, or because the company which employs them goes bankrupt.

My bill, the Multiprotection of Employee Retirement Income and Trust Act—MERIT—would be administered and enforced by the Secretary of Labor, and would regulate the nearly 50,000 separate pension plans now in existence. It would allow each pension plan to choose from three vesting rules one standard which would best serve the needs of the individual plan's members.

More pensions and greater assurance that workers will get the benefits they have worked for are attainable goals. The MERIT bill will guarantee a pension to any employee with 10 years of pension coverage, and will retain pension plans in the private sector. When pension legislation is considered by the House of Representatives, I intend to offer an amendment which will require all employers of full-time employees to provide a vested pension plan.

NORTHEAST REGIONAL RAIL SERVICES ACT OF 1973

Legislation to rehabilitate railroad service in our region of the Nation is now being considered in the Interstate and Foreign Commerce Committee and will soon be brought to the floor of the House. The railroad crisis in the Northeast, involving six bankrupt carriers and other lines on the brink of bankruptcy, is epitomized by the imminent collapse of the Penn Central.

U.S. railroads now handle 40 percent of all intercity freight. Yet, since 1957, freight tonnage has increased by only a nominal percentage, and the number of passengers carried by railroads has decreased dramatically. Much of this can be attributed directly to the interstate system of highways which has materially assisted trucking companies in improving their services and encouraged the use of private automobiles for making trips. Also, the development of advanced commercial aircraft has been made possible by Department of Defense subsidies for costly prototype models of military aircraft, which were later adapted to commercial use. Our Federal Government has heavily subsidized the construction of modern airport facilities in all major U.S. metropolitan areas. All of this has occurred while the railroads have been expected to operate profitably without any Government assistance.

Good management teams are the first requisite to saving our Nation's railroads. We must get away from having trustees for bankrupt railroads who have no in-depth railway experience, such as in the case of the Penn Central Railroad. Also, our Government must assist railroads through loans which will provide the railroads with adequate freight cars and other facilities. The Interstate Commerce Commission, which now takes up to 2 years to make a decision, must be more immediately responsive to applications or petitions filed by all common carriers. This is the only way that our Nation's railroads can be saved.

I view the railroad industry as an integral part of this country's economy, and will do everything possible in my capacity as a legislator to see that the railways remain a viable economic force. Both my father and grandfather were retired from the Pennsylvania Railroad, and I do have a special interest in this subject. I have consistently supported legislation in the interest of railway employees, both active and retired.

CONFERENCE APPOINTMENT

It was gratifying to be appointed to the House-Senate conference to resolve differences in the amendments to the Small Business Act. Conferees are selected from the more knowledgeable and senior members of the House and Senate committees. I am the second ranking Republican on the House Small Business Subcommittee.

The Small Business Administration is necessary to a healthy economy through both its direct and guaranteed loan programs to small businessmen, and the disaster assistance program. This bill increases the SBA business loan and investment fund from $4.3 to $6.6 billion. It also establishes a new formula for disaster loan interest rates and adjusts the forgiveness feature on disaster assistance loans.

STATEMENT REGARDING THE FUTURE STRUCTURE OF THE URANIUM ENRICHMENT INDUSTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HOSMER) is recognized for 30 minutes.

Mr. HOSMER. Mr. Speaker, one of America's very urgent energy issues is lying dormant and neglected of the attention it deserves from the Congress, the administration, the media, and the public. I speak today to bring it to light with the hope that public discussion of its ramification will lead to a quick resolution. The issue involves the future structure of the uranium enrichment industry in this country.

Presently uranium enrichment is a U.S. Government monopoly. The Atomic Energy Commission's enriching capacity was installed from 20 to almost 25 years ago to meet the then estimated needs of the military services for atomic weapons. The invention of the hydrogen bomb in the 1950's drastically diminished the need for highly enriched uranium for atomic bombs. As a consequence, the AEC's complex of three giant enrichment plants at Oak Ridge, Tenn.; Paducah, Ky.; and Portsmouth, Ohio, commenced operating at a fraction of its full capacity.

Since then the development and growth of the nuclear power industry has created a new need for uranium only moderately enriched—2 to 4 percent—in the fissionable isotope U235 for use as fuel for peaceful nuclear power reactors. In anticipation of the growth of nuclear power, the AEC is carrying forward a program for the improvement of its enriching cascades—CIP—and the uprating of their power—CUP. Even with these modifications, however, the entire enrichment capacity of the complex—27,500 million separative work units annually—will be used up by about 1983 or 1984.

Because there is a long leadtime in building expensive nuclear generating stations and their owners want to be certain they will have the necessary nuclear fuel to run them once they are built, utilities contract for the enrichment of their uranium well in advance. As a result, the entire output of the AEC's complex is expected to be committed by contract sometime during the latter part of next year, 1974, almost 10 years before that quantity will actually be being delivered.

MULTIBILLION-DOLLAR INDUSTRY

Today the AEC spends about $400 million a year on its uranium enriching production and R. & D. activities and takes in some $200 million in revenue. Both figures will increase considerably in the near future. An idea of the magnitude of future business can be gained from the AEC's estimate that enriching capacity must be expanded about 40 times to meet the ultimate requirements of the free world market.

Other free world countries in addition to the United States have been utilizing U.S. enrichment services. About 40 percent of the output of the AEC's complex will be taken by foreign customers. Just a few weeks ago the AEC's cash receipts from domestic and foreign sales of separative work passed the $1 billion mark. These sales generate substantial foreign exchange and much more can be gained in the future if the country elects to continue serving a major share of the foreign market and if the United States can capture that major share.

Enriching uranium is a service, not a product. Work is done to raise the fraction of naturally occurring fissionable U235 isotopes in any given quantity of natural uranium from 0.7 percent to some higher percentage. This greatly enhances the economics of nuclear reactors. Thus it is a good bargain. The process is called separative work and it is costed and priced in arbitrary terms of separative work units. AEC's present charge is $36/swu under firm contracts and $38/swu under requirements type contracts. It includes an item for contingencies, but otherwise is determined on a cost recovery basis.

At $50 per separative work unit, a reasonable price to expect in the future, it has been calculated that by the year 2000 over $23 billion in separative work will have been purchased by the U.S. utilities, $33 billion by foreign utilities, for total sales of $56 billion—give or take a few billion dollars depending on price, demand, and other variables. Many people believe that future prices, and thus gross receipts, will prove to be much higher than $50/swu.

THREE BASIC ESSENTIALS

From this brief recital, three essential facts concerning the future of the enrichment business become very clear:

First, someone is going to have to provide additional enriching capacity if a nuclear fuel gap after 1984 is to be avoided;

Second, providing additional capacity in the amount estimated to be required is a task far beyond the legitimate scope of activity of the AEC or other Government agencies; and,

Third, if the United States makes wise and timely plans to capture a major share of the international market for uranium enrichment services, the pains of its international balance-of-payment deficits will, year after year, be considerably eased.

In anticipation of phase II of the hearings of the Joint Committee on Atomic Energy on the future structure of the U.S. uranium industry, I have, during the past weeks of the congressional recess, visited many of the Nation's enrichment facilities and talked personally and by telephone with larger numbers of knowledgeable people in Government, industry, and utility business regarding this subject. I have concluded from my studies and these extensive interviews that private American industry can cope with these circumstances, but it is going to take considerable doing. Some people in industry will have to give a little. Some people in Government must start exercising effective leadership. There is no time for delay in getting to these tasks.

DIFFICULTIES DEFINED

A few of the difficulties facing U.S. companies in their decision about entering the enriching business are these:

Military security, antitrust considerations and the sheer size of capital investment required.

The finite life of the enriching industry—50 to 60 years—dictated by the inevitable emergence of breeder reactors, which will enable nuclear power stations to breed more nuclear fuel than they consume.

An uncertainty over how much farther the AEC will get into the enriching business; that is, a fear that it will not go far enough to enable all segments of the potential industry to enter the business on a viable basis or, on the other hand, that it may go too far and too long delay normal industrial participation.

The prospect that a firm must not only compete with other domestic firms and subsidized foreign competition to get into the enriching business, but that it must do so while at the same time bearing the heavy "front end" costs involved in setting up a manufacturing capability for components of new, first of a kind plants, plus the unavoidable expenses of debugging them.

The "utility" character of the enriching business—with returns on investments emerging slowly, like those of electric utilities, rather than within the shorter cycles common to most manufacturing businesses.

An impending inability by American Government or industry to sign contracts for enriching services beyond 1974, which, if allowed to become a reality, will offer a large boom to potential foreign competitors and diminish the share of the eventual overseas market which U.S. firms can expect to capture.

The fact that the block of new capacity which will need to be put on stream in the 1983-84 period is quite large—about 15,000,000 swu/yr—because preproduction of uranium enrichment services has effected a delay in the date for required new capacity during which aggregate demand has grown considerably.

QUICK AND POSITIVE U.S. ACTION NEEDED

The key to overcoming these difficulties, or ameliorating their consequences, lies in replacing existing doubts and uncertainties with a sensible, clearly defined program which leaves no question about U.S. intentions to retain worldwide leadership of the uranium enrichment industry and which sharply outlines a future industrial structure which will enable it to do so. This will stake our claim to the foreign markets once again. It will let interested segments of U.S. industry know what the ground rules are for aproaching both domestic and foreign markets.

At the present time, less than a dozen U.S. firms actually are considering entering this business. Most of these merely want to sell centrifuges and other components to plant owners. They have little or no desire to build enrichment plants. One group hopes someday to put a consortium of utilities together which will finance a plant. Another would like, if it can, to build a diffusion plant over a coal mine as a means of selling its coal.

Only two groups are seriously investigating the possibiilty of financing and building a plant themselves. Neither of these will know whether it can or will do so for almost a year. Both could drop the idea. But, even if either or both goes ahead, they will not be in a position to offer contracts to customers for enrichment services for months or years after that.

Unless something is done, next year's threat that no American source will be offering enrichment contracts will materialize. Utilities everywhere will be alarmed and apprehensive about their nuclear fuel supplies. Foreign competition will be given a field day to make inroads into a substantial block of business which the United States otherwise would keep. We must move quickly enough to forestall the costly balance-of-payments disaster that any interruption in our contracting ability is certain to bring about.

SOLUTIONS OUTLINED

These are my tentative suggestions for handling the problem. I say "tentative," because they are set forth as a reference point from which a better analysis of the problem can be made and more fitting solutions proposed. I hope they will be commented upon by the media and at the JCAE's phase II hearings to be held in the first week of October. If enough favorable comment and sufficient constructive criticism are received, it may be possible for the administration and the Congress to proceed quickly to a consensus, get about the business of dispelling indecision, and structure a competitively effective industry within the short time limit available.

Here goes:

The first thing to do is to acknowledge that the Nixon administration's lingering demand that the next increment of enrichment capacity "be supplied by private industry" is no longer "operative."

The U.S. Enrichment Corporation, a Government corporation, is to be set up forthwith by act of Congress and enrichment activities and personnel of the AEC transferred to the Corporation.

USEC will be charged with operating the existing complex and managing the growing stockpile of preproduced enriched uranium which may be worth around $3 billion by 1978.

USEC will carry forward the CIP/CUP programs.

It will conduct all necessary diffusion and centrifuge R. & D.

USEC will begin adding moderate size increments—2,500,000 swu/yr—of new centrifuge capacity amply in advance of the dates needed to avoid a nuclear fuel gap.

USEC will continue the uninterrupted offering of contracts for sale of separative work to domestic and foreign customers.

on a nondiscriminatory basis, which contracts shall be assignable in the order last received upon the emergence of one or more private U.S. enriching firms.

The price of USEC's product will be determined by averaging the production costs of past and future increments of capacity and shall include all applicable R. & D. costs.

General provisions for the licensing of private U.S. enriching firms shall be written into law and supplemented by regulation.

Whenever a responsible U.S. applicant appears who is technically, financially, and otherwise qualified to engage in the enriching business, USEC's corporate authority to add further enriching capacity to its system shall be suspended and continue in abeyance for so long as private U.S. firms undertake to supply demand.

USEC's possible capital structure might be the following:

	Capacity (Million swu)	*Cost (Billion)*
Existing plants (increments 1, 2, and 3)	17.0	$1.7
CIP/CUP	10.5	1.0
Preproduction	----	3.0
New plants R. & D.	----	.3
Increment No. 4	2.5	.5
Increment No. 5	3.0	.5
	33.0	7.0

It is guesstimated that initial front-end costs for getting the new increments started will produce actual costs of around $75/swu for Increment No. 4 and possibly $60 for Increment No. 5. This higher cost will be averaged into the prevailing $36 to $38/swu prices at the three existing plants and should bring the price to customers up only a little over $41 to $43. Meanwhile, disposition of front-end costs and technological progress with centrifuges by private industry could permit Increment No. 6 to come in from private industry at or below $55 to $58/swu, including taxes and a reasonable profit. Private and public utility consortia with high debt to equity ratios can be expected to enter the enriching business later, once its problems are solved by others. Their costs of doing business will depend on how they are set up.

With these kinds of ballpark estimates now possible even before Increments No. 4 and No. 5 are actually planned, it is believed that private industry could confidentially move in and take over right behind the detailed planning of No. 4 and No. 5, even before No. 4 and No. 5 have been fully proved out, because confidence in technology and economics will be implicit from the decision to proceed with the initial new increments. Of course, private enterprise will determine at what point it gets into the game. That could be as early as Increment No. 5 or at some point after Increment No. 6, depending on when it is moved to apply for a license for a private plant.

If it should become apparent somewhere along the line that the decision to proceed with centrifuges was wrong, that should become visible fairly early in the game. Steps then can be taken which, though somewhat expensive, will avoid a fuel gap while diffusion capacity instead of centrifuge capacity is being rushed into production.

FLEXIBLE CORPORATE STRUCTURE

The U.S. Enrichment Corporation might be modeled along the lines of TVA. It could be charged $100 per swu of $1.7 billion for its existing plants and payment of this amount made on the installment plan at $15/swu of sales. At full capacity this would amount to about $400 million a year. CIP/CUP, R. & D. and all new capacity would be financed by non-Government guaranteed bonds sold to the public, as TVA is financed. Continued preproduction might be supported by bonds or current income, as appropriate. Proceeds from the sale of existing preproduction would be remitted to the Government as received.

Possibly, USEC should be authorized to purchase at cost any unsold production of the first two or three new private enriched plants—or some fraction thereof—as a spur to getting them in the business.

I have only hinted at possible powers, procedures, and financing of USEC, because these can readily be worked out to best serve the public interest whenever a decision is made to proceed in that direction.

The important thing at this point is to make the decision and start moving.

CONCLUSION

For these reaons, I will sincerely welcome comments and discussion regarding what I have said today. These will be particularly valuable if made in the form of oral or written statements for JCAE's phase II hearings, but the anonymity of anyone wishing to submit data to me in confidence will be fully respected.

THE RISING COST OF LIVING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. PARRIS) is recognized for 5 minutes.

Mr. PARRIS. Mr. Speaker, during the recess, like most of my colleagues, I spent a great deal of time with the constituents in my district trying to get a feel for their views on the problems facing this Nation. I returned to this floor convinced beyond the slightest doubt that the greatest single concern of the residents of Virginia's Eighth District is the rising cost of living. It is a concern I share.

Before the recess I said that I believed one of the greatest factors causing the current economic problems which we are facing has been on-again, off-again price controls and the constant tinkering with the Nation's economy. That is even more true today.

Therefore, I am today introducing legislation which I believe will help get this Nation out of the present economic straitjacket and which will help dispel the persistent delusion that a controlled economy is the answer to our economic situation.

My bill would repeal the Economic Stabilization Act of 1971 and by doing so would remove the legislative authorization issued to the Cost of Living Council.

The principal effect of the Economic Stabilization Act, in my opinion, has been to focus with singular harshness, the ill-effects of inflation on those elements of our population least able to bear the burden—families with children and the elderly.

The Cost of Living Council costs the taxpayers of this Nation almost $5 million annually in administrative expenses and yet because of the Council and its long lists of announcements, revisions, and changes, the public confidence in the economic stabilization program has decreased to where it is questionable as to how much longer the general public will have any faith at all in its efforts to stabilize the economy.

To remedy this situation, my bill will remove all current price controls and return this Nation to a free market economy. Because of the current seriousness of the energy situation this legislation would, however, retain one feature of the Economic Stabilization Act—the petroleum allocation provision.

Department of Commerce statistics show that the average citizen is making more money, but saving less of it. We must remedy the problems facing our people, and the way to do it is to remove price controls.

When we look at the record and we focus our attention on every day types of commodities, the things housewives have to shop for every week, we find that the average family is worse off than before. The Government has created a cure worse than the disease. We have less milk for our children. Butter production is down. Grain production declined, but began to recover when price controls were removed. Cattle slaughter has declined so sharply that even hamburger is priced out of the reach of many families.

The decline in cattle slaughter brought with it a decline in hide production. Thus, the cost of shoes for children has become the despair of many young mothers and fathers. Production of many clothing items, especially women's clothing, has declined since the price control program went into effect.

To put it in plain simple language, Mr. Speaker, attempts to control our economy just have not worked. Let us try an old historically proven remedy—let us return this Nation to the law of supply and demand. We may suffer a few temporary price problems, but in the long run I am convinced that the system that has served us for 200 years can and should be given the opportunity to continue to serve us in the future.

FLOOD INSURANCE—A NECESSITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. FORSYTHE) is recognized for 5 minutes.

Mr. FORSYTHE. Mr. Speaker, the flooding of land adjoining the normal course of a river or stream or along a lake has been a normal occurrence since the time the earth took its present form. What makes a flood a natural disaster is man's desire to utilize the fertile land found along these natural transportation arteries.

This Nation's history, extending back through the colonial period, is replete with examples of the economic and personal tragedy that follows a flood. As the Nation grew and developed, the hardships imposed by these natural disasters also grew.

In recent years the problem seems to have become increasingly acute. In the spring of 1973, the river Mark Twain called "not a commonplace river" went on the worst rampage in the 200 years that Americans have been keeping records of such matters. Combine 3 years of heavier than normal rainfall beginning in 1970, easterly gales, and record Great Lakes water levels and the result is the worst Great Lakes flooding and damage in history. Known for its badlands, black hills, and mountain monuments, Rapid City, S. Dak., was thrust into new, and unwanted prominence on the night of June 9, 1972. After 10 inches of rain in less than 24 hours, the city was devastated by flash floods. The month of June 1972 was vividly branded into the memory of all those persons who watched and felt the effects of Hurricane Agnes' descent upon the east coast. The unparalleled fury with which this storm struck spoke eloquently of the need for the Federal Flood Insurance program.

The Congress first recognized the need for Federal flood disaster relief in 1956 when it enacted the Federal Flood Insurance Act as a limited and experimental program designed to substitute, where possible, for Federal disaster relief. Unfortunately the 1956 law was never funded and in spite of subsequent efforts to revive flood insurance legislation, no significant progress was made until 1968 when the Flood Insurance Act became law. This act, like the earlier one was largely experimental, providing strict limits on coverage for existing structures. To circumvent delays which plagued implementation of the program the Congress adopted amendments to the 1969 Housing Act which permitted communities to enter a so-called emergency program, and also added mudslide coverage to the program.

Aided by this legislation, the program grew rapidly. The number of eligible communities increased steadily: 158 by June 1970, 637 by June 1971; and 1,174 by June 1972. The occurrence of record floods since June 1972 changed this gradual growth into a rapid expansion so that today the program includes over 2,200 communities. But still the program has not been extended to all those potentially in need. While the Congress last year enacted three amendments which I sponsored, liberalizing eligibility standards, I am firmly convinced that further action is required.

Today, we have before us another series of amendments which will provide added protection to potential flood victims. One of the significant features of today's bill is that expanding the limitation on the dollar amount of insurance which can be purchased. More importantly, however, the bill provides a mechanism for mandating the purchase of flood insurance in areas identified by the Secretary of Housing and Urban Development as flood prone. This measure prohibits Federal financial assistance for acquisition or construction purposes within the designated flood prone areas of communities not participating in the flood insurance program by July 1, 1975. This provision of the bill incorporates the basic principles of legislation I introduced last year. My bill would have required flood insurance protection for all properties covered by federally insured or guaranteed mortgages.

The requirement contained in the bill before us today is that a community identified by the Secretary of Housing and Urban Development as flood prone must come into the National Flood Insurance program by 1975 so that its residents will have the opportunity to be more adequately protected against future flood losses by insurance and will not be solely dependent upon disaster assistance loans in order to rebuild their houses after a catastrophe occurs. And it is significant to note that the average cost of flood insurance under the program is only about 10 percent of its actuarial cost. Thus in return for this subsidy, the act requires that all future construction be floodproofed or else—with respect to all residential structures—be elevated to the level of the 100-year flood. If the community enters the flood insurance program, mortgage financing within the community is not denied to anyone.

However, if the community disagrees with the 100-year-flood level established by the Secretary and does not want to enter the program, this bill for the first time gives the community the right of both administrative and judicial appeal, which it did not have under the 1968 act. In addition, the legislation specifically requires the Secretary to consult with local communities in making his determinations, which he did not have to do before. Moreover, in all but a few rare cases, most of the community is unaffected by the Secretary's determinations, since they apply only to areas that are especially flood-prone.

Within the flood-prone area, it makes sense for both the lender and the purchaser to be protected from anticipated flood losses. Thus, the bill does not deny financing to such properties; it simply requires that they purchase flood insurance in the amount of the loan provided, just as bankers normally require fire insurance in connection with similar loans.

While the flood insurance program has been expanding steadily, many communities have failed to take advantage of the program. The result so that too many people have been victimized by the "it can't happen here" attitude. Only when it is too late is the true value of this program realized.

Mr. Speaker, I am firmly convinced that the provisions of this bill should be enacted in order to protect the residents of flood prone areas from the ravages of flooding.

COMMEMORATION OF THE ANNIVERSARY OF THE INVASION OF POLAND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, the month of September marks the 34th anniversary of the invasion of Poland and the beginning of the most tragic and destructive war in the history of the world. On September 1, 1939, the forces of Nazism invaded Poland from the west and on September 17, the forces of communism invaded Poland from the east.

Throughout history, Poland has served as a bulwark of Christian civilization in Europe, restraining the Tartars and the Turks as they plundered and pillaged across the continent.

In the fall of 1939, there was no one able to protect Poland or to preserve her civilization, and this long-suffering land became a nation without a state, a tyrannized and persecuted country, deprived of half its territory and millions of its people.

Alone and unaided, the 830,000 soldiers and officers of the Polish Army fought heroically against the overwhelming odds and inhuman terror unleashed by the invaders.

Thousands of Polish Infantry, Navy, and Air Force troops, forced to flee the military might of the invaders, joined the Allies and took up arms once more in France, Norway, North Africa, Italy, and Sicily. As the regular army slowly disintegrated with the country, an underground movement developed, directed by the Polish Government-in-Exile. Stray divisions of the Polish Army together with civilian men, women, and children, intrepidly destroyed enemy planes, ammunition dumps, bridges, and other military installations.

Often forced to survive for months, or even years in forests and mountains, members of the resistance and the Polish populace at large reacted consistently with spirit and conviction. Refusing to betray their national honor and collaborate with the enemy, 6 million Poles preferred self-respect and death to capitulation and cringing life. The nation lost close to one-quarter of her population, and the romantically beautiful city of Warsaw, the Polish capital, was leveled to the ground.

Millions of Poles suffered deportation and imprisonment in labor camps in Siberia and Asiatic Russia, as the Communists systematically attempted to destroy Polish cultural and religious life. Even in 1945 there was no peace for Poland. Absorbed by Soviet imperialism, the Poles have continued to fight for personal liberty and national integrity.

Those who have emigrated to the United States have brought with them their love of liberty and their respect for law and order. They have contributed much, socially, economically, politically, and culturally, to the advancement of our Nation, and have helped make the United States one of the greatest countries in the world.

I take this opportunity, Mr. Speaker, to give recognition to the great number of Polish Americans who reside in the 11th District of Illinois whom I am proud to represent in the Congress. They form a substantial part of the group of solid, hard-working American citizens who are the backbone of our country. As we again observe this anniversary in the House of Representatives, I am honored to join Americans of Polish descent in Chicago and all over the Nation in their hopes and prayers for the reentry of Poland into the community of free nations. The long-suffering Polish people still look to a strong America for moral support in their continuing struggle to achieve their just aspirations to national liberty.

A NEW METHOD OF SELECTING NATIONAL CONVENTION DELEGATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. JAMES V. STANTON) is recognized for 30 minutes.

Mr. JAMES V. STANTON. Mr. Speaker, one of the troublesome questions confronting both parties is how to select delegates for the national nominating conventions in a manner assuring that components of each party will be adequately represented. Because the two parties are vital and dynamic institutions of our democracy, I believe strongly that the problem I cite is a serious one, putting us at a crossroad where we can move forward toward more citizen participation in our political processes, or veer off toward increased cynicism and a withdrawal of our people from the arena where decisions affecting them are made. With the next Presidential election still more than 3 years off, this is the time to start thinking about how to solve this problem.

Recently, I had occasion to make an innovative proposal to the Democratic Party's Commission on Delegate Selection, meeting in Baltimore. Although I was addressing members of my own party, what I had to say would be applicable to the Republican Party as well which, as I am told, has its own panel studying the question of making its national convention delegations more broadly representative of groups making up that party. For this reason, Mr. Speaker, I would like to reiterate here what I said in Baltimore, so that my colleagues in this Chamber might give consideration to my proposal. Again, I ask that my Republican friends keep in mind that the problems of my own party, which I concentrate on in this proposal, reflect at least to some degree the problems of the opposite party as well, and therefore what I have to say is far from parochial.

My statement, Mr. Speaker, may be divided into three sections, covering, first, what appears to be the dilemma that the Democratic Party finds itself in; second, a proposal that I believe will lead us out of this predicament; and third, mechanics for implementation of the proposed solution.

Our dilemma, Mr. Speaker, stems from the fact that, in the wake of the worst defeat ever suffered by one of our Presidential candidates, we Democrats do not know whether the broad coalition that once formed the base of our party still exists.

As politicians, we know it is always best to assume the worst—to "run scared," as the saying goes. Even if the old majority indeed is still out there, waiting only for a mighty Roosevelt to mobilize it, it is safer to suppose that the elements that once composed our historic coalition really have drifted away from each other—and we must start from scratch—that is, from the bottom up—to reconstruct our base.

It is my strongly held opinion that quotas as we knew them in 1972 are at the root of our present difficulty. But in all fairness, and for the sake of our party and the Nation, we ought to face up to the fact that these quotas would not have come into being had all the groups who make up the historic Democratic coalition been adequately represented at our earlier conventions. I submit, Mr. Speaker, that it is possible to solve this problem by abolishing the quotas and, at the same time, keeping them. We can accomplish this by adopting a strategy that distinguishes between what I would term "de jure quotas" on the one hand, and "de facto quotas" on the other. If we give some thought to it, we will see that there really is such a distinction—one that is familiar to us.

And this brings me to my main thesis. It is this:

Our system of government, at the national, State, and local levels, affords us only one basis for representation of people. The exclusive criterion that we use is territorial. We draw geographical boundaries inside which the voters do not cast their ballots in whole teams but, rather, as individual persons. The popular will of this body politic is assessed and expressed through one-man, one-vote elections with the majority taking all—the "all" being, for instance, the one Congressman elected in the congressional district. He is the sole representative of all their constituents. If we were to accord quota status to all special interest groups in a congressional district, then one Congressman would not be enough. Each district would have to be represented not by a Congressman but by a committee.

The territorial system has served us faithfully since the founding of our country and, if we look at it closely, I think we will see that this simple and exclusive test of what is a political constituency offers us the solution to our current problems. If we hold to what is familiar to all Americans, spurning quotas, syndicalism and complicated—therefore suspect—schemes for proportional representation, then we may feel assured of the support of nearly all Americans. Voters understand the territorial system because it is familiar and easy to understand—and they accept it because its essential fairness has never been challenged.

The key to the solution of our present difficulties, then, is a perception of the territorial constituency as having two aspects. On one hand, it is the only de jure basis for representation of people in our governmental processes. But, on the other hand, it traditionally has afforded us also with a de facto basis for representation of people as groups. This may be stated another way—the territorial constituency allows us, for all practical purposes, to arrange for all sorts of quota representation without prescribing actual quotas.

One example of a territorial constituency that serves also as a basis for "quota" representation is the city ward, or state legislative district, or Congressional district, consisting of black neighborhoods in our large Northern cities. With few exceptions—perhaps none today—the people in each of these districts elect a black man or a black woman to represent them. The law does not say—in fact, it cannot say—that they must do this. But political realities are such that they do do it, predictably. Therefore, if we were to adopt the territorial principle to the process of delegate selection for the national convention—and if we were to establish territorial constituencies co-extensive with black neighborhoods—we would have reasonable assurance that the number of black delegates going to the convention would be at least roughly proportionate to the number of blacks in our population. This, then, would become the de facto "quota."

This does not collide with the American ethic because no law or party regulation requires the selection of a black delegate. The door is left open to the possibility that a white delegate might be chosen to represent a black constituency, just as Senator BROOKE, a black, has been chosen by a predominantly white constituency in the State of Massachusetts. But even if blacks were to choose only blacks, and whites only whites, this would in no way seem out of order or unacceptable to the American people. We are, after all, living in a time when congressional district boundaries are being shaped in such a way as to virtually assure the election of black Congressmen. Blacks have demanded this—and whites, attuned to the concept of the territorial constituency, have not objected.

Similarly, de facto "quotas" are visible today in white constituencies. In cities such as Cleveland, Ohio, which is divided into 33 wards, there has been a strong historical tendency for predominantly Hungarian wards to elect Hungarian city councilmen, and for Italian wards to elect Italian councilmen. It often happens that a Hungarian ward, say, might reject a Magyar candidate and throw its votes to a Lithuanian. But when the Hungarian people do this of their own volition, they have no standing to complain that they are underrepresented as Hungarians in the city council. In fact, they do not complain, and the territorial system survives and thrives—since everyone knows that the Magyars could have had their "quota" councilman had they wanted one.

Territorial constituencies also yield de facto "quotas" based on the relative economic standing of the voters. Hence, a tendency is discernible in Cuyahoga County, Ohio, for State legislative district in working class neighborhoods to send to the State capital persons with ties to organized labor, while suburban districts are more likely to elect representatives in professional or white collar occupations. It is true that union locals are not assured that their own officers will represent him in the State legislature. But on the other hand the members do not insist on this, since their interests are served, anyway, by having another of their peers represent them. The demography and geography of the territorial constituency are the crucial factors that assure labor its "quota."

The key, then, to achieving at the next national convention the broadest possible representation of all elements of the Democratic Party is to insist, by party decree, that each delegate **represent a** discrete territorial constituency. This would become the sine qua non for seating of the delegate by the credentials committee.

Such a requirement, I submit, would not be altogether revolutionary. Many convention delegates already are chosen pursuant to this kind of system. But the system needs refinement. In Ohio, for example, we have a large bloc of State at-large delegates, with the rest chosen from the State's 23 congressional districts. Both of these territorial constituencies are much too large to yield the kind of de facto "quota" representation that we must rely on, in my opinion, to reunite and rebuild our Democratic Party. It goes without saying that anyone chosen to represent the entire State, as the Ohio at-large delegates are, does not have a real constituency he can call his own—and no voter sees himself reflected in that delegate. This problem is only slightly abated as we come down to the congressional district level. Cuyahoga, the State's largest county, has only three congressional districts and part of a fourth. While multidelegate slates are chosen in each of these districts, there is no assurance that the slate will be broadly representative of all the neighborhoods that compose the massive districts.

Again using Ohio for illustrative purposes, the remedy is clear. Since the State was apportioned 153 votes at the 1972 convention, it ought to be divided into 153 ad hoc districts for selection of delegates to the 1976 convention—assuming the apportionment remain the same. The delegate chosen to represent each of these districts should be a resident of his or her territory, for de facto "quota" purposes. We can be certain that each of these 153 ad hoc constituencies would be small enough to assure de facto "quota" representation. We would end up, under the proposal I advance here, with a one-district, one-delegate system across the country.

This system would work well in States that hold primary elections. If a Humphrey were contending with a McGovern in Ohio under such terms in 1976, each would have to field delegate-candidates in every one of the 1953 ad hoc constituencies, and he would have to carry each of these districts, for a full sweep of the State. In addition, the Ohio party leadership, or some Democratic county chairmen, wanting to watch and wait, might file uncommitted delegate slates in all or some of the 153 districts. And, further, each of these districts would be small enough to allow an energetic individual to "break into the system" on his own. There would not be too many doorbells to ring, and the cost of campaigning in such a district would not be prohibitive. In this way, anyone—old or young—could take on the "bosses," running as a delegate-candidate pledged to himself or to the Presidential contender of his choice. Run-off elections could be held in each district, as necessary, to preclude the capture of the constituency by a well organized, but small, minority.

However, the one-district, one-delegate system need not, as I see it, be limited to States that hold primary elections. The plan could be adapted as well to States that use conventions or precinct caucuses or some other method of selecting national convention delegates. The essential point, for the purposes of this plan, is not how the delegates are chosen in each State. Whether the delegate was elected by Democratic voters in a primary or appointed by the State party executive committee, or whatever, would be of no relevance provided the prime requirement was met, this being that the delegate reside in his district.

Women, as women, could be taken care of easily under the territorial system, should a consensus develop in favor of doing so. The party rule could require simply that one man and one woman be elected from each delegate district. We might, as an alternative, devise a system under which the delegate in each district be either a man or woman, and that an alternate delegate of the opposite sex be selected in each district.

It is probably worth noting that Democratic Governors, mayors, Congressmen, and other officeholders—many of whom felt that they themselves had been excluded from the 1972 convention—should have little to complain about under this plan. While it guarantees them no quota, de facto or otherwise, any politician who stays in touch with his people ought to be able to run in his home neighborhood and carry it.

The hurdles to putting a territorial constituency plan into effect would be formidable, but probably not insurmountable. First, there would be legal obstacles. I do not know, frankly, how many States, if any, would have to amend basic laws before they could adopt the system. But I do believe that the plan would not be so unpopular as to prompt a great deal of resistance. And I certainly think this is a legally viable plan in the sense that no one's constitutional rights appear to be violated.

The political obstacles could prove more troublesome—not necessarily because of hostility to the plan but rather on account of the sheer difficulty of putting it into effect. Where do we start in carving out the ad hoc electoral districts? Is the process itself likely to become so controversial as to further divide the party?

As to the first question, I think we would get off to a good start if we were to use Federal census tracts as the basis for carving out the districts. On the average, nationally, each tract consists of some 4,000 persons. They would prove particularly useful in constructing a territorial constituency system because an attempt is made by the Census Bureau to make each tract as homogeneous as possible in racial, ethnic, and economic terms. The trick would be to combine tracts in such a way as to establish in Ohio, say, 153 districts substantially equal in Democratic voting population, at the same time preserving, so far as this can be done, the demographic integrity of the combined tracts. Rural areas of each State are not tracted, but Census Bureau data is, of course, available for these regions as well. Most of the political problems, however, especially in the Democratic Party, are likely to occur in the densely populated urban-suburban areas.

As to the districting process becoming controversial and divisive, I feel confident that this can be held to a rather harmless minimum. The fact is that establishing ad hoc districts for the purpose of selecting delegates to a Presidential nominating convention would be unlike the usual political mapping operations, and therefore the two classic reasons for bickering and gerrymandering would be lacking.

First, there would be no incentive to gerrymander for partisan purposes. The Republicans would have no stake whatever in the borders we establish, and neither we nor they could derive partisan advantage, no matter where the lines fall. Since the boundaries would have relevance only for the Democratic Party, our incentive would be to draw the lines in such a way as to not antagonize other Democrats.

Second, there would be no reason to gerrymander to protect the seat of an incumbent councilman or state legislator or whatever. There would be no such incumbents in these ad hoc delegate districts, which would exist only to provide a territorial base for national convention delegates.

We might hear charges of racial gerrymandering, but I doubt that this would occur too often. After all, we have a situation—unfortunate for other reasons—that finds blacks so congealed over large expanses of urban territory that no feasible way could be found, provided the constituencies were small enough, to substantially deny blacks their de facto "quotas."

The lack of incentives for gerrymandering provide us with a perfect set-up for bringing a computer into each State to figure out objectively where the boundary lines should fall. Into this neutral computer, whose rulings are likely to win wide acceptance among all Democrats—since its task would be more mathematical than political—we could feed Democratic party registration figures for the last preceding congressional election. The computer would start with census tracts, sift them for Democratic registrants and then arrive at some formula to combine the tracts into delegate districts. Work on this could begin right after the 1974 congressional election—2 years before the Presidential election. When the computer finishes, district boundaries could be published, and avenues opened for citizens to challenge the boundaries. These appeals, should there be any, could be disposed of—and any necessary adjustments made—well before the Presidential race begins.

This, in essence, is the plan I ask you to consider. I will be happy, Mr. Speaker, to discuss this further with our colleagues.

INTRODUCTION OF FEDERAL CRIMINAL CODE REFORM ACT OF 1973

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KASTENMEIER) is recognized for 15 minutes.

Mr. KASTENMEIER. Mr. Speaker,

along with our colleague, the Honorable Don Edwards of California, I am today introducing a proposed "Federal Criminal Code Reform Act of 1973." This long overdue, sorely needed legislation is the work product of the National Commission on Reform of Federal Criminal Laws.

The National Commission—better known as the Brown Commission, because of the distinguished leadership of the Honorable Edmund G. Brown, former attorney general and Governor of the State of California—was established in late 1966 by Act of the 89th Congress—Public Law 89-801, November 8, 1966. It was a bipartisan Commission consisting of U.S. Senators, Members of the House of Representatives, U.S. district and circuit court judges and outstanding practicing attorneys.

The mandate of the Commission, as set out in the law which established it was to "make a full and complete review and study of the statutory and case law of the United States which constitutes the Federal system of criminal justice for the purpose of formulating and recommending to the Congress legislation which would improve the Federal system of criminal justice. It shall be the further duty of the Commission to make recommendations for revision and recodification of the criminal laws of the United States, including the repeal of unnecessary or undesirable statutes and such changes in the penalty structure as the Commission may feel will better serve the ends of justice."

The bill I introduce today is the end result of approximately 3 years of intensive study by the Commission and its advisory committee, consultants, and staff, assiduously to carry out the assigned task. Our distinguished former colleague, now an Associate Justice of the Supreme Court of Appeals of the State of Virginia, Dick Poff, ably served as Vice Chairman of the Commission. It was my good fortune to serve on the Commission during its entire existence. Congressman Edwards served until October 1969, when he was replaced by our very able former colleague from Illinois, Ab Mikva, whose contribution to the work of the Commission was invaluable.

I should note, too, that the 15-member Advisory Committee was chaired by the distinguished retired Supreme Court Justice and former Attorney General, Tom C. Clark, and included among its members the Honorable Elliot L. Richardson, the present Attorney General. No Commission was ever more ably served by a staff than was ours, under the direction of Prof. Louis B. Schwartz of the University of Pennsylvania Law School and Richard A. Green, presently Deputy Director of the Federal Judicial Center.

In the foreword to its final report, the Commission detailed the manner in which it approached its monumental task as follows:

> The Commission's staff and consultants, working with law enforcement agencies, prepared preliminary drafts and supporting memoranda. These drew upon the reports of other bodies, such as the President's Commission on Law Enforcement and Administration of Justice, the National Commission on Causes and Prevention of Violence, the National Advisory Commission on Civil Disorders, the American Bar Association Project on Standards for Criminal Justice, the American Law Institute, the National Council on Crime and Delinquency and numerous State penal law revision commissions. Preliminary drafts were reviewed by the Advisory Committee and the Commission in periodic discussion meetings.
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> At the conclusion of this first phase of intensive study, the Commission published the Study Draft of June 1970 in order the secure the benefit of public criticism before the Commission made its decisions. This procedure, affording a pre-Report view of proposals under consideration, was unique in Commission practice; and suggestions and criticism addressed to the Study Draft aided greatly in the preparation of the Final Report. Many departments and agencies of the government counseled with the Commission staff and submitted memoranda. The Commission has had the benefit of informal exchanges with committees of the U.S. Judicial Conference. A number of prosecutors and private practitioners have written to the Commission and their comments have been taken into account in revising the Study Draft provisions.

Among the basic features of the proposed code are the following:

First. It is a comprehensive enactment of major Federal criminal law in one document—truly a criminal code.

Second. It overhauls the existing, chaotic sentencing system.

Third. It distinguishes for the first time the question of what is criminal behavior from the question of whether certain criminal behavior falls within Federal jurisdiction.

Fourth. It constitutes an integrated criminal law system in which, unlike existing law, the various parts are closely interrelated.

The above listing is an oversimplification of what the proposed code seeks to accomplish in our Federal system. Suffice it to say at this time that the end product, a bill of about 300 pages, is an effort to construct a fair workable criminal code out of a multitude of criminal laws and a system of criminal justice which has grown piecemeal through the years without any considered design and is obviously not adequate to the needs of the Nation.

Let me emphasize one fact. There is no one of which I am aware, including Congressman Edwards and me, who is in agreement with every provision of this bill. The bill represents the majority views of the Commission, in some instances on very highly controversial subjects, including national security, drugs, capital punishment, Federal-State relations, insanity, civil rights, and firearms, to mention a few. However, with the Judiciary Committee's Subcommittee on Criminal Justice, on which I am privileged to serve under the able leadership of Congressman Bill Hungate of Missouri, having begun its consideration of this subject, it appears to me to be important that the majority views of the Commission be incorporated in a legislative proposal so that it may be before the subcommittee.

An equally exhaustive code reform bill (H.R. 6046), developed by the Justice Department under Attorneys General Mitchell and Kleindienst after exhaustive study of the Brown Commission recommendations, is already pending with the subcommittee. It represents the executive branch view of what a criminal code should be. S. 1, introduced by Senators McClellan, Ervin, and Hruska—the Senate Members of the Commission—contains the minority views of the Commission on the controversial issues on which unanimous agreement could not be reached.

In my judgment, neither H.R. 6046 nor S. 1 constitutes as significant an improvement in our criminal justice system as does the legislation I am introducing today. Yet, recognizing that there have been developments in the criminal justice field since the Commission concluded its intensive and exhaustive study of the work of other Commissions, consultants, and experts, and the input of many persons and organizations following publication of a study draft in 1970, I approach the congressional hearings to be conducted by the subcommittee with an open mind. I have but one paramount thought, our criminal justice system is in dire need of substantial improvement. Now is the time.

VIETNAM VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. Abzug) is recognized for 10 minutes.

Ms. ABZUG. Mr. Speaker, while we were at war in Vietnam, the Nation was constantly urged to support the men who fought there. Now those who lived through it are home again—bitterly discovering that apparently no one knows or cares. The indifference with which they are greeted, the frustration of searching for nonexistent jobs, of reestablishing family relationships, add to the trauma of the war that none of them can ever forget.

We hear of a few of their tragedies, mostly those involving POW's. We learn how one killed his wife, another himself. We do not hear much of similar tragedies in the lives of other veterans who were not prisoners of war. Yet the same background of senseless violence lives on in their memories—making it difficult to adjust to a society that paradoxically deplores violence at home.

They are changed men—and they return to changed families. Wives learned new independence, children grew up without fathers; now all must try to readjust to the realities of family life. Hundreds of thousands are finding it almost impossible.

A memorandum being circulated in the Department of Medicine and Surgery of the Veterans' Administration states:

> Reliable surveys and studies conducted by the military and by VA indicate serious and prolonged readjustment problems exist in approximately 1 out of 5 new veterans but, to a lesser degree, were experienced by all.

This means that some half-million young men need psychiatric help.

Senator McGovern has introduced in the other body a bill to make that help more available and to extend it to the families of veterans. I have the honor of introducing today an identical bill, the Vietnam-Era Veterans and Dependents Psychological Readjustment Assistance Act of 1973.

The bill directs the Administrator of Veterans' Affairs to initiate and carry out a special psychiatric, psychological, and counseling program for all veterans of the Vietnam era and their dependents who are experiencing difficulty in readjustment.

The Administrator is authorized to contract for such services from public or private sources when he determines that such services would be more beneficial than those currently offered, or if VA facilities are unavailable or inadequate. At present, many veterans are reluctant to contact the VA, regarding it as merely an extension of the hated war. If private and public professionals are available, he will be much more likely to seek help.

It is essential also that his family receive counseling at the same time. The precedent for this expansion of services is contained in the Veterans Health Care Extension Act. This bill extends the care still further, to families of those missing in action, and to any person who lives with a veteran and may be instrumental in the success of his treatment.

If we are sincere in our desire to help these war victims return to a useful life, we must act to provide the help they need.

Mr. Speaker, I include the text of the bill in the RECORD at this point:

S. 2322

A bill to amend chapter 17 of title 38, United States Code, to direct the Administrator of Veterans' Affairs to initiate and carry out a special psychiatric, psychological, and counseling program for veterans of the Vietnam era, especially former prisoners of war, and their dependents who are experiencing psychological problems as the result of military service performed by such veterans

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Vietnam Era Veterans and Dependents Psychological Readjustment Assistance Act of 1973".

SEC. 2. Chapter 17 of title 38, United States Code, is amended by adding after section 620 a new section as follows:

"§ 620A. Special psychological readjustment assistance program

"(a) As used in this section—

"(1) The term 'veteran' means any person who served in the active military, naval, or air service during the Vietnam era, regardless of the nature of his discharge, and who is in need of the services provided for under this section because of the performance of such service or because of a service-connected disability.

"(2) The term 'dependent' means—

"(A) the spouse or child of a veteran;

"(B) the spouse or child of a veteran who died in service or who died as the result of a service-connected disability;

"(C) the spouse or child of a member of the armed forces in a missing status (as defined in section 551(2) of title 37); or

"(D) any member of the immediate family of a veteran or dependent (including a legal guardian), or, in the case of a veteran or dependent who has no immediate family (or legal guardian), the person in whose household the veteran or dependent certifies his intention to live, if the Administrator determines that providing services under this section to such member is necessary or appropriate to the successful treatment and rehabilitation of the veteran or dependent.

"(b) The Administrator shall initiate and carry out a special program for the treatment and rehabilitation of veterans, especially former prisoners of war, and their dependents who are experiencing psychological problems as the result of the active military, naval, or air service performed by the veteran. Such program shall include, but shall not be limited to, such psychiatric, psychological, and counseling services (in addition to those services otherwise authorized by this chapter) as may be necessary or appropriate for the successful treatment and rehabilitation of the veteran or dependent.

"(c) In carrying out the special program provided for in subsection (b) of this section, the Administrator shall, under such rules and regulations as he may prescribe, contract for psychiatric, psychological, and counseling services from public or private sources whenever the Administrator determines that—

"(1) such services are necessary or appropriate to the successful treatment and rehabilitation of the veteran or dependent and such services are unavailable or inadequate in Veterans' Administration facilities

"(2) an undue hardship would be placed upon the veteran or dependent because of the distance the veteran or dependent would have to travel in order to obtain such services at a Veterans' Administration facility;

"(3) the hours at which such services are available at a Veterans' Administration facility are incompatible with the time available to the veteran or the dependent and would result in a financial or other hardship on the veteran or dependent to receive such services at the Veterans' Administration facility; or

"(4) such services provided outside Veterans' Administration facilities would, for any reason, be more beneficial to the treatment and rehabilitation of the veteran or dependent.

"(d) The participation of any veteran or dependent in the program provided for under this section shall be wholly voluntary and shall not be a prerequisite to eligibility for or receipt of any other service or assistance from, or participation in, any other program under this title.".

SEC. 3. The table of sections at the beginning of chapter 17 of title 38, United States Code, is amended by adding immediately below

"620. Transfers for nursing home care."

the following:

"620A. Special psychological readjustment assistance program.".

SEC. 4. There are authorized to be appropriated such sums as may be necessary to carry out the amendments made by section 2 of this Act.

J. B. LANDRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. LONG) is recognized for 10 minutes.

Mr. LONG of Louisiana. Mr. Speaker, on June 30, 1973, Mr. J. B. Landry retired after serving for 30 years as postmaster at Prairieville Post Office in Prairieville, La.

Mr. Landry has had a long and successful career in the postal service and his contributions to the community have been outstanding. He began his career as a postal clerk under his father, the late Leonce Landry who began as postmaster under the administration of Postmaster General Albert S. Burleson. During his tenure as postmaster, J. B. Landry has recommended four area postmaster appointments, three rural routes, and one auxiliary mail route at Prairieville. Through his efforts, a mail truck route was established from Baton Rouge that significantly increased the speed of mail service for the more than 5,000 customers in Prairieville and those in the surrounding towns of Gonzales, Sorrento, St. Amant, Brittany, and Duplessis. Perhaps the pride of Mr. Landry's service record is the new Prairieville Post Office facility that will soon be completed as a result of 4 years of perseverence and planning.

These fine accomplishments as postmaster are supplemented by an equally commendable record in community affairs.

Mr. Lambert is widely recognized as one of the chief architects of Little League baseball in Ascension Parish, having served as director of the East Ascension Sportsmen League, athletic director of the Ascension Little League program, president of the Bayou Baseball League, and as the force behind numerous fund-raising efforts for baseball in the parish.

Mr. Landry has been a member of the American National Red Cross for 25 years and has been very active in fund-raising drives for the Prairieville Fair Association, the Veterans of Foreign Wars, and the Prairieville Volunteer Fire Department. The St. John Evangeline Church, damaged in a severe lightning storm, was recently rebuilt due largely to the energies of Mr. Landry who donated his 5½-acre park for a church benefit.

This is the type of individual whose civic and professional achievements are but token testimony to his total dedication to public service for the people of Prairieville and vicinity. When personal service is at such a premium these days, it is indeed comforting to know that there are public servants who unselfishly dedicate their lives to serving the needs of their customers and fulfilling the duties of their office.

On behalf of the people of Prairieville, I wish to extend my thanks to Mr. J. B. Landry for a job well done.

LEWIS E. TURNER—A DEDICATED PUBLIC OFFICIAL

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. SIKES. Mr. Speaker, a truly outstanding and dedicated public servant passed away within hours after the Congress recessed last month.

The Honorable Lewis E. Turner, Acting Assistant Secretary of the Air Force for Installations and Logistics died suddenly on August 5, 1973. The loss of his services will be felt by the Air Force and the Nation. He was my close personal friend and his death came as a great shock to me.

Lew Turner began his service to the Air Force in 1948. He quickly distinguished himself through ability, dedication to duty, and high patriotism. Because he served his Nation so ably in positions of increasing responsibility with the Air Force, our Nation today is stronger and the cause of freedom has been helped.

Born in Radford, Va., 56 years ago, he attended George Washington University and entered Government service in 1940, first with the Civil Service Commission, and later with the General Accounting Office and the War Production Board.

Over the years, I came to respect Lew Turner very much. There were many occasions when he and I were closely associated in important work for the Department of Defense. In his work he was at all times a true gentleman. Yet, he could be hard and tough when it came to making decisions which affected the security of our Nation and the well-being of the Air Force. Even when he was called upon to take an unpopular position, he held fast to the concept that our Nation's security is uppermost and he never wavered in his efforts to provide the free world the mightiest deterrent to war ever conceived by man—a strong and effective national defense.

Those of us who have had the privilege to know Lew Turner and to share his friendship know how much he will be missed in and out of the Government. We know how devoted he was to his beloved wife, Kate, and to his children. Our deep and earnest sympathies go out to his family.

Lew Turner has been taken from us too early, and at a time when he was contributing much in the fight to keep America strong and free. He leaves a void which will be difficult to fill and a record of service which cannot be surpassed.

THE STATE OF BAHRAIN—A FRIEND OF THE UNITED STATES

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record.)

Mr. SIKES. Mr. Speaker, on August 15 I had the privilege and the personal satisfaction of offering congratulations on behalf of the House of Representatives to the Amir of the State of Bahrain on the second anniversary of that country's independence. It was also my opportunity to engage in lengthy discussions with the distinguished foreign minister of Bahrain.

Bahrain is a small island country on the Arab side of the Persian Gulf, an area of great importance to the United States. Friendly ties between our two countries have existed for many years, and during my visit I learned that the encouragement of new American enterprises in Bahrain is a primary objective of its government.

Two years ago when Bahrain became fully independent of Great Britain, its leaders and people saw neither reason nor need to alter their western orientation. There was no rush to open doors to the Communist capitals of the world.

Our two countries differ vastly in size and in many other respects, but we share a foundation of common aspirations and values. The people of Bahrain are practical and tolerant. They are dedicated to the free enterprise system. Foreign companies are encouraged to use Bahrain as their commercial headquarters in the Persian Gulf area. Airlines in particular do this. Bahrain levies no income or corporate taxes, and there are no restrictions on the repatriation of the profits of foreign-owned companies.

The Bahrain Government is proving itself forward-looking. Already preparations have been made for a Constitution to come into effect on December 16 of this year. Then the powers of government will be shared between the Amir, a hereditary ruler, and a popularly elected Parliament.

Friendly ties between the United States and Bahrain began at the end of the last century when an American medical mission was established on the island. The Bahrain Petroleum Company—Bapco—owned by Cal-Tex, made the first oil strike on the Arab side of the Gulf in 1932 in Bahrain. While oil royalties have provided the country with extra revenues, these have been modest and may largely cease in a few years when most of its present oil reserves are expected to be used up. However, oil explorations are continuing.

For the the past 25 years or so Bahrain has also been the home port for a small unit of our Navy, the U.S. Middle East Force. U.S. ships there play an important part by showing the flag throughout the area. This small force contrasts sharply with the very large Russian naval presence in the waters of the Persian Gulf, the Indian Ocean, and the Gulf of Aden. They have bases in Iraq, Yemen, and Somalia, and there is a large Russian naval presence in Bangladesh.

Our Embassy was established in Bahrain at the time of its independence in 1971. American companies having interests and personnel in Bahrain includes Kaiser Aluminum, General Electric, Chase Manhattan Bank, First National City Bank, and several oil drilling service companies.

Technical training is a field in which the Bahraini people are deserving of our help. We are providing some now, and more should be done. Two dozen Bahraini young men and women are studying at the American University of Beirut on AID scholarships. The Peace Corps is now beginning a program there. Aid experts have also worked with Bahrain officials in manpower planning and population control. There are further opportunities in which the United States can be helpful in this important field.

In brief, Arab Bahrain is a fine example of a small country which has pride in itself and in its friendship with the United States. More Americans should be aware of this, and we should overlook no opportunities to do what we can to strengthen our ties with the government and people of Bahrain.

LEAGUE OF WOMEN VOTERS CONDUCT OPINION POLL ON CAMPAIGN FINANCES

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, a topic of increasing public interest in light of recent attention given to activities during the 1972 Presidential campaign is that of campaign financing. It has come to my attention that the League of Women Voters is about to undertake a study of this matter. As a preface to this effort, the League of Women Voters of Edwardsville, Ill., has conducted an informal sidewalk opinion poll based on questions to be used in the national survey. Mrs. Linda Nielson, National Program Committee chairman of the Edwardsville League, was thoughtful enough to advise me of the results of the poll.

Mr. Speaker, I would like to share this information with my colleagues in the House. Mrs. Nielson's correspondence follows:

League of Women
Voters of Edwardsville,
Edwardsville, Ill., August 15, 1973.

Hon. Melvin Price,
House of Representatives
Washington, D.C.

Dear Mr. Price: One item on the national program of the League of Women Voters is a study of Congressional Reform. The emphasis this year is on campaign financing.

The League of Women Voters of Edwardsville is just beginning to gear up for this study. As a matter of interest, we decided to conduct an opinion poll during Sidewalk Sale Days both downtown and in the Montclaire Shopping Center. The questions we used were based on the questions which the Leagues will be using to arrive at their concensus positions in November. This is just a random sampling but we feel that it gives a good indication of what the people of the Edwardsville area think. You will note some discrepancy from the 265 total since some people did not choose to answer all the questions.

Since this vital issue is now being considered by the Congress, we felt that you would be interested in this opinion sampling. We are aware of your interest in this topic and hope this poll will be of some use to you.

We will be presenting a program to our local League on Campaign Financing in September or October and will release this poll to the media in conjunction with that program.

Sincerely yours,
Mrs. James Nielson,
National Program Committee Chairman.

Opinion Poll on Campaign Financing conducted July 20, 21, 27, 28, 1973 by the Edwardsville League of Women Voters.

1. Should there be limitations on contributions from individuals?

Total, 258; yes, 163; no, 81; undecided, 14.

2. Should there be limitations on contributions from businesses?

Total, 258; yes 201; no, 50; undecided, 3.

3. Should there be limitations on total expenditures?

Total 259; yes, 209; no, 38; undecided, 12.

4. Should there be a limit on expenditures for radio and T.V.?

Total, 256; yes, 194; no, 55; undecided 7.

5. Should there be a limit on the number of campaign committees?

Total, 265; yes, 148; no, 78; undecided, 39.

6. Should there be a limit on the length of campaigns?

Total, 256; yes, 200; no, 50; undecided 6.

7. Do you approve of broadening the base of campaign financing to include some direct or indirect public funding?

Total, 256; yes, 96; no, 117; undecided 43.

8. Should the "equal time" law be changed so that radio and T.V. can more easily provide time to major candidates for Federal office?

Total, 258; yes, 130; no, 102; undecided, 26.

These questions pertain strictly to Federal offices—President, Senator, Congressman.

BETHALTO, ILL., OBSERVES 100TH ANNIVERSARY

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, this past weekend the village of Bethalto, in northern Madison County, Ill., celebrated its 100th anniversary. It was in 1873 that the 14 voters of Bethalto voted to incorporate by a margin of 9 to 5.

Bethalto, now a thriving community of 7,000, marked its centennial with a 4-day homecoming celebrated in the fine American tradition. The festivities included a 45-minute play performed by a group of drama students from Bethalto Civic Memorial High School in which they reenacted the 19th-century Indian massacre of two early Bethalto families.

Other activities included performances by John Fabjance, Bethalto's own nationally known magician, music ranging from rock to bluegrass, and the traditional beard-growing and watermelon-eating contests. In another drama, the Bethalto Ministerial Association depicted the religious history of the village.

Mr. Speaker, the citizens of Bethalto can be proud of both their historic and modern roles in the metropolitan area. As they mark their 100th year as an organized community, let us extend to them our congratulations and best wishes for an even more prosperous future.

TRIBUTE TO THE LATE HONORABLE GLENARD P. LIPSCOMB

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, on Saturday, August 4, the day after we recessed, I had the great pleasure and privilege of attending the launching ceremonies in Groton, Conn., of the nuclear-powered attack submarine U.S.S. *Glenard P. Lipscomb,* named after our dear friend and former colleague from California.

Glen's lovely wife, Ginger, christened the new experimental boat, which will be the most silent running submarine ever built, attended by their two daughters, Diane Grasso and Joyce Murrell. The launching was witnessed by many friends of the Lipscombs from the Congress, from Washington and California, and was both a bittersweet reunion and an inspiring rededication to Glen Lipscomb's dedicated career of public service, which ended with his untimely death on Feb. 1, 1970.

Tributes to our late colleague, who succeeded me as ranking Republican member on the Defense Subcommittee of the Committee on Appropriations and was also ranking on the Committee on House Administration and chairman of the California Republican delegation at the time of his death, were paid by former Secretary of Defense and Counselor to the President Melvin R. Laird; Mr. David S. Lewis, board chairman of General Dynamics Corporation, whose Electric Boat Division built the *Lipscomb;* the Honorable John W. Warner, Secretary of the Navy; and Vice Adm. H. G. Rickover, USN, Director of the naval nuclear propulsion program.

I insert here for the benefit of Members who were unable to be present the remarks of Admiral Rickover in introducing Mrs. Lipscomb and her daughters.

INTRODUCTION OF MRS. GLENARD P. LIPSCOMB, MRS. LOUIS GRASSO, AND MRS. ROBERT MURRELL BY VICE ADMIRAL H. G. RICKOVER, U.S. NAVY

I take pleasure in introducing a courageous and gracious lady, Virginia Lipscomb, and her two daughters, Diane Grasso and Joyce Murrell.

The Navy shares their pride in having a ship named for one of the great members of Congress—a patriot, a statesman, a gentleman, a dedicated American: The Honorable Glenard P. Lipscomb.

It was my privilege to know him for many years. He was forthright, without guile, outspoken in his convictions, strong in his faith and love of country. He consistently spoke and fought for what he believed to be right. I am grateful such men as Congressman Lipscomb served in our Government. It is only through their efforts that our form of Government can be preserved.

Congressman Lipscomb was a dedicated legislator and servant of the American people, as well as one of the foremost authorities on national defense. His contribution as a senior member of the House Appropriations Committee will be felt for years to come. His words inscribed on the keel of this ship sum up his conviction of the importance of attack submarines: "We must push ahead vigorously with the design and construction of the most advanced nuclear attack submarines our technology can provide." He believed in and fought for a strong nuclear Navy which he knew to be essential in preserving peace.

He was instrumental in getting the nuclear frigate program started. The Navy was proud to have Virginia Lipscomb authenticate the keel of the nuclear frigate *California* in January 1970.

I always admired his concern and tenderness for his wife—who contributed so much to the Congressman's accomplishments. Mrs. Lipscomb, like many congressional wives, campaigned actively with her husband and assisted him in his congressional activities. In addition, she devoted considerable time to Red Cross work and to the Florence Crittenton Home in Washington, D.C. During Mr. Lipscomb's congressional service she was an active member of the Congressional Club and served as its Vice President.

Virginia Lipscomb comes of people who had courage, strength and determination. She has them too. She comes of people who had a sense of *noblesse oblige* and chivalry which means they set themselves high standards of behavior to others less fortunate. She too has these qualities. In the early days of our country, women and men worked together and worked hard to clear the land, to build a home, to grow food, to raise their children. The wife was the guardian of home and culture. Many of our great men were reared in this manner. Virginia is the modern day version of this feminine saga in the structure of America.

Her two lovely daughters, Diane Grasso and Joyce Murrell who are with us today, authenticated the keel of the *Lipscomb* in June 1971. Diane attended Bethesda Chevy Chase High School in Maryland and the University of Maryland. Joyce also attended Bethesda Chevy Chase High School and graduated from California Western University in San Diego.

It is with a sense of pride and affection that I introduce Virginia Lipscomb and her daughters, Diane and Joyce. The Navy is honored that Virginia will christen the *Lipscomb*. Diane and Joyce are the Matrons of Honor.

EMERGENCY EUCALYPTUS ASSISTANCE

(Mr. BROWN of California asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BROWN of California. Mr. Speaker, on Friday of this week the House was scheduled to consider S. 1697, emergency eucalyptus assistance, a bill relating to predisaster fire assistance for the State of California. I am not completely happy with the form of this bill, although I completely support its purpose. In my opinion the bill should have been written so as to provide for predisaster relief on a national basis in every situation where there is a reasonable prospect that such action could avert a future major disaster, with the massive attendant costs and hardship to the involved citizens, and to the taxpayers of the Nation. We do not have such a bill before us, although I think such a bill can be developed. Possibly this legislation, which serves to focus our attention on such a typical predisaster situation in one State, can help to make us realize the need for such action.

My primary purpose in speaking today is to call attention, through the insertion of two newspaper articles, to the catastrophic nature of the fire problem facing California and the Western States during the current fire season, which still has about 2 months to run. Nonwesterners sometimes have difficulty in appreciating the massive impact of uncontrolled fire in the western forests and grasslands. The closest parallel is to a war. Thousands of men are involved, frequently at great danger to their lives. Hundreds of aircraft, and the most modern communications and other technology, including satellite reconnaissance, are used. The dollar loss for this season already approximates $100,000,000, and future losses from erosion and disease may be as large.

Yet the losses to date will pale to insignificance if such fires were to strike those densely populated areas of California which was sought to be protected by the passage of S. 1697. No similar situation exists in any other State, or has existed in California before. History's closest parallel would be the great San Francisco earthquake and fire of 1906, or the disastrous Chicago fire of the last century. Natural conditions have conspired to render such a catastrophe not just remotely possible, but very definitely probable. Yet the action to prevent such a tragedy can be taken, and with the resources available are being taken by State and local government. What is needed is a commitment of Federal resources appropriate to the need. This is what S. 1697 proposed. I urge all the Members to give this bill their most thoughtful consideration, at such time as it may be brought before us.

The first of the two newspaper articles to which I referred appeared in the Washington Post on Monday, September 3. It is quite brief, and reads as follows:

CALIFORNIA LAKE COUNTRY HIT BY FOREST FIRE

CLEARLAKE OAKS, CALIF.—A fire set by an arsonist roared out of control through Northern California's scenic lake country forests, forcing evacuation of hundreds of Labor Day holidaymakers from cabins and mobile homes.

A space agency U-2 "spy plane" photographed the fire area during the night with highly sensitive infrared film.

California Division of Forestry spokesman Ed Karman said photos from the high-flying plane showed flames had swept over more than 16,225 acres of timber, brush and grasslands around 70-square-mile Clear Lake, California's biggest inland body of water.

The fire, fanned by winds of up to 18 miles an hour and with temperatures expected up around the 100 mark during the day, "is still definitely a threat" to the small resort communities of Long Valley and Spring Valley, Karman said.

The Lake County sheriff's office evacuated families from about 100 cabins and mobile homes, ordered camper trucks out and sealed off the region during the night.

The other article, a somewhat more lengthy United Press International story, appeared in the Los Angeles Times on August 20. This article will give you some idea of the scope of the situation, Mr. Speaker. Without objection, I will enter it at this time:

Eighty Percent of Federal Firefighting Force Battling Western Blazes—Damage Estimated at $60 Million in Eight States, Canada; Head of National Center Says It's "Worst Season Ever"

Air Force planes and National Guard troops joined more than 6,300 fire fighters flown in from around the nation to fight the worst forest fires in memory that raged out of control Sunday in eight western states and Canada.

John Hafterson, head of the National Interagency Fire Center in Boise, said 80% of the federal firefighting force had been thrown into the battle against the fires. The remaining 20% were on standby to be flown in.

"Most fire managers in the Northwest feel this is the worst season ever," Hafterson said. "It is the worst season and the worst potential fire season I have even been acquainted with."

At least 110,000 acres of timber and farmland has so far gone up in flames, and authorities estimated damage at well over $60 million.

FIRE ZONE AIRLIFTS

Dozens of commercial airliners and Air Force C-130 Hercules transport planes shuttled fire-fighters in from almost every state, including Alaska, in an effort to stop the spread of flames in California, Oregon, Washington, Idaho, Montana, Nevada, Wyoming and Utah.

One fire in Montana leaped the border into Canada and burned through 4,000 acres of forest land there, still out of control.

"Veteran fire fighters say these are the worst they've ever seen and that includes the big ones in 1967 and 1970," said Dick Klade, information officer at the fire center.

Two giant fires raced through scenic Sierra timberland Sunday, searing 12,000 acres close to Yosemite National Park and blackening 3,000 acres along the American River.

The smaller blaze, dubbed the Pilliken fire, forced officials to close U.S. 50, the main artery connecting Sacramento with the South Lake Tahoe recreation area. Several mountain resort homes were endangered by the arson-caused blaze, officials said.

About 1,600 men battled the blaze near Yosemite, which already has destroyed about $50 million worth of timber and watershed near Cherry Reservoir—one of San Francisco's prime water sources.

FLAMES CLOSE TO YOSEMITE

The fire had burned to within three miles west of Yosemite Sunday, but the flames were burning parallel to the park and were not expected to jump the boundary if weather conditions continued as predicted.

About a dozen summer homes along U.S. 50 were in the vicinity of the blaze in the Eldorado National Forest, but none had been seriously threatened as of late Sunday.

"We've been scrambling for manpower," said a spokesman for the U.S. Forest Service.

California shipped out dozens of the state's top fire fighters to battle blazes in the Northwest last week, resulting in a manpower shortage in fighting the two huge California blazes.

Thirty-four major fires in the western states had burned through 110,000 acres since the first outbreak last Wednesday. Thirteen of the fires which accounted for 82,000 acres were still out of control Sunday.

"We know there have been hundreds of others, but they were controlled by local fire-fighting organizations," a spokesman said.

National Guard troops reinforced fire fighters on lines around Klamath Falls and the mountain city of La Grande in Oregon to stop flames near the outskirts of the communities.

An estimated 16,000 acres of timberland was charred in Oregon, and fire fighters said the blaze near La Grande was still several days away from being brought under control.

A $500,000-a-day effort was being made to douse flames in Montana and Idaho.

Gov. Thomas Judge announced that all state and national forests would be closed in Montana at midnight Sunday because of the fire danger.

National Guard troops backed up fire fighters in Idaho, and the governor offered to send them to Montana as soon as the situation allowed.

Air Force planes ferried in fresh crews from around the country.

An experimental Air Force C-130, a giant cargo plane that was the backbone of troop transport in Indochina, was used for the first time to dump chemical retardant on fires in Montana.

Fleets of World War II bombers flew almost non-stop retardent bombing raids. Two of them crashed Saturday while scrambling to fight fires in Northern California, but no one was injured.

SOVIET SPORTSMANSHIP

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr Speaker, exactly 1 year ago today, 11 Israeli athletes were murdered at the summer Olympics in Munich. As a shocked and uncomprehending world tried to understand what had prompted such mindless violence, we all prayed that such an incident would never occur gain, and that the mentality which gave rise to this behavior was an aberration never to be seen again.

In the recently concluded World University Games, held in Moscow last month, the world was treated to a display of official Soviet behavior that evoked for many memories of the events of the summer before. While no lives were lost this time, we saw that the state of mind which is a blind hatred of Israel is not limited to Arab terrorists bent only on cold-blooded murder. It is an official part of Soviet policy, and now seems to be part of Soviet sports activity.

The purpose of the World University Games was to further the spirit of good fellowship and good sportsmanship between student athletes of all nations. But from the opening march, the world was treated to display of the worst kind of racism and anti-Semitism imaginable. In contrast to the warm greetings given the teams of the other nations, including the United States, the Israeli team was humilliated by piercing whistles and catcalls.

Earlier, before the games had even gotten underway, Israeli journalists who had at first received permission to accompany their team to the Soviet Union, had their visas revoked. Once inside the Soviet Union, the Israelis were isolated from all possibility of contact with Russian Jews. Ostensibly, this was to prevent "another Munich," according to the Russian Government. In fact, the reason was that the Russian Government had never wanted to invite the Israeli team anyway, and felt compelled to do so only by the force of world opinion. Therefore, the unwanted athletes were not only shut away, but, when they did make appearances, they were told in no uncertain terms just how unwelcome Jews are in the Soviet Union.

The highpoint of the games—if it may be termed that—was the Israeli-Puerto Rican basketball game on August 21, which the Israeli team won handily. It was not the Israeli victory which was notable, however, but the blatantly staged demonstration by Russian Army troops, many of whom were in uniform. Jewish residents of Moscow had come to the game to see and cheer the Israeli team. Some Jews carried banners, many of them burst into song. In response, sections of the crowd which was packed with Russian soldiers, began yelling "yid, yid."

As if this were not enough, the verbal harrassment turned into physical attacks on the Jews outside the stadium. Many Jews who had purchased tickets to see the basketball game were arrested merely for trying to get inside. Among those arrested were two children, Marina Polski, age 14, and Alexander Yoffe, age 16. After the game ended, a group of about 20 Jews leaving the stadium was set upon by a group of unidentified Russian soldiers.

In spite of every reason to believe that there would be trouble, the International University Sports Federation did not have an observer at the Israeli-Puerto Rican basketball game. A Frenchman, Claude Pineau, had been assigned to observe, but did not appear. It was later reported that he had instead attended a cocktail party hosted by the Russians.

The Soviet Government later attempted to dismiss this disgusting incident as normal high spirits by sports fans. The official sports daily, Sovetsky Sport, dismissed the incident as an "episode likely to occur at athletic contests," and felt that it had been blown entirely out of proportion by the Western press. Nothing could be further from the truth.

Soviet antipathy for Jews and Israel has long been known. Jew-baiting was an honorable sport practiced under the Tzars, and it has apparently flourished under Communist rule. In these days when all the talk is of détente and normalization of relations, we do not like to speak ill of those whom we are about to make our deep and undying friends. We tend to close our eyes to their lesser qualities, in order to make it seem as though we are not getting such a bad deal after all.

Perhaps the best thing to come of this despicable incident is that it has finally opened the world's eyes to Soviet anti-Semitism and anti-Zionism. Athletes from other nations who had come to watch the Israel-Puerto Rican game were overheard commenting on the name-calling and Jew-baiting. The unanimous reaction was one of anger and disgust. Additionally, the officials of the International University Sports Federation and its parent organization, the International Olympic Committee, have become painfully aware of the fact that good sportsmanship simply does not exist in the Soviet Union.

Up until this incident, the Soviet Union was in contention for selection as the site of the 1976 Olympiad. In fact, the purpose of holding the World University Games in Russia this year was to see whether or not Russia should be given the chance to host a full-scale Olympic competition. It now appears highly unlikely that this honor will go to Russia.

It is not only the single incident of the treatment of the Jews at the World University Games that has raised the consciousness of the world. It is the whole atmosphere of anger, hatred, and repression which permeated the games. Not only were the Russians most reluctant to invite the Israeli athletes, but in an effort to be "fair," they also invited Yassir Arafat, head of the Palestinian Liberation Front, whose bands of terrorists have murdered dozens of innocent civilians. The Soviet Union turned these games into an occasion for a political statement, broadcasting its party line of anti-Semitism and anti-Zionism.

The isolation of the Israeli athletes, in an attempt to keep them away from Soviet Jews hungering for the sight of Jews not persecuted for their faith, was paralleled by the isolation of the athletes from most Western nations. The Soviet Union, in spite of all its recent pronouncements about the desirability of detente, is not yet willing to expose its citizens to Western thought and lifestyles. In spite of all its big talk about normalizing relations, the Soviet Government apparently still fears the West enough to isolate its representatives in Russia, even at an ostensibly nonpolitical sporting event.

The world has seen what Jews have known for generations—that it is impossible to live as a Jew in the Soviet Union. Those who dare to display their faith openly are subjected to the worst sort of harassment from government-sponsored hooligans, in addition to losing their jobs and facing the prospect of prison. I believe that the unconscionable behavior of the Soviet troops at the Israeli-Puerto Rican basketball game has opened up the ears and eyes of the world. It has made us more aware, if that were possible, of the dangers inherent in trusting in the good intentions of Russian officialdom.

While I fully expect that the International Olympic Committee will not grant the Soviet Union the honor of hosting the 1980 Olympics, I am today introducing a resolution that expresses the sense of the Congress that the U.S. team should not participate if the games are to be held in Russia. An event that symbolizes the fellowship of sports and the universal goal of peace with all nations ought not to be held in a nation which has yet to show that it knows the meaning of these words.

LEAVE OF ABSENCE

(By unanimous consent, leave of absence was granted to:)

Mr. McSpadden (at the request of Mr. O'Neill), for today through September 14 on account of official business (NATO installation inspection).

Mr. Corman for today and September 6 on account of official business.

Mr. Hanrahan (at the request of Mr. Gerald R. Ford), through September 14 on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Michel for 20 minutes, today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Frenzel) to revise and extend their remarks and include extraneous matter):

Mr. Crane, for 5 minutes, today.
Mr. Williams, for 15 minutes, today.
Mr. Hosmer, for 30 minutes, today.
Mr. Parris, for 5 minutes, today.
Mr. Forsythe, for 5 minutes, today.

(The following Members (at the request of Mr. Ginn) to revise and extend their remarks and include extraneous matter):

Mr. Gonzalez, for 5 minutes, today.
Mr. Annunzio, for 5 minutes, today.
Mr. James V. Stanton, for 30 minutes, today.
Mr. Kastenmeier, for 15 minutes, today.
Ms. Abzug, for 10 minutes, today.
Mr. Long of Louisiana, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Evins of Tennessee and to include extraneous matter.

Mr. Ashley to follow the remarks of Mr. Barrett's 1-minute speech today.

Mr. Burlison of Missouri, to extend his remarks in the debate on H.R. 8449, following the remarks of Mr. Ginn.

Mr. Frenzel to extend his remarks during debate had in the Committee of the Whole today.

(The following Members (at the request of Mr. Frenzel) and to include extraneous matter):

Mr. Burke of Florida.
Mr. Derwinski in three instances.
Mr. Crane in five instances.
Mr. Brotzman in two instances.
Mr. Arends.
Mr. Michel in five instances.
Mr. Frelinghuysen.
Mr. Hunt.
Mr. Sarasin in two instances.
Mr. Wyman in two instances.
Mr. Coughlin.
Mr. Hosmer in three instances.
Mr. Young of Illinois.
Mr. Saylor.
Mr. Steiger of Arizona.
Mr. Hudnut.
Mr. Roncallo of New York.
Mr. Gilman.
Mr. Gerald R. Ford.
Mr. Abdnor.
Mr. Smith of New York.
Mr. Railsback in two instances.
Mr. Pettis in five instances.
Mr. Miller in six instances.
Mr. Mizell in five instances.
Mr. Kemp in two instances.
Mr. Hogan.
Mr. McClory.
Mr. Esch.
Mrs. Holt in two instances.

(The following Members (at the request of Mr. Ginn) and to include extraneous matter):

Mr. Gonzalez in three instances.
Mr. Rarick in three instances.
Mr. Evans of Colorado.
Mr. Annunzio in six instances.
Mr. Fraser in five instances.
Mr. Conyers in 10 instances.
Mr. Rodino.
Mr. Seiberling in 10 instances.
Mr. Young of Georgia in six instances.
Mr. Rangel in 11 instances.
Mr. Sarbanes in five instances.
Mr. Long of Maryland in 10 instances.
Mr. Badillo in two instances.
Mr. Lehman in 10 instances.
Mr. Mollohan in two instances.
Mr. Reuss in six instances.
Mr. Fisher in three instances.
Mr. Breaux.
Mr. Edwards of California in two instances.
Mr. Vanik in three instances.
Mr. Helstoski in 10 instances.
Mr. Ashley.
Mr. Johnson of California.
Mrs. Schroeder in 10 instances.
Mr. Evins of Tennessee in six instances.
Mrs. Mink.
Mr. Hanna in six instances.
Mr. Rosenthal in 10 instances.
Mr. Stark in 10 instances.
Mr. Obey in four instances.
Mr. Nix.
Mr. Rooney of New York in two instances.
Mr. Eilberg in 10 instances.
Mr. Diggs in three instances.
Mr. Teague of Texas in six instances.
Mr. Dulski in six instances.
Mr. Culver in six instances.
Mr. Brademas in six instances.
Ms. Abzug in 10 instances.
Mrs. Grasso in 10 instances.
Mr. Harrington in four instances.
Mr. Brown of California in 10 instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2282. An act to change the name of the

New Hope Dam and Lake, North Carolina, to the B. Everett Jordan Dam and Lake; to the Committee on Public Works.

SENATE ENROLLED BILL AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to enrolled bill and joint resolution of the Senate of the following titles:

S.J. Res. 25. Joint resolution to authorize and request the President to issue a proclamation designating the fourth Sunday in September 1973, as "National Next Door Neighbor Day.

S. 1888. An act to extend and amend the Agricultural Act of 1970 for the purpose of assuring consumers of plentiful supplies of food and fiber at reasonable prices.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 8658. An act making appropriations for the Government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1974, and for other purposes.

H.R. 8760. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1974, and for other purposes.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills and joint resolutions of the House of the following titles:

On August 4, 1973:

H.R. 3630. To extend until September 30, 1975, the suspension of duty on certain dyeing and tanning products and to include logwood among such products;

H.R. 3867. To amend the Act terminating Federal supervision over the Klamath Indian Tribe by providing for Federal acquisition of that part of the tribal lands described herein, and for other purposes;

H.R. 4083. To improve the laws relating to the regulation of insurance in the District of Columbia, and for other purposes;

H.R. 5649. To extend until November 1, 1978, the existing exemption of the steamboat *Delta Queen* from certain vessel laws;

H.R. 6370. To extend certain laws relating to the payment of interest on time and savings deposits, to prohibit depository institutions from permitting negotiable orders of withdrawal to be made with respect to any deposit or account on which any interest or dividend is paid, to authorize Federal savings and loan associations and national banks to own stock in and invest in loans to certain State housing corporations, and for other purposes;

H.R. 6676. To continue until July 1, 1975, the existing suspension of duty on manganese ore, and for other purposes;

H.R. 6713. To amend the District of Columbia Election Act regarding the times for filing certain petitions, regulating the primary election for Delegate from the District of Columbia, and for other purposes;

H.R. 8510. To authorize appropriations for activities of the National Science Foundation, and for other purposes;

H.R. 8658. Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1974, and for other purposes;

H.R. 8760. Making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1974, and for other purposes;

H.R. 8947. Making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and for commissions for the fiscal year ending June 30, 1974, and for other purposes;

H.J. Res. 52. Authorizing the President to proclaim August 26, 1973, as "Women's Equality Day"; and

H.J. Res. 466. Authorizing the President to proclaim the second full week in October, 1973, as "National Legal Secretaries' Court Observance Week".

On August 27, 1973:

H.R. 7935. To amend the Fair Labor Standards Act of 1938 to increase the minimum wage rates under that act, to expand the coverage of that act, and for other purposes.

ADJOURNMENT

Mr. GINN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 50 minutes p.m.), the House adjourned until tomorrow, Thursday, September 6, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1219. A communication from the President of the United States, transmitting notice of his intention to exercise his authority under section 614(a) of the Foreign Assistance Act of 1961, as amended, to waive the requirements of section 514 of the act to provide grant military assistance to Turkey, pursuant to section 652 of the act; to the Committee on Foreign Affairs.

1220. A communication from the President of the United States, transmitting notice of his intention to exercise his authority under section 614(a) of the Foreign Assistance Act of 1961, as amended, to waive certain otherwise applicable stautory requirements, pursuant to section 652 of the act; to the Committee on Foreign Affairs.

1221. A communication from the President of the United States, transmitting notice of his intention to exercise his authority under section 614(a) of the Foreign Assistance Act of 1961, as amended, to waive certain otherwise applicable statutory requirements, pursuant to section 652 of the act; to the Committee on Foreign Affairs.

1222. A letter from the Secretary of the Army and the Acting Secretary of Agriculture, transmitting notice of the intention of the Departments of the Army and Agriculture to interchange jurisdiction of civil works and national forest lands at Clark Hill Lake in South Carolina, pursuant to 16 U.S.C. 505a, b; to the Committee on Agriculture.

1223. A letter from the Acting Secretary of Agriculture, transmitting the fourth annual report on information and technical assistance in support of rural development, pursuant to section 901(d) of the Agricultural Act of 1970; to the Committee on Agriculture.

1224. A letter from the Architect of the Capitol, transmitting a report of all expenditures during the period January 1 through June 30, 1973, from moneys appropriated to the Architect of the Capitol, pursuant to section 105(b) of Public Law 88–454; to the Committee on Appropriations.

1225. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a report for the fourth quarter of fiscal year 1973 on the estimated value, by country, of support furnished from military functions appropriations for Vietnamese and other free world forces in Vietnam and for local forces in Laos, pursuant to section 737(b) of Public Law 92–570; to the Committee on Appropriations.

1226. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a report for the fourth quarter of fiscal year 1973 on the value of property, supplies, and commodities provided by the Berlin Magistrate, and under German Offset Agreement, pursuant to section 720 of Public Law 92–570; to the Committee on Appropriations.

1227. A letter from the Assistant Administrator, Agency for International Development, Department of State, transmitting a semiannual report on architectural and engineering fees in excess of $25,000, covering the period ended December 31, 1972, pursuant to section 102 of the Foreign Assistance and Related Programs Appropriation Act; to the Committee on Appropriations.

1228. A letter from the Acting Assistant Attorney General for Administration, transmitting a report on the use of appropriated funds for the support of Department of Justice executive dining rooms during fiscal year 1973, pursuant to section 1102 of Public Law 92–607; to the Committee on Appropriations.

1229. A letter from the Assistant Secretary of Agriculture for Administration, transmitting a report on the use of appropriated funds for the support of Department of Agriculture executive dining rooms during fiscal year 1973, pursuant to section 1102 of Public Law 92–607; to the Committee on Appropriations.

1230. A letter from the Secretary of Transportation, transmitting a report on the use of appropriated funds for the support of Department of Transportation executive dining rooms during fiscal year 1973, pursuant to 86 Stat. 1519; to the Committee on Appropriations.

1231. A letter from the Acting Assistant Secretary of State for Congressional Relations, transmitting a report on assistance-related expenditures for Laos during the fourth quarter of fiscal year 1973 and for the entire fiscal year, pursuant to section 602 of Public Law 92–436; to the Committee on Armed Services.

1232. A letter from the Deputy Secretary of Defense, transmitting a report for the second half of fiscal year 1973 on funds obligated in the chemical warfare and biological research programs, pursuant to section 409 of Public Law 91–121; to the Committee on Armed Services.

1233. A letter from the Secretary of the Army, transmitting a report of the number of officers on duty with Headquarters, Department of the Army and detailed to the Army General Staff on June 30, 1973, pursuant to 10 U.S.C. 3031(c); to the Committee on Armed Services.

1234. A letter from the Acting Assistant Secretary of the Army (Research and Development), transmitting a report on Department of the Army research and development contracts of $50,000 or more which were awarded during the period January 1 through June 30, 1973, pursuant to section 4 of Public Law 82–557; to the Committee on Armed Services.

1235. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, U.S.C., to realine naval districts, and for other purposes; to the Committee on Armed Services.

1236. A letter from the Assistant Secretary of the Navy (Installations and Logistics), transmitting a report of the facts concerning a revised Department of the Navy shore establishment realinement action at the Naval Air Engineering Center, Philadelphia, Pa., pursuant to section 613 of Public Law 89–568; to the Committee on Armed Services.

1237. A letter from the Commander, Naval Facilities Engineering Command, transmitting the annual report for fiscal year 1973 on Navy military construction contracts awarded without competition, pursuant to section 704 of Public Law 92–545; to the Committee on Armed Services.

1238. A letter from the Chief of Legislative Affairs, Department of the Navy, transmitting notice of the proposed donation of certain surplus property to the Warren County Chapter, Inc., National Railway Historical Society, Warrenton, N.C., pursuant to 10 U.S.C. 7545; to the Committee on Armed Services.

1239. A letter from the Deputy Chief of Naval Material (Procurement and Production), transmitting the semiannual report of Navy research and development procurement actions of $50,000 and over, covering the period July 1, 1972 through June 30, 1973, pursuant to 10 U.S.C. 2357; to the Committee on Armed Services.

1240. A letter from the Secretary of the Air Force, transmitting the semiannual report of Air Force research and development procurement actions of $50,000 and over, covering the period January 1 through June 30, 1973, pursuant to 10 U.S.C. 2357; to the Committee on Armed Services.

1241. A letter from the Director, Defense Civil Preparedness Agency, transmitting a report for the fourth quarter of fiscal year 1973 on property acquisitions of emergency supplies and equipment, pursuant to section 201(h) of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

1242. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notice of the location, nature, and estimated cost of a construction project proposed to be undertaken for the Air Force Reserve, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

1243. A letter from the Attorney General, transmitting a report on voluntary agreements and programs as of August 9, 1973, pursuant to section 708(e) of the Defense Production Act of 1950, as amended; to the Committee on Banking and Currency.

1244. A letter from the Secretary of Commerce, transmitting the report on export control for the second quarter, 1973, pursuant to the Export Administration Act of 1969, as amended; to the Committee on Banking and Currency.

1245. A letter from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation to authorize insurance in connection with loans for the preservation of residential historic properties; to the Committee on Banking and Currency.

1246. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting the report on Department of Defense procurement from small and other business firms for July 1972, through May 1973, pursuant to section 10(d) of the Small Business Act, as amended; to the Committee on Banking and Currency.

1247. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting the annual report of the bank's operations for fiscal year 1973, pursuant to 12 U.S.C. 635; to the Committee on Banking and Currency.

1248. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on the export expansion facility program for the quarter ended December 31, 1972, pursuant to Public Law 90–390; to the Committee on Banking and Currency.

1249. A letter from the Chairman, Cost Accounting Standards Board, transmitting the second progress report of the Board, covering fiscal year 1973, pursuant to section 719(k) of the Defense Production Act of 1950, as amended; to the Committee on Banking and Currency.

1250. A letter from the Commissioner of the District of Columbia, transmitting a draft of proposed legislation relating to higher education in the District of Columbia; to the Committee on the District of Columbia.

1251. A letter from the Commissioner of the District of Columbia, transmitting a draft of proposed legislation to increase the compensation of the Vice Chairman and other members of the District of Columbia Council; to the Committee on the District of Columbia.

1252. A letter from the Acting Assistant Secretary of State for Congressional Relations, transmitting a copy of Presidential Determination No. 74–1, authorizing the provision of military assistance to Turkey in fiscal year 1974 without regard to the requirement of section 514 of the Foreign Assistance Act of 1961, as amended, pursuant to section 614(a) of the act; to the Committee on Foreign Affairs.

1253. A letter from the Acting Assistant Secretary of State for Congressional Relations, transmitting copies of Presidential Determinations No. 74–2 and 74–3, authorizing the provision of military assistance to two countries in fiscal year 1974, pursuant to section 614(a) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

1254. A letter from the Assistant Secretary of State for Congressional Relations, transmitting the texts of various international labor organization conventions and recommendations concerning maritime matters, pursuant to article 19 of the Constitution of the ILO (H. Doc. No. 93–142); to the Committee on Foreign Affairs and ordered to be printed.

1255. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of various international agreements, other than treaties, entered into by the United States, pursuant to Public Law 92–403; to the Committee on Foreign Affairs.

1256. A letter from the Assistant Secretary of the Treasury, transmitting a report on foreign credits by the U.S. Government as of June 30, 1972, pursuant to section 634(f) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

1257. A letter from the Director, U.S. Information Agency, transmitting the 39th semiannual report of the Agency, pursuant to section 1008 of the U.S. Information and Educational Exchange Act of 1948, as amended; to the Committee on Foreign Affairs.

1258. A letter from the Director, Inter-American Region, Office of the Assistant Secretary of Defense (International Security Affairs), transmitting a semiannual report for the period ended June 30, 1973, on the implementation of section 507(b) of the Foreign Assistance Act of 1961, as amended, concerning the furnishing of military assistance to American Republics; to the Committee on Foreign Affairs.

1259. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report covering the months of May and June, 1973, on Export-Import Bank approved loans, guarantees, and insurance in support of U.S. exports to Yugoslavia, Romania, the Union of Soviet Socialist Republics, and Poland, pursuant to section 2(b)(2) of the Export-Import Bank Act of 1945, as amended; to the Committee on Foreign Affairs.

1260. A letter from the Chairman, The Board of Foreign Scholarships, transmitting the Board's 10th annual report, pursuant to section 107 of the Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87–256); to the Committee on Foreign Affairs.

1261. A letter from the Secretary of the Treasury and the Director of the Office of Management and Budget, transmitting the third annual report on the budgetary and fiscal data processing system and budget standard classifications, pursuant to section 202(b) of the Legislative Reorganization Act of 1970; to the Committee on Government Operations.

1262. A letter from the Secretary of Health, Education, and Welfare, transmitting a report covering fiscal year 1973 on personal property donated to public health and educational institutions and civil defense organizations under section 203(j) of the Federal Property and Administrative Services Act of 1949, as amended, and on real property disposed of to public health and educational institutions under section 203(k), pursuant to section 203(o) of the act; to the Committee on Government Operations.

1263. A letter from the Administrator of General Services, transmitting a draft of proposed legislation to authorize the Administrator of General Services to enter into multiyear leases through use of the automatic data processing fund without obligating the total anticipated payments to be made under such leases; to the Committee on Government Operations.

1264. A letter from the Clerk, U.S. House of Representatives, transmitting his semiannual report of receipts and expenditures, covering the period January 1 through June 30, 1973, pursuant to 2 U.S.C. 104a (H. Doc. No. 93–146); to the Committee on House Administration and ordered to be printed.

1265. A letter from the Secretary of the Interior, transmitting the eighth annual report on the minerals exploration assistance program, pursuant to 30 U.S.C. 641, and the following; to the Committee on Interior and Insular Affairs.

1266. A letter from the Secretary of the Interior, transmitting a report on the lower St. Croix River, Minnesota and Wisconsin, pursuant to the Wild and Scenic Rivers Act; to the Committee on Interior and Insular Affairs.

1267. A letter from the Secretary of the Interior, transmitting a report on the implementation of the Alaska Native Claims Settlement Act during the period December 18, 1971 through June 30, 1973, pursuant to section 23 of the act (85 Stat. 688); to the Committee on Interior and Insular Affairs.

1268. A letter from the Secretary of Health, Education, and Welfare, transmitting the annual report of the Public Health Service for fiscal year 1972; to the Committee on Interstate and Foreign Commerce.

1269. A letter from the Chairman, Federal Trade Commission, transmitting the statistical supplement to the Commission's report on cigarette labeling and advertising, previously submitted pursuant to the Public Health Cigarette Smoking Act; to the Committee on Interstate and Foreign Commerce.

1270. A letter from the Chairman, Consumer Product Safety Commission, transmitting the budget and legislative policies of the Commission to implement the requirements of section 27(k) of the Consumer Product Safety Act (15 U.S.C. 2076(k)); to the Committee on Interstate and Foreign Commerce.

1271. A letter from the Acting Chairman, National Transportation Safety Board, Department of Transportation, transmitting the 1972 annual report of the Board, pursuant to 49 U.S.C. 1954(g); to the Committee on Interstate and Foreign Commerce.

1272. A letter from the Vice President for Public and Government Affairs, National Railroad Passenger Corporation, transmitting the financial report of the Corporation for the month of April 1973, pursuant to section 308(a)(1) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Interstate and Foreign Commerce.

1273. A letter from the Vice President for Public and Government Affairs, National Railroad Passenger Corporation, transmitting a report covering the month of June 1973, on the average number of passengers per day on board each train operated, and the on time performance at the final destination of each train operated, by route and by railroad, pursuant to section 308(a)(2) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Interstate and Foreign Commerce.

1274. A letter from the Acting Secretary of Commerce, transmitting a draft of proposed legislation to amend section 151, title 35 of the United States Code, entitled "Patents," to authorize the Commissioner of Patents to fix the time for payment of issue fees, and to authorize acceptance of late payment of an issue fee if the delay has been shown to be unavoidable; to the Committee on the Judiciary.

1275. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in the cases of certain aliens found admissible to the United States, pursuant to section 212(a)(28)(I)(ii) of the Immigration and Nationality Act [8 U.S.C. 1182(a)(28)(I)(ii)(b)]; to the Committee on the Judiciary.

1276. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, together with a list of the persons involved, pursuant to section 212(d)(6) of the act [8 U.S.C. 1182 (d)(6)]; to the Committee on the Judiciary.

1277. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to section 244(a)(1) of the Immigration and Nationality Act, as amended [8 U.S.C. 1254(c)(1)]; to the Committee on the Judiciary.

1278. A letter from the Chairman, Federal Maritime Commission, transmitting the 11th Annual Report of the Commission, covering fiscal year 1972, pursuant to section 208 of the Merchant Marine Act, 1936, and section 103(e) of Reorganization Plan No. 7 of 1961; to the Committee on Merchant Marine and Fisheries.

1279. A letter from the Chairman, National Advisory Committee on Oceans and Atmosphere, transmitting the second annual report of the Committee, together with the comments and recommendations of the Secretary of Commerce, pursuant to Public Law 92–125; to the Committee on Merchant Marine and Fisheries.

1280. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report showing the number of NASA employees in each General Schedule grade as of June 30, 1972, and June 30, 1973, pursuant to chapter 51 and subchapter III, chapter 53 of title 5, United States Code; to the Committee on Post Office and Civil Service.

1281. A letter from the Assistant Administrator for Planning and Management, U.S. Environmental Protection Agency, transmitting a report showing the number of employees in each General Schedule grade employed by EPA on June 30, 1972, and June 30, 1973, pursuant to section 1310 of the Supplemental Appropriation Act of 1952; to the Committee on Post Office and Civil Service.

1282. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated November 3, 1972, submitting a report, together with accompanying papers and illustrations, on Petaluma River Basin, Calif., authorized by section 4 of the Flood Control Act approved August 18, 1941; to the Committee on Public Works.

1283. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated September 13, 1972, submitting a report, together with accompanying papers and illustrations, on Arkansas River and tributaries, above John Martin Dam, Colo., in response to an item in section 6 of the Flood Control Act of June 22, 1936, and in partial response to a resolution of the Committee on Commerce, U.S. Senate, adopted September 30, 1943, a resolution of the Committee on Flood Control, House of Representatives, adopted July 2, 1943, and an item in section 208 of the Flood Control Act of October 27, 1965 (H. Doc. No. 93–143); to the Committee on Public Works and ordered to be printed with illustrations.

1284. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated November 3, 1972, submitting a report, together with accompanying papers and illustrations, on Poquonock River, Conn., authorized by section 112 of the River and Harbor Act approved July 3, 1958; to the Committee on Public Works.

1285. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated August 31, 1972, submitting a report, together with accompanying papers and illustrations, on Port Everglades Harbor, Fla., requested by a resolution of the Committee on Public Works, House of Representatives, adopted September 30, 1964. (H. Doc. 93–144); to the Committee on Public Works and ordered to be printed with illustrations.

1286. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated May 21, 1973, submitting a report, together with accompanying papers and an illustration, on Santa Fe River, Fla., authorized by the River and Harbor Act approved March 2, 1945; to the Committee on Public Works.

1287. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated May 16, 1973, submitting a report, together with accompanying papers and illustrations, on Bay Creek Basin, Ill., requested by identical resolutions of the Committee on Public Works, House of Representatives, adopted July 19, 1950, and June 9, 1960; to the Committee on Public Works.

1288. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated November 3, 1972, submitting a report, together with accompanying papers and illustrations, on Crooked Creek Basin, Ind., requested by a resolution of the Committee on Public Works, House of Representatives, adopted February 17, 1959; to the Committee on Public Works.

1289. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated May 18, 1973, submitting a report, together with accompanying papers and illustrations, on Tradewater River Basin, Ky., requested by a resolution of the Committee on Public Works, House of Representatives, adopted July 10, 1968; to the Committee on Public Works.

1290. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated November 3, 1972, submitting a report, together with accompanying papers and an illustration, on Blue Hill Harbor, Maine, authorized by section 304 of the River and Harbor Act approved October 27, 1965; to the Committee on Public Works.

1291. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated May 4, 1973, submitting a report, together with accompanying papers and illustrations, on Poppenesset Bay, Mashpee and Barnstable, Mass., authorized by section 304 of the River and Harbor Act approved October 27, 1965; to the Committee on Public Works.

1292. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated November 3, 1972, submitting a report, together with accompanying papers and illustrations, on Kansas City, Missouri and Kansas, requested by a resolution of the Committee on Public Works, House of Representatives, adopted July 5, 1946; to the Committee on Public Works.

1293. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated May 15, 1973, submitting a report, together with accompanying papers and an illustration, on Pamlico Sound and Beaufort Harbor, N.C., requested by a resolution of the Committee on Public Works, House of Representatives, adopted July 19, 1956. This report is also in response to section 7 of the River and Harbor Act approved July 24, 1946; to the Committee on Public Works.

1294. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated May 16, 1973, submitting a report, together with accompanying papers and illustrations, on Johnstown, Pa., authorized by section 5 of the Flood Control Act of August 28, 1937; to the Committee on Public Works.

1295. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated September 15, 1972, submitting a report, together with accompanying papers and an illustration, on Alpine, Tex., requested by a resolution of the Committee on Public Works, House of Representatives, adopted June 3, 1959 (H. Doc. No. 93–145); to the Committee on Public Works and ordered to be printed with an illustration.

1296. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated November 3, 1972, submitting a report, together with accompanying papers and illustrations, on San Felipe Creek, Del Rio, Tex., authorized by the Flood Control Act approved July 3, 1958; to the Committee on Public Works.

1297. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated November 3, 1972, submitting a report, together with accompanying papers and illustrations, on Lavaca and Navidad Rivers, Hallettsville, Tex., requested by a resolution of the Committee on Public Works, House of Representatives, adopted July 18, 1963; to the Committee on Public Works.

1298. A letter from the Acting Special Assistant to the Secretary of the Army (Civil Functions); transmitting a report of the inventory and status of agreements for cooperative water resources projects during 1972, pursuant to section 221(e) of Public Law 91–611; to the Committee on Public Works.

1299. A letter from the Administrator of General Services, transmitting a prospectus proposing the construction of a Federal office building and parking facility at Fairbanks, Alaska; to the Committee on Public Works.

1300. A letter from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to provide for the automatic guaranty of mobile home loans; to the Committee on Veterans' Affairs.

1301. A letter from the Director, National Legislative Commission, The American Legion; transmitting statements of financial condition of the organization as of December 31, 1972; to the Committee on Veterans' Affairs.

1302. A letter from the Chairman, U.S. Tariff Commission, transmitting the 22d report of the Commission on the operation of the trade agreements program, covering calendar year 1970, pursuant to section 402(b) of the Trade Expansion Act of 1962; to the Committee on Ways and Means.

Received From the Comptroller General

1303. A letter from the Comptroller General of the United States, transmitting a report of the audit of payments from the special bank account to the Lockheed Aircraft Corp., for the C-5A aircraft program, covering the fourth quarter of fiscal year 1973, pursuant to sections 504 of Public Laws 91-441 and 92-156 and section 603 of Public Law 92-436; to the Committee on Armed Services.

1304. A letter from the Comptroller General of the United States, transmitting a report on the use of excess defense articles and other resources to supplement the military assistance program; to the Committee on Foreign Affairs.

1305. A letter from the Comptroller General of the United States, transmitting a report on the reporting to Congress of U.S. agreements with and assistance to free world forces in Southeast Asia; to the Committee on Government Operations.

1306. A letter from the Comptroller General of the United States, transmitting a report on the readiness of the Air Force in Europe; to the Committee on Government Operations.

1307. A letter from the Comptroller General of the United States, transmitting a report that the airmail improvement program objectives of the U.S. Postal Service have been unrealized; to the Committee on Government Operations.

1308. A letter from the Comptroller General of the United States, transmitting a report summarizing U.S. assistance to Jordan; to the Committee on Government Operations.

1309. A letter from the Comptroller General of the United States, transmitting a report that greater use of flight simulators in military pilot training can lower costs and increase pilot proficiency; to the Committee on Government Operations.

1310. A letter from the Comptroller General of the United States, transmitting a report that the Department of the Treasury should return unclaimed savings bonds to veterans and other individuals; to the Committee on Government Operations.

1311. A letter from the Comptroller General of the United States, transmitting an assessment of the planning for reorganization of the Army in the 1970's; to the Committee on Government Operations.

1312. A letter from the Comptroller General of the United States, transmitting a report on the implementation of the Emergency Loan Guarantee Act administered by the Emergency Loan Guarantee Board; to the Committee on Government Operations.

1313. A letter from the Comptroller General of the United States, transmitting a report on ways to improve records management practices in the Federal Government; to the Committee on Government Operations.

1314. A letter from the Comptroller General of the United States, transmitting a report that the use of formal advertising for Government procurement can, and should, be improved by the Department of Defense, the General Services Administration, and the Tennessee Valley Authority; to the Committee on Government Operations.

1315. A letter from the Comptroller General of the United States, transmitting a report on improvement needed in the administration of the program to provide medicare benefits for welfare recipients; to the Committee on Government Operations.

1316. A letter from the Comptroller General of the United States, transmitting a report on the program to build and charter nine tankers for use by the Military Sealift Command, Department of the Navy; to the Committee on Government Operations.

1317. A letter from the Comptroller General of the United States, transmitting a report on OEO economic development programs in Bedford-Stuyvesant, Brooklyn, N.Y., under the special impact program; to the Committee on Government Operations.

1318. A letter from the Comptroller General of the United States, transmitting a report on the need for clarifying the Webb-Pomerene Export Trade Act of 1918 to help increase U.S. exports; to the Committee on Government Operations.

1319. A letter from the Comptroller General of the United States, transmitting an assessment of Federal and State enforcement efforts to control air pollution from stationary sources; to the Committee on Government Operations.

1320. A letter from the Comptroller General of the United States, transmitting a list of the reports issued or released by the General Accounting Office during July 1973, pursuant to 31 U.S.C. 1174; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Mr. EVINS of Tennessee: Select Committee on Small Business. A report on Business Procurement Policies of Federally Supported Programs (Rept. No. 93-449). Referred to the Committee of the Whole House on the State of the Union.

Mr. EVINS of Tennessee: Select Committee on Small Business. A report on the technology utilization program of the Small Business Administration (Rept. No. 93-450). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 7974. A bill to amend the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organizations, and for other purposes; with amendment (Rept. No. 93-451). Referred to the Committee of the Whole House on the State of the Union.

Mr. EVINS of Tennessee: Select Committee on Small Business. Report on Department of Defense Machinery Leasing Practices (Rept. No. 93-452). Referred to the Committee on the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California (for himself, Mr. Kyros, Ms. Holtzman, and Mr. Hanna):

H.R. 10033. A bill to amend the Public Health Service Act to provide for the screening and counseling of Americans with respect to Tay-Sachs disease; to the Committee on Interstate and Foreign Commerce.

By Mr. ARMSTRONG (for himself and Mr. Johnson of Colorado):

H.R. 10034. A bill to repeal the Economic Stabilization Act of 1970; to the Committee on Banking and Currency.

By Mr. ASHLEY:

H.R. 10035. A bill to regulate commerce and conserve gasoline by improving motor vehicle fuel economy, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BARRETT (for himself and Mr. Ashley):

H.R. 10036. A bill to establish a program of community development and housing block grants, to consolidate, simplify, and improve laws relating to housing and urban development activities, and for other purposes; to the Committee on Banking and Currency.

By Mr. BROOMFIELD:

H.R. 10037. A bill to amend section 1951, title 18, United States Code, act of July 3, 1946; to the Committee on the Judiciary.

By Mr. DENT:

H.R. 10038. A bill to provide for the establishment of an American Folk Life Center in the Library of Congress, and for other purposes; to the Committee on House Administration.

By Mr. FRASER (for himself, Mr. Diggs, and Mr. Rose):

H.R. 10039. A bill to amend the United Nations Participation Act of 1945 to halt the importation of Rhodesian chrome and to restore the United States to its position as a law-abiding member of the international community; to the Committee on Foreign Affairs.

By Mr. FRENZEL:

H.R. 10040. A bill to authorize the President of the United States to allocate energy and fuels when he determines and declares that extraordinary shortages or dislocations in the distribution of energy and fuels exist or are imminent and that the public health, safety, or welfare is thereby jeopardized; to provide for the delegation of authority to the Secretary of the Interior, and for other purposes; to the Committee on Banking and Currency.

H.R. 10041. A bill to amend the Communications Act of 1934 to relieve broadcasters of the equal time requirement of section 315 with respect to candidates for Federal office, to repeal the Campaign Communications Reform Act, to amend the Federal Election Campaign Act of 1971, and for other purposes; to the Committee on House Administration.

By Mr. GOLDWATER:

H.R. 10042. A bill to provide standards of fair personal information practices; to the Committee on the Judiciary.

By Mr. GOODLING:

H.R. 10043. A bill to establish alternative cost limits for the construction of certain military family housing units at Carlisle Barracks, Pa.; to the Committee on Armed Services.

By Mr. HARSHA:

H.R. 10044. A bill to increase the amount authorized to be expended to provide facilities along the border for the enforcement of the customs and immigration laws; to the Committee on Public Works.

By Mr. JOHNSON of Pennsylvania:

H.R. 10045. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Miss JORDAN:

H.R. 10046. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. KASTENMEIER (for himself and Mr. Edwards of California):

H.R. 10047. A bill to revise title 18 of the United States Code; to the Committee on the Judiciary.

By Mr. KEMP:

H.R. 10048. A bill to amend the Federal Election Campaign Act of 1971, and for other purposes; to the Committee on House Administration.

By Mr. LEHMAN:

H.R. 10049. A bill to promote the development and expansion of community education throughout the United States; to the Committee on Education and Labor.

By Mr. LOTT:

H.R. 10050. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. MATSUNAGA:

H.R. 10051. A bill to improve education by increasing the freedom of the Nation's teachers to change employment across State lines without substantial loss of retirement benefits through establishment of a Federal-State program; to the Committee on Education and Labor.

H.R. 10052. A bill to amend the Internal Revenue Code of 1954 to increase the maximum limitations on the amount deductible for pensions for the self-employed; to the Committee on Ways and Means.

By Mr. McCORMACK:

H.R. 10053. A bill to authorize the Secretary of Agriculture to permit the use of DDT to control and protect against insect infestation on forest and other agricultural lands; to the Committee on Agriculture.

By Mr. MINISH:

H.R. 10054. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to promote traffic safety by providing that defects and failures to comply with motor vehicle safety standards shall be remedied without charge to the owner, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 10055. A bill to amend the Internal Revenue Code of 1954 to eliminate the percentage depletion method for determining the deduction for depletion of oil and gas wells; to the Committee on Ways and Means.

By Mr. MORGAN:

H.R. 10056. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. NIX:

H.R. 10057. A bill to enact the Uniform Reciprocal Peace Act; to the Committee on Foreign Affairs.

By Mr. OBEY (for himself, Mr. Roe, Mrs. Chisholm, Mr. Sisk, Mr. Zwach, Ms. Abzug, Mr. Stokes, Mr. Gunter, and Ms. Holtzman):

H.R. 10058. A bill to protect the public health and welfare by providing for the inspection of imported dairy products and by requiring that such products comply with certain minimum standards for quality and wholesomeness and that the dairy farms on which milk is produced and the plants in which such products are produced meet certain minimum standards of sanitation; to the Committee on Agriculture.

By Mr. PARRIS:

H.R. 10059. A bill to repeal the Economic Stabilization Act of 1970 and simultaneously reenact provisions relating to the authority of the President to allocate petroleum products; to the Committee on Banking and Currency.

By Mr. PATTEN:

H.R. 10060. A bill to amend the Public Health Service Act to expand the authority of the National Institute of Arthritis, Metabolism, and Digestive Diseases in order to advance the national attack on diabetes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROONEY of Pennsylvania:

H.R. 10061. A bill to regulate defective, ineffective, and unreliable medical devices; to the Committee on Interstate and Foreign Commerce.

By Mr. SARASIN:

H.R. 10062. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. UDALL (for himself, Mr. Andrews of North Carolina, Mr. Conyers. Mr. Downing, Mr. Dulski, Mr. Harrington, Mr. Madden, Mr. Meeds, Mr. Rodino, and Mr. Rose):

H.R. 10063. A bill to improve the conduct and regulation of Federal election campaign activities and to provide public financing for such campaigns; to the Committee on House Administration.

By Mr. ULLMAN:

H.R. 10064. A bill to provide for the establishment of the Oregon Trail National Historic Site in the State of Oregon, and for other purposes; to the Committee on Interior and Insular Affairs.

By Ms. ABZUG:

H.R. 10065. A bill to amend chapter 17 of title 38, United States Code, to direct the Administrator of Veterans' Affairs to initiate and carry out a special psychiatric, psychological, and counseling program for veterans of the Vietnam era, especially former prisoners of war, and their dependents who are experiencing psychological problems as the result of the military service performed by such veterans; to the Committee on Veterans' Affairs.

By Mr. BIAGGI:

H.R. 10066. A bill to permit institutions to participate in the veterans cost-of-instruction program when at least 5 percent of their undergraduate students are veterans; to the Committee on Education and Labor.

By Mr. BURTON:

H.R. 10067. A bill for the relief of certain distressed aliens; to the Committee on the Judiciary.

By Mr. GUDE:

H.R. 10068. A bill to repeal the limitation on pay comparability adjustments under subchapter I of chapter 53 of title 5, United States Code; to the Committee on Post Office and Civil Service.

By Mr. HARRINGTON:

H.R. 10069. A bill to amend the Fair Packaging and Labeling Act to prohibit for a uniform system of quality grades for food products, to provide for a system of labeling of food products to disclose the ingredients thereof, to provide for a system of national standards for nutritional labeling of food products, and to provide for a system of labeling of perishable and semiperishable foods; to the Committee on Interstate and Foreign Commerce.

H.R. 10070. A bill to amend the Fair Packaging and Labeling Act to require the disclosure by retail distributors of retail unit prices of consumer commodities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. LOTT:

H.R. 10071. A bill to allow the refinancing of loan assistance to victims of Hurricane Camille and subsequent disasters; to the Committee on Banking and Currency.

By Mr. ROBISON of New York (for himself, Mr. Steiger of Wisconsin, Mr. Anderson of Illinois, and Mr. Dellenback):

H.R. 10072. A bill to establish within the Peace Corps a special program to be known as the Vietnam assistance volunteers program; to the Committee on Foreign Affairs.

By Mr. STEIGER of Wisconsin (for himself and Mrs. Holt):

H.R. 10073. A bill to confer U.S. citizenship on certain Vietnamese children and to provide for the adoption of such children by American families; to the Committee on the Judiciary.

By Mr. VANIK (for himself, Mrs. Boggs, Mrs. Collins of Illinois, Mr. Shipley, Mr. Young of Alaska, and Mr. Andrews of North Carolina):

H.R. 10074. A bill to prohibit most-favored-nation treatment and commercial and guarantee agreements with respect to any nonmarket economy country which denies to its citizens the right to emigrate or which imposes more than nominal fees upon its citizens as a condition to emigration; to the Committee on Ways and Means.

By Mr. BOB WILSON:

H.R. 10075. A bill to amend title 5 of the United States Code in order to provide alternative compensation to widows and children of persons dying as a result of injuries incurred during military service, and for other purposes; to the Committee on Education and Labor.

By Mr. FORSYTHE:

H.J. Res. 714. Joint resolution proposing an amendment to the Constitution of the United States with respect to the attendance of Senators and Representatives at sessions of the Congress; to the Committee on the Judiciary.

By Mr. FRASER (for himself, Mr. Riegle, and Mr. Moakley):

H. Res. 531. Resolution to express the sense of the House regarding diplomatic relations between the United States and Sweden; to the Committee on Foreign Affairs.

By Mr. PODELL:

H. Res. 532. Resolution expressing the sense of the Congress on the 1980 Olympic Games; to the Committee on Foreign Affairs.

By Mr. WINN:

H. Res. 533. Resolution requesting the President to enter into negotiations with major oil importing countries to establish an international organization of oil importing countries and to establish common practices and policies affecting oil pricing, importation, and consumption; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

288. By the SPEAKER: A memorial of the Senate of the State of California, relative to State employees' wage increase; to the Committee on Banking and Currency.

289. Also memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to reinstatement of mail service by railroad between the cities of Pittsfield, Springfield, and Worcester, Mass., to the Committee on Interstate and Foreign Commerce.

290. Also, memorial of the Legislature of the State of Alabama, requesting the Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States concerning the assignment of students to public schools; to the Committee on the Judiciary.

291. Also, memorial of the Legislature of the State of Delaware, requesting the Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States concernnig the assignment of students to public schools; to the Committee on the Judiciary.

292. Also, memorial of the House of Representatives of the State of Illinois, requesting Congress to propose an amendment to the Constitution of the United States concerning abortion; to the Committee on the Judiciary.

293. Also, memorial of the Legislature of the State of South Carolina, ratifying the 19th amendment to the Constitution of the United States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. RARICK introduced a bill (H.R. 10076) for the relief of Brandywine-Main Line Radio, Inc., WXUR and WXUR-FM, Media, Pa.; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

261. By the SPEAKER: Petition of Robert M. Owings, San Pedro, Calif., relative to redress of grievances; to the Committee on Armed Services.

262. Also, petition of the American Legion, Col. Luciano Abia Post 68, Tacloban City, Leyte, Philippines, relative to recognition of Philippine guerrilla service during World War II; to the Committee on Foreign Affairs.

263. Also, petition of Miss Christina M. Boewe, Milwaukee, Wis., relative to the revocation of the license of radio station WXUR, Media, Pa.; to the Committee on Interstate and Foreign Commerce.

264. Also, petition of Mrs. Leslie Burnett, Greenville, S.C., and others, relative to the revocation of the license of WXUR; to the Committee on Interstate and Foreign Commerce.

265. Also, petition of Jacob R. Groff, Millersville, Pa., and others, relative to the revocation of the license of WXUR; to the Committee on Interstate and Foreign Commerce.

266. Also, petition of Randolph D. Lucas, Greenville, S.C., and others, relative to the revocation of the license of WXUR; to the Committee on Interstate and Foreign Commerce.

267. Also, petition of George W. McCoy, Greenville, S.C., and others, relative to the revocation of the license of WXUR; to the Committee on Interstate and Foreign Commerce.

268. Also, petition of Theodore E. Miller, Mechanicsburg, Pa., relative to the revocation of the license of WXUR; to the Committee on Interstate and Foreign Commerce.

269. Also, petition of James B. Snoddy, Greenville, S.C., and others, relative to the revocation of the license of WXUR; to the Committee on Interstate and Foreign Commerce.

270. Also, petition of Truman Lloyd, Dallas, Tex., relative to redress of grievances; to the Committee on the Judiciary.

271. Also, petition of Andrew Rosenberg, Lewisburg, Pa., relative to redress of grievances; to the Committee on the Judiciary.

272. Also, petition of Doris Stevens, Chicago, Ill., and others, relative to impeachment of the President; to the Committee on the Judiciary.

273. Also, petition of Vera L. Timm, Dayton, Ohio, and others, relative to impeachment of the President; to the Committee on the Judiciary.

SENATE—*Wednesday, September 5, 1973*

The Senate met at 12 o'clock noon and was called to order by Hon. FLOYD K. HASKELL, a Senator from the State of Colorado.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, above all yet near to each of us, we thank Thee for Thy providence which has brought us to this hour. For rested bodies, renewed minds, and rekindled spirits we give Thee thanks. As we undertake the tasks before us, we beseech Thee to keep our hearts pure, our minds clear, our service sacred. Grant us grace to hold high the cross of sacrificial service and to carry the banner of freedom and justice for all men. Through our service here may the Nation be blessed and Thy kingdom advanced.

In the name of the Master Workman who went about doing good. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, D.C., September 5, 1973.*
>
> *To the Senate:*
>
> Being temporarily absent from the Senate on official duties, I appoint Hon. FLOYD K. HASKELL, a Senator from the State of Colorado, to perform the duties of the Chair during my absence.
>
> JAMES O. EASTLAND,
> *President pro tempore.*

Mr. HASKELL thereupon took the chair as Acting President pro tempore.

MESSAGES FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of August 3, 1973, the Secretary of the Senate, on August 6, 7, 9, 14, 15, and 31, 1973, received messages from the President of the United States.

(The messages, together with their appropriate referral, appear in the RECORD of today.)

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Under authority of the order of the Senate of August 3, 1973, the Secretary of the Senate, on August 4, 1973, received the following message from the House of Representatives:

That the Speaker of the House had affixed his signature to the following enrolled bills and joint resolution:

S. 1888. An act to extend and amend the Agricultural Act of 1970 for the purpose of assuring consumers of plentiful supplies of food and fiber at reasonable prices;

H.R. 8658. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1974, and for other purposes;

H.R. 8760. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1974, and for other purposes; and

S.J. Res. 25. Joint resolution to authorize and request the President to issue a proclamation designating the fourth Sunday in September 1973, as "National Next Door Neighbor Day."

Under authority of the order of the Senate of August 3, 1973, the Acting President pro tempore, on August 4, 1973, signed the above enrolled bills and joint resolution.

ENROLLED BILL SIGNED DURING ADJOURNMENT

Under authority of the order of the Senate of August 3, 1973, the Vice President, on August 27, 1973, signed the enrolled bill (H.R. 7935) to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rates under that act, to expand the coverage of that act, and for other purposes, which had previously been signed by the Speaker of the House of Representatives.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on August 4, 1973, he presented to the President of the United States the following enrolled bills and joint resolution:

S. 502. An act to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes;

S. 1410. To amend section 14(b) of the Federal Reserve Act, as amended, to extend for 3 months the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury;

S. 1888. An act to extend and amend the Agricultural Act of 1970 for the purpose of assuring consumers of plentiful supplies of food and fiber at reasonable prices; and

S.J. Res. 25. Joint resolution to authorize and request the President to issue a proclamation designating the fourth Sunday in September 1973, as "National Next Door Neighbor Day."

ADDITIONAL COSPONSORS OF BILL

Under authority of the order of the Senate of August 2, 1973, on August 21, 1973, the following Senators were added as additional cosponsors of the bill (S. 1179) to strengthen and improve the private retirement system by establishing minimum standards for participation in and vesting of benefits under pension and profit-sharing-retirement plans; by establishing minimum funding standards; by requiring termination insurance; and by allowing Federal income tax credits to individuals for personal retirement savings:

Mr. LONG of Louisiana, Mr. NELSON of Wisconsin, Mr. CURTIS of Nebraska, Mr. DOLE of Kansas, Mr. GRAVEL of Alaska, Mr. MONDALE of Minnesota, Mr. PACKWOOD of Oregon, Mr. RIBICOFF of Connecticut, and Mr. ROTH of Delaware.

REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of August 1, 1973, Mr. LONG, from the Committee on Finance, reported favorably, with amendments, on August 21, 1973, the bill (S. 1179) to strengthen and improve the private retirement system by establishing minimum standards for participation in and vesting of benefits under pension and profit-sharing-retirement plans; by establishing minimum funding standards; by requiring termination insurance; and by allowing Federal income tax credits to individuals for personal retirement savings, and submitted a report (No. 93–383) thereon, which was printed.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, August 3, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND JOINT RESOLUTIONS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries, and he announced that the President had approved and signed the following acts and joint resolutions:

On August 6, 1973:

S. 1090. An act to amend the Communications Act of 1934, to extend certain authorizations for the Corporation for Public Broadcasting and for certain construction grants for noncommercial educational television and radio broadcasting facilities, and for other purposes.

On August 10, 1973:

S. 1888. An act to extend and amend the Agricultural Act of 1970 for the purpose of assuring consumers of plentiful supplies of food and fiber at reasonable prices; and

S.J. Res. 144. Joint resolution to provide for a temporary extension of the authority of the Secretary of Housing and Urban Development with respect to the insurance of loans and mortgages, and for other purposes.

On August 13, 1973:

S. 502. An act to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

On August 14, 1973:

S. 1410. An act to amend section 14(b) of the Federal Reserve Act, as amended, to extend for 3 months the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury;

S. 1993. An act to amend the EURATOM Cooperation Act of 1958, as amended; and

S. 2120. An act to amend the Federal Railroad Safety Act of 1970 and other related acts to authorize additional appropriations, and for other purposes.

On August 15, 1973:

S. 1423. An act to amend the Labor Management Relations Act, 1947, to permit employer contributions to jointly administered trust funds established by labor organizations to defray costs of legal services; and

S. 1887. An act to provide for the appointment of alternates for the governors of the International Monetary Fund and of the International Bank for Reconstruction and Development.

On August 16, 1973:

S.J. Res. 25. Joint resolution to authorize and request the President to issue a proclamation designating the fourth Sunday in September 1973, as "National Next Door Neighbor Day."

REPORT ON NATIONAL HOUSING GOALS—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. HASKELL) laid before the Senate a message from the President of the United States, received by the Secretary of the Senate on August 14, 1973, under authority of the order of the Senate of August 3, 1973, which with the accompanying report, was referred to the Committee on Banking, Housing and Urban Affairs. The message is as follows:

To the Congress of the United States:

I am pleased to transmit herewith the fifth annual report on national housing goals, as required by section 1603 of the Housing and Urban Development Act of 1968.

RICHARD NIXON.

THE WHITE HOUSE, *August 14, 1973.*

FEDERAL PAY COMPARABILITY ALTERNATIVE PLAN—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. HASKELL) laid before the Senate a message from the President of the United States, received by the Secretary of the Senate on August 31, 1973, under authority of the order of the Senate of August 3, 1973, which, with the accompanying document, was referred to the Committee on Post Office and Civil Service. The message is as follows:

To the Congress of the United States:

At a time when the rising cost of living is a major concern to us all, the Federal Government and its employees have a special obligation to avoid any action that would needlessly fan the flames of inflation. This obligation must not be taken lightly, even in cases when meeting it involves a reasonable element of self-denial.

It is in this spirit, and with the knowledge that the action I am taking will help to hold down the cost of living for all Americans, that I now recommend a sixty day deferral in the pending pay adjustment for Federal employees.

As required by law, I am also transmitting to the Congress an alternative plan designed to meet both the rightful needs of those who serve the Government and the common interest of the general public who must bear the burden of increased inflation.

Under this plan, a pay increase for all Federal employees based upon an appropriate comparability adjustment would become effective on the first pay period beginning on or after December 1, 1973. The level of the comparability adjustment will be determined during the next few weeks. My "agent" on Federal pay, the Director of the Office of Management and Budget and the Chairman of the Civil Service Commission, has recommended an average pay increase of 4.77 percent. This recommendation is now being reviewed by my advisory committee on pay, and this committee will make its own recommendations to me in late September. At that time, I will make my decision on the appropriate comparability adjustment.

I regret asking for this postponement of a Federal pay increase but there can be no doubt of its necessity. At a critical time in the economic health of our Nation, when many are being called on to make sacrifices in order to hold down inflation, no one should enjoy special immunity. Thus far labor and management in the private sector have done their share by acting with commendable restraint in agreeing upon new wage increases. As one of the largest groups of workers in the country, Federal employees can do no less. In fact, Federal employees have a unique role to play in the fight against inflation because every dollar of their pay comes out of the Federal budget. It is especially important this year, as we seek a balanced, noninflationary budget, that Federal spending be held to a minimum.

I urge the Congress to support this action, not because it is politically expedient or the easy thing to do, but because it is in the best interest of all Americans.

The alternative plan is attached.

RICHARD NIXON.

THE WHITE HOUSE, *August 31, 1973.*

ANNUAL REPORT ON HAZARDOUS MATERIALS CONTROL—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. HASKELL) laid before the Senate a message from the President of the United States, which, with the accompanying report, was referred to the Committee on Commerce. The message is as follows:

To the Congress of the United States:

I transmit herewith the Third Annual Report on Hazardous Materials Control as required by the Hazardous Materials Transportation Control Act of 1970, Public Law 91–458. This report has been prepared in accordance with Section 302 of the Act, and covers calendar year 1972.

RICHARD NIXON.

The WHITE HOUSE, *September 5, 1973.*

ANNUAL REPORT ON SPECIAL INTERNATIONAL EXHIBITIONS—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. HASKELL) laid before the Senate a message from the President of the United States, which, with the accompanying report, was referred to the Committee on Foreign Relations. The message is as follows:

To the Congress of the United States:

As required by law, I herewith transmit to the Congress the Tenth Annual Report on Special International Exhibitions conducted during fiscal year 1972 under the authority of the Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87–256).

This report covers exhibitions produced by the U.S. Information Agency and presented abroad at international fairs, expositions, and festivals, primarily in Eastern Europe and the Soviet Union. It also covers labor missions abroad, which are operated by the Department of Labor.

RICHARD NIXON.

The WHITE HOUSE, *September 5, 1973.*

ANNUAL REPORT OF FEDERAL ACTIVITIES IN JUVENILE DELINQUENCY, YOUTH DEVELOPMENT, AND RELATED FIELDS—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. HASKELL) laid before the Senate a message from the President of the United States, which with the accompanying report, was referred to the Committee on the Judiciary. The message is as follows:

To the Congress of the United States:

As required by section 408 of the Juvenile Delinquency Prevention and Control Act of 1968, I am submitting a report of Federal activities in juvenile delinquency, youth development, and related fields.

This report covers the period from July 1, 1971 to June 30, 1972 and evaluates the efforts and activities of the Youth Development and Delinquency Prevention Administration which is responsible for the program. This agency is under the jurisdiction of the Social and Rehabilitation Service of the Department of Health, Education, and Welfare. The report also describes the activities of other Federal agencies and departments in the field of juvenile delinquency.

I commend it to your careful attention.

RICHARD NIXON.

THE WHITE HOUSE, *September 5, 1973.*

REPORT ON THE NATIONAL CANCER PROGRAM—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. HASKELL) laid before the Senate a message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare. The message is as follows:

To the Congress of the United States:

I am pleased to transmit to you the reports required by Section 410A(b) and Section 410B(g) of the National Cancer Act of 1971. These documents consist of the annual report by the Director of the National Cancer Program, a plan for the Program during the next five years, and the report of the National Cancer Advisory Board. We are still considering the review of present administrative processes and will transmit that to the Congress when our review is completed.

These reports reflect a great deal of studious consideration by many dedicated citizens, both consultants to the National Cancer Program and officials of the National Cancer Institute. Understandably, the documents do not present the cancer problem and its needs in the larger context of all health requirements. Nonetheless, I am transmitting these documents without delay to share with Congress the information that has been generated thus far, intending to place the proposals of the National Cancer Program in the context of overall health requirements as future budgets are submitted. I emphasize the fact that my proposed budget for the Cancer Program in fiscal year 1974, at $500 million, is more than double the budget for these purposes in fiscal year 1971.

I am satisfied that the National Cancer Program begun this past year is proceeding very well. Both the spirit and the letter of the National Cancer Act of 1971 are being vigorously carried out. The leaders of the Program are innovative and dynamic. Funds are being used effectively and efficiently without raising public expectations that cannot be realized.

Of course, no one can control or predict when the objectives of the National Cancer Program will be attained. All the money and all the organization which the Federal Government can provide will not by themselves win this battle. Success ultimately depends upon the expertise and performance of the doctors, scientists, health professionals, and the volunteers who support them across America and around the world.

RICHARD NIXON.

THE WHITE HOUSE, *September 5, 1973.*

ANNUAL REPORT OF THE NATIONAL SCIENCE BOARD—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. HASKELL) laid before the Senate a message from the President of the United States which, with the accompanying report, was referred to the Committee on Labor and Public Welfare. The message is as follows:

To the Congress of the United States:

I am pleased to submit to the Congress the Fifth Annual Report of the National Science Board entitled "Science Indicators 1972." It has been prepared in accordance with Section 4(g) of the National Science Foundation Act, as amended by Public Law 90-407.

This report represents an initial effort by the National Science Board to develop indicators of the state of science and technology in this country. As the Board observes, however, present indicators principally reflect the application of resources to science and technology and not the return that the Nation receives from its considerable investment in research and development. I strongly support the intention of the National Science Board to develop better measures of the outputs from our Nation's scientific and technical enterprise in contributing to the progress and welfare of the United States and its citizens.

RICHARD NIXON.

The WHITE HOUSE, *September 5, 1973.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. HASKELL) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the remarks of the distinguished Senator from Virginia (Mr. SCOTT) today there be a period for the transaction of routine morning business not to exceed 45 minutes, during which there will be a limitation of 5 minutes on all speeches by Senators.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION—DISTRICT OF COLUMBIA DEVELOPMENT LAND AGENCY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nomination of Alfred P. Love.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nomination of Alfred P. Love on the Executive Calendar will be stated.

The second assistant legislative clerk read the nomination of Alfred P. Love, to be a member of the District of Columbia Redevelopment Land Agency for a term of 5 years, effective on and after March 4, 1973.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Commissioner of the District of Columbia be notified of the confirmation of this nomination.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SETTING AN EXAMPLE

Mr. SCOTT of Pennsylvania. Mr. President, I think it well to start the session by having nothing to say and, hopefully, that it may set an example. [Laughter.]

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Virginia (Mr. Scott) is now recognized for not to exceed 15 minutes.

NOMINATION OF RUSSELL E. TRAIN TO BE EPA ADMINISTRATOR

Mr. SCOTT of Virginia. Mr. President, our Public Works Committee had hearings on the nomination of Russell E. Train to be Administrator of the Environmental Protection Agency on August 1, and favorably reported the nomination. There was suggestion that the Senate should act upon this nomination prior to our August recess. Because of the importance of the duties of the Administrator, however, I requested the leadership to let the nomination go over until after Labor Day, and I appreciate their agreement to do so.

At this time, copies of the all-day hearing are available for the information of the Membership, and sufficient time has elapsed so that individual Senators can give independent consideration to Mr. Train's qualifications to be Administrator. Therefore, I do not intend to suggest any further extension or to further delay consideration of this nomination.

Russell Train appears to be a very fine gentleman, well educated, cultured, and a devoted public servant. There is no question in my mind as to his integrity and his ability to serve as Administrator of the Environmental Protection Agency.

Every reasonable person wants our environment to be clean. In my opinion, however, there should be a proper balance between efforts to have clean air and clean water, and to maintain the standard of living we all enjoy. My principal reservation is whether Mr. Train would put undue emphasis on cleaning up the environment to the detriment of our standard of living. We certainly do not want to close down our factories, to eliminate our automobiles, or to do other things which would greatly damage our living standard or the mode of behavior to which we have been accustomed.

A syndicated columnist, Holmes Alexander, commented on the need for a proper balance between our desire to clean up the environment and to maintain our standard of living in his article published in the Alexandria, Va., Gazette on August 11, 1973. I ask unanimous consent that the text be included at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Sign of the Times: Conservationist's Ordeal

(By Holmes Alexander)

Washington.—The Honorable Russell Train is a cultivated and learned gentleman, and maybe he's the right man for his new post as administrator of the Environmental Protection Agency—but maybe not.

Some five years ago when he was under secretary of the Interior Department, I called on Mr. Train to discuss what is now known as the Trans Alaska petroleum pipeline to bring scarce oil to the industrial heart of the United States. Reporters are supposed to do the listening at such interviews, but I advanced my opinion that mankind's needs should be rated above "birds, bees, butterflies, caribou and tundra." Mr. Train responded with a well-informed and passionate declaration on the beauty and "fragility" of the Arctic environment. I confess I felt somewhat abashed at my philistine views.

But a lot of petroleum has flowed through our national machinery since then, and we've got a critical shortage. Indeed if the environmentalists obstruct industrial progress as successfully as they have the Alaskan pipeline, the famous American "standard of living" is due for decline and fall. This was the theme of Sens. Bill Scott, R-Va., and Clifford Hansen, R-Wyo., who fired warning shots across the bows of Mr. Train's nomination as El Supremo of Environmental Protection.

Scott made a skillful outline of the Train mentality by observing that the latter is self-styled in "Who's Who in America" as "conservationist." Considering that Mr. Train is a lawyer and former U.S. Tax Court judge, the Virginia senator thought the stress on "conservationist" raised a question "as to where this nominee's heart is; where his emphasis is." Is he apt to execute the environmental statutes with an eye to the flora and fauna and a blind spot for American employment and prosperity?

Cliff Hansen, an outdoorsman himself as rancher and former governor of a scenic and agricultural state, tuned in with very polite misgivings about Judge Train, "my good friend . . . a distinguished American." The Wyoming senator's doubts did not go so much to the person as to the cult.

He recalled an environmental conference at which "the general thrust of the comments . . . was that what was needed in America was the passage of some tough laws to get at the guys wearing the black hats, the industrialists, the manufacturers, the businessmen, capitalists." It would be a bad time for the United States if the administrator of environmental protection were to lead a vendetta against progress.

Mr. Train in his nomination hearing before the Senate Public Works Committee declined to give assurances to these critics. He said he would apply the laws. But the Clean Air Act of 1970, for one, is turning out to be Mandate Impossible as to automobile emissions and plant construction. The question with Mr. Train will be not so much application of the law as reasonable interpretation of it.

Meanwhile, it appears that one way the Russians are "catching up" with our industrial society is by doing what Mr. Train may be temperamentally incapable of doing. The specialist on Soviet affairs, Marshall Goldman, told the Joint Economic Committee that the USSR, after making a big bustle in 1972 over cleaning up the environment, decided in 1973 to forget about it.

Some news stories in the U.S., Goldman testified, "created the impression that the Russians were creating a somewhat weaker counterpart to the American Environmental Protection Agency. . . . A closer look at the 1973 decree indicates that no such coordinating agency was created." Grave doubt now exists on the validity of "the Amerilcan-Soviet agreement on international cooperation in environmental protection."

We have here a situation not unlike the international arms race. We are expected to make sacrifices while our chief rival does not. Mr. Train is in a post which requires extraordinary wisdom, judgment—and skepticism.

Mr. SCOTT of Virginia. Mr. President, we have some so-called environmentalists who would destroy our lifestyle and turn us back to a primitive society; and the distinguished majority whip, the Senator from West Virginia (Mr. Robert C. Byrd), alluded to such a situation in his remarks at the Peabody Coal Co., annual meeting in St. Louis on August 10, when he said:

> All of us would like to see Minnehaha living once again in the wigwam of Nokomis, by the shining Big-Sea-Water. But that wigwam is now a power plant, and Minnehaha—who used to live in the wigwam—is making two hundred dollars a week working in the office of the President of the power plant, while Hiawatha is working his tail off in the plant to keep up the payments on a split-level, a station wagon, and a boat. Like it or not, ours is an industrial society, and unless we are prepared to sacrifice our entire life-style, we will remain an industrial society. That being so, we must make concessions to its continuance. I am not saying for a moment that the environmentalists of America do not have a case. Of course they have. All our luxuries of living won't mean a thing if we can't breathe enough to enjoy them. But I am convinced that the preservation of clean air need not mean the destruction of industry. As a matter of fact, if we cannot practice the art of the possible in the interests of both, we do not really deserve either.

In my opinion, some of the regulations already promulgated or under consideration by the Environmental Protection Agency go too far. For example, the suggestion here in the Washington area that would impose a parking tax upon commuters; that would reduce the number of spaces for both on-street and off-street parking within the District of Columbia; and add a number of controls, is too drastic.

Rather than placing restrictions upon the commuter, it seems preferable to me to provide alternative methods of getting in and out of the city; and I have not found that proper consideration has been given to these alternatives. For example, the Metro rapid rail transit should materially reduce pollution and the number of automobiles coming into the District when it is completed; the completion of Interstate Highway I–66 in northern Virginia should reduce the amount of automobile pollution by making access more readily available. Parked cars do not pollute. It is the operation of automobiles, and the more they are stalled in traffic the more they pollute.

Mr. Train was asked on several occasions during the hearing whether he would give proper consideration to the maintenance of our standard of living, and in each instance he said that he would. Yet some of his other answers once again cloud this question.

There is no doubt in my mind that Congress acted too hastily in the enactment of the Clean Air Act. I am hopeful that we can amend the act to eliminate some of the provisions which the administrators of the law seem to believe leave them no alternative but to impose drastic restrictions upon citizens.

The general public is not unaware of the overaction by Congress, as illustrated by an editorial dated August 2, 1973, in the Richmond Times-Dispatch, entitled, "Another Look," which I ask unanimous consent to have printed in the Record at this point.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Another Look

The Federal Environmental Protection Agency has acquired a certain notoriety for making drastic proposals to cleanse the nation's air in accordance with the Clean Air Act of 1970. The most infamous of those was a plan for gasoline rationing in the Los Angeles area designed to cut automobile use by 82—yes, eighty-two—per cent during the May-to-October smog season. Only somewhat less disreputable in some circles are EPA's brainstorms for reducing automobile pollution in the Washington, D.C. region: a $2-a-day tax on commuter parking spaces, reduction of 21,800 on-street parking spaces, forced car-pooling, and the like.

The EPA deserves to hear criticism of schemes that appear wildly undemocratic and unnecessary, but some critics have overlooked one point. The EPA was given the duty, on the option, of restricting the emission of various pollutants into the air. After all, it was Congress—not the EPA—that enacted the detailed requirements of the Clean Air Act, despite warnings that some of the law's provisions were so strict and inflexible as to be totally unrealistic. But that was the time of Earth Day innocence and it is said that a stagnant air mass settled over Washington a few days before the congressmen were to vote in the summer of 1970, convincing some that absolutism was in order.

For example, the act flatly requires that, beginning with the model year 1975, automobile emissions of carbon monoxide and hydrocarbons must be 90 per cent below 1970 levels; and by the model year 1976, emissions of nitrogen oxides must be 90 per cent below those of model year 1971. The EPA administrator was given the authority to extend both of those deadlines by one year, and he has done so.

Therefore, whatever EPA's undoubted shortcomings, the basic problem goes to the legislative standards. In that connection, it was quite encouraging to read the other day that the Senate is preparing to order a reevaluation of the Clean Air Act. The EPA's draconian proposals appear, in fact, to have played no small role in causing legislators to have some second thoughts about the value of extremism in the pursuit of environmental purity.

Air pollution posing a demonstrable menace to health definitely ought to be combatted, but the assumptions of some purists that any emission under any condition constitutes a serious public threat have been too facile. Potential pollutants have to be considered individually rather than all of a piece. When the Clean Air law was passed, nitrogen oxides were routinely presumed to be a major hazard, but subsequent research indicates they probably aren't, as even the EPA has admitted. As part of its new look at the standards, the Senate is expected to authorize a $300,000 study by the National Academy of Sciences to review the health angle, and that step should be welcomed.

Additionally, what is environmentally desirable has to be weighed against what is feasible within the existing economic system The fact cannot be dismissed lightly that one of every seven workers in the United States owes his job, directly or indirectly, to the automotive industry. Harsh controls disrupting this single most significant provider of employment could throw the economy as a whole into chaos.

Finally, energy supply has emerged as a major concern since the passage of the Clean Air Act. It is evident that Detroit's technological approach to meeting air-pollution deadlines is one contributing factor to the increasing consumption of finite stocks of gasoline. Detroit may be criticized fairly for failing to get on the market alternative engines, such as Japanese and German automakers have done with their stratified charge and rotary engines, that both reduce pollution and preserve fuel economy. However, there is a problem of adapting a radically different approach in a short time to the huge American market, while under the gun of government deadlines. A more flexible environmental law, combined with continuing pressures from consumers, might give domestic automakers the leeway and the incentive to turn out cars that don't foul the air or guzzle fuel excessively.

Mr. SCOTT of Virginia. It does not seem reasonable, Mr. President, to add to the burdens of our Chief Executive by delaying consideration of this nomination further. I would hope, however, that the President, as head of our executive department of Government, would urge the Administrator of the Environmental Protection Agency and all other subordinates in the executive branch to be reasonable in their approach to cleaning up the environment and not jeopardize our standard of living or our life style in the process.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. SCOTT of Virginia. I am glad to yield to the distinguished chairman of the Committee on Public Works.

Mr. RANDOLPH. Mr. President, I wish the Record to reflect that in the consideration by the Committee on Public Works of the nomination of Russell Train, no member of our group was more diligent in questioning Mr. Train than the able Senator from Virginia (Mr. Scott). I, as chairman of that committee, and all the members of the committee, regardless of party affiliation, appreciated the careful attention given by the Senator from Virginia to the subject of the nominee's jurisdiction at a very important time in the history of the United States, when the problems of energy and the environment—in fact, the whole scope of our society—are very much on the public mind.

Mr. SCOTT of Virginia. I thank the distinguished chairman of the Committee on Public Works.

WATERGATE AND THE BUSINESS OF THE NATION

Mr. SCOTT of Virginia. Mr. President, let me devote the remainder of my time to a concern about permitting the President to do his job. Senators will recall that in his address to the Nation some weeks ago, President Nixon indicated that it was time for the Watergate matter be turned over to the courts, and for the rest of the Government, including Congress, to get on with the urgent business of the Nation.

I find from those with whom I have talked that the people of Virginia agree with this statement. In fact, people from other countries have commented that the image of the United States is being marred by this continued self-abuse. The Richmond Times-Dispatch on August 26, made a fine analysis of this situation in its editorial entitled, "Anything Else," and I ask unanimous consent to have this editorial printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Anything Else

"If it weren't Watergate, anything else, in order to keep the President from doing his job."

With that remark, made during his press conference last Wednesday, President Nixon succinctly explained much of the sound and fury surrounding Watergate. There seems to be little doubt that many of those who are screaming the loudest and the most persistently about Watergate are motivated not by profound concern about the political scandals of 1972 but by a determination to prevent Richard Nixon from succeeding as President of the United States.

Public opinion polls show that most Americans deplore Watergate, but the polls also suggest that most Americans are unwilling to destroy the President because of Watergate. No, the most uncompromising, most vitriolic complaints about Watergate are coming from the President's confirmed critics, people who detest his philosophy of government, his programs and his policies. And these critics—who include some of the nation's most liberal journalists, most liberal congressmen and most liberal scholars—are in a position to command public attention and to influence public opinion. Obviously they hope to keep Watergate at the very top of the list of the nation's concerns until they have thoroughly discredited Mr. Nixon and proved that he cannot be trusted to govern the nation fairly and effectively. Their ultimate objective, of course, is to halt the retreat from statism that the President has initiated.

Their strategy is simple. When the President yields an inch, denounce him for not yielding a mile. Whenever he utters a single defensive word on the Watergate issue, call him a liar. Whenever he initiates or promises reforms designed to prevent future Watergates, sneer. And keep hitting him with issues unrelated to Watergate—expenditures on his San Clemente home, the Cambodian bombing and so forth.

Look at the record. At the very beginning of the Watergate probe, his critics insisted that the President could demonstrate his willingness to cooperate in the search for truth by permitting his top aides to testify before the Senate committee and by speaking out publicly on Watergate. So Mr. Nixon allowed his aides to go to the committee, and only one—former White House counsel John W. Dean III—sought to implicate him. All the others either insisted that the President had not been involved in the scandals or swore that they had no knowledge that he had been involved. Moreover, the President himself issued statements asserting his innocence and explaining his own efforts to discover the truth about Watergate.

His critics sneered. They didn't believe the President or those aides who defended him. And when the critics learned that Mr. Nixon had taped his White House conversations, including some concerning Watergate, they roared that only by releasing the tapes and by submitting to interrogation himself could the President prove his innocence. Suddenly, the sworn testimony of all the witnesses seemed to become meaningless. All except Dean's; his testimony the critics liked.

For eminently sound reasons, the President has declined to release the tapes. He is, for one thing, entitled to confidentiality in his contacts with his aides and with others who confer with him. For another, the tapes themselves could be misleading and the subject to varying interpretation, and it is ludicrous to contend that they could, by themselves, resolve all questions about Watergate.

But the President did submit to questioning by some of the most persistent interrogators a public official can face—the Washington press corps. Facing reporters last Wednesday, he convincingly reasserted his innocence, explained in considerable detail how he had sought the truth about Watergate from his own aides, how some of his highest advisers—including Dean—had misled him or even lied to him. Dean's accusations the President specifically and emphatically contradicted.

And how have the critics reacted? They have sneered. The *New York Times* and the *Washington Post* did not like either what Mr. Nixon said at the press conference or how

> he said it. And from North Carolina Sen. Sam J. Ervin Jr., chairman of that 'impartial" Senate committee investigating Watergate, came the most revealing reaction of all. Declaring that he was not willing to dismiss Dean's accusations against the President "out of hand," Ervin proceeded to dismiss Mr. Nixon's protestations of innocence out of hand. He would not believe the President, Ervin said, until he had heard the President's tapes.
>
> So the critics intend to continue their carping. From Mr. Nixon they have elicited not only repeated assertions of innocence but also condemnation of Watergate, apologies for Watergate, acceptance of all blame for conditions that contributed to Watergate and promises of reforms to prevent future Watergate. But the critics are unsatisfied, and not unless they can destroy the President will they be satisfied.
>
> But the American people can, and probably will, thwart them. Public reaction to Mr. Nixon's press conference has been generally favorable, indicating a growing weariness of Watergate and a desire to move on to other matters. If the President continues to perform as admirably as he performed Wednesday, public opinion is likely to turn against the critics; and their efforts to keep "the President from doing his job" will fail.

Mr. SCOTT of Virginia. Some may think that the continued criticism of the President reflects only on the Republican Party, but I am fearful that our own committee may generate an atmosphere within which the average citizen may come to regard all public officials as crooked. This was illustrated in a recent visit to North Carolina, where I picked up an elderly gentleman hitchhiking on a country road. This is a true story. He saw my Senate license tag and asked me about Watergate. I replied that one of his own Senators was chairman of the committee, and he answered:

> He's not my Senator; he's the one that took the money.

Now, Mr. President, this appears to be an irrational statement regarding our distinguished colleague the senior Senator from North Carolina (Mr. ERVIN), and has no relationship to fact. It does tend to illustrate the irrational conclusions which may be drawn by individual citizens when they become emotionally disturbed by the overemphasis upon a situation which involves only a few people. Therefore, Mr. President, it is my intention to support and cosponsor the proposed resolution by the junior Senator from Kansas (Mr. DOLE), which would require further hearings of the Select Committee on Campaign Activities to be conducted in executive session.

The media has commented considerably about alleged improper activities and even criminal activity by the Vice President even though no charges of any kind have been made against him by any law enforcement agency. It is somewhat akin to the French Revolution, when there was indiscriminate use of the guillotine to behead French citizens—the difference being that it is now character assassination. The Newport News Daily Press on August 10 published an editorial entitled "Presumption of Innocence," decrying the effort to try the Vice President through press leaks in the court of public opinion and suggesting that such procedure does violence to our presumption of innocence until one is proven guilty of wrongdoing. I ask unanimous consent to have the editorial printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

> PRESUMPTION OF INNOCENCE
>
> Revelation that Vice President Agnew is being investigated by federal officials looking into allegations of kickbacks and other irregularities in award of construction contracts in Maryland came as a new blow to a Watergate-beleaguered Nixon administration.
>
> Unfortunately in this context it is all too likely for people to overlook the basic concept that in our country anyone is innocent unless proven guilty, and to overlook the point that no charges have actually been levied aagainst Mr. Agnew. Moreover, if he were not such a public figure his name would not even been brought up at such a time since a grand jury inquiry normally does not reach that stage of revelation until or unless an indictment has been handed down.
>
> However, Mr. Agnew's position is such that the disclosure was inevitable, however unfair, and indeed a matter of consuming public concern. That the Vice President came quickly and emphatically to his own defense, stating his innocence and answering questions straightforwardly in a press conference, however, should do much to put the shocking reports in proper perspective.
>
> Mr. Agnew's contention is that, since the allegations seem to have stemmed from someone who is deeply in trouble with the law, it looks very much like an attempt to clear skirts at his expense and it would be foolish not to take such a contention strongly into account. But primarily his answer, give to the American people, was that he has nothing to hide, does not expect to be indicted and has full confidence in our criminal justice system. He said it moreover in a way that did nothing to contradict his reputation as a man of character and integrity. Let the lawyers take it from there rather than trying him in the court of public opinion.

Mr. SCOTT of Virginia. Mr. President, we have many serious matters confronting the country: inflation, energy crisis, national defense, our relationship with foreign countries. All these matters require the thoughtful consideration of the executive and legislative branches of our Government. Only a masochist would want to continue the present widespread self-criticism to the detriment of our country, its institutions and its standard of living. So I believe we should heed the President's request that all of us get on with the urgent business of the Nation and not tie the hands of the Chief Executive in the conduct of the Nation's affairs through repetition of inuendo and hearsay. My small contribution today is to withdraw objection to the immediate consideration of the President's nominee to be Administrator of the Environmental Protection Agency.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order there will now be a period for the transaction of routine morning business for not to exceed 45 minutes, with statements limited therein to 5 minutes.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SENATOR STENNIS RETURNS

(At this point, Senator JOHN C. STENNIS, of Mississippi, escorted by the President pro tempore (Mr. EASTLAND) entered the Chamber.)

[Applause, Senators rising.]

Mr. MANSFIELD. Mr. President, this is a happy day for the Senate, because one of our colleagues has returned to us after months of travail and near tragedy.

When the shocking event occurred which affected our distinguished colleague, the Senator from Mississippi (Mr. STENNIS), earlier this year, we were all perturbed. But today we are all thankful that this man, who has contributed so much to his State and to the Nation, is back with us once again, hale and hearty—a little less in weight, but I am sure that he appreciates that factor.

It is, I must say, a miracle, in view of the events which happened, that Senator STENNIS is with us today. Because of that miracle, we thank the Lord, and we are delighted to have him back with us.

Mr. SCOTT of Pennsylvania. Mr. President, I join with every Member of the Senate in rejoicing that the beloved and distinguished Senator from Mississippi (Mr. STENNIS) has returned to this Chamber after a very difficult siege and has returned in good spirits with his health substantially restored. We have missed him in every way that friends can miss a friend. We have missed his judgment, his intelligence, his wisdom, his guidance, his compassion, his understanding of the problems of each one of us, his leadership, and we have missed the opportunity to show him the respect in which we hold him.

I am somewhat in mind of what Cicero said in praising Milo, that he is a man both very brave in public life and very strong in the causes which he has undertaken. I do not think that even Cicero could have more aptly made a statement those many years ago that could apply so closely to our friend and colleague.

I join my colleagues in saying, Welcome back home where you belong, Senator STENNIS.

Mr. CURTIS. Mr. President, I wish to join with other Senators in expressing my happiness that Senator STENNIS is back on the Senate floor. His absence brought to mind, I am sure for all of us, the great contribution that he has continuously made in this body for the benefit of our country. We have all observed how for weeks at a time he would remain on this floor in charge of legislation vital to the security and the defense of this country. So in welcoming him back we take this occasion to express our appreciation for the great and wonderful work he has always rendered to our country.

Mr. THURMOND. Mr. President, it is, indeed, a pleasure for me to join others in welcoming the distinguished Senator from Mississippi back to the floor of the Senate.

We have missed him in the Committee on Armed Services. He is one of the most able chairman this committee has ever had. We have missed him on the Defense Appropriations Committee. We have missed him each Wednesday morning at the prayer breakfast group. We have missed him at every turn.

No man, in my opinion, in this Senate is held in higher esteem than the great Senator from Mississippi. We, indeed, are glad to have him back with us.

Mr. HUMPHREY. Mr. President, I wish to join with my colleagues in saying to the great and good Senator from Mississippi, welcome back home.

During all of my days in the Senate and other days in public life, I have been privileged to enjoy the friendship of the Senator from Mississippi (Mr. Stennis). We know him as a man of great courage, good character, a man who is eminently fair, a man of tremendous ability in this Chamber; but I think of him more as my friend John. Many is the time we have visited and many is the time I have worried about him and sent him my good wishes and prayers.

I know I speak for those people on the headwaters, the upper waters of Mississippi: We wish you well.

Mr. YOUNG. Mr. President, it is, indeed, a happy day to have the distinguished Senator from Mississippi back with us again. It is an act of divine providence, an act of God, that he is with us today almost fully recovered.

I do not know another Senator in my time who has been more highly respected and who has been a greater leader than the Senator from Mississippi. Everyone respects his views. When he rises in the Senate to speak Senators listen to him. He has had a great impact on all that has transpired in the Senate in his time. It is fortunate today for us that he is back with us.

Mr. JACKSON. Mr. President, the Senate is whole again.

Our distinguished friend from Mississippi has brought to the Senate, from the day he first arrived, a legislative-judicial temperament, something that this body always needs. Here is a man of honor, integrity, decency, and fairness. Whatever the issue before this body, one can always be sure that what Senator Stennis has to say comes from his heart and with a deep sense of respect for the rights of others.

I shall never forget the quality of his leadership and his memorable words during that terrible period we went through in 1954, in the censure situation, when he spoke about the honor and decency of this body. What he had to say—in the course of the very difficult role he was called on to play—made a lasting impact on this body and this Nation.

I know of no finer tribute to pay any man than to say that he is a man of honor, integrity, decency, and fairness.

Mr. President, the Senate is whole again with his presence.

Mr. SYMINGTON. Mr. President, I join my colleagues in welcoming back to the Senate one of the truly great statesmen of our time. It has been my privilege to sit next to John Stennis in the Committee on Armed Services for 21 years. At all times his superb record has been distinguished by character, by courage, and by an all out dedication to his country.

The distinguished majority leader mentioned it was a miracle that he is back. I am sure that technically speaking that is true, but we all know also that he is here because of his great will and determination to continue to serve his country.

I am very glad that he honors the Senate again by being with us this morning and extend all congratulations for his wonderful recovery to him and his gracious wife, who has had so much to do with his being with us today.

Mr. TOWER. Mr. President, I should like to say that I think we owe the Senator from Missouri (Mr. Symington) a great debt for the way he stepped into the breach as acting chairman of the Committee on Armed Services and for the yeomanlike way he did so in the absence of our distinguished friend, Senator Stennis. I know he will understand that I take nothing from him and his superb leadership when I say we are overjoyed that John Stennis is back with us.

In the difficult days ahead, as we consider military procurement, his great mind and his great spirit are going to have a tremendous impact and influence over our deliberations, our debate, and our ultimate conclusions. It is essential that he be here.

I think that we must all raise thanks to a merciful God that he has been spared to come back with us.

Mr. LONG. Mr. President, the prayers of every Member of this body and, indeed, the prayers of almost everyone in this country have been answered with the return to this body of our colleague, the junior Senator from Mississippi (Mr. Stennis).

I, among others, have had the privilege of following his leadership many times in the past and I look forward to following him many times again. He has been the exemplification of what anyone could expect of a Member of this body or of a Member of Congress. We are gratified to have him with us.

Mr. EASTLAND. Mr. President, I have been a Member of the Senate for approximately 31 years. I have seen great Senators come and go. None of them has excelled my colleague, Senator John Stennis. He is one of the greatest. I think he is one of the greatest men who has ever sat in this body. He is a man of unimpeachable integrity. He is very conscientious. He works hard, carrying the burdens of State; and the Senate is much stronger because he is back.

John, we are all glad to have you back.

Mr. McINTYRE. Mr. President, I want to share in all the wonderful sentiments being spoken here on the floor of the Senate on the return of my chairman of the Armed Services Committee, a Member of this great body who has been a great teacher, John Stennis. The high regard and esteem for this Senator rubs off on all of us who are fortunate enough to contact him. Because of our close association on the Armed Services Committee, I cannot think of any man in all my life that I have known for whom I have come to have a greater feeling of respect for his judicial temperament, fairness, and great leadership in these important matters.

I, for one, am very happy that, through the skill of the physicians at Walter Reed Hospital and through divine providence, it is possible to have John Stennis back among us.

Mr. McCLELLAN. Mr. President, I wish to associate myself with all of the commendatory remarks and expressions of gratitude and appreciation that my colleagues have expressed and that will be expressed here this afternoon. I join with them in welcoming back one of the great among us, one whose absence has been compelled, one who has been disabled for several months by reason of a tragedy, the criminal act of a would-be assassin.

During the period of his absence, John Stennis has struggled for life, to regain his health so that he could come back and be with us again. In this ordeal John Stennis has stood fast and he has suffered long. In his long suffering and in his struggle for life he has been strong and he has been of good cheer and he has been of great courage. He has been neither afraid nor dismayed.

With his colleagues and his friends, all good Americans everywhere are deeply grateful, and we rejoice in our hearts today that he has been restored unto us and is with us again today. As the distinguished Senator from Washington has just said, the Senate has been made whole again.

It has been said that gratitude can be defined as that feeling which one would experience if everything he had were taken from him and then suddenly restored unto him. We have that feeling of gratitude today. He was taken from us for a time, one of the great among us, but God, in his infinite wisdom and in his dispensation, has spared his life and he is restored to us today, where he can continue the great service that he has given to his country, at a time in the history of our Nation when the country needs him, when he can be of further great service to our Nation.

Mr. HANSEN. Mr. President, today I am certain that every Member of this body has within him a welling up of strong emotions. There are Members of this body senior to me who could speak from long experience about Senator Stennis better than I can. I rise fully conscious of the esteem and respect every Senator feels for the Senator from Mississippi. John Stennis epitomizes the best of what is one of the great institutions of our country, the U.S. Senate.

In the days we faced without Senator Stennis here, there was reflected in my mail and in the visits I had with people a misgiving, a great concern about our country, about the temporary loss of leadership that his being absented from this body meant in terms of the military posture we might have, in terms of the kind of values that we would represent as Members of this institution to the people of the United States.

No one has a greater regard for

honesty, for integrity, for ethical conduct and appreciation of enduring moral values than the distinguished Senator from Mississippi. It has not been my pleasure to know him for as long as many of you have, but I can say that long before I came here, I heard from others of this body about John Stennis.

I just want to observe that, in addition to his dedicated life, his great physical strength, I share the feeling that is held by others here—that his being returned to us today is a reflection in part of the prayers of Americans everywhere that were joined with those of Members of this body, asking God to save this great man for this Republic in order that this Nation could have the benefit of his inspired leadership.

Mr. HRUSKA. Mr. President, about 2 weeks ago, formal hearings were held in the circuit court of appeals courtroom in the Federal Building in Jackson, Miss., having to do with the possible restructuring of the circuit courts of appeal. Gathered there in the hearing room were many lawyers, journalists, reporters, men and women who were interested in the subject at hand. Before and after the hearings, as well as during the luncheon sponsored by the Mississippi State Bar Association, honoring members of the Commission, of which I am a member, there were many comments on the item which had appeared in the press only a day or two before announcing that Senator Stennis would return to his work in the Senate on September 5. Numerous were the narratives and descriptions of the Senator's fine attributes, many of which were referred to already here today.

The respect, admiration, and affection that the people of Mississippi hold for this great Senator were very obvious. It was clear that they followed with their prayers and their intense interest, the critical days and the long period of recovery which ensued. Frequent mention was heard of their high estimate of the Senator's courage, tenacity, and stamina. Their rejoicing was as great and intense as that expressed by his colleagues who have already spoken today and who have served only officially here with him for so many years. The feeling of rejoicing was expressed in Jackson that today's event would come soon. We have it at hand today.

So it is with gratitude and happiness, that I subscribe to the many tributes paid him this morning. Welcome back, John, a thousand times welcome.

Mr. SPARKMAN. Mr. President, I certainly join my colleagues in all the good things that have been said, and in which all of us share, in the return to the Senate of our good friend, my neighbor in the adjoining State. Senator Stennis and I have served together almost the entire period of our service here. I believe he came to the Senate 1 year after I came.

It is a joy for me to have witnessed this miracle. John Stennis believes in miracles. He has every right to do so. He was talking to me one day, and he told me some of the things that had happened during this great tragedy of his life.

He told me first of all that he knew he had to get up those steps and get inside his door or he would not live. The ambulance came to get him and when they put him in the ambulance, the driver was directed to take him to a certain hospital. John was conscious enough to say, "Take me to Walter Reed."

When they got to Walter Reed, another miraculous happening took place. A team of surgeons, all men of great experience, were gathered at a conference of some kind. They were able to take care of his case immediately. John Stennis told me that he felt very strongly that had events not happened that way, he probably would not be able to be with us today.

I am happy to join with all of my colleagues in saying that we are all delighted to join in welcoming John Stennis back to the Senate again.

Mr. MAGNUSON. Mr. President, first I want to associate myself with the things that have been said today.

I also want to say to John that I followed his recovery. I missed his legislative expertise. However, most of all, I missed his presence here as a strong, personal friend.

Mr. FANNIN. Mr. President, I am very proud to join with my colleagues in welcoming back to the Senate and in paying tribute to one of the greatest Americans of today. Some may equal him, but none can excel the tremendous performances of John Stennis as a Member of the U.S. Senate and as a leader of our prayer group. He has an excellent standard of conduct, as has been witnessed by all Americans.

It seems to me that the prayers of millions of Americans have been answered by his return to the Senate Chamber today.

I can well remember how humble John Stennis was when talking to freshmen Senators as they first attended a prayer breakfast. His leadership has been an inspiration to all who have participated in these prayer breakfasts. In my years in the Senate I have treasured his friendship and I have benefited from his wise counsel.

John Stennis has been a symbol of righteousness and of courage. Few men have endured what he has during this period of time. He comes back to us recognized as a leader.

I am very glad to have this opportunity to join with my colleagues in paying tribute to him today.

Mr. ALLEN. Mr. President, this is a great day for our country and for the U.S. Senate. In joining my colleagues in extending a heartfelt "welcome back" to our esteemed friend—the distinguished Senator from Mississippi (Mr. Stennis), I know with certainty that I speak for all Alabamians.

Following his tragic brush with death, an outpouring of letters, telegrams, editorials, and personal messages from Alabamians of all walks of life expressed prayerful concern for his recovery. These expressions and many other manifestations of concern from throughout the Nation demonstrated that John C. Stennis has not only earned an enviable place in the affections of the people of our Nation but, more than that, the mere contemplation of loss of his services at this critical juncture in history is a matter of grave national concern—and rightly so—for he is one of the greatest Senators in the history of our Nation, ranking with Clay, Calhoun, and Webster.

As chairman of the important Senate Armed Services Committee he has been a steady, strong, and reliable guiding force in evaluating our worldwide military commitments and, equally as important, a pillar of strength in helping insure a capability to fulfill those commitments. As chairman of the Preparedness Investigating Subcommittee of the Armed Services Committee and as vice chairman of the Senate Appropriations Committee and ranking member of its Subcommittee on Defense Appropriations, he has, as have few others in our history, occupied a position of grave responsibility for the security of our Nation and, ultimately, for the free world. So, the national concern for his recovery was amply justified—as is the present rejoicing at his return to the Nation's councils. For, in truth, his demonstrated vision, the confidence in his judgments, and the many accomplishments of his dedicated leadership in positions of great responsibility have added much deserved luster to a career already crowned with success. It is inevitable that his many achievements should reflect credit on the Senate and on our Nation. His character, integrity, intelligence, wisdom, experience, kindness, graciousness, and industriousness, are priceless assets which the Senate can ill afford to lose. So, we have cause to rejoice.

In a different context, his return from a perilous journey brings to mind the comforting words of the 23d Psalm:

> Yea, though I walk through the valley of the shadow of death, I will fear no evil: for Thou art with me; Thy rod and Thy staff they comfort me.

So, while all of us extend a comradely welcome, I cannot but confess that these mere words are grossly inadequate to express my deeply personal and profound sense of gratitude to Divine Providence that his life and talents have been spared for the benefit of our Nation and future generations.

Mr. President, the American people can sleep better tonight knowing that our colleague, the strong right arm of the Senate Committee on Armed Services and one of the Nation's staunchest advocates of a strong national defense, is back in full harness. So, I say from the bottom of my heart, welcome back dear friend and mentor.

Mr. CHURCH. Mr. President, this is indeed a very happy moment for all of us in the Senate.

I want, first of all, to associate myself with all the other tributes that have been paid to Senator Stennis, as a great Senator and statesman.

I would then add a personal note. If I have not already thanked him before, I want to thank him now for the courtesy he has always shown to me through the years, as he has to all other Members of this body. I also want to thank him for the unfailing generosity he has displayed on those infrequent occasions when we have found ourselves on opposite sides of an argument. I have so appreciated his courtesy and generosity.

I want him to know that, when we were all praying for his recovery in the dark hours following the vicious assault upon him, a dear friend of his told me, "JOHN STENNIS will make it because he is not yet prepared to leave the Senate." As much as we appreciate the indispensable skill of the doctors, we all know in our hearts that it was his strength of physique, strength of will and strength of character that brought him through.

This is indeed a day for rejoicing.

I know that Senator STENNIS would also like to learn that, during the period of great anxiety over his life, another friend of ours, a former colleague, Senator Jordan of Idaho, spoke to me of his deep concern and profound respect for the Senator from Mississippi. I am certain that Lew Jordan would want to join with me in this heartfelt welcome back.

Mr. BENTSEN. Mr. President, I take a great deal of pleasure and pride in being a Member of this great body. The reasons for that feeling are nowhere better exemplified than in the code of conduct of the Senator from Mississippi. He is a tough proponent of legislation, and he is a fair and informed opponent when he thinks the legislative course is not in the best interests of this country.

Mr. President, we have in this body a number of Republican Senators and a number of Democratic Senators. And then we have some U.S. Senators. JOHN STENNIS is a U.S. Senator. He has always done what he thought was best for his country.

If his code of conduct were followed by all politicians and by all public officials today, we would not have the shaken confidence of the people in the institutions of government. JOHN STENNIS is a Senator's Senator.

Mr. CASE. Mr. President, when you have something you want to say and really cannot say, the temptation is to use too many words. Everything that has been said here today, though, has been said with very great restraint. Some of our most eloquent and even verbose speakers have limited themselves to the bare bones of the subject, and in this exercise of restraint there is reflected one of the great qualities of our friend from Mississippi. Restraint, self-discipline, strength, courage, and good commonsense are just a few of the qualities that have endeared him to us and have made us rely so heavily upon him.

What the country will see in the Senate's action right now is a very honest reflection of relief that one of the elements of strength on which we have come to rely so heavily is now restored to us. On personal grounds, our hearts go out to him and to his lovely lady, who to so great an extent has been responsible for his recovery and strengthening him for the unspeakable battle that he has gone through. Our hearts, as I say, go out to both as we welcome him back.

Mr. MUSKIE. Mr. President, I am sure it is clear to JOHN STENNIS by now why we respect him and love him. I am sure I cannot effectively add to the points that have already been made.

We know him to be a man of conviction, of character, and of conscience. More than that, we know him to be our friend; and above all, as the distinguished Senator from Texas has pointed out, we know him to be a preeminent example of what a Senator ought to be in terms of integrity, a sense of direction, and dedication to the country.

JOHN, I join in this warm welcome to you.

APATHY, ATROPHY, AND ANGER

Mr. HARTKE. Mr. President, I cannot let this occasion pass without extending my warmest felicitations to my friend and colleague Senator STENNIS. When a blow was struck at JOHN STENNIS, I do believe it wounded this body.

As is everyone else, I am very grateful for the life of the Senator from Mississippi. We are prayerfully thankful that he has been spared. His return, I suppose, in large measure is due to his own courage and indomitable fortitude.

In this case our gratitude for the Senator's return among us reminds us to consider the general concern that springs to this event. The leadership of JOHN STENNIS is needed now as it was never needed before, for I fear there is great apathy in the land. I find a lack of concern for the well-springs of our country among the people. I fear that this apathy, so noted by all of us and by commentators and pollsters, may actually be turning to atrophy, an actual inability to function.

Government, law, and civil procedures, like arms and legs, atrophy in disuse. Courage and action in the face of adversity develop new abilities; and we have seen that in the case of Senator STENNIS. I fear that failure to act on the large issues of the day is leading to atrophy of our most precious institutions and practices, and our concern for our fellow countrymen; which we have seen demonstrated too often here on the Senate floor.

Finally, I fear not only apathy and national atrophy but an approaching anger of deep-seated, national proportions. Middle class America is troubled. I fear the three A's of the near future: apathy, atrophy and anger.

I suppose the greatest tribute we can offer Senator STENNIS is to get on with the Nation's business in the same spirit in which the Senator from Mississippi dealt so courageously with near catastrophe. He has turned tragedy into a glorious, personal triumph. I bless him for it, and I hope the Nation and the Senate may heed his example.

We must, of course, remember also that Mrs. Stennis was a great source of comfort and inspiration to her husband during the time of his suffering.

Mr. HARRY F. BYRD, JR. Mr. President, to a great Senator, to a great American, and to a wonderful friend, I say "welcome back." The Senate has greatly missed Senator JOHN C. STENNIS, but no one has missed him more than has the Senator from Virginia. This is indeed a happy day for the Senate, now that JOHN C. STENNIS has returned.

Mr. TALMADGE. Mr. President, I desire to join with my colleagues on both sides of the aisle in welcoming back to the Senate floor the distinguished and able Senator from Mississippi, JOHN C. STENNIS.

It has been my privilege to know JOHN STENNIS well as a personal friend now for some 16½ years. Shortly after I came to the Senate, his was one of the first friendships that I made. We have spent many pleasant days hunting quail and fishing. As all you outdoorsmen know, that is really the way to get to know him individually. One could get to know him better and more intimately under those circumstances than perhaps in any other way.

In my opinion, JOHN STENNIS is one of the great Americans of all time. He is certainly one of the great Americans of our era. He has served his State in an outstanding manner. He has been a credit to the U.S. Senate, to the Congress, and to the country, and I am proud of the fact that his determination and his rugged physical constitution have enabled him to overcome severe circumstances and return to us able in mind, body, and spirit.

Welcome back, JOHN.

Mr. MONDALE. Mr. President, I am delighted to join my colleagues today and be a part of this wonderful event as JOHN STENNIS returns to the Senate. As was true of my colleagues, and I think all Americans, I was shocked, sickened, and appalled by the news that evening that JOHN STENNIS' life was in danger as a result of a brutal gun attack. As we have had to do far too often in recent history, we wondered whether yet another great American public leader was going to be taken from us by another sickening example of violence.

Thank God, in this case it was not true, and today we have JOHN STENNIS back with us in full physical strength, ready to do his work for our country.

During those few brief days, I had reason, as did my colleagues, to ask what it was about JOHN that we would miss so much if that tragedy should occur. I think it was, above all, his spiritual strength, the dignity and seriousness with which he conducts his public business, his love of country, and the ability with which he discharges that noble purpose.

I am so pleased to be here with my colleagues today to welcome back a great American, JOHN STENNIS.

Mr. HUGHES. Mr. President and Members of the Senate, I am very much pleased to have this opportunity briefly to express my own heartfelt emotions at the return of the distinguished Senator from Mississippi (Mr. STENNIS).

When I first came to the Senate, 4½ years ago, I sensed that JOHN STENNIS would be a natural opponent, a man with whom I would seldom agree and probably would have very little in common with, based on his philosophy, the region of the country from which he came, and many other things.

One of the first invitations that I received was an invitation from the Senator from Mississippi to attend the Fellowship Breakfast every Wednesday morning in the Vandenberg Room. The personal strength and faith of this great man from Mississippi became apparent to me over the months, and with this sort of relationship, my opinions and understandings of JOHN STENNIS gradually mellowed and gradually changed. I now understand the basis of his philosophy, the depth of his feeling, the great love he has for his country, his love for his fellow man—his love of all humanity, in a way that I could never have understood before, had I not been privileged to attend the Fellowship Breakfasts each week.

As time passed—2 years went by—I applied for and was accepted as a member of the Armed Services Committee. In that capacity I began a relationship with John Stennis on a different basis than I had ever known before, my own philosophical approach to the needs of national defense being much different than his. But working as what would be a natural philosophical minority on that committee, I came into a relationship of fair play, fairness, and decency that no man new to the committee could expect to be any different.

Any time I asked for a discussion with the chairman of the committee, it was granted. Following even the morning of the day he was struck down, when we met in the Senate dining room at breakfast accidentally and had a discussion at that time, and events led to the disclosure of the bombings in Cambodia. The chairman, as he had in the Lavelle matter, and in this instance, assured me at that time that the matter would be taken up when we could get time to look into it and establish a relationship as to what it was and whether it merited a hearing.

That evening, when I arrived at home, I heard the news on the radio that John Stennis had been shot down in front of his home. Immediately, I called the Fellowship House, because I knew a meeting was going on regarding the National Prayer Breakfast, and asked them for prayers for the distinguished chairman, not knowing then what his condition was.

I believe that because of the prayers that welled up from this Nation and all around the world, the Members of this body, loving him as we do, understanding the depth of his own faith, and realizing the bond he felt for men here and around the world, God responded to those prayers.

In my opinion, John Stennis, with his own desire to live, his own personal convictions, the faith of his spirit, a benefactor of the principles of intercession, and because of the work of people on his behalf, in my opinion, the Divine Father heard and responded to my bond of affection for the chairman as it developed over the weeks, the months, and the years—and as it continues to this day.

I am deeply happy to be able to be on the floor of the Senate today when you return, John, and when you come back to full service in this body.

Mr. ROBERT C. BYRD. Mr. President, in his Moral Essays, Seneca wrote "Fire is the test of gold; adversity, of strong men."

This philosophy has never been better proved than by the most welcome presence on the floor of the Senate today of the Senator from Mississippi, Mr. Stennis.

The shock and revulsion that were felt by his colleagues, and by millions of Americans when John Stennis was brutally gunned down by two armed robbers in front of his home in Northwest Washington, were accompanied by heartfelt wishes and prayers that, despite the seriousness of his wounds, medical skill and his own indomitable spirit would overcome the serious wounds he suffered.

There is no doubt that Senator Stennis received the best medical attention the best doctors in this country could provide. He was strongly sustained by the love and devotion of his wife and his family. He was comforted and cheered by the constant expressions of confidence, and by the visits to his bedside of many friends. But with all that these meant—and they meant much—there is no question that the presence of Senator John Stennis in this Chamber today is due in significant measure to the strengths of his heart and spirit in the face of dire adversity, and to his faith, and to the faith of his friends, that prayers to the Great Physician would be answered.

John Stennis has served his State and his Nation in this distinguished body for more than a quarter-century. During these years, in positions of ever-increasing responsibility, he has repeatedly demonstrated an unusally high level of competence, compassion, and courage in the performance of the duties and services with which he has been charged by an electorate that wholly trusts and respects him. Those of us who have the privilege of knowing and working with this outstanding Mississippian, fully share with his constituents this trust and respect.

Mrs. Stennis, his son and daughter, and his grandchildren must be immensely proud of the courage and determination he has shown. They must be immensely grateful that the dark days of fear and worry have turned into the bright days of triumph over adversity. We, in this Chamber, share with them this pride and gratitude, and we are grateful to have in our midst once again, a gentleman of high quality whose advice, counsel, and friendship are cherished by all who are fortunate to know and serve with him—the distinguished and revered junior Senator from Mississippi, John Stennis.

Mr. HELMS. Mr. President, certainly I desire to associate myself with other Senators who have so sincerely welcomed back to this Chamber our beloved friend, Senator John Stennis.

I think the distinguished Senator from Mississippi is now fully aware of how much he is loved and respected in this body. And I feel it should be emphasized that few men in the history of this Republic have been the beneficiary of the prayers and best wishes of so many of his countrymen as has Senator Stennis these past few months.

So I would say to him: Welcome back. Like other Senators, I look forward to renewing the privilege of serving with this great and cheerful man. And I look forward also to being with him once again at the weekly Senate Prayer Breakfast which he has guided in such dedicated fashion.

Mr. GRIFFIN. Mr. President, there are few people in the long course of history—and even fewer in the Senate—who achieve the distinction of becoming a legend in their own time.

John Stennis has earned and richly deserves that distinction.

How wonderful it is that John Stennis can be present, and is here today, to listen to these tributes which come from the hearts of his colleagues.

The Nation needs John Stennis. The Senate needs John Stennis.

And we thank God that he is back among us.

Mr. HART. Mr. President, for each of the reasons cited by my colleagues, I rise to express delight at the return of Senator Stennis. He is a good person—gentle in his relations with those of us junior to him, fair to us on occasions when we have differed.

Senator Stennis, welcome back. The Senate is the better for your return.

Mr. RIBICOFF. Mr. President, I, too, join in welcoming Senator John Stennis back to the Senate. This, indeed, is a happy and special occasion. John Stennis is the outstanding Member of this body. He has the respect and friendship of all of us. It is so reassuring to know that John is back with us in good health. It is good for the country to have Senator Stennis' constructive leadership concerning the many problems facing our Nation.

Mr. TAFT. Mr. President, to have Senator John Stennis on the floor of the Senate with us today is a most welcome and notable national occasion. His return and his restored health could not come at a time when they are more important and vital to the Nation. Whether in agreement or opposition, his responses to the challenges of the past have been inspiring to all of us, and especially to me.

As to the future, we can take a new confidence and have new hope for sound solutions of problems of the present and the future now that we again have his help and counsel. Welcome back, Senator.

Mr. McGEE. Mr. President, I know I speak for all Senators when I say how grateful and delighted I am to have our distinguished colleague and friend, the Senator from Mississippi (Mr. Stennis), rejoin us here today.

All of us were stunned and shocked when we learned of the tragedy that had befallen our colleague on January 30 of this year. However, we are relieved that he has fully recovered from wounds he received when assailants attempted to rob him in front of his home.

Having served many years with John Stennis, I can honestly say that his leadership on the Appropriations Committee and on the floor of the Senate has been sorely missed during his absence. The strength and will he exhibited in his recovery are those very qualities which allowed him to overcome significant obstacles during his life of public service. It was in the best tradition of John Stennis.

I particularly welcome my distinguished colleague's return since he has always been a friend of the West and uniquely concerned about our needs.

Today, is highly satisfying for us all and we look forward to many more years of a close working relationship with one of our most able and respected colleagues.

Mr. SCHWEIKER. Mr. President, I rise today to join my colleagues to welcome the distinguished Senator from Mississippi (Mr. Stennis) back to the Senate.

His very presence in this Chamber is a great inspiration to all Americans. But at the same time it comes as no surprise to those of us who have had an opportunity to serve with him in the Senate and in the Senate Armed Services Committee. For it is the same remarkable fortitude, determination, leadership, and courage that have characterized JOHN STENNIS' service in the Senate that made possible his successful fight to overcome the gunshot wounds he suffered earlier this year. Our prayers were with Senator STENNIS and we are all glad that they were answered.

JOHN STENNIS has served the people of Mississippi as their U.S. Senator with dedication and distinction since 1947, and I for one am honored to be able to welcome him home today.

Mr. DOLE. Mr. President, I would like to join with my colleagues in welcoming back to this body a man who distinguishes it by his very presence, the Senator from Mississippi, JOHN STENNIS.

I can recall that my predecessor, Senator Frank Carlson, who was a great friend of Senator STENNIS, gave me some sound advice when I came to the Senate. He told me to keep an eye on men like Senator STENNIS for guidance and leadership. As a freshman Senator, I tried to follow that advice and have learned from JOHN STENNIS and men like him a great deal about the Senate, about national affairs and about public policy.

And the Nation has now learned a great deal from JOHN STENNIS about courage and fortitude. He has come back to the Senate after an absence of many weeks and after waging a serious personal battle he should never have had to fight.

His victory is a victory for the Senate and his return brings back to the Senate a voice of insight and intelligence that has been sorely missed.

Mr. BROOKE. Mr. President, it is a pleasure to welcome Senator STENNIS back. Our prayers for his recovery have been answered. His long ordeal is over and again we have witnessed his faith, courage, and steadfastness. He triumphantly fought unfavorable odds and we are grateful he is again among us. Suffice it to say: Welcome home, JOHN; we missed you; and we are glad you are back.

Mr. CRANSTON. Mr. President, that JOHN STENNIS joins us again in the Senate at this time, when moral leadership, honesty, fairness, faith, and good will are so badly needed in the leadership of our land, is deeply symbolic as we reconvene for the work lying before us.

JOHN STENNIS has contributed much to Congress and the country, as so many Senators have noted.

But I suspect that his greatest contributions lie before him, Congress, and the country.

For out of his ordeal, his trial by fire, out of the tests he has met, out of his time for reflection on life and its meaning and its challenges and its opportunities, his great character and his strong intellect will, I deeply believe, lead him to even greater heights. I believe that JOHN STENNIS will be best remembered not for all he has already done, but for all he will yet do.

Mr. RANDOLPH. Mr. President, today is truly a happy occasion as we welcome back the distinguished Senator from Mississippi, who again stands tall among us. His cherished presence is a tribute to his hardy ancestry and to his own staunch determination to pick up the reins and resume his vital mission.

We are grateful for the safe return of JOHN STENNIS from the ordeal of a vicious and reprehensible attack. From those first shattering moments, those of us who have served with him these many years knew that, with God's grace, he would return to us.

His inner strength, his character, his goodness, are qualities which sustained him even beyond the skills of medical science. The pure faith which he evinces and inspires gives us renewed belief that God is good and merciful. JOHN STENNIS, on whom much responsibility rests, knows the power of gentleness. He has long been a source of strength in our Wednesday prayer breakfast meetings.

I am reminded of the lines by John G. Whittier which were quoted to me by our former Chaplain, Dr. Frederick Brown Harris, as follows:

> The healing of His seamless dress
>   Is by our beds of pain;
> We touch Him in life's throng and press,
>   And we are whole again.

I join joyously with my colleagues in marking this day when this sage and stalwart servant comes home to the Hill to work again with us, in the Senate and in committees, on the public business.

Mr. PELL. Mr. President, integrity and a sense of honor are rare and wonderful qualities. Those qualities are more prevalent in this body than is generally recognized and in most other bodies around the world.

They are qualities exemplified by JOHN STENNIS. As he returns to the Senate at this time, at this juncture in our history, when the need for those qualities is so apparent and widespread, it is most fitting for all of us to say a prayer of thanks that his health—like the gentle rain from heaven—has come back to him. Moreover, as his friend, I am glad that he is back with us today.

Mr. PASTORE. Mr. President, I should like to say to my good friend JOHN STENNIS that the eloquence of this joyful day is not so much in what we say but in what each of us feels at this moment.

There has been a sense of emptiness in this Chamber during your absence, JOHN. Every time the roll was called by the clerk and your name was mentioned, there was a sense of emptiness in the hearts of each one of us.

Thank God, today that will be changed. The roll will be called and when we come to the name of JOHN STENNIS, once again we will hear that melodious, affectionate, and effective voice.

I must say to you, JOHN, that God has been good to you. He has provided you with a helpmate who gave you the strength and courage you needed in your moments of despair and discouragement. He has provided you with effective and talented doctors who were at your beck and call to make sure that every element of medical science would be called into play to make sure your life would be spared.

Today, you have come back to the scene of your love, the Senate of the United States.

It has been said here, time and time again, that no person in memory has exemplified the dignity and the quality of this great establishment, the Senate, more than you have. You have been a teacher and mentor to us all. For that, we are extremely grateful.

To sum up our feelings today in your happy return, JOHN, I want to say from the bottom of our hearts that we love you. We love you, and we are glad that you are back.

Mr. STENNIS. Mr. President, it is not within my power or ability to properly or sufficiently thank my colleagues for what has been said here today.

Let me emphasize in every way I can that I deeply appreciate your remarks. I believe that you meant them, which adds up, to me, to perhaps the greatest challenge I have ever faced.

This leads me to another kindred thought, certainly not to compliment myself but as a matter of fact and faith, that I believe and am confident that there was divine intervention that played a part in my physical recovery. That was expressed in various ways but I shall not go further into that now. But I hope that I am free to illustrate that when I was able to, I began to thank the surgeons as well as others who had contributed to my care.

First, the chief surgeon stopped me and said, "A higher hand got into this case." I think he meant exactly what he said. A higher hand did get into the case—in the operating room and in the subsequent care room.

How can a man meet that challenge? First, I am grateful. Next, with all of my ability, I will try.

I want again to thank each of you who sent messages, gifts, who prayed, who came to see me. Everyone could not come, and I could not see everyone, anyway. All those prayers and all of the other expressions added up and helped out greatly.

I had not had an emotional overflow or breakdown—if I may relate this—until they brought me a letter written in pencil from way out in the country in Mississippi. The writer related that they had heard this news, and he said, "My wife and I didn't know what to do. So we decided to go to the church. When we got there, we found over half of the people in the community already there." I was overcome with emotion.

I relate that because it is in keeping with what many of you have said. There is a high power, and that power intervenes.

In thanking everyone, I also want to thank my wonderful wife—I call her Miss Coy—for her fine and courageous, attention. I call her my commanding officer. Those were trying days for her.

I can only redeem what you said here today by doing my utmost as a Member of this body to carry on for our people and our Nation.

I want to mention another matter. It has been said to me that "You are going back to a different Senate from the one that you left there in January." I do not believe one word of that. It was said in a tone that carried implications, at least, that something has happened and the Members are not living up to their responsibilities. I do not believe this is true.

I know that there have been many times in the years I have been here when the membership has been perplexed, wandered around somewhat, could not find an answer. But in some way, it always worked out. An answer was found that was at least fairly satisfactory to the people and fairly well met the demands of the times, whether it was a domestic or a foreign question or policy. I believe this happened again. This body has a membership that has resources, talent, dedication, ability, and determination that are unbounded far beyond what may be the appearances at times.

I recall that when things were still hanging in the balance as to whether or not I would live—someone showed me a letter from Mrs. Grace Jordan of Idaho. In the last paragraph of that letter she said, "Hold on. Hold on." Her words were a stimulant. That is what we must do here—hold on; hold on. We shall find a way. Basically, our system is sound, our purposes are sound, and we shall find a way.

Thank you again, God bless you, now and in all the days and years ahead.

[Applause, Senators rising.]

RIGHTS-OF-WAY ACROSS CERTAIN FEDERAL LANDS—ALASKA PIPELINE

Mr. JACKSON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1081.

The PRESIDING OFFICER (Mr. HATHAWAY) laid before the Senate the amendments of the House of Representatives to the bill (S. 1081) "to authorize the Secretary of the Interior to grant rights-of-way across Federal lands where the use of such rights-of-way is in the public interest and the applicant for the right-of-way demonstrates the financial and technical capability to use the right-of-way in a manner which will protect the environment" which were to strike out all after the enacting clause, and insert:

TITLE I

SECTION 1. Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), is further amended by striking out the following: ", to the extent of the ground occupied by the said pipeline and twenty-five feet on each side of the same under such regulations and conditions as to survey, location, application, and use as may be prescribed by the Secretary of the Interior and upon," and by inserting in lieu thereof the following: ": *Provided*, That—

"(*a*) the width of a right-of-way shall not exceed fifty feet plus the ground occupied by the pipeline (that is, the pipe and its related facilities) unless the Secretary finds, and records the reasons for his finding, that in limited areas a wider right-of-way is necessary for operation and maintenance after construction, or to protect the environment or public safety. Related facilities include but are not limited to valves, pump stations, supporting structures, bridges, monitoring and communication devices, surge and storage tanks, terminals, roads, and campsites, and they need not necessarily be connected or contiguous to the pipe and may be the subjects of separate rights-of-way;

"(*b*) a right-of-way may be supplemented by such temporary permits for the use of public lands in the vicinity of the pipeline as the Secretary finds are necessary in connection with construction, operation, maintenance, modification, repair, or termination of the pipeline, or to protect the natural environment or public safety;

"(c) rights-of-way and permits shall be subject to such terms and conditions as the Secretary shall prescribe regarding duration, survey, location, construction, operation, maintenance, use, and termination; the Secretary shall impose requirements for the operation of the pipeline and related facilities in a manner that will protect the safety of workers and protect the public from sudden ruptures and slow degradation of the pipeline; and the Secretary shall also comply with section 102 of the National Environmental Policy Act (83 Stat. 853; 42 U.S.C. 4332), and impose requirements that will prevent to the extent practical any adverse environmental impact, including but not limited to requirements for restoration, revegetation, and curtailment of erosion of the surface of the land, and for protection of fish and wildlife and their habitat; and the Secretary shall report to the House and Senate Committees on Interior and Insular Affairs annually on the safety and environmental requirements imposed pursuant to this subsection;

"(d) permits and rights-of-way shall be limited to the shortest term practical;

"(e) in order to minimize adverse environmental impacts and to prevent the proliferation of separate rights-of-way across Federal lands, each oil or gas right-of-way or permit issued pursuant to section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185) shall reserve to the Secretary the right to grant additional rights-of-way or permits for compatible uses on or adjacent to the aforementioned oil or gas right-of-way under the same terms and conditions as prescribed in subsection (c);

"(f) the applicant for a right-of-way or permit shall reimburse the United States for administrative and other costs incurred in processing the application, and the grantee of a right-of-way or permit or the user thereof shall reimburse the United States for the costs incurred in monitoring the construction, operation, maintenance, and termination of any pipeline and related facilities on such right-of-way or permit area and shall pay annually in advance the fair market rental value of the right-of-way or permit, as determined by the Secretary;

"(g) the Secretary shall notify the House and Senate Committees on Interior and Insular Affairs promptly upon receipt of an application for a right-of-way for a pipeline twenty-four inches or more in diameter, and no right-of-way for such pipeline shall be granted until sixty days (not counting days on which the House of Representatives or the Senate has adjourned for more than three days) after a notice of intention to grant the right-of-way, together with the Secretary's detailed findings as to terms and conditions he proposes to impose, has been submitted to such committees, unless each committee by resolution waives the waiting period;

"(h) the Secretary, by regulation, shall establish procedures, including public hearings, where appropriate, to give Federal, State, and local government agencies and the public adequate notice and opportunity to comment upon right-of-way applications filed after the date this subsection becomes effective;

"(i) such rights-of-way shall contain.".

SEC. 2. Section 28 of the Mineral Leasing Act of 1920 is further amended by striking out ": *Provided further*, That no" and inserting "; (j) no".

SEC. 3. Section 28 of the Mineral Leasing Act is further amended by inserting after the words "common carriers" the additional words "for oil and gas produced on non-Federal lands and shall accept, convey, transport, or purchase without discrimination oil or gas delivered to the line".

SEC. 4. (a) Pipelines on public lands subject to this Act are subject to the provisions of the Gas Pipeline Safety Act of 1968.

(b) Quarterly, the Secretary of the Interior shall cause the examination of all pipelines and associated facilities on public lands and shall cause the prompt reporting of all leaks or potential leaks on such lands.

(c) The Secretary of the Interior shall report annually to the President, the Congress, the Secretary of Transportation and the Interstate Commerce Commission any potential dangers of or actual explosions or potential or actual spillage on public lands and shall include in such report a statement of corrective action taken to prevent such explosion or spillage.

TITLE II

SEC. 201. This title may be cited as the "Trans-Alaskan Pipeline Authorization Act".

SEC. 202. The Congress finds and declare that—

(a) The early delivery of oil and gas from Alaska's North Slope to domestic markets is in the national interest.

(b) Transportation of oil by pipeline from the North Slope to Valdez, and by tanker from Valdez to domestic markets, will best serve the immediate national interest.

(c) A supplemental pipeline to connect the North Slope with a trans-Canadian pipeline may be needed later, and it should be studied now, but it should not be regarded as a substitute for a trans-Alaskan pipeline that does not traverse a foreign country.

(d) The actions of the Secretary of the Interior heretofore taken with respect to the proposed trans-Alaskan oil pipeline shall be regarded as satisfactory compliance with the provisions of the National Environmental Policy Act of 1969.

SEC. 203. (a) The Secretary of the Interior is hereby authorized and directed to grant, in accordance with the provisions of section 28 of the Mineral Leasing Act of 1920, as amended by title I of this Act, but without the notice required by subsection 28(g), and without further action under the National Environmental Policy Act of 1969, notwithstanding the compliance requirement of subsection 28(c), and notwithstanding the provisions of any law other than said section 28 and this title II, such rights-of-way and permits as he finds necssary for the construction, operation, and maintenance of a trans-Alaskan oil pipeline.

(b) The route of the trans-Alaskan oil pipeline shall follow generally the route described in applications pending before the Secretary of the Interior on the date of this Act, except as this may be modified by the Secretary of the Interior or his designated representative to provide during construction greater environmental protection.

(c) The Secretary shall include in rights-of-way and permits granted pursuant to this title II terms and conditions that will in his judgment mitigate any adverse environmental impact. In such rights-of-way and permits, the Secretary shall also include terms and conditions providing for—

(1) liability on the part of the permittee or grantee to any Alaska Native or Native organization for injuries or damages sustained, arising from or growing out of any activity conducted by the holder of such rights-of-way or permits without regard to—

(A) whether the injury or damage complained of is due to negligence on the part of such holder; or

(B) ownership of any affected lands, structures, fish, wildlife, or biotic or other natural resources relied upon by such Alaska Native or Native organization for subsistence or economic purposes;

(2) determination of claims for injury or damages by such Alaska Native or Native organization by arbitration or judicial proceedings; and

(3) the provision, upon order of the Secretary or his delegate, by the holder of such rights-of-way or permits, of emergency subsistence and other aid to an affected Alaska

Native or Native organization pending expeditious filing of, and determination of, a claim.

Where the State of Alaska is the holder of a right-of-way or permit under this title, the State shall not be subject to the provisions of the preceding sentence but the holder of the permit or right-of-way for the trans-Alaska pipeline shall be subject to that sentence with respect to facilities constructed or activities conducted under rights-of-way or permits issued to the State to the extent that such holder engages in the construction, care, maintenance, or operation of facilities, or in other activities, under rights-of-way or permits issued to the State.

(d) No rights-of-way or permit which may be granted by the Secretary of the Interior under this title II, and no permit or other form of authorization which may be granted by any other Federal agency with respect to construction of the trans-Alaskan oil pipeline, and no public land order or other Federal authorization with respect to the construction of a public highway between the south bank of the Yukon River and Prudhoe Bay and generally parallel to the pipeline shall be subject to judicial review on the basis of the National Environmental Policy Act of 1969.

(e) The Secretary of the Interior shall take such affirmative action as he deems necessary to assure that no person shall, on the grounds of race, creed, color, national origin, or sex, be excluded from receiving, or participating in any activity conducted under, any permit, right-of-way, public land order, or other Federal authorization granted or issued under this title. The Secretary of the Interior shall promulgate such rules as he deems necessary to carry out the purposes of this subsection and may enforce this subsection, and any rules promulgated under this subsection, through agency and department provisions and rules which shall be similar to those established and in effect under title VI of the Civil Rights Act of 1964.

(f) Notwithstanding any other provisions of law, any action or proceeding, other than an action or proceeding brought by the United States, involving any right-of-way, permit, or other form of authorization granted with respect to the construction of the trans-Alaskan pipeline, to which the United States, any department, agency, or instrumentality of the United States, or any officer or employee of the United States, is a party, and which is not barred by subsection (d), shall be brought and heard only according to the provisions of this subsection. Any such action or proceeding shall be commenced within sixty days following the date of such a right-of-way, permit, or other form of authorization is issued and shall be brought in a United States district court, which shall have exclusive jurisdiction to hear such action or proceeding. Such an action or proceeding shall be heard by a three-judge district court appointed in the same manner as a three-judge district court appointed under section 2284 of title 28 of the United States Code. Any such action or proceeding shall be assigned for hearing at the earliest practicable date, shall take precedence over all other matters pending on the docket of the district court at that time, and shall be expedited in every way by such three-judge district court. Any review of an interlocutory or final judgment, decree, or order of such three-judge district court by any party to such action or proceeding may be had only upon direct appeal to the Supreme Court of the United States.

(g) Notwithstanding the provisions of subsection (e) of this section the Secretary of Labor shall be prohibited from issuing any short-term labor clearances to foreign nationals for construction, operation, and maintenance of the trans-Alaskan pipeline when unemployment in the United States is 4.5 per centum or above unless unemployed persons capable of performing such labor cannot be found in this country.

Sec. 204. A right-of-way or permit granted under this title II for a road or airport as a related facility of the trans-Alaskan pipeline may provide for the construction of a public road or airport.

Sec. 205. The grant of a right-of-way or permit pursuant to this title II shall grant no immunity from the operation of the Federal antitrust laws.

Sec. 206. Any crude oil transported over rights-of-way granted pursuant to section 28 of the Mineral Leasing Act of 1920 shall be subject to all of the limitations and licensing requirements, and penalty and enforcement provisions, of the Export Administration Act of 1969 (Act of December 30, 1960; 83 Stat. 841) and, in addition, before any crude oil subject to this section may be exported under the limitations and licensing requirements of the Export Administration Act of 1969 the President must make and publish an express finding that such exports are in the national interest: *Provided,* That no exports of crude oil subject to this section shall be made unless and until Congress adopts a concurrent resolution stating its agreement with the President's finding concerning the national interest.

Sec. 207. (a) Except when the holder of a permit or right-of-way granted pursuant to this title can prove that damages caused by the holder's activities conducted at any point along the route of the proposed trans-Alaskan pipeline were caused by an act of war or by negligence of the United States or other government, such holder shall be strictly liable to all damaged parties, including but not limited to private persons, Alaska Natives, Native organizations, and Federal and State governments, without regard to fault for such damages.

(b) (1) The Secretary shall direct as a term or condition of any permit or right-of-way issued pursuant to this title that, except when the holder of such permit or right-of-way can prove that damages resulting from discharges of oil in violation of section 11(b) (2) of the Federal Water Pollution Control Act (33 U.S.C. 1161(b) (2)) were caused by an act of war or by negligence of the United States or other government such holder shall be strictly liable without regard to fault to all parties, including but not limited to private persons and the Federal and State governments, for all damages resulting from such discharges of oil from, or involving vessels owned, charted, operated, or leased by or for such holder, affiliate of such holder, shareholder, partner, or other constituent part of the holder, where the cargo of such vessel is oil transported by the proposed trans-Alaskan pipeline. Any action taken pursuant to this subsection shall be brought in the appropriate United States court.

(2) For the purposes of this subsection, the term "affiliate" includes—

(A) any person or corporation owned or controlled by the permit holder or by a shareholder, partner, or other constituent part of the permit holder; or

(B) any person or corporation which owns a substantial interest in or controls the permit holder by—

(i) stock interest, or

(ii) representation on a board of directors or similar body, or

(iii) contract or other agreement with other stockholders, or

(iv) otherwise; or

(C) any person or corporation which is under common ownership or control with the permit holder.

(c) The Secretary is directed to require from the holder a bond that shall at all times be maintained and in force and effect in the full principal amount during construction, operation, and termination of the proposed trans-Alaskan pipeline. The amount of said bond shall be adequate to insure the payment of any final judgment recovered against the holder for loss or damage in actions arising under this section.

(d) If any area within or without the right-of-way granted under this title is polluted by any operation conducted by or on behalf of the person to whom such right-of-way was granted, and such pollution damages or threatens to damage aquatic life, wildlife, or public or private property, the control and total removal of the pollutant whatsoever found, proximately resulting therefrom shall be at the expense of such person, including any administrative and other costs incurred by the Secretary or any other Federal officer or agency. Upon failure of such person to adequately control and remove such pollutant the Secretary, in cooperation with other Federal, State, or local agencies, or in cooperation with such person, or both, shall have the right to accomplish the control and removal at the expense of such person.

Sec. 208. (a) The Secretary of the Interior is directed to report at least semiannually to the House and Senate Committees on Interior and Insular Affairs on the progress of construction of the proposed trans-Alaskan pipeline and related facilities and on the implementation of environmental stipulations attached to any permits or rights-of-way for the proposed trans-Alaskan pipeline. The first report shall be made no later than six months from the date of any permit or right-of-way granted pursuant to this title. Further reports shall be made at no greater than six-month intervals from the last prior report made.

(b) The Secretary shall issue a cease-and-desist order to halt construction of the proposed trans-Alaskan pipeline and related facilities at any time whenever he finds that the stipulations attached to permits or rights-of-way issued pursuant to this title are not being implemented or that significant damage to the environment, unforeseen at the time at which permits or rights-of-way were issued for the proposed trans-Alaskan pipeline, may occur if construction is not halted.

Sec. 209. (a) The Secretary of the Interior is authorized and directed to investigate the feasibility of one or more oil or gas pipelines from the North Slope of Alaska to connect with a pipeline through Canada that will deliver oil or gas to United States markets. The cost of making the investigation shall be charged to any future applicant who is granted a right-of-way for one of the routes studied. The Secretary shall submit to the Congress periodic reports of his investigation, and the final report of the Secretary shall be submitted to the Congress within two years from the date of this Act.

(b) The President is authorized and requested to enter into negotiations with the Government of Canada to determine (1) the terms and conditions under which pipelines or other transportation systems could be constructed across Canadian territory for the transport of oil and gas from Alaska's North Slope to markets in the United States, and (2) the feasibility, consistent with the needs of other sections of the United States, of acquiring additional oil export commitments from the Government of Canada that would make unnecessary the shipment of oil from the Alaskan pipeline by tanker into the Puget Sound area. The President shall report to the Congress the actions taken, the progress achieved, the areas of disagreement, and the matters about which more information is needed, together with his recommendations for further action.

(c) Nothing in this section shall limit the authority of the Secretary of the Interior, or any other Federal official, to grant a gas pipeline right-of-way or permit which he is otherwise authorized by law to grant.

Sec. 210. The words "trans-Alaskan pipeline", wherever used in this title, mean that pipeline system, including related facilities, described in the "Final Environmental Impact Statement, Proposed Trans-Alaskan Pipeline".

SEC. 211. Notwithstanding any other provision of law, and unless the Secretary of the Interior shall determine it to be inconsistent with the public interest, only such unmanufactured articles, materials, and supplies as have been mined or produced in the United States, and only such manufactured articles, materials, and supplies as have been manufactured in the United States substantially all from articles, materials, or supplies mined, produced, or manufactured, as the case may be, in the United States, shall be used in the construction, operation, and maintenance of the trans-Alaskan pipeline, and related facilities authorized under this Act. This section shall not apply with respect to articles, materials, or supplies—

(a) for use outside the United States;

(b) if articles, materials, or supplies of the class or kind to be used or the articles, materials, or supplies from which they are manufactured are not mined, produced, or manufactured, as the case may be, in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality; or

(c) purchased, or contracted for, before August 2, 1973.

SEC. 212. If any provision of this Title or Title I of this Act or the applicability thereof is held invalid the remainder of such Title shall not be affected thereby.

And amend the title so as to read: "An Act to amend section 28 of the Mineral Leasing Act of 1920, and to authorize a trans-Alaska oil and gas pipeline, and for other purposes."

Mr. JACKSON. Mr. President, I move that the Senate disagree to the amendments of the House and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. JACKSON, Mr. BIBLE, Mr. JOHNSTON, Mr. HASKELL, Mr. FANNIN, Mr. HANSEN, and Mr. HATFIELD, conferees on the part of the Senate.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. HASKELL) laid before the Senate the following communications and letters, which were referred as indicated:

PROPOSED AMENDMENT TO THE BUDGET, 1974, FOR DISASTER RELIEF (S. DOC. NO. 93–36)

A communication from the President of the United States, received by the Secretary of the Senate on August 7, 1973, under authority of the order of the Senate of August 3, 1973, transmitting a proposed budget amendment for fiscal year 1974, in the amount of $300,000,000 in budget authority for funds appropriated for disaster relief (with an accompanying paper). Referred to the Committee on Appropriations and ordered to be printed.

PROPOSED AMENDMENT TO THE BUDGET, 1974 FOR DEPARTMENT OF COMMERCE (S. DOC. NO. 93–35)

A communication from the President of the United States, received by the Secretary of the Senate on August 15, 1973, under authority of the order of the Senate of August 3, 1973, transmitting a proposed amendment to the request for appropriations transmitted in the budget for the fiscal year 1974, in the amount of $5,000,000, for the Department of Commerce (with an accompanying paper). Referred to the Committee on Appropriations and ordered to be printed.

INTERCHANGE OF JURISDICTION

A letter from the Secretaries of Army and Agriculture giving notice, pursuant to law of the intention of the Departments to interchange jurisdiction of civil works and National Forest lands at Clark Hill Lake in South Carolina (with accompanying papers). Referred to the Committee on Agriculture and Forestry.

REPORT OF THE DEPARTMENT OF AGRICULTURE

A letter from the Assistant Secretary of Agriculture reporting, pursuant to law, on the use of funds to support executive dining rooms or similar facilities. Referred to the Committee on Appropriations.

REPORT OF THE DEPARTMENT OF TRANSPORTATION

A letter from the Secretary of Transportation reporting, pursuant to law, on the use of funds to support executive dining room facilities. Referred to the Committee on Appropriations.

REPORT OF THE DEPARTMENT OF JUSTICE

A letter from the Acting Assistant Attorney General reporting, pursuant to law, on the use of funds in support of executive dining rooms. Referred to the Committee on Appropriations.

REPORT OF THE DEPARTMENT OF DEFENSE

A letter from the Assistant Secretray of Defense transmitting, pursuant to law, a report of the estimated value, by country, of support furnished from military functions appropriations for support of Vietnamese and other free world forces in Vietnam and support of local forces in Laos (with an accompanying report). Referred to the Committee on Appropriations.

REPORT OF THE DEPARTMENT OF DEFENSE

A letter from the Assistant Secretary of Defense reporting, pursuant to law, on the value of property, supplies, and commodities provided by the Berlin Magistrate and under German Offset Agreement for the quarter April 1. 1973 through June 30, 1973. Referred to the Committee on Appropriations.

REPORT OF THE DEPARTMENT OF THE AIR FORCE

A letter from the Secretary of the Air Force transmitting, pursuant to law, a report entitled "Semi-Annual Experimental, Development, Test and Research Procurement Action Report (with an accompanying report). Referred to the Committee on Armed Services.

REPORT OF THE DEPARTMENT OF THE ARMY

A letter from the Secretary of the Army transmitting, pursuant to law, reports of the number of officers on duty with Headquarters, Department of the Army and detailed to the Army General Staff on 30 June 1973 (with accompanying reports). Referred to the Committee on Armed Services.

REPORT OF THE DEPARTMENT OF DEFENSE

A letter from the Deputy Secretary of Defense transmitting, pursuant to law, a report on funds obligated in the chemical warfare and biological research programs during the second half of fiscal year 1973 (with an accompanying report). Referred to the Committee on Armed Services.

REPORT OF THE DEPARTMENT OF STATE

A letter from the Acting Assistant Secretary of State transmitting, pursuant to law, a report showing the assistance-related expenditures for Laos during the fourth quarter of fiscal year 1973 and for the entire fiscal year (with an accompanying report). Referred to the Committee on Armed Services.

REPORT OF THE DEPARTMENT OF THE ARMY

A letter from the Acting Assistant Secretary of the Army transmitting, pursuant to law, a report on Department of the Army research and development contracts (with an accompanying report). Referred to the Committee on Armed Services.

REPORT OF THE DEPARTMENT OF THE NAVY

A letter from the Deputy Chief of Naval Material transmitting, pursuant to law, the semiannual report of research and development procurement actions of $50,000 and over (with an accompanying report). Referred to the Committee on Armed Services.

REPORT OF THE DEPARTMENT OF DEFENSE

A letter from the Assistant Secretary of Defense submitting, pursuant to law, a report of Department of Defense procurement from small and other business firms for July 1972–May 1973 (with an accompanying report). Referred to the Committee on Banking, Housing and Urban Affairs.

REPORT OF THE EXPORT-IMPORT BANK OF THE UNITED STATES

A letter from the Chairman of the Export-Import Bank of the United States reporting, pursuant to law, on the approval of loans, guarantees, and insurance in support of U.S. exports to certain foreign countries. Referred to the Committee on Banking, Housing and Urban Affairs.

REPORT OF THE NATIONAL TRANSPORTATION SAFETY BOARD

A letter from the chairman of the National Transportation Safety Board transmitting, pursuant to law, the annual report of the Board (with an accompanying report). Referred to the Committee on Commerce.

REPORT OF THE FEDERAL MARITIME COMMISSION

A letter from the chairman of the Federal Maritime Commission transmitting, pursuant to law, the annual report of the Federal Maritime Commission (with an accompanying report). Referred to the Committee on Commerce.

REPORT OF THE NATIONAL RAILROAD PASSENGER CORPORATION

A letter from the vice president of the National Railroad Passenger Corporation transmitting, pursuant to law, the report of the Corporation for the month of April 1973 (with an accompanying report). Referred to the Committee on Commerce.

REPORT OF THE FEDERAL TRADE COMMISSION

A letter from the chairman of the Federal Trade Commission transmitting, pursuant to law, a supplemental report on cigarette labeling and advertising dated December 31, 1972 (with an accompanying report). Referred to the Committee on Commerce.

REPORT OF THE NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

A letter from the chairman of the National Advisory Committee on Oceans and Atmosphere transmitting, pursuant to law, the committee's annual report (with an accompanying report). Referred to the Committee on Commerce.

PROPOSED LEGISLATION FOR THE DISTRICT OF COLUMBIA

Two letters from the Mayor-Commissioner of the District of Columbia transmitting two drafts of proposed legislation relating to higher education in the District of Columbia, and to increase the compensation of the Vice Chairman and other members of the District of Columbia Council (with accompanying papers). Referred to the Committee on the District of Columbia.

REPORT OF THE BOARD OF FOREIGN SCHOLARSHIPS

A letter from the Chairman of the Board of Foreign Scholarships transmitting, pursuant to law, the annual report entitled

"Report on Exchanges" (with an accompanying report). Referred to the Committee on Foreign Relations.

INTERNATIONAL AGREEMENTS OTHER THAN TREATIES

A letter from the Assistant Legal Adviser of the Department of State transmitting, pursuant to law, agreements other than treaties between the United States and certain foreign countries (with accompanying papers). Referred to the Committee on Foreign Relations.

REPORT OF THE GENERAL ACCOUNTING OFFICE

A letter from the Comptroller General of the United States transmitting, pursuant to law, a list of reports of the General Accounting Office for the month of July 1973 (with an accompanying report). Referred to the Committee on Government Operations.

REPORT OF THE COMPTROLLER GENERAL

Five letters from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Assessment of Federal and State Enforcement Efforts To Control Air Pollution From Stationary Sources"; a report entitled "Clarifying Webb-Pomerene Act Needed To Help Increase U.S. Exports"; a report entitled "Economic Development Programs in Bedford-Stuyvesant, Brooklyn, N.Y., Under the Special Impact Program"; a report entitled "Greater Use of Flight Simulators in Military Pilot Training Can Lower Costs and Increase Pilot Proficiency"; and a report entitled "Implementation of Emergency Loan Guarantee Act" (with accompanying reports). Referred to the Committee on Government Operations.

PROPOSED LEGISLATION BY THE GENERAL SERVICES ADMINISTRATION

A letter from the Administrator of General Services transmitting a draft of proposed legislation to authorize the Administrator of General Services to enter into multiyear leases through use of the automatic data processing fund without obligating the total anticipated payments to be made under such leases (with accompanying papers). Referred to the Committee on Government Operations.

ORDERS OF THE IMMIGRATION AND NATURALIZATION SERVICE

Six letters from the Acting Commissioner of the Immigration and Naturalization Service transmitting, pursuant to law, orders entered by the Service regarding certain aliens (with accompanying papers). Referred to the Committee on the Judiciary.

ACTION BY THE INTERNATIONAL LABOR CONFERENCE

A letter from the Assistant Secretary of State transmitting pursuant to law, the texts of certain instruments adopted by the International Labor Conference at Geneva, Switzerland, on October 30, 1970 (with accompanying papers). Referred to the Committee on Labor and Public Welfare.

REPORT OF THE PUBLIC HEALTH SERVICE

A letter from the Secretary of Health, Education, and Welfare transmitting, pursuant to law, the annual report for fiscal year 1972 of the Public Health Service (with an accompanying report). Referred to the Committee on Labor and Public Welfare.

REPORT OF THE ENVIRONMENTAL PROTECTION AGENCY

A letter from the Assistant Administrator of the Environmental Protection Agency transmitting, pursuant to law, a report showing the number of employees and grades employed by the Agency on June 30, 1972 and June 30, 1973 (with accompanying papers). Referred to the Committee on Post Office and Civil Service.

AGREEMENTS ON WATER RESOURCE PROJECTS

A letter from the Acting Special Assistant to the Secretary of the Army transmitting, pursuant to law, a report concerning required cooperation agreements on water resource projects (with an accompanying report). Referred to the Committee on Public Works.

ENERGY AND THE ENVIRONMENT—ELECTRIC POWER

A letter from a member of the Council on Environmental Quality transmitting a report entitled "Energy and the Environment-Electric Power" (with an accompanying report). Referred to the Committee on Public Works.

PROPOSED LEGISLATION BY THE VETERANS' ADMINISTRATION

A letter from the Deputy Administrator of the Veterans' Administration transmitting a draft of proposed legislation to provide for the automatic guaranty of mobile home loans (with accompanying papers). Referred to the Committee on Veterans' Affairs.

REPORT OF THE SECRETARY OF THE SENATE (S. Doc. No. 93–34)

A letter from the Secretary of the Senate transmitting, pursuant to law, a report of the receipts and expenditures of the Senate from January 1, 1973, through June 30, 1973 (with an accompanying report). Ordered to lie on the table, and to be printed.

REPORT OF THE ARCHITECT OF THE CAPITOL (S. Doc. 93–33)

A letter from the Architect of the Capitol transmitting, pursuant to law, a report of all expenditures during the period January 1, 1973 through June 30, 1973 (with an accompanying report). Ordered to lie on the table, and to be printed.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. HASKELL):

A joint resolution of the Legislature of the State of Alabama. Referred to the Committee on the Judiciary:

"SENATE RESOLUTION 6

"Applying to the Congress for a convention to propose an amendment to the Constitution of the United States

"Be it resolved by the Legislature of the State of Alabama, both Houses thereof concurring, That said Legislature, hereby and pursuant to Article V of the Constitution of the United States, makes application to the Congress of the United States to call a convention for the proposing of the following amendment to the Constitution of the United States: No student shall be assigned to nor compelled to attend any particular public school on account of race, religion, color or national origin.

"Be it further resolved, That this application by the Legislature of the State of Alabama constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the legislatures of the several states have made similar applications pursuant to Article V, but if Congress proposes an amendment to the Constitution identical with that contained in this resolution before January 1, 1974, this application for a state application shall no longer be of any force or effect; and

"Be it further resolved, That since this method of proposing amendments to the Constitution has never been completed to the point of calling a convention and no interpretation of the power of the states in the exercise of this right has ever been made by the court or any qualified tribunal, if there be such, and since the exercise of the power is a matter of basic sovereign rights and the interpretation thereof is primarily in the sovereign government making such exercise and since the power to use such right in full also carries the power to use such right in part the Legislature of the State of Alabama interprets Article V to mean that if two-thirds of the states make application for a convention to propose an identical amendment to the Constitution for ratification with a limitation that such amendment be the only matter before it, that such convention would have power only to propose the specified amendment and would be limited to such proposal and would not have power to vary the text thereof nor would it have power to propose other amendments on the same or different propositions; and

"Be it further resolved, That a duly attested copy of this resolution be immediately transmitted to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States, to each member of the Congress from this State and to each House of each State Legislature in the United States."

A concurrent resolution of the Legislature of the State of Delaware. Referred to the Committee on the Judiciary:

"SENATE CONCURRENT RESOLUTION NO. 14

"Applying to the Congress for a convention to propose an amendment to the Constitution of the United States

"Be it resolved by the Senate of the 127th General Assembly, the House of Representatives concurring therein, that the General Assembly of the State of Delaware hereby, and pursuant to Article V of the Constitution of the United States, makes application to the Congress of the United States to call a convention for the proposing of the following amendment to the Constitution of the United States:

" 'ARTICLE —

" 'No student shall be assigned to nor compelled to attend any particular public school on account of race, religion, color or national origin.'

"Be it further resolved that this application by the General Assembly of the State of Delaware constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the legislatures of the several states have made similar applications pursuant to Article V, but if Congress proposes an amendment to the Constitution identical with that contained in this resolution before January 1, 1974, this application for a state application shall no longer be of any force or effect.

"Be it yet further resolved that since this method of proposing amendments to the Constitution has never been completed to the point of calling a convention and no interpretation of the power of the states in the exercise of this right has ever been made by any court or any qualified tribunal, if there be such, and since the exercise of the power is a matter of basic sovereign rights and the interpretation thereof is primarily in the sovereign government making such exercise and since the power to use such right in full also carries the power to use such right in part the General Assembly of the State of Delaware interprets Article V to mean that if two-thirds of the states make application for a convention to propose an identical amendment to the Constitution for ratification with a limitation that such amendment be the only matter before it, that such convention would have power only to propose the specified amendment and would be limited to such proposal and would not have power to vary the text thereof nor would it have power to propose other amendments on the same or different propositions.

"Be it yet further resolved that a duly attested copy of this resolution be immediately transmitted to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United

States, to each member of the Congress from this State and to each House of each State Legislature in the United States."

A resolution of the House of the General Assembly of the State of Illinois. Referred to the Committee on the Judiciary:

"House Resolution 113

"Whereas, The United States Supreme Court has recently placed on the United States Constitution a construction that is contradictory to the convictions of the people of the United States about the value of human life; and

"Whereas, The sweeping judgment of the United States Supreme Court in the Texas and Georgia abortion cases is a flagrant rejection of the unborn child's right to life through the full nine month gestation period; and

"Whereas, Human life in the womb is entitled to the protection of laws which ought not be abridged by act of any court or legislature or by any judicial interpretation of the Constitution of the United States; therefore, be it

"Resolved, By the House of Representatives of the Seventy-eighth General Assembly of the State of Illinois, that the Congress of the United States is hereby urged and requested to adopt a Constitutional Amendment that will guarantee the explicit protection of all unborn human life throughout its development subordinate only to saving the life of the mother, and will guarantee that no human life shall be denied equal protection of law or deprived of life on account of age, sickness or condition of dependency and that Congress and the several states shall have the power to enfore this article by appropriate legislation; and, be it further

"Resolved, That copies of this preamble and resolution be forwarded by the Secretary of State to the Illinois congressional delegation, the Secretary of the United States Senate, the Clerk of the United States House of Representatives, chairmen of the Judiciary Committees of the United States Senate and House of Representatives, the Attorney General of the United States and the President of the United States.

"Adopted by the House, May 9, 1973."

A concurrent resolution of the Legislature of the State of New York. Referred to the Committee on the Judiciary:

"Resolution No. 128

"Concurrent Resolution of the Legislature of the State of New York memorializing Congress to declare February fifteenth, the birthday of Susan Brownell Anthony a national legal holiday

"Whereas, Susan Brownell Anthony was for many years a guiding force in the fight for human dignity for all people; and

"Whereas, Susan Brownell Anthony dedicated the major portion of her life to ensuring the extension of the franchise to all the women of the United States of America; and

"Whereas, Susan Brownell Anthony devoted much of her time and talent to education and in particular to opening the doors of universities to talented women; and

"Whereas, Susan Brownell Anthony centered most of her activities in New York State and maintained her home in the city of Rochester where she is buried; and

"Whereas, Susan Brownell Anthony exemplified the forces of leadership, determination and dedication so necessary to the establishment and continuance of this nation; now, therefore, be it

"Resolved (if the Assembly concur), That the Congress of the United States of American be and it hereby is, memorialized to declare February fifteenth, the birthday of Susan Brownell Anthony, a national legal holiday; and be it further

"Resolved (if the Assembly concur), That the Secretary of State of New York State be requested to transmit an attested copy of this concurrent resolution to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States and to each member of Congress from the State of New York."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EAGLETON, from the Committee on the District of Columbia, with amendments:

H.R. 4771. An act to authorize the District of Columbia Council to regulate and stabilize rents in the District of Columbia (Rept. No. 93–384).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. CURTIS:

S. 2374. A bill to amend the Antidumping Act, 1921, to provide for a substituted constructed value in the case of certain imported merchandise. Referred to the Committee on Finance.

By Mr. COOK:

S. 2375. A bill for the relief of Adela Concepcion Renderos. Referred to the Committee on the Judiciary.

By Mr. HUMPHREY:

S. 2376. A bill for the relief of Miss Owenee Gloria Weerackody. Referred to the Committee on the Judiciary.

By Mr. HELMS:

S. 2377. A bill for the relief of Hoy Wha Tang (Howard Tang). Referred to the Committee on the Judiciary.

By Mr. HARTKE:

S. 2378. A bill to amend the Internal Revenue Code of 1954 to encourage State and local governments to decrease their reliance on real property taxes as the principal means of funding expenditures for education by allowing a credit against Federal income tax for State and local income taxes imposed to fund such expenditures. Referred to the Committee on Finance.

By Mr. SCOTT of Pennsylvania:

S. 2379. A bill for the relief of the H. & H. Manufacturing Co., Inc. Referred to the Committee on the Judiciary.

By Mr. WILLIAMS (for himself, Mr. Case, Mr. Cranston, Mr. Gravel, Mr. Hart, Mr. Hughes, Mr. Mathias, Mr. Moss, Mr. Muskie, and Mr. Pell):

S.J. Res. 151. A joint resolution establishing a Commission on United States participation in the United Nations. Referred to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARTKE:

S. 2378. A bill to amend the Internal Revenue Code of 1954 to encourage State and local governments to decrease their reliance on real property taxes as the principal means of funding expenditures for education by allowing a credit against Federal income tax for State and local income taxes imposed to fund such expenditures. Referred to the Committee on Finance.

Mr. HARTKE. Mr. President, there was a time in the history of this Nation that the real property tax served a useful purpose. Local government services had to be financed, and the property tax was the best means to accomplish this goal. That time has long since passed.

Once, property holdings were a good indication of wealth; but, today, wealth consists only incidentally of property holdings. Substantial income is derived from investments and businesses. Nevertheless, many people with moderate incomes buy expensive homes because the housing and mortgage markets are so tight. It is these people together with the aged who live on fixed incomes who have suffered so much when property taxes have been raised.

A family with an income of $5,000, for example, pays an average of 2.5 percent of its income for property taxes, while a family with an income of more than $15,000 spends less than 1.5 percent of its income for the same purpose. In States such as New York, the contrast is even more drastic. There, a family with an income of $10,000 pays 4 percent of its income in property taxes, while the comparable figure for a family with an income of $70,000 is only 1.4 percent.

Between 1960 and 1968, the median local residential property tax for a nonfarm homeowner rose from 2.7 percent to an estimated 4 percent, and the number of homeowners paying more than 10 percent of income for property taxes rose from 1.6 million to an estimated 3.1 million.

According to a study conducted in 1971 by the Congressional Research Service, the regressive nature of the property tax is probably as damaging to rural areas as it is to urban areas.

Mr. President, the property tax is destroying our communities. Because most property tax structures place low taxes on agricultural and unimproved land, this tax discourages the orderly transference of land use from farm to suburb while it encourages speculation in land on the fringes of metropolitan areas. It is a tax administered by local subdivisions of government without much thought to regional concerns and needs.

Of paramount importance, however, is the fact that spiraling costs for public education have caused local governments to raise property taxes to ever higher levels and to seek high revenue-producing land uses while resisting those uses which would not produce significant property tax revenue. In such an environment, both education and the community suffer. Communities throughout the Nation are rejecting proposed school budgets as part of a taxpayers' revolt against increasing property taxes. In many areas, high property taxes discourage the building of new homes and apartments, thus denying the housing needed to supply manpower for the local economy.

In the face of inequities and inefficiencies of the property tax, many school districts have been forced to adopt austerity budgets. Still others have found it necessary to close their doors during part of the school year because they did not have the money to pay salaries. The existence of a democratic society depends upon a sound educational system; yet, education in the United States is endangered by a chronic shortage of funds.

To meet this need, I am introducing

legislation today which will encourage State and local governments to abandon the property tax as a major source of revenue for public education. In essence, it provides a 50-percent Federal tax credit for those State and local government taxes imposed specifically to finance public education. In jurisdictions where such educational opportunity taxes are imposed, the Federal Government will provide 50 percent rebate to every individual taxpayer in the form of absolute reduction in Federal tax liability.

Before discussing the details of my proposal, it is important to understand the advantages which the tax-credit approach has over other alternatives. In an effort to solve the financial crisis in education, one possible solution would be to provide drastic increases in Federal aid. Although I remain committed to existing programs of Federal aid and to the need to increase the funding of those programs, I do not believe that massive Federal grants provide an answer to the educational crisis facing our Nation.

The history of Federal grant-in-aid programs is a history of a burgeoning bureaucracy. Taxpayers have a right to a detailed accounting of the expenditure of public funds. In providing that accounting, mounds of rules, regulations, procedures, and paperwork have been created. While this bureaucratic redtape is useful in some areas, it is harmful to the education process because it forces local communities to adapt their programs to Federal requirements, rather than encouraging the Federal Government to adapt their programs to local needs. In making these comments, I do not pass judgment on existing Federal programs to aid education; rather, I am suggesting that the expansion of those programs to replace a substantial portion of the funds now contributed through local government taxation would be a tragic mistake.

In rejecting the Federal grant-in-aid approach, I am also concerned about the continuing trend of looking to Washington to solve the problems of our communities. That trend is fostered by the inescapable fact that the Federal Government has the best means to raise large amounts of revenue, but—as I demonstrated when I introduced S. 1162 during the 92d Congress—State and local governments are not making efficient use of their present taxing powers.

The continuing reliance on Washington has eroded the feeling of responsibility which each community has for its own needs. I regard the existing web of Federal grant programs to be dangerous to the extent that they encourage people to believe that not only the money but also the concern and the solution will come from Washington and that local concern can be reduced in proportion to the amount of Federal aid. In the field of public education, this trend could have a disastrous impact. The cry of students and parents these past few years has been to make education relevant to community needs. No Federal grant-in-aid program can be as effective in accomplishing this goal as a local program. At the same time, local governments do not have the money needed to be innovative. The tax credit proposal I am introducing today enables the Federal Government to assist financially, while keeping the primary responsibility for innovation, administration, and public accountability at the State and local levels.

In recent years, there has been a blossoming discussion about the value-added tax, or VAT. In its simplest terms, this amounts to a new method of levying a retail sales tax. The tax is computed on the value added at each stage of the economic chain. For example, a manufacturer applies the VAT tax to its sales and then subtracts the VAT tax it has paid on its purchases. The net is payable to the Government. The manufacturer bills its wholesalers for the VAT tax, just as it was earlier billed for that tax by its suppliers. The wholesaler in turn pays the Government the VAT tax on its sales, less the taxes the company has previously paid on its purchases, and then bills the VAT tax to its customers. The process is repeated again at the retail stage, with the retailer charging its customers for the VAT tax.

Clearly this is a retail sales tax because all businesses involved in the economic chain can pass the tax along to the next link in that chain. The consumer, however, can do no such thing. He pays the VAT tax when he buys the product from the retailer. And with equal clarity, it can be seen that the VAT tax is a regressive tax. Those with income less than $10,000 account for more than 80 percent of all consumer expenditures. It is the low- and middle-income consumer who will bear the major burden of any VAT tax, and it is our economy which would be forced to bear the burden of renewed inflation which the VAT tax would almost certainly instigate.

Because of the weaknesses of these two approaches, my proposal is based on a third alternative—that of tax credits. Any taxpayer in a jurisdiction which has adopted an educational tax would be eligible for a 50-percent credit against his Federal income tax. If, for example, his State government imposed an educational tax which required him to pay $100 more in State taxes, he would get a tax credit of $50 on his Federal tax return. Carrying this example one step further, if the same taxpayer's Federal tax liability was $150, the deduction of the $50 credit would give him a Federal tax liability of only $100.

The tax credit I have proposed applies both to State and local educational income taxes. Only those income taxes imposed by a State or a political subdivision of a State whose proceeds are used only for educational purposes, or that specified portion of a State or local income tax which may be used only for education purposes would be eligible for the 50-percent Federal tax credit. There is a further requirement that qualified State and local educational taxes would have to be certified by the Secretary of Health, Education, and Welfare to meet the following standards:

First, per pupil expenditures for educational purposes made by the State or political subdivision imposing the tax during the most recent fiscal year for which statistics are available must not be less than the per pupil expenditures for educational purposes made by that State or political subdivision during its fiscal year ending in 1972; and

Second, the portion of the total expenditures for educational purposes made by the State or political subdivision imposing the tax during such most recent fiscal year which was attributable to revenue from taxes on real property must be less than the portion of the total expenditures for educational purposes made by that State or political subdivision during its fiscal year ending in 1972 which was attributable to revenue from taxes on real property.

By placing these certification requirements on qualified educational taxes, my proposal seeks to assure that Government units which adopt such a plan will not reduce per pupil expenditures and that those governmental units which seek to take advantage of the Federal tax credit provided in my bill adopt a plan of income taxation which results in a proportionate lowering of the proportion of real estate tax revenues used to finance public education.

The maximum total credit allowed for State and local educational taxes would be 24 percent of the taxpayer's Federal income tax liability. The bill does not determine the proportion of total tax credit that will be available to the State or to localities within a State. In other words, any combination of credits that added to 24 percent of the taxpayer's Federal tax liability would be acceptable under this bill.

The pressure from recent court decisions seems to be in the direction of greater State financing of education. The bill remains flexible on this still-unsettled issue. It also would permit local initiative in the absence of State action. A municipality could move immediately to an educational income tax and claim the full 24 percent credit although other taxing districts and the State delayed action.

A table appearing at the conclusion of my remarks, indicates that the tax credit concept has great potential for relief if the States and localities are only willing to place increased reliance upon the individual income tax as a revenue-raising device. Because current data on local income tax collections are not available, the table focuses on the possible State gain exclusively. Column 4 of the table shows that the potential benefit to the States is in excess of $32 billion. These new funds could be used to improve schools and lower property taxes concurrently.

Mr. President, I am proposing legislation that encourages local responsibility and control, that promises greater tax equity and that can pave the way for more equal education for all our citizens. I ask unanimous consent that the text of the bill and the table to which I have referred be printed in the RECORD immediately following my remarks.

There being no objection, the bill and table were ordered to be printed in the RECORD, as follows:

S. 2378

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subpart A of part IV of subchapter A of chapter

1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended by renumbering section 42 as 43, and by inserting after section 41 the following new section:

"SEC. 42. STATE AND LOCAL EDUCATIONAL INCOME TAXES.

"(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed, as a credit against the tax imposed by this chapter, an amount equal to 50 percent of the qualified State and local educational income taxes imposed on such individual and paid by him during the taxable year.

"(b) LIMITATIONS.—

"(1) STATE AND LOCAL INCOME TAXES.—The total under subsection (a) for any taxable year attributable to qualified State and local educational income taxes paid during the taxable year shall not exceed an amount equal to 24 percent of the tax imposed on the taxpayer by this chapter for the taxable year.

"(2) APPLICATION WITH SECTION 164.—The credit under subsection (a) for any taxable year, when added to the taxpayer's State and local educational income tax deduction benefit for the taxable year, shall not exceed the amount of qualified State and local educational income taxes imposed on the taxpayer and paid by him during the taxable year. For purposes of this subsection, a taxpayer's State and local educational income tax deduction benefit for the taxable year is the amount by which (A) the tax imposed by this chapter on the taxpayer for the taxable year is less than (B) the tax which would be so imposed if the qualified State and local educational income taxes were not allowable as a deduction under section 164.

"(c) DEFINITIONS.—For purposes of this section—

"(1) STATE AND LOCAL EDUCATIONAL INCOME TAXES.—The terms 'State educational income tax' and 'local educational income tax' mean (A) an income tax imposed by a State or a political subdivision of a State, as the case may be, the proceeds of which may be used only for educational purposes or (B) a specified portion or percentage of an income tax imposed by a State or a political subdivision of a State, as the case may be, which portion or percentage may be used only for educational purposes.

"(2) QUALIFIED STATE AND LOCAL EDUCATIONAL INCOME TAXES.—The terms 'qualified State educational income tax' and 'qualified local educational income tax' mean, with respect to taxes imposed during a fiscal year of a State or political subdiivsion, a State educational income tax or local educational income tax, as the case may be, with respect to which the Secretary of Health, Education, and Welfare has certified to the Secretary or his delegate that—"(A) the per-pupil expenditures for educational purposes made by the State or political subdivision imposing the tax during the most recent fiscal year for which statistics are available were not less than the per-pupil expenditures for educational purposes made by that State or political subdivision during its fiscal year ending in 1972, and "(B) the portion of the total expenditures for educational purposes made by the State or political subdivision imposing the tax during such most recent fiscal year which was attributable to revenues from taxes on real property is less than the portion of the total expenditures for educational purposes made by that State or political subdivision during its fiscal year ending in 1972 which was attributable to revenues from taxes on real property.

"(3) EDUCATIONAL PURPOSES.—The term 'educational purposes' includes the acquisition of land and the construction and acquisition of facilities to be used for educational purposes and the payment of interest on, and retirement of principal of indebtedness incurred for such purposes.

"(d) SPECIAL RULES.—For purposes of this section—

"(1) TAXES ON PARTNERSHIPS.—Qualified state or local educational income taxes imposed on and paid by a partnership shall be treated as imposed on and paid by each partner in an amount equal to his distributive share of such taxes.

"(2) TAXES ON SUBCHAPTER'S CORPORATION.—Qualified State or local educational income taxes imposed on and paid by an electing small business corporation (as defined in section 1371) shall be treated as imposed on and paid by, pro rata, the persons who are shareholders of such corporation on the last day of its taxable year.

"(3) TAX IMPOSED BY THIS CHAPTER.—The tax imposed by this chapter for any taxable year does not include the tax imposed by section 56 (relating to minimum tax for tax preferences).

"(e) ADJUSTMENT FOR REFUNDS.—

"(1) IN GENERAL.—The amount of qualified State and local educational income taxes imposed on and paid by an individual during any taxable year shall be reduced by the amount of any refund of such taxes, whether or not received during the taxable year.

"(2) INTEREST.—In the case of underpayment of the tax imposed by this chapter for a taxable year resulting from the application of paragraph (1), no interest shall be assessed or collected on such underpayment if the amount thereof is paid within 60 days after the taxpayer receives the refund of qualified State or local educational income taxes which caused such underpayment.

"(f) REGULATIONS.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section."

SEC. 2. (a) The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 is amended by striking out the item relating to section 42 and inserting in lieu thereof the following:

"SEC. 42. State and local educational income taxes.

"SEC. 43. Overpayments of tax."

(b) Section 37 (a) of such Code (relating to retirement income is amended by striking out "and section 35 (relating to partially tax-exempt interest)" and inserting in lieu thereof "section 35 (relating to partially tax-exempt interest), and section 42 (relating to State and local educational income taxes)".

(c) Section 41(b) of such Code (relating to contributions to candidates for public office) is amended by striking out "and section 38 (relating to investment in certain depreciable property)" and inserting in lieu thereof "section 38 (relating to investment in certain depreciable property), and section 42 (relating to State and local educational income taxes)".

(d) Section 46(3) of such Code (relating to liability for tax) is amended—

(1) by striking out "and" at the end of subparagraph (B);

(2) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof ", and"; and

(3) by inserting after subparagraph (C) the following new subparagraph:

"(D) section 42 (relating to State and local educational income taxes)."

(e) Section 50A(a)(3) (relating to liability for tax) is amended—

(1) by striking out "and" at the end of subparagraph (D);

(2) by striking out the period at the end of subparagraph (E) and inserting in lieu thereof ", and"; and

(3) by inserting after subparagraph (E) the following new subparagraph:

"(F) section 42 (relating to State and local educational income taxes)".

SEC. 3. The amendments made by this Act shall apply to taxable years beginning after December 31, 1972.

IMPACT ON STATE AND LOCAL GOVERNMENTS OF THE EDUCATIONAL INCOME TAX CREDIT[1]

[Thousands of dollars]

States	Estimated distribution of Federal individual income tax receipts, fiscal year 1972[2]	State individual income tax collections, fiscal year 1972[3]	State and local income tax under 50 percent credit proposal[4]	Gain to States under 50-percent tax credit proposal[5]
Alabama	1,044,646	118,994	501,430	382,436
Alaska	182,066	39,112	87,392	48,280
Arizona	820,915	94,577	394,039	299,462
Arkansas	538,241	70,150	258,356	188,206
California	9,726,446	1,838,503	4,668,694	2,830,191
Colorado	1,053,313	174,269	505,590	331,321
Connecticut	2,001,863	60,968	960,894	899,926
Delaware	344,019	90,688	165,129	74,441
District of Columbia	441,286	117,074	211,817	94,743
Florida	3,289,620	(7)	1,579,018	1,579,018
Georgia	1,734,148	239,900	832,391	592,491
Hawaii	424,839	120,063	203,923	83,860
Idaho	243,311	50,191	116,789	66,598
Illinois	6,367,464	843,251	3,056,383	2,213,132
Indiana	2,373,090	283,669	1,139,083	855,414
Iowa	1,047,446	202,158	502,774	300,616
Kansas	897,742	95,345	430,916	335,571
Kentucky	1,061,103	156,369	509,329	352,960
Louisiana	1,184,546	105,354	568,582	463,228
Maine	312,301	28,179	149,904	121,725
Maryland	2,277,089	456,854	1,093,003	636,149
Massachusetts	3,027,731	743,628	1,453,311	709,683
Michigan	4,555,928	726,287	2,186,845	1,460,558
Minnesota	1,519,130	483,215	729,182	245,967
Mississippi	484,405	54,655	232,514	177,859
Missouri	2,054,735	254,063	986,273	732,210
Montana	227,899	68,082	109,392	41,310
Nebraska	563,115	54,170	270,295	216,125
Nevada	311,983	(7)	149,752	149,752
New Hampshire	333,467	6,618	160,064	153,446
New Jersey	4,375,479	23,258	2,100,230	2,076,972
New Mexico	325,228	44,088	156,109	112,021
New York	10,408,234	2,516,257	4,995,952	2,479,695
North Carolina	1,761,641	361,816	845,588	483,772
North Dakota	164,350	19,506	78,888	59,382

States	Estimated distribution of Federal individual income tax receipts, fiscal year 1972 [2]	State individual income tax collections, fiscal year 1972 [3]	State and local income tax under 50 percent credit proposal [4]	Gain to States under 50-percent tax credit proposal [5]
Ohio	5, 144, 368	111, 269	2, 469, 297	2, 358, 028
Oklahoma	895, 123	97, 759	429, 659	331, 900
Oregon	924, 123	251, 226	443, 579	192, 353
Pennsylvania	5, 524, 689	730, 641	2, 651, 851	1, 921, 210
Rhode Island	410, 198	66, 416	196, 895	130, 479
South Carolina	791, 535	127, 708	379, 937	252, 229
South Dakota	169, 932	(7)	81, 567	81, 567
Tennessee	1, 480, 265	13, 598	710, 527	696, 929
Texas	4, 679, 031	(7)	2, 245, 935	2, 245, 935
Utah	365, 833	74, 096	175, 600	101, 504
Vermont	153, 260	46, 102	73, 565	27, 463
Virginia	2, 205, 927	365, 379	1, 058, 845	693, 466
Washington	1, 536, 375	(7)	737, 460	737, 460
West Virginia	633, 880	89, 152	304, 262	215, 110
Wisconsin	1, 834, 674	594, 697	880, 644	285, 947
Wyoming	150, 902	(7)	72, 443	72, 433
Total [6]	94, 378, 934	13, 109, 354	45, 301, 887	32, 192, 533

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[1] Under the proposal there would be a credit against the Federal individual income tax equal to 50 percent of State and local income taxes paid but not to exceed a combined total of 24 percent of Federal individual income tax liability. The credit, when added to the taxpayer's State and local individual income tax deduction benefit would not exceed the amount of State and local individual income taxes paid.

[2] The distribution of the total Federal individual income tax among the States is based on the distribution of calendar year Federal individual income tax liability among the States as found in Statistics of Income.

[3] State tax collections in fiscal year 1972. GF72 No. 1, Bureau of the Census.

[4] 48 percent of the estimated Federal individual income tax in col. (1). This is the minimum State and local educational income tax that would bring into play the maximum allowable credit under the proposal of 24 percent of the Federal individual income tax.

[5] Col. (3) minus column (2). These figures represent the excess of State and local "educational income taxes" levied at 48 percent of the Federal income tax over actual State income taxes. If reduced by the amount of actual local income taxes, these figures would represent the amount of additional State and local income taxes available for educational purposes under the proposal if the existing income taxes are assumed also to be used for educational purposes.

[6] Estimated by the staff of the Joint Committee on Internal Revenue Taxation.

[7] Not applicable.

By Mr. WILLIAMS (for himself, Mr. CASE, Mr. CRANSTON, Mr. GRAVEL, Mr. HART, Mr. HUGHES, Mr. MATHIAS, Mr. MOSS, Mr. MUSKIE, and Mr. PELL):

S.J. Res. 151. A joint resolution establishing a Commission on United States participation in the United Nations. Referred to the Committee on Foreign Relations.

Mr. WILLIAMS. Mr. President, I introduce a joint resolution creating the Commission on U.S. participation in the United Nations on behalf of myself and Senators CASE, CRANSTON, GRAVEL, HART, HUGHES, MATHIAS, MOSS, MUSKIE, and PELL.

We introduce this measure for consideration in this Congress because we believe that now, more than in any previous time since the founding of the United Nations, it is absolutely imperative that we realistically assess the role of the U.N. in the international community and what we, through our participation in that organization, can do to insure a future of dignity and security for all of the world's peoples.

On July 9, 1970, President Nixon established the President's Commission for the Observance of the 25th Anniversary of the United Nations. This commission of distinguished Americans, led by the Honorable Henry Cabot Lodge and including such distinguished Members and former Members of Congress as Senators AIKEN, FULBRIGHT, SPARKMAN, Hickenlooper and Cooper and Representatives Lloyd and MORGAN, conducted a comprehensive, nationwide inquiry into a broad spectrum of vital questions concerning U.S. participation in the United Nations. The Commission elicited the views and recommendations of numerous individuals and organizations and, consequently, accumulated a massive amount of significant information related to this vital area of our national interest. A working group, under the leadership of Dean Francis O. Wilcox of the School of Advanced International Studies of the Johns Hopkins University, spent long hours evaluating testimony and analyzing data. Dr. Gerald J. Mangone, Executive Director of the President's Commission, and Miss Anne P. Simmons, Director of Research, contributed their unique qualifications to heading up a small staff which worked diligently on this project.

The product of the assiduous efforts of the Commission members and staff was the so-called Lodge Commission report, submitted on April 28, 1971. This report discussed a variety of issues of vital importance to the United Nations and its member states. A total of 96 specific recommendations subsumed under the general headings of "Peace, Security, and Strengthening of International Law," "Economic, Social, and Environmental Issues," and "Organizational and Structural Reforms: U.S. and the U.N." were embodied in the report.

The point which I wish to emphasize, Mr. President, is that countless hours of devoted effort and concern have already been dedicated to this important matter. We cannot afford to allow them to go to waste by lack of attention and concern on our part. This body, in my view, has a standing commitment, made when the Senate overwhelmingly ratified the U.N. Charter, to do all in its power to insure that the constant challenge of seeking a peaceful and secure world is met effectively and intelligently. The impressive and constructive work of the Lodge Commission has provided us with a significant opportunity to make progress toward fulfilling that commitment. It is an opportunity which the times and our conscience demand we exploit. The technology of transportation and communication and the increasing integration of the international economic and social system has, in many important areas, served to merge the fate of all the world's people into one. The international order is, indeed, becoming a community in reality, as well as in name. The hope for world order and justice under law is far too precious and vital to the common welfare of all the world's peoples to neglect any possible avenue of action that could, potentially, serve to increase the effectiveness of the United Nations, the organization that best embodies the hopes of the international community.

Mr. President, if this Nation and its leaders are to effectively participate in the improvement and modernization of the United Nations and to actively help it realize its yet unfulfilled potential as an instrument of international peace and justice, we must do all that we can to dramatize and to expand the American role in the organization and its specialized agencies. Our national interest demands that we do so. We must invigorate the machinery which could effectively guarantee the sanctity of international contract obligations, justice in the peaceful adjudication of international disputes, humanity in the enforcement of human rights, and equity in the distribution of the world's natural resources.

Mr. President, the sponsors of this joint resolution believe that the creation of a permanent congressional-citizen commission to focus attention on the activities of the U.N., its specialized agencies and the World Court would go far to implement more effective U.S. participation in these most vital international organizations. It is simply an unfortunate matter of fact that the present piecemeal approach, by Congress and the executive branch, to the pressing issues pertaining to our participation in the U.N. and its agencies and affiliates is inadequate. We urgently need an agency which is removed from the inevitable pressures of decisionmaking and legislating which can take a more dispassionate approach to assessing problems and policies in this vital area. The administration position that time-to-time ad hoc arrangements would suffice is, in my view, totally inadequate and not consistent with our experience of 27 years.

Mr. President, this joint resolution would create such a body and, consequently, serve to fulfill a need which is most essential to our national interest. It is my hope that the Congress and the President will act promptly to establish and man this commission.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 371

At the request of Mr. TOWER, the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 371, a bill to provide that certain provisions of the Natural Gas Act relating to rates and charges shall not apply to persons engaged in the production or gathering and sale but not in the transmission of natural gas.

S. 386

At the request of Mr. WILLIAMS, the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 386, the Emergency Commuter Relief Act.

S. 554

Mr. SCOTT of Virginia. Mr. President, I ask unanimous consent that the Senator from Nebraska (Mr. HRUSKA) and the Senator from North Carolina (Mr. HELMS) be added as cosponsors of S. 554, a bill protecting the free choice of individual employees to join or assist labor unions or to refrain from such activities, rather than to S. 544, as previously reported in the CONGRESSIONAL RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 569

At the request of Mr. TOWER, the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 569, a bill to provide that persons from whom lands are acquired by the Secretary of the Army for dam and reservoir purposes shall be given priority to lease such lands in any case where such lands are offered to lease for any purpose.

S. 614

At the request of Mr. CURTIS, the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 614, a bill to amend titles X and XVI of the Social Security Act to prohibit any State from imposing a lien on a blind individual's property as a condition of aid or assistance thereunder.

S. 1295

At the request of Mr. TOWER, the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 1295, a bill to provide a tax credit for expenditures made in the exploration and development of new reserves of oil and gas in the United States.

S. 1424

At the request of Mr. SCHWEIKER, the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 1424, a bill to provide certain benefits for members of the Armed Forces and civilian employees of the United States who were in a missing status for any period of time during the Vietnam conflict.

S. 1535

At the request of Mr. BELLMON, the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 1535, a bill to amend the Internal Revenue Code of 1954 to provide for the recovery of reasonable attorneys' fees as a part of court costs in civil actions involving the internal revenue laws.

S. 1550

At the request of Mr. TOWER, the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 1550, a bill to provide tax incentives to encourage physicians, dentists, and optometrists to practice in physician-shortage areas.

S. 1982

At the request of Mr. TOWER, the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 1982, a bill to amend title II of the Social Security Act to increase to $3,000 the annual amount which individuals may earn without suffering deductions from benefits on account of excess earnings, and to lower from 72 to 70 the age after which deductions on account of excess earnings are no longer made.

S. 2029

At the request of Mr. WILLIAMS, the Senator from South Dakota (Mr. ABOUREZK) was added as a cosponsor of S. 2029, a bill to provide assistance for Vietnamese children.

S. 2179

At the request of Mr. WILLIAMS, the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 2179, the demonstration loan program for the elderly.

S. 2241

At the request of Mr. HUMPHREY, the Senator from Illinois (Mr. STEVENSON) was added as a cosponsor of S. 2241, a bill to provide famine and disaster relief to the countries of the African Sahel.

S. 2328

At the request of Mr. MCINTYRE, the Senator from Delaware (Mr. BIDEN) and the Senator from Rhode Island (Mr. PASTORE) were added as cosponsors of S. 2328, a bill to require that certain information about gasoline be disclosed to consumers.

SENATE JOINT RESOLUTION 84

Mr. SCHWEIKER. Mr. President, I ask unanimous consent that the Senator from West Virginia (Mr. ROBERT C. BYRD) be added as a cosponsor of Senate Joint Resolution 84, the school prayer amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHWEIKER. Mr. President, this raises to 21 the number of cosponsors of this measure. The list of cosponsors is as follows: Senator EASTLAND, Senator BAKER, Senator PASTORE, Senator SCOTT of Pennsylvania, Senator CANNON, Senator RANDOLPH, Senator COOK, Senator MCCLURE, Senator CHILES, Senator TALMADGE, Senator BENNETT, Senator MANSFIELD, Senator CURTIS, Senator FANNIN, Senator MCCLELLAN, Senator FONG, and Senator ROBERT C. BYRD.

SENATE JOINT RESOLUTION 17

At the request of Mr. INOUYE, the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of Senate Joint Resolution 117, to authorize and request the President of the United States to issue a proclamation designating September 17, 1973, as "Constitution Day."

SENATE JOINT RESOLUTION 147

At the request of Mr. MCINTYRE, the Senator from Rhode Island (Mr. PASTORE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Alaska (Mr. GRAVEL), and the Senator from Virginia (Mr. SCOTT) were added as cosponsors of S. J. Res. 147, to provide for a report on People's Republic of China grain purchase.

SENATE RESOLUTION 163—SUBMISSION OF A RESOLUTION AUTHORIZING THE PRINTING OF THE REPORT ENTITLED "THE COST OF CLEAN AIR" AS A SENATE DOCUMENT

(Referred to the Committee on Rules and Administration.)

Mr. RANDOLPH submitted the following resolution:

S. RES. 163

Resolved, That the annual report of the Administrator of the Environmental Protection Agency to the Congress of the United States (in compliance with Public Law 91-604, The Clean Air Act, as amended), entitled "The Cost of Clean Air," be printed, with illustrations, as a Senate document.

SEC. 2. There shall be printed one thousand five hundred (1,500) additional copies of such document for the use of the Committee on Public Works.

SENATE RESOLUTION 164—SUBMISSION OF A RESOLUTION RELATING TO THE SELECT COMMITTEE ON CAMPAIGN ACTIVITIES

(Referred to the Committee on Rules and Administration.)

VITAL ISSUES FACING AMERICA

Mr. DOLE. Mr. President, America is presently facing serious challenges within our borders and throughout the world.

At home inflation is an immediate concern of every housewife, wage earner, and person living on a fixed or limited income. Mortgage and interest rates have reached the point where the average citizen simply cannot afford to buy a home, the great homebuilding industry is nearly paralyzed, and it does not make economic sense for small businessmen to borrow for expansion. Fuel shortages and power cutbacks have hit both rural and urban residents, and the traveling public is seldom sure whether the next gasoline pump will be open or dry.

In the international arena, the devalued dollar fluctuates unpredictably while worldwide confidence in the strength of the U.S. economy continues to waver. A sensitive and crucial new round of multilateral trade and tariff negotiations begins this month with America facing a dramatically changed alignment of the major free world economic powers. Serious questions dealing with the post-Vietnam posture of our country have been raised with respect to troops stationed abroad, disarmament and treaty relationships with our allies.

All these questions and many others command the attention and will tax the ingenuity, resourcefulness, and problem-solving capacity of the United States. Some of these problems are unique. Some are persistent hangers-on from earlier years, but all are serious and important. And the answers, solutions, and approaches which we formulate in response to them will affect our lives and the well-being of this Nation for many years into the future.

During the August recess, I traveled extensively in Kansas to visit with the people, learn of their concerns, their ideas, and their views. My travels took me to some 40 or 50 cities and towns, and I enjoyed the privilege of seeing many hundreds of Kansans from every walk of life.

IMPORTANT CONCERNS

And I can report to the Senate that these people—men and women, young and old—are aware of and concerned with these many matters affecting their lives and their country. They want inflation brought under control. They want beef back in their supermarkets. They are worried about baling wire, boxcars, and LP gas. They have growing families and want to be able to buy new homes at sensible interest rates. They are trying to stretch their paychecks or their social security checks to cover the ever-expanding costs of taxes, food, clothes, and health care. They want a United States which has an adequate national defense and a reputation for leadership in the world.

In short, the people of Kansas—and those in many other States, I suspect—are busy with the business of living and are concerned with the important issues which touch them and the futures of their children. And while they devote themselves to this business, they look to Washington for signs that their Government, and especially their elected representatives, are facing these issues, attempting to answer their problems, and making serious efforts to deal with the subjects that mean something to the average citizen.

The people of Kansas are looking to Washington for all of these things, and by and large they do not like what they are seeing.

Night after night on the newscasts they look for congressional action to fight inflation—and they see Watergate.

Each morning they pick up the paper and look for progress against the fuel shortage—and they see Watergate.

They pick up a weekly news magazine to find a sign that the American dollar has been restored to a position of strength and stability on the international monetary front—and they see Watergate.

Watergate, Watergate—the word has lost nearly all of its significance as a crime, a scandal, or a national problem. Instead, it has come to stand for the longest running day- and night-time telethon in history.

OTHER PROBLEMS NEED ATTENTION

And to many citizens, the Watergate hearings represent the total effort of the Congress over the past several months. With hundreds of newsmen, photographers, and TV crews grinding away hour-after-hour, day-after-day, week-after-week it is no wonder. Of course, seven Senators are not the entire Senate or the whole legislative branch of Government. But with such intense, drawn-out and lengthy publicity, it is not surprising that many Americans have gained the impression that the whole Congress is glued to the tube, watching these proceedings, while the problems and concerns of the rest of the country are going unattended.

Of course, the entire Watergate affair is unprecedented. Serious matters are involved, and as I have said for some time, anyone who engaged in improper activities or who broke the law in relation to the original burglary or the coverup afterward should be brought before the law and dealt with according to the law.

I am not questioning or quarreling with the Senate's legitimate and proper interest in conducting its investigation. If laws were broken, new laws may be needed to prevent future Watergates.

PROPER PERSPECTIVE

But there are appropriate ways of doing this, and it seems to me that a proper perspective should be placed on the problems facing America—not only Watergate, but inflation, energy, food prices and, yes, baling wire and boxcars, too.

First of all, it should be remembered that the purpose of the hearings is to serve legislative interests. It is not to try, convict, and sentence Richard Nixon.

Second, it should be very carefully remembered that the rights of many individuals beside the President are involved. These individuals have very important rights, guaranteed by the Constitution, to fair trials, free from prejudicial publicity and free from unverified allegations and charges from so-called "sources." Lives, reputations, and careers can be hopelessly shattered by such exposure, and every citizen should be deeply concerned that every other individual's rights and freedoms are given the utmost protection.

If we should see trials of innocent individuals whose names have been blackened by the misdeed of others, they must be guaranteed the opportunity to be vindicated on their day in court. No innocent person should be condemned to carry a reputation for the rest of his life because the judicial system could not assure him of an unbiased jury.

Third, we should keep in mind that the public has a legitimate interest in seeing the guilty brought to justice. One of our basic principles is that "crime does not pay." And I would regret seeing the publicity and furor of the Watergate hearings resulting in a single guilty party going free in court because he could not receive a fair trial.

So there are these three considerations—the fact that the select committee is charged with a legislative inquiry, not an inquisition of the President: The fragile and vital rights of many other individuals who have been swept up in the whole Watergate disaster; and society's interest in seeing the guilty brought to justice.

TURN TO OTHER BUSINESS

Taking these points together, along with the general public attitude toward the hearings and the recent performance of Congress, I have come to feel it is time to put on the brakes.

It is time to turn off the TV lights. It is time to move the Watergate investigation from the living rooms of America and put it where it belongs—behind the closed doors of the committee room and before the judge and jury in the courtroom.

And it is time to turn the full energies and attention of Congress back to the concerns held by most citizens.

NEED TO RESTORE CONFIDENCE

This country has developed a great problem-solving system. It has worked in the past. It is working now. But there is some public doubt and lack of confidence that it is working as well as it should. And this mood is closely tied to the frenzy over Watergate.

And I believe the Congress has a responsibility to demonstrate to the people that their concerns are the concerns of Congress and that Congress is making serious efforts to deal with them. Of course, we can quote statistics showing that the Senate has had so many rollcall votes and passed x-number of bills and met for however many days this year. But as long as the hearings go on—under the bright lights of the television cameras, with page after page in the newspapers and magazines and in story after story on the evening newscasts—the public is going to continue to harbor this impression of a do-nothing fiddle-while-Rome-burns Congress.

We must get on with the country's work. Time and the rest of the world will not stand still while America squeezes the last drop of anguish and printer's ink out of Watergate.

We must look at the present and to the future. We cannot dwell on or in the past if America is to fulfill its commitments to the principles which our founding fathers set forth some 200 years ago.

Just yesterday, the Washington Post, noting that "bills awaiting final action far outnumber those enacted," mentioned the following measures which still require consideration by the House or Senate, or both; aid to education, foreign aid, campaign finance reform, voter registration, trade reform, Alaska pipeline, land use policy, no-fault insurance, Federal housing program, Congressional budget mechanism, legal services, aid to North Vietnam, several appropriations bills.

Also worthy of listing would be tax reform, reform of the private pension system and strip mining control.

Of course, those of us in Washington realize that the legislative process is slow and often rather unwieldy. But it is not difficult to understand the feelings of the average citizen when he sees such an "unfinished" congressional laundry list in light of the marathon Watergate hearings.

It is rather the same situation as the parent of a college student, who, after hearing about all the great parties and other extracurricular activities, receives a set of mid-term grades which reflect more attention to the frills of college life than to the academic necessities.

So I believe it is time to turn the excitement and publicity and attention away from Watergate and toward such subjects as the energy crisis, the size of the budget and Congress' methods of dealing with it, interest rates, trade policy and the many other matters being faced each day by the people of Kansas and every other State. It may not be quite as glamorous. It may not make such good and colorful news. The basic matters of life and business seldom are sensational and colorful. But they are important. They are vital. And we must deal with them if the country is to continue to move ahead domestically and internationally.

Therefore, I am today introducing a resolution to end the publicity-laden phase of the Watergate hearings.

I would emphasize that this resolution is in no way intended to interfere with the Senate's right to probe the 1972 presidential campaign. It is not intended to cast any shadow of disapproval or criticism on the manner in which the select committee has conducted its proceedings to date.

It is not intended to interfere with the right of the news media to report on the activities of the committee or on the issues surrounding the Watergate matter.

SPECIFIC PURPOSES

Rather, it is intended to permit the select committee to pursue the execution of the mandate bestowed by Senate Resolution 60 full and completely. This mandate is to serve the legislative interests of the Senate by studying the 1972 campaign and formulating any recommendations it deems appropriate to deal with whatever abuses, statutory lapses, or policy reforms are disclosed in the course of its investigation. The television screen, the magazine cover, and the headline are not essential to this task.

It is also intended to safeguard the rights of the innocent as well as the public's interest in seeing the guilty brought to justice by ending the sensational wave of publicity over the charges, accusations, alibis, confessions, and other assorted publicity growing out of the Watergate hearings. We have an excellent, competent, and dedicated judicial branch whose functions should not be even remotely impeded by the glare of unnecessary congressional publicity.

And, finally, this resolution is intended to provide an indication to the American people that the Congress is turning away from this consuming preoccupation with Watergate and directing its energies and abilities toward the issues which the American people feel are most important.

BIGGER ISSUES

I offer this amendment free from any narrow partisanship. The legislative interests of Congress, the Constitution's guarantees of individual freedoms and fair trials, society's stake in the effective enforcement of the laws stretch far beyond the bounds of any single party or political philosophy.

So, too, inflation, the energy crisis, the strength of the dollar and the future of the United States as a great world power are bigger and more important than the continuation of massive publicity over Watergate.

Mr. President, I urge that this resolution receive prompt consideration and favorable approval by the Senate as signal to the American people that the Congress recognizes the priorities of the issues facing the country and is prepared to deal with them in a business-like and responsible fashion.

The resolution (S. Res. 164) is as follows:

Whereas, the United States is engaged in a crucial period of dealing with domestic and international challenges;

Whereas, the impact of inflation is a serious concern to older citizens, working men and women, the business community, and governments at federal, state and local levels;

Whereas, energy, its sources, utilization, conservation and study, embody areas of profound importance to the future of this nation and the other countries of the world;

Whereas, assuring the availability of plentiful and wholesome foods and other agricultural products at reasonable prices, for use in this country and in sales abroad, is a primary responsibility of government;

Whereas, the strength of the American economy in the international arena requires a sound, effective and progressive foreign trade policy;

Whereas, other matters involving the national defense, the size and scope of the federal budget, preservation of the environment and a broad range of social, economic, and human concerns require the serious and studied attention of the federal government; and

Whereas, the Senate is mindful of these matters as well as its legitimate interest in pursuing a full and unfettered inquiry into any illegal, improper or unethical activities engaged in by any persons, acting individually or in combination with any others in the Presidential Election of 1972, or in any campaign, canvass, or other activity related to it; Therefore, be it

Resolved, That notwithstanding the provisions of Senate Resolution 60, 93d Congress agreed to February 7, 1973, or any rule of the Senate, the Select Committee on Presidential Campaign Activities, established pursuant to such resolution, shall not conduct any hearings or receive any testimony or evidence, on or after the date this resolution is agreed to by the Senate, except in executive session of the committee or any subcommittee of the committee.

SENATE RESOLUTION 165—SUBMISSION OF A RESOLUTION TO REFER S. 2379 TO THE COURT OF CLAIMS

(Referred to the Committee on the Judiciary.)

Mr. SCOTT of Pennsylvania submitted the following resolution:

S. Res. 165

Resolved, That the bill S. 2379 entitled "A bill for the relief of the H. and H. Manufacturing Company, Incorporated", now pending in the Senate, together with all the accompanying papers, is hereby referred to the Chief Commissioner of the United States Court of Claims; and the Chief Commissioner shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States or a gratuity and the amount, if any, legally or equitably due from the United States to the claimant.

ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 155

At the request of Mr. HARTKE, the Senator from Hawaii (Mr. INOUYE), the Senator from South Dakota (Mr. McGOVERN), and the Senator from California (Mr. TUNNEY) were added as cosponsors of Senate Resolution 155, a resolution expressing Senate opposition to atmospheric nuclear explosions by France.

ADDITIONAL COSPONSORS OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 41

At the request of Mr. TOWER, the Senator from Idaho (Mr. McCLURE), the Senator from North Dakota (Mr. YOUNG), the Senator from Tennessee (Mr. BROCK), the Senator from New Hampshire (Mr. COTTON), and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of Senate Concurrent Resolution 41, establishing the policy of the United States vis-a-vis the Democratic Republic of North Vietnam and the Provisional Revolutionary Government.

FOREIGN ASSISTANCE ACT OF 1973—AMENDMENTS

AMENDMENTS NOS. 462 AND 463

(Ordered to be printed and to lie on the table.)

Mr. ABOUREZK submitted two amendments intended to be proposed by him to the bill (S. 2335) to amend the Foreign Assistance Act of 1961, and for other purposes.

MILITARY SPECIAL PAY LEGISLATION—AMENDMENTS

AMENDMENTS NOS. 464 AND 465

(Ordered to be printed and referred to the Committee on Armed Services.)

SPECIAL PAY FOR MILITARY OPTOMETRISTS

Mr. GOLDWATER. Mr. President, for the Senator from Texas (Mr. TOWER) and myself, I am submitting today two amendments to military special pay legislation which are aimed at helping to preserve the proper balance of health care for service men and women and their dependents during this difficult transition period from a military draft to an all-volunteer service. There are two excellent bills that are before our Senate Armed Services Committee on the subject of the special pay structure for certain professions and skills among the uniformed services, S. 368, by the Senator from Vermont (Mr. STAFFORD) and S. 2329, by the Senator from Texas (Mr. TOWER). Basically, these bills are designed to assure an adequate enlistment and reenlistment of specially skilled persons into the Armed Forces after the induction authority, which has not been utilized in recent months, expires totally on June 30.

Mr. President, traditionally, the most difficult officer groups to obtain for the military services has been that of the health care professionals due to the very high earnings available to young specialists in this field of civilian life. This is why I was surprised to discover that both S. 368, of which I am a cosponsor, and S. 2329, which is a more limited version of the other bill, do not specifically include one of the three major health professional occupations, the optometrists, for purposes of the special pay provisions of the legislation. After checking with the offices of the two prime sponsors of these bills, I have learned that this was not an intentional result of the authors but rather a technical gap in the drafting of the language of these bills.

I am informed that neither sponsor of the two bills involved has any objection to the specific inclusion of optometrists in their bills, and in fact, Senator TOWER has asked to become a cosponsor of each of my amendments which would clarify the congressional intent to continue coverage of optometrists in the special pay structure of the military services.

The justification for continuing this coverage is strong. If optometrists were not to be expressly included as qualifying for special pay, they would be the only major health profession who has been subject to the "doctor draft" that would not be included in the special pay provision. It has to be recognized that since 1966 there have been at least four induction calls for optometrists in order to adequately staff the military services with optometry officers. Indeed, in 1970, optometrists were the only health care professionals drafted. This fact alone is ample evidence that the problem the military faces in obtaining and retaining sufficient optometrists is equally as great, if not greater, than it is in the case of doctors and dentists. I would remind my colleagues that young civilian optometrists can expect to earn approximately $30,000 annually early in their careers, which is comparable with the salaries available for civilian dentists as well. So the same financial attraction of a civilian career which draws young dental specialists into private practice affects the optometrist, too.

To make this short, Mr. President, I will only add that Congress made an emphatic decision to provide special pay for optometrists in 1971 and that there is every reason why it should be maintained in the future as we move into the all-volunteer stage. Obviously, vision and eye care must continue to be included within the total system of comprehensive health care offered to military personnel and their families and the only way this kind of care can be guaranteed to be available is by continuing the salary levels for this short supply field which will enable the military to effectively compete with the civilian sector.

Mr. President, I ask unanimous consent that the text of the amendments which I am submitting be printed in the Record.

There being no objection, the amendments were ordered to be printed in the Record, as follows:

AMENDMENT NO. 464, INTENDED TO BE PROPOSED TO S. 368

On page 1, line 10, immediately after "Dental Corps," insert "an optometrist in the Medical Services Corps,".

On page 2, strike out line 1 and substitute: "as a medical officer, dental officer, or optometry officer, or a medical, dental, or optometry".

AMENDMENT NO. 465, INTENDED TO BE PROPOSED TO S. 2329

On page 1, line 10, immediately after "Dental Corps," insert "an optometrist in the Medical Service Corps,".

On page 2, strike out line 1 and substitute: "as a medical officer, dental officer, or optometry officer, or a medical, dental, or optometry".

On page 2, line 23, strike out "or" and substitute a comma.

On page 2, line 24, immediately after "dental" insert a comma and "or optometry".

NOTICE OF HEARING ON S. 1923 AND S. 2299

Mr. MUSKIE. Mr. President, I would like to announce that the Subcommittee on Intergovernmental Relations, of the Committee on Government Operations, will hold 1 day of hearings on S. 1923, a bill to amend the Legislative Reorganization Act of 1970 to provide that Federal agencies keep congressional committees fully and currently informed; and, S. 2299, a bill to provide authority to expedite procedures for consideration and approval of projects drawing upon more than one Federal assistance program, to simplify requirements for operation of those projects, and for other purposes.

The hearing will be held on September 11, 1973, beginning at 10 a.m. in room 1202 of the Dirksen Office Building.

Statements for inclusion in the hearing record will be accepted on both measures.

RESCHEDULING OF HEARING RELATING TO MEAT INSPECTION

Mr. ALLEN. Mr. President, on August 3 I announced that the Subcommittee on Agricultural Research and General Legislation of the Committee on Agriculture and Forestry would hold a hearing Tuesday, September 11, on S. 1919, a bill to authorize interstate shipment of meat inspected by State systems declared to be equal to the Federal meat inspection system. I wish to announce at this time that the hearing will be postponed until September 20. The hearing will begin at 9 a.m. on that date in room 324, Russell Office Building. Oral presentations will be limited to 10 minutes with the privilege of filing longer statements. Anyone wishing to testify should contact the committee clerk as soon as possible.

ADDITIONAL STATEMENTS

DETENTION OF AMERICANS OF BALTIC DESCENT IN HELSINKI, FINLAND, DURING THE EUROPEAN SECURITY CONFERENCE

Mr. BUCKLEY. Mr. President, increasing concern has been expressed here and in Europe over the possibility that the Soviet Union is engaged in a massive diplomatic offensive designed to consolidate its hegemony over Eastern Europe while disrupting the move toward unity with the NATO and Common Market nations. The Soviet's ultimate objective is toward the "Finlandization" of Europe. This would be brought about when in the face of overwhelming Russian military strength, and of their own disunity, the nations of Western Europe one by one seek an accommodation with the Soviet Union.

An example of what is to be "Finlandization" was recently brought to my attention when five Americans of Baltic extraction were tossed into jail by Finnish authorities at the request of the Soviet delegation to the recent Helsinki Conference on European Security and Cooperation. Their offense? One of them annoyed Andrei Gromyko with a question at a press reception.

Mr. President, I ask unanimous consent that there be printed in the Record a copy of a memorandum describing the incident prepared by Dr. Joseph K. Valiunas, one of the Americans who was involved. I also ask unanimous consent that a report I received from the American Ambassador to Finland also be printed in the Record.

There being no objection, the statement and report were ordered to be printed in the Record, as follows:

STATEMENT ON THE ACTIVITIES AND DETENTION OF AMERICANS OF BALTIC DESCENT IN HELSINKI, FINLAND, DURING THE EUROPEAN SECURITY CONFERENCE

Most Western observers will concur that the Soviet Bloc and the West confronted each other in Helsinki during the 35-nation European Security Conference. The key controversy was over the freer movement of men and ideas. The arrest and brief detention of nine spokesmen of the Baltic World Conference dramatically demonstrated that the Soviet interpretation of European cooperation remained worlds apart from the views of the Western countries. The nine Balts were arrested upon the explicit demand by the Soviet Delegation.

Permit me to recapitulate the events that led up to and followed the arrest by Finnish authorities of the delegation sent by the Baltic World Conference to Helsinki, Finland.

The Baltic World Conference was established in 1972 in New York City for the express purpose of coordinating the activities of Estonian, Latvian, and Lithuanian political and civic institutions dedicated to the restoration of national sovereignty and political freedoms to the Baltic States, currently under Soviet domination. The three major groupings which form the basis of the Baltic World Conference are the Supreme Committee for Liberation of Lithuania, the World Federation of Free Latvians, and the Estonian National Council.

The Baltic World Conference sent a nine-man delegation to the European Security Conference. The delegation consisted of the following persons:

1. Dr. Joseph K. Valiūnas, President of the Baltic World Conference and President of the Supreme Committee for Liberation of Lithuania, (U.S. citizen);
2. Uldis Grava, President of the World Federation of Free Latvians (U.S. citizen);
3. Ilmas Pleer, V. President of the Estonian-American National Council, (U.S. citizen);
4. Georg Kahar, Estonian Central Council in Canada, (Canadian citizen);
5. Pauls Reinhards, President of the Latvian European Committee, (subject of Great Britain);
6. Dr. Aina Teivens, Latvian Council in Sweden, (subject of Sweden);
7. Eglė Zilionis, Delegate of Baltic World Conference, (U.S. citizen);
8. Dr. Petras Vileisis, Representative of the Lithuanian Community of the USA, (U.S. citizen);
9. Dr. John Genys, Representative of the Lithuanian-American Council, (U.S. citizen).

The purpose of the Baltic mission was to present the Baltic case to the diplomats and journalists attending the Conference. This was to be attained by distributing information kits to the delegations and media, and by conferring personally with diplomats and journalists. The information kits contained a joint note drafted by the three Baltic delegations, an abbreviated version of a memorandum, submitted to the European Governments last November by the Supreme Committee for Liberation of Lithuania, and an invitation to a Baltic press conference planned for the 6th of July. Each national delegation also brought literature of an informative and legalistic nature, describing the present situation in Estonia, Latvia, and Lithuania.

None of the literature was of an inflammatory or demagogical nature. For example, the one-page memorandum of the Supreme Committee for Liberation of Lithuania focused on the following salient point:

"The European Conference on Security and

Cooperation represents Moscow's latest attempt to obtain international legalization of its annexation of Lithuania, Latvia, and Estonia. Today the attempt is cloaked with such phrases as 'normalization of the situation in Europe,' and 'territorial integrity of the states and inviolability of their frontiers.' Should the Western Powers accept the above formulae without duly qualifying them, the Soviet Government would interpret them as Western acquiescence in Soviet annexation."

In a word, the three Baltic delegations acting in unison attempted to convey the thought that the Western countries should use the European Conference as an opportunity to insist that the Government of the USSR honor its prewar commitments and pledges by withdrawing its armed forces and administrative apparatus from Estonia, Latvia, and Lithuania.

Arriving between July 1 and 4th, the nine Baltic spokesmen sojourned at the Inter-Continental Hotel, which housed most of the diplomats to the Conference. Three Latvians and one Lithuanian had valid credentials as newspaper representatives. This permitted them to enter the press gallery and observe the Conference in session. The others availed themselves of the opportunity to confer with newspeople and members of the delegations in the antechambers during recess.

On July 4th, forming four operational groups, the Balts visited most diplomatic delegations and embassies, at which time they submitted their information kits and memoranda. The contacts were formal and protocol was observed. The following day Miss Zilionis and Dr. Teivens distributed similar kits to the four hundred journalists and media people. It is not true that the Balts disseminated leaflets in Finnish in front of Finlandia Symphony Hall or at the entrance of the Inter-Continental Hotel. No scenes of disturbance occurred. All meetings were tactful. For example, Dr. Petras Vileisis went so far as to arrange a dinner engagement with the Canadian Secretary for External Affairs.

The efforts of the Baltic World Conference were thwarted as a result of a passing incident during the press reception held at the East German Embassy. On the evening of July 4th, Mr. Uldis Grava, Chairman of the Latvian contingent, was invited and attended the reception. In the course of the evening, he approached Sir Alec Douglas-Home, British Foreign Minister, and asked the latter why there were no diplomats of the three Baltic Republics at the Conference. Sir Alec allegedly replied: "Why do you ask me? Why don't you ask my colleague, Mr. Gromyko of the Soviet Union?" At first Mr. Andrei Gromyko mistook Mr. Grava for an underling of the USSR. Mr. Grava calmly, but in a loud voice, asked Mr. Andrei Gromyko why the Baltic question was not on the agenda. He explained that he represented the Baltic World Conference which was demanding freedom for Estonia, Latvia, and Lithuania. Seeing that Mr. Gromyko was evasive, he reiterated the statement: "The Baltic States must have full freedom." A number of guests were attracted by this dialogue. Whereupon Mr. Gromyko emphatically denied that the Soviet Union had forcibly occupied the Baltic States and submitted Mr. Grava to verbal abuse. He concluded his heated remarks in garbled English with the words: "The Baltic countries voluntarily joined the Soviet Union, and the Baltic States do not need any other freedoms!" Mr. Gromyko abruptly turned heel and stalked away.

Upon the request of the other Soviet officials, two East German security agents asked Mr. Grava to leave. He did so without incident. This brief tete-a-tete brought down the wrath of the Soviets upon the Baltic mission. The Soviet Delegation did not waste any time in drafting a stern note to the Finnish Government demanding the immediate arrest of the Balts. In other words, the Soviets had the audacity to order a sovereign state to detain citizens of friendly powers because the latters' views were embarrassing to Moscow. And this was done during a conference devoted to international cooperation. It was a saddening experience to see the Finns submit to this diplomatic brow-beating.

On the morning of July 5th, Mr. Grava was arrested with Dr. Valiūnas, the chairman. At approximately 10:30 a.m. three Finnish plainclothesmen knocked on his door, stating that they had a few questions. Upon entering, they noticed the piles of Baltic literature in the room. Dr. Valiūnas permitted them to take samples. They did so and promptly informed the three Balts that they are under arrest. The threesome was conducted to a room where the Finnish security police had a stakeout to observe the hotel guests.

The officer in charge asked Dr. Valiūnas why the Balts had come to the Conference. Dr. Valiūnas countered with a question of his own: "Who made the decision to arrest the Balts? The Finnish Ministry of the Interior or the Ministry of Foreign Affairs?" The reply was: the Interior. Dr. Valiūnas asked that he be permitted to inform the Finnish Foreign Ministry and the American Embassy about the arrests.

The arrested Balts were led out to Police Headquarters. In the hotel corridor, Dr. Valiūnas bumped into Dr. Genys, who was still free. He asked in Lithuanian to inform Lithuanian circles in the United States that the three Baltic chairmen were arrested. Dr. Genys complied. He also chanced to meet Dr. Vileisis who was asked to inform Mr. J. Audenas of the Supreme Committee for Liberation of Lithuania about this development.

When the officers accompanying the Balts to Police Headquarters were asked why they were arrested, the reply was vague. The arresting officers stated that they did not know the reason. At Headquarters, Valiūnas, Grava, Pleer and Kahar agreed to admit the truth about the Baltic World Conference's purpose in Helsinki because there was nothing to hide. They were interrogated individually by the Commissioner of Police. Within a short time, Mr. Terry Dale Hansen, Second Secretary to the U.S. Embassy in Helskinki, arrived on the scene to witness the questioning.

That same day, July 5th, the other five Balts were arrested. Dr. Vileišis was the last to be detained by the Finnish police and put in jail.

The interrogators asked if the Balts had distributed literature near the Finlandia Symphony Hall or by the entrance to the Inter-Continental Hotel. The reply was negative. The Balts explained that information kits had been personally distributed to the journalists and diplomats in the name of the Baltic World Conference. The Finnish Police Commissioner asked in what manner did the Foreign Ministers receive the material. The Balts answered that personal visits were made to each Embassy. It should be kept in mind, that at no time did the Commissioner state the reason for the arrests. He did not make any formal charges. However, he hinted that the length of detention was still indeterminate.

The Police Commissioner requested Dr. Valiūnas, as President of the Baltic World Conference, to sign the statement of testimony recorded by the police. When the latter refused, arguing that he did not read Finnish and that it was unjust to try to force a man to sign a statement in a language unknown to him, the statement was signed by the Commissioner and the interpreter.

Thereupon the arrested Balts were informed that they would be conveyed to prison. They were permitted to take personal effects from their hotel rooms for overnight use. Eight of the arrestees were taken to a prison in the suburbs of Helsinki. The prison officials confiscated the neckties, belts and shoelaces of the men, as was the procedure with convicts admitted.

The eight internees decided to go on a hunger strike as a sign of protest for this unfair internment without formal accusation. It must be remembered that they had not eaten since their apprehension. Each prisoner was locked in a narrow cement cell in solitary confinement. Their feelings were mixed with anxiety to say the least.

Unbeknownst to the arrestees, Estonian, Latvian and Lithuanian civic groups in the United States took action to secure the release of the nine. Senator James Buckley of New York and Congressman Edward Derwinski of Illinois contacted the White House and the State Department to ascertain the details of these arrests. Thanks to their efforts, Secretary of State William P. Rogers and Ambassador John Krehbiel were cabled to intercede. Upon learning of the arrests, Secretary Rogers telephoned the Finnish Foreign Ministry and secured the promise that the U.S. citizens would be released.

At dawn, on July 6th, prison officials roused the eight arrestees and informed them that the American citizens could go to Hotel Marswy. When it was learned that their English, Swedish and Canadian colleagues were to remain in prison, the American citizens declared their moral solidarity with the other three, declaring that all eight were to go or no one would leave. This impressed the prison officials. About 8 a.m. all eight were taken to a hotel near the prison. They were offered a lavish breakfast, which was paid for by the Finnish guards who sympathized with them. However, the Balts refused to breakfast, maintaining their hunger strike until they were released. While at this hotel they were kept incommunicado before being brought back to prison.

In the end, the Police Commissioner appeared and informed them that they were free, but that they could not hold the press conference which was scheduled for the sixth, nor could they engage in "any political activities." Furthermore, their press credentials were voided and the reservations at the Inter-Continental Hotel were canceled. Thereupon they were taken to Hotel Marsky where they joined Dr. Vileišis who had been kept under false arrest and incommunicado at that hotel.

The parting gesture of the Balts took place on Sunday, July 8th. The representatives of the Baltic World Conference went to the Finnish Cemetery of Heroes and placed flowers with Finnish national colors on the monument of Marshal Mannerheim. This gesture had a positive effect on the Finns who observed this modest ceremony. At departure time, that afternoon, a high police official pressed Dr. Valiūnas' hand and stated: "Mr. President, I apologize for what has happened. This was not the true sentiment of the Finnish people toward your cause. Please believe me!"

In conclusion, the representatives of the World Baltic Conference do not bear any malice toward the Finnish authorities. The fact of the matter is, that the Soviet Delegation disdained being reminded of the grim reality of the illegal Soviet occupation of Estonia, Latvia, and Lithuania. As a result, Finnish authorities were forced to heed the displeasure of their powerful neighbor, the Soviet Union. In evaluating the outcome of this first European Security Conference, one should reflect that the detention of six Americans and three Westerners of Baltic descent in Helsinki conflicts with the avowed American goal of a European continent open to the free flow of ideas and people.

New York, July 12, 1973.

JOSEPH K. VALIŪNAS,
President, Supreme Committee for Liberation of Lithuania.

American Embassy,
Helsinki, Finland, July 6, 1973.

Arrest Report

The Finnish government was extremely conscious of security problems and possible political activity by ethnic groups during the Conference on Security and Cooperation in Europe because of the large number of important officials present. Of particular concern to Finnish authorities was the possibility of demonstrations or similar activities which might disrupt the Conference. As a result of this sensitivity, the Finnish police took into custody on July 5 six American citizens who they believed intended to distribute at the Conference copies of a memorandum setting forth their opposition to the incorporation of the Baltic states into the Soviet Union. Five of the Americans were members of the Baltic World Conference, a U.S.-based group advocating the independence of Lithuania, Latvia, and Estonia. In addition to the Americans, three other persons (Swedish, Canadian, and British) were taken into custory. The Finnish police informed the Embassy that the Americans were not under arrest and had not been charged with a crime, but were being held for questioning, a normal procedure under Finnish law.

An Embassy officer proceeded to the Helsinki police headquarters and interviewed the Americans involved. They explained that they had not intended to disrupt the Conference in any way, but considered it an appropriate forum for the presentation of their views. They said that they had sent copies of their memorandum to the Foreign Ministers present at the Conference and had discussed their views with some of the Ministers or their representatives. They planned to hold a press conference on July 6 to answer questions on the current status of the Baltic states and the historical background of their incorporation into the U.S.S.R. They also planned to give to the press copies of their memorandum. They said that they had not intended to distribute their memorandum to the general public, but one member of the group had given two copies to Finnish plainclothes security officers at the Hotel Intercontinental, where the American group, as well as many of the delegates, was staying.

Upon learning of the detention of the Americans, Secretary of State Rogers, who was representing the United States at the Conference, personally indicated to the Finnish government his concern about their detention and welfare. The Finnish government agreed at once to their release, and they were freed the morning of July 6. The only limitations placed on their activities were that they could not interfere in any way with the "peace and tranquility of international conference activities and premises," and that they could not hold a press conference. Their contacts with individual members of the press were not restricted, however.

The Americans indicated that they would remain in Helsinki for a few more days to answer inquiries regarding the status of the Baltic states and the circumstances of their incarceration.

The following U.S. citizens were involved:
Joseph Kestutis Valiunas
Uldis Ivars Grava
Ilmar Pleer
John B. Genys
Egle B. Zilionis
Peter John Vileisis

SAFEGUARDING THE CONSUMER

Mr. HUMPHREY. Mr. President, on August 25, 1973, I was privileged to address the annual conference presented by the Northeastern Minnesota Consumers League and Duluth Senior Citizens Organizations. Held in Duluth, Minn., the conference featured indepth work sessions under the theme, "Safeguarding the Consumer."

In my prepared remarks, I focused on crucial economic issues currently confronted by American consumers. My point was that "consumerism" right now means more than combating shoddy products, poor service, and abuses in obtaining loans to purchase consumer goods. Rather, it must become a movement among our people to demand effective policies to stabilize the American economy to prevent further devaluations of the consumer purchasing dollar. As I stated:

> The greatest abuse the American consumer confronts today is the undermining of his purchasing power. He is increasingly unable to afford essential products or services, or to find them even if he is willing to pay a stiff price.

I was sharply critical of the failure of administration policies to address effectively four urgent consumer economic problems: rising food prices, escalating costs of housing, health care expenses that are undermining the economic security of the elderly, and the fuel shortage crisis.

All of these issues have been the subject of respective hearings held by the Subcommittee on Consumer Economics, of the Joint Economic Committee. As chairman of this subcommittee, I have been determined that the full scope of these urgent matters be examined, leading to recommendations for expediting appropriate administrative and legislative action. On September 19 and 20, the the subcommittee will hear testimony on expectations regarding the fuel supply situation over the coming year. Particular attention will be given to supplies of No. 2 diesel oil and home heating oil for which there is a critical requirement in the coming winter.

Mr. President, I ask unanimous consent that the text of my remarks as prepared for delivery on August 25, and entitled "Safeguarding the Consumer," be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Safeguarding the Consumer

It is a distinct pleasure for me to participate in this annual conference presented by the Northeastern Minnesota Consumers League and Duluth Senior Citizens Organizations.

As chairman of the recently established Consumer Economics Subcommittee of the Joint Economic Committee of Congress, I, of course, have a direct interest in the vital issues being raised at this conference.

The consumer movement is a recent development in our Nation's history. It is an outgrowth of increasing concern about the difficulty these days of getting a dollar's worth of goods or services for the hard-earned or carefully saved dollar that is spent. No longer should the consumer be abused or misled by the instrumentality providing the loan or extending the credit for the purchase of consumer items, or by the advertiser and seller of these products, or by the agency responsible for their servicing and repair.

Nor should any American experience serious injury, disfigurement, and suffering because of shoddy, even dangerous, products.

CONSUMER LEGISLATIVE ACTION

The enactment of legislation that is specifically focused on protecting the individual American consumer is also a comparatively recent phenomenon in Congress. Examples that come immediately to mind are laws that require honest packaging and labeling, motor vehicle safety, protection from flammable fabrics and from electronic products. limits on cigarette advertising, truth in lending, child protection and toy safety, and poison prevention packaging.

Congress has also insisted that new directions be taken by the Federal Government in the vigorous enforcement of such laws—as in legislation enacted to establish an independent consumer product safety commission. More recently, I have introduced legislation to carry out this congressional intent with respect to *all* Federal regulatory commissions.

It is to these regulatory agencies that we in Congress have looked in drawing up the rules of competition and fair dealing in the marketplace. But the evidence is increasing that where these agencies are failing to do the job of serving the public interest, their membership reflects appointments from the special interest they are supposed to regulate. Perhaps even more important, these agencies, which were intended by Congress to be independent and not subject to political pressures in carrying out their responsibilities, are increasingly coming under the control of the executive branch.

My resolution (S. Res. 160), cosponsored by thirteen Senators, calls for the reassertion of effective Congressional oversight of federal regulatory agency operations, through the launching of an intensive study of these commissions by a newly established Senate select committee. The goal of this study, of course, is that the integrity of regulatory commissions of the U.S. government merit the trust of the American consumer. It will be difficult for the U.S. Congress to match the record of the first half of the 1973–74 session fo the Minnesota legislature, which saw at least 30 significant consumer laws signed by Governor Anderson. But the U.S. Senate has passed important legislation this year to protect consumers against unfair billing practices (S. 2101). And it has in process further legislation on consumer product warranties, on automobile insurance, and on the establishment of an independent consumer protection agency, among other immediately relevant bills in the consumer area.

THE CONSUMER AND PHASE IV

However, the creation this year of the Consumer Economics Subcommittee recognizes that a particular and vital dimension of consumer issues now must receive urgent and sustained attention by Congress. The greatest abuse the American consumer confronts today is the undermining of his purchasing power. He is increasingly unable to afford essential products or services, or to find them even if he is willing to pay a stiff price.

And this crisis must be laid directly at the door of the Nixon Administration's economic policies.

The Administration's Phase IV so-called economic stabilization program is being described by some of those "in the know" in Washington as an abandonment of any further effort to control inflation. Having seen its earlier predictions of a limited inflation rate for 1973 overwhelmed by events, the President's Council of Economic Advisers has stopped making any more predictions. It is now generally expected that the consumer price index will continue to rise by about 5 percent next year. Now, that may not sound as bad as the annual rate of 8.7 percent increase in the second quarter of this year—except to those living on fixed and limited incomes, and to millions of American wage earners confronting continued limitations on wage increases under the Administration's Phase IV program.

But 5 percent would be almost twice the average annual rise for the two decades through 1972. So the Nixon Administration is no longer making any fancy claims about keeping prices down. All the stress now is on managing the program to avoid damage to the economy—in other words, avoiding a repetition of the unprecedented chaotic economic situation of recent memory under Administration policies, of simultaneous inflation and high unemployment. The Nixon Administration doesn't want yet another recession—whether official or unofficial—on its record. So it is going to be content to make you pay more for less, if only the economy can be kept moving as a result.

Therefore, this management of Phase IV will not be directed at immediately helping the average consumer—and particularly the consumer who is poor and who is elderly. Instead, Phase IV can be expected to generate higher costs on services and products of vital importance to retired persons.

Latest figures available from the U.S. Department of Labor indicate that the average elderly couple must budget 35.2 percent of their income for food and medical costs and an additional 35 percent for housing—mostly in rent payments.

FOOD PRICES

But what have we seen happen in these areas? One week after the so-called but highly mislabled "freeze" on food prices was lifted by the Nixon Administration last month, the price of pork chops jumped 25 percent, bacon went up from $1 to $1.50 a pound, and eggs increased from 70 cents to $1 a dozen.

On September 12, beef will be added to the list of food products on which all cost increases can be passed along to the consumer—similar to the cost-increase allowance for non-food segments of the economy permitted under phase IV since August 12. Right now, however, whenever I am asked to evaluate the effect of the price freeze on beef, I answer with two questions: What freeze? What beef?

Scarcity of a number of food items will, of course, add its own weight to keeping food prices up. It will take months for the food industry to get back into full production. This is in large part the result of slowdowns associated with the on-again, off-again price freeze by the Nixon Administration last June, and the current limit on production cost pass-alongs by processors in higher retail prices to consumers. Housewives can recite chapter and verse right now of the difficulties they are having in finding canned fruits and vegetables, dried fruits, canned seafood, salad and cooking oils, canned meats and items containing meat such as pork and beans, and processed tomato products.

Caution should be exercised in evaluating recent reductions from historic highs in prices on a variety of farm goods, on both the wholesale and commodity future markets. Such declines may not result directly in lower retail food prices. What is actually going on is a badly needed wholesale price correction, reducing pressures for further overnight increases on supermarket shelf prices.

By contrast, the National Association of Food Chains has estimated that food prices will rise a further 5 percent by year-end, on top of a 12 percent gain registered from January to July. And some sources in Washington are reportedly suggesting off the record that food prices will rise at least another 10 percent next year, according to a recent issue of U.S. News and World Report magazine.

Something is terribly wrong when confused and rapidly changing Administration economic policies result in elderly persons in Florida being so desperate that they pilfer food and vitamins from local stores.

It is not simply a political issue or an economic problem when rising food prices mean the difference between a decent meal and gnawing hunger, between health and malnutrition for hundreds of thousands of poorer families across America.

It has been necessary for Congress to instruct the Administration that agriculture policies have to be closely meshed with economic policies that make sense, if we are to again achieve a rational situation in food prices. We must confront new production and market realities in agriculture, and we must develop a far more sophisticated system in government to forecast these realities. Above all, we simply cannot continue to jump in and out of food price freezes and controls which can have serious reverse effects. And it was for all these reasons that I spent long hours this year helping to draft the Agriculture and Consumer Protection Act (S. 1888), recently signed into law. The new stabilization measures that can be launched under this law are under a firm Congressional mandate, reflected in the title of the law itself, that both the consumer and the agricultural industry are to be effectively served.

THE BUSINESS OF THE PEOPLE

The other day in his press conference, President Nixon talked about getting on with the business of the people. And he said that "years from now people are going to be interested in . . . the efforts of this Administration to have a kind of prosperity that we haven't had since 1955 . . . (A) prosperity without war and without inflation."

I would suggest to President Nixon that the people are interested right now in what the Administration is doing to achieve this prosperity. Where is there a prosperity benefitting the people, not just the major corporations, when recent government statistics show a decline in a worker's real spendable earnings (after discounting inflation and tax increases) of two tenths of one percent between July of 1972 and July of 1973?

I would remind the President that the urgent business of millions of lower-income and elderly Americans is getting at least one good meal a day and having a decent place to live and being able to find and pay for adequate medical care.

HOUSING NIGHTMARE

What efforts have we seen by this Administration to meet the housing needs of these citizens?

In January, it ordered a total halt on all new starts under the major subsidized housing programs enacted by Congress in 1968, on top of an earlier halt in construction of federally-financed low-cost housing for the elderly. The President has labelled the Section 235 and 236 programs of home ownership and rental housing as ineffective, costly and not benefiting the needy.

Yet those programs have provided over 600,000 units of decent housing for 2.8 million people over the past 4 years, and the average family income of owners and tenants is only slightly above the poverty level. Congress took the lead in enacting several measures to improve management and prevent abuses in these programs, but the Administration has been content to complain about inefficiencies while failing to fully utilize these very measures for improvements.

In housing as in a number of other areas the Nixon Administration has had to be told by the courts to obey and faithfully execute the laws enacted by Congress, much less undertake its own initiatives to meet the urgent domestic needs of our people. Two U.S. district court rulings were handed down in July: first, that federally subsidized housing programs should be resumed; and second, that the Administration's freeze on subsidized rural housing loans, administered by the Farmers Home Administration, was illegal. It has been estimated that if this rural housing program freeze is allowed to continue, at least 100,000 low-income families would be deprived of an opportunity to borrow funds and build or buy a decent home.

However, the harsh reality today is that across the board it is becoming almost impossible for Americans even up to the middle-income level to buy a home. The AFL–CIO has rightly labelled this a "nightmare era in housing."

The median price of a new home nationally is $31,500 and rising. Used homes in reasonably good condition have increased in cost by several thousand dollars within the last year alone. The rental cost of all housing units has soared—roughly a 31 percent increase from 1968 to 1972.

Interest rates on home mortgages have escalated to at least 8.5 percent—up more than one percentage point in one year. Now, that single percentage point increase works out to an additional $4,400 cost to an American family over the life of a 25-year mortgage on a $30,000 home. And that one percent boost in interest drives 3.4 million American families out of the housing market, according to the National Association of Home Builders. They simply cannot meet the high monthly payments, much less handle the stiff settlement costs.

But even if they could scrimp and borrow to meet these outlays, these families cannot begin to come up with the large down payments that are currently required, even with a mortgage. Today, families in the Washington, D.C. area can generally expect to have to put down 25 percent of the cost of a new home in hard cash, before their application for a home loan will even be considered.

What is the Nixon Administration doing about all this?

Incredible as it may seem, the Administration has totally exempted interest rates and rents from controls under Phase IV.

The Federal Reserve has called for another tax increase—which would again put the burden of inflation control on the back of the American wage-earner.

At the same time, the Federal Reserve is following a tortuous course of simultaneously keeping a money supply available to prevent a recession and raising the cost of this money to prevent skyrocketing inflation. The prime interest rate that banks charge their best customers—meaning major corporate borrowers—has just risen to 9.5 percent. That is the highest interest rate in the history of this nation. It is a full one-half percent above the prime rate in the 1970 recession, with its disastrous and resultant credit "crunch" that had its most immediate and extensive adverse effect, as usual, on the housing industry.

But the Federal Reserve took another step on July 5th to help banks meet credit requirements through attracting savings accounts, by lifting the ceiling on interest rates that can be paid. That action only met one difficulty—the limited availability of lending money—by creating another problem—a massive outflow of savings from thrift institutions, the key source of funds for home builders and mortgages.

The Nixon Administration no longer makes a pretense of moving to meet the vitally important housing production goals of the 1968 Housing Act—26 million new units of housing, including 6 million for low-income families, in one decade. Instead, it has abandoned those goals altogether.

It no longer talks about high levels of new housing starts. Those starts may decline by up to 40 percent in the next year. Federally subsidized housing starts have already declined from the high level achieved in 1970 under the historic legislation enacted by Congress two years earlier. And within a year it is expected that national housing production will be 45 percent behind the goals of the 1968 Act.

Hopefully, in September the White House will present to Congress the new housing program that was promised last March. Recent news reports of recommendations to the President by the Department of Housing and Urban Development indicate this program may have certain commendable features, such as direct housing allowances to elderly poor people. But unless a comprehensive, well-designed program is presented to Congress, such hopeful signs may well prove to be a frustrating mirage, crushing the hopes of millions of Americans who live in substandard housing.

Just to cite one example: HUD may recommend that federal housing policy rely primarily on the existing supply of housing to provide decent shelter for lower income families, rather than continuing the emphasis on providing new units. Now, that may sound commendable as a cost-saving when one considers that housing costs have risen over 90 percent since World War II, that the cost of land as a portion of a house sales price has doubled in that period, and that the price of housing materials has jumped more than 30 percent in the last year alone.

But where is this current supply of housing to be found, when only one percent of existing single-family homes are vacant and available for sale, while new housing is already lagging far behind demand, and while 8 million households have no plumbing or are overcrowded or both?

An elderly couple could see the value of its housing allowance wiped out by the inflationary impact of a simultaneous federal policy of reliance on existing housing.

Until the Administration presents its new housing program, its only significant proposal has been the Better Communities Act (S. 1743). But this legislation has been roundly criticized by mayors for its limited authorization level of $2.3 billion and for its allocation formula for this so-called "special revenue sharing" that also swallows up current important programs targeting federal assistance dollars to meet specific urgent community and housing needs.

In fact, this bill is seriously mislabeled—communities would not be the better for it. It makes no provision to insure that a recipient community would undertake a program to meet its housing needs as part of its community development efforts. It does not provide for a community to borrow money at a reasonable rate to carry out costly development programs such as urban renewal. And it contains no built-in means for directing funds to be spent to meet national objectives.

It would appear that the American housing consumer will again have to look to Congress to provide the leadership. And there are already two bills in the Senate—S. 1744 and S. 2182—which would correct the deficiencies I have cited in the Administration's legislation.

But the time has come to take further steps toward assuring every American the right to a good home in a decent environment. It is recognized, for example, that the development of a comprehensive national housing strategy must be dovetailed with a national growth and land use policy. In the near future, I will introduce major legislation to accomplish this task. And I have again introduced legislation—The National Domestic Development Bank Act—to provide the financing required by local governments for urgent public projects to build a decent community environment with effective public services.

More immediately, we should be looking to selective and flexible credit controls, to well-managed federally subsidized housing programs, and to incentives and requirements for new investment sectors to help meet the critical housing needs of the American consumer.

DENIAL OF HEALTH CARE TO ELDERLY

It has been my privilege over recent months to chair hearings by the Consumer Economics Subcommittee that have examined in depth the serious problem of rising food costs, the nightmare situation in housing, and the fuel shortage crisis in our inland areas.

But hearings by the Subcommittee have also been undertaken to find answers to the urgent problems of escalating health care costs and the increasing inaccessibility of quality health care for large numbers of the American people. This is a particularly severe problem for elderly persons.

The nation's elderly are struggling to meet the rising cost of living on fixed and limited incomes. The further increase of 5.9 percent—as later revised—in Social Security benefits, recently enacted by Congress but regretfully not to be effective until next June, is still not sufficient to meet their total income requirements, because inflation is eating away, for example, the fixed amount of their pension benefits.

But the Nixon Administration would like to take even this benefit away with the other hand, particularly in the area of health care, as well as in housing, food assistance, and social services.

Older Americans were stunned early this year by Nixon Administration plans to make them pay higher Medicare costs. Under President Nixon's Fiscal 1974 Budget proposals, a Medicare patient would have to pay a significantly higher amount of hospital charges, and a sharply increased portion of the doctor's bill under the Part B voluntary insurance program.

The Administration has flatly suggested that Medicare and Medicaid cutbacks can be made precisely because of the Social Security increases enacted by Congress. But these increases can be wiped out by rising health care costs alone. The harsh statistics are that health care costs for older Americans are rising twice as fast as for young persons. And with these rising costs. Medicare right now can only cover 42 percent of the average beneficiary's hospital and medical bills.

As one directly responsible for the original enactment of the Medicare program, I am determined that these Administration policies should be totally reversed. And it is to this end that I have introduced the Social Security and Medicare Reform Act of 1973 (S. 1143).

However, it is abundantly clear that there is an urgent need for the enactment of legislation to assure all our citizens immediate access to quality health care and at the lowest possible cost. The time has come to establish the right of all Americans to health.

Today, more than 30 million Americans are not even covered by any health program or private insurance plan. Meanwhile, over the past 20 years the cost of medical care has soared. In 1950, personal health care spending was $12 billion. But in fiscal 1972, the total bill was $83.4 billion.

The present health care crisis is associated with the sharp escalation of these costs in the last few years. Last year alone, the total health bill rose by 10.3 percent over the previous fiscal year of 1971.

Meanwhile, all too many of our citizens cannot get health care even if they have the dollars to pay for it. There are no—repeat, no—active non-federal physicians in 132 counties in the United States. Thirty-four counties lost their last doctor just since 1963. Today, almost half a million people in a land area of 140,699 square miles have no physician.

If a patient is fortunate enough to receive care in a community hospital, he confronts an average daily cost which had soared to $105 last year—a 115 percent increase since 1964.

Despite an expenditure for the protection of health that consumed 7.4 percent of the Gross National Product in 1971—or $358 for every man, woman, and child in the United States—we remain a nation with major health problems.

360 out of every 100,000 Americans died from heart disease in 1970—the leading killer in our nation.

Respiratory ailments were the leading cause of days of bed disability per 100 persons, accounting for 207.4 of the total of 381 days.

These facts and statistics demonstrate beyond the shadow of a doubt that a nationwide reform of our health care delivery system is demanded—and demanded *now*.

I intend to do everything possible in support of vital legislative measures to accomplish this priority goal. And I intend to strongly oppose serious cutbacks in assistance for major health programs that have been proposed by the Administration.

RISING FUEL PRICES

I want to conclude my remarks by focusing on one consumer economic problem of particular importance in the Midwest. Some of you may be aware of my sustained efforts in recent months to achieve effective action in Congress addressed to the fuel shortage crisis. That shortage has already adversely affected the farmer, the local school district, and the independent petroleum marketer and service station owner in our area. And it could have serious repercussions this winter if immediate efforts are not made to avert a shortage in home heating oil.

Only recently the Administration has begun to propose, through the recently created Office of Energy Policy, the type of mandatory allocations policy I have been insisting upon to assure the fair and equitable distribution of fuel supplies across America, and to maintain essential public services.

However, associated with the fuel oil shortage has been a steep rise in the price of gasoline, fuel oil, and other petroleum products. At hearings last June in Minnesota by the Subcommittee on Consumer Economics, persons directly involved in purchasing from the major oil companies advised me that fuel oil and gasoline prices had gone up by 25 to 50 percent over previous contract prices!

Although the Administration's Cost of Living Council established so-called mandatory petroleum price increase controls last March, no documentation was required until June or July to demonstrate whether companies have been in compliance. Because of this delay, the first reports of the controlled companies have not been evaluated—let alone enforced.

Even published nationwide wholesale and consumer price index increases for refined oil products have been substantially in excess of the 1.5 percent Cost of Living Council guideline.

I was shocked by the information I received at the subcommittee hearings, and I requested the chairman of the Cost of Living Council, John Dunlop, to provide a comprehensive account of what was being done. I regret to say that the Council's reply, while going into endless detail about its bureaucratic procedures, failed to provide any information about results.

Accordingly, I have brought all this to the attention of the Senate, and I intend to continue pressing this Administration to develop effective controls over price increases in the petroleum industry.

CONCLUSION

My lengthy analysis of the major consumer economic issues of critical importance today—the costs of food, of housing, of health care, and of fuel—will hopefully be of help to you in focusing your agenda for this conference.

But if there is one message that should come across today, it is this. The hallowed doctrine in American law and practice, "Let the buyer beware," is simply not going to be blindly accepted by the people any longer. Instead, "Let the Nixon Administration beware" that the issue of safeguarding the American consumer is now of paramount importance, demanding effective action by government without further delay.

MARINE CORPS COMPANY HOLDS 30TH ANNIVERSARY REUNION

Mr. SCOTT of Pennsylvania. Mr. President, last month, Company B of the 4th Tank Battalion, 4th Marine Division, held its 30th anniversary reunion in Reading, Pa. This is the only Marine Corps company that has managed since World War II to keep its members in touch with each other, through meetings and bimonthly newsletters. It is a distinguished company, having fought in the great Pacific battles of Saipan, Tinian, and Iwo Jima.

Among the members of the 4th Division is my friend and our colleague from Oklahoma, Senator HENRY BELLMON. A memento from Iwo Jima, a 75-millimeter shell case brought back from that island by then-Governor Bellmon on a return visit to the Pacific battlegrounds over a decade ago, was presented to Company B on this important reunion.

Presenting the shell case was Joseph X. Dever, a columnist for the Philadelphia Bulletin and himself a platoon leader of Company B. In an article August 7. Mr. Dever reminisces about these decisive battles of World War II, and the role played by Senator BELLMON. Mr. Dever shared a foxhole with Mr. BELLMON during the battle of Iwo Jima.

Mr. President, the battles of World War II, for the men who fought in them, leave "an unstated bond." as columnist Dever so aptly said. So that we may all recall this momentous time in our Nation's history. I ask unanimous consent to enter Mr. Dever's report in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LUGGING VOLCANIC ASH TO READING

(By Joseph X. Dever)

Just before we joined The Bulletin half a dozen years or so back, Sen. Henry L. Bellmon, then governor of Oklahoma, invited us to accompany him as an aide on a return to the Pacific battlegrounds where we had fought together during World War II—Saipan, Tinian, and Iwo Jima.

Due to a comedy of errors we never made the trip, but Bellmon brought us a consolation prize, a 75 millimeter shell case made into an ashtray and full of the black volcanic ash of Iwo, as remote through all these years as moon rocks.

We lugged that memento to Reading, Pa., this past weekend where our old Marine tank unit, Company B, was holding its 30th reunion. It was the first of their biennial meetings in the East.

It seemed an appropriate gesture to deed our bit of Iwo real estate to the only company-sized unit in the Marine Corps that has stuck together through almost half a lifetime. Besides, they had paid well for that never-never-land.

Ex-Capt. Eddie Bollard of East Stroudsburg, Pa., who accepted the souvenir for the annals, is the man responsible for keeping B Company alive. He has made it his avocation, editing a bimonthly newsletter. It was he who read the wire from Sen. Hugh Scott welcoming the men to Pennsylvania.

They came all the way from Yakima, Wash., to Norway where one ex-tanker was drilling for oil in the North Sea. A former tank commander turned undertaker habitually flies his own plane in from Sheridan, Wyo.

We ourselves had been far less faithful, looking in briefly on only one reunion in Detroit years before.

We approached this one with mixed emotions. We've never been gung-ho for reunions, familial or fraternal, and in the wake of America's most demoralizing "non-war", the prospect of legionnaire hi-jinks or nostalgia for blood, sweat and tears in any form seemed an anachronism.

In the years between, we've lived it up in London, Paris and New York, but somehow we've never entirely lived down the notion that war remains an indelible part of our experience, not surprising for a kid never before farther afield than the wilder shores of Wildwood.

As it turned out, we were glad we went. This was a warm get-together of friends in **a country club atmosphere**—swimming, golf and side trips to the lush Amish countryside for wives and families. Latter seemed fast friends, too.

In this country club, however, there was an unstated bond. At the St. Louis reunion, they had air-lifted Hilding E. Skoglund, former company carpenter, ailing with cancer, to one last meeting before he died. When another member died in Chicago, they helped his son stay in law school.

As it happens, no less than two old Company B men are college presidents. Ex-Lt. Tom Clifford is president of the University of North Dakota, ex-corporal Bernard Currier is head of St. Joseph's College near Portland, Me.

At the banquet on Saturday night, Capt. Bollard called the roll and each man answered as of old: "Here Sir." As the names of those who died were called, a candle was lighted for each one. We counted 21 candles as a young Marine bugler played taps.

No. 21 was former Oshkosh, Wis., district attorney George H. Radtke who shot himself just before the last reunion.

Onetime Philadelphia Eagles footballer Joe Snyder, a company staff sergeant and now a security officer at the Navy Yard, surprised us with a diary he kept on B Company's campaigns in Saipan and Tinian in the Mariannas. It proved such a remarkable document we sat up all night reading the book-length account of one of the bitterest battles in the Pacific War.

An entry on June 26, 1944, reads: "Crawled into a foxhole with Lt. Dever. He lives in Germantown just a few miles from me. Dever asked me to take down his address in case he gets killed or dies. He looks like hell. He must have a premonition or he wouldn't talk like that. Anyway, we exchanged addresses in case one of us gets back."

It reminded us of a remark by Norman Mailer, author of the best novel of World War II. "The Naked and the Dead." At his own 50th birthday party last winter. Norman kidded: "When you've lived as long as we have you ask yourself—what did I do wrong?"

RETHINKING THE NATO TROOP LEVEL ARGUMENT

Mr. PROXMIRE. Mr. President, the myth that precisely 320,000 U.S. troops stationed in Europe will deter a conventional or nuclear attack by the Soviet Union has come in for some critical, hardheaded analysis lately. Questions are being asked about the magic of the 320,000 figure. Is that the minimum necessary for an adequate European defense? How fast can we reinforce a lower level? What are Soviet intentions and how are they reflected in their troop commitment in Eastern Europe?

These military issues have been debated at great length within the Pentagon but little information has been made available to Congress. It is known for example that a systematic review of Soviet troop readiness in the late 1960's and early 1970's indicated that the Soviet posture was much weaker than originally postulated. We know that new commitments to defense on the eastern front of the U.S.S.R. are being made yearly, and that some of these troops come from the European sector.

We can look back at the history of the U.S. troop commitment and see how the figures have fluctuated without any corresponding danger to U.S. interests or European security.

Our forces are being modernized and made more efficient. Fewer troops would seem to be called for.

One of the most persuasive arguments for a firm cut in U.S. troop strength in Europe flows from the economic situation. While the Europeans sustain a healthy economy and successfully compete with U.S. industry worldwide, we are bearing the brunt of a $14 billion commitment consisting of 10 percent of all NATO troops, 25 percent of all air forces, and 20 percent of the naval forces. No wonder the European countries are challenging us economically.

THREATS MUST BE MET BY EUROPEANS

The burden of need rests with the Europeans. If they believe that Soviet intentions are ominous, that an invasion is likely, and that only a massive commitment to strength will preserve their freedom, let them prove it by providing more of their own defense. We will stand by ready to reinforce with modern weapons and provide a nuclear force capable of wiping out any Soviet military thrust. We will abide by our commitments and stand fast. But we should not be called on to pay an exorbitant amount for that reduced share which logically would fall to the United States.

Mr. President, the economic and military arguments relating to any reduction in U.S. troops have been clearly addressed by Adm. Gene La Rocque, retired, in the New York Times. He makes a new analysis of the situation with a distinction often lacking in other arguments. He says:

> A phased reduction is not a denial of our NATO commitment. It may save NATO from being destroyed.

Mr. President, I ask unanimous consent that this article by Gene La Rocque be placed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TO SAVE NATO: REDUCE IT

(By Gene La Rocque)

WASHINGTON.—Visiting the headquarters recently of the North Atlantic Treaty Organization, I told an old friend there I thought it was high time we began to make some plans to reduce our forces in Europe. He is living in a beautiful chateau, and he said: "Well, Gene, please don't start it right now, because this is the first good overseas duty I have been able to get for Mary in all our Naval service and I would like to be able to finish the tour."

He was being facetious, of course. Nevertheless, one of the obstacles to beginning a departure of our troops from Europe is reluctance of some of our 130 generals and admirals to even begin to think of giving up important and pleasant positions with the twenty NATO headquarters and commands.

But, if our continued undiminished military presence in Europe is welcomed by our own happily ensconced senior officers, it has in many ways become an irritant to the Europeans and burdensome to our own rank-and-file.

Our black troops especially are sometimes given a bad time, and though it is costing this country billions of dollars to keep troops there, the depreciation of the dollar is steadily impoverishing all our G.I.'s in Europe.

The defense of Europe bears a large share of responsibility for the fact that our per capita spending on military affairs is now $380 annually. The Europeans' per capita spending on their own defense is about $140 in the case of the three wealthiest European countries, West Germany, France and Britain. Our West European allies have in recent years increased their defense spending considerably, but they have also increased their incomes. On the basis of U.S. per capita income being indexed at 100, West Germany as of now is 102.

There are almost 320,000 American military in Europe, with 220,000 dependents. American fighting men provide 10 per cent of the NATO ground troops, 25 per cent of the air forces, and 20 per cent of the NATO naval forces.

A 20 per cent cut in U.S. troops in Europe would leave the NATO ground forces and the Warsaw Pact forces still in rough balance, if French troops are included on the NATO side as surely they would be in a showdown. Many of the Warsaw Pact ground forces are really Soviet garrison forces who are there to deal with possible uprisings against Soviet domination—for instance, the two Soviet divisions in Poland, the four divisions in Hungary, and the five in Czechoslovakia.

Our presence in Europe gives the Soviets an excuse to maintain those garrison forces. If we ever hope to see those countries free again, one step to take is to reduce this justification.

The U.S. and its allies have in Europe a two-to-one advantage over the Soviets in terms of nuclear weapons. In the Mediterranean, even putting aside the Sixth Fleet, the French and Italian fleets are as large as the Soviet naval forces there.

A reduction in Europe could be spread over ten years if necessary, with a 20 per cent cut in the first three years; then reassess the position to see how the Russians are reacting.

Some say before we do any such thing we should first talk with the Russians, beginning this October in Vienna, about mutual and balanced reductions of forces. I happen to think it is the height of deceit to talk about reductions with the Soviet Union. It is a delaying tactic. It keeps the force levels preserved where they are today and avoids any real discussion of what the United States could do. We have to take the first step ourselves, in consultation with our allies.

The alternative to phased reduction may be a fierce backlash of American public opinion against the whole NATO concept. That could involve a hasty, heedless pullout from Europe, at the wrong time and in the worst way. A phased reduction is not a denial of our NATO commitment. It may save NATO from being destroyed.

(Gene La Rocque, a retired rear admiral, is director of the Center for Defense Information and a former task group commander of the Sixth Fleet.)

COAL RESEARCH AND DEVELOPMENT

Mr. COOK. Mr. President, if we need more evidence that this Nation must look to its domestic resources to provide the energy fuel we require, then we certainly received this evidence by the action taken this week by Libya. While I have as yet received no official word or information on the decision by Libya to double the price of their crude oil and reject the dollar as payment for this commodity, I view with alarm the announcement contained in the news media.

On several occasions, I have stated on this floor that this Nation cannot afford the drain on our balance of payments which has been created by the demand for foreign oil. As an alternative to this demand, I have taken the position that we can no longer take a business as usual approach to develop the necessary technology needed to permit us to burn our abundant supply of coal within the limits established by our environmental standards. Specifically, I introduced S. 2167 to establish a trust fund for a dynamic research and development program. I welcome the support of Senator BAKER, Senator ROBERT BYRD, Senator RANDOLPH, and Senator MOSS, who are cosponsors with me of this bill. I solicit additional support of my colleagues and urge that hearings be held at an early date so that we can move ahead on these vital programs.

Mr. President, who knows what tomorrow will bring? If a foreign power can double its price of oil and refuse dollars in payment, I submit that there is no limit to the degree of influence on our Nation's policy that can be exercised by foreign powers. We cannot let this happen.

I recognize that there are foreign policy implications attendant to this latest action which must be considered here in this chamber. It is not my purpose this morning to address that facet of the problem. However, as one who for several years has taken an active part in proposing and supporting programs to provide solutions to our energy problems, I sound the alarm that this Nation is in grave danger of losing its status as a world power. A world power must have sufficient energy to meet its requirements. A world power cannot be dependent on the whims of a lesser foreign power to provide the fuel necessary to meet these energy requirements. We can find a solution with our domestic resources, and see to it that the Nation pursues these programs with an all out effort. It will take time, but I am reminded of what a farmer once said when he was told that a new tree he was considering planting would not flower for 100 years—"in that case plant it this afternoon." Gentlemen, we are in the afternoon of the time remaining to deal with this problem. We must plant this research and development tree now if we expect it to flower in sufficient time to save the Nation.

COMMUNICATIONS WORKERS OF AMERICA SUPPORT OUR VETERANS

Mr. HARTKE. Mr. President, there is no possible way that any people can adequately repay an individual who risked his life to defend their homes and freedoms. When the courageous person suffers injuries in battle, such as loss of limb or eyesight, or permanent paralysis, an immediate obligation falls upon the country to provide him with some compensation for so great a sacrifice.

There are many American citizens who are now speaking out on the debt we owe to the Vietnam veteran and demanding that we do all in our power to assist him in readjusting to civilian life. As chairman of the Veterans' Affairs Committee, I am pleased to inform the Senate that the Communications Workers of America at their national convention last month passed a resolution which urges the Veterans' Administration to restore to its budget the $160 million intended for disability payments to Vietnam-era veterans and to refrain from wholesale downgrading of disability ratings. This resolution also calls for the enactment of the "Veterans' Administration Accountability Act," S. 1076, which I introduced, which would require the Veterans' Administration to inform the Congress in advance of any significant policy shift, such as lowering disability ratings, closing veterans hospitals, or disposing of Veterans' Administration lands.

I want to commend the Communications' Workers not only for acknowledging the tremendous obligation this Nation owes the Vietnam veterans but also for recognizing the serious need that exists to aid these courageous persons. The Communications' Workers Union has again demonstrated its commitment to serving the best interests of the Nation. To quote from their resolution:

> The Vietnam veteran who bore the brunt of the battle and was disabled while in the service deserves better treatment than the administration proposed. The callous disregard for such sacrifice is a travesty.

Mr. President, I ask unanimous consent that their resolution be printed in the RECORD.

There being no objection, the resolution is ordered printed in the RECORD as follows:

CUTBACKS IN VETERANS' DISABILITY PAYMENTS

The Vietnam war has been characterized as one of "mines and booby traps." Maiming injuries and amputations were common, due to guerrilla warfare.

After previous wars, disabled American veterans would look to the Veterans Administration to provide compensation for their injuries, such as loss of limb or eyesight, or permanent paralysis. Many years ago, Congress acknowledged the Nation's debt to its veterans.

However, when the Veterans Administration submitted its Fiscal Year 1974 budget, it proposed saving $160 million a year by cutting disability payments in such a manner as to penalize Vietnam veterans. For example, a veteran with a leg amputated at the hip currently is classified as 90% disabled. Under the proposed reclassification, the same disability would be lowered to 40%, with a resultant monthly loss of $169. Most veterans of previous wars would not be affected by the proposed changes, because the Congress has frozen disability ratings held by individual veterans for at least 20 years.

The Veterans Administration announced its intention to change the Vietnam veterans' compensation in this obscure language, found in the Federal budget document: "Reform veterans benefits administratively to align benefits and need." When those words were translated into plain English, a massive outpouring of criticism came from the Congress, labor unions, veterans' groups and the general public. However, the $160 million has not been restored.

To counter further attempts at unilateral action to the detriment of veterans, Senator Vance Hartke, Chairman of the Senate Veterans' Affairs Committee, introduced S. 1076, the "Veterans' Administration Accountability Act." The bill would require the agency to inform the Congress of any significant policy shift, such as lowering disability ratings, closing veterans' hospitals, or selling public lands now used by the Veterans' Administration. The Congress would have 60 days in which to study the policy implications and act to forbid such changes proposed by the agency.

The Vietnam veteran who bore the brunt of the battle and was disabled while in the service deserves better treatment than the Administration proposed. The callous disregard for such sacrifice is a travesty.

Therefore, be it resolved: That the Communications Workers of America exhort the Veterans' Administration to restore to its budget the $160 million intended for disability payments to Vietnam veterans, and refrain from wholesale downgrading of disability ratings; and

Be it finally resolved: That this Convention call on the Congress to enact S. 1076, the "Veterans' Administration Accountability Act," to prevent unilateral agency action detrimental to American veterans.

"THE DREAM"—PLUS 10 YEARS

Mr. SCOTT of Pennsylvania. Mr. President, a decade ago on August 28, the city of Washington was host to, and the entire world was witness to, the largest and most peaceful gathering of people in the history of the Nation's Capital. A quarter of a million persons came together in harmony and hope for the March on Washington.

Black and white together, they came to share the dream of freedom and equality so eloquently expressed by the late Reverend Martin Luther King, Jr. Dr. King's dream will be remembered so long as any man is not free and is not equal with his brother.

Over these 10 years, there has been much progress for black Americans. New civil rights laws have been passed, and notable gains have been made in education and employment. But much more needs to be done, if we are to make real the dream of Dr. King. We must keep alive the struggle for civil rights by making it, for each of us, a personal struggle against any form of bigotry and discrimination.

Mr. President, an editorial in the Evening Bulletin, of Philadelphia, on August 28 recalled the 1963 March on Washington as "a symbol of unity, harmony and hope for civil rights supporters." The editorial also put into perspective what has happened over this decade. I ask unanimous consent that this fine editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

"THE DREAM"—PLUS 10 YEARS

We must learn to live together as brothers or we will perish together like fools.—Dr. Martin Luther King, Jr.

Ten years ago today, a quarter of a million people gathered at the Lincoln Memorial to share a dream. Dr. Martin Luther King Jr. described the dream to the world, and the March on Washington became a symbol of unity, harmony and hope for civil rights supporters.

The social climate is much different from a decade ago. For many citizens of all races the American dream has become increasingly clouded by mistrust and cynicism. In such an atmosphere, it is difficult to determine with any meaning—even though blacks have made many gains—how much of Dr. King's dream has actually been realized.

Opinion concerning the extent of black progress is sharply divided, even within the black community. In a society obsessed with data, there is a natural tendency to rely on statistics for an answer.

Read one way, the data shows:—That a "slender" majority of blacks has entered the middle class within the last ten or twelve years.

That black income can be equal to white income if a certain set of variables applies.

That nearly a third of all black families now earn more than $10,000 annually.

That 11 percent more blacks graduate from high school now than five years ago.

That more than 800,000 blacks have moved from crowded cities to suburbs in the last decade.

However, the same data can be used to conclude:

That the absolute income gap between whites and blacks is widening.

That counter to the national trend, a large number of black families is still slipping into poverty.

That more than half of the black high school students attend predominantly black schools.

That 2.8 million blacks have replaced the 800,000 who moved to the suburbs.

What does it all prove?

Statistics can be interpreted to prove almost anything. And while such data can be useful indicators of developing trends, they can't accurately measure the intangibles.

In spite of gains recorded by individual blacks in the last ten years, too many blacks are still caught in the twin, vicious cycles of poverty and unequal opportunity.

It would be a great disservice to them and to the spirit of Dr. King's vision, then, if cold statistics were used to minimize the need for continued commitment to the black civil rights struggle.

Since the latter part of the 1960s, the civil rights movement has expanded to include women, students, consumers, other ethnic minorities and many other citizens. In increasing numbers, Americans are refusing to let statistics determine their quality of life and explain away the many problems affecting them.

The struggle for civil rights can and should be fought on many fronts; however, it's a safe bet that it won't be won in the statistical abstracts. What will help greatly is a renewed national commitment to the goals of Dr. King's dream.

SCHOOL MILK PROGRAM COULD BE ON WAY OUT

Mr. PROXMIRE. Mr. President, before Congress recessed in late July the Senate passed an Agriculture appropriations bill that included a Proxmire amendment boosting funding for the special milk program for schoolchildren to $97 million. This was a vast improvement over the $25 million requested by the administration and approved by the House of Representatives. In fact this action restored funding to last year's levels.

However an editorial appearing in last Sunday's New York Times justifiably points out that by failing to resolve this issue by meeting in conference on the Agriculture appropriations bill the Congress has permitted the administration to put the $25 million ceiling into operation.

It is up to the Congress to take action quickly to restore the school milk program to last year's level so that our schoolchildren will at least begin to receive adequate nourishment.

The need is particularly compelling in view of the escalation in food costs. Because of a rise in the price of milk—brought about by a whopping increase in grain and other costs to the dairy farmer—even last year's figure leaves a great deal to be desired.

I intend to do my level best to see that the conferees on the Agriculture appropriations bill meet soon to resolve this issue in favor of the millions of American schoolchildren who rely on the school milk program. I ask unanimous consent that the Times editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MILK FOR CHILDREN

When schools open across the country this week, more than forty million children will find no milk on their lunch trays, unless local communities or their parents pick up the tab. The Federal subsidy, which amounted to $95 million last year, has for the moment been wiped out—a victim of President Nixon's budget-slashing and of an unresolved conflict between the Senate and the House.

The President's budget requested only $25 million for the milk program, a $70 million reduction and just enough to provide milk for the approximately six million children in schools without lunch programs. While the House went along with the President's cutback, the Senate called for an expenditure of $97 million. Until House-Senate conferees arrive at a compromise, there will be no subsidized milk for school lunches. In schools that have no lunch programs, the Agriculture Department will continue to provide children with milk by using leftover funds for day-care centers and camps.

The lapse in the general school milk subsidy comes at the worst possible time—when the price of milk and most other food has risen to record levels. Many children will be getting less milk at home because of the squeeze on family budgets, thus making its availability in school doubly important to their over-all nutrition.

To make matters worse, there is also the threat of a serious shortfall in the amount of Government-donated food available for the school lunch program. Many former surplus items are now on the scarcity list. In addition, some food companies, which had been eager to get the schools' lunch business when supply exceeded demand, are now delaying acceptance of local school board contracts in the expectation of getting more lucrative customers later on.

Contrary to the self-congratulatory folklore of America as a child-centered society, Congress shows no sense of urgency about preventing children from becoming victims of the adult world's preoccupation with profits and budget-cutting. The conferees have acted irresponsibly in delaying action beyond the opening of school. It is now up to both houses, as soon as Congress returns this week, to press for an appropriation adequate to assure that milk will not be taken away from children.

GRADUATION ADDRESS BY DR. HAROLD ENARSON

Mr. DOMENICI. Mr. President, in these days when our universities and their roles are ever changing and when there is great concern about the educational process in this country, it is refreshing to read a graduation address made to the University of New Mexico by a distinguished alumnus of that school, Dr. Harold Enarson who is now president of Ohio State University.

I believe the essence of the speech is contained in Dr. Enarson's own words when he says:

(A university) is not "just another organization." It is a very special kind of place. It is more like the Metropolitan Opera than the Metropolitan Life Insurance Company. It is more like a church than a factory, more like a research lab than a highway department. The university is an intensely human enterprise. And it is not so much managed as it is led.

The work that we do defies measurements that matter. Our "production site" is the classroom and the laboratory. Everything that really matters and makes a difference in the lives of students takes place behind closed doors—far beyond the reach of managers. The bell rings and the 50-minute intellectual transaction begins . . .

The quality of the intellectual enterprise—which is the only true measure—is the direct charge of the faculty. It is the faculty who must design the curriculum and the requirements; who must organize the courses of instruction; who must reshape courses and programs and stretch to be in tune with the times.

Because the remainder of Professor Enarson's address is equally apropos and provocative, I ask unanimous consent that it be printed in the Record as part of my remarks.

There being no objection, the address was ordered to be printed in the Record, as follows:

GRADUATION ADDRESS BY DR. HAROLD ENARSON

Members of the graduating class, parents, faculty, staff, friends of the University of New Mexico—

I salute you one and all—some for academic distinction and all for academic survival. This may be the time to remind those of you with "A's" and "B's" gracing your transcript that your achievements were made possible by helpful fellow students, some nearby and some no longer around, who embraced "C's" and "D's" with genuine gratitude.

Commencement is among the oldest of academic tribal rituals. No one has succeeded in reforming it. The processional is too long; the gown is too long; the commencement address, however brief, is too long. The graduates swear they will not attend such foolishness—only to relent to entreaties from family and friends. Both cameras and applause are "at the ready." Unless I am much surprised, you will be asked to withhold your applause as the diploma is handed to one person in the audience you care about—and unless I am much surprised that admonition will be occasionally ignored!

And why not? We celebrate today your individual achievement. Each graduate is a singular story of success in the face of obstacles, even great odds—the interruption and the moral burden of Viet Nam, lack of funds, long hours at a job, or even physical disabilities. This is why the commencement talk entitles you to day dreaming. You are free at last from any threat of a Monday test on this, the University's "last hurrah."

For all of us, the University of New Mexico must be a very special place. It has formed us in ways we shall never fully understand. It has tested our capacity, trained our intelligence, focused our ambitions, introduced us to ideas and to friends. At times it has exasperated and even enraged us. Rarely has it demanded too much of us, and more often than we dare admit, it has required too little of us.

For some of you, it has aroused moral sensibilities and stimulated a concern for the welfare of others—a concern, incidentally, that will, while giving you no peace, yield a richly rewarding life.

For others of you, the University has cemented a conviction that the world is a cruel jungle, that the Establishment is a fraud, and that nothing much can be done by anyone to change much of anything.

In short, some of you are confirmed in your instinctive idealism. For others, cynicism has ripened in full poisonous flower.

I note with special sadness that the architects and planners of the still-unfolding Watergate tragedy are, without exception, college graduates (the "best and the brightest"), whose leadership skills were honed to sharp edge in the best colleges and the best law schools and the best law offices of the nation. And very possibly we have here today men and women who will create their own Watergates in years to come. But for the great majority here, I trust that your skills will be exercised in the purposeful pursuit of good.

The University, in short, has introduced you to the wide sweep of human experience and possibilities.

But one special and vital dimension of modern life has been sealed off from you. The university that has shielded and sustained you, introduced you to new skills and new knowledge, shaped your character in ways both good and bad—that university has spared you the burden of understanding the university itself. We have busied you with many tasks, but by curious omission, we have failed to share with you our deep concerns about the integrity, the academic health, the vitality of the university itself. We have let you take for granted this complex system, this vital process, this elegant creation, this unique institution. And therein lies great peril, for if the graduates of our colleges and universities are not sympathetic and understanding spokesmen for the higher learning, who in America will support and defend, advance and promote the idea of the university.

I come directly to the point. There is tempting heresy loose in the land. Very simply, it is the dangerous notion that state universities are simply another agency of state government, a unit to be policed, regulated, and whipped into a bureaucratic mold. In this view, the university is simply a production unit in the Knowledge industry, a kind of specialized factory processing human beings for strictly utilitarian ends. Clark Kerr, perhaps the most perceptive observer of the changing academic scene, is both precise and prophetic when he declares that the state-supported university is rapidly becoming "a regulated public utility."

Why have we come to this strange new vision of the university? For many reasons: because many believe that our business affairs are poorly managed, that we are guilty of competitive self-serving expansion, that the faculty have become a protected featherbedding elite, and finally that reform is paralyzed by internal quarrels. It is a harsh indictment, and it is being pursued with varying degrees of fervor and favor in many of the fifty states. The remedy is equally harsh. If self-regulation has failed, if the state universities are "out of control," then by all means impose the classic remedy of strong, external regulation.

Make no mistake about it. In state after state, a managerial revolution is steadily under way. It threatens to convert relatively free-standing, self-directing institutions of higher learning into homogenized state systems. The old faiths—academic freedom, institutional initiative, institutional flexibility—are pushed aside. The new articles of faith are control, coordination, efficiency, and something called "accountability." Like Gulliver, the university discovers that the combined strength of many small strands of red tape is enough to restrain and overpower. Though the Lilliputians were tiny people working with tiny threads, you will recall that Gulliver was indeed made helpless. It bears remembering that the Lilliputians believed they were busy in a good cause. So it is with our new masters. They are blessed with their own private visions of what is best for the university.

The managerial revolution in public higher education emerges from at least three distinct and powerful trends.

First, there is the impulse of government itself to extend its domain and its control. Whether the Politburo, General Motors, the White House, or state government, the impulse to control others lies deep in the grain of large systems. The historic independence of state universities has been for a long time an affront to state auditors, personnel departments, architectural offices, centralized purchasing bureaus, and the like. Their instinct for tidiness, sense of professionalism, and "territorial imperative" combine in persistent zeal to bring the university to heel.

Second, there is the rapid movement toward the development of powerful state systems of higher education. As new public services are demanded, as the taxpayer revolt gains momentum, as state governments everywhere endure the crunch of too many demands and too few dollars, and as the bill for higher education continues to rise, governors and legislators are driven to the search for economies in higher education. All this has given strong impetus to the development of powerful state systems of higher education.

The regulation of the life of the university began with a development that was clearly needed, and innocent of wrong motive. This was the creation of specialized state boards or commissions charged with "coordinating" the budgetary requests of the various state colleges and universities. But over the years, the coordinating boards have enlarged their jurisdiction and extended their powers in many states, they have moved inexorably from useful fact-gathering and helpful analysis to outright control and detailed intervention into the internal affairs of the universities. The power of decision on matters large and small has moved upward from individual institutions into the hands of strong state systems—with consequences we have only begun to grasp. In shared innocence Trustees and the American Association of University Professors hassle the president on matters that are now largely in the hands of the state system.

The system! It is not the system that we associate with George Orwell's "Big Brother." It is not a system operated by faceless, soulless tyrants lusting for power. It is much the same kind of system that you and I encounter when we struggle with the higher mathematics of our Federal tax return, or battle a zoning change, or try (as I did recently) to transfer the title of a car purchased in Colorado, mortgaged in New Mexico, licensed in Ohio, located in California, to a daughter residing in Oregon. It is a system run by friendly decent people who mow their lawns, pay their bills, worry about what this country is coming to—but people who themselves are often prisoners of rules, regulations and procedures that they are powerless to change.

Unfortunately, it is in the nature of systems that they always reach for more. In Wisconsin and North Carolina, the logic of system has crashed the final barrier. In both states, the state colleges and universities have been formally merged into a single, new all-embracing state university. It is a triumph of system—a new empire, a new total bureaucracy. And it sets the stage for the necessary next step, the homogenization of independent universities into a single mega-bureaucracy. Boards of Trustees are left with local "advisory" roles. They are like the appendix in the human body, without real function but capable of flare-up or sudden critical disruption.

The third element in the managerial revolution is the excessive reliance on the so-called "management tools." Some are physical tools such as the computer. Most are conceptual tools—performance budgeting, cost-benefit analysis, the systems approach, and the like. These new tools—we are told—will lead us into the Promised Land of easy decisions and efficient management. Unfortunately, the tools themselves create the illusion that the vitality and integrity of the university is a direct function of management initiative.

The computer is the rightful symbol of what I choose to call the "management mentality." In the house of Dr. Strangelove, the managers program the computer, the Super Machine whirs hypnotically, and the computer printout yields masses of information—all in exquisite detail. In measuring things that can be counted or expressed in quantifiable terms, we are led unawares to the grand illusion—that only the measurable really matters. To the new managers the university is just another large system. It has raw material (students), a labor force (faculty and support personnel), instruments of production (classrooms, laboratories, libraries), a production schedule (academic requirements, classes admitted and classes graduated), management (the Trustees and central administration), and a production index (the cost of producing a student credit hour). In this view, faculty are worker bees, producing quietly, unobtrusively on schedule their "fair share" of the units of production. The Product (you) reflects "value-added" in manufacture. The cheerful assumption is that more has been put in your head than has been taken out!

Is this outrageous caricature? Of course, but it does capture the spirit of a trend. Around the country, right now, there is pressure in one or more states for the following:

Standardized course offerings for "general education" in the first two years.

A standard calendar for all state universities.

Round-the-clock (7:00 a.m. to midnight) operation on a twelve-month a year basis.

Legislatively mandated teaching loads of nine hours at the graduate level, twelve hours at the undergraduate level.

A single computer system, a single library system for a state.

A job classification system locking every professor and employee in an appropriate niche.

Space utilization and building construction standards that treat all universities as if they were alike in all respects.

Am I suggesting that productivity is of no moment in the university, that money doesn't matter, that the university is accountable to no one? Of course not. Plainly there are advantages in improved coordination, in the sharing of expensive library and computer resources, in the imaginative use of technology, in better classroom utilization, in better use of the time and talents of the faculty. But is this the yield of the managerial revolution? Not at all.

Well then, has the managerial revolution made for the hiring of better teachers, for more inspired teaching, for more creative research, for better career counseling, for better organized curriculum, for a sharper sense of intellectual purpose? Has it made for better incentives to learning and intellectual growth? It has not. But has it put administration on its toes? Are presidents, deans, and chairmen made more efficient, responsible, and—to borrow the favorite "in" word of the managers—"accountable?" It has done none of these things. In my considered judgment, the managerial revolution creates the exact reverse of the goals that are sought. The impact of multiple sources of regulation on the university is to discourage flexibility, cripple initiative, dilute responsibility, and ultimately to destroy true accountability.

For the most part, the managerial revolution has meant the triumph of technique over purpose. We witness management "overkill." The university which is regulated by everyone becomes, by the most bitter of ironies, accountable to no one. The invasion of external authority makes it virtually impossible to fix responsibility on anyone for educational results. With everyone in the act, who is finally accountable?

All this is happening because we fail to grasp the essential nature of the university. It is not "just another organization." It is a very special kind of place. It is more like the Metropolitan Opera than the Metropolitan Life Insurance Company. It is more like a church than a factory, more like a research lab than a highway department. The university is an intensely human enterprise. And it is not so much managed as it is led.

The work that we do defies measurements that matter. Our "production site" is the classroom and the laboratory. Everything that really matters and makes a difference in the lives of students takes place behind closed doors—far beyond the reach of managers. The bell rings and the 50-minute intellectual transaction begins. It's all there—the excitement or the dullness, the discipline of good teaching or the time-consuming rambling, the eager attention or the slack-jawed stare.

The quality of the intellectual enterprise—which is the only true measure—is the direct charge of the faculty. It is the faculty who must design the curriculum and the requirements; who must organize the courses of instruction; who must reshape courses and programs and stretch to be in tune with the times. It is the faculty who either have the future in their bones or have their bones in the way of the future. It is the faculty who must purge itself of the passionate true believers who prostitute academic freedom by promoting either the zealotry of the "new left" or the doctrines of the "old right." It is the individual faculty member who, in asking too little of himself, asks too little of his students—or the faculty member who, enthusiastic in his own subject, makes learning contagious.

The language of higher learning is so pretentious that we easily shrink from its exhortations. But it is an intellectual tradition that we transmit; it is professional competence that we demand; it is the sense of human possibility that we communicate; it is the insistence on intellectual rigor, in art and in science, that we proclaim. If this is conceit, make the most of it. For the university—this university—is not, cannot be, the prisoner of the new managers.

But neither can the public university be the captive of the faculty. It is the people that we serve, and their public interest that we seek to advance. Everyone has a stake in the work of the university—parents, students, faculty, governors, legislators, business, the professions, taxpayers, trustees,—even presidents. Slowly, clumsily, we in the universities have evolved our own special forms of "participatory management." It will do no good for any of us to rail against external intervention. Instead, our challenge and opportunity is to devise wider and deeper networks of consultation. If consultation with faculty is necessary and desirable, so by the same token is university consultation with governors, legislators, and state coordinating boards.

Yes, universities are a very special kind of place. They are fragile as truth itself is fragile. They exist by public sufferance, and it is a marvel that the public at large supports with its dollars an institution that is independent, free-standing, openly critical of the conventional wisdom, friendly to disputation, enchanted with controversy, hospitable to those who "think otherwise."

May it always be so. The University of New Mexico is not just another agency of state government. Over the years it has stood tall and proud and free. It began in eager aspiration—a few brick and adobe buildings on the hill east of a tiny town on the Rio Grande, a few students eager to expand their horizons, a small band of professors who cared—and gave a lifetime of service in caring. Over the years, the University of New Mexico has grown along with Albuquerque, with New Mexico, with the nation. Today, the tiny college is a major urban university, centered in the city and the state, with a reach of service and aspiration that would gladden the heart of the early pioneers.

The University of New Mexico: sand around and stars above, burning sun and quiet ripple of water in the river and the ditch, citadel of freedom on the hill, home of hope and promise of deliverance from ignorance. May this University be, now and forever, a very special place.

FOOD PRICE SPIRAL

Mr. MUSKIE. Mr. President, the time we have spent in our home States during the August recess has brought home to all of us the pervasive effects of the rising price of food.

Mrs. Margery Brown of Cherryfield, Maine, took the time to express her frustration in a letter to Agriculture Secretary Butz.

I ask unanimous consent that Mrs. Brown's letter be printed in the RECORD as an example of the depth of the frustration and anger among our constituents over the food price spiral.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CHERRYFIELD, MAINE,
August 17, 1973.

Mr. EARL BUTZ,
Secretary of Agriculture,
Department of Agriculture,
Washington, D.C.

DEAR SIR: Yesterday I went to the nearest city to do my grocery shopping There wasn't a bag of flour on the shelves. Some stores had been limiting purchases one to a family. Two and five pound bags is an expensive way to buy flour.

Today I read in my local daily newspaper of a bumper crop of wheat. A Farmer Jensen standing in a pile of wheat in South Dakota. He has raised 8000 bushels. No place to store it, the bins are full. No way to ship it, the boxcars aren't available. Wheat is selling for $5 a bushel compared with 1.75 a year ago. Who is making the 3.25? I'll bet it isn't farmer Jensen!

This is America—the land of plenty. Ha! Plenty too many "expert" dingbats trying to manage the economy. They sure have managed to make a mess of it.

For years now the government has been paying a subsidy to the farmers for the grain they raised and another subsidy not to raise grain or graze cattle. We, the taxpayers have paid for it. If there were some way to compute the cost of that performance and add it to the cost of our food purchases, which is what it actually amounts to, considerably more than 19% of our income has been going for food all these years.

Last year President Nixon made a big deal and sent tons of wheat to Russia all in the name of creating better "understanding" between the two countries. The Russian Government would cut our throats in a minute if they didn't need that wheat so desperately. That deal cost me a cent a pound for my bag of flour in the market. Someone made money on the deal and I'll bet it wasn't the Farmer Jensens of this country. That deal smells worse that a bin of rotten grain!

Last fall was a wet harvest season. There was a big fuel shortage flim-flam. There was no gas to run the dryers to dry the grain. There was plenty of gas to heat all these fancy enclosed shopping malls and huge stores. That is more important than drying our grain. That cost me another cent a pound for my flour not to mention the higher costs of other items using grain.

Then the Phase 1 thru 4 price fixing really finished things. The Secretary of the Treasury said that he hoped Phase 5 would be Phase Out. It sure will. The price of all necessities will be phased right out of the reach of many and most of us.

It seems as tho in this day of transportation so good that the local stores now have their winter supply of such "necessities" as snowmobiles, snowmobile suits, etc., on the shelves, that it shouldn't be expecting too much if some of us would prefer to see food on the shelves. Flour isn't the only thing missing, just the most exasperating because we know the wheat is there.

I suppose I should be prepared to pay $7–8 for a 25 lb. bag when it is available considering what happened to the price of eggs and chickens when the farmers killed off all the baby chicks because they couldn't afford grain.

Have you any solution to get that grain from South Dakota to us here in the east? Or should I plan to go to South Dakota with a couple of good solid Maine rocks and grind my own flour.

Yours truly,

Mrs. Thurland Brown.

LEONARD R. LINDGREN

Mr. SCOTT of Pennsylvania. Mr. President, just prior to the Senate recess, one of the most respected political reporters I had the privilege of knowing in Pennsylvania, L. R. Lindgren, of the Pittsburgh Press, died of cancer. He was a fine man, a reputable professional, and a friend. A news article from the Pittsburgh Press describes his career. I share it with my colleagues. An editorial the following day entitled "Goodbye to Lindy" also pays him tribute. I ask unanimous consent that both of these items be printed in today's Record.

There being no objection, the article and editorial were ordered to be printed in the Record, as follows:

L. R. Lindgren, Ex-State Capital Reporter, Dies

L. R. (Lindy) Lindgren, long-time Pittsburgh Press Harrisburg correspondent, died yesterday in his retirement home at Beach Haven, N.J.

Mr. Lindgren, who would have been 70 years old in September, had been head of The Press Harrisburg Bureau 24 years before retiring May 1, 1969.

As dean of the Harrisburg press corps in the last quarter of his career, Mr. Lindgren acquired more information on state government than can be found in a college thesis.

He covered 10 governors, beginning with Gifford Pinchot, in his tenure in Harrisburg, first for a brief span with the Associated Press and then with The Press.

He reported the activities and inactivity of legislators, bureaucrats and payrollers. He covered shakeups and shakedowns and "harmless little turkeys."

DISGUISED PORK BARREL

That's the expression for legislative bills that appear harmless, but when closely scrutinized are exposed as proposals that could cost taxpayers millions of dollars.

Mr. Lindgren covered a dozen national political conventions, including the 1964 Republican conclave where Gov. William W. Scranton of Pennsylvania failed in his last-minute, and slightly frenzied, bid to seize the presidential nomination from Barry Goldwater.

Totally without personal rancor, Mr. Lindgren usually remained on friendly terms with those whose foibles he reported or whom he needled in his Sunday column on The Press editorial page.

In 1952, he scored a major scoop when he disclosed that then Gov. John S. Fine had swung the Pennsylvania delegation behind Dwight Eisenhower, dooming Sen. Robert A. Taft's presidential candidacy.

HOTEL EXCLUSIVE

In 1960, with characteristic relaxation, he reported another exclusive without leaving his Pasadena, Calif., hotel.

Instead of fighting traffic to reach convention hall in Los Angeles, Mr. Lindgren remained behind to splash in the pool. Suddenly he realized most members of the Pennsylvania delegation were likewise sticking close to the premises.

Sensing something unusual, Mr. Lindgren finally tapped a Pittsburgh source who informed him Gov. David L. Lawrence, who had been a holdout against John F. Kennedy, had capitulated.

This clinched the nomination for JFK, and Mr. Lindgren phoned the story to a Press rewriteman from poolside.

Sometimes Mr. Lindgren went too far. On one occasion, the late Lawrence J. Fagan, then Press city editor, was awakened at 4 a.m. by a phone operator who asked if the newspaper would pay for a call to Moscow.

She was, she said, relaying a call from a hotel where a guest named Lindgren wished to speak person-to-person with Josef Stalin, and charge it to The Press.

Mr. Fagan gulped and sputtered: "You tell that reporter of ours he has enough to do to cover Pennsylvania politics without horning in on the Russians."

Mr. Lindgren was blessed with a retentive memory, and politicos were sometimes nettled when he sat back, quizzically eyeing them, while others took copious notes.

An easy-rider, he could knock out a Sunday column in a matter of minutes, pausing only to slip a copy boy $2 for a bet on a race at Pimlico, a track he occasionally visited when the legislature was adjourned and sometimes when it was in session.

A native of Fessenden, N.D., Mr. Lindgren entered the newspaper field at 20 as a sports and school news reporter for the Aberdeen, S.D., News.

WITH AP IN CHICAGO

He later moved to the Associated Press in Chicago and also served that wire service in Cleveland, Columbus, Omaha, Lincoln and Pittsburgh, where he was its bureau chief.

In 1933, he was transferred by the AP to Harrisburg, and scooped the state when he reported prohibition had been repealed two hours before the repealer was actually approved by the legislature. Mr. Lindgren said later he had become impatient.

In World War II he was public relations adviser to Gen. Richard K. Mellon, Pittsburgh financier, then director of the State Selective Service system.

On two occasions he was honored with State Senate resolutions commending him for fair and impartial coverage. He also won a Golden Quill award for outstanding reporting.

After retiring from The Press, Mr. Lindgren lived in Cherry Hill, N. J., spending the winter months in West Palm Beach, Fla., and the summer at Beach Haven.

Surviving besides his widow, are a son, Scott Laird of New Cumberland, Pa.; two daughters, Mrs. Louanne Steinbrenner of Erie and Mrs. Nancy Moore of Torrance, Calif.; three sisters, and six grandchildren.

Memorial services will be at 11 a.m. Wednesday in First Presbyterian Church, Haddonfield, N.J.

The family suggests memorial contributions to the American Cancer Society.

Goodby to Lindy

The name was Leonard R. Lindgren, but to the many who came to know him through his work, including successive generations of politicians, he was simply "Lindy."

And he was more like a storybook character than most storybook characters.

He was ruggedly built, had the constitution of an ox, could turn out stories by the yard, knew just about everybody, could work the clock around when needed and had the quick perception of a truly great newspaperman.

For 24 years, Lindy served as chief of The Press Harrisburg Bureau. And when he retired four years ago he was dean of the news corps at the state capital—respected equally by those he competed with and those he wrote about.

Lindy's time ran out the other day, cutting short a well-earned retirement on the eve of his 70th birthday.

There's literally no way of calculating how much good he did by keeping the people informed about politics and government. But his contribution both to good journalism and to good government was as indisputable as it was immeasurable.

THE SENATE SHOULD ACT NOW ON THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, in January of 1967, I pledged that I would rise in this Chamber every day to speak in favor of ratification of the Genocide Convention until this action was taken. It is now September 1973, over 6½ years later, and still the treaty has not been ratified. Why has the Senate not acted on the Genocide Convention?

Since adopted by the United Nations General Assembly on December 9, 1948, the International Convention on the Prevention and Punishment of the Crime of Genocide has been ratified by 75 nations, including most of our NATO and SEATO allies. It is embarrassing, to say the least, that the United States is not among the signatories. Why?

We have always prided ourselves on our efforts in the field of human rights. Indeed, our Declaration of Independence was created nearly two centuries ago with the belief that it was self-evident that all men were created equal and had certain inalienable rights—life, liberty, and the pursuit of happiness. And yet this body is unable to ratify a treaty that would help prevent genocide, a crime that unquestionably jeopardizes these inalienable rights.

Mr. President, I urge my fellow Senators to act positively on this treaty. The Genocide Convention must be ratified at once.

SAVING GRAND CANYON

Mr. GOLDWATER. Mr. President, the Grand Canyon of Arizona is, in my mind, the most beautiful natural wonder of the world. We who have seen it all of our lives and who love it want to protect it. To this end, I have a bill cosponsored by 27 other Members of the Senate and introduced into the House by Congressman Morris Udall which would do precisely that. However, there are other dangers to the canyon and they involve people and accommodations and these must be watched as carefully as we watch the borders and the use of the canyon.

The Arizona Republic recently had an editorial which sums up the feelings of Arizonans relative to this problem. I ask unanimous consent that this editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

SAVING GRAND CANYON

The Grand Canyon of the Colorado River is the fairest jewel in Arizona's crown of natural beauties.

Most tourists would rather see it than any other scenic attraction in the United States.

In 1972 a total of 2.7 million visited the Grand Canyon National Park. More than 500,000 vehicles passed through the entrances to the South Rim. This year's totals will be larger.

Last year 16,432 people took the boat trip down the river at the bottom of the canyon. That's more than had run the river in the preceding 100 years.

Foreigners usually put the Grand Canyon high on their itineraries when they come to the United States. According to one estimate, 40,000 tourists from Japan alone will visit the canyon this year.

All of which should be fine for Arizona, thanks to the $600 million of outside money that tourism adds to the state's income each year.

But the rush to the Grand Canyon has not been handled properly. As Abe Chanin of the Arizona Star in Tucson put it last month: "What has happened to the South Rim of the Grand Canyon shouldn't happen to Coney Island. But it has."

Last May, Paul Dean, The Arizona Republic's columnist, described the "high-priced, low-quality disservices at Grand Canyon."

Service is atrocious in the once-gracious El Tovar Hotel. It sometimes takes an hour or more to get breakfast there.

The beautiful Bright Angel Lodge, with its breathtaking view of the canyon, is overrun with tourists and a snack stand has defaced it. The Fred Harvey Co. does its best to police the facilities, and the rangers have managed to preserve most of the park's flora and fauna.

But the sad truth is that Grand Canyon's ecology is fragile at best, and overuse will spoil it just as overuse has drastically reduced the attractiveness of Yosemite Park in California.

Max W. Hahn, chairman of The Arizona Visitors Promotion Council, has written a letter to the Fred Harvey management declaring, "While we understand and we are sympathetic with the scope of your problems and the limitation of resources available to you, we cannot understand the continued existence of substandard housing and feeding facilities, unsightly conditions, uncontrolled vehicular traffic jams and, worst of all, the alleged low level of training and the improper attitude of some employes regarding these problems."

The cheaper dollar will bring more foreign visitors to the United States and will force more Americans to spend their vacations at home. The millions who will want to see the Grand Canyon must be accommodated.

This might force the closing of the park to all vehicles carrying visitors who do not have confirmed room reservations. It probably will result in many more motels being built outside the park, say at Tusayan on the road from Williams to the Grand Canyon. Buses could carry the sightseers to the rim.

There is a need for more and better eating facilities, restrictions on river boats, controls over the number of people who can go down Bright Angel Trail to the bottom of the canyon.

It would be a disgrace if the incredible beauty resulting from aeons of wind and water erosion were marred by mismanagement, or if the precarious life of trees and bushes were wiped out by thoughtless trippers.

The Grand Canyon must be maintained in its pristine beauty. If it takes nudging from the people and the government of this state to get action from the federal government, then it's high time we all began to nudge.

Overwhelming public demand has kept hydroelectric power plants out of the canyon. The same sort of demand should return the canyon to the sort of place that citizens delight in visiting.

PROJECT INDEPENDENCE

Mr. MUSKIE. Mr. President, Project Independence, a highly successful program for senior citizens in western Maine, is beginning its third year of operation. From the beginning, the program was designed to help the elderly help themselves and each other. The project was the first of its kind in the country, and is now one of 22 nationwide.

A recent article in the Lewiston, Maine, Sun provides a good description of the project's services, and could be a prescription as well for similar efforts elsewhere. For this reason, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"OLD FOLKS" UNDERTAKE BIGGEST INDEPENDENCE MOVEMENT SINCE '76

(By Blanche Applebee)

WILTON—"Proud Downeasters" have a horror of being beholden. They would almost rather die than leave their homes, for they believe once you do, you are beholden to somebody for the rest of your life.

The biggest independence movement since 1776, Project Independence, provides the elderly with the necessities for a dignified life style.

Its purpose is to make it possible for older people to live in their own homes as long as they are able, by providing services that the elderly householder cannot manage by himself, but must have in order to run his own household.

The people who originated the idea of Project Independence did not go along with the idea that older people are helpless and dependent. This is proven by the fact that Project Independence is set up to be carried on by the older people themselves. The first step in the project was a survey to find out what services a program of this kind should offer. Elderly householders decided transportation, health care, need for information and recreation were needed.

MAINE IS FIRST

Maine, number one to qualify, finished its first year of operating receiving the highest evaluation rating of the 21 different areas in the country to try out the Federal pilot program initiated to answer these needs.

The State organization which beat out the entire Country in obtaining that first grant was the Governor's Western Maine Task Force on Aging. Governor Curtis set it up to prepare for the White House Conference on Aging; its area was Franklin, Oxford, and Androscoggin Counties. An area that contains 16 per cent—18,500 people—of all the elderly people in the State.

The Western Maine Task Force was active in the over-all program that the five State Task Forces carried on. Results of this were made into a book called Steps for Maine's Elderly. John B. Martin, then the Federal Commissioner of Aging, sent copies of this to the State Departments of Aging in all 50 states.

It received the grant because its approach to the problems of the elderly was, that given a little help, here and there, they can solve most of them by their own efforts. Task Force members ran their own show. They were so become a force to be reckoned with. They active in legislative matters that they have not only helped themselves, they helped their neighbors and their communities. And that's what earned them the big helping hand—Project Independence!

The Task Force is now incorporated as the Western Older Citizens Council; its executive committee is the advisory planning agency, policy making, and coordinating body for Project Independence.

The Project is administered by the Services for Aging Unit of the Maine Department of Health and Welfare with Steven Polederos of this unit as project director. Harold Collins, Wilton, is the executive director. His office, the head office, is at 8 High Street in Wilton.

VOLUNTEERS

The all volunteer executive committee consists of, president, Rev. Carl Kingsbury, Rumford Point; vice president, Daniel Lowe, Auburn; treasurer, Clifford Noyes, East Wilton; secretary, Blanche Applebee, North Jay; County representatives: Androscoggin: Stella Jacobois, Lisbon Falls; Lottie Lake, Lewiston; Wilhilmine Tracey, Auburn; Franklin; Flora Ellis, Stratton; Nettie Rounds, Farmington; Eldon Shute, Sr., Oxford; Mildred Delano, Rumford; Ernest Talbot, South Paris; Meribah Bixby, Brownfield.

Thousands of reports of work for the program, for the community, and for other people are turned in each week. Here is a case where the government helps those who help themselves.

TRANSPORTATION

The most important to most people is its transportation service. The 11 Project Independence mini buses travel thousands of miles a week; they cover an area as big as Rhode Island and Connecticut combined.

A PROUD "DOWNEASTER"

Any time, anywhere in that area, you may see one of them roll to a careful stop. The driver jumps out, rolls back the sliding door, positions the step firmly, and helps the little lady with the big shopping bag to the ground. Then he tucks the shopping bag under one arm, the lady under another, and deposits them both on their own doorstep.

"Thank you, Ike," she says. "I don't know how we ever got along without these buses."

"You know, before we had them my mail used to lay right there in the post office a solid week or more. Why, everybody I know coulda died and been buried and I'd never known a thing about it."

She didn't say—because it went without saying!—that her mail could have lain there forever before she would have asked anybody to go out of his way to pick it up.

"Proud Downeasters".

PRIORITIES

Bus trip priorities are (1) health needs (2) business (this includes shopping, beauty shops, library, cashing checks, etc.) (3) recreation.

Franklin County has four buses; Androscoggin, four; and Oxford, three. One of the Franklin County buses was bought with money appropriated by the Franklin County Board of Commissioners for the use of Franklin County senior citizens; In Androscoggin, a bus was bought by the Town of Lisbon for the use of senior citizens in Lisbon. Both buses are operated out of the Project Independence dispatcher office.

Franklin County's dispatcher office is at 105 Main St. Dispatchers are Edith Preston, Jay; Dorothy Gudgrandson, Farmington. Drivers are Robert Oliver, Farmington Falls; Cleston Drown, Chesterville; Floyd Karkos, Dryden; Issac Welch, Madrid; Robert Carson, New Sharon.

Androscoggin's office is at 65 Mill St., Auburn. Dispatchers are Simon Lavoie, Auburn; Edythe Gagnon, Mechanic Falls; Muriel Bartasius, Poland. The drivers are: Ruth Haushill, Lewiston; Harold Ricker, Lisbon; Robert Boulet, Lewiston; Fernand Lavoie, Lewiston.

Oxford has 2 dispatchers' offices: Market

Square, South Paris and 50 Congress Street, Rumford. County dispatcher is Joseph Farnham. Drivers: Perley Howard, Rumford; Milton Vaughn, West Peru; Harry Lowe, Oxford; Eugene Tardif, Norway.

THE HIRED GIRL

Next in importance after transportation are the health services. The Androscoggin Health Services and the Tri-County Health Planning Agency provide these. In addition to regular health services, this component includes the modern version of the hired girl—something most elderly householders need from time to time, but can't find.

These modern hired gals come in two styles, health aides—women who go into homes to care for the sick or the hospital convalescents, in order to shorten, or to eliminate hospitalization; Homemakers, who help disabled or infirm people with help with household chores.

"DARN GOOD WORKERS"

"Darn good workers—them gals!" one enthusiastic gentleman reported to his senior center. "Good looking, too. And you know something—never saw my wife get better so fast."

The major health services are the annual flu shots and the annual health screenings—both held at the senior centers. The health screening reached people who had had no medical attention for periods of 10 to 40 years—a few had never consulted a doctor. In several cases, the screening prevented serious—or even fatal—consequences.

Flu shot clinics and health screenings provide a good example of the way the four components of Project Independence add up to a pattern of related services for the elderly. The senior centers provided the meeting place; the mini buses brought the people; information and referral spread the word. In this case, it had to sell the idea as well. Over and over. If you've ignored doctors practically all your life, it takes more than a simple notice of a health screening to turn you on. You have to be sold. I and R did a good job on this, but there was still the woman who finally agreed to come, but made it plain that she wasn't taking off her clothes.

I AND R

The Information and Referral Office is at 65 Mill Street, Auburn. Mrs. Jeanine Sabat is the Information and Referral Specialist. Questions are called in toll free. If additional information is needed in order to answer a question, a VISTA worker visits the person who made the inquiry. VISTA workers are, Franklin County, Ora Dyar, Strong; Keith Dexter, Kingfield, Androscoggin; Jack McGuire, Lewiston; Ralph Petersen, Sr., Auburn; Stanley Bryant, North Leeds; Oxford, Alice Marvel, Canton.

I and R questions are usually about social security, pensions, specific services, and similar matters. Occasionally, one not so similar—for example, the one from the lady who wanted to know which senior center in the area had the most men members.

Whatever the lady had in mind, she was in the right neighborhood since the Senior Citizen Centers do provide the recreation component for the projects. And, while it is true that this particular type is not predominant, it is also true that, since girls will be girls and boys will be boys, center weddings do occur. The regular program, however, is made up of sociability, outings, eats, games, and varied programs. A Senior Citizen Center County Advisory Council coordinates the activities of the local centers and the volunteer work programs. A Tri-County Council has just been organized for the purpose of expanding the recreational program.

Another new service, still in the planning stage, is the meals program.

On May 30, Project Independence made a major change-over. Before that date, it had hired the Community Action Agency in each County to carry on its Information and Referral and its Transportation services. When these contracts expired, the WOCC Executive Committee voted to take over the operation of these services. Henry Desjardins, Lewiston, was hired as supervisor. His office is at 65 Mill Street, Auburn.

Project Independence, now starting on its third year, has benefited not only the Tri-County area which it serves, but the entire State, as well. Adaptations of its programs have been set up in Kennebec County and in other areas. Eventually, they are expected to be available State-wide.

Project Independence—the helping hand that makes it possible for the elderly to realize their "hope of living independently" without "being beholden" to anybody.

LEWIS E. CONMAN, DECEASED

Mr. SCOTT of Pennsylvania. Mr. President, the people of the Commonwealth lost a dedicated public servant in the passing of Lewis E. Conman on August 26, 1973. I personally regret the loss of a very good friend.

As Director of the Pittsburgh District Office of the Department of Commerce, Mr. Conman established a record of professional ability and integrity that will long serve as an example to those who knew him and worked with him.

He was continually in the forefront of Federal service in many fields, those affecting industrial and economic development and those promoting the exports so vital to our Nation's economic well-being. In addition to his duties with the Commerce Department, he served as executive secretary of the regional export expansion council. His activities included a wide range of trade matters and public service, from leadership on trade policy to assisting minority entrepreneurs and the disadvantaged.

Mr. Conman was greatly respected and admired by his colleagues, and he was recognized for his work when he was awarded the Bronze Medal, the Department's special achievement award, and certificates of appreciation for outstanding contributions made in increasing the international commerce of the United States.

From May 1943 to April 1947, he served in the U.S. Maritime Service, achieving the rank of commander.

A leader in his community and his profession, Mr. Conman served as director of the Pittsburgh Technical Institute, president of the Pittsburgh Economic Club, director of the American Marketing Association, and a founder of the Pittsburgh Commerce Institute. He was also a member of the American Management Association, the National Institute of Packaging and Logistics Engineers, the American Society of International Executives, and the National Association of Business Economists.

Mr. President, this record of Lewis Conman's professional achievements and honors is a testament to his devotion and leadership in public service. We cannot, however, express similarly the sense of deep grief that is now felt by the many people to whom he was a friend and a source of inspiration. May I extend my regrets to his family and to all those who knew him.

OIL PIPELINE SAFETY: SLIPPERY REGULATION

Mr. ABOUREZK. Mr. President, I read with interest an article by Christopher J. Matthews entitled "Oil Pipeline Safety: Slippery Regulation" which appeared in the Washington Post on September 2, 1973. This article merits our attention because it exposes several of the most urgent problems we face today.

The Senate and House of Representatives have recently given their approval, in no uncertain terms, to the construction of the trans-Alaska pipeline. We must now make every effort possible to insure that this pipeline, and others which are already operational, do not endanger our health or our environment. Pipelines are indeed an invaluable means of transporting our Nation's fuels. But, as Mr. Matthews points out, pipeline-related accidents can be truly devastating. It is essential, therefore, that we begin to regulate pipeline transportation much more closely than we have in the past. Mr. President, it is nothing short of ludicrous that our Government employs only one engineer to supervise oil pipeline safety on a full-time basis, considering that there are more than 220,000 miles of oil pipelines in this country. The lassitude of the Government in pipeline safety regulation has resulted in fantastic losses. Mr. Matthews writes:

> Last year, the DOT received reports on over 300 serious pipeline accidents. Some involved death and personal injury; property damage alone surpassed $3 million. More than 360,000 barrels (12 million gallons) were reported lost in all. Yet even these statistics fail to give a full picture of the situation. The Coast Guard, with more comprehensive reporting requirements, has detected over 1,600 oil pipeline spills in the two years it has maintained records. Aubrey [the only government engineer employed full-time in oil pipeline safety] himself suspects that his department receives reports on only "5 to 10 percent" of actual pipeline spills.

This leads us to the fundamental issue of the effectiveness of Government regulation of industry in general. Mr. Matthews' argument that the Federal Government has been less than effective in regulating the oil industry is only one example of a very far-reaching problem. We must bear in mind as we pursue our business in Congress, that the central concern of Government regulation must be the interest of the people, rather than the interests of big business, such as those of the giant oil conglomerates.

It is our responsibility, as the elected representatives of the people, to do everything in our power to see that the regulatory agencies adopt this attitude to a greater degree than they have in the past.

Mr. President, I ask unanimous consent that "Oil Pipeline Safety: Slippery Regulation" by Christopher J. Matthews be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OIL PIPELINE SAFETY: SLIPPERY REGULATION

(By Christopher J. Matthews)

Anyone who questions the raw political muscle of this country's petroleum industry should pay a visit to Robert Aubrey.

Aubrey, a Department of Transportation

employee, works in the field of oil pipeline safety. It is his duty to insure that oil companies construct, maintain and operate their pipelines in accordance with existing government standards.

A job like Aubrey's would prove challenge enough under normal circumstances. As anyone familiar with Washington regulatory agencies is well aware, it is one thing to establish strict federal regulations: enforcing them when they collide with the interests of industry is another proposition.

Yet Robert Aubrey's mission is even more impossible. He is the only federal engineer assigned full-time to policing the safety of the nation's entire 220,000-mile oil pipeline network.

Last year, the DOT received reports on over 300 serious pipeline accidents. Some involved death and personal injury; property damage alone surpassed $3 million. More than 360,000 barrels (12 million gallons) were reported lost in all. Yet even these statistics fail to give a full picture of the situation. The Coast Guard, with more comprehensive reporting requirements, has detected over 1,600 oil pipeline spills in the two years it has maintained records. Aubrey himself suspects that his department receives reports on only "5 to 10 per cent" of actual pipeline spills.

The reason for this is obvious. A large number of spills occur in desolate parts of the country, far from population centers. Pipeline companies feel little compulsion to report them, particularly since not one such firm has ever been fined a dollar for failure to comply with a federal pipeline directive.

Yet a federal statute—rushed through Congress in 1965—precludes the states and localities from enforcing oil pipeline safety standards on their own. The net effect has been to leave the industry virtually immune to regulation at any level of government.

There could be no greater tribute to the perennial success of Washington's most persuasive lobbying group and to a congressional committee structure which allows one or two key members to all but dictate special interest legislation.

On the night of Feb. 23, 1973, a Dodge van carrying eight persons was driving along a highway about 10 miles from Austin, Tex. For no apparent reason, the van stalled.

In the darkness, the driver failed to notice that two cars ahead of him also had stalled, and that their passengers had fled. He attempted to restart his engine.

The explosion which followed took the lives of four passengers and seriously injured the four others.

It was reported afterward that a ruptured liquefied petroleum gas line had been the cause of the accident. Escaping into the atmosphere, its highly volatile contents had spread to the roadway, several hundred yards away, causing the vehicles to stall. The explosion resulted when the driver of the van switched on his ignition key.

The oil spill has unfortunately become an everyday event in this part of the American Southwest. While few match its bizarre quality, the Austin tragedy was the hundredth serious pipeline accident in Texas in the course of a year. Only a week before, an Amoco line had burst in the central Texas community of Lebanon, spilling 13,000 barrels of crude oil into a nearby river and eventually into Lake Cleburne, the area's drinking water supply. Earlier in the month, a Chevron pipeline had ruptured, losing 30,000 barrels. DOT's Aubrey said recently that he was receiving "about one report a day" on a major U.S. pipeline spill. Approximately half of these reports come from the oil-producing regions of Texas, Oklahoma and Kansas.

Ken Biglane, an Environmental Protection Agency official responsible for coordinating clean-up operations, has likened the environmental impact of an oil spill to that of a forest fire. Vegetation killed, ground cover destroyed, the sterile soil is left ripe only for erosion. Once the oil spill hits a lake or river, the damage to the ecology is equally devastating. The slick poisons the fish and forms a death-trap for waterfowl. When drained into the ocean, the oil globules remain just as lethal to sea life.

While oil industry public relations departments continue to dismiss these spills as "acts of God," a less partial observer might detect more mundane forces at work.

On Oct. 10 last year, 7,000 barrels of crude oil broke from a major interstate pipeline in northwestern New Mexico. Splashing into the San Juan River, the fast-moving spill was carried all the way to Utah's Lake Powell area before it could be contained.

The San Juan spill points up the current state of government oil pipeline safety regulation. First of all, there were the technical factors involved; the "poor condition" of the stretch of pipeline where the 26-foot break occurred was attested to by state engineers from New Mexico and Utah who later visited the site.

It was also found that, on the day of the rupture, the Texas-New Mexico Pipeline Co. was pumping oil through the line at the rate of 940 pounds per square inch, 80 pounds greater pressure than the average recorded for the previous six months. The day of the spill was the line's first day of operation after a three-day shutdown over the Columbus Day weekend.

According to Wayne Carlson, an engineer with the Utah Public Service Commission, the oil firm has acknowledged several earlier spills in this area as well as a major rupture in 1965; yet, at no time did state engineers, either from Utah or New Mexico, have authority to insure that proper safety precautions were being followed.

The possibility of action at the federal level was equally remote. DOT's Aubrey says the type of welding used on the Texas-New Mexico line has been responsible for a number of pipeline spills over the years; yet, since the line was laid prior to 1969—when existing federal regulations were published—it is not subject to testing. About 95 per cent of U.S. oil pipeline falls into this category.

Even if the regulations were changed, little could be accomplished. On-site inspections call for field staff and resources, neither of them available. In his 20 months with DOT, Aubrey has been able to inspect the scene of only this one spill.

Thus, on the one hand, the states are preempted by statute from taking action; on the other, the federal government doesn't try to fill the breach. One DOT official, whose division held nominal jurisdiction over oil pipeline safety for five of the last six years, puts it this way: "You don't have a very effective program with no one in it."

From the petroleum industry's point of view, the history of federal lawmaking which created this regulatory void is a work of art.

In 1921, Congress amended the Transportation of Explosives Act to give the Interstate Commerce Commission full jurisdiction over oil pipeline safety. For the next 39 years, the jurisdiction rested there, undisturbed. No safety regulations were published. No staff was hired to implement a pipeline safety program.

Even this nominal jurisdiction was withdrawn in 1960. In an amendment to the act, the phrase "other than pipelines" was added to the definition of an interstate "carrier." A former legislative counsel with the ICC said recently that the gratuitous insertion "sounded like a slick job of lobbying."

The action went unnoticed for three years (not surprising, since the 1921 legislation had never been implemented).

In 1963, however, a group of citizens in the Wilmington suburb of Kennett Square, Pa., became alarmed at the prospect of a major interstate gasoline line being laid through neighborhoods without even the pretense of government regulation. Frederick Lang, an engineer and spokesman for the group, said recently that when he asked officials of the Colonial Pipeline Co.—a subsidiary of Texaco, Phillips, Gulf and a number of other major oil producers—to name the authority to which it had submitted construction plans, he was told "none."

On hearing this, the 100-member citizens' group appealed to a county judge. After three days of hearings, the judge required full testing of all Colonial pipeline being laid in the county. When it became clear that the pipeline company intended to evade the local court order, the citzens went to the Pennsylvania Public Utility Commission.

Although the utility commission failed to halt construction, the experience had a strong impact on the pipeline company. Rather than get bogged down in such legal squabbles in the future, Colonial went directly to Washington for federal legislation to preempt state and local governments from the oil pipeline safety field. A former ICC counsel recalls that about this time Colonial, together with representatives of the 80-member Association of Oil Pipe Lines, approached the ICC "on the staff level," urging that the commission introduce legislation to achieve that purpose.

The Washington lobbying effort paid quick dividends. John Jarman, a congressman who represents the oil center of Oklahoma City, introduced legislation to restore nominal federal jurisdiction in the oil line safety field. Jarman has reported sizable investments in Texaco, Amoco, Exxon and Gulf. Though otherwise an obscure member of the House, he sat as a senior member of the Transportation Subcommittee, a position which offered him ideal leverage to expedite the pipeline safety legislation.

On May 18, 1965, this subcommittee held hearings on the Jarman bill, a measure whose clear intent was to protect the oil pipeline industry from substantive safety regulation at the state and local level. The only witnesses present were those of the oil industry and the ICC, which was now firmly behind the measure. H. G. Squire of Service Pipeline Co., Tulsa; H. G. Fair, president of Phillips Pipeline Co., Bartlesville, Okla.; J. S. Horner of Shell; counsel for the Association of Oil Pipe Lines and ICC Chairman Charles A. Webb had all come to support the bill.

Subcommittee Chairman Harley Staggers (D-Va.) expressed surprise at this impressive display of solidarity between industry and regulatory agency: "This is certainly a peculiar circumstance in that we have a statement here of the industry coming in asking for legislation to put them on regulation."

Responding to this point, ICC's Webb admitted that the only real purpose of federal involvement in this regulatory field was to keep other levels of government out of it. The subcommittee apparently accepted this argument that there was no need to establish a realistic regulatory body at the federal level. Its favorable report on the Jarman measure read: "The enactment of this legislation would result in no appreciable difference in the administrative costs of the ICC." (Even for the government, doing nothing can sometimes be quite inexpensive.)

The industry-backed legislation moved through the Senate just as smoothly. On June 3, 1965, an ICC-proposed measure identical to the Jarman bill was taken up by the Senate Commerce Committee. Sen. Mike Monroney (D-Okla.), who was to chair the only day of hearings on the measure, lost little time in demonstrating his loyalties. After hearing testimony from an assemblage which included executives from Phillips, Service, Shell and Colonial, the acting chairman condemned local and state efforts to enforce safety laws as "participation by interference." Speaking directly to the oil people, Monroney said: "I think you have made a strong case in this matter and we appreciate your coming up here to advise the committee on this legislation."

The citizens' group from Pennsylvania (which had been informed of the hearings only through the efforts of Ralph Nader and committee counsel Michael Pertschuk) received a cooler greeting from Monroney: "We now have a group from West Chester, Pa., and a commissioner of Chester County, who are here to testify with reference to a local matter, regarding a pipeline within their state. We will be delighted to hear from them this morning although I don't know of any pending legislation that their testimony affects."

On this inauspicious note, Frederick Lang, the group's spokesman, voiced his concern at the futility of trying to do battle with "the well-organized and well-financed petroleum industry." Citing the case of a major gasoline pipeline accident in Louisiana earlier that year, he pleaded with the committee not to preempt the states from the oil pipeline safety field without first establishing the "detailed technical provisions necessary for an effective safety code" at the national level.

Lang's arguments had no impact. On June 13, 10 days later, the Senate accepted the pipeline measure by voice vote. There was no debate.

On the day before, the House had passed the companion bill. There was neither debate nor a recorded vote. At the time of passage, only one congressman rose to speak: John Jarman of Oklahoma. He spoke in favor of the measure.

Since it had never been the legislators' intention to actually assert the oil pipeline safety jurisdiction, but merely to preempt the states from the field, the next eight years of federal buck-passing could have been easily foreseen.

From 1965 to 1967, the ICC, with full jurisdiction over the oil pipelines restored, did nothing with its new responsibility. No regulation was published. No staff was hired.

In 1967, jurisdiction was passed to the Department of Transportation's Federal Railroad Administration. William Black, director of its Hazardous Materials Section, which was given the responsibility, has since reported that he had been given "zero funds and zero personnel" to carry out this assignment, an absurd one for an agency whose primary function had been the safe loading and unloading of explosive materials from railroad cars. "You can't very well ask a railroad man to evaluate a plan for a pipeline," he said.

Last Aug. 22, Congress again transferred the oil pipeline safety jurisdiction, this time to DOT's Office of Pipeline Safety, which previously had been responsible only for natural gas lines. A House committee report which urged the transfer had warned, "Heretofore, the operations of the Office of Pipeline Safety have been handicapped by the unavailability of sufficient numbers of qualified personnel." At the time of this report—June, 1971—the office employed eight engineers, responsible for 1.4 million miles of natural gas line. Today, with new responsibility over the 220,000 miles of oil pipelines, it employs the same number. Only one of these engineers, Robert Aubrey, works full-time in oil pipeline safety.

DR. ROBERT E. DAY, PRESIDENT OF THE AMERICAN OPTOMETRIC ASSOCIATION

Mr. TOWER. Mr. President, recently, Dr. Robert E. Day, a constituent of mine from Garland, Tex., was inaugurated as president of the American Optometric Association during its annual convention in San Francisco. I congratulate Dr. Day on this honor, the highest elected office of AOA, and I feel that it represents a tribute to the outstanding contributions he has made to his profession.

Dr. Day has always demonstrated a dedication to excellence. He is past president of the Texas Optometric Association and the North Texas Optometric Society. He chaired the Texas Foundation for Education and Research in Vision, and in 1970, the Texas Optometric Association honored him with its distinguished service award.

Since 1967, Dr. Day has served as a member of the American Optometric Association's Board of Trustees. He has served 1-year terms as vice-president and president-elect of the 17,800 member association.

Dr. Day's dedication to optometry is a family tradition. As he said:

> When I received my doctor of optometry degree, I recognized that it was, in many ways, a legacy handed down from my father and grandfather, who were both optometrists. I felt a duty to protect that legacy but, at the same time, to build on it so that it would continue to be a viable profession to bequeath to my son and his contemporaries.

Dr. Day has served as national director-trustee for optometric practice and for education and manpower. He has a fine understanding and concern for providing the highest quality of optometric care to meet the vision care needs of the Nation's population. He recognizes the need to integrate the provision of optometric care into all types of health care delivery systems. He has repeatedly, as a leader of national optometry, recognized the importance of education and manpower. He foresees the need for 17 new schools and colleges of optometry within the next 20 years in order to meet the optometric manpower needs of the Nation. I applaud Dr. Day on his foresight and wish him well in directing the association on this ambitious task.

Somehow this active optometrist has found time to serve the interests of the community outside the field of vision care. He has served as vice president and member of the Garland School Board, member of the Garland Chamber of Commerce board of directors, president of the Garland Jaycees, chairman of the city park board and member of the Methodist Church official board. He is now serving as a member of the Dallas County School Board.

We can well appreciate the efforts made by conscientious health professionals on behalf of the health care of all the people in the Nation. Health care is a basic requirement for each of us. Vision is an important component of that total picture of health. I must commend Dr. Robert Day for his devotion to his profession and the quality of optometric care in this country as well as his service to his community. I also must congratulate the American Optometric Association on its fine choice for leadership and its concern for the well-being of our citizens.

SALUTE TO RAY BALDWIN

Mr. RIBICOFF. Mr. President, on August 31, 1973, Ray Baldwin of Connecticut celebrated his 80th birthday. I join with many others in saluting this distinguished statesman who has spent his entire career serving the people of Connecticut.

He has served as a State representative, prosecuting attorney, town court judge, Governor, U.S. Senator and Chief Justice of the Supreme Court of the State of Connecticut.

I ask unanimous consent that the following article from the September 2, 1973, Bridgeport Sunday Post describing Judge Baldwin's remarkable career be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Ray Baldwin at 80 Still Reigning as State's Only Three-Crown Champ

(By Russell J. Redgate)

Raymond E. Baldwin, who began his political career in Stratford nearly half a century ago and went on to become the only man in history to hold Connecticut's three highest public offices—governor, U.S. senator and chief justice of the State supreme court—turned 80 last Friday, still going strong, still wearing the same size hat and still likely to keep it that way.

As to health, he's tanned and fit after a summer of weekend and vacation boating, looking as formidable as ever, a solid six-footer with the grip of the farmhand he used to be on his grandfather's country layout in Beacon Falls.

TESTIMONIAL SATURDAY

As to pride, a frequent frailty of the famous Connecticut's outstanding Republican of modern times has reaped hundreds of thousands of cheers in his day, so a thousand more on Saturday when friends greet him at a birthday testimonial in Middletown will go to his heart instead of his head, as always.

During a chat the other day at his home in Middletown, the subject of humility didn't come up specifically, but a vivid vignette that Judge Baldwin sketched in reference to a Republican national convention in the 1940s is significant enough.

"At the end of one of the convention sessions," he said, "I went downstairs to the basement of the hall to get my gear, and all alone in the big empty cavern, searching for his coat, was my old friend Herbert Hoover.

"There he was, all by himself, the former President of the United States, looking for his coat in the gloom. Sic transit gloria mundi . . ."

FOR PRESIDENT

Ray Baldwin has had his own wealth of worldly glory, capped in some respects at the 1948 GOP national convention in Philadelphia, incidentally, when his name was among those presented for nomination for the Presidency—said to be the first time a major party had accorded such an honor to a resident of Connecticut.

This no doubt will be one of his legion of laurels which speakers at Saturday night's testimonial will review, although "The Friends of Raymond E. Baldwin" who are sponsoring the event come from virtually every political party and none.

The dinner will take place in the arena of Wesleyan University, Judge Baldwin's alma mater, not too far from his present home in the soft green hills on the outskirts of Middletown and closer yet to the street where he grew up in his boyhood and youth.

NOW STATE REFEREE

He still serves Connecticut from his office in Middletown, it should be noted. Since his retirement as chief justice in 1963 he has been a state referee and works at it five days a week, year round.

He might be doing this job in Stratford today if circumstances had not intervened.

He said he and his wife, Edith, were hoping in the late 1960s to move back to Stratford, where they'd lived about 30 years, but Edith's health was failing and they remained in Middletown. Mrs. Baldwin died there in March, 1970.

"My life hasn't been the same since then," he said.

He was born Aug. 31, 1893, in Rye, N.Y., the son of Lucian and Josephine Jones Baldwin. Lucian, from Beacon Falls and a long line of Connecticut ancestors, was in the wholesale grocery business and had gone to Rye to accept a store position, which he gave up in 1903 for a better one in Middletown.

DISTINGUISHED CLAN

Judge Baldwin's grandfather, Herbert Clark Baldwin, was a state representative from Beacon Falls for 18 years, and among Herbert's maternal forebears was Thomas Hooker, a colonial founder of Connecticut. Also a distant relative was Simeon E. Baldwin, a New Haven Democrat, who was chief justice of the State Supreme court from 1907 to 1910 and governor from 1911 to 1915.

Ray was graduated from Wesleyan in June, 1916, and entered Yale Law school that fall—"I'd always wanted to be a high court judge," he tells you—but World War I interrupted his law studies. He joined the Navy the day after Congress declared war on Germany, April 6, 1917.

He served as an officer aboard a destroyer on convoy duty in the submarine-ridden North Atlantic, returned to Yale Law after the war, received his degree in June, 1921, got law firm jobs in New York and then in New Haven, and on June 29, 1922, he married Edith Lindholm, a graduate of Connecticut college, New London, whom he'd known since Middletown high school days.

For the rest of their wedded life, she was his prized political asset as well as his constant companion and mother of their three sons.

He chuckled last week when reminded that, as reported in his friend Curtiss S. Johnson's 1972 biography, veteran Post Publishing company political editor William J. Walsh once told Ray in the middle of a campaign: "I don't think you can get elected, but Edith could."

BRIDGEPORT LAWYER

In 1924 Mr. Baldwin became associated with Pullman and Comley (now Pullman, Comley, Bradley and Reeves), then and still a leading Bridgeport law firm. He and his wife rented an apartment on Savoy street in the city's North End. Their first son, Lucian, was born here in 1925.

Pullman and Comley were lawyers for the Town of Stratford and Ray was brought into continual contact with Stratford affairs, to such an extent that he and Edith shortly took up residence in the town. They were to stay, living on Judson place and on Elm street, until 1954. By that time, "Mr." Baldwin had been "Governor" Baldwin for six years, "United States Senator" Baldwin for three, and "Justice" Baldwin for five. He was named chief justice in 1959.

In Stratford, as Judge Baldwin emphasized anew last week, it was the late Charles E. "Shang" Wheeler who "started me off in politics. His counsel and advice were invariably sound. He was a great politician and a good friend to me." Mr. Wheeler was a former state senator, Republican State Central committeeman and Stratford Town chairman.

With Shang's assistance, Judge Baldwin became prosecuting attorney in the Stratford Town court in 1927, the year the Baldwins' second son, Raymond Earl, Jr., was born.

FIRST ELECTION

In 1930, again at Shang's urging, he ran somewhat reluctantly for state representative on the GOP ticket and won. A third son, Tyler arrived that year.

In 1931 he was Stratford Town court judge.

The next year he was reelected to the General Assembly and served in the 1933 session as Republican majority leader in the House, in which his abilities earned him statewide attention and launched him on the road to the governorship.

The highlights of Judge Baldwin's career from his first election as governor onward are permanently in the public domain but may be summarized here with the aid of Mr. Johnson's study-in-depth book, "Raymond E. Baldwin"; newspaper clippings by the trunkful; reporters' reminiscences by the glassful, and reflective commentary by the protagonist himself.

NEW GOVERNOR

In 1938 he won a surprising victory over venerable four-term Democratic Gov. Wilbur L. Cross by a bare 2,688 votes, provided by the minor Union Party and helped or hindered by the late Bridgeport Socialist Mayor Jasper McLevy's amazing gubernatorial tally of 166,253. Ray polled 227,191 Republican ballots and 3,046 under the Union party label. Cross drew 227,549 in the Democratic column.

—In 1940 he lost his bid for a second term (two years in those days) to Bridgeport Democrat Robert A. Hurley by 13,000 in President Franklin D. Roosevelt's landslide win over Wendell L. Willkie, Republican. Ray made a late start on his own drive for governor while spearhearing Willkie's efforts in Connecticut and elsewhere. He had been Willkie's floor manager at the national convention.

—In 1942 he ousted Governor Hurley from office by a plurality of 26,000.

—In 1944 Governor Baldwin defeated Bob Hurley again, this time by 25,000 despite the fact that President Roosevelt, in capturing a fourth term, carried Connecticut by 43,000 over Republican Thomas E. Dewey of New York.

TO THE SENATE

—In 1946, although he had announced the year before that he intended to retire from politics at the conclusion of his third term, he accepted nomination for the U.S. Senate. In the fall he trounced Democrat Joseph M. Tone of West Hartford by 104,700 votes, a record off-year plurality up to then and a powerful showing that did nothing to damage Judge Baldwin's image as the Republicans' state champion vote-getter.

—In 1948, he was placed in nomination by the Connecticut delegation to the GOP national convention as a candidate for president, with his wife and son Ray, Jr., seated in the gallery behind the convention rostrum. Tom Dewey, it turned out, was the eventual choice to make a second run for the presidency but, except in an early edition of the Chicago Tribune, lost to President Harry S. Truman in one of America's most astounding political upsets.

—In 1949, frustrated in his attempt as leader of the "Young Turk" freshmen Republican senators to liberalize the national GOP, feeling shunned by some party chieftians at home, and waging a futile economic battle against life in Washington, D.C., the senator finally made a move to fulfill his longstanding ambition for a high-level post on the bench; he was appointed by Democratic Gov. Chester Bowles to the State Supreme court. Ray then was 56.

His resignation from the senate, which allowed Governor Bowles to name his close friend William Benton of Fairfield, a Democrat, to the vacant seat, caused controversy among Republicans, but editorial comment generally was sympathetic. For example, the late George C. Waldo, editor-in-chief of the Bridgeport Post-Telegram, wrote that "because a man is a public servant, he is not necessarily a public slave, though the tendency to treat him as a slave seems to be growing. Everybody wants somebody else to make the sacrifices."

THIRD CROWN

—In 1959 he was appointed chief justice by Gov. Abraham Ribicoff, and served until he reached the mandatory retirement age of 70 in 1963.

—In 1965 he was chosen chairman of the bi-partisan Connecticut Costitutional convention, convened to update the 1818 State Constitution and to restructure the General Assembly so as to conform to the U.S. Supreme court's "one man-one vote" rule.

Now, looking back over 80 years from the living room of his comfortable home in Middletown on a bright summer morning, he said simply "the Lord has been especially good to me."

"I'm sure I've made some mistakes," he said, "but I suppose if I had it all to do over again, I probably wouldn't do it any differently. Maybe I'd work a little harder in school and college—although I really dug in at law school."

MASTER, NO

He added, however, that he doesn't subscribe completely to the "Invictus" declaration that "I am the master of my fate, I am the captain of my soul."

"You may be the captain of your soul, all right," he said, "but you can't be the master of your fate. Too many things happen in life that are beyond your control."

The source of his deepest happiness, he said, "has been my family, and then the people I've known."

Among others, he spoke of "Shang" Wheeler, his original political mentor; the late J. Kenneth Bradley of Westport, a Republican state chairman and national committeeman and Judge Baldwin's law partner in Pullman and Comley; Samuel F. Pryor, Jr. of Greenwich, former GOP national committeeman now inactive in politics; Bridgeporter James C. Shannon, former governor and Supreme court justice, and Warren J. Faust of Stratford, a leader in the "Baldwin-for-Governor" clubs in Ray's triumphant 1938 campaign.

COUNTY VISITS

He reported he occasionally sees some of his Fairfield county friends and former associates when he's down this way, which is fairly often since two of his sons, Ray, Jr., and Tyler, live in Fairfield. Lucian is a resident of North Canton, northwest of Hartford.

There are 13 Baldwin grandchildren, he tells you without prodding.

Lucian and Ray, Jr. are lawyers, and Lucian also is a business executive. Tyler is a vice president of the Connecticut National bank. Ray, Jr., incidentally, is a partner in his father's former law firm here.

About people, Judge Baldwin cites the old saying, which he tentatively attributes to Lincoln, that "I never met a man or woman I couldn't like," and says that's been true for him.

M'CARTHY VICTIM

He modifies this on second thought, however, indicating he "wasn't too keen" about the late Sen. Joseph R. McCarthy of Wisconsin, with whom Ray tangled in his last months in the Senate. McCarthy had criticized Senator Baldwin's role as chairman of a Senate Armed Services subcommittee investigating alleged brutality by some U.S. Army interrogators against German prisoners involved in the World War II Malmedy massacre. Judge Baldwin is regarded by some as Senator McCarthy's "first victim."

Among people he said he likes are newsmen, confessing with a smile that he "was a newspaperman once myself," having been a reporter for the old Middletown Sun in his high school years, covering school sports and academic events.

"I always enjoyed talking with the Capitol press corps when I was up in Hartford," he said, "I used to ask their advice on a lot of matters, how to handle this news item and that."

"I'd try out ideas on them, too," he said, "and ask them what they thought of such and such a proposal I might have in mind, and I remember Bill Walsh of the Post-Telegram was liable to say that'll go over like a lead balloon. Bill was a guy who said what he thought, not what he felt you wanted to hear."

COOPERATION

While he was governor, he said he'd brief reporters in advance on details of a statement he planned for the next day, so they could write the story ahead of time and hold it for release. "I was familiar with the deadline rush," he said.

"And I can't recollect a single instance when a newsman broke a release date."

Regarding politicians and publicity, Judge Baldwin said "I never thought politics was a dirty word. Some politicians misbehave, of course, but I'd say the average for those who go off the beam is no worse than for any other profession. The difference is that politicians are in the public spotlight. They're in a goldfish bowl—which is as it should be."

Ray Baldwin, on the other hand, has won his way to relative privacy nowadays, after decades on the front page.

THE COMMODORE

A week or so ago he had been cruising the Long Island Sound and Rhode Island coast with his son Lucian and family aboard Lucian's sloop, with a stopover at Block Island to attend the 25th anniversary of the Raymond Baldwin Yacht club. "It was organized by some friends of mine and I'm the incumbent honorary commodore," he says, laughing.

He has his own 30-foot power cruiser based at a boatyard in Portland, across the Connecticut river from Middletown, and takes it down to the sea every chance he gets. For many years he was an avid trout fisherman but hasn't got his boots wet of late.

BACK TO WORK

This week, his vacation over, he goes back to work as a state referee. He says he's happy on the job and glad to keep busy since the death of his wife.

He hears a wide range of cases—contracts, property condemnation proceedings, divorces—and recently presided at the hearing of a suit involving a chicken farmer and an egg producer that lasted 55 days.

As a lawyer, he remembers, he was counsel in the 1940s in a court action relating to Bridgeport area church issues which consumed several months and which is still on record as the longest civil trial ever conducted in Connecticut.

Right about here, you figure the interview itself has kept Judge Baldwin all too long from his vacation relaxation, so you say goodbye and head for the door, where you somehow manage to pull off the brass knob and a handful of assorted accoutrements.

He brushes your apologies aside, "it was broken last week," he grins. "I fixed it, but I guess you just proved I'm a better lawyer than locksmith."

JAMES F. WELSH, DECEASED

Mr. SCOTT of Pennsylvania. Mr. President, today is the funeral of James F. Welsh, a Washington Star-News editorial writer whose fine reporting and wry spirit will be much missed by the many of us who knew and respected him.

I remember Jim as a keen and incisive newsman at editorial conferences at the Harrisburg Patriot-News in Pennsylvania during one of my frequent interviews with the editorial board. During his years in Harrisburg, he earned 10 journalism awards in as many years.

He joined the Star-News in 1964, and became an editorial writer 2 years ago.

Mr. President, the death of Jim Welsh at the age of 44 is a tragedy not only to journalism but to those who knew and respected him as a human being with a zest for life.

May I express my sympathy to his family and his many friends.

The Washington Star-News of September 4 eloquently recalled Jim Welsh. I ask unanimous consent that this editorial be included in today's RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

JAMES WELSH

Thousands of people who were not lucky enough to know Jim Welsh are going to miss him. For Jim, whose body was recovered Saturday at the mouth of the Severn River after a boating accident, brought to readers of these columns a rare synthesis of qualities: intelligence, energy, compassion and commitment. This commitment was not to party or ideology or cant but to truth and decency and fairness.

Jim wrote most of our national political editorials, but he also had a special interest in the issues which affect people's lives most directly: housing, welfare, race relations, education. Marrying a lucidness of style to an incisiveness of logic, he had the rare talent of being able to reduce complex problems to understandable dimensions, to get to the heart of a matter.

To those of us who knew and worked with this gentle person, the personal loss is immense. Like all men, Jim had his problems. These he kept to himself, sharing with us only his elfin wit, his irrepressible good humor and his sound counsel.

Polio had wasted one of his legs, but it could not warp his Rabelaisian spirit or quench his Celtic zest for life. He was, in the only sense that matters, a whole man. Disheveled, uncombed, his shirt-tail inevitably askew, he made you want to laugh, and you did and it was good.

After his family, his friends and the truth, he loved best bagpiping and sailing on the great bay which ultimately claimed his life. And if it happened of a summer evening at anchor off Drum Point you heard a piper piping a Highland lament, it was Jim who brought a strain of bittersweet wanting to your cocktail hour.

For all of us the end is much the same, the grave is the final equalizer and human memory is short. But it is a measure of the man he was that for many years, whenever the pipes skirl or the wind sighs in the rigging, when Cassiopeia's starry chair tilts across an autumn night sky and a bottle of scotch is uncorked by sailors after a long day's beat down the Bay, Jim Welsh's memory will be green in the hearts of those who knew him.

John Donne wrote that "every man's death diminishes me." We, who were so profoundly enriched by Jim, are diminished by the loss of him. He went from us too soon.

PLUNDERED WEST: COAL IS THE PRIZE

Mr. ABOUREZK. Mr. President, I am deeply concerned about the implications of an article entitled "Plundered West: Coal Is the Prize," written by Alivin M. Josephy, Jr., which appeared in the Washington Post on August 26.

In this article, Mr. Josephy discusses the future of the huge mineral reserves of the States of Wyoming, Montana, North Dakota, and South Dakota. He notes that—

> These States sit atop the richest known deposits of coal in the world. There are at least 1.5 trillion tons of coal within 6,000 feet of the surface, and perhaps more than 100 billion tons so close to the surface—in seams 20 to 250 feet thick—as to be economically recoverable today by the relatively cheap modern techniques of strip-mining. This is, staggeringly, 20 percent of the world's total known coal reserves and about 40 percent of the United States' reserves. (The total national figure would be able to supply the country for an estimated 450 to 600 years should the present use trend continue.) But perhaps even more significantly, in view of recent environmental concerns, the sulfur content of these high-quality sub-bituminous coal in Montana and Wyoming and lesser grade lignite in northeastern Montana and North Dakota is low enough to meet the new air pollution standards for coal-burning powerplants in urban areas.

Since Mr. Josephy's article appeared, we have been presented with an administration plan to prohibit power generating plants to switch from coal to cleaner burning oil. The administration claims that this plan is in response to the so-called shortage of oil in this country.

We must further bear in mind that as our country grows, so does its demand for energy. It is an indisputable fact that coal is a prime source of energy. But we must also recognize that it is an invaluable national resource. One would be foolish to suggest, Mr. President, that we must forever inhibit the recovery and use of coal for energy production. It is my view, however, that we should have as our fundamental aim the conservation of as much coal as is possible, for as long a time as possible. Until other energy sources are no longer attainable, we must refrain from despoiling our land and depleting our precious resources.

When the time comes to recover our coal, Mr. President, we must have a rational and equitable set of standards with which to supervise recovery. These standards must be designed to insure that as little environmental damage and social displacement occurs as is humanely possible.

Mr. President, I ask unanimous consent that Mr. Josephy's articles "Plundered West: Coal Is the Prize," and "One Family's Tense Holdout" be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

PLUNDERED WEST: COAL IS THE PRIZE

(By Alvin M. Josephy, Jr.)

In October, 1971, a "coordinating committee," composed of the U.S. Bureau of Reclamation and 35 major private and public electric power suppliers in 14 states from Illinois to Oregon, issued a dramatic document. Innocuously titled the North Central Power Study, it stunned environmentalists throughout the country and sent waves of horror among the ranchers, farmers and most of the townspeople of the northern plains. Rushed through in a little over a year and reflecting the goals and points of view of utility interests that were in business to sell electricity, the study proposed a planned development and employment of the coal and water resources of some 250,000 square miles of Wyoming, eastern Montana, and western North and South Dakota for the generation of a vast additional power supply for the United States.

The scope of the proposal was gargantuan—rivaling the grand scale of the region itself. One of the most serene and least spoiled and polluted sections of the nation, it is a huge, quiet land of semiarid prairies, rich river valleys and low mountains. The rains average only 12 to 14 inches a year, the topsoil is thin and fragile, and the vegetation in most places must struggle for life. Towns and cities are small and few and far between, and distances along the infrequent highways and ribbons of railroad track are great. For almost a hundred years the region has been one essentially of large, isolated ranches and farms, whose owners have fought endlessly against blizzards, drought, high winds and grasshoppers—and have treasured their independence and the spaciousness and beauty of their environment.

Ominously for them, the surface of their part of the country sits atop the richest known deposits of coal in the world. There are at least 1.5 trillion tons of coal within 6,000 feet of the surface, and perhaps more than 100 billion tons so close to the surface—in seams 20 to 250 feet thick—as to be economically recoverable today by the relatively cheap modern techniques of strip-mining. This is, staggeringly, 20 per cent of the world's total known coal reserves and about 40 per cent of the United States' reserves. (The total national figure would be able to supply the country for an estimated 450 to 600 years should the present use trend continue.) But perhaps even more significantly, in view of recent environmental concerns, the sulfur content of these deposits of high-quality sub-bituminous coal in Montana and Wyoming and lesser-grade lignite in northeastern Montana and North Dakota is low enough to meet the new air pollution standards for coal-burning power plants in urban areas.

NEW COAL DEMANDS

In the past, very little of the northern plains coal has been mined, principally because of its comparatively lower BTU heat content and its distance from major markets. But by May, 1970, the need for low-sulfur coal in the cities was hurrying a change in that thinking. In addition, an energy panic was in the offing—a panic concerned more with sources of future supplies of conventional fuels than with conservation and realistic planning and pricing. A large-scale (though little-publicized) rush to acquire exploration permits and leases for the low-sulfur coal in the northern plains—together with plans on how to maximize short-term and long-range profits from the enormous deposits—was already stirring the energy industry.

It appeared evident that national policy, guided by the industry, would inevitably encourage the exploitation of the Western states' coalfields as an answer to the apparently diminishing supplies of fuels from elsewhere, the threat of growing dependency on the oil-producing nations of the Middle East, and power plant pollution in the cities. So, strict overall government planning and regulation were necessary if the imposition of coal-based industrialization on the traditional farming-ranching economy and environment of the North Central states was not to bring disaster to the area and its people.

Viewing this as a mandate, the Department of the Interior and the 35 cooperating utilities launched their study. There were few persons in the affected region who were not already aware of the increasing attention being given to their coal; indeed, many landowners were already being subjected to the pressures of lease brokers, speculators, and coal companies. But the threat to the region as a whole was not yet visible, and the implications of the stupendous changes that the coal reserves would bring to the lives and environment of the people were not even dreamed of. The release of the North Central Power Study shattered that innocence.

Together with an accompanying document that dealt with the utilization of the region's water resources for the proposed coal development, the study suggested the employment of strip-mines in Montana, Wyoming, and North Dakota to supply massive amounts of coal to fuel mine-mouth power plants, which by 1980 would produce 50,000 megawatts of power, and by the year 2000 approximately 200,000 megawatts. The power would be sent east and west over thousands of miles of 765-kilovolt transmission lines to users in urban areas.

The study located sites for 42 power plants—21 in eastern Montana, 15 in Wyoming, four in North Dakota, and one each in South Dakota and Colorado. Their suggested sizes were mind-boggling. No fewer than 13 of them would generate 10,000 megawatts each (almost five times as much as the Four Corners plant in New Mexico, much criticized as the world's worst polluter). Other plants would range from a 1,000- to 5,000-megawatt capacity.

In addition, 10 of the proposed giant 10,000-megawatt plants would be concentrated in a single area 70 miles long by 30 miles wide, between Colstrip, Mont., and Gillette, Wyo.; another group with a combined capacity of 50,000 megawatts was targeted for another compact area close by.

To supply some 855,000 acre-feet of cooling water (an acre-foot is enough to cover 1 acre with 1 foot of water) which would be needed each year by the plants at the 50,000-megawatt level, the study proposed a huge diversion of water from the rivers of the Yellowstone Basin, requiring a large system of dams, storage reservoirs, pumping heads, and pipeline aqueducts to be built by the Bureau of Reclamation. The water resources document went even further, envisaging—with great realism, as it turned out—the construction of immense coal gasification and liquefaction plants and petrochemical complexes, located near the strip-mines and power plants, and raising the need for water to at least 2.6 million acre-feet a year.

ASTRONOMICAL FIGURES

Once they got over their shock at the stupendous dimensions of what was being proposed, environmentalists set to work dissecting the study. Dr. Ernst R. Habicht Jr. of the Environmental Defense Fund found the plant almost unbelievable, pointing out that it called for the generation of "substantially more electricity than is now produced either in Japan, Germany, or Great Britain (and would be exceeded only by the present output of the United States or the Soviet Union)."

The 855,000 acre-feet of water needed annually, for the 50,000 megwatt goal, Habicht noted, was more than half of New York City's annual water consumption, and if the need rose to the proposed 2,600,000 acre-feet, it would exceed "by 80 per cent the present municipal and industrial requirements of New York City (population 7,895,000)." Moreover, in wet years, the mammoth diversion would reduce the flow of the Yellowstone River by one-third, and in dry years by about one-half.

All of this the study had, indeed, overlooked, but there was more. Analysis showed that coal requirements for the 50,000-megawatt level in 1980 would be 210 million tons a year, consuming 10 to 30 square miles of surface anually, or 350 to 1,050 square miles over the 35-year period, which the study proposed for the life of the power plants. In addition, each coal gasification plant, producing 250 million cubic feet of gas per day, would use almost 8 million tons of coal a year, eating up more land, as well as 8,000 to 33,000 acre-feet of water (estimates vary widely) and 500 megawatts of electric power.

The astronomical figures continued. At the 50,000-megawatt level, nearly 3 per cent of the tri-state region would be strip-mined, an area more than half the size of Rhode Island. The transmission lines would require approximately 8,015 miles of right of way, which, with one-mile-wide multiple-use corridors, would encompass a total of 4,800 square miles, approximately the size of Connecticut.

A population influx of from 500,000 to 1,000,000 people might be expected in the tri-state area. (The present population of Montana is 694,000, Wyoming, 332,000, and North Dakota, 617,000.) Half a million newcomers would mean a 500 per cent increase in the present population of the coal areas and would result in new industrial towns and cities, putting added pressures on the states for public services and increased taxes.

The quality of life, as well as the environment, would change drastically. At the 50,000-megawatt level, the proposed plants, even with 99.5 per cent ash removal, would fill the air with more than 100,000 tons of particulate matter per year, detrimental to visibility and health. The combustion of the coal would introduce dangerous elements like mercury into the atmosphere; and the plants would emit at least 2.1 million tons of sulfur dioxide (yielding, in turn, sulfurous and sulfuric acids that would be deposited by the wind on farms, ranches, communities, and forests) and up to 1.88 million tons of nitrogen oxides per year. Living in the Colstrip-Gillette area, with ten 10,000-megawatt powerplants, not to mention an unspecified number of coal gasification plants as neighbors, could be lethal.

HURRIED RESISTANCE

If the simplistic report, blithely ignoring the need for scores of impact studies, bewildered environmentalists, it sent peals of alarm among many of the people of the three states.

Throughout the region, individuals were soon comparing notes and discovering that a coal rush of gigantic proportions was, indeed, already under way. Lease brokers, syndicate agents, and corporate representatives—many of them from places like Louisiana, Texas, and Oklahoma—had been swarming across the plains country, and more coal lands than anyone had dared imagine were already locked away in exploration permits and leases.

In half a dozen districts in Montana and Wyoming that seemed most threatened, ranchers and farmers hastily organized landowners' associations, which banded together as the Northern Plains Resource Council—a loose federation based with volunteer officers and staff in Billings, Mont.—to pool their information, pledge landowners to hold out against the strippers, and contest the coal interests in the courts and the state capitals.

From the start, opposition to the coal development was hobbled by a lack of reliable knowledge of what was going on. In the first place, it soon became evident that the coal and energy companies that were buying up the land had rejected the proposals of the North Central Power Study even before the document had been made public, and were proceeding, instead, on a voracious, every-developer-for-himself basis. Alarming as the suggestions of the Bureau of Reclamation and the utilities had been, they had nevertheless reflected the federal government's desire to guide development according to a comprehensive and orderly plan. Even the critical environmentalist groups had recognized that, if coal development was inevitable, the study was something with which to work.

Now the study was nothing but a checklist of some—but far from all—of the opportunities for the fastest corporations with the most dollars. Aside from alerting the region's people to the scope of the calamity they faced, the study's effect was to accelerate what was becoming a frantic, modern-day version of the California Gold Rush.

By October, 1972, the guideline aspects of the study were dead, and Interior Secretary Rogers C. B. Morton announced the formation of an interagency federal-state task force and the launching of a Northern Great

Plains Resource Program to assess the social, economic and environmental impacts of the coal development and, hopefully, "coordinate on-going activities and build a policy framework which might help guide resource management decisions in the future."

It was pretty much a case of locking the barn door after the horse was stolen. The 1971 study had been issued well after the coal rush had started, and the new study group—which was criticized because it did not provide fully enough for the participation of the public—would not release its final report until December, 1975, although results were expected to be "incorporated into regional planning and decision-making by the end of the first year," or October, 1973. In view of the rapid developments taking place, even this seemed too late. Regional planning by then would be almost impossible.

OWNERSHIP CONFUSION

Meanwhile other factors were adding to the confusion. Without the overall guidance of authority of any federal or state agency, it became difficult for anyone, including state officials, to assemble accurate and comprehensive information about who was acquiring what rights and where, and what they intended to do with them. The roster of those who were buying coal deposits read like a who's who of the energy industry: Shell Oil, Atlantic Richfield, Mobil, Exxon, Gulf, Chevron, etc.

All of them, to a greater or lesser extent, were engaged competitively, and the securing of permits and leases and the making of plans and commitments for exploitation were done with great secrecy. But in concealing activities and intentions from rivals they also frustrated interested officials and the public, who were kept in the dark about plans for such projects as stripmines, powerplants, new railroad spurs, water purchases, and coal gasification plants—all of which would affect their environment and lives—until the companies were prepared to announce them. By that time, commitments had been made, and questioners had to grapple for detailed and meaningful information and were at a disadvantage.

Perhaps the greatest confusion stemmed from the complex ownership rights to the coal and the land surface above it. Some of the coal is owned by the federal government and is administered by the Bureau of Land Management. Some is owned by the states; some by the Union Pacific or Burlington Northern railroads (though their legal rights to the coal, acquired originally with the railroad land grants of the last century, are being questioned by certain congressmen and organizations); some by Indian tribes, and some by private owners.

A purchaser may secure an exploration permit or lease for the coal; but to get at it, he also has to deal with the owner of the surface—which frequently produces a problem. The surface rights, again, might be owned by the federal government, the states, the railroads, the Indians, or private owners. Where the same interest owns both the surface and the coal and is willing to part with them, there is no complication. But more often than not, private ranchers own or lease land above coal that does not belong to them.

The question of the surface owner's rights versus the rights of the purchaser of the coal beneath his land is a matter of contention and will inevitably be tested in the courts. But the necessity of acquiring separate items of coal rights and surface rights from different owners (and sometimes—when trying to create a large compact block of coal—from several different adjoining owners of both the coal and the surface) introduced bitter conflict and more confusion to the harassed region.

In Montana, a 1961 surface condemnation law that favored the coal purchasers made the situation worse. The law had declared mining a "public use" and had given mineral companies the right of eminent domain. Speculators, lease brokers, and the agents of corporations acquiring coal rights—sometimes even before they had bought the coal—now abused that law. They frightened many Montana landowners into signing exploration permits and leases or selling their lands on the purchaser's terms ("better than you'll get from any court"), and threatened condemnation proceedings against those who resisted.

SURFACE RIGHTS SALES

In four instances in southeast Montana, landowners actually had condemnation proceedings instituted against them by Burlington Northern railroad, which is building a 37-mile spur line from its main tracks at Hysham, Mont., to Sarpy Creek to take out coal from a new mine. Ranchers and other landowners opposed the railroad's demands for right-of-way easements, often through the best parts of their land, and the conflicts became angry and tense.

As might be expected, hundreds of landowners in the three states, willingly or unwillingly, have already leased or sold their surface rights. On the whole, the negotiated terms differed from one lease to another, depending on how badly a company wanted a particular right and how resistant the owner was. One rancher may have given up all his rights for a dollar an acre, while his neighbor received more than $100 an acre and a small percentage royalty on each ton of coal taken from beneath his surface. The operations of the land buyers inevitably stirred up jealousies and divisions among old friends and neighbors, some of whom wanted to sell out while others hoped for a united show of resistance against the purchasers.

A division of opinion also affected those who did not have land at stake. Many citizens in all three states regard the coalfield development as an economic boom to the regions. But others enjoy living on the northern plains precisely because of the small population and are fearful of the degradation of the environment and other unfavorable impacts that the development will have on their part of the country and their lives.

Meanwhile, the absence of hard information concerning exactly what the impacts will be, and when they will start to be felt, has become something of a scandal. Despite all the developments that have occurred, not a single meaningful impact study has yet been made of any one of them; nor will an in-depth study be available for the region as a whole, or for any one of the affected states, until Secretary Morton's resource program report is finished at the end of 1975.

It has been estimated that more than 5.5 million acres of federal- and Indian-owned land have already been let out in coal permits and leases. More acreage has been let out by the states, the railroads, and private individuals. In Montana, the Northern Plains Resource Council estimates that at least 1.7 million acres, more than half of that state's surface covering economically strippable reserves, are already signed away. The figures in Wyoming and North Dakota are believed to be far greater. But such information has only increased the sense of helplessness.

In Wyoming, with strippable coal reserves of 23 billion tons in seven major coal areas, only a few of the mammoth projects that are certainly in store for the use of the resource have yet been described with any detail.

The State of Wyoming generally, its governor and junior senator, and a majority of the members of the state legislature are development-oriented, welcoming the coal industrialization as a boost to the state's economy, and showing little appetite for conducting significant studies or enacting laws that would give protection to the state.

MONTANA FIGHTS BACK

In Montana, where large-scale coal mining is a new fact of life, the reverse is true, and state officials and agencies have, if anything, been ahead of many of the people in evidencing genuine concern over the uncontrolled character of the coal exploitation. In March, 1971, the state passed an Environmental Policy Act, which, among other things, created a 13-member Environment Quality Council, the functions of which included watchdogging the environment problems in the state, recommending protective actions, and furthering state environmental impact statements. In August, 1972, on the recommendation of the council, the state created a Coal Task Force to watch the developing coal situation, identify problems, and recommend needed legislation or other action.

Both Montana bodies have tried to gather adequate information for laws necessary to protect the state, but cooperation from the federal level has been sorely missed.

By the fall of 1972, the every-man-for-himself development in Montana was becoming alarming. Four stripmines were already in operation in the state. A study made by Thomas J. Gill for the state Environmental Quality Council, and based on data supplied by various state agencies, pointed out that total strip-mined coal production in Montana would jump from 1.5 million tons in 1971 to 16 million tons in 1973 and to 75 to 80 million tons in 1980. At the 16 million-ton levels in 1973, 275 to 520 acres of Montana land would be disturbed by the mines.

Reclamation of the mined land was only one of the problems posed by the increased stripping in the state. Neither federal nor state regulations written into the leases carried any guarantees that the lands would be successfully restored, and railroad, private, and Indian leases were so deficient that they almost guaranteed that there would be no reclamation.

In addition, there was little information about water problems that would result from the strip-mines, some of which would seriously disturb patterns of drainage and surface runoff. The study noted that the state's total existing and potential supply from the rivers of the Yellowstone Basin was 1,735,000 acre-feet a year; yet energy companies had already received options from the Bureau of Reclamation for 871,000 to 1,004,000 acre-feet per year and had requested or indicated interest in another 945,000 acre-feet per year from those streams.

GROWING DISTRESS

Montana's growing distress over these problems was reflected when the state legislature convened early in 1973. Numerous regulatory bills were introduced, and by April several significant ones had become law. Coal was eliminated from the condemnation statute, and operators were prohibited from prospecting or mining until they had secured the permission of the owners of the surface rights. Both measures came too late to help all those who had already sold their surface under threat, but they took some of the pressure off the many who were still holding out.

The legislature also passed a strong reclamation law that spelled out required reclamation procedures in detail; increased sharply the state tax on coal; set up a Resource Indemnity Trust Fund to rectify damage to the environment caused by the extraction of nonrenewable natural resources; established a centralized system for water rights; and created a power facility siting mechanism, giving the state's Department and Board of Natural Resources and Conservation authority to approve the location of generation and conversion plants, transmission lines, rail spurs, and associated installations.

Still missing, at that late date, was convincing evidence of concern or commitment on the part of agencies of the federal government. A major portion of the coal lands in the northern plains is public domain, administered by the Bureau of Land Management of the Department of the Interior.

Every aspect of the bureau's practices in the granting of federal coal permits and leases has been severely criticized in Congress and by the General Accounting Office, which last year focused on the question of whether the United States was receiving a fair price for its coal, and concluded that it probably was not. Of late, the figures have usually been 17.5 cents for subbituminous coal and 15.5 cents for lignite—considered by many critics to be too low, in view of actual market conditions.

The General Accounting Office was even more critical on other points. Speculators could buy rights cheaply, hold onto them for long periods of time with no plans to mine the coal, then sell the rights at a large profit in the rising market. Reclamation and environmental requirements were almost nonexistent in older leases, and the Bureau of Land Management was ignoring this deficiency, waiting for each lease to come up for renegotiation on the 20th year after the lease had been made. Newer leases had stiffer requirements, but they were not being enforced. In August, 1972, a second GAO report spelled out its criticism on this score more sternly, aiming its charges also at the Bureau of Indian Affairs, which was administering the leases of coal owned by Indian tribes.

The criticism pinpointed numerous violations of federal laws and the code of federal regulations by both the Bureaus of Land Management and Indian Affairs.

SELLING OUT THE INDIANS

If the Federal government was not protecting the non-Indian people of the region, it was actually selling out the Indians. The GAO criticisms of the Bureau of Indian Affairs merely scratched the surface of the derelictions of government trust obligations to the tribes.

One tribe, the Northern Cheyennes, put its trust in the BIA. Encouraged to take money while the taking seemed good, the tribe let out a total of 243,808 acres—a startling 56 per cent of the reservation's entire acreage in southeastern Montana.

Another tribe, the Crows, let out permits for 292,680 acres, including rights to the coal—at 17.5 cents a ton—in an off-reservation area, whose surface the Crows no longer owned.

In addition, when making the original deal, the Crows were persuaded that they could not sell their coal unless they also handed over rights to 30,000 acre-feet of water a year. Unknowledgeably, the Crows obliged, and ultimately gave away to the different coal companies valuable options for 140,000 acre-feet of water per year without a penny of payment.

The lack of impact statements, the nonobservance of regulations, and the many violations of laws that have characterized the first years of the coal rush throughout the region have provided concerned environmentalists with opportunities for numerous lawsuits.

In addition, an independent committee of 12 prominent natural scientists—formed in April under the auspices of the National Academy of Sciences and the National Academy of Engineering—was set up to review the ecological and environmental consequences of the coal and power operation. Its report was expected last month.

The horrors conjured up by the North Central Power Study in 1971 are coming true even faster than that document proposed—and without the focus for planning and control which its blueprint provided. Is it, then, all over for the northern plains? Will they inevitably become another Appalachia? On the Tongue River near Birney, Mont., Mrs. Irving Alderson Jr. gives voice to a desperate, last-ditch courage that says there is still time to save the region.

"To those of you who would exploit us, do not underestimate the people of this area. We are the descendants, spiritually, if not actually, of those who fought for this land once, and we are prepared to do it again. We intend to win."

ONE FAMILY'S TENSE HOLDOUT

(By Alvin M. Josephy, Jr.)

The Bull Mountain area, north of Billings, Mont., is a particularly fragile one, a grassy parkland whose irregular topography includes rimrock walls and picturesque hills covered with dense growths of ponderosa pine. Because coal seams are exposed on the rock walls and outcrop on the hillsides, contour stripping—the most destructive of all opencut techniques—probably would be necessary, and reclamation to restore the present natural beauty and scenic values would be virtually impossible. A Montana Coal Task Force, established by the state government in August, 1972, urged that no strip mining be permitted there unless a severe national coal shortage occurred in the future, and Sen. Mike Mansfield singled out the area as one district of the state in which strip mining should be banned outright.

Nevertheless, the Bull Mountain area contains approximately 130 million tons of coal, the rights to which were quietly purchased by Consolidation Coal Co. in permits and leases from Burlington Northern railroad and the state of Montana. It is owned by Continental Oil Co. (whose chairman, John G. McLean, head of the National Petroleum Council, has been in the forefront of industry leaders warning of an energy crisis). Consol, as the coal company is known, plans an $11.5 million strip mine in the Bull Mountains, to be worked over a 25-year period. Its initial production would be about two million tons a year, but the figure would rise.

In 1970, Consol set about purchasing the surface rights necessary to make exploration drillings to mine the Bull Mountain coal. Many of the people in the nearest town, Roundup (population 2,800), welcomed the development. Small-scale deep-mining had been done for many years there; Tony Boyle, the former United Mine Workers president, had come from the area; and the townspeople, without landholdings at stake, saw prosperity for themselves in Consol's promises to spend $1.4 million each year in the region and employ 80 men, whose needs, said the company, would generate 240 other jobs. To the Boyd Charter family and other ranchers, however, plans for the strip mine became a nightmare.

Originally from western Wyoming, the Charters and their three sons and a daughter ran cattle on approximately 20 sections of land, 10 of which they owned and the rest leased from the Burlington Northern. Without warning, they were visited one day by a land agent from Consol, who told them that the company had bought the coal beneath their land from the federal government and the railroad and now wanted to drill exploratory core holes preparatory to mining.

He produced a form for them to sign, offering $1 to release the company from any damages done to their property by the drilling. When the Charters refused to sign, the agent left them and made a tour of other ranches, relating, according to the word of one ranch owner, that the Charters had signed, and thus winning the agreement of a few of them.

The company thereafter began harassing the Charters. Higher officials, including a Consol regional vice president from Denver and company attorneys, began showing up at their home, increasing the pressure. After numerous sessions the visits stopped, and the Charters wondered if condemnation proceedings were to be instituted against them.

Then, one morning, they heard a racket near their house. They ran out, discovered a Consol crew drilling core holes on a deeded part of their land, and ordered them to stop. One of the men, according to Charter, came over to them, threatening a fist fight. "I got as much goddamn right on this land as you," he said.

The infuriated Charters finally drove the crew off the property, and they have heard nothing more since then from Consol. But the company has tested all around the Charter ranch, it can get Burlington Northern to break the lease for its part of Charter's holdings, and it still intends to strip mine the Bull Mountains in the near future. Far down the line from Continental Oil's national policy planner, John McLean, this small Montana ranching family is one of his victims.

RETIREMENT OF MAJ. GEN. CLARENCE J. LANG, U.S. ARMY

Mr. TOWER. Mr. President, recently, a fellow Texan, Maj. Gen. Clarence J. Lang, U.S. Army, retired from active duty service. As his last post he commanded the Military Traffic Management and Terminal Service. There he maintained the outstanding performance that marked his entire career. So that all Americans can appreciate his contribution to the defense of the Nation, I ask that a brief biography of General Lang be printed in the RECORD.

There being no objection, the biography was ordered to be printed in the RECORD, as follows;

GENERAL LANG

General Lang was born on 28 June 1918 in Iowa City, Iowa. He was graduated from the University of Iowa and received his commission as a second lieutenant in the QM Corps Reserve in May 1940. He is also a graduate of the University of Texas (M.B.A. Degree), the Armed Forces Staff College, and the Industrial College of the Armed Forces. He entered the Army as a commissioned officer in July 1940 as Assistant Post Quartermaster, Fort Des Moines, Iowa, and later served with the 6th QM Bn. of the Sixth Infantry Division, Fort Leonard Wood, Mo. During World War II, he served with the 28th Quartermaster Group (Truck) in Northern Ireland, England, Africa, and France. He commanded the 28th Quartermaster Group in France from 1944 until 1945.

General Lang was commissioned in the Regular Army in 1947 and transferred to the Transportation Corps in 1950. He commanded the Separation and Reassignment Center, Camp Stoneman, California, and was the Comptroller at HQ, San Francisco Port of Embarkation, Fort Mason, California, from 1949 to 1953. He served as Comptroller and Deputy Chief of Staff, U.S. Army Transportation Training Command, Fort Eustis, Virginia, from 1953 to 1955. In 1956, after graduating from the Armed Forces Staff College, General Lang went to the Far East as Transportation Officer, HQ, U.S. Army, Ryukyu Islands, IX Corps, Okinawa.

Following attendance at the Industrial College of the Armed Forces, in 1959 he was assigned for two years to the Transportation Division, J–4 (Logistics), OJCS. From July through October 1961, General Lang was Special Assistant to the Chief of Transportation. In November 1961 he became Deputy Executive Director of the Military Management Agency. When this agency was redesignated the Defense Traffic Management Service, General Lang became Deputy Commander, serving in that capacity until August 1963. He next served as Deputy Commander, U.S. Army Transportation Center and Fort Eustis, and Assistant Commandant, U.S. Army Transportation School. On 7 October 1964, he became Director of Logistics, J–4, HQ, U.S.

Strike Command, MacDill Air Force Base, 15 June 1957 to become Chief of Staff, U.S. Army Materiel Command. He assumed command of the Military Traffic Management and Terminal Service (MTMTS) 29 April 1969.

General Lang's military decorations include the Distinguished Service Medal and the Legion of Merit with Oak Leaf Cluster.

General Lang is married to the former Fredricka Hansen Cloud. They have three children, and maintain their permanent residence at 314 Elizabeth Road, San Antonio, Texas 78209.

THE NEED FOR ADEQUATE PENSION REFORM

Mr. HARTKE. Mr. President, every day we hear of cases which demonstrate the overwhelming need for substantial pension reform. Recently I learned of the case of James L. Bodell, Sr., who after 29 years of service for his company, will not receive a penny of retirement benefits. On September 12 of this year, Mr. Bodell will celebrate his 65th birthday. Such an event should be a joyous occasion, but Mr. Bodell's birthday celebration will be dampened by the unhappy fact that his means of support is very uncertain.

Mr. President, I ask unanimous consent that Mr. Bodell's letter to me be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LOGANSPORT, IND.,
July 1, 1973.

SENATOR HARTKE: I have been told by several people that you are the person to write to for information on a pension.

I have worked at MidWest Plating—12th and Spear Street in Logansport—since 1944. As of now, I am the oldest man there. At the time I started they had no pension plan. Two years ago they voted and received a pension plan—back dating it 5 years. But (they) told me I was not entitled to it as I was passed 59 years old when the pension was put in effect.

After 29 years of service, isn't there something that can be done? My work record speaks for itself. There are two plants. No. 1 is in Kokomo, Indiana—its pension plan was back dated to time of hiring.

I will be 65 on 9/12/73 and would like something to show for it. If you can help me or advise me on what to do, I would appreciate it very much.

Sincerely yours,
JAMES L. BODELL, Sr.

Mr. HARTKE. Mr. President, Mr. Bodell said:

> After 29 years of service, isn't there something that can be done?

I direct that question to my colleagues and say that something must be done. Mr. Bodell says:

> I will be 65 on 9/12/73 and would like something to show for it.

I say to my colleagues that a 65-year-old individual who has put in 29 years of dedicated service to his company must be given the dignity of an adequate pension benefit. He has worked for it and he deserves it.

On May 21 of this year, I introduced the Federal Pension Plans Protection Act of 1973 (S. 1858) which would prevent just such an injustice from occurring. My bill would establish a vesting standard so that a worker would attain an irretrievable right to his benefits after 5 years of service. This standard would go much further toward helping Mr. Bodell and the thousands like him than either the Finance Committee approach or the approach of the Labor and Public Welfare Committee. We should not lose sight of the fact that Mr. Bodell's case represents thousands of similar injustices that are perpetrated throughout the country each year. The time has come for us to act strongly and decisively to right these wrongs.

CONCERN FOR OPPRESSED JEWRY: AN AMERICAN TRADITION

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD an article in the July–August 1973 edition of the Jewish Veteran.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CONCERN FOR OPPRESSED JEWRY—AN AMERICAN TRADITION

(By Senator JACOB K. JAVITS)

As protests in this country have mounted against Soviet suppression of its Jewish citizens and as it has become apparent that this issue is a key question in the trade negotiations with the USSR, arguments have been raised that such a matter is of no concern to the United States as it is a domestic issue within the Soviet Union. Opponents argue that the United States has no grounds for protesting Soviet treatment of its citizens of the Jewish faith because, no matter how unfortunate such maltreatment may be, it is an internal matter for the USSR about which we have no basis to comment. This is not the sort of thing, it is said, about which Americans properly can be concerned. Nothing could be more wrong or worse for morality and justice in the world!

This is no domestic matter for the USSR. Also, it is a matter of human rights and conscience for all the world. Indeed, the Soviet Union is a signatory of the International Declaration of Human Rights which gives the appeals from the USA every juridical status as the United States is a signatory, too. Nations, like individuals, must not be allowed to use strategems and circumventions of human rights to deprive their own citizens of basic internationally accepted human rights. The United Nations Charter as well as all considerations of morality dictate that we should honor this principle.

In addition, it must not be forgotten that it is an historic American tradition, dating back to the early history of our republic, for Americans to be deeply concerned about the freedom of minorities abroad. In 1840, for example, during the Presidency of Martin Van Buren, the United States (not even a century old at the time and with a miniscule Jewish population) protested to the mighty Ottoman Empire concerning the persecution of Jews in Damascus, now the capital of Syria but then under Turkish rule. President Van Buren's Secretary of State, John Forsyth, referred to American concern as a subject "which appeals so strongly to the universal sentiments of justice and humanity." This enunciation of American concern is still applicable today, more than 130 years later.

With the assistance of the Library of Congress, I have inquired into this well-established American tradition of concern for the oppressed abroad. My findings are revealing.

In the administration of almost every American President since the Civil War, from Grant to Nixon inclusive, this nation has protested maltreatment of Jews in foreign lands. American protests have occurred at periods in our history when the United States was a minor power among the nations of the earth just as they have occurred after this nation achieved "super power" status.

The United States has let its concern be known to the major world powers such as the Ottoman Empire, the Austro-Hungarian Empire and the Czarist Empire before World War I, and France, Germany, Italy and the USSR since that time. And we have let our concern over the treatment of Jews be known in the capitals of the smaller powers such as Roumania, Poland, Morocco, Czechoslovakia and Ecuador.

These protests have been more than formal exchanges between foreign ministries. U.S. Presidents themselves have made it a point to express personally their concern in public pronouncements. While we all recall statements by President Nixon regarding the maltreatment of Jews in the Soviet Union and Franklin D. Roosevelt regarding Nazi persecutions, it is too often overlooked that in his annual message of December, 1880, President Rutherford B. Hayes told the American people:

> The government of the United States has also lost no opportunity to urge upon that of the Emperor of Morocco the necessity, in accordance with the humane and enlightened spirit of the age, of putting an end to the persecutions which have been so prevalent in that country of persons of a faith other than the Moslem, and especially of the Hebrew residents of Morocco.

And President Benjamin Harrison, in his annual message of December 9, 1891, declared that the government of the United States "has found occasion to express, in a friendly spirit, but with much earnestness, to the government of the Czar its serious concern because of the harsh measures now being enforced against the Hebrews in Russia." The basis for this declaration are as pertinent today as they were in 1891 when Harrison stated that the "suggestions of humanity" furnish "ample ground for the remonstrances which we have presented to Russia, while our historic friendship for that government can not fail to give the assurance that our representations are those of a sincere well-wisher."

This is not to give the impression that American expressions of concern have merely been public statements or items of diplomatic correspondence. The United States has again and again demonstrated its determination to back up its expressions of conscience with action, even though such action might have been seen as disadvantageous to us at the time.

Perhaps the best known incident of this type occurred in the early part of this century when bloody pogroms took place at Smiela, Odessa, Kishinev, Bialystok and elsewhere in Czarist Russia, with the number of dead running into the thousands. American public opinion was deeply aroused by these acts against Jews, and in 1906 both the House of Representatives and the Senate adopted a resolution indicating that they were "horrified" by the massacres and extending to the bereaved "the hearty sympathy" of the American people.

Three years later, in 1909, Congress enacted a measure requesting a renegotiation of the long-standing treaty of commerce with Russia which had been in effect since 1832. President Theodore Roosevelt signed the bill on his last day in office.

Persecutions of Jews persisted and in 1911 the House of Representatives passed a joint resolution declaring the treaty with Russia terminated and instructing President William Howard Taft to give formal notice to that effect. The State Department felt that abrogation of the treaty would have serious effects on U.S. commercial relations with the Russians in addition to larger political considerations. In an effort to head off the action of the Congress, President Taft sought from the Russian Foreign Office a joint statement to be issued within 24 hours stating in effect that the old treaty was being terminated in the hope of speedily renegotiating an updated one. The Russians refused, and on December 17, 1911 President Taft announced termination of the treaty to become effective December 31, 1912.

There are a number of parallels between what occurred six decades ago with respect to Czarist Russian anti-Semitism and what is occurring today with respect to Soviet Russian anti-Semitism. In both instances, before the imposition of sanctions the Congress approved resolutions expressing abhorrence of persecutions by the Russians of her Jewish citizens. When these resolutions proved of little effect, a movement began in the Congress to seek stronger means of indicating American concern. In the early part of this century, Congressional action was directed at a long-standing commercial treaty with the Russians; in our own time Congressional action is being directed, through the Jackson-Vanik-Mills Amendment of which I am a sponsor, at the proposal to give the Soviets "most favored nation" treatment in trade with the United States. And, again as sixty years ago, the State Department would prefer to handle the matter through its own means—now termed "quiet diplomacy"—rather than through Congressional enactment. I, for one, feel that the hand of the State Department in its "quiet diplomacy" can only be strengthened by the Jackson-Vanik-Mills Amendment, sponsored by a majority of both the House and the Senate. The Soviets cannot fail to recognize that there is an earnest conviction here that should the efforts at quiet diplomacy fail, then Congress will feel obligated to enact the Amendment.

There is an additional important parallel. I feel, that as in 1911, that the Congress will once again act and appropriate legislation will be passed.

The abrogation in 1911 of the 1832 U.S.-Russian commercial treaty is not the sole precedent of the United States modifying its relations with the Russians because of their treatment of an oppressed minority. There is also a more recent precedent involving the Soviet Government which had since replaced the Czarist regime. On December 3, 1956 the Department of State announced, with the personal approval of President Dwight D. Eisenhower, that the United States had suspended its program of cultural exchanges with the USSR in protest against the Soviet suppression of the Hungarian uprising.

There are also other instances where the United States has indicated its concern over treatment of minorities abroad through means stronger than verbal protest. Several relatively recent examples come to mind. In 1938, culminating a series of diplomatic steps taken against the Germans on the grounds of persecution of Jews, the United States recalled Ambassador Hugh Wilson from Berlin.

In August, 1963 the United States announced that it was placing an embargo on sales of arms and military equipment to South Africa to "emphasize our hope that the Republic [of South Africa] will now reassess its attitude on apartheid." In this latter instance, American action was prompted because of maltreatment of blacks.

Lest the impression be given that American protests against maltreatment of minorities abroad has been chiefly centered on incidents involving Jews, it should be noted that the United States has indicated its concern over such disparate groups as Protestant pastors in Bulgaria, Armenians, Cretons, Africans, Tibetans, Hungarians, Chinese, Cubans, and Poles.

It is quite apparent that United States concern about the oppression of minorities abroad is as American as apple pie—and it is also as American as chow mein, pizza, and bagel and lox. May it always be so!

COUNT YOUR BLESSINGS

Mr. THURMOND. Mr. President, in a time when we are inundated with criticism of our Government, it is refreshing and very important to get a proper perspective on the state of the Nation. It is easy to join the chorus of the prophets of doom, but it is not as easy to sing a different tune.

This is why I was very pleased to read an excellent editorial by Howard Flieger in the most recent issue of U.S. News & World Report. He very thoughtfully points out our many blessings while acknowledging our many problems. Mr. Flieger takes the position that the good outweighs the bad by far.

Mr. President, I would like to share his views with my colleagues, and ask unanimous consent that the editorial entitled, "Count Your Blessings," which appeared in U.S. News & World Report, August 6, 1973, be printed in the RECORD at the end of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

COUNT YOUR BLESSINGS

(By Howard Flieger)

With all the carping and complaining that's going on, it might be well to look around for a brighter side.

It's there, all right. The world and its people, at mid-1973, really are in pretty good shape, all things considered.

Item: For the first time in what seems like ages, there is no big war—anywhere.

Item: The major nations of the world have gotten together to talk things over. They don't agree on many things, but, at least, they are talking and trying to sound reasonable.

Item: There is hunger in the world—even famine in Africa—but not nearly as much as in the past. Food shortages are less widespread and severe now than in most of history.

Item: Sickness is no longer the scourage it was even as recently as 20 years ago.

Nowadays, just the hint of a cholera outbreak brings fast action to stop it before it starts. Such killers and cripplers as polio, smallpox, tuberculosis, are curbed.

True, the very poor in remote and backward areas still suffer. But there are fewer "remote and backward areas" in the world than ever before.

In most modern nations, the poor get medical attention as good as society can provide, and at relatively little out-of-pocket cost.

Item: Communications are bringing people closer together. Television broadcasts via satellites create instantaneous, worldwide audiences everywhere for anything important that happens at home or abroad.

Look at the United States.

Certainly people are unhappy about the bite of prices and taxes. They often wonder where their money goes. They are upset—when they aren't bored—by political scandals.

But millions never had it so good.

By most measures, we are in the greatest boom on record. Growth in real output in 1972 was an impressive 6 per cent, over all, and hit 8 per cent in early 1973. Last year, the median income of 54.4 million U.S. families was $11,116, according to a new survey by the census bureau. That not only was a new high, it was a whopping 8 per cent ahead of the year before.

More than a million people moved up and out of the ranks of poverty.

There are more jobs than ever, and more people working. Unemployment is not solved, but it is not the problem it was.

Nobody is being drafted.

Crime remains a worry. Still, there is less violence, even in the cities. Demonstrations, mass protests, have become rare. The use of narcotics has turned down.

Out in the world, the Russians and the Chinese aren't speaking to each other, but both are talking cordially, with their old common foe—the once-despised United States.

Thirty-five nations are trying to talk the cold war into its final resting place.

The Middle East is worrisome. Yet it isn't in flames—not at this writing.

Everywhere, more people are on the move for business or pleasure, with more money to spend, than mankind has ever known.

None of this is meant to suggest that all the problems on earth have gone away. There are many things to fret about.

The environment is not what it could be. Pollution is serious and shows no evidence of being conquered on an over-all basis.

The need for sources of energy to keep the world cranked up and its wheels turning is acute, and seems certain to become more so at the present pace of solutions.

The dollar isn't what it used to be, not even just a few weeks ago.

In short: This certainly is not the best of all possible worlds—but it is a better place than a lot of people give it credit for being.

THE REAL ENEMY—INFLATION

Mr. MONTOYA. Mr. President, on September 2, 1973, I was privileged to address the annual Labor Day picnic at Farmington, N. Mex. I spoke to these New Mexico working people about the fight they have made and are continuing to make against our mutual enemy inflation. Because what I said to them applies equally to working people in every State, I would like to request that my address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

FOR SERVICE ABOVE AND BEYOND THE CALL OF DUTY

Labor Day in 1973 should have been renamed. In this year it would be more appropriate to call it "The Day of The Heroes"—because if there are any heroes today they are the men and women of American Labor who have been drafted to serve in the front lines of our defense against inflation.

Inflation is a little like the weather. There are a lot of folks talking about it, but, as Will Rogers used to say, "Ain't nobody doing anything about it." Except you—the working people of this nation.

Among those who talk a lot about inflation—though they usually call it "the economy"—are the economists in Washington. Economists are very interesting people. They can make numbers disappear and reappear faster than magicians hide rabbits. They average everything. They can add your salary to a banker's—say $10,000 and $50,000—and then by dividing they can come up with the startling news that "on the average" both of you make $30,000 a year. Which is mathematically true, but try to explain it to your wife when you tell her the family can't afford a vacation this year!

There's an old story in Washington about the government economist who was an advisor to the President—until one week-end when he went fishing and tried to wade a stream with an "average" depth of only three feet. He drowned in the six foot middle pool—and so there was a new economist at his desk on Monday, averaging things.

Well, we're going to be hearing a lot about those averages in the next few months. The President says we should stop talking about Watergate and start talking about the economy—he means inflation, I guess. I don't think we should forget Watergate, but I'm perfectly willing to talk about inflation.

I agree with the President that it is our number one enemy today. I just wish someone in the White House or the Office of Management and Budget or at the Pentagon—or in the banks or big corporations of this nation—was enlisting to fight this war instead of talking about it.

What is the real story on inflation? What is it? How did it get started? How do we stop it?

The answers you get to those questions will be different with every person you talk to. But there are some things we can say with no fear of contradiction.

First, it isn't an entirely new problem, or just an American problem. We have had some measure of inflation for years, but until 1968 it was under pretty good control. From 1962 to 1968 the consumer price index—rose at a rate of a little more than two percent a year. But from the beginning of 1969 it started up drastically—and it has gone up more than four and one-half percent a year ever since. In the first six months of 1973 it has gone up another 4.7 percent! Now, no matter how you average it out, that's inflation!

What do all those figures mean? Well, they mean that what you could buy for $100 in 1967 cost you $132 this July. They mean that your dollar is beginning to look like a rabbit skin full of buckshot—it's so full of holes it's not going to do much to keep you warm this winter.

Now, you're going to be told over and over again in the next few months that "on the average" your wages have gone up so much that it doesn't matter about the high cost of food or shoes or rent.

Well, let me tell you about a report that the Tax Foundation in New York City did for Sylvia Porter, the economic writer. If you are the average working man with two children, and you have received raises since 1966 which brought your income up from $10,000 to $13,500, you should be ahead of things—right? Wrong! You're making thirty-five percent more than you did six years ago—but you've lost nearly $500 in buying power through inflation and higher taxes.

Now the average weekly earnings of workers has gone up about thirty-five percent—but remember that's an average. Not everybody got that big a raise, and if your income is one of those which has not gone up that much, your buying power has gone down a whole lot more! Your paycheck today is a lot like cotton candy—it may look big, but it bites little.

And no matter how you average it out, that's inflation.

For working people it really doesn't matter if the price of diamonds has doubled. What counts for the average man is a good house to live in, and enough food in his market basket, and knowing he can afford school clothes this year. That's what counts—and that's where inflation really has been the worst, of course. Housing. Food. Clothes.

What happened to houses—the houses working people need to live in? They are disappearing from the market—only one percent of existing housing is vacant today, according to the AFL–CIO, and most new housing is being built for upper income people.

From 1960 to 1968 the average interest on home mortgages was 5.9 percent. From 1969 to 1972 the average was 8.13 percent—and, remember, every time the interest rate goes up one percent you add a lot of money to your monthly payment and to the total cost of your house. For a $20,000 home at 6 percent your interest cost would be $115 a month—but at 8 percent the cost of interest alone would be $164—about $50 a month difference in your payment! And when you add it all up at the end of the thirty years of payments, you find you've paid almost $10,000 more for that $20,000 house than you would have at the lower interest cost. Now, that's inflation.

The cost of mortgage interest is going so high now—up to ten and eleven percent in some places in the nation, with large down payments required—that the working man can no longer buy a house at all. More than half of all American families earn less than $12,000 a year—and in today's market that is not enough to buy a $25,000 home. But this year only twelve percent of all the private homes being built will sell for $25,000 or less, according to the Home Builders Association. So—most working people have been priced out of the market. And rental costs are up more than thirty percent since 1968, too.

That's inflation.

I'm sure I don't have to tell you about food. The people who shop for their own food know what's happened in the supermarket. They don't have to be told by an economist that the wholesale price index for farm products went up to over 180 this spring—that's nearly double what it was in 1967. They know about beef shortages and beef prices, or milk prices, or wheat prices. They know the Russians got our wheat—and we got their shortage!

In the depression people used to say that if you had to ask how much it cost you couldn't afford it. That's when they were talking about yachts! Now they could be talking about steak!

For most families food is the most important part of their budget. If you're a corporate executive it doesn't much matter if hamburger goes up a dollar a pound. Now Mr. Herbert Stein, an Administration economist, says that "on the average" we're all better off than we ever were before. He says that food is only 22.5 percent of the cost price index, so it's not so important. Well, maybe so. On the average. But for people at the lower end of the pay scale, a rise of twenty-five percent in grocery store prices—and that's what the annual rate of increase has been so far this year—a rise like that prices them out of the supermarket.

If you earn $52,000 a year, and it costs you $50 a week to feed your family, it's only five percent of your income. You can afford to be averaged in and averaged out, and you still keep eating. But if you only earn $100 a week, that $50 food basket is half your income. And no economist can average that problem out for you. That's inflation.

Another thing you're going to hear a lot about when you start listening to the experts in Washington in the next few months, is that a Democratic Congress has caused all this inflation by spending too much—or that working people have caused it all by buying too much and earning too much. Don't you believe it.

In the last three years the Congress appropriated nearly four billion less than the President requested. But the Congress wanted to spend what money we had for education and health and veterans. The President vetoed a lot of those bills. It was money for military increases the President wanted to approve.

In order to help fight inflation, the Democratic Congress gave the President the authority to regulate prices and wages, and interest and profits—in 1970. He didn't want to use it then. He was planning to control inflation with a "little bit" of unemployment, remember?

Unfortunately, we got both—the unemployment and the inflation. Finally in 1971 things got so bad the President started the Phases and the freezes we have had ever since. It's been an uneven sort of fight. We fought inflation with wage control. And some price control. But not control on profits or interest. Corporate profits have been astronomical—up 14 percent in 1971, fifteen percent in 1972, and up 24 percent on an annual basis so far this year. Bank profits are up more than 80 percent since 1968.

But the control on wages has been pretty firm. Your income hasn't gone up more than five and one-half percent per year in the whole period—on the average.

The President asked for a "little" sacrifice on the part of Labor—in order to fight inflation.

But he didn't offer any medals—and he didn't draft any corporate executives to fight the battle at your side, either.

That is why I think today should be called The Day of the Heroes this year. The only soldier in the fight against inflation has been the American working man—he has held fast. He still holds fast.

So when they start telling you—and they will—that it's your fault for buying too much, or eating too much, or earning too much, you tell them that here's one Senator who thinks you deserve a medal for holding the line against inflation while every one else in business went ahead—no matter what the averages said.

If the Generals at the Pentagon and the Advisors at the White House and the $40,000 a year economists could manage to keep their increased costs down as labor has, then we might begin to make some headway against the "real" enemy, inflation. Until they do, you get my nomination for the medal which reads "Above and Beyond the Call of Duty."

THREAT BY SAUDI ARABIA TO CUT BACK ITS DAILY PRODUCTION OF OIL

Mr. BARTLETT. Mr. President, in the last few weeks there have been a series of policy changes and threats by the oil rich Middle East nations. The most recent threat by Saudi Arabia to cut back its daily production by a million barrels if the United States does not change its policy in the Middle East within the next 6 months is so serious that it should have been spread across the front page of every newspaper within the United States. If Saudi Arabia carries out its threat, the consequences will be a nightmare for the United States and other oil dependent nations.

Saudi Arabia, which has more oil reserves than any other country, is the only country which can increase its production to rates that might come close to meeting the world's growing demand for petroleum. Western Hemisphere sources of oil have reached peak production capacity and can no longer increase their exports to the United States. Our ever-increasing demand for imports will have to be supplied in large part by Saudi Arabia.

The threat by Saudi Arabia came on the heels of the Libyan nationalization of the American oil companies in Libya. Also, Libya increased the price of its crude oil to $6 per barrel, which with transportation cost is over $2 more per barrel than domestic crude oil. The Libyan crude, which is low-sulfur content crude oil, will be needed by the United States this winter.

Our national security has been placed in jeopardy. Subsequent action by the Middle East cartel cannot be predicted. But if the Saudi Arabian announcement is an indication of things to come, then the situation is grave indeed.

We, Americans, do have a choice. We can invest money now to start expansion of our domestic energy industries, or we can pay more for foreign crude oil imports—if the foreign countries that have the oil see fit to sell it to us at all. The leverage that the Middle East countries have will be used for political purposes. Unless we build our own strong domestic energy industry we could find ourselves a second rate world power.

The time to act is now. The price of natural gas at the wellhead needs to be deregulated so that supplies will be increased. The price of domestic crude oil should not be restricted. Pipelines need to be built to deliver the natural gas and crude oil. Coal production needs to be expanded. New emphasis on research and development must be promoted.

Congress cannot allow this great country to become so dependent upon energy supplies that it must alter its foreign policy because of political or economic blackmail by any nation possessing the much needed supplies.

FEDERAL ENERGY RESERVE IN THE SANTA BARBARA CHANNEL

Mr. CRANSTON. Mr. President, just before the Senate adjourned for the August recess, I introduced S. 2339, my bill to create a Federal energy reserve in the Santa Barbara Channel. This bill is similar but not identical to legislation I have introduced in both the 91st and the 92d Congresses to protect the channel from the hazards of premature oil drilling.

On August 24, I received a letter from Mr. Francis Sarguis, president of Get Oil Out, Inc.—GOO—notifying me of GOO's unanimous endorsement of S. 2339. GOO is the umbrella organization of environmental groups and local governments agencies fighting to protect the ecology of the Santa Barbara Channel and coastline. I am delighted to have their endorsement and ask unanimous consent that a copy of their letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

GET OIL OUT! INC.,
Santa Barbara, Calif., August 24, 1973.

Hon. ALAN CRANSTON,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR CRANSTON: Today the Executive Committee of Get Oil Out! Inc. met to review your bill S. 2239 introduced by you earlier this month. As you know, we have worked closely with your staff these past months to develop a bill that might have the best chance of passage, and yet meet our mutual objectives for the Channel.

Acting for the Board of Directors, and for the entire membership, the Committee voted unanimously to support S. 2239. We want to thank you for your continuing efforts to save the Santa Barbara Channel. It is our belief that S. 2239 will halt oil development in the Channel at least until such time as technology can be developed that will protect its environmental uniqueness.

With best wishes and again many thanks.

Sincerely,

FRANCIS SARGUIS,
President.

Mr. CRANSTON. Mr. President, I am also pleased that the Santa Barbara News Press editorialized on August 13 about the need for the Congress to move forward with the pending bills to protect the Santa Barbara Channel. This is further indication of the strong local sentiment in Santa Barbara that the uniqueness of the Santa Barbara Channel must be afforded the protection it deserves. I ask unanimous consent that this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

BREAKTHROUGH ON OIL HEARINGS

Rep. Charles M. Teague's announcement that a House subcommittee will hold hearings in the next several weeks on legislation governing oil development in the Santa Barbara Channel represents a breakthrough which will be welcomed by local residents and others long concerned with the issue.

On his visit here during the congressional recess, the congressman said he had been assured of the hearings by Rep. Patsy T. Mink (D-Hawaii) who is chairman of the House interior subcommittee on mines and mining. Three measures will be up for consideration, including an administration bill that would set aside half of the 70 leases in the channel as an oil-free sanctuary, but permitting development of the rest.

A fourth bill is to be introduced by Rep. Teague, as a companion measure to one introduced in the Senate by Sen. Alan Cranston. It provides for exploratory drilling in the channel but bans subsequent production, with any discovered reserves held for future use.

Teague paid generous credit to the efforts of Santa Barbarans and environmental groups elsewhere for obtaining a hearing decision on the all-important bills. He noted also Rep. Mink's home state of Hawaii has much in common with the local channel region, with its scenic beauty, tourism and esthetic and environmental problems accompanying growth. Her sensitivity to such matters has been helpful, he said.

Credit must be given to Rep. Teague himself, and to Sen. Cranston, for conducting thorough studies of the environmental challenge to the channel, drafting relevant oil-control legislation and pushing persistently for congressional hearings and decisions. As Teague observes, an important congressional breakthrough has finally taken place.

Mr. CRANSTON. Mr. President, finally, I wish to advise the Senate of what my intention was in including a provision in S. 2339 which allows oil development in the Santa Barbara Channel during a national emergency. The specific wording of this section of the bill has raised concern that the President could use this provision to make my bill essentially inoperative should it become law. While I believe that the wording of the bill is quite clear in its requirement for a specific finding by the President that a national emergency in oil and gas exists followed by a specific declaration that the suspension should be lifted for a specific period of time, I am willing to concede that some Presidents might abuse such authority and hastily open up the channel for drilling. Consequently, I intend to write to the Senate Interior Committee, where the bill is now pending, to suggest two possible changes in this provision which will clear up any possible confusion about my intent: the suspension on drilling in the channel shall remain in effect until, first, the Secretary of the Interior finds that the conditions specified in section 4 of my bill have been met; or second, the President of the United States in the face of a grave national emergency and threat of war finds and declares it necessary temporarily to produce oil in the channel.

The Santa Barbara Channel, which so many of us have been fighting to protect for so long, is a precious resource: it contains stretches of some of California's most spectacular shoreline as well as the Channel Islands, and it also contains one of the largest oil discoveries on the Pacific Outer Continental Shelf. The proper utilization of both of these resources will require that the channel be protected while we develop a safe technology for the extraction of the oil. That is the purpose of my bill.

EDITORIALS ON PRESIDENT NIXON

Mr. THURMOND. Mr. President, since the Watergate controversy has arisen, the Nation's press has become an object of great scrutiny. Since newsmen are the primary conveyors of public information, their objectivity and fairness in reporting Watergate-related events are valid points of inquiry.

Some are unquestionably dedicated to destroying the President at any cost. The great majority, however, have exercised great restraint and caution in disseminating complex, and often conflicting, information. Most have abided by the constitutional mandate that any man—including the President—is innocent until proven guilty.

My attention has been called to three editorials which emanated from the South Carolina news media which adhere to the precepts of fairness and objectivity.

Mr. President, I ask unanimous consent that the editorial entitled "Stand on Watergate," which was broadcast on WSPA radio and television, Spartanburg, S.C., August 20 and 21, 1973; the editorial entitled "The Nixon Speech," which appeared in the News & Courier, Charleston, S.C., August 17, 1973; and the editorial entitled "Mr. Nixon: Innocent," which appeared in the Columbia Record, Columbia, S.C., August 17, 1973, be printed in the RECORD at the conclusion of my remarks.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

STAND ON WATERGATE

The so-called first phase of the Watergate investigation has ended, the President has made his answer, and the media has had its rebuttal.

After the most exhaustive Senate investigation in history, after the longest continuous television hearings since the advent of the tube, and after the most complete coverage of any story since World War II, the

American people, as WSPA sees it, are confronted with one simple question, to wit:

Who should they believe—a twice elected President of the United States or a young 30-year old lawyer in an unjustified elevated White House position who became enmeshed in unprecedented political intrigue and then turned against his benefactors to protect his own hide.

So far as WSPA is concerned, the answer is easy.

There is no question but that President Nixon knew absolutely nothing about the ridiculous break-in at the Democratic Headquarters in the Watergate Hotel. What the Senate Committee has, with its far-flung staff of lawyers and investigators, been seeking to prove is that the President was a part or had knowledge of the cover-up to obstruct justice. The only evidence, after spending over 5 million dollars, the Committee has produced is the testimony of one John Dean.

There is a direct conflict between what the President says and what his former counsel, the man he relied upon to keep him informed on Watergate, says:

WSPA accepts the word of the man who carried 49 states in the last Presidential election rather than the word of a turncoat employee of the President who betrayed the trust placed in him and then by his own assumption sought to tar the man who made it possible for him to be in the White House. In saying this WSPA does not mean to suggest that President Nixon is without fault. He permitted a little governmental hierarchy to grow up within the White House rather than farming out duties to department heads and having a real cabinet form of government.

Watergate has been blown up by the anti-Nixon media clear out of any reasonable proportions. From the very beginning it has been obvious that the root of the political problem in this country is a five letter word—money. If the Ervin Committee will come up with a concrete plan to limit and control the use of money in political campaigns on all levels involving Federal offices, they will render the Nation a great service and indeed may save our democratic processes.

The time has come, as WSPA sees it, for the courts to take over the Watergate affair and send to jail those responsible for the mess they created.

This Nation, if it is to retain its status as a world power and maintain a stable economy with law and order at home, should not be subjected to another six months of Watergate limelight brought on, to a large extent, by a hostile media.

THE NIXON SPEECH

While President Nixon added nothing new to his position on Watergate and related matters, his steadfast denial of guilt came firmly through his Wednesday night address to the nation. He was equally adamant in refusing to yield recordings of conversations inside the White House.

The response, as might be expected, is the same as before. Those who disbelieve the President still disbelieve, and those who demand release of the tapes are still demanding.

Mr. Nixon made a strong point, in our opinion, in urging that the country must keep moving regardless of the outcome of Watergate. He called for an end to "obsession with the past," and said the courts would deal with the guilty.

Whether the courts or any other tribunal ever decide Mr. Nixon's personal involvement is a question that cannot be answered now. History itself may not be able to record a verdict on that issue. Impeachment, as we see it, is both unlikely and unprofitable.

Meanwhile, Mr. Nixon as President has other obligations as chief executive. Until a successor comes along, he has the constitutional authority and duty to serve. The best interest of the country requires that he attend to those duties for which he is well qualified. The next election is only a little more than three years from now. The penalties of Watergate can wait, but the governing of the United States cannot be put off.

Mr. Nixon's coolness under fire is phenomenal. Even those who hate him have to admire his stamina. For the sake of the Republic, we pray that Mr. Nixon's strength endures through these difficult times, and that he is granted the opportunity to function fully as President.

MR. NIXON: INNOCENT

Individual reactions to President Nixon's national address on Watergate will vary widely and can be measured by the preconceptions of guilt or innocence of the President and by preconceptions regarding what Mr. Nixon said or should have said.

That is, if an individual wanted a play-by-play account from the President, naming names, giving dates and hours and verbatim accounts of conversations, that person is disappointed. The President offered no play-by-play and, apparently, he will not.

What he attempted, instead, was a general analysis with a protracted discussion of principles rather than minute details. He sought to prove his own innocence, resubstantiate his efforts to find the truth through regular investigatory channels and the White House staff and to provide an historical perspective on the issue as it involves the office of the Presidentcy.

None of this satisfies the inveterate committee. These people wanted the President to say, in this judgment, that this particular individual was telling the truth and the other individual was lying—names, dates, details.

In short, they wanted the same kind of testimony delivered under oath before the committee by a series of witnesses. Unquestionably, the President and his counselor considered and rejected such an alternative. They may be right; they may be wrong.

Instead, the President said it "would not be right for me to try to sort out the evidence, to rebut specific witnesses, or pronounce my own judgments about their credibility. This is for the committee and the country."

To us, the attitude makes sense. The President should not sit as judge and jury to acquit or condemn any of the individuals involved. Ultimately, our judicial system will pass judgment on the individuals and their degrees of guilt or innocence.

The Ervin Committee's job remains a simple one—to find out what went on and to write corrective legislation to discourage or prevent repetitions.

The courts will release the innocent and fine or jail the guilty.

The President said, simply, that he had no prior knowledge of the Watergate incident and neither authorized nor encouraged subordinates to engage in illegal or improper campaign tactics.

For himself, he pledged "a new level of political decency and integrity in America—in which what has been wrong in our politics no longer corrupts or demeans what is right."

The singular fact is that, as Mr. Nixon pointed out, not a single person has alleged that he had prior knowledge of Watergate and only one, John Dean, has contended that he knew of the coverup. Every other witness has contradicted Dean's assertion that the President knew of the concealment as early as last September.

What now? Our consistent opinion has been, and is, that unless and until there is substantial and unequivocal evidence that the President knew about Watergate or its coverup that he is innocent. Not a scintilla of evidence that would be acceptable to a court of law has indicated any wrong-doing on the President's part.

Those who preconceive the President as guilty, or objected to his election or presence in the White House, will continue to convict him, regardless. Those who are more dispassionate will hopefully respect the President's decision to protect his office, his administration, and the system of government that is ours.

DEATH OF FORMER REPRESENTATIVE WESLEY A. D'EWART

Mr. METCALF. Mr. President, on Sunday, September 2, 1973, former Representative Wesley A. D'Ewart died. He was 83 years old. His death brought to an end a most illustrious career in Montana. One that included service in the Montana Legislature, in the House of Representatives and in the Department of Agriculture.

When I went to the Montana Legislature in 1937 one of the new members on the Republican side was Wes D'Ewart. Despite our party differences we found many matters of mutual interest and became friends. He stayed in the legislature until he was elected to Congress to succeed James F. O'Connor in a special election in 1945. In the meantime I was an assistant attorney general for the State of Montana and then went off to World War II. When I returned he was still in the Congress and we renewed our friendship. When I was elected to the House of Representatives in 1951 and assigned to the Interior Committee he greeted me as a senior member of the majority both on the committee and in the House. We clashed on his grazing bill which was one of the principal legislative struggles that emanated from the Interior Committee in the 83d Congress. But nevertheless we were friends and our legislative differences were left within the Halls of Congress.

Wes D'Ewart was a stalwart supporter of the Montana farmer. He was an early organizer of the REA in Montana and continued to be a strong supporter of the REA program during his entire career. Wes D'Ewart's contribution to Montana and to America has been considerable. In Montana he was privileged to enjoy his retirement as an elder statesman of the Republican Party. He loved Montana, he was an outstanding Montana citizen and many mourn his passing.

NATURE KNOWS NO POLITICS

Mr. KENNEDY. Mr. President, I would like to call to the attention of Senators and readers of the RECORD an article by Stephen Rosenfeld, which appeared in the Washington Post on August 31, 1973. The article is a thoughtful reminder of massive people problems and humanitarian needs resulting from natural disasters, and of the urgent need for a greater compassion and a more organized response on the part of the United States and other countries with abilities to help. I ask unanimous consent that Mr. Rosenfeld's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Nature Knows No Politics

(By Stephen S. Rosenfeld)

Floods in Pakistan, an earthquake in Mexico, drought in West Africa: these disasters remind us that the condition of many—most—humans in the world still depends on acts of nature, not on acts of man. It is a sobering thought, particularly at this time of summer when the government, which is so often thought of (in Washington at least) as the agency principally responsible for our collective ups and downs, is on holiday.

In Pakistan, the flood devastation, though not yet tallied, could well surpass in value and effect the total of foreign aid which the country has received through the postwar years. In West Africa, a region which has received relatively little aid, the toll of drought may amount to some years' GNP.

Americans may be less well equipped than any other people to understand the molestations of nature. We are further from the land and we have been more successful in using money and technology as a cushion against such disasters. New England experienced major floods by its standards earlier this summer, for a small instance, but vacationers who arrived a few weeks later couldn't tell.

It is presently inconceivable in our country that an act of nature could affect the whole prospects of the nation but it is inconceivable in many poor countries that such an act could not. Citing drought and other adverse weather conditions over the last two years, the head of the United Nations Food and Agriculture Organization said in June it was intolerable but true that the world should still find itself "almost entirely dependent on a single season's weather and crop conditions for its basic food supplies."

We Americans sometimes distract ourselves by worrying about such exotic contingencies as the melting of the polar ice cap; but there are serious men who fear that the world's rain patterns may be permanently changing—with terrible effects. Our new concern for the quality of our environment seems trite next to the concern which others have for the fundamental environmental conditions of their personal and national livelihoods.

To most Americans, natural disasters are something to organize relief missions for. To poor people in poor countries, those disasters—whether they come in sudden spurts or are simply a continuing condition of vulnerability to nature—are their lives.

There is only a very tentative and fragmentary world "community." when it comes to natural disasters, for all the well intentioned pleas to compose such a community. The oft quoted Donne line that "no man is an island" is, politically speaking, a mockery. Countries in trouble get token temporary help. With the cold war muted in its third-world aspect and with the rich countries responding mostly to their own internal demands, the day of big handouts seems to have passed.

The goal of improving or rescuing people's lives is approached only very gingerly by the United States, the Soviet Union and other states with means. It's easy to dismiss as "intervention." Political relations among the major countries and blocs preoccupy their politicians and diplomats.

World Bank President Robert McNamara, for one, has urged everybody to consider that misery in poor countries may boil over and affect the security of rich countries. But this appeal to the self-interest of the rich has nowhere been seriously heeded.

It takes one's breath away to realize that the world's population may almost double by the end of the century, an explosion sure to produce ever larger collisions of nature against man, if only because there will be that many more people around to be victimized by floods, droughts and the ravages of other man-aggravated natural disasters.

How much simpler it is to work for a more sophisticated balance of power and a more highly polished structure of peace among nations that, so to speak, occupy the high ground of the globe.

PROBLEMS ON WALL STREET

Mr. TAFT. Mr. President, during the past several months I have come across some excellent articles in the New York Times and the Washington Post which describe the serious financial problems Wall Street is having at the present time. Although the articles are now several months old, they do underscore quite well some of the fundamental problems on Wall Street today.

These articles point out that whereas the crisis in the late 1960's was related to back-office problems and an exceedingly large volume of business, the present crisis results from a very low volume of business coupled with escalating operating costs. There are, of course, many reasons for the low volume of business, including a lack of confidence in the market partially due to the Watergate situation, the Government's failure to stop inflation and the international money market's gyrations. But I believe that the decline in number of 800,000 individual shareholders in the past year, the first such reversal in 20 years of recordkeeping, is also due to lack of confidence in the workings of the market itself.

I have talked to many individuals, both professionals and individual investors, who believe strongly that the market is becoming more and more dominated by institutions. Understandably, they are quite discouraged about this trend. They question whether individuals should invest in the stock market when its workings are likely to be decided by the actions, wise or unwise, of a few institutional money managers. The statistics of the past year reflect these fears by indicating a substantial decline in the trading of individuals rather than institutions.

The Senate's major initiative this year with respect to the securities markets has been to pass legislation which bars restrictions on the extent to which stock exchange members can deal for their own accounts until commission rates on transactions of all sizes are negotiated. The immediate effect of the legislation would be to give institutions the green light to join stock exchanges simply to deal for their own accounts and save the commission rates they now must pay. It seems evident to me that as a result, institutional dominance of the marketplace can only increase, at least in appearance. Individual investors, noting this trend, probably will become even more reluctant to help provide the market with the depth and liquidity it needs by investing their funds.

I am also not convinced that the individual investor will be better off if commission rates are fully negotiated. From both the standpoint of the rate itself and the necessity to prevent pricing abuses which might eliminate some of the small brokerage houses that now cater to individual investors, it is desirable to move cautiously when dealing with the problem of negotiated commission rates for small transactions. Regardless of the merits of negotiated commission rates, however, this is certainly a separable issue from the desirability or lack thereof of creating stock exchanges dominated by institutional members dealing for their own accounts.

When securities legislation was before the Senate, I offered an amendment which would have separated the institutional membership question from the negotiated rate question. My amendment would have required that all stock exchange members do 100 percent "public" business within 3 years after enactment.

Only three Senators agreed with that approach. I hope that if the bill is enacted, the vast majority which opposed it will figure out some way to counteract the effects of the bill on small investors. I shall certainly do what I can to see to it that our stock markets do not move even further than they have moved already in the direction of becoming private clubs to be used primarily for the profit of institutions and organizations with vast amounts of capital at their disposal.

I ask unanimous consent that the articles be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Exchange Scans Finances of Nine Brokerage Firms

(By Terry Robards)

Nine member firms have been placed under special, intensive surveillance by the New York Stock Exchange because of financial difficulties and some of them probably will have to be liquidated, a Big Board official disclosed yesterday.

Robert M. Bishop, vice president in charge of the exchange's Member Firms Department, did not identify any of the nine firms, but he said the number under intensive surveillance was "about at a high."

The Big Board official said the nine firms were among a total of 68 member firms that had been placed on a so-called "early warning" list because of losses that he described as "quite high in relation to their excess net capital."

He confirmed at a briefing for newsmen that most of the nine firms were retail-oriented, meaning that their business was largely with the public. He said "several" of them already were in the process of shifting their accounts to other firms.

Asked if any would be liquidated, Mr. Bishop responded: "Some of those firms will probably be liquidated in that sense in that their assets will be acquired by another firm and a shell would be left that would be liquidated."

Mr. Bishop's remarks came at a time of growing concern about the financial condition of the securities industry. The decline in the stock market since January and sluggish trading volume have caused many firms to incur operating deficits.

It was disclosed previously that at least 60 firms were being watched because of their losses, but yesterday was the first time that an exchange official had publicly indicated that the losses among some of these were severe enough to require special surveillance.

DEBT-TO-CAPITAL RATIOS HIGH

Mr. Bishop said the firms that were under intensive surveillance generally had ratios of total indebtedness to net capital exceeding 10 to 1, although some firms had been placed on the intensive list for other reasons. The maximum ratio permitted by the exchange is 15 to 1, but 10 to 1 is considered an undesirable level.

The Big Board official was asked to compare the present financial situation in Wall Street with the crisis between 1969 and 1971, when more than 100 member firms disappeared either through merger or liquidation.

He said the squeeze at present was as acute as the one that occurred several years ago and "perhaps is a little more widespread" than previously. However, he also indicated that the exchange was able to keep a closer watch now because of an improved surveillance system.

He noted also that the crunch of 1969–71 had occurred partly because of a "lingering backlog of operational problems," whereas the present squeeze apparently stems mainly from the unexpected decline in trading volume at a time of rising costs.

In an unrelated development yesterday, Hornblower & Weeks-Hemphill, Noyes, a large Big Board firm, demanded that the exchange's board of directors investigate and take disciplinary action against Edwards & Hanley, another member firm, for allegedly spreading false rumors about Hornblower's financial condition.

Numerous rumors of financial distress have circulated in recent months in response to the decline in trading volume and to a number of mergers among small member firms of the exchange. The aim of the merger is believed to be a reduction of costs.

William C. Freund, vice president and chief economist for the Big Board, said trading volume on the exchange had averaged 16 million shares a day in the first five months this year and 12.6 million shares daily so far in June. He said volume in the first five months last year averaged 17.8 million shares daily.

Eugene Miller, senior vice president in charge of public relations and investor services, announced that the exchange's board of directors voted yesterday to withdraw a previous proposal for reimposing fixed minimum brokerage rates on the portion of orders over $300,000 in value.

SPEEDY S.E.C. ACTION SOUGHT

The major reason for this action, Mr. Miller said, was that the industry was "in such desperate need for the revenue package it proposed some time ago." He said the board hoped that abandoning its request for rate relief on large orders would help speed action by the Securities and Exchange Commission on a request for relief on smaller orders.

Earlier this month, the Big Board asked the commission for approval to increase by 10 per cent the commission rate on orders from $100 to $5,000 and by 15 per cent on orders from $5,000 to $300,000. The purpose of these increases would be to overcome the current financial squeeze in Wall Street. The commission has indicated it will hold hearings on this proposal.

The exchange and numerous industry officials have contended for years that the small orders generally executed for small, public investors are unprofitable because the commissions do not come close to covering the costs of handling the trades.

Well-placed sources have indicated repeatedly that the most troubled houses in the brokerage business today are those whose order mix includes a predominance of small, retail transactions executed for small investors.

FIXED COSTS HIGH

Such firms generally have high fixed costs in relation to the size of their orders and are unable to reduce their costs quickly in response to falling trading volume.

Two retail firms, duPont Glore Forgan, Inc., and Walston & Co., said yesterday that they would close or consolidate 30 to 40 of their branch offices in an economy move. The two firms are among the 10 largest retail-oriented houses in the securities industry.

The firms also indicated they had recently laid off 150 employes in New York and would lay off additional workers. Walston now has 100 offices and 3,600 employes, while duPont has 955 offices and 3,700 employes.

DuPont is controlled by an investor group headed by H. Ross Perot, chairman of the Electronic Data Systems Corporation of Dallas. The same group also owns a one-third interest in Walston and would increase its interest under a plan to merge the operations of the two firms.

Wall Street Is Again Gripped by Serious Financial Crisis

(By Terry Robards)

Slowly, relentlessly and with surprisingly little public acknowledgment, Wall Street has slipped into another serious financial crisis that is wiping out profits in the securities industry and forcing investment firms out of business.

Less than three years after it emerged from its worst period since the Depression, the industry once more finds itself with falling revenues, mounting deficits and little hope for immediate relief.

So far, the latest crisis has not caused any major firms to topple into bankruptcy. But few knowledgeable people in Wall Street doubt some frightening failures will occur in the coming months if the stock market remains dull and lethargic.

James J. Needham, chairman of the New York Stock Exchange, described the current affliction as "an enormous profit squeeze" and suggested last week that the capital drainage under way in the industry might soon force it to begin curtailing services to investors.

James W. Davant, a director of the exchange and chairman of Paine, Webber, Jackson & Curtis, Inc., a leading brokerage house, said: "I think the situation is serious. This really is the toughest period I've seen in 26 years in this business."

William C. Freund, vice president and chief economist for the Big Board, said: "The essential fact is that the securities industry is being drained by unsustainable losses. Capital is rapidly being eroded."

Leon T. Kendall, president of the Securities Industry Association and another top economist, was equally concerned, but he said that the crisis was different today than during the industry's 1969–71 shakeout.

"The problem the last time was too much business," he said. "It was pretty well geared into operations. This time it's too little business and it's starting out with too little. What a difference!"

Almost everyone agrees that the central problem has been declining revenues in the face of sharply rising costs. Wall Street has been no less immune to inflation than most other parts of the economy. Yet its revenues have been falling, producing a classic squeeze. Profits have been disappearing.

The solution endorsed by Mr. Kendall, Mr. Needham and most other industry leaders is commission-rate relief, which must be acted on by the Securities and Exchange Commission. The Big Board recently presented a rate package to the commission and is awaiting action, but no one dares to predict what action will be taken.

PICTURE IS GLOOMY

Wall Street's current plight is rendered even more precarious by the onset of the summer doldrums, a period usually characterized by reduced trading volumes in the securities markets and lower revenues for investment houses.

Although activity in the stock market has accelerated in the last two weeks and provided a helpful lift to brokerage revenues, there is no assurance that the upsurge will continue. Moreover, history suggests activity will decline again as the summer wears on.

The hard facts that describe the situation paint a gloomy picture. Consider the following:

While almost every other sector of the economy is booming, the member firms of the stock exchange in the aggregate have not experienced a profitable month so far in 1973.

The exchange's members incurred losses of $193-million in this year's first half, including an estimated $118-million in the second quarter.

In May, the latest month for which exact figures are available, 57 percent of the exchange's member firms operated in the red.

The number of Big Board firms at midyear totaled 543, the fewest since 540 at the end of 1943, deep in World War II.

The number of employees in the exchange community is believed to have fallen by 6,000 to 8,000 so far this year, although no firm estimate is available.

If losses continue at the rate experienced in this year's first half, the securities industry's cumulative deficit in the next four years will surpass its total present capital of $3.7-billion.

The common stocks of all 16 publicly owned investment firms in the industry are selling at less than the asset values of the firms themselves, effectively closing the door to any further public financing for securities concerns for the present.

Other developments, less easily quantified, loom just as importantly. For example, no one knows how many talented people have been lost to other industries, not to mention how many capable people will never even consider working in Wall Street.

"This is just opinion rather than fact. but I think a lot of good people have already left this business," Mr. Davant of Paine, Paine, Webber said, suggesting that Wall Street's malaise is so pervasive that some executives are "just giving up."

Perhaps the most seriously injured are the salesmen, or registered representatives, who have seen their commission revenues decline steadily ever since the stock market peaked in 1968. Their method of compensation is based on volume, and volume has fallen sharply throughout the securities markets.

MISTAKEN IMPRESSION CITED

At the same time, stock prices have fallen as well, further reducing the yield from sales commissions. "God, I'm dying," a retail salesman for a well-known Big Board house said. "I could move to Florida and sell brushes door-to-door and pull in more than I'm getting now."

In general, those six-figure incomes for sales personnel are gone. Many account men are said to have left the business in disgust to start new careers in other industries, where the chances of striking it rich are small but where the money is at least steady.

Mr. Kendall of the S.I.A. said that not only the public but Congress as well had a mistaken impression of the money being made in the securities business. "They're working on that 1960 premise that securities companies make too much money," he said. "They keep saying, 'I'm not gonna pay for your country club.' "

Merrill Lynch, Pierce, Fenner & Smith, Inc., traditionally one of the most profitable houses in Wall Street, has laid off hundreds of workers this year and, earlier this month, implemented salary reductions of 10 to 20 per cent for the top executives to help to bring costs down into line with volume.

Merrill Lynch is considered efficient and well-managed—perhaps the best managed of all the retail houses—but it was helpless in the face of cost increases beyond its control. The huge brokerage concern reported last week that its second-quarter earnings plummeted 81 per cent.

But at least Merrill Lynch still had earnings. Paine, Webber, Mr. Davant's firm, reported a fiscal third-quarter deficit of $1.3-million, in contrast to a year-earlier profit of $1.5-million. The firm also omitted its common-stock dividend. Like Merrill Lynch, Paine, Webber had always been a big money-earner, respected for its ability to weather financial storms in Wall Street without dipping into the red.

The same is true of E. F. Hutton & Co., yet another big house, which reported a second-quarter deficit of $922,000, representing an extraordinary turnaround from the $2.4-million it earned in the June quarter last year.

Dean Witter & Co. eked out earnings of only $132,000 on revenues of $35.1-million in the fiscal quarter ended May 31, while Bache & Co., second only to Merrill Lynch among Wall Street's biggest houses, won congratulations when its deficit in the April 30 fiscal quarter was only $496,000, in contrast to earnings of $4.2-million in the year-earlier period.

Reynolds Securities, Inc., which never had a loss even during the worst of the 1969–70 bear market, said its June quarter profit tumbled to $645,000 from $2.3-million. Robert M. Gardiner, president, expressed pride at having stayed in the black.

For these, the largest and best-capitalized of Wall Street's investment houses, survival is not a problem—at least not at present. They can await the return of better market conditions, biding their time while others give up and go out of business.

That numerous others will not survive does not even seem to be in question. A game played only partly in jest by some of Wall Street's cognoscenti is informally titled "Who's Gonna Be Next?" The names that are bandied about include some of the best-known in the securities business.

So far, however, no big house has failed in the current squeeze. Weis Securities, a fairly large firm, is being liquidated by the Securities Investor Protection Corporation, but its problems have been attributed by Federal authorities to internal fraud rather than market conditions.

The presence of S.I.P.C., of course, should be comforting for the public. The federally backed, industry-financed organization was created by Congress in late 1970 to insure investors against losses in the event of brokerage-firm collapses.

Although customer accounts tend to get tied up for extended periods during liquidations, S.I.P.C. at least now stands between investors and total ruin should a brokerage house suddenly topple.

One other measure of comfort can be taken in the fact that the current crisis does not stem from operational or back-office record-keeping problems. The back-office mess that led to the difficulties of 1969–71 has been cleared up.

Big Board officials repeatedly offer assurances that there will be "no surprises" this time around, and the ground exists to believe them. Financial and reporting requirements for all member firms—and almost all major firms are Big Board members—have been strengthened since the last holocaust.

Recently, Robert M. Bishop, senior vice president in charge of regulation and surveillance for the exchange, reported that 68 member firms were on the exchange's "early warning" list and that nine of these had problems serious enough to warrant special attention.

The list of 68 was larger than at any time during the 1969–71 crisis. However, the tightening of capital requirements has made it easier for firms to get on the list, which means the situation may be better than it seems.

STOCK EXCHANGE ASKS INCREASE: COMMISSION RATE HEARINGS SET

(By Jack Egan)

The Securities and Exchange Commission will begin hearings today into an "urgent" request by the New York Stock Exchange for a substantial boost in the commission rates stock brokers charge for executing trades for both small and large customers.

The American Stock Exchange, while strongly supporting the need for quick rate relief, has offered its own proposal that would spare the small investor from any rate increase while raising the charge more substantially for larger market participants.

In the backdrop to the hearings, which are expected to run two weeks, is the perilous financial condition of the brokerage industry for the first half of 1973.

The flow of red ink has been torrential. The NYSE estimates that member firms lost more than $150 million in the first five months of the year. This compares to profits of $580 million for the same period of 1972.

The total swing of $730 million from lush profits to formidable deficits has put many brokerage firms on the edge of survival. More than 50 per cent have suffered losses so far this year.

The Big Board reported in June that 68 member firms—nearly one out of five—were on its "early warning" surveillance list because of operating losses that imperiled their capital positions.

Robert M. Bishop, a senior vice president of the NYSE, said the situation was "as acute" as the 1968–70 period when more than 100 brokerage houses failed, merged or stopped operations.

There have been several causes for the recent revenue losses with the results being compounded. A slumping stock market since middle January has been accompanied by dwindling volume. At the same time, inflation has continued to increase fixed costs for brokerage firms.

In addition, the small investor, either disenchanted by the sagging market or institutional dominance, or scared off by the shaky financial condition of many brokerage firms, has been leaving the market in a steady stream or stayed firmly planted on the sidelines.

The NYSE rate increase proposal however makes its case on the single ground of inflationary cost increases, claiming an 18 per cent rise in business costs since April, 1970, when the last across-the-board rate increase was granted.

The Big Board is asking for a $300 million revenue increase from a 10 per cent increase on transactions of $100 to $5,000 and a 15 per cent increase on trades of $5,000 to $300,000. At present, the portion of trades above $300,000 are subject to negotiation and would remain so.

The NYSE at one point interpolated a provision for a .4 per cent rate floor on the negotiated area which it claimed would bring in an additional $50 million in revenues. But this was quickly withdrawn with a spokesman explaining "that this proposal would have muddied the waters and delayed consideration of the basic package."

(The Commission floor idea was quickly attached as an attempt to reinstitute fixed rates. Industry observers said this would have opened an unwelcome can of worms in any SEC rate hearing. The Big Board earlier this year embraced and then backed off from support of fully negotiated commission rates.)

The American Stock Exchange, while endorsing the broad outlines and argument of the NYSE proposal, last week in a letter from its chairman, Paul Kolton, to the SEC put forward its own rate formula that would avoid any impact on the small investor.

"While there is no definitive evidence linking the level of commission rates to the degree of participation in the markets, and while there is every justification for increasing rates to offset inflationary costs, the exchange is concerned that such a move might be self-defeating if its effect is to further alienate the small investor," the letter said.

The Amex is therefore proposing no increase for trades less than $2,500, a 10 per cent boost for trades between $2,500 and $5,000, a 15 per cent increase for transactions between $5,000 and $20,000 and a 20 per cent increase for trades in the $2,000 to $300,000 range. Kolton in his letter said the amount of new revenue raised would be approximately the same.

The SEC, while making no prejudgments as to merits, has said the hearings will be handled with dispatch because of the urgency of the request.

This will not be an adversary proceeding, but the SEC staff is expected to ask tough questions to make the exchanges prove their case and to elicit a full range of information.

The SEC is expected to be at full five-man strength to make any final decision on a commission rate increase by the time the hearings are over.

The Senate Banking Committee has indicated it will hold confirmation hearings later this month on President Nixon's two recent commission nominees—Ray D. Garrett for chairman and A. A. Sommer Jr.

While the NYSE might like to keep its testimony to the narrow area of inflationary increases of personnel, postage and other fixed costs, the hearings are sure to provoke a more extensive inquiry into many of the questions raised by the current commission rate structure.

PROGRAMS FOR STUDENTS

Mr. KENNEDY. Mr. President, the New York Times published an article on September 4, 1973 outlining the various programs available to students who need financial aid in order to continue their education. The article is precise and contains extremely valuable information which the young people of our Nation should take advantage of. In that regard, I respectfully request that the article, "Programs Helping College Students" be printed in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PROGRAMS HELPING COLLEGE STUDENTS

BASIC EDUCATIONAL OPPORTUNITY GRANTS

Eligibility: Open to full-time freshmen at colleges, universities and vocational and technical schools who did not attend a post-secondary educational institution prior to July 1, 1973.

How to apply: Applications are available from post-secondary institutions, high schools, post offices, state employment offices, county agricultural extension agencies and Box G, Iowa City, Iowa, 52240.

When to apply: As soon as possible for the academic year now beginning.

Criteria: Family income and assets determine who gets a grant, academic achievement having no bearing. Applicant must complete a detailed financial statement that is subject to comparison with the Federal income tax return that parents have filed with the Internal Revenue Service. In general, a student from a family of four with an income of $11,000 or more would not qualify for a grant. However, factors that can offset a higher income and enable a student to get a grant are a large family, brothers and sisters in college, both parents working and unusually large medical expenses.

Size of Grant: Ranging from $50 to $452—the top grant going to a student from a family that according to its income and assets cannot afford to contribute anything toward the student's education.

Terms of repayment: This is a grant and there is no repayment involved.

Comments: No eligible student whose certifiable need meets the established criteria will be turned down by this program. Also, the grant will be awarded regardless of any other Federal grants or loans the student may receive. If a sufficient level of funding is authorized by Congress, the program is to be expanded to include all needy undergraduates, full-time and part-time. The top grant would be $1,400.

GUARANTEED STUDENT LOANS

Eligibility: Anyone enrolled as an undergraduate or graduate student in any of 8,200 participating colleges, universities and nursing, vocational, technical, trade, business or home study schools.

How to apply: Applications may be obtained from participating educational institutions, banks, savings and loans, credit unions and the United States Office of Education.

When to apply: at any time.

Criteria: All students are eligible, regardless of how high the family income. Only those with established need, however, can qualify to have the Federal Government pay the interest on the loan; others must pay their own interest. Those seeking interest-subsidized loans must fill out a needs analysis divulging income and assets. Such factors as a large family, brothers and sisters in college, both parents working and unusally large medical expenses are taken into consideration. The financial aid office of the educational institution processes the application, applying a mandated formula, and recommends to the potential lender the amount of the interest-subsidized loan (including a possible zero dollar recommendation) for which the student qualifies. Prior to March 1, a student from a family with an adjusted income of less than $15,000 could qualify for an interest-subsidized loan, but under new regulations many students who formerly qualified are finding themselves ineligible.

Size of loan: In general, loans may be for up to $2,500 a year—not to exceed $7,500 during an entire undergraduate career and $10,000 during the course of undergraduate and graduate education. The annual amounts and cumulative totals vary, though, in some states, including Connecticut and New York.

Terms of repayment: No payment on principal is required until nine to 12 months after the student leaves school or until after service in the military, Peace Corps or VISTA. Once repayment begins, it is to be completed over a period of not more than 10 years and not less than five years, or sooner if the loan can be paid off at a rate of $360 a year. In the event of default, the Federal or state guarantee agency will compensate the private lender and attempt to recover the money from the student.

Comments: While this program appears to be open to all applicants it has not worked out that way. All of the money being loaned belongs to private lenders who participate voluntarily and retain the ultimate decision about who gets a loan. The new needs analysis formula has had the effect of disqualifying many of the students who would have gotten interest-subsidized loans under the old rules. The lending institutions could go ahead and give loans through the program that are not interest-subsidized, but are reluctant to do so. Not only is this a time of tight money, but apparently the lenders do not want to get too much of their money tied up in loans on which payment on the principal is delayed until after the student leaves school.

Moreover, while a lender can bill the Federal Government in one lump sum for the interest on all the subsidized loans, students must be billed individually for interest on unsubsidized loans—making such loans unattractive to the lender because of the greater servicing costs. The March 1 regulations were ostensibly to make it easier for the middle-class to get the guaranteed loans, but the change has had the opposite effect. Congress has had hearings on the problems that have developed and there is a widespread opinion among authorities on the program that the law needs further changes if it is actually meant to be of use to students from a wide range of income groups.

SUPPLEMENTARY EDUCATIONAL OPPORTUNITY GRANTS

Eligibility: For undergraduates in colleges and universities and students in other approved post-secondary schools. Half-time as well as full-time students.

How to apply: Through the financial aid office of the institution in which enrolled.

When to apply: As soon as possible for this year and upon acceptance for next year.

Criteria: For students of "exceptional need," who without the grant would be unable to continue their education. Final determination of need is up to the college's financial aid office. This grant is often given in combination with National Direct Student Loan and College Work-Study aid to form a single assistance package.

Size of grant: Not less than $200 or more than $1,500 a year. Normally, renewed for up to four years—or five years when course of study requires extra time. The total that may be awarded is $4,000 for a four-year course of study and $5,000 for a five-year course.

Terms of repayment: This is a grant and there is no repayment involved.

Comments: In the past, 72.7 per cent of these grants have gone to students whose family income is below $6,000; students from families with incomes in excess of $9,000 have received 4.2 per cent of the grants.

COLLEGE WORK-STUDY

Eligibility: For undergraduates and graduate students in colleges, universities and approved post-secondary schools. Half-time as well as full-time students.

How to apply: Through the financial aid office of the institution in which enrolled.

When to apply: As soon as possible for this year and upon acceptance for next year.

Criteria: The offer of a job is based on need, as determined by the college's financial aid office. The Federal money is used to pay the wages. The job may be for as many as 40 hours a week at a nonprofit on-campus (cafeteria, library, laboratory) or off-campus (hospital, school, government agency) site. Usually awarded as a package in combination with Supplementary Educational Opportunity Grant and National Direct Student Loan.

Amount of pay: From $1.60 to $3.60 an hour. Average annual compensation being $600.

Terms of repayment: These are wages for hours worked and there is no repayment.

Comments: In the past, 56.7 per cent of the work-study jobs have gone to students whose family income is less than $6,000; students from families with incomes in excess of $9,000 have received 17.3 per cent of the jobs.

NATIONAL DIRECT STUDENT LOANS

Eligibility: For undergraduates and graduate students in colleges and universities and approved post-secondary schools. Half-time as well as full-time.

How to apply: Through the financial aid office of the institution in which enrolled.

When to apply: As soon as possible for this year and upon acceptance for next year.

Criteria: The loan is based entirely on need, as determined by the college's financial aid office. Usually awarded as a package in combination with College Work-Study and Supplementary Educational Opportunity Grant.

Size of loan: Up to a total of $2,500 while enrolled in a vocational school or during the first two years of a degree program. Up to a total of $5,000 while studying toward a bachelor's degree and up to $10,000 during the entire undergraduate and graduate career.

Terms of repayment: Begins after leaving school or service in military, Peace Corps or VISTA. Interest of 3 per cent on unpaid balance of loan is charged when repayment period begins. Maximum length of repayment period is 10 years. Loan is canceled and no repayment necessary for teachers of the handicapped and teachers in inner-city schools and servicemen who spend one year in a combat zone.

Comments: This is the original of the Federal assistance programs for students, which began as the National Defense Student Loans in the late nineteen-fifties in the wake of the panic over the launching of the Soviet Union's first satellite. It was awarded on the basis of academic achievement, largely to students in the sciences and education. Academic achievement no longer figures in the loan and major field of study makes little difference. Students from families with incomes in excess of $12,000 get 10.6 per cent of the loans.

C–5A GALAXY AIRCRAFT

Mr. THURMOND. Mr. President, in a time when almost every aspect of our military is under criticism from somebody, it is heartening to read favorable articles based on objective and unbiased empirical data. Thus, I was very pleased recently when my attention was called to two stories lauding the much-maligned C–5A Galaxy aircraft, the world's largest plane.

The stories were written by one of South Carolina's most distinguished broadcasters, Mr. Norvin C. Duncan, Jr., of WFBC television in Greenville, S.C. He relates his experience on a flight from Charleston Air Force Base to Rhein-Main Air Force Base in Frankfort, Germany and back and concludes the C–5A is a "monumental achievement." I concur in this assessment and I would like to share Mr. Duncan's poignant thoughts with my Senate colleagues.

Therefore, Mr. President, I ask unanimous consent that the feature story on the C–5A which was broadcast on "The Scene Today" program on WFBC–TV, August 3, 1973; and the article entitled "C–5 Alive and Well; Romance of Flight Not Dead," which appeared in the Greenville News of Greenville, S.C., August 5, 1973, be printed in the Congressional Record at the end of my remarks.

There being no objection, the material was ordered to be printed in the Record, as follows:

The Scene Today

This is the largest airplane in the world . . . not a 747 "jumbo" jet of the commercial airlines. . . . It's a C–5A . . . a plane we can appropriately call a "super jumbo" jet—and it's in the service of a military airline. (No, the Air Force doesn't actually call its fleet of planes an airline . . . the term is the Military Airlift Command.)

Anyhow, we personally think of M-A-C ("Mac", as a nickname) as a sort of "super airline". This C–5 is MAC's "big boy" . . . the Great Bird with a tail-assembly 6 stories high. You can't tell it from this picture, but the big load of "hardware" that's going into the rear of the plane is only a small part of the total payload this giant craft can carry: The cargo compartment is as big as an eight-lane bowling alley!

We went to Charleston A.F. Base a few days ago and boarded one of these big birds for a typical airlift mission of the C–5, which incidentally has the nickname "The Galaxy."

This particular flight was to the American Air Base in Frankfurt, Germany—the "Rhein-Main Base" which many people here in the Greenville area remember from the days of the local Donaldson A.F. Base.

One of the C–5 crewmembers, by the way, turned out to be a Loadmaster who used to be at the Greenville base—M/Sgt. John A. Davis, who has been stationed at Charleston for several years. Sgt. Davis is one of three Loadmasters who was on our flight to Germany.

And one of the three pilots of the Galaxy was Capt. Thomas F. Stevens, Jr., who also served as Aircraft Commander, assisted by Major Hampton P. Johnson and First-Lieut. Gerald Alborn. (Maj. Johnson happens to be from Lancaster, S.C., and is a graduate of Clemson University, Class of '54.)

An Air Force officer accompanying us as a so-called "escort officer" was Capt. John Atkinson, who is stationed at Charleston as a C–141 pilot. They gave Capt. Atkinson a few days off from his duties as a pilot in order to guide us civilians around with the proper courtesies. . . . And that he did! In fact, he and every one of the U.S. Air Force people with whom we came in contact impressed us tremendously with their knowledgeability, their pride in their work, and their attention to details.

But now—let's look a bit more closely at the mammoth plane that's the principal subject of this feature. . . . Here's about a dozen of the almost-unbelievable craft, lined up on the flightline and waiting for whatever assignment might come next—whether carrying army tanks to our forces in Germany, a load of trucks to Turkey, or a cargo of relief supplies for earthquake-stricken people in Nicaragua.

This great plane is such a sight to behold that we just panned the camera around it several times . . . fuselage, engines, tail-assembly, nose. . . . Listen to the statistics that make it the biggest thing with wings: Nearly 250 feet in length; 65 feet high at the tail (that's six stories up); wingspan of 223 feet; maximum weight of 765,000 pounds; maximum payload of 265,000 pounds; (incidentally, its maximum weight is 85,000 pounds more than that of the commercial 747 jumbo airliner!

And here's one of the great things about this C–5 Galaxy, a plane so huge that you wonder if any plane should be that big: Although it's roughly twice the size of a C–141, it carries a maximum payload of nearly four times the load of a 141!

And withal, the C–5 does not relate to the kind of cumbersome situation you'd have if you put wings onto an over-sized truck, so to speak. . . . It's a smooth-flying, smooth-handling aircraft that's a gentle giant of a plane, capable of putting American forces and their equipment anywhere in the world . . . within hours. When it lands, you hardly know it's touched down the weight is so evenly distributed on its 28 wheels.

It can easily deliver 100,000 pounds of cargo to a point 6,300 miles from base, at better than 500 mph. . . . and if that weight is doubled, it will cover about 3,000 miles at the same speed!

Now . . . the great bird having lifted off from the Eastern U.S., we fly at more than 500 MPH across the Atlantic. . . . Altitude approximately 28,000 feet . . . computerized equipment furnishing the Flight Engineer, Navigator and pilots with myriad details about the performance of every vital segment of the aircraft. . . .

About eight hours later we're touching down in Germany at Frankfurt's big Rhein-Main A.F. Base, where many thousands of American military personnel have been serving since the end of World War II.

Frankly, our thoughts turned into "wishful thinking" after we'd been at Rhein-Main a while—wishing that we could turn back the old calendar and enlist in the Air Force! (We haven't been asked by the Recruiting Office to say a word, but we're surely compelled to say, after this visit, that duty in places like Frankfurt and Wiesbaden can be both a pleasure and a real educational!) . . . By the way, it's even true of being in the Air Force Reserves: One of our crew members from Charleston is a Reservist; he's M/Sgt. William E. Moyer, and he made the trip as a Flight Engineer from the 300th Military Airlift Squadron.

Our visit to Rhein-Main was made most interesting and pleasant by people like Col. Jim Martin, the terminal manager; Col. Holowell, Wing Commander; and Col. Ed Nash, Director of Operations for the 21st Air Force.

Time passes much too quickly on a trip of this kind, and before we realized it our Great Bird was being loaded for the return trip to Charleston.

Inside the carenous fuselage of the C–5 there's a double-deck arrangement . . . and this provides for all the "hardware" to be placed in the main lower compartment. Personnel are situated in the upper portion, the upper deck having seats for 75 persons behind the wing, with a galley and lavatories and so forth. Ahead of the center-section of the wing, are accommodation for about 20 others, including a crew of six.

Our thanks were expressed to all of those who made the visit to Frankfurt a memorable one, and we were ready again to board the C–5 . . . this time for a flight that would take us on a somewhat more northerly course than previously. Our pilot informed us on departure that we'd fly over northern England, Scotland, thence over Iceland, into the fringes of the Arctic Circle, then Labrador and Canada, then inland over the U.S. from about Albany, N.Y. on down to Washington and to Charleston.

In concluding this most interesting and fascinating flight to Germany and return on the C–5, we offered our sincerest thanks to the personnel of the 437th Military Airlift Wing—and especially to Capt. David Duggan, the Public Information Officer who served as coordinator.

The C–5's of Charleston are currently in process of moving to Dover, Delaware . . . but the personnel of Charleston A.F. Base, and the residents of the state's port city, will long remember having been host for three years . . . to a noble craft!

C–5 ALIVE AND WELL: ROMANCE OF FLIGHT NOT DEAD

(By Norvin C. Duncan, Jr.)

(EDITOR'S NOTE.—The author, longtime broadcaster and feature writer, recently accompanied a U.S. Air Force crew on a routine round trip flight from Charleston, S.C., to Frankfurt, Germany in the world's largest plane, the C–5A.)

CHARLESTON.—They call it the Holland Tunnel With Wings, the Aluminum Cloud, the Troop Scoop, the World's Largest Convertible. These and many other nicknames are applicable, but the formal and official name of the U.S. Air Force's (and the world's) largest aircraft is the C–5A Galaxy. Generally now, it's just the C–5, with the "A" dropped, and for some reason the word "Galaxy" hasn't been picked up and used commonly as in the case of its C–124 predecessor, the "Globemaster".

Our just-completed trip to Rhein-Main Air Force Base at Frankfurt, Germany and back to Charleston has climaxed an eight-year affaire de coeur this writer has had with the C–5. Having followed the story of the giant plane from the days of its original mock-up at the Lockheed plant in Marietta, Ga., we are prepared now to render a personal verdict on the super-jumbo jet that often has stirred controversy. The verdict: It's a monumental achievement and a solid success.

There were numerous early difficulties, along with inevitable political ramifications, but the C–5 has emerged as something quite close to a miracle accomplishment on the part of American industrial-scientific genius. Eighty-one of the big birds have been built, the last being completed only recently at the Marietta plant, and today the Galaxy has become an international figure, regularly spanning the Atlantic and the Pacific on great, gray wings.

In the space-age world of today, even this mighty craft with its fantastic globe-girdling capabilities have little chance of capturing the public fancy in the manner of, say, Lindbergh's "Spirit of St. Louis" or Wiley Post's "Winnie Mae". But moon flights and upcoming trips to Mars notwithstanding, the mundane matter of getting around and ferrying things from place to place on this planet will be the business at hand for many years to come. The C–5 is now demonstrating daily that it's is an airlift dream-come-true.

There's a note of disappointment, however, in one aspect of the Galaxy's status as far as Charleston is concerned: The bird is flying north and will shortly cease to call Charleston Air Force Base an official haven. In recent weeks the local C–5 squadron, a unit of the 437th Military Airlift Wing, has been in process of phasing out its operations here and moving to Dover Air Force Base, Delaware. (Charleston retains its C–141 aircraft, and will receive additional planes of this type from Dover in exchange for the C–5s. Officials explain that the larger craft will be more suitably located in Delaware with respect to cargo pickup, routing procedures and other factors.)

It was on June 6, 1970, that the first Galaxy, a gentle giant of an airplane which has a tail assembly rising six stories high, set down here to become part of the first operational squadron of C–5s in the nation. Several months later, two other bases were designated for the craft—Travis AFB in California and Dover AFB. Now, after three years as a home base for the great planes, Charleston loses an important airlift unit but will long remember having harbored the first as can no other craft.

This writer readily admits to being a throwback (with Richard Bach and his Jonathan Seagull) to a romantic passion for airplanes that many believe has vanished with the coming of the jet age. The enormous success of the Seagull volume (in 1972 breaking all hardback book records since "Gone With the Wind") would seem to indicate that the end of the romantic passion for flying is not yet; indeed, that many of us even in the non-pilot category like to use flight (as do Richard Bach and Antoine de Saint-Exupery) as the metaphor of which to study the terms of life. To this end, the C–5 serves as can no other craft.

The facts of the Galaxy's size and capabilities are impressive enough: approximately 250 feet long and 65 feet high, with wingspan of 223 feet; maximum weight of 764,000 pounds; cargo compartment equivalent to an eight-lane bowling alley, with room for more automobiles than 13 transport trucks can carry; fuel capacity of 49,000 gallons, which would empty six and a half rail tank cars. But even more impressive are the logistical figures in terms of payloads and economic efficiency, in comparisor with those of other aircrafts.

The Air Force plane next in size, for example, the C–141 Starlifter (itself a four-engine jet of considerable capacity) carries a maximum payload of approximately 71,000 pounds; the C–5, a little more than twice as heavy, carries a maximum payload of 265,000 pounds, three and a half times as much as the Starliner.

Sometimes the question is asked—is this plane necessary? By the same token, it might be asked whether any plane is necessary, or whether the nation's outer space program should be continued. Logic would seem to indicate that man's situation on this planet. with increasing numbers of people creating increasing demands for rapid transport from continent to continent, will make the C–5 an invaluable item in the America inventory for years to come. The winding down of shooting conflicts makes the C–5 no less important, for it is designed to serve the requirements of the American presence on the world scene in both war and peace. It is at once an instrument of our own defense, and a means of conveying assistance to friendly nations in terms of military aid or rehabilitation from flood or earthquake famine or pestilence.

Flying at more than 500 miles-per-hour at around 30,000 feet, one is going to feel the spirit of Jonathan Seagull in the C–5 if in no other plane. One must believe, with pilot-author Richard Bach, that every molecule, every rivet, every component of the 41,000-pound thrust engines, is throbbing with some kind of life. And there's more: extensions of the craft's life to points thousands of miles away, through radio and navigational aids and computers that connect with other computers at Houston. If anything at all interferes with the throbbing of the craft's life, the sentinels of science go to work instantly. How incredibly different, one muses, from the solitude of Lindbergh's odyssey or the crushing loneliness experienced by French mail-plane pilot Saint-Exupery. The latter, one recalls, wrote of the moral taught by intrepid early fliers: We understand better, because of them, that what constitutes the dignity of a craft is that it creates a fellowship, that it binds men together and fashions for them a common langauge.

The casual observer of a C–5 setting down in Charleston, or in Europe or Asia or wherever on a much shorter runway which will accommodate the plane with remarkable ease, may view the mammoth craft with awe but with little understanding of how it came to be. Like all aeronautical systems, the C–5 was born humbly as a "paper airplane" at Wright-Patterson AFB, Ohio. There, the huge transport was defined in writing: a capacity of 110 tons for 3,000 nautical miles at 440 knots with shortfield landing ability. That was about eight years ago. In August 1966, fabrication of the first Galaxy began at Lockheed. Manufacturing operations involved jumbo amounts of material:

Nearly 200,000 pounds of aluminum; 8300 pounds of titanium; 35,000 pounds of steel; 4300 pounds of fiberglass.

Fashioning the poundage into an aircraft required, in turn, special tooling, facilities, and even oversized railroad cars to transport components. The manufacturer had more than 300 sub-contractors who funneled structures, systems and equipment into the plant at Marietta, Ga. In addition, there were nearly 2,000 suppliers of small parts, materials and services in 41 states and Canada, England, Germany and Scotland. The engine builder, General Electric, received parts from more than 800 sub-contractors for the TF–39 engine.

Meshing became the key work for the job: parts from all contractors had to fit together as though one Herculean craftsman did it all himself. The task was complicated in many respects, and the production challenges were unique, but the C–5 was ready to take the air in June 1968 at Dobbins AFB, Ga. The historic first flight was made by a five-man test team who termed the craft "a really sweet flying airplane."

Today the flights of the C–5 are routine. That term means, of course, that all the knowledge and experience gained during the past five years of Galaxy operations go into the planning and execution of every flight order. Men like Captain Thomas F. Stevens, Jr., and Captain Richard A. Zabel, can pilot the big plane with surprising ease and remarkably little exertion on their part (at least from the observer's view), thanks to clusters of automatic equipment, computerized information that is constantly at their fingertips, and the readily available assistance of highly-trained crew members such as flight engineers, navigators and loadmasters.

Sitting "up front" with the crew and looking out at a carpet of clouds covering the Atlantic far below, one thinks of the mariners of other times who steered their ships by the stars and spent agonizing weeks bringing their vessels through heavy seas. Ships' captains were bearded men of considerable maturity and many years' experience before the mast; but here in the jet age is a Leviathan-of-the Sky captained by a clean-shaven all-American-youth type, seeming impossibly young for the assignment of commanding a giant airship with its tremendous load of hardware and humanity. The aircraft commander's youthful appearance and calm mien, however, simply don't reveal the vast storehouse of knowledge, the expertise in science and machinery, that have become second nature to the C–5 pilot and which the ancient mariner could hardly have dreamed of. True, there's much in the way of automation to help today's Galaxy fliers, but in the final analysis the human touch is paramount. Witness the pilot's radio message as he sights a distant thunderhead: "Request permission to deviate due to weather fifty miles in front . . ."

So the day by day utilization of the world's largest plane has become a no-fanfare thing. The C–5 flies non-stop to Europe, Asia, anywhere, with several times the cargo volume of other craft. As it passes overhead, its size belied by distance, the observer gives hardly a thought to the plane's vital statistics, one of which is this: the length of its cargo compartment alone exceeds the distance covered by the Wright Brothers' epochal flight in 1903.

TWENTIETH ANNIVERSARY OF THE CONGRESSIONAL FELLOWSHIP PROGRAM

Mr. KENNEDY. Mr. President, this year marks the 20th anniversary of the congressional fellowship program of the American Political Science Association. I join with my colleagues in commending the association for sponsoring this program which brings talented and creative students of the Congress into Washington.

These political scientists, reporters, law professors, and Federal agency personnel not only are given the opportunity to study the legislative process from the inside, but they bring their own ideas and abilities to help affect that process. Although they only work in the office of a Senator or Congressman for several months, many have provided significant assistance in the development of legislation.

It is one of the few fellowship programs which consistently attracts individuals whose level of background and experience enables them to fit into the ongoing operations of an office. For those who remain on Capitol Hill, the program has served the Nation immeasurably in acting as a conduit for the maintenance of talented Senate and House staff members. For those who return to universities, the news media and the Federal agencies, the program has served as an unequaled, postsecondary course in the actual legislative process. Its graduates are more knowledgeable not only of the institutional norms of that process, but also of the interplay of political interests that determines how and when those norms are applied.

In a democratic society, the importance of expanding the understanding of the public policymaking process is evident. The congressional fellowship program, by enabling individuals to acquire that understanding, fulfills a valuable public service in addition to the value that the fellowship program provides to the individuals participating in it.

I extend my warm congratulations to the APSA for its continued support of this program.

JOHN ROLLINS, LEGEND IN DELAWARE

Mr. ROTH. Mr. President, today's Wall Street Journal brought to the attention of the world business community the story of one of Delaware's most prominent citizens. This front page article on John Rollins, has spotlighted his dedication to hard work, his astuteness and perception of opportunities, which have brought him business success and national recognition.

Mr. President, I am pleased to bring to the attention of the Senate this modern Horatio Alger story that demonstrates our Nation continues to be a land of opportunity. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Wall Street Journal, Sept. 5, 1973]

Making It—John Rollins, Farm Boy, Is Becoming a Legend as He Amasses Riches

(By Thomas J. Bray)

Greenville, Del.—A local architect in this lush hunt country tells of receiving a telephone call one day from the wife of John W. Rollins Sr., a wealthy businessman, who, in this area of old du Pont money, is distinguished by the fact that his money, by comparison, is very, very new.

"Mrs. Rollins said she was interested in building a stable on her property," the architect says, "so I sent a surveyor over one afternoon to check things out. John came home from work, saw this guy wandering around and wanted to know what was going on. Not long afterwards, I got another call asking me to stop over for a drink."

When the architect arrived at the Rollins home, an imposing Norman-style structure on a 10-acre estate, he was ushered into the den. Mr. Rollins was there, he says, but Mrs. Rollins was nowhere to be seen.

"John said there had been a misunderstanding and that there wasn't going to be any stable built," the architect recalls. "I'll never forget the explanation: 'Look,' he said, 'I don't want any horses around here. I've spent all my life trying to get away from horse manure.' "

Mr. Rollins' comment may have been tongue in cheek, but it is nonetheless revealing. He had indeed spent a good deal of his life trying to put as much distance as possible between himself and his origins as a Georgia farm boy. And how far he has come is perhaps best illustrated by the fact that local anecdotes, once almost exclusively featuring this or that du Pont, now are more often than not woven around the doings, sayings and general deportment of the man they call Big John.

SUMPTUOUS ESTATE

Of course, there are other, more substantial, reflections of the 57-year-old Mr. Rollins' rise. His sumptuous estate here, for example, boasts a helicopter pad on the back lawn, two grand pianos in the living room and expensive paintings on nearly every wall. And then there are the business statistics: Mr. Rollins, beginning with a $10,000 bank loan in 1945, has created a $100-million empire whose departments range from real estate to racetracks. His main corporate vehicle is Rollins International.

Indeed, Big John Rollins—he stands six-feet-three-inches tall and weighs nearly 250 pounds—is in almost every respect a textbook example of the rags-to-riches businessman. He and his older brother, Wayne, were born in the hill country area of northern Georgia, where their parents eked out an existence from growing corn and cotton and raising some poultry and livestock. Nobody went hungry, but it wasn't always easy to make ends meet, and it became even more difficult when John's father became an invalid. From that time, the two bodys alternated working the farm with outside jobs, all the while attending the local school, which was five miles away.

The outside world intruded little on the Rollins' farm, but Mrs. Rollins, an indomitable woman who now is 87 years old, insisted that her sons broaden their horizons, after finishing high school. So, in 1935, at the age of 19, John went north, working in such cities as Cincinnati and Philadelphia. Wayne stayed closer to home, working in Chattanooga at a textile mill. And it was about this time that the boys made their first investment, buying an abandoned spa in northern Georgia and selling bottled mineral water; the venture, however, subsequently collapsed under the weight of wartime price controls.

But World War II proved to be a boom of sorts for the Rollins boys. The defense industry was crying for talent, and both young men took advantage of this need. Wayne was put in charge of a TNT plant in Chattanooga, and John became a planning supervisor at the Glenn L. Martin Co. aircraft factory in Baltimore. (Neither Rollins served in the armed forces, John had gotten married—the first of two marriages—and was also supporting his parents, and Wayne had suffered a back injury.)

OF HORATIO ALGER

Then, near the end of the war, came that combination of fortuitous circumstances that is the staple of Horatio Alger-type novels and, apparently, of the lives of most self-made millionaires. Irritated by his inability to find spare parts for his car, John Rollins realized his problem was by no means singular and that there was enormous consumer demand in the automotive field. With an eye to the future, he and a partner scraped together $1,000 of their savings, supplemented this with the $10,000 loan from a local bank and bought a Ford dealership in Lewes, Del., where Mr. Rollins' mother-in-law lived. The dealership had been burned out early in the war and hadn't been reestablished because most auto production was being used for the defense effort.

"I guess that was about the hardest decision I've ever had to make," Mr. Rollins recalls. "I had a wife and two kids and a regular paycheck—$25 a week."

But the gamble paid off. With Mr. Rollins' partner, an older man named Theodore Bryan, running the back office, and Mr. Rollins himself handling sales and debt collection, business boomed. In fact, the dealership, which was rated only 250th in Ford's 1945 allotment of cars to the mid-Atlantic region sold enough cars in two years to move up to 40th place; the $10,000 loan was paid off; and, in 1949, Mr. Rollins bought out his partner. The Rollins ascent had begun in earnest.

By 1950, Big John Rollins owned six dealerships in Delaware, Maryland and Virginia and was grossing $8 million to $9 million a year. Styling himself as "Uncle John, the working man's friend," he became one of the car trade's earliest and heaviest users of radio advertising—in one year, he spent $40,000 in Newport News, Va., to purchase spot commercials at $1 apiece—and it was only a short step to his next major venture, buying radio stations.

Wayne Rollins, who had left his work in Chattanooga to run one of his brother's auto dealerships, took charge of the radio business. John, meanwhile, was branching out from auto sales to auto leasing. Again, the inspiration for the move came, at least in part, from firsthand experience.

"I had once applied for a sales job with a big company and been turned down because I didn't own a car," he says. "That made a big impression on me—I felt there ought to be some way for a company to economically provide cars for its salesmen. After all, you don't ask a secretary to bring her own typewriter to work."

His idea also made a big impression on customers, and by 1956 revenues from the various Rollins endeavors had reached about $50 million. But it wasn't until the mid-1960s that Big John Rollins began to move onto the national business scene in a big way. (Wayne Rollins, by this time operating more or less independently of his brother, had in 1964 formed Rollins Inc., a diversified company involved in exterminating services, broadcasting and building maintenance; the only official connection today between the brothers is that they serve on each others' boards.)

By and large, John Rollins' road to business prominence was paved with a series of acquisitions—17 in all—that began in 1966 and ended in 1970. They included Matlack Inc., one of the biggest bulk commodity haulers in the trucking industry; Brandywine Raceway, a major harness track near Wilmington; and Gustav Hirsh Organization Inc., a big electrical contractor. Rollins International, the parent company, also prospered as a major truck-leasing concern and made a plunge into environmental services with a series of waste-treatment centers.

But John Rollins' prominence wasn't limited to the business world. First as a sideline activity, and then in earnest, he had begun to immerse himself in politics. And as seems invariable with his activities, he began his political involvement with a big splash: election in 1952 as Delaware's lieutenant governor. (A group of Republican powerbrokers, seeking a fresh face, had prevailed on him to run; he accepted with alacrity and was swept into office on the strength of the Eisenhower landslide.)

Delaware's lieutenant governorship was largely an ornamental post, but John Rollins, never one to accept a merely decorative role, managed to build enough of a following within the party to capture the Republican gubernatorial nomination in 1960. He lost, but only by 6,400 votes, and his stature in Republican circles continued to grow—helped in no small measure by his sizable financial contributions.

ACT OF LARGESSE

"In 1968, when I was Kent County chairman, John said he would match any ticket I sold to a $100-a-plate dinner we were giving," recalls Herman Brown, currently the state's Republican chairman. "At the 200 mark, I got to feeling a little sorry for him and called him up to tell him I'd release him from his pledge. He bought all 200 tickets."

Most close acquaintances attribute much of Mr. Rollins' interest in politics to a simple thirst for hobnobbing with persons in positions of power. As an example, they cite his obvious pride when President Nixon appeared at a 1971 reception on the Rollins estate. And Mr. Rollins himself has boasted that "we're one of the few private homes that have ever been visited by both the President and the Vice President." (Sources place his total contributions to Nixon campaigns over the years at well over $100,000.)

But others are more cynical about Big John's political involvement. "If you look at his business, you'll see that there are very few aspects of it that aren't highly political," says an influential Delaware Republican. Others cite the fact that two Rollins employes were recently promoting legislation that would allow dog racing in Delaware but would limit such racing to harness tracks. (The bill was later withdrawn.) In any case, his politicking doesn't seem to have harmed his reputation around the state. And even on his home turf, surrounded by the generally staid du Ponts, he has overcome much initial resistance and has won social acceptance from many, although by no means all, of his neighbors. "Actually," says one young du Pont, "he's a refreshing change around here."

Certainly, Mr. Rollins' Georgia accent, his folksy manner and his earthly expressions are enough to set him apart. So, too, is his penchant for display, as, for example, when he rented the local country club a few years ago to celebrate his induction into the Knights of Malta, a European-based service organization. An acquaintance who attended the gala recalls: "Out comes Big John all dressed in knee breeches, buckled shoes, the works. They had a little ceremony where he kneeled down and was knighted. I thought a lot of his friends were going to bust a gut."

JAMAICAN VENTURE

Whether Big John Rollins will continue to make even bigger splashes in the future remains to be seen. Much, of course, depends on the course of his various ventures and primarily his $6 million investment (transacted in 1965) in a 6,500-acre site east of Montego Bay on the coast of Jamaica. Mr. Rollins eventually hopes to build a $90 million development on the site complete with hotels, condominiums, golf courses and expensive homes; but thus far only a Holiday Inn has been completed and a few dozen home-sites sold.

John Rollins, however, says he continues to be sold on his Jamaican prospects. And he also doesn't seem unduly concerned by certain current U.S. problems, including the recent sale of several acquisitions and the fact that the company's new $10 million office building on the outskirts of Wilmington has been virtually empty since its completion last September.

Nor do observers of the Rollins scene seem upset. "The outlook for Rollins International is brighter than at any time in the last five years," says one Wall Street analyst. And officials at Rollins say writeoffs of unprofitable operations should pave the way for faster growth. (They expect that revenues in the fiscal year ending Sept. 30 will be about $170 million, up from $144 million a year earlier; less specifically, they say that operating earnings will be up substantially from fiscal 1972's net of $3.6 million, or 86 cents a share.)

As for Big John, he doesn't plan to rest easy. Aside from an occasional game of tennis, or roaming around his Jamaican properties, he has little time for anything but business. "I usually work from eight in the morning until seven or 7:30 at night," he says, "I used to start earlier, but you can't talk to anybody at that hour any more."

MR. RUSSELL E. TRAIN

Mr. BROOKE. Mr. President, on July 26, 1973, President Nixon sent to the U.S. Senate the nomination of Russell E. Train to head the Environmental Protection Agency. I have known Mr. Train for many years and I am confident that EPA and the American people it serves so dutifully will be the beneficiaries of this wise, judicious appointment.

A conservationist of impeccable credentials, Mr. Train served with the highest distinction as Chairman of the Council on Environmental Quality. Since its inception in 1970, the Council has been an instrumental factor in safeguarding our fragile environment. The excellence of its work can, I think, be construed as a manifestation of the excellence of its Chairman.

In moving to the post of Administrator of EPA, Chairman Train will bring vast environmental knowledge and experience to one of Government's most important agencies. As we all know, EPA was created specifically to coordinate the Federal Government's environmental programs. This is an awesome task. Under the distinguished administration of William D. Ruckelshaus, EPA took bold initiatives in carrying out its great responsibilities. And though it is regrettable that a man of Mr. Ruckelshaus' talents is leaving this critical post, we can be thankful that his considerable talents will remain in the service of the American people. And we can be proud that a man of Mr. Train's outstanding capabilities has been nominated to take the reins.

I need not remind any Member of this body that these are critical times in our battle to curb the stifling air pollution and the sickening water pollution that affect much of this great land. As Administrator of EPA, Mr. Train would be a key leader in this battle. With his considerable knowledge and experience, he is—as the old saying goes—the right man at the right time.

In this regard, I would like to draw my colleagues' attention to an editorial in the New York Times, entitled "Good Appointments," and an editorial in the Washington Post, entitled "Mr. Train and EPA," both of which appeared August 7, 1973. I ask unanimous consent that they be printed in the Record.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the New York Times, Aug. 7, 1973]

Good Appointments

In the currently depressing climate of Washington it is particularly refreshing to note two first-class appointments to high Government posts. While Russell E. Train and William D. Ruckelshaus are both veterans of the Nixon Administration, they should bring it added strength in their new positions as Administrator of the Environmental Protection Agency and Deputy Attorney General, respectively.

In his old capacity as chairman of the Council on Environmental Quality, Mr. Train had been a Presidential adviser—an excellent adviser but one whose powers were limited to persuasion and counseling rather than action. His new post will give him the authority and responsibility to carry out the will of both Congress and the President in such vital areas as the restoration of this country's air and water.

Mr. Ruckelshaus, who headed the E.P.A. until very recently, deserves great credit for launching that agency in style and using it with vigor and integrity in the opening battles on pollution. He made the E.P.A. a national byword and jolted big industry, especially the automakers, into recognizing that the old days of pollution for profit were over. There is good reason to hope that Mr. Train, as an independent administrator, will prove equally tough and, on the basis of his earlier experience as Under Secretary of the Interior, a tidier administrator as well. He will have to be both if, in executing the far-reaching Environment Protection Act, he is to get the most out of an agency already hindered by an excess of political appointees.

Fortunately, violators of the environment will not be freed from the watchful eye of Mr. Ruckelshaus. He will still be in a position to crack down on offenders against whom the E.P.A. brings action. But as the Justice Department's second-in-command, he will have a far wider jurisdiction than the physical environment. With Attorney General Richardson, he will have the responsibility of restoring the prestige of a department that has just been through its worst days since the unlamented regime of Harry M. Daugherty.

Still another encouraging appointment has been made in the President's nomination of James B. Cardwell, controller of the Department of Health, Education and Welfare, to be Social Security Commissioner. Fear that the Administration might seek to politicize the vast Federal insurance program for the aged and disabled was stirred last January when it forced out Robert M. Ball, Mr. Cardwell's extraordinarily able predecessor. The new commissioner is more than a career budget officer, he has demonstrated an awareness that the millions of Social Security accounts represent people, not a computer file.

[From the Washington Post, Aug. 7, 1973]

Mr. Train and EPA

Sen. William Scott (R-Va.) is acting capriciously in holding up Senate consideration of the nomination of Russell E. Train to head the Environmental Protection Agency. Virginia's freshman senator says that he needs more time to review Mr. Train's record. But every other member of the Senate Public Works Committee was able to decide promptly last week that the nomination should be approved.

As Senator Scott should eventually conclude, Mr. Train's record is one of solid achievement. He has served ably as the president of the non-profit Conservation Foundation, as undersecretary of the Interior Department, and as chairman of the Council on Environmental Quality since its creation in 1970. At the council his operating range was somewhat limited by the role of the agency as a small, advisory body in the executive office of the President. Even so, Mr. Train has been effective, especially as the U.S. representative to the international negotiations which have produced important agreements to curb ocean pollution and protect endangered species.

The subject worth pondering is not Mr. Train's qualifications but the future of EPA. The palmy days are over for the environmental cause. Decisions are becoming harder and resistance mounts, as three events of last week show. On Monday, EPA announced that the legislated standard for nitrogen oxide emissions from vehicles is being reassessed because technology is lagging and the health impact of the pollutant may have been overstated. On Tuesday the agency stirred up several interest groups by proposing the first federal noise standards for interstate buses and trucks and releasing a controversial report on aviation noise. Then on Thursday the House voted to exempt the trans-Alaska pipeline from the National Environmental Policy Act, suggesting a growing willingness in Congress to override environmental laws in a real or imagined pinch.

The pressures to trim, delay and circumvent environmental laws will only increase as the cost and impact of those laws become clearer. For instance, as noted in the latest newsletter of the Interstate Commission on the Potomac River Basin, the clean air and clean water laws, put together, are so far-reaching that they give EPA the potential authority to "spell out the framework of a national land use policy." The uproar if and as that authority is gradually applied could make the current fuss over private cars in cities appear minor.

EPA and the laws which it administers will be able to bear the strain only with firm, intelligent leadership. Mr. Train recognizes that commitment and zeal are not the only ingredients required. His remarks before the Public Works Committee indicate that he wants to make EPA's research as good as its intentions and realizes that the agency's entire regulatory program not only has to be even-handed and reasonable, but must also be recognized as such. If he goes to EPA, Mr. Train will have gained a post of genuine independence and authority. His challenge will be to exercise both with vigor.

CIVIL RIGHTS MARCH OF 1963

Mr. JAVITS. Mr. President, during the August recess the Nation commemorated the 10th anniversary of the March on Washington for Jobs and Freedom. This massive and peaceful demonstration to petition for the redress of grievances marked a turning point in the Nation's history and was largely instrumental in mobilizing public and congressional support for the passage of the extraordinary civil rights legislation of the 1960's.

As a participant in the March, I well remember that day—August 28, 1963. It was a bright, sunny day and the fears and tensions which had preceded the march evaporated early as we realized that the demonstration would be peaceful, dignified, and joyous. No one who was there can ever forget the sight of 200,000 Americans—black and white—massed around the reflecting pool, nor the eloquence of the speakers on the steps of the Lincoln Memorial.

We have come a long way since 1963 and the statute books of this land are now, finally, in the main, colorblind. But the kind of true equality we pledged ourselves to attain that day is a goal we have not yet attained and must be constantly working toward, and that is a harder task for it requires, not just changing laws, but the practices and even the hearts of men and women, too.

No mention of the March on Washington would be complete without commemorating Dr. Martin Luther King's inspiring speech that day, and I ask unanimous consent that it be printed in the Record at this point together with an essay by Bayard Rustin, appearing in the current NAACP journal the Crisis, entitled "The Washington March—a 10-Year Perspective," and four articles from the New York Times examining "conditions and attitudes in black America 10 years after the March on Washington."

There being no objection, the material was ordered to be printed in the Record, as follows:

THE WASHINGTON MARCH—A 10-YEAR PERSPECTIVE

(By Bayard Rustin)

This August marks the tenth anniversary of the March on Washington for Jobs and Freedom, the most important nonviolent mass demonstration of American social struggle. Over 200,000 persons participated in the March; every significant civil rights leader supported its objectives; broad cross-sections of the labor, liberal and religious communities endorsed its demands. Although there have been larger and showier demonstrations, no other has touched the depths of the nation's moral impulse as did the March and no other, certainly, has influenced the course of social legislation and determined the shape of institutional reform to the degree that the March did.

Just five months after the March, the nation ratified the 23rd Amendment to the Constitution and thus outlawed the poll tax. In another five months the 1964 Civil Rights Act was adopted after the Senate, setting an historic precedent, invoked cloture for the first time on a civil rights measure. Within another year Congress passed and President Johnson signed the Voting Rights Act, with its strict provisions for Federal intervention whenever necessary to guarantee the franchise to southern blacks.

The importance of this legislation cannot be overstated. The social system of the South—a way of doing things built up and solidified over a century's time—was turned around in the course of a few intense years. The political power of southern conservatism—which had long wielded an undue influence in Congress—was broken, perhaps permanently. No longer could Dixiecrat mandarins exert veto power over social legislation as they had done in earlier eras. We should keep in mind that even so limited a measure as an anti-lynching law, which posed no threat to the basic social and economic fabric, was blocked year after year by the power of the southern senators.

To point out that this legislation has had a transforming effect on American society is to restate the apparent; what is less obvious, and most relevant to our current situation, is *why* the March, as the symbol of the civil rights movement's unity and as the expression of its program, contributed to the subsequent progress.

Seen across the span of a decade of turbulence, the March's significance appears not to lie so much in its size or nonviolent character, although the importance of these factors—particularly of the discipline of the demonstrators—should not be minimized, given the excesses of later demonstrations. The March is significant, ultimately, for what it reveals to us about the strengths and limitations of the civil rights movement. It can show us why the civil rights movement could succeed in its assult on the legal foundations of Jim Crow, but was unable to move as effectively beyond civil rights. The lessons to be learned from the March can thus suggest a program and strategy for the future.

The March was built around two basic objectives. These were, as we should remember, for "Jobs and Freedom." When he addressed the crowd assembled at the Lincoln Memorial, A. Philip Randolph—the architect and inspiration of the March on Washington—spoke eloquently of the intertwined goals of civil rights and economic equality:

"Let the nation and the world know the meaning of our numbers. We are not a pressure group, we are not an organization, we are not a mob. We are the advance guard of a massive moral revolution for jobs and freedom. . . . But this civil rights movement is not confined to the Negro, nor is it confined to civil rights, for our white allies know that they cannot be free while we are not, and we know we have no future in a society in which six million black and white people are unemployed and millions live in poverty. . . . We want a free democratic society dedicated to the political, economic and social advancement of man along moral lines. . . . We know that real freedom will require many changes in the nation's political philosophies and institutions. . . . It falls to the Negro to reassert this priority of values, because our ancestors were transformed from human personalities into private property. It falls to us to demand full employment, and to put automation at the service of human needs, not at the service of profits. . . ."

But while there were two stated goals—one moral, the other basically economic—the objective conditions of 1963 dictated that the civil rights movement throw all its force behind the moral issue of the attainment of social and civil rights. Although what was to become the 1964 Civil Rights Act had already been introduced by President Kennedy, its enactment by Congress was at the time by no means assured. One of the signal accomplishments of the March was to remove from the public's mind the final vestiges of ambivalence about Negro demands, creating an unequivocal popular mandate for our goals.

Clearly, no single demonstration and no individual civil rights figure was responsible for this change in attitude. It took beatings, jailings and martyrdom to arouse public outrage over the oppression of southern blacks. The March simply provided a national public forum for our demands. Those who asked "What does the Negro want?" were answered by the March. But we made it clear that while we valued demonstrations and civil disobedience as tactics, we saw that ultimately our problems could only be resolved through regular political channels. Our program could only be established in Congress, not in the streets.

The institutional changes that resulted from the 1964 and 1965 civil rights legislation are real enough. The elimination of discrimination in employment and promotion policies, for instance, has meant that blacks are no longer restricted to the lowest paying jobs and to those jobs most vulnerable to the onslaught of automation. In fact, a remarkable transformation in the composition of the black working class took place between 1960 and 1970. Whereas, at the beginning of the decade the average black worker was a farmhand, an unskilled laborer or a domestic, by the decade's conclusion he had become a mechanic, a factory operative or, in an increasing number of instances, a skilled worker or a professional.

To examine black progress in the area of employment is to understand not simply the success of the civil rights movement, but its shortcomings as well. For while black people are getting *better* jobs they are not getting more jobs. Unemployment today is greater than it was in 1963 and, of course, affects most immediately the unskilled, the under-educated and the young.

In the area of civil rights legislation, again we see that far-reaching economic change does not necessarily accompany legislation dealing with moral issues. For, in fact, the destruction of the legal foundations of segregation did not substantially alter the economic structure. Following the enactment of the Voting Rights Act, for example, we witnessed what seemed to some a vital change in the South. Southern politicians adopted a new tone in their campaigns. Racial moderates and progressives, with the support of black people, increasingly defeated those who campaigned primarily on the race issue.

In a series of elections in 1970 and 1971, racial moderates swept the governorships in most of the Deep South states (a notable exception being Alabama). Early this year, Georgia's Governor Jimmy Carter called upon all agencies of the state government to cease race and sex discrimination in employment. The demand was made in a toughly-worded memorandum to all heads of departments. The Governor has appointed 47 black persons to positions on permanent boards. Similarly, Governor John C. West of South Carolina warned heads of departments and agencies in that state to cooperate with the South Carolina Human Affairs Commission to end discrimination. The Commission is headed by George Hamilton, a negro appointee of Governor West. Failure to comply will result in referral of the charges to the Federal Equal Employment Opportunity Commission, the Governor warned.

Governor Edwards of Louisiana purged Jim Crow statutes from the lawbooks (a symbolic, but essentially hollow, gesture given the fact that Federal law had made these acts unenforceable). Mississippi's Governor Waller promised to appoint some blacks to state jobs. But as yet there has been little substance behind the rhetoric of progress in the South. Minimum wage levels are still inadequate; expenditures for schooling are well below those in other parts of the country; family assistance payments are unconscionably low; and right-to-work laws, an increasingly important barrier to equality now that blacks have become more numerous in the trade unions, remain unchallenged.

These observations force us, then, to return to the question of why our movement was successful only insofar as it could achieve civil rights legislation which, granted, was important even though it did not go far enough. This is an extremely complex question. It can be analyzed, I believe, in terms of two underlying problems. The first is the lack of sufficient unity in black demands. The second involves a failure of will among certain elements of liberalism.

The lack of black unity, let me suggest, is more apparent than real. Black people may be divided on certain issues—busing, for instance—but there does exist a broad consensus for programs that further integration and economic advancement. Black voting patterns have remained soundly and intelligently liberal; candidates who preach separatist doctrine or who offer nothing more substantial than being black themselves have been rejected in favor of bona fide liberal candidates. Public opinion polls show blacks as taking a far less apocalyptical view of American society than almost all other groups; black folks do not see America as "morally bankrupt," although they are profoundly disturbed by the perpetuation of discrimination and inequities, as well as by their own political powerlessness to resolve the situation.

On the other hand, the divisions we are experiencing are those widely publicized ones that have occurred among blacks who, sometimes legitimately, sometimes not, are perceived by the media as black leadership. Jesse Jackson has recently vowed to take the civil rights movement back "to the streets—where it belongs." Floyd McKissick, once regarded as a dangerous militant, now preaches the doctrines of Nixonian Republicanism. The black professional associations that have proliferated in recent years propose a variety of solutions to social wrongs, solutions that are alike only in originating out of race consciousness.

The fragmentation of black leadership is one of the most tragic developments since the March and has contributed in no little degree to our subsequent problems. In 1963, black leadership was committed to the strategy of mass protest coupled with political action, had little hesitation in endorsing the March's agenda, and accepted the necessity of building alliances with progressive forces in the larger society. This general agreement over basic goals no longer exists; some have dropped from the struggle, embraced marginal, non-economic issues, or advocated programs which, while they may touch on economic change, are too narrow to reach the great mass of black working people. Only a few of the groups which provided the March's nucleus have retained an unambiguous commitment to integration and basic economic change, most notably the National Association for the Advancement of Colored People and the National Urban League.

It is not unusual to detect in these professional groups hints of conservatism. Like the Black Power groups, they attract those with such narrow visions of social policy that blackness, and blackness alone, determines political doctrine. To accept this concept is to signal a retreat from political action; it represents an effort to fill a psychological void—by motion of any kind—by reacting against what is perceived as the stagnation of politics. Building a sense of community in the ghetto is a praiseworthy venture, but as a strategic for social advancement it is far from adequate; it tries to establish the notion of community in a situation where widespread poverty, violent crime and massive unemployment abound, thus tacitly encouraging acceptance of that situation.

The contradictory and sometimes self-defeating principles that underlie separatist thinking have important ramifications for liberalism. For two decades black demands have occupied a special place at the forefront of the liberal agenda. Our goals have in fact shaped the broader program for social change. The domestic platform of the Great Society, for example, was built around those issues insistently raised by the civil rights movement.

Now, because our ideas are less than clear, we find liberalism in confusion, ignoring our real needs—that is to say, the issue of basic economic change, of redistributing the wealth, has gotten shunted aside in favor of other, less fundamental issues. That a number of black leaders could criticize both presidential candidates last year is significant. One might argue with them that the Democratic Party platform was the most liberal in political history; but what they were responding to was the lack of serious attention devoted to basic economic issues during the campaign. The brief mention accorded these issues in the platform seemed little more than a gesture, a superficial effort to appeal to the party's traditional working-class constituency.

I think it is also significant that neither candidate bothered to debate the full employment issue even though the Nixon Administration's first term saw substantial increases in unemployment. We should keep in mind that in 1963, A. Philip Randolph came before the nation to demand full employment. In 1972, however, George McGovern and Richard Nixon debated not full employment, but employment quotas and preferential treatment.

Even with the conclusion of the Vietnam War, the persistence of the divisions within liberalism is a profoundly disturbing situation. For while we have played a pivotal role in the formulation of the liberal program, we have never prevailed in periods of liberal disarray.

Some liberal intellectuals have now joined Daniel Patrick Moynihan in advocating a racial policy of "benign neglect." Those for whom the Vietnam War was the overriding concern simply dismissed racial issues as secondary. Thus in 1966, just three years after the March, some liberals refused to sign the Freedom Budget—a ten-year plan to eliminate poverty—because they insisted that social programs could and should be financed through the so-called "peace dividend" that we were assured would materialize with the war's end.

Those once-liberal intellectuals who now write of the impending "limits of social policy" justify their disaffection on the alleged failures of the Johnson Administration. While I think it is the obligation of liberals to criticize programs they believe to be wrong, it is quite another thing to propose that such programs be replaced by adherence to the status quo.

On the other hand, those with a leftward vision who dismiss the liberal-labor program as outmoded should consider the following. Between 1959 and 1969 the percentage of black families living below the Federal poverty level was reduced from 55 per cent to 32 per cent. This gain, unprecedented in the history of the black struggle, was achieved by traditional, New Deal liberal strategies, strategies that are today criticized as archaic. Between 1969 and 1972, however, the first years of the Nixon Administration, there was no comparable reduction of black poverty. In fact, the number of blacks living below the poverty line *increased* between 1969 and 1971 and from 7.2 million to 7.4 million.

The labor-liberal approach to social problems has been vindicated time and again over other narrow, sectarian, "all-black" strategies. In the coming period, therefore, we cannot be content to define economic programs in racial terms. To pursue purely "black" issues at a time when our needs increasingly converge with those of the larger working class is to perpetuate political isolation.

Thus, our agenda should consist of the basic demands of the March on Washington and the Freedom Budget. Full employment is probably the single most basic issue. But we should also work for programs to ensure that all Americans have adequate housing, decent medical care that they can afford, the opportunity to pursue higher education regardless of financial circumstances and a minimum wage sufficient to guarantee a life of dignity.

This is not a program whose time has passed, but rather a return to programs that have succeeded in the past and are, therefore, our only instruments for future success. Many of the much vaunted, but ultimately self-defeating or flawed, programs that have risen and extinguished like meteors are programs conceived in frustration. In contrast, the March on Washington was founded in hope and its program called for an expansion of opportunity for all people. It was a program which placed the civil rights movement in the forefront of the battle for social change. Ten years later, there has been no program superior to that proposed by the March.

DR. MARTIN LUTHER KING, JR., PRESIDENT, SOUTHERN CHRISTIAN LEADERSHIP CONFERENCE

I am happy to join with you today in what will go down in history as the greatest demonstration for freedom in the history of our nation.

Fivescore years ago, a great American, in whose symbolic shadow we stand today, signed the Emancipation Proclamation. This momentous decree came as the great beacon light of hope for millions of Negro slaves who had been seared in the flames of withering injustice. It came as the joyous daybreak to end the long night of their captivity.

But 100 years later the Negro still is not free. One hundred years later, the life of the Negro is still badly crippled by the manacles of segregation and the chains of discrimination. One hundred years later, the Negro lives on a lonely island of poverty in the midst of a vast ocean of material prosperity. One hundred years later, the Negro is still languishing in the corners of American society and finds himself an exile in his own land. So we have come here today to dramatize the shameful condition.

In a sense we've come to our nation's capital to cash a check. When the architects of our republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir. This note was a promise that all men, yes, black men as well as white men, should be guaranteed the unalienable rights of life, liberty and the pursuit of happiness.

It is obvious today that America has defaulted on this promissory note insofar as her citizens of color are concerned. Instead of honoring this sacred obligation, America has given the Negro people a bad check, a check which has come back marked "Insufficient Funds." But we refuse to believe the bank of justice is bankrupt. We refuse to believe that there are insufficient funds in the great vaults of opportunity of this nation. So we have come to cash this check, a check that will give us, upon demand, the riches of freedom and the security of justice. We have also come to this hallowed spot to remind America of the fierce urgency of now.

This is no time to engage in the luxury of cooling off or to take the tranquilizing drug of gradualism. Now is the time to make real the promises of democracy. Now is the time to rise from the dark and desolate valley of segregation to the sunlit path of racial justice. Now is the time to lift our nation from the quicksands of racial injustice to the solid rock of brotherhood. Now is the time to make justice a reality for all of God's children.

It would be fatal for the nation to overlook the urgency of the moment. This sweltering summer of the Negro's legitimate discontent will not pass until there is an invigorating autumn of freedom and equality. Nineteen sixty-three is not an end but a beginning. Those who hoped that the Negro needed to blow off steam and will now be content will have a rude awakening if the nation returns to business as usual. There will be neither rest nor tranquility in America until the Negro is guaranteed his citizenship rights. The whirlwinds of revolt will continue to shake the foundations of our nation until the bright day of justice emerges.

But there is something I must say to my people who stand on the warm threshold which leads them to the palace of justice. In the process of gaining our rightful place we must not be guilty of wrongful deeds. Let us not seek to satisfy our thirst for freedom by drinking from the cup of bitterness and hatred. We must forever conduct our struggle on the high plane of dignity and discipline. We must not allow our creative protest to degenerate into physical violence. Again and again we must rise to the majestic heights of meeting physical force with soul force.

The marvelous new militancy which has engulfed the Negro community must not lead us to a distrust of all white people, for many of our white brothers, as evidenced by their presence here today, have come to realize that their destiny is tied up with our destiny. They have come to realize that their freedom is inextricably bound to our freedom. We cannot walk alone.

And as we walk we must make the pledge that we shall always march ahead. We cannot turn back. There are those who are asking the devotees of civil rights: "When will you be satisfied?" We can never be satisfied as long as the Negro is the victim of the unspeakable horrors of police brutality. We can never be satisfied as long as our bodies, heavy with the fatigue of travel, cannot gain lodging in the motels of the highways and the hotels of the cities. We cannot be satisfied as long as the Negro's basic mobility is from a smaller ghetto to a larger one. We can never be satisfied as long as our children are stripped of their selfhood and robbed of their dignity by signs stating: "For Whites Only." We cannot be satisfied as long as the Negro in Mississippi cannot vote and the Negro in New York believes he has nothing for which to vote. No, no, we are not satisfied and we will not be satisfied until justice rolls down like waters and righteousness like a mighty stream.

I am not unmindful that some of you have come here out of great trials and tribulations, some of you have come fresh from narrow jail cells, some of you have come from areas where your quest for freedom left you battered by the storms of persecution and staggered by the winds of police brutality. You have been the veterans of creative suffering. Continue to work with the faith that unearned suffering is redemptive.

Go back to Mississippi, go back to Alabama, go back to South Carolina, go back to Georgia, go back to Louisiana, go back to the slums and ghettos of our northern cities, knowing that somehow this situation can and will be changed. Let us not wallow in the valley of despair.

I say to you today, my friends, even though we face the difficulties of today and tomorrow, I still have a dream. It is a dream deeply rooted in the American dream. I have a dream that one day this nation will rise up and live out the true meaning of its creed: "We hold these truths to be self-evident that all men are created equal."

I have a dream that one day on the red hills of Georgia the sons of former slaves and the sons of former slaveowners will be able to sit down together at the table of brotherhood.

I have a dream that one day the State of Mississippi, a state sweltering with the heat of injustice, sweltering with the heat of oppression, will be transformed into an oasis of freedom and justice. I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character.

I have a dream today.

I have a dream that one day in Alabama with its vicious racists, with its Governor having his lips dripping with the words of interposition and nullification—one day right there in Alabama, little black boys and black girls will be able to join hands with little white boys and white girls as sisters and brothers.

I have a dream today.

I have a dream that one day every valley shall be exalted, every hill and mountain shall be made low, the rough places will be made plain and the crooked places will be made straight, and the glory of the Lord shall be revealed, and all flesh shall see it together.

This is our hope. This is the faith that I go back to the South with. With this faith we will be able to hew out of the mountain of despair a stone of hope. With this faith we will be able to transform the jangling discords of our nation into a beautiful symphony of brotherhood. With this faith we will be able to work together, to pray together, to struggle together, to go to jail together, to stand up for freedom together, knowing that we will be free one day.

This will be the day when all of God's children will be able to sing with new meaning:

"My country 'tis of thee,
Sweet land of liberty,
Of thee I sing:
Land where my fathers died,
Land of the pilgrims' pride,
From every mountain-side
Let Freedom ring."

And if America is to be a great nation, this must become true. So, let freedom ring from the prodigious hilltops of New Hampshire. Let freedom ring from the mighty mountains of New York. Let freedom ring from the heightening Alleghenies of Pennsylvania. Let freedom ring from the snow-capped Rockies of Colorado. Let freedom ring from the curvaceous slopes of California. But not only that, let freedom ring from Stone Mountain of Georgia.

Let freedom ring from Lookout Mountain of Tennessee.

Let freedom ring from every hill and molehill of Mississippi. From every mountainside, let freedom ring. And when we allow freedom to ring, when we let it ring from every village, from every hamlet, from every state and every city, we will be able to speed up that day when all of God's children, black men and white men, Jews and Gentiles, Protestants and Catholics, will be able to join hands and sing in the words of the old Negro spiritual: "Free at last! free at last! thank God almighty, we are free at last!"

[From the New York Times, Aug. 30, 1973]

THE 1963 MARCH IN RETROSPECT: MANY STRATA OF MEANING

Ernest Holsendolph: "A decade after the great march on Washington of Aug. 28, 1963, many of the nation's thinkers remain divided about what really took place that day.

"Was it the opening of a new era, a time of unsurpassed coalition politics and mass mobilization that led to the passage of significant new legislation? Or was it the culmination of a half century of civil rights activity, a kind of celebration of success that later proved premature?

"As the fifth and last part of a series on attitudes and conditions among black people 10 years after the march, several black Americans were invited to discuss what it meant to them and what developments since then indicate about the future. They are:

"Patricia Roberts Harris, a lawyer who was once dean of the Howard University Law School and a teacher of lawyers who put forth much civil rights litigation. She has also been Ambassador to Luxembourg, and is now on the boards of directors of several corporations and a partner in the Washington law firm of Fried Frank Harris Shriver.

"Charles Hamilton, professor of political science at Columbia University and coauthor with Stokely Carmichael of 'Black Power.'

"Kenneth Clark, a psychologist whose work was a central part of the legal briefs in the 1954 Supreme Court decision outlawing segregated schools, and a member of the New York Board of Regents and teacher in the City University system.

"Roger Newell, a socialist who graduated last June from Columbia University and who has been an activist since his high school days in Washington.

"Fred D. Gray, a Montgomery, Ala., lawyer who had as a client the Rev. Dr. Martin Luther King Jr. during the bus boycott of 1956. He is the first black elected member of the Alabama Legislature since Reconstruction.

"George Forbes, president of the Cleveland City Council.

"Russell Goings, president of First Harlem Securities, a black-owned company dealing in the sale of securities. He believes black people can gain greater influence over their future by increasing their stake in the economy."

Q. Was the march on Washington the start of something, or perhaps, the end of something?

HARRIS. In hindsight, I believe that the 1963 march was the culmination, perhaps even the end, of the civil rights movement as it had developed early in this century. It was, in my judgment, the effective end of the leadership that had developed in the 'thirties, 'forties and 'fifties. It was the last time that, in a political way, the old leadership was able to call upon both the white and black community, upon persons without regard to political and ideological position, to come together without disagreement on a generic cause called civil rights.

I think it was also the end of effective white input into the theory of the civil rights movement. Up until that time there had been an assumption that blacks and whites together would decide what the theory, what the approach, of the civil rights movement would be.

CLARK. I agree. But I'd phrase it slightly differently. I think of the march of '63 as the end of innocence, the end of a period when we believed that the rightness of the cause would be the chief weapon for attaining the ends of decency. And if you look at the speeches of that march, they are dominated by a fascinating optimism. There was practically no cynicism. It was a gala festival of hope, with a real belief that the acceleration of the civil rights movement that came with the '54 decision was going to culminate in success.

But not long afterward there was the church bombing in Birmingham, killing four black children, and everything that has happened since then has shown more racism. It now seems that the sickness is deep and cuts across ideological lines.

HAMILTON. When I look back at the march, I see it clearly as the beginning of the spread of the movement beyond the South. Civil rights mass activism became, if I may use the term, "nationalized" rather than "localized." You began to get people marching in their home communities, chaining themselves to the barricades and so forth. And I wonder if as a synonym for innocence you might use "morality"?

CLARK. Yes, I guess so. We could approach civil rights from a moral perspective when we kept seeing it as a Southern problem. The morality left the issue when it came North.

GRAY. I think that the march on Washington was the culmination of several preceding events. I don't believe there could have been a march on Washington in '63 with the magnitude that it had unless there had been a bus boycott in Montgomery in '55 or '56. While that was a local situation, it proved to black people not only in Alabama but across the nation, that we could stick together if we had a cause that was great enough, that we could consolidate our resources and do whatever we had to do. I think as a result of that you then move into all of your other mass-type demonstrations.

FORBES. I think that the '63 march was itself perhaps the genesis of a new approach to solving civil rights problems—partly that—and I like the term morality. The event itself was basically a moral thing. Up until then black folks in the North felt that the only ones who had any problems were those in the South. But with the bringing together of all those masses of people in Washington, the movement took on a new approach that lasted for some five years. The idea came across that if we could get together and march, we could bring pressure, as was done in Washington, and get some changes.

Q. Before we get away from it, what about the effect of the Supreme Court's school desegregation decision in 1954? Wasn't that a turning point? After that didn't black people in the United States begin to think of themselves differently and things begin to move?

CLARK. As a psychologist, I think that what the Brown decision did was to say in simple, direct terms: "Look, this is wrong. This is violating human beings, this is doing something to human beings." And Negroes—blacks, excuse me—understood it, average people understood it, and they started saying: "My God, I knew it, my brothers knew it, but we didn't think that white people knew it and here is a prestigious white institution that says what we had believed all along." So there they were, and they started moving from that point on, you see, because it couldn't be taken back—those words could not be taken back.

Harris. Within the black community, there was serious debate from a tactical point of view about whether this society was prepared to give way on the notion of separate-but-equal and move to a legal doctrine that said race was not a valid basis for classification. And therefore, the Brown decision became a vindication of those who appeared to be very daring in the context of the late 'forties and early 'fifties. I think it is the real watershed of race relations in the United States.

Gray. I don't mean to belabor the point—and as a lawyer I could not disagree with the importance of the '54 decision; all of our legal principles, as has been indicated, begin at that point—but I do think that there were a lot of black people in the Montgomery boycott who didn't know anything about it. Our school system a year later, and even 10 years later, was just as segregated as before. I don't think you could truly say that that decision caused the Montgomery bus boycott to start.

Newell. I think Brother Gray made a very important point. I didn't participate in the early activities of the decade, but from my analysis it seems very clear that it was not things like the Brown decision or anything that came down from Congress or the Supreme Court that really motivated people to come out into the streets. I think the real reason was that they felt their actions would have a hand in changing their material conditions.

This is not to say that a number of young blacks did not gain entrance into Ivy League institutions and prep schools and things like that. But this was not the real crux of the issue. The primary thing was not whether more blacks got positions in white corporations or more blacks were on TV or more blacks were allowed into prestigious white schools. It was a question of solving day-to-day problems which the movement did not address itself to on an ongoing basis.

The conditions, the day-to-day living conditions of the majority of black people have not been radically affected by these court decisions. If we do an analysis, we see that the civil rights movement is basically directed toward the up-and-coming black middle class. It was designed to make things a little easier for them. It was designed to create a larger and more stable buffer zone between white America and the volatile masses that took to the streets, that began to demand improvements.

Clark. That kind of thinking, which I'll admit is one of the developments since '63, is from my perspective a very significant diversionary development. It deflects energy and time and thought from the real complexity of the issue.

Hamilton. I think Mr. Newell said that we must look at patterns and historical analysis. If we do that, I think it might be possible to suggest that the black struggle in this country might well be on course. Most struggles start out elitist. And I don't use that term in a pejorative sense. Whether it's India or Africa or Cuba or Russia, most struggles start out with an elitist tinge. Their benefits go to specific individuals.

Now it's easy for a society historically to accommodate to that kind of struggle for obvious reasons. But then, slowly, the masses become politicized and society finds it much more difficult to accommodate. It is precisely at that point where I suspect we are today in this country. And that is what leads us now to begin to question some of the fundamental bases of this society.

Q. Perhaps we could go further into the dynamics of the 'sixties. What were the major forces that shaped black people's lives in the last few years?

Clark. As I see it, the center of gravity for the civil rights movement shifted almost abruptly from Southern to Northern urban. In the South, the purposes of the civil rights movement were pretty clear and specific and direct. There were segregated schools, segregated transportation, segregated waiting rooms, terror—things for which there were apparently rather direct, specific remedies.

Now when that was changed, we all looked at it and said, "My God, progress has been made." And we celebrated the progress. But the blacks in the Northern cities saw his kids were just as retarded in reading as they ever were, his home was just as deteriorated as it ever was. He was in the same fix he had been in before this great progress had ever occurred, you see. So he started getting mad.

And his white allies in the North—who could deal with their guilt and racial ambivalence by contributing to the N.A.A.C.P. and the Urban League—found the restless natives next door. And they weren't prepared for this, and so they reacted by saying: "These ungrateful so-and-so's. I contributed to the N.A.A.C.P. and I contributed to the Urban League. I'm a white liberal. I'm without prejudice. What do they want from me?" Their response was backlash. You got this damned cycle of white backlash, white ambivalence, reacting to Northern urban black frustration. And this, then, generated what I call the era of realism.

Harris. The 'sixties saw the movement of whites from the center city, the center cities becoming black and the urban problem, the black problem, the poverty problem all converging. These were problems that did not respond to a march on city hall, because they go to the question of increasing the housing supply, increasing the ability of people to command that housing supply, improving the education in cities. Educators did not want to teach people who had been so crippled by the Southern systems—and by the Northern systems—that something radically new had to be done. And because these problems called for solutions that were radical, they were not solved. We don't know yet whether we can educate in one generation people so terribly crippled.

Slavery and the consequences of slavery after the Civil War provided a different kind of life experience for almost every black person in this country. They crippled black individuals, and consequently the black mass, in a way that we didn't begin to understand until we removed the legal restrictions. We had no idea—not really, deep down—how terribly distorted, in American terms, the black life experience was and how hard it was going to be to end the relationship between race and poverty.

Goings. It seems to me we're really talking about economics and political power, about a redistribution of money and power.

Harris. I think the question is whether you think the present economic and political system can ever deal with the problem of mass poverty. That is an ideological problem. What I'm concerned about is that we identify the problem as ideological, as a problem of determining where we stand with respect to the political and economic system. If I became convinced that there is no way that this system could provide a decent life for black people—and poor people, whether they're black or not—I might end up where Mr. Newell is.

Newell. What convinces you otherwise?

Harris. I keep an open mind about it.

Newell. I think one of the most important things we have to address ourselves to is the question of ideology. From my analysis, from my very limited involvement in the educational process in the urban area in Washington, it's clear to me that it's not just a question of the struggle for quality education. If black people just began to receive the same type of education that white students received, we wouldn't seriously deal with the problems we face as people. Just to receive rudimentary skills in reading and writing without any ideological base is not enough for any person to survive in this society.

Clark. How can a kid analyze the system if he doesn't know how to read?

Newell. No, I'm talking about a terminal goal. For example, take a doctor. He learns certain skills, but also ingrained in his training is an ideological position that says, "You have been to medical school, and you've done your internship and the rest of it, so it's all right for you to charge outrageous prices because of the time and effort you put in gaining your medical education." It's not a question of people learning how to read and write in the abstract.

Q. Aren't you saying that a meaningful education teaches not only reading and writing but also a set of values—and a certain political orientation—that you think black people need as distinct from others?

Newell. What I'm saying is that I think the system does that now, but in a negative way for black people. In the struggle against that—as people have done all around the world—it's clear that you have to take sides on the way the system is constructed.

Q. Then any attempt to work within the system would be tokenism, would fail because it would never come to grips with the system as a whole?

Gray. Tokenism is a sensitive word around here. And I think that as black leaders we can't let the fact that one or two or three blacks are placed in top corporate or governmental positions be an end in itself. But I do think that blacks in these positions can help change to some degree that attitudes and the positions that corporate structures have had toward blacks over the years. We have to use these positions to try to correct the evils that are in them and try to make the society what we would like it to be.

Q. But how much can one man do to correct the evils in a massive corporation much less in society at large?

Gray. It's going to be almost impossible. For one thing one or two or even a dozen people won't be able to do much in a major corporation because they don't own stock. And the guy who owns the stock isn't going to give it to them.

Goings. Well, then it comes back to Roger's point—which in the main I disagree with—the question of who is going to impose the value system. It's not tokenism. It's what you do with the positions that you have and how many people you can encourage—black and white—to exercise authority, judgment, willingness to accept opportunity.

There are young blacks coming out of aggressive schools with advanced degrees in business administration who want to go into accounting—not management. They don't want to go into the area from which they can begin to acquire power through exercising good judgment and performance. They move into other areas—the lesser areas—where they get a disproportionate amount of money at the beginning and end up in a box. It's a matter of self-deception.

Harris. I couldn't agree more about youngsters taking safe jobs. There are practically no blacks today in a position to move into the chief executive spot of any major corporation. I think that if there were black people today who were prepared to make an all-or-nothing fight for those jobs, they would find that there has never been a better time for somebody to move to the top. I want to see black people every place—at the top, in the middle—so that society can't function without us.

I think the word "tokenism" ought to be eliminated from our language. It's not that I'm sensitive about it, at least not in this context, but I think both blacks and whites tend to denigrate experiences that would have been considered very important 10 years ago, and to make perception derived from those experiences appear not to be valid.

Clark. There is an insidious form of racism that has surfaced in the last 10 years, and particularly in the last five years. For the first time a group—in this case a black group—is required to apologize for all of the things which other groups have been praised for.

For example, a black group is now being asked—not by whites, primarily—to apologize for personal success. I am supposed to apologize for the fact that for the last 25 years I have lived in Hastings rather than the center of Harlem. My own son, you know, says to me after graduating from Kent and Columbia, "Oh, you black bourgeois!" I said, "Yeah, and why didn't you say that while I was paying your tuition?"

I am supposed to apologize because I have an income which is above that of the average white. I'm not going to apologize for that.

One reason I admired Adam Clayton Powell so much—even as I fought him—was that he integrated one of the most difficult areas of American life to integrate—political corruption.

And I don't know why blacks are being asked to give examples of virtue beyond those of any other ethnic group. To me this is an insidious form of racism. No other successful individual in any other ethnic group is required to apologize. And to the extent that blacks themselves not only buy it but attempt to sell it under the guise of militance, I say to hell with them. All they're doing is the white man's job.

Q. Based on what we've been discussing so far, what goals do you see for black people in the United States? What lies in the future?

Gray. I think our problems today are basically the same problems we had 10 or 15 years ago. The problem is not with black people. We still have a question of employment, of housing, of economics, of education, of political participation. And these problems were created by whites.

To deal with them, I think more blacks are going to have to get involved in the political process, beginning on the local level, through redistricting and reapportionment. If you end up getting your counties, your cities and your states reapportioned so they can elect representatives from communities, then I think you will begin to have a more representative form of government that will address itself to some of those evils.

Hamilton. I suspect that we are experiencing now what I think is a growing manhood. The critical question is going to be the extent to which society—that is to say, primarily the economic system—can equitably accommodate the entry of mass new groupings. My judgment is it cannot. But that's a judgment that has to be tested.

It's clear to me that precisely because we're now moving to challenge questions that go beyond the traditionally understood civil rights agenda, we may well find ourselves looking at what I prefer to call "deracialized" solutions with racial consequences.

Harris. I want to enter a slight dissent. I think that there is an element that has come out of the late 'sixties that nobody's thrown on the table. And that is a quality of paranoia in the white lower middle class about certain kinds of preferential treatment that they perceived being accorded to blacks. The result has been the hardening of the line on new programs that appear most to benefit blacks, which led to the Nixon election.

I think I agree totally about the deracialization of projects, if included in this is a willingness to form coalitions with nonblack and nonminority groups and to be part of a spearhead for identifying the communality of interest that all poor, lower-middle-class and lower-class persons have.

Forbes. I think that the rhetoric of black power is over, never, never to return. And I think what you're going to find is rather than having progress made from the Federal level down, as it was done in the 'sixties, it will probably come from the local level up, which will lead to a dispersal of leadership.

Clark. I'll start by pleading guilty to a certain rigidity. I am, in terms of goals in the civil rights movement. In 1973, I plead guilty that I see precisely the same goals I saw when I was an undergraduate in 1933, when I was a graduate student in the 'forties and when I entered the struggle in the early 'fifties—namely, freedom, the right of individual blacks to the same choices that other American citizens have.

Now, it seems as if progress toward this goal is different today. The methods and the techniques have changed. The charismatic leader has served his function. He has brought us to this point where he is no longer, to use the new term, "relevant."

It may be that what we are struggling toward is something which we have not been adequately trained for, namely a kind of technical—pardon the word, young man—intellectual in whom a variety of complex skills will have to be brought together to think through strategies and to think through tactics of implementing them.

It may be that the civil rights movement has, whether it likes it or not, to move toward a think-tank model of effecting the complicated kinds of social change which we clearly are confronted with.

And this is threatening, you know. It's easier to retreat into rhetoric and costumes and cliches than to develop the model that is appropriate to the present difficulty.

Newell. It seems to me one of the things that has come about has been the development of a group of blacks who have decided not to engage in the struggle for the trappings of American society. This is because these trappings are based on the pain, sweat and agony of a majority of people of the world.

I think there is going to be a movement in this country to begin to organize the majority of black people, who are workers, to engage in struggle in various forms against American capitalism and against its suppressing of the natural right of people around the world to work for their own liberation.

Goings. The civil rights movement provided excellent opportunities for greater mobility within our society today for people of color.

What we do with those opportunities is important. But what I hope is we don't get in that bag of just talking about the total masses and looking for total cures for total masses. It just doesn't happen that way.

Blacks have not really addressed themselves, I don't think, to the question of how to gain economic power. The function of the mechanism at the foot of Wall Street is colorless. It is absolutely colorless. There are ways to control companies—white companies—without their even knowing it.

Blacks have to be involved in money, men, material, the factors of production—have to begin to control that. We can say that we need housing. But if we haven't got a tax base, we're not going to get it. The fact is we've got to marshal our assets. We're not going to support a true political base without bread.

THE DREAM 1973: BLACKS MOVE PAINFULLY TOWARD FULL EQUALITY

(By Jon Nordheimer)

WASHINGTON, August 25.—Ten years after 200,000 white and black Americans marched to this capital to pledge a moral commitment to racial equality, the nation has moved toward that goal in historic trek that has been far more painful and arduous than most of the short-sleeved masses who were there at the beginning ever envisioned.

It was a sunsplashed afternoon on Aug. 28, 1963, when the Rev. Dr. Martin Luther King Jr., in a voice trained in the pulpit and conditioned by his nonviolent struggle with the custodians of Southern segregation laws, stood on the steps of the Lincoln Memorial and outlined his dream of an integrated society.

The multitude gathered beneath Lincoln's cold gaze, locked arms and sang a monumental "We Shall Overcome." They listened as Mahalia Jackson, the black gospel singer, elevated the final word of the "Star Spangled Banner"—"free"—into a soaring statement of devotion. And then, more like church picnickers than militant demonstrators, they dispersed most of them never to return.

Ten long, eventful years have passed since that moment, and the euphoria of brotherhood that energized the crowd's hopes and convictions did not last long. For one group of blacks it was shattered on the way home that very afternoon when white youths outside Baltimore stoned their bus, tearing the banners of brotherhood that streamed from its sides.

DEATH BY BOMB AND BULLET

For many others the dream died less than one month later when a bomb, detonating in the basement of a black church in Birmingham, Ala., killed four little girls in starchy white dresses. And for still others it died with Dr. King on the spring afternoon in Memphis five years later when the civil rights leader was felled by an assassin's bullet.

But a study of black America conducted this summer by The New York Times suggests that despite the agony of the intervening years, the decade since the march on Washington has produced tangible results that in many respects have exceeded specific goals set by the men and women who organized the mass demonstration.

Against the backdrop of danger, uncertainty and unmet expectations, American society has begun a transformation of social conditions for its restless minority of 25 million black people, a national unheaval that has left black society split between those whose fortunes rose during the decade and those whose lives were relatively untouched.

The direct beneficiaries, by nature or luck, learned how to operate in a system that until the nineteen-sixties had been largely insensitive to their needs. The war on poverty, commissioned as a result of the agitation of the early 'sixties, nourished a generation of talented blacks in managerial skills that until then had been the prerogatives of whites. In a way, a new sense of self-esteem was the most prized gift of the decade.

For the others, particularly in the Northern ghettos, participation in the system is still largely relegated to welfare rolls, food stamp lines, and a social worker's compendium of domestic strife. Their world is one of unrelieved poverty, frustration and economic dependence, and among them there is hostility and a desire for vengeance against the social forces that encircle their lives.

The target of this animosity is perceived as a white society that has not honored the promises of the 'sixties. In a parallel development, there is growing resentment directed at members of the expanding black middle class who appear to be ghetto dweller to be too concerned with individual survival to take risks for a resolution of the unfinished black struggle.

EROSION OF LEADERSHIP

A corresponding erosion of leadership has been apparent for several years. The deaths of Dr. King, President John F. Kennedy and Senator Robert F. Kennedy removed highly charismatic spokesmen for the black cause in the 'sixties. There has also been a fragmentation of the black leadership—mostly confined today to political districts or individual organizations—that works against black unity on a national scale.

Furthermore, under the influence of the Nixon Administration, white Americans' tolerance of the experimental social action of the 'sixties has apparently given way to a laissez faire attitude that is, to many black Americans, a kind of spiritual disenfranchisement.

The result of all this is complex and filled with contradiction. On one hand there are those blacks who have exploited the new opportunities and have found success and hope. On the other are great numbers of blacks who have been left behind in anguish and sullenness, acting in disjointed ways to vent their frustration or simply "coping" until relief in some new form arrives.

Working from these contradictions it is possible to draw conflicting scenarios for the future. One set of blacks exhibits increasing confidence, self-reliance and an identity no longer dependent on the white model. The other harbors anger, distrust, impatience and a conviction that the system cheats them. Worsening economic conditions could roll back many of the first group's gains. Conversely, a healthy economy could undercut the second group's pessimism.

Racial attitudes—especially in Northern cities where discrimination has had a silent but corrosive effect ever since the first freed slaves sought an alternative to Southern segregation—have possibly worsened since the civil rights struggle sent millions more rural blacks chasing northward after the illusion of economic and social freedom.

Measured against Dr. King's vision of the day when brotherly love would rid this society of its obsession with race and liberate the antagonists, the decade may have in reality forced a retreat.

KENNEDY SPEECH RECALLED

But there is another measure of the accomplishments of those 10 years, contained in a speech made to the nation by President Kennedy a few months before the march on Washington. In terms more pragmatic than Dr. King's, the late President listed the disparities that existed between white and black America:

"The Negro baby born in America today, regardless of the section of the state in which he is born, has about one-half as much chance of completing high school as a white baby born in the same place on the same day; one-third as much chance of completing college; one-third as much chance of becoming a professional man . . ."

Today the plight of the black American has improved considerably in areas that submit to statistical analysis. For example, the black child cited by Mr. Kennedy 10 years ago is now nearing parity in the opportunity to complete high school. On the college level, while the gap between the races remains wide, the number of black college graduates this spring is twice what it was 10 years ago, with large numbers of blacks on campuses where they had never been welcomed before.

There has been a corresponding black admission into professional, technical and other white collar careers—indeed, a doubling of black participation in these fields—while the white share, though more sizable, held steady over the decade.

"I don't pay any attention to those people who say the Negro hasn't made any progress since the march on Washington," said Roy Wilkins, executive director of the 425,000-member National Association for the Advancement of Colored People, the only one of the major civil rights organizations that participated in the Washington demonstration to survive the decade with its viability and leadership intact.

"I can stand at the entrance to almost any office building in Manhattan today and watch the office workers come out at 5 o'clock and it's all salt and pepper," he said. "Ten years ago they'd all be white."

Conversely, the problem areas that have resisted change are as easily detected. Most of those black office workers cited by Mr. Wilkins as illustrations of black progress will return home to black neighborhoods where racial isolation is as pronounced today as it ever was, perhaps even more rigid as a by-product of the strife of the 'sixties.

In addition, while blacks' earnings as a whole improved, so did whites', and many blacks entering the middle class for the first time had the feeling that the effort to reach economic parity with whites was about as attainable as the convergence of parallel lines.

The 'sixties also saw an acceleration of white flight into the suburbs, a trend since the end of World War II, but for the first time the influx of nonwhite minority groups into the large metropolitan areas of the North appeared to hasten the exodus.

Center cities, despite periodic reclamation projects and pockets of downtown revival, fell at an increasing pace to decay and neglect. Some cities with serious problems—Newark, Cleveland, Gary, Ind., for example—elected black Mayors, but crime, drugs and poverty persisted.

Indeed, economic and social disillusionment came early to blacks in Northern ghettos as they began to realize that most of the civil rights victories of the 'sixties benefitted only Southern blacks. "Ten years ago I was standing on a corner, now my little cousin's standing there," says Rufus Cantrell, a black man who says he harbors few dreams of brotherhood. "Look at our neighborhoods filled with cops we don't like and dope we don't need. That's what civil rights brought us—cops and dope."

While hardening of attitudes, heightened tensions and the spread of violent crimes and drugs were galvanizing Northern cities, the monolithic wall of Southern segregation was being reduced to the sharp stones of individual prejudice.

STRUGGLE IN THE SOUTH

The South, which had been the main target of mass civil rights activity and litigation during the decade, struggled vainly and at times cruelly to preserve a social order whose doom had been pronounced in the historic 1954 Supreme Court ruling that held segregated schools unconstitutional. From that decision flowed a body of law that transformed the South against the will of the white majority. But the Southern whites who feared change—and violently resisted it at times—eventually came to accept change peacefully, and the region lost most of its harshness if not all of its anger.

In 17 Southern and border states where school segregation was once rigidly enforced, for example, nearly half (44 per cent) of the region's 3,676,000 black pupils now attend majority white schools. In Northern and Western states less than 30 per cent of black children are in majority-white schools.

Nationally, the period produced four striking developments that will surely influence the course of black affairs in the next decade.

BLACK AWARENESS

In striving toward greater racial confidence and identity in a dominant white society, black values and cultural contributions established a base for black pride, which began with separatist overtones and evolved into a major cultural component of American society.

Integration no longer was viewed by most blacks as a process of assimilation into a white world. Instead, there was recognition that black values and strengths would take a rightful place next to white ones after all the legal and psychological barriers had been removed.

"The opposite of segregation is not integration," remarked Jesse Jackson, a former lieutenant of Dr. King and now an economic and social force in Chicago. "Martin [Dr. King] didn't dream about a completely integrated world. He knew this is a pluralistic society and that ethnics tend to keep an identity. It's not a contradiction."

EDUCATION

The gains made in education were enormous and continue to grow. Despite the rancor that accompanied many of the changes and the bleak failures in school districts where the white parents withdrew their children from the system, the institution of segregated schools in the South collapsed.

The next phase, not yet conclusively settled, involved the question of busing pupils to desegregate city school systems in the North as well as the South, and precipitated a national quarrel.

Higher education offered fewer tensions, although some campuses became the staging grounds for black militancy and separatist rhetoric. But expanded scholarship programs and recruiting for the first time equipped large numbers of blacks for the demands of a marketplace that was slowly opening to them.

"Even in the worst Northern ghettos, where the progress of the past 10 years was least felt, young men and women are working at menial jobs during the day so they can attend college at night," observed Representative Andrew Young, another former aide of Dr. King who last year became the first black Congressman from the Deep South. "Ten years ago these blacks couldn't get a college education."

POLITICS

"Anyone looking for the civil rights movement in the streets is fooling himself," says Maynard Jackson, the black Vice Mayor of Atlanta, who rates a good chance of becoming that Southern capital's first black Mayor this year. "Politics is the civil rights movement of the seventies. Politics is the last nonviolent hurrah."

At the time of the march on Washington, there were only a few black elected officials in the South. Now there are more than 100 black Mayors and 2,600 other black elected officials.

Perhaps the healthiest signs that black Americans have faith in the political system occurred in two California contests this summer. Thomas Bradley, a black, was elected Mayor of Los Angeles; Bobby Seale, although defeated in his attempt to become Mayor of Oakland, signaled that the Black Panthers, who had preached a confusing bag of Marxist revolution during the turbulent sixties, had not abandoned the democratic process in the co-existing seventies.

UPWARD MOBILITY

The contention of the demographers Richard Scammon and Ben Wattenberg that a majority of blacks (51 percent) had entered the middle class touched off a furious debate that threatened to obscure some very real aggregate economic gains made in the last decade.

Critics of the report assert that its authors used unrealistic or fallacious standards to define middle class incomes, and were guilty of using other spurious data.

However, there is little argument that at least 30 per cent of black families enjoy middle class incomes. Ten years ago, only one of 10 black families could properly meet that definition.

The thread that runs through these four areas of achievement is this: The decade produced the most extensive gains for the most favored segments of black America—the middle class and working class blacks.

Blacks who entered the decade with educational and marketable skills were in a better position generally to exploit the newly created opportunities of what has been called the Second Reconstruction. Those mired in rural poverty and the urban welfare system derived peripheral benefits of food stamps, improved health care and larger dependency payments, but on the whole remained poor, unskilled and disaffected.

NEW HAVES AND HAVE-NOTS

These deepening divisions created a new generation of haves and have-nots in black America and cracked the black unity that reached its zenith in the march on Washington. If middle class blacks complained about the widening gap with whites, lower income blacks bitterly pointed to the widening gap between them and the black middle class.

Black unity, particularly in the South, was possible during the 'sixties because the legal barriers heaped indignities on all members of the race alike; no black man could feel free as long as they remained. This was the unity that gave white America the awareness, consummated by the march, that American blacks were on the move to extract themselves from the inequities of discrimination. Its triumphs were the Civil Rights Act of 1964 (public accommodations) and the Voting Rights Act of 1965.

But any expectation that middle class blacks would stay attuned with the aspirations of lower income blacks staggered into the 'seventies—the era of "benign neglect"—and collapsed. The memory of the ghetto dimmed quickly for many newly admitted members of the black middle class, and the stanch older members showed signs of psychic exhaustion when asked to make new sacrifices that would benefit only the poor.

"The term black capitalism doesn't mean a damn thing to the black masses," said Bayard Rustin, a black socialist and the chief strategist of the march on Washington. "It only means that middle class blacks got richer. If white capitalists who control trillions of dollars in this country permit wretched whites to exist in places like Appalachia, why does anyone think that black capitalists will free their brothers in the ghetto?"

According to the controversial Scammon and Wattenberg data, which placed the floor of the middle class at $8,000 in the North and $6,000 in the South, the middle class is that point in the economic spectrum where poverty no longer threatens and the essentials of survival—food, clothing, shelter—are taken for granted.

STUDY IS CHALLENGED

The storm of challenges to this interpretation focused on several points.

First, Dr. Robert Hill, director of the National Urban League, and other experts scoff at the notion that the $8,000 and $6,000 incomes cited by Scammon and Wattenberg are truly middle class. A better standard, Dr. Hill suggests, is the Bureau of Labor Statistics guideline for what is termed "intermediate level" of family budgets.

In 1972, the bureau placed that level at $11,446 for an urban family with four members. Fifty-six per cent of white families had income above this level, while 26 per cent of black families were above it.

The bureau also set the budget for a "lower level" of living standards at $7,386. One of four white families, many of them elderly, subsist on incomes beneath that figure. For blacks, more than half (54 per cent) were below it.

Second, Dr. Hill and others insist that black families are more likely than white families to have two or more wage earners, meaning that the relative pay earned by individual blacks is far less than what could be concluded from the analysis of Scammon and Wattenberg.

Third, they point to the large migration of blacks from rural Southern farms to Northern industrial cities as a complicating factor, for it created a one-shot jump in improvement for blacks as a whole that will not be duplicated in the future.

And finally, the gap between white and black earnings continues to widen and intensifies what they call the "envy factor." In other words, telling a black worker how much better off he is today than 10 years ago does not satisfy him if he is convinced that a white worker automatically makes a better wage for the same amount of work and ability. The gap had narrowed during most of the sixties, but it has resurfaced as an issue since 1969, as the nation's economic problems have intensified and black unemployment, which had been held down, returned to its traditional rate—about twice that of whites.

In fact, the gap between median family incomes of white and black families outside the South is about where it was 15 years ago. For example, the average black family in the North today has an income that is 59 per cent of the earnings of a white family—the same statistical gap that existed in 1959.

NO SURE SATISFACTION

Elaborating on his findings, Mr. Scammon, formerly the director of the Bureau of the Census, said in an interview in his Washington office that blacks, for the most part, had freed themselves from the most bitter vestiges of second-class citizenship. Finally, he said, they have reached the bottom rung of this country's social-economic ladder.

"The most important thing is that they have now reached immigrant status with the chance to climb the ladder," he said. "Blacks under 35 are the ones who can look to a better future. The older generation of unskilled blacks—the untrained cotton chopper—won't get the same breaks, except for some assist programs and help to the elderly. But as the older generation dies off the whole pattern of black life will improve."

In any event, upward movement into the middle class has never been a guarantee of satisfaction, as many working class whites have discovered. Once climbing wages broadened borrowing powers, individuals discovered that credit-buying propelled them toward levels of spending that complicated their lives. Mortgages, college expenses, cars and all the other window-dressing of American life created new problems. It is understandable, then, that many middle class blacks feel nostalgic—as many whites do—about the days when life seemed simple and happier.

But the question that disturbs a number of experts, after an examination of the economic base that a decade of struggle and reform has created, is whether it is sufficiently broad to open up new opportunities and absorb new people or whether it is static and in need of external stimulation.

There is growing black recognition that any attempts to mobilize the nation to meet black economic demands exclusively are doomed to failure because of the pervasive sentiment in white America that all that could be done legislatively to help blacks has already been done.

"Any effort to help the black man will fail if it is approached as a racial problem," said Congressman Young of Atlanta. "Much of the focus of the past 10 years has been on education, but on one point we are fortunate: There are 50 million white Americans who share the same economic-related problems of blacks today. Mass transit is not a great race issue, but nothing is going to do more to open up the central city than to provide adequate mass transportation to blacks. People forget that one of the causes of the Watts riot was because there was only one bus line from Watts to the area of economic opportunity in Los Angeles."

The white retreat has a corollary, perhaps a hopeful one in its longterm impact on black America, according to the viewpoint of some. The breakup of the old coalition of 1963, which was strong enough to stage a march on Washington and marshal the legal and moral force that smashed through the Jim Crow laws of the South, left blacks with few alternatives other than to push on without white money and assistance. From that initial adversity came greater self-reliance.

A SENSE OF HISTORY

The first reaction to what was perceived as an abandonment of the black struggle by whites was growing hostility to all things white, an attitude that was helped along by the parallel development of "black is beautiful" consciousness. Anti-white feelings remain virulent today, particularly in urban areas where racial isolation feeds the stereotypes of the black racist.

"Black college students don't seem to have much sense of history," complains Julian Bond, the black Georgia legislator who speaks frequently on campuses across the country. "They think that everything that happened before 1965 was tokenism and that if white sheriffs had denied them access to public accommodations they would simply have beaten up the sheriff. They are so frightened by the thought of halfway measures to solve problems that they say, 'If I can't save the world I won't do anything at all.' "

Like Bayard Rustin, Mr. Bond blames black intellectuals for immobilizing black college students in the last several years into uselessness and mediocre standards of achievement. Every fault in society, he said, is blamed on irredeemable white racism, and the belief that the majority of whites disdains any further attempts at change leaves the students with an attitude of impotence and rage.

Mr. Rustin suggested that the next decade of black development would liberate the best creative energies in the country's history. "I can see evidence that some young blacks are coming to their senses and can see beyond white racism and won't permit it to become a crippling influence in their lives," he said. "We are going to get away from nonsense like snap courses in Black Studies. Instead, I see a real flowering of the black mind."

Whether this development, if it materializes, will propel the nation closer to Dr. King's dream of brotherhood and toleration is a question at this juncture.

Certainly, the word "integration" no longer carries a single, uncomplicated meaning: today, it can mean something different to two blacks in the same city.

"I don't really know what all the fuss about integration is about," says James Springer of San Francisco, who lives on a block where there is only one other black family. "My neighbors are in my house and I'm in theirs. But that's my neighborhood life. My family life, my social life, is all black. That's who I am. That's who I grew up with. We're all on this one planet—all of us. That's enough integration for me. Except maybe we could integrate money a little more."

Across town, Lillian Martin recalled the euphoria of the march on Washington. "Whites and blacks together, fighting discrimination and working toward a better life, sounds like the best way to bring about a perfect society," she said. "But the years since then seem to be proving that white and black can't work and live together."

"I have lived in three used-to-be integrated neighborhoods over the last 20 years," she added with a sigh. "I learned that integration is what you have before the whites move out."

She paused to chase a vagrant thought. "How are we ever going to get together?" she asked. "My generation didn't succeed. And my kids' generation says the hell with getting together. I'm going along with them. I've given up working for a better world. I put all my energy into making my community, a black community, a better place to live."

So relations between the races in America remain tentative and subject to every vicissitude inflicted by fatigue and distrust. Yet there are glimmerings of hope discernible that the goals of brotherhood that electrified much of the nation 10 years ago in Washington have not slipped irretrievably beyond reach.

A. Philip Randolph, head of the Brotherhood of Sleeping Car Porters, whose idea it was to arouse the nation's conscience by summoning 200,000 whites and blacks to Washington, is one who believes the dream is still viable.

Seated in a red wingback chair in his Manhattan apartment the other day, with summer sunlight streaming through a corner window, the 84-year-old black leader said he was confident that the fires of racial unrest had been tempered.

"This is a new day," he said, looking tall and lean in the contours of the large chair. "There is a new black man on the scene and things won't be the same again. The young Negro is moving forward and developing a faith in himself that he once did not possess. But he must also seek the support of young white America to make the system work."

His words, clearly, would fall on some black ears as sentimental and unrealistic. Nonetheless, as Mr. Randolph said, there has yet to be developed a serious alternative to the vision that this country would work out its central domestic problem in a way consistent with its ideas.

The decade has been a long one, filled with progress accompanied by violence and terrible tensions. And it is possible to recall the words spoken in the long shadow of Lincoln by a black Baptist preacher from Georgia, and still find them valid.

"I say to you today, my friends, so even though we face the difficulties of today and tomorrow, I still have a dream. It is a dream deeply rooted in the American dream. I have a dream that one day this nation will rise up and live out the true meaning of its creed, 'We hold these truths to be self-evident, that all men are created equal.'"

[From the New York Times, Aug. 27, 1973]

UNEVEN GAINS DEEPEN PRESSURES ON BLACKS— DECADE'S PROGRESS LEAVES MANY INSECURE, AMBIVALENT

(By Ronald Smothers)

"I see myself as two people," said 24-year-old Patricia Joyce Anderson, who recently started work as a marketing analyst in the Chicago offices of Standard Oil. "I came here to work and produce, so I have to establish a certain rapport to accomplish my job. That's one side of me. But outside I go back to a black community and my goal is in some way to help solve my people's problems. That's the other me."

She paused briefly, rolled her eyes upward, then bore down to emphasize her point:

"I want there to be more blacks here where I work, so maybe I can integrate the two me's."

Patricia Joyce Anderson thus expressed one of the central findings of a month-long series of interviews by The New York Times aimed at reaching beneath a decade's accumulation of statistics to discover how blacks see themselves and the society they live in 10 years after Martin Luther King Jr. expressed his dream of brotherhood and equality.

For many blacks—including the welfare recipients, professionals, businessmen and antipoverty workers who were interviewed—the last 10 years have meant not only a struggle for fundamental rights and material progress but also a difficult and at time ambiguous quest for their own identity.

For many the search is incomplete. Some continue to adhere to Dr. King's dream of a faultlessly integrated society. Others, through disillusionment or for tactical and personal reasons, have discarded the dream as so much excess baggage in the search for self and fulfilment.

Still others, like Miss Anderson, find themselves uneasily straddling both worlds, confident of their capacity to coexist and compete with whites but reluctant to be "led away from blackness."

But for nearly all of them, despite the increased opportunity that has touched the lives of some blacks, America remains a dual society in which attitudes are shaped by a social reality that is at once bountiful and merciless, promising and perilous. To live with that reality is not easy.

"Whites cannot possibly comprehend the amount of psychic energy that is required to be black," said Dr. Chester Pierce, a Harvard University psychiatrist. "Untold energy is consumed by the need to remember one's race, to estimate how race does or will affect even the most minute aspects of daily life. With what energy that is left, many can feel only helpless and hopeless."

This personal and cultural anxiety is sharpened, moreover, by intense feelings of economic insecurity—a sense of precariousness among those who have "made it" and a sense of despair among those still mired at the bottom.

A black businessman who has threaded his way upward in a white-run corporation worries whether he will be denied further promotion because of his blackness. A black antipoverty worker who has barely touched the first rung of the ladder remains acutely aware that her future depends on the whims of whites who control Government funds.

They and others like them live in what Dr. Andrew Billingsley, a sociologist and vice president of Howard University, calls a "structured insecurity," and within them it has created an anticipation of discrimination, a combativeness, a sense of being locked in a "we-they" struggle with whites.

Such psychic demands and economic insecurities have led many blacks through a cycle that roughly approximates one recently described in interviews with Dr. Kenneth Clark, a psychologist, and Dr. Alvin Pouissant, a psychiatrist and assistant dean of the Harvard Medical School.

A TIME OF OPTIMISM

In the early nineteen-sixties, Dr. Clark said, blacks believed passionately in the rightness of the civil rights cause and its chances of succeeding. The tone of the times was one of "fascinating optimism," he said, and its themes were integration, acceptance and equal opportunity.

But reality overtook the dream. Bold new laws guaranteeing basic legal rights were enacted and poverty grew in the ghettos of the North until the whole hopeful vision—in the words of Dr. Pouissant—ran upon the realization that society was not going to integrate on a whole lot of levels."

The dream, collapsing, gave way to urban riots, black power and "black consciousness." It brought problems but it also brought a new dispensation: plot your own course to self-realization; seek it in your own heritage, portray it triumphantly in your own literature, art and popular culture.

An accurate reflection of this shift in attitudes—from a simple desire to be "accepted" into white society to a more defiant assertion of individual blackness—can be found in black literature.

As early as 1949, the Pulitzer prize-winning black poetess Gwendolyn Brooks wrote: "Grant that I am human, that I hurt/That I can cry./Not that I now ask alms, in shame gone hollow/Nor cringe outside the loud and sumptuous gate/Admit me to our mutual estate."

Fourteen years later, at the time of the march on Washington, black literature such as "Native Son," "Nobody Knows My Name," and "The Invisible Man" continued to suggest an alienation from the mainstreams of American life that constituted an estrangement from self.

By 1968, Gwendolyn Brooks had shed the old poetic forms as well as her white publisher and begun to draw on African roots and on the rhythm and content of Chicago's street life. "My people black and black, revile the River,/Say that the River turns, and turn the River."

"All of those books of the early 'sixties, and my poetry too, show that those writers, who I respect, felt that there was a future in integration and they had a high and mighty respect for whiteness," she said in a recent interview. "They stressed the genius of whites without stressing the genius and accomplishments of blacks."

In its pure theoretical form, black consciousness was a mix of political, economic and cultural ideas aimed at eradicating the historically second class status of blacks in the country and leading the majority of blacks out of poverty. Adapted from the ideas and analysis of the black experience by black thinkers, it called for political unity among blacks, economic independence of blacks from whites, and a cultural identity grounded in experiences of blacks in Africa and the Caribbean as well as the United States.

To Dr. Clark, the rise of black consciousness in America—in hair styles, movies, literature, the academic life, politics and economics—resulted from "an end to innocence" among blacks, who then adopted "a new realism in the face of the profound sickness in America." To Dr. Puissant, black pride—a phase used almost synonymously with black consciousness—was not so much a reaction to white racism as it was a healthy and long overdue rejection of "white definitions" of how people ought to live.

Whatever its origin, black consciousness became a major force among many black people. Some seem to have escaped its influence, or were touched by it only lightly. On others its impact was profound as they sought to come to grips with themselves in a predominantly white society.

KENNETH CROOKS

Kenneth Crooks, who lives in Atlanta, says that he might have been a corporate executive or might perhaps have "made a million dollars, like everyone in this country wants to." But something changed that when Mr. Crooks, then a recent graduate of the University of Massachusetts, was a candidate for a masters of business administration in 1961 at the Atlanta University Center.

"I was seeking a middle management job with insurance firms and wasn's succeeding because they just weren't hiring blacks. That's when civil rights leaders said that there was something else to making it besides money. That messed everything up," he said facetiously.

He never got to make his million and spent much of the 'sixties as deputy director of the Atlanta Urban League. The civil rights era, with its demonstrations and protests, as well as the emergence of black consciousness have helped Mr. Crooks redefine what "making it" is. It is therefore only logical to him that he should now be involved in yet another outgrowth of the civil rights movement and black assertion—the push for black political power.

Each day for the last seven months, he has reported for work at the large, downtown campaign office of Atlanta's vice mayor, Maynard Jackson, now a black mayoral candidate. Mr. Crooks is campaign coordinator for Mr. Jackson, who is credited with a good chance of winning in the October elections.

Throughout the civil rights era, Mr. Crooks and his wife Claire did not give up the drive to get the material things that most Americans want. They have two cars, a large, modern house that dominates a sloping, sprawling lawn, four dogs and two children who attend a mostly white private school. They moved to their home in the Southwest section of Atlanta five years ago when it was all white.

"That was the time when inviting white folks to parties was the thing," said Mr. Crooks. "We were trying to make the integration thing work. But that changed when all the whites began to move and we saw they weren't serious about maintaining an integrated community."

Mrs. Crooks, a petite, articulate woman, said that she doesn't regret the "reaching out" that the family did but would not do it again. She said there was "a feeling that we had something to prove to them, but I know we don't any more."

This relaxed and less self-conscious attitude is a product of relative comfort and a feeling that now "blacks are going to pull together to reach their goals," said Mr. Crooks. The search is still incomplete for him, but he sees the possibility of success in using much of the theory of black consciousness to compete on an equal basis with whites.

"That's what black consciousness has meant in a way," he said. "I now have to go beyond the acquisition of money and comforts. That's only the second part of the agenda and the first is blacks lifting their psychological heads and walking proud."

Dr. Pouissant calls this a kind of "psychological pluralism" and adds that although status to blacks still to some extent means "white things and white institutions," there is a recognition that you don't have to "get caught in the trap of what you are supposed to be by white standards."

"Black parents will now be teaching their children not only white models of success and the good life but will have black models as well," he said. Having black models is a healthy development growing out of black consciousness, says Dr. Pierce, and those children who best succeed in the society will be those who are "strongly pro-black consciousness."

Such an upbringing is accessible for the Crooks' children, Kenneth, 9, and Shelley, 6. Although both are in a predominately white school now—"at an age when whites encourage contact"—Mrs. Crooks sees their future education in an all-black setting. There they can develop as a total black person without having to face some of the pressures of increased contact with whites.

"Now I think our children will understand their blackness positively and not negatively. They won't pick up attempts to degrade them in the same way we did " she said.

The Crookses' concern for their children and plans for raising them grew out of their perception "that whites aren't serious about integration." Tactically and personally it seemed better to make their lifestyle "a positive model of blackness."

CHESTER THOMPSON

Chester Thompson, a marketing manager in the Chicago offices of IBM, says he feels no compulsive need to define himself or his blackness. His conclusion from his experience of the last 10 years is that "integration can work" and if his 4-year-old son Mark does not get a sense of who he is in their home in an all-white suburb, then he will send him into the city on weekends "where they do nothing but deal with being black."

Mr. Thompson calculates that it takes 41 minutes in the morning and 32 minutes in the evening to travel by train between his job and his home in the Chicago suburb of Northbrook. As the train disgorges commuters at the Northbrook station, Chet Thompson is the only black among them as they run, scurry and trot to beat the crush of traffic in the parking lot.

By any standards the last 10 years have been good to the 34-year-old son of a Moscow, Ark., sharecropping family. Not only have his living conditions improved but achievements due to hard work, cockiness and—as he is careful to point out—"quite a bit of luck" have given him strong self-assurance. Insults from whites that once would have caused him to seethe internally or "bust somebody in the head" can finally be called insignificant.

Stretching out comfortably on the couch in his $68,000 home, Mr. Thompson recalled the early years at IBM in 1965 "when they finally decided that they would hire some blacks in specific positions." It was a strictly white environment, he said, and he was distrustful and always kept his guard up.

That discomfort has passed, he said, and he now actively seeks involvement with his coworkers and neighbors in mostly white Northbrook. His wife Jewelette, like other Northbrook housewives, fills her week with taking the children to the pool or ice skating rink, Wednesday afternoon bowling with the girls, and charitable activities. It is a more lively social life, she said, than the one in their old middle class, inner city neighborhood, where most of the black mothers worked during the day.

Black nationalism has no personal appeal to Mr. Thompson and his reality has in a sense kept pace with Dr. King's dream. He bristles at any suggestion that "blacks were given all that they have." The lesson from his experience is that Chet Thompson has "made it" and so can today's younger blacks.

The impact of black consciousness, while great, has plainly been less uniform than its theoreticians had hoped. The Thompsons are less affected by it than the Crookses, for example.

No leader or leaders have emerged to make black political unity a reality. Even the recent rash of black films—some of which glorify black pimps and narcotics sellers—offend those who seek a nobler self-image.

And all the more unattainable, it seems, is the vision of at least a measure of black economic independence for those without the luck of Chester Thompson. In a purely practical sense, black conconsciousness has meant little to poor families at the bottom.

MARGARET FORD

Margaret Ford is a Chicago welfare mother struggling with "15 head of children."

The Fords live in a five-room apartment in the Cabrini-Green housing project in Chicago's near North Side. Much of each day for the family is spent walking up and down the dark, winding stairwells of the project to avoid being trapped in a seemingly willful elevator.

Mrs. Ford, who is 38 years old, came to Chicago from Warwick, Ga., in 1954, expecting to find the promised land that returning Georgians had raved about. Instead she found a "nasty, crowded town" that in 19 years, with the death of her husband and the family's dependence on welfare and social security payments, has gotten nastier.

Civil rights, black consciousness, increased opportunity—none has much to do with Mrs. Ford's life. She does not have the comparatively luxurious problem of a Patricia Anderson or a Kenneth Crooks of forging a positive self-image.

"White folks don't influence my life very much. I just don't have time," she said.

Urban living has influenced the Ford family and drawn them close together. Mrs. Ford talks only of her hopes for her children and the older ones dote on the younger ones. Fifteen-year-old Katherine recalls that it was the family's closeness that was responsible for their moving from their old West-Side Chicago neighborhood.

It was last winter when Katherine was in the second month of her second pregnancy, she said, and she had intervened in a fight between her older sister and some girls in the neighborhood. Her mother and her grandmother returned home from the store just as one of the girls hit Katherine in the back with a brick. The mother and grandmother rushed to the aid of the two girls, and that night area residents broke out the windows in the Fords' already heatless apartment.

Mrs. Ford observes sadly that her hopes now for her children are the same as those that she herself had found unattainable in 1954, when she left the South with only a grammar school education and a distaste for field work. She is not optimistic and would like to take her children back South. The lesson for Mrs. Ford is that "Chicago is just too crowded for a girl from Georgia to make it in now."

LOUISE JACKSON

The period marking the evolution of black consciousness redefined for many blacks what "making it" really was. For a number of younger blacks such as Louise Jackson it offered new options and a genuine alternative to working for integration.

Louise Jackson, a native of Atlanta, was born in an all-black section called Vine City where poor blacks lived only blocks away from the black doctors and teachers and ministers who constituted the black middle class. Her father was a butcher and her mother a day worker who at times worked for five families at once.

Because of the general atmosphere of enforced separation of blacks from whites, Miss Jackson says, she never recalls wanting to be around whites. Her ambition was to attend one of the all-black colleges of the Atlanta University Center, she says, and attain the kind of comfortable, seemingly secure existence enjoyed by Atlanta's old and established black middle class.

The civil rights movement suggested something new, she said, namely that "integration might be workable," but that feeling began to die after her first summer work experience during high school.

She was the only black in an airline office, and she recalls some overt insults from the whites she worked with. But mostly she remembers "how sickeningly friendly" many of her coworkers were and how eager they were to test their knowledge and perception of blacks on a "real expert—me."

"I had to leave the office regularly during the day just to get away from those 29 grinning faces," she said.

Currently, Miss Jackson is a research assistant at the Institute of Black World in Atlanta, a nonprofit organization that is housed in two adjacent frame houses in her old neighborhood. The institute studies the problems of blacks in this country.

Looking back on that first experience, Miss Jackson says that the pressure of dealing with whites "added to my confusion about what I am and what I should be doing."

The institute is very much an outgrowth of the period of black consciousness and has provided a relaxed, all-black atmosphere as well as, she says, an opportunity to "understand the condition of blacks and myself."

"When you start mixing with white people and you are looking for yourself you won't find yourself. Black people have never been left alone to themselves to find out what they ought to be doing," she said.

In part, it was the college education that her parents viewed as "giving me culture" that led Miss Jackson to her present view. Much of her four years at Spellman College, she said, were geared to training her to be a functionary in the established institutions of the society "and maintain the status quo." But, thanks to some "progressive instructors" and the surge of black consciousness, she said, "there was an ideology fused into the lives of a lot of young blacks."

For Miss Jackson there is no longer any question that blacks have something to offer the society; it now remains to project it though all-black institutions.

"We have been trying to mix and imitate and that hasn't bought any results for most black people," she said. "We haven't been accepted for it and we're still niggers to whites. That won't change, so we will just have to make sure that it is no longer an issue. We'll never control our own lives through integration and so it is defeatist."

EDITH PERKINS

Louise Jackson's approach to being black is a long way from the Thompson family's but, to at least one of those interviewed, Edith Perkins, a Chicago antipoverty worker, each is a success story.

Their success is that they now have choices and are able "to see that things can be different," said the determined, scrappy mother of six who is not too far from poverty like the Fords'.

"I saw the signs of success when I first came to Chicago from Wyckham, Ga. and went to the offices of the housing authority. I saw all those black girls typing and working at desks and I was so proud I almost cried," she said.

Progress for Mrs. Perkins, however, was delayed, and for 18 years she lived in public housing projects where, she recalls, "it was crowded and there was garbage and frustration." She was on welfare in 1963 and remembers being at once moved by and bitter about the march on Washington: Moved because she saw a black man, Dr. King, "standing up for black people," and bitter because she was on welfare and working two jobs—"they made you lie and cheat in that system"—to pay tuition for her children to attend a parochial school.

But in 1965, her life changed concretely when she got a job making $87.50 a week in Chicago's antipoverty program. The benefits from the job were tangible and Mrs. Perkins counts among her blessings a small one-family home on a tree-lined street, and an understanding of blacks' relationship to the nation's institutions through the antipoverty program.

"But most important," said Mrs. Perkins, rising from a chair in her comfortable living room and approaching the mantelpiece, "are these."

She was clutching four bound high school diplomas belonging to her four oldest children.

"Now I have something to give, white people," she said in a determined and combative tone that has replaced bitterness. "Before when I was in the projects I didn't understand why we were in that spot. We had no skills, no education, and it all seems designed for us to be ignorant."

Although her children will not have the same problem, Mrs. Perkins said, she is reminded each day as she visits the public housing units where she once lived that "there are more mothers in there like I was than there are where I am now."

Nor does she have to look very far in her own life for the racial cues that remind her of her race and status in the society and how roughly the institutions handle her. Her home, for example, is old and she paid more for it than it was worth.

"I was a block buster and didn't even know it. Anytime blacks from the low-income level get something it's worn out when we get it," she said.

The community, known as Highland, is all-black now, and she said it requires constant vigilance and pressure by residents to make sure that city services do not slack off.

Her job with the antipoverty program is in jeopardy now, with the possibility of Federal budget cuts, and she sees her present status as precarious.

But the most personal reminder of her blackness, one that helped shape her present attitudes, came last December when her 18-year-old son, Gregory, was shot and killed inside the Chicago vocational school he attended. The police got in touch with her only once, she said, and told her that her son was dead and that their investigation showed that he had been killed by an unknown accomplice in a robbery.

There was little explanation beyond that, and as far as she knows little investigation into the killing. There were never any arrests, and Mrs. Perkins doubts the police account. "If I had been white, the institutions would have rallied to my support and demanded justice," she said. "But our system is still a dual system."

For most, the last 10 years has not radically changed their perception of a dual society, just complicated it and made the pressures they face more subtle.

In 1957, the sociologist E. Franklin Frazier could write that the response to the dual society by blacks was to aspire, in a sense, to be white. He wrote that blacks had distanced themselves from "roots" among blacks but that, for all their efforts, they continued to stand outside white society. They were rapidly on their way, he wrote, to "becoming nobody" rather than somebody.

But the effect of black consciousness, which Mr. Crooks said "had pumped something positive into something that was considered negative," has for many somehow balanced the scales in which their lives are weighed.

Two Cities, North and South, Show Progress by Blacks

(This is the third in a series of articles examining conditions and attitudes in black America 10 years after the march on Washington.)

(By B. Drummond Ayres, Jr.)

In the early sixties, Floyd and Minnie Johnson always dreaded the two-day, 700-mile drive from Dayton, Ohio, to Jackson, Miss.

If you were black in those years of "whites only" prejudice, going back down home to visit relatives meant a lunch of crackers and soda pop wolfed down in the car, an uncomfortable overnight stay in an obscure Tennessee hotel and rest stops at crossroads gas stations with humiliating outdoor toilets marked "Colored."

Today, a decade after the march on Washington of August, 1963, the Johnsons make the trip as easily and comfortably as any white couple, stopping where fancy strikes, without fear of verbal insult from some short-order cook or physical assault by an over-zealous deputy sheriff.

Arriving in Jackson, the city where the police once hauled off civil rights marchers in filthy garbage trucks and Medgar Evers was gunned down, the Johnsons find blacks and whites swimming together in a motel pool, eating together in the city's best restaurant (though its walls are still decorated with black mammies), working together in a prestigious law office, going to school together, even going to the polls together.

The scene back in Dayton is not much different.

In fact, a comparison of racial progress made in the last 10 years in Dayton and Jackson, each rather typical of other communities in its region, shows that the Southern city now treats blacks much the same as the Northern city in most crucial respects—and even better in some.

The laws and court decisions resulting from the civil rights movement, aimed more at the South than the North, have done much of their intended work in Jackson. Racial inequality and the grinding poverty that goes with it still exist there, but, open, harsh discrimination has been eliminated.

"It's a real eye-opener," says Floyd Johnson, a businessman who has gone from carrying a picket sign to investing in lucrative cable television systems.

Some important disparities remain. Using the leverage of Federal antipoverty programs and Federal hiring regulations, Dayton and other Northern cities have provided blacks with more and better job opportunities. In Jackson, where city fathers rejected antipoverty dollars for years, blacks are just now beginning to make this sort of subtle, less visible economic progress.

On the other hand, Jackson—responding to a court order—has pushed ahead of Dayton in desegregating its public schools. Dayton now faces court action, something Jackson first experienced back in 1963.

As for the Rev. Dr. Martin Luther King Jr.'s 10-year-old dream of a genuinely integrated society—a society integrated in spirit as well as substance—neither city has achieved it. But the white flight to ethnically pure suburbs has been swifter in Dayton.

Still, all things considered, both Jackson and Dayton are better places for blacks to live in today than they were a decade ago. A closer look at both cities and the forces that came to play on them in those years further explains why.

Jackson, founded in the early eighteen hundreds and named for Andrew Jackson, is situated in the center of Mississippi and is the state's capital. The city proper has a population of 155,000, about 40 per cent black, while the greater metropolitan area has a population of 280,000, about 35 per cent black.

Jackson makes its living from state government, petroleum, lumber and light industry.

Like many cities, Jackson is drying up downtown and blossoming on the edges. Its suburban sprawl has that universal look that results from throwing together plastic, glass, fast food, shopping malls, subdivisions and new residents from Bakersfield, Buffalo and Baltimore.

But old Jackson is still unmistakably Southern—words with the edges rounded off, magnolias in the front yard, grits at breakfast, blacks living in shotgun shacks hired by factories, locals nodding hello to strangers, smack in the middle of a busy capital street crosswalk.

TWO SEPARATE WORLDS

Race had always been an issue in Jackson. During the Civil War, Sherman burned the city, leaving it with the nickname "Chimneyville."

As the centennial anniversary of that sacking neared, the issue was as prominent as ever. The black man still was not free in Jackson.

"In the nineteen sixties blacks and whites in Jackson lived in two separate worlds under police-state conditions set forth by whites," recalls Robert L. T. Smith, Jr., a prominent Negro grocer and builder whose best man in marriage was Medgar Evers.

There was a dual school system.

Blacks rode in the back of city buses.

Toilets in public buildings were marked "White" and "Colored."

Though Jackson can be "hotter than a pepper sprout," there was only one water fountain marked "Colored" up and down the entire length of Capitol Street, the main shopping and business thoroughfare.

Not a single department store provided dressing rooms for Negroes purchasing clothing.

Blacks were excluded from the city auditorium, from downtown movie theaters, from the main library, from parks and playgrounds in white residential areas.

There were no black clerks, no black secretaries, no black executives, no black policemen. Even garbage trucks were driven by whites.

MESSAGE OF THE MOVEMENT

The brother-to-brother grapevine that told Floyd and Minnie Johnson where to pull off the road on the way from Dayton to Jackson, a black Baedecker for Negroes traveling in the South, also passed on to blacks in Jackson what happened to Negroes who challenged the system. Everyone living on Lynch Street, a main ghetto thoroughfare, knew why a church would suddenly go up in flames or why an "uppity" friend would suddenly disappear.

Then, in the summer of 1961, the "freedom riders" came, bringing Jackson the message of the movement, challenging the white man's right to segregate waiting rooms and toilets at the bus station.

The white man resisted.

Blacks died—Medgar Evers in his driveway, two young men on the campus of Jackson State University.

There were beatings—Memphis Norman as he tried to integrate the lunch counter at Woolworth's, the Rev. Ed King as he marched on Capitol Street.

Thousands were arrested—hauled off in garbage trucks to exhibition cattle sheds dubbed "the fairgrounds motel," tried and found guilty of "contributing" to juvenile delinquency by persuading minors to join in protest demonstrations.

Still, the momentum built, not only in Jackson but all over the South, culminating in the 1964 Public Accommodations Act and the 1965 Voting Rights Act.

Three days after the accommodations act was signed into law by President Lyndon B. Johnson, a dozen blacks entered previously all-white hotels and restaurants in Jackson and were given rooms and meals, thereby knocking down race barriers that had been inviolate since before Jackson's founding.

HARD CORE SOFTENS A BIT

The change had started.

It is visible everywhere today, not just in motel swimming pools, restaurants and schools but also in more subtle areas.

A black mannequin stands in a department store window on Capitol Street.

A black announcer reads the local television news.

A black policeman answers a call in a white neighborhood.

A white restaurateur, forced by law to serve blacks, finally gives in the last segregationist inch and begins accepting 50-cent pieces bearing the likeness of one of the American Negro's great heroes, John F. Kennedy.

A hard-core member of Ku Klux Klan, Joe Denver Hawkins, spiels out the old rhetoric of racism for an entire lunch hour, then in an unguarded moment of insight says:

"I've come to where I don't mind seeing them in restaurants."

Catching himself, he adds quickly:

"But it's our little children and the women I worry about. God didn't mean for the races to mix and . . .".

Of course, some things have not changed.

Jackson still seems to think that only whites can fight fires, wire houses and install plumbing.

Though many of Jackson's blacks depend on public buses to move about the city, bus service remains infrequent and irregular in and out of the ghetto—except early in the morning and late in the afternoon when the white folks' maids are on the move.

While she seldom is issued a separate set of eating utensils any longer, the maid is still very much a part of life in white Jackson. A few weeks ago, Mrs. Bessie Smith, a black woman, walked into the main office of a local gas company and approached the white receptionist. This was the exchange:

RECEPTIONIST. May I help you?

Mrs. SMITH. Yes, I want to inquire about a job.

RECEPTIONIST. Oh, we don't need any maids.

Mrs. Smith is a trained data collection specialist.

There are other examples of the durability of old attitudes and perceptions.

When Mrs. Smith's daughter phoned a rental agent about inspecting an apartment advertised in a Jackson newspaper, the agent told her to meet him there. The address was in a white neighborhood.

She arrived. The agent said: "Sorry, it's just been rented."

As in any American city, decent housing is a major problem for blacks living in Jackson. Until recently, the city avoided deep involvement in Federal housing programs because the money for them usually has desegregation strings attached

With nowhere else to go, many of Jackson's Negroes are forced to live in shotgun shacks, those flimsy Southern structures with rooms—and doors to the rooms—positioned one behind another so that a load of buckshot fired through the front door would pass out the back door without hitting anything in between.

Those blacks able to purchase housing in "nice neighborhoods" pay dearly.

"My place cost me $8,000 more than it would have cost any white," says Dr. Aaron Shirley, a physician.

Actually, desegregated housing is not as much an issue in a Southern city like Jackson as it is in a Northern city like Dayton. Most Dixie towns and cities long have had some mixed neighborhoods, an outgrowth of the Southern desire to have servants and field hands living conveniently nearby.

Southern whites will flee when a black moves onto the block. But they tend to hang around longer than white Northerners before packing up.

Thus, the white-black ratio changed more slowly in Jackson than in Dayton in the last decade.

Jackson started out 36 percent black and now is 40 percent black. Dayton started out 20 percent black and now is 31 percent black.

In Jackson, as well as Dayton, the school situation bears heavily on the problem of white flight.

Dr. King might well be more pleased with what has happened in Jackson than with what has happened in Dayton.

Jackson's schools are fairly desegregated, half white and half black in a number of instances.

True, it took a court order to accomplish this. Furthermore, 40 percent of all white students attend private schools of questionable academic quality.

But those whites remaining in the public system are in integrated classrooms. And some of the whites are beginning to trickle back from the private schools.

In Dayton, only a few schools have significant numbers of blacks and whites attending classes together—and most of them are in transitional neighborhoods.

IT'S COMING ALONG

"I don't want to pretend that everything is perfect by any means," says Miss Mary Jane Pell, a Jackson teacher, "but we haven't had a lot of tension or fighting, though the youngsters still tend to sit apart and eat apart. It's coming along. People said the South would solve its problems before the North."

In Dayton, racial tension once forced athletic officials to close gymnasium doors to the public when a basketball team from a predominantly white school played a team from a predominantly black school.

Several developments helped Jackson ease its school desegregation problems.

Faced with a court order to get on with the job, school officials attempted to allay white fears by upgrading the quality of education. Federal funds, previously spurned, were used to hire extra teachers.

At the same time, Jackson's leading white businessmen sponsored a series of newspaper ads petitioning whites and blacks to make school desegregation work. An economic survey had shown that racial tension was driving business away from the city.

"The desegregation of the schools was progress, but it's important to note that it was progress that didn't come from the heart," says Mel Leventhal, the Jackson representative of the N.A.A.C.P. Legal Defense and Educational Fund Inc.

The diminution of racism in Jackson, has been accompanied by a rise in black political power. Free to vote, blacks are beginning to make their political desires felt, though they do not yet participate in large enough numbers to elect Negroes to key positions, something blacks in a number of other Mississippi communities have accomplished.

"The big problem is getting organized," says Mrs. Patricia Derian, a white Jacksonian who serves as Mississippi's Democratic committeewoman. She adds:

"Politically, what we've had in Mississippi is the Middle Ages, a handful of whites in absolute control. Not many people around Jackson, particularly blacks, have ever really participated in politics. Change is coming, though it's not yet the renaissance."

The political renaissance has not yet come to Dayton, either, which has a population of 260,000, one-third black. But it is closer.

BLACKS ELEVATED IN DAYTON

The southwest Ohio city—founded late in the seventeen-hundreds, home of the Wright brothers and producer of cash registers, machine tools and auto parts—has been electing and hiring a few blacks to high political and administrative office for several years.

It has made a determined effort to make the percentage of blacks on the city work force equal to the percentage of blacks living in the city.

Some whites have resisted—among them a number of white policemen—but the drive has been successful, by and large.

Three years ago, when Mayor Dave Hall was forced to resign because of bad health, the Dayton City Commission chose a black member, James McGee, to fill Mr. Hall's unexpired term. Today, having won the confidence of many white Daytonians, Mr. McGee is given an excellent chance of capturing the job in his own right when elections come up this fall.

IT'S A MATTER OF FEAR

Still, it would be misleading to read too much into such a victory. The town's majority white population may be willing at the moment, to elect a minority Mayor. But increasing numbers of white voters are fleeing the city's core, with its rambling frame houses and its blocks of box-like factories, moving as deep into surrounding suburbia as money will buy, running headlong away from schools and neighborhoods in racial transition.

Already, more people live outside the city limits than inside. Some blocks sprout forests of "for sale" signs.

A special law permits the a block is designated "sensitive," or panicky. But the law has never been very effective.

"It's a matter of fear, prejudice and exploitative real estate practices," says Joseph Wine, a former councilman once responsible for administering the law.

George Cooper, a top black assistant to Mayor McGee, adds a personal note, saying:

"I moved in next to a white. He's trying hard as he can to sell out—even though he doesn't know me. The only exchange we've ever had was when I once yelled across that his lawn hose was leaking."

Many of the whites left in Dayton are childless or have no children of school age. Thus, though the city is now only one-third black, the school system is almost 45 per cent black.

"If we don't stop white flight, we won't survive," says James Kunde, the city manager.

There are plans to annex the fleeing whites, plans to draw them back downtown with real estate tax breaks, plans to scatter public housing—and thus Negroes—throughout the metropolitan area, thereby breaking up the heavy black concentrations that put whites to flight. This latter plan is being watched with great interest by housing specialists everywhere.

Jackson slowed white flight with hard-nosed, if long-delayed, community leadership and by upgrading the quality of public education at the crucial point.

SCHOOL DISPUTE PERSISTS

Dayton, on the other hand, is bogged down at the crucial point in a school quarrel reminiscent of the sort of thing Jackson and other Southern cities went through a decade ago. The latest Dayton desegregation fight involves freedom of choice and the dismissal of a liberal school superintendent.

If Dayton seems confused about how to handle its school and housing problems, perhaps it is because this is one of the few times race has been the city's biggest issue.

Before World War II Dayton had no "Negro problem." Most of the people punching the time clocks in its factories were whites.

But then, after the war, came the black exodus from the South, a steady stream of Negroes driven northward by agricultural mechanization and racial prejudice.

They came from as far down as Florida and as far out as Texas, searching for work and equality. Among them were Floyd and Minnie Johnson.

"I arrived in the early nineteen-sixties, and compared to the South, things weren't so bad in Dayton," Mrs. Johnson recalls, adding:

"Down in Jackson, blacks were struggling just to get into restaurants. In Dayton, the struggle was to get jobs in the restaurants."

Mr. Johnson was arrested picketing Rikes, Dayton's largest department store. The management refused to hire black clerks.

Eventually, however, the store gave in, going so far as to hire Mr. Johnson. He worked as a salesman there for several years.

Today, the store's manager is black.

Throughout most of the early years of the civil rights movement, Dayton—like most Northern cities—was relatively quiet.

THE ANTIPOVERTY IMPACT

"When you marched in Dayton in those days, you felt that what you were really doing was supporting your brother who was struggling somewhere down South," says James Fain, a white gadfly newspaperman who has used The Dayton Daily News to goad his city further and further along the path of brotherhood.

Then, in September, 1966, Dayton's blacks rioted. It was not a very serious riot compared to eruptions elsewhere, but several blocks were looted and singed and that was enough to remind the city that Dr. King's dream was still only a dream.

Shaken and embarrased, the Dayton power structure set up a biracial committee to talk things over. Efforts were increased to bring more Federal antipoverty projects into the city.

In retrospect, those programs probably have done more for Dayton's blacks than anything else, for picketing and singing "We Shall Overcome" was not what the movement was really all about in Dayton from 1963 to 1973.

First, the programs—housing, day care, education—provided jobs for the people overseeing them. Then, they forced the contractors bidding on the various construction projects involved to hire blacks. Finally, the projects that sometimes required neighborhood approval—model cities, for example—helped blacks to learn political organization and tactics.

"Without the Federal program, Dayton wouldn't have changed much in terms of race between 1963 and 1973," says Jon Cummings, a personnel specialist for the city.

What of the future?

In both Dayton and Jackson, the movement is hard to find these days, not only in terms of manpower but also in terms of thrust.

"It's also diffused and complicated now," says the Rev. Gordon Price, one of the 200 people who followed Dr. King to the Lincoln Memorial. Mr. Price, white rector of an Episcopal church in downtown Dayton adds:

"Back at the time of the march, we thought all we had to do was join hands, black and white together, and things would be made right.

WILL TAKE A LONG TIME

"Well, some things were. But the tough nuts to crack, like housing and schools, these don't respond to that sort of attack. This is going to take a long time."

Clarence Bowman, head of the Dayton branch of the National Association for the Advancement of Colored People agrees with Mr. Price. But he worries that some of his white liberal friends will not wait around that long.

"Sure, they're tired," he said, "but they're also a bit turned off by black militants and black separatists."

In Jackson, where more than 200 civil rights workers were once headquartered, only a handful remain, most laboring quietly, monitoring, conducting holding operations.

The other day, Charlie Horwitz pulled out. He had spent most his twenties—nine hard years—in Jackson, a white man fighting for black rights, stoically enduring the danger and abuse that ensued.

"I'm burned out," he said as he headed off for a new career as a law student in Washington. Then he added: "Nobody cares much anymore, not even the red necks."

Whatever happened to Memphis Norman, the black youth knocked off the stool at Woolworth in downtown Jackson?

No one remembered.

And that worries Ed King more than anything else. Mr. King, the white minister who used to lead many of the marches on Capitol Street, says:

"People who can't remember how far we've come are not likely to care about how far we've still got to go."

When they were out on the road back in the old days, Floyd and Minnie Johnson never thought it would come to this.

Civil Rights Unity Gone in Redirected Movement

(This is the fourth in a series of articles examining conditions and attitudes 10 years after the march on Washington.)

(By Paul Delaney)

Ten years ago Hannah D. Atkins, a State Representative in Oklahoma, and J. L. Chestnut, a Selma, Ala., lawyer, frequently entertained whites in their homes.

Today, neither bothers, unless it as absolutely necessary.

Ten years ago, there was a spirit of togetherness among blacks and whites and it was the guiding principle of the civil rights movement.

Today, blacks snicker at the refrain, "black and white together," from the theme song of the movement, "We Shall Overcome." If anybody still sings the theme, it is possibly a nostalgic white liberal.

Neither Mrs. Atkins nor Mr. Chestnut is regarded as a wildeyed radical or as antiwhite.

But because both may fairly be regarded as solid black bourgeois, their attitudes raise one of the central questions worth asking 10 years after the Rev. Dr. Martin Luther King Jr.'s dramatic speech during the march on Washington on Aug. 28, 1963: What has become of the civil rights movement of the sixties?

On the face of it, the answer is clear: the "movement"—at least to those who knew it as mass protest, spirited rhetoric, and a deep and widespread feeling of interracial fellowship—exists no more. The quest for human equality goes on, but its targets have changed and its passions have been redirected.

Ten years ago, the movement's major goal was to win for blacks basic legal rights that had long been routinely granted to whites. Today, the residual energies of that movement are focused on politics and economics, on the formidable task of translating into memory the right to wield influence at the ballot box and in the marketplace.

MEETING IN DENVER

On Monday, for example, black Democratic and Republican leaders met in Denver to begin charting new political strategies and, specifically, to devise ways of increasing minority participation in national conventions and arresting the gradual decline in black voters in national elections. The meeting was arranged by three of the most prominent members of the new breed of black politicians—State Senator George Brown of Colorado, State Representative Julian Bond of Georgia, and Mayor Richard G. Hatcher of Gary, Ind.

Ten years ago, there were only three blacks in Congress. Today, there are 16 Representatives and one Senator. Ten years ago, there were only a few state and locally elected blacks; today, there are over 2,600, according to the Joint Center for Political Studies.

Ten years ago, the gross national product of the black community was estimated at less than $20-billion; today, it is said to be more than $50-billion. To be sure, the gross national product as a whole has also grown rapidly; but unlike 1963, there is, in just about every major city and many towns and rural areas, one or more fledgling organization devoted exclusively to black economic development.

Ten years ago, four major civil rights organizations dominated the black community and commanded the headlines: the National Association for the Advancement of Colored People, the Student Non-Violent Coordinating Committee, the Congress of Racial Equality, and Dr. King's Southern Christian Leadership Conference.

Of these, only the N.A.A.C.P. retains its original identity as, increasingly, blacks have directed their commitment to smaller groups with more narrowly defined purposes; the National Welfare Rights Organization, the National Association of Community Developers, the National Sharecroppers Fund, the National Tenants Organization, the Movement for Economic Justice, the Urban Coalition, and others—literally, an organization for every cause.

The National Urban League, which was not regarded as a civil rights organization similar to S.N.C.C. or S.C.L.C., nevertheless provided the movement with key leadership, most prominently that of its late director, Whitney M. Young, Jr. Even today it remains a vital force in the black quest for more and better job opportunities.

Few of the gains made in the last decade would have been possible without the movement and, in particular, its legislative offspring; the Public Accommodations Act of 1964, the Voting Rights Act of 1965, and sections of the Elementary and Secondary Education Act of 1965, all of which owed much to the defiant tactics and unyielding convictions of those who marched not just in Washington but in Albany, Ga., Birmingham, Ala., Nashville, Tenn., Selma, Ala., St. Augustine, Fla., and Bogalusa, La.

Moreover, the movement gave blacks a strong sense of self-awareness that allowed them to be more comfortable with the fact of their blackness and gave them a keener appreciation of their common cause.

As Lonnie King, Jr., who led demonstrations in Atlanta and now owns a consulting company there, put it not long ago: "The movement awakened a very sleepy population to the fact that it can aspire to the highest."

And to others—including Mary King, a former S.N.C.C. publicist who now lives in Washington—the movement was a phenomenon that would never be duplicated. "It was incredible that a bunch of college kids were able to make the impact we made," she says. "It was one of the great events of history."

Beyond that, the movement gave hope to other groups who freely borrowed the tactics, symbols and slogans of civil rights advocates. These included women, white ethnics, Spanish-Americans, Indians, college students and homosexuals.

SLOGANS ARE COPIED

The slogan "black power" was copied and became "senior power" and "gay power," among others. It was not uncommon for Polish-Americans and Italian-Americans to raise a clenched fist, the black power salute. Eventually, President Johnson was to utter, "we shall overcome," and President Nixon was to adopt the Black Panther slogan, "power to the people."

The movement represented a drive for economic opportunity as well as legal parity, and here again there were tangible results. "It helped raise the lower economic class a little," comments Charles Black, a leader in the Atlanta student movement who is now a consultant in that city. His friend, Lonnie King, adds, "A very substantial number of blacks are better off now."

But both men agree that black economic progress has been too little and too slow, leaving millions untouched, and both share with Hannah Atkins, the Oklahoma State Representative, a nagging sense that "progress has been kind of mixed; we seem to take one step forward and two steps backwards."

This continuing and pervasive sense of economic injustice—the feeling that American institutions were fundamentally unresponsive to the requirements of the black masses—angered blacks and did much to damage the movement and discredit the feeling of black-white togetherness that helped shape it.

"While the movement raised the aspirations of blacks it left many of them frustrated when they could not enjoy the benefits of those newly won rights," said Lonnie King. "The riots of the mid-to-late 'sixties were a result of that frustration. Most blacks couldn't buy a steak at the desegregated restaurant because they didn't have the money, and they couldn't buy a $30,000 house on a $2 an hour salary."

Charles Hamilton, a black historian who teaches at Columbia, makes much the same point in somewhat different terms, asserting that nearly all struggles tend to be governed by a small elite and tend to yield most of their gains to a relatively small and highly visible group.

"It is more difficult," he said in an interview, "for society to accommodate to the demands or interests of the masses [unless it is prepared to] question some of the fundamental bases of the system."

But economic disappointments alone did not kill the movement. It suffered, too, from increasingly abrasive relations between whites and blacks who had once been friends and allies, from the violence that characterized black protests as time passed, from a fragmentation of leadership, from the increasing complexity and difficulty of the problems that the movement confronted as it shifted its concerns to the industrial centers and urban ghettoes of the North.

The feeling that white liberals ran out on black problems before the problems were solved is pervasive in the black community, and is considered a prime reason that even middle-class blacks are hostile.

"There is now a rejection of whites by blacks, great animosity, even repulsion," said Mrs. Atkins, the Oklahoma legislator.

"Blacks are repulsed because they feel betrayed by whites, feel that white liberals turned and ran when the crunch came. We feel that liberals were part of schemes to get around integration laws, in housing and schools.

"Ten years ago, we entertained whites a lot in our home—my husband was head of the local Urban League. We went to dances with whites, but we don't anymore. We go to cocktail parties now out of obligation. But I just don't feel like entertaining whites in my home."

Mr. Chestnut, the movement lawyer in Selma, says he now gets more protests from his two daughters over entertaining whites in his home. His daughters were 8 and 11 years old a decade ago.

"They marched when Dr. King pulled the students out of school and they expected a lot out of integration," Mr. Chestnut recalls. "But then they saw that whites didn't mean it. They had bitter experiences with school integration, too, where whites abandoned the public schools rather than go to school with blacks. All of this left a bitter taste in my daughters and many of their friends."

White America too, was puzzled as liberals found themselves increasingly shut out from the movement to which they had given their energies, increasingly disillusioned—or frightened—by the anger of a newly militant black community.

For Northern whites, it was one thing to redress grievances in the South but quite another when the issue was brought home to New York, where bridge traffic was stopped; to Cleveland, where bulldozers were blocked at school construction sites; and to Chicago, where Dr. King tried—unsuccessfully—to rally white opposition to segregated housing in suburban Cicero.

Thus in 1965, whites in Detroit were able to eulogize Viola Liuzzo, the white mother of five who was shot to death during the Selma movement. But two years later, white Detroiters seemed baffled when their black neighbors rioted; still later, when a Federal judge ruled that the city must undertake areawide busing to correct racial segregation in its schools, whites reacted with the undisguised hostility that has marked busing disputes in a number of Northern cities.

"The movement was happening in the South so Northern liberals could feel self-righteous and feel guilty without really hurting themselves," said the Rev. Jesse L. Jackson, president of Operation PUSH (People United to Save Humanity), a Chicago based group devoted to black economic progress.

"Hope was raised in the South and fulfillment came," he went on. "Hope was raised in the North but there was no fulfillment."

And as the focus of the movement shifted northward so, too, did black people themselves, forming a steady procession of humanity that reinforced old problems and hastened the search for new organizations to solve them.

Between 1960 and 1970, for example, 1,380,000 blacks left the South and journeyed to the already over-crowded ghettos and marginal neighborhoods of the urban North—a loss of nearly one-eighth of the South's entire black population. Of these, nearly half settled in the industrial Northeast, the rest in the big cities of central states and on the West Coast.

Deep in the hot and crowded slums, the movement took on a more anti-white and pro-black fervor. The Black Panthers were formed and found easy recruitment among restless urban youth. Intellectuals turned once again to African roots for solace and inspiration, just as blacks had done at the turn of the century.

Meanwhile, men like George Wiley—who drowned earlier this month—turned from the established institutions and began attacking specific urban ills. First Mr. Wiley organized welfare recipients into the militant

National Welfare Rights Organization; then he formed the Movement for Economic Justice, which he hoped would attract allies from other minorities.

The toll on the older organizations was heavy. The N.A.A.C.P. returned to its legal fight to end discrimination through the courts; the Southern Christian Leadership Conference, deprived of its leader by an assassin's bullet, is today broke and disorganized.

The Congress of Racial Equality became a black nationalist organization pushing a philosophy without a program, gaining attention only because of its charismatic leader, Roy Innis. And the Student Non-Violent Coordinating Committee—the young commandos of the early nineteen-sixties flirted briefly with a militant, all-black nationalism and then went out of business altogether.

The history of the Student Non-Violent Coordinating Committee—a history at once brief and incandescent—tells much about the rise and fall of the movement, its joys and sorrows.

Beginning on Feb. 1, 1960—when four students at North Carolina A&T College in Greensboro decided to sit in at the white-only lunch counter at the local Woolworth's—and sweeping through the next four years, the young men and women of S.N.C.C. brought the movement to nearly every black campus in the nation, helped organize demonstrations at the rate of 40 or 50 a week, and lured a seemingly unending stream of students into the South to fight the laws and customs of Jim Crow. Its philosophy was one of love and nonviolence; its tactics were those of confrontation.

From the beginning, the organization of youngsters daringly, almost arrogantly, flaunted integration before the eyes of whites, who after getting over being flabbergasted retaliated with a wave of bombings, beatings, jailings and killings that shook the nation.

The student committee dispatched integrated teams of students with the word to poor, scared, disbelieving blacks that they had the numbers, and most certainly the right, to change the system if they would register to vote.

"We began in Southwest Georgia and Mississippi because we knew they would be tough to crack and because there was an abundance of organizations working urban areas and almost no national groups in rural areas," said Charlie Cobb, a former S.N.C.C. leader who was beaten and arrested many times.

"In many places, we were the first visible organization to come in, and that was good for local people," he said. "S.N.C.C. made voter discrimination a national issue in the North as well as the South. We destroyed the myth that blacks didn't want to vote, as white Southerners claimed in denying blacks the right to vote."

The young students of S.N.C.C. carried their enthusiastic idealism with them wherever they went, and as it turned out their unyielding zeal was their downfall. The end began, perhaps, with the march on Washington, a day they had envisioned as one of civil disobedience intended to stop the Federal Government until it recognized and dealt with the problems in Mississippi.

But older, more experienced leaders and organizations, in concert with the Administration of President Kennedy, made the march the biggest in history for civil rights, with the goals of "jobs and freedom."

The S.N.C.C. youths were bitter, and took their bitterness back South, with an increasing distrust of all others.

THE CRACK IN THE MOVEMENT

"The march was the crack in the movement, that laid the seed for the destruction of the movement," remarked Ed Brown, a S.N.C.C. leader and the brother of H. Rap Brown, a former chairman of the organization.

The distrust of white liberals and other civil rights organizations was further confirmed the next year, 1964, when S.N.C.C. led a challenge of the regular party delegates to the Democratic National Convention. That challenge failed and S.N.C.C. felt betrayed by politicians and older black leaders.

"We were politically naive," commented Charlie Cobb. "We really believed that since our cause was just and moral that we would win."

Ed Brown said, "If we hadn't believed so deeply, the shock would not have been so pronounced and the reaction so bitter. We were morally outraged."

The student committee plunged into a leadership crisis from which it never recovered. And sticking to its principles, it began alienating its supporters, first by kicking out whites, then by becoming the first civil rights organization to oppose the Vietnam War and finally by its opposition to Israel in the Six Day War of 1967.

The organization, Charlie Cobb said, "sort of just dwindled away after losing its campus base, its Southern base and its on-going programs. The organization became one of personalities rather than programs under Rap and Stokley Carmichael."

Today, many of the leaders of the defunct student committee still consider themselves activists, but chiefly from inside the system that they fought so hard to change. Most are connected in some way with the cause of blacks, other minorities and the poor as a whole.

A partial roll might include:

John Lewis, director of the Voter Education Project, which conducts registration campaigns and voter education among minorities. Ten years ago, as chairman of S.N.C.C., his stinging speech before the throng that gathered at the Lincoln Memorial was toned down after Archbishop Patrick O'-Boyle of Washington objected to some passages.

Julian Bond is not only a member of the Georgia General Assembly but also is president of the Southern Elections Fund, which raises money to aid mostly black political candidates in the South. A decade ago, he was director of public relations for the student committee.

Robert Zellner, who led more demonstrations than any other white S.N.C.C. leader and who, like so many others of the militant youthful organization, bears the scars of numerous beatings, heeded the advice of his black colleagues that whites go into their own community to bring about change. He is organizing white pulpwood workers in Louisiana and Mississippi.

Bob Moses, once regarded as the spiritual leader of the student committee and author of many of its programs is teaching school in Tanzania.

Marion Barry, the first chairman of S.N.C.C., is president of the board of education of Washington.

"Rap" Brown, also a former chairman, was recently sent to prison in connection with a robbery attempt and shootout with New York policemen. A fiery speaker, Brown was accused of inciting riots in several cities, including Cambridge, Md., and Dayton, Ohio, where disturbances followed his appearances.

Stokely Carmichael, perhaps the best known former head of S.N.C.C., who helped usher in a new era of black awareness with his shouts of "black power," has organized a black political party with the aim of fostering stronger ties between American blacks and black Africans.

The roll would also include some leaders of other organizations who are now dead: Whitney Young, head of the National Urban League and considered a bridge between the conservatism of the N.A.A.C.P. and the militancy of S.N.C.C. and C.O.R.E.; Medgar Evers, head of the N.A.A.C.P. in Mississippi, Dr. Wiley, the organizer of welfare recipients, and of course Dr. King.

A. Philip Randolph, former president of the International Brotherhood of Sleeping Car Porters and dean of Civil Rights Leaders, is retired, ailing and writing his memoirs in his New York apartment.

Bayard Rustin, former aide to Mr. Randolph, is now in the labor movement. James Farmer, who went on to become Assistant Secretary of Health, Education and Welfare was head of C.O.R.E., in the Nixon Administration, is now speaking and writing. Floyd McKissick, who succeeded Mr. Farmer at C.O.R.E., is now building an all-black community in North Carolina.

And Jesse Jackson, who was a student at North Carolina A&T College when the first sitins occurred and eventually became an aide to Dr. King, is now a leading spokesman for political, social, and economic equality and parity."

"The seeds sown in 1963 have borne fruit," Mr. Jackson remarked in a recent interview. "We have more ethnic consciousness now. We are less likely to be put back into slavery. We are better equipped intellectually, emotionally and technically to protect ourselves. We finally had to come to that independence to get to the next step.

"This time," he added, "we are moving from the civil rights struggle, where the object was citizenship, to the fight for equality and parity."

In retrospect, many blacks agree that the struggle—though different in its tactics, its rhetoric and its style of leadership—is still on course. As Charles Black, the former student leader who is now a consultant in Atlanta, put it:

"We are older and maybe a little wiser, and certainly a little more conservative than 10 years ago. We are in the system now and we should be there. But there should be younger, more militant people pushing and prodding us, as we did then."

MAINE'S EXPERIENCE WITH THE INTERGOVERNMENTAL PERSONNEL ACT OF 1970

Mr. MUSKIE. Mr. President, Gov. Kenneth M. Curtis of Maine has sent me the first year summary and evaluation report of the Maine government personnel assessment and training program funded by Maine's fiscal year 1972 grant award under the Intergovernmental Personnel Act. Among other achievements of its first year in operation, the Intergovernmental Personnel Act was responsible for offering 637 Maine public officials almost 16,000 man-hours of training in such different areas as supervision in the public service, developing communication skills, effective oral and written presentation, and labor relations. Comments from participants in these training sessions were highly favorable.

The Intergovernmental Personnel Act was enacted January 5, 1970, after several years of intensive review by the Congress. Designed primarily to help strengthen the personnel resources of State and local governments through Federal grants and technical assistance for training, the IPA has proved itself to be an extremely effective and popular program at a very modest cost to the Federal Government. Since 1970, IPA appropriations have gradually increased to a level of $15 million in fiscal year 1973. The fiscal year 1974 request, however, was reduced to $10 million on the understanding that this reduction would be offset by carryover funds. However, it is my understanding that virtually all of the carryover funds have already been committed by the Civil Service Commission, which administers the IPA program. In effect, the $10 million request represents a cutback of $5 million.

Mr. President, it would be extremely unfortunate if the momentum and achievements of the first 3 years of the Intergovernmental Personnel Act program were set back by this reduced budget request, and I hope that the Senate will consider increasing the appropriation to the $15 million level. I ask unanimous consent that the Maine evaluation report be printed in the Record as a document of the program's effectiveness and popularity in my State.

There being no objection, the report was ordered to be printed in the Record, as follows:

Office of the Governor,
Augusta, Maine, July 5, 1973.

Mr. L. F. Cronin,
Regional Director, U.S. Civil Service Commission, John W. McCormack Post Office and Court House, Boston, Mass.

Dear Mr. Cronin: It is a pleasure to transmit to you this "First Year Summary And Evaluation Report" of the State of Maine's FY 72 Grant Award under the Intergovernmental Personnel Act of 1970.

The Maine Government Personnel Assessment and Training Program financed by IPA had the following major results:

(1) Increased the Bureau of Public Administration, University of Maine at Orono's capacity to provide a comprehensive and statewide general management educational program for Maine state and local government administrators;

(2) Increased the availability of and access to educational opportunities for in-service personnel with 32 total offerings held in regional locations throughout Maine and representing the delivery of more than 800 hours of instruction and about 15,850 man hours of participant involvement in training;

(3) Provided an assessment of state and local government personnel training needs as a foundation upon which to build future IPA and non-IPA sponsored offerings;

(4) Strengthened the intergovernmental communications and coordination network relative to public personnel and training services among the State Department of Personnel, Maine Municipal Association, the University of Maine at Orono—Bureau of Public Administration, and the U.S. Civil Service Commission Regional Training Center; and

(5) Upgraded the general management skills and abilities of more than 600 Maine government personnel increasing their individual and organizational capabilities to deliver improved public services to Maine citizens.

IPA first-year support has made a significant contribution in assisting Maine state and local governments strengthen their personnel administration and training. However, it must be considered only "a good beginning" and requires continued commitment and increased support if we are to achieve the results needed in these areas.

The staff assistance provided by your Intergovernmental Personnel Programs Division has been most appreciated.

Sincerely,

Kenneth M. Curtis,
Governor.

Intergovernmental Personnel Act of 1970—Maine Government Personnel Assessment and Training Program

(First year summary and evaluation report, January 1–December 31, 1972)

I. BUREAU OF PUBLIC ADMINISTRATION

In September 1971, Governor Kenneth M. Curtis designated the Bureau of Public Administration, University of Maine at Orono, as the agency to organize and administer a statewide program to identify and upgrade the general management skills and abilities of Maine government administrators, under the Intergovernmental Personnel Act of 1970.

The Bureau of Public Administration (BPA) was created by the 102nd Maine Legislature in 1965 as a part of the Department of Government (now Political Science) at the University of Maine at Orono, and charged with providing: (1) research on Maine governmental problems; (2) career development of Maine governmental employees through greater educational opportunities for public employees; and (3) publications on governmental subjects.

The BPA has been active in providing varied education and training programs for Maine governments during the past five years. It has developed as a recognized provider of career development courses aimed at upgrading the skills and abilities of Maine government personnel and thereby improving the quality of Maine public services.

The following is a report on Maine's first year IPA activities.

II. FIRST YEAR PROGRAM PLANS

Maine's first year grant award covered the period January 1, 1972, through December 31, 1972 and totalled $84,000 (including Maine's $60,000 share of federal IPA funds). The work program was designed by BPA in consultation with numerous state and local government officials. It had the specific endorsement of the Maine State Department of Personnel, the Maine Municipal Association (representing Maine local governments) and the metropolitan cities of Portland, Lewiston, Auburn and Bangor.

The first year IPA plan represented a two-pronged approach to meeting the personnel improvement needs of Maine governments. First, the plan aimed at meeting some of the basic education and training needs known to exist among state and local government administrative, professional, and technical personnel. The goal was to offer general management courses to an estimated 655 key Maine public officials.

Second, the first year plan included an assessment of state and local government manpower, training, and personnel service needs to provide a more solid foundation upon which future state/local personnel improvement activities and IPA funding priorities could be built.

III.—1ST YEAR IPA PROGRAM ACTIVITIES, TRAINING PROGRAM SUMMARY

Course and location	Number of participants	Men	Women	State	Local
Supervision in the public service, Sanford	17	10	7	13	4
Supervision in the public service, Farmington	13	11	2	9	4
Supervision in the public service, Brunswick	9	9	0	2	7
Supervision in the public service, Augusta	28	23	5	22	6
Supervision in the public service, Portland	21	18	3	9	12
Supervision in the public service, Presque Isle	11	8	3	3	8
Supervision in the public service, Bangor	27	20	7	20	7
Supervision in the public service, Auburn	29	23	6	13	16
Supervision in the public service, Rockland	12	10	2	7	5
Supervision in the public service, Pineland, No. 1	14	7	7	14	
Supervision in the public service, Pineland, No. 2	17	12	5	17	
Supervision in the public service, Pineland, No. 3	39	15	24	39	
Supervision in the public service, Pineland, No. 4	21	7	14	21	
Developing communication skills, Boothbay Harbor	10	7	3	4	6
Developing communication skills, Trenton	10	5	5	8	2
Developing communication skills, Augusta State Hospital	30	15	15	30	
Developing communication skills, Orono	29	19	10	12	17
Developing communication skills, Augusta	30	24	6	19	11
Developing communication skills, Augusta State Hospital	27	10	17	27	
Developing communication skills, Machias	9	8	1	5	4
Developing communication skills, Camden	17	13	4	8	9
Developing communication skills, Kennebunkport	13	9	4	5	8
Developing communication skills, Presque Isle	11	10	1	3	8
Effective oral presentation, Gorham	14	11	3	7	7
Effective oral presentation, Orono	17	14	3	4	3
Speaking for results, Augusta	26	14	12	17	9
Labor relations, Orono	20	20	0	13	7
Labor relations, South Portland	32	26	6	12	10
Effective writing seminar, Augusta	21	16	5	24	7
Do	20	15	5	18	2
How to improve individual manager performance, Boothbay Harbor	8	8	0	3	5
Do	19	16	3	14	5
Managerial grid seminar, Orono	16	14	2	6	10
Total	637	447	190	438	199

Supervision in the public service

The purpose of this course is to improve the public supervisor's knowledge of supervisory methods and to increase his skill in dealing with supervisory problems through group study and discussion.

The format used is participative learning—using games, role playing, case studies, and group discussion.

(10 sessions).

Topics covered in the course include:

The Supervisor's Job.
Planning Our Work.
Organizing Our Work.
Directing, Coordinating, Controlling Work Operations.
Delegation.
Motivating Employees.
Communication.
Employee Problems.
Personnel Problems.
Public Relations.

Supervision in the Public Service was presented in 10 areas of Maine utilizing funds from the Intergovernmental Personnel Act of 1970 to cover the major costs.

Location	Number of participants	Men	Women	State	Local
Sanford	17	10	7	13	4
Farmington	13	11	2	9	4
Brunswick	9	9	0	2	7
Augusta	28	23	5	22	6
Portland	21	18	3	9	12
Presque Isle	11	8	3	3	8
Bangor	27	20	7	20	7
Auburn	29	23	6	13	16
Rockland	12	10	2	7	5
Pineland	91	41	50	91	0
Total	258	173	85	189	69

The purpose of this three-day workshop is to examine and improve the way in which supervisors relate to other people in giving instructions, solving problems, and getting work done; and to continue to explore practical communication techniques for their job situation.

Films and small discussion groups are used to assist supervisors in exploring their own communication patterns, and to build a frame of reference for looking at the communication process.

Ten Developing Communication Skills workshops were offered during 1972:

Developing communication skills

(a 3-day workshop)

Workshop Outline:

Communication: Definition and Example.

The Communication Process.

Dealing With Resistance to Change.

Choosing Communication Patterns.

Listening.

Improving Feedback Skills.

Location	Number of partici-pants	Men	Women	State	Local
Boothbay Harbor	10	7	3	4	6
Trenton	10	5	5	8	2
Augusta State Hospital (2 workshops)	57	25	32	57	-----
Orono	29	19	10	12	17
Augusta	30	24	6	19	11
Machias	9	8	1	5	4
Camden	17	13	4	8	9
Kennebunkport	13	9	4	5	8
Presque Isle	11	10	1	3	8
Total	186	120	66	121	65

This 3-day workshop is designed to help managers, supervisors, technical and staff specialists develop their skills of oral expression in public and private speaking situations.

Participants have an opportunity to learn how to prepare for a talk, how to develop the subject, how to make a clear, natural and effective presentation, and the techniques of effective expression.

There is also ample opportunity for each participant to speak and to receive criticism and helpful guidance.

Effective oral presentation

(A 3-day workshop.)

Workshop Outline:

Process of Communication.

Planning the Presentation.

Structuring the Presentation.

Techniques of Effective Expresssion.

Impromptu Presentation Workshop.

Communication Aids.

Prepared Presentation Workshop.

Effective Oral Presentation was presented in three areas of the state:

Location	Number of partic-ipants	Men	Women	State	Local
Gorham	14	11	3	7	7
Orono	17	14	3	14	3
Augusta	26	14	12	17	9
Total	57	39	18	38	19

Labor relations in the public sector

This workshop is designed to provide all participants with a better understanding of labor-management relations in the government work setting.

The workshop explores sources of labor-management conflicts and techniques for identifying and correcting problems as well as handling and preventing grievances.

(a 3-day workshop)

Workshop Outline:

Labor-Management Relations in the Public Sector—the Whys and Wherefores.

Maine's Public Labor Law—Changes, Explanations and Substance.

How to Determine Units and Bargaining Agents.

The Negotiating Process: Preparation for Bargaining, What to Bargain, The Bargaining Process, Drafting and Interpreting Contract Clauses.

Resolution of Bargaining Impasses Mediation, Fact-finding, and Arbitration Contract Grievance Arbitration.

Contract Implementation & Administration, Grievance Handling, Contract Clauses—Their Importance, Strikes—Yes or No.

Labor Relations in the Public Sector was offered in two areas of the state:

Location	Number of partic-ipants	Men	Women	State	Local
Orono	20	20	0	13	7
South Portland	32	26	6	22	10
Total	52	46	6	35	17

Effective writing seminar

This 3-day seminar was developed to aid letter writers by stressing the value of effective letters to the reader, the writer, and the agency; pointing out principles of effective writing; giving participants practice in applying these principles; and enabling participants to diagnose their own writing.

(a 3-day seminar)

Seminar Outline:

What Writing is All About.

Structure in Report Writing.

Style and Tone.

Letter Writing.

Hints on Correct Usage.

Writers' Workshop.

The effective Writing Seminar was offered two times:

Location	Number of Partic-ipants	Men	Women	State	Local
Augusta	21	16	5	14	7
Augusta	20	15	5	18	2
Total	41	31	10	32	9

How to improve individual manager performance

This 3-day workshop exposes participants to the essential concepts of public service management. They have an opportunity to learn the necessity and criteria for writing position or job descriptions, the criteria for writing effective performance standards, and to practice writing such job descriptions and standards. They will also be exposed to the performance appraisal process and have the opportunity to try the ideas, concepts and methods presented and discussed.

(A 3-day workshop.)

The workshop is divided into four sessions:

The Concepts of Management.

Management Organization and Position Descriptions.

Standards of Performance for Managers.

Performance Appraisal for Managers.

Two sessions of How to Improve Individual Manager Performance were presented:

Location	Number of partic-ipants	Men	Women	State	Local
Boothbay Harbor	8	8	0	3	5
Boothbay Harbor	19	16	3	14	5
Total	27	24	3	17	10

Managerial grid seminar

This seminar is designed to provide participants with understanding of Grid theory and how it may be applied to raise levels of organization effectiveness. Learning objectives include:

Understanding your impact on others inside and outside your organization;

Increasing your leadership skills for better results through creative participation;

Improving your competence in working with groups in conflict; and

Strengthening your capacity to deal with the effects of your organization's culture—your objectivity in identifying and removing outmoded traditions, customs, and operatives include:

(A 1-week seminar)

This program was sponsored by the International City Management Association and coordinated in Maine by the Bureau.

Topics covered during the week included:

Improving Personal Leadership Effectiveness.

Evaluating the Work Culture.

Building Teamwork.

Improving Intergroup Relations.

Applying Learning to Achieve Results.

Planning Effectively.

The Marginal Grid Seminar was presented in one area of the state:

Orono:

Number of participants, 16.

Men, 14.

Women, 2.

State, 6.

Local, 10.

SUMMARY OF INSTRUCTION/MAN HOURS

Course	Total participants	Hours of instruction	Total hours	Man-hours of training received	Total hours
Supervision in the public service	258	24 hr×13 offerings	312	24 hr×258 participants	6, 192
Developing communication skills	186	24 hr×10 offerings	240	24 hr×186 participants	4, 464
Labor relations	52	24 hr×2 offerings	48	24 hr×52 participants	1, 248
How to improve individual manager performance	27	24 hr×2 offerings	48	24 hr×27 participants	648
Effective oral presentation	57	24 hr×3 offerings	72	24 hr×57 participants	1, 368
Effective writing seminar	41	24 hr×2 offerings	48	24 hr×41 participants	984
Managerial grid seminar	16	50 hr×1 offering	50	50 hr×16 participants	950
Total	637		818		15, 854

IV. FIRST YEAR PROGRAM RESULTS

Training program

Utilizing the past experience and resource capabilities of (1) the University of Maine at Orono's Bureau of Public Administration; (2) the Civil Service Commission's New England Regional Training Center; and (3) the International City Management Association, the following training programs were offered to state and local government personnel during the period January 1, 1972 through December 31, 1972:

BPA—Supervision in the Public Service: 13 presentations throughout the state; Developing Communication Skills: 10 presentations; and How to Improve Individual Manager Performance: 2 presentations.

USCSC—Effective Writing Seminar: 2 presentations; Effective Oral Presentation: 3 presentations; and Labor Relations in the Public Sector: 2 presentations.

ICMA—Managerial Grid Seminar: 1 presentation.

The training program was evaluated by: (1) utilizing an evaluation questionnaire with participants at the end of each course soliciting reactions to determine the extent to which the course met the participants' expectations, and needs and suggestions for improving and/or changing the course design, format or materials; (2) analysis of the instructional staff as to how the material appeared to meet participant needs and evaluating the course materials; and (3) determining, to the extent possible, the impact of the training in post-course changes in behavior and on-the-job results. Given the limited resources and a preference for maximum training delivery, post-course implementation of training by participants was measured only through random sampling techniques with trainees and their supervisors.

The results of Maine's first year IPA training programs are extensive with both immediate and long-range impact. Informal examinations conducted by the BPA staff to determine the effectiveness and results of the IPA training indicated: (1) IPA support made it possible for many state and local government employees to participate in training for the first time; (2) low registration fees and regional offerings throughout the state made training convenient and accessible to administrative, technical and professional personnel at all levels of government; (3) participant evaluations indicate that the education offerings provided valuable assistance in improving individual job performance.

Following are a few of the concrete examples from 1972 IPA training that provide a flavor of the benefits employees of state/local governments received:

(1) The Supervision in the Public Service course provided the following examples of results: (a) The course deals with the supervisor's role in planning and public relations. One participant decided to implement ideas learned to improve the public relations of those working in the town hall. Within days, the feedback from individual citizens was decidedly positive and the morale of employees was substantially raised. Ideas learned in the classroom were transferred to the job and have helped to improve the image of that municipal government in Maine; (b) Another example involves a public works supervisor, During the classroom discussion, this individual was exposed to certain ideas regarding the supervisor's role in planning. After the course, BPA's Assistant Director personally visited the public works supervisor who announced that he had become more effective in planning the daily activities of his employees. He estimated, as a result, that the city saved approximately $1,250 during a one-month period and accomplished more work, with the same amount of personnel.

(2) The Effective Writing Workshops produced the following: A town manager studied the art of writing letters. He utilized the new techniques back in the office to produce time savings by himself and his secretary in letter writing and allowing him to spend greater time on more crucial problems. Other participants have pointed out that reports that must be prepared are now clearer, more concise, and better organized.

(3) The Effective Oral Presentation and Speaking for Results Workshops are typically evaluated as follows: One participant indicated that the workshop has helped considerably in the interviewing of prospective employees for state service. Many participants and their supervisiors reported increased self-confidence in presentations before fellow employees or "outside groups" as a result of this in-service training.

(4) The Labor Relations Workshops provided employees with the basis of labor-management relations in the public sector. A deputy commissioner in state government acknowledged that the workshop had provided him with a badly needed foundation in employee relations which has assisted him on the job. Similar expressions were received from town managers, personnel managers, and bureau heads. The director of nursing at a state hospital commented that she now more fully understands grievances, bargaining impasses, management rights and other assorted concepts of collective bargaining in the public sector.

(5) The program, How to Improve Individual Manager Performance, has been helpful too. A deputy commissioner in state government has taken the techniques of writing position descriptions, and outlining standards of performance and is implementing them throughout his department.

These results are only a small sample of those received. Additional examples are discovered regularly. The important thing is that they add up to increased effectiveness and improved quality of services delivered to the taxpayers of Maine. And in spite of the resource limitations on detailed evaluation of training, IPA-delivered, the observable impact in Maine has been considerable.

Assessment of manpower and training needs

This part of the IPA first year program involved an assessment of the present and anticipated future demands of Maine state and local governments for training professional, administrative, and technical personnel including: (1) the nature of training needed; (2) the resources presently available; and (3) the unmet needs which already exist or which may be foreseen. The assessment was seen as an integral part of IPA planning and as a significant contribution to the setting of priorities for future IPA funding in Maine.

Beginning in May, 1972 the Bureau training staff surveyed Maine state, municipal, county, legislative, special districts and public officials to determine training needs to improve job performance.

Two advisory groups were utilized to insure the involvement of both state and local government representatives:

1. Local—the Advisory Committee of the Maine Municipal Association
2. State—an Advisory Committee consisting of eight commissioners from state government

Methods of gathering information were: (1) a mailed questionnaire; and (2) on-site visitations by BPA staff in 50 municipalities, all state departments and all counties.

More than 3,750 professional, administrative, technical and supervisory personnel at all levels of Maine government were involved in the survey.

The returns were analyzed and produced the following major findings: *

(1) Eighty-eight per cent of the more than 1,000 state employees contacted indicated the need for a continuous, comprehensive career development program;

(2) A priority need for twelve training programs was identified to improve job performance of professional, administrative, technical and supervisory personnel throughout Maine governments and included: Supervision in the Public Service, Group Leadership and Participation, Effective Rapid Reading, Effective Listening, Speaking for Results, Orientation and Development of Employees, Problem Solving, Effective Personnel Practices, Techniques of Employee Motivation, Labor Relations, Principles of Communication, and Work Simplification;

(3) The majority of governmental units/agencies are not organized to improve job performance of individuals within the agencies, i.e.

(a) They have no training coordinator/director;

(b) Little or no funds budgeted for training;

(c) Employee training needs are not/have not systematically been identified; and

(d) There is no annual plan for training employees;

(4) Only three cities in Maine were found to employ an official designated as Personnel Director and four indicated the use of a personnel board. Personnel duties are administered by the manager or council in 72% of the reporting communities;

(5) Less than 50% of the responding municipalities were satisfied with their existing personnel systems; 33% indicated they needed or would like assistance in improving their personnel system.

The information gathered through the survey is being translated into action plans to meet identified needs. The major portion of the 1973 IPA training program is a direct result of the data collected—a public service training effort planned and conducted on the basis of diagnosed needs.

The major training needs indicated by all levels of Maine government have been or are being developed by the BPA training staff supported by IPA funds. Training programs will be conducted throughout the state so that as many as possible can take advantage of the new training opportunities.

In addition to the statewide training component of Maine's 1973 IPA proposal, a second component will meet the need for personnel advisory and technical assistance services among Maine communities identified in the assessment study. This effort is being undertaken in cooperation with the Maine Municipal Association.

SIX-MONTH EVALUATIONS

The comments of IPA training program participants

The primary objective of IPA training programs provided by the Bureau is to provide the participant with a learning experience that will produce pay-off in terms of results on the job.

Determining the impact of training in post-course changes in behavior and on-the-job results necessitates substantial amounts of time, money and staff assistance not budgeted for in the IPA grant and unwarranted given the limited resources available. In order to assess, to the extent possible, what each participant transferred from the classroom to the job that may be translated into improved job performance, a six-month evaluation of each course is made. This is done through a questionnaire mailed to each participant and to his immediate supervisor six months after the end of the program.

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*A summary of the report has been published and is available upon request to the Bureau.

Among replies from participants when asked at the six-month evaluation "In what specific way did the training program help to improve your job performance?" are the following:

Most indicated that there were ideas, methods or approaches learned that have helped improve overall job performance. Samples of specific responses as to the way(s) in which the specific training program contributed to job improvement follow:

In what way did it help your job performance?

Supervision in the Public Service

I have initiated a program for training the personnel who work for me. I have also set up a better system of record-keeping to keep track of personnel.

The action assignments required of the employees under my supervision were very enlightening and provided me with information as to each employee's particular motivational needs. I feel that this information has assisted me in personnel-related dealings with employees, as well as day-to-day assignments.

Overall office relations have improved. Just knowing others had some of the same problems and hearing their solutions helped also. It gave me the courage to do things which I never would have done before. I especially needed this as I apparently was not a good supervisor. This course helped me to delegate many activities to those under me—something I could never do before. Thom Willard was a fine instructor.

Job was newly created. I was given 14 employees who had never had a boss looking over their shoulder and they resented a new man telling them what to do and what not to do. I took the course to see if I could find some way to reach them without firing and rehiring the entire crew and was quite successful in retaining my help and having a good working relationship. Thanks.

Particularly in the area of planning, directing work flows and job assignments. Also in coordinating work in the different units.

Helped my overall performance as a supervisor and I intend to send my highway foreman to this course at the first opportunity.

More efficiency—less confusion—more self-assurance.

It helped me in setting up a system of planning (organize), so that I could better work with employees. Showed me why a plan was necessary. It also helped me to try to understand the other person's point of view. Looking back into the test, I can still find new and useful ideas.

Developing Communication Skills

The approach of identifying and examining several types of communication patterns was to me especially helpful—to evaluate which approach would probably prove most successful in given situations. I have many times in the past six months paused to "think through" the situation in question and tried to make use of information gained in the "Developing Communication Skills" course. I would say it has been very helpful and worthwhile in my work and in community situations.

More aware of importance of effective communication and of training programs which allow people to explore new ideas, evaluate and plan for the future.

The course was "Developing Communication Skills" and it did just that. It provided a framework for using each of the various modes of verbal communication as specific situations demand. It demonstrated how the appropriate mode of communication can expedite getting things done. I have used some of the material in our own in-service training.

Improved ability to motivate and communicate with employees.

Effective Writing

The style and type of letters going from office has changed with vast improvement in style and simplicity. The secretaries approve and find letters easier to write. We have had no adverse comments from our readers so assume acceptance of them.

Evaluation and improvement of original writing. Assistance to others in writing. More effective writing. Increased confidence in writing efforts. On the other hand—I find myself mentally revising or critiquing the writing of others. Suggest "others" be invited to seminar!

Effective Oral Presentation

It gave me more confidence in what I am doing on my job. It made me more relaxed when I speak or even when I'm talking to someone else. It has helped me communicate using as few words as possible.

I have been able to better relate to the persons I interview daily using the techniques I learned at the training session. Also, I became Chairman of our Regional Staff Advisory Board and have really been able to capitalize on all the points Mr. Anastasi shared with us. I have a long way to go but feel I have learned to be more clear and a bit more at ease.

It gave me the guidance and confidence, that I needed, to speak before groups. Also made it much easier to arrange and discuss the problems pertaining to my work.

It gave me the self-confidence I needed to speak in groups. I can now organize a presentation and be flexible enough to meet the needs of the group if they wish to digress from planned material.

Better working knowledge of expressing my thoughts and getting my ideas clearly to others.

My participation in the course "Effective Oral Presentation" has without question helped me improve my job performance. I not only learned from Mr. Anastasi's excellent presentation but from the experience gained by my participation. My self-confidence was improved by confirming some of my own ideas and learning new techniques.

What other training programs would you like to see presented?

Would like to return to improve in oral presentation as I feel there is so much more to be learned and am very conscious of this need in my work. It was a great session, most helpful.

Some programs in administration.

It was a bit of a strain—so many nights, but would like a 2-day workshop. My employees could also use these.

Problem Solving.

Inter-Personal Relationships. Human Problems in Management Positions.

Course in the simple use of a transit and the laying out of roads for construction purposes.

Am thinking of a local training course in communications in a broad sense—oral—written—interview type. I do not know how much interest could be developed but think all secretaries for schools, towns, etc. should participate.

Effective Listening.

Effective Writing. Something in the area of state fiscal planning in comparison to program planning.

Training in the field of state government as pertains to understanding auditing practices and personnel procedures.

I'll not suggest any at this time, since so far, the training programs have been excellent.

One-day seminar on Public Relations for office personnel. Seminar on Government Fund Application.

One-day seminar on writing for media (newspapers, TV, radio). One-day seminar on getting jobs done (for secretaries. administrators). Diplomacy with the public

A detailed educational program which deals with training supervisors in the area of motivation techniques. We find that many supervisors don't know how to approach employees regarding faulty work, loafing, or discipline problems.

I would like to attend the public speaking course. I heard it was very good, tried to enroll in it, but was too late as it was already filled. Would like to see it offered again and contacted when and if it is.

SIX-MONTH EVALUATION

The comments from supervisors of participants in IPA training programs

In our effort to determine post-course changes in behavior and on-the-job results for each participant the immediate supervisor, who has previously been advised that his personnel has completed the training program and who is in a position to observe these features, is asked to indicate the results of his observations.

Most supervisors indicated that there were ideas, methods or approaches learned that helped the training participant improve overall job performance. The following are sample responses from supervisors when asked:

In what way did it help improve his/her job performance?

Supervision in the Public Service

The employee has been able to demonstrate a greater degree of expertise in planning—particularly as it pertains to staff training activities. Ongoing individual supervisory practice has not improved a great deal to-date. Employee can intellectualize the meaning and implication of working in harmony with differing personalities, but is unable to appreciate the dynamics of human behavior to point of implementing knowledge into practice.

Employee has shown better ability to plan his work programs and to manage the proper utilization of his men to accomplish work in a manner which is efficient and in which employees can take pride.

Developing Communication Skills

This experience, coupled with similar communications courses thru U of M CED, have helped this employee communicate more effectively with co-workers as well as the public. She is definitely better able to articulate her thoughts and ideas which has resulted in an increased capacity to perform her job well.

Employee has shown a remarkable improvement during the past year. I am sure his time spent at the "Developing Communication Skills" program plus other IPA-sponsored programs he attended, has been most helpful to him and the City. Thank you.

Effective Writing

Much of his written material is more concise and legible. His work suggests that he got a lot out of the course.

Employee has applied techniques learned during the effective writing program in reviewing audit reports written by his staff. As a result, audit reports have become clearer, more concise, and easier to work with.

Style and format of correspondence has been improved.

She learned to save time by typing the new form letters and when she returned showed the other girls how to do the same.

Effective Oral Presentation

Both individuals seem to be much more at ease when speaking with various groups of people. They have both mentioned to me that they attribute much of their success to the courses which the BPA presented.

This employee definitely appears to be more confident in presenting his material to a group.

More self-confidence—better preparation, clearer delivery, etc. An excellent course I am told and this seems evident in improved performance.

Prior to taking this course, employee has always been involved in oral presentations in health education. Since taking the course, she has been making many more oral presentations and with noticeably more confidence.

More effective public speaker.

What other training programs would you like to see presented?

Oral communications—Geared towards improving oral instructions to subordinates to insure comprehension of directions.

More oral presentation on a longer or continuing basis. Use of audio-visual aids. Effective use of news media. How to win friends and influence people.

Effective writing.

Communications. Public Relations. Supervisory practice.

Other areas of training that would probably be helpful to this organization are first-line supervisor courses.

More of the same, particularly in the areas of inter-group and inter-personal communications.

Training programs for "non-professional" staff in human behavior, communications, inter-office or personal relations.

DR. HENRY KISSINGER AS SECRETARY OF STATE

Mr. PERCY. Mr. President, I commend the President of the United States on his nomination of Dr. Henry Kissinger as his new Secretary of State. Having just returned from South Asia and Europe and having listened to comments from many of my colleagues in the Senate, I feel that this nomination is being virtually universally acclaimed.

Dr. Kissinger has participated actively for the past 4½ years as a principal architect, with the President, on brilliant and creative foreign policy initiatives that have contributed importantly to the prospects for peace in our time.

The admiration of the members of the Foreign Relations Committee for Dr. Kissinger will not cause any restraint, however, on the part of any member to penetrating and searching questioning of Dr. Kissinger with respect to the foreign policy plans and programs—past, present, and future—of the Nixon administration during the course of his confirmation proceedings which begin on Friday of this week.

Dr. Kissinger's relationship in his position as Presidential adviser on foreign policy with the Senate Foreign Relations Committee and with the House Foreign Affairs Committee has been excellent. I feel that he will welcome the opportunity to make clear the objectives of the American foreign policy under the Nixon administration.

I feel that Dr. Kissinger would concur with the comment made to me once by a former Secretary of State, John Foster Dulles, who said:

> Undoubtedly the foreign policy of the United States of America can be no better than the understanding of it and the support given to it by the American people.

The purpose of the public hearings is not only to satisfy the constitutional requirement imposed upon the Senate for confirmation proceedings, but also to add to the public understanding.

It is an opportunity for the administration to have the American public better understand the direction in which we are headed in world affairs.

Because many of my colleagues in the Congress were away during the August recess, I ask unanimous consent that a group of newspaper clippings containing editorial comment as well as observations by some of our Nation's most discerning journalists on Dr. Kissinger's nomination be printed at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Chicago Daily News, Aug. 25–26, 1973]

Kissinger Makes Sense

Henry Kissinger's accession to the top Cabinet post puts American foreign policy in expert hands for the critical years just ahead. Nearly all the good things that President Nixon has accomplished on the world scene he has accomplished with the powerful help of Dr. Kissinger. As secretary of state as well as presidential adviser, Kissinger will be well-positioned to advance those programs.

The fact of Kissinger's being until now the chief foreign policy adviser while William P. Rogers was secretary of state has been anomalous, and a handicap to the department. It was frustrating to the lower echelons of professionals in the department—and for Congress—to be remote from the chief policy executive, and frustrating for Kissinger to be remote from the agency responsible for implementing all the decisions he was so intimately involved in making.

Now the implementation of what has already been set in motion with Peking, Moscow and elsewhere will become his specific responsibility, along with assisting the President to formulate new policies that will move the nation forward in the years ahead. In the wake of the Vietnam War that Kissinger played so critical a role in ending, half a dozen global matters clamor for urgent attention—the Middle East, the recurring SALT talks, China, Japan, the tottering West European alliance.

The Senate should speedily approve the Kissinger nomination. There are serious questions it will want to ask him, especially regarding how candid and co-operative he intends to be with Congress. But Kissinger has anticipated that problem and given solid assurances that he will communicate freely and not hide behind executive privilege.

We believe the Senate should take Kissinger at his word, and so should the public, that he will "explain our philosophies, purposes and policies" as he goes along.

Dr. Kissinger is not only a wise and competent statesman, but also he brings to his high task a perspective, inspiration and a sense of dedication that will be of great service in advancing policy abroad and clarifying and strengthening it at home.

[From the New York Times, Aug. 24, 1973]

Kissinger Goal: To Clear the Air

(By Bernard Gwertzman)

Washington, August 23.—Henry A. Kissinger moved quickly today to make known his hope that the final years of the Nixon Administration would be marked by an open foreign policy that would produce less friction with Congress, more information for the American people and some meaningful work for the State Department. The Secretary of State-designate was clearly trying to give substance to President Nixon's appeal yesterday to put the Watergate scandal aside and concentrate on the "business of the people." It is questionable whether the mood of the country will support Mr. Kissinger's call for bipartisan unity in foreign affairs, which, he said, "transcends any particular administration."

But in his news conference today at San Clemente, Calif., Mr. Kissinger certainly seemed determined to try to use his own prestige as the intellectual catalyst of the Administration to restore confidence in the Government and prevent serious erosion of America's image abroad.

After consulting with Mr. Nixon earlier today, Mr. Kissinger was like a peace-maker, issuing promises, seeking to create a new atmosphere in Washington.

PARTNERSHIP WITH CONGRESS

To Congress, instead of the bitter dispute of the past over Indochina, which Mr. Nixon revived as recently as Monday in New Orleans, Mr. Kissinger offered "a new and full partnership" to insure that Congress be involved in the making of foreign policy as well as the approval of it.

To the public and the press, Mr. Kissinger avoided any polemics and promised instead an open-door policy at the new State Department, asserting that "we have an obligation to explain our philosophy and purposes."

And finally, to the State Department's foreign-service officers, a group of talented men whose ability was often scorned at the White House, Mr. Kissinger promised plenty of work and a large share of the foreign-policy load.

In nominating Mr. Kissinger, his adviser on national security, to replace William P. Rogers as Secretary of State, Mr. Nixon has granted the former Harvard professor more individual power than any official has been given since John Foster Dulles ran President Dwight D. Eisenhower's foreign policy.

EMPHASIS ON A TUNE-UP

Hours after the nomination became known, State Department officials and others in the foreign-policy Establishment in Washington were speculating on how Mr. Kissinger would handle this new, dual responsibility. If confirmed by the Senate—something that is widely expected—Mr. Kissinger will have the sluggish State Department bureaucracy of 12,000 to direct, along with his own sleek, tailormade 120-man National Security Council staff.

Details have not been worked out, but Mr. Kissinger indicated today that he did not plan any major overhaul in the foreign-policy machinery. Rather, he placed emphasis on tuning up and getting more mileage out of the old-fashioned department.

Mr. Kissinger referred to the foreign-service officers as "great professionals." He seemed like a football coach when he urged them to see a lot of their wives now because after his confirmation, they will be too busy. His words were meant to relieve anxiety at Foggy Bottom, where some officials were not sure whether Mr. Kissinger's new job meant new opportunities or another purge.

TWO SETS OF PROBLEMS

He indicated at the news conference today that he would keep two offices—his West Wing office at the White House and the spacious seventh-floor suite at the State Department. He will probably start his day at the White House, conferring with the President and the National Security Council staff, before riding the five blocks to the department to deal with the day-to-day problems of running the world's largest foreign office.

The problems of the head of the National Security Council and the Secretary of State are not the same.

The council chief is usually concerned with the more heady matters of foreign affairs. A major crisis must be coordinated among key agencies a Presidential speech drafted, a secret negotiation planned and executed.

The Secretary of State, on the other hand, must deal with a dozen mundane problems for every interesting one. Position papers for coffee conferences must be approved, instructions issued to new ambassadors, Boy Scouts greeted, prime ministers of small countries entertained and business men listened to.

Some officials at the State Department have wondered aloud whether Mr. Kissinger, with his dynamic mind and incisive intellect, can stand the regular fare of the department. Mr. Kissinger certainly indicated today that he intended to be an energetic Secretary of State in his relations with Congress, the public, the press, and within the bureaucracy as well.

NO MORE MIDDLE MAN

This, in turn, has raised fresh questions about Mr. Kissinger's role in the Administration. As head of the National Security Council he was a sort of middle man when the State Department and Pentagon, for instance, had a dispute over military aid or some other matter. He could take the issue to the President for decision or sometimes act himself for the President.

But what will happen now if Secretary of State Kissinger gets into a dispute over policy with Secretary of Defense James R. Schlesinger?

Does Mr. Kissinger put on his other hat and make a decision whose objectivity might be questioned or does the matter go to someone else in the White House for settlement?

If Mr. Kissinger continues to make decisions for the President, his presence would appear to give the State Department added prestige and importance, but if he cannot, this would seem to weaken his own role as the Presidential adviser for national security.

Mr. Kissinger will probably need some time to work out a coherent policy to handle the problems that will arise in his new assignment. One official predicted today that it would take Mr. Kissinger about six months to answer all the questions now being raised in Washington, a city where style has often seemed more importance than substance.

[From the Washington Post, Aug. 27, 1973]

MR. NIXON'S NEW LINE-UP OF ADVISERS

(By Joseph Alsop)

It is ironical, but it is true, that President Nixon owes the Watergate horror for the best-staffed administration he has ever had. No one seems to have remarked upon it, yet it is another major point growing out of Dr. Henry A. Kissinger's promotion to the State Department.

The development is not unprecedented. In the last couple of years of the Eisenhower administration, the President was ill, aging and a lame duck. He could no longer recruit the real, roaring tenth raters from the business world whom he overwhelmingly preferred. People like "Engine Charlie" Wilson would no longer give a passing thought to leaving General Motors, in order to become Secretary of Defense.

So at the end, President Eisenhower had to be content with a Secretary of State, Christian Herter, whom he actively disliked, and a Secretary of Defense, Thomas Gates, with whom he basically disagreed. They were men of real ability and strong national-mindedness. And they prevented the close of the Eisenhower administration from becoming a real disaster, although the second Berlin crisis plainly threatened a disaster.

In the present instance, President Nixon has always shown high personal confidence in his new Secretary of State-designate, Dr. Kissinger and his new Secretary of Defense, Dr. James Schlesinger. The difficulty used to be that such men commanded no confidence at all from the President's chief advisors, back in what may be called the Haldeman-Ehrlichman-Mitchell era.

Or maybe it would be more correct to say that in the pre-Watergate era, the President's immediate entourage wanted as few persons as possible in key posts in government who did not appear to be easily controllable by persons like themselves. Sometimes they were deluded, as when they did not oppose Dr. Schlesinger's appointment to the CIA, or Elliot Richardson's earlier choice for the Defense Department.

But Richardson as Attorney General would never have met with the old crowd's approval; and he is more equipped to lead the Justice Department than the Defense Department. With Schlesinger at Defense and William Colby replacing him at the CIA one can predict the President has acquired two more star performers for two tremendous jobs.

As for Dr. Kissinger's long overdue appointment, it was a change bitterly opposed within the pre-Watergate White House, mainly for rather sordid reasons. As for the Watergate-generated improvement in the White House itself, it hardly needs discussion. But there is one political point about all this that makes the President's quite undesired gain from the Watergate horror worth a lot of thinking about.

Briefly, the Nixon administration used to rely on muscle to get what it wanted. The liberal Democrats, in turn, generously provided most of the muscle by such fashionable follies as the nomination for the presidency of Sen. George McGovern. With this kind of help from the Democrats, the Republicans in 1972 could have elected an ogre with a long record of cannibalism—provided the ogre just wore a small American flag in his buttonhole.

There is no sign at all, as yet, that the dominant group in the Democratic Party has learned anything at all from the results of their follies. On the contrary, they seem to be Watergate-drunk, in the Senate particularly. Meanwhile, the President, again because of Watergate, has lost most of his former muscle, at any rate in the crucial areas of foreign and defense policy.

In just these areas, the Democratic leaders in the Senate, particularly, are now hoping to have an easy field-day. But they have not noticed some facts of great importance. In these areas, to begin with, the President now has—and for the first time—a united team capable of talking to the country.

One thinks of the first Truman administration in this connection. The Nixon-haters, now, are hardly more violent than the Truman-haters, then. President Nixon's popularity has yet to drop quite so far as President Truman's all-time low. Yet a balky Senate was still forced to accept the great Truman initiatives in the foreign and defense fields, because the country was persuaded by the Marshalls, the Achesons, the Forrestals and the Lovetts.

As yet, the Nixon administration has no potential ally on Capitol Hill of the calibre of that half-comical, half-great man, Sen. Arthur H. Vandenberg, to whom this republic owes an immense, forgotten debt. But if the new Nixon team also proves able to persuade the country, you will see the Nixon administration getting its way on Capitol Hill. Indeed, if the country begins to be persuaded, Nixon allies in the Senate will emerge on all sides.

[From the Washington Star-News, Aug. 24, 1973]

KISSINGER VOWS TO WORK FOR BIPARTISAN POLICY

(By Oswald Johnston)

Henry A. Kissinger has virtually assured his Senate confirmation as secretary of State by firmly promising to invoke executive privilege in only a few limited cases and to keep Congress fully informed.

Sen. Mike Mansfield, D-Mont., a personal admirer of Kissinger, who nevertheless had expressed fears that the executive shield which once protected Kissinger from Senate queries would be extended over the new assignment, said in an interview that the secretary-designate's promise would satisfy him and probably most of the Senate.

Raising the traditional call of embattled administrations for a bipartisan "consensus" in foreign policy, Kissinger told reporters on the Western White House lawn at San Clemente that only private conversations with Nixon would be sheltered by executive privilege once he becomes secretary.

Kissinger's 45-minute exchange with the press—his first since Watergate replaced Indochina as the administration's prime crisis—was as conciliatory in tone as Nixon's Wednesday conference had been tense and challenging.

Kissinger stressed repeatedly the need for discrimination and understanding on the part of Congress and the public in judging the administration's intentions abroad.

In return, he promised a degree of public accountability unheard of in the Nixon administration's first term.

Citing the prior claim of Mansfield and other members of the Senate Foreign Relations Committee to question him first, Kissinger declined to answer many specific questions about the policy the administration says it will submit to public scrutiny from now on. But he did comment on:

Nixon's coming European trip, which he said will not be formalized until after the NATO foreign ministers, at their meeting next month, have had a chance to develop a response to Kissinger's ambitious call for a "new Atlantic Charter"—now scaled down to a more modest "declaration of principles." "We can expect that when the President goes to Europe, it will be for a significant, substantive result, and not simply on a grand tour," Kissinger said.

The recent shortages in the United States of fuel, feed-grains and other natural resources. He said they have been the subject of a full-dress inter-agency study by his National Security Council staff. Energy and food shortages, he said, "have profound consequences for the conduct of our foreign policy, and the NSC study is to examine how over the next five to ten years world needs and American productivity could be brought into some relationship."

The moribund U.S. policy in the Middle East. It may, he said, present a "less than restrained profile" should U.S. interest demand it. Asked to comment on Arab charges that his Jewish background could influence his judgment, Kissinger retorted sharply: "I am asked to conduct the foreign policy of the United States, and I will conduct the foreign policy of the United States regardless of religious and national heritage."

Kissinger's main theme was conciliation, and it was repeated in almost every topic he discussed.

The Watergate case, Kissinger conceded, has developed far beyond the point it had reached last April, when he pleaded publicly that there be no "orgy of recrimination." The danger now he warns, is, "if the divisions in a country grow too deep, . . . then the conduct of foreign policy will be affected."

With the passing of the Cold War era and the deep division of the Vietnam war, American policy needs have become more complicated, Kissinger said. Detente now exists side by side with continuing and fundamental East-West differences, and the need for continued military spending and weapons development co-exists with arms control treaties.

"This requires a complexity of thought and a sophistication on the part of the American public that was not called for in the '40s and '50s" Kissinger explained. "Therefore, one of the prime objectives of the administration will have to be to create a consensus in which the American people and the American congress can understand and will support" new policies.

In all this, the audience Kissinger sought to reach was plainly Congress. He began the session with a statement that carefully went to the heart of the only serious problem he might have faced in the Senate: The fear that executive privilege would be invoked to cover Secretary Kissinger even as adviser Kissinger had been covered for the past 4½ years.

Kissinger spelled out his promise: "I will testify about the matters about which secretaries of State have traditionally testified," and also "about those inter-departmental matters with respect to which I spoke informally previously to the Senate Foreign Relations Committee."

On direct orders from Nixon himself, "whom I have seen only a few minutes ago," Kissinger said, "executive privilege will not be invoked" except with respect to "personal conversations between the President and myself" and "direct advice I gave to the President."

[From the Washington Star-News, Aug. 24, 1973]

KISSINGER FLOATED AS NIXON LIFELINE

(By Mary McGrory)

The announcement that Henry Kissinger will become the official Secretary of State, after five years of actual service in the post, failed to achieve its immediate purpose. It did not evoke a single question from the press.

The President's resentment surfaced after thirty minutes of all-Watergate queries. ". . . Years from now, people are going perhaps to be interested in what happened in terms of the efforts of the United States to build a structure of peace in the world."

The President has always been baffled by the inability of the press corps to share his voracious interest in foreign policy, which he regards as the glory of his administration, and now, his lifeline in Watergate.

At the Ervin committee hearings, White House aide Richard Moore recounted the President's bewilderment about his March 15 press conference, when his news that David Bruce would be going to Peking as permanent liaison was treated like the weather report.

The first question then was about the President's temporary refusal to let John Dean testify before the Senate.

And so it was when Kissinger's long-expected lateral transfer to Foggy Bottom was made formal. The first reporter the President recognized at San Clemente was inquiring about the tapes.

It was not a plot. People simply cannot focus on the appointment of a new fire chief in the middle of a three-alarm blaze.

Nixon doubtless had high hopes of the diversionary nature of the Kissinger move. His chief foreign policy adviser is magic with the press. Nixon has doubtless noted that while the roof was falling in on the Oval Office. Kissinger managed to get into print with solemn interviews about his "torment" that Watergate might interfere with the grand design of foreign policy.

Kissinger's reputation as a scholar among White House hardhats, a humanist among bullies, has survived everything: The news that he wiretapped his own staff, that he advocated the Christmas carpet-bombing and the "tilt towards Pakistan."

Even during the uncertain closing hours of the campaign, when Kissinger was brought forward for one of his rare televised appearances to say "peace is at hand," the suspicion of political trickery was stilled in many quarters by the thought that Kissinger would never allow himself to be used for political purposes.

He has led a charmed life in the White House and in the capital. He was permitted to fraternize with those circles in Washington whom John Ehrlichman indignantly described as "people who scoff at family life and patriotism." His popularity in Georgetown, where he was often heard to warn the liberals of their "intransigence toward Richard Nixon," played its part in the acquiescence of influential journalists in the extended and convoluted process of achieving "peace with honor."

Kissinger seems delighted with his new official eminence, despite the grim circumstances surrounding it. He sounded the "only-in-America" theme at his first press conference. The transformation of the secret agent into department head has stirred conjecture. How will he like sitting around the table in full view of the world instead of darting to the airport in the dark of night for the rendezvous with Chou-En-lai?

No doubts exist about Kissinger's ability to surmount and outmaneuver the vast bureaucracy over which he is to assume formal control. He will doubtless use the same practices which made him transcendent in the White House.

He will reserve for himself access to the President and to the press. He will be the one channel in an out of the Oval Office.

Kissinger's promise of "full partnership" with Congress and the public in the conduct of foreign policy stirred hollow laughter here and there. He is regarded with awe on Capitol Hill. And unlike his predecessor, William P. Rogers, he will be taken seriously.

He will bring to a waterlogged administration some help. Kissinger still has a constituency at Harvard and in the camp of Nelson Rockefeller, his dear friend and first patron.

The left likes him because he talks in perfect sentences and paragraphs and makes the right sounds about "compassion." The right likes him because he shares their essential belief that in a dangerous world might makes right.

[From the Washington Post, Aug. 29, 1973]

KISSINGER AND THE BOMBING

(Rowland Evans and Robert Novak)

Although eventual Senate confirmation of Dr. Henry A. Kissinger as Secretary of State is not in doubt, President Nixon's ace diplomatic operative is going to be pressed hard on the secret U.S. bombing of Cambodia in 1969 when the Senate Foreign Relations Committee starts its hearing Sept. 7.

The fact that President Nixon, in his Aug. 20 speech at New Orleans, took full responsibility for the Cambodian bombing decision has not in the slightest diminished the senatorial appetite for a full-scale expose of how the decision was made and whether Kissinger himself will be able to justify it.

One reason: even senators completely committed to confirming Kissinger are troubled by his future dual role as Secretary of State and also as the President's White House foreign policy adviser, in charge of the National Security Council staff.

Their question: will Kissinger give them the full background of the March 1969 decision to bomb Cambodia or will he claim executive privilege on grounds of his confidential relationship with the President? If the latter, Kissinger will risk raising senatorial hackles at a time when congressional suspicion of presidential power and secrecy has reached its high point of at least the last 50 years.

Moreover, what gives the Cambodian issue special spice is the fact that high officials now in the Defense Department, most particularly Deputy Secretary William P. Clements, left the impression with the Senate Armed Services Committee and the nation on Aug. 9 that the orders to falsify bombing reports in order to maintain total security had emanated from the Pentagon.

Clements, in fact, actually produced a now widely published document authorizing 14 B52 strikes into Cambodian border areas adjacent to South Vietnam on the nights of Nov. 24–25 and Nov. 29–30, 1969. The document, which Clements indicated was the only one he could find in Pentagon files on the Cambodian bombing, bore the signature of Gen. Earle G. Wheeler, then, chairman of the Joint Chiefs of Staff, and the initials "MRL" or Melvin R. Laird, the then Secretary of Defense. It was marked "top secret—eyes only" and dated Nov. 20.

So astonished was Democratic Sen. Stuart Symington of Missouri, acting chairman of the committee, when Clements produced this document that he telephoned Laird in Chicago (where he was addressing the National Legislative Conference) and warned him: Mel, they're trying to do you in up here.

As a former Air Force secretary, Symington knew neither Gen. Wheeler nor Laird had authority to falsify bombing reports. Only the President himself could order an official coverup of bombing operations against a neutral nation, together with the falsification of reports essential to make that cover-up work.

At the White House itself, the disclosure by Clements was received with amazement and chagrin. Clements' decision to finger Laird as chief villain in the hunt for Cambodia scapegoats was not appreciated, even though some cynics at first thought that Clements must have had White House authorization before producing the "top secret—eyes only" memorandum.

In fact, he had none at all. Clements, an aggressive Texan who had hoped to be named deputy defense secretary in 1969 (Laird chose David Packard instead), was operating on his own and apparently without the support of the Joint Chiefs of Staff.

Thus, the key document justifying the secret bombing policy was written not on Nov. 20, 1969, the date of Clements' memorandum, but the previous March 16—just before the secret bombing started.

It spelled out the entire "press guidance" secrecy policy for the military to follow. One copy of this key document, obviously top secret and with limited distribution, is in the Joint Chiefs' files. However, Adm. Thomas H. Moorer, present chairman of the Joint Chiefs who was testifying with Clements Aug. 9, the day Clements disclosed the Wheeler-Laird memorandum, did not give Clements the Joint Chiefs' own record.

The real push for the Cambodian secrecy policy in 1969 came not from Laird and Wheeler but from the diplomats—the State Department and Kissinger—who knew that disclosure would gravely compromise the then Cambodian government of Prince Sihanouk.

The Senate will insist on all the intimate details from Kissinger. If he refuses them, his transition to the No. 1 Cabinet post will have some rocky spots.

[From the Washington Post, Aug. 23, 1973]

CHANGES AT THE STATE DEPARTMENT

It makes sense for Henry Kissinger, until now Mr. Nixon's assistant for national security affairs, to become Secretary of State, and not merely because he has dominated the diplomacy of the Nixon presidency anyway. A tight White House foreign-policy operation served the President's first-term focus on secret contacts with a few adversaries, but only the State Department apparatus can help Mr. Nixon pursue his second-term need for broader, more diverse exchanges with a much wider range of partners. While Mr. Nixon's prime first-term task of withdrawing the United States from Indochina was carried out amidst high congressional-executive tension, his necessary second-term emphasis on trade negotiations and defense spending require considerable congressional-executive consensus. If confirmed as Secretary of State, Dr. Kissinger not only would become available to congressional interlocutors, but Congress would come equally within the reach of his formidable powers of exposition and persuasion. Finally, by having at State a chief with the President's confidence and with great personal stature and talent, the department should be enabled to recoup its sunken prestige and morale. The country will have better assurance that considerations of diplomacy will be fairly weighed in the knot of economic, political and strategic problems ahead.

Some organizational purists may be offended that Dr. Kissinger retains his White House hat, although his National Security Council staff can hardly retain the particular function and special significance which President Nixon gave to them in his first term. Other departments concerned with international decision-making may wonder if State will not now take on excessive influence. The arrangement is something on an anomaly; students of power and bureaucracy in Washington will surely keep a beady eye on it. Our view is that there is no special magic in any one particular way of organizing the executive branch to conduct foreign affairs. No one should be better situated to decide how he wishes to organize his administration for that purpose than a second-term President who has concentrated on foreign policy.

Departing Secretary of State William P. Rogers, for reasons not entirely of his own making, did not function at the center of administration policy. He entered and left office with the hope of helping create among Americans "a new national unity and purpose in our foreign policy." Less a specialist in international relations than a man of keen insight into domestic requirements, he made a comment last Monday—in evident anticipation of his imminent resignation—which can perhaps serve as a valedictory for his nearly five years as Secretary of State. "I believe," he said, "that it is very important for the United States not to become so obsessed with security matters that laws are freely violated. I think one of the things that provide security for Americans is the fact that we are a law-abiding nation, and that is protection for all individuals, and a protection for individual rights." These are the words of a wise and honorable and decent man. They deserve to be pondered by Mr. Rogers' successor at State and by his erstwhile chief at the White House too.

[From the Washington Post, Aug. 28, 1973]

Senate Hurdle for Kissinger

(By Marquis Childs)

Having supplied the creativity, the imagination and the skill in the conduct of foreign policy for four years, Henry A. Kissinger is now about to move into the top job as Secretary of State. From mastermind behind the screen of executive privilege to the exposed position in the number one Cabinet post, the transition will not be easy.

His friendly relationship with Chairman J. William Fulbright and other members of the Senate Foreign Relations Committee would seem to insure his quick confirmation by the Senate. And as the President pointed out, that is important because of Kissinger's travel plans. He had hoped to go to Peking sometime during the first two weeks of September for a session with the leaders of the People's Republic, thereby continuing his friendship with Premier Chou En-lai.

But when he comes up for his confirmation hearing, there is one hurdle he will have to clear in view of the fact that he will continue to be personal adviser to Mr. Nixon as well as Secretary of State. Can he claim executive privilege for his discussions with the President at the same time that, as Secretary, he must testify before committees of Congress? This is what some senators on the Foreign Relations Committee will want to know from Kissinger when he comes before them. To equivocate in his answers could put his confirmation in jeopardy. Repeatedly the same senators have complained that the decision-making process rested with the President's adviser rather than with the retiring Secretary, William P. Rogers, and that, therefore, they were denied any insight into the conduct of foreign policy. The feud over executive privilege has been the source of rancor and resentment.

Another looming question mark will be the nature of the number two man in the Department. Kissinger has administered his small apparatus in the National Security Council as a stern taskmaster. So stern in demanding a 14-hour day and unquestioning obedience, he has alienated able men who could not, or would not, keep up that pace.

The huge bureaucracy at stake cannot be administered that way. The plain truth, as those who know him well and admire him greatly are frank to say, is that Kissinger is not an administrator. That means his deputy secretary must have full authority to carry out Kissinger's overall directives on personnel and policy.

Morale in the Department and in the Foreign Service has slumped badly as Secretary Rogers seemed again and again to be superseded by the President's adviser on national security. Able Foreign Service officers with invaluable experience have resigned, to the loss of the Service and the nation. One reason was the increasing number of ambassadorial posts filled by political appointees who were big contributors to Republican campaigns.

Today in the capitals of Western Europe only two minor ambassadorial posts are held by career officers. So much must be done to catch up with the lapses of the past. The United States, for example, has had no ambassador in the Soviet Union since last January when Jacob Beam, a career ambassador, resigned.

This may not have mattered when the vital decisions were being made by Kissinger & Co. in the White House. Perhaps for that reason, no man of stature could be interested in a post largely ceremonial in nature under the stresses and strains inevitable in Moscow. The cloistered operation out of his capacious and brilliant mind will surely not be possible in the large, impressive office of the Secretary in the unimpressive, factory-like building of State in Foggy Bottom.

The drama of his appointment is in itself extraordinary. In 1938, he was one of the small number of Jewish refugees to escape Hitler's cause. He has said that 11 members of his family were liquidated by the Nazis. It is a grim past that must always be present in his memory as he moves through the corridors of power.

The consequences of Watergate and the threat of disruption of the initiatives taken so successfully with China and the Soviet Union have greatly depressed him. With his rich knowledge of history and the follies of the past, as they have far too often overwhelmed man's noblest aspirations, the glooms have fallen on him.

But he has a flexible spirit and, above all, a superb sense of humor. He will need all rerources of his remarkable mind, a genius really, and his resilient spirit, as he walks a narrow path between the thunder of a critical Congress and the sun of his patron and friend, the President. It is a new career for the scholar who, little more than five years ago, was an adviser, a kibitzer, to the rich and the powerful.

[From the New York Times, Aug. 24, 1973]

Excerpts From Kissinger's News Conference

First, I wanted to say that the President has done me a great honor to nominate me for a position that was held by such great Americans as Secretary Stimson, George Marshall, Dean Acheson, John Foster Dulles—all of whom were united in one basic approach: that the foreign policy of the United States is not a partisan matter. It concerns the whole nation. That the future of our country transcends any particular administration. That is the spirit in which, if the Senate confirms me, I will attempt to conduct the office of Secretary of State.

I would also like to say a few words about the outgoing Secretary of State, William Rogers.

Many of you for four and a half years have commented about the difficult relationship between the White House staff and the Secretary of State.

And it is, of course, true. You wouldn't believe me if I said anything else, that there is an institutional problem when there is a strong White House operation and a strong Secretary of State, which is one reason why we have combined these positions now.

MINIMUM OF DIFFICULTIES

I would like to say, on this occasion, that these difficulties, which are inherent in the arrangement, were at an absolute minimum. The Secretary of State has conducted his affairs with enormous dignity, grace, wisdom and, above all, humanity.

I had a long talk with him on the telephone yesterday and I look forward to his continued advice and participation in the policies in which he played such a large role, in which he was perhaps more instrumental in shaping than he often received credit.

Now, let me say a few things about what is ahead.

Any administration wants to leave the world better than it found it, and the most important challenge before our country in the field of foreign policy is to bring about a stable peace.

REVOLUTIONARY CHANGES

In the first term of the President, many important and some revolutionary changes were made. These required to a considerable extent secret diplomacy, and they were conducted on a rather restricted basis.

But now we are in a different phase. The foundations that have been laid must now lead to the building of a more permanent structure. What has been started is still very tender. If you think back, it is only three years that we had simultaneous crises in the Caribbean, in the Middle East, and on Berlin.

It's only two years that we first opened relations with the People's Republic of China. And in the same period relations with our traditional friends have undergone enormous transformation.

So what we are going to try to do is to solidify what has been started, to put more emphasis on our relationship with Europe and with Japan, and to conclude during the term of the President the building of a structure that we can pass on to succeeding administrations so that the world will be a safer place when they take over.

Now this requires that there be a greater institutionalization of foreign policy than has been the case up to now.

PLANS MORE INTERCHANGE

The role of the National Security Council staff will continue to be interdepartmental, there will be a greater exchange between the State Department and the National Security Council staff and personnel than has been possible up to now, but the details of this I would like to defer until after the confirmation.

Another important aspect in the institutionalization of foreign policy will be to bring the Congress into a close partnership in the development, planning and execution of our foreign policy.

Yesterday I called every member of the Senate Foreign Relations Committee and key members of the House Foreign Affairs Committee, and I told them all what I am saying to you ladies and gentlemen today.

The foreign policy of this Administration is designed not on a partisan basis but on a national basis. And it is essential that the Congress fully understand what we are attempting to do. Even in my present position as assistant to the President, I met regularly with the Senate Foreign Relations Committee, at first in Chairman Fulbright's house, and later in a committee room in the Senate, at first on a very informal basis but later with very full notes being taken by the committee staff.

PLANS TO TESTIFY OFTEN

I therefore welcome the opportunity of being able to testify regularly and as frequently as the chairman and the members of the committee consider desirable about the purposes and policies of the President and the Administration.

There has been some question about whether dual positions of assistant to the President and Secretary of State may cause me to invoke executive privilege. Let me answer this now.

The purpose of combining the two positions is, as the President pointed out yesterday, an attempt to move policy-making from the White House into the department and therefore to make it more accessible to Congressional and public scrutiny.

I would therefore expect to testify about all matters that secretaries of state have traditionally testified. In addition, I would feel it appropriate to testify about those interdepartmental matters with respect to which I spoke informally previously to the Senate Foreign Relation Committee.

I would not be able to testify about personal conversations between the President and myself, or about direct advice I gave to the President. But I could not testify with respect to this in any event, and no Cabinet member is ever asked to testify with respect to conversations he has with the President.

TO INCREASE INFORMATION

So I know the President's intention in combining these two positions is to increase the information available to the Congress. And the President, whom I have seen only a few minutes ago, has asked me to say that executive privilege will not be invoked except with respect to the range of issues that I have mentioned, the practical consequence of which will be that more information will be available to the Congressional committees than before.

Now a word about the relationship of the department and of our foreign policy to the public. If we are going to achieve the lasting peace which we seek and if we are going to leave behind a foreign policy tradition that will be carried on on a nonpartisan basis in succeeding administrations, we have an obligation to explain our philosophies, purposes and policies to the public.

After my confirmation I intend to invite leaders of various opinion-forming elements in this country to the State Department to advise us on how they can most effectively discharge this responsibility.

We will do our best to conduct foreign policy in as open a manner as is consistent with the goals which we all share, which is to bring about a lasting peace.

REPLIES TO QUESTIONS

CAMBODIAN BOMBING

The question is whether there were fighter-bomber raids closer to Phnom Penh than 10 to 15 miles. I'll take this question but I'm sure that the Senate will also want to ask about it, and therefore I don't want to go into all the details. And also I haven't consulted all the records, but the B-52 operations were confined to an area within 10 miles.

Occasionally—but I think very rarely—there were some tactical air operations when there were military activities on one side of the border that continued in which the sequence of military operations continued across the border, and in the pursuit of them occasionally—but very rarely—some tactical air operations took place.

They could have been deeper than 10 miles, but I doubt if they were very much deeper.

IMPACT OF WATERGATE

Now your other question on the impact of Watergate on foreign policy. The foreign countries have to assess what sort of a country they're dealing with, how steady it can be in the carrying out of its commitments and the degree of authority possessed by its leaders. To the extent that these are affected, there is a long-term effect on foreign policy.

Our intention will be, as I stated prior to this appointment, to emphasize both aspects of foreign policy on which most Americans agree—to carry out a foreign policy that has the widest possible support on a bipartisan basis. And since I'm confident that that can be achieved, I believe that the effect of Watergate on the conduct of foreign policy can be minimized.

I was asked very early in the Watergate affair, at the end of April, whether it might have an effect on foreign policy.

At the time, one's knowledge of it was confined essentially to the break-in of Democratic campaign headquarters. At that time I said that if an orgy of recrimination set in, it might have an effect on foreign policy.

There is no question that if the divisions in a country grow too deep, then the conduct of foreign policy will be affected. And then, people have to decide whether it is—whether the issues on which they are being divided are worth it.

On this I'm not now taking a position. I'm just stating the facts analytically.

CONSENSUS ERODING

Now it is true that the consensus on which foreign policy was conducted in the late nineteen-forties and through the fifties and sixties in eroding in part because the conditions in the world have changed so enormously.

In the late nineteen forties and in the nineteen fifties, foreign policy was essentially designed to prevent what was munism from entirely over-running the world. Today, we are getting a foreign policy in which at one and the same time we are engaged in—with the Soviet Union and the People's Republic of China, and on the other hand, we are trying to strengthen the traditional friendship with Europe and Japan.

On the one hand, we are * * * adequate defense budgets, and on the other we are conducting negotiations for the limitation of strategic arms. This requires a complexity of thought and a sophistication on the part of the American public that was not called for in the forties and fifties.

We've had the legacy of a war that bitterly divided Americans. And that has to be healed. And therefore one of the prime objectives of the * * * be to create a consensus in which the American people and the American Congress can understand and will support the necessity of carrying on adequate defense programs and disarmament negotiations.

THE MIDDLE EAST

The President has repeatedly stated that the Middle East is an important area, and perhaps the most dangerous area, and I will pursue, under the President's direction, those policies which are considered necessary, and in the past that has sometimes meant a less than restrained profile.

I'm asked to conduct the foreign policy of the United States and I will conduct the foreign policy of the United States, regardless of religious and national heritage. There is no other country in the world in which a man of my background could be even considered for an office such as the one to which I have been nominated, and that imposes on me a very grave responsibility which I will pursue in the national interest.

GRAIN SALES

With respect to the grain sales, I think it is important to understand that there are major areas of American foreign policy, or let me rather put it, of the American position in the world in which our approach and realities are fundamentally changing.

For example, for the entire postwar period and the entire first term of this Administration, it was considered axiomatic that the United States could never sell too much grain. The entire farm policy and the entire foreign policy as it was expressed—as it related to agricultural policy proceeded from the assumption that with our huge surpluses and our huge productivity we could stand for free markets. For our almost entire postwar history we have considered ourselves more or less self-sufficient in raw materials.

Now we find a greater dependence on foreign sources for energy. We find that for the first time because of a combination of factors there is a shortage of American food for export, and this has profound consequences for the conduct of our foreign policy when free access to foreign markets had been one of the cardinal tenets of our policy previously.

So what we have to change first is our traditional approach, and we have started prior to this appointment already a study on an interdepartmental basis in this Government to examine how over the next five to 10 years world needs and American productivity could be brought into some relationship.

DEPARTMENT OPERATION

I plan to maintain an office in the White House and to spend some of my time in the White House on interdepartmental matters and on being available to the President.

I would expect that some of my associates would join me in the State Department to ease the cultural shock, and I also would expect that some of the head people in the State Department would move to the White House in order to see the interdepartmental operations from a White House perspective.

But we would keep the energy structure in place for interdepartmental business and for the Presidential business.

We would hope to give even more vitality to the operation of the State Department. And I can only reiterate that if what has been done can be built on, and if it is to last, it must engage the commitment of the professionals who will have to carry on over a period of time. And this will be one of my principal purposes at the State Department.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time for morning business has expired.

TREASURY DEPARTMENT, POSTAL SERVICE, EXECUTIVE OFFICE OF THE PRESIDENT, AND CERTAIN INDEPENDENT AGENCIES APPROPRIATIONS, 1974

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of Calendar No. 357, H.R. 9590, which will be stated.

The legislative clerk read as follows:

A bill (H.R. 9590) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain independent agencies for the fiscal year ending June 30, 1974, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

The PRESIDING OFFICER. The time for debate on the bill is limited to 2 hours, to be equally divided and controlled by the majority leader and the minority leader, or their designees, with time for debate on any amendment in the first degree limited to 1 hour and debate on any amendment to an amendment, debatable motion, or appeal limited to ½ hour.

Mr. MANSFIELD. Mr. President, I yield control of the time allotted to me to the distinguished Senator from New Mexico (Mr. Montoya).

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico.

Mr. MONTOYA. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. MONTOYA. On my time.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MONTOYA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MONTOYA. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. MONTOYA. Mr. President, H.R. 9590, the Treasury, Postal Service, and general Government appropriations bill for fiscal year 1974, now before the Senate, recommends total appropriations in the amount of $4,823,166,000 which amount is $1,014,300,000 under the appropriations for fiscal year 1973; $78,179,000 under the budget estimates for fiscal year 1974, as amended; and $21,557,000 under the bill as passed the House of Representatives in the amount of $4,844,723,000.

In addition to the above sum of $4.8 billion recommended by the committee, the bill involves an additional $44,339,893,000 of permanent authorizations which do not require annual appropriation action by the Congress, and these are listed in the tabulation commencing on page 40 of the committee report before the Senate. The committee has absolutely no control over permanent authorizations which represent commitments made and which must be met. Members will note that the largest item under permanent authorizations is $27.5 billion, the estimated interest on the public debt for 1974. This is an increase of $3.3 billion over the fiscal year 1973 level.

The permanent authorizations also include funds that enable the Internal Revenue Service to make refunds on overpayments of personal income taxes, the Bureau of Customs to reimburse Puerto Rico and the Virgin Islands for customs duties collected for the islands, payments to the civil service retirement and disability fund, and so forth.

Senate Report No. 378 is before each Member, and beginning on page 42 is a tabulation which gives a complete comparison for each item in the bill. I will confine my remarks today to the significant changes which have been recommended by the committee, and I will be happy to answer any questions any Member may have during the course or at the conclusion of my remarks.

Under title I of the bill, recommendations for the Treasury Department total $1,746,402,000. This is $3,348,000 under the House-passed bill; $49,307,000 over the fiscal year 1973 appropriation; but $16,483,000 under the budget estimates for fiscal year 1974.

The largest increase under this title applies to the Internal Revenue Service for which the committee recommends a total appropriation of $1,185,117,000, an increase of $35,890,000 or 3 percent over 1973. This increase is composed of an additional $12,400,000 allowed for the accounts, collection, and taxpayer service; and $23,303,000 additional for compliance activities over 1973.

An increase of 1,642 additional permanent full-time employees is recommended and authorized to permit the Internal Revenue Service to cope with the growth in population, economy, and workload.

The accounts, collection, and taxpayer service combines the delinquent accounts and returns activity—formerly of the compliance appropriation—with an expanded taxpayer service program and the activities of the former revenuing accounting and processing appropriation.

The compliance appropriation provides funds for the activities which are primarily responsible for promoting high voluntary compliance with the tax laws and for carrying out the law enforcement programs assigned to the Service.

I wish to mention at this point that the committee conducted special hearings earlier this year on the Internal Revenue Service's taxpayer assistance and compliance programs. The objective was twofold: First, a desire by the committee to have the Internal Revenue Service be as helpful as possible to the taxpayer while also maintaining its role of seeing that all taxpayers pay their taxes in a fair manner; and second, an attempt to have the IRS develop procedures whereby certain inequities which exist in the administration of the tax system would be eliminated.

The committee feels that the hearings on the Internal Revenue Service were informative as well as constructive. These special hearings raised several points and presented recommendations which the Service was requested to explore. The committee is pleased to learn that the IRS has studied these items and instigated programs that will better serve the taxpaying public.

I submit at this point for the record, a brief résumé of these recommendations and their status, which appears on page 11 of Senate Report No. 378.

There being objection, the résumé was ordered to be printed in the Record, as follows:

1. The Committee requested that the Service present taxpayers undergoing audit or collection with a brief written explanation of the procedure. The purpose of this notice would be to identify taxpayer rights, obligations, appeal procedures, names of supervisors who will entertain complaints, and whether or not they are suspected of a crime. The Service has informed the Committee that it has revised its initial audit notification letter to taxpayers indicating (a) why the taxpayer is being contacted; (b) why the action is necessary; (c) the audit procedure; (d) the appeal rights; and (e) a statement that the examination does not imply dishonesty or suspected criminal liability. Also, the Service assured the Committee that these items would be stated orally at the beginning of an audit.

2. The Committee called for IRS to provide taxpayers with an understandable booklet setting forth IRS procedures, on tax enforcement. The Service is preparing this booklet as well as other pamphlets, news articles and films which will help taxpayers understand the tax laws.

3. In complying with the Committee's request to simplify audit and collection forms, the Service has updated and revised these forms—many will be distributed to field offices soon—to improve the taxpayer's understanding of Service procedures.

4. The Service recognized the importance of informing taxpayers of their rights as noted by the Committee. Therefore, the Service prepared new instructional material reinforcing this principle and revised letters to taxpayers under audit detailing their appeal rights.

5. An important concern of this Committee was the possibility that production goals measured an individual's career progress. The Service assured the Committee that, since 1961, it has prohibited the use of individual production statistics as a means of evaluating employees. To emphasize the Service's position, it is revising policy statements to ensure that quantifiable production measurements are not used to evaluate or promote employees.

6. The Committee recommended that IRS review its appeals procedures with the idea of streamlining the process to abate the expense and confusion that exists. The Service informed the Committee that a special effort is being made to see that taxpayers understand the examination process, appeal rights, and options that are available to them, including processing of small cases in the tax court.

7. The Service, in response to the Committee's request, has taken several steps to improve the instructional approach and technical content of the training given Taxpayer Service Representatives. The IRS, reportedly, is also continuing to improve the training of Revenue Officers and Revenue Agents with new materials and a strong emphasis on taxpayer relations.

8. The Committee expressed concern toward IRS's compliance with the Freedom of Information Act. As a result, in the past few months, the Service has accelerated its effort to comply with the Freedom of Information Act. A policy statement has been revised to guide officials in evaluating requests for information; authority to classify material as being unavailable to the public is now limited to fewer officials; and, the bulk of the IRS manual, plus statistical publications and training materials, are on the public reading room shelves. Regardless of the outcome of litigation relating to the publishing of all private rulings and technical advice, the Service has assured the Committee that it will undertake to communicate its interpretative positions and its guidelines and "rules of thumb" more widely and effectively.

The Committee expects that the Internal Revenue Service will pursue other Committee recommendations with equal vigor and report thereon to the Committee as soon as possible.

Mr. MONTOYA. For the Bureau of Alcohol, Tobacco and Firearms, previously administered by the Internal Revenue Service, funds are recommended in the amount of $73,000,000, the budget estimate, for fiscal year 1974. This amount is an increase of $1.5 million over the House allowance.

The functions that this bureau performs are of great importance and the committee believes that the full amount requested should be allowed. Further reductions in the illicit liquor program could severely reduce effective law enforcement in this area and the committee believes that now is not the time to reduce this particular agency.

For the Bureau of Customs, recently renamed the U.S. Customs Service, the committee recommends an appropriation of $221,200,000, an increase of $7,500,000—3.4 percent—and 181 additional positions over 1973. Additional vehicles, aircraft, and improved detection and other technical equipment to enable the Bureau to control more effectively the illegal importation of narcotics and other dangerous drugs were allowed by the committee.

For the U.S. Postal Service under title II of the bill, the committee concurred with the House and recommends an appropriation of $1,373,000,000 for payment to the Postal Service Fund, a decrease of $96,000 under the estimate.

As stated in prior reports, it is the sense of the committee that Congress made its determination as to rates in the Postal Reorganization Act of 1970, and that nothing in this appropriation is intended to disturb that determination.

Like the House, the committee, as in the past, declines to earmark any of the funds recommended to be appropriated for any specific purpose, as the Congress is no longer in the ratemaking business; however, the bill provides for the transfer of $142,333,500—or half of the request—from the Postal Fund to the Civil Service Retirement and Disability Fund for increases in unfunded liability which result from increases in pay and retirement benefits authorized for Postal employees on or after May 1, 1971.

The Postal Service insists that the Congress should appropriate for the contribution, and OMB insists that the Postal Service should pay it. The fact is that a payment must be made soon and the committee feels, as does the House, that the amount recommended is sufficient for the present or until such time as the matter is resolved by the Post Office and Civil Service Committees of the Congress.

Under title III—Executive Office of the President—a total appropriation of $249,633,000 is recommended. This is $480,213,000 under the prior year's appropriation, and $27,091,000 under the budget estimate. The decrease from 1973 results from the fact that a total of $592.5 million was appropriated for Disaster Relief in 1973 and only $100 million was requested in the 1974 budget. NOTE.—Budget amendment of August 7, 1973, proposes an additional $300 million.

For Disaster Relief, the committee recommended $100 million. The $100 million budget request represented an estimate of need based on the incidence of major disasters at the time the 1974 budget was submitted. Since that time however, 36 major disasters in twenty-six States have been declared and subsequent to the committee's action on the bill a budget amendment was transmitted to the Congress by the President requesting an additional $300,000,000. I will offer an amendment at the conclusion of my remarks in connection with the aforementioned budget amendment.

Included under this title is the Special Action Office for Drug Abuse Prevention, for which the committee recommends a total of $55,000,000, an increase of $3,144,000 over fiscal year 1973 and $8.5 million over the House, but $10 million under the estimate. This Office supervises and directs drug abuse programs formerly scattered among many Federal agencies and, hopefully, will effectuate a coordinated, unified attack on drug addiction and its degrading effects. The increase allowed over 1973 provides for funding 133 man-years of employment and for treatment expansion and new contracts with single State agencies and establishing central intake facilities at several large cities.

OFFICE OF MANAGEMENT AND BUDGET

The committee recommends an appropriation of $19,100,000 for the Office of Management and Budget, a decrease of $500,000 under the fiscal year 1973 appropriation, and a decrease of $500,000 in the amount requested.

Certain management and policy functions together with personnel were transferred from the Office of Management and Budget to the General Services Administration pursuant to Executive Order 11717 of May 9, 1973. The total annual cost of the transfer is estimated at approximately $1,000,000. OMB did not make corresponding adjustments in its budget request and personnel ceiling. The committee has taken this action into consideration in making its recommendation and feels that the funds recommended are sufficient to continue the employment of personnel at last year's level.

GENERAL GOVERNMENT

For agencies under title IV—General Government—a total appropriation of $1,454,131,000 is recommended. This is $546,394,000 under the prior year's appropriation. This large reduction results from the change in funding for Federal construction projects from direct appropriations to lease purchase contracts under the Public Buildings Amendments Act of 1972.

CIVIL SERVICE COMMISSION

For salaries and expenses of the Civil Service Commission, a total of $65,774,000, the budget estimate, is recommended. These funds provide for first, keeping personnel policies current; second, staffing for Federal employment; third, assuring fitness and suitability in Federal employment; and fourth, improving personnel management.

EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

One of the most important functions of the Civil Service Commission is to assure a merit work force so that the public can be guaranteed a personnel management program and a work force of the highest quality. It is equally vital and important that all citizens, regardless of race, color, creed, sex, or ethnic background, be afforded and given equal employment opportunities in the Federal service. The Civil Service Commission is urged to pursue a program of affirmative action to assure equal opportunity in Federal employment and the committee has directed that this program be given the highest priority.

While the Civil Service Commission has taken some measures to assure equality of opportunity in the Federal Governments, the committee after hearing the Commission's budget requests has concluded that the Commission has not sufficiently pursued its obligations under the Equal Employment Opportunity Act of 1972 in a manner that is consistent with the spirit of the act. Therefore, the committee has specifically directed the Civil Service Commission to:

First, increase its staff and efforts in the area of testing for job relevancy rather than to add more persons to employment roles. The Commission should shift emphasis from personnel management evaluation programs. In the judgment of the committee, it does little good to make large expenditures in program evaluation when the source of many problems of inequality of opportunity in the Federal service lies in ill-conceived tests that sometimes reflect cultural biases and do not fairly measure intelligence and ability. Particular emphasis is to be placed in specifically determining those positions where ability in the Spanish language is essential for successful job performance—that is, border patrol positions in INS; public contact positions in areas of high Spanish-speaking population—and then aggressively recruiting Spanish-speaking personnel to fill the positions.

Second. Pursue the 16-point program more aggressively overall, but particularly in its own offices and bureaus and to give full consideration to Spanish-speaking persons for its mission-related occupations and executive positions.

Third. Advance the 16-point program more aggressively throughout the Federal service by requiring the departments and agencies with poor records in the employment of Spanish-speaking persons to have full-time competent 16-point program coordinators.

Testimony before the committee revealed that certain Federal agencies have not fully complied with the President's Equal Employment Opportunity program and that much remains to be done in fulfilling the administration's pledges in this regard. The committee urges the Civil Service Commission to take necessary steps and measures to obtain compliance from those Federal agencies not actually in compliance with the Commission's directives regarding this matter.

For all activities of the General Services Administration, the committee recommends a total appropriation of $579,068,000. This amount is $15,466,000 under the 1974 estimate; $11,224,000 under the House allowance; and $369,217,000 under 1973.

OPERATING EXPENSES

For operating expenses of the General Services Administration, the committee recommends new budget—obligational—authority of $380,582,000, a decrease of $10 million under the House. In addition the Committee recommends that $100 million be derived by transfer from the 1973 "Construction" appropriation account which contains an unobligated balance of $203 million. Thus a total of $480,582,000, or an increase of $38 million over the amount appropriated for fiscal year 1973, is recommended by the committee for basic real property operations of GSA, including acquisition, operation, maintenance, protection, and utilization of general purpose buildings and space and for overall direction of buildings, design, construction, and repair and modernization. The House bill did not provide for the transfer of unobligated funds from construction, as requested.

REPAIR AND IMPROVEMENT OF PUBLIC BUILDINGS

The sum of $82 million is also recommended by the committee to be derived by transfer from unobligated 1973 Construction funds, for day to day maintenance repair work of all types, repairs, remodeling, improvement of space, alterations, conversions, and extensions of federally owned buildings under the jurisdiction of GSA.

While the Senate committee concurred with the House in the amount allowed, it did not agree with the House in regard to the source derivation of the funds. The House recommended that these funds be derived by transfer from "Operating Expenses," Public Buildings Service, and as previously stated, the Senate Committee recommends that the $82 million be derived from the unobligated 1973 "Construction" account balance.

CONSTRUCTION

For the "Construction" account, the committee recommends the budget estimate—$2,572,000—to be reappropriated from existing funds in this account for two border stations—one in Alaska and the other at San Diego; and for two Federal office building projects—one in Fayetteville, Ark. and the other at Buffalo, N.Y. The House recommended that the projects be constructed by direct appropriation, whereas the Senate committee recommends that presently available funds be reappropriated to fund the projects.

DEFENSE CIVIL PREPAREDNESS AGENCY

The committee recommends $50 million, a reduction of $10.3 million under 1973 and $14.1 million under the 1974 estimate, for operation and maintenance of the Defense Civil Preparedness Agency, and in addition it made a proportionate cut of $4.4 million in the research, shelter survey and marking account. The committee felt that the programs were not so urgent as to require full funding especially in view of relatively serious fiscal problems confronting the Government at this time.

CONCLUSION

Mr. President, before concluding my remarks, I wish to say that I enjoyed working together with the fine members of the subcommittee and the ranking minority member of the subcommittee, the Senator from Oklahoma (Mr. BELLMON). The Senator from Oklahoma (Mr. BELLMON) participated actively in the hearings and in the markup of the bill and thus contributed greatly to the committee's recommendations before the Senate. So did the Senator from Oregon (Mr. HATFIELD).

I shall now be happy to answer any questions that may be propounded at this time. Before doing so, however, I ask unanimous consent that the committee amendments be agreed to en bloc, and that the bill as thus amended be regarded for the purpose of amendment as original text, provided that no point of order shall be considered to have been waived by reason of agreement to this order.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. MONTOYA. I yield.

Mr. MONDALE. Mr. President, I have a question with respect to the unanimous-consent request. As I understand it, the action taken by the committee on page 17 of the committee bill which authorized the House language appearing at lines 9 through 11 was struck by the committee after approval by the House. That relates to approval by the Senate and House Committees on Appropriations.

Since that is one of the issues that I would like to raise in my amendments, I wonder if the distinguished Senator from New Mexico would exclude that one provision in his unanimous-consent request that the amendments be agreed to en bloc.

Mr. MONTOYA. Mr. President, I ask the distinguished Senator what he has in mind.

Mr. MONDALE. Mr. President, on page 17 of the committee bill, starting on page 9, following the word "available" the following language was struck by the committee, "after approval by the House and Senate Committees on Appropriations . . ."

I was wondering whether the distinguished Senator might exclude that language from his motion so that we could act on that matter separately.

Mr. MONTOYA. Mr. President, I believe that under my request the Senator is free to act on this language anyway.

Mr. MONDALE. As I understand it, I think I would be free to move to strike. However, I prefer not to have it in the first place, which is why I asked the distinguished floor manager of the bill to exclude that provision from his motion.

Mr. MONTOYA. Mr. President, I do not know the purpose the Senator is seeking to accomplish when he can do the same thing even after my request is granted. The Senator from Minnesota can proceed to amend any part of the bill, because it will be considered as original text if my request is granted. Mr. President, is that not correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. MONDALE. Mr. President, would the distinguished Senator withhold his request for a short period of time? I will not ask for a quorum call. However, I will get back to the point later. I believe the procedure advanced in my suggestion is correct. However, I withhold it for the moment.

Mr. MONTOYA. Mr. President, I fail to see the Senator's point. The Senator has stated that he can offer any amendment he wishes to the section.

Mr. MONDALE. Mr. President, my suggestion was based on a conference with the Parliamentarian.

Mr. BELLMON. Mr. President, would the distinguished Senator from New Mexico yield to me so that I might make my statement on the bill?

Mr. MONTOYA. Mr. President, I defer my request temporarily so that I might yield to the Senator from Oklahoma for the purpose of making his statement on the bill. In the meantime the Senator from Minnesota can make further inquiry concerning his position on this matter.

Mr. MONDALE. That would be satisfactory.

Mr. BELLMON. Mr. President, before commenting directly on the Treasury, Postal Service, and General Government appropriations bill, I would like to thank the distinguished chairman of the subcommittee, the distinguished senior Senator from New Mexico, who is managing the bill today, as well as the other members of the committee who worked on this legislation, and the staff of the subcommittee for the assistance and guidance they have provided. I would also like to thank the distinguished chairman, the senior Senator from Arkansas, for his diligent work and leadership on the full committee. Without his experience and knowledge it is doubtful that the bill would have reached the floor in such fine form. While there are few monumental new programs in this bill, we must remember that without the functions funded in this bill there would be no funds to finance expenditures of the other agencies and branches of the Federal Government, including our own. Spending programs found in other appropriations bills would be meaningless without the funds authorized in this appropriations bill.

Funds for the operations of the White House are found in this bill. Funds for the Executive Office of the President have become controversial this year, because of the Watergate hearings, the impoundment question, and the questions of executive privilege. We must not lose sight of the fact that this branch of Government is an equal branch of Government entitled to the funds necessary to provide the services on which the Nation so strongly depends. The funds for functions such as the Domestic Council, the National Security Council, the emergency fund for the President, the Office of Management and Budget, and the fund for special projects of the President are all included in this bill.

While in this year there are political overtones surrounding these funds, we should not lose sight of the fact that these are the funds of the President's advisers. The advisers on which the President must rely, if he is to assimilate the vast amounts of information which goes into decisionmaking by that branch of Government. Aside from these operations, which have had more than a passing interest these days, there are funds for projects which affect the lives of all Americans, such as drug abuse prevention and national disasters.

By and large we are considering today the funds for the general governmental activities of the Federal Establishment—the levying and collection of taxes, the monetary duties of the Treasury, the personnel management and retirement programs of the Civil Service Commission and the general housekeeping and oversight responsibilities assigned to the General Services Administration. These funds permit us to finance and implement the policies carried out by various departments and agencies of the Government. While the chairman of the subcommittee has outlined the various provisions of this bill and I will not delay by going over many of these matters a second time, there are a few items that are noteworthy of further elaboration and I will take just a few minutes to cover them.

First of all, there is an item which concerns the subcommittee, particularly the senior Senator from Oregon (Mr. **Hatfield**) and myself, who are both ex-Governors. The subcommittee recommended an almost 20 percent reduction of the activities of the Defense Civil Preparedness Agency of the Department of Defense. The members of the subcommittee who have served as Governors or State legislators have developed firm conclusion as to necessity of further funding of these activities at an ever increasing level. Appropriations for this agency over the years have increased by $10 million in the 2 years between 1971 and 1973. The Appropriations Committee, by recommending this cut, is merely funding this office at the same rate it was funded in 1971.

Because of the nature of the functions of this agency, such as making fallout shelters, building a civilian defense program, and planning emergency assistance for States and local governments in the postattack period, the subcommittee feels that this expanding funding rate is no longer necessary. The Office of Emergency Preparedness, although now defunct, was to deal with natural disasters. Many of these functions have been completed, and many of them are worthless relics of the cold war and can in all likelihood be reduced much further than they already have been. Therefore, the committee has made the first move in recommending a significant reduction now, and we intend to hold oversight hearings in the near future to examine these programs and their continuing needs.

The committee has recommended an appropriation of $19.1 million for the salaries and expenses of the Office of Management and Budget. This is a decrease of $500,000 under the budget estimate from the amount appropriated for fiscal year 1973. The committee made this reduction because of the transfers of personnel to the General Services Administration which has made this reduction in funding possible. There has been some discussion that one of the functions of this Congress should be to make OMB tighten its belt just as it has worked to hold down the cost of programs which we have recommended in the past.

Mr. President, this is not the way to run a responsible Government. It would not be in the best interests of the taxpayers of this country. The Comptroller General has pointed out that OMB must play a strong leadership role in the improvement of financial management of the executive branch of Government. When we consider that 20 years ago this same agency had over 400 employees and was then charged with the responsibility of overseeing a $70 billion budget, the relatively minute growth of OMB becomes apparent. Today, the same agency is responsible for a budget nearly 4 times as large, yet it has only 628 employees. In light of the bulging Federal bureaucracy, the Office of Management and Budget should be commended for holding down the size of their agency. Because there is disenchantment with some of the policies of OMB we should not act unwisely and cut their appropriations further.

Let me conclude my remarks by urging the Senate to adopt the bill which the committee has sent you after weeks of hearings and deliberations.

I again commend the distinguished chairman of the subcommittee for the firm, fair, and methodical manner in which he has presided over the development of this legislation.

Mr. MONTOYA. Mr. President, I would like to inquire further of the Senator from Minnesota if he has changed his position on my request.

Mr. MONDALE. Mr. President, I withdraw my inquiry.

Mr. MONTOYA. I renew my request.

The PRESIDING OFFICER. Without objection, the committee amendments are agreed to en bloc, and the bill as thus amended will be considered as original text for the purpose of further amendment.

The amendments agreed to en bloc are as follows:

On page 2, line 8, after the word "expenses", strike out "$17,600,000" and insert "$18,185,000".

On page 3, line 10, after the word "Director", strike out "$71,500,000" and insert "$73,000,000".

On page 3, line 21, after "(22 U.S.C. 401)", strike out "$222,200,000" and insert "$221,200,000".

On page 4, line 8, after the word "commistor", strike out "$71,500,000" and insert "$23,000,000".

On page 5, line 5, after the word "applicants", strike out "$531,683,000" and insert "$530,000,000".

On page 5, line 15, after the word "Commissioner", strike out "$622,430,000" and insert "$620,430,000".

On page 8, line 12, after "GS–18", strike out "$60,000,000" and insert "$55,000,000".

On page 10, line 18, after "3109", strike out "$16,000,000" and insert "$19,100,000".

On page 10, line 24, after "5 U.S.C. 3109", strike out "$2,070,000" and insert "$1,500,000".

On page 11, line 13, after "(Public Law 92–255)", strike out "$21,500,000" and insert "$30,000,000".

On page 11, after line 13, insert:

"SPECIAL ASSISTANCE TO THE PRESIDENT

"For expenses necessary to enable the Vice President to provide assistance to the President in connection with specially assigned functions, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem equivalent of the rate for grade GS–18, compensation for one position at a rate not to exceed the rate of level II of the Executive schedule, and other personal services without regard to the provisions of law regulating the employment and compensation of persons in the Government service, $675,000."

At the top of page 12, insert:

"SPECIAL PROJECTS

"For expenses necessary to provide staff assistance for the President in connection with special projects, to be expended in his discretion and without regard to such provisions of law regarding expenditure of Government funds or the compensation and employment of persons in the Government service as he may specify, $1,000,000: *Provided*, That not to exceed 20 per centum of this appropriation may be used to reimburse the appropriation for 'Salaries and expenses, The White House Office', for administrative expenses: *Provided further*, That not to exceed $10,000 shall be available for allocation within the Executive Office of the President for official reception and representation expenses: *Provided further*, That the Committees on Appropriations of the Senate and House of Representatives shall be furnished quarterly with a detailed accounting of expenditures made from these funds."

On page 12, line 22, after "section 3109", insert a comma and "at such per diem rates for individuals as the President may specify, and other personal services without regard to the provisions of law regulating the employment and compensation of persons in the Government service"; and, on page 13, after "(not to exceed $75,000)", insert a comma and "and official entertainment expenses of the President, to be accounted for solely on his certificate;".

On page 16, line 18, after the word "vehicles", strike out "$200,000" and insert "$240,000".

On page 17, line 5, after the word "moving", strike out "$390,582,000" and insert "$480,582,000, of which $100,000,000 shall be derived by transfer from the appropriation made in the Independent Agencies Appropriation Act, 1973, for "Construction, Public Buildings Projects":"; and, in line 9, after the word "available", strike out the comma and "after approval by the House and Senate Committees on Appropriations,".

On page 18, at the beginning of line 6, strike out ""Public Buildings Service, Operating Expenses"", and insert "made in the Independent Agencies Appropriation Act, 1973, for "Construction, Public Buildings Projects":"

On page 18, at the beginning of line 23, strike out "For an additional amount for expenses, not otherwise provided for, for construction, pursuant to the Public Buildings Act of 1959, as amended (40 U.S.C. 601–615), in addition to the sums heretofore appropriated for such projects, $2,572,000, as follows: Border Station, Alaska Highway, Alaska, $732,000; courthouse and Federal office building Fayetteville, Arkansas, $140,000; Border Station, San Diego, California, $1,100,000; and Federal office building, Buffalo, New York, $600,000; to remain available until expended" and insert "An amount of $2,572,000 heretofore appropriated under this heading shall be available until expended for construction, pursuant to the Public Buildings Act of 1959, as amended (40 U.S.C. 601–615), and shall be in addition to the sums heretofore appropriated for such projects, as follows: Border Station, Alaska Highway, Alaska, $732,000; Courthouse and Federal office building, Fayetteville, Arkansas, $140,000; Border Station, San Diego, California, $1,100,000; and Federal office building, Buffalo, New York, $600,000"; on page 19, line 19, after the word "the", insert "unobligated balance of the"; and, in line 21, after the word "of", strike out "$203,312,000" and insert "$18,740,000".

On page 20, line 11, after "$500,000", insert "to remain available until expended".

On page 20, line 24, after the word "furnishings," strike out "$7,512,000" and insert "$7,000,000".

On page 21, lne 8, after the word "law", strike out "$95,000,000" and insert "$97,000,000".

On page 21, line 16, after the word "services", strike out "$33,000,000" and insert "$33,230,000"; in the same line, after the word "which", strike out "$500,000" and insert "$730,000"; and, in line 18, after the word "amended", insert a comma and "shall remain available until expended".

On page 23, line 2, after the word "Provided", strike out "That none of the funds available under this heading shall be available for transfer to any other account nor for the funding of any activities other than those specifically authorized under this heading" and insert "That during the current fiscal year the General Services Administration is authorized to acquire leasehold interests in property, for periods not in excess of twenty years, for the storage, security, and maintenance of strategic, critical, and other materials in the national and supplemental stockpiles provided said leasehold interests are at nominal cost to the Government: *Provided further,* That during the current fiscal year there shall be no limitation on the value of surplus strategic and critical materials which, in accordance with section 6 of the Strategic and Critical Materals Stock Piling Act (50 U.S.C. 98e), may be transferred without reimbursement to the national stockpile: *Provided further,* That during the current fiscal year materials in the inventory maintained under the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061–2166), and excess materials in the national stockpile and the supplemental stockpile, the disposition of which is authorized by law, shall be available, without reimbursement, for transfer at fair market value to contractors as payment for expenses (including transportation and other accessorial expenses) of acquisition of materials, or of refining, processing, or otherwise beneficiating materials, or of rotating materials, pursuant to section 3 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b), and of processing and refining materials pursuant to section 303(d) of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2093(d))."

On page 25, line 14, after the word "activities", strike out "$3,370,000" and insert "$3,000,000".

On page 26, line 4, after the word 'exceed", strike out "$40,000,000" and insert "$44,703,000".

On page 27, after line 13, insert a new section, as follows:

"SEC. 4. Not to exceed 2 per centum of any appropriation made available to the General Services Administration for the current fiscal year by this Act may be transferred to any other such appropriation, but no such appropriation shall be increased thereby more than 2 per centum: *Provided,* that such transfers shall apply only to operating expenses, and shall not exceed in the aggregate the amount of $2,000,000."

On page 27, after line 21, insert a new section, as follows:

"SEC. 5. No appropriated funds shall be available for the purpose of defraying any expenses (including expenses for the payment of the salary of any person) incurred in connection with the transfer of title of all (or any portion) of the Sand Point Naval facility, Seattle, Washington, to any person or entity for aviation use."

On page 28, at the beginning of line 7, strike out "$5,760,000" and insert "$5,480,000"; and, in line 9, after the word "judge", insert a colon and "*Provided further,* That $1,000,000 of this appropriation shall remain available until expended for equipment, furniture, furnishings and accessories, required for the new Tax Court building and, whenever determined by the Court to be necessary, without compliance with section 3709 of the Revised Statutes, as amended (41 U.S.C. 5)."

On page 28, line 21, after the word "law", strike out "$63,500,000", and insert "$50,000,000".

On page 29, line 10, after the word "equipment", strike out "$24,000,000" and insert "$20,000,000, to remain available until expended".

On page 30, line 16, after the word "services", strike out "$3,000,000" and insert "$6,000,000".

On page 30, line 24, strike out "$200,000" and insert "$250,000".

On page 34, line 1, after the word "from" insert "Cuba".

On page 34, line 3, after the word "residence", insert a colon and "*Provided,* That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his status have been complied with: *Provided further,* That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined not more than $4,000 or imprisoned for not more than one year, or both: *Provided further,* That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law:"; and, in line 15, after the word "Government." insert "This section shall not apply to citizens of the Republic of the Philippines or to nationals of those countries allied with the United States in the current defense effort, or to temporary employment of translators, or to temporary employdays) as a result of emergencies."

On page 38, after line 13, insert a new section, as follows:

"SEC. 610. Funds made available by this or any other Act to the "Buildings management fund" (40 U.S.C. 490 (f)), and the "Postal Service fund" (39 U.S.C. 2003), shall be available for employment of guards for all buildings and areas owned or occupied by the United States or the Postal Service and under the charge and control of the General Services Administration or the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948 (62 Stat. 281; 40 U.S.C. 318), but shall not be restricted to certain Federal property as otherwise required by the proviso contained in said section, and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948 (622 Stat. 281; 40 U.S.C. 318a, 318b) attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948 (62 Stat. 281; 40 U.S.C. 318c)."

Mr. MONDALE. Mr. President, I have a series of amendments affecting the appropriations for operations of the Executive Office of the President. May I say, before I call up any of these amendments, how deeply I respect the excellent work of the chairman of the Appropriations Subcommittee (Mr. MONDALE) and the fine bill which the committee has reported. I support that bill, though I think it involves, in terms of the Executive Office, severe policy questions which have been brought to our attention in excruciating detail during the Watergate hearings, under the chairmanship of Senator ERVIN.

The first amendment I shall call up affects the budget for the so-called Domestic Council. I call up that amendment, which is cosponsored by the Senator from Missouri (Mr. EAGLETON), the Senator from Illinois (Mr. STEVENSON), the Senator from South Dakota (Mr. McGOVERN), the Senator from South Dakota (Mr. ABOUREZK), and the Senator from Alaska (Mr. GRAVEL) at this time.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 8, line 4 strike out "$1,100,000" and insert in lieu thereof "$350,000".

Mr. MONDALE. Mr. President, do I correctly understand we are under controlled time?

The PRESIDING OFFICER. The Senator is correct.

Mr. MONDALE. I yield myself such time as I may require.

Mr. President, this amendment is designed to reduce the money appropriated for the so-called Domestic Council from the $1,100,000 provided in the pending bill to a figure of $350,000.

This is more than just a matter of money. It is a question of the relationship between the executive and legislative branches of the Government, and more fundamentally it is a question of whether we have learned from Watergate the essentiality of forcing executive decisions out into the open again and into the public forum, so that such decisions must respond to the fact-finding processes of Congress, and in an environment where the traditional executive agencies are once again empowered to administer the laws and are made responsive to the public and to Congress. That is what this amendment is all about.

Virtually every Member of this body, at some point in the past 4 years, has experienced the frustration brought on by lack of accountability in the White House. Policy decisions were centralized in the White House, Congress was almost totally excluded from any consultative processes, and Cabinet officers in most domestic areas were dealt with summarily. Just as it has been said that Secretary Rogers did not possess much power in foreign affairs but that the power in fact was found in a White House office protected by executive privilege, so it has been true, over the past few years, that the Secretaries of Health, Education, and Welfare and of Labor have been little more than fronts to appear to be in charge of policy while in fact most of the fundamental policy for domestic affairs, and decisions in many of the operational efforts were to be found at the White House, removed from Congress, removed from the agencies, and removed from the public insofar as any accountability to the American people or to Congress was concerned.

Much of this abuse of power was centralized in the Domestic Council, a small but highly powerful group, for over 2 years under the control of John Ehrlichman.

Just as the National Security Council marked the retreat of accountability in the area of foreign policy, so the Domestic Council was the typification of a new style in domestic policymaking, a style which treated Cabinet officers, the Congress, and the press with equal disdain and disregard.

And, under the leadership of John Ehrlichman, the Domestic Council payroll became the "house of dirty tricks," from which Egil Krogh and G. Gordon Liddy went forth to do their nefarious business, while on the payroll of an organization ostensibly formed to provide policy advice to the President.

Just this afternoon, the newspapers carry the story of the indictments that have reportedly been returned in Los Angeles by a Federal grand jury relating to the Ellsberg case in which it is said that Mr. Ehrlichman, Mr. Krogh, Mr. Liddy, and Mr. Young were all indicted for complicity in that affair.

Mr. Krogh was on the staff from July of 1970 through August of 1972, and again from September of 1972 through January of 1973. He was Mr. Ehrlichman's Deputy, paid at an annual rate of $36,000.

Mr. Liddy was on the staff as a "staff

assistant" from July through December of 1971, paid at an annual rate of $25,867.

While Krogh was on the staff, he was carrying out the assignments given him by John Ehrlichman, and took direct charge of the "plumbers" operation, including the burglarizing of the office of Daniel Ellsberg's psychiatrist.

While Liddy was on the staff, he was a member of the plumbers' team, and actually participated in the burglarizing of Ellsberg's psychiatrist's office. In addition, since he outlined his entire $1 million espionage plan on January 27, 1972, Liddy—who was on the Domestic Council payroll as late as December 10, 1971, was presumably engaged in developing this plan while on the Council staff.

We in Congress, in my opinion, must bear part of the blame for these developments, because when we look at the history of the creation of the Council and the history of the money we provided for its operation, we can only come to the conclusion that we gave it to the Executive at its request without legislative authority, without requiring any of its officers to be confirmed or made accountable to Congress. We permitted the creation of this vastly important Executive agency beyond the reach of Congress, under the principle of the separation of powers as defined by the President, and beyond the factfinding efforts of Congress under the doctrine of Executive privilege, once again as defined by this President.

Although the Domestic Council never has received permanent statutory authorization from the Congress, we have continued to appropriate virtually every dime which the President has asked for it since the Council was organized in mid-1970, without determining how it was being used, who was being paid what, what they were doing, and what kind of product was being achieved for the benefit of the American public. Originally intended to perform strictly coordination and advisory work for the President, the Domestic Council became a combination propaganda agency and decision-making headquarters which left Cabinet agencies behind and which showed no respect for congressional prerogatives in the domestic policy area.

As much as any Member of this body, in the 9 years I have been here, I have been deeply engaged in what I call human problems. I suggest, in that regard, that I have repeatedly met with Cabinet officers and with sub-Cabinet officers in HEW and the Labor Department. And, after entering into agreements and understandings with these Cabinet officers time and again, I came to the conclusion that Cabinet officers more often than not are merely fronts and did not possess the power or the responsibility to determine the true course of America's affairs in those areas which we call domestic policy, but, in fact, those powers were being exercised by a body far beyond the reach and powers of Congress.

Mr. Ehrlichman's successor as Executive Director of the Council—Kenneth Cole, Jr.—admitted this in testifying this year before a House appropriations subcommittee.

> I think it is possible with a staff of the size that we had perhaps the staff was doing more than perhaps the Cabinet officers were doing, or perhaps the staff was doing more than it ought to be doing.

When the President announced this year's budget request, he noted that the Domestic Council was to become smaller in size. In fact, a reduction from 66 to 30 permanent employees was envisioned in the President's budget request for the Council. This, the President stated, was part of an effort to decentralize power back into the Cabinet agencies.

As I indicated earlier in connection with the National Security Council, I believe this shift in functions is long overdue. However, I question whether it in fact has been accomplished. Indeed, since Mr. Ehrlichman left and Mr. Cole replaced him there have been continued indications that the Domestic Council is still overstepping its supposed function, and must be cut back still further.

At a January 17 hearing of the Senate Banking, Housing and Urban Affairs Committee, the committee released a letter from Mr. Cole to the distinguished Senator from Alabama (Mr. SPARKMAN). This letter was a slashing attack on the Nation's subsidized housing programs.

It contained threats to stop all water and sewer grant commitments until housing programs were folded into a revenue-sharing proposal, prompting the distinguished Senator from Oregon (Mr. PACKWOOD) to state that the letter "almost smacks of blackmail."

Then, on February 27, 1973, the Washington Post reported that—

> The White House plans to mobilize pro-administration mayors in an effort to counteract criticisms from the League of Cities and the U.S. Conference of Mayors that federal budget reductions are forcing cutbacks in urban programs.

The Post continued:

> Kenneth R. Cole, Jr., executive director of the administration's Domestic Council, said yesterday that he would meet with mayors who support the administration's "New Federalism" in an effort to "get our story told" about the purpose of the administration's budget cuts.

Mr. President, I do not believe that an office within the White House which at this time was maintaining liaison with State and local government officials had any business conducting what amounted to a lobbying effort on behalf of the administration. Once again, it appeared that Mr. Cole and the Domestic Council in general were overstepping the proper boundaries of their assigned functions.

Finally, on May 21 of this year, Time magazine reported that—

> The White House Domestic Council is cranking up again under the supervision of Ehrlichman's replacement Kenneth Cole. . . . Last week Nixon spent four hours with Cole discussing revisions of the bill to set up an independent corporation to handle legal services for the poor.

Mr. President, I do not know how many hours I have spent with so-called representatives of the administration on legal services. I do not know how many times we made agreements or came close to agreements and passed bills which seemed to reflect what we agreed on, only to find them vetoed by the President with rhetoric entirely dissimilar to that which we heard before.

Mr. President, for 3 years I have worked hard in the Senate to create an independent Legal Services Corporation which would truly serve the needs of the Nation's poor. I deeply resent the fact that the head of an office who need not be confirmed by the Senate apparently had a major role in shaping legislation which will be of tremendous impact to millions upon millions of the Nation's poor. This is not accountability in government. It is allowing key functions to be usurped by those with no loyalty to anyone but the President, an office elected by no one, responsible to no one, and accountable to no one except the President of the United States.

I believe that that policy must be stopped.

Mr. President, in view of the lack of statutory authorization for the Domestic Council, in view of the presence of Egil Krogh and Gordon Liddy on the Council payrolls for significant periods of time—in view of the usurpation of power in which John Ehrlichman and now Kenneth Cole appear to have engaged—I believe that we really should not appropriate any money at all for this Council.

When the Council was created, there were no extensive hearings in either the House or the Senate to review the bill and what it meant; and there was never a bill introduced in Congress to create such a Council. The Council was created by Executive order. We acceded to it. Then they asked for millions of dollars over the last 2 or 3 years, and it was appropriated on the ground that they wanted it.

However, I recognize the need for this President and any President to have available to him some staff assistance outside the agencies and departments. Therefore, I am proposing a steep cut in the appropriation for the Council from $1.1 million to $350,000. This cut of two-thirds should reduce the staff of the Council from 30 to 10. If there is a need for coordination of proposals among Cabinet agencies, let it be done by a small staff. Hopefully, the size of the staff, if reduced, will insure that they stick to the functions originally outlined in the President's Executive order.

Perhaps more important, I urge that this be the last appropriation for the Domestic Council until and unless the President submits legislation to Congress to establish this Council on a permanent statutory basis.

I might point to the parallel agency that was created, the Council for International Economic Policy, under Mr. Peter Flanigan. Legislation was submitted to Congress; it was considered; hearings were held; changes were made; debates were held on the proposal, and the legislation was passed. That way, Congress and the Executive understand each other, and there is an equality of power as it affects the operation of that body.

The Domestic Council was created in an entirely different way, completely without any accountability to Congress. I think it is lack of accountability that explains Watergate: limitless amounts of money granted with no hearings, no oversight; authority granted with no thorough consideration of where it would lead; special projects funds granted, with no accountability; no request even stating the general purposes for which it was needed or meant.

With these funds, with these tremendous increases in staff, a President was able to assemble a group of people who undertook what we now know to be the worst political scandal in American public life. Part of that began when we granted these authorities and appropriated these moneys and set up these new staffs, safely hidden in the White House, with all the alleged constitutional protection they asserted, so that they were accountable to no one. Not only did they have the money, but also they were encouraged to believe that they could do anything they wanted with it, and that is exactly what they did. Practically anything one could think of, they thought of and did.

We must return accountability to Government. The President has stated that he wishes to do it. If this is indeed the case, I believe that this cut in appropriations for the Domestic Council will indicate to him that Congress shares this sentiment and will insist on substantive reforms before blindly continuing to appropriate requested amounts to offices within the White House.

Mr. MONTOYA. I yield myself 10 minutes.

Mr. President, I am in sympathy with most of what the Senator from Minnesota has said with respect to his amendment. However, I cannot stand here and say that I am in favor of his amendment, for many reasons.

During the course of the hearings, I was very much aware that some of the funds appropriated to the Domestic Council had been misapplied or misused. I made serious inquiry during the course of the hearings as to the use of these funds, and I am happy to note that my good friend, the Senator from Minnesota, cited as justification for his position some of the testimony which I elicited.

I asked those who presented the budget for the White House to give me the complete detail as to who was on the payroll since the inception of the Domestic Council in 1970. Only two of the employees appear to have gotten into trouble, and they were paid out of the funds allocated to the Domestic Council. They appear to be Mr. Egil Krogh, as the Senator indicated, and Mr. G. Gordon Liddy.

It boiled down to this: We in the committee considered this particular problem. We considered the testimony adduced during the course of the hearings. It was the feeling of the Subcommittee on Appropriations, as well as that of the full committee, that we should not avail ourselves of the power of the purse here, on this occasion, and try to level some kind of retribution on the Office of the President or any of the agencies under him. We tried to be fair in our deliberations, and I am not trying to imply that the Senator from Minnesota is being unfair, because I share his concern about the use of these funds.

What I am trying to say is this: Following the analogy, if two or three members of another department of Government, not directly under the President, committed some acts of similar gravity, would that justify us to cut the appropriation for that department by two-thirds? I say no. I say we have to weigh this matter in proper context. I say that the Domestic Council performs a very valuable function for the Government and for the people of America.

I say, also, that when the Domestic Council applies some of the funds—which we provide through appropriations—for nefarious activities on the part of its personnel, that it is subject to condemnation by us and by all who regard the use of the taxpayers' money as something that should be respected.

I hope I can convince the Senator from Minnesota to withdraw this amendment. I do not think that this is the proper way to get at the very activity which he condemns—which I join him in condemning. I do not think this is the proper road, the proper avenue.

Extensive hearings will be conducted by me with respect to the use of these moneys, as I have done in the past. I uncovered, through the hearings, that these two individuals had been on the payroll; and I intend to air these things out, not only with respect to the Domestic Council but also with respect to any agency which comes before my committee in justification of its budget. I think that is the way to do it. Another way to correct the situation is to appeal within the legislative process, within Congress, and try to pass corrective measures, to provide penalties in the event certain activities are engaged in. I think that is the right avenue to try with respect to these matters.

So I am hopeful that, in a spirit of comity, which we should practice here with respect to the executive branch, we will maintain this appropriation intact, as recommended unanimously by the subcommittee and by the full committee.

I assure the Senator from Minnesota, as I did this year, that I will conduct a thorough investigation as to the use of these funds. I will insist that there be no ultra vires activities on the part of those people working for these agencies—the kind of ultra vires activity that leads to some kind of nefarious complicity in criminal acts. That is about the best we can do through the Appropriations Committee.

I think that cutting the President's budget request for the Domestic Council by two-thirds is the wrong way of doing it. I am hopeful that my good friend from Minnesota introduced this amendment in the hope of developing a good dialog, in the hope of transmitting words of concern on the part of Congress to the executive department that these activities should not be engaged in and should not be financed from taxpayer funds. In conclusion I ask my good friend from Minnesota to withdraw his amendment.

Mr. President, I yield the floor.

Mr. MONDALE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 11 minutes remaining.

Mr. MONDALE. Mr. President, I concur with the point which the distinguished floor manager made about the role which he played in the hearings with respect to Mr. Krogh. The Senator did directly ask and require the White House to produce the list showing the compensation of all employees in the Domestic Council from the beginning to the end. It was that effort on the part of the Senator from New Mexico to get at the truth that permits us to know the facts on which some of my argument is based.

I suppose if the argument were limited to the question of whether, if wrongdoing is found in a department some sort of cut should follow, I should withdraw my amendment.

But my arguments go much more deeply than that. The pervasive and high-level involvement of Mr. Ehrlichman, Chairman of the Council; Mr. Krogh, his Deputy Chairman; Mr. Liddy, its Catch-22 representative, and the record which the Senator from New Mexico and others have helped develop in the Watergate hearings suggest the purpose of that office during the election was involvement in Watergate, and that is the real argument as to how important its real function is in terms of what the American people need.

But once again my arguments go to a philosophical point, not a budgetary point. The point is best made in Mr. Reedy's book entitled "The Twilight of the Presidency," in which George Reedy, who was in charge of public affairs for President Johnson, following the end of that administration wrote a book in which he expressed horror at the degree to which a President is able to isolate himself from reality, to hide behind the purposes of the White House to defend himself from bad news; to shoot messengers who bring bad news rather than to reward them. It is this battle for reality, as Mr. Reedy put it, that is involved in this budgetary appropriation that I wish to cut. The executive branch has plenty of personnel. I think HEW alone has 110,000 employees. That should be enough people to provide sufficient memoranda to keep the President busy for a day or two.

The reason for the Domestic Council was entirely different. It was to place in the White House a staff which the President picked on his own, with no confirmation requirement of the Senate involved, with a budget and money for which they were not held accountable, which could hide behind principles of separation of power and executive privilege as defined by the President, to do, to put it mildly, any damn thing they wanted to do.

That is what they did, to escape the Congress, the Cabinet, and the American people. This amendment is designed to help put government back in the control of the American people, consistent with the constitutional framework within which we must operate.

We must not permit this effort, which was permitted when OMB was folded into the White House; or when the National Security Council was changed into another State Department to continue to succeed, since their common purpose was to remove fundamental policy questions from public discussion, the American Congress, and the American people.

The key to that strategy was the creation of institutions like the Domestic Council, staffed and held free from any accountability, totally free from any reality, until finally they got Gordon Liddy and Egil Krogh. I think we are now entitled to say that this is enough and that we are going to put the Government back into the hands of the American people. One of the ways to make that certain is to be sure that it gets into hands that will be responsible to the American people, and not the way it was done in Watergate.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator yield for a question?

Mr. MONTOYA. Yes; I am happy to yield.

Mr. HARRY F. BYRD, JR. Am I correct in understanding that the appropriation which the committee recommends for the Domestic Council is $700,000 under the amount appropriated for 1973?

Mr. MONTOYA. The Senator is correct. For fiscal year 1973 the appropriation was $1,800,000. The budget request submitted by the President for 1974 was $1,168,000. The committee's recommendation is $1,100,000, a reduction of $700,000 from fiscal year 1973.

Mr. HARRY F. BYRD, JR. There has been a substantial reduction in the requested appropriation for that agency. I am wondering whether the Senator from New Mexico has any knowledge as to why the amount has been so greatly reduced or why the recommendation was greatly reduced.

Mr. MONTOYA. The President made a few reductions at the White House for this last year that were occasioned by the fact that we increased the appropriation for the White House. The Office of Management and Budget then submitted a justification that the White House could not avail itself of departmental personnel to put to its own use.

Apparently, the allowances made for the White House for the last fiscal year were too much, because there has been a decided reduction in personnel at the White House.

Mr. HARRY F. BYRD, JR. If the substantial reduction by the Senate stands, as recommended by the Appropriations Committee, there will be a reduction in spending of $700,000, compared with the amount for fiscal year 1973.

Mr. MONTOYA. That is correct; and the reduction of personnel will be from 75 to 30.

Mr. HARRY F. BYRD, JR. I thank the Senator.

Mr. BELLMON. Mr. President, will the Senator yield me time?

Mr. MONTOYA. How much time?

Mr. BELLMON. Five minutes.

Mr. MONTOYA. I yield 5 minutes to the Senator from Oklahoma.

Mr. BELLMON. I specifically support the position the Senator from Minnesota has taken that the Secretary and the various agencies themselves have as great a role as possible in the operation of the Government. But, at the same time, I must observe that I believe the amendment of the Senator from Minnesota tries to accomplish this objective in a way that is highly distasteful.

What the Senator from Minnesota seems to be attempting to do is to substitute the judgment of Congress for the judgment of the President as to how the Chief Executive can operate his own office.

I feel that the President has the most difficult and most awesome job in the world and needs great latitude in the way he functions. Certainly this President may function differently than past or future Presidents may function. Certainly Congress should not tell the President where to cut and how to make the decisions he has to make.

I believe that any Senator would greatly resent efforts on the part of the executive branch to tell us how to operate our own staffs or structure our own offices. I believe the President should be entitled to the same latitude that we all treasure and need.

I feel that President Nixon has perhaps learned some valuable lessons from what has happened in his own staff and that he may be moving in the direction the Senator from Minnesota is recommending, and that members of his Cabinet are presently exercising greater power and responsibility than was true in the first term under President Nixon.

I also feel that the amendment by the Senator from Minnesota attempts to punish the President and the members of his personal staff for the misdeeds of two individuals who are presently being punished in the normal processes of this Government.

So I feel the amendment is not necessary, that the results the Senator from Minnesota wants are being accomplished in another way, and that we would be making a serious mistake if we went along with his amendment and in this way reduce the effectiveness of the President in the discharge of the duties of his office.

The PRESIDING OFFICER. Who yields time?

Mr. MONTOYA. Mr. President, I yield myself such time as I may require.

I wish to read into the RECORD a letter which I received today from the Executive Office of the President, more specifically from the Office of Management and Budget, dated September 5, 1973:

> Hon. JOSEPH M. MONTOYA,
> *Chairman, Subcommittee on Treasury, Postal Service, and General Government, U.S. Senate, Washington, D.C.*
>
> DEAR MR. CHAIRMAN: I write to convey the President's full support of your Committee's version of the Appropriations Bill for Treasury, Postal Service and General Government and to urge that you resist any efforts to cut it.
>
> As it contains some of the more sensitive agencies of the Government, there could be strong pressures to reduce the funding levels of some of those agencies in the hope that Congressional powers and capacities will thereby be enhanced.
>
> While all of us support the concept of a strong legislative branch, it is not likely to be achieved by the expedient of tearing down the executive. Indeed, the consequences of dismantling the several staffs of the President would only be to hobble his ability to discharge his Constitutional responsibilities. The present personnel levels authorized in your bill for such accounts as the Domestic Council, National Security Council, Special Projects, and the Office of Management and Budget are at the same or below those authorized and funded last year, and any further reductions would seriously impair the President's ability to perform those activities previously sanctioned by the Congress.
>
> Accordingly, I most earnestly beseech you and your Appropriations Committee colleagues to give your full and enthusiastic support to the bill you carefully fashioned in committee.
>
> With highest regards.
>
> Sincerely,
>
> ROY L. ASH,
> *Director.*

I wish to say in conclusion that the Domestic Council was created with noble purposes in mind, and I think the President is entitled to have the kind of advice that the Domestic Council offers when it is constructive. I do not believe that we should make a judgment on the basis of two individuals who performed outside the scope and activity of the Domestic Council to embarrass not only the Domestic Council but the President and the White House themselves.

The Domestic Council was created by Executive order. During the hearings, I made several inquiries as to why the President did not submit to the Congress a proposal to give it statutory birth and effectiveness. This was gone into very thoroughly. Essentially, the Domestic Council was designed to first, receive and develop information necessary for assessing national domestic needs and defining national domestic goals, and develop for the President alternative proposals for reaching those goals; second, collaborate with the Office of Management and Budget and others in the determination of national domestic priorities for the allocation of available resources; third, collaborate with the Office of Management and Budget and others to assure a continuing review of ongoing programs from the standpoint of their relative contributions to national goals as compared with their use of available resources; and fourth, provide policy advice to the President on domestic issues.

These are the basics with respect to the functions of the Domestic Council. Let us bear in mind that to cut the President's request and all the instruments that he needs in order to effectively carry on his duties—and I consider this to be a very effective instrument if it is used properly—is similar to the President's trying to dilute or cut appropriations made by our committees here in Congress. The element of comity between the executive and the legislative branches of Government enters into this picture. I am hopeful that we will weigh this question with this ingredient present in our mental evaluation of the impact of the amendment as proposed by my good friend from Minnesota.

I do not think this is the proper way, as I said before, to take care of what has gone on before and to eliminate it in the future. I think we have to continue, in the legislative process, through the process of hearings in order to develop the kind of caution that should prevail with respect to the use of the taxpayers money, downtown as well as elsewhere.

For these reasons, I resist the amendment, much as I agree with the dialog that has taken place today and the factual situation which developed and which brought about the Senator's motivation in offering the amendment.

Mr. MONDALE. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. MONDALE. Mr. President, in no sense is this amendment designed to weaken the executive, as was suggested earlier in the debate. I want a strong President. We must have one. But I want a President who is legal, whose operations are public, and who is accountable to the American people. That is what this amendment is designed to accomplish.

We talk about comity between the executive and the legislative branch, but what we have is comedy—comedy—on the part of the executive toward the legislative. In the war powers field, in impoundment, in executive decisions, and in a whole range of domestic policy judgments, there has not only not been comity; there has been an utter contempt for the Congress and for the laws. One of the reasons why the Executive has been able to pursue this lawless course—and I say that advisedly, because over 20 courts have now held that the President has been acting illegally in impounding congressionally appropriated funds—is that we have been pursuing our relations with the President in a way that has given him the money he has wanted, the agencies he has wanted in the White House, protected by the principles of executive privilege and separation of powers, as he defines them. He was totally isolated from the accepted congressional processes, hearings, confirmation, and budgetary approval.

A classic in this regard was the Domestic Council, which was created without a law, for which money was budgeted and provided without any accountability, as an office able to strip the Cabinet departments of their policymaking functions. This made fools out of the Cabinet officers, and meant that Executive agencies such as the HEW and the Department of Labor had little or no control over the departments they were supposed to have charge of. It simply put that power all in the hands of the White House without it being in the charge of any one.

That is a long way from accountability. That was the reason for offering the amendment. I was for eliminating the council before I knew anything about Watergate. I am trying to prevent the White House from abusing the constitutional powers it has.

Mr. BELLMON. Mr. President, if the Senator will yield, I would like to remind the Senator from Minnesota that the reorganization plan which was submitted to the Congress by the President could have been rejected by the Congress had it chosen to do so. There was nothing unconstitutional about its creation.

Mr. MONDALE. The Senator is correct. And may I say that the point the Senator makes is a very valid point. I think that we should have rejected it and looked at the fine print in the creation of a Domestic Council through Executive order, just as we remained tragically silent when the OMB was taken into the White House and put beyond our control. Now, we have no ability to get facts from them.

I think it is a tragedy and that we have to do something about it.

Mr. BELLMON. Mr. President, if the Senator will yield further, would the Senator agree that if we are going to abolish the Domestic Council, the better way to do it would be in a formal way, through resolution, and find out if Congress really wants to do away with the powers of the President, because the effect of the Senator's amendment would be to abolish the Domestic Council as an effective arm of the President's office.

Mr. MONDALE. There is money left by the amendment for the President. There is $350,000, for a staff to advise him on domestic matters. He also has the Secretary of the HEW with 110,000 employees and he ought to be able to get an idea or two out of them. He has the Department of Labor and he has the Council of Economic Advisers. It really never stops. He probably has a couple of million people if he wants to call on them.

I do not think that this would hurt the President at all. It just makes the process more open and more public and more consistent with what the framers of the Constitution intended.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HUMPHREY. Mr. President, will the Senator yield me 1 minute on the bill?

Mr. MONTOYA. Mr. President, I yield 1 minute on the bill to the distinguished Senator from Minnesota.

Mr. HUMPHREY. Mr. President, whether or not we approve of it, we are not trying to abolish it. There is a staff provided of 10 people. Why do they not take the Vice President and make him Chairman of the Domestic Council? He gets a good salary. I remember that when I served as Vice President, I served in that capacity with no additional personnel.

I do not think it in any way violates comity between the President and the Congress. We need a more close relationship between the Cabinet officers and the President. We need to get rid of those fellows in between who are responsible to no one.

Mr. MONDALE. Mr. President, I ask unanimous consent that Mr. Roger Colloff have the privilege of the floor during votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MONDALE. Mr. President, I ask for the yeas and nays. The yeas and nays were ordered.

Mr. President, I yield back my time.

Mr. MONTOYA. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BELLMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BELLMON. Mr. President, I ask unanimous consent that Mr. Denny Moffett of my staff be granted the privilege of the floor during the progress of the rollcall vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BELLMON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MONTOYA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MONTOYA. Mr. President, I yield 1 minute to the distinguished Senator from West Virginia for the purpose of making a unanimous-consent request.

Mr. ROBERT C. BYRD. Mr. President, I have cleared this request with the ranking minority member of the committee, with the distinguished manager of the bill on this side of the aisle, with the distinguished Senator from Minnesota (Mr. Mondale), and with other Senators concerned.

Mr. President, I ask unanimous consent that the time on any amendment be limited to 30 minutes, that the time on any amendment to an amendment be limited to 20 minutes, and that the time on any motion or appeal be limited to 10 minutes, the time in each regard to be divided in accordance with the usual form.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

The question is on agreeing to the amendment of the Senator from Minnesota (Mr. Mondale). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Florida (Mr. Chiles), the Senator from North Carolina (Mr. Ervin), the Senator from Kentucky (Mr. Huddleston), the Senator from Iowa (Mr. Hughes), the Senator from Utah (Mr. Moss), and the Senator from California (Mr. Tunney) are necessarily absent.

Mr. SCOTT of Pennsylvania. I announce that the Senators from Tennessee (Mr. Baker and Mr. Brock), the Senator from Hawaii (Mr. Fong), and the Senator from Oregon (Mr. Hatfield) are necessarily absent.

I also announce that the Senator from Utah (Mr. Bennett) is absent because of illness in his family.

I further announce that the Senator from Michigan (Mr. Griffin) and the Senator from New York (Mr. Javits) are detained on official business.

Also, I further announce that the Senator from Florida (Mr. Gurney) is absent on official business.

The result was announced—yeas 30, nays 56, as follows:

[No. 372 Leg.]

YEAS—30

Abourezk
Bayh
Biden
Burdick
Cannon
Church
Clark
Cranston
Eagleton
Fulbright
Gravel
Hart
Haskell
Hathaway
Humphrey
Kennedy
McGovern
McIntyre
Metcalf
Mondale
Muskie
Nelson
Packwood
Pastore
Pell
Proxmire
Ribicoff
Stevenson
Symington
Williams

NAYS—56

Aiken
Allen
Bartlett
Beall
Bellmon
Bentsen

Bible
Brooke
Buckley
Byrd,
Harry F., Jr.
Byrd, Robert C.
Case
Cook
Cotton
Curtis
Dole
Domenici
Dominick
Eastland
Fannin
Goldwater
Hansen
Hartke
Helms
Hollings
Hruska
Inouye
Jackson
Johnston
Long
Magnuson
Mansfield
Mathias
McClellan
McClure
McGee
Montoya
Nunn
Pearson
Percy
Randolph
Roth
Saxbe
Schweiker
Scott, Pa.
Scott, Va.
Sparkman
Stafford
Stennis
Stevens
Taft
Talmadge
Thurmond
Tower
Weicker
Young

NOT VOTING—14

Baker
Bennett
Brock
Chiles
Ervin
Fong
Griffin
Gurney
Hatfield
Huddleston
Hughes
Javits
Moss
Tunney

So Mr. MONDALE's amendment was rejected.

Mr. MONTOYA. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. YOUNG. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MONDALE. Mr. President, I send to the desk an amendment cosponsored by the Senator from Missouri (Mr. EAGLETON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from South Dakota (Mr. ABOUREZK), and the Senator from Alaska (Mr. GRAVEL), and ask that it be stated.

The PRESIDING OFFICER (Mr. HELMS). The amendment will be stated.

The legislative clerk read as follows:

On page 12, strike out all on line 1 through line 17.

Mr. MONDALE. Mr. President, the House of Representatives deleted $1.5 million requested by the White House for the so-called "special projects fund," on the ground that the White House utterly and completely refused to say either what they did with the money or what they intended to do with the additional money if given to them.

I propose that the Senate take the same position.

The Senate Appropriations Committee reduced the request by half a million dollars, which still would leave under control of the White House, without any specific request or definition of what they intend to do with it, $1 million to do with as they deemed fit, even though the House Appropriations Committee repeatedly asked the White House to define and specify how the money had been spent in the past, and even though it had asked them to specify what they would do with the money if appropriated. The White House took the position that they would not comply with any of the requests for information. This could well be the dirty tricks budget. We will never know. The President takes the position that we have no right to know, that the only right we have is to provide the money without question.

Finally, the House had enough and they said, "If you will not tell us in effect what you have done with the money and what you intend to do with it, if you will not tell us what role, if any, this money played in Watergate, if you will not answer any of our questions in regard to that, then we have no choice other than to deny the money altogether."

This still does not deny to the White House the discretion they will have with an additional $1 million, which is not bad, in the emergency fund for the President, which they can use at their discretion for emergency needs pending additional congressional action.

Mr. President, for almost 20 years the Congress has given approval with virtually no questioning to a fund established in 1956. This fund, known as the "special projects fund," has been used by different Presidents for a variety of projects on wide-ranging matters.

It is one of a number of funds which gives the President unlimited control—with almost no auditing of expenditures by any other agency of Government. These funds represent money available to the President to be used for good or evil, as he—and only he—sees fit.

With revelations surrounding Watergate fresh in mind, the House this year cut out the entire appropriation of $1,500,000 which the administration had requested for this fund.

The committee of the House Appropriations Committee indicated a very simple reason for this denial:

> For a number of years funds have been provided under this account to enable the President to employ staff assistants in connection with special projects, to be expended at his discretion and without regard to such provisions of law regarding expenditure of Government funds or the compensation and employment of persons in the Government service.
>
> Certain questions have arisen, however, concerning the propriety of some of the expenditures from this account. The committee, during the hearings requested the Office of Management and Budget to provide a listing of the individual vouchers and expenditures from the funds provided under this account. The administration, however, declined to provide such detailed information.

And in testimony before the House Appropriations Committee, the reasons for this recommendation become quite clear. Under persistent questioning from Members of the House committee, White House witnesses refused to state whether any funds from the special projects fund had gone to pay for expenses of members of the so-called "plumbers" group.

Frank Malek, Deputy Director of the Office of Management and Budget, stated that he did not believe the plumbers were paid from special projects fund money—

> Although, I could not say with certainty that no special projects funds at all were used in support of that group.

Later, when asked whether E. Howard Hunt was paid by money from this fund, another White House witness stated that—

> He was paid by one of these funds for a period of time, but I do not know which one.

This testimony reveals the state of anarchy with regard to expenditure of American taxpayers' money which has prevailed in the Nixon White House for over 4 years. Apparently, there were so many special and secret funds around the White House—some paid for by the American taxpayer—that no one really knew from which funds the various illegal activities were paid for.

As in other instances, we in Congress have allowed this deplorable situation to arise. White House witnesses have testified that the Office of Management and Budget had virtually no control over expenditures from the special projects fund. In fact, Mr. Weinberger testified to that effect.

Mr. President, the Senate Appropriations Committee has, in its wisdom, reversed the action of the House in eliminating the appropriation for this fund. They have recommended $1 million.

While this is certainly an improvement over prior actions, I simply do not see any reason why this "slush fund" should continue to receive any money at all. I would note that there is another $1 million fund, also vaguely worded, which the President will continue to have at his discretion, even if the special projects fund is eliminated.

I see no reason for continuation of two separate funds amounting to $2 million, which the President has at his discretion, particularly in light of his refusal to answer any of the questions concerning the use of those funds.

For too long, we have allowed the White House to run roughshod over Congress in the appropriations process. The cost of the White House operation has continued to grow rapidly—more rapidly than funding for either Congress or the executive agencies. We can and should begin to scrutinize this budget more carefully, and elimination of the special project fund is an excellent place to start.

Mr. President, at the time there were hearings in the House on this matter, the committee asked Mr. Malek, the Deputy Director of OMB, if he would submit information to them in answer to certain questions about whether any of this money was used in Watergate-related activities, and whether Mr. Howard Hunt and others had been paid out of this fund. Mr. Malek said he would certainly check on that, and this is the answer they sent to the committee:

> Mr. E. Howard Hunt was employed by the White House as a consultant from June 6 to April 1, 1972.
>
> In regard to the alleged burglary, this matter is currently under investigation by the Senate Select Committee, and we would prefer not to get into these matters concerning the ongoing Watergate investigation.

To put it mildly, this is another example of executive contempt. They simply do not believe that Congress is entitled to answers or that we will insist on answers, and they would put us in the humiliating posture of giving them money nevertheless, despite this record of contempt and despite the record of Watergate, which raises grave suspicions concerning the use of this special slush fund for the payment of a whole range of illegal, outrageous acts, in defiance of the legal processes of American political life.

Mr. ABOUREZK. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. ABOUREZK. Do I correctly understand that, in testimony, the administration would not account for that money?

Mr. MONDALE. Absolutely refused to

answer any questions. In the one area where they promised to answer them, they followed up with this brush-off to which I have referred. In other words, they said, "We are entitled to the money."

It was so bad, the House felt they were being dealt with contemptuously, that they finally refused to give them any money; and I am proposing to take the same position.

Mr. ABOUREZK. I thank the Senator.

Mr. MONDALE. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. MONTOYA. I yield myself such time as I may require.

Mr. President, I rise to oppose the amendment offered by the Senator from Minnesota, for many reasons.

The special projects fund has existed for many years, under different Presidents. The fund was created, I believe, in 1956; and with the exception of 1 or 2 years, Congress has allocated to the White House funding for special projects in a consistent amount of $1.5 million.

This year, we thought we should cut this down to $1 million, and that is the recommendation of the Senate subcommittee as well as that of the full Committee on Appropriations. We did this because we felt that the funding was necessary in carrying out some special projects which do not fall within the orbit of an existing agency. Special projects funds have been used to great advantage and with great benefit for the American people in years past.

I have tried to make inquiry through the hearings as to whether any illegal activity was engaged in in the use of funds in this particular category. I was unable to find that such activity existed.

The special projects fund is worthwhile, and consistently throughout the years a balance has reverted to the Treasury because the President has not used the full amount in any given year. In fact, the reversion of unobligated balances to the Treasury from the appropriated funds, over the entire span of 17 years, has averaged $320,000 a year.

The fund was created, as I stated earlier, in 1956, to be used by the President for staff assistance in special problems which arise from time to time but which cannot be considered the responsibility of an existing agency. Those who advise the President on consumer affairs are paid out of the special projects fund. The present energy setup that was created under the White House is paid out of the special projects fund. Many other worthwhile projects which do not fall within the orbit of authorization in other departments or other agencies have been commissioned because this fund existed. I feel that we have done what is right in recommending $1 million.

Also, we were cognizant of the reluctance of the White House to divulge to the House Appropriations Committee as well as to us full details as to how these funds were allocated. I agree with the Senator from Minnesota in this respect. Anticipating the lack of response by the White House the Appropriations Committee did something about it. This is what we have provided in the bill, so that the White House will be more responsive in reporting to Congress as to the use it makes of the funds in this particular category.

On page 12 of the bill, starting at line 13 we have inserted a provision which reads as follows:

> *Provided further,* That the Committees on Appropriations of the Senate and House of Representatives shall be furnished quarterly with a detailed accounting of expenditures made from these funds.

That provision will take care of the fears expressed by my good friend from Minnesota and it will enable us to fully inform Congress as to the use of these funds. But as far as I know and as far as the hearings disclose, this money has been used properly in the past. I am not prepared to say there has not been any misuse, but in the absence of any evidence I am willing to say that the moneys have been properly expended by the White House. The only thing we can do within the sphere of our activity as members of the Committee on Appropriations is to exact compliance with our request for quarterly reports and to examine those quarterly reports and then report back to Congress.

I hope the Senate will reject the amendment.

Mr. YOUNG. Mr. President, will the Senator yield?

Mr. MONTOYA. I yield.

Mr. YOUNG. Mr. President, I rise to support the position taken by the distinguished Senator from New Mexico. Every President for many years past has had these special funds. They have not been investigated by us as to how they were spent. The President of the United States should be conceded leeway in the operations of his office.

One President, who is now deceased, did overspend his budget by over $1 million on one foreign trip. Even his special funds did not take care of his expenditures. They were drawn from two other entirely separate department funds. If that President were alive today Senators would like to tell the Senate where they came from. I know but not many other Senators do.

Mr. President, these funds are necessary for a President and I do not think the President should be called upon to account for every penny of it.

Certainly, if those funds went for Watergate purposes they should be held accountable for them. This amendment would be punitive action by cutting out funds that a President has to have. It would break precedent with the past and establish a very bad precedent.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator yield for a question?

Mr. MONTOYA. I yield.

Mr. HARRY F. BYRD, JR. I notice that there are two funds unspecified as to use. One fund is the emergency fund for the President and the other is special projects. The first fund is $1 million and the second was $1.5 million last year and the committee recommends $1 million for this year.

Where is the differentiation between the special projects on the one hand and emergency funds on the other?

Mr. MONTOYA. The explanation given to us in the committee with respect to the emergency fund—and I already have explained the special projects fund—was that this money was used by the President to meet emergencies affecting national interest, security, or defense.

Mr. HARRY F. BYRD, JR. Is that not what the special projects fund is for?

Mr. MONTOYA. Not necessarily. The special projects appropriation is usually used to fund some special activity which is not within the legislative authorization or cannot be considered the responsibility of an existing agency. I will give an example as I did a while ago. For example, the Office of Consumer Affairs at the White House is not created by statute; the President created the office and pays for the personnel to man it out of special projects. The special projects would be used, for instance, in the case of Governor Love of Colorado.

The emergency fund, I understand, deals with cases of dire emergency with respect to the national defense and, as I stated, emergencies affecting national interest or the security of our country. I do not know where the line of demarcation is.

Mr. HARRY F. BYRD, JR. That is what I am getting at. I do not think there is a line of demarcation. That is why I say we are dealing with unspecified sums of not just $1 but $2 million, and this on top of $9.1 million for the White House office. What disturbs me about this matter is that the responsible persons refuse to give any information to Congress as to how this money was spent or what happens to it. Is not the committee concerned about that?

Mr. MONTOYA. Absolutely, and we have been asking the White House to justify all expenditures.

Mr. HARRY F. BYRD, JR. But they have not done so.

Mr. MONTOYA. They have with respect to the special projects, but only in a general way. With respect to the emergency fund they did not produce any evidence upon the use of the emergency fund.

Mr. HARRY F. BYRD, JR. Should not Congress, which appropriates the money—these are tax funds—be notified as to what happened to the money?

Mr. MONTOYA. With respect to the emergency fund the justifications indicate that during 1972, funds were made available from this appropriation to finance the Special Action Office for Drug Abuse Prevention until it received its own appropriation. That was done in 1972, which was part of the fiscal year 1973.

Mr. HARRY F. BYRD, JR. Just as a broad general question, has the committee been furnished adequate and full information as to what has happened to these tax funds?

Mr. MONTOYA. Yes; we have some information. I asked for details as to how much is paid to personnel from this fund and we have that in the hearing record.

Mr. HARRY F. BYRD, JR. But I understood that the House was refused that information.

Mr. MONTOYA. Maybe the House was but we have the names of individuals and positions.

Mr. HARRY F. BYRD, JR. The Senator has that information?

Mr. MONTOYA. Yes.

Mr. HARRY F. BYRD, JR. But I understood the Senator to say the reason the committee reduced it from $1.5 million to $1 million was that the administration refused to give the facts.

Mr. MONTOYA. No, I did not say that.

Mr. HARRY F. BYRD, JR. Then, I misunderstood the Senator.

Mr. MONTOYA. I did say that in view of the fact that the history of this appropriation reflects an average annual reversion to the Treasury of approximately $350,000 we thought it prudent to reduce the budget request of $1.5 million to $1 million.

Mr. HARRY F. BYRD, JR. I thought the Senator also said he was concerned about the point made by the Senator from Minnesota.

Mr. MONTOYA. And I did so state that I was concerned about the point made by the Senator from Minnesota and because I was so concerned and the committee was so concerned we put a proviso related to this particular item in the bill which requires that quarterly reports be made to the Committees on Appropriations of the House and the Senate so that from those reports we could deduce how the money was going to be spent.

Mr. HARRY F. BYRD, JR. I am not clear as to whether the Senator has or has not received a full accounting of this special project fund.

Mr. MONTOYA. May I say to my good friend from Virginia that we have not received full information.

Mr. HARRY F. BYRD, JR. Have not.

Mr. MONTOYA. As I have stated before we have received the names and position, titles of employees funded by the special projects fund. That information appears on page 1778 of the Senate hearings.

Mr. BELLMON. Mr. President, will the Senator yield?

Mr. MONTOYA. I yield.

Mr. BELLMON. I would like to point out that on pages 1778 and 1779 of the hearings, copies of which are on the desks of Senators, there appears a list of employees funded by special project funds and also the justification for these projects.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator yield?

Mr. MONTOYA. I yield.

Mr. HARRY F. BYRD, JR. I wish to say that my comments on these funds are not directed at the individuals but at public policy. I took this same view in the Virginia Senate for 18 years when some of my closest friends were serving as governor. I did not like to give them unspecified funds. I have great reluctance to support unspecified funds, funds supplied by the taxpayers.

In this case before us today, I understand a full accounting of these tax funds have not been made—and in fact, has been denied to the Congress. So I shall vote against providing this extra million dollars for unspecified special projects.

The PRESIDING OFFICER. The time of the Senator from New Mexico has expired.

Mr. MONDALE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. MONDALE. Mr. President, I would like to make just a few points before we vote.

The first is that I must disagree with the distinguished floor manager on the question of whether any significant accounting has been made by the White House on the use of these funds. The record shows only a list of current employees; it says nothing about past practices. The House committee tried to find out from Mr. Malek, Deputy Budget Director, what role, if any, this fund played in Watergate. If one reads the record, he must conclude that they had no intention of answering those questions, and they did not answer them. Therefore, I am very suspicious that the reporting requirement we require once we give them the money will be no more successful in getting information than we were when they wanted the money. We have seen from time to time in the past the contemptuous way they slide around governmental reporting procedures when that is their intention.

I think it is true that these funds have been made available in the past without accounting, and I guess I voted for them; but it is also true that a little thing has happened along the way called Watergate, which opened up for the American public to see the tremendously dangerous tendency that exists when we grant, without specification, without control, without information, substantial funds to the White House which are used by them behind the protection of executive privilege and the separation of powers to do as they please.

What we are creating is a government that increasingly is drawing within the confines of the White House the central policymaking powers and decisions so that Cabinet officers have less and less to do with those decisions and Congress, by that fact, is less and less able to find out what has happened.

There is one good answer to that, and that is to insist that, as a condition of receiving those funds, the use of those funds shall be made public to the extent that national security permits.

In this case national security was not involved, and a national scandal was involved. We wanted to know whether those moneys were used to help fund the worst political scandal in American history. This administration said, "It is none of your business, but we want the money anyway." The Senate said, "OK. Here it is."

I say we will be treated with contempt as long as we permit ourselves to be used in that way. We have the duty to know how this money is being used. This is one of the classic examples. The contempt for Congress was so great that the House of Representatives said, "We refuse to give you this money until you tell us what you did with it and what you intend to do with it."

I think this is a very simple objective.

I might add, finally, that the President still has $1 million in petty cash over there that is still unaccounted for in the other emergency fund that they still can use any way they want. He has vast funds from other sources to accomplish what he wants to do. This particular fund was one of the simplest ways to pay for Watergate, probably they did not think they would have to answer for it. I do not know, but it makes me suspicious when they are asked specific questions and they refuse to answer. While we are trying to find out who is guilty, we have to make institutional provisions to see that it does not happen again.

One of the best ways to begin is the way in which we appropriate the money. That is why I hope my amendment will be agreed to, and that we will comply with the position of the House.

Mr. President, I ask for the yeas and nays.

Mr. MONTOYA. Mr. President, will the Senator yield me 1 minute?

Mr. MONDALE. I am glad to yield.

The PRESIDING OFFICER. The time of the Senator from Minnesota has expired.

Mr. MONTOYA. Mr. President, I yield myself 1 minute on the bill.

As I stated before, I wanted to find out what particular employees had been paid out of this fund. I was furnished a list of the employees. As I have previously stated, the list appears on page 1778 of the Senate hearings. The names of the employees listed have not been mentioned in the course of our Watergate hearings in any way, shape, or form. So I deduced from that that no employees who were engaged in the various Watergate activities were paid from this fund.

The PRESIDING OFFICER. The time of the Senator from New Mexico has expired.

Mr. MONTOYA I yield myself 2 additional minutes on the bill.

At the last minute, before we were to embark upon the markup of the bill by the subcommittee, we received information in an indirect way. This information was given to the minority members, but not to me, by the people downtown with respect to the special projects appropriation and the use made of it.

I shall submit the text of this memorandum, but I shall also give a résumé while I am speaking on it.

An example of a special project is contained in such memorandum, as are the types of personnel that were funded from the special projects appropriation for 1973, as follows:

The President's Foreign Intelligence Advisory Board is funded out of special projects based on the initiating Executive order of March 20, 1969.

The original Energy Office set up under Charles Di Bona. Mr. Di Bona's salary as well as that of his secretary were paid from special projects. Of course, this Office has been dissolved with the establishment of the new Office under former Governor Love.

The salary and expenses for the Interagency Classification Review Committee, of which John Eisenhower was chairman, March 8, 1972.

The President's consumer adviser, Virginia Knauer.

The White House summer intern program, which serves not only the White House, but the Domestic Council, the National Security Council, and the rest of the organizations housed in the White House-Executive Office Building complex.

Increased White House "personnel search office" required to restaff the administration after November 7, 1972.

The PRESIDING OFFICER. The Senator's additional time has expired.

Mr. MONTOYA. I yield myself 2 additional minutes on the bill.

When the three Cabinet members were designated as counselors, they each maintained an office in the Executive Office Building. Their EOB staffs were on detail, but salaries were reimbursed to respective agencies out of the special projects appropriation.

Special projects funds also pay the salaries of the White House photographers, and the legal consultants working on the Presidential papers question.

The Advisory Committee on Federal Pay.

The Special Action Office on Drug Abuse, under Dr. Jaffe, until he obtained a congressional appropriation for his office in fiscal year 1972.

Finally, this appropriation is the only source for official reception and representation expenses for 13 organizations within the Executive Office of the President, including the White House Office.

That is the list that came from downtown, although in an indirect way, with respect to the use of this fund. I submit the data on the special projects appropriation which I previously referred to for the Record:

SPECIAL PROJECTS APPROPRIATION

HISTORY

This appropriation has maintained a budget authority of $1,500,000 except in FY 70 when the appropriation was increased by $1,000,000 to cover the costs of switching to an "honest budget" policy.

In past years the President has found it necessary to establish a number of special projects to deal with specific problems. Some of these projects are of a temporary character but others may continue for an indefinite period. There have never been any wholly satisfactory arrangements for financing projects of this nature because they often cut across departmental responsibilities.

The establishment of a separate appropriation in the Executive Office of the President furnishes a sound method of providing financial support for these projects and at the same time permits identification of funds in a normal budgetary procedure. This separate appropriation also consolidates these projects in one place and affords further budgetary control.

LIMITATIONS

To be expended at the President's discretion without regard to such provisions of law regarding the expenditure of government funds or the compensation and employment of the federal service.

Not more than 20% ($300,000) may be used to reimburse the White House Office for administrative services.

Not to exceed $10,000 shall be available for allocation within the Executive Office of the President for official reception and representation expenses.

EXAMPLES

The following are some examples of the types of personnel or projects that were funded out of the Special Projects appropriation during FY73.

The President's Foreign Intelligence Advisory Board is funded out of Special Projects based on the initiating Executive Order of March 20, 1969.

The original Energy Office set up under Charles DiBona. Mr. DiBona's salary as well as that of his secretary were paid from Special Projects. Of course, this office has been dissolved with the establishment of the new office under Governor Love.

The salary and expenses for the Interagency Classification Review Committee chaired by John Eisenhower (March 8, 1972).

The President's Consumer Advisor, Virginia Knauer.

The White House Summer Intern Program which serves not only the White House but the Domestic Council, the National Security Council, and the rest of the organizations housed in the White House/EOB complex.

The increased White House "personnel search office" required to restaff the Administration after November 7, 1972.

When the three Cabinet Members were designated as Counsellors, they each maintained an office in the Executive Office Building. Their EOB Staffs were on detail, but salaries were reimbursed to respective agencies out of the Special Projects appropriation.

Special Projects funds also pay the salaries of the White House photographers and the legal consultants working on the Presidential Papers question.

The Advisory Committee on Federal Pay.

The Special Action Office on Drug Abuse (Dr. Jaffe) until he obtained his Congressional appropriation in FY 72.

Finally, this appropriation is the *only* source for official reception and representation expenses for thirteen organizations within the Executive Office of the President including the White House office.

Summary

The Office of the Presidency needs to have special funds for the type of projects which are described above. The cost of these activities is difficult to forecast. They may not be of an emergency nature but are essential areas of interest for the President. At the same time they are not as susceptible to regular agencies of the government because they cut across the functions of the established departments. A separate appropriation is the best method of financing such activities. It gives an opportunity to consolidate these special projects in one place so that better budgetary control can be maintained.

Mr. MONDALE. Mr. President, will the Senator yield me 1 minute on the bill?

Mr. MONTOYA. I yield 1 minute on the bill.

Mr. MONDALE. I shall make two points. First, the list which the Senator has given does not contain the names of past employees. It does not tell us what happened last year. The House asked for a list of employees during the Watergate period. The White House refused to disclose them.

Second, from the list the Senator has read today, I gather that some of the money is used to hire lawyers to determine whether the President is liable for further income taxes on some papers that he gave to the U.S. Archives, which would be a nice service if most U.S. taxpayers could afford it.

I hope that my amendment is agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota (putting the question).

Mr. MONDALE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Florida (Mr. CHILES), the Senator from North Carolina (Mr. ERVIN), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Iowa (Mr. HUGHES), the Senator from Utah (Mr. MOSS), and the Senator from California (Mr. TUNNEY) are necessarily absent.

Mr. GRIFFIN. I announce that the Senators from Tennessee (Mr. BAKER and Mr. BROCK), the Senator from Hawaii (Mr. FONG), and the Senator from Oregon (Mr. HATFIELD) are necessarily absent.

I also announce that the Senator from Utah (Mr. BENNETT) is absent because of illness in his family.

I further announce that the Senator from Florida (Mr. GURNEY) is absent on official business.

The result was announced—yeas 36, nays 52, as follows:

[No. 373 Leg.]

YEAS—36

Abourezk
Bayh
Bentsen
Bible
Biden
Brooke
Burdick
Byrd, Harry F., Jr.
Cannon
Case
Church
Clark
Cranston
Eagleton
Fulbright
Gravel
Hart
Hartke
Haskell
Hathaway
Humphrey
Kennedy
McGovern
McIntyre
Metcalf
Mondale
Muskie
Nelson
Pastore
Pell
Proxmire
Ribicoff
Stevenson
Symington
Weicker
Williams

NAYS—52

Aiken
Allen
Bartlett
Beall
Bellmon
Buckley
Byrd, Robert C.
Cook
Cotton
Curtis
Dole
Domenici
Dominick
Eastland
Fannin
Goldwater
Griffin
Hansen
Helms
Hollings
Hruska
Inouye
Jackson
Javits
Johnston
Long
Magnuson

Mansfield
Mathias
McClellan
McClure
McGee
Montoya
Nunn
Packwood
Pearson
Percy
Randolph
Roth
Saxbe
Schweiker
Scott, Pa.
Scott, Va.
Sparkman
Stafford
Stennis
Stevens
Taft
Talmadge
Thurmond
Tower
Young

NOT VOTING—12

Baker
Bennett
Brock
Chiles
Ervin
Fong
Gurney
Hatfield
Huddleston
Hughes
Moss
Tunney

So Mr. Mondale's amendment was rejected.

Mr. MONTOYA. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. SPARKMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SPARKMAN. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 13, line 20, strike out "$850,000" and insert in lieu thereof "and the provisions of section 7(c) of the Act of August 16, 1973 (Public Law 93-100), $1,036,000".

Mr. SPARKMAN. Mr. President, this is a rather simple amendment. It simply proposes to add $186,000 for this corporation to take care of legislation which passed the Senate on May 22, to cover the expenses of the Advisory Commission that was provided for in that legislation, as recommended by the State banking supervisors and by the Federal Reserve Board. It has to do with the long, drawn-out negotiations on State taxation of national banks.

Section 5 of Public Law 93-100 approved August 16, 1973, directs the Advisory Commission on Intergovernmental Relations to make a study of all pertinent matters relating to the application of State "doing business" taxes on out-of-State depositories such as commercial banks, mutual savings banks, and savings and loan associations. The legislation containing this provision was reported by the Senate Committee on Banking, Housing and Urban Affairs on May 14, 1973, and was passed by the Senate on May 22, 1973. Because of other provisions contained in the legislation, the measure was tied up in conference until August 3, 1973. The legislation was finally signed into law by the President on August 16.

My amendment would include in the regular appropriation for the Advisory Commission on Intergovernmental Operations an additional sum of $186,000 so that the Commission can carry forth the study directed pursuant to Public Law 93-100.

Mr. President, I hope very much my amendment will be accepted so that the Advisory Commission may proceed with the study directed by Public Law 93-100. The Commission is directed to report to the Congress its suggestions and recommendations for legislation concerning this matter no later than December 31, 1974. If there are delays in the Commission receiving the additional appropriation it needs for the purpose of making this study, the Commission will not be able to meet the deadline set in Public Law 93-100.

The additional amount my amendment seeks for the Advisory Commission on Intergovernmental Relations is very reasonable and justified when related to the importance of the subject matter of the study.

I have discussed this amendment with the chairman of the committee, and I hope he will let it move forward, because there is a fixed time by which this commission must report, and we need to get started as soon as possible.

Mr. MONTOYA. Mr. President, I have talked with the Senator from Alabama about this amendment. I have not cleared it with my colleagues on the other side——

The PRESIDING OFFICER. The Senate will be in order. The Senator will suspend until order is restored. Senators will take their seats.

Mr. MONTOYA. The Senator from Oklahoma (Mr. Bellmon) is not here at the present time.

Mr. YOUNG. Mr. President, in his absence, I am willing to accept it.

Mr. MONTOYA. I understand from the ranking minority member of the Appropriations Committee, Mr. Young, that he is agreeable to the amendment, as I am, and I am willing to accept the amendment.

The PRESIDING OFFICER. Do Senators yield back the remainder of their time?

Mr. SPARKMAN. I yield back the remainder of my time.

Mr. MONTOYA. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. Helms). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Alabama.

The amendment was agreed to.

Mr. SPARKMAN. I move to reconsider the vote by which the amendment was agreed to.

Mr. MONTOYA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MONDALE. Mr. President, I send an amendment to the desk, cosponsored by the Senator from Missouri (Mr. Eagleton), the Senator from Illinois (Mr. Stevenson), the Senator from South Dakota (Mr. McGovern), the Senator from South Dakota (Mr. Abourezk), and the Senator from Alaska (Mr. Gravel) and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. MONDALE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the Record.

The text of the amendment is as follows:

> On page 17, line 9, after the word "available" insert a comma and the following: "after approval by the House and Senate Committees on Appropriations,".

Mr. MONDALE. Mr. President, this amendment is a simple one which would conform to the Senate Appropriations Committee's language with that now contained in the House bill so that public money spent on the private property of the President for security-related purposes would have to be cleared with the House and Senate Appropriations Committees.

Mr. President, it has been falsely charged that the President does not want to spend public money on housing. That is false. He is willing to spend a good deal of public money on housing, provided it is located in San Clemente or in Key Biscayne.

What the amendment is designed to do is to make certain that the money is spent for public purposes and not for purposes of private enrichment.

Mr. President, over the past few months we have witnessed an incredible series of events in the administration's attempts to explain just how much taxpayers' money has gone into San Clemente, Key Biscayne, and other private residences used by the President and his family.

In particular, expenditures by the General Services Administration—whose appropriation we are taking up today—have been most interesting. Starting in May, with a GSA estimate of $39,000, we have seen a constant and striking escalation of estimates—an inflation which puts even the soaring rate of inflation in our economy to shame.

The May estimate of $39,000—which the GSA now states was only intended to cover a limited number of items—escalated to a June estimate of $1,883,000. Then in early August came another jump, this time to $3,691,000. All of these expenditures, according to the GSA, are directly related to Presidential security. Whether this is indeed the end—only time will tell.

Some of these expenditures are familiar—and have caused a good deal of outrage among the American public.

How is installation of a $2,000 flagpole designed to enhance Presidential security? Or the expenditure of $3,000 on topographical surveys of San Clemente? Or over $8,000 on golf carts for the Secret Service at Key Biscayne? Or $2,000 on correcting beach erosion or over $600 on purchase of an icemaker for the Secret Service? Why should the public pay for seemingly normal maintenance functions such as $9,000 to remove dry weeds or $4,000 to remove dead plantings at San Clemente? And why should taxpayers spend over $16,000 to provide security-related improvements on the island of a wealthy personal friend of the President's?

Yet, disturbing as these and many

other individual expenditures may be, an important principle in involved—an issue which goes beyond taxpayers' money being spent on furniture for a President's den or golf carts for the Secret Service.

No one wishes in any way to skimp on legitimate expenditures necessary for the protection of the President. And the GSA correctly states that their expenditures on San Clemente, Key Biscayne, and other Presidential pleasure retreats were necessitated by the requests which they received from the Secret Service to make such expenditures.

The life of a President is a most precious thing, and no Member of this body—nor any American citizen—would want that protection to be inadequate.

Various accounts have been given by those who have seen the improvements. And there is little doubt that many of these expenditures are necessary to provide adequate Presidential security.

But the huge sums involved—almost $4 million spent by GSA alone—raise the question of how necessary all these improvements really were for the protection of the President.

Why should we in Congress continue to allow large amounts of taxpayers' dollars to be spent without any congressional control over these expenditures? And why should the appropriate congressional committees not have a broader oversight role in insuring that when money is spent on Presidential security—that it really is devoted to safety and not personal luxury?

The House, when it adopted the bill before us today, saw fit to adopt just such a provision, to require that the Appropriations Committees must be consulted before so-called security-related improvements are made on private property.

This amendment, it seems to me, is a minimal, reasonable kind of restriction that assures that extravagant expenditures out of public funds not truly related to security will not occur. It does not deal with expenditures on public property.

The committee-reported bill has deleted it. The amendment I am offering would simply restore the House provision, and give the Appropriations Committees of the House and Senate approval power over security-related improvements made by GSA to private property.

In fact, this amendment is only a beginning in assuring accountability in the expenditure of public moneys appropriated for Presidential activities. It raises broader questions which—while not reachable in this particular appropriations bill—must be explored.

The largest single expenditure by the General Services administration, as listed in its report of August 6, was $1,700,000 for the Western White House Office complex, erected on Coast Guard property adjacent to the President's home at San Clemente. This expenditure is not on private property and hence not covered by the amendment I am offering.

But it raises a more complex issue, which should be the subject of congressional inquiry, and hopefully eventual legislation. The issue is simple—should the taxpayers of this country be forced to pay large amounts of money for the construction of office facilities which largely duplicate those existing for the President in other locations, simply because a President decides that he wishes to transact official business at a variety of locations? And should American taxpayers be forced to pay huge transportation bills to ferry White House personnel and others to these locations at Government expense?

I suppose the question fundamentally is, How many White Houses do we need?

The second question is, what should be the role of Congress in determining how many commitments for carrying all these expenses should be made solely by the President?

There was an interesting and, I thought, compelling editorial published in the Washington Post on Aug. 8, 1973, which asked the question, "How Many White Houses Does the President Need?" It points out there are already available to the President a range of personal places, such as the White House, Camp David, military bases, and all the rest; and that, in addition, this President, perhaps for the first time in American history, has set up in effect two separate White Houses outside of Washington, D.C., and has caused to be spent in each one of them vast sums for office complexes and for the necessary security.

This amendment does not seek to roll back any of the expenditures that have been made. It does not seek to establish a policy at this time but it does, through the requirement of reporting and consultation, get Congress into the act so that we can start to deliberate and determine what the proper policy should be.

Mr. President, I ask unanimous consent to have this editorial printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

More on Mr. Nixon's Living Costs

Would you believe $10 million? That is the rough total of federal outlays on Nixon family dwellings and "compounds" revealed by government spokesmen on Monday. Inflation has really gripped these amounts, at least so far as their disclosure is concerned: in May we knew only of an expenditure of $39,525 at the presidential home in San Clemente; by June we were talking about a $1.3 million GSA bill for services rendered at San Clemente and Key Biscayne; now we have the approximate sum of $10 million paid out by various agencies of government for expenses incurred in connection with those dwellings as well as with the Grand Cay (Bahamas) retreat and for some relatively minor expenses connected with the private homes of the President's two daughters.

Mr. Arthur F. Sampson, administrator of the GSA, asserted Monday that this rate of inflation had something to do with confusing press coverage of government disclosures, and we are prepared to concede that confusing—not to say, reluctant—government disclosures may well have been made more confusing by the press. We have even less quarrel (in fact, none at all) with Mr. Sampson's assertion of the importance of affording security to the President of the United States and his family and of maintaining communications equipment that will keep the President effectively in touch with all he needs to know. But to say as much is to say the obvious—and it is also to say the irrelevant. The quarrel is about something else.

How many "White Houses" does the President need? Essentially that is the issue that has been raised. If you were to ask the average American whether he would approve the expenditure of an extra $10 million from the public purse to protect a President's life and well-being and his ability to discharge his duties effectively, he would doubtless answer yes—who wouldn't? But what we are talking about here is the casual multiplication of presidential dwellings, the conversion of private residences into government complexes and the investment of great sums in them to suit the presidential wanderlust and whim.

We will leave aside for the time being one aspect of the ongoing controversy to which we have addressed ourselves before, namely, the expenditure of government funds for certain house-and-garden items that, in our opinion, Mr. Nixon should clearly have paid for himself. They came to a pretty penny, but—as Mr. Sampson seemed most eager to point out—amounted to only a fraction of the total costs incurred, costs that had much more to do with the installation of government offices, communications equipment and the rest. The GSA administrator appeared to believe that by emphasizing the relative magnitude of costs directly and indisputably connected with the functioning of government in Mr. Nixon's far-flung retreats, he was making those costs acceptable.

But he was not. On the contrary, emphasis on how expensive it is to set up suitable presidential living and working quarters around the country only suggests to us that it is not a particularly advisable thing to do. Surely President Nixon, who has been so staunch a public foe of profligacy, indulgence and waste and who has asked so many Americans to make so many sacrifices of their own in terms of comfort, convenience and even health, should not feel cramped by the official quarters to which he is entitled—the White House and Camp David. In this connection we would add that there is one confusion which the press (ourselves included) has helped perpetuate and which Mr. Sampson did not mention—no doubt because he shares it himself. "GSA," he said, "has endeavored to develop, maintain and operate the Western White House complex as a facility appropriate in quality for the President . . ."

The "Western White House?" Surely there is no "Western White House" any more than there is (another sloven phrase we all indulge) a "Florida White House" or than there ever was a "Texas White House." What there is is a White House—and a very satisfactory retreat at Camp David. If these are not sufficient to the purposes of a sitting President, he should openly inform the Congress and the public of that fact and inquire as to whether they wish to approve the expenditure of public funds for the creation of new public facilities. That is not the same thing as converting private residences into mini-White Houses with the help of taxpayers' money.

Mr. MONDALE. Mr. President, Newsweek magazine recently reported that the 5 weeks that Mr. Nixon has spent in San Clemente so far this year have cost the American taxpayers over $1 million in extra travel bills. And the continuing high levels of expenditures on the Western White House office complex add daily to this bill.

Mr. President, there are adequate office facilities available in Washington and Camp David for Presidential use. Should we in Congress not attempt to impose some control on the number of Presidential residences which are turned into White Houses away from home—for which the American taxpayer must pick up the tab?

No one wishes to deny the occupant of the most tension-filled office in the world the right to relax. But there is a difference between Presidential residences designed for and paid for by the President, for his personal use—and massive additional White House office complexes paid for by the American taxpayers.

I hope there will be congressional inquiry into these broader problems. In the meanwhile, we should begin to gain some degree of control over money spent by the General Services Administration on functions related to Presidential security by requiring approval by the House and Senate Appropriations Committees over these expenditures.

This is a start, perhaps only a small start, toward insuring greater White House accountability in the way in which our tax dollars are spent.

Mr. MONTOYA. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 5 minutes.

Mr. MONTOYA. Mr. President, I rise to oppose the amendment. I want to explain why the committee saw fit to remove the restriction placed by the House on the bill with respect to the expenditure of funds for these purposes.

The committee was advised that such a restriction as embodied in the words "after approval by the House and Senate Committees on Appropriations," was unconstitutional, and had been ruled so by the Attorney General. The Congress had respected the opinion completely in other legislation which had come before the Congress. I recall that this matter came before us on the Public Works Committee and after we received the opinion of the Attorney General with respect to the unconstitutionality of such a requirement, the Public Works Committee agreed to respect the opinion of the Attorney General. I believe it is sound, because the requirement that the Senator wishes to impose through his amendment is opposed first by the GSA. It is a requirement which imposes on a committee of Congress to perform executive duties which exclusively belong to the executive department of the Government.

I cannot envision the Framers of our Constitution authorizing a committee of Congress to impose conditions whereby it would take executive functions away from the President, and this would be an executive function—to approve or disapprove any expenditures within this item and that they be submitted to the Committees on Appropriations of the House and the Senate for such approval or rejection.

The congressional committees should not superimpose their will or administer funds after Congress has appropriated these funds. It would be highly impractical and virtually impossible for the Appropriations Committees to meet every time an expenditure is proposed under this particular item. It would be too difficult. We do not have the staff to determine whether this piece of equipment or that piece of equipment or this electronic device or that is proper in the protection of the President.

That is why I believe the Attorney General properly ruled that such a restriction would be unconstitutional and would be an assumption of Executive power on the part of Congress. I will read part of the opinion, but I do not want to prolong the debate. This is what Attorney General Kleindienst ruled on April 24, 1972:

> Limiting my views solely to the legal question, it is my opinion that the committee approval provisions of section 5 (f) and (h) are unconstitutional. Of course, there would be no legal objection to the imposition of a provision requiring that contracts be submitted to the committees and that they not be carried out for a reasonable period thereby giving Congress the opportunity to disapprove the contract by legislative enactment.

In view of the Attorney General's opinion, and in view of the recommendation by the General Services Administration that they certainly could not work with this type of provision, especially in view of its unconstitutionality, I would oppose the amendment.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MONTOYA. I yield myself 2 additional minutes.

Mr. President, I agree with the Senator from Minnesota that there has been an abuse. I think it is patently clear that there has been an abuse in the use of taxpayers' money, as he has mentioned. The congressional committees will look into it, no doubt. One committee in the House is already looking into these expenditures. If taxpayers' money was used improperly, I presume that there will be lawsuits by the Government to recover part of the money expended in behalf of private parties, as the Senator from Minnesota has indicated. But I do not believe that we should put in an appropriation bill a restriction that is unconstitutional.

During the hearings next year, I will attempt to exact from GSA complete details as to how these expenditures were made, why they were made, and whether there was any legal justification for the expenditures. I think Congress is entitled to know the answers to these questions. I certainly will go into this in complete detail. But in view of the apparent unconstitutionality of the provision, I would have to oppose this amendment.

I am sorry to have to oppose my good friend, the Senator from Minnesota, whose words have been most informative, most instructive, and elucidating. I agree with him almost wholeheartedly in what he has said, but I do not agree with him on the appriach he has taken to cure the ills about which he speaks.

Mr. MONDALE. I must say that the Senator has been carrying the day.

Mr. President, personally, I do not find the constitutional argument persuasive. It is one of the difficulties of this administration that they have had a great number of Attorneys General, Mr. Kleindienst being the one who issued this opinion .

I do not see any constitutional problem here. I think there is precedent for it. In the Public Buildings Act of 1972 we have precisely the same requirement.

In any event, what I propose to do is to modify my amendment to provide for notification to the House and Senate Committees on Appropriations, rather than approval, so that while they would not have to go through the approval process which the Attorney General said is unconstitutional—although I disagree with that—they would have to notify the House and Senate Appropriations Committees, which would then be aware of what they have in mind. I do not see how that conceivably could be said to be anything other than providing for the continuing interest of Congress in being advised of Executive actions.

I would hope that, as modified, the distinguished manager of the bill might accept this amendment.

Mr. MONTOYA. In view of the fact that the distinguished Senator from Minnesota has walked over the fence into the pasture of constitutionality, I would accept it.

Mr. MONDALE. This is a wonderful day for me.

Mr. MONTOYA. Subject to the language being approved, specifically.

The PRESIDING OFFICER. Does the Senator so modify his amendment?

Mr. MONDALE. Mr. President, I modify my amendment to read as follows:

> On page 17, line 9, after the word "available," insert a comma and the following:
> "after notice to the House and Senate Committees on Appropriations."

So that it is notice and not approval that is required. I so modify my amendment.

The PRESIDING OFFICER. The amendment is so modified.

Mr. MONTOYA. I still see the roots of unconstitutionality here.

Mr. MONDALE. I was afraid the Senator would.

Mr. MONTOYA. Perhaps the Senator will agree to this language: that this appropriation shall be available and that when there are expenditures under this appropriation, the House and Senate Committees on Appropriations shall be so notified.

Mr. MONDALE. Does the Senator contemplate after expenditures or before?

Mr. MONTOYA. If it is before, we face the test of constitutionality, as I have indicated.

Mr. BROOKE. Mr. President, will the Senator yield for a question?

Mr. MONDALE. I yield.

Mr. BROOKE. Does not the Senator from Minnesota's modification of his amendment fall within the purview of the Kleindienst opinion so far as contracts are concerned? Does it not fit under that language? The Senator read some portion of the Kleindienst opinion, which in my view would accommodate the Mondale modification. Is that not possible?

Mr. MONTOYA. The Kleindienst opinion is directed at the requirements for approval before any expenditure is made. That is the exact wording of the Kleindienst opinion.

Mr. BROOKE. What about the portion the Senator read pertaining to the contracts?

Mr. MONTOYA. The Kleindienst opinion does not find that objectionable.

Mr. BROOKE. What is the time of the contract?

Mr. MONTOYA. Thirty days.

Mr. BROOKE. Before or after?

Mr. MONTOYA. When the contracts are awarded notice thereof must be given to the Committee on Public Works of both houses of Congress and after expiration of 30 days they are valid; but the idea of the 30 days is to give the committees time to propose legislation in opposition to the contracts prior to final formalization.

Mr. BROOKE. Could not the same thing be done under the proposal of the Senator from Minnesota?

Mr. MONTOYA. Absolutely, but he is not doing that.

Mr. BROOKE. Would the Senator accept that?

Mr. MONDALE. Would the Senator repeat his question?

Mr. BROOKE. In order to comply with the Kleindienst opinion I am suggesting the notification be given 30 days thereafter before the work would commence.

Mr. MONDALE. That would be fine. I am trying to get it open to the public process.

Mr. BROOKE. We do not want a lot of lawsuits. We want to prevent any future actions that might be embarrassing to the President on any improper expenditure of public funds. We do not want the horse out of the barn before we do something about it. That is what I understand the Senator's modification to be.

Mr. MONDALE. The Senator is correct.

Mr. BELLMON. Mr. President, will the Senator yield?

Mr. MONTOYA. I yield.

Mr. BELLMON. I would like to suggest to the Senate to move cautiously in this area. Let us assume the Secret Service proposes an expenditure on private property, that the request comes to the Senate, and then in 30 days goes into effect; and during that time the President is injured or killed because of the lack of the facility they wanted to install. I think we place Congress in an untenable position. I think we would be better off to let the Secret Service use its judgment and then review what they have done after they have made the improvement.

Mr. MONTOYA. Would the Senator from Minnesota agree to a requirement that the Government Services Administration render a report periodically, say every 3 months after the expenditure is made with respect to the items on page 17? I think that would fulfill the purpose.

Mr. MONDALE. Perhaps we can have a quorum call to see if we can work it out.

Mr. MONTOYA. It is similar to the provision we have in the special projects appropriation account.

Mr. MONDALE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. MONTOYA. In other words, the proviso to which I refer and which I think would be proper here and accomplish the purpose the Senator has in mind would be as follows:

Provided further, That the Committees on Appropriations of the Senate and the House of Representatives shall be furnished quarterly with a detailed accounting of expenditures made from these funds.

Mr. MONDALE. Would that report be public under that provision?

Mr. MONTOYA. Absolutely.

Mr. MONDALE. I will accept the substitution. Mr. President, I modify my amendment accordingly.

The PRESIDING OFFICER. Will the Senator from New Mexico send the modification to the desk?

Mr. MONTOYA. Yes. On page 17, line 19, after the word "purposes" insert the following:

: *Provided further*, That the Committees on Appropriations of the Senate and the House of Representatives shall be furnished quarterly with a detailed accounting of expenditures made from these funds.

The PRESIDING OFFICER. Will the Senator send the modification to the desk?

Mr. MONTOYA. Yes. Is that agreeable?

Mr. MONDALE. Yes. I modify my amendment accordingly. I yield back my time.

Mr. President, did we ask for the yeas and nays?

The PRESIDING OFFICER. The yeas and nays have not been requested.

Mr. MONTOYA. In view of the change in the amendment I would be willing to accept the amendment if my colleague would accept it.

Mr. BELLMON. I accept the amendment.

Mr. MONTOYA. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from Minnesota as modified.

The amendment as modified was agreed to.

Mr. MONDALE. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. MONDALE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 10, line 12, strike out "$2,802,000" and insert in lieu thereof "$1,802,000".

Mr. MONDALE. Mr. President, I expect to withdraw the amendment in 5 minutes.

My reason in proposing these amendments is that I think the warnings of such persons as George Reedy and others who have studied the institution of the White House can no longer be ignored. We have created an institution which permits its occupant to escape from reality, to hide behind the grandeur of the White House, behind its elaborate constitutional and legal protections, behind its fantastic budgetary powers and other powers. We have created an institution in which its occupant can start a war, can bomb, can spend, can wiretap, can deceive, can break into doctors' offices, can have an Attorney General who will use his powers in ways to undermine the laws; and we have seen in many, many ways the danger warnings about this Presidential institution that we have created.

Mr. President, I want a strong President. I want a President who is sufficiently strong in his powers to deal in the vast range of domestic and foreign affairs, but I think what we need above all is a strong President whose office is open, public, constitutional, and responsive to the American people. I am afraid that this is what we are increasingly losing as we grant the President power, as we appropriate money without tying those powers and moneys down in a way that the President remains accountable, remains open, and remains public.

Recently, John Gardner said that the President has created a curious and unprecedented one-way communication with the American people; he can reach us but we cannot reach him; we can see him, but he cannot hear us; he is always with us but there is no dialog.

Whether it was the day we let him take the Bureau of the Budget and bring it into the White House, whether it was the day there was created the Domestic Council which took many powers of HEW and Labor and brought them into the White House, or the day we permitted him to expand the National Security Council from a modest advisory body to what, in effect, was a separate and independent Department of State, in many different ways Congress wittingly or unwittingly contributed to an institution which was able, until Watergate, to humiliate, ignore, and disregard laws we adopted, money we appropriated, and the very terms of legislation he himself has often signed into law.

It may not happen again but I think it might, and if we do not learn from Watergate other than just punishing the wrongdoers, if we do not reform the institution so it cannot happen again, I believe we will have several Watergates in the future, perhaps more and worse than we have seen today.

We have had too close a call with American democracy this time. And at the heart of the success of Watergate strategy was a White House with so much power, with so much money, without limits, that they could carry on this fantastic array of activities without anyone even knowing about it; and it was really only an accident that permitted us to stub our toes on it in the first place.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MONDALE. If I may have 1 more minute, therefore I hope, as we deal with these budgets and as we create a new dialog with the President, whoever he may be, with this experience in mind, that we reshape that office and that we deal with it in a way that it will become open, legal, constitutional, and above all, be back in control of the American people.

I thank the distinguished floor manager for his courtesy and generosity. I withdraw the amendment and yield the floor.

The PRESIDING OFFICER. Does the Senator withdraw his amendment?

Mr. MONDALE. I withdraw my amendment.

Mr. MONTOYA. Mr. President, I call up my amendment, on behalf of myself and Senators MCCLELLAN, RANDOLPH, and BELLMON.

The PRESIDING OFFICER. The amendment will be read.

The assistant legislative clerk read the amendment, as follows:

On page 7, line 18, strike out "$100,000,000" and insert in lieu thereof "$400,000,000".

Mr. MONTOYA. Mr. President, by way of brief explanation, this amendment is with respect to disaster relief. The President in his initial budget request asked Congress to appropriate $100 million, and in the intervening months we had 36 different disaster situations throughout the country, including the Mississippi floods. Just recently, since we marked up the bill, the President submitted a revised budget request to reflect an increase of $300 million over the initial request of $100 million, so that the total would be $400 million.

That is the purpose of my amendment. It is felt, not only by me but by other members of the committee, that this money is needed.

Last year, I believe, when we had Hurricane Agnes, we appropriated at different intervals during the year approximately $600 million. The damage caused by the recent floods along the Mississippi Delta have been very severe. There is a great demand for these funds at the present time.

So, in view of the urgency of the situation, I want to say that I have consulted with my colleague on the minority side and we have agreed to this amendment.

SENATOR RANDOLPH SPONSORS DISASTER RELIEF AMENDMENT

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. MONTOYA. I yield to the Senator from West Virginia.

Mr. RANDOLPH. Is the Senator yielding time to me on his amendment?

Mr. MONTOYA. I will yield time on the amendment, if the Senator wishes.

Mr. RANDOLPH. I would appreciate it. I shall be very brief.

Mr. President, I commend the author of the amendment and appreciate the fact that I am privileged to cosponsor it. I think in this amendment we attempt to meet the administration's request. It is a request which I think is justified, because the money will go to communities and to persons who suffer from these disasters.

We have made great strides in recent years in providing the Federal Government with a mechanism to respond quickly and effectively when disasters strike. The Disaster Relief Act of 1970 was developed by the Committee on Public Works on which the Senator from New Mexico serves. This statute was the result of several years' work and for the first time established procedures for placing disaster relief activities into operation without delay.

In the past 3 years there has been, I believe, considerable success in implementing this act. Forecasting the incidence of disaster in any single year is, of course, impossible. Therefore, when we provide urgently needed disaster relief, we must pay the bill.

Last year the number of disasters was far above average and additional appropriations were required. During 1973 we have, unfortunately, experienced a number of devastating and costly disasters. It is to facilitate the recovery from these disasters and the return to normal that these additional funds are being sought today.

Mr. President, this is an appropriate time for me to bring the Senate up to date on the activities of the committee with regard to legislation in this field. Early in the 93d Congress our Subcommittee on Disaster Relief was reestablished under the able chairmanship of Senator QUENTIN BURDICK of North Dakota. The subcommittee immediately began to review the operation of the 1970 act and to determine if amendments were necessary.

Hearings were held in locations that have recently experienced disasters—Biloxi, Miss.; Rapid City, S. Dak.; Wilkes-Barre, Pa.; and Elmira, N.Y.

Senator BURDICK will conduct 3 days of hearings in Washington next week to discuss specific legislative proposals relating to the Disaster Relief Act. I am confident that his subcommittee will weigh testimony carefully and review the proposals in acting to improve what I believe to be already effective law.

So I join the Senator from New Mexico, chairman of the subcommittee in charge of this bill, in urging adoption of the amendment, which has already been agreed to by himself and the ranking Republican member of the subcommittee.

Mr. MONTOYA. Mr. President, I thank the distinguished Senator from West Virginia for his contribution. I know that he has been an ardent supporter of disaster relief throughout the years—at least during the years I have served on the Public Works Committee. I commend him for it and thank him for offering his support at this time.

Mr. President, in order to supplement State and local government efforts to alleviate the suffering and damage resulting from major natural disasters, the President is empowered, under the provisions of the Disaster Relief Act of 1970, as amended, Public Law 91-606, and Public Law 92-385, to determine whether a disaster is of sufficient magnitude to warrant Federal aid. The President has delegated the responsibility for coordinating all such Federal assistance to the Secretary of the Department of Housing and Urban Development. Disaster relief is provided, in accordance with statutory authority, with the moneys appropriated to the President's Disaster Relief Fund, administered by the Federal Disaster Assistance Administration in HUD.

During the period January 1–August 24, 1973, the President has declared 39 major disasters in 28 States. Of this total, 32 were declared prior to June 30 and 7 have been declared since July 1. In addition, predisaster assistance has been made available to California to prevent the threat of fire in 2,800 acres of dead and damaged eucalyptus trees; and fire suppression grant assistance has been authorized for Montana and Oregon.

Perhaps the most dramatic disaster activity of the past spring has been the flooding and shoreline erosion which occurred along the Great Lakes and the flooding in the Missouri and Mississippi River Valleys. In the first case, high winds and rain, combined with the highest water levels in the Great Lakes in recorded history, caused substantial damage along the shorelines of New York, Ohio, and Michigan. In the second instance, heavy and continued rains over the Central United States resulted in extensive flood damage along the Missouri River and floods of record level along the Mississippi River.

This has resulted in disaster declarations for the States of Mississippi, Missouri, Illinois, Louisiana, Arkansas, Kentucky, Tennessee, and Iowa. A complete list of disasters declared by the President in fiscal year 1973 and in fiscal year 1974 to date has been included as part of this justification.

The passage by Congress of the second supplemental appropriations bill for fiscal year 1973 brought total appropriations to the President's Disaster Relief Fund in that year to $592.5 million. The $100 million appropriated in this supplemental, which was submitted in January, represented the best estimates at that time of the funding requirements for disaster relief. While these funds have played a key role in meeting the most immediate relief requirements for disasters declared since January, the major impact of this unprecedented number of declarations, in terms of funding requirements, will be experienced during the first and second quarters of fiscal year 1974. The current estimates of fund requirements for disasters which have been declared to date, when matched against funds which are currently available or anticipated, indicate the need for $300 million in addition to the $100 million which has previously been requested. The derivation of this requirement is exhibited in a table which accompanies this justification, which I ask unanimous consent to have printed in the Record.

There being no objection, the table was ordered to be printed in the Record, as follows:

Disasters Declared, Fiscal Years, 1973

State, type of disaster and date declared.

Arizona, severe storms and flooding, July 3, 1972.

West Virginia, severe storms and flooding, July 3, 1972.

Ohio, severe storms and flooding, July 19, 1972.

New Mexico, severe storms and flooding, Aug. 1, 1972.

Minnesota, severe storms and flooding, Aug. 1, 1972.

Iowa, severe storms and flooding, Aug. 18, 1972.

West Virginia, heavy rains and flooding, Aug. 23, 1972.

Minnesota, severe storms and flooding, Aug. 25, 1972.

Illinois, severe storms and flooding, Sept. 4, 1972.

Wisconsin severe storms and flooding, Sept. 10, 1972.

New Mexico, heavy rains and flooding, Sept. 20, 1972.

Iowa, severe storms and flooding, Sept. 26, 1972.

Maine, toxic algae, Sept. 28, 1972.

Massachusetts, toxic algae, Sept. 28, 1972.

Pennsylvania, heavy rains and flooding, Oct. 2, 1972.

Virginia, severe storms and flooding, Oct. 7, 1972.

Virginia, severe storms and flooding, Oct. 10, 1972.

Arizona, heavy rains and flooding, Oct. 25, 1972.

New Mexico, heavy rains and flooding, Nov. 20, 1972.

Ohio, severe storms and flooding, Nov. 24, 1972.

Michigan, severe storms and flooding, Dec. 1, 1972.

California, severe storms and flooding, Feb. 8, 1973.

Texas, tornadoes, high winds, and flooding, Mar. 12, 1973.

Tennessee, heavy rains and flooding, Mar. 21, 1973.

New York, high winds, wave action, and flooding, Mar. 21, 1973.

Mississippi, heavy rains and flooding, Mar. 27, 1973.

Alabama, severe flooding and tornadoes, Mar. 27, 1973.

Georgia, severe flooding and tornadoes, April 4, 1973.

Michigan, severe storms and flooding, April 12, 1973.

Missouri, heavy rains and flooding, April 19, 1973.

Illinois, severe storms and flooding, April 26, 1973.

Louisiana, severe storms and flooding, April 27, 1973.

Arkansas, severe storms and flooding, April 27, 1973.

Wisconsin, severe storms and flooding, April 27 1973.

Ohio, severe storms and flooding, April 27, 1973.

Kansas, severe storms, snow melt, and flooding, May 2, 1973.

Colorado, dam failure, May 8, 1973.

New Mexico, severe storms, snow melt, and flooding, May 11, 1973.

Kentucky, severe storms and flooding, May 11, 1973.

Tennessee, severe storms and flooding, May 11, 1973.

Hawaii, earthquake, May 16, 1973.

Maine, heavy rains and flooding, May 23, 1973.

Colorado, heavy rains, snow melt, and flooding, May 23, 1973.

Iowa, severe storms and flooding, May 23, 1973.

Florida, severe storms and flooding, May 26, 1973.

Alabama, severe storms and flooding, May 29, 1973.

Arkansas, severe storms and flooding, May 29, 1973.

Ohio, mudslides, June 6, 1973.

Georgia, severe storms and tornadoes, June 11, 1973.

Oklahoma, severe storms, flooding, and tornadoes, June 13, 1973.

Texas, severe storms and flooding, June 25, 1973.

North Carolina, severe storms and flooding, June 25, 1973.

Tennessee, severe storms and flooding, June 28, 1973.

DISASTERS DECLARED, FY 1974 (THROUGH AUGUST 24, 1973)

State, type of disaster, date declared.

Colorado, severe flooding and landslides, July 6, 1973.

Vermont, severe storms, flooding, and landslides, July 6, 1973.

Texas, severe storms and flooding, July 11, 1973.

New Hampshire, severe storms and flooding, July 11, 1973.

Pennsylvania, severe storms and flooding, July 17, 1973.

New York, severe storms and flooding, July 20, 1973.

New Jersey, severe storms and flooding, Aug. 7, 1973.

PRE-DISASTER ASSISTANCE (SECTION 221, PL 91-606)

State, reason, date authorized.

California, threat of fire, May 25, 1973.

FIRE SUPPRESSION ASSISTANCE (SECTION 225, PL 91-606)

State, fire, date authorized.

Montana, Prewitt Creek, Aug. 16, 1973.

Oregon, Rocky Creek, Aug. 17, 1973.

Oregon, Perry Canyon, Aug. 17, 1973.

Montana, Goat Creek, Aug. 18, 1973.

Oregon, Klamath Falls, Aug. 20, 1973.

Montana, Pleasant Valley, Aug. 23, 1973.

ESTIMATED REQUIREMENTS—DISASTER RELIEF FISCAL YEAR 1974

[Dollar amounts in thousands]

State	Number	Total estimated requirements	Less: Obligations [1]	Fiscal year 1974 requirements
New Jersey	245	1, 285	1, 224	61
California	253	101, 750	100, 268	1, 482
Minnesota	255	4, 730	4, 697	33
California	270	3, 200	3, 069	131
Mississippi	271	74, 925	74, 918	7
Virginia	274	9, 900	9, 419	481
Illinois	276	2, 305	2, 285	20
California	283	6, 696	6, 572	124
California	295	11, 650	11, 170	480
Puerto Rico	296	18, 970	17, 983	987
Virgin Islands	298	2, 420	2, 396	24
California	299	155, 860	66, 553	89, 307
Oregon	301	820	727	93
Mississippi	302	4, 325	4, 319	6
Trust territory	307	4, 915	2, 601	2, 314
Maryland	309	4, 890	3, 586	1, 304
New Jersey	310	14, 300	13, 212	1, 088
New York	311	5, 400	5, 232	168
Pennsylvania	312	5, 340	4, 888	452
Texas	313	5, 690	5, 369	321
California	316	700	550	150
Mississippi	318	679	656	23
Oregon	319	8, 720	8, 296	424
Washington	322	2, 337	2, 273	64
West Virginia	323	4, 625	2, 639	1, 986
Idaho	324	423	418	5
Massachusetts	325	7, 800	7, 681	119
Maine	326	895	822	73
New Hampshire	327	350	346	4
Washington	328	2, 310	2, 304	6
California	329	2, 748	2, 087	661
Michigan	330	1, 410	1, 245	165
Tennessee	331	400	326	74
Texas	333	2, 442	2, 206	236
Washington	334	3, 150	3, 142	8
North Dakota	335	350	282	68
South Dakota	336	30, 000	26, 323	3, 677
Florida	337	3, 300	3, 233	67
New York	338	102, 250	83, 474	18, 776
Virginia	339	20, 777	19, 103	1, 674
Pennsylvania	340	456, 200	235, 034	221, 166
Maryland	341	24, 289	22, 570	1, 719
California	342	7, 670	4, 735	2, 935
Arizona	343	530	511	19
West Virginia	344	1, 497	1, 427	70
Ohio	345	1, 535	1, 335	200
New Mexico	346	220	205	15
Minnesota	347	2, 145	2, 136	9
Iowa	348	1, 400	667	733
West Virginia	349	1, 641	1, 192	449
Minnesota	350	4, 765	3, 391	1, 374
Illinois	351	1, 257	1, 108	149
Wisconsin	352	521	514	7
New Mexico	353	600	582	18
Iowa	354	2, 350	997	1, 353
Pennsylvania	355	150	147	3

Footnote at end of table.

ESTIMATED REQUIREMENTS—DISASTER RELIEF FISCAL YEAR 1974—Continued

[Dollar amounts in thousands]

State	Number	Total estimated requirements	Less: Obligations [1]	Fiscal year 1974 requirements
Virginia	358	750	609	141
Virginia	359	1,542	1,325	217
Arizona	360	2,835	371	2,464
New Mexico	361	400	361	39
Ohio	362	2,225	1,464	761
Michigan	363	1,300	703	597
California	364	5,299	2,683	2,616
Texas	365	600	156	444
Tennessee	366	5,028	4,033	995
New York	367	2,000	1,172	828
Mississippi	368	6,500	5,267	1,233
Alabama	369	1,914	1,768	146
Georgia	370	1,494	808	686
Michigan	371	1,000	667	333
Missouri	372	9,100	6,101	2,999
Illinois	373	14,000	1,468	12,532
Louisiana	374	10,000	4,368	5,632
Arkansas	375	3,250	2,634	616
Wisconsin	376	2,781	175	2,606
Ohio	377	600	389	211
Kansas	378	1,996	761	1,235
Colorado	379	750	705	45
New Mexico	380	950	211	739
Kentucky	381	510	402	108
Tennessee	382	2,036	860	1,176
Hawaii	383	1,540	1,257	283
Maine	384	750	266	484
Colorado	385	2,000	689	1,311
Iowa	386	1,804	70	1,734
Florida	387	1,200	1,110	90
Alabama	388	850	774	76
Arkansas	389	1,375	808	,567
Ohio	390	2,258	200	2,058
Georgia	391	274	205	69
Oklahoma	392	2,000	10	1,990
Texas	393	715	43	672
North Carolina	394	700	41	659
Tennessee	395	1,400	98	1,302
Colorado	396	829	189	640
Vermont	397	14,000	79	13,921
Texas	398	2,870	15	2,855
New Hampshire	399	3,900	5	3,895
Pennsylvania	400	2,584	----------	2,584
New York	401	3,500	----------	3,500
New Jersey	402	4,000	----------	4,000
Total declared disasters		1,269,216	829,765	439,451
Estimated requirements for future fiscal year 1974 declarations				99,712
Total estimated fiscal year 1974 requirements				539,163
Less:				
Unobligated balances available, July 31, 1973				138,023
Current fiscal year 1974 request				100,000
Estimated recovery of prior years' obligations				1,140
Fiscal year 1974 budget amendment				300,000

[1] As of July 31, 1973.

FUNDS APPROPRIATED TO THE PRESIDENT, DISASTER RELIEF

	Request pending	Proposed amendment	Revised request
Disaster relief	$100,000,000	$300,000,000	$400,000,000

PROGRAM AND FINANCING (IN THOUSANDS OF DOLLARS)

	Request pending	Proposed amendment	Revised request
Program by activities:			
1. Administration	4,385	----------	4,385
2. Aid to disaster areas	188,076	300,000	488,076
Total program costs, funded	192,461	300,000	492,461
Change in selected resources	−91,000	----------	−91,000
Total obligations	101,461	300,000	401,461
Financing:			
Unobligated balance available, start of year	−7,076	----------	−7,076
Unobligated balance available, end of year	5,615	----------	5,615
Budget authority	100,000	300,000	400,000
Relation of obligations to outlays:			
Obligations incurred, net	101,461	300,000	401,461
Obligated balance, start of year	390,971	----------	390,971
Obligated balance, end of year	−242,140	−100,292	−342,432
Outlays	250,292	199,708	450,000

OBJECT CLASSIFICATION (IN THOUSANDS OF DOLLARS)

	Request pending	Proposed amendmen'	Revised request
Personnel compensation:			
Permanent positions	2,556	----------	2,556
Positions other than permanent	350	----------	350
Other personnel compensation	32	----------	32
Special personal services payments	----------	----------	----------
Total personnel compensation	2,938	----------	2,938
Personnel benefits: Civilian	250	----------	250
Travel and transportation of persons	500	----------	500
Transportation of things	7	----------	7
Rent, communications, and utilities	250	----------	250
Printing and reproduction	25	----------	25
Other services	38,093	150,000	188,093
Supplies and materials	40	----------	40
Equipment	15	----------	15
Grants, subsidies, and contributions	59,343	150,000	209,343
Total obligations	101,461	300,000	401,461

PERSONNEL SUMMARY

	Request pending	Proposed amendment	Revised request
Total number of permanent positions	133	----------	133
Full-time equivalent of other positions	30	----------	30
Average paid employment	159	----------	159
Average GS grade	11.3	----------	11.3
Average GS salary	$19,816	----------	$19,816

The PRESIDING OFFICER. Do Senators yield back their time on the amendment?

Mr. MONTOYA. Mr. President, I yield back the remainder of my time on the amendment.

The PRESIDING OFFICER. All time on the amendment having been yielded back, the question is on agreeing to the amendment of the Senator from New Mexico (putting the question).

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. JAVITS. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read the amendment, as follows:

On page 11, line 13, delete the figure "$30,000,000" and insert in lieu thereof the figure "$40,000,000".

Mr. JAVITS. Mr. President, the purpose of this amendment is to increase the appropriation for the special fund for the Office for Drug Abuse from the figure which the committee has privided $30 million to the budget estimate of $40 million. The House gave only $21.5 million.

Obviously, of course, the compromise will be between those two figures. I would hope we would be able to stand by the $30 million figure.

I have discussed this amendment with the manager of the bill, and he feels that the Special Action Office gave very good accounting of what they would use the $30 million for. He does not feel, however, that they have adequately accounted for the whole budget request of $40 million. He, of course, will speak to that himself.

I offered the amendment only for the purpose of inducing my colleague—although I am sure it is entirely agreeable with him—to discuss the matter with us so that the Senate might be acquainted with what is at stake and we might have an opportunity to do something about it in the future should that seem to be warranted by the facts. Furthermore, I will show why it is likely that justification will be forthcoming and these funds can be provided in a supplemental appropriation dealing with section 223 funds.

The amendment would expressly provide money for three purposes, outreach, funding of new methods of treatment for various types of drug abuse and strengthening the capacity of the States to meet their own drug abuse needs.

This is a uniquely great opportunity to deal with and be abreast of the problem, because even the nature of drug abuse tends to change while we are looking at it. For example, there have been reports on a reduction in the incidence of heroin drug abuse and a material increase in the use of a drug called methoqualone, which is also addictive and which has not been the subject of much research.

Mr. President, I ask unanimous consent that there be printed at this point in the RECORD a letter which Senator HUGHES and I wrote to the Senator from New Mexico (Mr. MONTOYA) respecting the effort to provide the full budget estimate for this particular item.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., August 2, 1973.

Hon. JOSEPH M. MONTOYA,
Chairman, Senate Appropriations Committee, Subcommittee on Treasury, U.S. Postal Service, and General Government, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: In connection with your consideration of proposed fiscal year 1974 budget estimates for the Department of Treasury, the Postal Service, and related agencies, we would like to call your attention to what we consider to be a serious deficiency in the House bill. As you know, that bill approves $5 million for necessary expenses of the Special Action Office for Drug Abuse Prevention; $20 million for Section 224, pharmacological research; and $21.5 million for Section 223, the "Special Fund".

We are writing to express our concern over the amount allocated for the Special Fund. The fact that SAODAP did not expend its full Section 223 appropriation for fiscal year '73 was due in large measure to the fact that those funds were contained in supplemental appropriations and did not become available until late in the fiscal year.

The funds appropriated for the purposes of Section 223 have been effectively used to increase the number and diversity of drug treatment and prevention programs throughout the country. Combined with substantial improvements in law enforcement measures, these programs have begun to have an important impact on the drug abuse problem. Major indicators of heroin abuse have begun to show a turndown, but we must not now reduce the federal potential to consolidate and multiply the gains which have already been made. While vastly expanding treatment capacity, SAODAP has tightened management control systems and sought new measures of program effectiveness. It is instituting basic reporting systems and developing more effective evaluation of all programs.

Through the use of the Special Fund, SAODAP has sought to establish central intake facilities in large cities. By using such a central intake system, an addict in need of treatment can report to a single central office and be referred to the kind of treatment program he prefers with the assurance that the program has room for him. This system eliminates the problem of addicts approaching various programs for help and being turned away because there is no room or the program is unsuited to their needs. Such facilities have already been established in Houston, Texas and Hartford, Connecticut. Expansion of this concept to other states is now an important priority for SAODAP.

These funds have also been used to better utilize the criminal justice system as an outreach mechanism. The TASC (Treatment Alternatives to Street Crimes) is designed to identify, screen and refer for treatment drug dependent persons who are arrested. Through a process of interview and urinalysis, persons in need of treatment are referred to the appropriate facility; they are tracked throughout treatment to insure satisfactory performance; and they are counselled in order to productively return to society.

During fiscal year '74 the Special Fund will be used for three primary purposes: outreach, funding of new methods of treatment for various types of drug abuse and strengthening the capacity of the states to meet their own drug abuse needs. SAODAP also intends to do much more in the area of job training and placement for ex-addicts. The problems of the estimated 130,000 drug addicts in our federal, state and local prisons will also receive much needed attention. We also should develop new approaches to treating drug abuse in view of the new polydrug use phenomenon which has been found in many areas throughout the nation. SAODAP is also committed to new initiatives in this field, as well as to the development of antagonists and other chemical substitutes for methadone treatment.

These and other programs will substantially contribute to reducing our national drug problem. Restoration of the full request for Section 223 funds will enable SAODAP to continue and complete its important work.

Sincerely,

HAROLD E. HUGHES,
JACOB K. JAVITS.

Mr. JAVITS. Mr. President, on the other hand, I do not know of anyone who is as sympathetic to this as is the Senator from New Mexico himself. I have the feeling that the Senator from Oklahoma (Mr. BELLMON) feels the same way.

I will be content with spreading the material upon the record and with leaving it to the Drug Abuse Office to come forward with a demonstration at a subsequent time when a supplemental is available and when more than $30 million can be effectively used for these innovative purposes.

Mr. President, I have covered this matter in my discussions with the manager of the bill. I have no feeling that the Senator from New Mexico did this on the basis of economy. I think that he has been absolutely sincere in doing his job. I hope that he will cooperate with the Senator from Iowa (Mr. HUGHES) and me.

Mr. MONTOYA. Mr. President, I would like to say that the committee did not cut the budget request for economy reasons. It was ascertained by letter dated August 1, 1973, from the Special Action Office for Drug Abuse Prevention that from last year's appropriations there was an unused or unobligated balance of over $11 million. So actually the Special Action Office for Drug Abuse Prevention will have adequate funds for fiscal year 1974.

Therefore, the committee recommended $30 million, an increase of $5 million over fiscal year 1973 and an increase of $8.5 million over the House bill for the special fund for drug abuse. While the $30 million recommended is a decrease of $10 million under the estimate, the committee allowed practically all of the funds requested for salaries and expenses and pharmacological research.

If it should be determined that it needs more funds, I am sure that every Member of the Congress will be sympathetic to giving that office what it actually needs, subject of course to wise and prudent expenditures.

I have no reason to believe that they have not engaged in wisdom with regard to the expenditure of funds in the past.

I say to my good friend, the Senator from New York, that as I have tried to do in the past, I will continue to do in the future and will be as sympathetic as I possibly can be within fiscal prudence so that we can expand the drug abuse prevention program, and we must expand it. However, we must do so in an orderly process, and not just throw money away.

Mr. JAVITS. I thoroughly agree with the Senator, but I am going to raise this question, so that he might have it in mind in conference. I might say that I shall withdraw the amendment when I have finished.

I am told that because of the financing of this fund in a supplemental for fiscal year 1973, carryover funds cannot be used. Of course, Congress can always take care of that by providing the necessary relief. But I believe that with the disposition of the Senator who has just spoken, the distinguished Senator from New Mexico (Mr. MONTOYA)—and if he will bear this point in mind, which may or may not be followed in the conference—I have every confidence that so far as money is deserved, it will be forthcoming.

I thank the Senator. I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The bill is open to further amendment.

Mr. MONTOYA. Mr. President, I ask for the third reading.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator from New Mexico yield me 3 minutes on the bill?

Mr. MONTOYA. I am happy to yield 3 minutes to the Senator from Virginia.

Mr. HARRY F. BYRD, JR. Mr. President, I invite the attention of the Senate to page 40 of the committee report. On that page it will be noted that the interest on the public debt for the current fiscal year will be $27.5 billion. That figure is not in the bill before the Senate, but it is in the committee report. It is the amount of money that the taxpyers will be called upon to finance the interest on the debt.

I think it is important that attention be focused on how much it is costing the taxpayers to finance that debt. Many persons look at the debt as a figure which has little relation to the average citizen. I say that nothing could be further from the fact or the truth. The fact is that 17 cents of every personal and every corporate income tax dollar paid into the Treasury by the taxpayers and wage earners of the country go for one purpose; namely, to pay the interest on the debt.

As the committee report states, the interest of $27.5 billion on the debt is $3.3 billion more than the interest charges for fiscal 1973.

One other figure I shall mention in connection with the public debt. For the fiscal years 1970 through the current fiscal year—during that 5-year period—the national debt increased $116 billion. To put it another way, the accumulated deficits for that 5-year period from fiscal 1970 through the current fiscal year will total $116 billion. That represents 25 percent of the total national debt of the Nation.

During that 5-year period, 25 percent of the total national debt has been incurred. The remaining 75 percent goes back more than 100 years.

I think the figure for the interest charges, given in the committee report before us today, dramatizes the very severe and grave financial condition facing the Government of the United States. Until Congress and the President, acting together, are willing to cooperate and to get spending under control and get these huge deficits under control, I submit that the average American citizen, the average wage earner, the average working person, man and woman, is going to pay the price either in the form of more inflation or more taxes, or both.

The basic cause of inflation, in my judgment, or the major cause of the inflation we are experiencing, is these continued huge Government deficits. It is not generally realized that in the 5-year period from fiscal year 1970 through fiscal year 1974 the accumulated Federal funds deficit totaled $116 billion, which represents 25 percent of the total national debt. This figure in the committee report of $27.5 billion representing the interest charges on the debt for fiscal 1974, dramatizes that there is a real cost to the American people in financing these huge deficits.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a table entitled "Deficits in Federal Funds and Interest on the National Debt, 1955–1974 Inclusive."

There being no objection, the table was ordered to be printed in the RECORD, as follows:

DEFICITS IN FEDERAL FUNDS AND INTEREST ON THE NATIONAL DEBT, 1955 TO 1974 INCLUSIVE—PREPARED BY SENATOR HARRY F. BYRD, JR. OF VIRGINIA

[Billions of dollars]

	Receipts	Outlays	Surplus (+) or deficit (−)	Debt interest
1955	$58.1	$62.3	−$4.2	$6.4
1956	65.4	63.8	+1.6	6.8
1957	68.8	67.1	+1.7	7.3
1958	66.6	69.7	−3.1	7.8
1959	65.8	77.0	−11.2	7.8
1960	75.7	74.9	+.8	9.5
1961	75.2	79.3	−4.1	9.3
1962	79.7	86.6	−6.9	9.5
1963	83.6	90.1	−6.5	10.3
1964	$87.2	$95.8	−$8.6	$11.0
1965	90.9	94.8	−3.9	11.8
1966	101.4	106.5	−5.1	12.6
1967	111.8	126.8	−15.0	14.2
1968	114.7	143.1	−28.4	15.6
1969	143.3	148.8	−5.5	17.7
1970	143.2	156.3	−13.1	20.0
1971	133.7	163.7	−30.0	21.6
1972	148.8	178.0	−29.2	22.5
1973	161.3	186.2	−24.9	24.2
1974 [1]	181.0	199.8	−18.8	27.5
20-year total	2,056.2	2,270.6	−214.4	273.4

[1] Estimated figures.

Source: Office of Management and Budget and Treasury Department.

Mr. HARRY F. BYRD, JR. I yield back the remainder of my time.

Mr. MONTOYA. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Oklahoma yield back his time?

Mr. BELLMON. I yield back my time.

The PRESIDING OFFICER (Mr. HELMS). All remaining time having been yielded back, the question is, Shall the bill pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Florida (Mr. CHILES), the Senator from North Carolina (Mr. ERVIN), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Iowa (Mr. HUGHES), the Senator from Utah (Mr. MOSS), the Senator from California (Mr. TUNNEY), and the Senator from Louisiana (Mr. JOHNSTON) are necessarily absent.

Mr. GRIFFIN. I announce that the Senators from Tennessee (Mr. BAKER and Mr. BROCK), Senator from Hawaii (Mr. FONG), and Senator from Oregon (Mr. HATFIELD) are necessarily absent.

I also announce that the Senator from Utah (Mr. BENNETT) is absent because of illness in his family.

I further announce that the Senator from Florida (Mr. GURNEY) is absent on official business.

I further announce that, if present and voting, the Senator from Hawaii (Mr. FONG), would vote "yea."

The result was announced—yeas 87, nays 0, as follows:

[No. 374 Leg.]

YEAS—87

Abourezk
Aiken
Allen
Bartlett
Bayh
Beall
Bellmon
Bentsen
Bible
Biden
Brooke
Buckley
Burdick
Byrd,
 Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Church
Clark
Cook
Cotton
Cranston
Curtis
Dole
Domenici
Dominick
Eagleton
Eastland
Fannin
Fulbright
Goldwater
Gravel
Griffin
Hansen
Hart
Hartke
Haskell
Hathaway
Helms
Hollings
Hruska
Humphrey
Inouye
Jackson
Javits
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McClure
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott, Pa.
Scott, Va.
Sparkman
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Weicker
Williams
Young

NAYS—0

NOT VOTING—13

Baker
Bennett
Brock
Chiles
Ervin
Fong
Gurney
Hatfield
Huddleston
Hughes
Johnston
Moss
Tunney

So the bill (H.R. 9590) was passed.

Mr. MONTOYA. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MONTOYA. Mr. President, I want to express my appreciation to Senators MCCLELLAN and YOUNG for the cooperation they gave me during deliberations on this bill.

I also want to express my appreciation for the fine work done by staff members Joe Gonzales and Warren Kane.

Now, Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives thereon, and that chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. MONTOYA, Mr. MCCLELLAN, Mr. BAYH, Mr. MCGEE, Mr. BELLMON, Mr. YOUNG, and Mr. HATFIELD conferees on the part of the Senate.

EXECUTIVE SESSION—EXECUTIVE L, 93D CONGRESS, FIRST SESSION—AMENDMENT TO ARTICLE 61 OF THE CHARTER OF THE UNITED NATIONS

The PRESIDING OFFICER (Mr. HOLLINGS). Under the previous order, the Senate will now go into executive session to vote on Executive L, 93d Congress, first session.

The clerk will state the resolution of ratification.

The legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of The Amendment to Article 61 of the Charter of the United Nations adopted by the General Assembly of the United Nations on December 20, 1971, and set forth in General Assembly Resolution 2837 (XXVI), (Ex. L, 93d Congress, 1st session).

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the resolution of ratification of Executive L, 93d Congress, first session?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Florida (Mr. CHILES), the Senator from North Carolina (Mr. ERVIN), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Iowa (Mr. HUGHES), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Utah (Mr. MOSS), and the

Senator from California (Mr. TUNNEY) are necessarily absent.

Mr. GRIFFIN. I announce that the Senators from Tennessee (Mr. BAKER and Mr. BROCK), the Senator from Hawaii (Mr. FONG), and the Senator from Oregon (Mr. HATFIELD) are necessarily absent.

I also announce that the Senator from Utah (Mr. BENNETT) is absent because of illness in his family.

I further announce that the Senator from Florida (Mr. GURNEY) is absent on official business.

The yeas and nays resulted—yeas 80, nays 7, as follows:

[No. 375 Ex.]

YEAS—80

Abourezk
Aiken
Allen
Bartlett
Bayh
Beall
Bellmon
Bentsen
Bible
Biden
Brooke
Buckley
Burdick
Byrd,
  Harry F., Jr.
Cannon
Case
Church
Clark
Cook
Cranston
Curtis
Dole
Domenici
Eagleton
Eastland
Fulbright
Goldwater
Gravel
Griffin
Hansen
Hart
Hartke
Haskell
Hathaway
Hollings
Hruska
Humphrey
Inouye
Jackson
Javits
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott, Pa.
Scott, Va.
Sparkman
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Tower
Weicker
Williams
Young

NAYS—7

Byrd, Robert C.
Cotton
Dominick
Fannin
Helms
McClure
Thurmond

NOT VOTING—13

Baker
Bennett
Brock
Chiles
Ervin
Fong
Gurney
Hatfield
Huddleston
Hughes
Johnston
Moss
Tunney

The PRESIDING OFFICER. On this vote the yeas are 80 and the nays are 7. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

BOARD FOR INTERNATIONAL BROADCASTING

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 337, S. 1914; that it be laid before the Senate and made the pending business. There will be no action thereon today.

The PRESIDING OFFICER. The bill will be stated by title.

The bill was stated by title as follows:

A bill, (S. 1914) to provide for the establishment of the Board for International Broadcasting, to authorize the continuation of assistance to Radio Free Europe and Radio Liberty, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Foreign Relations with amendments on page 7, line 16, after the word "Records", strike out "And Audit" and insert "Audit; Contributors"; on page 8, after line 6, insert:

(c) No grant may be made under this Act unless the radio to which the grant is to be made agrees to make available, and does make available, for public inspection, during normal business hours at its principal office in the United States, a complete list of every person and government making a contribution to that radio during the fiscal year preceding the making of the grant and the fiscal year in which the grant is to be made, the address of the person or government making the contribution, the amount of each such contribution, and the date the contribution was made.

On page 9, line 13, after the word "expended", strike out "$50,300,000" and insert "$50,209,000"; in line 14, after the word "year", strike out "1974 and such sums as may be necessary for fiscal year 1975 to carry out the purposes of this Act." and insert "1974."; at the beginning of line 17, strike out "years 1974 and 1975" and insert "year 1974"; and, after line 20, strike out "Implementation"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Board for International Broadcasting Act of 1973".

DECLARATION OF PURPOSE

SEC. 2. The Congress hereby finds and declares—

(1) that it is the policy of the United States to promote the right of freedom of opinion and expression, including the freedom "to seek, receive, and impart information and ideas through any media and regardless of frontiers," in accordance with article 19 of the Universal Declaration of Human Rights;

(2) that open communication of information and ideas among the peoples of the world contributes to international peace and stability, and that the promotion of such communication is in the interests of the United States;

(3) that Free Europe, Incorporated, and the Radio Liberty Committee, Incorporated (hereinafter referred to as Radio Free Europe and Radio Liberty), have demonstrated their effectiveness in furthering the open communication of information and ideas in Eastern Europe and the Union of Soviet Socialist Republics;

(4) that the continuation of Radio Free Europe and Radio Liberty as independent broadcast media, operating in a manner not inconsistent with the broad foreign policy objectives of the United States and in accordance with high professional standards, is in the national interest; and

(5) that in order to provide an effective instrumentality for the continuation of assistance to Radio Free Europe and Radio Liberty and to encourage a constructive dialog with the peoples of the Union of Soviet Socialist Republics and Eastern Europe, it is desirable to establish a Board for International Broadcasting.

ESTABLISHMENT AND ORGANIZATION

SEC. 3. (a) There is established a Board for International Broadcasting (hereinafter referred to as the "Board").

(b) (1) COMPOSITION OF BOARD.—The Board shall consist of seven members, two of whom shall be ex officio members. The President shall appoint, by and with the advice and consent of the Senate, five voting members, one of whom he shall designate as chairman. Not more than three of the members of the Board appointed by the President shall be of the same political party. The chief operating executive of Radio Free Europe and the chief operating executive of Radio Liberty shall be ex officio members of the Board and shall participate in the activities of the Board, but shall not vote in the determinations of the Board.

(2) SELECTION.—Members of the Board appointed by the President shall be citizens of the United States who are not concurrently regular full-time employees of the United States Government. Such members shall be selected by the President from among Americans distinguished in the fields of foreign policy or mass communications.

(3) TERM OF OFFICE OF PRESIDENTIALLY APPOINTED MEMBERS.—In appointing the initial voting members of the Board, the President shall designate three of the members appointed by him to serve for a term of three years and two members to serve for a term of two years. Thereafter, the term of office of each member of the Board so appointed shall be three years. The President shall appoint, by and with the advice and consent of the Senate, members to fill vacancies occurring prior to the expiration of a term, in which case the members so appointed shall serve for the remainder of such term. Any member whose term has expired may serve until his successor has been appointed and qualified.

(4) TERM OF OFFICE OF EX OFFICIO MEMBERS.—Ex officio members of the Board shall serve on the Board during their terms of service as chief operating executives of Radio Free Europe or Radio Liberty.

(5) COMPENSATION.—Members of the Board appointed by the President shall, while attending meetings of the Board or while engaged in duties relating to such meetings or in other activities of the Board pursuant to this section, including traveltime, be entitled to receive compensation equal to the daily equivalent of the compensation prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code. While away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently. Ex officio members of the Board shall not be entitled to any compensation under this Act, but may be allowed travel expenses as provided in the preceding sentence.

FUNCTIONS

SEC. 4. (a) The Board is authorized:

(1) to make grants to Radio Free Europe and to Radio Liberty in order to carry out the purposes set forth in section 2 of this Act;

(2) to review and evaluate the mission and operation of Radio Free Europe and Radio Liberty, and to assess the quality, effectiveness and professional integrity of their broadcasting within the context of the broad foreign policy objectives of the United States;

(3) to encourage the most efficient utilization of available resources by Radio Free Europe and Radio Liberty and to undertake, or request that Radio Free Europe or Radio Liberty undertake, such studies as may be necessary to identify areas in which the operations of Radio Free Europe and Radio Lib-

erty may be made more efficient and economical;

(4) to develop and apply such financial procedures, and to make such audits of Radio Free Europe and Radio Liberty as the Board may determine are necessary to assure that grants are applied in accordance with the purposes for which such grants are made;

(5) to develop and apply such evaluative procedures as the Board may determine are necessary to assure that grants are applied in a manner not inconsistent with the broad foreign policy objectives of the United States Government;

(6) to appoint such staff personnel as may be necessary, subject to the provisions of section 5, United States Code, governing appointments in the competitive service, and to fix their compensation in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

(7) (A) to procure temporary and intermittent personal services to the same extent as is authorized by section 3109 of title 5, United States Code, at rates not to exceed the daily equivalent of the rate provided for GS-18; and

(B) to allow those providing such services, while away from their homes or their regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently, while so employed;

(8) to report annually to the President and the Congress on or before the 30th day of October, summarizing the activities of the Board during the year ending the preceding June 30, and reviewing and evaluating the operation of Radio Free Europe and Radio Liberty during such year; and

(9) to prescribe such regulations as the Board deems necessary to govern the manner in which its functions shall be carried out.

(b) In carrying out the foregoing functions, the Board shall bear in mind the necessity of maintaining the professional independence and integrity of Radio Free Europe and Radio Liberty.

RECORDS AUDIT; CONTRIBUTIONS

SEC. 5. (a) The Board shall require that Radio Free Europe and Radio Liberty keep records which fully disclose the amount and disposition of assistance provided under this Act, the total cost of the undertakings or programs in connection with which such assistance is given or used, that portion of the cost of the undertakings or programs supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Board and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of Radio Free Europe and Radio Liberty which, in the opinion of the Board or the Comptroller General, may be related or pertinent to the assistance provided under this Act.

(c) No grant may be made under this Act unless the radio to which the grant is to be made agrees to make available, and does make available, for public inspection, during normal business hours at its principal office in the United States, a complete list of every person and government making a contribution to that radio during the fiscal year preceding the making of the grant and the fiscal year in which the grant is to be made, the address of the person or government making the contribution, the amount of each such contribution, and the date the contribution was made.

ROLE OF THE SECRETARY OF STATE

SEC. 6. To assist the Board in carrying out its functions, the Secretary of State shall provide the Board with such information regarding the foreign policy of the United States as the Secretary may deem appropriate.

PUBLIC SUPPORT

SEC. 7. The Board is authorized to receive donations, bequests, devises, gifts, and other forms of contributions of cash, services, and other property, from persons, corporations, foundations, and all other groups and entities, both within the United States and abroad, and, pursuant to the Federal Property Administrative Service Act of 1949, as amended, to use, sell, or otherwise dispose of such property for the carrying out of its functions. For the purposes of sections 170, 2055, and 2522 of the Internal Revenue Code of 1954, as amended (26 U.S.C. 170, 2055, or 2522), the Board shall be deemed to be a corporation described in section 170(c)(2), 2055(a)(2), or 2522(a)(2) of the Code, as the case may be.

FINANCING AND IMPLEMENTATION

SEC. 8. (a) There are authorized to be appropriated, to remain available until expended, $50,209,000 for fiscal year 1974. There are authorized to be appropriated for fiscal year 1974 such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law and for other nondiscretionary costs.

(b) To allow for the orderly implementation of this Act, the Secretary of State is authorized to make grants to Radio Free Europe and to Radio Liberty under such terms and conditions as he deems appropriate for their continued operation until a majority of the voting members of the Board have been appointed and qualified, and until funds authorized to be appropriated under this Act are available to the Board.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that no time under the agreement be charged against the bill today.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 10:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS, TRANSACTION OF ROUTINE MORNING BUSINESS, AND CONSIDERATION OF S. 1914 TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that tomorrow after the two leaders or their designees have been recognized under the standing order, the distinguished majority leader (Mr. MANSFIELD) be recognized for not to exceed 15 minutes, that he be followed by the distinguished senior Senator from Virginia (Mr. HARRY F. BYRD, JR.) for not to exceed 15 minutes, and that he be followed by the junior Senator from West Virginia (Mr. ROBERT C. BYRD) for not to exceed 5 minutes; that there then be a period for the transaction of routine morning business for not to exceed 15 minutes with statements limited therein to 3 minutes, after which the Senate proceed to the consideration of S. 1914.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF S. 1841 TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of S. 1914 tomorrow the Senate proceed to the consideration of S. 1841, a bill to amend the Communications Act of 1934 for 1 year with respect to certain agreements relating to the broadcasting of home games of certain professional athletic teams; that the unfinished business, S. 5, be temporarily laid aside and remain in a temporarily laid-aside status until the bill S. 1841 is disposed of or until close of business tomorrow, whichever is earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10:30 a.m. After the two leaders or their designees have been recognized under the standing order, the distinguished majority leader (Mr. MANSFIELD) will be recognized for 15 minutes, after which the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.) will be recognized for not to exceed 15 minutes, after which the undistinguished Senator from West Virginia (Mr. ROBERT C. BYRD) will be recognized for not to exceed 5 minutes, to be followed by a period for the transaction of routine morning business for not to exceed 15 minutes, with the usual 3-minute limitation on statements therein. At the conclusion thereof the Senate will resume consideration of S. 1914, the so-called Radio Free Europe bill, under a time limitation. Yea-and-nay votes will occur on amendments thereto and upon the disposition thereof. Upon the disposition of S. 1914, the Senate will proceed to the consideration of S. 1841, the communications blackout bill on which there is a time limitation. Yea-and-nay votes will occur on amendments thereto and on final passage.

Mr. STAFFORD. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. STAFFORD. I note that the distinguished assistant majority leader referred to himself as "the undistinguished junior Senator from West Virginia." I want him to know that in the opinion and in the hearts of his colleagues on both sides of the aisle he is a most distinguished Member of this body.

Mr. ROBERT C. BYRD. I thank the able Senator for his overly charitable and overly generous remarks. I am very grateful.

ADJOURNMENT UNTIL 10:30 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10:30 a.m. tomorrow.

The motion was agreed to; and at 5:27 p.m., the Senate adjourned until tomorrow, Thursday, September 6, 1973, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate on August 6, 1973, pursuant to the order of August 3, 1973:

IN THE AIR FORCE

The following officer to be placed on the retired list in the grade indicated under the provisions of section 8962, title 10, of the United States Code:

To be lieutenant general

Lt. Gen. Glenn W. Martin, [redacted] FR (major general, Regular Air Force) U.S. Air Force.

The following officer to be placed on the retired list in the grade indicated under the provisions of section 8962, title 10, of the United States Code:

To be lieutenant general

Lt. Gen. Robert N. Smith [redacted] FR (major general, Regular Air Force) U.S. Air Force.

Executive nominations received by the Senate on August 9, 1973, pursuant to the order of August 3, 1973:

DEPARTMENT OF DEFENSE

Joseph T. McCullen, Jr., of Maryland, to be an Assistant Secretary of the Navy, vice James E. Johnson, resigning.

NATIONAL SCIENCE FOUNDATION

Lowell J. Paige, of California, to be an Assistant Director of the National Science Foundation, vice Lloyd G. Humphreys, resigned.

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Fred B. Ugast, of Maryland, to be an Associate Judge, Superior Court of the District of Columbia, for the term of 15 years, vice Robert M. Weston, retired.

DEPARTMENT OF JUSTICE

William R. Burkett, of Oklahoma, to be U.S. attorney for the western district of Oklahoma for the term of 4 years. (Reappointment.)

Richard L. Thornburgh, of Pennsylvania, to be U.S. attorney for the western district of Pennsylvania for the term of 4 years. (Reappointment.)

David J. Cannon, of Wisconsin, to be U.S. attorney for the eastern district of Wisconsin for the term of 4 years. (Reappointment.)

William L. Martin, Jr., of Georgia, to be U.S. marshal for the middle district of Georgia for the term of 4 years. (Reappointment.)

Harry D. Berglund, of Minnesota, to be U.S. marshal for the district of Minnesota for the term of 4 years. (Reappointment)

Frank M. Dulan, of New York, to be U.S. marshal for the northern district of New York for the term of 4 years. (Reappointment)

Floyd Eugene Carrier, of Oklahoma, to be U.S. marshal for the western district of Oklahoma for the term of 4 years. (Reappointment)

Christian Hansen, Jr., of Vermont, to be U.S. marshal for the district of Vermont for the term of 4 years. (Reappointment)

IN THE AIR FORCE

The following-named officers for promotion in the Regular Air Force, under the appropriate provisions of chapter 835, Title 10, United States Code, as amended. All officers are subject to physical examination required by law.

Lieutenant colonel to colonel

LINE OF THE AIR FORCE

Ace, Robert K., [redacted].
Acquaviva, Onorio, [redacted].
Adair, Robert E., [redacted].
Albertazzie, Ralph D., [redacted].
Allen, Alfred S., [redacted].
Allen, Jesse M., [redacted].
Allison, Clark H., [redacted].
Amerio, Umberto M., [redacted].
Anderson, Joe E., Jr., [redacted].
Anderson, Robert S., [redacted].
Anderson, Thomas A., [redacted].
Andreason, Allan K., [redacted].
Andress, Joe O., [redacted].
Anlian, Edward, [redacted].
Anna, Lloyd P., [redacted].
Argo, Marion L., [redacted].
Ashbaker, Joseph L., [redacted].
Austin, Herbert W., [redacted].
Aylsworth, Warren R., [redacted].
Baader, Theodore J., [redacted].
Bailey, Edward D., [redacted].
Bailey, William M., Jr., [redacted].
Ballou, David B., [redacted].
Bandini, Alfred, Jr., [redacted].
Barone, Ben A., [redacted].
Barrett, Michael J., Jr., [redacted].
Barrett, Robert L., [redacted].
Barrows, Earl J., [redacted].
Batchelor, Edward, [redacted].
Baugh, William J., [redacted].
Baxter, Walter H., III, [redacted].
Bayer, Edwin R., [redacted].
Bayliss, Charles E., [redacted].
Becker, William J., [redacted].
Bee, Thomas G., [redacted].
Beeson, John D., [redacted].
Begley, Burriss N., [redacted].
Behnke, Paul J., [redacted].
Bergin, Craig W., [redacted].
Bigelow, Robert B., [redacted].
Biscone, Joseph C., Jr., [redacted].
Bishop, Edward G., [redacted].
Blackley, Peter P., [redacted].
Blagg, John D., Jr., [redacted].
Blair, Charles E., [redacted].
Bloss, Stuart M., [redacted].
Blue, James D., [redacted].
Bolger, John M., [redacted].
Borsare, Edward F., [redacted].
Bowden, Hugh S., [redacted].
Bowley, Carl A., [redacted].
Bretting, Martin M., [redacted].
Bretzius, William F., III, [redacted].
Brewer, William C., [redacted].
Brinckmann, Robert E., [redacted].
Brown, Ronald L., [redacted].
Brown, Royal A., Jr., [redacted].
Brunsman, George E., [redacted].
Bruss, Richard E., [redacted].
Burkhalter, James E., [redacted].
Caesar, Robert G., [redacted].
Cameron, Robert M., [redacted].
Campbell, Douglas L., [redacted].
Campen, Alan D., [redacted].
Cannon, George C., Jr., [redacted].
Carson, William E., [redacted].
Carter, Billy J., [redacted].
Carter, James L., [redacted].
Casey, Donald F., [redacted].
Chavarrie, Edgar A., [redacted].
Christiano, Joseph, [redacted].
Chu, Earl M., [redacted].
Clark, Lynwood E., [redacted].
Clark, Stanley S., [redacted].
Clark, William A., [redacted].
Clauson, Curtis S., [redacted].
Clement, Robert W., [redacted].
Cler, Bernard J., [redacted].
Clifford, Thomas E., [redacted].
Cline, Gould L., [redacted].
Cline, Thomas G., [redacted].
Cochran, Drexel B., [redacted].
Cody, Richard N., [redacted].
Coffin, Monty D., [redacted].
Coffman, Ray B., [redacted].
Cole, Victor, J., [redacted].
Collins, Malcolm T., [redacted].
Collins, Richard G., [redacted].
Collins, Walter R., [redacted].
Comstock, William G., [redacted].
Conley, Philip J., Jr., [redacted].
Conner, Henry H., Jr., [redacted].
Connolly, Joseph W., [redacted].
Connor, Richard M., [redacted].
Cook, Kelly F., [redacted].
Cooper, Roger L., [redacted].
Corbett, Richard M., [redacted].
Cornett, John P., [redacted].
Coy, Edwin A., [redacted].
Crabb, Cecil D., Jr., [redacted].
Crabbe, William M., Jr., [redacted].
Craine, Emery J., [redacted].
Crichton, Theodore P., [redacted].
Cromer, James H., [redacted].
Cronin, James, [redacted].
Crowley, Eugene N., [redacted].
Crumpler, Carl B., [redacted].
Cummins, William E., II, [redacted].
Cunnion, Francis J., [redacted].
Curry, William D., Jr., [redacted].
Czepyha, Chester G. R., [redacted].
Dalton, Harry J., Jr., [redacted].
Danielian, Leo, [redacted].
Darlington, Robert E., [redacted].
Davis, Bennie L., [redacted].
Dawson, Kenneth L., [redacted].
Dearmond, Michael E., [redacted].
Deranian, George G., [redacted].
Dinsmoor, John W., [redacted].
Dion, Roland A., [redacted].
Donnelly, Thomas J., [redacted].
Doty, William D., [redacted].
Drury, Richard T., [redacted].
Duncan, Kenneth J., [redacted].
Dungan, Frank E., [redacted].
Dunn, John T., [redacted].
Earnhart, George N., Jr., [redacted].
Easson, David B., [redacted].
Eichhorn, Jerome J., [redacted].
Ellis, Edward L., [redacted].
Ellis, Henry B., [redacted].
Emerling, Edwin G., [redacted].
Engelhardt, Franklin A., [redacted].
Epperson, Roscoe F., [redacted].
Estes, Howard M., Jr., [redacted].
Evans, Donald L., [redacted].
Falkenstein, Donald L., [redacted].
Falls, Harry, Jr., [redacted].
Faurer, Lincoln D., [redacted].
Ferguson, Scotty O., [redacted].
Fernandez, Joseph, [redacted].
Ferrara, Thomas G., [redacted].
Ferrier, Bruce D., [redacted].
Forbes, Benjamin M., Jr., [redacted].
Fox, Martin H., [redacted].
Fredericks, James J., [redacted].
Fredrickson, Russell, [redacted].
Fredrics, H. B., [redacted].
Frisby, Bob R., [redacted].
Gabriel, Charles A., [redacted].
Gagnon, Leo J., Jr., [redacted].
Gaines, William H., Jr., [redacted].
Gallagher, Nathaniel A., [redacted].
Gardner, Harold W., [redacted].
Gebhardt, Melvin W., [redacted].
Geer, Lyle A., [redacted].
Gehle, Richard L., [redacted].
Geier, Fredrick R., [redacted].
Geiger, Floyd J., [redacted].
Geil, William C., [redacted].
Gibbs, Charles E., [redacted].
Gilbert, William D., [redacted].
Gluck, Fred, [redacted].
Goldfogle, Richard A., [redacted].
Goodweather, Melvin G., [redacted].
Gordon, Dale C., [redacted].

Gordon, Henry C., [redacted].
Graham, Irwin P., [redacted].
Gregg, Robert D., [redacted].
Gregor, Robert D. S., [redacted].
Griffith, Clarence W., [redacted].
Grimm, Eugene W., [redacted].
Guastella, Joseph T., [redacted].
Guy, Theodore W., [redacted].
Hagerman, Robert W., [redacted].
Hagerty, John D., III, [redacted].
Haidler, William B., [redacted].
Hall, Elton L., [redacted].
Hall, James H., [redacted].
Halloran, Patrick J., [redacted].
Halsey, John W., [redacted].
Hammond, Charles W., [redacted].
Harris, Donald E., [redacted].
Harris, John W., [redacted].
Harris, Kenneth G., [redacted].
Harris, Marmaduke M., [redacted].
Harrison, Kenneth E., [redacted].
Hartmann, Richard H., [redacted].
Hasbrook, Carleton R., [redacted].
Hatt, Edwin, Jr., [redacted].
Hawkins, Donald D., [redacted].
Hawn, Arthur E., [redacted].
Hayes, Richard D., Jr., [redacted].
Hazeleaf, Robert F., [redacted].
Hemenway, Ward W., [redacted].
Hepfer, John W., [redacted].
Herman, Ralph H., [redacted].
Hestle, Roosevelt, Jr., [redacted].
Heyde, Richard R., [redacted].
Hoonette, Lovic P., Jr., [redacted].
Hoggatt, Ralph S., [redacted].
Hogue, Harvey H., [redacted].
Hollis, Eugene L., Jr., [redacted].
Hollway, Donald W., [redacted].
Horkans, Clifford J., [redacted].
Horne, Lewis C., [redacted].
Horton, Merrill Q., [redacted].
Horvath, Raymond L., [redacted].
Houlihan, Charles J. [redacted].
Huber, Vernon R., [redacted].
Hughes, James L., [redacted].
Hulse, Merrill W., [redacted].
Humphreys, Francis A., Jr., [redacted].
Hupp, George G., [redacted].
Hussey, Frank S., Jr., [redacted].
Hux, Robert J., [redacted].
Iddings, Archie T., Jr., [redacted].
Inge, Leon S., [redacted].
Ingram, Paul M., [redacted].
Innis, John W., [redacted].
Jacobs, Carrol F., [redacted].
Jakes, Julian E., [redacted].
James, George T., Jr., [redacted].
Jarrett, Stanley J. [redacted].
Jeffords, Derrell B., [redacted].
Jensen, Donald A., [redacted].
Jensen, Warren R., [redacted].
Jiggetts, Charles B., [redacted].
Johnson, Ellwood E., [redacted].
Johnson, James M., Jr., [redacted].
Johnson, Lawrence J. [redacted].
Jolley, John E., Jr., [redacted].
Jordon, Harold K., [redacted].
Kane, Ronald D., [redacted].
Kaseman, Ralph D., Jr., [redacted].
Kendall, James S., [redacted].
Kennon, John C., [redacted].
Kent, James H., [redacted].
Kimes, Ira L., Jr., [redacted].
King, Bruce F., [redacted].
Kirby, Robert D., [redacted].
Kirk, John H., [redacted].
Kirk, Thomas H., Jr., [redacted].
Kitchens, Grady E., [redacted].
Kittinger, Joseph W., Jr., [redacted].
Klang, Donald R., [redacted].
Klobassa, Charles E., [redacted].
Knapp, Budd F., [redacted].
Knox, William D., [redacted].
Komstedt, William A., Jr., [redacted].
Kranidas, Evans, [redacted].
Kulpa, John E., Jr., [redacted].
Kuyk, Charles F. G., Jr., [redacted].
Kyler, Frederick C., [redacted].
Laccetti, Joseph N., [redacted].
Lafave, Richard E., [redacted].
Lanham, William T., [redacted].
Larsen, Phillip N., [redacted].
Lawrence, Louis I., [redacted].
Lawry, Raymond G., [redacted].
Leavitt, Lloyd R., Jr., [redacted].
Leiser, Louis G., [redacted].
Leitzel, Marvin R., [redacted].
Lemons, Roy D., [redacted].
Leong, Herbert, [redacted].
Letarte, Grosvenor H., [redacted].
Lewin, Melvin H., [redacted].
Lewis, William H., [redacted].
Liotta, Robert G., [redacted].
Lockington, Henry R., [redacted].
Looney, William R., [redacted].
Lowrey, John E., [redacted].
Loyd, Charles F., [redacted].
Lyell, William A., [redacted].
Maberry, Fred W., Jr., [redacted].
Mace, Theodore N., [redacted].
Mackey, Francis J., [redacted].
MacLachlan, William I., [redacted].
Maddox, Notley G., [redacted].
Magee, Lawton W., [redacted].
Maglione, Ralph J., Jr., [redacted].
Maloy, Frederick L., [redacted].
Maresca, Mauro E., [redacted].
Mariconda, Albert J., [redacted].
Martin, Mathias J., [redacted].
Matheson, Hugh M., [redacted].
Matthews, John W., Jr., [redacted].
Maul, Paul W., [redacted].
Mauro, Louis S., [redacted].
Mauterer, Oscar, [redacted].
McCall, Craig C., [redacted].
McCarthy, Charles J., [redacted].
McChesney, Robert N., [redacted].
McCutchen, Robert K., [redacted].
McDaniel, Jack D., [redacted].
McIntire, Robert H., [redacted].
McKee, Ralph A., Jr., [redacted].
McKenzie, Frank B., [redacted].
McLain, Roy W., [redacted].
Mebane, Robert M., [redacted].
Melton, Albert L., [redacted].
Mendel, Edward, [redacted].
Merkling, Richard E., [redacted].
Merritt, Clements B., [redacted].
Miller, Louis E., [redacted].
Miller, William F., [redacted].
Minish, James A., [redacted].
Misenheimer, Ira W. Jr., [redacted].
Mitson, Claude C., [redacted].
Mol, William D., [redacted].
Moll, Kenneth L., [redacted].
Monsn, Gerald H., [redacted].
Moore, George D., Jr., [redacted].
Moran, Sheridan J., [redacted].
Morauske, George, [redacted].
Morrow, Levy P., Jr., [redacted].
Morse, Albert L., [redacted].
Mosher, Edward H., [redacted].
Moyle, Thomas D., [redacted].
Murphy, George J., [redacted].
Myles, Robert D., [redacted].
Mynhier, Meredith H., [redacted].
Neil, Nelson L., [redacted].
Nelson, James T., Jr., [redacted].
Newton, Richard Y., Jr., [redacted].
Newton, Thomas E., Jr., [redacted].
Nicholas, Donald R., [redacted].
Nicholson, William L., III, [redacted].
Obier, Charles J., [redacted].
Ohrt, Leroy L., [redacted].
Okane, Robert W., [redacted].
Olsen, Leo F., Jr., [redacted].
O'Neal, Ray C., [redacted].
O'Neill, William E., [redacted].
Otto, Lyle B., [redacted].
Overbey, Landon F., Jr., [redacted].
Owen Roy W., Jr., [redacted].
Owens, William B., [redacted].
Ozenick, Phillip M., [redacted].
Palmerton, Leighton R., [redacted].
Palmgren, Edwin D., [redacted].
Pardo, Peter R., [redacted].
Parker, Charles W., [redacted].
Parker, Norman A., [redacted].
Parsons, Donald J., [redacted].
Passarello, Frank J., [redacted].
Patterson, George K., [redacted].
Payne, Don H., [redacted].
Payne, Oscar W., [redacted].
Pazel, Louis G., [redacted].
Peck, Earl G., [redacted].
Pennington, Bob M., [redacted].
Pentz, James L., Jr., [redacted].
Phillips, Thomas J., [redacted].
Pickel, Edward E., [redacted].
Pinner, William W., [redacted].
Pitts, Earl W., [redacted].
Porter, Curtis J., [redacted].
Poston, Freddie L., [redacted].
Potts, Robert H., [redacted].
Powell, Harold B., [redacted].
Pratt, Clinton E., [redacted].
Priestley, Gilbert A., [redacted].
Pringle, Andrew Jr., [redacted].
Pronier, Guy, [redacted].
Prosser, Harvey W. Jr., [redacted].
Ramsey, James B., [redacted].
Randall, James E. P., [redacted].
Reeder, Eugene P., [redacted].
Reeser, Alvin L., [redacted].
Regan, Joseph F., [redacted].
Reid, John E., [redacted].
Reinhardt, Edwin D., [redacted].
Riley, Walter J. Jr., [redacted].
Rippetoe, David E. Jr., [redacted].
Risner, Robinson, [redacted].
Robinson, Jack K., [redacted].
Roby, Charles D., [redacted].
Rodgers, Allen R., [redacted].
Rolefson, Walter J., [redacted].
Rushworth, Robert A., [redacted].
Russell, Duane E., [redacted].
Ryan, Malcom E. Jr., [redacted].
Ryan, Thomas M. Jr., [redacted].
Ryland, Russell S., [redacted].
Sackman, John H., [redacted].
Sacone, Francis J., [redacted].
Sandrock, Vernon H., [redacted].
Saunders, Joedon J., [redacted].
Sauner, Richard G., [redacted].
Saye, Robert N. Jr., [redacted].
Scarff, Edwin J., [redacted].
Schauer, William A. Jr., [redacted].
Schmidt, Norman, [redacted].
Schmidt, Wayne J., [redacted].
Schneider, Calvin C., [redacted].
Schopen, Gerhard L., [redacted].
Scott, Eugene D., [redacted].
Scott, Winfield W. Jr., [redacted].
Segars, Frank L., [redacted].
Seil, William E., [redacted].
Shannon, Charles E., [redacted].
Shaw, Jack B., [redacted].
Sheridan, Robert E., [redacted].
Sifford, Billy B., [redacted].
Sills, James H., [redacted].
Simonton, Jack, [redacted].
Singleton, Alvers I., [redacted].
Skelton, Richard E., [redacted].
Skinner, William E., [redacted].
Slattery, William C., [redacted].
Slay, James R., [redacted].
Smedes, Norman R., [redacted].
Smith, Boyce M., [redacted].
Smith, Gilbert E., [redacted].
Smith, Kendall P., [redacted].
Smith, Richard C., [redacted].
Smith, Robert G., [redacted].
Spearel, Donald W., [redacted].
Speer, Homer H., Jr., [redacted].
Spilseth, Sidney M., [redacted].
Strange, Laverne G., [redacted].
St. Clair, Duncan R., II, [redacted].
Steadman, Freddy L., [redacted].
Stephens, Karl W., [redacted].
Stirman, Ernest J., [redacted].
Stoker, Walter S., [redacted].
Stone, Carl E., [redacted].
Stover, Dorsey L., [redacted].
Straughan, Robert IV, [redacted].
Streit, John P., [redacted].
Sturmthal, Emil, [redacted].
Sullivan, Dennis B., [redacted].
Tandler, Tyler W., [redacted].
Taylor, Daniel D., [redacted].
Thomas, Clarence W., [redacted].
Thompson, Robert J., [redacted].
Thomson, David L., [redacted].
Thurman, Nelson D., Jr., [redacted].

Tomlin, Whitney N., [redacted].
Torraco, Pasquale, [redacted].
Townsend, Jack H., [redacted].
Tripp, Daryle E., [redacted].
Trout, Melville G., Jr., [redacted].
True, Everett L., [redacted].
Tsufis, Bill P., [redacted].
Ulrich, Lloyd C., [redacted].
Van Huss, George D. Jr., [redacted].
Vinson, Bobby G., [redacted].
Vogels, David S., Jr., [redacted].
Vojvodich, Mele, Jr., [redacted].
Wade, Thomas D., [redacted].
Walters, Frederick B., [redacted].
Warren, Frederick T., [redacted].
Watt, Donald H., [redacted].
Watt, Ross W., Jr., [redacted].
Webb, John L., [redacted].
Weber, Howard S., Jr., [redacted].
Weber, Robert I., [redacted].
Wechter, Jerome E., [redacted].
Weight, Clay D., [redacted].
Wheeler, Alan D., [redacted].
Wheeler, Bruce H., [redacted].
Whipple, Loris D., [redacted].
White, Allie B., Jr., [redacted].
White, Robert M., [redacted].
Whiting, Robert E., [redacted].
Wiebold, Theodore L., [redacted].
Wilcox, Paul A. [redacted].
Wilkie, Robert F., [redacted].
Wilkerson, Alva L., [redacted].
Williamson, James M., [redacted].
Wimberley, Harold K., [redacted].
Winkler, Julius S., [redacted].
Woods, Charles E., [redacted].
Wright, Harold V., [redacted].
Wyatt, Elvin O., [redacted].
Yery, Richard T., [redacted].
York, Theodore R., [redacted].
Young, Frank L., [redacted].
Younker, Barr D., [redacted].
Zagorski, Frank J., [redacted].
Zavitz, Paul R., [redacted].
Zbar, Allan L., [redacted].
Zimmerman, Clarence, [redacted].
Zuro, Joseph E., [redacted].

CHAPLAINS

Bauer, Walter R., [redacted].
Curran, John J., [redacted].
Folkers, Norman G., [redacted].
Hafermann, Henry H., [redacted].
Hays, James L., [redacted].
Miller, Richard D., [redacted].
Rothman, Robert C., [redacted].
Shively, Deane S, [redacted].
Sylwester, Oscar L., [redacted].
Zolnerowich, Peter, [redacted].

DENTAL CORPS

Archambault, Jean B., [redacted].
Baker, Bill R., [redacted].
Bange, Albert A., [redacted].
Green, Hampton, Jr., [redacted].
Lazanas, Theodore P., [redacted].
Martinick, Stephen G., [redacted].
Mielke, Willard I., [redacted].
Quesinberry, Burleigh W., [redacted].

MEDICAL CORPS

Behrens, William H., Jr., [redacted].
Bowers, David G., Jr., [redacted].
Breece, Grady L., Jr., [redacted].
Byrd, Richard B., [redacted].
Capps, William F., Jr., [redacted].
Dart, Leroy H., Jr., [redacted].
Dees, Doyce B., Jr., [redacted].
Dunn, John N., [redacted].
Dye, William B., [redacted].
Gould, Kenneth G., Jr., [redacted].
Greendyke, William H., [redacted].
Hansen, Richard D., [redacted].
Hoffman, Paul E., [redacted].
Kemmerer, William T., [redacted].
Lagergren, William R., [redacted].
Langdon, David E., [redacted].
Lecocq, Frank R., [redacted].
Lee, William L., Jr., [redacted].
Nugent, Paul F., Jr., [redacted].
Rogers, Bealer T., Jr., [redacted].
Ryder, Robert G., [redacted].
Salina, Richard J. [redacted].

NURSE CORPS

Miedwig, Ruth C., [redacted].
Mills, Meta M., [redacted].

MEDICAL SERVICE CORPS

Clarry, Robert W., [redacted].
Colon, Howard, [redacted].
Galati, Ralph H., [redacted].

VETERINARY CORPS

Anderson, Donald L., [redacted].
Howells, William V., [redacted].

BIOMEDICAL SCIENCES CORPS

Fesenmyer, Mary K., [redacted].
Price, William B., Jr., [redacted].

Executive nominations received by the Senate on September 5, 1973:

DEPARTMENT OF STATE

Henry A. Kissinger, of the District of Columbia, to be Secretary of State.

James E. Akins, of Ohio, a Foreign Service Officer of class 2, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Saudi Arabia.

Kingdom Gould, Jr., of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of the Netherlands.

William R. Kintner, of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Thailand.

Robert G. Neumann, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Morocco, vice Stuart W. Rockwell.

MINISTER

Anthony J. Jurich, of Virginia, United States Negotiator on Textile Matters, for the rank of Minister.

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

J. Owen Zurhellen, Jr., of New York, to be Deputy Director of the U.S. Arms Control and Disarmament Agency, vice Philip J. Farley, resigned.

Robert H. Miller, of the District of Columbia, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency, vice James F. Leonard, Jr.

DEPARTMENT OF DEFENSE

Norman R. Augustine, of Texas, to be an Assistant Secretary of the Army, vice Robert Louis Johnson, resigned.

Walter B. LaBerge, of California, to be an Assistant Secretary of the Air Force, vice Grant Hansen, resigned.

David Samuel Potter, of Wisconsin, to be an Assistant Secretary of the Navy, vice Robert Alan Frosch, resigned.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

John B. Rhinelander, of Virginia, to be General Counsel of the Department of Health, Education, and Welfare, vice Wilmot R. Hastings, resigned.

DEPARTMENT OF TRANSPORTATION

Rodney Eugene Eyster, of Illinois, to be General Counsel of the Department of Transportation, vice John W. Barnum, elevated.

ACTION

Harry J. Hogan, of Maryland, to be an Associate Director of ACTION vice Charles W. Ervin.

Marjorie W. Lynch, of Washington, to be an Associate Director of ACTION, vice Christopher M. Mould, resigned.

CONSUMER PRODUCT SAFETY COMMISSION

R. David Pittle, of Pennsylvania, to be a Commissioner of the Consumer Product Safety Commission for a term of 5 years from October 27, 1972. (New position.)

ENVIRONMENTAL PROTECTION AGENCY

John R. Quarles, Jr., of Virginia, to be Deputy Administrator of the Environmental Protection Agency, vice Robert W. Fri., resigned.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

John H. Powell, Jr., of Maryland, to be a member of the Equal Employment Opportunity Commission for the term expiring July 1, 1978, vice William Hill Brown III, term expired.

FEDERAL MARITIME COMMISSION

George Henry Hearn, of New York, to be a Federal Maritime Commissioner for the term expiring June 30, 1978. (Reappointment)

FEDERAL TRADE COMMISSION

Mary Elizabeth Hanford, of North Carolina, to be a Federal Trade Commissioner for the term of 7 years from September 26, 1973, vice Mary Gardiner Jones, term expiring.

FOREIGN CLAIMS SETTLEMENT COMMISSION

J. Raymond Bell, of New York, to be a member of the Foreign Claims Settlement Commission of the United States for a term of 3 years from October 22, 1971, vice Theodore Jaffe, term expired.

NATIONAL LABOR RELATIONS BOARD

Howard Jenkins, Jr., of Colorado, to be a member of the National Labor Relations Board for the term of 5 years expiring August 27, 1978. (Reappointment)

RENEGOTIATION BOARD

Goodwin Chase, of Washington, to be a member of the Renegotiation Board, vice Richard T. Burress, resigned.

Norman B. Houston, of Virginia, to be a member of the Renegotiation Board, vice Lawrence E. Hartwig, resigned.

IN THE AIR FORCE

The following officer under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

To be lieutenant general

Maj. Gen. Joseph R. DeLuca, [redacted] [redacted]FR (major general, Regular Air Force) U.S. Air Force.

The following officer under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

To be lieutenant general

Maj. Gen. Lew Allen, Jr. [redacted]FR (major general, Regular Air Force) U.S. Air Force, vice recess.

The following officer under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

To be lieutenant general

Maj. Gen. Sanford K. Moats, [redacted] [redacted]FR (major general, Regular Air Force) U.S. Air Force, vice recess.

The following officer under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

To be lieutenant general

Maj. Gen. Warren D. Johnson, [redacted] [redacted]FR (major general, Regular Air Force) U.S. Air Force.

The following officer under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

To be lieutenant general

Maj. Gen. John B. Hudson, [redacted] FR (major general, Regular Air Force), U.S. Air Force.

The following officer under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

To be lieutenant general

Maj. Gen. George H. McKee, [redacted] FR (major general, Regular Air Force) U.S. Air Force.

The following officer to be placed on the retired list in the grade indicated under the provisions of section 8962, title 10, of the United States Code:

To be lieutenant general

Lt. Gen. Austin J. Russel [redacted] FR (major general, Regular Air Force) U.S. Air Force.

The following officer to be placed on the retired list in the grade indicated under the provisions of section 8962, title 10, of the United States Code:

To be lieutenant general

Lt. Gen. Jammie M. Philpott, [redacted] FR (major general, Regular Air Force) U.S. Air Force.

IN THE ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be lieutenant general

Lt. Gen. Carroll H. Dunn [redacted], Army of the United States (major general, U.S. Army).

IN THE NAVY

Rear Adm. Joseph P. Moorer, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving and for appointment as senior Navy Member of the Military Staff Committee of the United Nations pursuant to title 10, United States Code, section 711.

Vice Adm. Harry L. Harty, Jr., U.S. Navy for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

IN THE AIR FORCE

The following-named officers for promotion in the Regular Air Force, under the appropriate provisions of chapter 835, title 10, United States Code, as amended. All officers are subject to physical examination required by law:

LINE OF THE AIR FORCE

Major to lieutenant colonel

Abein, Thomas J., [redacted].
Abney, Kenneth L., [redacted].
Acton, John C., Jr., [redacted].
Adams, Glen L., [redacted].
Adams, Harry C., [redacted].
Adams, John D., [redacted].
Adams, Robert S., [redacted].
Adams, William H., [redacted].
Adams, William T., [redacted].
Aiken, Donald W., [redacted].
Aitken, Edward D., [redacted].
Albers, Gayard W., [redacted].
Albright, Howard W., [redacted].
Alder, John J., [redacted].
Alderete, Edward M., [redacted].
Aldrich, John P., [redacted].
Alexander, Fernando, [redacted].
Alexander, Gerald F., [redacted].
Alldredge, Gordon D., [redacted].
Allen, Charles J., [redacted].
Allen, Clifford H., Jr., [redacted].
Allen, Dan C., [redacted].
Allen, Neyland F., Jr., [redacted].
Allison, Alan H., [redacted].
Allson, Cecil L., [redacted].
Anderegg, Charles R., [redacted].
Anders, Loyd J., Jr., [redacted].
Anderson, Arthur H., [redacted].
Anderson, Gerald W., [redacted].
Anderson, Howard H., [redacted].
Anderson, Jack K., [redacted].
Anderson, John P., [redacted].
Anderson, Phillip E., [redacted].
Anderson, William E., [redacted].
Anderson, William J., [redacted].
Andrada, Thiophilos [redacted].
Anthony, James I., [redacted].
Apel, Frank J., Jr., [redacted].
Appleby, Ivan D., [redacted].
Arbuckle, Robert V., [redacted].
Archer, Robert G., [redacted].
Arkle, Elmer D., [redacted].
Armstrong, Donald C., Jr., [redacted].
Armstrong, Larry D., [redacted].
Armstrong, Wallace O., [redacted].
Arnold, Ned O., [redacted].
Arth, Donald L., [redacted].
Arthur, Gerard, [redacted].
Arthur, James R., [redacted].
Ash, Rolland S., [redacted].
Ashworth, Paul G., [redacted].
Askin, Theodore S., [redacted].
Assalone, Thomas E., [redacted].
Asselanis, George K., [redacted].
Audette, Albert D., Jr., [redacted].
Austin, Hugh S., [redacted].
Axley, John H., [redacted].
Babb, Herbert A., [redacted].
Babinski, John D., [redacted].
Bacchieri, Leo R., [redacted].
Bagwell, James R., [redacted].
Bailey, Clentis W., [redacted].
Bailey, Robert W., [redacted].
Bailie, Ronald K., [redacted].
Bain, Wilfred C., [redacted].
Baird, Leslie G., [redacted].
Baisden, James K., [redacted].
Baker, James D., [redacted].
Baker, Paul R., [redacted].
Balazs, Joe Jr., [redacted].
Bales, John E., [redacted].
Baliles, Roy K., [redacted].
Ballard, Jack S., [redacted].
Ballard, William T., [redacted].
Ballinger, Walter A., [redacted].
Baltz, Frederick M., [redacted].
Barchiesi, Chester A., [redacted].
Barker, Robert R., [redacted].
Barker, Thomas H., Jr., [redacted].
Barlow, Earl C., [redacted].
Barnes, Jack [redacted].
Barnes, Jerome R., Jr., [redacted].
Barnes, Kyle D., Jr., [redacted].
Barnett, James H., [redacted].
Barnett, Robert W., [redacted].
Baron, John C., [redacted].
Barr, James A., [redacted].
Barr, John R., [redacted].
Barrett, Lis S., Jr., [redacted].
Barrett, Sam B., [redacted].
Bartalu, Anthony J., [redacted].
Barthello, Marc S., Jr., [redacted].
Base, Robert L., [redacted].
Bateman, Thomas S., [redacted].
Bath, Jack, Jr., [redacted].
Battle, Benjamin R., [redacted].
Bauer, Kenneth G., [redacted].
Baxter, Charles L., [redacted].
Beardsley, William H., [redacted].
Beason, James L., [redacted].
Becker, Thomas T., Jr., [redacted].
Bell, Tommy I., [redacted].
Bell, William R., [redacted].
Below, Howard D., [redacted].
Bennett, Allen, Jr., [redacted].
Bennett, Robert F., [redacted].
Bennett, Walter R., [redacted].
Bennington, James H., [redacted].
Benson, Charles P., Jr., [redacted].
Berent, Mark E., [redacted].
Bergeron, George L., Jr., [redacted].
Bergh, Raymond G., Jr., [redacted].
Bergquist, George E., Jr., [redacted].
Bergschneider, Ethan A., [redacted].
Bergstrom, Vernon M., [redacted].
Berry, Bobby J., [redacted].
Berte, Allen E., [redacted].
Besley, Richard D., [redacted].
Best, Charles A., [redacted].
Beveridge, Robert B., [redacted].
Bevivino, Thomas R., [redacted].
Biancardi, Andrew P., [redacted].
Bidner, Arthur, [redacted].
Bigelow, Dwight E., Jr., [redacted].
Birdsell, Ted P., [redacted].
Birnkammer, Jack A., [redacted].
Bishop, Charles E., [redacted].
Bishop, Joe D., [redacted].
Bissell, Schuyler, [redacted].
Bissinger, Fred A., [redacted].
Bissland, Alexander C., [redacted].
Bjerken, Lennart H., [redacted].
Black, Harley S., [redacted].
Black, Odell S., [redacted].
Black, Robert B., [redacted].
Blake, John M., [redacted].
Blake, Marlin R., [redacted].
Bleier, Robert W., [redacted].
Blessing, James J., [redacted].
Blinn, Donald P., [redacted].
Block, Burwell M., [redacted].
Blocker, Clarence B., [redacted].
Bloomcamp, Francis W., [redacted].
Blue, Patrick H., [redacted].
Boggie, Edwin D., [redacted].
Bogoslofski, Bernard J., [redacted].
Bohn, Lowell F., [redacted].
Bonar, Vernon G., [redacted].
Bonfiglio, Eugene A., [redacted].
Bonifer, Arthur J., Sr., [redacted].
Boothby, Lloyd W., [redacted].
Bornkessel, Donald A., [redacted].
Boss, Luther D., [redacted].
Boston, Hollis B., Jr., [redacted].
Boswell, James A., Jr., [redacted].
Boudreau, Carlton F., [redacted].
Boughton, Alain G., [redacted].
Bourland, William C., [redacted].
Bowdish, Charles G., [redacted].
Bower, Richard J., [redacted].
Bowersox, Ralph H., [redacted].
Bowles, William B., [redacted].
Bowling, George K., [redacted].
Bowman, George P., Jr., [redacted].
Boyd, Willis A., [redacted].
Boykin, Luke H., Jr., [redacted].
Brachtenbach, Leo, [redacted].
Bradbury, Gordon H., [redacted].
Bradley, Philip O., [redacted].
Bradley, Preston E., [redacted].
Brage, Carl W., [redacted].
Brake, James L., [redacted].
Brammer, Robert L., [redacted].
Brandeberry, James R., [redacted].
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Doyle, Patricia M., [redacted].
Dozzo, John J., [redacted].
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Dungan, Harmon A., Jr., [redacted].
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Irwin, Charles E., [redacted].
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Isgrig, Elvin D., [redacted].
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Love, Howard J., Jr., [redacted].
Love, Jerry B., [redacted].
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Lucas, Robert J., [redacted].
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Price, Philip B., Jr., [redacted].
Pritchard, Gerard E., [redacted].
Pritchett, Thaddeus C., [redacted].
Prollock, Jack D., [redacted].
Pryor, Richard W., [redacted].
Pugh, William M., [redacted].
Purdy, Bruce W., [redacted].
Quane, Don O., [redacted].
Quelch, William H., Jr., [redacted].
Quenstedt, Calvin C., [redacted].
Quinn, John V., [redacted].
Radke, Thomas L., [redacted].
Radtke, Derald J., [redacted].
Radziwan, Edward F., [redacted].
Rainbolt, Stephen W., [redacted].
Ralph, Donald B., [redacted].
Ralph, William D., Jr., [redacted].
Ramsey, Robert F., [redacted].
Randall, Thomas E., [redacted].
Rasmussen, Benedict O., [redacted].
Rast, Francis M., [redacted].
Rauhe, Bruce R., [redacted].
Ravenelle, Richard L., [redacted].
Rawlings, Gene D., [redacted].
Rawlins, Robert W., [redacted].
Ray, David L., [redacted].
Ray, Lawrence J., [redacted].
Ray, Pascal M., Jr., [redacted].
Rayfield, Robert E., [redacted].
Real, Mackey J., Jr., [redacted].
Reck, Bernard C., [redacted].
Redfearn, Charles W., [redacted].
Reece, Jack H., [redacted].
Reece, Robert K., [redacted].
Reed, Jackie G., [redacted].
Reed, Marvin R., [redacted].
Reed, Parker E., [redacted].
Reed, Robert H., [redacted].
Reeder, Frank D., [redacted].
Reeve, Howard, [redacted].
Reeves, Charles W., Jr., [redacted].
Rega, Michael J., [redacted].
Rehm, Daniel J., [redacted].
Reinberg, David, [redacted].
Remers, Richard T., [redacted].
Render, John J., [redacted].
Renner, Charles F., [redacted].
Renner, William D., [redacted].
Revou, Robert C., [redacted].
Reynolds, Noel R., [redacted].
Reynolds, William W., [redacted].
Rhoads, Herman E., [redacted].
Rhude, Donald P., [redacted].
Rice, Charles A., III, [redacted].
Richards, Merwin E., [redacted].
Richards, Norman L., [redacted].
Richardson, Dewey E., [redacted].
Richardson, William J., [redacted].
Richardson, Wesley M., Jr., [redacted].
Richmond, John P., [redacted].
Richmond, Myles S., [redacted].
Richter, Richard, [redacted].
Rigg, Harold M., [redacted].
Riggs, John I., Jr., [redacted].
Rigney, James H., Jr., [redacted].
Riley, Francis E., [redacted].
Ring, Richard E., [redacted].
Ritchie, William H., Jr., [redacted].
Robb, William G., [redacted].
Robbins, Earl C., Jr., [redacted].
Robbins, George S., [redacted].
Roberts, David W., [redacted].
Roberts, Donald R., [redacted].
Roberts, John E., Jr., [redacted].
Roberts, Russell C., Jr., [redacted].
Robertson, John L., [redacted].
Robinson, Gerald J., [redacted].
Roche, Joseph F., [redacted].
Rock, Edward T., [redacted].
Rock, James T., [redacted].
Rodda, Ronald J., [redacted].
Rodger, William E., [redacted].
Rogers, Price, Jr., [redacted].
Rondeau, Donald J., [redacted].
Roosma, John S., Jr., [redacted].
Rose, Stanley D., [redacted].
Roseen, Robert E., [redacted].
Ross, Fredric S., [redacted].
Roth, Henry G., [redacted].
Roth, Paul H., [redacted].
Rothchild, Saul L., [redacted].
Rouse, Lawrence M., [redacted].
Roussel, Kenneth T., [redacted].
Rowden, Ted W., [redacted].
Rowland, John R., [redacted].
Rubin, Robert J., [redacted].
Ruble, Everett E., [redacted].
Ruck, Robert L., [redacted].
Rudewick, William K., [redacted].
Ruiz, Carlos M., [redacted].
Rupert, Arthur B., [redacted].
Rushfeldt, John W., [redacted].
Rutledge, William H., Jr., [redacted].
Ryan, John F., [redacted].
Ryan, William T., Jr., [redacted].
Saccone, Joseph D., [redacted].
Salisberry, Rex C., [redacted].
Salvucci, Joseph D., [redacted].
Sammis, Donald S., Jr., [redacted].
Samples, Bob G., [redacted].
Samples, Louis L., [redacted].
Sandfort, Dorrence O., [redacted].
Sandiford, John P., Jr., [redacted].
Sanguinet, Reuben V., Jr., [redacted].
Sauls, George M., [redacted].
Savage, Myron L., [redacted].
Savage, Robert H., [redacted].

Savage, William B., [redacted].
Savera, August R., [redacted].
Sayles, Duvahn W., [redacted].
Sayles, Harry S., [redacted].
Scarlett, Bobby R., [redacted].
Schaefer, Thomas E., [redacted].
Schaeffer, Herbert S., Jr., [redacted].
Schiedermayer, Gene F., [redacted].
Schlight, John, [redacted].
Schmidt, John N., [redacted].
Schmidt, Robert H., [redacted].
Schmidt, Thomas A., [redacted].
Schmoker, Leland A., [redacted].
Schneekloth, David L., [redacted].
Schneider. Arnold, [redacted].
Schneider, James R., [redacted].
Schnepp, Robert R., [redacted].
Schoderbek, Stephen E., [redacted].
Schoenbauer, Ralph A., [redacted].
Schow, Kenneth C., [redacted].
Schrader, Clifton C., [redacted].
Schreiber, Gail A., [redacted].
Schroder, Arthur H., [redacted].
Schroder, Raymond L. W., [redacted].
Schroeck, Frederick J. Jr., [redacted].
Schumacher, Herman E., [redacted].
Schwab, Frederick E., [redacted].
Schwene, Donald J., [redacted].
Schwob, William T., [redacted].
Sciples, Francis J., [redacted].
Scott, Curtis W. Jr., [redacted].
Scott, Donald B., [redacted].
Scott, Jimmy F., [redacted].
Scott, Raymon C., [redacted].
Scott, Wallace C. III, [redacted].
Scott, William W., [redacted].
Scully, Donald J., [redacted].
Seagrave, Earl L., [redacted].
Sears, Michael T., [redacted].
Seaton, Robert F., [redacted].
Sechler, Henry J., [redacted].
Seebo, Thomas C., [redacted].
Seminare, Louis E., Jr., [redacted].
Senkel, Bernard W., [redacted].
Service, Donald W., [redacted].
Seward, Henry H., [redacted].
Sexton, A. D., [redacted].
Sexton, George A., [redacted].
Seymour, Charles D., [redacted].
Shadbolt, Stuart W., [redacted].
Shadburn, Theodore H., [redacted].
Sharp, Bradford L., [redacted].
Sharp, John D., [redacted].
Sharp, Robert S., [redacted].
Sharp, Wayne E., [redacted].
Shaw, John V., [redacted].
Sheehan, Anthony T., [redacted].
Sheirich, Kirk B., [redacted].
Shepherd, James D., [redacted].
Sherman, John, [redacted].
Sherman, Stuart H., Jr., [redacted].
Sherrett, Roy E., Jr., [redacted].
Sherrod, James W., [redacted].
Sherwood, Glenn G., [redacted].
Shipe, John R., [redacted].
Shirey, William C., [redacted].
Shirley, David, [redacted].
Shockley, Crawford D., [redacted].
Shows, Thomas E., [redacted].
Shubert, Richard E., [redacted].
Shugart, James E., [redacted].
Sieber, Charles E., [redacted].
Sigethy, Robert, [redacted].
Signorelli, John M., [redacted].
Sikes, Clyde B., Jr., [redacted].
Simmons, Bland B., [redacted].
Simon, Ervin P., [redacted].
Simpson, Albert L., [redacted].
Simpson, William C., [redacted].
Sims, William L., [redacted].
Singhoff, Forest A., [redacted].
Sirotnak, Eugene J., [redacted].
Sitar, Joseph M., [redacted].
Skarponi, Alan L., [redacted].
Skelton, Ben C., [redacted].
Skiera, Joseph A., [redacted].
Skinner, Dan R., [redacted].
Skinner, Hosea L., [redacted].
Skipper, George E., Jr.., [redacted].
Skipper, Harold E., [redacted].
Skur, Anthony I., Jr., [redacted].

Slater, Sheldon H., [redacted].
Slaughter, Ernest H., [redacted].
Sluss, Maurice C., [redacted].
Smith, Albert J., [redacted].
Smith, Arthur E., Jr., [redacted].
Smith, Bertrand D., [redacted].
Smith, Bobby G., [redacted].
Smith, Bruce D., [redacted].
Smith, Curtis R., [redacted].
Smith, David C., [redacted].
Smith, Dewey L., [redacted].
Smith, Donald D., [redacted].
Smith, Edgar D., [redacted].
Smith, Everet E., [redacted].
Smith, James E., [redacted].
Smith, Jeff W., [redacted].
Smith, John B., [redacted].
Smith, Norman G., [redacted].
Smith, Paul G., [redacted].
Smith, Peter L., [redacted].
Smith, Pierce L., [redacted].
Smith, Ray W., [redacted].
Smith, Richard A., [redacted].
Smith, Robert C., [redacted].
Smith, Robert J., [redacted].
Smith, Robert H., [redacted].
Smith, Ronald C., [redacted].
Smith, Stanley O., [redacted].
Smith, Warren H., Jr., [redacted].
Smitherman, John A., [redacted].
Smithers, Ray C., [redacted].
Smoak, Robert V., [redacted].
Snead, Jack C., [redacted].
Sneed, Douglas T., [redacted].
Snell, Eugene W., [redacted].
Snider, John W., [redacted].
Snook, Robert H., [redacted].
Snyder, James A., [redacted].
Snyder, Phillip D., [redacted].
Snyder, Russell C., Jr., [redacted].
Sonnenberg, Nolan S., [redacted].
Soucia, Charles J., [redacted].
Southerland, William R., [redacted].
Sovern, Stanley B., [redacted].
Spannaus, Harry A., [redacted].
Spellman, Walter B., [redacted].
Spence, Alfred P., [redacted].
Spencer, Don S., [redacted].
Sperling, Daniel P., [redacted].
Sperry, Donald H., [redacted].
Spragg, Donald V., [redacted].
Stallone, Meno J., Jr., [redacted].
Standerwick, Robert L., [redacted].
Standish, Miles E., [redacted].
Stanley, Thomas M., [redacted].
Staples, Donald G., [redacted].
Stark, Daniel M., [redacted].
Starling, Philip J., [redacted].
Starn, Marvin A., [redacted].
Starnes, William H., Jr., [redacted].
Stater, Nat A., [redacted].
Statham, Laurel L., [redacted].
Stathopoulos, Anthony, [redacted].
Staton, Willis E., [redacted].
Stebbins, Harold F., Jr., [redacted].
Stebick, James A., [redacted].
Steinmetz, William A., [redacted].
Stem, Taylor F., Jr., [redacted].
Stensrud, Donald L., [redacted].
Stephenson, Edgar L., Jr., [redacted].
Stevens, James C., [redacted].
Stewart, John G., [redacted].
Stewart, Leo J., Jr., [redacted].
Stewart, Otto M., [redacted].
Stokenbury, John P., [redacted].
Stone, Edwin A., Jr., [redacted].
Stoneburner, James J., [redacted].
Storrie, John H., [redacted].
Stout, Kenneth E., [redacted].
Strand, William L., [redacted].
Strandberg, Donald G., [redacted].
Strasheim, Arnold L., [redacted].
Streit, John F., Jr., [redacted].
Stresing, Jack R., [redacted].
Strickland, William A., [redacted].
Stringer, Henry D., Jr., [redacted].
Strobaugh, Donald R., [redacted].
Strohl, Thomas M., [redacted].
Strother, Byrne E., [redacted].
Stuart, Hudson W., [redacted].

Stuart, Robert H., [redacted].
Studer, Thomas A., [redacted].
Sturgeon, Jack P., [redacted].
Sturges, John B., Jr., [redacted].
Suderow, Stanley C., [redacted].
Sullivan, George W., [redacted].
Sullivan, Richard H., [redacted].
Sullivan, Roger H., [redacted].
Summers, Kenneth W., [redacted].
Surridge, Allan J., [redacted].
Sutherland, Harlan D., [redacted].
Sutter, Bradley, [redacted].
Sutton, Charles A., [redacted].
Sutton, Everett M., [redacted].
Sutton, Meredith S., [redacted].
Sveska, Robert F., [redacted].
Swan, John W., [redacted].
Swick, George E., [redacted].
Swift, Robert E., [redacted].
Swinford, Grant V., [redacted].
Sylvester, David N., [redacted].
Sypek, Robert J., [redacted].
Szalay, Joseph J., [redacted].
Szurek, Anthony J., Jr., [redacted].
Tanner, James A., [redacted].
Tarpley, Billy E., [redacted].
Tatum, Lawrence B., [redacted].
Taylor, Fred S. III, [redacted].
Taylor, Harris J., [redacted].
Taylor, Max O., [redacted].
Taylor, Robert C., [redacted].
Taylor, William M., [redacted].
Tebo, Jack, [redacted].
Terlouw, Garret W., [redacted].
Terpening, Russell D., [redacted].
Terrell, Bryce H., [redacted].
Terrell, Lester R., [redacted].
Thoburn, Russell E., [redacted].
Thomas, Florence K., [redacted].
Thomas, Harry G. [redacted].
Thomas, James D. [redacted].
Thomas, James H. [redacted].
Thomas, James C. [redacted].
Thomas, Lloyd E. [redacted].
Thompson, Alastair W. [redacted].
Thompson, Hadley N. [redacted].
Thompson, Kenneth L. [redacted].
Thompson, Norman A. [redacted].
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Thorpe, Deloy A. [redacted].
Thorpe, Thomas J. V. [redacted].
Throckmorton, Robert W. [redacted].
Thuemmel, John P. [redacted].
Thulin, John H. [redacted].
Thurman, James A. [redacted].
Tiernan, John F. [redacted].
Tietge, Jerry W. [redacted].
Tilmans, Henry M. [redacted].
Tilson, Philip A. [redacted].
Timm, Rubert H. [redacted].
Timmons, Noble S. Jr., [redacted].
Timpe, Martin F. [redacted].
Tingelstad, Myron D [redacted].
Tinsley, Henry G. Jr., [redacted].
Tissaw, George H. [redacted].
Tixier, Edward L. [redacted].
Tobey, Chester M. [redacted].
Todd, Robert E. [redacted].
Tollefson, Joseph R. [redacted].
Tolman, Frederick G. [redacted].
Tomoyasu, Kazuto [redacted].
Toner, John E. [redacted].
Toomey, James E. [redacted].
Toth, Karl J. [redacted].
Tracy, John W. [redacted].
Tracy, William K. [redacted].
Trentman, Donald F. [redacted].
Treska, Milo [redacted].
Trimeloni, Bianca D. [redacted].
Troop, Richard W. [redacted].
Trott, Allen L. Jr., [redacted].
Trutt, William R. [redacted].
Truskett, Willard G. [redacted].
Truxal Everett W. [redacted].
Tsirimokos, George X. [redacted].

Tucker, Joseph E. [redacted].
Tucker, Roger D. [redacted].
Tullett, Jack E [redacted].
Turek, Edward H., [redacted].
Turke, Charles W., [redacted].
Turley, Hansel W., Jr., [redacted].
Turnbaugh, Robert E., [redacted].
Turner, Alex, Jr., [redacted].
Turner, Charles J., [redacted].
Turner, Charles M., Jr., [redacted].
Turner, Hiram G., [redacted].
Turner, Jack H., [redacted].
Turner, James A., Jr., [redacted].
Turner, Leland E., Jr., [redacted].
Turner, Robert E., [redacted].
Turner, Russell A., II, [redacted].
Turner, William H., Jr., [redacted].
Turpen, James R., [redacted].
Turpin, William D., [redacted].
Twinting, William T., [redacted].
Tyler, George E., [redacted].
Uhalt, Alfred H., Jr., [redacted].
Ullerich, Julius C., Jr., [redacted].
Unrath, Richard A., [redacted].
Uppstrum, Richard L., [redacted].
Vaicunas, Lawrence F., [redacted].
Valenti, Joseph M., [redacted].
Vanbuskirk, Vern F., [redacted].
Vandegrift, James R., [redacted].
Vanderpyl, Ellis C., Jr., [redacted].
Vaneerden, Thomas, Jr., [redacted].
Vangerpen, Myron D., [redacted].
Vanpelt, Charles B., [redacted].
Vansickel, Daniel P., [redacted].
Vanyo, David J., [redacted].
Varnadue, James E., [redacted].
Varvi, Charles J., Jr., [redacted].
Vasina, Howard R., [redacted].
Vaughan, Duane C., [redacted].
Vaughn, Glede W., [redacted].
Vayda, Robert S., [redacted].
Vehling, David R., [redacted].
Vehrs, George J., [redacted].
Velez, Louis E., [redacted].
Vest, Daurice C., [redacted].
Villaret, Albert L., [redacted].
Violetie, Ronald L., [redacted].
Vitale, Anthony M., [redacted].
Vitton, John J., Jr. [redacted].
Vogel, Daniel J., [redacted].
Vogel, Stephen J., [redacted].
Vogt, Donald A., [redacted].
Vonhausen, William W., [redacted].
Vontersch, George L., [redacted].
Vorhies, James W., [redacted].
Wackym Fred N., Jr., [redacted].
Waddle, Dannie T., Jr., [redacted].
Wadley, James L., Jr., [redacted].
Wakham, Elvin J., [redacted].
Wakitsch, Harold E., [redacted].
Walborn, Chester A., [redacted].
Walbrecht, Donald A., [redacted].
Waldron, David L., [redacted].
Walker, John T., [redacted].
Walker, Raymond B., [redacted].
Walker, Robert E., [redacted].
Walker, William K., [redacted].
Wallace, Charles B., [redacted].
Wallace, James L., [redacted].
Walters, James R., Sr., [redacted].
Walters, Neil I., [redacted].
Waltman, Gerald, [redacted].
Ward, James W., [redacted].
Ward, Robert C., [redacted].
Ware, Joseph M., [redacted].
Warton, Gerald B., [redacted].
Washington, Alvin W., [redacted].
Waterfield, Jack D., [redacted].
Waters, George G., [redacted].
Watkins, Gardner M., [redacted].
Watkins, Jack L., [redacted].
Watnee, Lloyd H., Jr., [redacted].
Watson, Robert B., [redacted].
Waynick, Thomas A., [redacted].
Weaver, Joseph B., [redacted].
Webb, Richard G., [redacted].
Weber, Kenneth L., [redacted].
Weber, Robert R., [redacted].
Weeks, Allen R., [redacted].
Weeks, Roger M., [redacted].
Weickhardt, Arthur F., [redacted].
Weidlich, William M., [redacted].
Weidner, Charles H., [redacted].
Weidner, Robert C., [redacted].
Weiger, William F., [redacted].
Weinstein, Gerald E., [redacted].
Weissler, Edwin M., [redacted].
Wells, James P., [redacted].
Wells, John A., [redacted].
Wendt, Donald R., [redacted].
Wenzel, Donald F., [redacted].
Wesbrouk, Richard L., [redacted].
Wessen, Donald E., [redacted].
West, Bobby P., [redacted].
West, Herman G., [redacted].
West, Thomas F., [redacted].
Westberry, James H., [redacted].
Westerfield, Luther, Jr., [redacted].
Weston, Elton L., [redacted].
Westphal, Curtis D., [redacted].
Westphal, John R., [redacted].
Wetesnik, Charles W., [redacted].
Whaley, John R., [redacted].
Wheeler, George H., [redacted].
Wheeler, Harold P., Jr., [redacted].
Whipple, Alvin G., [redacted].
Whitaker, Hubert M., Jr., [redacted].
White, Harold R., [redacted].
White, Philip J., [redacted].
Whitlatch, Wayne E., [redacted].
Whitlow, Homer F., [redacted].
Whitmore, James R., [redacted].
Whitson, Arthur E., [redacted].
Wicklund, Robert A., [redacted].
Wiegand, Karl L., [redacted].
Wieland, Paul L., [redacted].
Wight, Frank R., [redacted].
Wilkinson, George E., [redacted].
Wilkinson, James A., Jr., [redacted].
Williams, Daniel, [redacted].
Williams, Joe C., [redacted].
Williams, Lavern E., [redacted].
Williams, Peter D., [redacted].
Williams, Robert Q., [redacted].
Williams, Roy D., [redacted].
Williams, Stuart J., [redacted].
Williamson, Don I., [redacted].
Williamson, Howard L., [redacted].
Willis, James R., [redacted].
Wilson, Charles H., [redacted].
Wilson, Deleon, Jr., [redacted].
Wilson, Donald E., [redacted].
Wilson, Harold E., [redacted].
Wilson, James R., [redacted].
Wilson, Noel E., Jr., [redacted].
Windom, Robert W., Jr., [redacted].
Winemiller, William E., [redacted].
Winkels, Dennis W., [redacted].
Winter, Charles T., [redacted].
Wippermann, Donald R., [redacted].
Witt, Raymond J., [redacted].
Wold, James W., [redacted].
Wolf, Anthony E., [redacted].
Wolfe, Edward R., [redacted].
Wolfe, Jack A., [redacted].
Wolfe, Robert K., [redacted].
Wolters, Thomas E., [redacted].
Womack, Jack G., [redacted].
Wondrack, Walter M., [redacted].
Wong, Richard R., [redacted].
Wood, Horace E., Jr., [redacted].
Wood, Patrick H., [redacted].
Wood, Richard H., [redacted].
Wood, Thomas R., [redacted].
Woodbury, John B., [redacted].
Woods, James W., [redacted].
Woody, Charles L., [redacted].
Woolverton, Buel W., [redacted].
Worsham, George M., [redacted].
Wren, James L., [redacted].
Wright, Charles R., [redacted].
Wright, Dwayne P., [redacted].
Wright, Thomas W., [redacted].
Wyman, Harlan C., [redacted].
Wynne, Harry J., [redacted].
Yale, John W., [redacted].
Yasuhara, Thomas H., [redacted].
Yirka, Robert C., [redacted].
Young, Allan L., [redacted].
Young, Edward D., Jr., [redacted].
Young, Gerould A., [redacted].
Young, James F., [redacted].
Young, Keith R., [redacted].
Young, Pearce H., Jr., [redacted].
Young, Robert G., [redacted].
Youngblood, Robert C., [redacted].
Zeitner, Charles M., [redacted].
Zellmer, Milton E. L., [redacted].
Zimmerman, Dale H., [redacted].
Zoerlein, Ralph W., [redacted].
Zourul, Socrates M., [redacted].
Zuhars, Raymond H., Jr., [redacted].

CHAPLAINS

Arinder, Robert N., [redacted].
Baker, Charles A., [redacted].
Ballantine, John O. [redacted].
Bergerun, Robert E., [redacted].
Boggs, William G., [redacted].
Bowers, George P., [redacted].
Brethauer, Herbert A., [redacted].
Campbell, John J., [redacted].
Campbell, William W., [redacted].
Castellani, John J., [redacted].
Caudill, Charles C., [redacted].
Chambers, Floyd A., [redacted].
Cortese, Patrick S., [redacted].
Cox, Porter B., [redacted].
Davis, Paul D., [redacted].
Franks, William D., [redacted].
Guthrie, Wiley C., [redacted].
Hadlock, Charles E., [redacted].
Hall, William S., [redacted].
Hampe, Philip R., [redacted].
Harlow, James D., [redacted].
Hendricks, Robert E., [redacted].
Hermanson, Sheldon E., [redacted].
Jordan, David P., [redacted].
Kelley, Leonard D., [redacted].
Larche, Lucien E., Jr., [redacted].
Ledoux, Louis V., [redacted].
Lesko, John P., [redacted].
Lyngdal, Lloyd W., [redacted].
Lyons, Leo J., [redacted].
Mattison, Walter H., [redacted].
McElyea, Lemuel D., [redacted].
Moore, Jack T., [redacted].
Naughton, John T., [redacted].
Nordstrand, Henry A., [redacted].
Norsworthy, George C., [redacted].
Reese, Charles T., [redacted].
Richards, John F., [redacted].
Smith, Jasper J., [redacted].
Stewart, Dale F., [redacted].
Townsend, James E., [redacted].
Vaughn, William J., [redacted].
Wasinger, Francis R., [redacted].
Wurst, Rodney C., [redacted].

DENTAL CORPS

Akerly, William B., [redacted].
Bales, David J., [redacted].
Barad, Leonard R., [redacted].
Blackman, Ronald B., [redacted].
Bottom, James G., [redacted].
Carlson, John R., [redacted].
Cox, Charles M., [redacted].
Debello, Anthony N., [redacted].
Doyle, Bernard J., [redacted].
Geracci, James P., [redacted].
Greco, George W., [redacted].
Halliday, Donald G., [redacted].
Hamrick, Joseph E., [redacted].
Harris, Bernard C., [redacted].
Ingari, John S., [redacted].
Kamish, Phillip, [redacted].
Kampsen, Thomas R., [redacted].
Krolls, Sigurds O., [redacted].
Muth, Eugene R., [redacted].
Nassif, N. Joseph, [redacted].
Richey, Jerry D., [redacted].
Risk, Donald L., [redacted].
Rymarz, Frank P. R., [redacted].
Sheneman, Jack R., [redacted].
Simonton, James H., [redacted].
Simpson, John M., [redacted].
Smith, Ralph H., Jr., [redacted].
Titterington, Wesley P., [redacted].
Titus, Harry W., [redacted].
Todard, Michael J., [redacted].
Torchik, George P., [redacted].
Wooten, James W., [redacted].
Young, John M., [redacted].

MEDICAL CORPS

Adamson, Godfrey D., Jr., [redacted].
Allman, Robert M., [redacted].
Andrews, Philip W., [redacted].
Barnes, Walter C., Jr., [redacted].
Brown, William K., [redacted].
Burkhart, Fred L., [redacted].
Calvert, John H., Jr., [redacted].
Cowan, William R., [redacted].
Dannemiller, Francis J., [redacted].
Davis, Jefferson C., [redacted].
Davison, Richard A., [redacted].
Dennis, Lebaron W., [redacted].
Ferrari, Victor J., Jr., [redacted].
Gaines, John W., Jr., [redacted].
Gambrell, Richard D., Jr., [redacted].
Guillebeau, James G., [redacted].
Gustavson, Warner H., [redacted].
Halsell, John T., III, [redacted].
Harris, James B., [redacted].
Hayes, Frank W., [redacted].
Hernandez, Cruz M., [redacted].
Holliday, William B., [redacted].
Landen, Melvin, [redacted].
Larsen, Gordon L., [redacted].
Lecuyer, Robert L., [redacted].
Lucas, Richard N., [redacted].
Mohr, George C., [redacted].
Nielsen, Andrew A., [redacted].
Oi, Richard H., [redacted].
Oliver, James H., Jr., [redacted].
O'Toole, Robert V., Jr., [redacted].
Pappin, James D., [redacted].
Peterson, Carlton J., [redacted].
Petrauskas, Raymond R., [redacted].
Plugge, Frederick W., IV, [redacted].
Sawyer, Charles H., [redacted].
Schwamm, Harry A., [redacted].
Silberman, Irwin A., [redacted].
Singleton, William P., [redacted].
Smith, Lawrence R., [redacted].
Threadgill, Joseph M., [redacted].
Weeks, Leroy E., [redacted].
Wiley, John R., [redacted].
Wittmer, James F., [redacted].
Wright, John H., Jr., [redacted].
Youngman, Delyle R., Jr., [redacted].

NURSE CORPS

Andersun, Irene E., [redacted].
Bardeen, Ruth E., [redacted].
Carretto, Ann C., [redacted].
Corrigan, Jean A., [redacted].
Eby, Billie B., [redacted].
Fertig, Mary L., [redacted].
France, Maybelle V., [redacted].
Hines, Anne T., [redacted].
Hunt, Marilyn, [redacted].
Jones, Mary L., [redacted].
Knox, Barbara E., [redacted].
Ladner, Goldie H., [redacted].
Mace, Laura I., [redacted].
Migliorino, Jean M., [redacted].
Moore, Johnena K., [redacted].
Nelson, Alberta P., [redacted].
Norris, Lois J., [redacted].
Parker, Fay D., [redacted].
Shealy, Katherine I., [redacted].
Truitt, Ernestine S., [redacted].
Vickers, Cassandra C., [redacted].
Wellman, Crescentia C., [redacted].

MEDICAL SERVICE CORPS

Baddour, Robert A., [redacted].
Baird, Joseph A., Jr., [redacted].
Crews, James H., Jr., [redacted].
Edwards, Robert H., [redacted].
Fiocca, George L., [redacted].
Hazel, James H., [redacted].
Holder, William L., [redacted].
Reichel, George Jr., [redacted].
Suchenski, Richard C., [redacted].
Thomas, Russell J., [redacted].
Volkenant, John J., [redacted].
Winney, Charles W., [redacted].

VETERINARY CORPS

Fuller, Charles E., [redacted].
Osborne, Donald V., [redacted].
Welbourn, Jerry L., [redacted].
Ziegler, Ralph F., [redacted].

BIOMEDICAL SCIENCES CORPS

Bobo, Carolyn E., [redacted].
Buchwald, Frank C., [redacted].
Darling, Charles L., [redacted].
Dunsky, Irving L., [redacted].
Garrett, Dean A., [redacted].
Hall, Giles W., [redacted].
Levinson, Samuel, [redacted].
Lykins, Wheeler, [redacted].
McNeil, John S., [redacted].
Seefelt, Edward R., [redacted].
Weinberg, Carl J., [redacted].

The following persons for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated, and with dates of rank to be determined by the Secretary of the Air Force:

To be captain (dental)

Loden, Claude D., [redacted].

To be first lieutenant (dental)

Thews, Marvin E., Jr., [redacted].

To be first lieutenant (medical)

Kendall, Wayne F., Jr., [redacted].

IN THE AIR FORCE

The following-named officer for promotion in the Air Force Reserve, under the appropriate provisions of chapter 837, title 10, United States Code, as amended, and Public Law 92-129.

LINE OF THE AIR FORCE

Major to lieutenant colonel

Hess, Jay C., [redacted].

IN THE AIR FORCE

The following persons for appointment in the Regular Air Force, in the grade indicated, under the provisions of section 8284, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated, and with dates of rank to be determined by the Secretary of the Air Force:

To be captain (dental)

Regent, Howard S., [redacted].
Samuelson, John A., [redacted].

The following officers for appointment in the Regular Air Force, in the grade indicated, under the provisions of section 8284, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

To be first lieutenant

Abernethy, Russell H., [redacted].
Acker, John F. F., [redacted].
Acuff, Steven D., [redacted].
Adkison, John W., [redacted].
Aiken, Richard W., [redacted].
Akers, Randall D., [redacted].
Akers, Robert K., [redacted].
Albanese, Joseph L., [redacted].
Alderman, Leslie D., Jr., [redacted].
Alexander, Guy E., Jr., [redacted].
Alford, Joel T., [redacted].
Allen, Don W., [redacted].
Allen, Kenneth E., [redacted].
Allen, Michael W., [redacted].
Allen, Paul J., [redacted].
Alm, Kenneth R., [redacted].
Alman, Paul A., [redacted].
Aman, Terry G., [redacted].
Amisano, Richard P., [redacted].
Amos, Walter N., [redacted].
Amrhein, Philip C., Jr., [redacted].
Amtmann, Raymond A., [redacted].
Andersen, Jens B., [redacted].
Anderson, Brian D., [redacted].
Anderson, Dennis L., [redacted].
Anderson, Dennis W., [redacted].
Anderson, Donald E., [redacted].
Anderson, Hal N., Jr., [redacted].
Anderson, Kenneth C., [redacted].
Anderson, Mark E., [redacted].
Anderson, Robert K., Jr., [redacted].
Angley, Jerry C., [redacted].
Archer, Lawrence R., [redacted].
Arnold, Michael W., [redacted].
Arnold, Norman K., [redacted].
Askew, Benjamin F., [redacted].
Atkinson, Thomas F., Jr., [redacted].
Aversman, James R., [redacted].
Baden, Gerard T., [redacted].
Bailey, Charles E., [redacted].
Bailey, Riley W., Jr., [redacted].
Baily, George B., Jr., [redacted].
Baird, Roger A., Jr., [redacted].
Baker, Edward B., [redacted].
Baker, Mitchell L., [redacted].
Baker, William H., [redacted].
Baldwin, John A., [redacted].
Ball, Joseph M., [redacted].
Ballard, Donald B., [redacted].
Banks, Joe M., II, [redacted].
Banton, George R., [redacted].
Barlow, Charles R., [redacted].
Barnett, Richard P., [redacted].
Barnette, James F., [redacted].
Barraclough, John, [redacted].
Barrick, Ronald D., [redacted].
Barron, William H., [redacted].
Bartels, Robert M., [redacted].
Bartlett, John K., [redacted].
Barton, John B., [redacted].
Bateman, Simeon D., [redacted].
Bauer, Jack L., [redacted].
Baxter, Ronald, [redacted].
Beaty, Andrew R., Jr., [redacted].
Beaty, Jerald H., [redacted].
Beauregard, Peter S., [redacted].
Becht, Frederick J., [redacted].
Bedwell, James S., [redacted].
Beers, Arthur W., [redacted].
Behan, Robert J., [redacted].
Behnke, Rodney C., [redacted].
Belcher, Dan B., [redacted].
Bellour, Jean C., [redacted].
Bennett, James R., [redacted].
Bennett, William R., [redacted].
Benson, Donald R., Jr., [redacted].
Bentley, Gary M., [redacted].
Benzing, John F., [redacted].
Berge, Kristofer L., [redacted].
Bergen, William J., [redacted].
Berger, William R., [redacted].
Berry, Don K., II, [redacted].
Bertelson, Gilbert M., [redacted].
Bishop, Dennis R., [redacted].
Bishop, Donald W., [redacted].
Bishop, Geoffrey T., [redacted].
Bittner, David E., [redacted].
Blackwell, Gary L., [redacted].
Blake, Charles R., [redacted].
Blank, Jonas L., Jr., [redacted].
Blankmeyer, Jon T., [redacted].
Blanshard, Robert A., [redacted].
Bocher, Gordon L., [redacted].
Boday, Kenneth F., [redacted].
Bogartz, Jerold, [redacted].
Boger, Fred C., [redacted].
Bohling, John R., Jr., [redacted].
Bonn, Robert C., Jr., [redacted].
Boumgaarden, Darrel E., [redacted].
Borders, Charles W., Jr., [redacted].
Borgos, Peter W., [redacted].
Bost, Gary R., [redacted].
Bothwell, David G., [redacted].
Bott, Terrence W., [redacted].
Boudreau, Donald P., [redacted].
Bounds, William S., [redacted].
Boutwell, Harold K., Jr., [redacted].
Bovin, Robert A., [redacted].
Bowcock, Stephen W., [redacted].
Bowen, James T., [redacted].
Bowman, Clarence W., II, [redacted].
Bowman, Thomas R., [redacted].
Boyd, Stephen U., [redacted].
Bradeen, Robert J., [redacted].
Bradford, Conley V., [redacted].
Brady, Louis P., Jr., [redacted].
Brady, Roger A., [redacted].
Brahmer, Richard L., [redacted].
Brandt, Keith A., [redacted].

Breskman, David G., [redacted].
Brew, James B., [redacted].
Brewer, George O., [redacted].
Bridges, John F. III, [redacted].
Brooks, Roger W., [redacted].
Brown, Donald E., Jr., [redacted].
Brown, Donald P., [redacted].
Brown, Peter D., [redacted].
Brown, William H., [redacted].
Brownell, Arthur N., Jr., [redacted].
Browning, John R., [redacted].
Brownlow, Jeffrey F., [redacted].
Brunaugh, Harold L., [redacted].
Bryant, Marvin R., II, [redacted].
Bryson, Allen L., [redacted].
Bucheri, Mark C., [redacted].
Buchler, Peter R., [redacted].
Budzier, Gary A., [redacted].
Bullock, John R., [redacted].
Bullock, Ralph G., [redacted].
Bunch, Edward A., [redacted].
Burchfiel, William T., [redacted].
Burleigh, Ronald K., [redacted].
Burns, Charles M., [redacted].
Burnside, Dale P., [redacted].
Burton, Kenneth R., [redacted].
Bush, Kenneth W., [redacted].
Buster, Danny C., [redacted].
Butler, Michael R., [redacted].
Caldwell, Floyd W., [redacted].
Caldwell, Patrick A., [redacted].
Callen, Jerrold K., [redacted].
Callicott, Samuel L., Jr., [redacted].
Camblin, Roy W. III, [redacted].
Campbell, Claude W., Jr., [redacted].
Campbell, John J., [redacted].
Cannon, Randall F., [redacted].
Carlson, Arthur C. III, [redacted].
Caron, Gregory S., [redacted].
Carr, John L., Jr., [redacted].
Carter, William R., [redacted].
Casella, Domenick A., [redacted].
Casey, Charles W., Jr., [redacted].
Cathey, Ernest M., [redacted].
Caulfield, Michael D., [redacted].
Champion Richard W., [redacted].
Chapin, Robert R., [redacted].
Chatagnier, Timothy, [redacted].
Chestnut, David D., [redacted].
Chicci, David L., [redacted].
Chisholm, John A., [redacted].
Christensen, Bruce P., [redacted].
Christol, James S., [redacted].
Chrystie, Keith R., [redacted].
Chun, Edmund B. W., [redacted].
Church, Steven P., [redacted].
Clark, Carter B., III, [redacted].
Clark, Michael J., [redacted].
Clinch, Thomas P., [redacted].
Coffman, Robert D., [redacted].
Coleman, Alan J., [redacted].
Coleman, Eugene G., [redacted].
Collavo, Jon G., [redacted].
Collie, Allan L., [redacted].
Colson, Howard J., Jr., [redacted].
Colston, Kenneth L., [redacted].
Colver, David L., [redacted].
Conaway, Vernon W., III, [redacted].
Connors, Michael D., [redacted].
Cook, Allen B., Jr., [redacted].
Cook, Freddie M., [redacted].
Cook, James M., [redacted].
Cooper, Michael T., [redacted].
Cooper, Monte V., [redacted].
Cooper, Ronald E., [redacted].
Corcoran, Richard A., [redacted].
Corcoran, Thomas D., [redacted].
Corl, Wiley F., III, [redacted].
Cornell, Roger D., [redacted].
Cornett, Michael W., [redacted].
Cornish, Stephen R., [redacted].
Cornwell, Jerry I., [redacted].
Corrie, Michael D., [redacted].
Cosand, Norman P., [redacted].
Cothran, Thomas A., Jr., [redacted].
Couch, Neal T., [redacted].
Coulon, Whitney A., III, [redacted].
Cox, Kenneth E., [redacted].
Coziahr, James R., [redacted].
Craig, Robert S., [redacted].
Crane, John B., Jr., [redacted].
Creaghan, Francis C., Jr., [redacted].
Creeger, David J., [redacted].
Crielly, William J., Jr., [redacted].
Crist, Michael D., [redacted].
Cronin, Paul A., [redacted].
Crook, Harry W., [redacted].
Crowder, Gary C., [redacted].
Crowson, Chandler, Jr., [redacted].
Culbertson, Robert K., Jr., [redacted].
Cummings, Thomas S., [redacted].
Currie, Don J., [redacted].
Curtis, Thomas L., [redacted].
Dallman, Dennis M., [redacted].
Dambly, Thomas W., [redacted].
Dameron, Tummy D., Jr., [redacted].
Daniel, Jimmy L., [redacted].
Darnell, James A., [redacted].
Davenport, John D., [redacted].
Davenport, Robert E., [redacted].
David, Daniel H., [redacted].
Davidson, Steven R., [redacted].
Davies, John C., [redacted].
Davis, Billy, Jr., [redacted].
Davis, Donald M., [redacted].
Davis, Larry M., [redacted].
Davis, Michael R., [redacted].
Davy, Eric H., Jr., [redacted].
Daws, William L., Jr., [redacted].
Day, Richard E., [redacted].
Day, William B., [redacted].
Decker, Joseph F., II, [redacted].
Decker, Nevin F., Jr., [redacted].
Degeneres, Samuel G., [redacted].
Demont, Leun, [redacted].
Demorest, Gary D., [redacted].
Denfield, Kenneth J., [redacted].
Deschler, William H., [redacted].
Deucker, Ralph F., Jr., [redacted].
Devine, Thomas P., [redacted].
Dick, Robin W., [redacted].
Dickman, Joseph T., [redacted].
Dickson, Allan M., [redacted].
Dickson, Tillman E., Jr., [redacted].
Dicus, Lawrence M., [redacted].
Dietz, Thomas R., [redacted].
Dines, Larry N., [redacted].
Dingfelder, William E., [redacted].
Dingman, Robert T., [redacted].
Dixon, Charles W., [redacted].
Dmuchovsky, Joseph, Jr., [redacted].
Dobbs, William W., [redacted].
Dobson, Thomas W., Jr., [redacted].
Donnell, Earlton C., Jr., [redacted].
Donovan, Brian W., [redacted].
Dorough, John W., Jr., [redacted].
Dorsett, Robert L., [redacted].
Doten, Scott D., [redacted].
Downs, John L., [redacted].
Draham, Joseph J., Jr., [redacted].
Drechsler, Peter, [redacted].
Drown, Richard G., [redacted].
Drury, Johnny B., [redacted].
Dubler, John E., [redacted].
Dugle, Brian C., [redacted].
Duncan, William T., [redacted].
Dungan, Michael A., [redacted].
Duston, John J., [redacted].
Dycus, Billy L., [redacted].
Earl, Matthew W., Jr. [redacted].
Eaton, Richard T., Jr. [redacted].
Ebert, Douglas A., [redacted].
Eckert, David K., [redacted].
Eckert, Gregory C., [redacted].
Eckert, Kirk D., [redacted].
Edwards, Harold M., Jr., [redacted].
Edwards, Harry M., Jr., [redacted].
Edwards, Kenneth G., [redacted].
Edwards, Samuel T., Jr. [redacted].
Edwards, Thomas H., [redacted].
Eggers, James P., [redacted].
Ekdahl, Gary I., [redacted].
Ellers, Thomas W., [redacted].
Ellis, David A., [redacted].
Ench, Alvin L., [redacted].
Emerick, Larry B., [redacted].
Engel, Gary E., [redacted].
Engel, Gilbert A., Jr., [redacted].
Engelmeyer, Michael H., [redacted].
Engkjer, Richard A., [redacted].
Engle, James W., [redacted].
Epperson, Gerald W., [redacted].
Esmond, Marvin R., [redacted].
Estock, Mark V., [redacted].
Evans, David L., [redacted].
Evans, James H., [redacted].
Evans, Richard G., [redacted].
Evans, Walter J., [redacted].
Everitt, Lee J., [redacted].
Failor, Dean F., [redacted].
Fairclo, David P., [redacted].
Fallin, Oscar R., [redacted].
Fanjoy, Richard D., [redacted].
Farcht, Joseph J., [redacted].
Farnsworth, Kent A., [redacted].
Favela, Richard E., [redacted].
Fearing, Richard R., [redacted].
Feay, Wayne J., [redacted].
Feezel, Tommy L., [redacted].
Fenton, William N., Jr., [redacted].
Fergeson, Jerry A., [redacted].
Ferguson, Richard F., [redacted].
Fernandezmontes, Manuel M., [redacted].
Ferrante, Joseph R., Jr., [redacted].
Ferrata, Charles D., [redacted].
Fiala, Dale A., [redacted].
Fickess, Edward D., [redacted].
Finocchio, William F., [redacted].
Fisher, Gary C., [redacted].
Fisher, Jerald R., [redacted].
Fisk, David A., [redacted].
Fister, Kent D., [redacted].
Fitzpatrick, James L., [redacted].
Fitzpatrick, William E., [redacted].
Fitzsimmons, James J., [redacted].
Flanagan, Thomas P., [redacted].
Fleming, Glenn J., [redacted].
Fleming, William R., [redacted].
Flood, Thomas E., [redacted].
Ford, Robert G., [redacted].
Forrester, John R., Jr., [redacted].
Foster, Larry J., [redacted].
Foster, Robert M., [redacted].
Fowler, Arthur F., [redacted].
Fowler, Ralph H., [redacted].
Frank, Robert S., [redacted].
Franta, William E., [redacted].
Franz, Kenneth A., [redacted].
Frase, Robert R., [redacted].
Freeman, Jerrell E., [redacted].
Freeman, Pickens N. Jr., [redacted].
Freeman, Winfield S., III, [redacted].
Frischmuth, Phillip A., [redacted].
Fritschel, Wayne A., [redacted].
Fulghum, Steven R., [redacted].
Fulton, Rodger L., [redacted].
Funk, Craig S., [redacted].
Gabrick, Lucien P., Jr., [redacted].
Galante, Albert R., [redacted].
Gallo, Daniel W., [redacted].
Galloway, Kenneth R., [redacted].
Galloway, Richard N., [redacted].
Gallup, Edgar A., [redacted].
Gardner, David E., [redacted].
Garrett, James W., [redacted].
Garrison, Raymond B., [redacted].
Geiger, Stephen H., [redacted].
Gerrish, David C., Jr., [redacted].
Getz, Randall A., [redacted].
Gibbar, James M., [redacted].
Gieseke, Don R., [redacted].
Gilless, Clyde H., Jr., [redacted].
Glantz, Steven F., [redacted].
Godbold, Tom D., [redacted].
Goddard, Henry B., Jr., [redacted].
Golhle, James S., [redacted].
Goldenbaum, Jonathan, [redacted].
Golly, Alexander W., [redacted].
Gomlicker, Robert, [redacted].
Goodart, James W., II, [redacted].
Goodman, Raymond J., Jr., [redacted].
Gordon, Richard L., [redacted].
Gotaas, Finn L., [redacted].
Grady, Michael D., [redacted].
Graham, Eddie M., [redacted].
Graham, Thomas M., [redacted].
Granath, Lars G., [redacted].
Grattopp, Ronald A., [redacted].
Graves, John W., [redacted].
Graves, Michael L., [redacted].
Gregory, Robert L., [redacted].
Greschke, David A., [redacted].
Grewing, Douglas D., [redacted].

Gridley, Haines, III. [redacted].
Griest, John G., [redacted].
Griffith, Joseph B., [redacted].
Griffith, Michael W., [redacted].
Griffith, Ronald R., [redacted].
Grimes, Robert R., [redacted].
Grindle, David A., [redacted].
Grinnell, Richard S., [redacted].
Groesch, Richard C., [redacted].
Groff, John R., [redacted].
Grote, Leroy W., Jr., [redacted].
Grubbs, Quintun, Jr. [redacted].
Grubbs, William B., [redacted].
Gruen, James C., [redacted].
Guris, John J., III [redacted].
Guthrie, William T., [redacted].
Haas, James L., [redacted].
Haas, Richard C., [redacted].
Hadfield, Harold B., Jr., [redacted].
Hagenauer, Lawrence S., [redacted].
Haines, Michael L., [redacted].
Hake, David S., [redacted].
Hall, George T., [redacted].
Hall, Howard W., [redacted].
Hall, William R., [redacted].
Hallemann, Frank M., [redacted].
Halloran, Michael W., [redacted].
Halvorson, John P., [redacted].
Hamer, Richard L., [redacted].
Hamilton, Vernon H., [redacted].
Hampton, Johnny D., [redacted].
Hancock, John W., [redacted].
Hand, Theodore F., Jr., [redacted].
Hanes, Norris H., Jr., [redacted].
Haney, Tommy D., [redacted].
Harbison, John W., [redacted].
Harkreader, Wayne L., [redacted].
Harr, Richard L., [redacted].
Harrington, Elkton E., III, [redacted].
Harris, Frank C., [redacted].
Harris, Frank R., [redacted].
Harris, Richard D., [redacted].
Harry, John C., [redacted].
Hart, Norwood A., [redacted].
Hauser, David W., [redacted].
Hauswirth, John A., [redacted].
Havelka, William F., [redacted].
Hawley, John W., [redacted].
Haynes, Chester G., [redacted].
Haynes, Ronald E., [redacted].
Hearn, Charles F., [redacted].
Hebert, John R., [redacted].
Heely, Oliver H., Jr., [redacted].
Heffernan, Robert M., [redacted].
Heimple, Harry H., [redacted].
Heller, John C., [redacted].
Henderson, James B., Jr., [redacted].
Henderson, James C., [redacted].
Henley, Raymond L., [redacted].
Herndon, Terry M., [redacted].
Hession, Frank W., [redacted].
Hicks, Richard Z., [redacted].
Hill, Richard L., [redacted].
Hillebrand, Charles D., [redacted].
Hillenmeyer, Donald J., Jr., [redacted].
Hincks, Donald B., [redacted].
Hindman, John R., [redacted].
Hiner, David L., [redacted].
Hird, Carroll R., [redacted].
Hobbins, William T., [redacted].
Holland, David S., [redacted].
Homrig, David W., [redacted].
Hooten, Thomas F., [redacted].
Hornbaker, David M., [redacted].
Horvath, Julius G., [redacted].
Housch, Henry A. J., Jr., [redacted].
House, Richard G., [redacted].
Howard, John W., [redacted].
Howard, Sanford S., Jr., [redacted].
Howell, Gary N., [redacted].
Hoybach, Frederick W., [redacted].
Hoyt, Wilfred F., [redacted].
Huchingson, William P., [redacted].
Hudak, Daniel J., [redacted].
Hughes, Harold H., [redacted].
Hughes, Wayne F., [redacted].
Hughson, Jerry R., [redacted].
Hukee, Byron E., [redacted].
Hunt, David J., [redacted].
Hunter, Anderson G., Jr., [redacted].
Hunter, Cedric V., Jr., [redacted].
Hunter, Thomas R., [redacted].
Huntington, Dean, [redacted].
Hurst, Randy W., [redacted].
Hutchens, James E., [redacted].
Ideker, Lester H., Jr., [redacted].
Imamura, Morton T., [redacted].
Irving, Thomas E., [redacted].
Irwin, John R., [redacted].
Irwin, Michael S., [redacted].
Ittner, Daniel R., [redacted].
Itzen, Bernard I., [redacted].
Jackson, James A., Jr., [redacted].
Jackson, Michael E., [redacted].
Jacobs, Paul L., [redacted].
James, Alan R., [redacted].
James, George M., [redacted].
James, Stephen W., [redacted].
Jarvis, Robert C., [redacted].
Jasperson, Robert H., [redacted].
Jeffreys, Richard T., [redacted].
Jennings, Bruce A., [redacted].
Jensen, Owen E., [redacted].
Jernigan, Robert H., [redacted].
Jess, James F., [redacted].
Jessup, Robert H., [redacted].
Johannes, John N., [redacted].
Johnson, Aric B., [redacted].
Johnson, Charles M., [redacted].
Johnson, Donald R., [redacted].
Johnson, Henry B., III, [redacted].
Johnson, James L., III, [redacted].
Johnson, James M., Jr., [redacted].
Johnson, William L., [redacted].
Johnston, James P., [redacted].
Jones, Allen L., [redacted].
Jones, Robert L., Jr., [redacted].
Joyal, Robert L., [redacted].
Kahley, Thomas C., [redacted].
Kain, Robert A., [redacted].
Kalish, Michael A., [redacted].
Kalisky, Peter J., [redacted].
Kane, Paul E., [redacted].
Kanikeberg, Gary D., [redacted].
Kann, Gregory A., [redacted].
Kaul, Mahendra, [redacted].
Kehoe, Michael J., [redacted].
Keistler, Harold E., [redacted].
Kelley, Philip N., [redacted].
Kennedy, William A., Jr., [redacted].
Keyes, Scott A., [redacted].
Kight, Freddie C., Jr., [redacted].
Kiland, John W., [redacted].
Killeen, Timothy P., [redacted].
Killian, Quentin N., [redacted].
Kimball, Byron N., [redacted].
Kimmel, Paul S., [redacted].
King, Jon N., [redacted].
King, Lonnie T., II, [redacted].
Kinney, Gregory M., [redacted].
Kirby, Edward E., [redacted].
Kirscher, James R., [redacted].
Klein, John D., [redacted].
Kline, Gregory F., [redacted].
Kling, Roger A., [redacted].
Knable, Glen A., [redacted].
Knight, Duane W., [redacted].
Knudsen, Lee F., [redacted].
Koenig, Michael J., [redacted].
Kohl, Gary D., [redacted].
Kolias, Theodore G., [redacted].
Konowicz, Peter, [redacted].
Konrad, Gregory A., [redacted].
Koontz, Craig L., [redacted].
Kopecky, Gary M., [redacted].
Korenko, Charles M., [redacted].
Kosewick, John T., [redacted].
Kraft, Bryan W., [redacted].
Kraft, Reynold E., [redacted].
Kratz, Duane L., [redacted].
Kraus, Gerald R., [redacted].
Kraus, Gordon W., [redacted].
Kraut, Lawrence F., [redacted].
Krebs, Alvin E., Jr., [redacted].
Kretzer, Carl S., [redacted].
Krippner, Dennis W., [redacted].
Kriz, Scott R., [redacted].
Krock, George J., [redacted].
Krpata, Neil T., [redacted].
Krueger, Robert O., [redacted].
Kullander, Dennis W., [redacted].
Kunnen, Mark E., [redacted].
Kuntz, James G., [redacted].
Kurzen, Wayne A., [redacted].
Kyzer, Herbert C., II, [redacted].
Labbe, Leonder, [redacted].
Lamar, Stephen C., [redacted].
Lamb, James M., [redacted].
Lamb, John T., Jr., [redacted].
Lambirth, Randall C., [redacted].
Lamontagne, Donald A., [redacted].
Lamdoreux, Claude R., [redacted].
Lamping, Bruce R., [redacted].
Landbeck, Frederick B., [redacted].
Landron, Daniel R., [redacted].
Landry, Larry P., [redacted].
Landschoot, Ronald R., [redacted].
Lane, Gerald K., [redacted].
Lane, Kenneth R., [redacted].
Lane, Richard W., [redacted].
Lapierre, Rene B., [redacted].
Larson, Marvin G., [redacted].
Larson, William J., [redacted].
Laubenthal, David J., [redacted].
Lay, Carl W., [redacted].
Lazenby, William M., [redacted].
Leber, Randolph F., [redacted].
Leclair, Michael J., [redacted].
Lee, Walter G., [redacted].
Lentini, Joseph R., II, [redacted].
Lerossignol, James P., [redacted].
Lewis, Howard A., Jr., [redacted].
Leydorf, Michael C., [redacted].
Liabraaten, James D., [redacted].
Lichty, Michael W., [redacted].
Lierley, Michael J., [redacted].
Linge, Delmer J., [redacted].
Lionetti, Gerard D., [redacted].
Lipsey, James R., [redacted].
Liss, Raymond A., [redacted].
Liston, John W., [redacted].
Little, William H., [redacted].
Livermore, Robert N., [redacted].
Locher, Roger C., [redacted].
Logan, Gordon B., [redacted].
Logan, Patrick J., Jr., [redacted].
Lohse, Gary R., [redacted].
Lombard, Dennis L., [redacted].
Long, Gregory T., [redacted].
Longley, James C., [redacted].
Louney, Robert B., [redacted].
Lorenz, Gary E., [redacted].
Lorenz, Kenneth D., [redacted].
Lotti, Michael J., [redacted].
Lowman, Robert D., [redacted].
Lufi, Eldon D., [redacted].
Lumpkin, Peyton P., [redacted].
Lyke, John N., [redacted].
Lytle, Robert E., [redacted].
MacDonald, Thomas C., [redacted].
Maciariello, Lawrence A., [redacted].
Mack, David G., [redacted].
Mading, Craig L., [redacted].
Magnusson, Donald W., [redacted].
Mahoney, James P., [redacted].
Malatesta, Donald J., Jr., [redacted].
Mallery, James P., [redacted].
Manclark, John T., [redacted].
Maness, Ronald D., [redacted].
Manion, Thomas K., [redacted].
Manske, Kenneth A., [redacted].
Marcotte, James P., [redacted].
Marcotte, John C., Jr., [redacted].
Marr, Richard C., [redacted].
Marsh, Thomas C., [redacted].
Martin, John A., [redacted].
Martin, Roger T., [redacted].
Martin, Thomas C., [redacted].
Maskell, Kenneth T., Jr., [redacted].
Mason, Nathan L., [redacted].
Matthews, Warren J., [redacted].
Maughan, Herschal L., [redacted].
Maupin, Warren B., II, [redacted].
Maurer, Roland R., [redacted].
May, Buddy G., Jr., [redacted].
May, James F., [redacted].
Mays, Craig W., [redacted].
McAlister, Amos L., [redacted].
McCall, Michael P., [redacted].
McCandless, Richard D., [redacted].
McCarl, Richard A., [redacted].
McCart, Dickie R., [redacted].
McConnell, Fred M., [redacted].

McCool, Paul A., [redacted].
McCracken, William J., [redacted].
McCrary, William M., [redacted].
McCullum, Harold W., [redacted].
McDonald, Robert A., [redacted].
McDonald, William G., [redacted].
McElroy, Richard B., [redacted].
McFarren, John C., [redacted].
McGrath, Thomas J., Jr., [redacted].
McHugh, Francis J., [redacted].
McIntosh, Lyn D., [redacted].
McKeel, Russel K., [redacted].
McLaughlin, James P., Jr., [redacted].
McLeod, Robert J., [redacted].
McMillion, Stephen, [redacted].
McNally, John R., [redacted].
McNeill, Malcolm G., [redacted].
McNerney, Larry J., [redacted].
McVeigh, George M., Jr., [redacted].
Medders, William T., [redacted].
Medeiros, Louis K., [redacted].
Meeker, William K., [redacted].
Melvin, Michael P., [redacted].
Mendez, Juan G., [redacted].
Menigen, Joseph R., [redacted].
Mewhirter, Roger P., [redacted].
Mickle, David B., [redacted].
Milcarek, William F., [redacted].
Miller, David M., [redacted].
Miller, Eric S., [redacted].
Miller, Gregory A., [redacted].
Miller, John R., [redacted].
Miller, Paul H., [redacted].
Miller, Robert G., [redacted].
Miller, Samuel P., [redacted].
Millett, Roger T., [redacted].
Million, Kenneth M., [redacted].
Mills, James W., Jr., [redacted].
Minnerly, William D., [redacted].
Minnis, Charles W., Jr., [redacted].
Mitchell, David A., [redacted].
Mitchell, John K., [redacted].
Mittendorf, Ehrhard III [redacted].
Mohan, James J., Jr., [redacted].
Mollison, John C., Jr., [redacted].
Molohon, Douglas M., [redacted].
Montfort, Howard W., Jr., [redacted].
Montgomery, Jerry L., [redacted].
Moody, Charles M., [redacted].
Moore, George F., [redacted].
Moore, Larry J., [redacted].
Moore, Richard R., [redacted].
Moures, Milton R., [redacted].
Morell, Robert C., [redacted].
Morrell, Mark W., [redacted].
Morris, Scutt L., [redacted].
Mueller, Michael A., [redacted].
Mulcaha, John W., [redacted].
Munder, Guy F., [redacted].
Munger, Robert A., [redacted].
Munson, Ronald E., [redacted].
Murdock, Joseph W., II, [redacted].
Murphy, Dennis L., [redacted].
Myers, Clem B., Jr., [redacted].
Myers, James F., [redacted].
Najera, Ascencion C., Jr., [redacted].
Neal, Keith L., [redacted].
Neubert, William W., [redacted].
Newkirk, Frank L., [redacted].
Newman, Leroy F., [redacted].
Newsom, Phillip A., [redacted].
Nichol, Robin L., [redacted].
Nichols, Allen R., [redacted].
Nichols, Johnny W., [redacted].
Nickel, James E., [redacted].
Nicolaus, James J., [redacted].
Nicosia, Vincent F., [redacted].
Niebruegge, David G., [redacted].
Niedergeses, Henry T., [redacted].
Nobile, Ronald L., [redacted].
Nourse, Robert W., [redacted].
Nuechterlein, Carl J., [redacted].
O'Connell, Maurice J., [redacted].
Olofson, Michael J., [redacted].
Olson, James D., [redacted].
Olver, Eric T., [redacted].
O'Neill, Thomas P., [redacted].
Onken, Richard D., [redacted].
Orellana, William B., [redacted].
O'Rouke, Kelly K., [redacted].
Orr, Ronald G., [redacted].
Osborn, John A., [redacted].
Osborn, Wesley R., Jr., [redacted].
Oshel, Kenneth E., [redacted].
Osibov, Gregory J., [redacted].
Otero, Humberto M., [redacted].
O'Toole, Gary A., [redacted].
Ottem, Richard K., [redacted].
Ozolins, John, [redacted].
Padgett, William P., [redacted].
Paige, Alan L., [redacted].
Papizan, James C., [redacted].
Parker, James R., [redacted].
Parker, James R., [redacted].
Parker, James V., [redacted].
Parsons, David G., [redacted].
Parsons, Theodore H., III, [redacted].
Patterson, James L., [redacted].
Patterson, James W., [redacted].
Paul, Ira S., III, [redacted].
Paul, Rogers J., [redacted].
Peck, James M., [redacted].
Pedersen, Jan N., Jr., [redacted].
Pence, John A., [redacted].
Personett, James C. [redacted].
Peschke, Richard E., [redacted].
Peters, James E., [redacted].
Petersen, Steven J., [redacted].
Peterson, Danny M., [redacted].
Peterson, Mark E., [redacted].
Petitmermet, Thomas M., [redacted].
Pettyjohn, Claude G., [redacted].
Phillips, Claude M., [redacted].
Phillips, Clyde B., III, [redacted].
Phillips, Dan A., [redacted].
Phillips, James G., [redacted].
Phillips, Jonathan R., [redacted].
Phipps, Gary J., [redacted].
Pickard, Wallace F., Jr., [redacted].
Pinson, Ernest A., Jr., [redacted].
Pitts, Clifford F., Jr., [redacted].
Plant, Robert I., [redacted].
Plantikow, John S., [redacted].
Pledger, Fay J., Jr., [redacted].
Plotnik, Alan W., [redacted].
Plummer, Stephen B., [redacted].
Poff, Richard G., [redacted].
Poling, Richard L., [redacted].
Polles, Jeffrey J., [redacted].
Pollock, Thomas S., [redacted].
Portela, Jose M., [redacted].
Porter, Allen L., [redacted].
Post, Okley L., Jr., [redacted].
Potts, Vernon L., [redacted].
Poulin, Roger G., [redacted].
Powell, Donald S., [redacted].
Powers, Theodore R., Jr., [redacted].
Prather, Edgar J., [redacted].
Prather, Jerry D., [redacted].
Preisch, James W., [redacted].
Price, Justus V., Jr., [redacted].
Price, Milton W., II, [redacted].
Prokuski, Leon M., [redacted].
Pucheu, William C., [redacted].
Purkey, Ronald L., [redacted].
Pursley, Lewis F., [redacted].
Quein, Dennis, [redacted].
Rastl, John M., [redacted].
Ratcliffe, Arthur W., III, [redacted].
Reagan, Robert V., Jr., [redacted].
Recher, Donald J., [redacted].
Reedy, Paul D., [redacted].
Reeves, John D., [redacted].
Reid, Jay, [redacted].
Reiss, John H., [redacted].
Reistetter, Kalman E., Jr., [redacted].
Rendleman, Robert T., [redacted].
Renouard, Kenneth S., [redacted].
Restel, Theodore C., [redacted].
Rhoades, Robert J., [redacted].
Rhodes, Patrick J., [redacted].
Richard, Maurice J., [redacted].
Richards, George K., [redacted].
Richards, James M., III, [redacted].
Riffel, Robert J., [redacted].
Risser, Donald E., [redacted].
Risser, Oakly L., [redacted].
Robbins, Ronald J., [redacted].
Roberts, Gary S., [redacted].
Roberts, Leonard L., [redacted].
Robertson, Larry E., [redacted].
Robinson, Charles G., [redacted].
Robison, Douglas B., [redacted].
Roeber, David G., [redacted].
Roehrkasse, Richard L., [redacted].
Roetker, Larry J., [redacted].
Rogers, Christian F., [redacted].
Rogers, Darryl W., [redacted].
Ronn, David L., [redacted].
Ronsick, Eugene J., [redacted].
Roper, James E., [redacted].
Roper, John R., [redacted].
Rosburg, Kenneth P., [redacted].
Ross, Ronald R., [redacted].
Roth, Thomas R., [redacted].
Roth, Timothy A., [redacted].
Roush, David M., [redacted].
Royce, William F., III, [redacted].
Rude, Joel O., [redacted].
Rule, James H., [redacted].
Rummell, Charles W., [redacted].
Russell, Anthony E., [redacted].
Rutschon, Michael J., [redacted].
Ryan, Michael F., [redacted].
Ryan, Robert M., [redacted].
Rydjord, Michael D., [redacted].
Safley, Jon G., [redacted].
Salisbury, Richard J., [redacted].
Samples, Thomas A., [redacted].
Sampson, James A., [redacted].
Sams, Danny L., [redacted].
Samsil, Dorris M., Jr., [redacted].
Sandefur, Jeffrey C., [redacted].
Sanders, Gary M., [redacted].
Sanders, Ronald L., [redacted].
Sanford, Guy J., [redacted].
Sasine, Kenneth P., [redacted].
Sassaman, William W., Jr., [redacted].
Scharfenberger, Raymond J., [redacted].
Scheid, Roger A., [redacted].
Scherm, Thomas A., [redacted].
Schifferns, James J., [redacted].
Schilke, David D., [redacted].
Schlosser, John A., [redacted].
Schmieder, William O., [redacted].
Schneider, Donald C., Jr., [redacted].
Schneider, Francis T., [redacted].
Schoch, Michael P., [redacted].
Schramm, Stephen G., [redacted].
Schramm, Ted S., [redacted].
Schriever, John G., [redacted].
Schwab, Joseph P., [redacted].
Scott, David M., [redacted].
Scott, Dennis M., [redacted].
Scott, Michael L., [redacted].
Screws, Donald R., [redacted].
Seale, John R., [redacted].
Segal, James F., Jr., [redacted].
Seibert, Richard A., [redacted].
Seibold, Robert E., [redacted].
Semingson, Richard M., [redacted].
Setterholm, Jeffrey M., [redacted].
Sewell, George R., [redacted].
Shade, Ohmer D., Jr., [redacted].
Shafer, Timothy E., [redacted].
Shahbaz, Clifford J., [redacted].
Sherman, John S., [redacted].
Sherrill, Lawrence A., [redacted].
Shoop, Rodney M., [redacted].
Short, Jewel J., [redacted].
Shuffer, David K., [redacted].
Shumway, Philip R., [redacted].
Siepmann, Randy C., [redacted].
Silverman, Martin L., [redacted].
Simmons, Vincent O., [redacted].
Simonds, Robert C., Jr., [redacted].
Sims, Terry L., [redacted].
Siracuse, George J., [redacted].
Skakal, Carl D., Jr., [redacted].
Skoog, Richard L., [redacted].
Slaughter, David F., [redacted].
Sliwa, Brian A., [redacted].
Small, John T., Jr., [redacted].
Small, Phillip W., [redacted].
Smallwood, John J., [redacted].
Smith, Andrew P., Jr., [redacted].
Smith, Barun H., Jr., [redacted].
Smith, Coy M., [redacted].
Smith, George B., [redacted].
Smith, Philip T., [redacted].
Smith, Robert J., Jr., [redacted].
Snook, Terry D., [redacted].
Soberg, Robert J., [redacted].

Soliah, Wayne E., [redacted].
Solomon, James A., [redacted].
Solomon, John W., [redacted].
Somers, Daniel J., [redacted].
Speelman, Thomas K., Jr., [redacted].
Sperry, Paul D., [redacted].
Spiers, Allen N., [redacted].
Stallings, Donald H., [redacted].
Stark, Arthur E., [redacted].
Stassen, Thomas C., [redacted].
Stauffer, Christian W., [redacted].
Staustin, Robert D., [redacted].
Steck, Phillip G., [redacted].
Steere, Martin G., [redacted].
Stewart, Gary L., [redacted].
Stewart, Richard L., [redacted].
Stiles, John L., [redacted].
Stober, Jeffrey L., [redacted].
Stock, George F., Jr., [redacted].
Stockslager, Peter J., [redacted].
Stoeber, Keith A., [redacted].
Stokes, George T., [redacted].
Stone, Bobby M., [redacted].
Stone, Russell J., [redacted].
Stone, William A., [redacted].
Stovall, John E., [redacted].
Stremmel, Kenneth G., [redacted].
Strickland, Thomas E., [redacted].
Strickland, William E. [redacted].
Stubblefield, James R., [redacted].
Stusnick, Robert S., [redacted].
Subers, Gary R., [redacted].
Sullivan, Daniel J., [redacted].
Sullivan, Peter K., [redacted].
Sutherland, Bruce R., [redacted].
Sutton, Gregory W., [redacted].
Sutton, Hugh V., [redacted].
Swanda, Ronald L., [redacted].
Swartz, Richard L., Jr., [redacted].
Swedelius, Glenn L., [redacted].
Sweeney, Michael L., [redacted].
Swegle, Steven D., [redacted].
Swens, Stanley D., [redacted].
Swindle, John E., [redacted].
Switalski, Robert C., Jr., [redacted].
Szabo, James, [redacted].
Szafranski, Richard, [redacted].
Taft, Jerome B., II, [redacted].
Talley, David N., III, [redacted].
Tarleton, Charles E., [redacted].
Tarlton, Grover C., Jr., [redacted].
Teal, Thomas F., [redacted].
Teel, Douglas W., [redacted].
Teel, Edward M., Jr., [redacted].
Terrill, Donald R., [redacted].
Tetreault, Frank H., Jr., [redacted].
Thatcher, John R., [redacted].
Thomas, Merle S., [redacted].
Thomas, William J., [redacted].
Thompson, Edward C., IV, [redacted].
Thompson, James G., [redacted].
Thomson, David V., [redacted].
Thomson, George R., Jr., [redacted].
Thordsen, John E., [redacted].
Thorius, Jerry J., [redacted].
Tibbetts, Jeffrey L., [redacted].
Tighe, Thomas J., [redacted].
Timomirov, Dimitry L., [redacted].
Timko, Barry R., [redacted].
Todd, Ronald E., [redacted].
Tompkins, John E., III, [redacted].
Townsend, James K., [redacted].
Toy, Bruce G., [redacted].
Trapp, Lansford E., Jr., [redacted].
Traugott, John A., [redacted].
Tremaine, Joel L., [redacted].
Triggs, James C., [redacted].
Truesdell, William M., [redacted].
Turner, Marc C., [redacted].
Tyler, Mark V., III, [redacted].
Tymczyszyn, John S., [redacted].
Unger, Robert F., [redacted].
Uramkin, Michael D., [redacted].
Utley, James F., [redacted].
Utsunomiya, Thomas M., [redacted].
Valfre, Adulph A., Jr., [redacted].
Vasilchin, Douglas M., [redacted].
Veith, Jon D., [redacted].
Vessey, Charles L., [redacted].
Via, Samuel D., [redacted].
Vinson, Thomas W., [redacted].
Vogt, John W., Jr., [redacted].
Volt, Samuel A., III, [redacted].
Vosmeier, Michael G., [redacted].
Wade, Richard B., [redacted].
Waggener, Conrad D., [redacted].
Walker, Herman, [redacted].
Wall, David E., [redacted].
Wallace, Donald E., Jr., [redacted].
Waller, John M., [redacted].
Walsh, John R., [redacted].
Walsh, Thomas E., Jr., [redacted].
Walters, George J., Jr., [redacted].
Walton, Joel D., [redacted].
Ward, George E., Jr., [redacted].
Wardlow, David E., [redacted].
Wareing, John L., [redacted].
Warner, Mark M., [redacted].
Watt, James B., [redacted].
Watts, George B., [redacted].
Wear, William C., III, [redacted].
Weaver, Warren I., [redacted].
Webb, Charles T., [redacted].
Webb, Earl A., Jr., [redacted].
Weigel, Nicholas C., [redacted].
Weight, Ronald L., [redacted].
Weir, Robert D., [redacted].
Weis, Robert M., [redacted].
Welch, Douglas J., [redacted].
Welch, Larry M., [redacted].
Weld, William H., [redacted].
Welken, Lloyd C., [redacted].
Wellner, Eric F., Jr., [redacted].
Welsh, Michael P., [redacted].
West, Charles E., [redacted].
Westerfield, Roy W., [redacted].
Wethe, Wallace K., [redacted].
Wetherbee, Jerry L., [redacted].
Wetters, Ronald C., [redacted].
Wherley, David F., Jr., [redacted].
White, Charles G., Jr., [redacted].
White, Philip A., [redacted].
White, Raymond D., [redacted].
White, Sammy C., [redacted].
Whitehouse, Floyd G., III, [redacted].
Whitney, Donald G., [redacted].
Whitt, Kenneth A., [redacted].
Whittaker, Carleton H., Jr., [redacted].
Whittier, Elmer S., Jr., [redacted].
Widmayer, William M., Jr., [redacted].
Wiesner, Edward J., Jr., [redacted].
Wight, Robert M., [redacted].
Wilkins, Henry T., Jr., [redacted].
Wilkinson, Lawrence A., [redacted].
Wilkinson, William W., II, [redacted].
Williams, Lynn T., Jr., [redacted].
Williams, Terrence D., [redacted].
Willis, John W., II, [redacted].
Willoughby, Jerry D., [redacted].
Wilson, Daniel E., [redacted].
Wilson, Edward M., [redacted].
Wilson, Robert S., [redacted].
Wilson, Shelby A., II, [redacted].
Wilson, Truman E., [redacted].
Wilson, William R., [redacted].
Winn, Robert C., [redacted].
Wise, Kenneth L., Jr., [redacted].
Wiseman, Randall H., [redacted].
Withers, David B., [redacted].
Wojdyla, Henry E., Jr., [redacted].
Wolf, William A., [redacted].
Wood, Gary H., [redacted].
Woods, Mickey E., [redacted].
Woods, Robert R., [redacted].
Worden, Leslie C., [redacted].
Wren, James E., [redacted].
Wuerdeman, William M., [redacted].
Yantiss, William E., [redacted].
Yates, William D., [redacted].
Yates, William E., [redacted].
Yoak, David S., [redacted].
Young, Richard A., [redacted].
Youngblood, Herman W., [redacted].
Yuknavich, Anthony R., [redacted].
Zachary, Keeton D., [redacted].
Zapald, Peter P., Jr., [redacted].
Zeitler, James A., [redacted].
Zindell, Raymond C., Jr., [redacted].

IN THE ARMY

The following-named persons for appointment in the Regular Army of the United States, by transfer in the grade specified, under the provisions of title 10, United States Code, sections 3283 through 3294:

To be captain

Kinane, Thomas J., [redacted].
Placente, David A., [redacted].
Salander, James M., [redacted].

To be first lieutenant

Harburchak, David R., [redacted].
Hurt, Duane F., [redacted].
Kiesling, Victor J., Jr., [redacted].
Larson, Steven A., [redacted].
McPhail, John F., III, [redacted].
Mendoza, Edward M., [redacted].
Mortimer, Evan E., [redacted].
Oetgen, William J., [redacted].
Ortiz, Nieves Julio E., [redacted].
Phillips, George L., [redacted].
Rathofer, Steven A., [redacted].
Rawlings, James S., [redacted].
Schweitzer, George W., [redacted].
Seyfer, Alan E., [redacted].
Slay, Robert D., Jr., [redacted].
Spitz, Terry L., [redacted].
Stewart, Charles E., [redacted].
Sutton, Ernest L., [redacted].
Tenholder, Michael E., [redacted].
Washburn, Michael, [redacted].
Youngblood, Lloyd A., [redacted].

The following-named persons for appointment in the Regular Army of the United States, in the grades specified, under the provisions of title 10, United States Code, sections 3283 through 3294 and 3311:

To be captain

Hajduk, Carl J., [redacted].
Hake, Terry H., [redacted].
Hunter, Ronald D., [redacted].
Kokos, Ross D., [redacted].
Little, John A., [redacted].
Massieu, Raymond W., [redacted].
Meyer, Robert A., [redacted].
Needham, Todd L., [redacted].
Payne, Thomas F., [redacted].
Sexton, Michael P., [redacted].
Tressler, Lloyd E., [redacted].
Warnock, Glenda, [redacted].
Ziegler, Paul L., [redacted].

To be first lieutenant

Biggerstaff, Edward D., III, [redacted].
Brennan, Richard S., III, [redacted].
Codd, Joseph D., [redacted].
Dye, Robert J., [redacted].
Fenwick, Douglas L., [redacted].
Hanley, Joseph B., Jr., [redacted].
Hardy, Leslie B., Jr., [redacted].
Helmcamp, Dewey E., III, [redacted].
Hill, Anis D., [redacted].
Horbaly, Jan, [redacted].
Johnson, David S., [redacted].
Jones, Frederick R., III, [redacted].
Kerr, Kay K., [redacted].
Lanam, John P., [redacted].
Long, James L., III, [redacted].
Meconi, Rocco F., Jr., [redacted].
McGinnis, Della K., [redacted].
Meyer, Carl F., Jr., [redacted].
Monti, Darlene A., [redacted].
Peterson, Charlene D., [redacted].
Peyton, Theora L., [redacted].
Truex, Patricia R., [redacted].
Vire, Donald E., [redacted].
Whalen, Patricia K., [redacted].
Wiegand, Joyce, [redacted].
Woolsey, Gerald D., [redacted].
Woolsey, Mary M., [redacted].
Young, Carey B., [redacted].
Zima, Diane F., [redacted].

To be second lieutenant

Otero, Albert A., [redacted].

The following-named distinguished military students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under provisions of title

10, United States Code, sections 2106, 2183, 3284, 3286, 3287, 3288, and 3290:

Ball, Robert M., [redacted].
Hull, Larry H., [redacted].
Jones, Herschel L., [redacted].
Kaniecki, Charles J., [redacted].
Ramirez, Arthur L., [redacted].

The following-named scholarship students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2107, 3283, 3284, 3286, 3287, 3288, and 3290:

Allen, Richard L., [redacted].
Amadeo, Dana S., [redacted].
Bay, Thomas A., [redacted].
Edwards, Robert B., Jr., [redacted].
McNab, James F., Jr., [redacted].
Montgomery, Patrick R., [redacted].
Powell, John B., [redacted].
Rethman, Michael P., [redacted].
Schlomer, Donald A., [redacted].

The following-named cadet, graduating class 1973, U.S. Military Academy, for appointment in the Regular Army of the United States, in the grade of second lieutenant, under provisions of title 10, United States Code, sections 541, 3284 through 4353:

Hagopian, Joachim, [redacted].

IN THE MARINE CORPS

The following-named (Navy enlisted scientific education program) for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Burney, Carl L., Jr.
Doyle, James V.
Fox, Martin.
Haskins, Dennis E.
Lane, Richard K.
Moses, Mark S.
Newmyer, John D.
Weigle, Walter W.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 5, 1973:

DISTRICT OF COLUMBIA REDEVELOPMENT LAND AGENCY

Pursuant to the provisions of section 4(a) of Public Law 592, 79th Congress, approved August 2, 1946, as amended, the following named person for reappointment as a member of the District of Columbia Redevelopment Land Agency:

Alfred P. Love, for a term of 5 years, effective on and after March 4, 1973.

(The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

EXTENSIONS OF REMARKS

MOTOR VEHICLE FUEL ECONOMY ACT

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. ASHLEY. Mr. Speaker, today I am introducing legislation designed to alleviate the growing energy crisis by requiring the manufacture of more efficient motor vehicles. The bill directs the Secretary of Transportation to establish fuel economy standards to achieve a 10-percent increase in fuel economy of the aggregate of all 1976 model motor vehicles, 20 percent in 1978 models, and 30 percent in 1980 models.

A serious shortage of refined petroleum products is developing in this country. One need only talk to the parents of children whose schools were closed down last winter for a lack of fuel oil or to employees of factories that could not be heated to their normal temperatures to understand the problem. Or one could talk to people who could not travel freely this summer because of the scattered shortage of gasoline or to one of the more than 1,500 independent gas dealers who are now looking for new jobs because the shortages forced them out of business.

The problem will not go away; in fact, it will intensify in the years to come. The failure of the Federal Government to provide leadership to encourage alternative sources of energy—combined with the long leadtimes involved in developing new energy sources—means that it is beyond our power at this point to substantially alter the energy picture for the remainder of the decade.

Since the U.S. output of oil and natural gas has levelled off in recent years, while consumer demand has continued to soar, this will mean greater reliance on oil imports; by 1980, we could reach as much as 50 percent dependency on foreign oil alone, with most of the increase coming from the Middle East. While the imports will help meet our short-term needs, the foreign policy and economic implications of overdependence on imported oil are very disturbing and a long-range solution which decreases dependence on oil imports is needed.

Central to our demand for oil is the automobile. It accounts for approximately 40 percent of the oil consumed in this country and it is well documented that the overall efficiency of the automobile as a user of energy is very low; estimates range between 10 and 15 percent. Moreover, the efficiency of automobiles has been steadily declining. Between 1960 and 1968, before air pollution standards came into being, the efficiency of operation dropped 3 percent. In a study completed in November 1972, the Environmental Protection Agency concluded that the average fuel economy loss due to emission control for all controlled vehicles—1968 to 1973—is 7.7 percent. To provide an appropriate perspective, one must relate that data to other fuel economy penalties being experienced in today's cars. EPA laboratory tests, for example, show a 9 percent loss for operating air conditioning in a full-sized car and this penalty can go as high as 20 percent for continuous use on a hot day in urban traffic. The fuel economy penalty associated with the use of automatic transmissions is 5 to 6 percent.

The EPA study revealed that the fuel economy loss associated with emission controls is significantly less than that many vehicle operators claim they are experiencing. One major reason for this is that much of the decreased fuel economy observed is in fact attributable to the phenomenon of nameplate weight growth. When a nameplate—Chevrolet Impala, for example—is first introduced, it identifies a vehicle weighing a certain amount. Over the years, however, vehicles with the same nameplates have typically become heavier, a trend often unnoticed by the driver. These weight gains play a major role in decreased fuel economy, because weight is the single most important vehicle design parameter affecting fuel: A 5,000-pound vehicle demonstrates 50 percent lower fuel economy than a 2,500-pound vehicle.

Selecting fuel economy as the parameter rather than weight or horsepower will give the manufacturers more flexibility to introduce new technology to meet the required 30-percent increase in fuel economy by 1980. Thus, the auto manufacturers would be free to simply reduce vehicle weight or they could work to develop and perfect new technology. For example, the stratified charge engine presently exhibits 12 percent better fuel economy than the average 1973 vehicle of the same weight and the diesel engine achieves almost 75 percent better gas mileage over the average 1973 vehicle of the same weight equipped with a conventional engine and has already met the emission levels required by the 1975 EPA standards.

The bill would also allow a brief exemption—not to exceed 3 years—from the standards for new technology which the Secretary of Transportation certifies may reasonably be expected to achieve significant improvements in fuel economy. The time permitted would be long enough to allow a full examination of the potentialities of new technology without being so long as to have a major adverse effect on the consumption of gasoline. Thus, the legislation would give auto manufacturers ample time and opportunity to develop the best possible technology from every standpoint and so avoid repetition of a partial solution such as the catalytic converter, which will help automobiles meet the air pollution standards but which are the most uneconomical solution possible in terms of the loss of fuel economy and cost to the consumer.

Finally, the bill would require manufacturers to provide fuel economy information in all advertisements. This would be an effective consumer education measure and would also stimulate the manufacturers to increase fuel economy beyond the required standards.

While it is not possible to precisely predict the effect of this legislation, it is worth noting that a recent Department of Transportation study determined that a 30-percent reduction in fuel consumption in 50-percent of highway vehicles would result in a 12-percent savings in transportation energy needs.

Another way of assessing the possible effects of this bill is that if the average weight of automobiles in this country were reduced to 2,500 pounds, 17 billion gallons of gasoline would have been saved in 1972. This compares to a projected 92 billion gallons of crude oil to be imported from the Middle East in 1980. Since about 50 percent of crude oil is converted to gasoline, this single conservation measure would allow for a 37-percent reduction in dependence on Middle East oil.

Mr. Speaker, our Nation's lack of energy planning has resulted in many inefficient uses of energy, the foremost example of which is the automobile. If we are to protect our freedom to travel and limit our dependency on foreign nations for oil, we will have to demand greater efficiency from our cars. The Motor Vehicle Fuel Economy Act would do that and so I urge the House Commerce Committee to take swift action to help avert a catastrophic energy crisis.

CLIFF BLUE'S EDITORIAL

HON. JESSE A. HELMS

OF NORTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, September 5, 1973

Mr. HELMS. Mr. President, I commend to the attention of my colleagues an editorial by Clifton Blue, editor and publisher of The Sandhill Citizen in Aberdeen, N.C. It is headed, "Other Issues Beside Watergate."

Cliff Blue is one of North Carolina's most remarkable citizens. He is widely respected by citizens of all political persuasions. He is a successful newspaperman because he can be trusted always to report things as he sees them, without fear or favor.

Mr. President, Cliff Blue's contributions to his and my State, and our Nation, are countless. He has served many years as a member of North Carolina's General Assembly. He has served as Speaker of the North Carolina House of Representatives. And when it comes to lending a dedicated hand to worthwhile causes of every description, Cliff Blue has no equal.

The editorial by Mr. Blue which I have just mentioned was published in the August 9 issue of The Sandhill Citizen. It contains some very wise counsel, and I ask unanimous consent that it be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the Extensions of Remarks, as follows:

OTHER ISSUES BESIDE WATERGATE

For months Watergate has been the big issue in Congress.

The sordid activities in the executive branch of the federal government being aired in the Senate Committee hearings certainly attest to the value of these hearings.

However, there are other vital issues which the congressmen and the Senators not serving on the Ervin Committee need to give their best thinking to.

1. We have shortages which have come on us almost like thieves in the night. Fuel shortages, meat shortages, paper shortages, to mention but a few.

2. A continuation of the spiraling inflation about which nobody seems to be doing anything except talk.

3. Deficit spending by the Federal government.

We may not have the solutions, but we have some suggestions:

1. A thorough and speedy investigation needs to be conducted into the shortages. Instead of paying farmers not to grow certain crops, if necessary the government might add a subsidy to crops where there is a shortage, and to meat. Prices then might get back in line.

2. From the best information we have been able to ferret out, a reduction in government spending would probably do more to curtail inflation than anything else.

3. If the congressional and executive personnel salaries were reduced each fiscal year, percentagewise, by the percentage that spending exceeded the income, we believe that a balanced budget would take shape about as fast as the shortages have crept upon us.

CLEAN ELECTIONS ACT OF 1973

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. DELLENBACK. Mr. Speaker, today I cosponsored the Clean Elections Act of 1973, originally introduced by my colleagues, Mr. JOHN ANDERSON, of Illinois, and Mr. MORRIS UDALL, of Arizona. Though I do not believe this legislation to be perfect, it does contain many provisions which recommend it. More importantly, I believe, the Clean Elections Act of 1973 provides our best chance of getting meaningful reform of many of the antiquated and inadequate laws governing our electoral processes. I hope that by the very substantial support for this measure, with over 100 cosponsors, we will be able to move ahead quickly with committee action and eventually look toward floor action before the country faces another national election.

The most despicable and regrettable features of the Watergate affair bring home the point more strongly than ever before that we need to have drastic changes in our present laws. We cannot continue to permit money and what money can buy to come even close to dominating any portion of our electoral process.

There can be little question that the rapidly mounting costs of political campaigns threaten to do great injury to the integrity of the electoral process and to narrow the pursuit of public office principally to those who either possess independent means or have supporters willing to contribute substantial sums of money to cover campaign expenses. It is in this context that the medium of television has taken on an importance far beyond the imagination of anyone just 20 short years ago. Television has become in many ways a monster—a monster we must tame before it completely dominates our election process by its use in political campaigns. The costs of campaigning in general and television campaigning in particular pose a real threat to the integrity of a good many office holders and those who seek official positions via election.

When we do impose limits on campaign spending, however, we must recognize that such limits will inevitably favor incumbents. Certainly there will always be imbalances of one sort or another between candidates, but we should give careful consideration to doing what we can to make sure that all candidates have an opportunity to wage a competitive campaign. I have become convinced that the only way we can reach this goal is to provide at least some minimum direct subsidies to candidates in their use of the various forms of media available to reach potential and actual voters.

May I repeat at this time what I have stated on a number of occasions before committees and on the floor of the House. I own a minority stock interest in a corporation which is engaged in broadcasting, being the licensee of a television station and three radio stations. I hope that what I say on this point is not distorted by this fact, and in truth I do not believe it is. But as a believer in and advocate of full disclosure, in fairness I disclose once again the fact of this ownership.

The Clean Elections Act of 1973 provides for the establishment of a Federal Elections Commission. The Commission's responsibility will be to enforce the provisions of this act and all other laws regulating the electoral process. At present, the enforcement of these laws is left with the Clerk of the House, the Secretary of the Senate and the Comptroller General of the General Accounting Office. Such enforcement should, in my opinion, be completely separate and apart from the Congress or its branches like the GAO.

Without question, the enforcement of election laws cannot and should not be left up to people who are controlled by the people they are to monitor. We need to have the objectivity and the ensured action that only can be had with an independent body such as a Federal Elections Committee. Objectivity of the committee can be insured with its composition of six members to be chosen, two by the Speaker of the House, two by the President pro tempore of the Senate, and two by the President of the United States. Members' term would be for 6 years and not more than three of the members could be of one political party. Also, I strongly believe that the Commission, to be truly effective, needs the powers to subpoena witnesses and compel evidence and to initiate court actions against violators as provided for in the act.

The Clean Elections Act of 1973 also provides meaningful campaign contribution limitations. The legislation would limit contributions by any person or political committee during any calendar year to $1,000 in the case of candidates for the House or Senate and $2,500 in the case of candidates for the Presidency. I feel it particularly meaningful to regulate, as this legislation would do, contributions to any candidate and all of his authorized campaign committees and provide that no committee could receive contributions in behalf of a candidate without the candidate's prior authorization. Though such a provision will be considered by some as placing an undue burden on the candidate, especially in Presidential elections, I believe that only through holding the candidate directly liable are we going to have real accountability.

The legislation also provides, and rightly so I believe, that contributions to any political action committee such as BI-PAC or COPE would be limited to

$2,500 per year from any single source. This limitation would also apply to contributions given to national party committees.

Disbursements by national committees or congressional and Senate campaign committees of each party would be exempted in this legislation from the limitation on contributions to candidates. And while I support this exemption, I believe provisions should be added to the legislation to insure that this exemption does not encourage the so-called washing of contributions. By this I mean that we need to prohibit campaign contributions to be earmarked through national, congressional, senatorial, or party committees as a way to avoid identifying all campaign contributions to a particular candidate.

The Clean Elections Act of 1973 establishes provisions to provide for partial financing of a candidate's campaign expenses and at the same time encourage small contributions. I am strongly supportive of efforts to encourage more small contributors for I believe this is the best way to insure that campaigns are not controlled by a few large contributors and, even more importantly, it brings more people actively into the political process.

The provisions of the legislation provide that the current tax credit for political contributions would be increased from $12.50 to $50 per taxpayer—$100 in the case of a joint return—and that each Federal candidate in both primary and general elections would be eligible for payments on his or her behalf from the "Federal Matching Payment Entitlement Fund." The congressional and senatorial campaign committees and national committees of each party would also be able to receive funds. To not overly burden the American taxpayer with expenses for campaigns, an upper limit has been placed on such payments and minor or frivolous candidates could not benefit from such payments unless they showed a minimum campaign contribution eligible for such matching Federal funds.

I certainly agree with the concept that we should move toward providing more Federal assistance to candidates to ensure that, even after we have effective spending limits, running for public office is not confined to people of wealth or those who have access to it. I do, however, have a deep concern that giving out Federal dollars by itself certainly does not solve the problems involved with our electoral process. Rather, to attempt to create a panacea by simply moving to eliminate or reduce the influence of campaign contributions ignores the equally important issue of how candidates spend their campaign funds once they are raised. As I indicated in my opening comments, I favor limited subsidies, not of a cash nature as here suggested, but in the form of underwriting certain costs for all candidates. This, I believe, is a more effective way to equalize candidates' opportunities which at the same time provides some incentive for the candidate to engage in those activities which are less slick advertising and more informational. Also, such an approach tends to provide the challenger in an election a chance to utilize certain campaign tools which are too often available only to the incumbent.

The Clean Elections Act of 1973 does provide for the public subsidy of a certain amount of TV time. I would hope that this same subsidization could apply to radio, newspaper, mailings and the like. I would also hope that this increased subsidization could take the place of the matching fund payment provided for in this legislation.

It is the purpose of this legislation to insure that, where the Federal Government is involved in financing political candidates' media time, the public be given the best opportunity to study the candidate in depth. I am sure we can all agree that the so-called spot commercial may easily produce name identification, but does not offer much opportunity for the viewing public to study the candidates' character, political philosophy, or much of anything substantive on which to base a decision on how to vote. To require that the federally subsidized television time be in blocks is one of the ways we can better insure that the voting public has a view of the candidate himself rather than a manufactured image of a seeker after political office.

The bill also provides for minimum time periods during which no more than one of these blocks of air time may appear. We are all aware of the evils of the so-called blitz just before election days. The practice of completely saturating the viewing public with a barrage of political advertisements must be repugnant to all of us who hold dear the goal of electoral democracy. The requirement to space these blocks of air time also provides a means of giving a longer period for the prospective voter to learn about and evaluate the candidates and thereby be enabled to cast his vote on a more solid base of knowledge.

I would also like to make special note of two provisions of this proposed legislation which I believe deserve mention because they close two large loopholes in our present law: First, direct mail is added to the items—radio and TV, newspapers and magazines, billboards, and telephone banks—covered by the 10 cents per eligible voter expenditure limitation in current law; and, second, it is proposed that each candidate establish a central campaign committee which would collect reports of all other campaign committees of the candidate and file them with the Federal Elections Commission to eliminate the confusion caused by each campaign committee reporting separately.

I commend my colleagues Messrs. ANDERSON and UDALL for the introduction of this important legislation. I am pleased to be a cosponsor of this bill. I believe its thrust is in a direction in which the Congress has in the past been much too reluctant to move. I trust that too great deliberation will not kill this piece of legislation.

RESPONSIBILITY AND "LEAKS"

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. ARENDS. Mr. Speaker, the name of David S. Broder is well known and respected in journalism today. I first met Mr. Broder a number of years ago when he was on the staff of the Bloomington, Ill., Pantagraph, a newspaper in my former 17th District in Illinois. I have followed his writing with special interest since and have generally admired his keen insight and sense of balance in news reporting and analysis.

Under leave to extend my remarks in the RECORD, I wish to include Mr. Broder's excellent column which appeared in the Washington Post on Sunday, August 26, 1973, entitled "Responsibility and Leaks." I hope all of my colleagues will take the time to read it.

Mr. Broder reminds us of something many are in danger of forgetting; namely, that when accused, a citizen—any citizen—is innocent unless proven guilty. Such an individual, as Mr. Broder points out, "shares with you and me the blessing of citizenship in a country which, thank God, decided 200 years ago that the burden of proving any one of us guilty falls entirely on the state, through a deliberately laborious process of indictment, prosecution and conviction at public trial in a court of law." To interfere with this process, or pass judgment in any other way, imperils the most important fundamental right of everyone.

Mr. Broder's column follows:

[From the Washington Post, Aug. 26, 1973]

RESPONSIBILITY AND LEAKS

(By David S. Broder)

A couple weeks ago, in commenting on the President's last formal speech on Watergate, The Washington Post editorially criticized "the curiously detached status—almost that of bemused spectator—which Mr. Nixon assumed for himself." It was "this studied sense of remoteness," the editorial said, that stripped all conviction from his statements deploring the transgressions committed by those in his employ.

Somehow, that editorial came to mind this week when looking at the way leading newspapers handled Vice President Agnew's complaint that there was an effort "to indict me in the press" through calculated Justice Department leaks of kickback allegations, now being investigated by a Federal prosecutor and grand jury in Baltimore.

Talk about curious detachment and a studied sense of remoteness! My favorite editorialists acted as if they had no kinship to the newspapers where these leaks had appeared.

The Post, which on Aug. 15, reported that "informed sources" said several Maryland contractors had told the prosecutors of personal cash payments to Agnew, editorialized rather grandly that ". . . the Vice President is well within his rights to be powerfully annoyed . . ."

The Washington Star-News, which on Aug. 13 cited "reliable sources" as the basis for a similar story, now said editorially: "The Vice President is entirely correct in insisting that the Justice Department . . . find and stop the many sources of leaked information . . ."

And the New York Times, which on Aug. 16 named "sources close to the investigation" as buttressing its version of the payoff allegations, editorialized: "Vice President Agnew has every right to complain that his constitutional rights are being violated by leaks attributed to 'Justice Department sources' . . ."

There hasn't been such a suspiciously conspicuous display of civic virtue since a San Francisco madam led her string of girls to the Red Cross blood bank during World War II.

All three papers washed their hands of responsibility for publishing the "leaks" by quoting Mr. Agnew's own statement that "the blame must rest with those who give this information to the press."

But that rationalization works only if those of us in journalism are going to set ourselves a low standard of conduct.

There are many reasons why the press ought to be wary of information leaked from criminal investigations. For one thing, the great lesson we supposedly learned from the McCarthy era was that responsible journalism requires that accusations against individuals not be delivered naked to the reader but be presented with due regard to the motives and credibility of the accuser.

The "sources close to the investigation" evasion makes this impossible. If the sources are, as Agnew suspects, on the government side, one has to wonder why a prosecutor with a genuinely strong case would risk it by premature publicity that could easily get him thrown out of court.

If, on the other hand, as the No. 2 man in the Justice Department says, the sources are "close to the investigation," because they are the very contractors who are under investigation, or their lawyers, then the reader should be told the mudballs hitting Agnew are coming from that direction.

Those who relay leaked information forget that we as journalists have just as much stake in the probity of the criminal justice system as any other citizen. A while back, several hundred American newspapers published Jack Anderson's columns containing verbatim excerpts of Watergate grand jury testimony. The rationalization one heard from editors was that "somebody's going to publish it, whether I do or not."

Not a single editor I know argued that the grand jury system could survive repeated disclosure of confidential testimony. Not a single editor contended that the rights of accused persons can be protected if accusations made in that non-adversary forum are publicized. Nonetheless, the leaked testimony was published—and to hell with the consequences.

Now Time magazine, with its vast circulation, has told its readers that unnamed "Justice Department officials" believe Agnew's indictment is "inevitable," despite the fact that the prosecutor says not one scintilla of evidence has yet been given to the grand jury which alone can determine that question. What does that imply about our system of justice? It implies that some journals, at least, think it is a farce and a fraud.

In this climate, when part of the press behaves as if any prominent politician accused of wrongdoing must be presumed guilty, what we need from our leading newspapers is not an attitude of lofty detachment, but the reassertion of some fundamental truths.

One truth is that Spiro Agnew is innocent. He is innocent (and not just presumed innocent) because he shares with you and me the blessing of citizenship in a country which, thank God, decided 200 years ago that the burden of proving any one of us guilty falls entirely on the state, through a deliberately laborious process of indictment, prosecution and conviction at public trial in a court of law.

And that is a process in which the press interferes, not only at its own peril, but at hazard to the most important of everyone's fundamental rights.

CONGRESSMAN MIZELL REPORTS TO HIS CONSTITUENTS

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. MIZELL. Mr. Speaker, I am now in the process of sending to every home in North Carolina's Fifth Congressional District a copy of my latest Report from Congress.

This report discusses many of the major achievements of the Congress thus far in this session, and the role which I have played in some of these efforts. The report also deals with some of the serious problems facing the Nation today.

It is my hope that my colleagues will find this report interesting, and for their information and consideration I am inserting it in the RECORD at this time.

WILMER D. MIZELL REPORTS TO THE FIFTH DISTRICT, NORTH CAROLINA FROM CONGRESS

WATERGATE

As I have said on several occasions in the past, I deplore the illegal and unethical actions that have come to be identified by the term "Watergate." There is no legitimate place in politics or government for those kinds of actions, and I have stated repeatedly my belief that the people guilty of criminal activity should be brought to justice.

While Watergate has troubled the nation, it has also been responsible for some new efforts to improve the electoral process in America. The Senate has already passed a new campaign reform bill, and the House will hold hearings on similar legislation this fall. I hope this legislation will help to encourage honest political activity from the precinct to the national level.

I am anxious, as I know many of you are, for the Watergate case to be finally resolved, so that the nation and its elected representatives can get back to work full-time on the many other matters of importance that face America and the world today.

THE COST OF LIVING

I have received a number of letters from residents of the fifth district expressing their concern about the current cost of living.

For some time, as most of you know, I have been trying to get the federal government to live within its means, so that the American people could better live within theirs.

I am continuing this effort through every avenue available to me, including keeping close watch over the appropriations process and voting for reasonable and effective control guidelines.

Congress must act decisively to halt runaway government spending, or we will continue to face the problem of inflation and the possibility of a tax increase.

BUSING

The spectre of massive—and expensive—court-ordered busing for racial balance still hovers over hundreds of school districts in America, including the Winston-Salem/Forsyth County school system.

I have re-introduced in the 93rd Congress the same Constitutional amendment I authored and introduced in April, 1971, shortly after the U.S. Supreme Court handed down its decision in the Charlotte case approving the use of massive busing as a desegregation tool.

That amendment states that "no public school student shall, on the basis of race, creed or color, be assigned to or required to attend a particular school."

It was this amendment that last year won the endorsement of more than 160 Members of Congress, who share with me the belief that forced busing is a wasteful, unfair and artificial device that takes desperately-needed money from such educational needs as better teachers' salaries, better schools, better educational equipment of all kinds.

I emphasized this point, and the overwhelming opposition to forced busing demonstrated in the Fifth District and across the country, in testimony I presented to the Senate Judiciary earlier this year during that committee's hearings on a number of anti-busing proposals.

In addition, I called together a meeting of several Members of Congress this summer to discuss the busing problem and develop a strategy for passing legislation to prohibit forced busing once and for all. This group of Congressmen, representing both political parties and every region of the country, established a committee to oversee this effort, and I am hopeful that some kind of anti-busing legislation will pass the House this year.

It continues to be my policy that we shouldn't be spending money we don't have, to buy buses we don't need, to send children to schools they shouldn't have to attend.

BLUE RIDGE POWER PROJECT

What began eleven years ago as a generally acceptable plan to increase electric power production has been transformed into a threatening menace that looms over a way of life and a land of beauty in Ashe and Alleghany counties.

The Blue Ridge power project, conceived in the early 1960's as a moderate-sized hydroelectric power facility, has been modified to the point that it would now require the ruination of 40,000 acres of beautiful and fertile land and the disruption of hundreds of lives in the Blue Ridge region—all for the sake of a project that will be reserved for "emergency" situations that may or may not arise between now and 1990.

I have opposed this project ever since coming to Congress in 1969, and I am still opposed to it. In 1971, I was able to get the Environmental Protection Agency to represent itself independently in this case, and EPA subsequently found the same environmental horrors that others had previously foreseen. In 1972, I was the author of a section of the Federal Water Pollution Control Act which prohibited the Federal Power Commission from approving the use of water storage for "pollution-dilution"—a major component of the Blue Ridge project—unless EPA recommended such use. EPA refused to make that recommendation for the Blue Ridge project.

In 1973, the FPC's Blue Ridge application proceeding was reopened, partly in response to my anti-pollution-dilution section and partly in response to a New York court case requiring an independent agency review of the environmental impact of major federal projects.

The FPC staff's draft and final environmental impact statements on Blue Ridge were met with severe criticism from many sources. My own comments on the statements' shortcomings were among the most critical. When the FPC held cross-examination hearings on the final statement, I directed a member of my staff to ask the FPC experts why the project was doubled—in cost and capacity—in the space of three years. The answer, as expected, was not a definitive one. The Environmental Protection Agency failed to participate in these cross-examinations, and I subsequently wrote the agency's administrator requesting the reasons for this failure. I am still awaiting a reply.

Briefs of exception on this cross-examination hearing will be filed in September, after which the Administrative Law Judge who has presided over this proceeding for several years—and twice recommended granting the project license—will make his third recommendation. The full Commission will probably make a determination next spring.

In the meantime, I have introduced legislation to block completely any development whatsoever on the New River from its headwaters to Fries, Va., thus effectively prohibiting construction of the Blue Ridge project. I am presently awaiting the scheduling of hearings on this legislation in the Interstate and Foreign Commerce Committee.

VOLUNTARY PRAYER IN SCHOOLS

The nation recently observed a rather unhappy anniversary—the tenth anniversary of the U.S. Supreme Court's decision banning prayer in public schools. I made a speech in the House of Representatives on the day of that anniversary, calling for action on a Constitutional amendment I have proposed restoring the right of voluntary prayer in schools and other public places.

I also testified recently in hearings on this subject being conducted by the Senate Judiciary Subcommittee on Constitutional Amendments. My testimony centered on the series of court decisions in which state and federal courts have denied or restricted the right of school children to pray on school grounds, even if done before school begins.

I believe these court decisions have seriously undermined the guarantee of the First Amendment to the U.S. Constitution, which provides that no law shall be made prohibiting the free exercise of religion.

To reassert that Constitutional guarantee, I have proposed a Constitutional amendment which states that "nothing contained in this Constitution shall abridge the right of persons lawfully assembled in any public building, which is supported in whole or in part through the expenditure of public funds, to participate in voluntary prayer."

AGRICULTURE BILL PASSES CONGRESS

The House and Senate have both passed, and sent to the White House for President Nixon's signature, a comprehensive new agriculture bill aimed at increasing production of food and fiber and stabilizing prices.

As a member of the House Committee on Agriculture, I took an active part in drafting this legislation and in the floor debate on the bill.

The new agriculture bill is the product of many weeks of intensive investigation and painstaking work within the Agriculture Committee, and there are several provisions of the bill with which I am particularly pleased.

Among the most important of these is the new provision for "target prices." Under the new target price approach, the Congress establishes fair unit prices for producers of the three major commodities—wheat, feed grains and cotton. Such income protection would be available to all farmers who agree to cooperate with the government in supply adjustment programs.

If farmers could not obtain target prices in the open market, such as when there is an oversupply, the Government would pay farmers the difference between what they actually received and the target prices. If farmers receive target prices or higher in the marketplace, the cost to the Government would be virtually nothing.

This is a historic departure from the agricultural philosophies which the Government has followed the last forty years. It brings the farmer much closer to the marketplace, where his opportunities for greater income are much improved, and it effectively removes the federal government from the close control—and the discouragement of production—it has maintained over agriculture for so many years.

A second major provision amends the Consolidated Farm and Rural Development Act to provide grants of up to 50 percent of the total costs to rural volunteer fire departments for fire-fighting equipment and for training firemen in the use of the equipment. These grants would be made available to towns or unincorporated areas with populations of 200 to 2,000 people.

The bill also broadens the scope of assistance available to rural communities for fire protection. By changing the program from "wildfire" protection to general fire protection, more rural communities can qualify for assistance to organize, train and equip local fire-fighting forces.

Third, the legislation terminates the wheat certificate program under which processors are now required to pay 75 cents to the Government for each bushel of wheat processed.

Fourth, the legislation establishes new rural environmental conservation programs, consolidating the best features of the old REAP program (discussed elsewhere in the Newsletter), the water bank program, and the Great Plains conservation program. The new program will embody many of the tested practices that have been found effective in dealing with environmental pollution and wildlife preservation. It also sets a new direction for obtaining a better environment by encouraging long-range direction and planning.

PROTECTION OF FARM WORKERS FROM PESTICIDE EXPOSURE

I sponsored a section of the original agriculture bill drafted in the Committee on Agriculture, transferring from the Department of Labor's Occupational Safety and Health Administration to the Secretary of Agriculture the responsibility for protecting farm workers from hazards associated with exposure to pesticides.

My introduction of this provision came in response to the totally unrealistic and extremely cumbersome regulations established on an "emergency" basis last May by the Occupational Safety and Health Administration. The senior agriculture specialist of the Library of Congress estimated that a $50 million increase in production costs would result if these regulations were enforced—an increase that would soon be reflected in food prices.

The chairman of the panel of experts advising OSHA on pesticides resigned in protest against these regulations, stating that his committee had found no evidence that an emergency existed and that the proposed regulations were, in any event, unworkable, ambiguous, potentially disastrous, and would work unnecessary hardships on employer and employee. These initial regulations were subsequently withdrawn and modified, still without evidence that an emergency existed to justify the establishment of such regulations, and a federal court then ordered that these second regulations not be enforced pending further study.

I believe the safeguarding of farm workers from potential hazards of pesticide exposure is too important a task to be left to an organization so seemingly devoid of expertise and consistency and practicality.

I believe the Secretary of Agriculture is far more capable of establishing intelligent standards that will meet the crucial test of adequate protection and at the same time allow for the continued economical production of food and fiber.

The full Agriculture Committee agreed to my proposal, by a vote of 20–5, but the House of Representatives struck my provision from the bill after a series of votes marked by confusion and discord.

RURAL ENVIRONMENTAL ASSISTANCE PROGRAM

Early in this session of the 93rd Congress, the House of Representatives considered legislation to reinstate the Rural Environmental Assistance Program (REAP) which had been suspended last December by the Department of Agriculture.

I offered a proposal to reinstate the program at a funding level of $140 million, the amount which the Agriculture Department had planned to spend before the suspension order was given.

This motion was not approved, but it won a footnote in history all the same. The vote on my proposal was the first ever to be taken by electronic device in the House of Representatives. This electronic voting device was put into operation this year as part of the legislative reform effort initiated by Congress in 1972.

As for the REAP program itself, its best features have been incorporated in a new environmental protection program established in the 1973 Agricultural and Consumer Protection Act, discussed in greater detail elsewhere in this newsletter.

HIGHWAY BILL INCLUDES CORPORATION FREEWAY PROVISION

Just before going into its August recess, the House approved a comprehensive highway construction and safety bill.

This legislation contains some excellent provisions, including an expansion of the Interstate highway system, and the primary and secondary road system that supports it. This expansion will be particularly helpful to our rural areas in need of better transportation routes.

There is also an excellent and comprehensive highway safety program provided for in this legislation, as well as a provision I sponsored requiring new corridor hearings on the proposed Corporation Freeway in Winston-Salem. This section will insure that the voice of the people is heard and their concerns are fully considered.

One of the provisions of the bill which I did not support was the opening of the Highway Trust Fund to help finance urban mass transit systems. I have said repeatedly that highway funds should be used for highways, and that the way to provide for mass transit systems is to establish a separate fund for those needs.

Despite my opposition to this section, I found the legislation generally sound and effective, and I am confident it will prove beneficial to the fifth district, the state and the nation.

LEGAL SERVICES CORPORATION

The House this year considered legislation to establish a new Legal Services Corporation to replace the legal services program conducted by the Office of Economic Opportunity.

I strongly support the concept of providing adequate legal counsel to people who cannot afford to retain a lawyer for themselves, but I support just as strongly a system of safeguards that will insure that federal funds authorized for this program are not used to promote political or social "causes" not related to the specific defense of a legal service client.

One of those "causes" is forced busing, and I had documented evidence that the OEO legal service program had funded $1.5-million for prosecution of at least eight busing cases, including the Detroit case which calls for the busing of 780,000 children across 52 school district lines.

I sponsored an amendment prohibiting funds from being spent to finance cases involving forced busing, and another prohibiting funds from being used to push racial quota plans in colleges and universities. Other safeguards in the bill included a prohibition against these funds being used in "lobbying" efforts for passage of legislative measures.

1973 QUESTIONNAIRE PRELIMINARY RESULTS

Several weeks ago, I mailed to each home in the fifth district my 1973 legislative questionnaire, seeking your views on many of the most important issues facing the nation today. While all the questionnaires have not yet been tabulated, I have compiled an interim report based on the early responses. I will make a full report on the questionnaire later, but I thought you might be interested in some of the early trends.

1. Do you favor granting amnesty to those who evaded the draft to avoid service in the Vietnam War? Yes: 18%, No: 82%.

2. Do you approve in general of President Nixon's efforts to hold down the level of federal spending? Yes: 77%, No: 23%.

3. Do you favor reinstating the death penalty for certain specified crimes? Yes: 89%, No: 11%.

4. Would you favor making federal Election Day a national holiday? Yes: 63%, No: 37%.

5. Do you favor the legalization of marijuana? Yes: 13%, No: 87%.

6. Are you satisfied with President Nixon's overall performance? Yes: 53%, No: 47%.

7. Do you favor federal registration and licensing of firearms? Yes: 45%, No: 55%.

8. Should Congress give the President the power to raise or lower tariffs as a bargaining tool in trade negotiations with other countries? Yes: 52%, No: 48%.

9. Do you favor allowing abortion on demand through the third month of pregnancy, as provided in the recent Supreme Court decision? Yes: 47%, No: 53%.

10. Should the United States provide economic assistance for the rebuilding of North Vietnam? Yes: 11%, No: 89%.

11. Do you approve of a tax credit for parents whose children attend private or parochial schools? Yes: 36%, No: 64%.

12. What do you consider the most important issues facing the nation today? Inflation and prices, Watergate, crime, drug abuse, environment, busing, energy crisis, welfare reform (in order of frequency).

STILL TO COME IN CONGRESS

This has already proven to be an active and productive session of Congress, with 10 of 13 government appropriations bills already passed and several other major pieces of legislation enacted as well. But there are several important measures still awaiting congressional action.

Among these are bills dealing with trade reform, tax reform and private pension reform; appropriations bills for defense, military construction and foreign operations; a new elementary and secondary education act (hopefully with new anti-busing language); and a proposal reinstating capital punishment.

In addition, hearings are scheduled on campaign reform legislation and proposed Constitutional amendments to reinstate voluntary prayer in public schools and other public places.

SENATOR SCOTT OF VIRGINIA ASSURES PEOPLE OF TAIPEI THEY ARE NOT ALONE IN SEEKING FREEDOM, LIBERTY

HON. JESSE A. HELMS

OF NORTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, September 5, 1973

Mr. HELMS. Mr. President, our distinguished colleague, the junior Senator from Virginia (Mr. SCOTT), delivered a most eloquent address on August 21 before the Asian People's Anti-Communist League Conference assembled at Taipei, Republic of China.

In this fine address, Senator SCOTT shared some obvious and practical truths which deserve to be considered by every Member of this body, indeed every citizen of the United States.

I commend BILL SCOTT's counsel to my colleagues, and ask unanimous consent that the text of his address be printed in the Extensions of Remarks.

There being no objection, the address by Senator SCOTT was ordered to be printed in the Extension of Remarks, as follows:

ADDRESS BY SENATOR WILLIAM L. SCOTT (VIRGINIA) BEFORE THE ASIAN PEOPLE'S ANTI-COMMUNIST LEAGUE CONFERENCE, TAIPEI, REPUBLIC OF CHINA, AUGUST 21, 1973

Mr. Chairman, Prime Minister Chiang, distinguished delegates and guests: Let me first thank Dr. Ku and the Asian People's Anti-Communist League for your kindness in inviting me to participate in your conference. It is a pleasure to visit Taiwan and personally observe its progress. My remarks may concentrate on the Republic of China. Yet, I hope they have application to the various countries represented here, and to the entire free world. Of course, you realize that the thoughts I share with you are those of an individual citizen of the United States and they have not been cleared with our Department of State, or any government official. One of the benefits of a free society is freedom of expression. Perhaps I can speak with greater candor because I am not a diplomat and my views are my own.

Before one can serve in the United States Senate, however, he must first be elected. He must be a practical politician and be familiar with the views of citizens generally. Practical politics teaches you to concentrate on your friends while, at the same time, not antagonizing anyone.

I believe this could well be applicable to international affairs. America and the Republic of China have been friends over the years. The vast majority of the people of America want this friendship to continue. We have much in common with free China. I understand that in Taiwan all religious beliefs are protected and encouraged. In America our Constitution prevents Congress from making any law respecting an establishment of religion or prohibiting the free exercise thereof.

We share the right of free expression and free assembly. The Republic of China also believes in free enterprise as America does. The entire world can compare the flourishing capitalist democracy existing here on Taiwan with the Communist regime on the mainland. The same is true of Communist East Germany and the Capitalist West. Freedom to plan, to work out one's own problems and to achieve, makes life more meaningful. We in America rejoice in your accomplishments, a country of somewhat over 15 million, having more imports and exports than the 750 million people on the mainland under Communist control. We are also grateful for your trade missions and efforts to buy more American products and to improve our trade balance. Our trade center in Taipei next year may also help us maintain more balanced trade and be in our mutual interest.

Let me also compliment free China on your compulsory education system and on the many colleges and universities which thrive in your country. I am aware that many Americans primarily of Chinese extraction return to Taiwan to further their education and to absorb the culture of their forebears. I am also aware that many Chinese Nationalists come to the United States to attend our various colleges and universities. Perhaps this mutual exchange of students helps to cement more firmly the friendships we have enjoyed over the years.

The whole world is aware of the success story of Taiwan over the past 20 years. Emerging from an agricultural society in the fifties, Free China today is identified as one of the most advanced industrial nations in Asia, with a standard of living higher than any country in the area except Japan. The Republic of China deserves extra credit because its achievements were made despite diplomatic setbacks in one of the world's most densely populated countries with only one-fourth of your territory arable. I understand that your gross national product last year was $7.2 billion compared with only $1 billion twenty years earlier. While foreign trade and investment was very important in Taiwan's economic development, the will to achieve in a free society, and perseverance in the face of adversity, also played a major role. It sets an example for other nations to follow.

One cannot speak before an anti-communist group without being conscious of the visit of our American President to Red China or the visit of the Russian Chief of State to the United States. Certainly we need open lines of communication to help reduce tensions and to eliminate the basic causes of conflict. But communication to be effective must be a dialogue: a two way operation. We must also look behind the smiling faces of the diplomats. Are there changes in the communist world? Does the communist goal of world revolution still exist? Are the people of mainland China smiling? Is complete sacrifice of intellectual freedom being made in the communist world in exchange for a full stomach? And is grain from the free world helping to sustain totalitarianism by filling those stomachs to the detriment of our own citizens? We, and our Governments must be able to distinguish between what is basically right and temporary expediency.

While it would be presumptuous for me to attempt to tell this conference about communism and its dangers, however, it does seem reasonable for us to think together about differing political principles and goals. We may desire one China and one world, but there is Nationalist China and Communist China. There is also a free world and a Communist world. We cannot close our eyes to differences that exist.

Your organization is to be commended for attempting to bring about a world organization to combat communism. The leadership of all nations of the free world need to be reminded from time to time of the dangers of communism, to be alert and to be prepared. One of our American presidents, Theodore Roosevelt, at the turn of the century in speaking of international affairs and preparedness, said "speak softly, but carry a big stick."

We must remember, however, that the United States is but one country within the family of nations. With only 6% of the population of the world, it cannot alone be the world's policeman and hope to prevail against every gangster nation. Our people are tired of the burden of American soldiers being stationed throughout the world for the past 30 years. The economic drain is becoming increasingly apparent at home. Yet the United States is a rich and a powerful Nation. We may reduce the number of our military personnel but you can be sure that our weaponry will continue to be updated and improved. We will spend whatever amount is necessary to have the quality and quantity of military equipment to meet any emergency that may develop. I am convinced that the people of America want to be partners working with other nations within the free world who are willing to assume their fair share of the burden of assuring a peaceful world. Mutual assistance treaties between national states may be helpful, as regional alliances may be, but we need more. We need the free world to be brought together for united action, should it prove necessary, against a common enemy anywhere in the world.

You are familiar with the Shanghai joint communique last year between President Nixon and the Premier of Communist China. The President did affirm the ultimate objective of the withdrawal of all United States forces and military installations from Taiwan. You should also be aware that in his annual report to the Congress on foreign policy this year the President indicated that while moving toward the goal of normal relations with Peking, the United States has maintained a policy of friendship with the people of Taiwan.

He referred to our diplomatic ties, Mutual Defense Treaty of 1954, and close economic contracts and added on the next page of his report, "first, the United States will keep all of its treaty commitments. We will adjust the manner of our support for our allies to new conditions, and we will base our actions on a realistic assessment of our interests. But as a matter of principle, and as a matter of preserving the stability of Asia, we made it clear that the United States would never repudiate its pledged word nor betray an ally." This is an assurance by the American President on May 3, 1973, in his message to Congress, of the position of the United States. As you know, America has kept its promises and honored its treaties in the past. Perhaps this is the best way to judge its behavior in the future. I cannot see my country standing idly by should any attempt be made by Red China to force its will upon Taiwan. Nor can I see the United States entering into any arrangement with Communist China which would jeopardize the freedom and independence of other Asian people. We also have defense treaties with Japan and the Philippines. One has only to look at a map to see the strategic importance of Taiwan to these countries and to the United States security interests in the western Pacific.

I am concerned about the United States exporting 1.2 million tons of foodgrains to Communist China during the marketing year ending June 30, 1973 and about 14 million tons, if we include corn, to Russia during the same period. This has contributed to inflated grain prices and shortages within the United States. But more important, if we accept the concept of concentrating on our friends and strengthening them where possible, it seems unwise to use our surpluses to strengthen potential enemies. I would hope that both the President and the Congress would reevaluate our grain export program.

Members of this conference would enjoy and be encouraged by reading the Congressional Record of May 9, 1973. You understand that the Record is a verbatim report of the daily activities of both Houses of the Congress. At that time 43 members of the United States Congress followed one another in speaking in our House of Representatives and complimenting the Republic of China on its progress in recent years. They urged that our Government do nothing to compromise the freedom of the Republic of China and its people in the name of accommodation. One member brought out that the Peking Government had been treacherous and hostile in the past while the Republic of China was an old and trusted friend. He stated it was a sore spot for Red China to have a capitalist democracy flourishing within their shadow and outstripping their Communist regime in all save regimentation.

Another member indicated that the real difference between Taiwan and other people who have not known similar progress is in the attitude of the people themselves. Having escaped tyranny he felt these good and peace loving people have dedicated themselves to individual freedom and the free enterprise system, whatever the cost. He said that like our own pioneers they have overcome adversity and hardship and have shown the world that freedom can and will prevail. This senior member of the Congress, elected by a different party from mine, continued that there was "little wonder that there exists such strong ties of friendship between the people of the United States and the people of Taiwan."

Still another member said, "It surely is no secret that both ideologically and economically, the Peking Government suffers from tremendous internal complications. It is also no secret, indeed it is very well known that the Government of Taipei has brought unparalleled prosperity and political stability to the peoples of Free China.

"What, one may ask, accounts for this striking contrast? We see it not only in China but in Berlin, Korea, and elsewhere. We should not be afraid to state the obvious. The political and economic contrast of these nations are a clear manifestation of the undeniable superiority of the philosophy of freedom over the philosophy of collectivism.

"Of course, we seek peace, of course we seek more amicable relations with those who would be our adversaries.

"But this does not mean that we should not invoke every opportunity to lend moral support to our friends, and particularly friends as dedicated to the principles of freedom as are the citizens of the Republic of China.

"Free China today stands as a shining example to freedom loving people in all parts of the world."

Similar language was used by Congressman after Congressman, 43 in all. Let me add that Members of the House of Representatives of necessity speak for the people they represent. Since they must face the electorate every two years they are very close to the approximately 500,000 people each of them represents. And so my friends, you're not alone in your desire for peace and freedom. The vast majority of the people of the world share this desire. However, I hope that all the nations represented here will continue to work for a free society and not permit police state domination or totalitarianism to be imposed by conquest of neighboring nations. The United States seeks to be a good neighbor. We want to work with you in the development of self determination for all nations of the world.

DÉTENTE AT ANY COST? NEWS ANALYSIS CITES PATTERN OF SOVIET REPRESSION

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. COUGHLIN. Mr. Speaker, while we gladly relegate the cold war to history's pages, I think the United States—its officials and its people—face a portentous dilemma in deciding how far we go to achieve detente with the Soviet Union.

All of us are familiar with the Soviet Government's repressive policies to discourage emigration and to punish those who dare ask for permission to leave the country. Prominent Soviet citizens have been placed in asylums for stating their views on freedom, or the lack of it, in the Soviet Union. Economic penalties and harassment have formed part of the pattern of repression to prevent people from speaking out against abuses by the State.

Surely, we want meaningful detente with this great superpower. Yet, these excesses perpetrated by the Soviet Government, are repugnant to Americans whose own republic was born to free the people of unwarranted government actions that suppress the freedoms which we now take for granted.

It is not enough to say that we cannot interfere in or criticize the internal workings of another government. For what is at issue here are what we call the inalienable rights of people. To be silent in the face of tyranny is to betray the ideals on which this Nation was founded and to corrupt the moral leadership of this country that encourages true freedom for peoples throughout the world.

Détente, for the most part, means an expansion of trade with the Soviet Union. Obviously, this fosters goodwill, promotes peaceful relationships, and is important to our economic situation. Yet, I cannot believe that the national administration or the Congress is willing to settle for detente, that is, the mighty buck, at the abdication of moral leadership by the United States.

The perils of détente are every bit as real, while not so visible, as were those of the departed cold war. I believe we must utilize every approach and stratagem to impress upon the Soviets that they cannot, in effect, share the results of our society while stifling in their own land the very human rights that have enabled us to achieve our level of influence and affluence.

Along with many of my colleagues, I am sponsoring legislation to withhold most-favored-nation status and credits to those countries which restrict freedom of emigration. I acknowledge that this is not the most acceptable method of helping the oppressed in the Soviet Union and its satellites. But, we are indeed limited in what we can do. We cannot ignore the plight of people oppressed—the ramifications at home and abroad would erode all for which we have stood and for what we have strived in almost 200 years as a Nation.

I submit for insertion in the CONGRESSIONAL RECORD this news analysis from the August 31, 1973 edition of the Washington Post which illustrates the latest events in the Soviet Government's drive against so-called dissidents. It is a timely reminder for us that we must pursue a careful, prudent and alert course in dealing with Moscow.

The news analysis follows:

DRIVE AGAINST DISSIDENTS VERSUS DÉTENTE

(By Robert G. Kaiser)

MOSCOW, August 30.—For nearly two years, the Soviet Union's political police have been trying to stamp out the last remnants of active intellectual opposition to the regime. Much of their work proceeded quietly and efficiently.

But in the last few weeks a remarkable coincidence of events has put the Soviets' campaign against dissidence at the center of international attention, vividly revealing one of the weak links in the new system of detente that East and West are jointly building.

Just this month, the Soviet image has suffered these embarrassments:

Outbursts of apparently official anti-Semitism at the World University Games in Moscow.

Bitter denunciations of the Soviet system by Alexander Solzhenitsyn, probably the single best-known private citizen in the outside world.

Defiant public statements from Andrei Sakharov, principal developer of the Soviet hydrogen bomb and another nonconformist intellectual whose fame assures wide publicity for his statements.

International protests against the new three-year labor camp sentence for the writer Andrei Amalrik.

Unfavorable publicity associated with the sudden removal of Soviet citizenship from Zhores Medvedev, an internationally known biologist.

A political trial in Moscow this week, which the Soviets are deliberately publicizing, has also drawn international attention to the campaign against dissidence.

Each of these events is tied to the security forces' attempts to wipe out the active dissidents, a campaign the Soviets regard as an internal matter.

STATE'S RIGHT

"The state has the right to defend itself," one of the Soviet Union's senior law officers told Sakharov a fortnight ago, a message that Soviet officials repeat in private conversations with foreigners.

We have our own customs and traditions, and our own way of dealing with troublemakers, they say, and foreigners have no right to question us about them.

Yet foreigners do question them, and the Soviet authorities have recognized the connection between their domestic policies and international detente. The connection is acknowledged in Soviet replies to foreign critics.

For example, in response to numerous documented accusations that Soviet mental hospitals are used for the forcible treatment of dissidents, the government news agency Tass recently carried an interview with a Soviet professor of psychiatry. Disputing foreign criticisms, the professor said that "hired anti-Sovietists obligingly spread these lies to please the circle that are interested in poisoning the international atmosphere and in preventing further detente."

Such comments represent a recognition that detente can be hindered if foreigners object to real or imagined aspects of Soviet internal policy.

In recent days the Soviets have mounted a propaganda offensive to respond to their critics. The responses, like that of the professor of psychiatry, often consist primarily of attacks on the accusers.

Another common response is a blanket denial. For instance, Tass simply denied that there were any displays of anti-Semitism at the university games, though these outbursts were witnessed by numerous foreigners, and one act was photographed.

Another form of reply is to blame manifestations of domestic dissidence on foreigners. This line emerged from the political trial of Pyotr Yakir and Viktor Krassin this week.

The speed and strength of recent Soviet replies to foreign and domestic critics confirms that their criticism is taken seriously. The question remains how the Soviets will respond to it.

The current leadership has shown an unprecedented willingness to react constructively to some foreign pressure. The best example of this is the decision to allow thousands of Soviets to emigrate, a decision that would have been inconceivable without foreign pressure.

IDEOLOGICAL ORTHODOXY

Yet the same leadership has decided that relaxation of tensions with the West must be accompanied by the strictest ideological orthodoxy at home, a decision that has led to the crackdown on dissidents.

There are hints of a dispute inside the leadership on ideological issues. Leonid Brezhnev, general secretary of the Communist Party, said in a speech this month that he welcomed a freer exchange of people and ideas with the West, because this would win "more supporters for the ideas of scientific Communism."

This confident approach to a sensitive subject has not appeared in any other official Soviet statement before or after Brezhnev's speech. A few days after he spoke, Pravda published an authoritative article ignoring Brezhnev's formulation and reiterating the familiar Soviet position that any exchanges of people and ideas must respect the laws and customs of all countries—meaning specifically, censorship in the Soviet Union.

Whether these two views represent a debate or two sides of the same coin is not known.

In any case, discussions about vague notions like the freer exchange of people and ideas can't cover the difficult, specific problems the Soviet leaders now face. The most obvious of these is what to do with two world famous Soviet citizens, Solzhenitsyn and Sakharov, whose statements command enormous attention.

Are they to be stamped out too? Or would the outcry abroad that would certainly follow any further repression of them jeopardize more important causes, like the detente policy? Is that policy already threatened by Western reaction to the suppression of nonconformists in the Soviet Union?

The Soviets may feel that they can, in the Washington phrase, tough it out. The Western countries may well decide that it is preferable to acquiesce to Soviet domestic policies and sacrifice the tiny handful of dissidents, if trying to defend them would jeopardize the new and favorable international atmosphere.

Moreover, even the most indignant Westerners can have trouble finding ways to pressure Moscow. One astute Westerner here asked. "What are they going to do, say we won't sell you our computers unless you release Andrei Amalrik?"

Nor, if the West is trying to nudge the Soviet Union out of its historic isolation, is it necessarily desirable to pressure the country's leaders to change their historic attitude toward nonconformists at the same time.

The Soviet word for dissidents translates literally as "those who think differently." Differently from what? That question hasn't been asked in Russia for years, neither under the czars nor under their successors.

THE SOCIAL SECURITY EARNINGS LIMIT IS TOO LOW

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. LEHMAN. Mr. Speaker, the financial problems of our elderly citizens are reaching crisis proportions.

By limiting the amount of money a senior citizen may earn without losing social security benefits, we are discouraging senior citizens from continuing any kind of employment, although it is obvious that most of our elderly cannot live on social security benefits alone.

Back in April, I joined in introducing H.R. 7092 to eliminate the outside earnings limitation for recipients of social security benefits.

A recent editorial in the Miami Herald agrees and pursuasively makes the case for removal of the earnings ceiling.

The editorial follows:

[From the Maimi Herald, Aug. 3, 1973]

EARNINGS LIMIT IS STILL TOO LOW

The origin of Social Security is to blame for more than one of its built-in flaws. The system of compulsory government insurance first was mandated by Congress during the long depression of the 1930s. A major objective then was to induce the elderly to retire, vacating payroll slots for the millions of jobless persons.

That notion seems laughable today in cities like Greater Miami where employers are scraping the bottom of the barrel for help. Yet the effect of the old goal lingers in a rigid, low limit on the earnings of Social Security beneficiaries. The ceiling is $2,100 now, rising to $2,400 on Jan. 1. For each $2 of additional earnings, a cut of $1 is required in Social Security benefits.

The limit was assailed and defended afresh last month at hearings before the Senate Special Committee on Aging.

Wilbur J. Cohen, former Secretary of Health, Education and Welfare, urged Congress "to go slow changing the retirement test until you have solved the inequities" of the 3.6 million elderly living below the poverty level.

Their number contrasts with the 1.5 million retirees who would be affected by liberalization.

The opposite side of the coin was presented by a spokesman for two organizations of retired persons. He argued for lifting the limit to $3,600 at a cost of $1.3 billion.

His reasoning is persuasive: a working retiree is cut off from Social Security and thus put on short rations while his non-working neighbor continues to draw his benefits plus unlimited income from securities or rental property.

"To the average American, this is discrimination in favor of the well-to-do and reward for idle living," the witness contended. "It is basically wrong to tell a person he can't work."

We cannot and would not gainsay that viewpoint. We have repeatedly advocated a lifting of the earnings ceiling, not just for the money involved but for the well-being of the elderly still able to work and the good of the national economy, which can use their skills.

It is not, of course, a one-sided issue. Resolving it fairly to all will be difficult, if not impossible.

REHABILITATION OF HISTORIC HOMES

HON. LINDY BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mrs. BOGGS. Mr. Speaker, in the July 1973 edition of the Preservation News published by the National Trust for Historic Preservation in the United States, there appeared an article concerning New Orleans. In early 1972 a group of young citizens there organized and began promoting the idea of rehabilitating homes in an historic section of the city. The Coliseum Square Association as it came to be called is in my judgment a shining example of the constructive role that preservationists play in the rebuilding of our urban centers. The text of that article follows:

URBAN PIONEERS—A STORY OF RESTORATION IN THE INNER CITY

(By Carleton Knight III)

NEW ORLEANS.—Visitors to this city always see the French Quarter and may often see the Garden District with its large residences. But, there is another area they ought to visit—one that until a year and a half ago was considered "no-man's land," but today shows the effect of private individuals accomplishing the objectives of urban renewal and especially the effect of young people interested in preservation.

Briefly, here is what has happened in the Lower Garden District: The first private renewal began in October 1971, less than six months later an activist preservation organization was formed. Since then the group, the Coliseum Square Association, has succeeded in having the area listed in the National Register; has stopped, for the time being at least, the governor of Louisiana from building a second Mississippi River bridge with ramps through the middle of the district; has stopped the city from proceeding with its plans to cover over an old street made of paving blocks; and has led action to get a city-wide bond issue approved by the voters that will restore the park that is at the core of the district. Thirty houses are now under restoration.

Not too many new organizations can boast such an effective record in so short a time.

The Lower Garden District lies between the downtown area and the Garden District. It was laid out from old cotton and indigo plantations in the early 1800's and by the 1850's was a thriving residential neighborhood. Many of the houses, which are mostly Greek Revival, had large gardens, but the area was a mix and included commercial structures, churches and small houses as well as mansions.

In the late 1800's the area began a slow decline. Part of the problem was the expansion of a railroad into the district and the resulting increase in industry near the river. Downtown warehouses expanded into the district and many of the once-beautiful, tree-lined streets became full-scale truck routes. A major assault came shortly before World War II when a larger housing project was built, but the final blow, in 1957, was the Mississippi River bridge and its ramps that cut up the area, destroyed houses and remain a visual intrusion on Coliseum Square. Later, in the 1960's, as if to heap insult upon injury, scattered-site housing was to take many more old houses.

BOOK BRINGS IMPROVEMENT

A change for the better came about in mid-1971 when the first volume of a five-part series, *New Orleans Architecture*, was published by the Friends of the Cabildo. The first book dealt entirely with the Lower Garden District (New Orleans most endangered area, said the Friends) and chronicled its architecture and steady deterioration. Even while the book was being written, demolition was going on—more than 300 houses were lost in that time alone.

Seeing the book and realizing what could be done with some of the houses, Duncan and Camille Strachan and Louis Costa each bought property in fall 1971. "It was the publication of the book that convinced us we could do something," says Costa.

It was that first step that encouraged the activity since then. In the intervening year and a half, more than 75 pieces of property changed hands—some owners have purchased more than one. Approximately 40 young couples and single people bought houses during this time and are restoring them. The work is slow and painstaking—done by the owners themselves.

The joint effort began in January 1972, when four individuals obtained a charter for a non-profit organization, the Coliseum Square Association, and issued a newspaper invitation for residents and interested persons to meet in March. Several people who had stuck it out through the worst years came.

The first effort was National Register listing for the district, and this was achieved after the herculean volunteer efforts of a local architect, Henry W. Krotzer, Jr. The forms were processed and the area was listed October 1972.

GOVERNOR EDWARDS BRIDGE

As work began to have the Lower Garden District listed in the National Register, a major threat to the area was posed by Louisiana Gov. Edwin Edwards. He decided that it was time to build a second bridge across the Mississippi.

The new bridge was to be upstream from the first; thus ramps from it would cut the Lower Garden District in half. Protests against the bridge came from all areas of the city and the climax came in the form of a Coliseum Square Association parade. Association president Duncan G. Strachan collects old military vehicles and a number of association members piled into one of his half-tracks and were driven to a downtown hotel where a meeting of the bridge commission was underway. The scene—sign-carrying protestors in a vehicle from Field Marshal Edwin Rommel's African desert campaign—was well covered by the media and had its desired effect.

The governor delayed any further action and promised public hearings for any proposed design. The New Orleans City Council opposed the upstream site. A citizens committee was named to select a location, but there remains doubt whether it will ever be built.

Ralph Thayer, an area resident, points up an area of growing concern. "If the bridge is built and cars are dumped into the central business district, as they are now, there will be nowhere for them to go. This could mean a rebirth of plans for the Riverfront Expressway." (Preservationists will recall U.S. Transportation Secretary John A. Volpe's July 1969 decision to withhold federal funds from that highway, after a protracted dispute.)

WEEKEND IN NEW ORLEANS

The activities of a recent weekend will give some idea of the easy-going lifestyle, the spirit of friendliness and the activity that can be found throughout the Lower Garden District. On a bright and clear Saturday morning this reporter was taken on a walking tour of some architectural highlights of the area.

Magazine Street has many commercial buildings with fine architectural details covered by asbestos siding. Some of the buildings are now being restored. St. Mary's Assumption Church (1858–60) is closed but will soon be reopened. Although badly damaged in a 1965 hurricane, it was announced in June that restoration funds have been raised and that work will begin. The interior of the sanctuary is a huge space with much plaster ornamentation and stained glass.

After lunch at Roccaforte's (known to locals as the Antoine's of the Lower Garden District), it was time for a parade. Celebrations of that sort are frequent in the city and there were hundreds of costumed marchers as well as floats, bands and Dixie beer. Members of the Coliseum Square Association gathered on the back of an open truck and joined the rest of the parade in an old city tradition—throwing cabbages, potatoes and dubloons at the people lining the streets.

Dinner that evening at the Strachan's restored home was followed by a private performance of the New Leviathan Oriental Foxtrot Orchestra's master vocalist, George Schmidt (the band played at the National Trust New Orleans Gala in April). Later there was a 2 a.m. ride to an Art Deco laundry "that you simply must see." Although it was dark, one could see the oddly angular cornice and the richly colored ceramic tile detailing. The building is for sale.

FEMALE GHOSTS AND CAMELBACKS

Sunday saw another walking tour, including a visit to a house straight out of Tennessee Williams and reputedly inhabited by a female ghost. A half-octagon side porch with a huge four-blade overhead fan sticks out into a jungle of a side yard. The dark interior is lighted by working gas chandeliers and the house appears frozen in time from the mid-1800's.

Lunch was served at the recently restored home of a young psychiatrist and his wife. Then off to see more houses under restoration. A young city planner and his wife, Ralph and Leah Thayer, are doing over a "double shotgun camelback"—the "shotgun" refers to the floor plan, known as Pullman in the East (the "double" indicates there are two, side-by-side), and the "camelback" refers to a second story that is only over the back part of the house. Louis Costa, another city planner, is redoing his own house and has purchased the one next door as a rental property.

URBAN PIONEERS

Duncan Strachan describes his fellow Coliseum Square residents as "urban pioneers," and says that they have shown it is "possible to carve out and reclaim sections of the urban wasteland." He fully expects that America's inner cities will soon be repopulated and that old neighborhoods will spring again to life.

"This is promised," he says, "not merely by the resolves of a few preservationists, but by the swing of a great historic pendulum that affects all cities. This swing dictates the passing of the long night of urban crises and the dawn of a new era in America."

With impassioned words such as those, and the hope and work of dedicated people like the residents of the Lower Garden District, there can be little doubt that his prophecy will come true. And when it does, the credit surely must go to the urban pioneers.

H.R. 8580

HON. MARJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mrs. HOLT. Mr. Speaker, since the late 1960's there has been an alarming increase in the incidence of terrorism and violence at nonunion construction sites. The magnitude of this problem is evidenced by the Associated Building Contractors, Inc., documentation of over 170 acts of violence against their members, including fires, bombings, vandalism, and assaults. The estimated cost of these attacks exceeds $5 million.

This problem was compounded by last February's Supreme Court ruling in the case of United States against Enmons. This decision effectively bars any Federal intervention in this area with its finding that the Hobbs Act as presently written does not apply to violence committed in an effort to obtain the legitimate ends of collective bargaining. Thus, the entire burden of investigating and preventing this spreading wave of terrorism rests with State and local law enforcement officers. In the past, these officials have demonstrated an inability or unwillingness to effectively deal with this problem.

The Hobbs Act Amendment of 1973, H.R. 8580, is designed to allow Federal investigation and prosecution of incidents of job site violence. If enacted, it would make violence, sabotage, and extortion committed during labor-management disputes resulting in more than $2,000 in property damage, a Federal offense.

I think the need for this corrective legislation is quite clear and I strongly urge my colleagues to support this bill.

THE ONLY WATERGATE HERO

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. RANGEL. Mr. Speaker, little recognition has been given to the man whose alertness and quick response led to the arrest of the Watergate burglars. This lack of attention, I regret to say, may result in part from the fact that Mr. Frank Wills, an $85-a-week security guard, is black. But without Mr. Willis the Watergate scandal would not have come to light. It is time he was recognized by the Congress of the United States. In this respect I submit the following article by Robert A. Jordan, of the Boston Globe:

FORGOTTEN MAN OF WATERGATE

(By Robert A. Jordan)

The Watergate scandal has its "forgotten man," and he is not, as one magazine purports, Spiro T. Agnew.

He is Frank Wills, a black security guard whose alertness led to the arrests of those who broke into the National Democratic Committee's headquarters. As the world now knows, that criminal episode has mushroomed into the worst political scandal in the nation's history.

It was Wills who, on the night of June 17, discovered that a lock on the door of the Democratic office had been tampered with. Realizing that someone could still be inside, Wills called the local police, who arrested the Watergate burglars.

It is not every day that an $80-a-week security guard can alter the course of U.S. history. Since that time, Wills changed jobs in order to add $5 to his weekly paycheck, bringing it to $85.

It is easy for the news media to generally ignore a black person holding a menial job. After all, he could hardly compare in importance to such men as H. R. Haldeman, John Ehrlichman, John Mitchell, John Dean and President Nixon. Nor could he be mentioned in the same breath as Sen. Sam Ervin Jr., chairman of the Watergate Committee, and the eight other members. He is considered too small, too unimportant.

Yet, if it were not for Wills, there may never have been a Watergate scandal. The fact is, Wills has not been given the credit he deserves. Even most blacks who are aware of Wills's role can't remember his name.

This reflects an unfortunate attitude in our society. His blackness and low-paying job may be among the reasons why he has not received proper recognition. Also, the news media in general still has its prejudices. But many of them merely reflect America's own shortcomings. In all likelihood, if Wills were white, he might have received more public attention.

However, the news media is not alone in the mistreating of Wills. The Democratic Party, which has more to gain from Watergate than any other organization, is also to blame. According to a news article, an unidentified party spokesman said the Democrats "have talked" about doing something for him. Apparently, they have not gone beyond the talking stage.

To most blacks, as well as whites, the Watergate scandal has been a blessing. It has, at least temporarily, stopped the Nixon Administration from turning back the clock on the black movement toward equality.

More than a few blacks feel that Mr. Nixon should resign or be impeached. But then, there is Vice President Agnew, who is hardly considered by the nation's minorities as an improvement.

THE TRAGIC LOSS OF DR. GEORGE WILEY

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. BADILLO. Mr. Speaker, I know that many of us were deeply saddened and shocked over the tragic accident which claimed the life of Dr. George A. Wiley early last month. Not only have we lost a friend but this country will surely suffer from the absence of his counsel, his insight, his leadership and his dedication on behalf of those who are at the very bottom of the economic ladder and who are struggling to secure those rights and basic human dignity which has so long been denied to them.

Throughout his all-too-brief life George Wiley was at the forefront of the various efforts made to insure that all Americans, regardless of color, economic station or background were afforded those basic rights which are supposedly guaranteed to us. He could have chosen to pursue what would certainly have been a successful career as a university professor. However, it was not in George Wiley's character to ignore the plight of his fellow man. Even while serving as a young officer in the Army he involved himself in the growing civil rights movement and, while assigned at Fort Lee, Va., he organized a voter registration program in neighboring Petersburg. He became increasingly involved in the civil rights efforts and was eventually selected as the associate national director of CORE.

However, Dr. Wiley's most notable achievements occurred after he founded and headed the National Welfare Rights Organization—a meaningful and effective grassroots effort which fought for the legal rights of welfare recipients. Under his dynamic leadership the NWRO was successful in establishing a welfare recipient's right to privacy; it overturned residency requirements; and it secured administrative hearings for those recipients whose grants had been threatened.

It has been written that George Wiley had a rare ability to inspire people to efforts they had not thought themselves capable of making. Because of this unique talent the NWRO succeeded in making use of a small group of highly talented lawyers, organizers, and others who gave a great deal of their time and energy, frequently at much personal expense. However, it was hard, if not impossible, to avoid being caught up in George Wiley's enthusiasm and dedication of purpose.

Early this year Dr. Wiley felt he had new causes to pursue and left the NWRO to found the Movement for Economic Justice which he had hoped to organize into a coalition of the working poor, the unemployed, and underemployed, senior citizens, the lower middle class and various health, consumer, and housing organizations. He believed that welfare rights had to be linked with other groups on a common economic agenda in an effort to redirect our sorely distorted national priorities and to take affirmative action to narrow the increasingly broad chasm between the haves and have-nots in this Nation.

We are indeed all better for having had the privilege of knowing and, for some of us, of working with George Wiley, and his untimely death—particularly at this critical juncture in our national history—will be seriously felt. I believe, however, that we can gain a great deal of inspiration from his example and we have an obligation to carry on the important causes to which Dr. Wiley devoted his boundless energies and his life.

JOHN BUCHANAN RETIRES—ACTIVE UNIONIST

Hon. Yvonne Brathwaite Burke

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mrs. BURKE of California. Mr. Speaker, John Buchanan, who retired from active service as a trade unionist in July 1973, has been a local union officer in the movie-TV industry for 30 years.

First elected as the president of Service Employees Union Local 278, AFL-CIO—Service Employees International Union—he was elevated to the chief executive officer of his union as secretary-treasurer in the late 1950's, and has remained in the position until his retirement. Mr. Buchanan also served as the vice president of the California State Council of SEIU and as vice president of the southern California Joint Council of SEIU. He was appointed a member of the civil rights committee of the Service Employees International Union, and continues in this important office.

Throughout his tenure in the various offices of his union, "Buck" Buchanan devoted his time toward securing excellent wages, fringe benefits, job security, and many other gains necessary for the union membership who are employed in service positions—building maintenance—in this important industry.

NOTED EDITOR TAKES A LOOK AT THE PRESS—AND FINDS THE PICTURE DEPRESSING

HON. JESSE A. HELMS

OF NORTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, September 5, 1973

Mr. HELMS. Mr. President, in this era of hypocritical piety by so much of the country's major news media, I was comforted to note a splendid address delivered August 5 by Mr. Eugene H. Methvin, senior editor of the Reader's Digest, Washington editorial office.

Mr. President, most of my own career has been spent in the news business. In recent years, I have found myself disgusted at the manner in which so many "noted" journalists and commentators have prostituted themselves and their profession. But, Mr. President, the boom has been lowered by Mr. Methvin. He has pinned the tail on a number of miserable journalistic donkeys.

Senators would do well to read Mr. Methvin's speech, and I therefore ask unanimous consent that it be printed in the Extensions of Remarks.

There being no objection, the speech was ordered to be printed in the Record, as follows:

SPEECH BY EUGENE H. METHVIN

(Senior Editor, The Reader's Digest, Washington Editorial Office, before the Annual Award of Merit luncheon, Section of Bar Activities, American Bar Association convention, August 5, 1973, Washington, D.C.)

You gentlemen of the bar may be interested in how a lifelong journalist like me came to the formal study of law. When I had my first job on a daily newspaper, as a cub reporter at the tender age of 17 on the Atlanta Constitution, I was assigned to cover the police beat. Now my high school civics had taught me what the Fourth Amendment says—that a man shall be secure in his person, and no warrant shall issue but upon probable cause supported by oath or affirmation, and so on. And I remember how astonished I was as I looked over the police blotter and log in the Atlanta jail and kept seeing this or that prisoner committed—and the only explanation recorded was: "on suspicion," or "suspicion . . ." of this or that. And I asked the seasoned old police reporter who was my mentor what in tarnation this meant; and he said, as if no further explanation was needed, "Well, this is the way it's done." At that point I didn't challenge the practice further, because in the 1950's 17-year-olds had not yet started providing answers to all mankind's problems. But that thing bothered me; and I decided that there must be something I didn't know and should, and therefore I ought to go to law school if I was going to be a reporter so I could keep an eye on the lawyers—because if that was the way it was done, undoubtedly they'd bear watching.

And there was an old lawyer in my hometown whom I greatly admired. When I told him I'd decided to go to law school, his response gave me a portentious hint of the mysteries that were to be unfolded to me. He said "It's a shame—a shame to mess up a perfectly good mind with the study of law."

Well, I did a year in law school, figuring that would equip me to keep an eye on the lawyers, in behalf of the people I would represent in the Fourth Estate. And I learned to penetrate some of the mysteries, and drop phrases like "res ipsa loquitur" and whatnot. (You may have heard of the old Georgia sheriff sent to serve a bench warrant who came back and reported: "Judge, his lawyer says I can't see him because he has a writ of *hic in Gum Swampus non cum outibus*.) You know what Oliver Wendell Holmes said: A man doesn't need to know Latin to be a lawyer, but at least he should have forgotten it.

Well, at least I have forgotten a good deal of high school Latin—and a citation or two from my criminal law and legal method and evidence and such.

But I remember enough Latin and law to know that a *subpoena duces tecum* isn't an invitation to come to the courthouse and have tea with the D.A. and the grand jurors.

Just a couple of months ago, it seemed as if every reporter in the nation was being chased by a sheriff with a subpoena. If you believed what you read in the newspapers and saw on the newscasts, it looked like the White House and Justice Department were about to abolish the First Amendment and put all the journalists in jail.

Now it looks like the journalists are about to abolish the Administration and put everybody in the White House and Justice Department in jail.

If things can change so fast, it just goes to show you shouldn't take the present mess too hard. In the space of three months, we are seeing some of the wackiest reversals in the history of circus acrobatics. Most journalists and newspapers were demanding "absolute privilege" for themselves last spring. Now they are denouncing the President for daring to claim "executive privilege" for himself and his White House tapes. Just listen to some of them.

*The Washington Post found that the President's assertion of executive privilege "comes very close to an assertion that certain aspects of the presidency are apart from and above the rule of law." (7–29–73)

*The New York Times declared, "This new Nixon Doctrine virtually sets the person of the President above law and public ethics." (7–24–73)

Yet both newspapers a few months ago were assuring us that the free press would be dead without absolute privilege. Typically, Walter Cronkite declared (5–2–73) that reporter's sources must be granted an absolute privilege or the free press is finished. "The only remedy is a law that states simply, and therefore eloquently, that the First Amendment means what it says and no reporter can be hailed before any government body and forced to reveal confidential sources of information." Yet we are now assured that freedom will be equally dead if the President succeeds in maintaining confidentiality of the White House tapes.

It seems to me New Jersey's governor gave us a wiser guide in vetoing a bill to give newsmen a broad privilege. He said: "It is no more acceptable to have the press all powerful than to have the government all powerful."

I find it hard to see why a reporter should be allowed to refuse a subpoena while the President of the United States should be required to answer it. As Senator Sam would say, it seems to me either one could respond to orderly inquiry in proper cases, and the heavens wouldn't fall. What's sauce for the gobbling geese of the Fourth Estate ought to be sauce for the great big gander in the White House.

Did anyone notice that the very session of the Ervin Committee that voted to subpoena the President was held in the secrecy of executive session? The senators wanted to cloak their deliberations in secrecy so individuals could speak their minds. That's the same reason reporters need a reasonable confidentiality for their sources. And it's the same reason the President wants to maintain the confidentiality of his White House conferences and papers. We can laugh at the contradiction in the Fourth Estate's stance. Otherwise, we'd be obliged to weep—because it means we've lost all sense of moderation, all ability to see other sides of an argument.

As a practicing shoe-leather reporter corrupted by the study of law, I'd like to say a few words on the ethics of burglary and cover-ups and the people's right to know. After all, what were those Watergate burglars going to do with any interesting documents they found, but leak them to Jack Anderson? Anderson's own top investigator was recently arrested and charged with possessing documents stolen from the Bureau of Indian Affairs. A grand jury had the good sense to no-bill the case. Later Anderson's sidekick asserted he would indeed have put the documents to use for their column if there had been anything interesting in them—but it turned out to be only a law book, among other things. He wrote: "Such a 'use' of Government documents—stolen or not—has been protected by the Constitution." (NYT 2–8–73) Bet you didn't know we journalists have a Constitutional right to steal, or at least to receive stolen documents, did you? (President Nixon doesn't need a good lawyer. He needs a press card . . .)

I confess to being puzzled at the journalistic outrage over the Watergate break-in. Journalists ought to have considerable sympathy for the burglars. It was, after all, the New York Times and Washington Post that first made wholesale theft of documents in this town stylish by making much hoop-la over Jack Anderson's subordination of the burglary of Sen. Tom Dodd's office. They all used the stolen Dodd documents to stage one of the most celebrated mass media lynchings of recent times. Drowned out was the still, small murmur of those who doubted the propriety of such burglaries in pursuit of "the people's right to know."

Indeed, the Pulitzer Prize selection committee, composed of our most distinguished journalists, voted to honor Anderson for that cup. The Columbia trustees stopped them. But nobody went to jail for the theft. In fact the thieves were praised for patriotism and idealism—though they were actually motivated by the basest personal vengeance.

We had another celebrated case a few years back involving filching files and bugging the office of a State Department security officer. His sin was testifying truthfully under subpoena before a Senate committee. The bugging boss in that case gave false testimony and was rewarded with a cushy job in—of all places—the Federal Communications Commission. (He was a lawyer, incidentally, not a journalist!) On that round there was no outcry from the Fourth Estate of "foul" or "cover-up".

So why should the Watergate burglars have thought they were engaging in any serious felony? If Jack Anderson deserves a Pulitzer, so do G. Gordon Liddy and E. Howard Hunt. They've all sought to liberate the secret files of Washington with equal zest and a common methodology. In fact, Anderson has reportedly known one of the Watergate burglars for years—Frank Sturgis—and got him out of jail after the break-in. Probably he was hoping for a few useful documents in gratitude; or maybe professional services at some future date.

I confess once again to being thoroughly confused. After all, I went to both journalism school and law school, and both teach you to ask mean questions. For example, is there really any difference between stealing Ellsberg's psychiatrist's files or a Democratic senator's files, and stealing the Democratic Party's files or Defense Department files, so that the public might learn the secrets hidden there? (And I shouldn't leave out those stolen FBI files from the Media, Pa. office). Would the fearless purveyors of the stolen Dodd papers and the stolen Pentagon papers and the stolen FBI papers have turned up their noses at any juicy scandal offered in some stolen Democratic National Committee papers? Is it okay if you don't actually execute the burglary yourself—if you only take the burglars' swag and ask no questions about where they got it?

Ah, me—you see it: a mind thoroughly messed up with the study of law. Somebody once said if you could teach a parrot to answer every question by repeating, "Supply and demand," you could make him a professor of economics at the Harvard Business School and nobody would ever notice the difference.

Well, likewise, I think if you could teach the parrot to say, "Checks and balances," you could make him a professor of constitutional law in the Harvard Law School and nobody would miss anything essential.

Checks and balances. The men who wrote the U. S. Constitution feared two extremes—tyranny and anarchy, an unchecked centralized authority, and a disintegration of authority into popular tumult. It seems to me we're now teetering between the two extremes, with each ogre chasing us toward the other. (Aristotle noted this natural tendency in popular governments two thousand years ago.) We see the Fourth Estate asserting that reporters must not even be summoned into a grand jury room. We see journalists claiming the right to publish anything they can glean or steal from government files during wartime, even if it jeopardizes the government's capacity to negotiate secretly through foreign governments to end the killing. All in the name of "the people's right to know". Don't the people have a right *not* to know a few things?

Here we have a disguise for lawlessness that is as dangerous as the spirit embodied in the Watergate scandal: That any action under cloak of a highminded cause is constitutional, lawful, laudable. The journalist's demand for an absolute privilege of secrecy for his sources violates a basic rule of checks and balances—that no man shall be a judge in his own cause. It is as arrogant in its way as was Attorney General John Mitchell's assertion of an absolute right to wiretap or bug any person he chooses in pursuit of domestic tranquility. It asserts that one should be above the law, that he will not trust our time-tested institution of due process adjudication.

For my part, as one journalist, I not only find such assertions abhorrent, I find them among the gravest threats to a free press in my memory. They represent First Amendment Ku Kluxery. And they must be opposed by thoughtful friends of the First Amendment. Only a fair press will remain a free press. And those listening closely to the grass roots can hear a strong counterpoint behind the noise and public outrage over Watergate. It is outrage at the news media's super righeousness and—in many instances—demonstrable carelessness with the truth and reputations of innocent individuals or with public welfare and tranquility. People are fed up with the attitude represented by Jack Anderson's ballet dance in the Eagleton affair—that it is more important to lynch a suspected scoundrel in the media than to check the facts first and be absolutely fair and accurate. And that attitude is all too widespread.

In fact, if anything can rationally explain the self-confessed conduct of John Mitchell, Jeb Magruder and John Dean in covering up behind the Watergate burglars, it is an exaggerated fear of exactly this kind of mass media extremism. And certain it is that extremism begets extremism.

Most journalists, it seems, have not read the Bill of Rights beyond the First Amendment—to the Sixth Amendment, for example, which gives a criminal defendant an unadulterated right to compulsory process—presumably against reporters, too. And it grants a right to confront witnesses, not faceless, anomynous "sources close to" somebody.

Few journalists have any concept of our time-tested constitutional and legal methods, or of the case-by-case definition of rights and balancing of conflicting rights through due process of law. Unfortunately, life itself does not grant any absolute certainties. So how can a Bill of Rights do so? As Justice Holmes once put it, a man's rights often depend upon his estimating correctly what a jury will later decide. And a good lawyer today would add: upon his estimating correctly what five justices will later agree on. (You see how far we've come in the fifty years since Holmes spoke in transferring power from juries to judges.)

The fact remains: rights must be asserted and defended in specific cases and circumstances, and against other parties asserting conflicting rights and values. And juries and judges must decide these cases and controversies "in the totality of circumstances", to quote one pregnant legalism. And legislators know full well they can never write rules to cover every case. The Philadelphia Framers recognized the indistinct boundary when they deposited "the judicial power" and "the legislative power" into separate laps without any effort to define the limits of judicial review and legislative supremacy. But too few of our journalists have any comprehension of this historic tradition and process.

Journalistic partisanship in asserting our own rights results in large areas of public ignorance and confusion. The media are filled with ex parte self assertion and adulation. The dissenters are seldom heard. The job of filling the void necessarily must devolve upon the men of the bar, schooled in law and history. Frequently lawyers must tell clients about the limits on their legal rights. And lawyers will have to tell the journalists they can't have their way all the way, all the time, either. This means there will necessarily be perpetual static between the Press and the Bar. Lawyers are accustomed to winning some and losing some. In every case, some lawyers are losers. But journalists are accustomed to being always right. Remember that great scene from Bernard Shaw's *Major Barbara?* The billionaire cannon king asks his freshly-graduated son how he plans to make a living, since he repudiates the cannon business: "Is there anything you know or care for?"

Stephen answers: "I know the difference between right and wrong!"

This hugely tickles the cannon king: "What!" he cackles. "No capacity for business, no knowledge of law, no sympathy with art, no pretension to philosophy; only a simple knowledge of the secret that has puzzled all the philosophers, baffled all the lawyers, muddled all the men of business, and ruined most of the artists; *the secret of right and wrong.* At 24, too! Stephen, I've found your profession for you. You're a born journalist."

Needless to say, I believe in checks and balances. I think, when Chief Justice John Marshall asserted the right to declare acts of Congress unconstitutional, some journalist should have asked instantly who would declare acts of the judiciary unconstitutional? And when journalists assert the right to refuse subpoenas, some lawyer must ask who will call them to account? And of course when the President asserts such a right, the same question must be raised and resolved.

So I would offer one small proposal to you gentlemen of the bar today, to advance the cause of the Law Society. I would suggest that you arrange with the law schools to swing the doors wide for journalists to enter as special students, to take such courses as legal method, practice and procedure, evidence, and constitutional law. Let's get more journalists into the law schools, and more lawyers into the press box and on camera. When we watch the performance of such reporter-lawyers as Fred Graham and Clark Mollenhoff, we cannot help but be inspired to hope for this trend to grow. (Incidentally, if Mollenhoff had not left the White House Office of Counsel to the President to return to reporting, nobody would ever have heard of John Dean. And probably Watergate would be as obscure as Rosie O'Grady's Boarding House. Mollenhoff says he's always maintained that good government is good politics—only nobody has ever tried it. You can see his mind was not messed up with the study of law!)

Needless to say, it's an exciting time to be a lawyer, and an exciting time to be a journalist—and a superb time to have a little toehold in both camps. I cannot give you stone tablets telling you the difference between right and wrong. But I can pass along one certain observation by a great journalist, H. L. Mencken, "The American form of government is the most *entertaining* form of government ever devised by man."

And as such, certainly it will survive. Both human advancement and entertainment demand it. The show must go on.

JOHN COLEMAN, "THE WEATHERMAN"

HON. SAMUEL H. YOUNG

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. YOUNG of Illinois. Mr. Speaker, today, Wednesday, September 5, 1973, is an excellent day to talk about the weather.

Here in Washington, we are having another day of hot, humid, and hazy weather. In Chicago, however, the weather is beautiful. The sun is shining, and the temperature is in the comfortable low 80° range. There is an old saying that:

> Everyone talks about the weather and nobody does anything about it.

People around the United States rely more and more upon radio and television for their weather reports. The "weatherman" is a title that has taken on a new and added dimension. In particular, the television weatherman is a "professional" in every sense of the word.

Not so long ago, there was a group known as the "Weathermen," who received a good deal of adverse publicity in connection with their demonstrations and antiestablishment views. Their motto was:

> You don't have to be a weatherman to tell which way the wind is blowing.

Fortunately, however, the term "weatherman" today is a term that is an appellation that is respected. The television weatherman, for example, must have a good knowledge of meteorology, the ability to interpret satellite pictures of the Earth, the talent to understand "high" and "low" pressure areas, and the perspicacity to review weather data and apply it to a particular region. In addition to having the technical knowledge mentioned, the television weatherman must also have the ability to explain the weather so that the viewing public will understand the weather phenomena.

John Coleman of Evanston, Ill., is one of these new "professionals" who has been an extremely popular and able weather prognosticator to the Chicagoland area. On behalf of the people of the 10th District of Illinois, I am proud to recognize his exceptional talents and abilities.

UNIVERSITY OF FLORIDA LAW SCHOOL IMPOUNDMENT STUDY

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. ROGERS. Mr. Speaker, the University of Florida Law School has recently released the preliminary findings of a 6-month study of Executive impoundment of funds appropriated by the Congress. This project was financed by a grant from the Joseph H. McIntosh Foundation and contains a number of interesting findings and recommendations. In light of the recent House action on impoundment legislation, I would like to insert a story from the July 8, 1973, New York Times concerning the report of the Florida study group. I think that my colleagues will find this article most enlightening. The article follows:

[From the New York Times, July 8, 1973]

NO BENEFIT FOUND IN IMPOUNDMENT—STUDY REPORTS MORE IDLE BUT NO CUT IN INFLATION

(By James N. Naughton)

WASHINGTON, July 7.—A research team at the University of Florida has concluded that President Nixon's refusal to spend more than $8-billion in Federal funds for domestic projects did not measurably reduce inflation but did contribute to unemployment.

The results of the nonpartisan, six-month study, made available here today in a preliminary report, posed a new and sharp challenge to the White House rationale for impounding, or refusing to release, money appropriated by Congress.

At the same time, however, the study suggested that the Democratic majority in Congress was more interested in making a political issue of impoundments than in resolving the underlying economic problems.

President Nixon has contended in a series of statements and his Administration has argued in several Federal court cases that it was proper to refuse to spend the Congressionally approved funds as a method of curtailing inflation.

But L. Harold Levinson, a professor of law, and Jon L. Mills, the director of the impoundment project, said in the initial report on the University of Florida study that their findings "raise a serious challenge to the President's asserted justifications."

NOT REDUCING INFLATION

They said that economists participating in the study had projected the impact of the impoundments through the 1975 fiscal year and had determined "that the impoundments have not significantly prevented or reduced the inflation."

"One of the only measurable results of the impoundments," the report went on, "is an increase in unemployment."

It also criticized the White House for maintaining "secret files" on impoundment decisions, declared that the "potential political impact" of impoundments was a factor in the decisions, and said that "arbitrary discriminatory and irrational decisions" could go unchecked as a result of the Administration approach.

The University of Florida assessment was nearly as critical of Congress, which challenged the impoundments early this year and began consideration of reforms in the Congressional budget system but has lost interest in the issue amid the preoccupation with the Watergate scandal.

The report stated that both the executive and legislative branches "bear a share of the responsibility" for the impoundment issue "and both seem content to let the existing system continue."

FILES UNAVAILABLE

Furthermore, the report charged, the House Appropriations Committee "apparently maintains its own secret files, which are not readily available even to other members of Congress," and many legislators "have not been disturbed enough to change a situation in which ambiguity offers an opportunity for maneuvering and rhetoric."

The study, financed by the Joseph H. McIntosh Foundation, was carried out at the University of Florida College of Law. The participants, including professors and students of law and economics, obtained access to many junior and middle echelon officials of the Government.

A final report, scheduled to be completed next month, will flesh out the preliminary conclusions with a mass of details, Mr. Mills said.

In a telephone interview, Mr. Mills cited one example. As a result of the Administration's moratorium on Federal housing assistance, he said, 35,000 families in New York, New Jersey and Connecticut had been unable to find housing.

DISTRICT OF COLUMBIA SELF-GOVERNMENT BILL ADOPTS RECOMMENDATIONS OF NELSEN COMMISSION

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. DIGGS. Mr. Speaker, I would like to discuss H.R. 9682, the District of Columbia self-government and governmental reorganization bill, which will be considered by this House late in September. H.R. 9682, a comprehensive and commendable bill, includes the following major elements of governmental reform, most of which were recommended by the Little Hoover Commission under Congressman ANCHER NELSEN.

First. Consolidating under the Mayor and City Council the present independent agencies on manpower, housing, and urban renewal.

Second. Granting the Mayor authority for municipal planning.

Third. Selecting local judges by the Missouri Plan—not considered by the Nelsen Commission.

Fourth. Setting up a financial management system to give Congress and the public fuller information on borrowing, budgeting, long-term financial planning, and control of city revenues.

Fifth. Setting up a rational system for basing the Federal payment on costs and benefits of the Federal presence, and on comparable revenues in other large cities and surrounding jurisdictions.

Sixth. Appointing a city administrator to provide professional direction to the executive office of the Mayor.

Careful consideration of the provisions of H.R. 9682 will reveal many additional efforts by my colleagues, during the past 6 months, which are too numerous to list at this time. The members of the House District Committee devoted time and effort far above and beyond the call of duty, and I compliment my colleagues of the committee for their endeavors in this matter.

A MINORITY REPORT MAKES GOOD

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. GERALD R. FORD. Mr. Speaker, I am sure I speak the sentiments of all Members when I say how happy we are to see the gentleman from Indiana (Mr. LANDGREBE) looking so fit and healthy after the August recess and his bout of illness in July. In that period, there came to my attention an article in the periodical The Alternative, published in Bloomington, Ind., which pays tribute to EARL LANDGREBE's determination as a legislator and its effect on the other body, from which I insert excerpts in the RECORD for the information of the Congress without, of course, endorsing all the conclusions of its author except as to EARL's courage to fight for his principles.

The article follows:

A MINORITY REPORT MAKES GOOD

(By Edwin Feulner, Jr.)

Earl Landgrebe is a little known Republican congressman from the Second District of Indiana. He was first elected in 1968 to succeed Charlie Halleck, the former Minority Leader of the House.

As a small businessman who owned and operated his own truck line, Landgrebe came to the House without many of the silly misconceptions of so many new members of Congress. For example, Landgrebe is a "gut conservative" who believes that certain things are right and when they are right they are worth defending even if you are in a minority. This attitude gave him a number of problems back in Indiana, including a well-financed primary in 1972, where he almost became a political casualty to Indiana Republican feuding.

Nonetheless, he was re-elected by 54.7 percent of his constituents and was sworn in as a member of the Ninety-third Congress on January 3, 1973. He retained his committee assignments which included a ninth ranking out of sixteen among the Republicans on the House Education and Labor Committee. . . . (This committee has been responsible for) the Occupational Safety and Health Act which is driving hundreds of small businesses out of existence, the latest minimum wage proposal which has the primary effect of driving black teenagers out of productive employment and the Elementary and Secondary Education Act, which has done more to erode local autonomy and diversity in school systems than any other single piece of legislation. . . .

Needless to say, Landgrebe's role as a fundamental conservative on Education and Labor placed him in a minority. The sensible people among the thirty-seven members of the committee never totaled more than twelve and on many issues could be reduced to five or six. Nonetheless, Landgrebe believed in his principles and, therefore, when the committee voted and then filed a report on the Vocational Rehabilitation Act of 1973 he not only voted against it but he also had the audacity to file a minority view of one on it. His views were his own because even such other conservative stalwarts as Messrs. Ashbrook of Ohio, Huber of Michigan, and Kemp of New York did not join him, and also because he had the good sense to file a substitute bill. The substitute would have cut back the funding level, kept the focus on vocational rehabilitation rather than medical treatment, consolidated the bureaucracy, and was within the President's budget limitations. Again, it should be noted that Landgrebe was the only member to offer an alternative bill at this point.

Then the battle of the budget began.

The President indicated that anything that came to him from the Congress that was over his budget would be subjected to a presidential veto. The Senate liberals, while usually preoccupied with grooming candidates for the next presidential election, nonetheless realized that if the battle of the budget were to be won, it would have to be won by an override of presidential vetoes and that this could most likely occur on politically popular and sensitive votes such as the Vocational Rehabilitation renewal.

Therefore, all the guns were pulled out when the President sent up his Vocational Rehabilitation veto message. Hubert Humphrey took to the floor on a frequent basis and with weeping and gnashing of teeth talking about how this program which had existed since 1920 was being eliminated and how thousands of people were going to be abandoned to a fate not readily determinable—since there were no fewer than five other competing Federal programs overlapping in the same areas and the Landgrebe alternative still provided for an increase in funding over the last fiscal year.

Lobbying pressure grew. The groups most directly affected had representatives in wheel chairs and wearing leg braces moving about the Capitol buttonholing legislators and engaging in a very intensive and emotional lobbying campaign.

The Landgrebe substitute was then noticed by a group of freshmen senators, when it became apparent that the Senate would be the testing ground of the President's veto. These young turks, led by Jesse Helms, (R.-North Carolina) introduced the Landgrebe substitute as their own bill on the Senate side and received wide backing for it. By taking key leadership roles, these members of the Senate were able to round up the necessary votes to sustain the President's veto in the Senate. The magnitude of this victory can be seen by the fact that when the President called Hugh Scott, the Senate Minority Leader, to congratulate him, the President is alleged to have admitted to Scott that the White House congressional liaison staff was so convinced that the veto would have to be upheld in the House rather than in the Senate that they had already written the congratulatory letters to the House members, and not to the senators.

The long-range implications of this vote and action by the Congress are truly remarkable. In the first place, the Senate, the body that unquestionably is more liberal with the taxpayers' money, upheld the first presidential veto of the current round of budget battles. From this the Nixon Administration has in fact begun a whole new direction in its domestic legislative programs. New, more rigorous criteria have been established for all of the programs. Furthermore, the liberal leadership in both the House and Senate found itself in total disarray and has to retrench, regroup, and rethink its position on the key question of budgetary priorities.

President Nixon, sometimes known for rhetoric, nonetheless has indicated that he intends to chart a new course in domestic policy which will require stricter evaluations and a generally leaner budget. That he is representative of the view of the vast majority of Americans cannot be questioned when one analyzes public opinion polls. And that he has won the first several battles is certainly clear from the words of even the Democratic leadership. Mike Mansfield, the Senate Majority Leader, for example, admitted after the key Senate vote that "the President's in the driver's seat."

The point to be remembered when the battle of the budget of the 1970s is recorded for future generations is that it was a lonely voice from Valparaiso, Indiana, Earl Landgrebe, who had the courage to stand up for principle and to fight for what he believed in despite its apparent unpopularity. Landgrebe's action gave the United States Senate and the President himself the peg to hang their hat on in this opening round the 1973 battle of the budget.

NIX INTRODUCES UNIFORM RECIPROCAL PEACE BILL

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. NIX. Mr. Speaker, I have today introduced a bill which will, if enacted, bring us one step closer to the reality of world peace through law, one of mankind's most cherished, but elusive dreams.

The bill is entitled, "The Uniform Reciprocal Peace Act". Its aim is to encourage its adoption in other nations by making its provisions binding in our own.

Its provisions were drawn up by the Philadelphia Bar Association after 10 years work. It is nonpartisan and is sensible.

It merely provides that the waging of aggressive war would be a violation of domestic law, the law of the country on whose behalf aggressive war is waged.

Its effect would be that it would deter a nation's leaders from going to war casually on the assumption that such a war will be successful, thus freeing them from the prospect of war crimes trials. If a nation's leaders had to fear that at some time in the future their own nation might try them they would have to think twice before undertaking such a war. Such fear would be based on the certain knowledge that in the common experience of mankind, no administration and no party maintains its hold on public office forever.

Democratic nations, of course, depend on public support during wartime as well as peacetime. Dictatorial regimes do not to the same extent. The threat then of domestic sanctions at home at some point in time would tend to bind even a dictatorial society which adopts such a measure since strong man regimes could not depend on outlasting the effect of a self-imposed law.

The hope of inducing other nations to adopt of their own accord such legislation is based on the fact that no nation publicly maintains a position of supporting aggressive war. Making such legislation part of the law in an authoritarian regime has some value to such a regime's foreign policy. But, once part of its law, how can a regime in a crisis be sure that its people will obey its commands while ignoring the plain command of its own law.

An example of this has occurred in recent history. West German courts have been trying Nazis for war crimes since Second World War. Trials under domestic German law have been relentless with no possibility of still fugitive German war criminals gaining sympathy from the German public.

War by aggressors depends on a presumption of regularity which in turn is dependent on the response of people doing the fighting that they have the legal right to obey orders. Once a doubt is created as by legislation of this kind, the human energy at the aggressor's disposal is diminished.

I believe that we all agree that we must try any reasonable step to make world peace a reality. The world cannot survive indefinitely with advanced domestic legal systems and a medieval international law system where force is the master. At the same time, our experience after the Second World War has shown us that we cannot rely on any grand design to bring peace. World peace through law will only come the way of the Bill of Rights, with two steps forward for every backward step. This legislation is a forward step; one step at the beginning of a long journey. I believe we should take this step, and I hope that the House will enact this legislation.

I want to offer my congratulations to the Philadelphia Bar Association, under the leadership of its chancellor, Mr. Joseph Bongiovanni and former chancellor, Mr. Joseph R. McConnell. The legal profession has every right to be proud of them as well as the great progressive membership of that body who has lent new luster to the title "Philadelphia Lawyer", for drawing up this inspiring legislation.

STANDARD OIL POSITION ON MIDDLE EAST ASSAILED

HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. BURTON. Mr. Speaker, I want to call my colleagues attention to a recent letter to stockholders of Standard Oil Co. of California, dated July 26, 1973, and signed by O. N. Miller, chairman of the board.

Mr. Miller writes that "there must be understanding on our part of the aspirations of the Arab people, and more positive support of their efforts toward peace in the Middle East." Miller builds his case on the argument that the Arab States—and Iran—"represent the only major source to which the United States can look for any substantial increase in its crude oil imports."

I have already written to Mr. Miller that his letter "reads as if it were dictated by some Arab 'Pasha' standing astride one of those oil sheikdoms."

I told him it is bad enough that the Standard Oil Co. of California is the recipient of special "privileges" in terms of our tax laws.

And I told him that it adds insult to injury to have the taxpayers pay for his self-serving and biased analysis of the problems confronting the peoples and the countries of the Middle East.

TINY TAIWAN EXCEEDS OUTPUT OF MAINLAND

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. FISHER. Mr. Speaker, in a July 18 news story, written by Geoffrey Godsell for the Christian Science Monitor News Service, is contained another confirmation of the remarkable economic progress that is taking place in Taiwan.

In his report Mr. Godsell states:

> Taiwan, equivalent in area to the states of Massachusetts and Connecticut combined and with a population only 1-50th of mainland China, has forged ahead of the mainland in its total foreign trade ($5.51 billion) last year.

This provides a shining example of what free enterprise and the exercise of individual freedom can achieve in the highly competitive world in which we live.

Under leave to extend my remarks I include the article written by Mr. Godsell. It follows:

TINY TAIWAN EXCEEDS OUTPUT OF MAINLAND

(By Geoffrey Godsell)

KAOHSIUNG, TAIWAN, July 18.—This fast-growing industrial port city in southern Taiwan and its immediate surroundings bespeak the commitment of the people of this island to hard work.

"Hard work," says Vice President Yen Chia-kan, "is our slogan. And after that, harder work"

The harbor is crammed with ships. The new industrial parks tick along with impressive efficiency—and with an ever-improving quality of output. The factory chimneys are giving Kaohsiung its first taste of smog. The oil refinery refines enough imported crude for the whole island with some refined products left over for export to Guam and elsewhere.

Local farmers are complaining about the pollution of canals and streams by industrial plants. But these same farmers used the breakdown lane of the new multilane highways linking the plants as a threshing floor for their early rice crops.

This hard work so much in evidence wherever one moves on Taiwan is one of many contributing factors behind the following statistics:

Taiwan, equivalent in area to the states of Massachusetts and Connecticut combined and with a population only 1-50th of mainland China, has forged ahead of the mainland in its total foreign trade ($5.51 billion dollars last year).

Per capita income on Taiwan (approaching $400 a year) is three or four times that on the mainland.

Over the past two years, Taiwan has had the highest rate of economic growth of any country in the world of any consequence. (The figure for 1973 may well be 12 per cent.)

Taiwan is inside the first 20 of all the trading nations of the world.

Statistics so far this year indicate that Taiwan will be in 1973 ninth in the list of United States trading partners. (Within four years, it will probably be sixth on the list, vying at the top with Canada, Japan the United Kingdom, France, West Germany and Italy.)

Taiwan had a favorable balance of trade in 1972 of $483 million, 2.2 per cent up on the previous year.

As Japan is moving out of certain industries because of labor costs, Taiwan is picking up new lines. Most significant of these is electronics, in which field wages in Taiwan are about one-fifth of what they are in Japan and one-half of what they are in Hong Kong.

Such firms as Admiral, Bendix, Motorola, Philco, RCA and Zenith all have plants in Taiwan, and the island has now virtually captured the black-and-white TV-sets market from Japan.

So far, Taiwan has managed all this without social disruption. When the Chinese Nationalists came here from the mainland in 1949, they began with a land-reform program that has worked well.

Now 85 to 90 per cent of the island's farmers own the land they till either outright or in part, and although only one-third of the island's area is good farmland—the rest is mountainous—Taiwan is self-sufficient in food.

From better farming, Taiwan moved to food processing, then light consumer industries and now finally to labor-intensive and heavy industries.

With more and more people now leaving the land for industry, however, the first warning signs are beginning to appear. The rate of increase in farm output is slackening, and a gap threatens between farm incomes and industrial wages.

Of equal concern to the government is the imbalance within Taiwan's over-all very favorable trade pattern. Its two most important trading partners are the U.S. and Japan, but its favorable trade balance with the U.S. (about $707 million last year) is offset by a roughly equivalent unfavorable balance with Japan.

In other words, its trade with each is dangerously one-way—exports (mainly textiles and electronics) to the U.S. and imports from Japan.

The government in Taipei has not yet found a way out of this dilemma—but at least it is desperately and keenly aware of it.

TRIBUTE TO THE LATE SENATOR H. S. "HUB" WALTERS OF TENNESSEE—A GREAT AMERICAN

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. EVINS of Tennessee. Mr. Speaker, during the recent recess of the Congress, Tennesseans were shocked and saddened by the untimely passing of former Senator Herbert S. "Hub" Walters, a great American and an outstanding Democrat—often referred to as "Mr. Democrat" of Tennessee.

"Hub" Walters' life was dedicated to service—he was a successful contractor early in life and therefore had time and resources to devote to the Democratic Party, to many charitable enterprises, to the development of his beloved alma mater, the University of Tennessee; to the improvement of public facilities generally in the State and to the attraction of new industry to Tennessee.

He served in the U.S. Senate by appointment following the death of Senator Estes Kefauver and he represented Tennessee and the Nation faithfully and well. "Hub" Walters however, preferred to remain in the political background and his only other service in elective office was as a State representative.

As a political leader, Senators Walters knew how to marshal his resources—he was the architect of many Democratic victories, including the election of a number of Governors of the State. He served several terms as chairman of the State Democratic Executive Committee and was a member of the committee for 25 years.

He came from humble origins—his first job was hauling water to wheat harvest crews at 25 cents a day. In 1917, he bought a few mules and entered the contracting business and became one of the most successful contractors and businessmen in the State.

At the time of his death, he served on the boards of directors of eight leading Tennessee corporations and he was, of course, president of Walters & Prater, Inc., the general contracting firm he founded.

In later years, Senator Walters devoted much time to education. He served as a member of the board of trustees of the University of Tennessee for 11 years and vice chairman the past 5 years. Walters State Community College at Morristown—a community college which bears his name—was also the beneficiary of Senator Walters' keen interest and support. A large commemorative plaque at the school honored Senator Walters as a "statesman, a gentleman and a great Tennessean."

"Hub" Walters lived a full, useful, and productive life and his dedication and leadership meant much to the growth and progress of Tennessee during crucial years when the economy of the State was changing from agricultural to industrial.

Certainly he will be greatly missed because he has been a strong voice in Tennessee for many years—and I want to take this means of extending to his beloved wife, Sarah, and other members of his family this expression of my deepest and most heartfelt sympathy in their loss and bereavement. My wife Ann joins me in these sentiments.

INEXCUSABLE NEGLECT CORRECTED

HON. JOHN B. BREAUX

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. BREAUX. Mr. Speaker, the U.S. Government at long last has formally recognized the Coushatta Indians of Louisiana. It has been a recognition long deserved, and the fact that it now is a reality is a credit to many people, both in Louisiana and in Washington.

For the purpose of informing Members of Congress and the general public on the importance of what might seem to be a routine bureaucratic matter, permit me to provide for the RECORD an editorial which appeared Sunday, June 24, 1973, in the Lake Charles American Press, of Lake Charles, La., pertaining to this subject.

COUSHATTA TRIBE GETS BREAK

Thirty years of inexcusable neglect of a legal and moral trust could end at any moment with the U.S. Bureau of Indian

Affairs formally acknowledging that the Coushatta Indians in Allen Parish between Elton and Kinder form a bonafide American Indian tribe.

Latest information David L. Garrison Jr., commissioner of Louisiana's Commission on Indian Affairs, has received is that bureau officials agree that the tribe should be recognized. He feels certain that recognition is imminent.

The Coushatta story is another in a long series of broken promises, duplicity, violation of a trust, mistreatment and neglect of the American Indians.

While the treatment of the Coushattas is not one of crude brutality, the cumulative effect of the neglect has in many ways contributed to conditions as cruel and inhumane as the banishment from their motherland in Alabama. The exodus and actual exile from their villages in Alabama rank with the worst, but that is not at issue here.

At issue is that in 1953 the U.S. Bureau of Indian Affairs administratively ended the federal services to which the Coushattas were entitled.

Matters had remained the same until May 30, 1972, when Gov. Edwin W. Edwards created the Louisiana Commission on Indian Affairs and named Garrison as commissioner.

The governor's choice was a fortunate one for the Coushattas. Garrison, a 27-year-old oil man from Lake Charles, plunged into the job and within a year had cleared legal clouds for a formal petition for reconsideration.

He set an example for anyone who wants to serve the public. His agency was not funded. His expenses for commission work came out of his pocket.

Garrison enlisted the help of two nonprofit organizations, in presenting the Coushattas' case. They drafted dossiers which are accurate enough for use in court.

The petition to the Bureau of Indian Affairs follows precedent set by the Miscosukee tribe in Florida which gained recognition in 1960.

Admission by the Bureau of Indian Affairs that the Indians are members of a bonafide tribe would open the way for far-reaching federal programs. An Indian tribe is equal to cities in obtaining aid.

An Indian tribe on a federal reservation has even more claims to federal services. Recognition would pave the way for aid and grants for welfare, health, recreation, education and other services.

Garrison said tribal leaders want to go even further. They want to acquire about 1,000 acres of land to establish a reservation.

This would make additional federal services available to the Coushattas. It would also enable intensive efforts to develop businesses and industries to create jobs for the Indians and open broad avenues for a tourism program.

Basis for the tribes' request for reconsideration dates back to early American history. The Coushatta tribe was recognized as a member of the Creek Nations Confederation. They signed treaties with four nations.

Through the years the Bureau of Indian Affairs and the United States never legally pronounced the tribe as no longer existent. Until 1953, the Coushattas were treated as a bonafide tribe.

Even when Congress by resolution moved to take federal protection from them, no formal action was taken to do so. Lawyers for the nonprofit organizations which took up for the Coushattas feel they have a strong case.

Success with the Coushattas could lead to further action with other tribes in Louisiana. Garrison thinks the Choctaw communities in Central and North Louisiana may also qualify for federal recognition.

Those tribal groups also have kept their language and customs alive. Their relatives in Mississippi are helped by the government.

Unfortunately, the Tunicas of Avoyelles Parish have no strong claim for recognition. However, they are in the courts for clearance of a land title which would have bearing on their case.

The Houma tribe of Terrebonne and Lafourche parish has 4,500 members. Nevertheless, they have little hope of recognition. They can't show that the tribe today is the same that was there some 200 years ago.

Regardless of the outcome, the Commission on Indian Affairs has shown a potentially profitable concern for a mute minority. That concern has produced results which could benefit both the state and a small group of long-suffering Indians.

If the help is not forthcoming from the federal government, the people of Louisiana now have the information needed to help their fellow citizens.

YIELDING TO ARAB BLACKMAIL WILL NOT SOLVE OUR ENERGY SHORTAGE

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. LEHMAN. Mr. Speaker, a number of Arab governments have begun a new campaign to win through economic blackmail what they had failed to win in three successive wars—the destruction of the State of Israel.

At the heart of this sinister campaign is the theme that the United States must end its support for Israel if we expect to continue to receive Arab oil to meet our growing demand for energy.

The Arab propagandists and those sympathetic to their objectives including certain American oil companies would have us believe that only our policy toward Israel stands in the way of the free flow of Arab oil to meet our future energy needs.

This is simply not true.

IF ISRAEL DID NOT EXIST, THE FLOW OF OIL WOULD STILL BE THREATENED

Let us picture for a moment a Middle East without Israel. The area would still have a great number of problems which would threaten the flow of oil to the West.

There would still be countries such as Libya which are caught up in a wave of revolutionary nationalism which considers America as the "capitalist, imperialist enemy."

There would still be countries such as Saudi Arabia and Kuwait who would use their huge currency reserves to attack the American dollar on the world money markets.

There would still be countries such as Iraq where the constant threat of war with dissident minorities—the Kurds—and neighboring states—Iran and Kuwait—makes it a most unreliable oil supplier.

There would still be countries such as Syria which has become a pawn in the Russian drive to extend its influence southward into the Middle East. Indeed, where would the pro-American countries of Lebanon. Jordan, and Iran be today if Israel did not exist to check the extension of Soviet influence into the region?

If Israel did not exist, there would still be countries such as most of the oil-producing Arab States who are now taking advantage of the American energy crisis by doubling the price of oil and tripling the tax rate paid by Western oil companies. Are we so naive as to think these price and tax increases are not the result of simple human greed?

THE ARAB LEADERS SEEK TO DECEIVE THEIR OWN PEOPLE

The Arab world is an area unfamiliar to most Americans and far different from the Western World. Many of the oil-rich Arab States have not yet emerged from a feudal system with rich absentee landlords and poor tenant farmers.

Slavery was permitted in some countries up through the 1960's. Illiteracy is widespread. Women are allowed little schooling, few civil rights, and must spend much of their time working in the fields.

Political intrigue is the order of the day with constant assassinations, plots, and coups—Arab against Arab.

To mask government instability and to distract the people from their own poverty and inequality, Arab radios are filled with chants of war. Political rallies are designed to focus on Israel and to ignore their own wealthy Arab leaders who are the real cause of the continued suffering of most of the Arab people.

This latest Arab move to threaten the West with the curtailment of oil supplies is just another chapter in the long effort by Arab leaders to deceive their own people into ignoring the real problems in the Arab world.

The deception first began after World War I when Arab landowners, fearful of the example set by the prospering Jewish settlers in Palestine, fomented a long series of anti-Jewish riots rather than encouraging their tenant farmers to learn the successful farming methods of the Jews.

The deception continued after 1948 when the Arab leaders refused to resettle the Palestinian refugees while Israel was promptly resettling over half a million Jewish refugees from Arab lands. The Arab leaders had decided that the Palestinian refugees, their own "brothers," should remain as political pawns in refugee camps.

In recent years the deception was continued when the oil-rich Arab leaders amassed enough money to buy limousines and air-conditioned palaces and European vacations and still have enough left over to speculate against and weaken the American dollar. But they could find no money to help improve the lives of the millions of Arabs who live in poverty.

To play along with this latest attempt by the Arab leaders to deceive their own people will in no way help the Arab people. To give any encouragement to this latest Arab propaganda effort will only serve to continue the poverty and inequality which are prime causes of the chronic instability and turmoil in the Middle East—and it is this chronic instability, not the existance of Israel, which is the real threat to the flow of oil.

ISRAEL DESERVES OUR SUPPORT

Of course, there are many positive reasons why the United States should continue to give support to Israel which have little to do with oil. Israel is a free democracy of hard-working, proud people. Made up of refugees from all over the globe including the survivors of the Nazi holocaust, the Israelis have restored a barren land and have defended it repeatedly against enemies on every side. To support such a nation is to be consistent with our highest American ideals.

The new Arab campaign to tie oil to American support for Israel must be seen as the propaganda that it really is and not as a serious proposition to solve America's energy shortage. It is the nature of the Arab world and not the existence of Israel which governs the flow of oil from the Middle East. None of the real threats to the increased importation of Arab oil would be met if we reduced our support for Israel.

Mr. Speaker, I insert in the Record two very perceptive newspaper articles from the Wall Street Journal and the Washington Post which propose a thoughtful American response to the recent Arab attempts to blackmail our country:

[From the Wall Street Journal, Aug. 21, 1973]

Eyes on the Figleaf

With the voluminous talk of the "enenergy crisis" and the eternal tension in the Middle East, a great deal of attention has been focused on the possibility that the U.S. may have to back away from its support of Israel because of its need for Arab oil. We often wonder whether the West isn't more obsessed with Israel than the Arabs are.

Some Arab nations have long made rhetoric about oil and Israel, of course, and the current concern arises because Saudi Arabia has started to join in. Lobbying for a more pro-Arab U.S. policy by Mobil and Standard Oil of California, two of the partners in Saudi Arabia's main oil consortium, apparently results from something King Faisal said to their executives. But we wonder just what the king said, and what he meant by it. Similar well-publicized remarks by his oil minister, Sheik Ahmed Zaki Yamani, seemed on close examination to peter out into remarkably vague and mild statements. We wonder whether the whole issue is being kept in perspective.

Take, for example, the "energy crisis," which in fact is America's adjustment to becoming a larger-scale importer of oil like other industrial nations. Saudi Arabia, which sits on some 28% of the world's proven oil reserves, is of course a key factor in meeting future world demand. And the United States will need some Middle Eastern oil to meet its increasing demands. But even in 10 years from now about half of American needs will be met domestically, and nearly half of the rest from elsewhere in the Western Hemisphere. Some of the remaining 25% to 30% will come from non-Arab lands such as Iran. Up to now, for instance, our largest supplier from the Eastern Hemisphere has been Nigeria.

As far as the Arab world is concerned, a renewed war with Israel would indeed endanger the flow of Persian Gulf oil. But this possibility seems to have blinded American opinion to the even more serious Middle East trouble spots that border directly on the oil fields. As an immediate source of an oil crisis, Arab-Israeli conflict ranks somewhere below Kurdish nationalism, the Iraq-Kuwait confrontation over the islands of Babiyan and Warba, the Iraqi-Iranian dispute over the Shatt al Arab waterway, the Saudi tension with Abu Dhabi over the Buraimi Oasis, and the ethnic rebellion in the Dhofar province of Oman.

Arab politics might not even be as monolithic on Israel as many in the West seem to think. In spite of King Faisal's fear of the Jews, the Saudis have not forgotten that the 1967 war forced Egypt to withdraw its expeditionary force from the Yemen, from which it occasionally dropped gas bombs on Saudi border villages.

Rhetoric about Israel in fact often seems to be a "figleaf," as one Middle East bureaucrat puts it, for more pressing economic objectives. Saudi reluctance to increase oil production has its real origin in problems of absorbing oil revenues in a near-feudal economy. Yet the London-based International Institute for Strategic Studies says the answer favored by the Saudis and other Arabs is "a dream of transforming themselves from mere reservoirs into industrialized states, exploiting a combination of surplus capital and cheap energy in order to process oil and other goods for the world market." This dream needs cooperation from America, both as an outlet for investment money and for help creating a local petrochemical industry; the IISS remarks that industrialization depends on "assured export markets for oil products and other manufactures."

While Saudi Arabia may suffer pressure from more militant Arab lands, the militants themselves have their own economic interests. We hear reports that Iraq's oil boycott plan, for instance, would give Iraq an increased share of the market. Libya has nationalized American properties ostensibly over Israel, but it has nationalized British properties ostensibly over the Persian Gulf islands of Abu Musa, Greater Tunb and Lesser Tunb. It recently put production limits on Standard Oil of California despite California Standard's pro-Arab lobbying, suggesting that the real targets of the campaign are the oil companies that have not yet agreed to Libya's economic demands.

Egypt's President Anwar Sadat saluted one of Libya's nationalizations in a militant speech about beginning the battle against American interests in the Arab world. Two weeks before, he was inviting Exxon to explore for oil under a 30-year contract. Two weeks later, he was soliciting American bids for construction of a $300 million Suez-Mediterranean pipeline.

The Arabs no doubt are tough customers to deal with, as are the Norwegians, the Ecuadorans, the Alaskans and almost anybody else who sits on oil. There may be serious troubles ahead if the Arabs decide to foresake their development plans and sit on the oil instead. But the idea that to crush Israel they would ignore their economic interests, or would turn charitable if Israel were sacrificed, strikes us as a view tinged wtih romanticism which has so often fogged the Western view of the Middle East.

[From the Washington Post, Sept. 2, 1973]

Arab Oil Threats Need Calm U.S. Response

(By Hobart Rowen)

If the Nixon administration doesn't watch out, it will stumble needlessly into making Israel the scapegoat for the prospective shortage of oil in the years ahead.

Increasing American dependence on Middle East oil, and hopes that Saudi Arabian production can be stepped up from 9 million barrels a day to 20 million barrels a day, have clearly given the Arab states a powerful new weapon in bargaining with their oil customers.

But this government should not let Saudi Arabia blackmail the U.S. into a sudden change of posture on the Arab-Israeli conflict.

The fact is that there is no real connection between the energy crisis and the Middle East conflict between Arabs and Jews. As Assistant Secretary of State Joseph Sisco observed, these "constitute in fact two separate sets of problems, each of which should be viewed primarily in its own context."

But the Arab countries, acting for themselves—and using the public relations power of their American oil company partners, are turning on the heat.

King Faisal of Saudi Arabia publicly responded to Sisco in a July 5 interview with Washington Post correspondent Jim Hoagland, in which he said that if American support of Israel continues as it is, the Saudis would find it "difficult" to cooperate with the United States.

Hoagland said Faisal's remarks were intended to underscore suggestions made by his petroleum minister, Sheik Yamani, that Saudi Arabia might be compelled to keep its oil in the ground because of rising Arab resentment over America's pro-Israel policy.

But how serious is such a threat? Nothing could be more confused or confusing than the complicated politics of the oil-rich Arabian Peninsula-Persian Gulf area. Thus, Prince Saud el Faisal of the Saudi oil ministry admitted to a Beirut editor last week that cutting off oil to the U.S. was unlikely to hurt America until the late 1970s.

But the King and the Prince, according to the Beirut report, are willing to use some of their huge oil revenues for a $1.2 billion program to re-arm the Egyptian air force, with Kuwait, Abu Dhabi and Qatar putting up the rest.

The threat conveyed to Hoagland, thus, is that if the U.S. doesn't change its Israeli policy, it won't get all the oil it wants. The refinement suggested in Beirut is that money from oil sales to the U.S. would be devoted to strengthening Arab arms for the ultimate victory over Israel.

The problem is how best to react to threats of this kind, and many read into the designation of James E. Akins as the new U.S. ambassador to Saudi Arabia a shift in American political and military support for Israel. In "Foreign Affairs" for April, Akins said that because of U.S. "vulnerability," the Arabs' threat "to use oil as a political weapon must be taken seriously."

The first and proper response should be a massive effort to develop new energy sources—oil from shale, the use of abundant low-sulfur coal, atomic and solar energy.

Gov. John Love, the head of the new energy office, told a group of Washington Post editors recently: "I don't think there's any doubt that we'd be in a better bargaining position (with the Saudis) if we developed our own sources of energy."

Looking at the situation realistically, both Love and his oil expert, Charles DiBona, doubt that the U.S. will ever get as much oil as it might like to have out of Saudia Arabia.

"I find imports of $25 to $35 billion (projected for 1980) impossible to accept," Love said. "There are sound economic reasons for the Saudis to say oil is better in the ground, apart from what Faisel says about Zionism. . . . For many reasons, we have to take a closer look at what we can do to make it to their advantage (to export oil to us) and we need a greater sense of urgency in finding different sources."

It is clear to DiBona and other Middle East watchers that with or without Israel there would be a Middle East oil problem. And in fact, as DiBona points out, without Israel, it might be a much less stable area than it is.

The "sound economic reasons" for Saudi reluctance to increase oil production relate to the problems of what an economy still in a near-feudal state can do with all of its oil revenue. And like other big producing countries, the Saudis recognize that their reserves are not limitless.

As the Wall Street Journal observed in a perceptive editorial Aug. 21, "the idea that to crush Israel they (the Arab nations) would ignore their economic interests, or would turn charitable if Israel were sacrified, strikes us as a view tinged with romanticism which has so often fogged the Western view of the Middle East."

In all probability, much of the Saudi Arabian rhetoric is intended to satisfy radical and militant pressures internally and from other Arab states.

In the long run, as Prof. Oded Remba of the Staten Island Community Center pointed out in a letter to the New York Times, the Saudis will need the friendship of the United States if Soviet influence grows in neighboring lands.

So there is little reason for the U.S. to panic. Playing it cool would suggest that the U.S. try to help the Saudis to find ways of investing their cash other than the Egyptian air force. It suggests, as well, a big push behind research and development for alternate energy sources—and a willingness to follow Love's recommendations for serious curbs on energy usage here, especially by big cars.

And for those who complain that development of oil from shale, or energy from the atom or from the sun is too far off, one might recollect what France's Marshal Lyautey is supposed to have told his gardener, who argued against planting a new tree, because it wouldn't flower for 100 years.

"In that case," Marshal Lyautey said, "plant it this afternoon."

THIRTY-ONE ORGANIZATIONS SUPPORT RHODESIAN SANCTIONS BILL

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. FRASER. Mr. Speaker, during the August recess of Congress, the Washington Office on Africa announced that 28 national organizations have joined in endorsing a statement which asks Congress to restore this country to adherence to UN sanctions against the minority regime on Southern Rhodesia. Since the date of that announcement, the number of organizations has increased to 31 with the addition of the Amalgamated Meat Cutters and Butcher Workers of North America, the International Longshoremen's and Warehousemen's Union and the National Council of Negro Women. This is another important example of the new awareness and concern on the part of the American people that its Government should leave the ranks of open international lawbreakers and undo the unwise work of the Rhodesian chrome amendment.

Bills to accomplish that objective are now pending in the House and Senate (H.R. 8005 and S. 1868) with the expressed support of the Administration. In the House there are 110 cosponsors and in the Senate there are 31. These bills deserve the active support of all our colleagues.

I ask that the full text of the announcement by the Washington Office on Africa be printed in the RECORD at this point.

NATIONAL ORGANIZATIONS JOIN DRIVE TO RESTORE U.S. COMPLIANCE WITH UNITED NATION SANCTIONS AGAINST RHODESIA

August 7, 1973.—The Washington Office on Africa announced today that 28 national organizations have now endorsed a statement calling on the Congress to restore United States compliance with United Nations sanctions against Rhodesia. They thus join a growing list of members of Congress who have sponsored legislation for that purpose which will be voted on in early fall.

The text of the statement is as follows:

A CALL ON CONGRESS TO RESTORE SANCTIONS AGAINST RHODESIA

We call on Congress to restore U.S. sanctions against Rhodesia to renew our country's adherence to international law and our United Nations treaty obligations.

We call for the restoration of sanctions because of our support for majority rule in Rhodesia. Since 1971 imports from Rhodesia in violation of sanctions have given economic and political aid to an illegal regime which is based on the disenfranchisement of the 95 percent African majority and discriminatory social and economic laws parallel to apartheid in South Africa.

Advocates of imports from Rhodesia have argued that these contribute to national defense by lessening imports of chrome ore from the Soviet Union. But these Soviet imports have actually remained at the same level. And the U.S. stockpile of chrome ore is so much in excess of projected needs that the Administration has submitted legislation to sell off the unneeded reserves.

The breaking of sanctions against Rhodesia is threatening U.S. jobs. The U.S. Ferroalloys Association announced in May that 19 ferrochrome plants in the U.S. are endangered by the surge in imports from Rhodesia and South Africa, where production costs are cut because of conditions of forced labor and special subsidies.

For these reasons we support the bi-partisan group of 31 Senators and 109 Representatives co-sponsoring bills S. 1868 (Senate) and H.R. 8005 (House of Representatives) to amend the United Nations Participation Act of 1945 to restore sanctions against Rhodesia.

Endorsers of the Call include:

American Ethical Union.

American Humanist Association.

Episcopal Churchmen for South Africa.

Friends Committee on National Legislation.

The Sisters Network.

Unitarian Universalist Association.

United Methodist Church, Board of Church and Society, Women's Division, Board of Global Ministries.

United Church of Christ, Council for Christian Social Action.

United Presbyterian Church, Southern Africa Task Force.

African Liberation Support Committee.

American Committee on Africa.

Committee for a Free Mozambique.

Gulf Boycott Coalition.

Pan African Congress, USA.

Southern Africa Committee.

Washington Area Task Force on African Affairs.

Black Political Convention, International Policy Committee.

Congress on Racial Equality.

National Association for the Advancement of Colored People.

Americans for Democratic Action.

National Student Lobby.

World Federalists, USA.

Action for World Community.

Women's International League for Peace and Freedom.

American Federation of Teachers, AFL-CIO.

United Auto Workers.

United Steelworkers of America.

In addition to those organizations which have specifically endorsed this statement, other organizations have adopted individual policy statements resolutions which expressly call for United States compliance with the United Nations program of sanctions. A partial list of such organization includes:

AFL-CIO.

United Methodist Church, Board of Global Ministries.

United Church of Christ, General Synod of 1973.

Young Women's Christian Association.

THE GRAND OLD PARTY'S GRAND OLD MAN

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. CULVER. Mr. Speaker, during the congressional recess I was pleased to read of the bestowal of the Herbert Hoover Award on one of the most prominent citizens of Dubuque, Harvey M. Lange. It is not often that an active Democrat would take notice of a Republican award given to a Republican stalwart, but in this instance it was a recognition of merit and service that easily transcends any partisan barrier. Harvey Lange is a patriarchal figure among Iowa Republicans. By his energy, enthusiasm, and sturdy adherence to principle he has throughout a long career helped to elevate the standards of politics in the State and has provided a continuing example of how service to party can be transformed into public service to all. Harvey Lange possesses qualities of mind and the kind of personal integrity which set standards for us all to emulate in both public and private life. Like Herbert Hoover, an Iowan in whose name the award was given, or Alfred E. Landon, still living in Kansas, Harvey Lange brings a quality of ripe wisdom and broad judgment for which we are all indebted.

Mr. Speaker, I ask unanimous consent that a recent article in the Dubuque Telegraph-Herald be printed in the RECORD. I think that all my colleagues, even those who have the most profound skepticism about the conclusion reached by Mr. Lange in the last paragraph, will appreciate this fine vignette of an outstanding Iowan.

The article follows:

THE GRAND OLD PARTY'S GRAND OLD MAN

(By Steve Walters)

1912: An 18-year-old Republican earned $1 each afternoon by dropping Teddy Roosevelt-for-President handbills on Dubuque front porches and passing them out at the old Grand Opera House.

1920: The same young man had the audacity to ask the Dubuque County Republican convention, meeting in City Hall's council chambers, to endorse Gen. Leonard Wood for president. He had served under Wood during World War I; the convention buried his resolution in committee.

1930: The Depression had folded America's economic tent. Nobody wanted to talk politics, but that didn't stop the same Republican, who took the thankless job of Dubuque County Republican chairman. He held the post for 12 tough years—years with Democrats strongly in control.

1940: The GOP chairman introduced Republican presidential candidate Wendell Willkie from the rear of the candidate's whistle-stopping campaign express. About 7,000 attended the Dubuque rally, making the chairman believe Willkie was doing better than he was; Willkie was slaughtered by Franklin D. Roosevelt.

1944: Even nightfall couldn't cut the summer heat at the Republican National Convention in Chicago, where the Dubuquer sweltered with the Iowa delegation. He helped Iowa cast a first-ballot vote for its favorite son, Hanford McNider of Mason City, before joining the stampede to Thomas E. Dewey of New York.

1950: The Dubuquer gave up his seat—held since 1942—on the Republican State Central Committee. He then confined his political activity to running the campaigns of veteran congressman Henry Talle, Decorah Republican who served 20 years in Congress.

That Dubuquer, Harvey M. Lange, got a standing ovation last week—from all the Republicans too young to remember how lonely it was to be a Dubuque Republican 30, 40 and 50 years ago.

This new crop, led by youthful party chairman Tom Tauke, paid well deserved homage to the patriarch of Dubuque County Republicanism, giving him the Herbert Hoover award for outstanding service.

Born July 28, 1894, on Dubuque's Lake Street (later renamed in honor of President Garfield when he died), Harvey Lange grew up with Republican politics.

"Dad (Otto Lange) was always working for somebody in politics," he said during a three-hour interview last week at his home at 1888 St. Joseph St. "Dubuque and Dubuque County were mainly—decidedly—Democratic at that time."

So decidedly Democratic, in fact, that when Republicans wanted to oppose Democrats running in the city's wards—Dubuque went to precincts in 1920—they ran on a "citizens" ticket.

"They didn't want the Republican label on them," said Lange, chomping an ever-present cigar.

"Politics originally was an accident of birth, just like religion. If your parents were Catholic, you were Catholic."

Lange went to Audubon School and graduated from the old Dubuque High School on 15th Street in 1913. A year at Exeter Academy in New Hampshire prepared Lange for Harvard University, which gave him an economics degree in 1918. He taught small-arms fire during the war, married, and came home to Dubuque.

Lange joined his dad's insurance company (he's now president of Lange Insurance), and plugged back into the local political scene. His dad became the first Republican to represent Dubuque County in the Iowa Legislature, serving in the Senate until 1930, when he lost a primary race for governor.

The younger Lange was named county Republican chairman in 1930, and shortly after, as Lange describes it, "the stock market broke to hell."

"Those were 12 tough years," Lange said, mindful of the Democratic landslides of Franklin Roosevelt, American's economic troubles and the Democratic Party's lock on county politics.

He was asked many times to run for office himself, but told the questioner: "I don't want to hold public office. I've got a living to make."

Mrs. Geraldine Lange would have "not one thing" to do with politics, her husband said. The couple have two children, Barbara (Mrs. Ted Ellsworth, former local Republican party vice chairman) and Marjorie, who lives in Florida.

Through the Depression and America's entry into World War II, Lange stumped for the party. "You worked hard in all the elections, for the whole ticket." He remembers the few GOP victories well.

In 1942, he won northeast Iowa's seat on the 16-member Republican State Central Committee. It meant that he would have to worry about Republican votes not only in Dubuque, but in communities like Oelwein, Strawberry Point and Decorah as well.

He had the state job in 1948, when Dewey ran again, this time against Democratic President Harry Truman.

"That was the year I thought Dewey would win," Lange said, "but the squirt, in his speeches he had nothing but platitudes—he was talking way over the heads of the people."

He gave up the central committee seat in 1950, saying "someone else should have a chance." He phased himself out of politics by running Talle's congressional campaigns until 1958.

Lange, who claims he is politically inactive now, said he's seen the following changes:

"Bossism doesn't exist today like it did years ago. . . . In the old days they'd say, 'So-and-so controls Linn County, and so-and-so controls Blackhawk County.' I don't think the controlling of the voters is as prevelant anymore."

But the voter has become more apathetic. "I hate to see the small turnouts that we have today—60 per cent for a presidential election. A lot of the voters just aren't interested; getting out the vote is a hard thing to do."

"The cost of campaigns have gone up considerably, eight to 10 times what they used to be. I don't think the money that is being spent for campaigns is practical, and a lot of it is wasted."

"I enjoyed the work and there was a lot of it," Lange said. "This country really grew under the Republicans; I really believe the country is in better hands under Republicans."

CRAIG HOSMER WRITES ABOUT THE NEW GEOPOLITICS

HON. JOHN P. SAYLOR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. SAYLOR. Mr. Speaker, our distinguished colleague from California (Mr. HOSMER) has won second honorable mention in the U.S. Naval Institute's 1973 prize essay contest writing on the subject of "The New Geopolitics." He entered the contest anonymously as did other entrants. His essay has been printed as an article in the Institute's August proceedings.

The article describe the evolution of the Nixon doctrine and the presently harmonious relationships between the United States and other key nations of the world. It also warns that even during relaxed periods of low international tension there is a level of defense effort below which no nation can linger for long without arousing the instincts of predators.

The article follows:

THE NEW GEOPOLITICS

(By Rear Adm. Craig Hosmer, U.S. Naval Reserve)

Elihu Root: "When foreign affairs were ruled by autocracies or oligarchies the danger of war was in sinister purpose. When foreign affairs are ruled by democracies the danger of war will be in mistaken beliefs."

With rare exceptions, American presidents have not assumed office as experts in the theory and practice of using their country's power to enhance its national security and attain its external goals. U.S. history is replete with instances of options neglected, of off-handed commitments supported by no more than one man's prejudices or intuition, and with questionable decisions of great consequence belatedly made on fragmentary data in atmospheres of crisis. Fortunately, during recent years, reforms have occurred in the institution of the presidency, and in the civilian and military organizations supporting it, which have corrected many of the flaws and gaps in the national decision-making machinery. Today, the restructured National Security Council and its counterpart nonmilitary agencies are fully capable of laying before the President and his key advisors precise, up-to-the-minute assessments of the global geopolitical environment, together with the alternatives and options available for coping with any conceivable domestic or foreign emergency They do so routinely.

In parallel with this institutional growth, government leaders and the public have developed a mature awareness and appreciation of those basic facts of international life without which viable decisions cannot be reached. Not only are the physical fundamentals of global power relationships—as defined long ago by Mahan and his successors—accepted as matters of course, but many more recent postulates governing the psychology of nations also are considered to be essential inputs to the decision-making processes. For example, it is now reasonably well accepted that:

Whereas it is difficult to perceive basic local, national, and international realities in or about open societies, their perception is infinitely more difficult in closed societies. No two nations view themselves, other nations, and the world in exactly the same light.

When dealing with those nations hewing to geopolitical misconceptions, one must either dispose of the fictions or accept them as realities for the purposes of the dealing.

Thus, in the years ahead, how well we fare in maintaining our national security and in attaining our international objectives will depend not only on how intelligently we exploit the geopolitical realities of the world, but also on how well we turn to our advantage the myths and fables other societies have been passing off as truth.

Such matters were understood only vaguely as the United States moved from isolation to international involvement and as the events of the two great wars first made it a world power and then, as hostilities ceased in 1945, thrust upon America the predominant role in the family of nations. At that moment, a combination of some naiveté, the heady promises of lasting peace made in the new United Nations Charter and the flush of victory blurred our own—and many other nations'—images of the world to come. Our rose-colored glasses were shattered by several gratuitous Soviet slaps and we saw that country's pugnacious posture in fuzzy, but no less ominous, outline. Camaraderie with the allies was quickly ended by Soviet paranoia over fraternization. Secrecy and haste to consolidate control over countries destined to become satellites offended Americans and menaced international harmony. At Yalta and Potsdam, Stalin repeatedly appeared to be inexplicably arrogant and unyielding. Some excused these and other enigmatic Soviet actions—how can one condemn the thrashings of a badly-wounded bear?—as being merely the natural reaction of a war-weakened nation which was seeking to position itself against potentially fickle friends who were likely to turn belligerent at any moment. Others thought that these were deliberately hostile actions which unmasked a malicious and treacherous society that seemed to be brazenly girding itself for the conquest of the world, as called for by Marxist-Leninist dogma.

Unable to solve the riddle of Soviet intentions, the United States for many years after World War II conceived the Communist world to be unified and monolithic in ideology, hostile and aggressive in purpose, and dedicated totally to obliterating or devouring all before it. We came to see the Free

World as a reverse image of the Communist one, with all the virtues of the former locked in mortal struggle with all the vices of the latter. This concept of opposing and opposite worlds dominated our foreign policy and shaped our defense posture for more than two decades. Faced with aggression, our logical response was to isolate this contagion and quarantine it within Communist borders. Promulgation of the Truman Doctrine and the Marshall Plan in 1947 were the initial major moves to implement this strategy. Many others followed as we began working and spending to bring order, stability, and economic opportunity to those allied and friendly nations whose freedom and safety appeared to be intertwined with our own. A threat to any was seen as a threat to all; it would be countered by "cold" means if possible, but by hot war if need be.

Within a short time the Berlin Crisis of 1948 simultaneously confirmed our belief in the correctness of this analysis of Communist intentions and verified our estimate of the necessity for a strategy of quick and positive responses to every appearance of aggression. Thus, in 1950, when the Republic of Korea was attacked by the Communist North, containment of the forces of total aggression, even to the point of open conflict, seemed essential and proper, not just to save that particular ally, but to prevent other free nations from thereafter falling—as one prominent American put it, "like dominoes."

In retrospect, the "Two Worlds in Conflict" concept and our strategies and initiatives to cope with its manifestations seem to have worked reasonably well throughout the 1950s. The ascendence to power of the People's Republic of China early in this era confirmed our suspicions of Communist malevolence, malfeasance, and perfidy. But history is not static and, by the early 1960s, signs began to appear that some things in the Communist world (as well as in our own) were not quite as we had thought them to be, or had changed, or were changing from what they had been. As time passed, the evidence of change mounted. Even so, revision of our concepts of an enemy, long tempered by years of Hot War and Cold War, did not come quickly. It is the way of men and nations alike to hold to old patterns until a significant event triggers movement, and then change comes swiftly.

The succession of President Richard M. Nixon in 1969, following bitter debate over the "hot," although undeclared, Vietnam war, was such an event. It focused the national awareness not just upon realities of the two Vietnams, but also upon broader aspects of relations within and outside the Communist bloc. Many of the nation's key leaders, including the President, became convinced that the Communist world was no longer unified and monolithic, and they believed that it ceased to project the intensity of hostility and aggression that it did in earlier years. Instead, they came to regard the Communist bloc as being under great stress from internal forces which seemed to be sapping both its appetite and its capacity for external adventures.

Recognizing these changed circumstances, the new Administration began a search for alternative strategies which it believed would prove more responsive to current U.S. national interests and opportunities than those of the Containment Doctrine. These took form as the Nixon Doctrine, the formulation of which began at Guam in 1969 and continue today. Its application already is manifesting distinguishable differences in power relationships in the 1970s from that which prevailed in the 1960s.

Viewed in the light of the Containment Doctrine, the escalation of aggression by North Vietnam, which began early in the 1960s, appeared then to be yet another centrally-directed, Korean-like probe, tilting the dominoes, testing the climate for world-wide aggression and justifying commitment of more than half-a-million American ground troops to hurl back the aggressor and reseal the Iron and Bamboo Curtains. That may have been exactly the way it was then; but, today, taking into account the major changes which have since taken place within the Communist world, the continuation by North Vietnam of its military effort to conquer the South obviously is locally-inspired rather than externally-directed. Under such conditions, the tenets of the Nixon Doctrine devolve upon the victim the primary responsibility for its own defense and encourage others to assist reasonably with materials, but only sparingly, if at all, with men. Accordingly, American forces were repatriated from Asia at a pace, in a manner, and under arrangements calculated to avoid strewing politico-economic wreckage in the area which later could embroil the United States in renewed hostilities.

It is apparent that the Nixon Doctrine is basically an ongoing effort to accurately perceive the world not only as it now is, but also as it changes and evolves. Implicit therein is our exploitation of those fictions and myths which realism decrees should be treated as fact. Then, based upon these understandings, U.S. policies, doctrines, and strategies are conceived, modified, or discarded so that we can more quickly and efficiently respond to current realities, evolving challenges, and emerging opportunities. The Nixon Doctrine places heavy reliance on negotiation, partnership, and strength as techniques for forwarding U.S. national interests. It recognizes defense priorities in the following order of importance: *first,* continental defense; *second,* protection of lines of communications; *third,* maintenance of alliances; *fourth,* protection of U.S. overseas interests, and *fifth,* the capability to assist indirectly or directly in local conflicts, if, when, and where advisable.

Our earlier strategy called for an always ready response to every opposition initiative and therefore demanded full manning of all the Cold and Hot War ramparts. In contrast, current doctrine does not insist that every move by the other camp be treated with equal alarm. It thus permits assignment of increasingly limited resources according to carefully calculated orders of need.

From this perspective, our Southeast Asia troop withdrawal, Vietnamization of that war, and the vigorous campaign to end it by strong diplomatic and extended military pressures on Hanoi can be seen to fall squarely into the new fifth priority concept of limited partnership with allies engaged in local conflicts. And, whereas the older Containment Doctrine assigned top priority to multiple areas of defense, the Nixon Doctrine realistically highlights continental defense as America's first priority. To this end, the Strategic Arms Limitation Talks were begun in 1969. They aimed first to freeze nuclear stockpiles at levels assuring mutual deterrence, and hereafter in the ongoing SALT II negotiations to reduce their size and cost. Knowledgeable observers believe the initial agreements negotiated in Moscow will extend for several years the time during which the continental United States will remain secure from nuclear attack. At the same time they do nothing to allay the growing unease with which members of the Sino-Soviet bloc have come to regard each other's nuclear capabilities.

As a sign of the times, it is interesting to note that the Soviet and U.S. strategic stockpiles now regulated by SALT may constitute the last remaining vestiges of our former all-pervasive bipolar concept of the world. Polycentrism in Communist and noncommunist countries alike has become the order of the day. Its ubiquitous influence has flooded the international scene since the U.N. decision in mid-1971 to seat the Peoples' Republic of China and to give it Nationalist China's former permanent membership on the Security Council.

Those acts gave the lie to the fiction of a lurking conspiracy led by the United States to "unleash Chiang" Kai-shek upon mainland China. They undermined the foundations of the Peking regime's violent, long-standing anti-American propaganda campaign. They caused Mao's minions finally to focus their undivided attention upon the many conflicting ideological, geographic, and historical forces which serve to repel the Chinese and Russian societies from each other. Peking's leaders at last were forced by these events to acknowledge that their basic danger stems not from the United States and its allies, but from the pincers of Soviet power steadily encircling China from the north, from the west, and from the south. Top Chinese officials are lately reported to have but two reactions to Soviet Russia: "hatred and fear." The realignment of the two Chinas at the United Nations also has forced Moscow to see more clearly the collision course being set by Mainland China's need to expand into the same vast spaces of the Siberian heartland that the Soviet Union feels it must occupy if it is to fulfill its own destiny. That nation's regard for the P.R.C. is mutely expressed by the presence of 49 Red Army divisions along the disputed 7,000-mile-long Sino-Soviet frontier.

The leaders of the Soviet Union and the People's Republic of China have become increasingly aware of the costly implications of this diametric opposition of their basic future interests. In the Communist world, the fostering of continued fighting in Vietnam once seemed a cheap and easy means to nettle the United States while demonstrating fealty to the legend of Marxist solidarity. Then, as the Sino-Soviet rivalry came into sharp focus, continued support of Hanoi by the Soviet Union appeared counterproductive to its need for calm in the West during a time when prudence suggested that Soviet attention ought to be directed primarily toward the East.

Similarly, the P.R.C. came to see that its basic security interests were substantially disserved by keeping open channels for military aid to Hanoi which also functioned as conduits for further extension of Soviet influence at China's southern border. For these reasons, Washington could safely estimate that both countries had come to recognize that an end to the Vietnam war would be in their own self-interest and that the mining and closure of Haiphong Harbor by the United States to forward that end would be accepted with the equanimity that it actually was. President Nixon's later visits to their capitals constituted tacit admission, by both, of their self-interest in gradually normalizing relations with the United States. They also served as occasions to offer each party parallel presidential assurances of U.S. neutrality and evenhanded treatment during the indefinite duration of their Siberian contest.

In that conflict, both powers understand that permanent domination of the vast territory involved can be assured only by massive settlement, development, and industrialization. They know that unprecedented capital investments will be demanded and are preparing to make them. Recently, the Soviet Union exhibited unusual goodwill in settlement of the German issue, and its remarkable acquiescence to Egypt's abrupt demand for withdrawal of Soviet forces probably signaled the start of a new era of relaxation in the Mediterranean. Moscow's diplomats moved to dampen rather than to fan the flare-up of Arab-Israeli tensions which followed tragic events at the Munich Olympic games. They appear serious about achieving a mutual and balanced reduction of forces in Europe.

Such conciliatory moves seem to be in response to a perceived need for detente with the West while the problem in Asia is dealt with. From the Soviet standpoint, these are the kind of things which can contribute to the creation of a comparatively benign international climate conducive to buttressing their Asian ramparts from domestic resources, from profits growing out of expanded trade, and even from borrowed Western capital. The Chinese, on the other hand, move ever more inscrutably to clear their decks for economic battle, but P.R.C. placidity on the Taiwan issue and the rapidly evolving political and industrial rapprochement with Japan are two of many indicators that China, too, intends to flex growing economic muscle in the years ahead.

There is talk by these two countries of a formal renunciation of the use of force against each other, and there is hope that this conflict which finds the world's two largest armies facing each other can be resolved without warfare—but there is no assurance that it will be. Soviet strategists have pointedly discussed the doctrine of preemption in nuclear war, while the key political and industrial areas of Mainland China long have been protected by the most extensive underground defenses extant.

It does not follow that the United States and others may relax simply because the world's two most populous countries are in serious contention. In this lawless world, many separate forces of disharmony, in addition to those stemming from the struggle between Communism and Capitalism, abound between nations. Those underlying the Arab-Israeli war are but one example. Moreover, there is no assurance even that the two principal contenders will choose to devote all their capabilities to be worrisome exclusively to each other. Communism's dogmatic hostility to competing systems remains an underlying fact of international life which can swiftly surface above intramural disputations whenever pragmatism and the self-interests of Moscow and Peking fall into momentary coincidence. Nevertheless, the emergence and growth of Sino-Soviet tensions over the Eurasian land mass serve, while they continue, to moderate those between East and West. They provide this nation and others a respite to address unrelated concerns.

Of course, for many millions of individuals everywhere, Communists and non-Communists alike, the world will never lose its bipolar image, the intensity of Cold War will not diminish, and global Hot War will be forever imminent. And, it is possible that the nation's leaders have, indeed, been deliberately deceived by a clever enemy masking its solidarity behind a disguise of disunity. If that is the case, or if the unexpected occurs, or should dangers revive through the passage of time, then they must be faced. However it becomes increasingly difficult for most individuals to interpret the significant events of these beginning years of the current decade except in terms of the consequences of growing Sino-Soviet alienation and disharmony. Therefore, it seems provident for the country to take advantage of these possibilities while they last for advancing U.S. domestic and overseas interests afforded by this probable condition of low international threat.

Already, national priorities have been reordered and defense spending has been pared to a level appropriate for a period of respite from serious external exigencies. This is obvious when the defense budget, adjusted for pay changes and exclusive of retired pay for Fiscal Year 1964, the year prior to the Vietnamese buildup, is compared with that for current Fiscal Year 1973. In constant 1973 dollars, the 1964 expenditure was $78 billion, while that for 1973 will be less than $73 billion, a cut $5 billion below the previous peacetime level. For these comparison years, the reduction is equivalent to a decline in defense outlays from 9.7% to 6.5% of the gross national product, from 44% to 31% of the Federal budget, and from 30 to 20% of public spending. It has been absorbed completely by domestic programs and tax cuts. Thus, the elimination and cutback of bases and the reorganization of command structures now underway Servicewide should not be regarded as a response to the ending of the war in Southeast Asia, but instead as a reshuffling of available defense dollars in order to allocate them in closer accord with the revised order of defense priorities called for under the Nixon Doctrine.

There is a minimum level of defense effort below which no nation can fall for long without arousing the bloodlust of predators. Unless, in the first place, creating the U.S. nuclear deterrent capability was unnecessary and a foolish miscalculation, any subsequent failure to maintain it at the level needed for nuclear parity inescapably will force Soviet leaders to evaluate the wisdom of pre-emption. On the other hand, so long as mutual deterrence is maintained, it operates as a strategic umbrella beneath which crises involving conventional armaments probably can be orchestrated to fairly high intensities without undue risk of nuclear backlash. Thus, should the West's conventional defenses be sadly neglected, Moscow and Peking might realistically entertain a temporary moratorium on their own controversy in order to seize an opportunity to forward their still-common eventual goal of Marxist universality. In this context, the Soviet Union's conciliatory efforts for a détente with NATO are not inconsistent with the recent strengthening of its Red Army forces in Europe. This buildup has a dual purpose: first, to protect that country's Western flank while it is engaged in the East; and second, to preserve its military and political options to maneuver westward again if irresistibly easy opportunities are presented.

Given circumstances in which bluff or blackmail are likely to succeed, and, should they fail, the cost of following through militarily seems reasonable, neither Soviet Russia nor Communist China can be expected to ignore opportunities to buy substantial advancements in objectives at bargain basement prices. In fact, the same can be said of almost all nations, and it means that even if Communist threats dissipate entirely there still will be other dangers presented by other countries. Over the long haul, a constant ebb and flow of international tensions is guaranteed indefinitely by the impending world energy, population, and food crises alone. The need to stay prepared for an inevitable flow after any ebb in tension will long remain.

The world's nuclear powers incur unique risks and heavy expense for their atomic arsenals, but, deterred except as a last resort from initiating the strategic use of these special weapons, their need to maintain suitable conventional forces is no less than that of the nonnuclear weapons states. With regard to conventional arms, no nation can hope to survive unless it maintains a defense base high enough to deter nonnuclear attack and wide enough, if deterrence fails, to support the fast expansion of its survival capability. For the United States this is not an inconsequential task. It regularly demands a burdensome share of the national budget. And, when danger is not imminent, it is difficult year after year to persuade the Congress to keep on providing substantial arms outlays to maintian it. It would be ironic if an increasingly niggardly defense budget someday weakens us to the point of inviting a conventional attack upon ourselves and key allies, as in Western Europe, against which attack the only viable alternative to surrender is an early resort to our outdated stockpile of crude and highly radioactive tactical nuclear weapons. It would be even more ironic if the adoption of new force postures and tactical doctrines, clearly and cleanly capable of deterring that kind of attack before it ever begins, remains blocked by the persistence of an anti-nuclear psychosis that bars the introduction of a new generation of discrete, substantially fallout-free, tactical warheads based on newly emerging pure hydrogen fusion technologies.

In the future as in the past, the keystone of U.S. national security will always be a willingness by the American people to support a thoroughly modern military force capable of coping with any emergency, strategic or tactical, nuclear or conventional.

The clarity with which molders of the Nixon Doctrine and their successors analyze changes in the geopolitical climate, and the ingenuity of their suggested responses to such developments, will be meaningful only for as long as the military establihsment capable of implementing them is maintained. Yet, military preparedness is not an American tradition. During the extended ebb in international tension experienced by the United States between the two World Wars, for example, defense was only marginally supported. The Selective Service Act of 1940 was enacted by but one vote, and early World War II GIs had to drill with wooden guns.

Two generations of war and danger have built up a momentum of public support for adequate defense budgets which has not yet run out, but the existence of antimilitary sentiment today is obvious and growing. The critical test of the Nixon Doctrine is still ahead. It will be necessary to devise effective means to maintain that momentum during another probable period of extended respite from imminent external threat.

ENERGY VERSUS ENVIRONMENT: A RATIONAL APPROACH

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. MOLLOHAN. Mr. Speaker, in a recent edition of the Wheeling News-Register, a prominent daily newspaper in my district, columnist Don Daniels offered some interesting observations about the need for a clean environment versus the continued demand for energy to keep our Nation operating smoothly. In his remarks, Mr. Daniels, who is well known to his paper's readership for turning witty but accurate phrases, also had some very flattering things to say about the position taken on this issue by one of our colleagues in the Senate, my friend the esteemed Majority Whip ROBERT C. BYRD of West Virginia.

In their call for a rational approach to reconciling our energy requirements with the need for a clean environment, I believe both Senator BYRD and Mr. Daniels have useful insights to offer. For that reason I believe Mr. Daniels' column, reprinted below, will be of interest to my colleagues:

ENERGY VERSUS ENVIRONMENT: A RATIONAL APPROACH

(By Don Daniels)

In what has become his almost trademarked fashion, West Virginia Senator Robert C. Byrd has sliced through the fog of rhetoric and diluted the anguished outcries of the doomsayers and gotten directly to the point.

The tough Democrat who quite frequently astounds his party colleagues by saying what

Byrd thinks and not what some loyalists want him to say, has come forth now to the effect that government clean air standards are not only unworkable, they are dangerous.

I'm sure the environmentalists will not breathe easier for that. But I am equally sure they will continue to cough up their particular brand of sanitary sputum.

In calling for a necessary re-evaluation of the ecologist credo, Senator Byrd said a relaxation of existing environmental rules is vital if the nation is to escape a national paralysis.

"The inescapable fact," Senator Byrd said, "is that if we are going to avoid a paralyzing stoppage in almost every phase of our national life we are just going to have to make accommodations."

The logic of that is inescapable and inarguable.

The United States is an industrial nation. It mines coal and makes steel and builds buildings and it exists on energy created by man. It drives cars and builds roads. And now it is faced with the frightening prospect of factories closing not because of any economic depression but because the idealists, the Harvard trained, broad based social evaluators claim everyone will die pretty soon unless the stacks quit spewing smoke.

Well, everyone will die pretty soon if they do quit spewing smoke, you can be sure of that.

According to Byrd, and this is one senator who does his homework, if the standards adopted by the Environmental Protection Agency for 1975 are adhered to, the consumption of 155 million tons of coal a year would be prohibited.

If this happens the nation will need to spend a billion and a half dollars to import oil for the lamps of Aliquippa and the carburetors of General Motors. It is not an enticing prospect.

Senator Byrd is not advocating abandonment of all the ecology efforts. He is simply asking that his sometimes easily panicked colleagues in the halls of Congress take a more realistic approach. The senator, in fact, lauds the aims of the back-to-nature bombasticators but he insists that unless Americans are ready to full change their lifestyles, we are going to have to make room for the industry necessary to provide the energy to run the mills . . . and it is the mills that pay for the bread we buy.

Mr. Byrd is sometimes unique along that often odd collection of elected sachems in the upper chamber of Congress. Not only does he often distress the party faithful he occasionally, if his conscience requires it, supports one measure or another which may require some sacrifice on his own part and that of his home state, if the measure appears to benefit the entire nation.

That is no small thing. But it is admirable. It has long been the contention of this meek observer that the Senate and its members are not beholden only to their own states, they are beholden to every citizen of the nation. The same applies to House members but perhaps to a lesser degree.

In his plea for a realistic approach to ecology . . . especially clean air, Senator Byrd does indeed cry loudly for his own State of West Virginia . . . but he is crying for all of the nation too.

Clean air, you understand, is a fairly recent issue. Before the ecologists got hold of the idea we all used to go around breathing and increasing our life spans in total ignorance of the dire danger we were in. Now we are warned by legions of nature lovers who cry havoc in the streets . . . and who expect total purity over night. It can't be done.

Coal companies, steel producers, the sweat and blood peddlers of the nation are working diligently to overcome the discomfort of polluted air. And I am quite certain that they will accomplish this without interference from additional government bureaus and more essays from book trained theorists who apparently believe you can produce energy by waving a fig leaf.

Senator Byrd is correct, of course. And he will gain a few loudspoken adversaries for his dedication to honesty. Some of these will get on television to speak their piece. When they do I hope they will realize that the device they used to broadcast their views is the ultimate product of that smokestack they see when they look out the studio window. . . .

So is the auto they got there in.

A PRISONER'S FAITH

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. HUNT. Mr. Speaker, many of us were privileged during the last several months to visit with some of our young men recently returned from prisoner of war camps in Vietnam. Their sacrifices, their love of their country and their God, their deep patriotism and loyalties, made even the most ardent member of the "hate America" crowd stop dead in their tracks for a brief pause in our Nation's history. Over and over again, I have been deeply conscious of the deep and abiding faith in God which sustained these brave young men throughout their personal encounter with the Godless tyranny of communism.

While all of us hope and pray that future generations of Americans will be spared the suffering endured by our returning prisoners, the realities of life in a hostile world cannot permit us to accept this hope as fact. One wonders what will sustain future generations of Americans in similar circumstances in view of the Supreme Court decision banning prayer in the public schools and the failure of Congress to overturn this decision. We must provide our young people with the moral and spiritual weapons to withstand whatever pressures the future may bring—we must pass legislation to return voluntary prayer to our public schools.

"In the Presence of Mine Enemies" by Navy Capt. Howard E. Rutledge recounts the experiences of a POW and his dependence and faith in a Supreme Being—it is reviewed here by Andrew Seamans, assistant editor of Human Events:

In the Presence of Mine Enemies

(By Howard and Phyllis Rutledge)

It was to be expected that once the POWs returned from the prison camps of Vietnam there would be a mad rush to get their experiences into books to hit the market as soon as possible.

Actually there has been an ex-POW's book on the market for two years, Green Beret Maj. James N. Rowe's *Five Years to Freedom* (Little, Brown, $7.95), but quite mysteriously the publishers seem not to be promoting it despite the keen national interest in ex-POWs. While Nick Rowe's book recounts his half-decade in the clutches of the Vietcong and his narrow escape, publishers are looking now for material based on the experiences of those who landed at Clark Air Force Base in the Philippines last February.

While two other books are already slated to hit the book stores, Fleming H. Revell Co., not one of the publishing giants, grabbed the edge with the first tome, and it's a good one.

In the Presence of Mine Enemies is a triple play of sorts. Not only does it recount the seven years of torment and physical torture of Navy Capt. Howard E. Rutledge in Hanoi, it also includes the mental anguish of his wife Phyllis who for five of those seven years knew only that her husband was "missing in action," and the added perspective of black and white illustrations of prison life by Navy Cmdr. Gerald Coffee, who was captured by the Vietnamese Communists two months before Rutledge's plane was downed.

In the Presence of Mine Enemies is not a long book, yet in its 124 pages it says an awful lot. Yes, it details the tortures recounted in the ex-POWs' press conferences, but it also tells how at least one of these American servicemen steeled himself to the ordeal by reclaiming his religious past. And it sadly tells also of at least one who did not make the trip back to "The World."

Air Force Capt. Ron Storz, affectionately nicknamed the "Hardheaded Kraut" by fellow prisoners in the maximum security prison known as "Alcatraz," was an inspiration to the other 10 men moved there from the Hanoi Hilton for being incorrigible.

Storz, using that unique tap code we've heard so much about which enabled POWs to communicate one with another, would sweep down the prison corridors, his broom heralding religious messages with its carefully measured beat on the stone floor. "Seek God here! This is where you'll find Him," was one of the captain's messages Rutledge remembers.

Then, Rutledge writes, Storz tapped out a foreboding plea to his Maker: "One day Ron swept a very different kind of message. With his broom he tapped, 'God, hear my cries.' We all knew Ron was very ill. He was getting weaker and his weight had dropped from around 175 pounds to just over 100. He was quite emaciated, and even the enemy was growing aware of his plight."

When the Reds tried to move Storz to larger quarters, isolated from his comrades, Storz didn't want to go. All he begged was to be left in a cell near those of his friends. Or better yet that he be allowed a cellmate. Someone to talk with. He had been kept in solitary and denied any letters from home. Later the other 10 POWs were returned to the Hanoi Hilton; Storz remained behind.

Rutledge laments: "That night we moved, one at a time, into a waiting truck, past Ron in his lonely cell. It was one of the hardest moments of my life as a POW. The worst part of being a prisoner is the helplessness to reach out and lift up another man in need. We couldn't even say good-bye. They had the burp guns. They had the power."

Concluding this tragic chapter, the Navy pilot writes: "We never stopped praying for Ron and for his family, but we knew we would probably never see him again until that day God chose to unite the Alcatraz Gang in another world free from such pain and sorrow."

Between the descriptions of torture, mistreatment and lack of even the most elemental medical care that was the norm in Hanoi's camps, there are some few touches of humor in Capt. Rutledge's saga.

One such involved the profuse resort by the POWs to four-letter words to hurl at their guards. Rutledge said they would take pleasure in cursing the keepers with a smile on their lips so the captors, knowing no English, would be ignorant of what names they were being called.

Amusingly, the increasingly more religious naval officer and his cellmate for a while—Air Force Capt. George McKnight—tried to reform their barracks language with "a pact."

"One day George and I made a pact," Rutledge recalls. "We would start on Sunday and go seven days; we would each keep track of the other's swear words, numbering them, and the person with the fewest slips would receive a precious banana at the end of the week. We may have had to steal the banana from a careless guard, but we weren't working on a cure for stealing that week!"

While Capt. Rutledge languished in Hanoi, Phyllis lived out her years in her own private hell. From the fateful day she learned from a Navy chaplain that Howard was missing in action to the wondrous night when she saw him walk off the C-141, her life was one crisis after another, in many ways typical of the plight of those brave women who waited so long and so courageously for their loved ones to return.

There was the pressure of suddenly being faced with the total responsibility of raising four children—the oldest 15. And the sick people who prey on those who are suffering, like the anonymous foreign tea bag received in the mail by Howard's mother and addressed to Howard's father who had died shortly before Rutledge was shot down.

After searching for hidden meanings in hope that it was some kind of message from her husband, Mrs. Rutledge sent it to the Navy only to find that other military families in similar straits had received these sick little gifts.

Yet, it seemed the fates were especially out to get Phyllis Rutledge. Two years after Howard was reported as an MIA, Phyllis lost her mother.

Then, on July 4, 1968, tragedy struck again. The family was spending the day at the beach—swimming and picnicking. Fifteen-year-old John Rutledge, the Rutledge's lone son, dove into the surf and struck his head on a submerged rock. Although dragged ashore by an unidentified black youth, the result was almost enough to drive Phyllis over the brink of despair. "Mrs. Rutledge," said the doctor, "your son is paralyzed from the neck down. He is alive but will probably never move again."

Mrs. Rutledge goes on to describe her life of doubt leading to the moment when, after all but giving up hope for Howard's safety and without warning, she received a seven-line letter from Hanoi written by her husband. She details how she had almost lost her faith, and how her friends, some of whom she had never known and others she will never know, helped pull her through.

And finally she shares with the readers her moments of anxiety—waiting by the television screen for a glimpse of Capt. Rutledge as he stepped down from the C-141 and of happiness when they embraced upon his return to San Diego.

There is a footnote to the story of Capt. and Mrs. Howard Rutledge. While in Hanoi, the pilot made several promises to himself. One of these was "I promised God that the first Sunday of my return to freedom I would take my family to their home church. At the close of the service I would walk to the front, confess my faith in Christ, and take my responsible place as a member there with my family. . . ."

On February 18, six days after his release, Capt. Rutledge kept his vow, joining the First Southern Baptist Church of Clairemont in California. According to the Rev. Charles W. Foley Jr., the pastor, five others in the audience that day, moved by the captain's testimonial, "were inspired to accept the Lord."

The warrior had come home to his country and to his God, and he brought something back to each.

ENACTMENT OF THE "BRANNAN PLAN"

HON. FRANK E. EVANS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. EVANS of Colorado. Mr. Speaker, the enactment of the Agriculture and Consumer Protection Act of 1973 marks a new era in agricultural policy. It embodies new and forward-looking concepts that I believe will enhance domestic food production and simultaneously assure the American farmer a fair return on his investment. This landmark legislation may not represent all that we would like but it is a very significant step in the right direction.

Today, Mr. Speaker, I would like to pay tribute to the originator of the 1973 act. Nearly a quarter of a century ago Charles F. Brannan had the foresight and imagination to propose supports for farm incomes rather than farm prices. It is this basic concept that lies at the heart of what has evolved at last into our national farm and food policy.

It gives me great pleasure to insert into the RECORD at this time an article that originally appeared in the New York Times and was reprinted in the August issue of the Rocky Mountain Union Farmer which recognizes the contribution of a great Secretary of Agriculture and my good friend, Charles F. Brannan.

"BRANNAN PLAN" PLEASES BRANNAN

(By Edwin L. Dale, Jr.)

It took nearly a quarter of a century, but Charles F. Brannan was a happy man today.

It was Mr. Brannan, as Secretary of Agriculture under President Truman who first proposed in 1949 the radically different method of supporting farm income that finally reached fruition in the farm bill signed today.

Mr. Brannan, now 69 years old, is general counsel to the National Farmers Union with offices in Denver. Asked in a telephone interview if he was pleased by the new bill, he replied, "I sure am."

"I've had a lot of fun watching it this year," he said. "Back then it was called the 'infamous Brannan plan.'"

As a member of the House of Representatives, Richard M. Nixon as President signed today's legislation voted with the majority of the House against a provision of the then-pending farm bill that contained a Brannan-plan experiment.

For 40 years the Government has supported farm prices, not farm incomes. It has done this by restricting acreage to avert oversupply, and by, in effect, buying up part of the crop when necessary to keep the price from dropping below the desired level. That is how the once-huge Government-owned surpluses were accumulated.

The Brannan approach supports farm incomes, not prices. A "target price" is established by law for the main crops—wheat, feed grains and cotton. The farmer sells his crops for whatever the market will bring. If his average prices fall below the legally established targets, the Government sends him a check for the difference, with a limit in the bill of $20,000 per farmer.

The new plan has several advantages, in the view of its advocates, as follows:

If production is high and prices drop, consumers get the full benefit of the price decline, though as taxpayers there can be a cost to them.

Farmers, with an assured income, can safely plant all their acres. This is crucial now when maximum production is needed to help bring down soaring food prices.

With prices high as at present—and many experts believe they will remain well above the new "target" prices at least through 1975—the new program is virtually costless to the government and the taxpayer.

The program is simple and does not require complicated mechanisms such as the present "bread tax" on wheat, payments to farmers for leaving acres idle, export subsidies and the like.

This bill, says Don Paarlberg, director of economics in the Agriculture Department, "gets rid of all the junk accumulated over the years."

"The bill," Mr. Paarlberg added with a smile the other day, "amounts to unintended euthanasia for the old farm programs."

How did it finally come about after all these years?

The Nixon Administration did not propose the change, though Mr. Paarlberg and his chief, Secretary of Agriculture Earl L. Butz, are among persons who are now enthusiastic about it.

Chief credit for the change apparently goes to a Republican Senator from North Dakota, Milton R. Young, who was a freshman in the Senate when Mr. Brannan first proposed the plan. At a closed session of the Senate Agriculture Committee in early May this year, Mr. Young suggested the new approach for wheat, and the committee quickly expanded his idea to include feed grains and cotton.

There was little opposition in the Senate and the House Agriculture Committee also quickly embraced the idea.

The basic explanation for this, however, was not sheer intellectual appeal but the sudden increase in prices of the crops involved. This meant that the Brannan type of approach would cost very little or nothing, and it became a better way than the old programs for inducing farmers to take the risk of planting to their full capacity.

Secretary Butz estimated today that the cost to the Government of programs for these basic crops, which was $4-billion in the last fiscal year, would drop to less than $500-million for next year's crops and perhaps would be "nothing."

What are the flaws?

There is essentially only one, but it troubles some government officials. It is the potentially huge, and open-ended, cost of the program if crop surpluses and sharply lower prices should reappear.

For example, Gary L. Seevers, a member of the Council of Economic Advisers, noting that "our aim is the largest possible output," said he could foresee a time when supply and demand seemed to be coming into better balance, with some possibility of a drop in prices below the targets.

Mr. Seevers said that under strong pressure from the Office of Management and Budget, which is always worried about government spending, the Secretary of Agriculture might then exercise his right under the law to order a cutback in acreage and hence production—a cutback that is enforced by denying the cash payments to farmers that do not comply.

"We could be right back in shortages," Mr. Seevers said recently. Herbert Stein, chairman of the Council of Economic Advisers, once called the bill "terrible," though he commented at a time when the target prices in the law seemed likely to be much higher than those in the final version of the bill. It was only a reduction of the targets from the original Senate levels that averted a Presidential veto.

In any case, a wholly new type of farm

program for the main crops will begin next year, and it could remain well past the four-year life of the bill Mr. Nixon signed. Reminded of Mr. Brannan and his long-ago Democratic proposal, Mr. Paarlberg said, "He ought to be pleased, it's his program."

U.S. NAVAL STRENGTH SHOULD BE MAINTAINED

HON. MARJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mrs. HOLT. Mr. Speaker, as my colleagues will recall, prior to the congressional recess the House passed the military procurement authorization bill leaving intact the full $1.5 billion requested for the Trident submarine project in fiscal year 1974.

Our colleagues on the other side of the Capitol will shortly be debating this measure, and we are all aware of the move underway to slash $885 million earmarked for the Trident submarine program from this legislation; a move which may prove to be penny wise but pound foolish.

I should like to call to the attention of my colleagues in the House and in the Senate an editorial which recently appeared in the Annapolis Evening Capital, for I wholeheartedly agree that—

> There is no room, and there can be no room, for the viewpoint of those who would weaken this country to the point at which major foreign adversaries, such as China and the Soviet Union, would be tempted to undertake the kinds of risky ventures that have placed the world close to disaster in the past and could do so again in the future.

If we are to emasculate our defense forces in the name of "economy" we should consider the total costs involved. While $885 million is indeed a sizable figure, we must consider the cost—not merely in dollars but in human life and tragedy—of another war precipitated by unnecessary weakness on our part. It is trite yet poignantly true that in matters of defense an ounce of protection can be worth a pound of cure. It is a lesson of history that we should not forget—one which is effectively articulated in the editorial which I insert in the RECORD at the conclusion of my remarks:

U.S. NAVAL STRENGTH SHOULD BE MAINTAINED

The latest edition of Jane's Fighting Ships, the bible of international Naval strength, indicates that the Soviet Union's Navy may for the first time in history be number one.

That this could happen, that Jane's could even consider the possibility, is a shocking reflection on the extent to which United States armed forces, and especially the Navy, are getting the short end of the budgetary stick in Washington.

The problem of course is that same old bogey, the Vietnam War, a national catastrophe of such vast proportions that it staggers the mind. For it seems clear that the end result of Vietnam will have been not only to weaken this country morally and financially, but to weaken it physically as well.

The Congress, with good reason it must be admitted, is clearly determined that U.S. forces will not again be put into battle for irrelevant or marginal political objectives. And Congress is also deeply disturbed by revelation after revelation of deceit and fabrication about military operations. That these deceits have been perpetrated mainly by high ranking civilians is increasingly beside the point, the point being that to a large degree the military is going to take the brunt of the reaction.

This is unfortunate indeed for the world in years to come is not suddenly going to become a paradise. Earth is a dangerous place; most of the people who live on this planet are hungry and unhappy, and the chances for conflict continue to be great.

No one can fault President Nixon for opening new lines of communication to China and the Soviet Union. It is better by far to be talking to our adversaries than not talking to them. But it would be a great mistake for this country to develop the notion, as many on the radical left have done, that a line of communication is the same as a permanent friendship.

The fact is that the surest way to provide a future war is for either the Russians or the Chinese to get the idea that the United States is weak and can be had, or worse, can be bluffed successfully.

The unfortunate fact is that right now, in the wake of Vietnam, and in the light of an illegal and unconstitutional to say nothing of profoundly stupid action in Cambodia, the chances of the United States military and credibility being taken seriously in the near future are not too good. Unless, that is, the question is one of genuine and meaningful and direct national security, and not just an attempt to maintain influence or some similar unspecific objective.

This means that it is more important than ever for the United States to maintain sufficient military strength to provide the deterrent effect that has avoided a major world war for the last quarter century.

Such strength must begin with the Navy's submerged missile systems and be backed up with other expensive hardware. Yet at the moment it is the hardware that is being cut while skyrocketing personnel costs are eating up larger and larger percentages of the budget.

There is no simple answer to this problem. But one answer that we can not afford is simply an all out reduction of U.S. military capability. There is plenty of room to discuss methods of increasing efficiency, the reduction of overlapping strategic forces, and other technical and strategic matters of continuing importance.

But there is no room, and there can be no room, for the viewpoint of those who would weaken this country to the point at which major foreign adversaries, such as China and the Soviet Union, would be tempted to undertake the kinds of risky ventures that have placed the world close to disaster in the past and could do so again in the future.

The old advice about keeping powder dry and carrying a big stick is more applicable than ever in today's dangerous nuclear world.

DEDICATION OF CHATFIELD DAM

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. BROTZMAN. Mr. Speaker, on August 15, 1973, the Chatfield Dam was dedicated. This represented the culmination of many years of work on the part of a great number of Coloradans who recognize the importance of protecting the metropolitan Denver area from the ravages of flash flooding.

Located at the confluence of Plum Creek and the South Platte River, the Chatfield Dam should go a long way toward eliminating the threats of devastating floods such as the one which caused over $325 million worth of damage in the Denver area alone in 1965.

On the occasion of the dedication, Vice President AGNEW spoke to the need for flood control, environmental quality, and sound land use controls. I believe his timely remarks will be of interest to many of my colleagues, and I am, accordingly, inserting them in the RECORD at this point:

ADDRESS BY THE VICE PRESIDENT OF THE UNITED STATES

I always enjoy coming to Denver. Flying across the plains and seeing your modern city set against the backdrop of the snow-capped Rockies leads one to understand the enduring and powerful attraction of the West.

For those of you who have the good fortune to live in Colorado, the natural beauty of your State is a very real part of your everyday lives. It provides a constant source of enjoyment and inspiration and, because you live close to nature, your appreciation of its marvels is heightened. But also because you live close to nature, you possess a very realistic understanding of its often unexpected, inscrutable ways. You are profoundly aware that nature can cause devastation and human misery. And that is the reason we are here today.

The Platte River stretching before us can illustrate both the benign and the malevolent in nature. The South Platte was a well-traveled route to the West for the early settlers. It offers them a convenient road, as well as firewood, shade, protection, food and many other natural attractions. Communities such as Denver sprang up at its more favorable crossing points. Yet along with its advantages, the river also harbored many dangers. Its shifting quicksand made for a treacherous crossing, and the first settlers of Denver were warned by the Indians that they had chosen a hazardous site for their new community.

The South Platte had a history of flash flooding. Too often its deceptively placid waters had broken loose, leaving destruction and chaos in their wake. Yet never was this danger as great as on the night of June 16, 1965, when the rain-swollen Platte exploded with a fury that brought about the worst disaster in the history of Denver.

The flood caused over $325 million worth of damage in the Denver area alone. Thousands of homes and businesses were lost, power and communications were disrupted, water and sewer systems endangered and the health and safety of more than a million citizens jeopardized.

Perhaps even more far-reaching were the costs inflicted in terms of human anguish and misery. It is a tribute to the resiliency of the human spirit that those stricken by the flood found courage within themselves to rebuild anew from the ruins of what, for many, represented the dreams and hard work of a lifetime.

But if one single factor kept them going, it was the hope that measures would be taken to prevent a future recurrence of the tragedy. As far back as 1950, Congress had authorized money for flood control in this area, but there was an apparent lack of public pressure to develop a workable project so the funds lay dormant until the tragedy of 1965 energized the people. Something had to be done to remove this threat if rebuilding efforts were to go forward. Mr. Jack Shapiro and his group recognized that and they went to work.

The new dam before us today is proof that something was done. This dam came not from a mere governmental appropriation. It came from the hearts and minds of the people themselves. That is where the Chatfield story really began and that is where the initiative for all great endeavors in our society must develop. Unless citizens are willing to press their demands and share the responsibility for arriving at desired goals, then government cannot serve them well.

Unfortunately, many citizens today erroneously feel that there is little they can do to stimulate improvement. They automatically look to government to identify the problems and provide the solutions. But government cannot shoulder all the burdens. Government is limited in its resources and energies. Moreover, when government fails to meet the demands made of it, some citizens become frustrated, alienated. The surest antidote to alienation is involvement, and those of you who have participated in the realization of this project have seen the achievement that is possible when concerned citizens commit themselves and press their demands in a responsible manner.

I realize that it has been a long, hard struggle. But when you have the kind of responsive leadership in the private sector that Denver has, and the effective professionalism of public servants such as Senator Peter Dominick and Governor Love, Congressmen Brotzman and Gordon Allott, to mention a few, who worked on this project from its inception and, of course, the current leadership of Governor Vanderhoof, a good result is assured. That combination gained a momentum all its own, a momentum that moved the construction forward and got the job done. The local, State and Federal cooperation that completed this project exemplifies the spirit of the New Federalism which the Nixon Administration believes in. We commend all of you for proving that Federalism works and works well.

There is another concept we believe in that you have also applied effectively in the planning and building of the Chatfield Dam. I am referring to the need in our country today to strike a balance between necessary growth and environmental protection. You in Colorado have a special interest in preserving the natural beauty and resources with which your State has been so richly endowed. I am encouraged to see that you have found a proper balance in this project and that the cooperation of responsible environmental groups—many of whose representatives have been invited here today—have made it possible for important features protective of the environment to be incorporated into this project

For example, I understand that trees were planted well in advance of completion to provide the Blue Heron that have traditionally nested here with a new home to move to once the area is flooded. Moreover, I understand that, along with its primary purpose of flood control, the Dam will also provide facilities for boating, fishing, camping, hiking and other recreational activities for the people it protects. Clearly you have shown that progress need not mean the destruction of nature but rather a better way of harnessing the destructive aspects of nature so that its advantages and beauties can be enjoyed even more.

The Chatfield Dam is a monument to American vision and diligence. It was the vision of a better tomorrow, ladies and gentlemen, that brought Americans West in earlier times. That vision sustained them and gave them the strength, determination and courage to overcome the obstacles they faced. That diligence enabled them to settle communities like Denver to provide a better life for themselves and their families.

As we dedicate this Dam and open the new chapter it represents in the history of Denver's growth, we can be certain that the spirit of America, which played such a major role in the development of this great Nation, is alive and undiminished here along the Platte River.

H.R. 10003—RAILROAD ADJUSTMENT ASSISTANCE

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. HARRINGTON. Mr. Speaker, within the next few weeks, Congress will act on a bill to reorganize the bankrupt Northeast railroad system. During this reorganization process, it is inevitable that railroad service will be terminated along a substantial number of branch lines, creating severe but unavoidable hardships for the businesses, individuals, and communities served.

As a means of softening this impact, I have introduced H.R. 10003, a bill to provide adjustment assistance to firms, workers, and communities adversely affected by the termination of railroad service. Under this program, funds would be available to assist firms changing production processes or using different modes of transportation in order to continue local operation and prevent the loss of jobs.

If firms are forced to close or move elsewhere, funds would be available to assist the affected employees and communities. This bill is consistent with the general philosophy of adjustment assistance—that the Government should, wherever possible, minimize the unintentional damage to firms and individuals resulting directly from Federal policy decisions.

The national railroad system is a regulated industry. Federal permission must be obtained for any changes in service including terminations, reductions in the number of stops per station, and changes in the time schedule. Federal policy decisions have forced individual railroad lines to continue necessary but unprofitable service to particular communities, and have directed mergers of bankrupt lines. In addition, discriminatory tax structures and Federal subsidies of the trucking and air freight industries through the construction of highways and airports have had a great deal to do with the decline of railroad service in the Northeast. The level of Federal involvement in the industry and the dependence on railroad service of many major Northeast firms and communities contribute to the compelling case for adjustment assistance.

H.R. 10003 will be reintroduced with technical corrections and cosponsors on September 13. Adoption of this bill would help insure that the secondary impact of branch line closings would be taken into account in the reorganization of the regional rail system. If the Federal Government is to fully consider the interests of the region, it must have the financial incentive to consider the secondary effects of the new railroad plan.

The impact of railroad reorganization in the Northeast is likely to be severe. In my district, the Sixth of Massachusetts, over 5,000 jobs would be affected if services were discontinued on the marginally solvent lines serving Amesbury, Gloucester, Topsfield, and Haverhill. The weakness of the Northeastern economy and the base closings in New England—which will cost Massachusetts 12,000 civilian jobs alone—point up the need to soften the impact of railroad reorganization and provide for long run options to speed the recovery process.

The bill I have introduced would establish within the Department of Labor, a Railroad Reorganization Adjustment Assistance Administration charged with coordinating assistance to firms, workers, and communities adversely affected by service terminations. The cost of the bill would depend on the number of shutdowns and would provide a sensitive mechanism to compensate the areas most heavily damaged. This is a program we can afford, and is a necessary and integral element in a final rail solution. I hope that it will receive the serious consideration of all those involved in the urgent business of railroad reorganization.

I would like to insert in the RECORD at this time a summary of the provisions of H.R. 10003 "The Railroad Reorganization Adjustment Assistance Act of 1973."

SUMMARY

Title I. Authority to implement adjustment assistance would be vested in the Secretary of Labor. The major focus of the bill is on employment and adjustment assistance to workers. Eligibility of firms and communities would be based on employment figures as well. Since the Department of Labor is primarily concerned with employment, and the program must be coordinated by one agency, to avoid duplication all authority should be vested in this department.

Title II, subtitle A, eligibility. An individual worker would be eligible for adjustment assistance if he becomes or is threatened with becoming unemployed or underemployed as a result of discontinuance or abandonment of any rail service. Firms shall be eligible under subtitle B if a significant number of its employees became or were threatened with becoming unemployed. A community would be eligible under subtitle 4 if the situation of a firm or the relocation of facilities would cause serious injury to the economic base of the community.

To speed the decisionmaking process, determinations by the Secretary of Labor would be made on the basis of a rebuttable presumption whereby workers and firms shall be deemed eligible unless the Secretary rules otherwise within 30 days of the petition for eligibility. For community applicants, the period will be 90 days.

Subtitle B, assistance to firms. A firm deemed eligible for adjustment assistance may, within 2 years, file an application. Within a reasonable time after filing the application, the firm shall present a proposal for its economic adjustment. Adjustment assistance under this subtitle consists of interim assistance—section 212; assistance through existing agencies—section 213; technical assistance—section 214; and direct financial assistance—section 215.

Subtitle C, assistance to workers. Adjustment assistance under this subtitle consists of: Part II, readjustment allowances; part III, training; part IV, health insurances; part V, relocation allowances; and part VI, early retirement payments.

Any adversely affected worker with at least 26 weeks of employment within the past year with a firm may file an application with the Secretary for one or more forms of assistance under this subtitle. With respect to any week of unemployment, the total amount payable to an adversely affected worker as remuneration for services, unemployment insurance, as a training allowance, and as readjustment allowance would be equal to 100 percent of his prior average weekly wage. Payments of readjustment allowances would not be made for more than 52 weeks, unless the affected worker is 60 years old or is undergoing training. An adversely affected worker would not be entitled to any readjustment allowance unless he applied for training assistance and accepted, continued and made satisfactory progress in training provided.

Health insurance coverage would insure that the worker would be covered by a policy representative of the average range of benefits offered by manufacturing industries in the country.

Relocation allowances would be granted only if the worker could not be reasonably expected to find suitable employment in the immediate commuting area and had obtained a firm offer of employment elsewhere.

Adversely affected workers entitled to begin receiving retirement pay under a pension plan within 3 years would be eligible for early retirement payments. These payments would terminate when the worker became eligible for pension benefits.

Subtitle D, assistance to communities. Within 2 years after certification of eligibility, a community may file an application and present a proposal either separately or in conjunction with firms and/or groups of workers for technical or financial assistance. When applications from the same affected area are not made jointly, the Secretary would notify all parties involved and work out a coordinated adjustment assistance program.

H-F CHOIR MAKES MARK OVERSEAS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. DERWINSKI. Mr. Speaker, it is a pleasure to again direct to the attention of the Members the outstanding accomplishment of a choir from my district. The Homewood-Flossmoor Viking Choir has just completed a very successful tour of the Netherlands, Germany, and France.

This very effective, and notable group of young people were properly commended by the Southwest Messenger Press which serves the communities in south suburban Cook County in Illinois. I am pleased to insert this article of August 16, into the Record.

The article follows:

H-F Choir Makes Mark Overseas

A midwest high school choir composed of 100 youthful singers has made a mark for itself in promoting understanding between nations. Three years ago, this notable singing group, representing the Homewood-Flossmoor High School made its first tour of Europe and the Soviet Union. Recently, the choir completed its second tour—this time to the Netherlands, Germany and France. Again this outstanding group of young Americans, known as the Viking Choir, has shown our friends overseas that America is a land in which culture and good will flourish, notwithstanding some of the sordid headlines that always seem to to take precedence over the constructive works of mankind.

SENATOR CHARLES PERCY AND CONGRESSMAN MORRIS UDALL DISCUSS CAMPAIGN REFORM ON CONGRESSMAN JOHN BRADEMAS' "WASHINGTON INSIGHT" PROGRAM

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. BRADEMAS. Mr. Speaker, each month I moderate a television program called "Washington Insight" which is aired on station WSJV–TV in South Bend-Elkhart, Ind.

Yesterday, September 4, 1973, on this program, I had the privilege of discussing campaign reform legislation with two distinguished Members of Congress who are leaders in the effort to win passage of such a measure—Senators Charles Percy, Republican of Illinois, and Congressman Morris Udall, Democrat of Arizona.

Only today the distinguished Speaker of the House of Representatives, the Honorable Carl Albert, in listing major legislation on which Congress should act this year, called attention to the need for a bill to reform campaign practices and campaign spending.

Mr. Speaker, in view of the timeliness and importance of this matter, I insert at this point in the Record a transcript of my discussion with Senator Percy and Congressman Udall:

Washington Insight: John Brademas, Morris Udall, and Charles Percy on Campaign Reform Legislation

Mr. Brademas. Welcome to another edition of Washington Insight. Watergate and other dramatic events unfolding in Washington over the last several months have sharply increased the demand for campaign reform. Here in Congress, Senators and Congressmen have been proposing a variety of approaches on legislation affecting the way campaigns for public office are conducted and financed in this country. The Senate has already passed an important campaign reform bill, and some of us in the House of Representatives hope that we can approve similar legislation during the next few months. With me today are two outstanding leaders in Congress, both of whom have been outspoken on the need for campaign reform.

Senator Charles Percy, Republican of Illinois, is serving his second term in the Senate, where he has involved himself in a wide range of concerns—from foreign affairs to the problems of nutrition, aging, and the operations of government. Senator Percy is often mentioned as a possible Republican Presidential candidate in 1976.

Morris K. Udall, Democratic Congressman from Arizona, has been one of the most vigorous champions in the House for campaign reform. Congressman Udall, one of the most popular Members of the House, is now serving his fifth term here; he's won wide respect on both sides of the aisle for his energy, his wit and his broad range of legislative interests. He has recently published a fascinating book, *The Job of A Congressman.*

Senator Percy, let's begin by asking you, sir, why there is so much interest in campaign reform right now. Is it Watergate?

Mr. Percy. There isn't any question about it, John. We could never have passed the bill we did in the Senate to reform campaign financing with the speed that it was passed, with the overwhelming vote, without Watergate. This is at least the silver lining that is in that very dark cloud that hangs over us.

Mr. Brademas. Do you agree with that, Mo?

Mr. Udall. Yes. You know, Chuck, I've often thought that especially in politics you have to sometimes have a very bad situation occur before you can do some good. We desperately needed ethics committees in the House and Senate. We desperately needed some kind of disclosure. You and I and others were making voluntary disclosures. You know why we got these? We got these because of Adam Powell and Senator Thomas Dodd. Without those events giving the public attention to it and the impetus those events caused we would never have the ethics committees and the disclosure that we now have.

NEW SENATE BILL

Mr. Brademas. Senator Percy, you alluded to the bill passed by the Senate in late July for campaign reforms. Could you tell us what some of those major provisions are?

Mr. Percy. Very briefly, John, we sent a bill which can be perfected and improved, I presume, in the House. I hope it will not be weakened and I certainly know that, in this bipartisan forum, we're going to see no weakening on your part of that bill. I hope you can even strengthen it further.

We first of all eliminate the idea of multiple Committees, which are devices for purposes that we well know. One candidate, one committee, and that's the way it ought to be. No more of these big cash contributions.

We put a limit of $50 on a cash contribution. I would like to have seen it reduced to $10 and had a bill in to that effect, but certainly no suitcases filled with money should be given to candidates so far as the Senate now is concerned.

ELIMINATE THE FAT CATS

We also put a spending limit of 10¢ per candidate per eligible voter, that is, in the primary, and 15¢ in the general election. That would reduce this extravagant waste of money in campaigns. A $3,000 limitation is set on individual or committee contribution that can be given to any single candidate and an overall family limit of $25,000 for all contributions to Federal political campaigns in a single year. So, you eliminate the fat cats in a sense owning and controlling, as the implication is, a Member of the Congress of the United States.

REQUIRE FULL DISCLOSURE

We require that the name, address, occupation, place of business be put down on a card and clearly identify a contributor so we can't have the possibility of overlapping of contributions. We do require, for the first time in the history of the Senate, and here we had an overwhelming vote, on an amendment I sponsored, full financial disclosure for the first time for all Members of Congress.

Mr. Brademas. Mo, what do you think of the Senate bill? You've got a bill in yourself called the Clean Elections Bill, I believe.

Mr. Udall. We have over a hundred cosponsors. Chuck Percy's friend, John Anderson, who is one of the best and the brightest of the Republican Members of the House, and I have over a hundred cosponsors from both parties. Here again, as with Watergate, people ask, "What can we do?"

We say, "Get behind the Clean Elections Bill."

The Senate bill tracks pretty well with ours. We're out for the basic same goals as Senator Percy outlined although we don't deal with this last matter of disclosure. We already have a more far-reaching disclosure rule in the House than in the Senate.

THE 1971 CAMPAIGN REFORM BILL "INEFFECTIVE"

Mr. Brademas. Now, let me ask you this, before we get into a discussion, gentlemen, of the major provisions that we have to pay attention to. Congress did pass in 1971 a campaign reform law and some say, had it not been for that law, we would not have uncovered the campaign abuses that are now being revealed. Why do we need a new law since we have that one on the books? Senator?

Mr. Percy. It was totally ineffective as Watergate proved. The provisions that I have outlined that are in the Senate bill are not now in law. They should be in law and overwhelmingly the Senate has said they must be in law. And I hope that the House will concur.

Mr. Udall. I don't think quite as harshly of the 1971 law. It has some deficiencies and they ought to be closed. The Senators' bill has loopholes which need closing and we want to, too. The present law was a great improvement over that monologue we had for 50 years, which never resulted in a prosecution of any kind. There were really two points, however, about the 1971 campaign reform act that I would like to make.

One, there was connivance in both parties to delay the effectiveness of that law until April 7 of our election year, and this is why you had people running around with suitcases in the middle of the night trying to beat the April 7 deadline. So the new law never had a complete test of a complete election cycle.

Second, the law was ineffective in terms of enforcement. That law put the enforcement in the hands, as far as Congress was concerned, of politicians or appointees of politicians. One, the Attorney General made the decision whether to enforce the law as regards to Presidential elections. And then officers of the House and Senate decided whether to enforce it with regard to the House and Senate candidates. We all agreed on one point: that enforcement of that law has got to be taken over by a bipartisan, non-partisan, independent Federal elections commission. They can supervise it, publicize the facts and take action as necessary.

Mr. Percy. Incidentally, we've accepted your suggestion on that. That provision is in the bill that is now over in the House. This is a key reform.

Mr. Brademas. How does that work, Senator, in the Senate bill?

AGREE ON OVERSIGHT COMMISSION

Mr. Percy. A seven man election commission that has absolute authority and responsibility to supervise the election. One member would be the Controller General, with the six additional members appointed by the President and confirmed by the Senate.

Mr. Udall. In our bill, we have two appointed by the House, two appointed by the Senate, and two appointed by the President, and then, as I recall it, the Controller General as the seventh member of the commission.

You see, that's really vital. There were hundreds of plain violations of this 1971 law this last time. Where do you send them to determine prosecution? You send them to the Justice Department. And the head of the Justice Department is either going to be a Democrat or he's going to be a Republican, and he shouldn't be a political figure because you can't win. If the President's Attorney General prosecutes Republicans, they say, just a minute, you're one of us. If he prosecutes Democrats, the defendant says, oh, this is political prosecution. So you need to get the enforcement of law completely out of the political process.

Mr. Percy. I think you will find, though, that the Senate method of appointing the commission is more consistent with what you have expressed.

SHOULD THE PUBLIC FINANCE CAMPAIGNS?

I'd like to ask both of you one question—a judgment factor of both of you if I could. In the Senate, the great debate was whether or not we should have public financing out of the United States Treasury of campaigns. Overwhelmingly, the Senate was not ready to move in this direction, particularly when we have an unbalanced budget. But the thought was expressed, and I expressed it as an amendment, to this bill where we would double the tax credit from the existing level, from $12.50 to $25.00 for individuals and double that for couples, and double the tax deductions from $50 to $100 for individuals and from $100 to $200 for a couple.

This would encourage smaller contributions; it would encourage them because regardless of the income of the person they can well afford to do it. As long as they are paying any tax, they would get a tax credit. If they are in low income levels, yet they would not lose control of which party they want to give it to or which individual, which to me is better really than public financing.

Mr. Brademas. Now, maybe you could comment on the Senator's question and also talk about why the tax credit apparently hasn't worked as effectively as it should?

THE FINANCING TAX CREDIT UNDERUSED

Mr. Udall. Well, I don't think it's been widely enough publicized yet, John, and there is an important underlying psychological principle here. Our tax laws say when you give to your church, that's good. It says people ought to give to churches. It says when you give to the Red Cross and educational institutions, we allow you to deduct that and that's good.

But political giving has always been considered kind of dirty and underhanded. It has a bad name. And I think a tax credit idea ought to be publicized, expanded the way the Senate has in its new bill, to say to the public that, under our laws, giving to political parties is good and wrap a mantle of righteousness about it and bring a lot of little people into it who have had a view that political giving isn't sound.

But I do think that we've got to move some way towards public financing and the tax credit idea is a beginning because it permits you to say, rather than sending to Uncle Sam $50—for a husband and wife—in our taxes this year, we send this $50 to the Republican Committee or to John Brademas' campaign in Indiana . . .

Mr. Brademas. I like that idea.

Mr. Udall. Or wherever we want to put it. But I do think that we have to begin to move towards public financing and we had a new idea here in the House that I think solves a lot of the old problems that have always been raised when you get into public financing.

Mr. Brademas. Now exactly how did your public financing proposal work, Senator? You offered an amendment for public financing?

Mr. Percy. Well, I offered an amendment but as you well know, and I knew I would, I ran smack dab into a brick wall, a constitutional question. Senator Long, Chairman of the Finance Committee, rightfully raised the question. We can't put that amendment on this bill because that's a revenue amendment, and the Constitution provides that only the House can originate such a bill.

My purpose in doing so was public education, to emphasize the point, and germaneness really would say it ought to go onto a campaign bill, but it is a revenue matter affecting taxes.

So I agreed after a deliberate amount of debate that it would go as a separate amendment on the first revenue bill that we get from the House, and then it would go back to conference. And I hope that would double what we now have and we want to see that it gets more prominence, given public education, because this is a painless, low-cost way for everyone to finance candidates and parties of their own choice.

But the odd thing is—because this bill that we sent over, the Campaign Practice Bill, is not even scheduled for hearings in the House until September, and we'll have a revenue bill from you in September—the Percy Amendment will go on that bill and it will come over, and with your support and help it will be enacted into law long before the Campaign Bill.

Mr. Brademas. I think we're being lobbied here, Mo, but I won't resist.

Mr. Percy. We hope it's in the public interest.

Mr. Brademas. Mo, what does your Clean Elections Bill have to say with respect to this matter of public financing?

CHANGEOVER TO PUBLIC FINANCING WITH MATCHING PAYMENTS

Mr. Udall. I think eventually this country will get toward the British system. And even Puerto Rico and a lot of free countries have the public, the treasury, the taxpayers, finance elections rather than the special interests that we have now.

And I think we'll get there, but I have never believed we are going to be able to just draw the line: today we have private financing, tomorrow we're going to switch to a complete system of public financing.

But we suggest a mix; we say, let's move toward it gradually, let's try it out and here's a way we can do it. We say, you, John Brademas, if you can raise a thousand dollars in $50 or less chunks, if you can get 20 people to give you $50, you must be a serious candidate with some broad base, and the Federal government will match that thousand dollars.

If you come back with another list of people who've given you a thousand, we'll match that thousand, so on up to $25,000. You raise $25,000; the government will match $25,000. This will lessen your dependence on the big contributors and will enable you to have some measure of substantial public financing and yet will keep the incentive there for people to get involved with small amounts to help you, and we think this is a very innovative idea to begin to move toward public financing.

Mr. Brademas. Senator Percy, let me turn to another subject here, and that is the matter of limitations on the amount of money people can contribute to a campaign committee or to a candidate. Now in the Senate, as I understand it, you limited the amount of individual contributions to $3,000 for a primary and $3,000 for a general election. I think Mr. Udall's bill is even tougher. Why do we need these limitations, in your judgment?

Mr. Percy. I think we must do this to remove any implication that a Member of Congress is unduly dependent on someone simply who has the ability to contribute large sums. Now we know that the integrity level is very high in the Congress—of all of the types of organizations I have dealt with in my life, business, labor, education, I think the integrity in the Congress is quite high—but there are exceptions and those exceptions have caused us to be concerned and the public to be concerned. So that to remove any chance that there could be the appearance of undue influence or that any citizen, no matter how humble his category, doesn't have the same clout, you might say, to come to their Congressman and Senators with an idea or grievance and have the same access to him, we are limiting it so that no one could imagine that $3,000 could then be an overwhelming influence to an individual in Congress.

Mr. Brademas. Mo, your bill is even tougher in this respect. How does it work?

Mr. Udall. A $1,000 limitation that any one person could give any of us in a House or Senate campaign and $2,500 in a Presidential campaign. And that's on the same principle that Chuck Percy is talking about here. No man, regardless of his motives, ought to have a million dollar clout on a Presidential election. There was one man in Chicago who gave President Nixon a million dollars—two million. Senator McGovern must have received a half a million from Stewart Mott, whose motives are pure, who believed in Senator McGovern, but no one should have that kind of clout in our political process.

I think I could throw out of my office someone who had given me $1,000. I'm not sure I could conveniently throw someone out who had financed the whole campaign. There's a principle at stake here. Keep it small, keep everyone involved. I think we'll come out of this, the House and Senate this year with some kind of a reasonable small contributor limit.

SELLING AMBASSADORSHIPS: A CASE IN POINT

Mr. Percy. I think one of the most ludicrous things that has been done under both Administrations, Democratic and Republican, is the outright sale of ambassadorships abroad. To think that the Ambassador to a given country, that that post, could be purchased for $100,000, $200,000! But the going rate became so high in 1972, it was up to around $250,000 and in our Foreign Relations Committee, and I'm on that Committee, I went over to see the Secretary of State, and I said we simply are not going to accept anyone if they contribute over what we consider to be a modest contribution.

I've had to disappoint people who come in my office and have said well, they believed there was almost an implied commitment that they were going to get an ambassadorship. I said, first, that's illegal, and second, you'd better not embarrass yourself by coming forward. You just gave $249,000, or whatever it was, too much, that was your trouble.

Mr. Udall. You know, both parties have done this, but this—and we're all aware of this particular instance, I won't mention names, but this shows the extent to which this has deteriorated. The Committee to Reelect the President had reelected the President. It was December of 1972; a wonderful lady from New York gave the Committee—and they had four million dollars left over—gave them $300,000, I think it was, and a couple of weeks later, was picked as Ambassador to Luxembourg.

Now you can stuff in the phone booth here all the people in Washington who think they went down the list to find the most qualified American to be Ambassador to Luxembourg. As I say, the Democrats didn't sell the embassies at quite those high prices, but it's happened all down the years and you ought to be congratulated, Senator, for putting a stop to it.

HOW DO WE STOP THE SUITCASES?

Mr. Brademas. Let me ask, speaking about contributions, about the limitations on the amount of cash that people can give to a candidate or committee. Senator, you put a limitation in your bill in the Senate on cash contributions, haven't you? How do we stop this business of suitcases moving around the country full of hundred dollar bills?

Mr. Percy. Well, just simply pass a law and make it a criminal offense for anyone to contribute or for anyone to accept over a given amount. Now the bill I put in calls for a ten dollar limitation. If someone's giving over ten dollars, I see no reason why they shouldn't make out a personal check. And I see no reason why every campaign ought not be required to pay—make every disbursement—by check, unless it's petty cash or postage stamps or a lunch or something like that. But the Senate raised the figure over my protest, to $50, and I think that's a long way and a far cry from what we've been accepting. Up to this stage, there's been no limitation of any kind on cash contributions.

CAN WE DEAL WITH CORPORATIONS?

Mr. Brademas. What about another question that's come into the headlines very dramatically this year and that's the question of the contributions given by major corporations in exchange apparently for the hope that they would be given favorable consideration with their problems with the Federal government? Most obviously, I believe, is American Airlines, which admitted that its head had given about $100,000 to the Committee to Reelect the President. How can we cope with that kind of activity?

Mr. Udall. Well, this poisons the whole political process. It's gone on during all the election years. The law has always said corporations can't give, and you never get a corporation check, but the President or someone in the corporation goes to all the executives and says, "Boys, we're having a little fund here, and your individual allocation is so much money.

And then it's all delivered in a package and they know that it came from the executives of "X" company and that company in effect is making the contribution.

The whole system we've got, if it's going to work, it's got to work on disclosure. We ought to have a system with this independent committee where, if 200 executives of "X" company give me money, the computer will show who they are. And that's why Senator Percy had in that provision the name and address, occupation and employer, and so forth, so the public will know that I'm getting my money from nineteen corporate companies or railroads or airlines or whatever and then they can judge my votes on issues affecting them.

LIMIT SPENDING AND LENGTH OF CAMPAIGNS

Mr. Brademas. But, Senator Percy, this raises another question. We know, without mentioning names, that in States in the East and a couple not far from the States you and I live in, candidates, both Democratic and Republican, spent literally millions of dollars because they had access to them. And in some cases, public disclosure certainly didn't solve that problem. What about the question of imposing very rigorous limitations on the amount of money that can be expended in the campaign. What do you say to that?

Mr. Percy. Well, I'm all for it, and of course, it's in the Senate bill. I think that in a general election, a 15¢ limitation per eligible voter will bring down the cost of elections, and of course, as you know, we also sent over to the House a bill which provided that in Presidential elections, the primaries not be held until the first of August so that we would shorten the period of time over which people campaign. I think we exhaust the American public with these long, long, highly expensive campaigns, and I think they're totally out of taste, they're out of keeping with the times, and this legislation will help control that.

Mr. Udall. The British do a better job. They do it in six weeks or so, and that's about all you need. People can make up their minds in six weeks.

Mr. Brademas. What about the charge, Mo, that we incumbents are greatly favored by any system which imposes limitations on the amount of money—or time—that can be expended?

Mr. Udall. They say that Senator Percy's well known. It would take a challenger a year to catch up with him. Why not have plenty of time? Well, I've heard all of these arguments, but I have found there's a balance here. I've found you never beat an incumbent in the ordinary situation unless there's a large anti-incumbent component in that vote. People have got to get mad at John Brademas or Chuck Percy before they'll throw them out. And they get mad at you because of your record, the things you've done, the things you haven't done. I think in any system you can devise, the incumbents are going to have a sort of advantage, but they have some burdens that challengers don't have—a voting record and mistakes that we've made right out in public.

Mr. Percy. Just as I've sat here, I think there's a way that we can plug that loophole, and I think we have to be careful that these laws can't be called the Reelect the Incumbent Act instead of Election Campaign Reform Act. I think we do have to look at say, the free frank that we have as Members of Congress. We did in this bill put a limitation in that you should not and cannot use the franking privilege thirty days before an election. I might suggest to the two of you, why don't you put in a provision in the House bill for ninety days before the election? And in conference, this can be compromised to sixty, and that's twice as good as thirty.

Mr. Udall. We're ahead of you. I had a bill for a sixty day cutoff. I was the sponsor of it. We took it to the House floor in a reform of the franking privilege law and my colleagues chopped it out of there. They didn't want to be restricted in that way and we had abuses. . . . I've known Members who on the Monday before the Tuesday election, at public expense, have dropped in every mail box in the Congressional district some greetings from your Congressman and a record of all of his accomplishments.

Mr. Percy. Well, I voluntarily restrict before any campaign, and I have found that this got a more favorable response from people, particularly my opponent, who did feel it was totally unfair to use taxpayers money in postage to send out some sort of self-serving bulletin about yourself with a picture of the family and so forth in it, but that is the kind of activity that I think, today, in this atmosphere, is going to bounce back on any candidate.

Mr. Udall. I agree with that.

Mr. Brademas. Let me ask another question that also touches upon the situation of the incumbent, and that's the application of the so-called "equal time rule" with respect to television. Senator, can you tell us what the Senate bill did on that score, and maybe Mo would comment on how he sees that issue?

Mr. Percy. Well, obviously this has been something we've had to do on a regular basis so far as the President . . .

Mr. Brademas. Could you explain the "equal time rule"?

EQUAL TIME RULE BURDENS RESOURCES

Mr. Percy. The "equal time rule" is that any candidate would have to be given equal time. That means that any network would be required, if there's a third, fourth or fifth candidate, to give equal time, which means that they really can't give any time, and I would think it's in the public interest, and the networks agree, I think, to provide free television time for those candidates who have a real chance as a public service is all for the good. That then removes the necessity for money, they have the time, they have a big listening audience and it serves the public interest. So we want to encourage that as much as possible.

Mr. Udall. I have always favored repeal of the equal time rule and the reason is we have debates. You talk to political scientists and historians. The finest hour of politics in America was the Lincoln-Douglas debates. And with the magic of television, we could bring debates into the living room of every home in America, or every home in the Congressional district, or in a state-wide senatorial race, and we don't use it. Instead we have jingles and thirty-second commercials and my ad man tries to dream up a more exciting thirty-second spot than your ad man. The relaxation of the equal time rule would permit candidates to debate, would encourage them to debate, and we would use television and radio up to their potential.

Mr. Brademas. Senator Percy, President Nixon has said that before Congress does anything in respect to campaign reform, we ought to have a Commission to look into the whole subject and he'll veto any bill that we pass if we haven't set up a Commission. What do you think about that?

A STUDY COMMISSION IS NOT NECESSARY

Mr. Percy. I don't think it's necessary at all. If there's any one subject that we know something about, this is it. And when I saw on the Senate floor as many as 75 and 80 Senators, almost the whole time during the debate on this issue, I didn't have to be convinced we need some outside Commission to study what ought to be done. We know what the abuses are and we want to clean them up.

Mr. Udall. I don't think in the light of all that's gone on this year and the problems we have and the attentions which have been focused, I don't believe that President Nixon's really going to veto the kind of responsible bill the Senate's produced and I hope the House will produce.

SUPPORT POST CARD VOTER REGISTRATION

Mr. Brademas. Let me just ask you two other questions, gentlemen. One is the problem of voter registration. Only 55 percent in 1972 of the people who had the qualification to vote actually voted for the President. Now, what do you think about a proposal to provide that people can register by postcard to make it easier for them?

Mr. Percy. I voted for it, I think it would broaden the base, bring more voters into the elections, and make it easier for them. If you can file your income tax return by signing a slip of paper, I think you can also do this. Now there is some concern that it is going to increase fraud. We'll have to be awfully certain that it doesn't, particularly in Cook County, I feel sensitive but on balance, I voted for it.

Mr. Udall. I agree with this. It's long overdue and the government ought to take a role in encouraging people to register to vote. The philosophy is expressed by some that we're really better off if people who don't care enough to get down to the courthouse and register and vote stay out of the political process. I don't believe that. I think we ought to encourage them and this postcard registration idea does it.

Mr. Brademas. Gentlemen, just a few seconds from each of you. What is your advice to the people whom you represent and to other people in the country who want to see Congress pass a campaign reform bill this year? Mo?

Mr. Udall. Well, they've got to make their views known. There are people who don't want reform, who have a stake in the old system, and Congress ought to be deluged with letters and telegrams, when you see your Congressman this fall out home, you ought to ask him how he stands on these issues and force some action on the issue.

Mr. Percy. I'd say don't write your Senator. We've already passed it. Write your Congressman, and I feel certain, John and Mo, no one will have to write you. I commend you for being in the forefront of one of the most important reforms that Congress can enact.

Mr. Brademas. Thank you very much, Senator Charles Percy, Republican of Illinois, and Congressman Morris Udall, Democrat of Arizona, for having joined in this discussion of campaign reform on this edition of Washington Insight.

DR. IRVING D. LITWACK

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. HANNA. Mr. Speaker, on October 1, 1973, the city of Long Beach, Calif. will lose a dedicated and invaluable public servant. After 37 years, Dr. Irving D. Litwack is retiring as Long Beach's City Health Officer.

Dr. Litwack's training and experience in public health and preventive medicine have made tremendous contributions to the welfare of the people he has served so well. But his committment to the community went far beyond his job duties. His involvement with and support of nonprofit and voluntary agencies in the area of health and many other medically related organizations are numerous. I am sure he will remain actively concerned with their future.

During his tenure as city health officer, Dr. Litwack has demonstrated continuously his high concern for the well-being of all people and his dedication to solving their problems and serving their needs. I join with his colleagues and the citizens of Long Beach in thanking Dr. Litwack for his past efforts and wishing him well in the years ahead.

PETE ROZELLE AND TV BLACKOUTS

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. KEMP. Mr. Speaker, during recent weeks, a great deal of debate has evolved over the issue of TV blackouts, particularly as they relate to the National Football League. Pete Rozelle, the commissioner of the NFL, has addressed himself to the issue on many occasions. A great number of misinterpretations abound on this issue and I think it would do each of us in this body well to seriously weigh what Pete Rozelle says:

Statement by Pete Rozelle

Whenever I speak for the NFL member clubs on the issue of local telecasts of NFL home games, I feel like Scrooge in Disneyland. What is worse, I feel like Larry Brown running against all forty members of the Dallas Cowboys squad.

It is seemingly impossible to communicate to many people why the NFL member clubs believe that they are on sound ground in resisting the requirements that they telecast their home games locally. I think it is because there are a great many people, in Congress and out, who simply don't want to be influenced by such considerations.

Senator Pastore, for example, views the League's reasons for opposing such legislation as much ado about nothing.

"Much Ado About Nothing", as a Broadway play, ran for 116 performances in the Winter Garden Theater in New York. Then, one night, it was offered on free home television. One week later the play closed, after box-office receipts declined 60%.

The show was not offered to television without charge. The producers realized $775,000 from the television rights. But once it had been offered to the public on free home television, the demand for theater tickets became practically non-existent.

Professional football will be headed in just this direction when NFL member clubs are required to telecast home games locally. As the public becomes accustomed to receiving without charge the same product which it is being asked to buy, there will inevitably be a steady erosion of ticket buying interest. Ultimately ticket buying habits and actual game attendance will be significantly affected—to nobody's benefit.

Substantially everyone with a close knowledge of professional sports, including, I am pleased to note, the overwhelming majority of American sports writers, are in basic agreement with the League's position on this.

The current issue has not been a pleasant one for the NFL, particularly with respect to the reaction within the Washington area. We have been called arrogant and unmindful of the public interest. But the local situation in Washington bears little resemblance to the conditions existing elsewhere in the League. And, unfortunately, Washington happens to be the home of some 535 legislators representing the entire population of the United States.

Those who have followed professional football in Washington have suffered through many lean years. Only recently have the Redskins established themselves as a winner. There are currently no other professional sports franchises within the Washington area. The Redskins also have one of the League's smaller stadiums. These conditions have combined to create unusual pressures for the telecasting of Redskins' home games at the time when they are being played.

The recent furor over the fact that only two Redskins' home games will be telecast from Baltimore stations during the 1973 season is an illustration of this. The fact is that until 1970 both Colts' games and Redskins' games were televised by the same network. This circumstance largely precluded Redskins' home games from being carried on Baltimore stations. There were no complaints about this situation, primarily because the Colts were then a winning team and the Redskins were an established loser.

In 1970, however, when the Colts were transferred to the American Football Conference, it became technically feasible for both Colts' games and Redskins' games to be telecast from Baltimore stations. There was one such telecast in 1970, three in 1971, two in 1972, and there will be two this season. The Redskins and their visiting opponents have never been under any obligation to allow such telecasts and these occasional games were permitted primarily because they were games which were nationally telecast and games of local interest to Baltimore fans.

Suddenly these home game telecasts from Baltimore (six in number over a three-year period) have become a vested right to 100% of the Redskins' home games during following seasons.

The situation simply proves the point that we continually try to make—once something has been given away, people come to expect it to be that way always.

Recently a member of my staff was quoted at length by the Washington media on this subject. Frankly, his use of terms was not the best and our position was termed arrogant.

But is the NFL arrogant when it:

Televises every road game back to each team's home area, despite the fact that the economics of television make this an unproductive practice in many instances?

Offers approximately 74 NFL game telecasts annually in each home territory, which represents more than one-third of the entire NFL game schedule played in all cities?

Voluntarily permits multiple game telecasts of other NFL games in each home city when the home team is playing at home?

Are these liberal television policies followed by any other professional sport? The answer is a loud no. The NFL has always been recognized as having the most enlightened television practice in professional sports. Indeed, if we had followed the practice of other professional sports and limited game telecasts to telecasts arranged for by the local teams and to occasional game-of-the-week telecasts carried nationally, most NFL away games would not be telecast locally at all.

It is the intelligent use of television that has helped our game grow and brought professional football to its present level of popularity. But the heart of professional football still rests with the fan in the stadium. We simply have no desire to follow the path of professional boxing—which gave its product away to the point where fan interest declined and actual attendance became a thing of the past.

Senator Pastore and other proponents of the current bills will tell you that they are only asking for legislation requiring home game telecasts when the games are sold out 48 hours in advance. They will say that such legislation will be in effect for only a year so that its impact can be measured. How, then, they say, can the game be hurt?

The answer lies in the fact that the current level of interest in professional football is not locked in—in Washington or anywhere else. Erosion is not an instant process which can be turned off and on at will. It took nearly 15 years for televised boxing to die, and boxing was not even aware that it was being eroded.

The Senator from Rhode Island will also tell you of the favor which Congress did the NFL in 1961 when it enacted a law permitting the NFL member clubs to sell their television rights jointly. But there has been little effort to put this "favor" in its proper perspective.

The 1961 statute was not the source of the NFL clubs' right not to telecast their home games locally. The statute was not even intended to deal with this question. That right had been consistently exercised by the member clubs for some dozen years prior to the enactment of the statute. Neither in 1961 nor during the earlier court review of NFL television practices did anyone ever question the practice which the member clubs now follow. It simply presents no antitrust issues.

Nor was the right granted to the NFL member clubs in 1961 an extraordinary concession in terms of antitrust principle. The American Football League, National Basketball Association, the National Hockey League and professional baseball had all dealt jointly in the sale of television rights prior to 1961 without antitrust questioning. The NCAA today, follows a like practice without the benefit of any antitrust statute. The NFL was then precluded from dealing as a league only because of a court decree directed at entirely different television issues.

In 1961, Congress was persuaded that it was in the public interest to permit the League to negotiate in a manner which would provide equal access to television facilities for each member club of the League. If the League's interests have been served by this statute, so also has the public interest—by the League's action in guaranteeing the fans in each home city of a telecast of each away game of their home team.

I believe that any realist making an objective review of this situation will conclude that the proposed legislation is unfair and unsound. But who wishes to be objective when self-interest is involved? As a writer in the New York Times recently commented with respect to the Pastore Bill, "To explain why this is bad, one must hack one's way through a thicket of pieties, disclaimers, qualms, and troths."

OPEN SPACE PROGRAM

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. ANNUNZIO. Mr. Speaker, on August 1, 1973, the House agreed to a conference report on H.R. 8825, the Department of Housing and Urban Development appropriations bill for fiscal year 1974. The departmental appropriation, which totals about $3.3 billion, must still be passed by the Senate before congressional action is completed. I urge that such action be taken by the Senate so that the programs supported by the Department can be carried out without interruption during fiscal year 1974.

More specifically, Mr. Speaker, I would like to draw the attention of House Members to the appropriation for the Federal open space program. The open space program provides Government support to a variety of activities in the national interest, including the provision of parks and recreation areas in urban communities with dwinding amounts of undeveloped land.

The 11th Congressional District in Chicago, which I am privileged to represent, received some funding in 1972 for 11th District park sites under the open space program. However, through December 1972—fiscal year 1973—no new open space projects were approved for the 11th Congressional District, and in January 1973 the open space program was administratively terminated and there have been no new approvals since that time.

The open space appropriation of $70 million originally included by the House in the fiscal year 1974 HUD appropriations bill indicated strong congressional support for the goals underlying this program, as it is presently constituted, and a realization that the public welfare is advanced by providing good, healthy environments in our cities. While the Senate deleted new appropriations for the program, the conference bill—which has already been adopted by this body—reinstated the open space appropriation in the amount of $25 million.

The $25 million appropriation for the open space program agreed to by the conference committee is urgently needed if this program is to continue during the current fiscal year.

The administration did not request an appropriation for the program because open space land acquisition was to be one of the activities to be funded from special revenue sharing for community development under the administration's proposed Better Communities Act. That bill, by itself, is not going anywhere, however, since the responsible committees both in the House and Senate are awaiting the development of housing legislation to go with it. By the time that a housing and community bill acceptable to the administration and the Congress can be enacted and implemented, most or all of fiscal year 1974 will be over.

Many communities which have made plans and proceeded toward acquisition of open space land to relieve urban congestion will not be able to buy the land. In some cases the land will be developed for other purposes, aggravating the congestion. In other cases, the price of the land will increase.

It is urgent, therefore, that we provide at least the $25 million recommended in the conference report, so that this vital program can be continued.

BILL RYAN—THE MAN MOST RESPONSIBLE FOR LEGISLATION TO PREVENT LEAD-BASED PAINT POISONING

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. RANGEL. Mr. Speaker, as we consider H.R. 8920, a bill which I and many of my colleagues are cosponsoring to extend and improve the resources available for detecting and combating the effects of lead-based paint poisoning under the authority of the Lead-Based Paint Poisoning Prevention Act of 1970, I ask us to pause and give recognition to the contribution made by the late William Fitts Ryan to our national recognition of this critical problem. Our former colleague, Bill Ryan, that innovative, courageous legislator who fought always for the underprivileged, was the first to focus national attention on a problem that had before been relegated to the ghettoized, ignored status of most of its victims.

In March 1969, Bill Ryan introduced the bill that became the law we are amending today. With his characteristic commitment and toughness in pursuing his legislative objectives, Bill Ryan became a persuasive expert on the problem of childhood lead poisoning. He persuaded us to end the shameful neglect of this problem and then fought to obtain adequate funding for programs to implement our legislative concern. As a veteran of battles with the Nixon Administration to win its support for programs to stop the lead poisoning of children, Bill Ryan would not be surprised were he here today, that H.R. 8920 comes to the floor without administration support. He would recall that after the passage of the Lead-Based Paint Poisoning Prevention Act of 1970, it took persistent bipartisan pressure from the Congress to force the administration to request only $2 million to start the programs authorized by the act, a sum which was less than 7 percent of the $30 million authorized under the act by the Congress.

Now we have an opportunity to significantly strengthen the Lead-Based Paint Poisoning Prevention Act and continue the work which Bill Ryan began. In his memory, and for the hundreds of children who still suffer severe illness and death because of our failure to remove this peril from them, we must enact H.R. 8920 and commit ourselves, as Bill Ryan did, to the eradication of this terrible problem. Bill Ryan would expect no less from us.

STAMP DEDICATION CEREMONY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. DERWINSKI. Mr. Speaker, on August 27, in Austin, Tex., the U.S. Postal Service dedicated a commemorative stamp honoring the late President Lyndon B. Johnson.

Postmaster General Theodore Klassen presented to Mrs. Johnson, and her daughters, Lynda and Luci special souvenir albums of the Lyndon B. Johnson Stamp in the process of the ceremony. The Postmaster General's brief remarks contain a very meaningful commentary on the career of President Lyndon Johnson. Recognizing the great respect with which President Johnson was held by Members of Congress, I direct their attention to the official remarks of the Postmaster General:

REMARKS BY POSTMASTER GENERAL E. T. KLASSEN

Mrs. Johnson, Mr. and Mrs. Robb, Mr. and Mrs. Nugent, Mr. Watson, distinguished guests, ladies and gentlemen.

Lyndon B. Johnson came to us as President at a time of great national tragedy.

In those first dark and uncertain days, his decisive leadership calmed a nation's fears and gave us renewed hope for the future.

No man was ever better prepared to assume the burden and the glory of the Presidency.

Lyndon B. Johnson was the complete politician in the finest and truest meaning of the word.

His accomplishments in the United States Senate established him as one of the most effective legislators this nation has ever known.

Lyndon Johnson had great dreams for America. His heart went out especially to the underprivileged.

"In a land of great wealth," he said "families must not live in hopeless poverty. In a land rich in harvest, children must not go hungry. In a land of healing miracles, neighbors must not suffer and die untended. In a land of learning and scholars, young people must be taught to read and write."

These are the words of a man who truly cared about people.

History will record that Lyndon B. Johnson did more for education than any other President.

He tried hard to eradicate poverty and want—the twin scourges that enslaved a fifth of the population in this land of abundance.

He secured the blessings of adequate, low-cost medical care for more than twenty million senior citizens.

He moved to rebuild our decaying cities . . . to beautify the countryside . . . and to clean up our neglected and polluted environment.

His accomplishments were many.

But, above all else, Lyndon B. Johnson will be remembered down through the ages for his profound dedication to human rights.

He worked with all that was in him to overcome "the crippling legacy of bigotry and injustice" which pervaded our society.

Abraham Lincoln freed the slaves—and won immortality as the Great Emancipator.

The accolade was richly deserved.

But a hundred years were to pass before the sons and daughters of those slaves won the right to live as free Americans.

Speaking at Gettysburg in 1963, Lyndon Johnson made the point that so many of us had closed our eyes to.

"Until justice is blind to color (he said), until education is unaware of race, until opportunity is unconcerned with the color of men's skin, emancipation will be a proclamation but emancipation will not be a fact."

Today, because of Lyndon Johnson, emancipation is closer to being a reality than ever before.

Every civil rights bill enacted in the 20th century bears the imprint of Lyndon Johnson. Not one of them would have become law had it not been for the legislative genius of the man from Texas.

Today, Black Americans can live where they want to live . . . they can freely exercise the right to vote . . . they can put up at any inn in the Nation . . . they can attend decent schools . . . and work in productive jobs.

Today, a Black American sits on the highest court in the land, and a Black American has served in the Federal Cabinet.

These monumental steps forward in human relations were all achieved through the leadership of Lyndon Johnson. We may still have a long way to go, but he brought us farther as a nation than we had come in more than 200 years.

Lyndon Johnson worked with breathtaking energy to make our nation and the world a better place—a place that was at peace with itself.

But it was his fate to serve as President during the most troubled period since the Civil War.

To his everlasting credit Lyndon B. Johnson never lost faith in his dreams for America.

And neither must we.

In the last speech he ever made, he was still speaking out for compassion and understanding—for justice and reconciliation. He still believed with all his heart that—"When the last chains of 20th Century totalitarianism have rusted away, our system will still stand unbowed, unbroken and unburied."

Our system will grow and prosper as long as we produce men like Lyndon Baines Johnson.

Today, on the 65th anniversary of his birth, we take deep pride in dedicating this commemorative stamp to the fond memory of our 36th President.

We can all be glad he came our way.

He served us well.

It is now my privilege to present souvenir albums of the Lyndon B. Johnson stamp.

By tradition, the first album is reserved for the President of the United States.

The next album is for Mrs. Lyndon B. Johnson—the President's beloved Lady Bird. She stood by his side for nearly forty years. She was his most trusted adviser and most cherished companion. In every sense—in every way—she was our First Lady.

The next album is for Mr. and Mrs. Charles Robb—Lynda and Chuck.

I have an album for Mr. and Mrs. Patrick Nugent—Luci and Pat.

THE OIL SHORTAGE AND INDEPENDENT DEALERS

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. HANNA. Mr. Speaker, on August 9 Governor Love made clear that the administration continued to be unconcerned about the impact oil shortages were having upon independent gasoline marketers. Approximately 80 percent of all gasoline sold in the United States is controlled by 20 companies. What keeps the competition honest in this industry of high concentration is the existence of independent marketers who must be able to obtain sufficient supplies of gasoline to meet their needs and the needs of their customers.

Attached is a copy of a letter I recently received from Mr. Dean Walcutt of the Independent Marketers Council regarding this matter. I urge my colleagues to read Mr. Walcutt's letter.

The letter follows:

INDEPENDENT GASOLINE MARKETERS COUNCIL,
Washington, D.C., August 23, 1973.

Hon. RICHARD T. HANNA,
House of Representatives,
Washington, D.C.

DEAR MR. HANNA: On Thursday, August 9th, Governor Love announced that the Nixon Administration would continue to ignore the disastrous impact of oil shortages upon independent marketers.

It is, therefore, predictable that the major oil companies will be encouraged to take another step toward the elimination of the private-brand competitor, and thereby deny the American people the right to "buy independent."

Our national consumer policy seems to be based upon the proposition that the people can buy all the gasoline and heating oil they may want, so long as they buy it from the right companies.

National oil policy apparently supports the fully integrated, major oil companies as the "favored few."

There are only about twenty majors that are fully self-sufficient, but they alone have the assurance of in-house sources of supply, allowing them to market about 80 billion gallons of finished products each year.

The independent marketer should sell as much as 20 billion gallons through as many as one thousand companies, but, unfortunately, their sources of supply all depend upon the preservation of a "competitive market that is free of restraints."

It is in the marketplace that the adverse impact of Governor Love's policy will be felt because the favored few now control about 80 percent of all gasoline sold in the United States and will control more and more as the independent competitors disappear.

The vital 20 percent that flows through the independent, price competitive channels is recognized as that influence which "keeps the market honest."

On Thursday, August 9th, Governor Love announced that the Nixon Administration would not even listen until September 10th. Come that date, the Independent Gasoline Marketers Council sincerely hopes that the voice of Congress will be heard.

Until then, the independent price competitor will simply do his best to "cling to the cliff."

Sincerely,

DEAN WALCUTT.

BURCKHOLTER GIVEN PRESTIGIOUS WEATHER SERVICE AWARD

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. MILLER. Mr. Speaker, having recently been advised by the National

Weather Service of the selection of Mr. Ray Burckholter as a recipient of the Weather Service's prestigious Thomas Jefferson Award, I would like to take this opportunity to personally offer my congratulations to Mr. Burckholter for his dedication and professionalism to the voluntary weather observation service.

Mr. Burckholter, a resident of Philo, Ohio, is one of five award winners announced in Washington by the National Weather Service.

Thomas Jefferson Awards were originated in 1959 by the National Weather Service to honor volunteer weather observers for unusual and outstanding achievements. It is the highest award the National Weather Service presents to volunteer observers. The award is named for Jefferson because the statesman-scientist made an almost unbroken series of weather observations from 1776 to 1816.

Mr. Burckholter was cited for recording over 25 years of accurate, complete, and legible weather observations which continue those compiled by his father and grandfather. These observations, taken since 1895, provide a total of 78 years of unbroken and dedicated family service to the community and country.

Mr. Burckholter is a retiree from the Ohio Power Co., and 33-degree Mason. He is also a 50-year Grange member and township trustee.

The National Weather Service has more than 13,000 volunteer observers who make and record daily weather observations in all parts of the United States. The valuable information they gather is processed and published by the Environmental Data Service, another major component of NOAA, and becomes a valuable part of the Nation's weather history.

On this occasion, I know that my colleagues in the U.S. Congress join me in this salute to a fine gentleman for a job well done. We wish him continued success and happiness.

NIX POINTS OUT THE WHOLE WORLD IS WATCHING NORTH VIETNAM'S REGULARS IN CAMBODIA

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. NIX. Mr. Speaker, I supported the legislation which ended American bombing in Cambodia on August 15 of this year.

I did so because I believed that constitutional questions involving the war powers of the President were decisive. That particular issue will be answered when the Congress enacts war powers legislation.

I had hoped, as many others did, that the North Vietnamese would take the ending of our bombing as the clearest kind of signal that they could take reciprocal action. They could withdraw their troops, the main cause of the war ever since Sihanouk requested secret bombing of the North Vietnamese by the United States. If they did so the Cambodians could settle matters themselves.

But that is the problem. They do not wish even the most dedicated Cambodian Communist to come to terms with the Government of Cambodia. In fact their position was made very clear when they fought pitched battles with Cambodian Communist troops, they had themselves trained. These were disciplinary battles and as a result North Vietnamese discipline has been reimposed.

The whole world is watching the North Vietnamese Army.

World opinion has seen the end of American bombing.

World opinion knows that the truce agreement of last January applied to Cambodia and North Vietnam has ignored it.

Article 20(b) of the agreement ending the war and restoring peace in Vietnam, states:

> (b) Foreign countries shall put an end to all military activities in Cambodia and Laos, totally withdraw from and refrain from reintroducing into these two countries troops, military advisers and military personnel, armaments, munitions and war material.

Article 20(c) states:

> (c) The internal affairs of Cambodia and Laos shall be settled by the people of these countries without foreign interference.

The Congress cannot ignore what the whole world can see. On behalf of my constituents I condemn the continuing violations of the truce agreement in Cambodia by the North Vietnamese regime and I will never support the spending of one dime on reconstruction aid for North Vietnam as long as these violations continue.

WAR, WATERGATE—AND WANT

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Ms. ABZUG. Mr. Speaker, "two commodities that few shoppers ever wanted,"—war and Watergate—are responsible for the high food prices, according to Columnist Jack Anderson. "We are still paying for these national tragedies with every bite."

The complex interrelationship between these events and the soaring cost of living, especially eating, is clearly outlined in an article by Anderson in Parade for September 2, 1973. As an aid to understanding the current situation, I would like to insert the column in the RECORD.

WHY FOOD PRICES ARE SO HIGH

(By Jack Anderson)

WASHINGTON, D.C.—Across the nation, grocery shoppers are staring at the cash register totals in utter disbelief. When supermarkets run rare specials, early arriving housewives fill their shopping carts, leaving only the pickings for others. Pensioners sift through shelves of canned goods, looking for older stock with lower prices. A suburban matron pockets a tomato, and store clerks turn their heads to avoid noticing.

The time may be upon us when a chicken in every pot can again be a tempting political promise to Americans who have two cars in their garages and little meat on their tables.

Two of the key burdens, adding weight to the price tag like a butcher's thumb on the meat scale, are commodities few shoppers ever wanted—war and Watergate. We are still paying for these national tragedies with every bite.

The billions thrown away on bombs, bullets and bribes in Southeast Asia have materially weakened the dollar. The wages of war have drained the U.S., and the greenbacks have been piling up like autumn leaves around the world. This has forced the devaluations of the dollar, which have made American farm produce far cheaper abroad.

LOSS OF CONFIDENCE

The scandals, which have come to be lumped under the word Watergate, have also made the dollar worth less. Foreigners hurried to convert their dollars into more tangible assets.

"We have been told for years that the balance of payment deficits meant nothing, that devaluations meant nothing," Gordon Nelson, a broker for a leading commodities firm, told us. "That is 100 percent nonsense. The American people are being conned. What has happened is that foreigners, seeing our paper money worth less every day, have rushed to convert their currency into something real. Our commodities, because of inflation, have become cheaper for them, so they buy them up. And we don't get them."

The biggest deal, known ruefully inside government circles as The Great Grain Robbery, was the wheat sale to Russia—an adventure in capitalism that still has Kremlin leaders chuckling in their borscht.

Two winters ago, the crunch of winter destroyed huge quantities of Soviet grain. Smothered by the snows and hindered by a frigid spring, most of the Russian wheat crop was ruined. The Soviet leaders knew only one nation could solve their acute food shortage—the United States.

The Kremlin sent squads of bright young men to study the U.S. commodity market. They developed a remarkable understanding of how the market operates, and then they began making piecemeal purchases. Agriculture Department officials, eager for the business, agreed to charge the world rate of $1.65 a bushel and to subsidize any price increases with U.S. money.

TOO LITTLE, TOO LATE

By the time the Americans woke up to the bold dimensions of the Soviet purchase, it was too late. The Russians had gobbled up more than 400 million bushels of wheat—over a quarter of our total crop. They paid the subsidized price of $1.65 while Americans were paying $2.75 a bushel. This, plus shipping and storage subsidies and a three-year $750 million loan made up more than $950 million of the billion-dollar Soviet purchase. As a result, of course, wheat prices climbed higher.

This grain drain coincided with a seemingly unrelated event on the Peruvian coastline, which combined to put jet propellant into the price of food in the U.S. Tiny silver fish called anchovies vanished mysteriously from once-teeming Peruvian fishing beds.

Anchovies happen to be a prime feed enricher for hogs, cattle and poultry. As the Peruvian catastrophe reduced the world anchovy catch to a fifth its former size, farmers looked desperately for another meal replacement. They found it in soybeans, another protein-rich additive.

Soybean prices in the U.S. soared out of sight as farmers fought to keep up the quality of their feed. But inevitably, farmers were forced to reduce the protein they fed to hogs and cattle. A farmer who cut the protein additives in his hog meal by 3 percent could expect his sows to give birth to litters a sixth smaller. Result: fewer hogs on the market.

IN THE SQUEEZE

The cattlemen, for their part, were caught in a squeeze between high feed prices and frozen beef prices. The ranchers, therefore, simply turned their herds loose on the open range. Munching away on grass, the animals fatten more slowly, and less expensively. But the consumers will get stringier, less appetizing meat when the cattle come to market.

The weather also took its toll. More than a quarter million cattle died—a net loss of 120 million pounds of beef—during what the Cattlemen's Association called "the worst winter with the greatest impact in history." The retail worth of the lost meat amounted to over $150 million. The bad weather also obliterated the onion crop and some fruit harvests.

FARM SUBSIDIES

Government policies and programs have also contributed to the present plight. For years, small farmers have been pushed off the land by the big-money operators who are able to turn the sod and a buck more efficiently. These big operators have influenced Congress to grant them handouts for what they don't plant.

This great concentration of economic power—the gentlemen farmers call it "agribusiness"—now has such clout it can virtually manipulate the market price at will.

One long-standing effect of agribusiness is the trek to the cities of the unskilled poor, no longer needed on the big, mechanized farms. These hapless citizens make up a large chunk of the welfare cases. Part of their dole, the food stamp program, which costs $3 billion a year, has given many of the poor their first taste of decent food. This has increased the demand, and therefore the price, of better-grade foodstuffs.

The Food for Peace program, another laudable attempt to share the surplus of our groaning granaries with the hungry of the world, now adds to the pocketbook pressure at home. Almost 10 percent of last year's wheat harvest was bought by the government to distribute free or through easy-interest loans to needy foreign countries. The program will ship out 130 million bushels of wheat this year, at a cost to the taxpayers of $800 million. This will increase the cost of bread and the price of fattening cattle.

"BEEFALO"

As food prices soar, enterprising businessmen have made some bizarre innovations. Sawdust manufacturers have begun to market their product for cattle feed. A West Coast rancher has perfected a new hybrid called the "Beefalo"—half cow, half buffalo—as a source of quality meat at cheap prices. In the prairie states, owners of growing bison herds are offering steaks made of pure buffalo.

And while consumers have yet to alter their eating habits, the President's National Commission on Productivity is pushing still another new entry to the nation's meat counters—bull steaks. Although the bull is assumed to be less appetizing than his cousin the steer, young bulls may soon offer low-cost protein to American diets.

THE FUTURE

The food industry is also at work on innovations to cut costs and speed up shopping. In the years ahead, say industry spokesmen, the present cash register system will be replaced by lightning-quick computers. Food products will be packaged in specially tagged wrappers that register prices instantly when passed by electronic sensors. This should end the ungainly checkout lines and expensive personnel costs. Electronic wizardry promises huge savings in food storehouses, too. Once packers begin shipping produce in standardized containers, machinery will process what is now sorted cumbersomely by men.

But none of this is going to bring down the cost of groceries this week. And the worst is still ahead.

NEW GRAIN DEAL

For the sake of international relations, particularly the new warmth with Russia and China, the Nixon Administration plans in the next 12 months to sell an additional 400 million bushels of grain and soybeans to these two countries.

Normally, prices at the grocery counters offer Americans the world's best bargain. But the combination of bad weather, bad policies and world demand have joined to keep food prices soaring.

INTEREST RATE INCREASES FAIL TO SIGNIFICANTLY INCREASE SAVINGS

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. HANNA. Mr. Speaker, in my remarks on July 20, I argued that the July 5 decision of the Federal Reserve Board and the Federal Home Loan Bank Board to raise the interest ceilings on savings deposits spelled bad news for home buyers. It was my feeling that the July 5 decision would have little impact on total savings and that its net effect would be to take funds out of savings and loan institutions and to increase mortgage rates.

That, in fact, is what has occurred. Before July 5, for example, savings and loans were reporting a net savings inflow; but the FHLBB now estimates that these same institutions experienced a net outflow of savings of more than $300 million during the entire month of July. Moreover, mortgage interest rates have now been quoted at 9 percent plus 1 to 2 points—the highest prevailing mortgage rates ever recorded.

Finally, a survey taken in late July by the American Bankers Association shows that the July 5 decision has not resulted in any substantial increase in savings deposits in banks and that most of the increases which have been recorded reflect transfers within the industry. I commend the results of this survey to my colleagues' attention, as it is a further index of what has happened since the July 5 decision:

JULY 27, 1973.

REPORT OF A TELEGRAPHIC SURVEY OF INTEREST RATE CEILINGS

The American Bankers Association has just conducted a survey of 50 banks in various sections of the U.S. and representing all size classes to find out how the higher ceilings were affecting the flow of savings. We have now received responses from 42 banks. The new ceilings have been in effect for such a short period that it is difficult for commercial banks to make meaningful observations about the impact of the changes. However, our survey shows that 40 out of 42 commercial banks have raised the rates paid on some types of savings. Twenty-seven out of 41 respondents (1 did not answer the question) have raised their passbook rates to 5% and time deposit rates have generally been advanced to ceiling levels. Thirty of the 42 responding banks indicated that they were offering four-year CDs. Twenty-one are paying 7%, three are paying 6½%, and six are paying more than 7%.

The banks were also asked to indicate how these changes had affected the dollar volume of various types of savings. Almost uniformly the banks indicated that the impact of the changes in rates had been slight. Although five banks did not supply the information, seven reported that they had had a gain in passbook savings, 14 showed a loss, and 16 showed no change. The trend of the dollar volume of certificates of deposits is equally interesting. Although four banks did not supply information, 17 indicated that there was a gain, 13 showed no change and 8 showed a loss. The gain in certificates of deposit was undoubtedly due in great part to the offering of the new instrument—the four-year CDs.

We also asked them to indicate the major sources of their funds. Twelve of the banks reporting gains indicated that one of the major sources of funds had been the transfer of deposits in its own bank. Several reported the receipt of funds from other commercial banks, but only two were able to identify funds as coming from a savings and loan. Banks reporting losses of funds from time and savings accounts were, for the most part, unable to indicate where the money went. Four, however, stated that funds flowed to money market instruments, especially Treasury Bills.

TRIBUTE OF CONGRESSMAN JOHN J. ROONEY TO HIS LATE AND RESPECTED FRIEND, CHARLES ROZMAREK

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. ROONEY of New York. Mr. Speaker, those of us who have long known Charles Rozmarek over the long span of his public service, his recent passing has deprived us of a true and valued friend. This passing has been a severe loss to the Nation and more particularly to the officers and members of Polish American organizations throughout the land.

Most important of the many great contributions Charlie made to the Polonian societies was the founding of the Polish American Congress and his dynamic leadership demonstrated as president of the Polish National Alliance.

To know Charles Rozmarek was to admire him for his unwavering loyalty to the cause of fighting for the freedom of Poland and the other subjugated countries of Europe. Throughout his leadership in this struggle to regain the independence lost to the Nazi and Russian Communist superior might, he clearly distinguished the difference between the Polish people and Poland's Communist-dominated Government. He consistently refused to temporize with Communist doctrines or acts and he never maintained any contact with Warsaw representatives in this country; nor did this speaker. Yet he gave his enthusiastic support to every proposal which would benefit the Polish people economically, culturally, and politically.

I refer again to his keen interest in

the plight of the Polish displaced persons most of whom were the pitiful victims of Nazi and Soviet aggression. I recall vividly his tremendous zeal in obtaining maximum help for these sick and destitute people after he had returned from personal visits to European displaced persons' camps and had seen first-hand their plight. I know, too, of his personal help in getting thousands of these unfortunate homeless Poles resettled in the United States and other countries. There are literally thousands of American citizens, Polish-born and American-born, who today owe their coveted rights to U.S. citizenship to the dedicated work of Charles Rozmarek.

Mr. Speaker, it was my honor to come to know this great American personally and to work with him for the cause of freedom and justice. It was my privilege in 1964 in Chicago and again in 1968 in Cleveland, Ohio, to address the PAC conventions and there reassure my Polish-American friends along with Karol Rozmarek of America's recognition and appreciation of their great patriotic contributions for Free Poland and a better world.

America mourns the loss of one of her great citizens. It extends her deepest sympathy to the family who survive him and to the Polish-American organizations which he so loved and served. Karol Rozmarek is not dead—his deeds and the selfless manner in which he performed them shall inspire us to redouble our own efforts to achieve the ends to which he aspired and which because of his untimely death must still be accomplished. Requiescat in Pace.

MY FIRST PRAYER: THE LATE LAURIE TORGAN

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. GILMAN. Mr. Speaker, on Wednesday, July 26, the life of Miss Laurie Torgan was tragically taken in an untimely automobile accident.

Her parents, Mr. and Mrs. Jack Torgan of Spring Valley, N.Y., have very thoughtfully shared a prayer with me that their lovely daughter wrote.

In writing to Mr. and Mrs. Torgan, I noted:

> Although the grief of such a tragedy is a heavy burden to any parent, I sincerely hope that you will find solace in the knowledge that during her short lifetime, she dedicated herself to others less fortunate so that the memory of her goodness will live with them.

Having been deeply moved by Laurie's sensitive and unselfish thoughts, I respectfully submit the text of her prayer at this point in the Record so that others may reflect upon her thoughtful message:

MY FIRST PRAYER

Please, oh dear lovely beautiful God—if ever you can forgive us our trespasses and can touch the wounded and heal them,

Oh, please let the children of Vietnam be the first to receive your power and strength.

And if your love runs out for us, let it run through for Cambodia and Laos.

And, if your arms embrace, but have only so little room left—let them embrace all the little children of the ghettos, we have created, we white men and women.

Please help me flood this earth with love and kindness and make it easier for us to deal with conflict.

We dare not venture out alone—you are with us—you are in my brothers and sisters and that is why I believe in you.

I am not asking for you to do it all, you will not, for our sins—but oh please help me, my friends, my workers to do it all.

I am seeing shining eyes. They shine through the rain, the mud, the bomb-filled air, and the bullets—they do this so brave and lovingly—they are where, if I get my strength, I will get it.

PROPOSES MEDAL OF HONOR AWARD FOR NONMILITARY

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. HOGAN. Mr. Speaker, on July 10 of this year, I introduced a bill to provide for the awarding of a Medal of Honor each year to one policeman and one fireman from each State. I introduced this bill because I feel the acts of heroism performed by our police and firemen in the routine everyday performance of their duties are no less praiseworthy than those performed by the soldier on the battlefield, and this kind of public recognition is long overdue.

Since I introduced this bill, I have written to the law enforcement agencies in the State of Maryland requesting the names of officers who have been commended for their outstanding service. The response to this request has been heartwarming and I would like to include a partial list of those officers at this point:

DEPARTMENT OF POLICE,
MONTGOMERY COUNTY, MD.,
Rockville, Md., August 17, 1973.

Hon. LAWRENCE J. HOGAN,
Congress of the United States,
House of Representatives,
Washington, D.C.

DEAR MR. HOGAN: This is in reply to your letters of August 6, 1973 to Lieutenant Colonel G. Warren Howes and me concerning legislation in the 93rd Congress to honor police officers and firemen who have performed their duties with a degree of excellence.

In order that their names may be inserted in the CONGRESSIONAL RECORD, I wish you to know the following named officers were commended for various performances during fiscal year 1972–73.

Sincerely,

K. W. WATKINS,
Superintendent.

COMMENDATIONS 7/1/72—6/30/73

Name, Date, and Assignment

Pfc. Chauncey J. Augustine, Jr., 6/11/73, Rock.
Pvt. Thomas E. Coffman, 11/30/72, SS.
Pvt. David A. Conner, 12/22/72, Beth.
Pvt. Thomas N. Crichton, 7/20/72, SS.
Pvt. Donald E. Deaton, 3/28/73, WG.
Pfc. Donald R. Gabriel, 9/12/72, WG.
Pvt. John E. Horwat, 5/3/73, Rock.
Cpl. Owen J. Lennon, 9/13/72, Hom/W.
Pfc. Thomas E. Leonard, 10/24/72, SS.
Cpl. John F. Lynch, Jr., 9/13/72, Hom/W.
Sgt. Kenneth G. Magee, 9/13/72, Hom/W.
Pfc. Frank W. McAtee, 10/24/72, SS.
Pvt. Robert F. McKenna, 9/12/72, V&I/W.
Cpl. James J. O'Connell, 10/17/72, SS.
Pfc. Ronald W. Ryan, 10/26/72, Beth.
Pvt. Raymond L. Simmons, 6/29/73, Rock.
Pvt. Charles L. Simpson, Jr., 12/5/72, Rock.
2nd Lt. Odus W. Sweat, Jr., 3/19/73, Hom/W.

MARYLAND STATE POLICE,
Pikesville, Md., August 16, 1973.

Hon. LAWRENCE J. HOGAN,
Congress of the United States,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN HOGAN: I have your letter of August 6, concerning legislation which you have introduced in the 93rd Congress, and in connection therewith the following information is forwarded as requested.

The highest award given by this Agency is a Governor's Citation. This award is authorized in instances where the performance of a member has been identified as outstanding and above and beyond the call to duty. In every instance, a definite risk of life by the member must be involved.

During the past two years, the following members of this Agency have received Governor's Citations:

Tfc. D. D. Waltemeyer.
Tpr. J. F. Kerchner.
Tfc. J. L. Galyon.
Tfc. E. D. Horner.
Cpl. G. C. Royer.
Tfc. G. H. Davis.
Tfc. E. W. Hoffman.
Tfc. E. F. Tarburton.
Tpr. H. D. Robertson.
Sgt. J. L. Forsythe.
Tfc. J. W. Brown.
Tfc. M. B. Storey.
Cpl. R. W. Beaumont.
Cpl. J. C. Turrall.
Sgt. R. R. Morgan.
Tpr. A. Hadaway.
Tfc. G. W. White.
Tfc. C. H. Wood.
Tfc. H. J. Hagey.

We in the law enforcement profession appreciate this gesture on your part. Assuring you of our cooperation in any and all matters of mutual concern.

Sincerely,

T. S. SMITH,
Superintendent.

POLICE DEPARTMENT,
CITY OF TAKOMA PARK, MD.,
August 16, 1973.

Hon. LAWRENCE J. HOGAN,
Congress of the United States,
House of Representatives,
Washington, D.C.

SIR: I am in receipt of your correspondence dated August 6, 1973 relative to your pending legislation in the 93rd Congress.

I believe this would be a fitting reward to those officers who have performed their duties to the highest degree of excellency. They certainly deserve recognition. I have listed those officers in my command who have been cited for outstanding service while in the line of duty:

Lt. William W. Dalrymple.
Det/Cpl. Gary L. Sherman.
Sgt. Laurie N. Cofske.
Cpl. Werner P. Winkler.
Cpl. R. Daniel Fuller.
Pfc. Stephen W. Carter.
Pfc. John C. Goetz.

If I can be of any further assistance, please contact me.

Sincerely,

Capt. ROBERT E. PORTER,
Chief of Police.

POLICE DEPARTMENT,
CITY OF GREENBELT, MD.,
August 13, 1973.

Hon. LAWRENCE J. HOGAN,
House Office Building,
Washington, D.C.

DEAR MR. HOGAN: Received your recent letter requesting names of officers who have been cited for outstanding service so that they may be included in the Congressional Record.

The following is a partial list of officers that have been cited for their service; a copy of their commendations are also enclosed:

Sgt. Herbert L. Faulconer.
Sgt. Carl F. Goodwin.
Sgt. Thomas E. Van Valkenburgh.
Cpl. Ernest W. Brumley.
Cpl. Paul I. Reamy.
Cpl. John R. Salvatore.
PFC Michael L. Janney.
PFC William E. Vogel.
PFC Alvin Hall, Jr.
Patrolman Kenneth L. Stair.

I also noted that you have proposed legislation which would provide the awarding of a Medal of Honor for police and firemen who have performed their duties in the highest degree of excellence.

May I assure you that your efforts to give recognition to deserving officers is appreciated and will further inspire those receiving such recognition as well as other officers to even greater efforts of service to their communities.

Please be assured of our full cooperation.

Respectfully,

WILLIAM T. LANE,
Chief of Police.

SENIOR DEPUTY U.S. MARSHAL RETIRES

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. MOLLOHAN. Mr. Speaker, on June 30 of this year, Mr. Robert C. McConaughey retired as the U.S. Deputy Marshal for the Northern District of West Virginia. "Mac," as he is called by all who know him, devoted more than 36 years of highly efficient and effective service to this country, more than 32 years as U.S. Deputy Marshal and nearly 4 years as an Air Force captain during World War II.

I had the privilege of working with Mac in the 1950's when I was the U.S. District Marshal for the Northern District, and I know he deserves the congratulations and thanks of every citizen for the outstanding manner in which he carried out his responsibilities.

Mac does not talk much and wastes few words. In fact, he was asked recently why he originally took a deputy marshal's position back in 1936. He replied simply: "I thought I might like the work." And that he did. He was responsible for 33 counties, but special assignments often took him around the country. When he retired, he was the Nation's senior ranking U.S. Deputy Marshal.

Mr. Speaker, I would like to take this opportunity to wish Robert C. (Mac) McConaughey a most pleasant and rewarding retirement, which I hope he will enjoy as much as he did the job he performed so well for a third of a century.

RARICK REPORTS TO HIS PEOPLE: THE GASOLINE SHORTAGE, AN INTERVIEW WITH RAYMOND R. WRIGHT, DIRECTOR OF MARKETING, AMERICAN PETROLEUM INSTITUTE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. RARICK. Mr. Speaker, I recently conducted a television interview concerning the current situation of gasoline shortages facing this country. My guest was Mr. Raymond R. Wright, director of Marketing, American Petroleum Institute. I insert the text of that interview at this point:

RARICK. If you've pulled into a gasoline station recently to fill up, and found that the service station had closed early or was out of gas, you've experienced the gasoline shortage. Industry and government experts alike tell us that it is a matter of supply and demand. We are using more gasoline than we are able to refine and transport. In the time we have today, we are going to take a look at the energy shortage, where we are, how we got there and where we're headed, and how it affects you, the consumer-taxpayer.

American consumption of oil, gasoline and petroleum products has been rising rapidly in recent years. Production and refining capacity however, have not followed this dramatic U.S. increase in demand. Americans are now questioning why we are suddenly running out of petroleum, where does the fault lie, and what can be done to help solve the situation. To help us understand the problem and what is being done, I have as my guest today, the Director of Marketing of the American Petroleum Institute, Raymond Wright. Mr. Wright, thank you for joining us today.

The American Petroleum Institute is a major trade association for the entire petroleum industry, and acts as a clearing house of information on all phases of oil exploration, production, refining, transportation and marketing.

Mr. Wright, I think that most of our people have some knowledge of the fact that the United States faces a shortage of gasoline. Just how extensive the shortage is is not quite so clear in most people's minds. How serious is the gasoline shortage and what does the fuel situation look like for the remainder of the summer?

WRIGHT. Our inventories right now are about what they were at this time last year, and demand is up some; so that the way that I look at the figures would indicate that the shortage is real, but that it does not amount to any national calamity or catastrophe. It will result in inconvenience, mainly to motorists who are not going to be able to find the stations that they are used to seeing, open, and maybe not be able to buy all the gasoline at one filling that they are accustomed to buying. I do not see it as a national emergency this summer, at least.

RARICK. A rising demand for petroleum throughout the world is often pointed to as a contributing factor to the fuel lag in this country. How does the U.S. stack up in the world market?

WRIGHT. Well, I have a chart here which shows that we only have 6% of the people in the United States, but we're using 33% of the world's energy resources—oil, gas, nuclear, coal and the like. So we are tremendous consumers of energy per capita in the United States and it's a large contributor to our high standard of living and productivity.

RARICK. In a preliminary report by the Federal Trade Commission released last week, "insufficient refining capacity" was pointed to as a major factor in the gas shortage this summer. Are our refineries operating at capacity and can refining capabilities be increased in the near future?

WRIGHT. The refineries are running flat out. They're running just as fast as they can and producing just as many products as they can. They set all-time records both last winter and this spring. The refineries can be expanded. It takes 1½ to 2 years to do some major refinery expansion.

Our problem has been that you build refineries in two places. You build them where the oil is or where the people are. And the lack of expansion of our crude oil production in the United States has discouraged refinery construction. As you know there are some delays in leasing in the Gulf, there are bans on drilling in California, and we haven't gotten the oil down from Alaska. So that refineries built on the basis of expansion of crude oil supply have not been built. The refineries on the East Coast, where the people are, have had difficulty getting sites.

People are concerned about the environmental damage refineries would have and this has delayed things there. We've had some economic reasons for not building, some crude oil reasons for not building and some reason that people have for not building.

RARICK. Mr. Wright, I'm sure that you're aware plans are now on the way to build the first new oil refinery in the United States in the last three years. We understand that it's to be located in Louisiana, in fact near Baton Rouge. My question is this, is there any reason why the industry has waited for so long to continue to expand refining facilities?

WRIGHT. Well, this is a new refinery in Louisiana although Baytown, Texas has recently announced a 250,000 barrel expansion in the Gulf area. I think that what we're seeing down there is the new leasing that has come in the Gulf area has uncovered new oil and gas resources to warrant refining expansion. This was the kind of refinery expansion that is due not to people but to expansion of crude oil supply. When you have it it makes sense to build enough refining capacity to take care of the crude from new fields.

RARICK. I know it takes time to gear-up for heavy demand. What is the time lag involved in the exploration and development of a new oil field? A refinery?

WRIGHT. It takes about three years to build a major refinery. And that is after you get the sites. There's a lot of negotiation that has to be done with local authorities. Town hearings to convince people that you can build one safely. Once you get all the permits, it takes about three years to build a major refinery. And the permit business, I don't know, it can take a year. It can take even longer depending upon how much resistance there would be in any area to a refinery, and sometimes they're just not built because of local resistance.

RARICK. Do we have existing domestic reserves of oil to satisfy our growing demands?

WRIGHT. We have adequate reserves, but crude oil that is still in the ground is not immediately available unless it has been drilled for. Our domestic reserves, unless we have expansion of domestic drilling, will not increase, and in fact, will be declining.

RARICK. What about the Alaskan oil situation?

WRIGHT. The Alaskan oil will certainly help. It would cut half of our foreign imports of crude oil if it were being brought down now. It's not the total answer, but increased drilling off California and increased crude oil production domestically from smaller pools and the hope of finding a large supply in the Gulf of Mexico and off the East Coast would ultimately help to close this gap. I personally don't foresee a time when we'll never import one drop, but what we have to do is get our imports down to a level that our foreign exchange and earnings position can tolerate.

Unless we increase our production, our total demand will have to come from imports and that could get as high as 15 to 20 million barrels a day in a few years. The rule of thumb is that there's about a dollar loss of foreign exchange for every barrel imported. You'd have 15 or 20 billion dollars a year flowing out of this country. Right now we have a problem tolerating a 5 and 6 billion dollar a year trade deficit. How could we handle a 15 to 20 billion dollar deficit?

RARICK. Well, in addition to the deficit a loss of money for oil imports. I think many Americans are concerned about a growing dependence on foreign oil supplies and in relationship to our national security. How much of our fuel does the industry foresee the U.S. importing in the years ahead?

WRIGHT. Unless we do roll up our sleeves and increase the crude oil base in this country by 1985 many experts estimate that we could be importing as much as 51% of our total crude oil supply. And since Venezuela and Canada have announced to us that they're going to need most of their oil for themselves in the future, our crude oil supply is going to have to come from the Middle East and North Africa.

I think that we all know that that is not the most stable part of the globe. There's all kinds of problems over there. They've interrupted crude oil supply to Europe 14 times since World War II and to the extent that we're depending on them, we can anticipate that they would use our dependence as a club, you might say, to gain their own ends at our expense.

RARICK. Mr. Wright, many of the people back home haven't been to Washington, probably aren't aware that we shut out percentages of the lights in the halls, and the air conditioner is turned a little bit warmer than many people would like it. In our garages, many of them look almost like tunnels because of the efforts to impress upon the people that there is an energy shortage and to try to conserve electricity and therefore the fuel.

Earlier in this session of Congress, I introduced a bill to authorize the president to suspend the rigid pollution controls required for automobiles until the fuel crisis eases. I know that these pollution control devices have greatly increased the gasoline demand. Do you have any additional information about fuel demand and EPA pollution requirements?

WRIGHT. Well even now, owners of '72 and '73 cars realize that they're not as good performers as the pre-'72 cars. One reason for this is that the EPA and the automobile manufacturers have both agreed to lower compression ratios of engines. They don't require higher octane fuel. That alone would make them less efficient, plus the fact that EPA is correct. The cars are heavier. People are putting more options on them—air conditioners, automatic transmission, power windows and the like, which soak up the energy. The air pollution devices themselves create inefficiency and Phillips Petroleum Company has prepared a slide that shows if the full EPA requirements are put on cars and as more and more of these cars are so equipped, by 1980 the fuel penalty to the American people would be around 30%. Now if you go to slightly lower standards, more realistic standards in many people's minds, the fuel penalty would be only 15%. The 15% are the California type standards that have been pushed by the Chrysler Corporation as representing a reasonable compromise between the very extreme protection and cost and good protection at more moderate cost.

The fuel penalty, if we keep the current standards all the way through '77, is around 10%. And if you were to go back to an earlier level of control, say '71 or '70 or '69, the percentage penalty is 5% less. The air is being cleaned up, but like anything else we do, there's a price to be paid and right now efficiency of automotive engines is one that we're paying. They're just not as efficient.

RARICK. What role have other environmental considerations played in oil production and refining?

WRIGHT. Delays in nuclear plant completions have been caused by environmental concerns. Nuclear plant sites and refinery sites are delayed or banned by environmental concerns. Coal mining is curtailed, and coal burning is, in effect, outlawed in many areas. Displacement of coal with oil has increased fuel oil demand by utilities nearly 42,000,000 gallons per day in five years. Electric power that is not being produced by nuclear plants as planned has to come from oil.

RARICK. The Justice Department is currently studying what has been referred to in the press as a monopolistic control of the oil industry by a cartel of the big corporations. Are the big companies trying to drive the smaller independent dealers out of business?

WRIGHT. The increased demand for petroleum products has caused nearly all customers to turn to firm supply contracts. Many independents bought surplus supplies through brokers on the basis of market conditions. Gasoline and other products are no longer in surplus and are not being offered under surplus marketing conditions. The way to best help independent markets is to develop more energy supplies of all kinds—oil, gas, coal, waterpower, nuclear, solar, and geothermal so that abundant supplies are again available.

RARICK. We have a problem. Now what's the solution? What can industry, government and the consumer do to correct the problem?

WRIGHT. For the short term we must tighten our belts and use energy more efficiently. Savings are possible in our homes, transportation, government and industry. We must start immediately on expansion of exploration and production of oil and gas. Build the Alaskan line. Permit construction of new refineries and nuclear plants. Allow coal to be used under controlled conditions.

RARICK. Well, I think that we all agree that we do have a problem and truthfully we have to work for a solution and we all look forward—industry, government, and the American people, the consumer—working together can correct the problem.

Mr. Wright, my guest on the program today is with the American Petroleum Institute. I'm sure my viewers have certainly enjoyed your comments and the additional data you have supplied and we're most happy to have you in the homes of our Louisiana viewers.

WRIGHT. My pleasure, sir, and my pleasure to be with you.

IDEAL WAY TO TOUR

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. EILBERG. Mr. Speaker, the city of Philadelphia is offering its residents and tourists a most ideal way to tour the city's famous cultural and historical landmarks.

Philadelphia's Cultural Loop Bus makes it possible for sightseers to visit these attractions at very low cost and also offers discount admission tickets to five sites.

At this time I enter into the RECORD a statement by the city of Philadelphia describing this unique bus service:

New York City is copying Philadelphia's Cultural Loop Bus, according to an article in the New York Times.

The service, which gets underway Saturday, Sept. 1, appears to be identical with Philadelphia's operation. It covers 22 participating institutions instead of 10, the price is $1 instead of 50 cents, and the operator is the New York Transit Authority.

Philadelphia's Cultural Loop Bus is now in its second summer, and its patronage has been steadily increasing. Ridership this year has been 35,557 up to the end of last week, compared with 23,538 in the same period last year.

For 50 cents, residents and tourists can ride from Independence Hall through midcity, wind through Fairmount Park and loop at America's first Zoological Garden, visiting 10 historical and cultural attractions. The one low fare entitles the rider to on-and-off privileges all day plus discount admissions to the five major attractions that charge.

The Cultural Loop Bus offers service every 30 minutes in either direction from Independence Hall or the Zoo between 9:30 a.m. to 5:30 p.m. in an air-conditioned SEPTA bus Sunday through Saturday.

The Bus is made possible through the efforts of the Parkway Cultural Promotion Council, the Convention and Tourist Bureau, Philadelphia Area Council on Tourism, Southeastern Pennsylvania Transportation Authority, and the City of Philadelphia.

ANNOUNCEMENT OF HEARINGS ON H.R. 9175

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. CONYERS. Mr. Speaker, I would like to announce that the Subcommittee on Crime of the House Judiciary Committee will hold hearings on the "Community Anticrime Assistance Act of 1973," H.R. 9175, a bill which I introduced together with the ranking minority member of the subcommittee, HAMILTON FISH, JR., and H.R. 9809, a companion bill introduced by Mr. RODINO, chairman of the Judiciary Committee. This legislation provides Federal grants to assist cities, public agencies, and nonprofit, private organizations in efforts to increase the level of citizen involvement and cooperation with the various components of the criminal justice system.

The hearings will be held Thursday, September 13, and Thursday, September 20, 1973, at 10 a.m., in 2141 Rayburn House Office Building. On the first day of hearings, the subcommittee will hear testimony from the Honorable John V. Lindsay, mayor of the city of New York; and Mr. Lawrence P. Doss, president, New Detroit. On the second day of hearings, the subcommittee will hear testimony from the Honorable James H. Scheuer, president, National Alliance for Safer Cities.

The subcommittee will hold further hearings on this legislation in October. Those wishing to testify or submit statements for the record should address their requests to the Committee on the Judiciary, U.S. House of Representatives, Washington, D.C. 20515.

LIFTING THE TV BLACKOUT OF NFL HOME GAMES

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. OBEY. Mr. Speaker, the "sporTView" column by Jack Craig in the August 25 issue of the Sporting News provides an informative assessment of the problem of home blackouts, along with a forecast that—

> The heretofore untouchable television blackout of NFL home games will be lifted this season, by an act of Congress.

As a cosponsor of H.R. 9620—introduced by the gentleman from Virginia (Mr. Parris)—to lift the blackout, I should like to include Craig's column in the Record at this time.

The column follows:

sporTView

(By Jack Craig)

HOME GAMES ON TV SOON?

Boston.—All you football fans languishing on waiting lists for season tickets to home games of your favorite NFL team can relax. Chances are you are going to see those games anyway, without spending a dime or battling a traffic jam.

Granted that politics have never been more unsettled in Washington, D.C., so predictions are more perilous than usual. But here's one. The heretofore untouchable television blackout of NFL home games will be lifted this season by an act of Congress.

The reasons for such a bold forecast are twofold. First, Congress is so anxious to lift the blackout provision that it will dodge the customarily slow-paced legislative process. Secondly, there is simply no political opposition left to lifting the blackout. Only the details remain an issue, and not very big, at that.

The few legal steps left include hearings for three days, beginning September 5, by the House Subcommittee on Communications and Power, after which the committee will propose a bill for the full House. After the latter adopts this bill, it will form a conference committee with members of the Senate, which will undoubtedly have its own bill by that time.

The final version then will be resolved and sent along for the signature of President Nixon, who already is on record for lifting the blackout.

All of this may be accomplished before the first Sunday of the season on September 16. But if not, a Congressional source insists it should be completed by the following Sunday.

The only real point of contention involves how much of an impact lifting of the blackout for pro football will have on pro baseball, basketball and hockey.

Under the Senate version, events sold out 48 hours in advance in each of those sports will have home blackouts lifted even on non-network telecasts, subject only to the wishes of the station that holds the home club's TV contract.

The legislation sought by the House Communications Subcommittee would restrict the impact on baseball, football and hockey to network telecasts. Its reasoning is that otherwise, while the over-whelming thrust of the blackout bill is toward pro football, it would have a much heavier impact on the other sports because they generally derive more money from local than network TV, unlike the NFL.

Also, there is a question whether such a law can be passed on local telecasts. The power to act on network TV rests in the legal axiom of benefits conferred, in this instance through the antitrust exemption authorized in 1961 by Congress for pooled profits on network sports telecasts. That Congressional provision has led to bountiful profits for pro sports, notably the NFL, in the past 12 seasons, and now there is an assumed obligation for pro sports to reciprocate and at least experiment by lifting home area blackouts.

The alternative for Congress would be to lift the antitrust privilege, which would require each team to negotiate its own TV deal, meaning clubs in the largest markets would reap the higher profits which presumably would have an impact on the playing field.

But local telecasts for baseball, hockey and basketball have not benefited from any Congressional sanction in the past. So, does Congress have any power not to enforce regulations regarding them?

Leaders of the three sports apparently are ready to test the argument if Congress does adopt the blackout rule for local TV. This could lead to an injunction which could delay the blackout lifting on pro football.

The NFL and networks have been asked to present data by the time Congress returns after Labor Day in order to estimate the impact of home blackouts being lifted when sellouts are in force 48 hours before kickoff.

NFL Commissioner Pete Rozelle will testify on September 6 and is expected to project figures on loss of parking and concessions revenues resulting from empty seats caused when season ticket holders choose to stay home and watch the game on TV rather than visit the stadium.

Earlier this year, Rozelle said up to $3,000,000 is involved in these areas. If that's the case, it seems a paltry figure. After all, the NFL is now negotiating a four-year contract with the three networks that calls for around $214,000,000, an increase of $30,000,000 alone over the one that will expire after the '73 season.

Rozelle also will undoubtedly point out the loss of jobs and the danger to existing contracts various clubs have with stadium groups.

But all of this has been heard in Washington before, without detering Congress from seeking a change in the blackout rules.

A quiet bombshell in passage of the bill lifting home blackouts would be the impact on pay cable television, which the NFL is eyeing affectionately.

The present regulations of the Federal Communications Commission require a two-year ban from pay cable by a sport from the time it has been shown free on home television. As long as NFL games have been kept off TV screens in the home area, the league has been free to experiment with pay cable when it wishes.

But once the blackout rule is lifted, pay cable of home games will be dead. Pay cable is the ultimate dream of team owners. This will allow home games to be seen by paying a fee in each household, while retaining the network package for road games.

But this factor finds no sympathy in Congress. In fact, it creates a negative picture, one of greed by club owners. Rozelle not very long ago told Congressman Robert H. MacDonald, chairman of the House Communications Subcommittee, that he had no interest in cable. Yet that possibility is included, reportedly, as a non-negotiable item in the upcoming NFL deal with the networks. This does not sit well in Washington.

The key issue in lifting the NFL blackout rule is how many ticket buyers decide to stay home. Congress' argument to Rozelle is that the only way to find out is to try it. It sounds reasonable enough.

It even overrides for Congress Rozelle's basic contention that it is unfair to force a team to televise its product in the very area that it is selling tickets.

FAMILIAR ARGUMENTS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. DERWINSKI. Mr. Speaker, a column by Lyn Daunoras, the well respected feature editor of the Brookfield, Ill., Times, came to my attention shortly after the commencement of the congressional recess. However, the column is still very pertinent, and therefore, I insert it into the Record today.

Her column, on August 1, is directed at the liberal press world and their attitude toward the recent Supreme Court decisions. Since the clarity of the article does not require further explanation, I insert it at this time.

The column follows:

Familiar Arguments

(By Lyn Daunoras)

We're getting a super-charge out of our liberal colleagues who are bemoaning the ill fate that has befallen the country through that obscenity ruling by the Supreme Court (all our "troubles" should be so big!)

We're somewhat amused by the furor because they're coming up with all the points we used when the court was making some of those horrendous decisions that we protested, to no avail, for lo, these many years.

"It isn't fair," one late talk show emcee whined, "It's only a 5-4 decision, which shows that four people realize the potential danger in censorship."

Funny. When we used that argument on 5-4 decisions which gave a blanket protection to criminals and released cold-blooded killers on the streets to continue their predatory ways, the liberals laughed. Now they're feeling the pinch of the shoe and the laughing has turned to tears and frustration. Welcome to the club, senors.

"How can nine men speak for all the people?" they demanded.

Ha. How could nine men ever speak for all the people? But that's the way our system was set up, and no one found fault until recently when the liberal fringe start demanding, and getting "rights" for everyone to read pornography and see movies that once were considered stag films to be shown surreptiously in some basement.

What they are saying, in essence, is that if they approve of the decision it's all right for nine men to preside and for one more than half to set the stage, but if they disapprove, the nine men are inefficient, arrogant and unfeeling.

The argument that people should be able to censor their own material is well taken. There is absolutely no substitute for the boycott of a film. If it dies at the box office, so do the get-rich-quick producers.

However, if critics would stop reviewing every piece of smut as a work of art and hailing it as something all persons who wish to broaden their outlook must see to appreciate every aspect of life, perhaps there would be less patronage.

While curiosity may have killed the cat, there is no way to kill curiosity. Much of the box office success of so-called obscene films comes from those who "just want to see what it's all about." But even that human trait could be eliminated if the publicity, stressing shock value, was de-emphasized.

Critics consider themselves experts and expect the world to respond to their beck and call. But how is the world to know whether a "work of art" is not just the illusionary wonderment of a plain "dirty old man?"

We're not for outright censorship because we don't feel that is the solution. We employ our own, based on what we read about books and movies. We simply have no desire to boggle the mind with sex scenes that belong in a private room, not on the screen with thousands of people gawking, squirming and tittering. That isn't even sex; it's just plain lewdity.

But if there are people who thrive on it, so be it. We don't think banning films or books means anything. Far worse than the movies themselves are the headlined comments and reviews that publicize them and lure the public. How many people would see "Last Tango in Paris" if not for the furor over it?

If critics would simply review a film or book with dignity and fact, and let the readers decide whether it sounds good enough to read or see, there would be no need for any obscenity ruling.

DR. IRVING D. LITWACK RETIRES FROM A LIFETIME OF DEDICATED PUBLIC SERVICE

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. HOSMER. Mr. Speaker, immediately upon graduation from the School of Medicine of the University of Illinois in 1930, Irving D. Litwack, M.D., was commissioned a medical officer in the U.S. Navy, serving on active duty until 1936. From that date on he had served the people of California generally and the people of Long Beach specifically as city physician from 1936 to 1941, as assistant health officer in 1946 and as health officer from 1947 until his retirement which is to occur a few days hence on October 1. During 1941–46 he was on leave from his city post for World War II service in the U.S. Naval Medical Corps.

During all these years of his distinguished professional career, Dr. Litwack has earned in equal measures the highest respect and admiration of his professional colleagues and the last affection of the general public. Even earlier in his native Chicago, at the University of Illinois in Urbana where he earned his bachelor of science degree and at the University's Medical School in Chicago where he earned his M.D., Irving Litwack was universally regarded as a man destined to make major contributions to the welfare and to well-being of his fellowmen.

His wife of 40 years, Edith, has been constantly and lovingly at his side to help him make these contributions throughout the years. Their son Kenneth is also a physican, practicing his specialty of internal medicine at Corona del Mar.

A modest man, Dr. Litwack has not sought rewards or recognition, but inevitably many have come his way. For example:

The 1957 Good Government Award of the Long Beach Chamber of Commerce for outstanding service to the city;

The 1964 Jewish War Veterans Bernard and Milton Saul Post No. 593 man of the year award; and,

In 1968, during his term as president, the outstanding merit award of the Southern California Public Health Association.

In every sense, Dr. Litwack has been the guiding spirit of most of the many voluntary health agencies which serve his city. In fact, either he or his inspiration is responsible for their founding. His involvement with and contribution to these specialized agencies and to many other humanitarian efforts of a broader nature as well as his professional associations and accomplishments are too numerous to list in full, but their scope and function is indicated by the following partial enumeration:

Member of staff of major hospitals of Long Beach.

Chief, Medical-Health Division, Long Beach Emergency Preparedness Council.

Member, Board of Directors, Long Beach Psychiatric Clinic for Children.

Member, Board of Directors, Long Beach Epilepsy Clinic.

Member, Board of Directors of Memorial, Pacific and Community Hospitals.

Member, Board of Directors, Meals on Wheels.

Member, Board of Directors, Visiting Nurses Association.

Member, Advisory Board, Long Beach Council of Parents and Teachers.

Member, Advisory Committee, Childrens' Dental Foundation, Long Beach.

Member, Advisory Board, Long Beach Tuberculosis and Health Association.

Member, Committee on Consumers' Affairs of St. Mary's Hospital.

Member, Regional Welfare Planning Council.

Diplomate of Specialty Board in Public Health and Preventive Medicine.

Consultant to California State Health Department on Public Health Administration.

Fellow of American Public Health Association (1951).

Fellow of American College of Preventive Medicine (1958).

Fellow of Pan-American Medical Association.

Fellow of Royal College of Public Health Physicians.

Diplomate of American Board of Preventive Medicine.

Member, American Medical Association, California Medical Association, Los Angeles County Medical Association, Long Beach Medical Association.

Member, American Association of Public Health Physicians—California Chapter, American Association on Mental Retardation, California Conference of Local Health Officers.

Former President, Southern California Public Health Association.

It is a pleasure and a privilege for me to make note in this RECORD of these years of unselfish and dedicated service to fellowmen by Dr. Irvin D. Litwack and to express for myself and on behalf of my fellow citizens our deep and lasting appreciation for this good man's benevolent influences upon all our lives.

We wish him and his loved ones a long life of health, happiness, and continued service in their retirement years.

ANNOUNCEMENT OF HEARINGS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. EDWARDS of California. Mr. Speaker, the Subcommittee on Civil Rights and Constitutional Rights of the House Committee on the Judiciary will commence a series of hearings on the Civil Rights Aspect of General Revenue Sharing on September 6 and 7, 1973, in room 2237, Rayburn House Office Building. Mr. Graham Watt, Director of the Office of Revenue Sharing, will be the first witness. For subsequent hearings, the dates of which are to be announced, representatives from local community organizations, national civil rights organizations, and municipal and State governments will be called.

Persons interested in submitting statements for the record may address their inquiries to the House Committee on the Judiciary, 2137 Rayburn House Office Building, Washington, D.C. 20515.

COLORADO SECOND DISTRICT 1973 OPINION POLL RESULTS

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. BROTZMAN. Mr. Speaker, during the recently concluded recess I made public the results of the annual Colorado Second District opinion poll. As I have done in the past, I am inserting the results of the questionnaire in the RECORD for the benefit of my colleagues.

Once again, the residents of the Second District revealed their interest in the important affairs of the Congress by responding in large numbers. More than 35,000 persons took the time to answer the poll which I had delivered to every mailing address in the Second District. In checking with other Members who have taken similar surveys, I believe the response of Second District residents may be the highest in the Nation.

In the past, the participants in the Second District opinion poll have rather accurately represented the attitudes of the Nation as a whole. Accordingly, I believe each of my colleagues will be most interested in the results. I know that having the thinking of so broad a cross-section of my district is most useful to me in my efforts to represent my constituency in the House.

In assessing the results, I note that there continues to be strong support for rapprochement with the Soviet Union and mainland China. Nearly 80 percent of the respondents favored these efforts.

The results show a marked upturn in the number of people who believe that Congress should limit the authority of the President to commit U.S. troops to combat without prior authorization. Last year, only 55 percent of the people favored legislation on this point, however this year an identical question received the endorsement of 71.6 percent.

On the economy, Second District residents expressed, by a preponderance of opinion, support for mandatory wage and price controls. However, this question elicited an unusually high number of "undecided" responses, 18.4 percent. There was no doubt, however, over the desire of the respondents to see Congress impose a strictly enforced limitation on

Federal spending each year. Nearly 72 percent favor this course of action.

Finally, in a departure from the "yes-no" format, I asked participants in the opinion poll to advise me of their views on the Watergate events. Over 5,000 took the time to send me notes on this subject, and their thoughts are extremely diverse and difficult to categorize. However, the biggest single grouping of respondents, 37 percent, said they were either tired of hearing about Watergate or wanted reform of politics; 29 percent specifically expressed opposition to the President, to one degree or another, while 9 percent took the occasion to reassert their support for the President—14 percent want to see the Senate hearings continued and 11 percent want to see them terminated.

Mr. Speaker, I believe the people of the Second District are to be congratulated on their overwhelming response to the opinion poll. I continue to have faith in this Nation's ability to solve her problems, and it is through an informed, intelligent, active electorate that we can best find solutions to these problems. I am again, most grateful to my constituents for letting me know their thinking on the issues which face us today.

Results of the poll follow:

TABULATION OF COLORADO'S SECOND CONGRESSIONAL DISTRICT 1973 OPINION POLL

1. Should Congress limit the asserted power of the President to commit U.S. troops to combat without prior authorization?

Yes	71.6
No	22.0
Undecided	4.4
No response	2.0

Should some form of amnesty be granted now to those young Americans who chose to avoid serving in the Armed Forces in Vietnam?

Yes	29.4
No	62.9
Undecided	5.8
No response	2.0

3. Do you favor federal legislation to make health insurance for catastrophic illnesses available to all citizens?

Yes	65.1
No	20.7
Undecided	11.5
No response	2.8

4. Should the death penalty be imposed for serious federal crimes such as kidnapping, assassination, and airline hijacking?

Yes	69.9
No	20.9
Undecided	7.0
No response	2.3

5. Should Congress appropriate funds for the rebuilding of North Vietnam?

Yes	9.8
No	79.8
Undecided	8.0
No response	2.5

6. Should Congress adopt a strictly enforced limit on total federal spending each year?

Yes	71.7
No	14.6
Undecided	10.8
No response	2.9

7. Should mandatory wage and price controls be reimposed at this time?

Yes	46.8
No	30.9
Undecided	18.4
No response	4.0

8. Should accredited representatives of newspapers, magazines, radio and TV be protected by law from having to disclose their news sources?

Yes	57.7
No	31.1
Undecided	8.8
No response	2.4

9. Do you support current efforts to improve diplomatic and trade relations with the Soviet Union and mainland China?

Yes	78.9
No	12.0
Undecided	6.5
No response	2.5

(Figures shown above may not add to exactly 100 per cent due to rounding.)

JEWISH SUPPORT AGAINST LIVE FETUS RESEARCH

HON. ANGELO D. RONCALLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. RONCALLO of New York. Mr. Speaker, some persons have attempted to attack the amendment to the biomedical research bill which overwhelmingly passed the House last May, as well as separate legislation I have introduced on the subject of live human fetus research, on the grounds that it is a particularly Roman Catholic issue. During the recess, I received the following letter from the Union of Orthodox Jewish Congregations of America in support of my legislation.

The support of this respected organization, representing the thoughts of Orthodox Jews from all parts of this country, gives ample proof that this is not a partisan religious matter but rather a humanist and ethical issue transcending parochial bounds.

I once again renew my urgent call for swift enactment of H.R. 7724 as passed by the House and for early committee hearings on my bills to prevent all Federal agencies from conducting or supporting such research and to provide Federal criminal penalties for researchers who persist in misusing funds in this manner. Congress must act promptly to insure that no Federal support is given to those who would perform experiments on our babies who are living with a beating heart, separate from their mother.

The letter follows:

UNION OF ORTHODOX JEWISH
CONGREGATIONS OF AMERICA.

HON. ANGELO D. RONCALLO,
Member of Congress, Longworth Building, Washington, D.C.

DEAR MR. RONCALLO: Our Commission on Communal Relations has studied your efforts to pass legislation in Congress, preventing the use of live fetuses for medical research, and we commend you for your sensitive concern for this matter.

Human life is the ultimate creation of the Almighty and whether it be a fetus or a grown person Jewish law and philosophy invest this being with an inviolable essence and divine dignity. Indeed, Jewish law forbids abortion of pregnancy except where the mother's life is threatened by the fetus.

The growing mechanistic and manipulative concepts of life—evidenced by research such as that which your legislation would prevent—poses a potentially grave threat to the spiritual values which have underpinned American society.

We wish to be identified with efforts such as yours for the defense of the inviolability of human life.

Sincerely yours,
HAROLD M. JACOBS,
President.

MARTHA WASHINGTON HOSPITAL TRIBUTE TO CLARA L. MAASS

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. ANNUNZIO. Mr. Speaker, I bring to the attention of my colleagues the tribute paid to Clara L. Maass, the American nurse who sacrificed her life in the conquest of yellow fever, by the staff of Martha Washington Hospital, 4055 North Western Avenue, a fine medical institution located in the 11th Congressional District which I am proud to represent.

Clara Louise Maass is a symbol of the ideal American nurse and an example of sacrifice, heroism, and love for mankind. On August 24, 1901, at Las Animas Hospital in Havana, Cuba, she gave her life to find a cure for yellow fever.

In tribute to her for that sacrifice, Dr. Fernando Lopez-Fernandez, medical director of Martha Washington Hospital, unveiled her portrait in a ceremony on August 24, 1973. The portrait was donated by the Clara L. Maass Memorial Hospital in Belleville, N.J. Dr. Lopez-Fernandez' presentation speech was entitled "Clara L. Maass and Las Animas Hospital, Havana, Cuba."

Mr. Robert C. Hartmann, Sr., president of Martha Washington's Board of Directors, and Mr. Frank W. Brown, the hospital's administrator, were in attendance at the commemorative ceremony. Mr. Hartmann accepted the portrait which will hang in the R. C. Hartmann, Sr., auditorium when it is completed, and his acceptance speech was entitled "Clara L. Maass—A Martyr of Science."

Dr. Lopez-Fernandez, who is also director of medical education of Martha Washington Hospital and former medical director at Las Animas Hospital, has been actively seeking national recognition of the noble sacrifice of Clara L. Maass and has been informed by the Postmaster General that the Citizen's Stamp Advisory Committee, at its next meeting, will consider issuance of a commemorative stamp in her honor in June, 1976, the 100th anniversary of her birth.

It is an honor for me to join the officers, medical staff, and employees of Martha Washington Hospital in this tribute to Clara L. Maass. Her portrait will be an inspiring reminder of the dedicated and devoted efforts of this nonprofit general hospital in meeting the health needs of our community.

ANNIVERSARY OF THE NAZI INVASION OF POLAND—SEPTEMBER 1, 1973

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. ROONEY of New York. Mr. Speaker, those of us who have been closely identified with Poland for the past quarter century and more, have considered this date of September 1 to be of real significance. It was on this very date 34 years ago that that skunk Hitler launched his devastating attack upon the innocent people of Poland and set the wheels of his awesome war machine in motion.

We listened in horor to the vivid firsthand accounts of radio observers as they described the ruthless sweep of the Nazi divisions leaving behind death and wanton destruction. We read with avid interest the tales of Polish resistance to this violation of the sovereign rights of the Polish people. We were thrilled with the heroic stand taken by the Polish military forces and by patriotic citizens willing to die to preserve their independence. But we were saddened to learn how futile was this resistance to the might of the Nazi hordes.

So it is this day that we must remember as the day which most truly marks the beginning of the holocaust which would sweep the world and become identified as World War II. Few of us listening to the news 34 years ago were capable of envisaging that this blood bath visited upon our good Polish friends would ultimately involve our own country along with most of the other nations of the world.

As we look back in retrospect, we realize, too, how little could we anticipate the heights to which Polish resistance would ultimately reach. Overwhelmed by the superiority of Nazi Luftwaffe, Panzer, and Wehrmacht power, the Polish military found it necessary to regroup outside Poland. With brilliant military leadership such as displayed by my respected friend, the immortal General Anders, the Polish military units fought side by side with us and our other Allies. Today's history books attest to the valor of Polish fighters. From Africa through Italy, France, and the low countries into Britain, Polish fighting men fought gallantly and all too many of them died in our joint efforts to rid the world of the Nazi menace.

At home the civilian populace fought just as bravely against unspeakable privation and torture. With the swift thrust of the German war machine, widespread death and destruction left cities and villages in smoking ruins. Those brave Poles who survived met new horrors with which they had to contend. Here, too, the traditional Polish spirit of independence and ability to survive prevailed and resistance against their oppressors could not be subdued.

Mr. Speaker, I think we Americans should look upon this day as one commemorating not only the unwarranted invasion of a peaceful nation by Nazi terrorists, but a superb manifestation of those sublime traits which have for centuries manifested Polish integrity, independence and courage. I salute the people of Poland and all our Polish-American citizens. I urge them to keep constantly burning in the flames of their minds their national pride and their love of independence unto the day when once more the people of Poland will be utterly free.

AN UNFORGETTABLE STATESMAN

HON. RONALD A. SARASIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. SARASIN. Mr. Speaker, this week all of Connecticut is honoring an outstanding elder statesman whose record of public service and accomplishment is deserving of national attention. The Honorable Raymond E. Baldwin, who has served his State in all three branches of government, recently celebrated this 80th birthday and is being feted this Saturday by colleagues, friends, and admirers drawn to him in his more than 40 years of public life.

Mr. Baldwin's career has included three terms as Governor of Connecticut, service in the U.S. Senate, and 24 years on the Connecticut Supreme Court of Errors, ending when he stepped down as chief justice 10 years ago at the mandatory age of 70. Most men would have been satisfied with this unparalleled career, never equaled in Connecticut history, but in the past 10 years, Ray Baldwin has added more accomplishments to his distinguished record. He served as a State referee and presided as chairman of the 1965 convention, which drafted a new constitution for the State of Connecticut.

I am particularly proud to bring to the attention of my colleagues the record of this exemplary man, for Mr. Baldwin has a long association with my own hometown of Beacon Falls, Conn. For many years he spent his summers at the farm his grandfather maintained for years in our town and in 1971, Ray Baldwin honored Beacon Falls by dedicating the plaque commemorating the 100th anniversary of the town.

A veteran of World War I, Ray Baldwin worked his way up the political ladder, beginning with his appointment as prosecutor of the town court in Stratford, Conn., in 1927. He later served as both town attorney and town judge in Stratford. He was subsequently sent to the State legislature, where he became majority leader in 1933. He went on to be elected Governor of Connecticut in 1938, 1942, and 1944. He was drafted to run for the U.S. Senate in 1946 and was elected in a landslide. In 1949, he resigned his Senate seat to accept appointment as an associate justice of the Connecticut Supreme Court of Errors, retiring as chief justice in 1963.

He remains today one of the most respected and loved public figures in Connecticut.

In the words of a recent editorial in the Morning Record of Meriden, Conn.:

> This chronological rundown tells nothing of the legislation he sponsored or his political philosophy. But he had a progressive record and a solid character and integrity that made him stand out as a statesman. As he turns 80, he should be honored not only as Connecticut's Republican of the century—which he is—but as a man who has helped keep alive the public's faith in popular government.

I am proud of Connecticut's Raymond E. Baldwin and I commend your attention to his record. He is a man whom all of us of any political persuasion would do well to emulate.

PORT OF PHILADELPHIA

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. EILBERG. Mr. Speaker, Philadelphia's port continues to be one of the busiest cargo ports in the United States.

Due to the construction of two new major terminals, Philadelphia has shown large increases in tonnage handled during the first 3 months of this year.

At this time I enter into the RECORD a statement released by the Philadelphia Port Corp. about this matter:

> PORT OF PHILADELPHIA
>
> The Port of Philadelphia continued to register tonnage gains in the handling of general cargo for the first three months of 1973. At the same time, Philadelphia increased its share of the Eastern Seaboard market while both Baltimore and New York suffered declines.
>
> Philadelphia remained the second busiest United States general cargo port.
>
> Figures issued by the Bureau of Census of the United States Department of Commerce credited the Port of Philadelphia with handling 1,709,700 tons of cargo compared with 1,652,959 tons for the comparable three months of 1972. This 56,741 ton increase (or +3.4%) compared favorably with Baltimore and New York which showed declines of 70,994 (−4.2%) and 125,032 (−2.9%) tons respectively. (See attached table.)
>
> In share of market—the important barometer used to measure activity in competing ports—Philadelphia enhanced its position over the comparable period in 1972 by 1.1% while Baltimore slipped .5% and New York declined .6%.
>
> Frederic A. Potts, President and Chairman of the Board of the Philadelphia Port Corporation, explained that studies show that each ton of cargo processed by the Port of Philadelphia generates at least $25 in direct benefits to Philadelphia's economy and assists in assuring a healthy business climate in the port community.
>
> Mr. Potts said that among the wide variety of imports and exports are iron and steel, paper, transportation equipment, meats, fruit, vegetables, tobacco, chemicals, plywood, news print and machinery. He stated further that the port's continued growth is attributable—in large measure—to the construction of two modern major marine terminals which now service 12 international containership lines on a regular basis.
>
> Mr. Potts noted that this increase has created a need for two new additional container cranes which are presently being constructed. Both, he said, will be operational by next spring.

COMPARISON OF GENERAL CARGO BUSINESS PHILADELPHIA-BALTIMORE-NEW YORK

	3 Months 1973	3 Months 1972	Difference 1973 versus 1972	
			Amount	Percent
Tonnage of general cargo:				
Philadelphia	1,709,700	1,652,959	+56,741	+3.4
Baltimore	1,628,505	1,699,499	−70,994	−4.2
New York	4,179,810	4,304,842	−125,032	−2.9
Total	7,518,015	7,657,300	−139,285	
Share of market (percent):				
Philadelphia	22.7	21.6		+1.1
Baltimore	21.7	22.2		−.5
New York	55.6	56.2		−.6
Total	100.0	100.0		

Source: U.S. Department of Commerce, Bureau of Census.

HELP GIVEN BY CONGRESS FOR BASE CLOSINGS

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. HARRINGTON. Mr. Speaker, I would like to express my support for House Joint Resolution 512, the Housing Authority Extension which is before the House today, and H.R. 8606, amendments to the Small Business Act scheduled for House action tomorrow.

Both are vital pieces of legislation and all facets of the measures deserve our support. But I would like to address myself today to one section of each bill which specifically provides assistance to communities and firms in areas adversely affected by the closing of military facilities. The inclusion of these provisions marks a formal recognition by the Congress that the Federal Government is responsible for assisting those people whose livelihood is harmed by a Federal policy over which they have no control and a recognition that previously existing Federal programs are not adequate to meet these needs.

The Housing Authority Extension would require the Secretary of Housing and Urban Development to give priority in processing applications for certain housing and community development programs to State and local units of government adversely affected by Department of Defense base closings.

The Small Business Act Amendments conference report would allow the SBA to make disaster and other loans to small businesses harmed by the base closings.

These provisions are of vital importance to New England and other parts of the country experiencing serious cutbacks in military expenditures and the closing of major military installations. In Massachusetts alone, some 12,000 civilian jobs will be lost due to the closing of the Boston Naval Shipyard, Westover Field, and other facilities. The administration, moreover, has not been prompt in assisting Massachusetts, or any other State, in its adjustment process.

These funds are very important for the economic stability of Massachusetts, Rhode Island, and other States affected. Moreover, these provisions are vital because they will become permanent features of the law, so that when base closings are announced in the future, such assistance will be immediately forthcoming, rather than making the local communities, firms and workers wait on the Congress for action.

It is my firm belief that when changes in Federal policy layoff significant proportions of local labor forces—and when that was not the intention of the policies—the Federal Government has a responsibility to workers, firms, and communities affected to help them plan for their redevelopment, and to provide them with financial support to ease them over the initial shock of decreased Federal revenues.

The Federal Government has been slow to recognize this principle. Where it has recognized its responsibility, as with jobs lost due to imports, the assistance it has offered has come very slowly, in very small amounts. It is about time that the Federal Government was held accountable for the effects of changes in policy on the lives of the people of this country. These provisions of these two conference reports are small but I hope significant steps in the right direction.

IN MEMORY OF MAYOR JOSEPH HEALEY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. RODINO. Mr. Speaker, what does it take to build a town? It takes unyielding belief, tenacious determination, discerning leadership and selfless dedication. It involves persistence and the spirit to continually move forward. It calls for flexibility, the capacity to face squarely all new challenges, and it requires the ability to learn, adapt, incorporate and grow with change. Joseph Healey, former mayor of Kearny, N.J., gave the essence of his heart and his hopes to his town. And, with his recent passing, the life and actions of a man so special will remain indelibly impressed not only in the history of Kearny, but its very soul.

My closeness with Mayor Healey extends almost four decades. From his early entry into county politics in 1932, to his mayoral years, to his term as State assemblyman, to his active participation in the U.S. Conference of Mayors and the American Municipal Association, Mayor Healey saw his town as composed not just of people, but of parents, children, families, of human beings deserving the highest respect, devotion and love.

Although deeply saddened at my dear friend's death, I cannot help but also feel quite privileged—privileged because our friendship was indeed most precious. I have seen Joseph Healey as devoted husband and father, and I have watched his children, Jay, Tommy and Mary Ann grow and mature from their early years. His wife Ann, and my wife and I have shared happiness and milestones experienced by only those with the deepest of ties. My personal loss, the loss to the Healey family, to the people of Kearny, and to all who were touched by this man's good works and fine deeds cannot easily be put into words. Mayor Healey leaves us a legacy filled with love, devotion and accomplishment. May the commitment he held for all his people serve as a guiding light for all who are chosen to govern.

EXPORT CONTROL ACT AMENDMENTS: UNNECESSARY AND UNDESIRABLE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. RARICK. Mr. Speaker, Congressman CHARLES THONE and I have sent a letter to all Members that indicates our opposition to H.R. 8547, the Export Control Act Amendments, because we feel that this bill is both unnecessary and undesirable.

In our letter we indicated that one of the reasons this bill is undesirable is that it fails to recognize the important role that agricultural exports have contributed to our balance of payments. We pointed out that if we are to continue to import essential commodities and at the same time maintain a reasonable balance of payments, we must export commodities which are competitive on the world market.

Mr. Speaker, agricultural commodities are highly competitive. Agriculture has had a positive net influence on the U.S. balance of payments every year since 1961. The future is bright. There is every indication that agricultural exports will reach a new high during this present fiscal year—unless they are placed under export controls.

H.R. 8547—which is scheduled for House consideration tomorrow—would make it easier to impose export controls on agricultural commodities. This is undesirable.

Mr. Speaker, for this and the other reasons outlined in our letter to all Members I urge our colleagues to reject H.R. 8547.

So that our colleagues might be informed of the role of agricultural commodities in the U.S. balance of payments, I ask that relevant excerpts from a publication by the Federal Reserve Bank of Richmond—volume 59, May 1973—be inserted in the RECORD:

[Excerpt from a Federal Reserve Bank of Richmond publication, v. 59, May 1973]

INTERNATIONAL AGRICULTURAL TRADE AND THE U.S. BALANCE OF PAYMENTS

(By Thomas E. Snider)

Agricultural commodities have figured importantly in U.S. foreign trade since colonial times. Foreign markets have always been important to U.S. farmers and appear likely to be of increasing importance in the future. Currently, they provide an outlet for about 15 percent of total U.S. farm output. Trade in agricultural commodities is, of course, a two-way street and the U.S. is also a major market for many agricultural products produced abroad. In 1972, for example, agricultural commodities accounted for about 12 percent of total U.S. imports. But at the same time, they accounted for approximately 18 percent of total exports, leaving this country with a sizable balance of trade surplus in agricultural products. Prospects that this surplus may be enlarged in the near future are a major reason to hope that the unsatisfactory balance in this country's trade with the rest of the world can be corrected soon.

Importance of Agricultural Exports: U.S. farmers in 1972 supplied about one-sixth of the agricultural commodities entering free world trade, with U.S. agricultural exports reaching a high of $8.05 billion. This was an increase of more than 57 percent since 1960. The output of 1 of every 5 harvested acres was exported in 1972 and foreign sales accounted for 15 percent of the total cash receipts from farm marketings. In that year, export sales accounted for more than one-half of the U.S. production of soybeans and rice, more than two-fifths of the cattle hides and tallow, and over one-third of the wheat and tobacco.

* * * * *

In terms of value, oilseeds and products was the most important export item in 1972, followed by feed grains and wheat and wheat flour. Soybeans and soybean products accounted for a large fraction of the value of oilseeds and products. Aggressive marketing in the face of strong foreign demand for high-protein feed, coupled with the sharply increasing U.S. harvest, has made soybeans the leading dollar earner in foreign markets. Soybeans now account for more than one-fourth of the total value of U.S. agricultural exports. This country's share of world soybean exports has risen from 2 percent in 1934–38 to approximately 90 percent in 1972. Production from more than one-half of U.S. soybean acreage is exported, and more than nine-tenths of all soybean and soybean product exports are commercial sales for dollars.

* * * * *

The United States is the world's largest exporter of unmanufactured tobacco, accounting for about one-fourth of world exports of this commodity.

* * * * *

The Agricultural Trade Balance: Exports of agricultural commodities exceed imports by a substantial margin and, consequently, provide one of the major bright spots in an otherwise negative U.S. balance of payments situation. The role of agricultural exports in helping curb the flow of dollars from the U.S. may be measured by their contribution to our balance of trade and the balance of payments. The balance of trade is the difference between the value of total merchandise exports and total merchandise imports. The balance of payments, on the other hand, records all types of economic transactions involving the exchange of goods, services, and financial assets between U.S. residents and residents of the rest of the world.

Although the U.S. has experienced deficits in its balance of payments in most years since the early 1950's, 1971 was the first year since 1935 that a trade deficit occurred.

* * * * *

In agricultural trade, the U.S. balance with the rest of the world has been in surplus in every year of this period. This surplus amounted to $1.9 billion in 1971, only slightly below the peak for the period reached in the middle 1960's. Without this surplus, the overall U.S. trade deficit of $6.4 billion in 1972 would have been $9.4 billion.

Balance of Payments.—The USDA estimates the gross contribution of agriculture to the balance of payments in the following manner. Realized dollar returns and savings on noncommercial exports are added to the dollar value of commercial sales. These realized dollar returns and savings are in the form of (1) the dollar value of foreign currencies generated under PL 480 and used overseas by the Government to pay such bills as embassy expenses, military outlays, and costs of market development operations and (2) repayments for exports made under Government credit to foreign nations. Agricultural imports are then subtracted from this figure to determine the net contribution to the balance of payments (Table IV). In 1971 agriculture's net contribution to the balance of payments was $1.13 billion, the second largest net contribution since 1960. Agriculture has had a positive net influence on the U.S. balance of payments every year since 1961. The peak year in agriculture's net contribution was 1966 when it totaled $1.17 million.

Factors Affecting Export Prospects: Estimates for fiscal year 1973 place agricultural exports at about $11 billion, almost $3 billion above 1972's record high. Most of the increase will be in grains and soybeans. While exports of these commodities to most customers will be up over last year, the large purchases by the Soviet Union are the single most important item. As of January 1973, Russia had purchased over 400 million bushels of wheat, around 250 million bushels of corn, and 40 million bushels of soybeans.

While agriculture's net contribution to the U.S. trade position is growing, agricultural trade as a share of total trade has declined recently. Since 1960 agricultural exports have declined from 24 to 18 percent of total exports. Recent large sales to communist bloc nations and improved prospects for additional sales to these countries notwithstanding, potential growth of farm exports faces several restricting factors. Foremost among these are (1) increased agricultural production by the less developed nations, which is diminishing the need for our aid exports; (2) numerous tariff and nontariff barriers on agricultural commodities; and (3) expansion of the European Economic Community to include the United Kingdom, Ireland, and Denmark in the area under the Community's Common Agricultural Policy (CAP).

THE CONTRIBUTION OF AGRICULTURE TO THE U.S. BALANCE OF PAYMENTS

[In millions of U.S. dollars]

Item	1961	1971
Commercial agricultural exports	3, 569	6, 556
Plus realized dollar returns and savings on noncommercial agricultural exports:		
Public Law 480	155	322
Mutual security (AID) foreign currencies used by U.S. agencies	15	[1]
Export-Import Bank principal and interest dollar repayments	31	80
Gross contribution	3, 770	6, 958
Less agricultural imports	3, 756	5, 826
Net contribution of agriculture to U.S. balance of payments	14	1, 132

[1] Less than $500 000.

Source: U.S. Department of Agriculture, World Monetary Conditions in Relation to Agricultural Trade, May 1972 p. 29

Common Market countries account for nearly two-fifths of the world's total imports and, in fiscal 1972, these nine nations took nearly a third of total U.S. farm exports. The United Kingdom alone bought $430 million worth of our farm products in fiscal 1972.

Exports to the Common Market are restricted by the Community's Common Agricultural Policy, and the recent expansion of the Common Market area is certain to have an unfavorable impact on U.S. exports of agricultural commodities. The CAP is a series of agreements among members designed to establish free agricultural trade within the Community and to protect domestic agriculture from imports. The CAP protects agricultural producers in member countries through variable levies and other devices that force final import prices above domestic prices. The biggest impact of Common Market expansion to include nations with previously less restrictive agricultural import policies will be on tobacco, grains, rice, and fresh and canned fruits and juices. Soybeans have been entering the Common Market countries without duties or other restrictions and will continue to do so in the expanded market.

While a record year for agricultural exports in fiscal 1973 seems assured, the factors listed above serve to make long-term forecasts difficult if not impossible. Nevertheless, it seems reasonable to assume that U.S. agricultural exports will continue to make significant contributions to the nation's balance of trade and balance of payments positions.

BIPARTISAN ELECTIONS FOR LOCAL OFFICIALS IN WASHINGTON, D.C., FAVORED BY BUSINESS, LABOR

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. FRASER. Mr. Speaker, the District of Columbia self-government and governmental reorganization bil, H.R. 9682, soon to be voted on in the House sets up elections for a local mayor and city council for the District of Columbia.

Testimony before the House District of Columbia Committee was overwhelmingly in favor of party designation for those elections.

Business favored party designation. Mr. Walter F. McArdle, president of the Metropolitan Washington Board of Trade voiced the support of business in these words:

> These legislators (city council) should be elected by partisan ballot.
>
> We support the election of the chief executive of the District of Columbia on a partisan, city-wide ballot.

LABOR AGREES

The spokesman for labor agreed. Mr. George Apperson, president of Greater Washington Central Labor Council told the committee:

> We think it would be wrong to prohibit partisan politics in elections in the District of Columbia. Partisan politics helps to focus responsibility and that's what we need in the District—responsible politics and responsible government.

GOP FAVORS

The District of Columbia Republican Party testified in favor of party designation in these words:

> We believe the Mayor should be elected in partisan elections. There is no question but the present political parties in the District of Columbia can provide the machinery by which a candidate aspiring to office can best bring his or her views to the electorate.

The League of Women Voters also spoke in favor of party designation as follows:

> We support a legislative body broadly representative of the community, elected in partisan elections, some by ward and some at large. The chief executive should also be elected in a partisan election.

When the House votes on H.R. 9682, 2 weeks from now, we will be voting for a new government for our Nation's Capital. The new Mayor and new City Council will be elected through primary and general elections with party designation.

EXPERIENCE IN MINNESOTA

In my own State of Minnesota, nonpartisan elections for mayor and city council in the large cities did not work well. The State legislature has reinstated party designation. I believe this is wise.

Congress should provide the same system of government for Washington, D.C., that most major cities of our country have—an elected mayor and city council with party designation.

CIGARETTE BAN

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. MIZELL. Mr. Speaker, during the August recess just concluded, I was disturbed to learn that Mr. Richard O. Simpson, the chairman of the new Consumer Products Safety Commission, has said he is prepared to seek a ban on cigarettes under authority he claims to derive from the Hazardous Substances Act of 1960, which his agency administers.

On learning of this development, I immediately issued a statement calling for Mr. Simpson's resignation on the basis of his clearly unlawful attempt at bureaucratic empire-building.

The following series of articles and statements will bring my colleagues up to date on this important subject, which poses a threat to the economy of my district and my State, and which also threatens to further erode the liberties of all Americans.

This matter bears not only on the controversy involving tobacco and tobacco products but also on the issue of how far we intend to allow a bureaucrat to go in flaunting the express intent of the Congress. I urge my colleagues' careful attention and consideration in this matter:

[From the New York Times, Aug. 23, 1973]

CIGARETTE BAN TO BE ASKED BY FEDERAL SAFETY OFFICIAL

(By Gerald Gold)

NEWARK, Aug. 22.—Richard O. Simpson, chairman of the new Federal Consumer Product Safety Commission, said today that he was prepared to seek a ban on all or some cigarettes if, as expected, an examination confirms the surgeon general's findings in recent years on the hazardous nature of cigarette smoking.

Mr. Simpson said he was awaiting a petition from Congressmen calling for the commission to set standards for cigarettes, although the commission could act on its own.

The staff of Senator John E. Moss of the Senate Commerce Committee has begun studying the possibility of such a petition. Mr. Simpson said he felt congressional backing would enhance the chances for successful action against cigarettes.

A spokesman for the Utah Democrat said the staff was working on a petition that would call for the commission to set maximum levels for tar and nicotine in cigarettes. Those brands with contents above that level would be banned.

Mr. Simpson agreed that such an approach probably would be the opening one by the commission. He said he could not say specifically whether any cigarettes now on the market would be able to meet the standards, since the guidelines had not been drawn up yet.

Mr. Simpson mentioned the possibility of action on cigarettes in passing in an address this morning at the Product Liability Prevention Conference at Newark College of Engineering attended by several hundred representatives of professional, technical and trade groups. Later, in an interview, he expanded on his comment.

He said the commission has the power to set cigarette standards or ban cigarettes under the Hazardous Substances Act, which defines a toxic substance as "any substance (other than a radioactive substance) which has the capacity to produce personal injury or illness to man through ingestion, inhalation or absorption through any body surface."

The Consumer Product Safety Act, which set up the commission specifically exempts tobacco from the commission's purview, but the Hazardous Substances Act, which the commission also administers, does not.

Despite the labeling of cigarette ads on television and radio, Mr. Simpson noted, cigarette sales have increased. The Agriculture Department has reported that domestic cigarette consumption went up 2.5 per cent in the 10 months that ended in April, 1973.

POWERS OF COMMISSION

The inference, Mr. Simpson said, is that the labeling and the TV-radio ban have not worked. Under the Hazardous Substances Act, the commission can halt the sale of a product if it finds that, despite cautionary labeling, the product is still a hazard.

After receiving a Congressional petition, the commission procedure would be to examine the petition, go over the supporting evidence (including the findings of the surgeon general of the Public Health Service), propose regulations or standards and publish them in the Federal Register, receive comments from industry and others and then, assuming it stood by the finding that cigarette smoking was harmful, publish final regulations banning some or all cigarettes. The whole procedure would take a number of months.

Mr. Simpson said he expected that any action or proposal would be challenged at the outset by the industry and that the issue would probably go before the courts.

"His expectations for a fight are exactly right," a tobacco industry spokesman said in response to questions. The spokesman, Horace Kornegay, president of the Tobacco Institute, the trade association of the major cigarette manufacturers, said:

"I thought it had been understood for years that the Hazardous Substances Act does not include tobacco. The Food and Drug Administration has taken that position. The act was never contemplated to cover tobacco. It was to prevent household injuries, such as children swallowing cleaning fluids and that kind of thing."

Mr. Simpson maintained, however, that the "reasons for labeling cigarettes dangerous ought to stand up under the Hazardous Substances Act, too." He said that among the criteria for banning products was the severity and frequency of the injuries they cause, in this case "cancer and death."

He emphasized that "we have a serious expectation of achieving a ban," and asserted that he felt the agency "should and will be able to achieve it."

In his address at the Newark College of Engineering, Mr. Simpson stressed the "motivations" that he hoped would encourage full compliance by industry with the agency's regulations and actions on product safety in all fields.

"One of these 'motivations' is criminal penalties," he said. "Whereas corporations can pay civil penalties, people who work for corporations pay criminal penalties. I am personally inclined in a criminal proceeding to seek out the board chairman or the corporate president, in addition to other officials, because I believe they are in the best position to assure corporate compliance."

However, he noted that he had no intention of conducting a "witch hunt" of products and strongly urged industry to work with the agency in voluntary compliance. Mr. Simpson said that so far he felt everyone he had talked with in industry had generally been cooperative.

He said his agency had completed compiling a priority list of product categories in order of the safety hazards they presented and would make the list public next week.

[From the Wall Street Journal, Aug. 24, 1973]

MIZELL ATTACKS IDEA OF CIGARETTE BAN

(By William May)

WASHINGTON.—A federal official's proposal for a ban on cigarettes that do not meet certain standards on tar and nicotine content faces certain congressional opposition.

Richard O. Simpson, chairman of the newly organized Federal Consumer Product Safety Commission, said in a speech in Newark, N.J., on Wednesday that he is ready to ask for such a ban if recent findings on the hazards of cigarette smoking are confirmed.

Although the commission could act on its own. Simpson said, he is waiting for congressional backing for a petition calling on his agency to meet maximum levels for tar and nicotine in cigarettes. Brands with contents above such levels would be banned. Such a petition is said to be under study in the Senate Commerce Committee.

Rep. Wilmer Mizell, R-N.C., attacked Simpson's stand as representing an "audacious bureaucratic empire-building scheme."

In a statement from his office here yesterday Mizell called for Simpson's resignation as an "additional step to insure that such unlawful and self-aggrandizing efforts are not rewarded or repeated in the future."

Mizell said he would also move to counter Simpson's argument that the consumer commission has the power to set standards or ban cigarettes under the Hazardous Subsiance Act which defines a toxic substance as "any substance (other than a radioactive substance) which has the capacity to produce personal injury or illness to man through ingestion, inhalation or absorption through any body surface."

"The Consumer Products Safety Act that established this commission contains a provision specifically excluding tobacco and tobacco products from the commission's range of authority," Mizell said. "The fact that the Hazardous Substances Act, which the commission Act also administers, does not contain a similar specific exemption in no way nullifies or compromises the legislative command of the Consumers Products Safety Act that the commissions not deal with tobacco."

When Congress reconvenes, Mizell said, he will offer an amendment to the Hazardous Substances Act "to specifically exclude tobacco and tobacco products from the jurisdiction of that act."

Rep. Robert W. Daniel Jr., R-Va., said he would give "every recommendation in this field a fair evaluation."

"I do feel there is a limit to the role the federal government can play as a big brother in telling Americans what is good and bad for them," he said.

Daniel said he would do what he can "to protect the tobacco growers of Southside, Virginia."

Other members of the Virginia and North Carolina congressional delegations were out of the capital during the August recess, and their offices had no comment on the Simpson speech.

"The Federal Hazardous Substances Act was not designed for, or intended to be used in any way" in connection with cigarettes, according to Horace Kornegay, president of the Tobacco Institute.

He said application of any provisions is "wholly inconsistent" with the cigarette labeling and advertising legislation passed by Congress in 1965 and 1970.

The tobacco industry, he said, resents Simpson's threats of "criminal penalties" to motivate business toward voluntary compliance. "Such attempts at blackmail are intolerable," Kornegay said. "Our record in voluntary compliance with government agencies is second to none."

STATEMENT OF CONGRESSMAN WILMER D. MIZELL CONCERNING NEW YORK TIMES ARTICLE ON AUGUST 23, 1973 WRITTEN BY MR. GERALD GOLD REGARDING THE PLANS OF CHAIRMAN RICHARD O. SIMPSON OF THE CONSUMER PRODUCT SAFETY COMMISSION TO BAN CIGARETTES

The Consumer Product Safety Commission's decision to make an unlawful attempt to impose a ban on cigarettes poses a threat to the economy of the Fifth District and North Carolina, and it represents an audacious bureaucratic empire building scheme. But this attempt will not succeed.

The Consumer Products Safety Act that established this Commission contains a provision specifically excluding tobacco and tobacco products from the Commission's range of authority.

The fact that the Hazardous Substances Act, which the Commission also administers, does not contain a similar specific exemption in no way nullifies or compromises the legislative command of the Consumer Products Safety Act that the Commission not deal with tobacco.

As a means of guaranteeing that the law is clear and fully obeyed, I will, on the day the Congress reconvenes from its August Recess, offer an amendment to the Hazardous Substances Act to specifically exclude tobacco and tobacco products from the jurisdiction of that act.

As an additional step to insure that such unlawful and self-aggrandizing efforts are not rewarded or repeated in the future, I am calling today for the resignation of Mr. Richard O. Simpson, Chairman of the Consumer Product Safety Commission, and I will urge my colleagues in the Congress to endorse that action as well.

STATEMENT OF CONGRESSMAN WILMER D. MIZELL IN FURTHER REGARD TO THE IMPLIED PLAN OF MR. RICHARD O. SIMPSON, CHAIRMAN OF THE CONSUMER PRODUCT SAFETY COMMISSION TO BAN CIGARETTES

The statement of Mr. Richard O. Simpson, Chairman of the Consumer Product Safety Commission in a speech on August 22, 1973 prompted me to make an immediate reply. Simultaneously, I began a detailed examination of the Hazardous Substances Act of 1960 under which Mr. Simpson claims jurisdiction to deal with tobacco and tobacco products despite a Congressional mandate upon creation of this Commission not to become involved in this area.

Mr. Simpson's position is totally in error and his claim of jurisdiction of these products is without foundation in law and is contrary to the will of Congress. My conclusion is that no legislation is needed today as neither the Hazardous Substances Act of 1960 nor the legislative history formulated then and since give support to the suggestion. Tobacco and tobacco products are the subject of other acts of Congress. The Hazardous Substance Act, the Consumer Product Safety Act and the events in between make this quite clear.

Mr. Simpson, in seeking to become a superbureaucrat has misunderstood the role given him by Congress. He is plainly off base.

[From the Wall Street Journal, Aug. 24, 1973]

UNIT AIMS TO CURB, OR BAN, CIGARET SALES BY LISTING SMOKES AS HAZARDOUS SUBSTANCES

WASHINGTON.—A new battle on cigaret smoking is heating up.

The fledging Consumer Product Safety Commission plans to propose regulations that could ban the sales of some, or all, cigarets as hazardous substances.

The plan, disclosed by the commission chairman, Richard Simpson, after a speech in Newark, N.J., comes as a surprise—and, indeed, a shock, to the tobacco industry. For one thing, the Consumer Product Safety Act, which created the independent commission, specifically excludes tobacco products from the agency's jurisdiction. However, Mr. Simpson said the commission can use its authority under another law, the Hazardous Substances Act, to regulate cigarets as a substance that causes injury or illness to humans.

The plan quickly drew fire from Tobacco Institute Inc., which termed the proposal "a sheer bureaucratic arrogation of power." The institute is the cigaret industry's trade association. The plain fact is that the federal Hazardous Substances Act of 1960 wasn't designed for, or intended to be used in any way, in connection with questions relating to cigaret smoking and its alleged effects on health," said Horace Kornegay, president of the Tobacco Institute. "We cannot and won't voluntarily comply in an overzealous attempt to terminate the existence of an industry that has been part of America since 1607," he added.

Although the commission believes it has the authority to move on its own, Mr. Simpson said it plans to act on the basis of a petition being prepared by Sen. Frank Moss (D., Utah). Sen. Moss' petition would propose maximum allowable levels for tar and nicotine in cigarets. The Senator has been a leading sponsor of anti-cigaret legislation, including the 1971 law banning cigaret advertising on television.

In Louisville, Brown & Williamson Tobacco Corp. said it hadn't any comment to make on the commission's proposal, but noted that it was "following the matter with interest."

Lorillard Corp., owned by Loews Corp.; R. J. Reynolds Industries Inc.'s tobacco division; Philip Morris Inc. and American Brands Inc. also declined comment.

The commission's plan also is a surprise because attempting to ban cigarets is an unusually controversial move for a new agency. The five-member commission began operations in May. Yet it does have unusually broad powers to regulate the safety of a wide range of consumer products, stretching from toys to mobile homes.

One tobacco-state Congressman, Rep. Wilmer "Vinegar Bend" Mizell, a North Carolinian Republican, attacked the commission's plan as an "unlawful" and "audacious empire-building scheme." Rep. Mizell, a former major league baseball pitcher, also threw a high, hard one at Mr. Simpson by calling for his resignation. The Congressman said he plans to introduce legislation that would specifically exempt tobacco products from the Hazardous Substance Act.

A spokesman for the Product Safety Commission responded that the commission and Mr. Simpson plan to remain firm in their position. He noted that Mr. Simpson actually had publicly mentioned the possibility of regulating cigarets before Wednesday but that the idea hadn't received wide publicity. "This isn't a trial balloon. He's serious" about the cigaret plan, the spokesman added.

One reason the commission is considering acting against cigarets is that the consumption of cigarets has continued to rise despite health-warning labels required on cigaret packages in recent years under a program administered by the Federal Trade Commission. The FTC earlier released a statistical report showing that the number of cigarets sold in the U.S. last year increased for the third straight year, to 561.7 billion cigarets, up from 547.2 billion in 1971.

ON THE DENIAL OF A SOVIET VISITOR'S VISA TO CONGRESSMAN DRINAN

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. VANIK. Mr. Speaker, it is indeed regrettable that the Soviet Union has seen fit to deny a visitor's visa to our distinguished colleague, the Honorable ROBERT DRINAN of Massachusetts.

The Soviet Union's action in regard to Congressman DRINAN's request to visit is particularly unfortunate since his motivation and purpose was for the highest purpose.

His intention was to gather impressions from a firsthand visit through which he could help interpret the current status of families in the Soviet Union desiring to emigrate, many of whom are related to his own constituents. In this way many other Members of Congress could have been able to better understand how best to serve the cause of détente between our two great nations. His objectives would have been fair and objective.

Notwithstanding this unprecedented action, it is my sincere hope that the Soviet Government will reconsider this harsh action in a genuine effort to bring about better relations and understanding between our two nations.

An article by Congressman DRINAN describing the denial of his visa which appeared in the September 2, 1973, New York Times, should be of particular interest to every Member of the House of Representatives:

UNWANTED BY THE U.S.S.R.

(By Robert F. Drinan)

WASHINGTON—On Aug. 2, I received confirmed reservations to travel to Kiev, Moscow and Leningrad from Aug. 20 to Aug. 31. On Aug. 15, a cryptic cablegram from Intourist, Russia's tourist agency for foreigners, canceled all my reservations because of "unforeseen circumstances."

My petitions and protest to the State Department and to Ambassador Dobrynin brought no rescission and no reasons. I spoke personally on the phone with Henry Kissinger who assurred me that he would bring up the cancellation of my visa with Ambassador Dobrynin that very afternoon. Mr. Kissinger's office later reported that he did bring up the matter and that Russia's Ambassador would cable Moscow.

I spoke with the highest officials of the State Department that I could reach. They asserted that they were protesting although their statements were vague and unconvincing. I got nowhere with my repeated request that Secretary Rogers personally intervene. State Department officials recognized that I was the first member of Congress to be denied a visa to Russia.

In February of this year a group of eight American clergymen, of which I was a member, saw their visas denied. It was openly known, however, that these clergymen were going to Russia as delegates of the National Interreligious Task Force on Soviet Jewry. My application this time mentioned tourism as the only reason for the trip.

The State Department did little to protest the affront to American clergymen in February. They did little more when I alone was barred from Russia in August. On Aug. 24, I gave up hope of traveling to Russia. Confusion dominated the office of Mr. Kissinger, now Secretary of State-designate. My phone calls to the State Department were not returned.

And so I became the first member of Congress to be denied a visa by the Soviet Government. My involvement in efforts to try to liberate Soviet Jews could be the only reason. Will the 280 other House sponsors and 75 Senate sponsors of the Jackson-Vanik amendment be subject to the same affront? Will they be denied entry to Russia while American and even Israeli athletes are admitted?

Christian churches in America have a deepening sense of guilt about their silence and inaction concerning the harassment of Russia's three million Jews. Will Russia now broaden its policy of keeping American clergymen out if these individuals have demonstrated a sympathy for Soviet Jews? And will the U.S. State Department acquiesce in such a policy as it did in February and again in August?

I expect to importune the Russian Government and the U.S. State Department until I am allowed to visit the Jewish communities of the U.S.S.R. I hope that millions of Americans will make it clear to the Congress and to the Kremlin that they will oppose trade with the Russians unless the Kremlin stops barring American Christians interested in Soviet Jews from visiting the Soviet Union.

CONGRATULATIONS TO HARRY MAZZONI

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. ANNUNZIO. Mr. Speaker, I wish to call the attention of my colleagues to the hard-working dedication and dynamic perseverance of Harry Mazzoni and the resounding success of his 3-year effort to achieve final justice for thousands of people who were tragically and wrongfully deprived of money which they, in a good faith, deposited in the City Savings Association of Chicago.

In 1964, this savings and loan institution collapsed as a result of fraud and the willful and wanton negligence of State officials charged with supervising such organizations and protecting depositors.

Harry Mazzoni, representing some 16,000 defrauded depositors, was the tireless driving force and resourceful leader through seemingly endless court battles and impenetrable bureaucratic jungles. When a Federal district judge finally ruled that the State was liable for losses suffered by these depositors, it was Harry Mazzoni who insistently pushed for an appropriations bill in the State legislature.

The political experts warned that the chances of passing such a bill were nil and believed success was out of reach—but not Harry Mazzoni. Faced with official skepticism and the discouragement of his people, Harry Mazzoni reacted by fighting even harder.

The Illinois Legislature has now passed the compensation bill and Governor Walker has promised to sign it. It is a victory for Harry Mazzoni and a victory for simple justice.

Most of the defrauded depositors are old, many are poor. One lady had received $6,000 compensation for a factory injury—these funds were gone. Another woman fled Communist Poland to live in a free country—and all of her savings were wiped out. Another widow, too old and sick to work, lost money she had received from her husband's life insurance policy.

I congratulate Harry Mazzoni, who lives at 6545 North Oconto in the 11th Congressional District of Illinois which I am proud to represent, and all of his coworkers, and State Legislators Ralph Capparelli, Roman J. Kosinski, and Roger P. McAuliffe, who worked with him for final victory. Harry Mazzoni has set an inspiring example for all Americans.

A GOVERNOR CHALLENGES THE U.S. CONGRESS

HON. WILLIAM H. HUDNUT III

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. HUDNUT. Mr. Speaker, the distinguished Governor of the State of Indiana, the Honorable Otis R. Bowen, delivered to the Rotary Club of Indianapolis on September 4, 1973, a major address in which he forthrightly threw down before the Congress of these United States the gauntlet to get down to serious business and enact positive legislation that will help our Nation solve the crises it faces in energy supply, highway construction, rail transportation, and many other areas. This noteworthy address deserves the serious attention of my colleagues in the Congress, and I am pleased to insert it herewith in the RECORD, with the hope that it will ignite a few fires in the appropriate places and stimulate some needed and long overdue action. The address follows:

REMARKS TO THE INDIANAPOLIS ROTARY CLUB, SEPTEMBER 4, 1973

(Address by Gov. Otis R. Bowen)

Government officials, I believe, have the duty to inform the public of current developments, trends, and problems. One could speak several times daily and not run out of material, but over a period of time the public would grow weary of the steady diet of gloom and doom. I do think that when we have somewhat related problems—ones with common denominators—it is helpful to put them into the same sack and then shake them around.

The issues I will discuss with you today are somewhat divergent, but they share the common ground that we are looking to the same source for a solution to each one of them. They relate to energy, highway needs and our rail transportation problems.

Perhaps most bewildering of our current national concerns relates to energy. No one, it seems, can get a handle on the problem and there are many in high places who muddy the water with irresponsible public statements. There are those who believe the energy crisis is real. There are those who believe that it was created by Ralph Nader and the environmentalists. There are those who believe it is a phony ploy on the part of the energy industry to jack up prices. And there are just enough threads of circumstantial evidence in those last two assertions to confuse those of us concerned about the problem, and to provide fodder for society's mischief-makers.

The matter is further confused because some forecasted shortages either didn't materialize—or the public thinks that they didn't.

Last winter there were warnings of a fuel oil shortage. State government joined in those warnings because weather patterns and supply trends were pointing in that direction. Some areas suffered curtailments or brief cut-offs, but the problem in Indiana didn't materialize on the expected scope for one simple reason—the weather changed and we had almost a month of unseasonably warm temperatures. That alone forestalled the problem. In some other States, on the other hand, the shortage was a near disaster.

Last spring we were warned of the gasoline shortage, and gasoline companies hired T.V. stars all summer long to remind us of it.

Few Hoosiers encountered more than temporary problems in securing enough gasoline for summertime use, and I suspect that many of them now believe that the predictions were wrong. But were they? The gasoline shortage was critical in a few States—but unless you vacationed in Colorado or Florida you probably aren't aware of it. The fact that airline, bus, and rail travel was up considerably indicates that many people didn't use their family automobile for summer vacations . . . and that alone could have tipped the balance, although precise statistics are difficult to analyze. And I suspect the attention given to the potential shortage may have caused us, at least subconciously, to reduce our use of automobiles.

And the petroleum industry was squirting out gasoline as fast as it could—which raises another question. The production techniques of the petroleum industry are so fixed and must be balanced so carefully that one must wonder whether they have borrowed against next winter's fuel oil reserves. Only time and weather conditions can tell the answer to that question.

I, for one, believe that the energy crisis is real, and I believe that two statistics are sufficient to make the case.

First, the United States—with only six percent of the world's population—consumes thirty-five percent of the world's annual energy output.

Second, the demand in the United States for energy has been doubling every ten years.

If we assume demand on that scale will continue, then we are talking in terms of twice today's electrical energy producing capacity just ten years from now—and twice the production of basic fossil fuels—unless we achieve major breakthroughs in energy efficiency.

Our concern for the environment and the accompanying new rules and regulations have had an impact, but not enough to make a significant dent in the overall trend.

Those basic statistics are frightening, particularly when you can make a good argument that we are in trouble even if we hold consumption at the present levels and do not plan for increases. For the short term at least, allocations based upon existing consumption seem to be a fact of life.

Industry shouldn't escape without blame

. . . There appear to have been attempts to take advantage of pricing situations. Our experience with the State's attempting to secure a supply of liquid propane gas for our L.P. dealers to distribute this fall is a good example.

You will recall last winter's critical shortage of that fuel. In fairness to them, I would say that our L.P. dealers do have problems in obtaining immdiate financing and negotiating advance commitments, but an unwillingness to commit for prices well above last year's were an obvious barrier. So they dropped the ball, even though the Indiana Department of Commerce had lined up some sources—which today have found willing buyers in other States. We are still working on other possibilities—but the prices quoted today are even higher than those firmly quoted this spring.

The Federal Government—Congress in particular—has utterly failed to come to grips with the problem. A welter of bills have been introduced to appease certain constituencies and to provide fodder for news conferences and newsletters. But delays on the part of Congress are compounding the problem and the token efforts they are making are merely confusing the whole issue. Congress has done little more than play politics with the energy crisis—and it is high time that their feet were put to the fire.

Indiana's Highway Transportation future has also been enshrouded under a Federal cloud for the past several years. When I assumed office in January of this year, we were totally unable to rationally and economically plan, build, and re-build our Federal Highway network. This situation existed because the United States Congress had, at that time, yet to enact the neecssary appropriation legislation so that States could continue their approved schedule of planning, acquisition and construction.

On August 13th of this year, President Nixon signed the necessary Federal Highway Appropriation Act. This legislation had been subjected to several months of congressional hassle between those that advocated mandatory diversion of Federal motor fuel taxes from their intended highway purposes to finance mass transportation projects such as San Francisco bay area rapid transit system, or Washington, D.C.'s subway system. While the legislation signed by the President did not require such diversions. . . and while its enactment was an absolute necessity to all fifty of our States. . . The 1973 Highway Appropriation Act can only be termed a mixed bag of blessings to Hoosiers. In short, it represents the type of good news-bad news dichotomy that is often the butt of many jokes—the only difference is that Hoosier motorists aren't laughing.

The good news is of course that Congress finally enacted a Highway Appropriation Act in any form. The bad news is that the form in which it was enacted further penalizes Hoosier motorists in relation to other States.

Indiana has been a donor state for motor fuel tax dollars for many years. According to highway commission figures, five years ago Indiana got back only 97 cents of each highway dollar we sent down the Potomac. Today, Hoosiers get back a whopping 43 cents of each motor fuel tax dollar we raise in Indiana. The results are that not only has Indiana's percentage of return been cut back, but the slash has been so great that it is beginning to effect the total dollar return of our highway money. The bill passed by the United States Congress gives Indiana less total highway dollars—dollars generated in our own State—for us to spend on our own roads over the next three years, than we had to spend over the last three years. This means that we will be further delayed in completing our interstate highway network—a network vital to a sound pattern of economic growth.

It means also that major relocation, redesign, and reconstruction of our non-interstate Federal highway network—action vitally necessary for traffic safety purposes—will have to be shoved further back on the construction burner.

This situation results from congressional enactment of a motor fuel tax distribution formula which has grown progressively unfavorable to the Hoosier motorist.

Several months ago this administration proposed in testimony before the congressional subcommittee several revisions within this formula which we believe to be reasonable requests designed to rectify Indiana's deteriorating situation. In this testimony, we proposed three major points. Briefly these points were:

(1) That the Federal Government determine where the interstate system can be completed, and then complete it as rapidly as is possible.

(2) Repeal the 4 cent a gallon gasoline tax, or establish an 85 percent floor as a minimum rate of return for any State from highway funds.

(3) Review the total transportation needs of the Nation, study new and existing modes, determine where Federal responsibility exists and where it does not, then respond accordingly and deliberately and establish a fair and equitable means of financing the total program.

Additionally, in conjunction with the State highway commission, I advised our congressional delegation of the seriousness of the then current situation. While the majority of our delegation supported this position, that support was not in fact unanimous.

I am totally at a loss to discover a logical and defensible reason for our continuing deteriorating Federal highway situation—especially in light of the fact that we have two active and vocal Senators located in prestigious legislative posts. One would think that as their experience and prestige grew, our highway dollars returned would also grow—or at least they certainly would not shrink. But the sad reality is that in 1973, Hoosier motorists will pay 170 to 175 million dollars in Federal motor fuel tax revenues, all dedicated to highway use, only 76 million dollars of which will be spent for roads in our own State.

Our rail transportation situation is equally obscure.

I was heartened to learn last Friday that Amtrak—the National Rail Passenger Corporation—was abandoning its efforts to drop two-thirds of Indianapolis rail passenger service and end all passenger service to Terre Haute, Richmond and Logansport.

Congressman Hudnut and I had filed some rather vigorous protests against the proposal to drop the two trains, and my staff was frankly looking forward to the public hearings scheduled for this week because we believed we had enough information and sound arguments to nail them to the wall.

I would hasten to say that I believe Amtrak is doing a rather good job under some extremely trying circumstances and the discontinuance of the National Limited and Floridian actually was a brainchild of the U.S. Department of Transportation—not Congress itself.

Loss of this service would have been a severe blow to Indianapolis' goal to be a major transportation center. Right now, this city is the second largest rail passenger center in the Midwest. But don't let numbers deceive you though, for the quality of service needs upgrading. There isn't enough equipment to meet the demand. For the first time in years, potential passengers are being turned away because there aren't enough accommodations. The schedules need changing and the route structure needs revision if potential is to be realized.

But the real obstacle to improved service is the woeful state of the track beds, which compel traveling at snail's pace speed.

Modern turbine train service is being initiated between Chicago and St. Louis. Chicago-Indianapolis-Cincinnati Turbo Train Service is the dream of many people, but it won't materialize until the road beds are improved. And that won't happen until the Penn Central bankruptcy is resolved and until Congress determines what its general policy toward rail transportation will be.

I have previously warned of the staggering consequencies that will occur if the Penn Central ceases operations. Congress has only shadow-boxed with the problem, yet the date for liquidation of the Penn Central System looms ever nearer.

Congress needs to overhaul the entire concept of railroad regulation. It must be testimony to the inherent economic value of rail transportation that a system so badly regulated and so riddled with weak management can survive this long. But the bankrupt rail legislation that is now being considered by Congress consists essentially of bail-out financial aid bills and legislation which sets up new offices to further study the problem.

If an orderly liquidation of the Penn Central occurred—one which transferred all essential routes to other railroads without any interruption in services—it might be the most preferable option. But the problems of the bankrupt eastern railroads won't be resolved until track improvements are brought about and until some sanity has been restored to regulatory practices. Failing these two points, we may only be postponing the day of nationalization of the country's entire rail system.

Yet it can be avoided, because some of the Nation's railroads are demonstrating the capability to run at a profit—at least to the extent that they are not hamstrung by unwise regulation.

Congress itself immediately should initiate the quickest possible study of the entire scope of Federal railroad regulation and replace the existing concepts which seem contrived to drive the railroads out of business.

Congress should act immediately on the bankrupt railroads. If its decision is to permit an orderly liquidation, it should not leave the details of that liquidation up to the courts or the Interstate Commerce Commission. Congress should insist that all routes not under abandonment petition by the Penn Central at the present time, be operated without even a week's interruption if a change of ownership occurs.

If Congress intends to bail out the Penn Central with Federal assistance, let it get on with the job. The foot dragging that is now occurring is only increasing the dollar cost of that rehabilitation.

Each of these three areas—energy, highways and rail transportation—are deeply complex areas in their own right. On the whole they would appear to have little immediate common ground as an object of individual impact and concern. Yet each of these areas is heavily entwined with Federal regulation, control, and/or finance. As these problems relate to Hoosiers . . . to you and me . . . our future largely depends upon the ability of Congress to establish order in the face of potential chaos. The urgency of this situation cannot and must not be underestimated. We must all join in—and support—the sound, rational and well conceived actions of Congress. But we cannot await these actions for a long period of time.

Thank you.

REMARKS OF GOVERNOR WILLIAMS OF ARIZONA

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. STEIGER of Arizona. Mr. Speaker, these thoughtful remarks by Arizona Gov. Jack Williams are well worth everyone's time and very careful thought:

REMARKS OF GOVERNOR WILLIAMS OF ARIZONA, PHOENIX KIWANIS CLUB, AUGUST 28, 1973

The other day I read that we as a civilization have reached the end of the road and have no new path to take, no duty to carry out, and no purpose to fulfill.

The primary purpose of mankind has always been to survive in a natural world which has not invariably been friendly to us.

In our written, remembered and sensed history there has always been more work to do than we could do. Our needs were greater than their possible fulfillment. Our dreams were so improbable that we move their reality into heaven. Our ailments, our agonies and our sorrows were so many and so grievous that we accepted them either as inevitable or as punishments for some manufactured sins.

Quite suddenly much of the agony and hardships were done away with. Almost unlimited new power took the place of straining muscles and bent backs. Nature retreated before an avalanche of industrial and technological weapons. Man himself lived longer, grew bigger, learned more and created a paradise far surpassing anything any civilization had ever achieved before.

But man is never happy in paradise because he is always trying to achieve a greater utopia.

In our attempts to improve, we became convinced that we were poisoning the land, the oceans and the air. The ecology system was being irretrievably damaged, too many people were being born, we would have great famines by the eighties. If radioactive fallouts didn't get us, we would surely be suffocated by smog. D.D.T., building up in the plants and meat animals, would be consumed as food and overwhelm our livers.

The industrial dust that our factories threw into the atmosphere would keep solar energy from reaching the surface of the earth and we would freeze. On the other hand, carbon dioxide from burning fossil fuels would create a greenhouse effect by forming a blanket that would prevent heat radiation from the planet. A greenhouse by definition is the opposite of an ice age.

Although it was obvious you can't die at one and the same time by freezing and by roasting, or by starving and by overeating foods grown with the benefit of D.D.T. and commercial fertilizers, our doomsday prophets were unrelenting.

Since the world began, ecology has been with us. It was then, it is now, and it will be tomorrow just as the environment has always been with us. And gain throughout history man has been struggling to master the hostility of his natural environment—to find shelter and to be secure from flooding and to force nature to produce sufficient food to sustain life.

It is true that more people create more pollution and more problems. But, we are a long way from that point where we must stand jowl to jowl, thigh to thigh, and shoulder to shoulder, struggling with one another for standing room upon this planet.

Every once in a while I am besieged with letters protesting the number of people who have moved to Arizona and who are threatening the beautiful places that once were so isolated in our great State. These letters from people who, for the most part, have moved here themselves and now want to prevent somebody else from coming.

I am one of those fortunate people who came here in the very early days when the population of Phoenix was 13,000. I am also one of the fortunate people who can speak with some authority about the land and the environment and the hardships that were encountered by those enterprising folk who braved nature, tamed nature, and created a veritable paradise that later did attract people.

This area was once described by a visiting Congressman as fit only for rattlesnakes and centipedes. In fact, I recall the creosote bush, the crawling creatures, the dust and heat of summer, this was indeed a veritable hellhole, especially in summer, improved only by those who came braving the hardship and taming nature which fought a vigorous battle to defeat mankind and destroy him.

It was not as if one civilization had not been tried and been reclaimed by nature, leaving only a few mounds here and there, covered with dust placed by the restless fingers of the wind as it swept over the alluvial soil, slowly removing any record of man's former occupancy.

The early pioneers traced out the canals of the ancients and planted the first cottonwood trees to hold the soil, sowed and watered the fields, developed the dams and the reservoirs, brought in the trees of many kinds seen here today; sowed and designed the golf courses and made possible a land that has far more attractions than almost anywhere else.

I will tell you, yes, each and everyone who wants to turn back the clock, that you probably could not survive, would not survive, would never have come had those who pioneered this effort not done all of the things that today you are criticizing them for doing.

And now, where are we now? Well, the winter has passed, the rain is over and gone and the still small voice of reason again is heard in the land.

A British scientist, John Maddox, who edits an influential magazine called *Nature* put the ecological movement—which, incidentally, he considers quite necessary—into its proper perspective in a remarkable book called *The Doomsday Syndrome*. His good news is that the human race is not doomed to extinction. The population bomb is not going to explode. The food supply of the eighties will be quite adequate. D.D.T. is not going to poison our livers. We can't pontificate on what causes ice ages (after all, they came and went long before we had smoke-belching factories and automotive carbon monoxide exhaust), but the onset of the expanding polar icecaps will hardly hit us for some centuries to come.

Furthermore, Mr. Maddox rounds out his attack on the population bogey by explaining the promise of the so-called green revolution. New strains of wheat and rice have already prevented famine. We are not running out of the older metals, but even if we were, there are scores of acceptable substitutes. D.D.T., while a mixed blessing, has, on the credit side of the ledger, saved millions of lives in malaria countries.

In short, man has it in him to cooperate with the ecology system and at the same time maintain a continuous sound economic growth.

Isn't it strange that at an age when our society claims to be ruled by its intellect, we find repeated examples of over-emotional reaction bordering on the hysterical? And nowhere is this more plainly visible than it is in all matters dealing with the environmental problem with clean air, clean water, the preservation of the land.

The tragedy today is that a crusade to preserve balance between man and nature is in real danger of running off the tracks and, paradoxically, the most fervent environmentalist may be among the chief wreckers. Consider, for example, the wide-spread notion that clean environment may be obtained by reducing or even abolishing our dependence on technology. This is a delusion. The truth is that most environmental problems require technological solutions—dozens of them. To control just one major water pollutant, human waste, we shall have to draw on all sciences and technologies from biochemistry to thermo-dynamics. Similarly, we need the most advanced technology for adequate treatment of the effluents that mining and manufacturing spew into the world's waters. It will take even more new technology to repair the damage caused by a third major source of water pollution in this country, the activities of farmers.

No matter how desirable the emphasis on pollution might be, the next decade is the wrong time for it in all the developed countries, and especially the United States. The next decade will bring a surge in employment seekers and the formation of young families—both the inevitable result of the baby boom of the late forties and early fifties. Young adults need jobs, and unless there is a rapid expansion of jobs there will be a massive unemployment, especially among low-skilled blacks and other minority group members.

The only way to avoid the evils before us is to expand the economy, probably a growth rate of four percent a year for the next decade, a higher rate than we have been able to sustain in this country in the post-war years. This, undoubtedly, entails great environmental risks. But the alternative is likely to mean no environmental action at all.

Today, everyone of us is a polluter. Punitive laws and regulations can force automobile manufacturers to put emission controls into new cars, but they will never be able to force 100 million motorists to maintain this equipment.

What we should do is to make it to everyone's advantage to reach environmental goals. Automobile owners who voluntarily maintain in working order the emission controls of their cars might, for instance, pay a much lower automobile registration fee. And if they are offered a sizeable tax incentive, the automobile companies would put all their best energies to work to produce safer and emission-free cars rather than fight delaying actions against punitive legislation.

Despite all the rhetoric on the campuses, we know by now that capitalism has nothing to do with ecological crisis. Pollution is fully as severe in the communist countries. Nor is the United States the world's foremost polluter; Japan holds this dubious honor by a good margin. No great American river is as much an open sewer as the lower Rhine or the lower Dnieper and the Volga in the industrial Ukraine. We should also know that greed has little to do with the environmental crisis. The two main causes are population pressures, especially the pressures of the large metropolitan populations, and the desire—a highly commendable one—to bring a decent living at a lowest possible cost to the largest possible number of people.

The environmental crisis is the result of success—success in cutting down the mortality of infants (such as giving us a population explosion), success in raising farm output sufficient to prevent mass famine (such as giving contamination by pesticides and chemical fertilizers), success in getting people out of the slums and tenements of the 19th century city and into the joy and privacy of the single home in the suburbs (such as giving us urban sprawl and traffic jams).

The environmental crisis, in other words, is largely the result of doing too much of the right thing.

Do you realize that in the early days, when I first came to this area. horse and mule corrals were a part of community life and as a result the flies from the manure were thick enough to form clouds across the city on a sunny day. Babies died at an alarming rate, especially in the summer from what was called "summer complaint."

The flies are gone today. The babies live today. There is a population explosion. We solve it by returning to the manure and the flies? No.

In the early days the number of crops that could be grown and the amount of food that could be produced was infinitesimal compared to what can be done today with the use of advanced insecticides and fertilizers. Consequently, a single farmer can feed a great many more people than a great number of farmers could seventy years ago. In fact, Dr. Fritz W. Went of the University of Nevada says enough food can be produced for fifty times the present population of the planet.

As for the urban sprawl that some would criticize, this actually is a dispersal of people into beautiful areas with lawns and homes and landscaped grounds that only the rich could have afforded not too long ago in history.

I know the crowded conditions of the metropolitan city are alarming to those who prefer the open spaces that once existed in the Salt River Valley. But all that you see here is the result of man working to solve other problems. These other problems were so intense and desperate that men died because of them. The life of hardship endured by the pioneer woman in this valley was beyond comprehension today.

Some years ago, on a junket with the junior league, when I was mayor of Phoenix, we paid a visit to what are known as the inner-city slums. As we fastidiously prowled among these homes, I suddenly realized that everyone in the so-called inner-city slums was living better than I lived at the time when I entered my teens. Furthermore, every one of them lived with far more comfort than the richest pioneer did 100 years ago in this valley.

It is true that the crowded conditions are enough to apall some who would prefer to have more space. There is still a lot of room in this state and if you'll give up the opera, the symphony, the culture and the medical advantages of this area, along with the employment opportunities, you have a choice of a number of isolated spots in which you can live to your heart's content without a soul around you.

The art museum and galleries, the recreational facilities, the sports and games that are played here are the result of facilities of a large metropolitan area.

You cannot have it both ways. Peter F. Drucker, writing in *Harpers Magazine*, suggests how best to protect the environment. First, he says, is to develop a birth control method that is cheaper, more effective, more acceptable to people of all cultures than anything we now have.

Second, we need to learn how to produce electric energy with a minimum of pollution. Third, devise ways of raising crops for rapidly-growing populations without at the same time doing irreversible ecological damage through pesticides and chemical fertilizers.

People are working on these problems. It is probably true that this Nation, the cleanest and brightest of all Nations, needed the prodding of the ecological lobbies. However, with the prodding now comes the time for sober contemplation of what must be done. Until we get the answers, I think it had better be decided we keep on building power plants and growing food with the help of fertilizers and such insect-controlling chemicals as we now have.

The risks are well known, thanks to the environmentalists. If they had not created a widespread public awareness of the ecological crisis, we might not have stood a chance. But such awareness by itself is not enough. Flaming manifestoes and prophesies of doom are no longer much help and a search for scapegoats can only make matters worse.

The time for sensations and manifestoes is about over. Now we need rigorous analysis, united effort and very hard work. We need to realize that the back-to-nature movement somehow has spawned a new breed of activists, one for whom exaggeration, distortion and contempt for truth—like the rapid, throaty and retarded cry of the cuckoo—become the distinguishing marks. There has been much misinformation.

But worst of all, there has been an attempt to destroy progress. Progress and growth and change are the only acceptable alternatives to a status quo which in the end will result in all of us being destroyed by our own lethargy. We are prone to forget that in the beginning God created the Heaven and the Earth and then said, "let us make man in our image, after our likeness and let him have dominion over the fish of the sea, over the fowl of the air, over the cattle, over all the earth."

Man, a puny creature upon the earth at that time, multiplied and held his own against gargantuan creatures and catastrophic threats.

Volcanoes burst forth their violent fury, spreading deadly ash around the world to such an extent that our present pollution would seem but a grain of sand in contrast. Man survived.

The great glaciers came down with their freezing cold, gouging canyons and ravines and destroying life, and yet man survived.

The winds blew from the far corners of the Heavens and the rains came and the erosion carved great gashes across the face of the earth and threatened man, and yet he survived. Against the heat and against the cold and against the most violent forces of nature from drought to flood, from famine to plenty, man has achieved. In some places, and the United States is certainly one—and this area is the best example of it—a supremacy over the threat of nature to make a paradise on earth.

All that people complain today is the result of what man has accomplished in thwarting the most vigorous powers of nature to destroy him.

I find now a strange disinclination to admire man and an inclination to hate him. In this distrust and dislike of our fellow man we find the most dangerous seeds of all. Instead of being each other's keeper and a brother to all mankind, we will become indeed antagonists, not through the deadly thunder of war, which is the final answer to diplomacy, but in the more insidious hatred in which we will kill our own. This, by genocide, by abortion, by every form of destruction that man in his genius can create, we will destroy our own because in the end we will hate ourselves.

This to me is the heart and the soul that inspired some of the venomous responses I get to the problem I have faced serving as a Governor. The problem has been a simple one for me, having lived a lot of the history of this State. To carry on the great works that men first began here; to make it even more pleasant than it is now; to provide by growth the jobs that are necessary for those who were born here, who go to schools here and who graduate from our universities.

To make a place for those who come from elsewhere lest we wind up so selfish that we refuse to share with others what we ourselves have enjoyed.

It is not that every person who comes here takes away a little bit; it is that every person who comes here adds a little bit and what he adds can be as in the past a measure of benefit for all.

This is the ultimate challenge and it is on this basis that I as Governor asked the legislature to pass Arizona's first air control laws. It was on this basis that I as the Governor insisted that smelter operators take prompt action.

It was on this basis that I as Governor urged the subsequent legislature to strengthen our air quality control laws, and it was I, as Governor, who urged the adoption of motor vehicle inspections to control emissions.

We have been fighting on two fronts—one to improve the quality of air over Arizona and the quality of life in Arizona. And that war we are winning.

On the second front we defend ourselves from the over-emotional, irrational attacks of the ecology extremists. Whatever we have won, and whatever we will win, we are sure that someone will say we could have done it quicker, we could have done it better by following a different method of attack.

The point is that we are doing it and we are going to accomplish the objective of the environmentalists and the ecologists without seriously crippling the economy of Arizona, without throwing people out of work, without demanding the unnecessary expenditure of social resources, and without losing our sense of balance or our sense of humor.

Now, thank you so very much, and let us all hope that the winter is past, the rain is over and gone, and the still small voice of reason again is heard in the land.

DAVID N. DINKINS AND ELECTION REFORM

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. RANGEL. Mr. Speaker, the Honorable David N. Dinkins has retired as president of the New York City Board of Elections after serving as one of the Nation's leading spokesmen for election reform.

Dave Dinkins, a former member of the New York State Assembly, brought a commitment that every citizen should be able to vote to his post. As a result, he and the other members of the Board of Elections began the long and arduous task of overhauling the elections procedures of our Nation's largest city.

As Mr. Dinkins said:

> Non-registration is an acknowledged national scandal in a country possessing a great national heritage as a participatory democracy.

I fully agree with these words.

Along with William F. Larkin, another member of the Board of Elections who was also retired, he backed a mail voter registration program which would make the Constitutional right to vote a reality for millions of functionally disenfranchised Americans.

I hope that the example set by David Dinkins and William Larkin will be followed by the new members of the Board of Elections, and that New York City will move into the 20th century in the area of electoral reform.

REMARKS BY SECRETARY OF THE INTERIOR MORTON

HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. ABDNOR. Mr. Speaker, during the recently completed congressional recess it was my privilege to attend and participate in the dedication of the Earth Resources Observation System Data Center and the Karl E. Mundt Federal Building in which it is located, at Sioux Falls, S. Dak. At that ceremony the Honorable Rogers C. B. Morton, Secretary of the Interior spoke, and I feel his remarks provided a very fitting beginning for this vital project which promises so much for all of industry and society. I commend the Secretary's remarks to the attention of the Members of the House:

REMARKS OF THE HONORABLE ROGERS C. B. MORTON, SECRETARY OF THE INTERIOR, SIOUX FALLS, S. DAK., AUGUST 7, 1973

The EROS Data Center is a product of unique insight and vision. It evidences our efforts to shape our future, by matching the aspirations and spirit of our people with the benefits of our technology. It is a major step—hopefully the first of many—in our quest to understand our environment and ourselves.

Although often overshadowed by the more spectacular milestones of our space program, EROS is the first major dividend from America's space effort that can be shared by all mankind. In a few short years EROS has gotten down to the pressing task of solving our real earthbound environmental problems.

EROS has truly global dimensions. For the benefits and scientific data from EROS are being made available to people and nations throughout the world.

In terms of bits of information, and sheer volume alone, there is probably more data stored here at the EROS Data Center than in any building on earth. In less than two years, and operating out of temporary facilities not far from here, the EROS Data Center has produced over 25,000 photoimages a month, servicing user needs from across the world. And by 1978 we will be processing five or six times that amount. This fact reflects the scale of the EROS program—and the dimension of the problems and challenges EROS seeks to meet. The problem of the environment and man's need to develop and safeguard the earth's resources is not limited to national borders. These are truly global problems, that can only be met by action on a global scale.

The promise of EROS has already become a reality. Initial experiments here at the Data Center have demonstrated the value this new tool has in developing land use planning, in monitoring natural phenomena, and in exploring the limits of our natural resources. And this is just a beginning.

The Skylab and ERTS programs, for example, have provided invaluable data to meet our energy and environmental needs. Satellite data has contributed to our evaluation of the environmental impact of oil development on Alaska's North Slope. An examination of the ERTS image of the northern tundra regions does not reveal evidence of significant degradation over the large area as a result of oil explorations during the 1940's and 1950's. If serious damage had been done, the satellite photos would have revealed it. Thus, ERTS has proved itself to be a major tool in environmental impact assessments.

The problems of the environment are, in part, a result of the triumph of our technology. EROS is a major effort to turn technology around to meet not only human needs—but the needs of the environment. The great reward of EROS, is that it gives us an unobscured look at our natural world, and the effects of our relationship with our environment.

It clearly reveals: The scars and pock marks from open pit mining; the sediment and siltation of our lakes and rivers; as well as the air pollution enveloping our great industrial centers.

EROS will only provide us with data, however. Human judgment will still dominate the quality of our environment in the future.

This dedication is a celebration of the spirited leadership of a few earth scientists and elected officials. Each of them had disparate interests. All of them, however, foresaw the role space technology could play in enchancing our environment. While most people envisioned the emerging challenge of our space program as determining simply whether we could go beyond our air ocean—these men demanded more. They wanted to know what our space program could do for man.

Dr. William Pecora, who was one of America's greatest earth scientists, had a clear perception of the energy, resource, and environmental problems confronting us. He had a belief that new technology, such as space development, could help us meet these challenges. His leadership in EROS literally launched the earth sciences into the space age.

Ben Reifel had a keen interest in developing the economic base of South Dakota.

Former Secretary of the Interior Stewart Udall recognized the need for a continuing inventory of the effects resource development has on the environment. His belief in the need to explore new solutions to old problems was critical during the early years.

Al Shock, Mike Shermer, Louis Warren, and others from Sioux Falls, grasped in a single meeting the potential significance of the EROS program and the fact that the geography of the world was changing.

It is especially fitting that the EROS Data Center will be located in the newly named Karl E. Mundt Federal Building. For it was Senator Mundt's leadership in the Congress that brought the vision of a few earth scientists into reality. It was Senator Mundt who foresaw the need to match Federal support for space technology with the new horizons in earth science.

EROS has already succeeded in bringing promise to reality. It has given us a new insight into our natural world and ourselves. Hopefully, it will guide us to new relationships with our environment—and lead to a more peaceful world.

Thank you.

ANNOUNCEMENT OF HEARINGS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. EDWARDS of California. Mr. Speaker, the Civil Rights and Constitutional Rights Subcommittee of the House Committee on the Judiciary will hold a series of hearings on compliance with title VI of the 1964 Civil Rights Act by hospitals and other facilities receiving medicare and medicaid funds.

Hearings will commence with testimony from the General Accounting Office on September 12, 1973, and will continue on September 13, 17, and 24 with testimony from other witnesses. Hearings will begin at 10 a.m. each day in room 2226, Rayburn House Office Building.

Those wishing to submit statements for the record may address their inquiries to the Judiciary Committee, 2137 Rayburn House Office Building, Washington, D.C. 20515.

POSTAL WORKERS AT BUFFALO SHOW DEDICATION IN CRISIS

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. DULSKI. Mr. Speaker, last week, on the eve of the Labor Day weekend, the Post Office Sectional Center at Buffalo, N.Y., was faced with a major crisis when it lost power for all its automated equipment.

A large circuit breaker exploded, interrupting electric service for most of the huge facility. This occurred in late evening Thursday, August 30. Because of difficulty in obtaining correct parts, service was not restored for 24 hours.

Such a breakdown would create a crisis at any time, but in this instance there were complications of timing that threatened to delay over the weekend monthly checks for many, many thousands of social security beneficiaries, veterans, and other pensioners.

There has been considerable criticism of the Nation's postal system in the past few years.

But here was a case of monstrous proportions where the postal workers who make up the postal system responded in yeoman fashion and insured delivery of all first-class mail before the holiday weekend.

Mr. Speaker, words are inadequate to express my appreciation and commendation for the dedicated efforts of the postal workers in the Buffalo postal facility. They deserve our deepest gratitude.

When the magnitude of the crisis was realized, the management and workers at Buffalo joined in setting up a temporary workroom utilizing old-fashioned manual sorting cases.

Postal workers, though most of them never have been trained for manual sorting, pitched in and began hand-sorting the first-class mail. Priority was given to social security and other pension checks.

Workers on duty stayed overtime to help. Off-duty workers, notified of the problem, gave up their preholiday plans and came in to work overtime until the mounting backlog could be brought under control. Some 500 workers responded.

A word of praise is due, too, for the supervisors in charge who used the authority and responsibility which they now have to use whatever means necessary in order to keep the mails moving.

Mr. Speaker, the story of what happened last week at the Buffalo Post Office, a major postal facility serving a very large and populous area, is detailed in a series of three newspaper stories which I include as a part of my remarks:

[From the Buffalo Courier-Express, Sept. 1, 1973]

BREAKDOWN CRIPPLES BUFFALO POST OFFICE: ELECTRICAL BREAKER EXPLODES

The Buffalo Post Office at 1200 William St. was crippled for more than 24 hours by an electrical failure Thursday and Friday, causing delays in delivery as postal workers returned to the old practice of sorting the mail by hand.

An estimated 600,000 pieces of first-class mail, but especially the end-of-the-month welfare and Social Security checks were given priority as 300 workers manned old-fashioned sorting cases in an attempt to get the most important mail delivered today.

The power normally used to operate sophisticated mail sorting and stamp canceling machines in the 10-year-old main post office building failed at 9:56 p.m. Thursday when an over-sized circuit breaker handling two 23,000-volt power lines exploded without apparent reason.

The large circuit breaker, on explosion sent its ceramic insulation flying across the building's basement. It was replaced Friday evening and full power was restored at 10:30 p.m.

The breakdown occured just as the Post Office had considered itself caught up and prepared for its two-day Labor Day holiday. However, because of the combination of the holiday and the power breakdown, much of the mail posted Friday will not be delivered until Tuesday or Wednesday, postal officials said.

OVERTIME WORK

Still, nearly 500 postal workers were called in to work overtime Friday and today in an effort to get the first-class mail sorted for delivery.

Acting Postmaster James Leary said 25,000 welfare checks worth an estimated $4 million should be delivered on schedule today in Buffalo and Western New York, as would 140,000 Social Security checks.

Leary also said he hoped payroll checks mailed to Western New Yorkers would also reach home mail slots today.

Leary said he was concerned about mail received at the Buffalo Post Office for sorting and redistribution by truck to other cities in the state. Buffalo is a major transfer point for this mail, and much of the sorting equipment used in the redistribution process was affected by the power failure.

Dominic Mesi, a tour superintendent at the Post Office said Friday night that "more than a million pieces of mail and parcel post" are handled at the William St. office each day. Of that, about 600,000 pieces are first-class, he said.

With only the first-class being handled by hand Friday. Mesi said about 137,000 pieces of third class "junk mail" remained untouched, as did about 20,000 pieces of parcel post. There were also 26 vans filled with sacks of various class mail backed up at the docks, waiting for sorting and distribution to points as far east as Albany. Some of the normal Buffalo mail, according to Mesi, was sent unsorted Friday to Pittsburgh and Rochester for sorting.

SORTED BY HAND

"It'll take us about two days to get even with the world again," Mesi said. "Everything was in good shape for the weekend before this."

Mesi said even with a doubled work force Friday it was difficult just to handle the first-class mail because "most of these people aren't trained to sort by hand and because of the dim lights."

Lights were returned to the large windowless sorting room at 5 a.m. Friday when a $70-an-hour portable generator was installed by R. B. Uren Equipment Rental, 7401 Buffalo Ave., Niagara Falls.

The long delay in getting the circuit breaker repaired was caused by the immediate unavailability of parts. Manufactured by Lapp Insulator Co. of LeRoy. Postal officials in Buffalo called the LeRoy Postmaster, James O'Malley, at 2 a.m. Friday and had him go to the home of the Lapp president to expedite delivery of necessary replacements.

The first insulators delivered for the circuit breaker didn't fit, however, and Lapp had to send an engineer to Buffalo to modify and adapt the insulators.

AUTO LIGHTS USED

Workmen used the headlights of automobiles in the basement of the building to guide them in the repair work.

Meanwhile, Buffalo Congressman Thaddeus J. Dulski said he would launch an immediate investigation into the cause of the power failure.

Chairman of the House Post Office Committee, Dulski said he wants "to find out if other new postal facilities (in the nation) are as vulnerable to power shortages and how much it would cost to equip them with a stand-by or reserve facilities." At 10 years, the William St. Post Office is considered new, Dulski said.

[From the Buffalo Courier-Express,
Sept. 2, 1973]

NEITHER RAIN NOR POWER CUT HALTS FIRST-CLASS MAIL DELIVERY

(By Sally Fox)

An emergency effort by U.S. Postal Service employes working overtime after the restoration of power at the Buffalo Post Office helped postal officials to make good their promises Saturday, as hundreds of thousands of pieces of first class mail were sorted, transported and delivered on time.

At 1 p.m. Saturday James Leary, acting officer in charge of the Main Post Office at 1200 William St., reported that all first class mail on hand would be delivered, despite a power failure Thursday night and Friday which had created a huge pile-up of unprocessed mail.

"Right now we are about 16 hours behind on non-preferential second and third class mail," he said, "but we expect to be caught up on that by the time of our next delivery on Tuesday."

Huge sorting machines and conveyor belts at the giant office had clattered back into action at 10:30 p.m. Friday, 24 hours after an over-sized circuit breaker serving the entire complex of mail handling facilities and offices exploded, bringing all operations to a temporary halt.

BACK TO AUTOMATION

As the lights and equipment came back on, workers who had resorted to old-fashioned handsorting methods in an attempt to move high priority mail returned to their stations at the sophisticated automated machines.

And by midday Saturday, operations in the mailing room, where some 650,000 pieces of mail are received for processing daily, were virtually back to normal.

Leary said he was pleased with the efforts of the 1,500 employes, many of whom had been scheduled for time off over the long holiday weekend but readily agreed to work extra shifts at the crippled facility.

"The public should be proud of the way the postal workers responded to this emergency situation," he said. "We said we would get the mail out on time and we did it. It hasn't been delayed more than an hour or so in delivery."

CHECKS AT STAKE

Many had been concerned at the time of the power failure that 63,000 welfare checks and several thousand Social Security checks scheduled for delivery to county residents Saturday would not arrive in time to buy necessary supplies for the Labor Day weekend, but Leary said special priority handling had made it possible to get them sorted and delivered on time.

Delivery of the checks on Saturday caused a rush on local banks by recipients anxious to cash them before the long weekend.

Miss Barbara Golonka, a clerk in the Adam, Meldrum & Anderson branch of the Manufacturers and Traders Trust Co., said Saturday the office overflowed with eager customers. "This place is wall-to-wall people today," she said.

The situation was the same at the M&T branch at the Boulevard Mall, another of the handful of area commercial banks holding business hours on Saturday. "This is the busiest day we've had here in more than two years," said Miss Allyson Gillies, a teller at the bank.

THOROUGH EFFORT

While workers at the William St. Post Office worked overtime in the mail room, carriers and truck drivers throughout the Buffalo area also made a special effort to see that the mail was delivered.

Donald T. Zucarelli, a parcel post carrier, said he and many others were working double duty. "Remember, the postal service is the United States government, and that means it's a tight operation," he said.

"There are still some carriers in the system who have pride in their jobs," he added, "and as long as this is true we will always make sure that the mail gets through."

[From the Buffalo Courier-Express,
Sept. 3, 1973]

OVERTIME WORK CLEARS POST OFFICE

Overtime work by a full staff at Buffalo's Main Post Office, 1200 William St., over the weekend cleared away the last of a mountainous accumulation of mail delayed in sorting because of a power failure last Thursday.

Postal Service workers hit the bottom of the pile on the second, third and fourth-class mail about 6 p.m. Sunday. Area residents will receive the delayed mail on Tuesday. There is no carrier delivery today.

PRICE TAG

Officials expect to know Tuesday what the massive effort to untangle the mail will cost.

The building was operating with almost a full crew, all on overtime, most of the weekend instead of the holiday crew of about one-quarter of the staff.

The power failure did not cause any damage to machinery which sorts mail. Power was restored just after 10 p.m. on Friday, 24 hours after the electrical system failed. Within 10 minutes the sorting machines were operating at full speed.

Power went off Thursday night when the single circuit breaker serving the entire complex failed. Insulators atop the unit either exploded or melted, spraying ceramic chips and oil around the "power vault" in the basement. There was no backup and there was no power at all until 5 a.m. Friday when an emergency generator was used to provide enough light for employes to sort mail by hand.

MURDER BY HANDGUN: A CASE FOR GUN CONTROL—NO. 14

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. HARRINGTON. Mr. Speaker, with the reconvening of Congress, I must, unhappily, recommence inserting the tragic accounts of daily handgun murders. The 14th case is of two incidents of unrelated murders committed in the District of Columbia.

Ricardo Stewart, while operating his apartment elevator in Northwest Washington, became embroiled in an argument with a passenger who, it is alleged, shot him in the head.

Earlier the same morning, the police, alerted by an anonymous telephone call, found the unconscious body of Gerald Reaves in his apartment building. He died from multiple gunshot wounds a few hours later.

These men were attacked and murdered in their own residences, one by a resident of the same building. These men were only two of the 21,000 Americans murdered in the United States every year. They merit only one paragraph each on the back pages of the Washington Post. Are we so numb to murder and handgun death that a whole life—a whole person—is dismissed in 42 words and no one really cares?

THE COMMUNITY EDUCATION DEVELOPMENT ACT REMARKS OF CONGRESSMAN WILLIAM LEHMAN

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. LEHMAN. Mr. Speaker, today I am pleased to introduce H.R. 10049, the Community Education Development Act of 1973.

The purpose of community education is to enhance the educational opportunities for all members of a community. This is done by promoting the more efficient use of existing school facilities beyond what is now considered normal school hours. After hours and on nonschool days, the school can be utilized as a community center operated in cooperation with other groups in the community to provide educational, recreational, cultural, and a variety of other community and social services in accordance with the needs, interests, and concerns of the community.

Community schools are an idea whose time has come. The past 2 years have seen the number of community schools grow from 200 to 700. Clearly, the time has long since passed when community schools could be considered experimental.

My own State of Florida has set aside both money and personnel for its community school effort. More than half a million Florida citizens now participate in community school programs and it is estimated that by 1980 there will be 450 community schools in Florida.

This bill seeks to encourage those States which would like to initiate a community education program as well as those States which have already taken steps in this direction.

The bill proposes grants to States to either establish, expand and improve, or maintain a community education program. Well over 1,000 community schools throughout the Nation would benefit from these State grants.

Grants would also be available to strengthen the community education resources of State educational agencies and to train community education directors and coordinators. In addition, a National Clearinghouse on Community Education programs would be established in the U.S. Office of Education.

The average cost of a community school is only about $20,000 per year. Considering the enormous benefit to the community, a community education program provides the best value for the dollar of any education program today.

The text of the bill and a section-by-section analysis follow:

H.R. 10049

A bill to promote the development and expansion of community education throughout the United States

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That this Act may be cited as the "Community Education Development Act of 1973".

STATEMENT OF PURPOSE

SEC. 2. Whereas the school, as the prime educational institution of the community, is most effective when it involves the people of that community in a program designed to fulfill their educational needs, and whereas community education promotes a more efficient use of school facilities through an extension of school buildings and equipment, it is the purpose of this Act to provide recreational, educational and a variety of other services, in accordance with the needs, interests and concerns of the community, through the establishment of the community education program as a center for such activities in cooperation with other community groups.

DEFINITIONS

SEC. 3. As used in this Act, the term—

(1) "Commissioner" means the Commissioner of Education;

(2) "State" includes, in addition to the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

(3) "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary education, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law;

(4) "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term also includes any other public institution or agency which has administrative control and direction of a public elementary or secondary school;

(5) "institution of higher education" means an educational institution in any State which (A) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (B) is legally authorized within such State to provide a program of education beyond secondary education, (C) provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree, (D) is a public or other nonprofit institution, and (E) is accredited by a nationally recognized accrediting agency or association, or, if not so accredited, is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited.

For purposes of this subsection, the Commissioner shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered;

(6) "community education programs" means a program in which a public building, including but not limited to a public elementary or secondary school, is utilized as a community center operated in cooperation with other groups in the community to provide recreational, educational, and a variety of other community and social services for the community that center serves in accordance with the needs, interests, and concerns of the community.

AUTHORIZATION OF APPROPRIATIONS ALLOTMENTS TO STATES

SEC. 4. (a) There is hereby authorized to be appropriated $15,000,000 for the fiscal year 1974, $17,500,000 for the fiscal year 1975, and $20,000,000 for the fiscal year 1976, to enable the Commissioner to make payments under section 6(a).

(b) (1) From the sums appropriated pursuant to subsection (a), the Commissioner shall reserve such amount, but not in excess of 1 per centum thereof, as he may determine and shall allot such amount among the Virgin Islands, Guam, American Samoa, and the Trust Territories of the Pacific Islands according to their respective needs for assistance.

(2) The remainder of such sums shall be allotted among the States (except those provided for in paragraph (1)) according to their relative populations.

(c) The amount of any State's allotment under subsection (b) for any fiscal year which the Commissioner determines will not be required for such fiscal year shall be available for reallotment from time to time, on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under subsection (b) for that year but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amounts reallotted to a State under this subsection during a year from funds appropriated pursuant to subsection (a) shall be deemed part of its allotment under subsection (b) for such year.

STATE PLANS

SEC. 5. (a) Any State which desires to receive grants under this Act shall submit to the Commissioner a State plan, in such detail as the Commissioner deems necessary, which—

(1) designates a State agency which shall, either directly or through arrangements with other State or local public agencies, act as the sole agency for administration of the State plan;

(2) sets forth a program under which funds paid to the States from its allotment under section 4(b) will be used to assist them (A) to establish new community education programs, (B) to expand or improve community education programs, or (C) to maintain and carry out community education programs,

except that no assistance shall be provided under this clause (C) with respect to a program which was not assisted under clause (A) or (B) during the preceding fiscal year.

(3) provides that the selection of local educational agencies to be awarded grants under the program shall be based on (A) proof of interest in the community to be served in the establishment, expansion, or improvement of community education programs, (B) the adequacy of the physical resources available for the program, and (C) a consideration of whether other funding alternatives are available;

(4) sets forth policies and procedures designed to assure that Federal funds made available under this Act for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of State, local, and private funds that would in the absence of such Federal funds be made available for and in no case supplant such State, local and private funds;

(5) sets forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the State (including any such funds paid by the State to any other public agency) under the plan; and

(6) provides for making such reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this Act, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

(b) The Commissioner shall approve any State plan and any modification thereto which complies with the provisions of subsection (a).

SEC. 6. (a) From the amounts allotted to each State under section 4(b), the Commissioner shall pay to that State an amount equal to the Federal share of the amount expended by the State in carrying out its State plan.

(b) For purposes of subsection (a), the Federal share shall be 50 per centum in the case of a program described in clause (A) of section 5(a)(2), 40 per centum in the case of a program described in clause (B) of such section, and 30 per centum in the case of a program described in clause (C) of such section.

ADMINISTRATION OF STATE PLANS

SEC. 7. (a) The Commissioner shall not finally disapprove any State plan submitted under section 5(a), or any modification thereof, without first affording the State agency administering the plan reasonable notice and opportunity for a hearing.

(b) Whenever the Commissioner, after reasonable notice and opportunity for hearing to such State agency, finds—

(1) that the State plan has been so changed that it no longer complies with the provisions of section 5(a), or

(2) that in the administration of the plan there is a failure to comply substantially with any such provisions, the Commissioner shall notify such State agency that the State will not be regarded as eligible to participate in the program provided for in the State plan until he is satisfied that there is no longer any such failure to comply.

JUDICIAL REVIEW

SEC. 8. (a) If any State is dissatisfied with the Commissioner's final action with respect to the approval of its State plan submitted under section 5(a) or with his final action under section 7(b), such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

(b) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(c) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

ASSISTANCE TO STRENGTHEN COMMUNITY EDUCATION RESOURCES OF STATE EDUCATIONAL AGENCIES

SEC. 9. (a) The Commissioner shall carry out a program for making grants to stimulate and assist States in strengthening the resources of their State educational agencies in the field of community education.

(b) For purposes of making grants under this section, there is authorized to be appropriated the sum of $2,060,000 for the fiscal year 1974, and each of the two succeeding fiscal years.

(c) Grants under this section to the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands shall not aggregate more than $20,000 in any year. Grants under this section to the other States for any fiscal year shall not exceed $40,000 each.

TRAINING GRANTS

SEC. 10. (a) The Commissioner may make grants to institutions of higher education to develop and establish, or to expand, programs which will train persons as community education directors and coordinators.

(b) There is authorized to be appropriated the sum of $3,000,000 for the fiscal year 1974, and each of the two succeeding fiscal years, for making grants under this section.

NATIONAL CLEARINGHOUSE ON COMMUNITY EDUCATION PROGRAMS

SEC. 11. (a) There is hereby established a national clearinghouse on community education programs within the Office of Education. The purpose of the clearinghouse shall be the gathering and dissemination of information received from community education programs, including but not limited to information regarding new programs, methods to encourage community participation, and ways of coordinating community services.

(b) There is authorized to be appropriated the sum of $1,000,000 for the fiscal year 1974 and each succeeding fiscal year.

(c) The Commissioner shall establish a permanent liaison between each community education program and the Commissioner. The Commissioner shall also make available to each community education program such technical information as they may require, and this shall be coordinated with the national clearinghouse.

LIMITATION ON PAYMENTS UNDER THIS ACT

SEC. 12. (a) Nothing contained in this Act shall be construed to authorize the making of any payment under this Act for religious worship or instruction.

(b) Section 432 of the General Education Provisions Act is amended by inserting after "Emergency School Aid Act;" the following: "Community Education Development Act of 1973;".

REPORTS TO THE CONGRESS

SEC. 13. The Commissioner shall transmit to the President and the Congress annually a report of activities under this Act.

H.R. 10049

SECTION-BY-SECTION ANALYSIS

Short Title: the "Community Education Development Act of 1973"

Statement of Purpose: Whereas the school, as the prime educational institution of the community, is most effective when it involves the people of the community in a program designed to fulfill their educational needs, and whereas community education promotes a more efficient use of school facilities through an extension of school buildings and equipment, it is the purpose of this Act to provide recreational, educational and a variety of other services, in accordance with the needs, interests and concerns of the community, through the establishment of the community education program as a center for such activities in cooperation with other community groups.

Section III: Definition of Terms. "Community education program" defined as a program in which a public building, including but not limited to a public elementary or secondary school, is utilized as a community center operated in cooperation with other groups in the community to provide recreational, educational, and a variety of other community and social services for the community that center serves in accordance with the needs, interests and concerns of the community.

Section IV: Authorization of Appropriations. Authorizes $15 million for FY 74, $17.5 million for FY 75 and $20 million for FY 76 to enable the Commissioner to make payments under Sec. 6(a). One percent of such amount shall be reserved for allocation among the Virgin Islands, Guam, American Samoa, and the Trust Territories of the Pacific Islands. Provision is also made for reallocation from time to time.

Section V: State Plans. The State plan must designate a State agency which shall act as the sole agency for administration of the State plan. The State plan shall also set forth a program under which funds allocated to the State will be used to assist them to: a) establish new community education programs, b) to expand or improve community education programs, or c) to maintain and carry out community education programs. However, no assistance shall be provided under the last clause with respect to a program which was not assisted under the first two clauses. State plans must also provide that the selection of local educational agencies to be awarded grants under the first two clauses will be based on proof of interest in the community; adequacy of the physical resources available for the program; and a consideration of whether other funding alternatives are available. The State plan shall also include procedures to assure that Federal funds made available under this Act shall be used to supplement State, local and private funds, and not supplant them. Provides for the making of such reports as the Commissioner may reasonably require and sets forth fiscal control procedures that must be followed. The Commissioner shall approve any State plan which complies with the above provisions.

Section VI: Federal Share. The Federal share shall be 50% in the case of the establishment of a community education program; 40% in the case of a program in which the community education program is to be expanded or improved; and 30% in the case of the maintenance of a program assisted previously in either establishment, expansion or improvement.

Section VII: Administration of State Plans. Provides hearing procedures for the States when their plan is disapproved or when the Commissioner notifies the States that their eligibility for participation will be revoked for failure to comply with the provisions of the Act.

Section VIII: Judicial Review. The State may file with the U.S. Court of Appeals a petition for review of the action of the Commissioner if either the State plan is disapproved or the Commissioner finds that the State plan no longer complies with the provisions of this Act.

Section IX: Assistance to Strengthen Community Education Resources of State Educational Agencies. The Commissioner shall make grants to the States to stimulate and assist States in strengthening the resources of their State educational agencies in the field of community education. $2,060,000 is authorized for this purpose. $20,000 of this amount shall be divided among the Virgin Islands, Guam, American Samoa and the Trust Territory of the Pacific Islands. The remainder shall be divided among the States. No grant to a State under this section may exceed $40,000.

Section X: Training Grants. $3,000,000 is authorized for each of FY 74, FY 75 and FY 76 for grants to institutions of higher education to develop, establish or expand programs to train persons as community education directors and coordinators.

Section XI: National Clearinghouse on Community Education Programs. A National Clearinghouse on community education programs is established in the Office of Education to gather and disseminate information received from community education programs. $1 million is authorized for this purpose for FY 74 and each succeeding fiscal year. The Commissioner is also directed to establish a permanent liaison between each community education program and the Commissioner, and to provide each community education program such tecnical information as they may require, coordinated with the National Clearinghouse.

Section XII: Nothing contained in this Act shall be construed to authorize the making of any payment under this Act for religious worship or instruction.

Section XIII: The Commissioner shall transmit to the President and the Congress annually a report of activities under this Act.

U.S. FOREST SERVICE—FRAMEWORK FOR THE FUTURE

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. JOHNSON of California. Mr. Speaker, land is the single most important factor which will limit the growth of our standard of living and the consumption of our resources. This in brief is the summary of the future of our land resources given by the Chief of the Forest Service, John R. McGuire. In his evaluation of the land situation he stresses that there is not enough land in these United States to supply all of our people with all their needs and desires. Something is going to have to give.

How the U.S. Forest Service is looking ahead to meet some of the needs of the future—needs expressed in such basic terms as meat on the table, timber for homes, energy for homes and commerce, wilderness for personal restoration—are outlined in the remarks of Chief McGuire before a Convention of the Audubon Society. I felt that his comments were worthy of consideration by all of us here in the Congress. Therefore I insert his remarks entitled "The Public Lands: Our Margin of Environmental Quality" in the RECORD at this point:

THE PUBLIC LANDS: OUR MARGIN OF ENVIRONMENTAL QUALITY

It is a real pleasure to be here with you today. The subject of quality in land management is of particular interest to me, and this panel offers an excellent opportunity to exchange thoughts on the subject.

However, I do have a question about the connotation one might draw from the convention theme—"The Public Land: Our Margin of Environmental Quality." We might draw the conclusion from the theme that we expect our public lands to provide the only sure margin of environmental quality.

I am firmly convinced such a conclusion would be erroneous.

Vast as they are, and even with the wide variety of programs being applied at both the federal and state levels, the public lands alone cannot be expected to provide our society with all it needs in a "margin of environmental quality." All lands and land managers must bear a responsibility for a part of that margin of quality.

The inadequacy of relying solely on public lands for an environmental quality margin can be illustrated in two ways. First, the distribution and location of the public lands in relation to our population just doesn't work out right. In general, our areas of dense population have a small share of the public lands.

While some aspects of environmental quality are transportable, in thought if not physically, many other aspects of quality are not. They must be at least reasonably accessible to people in order to contribute effectively to the experience of quality.

Second, the public laws that established the National Parks, National Forests, the Wildlife Refuges and Wild and Scenic Rivers also established limitations. These lands were set aside for special purposes which denied them to a number of other uses.

So while I think the public lands have a major role in maintaining or providing a "margin of environmental quality" for our natural resources, I do not believe the role to be exclusive, nor do I believe that we can allow ourselves to think of public lands in this way.

I believe the public lands and private lands share equally in assuring environmental quality.

Now, let me talk specifically about the environmental goals and programs of the Forest Service—in other words—how the National Forests fit into this broader environmental quality picture for the nation.

A single set of objectives and policy statements has been developed covering our program responsibilities. Entitled "Framework for the Future," 11 major objectives and 46 expressions of National policy are spelled out to provide basic direction to the Forest Service.

Two of our objective statements have the greatest relevancy to the general theme of Public Lands and Environmental Quality. One is: "Promote and achieve a pattern of natural resource uses that will best meet the needs of people now and in the future." The other is: "Protect and improve the quality of air, water, soil, and natural beauty."

How are people related to these objectives? Developments in transportation, communication, data processing, research and even international finance have brought a large share of the world's goods to this nation. This in turn has created a desire for more and more of the products of our industrialized society.

American people as a whole will be reluctant to reduce their established levels of consumption. Many interest groups and individuals will compete actively for their share of goods. But the limiting factor will be the land itself. Even now, there is no longer enough land to supply everyone with everything he desires at the same time.

These assumptions are illustrated in part by the ever-increasing array of demands that are made on public lands. The National Forests feel these demands acutely.

A FEW EXAMPLES

Recently the sharply rising prices for lumber resulted in focusing attention on the National Forests as a practical source of increasing supplies of timber in the shortest possible time;

Meat prices are at an unprecedented high, making a continuing program of livestock grazing on National Forest System land an important management activity. In fact, long-range projections suggest a 50 percent increase in demand for forest range grazing by the year 2000;

The demand for additional wilderness continues, and wilderness use grows. Recreation visits of this and other kinds are at record levels; and

Energy and fuel concerns have made headlines in recent weeks. These headlines reflect an urgency for increased exploration and use of fuel reserves underlying large acreages of public lands, and energy needs of the future are predicted to be even greater.

Lumber, livestock grazing, wilderness, energy; contrasts in demands such as I have illustrated are commonplace on National Forest System lands. Dealing with or responding to these demands is not.

Again, let me cite some examples, this time of actions dealing with the previously mentioned illustrations:

THE TIMBER SUPPLY NEEDS

I just recently agreed to take measures to increase the sale of timber on National Forest lands during this calendar year and to establish higher levels of production for the next several years, all, of course, well within the allowable harvest principles under which we operate.

This commitment on the part of the Forest Service was a direct action toward achieving a major agency goal and fulfilling a national need for housing and other wood products.

But the decision was far more complicated than it sounded. We had to ask: "What about the other environmental factors—the soil, the water, the wildlife habitat, the wilderness, the natural beauty?" Do we forget them, as so many seem to feel we will?

The answer is short and clear. No we do not.

The use of multidisciplinary teams, systematic analysis, evaluation of alternative courses of action, and public involvement are all parts of the process that can assure we maintain a proper perspectve in managing the forest environment.

What's more, we in the Forest Service have learned a number of lessons in the last few years. One of these is a heightened sensitivity to environmental concerns.

We took the position that timber sales could be increased only if financing and manpower were made available, not only for the timber job, but for assurance of the protection of wildlife, soils, water, aesthetics, and other values which could be affected by an accelerated level of timber sales.

ENERGY AND MINERAL DEMANDS

In order to help meet present and future energy and mineral demands on National Forest lands, we have initiated Project SEAM (Surface Environment and Mining). It is an on-the-ground, problem-solving research development and applications program geared primarily to deal with problems of surface mine reclamation where coal and other minerals are to be developed.

It will consider surface mine problems throughout the West, with the emphasis on "how" to develop for minerals while protecting the other natural resources involved. Preliminary studies have already begun in New Mexico, Idaho and on the Nevada-California border.

IMPROVED RANGE

Just yesterday, the Forest Service published a comprehensive scientific survey of the nation's range resources. Forest and range grazing lands on 1.2 billion acres were inventoried in the lower 48 States. Assessments were made of probable demands through the rest of the century. From this assembled information a spectrum of alternatives were produced to guide us and other grazing land managers to most efficiently meet those demands.

MORE WILDERNESS

That the public demand for wilderness would require additional actions from us was apparent as early as 1967. Though National Forest System lands already encompassed virtually all the designated wilderness, it was only a beginning.

Since then, we have conducted an inventory of all National Forest roadless areas that are generally 5,000 acres or more. We sought out the opinions of people on the merits of these areas for further study of their suitability for inclusion in the Wilderness System. From over 1,400 roadless areas, 235 were tentatively identified as warranting further study. We hope soon to complete analysis of public comments on the draft Environmental Statement and make a selection of areas most suitable for study as future wilderness.

The bulk of the inventoried areas is in the West.

In the East, the demands—and needs—for wilderness have become just as obvious. Even though the East and South is heavily developed and the wilderness opportunities are sparse, an Amendment to the Wilderness Act with specific criteria for the area East of the Mississippi could be established. Congress is presently considering an Administration Bill, along with several others. With public involvement again as an assist, we feel there are more than 50 areas in National Forests which deserve study for wilderness designation.

I hope these examples illustrate both the size of demands and the variety of actions the Forest Service must take to keep pace with evolving needs and concerns.

We are jealous of our part of the responsibility in maintaining environmental quality and we are proud of the steps we have taken in meeting them.

But unlike Ptolemy, we know our lands are not the center of the environmental universe.

And it's this point I want to stress, in conclusion.

Other federal lands and agencies have their unique contributions. State and county agencies and lands are vital parts of the picture. And, of course, the private landowner must be brought more fully into the national effort to maintain, yes, even improve the environment.

Both our private and public forest lands have their roles, if we are to achieve the national objectives for quality environment and for production of food and fiber. These lands, no matter what the ownership, must be parts of a coordinated context which will assure that the future is as bright for the next generations as it has been for us.

TRADE FOR FREEDOM?

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. SMITH of New York. Mr. Speaker, each year I receive many letters from constituents whose ethnic roots are in countries now behind the Iron Curtain.

Their pleas are the same: Please speak out for the freedom of our brothers and sisters under Communist rule; do not let them be forgotten.

Recently I received a letter from Vaclav Dufek, chairman of the Niagara-Buffalo, N.Y., chapter of the Czechosolvak National Council of America.

Mr. Dufek pointed out that August 21 was the fifth anniversary of the "shameful invasion of Czechoslovakia by Russian armies and its occupation since."

Newsweek magazine reports that the Russians still have 80,000 troops in Czechoslovakia and that Soviet-backed Communist Party Chief Gustav Husak has achieved "normalization" with a combination of Russian financed consumer imports and a purge eliminating "liberal-mined Czechoslovaks from the government, the party, the economy, the schools and even the arts."

We have the ability to do something for these people, Mr. Dufek states:

> Now when Soviets need our grain and want access to the financial credits and technology of America is the time to gain some concessions for the captive people living behind the Iron Curtain.

SENATE—*Thursday, September 6, 1973*

The Senate met at 10:30 a.m. and was called to order by Hon. Harry F. Byrd, Jr., a Senator from the State of Virginia.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, in whom we live and by whom the humble are guided in judgment, come to us as we come to Thee. Grant us grace and wisdom sufficient for our tasks. Help us to attack the old problems with fresh vigor, to approach the new problems with utmost dedication, and at all times to labor with abiding faith in Thee. In all our ways make us worthy of the high calling to be servants of the common good.

We pray in His name who came not to be ministered unto but to minister and give His life for others. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Eastland).

The assistant legislative clerk read the following letter:

> U.S. Senate,
> President pro tempore,
> *Washington, D.C., September 6, 1973.*
>
> *To the Senate:*
>
> Being temporarily absent from the Senate on official duties, I appoint Hon. Harry F. Byrd, Jr., a Senator from the State of Virginia, to perform the duties of the Chair during my absence.
>
> James O. Eastland,
> *President pro tempore.*

Mr. HARRY F. BYRD, JR., thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, September 5, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDING OFFICER (Mr. Robert C. Byrd). Without objection, it is so ordered.

WILLIAM P. ROGERS

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an editorial from the Rochester, N.Y., Times-Union, written by Paul Miller and Calvin Mayne, entitled "The Nation Owes William P. Rogers an Enormous Debt of Gratitude."

Before the Chair rules, may I say, quoting from what the President has said about Secretary Rogers, the following:

> Throughout, your service has been completely dedicated and completely selfless. The Nation owes you an enormous debt of gratitude.

It surely does.

Mr. HARRY F. BYRD, JR. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I yield.

Mr. HARRY F. BYRD, JR. Mr. President, I came to the Senate this morning prepared to place in the Record the editorial captioned "The Nation Owes William P. Rogers an Enormous Debt of Gratitude," which was published in the Rochester, N.Y., Times-Union. I shall not place that editorial in the RECORD, because the Senator from Virginia was beaten to the punch, so to speak, by the distinguished majority leader, the senior Senator from Montana (Mr. MANSFIELD), who already has asked unanimous consent that the editorial be placed in the RECORD.

I feel that the editorial is a fair and appropriate appraisal of the work of Secretary Rogers who, in my judgment, served his Nation and his President unselfishly and ably in the very high post to which he was appointed 4½ years ago, and which he left just this past week.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I yield.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that both the distinguished senior Senator from Virginia (Mr. HARRY F. BYRD, JR.) and the Senator from Montana be given permission jointly to place the editorial in the RECORD.

Mr. HARRY F. BYRD, JR. I am grateful to the distinguished Senator from Montana.

Mr. President, one of the authors of the editorial is a very close and dear friend of mine—Paul Miller, who is chairman of the board of directors of the Gannett Newspapers. I feel that Mr. Miller and his chief editorial writer, Calvin Mayne, have, in their editorial, caught the full flavor of Secretary Rogers' service to his Nation.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana?

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE NATION OWES WILLIAM P. ROGERS AN ENORMOUS DEBT OF GRATITUDE

(By Paul Miller and Calvin Mayne)

William Pierce Rogers is leaving the Department of State amid praise for his achievements there and unspattered by any taint of Watergate.

Secretary Rogers is one of President Nixon's oldest and closest friends, and the last of Mr. Nixon's original cabinet appointees to depart.

But neither Rogers nor, so far as is known, anyone else at State ever was even mentioned critically in connection with Watergate matters—including those said to concern national security, which has been part of Rogers' bailiwick.

At a press conference, Rogers spoke out against abuses uncovered by Watergate investigators. He specifically criticized "extralegal" actions authorized by White House aides involving Dr. Daniel Ellsberg and others.

COUNSEL IN CRISES

At one time, the President reportedly considered asking Rogers to clean up the administrative mess at the White House left by Watergate-connected resignations.

Many regret that he didn't. The appointment would have been a natural. Rogers is not only a trusted and loyal Nixon confidant. The President has also relied on his counsel during previous crises.

One came when Mr. Nixon, running for vice president on the Eisenhower ticket, disposed of charges of fund-raising improprieties.

Another was in 1955, when President Eisenhower suffered his first heart attack. Mr. Nixon secluded himself in the home of Rogers, then deputy attorney general, to make many quick, delicate decisions.

At State, Rogers has yielded headlines to President Nixon and Henry A. Kissinger, the President's chief foreign policy adviser who will keep that job while succeeding Rogers as Secretary of State.

Nobody should have been surprised. Every president since Franklin Roosevelt has been "his own secretary of state," with the exception of Dwight Eisenhower who often deferred to Secretary John Foster Dulles.

As the one man in America who can pull the nuclear trigger, a president must make the crucial foreign policy decisions.

And Dr. Kissinger, the skilled and witty negotiator, was the ideal man to turn the Paris stalemate into an agreement that ended U.S. involvement in the Vietnam fighting and brought American prisoners home.

Kissinger was also well suited to pave the way for the unprecedented and highly successful presidential visits to the People's Republic of China and to Moscow.

BEHIND THE SCENES

Meantime, somebody had to direct the 17,000 State Department employes at home or in 108 U.S. missions abroad. Somebody had to cope with hundreds of other foreign policy problems while the President and Kissinger concentrated on Vietnam and the Communist superpowers. Somebody had to smooth over administration relations with congressmen and foreign diplomats when they were ruffled by White House policies or neglect.

For the past 4½ years, that "somebody" has been Bill Rogers—always genial, urbane, handsome, diplomatic and informed.

Rogers may have been privately miffed by cocktail party talk in Washington or snide press comments that his role had been downgraded, even though he had only to pick up a phone to talk frankly with old friend Dick Nixon.

But typically, Rogers never publicly betrayed irritation over upstaging by Kissinger or other differences, if any, with the White House. He simply went about his business at State. And important business it was.

On missions all over the world, the secretary flew 700,000 miles and visited 72 countries during his term.

Rogers directed U.S. negotiators who helped establish and maintain the shaky but still intact ceasefire in the explosive Middle East. He improved touchy trade and other relations with allies from Japan to Germany. He laid the groundwork for President Nixon's expected concentration (if he can shake Watergate) on European problems and disarmament negotiations.

Rogers was active both behind the scenes and up front in concluding the Vietnam peace treaty.

And just last May, his tour of Latin America brought praise for his diplomacy and understanding of nagging problems from some spokesmen south of the border who have rarely had a kind word for the "Yankee colossus."

HIGHEST PRAISE

More compliments came from another unexpected source—Senate Majority Leader Mike Mansfield. Often a critic of administration foreign policy, Mansfield nonetheless said in Washington that Rogers has been "the best secretary of state this country has had in my 36 years here."

Though he never mentioned it in public until this week, Rogers wanted to resign at the end of Mr. Nixon's first term. Again typically, he delayed his departure simply because the President needed him to wind up some tough negotiations.

Now Rogers is returning to a highly successful law practice (he was educated for it at Cornell University Law School) that has frequently been interrupted by calls to national public service. He does so with this tribute, far exceeding conventional compliments as such times, from a President who must be genuinely sorry to see him leave:

"As Secretary of State, you have represented this country abroad with great skill. You have played an historic role in the formulation and execution of those policies which I believe, and I know you believe, can at long last produce a structure of peace in the world that will endure long into the future.

"Not only in foreign policy, but also in the wide range of other issues on which I have sought your advice, it has always been given with candor and courage and with exceptional insight.

"Throughout, your service has been completely dedicated and completely selfless. The nation owes you an enormous debt of gratitude."

It surely does.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, if the distinguished acting minority leader does not desire to be recognized at this time, I would like to be recognized under the order granted on yesterday.

The ACTING PRESIDENT pro tempore. Under the previous order, the senior Senator from Montana (Mr. MANSFIELD) is recognized for not to exceed 15 minutes.

PERFORMANCE OF THE 93D CONGRESS

Mr. MANSFIELD. Mr. President, the President of the United States held his second press conference in 2 weeks on yesterday. At that press conference he answered a wide range of questions and I thought conducted himself quite well. At the beginning of the conference he heaped words of praise on a suggestion made by House Majority Leader "TIP" O'NEILL of Massachusetts, who had said, in effect, that there ought to be some way that differences between the Congress and the White House could be negotiated, could be conciliated, could be compromised, in such a way that good, reasonable legislation would be forthcoming.

Then, a sentence or two later, he had a few remarks to make about the Congress and the "disappointing record" that Congress had made up to this time. He said yesterday, of course, that in the fourth quarter the Congress really got "on the ball," and produced some results, and he expected that that would be done this year as well.

He also indicated he would send to the Congress a second state of the Union message on Monday next, at which time he would call our attention to certain areas which he felt had not been attended to.

I think the President should be aware of the fact that the distinguished minority leader, Mr. SCOTT of Pennsylvania, speaking in late July, indicated that there were 35 administration proposals which the executive branch hoped the Congress would face up to.

If my colleagues will look at the final statement of the majority leader on August 3, 1973, just before the August recess, they will note that of those 35 proposals up to that time, 42 percent had been passed by the Congress.

Well, the President on yesterday chose to pass judgment on the 93d Congress. He described its work as "a very disappointing performance." The joint leadership notes that the Congress does not "perform" at the behest of this President or any President. The Congress acts in accord with its independent judgment of what is best for the Nation and the people.

There are no apologies to make for this Congress. It has done, it is doing, and it will continue to do the people's business.

A vigorous Congress has already addressed itself to a wide range of legislative activity and has a full schedule in the weeks ahead.

We are looking ahead to action on such important legislation as pension reform, manpower, including a public employment program to relieve areas of high unemployment—elementary and secondary education, health maintenance organizations, campaign reform and other equally important measures.

A real spirit of cooperation will give us the Republican votes essential to put these programs into law.

And a real spirit of cooperation has been forthcoming from the Republicans in this Chamber.

Both Houses of Congress have demonstrated their commitment to fiscal responsibility by passing 1974 spending ceilings that are below the President's requests.

May I say in passing that over the past 4 years the Democrat-controlled Congress has reduced the President's budget requests by $22.3 billion, but in those 4 years this administration has increased the indebtedness of this Nation by $104.2 billion. The facts will have to speak for themselves. Rhetoric will not gloss them over.

So far as appropriations are concerned, the final figures cannot be determined until all the bills are passed. The remaining bills, including the big defense and foreign aid bills, are still in the legislative mill.

The Congress intends to carry out its commitment to fiscal responsibility in the development of these bills; if the President has suggestions for ways to cut these more costly appropriations measures, we would be glad to hear them.

The 93d Congress has already enacted 106 public laws for this year. Included is an act giving the President full authority for wage-price controls and other economic stabilization measures to combat inflation. Other important new laws passed by this Congress are an increase in social security benefits, an expansion of services for the elderly, an extension of 12 health-care programs the administration wanted to terminate, a 4-year farm bill, a pace-setting highway bill which for the first time makes trust funds available for urban mass transit and an extension of the law enforcement assistance programs.

Congress has also passed a far-reaching minimum wage bill which would grant coverage to 7 million additional workers and which would bring farmworkers up to their industrial counterparts and the Emergency Medical Service System Act.

In the final stages of the legislative process are important bills to set a fiscal 1974 spending ceiling and to restrict the President's practice of impounding appropriated funds, to limit the President's warmaking powers and to authorize the trans-Alaska oil pipeline.

The Congress is working hard. We want to get the job done. But we cannot do it alone. We welcome help from any source, including specifically the White House. As the elected representatives of the people, we will continue to pursue the legislative needs of the people and the Nation.

THE COST OF OUR NATO COMMITMENT

Mr. HARRY F. BYRD, JR. Mr. President, the issue of how many troops the Nation should maintain in foreign countries has received great attention during this Congress and will be the subject of more and more debate. It is important, as this debate progresses, that accurate figures be made available as to what it costs to maintain our troops overseas.

The cost figures are especially important since we face a very serious financial crisis with spiraling inflation at home and the devaluation of the dollar abroad.

By far, the largest concentration of U.S. personnel abroad is in Europe, where we maintain 300,000 military personnel as a result of our NATO commitments, an additional 250,000 dependents, and 14,000 civilian employees.

One aspect of the total cost of maintaining this force as part of our NATO commitments is the negative effect on the U.S. balance of payments.

I have attempted since early this year to ascertain what the balance of payments deficit has been as a result of our NATO commitments.

During Armed Services Committee hearings on March 28, 1973—this past March—I posed this question to then Secretary of Defense Elliot Richardson. The Secretary's response was that, including certain offsets, the cost to our balance of payments was only $200 million per year to maintain these troops.

On June 7 of this year, Secretary of Defense-designate James R. Schlesinger indicated that the balance-of-payments deficit from our NATO commitments was $1.5 billion annually.

At my request, the General Accounting Office has completed an analysis of the balance-of-payments deficit that can be attributed to our participation in NATO.

The results of this analysis shows a figure of $1.7 billion for calendar year 1972.

It is not my purpose to question our international commitments. A strong NATO alliance is important to the security of both Western Europe and the United States. But it is important also that as Congress debates the extent of our commitments abroad that accurate figures be made available as to the exact cost of these commitments.

I ask unanimous consent that there be printed at this point in the Record the GAO analysis dated August 8, 1973.

There being no objection, the analysis was ordered to be printed in the Record, as follows:

Comptroller General
of the United States,
Washington, D.C., August 8, 1973.

The Honorable Harry F. Byrd, Jr.,
U.S. Senate.

Dear Senator Byrd: In your letter of March 30, 1973, you requested our comments as to the accuracy of the $4.1 billion balance of payments offset figure stated in testimony by the Secretary of Defense. The figure was related to U.S. participation in the North Atlantic Treaty Organization (NATO) for fiscal years 1972 and 1973.

The Department of Defense (DOD) has apparently changed its position regarding the offset figure as you pointed out on the floor of the Senate (Congressional Record—June 8, 1973). This change reflects the annual adverse balance of payments cost in NATO as $1.5 billion, as compared with the $200 million annual deficit previously cited. Irrespective of the position change, your office advised us on June 27, 1973, that an analysis is still desired from the General Accounting Office as to the accuracy of the $4.1 billion.

The $1.5 billion figure is more in line with a $1.7 billion one which we computed from Department of Commerce data (enclosure) for calendar year 1972, and is in general agreement with testimony by a Department of State official at appropriation hearings before the Senate Committee on Foreign Relations in April 1973.

On April 17, 1973, we provided to you the composite elements of the earlier $4.1 billion figure taken from DOD data sheets. The net U.S. adverse balance of payments impact relating to U.S. participation in NATO as computed by DOD for fiscal years 1972 and 1973 was as follows:

	Billions
Gross DOD expenditures in NATO	$4.5
Total DOD offset	4.1
Net adverse balance	0.4

The $4.1 billion figure is not, in our opinion, an accurate measure of offsets to DOD balance of payments expenditures in NATO. While some of the elements in this offset figure are accurate, in our opinion other elements lack relationship as defense offsets and are not accurate in the dollar amounts stated.

Balance of payments concepts include a substantial variety of economic theories related to total international transactions. Contrasted with the 2-year $400 million net DOD deficit presented by the Secretary of Defense, we have recently updated an analysis which indicated a $1.7 billion foreign exchange cost for calendar year 1972 alone.

We are enclosing this analysis for your use. It does not include some of the offsets used by DOD; however, it is a conventional measurement of net deficits recognized by the Department of Commerce.

GROSS DOD EXPENDITURES IN NATO—$4.5 BILLION

DOD data indicate that gross U.S. military expenditures in NATO for fiscal years 1972 and 1973 were $4.5 billion. These expenditures consist generally of:

Expenditures for U.S. military and civilian personnel and their dependents;

Expenditures for foreign goods and services by nonappropriated fund activities;

Direct and contract hire of foreign nationals;

Procurement including major equipment, construction, petroleum and oil and lubricants, materials and supplies;

Services; and

Other payments.

DOD computations did not take into consideration:

Accounts into which deposits are made in the United States but from which checks are drawn by European banks;

Cashed savings bonds;

Money which is spent by forces from funds sent by parents for special trips or purchases; and

Savings accounts which may be expended by personnel apart from pay received.

DOD OFFSET ITEMS

As indicated in your letter, DOD has stated that the above expenditures are offset by $4.1 billion, computed by DOD as follows:

DOD computed offsets fiscal years 1972 and 1973

	Billions
Cash receipts from NATO military purchases in the United States	$1.5
Cash receipts from NATO commercial military purchases in the United States	.5
Increased U.S. exports from U.S. expenditures in Europe	.9
Purchase of U.S. securities by Germany	.7
Barter exports offsetting U.S. defense expenditures overseas	.5
Total DOD computed offsets	4.1

Described below is our analysis of each element in the DOD computation.

Cash receipts from NATO military purchases in the United States—$1.5 billion

The DOD explanation of the $1.5 billion figure attributes $900 million to German military purchases and $600 million to the remaining NATO allies.

The $600 million figure from other NATO allies is based on actual receipts of about $300 million from these nations during fiscal year 1972 plus an assumed like amount during fiscal year 1973. We examined DOD figures for cash receipts from the other NATO countries during fiscal year 1972 which indicate the $300 million amount is correct.

We have no basis for commenting upon DOD's assumption that such receipts for fiscal year 1973 will be a like amount, but believe it to be a fair projection.

DOD officials indicated, however, that the $900 million German portion is not derived from actual cash receipts in accordance with their standard footnote on receipts.

We believe the $900 million in DOD cash receipts from Germany during fiscal years 1972 and 1973 is misleading because the DOD explanation for this figure does not point out that, under the terms of the offset agreement, over one-half (about $512 million) of the German purchases will be financed from funds on deposit with the U.S. Treasury prior to fiscal year 1972. Since the German funds on deposit are a result of military prepayments made prior to the agreement period, we do not believe that the portion on deposit should be considered as an applicable offset for fiscal years 1972 and 1973.

Cash receipts from NATO military purchases in the United States (direct commercial)—$.5 billion

DOD estimates that receipts through commercial sales channels during fiscal years 1972 and 1973 will be $300 million from Germany and $200 million from other NATO countries. Our examination of DOD and Bureau of Census figures detailing such purchases during part of the period in question and before indicates that the estimates are not inflated and, in our opinion, may be somewhat conservative.

DOD instructions direct that the commercial sale of military equipment will be reported as DOD balance of payments transactions if "DOD has exercised a 'demonstrable influence' which has presumably resulted in increasing commercial exports of military materiel." It is questionable, however, that all such DOD-influenced commercial purchases of military materiel are even an indirect result of our defense expenditures in those countries. We believe that a substantial amount of these commercial sales would be made no matter what the level of DOD expenditures. For example, France has continued to make commercial military purchases without substantial U.S. defense expenditures there.

Increased U.S. exports from DOD expenditures in Europe—$.9 billion

DOD also states that 20 percent of the $4.5 billion of U.S. defense expenditures are assumed to return to the United States through exports to Germany and other NATO countries. They state that since about 1968 under offset agreements, Germany generally has been given credit for a 20 percent feedback effect. There is no reference to such a feedback effect in the agreements themselves, and DOD was unable to provide us with documentation of the figure in offset negotiations. The only justification furnished was a 1965 study based on data prior to 1963 which estimated the effect of U.S. defense spending in Western Europe on those nations' imports from the United States.

One example of the study's findings was that a reduction of $10 million in DOD spending in Germany would result in a $1.95 million reduction in German imports from the United States. From this, DOD indicated that 20 percent of U.S. defense expenditures in Germany are returned by exports to Germany in addition to military sales levels specified in offset agreements. This 20 percent feedback is extended to the rest of Western Europe under the same assumptions.

Although it is difficult to assess the actual return from U.S. defense expenditures in terms of feedback to the economy, we have been advised by an expert in the field of balance of payments that in both 1971 and 1972 Germany imported less than 2 percent of its gross national product from the United States. We were not able to find any basis for the assumption that income derived from one source (i.e., U.S. defense expenditures, which constitute a portion of the German gross national product) should return more to our economy in terms of goods exported than any other source.

A recognized authority on international economics, while testifying before Congress on this issue, expressed the opinion that while U.S. defense expenditures do create an impact and a consequent significant feedback effect on underdeveloped areas, the same does not hold true for developed areas. Also it is interesting to note that while both Germany's gross national product and U.S. defense expenditures increased from 1971 to 1972, U.S. exports to Germany decreased.

There may be other factors which could account for the aforementioned decline in U.S. exports to Germany, but it apepars that if the 20 percent feedback effect were accurate, it would have had some increasing effect on U.S. exports to Germany.

Purchase of U.S. securities by Germany—$0.7 billion

Under the terms of the current offset agreement between the United States and Germany, the German Central Bank is to purchase approximately $625 million of 4½ year, 2½ percent U.S. Treasury securities during fiscal years 1972 and 1973. In addition, about $35 million is to be paid to the United States by Germany in settlement of the U.S. interest obligation on the securities. These amounts were rounded by DOD to $700 million and were considered as additional offsets to the balance of payments deficit.

Information provided by the Department of Commerce shows that during fiscal years 1972 and 1973, the German Central Bank has purchased about $647 million worth of Treasury sceurities under the current offset agreement. During this same period, Germany has redeemed approximately $635 million worth of securities purchased under the 1968 and 1969 agreements. While DOD includes the purchase by Germany of such securities on the offset side of its balance of payments, it does not include the redemption on the expenditure side.

The interest payment figure would not have a balance of payments impact because, under the agreement terms, this amount may be paid from funds already on account, as in the case of some German military procurement.

Therefore, we believe the inclusion of purchased securties as an offset to expenditures is misleading. The receipts from the purchased securities are largely canceled by the payments the United States has been making to Germany during the same period for redemption of matured securities purchased under previous agreements.

Barter exports offsetting U.S. defense expenditures overseas—$0.5 billion

DOD further states that barter exports offsetting U.S. defense expenditures overseas totalled $500 million and that DOD receipts associated with barter exports for NATO Europe are about $250 million each year. This amount is considerably understated. For fiscal year 1972 the amount actually totalled $462 million, and for fiscal year 1973 as of April 1973, the amount was about $383 million. The fiscal year 1973 figure, if projected in light of the total world barter export increase, could well exceed the 1972 figure. If these amounts were used in the offsets, the DOD analysis would show a break-even or possibly favorable balance of payments situation as a result of our troop commitment to Europe.

We would also like to call to your attention that the term "barter" is a misnomer for the program, and that it is currently being carried out differently than the original program. The name preferred by Department of Agriculture officials for the program as it currently exists is "the destination export subsidy and credit program." The barter program was initiated at a time when the U.S. Government was procuring strategic materials for stockpiling for which it traded surplus commodities; this type of activity ceased about 10 years ago. Currently the United States does not have surplus commodities for disposal.

The main function of barter is not to offset defense expenditures but rather to encourage the export of more commodities. Also, Agriculture officials recognize that barter, as it now exists, is not what creates or holds back exports of commodities but rather it is the competitive pricing on the world market.

Although we agree that the barter export program had a positive effect on the U.S. balance of payments deficit, we do not see any direct relationship between barter and DOD expenditures to allow DOD to take credit for the offsets.

In addition, we were informed by Agriculture officials that the barter program has been temporarily suspended due to a strong demand for U.S. agricultural commodities which makes unnecessary the export incentives provided by the program.

CONCLUSION

We recognize that in balance of payments transactions some of the above DOD offsets could apply directly to the expenditures in NATO, and reduce the deficit from U.S. military spending. Based upon our analysis and the changed DOD position, we do not believe that the earlier $4.1 billion figure stated by the Secretary of Defense is accurate.

In our discussion with DOD representatives we requested further support for these elements. DOD has not, however, provided additional data to support the validity of its offsets.

Considering these factors, we believe that the figures in the enclosed table are more representative of the true deficit relating to DOD expenditures in Europe.

We have not submitted this report to DOD for formal comment; however, we have discussed our views and conclusions regarding the offset figures with DOD officials.

We plan to make no further distribution of this report unless copies are specifically requested and then we shall make distribution only after your agreement has been obtained or public announcement has been made by you concerning the contents of the report.

We hope this information will be helpful to you. Please let us know if we may be of any further assistance.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

FOREIGN EXCHANGE OUTLAYS ASSOCIATED WITH U.S. FORCES IN EUROPE—CALENDAR YEARS 1970-71-72

[Millions of dollars]

	U.S. foreign exchange expenditure associated with U.S. forces stationed in Europe			Foreign purchases of U.S. military equipment (deliveries)			Net U.S. foreign exchange costs		
	1970	1971	1972	1970	1971	1972	1970	1971	1972
Germany	1,063.5	1,237.1	1,330.0	193.9	594.1	212.1	869.6	643.0	1,117.9
United Kingdom	225.5	251.3	328.7	175.0	104.5	55.4	50.5	146.8	273.3
Italy	97.0	107.3	125.5	48.5	60.5	35.7	48.5	46.8	39.8
Netherlands	40.4	50.1	51.7	9.7	11.6	15.5	30.7	38.5	36.2
Denmark	28.7	32.3	30.2	8.6	10.3	11.4	20.1	22.0	18.8
Belgium	34.1	36.1	43.7	9.8	12.1	7.3	24.3	23.9	36.4
Norway	5.9	7.4	7.8	28.7	13.7	15.3	[1] (22.8)	(6.3)	(7.5)
Other NATO [2]	69.6	65.9	63.9	26.7	35.7	28.3	42.9	30.2	35.6
Other W. Europe [3]	87.6	103.9	113.2	61.9	64.7	64.3	25.7	39.2	48.9
Unallocated [4]	40.7	62.1	67.1	33.4	31.4	14.6	7.3	30.7	52.5
Total	1,693.0	1,953.4	2,161.8	596.2	938.6	459.9	1,096.8	1,014.8	1,701.9

[1] Purchases of military equipment exceeds U S expenditures in Norway
[2] The low-income countries: Greece, Turkey, and Portugal (Azores)
[3] France, Switzerland, Spain, Austria, Yugoslavia, and Sweden
[4] Includes U S share of NATO infrastructure expenditures, offset by NATO purchases

Source: Department of Commerce, Bureau of Economic Analysis This information made available to Commerce by DOD under instruction 7060.2 (figures were rounded)

Mr. HARRY F. BYRD, JR. Mr. President, I suggest the absence of a quorum, the time for the quorum call to be charged to the time of the Senator from Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Under the previous order, the Senator from West Virginia (Mr. ROBERT C. BYRD) is recognized for not to exceed 5 minutes.

Mr. ROBERT C. BYRD. I thank the Chair.

ORDER FOR ADJOURNMENT UNTIL TOMORROW, AND UNTIL MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 o'clock tomorrow morning.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until the hour of 11 o'clock a.m., on Monday next.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(Later in the day this order was modified to provide for the Senate to convene at 12 noon on Monday.)

TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the 2 leaders or their designees have been recognized under the standing order, there be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF THE HUD APPROPRIATIONS CONFERENCE REPORT TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, immediately after the period for the transaction of routine morning business, the Senate proceed to the consideration of the HUD appropriations conference report.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I yield back the remainder of my time.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 3 minutes.

Mr. BEALL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BARTLETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AGRICULTURE AND ENERGY

Mr. BARTLETT. Mr. President, today we in the United States are in the center of the world economy. It is a new ball game and we are going to have to learn how to play the game and play it well.

Until recent years in the energy industry and recent months in agriculture, we have had surplus and higher domestic prices than foreign prices, and because of these economic conditions, we have had acreage set-asides, price supports, tariffs, mandatory import quotas, and other programs.

But, today, in both agriculture and energy, we have shortages. In addition, though our prices have increased, our prices are definitely and considerably lower than foreign prices.

Our price structure is no longer a matter of merely domestic supply and demand, but is influenced by the greatly increased demand of several affluent nations. In addition, the devaluation of our currency has increased further the foreign demand for our agriculture products.

Our economic progress in increased number of jobs, a higher standard of living, improved and expanded health care, and a decrease in poverty is dependent to a great extent on an increasing supply of energy. This means we will need additional imports of crude oil and refined products as well as an expansion of our Nation's energy industry.

Our requirements of energy from foreign areas are staggering. John Winger, of Chase Manhattan Bank, estimates by 1976 we will import 50 percent of the oil we consume if we can obtain that much; and if we do, we will have a balance-of-payments deficit of $17.5 billion a year. This is an intolerable deficit.

The best and only opportunity we have for foreign exports as an offset to the monetary drain of energy imports is with large exports of agricultural products.

But we can not accomplish this with price controls on natural gas, crude oil, agricultural products, and fertilizers.

Price controls on natural Gas and crude oil increase the demand for these products as well as reduce the domestic supply. Hence, these controls lead to an increased deficit in the balance of payments and greater difficulty for agricultural products to offset the increased deficit.

The ceiling on fertilizer encourages exports and prevents our American farmers from buying sufficient quantities of fertilizer in order to maximize our food production. The ceiling on meat and restrictions on other food products is a deterrent to maximizing our output of agricultural products at a time we need additional food supplies to feed ourselves, and many other countries as well as balance our trade to strengthen our economy and our currency.

Another real worry is that foreign nations with a surplus of American dollars find it advantageous to invest in American business and industry. The recent investment by Iran in Ashland Oil Co. and investments of Japanese interests in orange groves in Florida and hotels in Hawaii are examples. We need to balance out our trade so foreign dollars are used in trade instead of buying our companies, and investments. Equal and fair trade, not selling out our business and industry, must be our goal.

Government shackles on the energy industry have proved to be a failure.

Now is the time to allow thousands and thousands of arms length transactions of food, fertilizer, and energy to take place in a competitive free marketplace to establish fair prices that will insure adequate production of American food and energy to safeguard our national security, to balance our trade, and strengthen our economy.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BENTSEN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. HARRY F. BYRD, JR.) laid before the Senate the following letters, which were referred as indicated:

REPORT ON INFORMATION AND TECHNICAL ASSISTANCE

A letter from the Acting Secretary of Agriculture, transmitting, pursuant to law, a report on information and technical assistance delivered by that Department, in fiscal year 1973 (with an accompanying report). Referred to the Committee on Agriculture and Forestry.

APPROVAL OF LOAN TO CENTRAL POWER ELECTRIC COOPERATIVE, MINOT, N. DAK.

A letter from the Administrator, Rural Electrification Administration, Department of Agriculture, reporting pursuant to law, on the approval of a loan to Central Power Electric Cooperative to Minot, N. Dak. (with an accompanying paper). Referred to the Committee on Appropriations.

REPORT ON CONSTRUCTION PROJECTS PROPOSED TO BE UNDERTAKEN FOR THE AIR RESERVE

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), reporting, pursuant to law, on construction projects proposed to be undertaken for the Air Force Reserve. Referred to the Committee on Armed Services.

PROPOSED DONATION OF CERTAIN SURPLUS PROPERTY

A letter from the Chief of Legislative Affairs, Department of the Navy, reporting, pursuant to law, on the proposed donation of certain surplus property to the Warren County Chapter, Inc., National Railway Historical Society of Warrenton, N.C. Referred to the Committee on Armed Services.

PROPOSED LEGISLATION FROM DEPARTMENT OF THE NAVY

A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, to realign naval districts, and for other purposes (with an accompanying paper.) Referred to the Committee on Armed Services.

REPORT ON EXPORT-IMPORT BANK OF THE UNITED STATES

A letter from the President, Export-Import Bank of the United States, transmitting, pursuant to law, a report of that Bank, for the fiscal year 1973 (with an accompanying report). Referred to the Committee on Banking, Housing and Urban Affairs.

REPORT OF COST ACCOUNTING STANDARDS BOARD

A letter from the Chairman, Cost Accounting Standards Board, transmitting, pursuant to law, a report of that Board, for the year ended June 30, 1973 (with an accompanying report). Referred to the Committee on Banking, Housing and Urban Affairs.

REPORT ON VOLUNTARY AGREEMENTS AND PROGRAMS UNDER DEFENSE PRODUCTION ACT OF 1950

A letter from the Attorney General, transmitting, pursuant to law, a report on voluntary agreements and programs under the Defense Production Act of 1950 (with an accompanying report). Referred to the Committee on Banking, Housing and Urban Affairs.

REPORT ON EXPORT ADMINISTRATION

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report on Export Administration, for the second quarter of 1973 (with an accompanying report). Referred to the Committee on Banking, Housing and Urban Affairs.

REPORT ON BUDGETARY AND FISCAL DATA PROCESSING SYSTEM AND BUDGET STANDARD CLASSIFICATIONS

A letter from the Secretary of the Treasury, and Director, Office of Management and Budget, transmitting, pursuant to law, a report on Budgetary and Fiscal Data Processing System and Budget Standard Classifications, dated September 1, 1973 (with an accompanying report). Referred to the Committee on Government Operations.

REPORT ON PROPERTY DONATED TO PUBLIC HEALTH AND EDUCATIONAL INSTITUTIONS

A letter from the Acting Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report on personal property donated to public health and educational institutions and civil defense organizations, for the period July 1, 1972, through June 30, 1973 (with an accompanying report). Referred to the Committee on Government Operations.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Examination of Financial Statements for the Year Ended December 31, 1972," Federal Home Loan Bank Board, Federal Home Loan Banks, Federal Savings and Loan Insurance Corporation, dated August 31, 1973 (with an accompanying report). Referred to the Committee on Government Operations.

REPORT ON LOWER ST. CROIX RIVER, MINN. AND WIS.

A letter from the Secretary of the Interior, transmitting, pursuant to law, a report on the Lower St. Croix River, Minnesota and Wisconsin (with an accompanying report). Referred to the Committee on Interior and Insular Affairs.

REPORT ON RESULTS OF REVIEW OF OUTSTANDING VOLUNTARY AGREEMENTS AND PROGRAMS

A letter from the Assistant Attorney General, Antitrust Division, transmitting, pursuant to law, a report on results of review of outstanding voluntary agreements and programs (with an accompanying report). Referred to the Committee on the Judiciary.

TEMPORARY ADMISSION OF CERTAIN ALIENS

A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law copies of orders relating to temporary admission of certain aliens (with accompanying papers). Referred to the Committee on the Judiciary.

REPORT ON CERTAIN DEFECTOR ALIENS

A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting pursuant to law, reports on certain defector aliens (with accompanying papers). Referred to the Committee on the Judiciary.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation of certain aliens (with accompanying papers). Referred to the Committee on the Judiciary.

PROPOSED LEGISLATION FROM SECRETARY OF COMMERCE

A letter from the Acting Secretary of Commerce, transmitting a draft of proposed legislation to amend section 151, title 35 of the United States Code, entitled "Parents", to authorize the Commissioner of Patents to fix the time for payment of an issue fee if the delay has been shown to be unavoidable (with accompanying papers). Referred to the Committee on the Judiciary.

REPORT ENTITLED "RECORDS, COMPUTERS, AND THE RIGHTS OF CITIZENS"

A letter from the Secretary of Health, Education, and Welfare, transmitting, for the information of the Senate, a report entitled "Records, Computers, and the Rights of Citizens" (with an accompanying report). Referred to the Committee on Labor and Public Welfare.

REPORT ON PERSONNEL OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

A letter from the Administrator, National Aeronautics and Space Administration, reporting pursuant to law, on personnel in that Administration, as of June 30, 1972. Referred to the Committee on Post Office and Civil Service.

PROSPECTUS ON CONSTRUCTION OF A FEDERAL OFFICE BUILDING AT FAIRBANKS, ALASKA

A letter from the Administrator, General Services Administration, transmitting, pursuant to law, a prospectus relating to the construction of a Federal office building and parking facility at Fairbanks, Alaska (with accompanying papers). Referred to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. HARRY F. BYRD, JR.):

A joint resolution of the legislature of the State of Alabama. Referred to the Committee on the Judiciary:

"H.J. RES. 12

"Resolution opposing amnesty for deserters from the Armed Forces of the United States

"Whereas, a few have proposed that the United States grant amnesty to those who deserted the Armed Forces of our Country or escaped their duty to the United States by violating the Selective Service Laws, while our Nation was engaged in armed conflict in Asia; and

"Whereas, since earliest time desertion of one's country in time of war has been one of the most detestable of all offenses; and

"Whereas, in this world our national security depends upon our citizens responding to the call to arms when the Nation is in a state of war; and

"Whereas, the Legislature of Alabama believes the granting of the proposed amnesty would be a disservice to our Country and an affront to the patriotic men and women who performed their duty in the Armed Forces, many of whom sacrificed their lives upon the altar of their Country; and

"Whereas, the Legislature of Alabama deplores the journeys some Americans have made in recent years to North Vietnam; and condemns the unspeakable activities in which they engaged when they were accepting the hospitality of the enemy of our Country; and

"Whereas, the legislature of Alabama believes that the security and welfare of America require that the Congress adopt laws which will prohibit traveling from America to any nation with which America is engaged in armed hostilities, subject to the exceptions prescribed in such laws which should be clearly defined and strictly enforced; and

"Whereas, the Legislature of Alabama believes that if laws in effect during the hostilities between the United States and North Vietnam did not make criminal the activities in which disloyal citizens engaged while in Vietnam, then the laws should be adopted making criminal such activities in the future.

"Now therefore, be it resolved as follows by the House of Representatives of the State of Alabama, the Senate concurring:

"I. That the Legislature of Alabama petition, and it does hereby petition, the President and Congress of the United States to oppose the granting of amnesty to those who deserted the Armed Forces of the United States or evaded their duty to the United States in violation of the Selective Service Laws;

"II. That the Legislature of Alabama petition, and it does hereby petition, the Congress of the United States to enact laws which will prohibit persons traveling from the United States to any nation with which the United States is in armed conflict, subject to exceptions which should be clearly defined in said laws and strictly enforced;

"III. That the Legislature of Alabama petition, and it does hereby petition the Congress of the United States that if the laws in effect did not make criminal the unspeakable activities of disloyalty to America in which American Citizens participate in North Vietnam when the United States was engaged in armed conflict with that nation, then to enact laws which will make criminal any such activities occurring in the future; and

"IV. That a copy of this resolution be sent to the President of the United States, to the Vice President of the United States, to each Member of Congress of the United States and to the Attorney General of the United States."

A resolution of the Senate of the State of California. Referred to the Committee on Banking, Housing and Urban Affairs:

"SENATE RESOLUTION NO. 60

"Resolution relative to state employees' wage increase

"Whereas, Section 18850 of the Government Code of the State of California requires that California state employees' salaries be established with consideration given to rates already paid employees in private industry and other governmental agencies; and

"Whereas, The State Personnel Board conducts comprehensive surveys to determine generally prevailing salary levels, and recommends to the Governor and the Legislature inclusion of funds in the state budget necessary to bring state salaries into conformity with prevailing rates of pay; and

"Whereas, Salaries for California state employees, therefore, lag behind salaries paid other workers due to the time delay inherent in California's salary setting process, so that necessary salary adjustments should not be considered inflationary; and

"Whereas, Due to fiscal difficulties, the employees of the State of California have not been granted warranted salary increases during the past several years, resulting in serious salary deficiencies at the present time, while the cost of living continues to increase at an alarming rate which further erodes state employee purchasing power; and

"Whereas, The ability of the State of California to serve its citizens efficiently and effectively is predicated upon maintaining an experienced, skilled, and motivated work force, and additional time delays in granting justified and budgeted salary adjustments can only serve to demoralize dedicated and patient state workers; and

"Whereas, It is necessary for the State of California to provide salary adjustments in excess of the federal guidelines of 5.5 percent in order to achieve salary parity; and

"Whereas, Contributing to the disparity presently experienced by California state workers is the fact that since federal employees are exempt from wage controls, federal salary levels exceed those for the State of California; now, therefore, be it

"*Resolved by the Senate of the State of California*, That the federal Cost of Living Council is respectfully requested to permit the State of California to grant salary increases to its employees consistent with the increase approved by the California State Legislature and approved by the Governor, retroactive to July 1, 1973, which would bring state salaries into conformity with those generally prevailing throughout the state; and be it further

"*Resolved*, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of the Treasury, to the Cost of Living Council, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

Resolutions of the Commonwealth of Massachusetts. Referred to the Committee on Labor and Public Welfare:

"RESOLUTIONS SUPPORTING THE RIGHTS OF SEASONAL AND MIGRANT FARM WORKERS IN CALIFORNIA TO UNIONIZE AND TO BE REPRESENTED BY THE UNION OF THEIR CHOICE

"Whereas, There are five million seasonal and migrant farm workers in the United States; and

"Whereas, Farm workers desire a union to protect their rights and to ensure equal protection under the law; therefore be it

"Resolved, That the Massachusetts House of Representatives supports the rights of the farm workers in California to unionize; and be it further

"Resolved, That the Massachusetts House of Representatives opposes any use of violence by any party in any union dispute; and be it further

"Resolved, That the Massachusetts House of Representatives supports the right of the farm workers in California to vote for the union of their choice in a free and fair election and opposes employers granting exclusive bargaining rights to any union which does not have majority support of the employees and calls for the conduct of a free and fair election in the near future to determine which union shall represent the employees; and be it further

"Resolved, That copies of these resolutions be sent by the Secretary of the Commonwealth to the President of the United States, the United States Attorney General, the United States Secretary of Agriculture, the United States Secretary of Labor, the General Counsel of the National Labor Relations Board and the Massachusetts Congressional delegation."

A joint resolution of the Legislature of the State of South Carolina. Referred to the Committee on the Judiciary:

"No. 364

"A Joint Resolution Ratifying A Proposed Amendment To The Constitution Of The United States Of America Providing That The Right Of Citizens Of The United States To Vote Shall Not Be Denied Or Abridged By The United States Or By Any State On Account of Sex

"Whereas, both Houses of the Sixty-Sixth Congress of the United States of America by a majority of two-thirds, as required by the Constitution of the United States, proposed the following amendment to the Constitution:

" 'A JOINT RESOLUTION

" 'Resolved by the Senate and House of Representatives of the United States of America in Congress Assembled (two-thirds of each House concurring therein), That the Following Article is Hereby Proposed an Amendment to the Constitution of the United States, which shall be Valid to All Intents and Purposes as Part of the Constitution when Ratified by the Legislatures of Three-fourths of the Several States.

" ' "ARTICLE

" ' "SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex. Congress shall have power to enforce this article by appropriate legislation." ' " Therefore,

"Be it enacted by the General Assembly of the State of South Carolina:

"SECTION 1. Amendment to United States Constitution ratified.—The proposed amendment by Congress to the Constitution of the United States of America which reads as follows: 'The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex. Congress shall have power to enforce this article by appropriate legislation.' is hereby ratified by the General Assembly of the State of South Carolina.

"SECTION 2. Certified copies to be forwarded.—Upon ratification of the proposed amendment by the General Assembly of the State of South Carolina, as required by Article 5 of the United States Constitution, certified copies of this Joint Resolution shall be forwarded by the Governor of South Carolina to the Secretary of State of the United States, to the President of the United States Senate and to the Speaker of the House of Representatives of the United States."

A resolution adopted by the Homebuilders Association of Douglas County, Douglasville, Ga., relating to the money market for home buyers. Referred to the Committee on Banking, Housing and Urban Affairs.

A resolution adopted by the Bristol Bay Native Corp., Dillingham, Alaska, in support of Senate bill 1988, the "Interim Fisheries Zone Extension and Management Act of 1973." Referred to the Committee on Commerce.

A resolution adopted by the council of the city of Middleburg Heights, Ohio, expressing opposition to the imposition of any further Federal taxes on gasoline or fuel oil. Referred to the Committee on Finance.

A resolution adopted by the Indiana Society of the Sons of the American Revolution, Evansville, Ind., expressing opposition of aid to the Communist government of North Vietnam. Referred to the Committee on Foreign Relations.

A resolution adopted by the American Legion, Tacloban City, Philippines, praying for due recognition of certain persons for their military services during World War II. Referred to the Committee on Foreign Relations.

The petition of Statewide Committees Opposing Regional Plan Areas, praying for a redress of grievances. Referred to the Committee on Government Operations.

A resolution adopted by the Rota Municipal Government, Mariana Islands, praying for the enactment of legislation relating to the loss of Micronesian life during World War II. Referred to the Committee on the Judiciary.

A resolution adopted by the County of Hampden, Mass., praying for a redress of grievances. Referred to the Committee on the Judiciary.

A resolution adopted by the Conference of State Sanitary Engineers, Berkeley, Calif., praying for a release of moneys provided in the Water Pollution Control Amendments of 1972. Referred to the Committee on Public Works.

Resolutions adopted by the Polish Legion of American Veterans, Chicago, Ill., relating to veterans. Referred to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SYMINGTON, from the Committee on Armed Services, with an amendment:

H.R. 9286. An act to authorize appropriations during the fiscal year 1974 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each reserve component of the Armed Forces, and the military training student loads, and for other purposes (Rept. No. 93-385), together with separate and individual views.

ORDER FOR PRINTING OF REPORT ON MANATEE COUNTY, FLA. (S. DOC. NO. 93-37)

Mr. RANDOLPH. Mr. President, I present a letter from the Secretary of the Army, transmitting a favorable report dated October 18, 1972, from the Chief of Engineers, Department of the Army, together with accompanying papers and an illustration, on Manatee County, Fla., requested by a resolution of the Committee on Public Works, U.S. Senate, adopted Jan. 31, 1967. I ask unanimous consent that the report be printed as a Senate document with illustrations, and referred to the Committee on Public Works.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. BENTSEN:

S. 2380. A bill to subject the Federal, State, and local governments to the provisions of the Age Discrimination in Employment Act of 1967. Referred to the Committee on Labor and Public Welfare.

By Mr. SPARKMAN:

S. 2381. A bill for the relief of Thomas Nagylaki. Referred to the Committee on the Judiciary.

By Mr. CRANSTON:

S. 2382. A bill for the relief of Caridad R. Baionan. Referred to the Committee on the Judiciary.

By Mr. GOLDWATER:

S. 2383. A bill for the relief of Beryl Doreen Payne. Referred to the Committee on the Judiciary.

By Mr. PELL:

S. 2384. A bill to provide uniform procedures for absentee voting in Federal elections for citizens outside the United States. Referred to the Committee on Rules and Administration.

By Mr. TALMADGE (for himself and Mr. NUNN):

S. 2385. A bill to designate the Chattooga River in the States of North Carolina, South Carolina, and Georgia, as a component of the national wild and scenic rivers system, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. CRANSTON (for himself and Mr. TUNNEY):

S. 2386. A bill to amend the Wild and Scenic Rivers Act of 1968 by designating a portion of the American River, Calif., for potential addition to the national wild and scenic rivers system. Referred to the Committee on Interior and Insular Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BENTSEN:

S. 2380. A bill to subject the Federal, State, and local governments to the provisions of the Age Discrimination in Employment Act of 1967. Referred to the Committee on Labor and Public Welfare.

Mr. BENTSEN. Mr. President, the Senate-passed version of the minimum wage legislation contained important provisions in section 12 amending the Age Discrimination in Employment Act of 1967. I introduced the bulk of this legislation as early as March 9, 1972, when I noted mounting evidence that Government employees were being discriminated against because of age.

My amendment, later redrafted as an amendment to the minimum wage bill, passed by a vote of 86 to 0 last year and passed, again without objection, this year. Unfortunately, it was dropped in the conference.

Mr. President, I reintroduce the legislation now in the form it passed the Senate in the hope that the Senate Labor and Public Welfare Committee will consider it as a separate measure.

Studies have confirmed what I asserted in my original statement. A May 1972 study by the Special Committee on Aging, entitled "Cancelled Careers", concluded—

> Unfortunately, there is very disturbing evidence to suggest that the Federal Government—which it seems clear, ought to be a model employer—may be a leading offender in applying pressure tactics to coerce older workers to retire at an early age.

The study noted further that Federal training programs are frequently "off limits" to persons 45 or older, that older Federal workers are frequently harassed and subject to pressures to retire, that a disproportionate number of the "involuntary" retirements in Government service involved middle-aged and older workers.

The question, frankly stated, is whether we want to treat Government employees at any level differently from private employees; whether we want to hold Government to the same standards we hold private enterprise.

I believe that we must.

This bill would bring protection from arbitrary age discrimination to millions of public employees. I urge its speedy enactment.

At this point, I ask unanimous consent to insert a full text of the bill in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2380

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) (1) The first sentence of section 11(b) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 630(b)) is amended by striking out "twenty five" and inserting in lieu thereof "twenty".

NONDISCRIMINATION ON ACCOUNT OF AGE IN GOVERNMENT EMPLOYMENT

SEC. (a) (2) The second sentence of section 11(b) is amended to read as follows: "The term also means (1) any agent of such a person, and (2) a State or political subdivision of a State and any agency or instrumentality of a State or a political subdivision of a state, and any interstate agency, but such term does not include the United States, or a corporation wholly owned by the Government of the United States.".

(3) Section 11(c) of such Act is amended by striking out ", or an agency of a State or political subdivision of a State, except that such term shall include the United States Employment Service and the system of State and local employment services receiving Federal assistance".

(4) Section 11(f) of such Act is amended to read as follows:

"(f) The term 'employee' means an individual employed by any employer except that the term 'employee' shall not include any person elected to public office in any State or political subdivision of any State by the qualified voters thereof, or any person chosen by such officer to be on such officer's personal staff, or an appointee on the policy making level or an immediate advisor with respect to the exercise of the constitutional or legal powers of the office. The exemption set forth in the preceding sentence shall not include employees subject to the civil service laws of a State government, governmental agency, or political subdivision.".

(5) Section 16 of such Act is amended by striking the figure "$3,000,000", and inserting in lieu thereof $5,000,000".

(b) (1) The Age Discrimination in Employment Act of 1967 is amended by redesignating sections 15 and 16, and all references thereto, as section 16 and section 17, respectively.

(2) The Age Discrimination in Employment Act of 1967 is further amended by add-

ing immediately after section 14 the following new section:

"NONDISCRIMINATORY ON ACCOUNT OF AGE IN FEDERAL GOVERNMENT EMPLOYMENT

"SEC. 15. (a) All personnel actions affecting employees or applicants for employment (except with regard to aliens employed outside the limits of the United States) in military departments as defined in section 102 of title 5, United States Code, in executive agencies as defined in section 105 of title 5, United States Code (including employees and applicants for employment who are paid from nonappropriated funds), in the United States Postal Service and the Postal Rate Commission, in those units in the government of the District of Columbia having positions in the competitive service, and in those units of the legislative and judicial branches of the Federal Government having positions in the competitive service, and in the Library of Congress shall be made free from any discrimination based on age.

"(b) Except as otherwise provided in this subsection, the Civil Service Commission is authorized to enforce the provisions of subsection (a) through appropriate remedies, including reinstatement or hiring of employees with or without backpay, as will effectuate the policies of this section. The Civil Service Commission shall issue such rules, regulations, orders, and instructions as it deems necessary and appropriate to carry out its responsibilities under this section. The Civil Service Commission shall—

"(1) be responsible for the review and evaluation of all agency programs designed to carry out the policy of this section, periodically obtaining and publishing (on at least a semiannual basis) progress reports from each such department, agency or unit;

"(2) consult with and solicit the recommendations of interested individuals, groups, and organizations relating to nondiscrimination in employment on account of age; and

"(3) provide for the acceptance and processing of complaints of discrimination in Federal employment on account of age.

The head of each such department, agency, or unit shall comply with such rules, regulations, orders, and instructions of the Civil Service Commission, which shall include a provision that an employee or applicant for employment shall be notified of any final action taken on any complaint of discrimination filed by him thereunder. Reasonable exemptions to the provisions of this section may be established by the Commission, but only when the Commission has established a maximum age requirement on the basis of a determination that age is a bona fide occupational qualification necessary to the performance of the duties of the position. With respect to employment in the Library of Congress, authorities granted in this subsection to the Civil Service Commission shall be exercised by the Librarian of Congress.

"(c) Any persons aggrieved may bring a civil action in any Federal district court of competent jurisdiction for such legal or equitable relief as will effectuate the purposes of this Act.

"(d) When the individual has not filed a complaint concerning age discrimination with the Commission, no civil action may be commenced by any individual under this section until the individual has given the Commission not less than thirty days' notice of an intent to file such action. Such notice shall be filed within one hundred and eighty days after the alleged unlawful practice occurred. Upon receiving a notice of intent to sue, the Commission shall promptly notify all persons named therein as prospective defendants in the action and take any appropriate action to assure the elimination of any unlawful practice.

"(e) Nothing contained in this section shall relieve any Government agency or official of the responsibility to assure nondiscrimination on account of age in employment as required under any provision of Federal law"

By Mr. PELL:

S. 2384. A bill to provide uniform procedures for absentee voting in Federal elections for citizens outside the United States. Referred to the Committee on Rules and Administration.

Mr. PELL. Mr. President, I introduce for appropriate reference a bill to provide for the establishment of uniform registration and voting procedures by citizens residing outside the United States.

State and local residence requirements and the lack of absentee registration and voting opportunities deny citizens the right to vote in Federal elections.

Civilian citizens residing abroad range in number from three-quarters of a million to 1¼ million and, for the most part, they are not allowed to vote anywhere in the United States unless they can prove residence or domicile in a given State and unless that State has provision in law for registration and balloting by mail.

My bill is predicated on the proposition that each citizen has a constitutional right to vote, at least in Federal elections, and the right to vote should not be conditioned upon residence or domicile in any State or upon the adequacy of election procedures in any State.

The distinguished senior Senator from Arizona, Senator GOLDWATER, and I cosponsored an amendment to the Voting Rights Acts Amendments of 1970 to allow citizens the right to vote for electors of President and Vice President in a State if they register within 30 days prior to the date of that election, or in the State from which they moved.

That amendment was adopted and grants the privilege of voting to absentee citizens, but on a limited basis. It applies only to Presidential elections and requires minimum residence requirements.

This bill which I introduce today goes beyond the provisions of the Voting Rights Act amendments and would restore the voting franchises to all citizens whether they have a residence or domicile in a State or not and would apply to all elections for Federal office.

The Subcommittee on Privileges and Elections, of which I am chairman, will conduct public hearings on this bill and other similar measures on September 26 and 27, 1973, and I sincerely hope that we will receive substantial testimony in support of the objectives we seek.

I ask unanimous consent that the text of my bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2384

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Uniform Absentee Voting Act".

FINDINGS AND DECLARATIONS OF PURPOSE

SEC. 2. (a) The Congress finds that for United States citizens outside the United States, State and local residency or domicile requirements which precondition the right to vote in Federal elections, and the lack of sufficient opportunities for absentee registration and balloting in such elections—

(1) deny or abridge the inherent constitutional right of citizens to vote in Federal elections;

(2) deny or abridge the inherent constitutional right of citizens to enjoy their free movement to and from the United States;

(3) deny or abridge the privileges and immunities guaranteed under the Constitution to citizens of the United States and to the citizens of each State;

(4) in some instances have the impermissible effect of denying citizens the right to vote in Federal elections because of the method in which they may vote;

(5) have the effect of denying to citizens the equality of civil rights, due process, and equal protection of the laws guaranteed under the fourteenth amendment to the Constitution; and

(6) do not bear a reasonable relationship to any compelling State interest in the conduct of Federal elections.

(b) The Congress declares that in order to secure, protect, and enforce the constitutional rights of citizens outside the United States, it is the purpose of this Act to abolish, for citizens outside the United States, domicile and residence requirements which precondition voting in Federal elections, and to establish uniform standards for absentee registration and balloting by such citizens in Federal elections.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(1) "citizens outside the United States" means citizens of the United States who are domiciled or otherwise residing outside the United States;

(2) "Federal election" means any general, special, or primary election held solely or in part for the purpose of selecting, nominating, or electing any candidate for the office of President, Vice President, Presidential elector, Member of the United States Senate, Member of the United States House of Representatives, Delegate from the District of Columbia, the Virgin Islands, or Guam, or Resident Commissioner of the Commonwealth of Puerto Rico; and

(3) "State" and "United States" include the several States, the District of Columbia, the Virgin Islands, Guam and the Commonwealth of Puerto Rico.

ABSENTEE VOTING IN FEDERAL ELECTIONS

SEC. 4. (a) No citizen outside the United States shall be denied the right to register and vote by absentee ballot in any State, or election district of a State, in any Federal election solely because at the time of such election he is not domiciled or otherwise residing in such State or district and does not have a place of abode or other address in such State or district if he—

(1) last voted or last registered to vote in such State or district, or, if he did not so register or vote, was last domiciled in such State or district prior to his departure from the United States;

(2) has complied with any applicable State or district requirement concerning voting by absentee ballot (other than any requirement which is inconsistent with this Act);

(3) is qualified to vote in such State or district but for his failure to maintain residence, domicile, or place of abode in such State or district; and

(4) has not registered to vote and is not voting in any other State or election district of a State.

ABSENTEE BALLOTS

SEC. 5. (a) (1) Each State shall provide by law for the registration or other means of qualification of all citizens outside the United States and entitled to vote in a Federal election in such State pursuant to section 4(a) who apply, not later than thirty days immediately prior to any such election, to vote in such election.

(2) Each State shall provide by law for the casting of absentee ballots for Federal elections by all citizens outside the United States who—

(A) are entitled to vote in such State pursuant to section 4(a);

(B) have registered or otherwise qualified to vote under paragraph (1) of this subsection;

(C) have submitted properly completed applications for such ballots not later than seven days immediately prior to such election; and

(D) have returned such ballots to the appropriate election official of such State not later than the time of closing of the polls in such State on the day of such election.

(3) In the case of any such properly completed application for an absentee ballot received by a State or election district, the appropriate election official of such State or district shall as promptly as possible in any event, no later than (A) seven days after receipt of such a properly completed application, or (B) five days after the date the absentee ballots for such election have become available to such official, whichever date is later, mail the following by airmail to such citizen:

(i) an absentee ballot;

(ii) instructions concerning voting procedures; and

(iii) an airmail envelope for the mailing of such ballot free of United States postage to the sender.

(b) (1) In the case of a citizen outside the United States, a State or election district may accept as an application for an absentee ballot to vote in a Federal election (and as an application for registration to vote in such election, if registration is required by such State or district) an executed postcard application for absentee ballot for Federal elections, in the form prescribed by paragraph (2) of this subsection.

(2) The postcard referred to in paragraph (1) of this subsection shall be as follows:

(A) The postcard shall be nine and one-half inches by four and one-eighth inches in size.

(B) Upon one side, perpendicular to the long dimension of the post card there shall be printed in black type the following:

FILL OUT BOTH SIDES OF CARD

POSTCARD APPLICATION FOR ABSENTEE BALLOT FOR FEDERAL ELECTIONS

State of Commonwealth of ----------------

(Fill in name of State or Commonwealth)

(1) I hereby request an absentee ballot to vote in the coming election:

(PRESIDENTIAL) (CONGRESSIONAL)
(GENERAL) (PRIMARY)* (SPECIAL)
ELECTION.

(Strike out inapplicable words)

(2) *If a ballot is requested for a primary election, print your political party affiliation or preference in this box:

(If primary election is secret in your State, do not answer)

(3) I am a citizen of the United States, and am qualified to register and vote in the above State in Presidential and Congressional elections, even though I am presently residing outside the above State and the United States

and such State may not be my current domicile, and—

a. I last voted or was registered to vote in the above State

b. The above State was my last ---------- domicile even though such State may not be my current domicile

(4) I was born on----------------------
(Day) (Month) (Year)

(5) Until --------------------, my home
(Month) (Year)
(not military) residence in the above State was --------------------------------------
(Street and number or rural route, etc.)

in the county or parish of ----------------
The voting precinct or election district for this residence is ------------------------
----
(Enter if known)

(6) Remarks: --------------------------
----

(7) Mail my ballot to the following address: ------------------------------------
----
----

(8) I am NOT requesting a ballot from any other State, Territory or Possession of the United States, and am not voting in any other manner in this election, except by absentee process, and have not voted and do not intend to vote in this election at any other address.

(9) ------------------------------------
(Signature of person requesting ballot)

(10) ----------------------------------
(Full name, typed or printed)

(11) Subscribed and sworn to before me on ------------------------------------
(Day, month, and year)

------------------	--------------------
(Signature of official administering oath)	(Typed or printed name of official administering oath)

(10a) is not printed; --
(Title or rank, service number (if any), and organization of administering official)

INSTRUCTIONS

A. Type or print all entries except signatures. FILL OUT BOTH SIDES OF CARD.

B. Address card to proper State official.

C. Mail card as soon as your State will accept your application.

D. NO postage is required for the card if deposited with a U.S. Embassy, consulate, legation or other office of a U.S. Government agency, either within or outside the United States.

E. This card is an application to vote only in FEDERAL ELECTIONS. If you wish to request a ballot for State and local elections, as well as Federal elections, and are qualified to do so in your State, you can use the Standard Federal Post Card Application or other form accepted by your State for this purpose.

(C) Upon the other side of the card there shall be printed in red and blue type the following:

FILL OUT BOTH SIDES OF THE CARD

----------------------------	FREE OF U.S. Postage Including Air Mail
----------------------------	

----------------------------	Official Mailing Address

OFFICIAL ELECTION BALLOTING MATERIAL—VIA AIR MAIL

To: ------------------------------------
(Title of Election Official)

(County or Township)

(City or Town, State)

(c) Such postcards and the absentee ballots, envelopes, and voting instructions provided pursuant to this Act and transmitted to or from citizens outside the United States, whether individually or in bulk, shall be free of postage to the sender, including airmail postage, in the United States mail.

(d) The Administrator of General Services shall cause such postcards to be printed and distributed to carry out the purposes of this Act, and he may enter into agreements with the United States Postal Service, heads of appropriate departments and agencies of the Federal Government, and with State and local officials for the distribution of such cards.

(e) Ballots executed by citizens outside the United States shall be returned by priority airmail wherever practicable, and such mail may be segregated from other forms of mail and placed in special bags marked with special tags printed and distributed by the Postal Service for this purpose.

ENFORCEMENT

SEC. 6. (a) Whenever the Attorney General has reason to believe that a State or election district undertakes to deny the right to register or vote in any election in violation of section 4 or fails to take any action required by section 5, he may institute for the United States, or in the name of the United States, an action in a district court of the United States, in accordance with sections 1391 through 1393 of title 28, United States Code, for a restraining order, a preliminary or permanent injunction, or such other order as he deems appropriate.

(b) Whoever shall deprive or attempt to deprive any person of any right secured by this Act shall be fined not more than $5,000, or imprisoned not more than five years, or both.

(c) Whoever knowingly or willfully gives false information as to his name, address, or period of residence for the purpose of establishing his eligibility to register, qualify, or vote under this Act, or conspires with another person for the purpose of encouraging the giving of false information in order to establish the eligibility of any person to register, qualify, or vote under this Act, or pays or offers to pay or accepts payment either for registration to vote or for voting shall be fined not more than $10,000, or imprisoned not more than five years, or both.

SEVERABILITY

SEC. 7. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the Act, and the application of such provisions to other persons or circumstances, shall not be affected.

EFFECT ON STATE LAWS

SEC. 8. (a) Nothing in this Act shall—

(1) be deemed to require registration in any State or election district in which registration is not required as a precondition to voting in any Federal election; or

(2) prevent any State or election district from adopting or following any voting practice which is less restrictive than the practices prescribed by this Act.

(b) The exercise of any right to register or vote by any citizen outside the United States shall not affect the determination of his place of residence or domicile (as distinguished from his place of voting) for purposes of any tax imposed under Federal, State, or local law.

EFFECTIVE DATE

SEC. 9. The provisions of this Act shall take effect with respect to any Federal election held on or after January 1, 1974.

By Mr. TALMADGE (for himself and Mr. NUNN):

S. 2385. A bill to designate the Chattooga River in the States of North Carolina, South Carolina, and Georgia as a component of the National Wild and Scenic Rivers System, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. TALMADGE. Mr. President, it is with great pleasure today that I introduce a measure that will designate the Chattooga River as a part of the Wild and Scenic Rivers System. The Chattooga River is without question one of the most dramatically beautiful rivers in the entire country. Because of a great deal of publicity in the past 2 years, people from all over Georgia, the South, and the Nation have become interested in its future. I believe that most Georgians want to see this valuable natural resource preserved rather than subjected to unplanned development. This is not to say that it will be set apart and kept away from the people. There will be ample public recreational access. But among our national shortages is a shortage of primitive natural beauty. We have so developed our woods and mountains that these relatively untouched places are in truly short supply.

Senator AIKEN and I have previously introduced a measure that allows for the creation of a new designation of wild areas to be preserved in the East. The measure that I introduce today is another step in the proper use of our valuable natural resources.

By Mr. CRANSTON (for himself and Mr. TUNNEY):

S. 2386. A bill to amend the Wild and Scenic Rivers Act of 1968 by designating a portion of the American River, California, for potential addition to the National Wild and Scenic Rivers System. Referred to the Committee on Interior and Insular Affairs.

Mr. CRANSTON. Mr. President, I introduce for appropriate reference a bill to add the North Fork of the American River to the study category of rivers being considered for inclusion in the National Wild and Scenic Rivers System. This bill is identical to H.R. 4326 already introduced in the House by Congressman HAROLD T. JOHNSON of California.

The North Fork of the American River is one of the last free-flowing wild rivers remaining in the Sierra Nevada. Originating in the eastern portion of Placer County at an elevation of 7,000 feet, the river flows undisturbed for 46 miles, cutting through igneous rock and forming gorges and deep canyons. These river canyons offer magnificent vistas, like those from Big Valley Bluff and Lover's Leap rising 2,000 feet above the river. The North Fork is generally inaccessible except by trail and its water is clear and unpolluted. Nor, surprisingly, the river is an outstanding wilderness trout fishery. The area abounds with small and large game. It also is of historic value as it relates to the California gold rush days.

The State of California has demonstrated its support for the area by adding the North Fork of the American River to the California State Wild Rivers System through passage of State legislation last year, 1972. However, the State statute applies only to State and private lands, while in the case of the North Fork canyon more than 50 percent of the property is federally owned. The overwhelming percentage of the private land in the canyon is owned by the Southern Pacific Railroad.

Since the State of California lacks the authority over the Federal lands in the area, Federal legislation is necessary to insure the protection of the river. The bill I am introducing today would authorize the Secretary of the Interior to conduct a feasibility study of the North Fork between the Cedars and the Auburn Reservoir for possible Federal wild and scenic river designation. The bill requires the completion of the study within 2 years.

I am hopeful that early congressional action on this bill will allow full preservation of the North Fork of the American River as envisioned by the State of California.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2386

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 5 of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding at the end thereof the following:

"(28) American River, California: The North Fork from the Cedars to Auburn Reservoir."

SEC. 2. The study authorized by this Act shall be conducted by the Secretary of the Interior in accordance with the provisions of the Wild and Scenic Rivers Act: *Provided*, That such study shall be completed and submitted to the President and the Congress no later than two years from the date of enactment of this Act.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 159

At the request of Mr. DOLE, the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 159, to provide for reimbursement of extraordinary transportation expenses incurred by certain disabled individuals in the production of their income.

S. 328

At the request of Mr. HARRY F. BYRD, JR., the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 328, to amend section 2307 of title 10, United States Code, to limit to $20 million the total amount that may be paid in advance on any contract entered into by the Departments of the Army, Navy, and Air Force, the Coast Guard, and the National Aeronautics and Space Administration.

S. 367

At the request of Mr. GOLDWATER, the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 367, to provide for the reimbursement to taxpayers of all costs, including legal and accounting fees, incurred by them in contesting unwarranted second audits of their income tax liability.

S. 1841

At the request of Mr. PASTORE, the Senator from Kansas (Mr. DOLE) was added as a cosponsor of S. 1841, to amend the Communications Act of 1934 for 1 year with respect to certain agreements relating to the broadcasting of home games of certain professional athletic teams.

S. 1914

At the request of Mr. PERCY, the Senator from Maryland (Mr. BEALL) was added as a cosponsor of S. 1914, to provide for the establishment of the Board for International Broadcasting, to authorize the continuation of assistance to Radio Free Europe and Radio Liberty, and for other purposes.

S. 2304

At the request of Mr. DOLE, the Senator from California (Mr. TUNNEY), the Senator from Texas (Mr. TOWER), and the Senator from Florida (Mr. GURNEY) were added as cosponsors of S. 2304, to provide for mobile home State offices for Senators.

SENATE JOINT RESOLUTION 13

At the request of Mr. HARRY F. BYRD, JR., the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of Senate Joint Resolution 13, proposing an amendment to the Constitution of the United States with respect to reconfirmation of judges after a term of 8 years.

SENATE JOINT RESOLUTION 84

Mr. SCHWEIKER. Mr. President, yesterday, I mistakenly added the Senator from West Virginia (Mr. ROBERT C. BYRD) as a cosponsor of Senate Joint Resolution 84, the school prayer amendment. I should have added the Senator from Virginia (Mr. HARRY F. BYRD, JR.). I regret any confusion this may have caused.

SENATE RESOLUTION 166—SUBMISSION OF A RESOLUTION RELATING TO THE SELECT COMMITTEE ON CAMPAIGN ACTIVITIES

(Referred to the Committee on Rules and Administration.)

REVISED RESOLUTION ON THE WATERGATE COMMITTEE

Mr. DOLE. Mr. President, yesterday I introduced Senate Resolution 164 which was designed to help place the issues facing America in perspective insofar as the activities and efforts of Congress are concerned. The resolution was designed to put an end to the wave of excessive publicity directed at the hearings of the Senate's select committee on the Watergate matter.

Upon introduction, I made a detailed statement which does not require repetition today; however, one point of clarification is necesary.

I stated that the resolution was not intended to interfere with the unquestioned rights of the news media to cover the activities of the committee or the general issues involved in Watergate. And this remains my position. Neither was it intended to limit the public's opportunities to witness the hearings and observe them firsthand. However, due to some ambiguity in the language of the resolution, a possible misunderstanding of the intention behind it may have arisen. Therefore, I am today introducing a revised version of the resolution in order that there may be no misconstruction or incorrect interpretation of its thrust or the purpose in offering it.

The new resolution specifically indicates that the only intended limits are to be on live radio and television broadcasting of the hearings. Full access for all media representatives is to be maintained. The public can attend and observe the proceedings. The resolution is only designed to put the select committee's hearings on the same level as those of any other standing, select or special committee of the Senate: open to the news media and public but shielded from the glare of live broadcasting which has placed such a distorted emphasis on them—to the exclusion of nearly every other issue confronting Congress.

As I indicated yesterday, major challenges are facing the United States today. Congress cannot afford—and the public will not tolerate—an unending and all-consuming preoccupation with Watergate.

It is time to turn toward such matters as inflation, interest rates, food prices, boxcars, and LP gas supplies. We must consider today's problems and those of tomorrow. We cannot remain shackled to the past.

I ask unanimous consent that my resolution be printed in the RECORD at this point.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S. RES. 166

Whereas, the United States is engaged in a crucial period of dealing with domestic and international challenges;

Whereas, the impact of inflation is a serious concern to older citizens, working men and women, the business community, and governments at federal, state and local levels;

Whereas, energy, its sources, ultimation, conservation and study, embody areas of profound importance to the future of this nation and the other countries of the world;

Whereas, assuring the availability of plentiful and wholesome foods and other agricultural products at reasonable prices for use in this country and in sales abroad is a primary responsibility of government;

Whereas, the strength of the American economy in the international arena requires a sound, effective and progressive foreign trade policy;

Whereas, other matters involving the national defense, the size and scope of the Federal budget, preservation of the environment and a broad range of social, economic, and human concerns require the serious and studied attention of the Federal Government; and

Whereas, the Senate is mindful of these matters as well as its legitimate interest in pursuing a full and unfettered inquiry into any illegal, improper or unethical activities engaged in by any persons, acting individually or in combination with any others in the Presidential Election of 1972, or in any campaign, canvass, or other activity related to it: Therefore, be it

Resolved, That notwithstanding the provisions of Senate Resolution 60, 93rd Congress, agreed to February 7, 1973, or any rule of the Senate, the Select Committee on Presidential Campaign Activities, established pursuant to such resolution, shall not permit the live broadcasting, by television or radio, of any hearing or meeting conducted by such committee, or any subcommittee thereof, on or after the date on which this resolution is agreed to by the Senate.

AMENDMENT OF URBAN MASS TRANSPORTATION ACT OF 1964—AMENDMENT

AMENDMENT NO. 466

(Ordered to be printed, and to lie on the table.)

Mr. TAFT. Mr. President, today I am submitting an amendment to S. 386, the Emergency Commuter Relief Act of 1973. My amendment would require the Secretary of Transportation to suspend Federal operating assistance to any recipient who is not making improvements in its mass transit system at a reasonable rate.

As I stated in my supplemental views, I have consistently supported legislation to provide operating subsidies for mass transit systems. In view of the environmental problems and congestion caused by automobiles, as well as the necessity to provide an alternative means of transportation for our poor, young, and elderly citizens, I believe that improving our mass transit systems must constitute a very high priority at the present time.

Testimony before the Housing and Urban Affairs Subcommittee has convinced me that the additional capital grant assistance provided in the new highway bill will not do this job sufficiently, and that additional emergency funding for mass transit systems is necessary.

Nevertheless, we will simply be throwing money down a rathole if the subsidies provided are used to allow existing systems to continue operating exactly as they have in the past. In that respect, I consider the language in the bill requiring applicants to submit a comprehensive mass transportation service improvement plan to be extremely important.

This plan must set forth a program for capital or service improvements to be undertaken for the purpose of providing more efficient, economical, and convenient mass transportation service in the applicant's urban area, and for placing the system on a sound financial basis.

I am concerned, however, that there is nothing in the bill which requires any followup once the plan is submitted. If provision is not made for the Secretary of Transportation to review the progress of the subsidy recipients in this respect and take action to insure that all recipients are attempting to implement their plans, it is all too possible that the major effect of the comprehensive plan requirement would be to occupy a few lines in the United States Code.

Accordingly, my amendment would require recipients of assistance to submit annual reports describing the implementation of their mass transportation service improvement plans. The Secretary would be required to suspend further assistance if the recipient is not making reasonable progress in the implementation of its plan. Assistance could be resumed when he determines that reasonable progress is being made. Recipients would be given an opportunity for a hearing on the record prior to any suspension of assistance.

I ask unanimous consent that the text of the amendment be printed in the RECORD at this point.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 466

On page 4, after line 22, insert the following:

"The Secretary shall require, as a condition of assistance under this subsection, each State or local public body to submit an annual report describing the implementation of its mass transportation service improvement plan. If the Secretary finds, after receiving any such report and after opportunity for a hearing on the record, that a State or local public body receiving assistance under this subsection has not made reasonable progress in the implementation of its plan, he shall suspend further assistance under this subsection until such time as he determines that reasonable progress is being made."

PROTECTION OF CONSUMERS FROM ADULTERATED FOOD — AMENDMENTS — NOTICE OF HEARINGS

AMENDMENT NO. 467

(Ordered to be printed, and referred to the Committee on Labor and Public Welfare.)

Mr. KENNEDY. Mr. President, as chairman of the Subcommittee on Health, I would like to announce that hearings will be held on S. 2373 on September 13. S. 2373, a bill to require the establishment of surveillance regulations for the detection and prevention of adulterated food, was introduced by the distinguished chairman of the Commerce Committee, Mr. MAGNUSON.

I am today submitting an amendment to that bill—an amendment to require the registration of all food plants. In part, this amendment is based upon legislation which was introduced in 1972 in the House by the distinguished chairman of the House Health Subcommittee, PAUL ROGERS. Those testifying at the September 13 hearings will be asked to comment also on this amendment.

The registration amendment is designed to plug a significant loophole in the present law and to provide the Food and Drug Administration with authority necessary to carry out its mandate to detect adulterated food and prevent it from reaching the Nation's marketplaces. FDA is empowered to inspect all food establishments and to sample and test their products. Such inspections and surveillance procedures have long been considered vital to FDA's task of preventing the flow of adulterated food. However, at the present time, FDA is unable to locate many food establishments. Despite the importance of factory inspections, FDA lacks the authority to require the registration of food manufacturers.

The severity of this lack of legal authority was emphasized in a report of April 18, 1972, by the General Accounting Office on insanitary conditions in the food manufacturing industry. The report noted that FDA orders inspections based upon its inventory of food plants, but that inventory is largely inaccurate. FDA officials admit that without authoriy to require registration, they lack the means of identifying all food plants.

FDA sets its inspectional priorities on the basis of the relative potential for danger to health. Potential danger to health may be evaluated on the basis of the products produced, the processing procedures or the dollar volume of sales of a particular plant. However, FDA is at the manufacturer's mercy in attempting to obtain this information. It is clear that without the authority to obtain a complete inventory, FDA cannot effectively set inspection priorities, nor can it trace all of the sources once a problem has been identified with a particular food or processing procedure.

FDA estimates that there are 60,000 food plants in this country. The industry is growing rapidly. The GAO report indicates that sanitation conditions in food plants are deteriorating. And we are all too familiar with problems of microbiological contamination of foods.

We have enacted legislation requiring the registration of drug plants because it was recognized that without such authority FDA was hampered in its enforcement of the law. It is equally clear that FDA needs the authority which my amendment will provide to aid its effort to keep the markets of this Nation free of adulterated foods.

I ask unanimous consent that the text of the amendment be printed in full in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT No. 467

On page 1, line 3, strike the words "Federal Food Inspection" and insert in lieu thereof the words "Federal Food Registration and Inspection".

On page 1, insert between lines 4 and 5, the following:

SEC. 2. The Congress finds and declares that in order to make regulation of interstate commerce in food effective, it is necessary to provide for registration and inspection of all establishments in which foods are manufactured, processed, packed, labeled or stored; that the products of all such establishments are likely to enter the channels of interstate commerce and directly affect such commerce; and that the regulation of interstate commerce in food, without provision for registration and inspection of establishments that may be engaged only in intrastate commerce in such food, would discriminate against and depress interstate commerce in such food and adversely burden, obstruct, and affect such interstate commerce.

On page 1, line 5, strike "2" and insert in lieu thereof "3".

On page 4, add after line 18, the following:

SEC. 4. Chapter IV of the Federal Food, Drug, and Cosmetic Act, as amended by this Act, is further amended by adding after section 410 the following new section:

"REGISTRATION OF FOOD ESTABLISHMENTS

"Definition

"SEC. 411. (a) As used in this section, the term 'name' includes in the case of a partnership the name of each partner and in the case of a corporation the name of each principal corporate officer and the State of incorporation.

"Biennial Registration

"(b) On or before December 31 of each year, every person who owns or operates an establishment in any State engaged in the manufacture, processing, packing, labeling or storage of food shall register with the Secretary his name, principal place of business, the location of each such establishment, and for each such establishment, a complete list of all foods or classes of foods manufactured, processed, packed, labeled or stored at that establishment. Such list shall define the types of processing for each food or class of food. To achieve uniformity in the registration of classes of foods and types of processing, the Secretary shall promulgate regulations defining food classes and types of processing for purposes of the registration required by this section.

"New Producers

"(c) Any person upon first engaging in the manufacture, processing, packing, labeling or storage of food in any establishment which he owns or operates in any State shall immediately register with the Secretary the information required by subsection (b).

"Additional Establishments

"(d) Every person registered in accordance with subsection (b) or (c) of this section shall immediately register with the Secretary, any additional establishment which he owns or operates in any State and in which he begins the manufacture, processing, packing, labeling or storage of food. Such registration shall include the information required by subsection (b).

"Registration Number; Fees

"(e) The Secretary may assign a registration number (or numbers) to any person registered in accordance with this section.

"Availability of Registrations for Inspection

"(f) The Secretary shall make available for inspection to any person so requesting, any registration filed pursuant to this section.

"Exclusions from Application of Section

"(g) This section shall not apply to such classes of persons as the Secretary may by regulation exempt from the application of this section upon a finding that registration by such classes of persons in accordance with this section is not necessary for the protection of the public health.

"Inspection of Premises

"(h) Every establishment in any State registered with the Secretary pursuant to this section shall be subject to inspection pursuant to section 704.

"Foreign Establishments

"(i) Any establishment within any foreign country engaged in the manufacture, processing, packing, labeling or storage of any food shall be permitted to register under this section pursuant to regulations promulgated by the Secretary." Such regulations shall require each establishment to provide the information required by subsection (b).

SEC. 5. Section 301 of the Federal Food, Drug, and Cosmetic Act is amended by adding after paragraph (p) the following:

"(q) The failure to register as required by section 411.".

SEC. 6. Section 403 of the Federal Food, Drug, and Cosmetic Act is amended by adding after paragraph (n) the following:

"(o) If it is offered for sale or transferred from an establishment which is required by section 411(s) to register, but which has not so registered under section 411.".

SEC. 7. Section 801(a) of the Federal Food, Drug, and Cosmetic Act is amended by striking the words "subsection (b) of section 510 and shall request that if any" and inserting in lieu thereof "sections 411 (i) and 510 (i) and shall request that if any food or".

SEC. 8. The amendments made by sections 4, 5 and 6 of this Act shall take effect on the first day of the seventh calendar month which begins after the month in which this Act is enacted, except that the Secretary of Health, Education, and Welfare shall, within ninety days of the date of the enactment of this Act, proposed the regulations required by section 411 of the Federal Food, Drug, and Cosmetic Act.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 448 TO S. 1866

At the request of Mr. GURNEY, the Senator from Rhode Island (Mr. PASTORE), and the Senator from Michigan (Mr. HART) were added as cosponsors of amendment No. 448 to the bill (S. 1866) to provide increases in certain annuities payable under chapter 83 of title 5, United States Code, and for other purposes.

NOTICE OF HEARING ON "HEARING AIDS AND THE OLDER AMERICAN"

Mr. CHURCH. Mr. President, the Subcommittee on Consumer Interests of the Elderly, Senate Committee on Aging, will conduct hearings on September 10 and 11 on "Hearing Aids and the Older American" in room 1318, Dirksen Office Building.

NOTICE OF HEARING ON S. 1005 AND S. 1063

Mr. ALLEN. Mr. President, the Subcommittee on Agricultural Research and General Legislation of the Committee on Agriculture and Forestry will hold a hearing Thursday, September 13, on S. 1005 and S. 1063, bills relating to the school lunch program. The hearing will begin at 9 a.m. in room 324, Russell Office Building. Oral presentations will be limited to 10 minutes with the privilege of filing longer statements. Anyone wishing to testify should contact the committee clerk as soon as possible.

NOTICE OF HEARINGS ON BILLS TO REDUCE SMALL BUSINESS PAPERWORK AND RESOLUTION ON FEDERAL USE OF ECONOMY CARS

Mr. NUNN. Mr. President, at the request of the chairman of the Committee on Government Operations, I would like to announce that the committee will hold 3 days of hearings on S. 200 and S. 1812, bills designed to reduce the paperwork burden of small business, and a resolution, Senate Joint Resolution 115, to limit the use of limousines in the executive branch and require Federal agencies to use economy cars.

The hearings will be held on September 11, 12, and 13, 1973, in room 3302, Dirksen Office Building, and will commence at 10 a.m.

The committee will welcome statements for inclusion in the record of hearings.

NOTICE OF HEARING ON S. 1388

Mr. ALLEN. Mr. President, the Subcommittee on Agricultural Research and General Legislation of the Committee on Agriculture and Forestry will hold a hearing Thursday, September 27, on S. 1388, a bill to establish a cooperative program of animal health research. The hearing will begin at 9 a.m. in room 324, Russell Office Building. Oral presentations will be limited to 10 minutes with the privilege of filing longer statements. Anyone wishing to testify should contact the committee clerk as soon as possible.

NOTICE OF INVESTIGATIVE HEARINGS—JUVENILES AND JAILS

Mr. BAYH. Mr. President, I wish to announce that the Subcommittee on Juvenile Delinquency of the Committee on the Judiciary is beginning its hearings to investigate the extent, necessity and conditions of the detention, in jail and detention facilities, of juveniles.

The hearings have been scheduled for

September 10 and 11, 1973, at 10 a.m., in room 2228 Dirksen Senate Office Building. The following witnesses have been scheduled to testify on September 10: Prof. Rosemary Sarri, project co-director, National Assessment of Juvenile Corrections, Ann Arbor, Mich., accompanied by formerly jailed youths; Superintendent Louis S. Aytch, Philadelphia County Prisons, Philadelphia, Pa., accompanied by a former prison inmate; and the Honorable Lois G. Forer, Municipal Court, Philadelphia, Pa. Witnesses scheduled to testify on September 11 are: Prof. Philip G. Zimbardo, department of psychology, Stanford University, Stanford, Calif., accompanied by Mr. Carlo Prescott, project consultant and former prison inmate; Prof. Peter Smith, school of law, University of Maryland, Baltimore, Md., accompanied by Mr. Ken Witherspoon, a psychology student and participant in Professor Smith's study of the Baltimore Lock-Up; Sid Ross, editorial consultant to Parade magazine, New York, N.Y.; and Sheriff Kenneth Preadmore, Mason, Mich., representing the National Sheriffs' Association.

ADDITIONAL STATEMENTS

OUR SYSTEM OF JUSTICE

Mr. SAXBE. Mr. President, I was deeply impressed with a recent article syndicated by its author, David Broder, to newspapers across the country, including the Cleveland Plain Dealer, regarding the danger to our system of justice, from the use of anonymous "leaked" information. Our system of justice theoretically holds that any man is innocent until proven guilty in a court of law. Yet, the reputation of a person, of high station or low, can be severely damaged by published information that is improperly "leaked" from official or appointed investigative bodies. We have recently witnessed a number of such "leaks" that have deplorably tarnished the image of many people—before they have even been charged with any wrongdoing by any official of the law, or by secret grand jury.

I deeply respect and support a free press, but I think Mr. Broder in his article, makes some valid observations and has done a great service toward protecting our system of justice and the rights of individuals, upon which this great Nation was founded.

I ask unanimous consent to have Mr. Broder's article printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

USE OF LEAKS PERILS JOURNALISM'S STANDARDS

(By David S. Broder)

Washington.—A couple of weeks ago, in commenting on the President's last formal speech on Watergate, the Washington Post editorially criticized "the curiously detached status—almost that of bemused spectator—which Mr. Nixon assumed for himself." It was "this studied sense of remoteness," the editorial said, that stripped all conviction from his statements deploring the transgressions committed by those in his employ.

That editorial came to mind last week when looking at the way leading newspapers handled Vice President Agnew's complaint that there was an effort "to indict me in the press" through calculated Justice Department leaks of kickback allegations, now being investigated by a federal prosecutor and grand jury in Baltimore.

Talk about curious detachment and a studied sense of remoteness: My favorite editorialists acted as if they had no kinship to the newspapers where these leaks had appeared.

My own beloved Post, which on Aug. 15 reported that "informed sources" said several Maryland contractors had told the prosecutors of personal cash payments to Agnew, editorialized rather grandly that ". . . the vice president is well within his rights to be powerfully annoyed. . . ."

Our friends across town at the Washington Star-News, which on Aug. 13 cited "reliable sources" as the basis for a similar story, now said editorially: "The vice president is entirely correct in insisting that the Justice Department . . . find and stop the many sources of leaked information . . ."

And the mighty New York Times, which on Aug. 16 named "sources close to the investigation" as buttressing its version of the payoff allegations, editorialized: "Vice President Agnew has every right to complain that his constitutional rights are being violated by leaks attributed to 'Justice Department sources' . . ."

There hasn't been such a suspiciously conspicuous display of civic virtue since a San Francisco madam led her string of girls to the Red Cross blood bank during World War II.

All three papers washed their hands of responsibility for publishing the "leaks" by quoting Mr. Agnew's own statement that "the blame must rest with those who give this information to the press."

But that rationalization works only if those of us in journalism are going to set a lower standard for ourselves than the law applies to pawn shop owners when it orders them not to "fence" stolen goods.

There are many reasons why the press ought to be wary of "fencing" leaked information from criminal investigations. For one thing, the great lesson we were supposed to have learned from the McCarthy area was that responsible journalism requires that accusations against individuals not be delivered naked to the reader but be presented with due regard to the motives and credibility of the accuser.

The "sources close to the investigation" evasion makes this impossible. If the sources are, as Agnew suspects, on the government side, one has to wonder why a prosecutor with a genuinely strong case would risk it by premature publicity that could easily get him thrown out of court.

If, on the other hand, as the No. 2 man in the Justice Department says, the sources are "close to the investigation" because they are the very contractors who are under investigation, or their lawyers, then the reader should be told the mudballs hitting Agnew are coming from that direction.

Those who "fence" leaked information forget that we as journalists have just as much stake in the probity of the criminal justice system as any other citizens. A while back, several hundred American newspapers published Jack Anderson's columns containing verbatim excerpts of Watergate grand jury testimony. The rationalization one heard from editors was that "somebody's going to publish it, whether I do or not."

Not a single editor I know argued that the grand jury system could survive repeated disclosure of confidential testimony. Not a single editor contended that the rights of accused persons can be protected if accusations made in that nonadversary forum are publicized. Nonetheless, the leaked testimony was published—and to hell with the consequences.

Now Time magazine, with its vast circulation, has told its readers that unnamed "Justice Department officials" believe Agnew's indictment is "inevitable," despite the fact that the prosecutor says not one scintilla of evidence has yet been given to the grand jury, which alone can determine that question. What does that imply about our system of justice? It implies that some journals, at least, think it is a farce and a fraud.

By trafficking in such leaked information, the press has made a third error. It has begun to accept and to propagate the thoroughly un-American notion that some people—namely, prominent politicians—are guilty until proven innocent.

If that seems exaggerated, just consider what the reaction would have been if Time had announced that Justice Department officials had decided, in advance of any grand jury, that Agnew's indictment must be considered "impossible."

Instead of Agnew being the lone complainant, as he is today, the air would be filled with cries of indignation. Why? Because much of the press and public has come to believe, first, that a prejudgment of guilt is proper for a politician and, second, that a prejudgment of innocence must be taken as evidence of a political fix.

In this climate, what we need from our leading newspapers is not an attitude of lofty detachment, but the reassertion of some fundamental truths.

One truth is that Spiro Agnew is innocent. He is innocent (and not just presumed innocent) because he shares with you and me the blessing of citizenship in a country which, thank God, decided 200 years ago that the burden of proving any one of us guilty falls entirely on the state, through a deliberately laborious process of indictment, prosecution and conviction at public trial in a court of law.

And that is a process in which the press interferes, not only at its own peril, but at hazard to the most important of everyone's fundamental rights.

FORMER REPRESENTATIVE WESLEY A. D'EWART

Mr. MANSFIELD. Mr. President, it was with deep regret that I learned from Montana this week of the death of former Representative, Wesley A. D'Ewart. Wesley D'Ewart was a friend and a colleague for many years and had an illustrious career both in the Nation's Capital and in his home State of Montana. Congressman D'Ewart began his career in the House of Representatives in Montana and was elected to the U.S. House of Representatives in a special election in 1945. It was at this time that I developed a warm working relationship with the new Congressman from my State. Until 1953, we worked closely together in the House on matters of importance and concern to the people of the Big Sky Country.

Although we were of different political affiliations, Wes D'Ewart never let this interfere in his desire to give fair representation to the people of our State. At the end of his House career in 1955, he moved to an administrative post in the Department of Agriculture and, in 1958, he returned to his beloved Montana where he remained active in State politics and as a prominent businessman. Wes D'Ewart was especially effective in the areas of importance to the agricultural economy of Montana. He was a champion of the rural electrification program and, at his retirement, was a senior member of the House Interior Committee. Representative D'Ewart lived a long and full life and Montana is better off for his long and devoted service. Mrs. Mansfield joins me in extending our deepest sympathy to the D'Ewart family at this time.

THE SCHOOL MILK PROGRAM

Mr. JAVITS. Mr. President, now that the Congress has returned from its summer recess, I would like to remind this body of the pressing needs of an equally important segment of our population that has also just returned from recess: the Nation's schoolchildren.

Specifically, I urge speedy action on the agriculture appropriations bill, H.R. 8619, which contains the funding authority for the school milk program. Although the House Conferees have not yet been appointed they should be promptly and our able colleagues must do their utmost to insure that the differences in the Senate and House versions are resolved justly and quickly.

The school milk program is vital to the health and well-being of our schoolchildren, particularly those of poor families that may not receive their necessary nutritional requirements at home. The Senate has recognized the program's importance by increasing the appropriation from a scant $25 million requested by the President to $97 million, a level at which the program can function adequately.

I urge the Senate Conferees to press for retention of this necessary funding, and to report the bill out of conference at the earliest feasible time.

The New York Times last Sunday wrote an editorial on precisely this point. That item alerts us all to the vital need for an immediate solution. I ask unanimous consent that the editorial be printed in the RECORD and urge my Senate and House colleagues to give it that utmost consideration.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MILK FOR CHILDREN

When schools open across the country this week, more than forty million children will find no milk on their lunch trays, unless local communities or their parents pick up the tab. The Federal subsidy, which amounted to $95 million last year, has for the moment been wiped out—a victim of President Nixon's budget slashing and of an unresolved conflict between the Senate and the House.

The President's budget requested only $25 million for the milk program, a $70 million reduction and just enough to provide milk for the approximately six million children in schools without lunch programs. While the House went along with the President's cutback, the Senate called for an expenditure of $97 million. Until House-Senate conferees arrive at a compromise, there will be no subsidized milk for school lunches. In schools that have no lunch programs, the Agriculture Department will continue to provide children with milk by using leftover funds for day-care centers and camps.

The lapse in the general school milk subsidy comes at the worst possible time—when the price of milk and most other food has risen to record levels. Many children will be getting less milk at home because of the squeeze on family budgets, thus making its availability in school doubly important to their over-all nutrition.

To make matters worse, there is also the threat of a serious shortfall in the amount of Government-donated food available for the school lunch program. Many former surplus items are now on the scarcity list. In addition, some food companies, which had been eager to get the schools' lunch business when supply exceeded demand, are now delaying acceptance of local school board contracts in the expectation of getting more lucrative customers later on.

Contrary to the self-congratulatory folklore of America as a child-centered society, Congress shows no sense of urgency about preventing children from becoming victims of the adult world's preoccupation with profits and budget-cutting. The conferees have acted irresponsibly in delaying action beyond the opening of school. It is now up to both houses, as soon as Congress returns this week, to press for an appropriation adequate to assure that milk will not be taken away from children.

1973—THE YEAR FOR FINAL PASSAGE OF STRONG AND COMPREHENSIVE PENSION LEGISLATION

Mr. BENTSEN. Mr. President, just 2 weeks ago the Departments of Treasury and Labor released a joint study which indicated that during 1972 alone more than 15,000 pension plan participants lost retirement benefits because their pension plans terminated with insufficient assets to meet all plan obligations. These losses amounted to more than $40 million in anticipated retirement incomes. Several thousand of these victims of pension plan terminations actually lost their entire earned pension, every single cent of it. For these individuals, the collapse of their retirement plan resulted in the loss of 100 percent of their hard earned pension.

Based upon this study we can anticipate that over a 10-year period more than 150,000 American workingmen and women will see promised pension benefits vanish—benefits that had been earned through years of long, hard labor.

Mr. President, these statistics dramatically highlight the need for immediate congressional approval of strong and comprehensive pension reform legislation such as S. 1179, the Bentsen pension reform bill, which has been approved by the Senate Finance Committee and S. 4, the Williams-Javits pension reform bill, which has been approved by the Senate Labor Committee. Both of these bills contain reasonable standards of vesting, funding, termination insurance and portability to protect the pension rights of the American worker. The provisions of these bills were carefully selected to safeguard the retirement benefits of our workingmen and women while avoiding the imposition of unreasonable costs on employers.

It must be emphasized that private pension plans across the country have performed very well in a vast majority of cases. The objectives of these major legislative proposals are to eliminate some aberrations in our private retirement system and to prevent some individuals from taking advantage of their employees. The purpose of pension legislation is not to establish an ideal pension plan but rather to set up certain minimum standards to avoid plan abuses. One must remember that a pension plan can always be more generous than the minimum standards legislated by Congress. It is important that Congress not make these standards so tough that we actually discourage the installation of new plans and thereby prevent those workers who do not now participate in private retirement plans from ever doing so.

Mr. President, the statistics I have recited from the Joint Treasury-Labor Department study represent far more than a list of numbers compiled for a Government report. These statistics represent real human tragedies for the unfortunate workers who were victims of plan terminations.

The loss of hard-earned retirement benefits was certainly a personal tragedy for workers like Stephen Duane, Thomas Litchko and Olaf Anderson who described their experience before a congressional committee.

Stephen Duane worked at a New Jersey warehouse for 32 years during which time he was accumulating a pension. The warehouse was closed down in 1970 and Stephen Duane lost his job. He was 51 years old at the time. However, this was 4 years short of his company's minimum pension age and as a result he lost all of his pension rights. Despite 32 years of service, during which time he was earning a pension, Stephen Duane received absolutely no pension.

The experience of Thomas Litchko, a father of five, is equally tragic. Mr. Litchko had been employed by the same Pennsylvania corporation for 20 years during which time he was earning a pension. In the spring of 1972—when Mr. Litchko was 39 years old—his company closed down and he was informed that he had no vested rights, that he was not entitled to any pension whatsoever. Under the provisions of his pension plan an employee had to reach the age of 40 before he would receive any vested rights. Thomas Litchko was only 1 year short of vesting and consequently lost 20 years worth of accumulated pensions.

The experience of Olaf Anderson of Philadelphia provides yet another tragic illustration of a victim of a pension plan termination. After working for the same company for 48 years he retired in 1970 and began to receive a pension of $100 a month. However, the company pension plan was terminated in 1971 and Mr. Anderson now receives no pension at all. It is interesting to note that this company provided its employees with a booklet describing the pension plan. The booklet informed the employees that:

> You can look forward to retirement with peace of mind knowing that under the plan there will be a pension check in the mail to you from the company every month for life.

The occurrence of countless human tragedies such as these prompted me to introduce my own pension reform bill, S. 1179, earlier this year.

Mr. President, it is now more than 6 years since an interagency task force of the Federal Government, consisting of experts from the Departments of Treasury and Labor, recommended legislation which would guarantee that all American workers actually receive the pension benefits that they have earned through years of long, hard labor. Very shortly, the full Senate will begin consideration of landmark pension legislation which hopefully will end, once and for all, the tragic losses of pension benefits that have occurred all too frequently in the past.

Earlier this year the Senate Labor Committee once again approved the Williams-Javits pension reform bill, S. 4. This bill represents the culmination of years of dedicated effort by the distinguished chairman of the Senate Labor Committee and the distinguished ranking minority member of that committee. Also this year the Senate Finance Committee approved the Bentsen pension reform bill, S. 1179, with some revisions.

Although there are some differences between the Bentsen and the Williams-Javits bills, I am very confident that these differences can be resolved so that the Senate can quickly pass strong and comprehensive pension legislation in the very near future.

When I introduced S. 1179 last March I opened my floor remarks by stating that reform of America's private retirement system is "one of the domestic issues that must receive top priority during the 93d Congress." I repeat that statement today and urge my colleagues in the Senate as well as the Members of the House to approve final pension legislation this year. Each year that we delay enacting pension reform legislation thousands of American workers will see their dreams of a retirement income shattered. This must be prevented by acting now.

I hope that in the years to come we will be able to look back upon 1973 as the year Congress approved landmark legislation to eliminate the abuses in America's private retirement system.

Before concluding I would like to point out that while legislation is essential to safeguard the pension rights of those Americans who currently participate in private retirement plans, Congress must give equal attention to the tens of millions of workers who do not now have the opportunity to participate in any retirement plan. It is discriminatory for Congress to provide special tax benefits for participants of private retirement plans while totally denying any tax benefits to the tens of millions of workers who presently do not participate in these plans.

When I first introduced S. 1179 this bill included provisions to offer a tax incentive to encourage individuals who do not now participate in retirement plans to set aside a portion of their current income for retirement savings. This concept has been approved by the Senate Finance Committee. Under S. 1179 any individual who is not an active participant in a qualified retirement plan will be permitted to make tax deductible contributions of up to $1,000 a year toward his own qualified retirement plan. Hopefully, this will encourage Americans to save for their own retirement security.

WARREN C. GRIMES

Mr. SAXBE. Mr. President, September 26 marks the 75th birthday of one of Ohio's foremost citizens, Warren C. Grimes of Urbana, and the 40th anniversary of the Grimes Manufacturing Co. he founded.

Mr. Grimes' achievements in the business world and his philanthropic activities in support of worthy social and public causes are indeed noteworthy.

Born September 26, 1898, Mr. Grimes was left fatherless early in life and was raised in a Tiffin, Ohio, orphanage.

In his youth, the pressures of earning a living to sustain himself forced Mr. Grimes to drop out of high school, so he went to Detroit and got a job at the Ford Motor Co.

His electrical wizardry was soon recognized and he got his big chance when he was asked to design lights for the Ford tri-motor airplane.

With that experience, he returned to Ohio in the early 1930's, rented a garage in Urbana, and started the Grimes Manufacturing Co. with a single employee.

After some lean times, he was awarded Federal approval for the red and green navigation lights that still wink from the wings of aircraft throughout the world.

Grimes Manufacturing Co. today is an acknowledged leader in the field of specialized transportation lighting equipment and related electronic systems. Over 6,000 different lighting and integrated electronic items are produced for a worldwide market by more than 1,000 employees, the largest single work force in the Urbana area.

Over the years, Warren Grimes has been active in building his home community and the State of Ohio, serving as Urbana's mayor and as a member of various State commissions, including the State aviation board, on which he served as chairman.

In 1961, he was honored by the American Schools and Colleges Association, Inc., when he received the Horatio Alger Award granted to persons whose careers exemplify the results of individual initiative, hard work, honesty, and adherence to traditional American ideals. He also holds an honorary degree of doctor of engineering in aeronautics from Bowling Green State University.

His philanthropic contributions are many. He has provided perpetual scholarships to Ohio State University for a deserving boy and girl from each Urbana high school graduating class, spearheaded fundraising drives for worthy social causes including the construction of the Urbana Mercy Memorial Hospital.

For all his many contributions to the aircraft industry in America, to his community, State and Nation, and to his fellow man, I take pleasure in recognizing Mr. Grimes on the occasion of his 75th birthday and the 40th anniversary of his important business enterprise.

THE GENOCIDE CONVENTION AND THE AMERICAN BAR ASSOCIATION

Mr. PROXMIRE. Mr. President, much of the opposition to the Genocide Convention comes from the American Bar Association. But there are several reasons why the ABA's position should not be given too much weight.

First of all, the organization was closely divided on this question: The vote to endorse ratification failed by a mere four votes. This shows that there was no overwhelming objection within the ABA to the convention.

Second, the sections of the ABA most directly concerned with the treaty—that is, the standing committee on world order under law; and the sections on individual rights and responsibilities; criminal law; and international and comparative law—were in favor of ratification.

And last, we must not forget that it is the constitutional responsibility of the Senate to advise and consent to treaties that are submitted to it by the Chief Executive. Moreover, we cannot allow the ABA to substitute its judgment for that of the President in conducting our foreign affairs.

For these reasons, then, ABA opposition to ratification of the Genocide Convention must be taken with substantial reservations. Mr. President, there is no excuse for the Senate's failure to act favorably on ratification of this treaty. I urge my colleagues to ratify the Genocide Convention without any further delay.

MULTINATIONAL CORPORATIONS

Mr. PACKWOOD. Mr. President, during the final few days of our frenetic rush to recess, I fear that many of my colleagues may have allowed a series of articles in the August issue of Fortune to pass them by. These articles offer an excellent discussion of multinational corporations and the myths and realities associated with them.

As I reviewed these articles, it occurred to me that they do, in fact, go far to dissipating the "dense clouds of misunderstanding" that the authors cite as having hovered miasmically over our debate on multinationals. Indeed, much of the debate surrounding multinationals during recent months has, I fear, generated substantially more heat than light—much clearer evidence of adrenalin flow than thought.

In an effort to transform some of this heat into light, allow me to suggest that each of us would be well served by a careful study of these articles. Granted, this brief a review of multinationals cannot—and does not—masquerade as a comprehensive analysis of the situation.

These articles do provide a better-than-average review of the characteristics of multinational corporations—the benefits that we as a Nation derive from their operations, the failings they evidence from time to time in their operations, and the negative side effects sometimes felt as a result of well-intentioned undertakings on the part of multinational corporations.

There are those in the Nation who suggest that we should apologize for the existence of multinational corporations. Others suggest that multinationals should be thoroughly bled in the finest medieval tradition in the mistaken belief that by so doing all of our national economic ills might be cured. Still others would urge that we blindly extoll their virtues.

To all of these voices, I say no.

Rather, let us seek to understand the nature of multinational corporations—warts and all—and then proceed to address such problems as they do represent in an atmosphere of enlightenment.

Mr. President, I ask unanimous consent that these articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

MULTINATIONAL CORPORATIONS IN A TOUGH NEW WORLD

The several thousand U.S. companies that have substantial direct investments abroad, and that are today called "multinational," have been enveloped in dense clouds of misunderstanding almost from the time the word came into vogue about a dozen years ago. The companies have for years been perceived as large and predatory. Jean-Jacques Servan-Schreiber's famous dictum that the world's great industrial powers would soon include "American industry in Europe" seemed to many anxious Europeans a brilliant perception of an irresistible new reality. Most judgments in the U.S. have been less extravagant; even so, they have generally taken it for granted that the multinational companies represent an awesome new force in world business and will continue to expand dynamically. To the U.S. labor movement, which has been the companies' most persistent critic, their power and autonomy have appeared self-evident.

Against this background, some findings spread through this issue of Fortune may come as something of a surprise. The central finding, as this article will detail, is that multinational corporations are entering upon a new era of consolidation; their growth rates will be decelerating in the years ahead. At the same time, they will be obliged to confront some rather serious management problems that have to some extent been swept under the rug during the years of rapid expansion. Some of these management problems will be discernible in the articles that follow on multinational companies' peculiar tax problems, their money-management techniques, and their contributions to the U.S. balance of payments. In addition, this is a report on the special problems of one large multinational company.

For almost a quarter-century now, U.S.-based multinational companies have been expanding their overseas investments at a breathtaking rate of about 10 percent a year. Despite this remarkably durable trend, the forecast of a slowdown can now be made with some confidence. For most of the postwar period, two major pressures led the companies into overseas production. Ray W. Macdonald, president and chief executive officer of Burroughs, identifies these pressures succinctly: "In the Fifties the basic reason was foreign restrictions on U.S. exports. In the Sixties the basic reason was cost." Neither reason seems especially compelling in the Seventies.

The industrial countries have long since dismantled their steepest barriers to U.S. exports and, under relentless pressure from Washington, can be expected to eliminate nearly all the remaining obstacles to industrial trade in the Seventies. Even more important, overseas production no longer looks particularly cheap to Americans: wages in many European countries are getting close to U.S. levels. And the revaluations of major European currencies and the Japanese yen are gradually erasing the huge differences between the dollar cost of producing here and in other countries. Otto Dax, president of Siemens Corp., a U.S. subsidiary of a German multinational company, is very much aware of comparative costs these days. He remarked recently: "In many product lines the cost of production in Germany is nearly as high as in the United States. And German costs are rising much more rapidly."

It is ironic that, just when the great expansion of U.S. multinational companies is subsiding, the U.S. labor movement has entered the hysterical phase of its long campaign against the companies. The A.F.L.-C.I.O. recently issued a statement proclaiming that multinational operations are responsible for "the dimming of America"; they are said to have emptied U.S. factories and given away U.S. technology. The federation believes the companies are rapidly turning the greatest industrial power into "a nation of hamburger stands."

A FALSE OBJECTIVE

The unions have, accordingly, sponsored legislation that would impose an almost confiscatory level of taxes on the overseas operations of U.S. multinational companies. Although this legislation is unlikely to pass in the form proposed by the A.F.L.-C.I.O., there is considerable sentiment in Congress for curbing foreign investment. The proclaimed objective of labor's offensive is to save an appreciable number of U.S. jobs that are about to be lost. In the circumstances, however, the effect on jobs would be minimal. The legislation would serve principally to weaken the earning power of overseas investments that are already in place. This earning power is a major matter: by 1980 the U.S. can expect to receive an annual return of about $20 billion in dividends, fees, and royalties from foreign investments.

Given the impact of labor's argument on so many Congressmen, it is important to be clear about its basic premise. The argument assumes that the companies have always had the *option* of serving foreign markets either from the U.S. or from overseas facilities. It assumes further that businessmen have simply decided to go abroad because the profits were higher there. Many labor spokesmen contend that, in going abroad, the companies hurt the U.S. in two distinct ways. First, by sending money overseas they reduced the amount of capital available in the U.S. to create new jobs and improve domestic productivity. And second, the companies' activities have given birth to overseas industries that would not otherwise have come into existence. Instead of fighting foreign competition, that is, the multinational companies stand accused of creating and training it.

In fact, it seems most unlikely that the foreign operations of U.S. companies have siphoned off capital that might have helped create jobs at home. In principle, to be sure foreign investment usually takes the form of an outflow of U.S. cash that provides other countries with future claims against U.S. resources. As these claims are honored, the U.S. must export more goods and services than it otherwise would have; and when our economy is running taut, we can increase exports only by reducing domestic consumption or domestic investment. But in most postwar years the economy has not been taut, and there have been unemployed resources—including unemployed workers—that could be used to help create those additional exports. Most of the time, accordingly, our foreign investments have not created any real pressures to reduce domestic investment.

HOARDING THE CHIPS

In any case, investment in the U.S. would be curtailed only if other countries actively used their dollars to bid for U.S. resources. But during much of the postwar period, a great deal of the U.S. cash that flowed abroad, whether for private investment or government (e.g., military) purposes, was never converted into U.S. goods. Other countries chose, instead, to accumulate large dollar reserves, representing deferred claims on U.S. resources. As a result of the two dollar devaluations, some of the chips held abroad may eventually be cashed in, but not immediately and still not necessarily under conditions that will reduce investment here. So far, at least, the reality about those dollars abroad is that other countries have shielded the U.S. economy from some of the potentially undesirable effects that the union spokesmen keep citing.

And to the extent that overseas ventures are financed with foreign money, the likelihood that foreign investment has displaced domestic investment becomes even more remote. During the postwar period a steadily increasing proportion of U.S. foreign investment has been financed with foreign money. A Department of Commerce survey for the 1957–59 period found that only about 25 percent of the funds used by foreign affiliates of U.S. companies came from their parent companies. From 1966 to 1970—the latest period for which adequate figures are available—the parents supplied only about 15 percent of their affiliates' funds. More than half of the money was internally generated, i.e., by retained earnings and depreciation, and more than a quarter of it was borrowed overseas.

If multinational companies have been scrimping on domestic investment in order to put up plants overseas, this fact would presumably show up in the employment figures. As a general rule, it seems clear, the multinational companies dominate the U.S. industries in which they operate. They account for the bulk of output and most of the research and development, and they play a leading role in setting prices. In brief, they have a lot more "market power" than most companies. Thus when employment is declining, they should normally retrench less than the average company. But if labor's arguments are valid, the multinational companies' margin of superiority should narrow greatly in periods of heavy foreign investment and expand in periods of limited foreign investment.

To test this hypothesis, FORTUNE collected domestic figures from seventeen large multinational companies that were carefully chosen to represent a cross section of direct investors abroad. The figures, which were adjusted to take into account the impact of mergers on employment growth, covered the periods 1956–59 and 1966–69. Investment activity abroad was comparatively light in the earlier period, quite heavy in the later period.

From 1956 to 1959, U.S. employment in the average manufacturing company declined by about 20 percent, while in those seventeen multinational companies it fell by only 8 percent. From 1966 to 1969, employment in the average manufacturing company dropped again, this time by about 2 percent. But the seventeen multinational companies increased their U.S. employment by just over 7 percent. This exercise is by no means conclusive, but it suggests that the foreign activities of the leading U.S. companies have had little impact on a better-than-average record of job creation at home.

THE IMPORTANCE OF BEING LOCAL

There are many who argue, however, that the multinational companies might have done even better at creating jobs in the U.S. if they had exported their products rather than their plants. Some labor spokesmen blame the seemingly steady decline in our share of world exports on the rise of U.S. overseas production. But the plain fact is that our share of exports began falling before most U.S. companies started their overseas expansion. It deteriorated about as much from 1952 to 1960 (when the value of our foreign direct investment increased by less than $20 billion) as it did from 1960 to 1970 (when the value of our investment rose by over $45 billion). All of which suggests that the extent of foreign investment activity has had little bearing on the erosion of our competitive position.

Actually, the companies that went multinational had no real options about producing overseas or exporting from the U.S. Overseas barriers to U.S. goods were once almost impossible to hurdle, and governments threatened to build still higher barriers unless U.S. companies established local plants. Furthermore, local competitors or multinational companies based in other countries would have used these barriers to their own advantage if American firms had not seized the opportunity to produce locally.

If Procter & Gamble had not gone to Algeria, for example, Unilever would have preempted the local soap business. If Caterpillar Tractor had not gone to Britain, Vickers might today be that country's leading producer of bulldozers. If Squibb had not gone to Italy, it would have surrendered the Italian market to Hoffmann-La Roche.

One might suppose that the multinational companies moving overseas to forestall foreign competition would be applauded for their prescience and enterprise rather than denounced for leaving home. Indeed, by getting there ahead of local or third-country competitors, the companies have actually stimulated exports, since a U.S.-owned foreign subsidiary will obviously buy more raw materials and components from the U.S. than will a German- or British-owned subsidiary.

It must be conceded that some companies went abroad early, at a time when they could still have exported for a while. For example, Deere began making farm tractors in Europe during the Fifties in order to move inside tariff barriers of about 18 percent. It is conceivable that the company might have been able to manufacture in the U.S. and tack the tariff on to its European selling price. Sales would have been hurt but not eliminated because local producers were not then strong enough to challenge the American label.

But local producers soon developed into very active competitors and would no doubt have become more active still if Deere and other U.S. companies had not arrived on the scene. Says Ellwood Curtis, Deere's president: "If the U.S. farm-tractor companies had not taken a part of the European market, Deutz in Germany, Fiat in Italy, and Zetor in Czechoslovakia would now be challenging us not only in their home markets, but also in the United States." In other words, multinational tractor production may have cost the U.S. some jobs in the past, but it is now saving the jobs of those who might have been laid off because of rising imports of machinery.

A similar thought is expressed by Macdonald of Burroughs: "Our overseas operation slowed down the growth of companies like Philips, Siemens, Olivetti, Bull, and Telefunken. If we hadn't been over there, those companies would have made a lot more money, would have greatly expanded their research effort, and would now be making much better calculators, accounting machines, and punch-card systems. As a result, the U.S. market would be flooded with their products."

WHEN INVESTMENT REPLACES TRADE

From another point of view as well, the logic of investing overseas came to seem steadily more powerful in the postwar years. In 1949 a total of thirty-one countries drastically devalued their currencies. Britain, France, Germany, and Austria devalued by between 20 and 53 percent relative to the dollar. Although it was not at all evident at the time, these adjustments, coupled with a second French devaluation of 18 percent in 1958, proved excessive. They helped topple the dollar from its position as the world's soundest currency. In the Forties and Fifties, the dollar was in very short supply. But by the early Sixties, the supply of overseas dollars had increased dramatically, and many observers began speaking about an overvalued dollar.

At this point, companies that had embraced an exporting rather than overseas-production strategy might have been in trouble. Companies based in a country with a significantly overvalued currency find it difficult to export because their costs and prices, expressed in foreign currencies, are artificially high. On the other hand, the same companies can buy more foreign assets with a given amount of their domestic currency than they could have if exchange rates were properly aligned. In consequence, when exchange rates are overvalued, investment tends to substitute for trade.

By the time the Common Market was created in 1958, many European producers were already in a position to enlarge their market shares in competition with the exports of leading American companies. The Common Market made this even easier by encouraging the construction of larger, more efficient plants that could maximize economies of scale.

Nowhere is this more evident than in the chemical industry. From 1960 to 1972, the major European chemical producers vastly expanded their capacity for making low-density polyethylene, one of the most versatile and widely used themoplastics. Montedison increased its capacity from 35 million pounds to 352 million pounds; Rheinische Olefinwerke (ROW) from 165 million to 990 million pounds; and Netherlands States Mines (DSM) from 18 million pounds to 396 million pounds. The reaction of the U.S. chemical companies is typified by that of Union Carbide. From 1951 to 1956, Union Carbide's exports of chemicals and plastics to Continental Europe had increased from $4.5 million to $21.3 million. But in the late Fifties, that export growth began to level off. Threatened by rapidly expanding local competitors, company executives projected further export stagnation, even decline. And so Carbide began producing low-density polyethylene in Belgium in 1961 and in Sweden in 1963. By 1972 both plants had been expanded to more than thirteen times their original capacity of about 30 million pounds.

LOSING THE COMPETITIVE EDGE

By the mid-Sixties, the leading U.S. exporters were under a lot of pressure to do something about their rising wage costs. The increasing efficiency of foreign competitors in most industries—computers and aerospace were two exceptions—had wiped out the large cost advantage once enjoyed by the exporters. Although their operations in the U.S. had on average more than twice the productivity of a typical French or German manufacturer, the big U.S. companies also paid more than twice as much in wages. In consequence, their unit labor costs were about the same as those in a French or German company. It is easy to understand why, after freight charges and tariffs were added, many U.S. companies had trouble exporting to the major Continental markets, and why they chose to manufacture inside these markets.

As some of these details suggest, one of the unions' charges against the multinational companies is perfectly correct. The companies went abroad, in large part, because they saw an opportunity to flee from the U.S. wage structure. Most multinational companies tend, of course, to be large. On this year's list of the 500 largest industrials, virtually all the companies among the top fifty are now multinationals. Most of these companies are heavily unionized—or else pay high enough wage rates to keep unions out. Moreover, they have tended to employ large staffs of expensive research and development personnel. All of which helps to explain their increasing competitive problems as exporters in the mid-Sixties.

While the large industrials were having this new range of problems with exporting, many of them were also in new kinds of trouble in their domestic markets. The dynamics of this process are somewhat obscure, but the figures suggest forcibly that the smaller U.S. manufacturing companies had been more successful in resisting unionism in many industries and in holding down wage costs generally. The pressure to move overseas or (more likely) to expand overseas operations is evident in some data for 1966, the last year in which the Commerce Department made a complete census of multinational operations. The data show that productivity in the average manufacturing company was comparable to that in the multinationals—while unit labor costs averaged 27 percent less.

Many large companies had, of course, been competing for years on a good deal besides prices and cost. Indeed, one of their great assets has been a reputation for product quality, dependability, and service—advantages that sometimes make possible price premiums of as much as 20 percent.

In recent years, however, these advantages have begun to erode. A fair number of companies outside the U.S. have also built up reputations for excellent products and dependable service. The Japanese and the Italians, who not so long ago were regarded as producers of low-cost, relatively shoddy goods, have transformed their images in the last decade and a half. Hence the knowledge that their own costs were getting out of line must have seemed increasingly worrisome to many large U.S. companies.

By going overseas, then, many of these companies were able to establish an edge in costs over the foreign competition—and also to neutralize their domestic cost disadvantages. In 1970, unit labor costs of the foreign affiliates of U.S. multinational companies were about one-quarter to a half below those of the parents and about the same amount below those of local European competitors.

ADJUSTING TO DEVALUATION

During the past three years, however, those cost advantages overseas have been disappearing. The competitive climate has changed dramatically, primarily because of the worldwide adjustment in exchange rates. Since 1970, the value of the Japanese yen and the French and Belgian francs has risen by between 25 and 30 percent. The German mark has appreciated the most of all—by nearly 35 percent. At the same time, wage inflation in Germany has increased faster than in the U.S. As a result, German wages, which were about 65 percent of the U.S. level in 1970, are expected to reach 85 percent of the U.S. level by the end of this year.

Since the bulk of the currency changes took place this year, complete and fully comparable unit-cost data are not yet available. But in many industries, costs and prices in the U.S., expressed in foreign currencies, no longer seem so high, while the dollar costs of foreign producers, including those of U.S. foreign affiliates, are much less attractive. Some idea of the extent of the change can be gathered by converting 1972 unit labor costs into dollars at the exchange rates prevailing as of June, 1973. From 1970 to 1972, U.S. unit labor costs increased by only 3 percent. But Italian costs went up 30 percent, French costs 44 percent, Belgian costs 52 percent. And in both Japan and Germany, unit labor costs rose by a whopping 60 percent.

Most executives have not yet adjusted their investment planning for the effects of these recent changes. There have been, however, some rather suggestive events here and there. A few years ago Zenith found that it could not compete with Japanese-made stereo components being sold in the U.S., and so the company decided to build its own components plant in Hong Kong. But successive revaluation of the yen since then have made it much more difficult for the Japanese to compete in the U.S. market. So Zenith recently junked its Hong Kong investment blueprints.

Another portentous event: Last year, Ford imported the engines for its Pinto car from Britain and Germany. Recently, the company announced that it would henceforth build many of its Pinto engines in Lima, Ohio. Says John Sagan, Ford's treasurer: "Although many of the reasons for this shift have nothing to do with costs, there is no doubt that the impact of currency revaluations played some role in our decision to produce engines domestically."

It is true that these examples are somewhat unrepresentative, since they involve overseas production earmarked for sale in the U.S. Less than 10 percent of the output of the foreign affiliates of U.S. multinational companies is sold in the U.S. More than 90 percent is produced for the local market or for export to a third market, and thus far there are no notable cases of decisions to invest overseas for local production being canceled because of currency changes.

Still, many of these decisions are clearly being restudied and may ultimately be postponed. Notes Harry Heltzer, chief executive officer of Minnesota Mining & Manufacturing Co.: "The currency revaluations will obviously lengthen the time between the introduction of a 3M product line into a foreign market through exports and the company's decision to shift to overseas manufacture."

The changing competitive climate should be especially discouraging to U.S. foreign investment in industries where final demand is particularly sensitive to price changes. These include automobiles, farm machinery, consumer electronics, most basic chemicals, and many types of office equipment. It should have no effect on the primary-metals and oil industries because of domestic shortages of oil and minerals. And it should have only a marginal impact on special-situation products like computers and power-generating equipment.

These products belong to a small class of goods that most industrial countries insist on making locally regardless of cost. Since computers and generators are usually essential to government operations and services, countries find it embarrassing to remain dependent on external sources of supply. Even though I.B.M. could always make large computer systems and Westinghouse could always make big generators much more cheaply in the U.S., they still feel obligated to go overseas. As George Wilcox, vice chairman of Westinghouse, puts it: "My friends in nearly every European country tell me that unless Westinghouse can make the equipment locally, we had better forget about submitting a bid."

THE NEW ARITHMETIC OF INVESTMENT

Although the incentives for overseas investment are weakening, the book value of U.S. foreign investment will obviously continue to rise. And in the short run it could rise rather sharply because European business conditions are good. Moreover, U.S. cash outflows are bound to increase over the next eighteen months. It takes far more dollars to buy a given amount of foreign assets than it did a while back.

Still, by the mid-Seventies, overseas investment should begin to lose its attractiveness. It is expected that, instead of expanding at a rate of 10 percent a year, multinational companies will maintain a more modest rate of overseas growth—say, between 5 and 7 percent.

Those rates imply that by 1980 the value of U.S. direct investment abroad should range between $160 billion and $180 billion and should produce between $400 billion and $450 billion worth of goods and services. By the end of the decade these investments could yield the U.S. an annual income equal to about 40 percent of our present export revenues. This income should help us balance our international payments position without having to go through the trauma of additional dollar devaluations.

In the years ahead, as our capital outflows begin to stabilize, the flow of European and Japanese capital to the U.S. should be increasing. Foreign companies are quickly learning to unravel the hitherto baffling mysteries of the inviting U.S. market. The U.S. may become, at least for a while, a net importer of capital as well as the recipient of all those earnings on our past investments. Indeed, so much foreign money may eventually pour into the U.S. that labor might become receptive to the idea of foreign investment. The multinational companies might even become noncontroversial.

The Push To Make Them Pay More Taxes

As tax reformers are keenly aware, U.S. corporations do not pay U.S. taxes on the profits of their foreign subsidiaries until these are remitted to the U.S. Moreover, the law grants the companies a dollar-for-dollar credit for their foreign taxes. Say the Swiss subsidiary of the U.S. multinational—call it Omnia Corp.—earns $100,000 and pays Swiss taxes of $30,000. If and when Omnia decides to bring the remaining $70,000 to the U.S., it would pay the IRS $3,600 (48 percent of $70,000, or $33,600, less the $30,000 credit). The total tax burden would amount to about 34 percent.

Pending in Congress are a number of proposals to make multinationals pay more tax on foreign earnings, or at least pay sooner. The sternest measure advanced so far is the much-discussed Burke-Hartke bill, which is backed by the AFL–CIO. Under the provisions of Burke-Hartke, Omnia would pay U.S. taxes on its Swiss profits as soon as they are earned. And the taxes paid in Switzerland would be treated as a deduction rather than as a credit. Omnia would end up paying Switzerland $30,000 and the U.S. $33,600 (48 percent of $70,000). In this case, the total tax burden, none of it deferrable would amount to about 64 percent.

THOUGHTS OF EMIGRATING

Some executives sputter with rage at the mention of Burke-Hartke, and some warn of dire consequences. Franklin E. Agnew, senior vice president of H. J. Heinz, said not long ago: "If Congress passed this bill, Heinz would give serious thought to disincorporating in the U.S. and moving its headquarters to another country."

Burke-Hartke's supporters, however, have now backed away from the more extreme provision—killing the tax credit—and concentrated on the campaign to end the deferral privilege. With deferral eliminated, Omnia would have to pay IRS $3,600 on the Swiss profits right along with other income taxes for the year, whether or not the profits were brought back to the U.S.

After more than a decade of unsuccessful congressional efforts to end tax deferral, it now seems certain that the privilege will shortly be either ended or modified. The Nixon Administration has been trying to forestall the complete demise of deferral by proposing two limitations on its use. Under the Administration plan, companies would not be allowed to defer U.S. taxes if they went overseas to take advantage of special local tax benefits, or if they built foreign plants for the specific purpose of supplying the U.S. market—"runaway plants" they are called.

ESCAPE TO THE CARIBBEAN

Despite some reservations about the rather loose drafting most businessmen have embraced the Administration proposals. PepsiCo is one of the companies that could be affected by the runaway-plant section of the Nixon plan—the Wilson Division makes a lot of baseballs in Haiti for export to the U.S. But in the opinion of Chairman Donald Kendall, "It would be very difficult for the multinationals to get a better bill than the one the Administration offers."

Some spokesmen for the oil industry are less pleased with the Nixon proposals. In the last few years a number of oil companies have begun building refineries in the Caribbean in order to escape the high cost of installing antipollution equipment in domestic refineries. Says Emilio Collado, executive vice president of Exxon: "The runaway-plant section of the Nixon plan may have been originally designed to catch Mexican metal-working operations and Taiwanese consumer-electronics facilities. But the authors of the proposal soon discovered that it has the nice secondary effect of hitting the oil companies."

Collado says the Administration plan would eliminate the "modest incentive" to build offshore refineries for the U.S. market. But Walter Burkhiser, assistant treasurer of Gulf Oil, feels that the tax penalty would be much less burdensome than the cost of complying with domestic antipollution requirements. "The Nixon proposal," Burkhiser says, "will not slow down the offshore movement at all."

Red-blooded tax reformers, of course, regard the Administration's plan as painfully inadequate. Jerome Levinson, director of research for the Senate subcommittee on multinational companies, calls the plan "the very minimum necessary to try to steal the opposition's thunder." Also distressed at the mildness of the Administration measure is the most important Congressman of all in tax matters: Wilbur Mills, Chairman of the House Ways and Means Committee, and a man whose mind is usually open to the viewpoint of business. Mills proposes that multinationals be allowed to defer U.S. taxes on only one-half of their foreign earnings.

AN INTENSIFYING STRUGGLE

Although the companies are not optimistic about winning over many congressional votes, they have presented a strong case for retaining the deferral privilege. They point out that no other major industrial country subjects its multinationals to current taxation of earnings generated by their overseas subsidiaries. Germany, Canada, and the Netherlands do not even tax those earnings when they are brought home. And France and Japan tax dividends from abroad at very gentle rates.

Many companies claim that immediate taxation of their overseas profits will seriously hamper them in their competitive struggle with foreign-owned multinationals that bear much lighter tax burdens. What Congress does not understand, say some executives, is that with competition becoming ever more intense, the additional tax load could conceivably drive them out of many overseas markets.

How the Multinationals Play the Money Game

Since they operate in many different countries and economic environments, multinational companies have unusual opportunities for making money on money. They can shift profits from jurisdictions with high tax rates to those with low rates. They can borrow where interest rates are low and employ the funds where rates are high. And their worldwide operations provide them with invaluable intelligence on the strengths and weaknesses of national currencies—information that they can use to speculate in foreign exchange.

But how well do the multinationals actually manage this global arbitrage? They are sometimes portrayed as superefficient engines ceaselessly alert to their opportunities. But a gradually accumulating body of evidence on corporate financial behavior points to a different conclusion. The large multinational companies, it appears, are by no means the sharppenciled arbitragers many people believe them to be.

A major part of the evidence about the financial activities of multinational companies comes from research done by two Americans, Robert B. Stobaugh, professor of business administration at Harvard Business

School, and Sidney M. Robbins, professor of finance at Columbia Business School. They bring impressive credentials to the job of analyzing multinational behavior. Stobaugh worked for three multinational companies—Exxon, Caltex, and Monsanto—over a span of eighteen years before taking his doctorate in business administration at Harvard. He is a perennial witness at congressional hearings on various aspects of multinational operations. Robbins has written four books and innumerable articles on financial management in the course of a forty-year career as a teacher, government economist, and consultant.

Over the past seven years, with help from the Ford Foundation and other donors, Stobaugh and Robbins have studied the finances of nearly 200 multinational companies. These companies (all of them on the FORTUNE 500), account for about three-quarters of U.S. direct investment abroad. The research included extensive interviews with financial executives as well as analysis of company records, both published and unpublished. Assisted by Daniel Schydlowsky, a leading Harvard econometrician, Stobaugh and Robbins used their data to build a model of a hypothetical multinational enterprise. This enabled them to estimate how far actual financial performance deviates from the optimum—that is, what the companies might have earned if they had been willing and able to pursue the single-minded goal of maximizing profit.

The authors' findings will be published this month in a book entitled *Money in the Multinational Enterprise: A Study of Financial Policy* (Basic Books). Recently, Fortune asked Stobaugh and Robbins to discuss and enlarge on some of the points raised in their book.

Stobaugh and Robbins muster impressive evidence that multinational companies are not very sophisticated financial managers. Last year U.S. companies earned an estimated $12 billion on their direct investments abroad. But if if they had exploited all the financial opportunities created by their network fo foreign affiliates, they could have increased their foreign earnings by about $3 billion or 25 percent.

STOBAUGH. Of the 187 industrial companies we studied, only about sixty could be described as financially aggressive. In general these are the middle-sized companies—those with foreign sales of between $100 million and $500 million. The rest of the companies do not manage their money very effectively. One would expect this of the small enterprises, since most of them are newcomers to multinational business, and they lack the experience required for efficient global arbitrage. But the surprising fact is that the largest and best-known companies—the G.M.'s, the I.B.M.'s, the I.T.T.'s—are missing so many opportunities for extra profits through better financial management.

ROBBINS. Many of the big companies don't borrow as cheaply as they might because they ignore low-cost funds that are available from affiliates within the same worldwide enterprise. Most don't invest their cash effectively. They prefer to place temporarily idle funds in the U.S., regardless of the opportunities available in foreign money markets. The great majority of companies manage their foreign inventories very poorly. In fact, we estimate that nearly half of their overseas stocks are superfluous. More managerial attention to inventory problems could free substantial funds for additional investment abroad or for repatriation to the U.S.

The companies have been accused of evading large amounts of taxes, but our research indicates that they often fail to use some very elementary techniques for minimizing their international tax liability. And although many enterprises are becoming adroit at measuring their exposure to the risk of currency devaluation or revaluation, a large number have only recently begun to make a profit on foreign exchange.

The principal reason for the lack of financial aggressiveness in the large enterprises is the enormous scope and complexity of their global operations. Some multinationals are composed of scores of foreign holding companies, subsidiaries, and branches. Managements would like to maintain tight, centralized control over the financial affairs of these behemoths, but in practice they find that impossible. Headquarter staffs simply cannot monitor all the financial links in the system. And since they cannot do that, they spend most of their time preparing and revising rulebooks that are used to guide the foreign affiliates and prevent egregious blunders.

Meticulous attention to rules has its virtues no doubt, but the lack of flexibility can be costly.

STOBAUGH: As our computer model shows, the way to maximize profits is to stay loose. Companies must be prepared to change direction quickly. Yet for the most part, the large companies are hemmed in by standard operating procedures.

For example, one company we studied had a rule against financing subsidiaries through accounts receivable. Companies can grant credit to their foreign affiliates not only by making loans, but also by delaying the collection of accounts owed by the affiliate to either the parent or another affiliate. Deferral of intercompany accounts represents a highly flexible way of providing working capital. No formal loan document is required, and the amount of the credit can easily be regulated by adjusting the period of repayment.

To prevent intercompany accounts from being used as a financing tool, this particular company charges an interest rate on any account outstanding over thirty days. Since this charge is deducted from the annual bonuses of the executives responsible for the debt, it is a pretty effective deterrent.

Nevertheless the European treasurer of this company has tried to circumvent the rule. A few years ago the company's German subsidiary was short of funds and was reluctant to borrow from German banks at the then-going rate of 8 percent. The European treasurer tried to get the company's French affiliate, which routinely sells about $2 million worth of goods each year to the German affiliate, to forgo payment on its German receivables for nine months, covering itself by borrowing francs locally at only 4 percent. The French affiliate agreed, provided the Germans paid a 5 percent interest charge. Since this charge would come out of his bonus, the German treasurer balked and instead borrowed the $2 million from a Belgian bank at 5.5 percent. The German executive saved his bonus, but the company's rigid adherence to the rulebook cost $22,500—the difference between the Belgian and French cost of borrowing $2 million for nine months.

ROBBINS: Of course, it is sometimes possible to bend a rule when circumstances warrant. But it usually takes quite a lot of push. The manager of a Japanese affiliate of one of the companies wanted to invest a considerable sum in local money-market instruments. Since he did not have authority under the rules, he requested permission from the company's Far Eastern treasurer. The treasurer didn't have the authority either, so he cabled headquarters. Headquarters misunderstood the request and refused. There followed a lengthy and somewhat humorous exchange of cables, which the company actually showed us. Finally, the local manager got his permission, but it hardly seemed worth all that effort.

STOBAUGH: A major organizational dilemma is involved here. On the one hand, the companies are convinced that they cannot operate without fairly stringent rules. On the other hand, they recognize the inhibiting effects of these rules. One of the ways of resolving the dilemma is to create separate regional financial headquarters with nominal authority to interpret and presumably modify the rules.

But the regional financial managers rarely get the authority they need, or else they're unwilling to use it. For example, the European treasurer of one of the Big Three auto manufacturers told us he did not change many rules because he was afraid of home-office criticism. Another European treasurer told us he had reasonably wide latitude to devise a strategy for dividend remittances for the affiliates in his area. But he used that authority to set an inflexible rule of his own—namely, each affiliate must remit 50 percent of earnings to the U.S. in the form of dividends. In other words, organizational gimmicks are unlikely to produce greater flexibility if the over-all company climate makes for conservative financial management.

ROBBINS: The same conservatism sometimes extends to tax planning. Many companies pay insufficient attention to one rather obvious way of avoiding taxes. Companies have considerable leeway in capitalizing their foreign affiliates with either loans or equity. Interest on loans is usually tax deductible to the foreign affiliate, whereas dividend remissions are not. Moreover, when an affiliate repays a loan to the parent company, the payment does not constitute taxable income. But when an affiliate sends home a dividend, the parent must pay U.S. taxes on the money.

Many tax lawyers advise companies that the Internal Revenus Service will permit them to label as debt $4 out of every $5 they send overseas to finance their affiliates. This debt-to-equity ratio is also acceptable to most foreign governments. But the large companies usually follow fairly rigid formulas in determining their equity contribution. These formulas may require that equity be equal to fixed assets, or fixed assets plus inventory, or 50 percent of total assets. In almost all cases these formulas provide for far more equity and less debt than would be acceptable to the IRS. As a result, affiliates end up remitting overseas profits as dividends rather than as loan repayments. And this means more taxes than would have been necessary.

Corporations do not have to pay U.S. taxes on the profits of their foreign subsidiaries until these are repatriated to the U.S. Accordingly, they can save money by leaving profits overseas wherever tax rates are lower than in the U.S. And they can increase their savings by concentrating profits in countries with the lowest tax rates.

STOBAUGH: I have just completed an analysis of tax rates here and abroad for 1970, the last year for which we have adequate data. Most multinational companies paid an effective U.S. tax close to the statutory rate of 48 percent. But abroad, their average tax rate came to roughly 33 percent.

Logically, one would expect the companies to keep the money overseas. And many try to do so. But the large companies do not have as much freedom of action as most people think. First, their overseas operations tend to be very well established and, in most cases, are growing at a much slower rate than a decade ago. So they don't need the money overseas. Second, these companies have come to depend on their foreign earnings to help them pay their corporate dividends. As a result, they bring home a great deal of money.

For the last two years, however, companies have had extra incentive to leave money abroad. With the dollar shrinking in value, many of them have held on to their local-currency profits as long as possible, hoping to convert them into dollars at the highest possible exchange rates.

ROBBINS: There is enormous potential for saving on taxes by adjusting prices within the corporate structure—so-called transfer prices. But, again, we have found that most of the large enterprises tend to be somewhat conservative. When they change prices, it is usually not so much to reduce taxes as to withdraw profits that have been frozen by governmental decree. In the mid-Sixties, for example, one U.S. corporation found itself unable to bring home profits earned by its Japanese affiliate. So the company raised prices on its shipments to the affiliate and repatriated the money that way.

STOBAUGH: Of course, everybody blames the companies for transfer-price abuses. The governments of other countries claim that U.S. companies are charging their foreign affiliates exorbitant prices in order to shift profits back to the U.S. On the other hand, the IRS argues that the companies undercharge their affiliates. The IRS has been quite vigorous in reallocating income from affiliate to parent in order to collect more U.S. taxes. In some cases the reallocation is justified, but often the companies are treated in an arbitrary fashion.

Last December I was an expert witness before a tax court in a case involving Du Pont. The case is still pending. Du Pont is suing to recover taxes on profits the IRS says were earned in the U.S. rather than by Du Pont's Swiss sales affiliate. The government claims that Du Pont deliberately cut its export prices to Switzerland in order to take advantage of that country's much lower tax rate.

But Du Pont had put together a unique team of high-powered R. and D. and marketing talent in Switzerland. Without that team the company's European business would have suffered greatly. Who can say where the profits should have been allocated—to the U.S. company that produced the goods or to the overseas company that was responsible for a highly sophisticated and indispensable sales effort?

The government argues that the profits belong in the U.S. because the investment necessary to manufacture the exports was much larger than the investment required to sell them. But Du Pont produced these exports in a domestic plant that was already on stream. On the other hand, its overseas sales force was created specifically to help sell Du Pont exports. The marginal cost of producing the exports was insignificant, but the marginal cost of selling them was huge. Viewed from this perspective, the government's case collapses.

The oil companies seem to do a much better job of handling money than most large multinational enterprises. Since they are vertically integrated, they have a great many intrasystem transactions. Yet the oil companies have been able to reduce, and in some cases altogether eliminate, the transfer of cash among affiliates. They also adjust their transfer prices wherever a tax saving can be made.

ROBBINS: The oil companies have developed masterful techniques for controlling international "float." A chain of transactions in an oil company might work somewhat along these lines. The parent company lends $500,000 to its North African affiliate, which produces crude and sells it at $600,000 to a European refining affiliate of the same company. This affiliate in turn forwards the refined product at a price of $700,000 to a European marketing affiliate, which sells the product to the public for $800,000 and remits the profit to the U.S.

Very likely, the oil company sees to it that none of these payments actually crosses a national boundary. The initial loan to the North African affiliate is deposited in a New York bank, and the affiliate writes a check to pay for U.S. equipment. All subsequent transactions are recorded in a New York clearing center where they are simply offset against each other. A final balance is credited to each affiliate, but is kept in New York. This guarantees prompt settlement of intrasystem accounts and eliminates the risks of operating in a variety of currencies.

STOBAUGH: Traditionally, those oil-company affiliates that produce the crude have been organized as foreign branches rather than as foreign subsidiaries. A branch is legally a part of the parent corporation (or a part of one of its domestic affiliates); while a subsidiary is a separate foreign corporation. The branch form of organization enabled the companies to charge the expenses of oil exploration against U.S. income. And when oil was discovered, the U.S. depletion allowance could be used to reduce taxable profits.

So the companies could save a substantial amount of taxes by concentrating their profits in the branches producing crude. Those branches would usually sell the crude to the refining and marketing affiliates at inflated prices. As a result, the oil companies sometimes showed losses in their European marketing affiliates. These losses were entirely fictitious, but when I worked in the oil industry some years ago, many executives said with great seriousness that the marketing end of the business is unprofitable. Such is the power of self-delusion.

The opportunities for this type of transfer-price manipulation are gradually being narrowed by more effective governmental surveillance. In 1971, Germany negotiated with the oil companies to reach a so-called fair income-tax payment, rather than one based on the posted price of crude imported by the German affiliates of international oil companies. We anticipate that there will be many more of these adjustments in the future, both in Europe and in the U.S.

Many foreign companies envy the sophisticated way U.S. companies manage their inventories. Yet the foreign affiliates of U.S. companies really don't manage their inventories any better than do their local, non-American competitors. Stobaugh and Robbins estimate that as much as $15 billion of the $32 billion inventories held by the foreign affiliates of U.S. companies at the end of 1970 were in excess of what would have been needed for a similar volume of operations in the U.S.

ROBBINS: When U.S. companies go overseas, they encounter problems that greatly reduce their efficiency in managing inventories. In many cases inventories must be imported, traveling great distances on shipboard. Since goods in transit are commonly included in the affiliates' inventories, the stock-to-sales ratio would normally be higher overseas than in the U.S. Another factor is government interference. Many governments, particularly those of the less developed countries, periodically ban imports or else refuse to allocate the foreign exchange needed to purchase them. As a result, the local managers tend to be apprehensive about the level of their stocks, and whenever the opportunity arises, they accumulate excess inventories just in case.

For these and other reasons, overseas inventories can never be reduced to domestic levels. But the companies could do a much better job of inventory management if they tried. They seem too willing to ascribe their inventory problems to "uncontrollable variables," like travel time or delays in port. But in reality some of these variables are controllable. It is possible for the corporations to bargain with local governments to, say, speed up customs clearance. Of course, the time to bargain is before the corporations make the investment, not after the funds have been committed.

Also, corporations can reduce transportation time through better coordination of shipping schedules. In practice, this means centralized control over both inventory levels and the choice of shipping points. It means advising each affiliate what to buy, when to buy, and where to buy.

Large companies find it especially difficult to exercise such immediate and sensitive control. Instead they indulge their penchant for rule making. For example, one large company reacted to a report showing an unacceptable level of inventories by ordering its affiliates to reduce supplies of spare parts for maintenance and repair. To comply with the order, the manager of one affiliate was forced to junk his excess parts, since there was no local market in which to resell them. When major repairs were needed the following year, maintenance supervisors had to scour the junk piles in order to reacquire the discarded parts.

The gap between the prevailing image of multinational companies and the realities of multinational operations is nowhere greater than in the area of currency speculation. Executives of most multinational companies protest that they do not speculate in foreign exchange. They argue that whatever actions they may take are motivated by fear of loss rather than hope of gain.

ROBBINS: The subject of foreign-exchange gains and losses is so complicated that it would be best to review some fundamentals. There are two categories of gains and losses: those arising from conversion and those arising from translation. A conversion gain or loss occurs when one currency must be changed or converted into another in order to settle an outstanding liability. Conversion gains and losses are not restricted to multinational enterprises. They may arise whenever an individual or company buys something from someone in another country, and the value of that country's currency changes between the time the sale is made and the time the payment is due.

On the other hand, translation gains and losses are unique to the multinational enterprise. They do not result from any payment, but rather from the restatement of an affiliate's worth in terms of the parent's currency. To take an imaginary example, suppose a Ruritanian affiliate of a U.S. multinational is holding a certain amount of cash in local currency. If Ruritania suddenly devalues, that cash is worth fewer dollars than before. From an accounting viewpoint, the multinational enterprise as a whole sustains an unrealized loss. On the other hand, if Ruritania upvalues its currency relative to the dollar, the affiliate's cash is worth *more* dollars than before, and the enterprise has an unrealized gain. That's translation.

STOBAUGH: Our research indicates that, until very recently, many treasurers did not appreciate the distinction between translation and conversion. In fact I recall interviewing one European treasurer of a large multinational company who was completely unfamiliar with the concept of a translation loss. It wasn't until three weeks after the sterling devaluation of 1967 that he discovered his company had an accounting loss of $500,000. His ignorance nearly cost him his job.

Of course, an accounting loss will not necessarily become an economic loss. Sterling devaluation may have improved local business conditions and thus stimulated the sales of U.S. affiliates. Profits may have risen much faster than they would have without the devaluation.

Similarly, an accounting gain may never become an economic gain. As a result of recent upward revaluations of European currencies against the dollar, a number of U.S. multinational companies have amassed substantial unrealized gains. Much of the time, the companies did not have to lift a finger to earn these paper profits.

In many cases the accountants choose to translate only current assets and liabilities at the new exchange rates. This means that if their cash, receivables, and inventories exceeded their payables and other short-term debt—which is the normal way for a solvent business to operate—the companies showed translation profits. But whether they will be able to convert many of these unrealized gains into actual dollars depends on—among other things—the effect of the revaluations on overseas business conditions.

ROBBINS: Of course, many companies build up their current assets in countries with strong currencies. And after the currency is revalued, they quickly convert these assets into dollars, thereby showing real as opposed to paper profits. We don't want to suggest that the multinationals don't speculate. Indeed, I feel they are compulsory speculators. They have to decide on a daily basis whether to collect a receivable from, say, Germany or to wait, hoping to profit from a rise in the value of the mark.

The companies don't regard a delay in the collection of a German receivable as speculation. To them, it is part of the normal conduct of business. Yet its impact on monetary conditions is the same as if the companies had sent money into Germany. Their action, or rather inaction, keeps Germany awash in foreign exchange and eventually contributes to a decision to upvalue the mark.

STOBAUGH: A great deal of this so-called speculation is of relatively recent origin. For many years the large companies were unable to make any money on foreign exchange. If they were lucky and very skillful, they managed to avoid serious losses, but not much more.

For example, some years ago one of the Big Three auto makers developed an extremely elaborate program to protect itself against exchange risks. This program included, among many elements, detailed estimates of the probability of devaluation of each European currency over the following three, six, and twelve months. Based on these estimates, the company's financial managers decided whether to buy forward exchange to hedge their exposed assets.

In spite of this relatively sophisticated approach, the company found it very difficult to forecast exchange-rate changes with any degree of accuracy. So it kept buying forward exchange just to be safe. Company officials indicated to us that they spent more money protecting themselves against possible currency fluctuations than they would have lost had they done nothing to offset the consequences of the devaluations.

In recent years there have been a lot of changes in exchange rates, and many of these have been so easy to predict that almost anyone could have made money. For example, once it became apparent that Germany was reconciled to a rising exchange rate, one merely had to jump on the bandwagon. Every time funds began flowing into Germany, corporate treasurers left their money in Germany, or sent more in. After the mark rose in value, the treasurers were able to tell their boards of directors that they had made substantial profits. As a result, these executives have developed a somewhat breezy confidence in their ability to gauge exchange-rate movements.

This confidence is largely misplaced. We are now in a period of floating rates in which it is rapidly becoming much more hazardous to predict the pattern of exchange-rate movements. Based on what we know about their behavior, we would expect the treasurers to shed their swagger rather quickly. These are extremely conservative men. While they may relish the image of gamblers, they recognize that their principal duty is not to earn exchange profits—whether realized or unrealized—but to protect their p. and l. statements from exchange losses. A foreign-exchange gain rates a pat on the back; a foreign-exchange loss invites dismissal.

In recent years many industrial countries have placed stringent restrictions on the activities of multinationals. For example, France now insists that French affiliates of U.S. multinational companies collect their receivables from sister affiliates elsewhere whenever the franc comes under pressure. If the current trend continues, companies may soon find their opportunities for global arbitrage greatly reduced.

ROBBINS: Most governmental restrictions on multinational companies are designed to minimize international monetary turbulence. If currencies were reasonably free to float, many controls would gradually disappear. Of course, there would also be less incentive for the companies to move money around. But as long as there are different tax rates and interest costs among countries, the companies will have scope for the manipulation of financial practices.

Governments may try to contain these manipulations, but I don't think they will disappear. For one thing, once the potential for making large profits on foreign exchange is eliminated, the amount of money sloshing across national boundaries will fall to a level that most governments can tolerate. They may still disapprove of the practice of shifting funds to save on interest costs or to avoid taxes, but in deciding whether to control these flows, governments will have to consider the impact of their policies on future corporate investments.

The companies have a great deal of clout, which they have not used extensively in the past, because they did not care to or did not have to. Generally speaking, foreign tax authorities have not been alert enough to detect instances of tax arbitrage. But tax collectors in most countries are undoubtedly becoming more sophisticated and demanding, and thus the companies may be forced into very hard-nosed negotiations in the future. For example, a multinational company may say to the French government: "We will invest here if you will allow us to make two-thirds of our profits locally and shift the one-third to a lower-tax jurisdiction such as Switzerland. If you don't like this arrangement, propose another one. But, remember, Italy is also interested in getting this factory and she has already approved this deal in principle."

STOBAUGH: Of course, the potential for this type of bargaining could vanish rather quickly. There are many in Congress who want to eliminate the present system of deferring U.S. taxes on unrepatriated foreign earnings. They want to tax foreign profits at U.S. rates when they are earned, rather than when they are remitted.

If the companies lost the deferral privilege, they would have no further incentive to manipulate transfer prices. Assuming that floating exchange rates are here to stay, the one area for exercise of financial ingenuity would be in minimizing world-wide interest costs. Even in this rather limited arena, however, there are substantial opportunities for earning additional profits through more rational policies.

A RETURN FLOW OF TECHNOLOGY FROM ABROAD

In most product lines, U.S. multinational corporations still hold a commanding technological lead over their foreign competitors, but other countries are catching up. Indeed, U.S. multinationals now bring home quite a bit of new technology from abroad.

In some instances, acquiring foreign technology is the goal of an overseas investment. Minnesota Mining & Manufacturing, for example, purchased an Italian subsidiary, Ferrania, in order to improve its own film products. The immediate result was Type HL medical x-ray film, which can be developed in subdued lighting, away from the darkroom. 3M now markets Type HL in the U.S.

W. R. Grace did the same sort of thing in England, and TRW in Germany. This year, Grace's Davison Chemical division joined with Laporte Industries of London to make and sell Laporte's catalysts for synthetic gas. Laporte-Davison, Inc., will open its new Baltimore plant in 1974. When TRW acquired the Pleuger company of West Germany in 1972, the reason was Pleuger's superior pump technology, which helped TRW to market a line of submergible pumps on a worldwide basis.

ROUTES AROUND OBSTACLES

Some U.S. multinationals have endowed their foreign subsidiaries with R. and D. facilities and received a substantial payoff. A microphotographic study of shaving by Norman C. Welsh, director of Gillette's British laboratories, led to the double-bladed Trac II, the most successful razor Gillette has ever introduced. National Cash Register's 230 electronic register, sold around the world, was developed and tested by N.C.R.'s Japanese subsidiary.

Domestic restrictions of one kind or another can force a multinational to go overseas for development work. Union rules in the U.S., for example, require that elevators and escalators be built at the construction site. When Otis Elevator Co. saw possibilities of better design and lower costs in prefabrication, it turned to the R. and D. skills of Flohr-Otis G.m.b.H., its German subsidiary. Flohr-Otis now sells a line of compact, simplified, prefabricated elevators and escalators in Europe. Though union restrictions keep Otis from selling this line in the U.S., the company will soon incorporate a number of European features into stateside escalators.

U.S. drug companies have found that foreign subsidiaries can ease the difficulty of introducing new drugs in compliance with Food and Drug Administration regulations. In the words of Robert M. Furlaud, president of Squibb, "A new drug application can easily total 170 volumes, and the cost of bringing a new drug to the U.S. market can exceed $7 million." In other countries, he says, the process is much simpler (though documentation runs to hundreds of pages). What's more, the FDA permits companies to use experience abroad as 25 to 50 percent of the clinical basis for a new drug application. So Squibb can reduce the cost and delay of introducing a drug in the U.S. by bringing it to foreign markets first. Prolixin Decanoate was developed in the U.S., but its usefulness in the treatment of schizophrenia was proved in Britain.

A LONG TRIP FOR DISC BRAKES

Sometimes technology reflows arise from efforts of U.S. multinationals to meet competition in foreign markets. When Michelin brought out the steel-belted radial tire in France, Uniroyal's French subsidiary, Engelbert, was forced to develop technology for producing a comparable tire. As a result, Uniroyal was able to pioneer steel-belted radials in the U.S. R. H. Snyder, director of product development, predicts that before long, 95 percent of new car tires will be steel-belted radials, and he adds, with understandable satisfaction, "We're off to a clear-cut lead."

When a new product fails to find a market in the U.S., a multinational can sometimes transfer production to a more receptive country, refine the product through experience, and then reintroduce it at home. Bendix, for example, licensed a form of disc brake from Dunlop in the early 1950's and tried to adapt it for American cars. But its cost, novelty, and complexity limited the domestic market. Bendix shifted developments and manufacture to its French subsidiary, Société Anonyme D.B.A.

By 1957, D.B.A. had developed a simpler and less expensive version. Volume production followed, but only for foreign cars. Then, in 1969, Ford decided to equip the Pinto with disc brakes. Bendix's European experience helped the company tool up so quickly that only the first Ford shipment had to be imported. The second came from the Bendix plant in St. Joseph, Michigan.

A BIG BOOST FOR THE B.O.P.

The impact of multinational companies on the U.S. balance of payments is an important but very elusive issue. Multinational companies exert all sorts of unmeasurable influences on the balance. They raise incomes in other countries, which should help U.S. exports, but they also improve the efficiency of local production, which means more competition for our exports.

Other influences of the multinationals on the balance of payments are quite measurable and reasonably unambiguous. When the companies send capital overseas, they obviously hurt the balance of payments. They import goods from their foreign affiliates, which also hurts. But they sell a lot of their foreign affiliates, which helps. And each year the affiliates send home dividends, royalties, and management fees—which help a lot.

If the discussion is confined to the transactions that can be measured, there is no doubt that multinational companies earn high marks for consistently strengthening the U.S. payments position—at least, they did up through 1970, the last year for which reasonably complete data are available. From 1966 to 1970 the U.S. trade surplus was just about halved, falling from $3.8 billion to about $2.1 billion. But the trade surplus generated by the multinational companies themselves did not fall at all during this period. In both 1966 and 1970 the foreign affiliates of multinational companies bought about $2 billion more from the U.S. than they sold to the U.S.

SUPPORTING THE SERVICES

The companies have also contributed heavily to the "service" account of the balance of payments, which includes items like travel and transportation, dividend remittances, and royalty payments. In 1966 the private, nongovernment sector of the U.S. economy recorded a $4-billion surplus in the service account. The multinational companies alone accounted for a $4.5-billion surplus in this account, which means that the rest of the private sector was running about $500 million in the red. By 1970 "the rest" was in deficit by $1.9 billion, while the multinationals increased their surplus to $6.4 billion.

The combined trade and service accounts are often referred to as the "current account" of the balance of payments (as distinguished from the capital account, which measures net flows of long- and short-term capital). As might be expected, the multinational companies, which are by definition capital exporters, generally run a deficit in the capital account. But their current-account surplus more than offsets this deficit. In 1970 the companies exported about $2.4 billion in long-term capital. Since their current-account surplus totaled $8.4 billion—$2 billion on trade plus $6.4 billion on services—the companies' contribution to the private economy's basic balance was about $6 billion.

Since 1970, of course, the nation's payments position has worsened considerably. In 1971 the trade balance went into the red for the first time in the twentieth century. And last year the trade deficit reached $6.9 billion, while the deficit in the basic balance exceeded $9 billion for the second consecutive year. To what extent has the multinational sector contributed to, or offset, this weakness?

COUNTING THE CASH

The evidence is fragmentary, but what is known of the contributions of particular companies suggests that the sector is still strong. FORTUNE has pulled together some evidence on this matter by querying many of the largest and best-known companies. Each company was asked to compute its own balance of payments for the latest fiscal year ending on or before December 31, 1972, by subtracting the total cash it sent abroad from the total cash it received from overseas during the year.

Since the companies could not be expected to have records of all cash transactions, the inquiry was confined to the most important items. Included in cash receipts are exports, dividends remitted from foreign subsidiaries, the profits of foreign branches, interest and loan payments, fees, rentals, and royalties, foreign borrowings repatriated to the U.S., and all other capital inflows. Included in cash payments are imports, capital outflows to finance affiliated foreign businesses, any increase in export credit, investments in the securities of unaffiliated foreign businesses, and service on the company's overseas debt.

Altogether, 105 companies provided consistent and usable data. These 105 include a solid majority of the nation's fifty largest foreign direct investors, according to an estimate recently published by the Senate Finance Committee.

WHO DOES WHAT FOR THE BALANCE OF PAYMENTS

Positive balance

	(Thousands of dollars)
Caterpillar Tractor	[1]827,000
Eastman Kodak	422,800
General Motors	396,000
Du Pont	374,000
I.T.T.	332,000
Gulf Oil	321,000
Union Carbide	200,000
Xerox	190,000
Dow Chemical	181,000
International Paper	155,000
National Cash Register	151,000
Monsanto	148,800
3M	142,000
Goodyear	138,040
International Harvester	[1]127,000
FMC	121,584
Borg-Warner	[1]116,555
Dresser Industries	116,000
Honeywell	105,800
Bendix	[1]105,000
Eli Lilly	104,810
Kennecott Copper	97,618
Deere	97,600
Brunswick	94,163
Clark Equipment	91,869
Hercules	90,249
AMF	90,000
ing in Schmalbach gave it a "dominant posi-	
American Cyanamid	84,100
Phillip Morris	79,700
Weyerhaeuser	72,709
Warner-Lambert	72,000
R. J. Reynolds Industries	70,100
Continental Oil	70,000
Tenneco	68,272
Corning Glass Works	66,200
Armco Steel	64,700
Pfizer	64,000
Colgate-Palmolive	62,556
TRW	59,200
Rohm & Haas	58,559
B. F. Goodrich	58,500
Squibb	57,000
Johnson & Johnson	55,330
Cummins Engine	55,100
Texas Instruments	55,000
Burroughs	54,411
Schering-Plough	53,382
Singer	52,500
Allied Chemical	51,000
Upjohn	44,817
American Standard	44,141
W. R. Grace	42,369
St. Regis	41,400
Sterling Drug	40,000
Owens-Illinois	31,816
Federal-Mogul	29,490
Addressograph Multigraph	29,444
Gillette	28,249
Norton	26,644
Dana	26,600
H. J. Heinz	24,500
Armstrong Cork	23,332
American Metal Climax	23,073
Reynolds Metals	22,000
Continental Can	21,500
Champion Spark Plug	19,900
Eltra	18,400
Genesco Inc	17,344
Maremont	17,270
Parker Pen	15,118
Otis Elevator	14,953
Inmont	12,070
Rockwell Mfg	11,600
Owens-Corning Fiberglas	10,602
Sunbeam	10,500
Black & Decker	10,245
ESB	10,000
Standard Oil (California)	9,397
Quaker Oats	8,803
Smith Kline & French	8,300
Scovill Mfg	8,131
Bristol-Myers	7,000
Scott Paper	6,969
H. H. Robertson	6,850
Chesebrough-Pond's	6,775
Carborundum	6,492
PepsiCo	5,864
Richardson-Merrell	5,432
U.S.M.	4,800
Bundy	3,000
Hesston	2,971
Pillsbury	2,390
H. K. Porter	1,666

Negative balance

Fruehauf	2,200
Pet	4,856
Nabisco	11,335
Hygrade Food	12,109
Uniroyal	17,174
General Dynamics	29,470
Kimberly-Clark	30,800
General Mills	37,600
American Smelting	73,148
Procter & Gamble	240,000

[1] Not strictly comparable to other figures because some receipts have been reported on an accrual (not cash) basis.

THE PAYOFF ON TECHNOLOGY

Ninety-five of the 105 companies reported surpluses; only ten had deficits. Most surpluses of over $100 million were registered by high-technology companies, chemical companies, and heavy-equipment manufacturers. Most of the drug companies had comfortable surpluses, ranging from about $40 million to $105 million.

On the other hand, a great many food companies had small deficits, ranging from $5 million to $38 million. General Mills, the second-largest food company on the list, attributed its deficit mainly to imports of frozen fish by its Gorton subsidiary. Says Ross Clouston, Gorton's president: "Japanese and Danish fishermen are simply more efficient than American fishermen. They have the use of better equipment, and this means they can bring in bigger catches at lower cost."

The largest paper company on the list, International Paper, had a surplus of $155 million. But another paper company, Kimberly-Clark, had a $31-million deficit, and nearly $80 million of the $240-million deficit recorded by Procter & Gamble was connected with paper operations.

Procter & Gamble's deficit reflects its export of capital to construct a Canadian paper mill. Kimberly-Clark's problems are related to new U.S. environmental regulations. A few years ago much of Kimberly-Clark's pulp came from its Wisconsin and Niagara Falls mills. But this was sulfite pulp, which is a heavy pollutant. Anticipating antipollution regulations, the company faced a choice of converting its U.S. mills to kraft pulp, which is less of a pollutant, or expanding its mill in New Brunswick, Canada, which was already producing kraft pulp. Kimberly-Clark decided that it was cheaper to close down its U.S. operations and rely on imports.

In the rubber industry, Goodrich and Goodyear show large surpluses, while Uniroyal shows a small deficit. Uniroyal makes a lot of truck and airplane tires, which require a great deal of imported natural rubber. On the other hand, Goodyear and Goodrich deal heavily in products made with synthetic rubber, manufactured domestically. They have much lower import bills.

THE DECADE AT I.B.M.

Since many of the largest multinational companies did not respond to the FORTUNE survey, there may be some bias in the list—i.e., those companies with positive balances were probably more likely to supply figures than those with negative balances. The effects of this bias are probably quite limited, however. Many of the surveyed companies do not normally report any such data and were simply unwilling to allocate the time necessary to gather the figures. Others have policies against disclosing any more data than they have to, regardless of whether the figures are favorable or unfavorable. For example, I.B.M. would not release annual data, but it reported a 1963–72 surplus of $4.4 billion (which is actually a matter of public record).

Most oil companies also had good reason to ignore the questionnaire. Rising oil imports have turned a once healthy industry surplus into a deficit. Exxon indicated that it would have had a $463-million payments surplus—if its oil imports weren't counted.

On the other hand, a few oil companies were able to post surpluses. Continental Oil is in deficit on its oil operations, but its huge exports of coal pulled the whole payments balance into the black. Gulf Oil would have been in deficit but for some substantial spinoffs of foreign operations. In 1972, Gulf sold its Spanish chemical operations and its entire German and Philippine businesses. The proceeds of these overseas divestments are recorded as capital inflows, helping to raise Gulf's positive balance for the year to $321 million.

CONTINENTAL CAN'S INTERCONTINENTAL TRIBULATIONS

(By Peter Vanderwicken)

That castle of cans, cartons, and plastic bottles pictured on these pages is built of products of Continental Can Co.'s European subsidiaries. And as their variety suggests, Continental's European business is substantial indeed. Last year it provided 17 percent of Continental's worldwide sales of $2.2 billion. In managing all that business, Continental confronts the full range of difficulties that plague other multinational companies, including uncertain exchange rates, surging inflation, and stringent controls on capital movements.

But Continental, one of the biggest of the multinationals, has just emerged from a special trial—the most important antitrust suit ever brought by the European Community. The company won its case, more or less, but so did the Community. In finding for Continental, the European Court of Justice, in a startling decision, gave the E.C. sweeping new powers to prohibit acquisitions and mergers by large companies. The limits of the new powers are so foggy, however, and the Community's competition-policy division is so thinly staffed (only twenty investigators for the entire Common Market), that the European antitrust drive still has little more force than a paper tiger.

Nevertheless, the Continental case has set off an intense debate over regulation of large companies by the Community. It has become a widely cited symbol of the concern felt by Europeans about the activities of multinationals. Among the wits within Common Market headquarters in Brussels, the Continental case even inspired a wicked password: "Congo"—meaning "Continental go home."

The password, fortunately, does not accurately describe Continental's relations with its European licensees and partners (see "How Continental Licensed the World," page 78). Those ties have been close and warm since 1930, when Continental first began licensing local European packaging companies to use its can-making technology. Over the years, the company acquired stock in some of its licensees. In the late 1960's, Continental and some of these licensees decided to get together to better position themselves for growth in the Common Market.

THE FRENCH DROP OUT

The plan was to form a new company, Europemballage ("emballage" is the French word for "packing") to absorb part of the business of the leading can makers in Britain, Germany, France, Italy, Austria, and the Benelux countries. Continental would control Europemballage which in turn would control about half the market for cans in all those countries, except Britain.

But the plan began to falter even before it was announced in March, 1970. Continental's French licensee, J. J. Carnaud et Forges de Basse-Indre, which has half the French market for cans, dropped out first. Its majority stockholder, a French steel company, objected that the venture would violate the terms of loans it got from the French government. When the remaining companies went ahead with the plan, the Commission of the European Community warned them that they would be violating an antitrust provision of the Treaty of Rome.

The warning alone was enough to make the British participant, Metal Box Co., Ltd., decide against joining Europemballage. Metal Box had just gone through the wringer with the British Monopolies Commission and wanted no more antitrust problems.

Continental formed Europemballage as a wholly owned Delaware corporation, and handed over to it some substantial interests—86 percent of the leading German can manufacturer, Schmalbach - Lubeca - Werke AG of Braunschweig, and 10 percent of the largest Dutch packaging company, Thomassen & Drijver-Verblifa N.V. of Deventer. Europemballage soon increased its interest in Thomassen & Drijver to 91 percent.

Made up as it is of these two companies, even the scaled-down Europemballage is a good-sized enterprise. Last year it had sales of $368 million and earnings of $13.4 million (after taxes but before an extraordinary charge). As the largest can producer on the European continent, Schmalbach has about 40 percent of the German can market. It employs 11,800 people at sixteen plants and dominates the Austrian market through a subsidiary of its own. The company sells scores of products other than cans—everything from industrial machinery to outdoor grills.

Thomassen & Drijver holds about 65 percent of the Dutch market for cans (large numbers of which are used for condensed milk, beer, and hams exported to the U.S.). In addition, it owns subsidiaries in Belgium and Curaçaó.

A CHARGE OF "ABUSIVE EXPLOITATION"

In late 1971, after a twenty-month investigation, the European Commission issued a formal complaint against the formation of Europemballage. Because Continental's holding in Schmalbach gave it a "dominant position" in cans for meat, fish, and seafood and in caps for glass bottles, the Commission charged, the company's purchase through Europemballage of Thomassen & Drijver "led to the practical elimination of competition in the aforesaid containers throughout a substantial part of the Common Market."

The Commission's complaint was the first significant test of Article 86, a key antitrust section of the Rome Treaty. That section prohibits "abusive exploitation" by one or more enterprises of a dominant position within the Common Market or a substantial part of it.

Continental appealed the Commission's decision to the European Court of Justice, the Common Market's supreme court. The company argued that Article 86 was not intended to control mergers, and went on to deny that Schmalbach and Thomassen & Drijver together held as much of the market for the types of cans cited as the Commission claimed. Even if the Commission's figures were correct, Continental maintained, this did not constitute a "dominant position" that it could have abused. The Commission, the company said, had defined the relevant markets incorrectly, and had ignored the ability of Continental's customers to substitute other packaging materials for its cans if they wished.

Many of its customers, Continental added, were perfectly capable of manufacturing their own cans, as some of them already did for certain products. Its largest customer for the cans at issue was Unilever (1972 sales: $8.9 billion), hardly a helpless consumer.

The court accepted Continental's arguments and agreed that its subsidiaries did not dominate the market. Therefore, the company's purchase of control in Thomassen & Drijver was not an "abusive exploitation of a dominant position." But having awarded Continental the case, the court gave the Community the principle. In a political balancing act, the judges virtually rewrote Article 86 and vastly expanded the Commission's powers to prohibit *any* corporate action that might endanger effective competition.

The decision's sweeping implications have left lawyers' heads spinning from Hamburg to Milan. But the language and scope of the court's decision are both so vague that nobody is entirely certain what the decision means.

A BOLD INTERPRETATION

Its central holding is that "the strengthening of the position of an enterprise may be abusive and prohibited under Article 86 of the Treaty, regardless of the means and procedure by which it is achieved, if the degree of dominance . . . essentially affects competition. . . ." The effect on competition would be shown if the behavior of enterprises remaining in the market "depends on the dominant one."

The decision clearly gives the Europan Commission the power to prohibit mergers, joint ventures, or acquisitions that would increase a dominant company's market share. Some lawyers think the decision also allows the Commission to prevent mergers between nondominant companies if the resulting enterprise would be dominant. But the decision leaves many other questions affecting corporate strategy unresolved. For example, it is not clear if a company that is dominant in one geographical region can safely expand into a new market area by acquisition, or at all.

An admittedly bold interpretation of the court's decision has been reached by Willy Schlieder, the Community's vigorous director-general for competition policy (whose powers combine those of the U.S. Justice Department's Antitrust Division and the FTC). In his view the court held that if a company has a dominant market position, it cannot improve its position by any means whatever. "If you have a dominant position," says Schlieder, "that is, if your competition depends on you for their behavior, you shouldn't enlarge your dominant position by any means." Schlieder himself is uncertain whether the decision means that a large company may not become bigger or increase its market share through internal growth.

He is still studying these questions and they will keep his minuscule staff busy for some time. Although he was given broad powers to regulate competition, Schlieder hasn't the resources to do more than bring an occasional suit to define the limits of Article 86. At present he is working on two new antimerger cases involving European-owned companies to test aspects of the Continental decision.

The eventual outcome, according to some European lawyers, is likely to be a Common

Market antitrust policy modeled on the Sherman and Clayton acts. But it will be years before such a policy is finally developed.

"WE HAVE TO BE CAREFUL"

For Continental, one thing is certain now. It is barred from ever creating the European-wide packaging subsidiary it once envisioned, but Europemballage can continue to operate in its present markets and expand into new ones. Says Ben ter Haar, the president of Europemballage, an ecology-conscious Dutchman (he helped develop an intensive anti-litter campaign in the Netherlands): "We have to be careful not to broaden our base too much in the light metal packaging business. But this doesn't mean we can't expand in Europe."

And there is plenty of room for expansion. In Europe, unlike the U.S., very little beer is sold in cans, and most soft drinks are also still bottled. The markets for soup, meat, vegetable, and condensed-milk cans are growing, because Europeans are doing more of their shopping in American-style supermarkets. The use of cans for automotive motor oil, paints, chemicals, and other products is also increasing. Continental's executives think their markets in Europe will grow faster than those in the U.S. for years to come.

The company is already shifting into new markets. Schmalbach recently bought Elbatainer Kunststoff-und Verpackungs, a German producer of plastic packaging. Europemballage has hired an acquisitions specialist from I.T.T., and scouts from Continental's domestic paper division are looking for wood-pulp suppliers to acquire. Continental's Tee-Pak division, which makes edible casings for sausages and hot dogs, plans to begin European production with a $25-million plant in Belgium.

HOW TO USE A CASH SURPLUS

With the spread of currency and capital controls throughout Europe, it is not antitrust regulations alone, but a variety of other new controls and rules that restrain Continental's ability to invest abroad—or even to make optimum use of its short-term operating surpluses. Initially, Europemballage was able to transfer funds from one unit to another, as needed. This efficient management of cash is no longer possible.

The Dutch company has recently had a $12-million cash surplus, while the German company needed short-term financing. If Thomassen & Drijver had lent the cash to Schmalbach, regulations would have required Schmalbach to deposit at least half the amount of the loan, interest-free, with the German Bundesbank. The cost of that would have been prohibitive, so instead the Dutch company was forced to invest its surplus cash in Holland at a 4.5 percent yield, while the German company borrowed in Germany at 10 percent.

Continental's financial managers are also learning to live with a rash of rapidly changing rules designed to cool the superheated European economies. The German government, for example, has imposed a temporary 5 percent surcharge on corporate income taxes. In May Germany added an 11 percent tax on capital expenditures and suspended the use of accelerated depreciation in tax reporting.

Like other multinationals, Continental has discovered the great impact on profits that the controlled timing of international payments can have under the present system of fluctuating exchange rates. As the dollar declined in value, Continental has sometimes delayed payments sent to the U.S. by its European subsidiaries. William L. Strong, the company's treasurer, recently asked the Dutch company to postpone a $1.5-million dividend payment. "We said, 'Don't hurry sending that over."

For the most part, however, Continental avoids fiddling with the normal leads and lags in its payments. It has no wish to hedge against or speculate in currency changes. The company keeps generally to the payment terms customary in each country, ranging from ten days with a 2 percent discount in Germany to thirty days net in Holland.

THE COST OF NOT SPECULATING

These days, currency controls and exchange risks make long-term financing in Europe somewhat more nerve-racking and difficult than ever before. In May, Continental refinanced a 45-million Swiss-franc loan ($15 million at recent exchange rates) that is due to mature in November. "I sweat blood on this," says Strong. "The thought came to us before the [February dollar] devaluation that we should hedge the 45 million Swiss francs. We said no, because speculation in currency for non-experts is more precarious than the stock market. So it worked out that we lost $1.8 million, or 16 percent, on the last devaluation." The company has not yet decided whether to amortize the loss over a period of years through a foreign-currency reserve account, or charge the entire amount against the account this year.

Refinancing the loan by borrowing 50 million Swiss francs through a 6 percent bond issue, Continental immediately confronted a Swiss currency-control regulation that imposes a 2 percent negative interest charge per quarter on deposits by foreigners. In order to avoid paying this penalty on its 50 million Swiss francs until it pays off its previous debt in November, Continental will invest the money in Eurodollars outside Switzerland. Through a series of intricate maneuvers, the company hopes in the end to come out with a small net gain.

Frequent and substantial changes in exchange rates also add to the difficulty of stating true earnings and assets. For example, Schmalbach reports its results to Europemballage in German marks, while Thomassen & Drijver reports in Dutch guilders. But Europemballage reports to Continental in dollars. Last year Schmalbach's earnings, in marks, rose 65 percent, while Thomassen & Drijver's earnings, in guilders, declined 14 percent (largely because government price controls prevented it from passing on rising costs).

In their own currencies, the combined earnings of the two companies increased by 16 percent. But when their profits were combined *and* translated into dollars as Europemballage's earnings, the reported gain (before minority interests) amounted to 32 percent.

UNREAL FIGURES

Since Europemballage's figures, in dollars, are those that must be used in Continental's corporate financial statements, the earnings gain in Europe is unavoidably distorted upward. In the same way, currency fluctuations also distort asset values. Continental has an investment of more than $120 million in Europe, $100 million of it in dollars. But those dollars were used to buy assets valued in foreign currencies, which have risen in relation to the dollar. This produces a paradoxical result. "If the dollar weakens 10 percent," says Strong, "we gain 10 percent on the $100 million but we lose on the other $20 million."

In its balance sheet, however, Continental—following accepted accounting practice—does not record such changes, and thus is forced to understate the actual current value of its foreign fixed assets. Compounded over time, such an undervaluation of assets will inflate its return on investment.

Europe's roaring inflation—more than 7.5 percent in Germany and Holland—also creates distortions in reporting. Cumulative variations caused by inflation and the changes in exchange rates have pushed budgets, stated in dollars, off target by 15 percent or more in the course of a year. Continental meets the problem simply by having each national company operate in its own currency. The parent corporation then absorbs the distortions that result when Europemballage's accounts are translated into dollars.

TURKS IN A MONASTERY

Some peculiar characteristics of its European labor force present Continental with some added operating problems. Twenty-three percent of Schmalbach's employees in Germany are foreigners (called "guest workers"). Many of them are illiterate Turks; few can speak any language but their own. Both Schmalbach and Thomassen & Drijver, whose work force is 10 percent Turkish, have to employ special translators in their plants.

The extensive use of foreign workers—as many as 60 percent of the payroll in some Thomassen & Drijver plants—does not keep labor costs down. Indeed, costs at both the Dutch and German companies are climbing by about 13 percent a year. The guest workers receive the same pay and benefits as native workers. In addition, Schmalbach has had to build special housing for them in Braunschweig, and Thomassen & Drijver has leased a monastery for some of its Turkish employees.

Recruiting, training, and housing cost Thomassen & Drijver more than $1,000 a year per man. "But does it matter?" asks Ido A. Stuit, the company's president. "A Dutchman doesn't like this kind of work anymore. Ouly the Turks make it possible to work three shifts. So we have no choice."

With the European economies at full employment, the power of unions is increasing in several ways. A Dutch law enacted in 1970 gives labor unions a veto over the appointment of new members to a company's board of directors. In Germany, the government has pledged to give workers half the seats on company supervisory boards.

THE LAST SHUTDOWN

The metalworkers' unions, to which many Schmalbach and Thomassen & Drijver employees belong, are among the most active in seeking to bargain and strike on a multinational scale. The day is coming when a plant manager who decides to accept a strike over a local issue might risk having his company's operations in other countries shut down as well.

The growing militancy of labor also makes it difficult to close an unneeded plant. One of Continental's objectives when it created Europemballage was to improve efficiency by eliminating redundant production and excess capacity. Since Europemballage was formed, Schmalbach has closed four plants and Thomassen & Drijver two.

The Dutch company, under an agreement with its unions, is closing a third factory. But Stuit says that will be the end—the company has agreed that there will be no more closings for at least three years. "It is impossible for me to close another factory," he says.

Despite their gravity and complexity, Continental's problems are no more onerous than those encountered by other multinationals in Europe. And the corporation certainly has compensating benefits. Vice Chairman Charles B. Stauffacher, who oversees international operations, says that "profits have been at a satisfactory level and justify our investment. Those two companies are very well managed." And Chairman Robert S. Hatfield adds, "In terms of opportunities, there are interesting problems in selecting which markets they should devote resources and energy to for the future. They have a splendid base to grow from."

Despite that "Congo" quip in Brussels, Continental has avoided acquiring an "ugly American" image. Unlike some other U.S.-based multinationals, it has carefully preserved the national identities of its subsidiaries. A Dutchman thinks of the cans he buys as the product of Thomassen & Drijver, a company he has dealt with for many years and a Dutch name if ever there was one. He does not think of the connection with Continental.

A MULTINATIONAL ASSET

And Continental aims to maintain the identity of its national components. Says Hatfield, "They will operate as identifiable separate national companies for the foreseeable future. As long as people in countries in which we operate do things in a certain way, we'll do it that way."

Hans Munte, president of Schmalbach, adds: "The image on the market is not Continental Can. The image Continental has in Germany is Schmalbach-Lubeca." In a barely common market where nationalism is still a potent force, its national image is a great asset for a multinational like Continental.

THE PROMISE OF AMERICA

Mr. SAXBE. Mr. President, in recent years—and particularly in recent months—our Nation has been plagued with a host of problems that are of great concern to the American people. Many of these problems have posed tremendous challenges to us in Government and to the people as a whole.

Unfortunately, the magnitude of these difficulties has created doubts in the minds of some of our citizens as to the viability of the American system. While we should never minimize the problems that confront us, we should do everything in our power to keep our perspective, and to maintain the wisdom, fortitude and the perseverance necessary to make the great plan laid out by the framers of the Constitution work so that freedom and opportunity for all shall be forever maintained in our country.

I am among the first to criticize something when I think it is wrong, and when I think such criticism serves the best interests of the Nation.

But I hold firm in my belief that the American system is based on the most noble principles ever devised. And I further believe that our system is, and can remain, the greatest system on earth, so long as we are diligent in our efforts to keep it so, and so long as we are alert to abuses, deficiencies and shortcomings as they appear, and are willing to remedy them in a speedy and forthright manner.

A recent editorial in the Columbus, Ohio, Dispatch drew my attention because it reminded us that with all our problems, the promise of America is still as "bright as ever."

I ask unanimous consent to have the aforementioned editorial, including its title, printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

U.S. Sky Not Falling; It's Bright as Ever

Pity the poor soul with the Chicken Little complex—he is running around wailing that "the sky is falling." Nonsense!

America's sky is as bright as ever, if not brighter. There is nothing wrong with this country that a rousing cheer won't cure.

In fact, Americans would do well to broaden Ohio's latest slogan and start cheering to the tune of: "Let's hear it for America!"

Too many Americans are complaining about high prices. Sure they are high. They may go higher. This regrettably will be felt by those on fixed incomes. But what wage-earning downgraders of America fail to acknowledge is that their incomes have risen, too. They want the good old days of the 50-cent steak, but not at the price of a $1-an-hour wage.

Let's hear it for America and its prosperity!

Too many Americans are complaining about Watergate, and all the publicity given it by the news media. Just check today's edition of The Dispatch—about 350 pages of not only Watergate news but a lot of good news and important information as well.

Let's hear it for America and its good news!

Too many Americans are viewing Watergate as evidence our nation's system is rotten to the core and should be replaced. These Chicken Littles are not certain what they want as a replacement. Still they squawk that the sky is falling.

Let's hear it for America and its system which is working!

Too many Americans are complaining about crime. But they forget that the Federal Bureau of Investigation reported recently that for the first time in 17 years, serious crimes declined in the U.S. In large cities like Columbus, where crime had been most serious, the decline in crime averaged eight per cent.

Let's hear it for America and its efforts to cleanse its lawlessness.

Too many Americans are complaining about this nation's penchant to get involved in war. These Chicken Littles, who had spent so much time demonstrating and shouting against our involvement in Southeast Asia, are strangely quiet now that our military personnel no longer are participants there.

Let's hear it for America and its endeavors for peace.

Too many Americans are complaining that Congress is so enchanted by the Senate Watergate committee investigation that the nation's business is being totally neglected.

These Chicken Littles forget that the Senate committee is only one of scores of legislative groups which are working their ways through various proposals and can be expected to reach consensus on myriad problems.

Let's hear it for America and its government by, for and of the people!

Of course we are fed up with politicians who posture rather than perform, the shiftless who demand the world owes them a living, the ungrateful nations who take our largess and mock us, the do-gooders who would squander our treasure, the lawbreakers who place ideology above the common good, the drift away from the moral principles on which this great country was founded.

But is the sky falling? No, indeed!

The Chicken Littles should join us when we shout:

Let's hear it for America!

WORLD DIPLOMACY AND THE AMERICAN CORPORATION

Mr. HARTKE. Mr. President, I am greatly disturbed by recent disclosures of American corporate involvement in the international diplomatic process. Not only does it appear the multinational corporation influences the decisions and process of countries irrespective of the countries' welfare, but it appears that Standard Oil Co. of California has undertaken the task of stockholder influence at the expense of American foreign policy.

I am not unmindful of the energy crisis facing the world, and the vast supply of crude oil in the Arab countries. However, the letter addressed to the stockholders of Standard Oil Co. of California by its chairman of the board, Mr. O. N. Miller, calling upon the United States to "work more closely with the Arab governments," for the sheer profit of the corporation, is the lowest form of involvement by a multinational corporation in the arena of international diplomacy yet revealed. The Congress cannot allow such irresponsibility to continue unabated. We must act to curtail any future involvement of this nature. I, therefore, call upon my colleagues on the Foreign Relations Committee to begin hearings, at the earliest possible opportunity, leading to the enactment of legislation prohibiting the involvement of American corporations in international diplomacy before further stain is splashed upon the United States irrespective of the interests of all the people.

Mr. President, I ask unanimous consent that the letter from Standard Oil Co. of California to its stockholders be printed in the Record for the purpose of informing the Senate of the audacity of one multinational.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Standard Oil Co. of California,
San Francisco, Calif., July 26, 1973.

To our Stockholders:

All of us are well aware that the United States is not producing enough oil and gas to meet the overall demands which exist today for these energy resources. We are becoming increasingly dependent on foreign oil imports.

Here in the United States we must increase our exploration efforts to find new oil fields, and do all that we can to develop all sources of energy. However, even with our strongest efforts in these directions, it is clear we must look to increased imports of foreign oil in sizable quantities.

Since 1960, the Nation's volume of petroleum imports has increased more than three-fold, and now amounts to more than 35% of our domestic requirements. The foreign oil we will need could rise to 45–50% by the end of the 1970's.

A key question certainly is, "From where is all this oil to come?" Obviously, we must look to all parts of the world, but primarily to the prolific oil fields of the Arab/Persian Gulf area which contain almost two-thirds of the Free World's oil reserves.

Standard Oil Company of California has had a long association with the Gulf area, which has become important as a basic supply source for Western Europe and Japan, and will be an important source for the United States in the years ahead. California Standard made the first oil discovery on Bahrain Island in the Gulf in 1932. A year later it concluded an historic agreement with King 'Abd al- 'Aziz to explore and develop the Eastern segment of Saudi Arabia, which contains nearly one-fourth of the world's known oil reserves.

During these 40 and more years, we have maintained a continuous and cordial relationship with the Arab people. The development of their oil fields has been a story of mutual cooperation and benefit, reinforcing bonds of friendship between our two peoples that were forged decades before.

There now is a growing feeling in much of the Arab world that the United States has turned its back on the Arab people. Many are said to feel that Americans do not hold in proper regard the national interests of the Arab states, their long history of important contributions to civilization, their efforts to achieve political stability and to develop sound and modern economic structures.

All of this is occurring at a time when the Arab states—because of their vast reserves of crude oil—are becoming increasingly important to the future welfare of the Western world. The Arab states—and Iran—hold the key to the energy resources which fuel the industrialized nations of Western Europe and Japan. They represent the only major source to which the United States can look for any substantial increase in its crude oil imports to meet our needs.

It is highly important at this time that the United States should work more closely with the Arab governments to build up and enhance our relations with the Arab people. We as Americans have a long history of friendship and cooperation with Arabs. It goes back more than 100 years, long before the first oil operations, and involves cultural relationships which encompass education and religion, as well as commercial trading.

During this time, much good will has been established which must be enhanced. There must be understanding on our part of the aspirations of the Arab people, and more positive support of their efforts toward peace in the Middle East.

It is in the best interest of all of us who are citizens of the United States to urge our Government to work toward conditions of peace and stability. We must acknowledge the legitimate interests of all the peoples of the Middle East and help them to achieve security and a dependable economic future.

Looking forward to the energy needs in the years ahead, it is in our mutual interest to encourage a United States Government course which recognizes the importance of these objectives to the future of all of us—a course which above all seeks a peaceful and just settlement of conflicting viewpoints.

O. N. Miller.

TRIBUTE TO R. H. BARRY

Mr. YOUNG. Mr. President, in the Minneapolis Tribune for Sunday, August 5, there appeared a story by Mr. Robert J. Hagen concerning one of North Dakota's outstanding financial consultants, Mr. R. H. Barry of Fargo, N. Dak.

Mr. Barry has devoted much of his life to working to save Upper Midwest small industries and small businesses which have financial problems. He has always worked to save these small businesses and small banks for local ownership rather than their being taken over by people far removed from the communities in which they are located.

In many cases Mr. Barry has successfully worked out arrangements whereby the employees of one of these businesses have been able to purchase the business and place it on a sound financial basis, continuing this important economic asset in their community.

What Mr. Barry has done for the Upper Midwest could be accomplished in other areas of the United States. It is especially important in this era when we seem to be moving to big conglomerates rather than continuing the enterprises which are such an integral part of our economic system and have contributed so much to our way of life.

I ask unanimous consent to have Mr. Robert Hagen's article printed in the Record as a part of my remarks. In his article Mr. Hagen deals with one specific case which Mr. Barry recently successfully resolved involving a small business at Maple Plain, Minn. This particular case is typical of so many which Mr. Barry has successfully handled in his own unique and very down-to-earth fashion.

There being no objection, the article was ordered to be printed in the Record, as follows:

He Leads Ailing Firms to Health

(By Robert J. Hagen)

The employees at Moulded Products, Inc., weren't sure what was going to happen when Richard H. Barry called them together for a talk two years ago, but they knew the outlook was bleak.

The company, Maple Plain's largest employer, had liabilities of about $2 million, compared with assets of $1 million which were encumbered by liens, and only $100 in cash with which to meet a $17,000 payroll that already was a week late.

Insolvent and 24 hours into reorganization proceedings under Chapter 10 of the federal Bankruptcy Act, it appeared that the Company was in danger of sinking into a morass of liquidation unless new capital could be obtained quickly.

But of more immediate importance to Barry, as the trustee, were the employees. They needed reassurance badly, so Barry, a 63-year-old business consultant from Fargo, N.D., who describes himself as a financial catalyst and healer of sick companies, "put the evangelism to work."

"I know that you're worried," Barry said in his most comforting tones, "but business is 90 percent people and if you're with me on this, we can make it. Your attitude has a large bearing on whether we'll be successful or not.

"I'm successful at this kind of thing nine times out of ten, but I need your help and support. I'm going straight to work to raise money to pay the back payroll and meet those coming up, but in the meantime, I'm depending on your good faith."

It was exactly what the employees needed to hear, spoken persuasively by a man who exuded confidence and looked like he knew what he was doing.

They rallied around him and Barry, using his own brand of folksy sermonizing, good-humored tenacity and positive thinking, this month brought the company out of Chapter 10 without missing a payroll or losing a customer and with a $1-million backlog of orders besides.

He never doubted that he could do it, but he concedes that it wasn't easy.

The factors precipitating the company's crisis, according to court records, were mainly "poor marketing decisions coupled with poor and often inadequate financial policies "

It lost $1 million between January 1969 and December 1970, trying to finance and market a "pogo pony" toy. It lost "several hundred thousand" dollars between 1970 and 1971 developing a large garbage can on wheels that was called "Waste Aid."

By the second week in July 1971, when company officials brought Barry in to help, the company was in danger of folding.

Barry, who tends to think of companies as living beings, said, "Half of the chapters in the bankruptcy act are for morgue cases that can't be helped and the other half are for hospital cases. Moulded Products was still a hospital case, but rigor mortis wasn't far away."

Under Chapter 10, Barry could protect the company from a storm of due bills and lawsuits while trying to reorganize its financial structure, but he still needed fresh money—financial "plasma" in his terminology—to pay employees and buy raw materials.

He estimated that he needed to raise about $40,000 a week for five weeks in order to keep the patient alive, a task complicated by the fact that many of the usual lenders believed the company's illness to be terminal.

Barry's sermonette to the employees about cooperation and positive thinking helped the company weather the first few critical days.

A day after the talk, a supplier with a load of plastic resin the company needed to keep production going called to say he'd deliver it, but only for cash on delivery.

Barry was out trying to scrape up money, so Mrs. Violet Luhman, Moulded's purchasing agent, promised the supplier that the funds would be ready. She drove to the State Bank of Maple Plain and took out a personal loan for $2,700 to pay for the materials.

"My husband said it was the most logical thing in the world to do," Mrs. Luhman said.

Through it all, Barry, who is regarded as a dreamer by some and a maverick by others, maintained a distinctly personal approach.

"You have to be a kind of a Billy Graham in this business," he said.

He offered cash prizes to employees if they could recall the essence of four "rules" he formulated about positive thinking. He sent out employee memos saying it was essential that positive thinkers outnumber negative thinkers by at least nine to one.

He gave away copies of a paperback book that promised to show the reader "how to turn your desires into realities by using the powerful forces of your subconscious mind." He suggested employees organize themselves as he did by writing their plans for the day on 3 by 5 cards.

"In order to successfully reorganize a company," he said, "The employees have to get themselves organized as individuals."

He remained unflappable.

One employee remembers sitting in a meeting with Barry and other company officials when the situation seemed grave.

Barry simply said, "The trustee refuses to become upset about things like that, because the trustee is past the point of getting upset about them."

During the first week of the reorganization, for example, one of Moulded's larger customers said it needed particular components immediately or 400 of its workers would have to be laid off.

"The items were in town," said Barry, "but we had to have $5,000 to get it released. Where was I to get that kind of money at 4 p.m. on a Friday?"

He wrote out a personal check for the amount. Eventually, he was to put $32,500 of his own money into Moulded Products without benefit of security or interest when he was repaid.

"I'm not supposed to do that," said Barry, "but I do it anyway and tell them (the court) later. I learned years ago that if I don't save the company, everything else is academic."

Not long after that, 33 employees loaned Moulded Products a total of $8,232.40 at 8 percent interest.

"That really gave us a lift psychologically," said Barry, "and it had a bearing on the banks and people to whom we went for money. They said that if the employees felt that strongly about the company's future, by God, let's help 'em."

The first places Barry went to for additional financial assistance were those like the Wood-Nelson Co., for example, to which Moulded Products already owed about $40,000 for property insurance.

"Our hair was up pretty good when he came in here," said Martin Anderson, president of the firm, "but we settled down. He's got a unique personality and comes on with a marvelous blend of horse-sense and business-sense in a country philosophy that puts priorities in order.

"Our interest was in keeping the company going because we could lose by letting it go under."

Wood-Nelson put in another $1,500.

Barry managed to borrow enough money during the next few weeks to repay the employees and to get the company's business growing. By the end of the first month of the reorganization, he raised the employees' wages by 5.5 percent.

By this month, most of the company's debts were worked out under the reorganization, a new president was named and Barry's duties were narrowed to two legal matters.

He is proud of the results and particularly satisfied in having helped to save 100 jobs. He doesn't worry about what people may think of his approach.

"Once a few years ago, I was involved in reorganizing a company in Willmar," he said, "and after I gave my speech to the employees about positive thinking and the need to save industries as well as get new ones, they applauded.

"There were five banks involved in that one and the sheriff already had taken possession of the property. The banks were leery of putting more money in, so I pulled out my checkbook and told them I'd put in 5 percent of the $100,000—you need to be part P. T. Barnum in this business, too—if the community would make up the rest.

"We raised the rest in three days and that company is still operating.

"A lot of people think what I do is corny, but I don't care. They're the ones who think life is scientific, but there are a lot of mysteries in life. Like positive thinking."

A FRESHMAN LOOKS AT THE SENATE

Mr. McINTYRE. Mr. President, there is an old custom here which dictates that freshmen Senators be seen often and heard seldom during their first months in this Chamber.

While we may debate the merits of such a custom, I think we would all agree that it is a good idea from time to time to find out how we look to the rookies.

My good friend and colleague from Maine (Mr. HATHAWAY) has given us all just such an opportunity by writing a guest column which appeared in several newspapers, including the Baltimore Sun.

I want to share the Senator's observations with my colleagues and therefore ask unanimous consent that his column, entitled "Senate Is Some Trip for a New Member," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SENATE IS SOME TRIP FOR A NEW MEMBER

(By Senator WILLIAM D. HATHAWAY)

Being a freshman Senator is knowing there are 89 guys ahead of you when it comes to allocating office suites, parking spaces, patronage jobs and other plums of seniority. I rank 90th and not 100th in the pecking order of the Senate only because of prior service as a congressman. (Thank God for small favors!)

Being a freshman senator is being identified by your predecessor. In my case I was—and still am to many people—the man who defeated Margaret Chase Smith. The chauvinists are friendly, glad that I made the Senate again an exclusive men's club. The feminists view me with suspicion, keeping me under active consideration for the misogynist of the year award—although my mother, my wife, my daughter and Representative Bella S. Abzug still speak to me.

Being a freshman senator and a Democrat is to be somewhat horrified to discover you have been assigned the same Victorian desk on the Senate floor once occupied by Richard M. Nixon and Barry Goldwater.

To be a freshman senator is to be a little awed by this legislative assembly that has been called the "greatest deliberative body in the world." Perhaps I was not so awed as many freshmen, as I had eight years as a member of the "other body" in the Capitol to familiarize myself with the legislative process and become acquainted with many of the senators, especially those who served in the House. Nevertheless, there is a sharp contrast between the two Houses of Congress.

The House because of its size (435 members) operates under very restrictive rules with strict procedural limitations, and few opportunities for freshmen, as well as many senior members, to participate in floor debate.

The Senate, on the other hand, is a much smaller body (100 members), with a smaller, more personal chamber and smaller, more clubby committees where there is great opportunity for individual performance, individual influence in shaping public policy. Moreover, the Senate operates in a more informal, freewheeling atmosphere, with subtle forms of mutual adjustment, negotiation and compromise going on continuously.

Being a freshman senator in 1973 is very different from being a freshman senator in 1953. The freshmen of that year were expected to listen and learn, but not to be heard. That ancient tradition no longer holds. Freshmen are encouraged to speak out, to play an active and vocal role in formulating legislation and policy. Indeed, one freshman was mildly chastised by Mike Mansfield, the majority leader, for not speaking up and making his views known at a Democratic caucus.

Being a freshman senator means presiding over the Senate quite often, and being referred to as "Mr. President" by colleagues addressing remarks to the chair. And for us (few) senators not actively seeking or contemplating seeking the presidency, presiding may offer our only opportunity to enjoy that appellation, "Mr. President."

Being a freshman senator (after having been a congressman) is happily realizing the re-election battle looms only every six years instead of every two. A House member hardly ever stops "running."

To be a freshman is to look around and realize you're in the middle of all that marvelous cartoon copy: eyebrowed Sam Ervin, smiling, toothy John Tunney, crewcut Jim Buckley, and jogging Bill Proxmire with a newly acquired crop of hair.

Being a freshman in 1973 is to realize that, while the Senate is noted as a place of debate and deliberation, there is much legislation with little contemplation due to the tremendous workload and press of federal business.

Being a freshman is looking up into the gallery at the spectators and realizing you are in the showcase of national politics, sharing the limelight with Teddy, George, Hubert and Howard.

Being a freshman United States senator is being caught in a "Charlotte's web," trying to live up to the surface image for the demanding public eye. A new senator is shaped by the title, by the expectation the public has of what a senator should be in terms of speech, dress and general demeanor.

Being a freshman senator is also having the reassuring feeling that you can maintain, and indeed nurture, untrammeled, your individualism in this sprawning ground of iconoclasts.

THE INADEQUACY OF THE PRESENT LAW COVERING ADJUSTMENT ASSISTANCE

Mr. HARTKE. Mr. President, I would like to place in the RECORD a series of correspondence that illustrates how inadequate the present law is covering adjustment assistance for certain domestic industries severely hurt by imports. The case concerns the Stokely-Camp firm and the domestic pineapple industry in Hawaii. Lower priced imports flooded the market in Hawaii, and many Americans were without jobs. All attempts to obtain assistance from the Tariff Commission under the Trade Expansion Act of 1962 were in vain. It seems that the total pineapple industry could not agree to apply for assistance, as the law requires, and all aid was deadlocked and declined.

The first letter is a reply from the Tariff Commission to the Stokely-Van Camp company, telling of the difficulties involved in securing assistance. The second is the response of Mr. Alfred J. Stokely, president of Stokely-Van Camp, Inc. Mr. Stokely articulately explains the predicament his company is in.

Mr. President, I ask unanimous consent that these letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. TARIFF COMMISSION,
Washington, D.C., June 20, 1973.

Mr. ALFRED J. STOKELY,
Stokely-Van Camp, Inc.,
Indianapolis, Ind.

DEAR MR. STOKELY: You have requested information whether the tariff duties on canned pineapple products can be increased before July 1, 1973, when you will be required to phase out your Hawaiian pineapple operations.

The Tariff Commission has no authority to increase rates of duty. If an industry petition were to be filed with the Commission under section 301(b)(1) of the Trade Expansion Act of 1962, and if as a result of such investigation the Commission were to make an affirmative finding and a recommendation to the President as to increased duties or the imposition of quotas, the President upon receipt thereof could take appropriate administrative action to raise the duty rate or impose quotas. Past experience, however, shows that such investigations require a period of almost six months to complete—the statute requires that the Commission complete such industry investigations within six months. In addition, some further period would be required by the President to make a final determination whether or not to increase duties or to impose quotas.

In the absence of the above indicated administrative action, the only other possibility would be the enactment of appropriate legislation by the Congress. The Commission knows of no legislation Congress has under consideration with respect to imported products which could result in relief to your firm within the time period you have indicated—by July 1, 1973.

In view of your pressing need for an immediate response we have not gone into any detail concerning the filing of an industry petition or other matters. If we can be of any possible assistance as to these other aspects, we will gladly cooperate with furnishing whatever information you may desire upon your request.

Sincerely yours,
CATHERINE BEDELL, *Chairman.*

STOKELY-VAN CAMP, INC.,
Indianapolis, Ind., June 28, 1973.

Mrs. CATHERINE MAY BEDELL,
Chairman, U.S. Tariff Commission, Washington, D.C.

DEAR MRS. BEDELL: I appreciate your letter of June 20 commenting on the improbability of a tariff increase on canned pineapple products.

Your letter indicates there is no possibility of increased tariff on pineapple unless an "industry petition" is filed with the Commission under Section 301(b)(1) of the Trade Expansion Act of 1962.

I should like to repeat that the reason pineapple tariffs are at such an unrealistically low rate currently is that the Hawaiian pineapple "industry" could not agree as an industry to seek relief, the reason being that the major pineapple canners controlling over 70% of the pack had made substantial investment in foreign pineapple operations, and were not willing to seek a higher tariff on imports to the United States since this would take away some of the advantages of their foreign operations.

The Hawaiian pineapple industry is being forced out of business because of the low tariff and yet under current laws the Tariff Commission cannot move unless there is some "industry appeal." Apparently we as an individual Company cannot obtain tariff relief, and apparently our workers are denied any adjustment assistance because of the way in which the law is worded, requiring us to file an "industry petition" which perforce requires us to obtain the approval of multinational corporations, whose overall interests apparently lie more with their foreign pineapple operations than with domestic.

This certainly points up to me the necessity for a change in the law if we are going to try to save our domestic industry and if we really want to try to correct our balance of payments problem.

I am sending a copy of our correspondence on this subject to certain members of Congress, hoping the recognition of this dilemma might influence future trade legislation so that increased tariffs can be obtained more easily and could not be "blocked" by that part of our domestic industry who have already invested heavily in foreign production.

Incidentally, if relief comes, it will be too late to help save Hawaiian Fruit Packers, Ltd., because as I told you previously, July 1, 1973 is the date for our final decision, and I can see from your letter there is certainly no chance of any relief in the near future.

Again, many things for your consideration.

Sincerely,

Alfred J. Stokely,
President.

Mr. HARTKE. Mr. President, under the Hartke-Burke trade proposal, the procedure for obtaining adjustment assistance would be substantially streamlined.

Worker Injury. Domestic industries and workers displaced by imports of competing foreign products are not effectively protected by the Trade Expansion Act of 1962 which was supposed to provide adjustment assistance through discretionary authority of the President—or through the application of tariffs or quotas. Under the act's existing escape clause, a determination of injury must be related to a tariff concession and imports must be found to be a "major" or primary cause of injury. The procedure does not make it easy to show damage. Moreover, once the Tariff Commission makes a finding of injury, the President subsequently decides whether or not to impose a tariff or quota or to provide adjustment assistance.

Under Hartke-Burke, making a determination of injury would only require that increased imports "contribute substantially" to causing or threatening to cause serious injury. The Foreign Trade and Investment Commission set up to replace the Tariff Commission would receive complaints, conduct investigations and have the power itself to impose quotas—not tariffs. Loss of fringe benefits and stagnant wages would be considered as an element of "serious injury" to an industry, and the statute could be invoked if imports are only relatively increasing, that is, increasing their share of a declining market. Adjustment assistance may be granted but only as a supplement to quotas. The President retains discretionary authority to grant adjustment assistance but he cannot substitute adjustment assistance for quotas.

The Foreign Trade and Investment Act of 1973, is designed to put our industry on an even footing with foreign competition and make domestic investment just as attractive as investment abroad. The Hartke-Burke approach to trade policy will put America back on the path to a world of free and fair trade and provide the American worker with the security he deserves.

READINESS OF THE SELECTED RESERVE

Mr. THURMOND. Mr. President, the new Secretary of Defense, Dr. James R. Schlesinger, issued on August 23, 1973 his first official policy directive concerning Reserve and National Guard Forces.

This memorandum, entitled "Readiness of the Selected Reserve," represented more than an affirmation of the total force concept in that it designated this approach as "policy."

Secretary Schlesinger further directed all Secretaries, departments, and agencies of the Defense Establishment to give Reserve and Guard matters their full attention and support.

At the same time he made it clear that in future emergencies the Guard and Reserve "will be used as the initial and primary augmentation of the active forces."

Mr. President, there are many parts of this memorandum which are of great importance. A few of the items are as follows:

First, total force is now policy, not merely a concept.

Second, service Secretaries have been directed to approach affirmatively the readiness standards needed in the Selected Reserve to meet wartime contingencies and provide all necessary support to meet these goals.

Third, assistant secretaries for manpower and reserve have been advised to appoint a civilian Deputy Assistant Secretary for Reserve Affairs in their respective offices.

Fourth, the authority and responsibility of the various Reserve and Guard chiefs has been reaffirmed and should strengthen their hand in meeting obligations under the total force policy.

Fifth, a study has been ordered to investigate the issues of availability, force mix, limitations and potential of Guard and Reserve Forces.

Mr. President, it is my belief the Congress will applaud all of these policy statements by Secretary Schlesinger. Further, it is my view our defense establishment will be strengthened by these actions.

However, all should recognize that with increased responsibilities the Guard and Reserve will receive closer supervision and unquestionably will be subjected to organizational and conceptual changes which are certain to create some personnel turbulence.

The most valuable asset of the Reserve and Guard is the people who fill the ranks of its units. These individuals will respond to any reasonable challenge, but the very fact they are Reservists or Guardsmen indicates their primary activities are enmeshed in civilian life. They cannot be treated like active duty personnel and cannot be expected to achieve goals while training one weekend a month that regulars achieve training 5 days a week.

In these matters it would be my hope the Defense Department managers will approach any revisions as a part of a team effort rather than as a unilateral decision which ignores the nature of this low cost yet valuable military capability.

Unfortunately the designated managers of the Reserves and Guard forces have not been given the staff recognition envisioned in the Reserve Bill of Rights passed in the 90th Congress. This directive bolsters the authority of the Reserve and Guard chiefs to really manage their programs and speak with authority at the highest levels of decisionmaking.

Also, as we approach a period in which Reserve support will be accompanied by organizational realinements, it would be wise for the Defense Department to involve the Congress in their decisionmaking process. Once the budget is presented, it often appears the Defense Department feels that as each month passes, the budget recommendations somehow become more perfect. This approach can best be described as tunnel vision.

Mr. President, I ask unanimous consent that the Readiness of the Selected Reserve memorandum published by Secretary Schlesinger August 23, 1973 be printed in the Record at the conclusion of my remarks.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

The Secretary of Defense,
Washington, D.C., August 23, 1973.

Memorandum for Secretaries of the Military Departments, Chairman, Joint Chiefs of Staff, Director, Defense Research and Engineering, Assistant Secretaries of Defense, Director, Defense Program Analysis and Evaluation, Directors of Defense Agencies.

Subject: Readiness of the Selected Reserve.

An integral part of the central purpose of this Department—to build and maintain the necessary forces to deter war and to defend our country—is the Total Force Policy as it pertains to the Guard and Reserve. It must be clearly understood that implicit in the Total Force Policy, as emphasized by Presidential and National Security Council documents, the Congress and Secretary of Defense policy, is the fact that the Guard and Reserve forces *will* be used as the initial and primary augmentation of the Active forces.

Total Force is no longer a "concept." It is now the Total Force Policy which integrates the Active, Guard and Reserve forces into a homogenous whole.

As a result of this policy, the Selected Reserve has moved towards timely responsiveness and combat capability. Application of this policy has improved equipping, funding, facilities, construction, programing and some training areas.

I recognize and appreciate the great amount of effort that has been made to develop the Guard and Reserve. Progress has been made.

However, gross readiness measurements (which should be improved) indicate that we have not yet reached a level consistent with the objective response times. It is clear that we should move as much post-mobilization administration as possible to the premobilization period and streamline all remaining post-mobilization administrative and training activities.

We must assure that the readiness gains in the Selected Reserves are maintained and that we move vigorously ahead to reach required readiness and deployment response times in areas still deficient.

I want each Service Secretary to approach affirmatively the goals of producing Selected Reserve units which will meet readiness standards required for wartime contingencies. Each Secretary will provide the manning, equipping, training, facilities, construction and maintenance necessary to assure that the Selected Reserve units meet deployment times and readiness required by contingency plans. You will have my support and personal interest in overcoming any obstacles in these areas.

The Assistant Secretary of Defense for Manpower and Reserve Affairs is charged by statute and by Defense policy and Directives with the responsibility for all matters concerning Reserve Affairs. It is my desire that the Assistant Secretary of Defense for Manpower and Reserve Affairs, as a matter of priority, take such actions as are necessary to bring the Selected Reserve to readiness goals. In this respect, the Services, the other Assistant Secretaries of Defense, the Joint Chiefs of Staff, the Director of Defense Program Analysis and Evaluation and other Defense Agencies will provide support on a priority basis. Particular emphasis will be placed on assistance in manning, equipping and training. The Deputy Assistant Secretary of Defense (Reserve Affairs) will continue to function in accord with current statutes and directives.

To emphasize and to strengthen Selected Reserve management, I suggest a civilian Deputy Assistant Secretary for Reserve Affairs in the office of each of the Assistant Secretaries of the Military Departments for Manpower and Reserve Affairs. This Deputy should be supported by an adequate staff and be assigned responsibilities and functions similar to those assigned the Deputy Assistant Secretary of Defense for Reserve Affairs.

At the military level, the Navy has been given specific guidelines for developing the new office of Chief of Naval Reserve. The Air Force and Marine Corps management structure has produced combat readiness and that is the vital test. I expect that the Army's reorganization, with strong command emphasis and good selection of leaders will produce demonstrably visible improvement and I shall follow the results with interest.

The Chiefs of the National Guard and Reserve components will be the staff level managers of the Guard and Reserve programs, budgets, policy, funds, force structure, plans, etc. They will be provided the authority, responsibility and means with which to accomplish their functions effectively. The overall management responsibility of the Chiefs of the Selected Reserve, under the Service Chiefs, will be supported by all other appropriate staff agencies.

In addition to the foregoing emphasis on Reserve Force policy and management, I am asking my Deputy Assistant Secretary for Reserve Affairs, with your support, to manage a study covering the issues of availability, force mix, limitations and potential of Guard and Reserve Forces.

In summary, strong management with achievement of readiness levels in the Selected Reserve is among our highest priorities—we must and will accomplish this objective as soon as possible.

FREEDOM OF EXPRESSION VITAL TO OUR RELATIONS WITH THE SOVIET UNION

Mr. CHILES. Mr. President, I think we have an important issue here regarding radio broadcasting to the Soviet Union and Eastern Europe: The issue is freedom of expression.

It is very clear from the news coming out of the Soviet Union in recent days that very real harassment of Soviet citizens continues. Scientists, intellectuals, and writers are under strong restrictions in what they can say about their country and the kinds of contacts they can have with foreigners. Earlier this year we were all aware and concerned about the plight of Soviet Jews and their freedom to leave the Soviet Union.

Despite the welcome thaw in our government-to-government relations with the Soviet Union, we have to continue to be aware of the tremendous ideological difference between the rulership of the Soviet Union and our own values. The Soviet Union needs trade and an opening of economic relations with the West, especially with the United States. We must keep a close vigil on the treatment of Soviet citizens. We must not overlook the importance of fundamental civil liberties of the Soviet people. We should use whatever leverage we have in our economic negotiations with the Soviets to keep up the pressure for freedom within Soviet society.

The grain deal with the Soviet Union has already contributed greatly to price rises here at home and disrupted world grain markets. I was in Latin America for 2 weeks during the August recess and you would be surprised the number of times that people who would normally be eager to tell me something about their own country would bring up world food shortages and especially the problems caused by the United States-Soviet wheat sale as far as their own wheat production and exports are concerned. It seems to me that we have to clearly signal to the Soviet leadership our firm intent to be concerned about human rights in the Soviet Union as we make efforts of our own to engage in trade with them.

I think that keeping Radio Free Europe and Radio Liberty functioning is vital to this emphasis we should give to freedom in our relations with the Soviet Union. These stations do provide an outlet for information and opinion that would not be available to the people of Eastern Europe and the Soviet Union otherwise.

Earlier this session I voted to restrict some of the USIA information and propaganda activities as I think we do need to recognize that the cold war is coming to an end. We are not now locked as we were 25 years ago in a battle for the hearts and minds of people throughout the world. So we can afford to cut back on these activities in the rest of the world.

But freedom of expression in the Soviet Union is a different matter. Whether we link the opening of economic relations with the Soviet Union to increasing opportunity for expression and freedom in Soviet society or whether we allow increased United States-Soviet trade to reinforce harsh rulership and restrictions by the Kremlin over their people can make a real difference.

CONGRESS AND THE WAR-MAKING POWER

Mr. GOLDWATER. Mr. President, when such authority as Arthur Schlesinger, Jr., finds trouble with the recently passed, so-called war powers bill, those of us who opposed it in the Senate have reason to feel encouraged. I ask unanimous consent that Mr. Schlesinger's article appearing in the Wall Street Journal of September 4 be printed in the Record at this point in my remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

Congress and the Warmaking Power

(By Arthur Schlesinger, Jr.)

Vietnam has led to a reconsideration, considerably overdue, of the way the United States makes the decision to go to war. One hundred and eighty-six years ago the Constitution assigned the general war-making power to Congress, but over the last generation that power has been pretty much taken over by the presidency. In July the Senate and the House passed somewhat divergent bills designed to restore to Congress something like its constitutional voice in the making of war. When Congress comes back from its August diaspora, an early order of business will be a Senate-House conference to reconcile the two war-powers bills.

The Senate bill, conceived and indefatigably promoted by Senator Javits, has received most attention. The Senate passed it this year by a vote of 72–18 with strong conservative as well as liberal support. It has become in a sense the symbol of the movement to reestablish democratic control of foreign policy. Its declared purpose—to insure that future decisions to go to war will express the collective judgment of Congress and the President—could not be more laudable. But the bill itself, to my mind at least, raises serious questions.

The heart of the bill is, first an enumeration of four conditions—the *only* four conditions—in which, in the absence of a declaration of war, a President can legally send troops in battle, and second, a stipulation that presidential hostilities started under these conditions must be stopped in 30 days unless Congress specifically authorizes their continuation. Now any attempt to reduce to four static categories the contingencies that would alone warrant presidential emergency response must strike an historian as both hazardous and presumptuous. Who among us is wise enough to succeed in something the Founding Fathers themselves were too wise to attempt—that is, in Hamilton's words, "to foresee or define the extent and variety of national exigencies"?

But the Senate bill has the peculiar character of being too expansive as well as too restrictive. For, at the same time that it proposes to limit presidential discretion in the face of future dangers, it also proposes to grant the presidency statutory authority it has never previously had to begin wars without congressional consent. A President always must act in emergencies so imperious as to preclude resort to Congress, and he has always had the power to defend American territory, forces and citizens against sudden attack. But the Senate bill would now confer on him the added authority to commit force within the four categories "to forestall the direct and imminent threat of such attack," thereby making legal what Presidents hitherto, if they have done at all, have had to do at their own risk. This language would confer unprecedented congressional approval on that most elastic of theories, so often invoked in the past to justify presidential military adventures, the theory of preemptive war. What the Senate bill would do, in short, is to offer a President blanket legal authority to send American troops into battle whenever he finds in his own, personal independent and unchecked judgment, a "direct and imminent" threat of attack against American forces and citizens.

As for the 30-day deadline after which Congress must give the President authority to continue the war, this, insofar as it pretends to be a check on the presidency, is plainly a hoax. All wars are popular in their first 30 days. These are the days when the President who ordered the action overwhelms Congress, the press and television with his own rendition of the facts and his own interpretation of the crisis. It generally takes much longer than 30 days for other facts to emerge and other interpretations to win a hearing. The 30-day provision, in short, would virtually compel Congress to support the President—except in those infrequent cases where differences in policy had already crystallized well in advance of the emergency. And the Senate bill makes its own deadline even more of a hoax by empowering the President to keep the war going beyond 30 days if he only will certify that he is doing so because of "unavoidable military necessity" connected with the disengagement of American troops. President Nixon kept the Vietnam war going four years on that theory.

Nor measured by the historical test—by a consideration of its probable impact had it been on the statute book during past crises—does the Senate bill inspire the slightest confidence. The actions undertaken by Franklin Roosevelt in the North Atlantic in 1941, for example, would not fall within the four categories of presidential initiative legalized by the bill. Even if they had, it was inconceivable that the 1941 Congress, which had extended the draft by a single vote in the House, would have authorized the President to continue an undeclared naval war in the Atlantic after the deadline. For this was one of those rare cases where profound policy differences had crystallized well in advance of the commitment of force. On the other hand, and in a more usual case, Lyndon Johnson could unquestionably have got all the congressional blessing he wanted for war in Vietnam. The Senate bill would only have dug Congress more deeply into the escalation policy. A bill that would have prevented Mr. Roosevelt from protecting the British lifeline but would not have prevented Mr. Johnson from intensifying the war in Vietnam nor Mr. Nixon from carrying that war into Cambodia and Laos is hardly what the country needs.

A SENATE MYSTERY

The mystery is that supporters of the Senate bill suppose they are restraining the presidency, while some of its opponents, notably Senators Goldwater and Tower, have worked themselves into a state of panic over what they think the bill will do to the presidential prerogative. Plainly its effect would be to delegate short-term war-making power to the President. As Senator Javits himself has said, his bill would give "the President more authority to do what is necessary and proper in an emergency than he now possesses" and would assure "ample play to the need of the Commander in Chief to have 'discretionary' as well as 'emergency' authority." And it would delegate this war-making power under conditions that leave Congress in most cases little choice but to ratify Executive initiatives. The Senate bill seems far less likely to become a means of preventing warlike presidential actions than a means of inducing formal congressional approval of such actions.

Senator Abourezk of South Dakota called it with justice "a blank check which will implicate Congress in whatever aggressive war making a President judges to be necessary." The only difference it would make, Sen. Abourezk notes, is that it would enable future Presidents when they send troops into combat to tell the people that Congress had given them authority to do so. "It will confuse the public, embolden future Presidents and, worst of all, dilute the Constitution."

Senator Fulbright has similarly condemned the bill's "de facto grant of expanded presidential authority." A President who wishes to do so, Sen. Fulbright observed in the Senate debate, could easily construe the bill as sanctioning a nuclear first-strike solely on his own unilateral judgment. Sen. Fulbright regards the whole effort to codify presidential emergency powers as pointless: far better to require a President in an emergency to act entirely on his own responsibility, with no advance assurance of congressional support. "A prudent and conscientious President, under these circumstances, would hesitate to take action that he did not feel confident he could defend to the Congress. He would remain accountable to Congress for his action to a greater extent than he would if he had specific authorizing language to fall back upon. . . . He might even go so far as to consult with Members of Congress" before he committed the armed forces to emergency action. (How Sen. Fulbright, having exposed the defects of the bill so devastatingly, managed in the end to vote for it is another mystery.)

The fact that the Senate, after its years in the wilderness, should choose this pretentious and ill-considered measure as the vehicle for its constitutional comeback in foreign affairs must depress those who hope it can play a responsible role in the making of foreign policy. In the meantime, a House Foreign Affairs subcommittee, working quietly under the chairmanship of Congressman Zablocki of Wisconsin, has come up with a bill that, as Sen. Fulbright candidly said in the Senate debate, is superior to the Senate bill in a number of crucial respects.

The House bill makes no attempt, for example, to codify the President's powers and therefore places no restriction on his capacity to meet any emergency. Unlike the Senate bill, it provides for the convening of Congress if hostilities should start when it is not in session. Unlike the Senate bill, it gives Congress authority to recall substantial changes in overseas troop deployment as well as force actually committed to battle. Unlike the Senate bill, it does not invite the President to circumvent the whole process by claiming that "unavoidable military necessity" requires him to keep going.

The House bill, in addition, has much more effective procedures for the termination of hostilities. The Senate would give Congress power to stop the fighting within the 30-day emergency period only by joint resolution, which can of course be vetoed. This would in effect devolve the war-making power, confided by the Constitution to two-thirds of both houses, to one-third plus one of one house. The House bill provides much more sensibly for termination in the emergency period through concurrent resolution, which cannot be vetoed. The House bill does, unfortunately, not only retain the emergency period during which Congress would delegate war-making authority to the President but extends it to 120 days. This has the advantage of giving Congress time to get over the first thrill of combat but the disadvantage of giving the President four legal months to lock the country into war.

WHY THE COMPLICATIONS?

Obviously we must do something to discourage Presidents from regarding the war-making power as their private property, to be exercised at presidential will. This is the way Presidents Johnson and Nixon have seen the war-making power, but it is not the way the Constitution sees it. If a President's own commitment to the Constitution is too feeble to lead him to involve Congress in the decisions, then I suppose that war-powers legislation might usefully remind him of his constitutional duty.

But why make everything so complicated? All that is necessary is a statute with two elements: an obligation laid on the President to report at once to Congress, with full information and explanation, when he sends troops into battle and to keep on reporting at regular intervals so long as the hostilities continue; and a declaration by Congress of its right at any point to recall delegated powers and thereby terminate such military action, and to do this by concurrent resolution. Such a bill would accomplish everything that needs to be accomplished without the dangerous nonsense now under congressional consideration—without the impossible attempt to codify all future contingencies, without the delegation of congressional war-making power to the presidency, without bestowing congressional approval on preemptive war, without the 30-day or 120-day rigmarole. The House bill comes much closer than the Senate bill to meeting this ideal, but another bill considered in the House came even closer. This bill, introduced by Bob Eckhardt of Texas and supported by a curious united front from Ford, Rarick and Broyhill on the right through Reuss, Culver and Bolling to Drinan, Abzug and Dellums, was defeated, alas, by a vote of 262–153.

President Nixon has already threatened to veto the House bill, nor could one in conscience urge him to sign the Senate bill. But any President not deluded by false conceptions of the presidency ought to welcome a rational war-powers law. After Vietnam, it is hard to see why any future President should ever wish to go to war without Congress beside him as a genuine and definite partner in the decision. If Henry Kissinger really intends to open up American foreign policy. he might well begin by working with Congress on this question of war powers.

THE CRISIS IN OUR NATIONAL LIBRARY SYSTEM

Mr. CRANSTON. Mr. President, I presented testimony recently to the Senate Appropriations Subcommittee on Labor-Health, Education, and Welfare, and I commented upon the intention of the administration to terminate all Federal library programs.

As I told the subcommittee—

> The notion that the central government in a democratic society should disclaim responsibility for the prime institutions of a literate people is nonsense.

On September 4, several distinguished affiliates of the National Book Committee issued a call to action under the heading "The Crisis in Our National Library System." It is an important statement and well worth the attention of Senators.

Mr. President, I ask unanimous consent that the statement I have referred to and some introductory remarks be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

[From the National Book Committee, Inc., News]

CITIZENS URGE CONTINUED SUPPORT OF NATIONAL LIBRARY POLICY AND PROGRAMS

CRISIS PRESENTED BY PROPOSED TERMINATION OF $176 MILLION IN FEDERAL LIBRARY FUNDING FOR COLLEGE, SCHOOL, AND PUBLIC LIBRARIES

NEW YORK, September 4.—A group of concerned citizens has urged the President and the U.S. Senate to avoid a reversal of established Federal government policy of support for a national library system.

The group of citizens experienced in the field of communications—especially the library, book, journal communications system—regard the Executive Budget proposal for abandoning Federal support for libraries as a serious step backward, one which will severely and immediately damage the national interest. A statement issued by the group noted that "Federal funds have provided the stimulation and the means for extended services, for new ventures, for coordination of activities, for enriched programs and innovative materials . . . Federal funds have helped to encourage the development of statewide systems linking libraries together within each State. Federal funds are just beginning to provide the basis for a nationally linked system."

The group expressed satisfaction with the action of the House of Representatives in restoring library funding in the House Appropriations Act and in passing a "continuing resolution" authorizing interim expenditures at approximately last year's level.

However, the Administration has not, to date, released any of the library funds authorized by the House, and Senate action on these appropriations is not expected until September.

The group, signing as individuals, made the following recommendations:

"We urge the Congress, through an appropriate committee or committees, to call early public hearings to analyse the total impact of this proposed reversal of Federal policy.

"We urge the National Commission on Libraries and Information Science, charged by law with advising 'the President and the Congress on the implementation of national policy by such statements, presentations, and reports as it deems appropriate,' to act immediately to advise the President and the Congress of the aggregate effects of the Executive Budget on the implementation of national libraries and information science policy.

"We urge all associations, institutions, and citizens concerned with the free and adequate flow of information and knowledge in the United States to give immediate and concerned attention to the present crisis.

"And finally, we urge the National Book Committee, in cooperation with other organizations to initiate and carry through with such action as may be necessary to create a full public awareness of the scope and severity of the problems we confront."

THE CRISIS IN OUR NATIONAL LIBRARY SYSTEM: A STATEMENT BY A GROUP OF CONCERNED CITIZENS

The undersigned individuals are convinced that it would be seriously detrimental to the public interest and produce long-range adverse effects on American society to reverse, as proposed in the Federal Executive Budget, the established national policy in support of an organized and coordinated system of library services in the United States. That established policy is clearly set forth in the following provision of Public Law 91–345, The National Commission on Libraries and Information Science Act of 1970:

"The Congress hereby affirms that library and information services adequate to meet the needs of the people of the United States are essential to achieve national goals and to utilize most effectively the Nation's educational resources and that the Federal Government will cooperate with state and local governments and public and private agencies in assuming optimum provision of such services."

President Nixon on July 20, 1970, signed these words into law as a carefully considered statement of enduring national policy. It was a policy supported by both political parties, by both houses of Congress, and the Executive Branch during both the Johnson and Nixon administrations.

This law recognized a profound national interest in adequate library services, a national interest greater than the sum of the interests of individual States, communities, and institutions. Implicit in the law is the recognition of many aspects of that national interest:

That bringing educational opportunity to children, particularly disadvantaged children so that they can break through barriers of poverty and discrimination, requires school libraries with an abundant choice of reading and special instructional materials;

That not only students and faculty but the whole nation gains from the strength of the learning and research resources of college and university libraries;

That each of our great research collections is a national resource deserving national support;

That only through our library systems can most Americans have meaningful access to the enormous intellectual and information resources embodied in the tens of thousands of books annually published and the hundreds of thousands from prior years that are actively in use;

And finally, that only through a nationally conceived system can all of our libraries be linked to serve our national needs efficiently and economically.

This statement of policy gave a capstone of unity to provisions already existing in separate laws. The Library Services and Construction Act makes funds available on a matching basis to improve public library services and extend them to unserved areas and groups. The National Defense Education Act provides for school library collections in special areas of national interest and gives aid in acquiring films, language tapes, and other special materials. It also assists in the development of research collections in designated university centers. The Elementary and Secondary Education Act provides funds to establish and maintain school libraries serving children, many of whom in poor urban and rural districts had never had a school library. The Higher Education Act provides assistance to college and university libraries and for central cataloging and bibliographical services performed by the Library of Congress. And finally, Public Law 91–345 which contains the statement of policy quoted above as its preamble, established a National Commission on Libraries and Information Science to plan and make recommendations for the implementation of the policy.

The Executive Budget submitted to Congress for the Fiscal Year beginning July 1, 1973, abandons completely this firmly established national policy. Act by act, title by title, it eliminates every single penny of support for libraries (other than those of the Federal Government itself). Gone would be library funds under the National Defense Education Act, the Library Services and Construction Act, the Elementary and Secondary Education Act, and the Higher Education Act. Added injury would result from a sharp increase in postal rates, raising the cost of books and magazines to every buyer, including libraries.

The impact of this sudden and devastating reversal of national policy will extend far beyond the institutions immediately damaged. Federal funds provide only a small portion of the total support of libraries. Basic costs of buildings and salaries are met primarily from local, State and institutional funds. But Federal funds have provided the stimulation and the means for extended services, for new ventures, for coordination of activities, for enriched programs and innovative materials. Federal funds have brought library services to remote farms by bookmobile. They have brought school libraries into urban slums, and new branches of public libraries into the suburbs. They have created a market that has made it possible to publish and to bring to inner-city children books reflecting their experiences and responding to their needs. It has been Federal funds that have enabled school libraries to acquire new instructional materials in all media. Federal funding has made it possible to create and use new kinds of vocational teaching materials for young men and women with limited reading skill. It is Federal funding, too, that has helped to create the libraries of our hundreds of new community colleges and technical institutes. At the same time Federal appropriations have helped to import and catalog foreign publications to strengthen the advanced research collections needed by our universities and scholars. Federal funds have helped to encourage the development of statewide systems linking libraries together within each State. Federal funds are just beginning to provide the basis for a nationally linked system.

Federal funding has often provided the stimulus and the leadership for the development of new kinds of library materials and for the offering of new services, and for the extension of existing library services to people who never before enjoyed them. It is these critically needed and innovative services of libraries that would be strangled by the sudden and total withdrawal of funds as proposed in the Executive Budget. The sufferers would be the children of the great cities and the rural areas, the young men and women seeking job training in technical institutes, the adults seeking information beyond the current flow of news, the researchers needing special materials and advanced information systems. The ultimate sufferer would be the national interest.

Revenue sharing has been proposed as an answer, but it is not. Needs that are primarily local or institutional will and should be met with local or institutional funds, whether they come from local taxes or from revenue sharing. But in the words of the law "library and information services adequate to meet the needs of the people of the United States are essential to meet national goals." The national interest cannot be allowed to rest on scattered, parochial and unpredictable local actions. Without a sound national policy we could never have created a national broadcasting system or a national telephone system. The same is true for an effective national library system.

Because the present assault on library funding is contained in so many different bills and titles and affects so many kinds of institutions, its total impact has been hard to grasp. The public does not fully realize what a crisis we face. The signers of this statement believe a full public understanding of this emergency is urgently needed. The House of Representatives took one essential and statesman-like step on June 26, 1973, when it included funds for continuing the Federal library programs in the H.E.W. Appropriations Bill for fiscal 1974. But this is only one of the many actions which are needed to resolve the issues both for the immediate future and the long run.

We urge the Congress, through an appropriate committee or committees, to call early public hearings to analyze the total impact of this proposed reversal of Federal policy.

We urge the National Commission on Libraries and Information Science, charged by law with advising "the President and the Congress on the implementation of national policy by such statements, presentations, and reports as it deems appropriate," to act immediately to advise the President and the Congress of the aggregate effects of the Executive Budget on the implementation of national library and information science policy.

We urge all associations, institutions, and citizens concerned with the free and adequate flow of information and knowledge in the United States to give immediate and concerned attention to the present crisis.

And finally, we urge the National Book Committee, in cooperation with other organizations, to initiate and carry through with such action as may be necessary to create a full public awareness of the scope and severity of the problems we confront.

The following individuals, whose affiliation is given for identification purposes only, have endorsed the preceding statement:

Morris B. Abram, Paul, Weiss, Goldberg, Rifkind, Garrison & Wharton.

Douglass Cater, President, Communications and Society Program, Joint Program of Aspen, Institute for Humanistic Studies and Academy for Educational Development.

Walter Curley, Director, Cleveland Public Library.

Richard Darling, Dean, Graduate School of Library Service, Columbia University.

William S. Dix, University Librarian, Princeton University.

Arnold W. Ehrlich, Editor-in-Chief, *Publishers Weekly*.

Eli Evans, Carnegie Corporation of New York.

Stephen M. Fischer, Assistant to the Publisher, *Scientific American*.

Congressman William D. Ford.

Charles Frankel, Old Dominion Professor of Philosophy and Public Affairs, Columbia University.

John C. Frantz, Executive Chairman, National Book Committee.

Robert W. Frase, Consulting Economist.

Samuel B. Gould, Commission on Non-traditional Study.

Francis Keppel, Chairman, General Learning Corporation.

Dan Lacy, Senior Vice President, McGraw-Hill, Inc.

Jean E. Lowrie, Dean, School of Librarianship, Western Michigan University.

Kenneth D. McCormick, Senior Editorial Consultant, Doubleday Publishing Company.

Herbert Mitgang, President, Authors Guild.

Foster Mohrhardt, Senior Program Officer, Council on Library Resources.

Carol Nemeyer, Senior Associate, Association of American Publishers.

Elnora M. Portteus, President, American Association of School Librarians (1972–73).

Supervisor of School Libraries, Cleveland Public Schools.

M. J. Rossant, Director, The Twentieth Century Fund.

Ross B. Sackett, President, Encyclopaedia Britannica Educational Corporation.

John Sessions, Assistant Director of Education AFL/CIO.

Roger L. Stevens, Chairman, National Book Committee.

Arthur B. Tourtellot, President, CBS Foundation.

Theodore Waller, President, Grolier Educational Corporation.

Howard R. Webber, Director, The M.I.T. Press.

Robert Wedgeworth, Executive Director, American Library Association.

ELLEN A. DAVIS

Mr. DOMENICI. Mr. President, today I would like to recognize a woman from my home State of New Mexico who has been honored for her unusual and outstanding achievements as a volunteer weather observer.

Mrs. Ellen A. Davis, a volunteer weather observer at McIntosh, N. Mex., since 1928, is one of the five national recipients of the National Weather Service's Thomas Jefferson Award.

I believe it is a remarkable achievement on behalf of Mrs. Davis to dedicate 45 years of service freely to her community and Nation when most people today work only for what they can get out of a job, both materially and personally.

I commend Mrs. Davis on receiving the award and I would like to add that Mrs. Davis, now at the age of 86, continues to render her faithful and accurate services as a volunteer weather observer.

A COUNTRY PUBLISHER SPEAKS OUT ELOQUENTLY FOR THE AMERICAN FARMER

Mr. TALMADGE. Mr. President, it is frequently a habit of ours to speak about this group or that group of people as if they were monolithic and unanimous in their thinking and actions. For instance, we often hear people talking in general about "the media" and that is too simplistic a view.

I can think of no issue in which journalism has shown such great diversity in approach as in the matter of our current food crisis. From the smallest weekly newspaper to some of our largest metropolitan daily papers and from the smallest country radio station to the huge networks, the coverage of this problem has ranged from know-nothingism to thorough objective reporting.

The Honorable Harold G. Foster is the publisher of the Union Recorder in the thriving Georgia town of Milledgeville. Mr. Foster has done an admirable job of explaining the farmer's role in the food crisis, while at the same time making it clear that one of the major networks did not speak for him.

Mr. President, I ask unanimous consent that Mr. Foster's editorial entitled "The American Farmer" be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Milledgeville (Ga.) Union Recorder, Aug. 23, 1973]

The American Farmer

Last Friday morning on NBC's Today Show, Frank McGee interviewed two midwestern farmers on their respective farms in an apparent attempt to demonstrate to the American people that the American farmer is getting filthy rich and that he, the farmer is somehow responsible for the rapidly increasing food costs. It was a classic example of the manner in which the national broadcast media, with apparent deliberation, presents a completely distorted picture to the viewing public to support the views of news commentators who, in this instance, displayed such shocking ignorance of the economic facts of farm life.

The first interview took place in an 80 acre field that had recently been planted with soy beans. For many years the farmer had been paid $5600 annually to keep that particular field out of production. McGee elicited from the farmer the hope that, with a lot of luck, he could possibly anticipate a yield of 35 bushels per acre, a fact which McGee immediately translated into an income of $28,000 based on the current $10.00 per bushel price of soy beans. The inference was clear that the farmer is $22,400 better off and the taxpayer is $5600 better off.

But it's a long way from the barnyard to the bank and McGee, in his glee, conveniently overlooked a number of obvious facts, not the least of which is the enormous cost of reclaiming that 80 acres and preparing it for productive use. The cost of equipment, labor, seed, fertilizer, pesticides and herbicides, taxes and interest payments were not taken into account. Nor was the fact that the farmer's crop might be dried out, drowned out, hailed out, frozen out, or even eaten out or blighted out despite his use of chemical preventatives. Barring a total loss, there is an almost fifty-fifty certainty that any one or a combination of the aforementioned hazards will substantially reduce his yield well below a bumper crop of 35 bushels per acre.

The greatest threat to this farmer's economic well-being, however, is most likely to result from the fact that some 28 million acres have been removed from soil banks and returned to productive uses, an enormous percentage of which will be planted to soy beans. By the time his crop is ready to market, the price of soy beans is more likely to be in the neighborhood of $3.00 per bushel then the present $10.00. It is obvious, therefore, that if he gets 20 bushels per acre and sells his crop for $3.00 per bushel, the $4800 income would not begin to pay his costs of production.

To a more knowledgeable and perceptive newsman the second interview would have made obvious the distortions of the first. It took place on a nearby 180 acre farm which a 19-year-old nephew of the first farmer had recently purchased for $56,000. McGee proudly displayed the young man's $19,000 tractor and his $33,000 combine as symbols of farm affluence. This $108,000 did not include any of the other implements, trucks and other tools so necessary to a farm operation which would push the total investment to $150,000. With nine per cent money this young man must have a minimum return of $13,500 just to pay the interest on his financing. Far from being the prosperous young farmer that McGee depicted him to be, he may well be hard pressed to keep groceries on his own table, much less being able to feed some twenty-five to thirty other people as American farmers have been doing in recent years.

There is an urgent need for the American people in general, and the American housewife in particular, to have a better understanding of the tremendously vital role the American farmer plays in our everyday lives, and in the life of this nation. He is our number one defense industry upon which all other industry must depend to survive. So indeed must our nation.

In our view the national media renders a distinct disservice to American Agriculture when it fails to present the true role of the American farmer without distortion. We are grateful for the abundance the farmer has provided. We think he deserves better treatment.

SENATOR LAWTON CHILES: IMPRESSIONS FROM TRIP TO LATIN AMERICA

Mr. CHILES. Mr. President, during the August recess I took my third fact finding trip to Latin America. This is an area of the world which has been too long neglected in our foreign policy. I feel that both in the Congress and in the executive branch more attention and leadership should be given to our relations with Latin America. We especially need a sense of Presidential priority in these relations.

While I was in Latin America, Dr. Henry Kissinger was nominated by the President to succeed William P. Rogers as Secretary of State. Shortly after this announcement, Dr. Kissinger made some encouraging remarks in Mexico regarding the need for a renewal of interest by the United States in Latin America. One news story published in Latin America while I was there mentioned that Dr. Kissinger has been concerned that Latin America is the one area of the world where U.S. relations had suffered the most since 1969. These remarks and concerns of Dr. Kissinger strike me as very encouraging. In an effort to support this fresh approach, I cabled Dr. Kissinger from Costa Rica to communicate to him my desire to meet with him to discuss our relations with Latin America. I am hopeful that as he assumes his new responsibilities, Dr. Kissinger will focus some of his talent and energy and that of the President on reinvigorating U.S. foreign policy toward Latin America.

For the interest of my colleagues, I ask unanimous consent to have printed in the RECORD, a statement I made last Friday at a press conference in Miami upon my return from Latin America along with a copy of the telegram I sent to Dr. Kissinger and a news story on Dr. Kissinger's remarks on United States-Latin America relations published in an English newspaper in Mexico.

The countries I visited in Latin America this time were particularly interesting given our concerns in the United States. I was in Venezuela, Colombia, Costa Rica, and Guatemala. These are all democratic countries and are all having elections in the next several months. My interviews and experiences in these countries gave me an opportunity to think a lot about what democracy means and what kind of faith we have to keep with democratic principles in order for our society to be as free and open as it was meant to be.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR LAWTON CHILES UPON RETURN FROM 2 WEEK TRIP TO LATIN AMERICA

I have just returned today from two weeks in Latin America. This is the third such trip I have made—this one being to Venezuela, Colombia, Costa Rica and Guatemala. Each of these countries is having elections in the next several months. This allowed me to see the political process in action in these democratic countries and to better appreciate the basic forces at work in these societies. These trips provide me with an excellent base from which to judge future events when I read them in the papers in Washington.

As with the other two trips I have made to Latin America, I did not go at the taxpayers' expense and I kept the trip as informal, unofficial and low-key as possible. I avoided publicity. I had my staff set up all my appointments and stayed as independent from our Embassies as possible. I have found that these procedures enable me to see the widest variety of people—the rich and poor, rightists and leftists, students, businessmen, foreign investors, economists, political leaders and the like. I find that if you take the official tour you just don't learn as much—people are not as candid and you don't get such widely different points of view. So the way of travel, really, is essential to getting the understanding I want of our neighbors to the South.

I was able to meet with almost all of the Presidential candidates and see some of the campaigning close up by going to a street rally in Cali, Colombia, a TV taping in Venezuela and a press conference in Costa Rica. One of the candidates in Venezuela is "walking" to get out to his people. His campaign theme is "Yes—this man really walks." His campaign manager had been in Florida in 1970, so it was interesting for me to see "walking" being picked up by a prominent political candidate in Latin America.

Similarities with our own politics did not stop here though. I found in these four countries some of the same basic issues being faced as we are facing here at home. The central problem I see in the democracies in Latin America is their ability to have a political system which makes their leaders accountable to the people. Even though there are elections coming up in all the countries I visited, they each are having problems developing a system which allows the people to clearly judge the performance of their leadership and vote out of office people who have not carried out their mandates. For example, in Venezuela, Colombia and Costa Rica there are two main political parties but there are enough other parties so that neither of the large parties can get a majority of the vote—no party has its neck stuck out far enough to be visible and vulnerable enough to fall if they fail to do what they promised or what the people want.

Linked to this is another problem common to these countries which is that there is not very much difference between the two principal parties in these countries in terms of their programs. In Venezuela, the leading economists in the two major parties all said that there would not be any basic differences in economic programs between them. There would only be differences in style not in substance. These two parties account for about 70% of the vote in Venezuela. They are the only real alternatives in terms of actually being able to gain power. But they don't give the people any real choice in programs, so in the end there is no way one can be thrown out in favor of another. They are just competing with each other for votes—not presenting the electorate with different directions the nation might take.

This in turn leads to another problem which we also have that I noticed in these democratic countries. There are a lot of people who are frustrated and turned-off by politics because it doesn't offer them anything. They look on politicians as being all the same and not interested in doing anything for them. I met a very interesting older woman in a small town in Colombia. She was very poor. Her husband earned a dollar a day working someone else's land. They had thirteen children and a small piece of land on which they had corn, pigs, potatoes and some flowers they sold to wholesalers. This woman was very active in her town and very interested in community projects. She told me she didn't want to hear anything more about national politics because all the politicians worried about themselves first and would not follow through in getting things done for the people. She felt that the two big parties did not really give her any choice and yet these two parties have shared power in Colombia for fifteen years. Now this system of sharing power is coming to an end and it will be interesting to see in Colombia whether any revitalization takes place in the politics there.

The lack of accountability and absence of options have brought about the appearance of small parties and other candidates who seem to capture the frustration people feel, much the way George Wallace has in the United States. One of the things that will be interesting to watch will be the vote these candidates get in the upcoming elections. The other thing to watch will be the abstention rate. These will be indicators of how well democracy is faring in Latin America. People want more from their governments—the feeling that the government is there for them and not for special interests or for bureaucrats. Fortunately in the countries I visited this time, the democratic process, even with the limitations I have mentioned, does provide the people an opportunity to visibly signal their feelings. I am going to be interested in watching the elections take place in these countries over the next several months.

A couple of other things are of interest. In Costa Rica I spent a morning talking to people at the Supreme Electoral Tribunal they have there. This Tribunal is established to oversee the entire electoral process in Costa Rica from the presidential to congressional to municipal elections. Elections are taken very seriously in Costa Rica. The Tribunal has a remarkably rigorous system of vigilance over the elections with extremely careful checking of votes with voter registration records. In the last election in 1970, 83% of the registered voters actually voted which is a very high turnout. The Tribunal is made up of three magistrates appointed by the Supreme Court for five-year terms and six alternates. They have staff and facilities to handle voter registrations, election procedures, and investigations into cases of fraud. They have final authority over contested elections and disputes involving fraud. They have the power to force the resignation of appointed Executive Branch officials who are under law prohibited from becoming involved in politics if they breach the Costa Rican version of the Hatch Act. They also have authority over the police, which is the only armed force in Costa Rica, in times of elections. So this Tribunal is in a certain sense the fourth branch of government in Costa Rica.

I plan to study this Tribunal further. It seems to me that our own system of government could benefit from having such a Tribunal. The way it is now each House of our Congress has the power to set the qualifications for its members and to remove him once he takes office unless he is prosecuted by the courts. All our oversights of elections and campaign financing is under the Congress. This puts the Congress in judgment of itself which isn't the best way to assure impartiality. In the Justice Department we have the same problem. So I think the creation of an independent body outside of the three branches like the Tribunal in Costa Rica is worth looking into as an effective way of avoiding some of our present problems.

In Colombia I took a close look at our aid program there. U.S. aid to Colombia is the largest in Latin America and one of the three or four largest in the world. Colombia is in a certain sense a showcase for our aid and has been over the last ten years. There have been some real successes there and some mistakes too. Our AID officials there hope to be able to phase out the whole U.S. aid effort in the next four or five years which by then will be nearly twenty years of a major U.S. aid program for Colombia.

The question I would ask is how do we justify such a large program in Colombia. With the amount of money we have put in there over the length of time we have been doing it, good results should be no surprise.

If we generalized worldwide the per-capita level of the aid we are providing to Colombia, we would have a mammoth aid program. So this large aid effort seems difficult to justify and is an example of how overextended we can get. I think we need to keep a tighter lid on our aid program and have expressed my views on this to the Senate Foreign Relations Committee in testimony and a series of amendments earlier this summer. (Testimony in Press attachments.)

I would like to turn now briefly to U.S. policy toward Latin America. It seems to me that the Nixon administration got off to a good start in October 1969 with the President's speech about what he thought U.S. policy toward Latin America should be. But this should have been the beginning of a series of efforts rather than stand as it does now as the last landmark of Presidential interest in the area. Words have not been followed by action nor by continued foreign policy priority. Since I was elected to the Senate I have not been able to find out what our policy is. There is a vacuum which needs to be filled. As I have talked with American businessmen in Latin America, and Latin Americans too, I have heard a great deal of concern about the "non-policy," about the "no profile," and about "benign neglect" which are the ways that people now refer to what our government is doing in relation to Latin America. This just can't go on.

Latin America is in our own back yard. We in Florida appreciate this more than people in Washington or elsewhere in the country. Trade and investment relations between Florida and Latin America are growing by leaps and bounds. I have been pleased to see the State through the State Department of Commerce and the Governor's Council on International Development move actively in support of increasing these economic opportunities for people in our State in relation to Latin America.

But in Washington there is a vacuum both in the Executive and the Congress. This vacuum has concerned me and is why I have taken an interest in the area myself. I have made three major trips and a few shorter ones to Latin America and have given several speeches to try to arouse interest. (These are available to the Press in attachments.)

I was pleased to see that last weekend the new Secretary of State-Designate, Dr. Henry Kissinger, expressed the view while he was in Mexico that it was time to seek a renewed interest on the part of the United States in Latin America. I think this is a hopeful sign. I sent Dr. Kissinger a telegram through the State Department from Costa Rica to San Clemente expressing my desire to visit with him in Washington in order to give him some of my views and to assure him of my support in the Senate for some new initiative in U.S. policy toward Latin America. (Copies of the telegram are available to the Press.) I plan to prepare some thoughts I have had for his benefit and look forward to meeting with the new Secretary and talking with him about what kinds of policies we should pursue.

There is a limit though on how much leadership can come from the Congress in an area of foreign policy like this. The President's time and active interest are the essential expressions of the national interest in Latin America. If we are to have a real policy toward Latin America, it is the President who must lead and the Executive Branch which must implement. In the Congress we can stimulate, suggest and exert oversight and in this way help guide the making of foreign policy but we cannot carry the ball. This is certainly the most important point I will make to Dr. Kissinger: without active Presidential interest and involvement in this area of foreign policy, there will be no policy toward Latin America that will be effective.

Text of Cable Transmitted From San Jose, Costa Rica to Western White House

August 29, 1973.

Hon. Henry Kissinger
Secretary of State Designate, U.S. Department of State, Washington, D.C.

Mr. Secretary: I was pleased to note your statements over the weekend in Mexico regarding the need for a renewal of U.S. foreign policy interest in Latin America. I have felt this need for some time and find it very encouraging that you have expressed a fresh interest in U.S. relations with Latin America so soon after assuming your new responsibilities. Of course, your remarks have received wide attention in Latin America.

I am now on a two week visit to Venezuela, Colombia, Costa Rica and Guatemala. This is the third such trip I have made to Latin America since taking office in 1971 in an effort to better understand our neighboring countries and the kinds of policies on our part that make sense.

I would appreciate the opportunity of visiting with you upon my return to Washington to discuss with you U.S. relations with Latin America.

Sincerely yours,
Lawton Chiles,
U.S. Senate.

[From the Mexico City News, Aug. 26, 1973]

Kissinger Vows More U.S. Interest in Latin America

Newly designated U.S. Secretary of State Henry A. Kissinger promised new U.S. interest in Latin America Saturday after a two-hour talk with Mexican President Luis Echeverria.

The official announcement had said he came here to attend Mexican Foreign Relations Secretary Emilio O. Rabasa's 25th wedding anniversary celebration Friday evening.

Kissinger left the Mexican capital at 2:40 p.m. on a U.S. Air Force jet craft, and reportedly headed for El Toro Marine Base in Santa Ana, Calif., near the Western White House at San Clemente.

"What is in the interest of Mexico—in a wider sense—is in the interest of the United States," he said. "And what is in the interest of the United States is in the interest of Mexico. We shall apply this principle to all of Latin America."

Kissinger said new relations "will be based on friendship, respect for independence and a spirit of cooperation. We respect the diversity of the various countries."

"Justice, cooperation and human well-being know no national boundaries," he added.

Kissinger said he came to Mexico just 48 hours after his presidential appointment "at the express request of President Nixon, to show the importance we shall attach to relations with Latin America and the impetus we shall give those relations."

He also promised special attention to the Mexican proposal for a United Nations Charter of Economic Rights and Duties of nations.

AN EXPERIMENTAL SECONDARY SCHOOL CURRICULUM PROJECT IN THE BIOMEDICAL SCIENCES

Mr. CRANSTON. Mr. President, the biomedical interdisciplinary curriculum project, supported by the National Science Foundation, will be starting a full-scale trial of an unusual curriculum in five San Francisco Bay Area high schools this fall. The curriculum consists of 2 hours of bioscience, 1 hour of mathematics and 1 hour of social science/communications daily. One classroom of students at each school will receive the special program during their junior and senior years.

The goal of the biomedical project is to provide a curriculum which will prepare and motivate students for entry into various higher education programs leading to the over 250 careers in the medical and health fields. In addition, each student will receive a health education much beyond what is usually available at the secondary level.

The program is broadly interdisciplinary in nature, each discipline drawing on and supporting the others. Special attempts are made to stress the application of concepts. Through a variety of techniques, students become involved in considering actual health problems which require understanding of the underlying physiological, mathematical, and social processes for their solution. The approach taken is one in which the concepts and skills associated with these disciplines are used to resolve health problems that are current and relevant to our society.

Thus far, response to this program has been extremely favorable. More than a dozen bay area schools expressed a desire to participate in the trial. Following the trial, it is expected that the curriculum will be offered on a nationwide basis. A recent survey indicates that over 2,000 high schools could be using the curriculum within a few years.

Mr. President, I bring this outstanding program to the attention of the Senate because I believe it offers an excellent means of acquainting young adults with important and relevant career opportunities in health.

Mr. President, I ask unanimous consent that there be printed in the Record materials describing this fine program in more detail.

There being no objection, the material was ordered to be printed in the Record, as follows:

The Biomedical Interdisciplinary Curriculum Project

THE CURRENT PROGRAM

The Biomedical Interdisciplinary Curriculum Project was initiated at the School of Public Health of the University of California, Berkeley, in 1968 with the support of the National Science Foundation. The project continues to be funded by the National Science Foundation and is present administered by the California Committee on Regional Medical Programs. Although no longer attached to the University, the project maintains a close relationship with the academic community.

The project was conceived in recognition of the well documented, critical health-manpower shortage that exists today and will continue to exist into the foreseeable future. The goal of the project is to develop an eleventh- and twelfth-grade curriculum which will prepare and motivate students for entry into the various higher-education programs leading to careers in the medical and health fields. However, the curriculum will be of sufficient breadth and depth to enable students to pursue successfully further education outside the medical and health fields should they chose to do so. In addition, each student will have received a unique health education far beyond what is traditionally offered.

The curriculum is designed to occupy four classroom periods each day for a total of two years. Two of these periods are devoted to biomedical science and laboratory, one to mathematics, and one to social science and communications. The program is broadly interdisciplinary in nature, each discipline drawing upon and supporting the others wherever possible. Within the science course, basic concepts in biology, chemistry and physics are presented in the context of medical and health problems. A special attempt is made to stress the application of concepts. Through a variety of techniques, students become involved in considering actual problems that demand for their solution an understanding of underlying physiological and biochemical processes. In this way, science becomes the tool for problem-solving and understanding.

The mathematics portion of the curriculum both parallels the content of the science course and maintains its own integrity in terms of the flow of mathematical concepts. The content of the course roughly approximates that of the standard eleventh- and twelfth-grade college preparatory mathematics courses in that it devotes attention to linear, quadratic, exponential and trigonometric functions. Significantly greater attention than is found in standard programs is given to such topics as error analysis, statistics and data presentation and analysis.

As in the science course, perhaps the most significant way in which this course differs from standard programs is in its emphasis on applied problems. The vast majority of the problems are applied to situations that arise in the various areas of science. A significant portion of the course is devoted to the analysis and generalization of data collected by the students in the science laboratory.

The social science and communications course shares the basic goal of both science and mathematics. It attempts to produce students with a degree of proficiency in concept application and problem-solving with respect to applied problems.

The idea is stressed that health and medical problems are human problems and depend for their solution on an understanding of the individual in his social context. The student considers the individual in a truly ecological sense: as part of a multiplicity of environmental systems, all of which interact to affect health.

In this course, the student will receive an introduction to many topics not ordinarily included in traditional high school programs. For example, the topics will include a consideration of social epidemiology and public health issues, and cultural value systems as they relate to health and disease. In addition, attention will be devoted to cross-cultural comparisons of health and disease.

At various points throughout the curriculum students become acquainted with selected segments of the medical and health professions as they relate to the content being presented. Thus the students become aware of the broad spectrum of future career possibilities even though the program is not designed as preparation for any specific career. Hopefully the student will relate this kind of school experience to potential career experience; and, perhaps most important, he will leave the program having received a wide-ranging and sophisticated health education based on a holistic view of man and his environment.

THE BIOMEDICAL INTERDISCIPLINARY CURRICULUM NEWSLETTER

[No. 1, May 1973]

Because of the increasing numbers of inquiries we have received concerning the status and activities of the Biomedical Project, we have instituted this Newsletter. It will be issued periodically as developments of interest occur.

TRIAL RUN IN FIVE BAY AREA SCHOOLS

The major announcement now is that the project is making preparations for a trial of the curriculum in five schools selected from the immediate San Francisco Bay Area. The trial is to begin in the fall of this year and will continue for two years.

It was necessary to limit the number and geographic locations of the schools in order to keep costs at a reasonable level while still maintaining a strong supportive and evaluative component. The National Science Foundation is absorbing a large proportion of the costs to the schools, including the costs of five- to six-week summer workshops in 1973 and 1974.

The final choice of five schools was difficult. We were pleased that at least a dozen schools indicated strong interest in participating in the trial.

At this time there are five participating schools.

Mt. Diablo High School (Concord).

Petaluma Senior High School.

George Washington High School (San Francisco).

American High School (Fremont).

College Park High School (Pleasant Hill).

A sixth high school, Newport Harbor High School (Newport Beach), will be using the curriculum on a partially supported basis.

Of particular interest during the trial will be the use of several new pieces of low-cost equipment that have been specially designed by project staff to enrich the bioscience lab.

PHOTOELECTRIC COLORIMETER

In the first year the colorimeter will be used several times for food analysis. Students will determine protein quantity and quality as well as assay for nitrites. Further uses will be made of this equipment during the second year. Assuming that a school has a milliammeter available, the colorimeter in kit form will cost less than $10.00. The assembly of this equipment (as well as the equipment described below) requires no special skills.

BIOMEDICAL AMPLIFIER

This equipment will be used to amplify bioelectric signals so that they can be displayed and thus observed by students. In the 11th grade students will investigate brain waves, muscle potentials and action potentials generated by the fresh-water algae, *Nitella*. Twelfth-grade use will involve an introduction to the electrocardiogram. Several amplifiers will be available in each classroom so that students can individually participate in their use. The parts cost of each amplifier, including batteries, will be approximately $8.00.

TONE GENERATOR AND AMPLIFIER

The tone generator will produce pure tones from around 80 to 8000 cycles with amplification to drive a speaker directly. The amplifier section, which can accept inputs (e.g., voice) independently of the generator, will be used in experiments involving hearing and wave generation. Two to four are planned for each class. Each unit will cost approximately $8.00.

COMPUTER

This is by far the most complex and interesting piece of equipment—it is also the most difficult to describe briefly.

Physically the unit consists of a masonite-board "chassis" (22 x 25 cm) on which is attached two series of conducting bars (buss bars). Small circuit boards (functional units) are then attached to and detached from the conducting bars as needed for the particular task to be performed. The chassis will accept up to ten functional units. The total system is energized by a power supply. Inputs (signals) are fed into the system, processed by the functional units, and the results (outputs) are displayed in an appropriate modality—buzzers, lights, work performed, etc.

By selecting particular circuit boards and interconnecting them using patchcord hookups, students will be able to "program" the computer to perform a variety of tasks.

In this way, students will be introduced to the use of the two basic circuits of all computers: flip-flops and gates plus their interconnections. For those unfamiliar with computer operation, flip-flops are binary counters which can be used for storage (memory) as well as for counting. Gates in various combinations form the "logic." Computers capable of complex functions may be built using only these two elements.

The cost of one computer, including power supply and input/output units, will be less than $85. We plan to make seven basic frames available to each classroom with certain components (e.g., power supply, input/output sources, etc.) shared by the seven basic units. The classroom cost under these conditions should remain under $190.

The primary feature of this equipment as opposed to other inexpensive kits on the market today is that it will employ all of the functional elements of modern computers. Most inexpensive models employ nothing but switch logic and use mechanical/electrical simulation but not electronics. We feel that our model represents a significant improvement and will become a valuable teaching tool.

A wide variety of activities are planned, relating in the first year primarily to brain-computer analogies which entail inputs of light, sound, heat, etc., and the processes of counting, logic functions and memory. The programing aspect in these activities will involve simple games and control situations; outputs will be simple displays or movements (responses). The computer "breadboard" should generate a basic understanding of nervous system functions and, simultaneously, provide an introduction to computer fundamentals.

Then, in a practical problem related to the biomedical emphasis of the curriculum, the students will program the computer to "diagnose" a disorder of the central nervous system (either epilepsy, tumor, head injury, stroke, multiple sclerosis or no diagnosis) given presence or absence of eight diagnostic signs. In this context they will be exposed to truth tables and, in their math class, to basic Boolean algebra. The use of the computer in health testing and diagnosis will be returned to in the second year.

Because seven frames will be available in each class, more complex activities can be planned in the second year. Students will then interconnect the frames, thus producing a larger computer with greatly increased capabilities.

A CAREER EDUCATION COMPONENT

Another development that we feel worthy of noting is our expanding involvement in career education.

One of the goals of the Biomedical Program is to develop and support student interest in further education and training for the health professions. We have taken two approaches to this issue. First, at selected points in the curriculum itself, students are exposed to career potentials by means of field trips and classroom visitors. The career focused on is always one related to what is being studied at the time. For instance, the profession of inhalation therapist is considered while they are studying the respiratory system. Students visit a hospital and talk with a therapist *after* they have had sufficient background to understand the problems of respiratory distress and therapy.

The second form of our involvement in career education is more ambitious. Over the past several years the project has focused primarily on the creation of educationally sound curriculum. This has been, and is, our primary goal. The assumption was made that when the time came to implement the curriculum, career guidance materials would be available in a form applicable to the high-school situation. We have found, however, that up-to-date information, when available, exists in a variety of sources, yet to be abstracted, very little of which is directed to the high-school student. The task now remains to translate these materials into a form both usable and interesting to students.

As a start, we have begun to compile basic information (a "Health Professions Directory") covering over 100 health occupations. At present the directory entries consist of professional title, summary of tasks performed, number of years of training (or education) required, entrance requirements, length of program, degree granted, locations of programs offered in the greater Bay Area, salary range, education costs, and job opportunities. Additionally, we would hope to include other information, such as trends and developing opportunities within the professions.

It is anticipated that the Health Professions Directory will be valuable primarily to counselors and teachers in the field. Using the information in the directory as well as any other pertinent information, we intend to take the next step and create materials especially for students and parents.

In addition, we are considering the development of tapes, filmstrips and films for both informational and recruitment purposes.

Because of the rapidly changing character of the health field and the necessity for periodic up-dating of any materials prepared, some form of information retrieval system must be designed for the continuous gathering of data on both current and projected opportunities for education, training and employment. We are presently exploring the possibilities for a cooperative effort with certain Bay Area organizations. There is almost universal agreement among counselors, health educators and health professionals in the Bay Area that there is a major job to be done in this area that goes well beyond the high-school student and the immediate needs of this project.

CURRICULUM MATERIALS

By midsummer, a significant amount of Biomedical Curriculum will be available for inspection. At that time we will notify you as to availability and cost. Prior to that time, we welcome any inquiries or comments you might have as to our efforts.

REPORT OF THE POST OFFICE AND CIVIL SERVICE COMMITTEE, 92D CONGRESS

Mr. McGEE. Mr. President, section 136(b) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 190d (b)), requires Senate standing committees to make reports with respect to their activities during the previous Congress in reviewing the "application, administration, and execution of those laws or parts of laws, the subject matter which is within the jurisdiction of that committee."

The following report of the Committee on Post Office and Civil Service for the 92d Congress is submitted in compliance with the above requirement.

AIR TRAFFIC CONTROLLERS

The committee approved in early 1972, Public Law 92-297, which provided a career program for, and greater flexibility of air traffic controllers. Presently, an air traffic controller with 5 years' service as a controller who is medically disqualified for duty is entitled to training for a different position not to exceed 2 years. Provision was also made for early retirement after completing 25 years of service, or after completing 20 years' service at age 50. Air traffic control is considered hazardous duty. As a result of enactment of this legislation it is hoped that a younger, vigorous, and medically fit controller will be responsible for directing our Nation's traffic.

EQUAL RIGHTS—WOMEN

Public Law 92-187, approved December 15, 1971, provided equality of treatment for married women Federal employees. Section 1 amended section 2108 (3) (D) and (E) of title 5, United States Code, to equalize veteran preference benefits for spouses of ex-servicemen and ex-servicewomen. Section 2 amended section 5924(3) of title 5, United States Code, to guarantee that married women employees in foreign areas receive the same separate maintenance allowance as do married male employees. Section 3 added subsections (b) and (c) to section 7152 of title 5, United States Code, to provide that married women employees of the Government shall receive the same benefits as do married male employees under any law or regulation granting benefits to employees of the Federal Government.

PAY—OVERTIME

Public Law 92-194, approved December 15, 1971, amended section 5542(a) of title 5, United States Code, to extend to certain Federal employees having part-time or intermittent tours of duty the right to be paid at overtime rates of pay for work in excess of 40 hours a week, on the same basis as is now authorized for full-time employees.

PAY RAISE

Public Law 92-210, approved December 22, 1971, provided a 5.5-percent pay raise for Federal classified employees, effective January 1, 1972. Also provided 20 new supergrade jobs for the economic stabilization program.

ADMINISTRATIVE

Public Law 92-310, approved June 6, 1972, provided that no agency of the Federal Government may require or obtain surety bonds for its civilian employees or military personnel in connection with the performance of their official duties. The personal financial liability to the Federal Government of such employees and personnel shall not be affected by the foregoing.

Public Law 92-366, approved August 7, 1972, extended the authority of agency heads to draw composite checks in favor of financial organizations when requested in writing by any person receiving recurring payments from the Government.

LIFE INSURANCE

Public Law 92-529, approved October 21, 1972, amended chapter 87 of title 5, United States Code, to waive employee deductions for Federal employees' group life insurance purposes during a period of erroneous removal or suspension. Premiums will not be withheld from any back pay award unless death or accidental dismemberment of the employee occurs during this period.

PAY—PREVAILING RATE

Public Law 92-392, approved August 19, 1972, established a statutory system for fixing and adjusting the rates of pay for prevailing rate—blue collar—employees of the Government. It fixed in law, 90 days after enactment, the main features of the administratively developed coordinated Federal wage system. Subchapter IV, chapter 53 of title 5, United States Code, was amended to provide at later dates for an additional fourth and fifth step rate to the existing three-step wage schedule. It also established, 90 days after enactment, uniform nationwide night shift differentials of 7½ and 10 percent for second- and third-shift work respectively. It further provided for the establishment of an 11-member Federal Prevailing Rate Advisory Committee—headed by a chairman who shall hold no other Federal office or position, and who shall be appointed by the Chairman of the Civil Service Commission. Trade and craft employees of nonappropriated fund activities of the Department of Defense and Veterans' Administration were also covered by this act, effective 180 days after enactment.

Public Law 92-298, approved May 17, 1972, provided for retroactive pay increases for certain blue collar Federal employees to correct pay inequities which resulted from the implementation of the Economic Stabilization Act Amendments of 1971.

RETIREMENT—FIREFIGHTERS

Public Law 92-382, approved August 14, 1972, amended section 8336(c) of title 5, United States Code, relating to retirement of Government employees engaged in certain hazardous occupations, to include firefighters. Under this law, Federal firefighters are now eligible for early retirement.

MILITARY MAIL

Public Law 92-469, signed by the President on October 6, 1972, increased the size and weight limits on military mail. The law increased the maximum size and weight size from 60 to 100 inches, length and girth combined, and the maximum weight from 30 to 70 pounds of parcels that may be mailed to military personnel under the special airlift provisions of existing regulations. Also the law extended the airlift for news value publications to all members of the Armed Forces overseas.

MAILING HAZARDOUS OBJECTS

Public Law 92-191, enacted on December 15, 1971, curtailed the mailing of certain articles which present a hazard to postal employees or mail processing machines by imposing restrictions on certain advertising and promotional matter sent through the mails.

DISTRICT OF COLUMBIA SUBSTITUTE TEACHERS

Public Law 92-454, enacted on October 2, 1972, credited certain service rendered by District of Columbia substitute teachers for retirement purposes in the civil service retirement fund.

ADOPTED CHILD

Public Law 92-243, signed by the President on March 9, 1972, extended survivor annuity benefits under civil service retirement to a child whose petition for adoption is in process before the death of an employee or annuitant, and whose adoption is finalized by the decedent's surviving spouse after death.

The committee also conducted extensive hearings into retirement legislation and health benefits available to civil service employees. Hearings were conducted on S. 2574, a postcard voter registration bill. The bill was reported favorably by the committee and was debated twice in the 92d Congress without a rollcall vote taken for final passage. The bill was subsequently passed in the early days of the 93d Congress. Hearings were conducted on two bills, S. 3374 and S. 3417, to modify the Hatch Act, which restricts political activity on behalf of Federal employees. A new concept in "supergrades" was developed in S. 1682, a bill to establish the Federal Executive Service. This bill was reported favorably by the committee and passed the Senate.

PRESIDENT NIXON'S ANNOUNCEMENT OF VETO OF MINIMUM WAGE BILL (H.R. 7935)

Mr. WILLIAMS. Mr. President, President Nixon's announced veto of the Fair Labor Standards Act amendments—minimum wage bill—continues to demonstrate a callous disregard for the lives of millions of American working men and women who populate the bottom rung of the economic ladder.

The President has consistently taken the position that the bill which was passed overwhelmingly by both Houses of Congress, would be inflationary and would create increased unemployment. Such reasoning boggles the imagination. It is an insult to all American workers, regardless of income bracket and certainly is a poor response to the urgent need of low-wage workers.

Anyone who has ever had to earn wages for a living knows full well that the current basic minimum wage of $1.60 an hour is as unrealistic as it is unfair. It does not take an economist or mathematician to figure out that a person working full time at that rate would earn only slightly more that $3,000 a year. This would be more than $1,200 below the poverty level for a family of four.

This veto will perpetuate a legally sanctioned class of working poor and exacerbate the situation for those who have felt the savage blow of inflation the most. Since 1966 when the minimum wage was first raised to the $1.60 rate—for nonfarm workers—the dollar has eroded some 35 percent; that is, the minimum wage of 1966 is currently worth only about $1.25. Next year, it will undoubtedly be less. The cost of living index continues to spiral upward having reached a record high in July of 132.7.

The President's action runs directly contrary to the Cost of Living Council's recent ruling—July 30, 1973—that workers earning less than $3.50 an hour would be exempt from wage controls under the Economic Stabilization Act; a ruling which was a tacit admission by the Government that a person cannot live today on $3.50 an hour, let alone $1.60 an hour.

Congress' proposed rate of $2.20 an hour phased in over the next 2 years would do little more than restore to the low-wage earner at least a semblance of buying power. It will hardly provide for a luxury budget. Its beneficiaries will pose no economic threat to any other class of workers. It is not too much to ask that a person be entitled to earn enough for the basic necessities of life—food, clothing, and shelter.

How can we continue to deny a living wage to the almost 4 million workers who presently earn less than $2 an hour, and who would immediately be benefited but for the President's veto?

These low-wage earners, all of whom are at or below the poverty level, are willing and capable full-time employees. This legislation is not charity; it is not welfare. It represents instead opportunity, encouragement and hope to those at the bottom of our industrial economy.

And, the administration itself calculates that the legislation will only increase the Nation's annual wage bill by four-tenths of 1 percent during the next year.

The President would have us believe that he is really in favor of minimum wage legislation—if only Congress had passed instead a bill in which the minimum rate were smaller and spread out over a longer period—if overtime exemptions had not been repealed—if special interest group exceptions were retained—if wage disparity between agricultural workers and nonfarm workers had been continued—if household service workers had been excluded—if public employees were exempt from overtime requirements—and if only a rate differential between younger and older workers had been established. Then, such a proposal would have surely had the President's blessing. But, such would have been a mockery both in name and principle to the Fair Labor Standards Act, the very statute Congress has sought to amend.

How ironic it is that this President, who has by this announced veto acted in such a contemptuous manner for the American worker, has been the same person who has on so many occasions prided himself as a champion of the "work ethic."

Is this the same President Nixon who on Labor Day, 1971, said:

> As the name implies, the work ethic holds that labor is good in itself: That a man or woman at work not only makes a contribution to his fellow man, but becomes a better person by virtue of the act of working.
>
> The dignity of work, the value of achievement, the morality of self-reliance—none of these is going out of style.
>
> We must find ways to better recognize and reward the extra effort a worker puts into his job.
>
> We must open up new and equal opportunities to allow a person to grow in his job.
>
> And we must give more respect to the proud men and women who do work that is all too often considered "menial."
>
> Let us recognize once and for all—no job is menial in America if it leads to self-reliance, self-respect, and individual dignity.

Is this the same President Nixon who last Labor Day said:

> I want to see the American worker get all that he deserves.
>
> That an able-bodied person should earn what he gets and keep most of what he earns.

And where is the President who three years ago signed a bill extending unemployment insurance coverage, and proclaimed the act to be "an example of this administration's dedication to helping the American workingman—including the poor and the minority worker."

These noble-sounding phrases ring hollow to those who would have benefited from the minimum wage bill, were it not for the President's action.

How does one preach this "work ethic" to the millions of men and women throughout the country who are already working full time, but cannot make ends meet even on a subsistence budget. These low-wage workers cannot eat dignity, nor can they pay their rent with pride, or wear self-respect to keep them warm.

But one soon forgets about such basics when one lives in coast-to-coast palatial splendor. When one makes no effort to see reality, but instead insists on being isolated from the people by a wall of opulence. I suppose it is difficult to think compassionately in terms of such a relatively mundane matter as a $2.20-an-hour wage rate.

Such an attitude of insensitivity is especially ironic when one considers that much of that splendor has been subsidized by taxes from many of the very workers now being cast adrift by this Presidential veto.

But to the legions of hardworking Americans now getting paid below the $2.20 rate, the proposed minimum wage is hardly mundane—it is critical.

For some it could mean the difference between not having enough for one's family to eat, or being able to put ample and nutritional food on the table.

For others it could mean the difference between having to rent a rat-infested apartment, or getting a clean and decent place to live. And for still others it could mean the difference between having to let one's child wear the same pair of tattered sneakers all year round, or being able to buy a pair of warm boots for the cold winter months which lie ahead.

Despite the obvious need to increase minimum wage protection for the Nation's low-wage earners, the President continues to maintain that this legislation would be detrimental to the economy.

Forgive me if I fail to understand how these Fair Labor Standards amendments will be the root of all of our economic evils. Neither the runaway inflation nor the ravages of chronic unemployment will be improved by this veto action.

The average American does not need to have a Ph. D. to know that the President's economic game plan has gone haywire. Even the program's architects have admitted that the multiphase wage-price controls have been a dismal failure.

The word crisis has been used so often to describe one or another aspect of this country's economic plight, one might think that the administration has deliberately attempted to fostered a new vocabulary—what with the "soybean crisis," the "plywood crisis," the "meat crisis," the "wheat crisis," the "housing crisis," the "interest rate crisis," and the "energy crisis"—just for openers.

The President has gone quite far afield in his attempt to negatively link the proposed new minimum wage with our Nation's myriad economic woes. I cannot see any such connection, and I do not believe the American people are going to either.

At a time when the highest echelons of our Government are in a state of moral bankruptcy, and each day brings forth new revelations of deceit and dishonesty, I am confident the American people will not accept this bogus rationale for vetoing the minimum wage bill.

How can we believe the prediction that the minimum wage bill would drive the Nation's economy into a tailspin, when the administration has been wrong so often with its previous economic forecasts?

Two years ago, for example, in a speech before the U.S. Chamber of Commerce the President assured us that—

> We are winning the fight against rising prices. . . . The worst of inflation is behind us.

While there is no question that inflation is rampant throughout the country, the remedy lies not in denying a living wage for those who need it the most. Instead inflation should be fought by putting an end to corporate price-fixing, to artificially induced commodity shortages, and to the cozy big business-Government relationships which have produced such consumer debacles as the Russian wheat deal.

Despite the fact that real wages for many workers have fallen during the last year, First National City Bank of New York has reported that after-tax profits of U.S. corporations went up 30 percent over a year ago during the second quarter of 1973.

This spectacular rise is on top of a similar 28-percent gain registered during the first quarter of this year.

The Wall Street Journal has reported that profits at General Motors rose 10 percent to a second quarter record of $797.5 million, while sales climbed 14 percent to $9.67 billion—a high for any quarter.

The financial picture at Chrysler has been equally as rosy with a 6-month after-tax profit of $198 million—90 percent more than a year ago and 33 percent more than their record year of 1968.

And as if to add insult to injury during this period of so-called wage-price controls, an audit by Congress Joint Committee on Internal Revenue Taxation has revealed that 11 of the Nation's largest corporations have paid no Federal income taxes despite the fact that they had reported substantial profits.

As profits soar, real wages have barely managed to keep even, and in many cases have even declined. The American worker suffers every time the interest rate jumps and every time a price rise is announced.

Food prices alone, according to the administration's own spokesmen, are slated to increase 21 percent by the end of the year. And there apparently is no end in sight, with the low wage earner of course being hurt the most.

It is clear that this deliberate Goverment policy which tightly controls wages while at the same time allowing profits, rents, interest rates, and nonwage income to continue upward is one which is fundamentally both unfair and unjust.

What is perhaps even more dismaying is the way in which the administration's decisionmaking process has been blatantly manipulated by a small cartel of moneyed interests.

While the average American worker is at the mercy of the vast Federal bureaucracy, the corporate giants of industry seem to be able to call their own tune.

The pattern, of course, is all too familiar—money for favors. After a sizable and, until recently, secret Presidential campaign contribution, the corporate donor—via a director or officer—finds almost instantaneous good fortune with a Government regulatory agency.

It is particularly distressing to note that many of these same large-scale contributors have been among the most vociferous opponents of the minimum wage bill.

The choice was clear. The President had before him a bill whose substance epitomized the essence of our legislative process.

It was the thoughtful product of many hundreds of hours of research, investigation, and testimony. It was the result of bipartisan efforts which had sought to achieve a consensus among diverse positions and interests. And most important, it was a proposal which was based on economic realities and grounded in social justice.

With American people watching, we had an opportunity to strike a blow for decency. With the very foundation of our system of government being questioned, we had an opportunity to correct inequities in a system we ourselves had created.

Now, the President intends to frustrate the will of the Congress to provide millions of hard-working American citizens with the opportunity to better themselves.

I am still hopeful that all is not lost. It is imperative that Congress vote its conscience and override this misconceived and ill-timed Presidential veto.

NEW SOCIAL SERVICE REGULATIONS TO BE PUBLISHED

Mr. PACKWOOD. Mr. President, last spring, Senators will recall the publication of social service regulations by the Social and Rehabilitation Service of HEW. The new regulations were designed, allegedly, to reflect legislative changes adopted in the 92d Congress, and particularly the $2.5 billion ceiling on expenditures under the program.

Unfortunately, the SRS regulations went far beyond what Congress intended in returning the social services program to sounder operation and fiscal responsibility, and had the effect of eliminating the eligibility of many individuals most in need of services. Whereas Congress intended that social services programs maximally assist those who are trying to get off welfare or stay off welfare, and who are seeking self-sufficiency or partial self-sufficiency, the HEW regulations as originally published would have had exactly the opposite effect.

Fortunately, my colleagues on the Finance Committee and in the Senate shared these concerns, and in Public Law 93-66, signed on July 9, 1973, we delayed implementation of the published regulations from July 1, 1973, to November 1, 1973, with the qualification that a majority of the Finance and Ways and Means Committees must approve the new regulations.

Mr. President, HEW is about to publish yet another set of regulations governing the social services program, and because of the widespread interest in this program, and its far-reaching impact in Oregon and nationwide, I ask unanimous consent to have printed at this point in the Record the letter I have just received from HEW Under Secretary Frank Carlucci, along with a summary of the changes which HEW intends to make in the new version of the regulations.

There being no objection, the material was ordered to be printed in the Record, as follows:

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., September 5, 1973.

Hon. BOB PACKWOOD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PACKWOOD: The Department of Health, Education and Welfare will further modify the regulations governing Social Services under Titles I, IV-A, X, XIV and XVI of the Social Security Act to be effective November 1, 1973. We plan to publish these changes as proposed rule making in the Federal Register on September 10 or 11. Major changes include:

1. Require States to establish, under the adult services program, a plan for prevention of institutionalization of individuals through the provision of defined services;
2. Broaden the coverage of potential recipients, consistent with the deduction for work-related expenses available to recipients, by defining the income limit as $60 plus 150% (233% in relation to day care) of the payment standard (previously $30);
3. Permit an additional income disregard for the mentally retarded, with the amount to be established by each State;
4. Broaden the coverage (for family planning services) to include any female of childbearing age who meets financial eligibility requirements;
5. Allow 6 months (instead of 3) from the effective date of the final regulations for redetermination of eligibility of all current recipients of services;
6. Remove the cumbersome assets test for determination of potential recipients, although States must continue to consider available resources in determining whether families and individuals are likely to become applicants for or recipients of financial assistance within six months;
7. Add the goal of strengthening family life to deliver family planning and other services to prevent child abuse and neglect;
8. Expand the definition of health-related services to encompass those necessary to a program of active treatment for alcoholics and drug addicts in order to provide appropriate medical services, provided that other public and private sources are first utilized;
9. Expand the definition of legal services to include those required to establish paternity of children born out of wedlock, obtain child support payments, and legally adopt a child;

10. Add a new defined service, special services for the mentally retarded;

11. Provide medical treatment required for services to the mentally retarded provided that other public and private sources are first utilized.

Our development of these proposed changes was very much aided by our consultation with the Staff of the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, as well as Staff of other Members of Congress. We would, of course, welcome any further comment or suggestions from these Committees or from other Members of Congress before the regulations are issued in final form.

Sincerely yours,
FRANK CARLUCCI, *Acting Secretary.*

Service Programs for Families and Children and for Aged, Blind, or Disabled Individuals: Titles I, IV (Part A), X, XIV, and XVI of the Social Security Act

NOTICE OF PROPOSED RULEMAKING

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare.

Notice of proposed rulemaking was published in the *Federal Register* on February 16, 1973 (38 FR 4608).

Final regulations responsive to comments received were published in the *Federal Register* on May 1, 1973 (38 FR 10782), with an effective date of July 1, 1973. An amendment clarifying several provisions was published on June 1, 1973 (38 FR 14375).

Public Law 93-66 signed by the President on July 9, 1973, postponed the effective date until November 1, 1973. Notice of this postponement was published in the *Federal Register* on July 25, 1973 (38 FR 19911).

The new proposals would amend the regulations published on May 1, 1973 and June 1, 1973 to:

1. Require States to establish, under the adult services program, a plan for deinstitutionalization and prevention of institutionalization of individuals through the provision of defined services; (§ 221.5(a))

2. Broaden the coverage of potential recipients, consistent with the deduction for work-related expenses enjoyed by recipients, by defining the income limit as $60 plus 150% (233% in relation to day care) of the payment standard (previously $30); (§ 221.6(a) (3) (i))

3. Permit an additional income disregard for the mentally retarded, with the amount to be established by each State; (§ 211.6(a) (3) (iii))

4. Broaden the coverage (for family planning services) to include any female of childbearing age who meets financial eligibility requirements; (§ 211.6(a) (3) (vii))

5. Allow 6 months (instead of 3) from the effective date of the final regulations for redetermination of eligibility of all current recipients of services; (§ 211.7(b))

6. Remove the cumbersome aspects of the assets test for determination of potential recipients, although States must continue to consider available resources in determining whether families and individuals are likely to become applicants for or recipients of financial assistance within 6 months;

7. Add the goal of strengthening family life, (§ 221.8(a) (3)), under which States may provide family planning services; and other services including day care, to prevent child abuse and neglect; (§ 211.9(b) (3))

8. Expand the definition of health-related services to encompass those necessary to a program of active treatment for alcoholics and drug addicts; (§ 221.9(b) (9))

9. Expand the definition of legal services to include those required to establish paternity of children born out of wedlock, obtain child support payments, and legally adopt a child; (§ 221.9(b) (14))

10. Add a new defined service, Special services for the mentally retarded; (§ 221.9(b) (19))

11. Provide Federal financial participation for appropriate medical services necessary for active treatment of drug addicts and alcoholics, together with medical treatment required for services to the mentally retarded, provided that any other public and private sources are utilized first; (§ 221.53(i))

12. Incorporate new statutory language concerning Federal sharing in services to children in foster care. (§ 221.55(d) (5))

The proposed regulations do not affect current provisions in Part 220 applicable to the work incentive program (WIN) and to child welfare services (CWS). Amendments to those portions of Part 220 will be published separately.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue, S.W., Washington, D.C. 20201, within a period of 30 days from date of publication of the Notice in the *Federal Register*. Comments received will be available for public inspection in Room 5224 of the Department's offices at 330 C Street S.W., Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (area code 202-962-4451).

Authority: Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302).

(Catalog of Federal Domestic Assistance No. 13754, Public Assistance—Social Services)

Part 221, Chapter II, Title 45 of the Code of Federal Regulations is amended as set forth below:

1. Section 221.2 is amended to revise paragraph (c) as follows:

§ 221.2 Organization and administration.

* * * * *

(c) *Opportunity to present views.*—There must be an opportunity for recipients of services to present their views about the services program. The State may permit such opportunity to be either oral or in writing.

* * * * *

2. Section 221.5 is revised as follows:

§ 221.5 Statutory requirements for services.

(a) In order to carry out the statutory requirements under the act with respect to family services and adult services programs, and in order to be eligible for 75 percent Federal financial participation in the costs of providing services, including the determination of eligibility for services, the State must, under the family services program, provide to appropriate members of the AFDC assistance unit the mandatory services and those optional services the State elects to include in the State plan, and must, under the Adult Services program, establish a plan for de-institutionalization and preventing institutionalization of individuals, and include in the State plan those defined adult services which the State considers necessary to achieve that objective.

(b) (1) For the family services program, the mandatory services are family planning services, foster-care services for children, and protective services for children. The optional services are day-care services for children, educational services, employment services (non-WIN), health-related services, homemaker services, home management and other functional educational services, housing improvement services, legal services, transportation services and special services for the mentally retarded.

(2) For the adult services program, the defined services are chore services, day-care services for adults, educational services, employment services, family planning services, foster-care services for adults, health-related services, home delivered or congregate meals, homemaker services, home management and other functional educational services, housing improvement services, legal services, protective services for adults, special services for the blind, transportation services and special services for the mentally retarded.

3. Section 221.6(a) (3) is amended by revising subdivisions (i) and (ii), redesignating subdivisions (iii), (iv), and (v) as (iv), (v) and (vi) and adding new subdivisions (iii) and (vii) as follows:

§ 221.6 Services to additional families and individuals.

* * * * *

(a) (3) (i) With respect to title IV-A, have gross monthly income which after deducting $60, (A) does not exceed 150 percent of the State's financial assistance payment standard; or (B) with respect to eligibility for day-care services, does not exceed the maximum allowable under the State's schedule of fees to be paid for such services by otherwise eligible families, as contained in the State's approved plan; or

(ii) With respect to titles I, X, XIV, or XVI, have gross monthly income which does not exceed 150 percent of the combined total of the supplementary security income benefit level provided for under title XVI of the Act (as amended by Public Law 92-603) and the State supplementary benefit level, if any (in the case of Puerto Rico, the Virgin Islands, and Guam, 150 percent of the financial assistance payment standard);

(iii) Notwithstanding the provisions of subdivisions (c) (3) (i) and (ii), of this section, with respect to an otherwise eligible mentally retarded individual as defined in subdivision (c) (3) (v), the State plan shall provide for an additional deduction from gross monthly income in order to recognize the unique financial burden associated with a mentally retarded individual.

(iv) (A) In the case of eligibility under title IV-A, have a specific problem or problems which are susceptible to correction or amelioration through provisions of services and which will lead to dependence on financial assistance under title IV-A within 6 months if not corrected or ameliorated; or

(B) In the case of eligibility under title I, X, XIV, or XVI, have a specific problem or problems which are susceptible to correction or amelioration through provisions of services and which will lead to dependence on financial assistance under such title, or medical assistance, within 6 months if not corrected or ameliorated; and who are

(1) At least 64½ years of age for linkage to title I or title XVI with respect to the aged;

(2) Experiencing serious, progressive deterioration of sight that, as substantiated by medical opinion, is likely to reach the level of the State agency's definition of blindness within 6 months, for linkage to title X, or title XVI with respect to the blind; or

(3) According to licensed physician's opinion as approved by the State agency, experiencing a physical or mental condition which is likely to result within 6 months in permanent and total disability, for linkage to title XIV, or title XVI with respect to the disabled.

(v) Notwithstanding the provisions of this subparagraph (3) or § 221.7(b) (1), an eligible mentally retarded individual may for the period July 1, 1973, through December 31, 1973, be considered by the State as eligible for services for so much of such period as the mentally retarded individual continues to meet the eligibility requirements of § 222.25 (a) (2) of this chapter, as previously in effect. "Mentally retarded individual" means an individual, not psychotic, who, according to a licensed physician's opinion, is so mentally retarded from infancy or before reaching 18 years of age that he is incapable of managing himself and his affairs independently, with ordinary prudence, or of being taught to do so, and who requires supervision, control, and care, for his own welfare, or for the welfare of others, or for the welfare of the community.

(vi) Notwithstanding the provisions of this subparagraph (3), or § 221.7(b) (1), children of migrant workers may be considered by the State to be eligible for daycare services through December 31, 1973, on the basis of the provisions of part 220 as previously in effect.

(vii) Notwithstanding the provisions of this subparagraph (3), or § 221.8(a) of this part, any female of childbearing age who requests family planning services may be considered eligible to receive such services as defined in § 221.9(b) (6) (i) of this part; provided such individual has gross monthly income which, after deducting $60, does not exceed 150 percent of the State's financial assistance payment standard under title IV–A for one adult plus one child, or, if she is part of a family unit, then the applicable payment standard for such family unit plus one child.

(4) Aged, blind, or disabled persons who are likely to become applicants for or recipients of financial assistance under the State plan within 6 months as evidenced by the fact that they are currently eligible for medical assistance as medically needy individuals under the State's title XIX plan.

4. Section 221.7(b) (1) is amended by changing the time period from three months to six months.

5. Section 221.8 is amended to add a new subparagraph (a) (3) as follows:

§ 221.8 Program control and coordination.

* * * * *

(3) *Strengthening family life goal.*—In the case of all recipients of financial assistance under the family program, to strengthen family life by providing (i) family planning services and (ii) such defined family services in the State plan as are necessary to prevent neglect or abuse of a child who has been identified as likely to become neglected or abused as a result of home conditions which seriously threaten the child physically or emotionally.

* * * * *

6. In section 221.9, subparagraphs (b) (3), (b) (9), and (b) (14) are revised and a new subparagraph (b) (19) is added as follows:

§ 221.9 Definitions of services.

(a) This section contains definitions of all mandatory and optional services under the family services program and the defined services under the adult services program (see §§ 221.5 and 221.6).

(b) (1) *Chore services.*—This means the performance of household tasks, essential shopping, simple household repairs, and other light work necessary to enable an individual to remain in his own home when he is unable to perform such tasks himself and they do not require the services of a trained homemaker or other specialist.

(2) *Day care services for adults.*—This means personal care during the day in a protective setting approved by the State or local agency.

(3) *Day care services for children.*—This means care of a child for a portion of the day, but less than 24 hours, in his own home by a responsible person, or outside his home in a day care facility. Such care must be for the purpose of enabling the caretaker relatives to participate in employment or training, or because of the death, continued absence from the home, or incapacity of the child's mother and the inability of any member of such child's family to provide adequate and necessary care and supervision for such child. Day care may also be provided, when appropriate, for eligible children who are mentally retarded and to other recipients, to the extent necessary to accomplish the strengthening family life goal. In-home care must meet State agency standards, that, as a minimum, include requirements with respect to: The responsible person's capacity and available time to properly care for children; minimum and maximum hours to be allowed per 24-hour day for such care; maximum number of children that may be cared for in the home at any one time and proper feeding and health care of the children. Day care facilities used for the care of children must be licensed by the State or approved as meeting the standards for such licensing and day care facilities and services must comply with such standards as may be prescribed by the Secretary.

(4) *Educational services.*—This means helping individuals to secure educational training most appropriate to their capacities, from available community resources at no cost to the agency.

(5) *Employment services (non-WIN under title IV–A and for the blind or disabled).*—This means enabling appropriate individuals to secure paid employment or training leading to such employment, through vocational, educational, social, and psychological diagnostic assessments to determine potential for job training or employment; and through helping them to obtain vocational education or training at no cost to the agency.

* * * * *

(9) *Health-related services.*—This means helping individuals and families to identify health needs and to secure needed health services available under medicaid, medicare, maternal and child health programs, handicapped children's programs or other agency health services programs and from other public or private agencies or providers of health services; planning, as appropriate, with the individual and health providers to help assure continuity of treatment and carrying out of health recommendations; helping such individual to secure admission to medical institutions and other health related facilities; and providing appropriate medical services necessary to a program of active treatment of individuals who are alcoholics or drug addicts.

(10) *Home delivered or congregate meals.*—This means the preparation and delivery of hot meals to an individual in his home or in a central dining facility as necessary to prevent institutionalization or malnutrition.

(11) *Homemaker services.*—(i) For family services this means care of individuals in their own homes, and helping individual caretaker relatives to achieve adequate household and family management, through the services of a trained and supervised homemaking.

(ii) For adult-services this means care of individuals in their own homes, and helping individuals in maintaining, strengthening, and safeguarding their functioning in the home through the services of a trained and supervised homemaker.

(12) *Home management and other functional educational services.*—This means formal or informal instruction and training in management of household budgets, maintenance and care of the home, preparation of food, nutrition, consumer education, child rearing, and health maintenance.

(13) *Housing improvement services.*—This means helping families and individuals to obtain or retain adequate housing. Housing and relocation costs, including construction, renovation or repair, moving of families or individuals, rent, deposits, and home purchase, may not be claimed as service costs.

(14) *Legal services.*—This means the services of a lawyer in solving legal problems of eligible individuals to the extent necessary to obtain or retain employment, establish paternity of children born out of wedlock, secure and collect child support payments and legally adopt a child. This does not apply to district attorneys or other public prosecuting attorneys, and excludes all other legal services, including fee generating cases, criminal cases, class actions, community organization, lobbying, and political action.

(15) *Protective services for adults.*—This means identifying and helping to correct hazardous living conditions or situations of an individual who is unable to protect or care for himself.

(16) *Protective services for children.*—This means responding to instances, and substantiating the evidence, of neglect, abuse, or exploitation of a child; helping parents recognize the causes thereof and strengthening (through arrangement of one or more of the services included in the State plan) parental ability to provide acceptable care; or, if that is not possible, bringing the situation to the attention of appropriate courts or law enforcement agencies, and furnishing relevant data.

(17) *Special services for the blind.*—This means helping to alleviate the handicapping effects of blindness through: Training in mobility, personal care, home management, and communication skills; special aids and appliances; special counseling for caretakers of blind children and adults; and help in securing talking-book machines.

(18) *Transportation services.*—This means transportation necessary to travel to and from community facilities or resources for receipt of mandatory or optional services.

(19) *Special services for the mentally retarded.*—This means helping to alleviate the handicapping effect of mental retardation through: evaluation of the individual through necessary medical and psychological services; counseling with parents or caretaker relatives of the retarded individual; sheltered employment; day care appropriate to the needs of retarded individuals; and special training for self-care.

7. In Section 221.30, the date in the second sentence is changed from July 1, 1973 to November 1, 1973.

8. Section 221.52 is amended by redesignating paragraph (n) as (o) and adding a new paragraph (n) to read as follows:

§ 221.52 Expenditures for which Federal financial participation is available.

* * * * *

(n) When providing meals is an integral part of day care services, costs of food when limited to snacks and light meals, and not otherwise available under any public program.

9. Section 221.53(i) is revised as set forth below:

§ 221.53 Expenditures for which Federal financial participation is not available.

* * * * *

(i) Medical, mental health, or remedial care or services, except when they are:

(1) Part of the family planning services under title IV–A, including medical services or supplies for family planning purposes, or

(2) Medical examinations which are required for admission to child-care facilities or for persons caring for children under agency auspices (but only to the extent not otherwise available from medicaid, medicare, or other public or private sources including insurance or other resources); or

(3) Appropriate medical services necessary to a program of active treatment of individuals who are alcoholics or drug addicts (but only to the extent not otherwise available from medicaid, medicare, or other public or private sources including insurance or other resources); or

(4) Appropriate medical or psychological services necessary to evaluation of a mentally retarded individual as provided in § 221.9 (b) (19) (but only to the extent not otherwise available from medicaid, medicare, or

other public or private sources including insurance or other resources).

* * * * *

10. Section 221.55(d) is revised to read as follows:

§ 221.55 Limitations on total amount of Federal funds payable to States for services.

* * * * *

(d) Not more than 10 percent of the Federal funds shall be paid with respect to expenditures in providing services under title IV–A to families or to individuals (eligible for services) who are not recipients of aid or assistance under State plans approved under such titles, or applicants for such aid or assistance, except that this limitation does not apply to the following services provided to eligible persons:

(1) Services provided to meet the needs of a child for personal care, protection, and supervision but only in the case of a child where the provision of such services is necessary in order to enable a member of such child's family to accept or continue in employment or to participate in training to prepare such member for employment, or because of the death, continued absence from home, or incapacity of the child's mother and the inability of any member of such child's family to provide adequate and necessary care and supervision for such child;

(2) Family planning services;

(3) Any services included in the approved State plan that are provided to an individual diagnosed as mentally retarded by a State mental retardation clinic or other agency or organization recognized by the State agency as competent to make such diagnoses, or by a licensed physician, but only if such services are needed for such individual by reason of his condition of being mentally retarded;

(4) Any services included in the approved State plan provided to an individual who has been certified as a drug addict by the director of a drug abuse treatment program licensed by the State, or to an individual who has been diagnosed by a licensed physician as an alcoholic or drug addict, but only if such services are needed by such individual as part of a program of active treatment of his condition as a drug addict or an alcoholic; and

(5) Services provided to a child who is under foster care in a foster family home (as defined in section 408 of the Social Security Act) or in a child-care institution (as defined in such section), or while awaiting placement in such a home or institution, but only if such services are needed by such child because he is under foster care.

IS THE SOVIET AIR FORCE NO. 1?

Mr. **GOLDWATER**. Mr. President, in a recent issue of the Reader's Digest, Mr. James Winchester posed the question "Is the Soviet Air Force No. 1?" To those of us who follow this subject intimately on a day to day basis, and this includes people all over this world, I believe there is only one answer at this time and that is the Soviets are ahead of us. They may not be ahead if we count the superb training and experience of our airmen in all branches, but it will not take long for them to catch up in this. My concern is that as we approach the opening of the debate on military authorization, that we may continue to downgrade the military by not voting the funds required. If we continue this, mark my word sometime in this decade we're going to be faced with a challenge or maybe several, which if we cannot answer or refuse to answer or do not seem capable of answering irreparable damage will be done to our country, to its form of government and to its place in the world.

I ask unanimous consent that this article be printed in my remarks in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IS THE SOVIET AIR FORCE NO. 1?

(By James H. Winchester)

Ten years ago, the United States edge over the Soviet Union in military aircraft of all types was unquestioned, overwhelming. Today, almost unnoticed by the American public, the advantage has largely shifted hands. The signers of the supplemental statement to the report of President Nixon's Blue Ribbon Defense Panel are alarmed: "The quarter-century of clear U.S. strategic superiority has ended."

The buildup of Soviet air power, many military authorities agree, is far more significant than the more widely publicized expansion of the Russian fleet. We still have a dwindling lead in number of long-range heavy bombers and in sophisticated airborne electronics. But the Russians, with some 10,000 front-line, combat-ready craft, are now ahead, overall, in total number of warplanes. In addition, new aircraft are being added to the Soviet air force at a rate exceeding that of any nation in the free world.

If intercontinental strategic missiles, Naval air forces, reserve and National Guard units are all lumped in, and general crew efficiency considered, America's air power is still given a slight lead in total operational competence. But while the Soviets are adding new and sophisticated planes of all types, the U.S. air units are shrinking. Since 1964, the U.S. Air Force has cut its bombers from 1509 to 503, its fighter-attack planes and interceptors from 3538 to 2537. The Russians, on the other hand, now have a total of about 900 heavy and medium bombers, plus 7400 fighter-bombers and interceptors. Says the USAF: "We are busy phasing things *out*, while the Soviet force is busy phasing things *in*."

More important than diminishing numbers is the fact that America's warplanes are mostly outdated. Over half of all U.S. combat aircraft are now over ten years old. The newest of our aging B–52 bombers were built a dozen years ago. And in spite of the losses in Southeast Asia, the USAF in fiscal 1973 bought only 168 new planes of all types, including fighters, transports, trainers and helicopters.

Behind the Russian gains is an intensive research and development program. For the last several years they have produced one new fighter-plane prototype about every 18 months. Pierre Gallois, a retired French air-force general and adviser to the makers of France's highly regarded Mirage fighter plane, says: "Today the Russians are the best plane makers in the world."

Clearly, the Soviet air force is spreading new and formidable wings. Here is how it compares, category by category, with the USAF:

BOMBERS

The new Russian swing-wing, long-range bomber, bearing the NATO code name "Backfire," flies at twice the speed of sound and at altitudes over 13 miles. With an unrefueled range nearly equal to that of their standard heavy jet, the Bison, it puts the Soviets at least five years ahead of us in developing a new bomber. Armed with far-reaching air-to-surface missiles, free-fall nuclear bombs, and electronic countermeasures as sophisticated as any, Backfire can, with midair refueling, fly from the Soviet Union to any target in the world and return.

At least 12 of these new Backfires were flying at the start of 1973, and full squadrons are expected to be operational next year. Until then, the Soviet air force has a fleet of about 200 Bear and Bison long-range bombers, roughly comparable—individually—to the U.S. Strategic Air Command's 650-m.p.h. B–52s, now fewer than 400 in number.

To modernize its long-range bomber force—which proved to be very vulnerable to sophisticated, Russian-made surface-to-air missiles over North Vietnam—the USAF wants the B–1, which they say will be better than the Russian Backfire. Three B–1 prototypes are being built and will be test-flown in 1974, but Congress is still wrangling about whether the bomber should be produced.* It will not be operational until 1980 at the earliest.

The Soviet medium-bomber fleet, with about 700 planes now operational, is unmatched by any other nation in the world. Its backbone is the "Blinder," a twin-engine killer with a top speed of over 1000 m.p.h., which can deliver air-to-surface nuclear rockets (liquid-propelled) from distances up to 300 miles. Designed for missions against Euro-Asian nations, naval attack, reconnaissance, these planes could be used in one-way, intercontinental attacks on the United States.

We do not now have a plane or missile comparable to the Blinder. The closest thing is the FB–111 fighter-bomber, once hailed as a replacement for some of the B–52 versions. Since the first one was delivered in 1969, however, technical problems have plagued the FB–111. The original order for 263 of these planes was cut back sharply. Fewer than 75 are now in service.

FIGHTERS

America has only about one fourth as many air-defense fighters as the U.S.S.R., and the Soviets' are equal or superior to anything we now have in service. Since 1960, the USAF has introduced four new types of fighter—while the Russians have produced 13.

The basic U.S. attack plane is the McDonnell-Douglas F–4, introduced in 1962. This plane cannot begin to match the new Soviet MiG–25, known as "Foxbat," which can fly at close to 2000 m.p.h. and fight at 80,000 feet. Not long ago, when the Israeli air force sighted a pair of Foxbats being flown by Russian pilots from an Egyptian base, they sent up their U.S.-built F–4 Phantoms to give chase. They were unable to come anywhere near the Soviet planes. Says a worried USAF general, "Nothing in the West can touch them." The Russians now have several squadrons of MiG–25s flying, and new planes are being built at a rapid rate.

Another new Russian fighter is the swing-wing missile-armed MiG–23 known as "Flogger," which can fight from ground level to 60,000 feet. Scores of these Floggers are now in service, and full production is continuing. They are backed up by the Sukhoi "Flagon," a delta-wing air-defense fighter, which operates at speeds better than 1,600 miles an hour. To stop penetrating bombers, the Russians have the long-range, two-engine Tupolev "Fiddler." They also have two other fighters under development.

The United States has two new fighters under way: the Air Force's F–15 and the Navy's Grumman-built F–14. The Navy plane is rated by some as only "marginal" against the latest Soviet fighters. As for the F–15, the Air Force insists that no present Soviet fighter is a match for it in overall air-to-air combat. Even so, production of both these advanced American fighters is either slowed or under threat of being halted altogether by technical difficulties or financial woes. None are in actual service as yet, and the Air Force says its first F–15 squadrons won't be ready for at least another two years.

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*See "Shall We Build This Superbomber?" The Reader's Digest, December '72.

AIRLIFT CAPACITY

The Soviet air-transport force now has more than 1,000 medium and heavy transport planes, 1,400 lighter ones, and 2,500 troop-carrying helicopters—including the Mil V–12, world's largest, which can lift 40 tons or 200 fully equipped troops. In an emergency this formidable force could be augmented by about 300 planes from Aeroflot, the Russian airline, which could be adapted as military transport.

Russia's troop-delivery capability was dramatically demonstrated in the Czech invasion of August 1968, and it has been improved greatly since then. In just 16½ hours, Soviet air transports ferried elements of two Russian airborne divisions with their equipment, including tanks, to a single airfield near Prague. And in a 1970 exercise, some 8,000 paratroopers were dropped from Soviet planes, along with 160 vehicles, in just 22 minutes. Reports Prof. John Erickson of Edinburgh University, a top authority on the Soviet air force: "The revolution in airlift capability is one of the most alarming factors in their strategic buildup."

By comparison, the United States has only about 1,200 military transport planes of all types, backed up by 390 jets and about 25 turbo-props from the U.S. airlines' Civil Reserve Air Fleet. The giant Lockheed C–5 transport plane was planned as the backbone of the USAF air-carrier fleet, but it has been trouble-plagued and orders for it have been cut back sharply as costs have skyrocketed to over $56 million per plane.

ELECTRONICS AND RECONNAISSANCE

Although we still enjoy overall superiority in this vital field, there is no cause for complacency. Increasingly, the Russians are equipping their planes with sophisticated radar-jamming gear, radio and heatsensing devices as good as ours. For example, Soviet snooper planes, flying over the Grand Banks in the North Atlantic, now monitor U.S. flights taking off near Washington, D.C.

In reconnaissance, America is ahead with the SR–71, a Lockheed-built successor to the high-flying U–2, With a reported ceiling of 120,000 feet, it can fly above 97 percent of the earth's atmosphere at a speed in short spurts, of over 2000 m.p.h. A top-secret method even masks the SR–71's heat emission to confuse enemy infrared tracking. Russia so far doesn't have a reconnaissance plane with a similar capability, although the Foxbat is close to it.

In its drive to outdo the United States, Russia this year is spending $20 billion on its air forces, out of its total $75-billion defense budget. The USAF's 1973 fiscal-year budget is $24.8 billion, out of the Pentagon's total defense allowance of $80.9 billion. Of the U.S. money, however, most goes into payrolls. Only $3 billion of the Air Force budget is ear-marked this year for research and development, and just $2.6 billion for new planes, spare parts, modification, and support equipment. The Soviet air force is spending an estimated $5 billion a year for research and development alone.

As it grows stronger, the Soviet air force no longer concentrates on defending the homeland. Offense and versatility are the air force's key words now, and its voice in overall military and political strategy is as strong as that of any other branch. Says the USAF: "The Soviets see the strategic mission of their air force in a much broader concept than does the United States. They now look to their strategic bombers, for instance, for a wide variety of roles, including intercontinental attack, naval attack, and a strong role against the borders of Euro-Asian nations. In all these areas, along with reconnaissance, electronic warfare and long-range, deep-sea surveillance, the Soviets have considerably more flexibility and imagination than the United States."

How can the United States regain the vital life insurance of air superiority? First, we need to step up basic research, and shorten the time from design to testing. Second, we must replace our out-of-date B–52s with B–1 bombers, increase our airlift capacity, and build more and better fighters, along with airborne warning and control planes.

Failure to modernize the U.S. Air Force—and the other branches of the U.S. military—could have disastrous results. The supplemental statement to the report of the U.S. Blue Ribbon Defense Panel spells it out: "It is irrational to think, with the balance of military power shifting in its favor, that the Soviet Union will be less hostile, disruptive and imperialistic in its policies. The consequences of being second-rate, even if national survival is not threatened, could be seriously detrimental to the United States. Weakness of the United States—in its military capability and its will—could be the gravest threat to the peace of the world."

PAROCHIALISM IN EUROPE AND "CREEPING GAULLISM" IN AMERICA

Mr. PELL. Mr. President, as a nation we have leaned too far in the direction of being the policemen of the world. We now find ourselves faced with pulling back too abruptly and too far from the affairs and responsibilities of the world.

In this regard, I recently read an excellent article "Parochialism in Europe; 'Creeping Gaullism' in America" by George Ball.

Believing this article and these thoughts would be of interest to my colleagues, I am asking unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PAROCHIALISM IN EUROPE; "CREEPING GAULLISM" IN AMERICA

(By George Ball)

I am disturbed at some trends that I perceive in the evolution of Europe's political and economic thought and action. I am equally disturbed at certain trends now visible in my own country.

Since there is an inevitable interaction between what is said and done on each side of the Atlantic, there is danger, it seems to me, that we may, by indifference or carelessness or simply pique and frustration, create a climate in which these dangerous trends will be encouraged and intensified.

After all, in Europe and America we have been through intense and rewarding years together and we have much to gain by preserving and building on the habits and systems of cooperation developed ever since the war. Until the past three or four years, I think most of us took it for granted that these habits and systems had been permanently established, that the design for effective cooperation we had worked out would provide an enduring mechanism through which we could improve the effectiveness of our common efforts and expand our common interests.

But today I am not so sure. The most fundamental assumptions that have supported our post-war cooperation are now in doubt because of several complex developments that may be worth briefly considering this noon.

For more than two decades, Europe has been able to concentrate largely on its own internal affairs because it could rest its security primarily on the United States nuclear umbrella and the precarious balance of terror resulting from the nuclear standoff between Moscow and Washington. At the same time, with the progressive shedding of its colonial possessions it has relieved itself of its most direct world responsibilities.

This paper will form a chapter in the book The Atlantic Challenge *to be published in September by Charles Knight & Co., Ltd., London.*

The prize fruit of this concentration has been the conception and development of the European Economic Community—and particularly the creation, within the framework of the community, of a great mass market. The direct and indirect benefits that have flowed from the European Economic Market have, I am confident, been the most important single factor in launching and sustaining an unprecedented era of economic growth.

As a result Europe has developed a new sense of resilience—and an increasing conviction that, except in matters of security, it is now able to stand on its own feet. In fact, even concerns about security have lost much of their urgency with the growing *détente* between East and West.

One might have hoped that, by this time, Europe's new sense of well-being and self-confidence would encourage it to move toward the assumption of a world role more nearly commensurate with its resources—or, in other words, with the role that the individual counties of Europe played in pre-war days. But I see little evidence of such an intention; instead it seems to me that Europeans are, if anything, becoming even more preoccupied with their own affairs and less concerned than ever about problems and dangers in the rest of the world.

Although I know the idea may be painful to many, Europeans have in my view become parochial, so that—even conceding a unity that is more metaphorical and real—Europe exerts little more than a regional influence.

And in the U.S. . . .

At the same time, in the realm of North Atlantic relations, Europeans certainly do not look toward the United States with anything approaching the same recognition of common interests that prevailed some years ago.

To be sure even the most vocally anti-American of my European friends still hope that America will continue to maintain its troop deployments on European soil, but there is—and we might as well be frank about it—growing resentment of America. Yet, if Europe is eyeing the United States with a jaundiced eye, the American attitude towards Europe is also deteriorating.

For this a number of factors are to blame. Most important is the long, painful, frustrating and profitless ordeal in Vietnam—an experience that has done incalculable harm not merely to America's prestige but to its internal coherence, its belief in its own national mission, and, as an end result, the spaciousness of its foreign policy. Those effects have intensified the unfortunate coincidence of two other developments which, each in its own way, have tended to undermine self-confidence, put America on the defensive and generate an anxious and surly mood.

The first is the dislocation in our national life created by our belated efforts to rectify an old injustice. The British essayist Gilbert Chesterton once remarked that *"progress is the maker of problems,"* and, in the case of America's treatment of its black citizens, that has certainly proved true. Together with the distressing state of our cities and the new focus on the dangers to our environment—problems which Europe is only beginning to experience—there is today much fashionable talk of what I believe to be a false dichotomy—whether America can any longer afford to devote vast resources to the maintenance of a world role or must it concentrate on the unfinished business on its home front.

The second disturbing development has been the succession of financial crises triggered by America's persistent inability to move toward equilibrium in its balance of external accounts. Because the United States' internal market spreads over the length and breadth of a continent, foreign trade has not, in modern times, played as significant a role in our national life as in the case of smaller nations. As a result, the concept of a balance of payments on international account has never had much reality for the American people.

For a country that emerged from the Second World War with huge financial reserves and a disturbingly large annual surplus in its accounts with the rest of the world, the idea that the United States would ever show persistent deficits in its balance of payments—and recently even deficits in its merchandise trading account—has been hard to accept or explain. Americans have always thought of such deficits—if they have thought of them at all—as a chronic disease of weak nations. They find it difficult to reconcile a burgeoning internal economy with a deepening concern over our ability to balance our international books.

Apparent contradictions of this kind—the paradox of visible strength and inexplicable weakness—defy public understanding since they lie outside normal logic and experience. The result—as history has frequently shown—is an almost inevitable tendency toward frustration and suspicion that inspires the search for a scapegoat—a reaction stemming from the assumption that, because these problems seem to have no rational base they could have arisen only through the malignity—or at least unfairness—of third persons, which, in this context, means America's principal trading partners.

CHANGED MOODS

Unhealthy as may be the effect of these suspicions on international politics, they would have made only a minimal impact on trans-Atlantic relations had Western Europeans achieved anything like the progress toward full economic integration and political unity that was optimistically predicted in the days of innocence before the famous thunderbolt was hurled from Mount Elysee just ten years ago. Until then a structure had seemed to be taking shape through which Western Europe could organize its power and then equip itself to play a major and constructive part in world politics. That structure, as it appeared to many Americans in the early years of the Kennedy Administration foreshadowed a Europe moving toward political unity and thus, ultimately, achieving the ability to speak with a single voice and act as a single political force. Because of our common heritage of ideas and institutions and our common attitude toward the preeminence of the individual and his rights to life and liberty, we Americans took it for granted—as we quite properly should have—that a united Europe and a resolute America could work shoulder to shoulder in the pursuit of their common objective of a peaceful and secure world.

Although I know that it is now fashionable in some European quarters to regard the concept of an Atlantic partnership with considerable cynicism—as though it were merely a rhetorical device through which America hoped to influence, if not dominate, European policy—I can assure you that this was never in the minds of any American Government with which I was associated. On the other hand, we were sadly aware of the fact that the United States had no monopoly of wisdom and we felt confident that a strong, independent Europe would not only collaborate effectively in common enterprises but might also help deter us from unwise moves.

At the end of the day we foresaw the bright prospect that, with the common strength that such a partnership could bring, the West could work toward a gradual reduction of tensions and the improvement of relations with the East from a solid position of strength.

It seemed to many of us at the time and it still seems to me that this conception was fundamentally sound. No one has proposed anything nearly as attractive to replace it. Unfortunately, however—though Europe has made notable progress in building a mass market that has benefited not only Europeans but my own country as well—progress toward political unity has been lamentably slow and meager.

Were the United States today in a buoyant and optimistic mood, we might accept this disappointing lack of progress without losing our sanguine view of the future. But given our current attitude of uneasiness and disenchantment what Europe does or fails to do is viewed with a more than usually critical eye. It is not surprising, therefore, that doubts are being increasingly expressed at high levels of government as to whether the European Community will ever be more than a trading bloc, basically antipathetic to United States' interests. Because our commercial policy is now largely in the hands of the technicians it is no longer regarded as bad form to speculate that America may have made a major error in encouraging the creation of the Community during the 1960's or even to suggest that we should shape our policies so as to try to weaken rather—than strengthen the fabric of European unity.

Irresponsible chatter of this kind is often attributed to the recrudence of America's traditional isolationism, but such a diagnosis is, it seems to me, far from the mark. In my view, what we are witnessing is not isolationism in anything like its classical form but the creeping emergence of an American variant of Gaullism. One can see this manifested in the procedural aspects of our political life—in the subordination of the legislative branch to an assertive executive, in the increasing use of theater, spectacle, summitry and surprise in our international affairs and in the efforts to bend the deliberations of international organizations to serve a special national purpose.

But procedure is only the surface evidence of a significant shift in the direction of American foreign policy—of which we should all take careful note—a shift away from an alliance policy toward the kind of unilateralism so brilliantly practiced by General de Gaulle but this time supported by the weight and resources of a super power.

The direct discussions that the President conducted during the past year with the leaders of China and the Soviet Union were expressions of this and there is other evidence that America's emerging new diplomacy puts a high premium on the flexibility to maneuver without the hobbling need to consult alliance partners. One may regard such flexibility as essential if America seriously sets out to play the role of balancing power among those key world power centers which President Nixon named in his now famous *Time* magazine interview—the United States, the Soviet Union, China, Western Europe and Japan.

Obviously if such a concept should finally dominate American policy, the implications would be greatly disturbing for Europe because the logic of unilateralism prefers fragmentation to unity since that would make the balancing role far easier to play.

BUSINESS WITH THE COMMUNITY

In today's complex world, where economics and politics are tightly inter-related, the direction chosen by a great nation necessarily cuts across the entire spectrum of policy. Thus if we are not all very careful the American trend toward unilateralism and the equal and opposite reactions of Europe could greatly complicate the problems of rebuilding and modernizing our common principles and institutions for guiding financial, monetary and even political policy. I am not suggesting that unilateralism—the new American Gaullism—has been fully incorporated in United States policy today, merely that there are strong pressures in that direction. Whether or not these pressures will prevail will depend in large part on Europe's reactions, for such views would enjoy little response in America if Europe had gone farther toward achieving the vision—overly idealistic as some may think—of political unity—the concept of a Europe able to act with a single will and speak with a single voice.

In the absence of such unity, America finds it difficult and exasperating to try to conduct business with the Community. In most matters it must still deal with nine separate governments and even in commercial matters, where the Community purports to act as a collectivity, decisions are delayed and diluted since they emerge only after complex internal negotiations. The result of all this is that the American Government finds it far easier to go it alone with only minimum prior consultation, or none at all, while an increasing number of Americans both in and out of government express their disenchantment by dismissing the Community as little more than an instrument for the commercial advantage of a group of self-centered European nations that connive to create policies aimed at the longer range economic and commercial interests of the United States. Distorted though this picture may be, there is just enough vocal anti-Americanism in Europe to give it a measure of credibility.

On the political front, we should be aware of the fact that if American mistrust of Europe continues to increase, the government will almost certainly be forced to withdraw American troop deployments from Western Europe and that this could well start a chain reaction leading to a diminished NATO contribution on the part of other Western powers.

It is an old adage of the political philosophers that, in order for a group of nations to achieve unity, there must be a unifying State. Such a State might, in theory, be a member of a group such as Prussia with the Zollverein, or alternatively, it might be a common enemy, that compelled unity by posing a common threat. In any event the role of unifying state is important and one might contend that a certain amount of anti-Americanism would be healthy if it had Europe to unite in order to face the pressures and competition from America. But no matter how strident anti-American sentiments may become, let us not delude ourselves that the United States will play a constructive role of common enemy; for though it may annoy, it will never terrify. On the contrary, since resentment of America is being generated far more from pique than fear, the alienation of the United States from Europe or of Europe from the United States would be far more likely to lead Europe to fragment than to unify.

In this context one may regard West Germany as a special case. To the extent, that it were to feel less anchored to the West, its diplomatic adventures with the East could create further strains in the European structure, perhaps leaving Britain and France to re-establish a pale imitation of the Entente Cordiale.

Even more dangerous are the probable effects of Western disarray in encouraging the Soviet Union to try to extend its influence; for if the West ceases its efforts to achieve unity and the individual nation-States respond to American unilateralism with a unilateralism of their own, a succession of European governments may be tempted to make their own bilateral arrangements with Moscow from what would necessarily be a position of relative weakness. If, as a result of the interaction of policies being followed on both sides of the Atlantic, America's presence and influence were largely withdrawn from Europe at the same time that European nation-states resumed their ancient rivalries, the Soviet Union would automatically emerge as the politically dominant power over the whole European land mass simply by what Raymond Aron has called the "logic of number."

Mankind's capacity for wishful thinking is almost limitless and today there is a rapidly spreading belief that the Cold War has ended and a permanent *detente* settled like a comforting blanket over the whole of Europe. It is a pleasant thought and I hope it is true but it is not a sufficiently solid hypothesis to support a major policy. All one can safely say is that the Soviet Union has altered its tactics but whether it has abandoned its strategic objectives is still a matter of conjecture. Thus in the decade of the seventies the Soviet threat appears not so much the possible use of naked power as a possible extension of its political influence, reenforced by power.

This, it seems to me, is the danger that exists for all of us in the weakening of trans-Atlantic understanding, particularly if that should lead to policies of unilateralism on both sides of the ocean. Yet today there are disturbing signs that such understanding may suffer severe erosion not merely in respect of political relations but even more vividly in our economic, financial and commercal dealings.

In the atmosphere of crisis and confusion that surrounds world monetary policy America has—but perhaps only for the moment—moved away from the negative posture of unilateralism the new Gaullism so to speak—that characterized its attitude last year and for the moment seems to be pursuing a more affirmative policy. Yet the problems themselves are far from solved and the possibility of a final breakdown and a return to the dog-eat-dog, jungle conditions of the 1930s can still not be ruled out particularly if the politicians remain disengaged and solutions are left solely in the hands of the technicians.

Still it is in commercal rather than monetary policy that the greatest dangers lurk, for on neither side of the Atlantic do I see a very high level of statesmanship. Protectionism is rising in America as a by-product of the anger and frustraton that I mentioned a moment ago and at a time when the legislative and executive branches of the American government are hardly on speaking terms the danger that pressure groups may trigger irresponsible actions is uncomfortably high, while Europeans on their part seem more querulous than understanding.

No doubt you are aware of the political talk in Washington that 1973 will be the "year of Europe" so far as American policy is concerned but I would regard all that with extreme scepticism. The Congressional hurdles that must be surmounted in America are very high and the process of equipping the President with adequate negotiating powers is not only time-consuming but by no means certain in outcome. At the same time it requires a large quantum of optimism to assume that the Community will, within the next few months, have been able to solve the formidable problems of assimilating three new members while at the same time evolving a negotiating posture that reflects more than a tradesman's haggle.

Meanwhile the broad directions of American policy remain not yet finally determined. To what extent will we reembrace the policy of alliances which has been primarily grounded on Atlantic relations—or to what extent will we be tempted by unilateralism—the new American Gaullism? The issue is a complex one affected by many different influences, of which one of the most important is the power struggle now taking place between Congress and the President. Yet in the final analysis a great deal will depend upon what happens in Europe—upon the actions and reactions of Europeans. Will you continue down your present narrowly focused course, paying scant attention to events that occur outside your immediate neighborhood and rejecting responsibility for events taking place farther afield? In the latter case America's own introspectiveness is likely to increase.

Some years ago I was asked at an international meeting somewhat smaller than this whether America would continue to stay interested in Europe, and I replied that that depended on whether Europe continued to do anything interesting. Well, you have done something interesting during this past year. Certainly the enlargement of the Community has lifted all our hearts, for it has seemed to offer the possibility for Europe to regain something of the hope and idealism—the spacious vision—that led to the creation of the Community more than two decades ago.

Yet a structural change of this kind is not enough unless it reveals its meaning in a new attitude, a broader comprehension and a firmer will.

What this meeting has clearly shown is that we have much to do on both sides of the Atlantic and that what each of us does leaves its imprint on the policies of the other. As we have seen in the past two or three days the list of problems that can be effectively solved only through our common action is a long and increasingly important one, but will we have the will and wisdom to try to find common solutions or will we each of us become so absorbed in the search for the narrow short-range advantage that the only durable solutions are lost to us forever?

That is the question we should each of us ponder.

AIR POLLUTION RESEARCH: EPA'S COMMITMENT

Mr. MUSKIE. Mr. President, the Nation's Capital continues to experience its longest and worst air pollution alert. This alert emphasizes again the importance of cleaning up our air and getting the best data possible to determine the health dangers of air pollution.

When Congress enacted the Clean Air Act Amendments of 1970, we recognized that they would have significant impact on the lives of all Americans. In that legislation we placed high priority on protection of the health of all our citizens, and recognized that adjustments in our lifestyles would be necessary to achieve the goal of clean, healthful air.

Since enactment of this far-reaching statute, questions have been raised as to the necessity of the stringent measures proposed and adopted to achieve clean air and the adequacy of the health and air quality monitoring data upon which those stringent regulations are based. Various parties have presented estimates indicating the billions of dollars of cost or the billions of dollars of savings to the American public which might result from implementation of the Clean Air Act. On the one hand the law has been called a $66 billion mistake and on the other it has been suggested that consumers could save as much as $150 billion if Detroit offered an alternative, cleaner auto engine.

Some have argued that lesser controls on air pollution sources would achieve adequate levels of air quality—that EPA's data is faulty, its monitoring methods questionable, and its health standards invalid.

Because of the questions raised and the overwhelming ramifications of regulations under this act, the Committee on Public Works has initiated a comprehensive study by the National Academy of Sciences of the data supporting the health standards and a separate study examining the social and economic impact of auto emission standards. Thus, the Congress is doing its part to assure that the legislation will not have unreasonable or unnecessary side effects.

However, while new information is critical in this matter, it has come to my attention that the Environmental Protection Agency—the Agency charged with prime responsibility to implement this law—is cutting back its data gathering efforts. At a time when tough questions are being raised about the validity of data on which its present actions are based, EPA is reducing its ability to justify its actions.

If this is the case, Mr. President, and the evidence I have suggests that it is, I am appalled. Such a policy would be a gross derogation of responsibility by the Environmental Agency. It is inconceivable to me that, on the one hand, officials of EPA are suggesting that implementation of some requirements of the Clean Air Act, particularly the transportation controls, may be unreasonable, while, on the other hand, EPA is cutting back efforts to assure that the health standards which make the allegedly unreasonable regulations necessary are fully supportable by available evidence.

It is equally inconceivable that the Agency would plan to reduce the long term data base accumulated through the continuous air monitoring program by eliminating that activity in a number of cities.

I would hope this is not the case. I would hope that the long term welfare of our citizens will not be sacrificed to short term budgetary expediency. But, as I have said, the evidence is strong that EPA has been undercutting its own health research and air quality monitoring efforts.

First, though EPA's health research budget is limited, the Agency has continued to provide millions of dollars to the auto industry and the oil companies—industries regulated by EPA—for health studies upon which EPA, in part, bases regulation of those industries. Such a relationship is highly improper and poses serious questions of conflict of interest which were discussed in some detail in the August 24 issue of Science magazine.

Second, the Subcommittee on Air and Water Pollution recently received evidence that even the presently inadequate support for research into the health effects of air pollution is being cut back. This evidence is derived from direct examination of the EPA budget, and it is pinpointed in a recent memo from the Director of EPA's health research program. Discussing the cutbacks, his memo notes:

> These figures are given at this time to document the lack of commitment to our Agency to the intent of the Presidential Initiatives program and to the health program in general. These substantial budgetary reductions have occurred in the face of mounting criticism of the health basis for our air quality standards, and in view of appeals both from within and outside the Agency for more scientific and credible air quality standards. The declining level of support suggests that the Agency is not responsive to these criticisms.

These cutbacks are particularly appalling in light of the multibillion-dollar implications of the Clean Air Act regulatory programs which I have already mentioned.

Third, in addition to reducing efforts in health research, EPA also is undercutting its monitoring efforts. EPA is planning to close four of its continuous air monitoring program stations. These stations, established about 10 years ago, have provided a critical base for analysis of monitoring data, new monitoring techniques, and air quality trends. These stations are vital to determining the success or failure of air pollution control programs. Closing these stations will terminate this valuable point of reference and severely limit any historical perspective on air pollution. Future discussion of air quality trends and development of new and better monitoring techniques will be severely undercut because of the lack of this important base of experience. Further, by closing the monitoring stations, EPA deprives itself of necessary experience in the monitoring field—experience which it can communicate to State and local governments to help improve their monitoring techniques. This is particularly important because States and localities continue to have the prime responsibility for air quality monitoring and assessment.

Finally, and perhaps of greatest concern, the subcommittee has received new evidence of Office of Management and Budget interference in EPA regulatory determinations. This latest effort relates to EPA's responsibility to develop health effects data and to publish air quality and emission control regulations based on that health effects data.

At the direction of OMB, and after several recent EPA studies of the matter, the Department of Health, Education, and Welfare is to be given the prime responsibility to study health effects of sulfur oxides. Apparently the Office of Management and Budget does not like the results of the studies which EPA has provided.

Apparently, the Executive Office of the President, which proposed creation of the Environmental Protection Agency, no longer believes EPA capable of accomplishing its mission. I can only conclude that this OMB mandated study is designed to justify a weaker sulfur oxides regulatory policy.

As I noted, EPA has only recently completed studies indicating that present standards of sulfur oxide control are fully justified and that even stricter standards will be necessary. I placed one of these studies in the CONGRESSIONAL RECORD of April 4. The National Academy of Sciences has also studied the sulfur oxide matter and is doing so again at the request of the Committee on Public Works as part of the general review of health effects data.

Taken alone, any of these bits of evidence of the administration's declining commitment in the health effects research and data gathering area would be enough for serious concern. Taken together these points of evidence raise very serious questions of the administration's commitment to this program at a time when the health effects and monitoring data are being used to justify regulations which have multi-billion dollar implications for the American people.

Mr. President, I hope that EPA will not act to reduce its efforts to develop health effects and air quality data—that EPA will continue to provide us with the best and most comprehensive data base possible so that we can fairly make critical policy decisions relating to protection of the environment.

At this point, Mr. President, I ask unanimous consent that there be included in the RECORD documents which I have received discussing the problems of EPA's commitment in this area.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AUTO POLLUTION: RESEARCH GROUP CHARGED WITH CONFLICT OF INTEREST

One of the first issues that Russell Train, the nominee for administrator of the Environmental Protection Agency (EPA), will have to decide if and when he takes office, will be what to do about that agency's role in automotive pollution research. Train's predecessor, William Ruckelshaus, promised Congress that he would reassess some of the agency's close research ties with the auto and oil industries it regulates.

At issue is EPA's participation in a key research organization, called Coordinating Research Council-Air Pollution Research Advisory Committee (CRC-APRAC), which has sponsored much of the research that has beeen important to federal regulation in the battle to clean up the nation's air. CRC-APRAC is supported by the auto industry, the oil industry, and the EPA.

However, a few months ago Ruckelshaus promised Congress:

"If it [EPA participation in CRC-APRAC] gives the appearance to you and possibly to others that this has compromised our position, we will have to cease this association. . . ."

An internal review is under way at EPA, and a report is due soon.

Because three-fourths of the $20 million that the group has spent to date has come from the American Petroleum Institute (API) and the Motor Vehicles Manufacturers' Association (MVMA), with only the remaining fourth from the government, CRC-APRAC has been accused by public interest lobbyists and members of Congress as having a pro-industry bias. Moreover, because it puts the regulated industries in bed with the agency that regulates them, the arrangement, says the pollution guru of Congress, Senator Edmund Muskie (D–Me.), poses a serious conflict of interest for EPA.

The APRAC group is one wing of CRC, a major trade organization which, for over half a century, has been a vehicle for getting the oil and engine suppliers together on some common problems. The APRAC group is unusual to CRC and to other trade research organizations in general because it receives large amounts of federal funding and routinely has federal officials participating in its decisions. The arrangement grew up in the late 1960's, when auto pollution was first becoming recognized as a national issue and when research funds for EPA's predecessor in the field, the National Air Pollution Control Administration (NAPCA), were scarce. Now, however, critics argue that EPA should be pursuing a "Caesar's wife" policy and keep itself above suspicion in its regulation of the auto industry, and that the CRC-APRAC tie is compromising.

The alleged conflict of interest which Muskie and others see in EPA's tie with CRC-APRAC, however, may be only the tip of the iceberg. Almost without exception, when a research scientist is funded by CRC-APRAC, he is already taking money from both the industry being regulated and the regulator. But this potential conflict is further tangled by the fact that many of CRC-APRAC's contractors, separately, depend on the auto or oil industry for a major share of their business. Some take money not only from the industry, but from EPA too. What emerges is not a clear-cut line between scientists working for EPA and those working for industry, but, instead, a murkier set of in-group relationships. Small wonder then, that, after 5 years of national effort, many apparently simple technical questions relating to auto emissions control remain hotly disputed.

Of CRC–APRAC's foes, the best-known is Muskie. In hearings last April on the EPA postponement of the 1975 emissions control deadline that was imposed by the 1970 Clean Air Act, the Maine Democrat challenged the objectivity of studies done by a researcher who has done much of CRC–APRAC's work on the health effects of carbon monoxide (CO), Richard D. Stewart of the Medical College of Wisconsin in Milwaukee. Stewart had found evidence that the average level of carboxyhemoglobin—an indicator of CO poisoning—in the blood of nonsmokers across the country was below 2 percent, which is the safe limit now used in federal regulation. (Stewart also found carboxyhemoglobin in the blood of smokers to be higher than that in nonsmokers.) Muskie, illustrating why CRC–APRAC researchers are accused of bias, pointed out that Stewart's work had been overseen by a typical CRC–APRAC panel, headed by a man from the General Motors Corp. (GM), with people from Phillips Petroleum Co., Marathon Oil Co., another GM man, and one EPA representative, who, Muskie added sarcastically, was "slightly outnumbered." Muskie also waved a full-page Chrysler Corp. ad publicizing Stewart's results, and he said, "Chrysler is the one automobile manufacturer which has attacked the health basis of the 1975 standards. It is that information which is going to be peddled around the country . . . for the purpose of attacking the basis of the 1970 Act."

(In fact, Stewart's findings, as written up by Associated Press and carried in newspapers across the country, were interpreted as evidence of the heavy influence of smoking in CO poisoning, a finding which other researchers on health effects—such as John Goldsmith of the California State Health Department—believe may be valid but nonetheless distracting from the main point: that susceptible people, involuntarily exposed to CO from auto exhaust, suffer adverse health effects.) Muskie listed other panels of CRC-APRAC where big auto and oil companies are generously represented, while EPA employees are outnumbered—sometimes by 12 to 1. He argued that the auto companies take advantage of EPA's support of CRC–APRAC to give its work credibility, and then publicize their own interpretations of it.

"The shadow of EPA's involvement can be used and will be used to give the aura of credibility, official credibility, to statements made by Chrysler like this, challenging the health basis of the act. . . . I say the answer is to provide adequate funds and not lean upon industry to do the job."

Whether or not EPA is really an equal partner in CRC–APRAC hinges on the extent to which it exerts an influence on the group's deliberations. The CRC–APRAC's full-time officers, general manager Milton K. McLeod and project manager Alan Zengel stated in interviews that most of the group's decisions are made by the APRAC committee, which has 6 EPA representatives out of a total of 21 members.* The APRAC committee decides, without formal outside review, what work shall be undertaken, and who shall be appointed to the many subpanels, such as the one Muskie listed during the hearings, which supervise the research work itself. As to the government officials being outnumbered, McLeod and Zengel admitted (and EPA officials confirmed) that the panels often make decisions by voting, and that sometimes EPA people vote one way with the industry voting the other.

However, not only do the oil and auto companies appear to dominate much of CRC–APRAC's decision-making, but the groups which CRC–APRAC selects to perform its research, in turn, depend for their livelihoods on business with these same industries. The most obvious example is that part of CRC–APRAC's work is funded by fuel companies and performed by fuel companies, and deals with matters in which they have a vital interest. CRC–APRAC has given a total of approximately $1 million to three oil companies: Esso Research and Engineering Co., a subsidiary of Standard Oil of New Jersey, which is studying the effectiveness of two well-known emission control devices, thermal reactors, and dual catalysts; Ethyl Corp., where changes in fuel volatility, a suggested means for lowering harmful emissions, are under study; and Phillips Petroleum Co. One of the major decisions EPA must make is whether short-term measures, such as altered fuels, and add-on gadgets, such as the dual catalyst, can be substituted by Detroit for a major switch to a new type of auto engine with new fueling requirements.

In addition to funding oil companies directly, CRC–APRAC supports other contractors who, in turn, depend on oil and auto companies for a major share of their business—a situation that again raises the question of their stake in the outcome of the research. The largest CRC–APRAC contractor is TRW Systems, which has gotten $3.3 million from that group. Despite its reputation among scientists as an aerospace firm, the parent company, TRW Inc., in fact does approximately 40 percent of its worldwide business (its annual sales are $1.6 billion) making and marketing vehicle parts. Thus, it is very much an interested party in federal regulations affecting the auto industry. TRW Systems, the research arm of this giant, has studied all aspects of vehicle maintenance and inspection for CRC–APRAC. The issue of vehicle maintenance and inspection has been a bone of contention between the industry and the government ever since the 1970 act passed Congress. According to Charles Heinen of Chrysler Corp., and CRC–APRAC's chairman, the auto manufacturers have been arguing that strict maintenance and inspection policies to keep existing auto antipollution equipment clean would serve to meet emission standards. But EPA standards setters have countered that such a policy, emphasizing maintenance, would deemphasize the need to improve the quality of the original equipment installed in the car. They have said that this would therefore shift the burden of the clean car from the manufacturer to the owner or his garage mechanic.

The second largest recipient of CRC-APRAC money has been Scott Research Laboratories, Inc., one of the country's leading makers of air pollution measuring equipment. In the last 3 years, Scott has done about half its business, or about $3.8 million, with auto and fuel companies and their trade associations. Additionally, CRC-APRAC over the same period has spent an added $1.1 million at Scott.

One of Scott's major projects for CRC-APRAC has been studies of vehicle use patterns, or what EPA regulators term "driving cycles." A driving cycle is a package of information on when and where various types of vehicles—trucks, cabs, cars, and others—are used, at what speeds they are run, at what temperatures, and so forth. Data on actual vehicle use, which in turn go into making up the EPA driving cycle, has been a central issue to many ongoing disputes over emissions control, since one of EPA's standards setting jobs is to determine the driving cycles, which in turn determine the performance standards that manufacturers must make their engines meet. According to Malcolm Smith, one of Scott's principal investigators on the vehicle use studies, at the termination of the CRC-APRAC sponsored work, the auto industry took the data to EPA and used it to argue that existing federal "driving cycles" be reexamined, but EPA refused.

One of the largest contractors to CRC-APRAC has been the Stanford Research Institute at Menlo Park, California, which has received $1.3 million in the last 5 years. John Eikelman, SRI coordinator of environmental research says that a major portion of SRI's industrial environmental research has been with the petrochemical industry, including measuring pollutant damage to vegetation, identification of crude oil in spills, and other work. SRI has also worked on catalytic emission control systems and auto parts for various other industry sponsors. For CRC-APRAC one principal researcher, Harris Benedict worked on a nationwide assessment of damage to crops attributable to air pollution; but even this work illustrates how the thrust of CRC-APRAC research, despite its intrinsic interest and merit, keeps coming back to regulatory issues in which EPA is involved up to its ears.

The SRI researchers surveyed dollar value losses to corn, citrus, and other food crops and to ornamental plants, indexed them geographically, and came up with an overall annual loss estimate of $132 million, far less than a previous estimate of $500 million. The finding that air pollution doesn't do as much damage to crops—which after all are mostly in rural parts of the country—as had been feared has proved useful in arguing against cleaning up every single automobile in the nation; it indirectly strengthens the hand of those who want a geographic national pollution control strategy limited to urban areas, where air pollution is worst. Another SRI-performed study found that soil is a natural "sink" or absorber of CO. This is a finding which clearly affects the debate over whether overall CO levels are increasing or decreasing, and, hence, over the urgency of man's need to reduce them. Both studies, then, have a link, albeit indirect, to EPA's regulatory role.

CRC-APRAC's research program must be viewed in light of the fact that some of it is performed by the oil companies themselves, some by groups who depend or have depended heavily on oil and auto companies for their business—both of which have some stake in the regulatory game. A third pattern among CRC–APRAC contractors, and one that further muddles the issue of who works for whom, is that many of the smaller CRC–APRAC contractors also take money from the American Petroleum Institute and the Motor Vehicle Manufacturers' Association directly, from the oil and auto industries, and in some cases, from the government, too. An all-in-the family pattern appears to characterize the winning and losing of pollution research contracts. For example, Smith, at Scott Laboratories, noted that after EPA declined to accept the industry's interpretation of its surveys of vehicle use to reexamine the driving cycles, Scott was able to continue the work through MVMA sponsorship anyway. Another case was that of Wilbur Smith Associates, an international transportation consulting firm, which had research and development contracts simultaneously with EPA and with CRC–APRAC. According to one of the researchers there, Wilbur Smith Associates has subcontracted a part of its work to a Bedford, Mass., aerospace firm GCA Corp., which, oddly enough has in addition held its own contract directly with CRC–APRAC. Many of the principal investigators interviewed remarked that these overlapping, interlocking contract awards were typical of the auto emission research business, and some added that it was also a characteristic of the aerospace-Defense Department business in which many of these investigators previously worked. In fact, several major university centers for air pollution work are conspicuously absent from the list of 40-odd CRC–APRAC contractors, whereas about 14 of the contractors are firms prominent in the aerospace field. Many of the investigators interviewed said they personally had done aerospace work: "I got tired of making bomb calculations," said one. "Working on environmental problems seemed to be a good thing to do," said another. But an EPA official who sits on some CRC–APRAC panels offered a less sanguine view: "The only thing worse than an unemployed aerospace engineer," he quipped, "is an unemployed aerospace engineer who has gone to work on the enviroment."

Interviewed about the soundness of policies which appear to encourage researchers to take money from both EPA and the auto and oil industries, many of the investigators retorted, "How else would you do it?" Many pointed out that just giving more money to EPA—with a proviso that EPA get out of CRC–APRAC—which is what Muskie's staff is considering doing—would not solve the problem, since EPA has as much stake in the outcome of the research as the industry does. A California air pollution expert, however, made another suggestion which others echoed: that a separate government body, serving in effect as a third party to the controversy, become the prime sponsor of auto emissions research. "I'm amazed that parts of HEW [the Department of Health, Education, and Welfare] have been overlooked in all this. Why shouldn't they build up a capability in the NIEHS [National Institute of Environmental Health Sciences]? . . . They're good. They'd be ideal . . . But they've been ignored."

—DEBORAH SHAPLEY.

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* The APRAC group consists of: C. M. Heinen, Chrysler Corp., chairman; J. W. Blattenberger, Cities Service Oil Co.; D. L. Block of Ford Motor Co.; C. E. Burke of American Motor Corp.; R. A. Coit of Shell Oil Co.; R. E. Eckhardt of Esso Research and Engineering Co.; E. F. Fort of International Harvester Co.; D. G. Levine of Esso Research and Engineering Co.; E. D. Marande of Ford Motor Co.; C. E. Moser of Texaco Inc.; E. H. Scott of Standard Oil of Ohio; P. D. Strickler of Gulf Research and Development Co.; C. S. Tuesday of General Motors Corp.; R. B. Welly of Jeep Corp.; D. W. Innes of Ford Motor Co.; and, from the Environmental Protection Agency, A. P. Altshuller, J. F. Finklea, R. E. Harrington, Kay Jones, Eric Stork, and H. L. Wiser.

U.S. ENVIRONMENTAL PROTECTION AGENCY,
Research Triangle Park, N.C., July 27, 1973.

Subject: Substantial Decline in Agency Support for the Air Health Programs.

From: Carl M. Shy, M.D., Acting Director, HSL.

To: Director, NERC/RTP.

Beginning with fiscal year 1973, a Presidential Initiative of $5.0 million per year for five years was added to the air health program. Under the New Technology Opportunities program, the Domestic Council recognized the need for a stronger health information base for your national air quality standards. The $5.0 million add-on was given with the understanding that these monies would fund new programs and would not be used in place of regular Agency support for the health program.

As shown in Table 1, the Agency has failed to support the air health program at the FY '72 level of support (the year preceding the Presidential add-on). In FY '73, the air health program budget was approved at a funding level which was $695,000 below the FY '72 base. In FY '74, the approved budget is $1,590,000 below the FY '72 base. (These figures deduct the $5.0 million Presidential add-on). If the annual inflation rate of 5.5 percent is included in the calculations, the anticipated total annual budgets for fiscal year 1973 and 1974 should have been $11,668,000 and $12,001,000 respectively. Thus, with inflationary increases, the actual FY '73 budget is $2,241,000 below the FY '72 base. In two years, these sums represent a decline of $3,254,000 in Agency support for the air health program when compared with the 1972 base year. Thus, while $10,000,000 should have been added to the program under the Presidential Initiative, only $6,746,000 was actually added, or 32.5 percent less than required to maintain the FY '72 program level with a $5.0 million add-on.

These funding reductions have been matched by even greater manpower reductions, as shown in Table 2. The air health program has been reduced from an approved 208 positions in FY '72 to 170 and 161 positions in FY '73 and FY '74 respectively. Not only was there no increase in manpower to manage the $5.0 million Presidential add-on, but an 18 to 23 percent manpower reduction was experienced as compared with the FY '72 base year.

If the Agency's funding relationship with the Coordinating Research Council must be severed, $297,000 in additional health funds must be provided to maintain the projected FY '74 level of effort.

Very recently, new responsibilities and monies were allocated to the Fuels and Fuel Additives Registration program element. Among these resources were $970,000 and no man-years for health research of fuel and fuel additive hazards. This effort represents an entirely new responsibility, will not be directed towards the primary air quality standards for which the Presidential Add-on was appropriated and thus does not contribute to the support base of fiscal year 1972.

These figures are given at this time to document the lack of commitment of our Agency to the intent of the Presidential Initiatives program and to the health program in general. These substantial budgetary reductions have occurred in the face of mounting criticism of the health basis for our air quality standards, and in view of appeals both from within and outside the Agency for more scientific and credible air quality standards. The declining level of support suggests that the Agency is not responsive to these criticisms.

TABLE I

Program component	Approved fiscal year funds, $1,000		
	1972	1973	1974
CHESS	2,950	6,254	6,382
Biomedical research (clinical)	610	1,858	500
Biomedical research (RTP toxicology)	690	1,167	1,400
Biomedical research (Cinc.)	1,100	1,054	1,093
Grants (Office of Research Grants)	1,000		
Technical assistance			190
ORD headquarters (PEMP funds)		322	195
Total	6,350	10,655	9,760
Anticipated total with 5,000,000 add-on to fiscal year 1972 budget		11,350	11,350
Anticipated total with 5,000,000 add-on and 5.5 percent annual inflationary increase over fiscal year 1972 budget		11,668	12,001
Effective percent decrease in 5,000,000 Presidential add-on [1]		20.3	44.8

[1] ([Row 10—row 8] /5,000)×100.

TABLE 2

Program component	Approved positions by fiscal year		
	1972	1973	1974
CHESS	89	79	90.5
Biomedical research (RTP)	36	28	19.0
Biomedical research (Cinc.)	46	43	41.0
Grants	7		
Technical assistance			5.5
Fuel additives	1	0	0
Total permanents	179	150	156.0
Total temporaries	29	20	5.0
Total positions	208	170	161.0
Percent decrease from fiscal year 1972		18.3	22.6

ENVIRONMENTAL PROTECTION AGENCY,
July 9, 1973.

Reply to Attn of: OD/QAEML.

To: Matthew Bills, Director; Data and Information Research Division.

Subject: CAMP and Equivalency Operations.

This is to confirm our telecon of Friday, July 9, concerning both CAMP and Equivalency Operations.

1. As you know, the results of PAG II indicate that CAMP operations are to be reduced drastically. To that end we are currently making the initial steps to close the CAMP stations in Cincinnati, Denver, Chicago, and Philadelphia. Before closing these stations however, QAEML will make every effort to relocate the responsibility for the operations of these stations to the appropriate Regional Office. If the Regional Offices are agreeable, then the CAMP operations will be continued; if not, the CAMP operations in the aforementioned cities will be closed.

2. The placing of resources into the "Method Equivalency Program" seems to be bouncing back and forth like the proverbial rubber ball. As it stands now, equivalency operations will not be funded in FY 1974. If this continues to be the case, then QAEML will have no choice but to discontinue its activities in the equivalency area. This in turn makes the following actions mandatory.

a. Alert OPE and the EPA steering committee dealing with equivalency not to publish the "Equivalency Document" since no resources will be available to implement it.

b. Alert the Office of Air and Water Programs, the Regional Administrators and the Division Directors of the Surveillance and Analysis and Air Programs in each Region that the "Equivalency Document" will not be published. This will necessarily mean that EPA and Regional Offices will have to develop some other mechanism to give advice to state agencies on what analytical instrumentation to purchase for the analysis of air pollutants in support of State Implementation Plans. In addition, the problem of interrelatability of data resulting from different analytical measurement techniques (such as occurred with the recent NO_2 problem), will also have to be addressed.

c. To be fair to the air pollution instrument manufacturers across the nation, an article should be published in various trade and scientific journals notifying them of EPA's intent of not publishing the equivalency document. Only in this manner can all instrument companies be adequately and equally informed that EPA will not place any restrictions on the performance of air monitoring instruments they produce.

If you have any questions concerning the above topics, do not hesitate to call. We assume that the actions outlined above will be carried out by the Headquarters staff since "equivalency" is now a "policy decision" and no longer a "field problem."

THOMAS R. HAUSER,
Deputy Director, Quality Assurance and Environmental Monitoring Laboratory.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
July 17, 1973.

To: Dr. David P. Rall, Director, NIEHS, Through: Director, NIH.

From: Assistant Secretary for Health.

Subject: Health Effects of Sulfur Oxides in the Ambient Air.

Attached is copy of a letter from the Director of the Office of Management and Budget to Secretary Weinberger requesting the Department of Health, Education, and Welfare to take the lead in a cooperative study with the Environmental Protection Agency to examine the existing scientific information on this subject.

I regard this request as very important and urgent and ask that you assume leadership responsibility for the Department. You should feel free to call upon any of the existing resources in the Department for such assistance as may be necessary. Please let me know, through Dr. Ian Mitchell, if any assistance from this level is needed.

You should feel free to contact the Environmental Protection Agency directly following receipt of this memorandum.

CHARLES C. EDWARDS, M.D.

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., June 22, 1973.

Hon. CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: In order to document our current understanding of the health effects of sulfur oxides in the ambient air, I request the Department of Health, Education, and Welfare to take the lead in a cooperative study with the Environmental Protection Agency to examine the existing scientific information on this subject.

We are particularly interested in an assesment of the adequacy of current information on the ambient levels of sulfur oxides to ascertain the extent to which human health is affected. If a definitive statement cannot be provided on the basis of current information an outline of the types of studies necessary to provide a definitive level should be developed. Assuming that additional studies may be necessary, we would appreciate receiving an estimate of the time required and costs to complete the additional studies.

Your report should specifically address the following areas to the extent that available information permits:

1. The extent of the demonstration of a cause-and-effect relationship between exposure to sulfur oxides and adverse health consequences, including the issue of dose-effect relationships.

2. The degree to which the findings in number 1 are supported by epidemiologic, clinical, and experimental or laboratory studies, including matters of agreement or disagreement among the findings produced by the various study approaches.

3. The variable susceptibility to adverse effects of sulfur oxides among different population groups.

4. A quantification of health effects in relation to various levels of exposure.

5. The relationship between various levels of sulfur oxide exposure and costs in terms of impaired health, including the costs of care and loss of productivity among those who are or may be adversely affected by exposure to sulfur oxides.

Dr. Ian Mitchell of your staff has discussed the scope of the study with Robert Riggs of OMB staff. I would like to receive your report by October 10, 1973.

Sincerely,

ROY L. ASH,
Director.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
June 17, 1973.

To: Assistant Secretary for Health.
From: The Secretary.
Subject: Health Effects of Sulfur Oxides in the Ambient Air.

As you are aware, the Director of the Office of Management and Budget has asked the Department of Health, Education, and Welfare to take the lead in a cooperative study with the Environmental Protection Agency to examine the existing scientific information on this subject. Copy of OMB's request and my response to OMB's request are attached. I shall appreciate it if you will see that the Department provides the fullest possible assistance to NIEHS in meeting the needs of OMB in this matter.

SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., July 17, 1973.

Hon. ROY ASH,
Director, Office of Management and Budget, Washington, D.C.

DEAR MR. ASH: Thank you for your letter of June 22 requesting that the Department of Health, Education, and Welfare take the lead in a cooperative study with the Environmental Protection Agency to examine the existing scientific information on the health effects of sulfur oxides in the ambient air.

I am asking the Assistant Secretary for Health to have the Director of the National Institute of Environmental Health Sciences take the lead for the Department in this endeavor and to call upon whatever resources may exist in the Department to assure a thorough and timely examination of the issues raised in your letter.

Sincerely,

/s/ ——— ———,
Secretary.

SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., July 17, 1973.

Hon. ROBERT W. FRI,
Acting Administrator, Environmental Protection Agency, Waterside Mall, Washington, D.C.

DEAR MR. FRI: Enclosed is a copy of a letter I received on June 28 from the Director of the Office of Management and Budget, requesting the Department of Health, Education, and Welfare to take the lead in a cooperative study with the Environmental Protection Agency to examine the existing scientific information on the health effects of sulfur oxides in the ambient air. I have asked the Assistant Secretary for Health to assign leadership responsibility for the Department to the Director of the National Institute of Environmental Health Sciences and to provide him with all necessary resources available in the Department.

We look forward to working closely with the Environmental Protection Agency on this subject. The Director of the National Institute of Environmental Health Sciences will be in touch with the Environmental Protection Agency in the very near future to ensure prompt initiation and timely completion of the study.

Sincerely,

/s/ ——— ———,
Secretary.

U.S. ENVIRONMENTAL PROTECTION AGENCY
August 2, 1973.

Subject: OMB–DHEW Review of Sulfur Oxide.
From: Director, NERC–RTP.
To: Assistant Administrator, ORD, Laboratory Directors, Dr. G. Hueter.

1. Present were Bob Riggs, OMB, Bill Dickinson of OMB, Dr. Millman of Dr. Edwards' office, Dr. Whittenberger of Harvard School of Public Health and Dr. Norton Nelson of New York University.

2. Mr. Riggs recounted that Senate Subcommittee on Air and Water Pollution will begin hearings in mid-September. OMB is concerned about economic impact of Clean Air Act of 1970. OMB feels it is mandatory to explain benefits of sulfur oxide control. OMB must have formal progress report by 15 September. OMB forecasts major power shortages in mid-West during summer of 1975 because of low sulfur deficit of 200×10^6 tons of fuel or 1000MW of power. OMB or Congress also plan to conduct further studies of transportation controls (DOT), of fuel availability with Federal Power Commission, and adverse effects on welfare through quality of life review. OMB is tending to advocate state or regional secondary air quality standards rather than national standards. NO_x problem still rests with EPA.

3. Dr. Finklea gave the Committee the following materials:

Sulfate task force report.

Air quality criteria for sulfur oxides.

CHESS monograph.

Revised SO_2 chapter on vegetation.

Short sulfur oxides summary.

EPA program paper on assuring that public health is protected by the mobile source emissions control program.

EPA review of primary ambient air quality standards.

Epidemiological study of chronic bronchitis with special reference to effect of air pollution by Tsunetoski.

4. Dr. Finklea will send copy of Waddell reports on costs of clean air.

5. Dr. N. Nelson suggested that since EPA was being critically reviewed by the OMB effort, EPA should not be represented. Dr. Rall and Dr. Whittenberger equivocated. Dr. Nelson suggested that Ben Ferris, Frank Spicer, Lester Breslow, Ian Higgins, Bob Frank, Ipsen, and George Hutchinson participate. Dr. Carnow and Dr. John Goldsmith would serve as "resource persons" as might Warren Winkelstein, David Bates, Peter Macklin, David Anderson, Mary Amdur and Dick Rilley.

6. The group will be briefed at NERC–RTP on 8/13 and 8/14. The next meetings will take place in Washington on 8/22 and 8/23, and on 9/6 and 9/7. The RTP meeting will be in room M303 at 9:00 a.m.

JOHN F. FINKLEA, M.D.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

BOARD FOR INTERNATIONAL BROADCASTING

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1914, which the clerk will state.

The legislative clerk read as follows:

> S. 1914, to provide for the establishment of the Board for International Broadcasting, to authorize the continuation of assistance to Radio Free Europe and Radio Liberty, and for other purposes.

The Senate resumed the consideration of the bill.

The PRESIDING OFFICER. Who yields time?

Mr. PERCY. Mr. President, I have never enjoyed disagreeing with the distinguished Chairman of the Committee on Foreign Relations, but I do respect the intellectual quality he puts into the work he does and the analysis he makes. I greatly respect the conviction with which he fights for those things in which he believes. We have concurred in so many areas and I have looked on him as an ally so many times that it is an unusual situation when I find myself disagreeing with him, as I do today.

Mr. President—

> Suppression of information renders international signatures and agreements illusory; within a muffled zone it costs nothing to reinterpret any agreement, even simpler—to forget it, as though it had never really existed.

I am quoting from Alexander Solzhenitsyn, the Nobel Prize winner, generally considered to be the greatest living Russian writer. Solzhenitsyn knows something about censorship. Although his great novels, such as "The First Circle," "The Cancer Ward," and "August, 1914," are translated into the major languages of the world and have been bestsellers in this country, they are not allowed to be published in his own country.

We cannot have real and lasting detente in this world until suppression of information no longer isolates the Communist half of the world from the West. Every reasonable effort should be made to bring about detente in all fields: In limiting armaments, in space collaboration, in protecting the world environment, in increasing trade. But we must never forget that such efforts cannot have a solid base if we have no means of communicating with the peoples of the Soviet Union and other Communist states; if they must rely on only what they are told by the tightly controlled media of their own country. Such people, says Solzhenitsyn—clearly with the invisions of Hungary and Czechoslovakia in mind—

> Know nothing intelligent about the rest of the Earth and are prepared to go and trample it down in the holy conviction that they come as "liberators."

Mr. President, I make these points because I believe it to be urgently important that the Senate give its full support to S. 1914, a bill which will permit Radio Liberty and Radio Free Europe to continue the excellent and unique job they are doing to prevent the isolation of the peoples of Eastern Europe from the West. I find that there are, on the part of a few of my distinguished colleagues here in the Senate, certain misconceptions about the role of these two radio stations, and I would like to clear them up.

First of all, it has been said that the Communist states do not beam such broadcasts to the United States, so why should we be broadcasting to them.

This is not true. The Communist states broadcast about 450 hours of programing to North America every week, of which some 250 originate with the Soviet Union and other East European countries and most of the rest from China and Cuba. On a worldwide basis, international broadcasting by the Communist countries amounts to 6,759 hours per week. The line taken in these broadcasts varies from time to time and according to the target area, but by and large—aside from extolling the virtues of the Communist system—they are largely devoted to denouncing what they call the No. 1 capitalist imperialist power, the United States, and virtually every aspect of our political, economic, and social system. This total of almost 7,000 hours may be compared with 884 hours a week for the Voice of America, 566 hours for Radio Free Europe and 519 hours a week for Radio Liberty. The other major Western broadcasters, the British, West German, French, Italian, Vatican, and Israeli, put out a total of 2,020 hours per week. However, we must remember that the Communists have their allies in this field too, who at times are even more virulent in their attacks upon our country. The United Arab Republic broadcasts 1,076 hours per week, more than the Voice of America. To indicate how closely they may cooperate: a clandestine station calling itself Radio Free Iran, broadcasting from East Germany, was recently moved lock, stock, and barrel to Iraq.

However, I do not for 1 minute take the position that we should engage heavily in international broadcasting simply because the Communist powers do so. It does not disturb me in the least that they broadcast to the United States. Our country is an open society, a pluralistic society. Our people have innumerable sources of information which, by and large, they have reason to trust. If one source of information is not to a man's liking, he turns to another. But in the Soviet Union and the other states of Eastern Europe, this is not the case.

To the extent the regimes there can get away with it, they suppress all information, foreign and domestic, that does not suit them. The media are told what to say and what not to say in advance. The only—let me repeat—the only means of breaking through the tight control of the media with a free flow of news and ideas is by radio broadcasting. I am all for cultural exchanges, for tourism and other means of contact, but these can be and are regulated by the governments in question. By such means it is not possible to reach large numbers of people or to maintain a regular flow of information. Only radio can do that.

It has further been stated, as a result of President Nixon's visit to Moscow and the positive developments which have taken place since then, that Radio Liberty and Radio Free Europe have become anachronisms, that they are no longer necessary. At the request of the distinguished chairman of the Foreign Relations Committee, a report was read into the record about articles which have recently appeared in the Soviet press and which have had nice things to say about the United States. Senator FULBRIGHT might have noted an even more striking development: that the Watergate story, which in other times would have been the occasion for a major propaganda campaign in Soviet media, has been virtually ignored. This demonstrates that the tight control of the media in the Soviet Union is still a fact of life.

Dr. Milton Eisenhower, Chairman of the President's Study Commission on International Radio Broadcasting, reminded the Foreign Relations Committee that a similar truce in the propaganda war took place before Khrushchev visited the United States during the Eisenhower administration. We might also recall that Khrushchev stopped the jamming of the Voice of America in 1963, but the jamming was resumed within hours of the invasion of Czechoslovakia in 1968.

I profoundly hope that the propaganda lull preceding Mr. Brezhnev's visit to the United States will continue indefinitely. But, as my distinguished colleague from New York, Senator JAVITS, has noted, we are all aware—or should be—of these on-and-off Communist tactics, first beaming then frowning. A few smiling articles in the Soviet press should not lead us to change our national policies or to give up basic principles, one of which is belief in the free flow of information. And Mr. Brezhnev himself, in a speech on June 27, 1972, after President Nixon's visit, stressed a recurring theme in recent Soviet propaganda: that, in a period of détente, the Communists must heat up the war of ideas.

Brezhnev said—

> We must be ready, to see the struggle intensify, become an ever-sharper form of antagonism between the two social systems.

Mr. President, I believe that I have already shown that the Communists are doing far more than we are in the field of international broadcasting; in fact, they are spending far more on jamming our broadcasts than we are in mounting them. And I have also noted that even if this were not the case, it is vital for world peace, for strengthening the possibilities for cooperation between East and West, that the peoples of Eastern Europe be better informed, so that they can exert pressures on their governments toward this end. Yet the question has repeatedly been asked, why do we need Radio Liberty and Radio Free Europe? Why cannot the Voice of America do the job? I would like to address myself to this question.

In concept and in organization, Radio Liberty and Radio Free Europe are totally unlike any other Western international broadcaster. The Soviet Union does have its Radio Peace and Progress, which purports to be nongovernmental although it is housed in the Radio Moscow building and could be incoroprated into Radio Moscow overnight. But Radio Liberty and Radio Free Europe are absolutely unique. Their programing and research staffs are intimately acquainted, through personal experience, long years of study, and day-by-day analysis of the press and radio of those countries, with every aspect of life there.

In an interview with correspondents of the New York Times and the Washington Post, Alexander Solzhenitsyn said that the only means of acquiring accurate and full information about the events inside the Soviet Union itself, was through listening to broadcasts by Radio Liberty. Radio Liberty and Radio Free Europe devote some 50 percent of their airtime to coverage of internal events, but everything that is broadcast on foreign as well as domestic affairs is couched in terms meaningful to the listener, taking into account the other sources of information available to him, the history and culture of his country, his psychology and aspirations. The research of these two organizations is prized by specialists in the academic community, in journalism and in government throughout the West. Radio Liberty is the prime center in the West for the collection of samizdat—uncensored documents reaching the West which provide a priceless source of information on the true state of affairs in the Soviet Union. Indexed and annotated copies of some 3,000 documents are currently being provided to such repository institutions as the Library of Congress, the Bodleian Library at Oxford University, the Massachusetts Institute of Technology, Ohio State University, the East Europe Institute in Amsterdam, the Hoover Institution, and the State Library in Munich.

Neither the Voice of America, nor any other Western broadcaster, either attempts to, or is capable of, doing this kind of job. The Voice of America has the responsibility of explaining the policies of the U.S. Government, and reporting American discussion of these policies, pro and con, while RL and RFE are in effect surrogate "home services" for the peoples of the Soviet Union and Eastern Europe. Moreover, half of the population of the Soviet Union is non-Russian, and Radio Liberty broadcasts in 13 Soviet languages not carried by Voice of America. Radio Liberty is the only Western broadcaser, other than the Voice of Israel, that broadcasts to the U.S.S.R. in Yiddish.

It is not surprising that there is such strong support of continued funding for Radio Free Europe and Radio Liberty:

The New York Times on July 16, 1973, in an editorial entitled "Ideological Detente," said—

> Radio Free Europe and Radio Liberty create a marketplace of opinion on those Communist countries to which they are directed, by disseminating both ideas and information that the governments involved would prefer to keep from their citizens.

AFL–CIO President George Meany, in a letter to the Foreign Relations Committee on July 13, 1973, urged support of S. 1914 and said—

> Genuine detente and the cause of just and lasting world peace and freedom cannot be attained unless the peoples of the world enjoy the right to open communication of information and ideas.

Mr. Meany cited article 19 of the Declaration of Human Rights, which provides for the freedom "to seek, receive and impart information and ideas through any media and regardless of frontiers." He said that this bill serves the principle "precisely."

David Halberstam, in testimony before the Foreign Relations Committee on June 28, 1973, said of the stations that—

> They are in level of performance, intelligence and accountability, comparable to NBC, CBS, or The New York Times. They serve a vast area, and this is crucial where there is no comparable alternative for information.

George Ball, former Under Secretary of State and U.S. Ambassador to the U.N., who testified in favor of this bill before the Senate Foreign Relations Committee, said that—

> For 20 years Radio Free Europe has been the main source of uncensored "home" news all over Eastern Europe.

He pointed out how during the brief Dubcek thaw of 1968, when suddenly the Czech media became free, the listenership for Radio Free Europe declined sharply, because other sources of information were available. But when the Soviet tanks moved into Czechoslovakia and rigid censorship was again imposed, the listenership for Radio Free Europe surged upward.

Former Ambassador to the Soviet Union W. Averell Harriman, also testifying before the Foreign Relations Committee, said he had been told that the lower echelon of Communist officials in the Soviet Union and Eastern European countries welcome the information that comes to them through the RL and RFE broadcasts, because it contains news of the actions of politburos which would not otherwise be known to them.

Dr. Milton Eisenhower told the Foreign Relations Committee that his Commission members reached the unanimous conclusion that East-West détente is enhanced by the dissemination of factual information and research-backed interpretations broadcast by RL and RFE to the peoples of the Soviet Union and Eastern Europe.

Deputy Secretary of State Kenneth Rush testified that the radios can be maintained for less than the price of four F–14 fighter planes, and said that international radio broadcasting to the East is necessary until there is a considerably freer movement of persons from East to West, a considerably greater range of human contacts, and a considerably broader internal dissemination of information and opinion to the peoples of these countries.

The Guardian of London and Manchester said editorially last year—

> To silence these stations would indeed remove an irritant, but it would confirm and condone the suppression of free speech in Russia and the rest of the Soviet Bloc.

Dr. Yuri Glazov, a Soviet émigré now teaching at Boston College, testified before the Foreign Relations Committee that—

> A miracle of the recent 20 years, a rebirth of thoughtful Russia, might be impossible without these daily broadcasts. Notwithstanding their shortcomings, they gave an essential education in the country where the truth is hidden . . .

He said that he and 10 friends—writers, scholars, interpreters, and actors in his home community in Lithuania—listened to Radio Liberty every morning and before they went to bed "with feelings of eagerness, curiosity, and hope."

Dr. Glazov added:

> Without exaggeration, listening to Radio Liberty is the greatest pleasure for millions of Russians and non-Russians in the country of his birth. "Many may easily survive," he said, "without a refrigerator or a washing machine, but they would buy a radio set with their first money to listen to what they think is the truth."

A young man in Czechoslovakia smuggled out a letter to Radio Free Europe in Munich. Stating first that he was an official of the Socialist Youth Union, he said he listened to RFE broadcasts almost every day and liked them very much. He added—

> Your station is listened to by many people in this country, so go on broadcasting the truth, which we don't hear from the communists.

Professor Ithiel de Sola Pool of MIT, generally considered our country's foremost authority on the flow of information in the Communist world, has said:

> Most of the things of a positive character that are happening in the Soviet Union today are explainable only in terms of the influence of the West, for which the most important single channel is radio. There is now enough communication to keep us part of a single civilization, to keep us influencing each other, to assure that any Western idea circulates in the Soviet Union, too. The pessimistic expectation that totalitarianism could develop an accepted heinous civilization of its own by 1984 or any other year has been defeated primarily by the forces of communication, and above all, by international radio.

The Washington Post, in an editorial on July 11, 1973, said—

> We are persuaded that the stations are now, in a sense, more important than ever.

Mr. President, Radio Free Europe and Radio Liberty have contributed in a major way to a better informed public in East Europe and the Soviet Union. I believe that the weight of the popular consensus there pressing for peaceful relations with the West and for a better, freer way of life has significantly affected the posture of their governments. But their work is not over. The Soviet and other East European governments still prevent anything approaching a free flow of information and ideas in domestic media; they continue to try to jam out such information coming from abroad, evidently preferring to set national policies in a public opinion vacuum.

Thus Radio Free Europe and Radio Liberty serve a purpose in harmony with the broad objectives of the United States and the West in general and they merit a continuation of the governmental assistance they have received for two decades. Expeditous enactment into law of S. 1914 will permit Radio Free Europe and Radio Liberty to continue to inform the peoples of the Soviet Union and East Europe, thereby advancing the cause of international peace and understanding.

Mr. COOK. Mr. President, will the Senator yield?

Mr. PERCY. I am happy to yield.

Mr. COOK. I would like to associate myself with the remarks of the Senator from Illinois and further to take very little time. Being a kind of buff at listening to news throughout the world, because, somehow or other, we in the United States have gotten in such a big hurry that we have to have our news in 2 or 5 minutes on radio, rather than the extended news broadcasts we get from foreign stations throughout the world, I merely set down and would like to put into the RECORD of this debate, if I may, the major frequencies over which broadcasts are beamed to the Western Hemisphere.

I have listed seven from Moscow, two from Kiev, two from Tashkent, two from Radio Warsaw, two from Radio Berlin in East Germany, three from Radio Budapest, two from Radio Bucharest, Romania, three from Radio Yugoslavia, and five from Radio Peking.

All of these are beamed to the Western Hemisphere. I have listed the languages and the meter bands and the frequencies, and I would like to put them into the RECORD purely and simply to show that if we think this is a one-way street, it is not a one-way street. If one thinks that, somehow or other, we should get out of the business of world communications by reason of maintaining the Voice of America and eliminating Radio Free Europe and Radio Liberty, I think it is important for all of us to know and for those who will take the opportunity to read the RECORD to know the respective meter bands and respective frequencies from which broadcasts are beamed throughout the world in English, and particularly in English and Spanish languages, to the Western Hemisphere.

I ask unanimous consent to put this list in the RECORD and make it a part of my remarks.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

MAJOR FREQUENCIES BROADCAST BEAMED TO WESTERN HEMISPHERE

From	Language[1]	Meter band	Freq.-M.C.
U.S.S.R.:			
Radio Moscow	E.S.	41	7.15
Do	E.S.	41	7.205
Do	E.S.	41	7.31
Do	E.S.	31	9.62
Do	E.S.	31	9.685
Do	E.S.	25	11.87
Do	R.E.	19	15.15
Radio Khabarousk	R.	31	9.75
Radio Kiev	N.	41	7.31
Do	N.	25	11.955
Radio Tashkent	V.E.	31	9.60
Do	V.	25	11.925
Poland:			
Radio Warsaw	N.E.	25	11.84
Do	N.E.	19	15.12
East Germany:			
Radio Berlin Int	G.E.	31	9.56
Do	G.E.	19	15.24

From	Language[1]	Meter band	Freq.-M.C.
Hungary:			
Radio Budapest	N.E.	41	7.305
Do	N.E.	31	9.823
Do	N.E.	25	11.91
Rumania:			
Radio Bucharest	N.E.	41	7.195
Do	N.E.	31	9.59
Yugoslavia:			
Radio Belgrade	V.	49	6.10
Do	S.	41	7.20
Do	S.	25	11.735
China:			
Radio Peking	V.	41	7.035
Do	V.	41	7.08
Do	E.S.	31	9.457
Do	N.	25	12.01
Do	V.	19	15.06

[1] Explanation of symbols: E—English; S—Spanish; R—Russian; N—Native; V—Various; G—German.

Mr. COOK. I thank the Senator from Illinois for yielding.

Mr. FULBRIGHT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FULBRIGHT. Are we operating under a limitation of time?

The PRESIDING OFFICER. The limitation is 4 hours on the bill and 1 hour on each amendment and a half hour on each amendment to an amendment. There are 2 hours allocated to the amendment of the Senator from Arkansas.

Mr. FULBRIGHT. Is a motion to recommit the bill to the Committee on Foreign Relations in order at this time?

The PRESIDING OFFICER. Such a motion would be in order.

Mr. FULBRIGHT. I so move to recommit the bill to the Foreign Relations Committee.

The PRESIDING OFFICER. That motion would be debatable for a half hour. The motion has been made.

Mr. FULBRIGHT. Mr. President, I yield myself 5 minutes.

Mr. MANSFIELD. Mr. President, will the Senator yield briefly?

Mr. FULBRIGHT. Mr. President, I yield to the Senator briefly.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. MANSFIELD. Out of the Senator's time.

Mr. FULBRIGHT. Out of my time.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, I yield myself 5 minutes.

This matter has been before the Senate before. Last year we came very close to discontinuing what many of us believe is a superfluous expenditure of American funds. I make the motion to recommit largely because I think it should be recommitted and also to get the attention of the Senate.

It has been suggested by my senior colleague from Arkansas, the chairman of the Appropriations Committee, that he would like to see the possibility examined of combining the Voice of America and Radio Free Europe and Radio Liberty activities. I think, in view of the very stringent circumstances which have developed in our budget, and especially in view of the President's very pointed, I thought, reference to congressional irresponsibility in the field of legislation and especially in the control of inflation, which he laid upon our door yesterday with considerable force, perhaps the committee and the Senate would be inclined to consider a move which should result in the saving of $50 million which I feel is being wasted on the continuation of this program.

I do not know that I want to burden the Senate with a recounting of all the history, but I will say briefly that this program is simply a remnant of the cold war. It was begun by the CIA in the days of the hot war, the Stalin era, the beginning of the cold war, in the McCarthy era, in which we, with great justification, were much concerned about the fate of Europe and détente with the Eastern Europeans and Russians. It was a period of great tension and concern. We were engaged in a hot war in Korea. All of this made for the justification for this kind of cold war effort. It was created by the CIA on the pretense that it was an independent, privately founded foundation.

Through the CIA, we have spent practically $500 million. It is between $450 million and $500 million of public funds, all of it during a period when it was thought by the public that the programs were privately financed.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. PASTORE. I agree with everything the distinguished Senator from Arkansas, the chairman of the Committee on Foreign Relations, has said. As a matter of fact, the funding of this program comes within the jurisdiction of the appropriations subcommittee of which I am the chairman.

I have been disturbed for a long time as to whether there is a need for this kind of program today.

I might point out what seemed to me to be a rather sad paradox. At the time when President Nixon visited Russia, he spoke to the Russian people, at his request, by television. At the same time these programs were sending propaganda to the Russian people, the President was trying to convince them how much we would like to get together.

We are seeking to have a détente with those people because of the problem of the nuclear threat. Yet at the same time, the American taxpayers are financing a program which is doing diametrically the opposite. I say, frankly, that if we are ever going to promote a détente, this is one of the first programs that should go. I do not think it accomplishes a great deal. There was a purpose for it right after World War II, and when we had the tremendous difficulties of the cold war. There was a reason to make other people understand exactly the quality of leadership which they had. But now it strikes me that we are sticking our necks in other people's business at tremendous expense to the American taxpayers.

These programs serve no purpose. We are cutting down the economic development of our own country. We are closing down bases. We have high unemployment. At the same time, the American taxpayer alone is supporting these programs. Our cost is high in proportion to the cost for foreign nationals 3 to 1.

Mr. FULBRIGHT. Much more than that—about 9 to 1.

Mr. PASTORE. No, I do not think it is that much for the operations in Europe.

Mr. FULBRIGHT. Well, it is costing too much.

Mr. PASTORE. I am told—and I think the information is correct—that the currency with the highest integrity in Europe is the deutschmark. In the same country the American dollar is in troube.

I am not saying that we should extricate ourselves entirely. I believe, however, that this program is absolutely unnecessary. But even if it has merit, if there is to be a funding of Radio Free Europe or Radio Liberty, I say it is also the concern of the European alliance. Why should they not support Radio Free Europe? Why should we be the sole support? Why should we play Santa Claus? Why should we alone support the cold war?

Some government officials want to eliminate economic development. Some oppose a consumers' council. Some do not want a national health program. Some things get low priority because the President of the United States said only yesterday that they cause inflation. At the same time, however, we are spending $50 million on a program that I say very frankly is useless.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FULBRIGHT. Mr. President, I yield further to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PASTORE. Mr. President, I have made this speech several times before. I think that it is unnecessary for me to prolong my speech.

We have to tighten our belts. The distinguished Senator fronm Montana (Mr. MANSFIELD), the majority leader, has been trying for the longest time to call back some of our troops from Europe. We are the only one of the 14 nations in the NATO complex that has lived up to our commitments. All the other countries have not. Yet we have Secretaries of State coming before our committee and telling us of the troubles that they are experiencing. When are we going to talk about the troubles in America? We have an African desk, South American desks, and many other desks. I think that it is about time that we have an American desk in the State Department. If we cannot eliminate the authorization, we ought at least to be able to reduce it. If the other governments think it is essential, they should pay for it in part.

Mr. FULBRIGHT. Mr. President, I deeply appreciate what the Senator from Rhode Island has said. He has said it so logically and so clearly that I do not think much more needs to be said.

The Senator from Illinois said that some of these stations are broadcasting in Yiddish. There is no reason why the BBC cannot broadcast in Yiddish. I would be perfectly willing to do that if that is determined to be an all-important factor. There is no reason why the VOA cannot transmit this programing. All they need is one or more Yiddish commentators. Any broadcasting service can do that.

It is maintained that there is something unique to this particular operation. It seems to me that claim is without foundation. The Senator says that the cost is less than the cost of 14 Air Force planes. It is still more than $50 million. It means that there is slightly more than $50 million going down the drain for no useful purpose. It is a duplication. It is being done by us and by many other countries.

The article which I referred to by Mr. Kaiser, the correspondent from Moscow, states:

> One Russian who depends on foreign radio for his news of the world suggested the other day that for Moscow intellectuals, the British Broadcasting Corporation's Russian service is by far the most popular. He ranked the West German radio second, the Voice of America third, and Radio Liberty fourth.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FULBRIGHT. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 5 additional minutes.

Mr. FULBRIGHT. The article further states:

> The situation is similiar in East Europe. No doubt, RFE (which broadcasts only to the satellites, leaving the U.S.S.R. to Radio Liberty) has a big audience in the region. But intellectuals seem to like the BBC better. In Hungary, Austrian stations have enormous audiences. In Poland, German stations attract thosuands of listeners. The VOA is popular everywhere.

It just seems to me that because they think a little is good, three or four times as much is better.

Mr. PASTORE. Mr. President, I do not question the popularity of the programs. After all, even the Watergate hearings are popular. But when they came before our committee, I asked the representative of these agencies what they were broadcasting. He said that it concerns what is happening in our national news.

Then later I said: "You are talking about corruption in government and in the Watergate affair. Why do we spend American dollars to tell the people in Moscow that someone in the White House is going to be indicted? Let them find that out with their own money. Why should we use our money to tell them?"

That is the point. Any time one picks up a newspaper he can read all about this. Everything is rather critical. This morning the President is critical of Congress, and the Congress is critical of the President. Everybody is critical of everybody else. And to tell people on the VOA about these matters is a waste of our money. What have we accomplished with our money?

At the same time we have people walking the streets, malnutrition in this country, and babies begging for food. No one pays any attention. But we want the intellectuals in Moscow to know that there is corruption in America. If that is not idiotic, I do not know what is.

Mr. FULBRIGHT. Mr. President, the Senator says it correctly. It is idiotic. And it is three times idiotic to do it three times.

I would agree with the Senator. I tried my best to restrict these other propaganda agencies. I think that they are obsolete. And the argument that the Russians and the others have transmitted these propaganda programs to America has no real merit. I do not know anyone who has any faith in that argument except perhaps a few. There are perhaps a few of what they call the ham radio operators. There may be a few hundred or a few thousand shortwave receivers in this country. It is a very small number indeed.

So, I think the Senator from Rhode Island has expressed eloquently what he thinks about the justification for continuing this program.

Mr. President, as I said last year, we thought we were on the verge of discontinuing this. However, it was given a new lease on life.

The PRESIDING OFFICER. The Senator's time has expired. All the Senator's time remaining on the motion has expired.

The Senator from Arkansas could use time on the bill.

Mr. FULBRIGHT. Mr. President, I yield myself 2 minutes on the bill.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for an additional 2 minutes.

Mr. FULBRIGHT. Mr. President, it seems to me that we should decide whether we want to go ahead with a $50 million program and with the increase included in the committee bill which gives every indication of continuing to be a permanent program.

Heretofore we have gone on with it from year to year. But here we are setting up a special structure with an independent board—of course, to be appointed by the Government; it will not be completely independent, but funded entirely by Government funds. The purpose is to create a new program that I would estimate is intended to last for at least 10 years.

Mr. President, I ask for the yeas and nays on the motion to recommit.

The yeas and nays were ordered.

Mr. AIKEN. Mr. President, I yield the Senator from Illinois such time as may be available.

The PRESIDING OFFICER. The Chair does not hear the Senator.

Mr. AIKEN. Is there 15 minutes on the motion on each side, and 2 hours on the bill?

Mr. FULBRIGHT. Will the Senator use his microphone? I do not believe the Chair hears the Senator.

Mr. AIKEN. Oh, I did not think of this modern equipment.

As I understand it, there is 15 minutes' time on each side for the motion made by the Senator from Arkansas.

The PRESIDING OFFICER. The Senator is correct.

Mr. AIKEN. And 2 hours on the bill?

The PRESIDING OFFICER. On each side.

Mr. AIKEN. I yield such time as he may desire on the motion to the Senator from Illinois, and if that is not enough, I will yield him more time on the bill.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. PERCY. I thank my distinguished colleague, the ranking minority member of the Committee on Foreign Relations.

Mr. President, the motion to recommit would, in my judgment, serve absolutely no purpose whatsoever. It would certainly be the intention of the administration to press forward with this bill, and it would be the intention of the Senator from Illinois to ask that it be put on the calendar of the Committee on Foreign Relations at the earliest possible moment. I feel, with a vote of 13 to 3 when it was voted out to the floor before, with no new facts involved, it would be readily reported back.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. PERCY. I am happy to yield to the Senator. I would like to yield on the Senator's own time on the bill.

Mr. FULBRIGHT. I yield from my own time on the bill, only to make the comment that while the bill was reported by a vote of 13 to 3, the sentiment of the committee on the funding proposal was more like 9 to 6—the Senators from Missouri, Montana, Idaho, Vermont, New Jersey, and myself. So it is not all that onesided.

This committee has been closely divided on the merits of this measure for quite a long time. The vote of 13 to 3 was simply to have the Senate do its will, but on the merits of our funding it alone, I certainly would not say it is 13 to 3.

Mr. PERCY. Mr. President, I ask unanimous consent that the name of the Senator from Maryland (Mr. BEALL) be added as a cosponsor of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. With the addition of Senator BEALL, we now have 36 Senators who are cosponsors of the legislation. I would think we have gone through the committee procedure as prescribed by our rules and regulations and precedents. We have had adequate public hearings for the purposes; witnesses have been heard on both sides of the issue. We have debated the issue in the committee, and any amendments the distinguished chairman of the committee wishes to offer should be voted up or down on the floor of the Senate. I think to just send it back to the same committee that has already debated the matter and held hearings would not be in the spirit of finishing up and cleaning the calendar so that we can get on with other urgent business, and ultimately and finally come to the end of this particular session.

The second point I would like to make is that it has been stated by those who are supporting the recommittal of the bill that the functions of Radio Free Europe and Radio Liberty could be taken over by the Voice of America.

I think you could do almost anything if you wanted to do it. I do not know why General Motors has to have plants for Cadillac, Buick, Chevrolet, and Pontiac. Why not make them all in the same plant? They are all automobile plants, after all.

But General Motors does not make Cadillacs in the Chevrolet plant, because the Cadillac is designed for a different purpose and a different market; and I cannot imagine anything more ridiculous than to put in the Voice of America and all of its facilities the highly specialized concentrated technique and expertise that has been developed over a period of several decades by Radio Free Europe and Radio Liberty. Their purpose is entirely different.

In the second place, by so doing we would defeat the very spirit and intent of what the chairman of the Foreign Relations Committee wishes to accomplish: Namely, to have more people and more governments share in the expense of Radio Free Europe and Radio Liberty. I cannot imagine any government contributing to the Voice of America. We have on the desk here a list of all contributors to Radio Free Europe over previous years that have contributed $500 or more, and there are tens of thousands who have contributed less than $500. Contributions in 1971 were $1,459,000 from these independent private sources, in the calendar year 1972 $1,102,000; and so far this year, as of August 28, $375,886.

If we consolidated this operation in Voice of America, I cannot see why any of them would contribute to Voice of America.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. PERCY. I yield.

Mr. FULBRIGHT. The Senator, I know, is a very successful industrialist. His comparison intrigues me. Just what is the difference between a Cadillac and a Chevrolet?

Mr. PERCY. It is true that they both move people, but very many people in this country would not dream of buying a Chevrolet, and others would not dream of buying a Cadillac.

Mr. FULBRIGHT. But they all serve the same purpose, to move people.

Mr. PERCY. Then why not say just make one car in America?

Mr. FULBRIGHT. Well, what is wrong with that idea? Except that——

Mr. PERCY. Have them all made by the Government. That would be, by some contentions, more efficient. The only problem is that the countries that do that are the most backward countries in the world, the Communist countries. They are now taking our techniques and asking us to open up our factories and technology, because they have failed so miserably in meeting human needs.

Mr. FULBRIGHT. Then why not turn over Radio Free Europe to private enterprise?

Mr. PERCY. Why not turn over the Voice of America?

Mr. FULBRIGHT. I am all for that. I would be glad to. The Senator and those who share his views are the obstacle to my doing that. They are the obstacle to my discontinuing this superfluous activity.

Mr. PERCY. I cannot imagine any function more necessary and more useful than having a voice for the United States of America to tell what it is doing abroad.

Mr. FULBRIGHT. We have two voices.

Mr. PERCY. I suppose you could be more efficient, cut out all advertising for all automobile companies, and build it right into the product; but for some reason this is a system that really works, and even the Communist countries are now starting to get billboards and advertising, because they realize that creating a desire and reporting information about product lines is a necessary part of their identification. It is necessary for us to tell the story of the United States of America all over the world in VOA, by doing a specialized job, by presenting an opportunity to create pressure for liberalizing forces in Communist countries.

Mr. FULBRIGHT. Will the Senator yield further? Mr. Arthur Cox, a very distinguished man and former high official in the CIA, makes the point, and I agree with him—I will read one paragraph in a letter I received from him dated August 14. He says:

> The U.S. Government has for years pursued a policy of evolution rather than liberation towards Eastern Europe. However, the continuing broadcasts of the "freedom radios" give the "hawks" among Eastern European communists an argument for continuing repression and tight controls. Those East European leaders supporting an evolving relaxation permitting greater freedom for the people are blocked by the arguments of the "hawks" that the U.S. and West Germany are plotting the overthrow of the East European regimes because emigres, with U.S. backing, are still broadcasting from Germany.

That seems to me to be very persuasive.

Mr. COOK. Mr. President, will the Senator yield?

Mr. PERCY. I shall be happy to yield first to the Senator from Kentucky and then to the Senator from New York.

Mr. FULBRIGHT. I might say, by way of further qualification, that Mr. Arthur M. Cox was an important official in the CIA in charge of these radios, in the 1950's. I shall put the whole letter in the Record later. In the beginning, he said, there was justification; but the import of his letter is that there is no longer justification for these radios, that they simply tend to keep alive the repression which we all deplore and the Senator says he deplores. They have just the opposite effect of the liberalization which the Senator says is the purpose.

Mr. PERCY. The distinguished Senator cited one source which stands as a lone voice——

Mr. FULBRIGHT. I do not think so.

Mr. PERCY. In the wilderness, where we have a preponderance of the evidence that——

Mr. FULBRIGHT. I agree with that. I know of two voices.

Mr. PERCY. Which shows exactly the contrary, including one courageous voice, by a Nobel Prize winner in the Soviet Union, in Moscow, a man who had the courage to say, at the risk of his life, that the only liberalizing force in Russia, the only freedom for civil liberty in the Soviet Union has been Radio Liberty.

Now, Mr. President, I yield to the distinguished Senator from Kentucky (Mr. Cook) and then I have promised that I would yield to the distinguished Senator from New York (Mr. Buckley), who has been patiently waiting.

Mr. COOK. Mr. President, I should like to ask the Senator from Arkansas, whom did you say the letter was from, dated August 14?

Mr. FULBRIGHT. Arthur M. Cox. He used to be in the CIA.

Mr. COOK. Oh, I thought the Senator said Arthur Krock.

Mr. FULBRIGHT. The Senator from Kentucky is welcome to see the whole letter. I was going to put it in the Record.

Mr. COOK. That is all right. I thank the Senator.

Mr. PERCY. Mr. President, I now yield to the Senator from New York.

Mr. BUCKLEY. Mr. President, I agree totally with the position that the motion to recommit, which is the specific matter at this moment, is superfluous. I believe that every Member of this body has long since made up his mind, after very careful analysis and from all available information, as to the value he puts on our continuing ability to communicate, not propaganda but the truth to the peoples behind the Iron Curtain.

I believe that to recommit would merely be stalling and would be a delaying tactic. We should vote today on it. We should vote the bill up or down with or without amendments.

We heard earlier from the distinguished chairman the phrase—"remnant of the cold war." Perhaps, at one point, when these stations were first inaugurated and we did have a cold war, these "cold-war" needs, necessities, feelings, and motivations were at the heart. But now, as we move into a new era, it seems to me that the programs of these stations continue to serve an equally valid, in fact, a more essential need today than they have in the past.

One thing that has struck me in connection with the Conference for European Security and Cooperation has been the total dedication by the leaders of Western European countries to the proposition that long-term cooperation between East and West can only be assured if there is genuine communication among people, and ideas, across the Iron Curtain. We cannot assure ourselves of the goodwill and understanding of the peoples of Eastern Europe unless they have the information on the basis of which to have informed opinions. As the Senator from Illinois has demonstrated so carefully and so clearly, the only source of reliable information that is available to people living in these regimes is the information which is broadcast from without their own countries. This is essential to their understanding and, therefore, essential to stability in the world.

To my mind, an attempt to save $50 million in this particular area would be as shortsighted a means of saving money as can be imagined.

The distinguished chairman showed

he once wanted such expenditures before by saying:

> I do not know whether we can influence Russian public opinion and strengthen it as a brake against dangerous and adventurous policies, but I believe that we must try to do this as a matter of responsibility not to the Russians but to ourselves.

Mr. President, I submit that we have seen in recent years that there is such a thing as a body of opinion in Russia and in other countries in Eastern Europe, even under the harsh regimes that exist in those countries, and that public opinion does have its influence.

I urge that the motion be voted down.

Mr. JAVITS. Mr. President, will the Senator from Illinois yield?

Mr. PERCY. I yield.

Mr. JAVITS. Mr. President, I am a cosponsor of this legislation and I am very proud to be. I am a member of the committee. If I thought we could do better, I would vote to recommit the bill. But I do not think that we can, and for this reason: Anything we can do now to weave in together the VOA and these other operations which we will be financing by this bill, we can do as well, if not better, once the policy is laid down that we want the operations. This is what the Senate will pass on, that it wants the operations. Then we can determine the methodology in its most efficient form.

That question is what we are really to decide on and to act on. We acted on it in committee, so that we should be ready to act on it here.

There is an old adage in business, with which the Senator from Illinois has had enormous experience, which says that, "Any answer is better than no answer."

So, let us answer it yes or no. I think we should answer it yes, and will so vote. But let us answer it and then we will have the policy laid down.

Mr. President, many people have talked with the dissidents in the Soviet Union, as well as with many Jews in the Soviet Union, and if there is one thing that emerges very clearly from everything they say in these unbelievably deplorable and repressive conditions under which they voice their dissent, it is the fact that they were only given heart, they were only able to maintain what they are doing at such tremendous danger to themselves, a danger often realized by being condemned to psychiatric wards—which is worse than death for an intellectual—by exiling their families, their kin, their friends—exiling and ostracizing them, because of the fact that some part of the world which is free they can hear and know is with them.

As I understand the thrust of the bill, it is to make that as clear as possible to as many people as it is possible to get to listen within the Communist countries and in the Soviet Union.

I think that is an indispensable contribution and that if we needed any confirmation, there is Sakharov, an absolute hero in any of the annals ever to be written for this world. He is a total argument for that confirmation.

Mr. PERCY. I thank my distinguished colleague from New York for his fine comments. I should like to yield to the distinguished Senator from Arizona (Mr. GOLDWATER) who I think can add a great deal to this debate, but would delay for one moment to address a comment to the distinguished chairman of the Committee on Foreign Relations.

I concur with what the Senator from New York has said. He knows how to destroy morale, that we simply cannot operate efficiently if always hanging in the balance is the fact that we will give the ax to an organization. How do we keep people? How do we attract them? We should fish or cut bait on this, and vote it up or down. If we want to vote it down, then let us do it. Let us liquidate it. But do not fool around or play around with it in the way we have been doing it. To send it back to committee would be doing just that.

I cannot imagine that we would be able to get contributions, the kind of contributions the distinguished chairman has asked for and wants, and I would like to see, if we insist on putting it on the guillotine block and subjecting it to that.

I cannot imagine the chairman of the Foreign Relations Committee wanting to turn it over to the VOA when he knows and sees what the Soviet Union has done to turn—I think turn—his own words.

In an article published in the Christian Science Monitor on September 5, 1973, entitled "Soviet Book Edition Mistranslates Fulbright's Plain Meaning," written by Paul Wohl, he writes:

> In an attack on the Voice of America, Pravda's commentator, Yury A. Zhukov, has warned Soviet audiences against writing to the VOA lest the writers' addresses be used for conspiratorial purposes.
>
> To buttress his onslaught on VOA Mr. Zhukov quoted Sen. J. W. Fulbright . . .

He is not attacking Radio Liberty, it is the VOA:

> As having written that "these broadcasts are a part of a system of lies and deception and conspiracy."

What purpose, then, would be used by taking Radio Free Europe and Radio Liberty, which are respected voices, and turning them over to an organization that the Soviet Union has said the distinguished chairman of the Foreign Relations Committee has called, the VOA—

> A system of lies, deception, and conspiracy.

The author, Paul Wohl, points out that he has researched the writings of Senator FULBRIGHT, articles in the Washington Post, and in the book "The Arrogance of Power," from which he is quoted frequently in the U.S.S.R., and he finds no such statement of any kind. But the Soviets choose to use that kind of misrepresentation.

Mr. President, I ask unanimous consent to have the entire article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOVIET BOOK EDITION MISTRANSLATES FULBRIGHT'S PLAIN MEANING

(By Paul Wohl)

In an attack on the Voice of America, Pravda's commentator, Yury A. Zhukov, has warned Soviet audiences against writing to the VOA lest the writers' addresses be used for conspiratorial purposes.

To buttress his onslaught on VOA Mr. Zhukov quoted Sen. J. W. Fulbright as having written that "these broadcasts are a part of a system of lies and deception and conspiracy."

One finds this sentence neither in Senator Fulbright's recent articles in the Washington Post nor in his book "The Arrogance of Power," which is frequently quoted in the U.S.S.R.

Mr. Zhukov must have thought of Lenin's statement "Left-wing Communism and Infantile Disorder," a pamphlet published in 1920, where the founder of the Soviet republic advises his party "to resort to all sorts of tricks, ruses, illegal methods, reticences, concealment of truth. . . ."

Lenin's advice has been followed to the letter in the Russian edition of Senator Fulbright's book published in 1967 by the Soviet Institute of International Relations.

As one opens the book, there is a facsimile of the title of the American edition and opposite it an exact Russian translation. This must have been done to convey the impression that the Russian edition is identical to the original. But it is not.

There are large numbers of changes in substance by means of omissions, apparently deliberate mistranslations. The distortions cover almost every aspect of Mr. Fulbright's presentation.

A comparison of the Russian and American texts by a reputable scholar shows that everything considered to be damaging to basic Soviet ideology or opposing Soviet interpretation of international events or which touches upon Soviet difficulties with its allies in Eastern Europe has been omitted.

Any expression of hope that "the American idea can be revitalized," that "efforts to encourage Communist imitation of our more sensible attitudes" could succeed, or that ideological barriers could be expected to erode is missing.

Direct or indirect criticism of Communist weaknesses has fallen victim to the censor's scissors.

Here are a few distortions of Senator Fulbright's book chosen at random:

On page 80 of the American edition, Senator Fulbright wrote, "Stalinism had many of the worst features of Hitlerism." The sentence was omitted in the Russian edition:

On page 248, Senator Fulbright wrote about "men . . . who confuse power with virtue, who believe in some cause without doubt and practice their beliefs without scruple. From Robespierre to Stalin. . . ." he wrote, "they have been the extreme practitioners of power—extreme, indeed, in a way that . . . hopefully never will be known in America."

In the Russian edition the passage ends with the words, "without doubt."

On page 104, Senator Fulbright wrote, "The Eastern European governments have demonstrated that . . . they still wish to free themselves as much as they can and as much as they dare from the overbearing power of Russia."

This sentence has been omitted.

On pages 121–122, where Senator Fulbright deals with Soviet restraint with respect to the Vietnam war, he wrote, "my feeling about the matter is that the Russians are frightened of us."

The whole passage was omitted.

Senator Fulbright's presentation of the causes of the Korean war was removed by the censor. In a foreword to the Russian edition, Sen. Fulbright is accused of having "taken his interpretation from the arsenal of the cold war."

On page 108, Senator Fulbright, discussing the attitude of the United States toward the Vietnam war wrote, "Whatever the fault may be on our side, the greater faults have been with the Communists, who have indeed betrayed agreements, subverted unoffending governments, and generally done a great deal to provoke our hostility."

The passage is missing from the Russian text.

Also omitted is Senator Fulbright's discussion of "building bridges between the Communist and the non-Communist world."

While the Soviets are hypersensitive to the faintest criticism of their system and policy, they find it in order to flay, as did Mr. Zhukov in his broadcasts of Aug. 18, the "negative activity" of "the Radio Center Voice of America, which has 112 transmitters and broadcasts from morning to evening throughout the world."

The Soviets have more transmitters and are on the air in 84 languages for a total of approximately 1,900 program hours (as against 884 program hours of the Voice of America), not counting East European broadcasts. But with the Russians what is "sauce for the goose" apparently is not "sauce for the gander."

Moscow's English, Spanish, and other foreign-language programs beamed to the U.S. for instance, constantly solicit letters from American listeners, as do Soviet periodicals.

Mr. PERCY. I yield to the distinguished Senator from Arizona.

Mr. GOLDWATER. Mr. President, I join the Senator from Illinois and others who see absolutely no sense in sending this bill back to committee. I agree that the time has come to decide on it. Either we vote it up or we vote it down. Why should we, in a period when we are actually, for a change, beginning to overwork ourselves, stretch work on this particular piece of legislation?

I do not think anyone in this body has devoted as much time as this Senator has to the subject of communications. It has been a hobby of mine since I was 12 years old.

Anyone who says that there is no broadcast coming from the Soviet Union or from the Iron Curtain countries or any other country opposed to freedom and opposed to the United States just does not understand the whole subject. In fact, they pretty well dominate the frequency conventions that are held at irregular times, one of which we fear is coming up.

They control the allocation of frequencies, and we are losing in this field.

For this body to arbitrarily give up a good weapon against slavery is difficult—almost impossible—for me to understand. I listen to Radio Moscow and to broadcasts from other Iron Curtain countries.

The PRESIDING OFFICER. All time has expired.

Mr. PERCY. I yield 2 minutes on the bill to the Senator from Arizona. Is that acceptable to the Senator from Vermont?

Mr. AIKEN. Yes, indeed.

Mr. GOLDWATER. At the same time that these countries, such as the Soviet Union, are broadcasting—not directly against the United States, but certainly in an indirect way, such as encouraging the oil producing countries not to do business with the United States and so forth—they deny the freedom of communication in their own countries.

People such as myself—who can classify himself as a radio amateur, and we have hundreds of thousands of them in this country and millions in the world—find it impossible to talk with people behind the Iron Curtain unless they do it in a surreptitious way, and they can get in trouble by doing so. I can say to this body that we think we do a great deal of work on Radio Free Europe, but the Soviets are doing at least 10 times as much as we are—and I believe not as effectively, thank goodness.

I have one question I wish to raise in connection with this matter. We believe the Soviet people are beginning to have a bigger impact on their government. We are beginning to see their government willing to talk to us. I hold that talk is a great deal better and cheaper than war. More and more, we are beginning to hear the word "détente." I do not agree that we have reached that point yet, but there is some reason why the people of the Soviet Union are beginning to have an effect upon their leaders. I believe Radio Free Europe has provided as much of that stimulus as anything else.

The Russian worker is beginning to wonder why an American can buy a pair of shoes with a few hours of labor when it takes him possibly 10 days to do the same. He is beginning to wonder why the American worker can have two television sets and he cannot have one. They are beginning to wonder why we can drive cars and they cannot.

The situation in the Soviet Union, as in all slave countries, will change when the people demand it. I think the people are beginning to demand it over there, and I think the biggest single source of that demand comes from the continuing information they get from Radio Free Europe.

I certainly hope we defeat the motion.

Mr. PERCY. Mr. President, no one has asked for further time.

Mr. JAVITS. I yield 3 minutes to the Senator.

Mr. PERCY. Until such time as the distinguished majority leader has returned from the White House, I feel that we should delay, and I therefore suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. JAVITS. Mr. President, if it is agreeable to Senator FULBRIGHT, we can have the time charged equally to both sides.

Mr. ROBERT C. BYRD. Mr. President, is the time required to be charged? Has the time on the motion expired?

The PRESIDING OFFICER. The time on the motion has expired, but the Senator from Illinois has been granted 3 minutes which have not been used.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. PERCY. I yield back the remaining time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the motion to recommit. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. WEICKER (after having voted in the affirmative). On this vote, I have a pair with the distinguished Senator from Alaska (Mr. STEVENS). If he were present, he would vote "nay." I already have voted "yea." Therefore, I withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from North Carolina (Mr. ERVIN), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Iowa (Mr. HUGHES), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Utah (Mr. MOSS) and the Senator from California (Mr. TUNNEY) are necessarily absent.

I also announce that the Senator from South Dakota (Mr. ABOUREZK) is absent because of a death in the family.

Mr. GRIFFIN. I announce that the Senators from Tennessee (Mr. BAKER and Mr. BROCK), the Senator from New Jersey (Mr. CASE), the Senator from Hawaii (Mr. FONG), and the Senator from Oregon (Mr. HATFIELD) are necessarily absent.

I also announce that the Senator from Alaska (Mr. STEVENS) is detained on official business.

I further announce that, if present and voting, the Senator from Tennessee (Mr. BAKER) would vote "nay."

The pair of the Senator from Alaska (Mr. STEVENS) has been previously announced.

The result was announced—yeas 17, nays 69, as follows:

[No. 376 Leg.]

YEAS—17

Bible
Biden
Church
Clark
Cranston
Eagleton
Fulbright
Gravel
Hartke
Hathaway
Long
Mansfield
McGovern
Metcalf
Pastore
Proxmire
Symington

NAYS—69

Aiken
Allen
Bartlett
Bayh
Beall
Bellmon
Bennett
Bentsen
Brooke
Buckley
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Cook
Cotton
Curtis
Dole
Domenici
Dominick
Eastland
Fannin
Goldwater
Griffin
Gurney
Hansen
Hart
Haskell
Helms
Hollings
Hruska
Humphrey
Inouye
Jackson
Javits
Kennedy
Magnuson
Mathias
McClellan
McClure
McGee
McIntyre
Mondale
Montoya
Muskie
Nelson
Nunn
Packwood
Pearson
Pell
Percy
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott, Pa.
Scott, Va.
Sparkman
Stafford
Stennis
Stevenson
Taft
Talmadge
Thurmond
Tower
Williams
Young

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Weicker, for

NOT VOTING—13

Abourezk
Baker
Brock
Case
Ervin
Fong
Hatfield
Huddleston
Hughes
Johnston
Moss
Stevens
Tunney

So Mr. FULBRIGHT's motion to recommit S. 1914 was rejected.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 607) to amend the Lead-Based Paint Poisoning Prevention Act, and for other purposes, with an amendment, in which it requested the concurrence of the Senate; that the House insisted upon its amendment to the bill, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PATMAN, Mr. BARRETT, Mrs. SULLIVAN, Mr. ASHLEY, Mr. MOORHEAD of Pennsylvania, Mr. STEPHENS, Mr. ST GERMAIN, Mr. GONZALEZ, Mr. HANNA, Mr. WIDNALL, Mr. BROWN of Michigan, Mr. J. WILLIAM STANTON, Mr. BLACKBURN, Mrs. HECKLER, and Mr. ROUSSELOT were appointed managers on the part of the House at the conference.

The message also announced that the House had passed a bill (H.R. 8449) to expand the national flood insurance program by substantially increasing limits of coverage and total amount of insurance authorized to be outstanding and by requiring known flood-prone communities to participate in the program, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 8449) to expand the national flood insurance program by substantially increasing limits of coverage and total amount of insurance authorized to be outstanding and by requiring known flood-prone communities to participate in the program, and for other purposes, was read twice by its title and referred to the Committee on Banking, Housing and Urban Affairs.

BOARD FOR INTERNATIONAL BROADCASTING

The Senate continued with the consideration of the bill (S. 1914) to provide for the establishment of the Board for International Broadcasting, to authorize the continuation of assistance to Radio Free Europe and Radio Liberty, and for other purposes.

The PRESIDING OFFICER. Does the Senator from Arkansas wish to move adoption of the committee amendments?

Mr. FULBRIGHT. Yes. I move adoption of the committee amendments.

The PRESIDING OFFICER. En bloc?

Mr. FULBRIGHT. Yes, en bloc.

The PRESIDING OFFICER. Without objection, the committee amendments are agreed to en bloc.

Mr. FULBRIGHT. Mr. President, is my amendment now in order?

The PRESIDING OFFICER. The Senator's floor amendment is now in order.

Mr. FULBRIGHT. Mr. President, I call up my amendment No. 431 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk proceeded to read the amendment.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Amendment No. 431 is as follows:

(c) Commencing July 1, 1974, grants to Radio Free Europe and Radio Liberty shall not exceed at any time during any fiscal year 50 per centum of the expenses incurred by that radio during that fiscal year at the time any grant is to be made to that radio.

Mr. FULBRIGHT. Mr. President, I do not wish to take a great deal of the Senate's time in a debate during which positions already heard many times are recited again at length. I will confine my remarks therefore to a few brief points.

I would simply suggest to my colleagues, as we consider Radio Free Europe/Radio Liberty legislation, that it is useful to look upon these international broadcasting activities from two perspectives: an economic perspective and a political policy perspective.

From the economic perspective, it is relevant to ask how much we are spending on our various worldwide broadcasting activities, whether we are performing this job efficiently, and whether—in light of the radio broadcasts of other responsible Western government stations—we are engaging in activities which are redundant. In view of the severe economic and monetary problems of the United States today, it is the height of irresponsibility to approve of expenditures which exceed what is necessary to get a worthwhile job done. It is indeed worthwhile to promote and support the flow of accurate information to Eastern Europe and the Soviet Union—and, for that matter, to all the countries of the world. But it is the responsibility of Congress to insure that such activities are performed efficiently and without excess—with a prudent sense of the many other demands being made upon our national Treasury.

Radio Free Europe and Radio Liberty, the operations which we are considering today, broadcast into Eastern Europe and the Soviet Union. They transmit a variety of programing, though in the process they do give special emphasis to domestic developments in the countries to which they broadcast. If these were the only international radios broadcasting into the Communist countries of Europe, the case for their perpetuation might be clearer. But let us look at the context. The Voice of America is also broadcasting into the Soviet Union and Eastern Europe. The British Broadcasting Corp. is broadcasting into the Soviet Union and Eastern Europe. The official West German station, Deutsche Welle, is broadcasting into the Soviet Union and Eastern Europe. The official radio of France is broadcasting into the Soviet Union and Eastern Europe. The Vatican is broadcasting into the Soviet Union and Eastern Europe. Even Israel is broadcasting into the Soviet Union and Eastern Europe. The sum total of these and other official Western government transmissions is 822 program-hours each week—and this does not take into account Radio Free Europe and Radio Liberty. So the so-called freedom radios—Radio Free Europe and Radio Liberty—which are often portrayed as being the sole lines to "truth" and the Western World, are simply two radios among many.

All of these radios—official radios and freedom radios—broadcast news about international events. All of the radios broadcast some news about internal events in the countries to which they are broadcasting. All of the radios have a considerable listenership, although under the cricumstances, precise polling data is difficult to obtain. We must rely upon judgment as to what is being heard and by whom; and in this connection, I would like to submit for the record a recent article by Robert Kaiser, the able Moscow correspondent of the Washington Post.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE IMPACT OF U.S. RADIO ABROAD

(By Robert G. Kaiser)

MOSCOW.—It is now customary to hold an annual debate in Washington about Radio Free Europe and Radio Liberty, two products of the cold war, both financed for years by the CIA, which broadcast news and commentary to the Soviet Union and Eastern Europe. The debate is stirring, if somewhat repetitive. The stations' defenders invoke the "right to know" and other good causes; their opponents call the stations outdated, unnecessary and expensive.

From here, neither side's arguments sound very persuasive. The proponents sound too enthusiastic, and the opponents too categorical. The debate seems mired in slogans that don't really apply to the facts of life in this part of the world.

Those who defend Radio Liberty and Radio Free Europe trade widely on the notion that these are the only stations broadcasting "the truth" to citizens of the Communist countries. In fact, they are only two of perhaps a dozen stations and probably not the most popular two.

One Russian who depends on foreign radio for his news of the world suggested the other day that for Moscow intellectuals, the British Broadcasting Corporation's Russian service is by far the most popular. He ranked the West German radio second, the Voice of America third, and Radio Liberty fourth.

The situation is similar in East Europe. No doubt, RFE (which broadcasts only to the satellites, leaving the U.S.S.R. to Radio Liberty) has a big audience in the region. But intellectuals seem to like the BBC better. In Hungary, Austrian stations have enormous audiences. In Poland, German stations attract thousands of listeners. The VOA is popular everywhere.

The latest elaborate defense of RFE and Radio Liberty comes from a commission appointed by President Nixon under the chairmanship of Milton S. Eisenhower. Its report is a good example of the tendency to exaggerate the specific importance of RFE and Radio Liberty.

The committee chose "the right to know" as the title for its report and proceeded to credit Liberty and RFE with virtually every embarrassing fact to penetrate the Iron Curtain in recent years. In a section called "Samples of Effectiveness," the Eisenhower committee lists 14 instances in which, it says, these two stations provided news or information that Communist media were trying to hide or delay.

One of the examples was a personal testimonial from an emigre. The 13 others were all straightforward news stories which were broadcast behind the Iron Curtain by numerous Western stations, from the BBC to Israeli radio.

RFE and Radio Liberty stations do not provide an invaluable broadcast service. They do provide news and opinion that differs vastly from the official line, and sometimes differs from the BBC, too. To the extent that the United States wants to subsidize multiple sources of information for the citizens of Communist countries, the stations are useful.

Liberty and Free Europe devote an unusual amount of attention to the domestic affairs of the country to which they broadcast. Other stations cover domestic stories in the Communist countries, but RFE and Liberty invest a great part of their resources in this effort. They maintain large research staffs which read the Communist newspapers, monitor radio broadcasts and exploit clandestine sources for information that might otherwise pass unnoted.

This research contributes to their broadcasts and helps scholars and journalists who are trying to follow Communist affairs.

But the difficulty—in this era of detente—is that both stations are regarded as implacably hostile in the Soviet Union and its empire. Painful as it may be to acknowledge, this reputation was well earned. For years, Radio Free Europe did act as an organ for anti-government and anti-Communist forces that hoped to overthrow the Communist regimes in Eastern Europe. RFE did help incite Hungarians to revolt in 1956, with consequences too well known.

Radio Liberty has also broadcast provocative programs, often prepared by Russian emigres, which the regime here interpreted as direct challenges to its authority. Many Soviet intellectuals, including some active in the dissident movement in recent years, accept the official definition of Radio Liberty as an "enemy" organization. Some prominent dissidents are upset when their petitions or articles are read on Liberty broadcasts. They fear reprisals.

For many years, these stations pretended to be financed by public donations, when in fact the CIA was providing most of the money. Not surprisingly, Communist regimes tend to regard the CIA as an implacable enemy.

Now, the Eisenhower commission and its allies promise, the stations are taking new precautions, imposing strict standards, avoiding all provocations. Perhaps so, although the Eisenhower report acknowledged "occasional aberrations from policy guidelines" in the past.

Even if a new leaf is turned, however, the two stations are tainted by their names, and to some extent by their emigre personnel—both holdovers from the period when they earned their bad reputations. It may be time for a change.

This doesn't mean the United States has to give up its information programs to the Communist countries. Despite their noble protests, the Communists are as actively engaged in propaganda as ever, and the intention of their propaganda often is to distort or hide what Americans regard as the truth. Foreign radio broadcasts have been a positive influence throughout the Communist world, and millions of people depend on them for objective facts about international affairs and their own countries.

But the benefits of shortwave broadcasts to the Communist countries can be preserved without maintaining Radio Liberty and Radio Free Europe in their traditional form. Indeed, a fundamental reorganization of the stations, giving them new names, new personnel and new outlooks, could increase their audiences. Their old reputations obviously detract from their appeal now.

The RFE and Liberty research offices in Munich could be preserved. The material they produce could be shared with all the Western stations broadcasting to Communist countries. To save money, reorganized stations could operate on a more modest scale than RFE and Liberty do now. Radio Liberty broadcasts 24 hours a day, more than any domestic Soviet station.

Changes along these lines could be an effective demonstration to the Soviet Union of just what the United States understands detente to mean. America can admit past excesses and demonstrate a desire to restructure relations in a new spirit, without abandoning traditional attitudes toward censorship and falsification in the Communist countries.

The Russians know that they distort information, or hide it altogether in their own news media and propaganda abroad. It isn't in America's interest to acquiesce quietly to this policy of misinformation. But surely there are new ways to demonstrate America's unwillingness to acquiesce—new ways that are more compatible with the new atmosphere in international relations.

Mr. FULBRIGHT. Kaiser's article, which I think Senators will agree is a very balanced analysis, points out that for many Soviet listeners—including intellectuals and dissidents—the Voice of America and the BBC are much preferred to Radio Liberty. The conclusion which we can draw for this and other similar evidence is that—with or without the so-called "freedom radios"—a full and accurate flow of information would be available to listeners in Communist countries.

Thus we are being asked to continue to support—at an annual cost of over $50 million—two radio stations the activities of which are in many ways redundant. It is bad enough to spend $50 million for such broadcasts when there are over 800 hours of accurate and responsible programs being broadcast each week anyway. But it is doubly bad when a large part of that 800 hours is being done by the Voice of America—which we also pay for.

Mr. President, for purposes of developing a full perspective on our international broadcasting activities and the vast amounts of money we are spending on such purposes, it should also be pointed out that the Armed Forces Radio and Television Network operates a tremendous worldwide system of radio and television transmissions which cost the American taxpayer upwards of $30 million a year. While the primary purpose of the AFRTS broadcasts is to provide entertainment and information for the millions of our servicemen and dependents stationed overseas, it should be noted clearly that these broadcasts do reach a very large audience of foreigners as well. The AFRTS in Munich, for example, is sufficiently strong to reach throughout most of Europe; and it is known that in that area and in others, there is a very large foreign audience which tunes in to the AFRTS radio and television broadcasts. Again, no data on listenership or viewership is available, but I leave it to my colleagues to consider the large foreign audience which has access to the programing of a broadcasting system which has 376 radio stations and 103 television stations spread around the world. Such broadcasts should certainly be taken into account by the Senate, for—like the Voice of America and the "freedom radios"—the vast AFRTS network contributes considerably to the worldwide availability of information about the United States and about international events. So as not to take more of my colleagues' time on this matter, I ask unanimous consent to place in the Record at this point a paper prepared by my staff which discusses the activities of AFRTS at some greater length.

There being no objection, the paper was ordered to be printed in the Record, as follows:

THE ARMED FORCES RADIO AND TELEVISION SERVICE

The Voice of America, Radio Free Europe and Radio Liberty are funded and administered by the United States Government, but are aimed at foreign audiences. However, there is still another overseas broadcasting service operated by the government. Unlike the aforementioned services, the American Forces Radio and Television Service (AFRTS) is aimed primarily at Americans—U.S. military personnel and their dependents—living abroad.

AFRTS and its various components may be little known in the United States, but are widely known abroad, by Americans living overseas as well as citizens in countries where American personnel are based. It has been referred to, not without justification, as the world's largest network under single control. AFRTS is under the office of information for the Armed Services (IAF).

According to information recently made available to me by the Department of Defense there are 376 AFRTS radio stations and 103 television stations. Of the 479 stations, 244 are operated by the Air Force, 125 by the Navy, 103 by the Army and 7 by the Department of the Interior. Sixty-eight of the radio stations and 24 television stations are located on ships at sea. These figures include 76 radio stations and 7 television stations in Alaska, which are operated by AFRTS.

The Defense Department informs me that last year there were 1829 personnel involved in AFRT operations worldwide, with costs during fiscal year 1972 of $26.6 million. It would appear that many military personnel whose duties involve working for AFRTS are not included in the estimate of the number of employees or in the operational costs.

In the current fiscal year, AFRTS expenditures are $50.4 million. This figure includes a very substantial amount—some $23 million—in connection with procurement of television facilities in Germany. According to the Senate Appropriations Committee, the budget request for fiscal year 1974 is $31.8 million, a very sizable figure, although considerably reduced from FY 1973.

The Department of Defense estimates programming provided to the Department by the major U.S. commercial networks would cost approximately $35 million if the Government had to pay for it.

There are two major centers in the United States for AFRTS operations—Los Angeles and Washington. AFRTS-Los Angeles provides the basic program materials which are used by the AFRTS outlets overseas. The weekly AM radio package provides 80 hours of music, drama, fine arts, informational material and specials, and a five-hour library of latest music. A 12-hour package is produced for FM outlets. The weekly 55-hour television package contains programing received from the major commercial networks and film syndicators and short information program materials. There is an annual production of 1,000 radio and 300 television spot announcements supporting military information themes. Over 50,000 slides and 50 short information programs are produced annually for television outlets and 125 short information programs for radio.

AFRTS-Washington provides continuous transmittal of international, national, government, military and sports news plus special events. This news, gathered from the major U.S. commercial networks, wire services and military correspondents, is transmitted 24 hours a day, seven days a week, by short wave, direct voice cable and teletype to all AFRTS networks and outlets. A facsimile photo service to American forces television stations is also provided.

Television programing costs are held down somewhat since the major networks frequently provide videotapes of their entertainment programs free to AFRTS-Los Angeles for world-wide distribution. For radio programing, both news and entertainment, AFRTS has working agreements with the Mutual Broadcasting System and Metromedia, plus various sports networks. Frequently, AFRTS also picks up programs from other networks and stations. AFRTS gets both the Associated Press and United Press International wire services.

According to a report made by the General Accounting Office in August, 1971:

> Programs are selected from a cross section of news, current events, documentary, general information, and entertainment programs obtained from commercial radio and television stations at nominal cost; from the Directorate of Armed Forces Information and Education; and from other Government departments and agencies. The Armed Forces Radio and Television Service edits all programs selected for use by affiliated military radio and television networks. The networks are responsible for developing their own programming schedules.

EUROPE

Within AFRTS, the largest overseas operation at present is the American Forces Network, Europe, with 47 radio stations. Largest concentration of these stations is in West Germany where 42 radio stations plus 21 television stations are located.

There are also large numbers of stations elsewhere in Europe, including 21 radio stations in Italy and 11 in Spain. There are 21 radio stations and one TV station in Turkey, and 13 radio and 2 TV stations in Greece.

Altogether there are 121 American Forces radio and 28 television stations in the European NATO countries and Spain, plus 27 radio and one TV in Canada, and two of each in Iceland.

It should be pointed out that some of these stations, particularly those in Canada, plus certain of the stations in Italy, Greece, Spain and Turkey, are of the closed circuit or "audio distribution system" type, and therefore of rather limited range.

On the other hand, a number of the stations have considerable power. AFN-Frankfurt, for example, has a 150,000 watt transmitter, three times the maximum authorized in the United States. It also has a 60,000 watt FM transmitter. At night the Frankfurt signal can be received over much of Western Europe.

AFRTS has a 50,000 watt transmitter in Munich. Additionally, Munich is the location of extensive Voice of American transmitting and relay facilities, with six transmitters and 1,700,000 watts of power. Of course, the elaborate headquarters of Radio Free Europe and Radio Liberty are also located in Munich. Both RFE and RL maintain large-scale facilities. Technical facilities and receiving stations or FRE are also in the area and FRE has one of its transmitting stations on a large site at nearby Holzkirchen. Five transmitters are located there. It would be difficult to estimate the investment and operational costs in the Munich region for AFRTS, VOA, FRE and RL, but obviously tens of millions of American tax dollars are involved in this single area—a considerable irony in view of the prospering Germany economy and our own economic difficulties.

Other powerful AFRTS transmitters in Germany include a 14,000 watt transmitter at Augsburg, 10,000 watt transmitters at Berlin, Kaiserslautern, Nuremberg, Stuttgart, and Grafenwoehr, and 5000 watts at Bremerhaven.

The AFRTS stations serve the more than 300,000 United States troops stationed in Europe, along with some 235,000 dependents and support personnel. This audience is supplemented by tens of thousands of civilian Americans living or visiting in Europe, plus vast numbers of Europeans, particularly the young.

After World War II, AFN–Europe had its headquarters at the Von Bruening Castle at Hoechst, near Frankfurt. The headquarters remained in the Castle until 1966 when it was moved to an ultra-modern $2 million facility located adjacent to Hessischer Rundfunk, the German radio station in downtown Frankfurt.

According to Major Ovid Bayless, writing in a book by Professor Walter Emery entitled "National and International Systems of Broadcasting":

> Most local productions originate from Frankfurt, where half the network's approximately 232 engineers, announcers, newsmen, and so forth, are located. Both Army and Air Force personnel man the network, with the Army providing roughly 95% of the people. Since AFN is not an orthodox military unit, and since it has a unique function, it has a large portion of civilian employees. Over half of AFN's authorized manpower spaces are civilian, either American or local nationals, who mainly work in either programing or engineering.
>
> The organizational structure of the network compares with most military units in that it has an officer-in-charge and staff heads for personnel, administration, logistics, engineering, and programing. The officer-in-charge, an Army lieutenant colonel, is responsible to the Public Affairs Division, Headquarters U.S. Army Europe, though he maintains close liaison with Headquarters U.S. Air Forces Europe. Military officers are in charge of personnel, administration, and logistics, while civilians head engineering and programing. The station manager is the ranking man at each outlying station, and he is responsible to the network officer in charge.

Worldwide, AFRTS operates 39 FM monaural radio stations and 28 FM stereo stations, with more being added. In Germany there are 5 monaural FM stations and stereo stations in Stuttgart and Berlin.

The heavy emphasis on American news, sports and family entertainment does indeed mean that AFN's most loyal listeners are the American servicemen and their dependents, plus other Americans in the area. However, as Major Bayless pointed out in Professor Emery's book:

> The entire AFN programing schedule aims specifically for these people. Nevertheless, AFN has a large non-American audience; with signals beaming "from Scandinavia to Italy and from Ireland to Austria" and indigenous audience of millions could hardly be denied. Just how many millions is not known though estimates range from 20 million to 50 million.

For Europeans desiring to learn English, listening to AFN is an excellent instructional device. The younger Europeans have grown up with AFN and it has provided adjunct instruction for those engaged in studying English in the classroom. Other Europeans, those not particularly interested in learning English, listen to AFN mostly for entertainment. Jack Gould of the New York Times suggests that many Europeans dial AFN because it has an established credibility, nurtured over the past 20 plus years.

The AFN listening audience is increased considerably by the Americans residing in Europe who are not associated with the Department of Defense.

Although AFN Radio is heard by millions throughout Europe, reception of AFN TV programs is generally confined to those possessing American TV sets, because transmission is on American rather than European standards. Much of it is done by closed circuit systems. Special converters are necessary to enable Europeans to receive the AFN signals and vice versa.

The TV stations operate on a shorter daily schedule than radio and most of the programming consists of tapes of popular stateside programs, plus films and sports.

In a letter written to me while he was serving as Secretary of Defense, Mr. Elliot Richardson said, "Most of the radio stations are on the air 24 hours a day. TV stations are on the air approximately 70 hours a week."

I should also mention that AFRTS frequently utilizes Voice of America transmission facilities. The VOA provides this service through an arrangement dating back to 1942 when the government originally entered the field of international broadcasting. Under this arrangement the costs to VOA for AFRTS broadcasts are absorbed within the VOA operating budget. No reimbursement is received for this service.

FAR EAST AND SOUTHEAST ASIA

Besides Europe, AFRTS' major operations have been in the Far East and Southeast Asia. Like AFN–Europe, the Far East Network (FEN) dates from World War II and has long been a part of the radio scene in Japan. Since Korean War, the American Forces Korea Network has been broadcasting in that country, and now has 21 radio and 13 TV outlets.

FEN has seven radio stations in Japan, one of which transmits by short wave from Tokyo for rebroadcast by other AFRTS stations in the Far East. There are 3 TV stations in Japan.

The American Forces Philippine network has eight radio and three television stations. The American Forces Network, Taiwan, with five radio stations and one TV station, serves the 10,000 U.S. military personnel there.

SOUTHEAST ASIA

At the apex of American involvement in Vietnam, there were six AM and five FM radio stations, plus six television stations. American troops were almost never out of reach of AFRTS radio. The first AFRTS television transmissions in the country came in 1965 and rapidly expanded thereafter.

As might have been inevitable, considering the divisive nature of American involvement in Vietnam. AFRTS became involved in squabbles about censorship. Several persons associated with AFRTS said there was censorship. One army newscaster in Saigon said at the end of a program: "In the military in Vietnam . . . a newscaster is not free to tell the truth." Representative John E. Moss of California, who headed the House Subcommittee on Government Information, investigated the matter and decided that there had been no censorship, but that more precise guidelines should be laid down for the military broadcasters. Writing about this incident, a former Army newsman agreed that there was no censorship on the Armed Forces Vietnam network, but "the news comes out just sounding censored."

Now the American communications empire in Vietnam has been largely dismantled, with the withdrawal of United States troops.

There is, however, a substantial AFRTS establishment in nearby Thailand, where 45,000 American troops remain. There are 19 radio stations and 9 TV outlets in Thailand.

Nor has AFRTS completely disappeared from Vietnam. On March 5, 1973, the Christian Science Monitor reported that an FM radio service will continue to function, providing Americans remaining in various civilian capacities with hourly news broadcasts and music. A later *Monitor* article, a March 28 report from Reuters, said:

> The Armed Forces Radio and Television Command in Saigon, which has been rolling

out non-stop entertainment for American GIs for the past 10 years, wrapped up its last show on March 22 as part of the general cease-fire withdrawal.

But the English-speaking community in South Vietnam is not to be deserted. At the request of U.S. diplomats, including Ambassador Ellsworth Bunker, the radio section is to be handed over to American and Vietnamese civilians.

Working under the defense attache of the American Embassy, the four civilian Americans and seven Vietnamese, will be putting out hourly news bulletins, expanded news and sports several times a day, and in between continuous recorded music.

Most of the studio radio equipment has remained so the civilians will be able to transmit in stereo in Saigon, and in mono through the four provincial stations at Da Nang, Pleiku, Nha Trang and Can Tho.

Those Americans remaining in Vietnam as well as some well-to-do Vietnamese fought to keep a TV station on the air as well. The *Monitor* reported on March 5:

"They tried very hard to save the television channel," one Saigon source declared. "But it costs $1 million a year for the programs now being supplied free to the armed forces. Nobody has that kind of money to spare nowadays."

The *Monitor* reported that Americans in the country would have to get along with such favorites as "Ironside", "All in the Family", and "Marcus Welby, M.D.". Loss of the programs will also effect those Vietnamese fortunate enough to afford television sets, which often are small, vintage models. They, too, were accustomed to such American standbys as "Bonanza," "The Bold Ones," and "The Name of the Game."

The *Monitor* reported that the Vietnamese have a Vietnamese-language channel, but its programs are tame by comparison with the sturdy American fare, which includes bowl football games, basketball, hockey, baseball and wrestling in addition to variety shows and specials.

"My mother watches any spectacles and sports events but she cannot understand the movie dialogue, so she turns back to the Vietnam channel whenever movies appear," says a Vietnam resident.

The *Monitor* article pointed out that at the time telecasting began there was no tall transmission tower, so the antenna was provided by military aricraft circling aloft for several hours each night.

As a result of the articles in the Monitor and other respects, I wrote to the Secretary of Defense about broadcasting facilities remaining in Vietnam. In a letter to me dated April 27, 1973, former Secretary of Defense Richardson said:

The American Forces Radio and Television Network in Vietnam closed March 22, 1973 with the withdrawal of U.S. forces. We left an automated FM radio facility in Saigon for a year in order to provide an emergency communications link for U.S. personnel. The station is operated by the Defense Attache Office as a part of the U.S. Embassy. Because of the low operating cost of an automated facility, we agreed to provide the program support for the station.

Since the radio facility is a U.S. Embassy operation, we have asked the Department of State to give you the details of its operation

Later I received a letter from Mr. Marshall Wright, Assistant Secretary of State for Congressional Relations, in which he said:

An FM station, which was part of the American Forces Radio and Television Service (AFRTS) in Vietnam until the withdrawal of U.S. forces, has continued to function under the operation of the Defense Attache Office of the Embassy. The approximately one-year extension of the station was sought by the Ambassador for purposes of morale as well as to provide emergency news and information to the American community. We understand that the facility, which programs background music with news taken from U.S. commercial networks as relayed by the AFRTS, will cost the Department of Defense less than $5,000 for the period in question.

SCOPE OF AFRTS

Mr. President, I think most people would agree that AFRTS has a significant function in providing entertainment and a link with home for American military personnel overseas. In recent years part of the increased funding for AFRTS has gone for drug abuse information and special sports programming. I readily acknowledge the need for such a service, and in general terms I believe that AFRTS is providing quality programming.

However, what I do question is the scope of the operation, which is, first of all, a reflection of our vast overcommitment overseas. We maintain more than 625,000 military personnel, and an estimated 450,000 dependents and support personnel, outside the United States, scattered among some 2000 installations, 321 of which are considered "primary" or major installations.

Almost 30 years after World War II we still maintain major AFRTS operations in Germany and Japan. Indeed the television service in Germany has just been greatly expanded.

AFRTS is, of course, only an appendage of our far-flung military empire. Yet the extensive nature of AFRTS—376 radio and 103 TV stations—should cause us to pause and consider just how massive and far-reaching this empire is.

A further consideration is the fact that the AFRTS is, above all, a military network and this is reflected in the service's policies. It is a part of the Office of Information of the Armed Forces (IAF) rather than a completely independent, operation and there does exist some potential danger for misuse of the AFRTS for indoctrination or propaganda purposes. For example, the IAF states its mission as "in *support* of the Department of Defense objectives." These objectives include assisting the "individual citizen in unform" to:

Appreciate the freedoms he is called upon to defend;

Realize his responsibilities under those freedoms;

Comprehend the values of our Government and National Heritage;

Understand the threats to the nation's security.

While these objectives might be viewed as "glittering generalities" of a harmless nature, they also raise some questions. For example, what are the threats to the nation's security? This is a subject about which there are many views and on which there is a continuing debate in Congress and elsewhere. Therefore care should be taken to prevent AFRTS from becoming a representative of one point of view—a view which may or may not be in the national interest.

Mr. President, as I mentioned at the beginning of my statement, we are directly spending more than $138 on overseas broadcasting activities—VOA, RFE, RL and AFRTS.

In fiscal year 1973 the Administration allocated only $35 million for public broadcasting in this country; yet more than $50.4 million went for radio and television service for overseas military personnel.

For fiscal year 1974, the Administration would grudgingly allow $45 million for public television and radio, yet asked more than $73 million for the Voice of America and USIA broadcasting activities, $50 million for Radio Free Europe and Radio Liberty, and almost $32 million for American Forces Radio and Television Service. The request for overseas broadcasting activities totals $155 million. As I previously stated, the Senate did not approve the $16 million requested for a new VOA East Asia facility. However, if the other requests are approved this will mean more than $138 million will be spent in fiscal 1974 for these purposes.

The conclusion to be drawn from these figures seems obvious. At a time when our nation has serious financial difficulties, and at a time when many domestic programs are being starved for funds, I do not see how we can possibly justify such expenditures for overseas broadcasting.

AFRTS is but a part of our overseas military establishment and of our overseas broadcasting activities, but the vast scope of AFRTS should dramatize the need to reduce the size and cost of these activities.

Mr. FULBRIGHT. The following letters I have received from former Secretary of Defense Richardson and from the Department of State concerning AFRTS and also a listing of all AFRTS outlets and their locations.

Department of State,
Washington, D.C., May 23, 1973.

Hon. J. W. Fulbright,
U.S. Senate,
Washington, D.C.

Dear Senator Fulbright: This is in further response to your letter of March 29, 1973, to the Secretary of Defense in which you inquired about a U.S. operated radio station in Viet-Nam.

An FM station, which was part of the American Forces Radio and Television Service (AFRTS) in Viet-Nam until the withdrawal of U.S. forces, has continued to function under the operation of the Defense Attache Office of the Embassy. The approximately one-year extension of the station was sought by the Ambassador for purposes of morale as well as to provide emergency news and information to the American community. We understand that the facility, which programs background music with news taken from U.S. commercial networks as relayed by the AFRTS, will cost the Department of Defense less than $5,000 for the period in question.

If I can be of further assistance to you, please let me know.

Sincerely yours,
Marshall Wright,
Acting Assistant Secretary for Congressional Relations.

The Secretary of Defense,
Washington, D.C., April 27, 1973.

Hon. J. W. Fulbright,
U.S. Senate,
Washington, D.C.

Dear Senator Fulbright: Thank you for your letter of March 29, 1973 calling my attention to a newspaper clipping entitled "GI Radio Station Stays in Vietnam".

The American Forces Radio and Television Network in Vietnam closed March 22, 1973 with the withdrawal of U.S. forces. We left an automated FM radio facility in Saigon for a year in order to provide an emergency communications link for U.S. personnel. The station is operated by the Defense Attache Office as a part of the U.S. Embassy. Because of the low operating cost of an automated facility, we agreed to provide the program support for the station.

Since the radio facility is a U.S. Embassy operation, we have asked the Department of State to give you the details of its operation.

Concerning your request for information on the worldwide operation of American Forces Radio and Television (AFRT), a list showing location, power and frequency of AFRT outlets is enclosed. As of June 30, 1972 there were 1829 personnel involved in AFRT operations worldwide with Fiscal Year 1972 costs of $26,546,000. Most of the radio stations are on the air 24 hours a day. TV stations are on the air approximately 70 hours a week.

Programing for AFRT stations is received from the major U.S. commercial networks and includes the top radio and television shows available here in the United States. This programing is provided gratuitously to the Department of Defense and would cost approximately $35,000,000 if we were required to purchase it. Our agreements with the broadcast industry, its unions and guilds enable us to provide this service to military personnel overseas at a relatively low cost.

I believe this provides the basic information you requested concerning AFRT operations.

With warm regards,

Sincerely,

ELLIOT RICHARDSON.

AMERICAN FORCES RADIO AND TELEVISION OUTLETS MARCH 1973

	Radio	Television	Total
Army	37	16	103
Navy[1]	92	33	125
Air Force	190	54	244
Interior	7	0	7
Total	376	103	479
Network outlets	220	53	273
Nonnetwork outlets	88	26	114
Ships at sea	68	24	92
Total	376	103	479

[1] Includes ships at sea.

LEGEND

*	Studio Station
#	Mobile Station
ADS	Audio Distribution System
CC	Carrier Current
CPB	Controlled Pattern Broadcast
CCTV	Closed Circuit Television
FM	Frequency Modulation
FMS	Frequency Modulation Stereo
+	Operation Pending
MATV	Multiple Antenna TV
R	Relay
SW	Shortwave
TVT	TV Translator
A	Army
AF	Air Force
N	Navy
I	Department of the Interior
J	Joint Army-Navy-Air Force

Prepared by: Joint Media Support Division, IAF.

GEOGRAPHIC LOCATION OF AFRT OUTLETS

Antarctica
Australia
Belgium
Canada
Cuba
Denmark (Greenland)
Ethiopia
Germany
Greece (and Crete)
Iceland
Iran
Italy
Japan
Korea
Morocco
Netherlands
Panama (Canal Zone)
Philippine Islands
Portugal (Azores)
Ryukyu Islands (Okinawa)
Spain
Taiwan
Thailand
Turkey
United Kingdom (Ascension Is.)
United States (Alaska)
Vietnam*

TERRITORIES AND POSSESSIONS

Canton Island
Eniwetok
Guam
Johnston
Kwajalein
Midway
Puerto Rico
Wake Island

TRUSTS

Colonia
Koror
Kolonia
Majuro
Moen
Saipan
Samoa

Responsible service	Networks	Radio	TV outlets
AF	Alaskan Forces Radio Network (AFRN)	76	
N	American Forces Caribbean Network (AFCN)	9	3
AF	Far East Network (FEN)	7	3
A	American Forces Korea Network (AFKN)	21	13
A	American Forces Network, Europe (AFNE)	47	
N	American Forces Network, Taiwan (AFNT)	5	
AF	American Forces Philippine Network (AFPN)	8	3
AF	American Forces Thailand Network (AFTN)	19	9
AF	Germany		20
A	Southern Command Network (SCN)	2	2
A	Southern European Network (SEN)	14	
AF	Spain Morocco Network (SMN)	12	
	Total	220	53

Responsible service	Non-network radio	Outlets
N	Antarctica	1
AF	Ascension Island	2
AF	Azores (Lajes)	2
AF–N	Canada	3
AF	Canton Island	1
N	Diego Garcia	1
A	Ethiopia	2
AF	Greece (and Crete)	14
N	Greenland	7
N	Guatanamo Bay, Cuba	2
AF–N	Guam	4
AF	Eniwetok Island	1
N	Iceland	2
AF	Iran	1
AF	Italy	7
AF	Johnston Island	2
A	Kwajalein	2
N	Midway Island	1
AF	Morocco	1
AF	Okinawa	3
I	Trust Territories	7
AF	Turkey	21
AF	Wake Island	1
	Total non-network radio	88

Responsible service	Non-network television	Outlets
J	Alaska	7
N	Australia	1
AF	Azores	1
AF–N	Canada	1
N	Cuba	1
A	Ethiopia	1
AF	Germany	1
AF	Greece (and Crete)	2
AF	Greenland	4
N	Iceland	1
AF	Iran	1
AF	Johnston Island	1
N	Midway Island	1
AF	Okinawa	1
AF	Taiwan	1
AF	Turkey	1
	Total non-network television	26

Area/outlet	Radio		
	Frequency	Power	Agency
ALASKA			
Adak*	890	250	AF
Adak* (FMS)	101.1	250	N
Attu	ADS		AF
Barter Island	ADS		AF
Bethel	1490	50	AF
Big Mountain	ADS		AF
Cape Newenham	1450	50	AF
Cape Lisbourne	ADS		AF
Cape Romanzof	1240	50	AF
Cape Sarichef	1400		AF
Chiniak	1490	10	AF
Clear	1490	50	AF
Cold Bay	1490	50	AF
Diamond Ridge	ADS		AF
Donnelly Flats	ADS		AF
Driftwood Flats	ADS		AF
Eilsen AB* (Fort Wainwright)	1490	50	AF
Elmendorf AB* (Fort Richardson)	890	20	AF
Flaxman Island	ADS		AF
Fort Greely*	980	50	AF
Fort Yukon	1340	50	AF
Galena	570	250	AF
Glennallen	ADS		AF
Indian Mountain I	1490	50	AF
Indian Mountain II	1240	50	AF
Kalalalet Creek	ADS		AF
King Salmon*	970	250	AF
Kodiak	960	250	AF
Kotzebue	1340	50	AF
Lonely	ADS		AF
Murphy Dome	1570	10	AF
Nikolski	1340	50	AF
Nome	590	50	AF
Northeast Cape	1450	50	AF
North River	1400	50	AF
Ocean Cape	ADS		AF
Oolitok	ADS		AF
Pedro Dome	ADS		AF
Pillar Mountain	ADS		AF
Point Barrow	1450	50	AF
Point Lay (LIs II)	ADS		AF
Port Heiden	1340	50	AF
Port Moller	1230	50	AF
Site Love	1240	10	AF
Shemya	1240	250	AF
Sparrevohn	1550	50	AF
Tatalina	1450	250	AF
Tin City	1490	50	AF
Tok Junction	1400	50	AF
Unalakleet	1400	50	AF
Valdez	1465	50	AF
Wainwright (Lis III)	ADS		AF
CANADA			
Argentina*	1480	50	N
Byron Bay	ADS		AF
Goose Bay*	640(CC)	50	AF
Brevort Island	ADS		AF
Broughton Island	ADS		AF
Cambridge Bay	ADS		AF
Cape Dyer	ADS		AF
Cape Hooper	ADS		AF
Cape Perry	ADS		AF
Cape Young	ADS		AF
Clinton Point	ADS		AF
Dewar Lakes	ADS		AF
East Simpson	ADS		AF
Gladman Point	ADS		AF
Hall Beach	ADS		AF
Jenny Lind Island	ADS		AF
Lady Franklin Point	ADS		AF
Long Stah Bluff	ADS		AF
Makar Inlet	ADS		AF
Mid-Melville	ADS		AF
Nicholson Peninsula	ADS		AF
Pelly Bay	ADS		AF
Rowley Island	ADS		AF
Shepherd Bay	ADS		AF
Tvktoyatuk	ADS		AF
Komakuk Beach	ADS		AF
Shingle Point	ADS		AF
GREENLAND			
Ice Cap I	ADS		AF
Ice Cap II	ADS		AF
Qaqatoqaq	ADS		Ak
Sondrestrom*	1420	250	AF
Thule*	1425	1 kW	AF
Thule	1210	250	AF
Kulsusuk	ADS		AF
CANAL ZONE			
Fort Clayton*	790	10 kW	A
Fort Davis	1420	1 kW	A
CUBA			
Guantanamo Bay*	1340	1 kW	N
Guantanamo Bay (FM)*	102.0	500 W	N
PUERTO RICO			
Ramey AB*	780	50	AF
Ramey AB (FMS)*	90.5	15	AF
Ramey AB (FM)			N
Fort Allen	1200	50	N
Fort Allen (FM)	90.5	60	N
Roosevelt Roads*	1200	50	N
Roosevelt Roads* (FM)	90.5	2 kW	N
San Juan	1040	50	N
San Juan (FM)	90.5	2 kW	N
Viegues Island	89.5	10	N

USS *John F. Kennedy* (CVA–67)
USS *Josephus Daniels* (DLG–27)
USS *Kilauea* (AE–26)
USS *Kitty Hawk* (CVA–63)
USS *LaSalle* (AGF–3)
USS *Little Rock* (CLG–4)
USS *Long Beach* (CGN–9)
USS *Luce* (DLG–7) *
USS *Meredith* (DD–890)
USS *Midway* (CVA–4)
USS *Mississinewa* (AO–144)
USS *Mitscher* (DDG–35)
USS *Mobile* (LKA–115) *
USS *Mount Whitney* (LCC–20)
USS *Nashville* (LPD–13)
USS *Neosho* (AO–143)
USS *New Orleans* (LPH–11)
USS *Okinawa* (LPH–3)
USS *Oklahoma City* (CLG–5)
USS *Oriskany* (CVA–3)
USS *Pensacola* (LSD–38)
USS *Plymouth Rock* (LSD–29)
USS *Providence* (CLG–6)
USS *Raleigh* (LPD–1) *
USS *Ranger* (CVA–61)
USS *San Diego* (AFS–6)
USS *Saratoga* (CV–60)
USS *Shreveport* (LPD–1)
USS *Spiegal Grove* (LSD–7)
USS *Springfield* (CGL–7)
USS *Standley* (DCG–32)
USS *Ticonderoga* (CVA–14)
USS *Trenton* (LPD–14)
USS *Tripoli* (LPH–10)
USS *Truckee* (AO–147)
USS *Truxton* (DLGN–35)
USS *Vancouver* (LPD–2)
USS *William Pratt* (DLG–13) *

*Not currently receiving service

FM stereo operation: Outlets location

ALASKA

Adak.
Shemya.

AZORES

Lajes.

CANADA

Goose Bay.

ETHIOPIA

Asmara.

GERMANY

Berlin.
Frankfurt.
Stuttgart.

GREENLAND

Sondrestrom.+
Thule.+

ITALY

San Vito+.
Vicenza.

KOREA

Seoul.

MOROCCO

Kenitra.+

PACIFIC ISLANDS

Johnston Island.
Kwajalein Islands.
Okinawa.

PHILIPPINE ISLANDS

Clark AB.
Subic Bay.

PUERTO RICO

Ramey AB.

SHIPS

U.S.S. *Constellation.*
U.S.S. *Enterprise.*

SPAIN

Rota.+
Torrejon.+
Zaragoza.+

TAIWAN

Taipei.

THAILAND

Nakhon Phanom.

JAPAN

Camp Zama.

	Radio		
Area/outlet	Frequency	Power	Agency
BELGIUM			
Brussels (FM)*	100.8	900	A
Casteau (FM)	101.5	4 kW	A
THE NETHERLANDS			
Brunssum (FM)	89.15	90	A
Maastricht (FM)	93.4	75	A
Soesterberg (FM)	93.1	20	A
GERMANY			
Amberg	800	8 (CC)	A
Ansbach	1034	250	A
Augsburg	1394	1 kW	A
Augsburg (FM)	100.4	14 kW	A
Bad Hersfeld	1142	250	A
Bad Kissingen	1034	250	A
Bamberg	1304	250	A
Bayreuth	800	8 (CC)	A
Berchtesgaden	1304	250	A
Berlin*	935	10 kW	A
Berlin (FMS)*	87.85	1.5 kW	A
Bitberg	1394	250	A
Bonn (FM)	101.4	75	A
Bremerhaven*	1142	5 kW	A
Crailsheim	1394	250	A
Frankfurt/Weisskirschen*	872	150 kW	A
Frankfurt/Feldberg (FM)	98.7	60 kW	A
Fulda	1304	250	A
Garmisch	1502	250	A
Giessen	1502	250	A
Goeppingen	1142	250	A
Grafenwoehr	611	10 kW	A
Hohenfels	1502	250	A
Hof	1142	1 kW	A
Illsheim (FM)	101.0	375	A
Kaiserslautern*	611	10 kW	A
Karlsruhe	1034	1 kW	A
Munich*	1106	50 kW	A
Nurnberg*	611	10 kW	A
Pirmasens (FM)	101.75	375	A
Pruem	860	20(CC)	A
Regensburg	1304	250	A
Rothwesten	1502	250	A
Schweinfurt	1142	250	A
Stuttgart*	1142	10 kW	A
Stuttgart* (FMS)	102.4	100 kW	A
Ulm	1142	1 kW	A
Wertheim	1304	250	A
Wieblingen	1304	1 kW	A
Wieblingen (FM)	100.4	375	A
Wildflecken	1502	250	A
Wurzburg	1142	250	A
GREECE			
Araxos†	ADS		AF
Argyroupolis†	ADS		AF
Athens*	1594	1 kW	AF
Iraklion, Crete*	1570	250	AF
Katsimidhi†	ADS		AF
Perivolaki†	ADS		AF
Tayagra†	ADS		AF
Yiannitsa†	ADS		AF
Leukas	ADS		AF
Mount Horiatis	ADS		AF
Mount Parnis	ADS		AF
Mount Pateras	ADS		AF
Nea Makri	ADS		AF
ITALY			
Algol	ADS		A
Aviano (FM)	106.0	50	A
Castor	ADS		A
Ciampino †	ADS		A
Conselve)	ADS		A
Gaeta (FM)	106.0	50	A
Ghedi	ADS		AF
Livorno (FM)	106. 0	50	A
Martina Franca	ADS		AF
Monte Virgine	106	50	AF
Mount Calvarina	ADS		A
Mount Reggio	ADS		AF
Naples (FM)	106. 0	250	A
Pluto	ADS		A
Rigil	ADS		A
Rimini	106	50	A
San Vito* (FM)	107. 0	50	AF
Sigonella, Sicily* (FM)	106. 0	50	AF
Verona (FM)	106. 0	50	A
Vicenza*	560	5(CC)	A
Vicenza* (FMS)	108	50	A
SPAIN			
Inoges	ADS		AF
Menorca	ADS		AF
Moron AB*	89. 7	1 kW	AF
Rota (FM)*	96. 9	1 kW	AF
Rota (FMS)*	100. 2	1 kW	AF
Seville (FM)*	95. 1	1 kW	AF
SPAIN—Continued			
Soller, Majorca	ADS		AF
Soller	ADS		AF
Torrejon (FM)*	100. 2	1 kW	AF
Zaragoza (FM)	89. 7	1 kW	AF
Sonseca	ADS		AF
PORTUGAL (AZORES)*			
Lajes AB*	1500	100	AF
ICELAND			
Keflavik*	1484	250	N
Hofn*	1400	10	N
ANTARCTICA			
McMurdo	100. 00	100	N
TURKEY			
Alemdag	ADS		AF
Ankara	ADS		AF
Balikisir	ADS		AF
Cakmakli	ADS		AF
Corlu	ADS		AF
Dyarbakir	1570	10	AF
Elmadag	ADS		AF
Erhac	ADS		AF
Erzum†	ADS		AF
Eskisehir	ADS		AF
Fennertepe	ADS		AF
Incirlik†	1590	10	AF
Istanbul	ADS		AF
Izmit	ADS		AF
Karamursel†	1590	10	AF
Karatas*	ADS		AF
Malatya	ADS		AF
Murted	ADS		AF
Ortakoy	ADS		AF
Sahin Tepsi	ADS		AF
Yamanlar†	ADS		AF
IRAN			
Teheran*	1555	1kW	AF
ETHIOPIA			
Asmara*	1475	1 kW	A
Asmara (FMS)*	95.1	50	A
MOROCCO			
Kenitra*	1484	1 kW	AF
Kenitra (FMS)*†	94. 2		AF
ATLANTIC OCEAN			
Ascension Island*	1600	1 kW	AF
Ascension Island (FM)	98. 8	50	AF
PACIFIC			
Canton Island*	1385	250	AF
Eniwetok Island (FM)	101.3	50	AF
Johnston Island*	1250	120	AF
Johnston Island (FMS)	101.25	50	AF
Kwajalein*	1220	1 kW	A
Kwajalein* (FMS)	100.0	1 kW	A
Midway*	920	250	N
Wake Island*	1490	50	AF
GUAM			
Agana	1550	CC	N
Anderson*	1090	200	AF
Anderson* (FMS)	89.5	19	AF
Finegayan*	1550	50	N
TRUST TERRITORIES			
Koror*	1500	250	I
Majuro*	1440	1 kW	I
Moen*	1500	1 kW	I
Koloni*	1450	1 kW	I
Saipan*	1350	1 kW	I
Colonia*	1480	1 kW	I
Pago Pago*	1120	1 kW	I
JAPAN			
Camp Zama (FMS)*	ADS		AF
Chitose	1570	250	AF
Iwakuni*	1580	1 kW	AF
Misawa*	1580	250	AF
Sasebo	1570	250	AF
Tokyo*	810	10 kW	AF
Tokyo	SW	50 kW	AF
KOREA			
Cheju-do	1150	50	A
Chinhae	1510	250	A
Chunchon	1040	1 kW	A
Kwaaksan Mountain (FM)	94.1	1 kW	A
Kangnung	1440	50	A
Kunsan*	1440	1 kW	A
Kwangchon	1510	50	A
Kwangju (FM)	104.7	50	A
Kwagju	1150	250	A

Area/outlet	Radio Frequency	Power	Agency
Masan	1440	50	A
Musan*	580	5 kW	A
Osau*	1360	1 kW	A
Pohang	1510	250	A
Pusan*	780	5 kW	A
Seoul*	560	5 kW	A
Seoul* (FMS)	102.7	4 kW	A
Taegu*	580	5 kW	A
Taejon (FM)	96.1	250	A
Tongduchon*	1200	5 kW	A
Uijongbu	1160	250	A
Wonju	1440	250	A
PHILIPPINE ISLANDS			
Baguio (John Hay)	1300	250	AF
Clark AB (FMS)*	94.0	250	AF
Clark AB*	1510	1 kW	AF
San Miguel*	1510	250	AF
San Miguel* (FMS)	94.0	10	AF
Subic Bay*	1300	250	AF
Subic Bay* (FMS)	94.0	40	AF
Wallace AS	1300	50	AF
RYUKYU ISLANDS			
Okinawa*	650	10 kW	AF
Okinawa	1420	1 kW	AF
Okinawa* (FMS)	89.1	6 kW	AF
TAIWAN			
Ching Chuan Kang	1570	5 kW	N
Lo Shan	100.1	15 kW	N
Tainan	1590	5 kW	N
Taipei* (FMS)	95.9	2500	N
Taipei*	1550	10 kW	N
THAILAND			
Bangkok (Macthai)	ADS		AF
Bangkok (51 OSI dist)	ADS		AF
Chiang Mai	ADS		AF
Don Maung	ADS		AF
Ko Kha	ADS		AF
Korat* (FM)	101.9	3	AF
Lop Buri	ADS		AF
Nakhon Phanom* (FMS)		50	AF
Nam Phong	101.9	3	AF
Non Sung (7RRFS)	1350		AF
Pattaya	ADS		AF
Phu Mu	850	CC	AF
Samae San	1450	40	AF
Sattahip	99.7	6W	AF
Takhli* (FM)		25W	AF
U-Tapao*	1220	90	AF
Ubon* (FM)	99.7	7	AF
Udorn* (FM)	99.7	3	AF
Warin	ADS		AF
INDIAN OCEAN			
Diego Garcia*	1475	20	N

U. S. NAVY SHIPS

Radio

USS *Albany* (CG–10)
USS *America* (CVA–66)
USS *Austin* (LPD–4)*
USS *Barney* (DDG–6)
USS *Belknap* (DLG–26)
USS *Blue Ridge* (LCC–19)
USS *Caloosahatchee* (AO–98)
USS *Camden* (AOE)
USS *Canopus* (AS–34)
USS *Chicago* (EG–11)*
USS *Cleveland* (LPD–7)
USS *Columbus* (CG–12)
USS *Compass Island* (AF–153)
USS *Concord* (AFS–5)
USS *Constellation* (CVA–64)
USS *Conyngham* (DD–17)
USS *Coral Sea* (CVA–43)
USS *Enterprise* (CVA–65)
USS *Forrestal* (CVA–59)
USS *Fox* (DLG–33)
USS *Francis Marion* (APA–249)
USS *Franklin D. Roosevelt* (CVA–42)
USS *Grand Canyon* (AD–28)
USS *Guadalcanal* (LPH–7)
USS *Guam* (LPH–7)
USS *Hancock* (CVA–19)
USS *Harry E. Yarnell* (DLG–17)
USS *Independence* (CVA–62)*
USS *Intrepid* (CVS–11)

GUAM

Anderson AFB.

Total FM stereo stations: 28.
+ Operations pending.

FM monaural operation: Outlets locations

BELGIUM

Brussels.
Casteau.

CUBA

Guantanamo Bay.**

GERMANY

Augsberg.
Bonn.
Illsheim.
Pirmasens.
Wieblingen.

ITALY

Aviano.
Gaeta.
Livorno.
Naples.
San Vito.
Signonella (Sicily).
Verono.
Vicenza.

KOREA

Kaaksan.
Kwangju.
Taejon.

ANTARCTICA

McMurdo Sound.

NETHERLANDS

Brussum.
Maastricht.

SPAIN

Moron AB.
Rota.
Seville.
Torrejon.
Zaragoza.

THAILAND

Korat.
Udorn.
Takhli.

UNITED KINGDOM

Ascension Island.

PACIFIC

Eniwetok Island.

PUERTO RICO

Ft. Allen.
San Juan.
Ramey.
Roosevelt Roads.

TAIWAN

Lo Shan.

+ Operations pending.
** FM stereo program materials used.
Total FM stations: 39.

Area and outlet	Television frequency	Power	Agency
ALASKA			
Adak*	8	120	N
Cold Bay*	8	120	AF
Fort Greely*	8	220	A
Galena*	8	51 kW	AF
King Salmon	8	100	AF
Shemya*	13	100	AF
Sparrevohn	8	10 (TVT)	AF
Tatalina*	11	500	AF
AUSTRALIA			
Northwest Cape*	4	CCTV	N
CANADA			
Goose Bay*	8	870	AF
GREENLAND			
Sondestrom*	8	120	AF
Thule*	8	100	AF
Thule	13	100	AF
PANAMA			
Fort Clayton*	8	5 kW	A
Fort Davis	10R	5 kW	A
CUBA			
Guantanamo Bay*	8	100 W	N
PUERTO RICO			
Ramey AB*	32	100	AF
Roosevelt Roads*	40	7 kW	N
Sabana Seca*	R		N
GERMANY			
Amberg	50R	3.5	AF
Bad Kissingen	62R	3.5	AF
Bad Kreuznach	20	20	AF
Bad Nauheim	40R	1	AF
Berlin Brigade*	25	500	AF
Berlin (TCA)	12R	1 W	AF
Bindlach	22R	3.5	AF
Butzbach	14R		AF
Friedberg	29R	3.5	AF
Fulda	63R	1.0	AF
Giessen	26R	5	N
Grafenwoehr	41R	50	AF
Hohenfels	60R	40	AF
Kirchgoens	57R	1	AF
Ramstein AB*	26	3 kW	AF
Rhein Main (C.G.)	23R	5	AF
Rhein Main	26R	5	AF
Schweinfurt	65R	35	AF
Spangdahlem	22R	1 kW	AF
Wiesbaden AB	15R	1 kW	AF
Wildflicken	50R	50	AF
GREECE			
Iraklion AS (Crete)*	8	200	AF
Iraklion	6R	100	AF
AZORES (PORTUGAL)			
Lajes*	8	100	AF
ICELAND			
Keflavik*	8	250	N
Keflavik (TVT)	2	10 W	N
ETHIOPIA			
Asmara*	2	100	A
IRAN			
Teheran*	7	500	AF
TURKEY			
Incirlik*	3	CCTV	AF
PACIFIC			
Johnston Island*[1]	10	120	AF
Midway Island*	4	120	N
FAR EAST, JAPAN			
Camp Zama*	2	CCTV	AF
Iwakuni*	9	400	AF
Misawa*	73	600	AF
KOREA			
Camp Ames	2	TVT	A
Kunsan	2R	120 W	A
Kwangchon	3	1 W	A
Kwangju	13	100 W	A
Pajuri	6R	500 W	A
Pusan	2R	500 W	A
Seoul*	2	5 kW	A
Taegu	12R	500 W	A
Taejon	12R	500 W	A
TongduChon	2	TVT	A
Wonju	2	1 W	A
Yongsan	5	TVT	A
PHILIPPINE ISLANDS			
San Miguel	34R	10	AF
Subic Bay	34R	10	AF
Clark AFB*	8	80	AF
RYUKYU ISLANDS			
Okinawa*	8	40 kW	AF
THAILAND			
Korat[1]	74	CPB	AF
Korat	80	CPB	AF
Nakhon Phanom[1]	74	CPB	AF
Non Sung	74	CPB	AF
Samae San	80	CPB	AF
Ubon[1]	74	CPB	AF
Udorn[1]	74	CPB	AF
Udorn	80	CPB	AF
U-Tapao[1]	74	CPB	AF
TAIWAN			
Ching Chuan Kang[1]	74	CPB	AF

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[1] Operation suspended due to storm damage.

U.S. NAVY SHIPS

Television

Independent

USS *Enterprise*
USS *Lasalle*
USS *Lexington* (CTV 16)

Atlantic Fleet

USS *Albany*
USS *Forrestal*
USS *Intrepid*
USS *Iwo Jima*
USS *Puget Sound*
USS *Roosevelt*

Pacific Fleet

USS *America*
USS *Coral Sea*
USS *Hancock*
USS *Midway*
USS *Oriskany*
USS *Ranger*
USS *Saratoga*
USS *Ticonderoga*
USS *Truxton*

Not currently receiving service

USS *Chicago*
USS *Constellation*
USS *Inchon*
USS *Independence*
USS *John F. Kennedy*
USS *Kitty Hawk*
USS *Sacramento*

AIR FORCE OPERATED OUTLETS

Country	Radio	TV
Alaska:		
Adak	1	--------
Attu	1	--------
Barter Island	1	--------
Bethal	1	--------
Big Mountain	1	--------
Cape Lisbourne	1	--------
Newenham	1	--------
Cape Romanzof	1	--------
Cape Sarichef	1	--------
Chiniak	1	--------
Clear	1	--------
Cold Bay	1	1
Diamond Ridge	1	--------
Donnelly Flats	1	--------
Driftwood Bay	1	--------
Eilsen AB	1	--------
Elmendorf AB	1	--------
Flaxman Island	1	--------
Fort Greely	1	--------
Fort Yukon	1	--------
Galena	1	1
Glennallen	1	--------
Indian Mountain I	1	--------
Indian Mountain II	1	--------
Kalet Creek	1	--------
King Salmon	1	1
Kodiak	1	--------
Kotzbue	1	--------
Lonely	1	--------
Murphy Dome	1	--------
Nikolski	--------	--------
Nome	1	--------
Northeast Cape	1	--------
North River	1	--------
Ocean Cape	1	--------
Oolitik	1	--------
Pedro Dome	1	--------
Pillar Mountain	1	--------
Point Barrow	1	--------
Point Lay	1	--------
Port Heiden	1	--------
Port Moller	1	--------
Shemya	1	1
Site Love	1	--------
Sparrevohn	1	1
Tatalina	1	1
Tin City	1	--------
Tok Junction	1	--------
Unalakleet	1	--------
Valdez	1	--------
Wainwright	1	--------
Portugal (Azores): Lages AB	1	1
Canada:		
Byron Bay	1	--------
Goose Bay	1	1
Brevoort Island	1	--------
Broughton Island	1	--------
Cambridge Bay	1	--------
Cape Dyer	1	--------
Cape Hooper	1	--------
Cape Perry	1	--------
Cape Young	1	--------
Clinton Point	1	--------
DeWar Lakes	1	--------
Canada—Continued		
East Simpson	1	--------
Gladman Point	1	--------
Hall Beach	1	--------
Jenny Lind Island	1	--------
Lady Franklin Point	1	--------
Long Stah Bluff	1	--------
Makar Inlet	1	--------
Mid-Melville	1	--------
Nicholson Peninsula	1	--------
Pelly Bay	1	--------
Rowley Island	1	--------
Shepherd Bay	1	--------
Tyktoyatuk	1	--------
Komakuk Beach	1	--------
Shingle Point	1	--------
Germany:		
Amberg	--------	1
Bad Kissingen	--------	1
Bad Kreuznach	--------	1
Bad Nauheim	--------	1
Berlin (Bde)	--------	1
Berlin (TVA)	--------	1
Bindlach	--------	1
Butzbach	--------	1
Friedberg	--------	1
Fulda	--------	1
Giessen	--------	1
Grafenwoehr	--------	1
Hoenfels	--------	1
Kirchgoens	--------	1
Ramstein	--------	1
Rhein Main CG	--------	1
Schweinfurt	--------	1
Spangdahlem	--------	1
Wiesbaden	--------	1
Wildflicken	--------	1
Greece:		
Araxos †	--------	--------
Argyroupolis	1	--------
Athens	1	--------
Iraklion	1	2
Katsimidhi	1	--------
Levkas	1	--------
Mount Horiatis	1	--------
Mount Parnis	1	--------
Mount Pateras	1	--------
Nea Makri	1	--------
Perivolaki	1	--------
Yiannitsa	1	--------
Greenland:		
Ice Cap I	1	--------
Ice Cap II	1	--------
Kulsuksuk Island	1	--------
Qaqatoqaq	1	--------
Sondestrom	1	1
Thule	2	2
Iran: Teheran	1	1
Italy:		
Ghedi	1	--------
Martina Franca	1	--------
Monte Virgine	1	--------
Mount Reggio	1	--------
Rimini	1	--------
San Vito	--------	--------
Sigonella	1	--------
pan:		
Camp Zama	1	1
Chitose	1	--------
Iwakuni	1	1
Misawa	1	1
Sasebo	1	--------
Tokyo	--------	--------
Morocco: Kenitra	2	--------
Pacific area:		
Canton Island	1	--------
Eniwetok	1	--------
Guam (Anderson AF)	2	--------
Johnston Island	2	1
Wake Island	1	--------
Philippine Islands:		
Baguio	1	--------
Clark AB	2	1
San Miguel	2	1
Subic Bay	2	1
Wallace (AS)	1	--------
Puerto Rico: Ramey AB	2	1
Ryukyu Islands: Okinawa	2	--------
United Kingdom: Ascension Island	--------	2
Spain:		
Inoges	1	--------
Menorca	1	--------
Moron AB	1	--------
Rota	2	--------
Seville	1	--------
Soller (Majorca)	1	--------
Soller	1	--------
Sonseca	1	--------
Torrejon	1	--------
Zaragoza	1	--------
Taiwan: Ching Chuan Kang	--------	1
Thailand:		
Bangkok (Macthai)	1	--------
Bangkok (51 OSI District)	1	--------
Chieng Mai	1	--------
Don Muang	1	--------
Ko Kla	1	--------
Korat	1	2
Lopburi	1	--------
Nakon Phanom	1	1
Nam Phong	1	--------
Non Sung (7RRFS)	1	1
Pattaya	1	--------
Phu Mu	1	--------
Samae San	1	--------
Sattahip	1	1
Takhli	1	--------
U-Tapao	1	1
Ubon	1	1
Udorn	1	2
Warin	1	--------
Turkey:		
Alemdag	1	--------
Ankara	1	--------
Balikistir	1	--------
Cakmakli	1	--------
Corlu	1	--------
Dyarbakir	1	--------
Elmadag	1	--------
Erhac	1	--------
Erzurum	1	--------
Eskisehir	1	--------
Fennertepe	1	--------
Incirlik	1	--------
Instanbul	1	--------
Ismit	1	--------
Karamursel	1	--------
Karatas	1	--------
Malatya	1	--------
Murted	1	--------
Ortakoy	1	--------
Shain Tepsi	1	--------
Yamaniar	1	--------

U.S. ARMY OPERATED OUTLETS

Alaska: Fort Greely	--------	1
Belgium:		
Brussels	1	--------
Casteau	1	--------
Canal Zone (Panama):		
Fort Clayton	1	1
Fort Davis	1	1
Ethiopia: Asmara	2	1
Germany:		
Amberg	1	--------
Ansbach	1	--------
Augsburg	2	--------
Bad Kissingen	1	--------
Bamberg	1	--------
Bayreuth	1	--------
Berchtesgaden	1	--------
Berlin	1	--------
Bitberg	1	--------
Crailsheim	1	--------
Frankfurt	1	--------
Fulda	1	--------
Garmisch	1	--------
Giessen	1	--------
Goeppingen	1	--------
Grafenwoeher	1	--------
Hohenfels	1	--------
Hof	1	--------
Illsheim	1	--------
Kaiserslauten	1	--------
Munich	1	--------
Nurnburg	1	--------
Pirmasens	1	--------
Pruem	1	--------
Regensburg	1	--------
Rothwesten	1	--------
Schweinfurt	1	--------
Stuttgart	2	--------
Ulm	1	--------
Wertheim	1	--------
Wildflecken	1	--------
Wurzburg	1	--------
Wieblingen	2	--------
Netherlands:		
Brunssum	1	--------
Maastricht	1	--------
Soesterberg	1	--------
Italy:		
Aviano	1	--------
Algol	1	--------
Castor	1	--------
Ciampino	1	--------
Conselve	1	--------
Gaeta	1	--------
Livorno	1	--------
Mt. Calvarina	1	--------
Mount Calvarina	1	--------
Naples	1	--------
Pluto	1	--------
Rigil	1	--------
Vicenza	1	--------
Korea:		
Camp Ames	--------	1
Chejudo	1	--------
Chinhae	1	--------
Chunchon	1	--------
Hwaaksan	1	1
Kangnung	1	--------

Country	Radio	TV
Kunsan	1	1
Kwangchon	1	1
Kwangju	2	1
Masan	1	---------
Munsan	1	---------
Osan	1	---------
Pajuri		1
Pohang	1	1
Pusan	1	1
Seoul	2	1
Taegu	1	1
Taejon	1	1
Tongduchon	1	---------
Uijonbu	1	---------
Wonju	1	---------
Yongsan		1
Pacific area: Kwajalein Island	2	---------
U.S. NAVY OPERATED OUTLETS		
Alaska: Adak		1
Antarctica: McMurdo	1	---------
Australia: Northwest Cape		1
Cuba: Guantanamo Bay	2	1
Iceland:		
Keflavik	1	1
Hoen	1	---------
Pacific area:		
Midway Island		1
Agana, Guam	1	---------
Finegayan, Guam	1	---------
Puerto Rico:		
Fort Allen	2	---------
Ramey AB	3	---------
Roosevelt Roads	2	1
Sabana Seca		1
San Juan	2	---------
Newfoundland: Argentia	1	---------
Taiwan:		
Ching Chuan Kang	1	---------
Lo Shan	1	---------
Tainan	1	---------
Taipei	2	---------
Indian Ocean: Diego Garcia	1	---------

CHANGES DURING JANUARY AND FEBRUARY 1973

Additions

Ships

USS *Puget Sound* (TV)
USS *Caloosahatchee* (R)

Deletions

Ships

USS *Sylvania* (R)

Korea

Chinhae (TV)
Kojin (R)

South Vietnam

AFVN (R) (TV)

Mr. FULBRIGHT. Mr. President, in addition to this economic perspective, Mr. President, I believe the Senate should carefully examine the "freedom radios" from an international political perspective. Within the past few weeks, there has been a great deal of news about the repression of certain dissidents in the Soviet Union. And I realize that this recent evidence of the continued limitations on political freedom in the Soviet Union, and in Eastern Europe as well, can be used with persuasiveness to bolster the case for continued U.S. funding of Radio Free Europe and Radio Liberty. The questions I pose are these: Do the broadcasts of Radio Free Europe and Radio Liberty help the situation in any way? Do these broadcasts help the Soviet dissenters? Do they help the cause of political freedom in the Soviet Union? Do they help the progress of détente through which we may eventually be able to break down the barriers to open travel and communications which now impede the free flow of people and ideas between East and West? There are, of course, a number of people who have argued that the so-called freedom radios are the lifeline to "truth" for the citizens of Eastern Europe and the Soviet Union; but in light of the large number of other stations which are already broadcasting to these Communist countries, I do not know how such an argument can be sustained. As much as we may believe in the human rights of Soviet citizens and as much as we may wish to support them—spiritually and in every other way—we should not blindly continue to support the "freedom radios" simply because they are oriented toward fostering and abetting dissenters. It is well known that because of the past association of the "freedom radios" with the CIA, the Soviet and Eastern European governments—and also many private citizens in those countries—bear a special resentment and distrust about the continued activities of these radios and the continued U.S. support for them. Mr. Kaiser in fact points this out in the article I have already placed in the RECORD. In this light, it is very important to consider the effect of our support for such activities upon the development of attitudes within the Soviet Government. There are sharp divisions among Soviet leaders about the degree to which the good intentions of the United States can be trusted. Surely our continued support for radios considered subversive can only strengthen the hand of those who wish, for various reasons, to impede the progress of detente. In short, such broadcasts may well assist those who oppose freedom of information.

Mr. President, I am not arguing that we abandon our interest in the plight of Soviet citizens in the interests of some idealistic illusion or metaphysical notion called "detente." I simply believe that through the Voice of America and the other official Western government stations, we are providing all the information that can possibly be of assistance to Soviet citizens. And I believe further that for the United States to continue to be the financier for radios which are clearly considered objectionable and provocative by the governments of Eastern Europe and the Soviet Union only delays the process of rapprochement through which we may gradually hope to establish genuine communication and interaction with the people of those countries.

In this connection, I ask unanimous consent that I be allowed to place in the RECORD at this point two items: The first is an article I wrote recently for the Washington Post on this subject; the second is a letter I recently received in response to my article from Mr. Arthur Cox, a former high level official of the Central Intelligence Agency who was heavily involved in the supervision of Radio Free Europe and Radio Liberty during the 1950's.

There being no objection, the article and letter were ordered to be printed in the RECORD, as follows:

U.S. FUNDING OF "FREEDOM RADIO"

(By J. W. FULBRIGHT)

The news that Russia had begun to sponsor an "American Liberation Radio," bent upon showing up our inequities and stirring up our dissidents, would probably not be met with much favor in the United States today. It would be taken as a sign that while the Soviets talked *detente,* they were still set upon doing us in. It would also strengthen the hand of those among us who wish to stifle dissent in the name of national security and who believe that the only thing the Soviets understand is the point of a missile.

There is no ALR, I am grateful to report, but imagining one is nevertheless a useful exercise as we judge the implications of our own continuing sponsorship of radios which perform precisely such a role. Based in Europe, the so-called "freedom radios" began their broadcasts in the early 1950's, a period when ideological fervor on both sides of the East-West confrontation was reaching a near frenzy. Radio Liberty focused upon the Soviet Union, Radio Free Europe upon the Eastern European satellites. Each radio presented itself as a spontaneous creation, run by freedom-loving refugess financed by dimes from free-world schoolchildren. Secretly, each was the organizational and financial instrument of the CIA, staffed by expatriates who sought the overthrow of Soviet rule.

Two decades later, international conditions—and our own attitudes—had changed dramatically. On both sides, ideology had waned, and power had stabilized. Gone in the process was our belief that we could shape the world, and fading too was our compulsive fear that someone else might. Continuing unabated, however, were the "freedom" broadcasts—which by then had cost unknowing American taxpayers nearly one-half billion dollars. Discovering this anomaly, Congress last year enacted legislation which brought the radios' financing into the open: a logical first step toward a public examination of such activities in light of the normalization of Soviet-American relations.

But now a year has passed, and once again we have witnessed the ingenious capacity of our cold war institutions to perpetuate themselves. A presidential study commission has been assembled to certify the radios' virtues, and now Congress has been sent legislation which would give the radios a cosmetic facelift and establish them as permanent dependencies of the American taxpayer—at a cost of more than $50 million a year.

Apart from their secret financing, what has always made the "freedom radios" different from other international radio activities is their concentration upon *internal* news and analysis. They criticize the domestic life and policies of the Communist countries to which they broadcast. Of course, a number of nations operate international networks which, from stations around the world, transmit entertainment and general news as an act of national projection and self-advertisement. Examples of such radios are the BBC, Radio Japan, Radio Moscow, and our own Voice of America, upon which we expend $56 million a year. But these organizations, though self-interested, are purveyors of culture and information. The "freedom radios" view themselves as agencies of change.

The more judicious advocates of "freedom" broadcasts argue that the radios have evolved from their earlier zealotry and that their essential function today is simply to encourage dissident elements seeking to resist and peaceably alter the repressive tendencies of Communist bureaucracies. Taken in isolation, this sounds unexceptionable; we have seen enough of repressive tendencies in our own country to be sympathetic. But seen in context, the paramount question still stands: Is this interference in Communist societies within the legitimate range of American foreign policy? In answer, one need only ask a further question: Which kinds of interference by other countries in our affairs do *we* find legitimate?

In a recent editorial (July 11) The Post implied that to cease support for "freedom" broadcasts would be to condone injustice in the Communist countries. We would, it said, be joining with the Communist governments in an act of censorship. But this is fallacious.

Desisting in aggressive behavior is not censorship. And regardless, a prodigious information flow would continue even without the "freedom radios." The official Western-government stations, including our own VOA, broadcast a weekly total of over 800 program-hours to the Soviet Union and its satellites. If by some curious moral logic, we are also obliged to operate a "freedom radio" to meddle in *internal* affairs, then surely we are already erring grievously, for this planet is populated with politically repressive societies we are not trying to liberate—some equally as inhumane as Russia and Eastern Europe. Why not a Radio Free Greece? And a Radio Free Brazil? and a Radio Free South Africa:

Ending our sponsorship of these broadcasts is not an abandonment of our ideals. It is simply to recognize an order of priorities. There can be no more important world goal for the United States than to break down completely the overarching posture of hostility between the Soviet and American governments that has so poisoned international relations for 25 years and exacted such a terrible waste in lives and resources.

We have, of course, no monopoly on "truth." But if we wish to tell our story, let us now rely on other tools—on our overseas libraries and information centers, on expanding programs of cultural and educational exchange, on the informative but unprovocative broadcasts of the Voice of America, on growing trade and tourism. Perhaps, by personal contact and by force of argument and right example, we *can* have an influence on life in the Communist countries. But continuing the "freedom radio" assault only perpetuates the structure of mutual distrust and delays our opportunity.

WASHINGTON, D.C.,
August 14, 1973.

The Honorable J. WILLIAM FULBRIGHT,
U.S. Senate,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR FULBRIGHT: I am writing in support of your communication to the *Washington Post* entitled "U.S. Funding of 'Freedom Radio.'" As you know, I occupied a senior policy position during the height of the Cold War, in the mid-50's when Radio Free Europe was an asset of CIA. I think a strong case can be made for the role of the "freedom radios" during that period.

However, in my opinion, the reverse is true today for the following reasons:

1. The existence of the radios runs counter to the policy of detente being pursued by the U.S. and Soviet governments.

2. The operation of the radios in Munich, West Germany runs counter to the policy of relaxation of tensions and restoration of diplomatic relations between West Germany and the governments of Eastern Europe.

3. Since the radios are now directly attributable to the U.S. Government, they are voices of the U.S. Government. There should not be more than one Voice of America. If it can be demonstrated that R.F.E. and Radio Liberty are in some instances doing a more effective job than the Voice of America of representing the United States Government then changes should be made. The V.O.A. should be improved by better policy direction and perhaps by recruiting some of the best personnel from the Munich radios.

4. The U.S. Government has for years pursued a policy of evolution rather than liberation towards Eastern Europe. However, the continuing broadcasts of the "freedom radios" give the "hawks" among Eastern European communists an argument for continuing repression and tight controls. Those East European leaders supporting an evolving relaxation permitting greater freedom for the people are blocked by the arguments of the "hawks" that the U.S. and West Germany are plotting the overthrow of the East European regimes because emigres, with U.S. backing, are still broadcasting from Germany.

Best regards,
ARTHUR M. COX.

The continuing broadcasts of the "freedom radios" give the "hawks" among the Eastern European Communists an argument for continuing repression and tight controls. Those East European leaders supporting an evolving relaxation permitting greater freedom for the people are blocked by the arguments of the "hawks" that the United States and West Germany are plotting the overthrow of the East European regimes because emigres, with U.S. backing, are still broadcasting from Germany.

Mr. FULBRIGHT. As a senior policy official, Mr. Cox once supported the "freedom radios" wholeheartedly. Today, however, in view of current international developments, Mr. Cox believes that such activities are counterproductive. He has recognized that changed conditions require changed policies. I hope that the Senate will recognize this also.

Mr. President, this is a very simple amendment. All it does is require that, beginning in fiscal 1975, next year, the United States shall pay only one-half of the cost of the operations of these radios.

Last year, in the hearings, it was, I thought, generally understood by the Senator from Illinois (Mr. PERCY) and also by the Senator from New York (Mr. JAVITS) that the United States would undertake to get the Europeans to pay a substantial amount, if not half, of the cost. I want to quote what the Senator from Illinois (Mr. PERCY) said last year. This appears in the hearings:

> I feel that the time has long since passed when the United States should underwrite the total cost of projects which are done in the mutual interest of Western Europe and the United States.

The Senator from New York (Mr. JAVITS) also said this:

> I think that we ought to carry it on for the year and give Europe the opportunity; but I would like to emphasize that if we do, there will be a real obligation on the part of Europeans . . . to see that this year is not wasted and that the collaborative effort which is called for is forthcoming.

Dr. Dirk Stikker, former Secretary General of NATO, testified as follows:

> I personally fully agree with your stated view that it is time for West Europeans to begin sharing the financial burden of these radio operations.

A year has passed, and now, having failed to get any contributions, they are creating, really, a permanent operation under a new setup, a new commission, which indicates that they intend to go on indefinitely, with the United States paying the full amount.

Mr. President, we have gone over this issue before. I will summarize the issues simply by stating that it is redundant to run three radios. Even without Radio Liberty and Radio Free Europe, there are 800 program hours that would go into these countries from the VOA and the other radios of Western Europe. We have authorized $56 million for the Voice of America; $50 million for Radio Free Europe, if this measure is authorized; and over $30 million for the Armed Forces radio and television stations. Compared to only $45 million for our own public broadcasting system, it seems to me it is excessive.

The argument that we need some voice perhaps is valid, but to have three voices seems to be redundant and excessive.

I think the other argument that is persuasive is that these radios, provocative as they are, do not promote the objectives of the proponents of this bill. I think the psychological aspect of it is simply to reinforce the hardliners in various countries, specifically Russia, making them believe that our suggestions for a détente are not sincere, that we do not really mean it, and, in any case, that we are so split up that they cannot rely on the efforts that have been made, and that have been given such wide publicity, by the President to bring about a détente. The continuation of these three radios is quite inconsistent with that move.

I do not think it really helps the so-called dissidents in Europe, or particularly in Russia, in the way the proponents believe it does.

The testimony is quite clear that most people prefer the BBC and VOA broadcasts because they are more objective in presenting the information, as they call it—the true information—from the Western countries.

I do not know that there is any reason to belabor this point, because I belabored it last year a good deal. The question is, should we spend $50 million on these operations in view of the large expenditures already being made by ourselves and by Western European countries?

I might say that a moment ago the fact was referred to that these radio stations broadcast in Yiddish. There is nothing to prevent the VOA from doing that if that is desirable.

In addition to that, Israel itself broadcasts to Russia and to the Eastern European countries in Yiddish.

It is a very simple proposition. In view of the stringent conditions of our budget and the enormous deficits which have occurred in the last 20 years, together with the fact that the cold war is being liquidated, we should not continue this operation.

The effect of my amendment is simply to fund it at the full amount for this year. And next year we would spend half. We would pay half of it. It seems to me that is a very reasonable compromise. If there is any merit at all to these operations, it is in accordance with what I consider to be what some of the principal proponents of this measure stated last year.

I do not know that there is any reason to continue the debate any longer. If the proponents of the bill are ready to yield back their time, we could yield back our time.

Mr. JAVITS. Mr. President, if the Senator would yield to me, the Senator from Illinois is not on the floor and I wish to speak on this matter.

Mr. AIKEN. Mr. President, I yield to the Senator from New York such time as he may require to make an adequate response to the Senator from Arkansas.

Mr. JAVITS. Mr. President, the quotation cited by the Senator from Arkansas respecting European contributions is entirely appropriate, of course, in connection with the debate on the bill. But to say that the people ought to contribute or that we will do our utmost to get contributions is something entirely different from getting them or from cutting this program in half, which we would have to do in the first instance if this amendment were to prevail. We would then have to hope that we would get contributions. In addition, very importantly in that particular matter, contributions may not necessarily be forthcoming. The money is just as good to the United States if it comes by way of a reduction of the United States in various activities in Europe, including defense.

We have no idea whether the contributions will come directly. As a matter of fact, subsequent to the remarks made by the Senator from Rhode Island, which the Senator from Arkansas referred to, I would point out that we really think they ought to contribute. Willy Brandt, the Chancellor of Germany, made it clear that for political reasons of their own, they would not prefer to contribute directly to this kind of action. We can understand that, although we may not agree with it.

The net effect of what the Senator from Arkansas is doing by his amendment would be to cut the operations of these stations in half. As I say, one does not know what one could do directly or indirectly as yet in the way of getting the kind of help which is justified. That does not mean that we have to get it. And we think on this side of the legislation that what is being done is so important and so useful in terms of the overall situation in the world and these two ideologies in terms of the climate in which détente, arms limitation, the European security, and many other things can be negotiated is so critically important that we should not tie one hand behind our backs by agreeing to this particular amendment on the theory that the other side ought to contribute, and if they do not contribute we will have this activity.

Mr. FULBRIGHT. Mr. President, if the Senator will yield, is it not true that this is the best way to persuade them that they would have from now until the end of this fiscal year to do what the Senator last year stated that he thought they ought to do?

I think the argument of the Senator from New York and the Senator from Illinois was the principal reason why this was allowed to continue this year. If the Senators had not made that argument, we could have done it last year. They will not pay for half of it as long as we pay for all of it.

Mr. JAVITS. Mr. President, I do not think that it would be persuasive. The issue of sharing is very much greater than this one thing.

I do not believe, on the other hand, that we should discontinue it. I think the program would be very materially crippled if it were cut off any further than we are now doing and would simply hamper us in our efforts to carry on an activity which is very useful and most important.

The proposal that we share is very much misplaced. We have shared and we have contributed. They did not continue to do so. The vote as reported in the committee's report was 9 to 6. The majority of us thought that whether or not we got contributions, the activity was so valuable in itself that we should carry it on at the $50 million level.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. AIKEN. I think it might be well to explain at this point that from 1969 to early 1973 contributions were made of between $2 million and $3 million by individuals, corporations and other establishments located in the United States. As I understand, no contributions were made by similar European organizations, for the simple reason that contributions made by U.S. contributors were tax deductible, whereas contributions made by European contributors would not be subject to income tax deductions. There was no inducement for them, such as we had here, to make contributions. But 467 individuals and corporations have contributed over $500 each. I do not know how many there were who contributed lesser amounts.

Mr. JAVITS. I thank the Senator from Vermont.

Mr. President, referring to the report of the Eisenhower Commission, a Presidential Study Commission on International Radio Broadcasting, is also important. The commission was headed by Milton Eisenhower and made its report in February 1973. The report, on page 51, deals with this very question:

> The conclusion of the commission that it would be a mistake to involve European governments in contributing to the financing of the broadcast operations of the two radios does not constitute rejection of the principle of cost sharing.

In essence, that is what the Senator from Illinois (Mr. PERCY) and I have said.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. AIKEN. I have just received the information that there were 39,500 contributors of less than $500. These are in addition to those who contributed more than $500 each.

Mr. JAVITS. I thank the Senator.

So, Mr. President, the Eisenhower Commission did not think it was feasible to depend upon European governments to finance, but it did not reject the principle of cost sharing and went on to say that it was only fair, where European governments could do so, and they should be requested, to help defray the cost of the station. This would involve paying for research produced by the station.

As a matter of fact, European contributions are now being solicited by the Department of State to offset the costs of research of both these radios, which is some $4 million annually. This is the type of contribution which the Eisenhower Commission considered feasible. But it would simply not be feasible by next July to raise the sum of non-Federal contributions in excess of $25 million, as the proposal of the Senator from Arkansas would suggest.

As a matter of fact, while Senator PERCY and I both felt that contributions ought to be made, the 50 percent figure is definitely Senator FULBRIGHT's.

Finally, Mr. President, I wish to emphasize the fact that this very idea was put before the Committee on Foreign Relations, and, if Senators will refer to the committee report at page 4, a part of Senator FULBRIGHT's substitute was to:

> Establish a policy of burden-sharing by providing that, beginning in fiscal year 1975, the U.S. contribution to the radios would at no time exceed 50 percent of the radios' expenses.

That was rejected as a part of the total rejection of the whole substitute, by a vote of 9 to 6.

For all of those reasons, Mr. President, and because I think the last vote against recommittal showed overwhelmingly that the Senate wants to decide this question in the affirmative, and wants us to go forward with the substantive aspect of these broadcasts, I hope the Senate will reject this amendment.

Mr. FULBRIGHT. Mr. President, I yield myself 3 minutes. I do not wish to prolong the debate; I only wish to make this comment about the contribution:

It was widely broadcast, and generally believed, that these were private operations. Ever since its creation in 1951, this actually was a covert operation of the CIA. But throughout this country people, including young schoolchildren, were solicited to give their pennies to freedom, and so on. Radio Free Europe was a very appealing project, although it is a CIA operation. It is most unusual that the people get tax deductions for contributing to the covert operations of the CIA. But, though it was known by many individuals, it was only recently revealed publicly that Central Intelligence was instrumental in that operation. The deception in connection with its operation as a CIA operation posing as a private operation, it seems to me, is a reflection upon the sincerity and honesty of our own Government.

Mr. President, I am willing to yield back the remainder of my time on the amendment, if the Senator is.

Mr. JAVITS. Mr. President, our problem is that the Senator from Illinois (Mr. PERCY) is not present in the Chamber. We have two speakers who wish, between them, 15 minutes.

Mr. FULBRIGHT. On this question?

Mr. JAVITS. Apparently on the bill and on this question.

Mr. FULBRIGHT. We have a lot of time on the bill. I thought we might dispose of this amendment. We can have a quorum call, if the Senator would like.

Mr. JAVITS. I do not think Senator PERCY is ready yet. I think he wants to speak on this amendment, so, with the Senator's indulgence, I yield 8 minutes to the Senator from South Carolina.

Mr. THURMOND. I thank the distinguished Senator from New York.

Mr. President, we are considering today a bill, S. 1914, which creates a Board for International Broadcasting, and an amendment to that bill, No. 431—proposed by Senator FULBRIGHT—which has the clear purpose of negating the meaning of that bill. The bill proposes a structure for authorizing the continued operation of Radio Liberty and Radio Free

Europe and a budget of $50 million for the next year. Senator FULBRIGHT proposes that the Federal appropriation for the radios be limited to 50 percent of their budgets for fiscal 1975. This would effectively force the radios to begin dismantling their operations now.

Mr. FULBRIGHT. Mr. President, will the Senator yield so that I can get the yeas and nays?

Mr. THURMOND. I yield.

Mr. FULBRIGHT. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. THURMOND. A number of my colleagues have already spoken out on the significance of Senator FULBRIGHT's amendment and answered the arguments he puts forward in its support. I cannot help but add my wholehearted agreement to their words that the Senator from Arkansas is engaging in wishful thinking about Soviet-American relations, the attitudes of the Eastern bloc in an era of détente, and the possibilities of collecting such large outside contributions for the operations of these radios. There are too many indications past and present that the controlled media and long-range plans of the Soviet Government cannot be trusted. So long as the Soviet Union and East European countries do not end censorship or allow the free flow of information between East and West, it is in the United States interest to keep Radio Liberty and Radio Free Europe on the air.

To give in to the nay sayers or to pass Senator FULBRIGHT's amendment without realizing that through it he means to kill Radio Liberty and Radio Free Europe—not merely to attempt another compromise with the supporters of the radios—would be to betray the trust of the millions of listeners who depend upon Radio Liberty and Radio Free Europe for news and information about both international affairs and events in their own countries.

Mr. President, I want to emphasize this point in particular, for we have been reading and hearing a lot of inaccurate information on the subject of listenership to Radio Liberty and Radio Free Europe. Senator FULBRIGHT himself has stated that the "essential function" of these radios today "is simply to encourage dissident elements." Robert Kaiser, the Moscow correspondent of the Washington Post who has been reporting regularly on the controlled Soviet press, has also reported—this time in error—deriding the size of the audiences of Radio Liberty and Radio Free Europe and the significance of these radios.

To substantiate his report, Kaiser quotes only one Russian individual who ranks Radio Liberty fourth in popularity. Incidentally, there are dozens of foreign governments, ranging from the Vatican to Peking, which broadcast to the Soviet Union. Considering the endorsements of Radio Liberty made by the Nobel prizewinning author Solzhenitsyn and by many others, including 98 Soviet Jewish emigrants to Israel, there is surely room for differences of opinion among Soviet citizens.

More important, a recent major behavioral study conducted in the period 1970–72 directly contradicts Kaiser's report. This major study was based on interviews carried out by an independent public opinion research service in West Europe of 1,680 Soviet citizens, primarily tourists temporarily in the West—none were emigrants. While the Voice of America had the largest number of regular listeners, Radio Liberty and the BBC tied for second place. Radio Liberty was shown to reach a highly educated audience, and listeners who sought information rather than entertainment tuned in to Radio Liberty at rates considerably higher than to any other station in the survey.

On listenership to Radio Liberty, it is important to note that Radio Liberty is the most jammed foreign broadcaster to the Soviet Union. The eagerness of its listeners to seek it out despite jamming attests to its great value and credibility. A recent Soviet emigrant, Dr. Leonid Tarassuk, former Arms Curator of Leningrad's Hermitage Museum, stated at a press conference a couple of weeks ago he had to learn about the Jackson amendment from listening to foreign radio, particularly Radio Liberty. He went on to say that Radio Liberty was viciously jammed but was "very important, the most listened to whenever it is possible to catch it."

Finally, let me quote the former diplomat, W. Averell Harriman, on the significance of the broadcasts of Radio Liberty:

> I have been told that the lower echelons of the communist officials in these countries welcome the information that comes to them through the broadcasts of actions taken by the politburos which they would otherwise not know . . . From my experience, even Stalin paid attention to public opinion within the Soviet Union. Evidence is clear that today Kremlin leaders must pay greater attention to their public opinion.

Mr. President, in contrast to Senator FULBRIGHT's remark that Radio Liberty and Radio Free Europe "simply encourage dissident elements," I have tried to point out to you the much broader significance of these radios and the immense audiences which they reach. Let us not turn our backs on those people and permit Radio Liberty to be closed down through passage of Senator FULBRIGHT's deceptive amendment.

I call for passage of S. 1914 without further amendment as reported to the floor by the Senate Foreign Relations Commmittee.

Mr. JAVITS. Mr. President, I yield myself 1 minute to say that the analysis of the Eisenhower Commission respecting the financing of the stations and the participation by the Government and individuals is so profound that I ask unanimous consent that all of section 6 of that report, entitled "Financing the Stations," be printed in the RECORD.

There being no objection, the section was ordered to be printed in the RECORD, as follows:

SECTION VI—FINANCING THE STATIONS

It was suggested in last year's hearings of the Senate Foreign Relations Committee that Western European nations should provide financial as well as moral support to Radio Free Europe and Radio Liberty. Some of the most concerned members of the United States Senate and House of Representatives with whom the Commission consulted reiterated this point, though a number had doubts whether substantial contributions could be obtained in the near future. Others had serious reservations regarding the feasibility and political consequences of outside participation.

UNITED STATES ROLE

From their inception, the moving force behind Radio Liberty and Radio Free Europe broadcasts has been American. Both stations were privately incorporated in the United States largely at the instigation of the United States Government. Basic broadcasting and operational policies have always been established by Americans occupying senior management positions, although former citizens from Eastern Europe (many of them today naturalized Americans) as well as citizens of a number of other European countries play important roles in the two stations. All direct financing of the stations has been American.

The United States Government has been decisive throughout in establishing and funding the stations. RFE has had some success in soliciting individual and corporate financial contributions but Radio Liberty has never engaged in active solicitation of private contributions. The United States Government has been the primary source of funds for both stations.

Since policies governing the broadcasts of the stations over the years have also been American, the substance and tone of broadcasts have moved broadly with the currents of United States relations with the governments of the area. RFE, particularly, has been able to draw on the vast reservoir of goodwill toward the United States that exists in most of the Eastern European countries, based upon emotional attachments relating to the liberating role of United States armies in the two World Wars and the waves of immigration in the late nineteenth and early twentieth centuries that gave millions of East Europeans "relatives in America." Thus, despite all the concentrated efforts by the Soviet Union and the other communist regimes in Eastern Europe to denigrate the United States, our government and our people probably remain the most respected "foreigners" among the peoples of those nations.

In sum, then, RFE and RL have been essentially American undertakings whose programming has been measured against United States interests. In recent years that has meant simply providing a free flow of information to the peoples in countries whose communist governments keep such information from them.

EUROPEAN SUPPORT

Seven European nations have long given their approbation and tangible and intangible support to the work of the two stations. The Federal Republic of Germany agreed to the establishment of the major centers of broadcasting operations of the two stations on its territory and has taken a positive attitude toward their continuation. On occasion the Bonn government has been under considerable pressure from communist governments but has steadfastly defended the presence of the stations on German territory. In this connection it should also be mentioned that the German government has been providing substantial material considerations to RIAS. Portugal, Spain, and the Government of the Republic of China have shown a highly sympathetic attitude in initially receiving and continuing to host station facilities on their territory, despite harsh criticisms by East European and the Soviet governments.

There have been other, more recent developments concerning possible broadening of European support. Three meetings of the West European Advisory Committee to Radio Free Europe were held during 1972, to consider the possibility of European financial assistance. At the meeting in Monaco in late

September, participants from a number of West European countries indicated their belief that private European financial participation could eventually be obtained, though not in amounts that would justify more than a modest reduction in United States appropriations.

Subsequently, at a meeting of the Consultative Assembly of the Council of Europe, composed of legislative representatives of the member countries, a motion to support the stations was referred to the Political Affairs Committee of the Council for further consideration. The North Atlantic Assembly in its November 1972 meeting in Bonn also discussed a supporting action for the stations but took no final action. Clearly, these developments reflect a reluctance by West European governments to consider financial aid to the stations, much as these governments recognize the valuable role played by their broadcasts.

In early November 1972 the Commission met with Dr. J. H. van Roijen, the new Chairman of the West European Advisory Committee on the Free Flow of Information (successor to the West European Advisory Committee to Radio Free Europe), during the Commission's visit to Munich. He felt that private and possibly some public funds contributing to station budgets could gradually be developed, but he was not optimistic that such funds would reach substantial proportions.

While leading European opinion is almost invariably laudatory, the Commission sees three major problems associated with broadening the base of support for *broadcast operations* to include Western European governments. First, financial contributions for *operations* of the stations would likely imply participation in management. This could lead to very difficult and cumbersome problems. Second, maintaining the professional independence of the stations is of prime importance and, while our Government is committed to this principle, there is no assurance that this concept would necessarily prevail were several countries and their parliaments involved in financing and control. Third, with many governments involved, overall policy on a host of specific issues would necessarily come to reflect the least common denominator of the opinions of the participating governments, with the result that the effectiveness of the radios would inevitably be impaired.

We believe, in sum, that multinational direction could well handicap the broadcasts and delay daily program decisions. Editing by coalition is self-defeating. Anyone who has edited a publication under multinational auspices knows the blandness that can result from diffuse and sometimes conflicting direction. The Commission believes, therefore, that Radio Free Europe and Radio Liberty, while respecting the sensitivities of other nations and soliciting their advice, should not be subjected to multigovernment control.

In its decision to recommend against seeking direct operating support for the radios from the governments of Western Europe, the Commission was acutely aware of the persuasive arguments advanced by some members of Congress calling upon the nations of Western Europe to share in the cost of programs which also serve their beliefs and from which they also benefit. This argument developed out of dissatisfaction with the proportion of Western European defense costs borne by American taxpayers. Its extension to cover other United States-supported programs where benefits accrue to the countries of Western Europe as well as to us appears to be both consistent and reasonable. In terms of this cost-sharing principle, a persuasive case can be made for partial funding of RFE and RL by the governments of Western Europe, particularly in light of the testimony of those governments on the high value they place on the research and broadcasting activities of the radios.

The conclusion of the Commission that it would be a mistake to involve European governments in contributing to the financing of the broadcast operations of the two radios does not constitute rejection of the principle of cost-sharing; it simply reflects the Commission's judgment that application of the principle with respect to RFE and RL would be inconsistent with good public policy, and that efforts to increase the share of European cost-sharing in programs benefitting Western Europe and receiving United States support should be directed toward those areas where joint management is appropriate and established (e.g., defense costs). Moreover, while the costs of financing the two radios is not inconsiderable, an appropriate Western European share of those costs would be relatively insignificant compared to a fractional increase in the share of defense costs borne by Western Europe. (The United States today expends some $16 billion annually on forces formally committed to NATO defense.)

There are nonetheless possibilities for financial help from Europe which would not present the disadvantages to which we have alluded and which we recommend should be vigorously pursued.

The West European Advisory Committee on the Free Flow of Information should be encouraged to broaden its scope and to seek contributions from private sources in West Europe. It would be unrealistic to expect major sums to be raised, at least in the next year or two, while the organization gears itself up to carry on a continuing campaign. Personal and corporate giving is relatively little practiced in Europe, and tax-exemption of gifts, even to charitable institutions, is not normally permitted.

There is one field, however, where European governments can and should be requested to help defray the costs of the stations. This would involve their paying for the research produced by the stations. This research output is excellent and unique, the work of eminent scholars. Help for research should be sought from European private and government sources alike and would not affect broadcast policies of the stations. The Commission recommends that the two radios create a Soviet and East European Research Organization to receive monies for this purpose.

PRIVATE CONTRIBUTIONS IN THE UNITED STATES

The Commission and the Directors and Trustees of Radio Free Europe and Radio Liberty are in full agreement that the future effectiveness of the radios will depend, as it has in the past, on their ability to function as independent organizations. We are convinced that this independence and professional integrity can best be assured for the future if the American business community and other private citizens accept an enlarged responsibility with the United States Government for the support of these organizations.

Such an effort can best be conducted by the radios themselves. The experience of RFE, which continues to raise appreciable funds from the private sector at reasonable cost, reinforces the conclusion that the radios themselves should carry on and, to the extent possible, broaden the present fund-raising program.

It is important, however, to note that fund raising for voluntary international activities in general is becoming relatively more difficult. Contributors are under pressure to give increasing priority to domestic projects and the solution of local and national problems concerning such matters as poverty, crime, discrimination, addiction and environmental pollution. This is entirely understandable. Yet we Americans cannot afford to allow our preoccupation with internal problems to obscure the necessity of dealing realistically with the rest of the world, and especially with the communist world. Both the public and the private support of these operations should be continued and strengthened.

We believe that for the foreseeable future the business-government partnership in this undertaking should focus on a capital fund drive designed to underwrite a long-overdue program for modernizing the technical equipment of these radios. RFE's and RL's signals are beginning to be drowned out, not only by communist jammers, but also by other broadcasters using more powerful transmitters on neighboring frequencies. Listeners are reporting that reception is getting worse.

We therefore strongly recommend that the President take the lead in a proposed capital fund drive by recommending an appropriation to provide the first 50 percent of the required capital funds and calling upon the radios to conduct a campaign to raise a like amount from private citizens and the business community. The capital renewal program as estimated by the two radios calls for a basic investment of $30 million over a period three years. This estimate is subject to amendment, depending upon the results of the Commission's recommendation in Section V that there be an independent study of all United States international radio broadcasting facilities.

BUDGET REQUIREMENTS

The Commission dealt only tangentially with the question of approprate budget levels for the stations. It is to be expected that some of the studies on economy and efficiency already undertaken by the stations at the instigation of the Commission will achieve some savings. In Section V, we recommend that the proposed Board for International Broadcasting undertake additional approaches.

We do not hold out much hope, however, that savings from these sources will be significant. The impact of inflation in Europe—and especially in Germany—is substantial. Recent cuts in resources available to the stations, largely caused by the devaluation of the dollar, have forced them to undertake economies, some of which could, in the long run, lead to decreased effectiveness.

Our only recommendation in this area, therefore, is that the United States Government not "nickel and dime" the stations to death. The purposes served by the stations are meritorious; they deserve to be adequately funded.

There is, however, another major potential expense to be taken into consideration. These are the liquidation costs for the two stations if the day comes when conditions in the Soviet Union and Eastern Europe change to such a degree as to permit a free interplay of information there and, consequently, the phasing out of RFE, and RL.

The stations have stringent legal obligations under the laws of the countries in which they operate encompassing severance pay, pension payments, etc. These obligations, if confronted today, are estimated by the stations to be more than $80 million.

Since their inception the stations have been funded largely by United States appropriated funds. We are convinced, therefore, that it is a moral obligation of the highest order for the United States Government to accept responsibility for the liquidation costs accruing to the stations. Although this contingency may not occur in the near future, the Commission feels strongly that such an obligation should be recognized and acknowledged now in the interests of the morale of the stations' employees and reassurance to the host governments.

Mr. JAVITS. Mr. President, I yield 7 minutes in opposition to the amendment to my colleague from New York (Mr. BUCKLEY).

Mr. BUCKLEY. Mr. President, I want to thank my colleague for this time and also associate myself with his own remarks on this amendment.

Mr. President, Tuesday's New York Times, September 4, 1973, carried an article which may serve to illustrate what is really the issue in this debate. The headline reads as follows: "Soviet Berates U.S.-Aided Radio for Carrying Sakharov Charge." The story, written by New York Times Moscow Correspondent Theodore Shabad began this way:

> The Soviet Government charges today that an American-financed radio station, beamed into the Soviet Union, was broadcasting statements by Andrei D. Sakharov, the physicist who has become a target of a major campaign of denunciation in the controlled press here.
>
> The Government newspaper, Izvestia, in making the accusation, also reiterated that United States Government support for the 'subversive' station, Radio Liberty, was contrary to the trend toward a relaxation of international tension, as viewed from Moscow.
>
> "Anti-Soviet statements by Academician Sakharov have been sounded dozens of times over Radio Liberty," Izvestia asserted.
>
> The attack on Radio Liberty, as well as on its companion station, Radio Free Europe, appeared to be part of a hardened Soviet attitude toward Western demands for a freer flow of information.
>
> * * * * *
>
> Izvestia also complained that the two radio stations, which were formerly financed secretly by the Central Intelligence Agency, were now being supported openly by Congress with appropriations from the Federal budget.

Mr. President, it is a mystery to me why the United States should be asked to endanger the future of Radio Liberty and its companion Radio Free Europe by adopting the Fulbright amendment. The Soviet Union does not say that Radio Liberty is lying about or distorting the statements made by Andrei Sakharov. It merely states that Radio Liberty reported these remarks. It is easy to understand why a totalitarian nation may be upset by factual reporting to its people. But why any American should wish to cripple stations that carry such factual reports is totally puzzling.

What is at issue here is not whether the Soviet Union is pleased or displeased by Radio Liberty and Radio Free Europe. Pleasing the rulers of the Soviet Union is an art few have ever learned and those who have learned have regretted it. No, what is at issue is whether the United States in a true spirit of détente should fully and without reservation support the communication of ideas between peoples.

At the Conference on European Security and Cooperation held in Helsinki, last June, British Foreign Secretary Douglas-Home warned:

> If our conference is to be about people, and about trust, then it is essential that we should do something to remove the barriers which inhibit the movement of people, the exchange of information and ideas . . . If we do not improve the life of ordinary people at this conference, we shall be asked, with justice, what all our fine words and diplomatic phrases have achieved.

Danish Foreign Minister Andersen said about the Western proposal for greater freedom of communication:

> It pertains to the human dimension of international relations, . . . It is intended to make detente a living reality—and not just a lofty subject for congratulatory statements.

The leaders of Western Europe understand that only by encouraging true communication, a true flow of ideas across the Iron Curtain, can the conditions for long-term stability be established. The survival of Radio Free Europe and Radio Liberty is essential to this task. Let us not forget what the great Russian Nobel prize winning author, Alexander Solzhenitsyn, told us last year. He said that only by listening to Radio Liberty could he find out what was happening in his own country.

The stated positions of all participants at the Helsinki Foreign Ministers meeting were reported in detail by Radio Free Europe and Radio Liberty. By and large, the Soviet bloc communications media failed to report the emphasis placed on broader human contacts and a freer flow of information by most foreign ministers. They also treated as something the public "need not know" the contradictory and very restrictive approach taken by their own representatives. Radio Free Europe and Radio Liberty devoted much time and effort to detailed reporting of this central issue for the people of Eastern Europe.

I am hopeful that pressure on the Communist leaders by an informed public in the Soviet Union and East Europe will lead to real progress at the European Conference. If détente becomes a reality in the fullest sense, we will have Radio Free Europe and Radio Liberty, in important measure, to thank. For, Mr. President, that is what these radio stations are about: Making the free flow of information a reality.

I urge the rejection of the Fulbright amendment. It will kill Radio Free Europe and Radio Liberty; and with it, the hopes of brave men and women like Andrei Sakharov who are risking so much to restore a measure of freedom to their homelands.

Mr. JAVITS. Mr. President I yield myself 1 minute just to state for the record a factual point, that if this amendment should prevail, it would mean that the two radio stations would have to cut their operating expenses virtually in half right away and give notice of dismissal to half their personnel at least, because they are entitled to severance pay of almost 1 year. Eighty percent of their costs are for personnel. It is clear, therefore, that while I understand the thrust of the amendment and its purpose, it is simply not designed to continue what the rest of us seem to feel should be continued.

Mr. FULBRIGHT. Mr. President, I now yield to the distinguished Senator from Missouri (Mr. SYMINGTON).

Mr. SYMINGTON. I thank the able chairman of the Committee on Foreign Relations.

Yesterday, in effect, the President accused Congress of being irresponsible, financially. Not to support this amendment would appear to give some accuracy to his assertion.

For years, the activities of Radio Free Europe and Radio Liberty were defended on the grounds private industry was handling their cost.

When the chairman of the committee first brought this up, I felt he was wrong; if private industry was handling the matter, it should be continued even though it was obvious, that there was duplication of much of the USIA's work.

Later I found out that $9 out of every $10 put up for these two programs came from U.S. taxpayers. So this was largely a Federal program, not in any sense a private program. That is one aspect which worries me.

Another has to do with this purported détente between the United States and the Soviet Union, including this extraordinary recent grain deal, also the trip of the President to the People's Republic of China. If this new development is correct and right, and I believe it is, then why do we have programs which, in effect, attack the same countries with which we are attempting to reach a better agreement? Why it is necessary for us to continue with programs that criticize the very countries which, at the same time, we are attempting to achieve a better relationship. We have here a dichotomy which is hard to understand.

After some years it would appear we have four kinds of Senators. The first vote for all the guns before any butter. As a result, especially because of the tragedy of the Vietnam war, there has been an increasing number who, in effect, vote for all butter before any guns.

There is a third group who vote for all the guns and all the butter, convinced nothing could happen to the good old U.S. dollar. Finally, there is a group who believe our resources are becoming increasingly limited; therefore, it is about time we devote less attention to the problems of the people of other countries and more attention to the problems of the people of the United States. I would hope to be classified in the latter category.

Some criticized us for some form of neoisolationism if we take this latter approach. To me this is obviously ridiculous, because a sound dollar and a sound economy are just as important to national security as the latest weapons system.

For these reasons, I would hope that the Senate as a whole would now show the President that on this matter we are financially responsible, that we will not continue to pour out money for programs of this character, programs which create this strange paradox in our foreign policy.

For such reasons I fully support, and have supported for several years, the position taken by the chairman of the committee as well as others. I hope this amendment will be adopted.

Mr. FULBRIGHT. Mr. President, I have just been handed a list of the names of the contributors, which was referred to a few moments ago in the debate, and a separate list with the amounts they gave. The list, including the amounts, is so voluminous, that I think it would not be warranted to put it in the Record; but I do ask unanimous consent that the list of the contributors of more than $500 be printed in the Record, and anyone who is interested in the amounts they gave can come to the committee and see for himself.

Mr. AIKEN. With the understanding that permission was given last night to make it public.

Mr. FULBRIGHT. I note, in a cursory examination, that a great many large recipients of Government funds for other purposes, for military purposes, are among the contributors. I note very quickly such firms as Lockheed Corp., Northrop Corp Rockwell. Standard of California, the oil company, is a very large contributor. I am told that Mr. Frank Sinatra is a large contributor. also.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. AIKEN. It is difficult for me to understand why these larger contributors did not want the public to know that they were making the contributions. I have been very insistent that they submit to the committee the fact that they made the contributions and the amount given. I think the people of this country are entitled to know who is supporting these foreign operations.

It seems to be a very complete list of contributors who gave more than $500 each, some of them much more than that. Their contribution is tax deductible in this country. There were no contributions, so far as I know, from European industry, because there would be no tax deductions. So, in all probability, most of the contributions from these large corporations and wealthy individuals could not cost them a very large part of the amount given, after they had taken their deductions.

Mr. FULBRIGHT. Mr. President, we requested these names before in hearings, and they refused to give them in public session. It is only yesterday, when still another request was made by the committee, that RFE agreed to supply a list on a nonconfidential basis. This was initiated by the Senator from Vermont and I compliment him.

I might note, that in a sense, these contributions are direct contributions from the Federal Government; because in the case of corporations, approximately one-half would have been paid in taxes. So that it is not all that private. Because it is deductible, it is just like a contribution from the Federal Government.

Mr. AIKEN. The Chairman, the Senator from Arkansas, knows perfectly well that had these same donors given the same large amounts to a charitable institution, they probably would have a 2-page spread in the larger newspapers and advertised the fact that they had made these contributions. Therefore, I could not understand why they were so unhappy at the prospect of making these contributions public.

Mr. FULBRIGHT. The Senator is correct. It is a very unusual situation. I believe one reason is that they knew—whereas the small contributors, the schoolchildren, did not know—that this was a CIA operation. The big corporations know this.

It is most unusual, under our system, that private corporations give donations to support an operation conducted by the CIA. It is a new development.

We apparently had the offer made by the ITT in the case of the Chilean CIA operation, when they offered to give a million dollars, or something in that neighborhood, if they would help overthrow the Government of Chile.

Most people react to that negatively. There was considerable criticism in the press that private corporations should contemplate contributing to the CIA operations in a foreign country. For all practical purposes it is the same; it is a private corporation contributing to a CIA operation to try to influence internal policies of a foreign government.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. SYMINGTON. I have not seen this list before.

Mr. FULBRIGHT. We just received it today. We asked for it before.

Mr. SYMINGTON. I commend the able senior Senator from Vermont, and note that some of these people did not give these amounts; the American taxpayers gave it, because several of the companies in question have been bailed out by the American Government. This is opposite to what our free enterprise system is all about.

Have we the amounts?

Mr. FULBRIGHT. I have the amounts, but it is a voluminous list. I hesitate to make the Record so big. However, this is available to anyone who wishes to look at it.

Mr. SYMINGTON. I notice one contributor who has a reputation for heavy political contributions gave a large contribution, $7,500, large in Missouri, to my opponent in 1970. I mentioned this to another Senator, who thereupon said, "He contributed $500,000 to my opponent." That put me in my place.

This is an interesting list. Many of the names have been on other recent lists.

I hope the amounts are made a part of the Record.

Mr. FULBRIGHT. I have no objection. Perhaps it could be made a part of the Record. Perhaps the staff could put the amounts in without all of the accompanying information, and just give the name and the amount.

Mr. President, I ask unanimous consent that the amounts be included but I would like to have excluded all the information that is on here. There are all kinds of notations but I ask that it include just the amount given with the names. Some of these amounts are very large.

For instance, the Borg-Warner Corp. shows an amount of $15,500. The list includes the Bunker Ramo Corp. and Lockheed. The Senator mentioned about bailing it out.

Mr. SYMINGTON. I did not mention any names, only notice several companies on the list were bailed out by the Government when they could not swing it on their own finances.

Would it be possible to consider an amendment, inasmuch as we have a flourishing program under USIA, and to the best of my knowledge, after studying it, this is duplication, so these gentlemen with private interests could go ahead on their own without Government finances.

Mr. FULBRIGHT. I would be all for that. We tried that but we did not have the votes in the Senate. We have no objection to these companies if they want to carry it on, but when it is under the guise of CIA or as a Government operation it is deceptive.

The PRESIDING OFFICER. Is there objection to the request?

Mr. JAVITS. Mr. President, reserving the votes in the Senate. We have no objection—I just want to be sure it related to those who contributed over $500.

Mr. FULBRIGHT. I believe all of these are over that. All the ones I have seen are over $500.

Mr. JAVITS. If the Senator wants the others listed, it is fine with me.

Mr. FULBRIGHT. Many of the smaller ones were schoolchildren and others who were appealed to who did not know it was a CIA operation.

Mr. AIKEN. There were 467 contributors of more than $500 each and I was advised there are 39,500 of less than $500 each. I do not think their names are listed.

Mr. FULBRIGHT. No. Every name I have seen is over $500.

Mr. AIKEN. Those who gave $500 or more are listed there. Some of them are wealthy individuals; most are larger banks in some areas, foundations, and so forth, and that should be made public but I do not think the amounts of less than $500 should be.

Mr. SYMINGTON. Will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. SYMINGTON. I would ask the distinguished Senator from Vermont if these contributions were made in cash or in kind.

Mr. AIKEN. I have no idea, and I have no idea if the figures are accurate. They were submitted to me about 2 hours ago.

Mr. SYMINGTON. By whom?

Mr. AIKEN. By the staff of our committee, who obtained them from the FE organization. I believe Mr. Durkee is the President.

Mr. FULBRIGHT. I ask unanimous consent that the list, including a cover letter addressed to Mr. Ritch of the committee staff, be printed in the Record.

The PRESIDING OFFICER. Without objection, the name of the contributor and the amount in excess of $500 will be printed in the Record.

The material, ordered to be printed in the Record, is as follows:

Radio Free Europe,
September 5, 1973.

Mr. John Ritch,
Committee on Foreign Relations,
U.S. Senate,
Washington, D.C.

Dear Mr. Ritch: In response to your request of late afternoon today, I am having delivered to you by hand names of 467 contributors who have given $500 or more to Radio Free Europe in calendar years 1969, 1970, 1971, 1972. This list includes the dollar amount in the most recent calendar year as well as the calendar year before, as well as the total number of contributions and total amount of all contributions since RFE was founded.

There is in addition a list of some 39,500 contributors of less than $500 who have contributed at any time during the same calendar years (1969–1972). This list can also be made available, and I would have provided it on this occasion had there been sufficient time.

You can understand that my previous reluctance in making public these lists and accompanying information arose not in any way out of a desire to withhold information. As I stated in a letter dated 16 July 1971 to the Chairman of the Committee on Foreign Relations, "we have not made public the names of contributors, as is the common practice of those who solicit and receive private contributions."

Because the observance of this custom has possibly been misunderstood, and noting the Report No. 93–356 of the Committee on Foreign Relations calling for the "full public disclosure of contributors", the Free Europe, Inc. Executive Committee has authorized me to make these records available for any purpose the Committee may wish, including publication. At the same time, I regret that the urgency of your request has not permitted me to ask our contributors' consent to the release of this data.

If the Committee intends publication of this material, I request that this letter of transmittal be included.

Sincerely.

WILLIAM P. DURKEE.

Radio Free Europe Funds Raised

Calendar Year 1971, $1,459,027.76.

Calendar Year 1972, $1,102,532.65.

Calendar Year 1973 (as of Aug. 28), $375,886.00.

List I—$500 and Over Contributors in 1969, 1970, 1971 and/or 1972

(Total contributions since RFE was founded)

ALABAMA

South Central Bell Telephone and Telegraph Company, 701 S. 20th Street, Birmingham, Alabama 35201, W. Cecil Bauer, President, $5,000.

CALIFORNIA

The Ahmanson Foundation, 3731 Wilshire Boulevard, Beverly Hills, California 90010, Robert M. DeKruif, Trustee, $800.

Ampex Corporation, 401 Broadway, Redwood City, California 94063, Arthur H. Hausman, President, $1,950.

Angelus Sanitary Can Machine Company, 4900 Pacific Boulevard, Los Angeles, California 90058, E. O. Lowell, President, $4,000.

Argonaut Charitable Foundation, 1206 Pacific Mutual Building, 523 West Sixth Street, Los Angeles, California 90014, Dr. Seeley W. Mudd, Trustee, $11,800.

AVCO Financial Services, Inc., 620 Newport Center Drive, Newport Beach, California 92660, Allan E. Weidman, Chairman, $500.

Avery Products Corp., 415 Huntington Drive, San Marino, California 91108, R. Stanton Avery, Chairman, $3,450.

Bechtel Corporation, Fifty Beale Street, San Francisco, California 94119, Stephen D. Bechtel, Jr., President, $11,700.

Broadway-Hale Stores, Inc., 600 S. Spring Street, Los Angeles, California 90014, Edward W. Carter, Chairman, $1,500.

Carnation Company, 5045 Wilshire Boulevard, Los Angeles, California 90036, H. Everett Olson, Chairman, $11,000.

The Clorox Company, 7901 Oakport Street, Oakland, California 94621, R. B. Shetterly, President, $500.

Crown Zellerbach Foundation, One Bush Street, San Francisco, California 94119, Richard G. Shephard, President, $147,500.

Dart Industries, Inc., 8480 Beverly Boulevard, Los Angeles, California 90054, Justin W. Dart, Chairman and President, $12,431.80.

Del Monte Corporation, 215 Fremont Street, San Francisco, California 94119, Alfred W. Eames, Jr., Chairman, $3,250.

Di Giorgio Corporation, One Maritime Plaza, San Francisco, California 94111, Robert Di Giorgio, Chairman, $4,250.

Walt Disney Productions, 500 South Buena Vista Street, Burbank, California 91505, Donn B. Tatum, Chairman, $3,450.

FMC Corporation, 1105 Coleman Avenue, San Jose, California 95110, Robert H. Malott, President, $15,700.

Mr. Leonard K. Firestone, Forty Fourth Floor, 515 South Flower Street, Los Angeles, California 90017, $750.

Foremost-McKesson, Inc., Crocker Plaza, One Post Street, San Francisco, California 94104, Rudolph J. Drews, Chairman, $15,000.

Mr. Stuart Haldorn, 26259 Atherton Drive, Carmel, California 93921, $700.

Harvey Aluminum, Inc., 19200 S. Western Avenue, Torrance, California 90509, George M. Bunker, Chairman, $2,000.

Earle M. Jorgensen Company, 10650 South Alameda Street, Los Angeles, California 90054, Earle M. Jorgensen, Chairman, $2,350.

Kaiser Industries Corporation, Kaiser Center, 300 Lakeside Drive, Oakland, California 94604, Edgar F. Kaiser, Chairman, $37,000.

The Honorable James S. Kemper, 141 Merito Place, Palm Springs, California 92262, $500.

Levi Strauss & Co., 98 Battery Street, San Francisco, California 94106, Walter A. Haas, Jr., Chairman, $9,000.

Litton Industries, Inc., 360 N. Crescent Drive, Beverly Hills, California 90210, Charles B. Thornton, Chairman, $6,300.

Lockheed Aircraft Corporation, 2555 Hollywood Way, Burbank, California 91503, A. Carl Kotchian, President, $9,250.

Longs Drug Stores, Inc., 141 N. Civic Drive, Walnut Creek, California 94596, Thomas J. Long, Chairman, $2,700.

Los Angeles Herald-Examiner, 1111 S. Broadway, Los Angeles, California 90015, George R. Hearst, Jr., Publisher, $17,000.

Marwais Steel Co., One Barrett Avenue, Richmond, California 94802, Marshall I. Wais, Sr., President, $1,000.

Norris Industries, Inc., 5215 South Boyle Avenue, Los Angeles, California 90058, Kenneth T. Norris, Jr., Chairman and President, $7,000.

Northrop Corporation, 1800 Century Park East, Los Angeles, California 90067, Thomas V. Jones, Chairman and President, $600.

Pacific Gas and Electric Company, 77 Beale Street, San Francisco, California 94106, Shermer L. Sibley, Chairman and CEO, $82,500.

Rockwell International Corp.–Aerospace Group, 1700 East Imperial Highway, El Segundo, California 90245, Willard F. Rockwell, Jr., Chairman, $4,500.

San Francisco Clearing House Association, 400 Sansome Street, San Francisco, California 94111, R. W. Schumacher, Secretary.

Security Pacific National Bank, 561 South Spring Street, Los Angeles, California 90013, Frederick G. Larkin, Jr., Chairman, $2,500.

Mr. Frank Sinatra, P.O. Box 00, Palm Springs, California 92262, $500.

Southern Pacific Transportation Company, One Market Street, San Francisco, California 94105, Benjamin F. Biaggini, President, $5,700.

Standard Oil Company of California, 225 Bush Street, San Francisco, California 94120, Otto N. Miller, Chairman, $725,000.

The TI Corporation of California, 433 South Spring Street, Los Angeles, California 90054, Ernest J. Loebbecke, Chairman, $7,250.

The Times Mirror Company, Times Mirror Square, Los Angeles, California 90053, Dr. Franklin D. Murphy, Chairman, $6,000.

Union Oil Company of California, Union Oil Center, Los Angeles, Cailfornia 90017, Fred L. Hartley, President, $8,000.

WELfund, Inc., 152 North Almont Drive, Los Angeles, Califcrnia 90048, William E. Lerner, President, $1,000.

Dean Witter & Co., 45 Montgomery Street, San Francisco, California 94104, William M. Witter, Chairman, $1,500.

COLORADO

Denver Clearing House Association, 820 Boston Building, Denver, Colorado 80202, William H. Eberhard, Secretary-Treasurer, $5,727.62.

Gates Ruber Company, 999 South Broadway, Denver, Colorado 80209, Charles C. Gates, Jr., Chairman and President, $8,000.

The Mountain States Telephone & Telegraph Company, 931–14th Street, Denver, Colorado, 80202, Robert K. Timothy, President, $7,300.

CONNECTICUT

American Can Company, American Lane, Greenwich, Connecticut 06830, William F. May, Chairman, $9,500.

Associated Spring Corporation, 18 Main Street, Bristol, Connecticut 06010, Carlyle F. Barnes, Chairman, $1,000.

Continental Oil Company, High Ridge Park, Stamford, Connecticut 06904, John G. McLean, Chairman, $34,000.

Heublein, Inc., 330 New Park Avenue, Hartford, Connecticut 06101, Stuart D. Watson, President, $6,500.

Olin Corporation, 120 Long Ridge Road, Stamford, Connecticut 06904, James F. Towey, Chairman and President, $54,500.

Publication Corporation, 35 Mason Street, Greenwich, Connecticut 06830, Jerome B. Fisher, Chairman, ———.

Timex Corporation, Waterbury, Connecticut 06720, Joakim Lehmkuhl, Chairman, $3,000.

United Aircraft Corporation, 400 Main Street, East Hartford, Connecticut 06108, Harry J. Gray, President, $26,000.

Dr. John U. White, Contentment Island, Darien, Connecticut 06820, $9,095.10.

Xerox Corporation, Stamford, Connecticut 06904, C. Peter McColough, Chairman, $6,950.

DELAWARE

Columbia Gas System Service Corporation, 20 Montchanin Road, Wilmington, Delaware 19807, John W. Partridge, Chairman, $11,000.

E. I. du Pont de Nemours & Company, Du Pont Building, Wilmington, Delaware 19898, Charles B. McCoy, Chairman and President, $910,000.

Mr. and Mrs. Bruce M. Donaldson, c/o Mr. L. F. Meehan, Delaware Trust Company, 900 Market Street, Wilmington, Delaware 19898, $500.

Mr. Reynolds du Pont, Room 1135, Wilmington Trust Building, Wilmington, Delaware 19801, $9,300.

Mr. Crawford H. Greenewalt, 9034 Du Pont Building, Wilmington, Delaware 19898, $2,450.

Hercules, Inc., 910 Market Street, Wilmington, Delaware 19899, John M. Martin, Chairman, $15,000.

DISTRICT OF COLUMBIA

AFL–CIO, 815 Sixteenth Street, N.W., Washington, D.C. 20006, George Meany, President, $7,500.

Chesapeake & Potomac Telephone Co., 930 H Street, N.W., Washington, D.C. 20001, Thomas E. Bolger, President, $500.

Howard P. Foley Company, 2020 Eye Street, N.W., Washington, D.C. 20006, Bancroft T. Foley, Jr., President, $500.

Riggs National Bank of Washington, D.C., 1503 Pennsylvania Avenue, N.W., Washington, D.C. 20005, L. A. Jennings, Chairman, $6,500.

Steuart Petroleum Company, 4646–40th Street, N.W., Washington, D.C. 20016, Curtis S. Steuart, Chairman, $1,000.

WRC–WRC–TV, 4001 Nebraska Avenue, Washington, D.C. 20016, Tom E. Paro, Vice President, $2,000.

FLORIDA

The Raymond E. and Ellen F. Crane Foundation, 1205 First National Bank Building, Miami, Florida 33131, Radford R. Crane, Trustee, $5,000.

Florida Federation of Women's Clubs, 602 E. Orange Street, Lakeland, Florida 33801, $2,365.37.

Ryder System, Inc., 2701 South Bayshore Drive, Miami, Florida 33133, Mr. James A. Ryder, Chairman, $1,000.

Southern Bell Telephone & Telegraph Co., P.O. Box 390, Jacksonville, Florida, 32201, J. M. Brown, Vice President, $6,900.

Storer Broadcasting Company, 1177 Kane Corcourse, Miami Beach, Florida 33154, George B. Storer, Chairman, $8,050.

Wellman-Lord, Inc., Lakeland, Florida, Mr. James M. Wellman, $500.

GEORGIA

E. T. Barwick Industries, Inc., 5025 New Peachtree Road, Chamblee, Georgia 30341, Mr. Eugene T. Barwick, Chairman and President, $6,000.

The Coca-Cola Company, 310 North Avenue, N.W., Atlanta, Georgia 30313, J. Paul Austin, Chairman, $18,500.

First National Bank of Atlanta, P.O. Box 4148, Atlanta, Georgia 30302, Edward D. Smith, Chairman, $9,800.

Southern Bell Telephone & Telegraph Company, Hurt Building, 45 Edgewood Avenue, S.E., Atlanta, Georgia 30303, L. Edmund Rast, President, $8,500.

West Point-Pepperell, Inc., 400 W. 10th Street, West Point, Georgia 31833, John P. Howland, President, $6,850.

HAWAII

Charles M. and Anna C. Cooke, Limited, 745 Fort Street, Suite 1212, Honolulu, Hawaii 96813, Richard A. Cooke, Jr., President, $500.

ILLINOIS

Allstate Insurance Company, Allstate Plaza, Northbrook, Illinois 60062, Archie R. Boe, Chairman, $8,550.

Bell and Howell Company, 7100 McCormick Road, Chicago, Illinois 60645, Donald N. Frey, Chairman and President, $6,400.

Borg-Warner Corporation, 200 South Michigan Avenue, Chicago, Illinois 60604, James F. Bere, President, $15,500.

Bunker Ramo Corporation, 900 Commerce Drive, Oak Brook, Illinois 60521, George S. Trimble, President, $9,200.

CNA Foundation, 310 South Michigan Avenue, Chicago, Illinois 60604, David J. Christensen, Executive Director, $3,613.06.

Caterpillar Tractor Company, 100 N.E. Adams Street, Peoria, Illinois 61602, William H. Franklin, Chairman, $69,500.

The Ceco Corporation, 5601 West 26th Street, Chicago, Illinois 60650, Elmer T. Gustafson, Chairman, $6,300.

Chicago Bridge & Iron Company, 901 West 22nd Street, Oak Brook, Illinois 60521, Marvin G. Mitchell, Chairman and President, $2,600.

Consolidated Foods Corporation, 135 South La Salle Street, Chicago, Illinois 60603, William A. Buzick, Jr., Chairman, $4,700.

Container Corporation of America, One First National Plaza, Chicago, Illinois 60670, Henry G. Van der Eb, President, $21,000.

Continental Illinois National Bank and Trust Company of Chicago, 231 South La Salle Street, Chicago, Illinois 60690, Donald M. Graham, Chairman, $20,000.

Controls Company of America, 9655 W. Soreng Avenue, Franklin Park, Illinois 60131, Donald M. Strathearn, President, $3,700.

Deere and Company, John Deere Road, Moline, Illinois 61265, William A. Hewitt, Chairman, $95,000.

A. B. Dick Company, 5700 West Touhy Avenue, Chicago, Illinois 60648, Albert B. Dick, III, Chairman, $6,200.

The First National Bank of Chicago, One First National Plaza, Chicago, Illinois 60670, Gaylord A. Freeman, Chairman, $13,750.

Edward Gray Corporation, 12233 Avenue "O", Chicago, Illinois 60633, Melvin Gray, President, $2,350.

Harris Trust and Savings Bank, 111 West Monroe Street, Chicago, Illinois 60690, William F. Murray, Chairman, $4,750.

Hart, Schaffner and Marx, 36 South Franklin Street, Chicago, Illinois 60606, John D. Gray, Chairman, $7,550.

Household Finance Corporation, Prudential Plaza, Chicago, Illinois 60601, Arthur E. Rasmussen, Jr., Chairman, $10,250.

Inland Steel Company, 30 West Monroe Street, Chicago, Illinois 60603, Frederick G. Jaicks, Chairman, $153,500.

Interlake, Inc., 310 S. Michigan Avenue, Chicago, Illinois 60604, Reynolds C. MacDonald, Chairman, $9,000.

International Harvester Company, 401 North Michigan Avenue, Chicago, Illinois 60611, Brooks McCormack, President, $320,000.

Jewel Companies, Inc., O'Hare Plaza, 5725 East River Road, Chicago, Illinois 60631, Donald S. Perkins, Chairman, $14,000.

Kraftco Corporation, Kraftco Court, Glenview, Illinois 60025, William O. Beers, Chairman, $34,500.

Robert R. McCormick Foundation, 435 N. Michigan Avenue, Chicago, Illinois 60611, Thomas R. Furlong, Executive Director, $12,500.

McGraw-Edison Company, 333 West River Road, Elgin, Illinois 60120, Edward J. Williams, President, $30,800.

Motorola, Inc., 9401 West Grand Avenue, Franklin Park, Illinois 60131, Robert W. Galvin, Chairman, $57,000.

The Northern Trust Company, 50 South La Salle Street, Chicago, Illinois 60690, Edward Byron Smith, Chairman, $7,100.

Northwestern Steel and Wire Company, Avenue B and Wallace Street, Sterling, Illinois 61081, Paul W. Dillon, Chairman, $6,700.

Pullman Incorporated, 200 South Michigan Avenue, Chicago, Illinois 60604, Samuel B. Casey, Jr., President, $60,000.

Santa Fe Industries, Inc., 224 South Michigan Avenue, Chicago, Illinois 60604, John S. Reed, Chairman and President, $109,500.

Sears, Roebuck and Co., 925 South Homan Avenue, Chicago, Illinois 60607, Arthur M. Wood, Chairman, $510,000.

Square D Company, Executive Plaza, Park Ridge, Illinois 60068, Mitchel P. Kartalia, President, $6,750.

Standard Oil Company (Indiana), 910 South Michigan Avenue, Chicago, Illinois 60605, John E. Swearingen, Chairman, $81,000.

W. Clement Stone Enterprises, 222 West Adams, Chicago, Illinois 60606, W. Clement Stone, $2,525.

United States Gypsum Company, 101 South Wacker Drive, Chicago, Illinois 60606, Graham J. Morgan, Chairman, $5,000.

Washington National Insurance Company, 1630 Chicago Avenue, Evanston, Illinois 60201, G. Preston Kendall, Chairman, $1,027.

Zenith Radio Corporation, 1900 N. Austin Avenue, Chicago, Illinois 60639, Joseph S. Wright, Chairman, $8,000.

INDIANA

American Legion Auxiliary, National Headquarters, 777 North Meridian Street, Indianapolis, Indiana 46204, Mrs. T. G. Chilton, National President, $4,000.

Essex International, Inc., 1601 Wall Street, Fort Wayne, Indiana 46804, Walter F. Probst, Chairman, $16,600.

Franklin Electric Company, Inc., 400 East Spring Street, Bluffton, Indiana 46714, Edward J. Schaefer, Chairman, $2,650.

Hillenbrand Industries, Inc., Highway 46, Batesville, Indiana 47006, Daniel A. Hillenbrand, President, $1,500.

Mr. Eli Lilly, 5807 Sunset Lane, Indianapolis, Indiana 46208, $1,000.

Eli Lilly and Company, 307 E. McCarty Street, Indianapolis, Indiana 46206, Richard D. Wood, Chairman, $182,500.

Mrs. Marguerite L. Noyes, 5625 Sunset Lane, Indianapolis, Indiana 46208, $3,700.

KANSAS

Beech Aircraft Corporation, 9709 East Central Avenue, Wichita, Kansas 67201, Mrs. Olive Ann Beech, Chairman, $4,500.

KENTUCKY

Texas Gas Transmission Corporation, 3800 Frederica Street, Owensboro, Kentucky 42301, William M. Elmer, Chairman, $600.

LOUISIANA

Glazer Steel Corporation, 1556 Tchoupitoulas Street, New Orleans, Louisiana 70130, Jerome S. Glazer, President, $1,000.

"Help for Others," New Orleans Public Schools, 703 Carondelet Street, New Orleans, Louisiana 70130, $2,941.

Ingram Corp., 2800 International Trade Mart Building, New Orleans, Louisiana 70130, Mr. Frederic B. Ingram, Chairman, $1,000.

The Times-Picayune Publishing Corp., 3800 Howard Avenue, New Orleans, Louisiana 70140, Ashton Phelps, President and Publisher, $4,500.

MARYLAND

The Black and Decker Manufacturing Company, 701 East Joppa Road, Towson, Maryland 21204, Alonzo G. Decker, Jr., Chairman, $5,500.

Mr. George H. C. Arrowsmith, Old Dover & Byerly Roads, Upperco, Maryland 21155, $4,000.

The H. Barksdale Brown Charitable Trust, Grofton Shop Road, Belair, Maryland 21014, Mr. H. Barksdale Brown, Trustee, $10,200.

Commercial Credit Company, 300 St. Paul Place, Baltimore, Maryland 21202, Donald S. Jones, President, $9,200.

Fidelity and Deposit Company of Maryland, Charles and Lexington, Baltimore, Maryland 21201, Julian S. Neal, President, $9,000.

United States Fidelity and Guaranty Company, Calvert and Redwood Streets, Baltimore, Maryland 21203, William Gragg, Chairman and President, $8,518.71.

MASSACHUSETTS

The Boston Globe, 135 Wm. T. Morrissey Boulevard, Boston, Massachusetts 02107, Willian Davis Taylor, Publisher, $5,000.

Dennison Manufacturing Company, 300 Howard Street, Framingham, Massachusetts 01701, Philip B. Hamilton, Chairman, $7,500.

Fidelity Management & Research Company, 35 Congress Street, Boston, Massachusetts 02109, Edward C. Johnson 2d, Chairman, $5,250.

The First National Bank of Boston, 100 Federal Street, Boston, Massachusetts 02110, Richard D. Hill, Chairman, $7,000.

General Cinema Corporation, 500 Boylston Street, Boston, Massachusetts 02116, Richard A. Smith, Chairman and President, $1,500.

The Gillette Company, Prudential Tower Building, Boston, Massachusetts 02199, Vincent C. Ziegler, Chairman, $40,000.

John Hancock Mutual Life Insurance Co., 200 Berkeley Street, Boston, Massachusetts 02117, Gerhard D. Bleicken, Chairman, $30,200.

The Gilbert H. Hood Memorial Fund, Six Everett Avenue, Winchester, Massachusetts 01890, Gilbert H. Hood, Jr., Managing Trustee, $4,500.

Mr. Edward C. Johnson 2d, 35 Congress Street, Room 1151, Boston, Massachusetts 02109, $4,200.

Mrs. R. G. Kennelly, 20 North Russell Street, Milton, Massachusetts 02187, $750.

Stanley Home Products, Inc., 333 Western Avenue, Westfield, Massachusetts 01085, Homer G. Perkins, President, $2,000.

State Mutual Life Assurance Company of America, 440 Lincoln Street, Worcester, Massachusetts 01605, W. Douglas Bell, Chairman, $4,500.

Mr. Robert G. Stone, 28 State Street—Suite 3800, Boston, Massachusetts 02109, $7,500.

Mr. James J. Storrow, P.O. Box 1647, Boston, Massachusetts 02105, $9,084.29.

USM Corp., 140 Federal Street, Boston, Massachusetts 02107, William S. Brewster, Chairman, $6,450.

MICHIGAN

Allen Industries, Inc., 17515 W. Nine Mile Road, Southfield, Michigan 48015, Robert D. Kemp, President, $7,525.

Alma Products Company, 2000 Michigan Avenue, Alma, Michigan 48801, Emmet E. Tracy, President, $6,250.

American Motors Corporation, 14250 Plymouth Road, Detroit, Michigan 48232, Roy D. Chapin, Jr., Chairman, $8,900.

The Bendix Corporation, Bendix Center, Southfield, Michigan 48075, W. Michael Blumenthal, Chairman and President, $60,500.

The Budd Company, 12141 Charlevoix Avenue, Detroit, Michigan 48215, Gilbert F. Richards, President, $13,950.

Bundy Corporation, 333 West Fort Street, Detroit, Michigan 48226, Wendell W. Anderson, Jr., Chairman and President, $22,500.

Leo Burnett Company of Michigan, Inc., 26555 Evergreen Road, Southfield, Michigan 48076, Sheldon Moyer, President, $7,750.

Burroughs Corporation, Burroughs Place, Detroit, Michigan 48232, Ray W. Macdonald, President, $10,650.

Chrysler Corporation, 341 Massachusetts Avenue, Detroit, Michigan 48231, Lynn A. Townsend, Chairman, $549,000.

Clark Equipment Company, 324 East Dewey Avenue, Buchanan, Michigan 49107, Bert E. Phillips, President, $12,750.

Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201, Alphonse H. Aymond, Chairman and President, $2,000.

Detroit Bank and Trust Company, 211 West Fort Street, Detroit, Michigan 48231, C. Boyd Stockmeyer, President, $8,550.

The Detroit Edison Company, 2000 Second Avenue, Detroit, Michigan 48226, William G. Meese, President, $115,000.

Detroit Gasket and Manufacturing Company, 21800 Greenfield Road, Detroit, Michigan, 48237, John R. Nyland, President, $8,750.

Ex-Cell-O Corporation, P.O. Box 386, Detroit, Michigan 48232, Edward J. Giblin, President, $7,275.

Wederal-Mogul Corporation, P.O. Box 1966, Detroit, Michigan 48235, Samuel E. MacArthur, Chairman, $6,750.

Benson & Edith Ford Fund, 2600 Buhl Building, Detroit, Michigan 48226, John C. Gibbs, Treasurer, $40,000.

Eleanor Clay Ford Fund, 2600 Buhl Building, Detroit, Michigan 48226, John C. Gibbs, Treasurer, $19,000.

The Henry Ford II Fund, 2600 Buhl Building, Detroit, Michigan 48226, John C. Gibbs, Treasurer, $72,500.

Ford Motor Company, The American Road, Dearborn, Michigan 48121, Henry Ford II, Chairman, $1,855,000.

Walter & Josephine Ford Fund, 2600 Buhl Building, Detroit, Michigan 48226, John C. Gibbs, Treasurer, $17,000.

William and Martha Ford Fund, 2600 Buhl Building, Detroit, Michigan 48226, John C. Gibbs, Treasurer, $12,500.

Fruehauf Corporation, 10900 Harper Avenue, Detroit, Michigan 48213, William E. Grace, Chairman, $5,000.

General Motors Corporation, General Motors Building, Detroit, Michigan 48202, Richard C. Gerstenberg, Chairman, $1,540,000.

Harlan Electric Company, 24000 Telegraph Road, Southfield, Michigan 48075, John M. Harlan, President, $2,450.

The J. L. Hudson Company, 1206 Woodward Avenue, Detroit, Michigan 48226, Joseph L. Hudson, Jr., Chairman, $6,000.

The Hurst Foundation, 5500 Browns Lake Road, Jackson, Michigan 49203, Ronald F. Hurst, Trustee, $1,000.

Kellogg Company, 235 Porter Street, Battle Creek, Michigan 49016, Joseph E. Lonning, President, $19,500.

Lear Siegler, Inc., Fabricated Products Group, 877 South Adams, Birmingham, Michigan 48011, John C. Peppler, Group Vice President, $3,200.

Edward C. Levy Company, 8800 Dix Avenue, Detroit, Michigan 48209, Edward C. Levy, Sr., Chairman, $5,650.

Lindell Drop Forge Company, South Logan Blvd. & N.Y.C.R.R., Lansing, Michigan 48903, Walter E. Lindell, President, $25,500.

Manufacturers National Bank of Detroit, 151 West Forest Street, Detroit, Michigan 48226, Dean E. Richardson, President, $6,350.

McLouth Steel Corporation, 300 South Livernois Avenue, Detroit, Michigan 48209, Thomas J. Johnson, Chairman, $35,000.

Michigan Consolidated Gas Company, One Woodward Avenue, Detroit, Michigan 48226, Wilber H. Mack, Chairman, $4,250.

Monroe Auto Equipment Company, 1426 East First Street, Monroe, Michigan 48161, Charles S. McIntyre, President, $9,000.

Charles Stewart Mott Foundation, 500 Mott Foundation Building, Flint, Michigan 48502, C. S. Harding Mott, President, $3,000.

Muskegon Paper Box Company, 1801 Keating Avenue, Muskegon, Michigan 49442, N. A. George, President, $700.

National Bank of Detroit, 611 Woodward, Detroit, Michigan 48232, Robert M. Surdam, Chairman, $16,250.

Ransom Fidelity Company, 1000 Michigan National Tower, Lansing, Michigan 48933, J. Woodward Roe, President, $2,150.

Mr. James M. Roche, 425 Dunston Road, Bloomfield Hills, Michigan 48013, $4,108.22.

Rockwell International Corp.—Automotive Group, 1000 W. Maple Road, Troy, Michigan 48084, Stephen J. Tompkins, President, $11,800.

The Shaw-Walker Company, 921 West Western Avenue, Muskegon, Michigan 49443, Shaw Walker, President, $3,000.

Walbridge Aldinger Company, 19101 West Davison Avenue, Detroit, Michigan 48223, John Rakolta, President, $1,500.

Hiram Walker and Sons, Inc., 8325 Jefferson East, Detroit, Michigan 48214, H. Clifford Hatch, President, $12,200.

Whirlpool Corporation, Lake Shore & Monte Road, Benton Harbor, Michigan 49022, John H. Platts, Chairman and President, $23,650.

MINNESOTA

F. A. Bean Foundation, Inc., 1200 Investors Building, Minneapolis, Minnesota 55402, Atherton Bean, President, $36,000.

Bemis Company, Inc., 800 Northstar Center, Minneapolis, Minnesota 55402, Judson Bemis, Chairman, $5,150.

The First National Bank of St. Paul, 332 Minnesota Street, St. Paul, Minnesota 55101, Philip H. Nason, Chairman, $7,250.

General Mills, Inc., 9200 Wayzata Boulevard, Minneapolis, Minnesota 55440, James P. McFarland, Chairman, $22,500.

International Multifoods Corp., 1200 Investors Building, Minneapolis, Minnesota 55402, William G. Phillips, Chairman and President, $11,000.

Investors Diversified Services, Inc., IDS Tower, Minneapolis, Minnesota 55402, Charles R. Orem, President, $5,100.

Minnesota Mining and Manufacturing Company, 3 M Center, St. Paul, Minnesota 55101, Harry Heltzer, Chairman, $12,000.

Ordway Trust, 1207 Pioneer Building, St. Paul, Minnesota 55101, Richard Ordway, $500.

I. A. O'Shaughnessy Foundation, Inc., W–3072 First National Bank Building, St. Paul, Minnesota 55101, I. A. O'Shaughnessy, President, $8,000.

Owen Family Fund, 515 National Building, 527 Second Avenue South, Minneapolis, Minnesota 55402, Robert A. Owen, President, $1,000.

Pillsbury Company, 608 2nd Avenue S., Minneapolis, Minnesota 55402, William H. Spoor, Chairman, $9,500.

WCCO Radio-Television, 50 South 9th Street, Minneapolis, Minnesota 55402, Robert Ridder, Chairman, $4,000.

MISSOURI

Anheuser-Busch, Inc., 721 Pestalozzi Street, St. Louis, Missouri 63118, August A. Busch, Jr., Chairman, $4,750.

General Dynamics Corporation, The Pierre Laclede Center, St. Louis, Missouri 63105, David S. Lewis, Chairman, $57,000.

Hallmark Cards, Inc., 2501 McGee Trafficway, Kansas City, Missouri 64141, Donald J. Hall, President, $8,800.

May Department Stores Company, 601 Olive Street, St. Louis, Missouri 63101, Stanley J. Goodman, Chairman, $12,000.

Monsanto Company, 800 North Lindbergh Boulevard, St. Louis, Missouri 63166, John W. Hanley, President, $58,000.

St. Louis Clearing House Association, 412 St. Charles Street, St. Louis, Missouri 63102, Miss Rosina M. Huck, Manager, $6,844.

The Seven-Up Company, 121 South Meramec Avenue, St. Louis, Missouri 63105, Ben H. Wells, President, $3,000.

NEBRASKA

Mutual of Omaha Insurance Company, Dodge at 33rd Street, Omaha, Nebraska 68131, V. J. Skutt, Chairman, $6,200.

NEW JERSEY

American Cynanamid Company, 859 Berdan Avenue, Wayne, New Jersey 07470, Clifford D. Siverd, Chairman, $49,600.

Campbell Soup Company, Campbell Place, Camden, New Jersey 08101, Harold A. Shaub, President, $231,000.

Fidelity Union Trust Company, 765 Broad Street, Newark, New Jersey 07102, C. Malcolm Davis, Chairman, $2,450.

Hoffmann-La Roche, Inc., 340 Kingsland Street, Nutley, New Jersey 07110, Robert B. Clark, President, $5,750.

Ingersoll-Rand Company, 200 Chestnut Ridge Road, Woodcliff Lake, New Jersey 07675, William L. Wearly, Chairman, $5,075.

Johnson and Johnson, 501 George Street, New Brunswick, New Jersey 08903, Richard B. Sellers, Chairman, $12,500.

Mr. C. Frank Kireker, Jr., 259 Gardner Road, Ridgewood, New Jersey 07450, $2,625.78.

F. M. Kirby Foundation, Inc., 17 De Hart Street, Morristown, New Jersey 07960, F. M. Kirby, President, $12,350.

Thomas J. Lipton, Inc., 800 Sylvan Avenue, Englewood Cliffs, New Jersey 07632, W. Gardner Barker, President, $8,750.

Merck and Company, Inc., 126 East Lincoln Avenue, Rahway, New Jersey 07065, Henry W. Gadsden, Chairman, $20,500.

Mr. Morris M. Messing, Oxy Metal Finishing Group, 75 River Road, Nutley, New Jersey 07110, $500.

Mutual Benefit Life Insurance Company, 520 Broad Street, Newark, New Jersey 07101, Robert V. Van Fossan, President, $7,500.

New Jersey Manufacturers Insurance Company, Sullivan Way, Trenton, New Jersey 08607, Vincent E. Hoyer, President, $12,000.

Public Service Electric and Gas Company, 80 Park Place, Newark, New Jersey 07101, Edward R. Eberle, Chairman, $13,100.

NEW YORK

A C F Industries, Inc., 750 Third Avenue, New York, New York 10017, John F. Burditt, Chairman, $47,000.

A M F Incorporated, 777 Westchester Avenue, White Plains, New York 10604, Rodney C. Gott, Chairman and President, $15,300.

Abex Corporation, 530 Fifth Avenue, New York, New York 10036, N. George Belury, President, $17,500.

Allied Chemical Corporation, 1411 Broadway, New York, New York 10018, John T. Connor, Chairman, $82,029.55.

American Brands, Inc., 245 Park Avenue, New York New York 10017, Robert K. Heimann, Chairman and President, $78,500.

American Express Company, 65 Broadway, New York, New York 10004, Howard L. Clark, Chairman, $2,750.

American Metal Climax, Inc., 1270 Avenue of the Americas, New York, New York 10020, Ian K. MacGregor, Chairman, $7,000.

American Smelting and Refining Company, 120 Broadway, New York, New York 10005, Charles F. Barber, Chairman, $12,000.

American Telephone and Telegraph Company, 195 Broadway, New York, New York 10007, John D. deButts, Chairman, $777,000.

The Anaconda Company, 25 Broadway, New York, New York 10004, John B. M. Place, Chairman and President, $72,000.

Atlantic Richfield Company, 717 Fifth Avenue, New York, New York 10022, Robert O. Anderson, Chairman, $89,550.

Avon Products, Inc., 9 West 57th Street, New York, New York 10019, Fred G. Fusee, Vice Chairman, $7,000.

The Bank of New York, 48 Wall Street, New York, New York 10015, Elliott Averett, President, $18,500.

Bankers Trust Company, 280 Park Avenue, New York, New York 10017, William H. Moore, Chairman, $77,500.

Barber Oil Corporation, 30 Rockefeller Plaza, New York, New York 10020, C. Marks Hinton, President, $7,000.

Batten, Barton, Durstine & Osborn, Inc., 383 Madison Avenue, New York, New York 10017, Thomas C. Dillon, President, $21,400.

Bristol-Myers Company, 345 Park Avenue, New York, New York 10022, Richard L. Gelb, President, $7,400.

Carrier Corporation, Carrier Tower, Syracuse, New York 13201, Melvin C. Holm, Chairman, $8,500.

Carter-Wallace, Inc., 767 Fifth Avenue, New York, New York 10022, Kirby Peake, Chairman, $6,000.

Champion International Corp., 777 Third Avenue, New York, New York 10017, Thomas F. Willers, Chairman and President, $11,025.

The Chase Manhattan Bank, One Chase Manhattan Plaza, New York, New York 10015, David Rockefeller, Chairman, $180,000.

Chemical Bank, 20 Pine Street, New York, New York 10005, William S. Renchard, Chairman, $102,500.

Cities Service Company, 60 Wall Street, New York, New York 10005, Robert V. Sellers, Chairman, $85,000.

The Clark Foundation, 30 Wall Street, New York, New York 10005, Stephen C. Clark, Jr., President, $14,000.

Colgate-Palmolive Company, 300 Park Avenue, New York, New York 10022, David R. Foster, President, $21,100.

Columbia Broadcasting System, Inc., 51 West 52nd Street, New York, New York 10019, Dr. Frank Stanton, Vice-Chairman, $175,000.

Continental Can Company, Inc., 633 Third Avenue, New York, New York 10017, Robert S. Hatfield, Chairman and President, $17,750.

Corning Glass Works, Corning, New York 14830, Amory Houghton, Jr., Chairman, $16,000.

Corporation Trust Company, 277 Park Avenue, New York, New York 10017, Oakleigh L. Thorne, Chairman, $5,500.

Dancer-Fitzgerald-Sample, Inc., 347 Madison Avenue, New York, New York 10017, Stuart B. Upson, President, $6,000.

Dow Jones and Company, Inc., 22 Cortlandt Street, New York, New York 10007, William F. Kerby, Chairman, $5,500.

Dun and Bradstreet, Inc., 99 Church Street, New York, New York 10007, Hamilton B. Mitchell, Chairman, $10,000.

Mr. Duncan C. Dusenbury, 17 Maple Avenue, Portville, New York 14770, $1,000.

Eastman Kodak Company, 343 State Street, Rochester, New York 14650, Walter A. Fallon, President, $120,000.

Engelhard Minerals & Chemicals Corp., 299 Park Avenue, New York, New York 10017, Milton F. Rosenthal, President, $5,000.

Exxon Corp., 1251 Avenue of the Americas, New York, New York 10020, John Kenneth Jamieson, Chairman, $2,348,000.

The First Boston Corporation, 20 Exchange Place, New York, New York 10005, Emil J. Pattberg, Jr., Chairman, $10,000.

General Electric Company, 570 Lexington Avenue, New York, New York 10022, Reginald H. Jones, Chairman, $66,000.

General Foods Corporation, 250 North Street, White Plains, New York 10625, C. W. Cook, Chairman, $125,000.

General Telephone & Electronics Corporation, 730 Third Avenue, New York, New York 10017, Leslie H. Warner, Chairman.

Goldman, Sachs and Company, 55 Broad Street, New York, New York 10004, George E. Doty, $9,000.

Mr. E. Roland Harriman, Brown Brothers Harriman and Company, 59 Wall Street, New York, New York 10005, $8,500.

International Business Machines Corporation, Old Orchard Road, Amonk, New York 10504, Frank T. Cary, Chairman and President, $375,000.

International Flavors & Fragrances, Inc., 521 West 57th Street, New York, New York 10019, Henry G. Walter, Jr., Chairman, $3,700.

The International Nickel Company, One New York Plaza, New York, New York 10004, Kenneth A. De Longe, President, $85,000.

International Paper Company, 220 East 42nd Street, New York, New York 10017, Paul A. Gorman, Chairman and President, $75,000.

International Telephone and Telegraph Corp., 320 Park Avenue, New York, New York 10022, Harold S. Geneen, Chairman and President, $20,500.

Irving Trust Company, 1 Wall Street, New York, New York 10015, Gordon T. Wallis, Chairman, $57,500.

Johnson & Higgins, 95 Wall Street, New York, New York 10005, Richard I. Purnell, President, $6,250.

Kennecott Copper Corporation, 161 East 42nd Street, New York, New York 10017, Frank R. Milliken, President, $161,500.

L.A.W. Fund, Inc., "High Winds", Byram Lake Road, Mount Kisco, New York 10549, Mrs. Lila Acheson Wallace, President, $7,500.

Loeb Rhoades & Co., Incorporated, 42 Wall Street, New York, New York 10005, Mr. John L. Loeb, Chairman, $1,500.

Manufacturers Hanover Trust Company, 350 Park Avenue, New York, New York 10022, Gabriel Hauge, Chairman, $55,000.

Marine Midland Bank-New York, 140 Broadway, New York, New York 10015, John S. Lawson, President, $18,557.13.

Mrs. L. R. McCormick, Riveredge, Pulaski, New York 13142, $1,625.

Merrill Lynch, Pierce, Fenner & Smith, Inc., One Liberty Plaza, 165 Broadway, New York, New York 10006, Donald T. Regan, Chairman, $8,700.

Metropolitan Life Insurance Company, One Madison Avenue, New York, New York 10010, Richard R. Shinn, President, $73,500.

Mobil Oil Corporation, 150 East 42nd Street,, New York, New York 10017, Rawleigh Warner, Jr., Chairman, $515,000.

Morgan Guaranty Trust Co. of New York, 23 Wall Street, New York, New York 10015, Ellmore C. Patterson, Chairman, $105,500.

NL Industries, Inc., 111 Broadway, New York, New York 10006, Edward R. Rowley, Chairman, $19,500.

N.V.W. c/o Milo Steel, Inc., 3 Washington Square, Larchmont, New York 10538, D. Langkemper, $4,000.

National Distillers and Chemical Corporation, 99 Park Avenue, New York, New York 10016, Drummond C. Bell, President, $11,500.

New York Life Insurance Company, 51 Madison Avenue, New York, New York 10010, R. Manning Brown, Jr., Chairman, $40,500.

Niagara Mohawk Power Corporation, 300 Erie Boulevard West, Syracuse, New York 13202, John G. Haehl, Jr., President, $6,000.

Pan American World Airways, Inc., Pan Am Building, New York, New York 10017, William T. Seawell, Chairman and President, $9,500.

Pfizer, Inc., 235 East 42nd Street, New York, New York 10017, Edmund T. Pratt, Jr., Chairman, $11,250.

RCA Corp., 30 Rockefeller Plaza, New York, New York 10020, Robert W. Sarnoff, Chairman, $120,500.

Reader's Digest Association, Inc., Pleasantville, New York 10570, Hobart Lewis, Chairman, $39,500.

Rheem Manufacturing Company, 400 Park Avenue, New York, New York 10022, A. Lightfoot Walker, Chairman, $1,025.

Mr. David Rockefeller, Room 5600, 30 Rockefeller Plaza, New York, New York 10020, $47,066.89.

Mr. John D. Rockefeller 3rd, Room 5600, 30 Rockefeller Plaza, New York, New York 10020, $43,000.

Mr. Laurance S. Rockefeller, Room 5600, 30 Rockefeller Plaza, New York, New York 10020, $43,733.48.

The Honorable Nelson A. Rockefeller, Room 5600, 30 Rockefeller Plaza, New York, New York 10020, $43,998.96.

Joseph E. Seagram and Sons, Inc., 375 Park Avenue, New York, New York 10022, Jack Yogman, President, $9,000.

The Singer Company, 30 Rockefeller Plaza, New York, New York 10020, Donald P. Kircher, Chairman and President, $11,500.

Sperry and Hutchinson Company, 330 Madison Avenue, New York, New York 10017, William S. Beinecke, Chairman, $16,000.

Sperry Rand Corporation, 1290 Avenue of the Americas, New York, New York 10019, J. Paul Lyet, Chairman, $16,000.

Squibb Corporation, 460 Park Avenue, New York, New York 10022, Richard M. Furland, President, $1,000.

J. P. Stevens and Company, Inc., Stevens Tower, 1185 Avenue of the Americas, New York, New York 10036, James D. Finley, Chairman, $43,500.

Texaco, Inc., 135 East 42nd Street, New York, New York 10017, Maurice R. Granville, Chairman, $520,000.

J. Walter Thompson Company, 420 Lexington Avenue, New York, New York 10017, Dan Seymour, Chairman, $13,350.

Trans World Airlines, Inc., 605 Third Avenue, New York, New York 10016, Charles C. Tillinghast, Jr., Chairman, $3,250.

Union Carbide Corporation, 270 Park Avenue, New York, New York 10017, F. Perry Wilson, Chairman, $375,000.

Uniroyal, Inc., 1230 Avenue of the Americas, New York, New York 10020, George R. Vila, Chairman and President, $50,000.

U.S. Components, Inc., 1320 Zerega Avenue, Bronx, New York 10462, Boris A. Jackson, Chairman and President, $500.

DeWitt Wallace Fund, Inc., High Winds, Mount Kisco, New York 10549, DeWitt Wallace, President, $8,000.

NORTH CAROLINA

Burlington Industries, Inc., 301 North Eugene Street, Greensboro, North Carolina 27401, Charles F. Myers, Jr., Chairman, $6,650.

Lance, Incorporated, Pineville Road, Charlotte, North Carolina 28201, Philip Van Every, Chairman, $3,500.

R. J. Reynolds Industries, Inc., Main Street, Winston-Salem, North Carolina, 27102, Colin Stokes, Chairman, $81,800.

The Grace Richardson Fund, P. O. Box 20124, Greensboro, North Carolina 27420, H. Smith Richardson, Jr., Trustee, $500.

OHIO

Acme-Cleveland Corp., 170 East 131st Street, Cleveland, Ohio 44108, Arthur S. Armstrong, Chairman, $11,400.

Armco Steel Corporation, 703 Curtis Street, Middletown, Ohio 45042, C. William Verity, Jr., Chairman, $45,000.

The Austin Company, 3650 Mayfield Road, Cleveland, Ohio 44121, Allan S. Austin, Chairman, $1,000.

Basic Incorporated, 845 Hanna Building, Cleveland, Ohio 44115, Max Muller, President, $8,250.

Champion Spark Plug Company, 900 Uptown Avenue, Toledo, Ohio 43607, Robert A. Stranahan, Jr., Chairman and President, $16,600.

Cleveland-Cliffs Iron Company, 1460 Union Commerce Building, Cleveland, Ohio 44115, H. Stuart Harrison, President, $14,600.

The Cleveland Electric Illuminating Company, 55 Public Square, Cleveland, Ohio 44113, Karl H. Rudolph, President, $4,000.

Clevite Corporation, 17000 St. Clair Avenue, Cleveland, Ohio 44110, William T. Ylvisaker, Chairman, $12,500.

Dayton Power and Light Company, 25 North Main Street, Dayton, Ohio 45401, Robert B. Killen, Chairman and President, $7,300.

Mr. Gregory S. Devine (Greg-Stew), 11610 Harborview Drive, Cleveland, Ohio 44102, $750.

The East Ohio Gas Company, 1717 East Ninth Street Cleveland, Ohio 44114, G. J. Tankersley, President, $6,800.

Eaton Corporation, 100 Erieview Plaza, Cleveland, Ohio 44114, E. Mandell deWindt, Chairman (Del-Stew), $28,400.

Ernst and Ernst, 1300 Union Commerce Building Cleveland, Ohio 44115, Richart T. Baker, Managing Partner, $13,500.

Federated Department Stores, Inc., 222 West Seventh Street, Cincinnati, Ohio 45202, Ralph Lazarus, Chairman, $24,000.

Ferro Corporation One Erieview Plaza, Cleveland, Ohio 44144, Harry T. Marks, Chairman, $17,250.

Mr. Raymond C. Firestone, Lauray Farms, Bath, Ohio 44210, $516.08.

The Firestone Tire & Rubber Company, 1200 Firestone Parkway, Akron, Ohio 44317, Raymond C. Firestone, Chairman, $628,000.

The General Tire & Rubber Company, One General Street, Akron, Ohio 44329, Michael G. O'Neil, President, $73,400.

The B. F. Goodrich Company 500 South Main Street, Akron, Ohio 44318, O. Pendleton Thomas, Chairman, $349,000.

Goodyear Tire and Rubber Company, 1144 E. Market Street Akron, Ohio 44316, Russell DeYoung, Chairman, $584,000.

The Hanna Mining Company, 100 Erieview Plaza, Cleveland, Ohio 44114, Gilbert W. Humphrey Chairman, $64,000.

Harris-Intertype Corporation, 55 Public Square, Cleveland, Ohio 44113, Richard B. Tullis, Chairman, $6,200.

Mr. George R. Herzog, 1571 Union Commerce Building, Cleveland, Ohio 44115, $2,500.

Libbey-Owens Ford Company, 811 Madison Avenue, Toledo, Ohio 43624, Robert G. Wingerter, President, $20,950.

Lincoln Electric Company, 22801 St. Clair Avenue, Cleveland, Ohio 44117, William Irrgang, Chairman, $8,500.

The Lubrizol Corporation, P.O. Box 3057, Cleveland, Ohio 44117, T. W. Mastin, President, $9,450.

Marathon Oil Company, 539 South Main Street, Findley, Ohio 45840, James C. Donnell II, Chairman, $19,000.

E. F. MacDonald Company, 129 S. Ludlow Street, Dayton, Ohio 45402, George C. Gilfillen, Jr., Chairman, $1,500.

Medusa Corporation, Monticello and Lee, Cleveland, Ohio 44101, Robert W. Fort, President, $8,000.

Midland-Ross Corporation, 55 Public Square, Cleveland, Ohio 44113, Harry J. Bolwell, President, $8,200.

The National Cash Register Company, Main and K Streets, Dayton, Ohio 45409, Robert S. Oelman, Chairman, $11,750.

Ohio Edison Company, 47 North Main Street, Akron, Ohio 44308, D. Bruce Mansfield, President, $8,500.

Owens-Corning Fiberglas Corporation, Fiberglas Tower, Toledo, Ohio 43659, William W. Boeschenstein, President, $34,500.

Owens-Illinois, Inc., P.O. Box 1035, Toledo, Ohio 43601, Edwin D. Dodd, President, $6,500.

Parker-Hannifin Corporation, 17325 Euclid Avenue, Cleveland, Ohio 44112, Patrick S. Parker, President, $5,500.

Pickands Mather & Co., 2000 Union Commerce Building, Cleveland, Ohio 44115, Robert S. Carey, President, $31,000.

Procter and Gamble Company, 301 East Sixth Street, Cincinnati, Ohio 45202, Howard J. Morgens, Chairman, $143,000.

Republic Steel Corporation, Republic Building, Cleveland, Ohio 44101, Willis B. Boyer, Chairman, $595,000.

The Sherwin-Williams Co., 101 Prospect Avenue, N.W., Cleveland, Ohio 44115, E. Colin Baldwin, Chairman, $15,000.

The Standard Oil Company (Ohio), Midland Building, Cleveland, Ohio 44115, Charles E. Spahr, Chairman, $68,000.

TRW, Inc., 23555 Euclid Avenue, Cleveland, Ohio 44117, Horace A. Shepard, Chairman, $8,000.

Youngstown Sheet and Tube Company, 7655 Market Street, Youngstown, Ohio 44501, Frank A. Nemec, Chairman, $38,000.

OKLAHOMA

First National Bank and Trust Company of Tulsa, 15 East Fifth Street, Tulsa, Oklahoma 74193, Frank G. McClintock, Chairman, $5,000.

The Williams Companies, National Bank of Tulsa Building, Tulsa, Oklahoma 74103, Joseph H. Williams, President, $700.

OREGON

Pacific Power and Light Company, 920 S.W. Sixth Avenue, Portland, Oregon 97204, Donald C. Frisbee, Chairman, $8,800.

United States National Bank of Oregon, 321 S.W. Sixth Avenue, Portland, Oregon 97204, LeRoy B. Staver, Chairman, $4,250.

PENNSYLVANIA

Acme Markets, Inc., 124 15th Street, Philadelphia, Pennsylvania 19102, John R. Park, President, $13,000.

Air Products and Chemicals, Inc., P.O. Box 538, Allentown, Pennsylvania 18105, Leonard P. Pool, Chairman, $3,100.

Allegheny Ludlum Industries, Inc., Oliver Building, Pittsburgh, Pennsylvania 15222, Roger S. Ahlbrandt, Chairman, $92,500.

Aluminum Company of America, 1501 Alcoa Building, Pittsburgh, Pennsylvania 15219, John D. Harper, Chariman, $106,000.

The Annenberg Fund, Inc., 250 King of Prussia Road, P.O. Box 750, Radnor, Pennsylvania 19088, the Honorable Walter H. Annenberg, President, $18,000.

N. W. Ayer and Son, Inc., West Washington Square, Philadelphia, Pennsylvania 19106, Neal W. O'Connor, President, $12,900.

Bethlehem Steel Corporation, 701 East Third Street, Bethlehem, Pennsylvania 18016, Stewart S. Cort, Chairman, $441,500.

Mr. Fletcher L. Bryom, 1420 Centre Avenue, Pittsburgh, Pennsylvania, 15219, $515.57.

Mr. and Mrs. Ernest N. Calhoun, 211 Lingrove Place, Pittsburgh, Pennsylvania 15208, $500.

Carpenter Technology Corp., 101 West Bern Street, Reading, Pennsylvania 19601, Howard O. Beaver, Jr., President, $9,900.

First Pennsylvania Banking and Trust Co., 15th and Chestnut Streets, Philadelphia, Pennsylvania 19101 John R. Bunting, Jr., Chairman, $6,300.

Glencairn Foundation, Second Street Pike, Bryn Athyn, Pennsylvania 19009, Nathan Pitcarin, Treasurer, $17,000.

Gulf Oil Corporation, Gulf Building, Pittsburgh, Pennsylvania 15219, B. R. Dorsey, Chairman, $522,274.

Harbison-Walker Refractories Company, 2 Gateway Center, Pittsburgh, Pennsylvania 15222, Donald R. DeVeaux, President, $33,750.

H. J. Heinz Company, 1062 Progress Street, Pittsburgh, Pennsylvania 15230, R. Burt Gookin, President $22,000.

Insurance Company of North America, 1600 Arch Street, Philadelphia, Pennsylvania 19101, Frank E. Raab, Jr., President, $10,600.

Jones and Laughlin Steel Corporation, 3 Gateway Center, Pittsburgh, Pennsylvania 15230, William R. Roesch, Chairman and President, $61,300.

Mr. and Mrs. Robert S. Junge, 2660 Alnwick Road, Bryn Athyn, Pennsylvania 19009, $1,000.

Keystone Carbon Company, State Street, St. Marys' Pennsylvania 15857, Benedict R. Reuscher, Chairman and President, $11,000.

Koppers Company, Inc., Koppers Building, Pittsburgh, Pennsylvania 15219, Fletcher L. Byrom, Chairman $30,500.

Mellon National Bank and Trust Company, Mellon Square, Pittsburgh, Pennsylvania 15230, John A. Mayer, Chairman $43,500.

Richard King Mellon Charitable Trusts, 525 William Penn Place, Pittsburgh, Pennsylvania 15219, George H. Taber, Director, $175,000.

National Steel Corporation, 2800 Grant Building, Pittsburgh, Pennsylvania 15219, George A. Stinson, Chairman and President, $228,500.

PPG Industries, Inc., One Gateway Center, Pittsburgh, Pennsylvania 15222, Joseph A. Neubauer, President, $125,500.

Philadelphia Electric Company, 2301 Market Street, Philadelphia, Pennsylvania 19103, Robert F. Gilkeson, Chairman, $9,000.

Pittsburgh National Bank, Fifth Avenue & Wood Street, Pittsburgh, Pennsylvania 15222, Merle E. Gilliand, Chairman, $6,250.

H. K. Porter Company, Inc., Porter Building, Pitttsburgh, Pennsylvania 15219, Thomas M. Evans, Chairman, $7,300.

Provident National Bank, Broad and Chestnut Streets, Philadelphia, Pennsylvania 19101, William G. Foulke, Chairman, $1,400.

Smith, Kline, and French Laboratories, 1500 Spring Garden Street, Philadelphia, Pennsylvania 19130, Robert F. Dee, President, $14,250. 19130, Robert F. Dee, President, $14,250.

Sun Oil Company, 240 Radnor-Chester Road, St. Davids, Pennsylvania 19087, Robert G. Dunlop, Chairman, $26,750.

United States Steel Corporation, 600 Grant Street, Pittsburgh, Pennsylvania 15230, Edgar B. Speer, Chairman, $1,235,000.

Wean United, Inc., Three Gateway Center, Pittsburgh, Pennsylvania 15222, Raymond John Wean, Jr., President, $2,300.

Mr. Edward Welles, Jr., 28 West South Street, Wilkes-Barre, Pennsylvania 18602, $500.

Westinghouse Electric Corporation, Westinghouse Building, Gateway Center, Pittsburgh, Pennsylvania 15222, Donald C. Burnham, Chairman, $382,500.

Alan Wood Steel Company, P.O. Box 112, Conshohocken, Pennsylvania 19428, Harleston R. Wood, Chairman, $9,500.

SOUTH CAROLINA

Citizens and Southern National Bank of South Carolina, 46 Broad Street, Charleston, South Carolina 29401, J. Willis Cantey, Chairman, $8,500.

Daniel Construction Company, 1900 Daniel Building, Greenville, South Carolina 29602, R. Hugh Daniel, Chairman $8,000.

Graniteville Company, Graniteville, South Carolina 29829, Robert P. Timmerman, President, $8,100.

TENNESSEE

Memphis Clearing House Association, 514 Commerce Title Building, Memphis, Tennessee 38103, Lewis K. McKee, President, $7,200.

Provident Life and Accident Insurance Co., Fountain Square, Chattanooga, Tennessee 37402, Henry C. Unruh, Chairman, $3,800.

Mrs. Powell Smith, 5323 Lyons View Road, Knoxville, Tennessee 37919, $9,200.

TEXAS

Anderson, Clayton and Company, Tennessee Building, Houston, Texas 77002, Thomas James Barlow, President, $34,500.

Brown and Root, Inc., 4100 Clinton Drive, Houston, Texas 77020, Herbert J. Frensley, President, $7,200.

Cameron Iron Works, Inc., P.O. Box 1212, Houston, Texas 77001, $5,400.

Amon G. Carter Foundation, P.O. Box 1036, Fort Worth, Texas 76101, Amon G. Carter, Jr., President, $8,500.

Mr. W. H. Cocke, 2410 Bank of the Southwest Building, Houston, Texas 77002, $500.

The Trammell Crow Fund, Stemmons Tower South, Room 201, Dallas, Texas 75207, Trammell Crow, Director, ———.

Dallas Clearing House Association, 900

Fidelity Union Life Building, Dallas, Texas 75201, C. B. Peterson, Jr., President, $19,352.57.

Dallas Power and Light Company, 1506 Commerce Street, Dallas, Texas 75201, L. S. Turner, Jr., President, $9,400.

Dresser Industries, Inc., Republic National Bank Building, Dallas, Texas 75201, John V. James, President.

El Paso Clearing House Association, The State National Bank of El Paso, El Paso, Texas 79901, James H. Alcorn, Secretary-Treasurer, $2,306.25.

El Paso Natural Gas Company, P.O. Box 1492, El Paso, Texas 79978, Howard Boyd, Chairman, $18,300.

Mr. Ralph E. Fair, 715 Alamo National Building, San Antonio, Texas 78205, $500.

The William Stamps Farish Fund, Houston Natural Gas Building—Suite 220, Houston, Texas 77002, J. O. Winston, Jr., Vice President, $12,100.

Forest Oil Corporation, 1300 National Bank of Commerce Building, San Antonio, Texas 78205, Dale H. Dorn, Chairman, $2,000.

Frito-Lay, Inc., Frito-Lay Tower, Dallas, Texas 75235, Harold R. Lilley, President, $2,700.

General Dynamics Employes' Con-Trib Club, Inc., P.O. Box 748, Fort Worth, Texas 76101, R. E. Adams, President, $58,014.

Mr. W. R. Goddard, 9429 El Centro Drive, Dallas, Texas 75220, $500.

Halliburton Company, 3211 Southland Center, Dallas, Texas 75201, John P. Harbin, Chairman, $18,500.

Hudson Engineering Corporation, 5900 Hillcroft, Houston, Texas 77036, Edward J. Hudson, Chairman, $5,200.

King Ranch, Inc., Kleberg 1st National Bank Building, Kingsville, Texas 78363, Richard M. Kleberg, Jr., Chairman, $5,000.

The Law Foundation, P.O. Box 3348, Houston, Texas 77007, Theodore N. Law, President, $9,750.

Liddell, Sapp, Zivley & Brown, 510 Gulf Building, Houston, Texas 77002, Frank Liddell, $500.

Quintana Petroleum Corporation, P.O. Box 3331, Houston, Texas 77001, Corbin J. Robertson, Vice President, $32,100.

Republic National Bank of Dallas, Pacific, Ervay and Bryan Streets, Dallas, Texas 75201, James W. Aston, Chairman, $4,200.

Schlumberger Well Services, P.O. Box 2175, Houston, Texas 77001, L. E. Magne, President, $5,775.

Sigmor Distributing Service, Inc., P.O. Box 20267, San Antonio, Texas 78220, Tom E. Turner, President, $500.

Mr. R. E. Smith, 2316 Gulf Building, Houston, Texas 77002, $2,000.

Strake Foundation, 3300 Gulf Building, Houston, Texas 77002, George W. Strake, Jr., Vice President, $500.

Tenneco, Inc., Tennessee Building, Houston, Texas 77002, N. W. Freeman, Chairman, $1,000.

Texas Electric Service Company, 7th and Lamar Streets, Fort Worth, Texas 76102, Burl B. Hulsey, Jr., President, $9,750.

Texas Industries, Inc., 8100 Carpenter Freeway, Dallas, Texas 75247, Ralph B. Rogers, Chairman, $525.

Texas Instruments Incorporated, P.O. Box 5474, Dallas, Texas 75222, Mark Shepherd, Jr., President, $6,475.

Texas Power & Light Company, Fidelity Union Life Building, Dallas, Texas 75201, J. F. Skelton, President, $4,000.

Transcontinental Gas Pipe Line Corporation, 3100 Travis Street, Houston, Texas 77001, G. Montgomery Mitchell, President, $5,000.

Mr. Wesley West, 5650 Kirby Drive, Houston, Texas 77005, $500.

VIRGINIA

Ethyl Corporation, 330 South Fourth Street, Richmond, Virginia 23219, Floyd D. Gottwald, Jr., Chairman, $1,500.

Norfolk and Western Railway, 8 North Jefferson Street, Roanoke, Virginia 24011, John P. Fishwick, President, $3,900.

Reynolds Metals Company, Reynolds Metals Building, Richmond, Virginia 23261, Richard S. Reynolds, Jr., Chairman and President, $8,100.

United Virginia Bankshares, Inc., 900 East Main Street, Richmond, Virginia 23219, Kenneth A. Randall, President, $1,500.

WASHINGTON

The Boeing Company, 7755 East Marginal Way, Seattle, Washington 98124, Thornton A. Wilson, Chairman, $70,000.

Heath Tecna Corporation, 19819—84th Avenue South, Kent, Washington 98031, Carroll M. Martenson, President, $500.

Pacific Car & Foundry Co., Business Center Building, P.O. Box 1518, Bellevue, Washington 98009, Robert D. O'Brien, Chairman, $4,200.

Safeco Insurance Co. of America, Safeco Insurance Building, Seattle, Washington 98105, Gordon H. Sweany, President, $1,350.

Seattle-First National Bank, Post Office Box 3586, Seattle, Washington 98124, William M. Jenkins, Chairman, $7,750.

Weyerhaeuser Company, Tacoma Building, Tacoma, Washington 98401, George H. Weyerhaeuser, President, $49,500.

WISCONSIN

Allis-Chalmers Corp., 1126 South 70th Street, Milwaukee, Wisconsin 53201, David C. Scott, Chairman and President, $208,500.

Briggs and Stratton Corporation, 3300 N. 124th Street, Wauwatosa, Wisconsin 53201, Vincent R. Shiely, President, $16,000.

Cutler-Hammer, Inc., 4201 N. 27th Street, Milwaukee, Wisconsin 53216, Edmund B. Fitzgerald, Chairman, $21,000.

First Wisconsin National Bank of Milwaukee, 743 North Water Street, Milwaukee, Wisconsin 53202, George F. Kasten, Chairman, $8,400.

Harnischfeger Corporation, 4400 W. National Avenue, Milwaukee, Wisconsin 53246, Henry Harnischfeger, Chairman and President, $15,750.

S. C. Johnson and Son, Inc., 1525 Howe Street, Racine, Wisconsin 53403, Samuel C. Johnson, Chairman, $66,000.

Kimberly-Clark Corporation, North Lake Street, Neenah, Wisconsin 54956, Darwin E. Smith, Chairman, $8,500.

Oscar Mayer and Company, 910 Mayer Avenue, Madison, Wisconsin 53701, P. Goff Beach, President, $7,400.

Jos. Schlitz Brewing Company, 235 West Galena Street, Milwaukee, Wisconsin 53201, Robert A. Uihlein, Jr., Chairman and President, $15,500.

Western Publishing Company, 1220 Mound Avenue, Racine, Wisconsin 53404, Gerald J. Slade, Chairman and President, $29,500.

Mr. JAVITS. Mr. President, I yield myself 3 minutes so that I may reply to the two points raised.

First, regarding the contributions, I am in thorough agreement with the fact that they should be public and I hope the list will be made public.

Second, the point that these small contributors may not have known that this was CIA-backed in the main is the reason that the Senator from Illinois (Mr. PERCY) and the rest of us sponsored this legislation. We wanted it on the table and we wanted the contributors' names known.

As to the validity of the contributions that they contributed, I hope they contribute more. I think this is an extremely desirable activity and we should invite people and corporations to contribute. My guess is that we do not do enough of that. I see no objection to that. We always like people to contribute to things we like, and we do not like them to contribute to things we do not like. I do not feel contributors should feel criticized by those of us who are very much for this program.

On a much more profound point raised by my distinguished colleague from Missouri that we are by implication attending here to activities which are not activities of the people of the United States, that I cannot agree with. They are the activities of the people of the United States so long as we are spending $80 billion-plus a year for war. We have a right to spend $50 million if we think that is likely to reduce the chances of war. The record would not be complete if it did not show clearly that in the European Security Conference, because we think it is a great antedote to the danger of war and crushing the burden of armaments, we are trying to bring about an exchange of ideas. Our people are in back of that concept as far as the Communists are concerned. This I believe and other cosponsors believe is an enormous contribution toward that policy notwithstanding the Russian opposition to it and the opposition they engender in many other satellite countries.

Mr. President, I think that it is critically important to present our opinion that this is a program that, on a high cost-benefit ratio, is in the interest of the United States, and that is why we put it forward and support it.

The PRESIDING OFFICER. Who yields time?

Mr. FULBRIGHT. Mr. President, I yield to the Senator from Missouri.

Mr. SYMINGTON. Mr. President, I am not sure if I understood the Senator from New York. I am interested in peace, but do not see how it promotes peace for us to use many expatriates from foreign countries, who often are not allowed to go home. We put up money for them to broadcast, attack, in their own language, governments in question. Our taxpayers have and are paying millions of dollars so the President of the United States can visit those governments in effort to obtain a better relationship between them and us.

It is a dichotomy, an absurdity, to continue to receive heavy private contributions from those who based on a superficial look at this list, often have heavy interests abroad.

I would hope we achieve normal relations with all countries, but it is incredible that at the same time we spend millions of dollars and advertise the fact we are getting better relationships, we put up tax money to attack those same countries; often by people who speak the language but are not allowed to go back to said countries.

Mr. JAVITS. Mr. President, I yield myself 2 minutes.

Mr. President, it is a dichotomy and it is a paradox, and that is this world. That is what this world is. It is a new world of dichotomies and paradoxes in which at one and the same time in the struggle we use all the weapons available, including these two radios, with the people with whom you seek to come to an agreement.

We have learned from hard experience that one of the ways we come to such an agreement is by this kind of weaponry. So I stand flatly and fully and affirmatively on this approach. Yes, it is a paradox, yes, it is a dichotomy, but it is this world, and we are living in this world, and we have to operate in it as best we can.

Mr. SYMINGTON. What the Senator from New York is saying is that—the best way to obtain better relationships with a country is to attack a government and the people who are running that government.

Mr. PERCY. Mr. President, I ask for 3 minutes.

In a final statement, I should simply like to indicate that the Soviet critics of continued broadcasting by Radio Liberty and Radio Free Europe would have us believe that broadcasting a nonofficial point of view into the Soviet Union and Eastern Europe is some sort of a crime. An article in Pravada has called it ideological sabotage. Izvestiya 2 days ago, in an effort to affect this debate, charged that Radio Liberty and I quote:

> Has been spreading with particular zeal the fabrications of all kinds of moral freaks.

Then it identified three of these so-called moral freaks, the nuclear physicist Andrei Sakharov, the Nobel Prize-winning author Alexander Solzhenitsyn, and the writer Anatoli Kuznetsov, three of the most brilliant Soviet citizens of our time.

I submit that the fault is not with the broadcasters who are broadcasting a legitimate point of view, but with the jammers who seek to intercept foreign broadcasts and render them unintelligible to the people who wish to receive them.

On August 29, in an interview with correspondents of the Associated Press and the respected French newspaper Le Monde, Alexander Solzhenitsyn addressed himself to the question of jamming. Solzhenitsyn said:

> What jamming of radio broadcasts means is impossible to explain to those who haven't experienced it themselves, who haven't lived under it for years. It means daily spittle into your ears and eyes, it is an offence and degradation of man to a robot's level . . . It means that grown persons are reduced to infants: swallow what your mother has already chewed for you.
>
> Even the most benevolent broadcasts during the most friendly visits are jammed systematically: there must not be the slightest deviation in the evaluation of events, in the nuances, in the accents—everybody has to be informed about and remember an event 100 per cent the same way. And many world events must not be made known to our people at all.
>
> Moscow and Leningrad have paradoxically become the most uninformed big cities in the world. The inhabitants ask people who come in from the countryside about news. There, because of cost (our population has to pay very dearly for these jamming services) the jamming is weaker.
>
> But according to observations of people from various places, during the last month the jamming has been extended, has conquered new areas, has been intensified.
>
> However, international information—the ideas, facts and human protests that slip through after all have an influence.

Solzhenitsyn and Sakharov in recent days have put their lives on the line in defense of the people's right to know, to think, to hear, to discuss, to be free to determine the truth for themselves.

This is what this debate is all about. Do we turn off these radios and leave the governments of Eastern Europe in total and absolute control of what is reported about their societies and how it is to be interpreted? Or do we say that the radios will continue to inform and create a marketplace of opinion in Eastern Europe?

The distinguished chairman of the Foreign Relations Committee speaks sincerely when he says that he fears continued broadcasting by these radios may hamper détente. But the whole movement of détente—the visits of heads of state between East and West, the many agreements and treaties, the increasing trade—have all been achieved while these radios were on the air. Rather than hampering détente, there is good reason to believe that the radios have encouraged détente by opening the cloistered lands to the advantages of cooperative ventures with the open societies of the West.

The distinguished chairman of the Foreign Relations Committee, as more than most men, knows the importance of an open society with freedom of speech and expression. For 7 years he had full access to the media in carrying forward his gallant and brilliant exposé of the folly of U.S. combat involvement in Vietnam. He helped lead a nation, first to question and then to dismiss, the official policy of three administrations on Vietnam. How can he now question or dismiss the cries of Soviet intellectuals for free speech and the free flow of information?

I respect the chairman, and he knows it. I respect him for his courage in speaking out on many issues when others are reticent. But on this issue I deeply believe that he is wrong. We must not turn our backs on those who risk their lives to speak out for the right to hear, to weigh and to hold a different point of view. Article 19 of the United Nations Declaration of Human Rights specifies the right "to receive and impart information and ideas through any media and regardless of frontier."

Soviet broadcasts are made many times each day to the people of the United States. Soviet books are published and sold here. Pro-Soviet newspapers are published in New York and throughout the Western world. We do not demand that the broadcasts be jammed, or the books withheld, or the newspapers closed. We do not say that the Soviet broadcasts or books or newspapers hamper detente. Why should we cripple Radio Liberty and Radio Free Europe for bringing another viewpoint to the peoples of the East?

Mr. SYMINGTON. Mr. President, may I ask the Senator from Illinois a question?

Mr. PERCY. I am very happy to respond to a question.

Mr. SYMINGTON. Would the Senator favor, on the basis of fairness and equal time, the Soviet Union consistently broadcasting attacks on our capitalistic system over here?

Mr. PERCY. As far as I know, they are broadcasting that all over the world.

Mr. SYMINGTON. Has the Senator ever heard such a broadcast, on radio or television?

Mr. PERCY. I have not heard it, because I do not have shortwave radio, and they cannot reach us with many programs because they do not have that many, but those who have shortwaves can get it.

I can assure the Senator, having been gone for a month, that I was starving for news and I listened to VOA. In reporting, VOA used veracity and validity in its news broadcasts, whether it was on the Vice President's problems or whether it was on the Watergate situation.

I have every reason to believe, because of the thorough audits that have been made by the Library of Congress and the Eisenhower Commission, that the cold war tactics of the early 1950's have been abandoned by Radio Liberty and Radio Free Europe. Many of the arguments that had been made on the floor would apply to those early days which for two decades have not existed in fact. That has been shown by every audit of Radio Free Europe and Radio Liberty.

Mr. SYMINGTON. I believe it is already in the RECORD, but would read again a short paragraph from a letter from someone who ran this program at one time. He said:

> The U.S. Government has for years pursued a policy of evolution rather than liberation towards Eastern Europe. However, the continuing broadcasts of the "freedom radios" give the "hawks" among Eastern European communists an argument for continuing repression and tight controls. Those East European leaders supporting an evolving relaxation permitting greater freedom for the people are blocked by the arguments of the "hawks" that the U.S. and West Germany are plotting the overthrow of the East European regimes because emigres, with U.S. backing, are still broadcasting from Germany.

Emigres who cannot go back to the Soviet Union are broadcasting against that country on Radio Liberty. Does that meet with the approval of the Senator from Illinois?

Mr. PERCY. Broadcasts from emigres to the Soviet Union?

Mr. SYMINGTON. Emigres broadcasting into the Soviet Union, emigres who cannot go back to that country, supported by the United States.

Mr. PERCY. If the emigres have something of note to say and it is trustworthy testimony and it is something which the Board of Directors of the International Broadcasting Corporation or Radio Free Europe or Radio Liberty believe can be validly supported, I see no reason why it should not be.

Mr. SYMINGTON. Does the Senator believe that people who are not allowed to return and criticize their former country and its leaders help develop friendship between that government and the United States?

Mr. PERCY. I do not think they are children. I have discussed this subject with Ambassador Dobrynin.

They are realistic about it. I have never seen the slightest evidence in the last 6 months of détente that this issue has been any kind of issue that has deterred us from having better relationships. We are doing it and they are doing it. We are simply trying to impart truth and knowledge as we understand it.

Mr. SYMINGTON. Do I understand that Ambassador Dobrynin told the Senator he approved of this broadcasting?

Mr. PERCY. No, I do not say that at all. It is consistent with jamming. They do not want it. They would be very pleased if we were to drop it. However, would they engage in a balanced reduction? I would like to see it.

I would rather see Radio Moscow give out the news and tell the people what happens there. But we have some of the finest people there risk their lives to say that we should not give up Radio Free Europe, but should continue to make those governments respond more to the needs of the people. That testimony has added to and not retarded to the détente that we hope for.

No one believes more in a détente and an exchange of scholars and the other things. However, when we have only 300 visitors from the Soviet Union and they have 100,000 visitors there, I would point out that that is not a fair exchange of visitors.

Mr. SYMINGTON. Did Ambassador Dobrynin believe the broadcasts realistic?

Mr. PERCY. I think they are realistic. I want to improve on our relationships. I have worked hard and long for this. However, as long as they have their broadcasts, I do not know how they can say that we should drop ours.

Mr. SYMINGTON. The taxpayers of the United States have already put up many millions of dollars for the information agency, the USIA. This additional broadcasting was sold to me on the grounds it was handled by private contributions. Now we find $9 out of every $10 is taxpayers money, put up by the American taxpayer.

Mr. PERCY. Mr. President, I would only say that the rate of return on investment, which is a term that the Senator from Missouri and I used in the industrial world, proves that it is a worthwhile endeavor. We spend the cost of four airplanes. What has that done to possibly bring about a détente? As the evidence conclusively shows, it is these forces that have caused the forces of the Soviet Union to bring us together. They need science and technology. However, if they do not know it exists, how are they to want it? We create the desire by information. And we must impart the kind of information that all people of the world are entitled to.

The Soviet Union signed the Charter of the United Nations. We are asking for nothing more than what that charter which the Soviet Union solemnly signed proclaims. We are only asking for that.

I would be the first to offer an amendment seeking to strike Radio Free Europe if we and the other people of the world had the information available, correct information and not distorted information or something that is dreamed up and given out in accordance with the present line.

I do not think that we can put our faith in the information that is given out. Many millions of people have to know the objectives of the United States of America.

The testimony is very clear that this has helped bring about a détente. It has not in any way injured the trade with the Soviet Union. It has given a high return compared with the miniscule amount of trade in recent years.

Mr. FULBRIGHT. Mr. President, I cannot let the statement of the Senator from Illinois go unchallenged. He has no evidence on the rate of return on investment. There are far more than just Radio Liberty and Radio Free Europe broadcasts—up to 800 hours a week.

I went over all of this. It is all over Europe. It is done by BBC, which is a most prestigious one. There is no evidence of a return on investment. I must challenge that statement. There are people who work for these agencies, and they send some letters and testify. There are people who are directly employed and allied with them such as the Polish papers. We receive letters from some emigres.

There is no way in which to measure a return on investment. I do not think that there is any objective proof of that at all.

I have received some information that I have been unable to confirm, although I have requested information, that they are still engaged in activities in those areas. It seems that we are unable to stop these operations under any circumstances. We have with one hand the Government doing things that are clearly provocative and we have on the other hand the Government doing things that are conciliatory.

The Senator from New York says that that is the way to conduct foreign relations. I could not disagree more, whether they are getting ready for a resumption of the cold war or trying to bring about a détente.

I think that everyone is trying to bring about a détente. We cannot afford to continue in this way. Both our countries are exhausting their resources in these efforts. Both sides must change their views. It is idiotic to waste our resources. We are faced with enormous deficits. And we seem unable to stop any of this.

This is only a small part. It is not big like the Trident submarine. However, it is one thing that is redundant and unnecessary.

I do not think the Senator from Illinois has anything whatever that shows the rate of return on an investment of this kind. I do not think that there is anything to show that.

Mr. PERCY. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 2 minutes.

Mr. PERCY. Mr. President, the evidence is simply this, that all of the détente that has occurred in the last several years has occurred in the time that Radio Free Europe and Radio Liberty have been going full blast. When we have a formula that has been working, why should we change it?

I would point out to the distinguished chairman that when we were together at a luncheon hosted by Chairman Brezhnev, I wonder when the chairman said that the border tax will not be imposed—it will not be removed, but it will not be imposed—whether it would not be well for the millions of people who want that information and need it because they might want to emigrate to be told that? They should know that the border tax, $10,000 or $20,000, whatever it is, is not going to be imposed. Would that not cause more applicants to make applications? Many of them now feel that they cannot make applications because they do not have the fee with which to pay for it. Is there any evidence that when the chairman made that statement to us in our meeting, the Soviet Union were told about that information?

I think it is important to get that information out to every single human being that should have a right to move to a place of his own choice.

Mr. FULBRIGHT. I do not wish to prolong this.

The PRESIDING OFFICER. Who yields time?

Mr. FULBRIGHT. I yield myself 1 minute.

I do not agree with the Senator from Illinois. That is quite obvious. He attributes to Radio Liberty credit for whatever the President has accomplished. There is no evidence whatever that Radio Liberty had anything to do with it.

A VOICE FOR FREEDOM

Mr. HUMPHREY. Mr. President, it is clear that considerable progress has been made this year in the development of true détente with the Soviet Union. The President and Dr. Kissinger deserve much of the credit for this initiative. For too many years both the United States and the Soviet Union allowed past animosities to stand in the way of true normalization of relations.

To the degree that both nations are now undertaking mutually advantageous economic and commercial relations, both are beginning to understand the meaning of détente. Détente means more than lowered voices and an end to antagonistic rhetoric. It means entering into viable interrelationships which prove that friendly relations and mutual understanding provide specific dividends to both countries.

Few would deny that the economic needs of both the United States and the USSR have provided the impetus for détente. However, for whatever reason we started down the road toward easing relations with the Soviet Union, this process should be continued.

And it should be expanded in many areas—one of the most important being the field of mutual arms reductions. Progress has been made in this area with the completion of the first round of SALT negotiations and the beginning of the second round. Next month the MBFR talks are scheduled to begin in Vienna. It is my hope that both of these negotiations will produce results that will enable both countries to make significant reductions in arms spending.

The issue of funding for Radio Free Europe and Radio Liberty goes to the heart of the issue of détente. The Soviets are anxious to have us discontinue our support of these radio broadcasts because they regard them as an unnecessary irritant and a stumbling block to further détente.

But Members of Congress who have the responsibility to share in the making of foreign policy with the executive branch must make clear to the Soviet Government that we will not tolerate a policy of détente that is merely a one-way street. In other words, normalization of relations cannot take place on the terms of only one country—it must be a mutual process. No country should be able to set absolute terms for détente—it must be an open process allowed to gather momentum on its own force as more persons are gradually involved in its benefits.

We have seen recently and tragically that with warmer Soviet-American relations has come a tightening of Soviet repression and control over academics, authors and people who express themselves in public forums. The recent statements by the author Solzhenitsyn and the famous scientist Andrei Sakharov are ample evidence that an important segment of Soviet society is being denied the right to speak, to publish, and to think as they desire. This type of control is not new to Soviet society.

But to limit the operations of Radio Free Europe and Radio Liberty because these stations have broadcasts which interfere with widespread crackdowns on voices of dissidence in the Soviet Union is to capitulate to an unreasonable Soviet demand.

In fact, Izvestia recently attacked Radio Liberty as a "subversive" station because it had been broadcasting the statements of Sakharov who had been saying that improvements in East-West relations should not ignore the need for a more open society in the Soviet Union.

Continued funding of Radio Free Europe and Radio Liberty at the levels endorsed by a majority of the Foreign Relations Committee remains critical to the free flow of information needed to create a more open and free society in the Soviet Union.

This free flow of information is in accord with our foreign policy as articulated by President Nixon who stated.

> It has always been and must always be part of our national purpose to promote free communication among nations, not just at the governmental level, but at all levels . . . A responsible, independent and free press plays an indispensable part in the social and political processes that look to better and more effective cooperation, not only within a nation, but also among nations.

President Nixon went on to say that Radio Liberty and Radio Free Europe were one part of these processes.

Senator Fulbright, the distinguished chairman of the Foreign Relations Committee, has offered an amendment which would be tantamount to forcing these radio stations out of existence, since it is very unlikely that sufficient private funding and West European governmental support would be forthcoming to fill the 50 percent of the radios' budget that Senator Fulbright proposes to cut.

I am not convinced that any other means of promoting the free flow of information to the Soviet bloc countries are satisfactory alone.

What is, after all, the genuine communication that Senator Fulbright calls for? He has stated himself that—

> Perhaps by personal contact and by force of argument and by right example, we can have an influence on life in the Communist countries.

But everyone who has ever been to the Soviet Union knows that personal contact and the opportunities for argument are scarce. Let me quote a couple of journalists with recent experience on the Soviet scene:

Robert Kaiser, presently Moscow correspondent of the Washington Post, pointed out on July 30, 1973, that while détente has brought some relaxation of restrictions on foreigners such as "somewhat less difficulty" in travel and "slightly" improved access to Soviet officials for journalists, the Soviets repeatedly—

> Draw a clear distinction between more relaxed relations with the Western powers and any relaxation of vigilance at home. The latter is completely ruled out.

Susan Jacoby, a freelance writer who has remained in touch with her Moscow friends since she left there after a 2-year stay in 1971, wrote recently for the New York Times Magazine—July 29, 1973—of the difficulties of personal contact at any significant level:

> In the Pirandello-like atmosphere where Russians and foreigners meet, a Soviet citizen who invites a foreigner to his home is either a hero or agent-provocateur.

Certainly the few contacts made on cultural exchanges, by journalists, businessmen, and official delegations are important and must be encouraged. But they reach only a small part of the population of the Soviet Union and Eastern European countries. Radio Liberty and Radio Free Europe have an essential job to do in providing the rest of the peoples in these countries with the news and information denied them by their own press.

In a country where censorship is in evidence any attempt to break through censorship is an irritation to the government. Yet despite an official press campaign in Eastern Europe against these radios, there is no evidence to support the claim that they have impeded the process of détente by perpetuating, as the Senator from Arkansas has insisted, "the structure of mutual distrust" or delaying our opportunities. Jamming, censorship, and curtailment of individual contacts, as well as the activities that Mr. Kaiser and others have written about since the first summit last year in Moscow, are a far more significant sign of unneeded cold war distrust.

The words of an editorial in the Washington Post a year ago in March take on new meaning in today's context:

> It seems to us every bit as right and reasonable for RFE and RL to speak to those who care to listen, their governments' irritation notwithstanding, as it is for Senators to voice their dissent from a President, his irritation notwithstanding.

The degree of official government irritation must be seen also in the light of the fact that surveys of listenership show that these radios reach not only dissident elements—

> Seeking to resist and peaceably alter the repressive tendencies of Communist bureaucracies.

But also many in the strata of technological and intellectual elite, including Communist Party members, all of whom need uncensored information in order to approach their jobs and their world rationally.

Furthermore, there is reason to believe that the words of such a man as Andrei Sakharov, known as "Father of the Soviet H-bomb," may well have had a positive influence toward détente, although never published in his own country. Sakharov's "Progress, Peaceful Coexistence, and Intellectual Freedom," written in 1968, dealt with the need for cooperation between the U.S.S.R. and the United States on a number of issues such as disarmament and environmental protection which have since been subjects of new agreements at the recent summit meetings. Radio Liberty had given Sakharov's words a large audience in the U.S.S.R. through its broadcasts of verbatim readings.

Finally, let me call attention once more to the conclusions and recommendations of the Presidential Study Commission on International Broadcasting which was assembled not, as Senator Fulbright suggests, "to certify the radios' virtues," but in President Nixon's own words,

> To undertake a critical examination of the operation and funding question and recommend methods for future maintenance and support of the radios. . . . Determination of proper support mechanisms will, of course, involve considerations of the relationship of the radios to the national interest and to this Nation's foreign policy objectives.

The Commission's Report, "The Right To Know," states:

> The Commission believes that peace is more secure in well-informed societies and that uninformed societies may more easily be manipulated in directions threatening world peace. Access to information is necessary to East European societies in order that citizens there may form sound and responsible judgments about their own and world affairs.
>
> The two radios, by providing a flow of free information and interpretation, have enabled the peoples to whom they broadcast to remain informed and to judge for themselves which policies may contribute to social change and genuine improvement of peaceful relations.
>
> These stations are dedicated to providing full information to peoples who otherwise would be deprived of it. They have informed their audiences of developments and conditions in the world outside. They have conducted extensive research to provide these peoples with news and authoritative interpretations of events within their own countries which otherwise they would not have received. Ample testimony supports the claim that RFE and RL are regarded by many of their listeners as 'our radio.'
>
> In the post-Stalin period, East European party leaders, while seeking to maintain their control, sometimes by means of coercion, have been obliged increasingly to take pop-

> ular "pressures" into consideration. They can no longer manufacture history to suit their needs. Brezhnev, for instance, felt it necessary to justify the invasion of Czechoslovakia; Stalin, in contrast, never felt compelled to explain or justify anything—he operated in an air-tight public opinion vacuum.
>
> The Commission, therefore, is confident that the radios, by providing information and interpretation, will continue to be of help in future negotiations and cooperation between the Soviet Union and the United States in such areas as strategic arms limitation, trade, European security, and environmental protection.

I have long been a supporter of mutual arms control and reduced tensions between the United States and the Soviet Union. I have made numerous trips to the Soviet Union and have talked to all of the important Soviet leaders since Khruschev. I would not advocate a policy that was needlessly hostile to the Soviet Union because I believe more than normal Soviet-American relations are critically related to the issue of global peace.

But I believe that until the Soviet Union and the governments of the Socialist countries of Eastern Europe allow a free flow of accurate and truthful information to their citizens, it is in our interest to continue the support of Radio Liberty and Radio Free Europe.

I urge my colleagues to vote against the Fulbright amendment which would destroy the operation of these important information facilities.

Mr. SCHWEIKER. Mr. President, I join with the Senator from Illinois (Mr. PERCY) and the Senator from Minnesota (Mr. HUMPHREY) in urging swift Senate passage of S. 1914, a bill to authorize continued Federal support of Radio Free Europe and Radio Liberty.

Radio Free Europe and Radio Liberty have provided a vital communications link to the people of Eastern Europe for more than 20 years. Their continued operation is no less important today than it was in the early 1950's. Both stations are staffed by professionals of the highest caliber dedicated to a free flow of ideas and opinion to the people of the Soviet Union and Eastern Europe who might otherwise be exposed only to state-controlled media. As Pulitzer Prize-winning Author David Halberstam said in testimony before the Senate Foreign Relations Committee hearings on this measure:

> Detente, of course, is welcome, and the greater the detente, the better for all the world. But, unfortunately, detente has not yet touched the lives and freedoms of most people living in these countries.

Last year I joined with Senators PERCY and HUMPHREY in sponsoring a resolution expressing the sense of the Senate that the work of Radio Free Europe and Radio Liberty be continued. Today I am pleased to join them again in this new effort to strengthen the Federal commitment to these stations. An investment in Radio Free Europe and Radio Liberty is an investment in international peace and understanding, and I urge my Senate colleagues to give their speedy approval to the "Board for International Broadcasting Act of 1973."

Mr. KENNEDY. Mr. President, I oppose the amendment offered by the distinguished chairman of the Senate Foreign Relations Committee and support the continuation of Radio Free Europe and Radio Liberty

The committee bill represents an effort to increase independence in the content of the broadcasting and to increase financial accountability at the same time. By establishing a seven-member board of directors, the bill affords an opportunity to further improve the quality of these broadcasts and to increase the possibility of additional burden sharing by other nations and private individuals.

However, the amendment before the Senate would place a seemingly insurmountable burden on the new board by requiring a 50-percent matching contribution by next year from other sources before any U.S. funds could be committed. The effect would be the same as if the 1-year authorization contained in the bill included specific language halting the program in its tracks

While I believe there are reforms that should be effected in the operation of these stations, now is the wrong time to take any drastic action which would jeopardize their existence.

For these stations represent a unique broadcasting function within the Soviet Union and the Eastern European nations. Although jammed by the governments, these stations continue to carry hard news and information about internal events and conditions to the people of these nations, news and information which censorship and repression deny them.

We have the testimony of distinguished foreign policy leaders such as Ambassador Averill Harriman, Ambassador George Ball, Dean Edmund Gullion, of the Fletcher School of Law and Diplomacy at Tufts University, and Dr. Milton Eisenhower, president emeritus of the Johns Hopkins University. These men are well aware of the importance of the continuation of the strategic détente between the United States and the Soviet Union. Yet they all believe that it remains in our interest and in the interest of the Soviet people for Radio Liberty and Radio Free Europe to continue to receive our support.

We also had the testimony of David Halberstam, former correspondent for the New York Times in Poland. His statement eloquently discloses how these stations function to challenge the propaganda apparatus of Soviet and East European governments.

Halberstam told of being expelled from Poland for several news stories he had written. He said:

> The Polish regime expelled me. That night Radio Free Europe simply broadcast and read out the articles that I had written which had caused my expulsion—very tough, very critical, and I think reasonably accurate (articles) . . .
>
> Therefore, instead of the stories which the government put out, which was that I had slandered and libeled the Polish people, . . . that night they knew why I was being expelled and my side of the story was given out.
>
> I remember it was right around Christmastime and on New Year's my wife and I went to a very large ball. Everywhere we went we were toasted. I was toasted because of exactly what I had written. The people in that society knew what I had written and knew in a way I had written with some passion on the Poland society. We were treated with honor that night . . .

In that brief statement, I believe Mr. Halberstam explained the value of Radio Free Europe and Radio Liberty. They bring a mirror that reflects, as accurately as these journalists know how, what is occurring in the Soviet Union and Eastern Europe. The people compare the image they receive to the image presented by the totally controlled government press. By so doing, not only is the understanding of the people increased, but the governments know that there will be information presented that will contradict their official reports and hopefully that may act as a slight check on them.

Some may point to the recent evidence of repression against Soviet intellectuals and argue that Radio Liberty has no effect. In fact, the question may well be whether those measures would be even more extreme if the Soviet Government could be insured that no information other than official reports would ever reach the Soviet people.

We have had praise for the continuation of these stations from Alexander Solzhenitzen. We also have the words of Soviet physicist Andrei Sakharov, who said recently:

> With hurt and alarm I am forced to note, in the wake of illusory liberalism, the growth of restrictions on ideological freedom, of striving to suppress information not controlled by the government, of persecution for political and ideological reasons, of an intentional exacerbation of national problems . . . I appeal not only to Soviet, but also to foreign readers, hoping for their active help in the struggle for human rights . . .

At this time, rejection of the proposed amendment and adoption of the committee bill, S. 1914, will respond to that plea.

Mr. BAYH. Mr. President, I must oppose the amendment offered by my good friend, the distinguished chairman of the Foreign Relations Committee. If it were to be accepted by the Senate and become part of the law, its almost certain result would be the liquidation of Radio Free Europe and Radio Liberty. The question the Senate must answer, therefore, is whether or not these stations serve an important interest of the United States.

One of the best ways to gage the effects of an activity is to look at the reactions to it. The Soviet Union has left a much more eloquent record of its opinion of Radio Liberty and other foreign broadcasters than its statements intended for Western consumption. This record can be found in the little-known history of its jamming of foreign broadcasts. For a brief period, from 1963 to 1968, the Soviet regime suspended jamming of Voice of America and most other foreign broadcasts to its citizens. Belated recognition of the extent to which the people listened to Western stations led to desperate measures to counteract those broadcasts while avoiding the stigma of the resumption of jamming that Soviet leaders had so confidently suspended.

The Communist record does not show that broadcasting has decreased in importance or become a "relic of the cold war," as the supporters of this amendment have claimed. Just the opposite; it has become a matter of the deepest concern and most visible impact inside the Soviet Union.

It was back in the tense days of the Berlin confrontation and the Cuban missile crisis that the Soviets were expressing the opinion that foreign broadcasting was becoming obsolete and could not have much effect on Soviet society, which they thought had become politically stable and increasingly satisfied with the benefits provided by the Soviet regime. In those days the Soviets were trying to manipulate the broadcasts to their advantage by selective jamming, and to influence their content through offers to end jamming. As their concern decreased, the proposals became decreasingly stringent. At first they insisted on the curbing of Radio Liberty, then only on some modifications of the Voice of America, and finally, so anxious were they to unload the propaganda incubus of jamming that it was suspended in 1963 for nothing more in return than the closing down of an American long-wave transmitter in Germany, which was interferring with one of Radio Moscow's frequencies. The Soviets, of course, gained in propaganda and good will. But note that they never dared to end jamming of Radio Liberty. It was, however, the division of function between Radio Liberty and the Voice of America that gave them confidence that they risked little by ending jamming of Voice of America and other official stations. Most of the East European countries hastened to follow suit. Two of them, Hungary and Romania, even stopped jamming of Radio Free Europe.

Eveything seemed to go well for over 2 years, although as early as 1964 the internal Soviet radio format was revamped to imitate foreign radio styles and expand news output to better compete with foreign broadcasts. Then, in 1966, the roof began to fall in. The visible signs were the eruption of privately written and circulated literature and the disruptions of dissenters surrounding the political trials which followed. Much of the writing and petitions was evidently intended by the authors for wide circulation by foreign radio—primarily Radio Liberty—and the information about the trials and other news relevant to dissenting activities also was given major attention by foreign broadcasters.

If it had only been a matter of relatively small numbers of overt dissenters, the Soviets could have handled it with the usual repressive measures. But, at the same time, for the first time in Soviet history, a quiet program of public opinion polling and surveys was commenced in the U.S.S.R. to measure the effects of the spread of information on public credibility. Much to Soviet consternation, there is significant evidence that within 2 years, this revealed that among the silent majority there was a near-crisis of credibility. It threatened the ability of the regime to carry public opinion for potentially unpopular policies it might desire.

Between 50 and 75 percent of the public were found to be interested in the news reports of foreign radio, and between 30 and 50 percent considered them to be in some ways better than the Soviet-supplied versions of events. Perhaps even more ominous, some 20 to 30 percent of the public seemed to believe almost nothing they heard from official sources.

For over 2 years, the Soviet press, evidently prodded by Brezhnev, attempted in these conditions to compete openly with foreign radio. The admission of failure implied by resumption of jamming was such a heavy price, that a whole series of measures to turn the tide was tried. But the authorities never felt safe enough to go more than a small part of the way toward a policy of full disclosure of news. The measures tried included a heavy domestic press campaign against foreign radio and two very expensive innovations in information practice. A whole corps of highly qualified specialists was created to supplement the traditional agitators and propagandists in carrying out personal contacts and lectures among the public, and to provide a quick reaction to foreign news broadcasts. A lavish, illustrated weekly magazine was established for the sole purpose of publicizing Soviet broadcasting and unmasking the alleged falsehoods of foreign radio. In less than 2 years the magazine collapsed, an ignominious failure, for lack of readers.

In early 1968 the proponents of the resumption of jamming mounted a strong campaign for a return to jamming. The actual resumption of jamming was speeded up to coincide with the invasion of Czechoslovakia, evidently so that it would be as little noticed as possible. Thus, today, despite all the soft words of détente emanating from Moscow, the Soviet Union continues to jam most foreign stations broadcasting in its languages.

What this history shows, Mr. President, is that in a mere 5 years Soviet policy had made a full circuit in its perception of the effects of foreign radio inside its bloc. Originally seen as of minor import, it is now considered by the Soviets to have great impact. At one time Bulgaria, which usually follows Soviet practice, announced that it had no worry about foreign broadcasts and would end jamming simply if the United States would grant its trade most-favored-nation status. Now, the Soviet Union, which values economic relations with the United States far more highly than ever before, has not dared to offer the end of jamming as an inducement.

Radio Liberty, like its sister station Radio Free Europe, is unique among broadcasters to the Soviet bloc in acting as a substitute for a domestic free press. They devote most of the programing to reporting events within the Soviet bloc. The Senate can learn from the Communist response of the importance of Western broadcasting. We would be shortsighted if we failed to keep Radio Free Europe and Radio Liberty on the air as long as they are needed.

Mr. President, I share the profound desire of every Member of this body for a true and lasting détente with the Soviet Union. But it would be a mistake on our part to confuse the desire with the reality. The reality is, as the great Soviet physicist, Sakharov, publicly stated only last month, that the Kremlin's leaders continue to preside over a brutally repressive system and, if they were free of internal opposition, would be much less willing to move toward a genuine détente.

This is not, then, the time to make repression easier for them. On the contrary, we should continue, through every legitimate means, to enable the peoples of Eastern Europe "to speak truth to power," and in that way hasten the day when their bonds might be loosened.

Radio Free Europe and Radio Liberty have a vital role to play in that effort. Let us reject this crippling amendment and enact the legislation that will permit them to continue their important work.

Mr. FULBRIGHT. I yield back the remainder of my time.

Mr. AIKEN. I yield back whatever time I have remaining. I am ready to vote.

The PRESIDING OFFICER (Mr. McINTYRE). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Arkansas. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. PASTORE. On this vote I have a pair with the Senator from Tennessee (Mr. BAKER). If he were present and voting, he woud vote "nay." I have already voted in the affirmative. I withdraw my vote as an accommodation.

Mr. ROBERT C. BYRD. I announce that the Senator from North Carolina (Mr. ERVIN), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Iowa (Mr. HUGHES), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Utah (Mr. MOSS), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I also announce that the Senator from South Dakota (Mr. ABOUREZK), is absent because of a death in the family.

I further announce that, if present and voting, the Senator from South Dakota (Mr. ABOUREZK) would vote "yea."

Mr. GRIFFIN. I announce that the Senators from Tennessee (Mr. BAKER and Mr. BROCK), the Senator from New Jersey (Mr. CASE), the Senator from Hawaii (Mr. FONG), and the Senator from Oregon (Mr. HATFIELD) are necessarily absent.

I also announce that the Senator from Kentucky (Mr. COOK) and the Senator from North Dakota (Mr. YOUNG) are detained on official business.

I further announce that, if present and voting, the Senator from Kentucky (Mr. COOK) would vote "nay."

The pair of the Senator from Tennessee (Mr. BAKER) has been previously announced.

The result was announced—yeas 29, nays 56, as follows:

[No. 377 Leg.]

YEAS—29

Aiken
Bible
Biden
Burdick
Byrd, Robert C.
Cannon
Church
Clark
Cranston
Eagleton
Fulbright
Gravel
Hartke
Haskell
Hathaway

Hollings
Inouye
Long
Magnuson
Mansfield
McClellan
McGovern
Mondale
Nunn
Proxmire
Randolph
Symington
Talmadge
Weicker

NAYS—56

Allen
Bartlett
Bayh
Beall
Bellmon
Bennett
Bentsen
Brooke
Buckley
Byrd,
  Harry F., Jr.
Chiles
Cotton
Curtis
Dole
Domenici
Dominick
Eastland
Fannin
Goldwater
Griffin
Gurney
Hansen
Hart
Helms
Hruska
Humphrey
Jackson
Javits
Kennedy
Mathias
McClure
McGee
McIntyre
Metcalf
Montoya
Muskie
Nelson
Packwood
Pearson
Pell
Percy
Ribicoff
Roth
Saxbe
Schweiker
Scott, Pa.
Scott, Va.
Sparkman
Stafford
Stennis
Stevens
Stevenson
Taft
Thurmond
Tower
Williams

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Pastore, for.

NOT VOTING—14

Abourezk
Baker
Brock
Case
Cook
Ervin
Fong
Hatfield
Huddleston
Hughes
Johnston
Moss
Tunney
Young

So Mr. FULBRIGHT's amendment was rejected.

Mr. FULBRIGHT. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. HELMS). The bill is open to further amendments to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading. and was read the third time.

RADIO LIBERTY, RADIO FREE EUROPE, AND GENUINE DÉTENTE

Mr. JACKSON. Mr. President, I am happy to join in support of this important legislation which will continue the operations of Radio Free Europe and Radio Liberty. The significance of this legislation is wholly disproportionate to the amount of money—$50 million—which it authorizes. For the radios remain vital contributors to peace and stability in Europe by keeping contact alive between East and West.

Now, we have heard many claims that the radios were the result of deteriorating relations between East and West following World War II, and that the degree of our support for them is in fact a measure of how hostile we feel toward the Soviet Union. Consequently, so this argument goes, in an era when Soviet-American relations are said to be improving, our support for the radio stations should be reduced accordingly.

This argument, I believe, is based on a mistaken view of both the nature of détente and the role of the radios. The cultural isolation of the East, enforced and encouraged by the Soviet Union, produces xenophobia and hostility toward other parts of the world. Radio Free Europe and Radio Liberty, on the other hand, play a constructive role in counteracting such isolationism.

The distinguished Soviet physicist, Andrei Sakharov, has warned the West of the possible consequences of a one-sided détente on Soviet terms alone. Sakharov has said:

> Rapprochement has to take place with a simultaneous liquidation of Soviet isolation.

A Soviet Union "which hides its real face" could become a menace. Sakharov's courageous insistence that détente in foreign affairs will not contribute to world peace unless accompanied by greater liberalization inside the Soviet Union is something we should ponder.

The renewed campaign of repression directed against prominent Soviet civil rights leaders suggests how far the current regime will go in enforcing the isolation of its people. It is politically unwise—and certainly in opposition to our fundamental principles—to aid in this crackdown, especially by depriving the East of precious sources of news and information. Indeed, abandoning Radio Free Europe and Radio Liberty would make the greater isolation of the peoples of the Soviet Union and the nations of Eastern Europe much easier for the Soviet authorities to achieve.

Mr. President, as I have followed the course of the discussion of the radios during the past several years, I have been surprised that some would term the radios relics of the past or cold war anachronisms. It is surprising, because those who use such terms are losing sight of a fundamental distinction; the "anachronism" in the situation is not the pursuit of news or information, by listeners to the radios for example, but rather the obstruction of information by Soviet jamming. The "relics" are not the principles of free movement spelled out in the United Nations documents, but the suppression of these basic freedoms which is at the heart of current Soviet policy. It is Soviet practice, not Western policy, which is profoundly reactionary, especially in the area of human rights.

The legislation which would continue American support for the radios at an effective level, is now the subject of a crippling amendment. This amendment would have the effect of putting the U.S. contribution in support of the radios after July 1, 1974, on a "matching" basis with contributions from other public and private sources. This will make it impossible to continue operating the radios at their current level. For the proposed amendment specifies that the United States will be forbidden to provide more than 50 percent of the support for the radios, and this means that the rest must be provided by either foreign governments or private contributors. In fact, as the sponsor of this amendment knows, private fundraising efforts in behalf of the radios have produced no more than $1 million per annum, and it would take years at best for those efforts to reach a point where they can provide the $25 million per year necessary to keep the stations operating at a $50 million per year level. In the interim, of course, the operations of the radios would have to be reduced to virtually nothing.

I am persuaded that while those who suggest that the Senate support this amendment will speak in terms of the financial burdens assumed by the United States in maintaining the radios, their sole purpose is not to save us money. The supplemental views of the chairman of the Foreign Relations Committee appended to the report on the bill make it clear that the goal is not austerity, but an end to the broadcasting altogether.

But I believe, Mr. President, that an individual in the Soviet Union or Eastern Europe who risks imprisonment in order to listen to Radio Liberty or Radio Free Europe, makes a case in support of the radios far more convincing than Senator FULBRIGHT's assertion that such broadcasts will impede détente. I am confident that the Senate understands what is at stake in considering this legislation, and I am sure it will vote to continue the important work of Radio Liberty and Radio Free Europe.

RADIO FREE EUROPE WORKS

Mr. SCOTT of Pennsylvania. Mr. President, there has been massive, expert testimony over the past 2 years to the effectiveness of Radio Free Europe and Radio Liberty as well as to their unique reporting role as "surrogate home services" for the people of the Soviet Union, Poland, Czechoslovakia, Romania, Hungary, and Bulgaria. American and European specialists in Communist affairs—academic and journalistic—have been especially articulate in describing the impact of the stations. For example, I highly recommend your attention to the testimony of David Halberstam before the Foreign Relations Committee and of Prof. Zbigniew Brzezinski before the House Foreign Affairs Committee. Even so, a rare dissent by a competent journalist should be examined carefully. Washington Post reporter, Robert Kaiser, in a recent article on the radios admitted that RFE has a big audience, but went on to question its significance. Voluminous evidence indicates that RFE's audiences are not merely "big"—they are by far the largest of any Western station reaching 30 million persons, one-half of the population over 14 years of age in the countries which RFE addresses. While Mr. Kaiser called the East European audiences of Austrian radio "enormous," listenership to Radio Vienna runs second to Radio Free Europe in neighboring Czechoslovakia, but fourth in Hungary and fifth in Bulgaria, according to the latest survey.

If statistics do not convince us of the significance of these radios, perhaps one reporter's words are at least as good as another's. At the recent Senate Foreign Relations Committee hearing, David Halberstam, the distinguished former New York Times correspondent to Poland, made some telling statements on the basis of his personal observations:

> Among sophisticated contemporary East Europeans—people who by no means have the exile mentality—RFE has very considerable credibility.

Mr. Halberstam went on to provide the following anecdote:

> I remember when I was expelled from Poland for quite critical reporting in December 1965. I had written very critically of the economic frustrations and some of the other problems there. The Polish regime expelled me. That night Radio Free Europe simply broadcast and read out the articles that I had written which had caused my expulsion, very tough, very critical and, I think, reasonably accurate.
>
> Therefore, instead of the stories which the government put out, which was that I had

slandered and libeled the Polish people, that I had been specifically critical of the government, the people that night took the expulsion of the *New York Times'* correspondent as a fairly considerable thing. That night they knew why I was being expelled and my side of the story was given out.

I remember it was right around Christmastime and on New Year's my wife and I went to a very large ball. Everywhere we went we were toasted. I was surprised that people in that society knew what I had written and knew in a way I had written with some passion on the Poland society. We were treated with honor that night. It was very touching . . .

You talk about détente and some people say we have to shut off Radio Free Europe because it is a block to détente. It seems to me quite the reverse is true, that something like Radio Free Europe is a force to make those societies come to terms with their own people. The more they do that and the more they meet the aspirations of their own people's legitimate needs, be they housing, social services, consumer goods, meat, things that we take for granted, the more tempered they are, the mellower they are, and the safer the whole world becomes.

RFE is making a significant contribution to true East and West détente. In its limited way it improves life for the people of Eastern Europe. At the same time it serves the interest of the United States.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. FULBRIGHT. Mr. President, I yield back my time.

Mr. AIKEN. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the bill has now been yielded back.

The bill having been read the third time, the question is, Shall the bill pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MANSFIELD (after having voted in the negative). On this vote I have a pair with the Senator from California (Mr. Tunney). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." I therefore withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Missouri (Mr. Eagleton), the Senator from North Carolina (Mr. Ervin), the Senator from Kentucky (Mr. Huddleston), the Senator from Iowa (Mr. Hughes), the Senator from Louisiana (Mr. Johnston), the Senator from Utah (Mr. Moss), and the Senator from California (Mr. Tunney) are necessarily absent.

I also announce that the Senator from South Dakota (Mr. Abourezk) is absent because of death in the family.

Mr. GRIFFIN. I announce that the Senators from Tennessee (Mr. Baker and Mr. Brock), the Senator from New Jersey (Mr. Case), the Senator from Hawaii (Mr. Fong), and the Senator from Oregon (Mr. Hatfield) are necessarily absent.

I further announce that (if present and voting) the Senator from Tennessee (Mr. Baker) and the Senator from Hawaii (Mr. Fong) would each vote "yea."

The result was announced—yeas 76, nays 10, as follows:

[No. 378 Leg.]

YEAS—76

Aiken
Allen
Bartlett
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Biden
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Clark
Cook
Cotton
Curtis
Dole
Domenici
Dominick
Eastland
Fannin
Goldwater
Gravel
Griffin
Gurney
Hansen
Hart
Hartke
Haskell
Helms
Hollings
Hruska
Humphrey
Inouye
Jackson
Javits
Kennedy
Magnuson
Mathias
McClure
McGee
McIntyre
Metcalf
Mondale
Montoya
Muskie
Nelson
Nunn
Packwood
Pearson
Pell
Percy
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott, Pa.
Scott, Va.
Sparkman
Stafford
Stennis
Stevens
Stevenson
Taft
Talmadge
Thurmond
Tower
Weicker
Williams
Young

NAYS—10

Church
Cranston
Fulbright
Hathaway
Long
McClellan
McGovern
Pastore
Proxmire
Symington

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mansfield, against.

NOT VOTING—13

Abourezk
Baker
Brock
Case
Eagleton
Ervin
Fong
Hatfield
Huddleston
Hughes
Johnston
Moss
Tunney

So the bill (S. 1914) was passed, as follows:

S. 1914

An act to provide for the establishment of the Board of International Broadcasting, to authorize the continuation of assistance to Radio Free Europe and Radio Liberty, and for other purposes

Be it enacted by the Senate and House to Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Board for International Broadcasting Act of 1973".

DECLARATION OF PURPOSES

Sec. 2. The Congress hereby finds and declares—

(1) that it is the policy of the United States to promote the right of freedom of opinion and expression, including the freedom "to seek, receive, and impart information and ideas through any media and regardless of frontiers," in accordance with article 19 of the Universal Declaration of Human Rights;

(2) that open communication of information and ideas among the peoples of the world contributes to international peace and stability and that the promotion of such communication is in the interests of the United States;

(3) that Free Europe, Incorporated, and the Radio Liberty Committee, Incorporated (hereinafter referred to as Radio Free Europe and Radio Liberty), have demonstrated their effectiveness in furthering the open communication of information and ideas in Eastern Europe and the Union of Soviet Socialist Republics;

(4) that the continuation of Radio Free Europe and Radio Liberty as independent broadcast media, operating in a manner not inconsistent with the broad foreign policy objectives of the United States and in accordance with high professional standards, is in the national interest; and

(5) that in order to provide an effective instrumentality for the continuation of assistance to Radio Free Europe and Radio Liberty and to encourage a constructive dialog with the peoples of the Union of Soviet Socialist Republics and Eastern Europe, it is desirable to establish a Board for International Broadcasting.

ESTABLISHMENT AND ORGANIZATION

Sec. 3. (a) There is established a Board for International Broadcasting (hereinafter referred to as the "Board").

(b) (1) Composition of Board.—The Board shall consist of seven members, two of whom shall be ex officio members. The President shall appoint, by and with the advice and consent of the Senate, five voting members, one of whom he shall designate as chairman. Not more than three of the members of the Board appointed by the President shall be of the same political party. The chief operating executive of Radio Free Europe and the chief operating executive of Radio Liberty shall be ex officio members of the Board and shall participate in the activities of the Board, but shall not vote in the determinations of the Board.

(2) Selection.—Members of the Board appointed by the President shall be citizens of the United States who are not concurrently regular full-time employees of the United States Government. Such members shall be selected by the President from among Americans distinguished in the fields of foreign policy or mass communications.

(3) Term of Office of Presidentially Appointed Members.—In appointing the initial voting members of the Board, the President shall designate three of the members appointed by him to serve for a term of three years and two members to serve for a term of two years. Thereafter, the term of office of each member of the Board so appointed shall be three years. The President shall appoint, by and with the advice and consent of the Senate, members to fill vacancies occurring prior to the expiration of a term, in which case the members so appointed shall serve for the remainder of such term. Any member whose term has expired may serve until his successor has been appointed and qualified.

(4) Term of Office of Ex Officio Members.—Ex officio members of the Board shall serve on the Board during their terms of service as chief operating executives of Radio Free Europe or Radio Liberty.

(5) Compensation.—Members of the Board appointed by the President shall, while attending meetings of the Board or while engaged in duties relating to such meetings or in other activities of the Board pursuant to this section, including traveltime, be entitled to receive compensation equal to the daily equivalent of the compensation prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code. While away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently. Ex officio members of the Board shall not be entitled to any compensation under this Act, but may be allowed travel expenses as provided in the preceding sentence.

FUNCTIONS

Sec. 4. (a) The Board is authorized:

(1) to make grants to Radio Free Europe and to Radio Liberty in order to carry out the purposes set forth in section 2 of this Act;

(2) to review and evaluate the mission and operation of Radio Free Europe and Radio Liberty, and to assess the quality, effectiveness and professional integrity of their broadcasting within the context of the broad foreign policy objectives of the United States;

(3) to encourage the most efficient utilization of available resources by Radio Free Europe and Radio Liberty and to undertake, or request that Radio Free Europe or Radio Liberty undertake, such studies as may be

necessary to identify areas in which the operations of Radio Free Europe and Radio Liberty may be made more efficient and economical;

(4) to develop and apply such financial procedures, and to make such audits of Radio Free Europe and Radio Liberty as the Board may determine are necessary, to assure that grants are applied in accordance with the purposes for which such grants are made;

(5) to develop and apply such evaluative procedures as the Board may determine are necessary to assure that grants are applied in a manner not inconsistent with the broad foreign policy objectives of the United States Government;

(6) to appoint such staff personnel as may be necessary, subject to the provisions of section 5, United States Code, governing appointments in the competitive service, and to fix their compensation in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

(7) (A) to procure temporary and intermittent personal services to the same extent as is authorized by section 3109 of title 5, United States Code, at rates not to exceed the daily equivalent of the rate provided for GS–18; and

(B) to allow those providing such services, while away from their homes or their regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently, while so employed;

(8) to report annually to the President and the Congress on or before the 30th day of October, summarizing the activities of the Board during the year ending the preceding June 30, and reviewing and evaluating the operation of Radio Free Europe and Radio Liberty during such year; and

(9) to prescribe such regulations as the Board deems necessary to govern the manner in which its functions shall be carried out.

(b) In carrying out the foregoing functions, the Board shall bear in mind the necessity of maintaining the professional independence and integrity of Radio Free Europe and Radio Liberty.

RECORDS; AUDIT; CONTRIBUTORS

SEC. 5. (a) The Board shall require that Radio Free Europe and Radio Liberty keep records which fully disclose the amount and disposition of assistance provided under this Act, the total cost of the undertakings or programs in connection with which such assistance is given or used, that portion of the cost of the undertakings or programs supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Board and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of Radio Free Europe and Radio Liberty which, in the opinion of the Board or the Comptroller General, may be related or pertinent to the assistance provided under this Act.

(c) No grant may be made under this Act unless the radio to which the grant is to be made agrees to make available, and does make available, for public inspection, during normal business hours at its principal office in the United States, a complete list of every person and government making a contribution to that radio during the fiscal year preceding the making of the grant and the fiscal year in which the grant is to be made, the address of the person or government making the contribution, the amount of each such contribution, and the date the contribution was made.

ROLE OF THE SECRETARY OF STATE

SEC. 6. To assist the Board in carrying out its functions, the Secretary of State shall provide the Board with such information regarding the foreign policy of the United States as the Secretary may deem appropriate.

PUBLIC SUPPORT

SEC. 7. The Board is authorized to receive donations, bequests, devises, gifts, and other forms of contributions of cash, services, and other property, from persons, corporations, foundations, and all other groups and entities, both within the United States and abroad, and, pursuant to the Federal Property Administrative Services Act of 1949, as amended, to use, sell, or otherwise dispose of such property for the carrying out of its functions. For the purposes of section 170, 2055, and 2522 of the Internal Revenue Code of 1954, as amended (26 U.S.C. 170, 2055, or 2522), the Board shall be deemed to be a corporation described in section 170(c) (2), 2055(a) (2), or 2522(a) (2) of the Code, as the case may be.

FINANCING AND IMPLEMENTATION

SEC. 8. (a) There are authorized to be appropriated, to remain available until expended, $50,209,000 for fiscal year 1974. There are authorized to be appropriated for fiscal year 1974 such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law and for other nondiscretionary costs.

(b) To allow for the orderly implementation of this Act, the Secretary of State is authorized to make grants to Radio Free Europe and to Radio Liberty under such terms and conditions as he deems appropriate for their continued operation until a majority of the voting members of the Board have been appointed and qualified, and until funds authorized to be appropriated under this Act are available to the Board.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MAGNUSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

REPORT ON U.S. PARTICIPATION IN THE WORK OF THE UNITED NATIONS—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. McINTYRE) laid before the Senate a message from the President of the United States, which, with the accompanying report, was referred to the Committee on Foreign Relations. The message is as follows:

To the Congress of the United States:

I am pleased to transmit to the Congress the 27th annual report on United States participation in the work of the United Nations during calendar year 1972.

This report reflects the increasing range of global concerns with which United Nations agencies are dealing. It highlights not only the opportunities but also the limits of operating through the United Nations system during an era of growing international interdependence.

In recent years, United Nations agencies have come to deal increasingly with the economic and technical agenda of the world in addition to the long-standing agenda of peace and security questions. Indeed, as this account makes clear, these agencies are now engaged in some manner in virtually every governmental activity that crosses national lines.

The United States participated actively in these cooperative efforts to help safeguard peace and lessen world tensions, to foster economic and social progress, and to cope with a wide array of legal and technological problems.

Three themes characterized our participation during 1972:

(1) Even though we recognized the limitations of the United Nations in solving or even abating many political disputes, we supported its participation where appropriate to reconcile such disputes, to curb international terrorism and outbreaks of violence, and to devise workable arrangements for peacekeeping operations. In order to serve the long-term interest of the international community, we worked in the General Assembly, the Security Council, and subsidiary bodies to have the United Nations deal evenhandedly and pragmatically with such politically-charged issues as the Middle East, decolonization, and human rights.

(2) We took the lead in seeking new arrangements and institutions to deal with worldwide social and technological concerns. Although we encountered some resistance, we pressed forward toward the goals of assuring the safety of civil aviation, protecting the environment, checking the illicit flow of narcotics, organizing relief for victims of disaster, strengthening the law of the sea, and slowing world population growth.

(3) We stressed the importance of having the United Nations act responsibly, equitably, and efficiently in ordering its financial and administrative affairs so that it could carry out its tasks more effectively. Progress was made in holding down the budgets of some agencies, budgeting procedures were improved, and the principle of a lower maximum ceiling for the United States assessment was endorsed. Nevertheless, the underlying financial problems were not solved and further administrative and procedural reforms are needed in the United Nations.

This report shows that, despite political and administrative shortcomings, multilateral agencies connected with the United Nations offered practical responses to worldwide problems of pressing concern to the American people. Given the fast pace of political, social, and technological change in recent years, it is not surprising that the record of accomplishments was uneven and there were setbacks as well as successes.

During 1972 developments at the United Nations were affected by certain long-term trends which both hold promise and pose problems for effective United Nations action.

—The loosening of old antagonisms,

the entry of the People's Republic of China into the mainstream of United Nations work, and the growing importance of powers such as Japan could in the long run enable a near-universal United Nations to become a more effective instrument for dealing with serious world political and security problems.

—However, we also have to recognize that the continuing tendency to use the United Nations for propaganda advantage and to pursue political rivalries makes accommodation more difficult. For the near term, where the interests of its strongest members are engaged, the organization can deal only in a limited way with highly contentious political issues.

—The emergence in United Nations bodies and conferences of an active majority led by a number of the developing nations continued to make for some distortions in determining the areas of greatest United Nations attention. While we fully recognize the inherent right of all member nations to be heard, the voting weight of this majority, with its sometimes narrowly defined preoccupations, has tended to create imbalance and to place strains on the effective functioning of the organization.

This report reflects the growing cohesion which has taken place among the third world countries, notably with respect to colonial issues and to demands that rules of international trade and aid be altered in their favor. We were particularly concerned when, under the pressure of bloc voting, the organization adopted one-sided resolutions on certain political issues or failed to take concrete action on such important matters as international terrorism. To call this trend disturbing is not to depreciate the value to the United States of multilateral institutions in which all nations can be heard on matters that affect their security and welfare, conciliation can be pursued, and vital public services can be provided for the international community.

We attempted to adjust our policy during 1972 to take account of these changes. It became increasingly clear that for the present the most productive possibilities for United Nations action are on global problems of an economic, social, and technological nature. United Nations system expenditures reflected this concentration, with some 95 percent of the resources in 1972 going for programs designed to transfer techniques and skills to less developed nations, set standards for international behavior, and provide public services of benefit to all nations.

The following developments during the year were especially noteworthy:

We were gratified by the General Assembly's endorsement of the reduction of our United Nations budget assessment from 31.52 percent to 25 percent. We believe this to be a healthy development for the organization, which should not be unduly dependent on the contributions of one member. The maximum assessment ceiling beginning next year is expected to fulfill the requirement enacted by the Congress that the United States should pay no more than 25 percent in the United Nations and in certain specialized agencies after January 1, 1974. The vote of over two-thirds in favor of our position reflected a widespread recognition of the equities involved and of political reality, as well as concern for the maintenance of generous U.S. voluntary contributions to United Nations development programs.

Following the landmark conference in Stockholm in June, the institutional foundation was laid for international action to protect the environment and a work program was initiated for this purpose. Measures were taken to deal with environmental problems such as pollution from ocean dumping and the preservation of natural, cultural, and historic heritage areas, and a United Nations fund for the environment, which I had recommended earlier, brought pledges from a number of nations.

On the other hand, a major setback was the United Nations failure to take strong and speedy international legal action to combat international terrorism and provide adequate protection for diplomats—measures advocated by the United States and other concerned nations. The Assembly did, however, set up a committee to study the comments of governments on the problem of international terrorism and submit a report to the next session. While we regret the delay, we hope that the Assembly can make progress on this issue this fall. Progress was made in the International Civil Aviation Organization on the matter of aircraft safety.

The United Nations also advanced its programs for delivering technical assistance to developing nations and setting standards for international behavior in specific fields.

—Management reforms (notably adoption of a country programming system) were implemented which will enable the United Nations Development Program to handle an expanded program of technical assistance more efficiently.

—The organization's capacity to respond to disaster situations was strengthened by the establishment of a United Nations Disaster Relief Office in Geneva, largely as the result of a United States initiative in 1971. The United Nations carried out an unprecedented number of relief activities, notably in Bangladesh and the Sudan.

—There was growing cooperation in outer space. A United Nations working group cooperated in making available to other nations data from our first experimental satellite designed to survey earth resources, and the Convention on International Liability for Damage Caused by Space Objects, which had been negotiated by a United Nations committee, entered into force on September 1.

—The momentum of international action against drug abuse was furthered in several ways: with the drafting of an amending protocol to the 1961 Single Convention on Narcotic Drugs, through increased activity by and contributions to the United Nations Fund for Drug Abuse Control, and through a more active role by the International Narcotics Control Board.

—The population program was placed on a sounder administrative footing by linking the United Nations Fund for Population Activities to the United Nations Development Program. Preparations were continued for the World Population Conference in 1974, which is expected to be as important as the 1972 environment conference.

—Perhaps of the greatest potential significance were the steps taken to accelerate preparations for the Law of the Sea Conference, which will come to grips with such matters as the nature of the international regime for the deep seabed, the breadth of the territorial sea, free transit through international straits, fisheries, marine pollution, and scientific research. A successful resolution of these very difficult issues would help to prevent conflict and assure that the resources in and under the oceans will be equitably and rationally utilized.

The "quiet side" of the United Nations also produced important accomplishments which are covered in this report. Especially noteworthy were the International Atomic Energy Agency's expanded "safeguards" programs to prevent the diversion to weapons use of nuclear materials intended for peaceful uses; the Inter-Governmental Maritime Consultative Organization's efforts at spurring agreement to control pollution from ocean dumping; the International Civil Aviation Organization's efforts to devise effective measures for safe and efficient air travel; the World Health Organization's continued campaign to suppress communicable diseases and raise the standards of health care; the Food and Agriculture Organization's work to expand agricultural production and improve nutrition; and the United Nations Educational, Scientific and Cultural Organization's activities to expand scientific communication and protect the world's cultural heritage.

All these activities clearly demonstrate the stake we have in United Nations efforts to control new technologies for the common good, to bridge the gap between developed and developing countries on matters of trade and aid, to facilitate the exchange of technical and scientific knowledge, and to set standards of behavior for international activity. To these concerns—and to the need to improve the functioning of all multilateral institutions—our Nation must give increasing attention in the coming years.

RICHARD NIXON.

THE WHITE HOUSE, *September 6, 1973*.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill

(S. 1672) to amend the Small Business Act.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6912) to amend the Par Value Modification Act, and for other purposes.

TIME LIMITATION AGREEMENT ON HUD APPROPRIATIONS CONFERENCE REPORT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a time limitation on the HUD appropriations conference report of 1 hour, to be equally divided between the Senator from Wisconsin (Mr. PROXMIRE) and the Senator from North Dakota (Mr. YOUNG), and that time on any debatable motion or appeal be limited to 20 minutes, to be divided and controlled in accordance with the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIME LIMITATION AGREEMENT ON PAR VALUE MODIFICATION CONFERENCE REPORT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of the HUD conference report tomorrow, the Senate proceed to the consideration of the conference report on par value modification; that there be a time limitation of 20 minutes thereon to be equally divided between the Senator from Alabama (Mr. SPARKMAN) and the Senator from Texas (Mr. TOWER); and that time on any debatable motion or appeal be limited to 10 minutes, to be divided and controlled in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIME LIMITATION AGREEMENT ON S. 386, THE URBAN MASS TRANSPORTATION ACT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of the conference report on par value modification tomorrow, the Senate proceed to the consideration of S. 386, the bill to amend the Urban Mass Transportation Act of 1964.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a time limitation on S. 386 of 2 hours, to be equally divided between the Senator from New Jersey (Mr. WILLIAMS) and the Senator from Texas (Mr. TOWER); that time on any amendment, debatable motion, or appeal be limited to 30 minutes, to be divided and controlled in the usual form, and that the agreement be in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the unanimous consent agreements is as follows:

H.R. 8825

Ordered, That, during the consideration of the conference report on H.R. 8825, the HUD Appropriation Bill, debate on any debatable motion or appeal shall be limited to 20 minutes, to be equally divided and controlled by the mover of such and the manager of the conference report.

Ordered further, That on the question of the adoption of the conference report debate shall be limited to 1 hour, to be equally divided and controlled, respectively, by the Senator from Wisconsin (Mr. PROXMIRE) and the Senator from North Dakota (Mr. YOUNG): *Provided,* That the said Senators, or either of them, may, from the time under their control on the adoption of the said conference report, allot additional time to any Senator during the consideration of any debatable motion or appeal.

H.R. 6912

Ordered, That, during the consideration of the conference report on H.R. 6912, the Par Value Modification Bill, debate on any debatable motion or appeal shall be limited to 10 minutes, to be equally divided and controlled by the mover of such and the manager of the conference report.

Ordered further, That on the question of the adoption of the conference report debate shall be limited to 20 minutes, to be equally divided and controlled, respectively, by the Senator from Alabama (Mr. SPARKMAN) and the Senator from Texas (Mr. TOWER): *Provided,* That the said Senators, or either of them, may, from the time under their control on the adoption of the said conference report, allot additional time to any Senator during the consideration of any debatable motion or appeal.

S. 386

Ordered, That, during the consideration of S. 386, a bill to amend the Urban Mass Transportation Act of 1964, debate on any amendment, debatable motion or appeal shall be limited to 30 minutes, to be equally divided and controlled by the mover of such and the manager of the bill: *Provided,* That in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or his designee: *Provided further,* That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 2 hours, to be equally divided and controlled, respectively, by the Senator from New Jersey (Mr. WILLIAMS) and the Senator from Texas (Mr. TOWER): *Provided,* That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion or appeal.

REMOVAL OF TELEVISION BLACKOUT OF CERTAIN PROFESSIONAL GAMES

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 1841 which the clerk will state.

The bill was read by title as follows:

A bill (S. 1841) to amend the Communications Act of 1934 for one year with respect to certain agreements relating to the broadcasting of home games of certain professional athletic teams.

The Senate proceeded to consider the bill.

Mr. COOK. Mr. President, I ask unanimous consent that Mr. John Yarmuth of my staff be permitted the privilege of the floor during the debate on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. Mr. President, I make the same unanimous consent request for Mr. John Hardy and Mr. Nick Zapple.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. Mr. President, this legislation would, in effect, prohibit any television broadcast licensee, cable television system, or network television broadcast organization from carrying out any contract or arrangement whereby the station, network, or system is prevented from broadcasting or carrying the home games of any professional football, baseball, basketball, or hockey team when tickets for admission to such games are no longer available for purchase by the general public 48 hours or more before the scheduled beginning time of such game.

The proposal would terminate after 1 year following its date of enactment.

Mr. President, this bill simply recognizes that these professional sports cannot have it both ways. The public has given these sports leagues two extraordinarily lucrative financial privileges—a special exemption from the antitrust laws so that each league may sell its television rights as a package; and access to a valuable public resource—the airwaves.

It took an act of Congress in 1961 to enable these leagues to pool their television rights, because earlier in that year a Federal district court had prohibited the NFL teams from pooling them. The court felt such an agreement violated the Federal antitrust laws.

The privilege to do this has, of course, meant a source of substantial revenues was made available to the NFL club owners.

An indication of how valuable their ability to do so is, may be seen by comparing the television revenues of each NFL team in 1961—the first year television rights were sold as a package—with the revenues each team received last year. In 1961 the amount was $332,000; in 1972 it was $1.5 million. Recent figures show that the three networks have paid the NFL a total of $47 million for the 1973 TV rights.

Mr. President, in my judgment the Congress would be derelict if we permitted these leagues to turn this opportunity to negotiate collectively into a source of private enrichment without regard to public benefit. After all it was the public's interest which made it possible for Congress to give these leagues the advantage in the first place.

Congress expected them to use the exemption for the public's benefit. We certainly did not and do not expect these leagues to subvert their privilege by requiring the public to pay an extra fee for "home games."

Mr. President, the preferential treatment given professional sports does not end with the exemption from antitrust laws. They have received another privilege as well.

I am, of course, referring to the access the teams have to the public airwaves.

The privilege to use the public airwaves is conditioned upon and subject to the interest of the public in their larger and more effective use. This is a fundamental principle underlying our system of communications. All programing is subordinate to it.

Professional teams as well as broadcasters, television networks, and CATV systems reap lucrative financial rewards from the use of this public resource.

Under the circumstances, I believe that when fans are unable to attend the home games of a local professional team because tickets are unavailable, the public's overriding interest in the larger and more effective use of the airwaves should enable them to view these games.

Mr. President, the chief contention made by those who support the present blackout policy is that if the blackout were lifted, a significant increase in the number of "no shows" will result. This in turn will have immediate adverse impact on the sale of frankfurters and revenues from parking concessions. This argument, I believe, is highly speculative. The 1-year experience under this legislation should answer this question in a definitive and factual manner.

Mr. President, one technical matter should be clarified in order that the RECORD is complete. On the first page of the report accompanying this bill it is indicated there were 384 regular season professional football games. That figure should be 182.

I should like to add a few other points that I think should be called to the attention of the Senate and to the public at large.

First of all, there is no rancor or punitive motive on the part of the Congress in acting in this respect. I mean we are grateful to the National Football League for the entertainment and the satisfaction it has brought to millions upon millions of viewers of football games played throughout the entire country.

Last year, during my conversations with Pete Rozelle, who happens to be commissioner of the National Football League, he agreed that he would open up the screen to the Super Bowl football game that was played in Los Angeles. I believe that was a step in the proper direction.

I have had a number of conversations with Mr. Rozelle. I find him to be a fine gentleman, one who understands, of course, what the public interest is, and one who, of course, also understands what his private interest is as head of the National Football League. I can see his point. I tried hard to have Mr. Rozelle, in speaking to the various owners of the teams, to arrive at a voluntary program so that we would not have to get ourselves into compulsory legislation.

Well, we went back and forth, and we really never got anywhere. I can understand that, because willingly and on their own initiative, he did not think they could undertake any concession.

The question arises, why do we do this? This is nothing that started with me. I have received hundreds and hundreds of letters from people who are very much interested in this question. Take right here in the District of Columbia. These tickets are sold long before the season even begins. While they had a little more than 53,000 seats in Kennedy Stadium, the fact is that tickets for these seats could be had by only 3,000 people. That is understandable in this city where we have so many groups.

The result is that the taxpayers who built that stadium and made that stadium possible, when they want to buy tickets and are willing to pay the money to buy the tickets and call the ticket office and the people there will nod their heads, because there are no tickets to be had.

What we are saying is, we do not want to disturb you in any way if you do not fill the stadium, but if you have sold out at least 48 hours before game time, why should you not open up the screen?

We have the situation in Washington, and even in my own State, where people will travel 75, 80, and 100 miles and rent a hotel room or motel room just to see a game. Why is that so?

This is what we did: When we gave them an exemption under the antitrust laws whereby they could deal as a package, as a joint venture, the good teams and the bad teams, the revenue for each team went from $332,000 to $1½ million. That is what the boon was when the Congress of the United States gave them an exemption. All we are saying is, "We gave you gentlemen a whole loaf. Now we want a slice back." That is all we want in order to accommodate ardent fans who love the teams, who want to go and watch the teams, who have the money to buy tickets, but who cannot buy tickets because they are not available. We are saying in that case, and that case only, "You ought to open up the screen."

I say this is a fair bill. I do not know what the attitude of the House is going to be. I hope the House would agree with us.

I repeat that this is a self-terminating law. I said to Mr. Rozelle,

> We are not here to punish you or your teams. We love you and your teams, but we think what you are doing with respect to the blackout is absolutely inimical to the public interest.

I said to him,

> You say this will hurt you. Well, let us give it a trial. The law will be self-expiring. If it is true that you are right and we are wrong, we can protect you. On the other hand, if we find we are right and you are wrong, we can make the legislation permanent.

That is all I have to say.

I ask unanimous consent that an editorial which appeared in the New York Times today, September 6, entitled "Blacked-Out Football," be placed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

BLACKED-OUT FOOTBALL

> To hear Commissioner Pete Rozelle of the National Football League tell it, free enterprise will be permanently kicked back of its goal line if Congress passes a bill lifting the local television blackout on sold-out home games by professional football teams.
>
> That would be a stronger argument if the provision giving the teams the right to impose local blackouts had not been specifically written into a 1961 law permitting the N.F.L. to sell the television rights to all league games on a pooled basis. Both parts of the authorization—the package sale of TV rights and the restriction on telecasts within a 75-mile radius of a club's stadium—represent exemptions from the Federal antitrust laws.
>
> We never have seen much justification for such exemptions to sports that operate as businesses, and we see no validity at all to the argument that Congress doesn't have at least as much right to take them away as it did to grant them in the first place.
>
> True, the clubs insist that they owe nothing to Congress for the authority to ban local telecasts because a Federal district judge had ruled in 1953 that such a limitation was reasonable in contracts the clubs negotiated individually with the networks. What they leave out, however, is that when they started negotiating on a pooled basis in 1961 they went back to the same judge for an opinion on whether the local ban would still be legal. His negative view made them decide to press for a specific green light from Congress. The revenue each club receives from television under the pooling arrangement has gone up more than four-fold since the 1961 go-ahead. This pot of gold would be much smaller if the same anti-monopoly rules applied here that other enterprises have to live with.
>
> Mr. Rozelle and the club owners certainly have every right to raise the hobgoblin that local telecasts will eventually cut so deeply into stadium attendance that football will become a studio sport, with everyone watching at home and no one in the stands. But the bill sponsored by Senator Pastore of Rhode Island, on which the Senate is expected to vote this week, provides microscopic foundation for such fears.
>
> Under the Pastore proposal, all tickets must be sold 48 hours in advance of the game or the blackout will hold. For the N.F.L. season just opening, the indications are that average attendance for all regular games will exceed 90 per cent. In any event, the law will run for only one year so that an evaluation of its effects can be made before Congress reaches a permanent decision.
>
> Without suggesting that this is an essential industry, in which there is an overriding public necessity for mandating access, it does seem to us that letting local fans view games at home when there is no room for them in the stadium is a reasonable *quid pro quo* for the antitrust exemption this branch of big business has been given.

Mr. PASTORE. Mr. President, I yield now to the Senator from Kentucky (Mr. COOK).

Mr. COOK. Mr. President, it is a pleasure to speak today in support of S. 1841, a bill to prohibit the blackout of a football, basketball, baseball, or hockey game if such event is sold out 48 hours prior to the scheduled start of the game. This bill was introduced by the distinguished Senator from Rhode Island, and is cosponsored by Senator BEALL, Senator CANNON, and myself.

I am well aware of the inequities which the blackout policy creates for sports fans throughout the country. We can witness a prime example here in Washington, where every ticket to the Redskins home games is sold months prior to the opening game. Yet most Redskin fans—or at least those who cannot pull in Baltimore stations—are forced to drive a substantial distance to be able to watch the televised action.

The inequity is at its worst when stadiums are built with tax dollars supplied by those who cannot buy a ticket. Last year I received a letter from a disgruntled Cincinnati Bengals fan who lives across the Ohio River in Newport, Ky. I quote from his letter:

> I am employed in Cincinnati and I pay a city payroll tax which actually makes me a Cincinnati taxpayer, so I along with thousands of others help pay off the deficit—of the stadium. This is the Bengals fifth season and I and my family, we all dearly love the Bengals, have never been able to see

> even one game together, due to the fact that we cannot get tickets. We are actually helping to pay for a stadium to entertain the same privileged 56,000 every game, every year . . . I say the ticket plans should be changed or all home games televised.

This fan is not atypical. He is only one of millions of fans who is denied the opportunity of seeing their favorite teams and players in action. They contribute their tax dollars and their emotions, but get little in return. This situation must be corrected.

I might say, too, that we run into a situation as now applies in Kansas City, where they have a tremendous sports complex, the total cost of which will be in excess of $100 million, which is to be paid for by a bond issue payable by the people of that community. Yet many people from that community wrote to our committee and said there was no way in the world for them to get tickets. They were told they had to wait in line, and it might be 2 years, 5 years, or 10 years before they could get tickets. Yet the people of that community built that stadium. Their tax dollars will be used to pay off that debt.

Figures supplied by a House subcommittee indicate that during the 1972 season, 124 of 182 national football league games were sold out. Most of these games, quite naturally, are played in the largest metropolitan areas in the country. Thirteen of the 26 teams sold out every home game during the 1972 season. The fans in those cities never had an opportunity to see their teams, even though in some cases their tax dollars had built or were subsidizing the stadiums.

League officials and team owners have claimed that the impact of S. 1841 on the future of football and other professional sports would be disastrous. Although I do not accept that contention, I believe that even if there is some financial harm to the various franchises, the 1-year duration of the legislation affords ample protection to the long range interests of sport, if our action today proves ineffective.

Whatever the outcome, I firmly believe that this body owes the American sports fan an opportunity to have the entire world of sports opened to him. This is not possible as long as the practice of blacking out home games continues. It is now time to experiment with what I consider to be a fair and rational program, that meets squarely with the public interest.

Mr. President, I might say to the chairman—and I hope that the distinguished Senator from Maryland (Mr. BEALL) will get into this discussion—that I believe we have to make it clear, whether we do it by 48 hours or 72 hours—and I will agree to either one—we must have the record show that the front office franchise cannot hold back 5 or 10 tickets and then say that they have not been sold and show that they still have these tickets.

Mr. PASTORE. Mr. President, if the Senator would yield, that is the one thing that we are going to guard against.

If we get any member of the public who says that he tried to get tickets and that they would not sell them to him and if we discover that there were tickets that they did not sell so that the local television screen would not be opened up, the law might become permanent sooner than they expect. However, I do not expect that they would place themselves in such a position.

Mr. COOK. Mr. President, I would hope not. I would admonish them that if they are not sold out 72 hours in advance, they will not be able to sell the television rights to that game and the television rights are worth quite a few dollars to them.

I think it is important to get this into the RECORD. We ran into this situation with some franchises where, in order to get the tickets for the regular season games, individuals had to buy the tickets for all of the preseason games whether anybody of any value was playing in them or not. Therefore, we give them the resources from a 50,000- or 60,000-seat stadium for 6 or 7 preseason games in which they play very few players of any renown. Yet the franchise holder sold all of these tickets by April or May of the preceding part of the year and had all of these funds in the bank for their benefit for some 5 or 6 months before they even had their first effort on the field.

I would suggest to the chairman that I think he has taken a wise course in this bill. I think it is tremendously wise to do it on a 1-year basis. I would hope that the House and Representative MACDONALD would agree to the 1-year basis. I hope that the Senate will seriously consider and overwhelmingly pass the bill in its present form and that the House will take this into consideration in its deliberations.

I would also say to my distinguished chairman of the subcommittee that I would also hope that we might be able to get this bill passed by the House and Senate before the formal season opens, within the next few weeks.

Mr. BEALL. Mr. President, speaking as a cosponsor of the bill now being managed by the distinguished Senator from Rhode Island and as a Senator who represents two professional football constituencies—the Washington Redskins and the Baltimore Colts, both of which teams have been or are about to be of championship caliber—I rise in support of S. 1841.

Television and pro football have teamed up to provide the American people with a form of entertainment that, for many, is almost a way of life between August and January. It begins with the exhibition season and college all-star game, and does not end until the postseason bonanza of playoffs, all-pro games and the super bowl.

At one time or another during all this, the public gets to watch pro football on TV Friday night, Saturday night, Sunday—when there may be a total of four games if both networks schedule a doubleheader—and again on Monday night.

Under these circumstances it sounds incongruous to suggest that the American people are being deprived of any opportunity to follow pro football on television, and in the general sense, of course, they are not. But for half of the season, the vast majority of hometown fans cannot watch their team play either at the stadium or on their own home television.

The reason, as we all know, is the National Football League rule that home games cannot be televised in the local viewing area. We all know why. The NFL owners feel that televised home games would hurt them at the gate.

I have yet to hear any facts that substantiate this claim. Yet it is because of this unsubstantiated notion that millions of pro football fans around the United States are blacked out each week when their home team plays a game that only 50,000 or 60,000 hometown fans can watch. Here in Washington, for instance, every seat in Kennedy Stadium is sold before the season even begins. In Baltimore, all but a few thousand seats are held by season-ticket purchasers, and it is a good assumption that Memorial Stadium would be sold out for the season, too, if the Colts decided to put all seats up for sale on a season-ticket basis. In fact, season tickets have become such a prized possession that some people reportedly have passed them on to other members of their family in a will.

As a result the hometown fan, who may not have the money for season tickets or the good fortune to get a single-game ticket, either listens to his favorite team on the radio or watches some other televised game.

If a home game is sold out, there is no good reason that it should not be televised in that area. After all, when the NFL considers new locations for a franchise, is not the enthusiasm for a team supposed to be one of the highest priorities? It seems to me that the best way to build enthusiasm would be to let the hometown fans watch their team on television if there is no other way to see the game.

I am aware of the private capital necessary to field a pro football team, but there is also a tremendous investment of public funds that is conveniently overlooked.

Mr. PASTORE. Mr. President, will the Senator yield for a moment so that I may get the yeas and nays?

Mr. BEALL. Mr. President, I yield to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BEALL. Mr. President, for instance, let us take a look at where the teams play. Nearly all of them are operating in municipally owned stadiums, some of which were built solely for the purpose of obtaining or retaining a pro football team. Consider the kind of investment an owner would have to make if he had to build and maintain his own stadium, pay the taxes on the stadium and its parking lots, and pay for the access roads, water and sewer lines, electricity and lighting, stadium attendants, traffic, and security units, et cetera.

Now look at who is paying for those stadium facilities. It is the local taxpayer, who also happens to be the same local fan who never gets to see his team play in the stadium he helped to pay for because he cannot beg or buy a ticket. And just because of an NFL rule, he cannot see the game on television, either.

Well, the owner may be entitled to a

sellout to meet his expenses, but the fan should also be entitled to watch his team play on television if the game is sold out. If there ever was a compromise that was fair to everyone, it would have to be this bill to end the systematic discrimination against the pro football fan who cannot get tickets to see his team play.

By setting the deadline for a sellout 48 hours in advance of gametime, it gives ample opportunity for hometown fans to purchase tickets, if by some remote chance any are available. The owner cannot get anything more out of a home game than a sellout, so he has nothing to lose except the enthusiasm of the local fans by insisting on TV blackouts.

The people were once the sole source of support for professional football teams, but the incredible financial success the sport has attained through television seems to have made many lose sight of this fact. The local fans have a legitimate complaint that the owners have ignored for too long.

Professional football enjoys a special monopoly status because of legislation passed by Congress, and I believe the time has now come to pass this piece of legislation to make the management of these teams more responsive to the community. The bill will protect the financial interests of the owners while also ending the unjustified discrimination against local fans.

Mr. President, just to amplify a bit further on some points that have been made: From sitting through the hearings on this legislation, I have been impressed by a willingness on our part—our part being the part of the legislative branch of the Government—to go along with the owners of the professional football teams and to understand that they do have a tremendous burden to carry in hoping to sell out their games and pay the bills that accrue to them as they run the mammoth business investments of these professional football teams.

But I have not detected any willingness on the part of those people to experiment, to give the fans a chance in all this. All we are asking is that the leagues give a little bit, and be willing to experiment. They make a lot of money from the use of the public airwaves, and it only seems to me that there is an obligation on their part to return to the public something of what the public has already given to them, or at least give them a piece of the action, by allowing some of the fans a chance to see the game.

The Senator from Kentucky has pointed out that when Washington plays at home, unless you can get into the stadium you can only watch the game if you are lucky enough to be able to pick up a Balitmore station. I am sorry to report to the Senator from Kentucky that that was the case a couple of years ago, but he will not see Washington this year on any Baltimore station, because the NFL has blacked out Channel 2 in Baltimore, and told them they will not be able to carry the Washington games which they used to be able to carry. So, instead of being willing to experiment, the NFL is moving in the other direction, and you cannot even do this year what you did last year and the year before.

So there seems to be an even greater obligation for us to do something so that the fans can see these home games on television, at least on an experimental basis.

Mr. COOK. Will the Senator yield further?

Mr. BEALL. I yield.

Mr. COOK. I might say, while the Senator is talking about not being able to see a home game even on a Baltimore station because they have blacked out the games going into Baltimore, that I do not believe there has ever been a Monday night football game broadcast in Metropolitan New York City, because they are concerned about the blackouts they would have to make of all the teams in and around that metropolitan area; so that although most of the rest of the Nation sees Monday night football, it is my understanding that Metropolitan New York has never had that opportunity, and I would like for the staff to check it out.

The PRESIDING OFFICER. Who yields time?

Mr. BEALL. Mr. President, I yield the floor.

Mr. PASTORE. Mr. President, I ask unanimous consent that the name of the Senator from Kansas (Mr. DOLE) be added as a cosponsor of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOK. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. COOK. I would like to correct the remarks I just made relative to Metropolitan New York. They have never originated a game in Metropolitan New York on a Monday night, because they were afraid they would have to black it out and that the problems that would cause would be insurmountable to the National Football League, and therefore they have never had an originated game from New York City during the course of Monday night football.

Mr. PASTORE. I suppose that is the reason for the editorial in the New York Times.

Mr. COOK. Probably so.

Mr. PASTORE. I yield to the Senator from Kansas.

ENDING THE FOOTBALL BLACKOUTS

Mr. DOLE. Mr. President, professional sports are one of the most popular sources of entertainment in America today. Baseball, basketball, hockey, and football consume the attention, loyalty, and interest of millions of people each year. Judging from the publicity accorded to the annual World Series, the Super Bowl, the Stanley Cup, and the NBA playoffs, a visitor from another planet might assume that the Nation's entire life was somehow connected to the ebb and flow of the various sports seasons.

Of course, sports are much less important to the basic well-being of the United States than the health of the economy, our strength as a world power or the supplies and prices of the foods on our dinner tables. But in an area of greatly expanded leisure time and rising prosperity sports have assumed an unprecedented position of prominence in our society.

PRO SPORTS ARE BIG BUSINESS

In the process of reaching this position professional sports have become big business. Owners spend millions of dollars to establish, equip, train, and publicize their teams. And they do so in the expectation of reaping a sizable return on their investments. In addition, the home city and county jurisdictions of these teams have committed hundreds of millions of dollars to the construction of some of the most modern, imaginative, and comfortable stadium complexes anywhere in the world. And biggest of all, radio and television have combined with the owners of these teams to create a broadcasting-advertising system which generates still more millions of dollars of revenue for all the parties concerned.

FEDERAL INVOLVEMENT

It is at this point that the Federal Government has become involved—through the impact of the antitrust laws—in what would otherwise be a matter of no real concern to it.

The background of this involvement was stated quite clearly by the Commerce Committee in its report on the bill being considered today:

> When nationwide television became a reality, the fear was expressed that if the home games of professional teams were televised live attendance would suffer to the point where individual teams would be irreparably harmed financially. This, of course, would have affected the fan's interest as well. If his team were financially weak it would be unable to compete on the playing field.
>
> As a consequence, professional football teams and many of the teams in other professional sports refrained from granting the right to telecast their home games locally.
>
> In *United States* v. *National Football League,* 116 F. Supp. 319 (E.D. Pa. 1953), the Court concluded that the league restriction on televising of "outside" games into the home territory of another member team when that team was playing at home was reasonable, and not, therefore, in violation of the Sherman Act.
>
> Subsequently, *United States* v. *National Football League,* 196 F. Supp. 445 (E.D. Pa. 1961), the NFL petitioned the Court for a construction of its 1953 decree which would accommodate a contract it had entered into with CBS which gave the network the exclusive right to televise league games for two years, and permitted CBS to decide which games would be televised. Prior to this contract, each NFL club had individually negotiated the sale of its own television rights. The 1961 pooled rights agreement was thus a significant change in the television policy of the league.
>
> The Court felt the contract violated its 1953 judgment, however.
>
> As a consequence, in 1961 Congress granted professional football, baseball, basketball, and hockey sport leagues two exemptions from the sanctions of the antitrust laws (15 U.S.C. Sections 1291 95). One exemption authorized agreements between professional sport leagues and television networks to pool and sell as a package the rights to televise league games. Such an agreement may not restrict telecasts of games in any area, "except within the home territory of a member club of the league on a day when such club is playing a game at home."
>
> This "home territory" exception is the second antitrust exemption. It authorizes the restriction of game telecasts in the area surrounding the site of a game—the blackout. "Home territory", in the case of the NFL, is defined by its by-laws as "the surrounding territory to the extent of 75 miles in every direction from the exterior corporate limits

of a [home] city. The NFL has generally applied the seventy-five mile standard in imposing blackouts.

SPECIAL PRIVILEGE TO NFL

The blackouts of NFL games have been important and valuable to the building of the league's contests from near sandlot scrimmages followed by only a few local stalwarts into major spectacles staged with all the care and elaboration of an opera or the coronation of a monarch. In the 1960's there was a need to assist professional sports by granting them a special privilege, one not accorded to other enterprises—an exemption from the antitrust laws which enabled them to enter broadcasting contracts which restrict television coverage of a team's home games. There was a need, and this special privilege Congress granted to the NFL in 1961 has had its intended effect.

CHANGED CIRCUMSTANCES

But this is 1973. By any measure the NFL is strong, healthy, and financially secure. Last year's network television contracts brought each team $1.5 million. More than 95 percent of the seats for this year's regular season games are already sold. In every NFL city bumper stickers, pennants, even automobiles painted in the team's colors proclaim the loyalty and support of millions of fans.

EFFECTS OF BLACKOUTS

But herein lies the difficulty. Whereas any given team's rooters can be numbered in the millions, its stadium seats number only in the tens of thousands—or in some cases near 100,000. The result in city after city is sellout crowds for nearly every regular season game and near capacity crowds even for exhibition contests. The Staggers subcommittee in the House indicated that in 1972, for instance, the Kansas City Chiefs had an attendance total, for the seven-game home season, of 546,124. This works out to a better than 77,800 average attendance for their 78,053-seat stadium. And for every seat which is filled 2, or 10, or 100 other fans cannot buy a ticket, cannot come to the game in person, and—because of the blackouts—cannot see it on television. Of course, they usually have the choice of watching at least two other games on Sundays when their home team is blacked out, or they can drive 75 or 100 miles away, rent a motel, and watch the game from there.

But it is small solace for a rabid Kansas City Chiefs' fan in Manhattan or Leavenworth or Shawnee Mission to have the Redskins and the Cowboys going at each other on his home TV screen when the Chiefs are fighting for the AFC western title in Arrowhead Stadium at that very moment.

I do not believe it takes any great insight to determine that there are more fans than there are seats or to determine that there are a number of fans who have an interest in seeing the blackout lifted. I think the proposed experiment is a good one.

SELLOUT GAMES

If the game is sold out it is difficult for me to understand what difference it makes to anyone—except the hometown fans—whether there is a local blackout. I have attempted to learn through contacting constituents though the answer was not in too much doubt.

There is some support for continuing the blackouts, and there are some sound reasons for it. Of course, the owners have a perfectly legitimate and proper interest in seeing their investments protected. And I would not for a moment wish to minimize the great contributions these owners have made to their teams' communities. They are good citizens and highly appreciated by the areas in which their teams play.

I am aware of the point urged by the NFL, the stadium authorities and the concessions and parking interests that blackouts would encourage "no shows" of ticketholders, especially in bad weather. But I feel the likelihood of some, uncertain adverse impact from reduced actual attendance is far outweighed by the interests of the millions of loyal and enthusiastic local fans who want to see their teams when they play at home—as well as when they are on the road.

SUPPORT TO END BLACKOUTS

I followed with interest the hearings on S. 1841, the bill to institute a 1-year trial suspension of the local sports blackouts. Frankly, in the past, I had felt that the blackouts were a proper and reasonable protection for the interests of the various team owners. But after the testimony of NFL Commissioner Rozelle, various representatives of the varying viewpoints on the issue and the Chief of the Justice Department's Anti-Trust Division, I came to feel that it would be entirely reasonable and fair to try ending the blackouts for a limited, 1-year period and only for those games which are sold out at least a full 48 hours ahead of kickoff time.

VIEWS OF CONSTITUENTS IN THE BLACKOUT AREA

To test the feelings of the football fans who would benefit from this law, I wrote a number of constituents in the northeast Kansas area which lies within the Kansas City Chiefs' blackout area. I asked their views on this bill and requested any comments they wished to make, and I thought it might be of interest to those Senators who are present to have a very brief reaction from four or five of them.

The result was much stronger than I had expected. Thousands responded from throughout the blackout area. Those favoring the bill ran a good 13 to 1 over those expressing opposition or reservations. And many of the comments brought out points which had not originally occurred to me when first considering the bill.

From McLouth, Kans.—in the area near Kansas City—one man wrote:

> I am on disability retirement at age 48, and it doesn't cover the cost of too many sports events. [S. 1841] would help a lot of older retirees.

A Topeka resident said:

> Will not be able to see game except by TV. I do not drive a car and am home bound.

From Leavenworth came this comment:

> As loyal local fans who follow the Chiefs on radio, TV and can afford an occasional home game, we would appreciate the opportunity to view our team in our home stadium.

A woman in Manhattan said:

> Since I'm a shut-in this would be most welcome. I'm a sports fan.

A couple in Olathe pointed out one aspect relating to the fuel shortage situation:

> This would save gasoline. Lots from this area drive to Ft. Scott, Pittsburg, Warrensburg, Mo., etc., and rent motel rooms to watch games since it is blacked out here.

An Overland Park man expressed an unexpected view which proved to be quite common:

> I own season tickets and probably always will. But those who don't and can't should be allowed to see and support the Chiefs or any home team.

Another Olathe man said:

> I hold 2 season tickets, season parking and I take my own coffee. How can the Chiefs lose on people like us if we choose to stay home and watch on TV?

A woman in Leawood and a man in Spring Hill persuasively voiced their reasons for ending the blackouts.

The woman wrote:

> I can never go to the games as I am handicapped, but I love the Chiefs and want to see them on TV and not just have to listen on radio to home games.

The man wrote:

> I am a disabled veteran of World War II. My television is all the recreation I have.

So, Mr. President, after receiving this response and considering the different sides of the issues, I feel the monetary interests of a few are far outweighed by the general public's interest in having a trial run at ending the blackouts.

A GOOD EXPERIMENT

After a year's experience with locally televised games the NFL and the parking and concessions interests can show what—if any—adverse effects this experiment has had. Perhaps it will prove to be unacceptably damaging. Perhaps the sell-out rule will require adjustment. There may be entirely unforseen results. But this is an experiment which is worth trying, and I believe it should be begun at the earliest possible date, so local fans in Kansas City, Washington, Dallas and all the other NFL home areas can see their teams in action at home during the 1973 season.

So, Mr. President, I think that the bill before us, as amended by the Senator from Washington to require sellouts 72 hours in advance of game time, is a step in the right direction. It is an experiment. It is one which I support and one which I think most every Member of the Senate will support.

AMENDMENT NO. 446

Mr. MAGNUSON. Mr. President, I call up my Amendment No. 446 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> On page 2, line 5, strike "forty-eight" and insert in lieu thereof "seventy-two".

Mr. MAGNUSON. Mr. President, my amendment would simply provide that a game would have to be sold out 72 hours in advance before the local television blackout would have to be lifted. The bill, S. 1841, now has a 48-hour requirement.

In other words, my amendment adds 1 day to that requirement. If the game were scheduled to begin at 2 o'clock on a Sunday afternoon, for example, it would have to be sold out by 2 o'clock on the preceding Thursday before the local television blackout would have to be lifted.

The added day's notice, I believe, is in the interest of the fans and the broadcast stations because it will enable them to do their necessary planning.

Many games are sold out weeks and months in advance of their playing dates. In those cases it really makes no difference whether the time period is 48 or 72 hours. The television stations have adequate time in which to rearrange their programing schedules, notify the various sponsors, and arrange for the necessary publicity.

Similarily, those fans who wish to view these games can arrange their personal schedules to coincide with the telecasts.

But there are many other games which are not sold out this far in advance. In many instances, tickets are put on sale the Monday morning preceding a Sunday game.

If the game is going to be a sellout, those tickets are usually gone shortly after being offered to the public.

Where that is the case, of course, neither the television stations nor the fans have a long leadtime in which to make their necessary arrangements.

My amendment is intended to give them at least 24 more hours to plan.

I would point out, Mr. President, that during the lengthy deliberations on this legislation, everyone agreed there was no magic in the 48-hour requirement, and that 72 hours would be just as acceptable.

This being the case, and in view of the obvious benefit to the fans and the television stations I ask the Senate to accept my amendment.

Mr. President, let me add that this amendment merely changes the 48 hours to 72 hours. There are many good reasons for that. It has been discussed here by those discussing the bill itself, and I have discussed it at some length with the Senator from Kentucky (Mr. COOK) and other Senators. The Commerce Committee has also discussed the matter.

I hope that the amendment will be agreed to by the managers of the bill.

Mr. PASTORE. Mr. President, the Senator from Washington is absolutely correct. We have discussed the matter. There is nothing sacrosanct about the 48 hours, any more than the 72 hours. This is another step in the amenability of the committee to be fair. I am perfectly willing to accept the amendment. I know that the Senator from Kentucky (Mr. COOK) feels the same way as I do, and, without further ado, I think we should vote on this amendment now.

Mr. COOK. Absolutely.

Mr. MAGNUSON. Mr. President, I want to add one thing to this debate. I want to express my strong feeling about the 1-year limitation in the bill. I read this morning that the House might be considering permanent legislation. I do not know whether they will or not, but I want the record to show that, so far as I am personally concerned, I do hope they will agree to this 1-year experiment and see how it turns out.

Mr. PASTORE. I merely want to say to the Senator from Washington that the 1-year experimental period was my idea. It met with the approval of the members of the committee. I would hope that the House will do the same thing as we did. There are certain imponderables that must be determined here. We should be fair about it.

I repeat, there is nothing in here to castigate the National Football League.

I also repeat, this means a lot to a great many people. The football people have a private interest in this matter and we have a public interest. Let us see if we can experiment and find out who is right or who is wrong. That is the reason why we are doing it.

The PRESIDING OFFICER. Is all time yielded back on the amendment?

Mr. MAGNUSON. Mr. President, I yield back the remainder of my time.

Mr. PASTORE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from Washington (Mr. MAGNUSON) No. 446.

The amendment was agreed to.

Mr. PASTORE. Mr. President, the Senator from Maine (Mr. HATHAWAY) wanted to ask me a few questions and I suggest the absence of a quorum until he comes into the Chamber.

The PRESIDING OFFICER. The clerk will call the roll. The legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. The Senator from Rhode Island yields to the Senator from Maine.

Mr. HATHAWAY. Mr. President, I appreciate very much the Senator from Rhode Island yielding to me. I want to ask a couple of questions in regard to provisions of the bill which I think can be straightened out in colloquy rather than by amendment.

I assume that it is tacitly understood that the team owners are going to act in good faith; that, when they say a game is going to be sold out, they will not be holding back tickets which could be used as a gimmick by their saying, "We still have tickets available within the prescribed time of 72 hours." So there is really no need to say that tickets have to be offered during that period of time. Is that correct?

Mr. PASTORE. That is correct. I repeat: This will be a boon to the teams themselves. Take Washington. If one lives in Washington, and all the tickets have been sold, there can be no blackout; that will open up this area to TV. There is no question about it. It does raise the question that certain radio stations do broadcast. Whether they would want to broadcast when the game can be seen on the screen is unknown. That is why we provided an experimental period of 1 year. I think that question is going to have to be resolved. I would say to my dear friend from Maine that, insofar as a subterfuge is concerned, I doubt very much that that would take place.

Mr. HATHAWAY. I thank the Senator.

Mr. COOK. Mr. President, let me say to the Senator from Maine, so that he can get a good idea of what we have been discussing, that it is very interesting to note that not only has there been no origination of a game from New York City on a Monday night because the entire area would be blacked out, and there would be such a drain to have the area blacked out.

I notice there was one game from Los Angeles—Washington at Los Angeles. It was the first in Los Angeles, and over 80,000 were present. If they were to use that as a subterfuge, there would be a tremendous loss of revenue to them, because this constitutes a new source of revenue.

So far as home games are concerned, I am in favor of the 72 hours, in retrospect, rather than 48, because at least in 72 hours they can make proper negotiations for televising.

Mr. PASTORE. Those agreements are made at the time the original contracts are made. That would be a part of the original agreement.

To answer the question of the Senator from Maine, I do not think it is necessary to have any agreement. If we get testimony within 72 hours—that is, before 72 hours are up—that someone wanted to buy a ticket and could not buy one, I think they are bound to lose. If the team had tickets before the 72 hours, and that information came to us, I think they would be the losers.

Mr. HATHAWAY. The only other question I have refers to home games. I assume that "home games" is used in its broadest aspect. If a game were in Boston, or wherever it might be, and there was really no home team involved, could they blackout the Boston area?

Mr. PASTORE. There is no question they could do that in playoff games, or where two teams come from different parts of the country. One team might be from Boston and the other from Baltimore, and they might play off the game in Philadelphia; or take the championship game—the Super Bowl game.

We have talked to Mr. Rozelle, and he has assured us that so far as championship games are concerned, it is not expected that they will be blacked out. That is something to be watched, but I want to accept their word on this.

I think we should do this in more or less a friendly way, in an amicable way. I would hope the bill would remain exactly as it is, with the understanding, with respect to the issue that has been raised by the distinguished Senator from Maine, that on their word, they would open up to the public the Super Bowl games if they are sold out.

Mr. HATHAWAY. Yes. And if something happens to the contrary, then we can change it next year.

Mr. PASTORE. We can change it at the proper time.

Mr. HATHAWAY. I appreciate the Senator's answering my questions.

Mr. SCOTT of Pennsylvania. Mr. President, the Senate is about to pass S. 1841, a bill relating to the broadcasting of home games of certain professional athletic teams. In short, this measure would prohibit the "blacking out" of any home game when tickets for admission are no longer available for purchase by the general public 48 hours before game time. I agree with National Football League Commissioner Pete Rozelle when he says:

> If the public becomes accustomed to receiving without charge the same product which it is being asked to buy, there will inevitably be a steady erosion of ticket-buying interest. Ultimately, ticket-buying habits and actual game attendance will be significantly affected—to the benefit of no one.

S. 1841, fortunately, would be in effect for only 1 year. At the end of this trial period, I am hopeful that the Congress will take a serious look at the impact of this legislation on professional football and will determine that it is not in the best interest of the clubs or of the public.

Mr. President, I am in receipt of two communications, from each of Pennsylvania's professional football teams, in which the club's reasons for opposition to S. 1841 are more fully explained. I ask unanimous consent to have them printed in the RECORD at this point.

There being no objection, the communications were ordered to be printed in the RECORD, as follows:

THE PHILADELPHIA EAGLES,
Philadelphia, Pa., July 27, 1973.

Hon. HUGH SCOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SCOTT: It is vital to the Philadelphia Eagles and professional football in general, that the bill that would require all major professional team sports to televise home games locally if sold out within 48 hours of their playing—Not be passed!

I will try to be brief in my explanation of their importance:

1. In a cold weather city such as Philadelphia it is conceivable that on bad days we have very few people who attend the games and turn a great sport into a studio show.

2. The concession revenues and the parking revenues play a major factor in the City deriving its income to support Veterans Stadium.

3. It is obvious that "no shows" will dramatically affect this vitally needed money for the City.

4. At present, NFL cities now average 74 telecasts of our games each season and the addition would cause a serious problem of over-exposure.

5. I personally would rather see no games televised and forego the revenue, which is considerable, than to see us legislated out of business.

I would personally appreciate hearing from you as to your views and hope that in this brief note I have acquainted you with the pertinent facts.

I am available for personal conversation at your convenience and consider this the most serious problem that has ever confronted professional football.

May I please hear from you.

Sincerely,

LEONARD H. TOSE,
President.

PITTSBURGH, PA., JULY 31, 1973.

Senator HUGH SCOTT,
Capitol Hill, D.C.:

1972 was truly a magnificent year for the Steelers. As you know there were many bleak periods during our 40-year history. We have finally excited everyone to cheer for the Steelers. All home games will probably sell out.

In distributing our football tickets, every effort was made to exclusively allot them to as many fans as possible.

History shows us at the end of the season, when the weather turns cold, attendance drops drastically. If home games are to be televised locally this situation will repeat because the demand for tickets, which is needed for a season's sale, will be greatly diminished. This would change the game as we know it. It would change the economic picture of the team, the stadium, and the entire operation. You have heard many of these problems before. For more details, I have sent, under separate cover, the National Football League question and answer pamphlet. If you should like additional information on the Steelers please contact me.

Please consider these facts in making a negative determination of Senate bill 1841.

Sincerely,

DANIEL M. ROONEY,
Vice President, Pittsburgh Steelers Football Club.

Mr. TAFT. Mr. President, because of financial interests relating both to the broadcasting and professional football businesses owned by members of my family or held for me by trustees, I do not feel that I should properly vote on S. 1841; and for that reason, I will record my vote as "present."

Mr. PASTORE. Mr. President, I yield back the remainder of my time.

Mr. COOK. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. TAFT (when his name was called). I vote "present."

Mr. ROBERT C. BYRD. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from North Carolina (Mr. ERVIN), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Iowa (Mr. HUGHES), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Utah (Mr. MOSS), the Senator from California (Mr. TUNNEY), the Senator from Colorado (Mr. HASKELL), and the Senator from Louisiana (Mr. LONG), are necessarily absent.

I also announce that the Senator from South Dakota (Mr. ABOUREZK) is absent because of a death in the family.

I further announce that, if present and voting, the Senator from Louisiana (Mr. JOHNSTON) and the Senator from Iowa (Mr. HUGHES) would each vote "yea."

Mr. GRIFFIN. I announce that the Senators from Tennessee (Mr. BAKER and Mr. BROCK), the Senator from New Jersey (Mr. CASE), the Senator from Hawaii (Mr. FONG), and the Senator from Oregon (Mr. HATFIELD) are necessarily absent.

I also announce that the Senator from Arizona (Mr. GOLDWATER) and the Senator from Vermont (Mr. STAFFORD) are detained on official business.

I further announce that, if present and voting, the Senator from Vermont (Mr. STAFFORD) would vote "yea."

The result was announced—yeas 76, nays 6, as follows:

[No. 379 Leg.]

YEAS—76

Aiken
Allen
Bartlett
Bayh
Beall
Bellmon
Bentsen
Bible
Biden
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Church
Clark
Cook
Cotton
Cranston
Curtis
Dole
Domenici
Dominick
Fannin
Fulbright
Gravel
Griffin
Gurney
Hansen
Hart
Hartke
Hathaway
Helms
Hruska
Humphrey
Inouye
Jackson
Javits
Kennedy
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott, Pa.
Scott, Va.
Sparkman
Stevens
Stevenson
Symington
Thurmond
Tower
Weicker
Williams
Young

NAYS—6

Bennett
Eastland
Hollings
McClure
Stennis
Talmadge

ANSWERED "PRESENT"—1

Taft

NOT VOTING—17

Abourezk
Baker
Brock
Case
Eagleton
Ervin
Fong
Goldwater
Haskell
Hatfield
Huddleston
Hughes
Johnston
Long
Moss
Stafford
Tunney

So the bill (S. 1841) was passed, as follows:

S. 1841

An act to amend the Communications Act of 1934 for one year with respect to certain agreements relating to the broadcasting of home games of certain professional athletic teams

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 307 of the Communications Act of 1934 is amended by inserting at the end thereof a new subsection as follows:

"(f) On or after the date of enactment of this provision, no television broadcast licensee, network television broadcast organization, or cable television system shall perform or otherwise carry out a contract, arrangement, or other understanding, express or implied, under which such station, network, or system is prevented from broadcasting or carrying the home games of any professional football, baseball, basketball, or hockey team when tickets for admission to such game are no longer available for purchase by the general public seventy-two hours or more before the scheduled beginning time of such game."

SEC. 2. The amendment made by this Act shall terminate after one year following its date of enactment.

Mr. PASTORE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. JACKSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FULL OPPORTUNITY AND NATIONAL GOALS AND PRIORITIES ACT

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which the clerk will state.

The bill was stated by title, as follows:

A bill (S. 5) to promote the public welfare.

The Senate resumed the consideration of the bill.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR YEAS AND NAYS ON ADOPTION OF HUD AND PAR VALUE CONFERENCE REPORTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays on the adoption of the HUD conference report at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays on the adoption of the Par Value conference report at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, on one show of seconds, the yeas and nays may be ordered on final adoption of both conference reports.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I ask for the yeas and nays on both conference reports.

The yeas and nays were ordered.

Mr. ROBERT C. BYRD. Mr. President, I thank all Senators.

ORDER FOR VOTE ON NOMINATION OF RUSSELL TRAIN ON MONDAY NEXT AT 2 P.M.

Mr. ROBERT C. BYRD. Mr. President, as in executive session, I ask unanimous consent that the vote on the nomination of Mr. Russell Train occur on Monday next at the hour of 2 p.m.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ORDER FOR YEAS AND NAYS ON NOMINATION OF RUSSELL TRAIN

Mr. ROBERT C. BYRD. Mr. President, as in executive session, I ask unanimous consent that it be in order at this time to order the yeas and nays on the nomination of Mr. Russell Train.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays on the nomination of Mr. Russell Train.

The yeas and nays were ordered.

ORDER FOR CONSIDERATION OF NOMINATION OF ALVIN J. ARNETT ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask, as in executive session, that on Monday next, upon disposition of the nomination of Russell E. Train, that the Senate proceed to the consideration, in executive session, of the nomination of Mr. Alvin J. Arnett, of Maryland, to be Director of the Office of Economic Opportunity, and that there be a time limitation of 1½ hours, to be equally divided between the distinguished majority leader and the distinguished minority leader or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

TENTH ANNIVERSARY OF MARCH ON WASHINGTON FOR JOBS AND FREEDOM

Mr. HUMPHREY. Mr. President, I take this opportunity to commemorate an historic event in our Nation's struggle toward guaranteeing justice and equal opportunity to all American citizens.

Ten years ago—on August 28, 1963—some 200,000 Americans of every race and color came to Washington to peacefully demonstrate their support for progress in civil rights. It was a momentous expression of support for human rights, equality under the law, opportunity, and brotherhood.

One is strongly impressed, from newspaper accounts of the March on Washington for Jobs and Freedom, by the way that apprehension in Washington over this first major assembly in many years was replaced in the public mind by a deep awareness of its solemnity and dignity, and the calm but firm commitment of the participants. As they walked quietly from the Washington Monument toward the Lincoln Memorial, their mood was relaxed but deeply serious. Having come to the Nation's Capital on more than 1,500 buses, 40 trains, many crowded airplanes—indeed, on foot as well as on almost every type of conveyance—this assemblage of black and white, rich and poor will probably be marked in history as one of the great democratic expressions of the 20th century.

I was privileged to march in that demonstration. There were many people from the State of Minnesota who came here, and together we walked from the Washington Monument to the Lincoln Memorial. I was privileged to be there during all of those magnificent ceremonies.

President Kennedy perhaps best summarized the profound impression made upon the American conscience by the March on Washington, when he commented:

> One cannot help but be impressed with the deep fervor and the quiet dignity that characterize the thousands who have gathered in the Nation's Capital from across the country to demonstrate their faith and confidence in our democratic form of government. . . . The cause of 20 million Negroes has been advanced by the program conducted so appropriately before the Nation's shrine to the Great Emancipator, but even more significant is the contribution to all mankind.

By prior arrangement, leaders of the march had gone to Capitol Hill in the morning for conversations with congressional leaders, later described as courteous and cordial, about pending civil rights legislation. It was reported that few if any votes on this legislation were immediately changed by these conversations, or by the subsequent image caught by the Reflecting Pool of throngs of people listening intently to speeches and songs of "Freedom, Now."

But I can personally attest to the impact upon some 75 legislators when we came from the Hill by bus and felt that rhythmic chant sweep over us: "Pass the bill, pass the bill."

The focus of public opinion, the mandate of human conscience, for passage of the Civil Rights Act of 1964, were clearly established on that clear, hot August day 10 years ago. It would become a vitally important work to which long, strenuous hours would be given by Senator Thomas Kuchel and myself and so many others, including Senators MANSFIELD, HART, MAGNUSON, PASTORE, SCOTT, JAVITS, CASE, and AIKEN—all of whom helped with floor management during Senate debate—as well as some 22 current Members of the Senate who were among the original cosponsors of this historic legislation, and great men who will never be forgotten, including Senator Paul Douglas.

Might I also add that the former distinguished minority leader, the late Senator Everett Dirksen of Illinois, was in the forefront of the struggle for civil rights legislation. It was a special joy on my part, as the floor manager of the Civil Rights Act of 1964, to have Senator Dirksen's close and active support as well as his invaluable counsel, during the long hours of Senate debate.

But it was also clear to me that memorable day of the march that the opportunity should be seized for direct communication between the administration and leaders of this march on the absolute necessity of affirming by law the rights of all Americans:

The right to vote;

The right to use public accommodations and public facilities without being set apart;

The right to see all children have an equal chance to obtain a good education in our public schools;

The right to participate in and derive the benefits from any program or activity receiving Federal financial assistance;

The right to know genuine equal opportunity in getting and advancing in a job; and

The right to know that these rights would be protected in the fair and effective administration of justice.

It was for this reason that I brought together A. Philip Randolph, the Reverend Martin Luther King, Jr., Walter Reuther, Roy Wilkins, Whitney M. Young, Jr., and the Reverend Eugene Carson Blake, Rabbi Joachim Prinz, and Mathew Ahmann—spokesmen for the three major faiths, and Floyd McKissick of CORE and John Lewis of SNCC in a meeting with the President in the White House following the program at the Lincoln Memorial. Among other leaders present was Clarence Mitchell, one of the most effective spokesmen in the cause of civil rights.

These leaders represented some 10 national organizations which had made such an intensive effort, coordinated by Philip Randolph and Bayard Rustin, to arrange this dramatic demonstration seen across the oceans through Telstar and reported by the Voice of America.

These gentlemen met the President in the Oval Office, joined by Vice President Johnson, Secretary of Labor W. Willard Wirtz, and Burke Marshall, then head of the Civil Rights Division of the Justice Department. During a subsequent 75-minute meeting with the President in the Cabinet Room, they expressed their firm determination to see strong civil rights legislation enacted into law.

For some, the memory of that never-to-be-forgotten day is the quiet, simple song that said it all: "We Shall Overcome."

For others, there is engraved on heart and mind the plea of Martin Luther King to "let freedom ring" across this land and to share his dream for America:

> I have a dream that one day this nation will rise up and live out the true meaning of its creed "We hold these truths to be self-evident, that all men are created equal." . . . I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin, but by the content of their character.

Dr. King spoke of hewing out of the mountain of despair this stone of hope. However, Mr. President, for all the progress that has since been made, that mountain has yet to be surmounted for millions of Americans who still experience the reality of discrimination based on race and color.

For too many nonwhite families, the stone of hope continues to crumble as they witness a sustained income gap in comparison to white families. For too many black, Indian, and Spanish-surname youth, educational attainment is seen as secondary to the color of one's skin in qualifying for employment and advancement or earning equal wages with their white counterparts. And, while white poverty has declined sharply, black poverty is increasing.

Mr. President, I was privileged to be part of an administration that launched major programs across the Nation to carry out a firm commitment to the cause of black equality. I urge the present administration now to reassert this commitment, which is so vital to restoring hope among millions of American citizens.

Let us rightly commemorate the tenth anniversary of the March on Washington for Jobs and Freedom by insisting that this Government shall be of, by, and for all the people.

Let us remember those profound words of our Pledge of Allegiance, that we shall be one Nation under God, indivisible, with liberty and justice for all. That is the hope of all American people.

Let us now fulfill the mandate of that historic occasion—a mandate for justice, for equal opportunity, and for binding us together as one people.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR CLARK TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the recognition of the Senator from South Carolina (Mr. THURMOND) the able junior Senator from Iowa (Mr. CLARK) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR TALMADGE ON MONDAY, SEPTEMBER 10

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday, after the two leaders or their designees have been recognized under the standing order, the distinguished senior Senator from Georgia (Mr. TALMADGE) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM TOMORROW UNTIL 12 O'CLOCK NOON ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until the hour of 12 o'clock noon on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BARTLETT). Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR THURMOND TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders or their designees have been recognized and prior to the recognition of the distinguished junior Senator from Iowa (Mr. CLARK) under the order previously entered, the distinguished senior Senator from South Carolina (Mr. THURMOND) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 a.m. After the two leaders or their designees have been recognized under the standing order, the distinguished senior Senator from South Carolina (Mr. THURMOND) will be recognized for not to exceed 15 minutes, and then the distinguished junior Senator from Iowa (Mr. CLARK) will be recognized for not to exceed 15 minutes; after which there will be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes.

At the conclusion of routine morning business tomorrow, the Senate will proceed to take up the conference report on H.R. 8825, the HUD appropriations, under a time limitation of 1 hour, with the yeas and nays on adoption of the conference report already ordered; after which the Senate will then take up the conference report on H.R. 6912, the par-value modification, under a time limitation of 20 minutes, with a yea-and-nay vote already ordered on final disposition of that conference report.

The Senate will then proceed to consider the urban mass transit bill, S. 386, under a time limitation, with yea-and-nay votes expected to occur on amendments thereto and on final passage tomorrow.

Thus, in summation, Mr. President, there will be several yea-and-nay votes tomorrow.

When the Senate completes its business tomorrow, it will go over until Monday next, September 10, 1973, and will convene at 12 o'clock noon.

Then, at the hour of 2 p.m. on Monday, in executive session, the Senate will vote on the confirmation of Mr. Russell E. Train to be Administrator of the Environmental Protection Agency.

On disposition of the nomination of Russell E. Train, the Senate will then take up, in executive session, the nomination of Mr. Alvin Arnett to be Director of the Office of Economic Opportunity under a time limitation of 1½ hours. The yeas and nays, although not yet ordered, will occur on that nomination.

So it is assured that there will be at least two yea-and-nay votes on Monday next, the first one to occur at 2 p.m.

ADJOURNMENT TO 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and, at 4:06 p.m., the Senate adjourned until tomorrow, Friday, September 7, 1973, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Thursday, September 6, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

He endured as seeing Him who is invisible.—Hebrews 11: 27.

Our Heavenly Father, we pray that our recess may have renewed us in body and in spirit giving us added strength and increased stamina for the duties that now demand our attention.

Help us to do our work worthily and willingly that the results of our labor may be in the best interest of our country.

Teach us the lesson that the past is past and may we learn from it; that the present is present and may we live and labor in it to make this day and the days to come a vision of hope, a dream of happiness, and a realization of peace for our people and for all mankind.

In the spirit of the Master we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments, in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 9590. An act making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1974, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 9590) entitled "An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending June 30, 1974, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Montoya, Mr. McClellan, Mr. Bayh, Mr. McGee, Mr. Bellmon, Mr. Young, and Mr. Hatfield to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 1081) entitled "An act to authorize the Secretary of the Interior to grant rights-of-way across Federal lands where the use of such rights-of-way is in the public interest and the applicant for the right-of-way demonstrates the financial and technical capability to use the right-of-way in a manner which will protect the environment," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Jackson, Mr. Bible, Mr. Johnston, Mr. Haskell, Mr. Fannin, Mr. Hansen, and Mr. Hatfield to be the conferees on the part of the Senate.

THE LATE HONORABLE J. V. GARY

(Mr. SATTERFIELD asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. SATTERFIELD. Mr. Speaker, it is with great sadness that I report the death this morning of former Congressman J. V. Gary, after a long illness. I rise at this time to announce to the Members of the House that at a later time I shall seek a special order for appropriate remarks in his memory.

CAMBODIA ACCOUNTING

(Mr. ADDABBO asked and was given permission to address the House for 1 minute and to revise and extent his remarks.)

Mr. ADDABBO. Mr. Speaker, I have today written to Defense Secretary Schlesinger requesting that he furnish the House Appropriations Committee with a complete accounting of expenditures in connection with the recently disclosed bombing missions over Cambodia.

In my letter to the Secretary, I stated that—

> The Congress and the American taxpayers have a right to know how much was spent to finance secret bombing raids and from what part, or other allocated funds of the budget these funds were diverted. The right of the Legislative branch—and particularly the Appropriations Committee—to have access to this information and a complete accounting with respect to the Cambodia air missions, has nothing to do with the merits of the secret bombings. I have been a critic of U.S. bombing policies throughout Southeast Asia in the past, but this inquiry is limited to the impact of the diversion of appropriated dollars on the legislative process in appropriating Defense Department funds in the future.

I am advising my colleagues of this request because I am convinced that we cannot vote intelligently on defense appropriation bills without knowing the extent of the administration's power to divert funds from authorized to unauthorized purposes. I suspect that the amount spent on the secret Cambodia bombing raids—when revealed—will prove to be a staggering sum. The administration has a duty to Congress and to the country to disclose all the financial details of those secret bombing missions.

PERSONAL EXPLANATION

Mr. ADDABBO. Mr. Speaker, on yesterday's rollcall No. 435 I am recorded as not voting. I was present and voted "aye" for H.R. 8920, the Lead-Based Paint Poisoning Prevention Act.

PERSONAL STATEMENT

(Mr. ERLENBORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ERLENBORN. Mr. Speaker, on rollcall 426, I am recorded as having voted "yes." Although I may have pushed the "yes" button, my intention was to vote "no" as I had announced during the debate preceding the vote. Assuming the error was mine and not the electronic voting machine's, I would like to state for the record that I was and am opposed to adoption of House Resolution 518, providing for the consideration of S. 1264.

NATIONAL CANCER DAY

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the joint resolution (H.J. Res. 111) authorizing the President to proclaim September 8 of each year as "National Cancer Day," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. Res. 111

Whereas there is deep concern with the gravity and dreadfulness of cancer and its increasing death toll; and

Whereas there must be considerable work and devotion from all aspects of society toward the control of this disease; and

Whereas there is common concern of all of our citizens to create a new base for a national attack on cancer: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to issue a proclamation each year designating September 8 as "National Cancer Day" and calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

AMENDMENTS OFFERED BY MR. EDWARDS OF CALIFORNIA

Mr. EDWARDS of California. Mr. Speaker, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. Edwards of California: On page 2, line 1, strike out the words "each year".

On page 2, line 2, immediately following "September 8" and preceding the word "as", insert ", 1973,".

On page 1, strike out the entire preamble.

The amendments were agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time and passed.

The title was amended so as to read: "Authorizing the President to proclaim September 8, 1973, as 'National Cancer Day.'"

A motion to reconsider was laid on the table.

TEACHER'S DAY

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the joint resolution (H.J. Res. 677) authorizing the President to proclaim the 28th day of September of each year as Teacher's Day, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 677

Whereas our teachers have an important responsibility in formulating the ideals and goals among our young; and

Whereas many of the strengths and weaknesses of our country's future leaders are greatly dependent upon the mental, spiritual, and leadership qualities of our teachers; and

Whereas our teachers have had many fine educational achievements; and

Whereas many years of exacting training is necessary for our teachers to prepare for their profession; and

Whereas our teachers have created a geater understanding between our young people and the other members of our society, thus helping to bridge the generation gap: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the 28th day of September of each year as "Teacher's Day" and calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

AMENDMENTS OFFERED BY MR. EDWARDS OF CALIFORNIA

Mr. EDWARDS of California. Mr. Speaker, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. EDWARDS of California: On page 2, line 5, strike out the words "of each year" and insert in lieu thereof "1973".

On pages 1 and 2, strike out the entire preamble.

The amendments were agreed to.

Mr. GUBSER. Mr. Speaker, I will be brief, but wish to call to the attention of my colleagues the resolution which will be voted on shortly, to designate September 28 as Teacher's Day.

Although this resolution was initiated by several groups in my congressional district in California, its significance extends quite naturally to every part of the United States and indeed throughout the world. Wherever and whenever knowledge and skills are passed along to other people, there is a teacher whose dedication and inspiration are vital components of the learning process.

Teachers, whose efforts will mold the character that will determine the future of the Nation and the world, deserve the recognition given them by House Joint Resolution 677. I urge prompt passage of this measure.

The amendments were agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time and passed.

The title was amended so as to read: "Authorizing the President to proclaim the 28th day of September, 1973, as Teacher's Day."

A motion to reconsider was laid on the table.

JOHNNY HORIZON '76 CLEAN UP AMERICA MONTH

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the joint resolution (H.J. Res. 695) authorizing the President to proclaim the period of September 15, 1973 through October 15, 1973, "Johnny Horizon '76 Clean Up America Month," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution as follows:

H.J. RES. 695

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the period of September 15, 1973, through October 15, 1973, as "Johnny Horizon '76 Clean Up America Month", and calling upon the people of the United States to observe such period with appropriate activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the three joint resolutions just passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

APPOINTMENT OF CONFEREES ON S. 607, LEAD-BASED PAINT POISONING PREVENTION ACT AMENDMENTS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 607) to amend the Lead-Based Paint Poisoning Prevention Act, and for other purposes with a House amendment thereto, insist on the House amendment to the Senate bill, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. PATMAN and BARRETT, Mrs. SULLIVAN, Messrs. ASHLEY, MOORHEAD of Pennsylvania, STEPHENS, ST. GERMAIN, GONZALEZ, HANNA, WIDNALL, BROWN of Michigan, J. WILLIAM STANTON and BLACKBURN, Mrs. HECKLER of Massachusetts, and Mr. ROUSSELOT.

CONGRESSIONAL ACTION ON THE BUDGET

(Mr. MAHON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MAHON. Mr. Speaker, the President yesterday in his press conference alleged that the Congress is in the process of budget busting in the range of $6 billion.

He stated and I quote:

> It is very disconcerting to note that already before the Congress are spending proposals which if enacted would bust the budget to the tune of at least $6 billion.

The figure cited by the President is somewhat confusing and difficult to identify with certainty. A few preliminary comments are in order at this time.

It must be agreed that if present trends continue, the Congress will be above the President's budget by the time our work is completed.

Thus far, the Congress has enacted legislation which is $1.8 billion in 1974 outlays above the President's budget. In addition, one body or the other has passed legislation which is an additional $2 billion above the budget. I am referring to the higher figure in cases where spending bills have passed both bodies. It also appears that the Congress will not take action on $800 million in certain reductions which the President proposed in his budget. This is a total of some $4.6 billion above the President's budget. Of course, many significant measures are as yet incomplete which will materially affect the final impact of further congressional actions.

Speaking only of appropriations—and I do not include funds mandated for expenditure in nonappropriation measures—I am hopeful that when the Congress completes its work on all appropriation bills for the session we will be below the President's budget in new budget authority. In order to achieve this, we will have to recommend significant reductions in bills not yet reported by the Appropriations Committee and we will have to hold the line in conferences with the Senate on bills which have passed the House.

It is clear that to hold the appropriation bills below the budget will be futile if backdoor and mandatory spending measures continue to exceed the budget. It is essential that the Congress practice fiscal restraint in connection with all such bills, not just those which are handled through the traditional appropriations process.

At a later time I shall provide more specific information as to the actions of Congress on the President's outlays budget and the new obligational authority budget.

NEW SPIRIT OF COOPERATION BETWEEN EXECUTIVE AND LEGISLATIVE BRANCHES

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, yesterday President Nixon, in a very informative press conference, stressed the importance of a new spirit of cooperation between the executive and legislative branches in the coming weeks on matters of great interest to the people of this country.

The majority leader of this body has sounded a similar note.

I commend the President for his initiative and for his effort to redefine some of the priorities he feels must be dealt with before the end of this congressional session.

Certainly even the most casual observer of the Federal Government does not expect the President and the Congress to view every issue in the same light, or to resolve every controversy to the complete satisfaction of each.

However, as Mr. Nixon has indicated, there is room for—indeed, there is a great need for—a greater measure of cooperation between the two branches of Government than we have seen recently. This is especially true in those areas which he termed "bipartisan concerns."

I believe the Members of this body, having recently had the opportunity to gage the feelings of their constituents back home, can agree with the President that rampaging prices, accompanied by severe shortages of vital products, constitute our most immediate domestic problem.

I believe the President's statement yesterday was appropriate, and I am hopeful that the cooperation he called for can be achieved to the benefit of all the people of this country.

CONFERENCE REPORT ON H.R. 6912, PAR VALUE MODIFICATION ACT

Mr. PATMAN. Mr. Speaker, I call up the conference report on the bill (H.R. 6912) to amend the Par Value Modification Act, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

(For conference report and statement see proceedings of the House of July 31, 1973.)

Mr. PATMAN (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, the bill H.R. 6912 provides for the official devaluation of the dollar as requested by the President early this year.

This conference report reflects the position of the House on every major point of difference. The House bill provided a traditional definition of the value of the dollar but the Senate bill provided a new definition stating the dollar in terms of a fraction of an ounce of gold. The conferees accepted the House language.

The House bill contained a section expressing the sense of Congress that international monetary reform should be expedited, urging the President to take steps to expedite discussions leading to monetary reform. The Senate bill contained no language to this effect and the Senate conferees accepted the House language.

On the question of unrestricted private ownership of gold, the House bill contained a provision lifting restrictions on private ownership of gold at a date to be determined by the President, specifically when the President finds and reports to Congress that elimination of restrictions on private gold ownership will not adversely affect the monetary position of the United States. The Senate conferees accepted this language.

The Senate bill contained an amendment limiting Executive impoundments of appropriated funds, but the House bill contained no language on this issue. The Senate receded and the conference bill contains no language on the impoundment issue. We maintained that House legislation on this specific subject was the appropriate vehicle for addressing this issue and I am glad to advise my colleagues that the Senate did accept our argument. The Senate bill also provided a ceiling on fiscal year 1974 expenditures and the Senate agreed to delete this provision from the conference bill.

The Senate bill also required the Secretary of the Treasury to issue regulations that would compel multinational corporations to submit detailed reports of foreign currency transactions. The House bill contained no provision on this and the conferees accepted a substitute proposed by the House which requires the Secretary of the Treasury to supplement existing reports on foreign currency transactions. This substitute has the full support of the administration.

Finally, the Senate bill carried an amendment prohibiting assistance to North Vietnam which was not included in the House bill. The conferees agreed to drop this provision since both sides felt this issue could be more appropriately addressed in other legislation. This is not to say that conferees approve in any way providing aid to North Vietnam, but merely that legislation on this question should be addressed in more appropriate legislative vehicles.

In short, the conferees were faced with seven issues and on these the Senate receded on all but one, and in that case a substitute we proposed was accepted. Altogether then, this conference fully reflects the position of the House and I urge adoption of the report.

Mr. J. WILLIAM STANTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Committee on Banking and Currency in the past several months has met at least eight or 10 times in conference with the Senate. I am pleased to report back to the Members concurrence with the chairman of our committee with regard to the outcome of this specific conference on H.R. 6912.

The conferees, as the chairman stated, report back primarily the House-passed version of this legislation. We did have a time in conference with several nongermane items which we were fortunate in not including in this conference report.

I personally would recommend to the House passage of this legislation. It is good legislation. It is necessary legislation. In fact, looking down the road, probably the only thing we can say here is that we have been delayed a considerable amount of time in bringing this back to the House, but that is certainly not any fault of our Committee on Banking and Currency. We could probably blame the other body for a little delay in the passage of this conference report.

Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. I thank the gentleman for yielding.

Mr. Speaker, I should like to second the statements of the distinguished gentleman from Ohio that the conference committee and the Committee on Banking and Currency should be commended for not allowing to be presented in this conference report the three totally nongermane amendments which the Senate had tacked onto our bill.

I believe it is worth noting that the bill passed the House late in May, and here it is September before we can bring a conference report to the House. I believe that shows some of the difficulty in dealing with the other body on these conference reports.

I recommend this conference report to the House.

Mr. J. WILLIAM STANTON. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, it is interesting to note that this authorizing legislation is finally apparently on the verge of being enacted.

I wonder if the chairman of the Committee on Banking and Currency or some member knowledgeable concerning this legislation can put some kind of a figure on the amount of money that has already been appropriated or authorized to take care of the maintenance of the value of the dollars that we have invested in various international lending and financial institutions abroad?

Mr. Speaker, in the absence of this legislation, in the absence of any authorization, how much money has already been appropriated or authorized? How many billions?

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am pleased to yield to the gentleman from Texas.

Mr. PATMAN. Mr. Speaker, I will state to the gentleman from Iowa that several billion dollars are involved.

Mr. GROSS. How many billions?

Mr. PATMAN. Several billion dollars. We will have a statement as to how much is involved.

Mr. GROSS. The gentleman will have a statement when?

Mr. PATMAN. We will have a statement prepared soon.

The gentleman from Texas (Mr. GONZALEZ) will assist us in that.

Mr. GROSS. It is not going to be very helpful to have a statement sometime in the future when we are being asked in the House today to approve this conference report.

Mr. PATMAN. When the bill originally was up for consideration, we had a statement in the RECORD.

Mr. GROSS. A statement of what?

Mr. PATMAN. When we had a discussion of the bill.

Mr. Speaker, this is the conference

report, and when the bill was passed, we had all that information in the proceedings.

Mr. GROSS. We did not have at that time all of the authorizations and appropriations that have since been made because this legislation was originally before the House in May.

This is September, and appropriation bills have been passed, and authorizations have been approved in the interim. The gentleman cannot say that we have up-to-date figures on all of the millions that have been appropriated or authorized for this so-called shortfall of the dollar because of the devaluation which this conference report finally approves.

Mr. GONZALEZ. Mr. Speaker, I will answer the gentleman, if the gentleman will yield.

Mr. GROSS. I yield to the gentleman from Texas.

Mr. GONZALEZ. The gentleman's original question was: How much money has been appropriated for the purposes of maintenance of value because of the change in the par value of the dollar?

The answer to that is that thus far not one penny has been appropriated for maintenance of value because of this devaluation of the dollar reflected in this bill. However, when we first——

Mr. GROSS. If the gentleman will permit me to interrupt, the gentleman from Texas reads the legislation that comes to the House floor. We had the bill not long ago making appropriations to the Department of State, and the authorization for foreign aid, carrying a number of provisions for additional funds due to the devaluation of the dollar abroad.

Mr. GONZALEZ. Mr. Speaker, if the gentleman will recall, that proposition was for the purposes of taking care of the contingencies arising because of the fluctuations in the market in certain areas of the world.

Mr. GROSS. No. Mr. Speaker, it was specifically stated in that bill and it was specifically stated in the report that the money was being made available, the millions of dollars in that bill was being made available to take care of the shortfall because of the devaluation of the dollar which this conference report finally approves.

Mr. GONZALEZ. Mr. Speaker, I am sure the gentleman recognizes that then, at the time this bill was being debated and presented to the House, we pointed out the approximate cost in order to maintain value on the international commitments that we subscribed to.

But the gentleman must also recognize that the Committee on Appropriations is the only committee that can come in with the maintenance of value appropriation that will be reflected as a result of the approval of this par value modification. That has not yet been presented, but we did anticipate some action. In fact, I was one of those who insisted that the administration tell us what the cost would be of the amounts of devaluation last March or last February.

The SPEAKER. The time of the gentleman from Iowa (Mr. Gross) has expired.

Mr. J. WILLIAM STANTON. Mr. Speaker, I yield 2 additional minutes to the gentleman from Iowa (Mr. Gross).

Mr. GROSS. But, Mr. Speaker, we do not here as of today in the final consideration of this legislation have any information as to how many millions or billions of dollars have been made necessary for authorization or appropriation because of the devaluation of the dollar; is that not true?

Mr. GONZALEZ. Yes. It was our estimate in February and March—and it has been confirmed by the administration—that the approximate cost in terms of an appropriation bill that was presumed to be presented later by the Committee on Appropriations will be around $2½ billion.

Mr. GROSS. At least that much. I will be awaiting that with interest when we get the foreign aid bill; when the gentleman from Louisiana (Mr. Passman) comes up with his foreign aid appropriation bill, to see what figures he has that are attributable to this so-called maintenance of value—this business of taking care of the dollar devaluation in the interest of the foreigners.

I know of no one who has taken care of devaluation so far as John Q. Citizen in this country is concerned.

Mr. GONZALEZ. The gentleman recognizes that we spoke out with respect to that and we deplore the fact that we were having successive devaluations for that reason. In fact, I was the one who kept reminding not only the administration but my colleagues on the committee that this bill carries a price tag; you do not willy-nilly devalue—there is a price tag, naturally, but it yet has to be presented.

Mr. VANIK. Will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. VANIK. I would like to inquire what would happen if we took no action on this legislation at all?

Mr. GROSS. I will say to the gentleman I do not think anything would happen, because in the absence of this authorizing legislation the U.S. Government and Congress has gone right ahead and made hundreds of millions of dollars available to take care of the shortfall in the dollar abroad.

Mr. VANIK. The deed is done.

Mr. GROSS. The deed is done. They have gone right ahead and appropriated huge amounts of money without any authorization on the part of the Congress and in open violation of the law. It is a sad commentary on the conduct of both the Congress and the executive branch of Government.

Mr. J. WILLIAM STANTON. I now yield 4 minutes to the gentleman from Pennsylvania (Mr. Williams).

Mr. WILLIAMS. Mr. Speaker, I would like to call the attention of all Members to the first paragraph which appears in italics on the first page of the conference report, and I would like to read it to you:

> That the first sentence of section 2 of the Par Value Modification Act is amended by striking out the words "one thirty-eighth of a fine troy ounce of gold" and inserting in lieu thereof the following: "0.828948 Special Drawing Right or, the equivalent in terms of gold, of forty-two and two-ninths dollars per fine troy ounce of gold".

Now, the last part of that is of particular importance. Officially by this action we are recognizing that the dollar is worth forty-two and two-ninths dollars per fine troy ounce of gold.

The question has been asked here today what will happen if we do not pass this conference report. My reply is this will simply be a stimulant for those people who are speculating in gold to go out and buy more gold which will further devalue the dollar.

Regardless of this conference report, the world price of gold during the last month—and I have not had a chance to check it in the last 2 or 3 days—has fluctuated from between $127.50 per fine troy ounce of gold and $98 per fine troy ounce of gold. So all we are doing is making an official pronouncement that, in this Nation, $42 and a fraction per fine troy ounce of gold is the figure which we officially recognize.

I would like to say, also, to the gentleman from Iowa, my distinguished colleague, H. R. Gross, that frankly we should never have gotten into this position. As far as what the cost of this devaluation is going to be, whether it is $2.5 billion or $3.5 billion or even $4 billion, it falls into insignificance if we take into consideration the fact that this Government owes something substantially over $470 billion at the present time.

We are paying close to $40 billion annually in interest on what we owe. It is this that has weakened the American dollar.

If this Congress can finally reach a point where we have a balanced budget, where we can start to pay off some of the money we owe, then that is going to strengthen the U.S. dollar and bring the price of gold down so as to discourage the speculators from continuing to deal in gold.

So, Mr. Speaker, I urge the adoption of this conference report, which I think is an excellent one.

Mr. J. WILLIAM STANTON. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. Widnall).

Mr. WIDNALL. Mr. Speaker, I am very pleased at last to participate in bargaining back to the House the conference report on H.R. 6912, the Par Value Modification Act Amendments of 1973.

As my colleagues well know, this bill has undergone a long and tortuous route in gaining congressional ratification of an action by the Executive which was taken some months ago.

Specifically, of course, that action was to modify the relationship between the dollar and gold by devaluing the dollar by 10 percent. The act authorizes and directs the Secretary of the Treasury to take the steps necessary to establish the new par value of the dollar at forty-two and two-ninths dollars per fine troy ounce of gold, or stated in terms of Special Drawing Rights, 0.828948 SDR per dollar.

As the House passed its version of this bill, there is a sense of Congress section which urges the President to take all appropriate action to expedite the realization of the international monetary reform agreed to at the Smithsonian Institution on December 18, 1971. I would draw my colleagues' attention to the fact that later this month the International Monetary Fund will convene for its annual meeting and I am most hopeful that at that time the United States will have an opportunity to make significant progress in pursuance of the goal stated in this section.

A further provision with regard to the private ownership of gold conforms to the position taken by the House when the bill was under consideration here. The net effect of section 3 is that any prohibition against any U.S. citizen purchasing, holding, selling, or otherwise dealing with gold will be eliminated as soon as the President finds and reports to the Congress that international monetary reform has proceeded sufficiently so that the U.S. international monetary position would not be adversely affected by such an action. The Treasury Department strongly supports the provision in this form on the basis that setting a specific date for removal of regulations, whether this year or sometime in the future, could cause speculation about what will happen to the gold price when restrictions are removed. The Department's position presently is that gold is not a satisfactory basis for the international monetary system and the United States seeks to reduce the future role of gold in this system. It is contended that action at this time setting a specific date for private ownership could undermine the U.S. position at this very crucial juncture in our monetary negotiations. Again, I would observe that the impending IMF conference provides the setting in which the necessary monetary reform could take place and thus allow American citizens, once again, to own gold.

The House conferees bring back from the conference one provision which was not an integral part of the bill which the House passed. However, I feel it is a desirable and useful provision in that it deals with the reporting of foreign currency transactions. I will not repeat again the basis and authority contained in title II, but I would like to comment on certain of its aspects.

We have all heard a great deal in recent months of the activities of financial officers of multinational corporations and the exercises which they undertake in order to protect their operations from the vicissitudes of the international money market. It has been claimed by some that these activities have not all been carried out defensively but have smacked of speculation and have actually taken on more of the character of arbitrage than simply meeting the monetary needs of the day-to-day trading operations of these companies. I do not claim and I do not believe the conferees hold that this is completely true or completely untrue. However, no one would doubt that the movements of this highly liquid capital can have great repercussions within the international monetary system.

For this purpose, the authorities now vested in the Secretary of the Treasury would well be supplemented by a power to collect and evaluate additional data on the nature and source of these money flows in order to determine the effect that they have on the interrelationships of various currencies.

Accordingly, title II authorizes and directs the Secretary of the Treasury to require additional reports on foreign currency transactions conducted by any U.S. entity or U.S.-controlled foreign entity.

Both injunctive relief and civil penalties are provided as enforcement measures to assist the Secretary in carrying out this function.

The final language of title II was drawn up by the conferees on the basis of the Senate provision with certain modifications having been made which principally relate to the statement of findings. It is my understanding that the title as it is reported back by the conference committee is acceptable to the Treasury Department, and that the Department can put this additional authority to good use in quantifying and evaluating these financial flows and their effects on both the international and U.S. monetary situation.

In sum, it is my conviction that this conference and the legislation which it has produced will serve to benefit the international monetary system in general and our Nation in particular. This is true even though the basic action which is taken by the bill might seem to be outdated in view of the de facto developments in monetary circles which have occurred since last February 12. Procedurally, it is a necessary step for the Congress to ratify the President's action. I urge the support of my colleagues for the conference report on H.R. 6912.

The SPEAKER. Does the gentleman from Texas have further requests for time?

Mr. PATMAN. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. Gonzalez).

Mr. GONZALEZ. Mr. Speaker, awhile ago we had a couple of questions that I think are extraneous to the basic issue here today. This par value modification bill should have been acted upon some time ago, and it is unthinkable that the House or the Senate would not now act expeditiously. Let us look at the accomplishment that is reflected in this conference report. It is a tremendous tribute to the chairman of the committee. We went into a conference that conceivably could have been tied up in knots to this day because of the issue involved, and yet we came out of the conference with every single House position contained intact in this conference report. Every position that we debated and adopted in the House is reflected in this conference report.

One of the things that received quite a bit of attention and discussion was the question of the unrestricted private ownership of gold.

The conference report provides that when and if the President finds and reports to the Congress that it is safe to do so, he shall then pronounce and declare permission for the private unrestricted ownership of gold.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, that provision is the worst kind of window dressing that could possibly be put in the bill, because the gentleman in the well of the House well knows that we have not had a President from Franklin D. Roosevelt down to the present day, including the present President of the United States, who was or is about to permit the American people to own gold and use it as a medium of exchange. So this provision is nothing more or less than window dressing.

Mr. GONZALEZ. The gentleman from Iowa must surely recognize the fact that just because previous Presidents have not done certain things this one will not, and in view of the track record here of the last 4 or 5 years, we can hardly predict that something as unexpected as that is not liable to happen.

Seriously speaking, it would be unthinkable to let our country renege on binding international agreements that we must uphold. The administration would be not only seriously embarrassed as the current administration in power, but I think it would reflect on us as responsible legislators if we fail to approve this report.

Whether we agree or deplore, and I deplore it, devaluation is no longer the issue. This is an accomplished fact brought about by the administration's failure to accomplish its economic objectives, and this conference report needs to be adopted.

Mr. Speaker, I urge my colleagues to adopt this conference report.

Mr. PATMAN. I yield 5 minutes to the gentlewoman from Missouri (Mrs. Sullivan).

Mrs. SULLIVAN. Mr. Speaker, there is understandably some confusion about the status of legislation dealing with gold ownership. The Senate has passed two bills dealing with private ownership of gold. One is the par value modification bill, on which the conference report is now being debated, and the other is S. 1141, providing for special commemorative coinage to mark the Nation's Bicentennial. The gold ownership provisions adopted by the Senate in those two separate bills were not identical, which adds to the confusion. I am sure many of the Members have received mail from constituents urging them to support the gold ownership provisions, of the Bicentennial coinage bill, because there have been many calls to my subcommittee from congressional offices asking for information on this.

Here is what happened: when the par value modification bill was being held up in conference, in a dispute between the two Houses over the impoundment issue, the Senate was considering the Bicentennial coinage bill and Senator Dominick offered a gold ownership amendment to that bill which was different from the position the Senate had taken on this question on the par value modification bill. And it was adopted. The Senator said he would continue to offer gold ownership amendments to every bill which came along until the par value modification bill got out of conference. Originally, the Senate voted to remove all restrictions on gold ownership as of December 31, 1973. On the Bicentennial coinage bill, the amendment provided that the restrictions be terminated as of January 1, 1975.

The Banking and Currency Committee has reported its own bill on Bicentennial coinage, H.R. 8789, and there is no provision in it dealing with gold ownership. It would not be germane to the Bicentennial coinage bill in the House.

Mr. GROSS. Mr. Speaker, will the gentlewoman yield?

Mrs. SULLIVAN. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, may I ask the chairman of the committee a question: Is this not the first time the House has been called upon to recognize officially special drawing rights or paper gold?

Mr. PATMAN. No. I could not answer the question as fully as I would like to on the facts, but the gentleman from Wisconsin (Mr. REUSS) knows about this and I defer to him.

Mr. REUSS. Mr. Speaker, if the gentlewoman will yield, in answering the question of the gentleman from Iowa, yes, the House has very considerately 3 years ago passed legislation approving special drawing rights after extended hearings and lengthy debate.

Mr. GROSS. I thank the gentleman and the gentlewoman.

Mr. J. WILLIAM STANTON. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Speaker, I intend to vote against this conference report for one reason, and one reason only. The conferees brought back the House provision relative to the private ownership of gold. It would permit the ownership of gold only after the President reports to the Congress that such ownership would not adversely affect the international monetary position of the United States. This is a meaningless gesture.

Mr. Speaker, I much prefer the Senate amendment, which would have legalized the private ownership of gold as of December 31, 1973. I think the American people have every right to own gold and we should restore this right to them.

For that reason, I intend to vote against this conference report.

Mr. J. WILLIAM STANTON. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. CRANE).

Mr. CRANE. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I simply want to commend my colleague from Ohio (Mr. LATTA) for his position on this Par Value Modification Act because of the action taken by the conferees on the question of gold ownership.

As all Members are well aware, I have more than a casual interest in the question of the right of Americans to own gold and submitted an amendment that would have put the language of the House bill in conformity with that of the Senate. My recollection is that the Senate by a vote of 68 to 22 supported the restoration of the right of American citizens to buy, sell and hold gold as of December 31 of this year. In the conference I attempted to get consideration of a possible compromise between House and Senate language, which was my understanding of what conferees are supposed to do.

The Senators fell back to a compromise position of the restoration of the right to buy, sell, and hold gold by moving the date up to December 31, 1974, which would have certainly given the people at the Treasury more than enough opportunity to meet the objectives of international monetary reform.

Notwithstanding the fact that the House by a tie vote defeated the December 31, 1973, date and the Senate by a 3-to-1 margin supported it, the House conferees rejected cavalierly any effort by the Senators to find a compromise.

For this reason, I oppose this legislation also. I think it tramples upon the will of the Senate as expressed by an overwhelming margin, and the will of at least 50 percent of the Members of this body.

Mr. Speaker, I thank the gentleman for yielding to me.

Mr. ROBINSON of Virginia. Mr. Speaker, I have been pleased to note that the conference report before us, relating to the bill H.R. 6912, which has as its principal purpose the adjustment of the par value of the dollar in terms of gold, includes a permissive provision which, in due course, should restore to citizens of the United States the privilege of buying and holding gold.

While the conferees' version of H.R. 6912 does not establish a priority for citizens of the United States in the matter of purchase of gold which might be released from Federal holdings, as would be urged by enactment of House Resolution 289, of which I am a cosponsor with the gentleman from Illinois (Mr. CRANE), I welcome the opportunity to support the provision of H.R. 6912 which indorses the free and open sale of gold at such time as the President might decide such sale would not affect adversely the international position of the dollar.

At such time as H.R. 6912 might become law, I hope the President may decide that it is prudent and appropriate for citizens of the United States to buy and possess gold, in common with the citizens of most of the other nations of the world.

Mr. PATMAN. Mr. Speaker, we have no further requests for time.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 322, nays 59, answered "present" 1, not voting 52, as follows:

[Roll No. 437]

YEAS—322

Abdnor
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashley
Aspin
Barrett
Bergland
Biaggi
Biester
Bingham
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breaux
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Broyhill, N.C.
Buchanan
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton
Butler
Camp
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clark
Clausen, Don H.
Clay
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Conable
Conte
Cotter
Coughlin
Cronin
Culver
Daniel, Dan
Daniels, Dominick V.
Danielson
Davis, Wis.
de la Garza
Dellenback
Dellums
Denholm
Dent
Derwinski
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Flood
Flowers
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Gaydos
Gettys
Gibbons
Gilman
Ginn
Gonzalez
Grasso
Green, Oreg.
Green, Pa.
Grover
Gude
Gunter
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harrington
Harsha
Harvey
Hastings
Hawkins
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hogan
Holtzman
Horton
Hosmer
Howard
Hungate
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kemp
Ketchum
Kluczynski
Koch
Kyros
Landrum
Leggett
Lehman
Lent
Litton
Long, La.
Lott
McClory
McCloskey
McCollister
McCormack
McDade
McFall
McKay
McKinney
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Milford
Miller
Minish
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nix
Obey
O'Brien
O'Hara
Owens
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Pritchard
Quie
Railsback
Randall
Rangel
Rees
Regula
Reuss
Rhodes
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncallo, N.Y.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Ruppe
Ruth
Ryan
St Germain
Sarasin
Sarbanes
Schneebeli
Schroeder
Sebelius
Seiberling
Shoup
Shriver
Sikes
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Staggers
Stanton, J. William
Steed
Steele
Steiger, Wis.
Stephens
Stokes
Stratton
Studds
Sullivan
Symington
Talcott
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Veysey
Vigorito
Waggonner
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—59

Ashbrook
Bafalis
Baker
Bauman
Beard
Bennett
Bevill
Brinkley
Burgener
Burleson, Tex.
Byron
Clancy
Conlan
Crane
Daniel, Robert W., Jr.
Dennis
Devine
Dickinson
Evins, Tenn.
Flynt
Foley
Goldwater
Goodling
Gross
Guyer
Hinshaw
Holt
Huber
Hudnut
Hunt
Hutchinson
King
Kuykendall
Landgrebe
Latta
Long, Md.
Lujan
Michel
Myers
Nichols
Passman
Price, Tex.
Rarick
Riegle
Roncalio, Wyo.
Rousselot
Satterfield
Saylor
Shuster
Snyder
Spence
Steelman
Steiger, Ariz.
Symms
Towell, Nev.
Treen
Vanik
Wilson, Bob
Young, Fla.

ANSWERED "PRESENT"—1

Stuckey

NOT VOTING—52

Alexander
Badillo
Bell
Blackburn
Blatnik
Breckinridge
Brown, Ohio
Broyhill, Va.
Clawson, Del
Collins, Tex.
Conyers
Corman
Davis, Ga.
Davis, S.C.
Delaney
Diggs
Fisher
Fuqua
Giaimo
Gray
Griffiths
Gubser
Hanrahan
Hansen, Wash.
Hays
Holifield
Jones, Okla.
Jones, Tenn.
McEwen
McSpadden
Mathis, Ga.
Matsunaga
Mills, Ark.
Mink
O'Neill
Parris
Quillen
Reid
Rooney, N.Y.
Rooney, Pa.
Roybal
Runnels
Sandman
Scherle
Shipley
Sisk
Stanton, James V.
Stark
Stubblefield
Taylor, Mo.
Waldie
Young, Alaska

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Giaimo.

Mr. Holifield with Mr. Bell.

Mr. Hays with Mr. Del Clawson.

Mr. Rooney of Pennsylvania with Mr. Fisher.

Mr. Gray with Mr. Blackburn.

Mr. Delaney with Mr. Davis of Georgia.

Mr. Reid with Mr. Gubser.

Mr. Shipley with Mr. Brown of Ohio.

Mr. James V. Stanton with Mr. Hanrahan.

Mr. Waldie with Mr. Collins of Texas.

Mr. O'Neill with Mr. McEwen.

Mr. Fuqua with Mr. McSpadden.

Mr. Corman with Mr. Davis of South Carolina.

Mr. Conyers with Mr. Badillo.

Mrs. Griffiths with Mrs. Hansen of Washington.

Mr. Blatnik with Mr. Mills of Arkansas.

Mr. Diggs with Mrs. Mink.

Mr. Breckinridge with Mr. Parris.

Mr. Alexander with Mr. Broyhill of Virginia.

Mr. Sisk with Mr. Quillen.

Mr. Stark with Mr. Roybal.

Mr. Jones of Tennessee with Mr. Runnels.

Mr. Stubblefield with Mr. Young of Alaska.

Mr. Mathis of Georgia with Mr. Taylor of Missouri.

Mr. Matsunaga with Mr. Sandman.

Mr. Jones of Oklahoma with Mr. Scherle.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Marks, one of his secretaries.

CONFERENCE REPORT ON S. 1672, AMENDING THE SMALL BUSINESS ACT

Mr. PATMAN. Mr. Speaker, I call up the conference report on the Senate bill (S. 1672) to amend the Small Business Act, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of August 1, 1973.)

Mr. PATMAN (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the conference report before this body today on S. 1672, which amends the Small Business Act, is made up almost entirely of those provisions adopted by this body. When the two Houses went to conference on the legislation, the House was succesful in maintaining all of its provisions in the agreed-upon conference report.

I will not take up a great deal of time discussing the individual provisions of the legislation since copies of the conference report are available. Let me just point out that the legislation contains what I feel is a very liberal disaster assistance program for homeowners and businesses which is identical to the House-passed version. In addition, agricultural operations will receive the same disaster assistance as those afforded to businesses and homeowners. And for the first time erosion will qualify for disaster assistance under both the Small Business Act and the Disaster Relief Act of 1970. This was one of the most discussed features of the bill when it was before the House, and I am certain that Members will be pleased to know that that feature was retained in the bill.

The agreed-upon legislation also contains a provision to provide assistance to small businesses in connection with the closing of a military installation.

Mr. Speaker, this is an important piece of legislation and one that we must act on immediately since the ceilings under which the Small Business Administration operates will be reached shortly, and without section I of the legislation which raises these ceilings, the operations of the Small Business Administration will be severely limited.

Mr. WIDNALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to discuss the conference report on S. 1672 with mixed feelings. I think it is fair to say that on the major points of difference the House provisions prevailed. Yesterday the House rejected a conference report on House Joint Resolution 512 which reflected the obstinancy of the other body and its total disregard for the rules of the House. Two provisions in this report reflect that same attitude but because they are minor matters—and in one instance really result in equity—I believe the conference report represents a victory for the House position and would normally deserve your support.

Despite this, I believe this bill as compromised has some provisions which are so questionable that they may well merit a veto. I would like to lay some of these issues before you because, very frankly, I think they highlight some of the conflicts between the questions of Presidential powers versus congressional powers and the pragmatic political considerations which face Members of this body every other year.

Actually, this bill deals with two very different matters. One is the matter of Federal assistance to small businesses; the other is Federal assistance to the victims of natural disasters. The former is essentially noncontroversial; our treatment of the latter is about to make us the laughing stock of legislatures the world over.

Few would disagree that under the capable administration of our former associate Tom Kleppe, Federal assistance to small business has been accelerated and improved. That is not to say it is perfect or that we cannot point out additional areas of need. Of course we can and we do. Sections 2, 8, 9, and 10 of this bill are reflections of our feelings that legislative or administrative modernizations of the SBA program are needed. And, who could argue with section 1 which merely increases the ceilings under which loans or guarantees of loans can be made without budgetary impact? This increase is a reflection of the aggressive way the Small Business Administration has advanced its assistance to small businessmen.

In lauding SBA's accomplishments in assisting small businessmen in the pursuit of their normal business objectives, I do not mean to demean the need or the justice of assistance to individuals, small businesses, or communities injured by natural disasters. But I do want to differentiate clearly between the sound, ongoing assistance it provides and the charitable or social welfare responsibilities which we have imposed on the agency. These are apples and oranges and they should not be mixed.

Let me turn now to disaster relief assistance. I said a moment ago that our actions on this score may make us the laughing stock of legislatures the world over. I am referring, of course, to the unbelievably inconsistent approach we have made to the question.

Back in August 1972 when we passed Public Law 92–385, we increased the forgiveness feature on disaster loans to $5,000 despite ample evidence that previous forgiveness provisions were highly inequitable and widely abused. I suppose to convince ourselves we were acting responsibly we ordered the President to conduct a thorough review of existing disaster relief legislation in order to submit specific legislative proposals for the comprehensive revision of such legislation. If memory serves me correctly, we did reach agreement during the debate on that bill that because of jurisdictional and related problems that we were dealing with the problem on a piecemeal basis prompted by unrelated incidents and that we did need some kind of national policy spelling out a comprehensive disaster relief program. Calling for such a policy was certainly a step in the right direction.

On May 14 of this year, the President responded to that directive with a message of "New Approaches to Federal Disaster Preparedness and Assistance." That message was accompanied by a legislative proposal which is now before the Committee on Public Works. But, even before this proposal could be considered, the House Committee on Agriculture reported out H.R. 1975, which we promptly passed, and which the President signed on April 20 of this year. This eliminated the forgiveness feature on disaster loans but made them eligible for a 5-percent interest rate. Now, less than 5 months later, and still without considering the President's comprehensive disaster relief program which we ourselves asked for, we are going to reverse that action and approve a $2,500 forgiveness or a 1-percent interest rate. Is this the kind of action which will convince the American people that Congress should lead the Nation?

And, where do we draw the line between disaster and man's own folly or neglect? Section 7 of this bill provides for loans for erosion assistance. When your committee considered this question of loans for erosion assistance, we had it clearly in mind that we intended this to be for erosion resulting from water action associated with a disaster. That intent seems to have been eroded by subsequent action. If it is not clearly honored there is absolutely no limit to what this bill may cost. Wind, rain, and the natural flows of streams and rivers cause the kind of erosion this legislation was not intended to cover. Can you imagine some Indian tribe laying claim to the Grand Canyon and seeking a loan to fill it in and make the land arable again. Certainly this does not represent the kind of erosion your committee intended to cover but my reservations about the language the conference committee adopted contribute to my reservations about this bill.

In summary, let me repeat that sections 1, 2, 3, 8, 9, and 10 of this bill are essentially sound and desirable amendments to a well-run program of assistance to small businesses. Sections 4, 5, 6, and 7 are questionable. They are inconsistent with past actions we have taken, they may be extremely costly, and action on them should be deferred until we consider a comprehensive disaster relief program. Let me point out that I realize full well that we have Federal grants or other forms of aid for many things. I think it is entirely likely that we might agree that we can and should be more generous to disaster victims than the Disaster Relief Act proposes. However, I think that the time to consider that question is in conjunction with that bill.

I have set forth my reservations about this bill in the hope it will help other Members make up their minds about it. I am told the President will veto this bill if we enact it in its present form. I am sure it will be a hard decision for him, as it is for me, to decide whether more harm or good will result from its enactment.

Mr. PATMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. KAZEN).

Mr. KAZEN. Mr. Speaker, I commend this bill to my colleagues' attention, knowing that we have considered the Small Business Act an essential Government service. I am pleased, too, to offer a nonpartisan comment that our former colleague, Tom Kleppe, has proven an able and thoughtful administrator of the Small Business Administration. But my special purpose here is to endorse that section of the report which authorizes loans to small businesses harmed by military base closings.

In my home city, the Laredo Air Base has been closed. Were it not for my obligation to be here in the House today, I would be in Laredo, participating in a meeting of community officials and leaders with a team for the Defense Department's Office of Economic Adjustment. That meeting is one of a series aimed at helping the city of Laredo face the impact of the base closing.

Believe me, the impact is heavy. Most of us have seen regions ravaged by floods or storms, and know how homes and business places can be swept away by the furies of nature. Government can loose the same destructive force by decisions that it has to make—decisions such as closing a base that has provided the economic foundation for many small businesses. I believe all will agree that such action can be a disaster. It is for that reason that I welcome expansion of the Small Business Administration's potential service, and urge support of this bill.

Mr. PATMAN. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. STEPHENS), chairman of the Small Business Subcommittee.

Mr. STEPHENS. Mr. Speaker, as chairman of the Subcommittee on Small Business, I ask the House to adopt this conference report so that the nearly 5 million small businesses in this country can continue to draw on the vital services that they receive from the Small Business Administration. I would also like to take a few moments to discuss the disaster relief section contained in the legislation.

The disaster relief provisions in the legislation were never intended to be permanent fixtures on the statute book. This is the reason the legislation contains an expiration date of July 1975 for the disaster provisions. In April of this year we removed the $5,000 and 1-percent disaster relief program which had been in operation for more than a year and substituted for that program a system of loans without any forgiveness and carrying a 1-percent interest rate. There has been a feeling on the part of many that the disaster program adopted in April of this year worked too great a hardship on people who had suffered severe damage as a result of disasters, particularly those who had lost their homes and would be faced with refinancing an existing long-term mortgage. In the legislation that we are considering today as part of the conference report, a new disaster relief program is established. It provides for a $2,500 forgiveness with a 3-percent interest or if the borrower chooses not to exercise the forgiveness feature, the entire loan will be written at a 1-percent interest rate.

These, of course, were the provisions of the House-passed bill and provide a balance between the $5,000 forgiveness and the no forgiveness feature of the two previous bills. The object of this legislation is to provide an equitable form of disaster relief while permanent disaster legislation is being work out. In the past, disaster legislation has been written for the most part at times when a major disaster had recently occurred and there was a need to enact legislation on a crash basis. Enactment of S. 1672 will give the Congress 2 years with which to come up with a disaster relief program that will be both compassionate and meaningful and will avoid many of the pitfalls that we have found in previous disaster relief programs. This is a sound approach, and while there may be some who find that not all of the features of S. 1672 are what they would like them to be, I urge Members to support the conference report so that all of the problems can eventually be resolved.

We are moving into the hurricane period in this country, and already one hurricane has struck the country this month. It is, therefore, imperative that we take immediate action so that those facing potential disasters will know that there is some place for them to turn for adequate assistance.

Mr. WIDNALL. Mr. Speaker, at this time I yield to the gentleman from New Jersey (Mr. RINALDO).

Mr. RINALDO. Mr. Speaker, I rise today in unequivocal support of S. 1672, a bill to amend the Small Business Act, as agreed upon by the House and Senate managers in House Report No. 93–428.

I am particularly interested in the section added by the conferees dealing with disaster relief assistance to homeowners and small businesses. Last month, torrential rainstorms swept the New York metropolitan area, leaving in its wake devastation of untold magnitude. Residents of many communities of the 12th Congressional District of New Jersey were particularly hard hit. Many of them asked me about the $2,500 forgiveness on loans whose balances could be financed at 3 percent and the loans that could be financed at the rate of 1 percent. I had to tell them that these provisions ended on April 30 of this year.

However, the action of the conferees in restoring these features has given new hope to those victims of flooding in my district and in other parts of the Nation. Under the provisions of the conference report, the forgiveness and lower interest features would be retroactive to April 20, 1973, and would terminate on July 1. 1975.

I cannot speak strongly enough in behalf of these proposals. It is important to remember that the SBA disaster loan program is designed to assist persons in economic straights, that is, who suffer economic hardship as a result of disasters such as hurricanes, floods, hailstorms, and so forth.

Moreover, the proposed legislation concerning disaster loans would run for 2 years. And during these 2 years, Congress is expected to adopt a long-term comprehensive disaster loan program, after due consideration and study.

Section 7 would add to the disaster relief program assistance to those who are economically injured by erosion of the soil. As my esteemed colleague in the House, Mr. STEPHENS of Georgia, explained recently:

> When a flood comes, it can take loose soil and just destroy lawns, destroy yards, and everything around. A freshly plowed area can be washed away completely.

It is only common sense, therefore, to include erosion in a definition of natural disasters.

In behalf of the disaster victims of Plainfield, Cranford, Springfield, Union, Scotch Plains, Rahway, Clark, and Elizabeth and other hard-hit communities in the 12th Congressional District of New Jersey, I urge prompt enactment of S. 1672, a bill to grant the relief that only the Congress is in a position to provide from the high costs of repairing their property.

Mr. WIDNALL. Mr. Speaker, I yield to the gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. Mr. Speaker, I thank the gentleman for yielding to me.

I rise in support of the conference report.

Mr. Speaker, in expressing my support for the conference report to accompany S. 1672—Amending the Small Business Act—I am impressed by the provisions of section 7 which would make available loans and other relief to persons suffering damage from erosion caused by high water, wind-driven water and other types of erosion directly related to a flood on high water.

Many residents of my 13th congressional district have experienced serious damage from flooding and high water which would seem to qualify them for disaster relief under the provisions agreed upon by the conferees. It seems to me that disaster resulting from flooding, whether simply by a cloudburst or other excessive rainfall or by the type of erosion which occurs along the shores of our Great Lakes such as Lake Michigan or our great rivers, including the Fox River and the Des Plaines River in Illinois—which pass through my congressional district—the benefits of this legislation should be made available equally to those who experience such disasters.

Mr. Speaker, I am pleased to indicate my support of this conference report and hope that it will receive the overwhelming support of my colleagues.

Mr. WIDNALL. Mr. Speaker, I yield to the gentleman from Ohio (Mr. J. WILLIAM STANTON).

Mr. J. WILLIAM STANTON. Mr. Speaker, I reluctantly take the well at this moment because I feel dutybound to express, once again, to my colleagues my strong feelings on the subject matter that is before the House today.

The pending conference report is absolutely essential if we are to continue the majority of operations of the Small Business Administration. The increase in loan and commitment ceilings which this bill provides are necessary for the continuation of this office. I am personally convinced that the Small Business Act of 1973 is a big improvement over existing legislation. It provides new emphasis on availability of loans for women and veterans and speaks to the needs and objectives of the American small businessman. When this legislation was before the House on July 12, we had an excellent debate and, since the conference report basically reflects the vote of the majority of House Members, I felt no hesitation in signing it. I believe this is a basic responsibility of a conferee whether or not it reflects his or her own personal opinion.

However, I cannot, in all conscience, let this opportunity pass without pointing out to you what I consider to be extreme defects in this legislation. From the very beginning of this 93d Congress, we have heard much talk and rhetoric about the need for fiscal restraint and responsibility at this time in our history. The American people cry out for fairness and deliberation as we expend their hard-earned tax dollars. They also expect us to be responsible in organizing our governmental affairs in such a manner as to give them the most service for their tax dollars. In this conference report we accomplish neither.

It is hard for me to conceive that, after being in the disaster relief business for over 20 years, the Federal Government is still operating in a manner that would be more reminiscent of 100 years ago than today. The total lack of coordination on behalf of the Federal Government on the subject of disaster relief points out the failure of the Federal Government to respond responsibly and as economically as possible to meet demands of the citizens of this country.

Let us take a look at this. Yesterday, here in the House, we passed a mandatory flood insurance bill that will have far-reaching effect upon those who are hit by future disasters caused by floods and high water in this country. Today, in this conference report, we are assigning to the Federal Home Administration and the Small Business Administration legislation to cover disasters of all different types. In this conference report, for example, we have covered the subject of erosion for the first time, not only under the Small Business Administration, but, equally, so we have amended the Disaster Relief Act of 1970 to cover the same subject. We have disasters declared by the Small Business Administration, Presidential disasters, disasters as defined by the Public Works Committee, and disasters as defined by the Department of Agriculture.

We have reached the point today, due to our legislative actions, where the Small Business Administration—originally enacted by Congress at the request of President Eisenhower to help small businessmen—is now devoting the majority of its time to helping and preparing disaster loans for private homes and individuals. In the desire of Congress to help the misfortunate caught in a disaster, we have foolishly spent hundreds of millions of dollars in a very cruel and unfair manner.

During the general debate on this bill, the gentleman from California (Mr. JAMES CORMAN) expressed it better than I can when he said:

> I plead with the Banking and Currency Committee to give the American people a better disaster program. Tremendous millions of dollars are wasted in helping people who suffer little damage. On the other hand, the very poor, who suffer great losses quickly learn that the Federal Government will loan them money only if they can demonstrate their financial solvency. These same dollars which are given away should be spent on more comprehensive disaster relief, guaranteeing all Americans who suffer during natural disasters fair and equitable treatment.

The gentleman from California (Mr. REES) stated during the general debate on this bill:

> The problems with a flat forgiveness clause is that a person who really sustains a serious loss (say a $40,000 uninsured loss) might get a $2500 forgiveness or a 1 per cent loan. He still has a loan outstanding of perhaps $25,000 or more. But, if we get another individual who might have a very small loss, let us say two or three thousand dollar loss, and that person is automatically forgiven, with a little manipulation, his entire loss.

In my opinion the program was originally designed not necessarily to help the small losses but to take care of the major losses which someone sustains when someone sustains the loss of his business or his home.

In early August, one of Ohio's outstanding newspapers, the Cleveland Press, ran a series of front page articles on the recent applicants who applied and received forgiveness loans in connection with Hurricane Agnes. Among those applying and receiving loans were prominent millionaire politicians and other industrialists. The newspaper interviewed many people who were quick to point out that the then $5,000 forgiveness feature was the attraction for them applying for a loan. The article also pointed out that those who suffered substantial losses found the legislation beyond their financial ability to reconstruct and start over again.

My colleagues, there is one other important aspect of this conference report that I feel duty bound to point out to you. In the last paragraph of the report, you will notice that the conferees discussed the subject of previously declared disasters in which administrative deadlines had long ago been set. Specifically, I remember the case of Hurricane Agnes and its involvement with summer homes and cottages in lake areas in which the owners claim they did not observe the damages until coming to their cottages around Memorial Day and the original cutoff date was the middle of May. There was a couple of other examples. While this report was not finalized before we signed the conference report, I want to read to you the final paragraph:

> In light of this, the Conferees expect that both the Small Business Administration and the Farmers Home Administration will extend for 90 days after enactment of this Bill the deadline for seeking relief for previously declared disasters.

In the last 3 years alone we have had 267 declared disasters in this country. It is hard for me to conceive that it is the desire of the majority of the Members of this House to see reopened for 90 days after enactment of this bill all of these disasters in order to receive new applications.

Ladies and gentlemen, it has been pointed out to us that the Public Works Committee is now starting hearings on the Disaster Preparedness and Assistance Act of 1973. It is my sincere hope that the problems that I have just so lightly touched upon can be resolved by this committee and total Government efforts in the field of disasters can be coordinated under one agency so that we may begin to respond to the problems of our constituents with far greater efficiency and in a more businesslike manner than we are doing.

Mr. PATMAN. Mr. Speaker, we have no further requests for time.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

ANNUAL REPORT OF U.S. PARTICIPATION IN UNITED NATIONS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. 93-53)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit to the Congress the 27th annual report on United States participation in the work of the United Nations during calendar year 1972.

This report reflects the increasing range of global concerns with which United Nations agencies are dealing. It highlights not only the opportunities but also the limits of operating through the United Nations system during an era of growing international interdependence.

In recent years, United Nations agencies have come to deal increasingly with the economic and technical agenda of the world in addition to the long-standing agenda of peace and security questions. Indeed, as this account makes clear, these agencies are now engaged in some manner in virtually every governmental activity that crosses national lines.

The United States participated actively in these cooperative efforts to help safeguard peace and lessen world tensions, to foster economic and social progress, and to cope with a wide array of legal and technological problems.

Three themes characterized our participation during 1972:

(1) Even though we recognized the limitations of the United Nations in solving or even abating many political disputes, we supported its participation where appropriate to reconcile such disputes, to curb international terrorism and outbreaks of violence, and to devise workable arrangements for peacekeeping operations. In order to serve the long-term interest of the international community, we worked in the General Assembly, the Security Council, and subsidiary bodies to have the United Nations deal evenhandedly and pragmatically with such politically-charged issues as the Middle East, decolonization, and human rights.

(2) We took the lead in seeking new arrangements and institutions to deal with worldwide social and technological concerns. Although we encountered some resistance, we pressed forward toward the goals of assuring the safety of civil aviation, protecting the environment, checking the illicit flow of narcotics, organizing relief for victims of disaster, strengthening the law of the sea, and slowing world population growth.

(3) We stressed the importance of having the United Nations act responsibly, equitably, and efficiently in ordering its financial and administrative affairs so that it could carry out its tasks more effectively. Progress was made in holding down the budgets of some agencies, budgeting procedures were improved, and the principle of a lower maximum ceiling for the United States assessment was endorsed. Nevertheless, the underlying financial problems were not solved and further administrative and procedural reforms are needed in the United Nations.

This report shows that, despite political and administrative shortcomings, multilateral agencies connected with the United Nations offered practical responses to worldwide problems of pressing concern to the American people. Given the fast pace of political, social, and technological change in recent years, it is not surprising that the record of accomplishments was uneven and there were setbacks as well as successes.

During 1972 developments at the United Nations were affected by certain long-term trends which both hold promise and pose problems for effective United Nations action.

—The loosening of old antagonisms, the entry of the People's Republic of China into the mainstream of United Nations work, and the growing importance of powers such as Japan could in the long run enable a near-universal United Nations to become a more effective instrument for dealing with serious world political and security problems.

—However, we also have to recognize that the continuing tendency to use the United Nations for propaganda advantage and to pursue political rivalries makes accommodation more difficult. For the near term, where the interests of its strongest members are engaged, the organization can deal only in a limited way with highly contentious political issues.

—The emergence in United Nations bodies and conferences of an active majority led by a number of the developing nations continued to make for some distortions in determining the areas of greatest United Nations attention. While we fully recognize the inherent right of all member nations to be heard, the voting weight of this majority, with its sometimes narrowly defined preoccupations, has tended to create imbalance and to place strains on the effective functioning of the organization.

This report reflects the growing cohesion which has taken place among the third world countries, notably with respect to colonial issues and to demands that rules of international trade and aid be altered in their favor. We were particularly concerned when, under the pressure of bloc voting, the organization adopted one-sided resolutions on certain political issues or failed to take concrete action on such important matters as international terrorism. To call this trend disturbing is not to depreciate the value to the United States of multilateral institutions in which all nations can be heard on matters that affect their security and welfare, conciliation can be pursued, and vital public services can be provided for the international community.

We attempted to adjust our policy during 1972 to take account of these changes. It became increasingly clear that for the present the most productive possibilities for United Nations action are on global problems of an economic, social and technological nature. United Nations system expenditures reflected this concentration, with some 95 percent of the resources in 1972 going for programs designed to transfer techniques and skills to less developed nations, set standards for international behavior, and provide public services of benefit to all nations.

The following developments during the year were especially noteworthy:

We were gratified by the General Assembly's endorsement of the reduction of our United Nations budget assessment from 31.52 percent to 25 percent. We believe this to be a healthy development for the organization, which should not be unduly dependent on the contributions of one member. The maximum assessment ceiling beginning next year is expected to fulfill the requirement enacted by the Congress that the United States should pay no more than 25 percent in the United Nations and in certain specialized agencies after January 1, 1974. The vote of over two-thirds in favor of our position reflected a widespread recognition of the equities involved and of political reality, as well as concern for the maintenance of generous United States voluntary contributions to United Nations development programs.

Following the landmark conference in Stockholm in June, the institutional foundation was laid for international action to protect the environment and a work program was initiated for this purpose. Measures were taken to deal with environmetnal problems such as pollution from ocean dumping and the preservation of natural, cultural, and historic heritage areas, and a United Nations fund for the environment, which I had recommended earlier, brought pledges from a number of nations.

On the other hand, a major setback was the United Nations failure to take strong and speedy international legal action to combat international terrorism and provide adequate protection for diplomats—measures advocated by the United States and other concerned nations. The Assembly did, however, set up a committee to study the comments of governments on the problem of international terrorism and submit a report to the next session. While we regret the delay, we hope that the Assembly can make progress on this issue this fall. Progress was made in the International Civil Aviation Organization on the matter of aircraft safety.

The United Nations also advanced its programs for delivering technical assistance to developing nations and setting standards for international behavior in specific fields.

—Management reforms (notably adoption of a country programming system) were implemented which will enable the United Nations Development Program to handle an expanded program of technical assistance more efficiently.

—The organization's capacity to respond to disaster situations was strengthened by the establishment of a United Nations Disaster Relief Office in Geneva, largely as the result of a United States initiative in 1971. The United Nations carried out an unprecedented number of relief activities, notably in Bangladesh and the Sudan.

—There was growing cooperation in outer space. A United Nations working group cooperated in making available to other nations data from our first experimental satellite designed to survey earth resources, and the Convention on International Liability for Damage Caused by Space Objects, which had been negotiated by a United Nations committee, entered into force on September 1.

—The momentum of international action against drug abuse was furthered in several ways: with the drafting of an amending protocol to the 1961 Single Convention on Narcotic Drugs, through increased activity by and contributions to the United Nations Fund for Drug Abuse Control, and through a more active role by the International Narcotics Control Board.

—The population program was placed on a sounder administrative footing by linking the United Nations Fund for Population Activities to the United Nations Development Program. Preparations were continued for the World Population Conference in 1974, which is expected to be as important as the 1972 environment conference.

—Perhaps of the greatest potential significance were the steps taken to accelerate preparations for the Law of the Sea Conference, which will come to grips with such matters as the nature of the international regime for the deep seabed, the breadth of the territorial sea, free transit through international straits, fisheries, marine pollution, and scientific research. A successful resolution of these very difficult issues would help to prevent conflict and assure that the resources in and under the oceans will be equitably and rationally utilized.

The "quiet side" of the United Nations also produced important accomplishments which are covered in this report. Especially noteworthy were the International Atomic Energy Agency's expanded "safeguards" program to prevent the diversion to weapons use of nuclear materials intended for peaceful uses; the Inter-Governmental Maritime Consultative Organization's efforts at spurring agreement to control pollution from ocean dumping; the International Civil Aviation Organization's efforts to devise effective measures for safe and efficient air travel; the World Health Organization's continued campaign to suppress communicable diseases and raise the standards of health care; the Food and Agriculture Organization's work to expand agricultural production and improve nutrition; and the United Nations Educational, Scientific and Cultural Organization's activities to expand scientific communication and protect the world's cultural heritage.

All these activities clearly demonstrate the stake we have in United Nations efforts to control new technologies for the common good, to bridge the gap between developed and developing countries on matters of trade and aid, to facilitate the exchange of technical and scientific knowledge, and to set standards of behavior for international activity. To these concerns—and to the need to improve the functioning of all multilateral institutions—our nation must give increasing attention in the coming years.

RICHARD NIXON.

THE WHITE HOUSE, *September 6, 1973.*

THE MINIMUM WAGE—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93-147)

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning today, without my approval, H.R. 7935, a bill which would make major changes in the Fair Labor Standards Act.

This bill flows from the best of intentions. Its stated purpose is to benefit the working man and woman by raising the minimum wage. The minimum wage for most workers has not been adjusted for five years and in the interim, as sponsors of this bill recognize, rising prices have seriously eroded the purchasing power of those who are still paid at the lowest end of the wage scale.

There can be no doubt about the need for a higher minimum wage. Both fairness and decency require that we act now—this year—to raise the minimum wage rate. We cannot allow millions of America's low-income families to become the prime casualties of inflation.

Yet in carrying out our good intentions, we must also be sure that we do not penalize the very people who need help most. The legislation which my Administration has actively and consistently supported would ultimately raise the minimum wage to higher levels than the bill that I am today vetoing, but would do so in stages over a longer period of time and thereby protect employment opportunities for low wage earners and the unemployed.

H.R. 7935, on the other hand, would unfortunately do far more harm than good. It would cause unemployment. It is inflationary. And it hurts those who can least afford it. For all of these reasons, I am compelled to return it without my approval.

ADVERSE EFFECT ON EMPLOYMENT

H.R. 7935 would raise the wage rate to $2.00 for most non-farm workers on November 1 and 8 months later, would increase it to $2.20. Thus in less than a year, employers would be faced with a 37.5 percent increase in the minimum wage rate.

No one knows precisely what impact such sharp and dramatic increases would have upon employment, but my economic advisors inform me that there would probably be a significant decrease in employment opportunities for those affected. When faced with the decision to increase their pay rates by more than a third within a year or to lay off their workers, many employers will be forced to cut back jobs and hours. And the worker will be the first victim.

The solution to this problem is to raise the minimum wage floor more gradually, permitting employers to absorb the higher labor costs over time and minimizing the adverse effects of cutting back on employment. That is why I favor legislation which would raise the floor to a higher level than H.R. 7935 but would do so over a longer period of time. The bill supported by the Administration would raise the minimum wage for most non-farm workers from $1.60 to $1.90, effective immediately, and then over the next three years, would raise it to $2.30. I believe this is a much more prudent and helpful approach.

INCREASING INFLATION

Sharp increases in the minimum wage rate are also inflationary. Frequently workers paid more than the minimum gauge their wages relative to it. This is especially true of those workers who are paid by the hour. An increase in the minimum therefore increases their demands for higher wages—in order to maintain their place in the structure of wages. And when the increase is as sharp as it is in H.R. 7935, the result is sure to be a fresh surge of inflation.

Once again, prudence dictates a more gradual increase in the wage rate, so that the economy can more easily absorb the impact.

HURTING THE DISADVANTAGED

Changes in the minimum wage law as required by H.R. 7935 would also hurt those who need help most. The ones who would be the first to lose their jobs because of a sharp increase in the minimum wage rate would frequently be those who traditionally have had the most trouble in finding new employment—the young, members of racial and ethnic minority groups, the elderly, and women who need work to support their families.

Three groups would be especially hard hit by special provisions in this bill:

Youth: One major reason for low earnings among the young is that their employment has a considerable element of on-the-job training. Low earnings can be accepted during the training period in expectation of substantially higher earnings after the training is completed. That is why the Administration has urged the Congress to establish a modest short-term differential in minimum wages for teenagers, coupled with protections against using teenagers to substitute for adults in jobs. H.R. 7935, however, includes no meaningful youth differential of this kind. It does provide marginal improvement in the special wage for students working part-time, but these are the young people whose continuing education is improving their employability anyway; the bill makes no provision at all for the millions of nonstudent teenagers who need jobs most.

Unemployment rates for the young are already far too high, recently averaging three to four times the overall national unemployment rate. H.R. 7935 would only drive that rate higher, especially for young people from minority groups or disadvantaged backgrounds. It thus would cut their current income, delay—or even prevent—their start toward economic improvement, and create greater demoralization for the age group which should be most enthusiastically involved in America's world of work.

Domestic household workers: H.R. 7935 would extend minimum wage coverage to domestic household workers for the first time. This would be a backward step. H.R. 7935 abruptly requires that they be paid the same wages as workers who have been covered for several years. The likely effect would be a substantial decrease in the employment and hours of work of current household workers. This view is generally supported by several recent economic studies.

Employees in small retail and service establishments: By extending coverage to these workers for the first time, H.R. 7935 takes aim at the very businesses least able to absorb sharp, sudden payroll increases. Under the burden of this well-intended but impractical requirement, thousands of such establishments would be forced to curtail their growth, lay off employees, or simply close their doors altogether. A "paper" entitlement to a higher minimum wage would be cold comfort indeed to workers whose jobs were eliminated in this squeeze.

OTHER PROBLEMS

H.R. 7935 would also bring almost all government employees under the Fair Labor Standards Act. For Federal employees, such coverage is unnecessary—because the wage rates of this entire group already meet the minimum—and undesirable, because coverage under the act would impose a second, conflicting set of overtime premium pay rules in addition to those already governing such pay for Federal employees. It would be virtually impossible to apply both laws in a consistent and equitable manner.

Extension of Federal minimum wage and overtime standards to State and local government employees is an unwarranted interference with State prerogatives and has been opposed by the Advisory Commission on Intergovernmental Relations.

NEED FOR BALANCE AND MODERATION

In sum, while I support the objective of increasing the minimum wage, I cannot agree to doing so in a manner which would substantially curtail employment of the least experienced and least skilled of our people and which would weaken our efforts to achieve full employment and price stability. It is to forestall these unacceptable effects that I am vetoing H.R. 7935.

I call upon the Congress to enact in its place a moderate and balanced set of amendments to the Fair Labor Standards Act which would be consistent with the Nation's economic stabilization objectives and which would protect employment opportunities for low wage earners and the unemployed and especially nonstudent teenagers who have the most severe unemployment problems. To the millions of working Americans who would benefit from sound and carefully drawn legislation to raise the minimum wage, I pledge the Administration's cooperation with the House and Senate in moving such a measure speedily onto the statute books.

RICHARD NIXON.

THE WHITE HOUSE, *September 6, 1973.*

The SPEAKER. The objections of the President will be spread at large upon the Journal; and the message and bill will be printed as a House document.

The question is, Will the House on reconsideration pass the bill, the objections of the President to the contrary notwithstanding?

MOTION OFFERED BY MR. O'NEILL

Mr. O'NEILL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. O'NEILL moves that further consideration of the veto message on the bill H.R. 7935 be postponed until Wednesday, September 19, 1973.

The motion was agreed to

A motion to reconsider was laid on the table.

ON THE PRESIDENT'S MESSAGE

(Mr. DENT asked and was given permission to address the House for 1 minute.)

Mr. DENT. Mr. Speaker, I have carefully followed the statement of the President on the veto of the minimum-wage law. I noticed it took almost as many words to explain his actions as it did to write the bill.

I learned a long time ago when I was a little boy playing baseball on the street that when you explain something it means you have a very good reason for it. This was best brought home by the fact that when we were playing baseball on the street one day someone broke the butcher's window. I went straight home to my father and I, all out of breath, told him what had happened and started to explain it. He said:

> Johnny, me boy, remember this as long as you live: When you start to explain, it is bad already.

AMENDMENTS TO RAIL PASSENGER SERVICE ACT OF 1970

Mr. MURPHY of Illinois. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 514 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 514

Resolved, That upon the adoption of this resolution it shall be in order to move, clause 27(d)(4), rule XI to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8351) to amend the Rail Passenger Service Act of 1970, as amended, to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After the passage of H.R. 8351, the Committee on Interstate and Foreign Commerce shall be discharged from the further consideration of the bill S. 2016, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 8351 as passed by the House.

The SPEAKER. The gentleman from

Illinois (Mr. Murphy) is recognized for 1 hour.

Mr. MURPHY of Illinois. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. Latta) pending which I yield myself such time as I may consume.

Mr. MURPHY of Illinois. Mr. Speaker, House Resolution 514 provides for an open rule with 1 hour of general debate on H.R. 8351, a bill to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation.

Although House Resolution 514 provides for a waiver of clause 27 (d)(4), rule XI of the Rules of the House of Representatives, the 3-day rule, the reason for the waiver is no longer needed as more than 3 days have elapsed since the rule was filed.

House Resolution 514 provides it shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce now printed in the bill as an original bill for the purpose of amendment. It also provides that after the passage of H.R. 8351, the Committee on Interstate and Foreign Commerce shall be discharged from the further consideration of the bill S. 2016, and it shall then be in order in the House to move to strike out all after the enacting clause of S. 2016 and insert in lieu thereof the provisions contained in H.R. 8351 as passed by the House.

H.R. 8351 grants to the National Railroad Passenger Corporation, Amtrak, authority to operate an autoferry service and limits the ability of any person to provide such service along Amtrak's basic system without a petition to the Interstate Commerce Commission.

The bill also amends the act to increase the amount of Federal guarantee authority from $200 million to $250 million and gives Amtrak trains preference over freight trains in the use of any line of track, junction or crossing, except in cases of emergencies.

H.R. 8351 authorizes an appropriation of $107.3 million for fiscal year 1974.

Mr. Speaker, I urge adoption of House Resolution 514 in order that we may discuss and debate H.R. 8351.

Mr. LATTA. Mr. Speaker, House Resolution 514 provides for the consideration of H.R. 8351, the Amendments to Rail Passenger Service Act of 1970, under an open rule with 1 hour of general debate. There are several other provisions of this rule: First, it waives the provisions of clause 27(d)(4) of rule XI, which is the 3-day rule; Second, makes the committee substitute in order as an original bill for the purpose of amendment; and third, provides for inserting the House-passed language in the Senate bill, S. 2016.

The purpose of H.R. 8351 is to amend the Rail Passenger Service Act of 1970 in order to provide authorizations for appropriations for fiscal year 1974. These changes and additions are made to reflect the committee's continuing desire to see that Amtrak properly fulfills the congressional mandate which created the Corporation to provide modern, efficient, intercity rail passenger service, with the anticipation that the Corporation eventually will become a self-sustaining entity.

The bill authorizes $106.1 million for fiscal year 1974 for domestic routes and $1.2 million for international routes—a total of $107.3 million. Additionally, the bill provides for an increase of $50,000,000 in federally guaranteed securities, loans and obligations available to Amtrak.

Mr. Speaker, I urge the adoption of the rule.

Mr. MURPHY of Illinois. Mr. Speaker, I have no additional requests for time. I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8351) to amend the Rail Passenger Service Act of 1970, as amended, to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia (Mr. Staggers).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 8351, with Mr. Flowers in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr. Staggers) will be recognized for 30 minutes, and the gentleman from Michigan (Mr. Harvey) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia (Mr. Staggers).

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Committee on Interstate and Foreign Commerce has reported H.R. 8351 with the hope that Congress will help improve rail passenger service throughout the Nation.

Congress created Amtrak in the Rail Passenger Service Act of 1970 in a somewhat desperate effort to prevent the complete abandonment of intercity rail passenger service. Amtrak's challenge was and is to reverse the deterioration of passenger service and to save and improve as much of the service as possible. When Amtrak was created, there were some 500 passenger trains left of the thousands which had existed over the decades since the invention of the railroad. These 500 remaining were losing over $200 million a year. Amtrak got underway with a $40 million Federal grant and some $197 million in payments from participating railroads. These moneys, together with a $200 million loan program, were to carry the Corporation through June 30, 1973. However, in 1972 it was necessary to further fund Amtrak, and $179.1 million was appropriated. This was to carry Amtrak forward to June 30 of this year, and we now propose to extend Amtrak through the bill before us for the single fiscal year of 1974.

H.R. 8351 will accomplish the following:

First, authorizes $107.3 million for fiscal year 1974—Senate-passed bill authorizes $185 million. Administration had requested an open-ended authorization.

Second, increases Federal guarantee authority from $200 million to $250 million.

Third, restructures the Amtrak Board of Directors: Increases number of consumer representatives from one to three; requires bipartisan appointments by the President; has a strict no-conflict-of-interest provision in the bill.

Fourth, grants Amtrak the power of eminent domain in limited instances, and allows them to petition the ICC for conveyance of certain railroad properties in limited instances.

Fifth, requires Amtrak to initiate at least one experimental train annually, and continues for 1 year any existing experimental train.

Sixth, gives Amtrak trains preference over freight trains on any track, junction or crossing—but allows Secretary of DOT to resolve any controversy between Amtrak and railroads over such preference, as well as over speed of Amtrak trains.

Seventh, prohibits Amtrak from clearing reports, budget requests or legislative proposals with any executive branch official or agency before it submits such items to Congress.

Eighth, clears up inconsistencies in existing law between ICC and DOT over rail safety. DOT is given exclusive jurisdiction over railway safety.

Ninth, allows any corporation to compete with Amtrak in providing autoferry service if they can prove to the ICC that first, there is a public need for such service, and second, that such service will not impair Amtrak's financial position.

Tenth, establishes certain criteria for the ICC to use in determining what is the just and reasonable compensation, if any, that Amtrak should pay railroads for providing services.

In regard to section 3 of the bill, we want to make it clear that "any person" other than a railroad may provide auto-ferry service. We believe auto-ferry service is a means of attracting more of the public to travel by rail, and we mean the term "railroad" in this legislation to be a company principally engaged in providing freight service over established main interstate lines—the Norfolk & Western, to cite a random illustration. If it were otherwise the case, it would frustrate our aim of authorizing specialized auto-ferry companies and Amtrak as well to provide this sort of service.

Our committee believes in this age when our Nation is faced with an energy crisis, and with a problem of automobile-induced pollution, we must give the public an efficient, modern rail passenger service as a viable alternative to the travel by automobile and airplane. This legislation will move us a step forward in this direction.

Mr. O'NEILL. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the majority leader, the gentleman from Massachusetts.

Mr. O'NEILL. Mr. Chairman, the American traveling public needs a well-balanced transportation system. That means good highways, good public transit for our cities, a safe and efficient airway and airport system, adequate port and waterway facilities. And it also means modern intercity rail passenger service, for all parts of the country. Recognizing this fact, I supported the creation of Amtrak in 1970; while it has its imperfections I am aware of what it has accomplished and anxiously await improvements in the quality of its operations that will bring faster and more frequent service, in New England, throughout the Northeast, and in other parts of the country. I thus applaud—in general terms—the Committee on Interstate and Foreign Commerce—its distinguished chairman and all the members—for the bill, H.R. 8351, which they have reported to the floor.

There is, however, one aspect of the bill with which I am deeply concerned. It deals with auto-ferry service. Back in 1970, when Congress passed the Rail Passenger Service Act, there was no auto-ferry service—no way by which travelers could take their cars along when they took a trip by train. Other countries had this form of transportation, but not the United States. In my view, and it was widely shared in the House and in the Senate, it seemed to me then that action should be taken to encourage private entrepreneurs to enter this field and to invest whatever was needed to bring this type of transportation to the people of our country.

When the Congress became aware in 1970 that one new private company had already made plans to initiate an auto-ferry operation, provision was made in the Rail Passenger Service Act to protect rights of such a private auto-ferry operator where it had a contract in force.

Encouraged by the 1970 legislation that company has gone ahead with what most people regard as a highly convenient, safe, and top-quality auto-train service between Washington and Florida. Since it was started in December 1971 it has reportedly carried more than a quarter of a million people, including a large number of my own constituents. Its popularity is obvious. Many travelers like to take the train and have their cars along. They save time, money, and a tedious long-distance journey by highway. What is more they—and the country—save gasoline. A recent newspaper advertisement noted that the Washington-Florida Auto Train produces an annual savings of more than 11 million gallons of scarce gasoline.

From every conceivable point, auto-ferry service has substantial advantages—for travelers and for the country. To my way of thinking, this new, innovative form of intercity transportation is something to stimulate. I was thus heartened recently to read that under a contract entered into back in 1970, a new auto-ferry service, between Louisville and Florida—to serve the people of Michigan, Ohio, Indiana, Illinois, and other midwest points is to be launched. I welcome this move but I regret to find in section 3 of H.R. 8351 provisions which could slow, if not halt, the inauguration of additional auto-ferry service by specialized private carriers, such as that along the Louisville-Florida route. While I agree that Amtrak should be permitted to run auto-ferry service, I am afraid that the bill as reported could have a chilling, if not deadening effect on other operators. Since service on the Louisville route will not yet be in operation on the date of enactment of this measure, I read section 3 as requiring this operator or anyone other than Amtrak to run a brutal legal obstacle course to gain permission to begin service that will take time and that may, in fact, never be successfully negotiated. Amtrak appears to be given what amounts to a near-monopoly over new auto-ferry service, something which that corporation hardly has earned given its seriously lagging interest in this type of transportation. I am also advised by legal specialists that by excluding "railroads" from auto-ferry service, there may be an untoward effect in that an independent auto-ferry operator might be deemed by the courts to be a "railroad" even though I am quite certain this is not what the committee intended.

Let me sum up. Auto-ferry has proven its popularity and it should be made available to a larger audience, all over the country. Amtrak should clearly be entitled to offer this form of transportation, but so should others—especially those who relied on the 1970 act and who have invested time and money in developing this concept of movement. Our aim should be to encourage the spread of auto-ferry service—to encourage all qualified operators to enter this field. I am distressed that H.R. 8351 falls far short of this objective. The traveling public, I am afraid, will be the real loser.

I would like to ask the chairman of the committee, is there anything in section 3 in the opinion of the gentleman from West Virginia that in any way would affect now the route they have been running between Virginia and Jacksonville, and the route that will be run from Louisville down to Florida, so we can get in the RECORD the correct intent of what the chairman and the committee believe is the intent of the Congress?

Mr. STAGGERS. Mr. Chairman, I will reply, and I thought I had made it fairly clear earlier, that it is the intent of the committee in writing this bill and I know it is of the chairman that there be no interference with the auto train service which is already running. We are funding Amtrak and it should get into the business if it is profitable, and those who are doing it have found it is.

Let me say this. There has been some mention that people feel this may cause trouble because we have used the word "railroad." We cannot conceive of an auto train being called a railroad. When we state "railroad" we mean such existing railroads as the Louisville & Nashville or the Baltimore & Ohio and not something which is just now being planned to be done. It is not the intent of this committee that there be any trouble and I cannot conceive of there being any trouble.

Mr. O'NEILL. I thank the gentleman.

Mr. STAGGERS. I had to go downstairs where I was talking a little while ago to a gentleman who said his children came in from New York and they were so late getting in from New York, and the same thing had happened when they went to Florida and they were 5 hours late getting to Florida. There is no excuse for that. We do not want people to have to go through that. We will have to see that things are done to give better service.

It is expected that this will help the energy shortage in America if we can get this thing on the track. The trains that have been proposed to be cut off we have said shall stay on because they are showing, with the energy crisis we have, that they are needed, and more people are using the trains and we think they should be given another year.

Mr. O'NEILL. I thank the chairman for his explanation.

Mr. STAGGERS. Mr. Chairman, I think this is a worthy bill which should be passed. It has been given careful consideration by the committee and by the full committee. Some amendments were made in the full committee. I think it is a good bill and it should pass so we can continue to have rail passengers service in America. We should continue not only what we have but we should expand it and make it better and make the trains run on time so we can give better service throughout the land.

Mr. HARVEY. Mr. Chairman, I have no intention of repeating an explanation of the bill because this has already been ably done by the chairman of the full committee. There are several sections that I believe deserve some discussion and a look into the reasons behind provisions which aim to change the present law. Amtrak has been a controversial program from the beginning, and many Members I am sure have mixed feelings about the feasibility and desirability of spending Federal funds to pick up its losses.

Although Amtrak was organized as a for-profit corporation in the hope that it could work out a passenger rail net which could at least break even, it was not expected that such a goal could be achieved immediately. No one could have rationally expected such a result. Testimony before our committee at the time Railpax was being considered indicated that with luck and good management the corporation might reach a position of slight profitability by 1975. This presupposed a set of favorable conditions, no politics involved, and a few breaks. I guess we could say up to here that Amtrak has not been favored with any exceptional luck in its venture. Many here would argue that it has not been well managed. No one here should deny that plain old politics has had much to do with its problems. This is no indictment of any person or any group. It is a plain statement of an obvious and inevitable condition which attends any enterprise of this nature.

Assuming that the management has been at least adequate, the law placed an almost impossible burden upon it from the beginning. Passenger service was in such a shambles that a complete reorganization had to be effected on very short notice. All of the timetables for organization and initial operation were much too short, but they had to be under conditions then prevailing. We can hardly blame anyone for accomplishing something less than perfect by now. The rail network to be operated was not of the corporation's choosing. It was handed to it and told to run it at least until July 1973.

The committee bill provides funds to keep the original network intact for at least another year. In doing so the subcommittee and the full committee were fully aware that the corporation had been restricted to applying for $93 million to the Appropriations Committee. This lower figure presupposes the elimination of three routes from the basic network. They were losers, no doubt about it. But then nearly everything in the network has been losing up to now. The only question was whether these particular routes were so bad that they would not, with some further assistance and improvements, do as well as the rest of the network. Your committee felt that the trial period had been too short to write off these lines and therefore made provision for their operation for 1 more year. This could be called a compromise position. Many people feel that there is no justification for rail passenger service except in a few high-density corridors and that the retention of a basic network at public expense is wrong. Others feel that the present network is far too limited and that the overall public good requires that rail service be kept available to most of our population whether presently patronized or not. Between these extremes we come to you with a bill which would not downgrade the present system for the time being but with the conviction that eventually passenger routes must catch on or be dropped.

Another basic question which has caused considerable concern and debate here in Congress and within the industry deals with the quality of service which Amtrak has been receiving from the railroads. Obviously the Corporation can only perform as well as the railroads with which it contracts will allow it to. Although the Corporation can spend money for all kinds of equipment and train personnel to render better service to the passengers, the trains must operate over the tracks of the railroads which desperately wanted to get rid of passenger service in the first place. On-time performance and the smoothness of the ride depend upon the railroads. Competition for use of a given piece of track at any time between passenger and freight trains poses operational problems which must be solved on the spot. Have the railroads consistently given second choice to passenger trains? Some people sincerely believe so, but it is very difficult to prove one way or the other. Is the Corporation getting what it is paying for in its contracts with the railroads? Are the contracts unfair to the railroads and costing them money which should be paid by the passenger traffic? You find argument for either side of those propositions. The railroads were glad enough to get rid of passenger service in any way possible. Should they now treat the Corporation like some total stranger who wanders in and wants service rendered? Should they charge portions of their entire operating expense to passenger service or get paid only for what they might be losing if they still were stuck with passenger service? A nice question.

The law has provided that the ICC would determine just and reasonable compensation, and that body is struggling with the issues I have outlined here. If it were to decide that the railroads are right and should be compensated for fully allocated costs of carrying out their contracts with the Corporation, the kind of money we have provided in this bill will be peanuts compared to what Amtrak will need to maintain service. The committee has not tampered with the basic language of the act in this regard except to recognze that the quality of the service rendered to Amtrak and the train-traveling public should have something to do with how much a railroad is paid. It is recognized that the bare-bones theory of compensation could result in an injustice to the railroads involved and probably assure minimum service as well. It is therefore intended by this bill that the railroads will be paid their avoidable costs plus a percentage. This additional amount can either be negotiated by the parties or can, in the absence of agreement, be set by the ICC. This arrangement seems to be about as fair to everyone as possible.

One other issue which occupied a large portion of the committee's attention has to do with the relationship between the Auto Train operations and Amtrak. The present Auto Train running between Alexandria, Va., to near Orlando, Fla., is an exception to the Amtrak monopoly on passenger service. It was already underway when Amtrak began and was thus excepted. Now the Auto Train Corp. would like to branch out and try some other routes. Amtrak has also had its eye on this kind of operation for the future. It just happened that the proposed expansion of Auto Train operations would have been in the same area as one of the runs DOT would terminate. The committee, of course, decided that the Amtrak run should continue. Should any other passenger service be allowed to directly compete with Amtrak? I believe not. Some would disagree. Some, including Auto Train, contend that the operations are so different that they do not constitute competition at all. To resolve this dilemma the committee decided that a referee was needed and therefore provides for Auto Train to apply to ICC for permission to institute new service. ICC can grant that permission only if it is satisfied that the new route will not adversely affect the financial situation for Amtrak and will provide a needed service. These conditions seem eminently fair.

The bill reorganizes the Board of Directors of the Amtrak corporation. I personally see no need for such a reorganization, but the addition of two additional consumer representatives probably will be a good thing. The provisions now in the bill regarding the Board are the result of some compromises within the full committee and, if not greatly needed, are acceptable.

Other matters included in the bill probably need no extended discussion here. Some question has been raised about the requirement for one experimental train per year. For the present this seems desirable. It could, however, develop that there just are not any places where experimental trains can hope to prove anything or that they will be too much of a drag on the Corporation even for a 2-year trial period. If it turns out that way, Amtrak can come back to Congress at any time and request a change based upon its experience. We shall be looking at Amtrak early and often in any event. No doubt we will be here a year from now doing pretty much what we are doing today. The question is not whether, but how much.

All things considered I feel that the committee has brought to the House a bill which deals with the various concerns about Amtrak. Simple, straightforward solutions do not present themselves, but the bill now before us does try to be fair to the parties, the public and our previous commitment to give passenger service a fighting chance to survive. I recommend H.R. 8351 to you and ask that the House give it favorable consideration.

Mr. STAGGERS. Mr. Chairman, I yield to the chairman of the subcommittee, Mr. JARMAN, such time as he may consume.

Mr. Chairman, I want to congratulate him and all members of the subcommittee at this time for the very fine job they did in working out this bill.

Mr. JARMAN. Mr. Chairman, I rise in support of H.R. 8351.

This legislation was considered in our subcommittee and I believe the overall bill is a good one.

I believe this is a particularly timely piece of legislation. America is enduring a severe energy shortage this summer, and the toll of environmental pollution is becoming more evident with each passing day. The massive reliance by our citizens on automobiles as their prime mode of transportation, has contributed to our fuel shortage, as well as increased the urban pollution which has become commonplace around the country today. Rail passenger service offers a viable alternative. I believe it can and will become a major factor in transportation in the years to come because it utilizes less fuel and it pollutes less.

The 91st Congress acted with wisdom in establishing the National Rail Passenger Service Corportion, and while Amtrak has certainly not lived up to all of its expectations, we must realize that it is still an infant, and we have a duty to see that our investments in the past can be rewarded in the future.

Our subcommittee has been aware of special problems which Amtrak has, and we have assigned staff investigators and General Accounting Office personnel to study specific areas of managerial and marketing techniques which we are not satisfied with. We believe it is important that Congress scrutinize the activities of this Corporation, because it has relied so much on public tax money to assist it. I do not know when it will ever achieve the goal the 91st Congress set for it—that is, to become self-sustaining and profitmaking. But I do know that the concept deserves a chance.

I think it is important that we remember when Amtrak was created in 1970, railroad passenger service was at an all-time low in the United States. Only some 500 passenger trains were still running, out of thousands that ran earlier in this century. These remaining passenger trains were losing over $200 million a year.

Now, Amtrak is losing money, but improvements are being made. We have a total Federal investment of about $200 million in Amtrak since 1970. This year, we are considering an authorization of $107.3 million, which is $72 million less than they received from Congress last year. I believe that with each passing year, this Federal appropriation will decline.

Mr. HARVEY. Mr. Chairman, I yield 5 minutes to the gentleman from Tennessee (Mr. KUYKENDALL).

Mr. KUYKENDALL. Mr. Chairman, I want to congratulate the chairman of the subcommittee and the ranking minority member of the subcommittee and in fact all the members of the subcommittee for this legislation, which originally had all the earmarks of creating some problems. Fortunately we have been able to work those problems out I believe for the good of the entire system.

A little over 2 years ago, when we first passed this legislation, I was one of the people who worked on it and supported it, with reservations, because I saw very little possibility of this organization showing much progress very quickly. I am happy to say that in the past 7 or 8 months all of the indications have been that there can be a turn-around, and this turn-around actually begun in several instances of a return to ground transportation.

I would never have believed we would be running transcontinental trains today at capacity. Amtrak today in many instances is doing just that.

I should like to give an example of two trains which have created some controversy. I will comment on this and comment on what the committee has done.

The train from Chicago through Indiana, Tennessee, Alabama, and on into Florida, called the Floridian, and the train from New York to Kansas City are the two. Up until early this year the figures on those two passenger trains did not in any way warrant their continuance after the 2-year period was up, but just about the time we were having the hearings, for reasons that are varied and multiple, these two trains began to pick up passengers in unbelievably large percentage increases.

I know the Floridian train, coming to the South, actually had to end up leaving passengers standing on the platform in several different places.

So we went back to Amtrak and said, "Would you like to give these trains another try? It looks like they are showing progress." They said, "If it is the will of the subcommittee, yes."

As the gentleman from Michigan explained, that was the reason for the extra money being put in the bill.

I am happy to say that the Amtratk Board—and I have full faith in their good will on this issue, but on this one particularly—has withdrawn discontinuance proceedings on these trains, and fully expects to continue these trains and I hope to give vastly increased service for at least another year trial.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. KUYKENDALL. I yield to the gentleman from Michigan.

Mr. DINGELL. I thank my good friend from Tennessee, a valued member of the subcommittee. I just wish to reinforce his last comments on the trains referred to. I should like to indicate that I received assurance only this morning from Amtrak that the running of these trains referred to will be continued.

These two trains will continue, in my expectation. I believe our colleagues on the committee have expressed the same thought that the trains will run.

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. KUYKENDALL. I yield to the gentleman from Ohio.

Mr. WYLIE. Mr. Chairman, I thank the gentleman for yielding.

Not too long ago Amtrak filed a petition to discontinue the New York-District of Columbia-Columbus, Ohio-Kansas City train. That petition has now been withdrawn. If I understand the gentleman's statement and that of the gentleman from West Virginia (Mr. STAGGERS) there is money in this bill, and we have the assurance of the Interstate and Foreign Commerce Committee that the New York, District of Columbia, Columbus, Ohio, Kansas City trains will be continued for at least one additional year; is that correct?

Mr. KUYKENDALL. Mr. Chairman, I have full faith in the people involved. The Under Secretary of Transportation in charge of this particular relationship with Amtrak was at the board meeting, and he was the one that moved at the board meeting to withdraw the motion for the discontinuance of the trains, you mention, so we are not dealing with just Amtrak. But with DOT also.

Mr. HUDNUT. Mr. Chairman, will the gentleman yield?

Mr. KUYKENDALL. I yield to the gentleman from Indiana.

Mr. HUDNUT. Mr. Chairman, I would like to express my appreciation to the subcommittee and the chairman of the committee for the excellent work which they have done in the preparation of this legislation, which I wholeheartedly support.

I would like to ask the gentleman whether or not, in connection with the running of these two trains, both of which intersect in Indianapolis where I come from and both of which are of vital importance to the people in the economy of central Indiana, the gentleman has heard anything to the effect that, although these trains will continue for another year, ultimately one of them, possibly the National Limited, will be abandoned or rerouted around the Columbus-Dayton-Indianapolis route to go somewhere else.

Mr. KUYKENDALL. Mr. Chairman, I cannot assure the gentleman from Indiana concerning the exact route between these points. I would never presume to guarantee that.

All I can say is that if the very impressive passenger figures continue, which have been shown on these two trains in the last 120 days, I do not believe that Amtrak is about to discontinue these trains. I would not presume to try to tell the gentleman that I can guarantee a specific route between these two points.

Mr. HUDNUT. But the gentleman would say that it is the full intent of Congress and the subcommittee that these two trains will continue?

Mr. KUYKENDALL. Mr. Chairman, let me make this comment: I have a feeling that as long as the people of Indianapolis are represented by the Member from that area on the Committee on Commerce and as long as he is working as actively as he is, I believe that would serve to cut down on any danger of anything happening to these trains.

Mr. HARVEY. Mr. Chairman, I yield 3 minutes to the distinguished ranking member of our committee, the gentleman from Ohio (Mr. DEVINE).

Mr. DEVINE. Mr. Chairman, I rise in support of this legislation, but first I would like to contribute part of the legislative history so that none of us will be deluded in case there is a change in posture during the coming year for which we are seeking additional funds to continue Amtrak.

Granted that there has been an increase in ridership, which is encouraging, let us look at the possible reasons for this increase.

No. 1, I understand that a lot of students this year for the first time have discovered passenger trains, and they rode them, they enjoyed them, and we hope that this continues and that it will encourage passenger ridership so that we can maintain passenger service throughout the country.

No. 2, another contributing factor in my opinion to the increase in ridership is the fact that many tourists, many families that wanted to travel this summer, were a bit concerned about the energy crisis, and the fact that fuels would not be available, and, therefore, they went by train rather than driving their own passenger cars.

Both of these factors contributed to the increase in ridership, and I hope that even with school starting and with a little relief in the fuel crisis, that ridership will continue to increase.

Seven, 8, or maybe 9 years ago the president of the Pennsylvania Railroad appeared before our committee. At that time I suggested to him that one reason why persons did not ride trains was the fact that the equipment was dirty and obsolete and the help, the personnel, was insolent and they had a "could not care less" attitude, and also the scheduling was bad. This railroad president was outraged with the suggestion that they were trying to discourage people from riding the trains.

However, I am afraid it is true, and

I am afraid the same thing can apply as far as Amtrak is concerned. I say to those persons who are attempting to make a success of Amtrak that they should look at realistic schedules and encourage ontime arrivals and departures and encourage the personnel, the railroad help, and the brotherhoods to have people who will be glad to have a job and render good service rather than people who will resent passengers riding trains and provide dirty equipment and bad meals. We have to take all of these things into consideration.

If we resolve those problems, we can continue Amtrak and put the trains on a paying basis. I do not think we in the Congress, in funding this, can expect to continue the passenger trains to operate at a loss just to accommodate those persons who like to watch trains go by but will not ride them.

Mr. STAGGERS. Mr. Chairman, I have no further requests for time on this side, but I would like to say I agree with the previous speaker, the ranking member of the committee, and Mr. DEVINE, the gentleman from Ohio, on the statements he just made.

I think that we will have to improve the service if we are going to improve ridership. I think that is the thing that needs to be done, and I hope we can do it this year.

Mr. HARVEY. Mr. Chairman, I yield 5 minutes to the distingiushed gentleman from Indiana (Mr. HUDNUT).

Mr. HUDNUT. Mr. Chairman, H.R. 8351 provides authorizations for appropriations for the National Railroad Passenger Corporation and also amends the Rail Passenger Service Act to reflect our Committee's desire to see that Amtrak properly fulfills the congressional mandate which created the Corporation; namely, to provide modern, efficient, intercity rail passenger service, with the anticipation that the Corporation eventually will become a self-sustaining entity.

In my judgment, the real key to restoring rail transportation in America is upgrading the roadbeds and tracks as well as improving service on the trains. Earlier this year I made a firsthand inspection of the Amtrak service between Indianapolis and Washington, D.C. Part of the trip I spent in the cab talking with the engineer and observing how the train was operated. When we were going through Southeastern Indiana we were on Penn Central rails going 10 miles an hour. The engineer pointed to the B. & O. tracks running alongside and said trains could travel 60 miles an hour on that roadbed. Passenger trains should be able to operate smoothly and dependably at 80 miles an hour if they are to be competitive with other models of transportation.

While the Rail Safety Act of 1970 has resulted in standards for track maintenance, those standards are optional depending upon how fast trains are operated. Furthermore, the Federal Railroad Administrator has characterized those standards as "minimum standards required for safe operation rather than recommended practice." In other words, the only concern of the Federal Government is the safety condition of the tracks and roadbeds. If the roadbed becomes unsafe at any speed, trains would not be permitted to operate on it at all—but there is track being used where trains can operate safely only at 5 to 10 miles an hour.

The deterioration of track and roadbed conditions throughout the country is documented by figures issued by the Federal Railroad Administration. Between 1963 and 1970, the annual number of train derailments caused by defects in or improper maintenance of track and roadbed, and in which property damage exceeded more than $750 each, increased from 691 to 2,394—almost 250 percent. During the same period, total train and locomotive miles operated decreased by 12 percent. Another indication of deterioration of track and roadbed is the widespread slowdown of passenger trains during the past 10 years, which I have mentioned previously. Many Amtrak trains are slower than 1941 runs over the same routes. Even where there have been no slowdowns, ride quality in many places has become rougher.

If we are to have a balanced transportation system, with the kind of rail service we need, it seems to me that Federal assistance for railroad track and roadbed rehabilitation is a matter of urgent need. Many railroads cannot raise the needed cash to finance necessary roadway work. In the absence of a government guarantee, it is extremely difficult for railroads to borrow money for fixed plant improvement, because—unlike equipment borrowings—there is no readily marketable collateral which can be repossessed and sold to others. Property now owned by most railroads is mortgaged to the hilt.

While H.R. 8351 includes an authorization of some $50 million for track improvement, this problem will be given greater consideration, and, hopefully, dealt with in legislation regarding the bankrupt northeastern railroads. That legislation pertains to some 17 States and the District of Columbia, however, I feel we should begin immediately to work on a program to designate an all encompassing interstate railroad system equipped with automatic block signals or other equivalent safety devices. In my judgment, government assistance to the railroads for fixed plant rehabilitation is eminently fair in view of the large sums which have been and are continuing to be spent by governments at all levels for the benefit of other modes of transportation. As one who strongly believes our continued progress depends upon a balanced transportation system, I hope our Committee on Interstate and Foreign Commerce and the Congress will consider this matter as soon as possible.

Mr. Chairman, I had planned to sponsor an amendment to H.R. 8351 to mandate the continuation of the National Limited, which runs from New York to Kansas City via Indianapolis, and the Floridian, a train from Chicago to Miami via Indianapolis. The National Railroad Passenger Corporation had made application to discontinue these trains as of August 2, however, the ICC ordered that they be continued until December 2 during which time hearings would be held. Then, last Friday, Amtrak announced that their Board of Directors had agreed to withdraw the applications for discontinuance.

As a representative from a major city serviced by both of these trains, I am delighted at the decision to keep them in operation. If the petition to discontinue had been allowed to succeed, it would have substantially reduced and, in some cases, eliminated rail passenger service to the major cities of eight Eastern and Midwestern States. Indianapolis is at the hub of our Nation, and is, therefore, a center of transportation activity. Both the city and the State very much need to be served by a balanced transportation system.

While it is true that these passenger operations have been losing money, this is no time to give up on these trains. The statistics I have gathered show that ridership on the National Limited for this year from January through July increased overall by 49 percent over the comparable period in 1972. On the Floridian, the increase was 59 percent. Business through the Indianapolis ticket office increased by 37 percent during the first 7 months of this year and the July figure is the highest since December 1967, when Indianapolis was served by 11 trains. With better advertising, improved services, and better track conditions, I am confident there will be further increases in ridership resulting in the receipt of added revenues.

Another reason they should be continued is because of the energy crisis. In view of the shortage of gasoline and other fuels, we should take all steps possible to encourage travel by rail. Furthermore, rail travel helps in the campaign to reduce air pollution caused by massive automobile traffic.

While we in Congress have granted Amtrak some degree of autonomy, we have not granted them the capricious authority to discontinue important rail passenger routes without a complete and exhaustive study of the ramifications of such terminations. We have provided sufficient authorization in H.R. 8351 for the continued operation of all trains in the present system and I feel we have a duty in Congress to see that it is done.

Mr. Chairman, I would like to express my deep appreciation to the distinguished chairman of the Committee on Interstate and Foreign Commerce who has helped me greatly as a freshman member of his committee and given me a great deal of advice and support in my concern about the continuation of the National Limited and the Floridian.

I would like to ask the chairman of the committee or one of the members of the subcommittee with reference to the service that is being offered: What is going to be done about the roadbed over which these trains are traveling?

They offer the key to better service. Is anything being contemplated to improve the roadbed—or anything that we can be doing?

I ask because it seems to me it is essential if we are going to have the kind of rapid rail transportation service we all want, that we must do something in this regard.

Mr. STAGGERS. Will the gentleman yield?

Mr. HUDNUT. I am glad to yield to the distinguished chairman of our committee.

Mr. STAGGERS. I certainly agree with the gentleman. I think the statement he has made is correct in that we have to improve the roadbeds. This is the greatest complaint we have all across the country.

I want to inform the gentleman that Amtrak has set aside $50 million to improve roadbed conditions in the country. So that will be quite helpful. I can assure the gentleman, it will go a long way in putting our roadbed conditions back to where they should be.

Mr. KUYKENDALL. Will the gentleman yield?

Mr. HUDNUT. I yield to the gentleman from Tennessee.

Mr. KUYKENDALL. The House passed only a 1-year extension to this legislation and it had several reasons for doing so. We wanted to get more concrete plans for the use of this $50 million with regard to the relationship between Amtrak and the railroads themselves concerning the maintenance of the roadbeds. That was one of the reasons.

So we can get back into the issue of improved roadbeds because I think the gentleman from Indiana is well aware that certain types of curves, and so forth, that are perfectly satisfactory for freight trains are simply not satisfactory for high-speed passenger trains, and this has to be considered.

So, this is one of the primary reasons for our having only a 1-year bill.

Mr. HUDNUT. I thank the gentleman from Tennessee.

Mr. CARTER. Mr. Chairman, will the distinguished gentleman from Indiana yield?

Mr. HUDNUT. I yield to the distinguished gentleman from Kentucky.

Mr. CARTER. Mr. Chairman, I want to compliment my distinguished colleague, the gentleman from Indiana, on the statement the gentleman has made. Certainly I concur in what the gentleman has said. We in my congressional district are most happy that the Floridian has been included in Amtrak since it comes through the city the gentleman from Indiana represents, and also comes across the State of Kentucky. Without this train Kentucky would be without railroad trains, period.

This legislation has broad support throughout the State of Kentucky and throughout my congressional district.

Again, Mr. Chairman, let me thank the distinguished gentleman from Indiana for yielding to me.

Mr. MILFORD. Mr. Chairman, will the gentleman yield?

Mr. HUDNUT. I yield to the gentleman from Texas.

Mr. MILFORD. Mr. Chairman, along the line of the same questions that the gentleman from Indiana is posing, it is also my understanding that the maintenance of these roadbeds are charged against the passenger traffic, which is one of the things I am very much concerned about.

I am wondering whether or not, by Government subsidy, we are paying for the roadbed upkeep while the operators of the freight trains are not paying their fair share. Because it does require a much higher maintenance efficiency for passenger traffic than for freight traffic.

I would like to know the answer to that question.

Mr. KUYKENDALL. Mr. Chairman, if the gentleman will yield further, on that point, in the original 2-year support given to Amtrak by the operating railroads, these were barebones contracts, and believe me, there was not any roadbed maintenance by Amtrak; it was, for all practical purposes, zero.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAGGERS. I yield such additional time as the gentleman from Indiana may require.

Mr. KUYKENDALL. Mr. Chairman, if the gentleman will yield still further, there has been new language in the bill, as mentioned by the gentleman from Michigan (Mr. HARVEY) concerning the ICC, and the amounts of payments made to the operating railroad by Amtrak will be—and I wish that the Members would read the language in the bill so that they can get the exact language—is greatly dependent upon improved service, meaning condition of the tracks, and so forth, by the railroad itself, so that the railroad is paid a minimum figure by Amtrak as a flat figure, but any negotiated amount above that will be largely determined by factors such as the condition of the track so that this is a negotiable item, and Amtrak will be in a position to pay, more or less dependent upon the condition of those tracks.

Mr. MILFORD. I thank the gentleman.

Mr. HILLIS. Mr. Chairman, will the gentleman yield?

Mr. HUDNUT. I yield to my distinguished colleague, the gentleman from Indiana (Mr. HILLIS).

Mr. HILLIS. Mr. Chairman, I would like to add a word or two about Amtrak's service in Indiana. We have three Amtrak lines which pass through Indianapolis and provide inexpensive, modern transportation service to residents of my State who do not like to drive or fly.

The popularity of these Amtrak lines was amply demonstrated when it was proposed recently that the line from Kansas City to New York—the National Limited, and the run from Chicago to Florida—the Floridian, be closed down for lack of adequate business. The offices of the ICC, Amtrak, and the Indiana congressional delegation received volumes of mail in protest from riders who did not want to see this service terminated, with no comparable substitute available.

I had ridden the Amtrak line from Washington to Indianapolis earlier this year and reported my satisfaction with Amtrak's progress to my colleagues on the House floor when I returned. I knew this was a popular service and myself hated to see any further deletions—particularly when it appeared that service has improved under Amtrak leadership and that ridership was on the increase. With other Members of the Indiana delegation, I petitioned to keep these lines and with the help of statistics proving ridership and demand have increased substantially over the past year, we were able to keep these two lines.

I am certainly pleased, because I think we are going to continue to see improvements in Amtrak service, and, as a result, increased usage of the train system for personal transportation. Just incidentally, as a member of the Republican Task Force on Energy, I have learned that trains are by far the most energy-efficient mode of transportation, getting anywhere from 7 to 10 times the number of passenger-miles per gallon achieved by an automobile.

While I am up talking about Amtrak in Indiana, I would like to take this opportunity to commend my colleague from Indianapolis for providing the strong leadership necessary to retain the services of the National Limited and the Floridian. Mr. HUDNUT is responsible for spearheading the move which resulted in saving these lines for the people of Indiana. He strived tirelessly from the moment the discontinuance announcement was made to reverse it.

As a member of the House Interstate and Foreign Commerce Committee, he met with other committee members, gathering bipartisan support for an amendment in the Amtrak legislation to continue these two important lines.

He filed a formal letter of protest with the Interstate Commerce Commission and rallied the rest of the Indiana delegation and other public officials to do likewise.

He consulted with the Amtrak officials responsible for making the final decision, encouraging them to reexamine the facts and reconsider their position.

He brought it to the attention of Congress, the ICC, and Amtrak that the usage of these trains had increased almost 30 percent over the preceding year—thus lack of interest and ridership could not be counted as a reason for closing down the lines.

BILL deserves the recognition and credit for influencing the Directors of Amtrak to withdraw their recommendation to the ICC that these trains be removed from service. The people of Indianapolis and all of Indiana ought to know the important role BILL HUDNUT played in keeping these trains running and I am sure they appreciate that dedicated service, BILL.

Mr. ROBINSON of Virginia. Mr. Chairman, I have supported the Amtrak experiment, and I continue to believe that there is a place in our national transportation system for long- and medium-haul rail passenger service.

I am concerned, however, that Amtrak management may be unduly inflexible in enforcing service criteria, and I am convinced that it could do more to adjust its schedules, and, in particular, its service to intermediate points on its long runs.

After all, the objective should be to accommodate anyone who seems willing to pay to ride a particular train—with due regard for the maintenance of speedy service for long-haul passengers, who always have available the alternative of air transportation, to which they will turn if not accommodated reasonably.

I have in mind, in particular, the situation of Fredericksburg, Va., which is on the route of Amtrak New York-Florida runs.

My information is to the effect that there are willing passengers there who could be served by flag stops, at least, and I am not convinced by Amtrak contentions that through service would be discommoded by picking up and discharging Fredericksburg passengers.

To succeed, Amtrak is going to have to cater to prospective passengers wherever they can be found along its routes. The central idea is that few may grow to many by the word-of-mouth advertising of satisfied patrons. The negative public relations generated by speeding Amtrak trains through communities in which a traffic potential exists is unacceptable in a subsidized operation such as Amtrak.

Mr. VANIK. Mr. Chairman, the National Railroad Passenger Corporation—Amtrak—should be allowed to die a timely death.

Amtrak, in the years since its kindly Government delivery into the world, has proven itself incapable of providing the "fast and comfortable transportation between crowded urban areas and in other areas of the country" that its authorizing legislation aimed for. Despite almost a half a billion dollars of Federal expenditure, Amtrak's service and operations have remained, for the most part, inadequate and incompetent.

Now we are being asked to approve another $100 million to nurture Amtrak's continued existence, despite little proof that it can indeed ever be self-sustaining and successful. Great horror stories of dirty facilities, inexcusable delays, slow runs, and poor ticketing still plague Amtrak. Although Amtrak has finally had a small increase in ridership, the ontime records have gotten increasingly worse.

Mr. Chairman, in addition to its appropriation levels, H.R. 8351 deserves our scrutiny in other areas as well. Section 9 of the bill would increase the limit for the guaranteed loan for Amtrak from a present $200 million to $250 million for this fiscal year. It is hard for us to forget the debate and controversy over a $250 million guaranteed loan to Lockheed only several years back, but where is the debate and controversy on this bill's guaranteed loan?

Mr. Chairman, I am also concerned over another area of Amtrak spending. Amtrak research on marketing and passenger train use, as well as a poll by Louis Harris commissioned by Amtrak, show that public utilization of rail transportation could be increased if trains could compete with the substantially faster air travel. There are few operating high-speed passenger trains in the United States, but these few high-speed runs have been successful—for example, the Washington to New York Metroliner—and indicate a great potential for similar services in other high-density population corridors.

But despite this potential, the existing lack of research in high-speed rail travel, and the fact that only a faster passenger rail service can compete with air transportation, the administration and Amtrak have apparently not pursued the high-speed research with much vigor. Fifteen million dollars in funds for the Federal Railroad Administration for high-speed rail transport research last fiscal year were not spent. This seems difficult to explain in the light of the demonstrated need for the research.

Mr. Chairman, I could support a program of a more limited and local nature—I think that Government subsidized passenger train travel must begin on a quality, not quantity basis. Amtrak has had some success with intercity, high population corridor transportation, and I think that area should be pursued before Federal moneys are put into more glamorous long haul or transcontinental routes.

Traveling from Chicago to the west coast would be an exciting trip, but I would much rather see fast, clean, efficient intercity travel available first.

The short haul corridor routes can serve more people more often. When short runs are proven effective, worthwhile, and self-supporting, then they can serve as a basis for extension of operations to longer runs.

Mr. STAGGERS. Mr. Chairman, I have no further requests for time.

Mr. HARVEY. We have no further requests for time, Mr. Chairman.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the committee amendment in the nature of a substitute printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 102 of the Rail Passenger Service Act of 1970 (45 U.S.C. 502), relating to definitions, is amended—

(1) by striking out paragraph (5), relating to the definition of intercity rail passenger service, and inserting in lieu thereof the following:

"(5) 'Intercity rail passenger service' means all rail passenger service other than commuter and other short-haul service in metropolitan and suburban areas, usually characterized by reduced fare, multiple-ride and commutation tickets, and by morning and evening peak period operations."; and

(2) by adding at the end thereof the following new paragraph:

"(9) 'Auto-ferry service' means service characterized by transportation of automobiles and their occupants.".

SEC. 2. (a) Section 303(a) of the Rail Passenger Service Act of 1970 (45 U.S.C. 543(a)), relating to the board of directors, is amended to read as follows:

"(a)(1) The Corporation shall have a board of directors consisting of seventeen individuals who are citizens of the United States selected as follows:

"(A) The Secretary of Transportation, ex officio.

"(B) Nine members appointed by the President, by and with the advice and consent of the Senate, to serve for terms of four years or until their successors have been appointed and qualified, of whom not more than five shall be appointed from the same political party.

"(C) Three members elected annually by the common stockholders of the Corporation.

"(D) Four members elected annually by the preferred stockholders of the Corporation, which members shall be elected as soon as practicable after the first issuance of preferred stock by the Corporation.

"(2) Any vacancy in the membership of the board shall be filled in the same manner as in the case of the original selection; except that any member appointed by the President under paragraph (1)(B) of this subsection to fill a vacancy shall be appointed only for the unexpired term of the member he is appointed to succeed.

"(3) The board shall elect one of its members annually to serve as Chairman.

"(4) Not less than three members appointed by the President shall be designated by him, at the time of their appointment, to serve as consumer representatives, of whom not more than two shall be members of the same political party.

"(5) Each member not employed by the Federal Government shall receive compensation at the rate of $300 for each meeting of the board he attends. In addition, each member shall be reimbursed for necessary travel and subsistence expenses incurred in attending meetings of the board.

"(6) No member elected by railroads shall vote on any action of the board relating to any contract or operating relationship between the Corporation and a railroad, but he may be present at meetings of the board at which such matters are voted upon, and he may be included for purposes of determining a quorum and may participate in discussions at any such meeting.

"(7) No member appointed by the President may—

"(A) have any direct or indirect financial or employment relationship with any railroad, nor

"(B) have any significant direct or indirect financial relationship, or any direct or indirect employment relationship, with any person engaged in the transportation of passengers in competition with the Corporation, during the time that he serves on the board.

"(8) Pending the election of the four members by the preferred stockholders of the Corporation under paragraph (1)(D) of this subsection, seven members shall constitute a quorum for the purpose of conducting the business of the board.

"(9) Any vacancy in the membership of the board of directors required to be filled by appointment by the President under paragraph (1)(B) of this subsection shall be filled by the President not more than one hundred and twenty days after such vacancy occurs.".

(b)(1) Notwithstanding any other provision of law, the term of each member of the board of directors appointed by the President under section 303(a) of the Rail Passenger Service Act of 1970 (as in effect on the day before the date of enactment of this Act) who is serving under such appointment on such date of enactment, shall expire on the thirtieth day after such date of enactment, except that each such member so serving shall continue to serve until his successor is appointed and qualified or until the expiration of the one-hundred-twenty-day period beginning on the thirtieth day after such date of enactment, whichever first occurs. No member of the board of directors referred to in the preceding sentence shall be ineligible for appointment as such a member after the date of enactment of this Act solely by reason of the enactment of such preceding sentence.

(2) Notwithstanding section 303(a)(1)(B) of the Rail Passenger Service Act of 1970, of the members of the board of directors first appointed by the President under such section 303(a)(1)(B), three shall be appointed to serve for terms of two years and three shall be appointed to serve for terms of three years.

SEC. 3. Section 305(b) of the Rail Passenger Service Act of 1970 (45 U.S.C. 545(b)), relating to general powers of the Corporation, is amended by striking out the second sentence and inserting in lieu thereof the following: "In order to increase revenues and to better accomplish the purposes of this Act, the Corporation is authorized to modify its services to provide, as a part of the basic passenger services authorized by this Act, auto-ferry service characterized by the carriage of automobiles or other property belonging to passengers, except that nothing contained in this Act shall prevent any other person (other than a railroad) from engaging in such auto-ferry service over any route if—

"(1) such person establishes to the satisfaction of the Commission that such auto-ferry service—

"(A) will not impair the ability of the Corporation to reduce its losses or to increase its revenues, and

"(B) is required to meet the demands of the public; or

"(2) such auto-ferry service is being performed by such person on the date of enactment of this paragraph under contracts entered into before October 30, 1970.

The Corporation is authorized to acquire, lease, modify, or develop the equipment and facilities required for the efficient provision of mail, express, and auto-ferry service, or to enter into contracts for the provision of such service.".

SEC. 4. Section 305 of the Rail Passenger Service Act of 1970 (45 U.S.C. 545), relating to general powers of the Corporation, is amended by adding at the end thereof the following new subsection:

"(c) (1) When the Corporation cannot acquire by contract, or is unable to agree with the owner of property as to the compensation to be paid for, any right-of-way, land, or other property (except right-of-way, land, or other property of a railroad or property of a State or local government or other public agency) required for the construction of tracks or other facilities necessary to provide intercity rail passenger service, it may acquire the same by the exercise of the right of eminent domain in the district court of the United States for the district in which the property is located, or in one such court in the event a single property is located in two districts.

"(2) The Corporation shall file with the complaint, or at any time before judgment, a declaration of taking, containing or having annexed thereto—

"(A) a statement of the public use for which the property is taken;

"(B) a description of the property taken sufficient for the identification thereof;

"(C) a statement of the estate or interest in the property taken;

"(D) a plan showing the property taken; and

"(E) a statement of the amount of money estimated by the Corporation to be just compensation for the property taken.

"(3) Upon the filing of the declaration of taking and of the deposit in the court, to the use of the persons entitled thereto, of the amount of the estimated compensation stated in the declaration, the property shall be deemed to be condemned and taken for the use of the Corporation and title shall vest in the Corporation in fee simple absolute, or in any lesser estate or interest as specified in the declaration, and the right to just compensation for the property shall vest in the persons entitled thereto. Just compensation shall be ascertained and awarded in the proceeding and established by judgment. The judgment shall include, as part of the just compensation awarded, interest from the date of taking to the date of payment at the rate of 6 per centum per annum on the amount finally awarded as the value of the property on the date of taking. Interest shall not be allowed, however, on the amount deposited in the court.

"(4) Upon the application of the parties in interest, the court may order that the money deposited in the court, or any part thereof, be paid forthwith for or on account of the just compensation to be awarded in the proceeding. If the compensation finally awarded exceeds the amount of the money received by any person entitled to compensation, the court shall enter judgment against the Corporation for the amount of the deficiency.

"(5) Upon the filing of a declaration of taking, the court may fix the time within which, and the terms upon which, the parties in possession are required to surrender possession to the Corporation. The court may make such orders in respect to encumbrances, liens, rents, taxes, assessments, insurance, and other charges, if any, as shall be just and equitable.".

SEC. 5. Section 401(c) of the Rail Passenger Service Act of 1970 (45 U.S.C. 561(c)), relating to the prohibition against other persons conducting intercity rail passenger service, is amended by striking out "No railroad or any other person" and inserting in lieu thereof "Except as provided in section 305(b) of this Act concerning auto-ferry service, no railroad or any other person".

SEC. 6. Section 402 of the Rail Passenger Service Act of 1970 (45 U.S.C 562), relating to facility and service agreements, is amended—

(1) by inserting immediately after the second sentence of subsection (a) the following new sentence: "In fixing just and reasonable compensation for the provision of services ordered by the Commission under the preceding sentence, the Commission shall, in fixing compensation in excess of incremental costs, consider quality of service as a major factor in determining the amount (if any) of such compensation."; and

(2) by adding at the end thereof the following new subsections:

"(d) (1) If the Corporation and a railroad are unable to agree upon terms for the sale to the Corporation of property (including interests in property) owned by the railroad and required for the construction of tracks or other facilities necessary to provide intercity rail passenger service, the Corporation may apply to the Commission for an order establishing the need of the Corporation for the property at issue and requiring the conveyance thereof from the railroad to the Corporation on reasonable terms and conditions, including just compensation. Unless the Commission finds that—

"(A) conveyance of the property to the Corporation would significantly impair the ability of the railroad to carry out its obligations as a common carrier; and

"(B) the obligations of the Corporation to provide modern, efficient, and economical rail passenger service can adequately be met by the acquisition of alternative property (including interests in property) which is available for sale on reasonable terms to the Corporation, or available to the Corporation by the exercise of its authority under section 305(c) of this Act;

the need of the Corporation for the property shall be deemed to be established and the Commission shall order the conveyance of the property to the Corporation on such reasonable terms and conditions as it may prescribe, including just compensation.

"(2) The Commission shall expedite proceedings under this subsection and, in any event, issue its order within one hundred and twenty days from receipt of the application from the Corporation. If just compensation has not been determined on the date of the order, the order shall require as part of just compensation, interest at the rate of 6 per centum per annum from the date prescribed for conveyance until just compensation is paid.

"(e) (1) Except in an emergency, intercity passenger trains operated by or on behalf of the Corporation shall be accorded preference over freight trains in the use of any given line of track, junction, or crossing, unless the Secretary has issued an order to the contrary in accordance with paragraph (2) of this subsection.

"(2) Any railroad whose rights with regard to freight train operation are affected by paragraph (1) of this subsection may file an application with the Secretary requesting appropriate relief. If, after hearing under section 553 of title 5 of the United States Code, the Secretary finds that adherence to such paragraph (1) will materially lessen the quality of freight service provided to shippers, the Secretary shall issue an order fixing rights of trains, on such terms and conditions as are just and reasonable.

"(f) If, upon request of the Corporation, a railroad refuses to permit accelerated speeds by trains operated by or on behalf of the Corporation, the Corporation may apply to the Secretary for an order requiring the railroad to permit such accelerated speeds. The Secretary shall make findings as to whether such accelerated speeds are unsafe or otherwise impracticable, and with respect to the nature and extent of improvements to track, signal systems, and other facilities that would be required to make such accelerated speeds safe and practicable. After hearing, the Secretary shall issue an order fixing maximum permissible speeds of Corporation trains, on such terms and conditions as he shall find to be just and reasonable.".

SEC. 7. (a) Section 403 of the Rail Passenger Service Act of 1970 (45 U.S.C. 563), relating to new service, is amended by adding at the end thereof the following new subsection:

"(d) The Corporation shall initiate not less than one experimental route each year, such route to be designated by the Secretary, and shall operate such route for not less than two years. After such two-year period, the Secretary shall terminate such route if he finds that it has attracted insufficient patronage to serve the public convenience and necessity, or he may designate such route as a part of the basic system."

(b) Section 404(b) (2) of the Rail Passenger Service Act of 1970 (45 U.S.C. 564(b) (2)), relating to discontinuance of service, is amended to read as follows:

"(2) Except as otherwise provided in this paragraph and in section 403(a) of this Act, service beyond that prescribed for the basic system undertaken by the Corporation upon its own initiative may be discontinued at any time. No such service undertaken by the Corporation on or after January 1, 1973, shall be discontinued until the expiration of the one-year period beginning on the date of enactment of this sentence.

SEC. 8. Section 601 of the Rail Passenger Service Act of 1970 (45 U.S.C. 601), relating to Federal grants, is amended—

(1) by striking out "There is authorized to be appropriated to the Secretary in fiscal year 1971, $40,000,000, and insubsequent fiscal years a total of $225,000,000, these amounts" in subsection (a) and inserting in lieu thereof "There are authorized to be appropriated to the Secretary $106,100,000 for the fiscal year ending June 30, 1974,";

(2) by striking out "There is authorized to be appropriated to the Secretary $2,000,000 annually," in subsection (b) and inserting in lieu thereof "There are authorized to be appropriated to the Secretary $1,200,000 for the fiscal year ending June 30, 1974, to remain available until expended,"; and

(3) by adding at the end thereof the following new subsection:

"(c) (1) Whenever the Corporation submits any budget estimate or request to the President, the Department of Transportation, or the Office of Management and Budget, it shall concurrently transmit a copy of that estimate or requests to the Congress.

"(2) Whenever the Corporation submits any legislative recommendation, proposed testimony, or comments on legislation to the President, the Department of Transportation, or the Office of Management and Budget, it shall concurrently transmit a copy thereof to the Congress. No officer or agency of the United States shall have any authority to require the Corporation to submit its legislative recommendations, proposed testimony, or comments on legislation to any officer or agency of the United States for approval, comments, or review, prior to the submission of such recommendations, testimony, or comments to the Congress.".

Sec. 9. Section 602 of the Rail Passenger Service Act of 1970 (45 U.S.C. 602), relating to guarantee of loans, is amended—

(1) by inserting "and with the approval of the Secretary of the Treasury," immediately after "prescribe," in subsection (a);

(2) by amending the first sentence of subsection (d) to read as follows: "The aggregate unpaid principal amount of securities, obligations, or loans outstanding at any one time, which are guaranteed by the Secretary under this section, may not exceed $250,000,000."; and

(3) by adding at the end thereof the following new subsection:

"(g) Notwithstanding any other provision of this Act, a guarantee may not be made of any security, obligation, or loan, the income from which is not included in gross income for the purposes of chapter 1 of the Internal Revenue Code of 1954.".

Sec. 10. Section 801 of the Rail Passenger Service Act of 1970 (45 U.S.C. 641) is amended to read as follows:

"Sec. 801. Adequacy of Service.

"(a) The Commission is authorized to prescribe such regulations as it considers necessary to assure that the quality of service and accommodations offered passengers on board trains and at other facilities used in intercity rail passenger service is adequate, taking into account the safety regulations applicable to that service. The Commission may not prescribe regulations applicable to the Corporation that relate to the scheduling or frequency of service, or the number or type of cars in a train, or that otherwise conflict with the service characteristics established by the Secretary for the basic system.

"(b) Any person who violates a regulation issued under this section shall be subject to a civil penalty of not to exceed $500 for each violation. Each day a violation continues shall constitute a separate offense.".

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. GROSS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have not heard very much about the financing of this Amtrak proposition. Do I understand that up to this time Congress has authorized the expenditure of approximately $400 million for the purpose of supporting Amtrak? Is it more or less than $400 million?

Mr. STAGGERS. That is approximately right; yes, sir.

Mr. GROSS. And this bill would authorize an additional $157 million?

Mr. STAGGERS. No, sir; $107.3 million.

Mr. GROSS. $107,300,000, yes, but it is also increased by $50 million through the $200 million loan guarantee program. Is that not an obligation of the Government?

Mr. STAGGERS. It is if Amtrak defaults, but we hope that it will be secured in such a way that it will not be.

Mr. GROSS. Let us just put a price tag of $157 million on this at this time. With this new $157 million shot-in-the-arm, how many more shots-in-the-arm will Amtrak get? Can anyone give us any information as to how much further Congress expects go with this, having already spent a half billion dollars of Federal funds?

Mr. KUYKENDALL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Tennessee.

Mr. KUYKENDALL. There may have been in the original debate 2 years ago some people who tried to give some illusions that we were talking about something breaking into the black in a reasonable period of time. I am certainly not one of those people, as far as I am concerned. This is an institution that maybe some time in the future will break into the black.

Does the gentleman ask how many more times? I am quite sure we will be back here asking for more money a year from now, and probably 2 years from now. I am not trying to delude anyone. I am saying this: I think this Congress has to decide whether it is going to have ground passenger transportation and at what level it is going to have it. There are a few roads that are now breaking even. Part of it is a luxury; part of it is not. I think the future is going to show that all of it is a necessity.

Mr. GROSS. Whether this country has rail passenger service is bound up in this Amtrak operation, is that what the gentleman is saying.

In the State of Iowa we have a comparatively few miles of trackage involved in Amtrak. The railroads out there are in pretty fair condition, financially speaking, although they do not provide passenger service.

Mr. KUYKENDALL. May I answer the gentleman from Iowa by saying this: There is no private railroad in the United States, with the exception of Southern—and the gentleman from Michigan will have something to say about Southern in just a few moments—that was not willing to pay a considerable amount of money to get rid of the passenger obligation. Not only did they not want the business, they paid cash money to get rid of it. Yet this Congress in—I do not know whether we want to call it its wisdom or not—but this Congress decided that ground transportation and a railroad capability were necessary. I happen to be one who supports that position.

Mr. GROSS. The gentleman from Tennessee understands my concern, and it is the concern of other Members of the House, that we are getting little or no benefit from Amtrak except to help pay its bills. Any benefit we get from Amtrak is indirect, and we are concerned about this continued shot-in-the-arm business. It seems to me that somebody is going to have to do something about this operation before it gets any deeper into the Federal Treasury.

Is that train still running from Washington to Parkersburg, W. Va.?

Mr. KUYKENDALL. No, sir; it is not. If the gentleman from Iowa will yield for just a moment, I know that my people in my district share some of these concerns the gentleman is talking about, but I, for instance, am from Memphis, Tenn. We have spent 3 months talking about Northeastern railroads. I do not have anybody in my district directly affected by Northeastern railroads; yet we spent months working on it. We find this necessary in this job of being a Congressman. I hope the figures will look better.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

(By unanimous consent, Mr. Gross was allowed to proceed for 1 additional minute.)

Mr. GROSS. Mr. Chairman, I note in the report that the committee itself reports it was overly optimistic in believing the $237 million originally appropriated would put Amtrak in gear and keep it running. Twice that amount has been expended, and now we have this additional $157 million.

It is also interesting to note that the Office of Management and Budget made no report with respect to the expenditure proposed in this bill for fiscal year 1974. I submit that Congress has already been more than generous to Amtrak and I will vote against this bill.

AMENDMENT OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Dingell: Page 14, immediately after line 19, insert the following: "Nothing in this section shall be construed to restrict the right of a railroad that has not entered into a contract with the Corporation under section 401(a) of this Act from performing auto-ferry service over its own lines."

Mr. STAGGERS. Mr. Chairman, will the gentleman yeld?

Mr. DINGELL. I yield to the gentleman from West Virginia, the chairman of the committee.

Mr. STAGGERS. Mr. Chairman, we have looked at the amendment on this side and we accept the amendment.

I hope the gentleman from Michigan will do the same thing.

Mr. HARVEY. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Michigan (Mr. Harvey).

Mr. HARVEY. Mr. Chairman, I will say to my friend, the gentleman from Michigan (Mr. Dingell), that I have just received the amendment and I have read it. If I have read it correctly, I do not have any objection, but I would like to hear the gentleman explain it.

Mr. DINGELL. Mr. Chairman, the explanation for the amendment is simple and the amendment is simple.

In drafting the committee amendment to the original bill an oversight was unfortunately made. The oversight created a situation where a railroad which has not chosen to come into Amtrak could not operate auto-ferries even though it was engaging in the carriage of passengers on its lines. This oversight had a particularly deleterious effect on some very fine railroads, one of which is Southern Railroad.

It was not the intent of the committee that we should deny Southern the right to continue to carry passengers. We must remember that railroads like Southern have been able to carry passengers since the inception of Amtrak. But unfortunately the action of the committee without my amendment would now prohibit Southern, even though it has chosen to continue passenger service, from the privilege of engaging in this new innovation in passenger auto hauling. I note for my colleagues that the committee, in the bill, seeks to encourage, not only other corporations, both railroads and otherwise, to engage in the practice. The bill allows Amtrak to engage in that partcular function.

That is the reason for the amendment, simply to clear up this unfortunate oversight in drafting the legislation and to carry out what was originally intended.

Mr. HARVEY. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Michigan (Mr. HARVEY).

Mr. HARVEY. Mr. Chairman, if I understand the gentleman correctly, he is saying the Southern Railroad already has the right to provide passenger service because they have not entered into an agreement with Amtrak.

Mr. DINGELL. That is correct, and Southern has been providing passenger service on a continuing basis. The bill as presented to the House with the committee amendment would preclude them from engaging in auto-ferry service.

Mr. HARVEY. In our legislation on page 14 in the bill, we require that any person wishing to perform this service must first go to the Interstate Commerce Commission and satisfy that Commission with respect to two requirements. First, that they not impair the ability of the corporation to reduce its losses or to increase its revenues, and second they are required to meet the demands of the public. I am assuming, according to the gentleman from Michigan, that this has already been done.

Basically, they have established a right to provide passenger service before the ICC, so there is no reason why they should go there again.

Mr. DINGELL. Mr. Chairman, the gentleman is correct on that point. I would say to my good friend from Michigan that my amendment leaves things exactly as they are with regard to Southern Railroad, and other railroads which have not chosen to discontinue their passenger service. It says that they can continue carrying passengers as they do now if they so choose. They may also provide this auto-ferry service. It does not change anything, but prevents a change from taking place which precludes Southern Railroad from engaging in innovative auto-ferry service.

Mr. HARVEY. Mr. Chairman, I thank the gentleman for clarifying his amendment. I want to say that I support it.

Mr. KUYKENDALL. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. Mr. Chairman, I yield to the gentleman from Tennessee (Mr. KUYKENDALL).

Mr. KUYKENDALL. Mr. Chairman, I thank the gentleman for yielding to me.

I agree with his amendment. I think it is extremely helpful to Southern Railroad, which would otherwise be precluded from a service it previously had.

Mr. Chairman, let me compliment the gentleman on the sagacity of his amendment.

Mr. DINGELL. Mr. Chairman, I thank the gentleman from Tennessee for his remarks.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. DINGELL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STAGGERS: Page 21, strike out lines 1, 2, and 3 and insert in lieu thereof the following:

(b) Section 404(b) of the Rail Passenger Service Act of 1970 (45 U.S.C. 564(b)), relating to discontinuance of service, is amended—

(1) by striking out "July 1, 1973" in paragraph (1) and inserting in lieu thereof "July 1, 1974";

(2) by amending paragraph (2) to read as follows:

Page 21, line 11, strike out the period following the quotation marks and insert in lieu thereof "; and" and immediately after line 11, insert the following:

(3) by striking out "July 1, 1973" in paragraph (3) and inserting in lieu thereof "July 1, 1974".

Mr. STAGGERS. Mr. Chairman, to summarize what the intent of the committee was, we direct Amtrak to continue existing service for an additional year.

The money is appropriated in the bill, and there will be no question about that, so that is the intent of the committee.

Mr. HARVEY. Mr. Chairman, I wish to say that I have examined the amendment and we have no objection to the amendment.

As I understand it, it does exactly what the Board of Directors of Amtrak have already decided to do. What it does is freeze these three additional routes into the basic service. We have no objection.

Mr. KUYKENDALL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I shall not oppose the amendment. I had planned to offer such an amendment myself, but I decided not to.

As a matter of fact, I wish to say this: I have always felt that any dealings between a committee which has the responsibility of writing laws, and an agency which has the responsibility of carrying out the laws, or a private business—and Amtrak is a mixture of the two—any time they do something on a voluntary or even semivoluntary basis that prevents the need of a law being passed, I wish to commend them for it.

Therefore, even though I shall not oppose the chairman's amendment, I do want to say for the record that the Amtrak board met voluntarily. They did withdraw the discontinuance notices and they did so without being instructed to or demanded of by this committee.

I see nothing wrong with the amendment, but I think it is good that we have in this colloquy and in this record that they did this voluntarily. I want to commend any agency or private business for doing things on a voluntary basis instead of being forced to do so by law.

Mr. DOWNING. Mr. Chairman, I rise in support of the amendment offered by my colleague, the chairman of the full committee, Mr. HARLEY STAGGERS. The service provided by Amtrak is the only passenger train service available in my district. I have great concern for the present residents who will be immediately affected as well as those who come to the area as it expands and grows.

I urge the continuance of Amtrak service through the most populated "urban corridor" of Virginia, which connects Mount Vernon and those other great historic shrines of northern Virginia with Jamestown, Yorktown, and Williamsburg, the latter a city nationally recognized as the cradle of American culture and political development.

The second year of Amtrak service increased its passenger value by 38½ percent over the first year. In May 1973, the first month of Amtrak's third year on this route, passenger travel increased 82½ percent.

I find the reasoning for a continuance for an additional year to be adequately justified when I consider the enormous potential that exists, and will certainly grow, within the area I represent and the areas of my colleagues. Improved efforts to inform the general public of the service that is being provided will no doubt continue to increase public use.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia (Mr. STAGGERS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. PEYSER

Mr. PEYSER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PEYSER: Page 24, after line 2, insert the following new subsection:

"(b) The Secretary shall organize a Consumer Safety and Service Review Board which shall investigate all consumer and employee complaints of inadequate safety and service features on railroads owned or operated by the Corporation. The Board shall be composed of seven members, appointed by the Secretary, of which no less than three shall be selected from private life. Members of the Board from private life shall receive such per diem expenses as necessary while engaged in the actual performance of the duties vested in the Board. The results of all investigations by the Board shall be reported to the Secretary, who shall then take appropriate action as may be provided by law. An annual report on the safety and service of the Corporation railroads, with recommendations, shall be made by the Board, and shall be transmitted on or before March 1 of each year following enactment of this Act."

Renumber all subsections appropriately.

Mr. PEYSER. Mr. Chairman, I believe this amendment, which is a very simple amendment, gives the public a voice on problems dealing with safety and service on the Amtrak railroad.

I am in no way trying to attack Amtrak, but I have had the experience in my district, dealing with the Penn Central Railroad, where the public just never has been able to get an independent voice in dealing with the problems of safety and service.

It seems to me that by the creation of this Board, the Consumer Safety and Service Review Board, we would be merely giving the public a way of having a sounding board so that when the problems develop concerning safety and service, if they do develop, the public can reach this committee and know that these matters will be looked into by an independent body with public representation.

It would seem to me every Member of Congress would be delighted to have this kind of a board, so that when we get the complaints sent to us this board can handle the situation.

It also is a way the public can truly have a voice.

Service and safety are two things I have been deeply concerned with when dealing with the railroads in my area. They have continually been a problem. The only redress the public has had has been to report to the railroad which created the problem and to say, "What do you think of this? What can you do about it?" I can tell the Members there has been little satisfaction.

I would think, for consumer protection, with which we are all concerned, we would want to see this plan move ahead.

Mr. STAGGERS. Mr. Chairman, I rise in opposition to the amendment.

I recognize the intent of the gentleman from New York, and it is very good. However, I should like to say that we did not hold hearings on this proposal.

First I should like to say that under H.R. 8351 there will be three consumers on the Board, so the consumers will be adequately represented on the Board itself.

We also have a National Transportation Safety Board downtown. The proposed amendment would create a multiplicity of bureaucracy working on the same problems.

If the gentleman would like to put this in the form of a bill, we would be glad to hold hearings on it, and if we feel it is needed we can certainly report out a bill.

Mr. HARVEY. Mr. Chairman, I rise in opposition to the amendment.

I believe we have too many boards in our Government right now. What we really need, insofar as Amtrak is concerned, are people who know how to run a railroad.

This is one of the things which the committee has tried to correct in the restructuring of the board of directors which the chairman has mentioned, and specifically the committee paid close attention to consumers and their thinking.

Mr. Chairman, I will read from page 11 of the bill, section 2(a)(4), and I quote:

> "(4) Not less than three members appointed by the President shall be designated by him, at the time of their appointment, to serve as consumer representatives, of whom not more than two shall be members of the same political party."

Mr. Chairman, it was the thinking of our subcommittee and of our full committee that attention ought to be given to the complaints of the consumers, but the place to provide for review of consumers complaints was not to another board but, rather, to where it could really count, to the board of directors.

I must say that I had some questions myself when the committee did this and put this in the structure of the board of directors, but nevertheless the full committee saw fit to do it. That is probably the most effective place it possibly could be.

So with that in the language, Mr. Chairman, I truly do not believe that we need another review board of any sort whatsoever, and I must oppose the amendment.

Mr. PEYSER. Mr. Chairman, will the gentleman yield?

Mr. HARVEY. I yield to the gentleman from New York.

Mr. PEYSER. Mr. Chairman, the question I have concerning this is:

Does the present board have any authority in questions dealing with service on the Amtrak Railroad?

Mr. HARVEY. Does the present board of directors have an authority?

Mr. PEYSER. Yes.

Mr. HARVEY. Yes, it most certainly does. It has full control. This is the board of directors that runs Amtrak, for a profit corporation.

Mr. PEYSER. Mr. Chairman, I would like to change my question.

I am looking at section 801, Adequacy of Service, where it says:

> The Commission may not prescribe regulations applicable to the Corporation that relate to the scheduling or frequency of service, or the number or type of cars—

And so forth.

What I am trying to do is to find a way that the public can have a direct method of getting into this entire question of adequate service, as well as safety, and it seems to me that the bill, the way it is now set up, specifically precludes that from happening.

Mr. HARVEY. Mr. Chairman, I will have to disagree with my friend, the gentleman from New York. By putting these three Presidential appointees on the board of 17 members, two of one political party and one of another with all three in the area of consumer affairs, the committee has given a very strong emphasis to providing for reviews of consumers' complaints. I do not believe that the Congress could put any stronger emphasis on this matter than has already been done.

Mr. PEYSER. Mr. Chairman, I thank the gentleman.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I agree with the gentleman from Michigan (Mr. HARVEY) that we already have too many boards, bureaus, and commissions in this Government, and I am surprised that the State of New York does not have or apparently does not have some kind of a public utility regulatory commission. I am also surprised that there is no agency in the government of the State of New York that is dedicated at least to some extent to the interests of consumers.

Mr. PEYSER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes, I am glad to yield to the gentleman from New York.

Mr. PEYSER. Mr. Chairman, what I would like to state to the gentleman is that it is not just a question of the State of New York, but in the Federal regulations, when we have pursued the question of safety on the railroads, we have been told by the regulatory board down here that safety pertains only to the condition of the tracks and nothing inside the cars under the realm of safety.

The same thing happens to be true in the State of New York, where on the Penn Central Railroad, for instance, we have railroad cars running with no fire extinguishers, no first-aid kits, and no way of combating fires, of which they have had innumerable ones, and there is nothing in the law which allows them to do anything about it.

Mr. GROSS. There is nothing in the law?

Mr. PEYSER. There is nothing in the State law nor in the Federal law.

Mr. GROSS. There is nothing in the State utility commission, or whatever the designation of it is in the State of New York, and it has no authority? Is the gentleman saying it has no authority to do anything about it?

Mr. PEYSER. No, sir; nor does the Federal Government have anything in the law about the situations I have described.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, I would like to commend the gentleman from New York for his comments. As the chairman of the committee has already pointed out, the committee is keenly aware of the situation, and we did not set up a panel; we put the consumers' representatives right on the board.

I will give the gentleman from New York my assurance of this: This bill is not enough to keep Amtrak going very long. This bill is going to assure us that Amtrak will be back before us.

If the gentleman from New York has any complaints from any of his constituents regarding Amtrak, you see to it that the committee gets those complaints and we will see that they are acted on by Amtrak. I say that because this subcommittee takes a great interest in it, and we intend to see that they function wisely, well, and prudently in the public interest.

I thank the gentleman from Iowa for yielding to me.

Mr. GROSS. Mr. Chairman, I would like to say further that I do not know where the $157 million is going to come from to finance Amtrak for another fiscal year. I can only assume it is going to be borrowed and 8 percent interest paid on the money. I am opposed to this amendment and to this bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. PEYSER).

The amendment was rejected.

The CHAIRMAN. Are there any further amendments to be proposed? If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FLOWERS, Chairman of the Committee of the Whole House on the State of the Union, reported that that committee having had under consideration the bill

(H.R. 8351) to amend the Rail Passenger Service Act of 1970, as amended, to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes, pursuant to House Resolution 514, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment adopted in the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. CHARLES H. WILSON of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 357 nays 37, not voting 40, as follows:

[Roll No. 438]

YEAS—357

Abdnor
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashley
Aspin
Badillo
Bafalis
Barrett
Beard
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breaux
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Carey, N.Y.
Carter
Casey, Tex.

Cederberg
Chamberlain
Chisholm
Clark
Clausen, Don H.
Clay
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Conable
Conte
Cotter
Coughlin
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Wis.
de la Garza
Dellenback
Dellums
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood

Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hanley
Hanna
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hawkins
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan

Holt
Holtzman
Horton
Hosmer
Howard
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kemp
Ketchum
King
Kluczynski
Koch
Kuykendall
Kyros
Landrum
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Lott
McClory
McCloskey
McCollister
McCormack
McDade
McFall
McKay
McKinney
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.

Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Brien
O'Hara
O'Neill
Owens
Parris
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Pritchard
Quie
Railsback
Randall
Rangel
Rees
Regula
Reuss
Rhodes
Rinaldo
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ruppe
Ruth
St Germain
Sandman
Sarasin
Sarbanes
Saylor
Schneebeli
Sebelius

Seiberling
Shoup
Shriver
Shuster
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Spence
Staggers
Stanton, J. William
Steed
Steele
Steelman
Steiger, Wis.
Stephens
Stokes
Stratton
Stuckey
Studds
Sullivan
Symington
Talcott
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Van Deerlin
Vander Jagt
Veysey
Vigorito
Waggonner
Walsh
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Zablocki
Zion
Zwach

NAYS—37

Armstrong
Ashbrook
Baker
Bauman
Byron
Camp
Carney, Ohio
Conlan
Crane
Denholm
Duncan
Gross
Hammerschmidt

Hansen, Idaho
Huber
Landgrebe
Long, Md.
Lujan
Miller
Myers
Price, Tex.
Rarick
Riegle
Roberts
Roncalio, Wyo.
Rousselot
Ryan

Satterfield
Schroeder
Snyder
Steiger, Ariz.
Symms
Ullman
Vanik
Wampler
Wilson, Charles H., Calif.
Young, Tex.

NOT VOTING—40

Alexander
Bell
Blackburn
Blatnik
Breckinridge
Buchanan
Chappell
Clancy
Clawson, Del
Collins, Tex.
Conyers
Corman
Davis, Ga.
Davis, S.C.

Delaney
Dennis
Diggs
Fuqua
Hanrahan
Hays
Holifield
Jones, Okla.
Jones, Tenn.
McEwen
McSpadden
Mathis, Ga.
Mills, Ark.
Quillen

Reid
Rooney, N.Y.
Runnels
Scherle
Shipley
Sikes
Sisk
Stanton, James V.
Stark
Stubblefield
Taylor, Mo.
Waldie

So the bill was passed.

The Clerk announced the following pairs.

Mr. Hays with Mr. Jones of Oklahoma.

Mr. Rooney of New York with Mr. McSpadden.

Mr. Holifield with Mr. Diggs.

Mr. Breckinridge with Mr. Stubblefield.

Mr. Sikes with Mr. Stark.

Mr. Waldie with Mr. Conyers.

Mr. Blatnik with Mr. Taylor of Missouri.

Mr. Chappell with Mr. Collins of Texas.

Mr. Corman with Mr. McEwen.

Mr. Davis of Georgia with Mr. Quillen.

Mr. Delaney with Mr. Del Clawson.

Mr. Fuqua with Mr. Clancy.

Mr. Mathis of Georgia with Mr. Scherle.

Mr. Shipley with Mr. Bell.

Mr. Reid with Mr. Dennis.

Mr. Sisk with Mr. Blackburn.

Mr. James V. Stanton with Mr. Hanrahan.

Mr. Jones of Tennessee with Mr. Buchanan.

Mr. Alexander with Mr. Mills of Arkansas.

Mr. Davis of South Carolina with Mr. Runnels.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provisions of House Resolution 514, the Committee on Interstate and Foreign Commerce is discharged from further consideration of the bill S. 2016, to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STAGGERS moves to strike out all after the enacting clause of the bill S. 2016 and insert in lieu thereof the text of H.R. 8351, as passed.

Strike out all after the enacting clause, and insert:

That section 102 of the Rail Passenger Service Act of 1970 (45 U.S.C. 502), relating to definitions, is amended—

(1) by striking out paragraph (5), relating to the defintion of intercity rail passenger service, and inserting in lieu thereof the following:

"(5) 'Intercity rail passenger service' means all rail passenger service other than commuter and other short-haul service in metropolitan and suburban areas, usually characterized by reduced fare, multiple-ride and commutation tickets, and by morning and evening peak period operations."; and

(2) by adding at the end thereof the following new paragraph:

"(9) 'Auto-ferry service' means service characterized by transportation of automobiles and their occupants.".

SEC. 2. (a) Section 303(a) of the Rail Passenger Service Act of 1970 (45 U.S.C. 543(a)), relating to the board of directors, is amended to read as follows:

"(a) (1) The Corporation shall have a board of directors consisting of seventeen individuals who are citizens of the United States selected as follows:

"(A) The Secretary of Transportation, ex officio.

"(B) Nine members appointed by the President, by and with the advice and consent of the Senate, to serve for terms of four years or until their successors have been appointed and qualified, of whom not more than five shall be appointed from the same political party.

"(C) Three members elected annually by the common stockholders of the Corporation.

"(D) Four members elected annually by the preferred stockholders of the Corporation, which members shall be elected as soon as practicable after the first issuance of preferred stock by the Corporation.

"(2) Any vacancy in the membership of the board shall be filled in the same manner as in the case of the original selection; except that any member appointed by the President under paragraph (1)(B) of this subsection to fill a vacancy shall be appointed only for the unexpired term of the member he is appointed to succeed.

"(3) The board shall elect one of its members annually to serve as Chairman.

"(4) Not less than three members appointed by the President shall be designated by him, at the time of their appointment, to serve as consumer representatives, of whom not more than two shall be members of the same political party.

"(5) Each member not employed by the Federal Government shall receive compensation at the rate of $300 for each meeting of the board he attends. In addition, each member shall be reimbursed for necessary travel and subsistence expenses incurred in attending meetings of the board.

"(6) No member elected by railroads shall vote on any action of the board relating to any contract or operating relationship between the Corporation and a railroad, but he may be present at meetings of the board at which such matters are voted upon, and he may be included for purposes of determining a quorum and may participate in discussions at any such meeting.

"(7) No member appointed by the President may—

"(A) have any direct or indirect financial or employment relationship with any railroad, nor

"(B) have any significant direct or indirect financial relationship, or any direct or indirect employment relationship, with any person engaged in the transportation of passengers in competition with the Corporation, during the time that he serves on the board.

"(8) Pending the election of the four members by the preferred stockholders of the Corporation under paragraph (1)(D) of this subsection, seven members shall constitute a quorum for the purpose of conducting the business of the board.

"(9) Any vacancy in the membership of the board of directors required to be filled by appointment by the President under paragraph (1)(B) of this subsection shall be filled by the President not more than one hundred and twenty days after such vacancy occurs.".

(b)(1) Notwithstanding any other provision of law, the term of each member of the board of directors appointed by the President under section 303(a) of the Rail Passenger Service Act of 1970 (as in effect on the day before the date of enactment of this Act) who is serving under such appointment on such date of enactment, shall expire on the thirtieth day after such date of enactment, except that each such member so serving shall continue to serve until his successor is appointed and qualified or until the expiration of the one-hundred-twenty-day period beginning on the thirtieth day after such date of enactment, whichever first occurs. No member of the board of directors referred to in the preceding sentence shall be ineligible for appointment as such a member after the date of enactment of this Act solely by reason of the enactment of such preceding sentence.

(2) Notwithstanding section 303(a)(1)(B) of the Rail Passenger Service Act of 1970, of the members of the board of directors first appointed by the President under such section 303(a(1)(B), three shall be appointed to serve for terms of two years and three shall be appointed to serve for terms of three years.

SEC. 3. Section 305(b) of the Rail Passenger Service Act of 1970 (45 U.S.C. 545(b)), relating to general powers of the Corporation, is amended by striking out the second sentence and inserting in lieu thereof the following: "In order to increase revenues and to better accomplish the purposes of this Act, the Corporation is authorized to modify its services to provide, as a part of the basic passenger services authorized by this Act, auto-ferry service characterized by the carriage of automobiles or other property belonging to passengers, except that nothing contained in this Act shall prevent any other person (other than a railroad) from engaging in such auto-ferry service over any route if—

"(1) such person establishes to the satisfaction of the Commission that such auto-ferry service—

"(A) will not impair the ability of the Corporation to reduce its losses or to increase its revenues, and

"(B) is required to meet the demands of the public; or

"(2) such auto-ferry service is being performed by such person on the date of enactment of this paragraph under contracts entered into before October 30, 1970.

Nothing in this section shall be construed to restrict the right of a railroad that has not entered into a contract wtih the Corporation under section 401(a) of this Act from performing auto-ferry service over its own lines. The Corporation is authorized to acquire, lease, modify, or develop the equipment and facilities required for the efficient provision of mail, express, and auto-ferry service, or to enter into contracts for the provision of such service.".

SEC. 4. Section 305 of the Rail Passenger Service Act of 1970 (45 U.S.C. 545), relating to general powers of the Corporation, is amended by adding at the end thereof the following new subsection:

"(c)(1) When the Corporation cannot acquire by contract, or is unable to agree with the owner of property as to the compensation to be paid for, any right-of-way, land, or other property (except right-of-way, land, or other property of a railroad or property of a State or local government or other public agency) required for the construction of tracks or other facilities necessary to provide intercity rail passenger service, it may acquire the same by the exercise of the right of eminent domain in the district court of the United States for the district in which the property is located, or in one such court in the event a single property is located in two districts.

"(2) The Corporation shall file with the complaint, or at any time before judgment, a declaration of taking containing or having annexed thereto—

"(A) a statement of the public use for which the property is taken;

"(B) a description of the property taken sufficient for the identification thereof;

"(C) a statement of the estate or interest in the property taken;

"(D) a plan showing the property taken; and

"(E) a statement of the amount of money estimated by the Corporation to be just compensation for the property taken.

"(3) Upon the filing of the declaration of taking and of the deposit in the court, to the use of the persons entitled thereto, of the amount of the estimated compensation stated in the declaration, the property shall be deemed to be condemned and taken for the use of the Corporation and title shall vest in the Corporation in fee simple absolute, or in any lesser estate or interest as specified in the declaration, and the right to just compensation for the property shall vest in the persons entitled thereto. Just compensation shall be ascertained and awarded in the proceeding and established by judgment. The judgment shall include, as part of the just compensation awarded, interest from the date of taking to the date of payment at the rate of 6 per centum per annum on the amount finally awarded as the value of the property on the date of taking. Interest shall not be allowed, however, on the amount deposited in the court.

"(4) Upon the application of the parties in interest, the court may order that the money deposited in the court, or any part thereof, be paid forthwith for or on account of the just compensation to be awarded in the proceeding. If the compensation finally awarded exceeds the amount of the money received by any person entitled to compensation, the court shall enter judgment against the Corporation for the amount of the deficiency.

"(5) Upon the filing of a declaration of taking, the court may fix the time within which, and the terms upon which, the parties in possession are required to surrender possession to the Corporation. The court may make such orders in respect to encumbrances, liens, rents, taxes, assessments, insurance, and other charges, if any, as shall be just and equitable.".

SEC. 5. Section 401(c) of the Rail Passenger Service Act of 1970 (45 U.S.C. 561(c)), relating to the prohibition against other persons conducting intercity rail passenger service, is amended by striking out "No railroad or any other person" and inserting in lieu thereof "Except as provided in section 305 (b) of this Act concerning auto-ferry service, no railroad or any other person".

SEC. 6. Section 402 of the Rail Passenger Service Act of 1970 (45 U.S.C. 562), relating to facility and service agreements, is amended—

(1) by inserting immediately after the second sentence of subsection (a) the following new sentence. "In fixing just and reasonable compensation for the provision of services ordered by the Commission under the preceding sentence, the Commission shall, in fixing compensation in excess of incremental costs, consider quality of service as a major factor in determining the amount (if any) of such compensation."; and

(2) by adding at the end thereof the following new subsections:

"(d)(1) If the Corporation and a railroad are unable to agree upon terms for the sale to the Corporation of property (including interests in property) owned by the railroad and required for the constuction of tracks or other facilities necessary to provide intercity rail passenger service, the Corporation may apply to the Commission for an order establishing the need of the Corporation for the property at issue and requiring the conveyance thereof from the railroad to the Corporation on reasonable terms and conditions, including just compensation. Unless the Commission finds that—

"(A) conveyance of the property to the Corporation would significantly impair the ability of the railroad to carry out its obligations as a common carrier; and

"(B) the obligations of the Corporation to provide modern, efficient, and economical rail passenger service can adequately be met by the acquisition of alternative property (including interests in property) which is available for sale on reasonable terms to the Corporation, or available to the Corporation by the exercise of its authority under section 305(c) of this Act;

the need of the Corporation for the property shall be deemed to be established and the Commission shall order the conveyance of the property to the Corporation on such reasonable terms and conditions as it may prescribe, including just compensation.

"(2) The Commission shall expedite proceedings under this subsection and, in any event, issue its order within one hundred and twenty days from receipt of the applications from the Corporation. If just compensation has not been determined on the date of the order, the order shall require, as part of just compensation, interest at the rate of 6 per centum per annum from the date prescribed for conveyance until just compensation is paid.

"(e)(1) Except in an emergency, intercity passenger trains operated by or on behalf of the Corporation shall be accorded preference over freight trains in the use of any given line of track, junction, or crossing, unless the Secretary has issued an order to the contrary in accordance with paragraph (2) of this subsection.

"(2) Any railroad whose rights with regard to freight train operation are affected by paragraph (1) of this subsection may file an application with the Secretary requesting appropriate relief. If, after hearing under section 553 of title 5 of the United States Code, the Secretary finds that adherence to such paragraph (1) will materially lessen the quality of freight service provided to shippers, the Secretary shall issue an order fixing rights of trains, on such terms and conditions as are just and reasonable.

"(f) If, upon request of the Corporation, a railroad refuses to permit accelerated speeds by trains operated by or on behalf of the Corporation, the Corporation may apply to the Secretary for an order requiring the railroad to permit such accelerated speeds. The Secretary shall make findings as to whether such accelerated speeds are unsafe or otherwise impracticable, and with respect to the nature and extent of improvements to track, signal systems, and other facilities that would be required to make such accelerated speeds safe and practicable. After hearing, the Secretary shall issue an order fixing maximum permissible speeds of Corporation trains, on such terms and conditions as he shall find to be just and reasonable.".

SEC. 7. (a) Section 403 of the Rail Passenger Service Act of 1970 (45 U.S.C. 563), relating to new service, is amended by adding at the end thereof the following new subsection:

"(d) The Corporation shall initiate not less than one experimental route each year, such route to be designated by the Secretary, and shall operate such route for not less than two years. After such two-year period, the Secretary shall terminate such route if he finds that it has attracted insufficient patronage to serve the public convenience and necessity, or he may designate such route as a part of the basic system.".

(b) Section 404(b) of the Rail Passenger Service Act of 1970 (45 U.S.C. 564(b)), relating to discontinuance of service, is amended—

(1) by striking out "July 1, 1973" in paragraph (1) and inserting in lieu thereof "July 1, 1974";

(2) by amending paragraph (2) to read as follows:

"(2) Except as otherwise provided in this paragraph and in section 403(a) of this Act, service beyond that prescribed for the basic system undertaken by the Corporation upon its own initiative may be discontinued at any time. No such service undertaken by the Corporation on or after January 1, 1973, shall be discontinued until the expiration of the one-year period beginning on the date of enactment of this sentence."

(3) by striking out "July 1, 1973" in paragraph (3) and inserting in lieu thereof "July 1, 1974".

SEC. 8. Section 601 of the Rail Passenger Service Act of 1970 (45 U.S.C. 601), relating to Federal grants, is amended—

(1) by striking out "There is authorized to be appropriated to the Secretary in fiscal year 1971, $40,000,000, and in subsequent fiscal years a total of $225,000,000, these amounts" in subsection (a) and inserting in lieu thereof "There are authorized to be appropriated to the Secretary $106,100,000 for the fiscal year ending June 30, 1974,";

(2) by striking out "There is authorized to be appropriated to the Secretary $2,000,000 annually," in subsection (b) and inserting in lieu thereof "There are authorized to be appropriated to the Secretary $1,200,000 for the fiscal year ending June 30, 1974, to remain available until expended,"; and

(3) by adding at the end thereof the following new subsection:

"(c)(1) Whenever the Corporation submits any budget estimate or request to the President, the Department of Transportation, or the Office of Management and Budget, it shall concurrently transmit a copy of that estimate or request to the Congress.

"(2) Whenever the Corporation submits any legislative recommendation, proposed testimony, or comments on legislation to the President, the Department of Transportation, or the Office of Management and Budget, it shall concurrently transmit a copy thereof to the Congress. No officer or agency of the United States shall have any authority to require the Corporation to submit its legislative recommendations, proposed testimony, or comments on legislation to any officer or agency of the United States for approval, comments, or review, prior to the submission of such recommendations, testimony, or comments to the Congress.".

SEC. 9. Section 602 of the Rail Passenger Service Act of 1970 (45 U.S.C. 602), relating to guarantee of loans, is amended—

(1) by inserting "and with the approval of the Secretary of the Treasury," immediately after "prescribe," in subsection (a);

(2) by amending the first sentence of subsection (d) to read as follows: "The aggregate unpaid principal amount of securities, obligations, or loans outstanding at any one time, which are guaranteed by the Secretary under this section, may not exceed $250,000,000."; and

(3) by adding at the end thereof the following new subsection:

"(g) Notwithstanding any other provision of this Act, a guarantee may not be made of any security, obligation, or loan, the income from which is not included in gross income for the purposes of chapter 1 of the Internal Revenue Code of 1954.".

SEC. 10. Section 801 of the Rail Passenger Service Act of 1970 (45 U.S.C. 641) is amended to read as follows:

"SEC. 801. ADEQUACY OF SERVICE.

"(a) The Commission is authorized to prescribe such regulations as it considers necessary to assure that the quality of service and accommodations offered passengers on board trains and at other facilities used in intercity rail passenger service is adequate, taking into account the safety regulations applicable to that service. The Commission may not prescribe regulations applicable to the Corporation that relate to the scheduling or frequency of service, or the number of type of cars in a train, or that otherwise conflict with the service characteristics established by the Secretary for the basic system.

"(b) Any person who violates a regulation issued under this section shall be subject to a civil penalty of not to exceed $500 for each violation. Each day a violation continues shall constitute a separate offense.".

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 8351) was laid on the table.

PERSONAL EXPLANATION

(Mr. BUCHANAN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BUCHANAN. Mr. Speaker, I rise to express my sincere regret that I was detained in my office in a very important conference and, notwithstanding the fact that I ran all the way to the floor, did not arrive in time to cast my vote in favor of this legislation. What this demonstrates is that I definitely am not a track star, but that I definitely am strongly in support of H.R. 8351 and I commend the House for its passage.

GENERAL LEAVE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

ELECTION OF MEMBER TO STANDING COMMITTEES OF THE HOUSE

Mr. GERALD R. FORD. Mr. Speaker, I offer a privileged resolution (H. Res. 534) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 534

Resolved, That ROBERT E. BAUMAN of Maryland be, and he is hereby, elected a member of the following standing committees of the House of Representatives: Committee on Interior and Insular Affairs; and Committee on Merchant Marine and Fisheries.

The resolution was agreed to.

A motion to reconsider was laid on the table.

TO AMEND SECTION 2 OF THE ACT OF JUNE 30, 1954, CONTINUING CIVIL GOVERNMENT FOR THE TRUST TERRITORY OF THE PACIFIC ISLANDS

Mr. BURTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 1385) to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands, with Senate amendments to the House amendment and consider the Senate amendments.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. SAYLOR. Mr. Speaker, reserving the right to object, I take this time to direct a question to the gentleman from California and ask whether or not he will explain what the legislation will do.

Mr. BURTON. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from California.

Mr. BURTON. Mr. Speaker, this legislation authorizes the appropriation of $60,000,000 annually for the continuance of civil government in the Trust Territory of the Pacific Islands, plus an additional $10,000,000 annually to offset any curtailment or termination of Federal grant-in-aid programs of any other Federal agencies. The amendments to the Senate amendments would authorize appropriations for 2 fiscal years, 1974 and

1975, rather than for fiscal year 1974 only. As originally passed by the House, the legislation authorized appropriations for 3 fiscal years, 1974, 1975, and 1976. In other words, these amendments provide for a 2-year program in lieu of the 3-year program approved by the House, and the 1-year program approved by the Senate.

Mr. SAYLOR. Mr. Speaker, with that explanation, I concur in the action requested by the gentleman from California and I withdraw my objection.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER. The Clerk will read the first Senate amendment to the House amendment.

The Clerk read as follows:

Senate amendment No. 1: Page 1, lines 5 and 6, of the House engrossed amendment, strike out "and for each of the fiscal years 1974, 1975, and 1976, $60,000,000" and insert: "for fiscal year 1974, $60,000,000".

MOTION OFFERED BY MR. BURTON

Mr. BURTON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Burton moves to concur in the Senate amendment No. 1 with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment, insert "and for each of the fiscal years 1974 and 1975, $60,000,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next Senate amendment.

The Clerk read as follows:

Senate amendment No. 2: Page 1, line 7, of the House engrossed amendment, strike out "$10,000,000, for each of such fiscal years," and insert: "$10,000,000 for fiscal year 1974,".

MOTION OFFERED BY MR. BURTON

Mr. BURTON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Burton moves to disagree to Senate amendment No. 2.

The motion was agreed to.

The SPEAKER. The Clerk will report the next Senate amendment.

The Clerk read as follows:

Senate amendment No. 3: Page 1, after line 10, of the House engrossed amendment, insert:

Sec. 2. The Act of June 30, 1954, as amended, is further amended by adding at the end thereof the following new section:

"Sec. 4. (a) The government comptroller for Guam appointed pursuant to the provisions of section 9-A of the Organic Act of Guam shall, in addition to the duties imposed on him by such Act, carry out, on and after the date of the enactment of this section, the duties set forth in this section with respect to the government of the Trust Territory of the Pacific Islands. In carrying out such duties, the comptroller shall be under the general supervision of the Secretary of the Interior and shall not be a part of any executive department in the government of the Trust Territory of the Pacific Islands. The salary and expenses of the comptroller's office shall, notwithstanding the provisions of subsection (a) of section 9-A of the Organic Act of Guam, be apportioned equitably by the Secretary of the Interior between Guam and the Trust Territory of the Pacific Islands from funds available to Guam and the trust territory.

"(b) The government comptroller shall audit all accounts and review and recommend adjudication of claims pertaining to the revenue and receipts of the government of the Trust Territory of the Pacific Islands and of funds derived from bond issues; and he shall audit, in accordance with law and administrative regulations, all expenditures of funds and property pertaining to the government of the Trust Territory of the Pacific Islands including those pertaining to trust funds held by such government.

"(c) It shall be the duty of the government comptroller to bring to the attention of the Secretary of the Interior and the High Commissioner of the Trust Territory of the Pacific Islands all failures to collect amounts due the government, and the expenditures of funds or uses of property which are irregular or not pursuant to law. The audit activities of the government comptroller shall be directed so as to (1) improve the efficiency and economy of programs of the government of the Trust Territory of the Pacific Islands, and (2) discharge the responsibility incumbent upon the Congress to insure that the substantial Federal revenues which are covered into the treasury of such government are properly accounted for and audited.

"(d) The decisions of the government comptroller shall be final except that appeal therefrom may, with the concurrence of the High Commissioner, be taken by the party aggrieved or the head of the department concerned, within one year from the date of the decision, to the Secretary of the Interior, which appeal shall be in writing and shall specifically set forth the particular action of the government comptroller to which exception is taken, with the reasons and the authorities relied upon for reversing such decision.

"(e) If the High Commissioner does not concur in the taking of an appeal to the Secretary, the party aggrieved may seek relief by suit in the District Court of Guam, if the claim is otherwise within its jurisdiction. No later than thirty days following the date of the decision of the Secretary of the Interior, the party aggrieved or the High Commissioner, on behalf of the head of the department concerned, may seek relief by suit in the District Court of Guam, if the claim is otherwise within its jurisdiction.

"(f) The government comptroller is authorized to communicate directly with any person or with any department officer or person having official relation with his office. He may summon witnesses and administer oaths.

"(g) As soon after the close of each fiscal year as the accounts of said fiscal year may be examined and adjusted, the government comptroller shall submit to the High Commissioner and the Secretary of the Interior an annual report of the fiscal condition of the government, showing the receipts and disbursements of the various departments and agencies of the government. The Secretary of the Interior shall submit such report along with his comments and recommendations to the President of the Senate and the Speaker of the House of Representatives.

"(h) The government comptroller shall make such other reports as may be required by the High Commissioner, the Comptroller General of the United States, or the Secretary of the Interior.

"(i) The office and activities of the government comptroller pursuant to this section shall be subject to review by the Comptroller General of the United States, and reports thereon shall be made by him to the High Commissioner, the Secretary of the Interior, the President of the Senate and the Speaker of the House of Representatives.

"(j) All departments, agencies, and establishments shall furnish to the government comptroller such information regarding the powers, duties, activities, organization, financial transactions, and methods of business of their respective offices as he may from time to time require of them; and the government comptroller, or any of his assistants or employees, when duly authorized by him, shall, for the purpose of securing such information, have access to and the right to examine any books, documents, papers, or records of any such department, agency, or establishment."

Mr. BURTON (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment No. 3 be considered as read and printed in the Record.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

MOTION OFFERED BY MR. BURTON

Mr. BURTON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Burton moves to concur in Senate amendment No. 3.

The motion was agreed to.

A motion to reconsider was laid on the table.

EXPORT ADMINISTRATION ACT AMENDMENT

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 484 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 484

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8547) to amend the Export Administration Act of 1969, to protect the domestic economy from the excessive drain of scarce materials and commodities and to reduce the serious inflationary impact of abnormal foreign demand. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Missouri is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, this rule is an open rule providing for 1 hour of general debate. I understand there is controversy not only on the bill itself but also on the rule. I have a request from a Member who wishes to speak against it. I intend to yield time to him soon, but before that I should like to yield such time as he may consume to the gentleman from California (Mr. Hanna).

Mr. HANNA. I thank the gentleman for yielding.

Mr. Speaker, the Export Administration Act amendments contained in H.R. 8547 propose a moderate expansion of the President's power to control the export of goods in short supply or subject to abnormal foreign demand. The bill does less than the administration originally requested; it does not authorize export controls to be imposed in the absence of scarcity or excessive foreign buying. But it does provide a level of authority sufficient to develop a viable long-term export policy—a policy which strikes the delicate balance between protecting our domestic price situation and restoring confidence in our currency and in our stability as a trading partner.

There is no question, Mr. Speaker, that agricultural commodities currently present the most salient example of an area where such a balance must be aggressively sought. Last fall, the administration estimated that there would be a 5-percent rise in domestic food prices this year; that estimate has now been revised to upwards of 20 percent. At the same time, we are experiencing a dramatic decline in our carryover reserves of basic grains. Yet, our agricultural exports are up approximately 50 percent over last year. In 1972, foreign sales accounted for more than one-half the U.S. production of soybeans and rice, over two-fifths of our cattle hides, and over one-third of our wheat production. It has been estimated that perhaps one-sixth of the total increase in food prices this year may be attributable to our current farm export boom.

It is critical to understand that this change in the balance between domestic prices and foreign demand did not develop overnight; it would have been foreseen by an administration which was willing to plan, to exercise foresight, to develop an economic program which reflects a rational, coherent, and predictable economic policy. For years this country has actively encouraged the export of our agricultural commodities; yet, as late as last year, the administration pursued a policy of paying farmers to divert almost 60 million acres of cropland from food production. Food prices have been increasing faster than other commodities ever since the economic stabilization program began back in 1971; yet the administration waited so long to moderate food markets that when it finally did act, the results were shortages and permanently high prices. It has been no secret that under the stimuli of the dollar devaluations and of our own export expansion program, foreign demand has been rapidly increasing; still, exports of basic foodstuffs were not monitored until it was too late to develop any kind of moderate program. Nor has it been a secret that the upsurge in consumer incomes has led to increased domestic and worldwide demands for higher protein foods; yet we have seen no well-thought-out plan for increasing worldwide production.

A farsighted administration would have seen this problem developing long ago. Such an administration would have brought to an historic end the agricultural surplus mentality which for far too long has dominated our farm policy—encouraging expansion of markets on the one hand, paying farmers not to produce on the other. Such an administration would have taken decisive steps to increase our domestic supplies and productivity to meet an impending crisis long before it developed. They would have gone to our foreign friends before a crisis was upon us and explained to them our past mistakes and the forthcoming supply shortage and sought their cooperation in sharing with us some short-term costs for the long-range advantage of all. Instead of farsightedness and economic planning, however, we have had a food policy which has led to staggering prices, broken contracts, and the wanton destruction of poultry.

The shortsightedness of the administration's economic policy led directly to the clumsy way in which it imposed export controls earlier this summer. On June 13, the President told us and the world that then existing export commitments would be honored. But on June 27, the administration ordered that contracts for 33 million bushels of soybeans not be fulfilled. On June 13, the President suggested that we would consult with other countries before moving on the export front to solve the domestic food price problem. But on June 27, the United States moved unilaterally with unexpected severity to the still-reverberating shock and consternation of our trading partners. Once again, the administration delayed acting until it was faced with an economic crisis; once again, it allowed all moderate alternative options to slip away. The blunderbuss of its economic style fired once again its short-ranged, indiscriminate barrage.

Criticism of the way in which the administration imposed agricultural export controls earlier this summer should not at all be seen as tolerance of our domestic price situation. But we can ill-afford to allow export controls to be used in an easy fashion. As we move ever closer to a world of increasing interdependence—to a world in which the United States is not only a major supplier of basic commodities but also a major purchaser as well—we must recognize the limitations as well as the opportunities which that interdependence places upon us. Action in one area of the world's economy inevitably brings reaction in others. Seeking short-term benefits by stumbling from one crisis to the next, without any coherent economic policy, creates long-term costs which must always be paid.

There is the cost to our credibility as a trading nation. At a time when our agricultural export program is finally reaching the level of its promise, our trading partners will now find it difficult to place their faith in us as a supplier and will seek out alternative sources for their needs.

There is the cost to the American farmer, 16 percent of whose receipts last year ultimately came from foreign sales. As he prepares a record crop, he must now face the inevitable price uncertainty brought about by the suddenness and crisis nature of the administration's policy.

There is the cost to the American dollar. Twice devalued already and still under pressure abroad, the sudden unavailability of basic American products for purchase can do nothing but further erode the world's already-battered faith in the stability of our currency.

There is the cost to our balance-of-payments situation. Agricultural trade has registered a $2.9 billion surplus in 1972 and holds out the hope of an $8 billion annual gain in our balance of payments within a decade. One can only wonder what the effects of economic mismanagement will be here, as other countries are driven to take their business elsewhere.

There is the cost of worldwide inflation and the economic instability which follows in its wake. There are those who will remember that the same pattern of action and reaction, of fear and instability, of insecurity in world markets preceded the economic collapse of the Great Depression.

There is the cost to our trading partners who, at our own urging, have diversified their economies and have grown dependent on our agricultural exports. In Japan and the Republic of China, for example, soybeans are a basic staple of the human diet, and over 90 percent of the soybean imports of both countries come from the United States. As recently as a year ago, we were complaining to the Japanese that they were exporting too much to us and importing too little from us. But the suddenness of the administration's action earlier this summer can only encourage protectionists abroad.

Finally, there is the cost to the American consumer. Who among us can say that he and she will ultimately benefit by a decline in American credibility, by uncertainty on the farm, by a contraction of our markets abroad, by reduced faith in the dollar, by worldwide economic instability spurred by American mismanagement, and by the anger of our foreign friends with whom we stand in a relationship of mutual dependence? I am reminded of my own experience with a painter of Minuteman missiles.

This painter saw the opportunity to save a production company a few hundred dollars by changing to a different type of paint. But the paint he unilaterally went about putting on the missiles had catastrophic costs attached to it. The paint, as it turned out, interfered with the missile's electronics. This in turn caused a malfunctioning in its air induction system which rendered its powerful engines virtually inoperable. Let me tell you that this is remembered as one heck of a paint job.

The world economy is also delicately balanced, and its parts are also extremely interdependent. As a result, we must exercise care, and foresight, and long-range planning in our solutions to international economic problems. We cannot, like my painter friend, simply whitewash over them.

The developments which have led to current shortages and rising prices have been long in coming; simple and shortsighted solutions can only exacerbate the current situation which itself is already partly the product of economic carelessness. We must now have the courage, Mr. Speaker, to recognize the tragic reality that confronts us and tell it like it is to the American people. In the short-term, at least, continued shortages of basic commodities may occur and prices will remain high. But exports should not become the whipping boy for past economic mistakes. Threatening exports in a cavalier manner is the most costly way of proceeding, and it deals only with the symptoms of our current problems rather than with the basic problem itself. We can no longer afford to project past policies on to a far different future; we must now, finally, have the courage to meet that future on its own terms.

To do this, Mr. Speaker, we must proceed now on a number of fronts. First, specifically with regard to export controls, they should play their proper role as part of a carefully planned, coherent, and cooperative economic program. It seems clear that whenever exports from this country rise to be a substantial part of our production and a major part of one of our trading partners' imports, the commodity involved should be constantly monitored, and production targets should be developed as part of a long-range plan. Where shortages are projected to exist, the burden should be balanced in such a way as to make it clear in advance that domestic needs will be met first and that any excess will be rationally allocated to our trading partners on the basis of their genuine needs and past trading patterns. With respect to commodities such as lumber, we should explore the feasibility of conditioning exports above a certain level on the presence of some domestic processing of the raw material; such a system may prove to be preferable to the present one—whereby we export the scarce raw material, causing domestic prices to rise, and then repurchase the finished product from abroad, injuring our balance-of-payments situation.

Second, and more importantly, Mr. Speaker, all must come to the basic realization that the ultimate long-range solution to the problem of rising prices must depend upon increasing the worldwide supply of those commodities where shortages are occurring. To accomplish this objective will take nothing less than the mobilization of our national intelligence. We must act now to expand our efforts to find new sources of protein and to encourage better utilization of those sources which presently exist. We need to act now to develop programs to substantially upgrade our distribution system to reduce the extensive livestock losses we suffer during their transportation in interstate commerce. We should act now to allocate resources to eliminate the shortage of farm equipment necessary to the effective utilization of cropland which has for too long been idled at Government insistence. We must look now for ways to improve the productive capacity of those nations whose food needs we can no longer meet. And we should move now to improve our weather prediction and detection capability through methods such as those envisioned by H.R. 8871.

Third, Mr. Speaker, we must look ahead to better coordinate the commercial and agricultural aspects of our export and food price problem. Specifically, we should look toward the development of machinery to insure more fluid interaction between Commerce and Agriculture Department policies, to upgrade the agricultural and commercial attachés of all major embassy posts, and to create effective and operating advisory councils for all major export products.

Fourth, and lastly, Mr. Speaker, we need to be sure that as production is expanded, we are prepared for the eventuality of possible surpluses. We should look more aggressively at the potential of establishing multilateral agricultural reserves in the future—a program for which all participating nations would share the burden but from which all would receive the benefit.

Whatever our action today, Mr. Speaker, we must recognize that the record of recent events dictates that we still have much work ahead. That record dictates continued legislative oversight and guidance in our export policies. And, it demands a new economic thoughtfulness, statemanship, and political courage on the part of the administration.

Mr. BOLLING. Mr. Speaker, this rule was reported out of the Rules Committee by a substantial majority. I support the adoption of the rule. I yield 30 minutes to the gentleman from Ohio (Mr. LATTA) and reserve the remainder of my time.

Mr. LATTA. Mr. Speaker, the primary purpose of H.R. 8547 is to provide additional authority for export controls where they are necessary in order to reduce the inflationary impact of abnormal foreign demand.

Section 1 provides that the Secretary of Commerce is to investigate which commodities shall be subject to export control because of inflationary impact or short supply of such commodity in the absence of any such export control.

Mr. Speaker, these export controls are not to be exercised with regard to any agricultural products without the approval of the Secretary of Agriculture. The Committee on Banking and Currency has ratified the criteria for imposing export controls. The administration of the export controls may be imposed to the extent necessary to protect the domestic economy from the excessive drain of scarce material, where they may be imposed to reduce the serious inflationary impact as a result of foreign demand.

In addition, the bill provides for the publication of U.S. export data being collected by the Department of Commerce.

Section 2 of the bill deals with the matter of logs and lumber. This section would limit the export of softwood lumber in 1973 and 1974, reserving more of these products for domestic use, unless the Secretary of Agriculture certifies that for the same calendar years at least 11.8 billion board feet of softwood timber would be reserved for sale from the national forests.

Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Speaker, as the Members may be aware, this bill has been on the calendar on several previous occasions, and happily each time it has been taken off. On each occasion there were a number of us who made an earnest plea to the leadership that this was a thoroughly bad piece of legislation, working against the trade interests of the United States, not just the agriculture sector, but the broad trade interests of the United States, against the need for our Nation to earn foreign exchange, and that it, therefore, should go no further than it has already.

My purpose in asking for 5 minutes under the rule is to recommend that the House reject the rule itself and give no further consideration to this bill.

Now, it may be that the majority will rule otherwise, but I sense a broad degree of opposition concerning this bill from some people who do believe in a measure of export control. They recognize that the President already has a broad realm of flexibility in imposing controls on exports. He demonstrated this fact when he imposed restrictions on the export of soybean meal and cottonseed meal and other items earlier this year.

In my view, this was a serious blunder on the part of the administration that caused consternation among nations where we have developed markets after long effort, painstaking effort, and these nations now wonder if we are a reliable supplier of products, if we are going to be a reliable performer of contracts entered into in good faith.

Mr. Speaker, it is asserted in the committee report that under the present law the Secretary of Commerce must wait until there is an actual scarcity of an agricultural commodity before he can impose export controls, and that this is too restrictive. The committee bill actually goes overboard in meeting this point. The bill before the House will permit the Secretary to impose controls on exports even if the factor of scarcity is nowhere in the picture and even if the demand for the agricultural product is not the major cause of increases in the price of the commodity.

In other words, the bill before the House takes us from a situation of reasonable congressional standards, for executive action to one in which for all practical purposes there are no congressional standards whatever.

Mr. FINDLEY. I yield to the gentleman from California (Mr. TEAGUE).

Mr. TEAGUE of California. Thank you very much.

I thoroughly concur with the statement that the gentleman from Illinois made. I think this is a very bad bill, and I would be very hopeful that the rule will be defeated.

Mr. FINDLEY. I am glad to yield to the gentleman from Illinois.

Mr. CRANE. I thank my good friend and neighbor on my side of the aisle from my fair State of Illinois, a major agricultural State, for his statement. I think he is right and entirely correct in his assessment of this bill. I go along with his proposal wholeheartedly to defeat the rule and only add one thing.

I think when one turns to controls in an economy there is increasing pressure to go along with those necessary conditions which create what the economists class as economic self-sufficiency, and that is clearly not in the interests of the Nation or our State.

I applaud the gentleman for his perspicacity in pointing this out to this body.

I thank the gentleman for yielding.

Mr. FINDLEY. I thank the gentleman.

During the August recess in talking with business people, including farmers in Illinois, I found astonishment at every point in reaction to the administration's action earlier this year in imposing export controls and found further astonishment and indeed wonderment when they learned from me that Congress was seriously considering a bill to extend even greater authority to the President to impose export controls.

Therefore I urge my colleagues to join me in voting no on the rule.

Mr. BOLLING. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, I thank the gentleman from Missouri for yielding me this time.

I apologize to the House for having to take up time, but I am really trying to save time here. Like Mr. FINDLEY, I am going to ask you to defeat the rule so that we can save a little time by not fighting the bill the rest of the day.

Let me tell you why a fellow from Florida who has very few farmers in his constituency and has mostly consumers in his district is trying to shoot down Santa Claus, as it appears, and would oppose this bill, because if you can understand the reasons why I am opposed to it, you will be opposed to it, also.

First of all, this expands the discretion that the Secretary of Commerce would have in increasing export controls. As you will recall, this bill was spawned when somebody drowned a few dozen chickens in Texas and said that they have to have export controls so that they can have more chickens. Well, that was a phony exhibit and did not do anything to produce any more meat or fiber for any of us.

As all of us know, prices have gone up, anyway. In fact, if you take a good, hard look at what happened after we instituted the export controls, you will see what happened is the value of the dollar slipped more than ever. It opened up our markets wider and made things even worse. All we did was make a bad situation worse when we put on the export controls.

In addition to that, we killed off the few reliable customers we had around the world for our supplies. They are now proclaiming publicly that they are not going to support us in trade negotiations and will have to oppose us because we have proved ourselves to be unreliable by cutting off their food and fiber at a time when they most badly needed it. For 20 years we have been trying to get them to buy food and fiber from us. Now that we have finally gotten them to do it we arbitrarily cut them off. So we will have to make amends for that and pay that price and penalty.

What happens when you institute export controls? I think all of us remember what happened in the oil import control program. They developed a system of licensing imports in which they gave out tickets, and the fellow who made the best campaign contribution got the most tickets. That is exactly what can happen under this particular proposal. If you begin to put on licensing for export controls, then you will have to give out tickets to the people so that they can export. This bill provides no standard by which they will be given out and what exporters in this country would get them and what kinds and classes of countries around the world might get them or whether they would be Arab or Jewish or lesser developed or affluent countries or countries that have been good customers of ours or anything else.

Our export control laws do not expire until about a year from now. I would hope we would kill this rule and send it back to the Committee on Banking and Currency and tell them to come in with some new export control thinking, and to put some standards in there so that we can put a little restraint upon the Secretary of Commerce, the Secretary of Agriculture, and the President, as to how they administer this law.

Yes, we have had this law for some 20 years, but we have never used it except in the last few years. I think the havoc we have created in the time that we have used it ought to make us prudent about further use of the program without some further refinements by Congress.

I assure you that I say there is nothing wrong with the rule the gentleman from Missouri (Mr. BOLLING) presents here, I merely ask the Members to kill the rule so that we can save time here at this late hour of the afternoon.

Mr. BOLLING. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa (Mr. SMITH).

Mr. SMITH of Iowa. Mr. Speaker, I am very much opposed to this rule, and I want to bring out a few points.

Only 1½ years ago we had a big surplus of grain in this country, and those products were selling at bankrupt prices. We begged people to take those exports. We told Japan not to go elsewhere and set up soybean production, but to depend on us. We said, "Do not listen to the French. They are telling the other people in the European community that they cannot depend on the United States." We said, "Do not listen to the French, you can depend on us." This would be additional evidence used by the French to restrict our sales to the EEOC.

The hearings on this bill concluded on May 16, four weeks before the President made his speech and changed 180 degrees, and in the hearings the administration testified against the bill.

What has happened since they put export controls in? Now, Secretary Butz and others are admitting it was a mistake, and a collossal mistake.

They already have enough authority to impose controls. They have already used the authority. They say they have enough authority to put it on wheat and other things if they want to, but that it take, and a colossal mistake.

Now here we are a year and a half after we had the big surplus, and they say that we need more food, and I agree.

There has been a big increase in demand. There was an increase in take-home pay. An increase in food stamps. Decisions to eat better. Devaluation of the dollar and low prices of 1971 discouraged increases in production. We had several increases that were unexpected in demand, and so we need more supply. What happens when we need more supplies? Usually Government encourages the producers. In the case of oil, when there is a shortage of oil, the Government has said we must give an incentive for more gas production and oil production, that to do so they need more money, but in the case of farm production they say we should hold those guys right down here where they have been in the cellar for 20 years.

That will not work, and it has not worked. Last spring, there was talk of a boycott, in April. In May, there was a rollback proposed and that was followed by a ceiling on prices. The rollback bill was here on the floor in May. And that is what puzzled producers until they did not know what to think. They canceled plans to increase production.

Then we came along with ceiling prices, and that really did it. Produc- of cattle went down, sows were sold, and we ended up with less pork production. Poultry production was reduced substantially. There were photos of the little chickens being killed, that was nothing compared to the eggs that were dumped out of the incubators. We cannot secure increased production that way. Discouraging production was the wrong thing to do.

Now, the same people are coming in here and telling us that the solution to the problem is export controls. They say that they want more authority than they have already used on export controls.

I say that it is time to quit listening to that kind of advice. Price controls, just as sure as I am standing here, have increased prices in the United States. When they first went off in January, some of the smarter merchandisers increased their prices more than they needed to in order to get ready for the next round, and the ones who did not do that got caught in the next round. Those who held the line were penalized. So they are now increasing their prices. So we have higher prices than we would have had without price controls.

Export controls are the wrong medicine at this time.

In addition to that, we are going right back to what was talked about in 1764. The British were going to force the Colonists and the Irish to sell low and buy high. They had a whole series of acts. Sell low and buy high. They did it with the same kind of gimmick we are talking about here. That is what brought on the Revolutionary War.

The farmers of the 1970's are going to be no more satisfied with this kind of approach than were the Colonists of the 1770's. It is wrong; it is un-American. Congress is now talking about the Bicentennial in about 3 years and at the same time talking about our Government going back and doing the same thing that the mother country did to the Colonists and the Irish in 1764 in the tax acts. It is basically wrong; it is not good for the economy; it is the wrong thing to do at this time if we want to increase supply. It will discourage greater production and therefore is against the interest of consumers.

On top of that, it is basically un-American, and I urge defeat of the bill.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Washington.

Mr. FOLEY. Mr. Speaker, I want to compliment the gentleman on his remarks. I join him in opposing this rule. I think this bill is unwieldy, unwise, and dangerous, and should be defeated now on the rule in order to save the time of the House in further consideration.

Mr. DENHOLM. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from South Dakota.

Mr. DENHOLM. I commend and compliment the gentleman for an excellent statement. It is right. I concur therein.

Mr. BOLLING. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. REES).

Mr. REES. Mr. Speaker, we have heard some very florid statements about this bill. What we are discussing is on page 2 of the bill. The major amendment made is on line 3. There are 2 amendments. In the first amendment, the major amendment, we changed the word "and," and substituted "or." The second amendment was an amendment to repeal an amendment that was passed by this House 2 years ago that for the most part exempted agricultural products from any type of export control—logs, hides, all agricultural products unless the Secretary of Agriculture certified that there was a specific domestic shortage. Those are the two amendments made in the bill we have been discussing so far.

For the President to impose export controls under the laws as exist now, he has to find, first, that there is a domestic inflationary impact, and, second, that there is a short supply of material and commodity in this country. In changing "and" to "or" we allow the President to find either one of two findings instead of both findings. He could find that there was either domestic inflationary impact or short supply, and that is all the major amendment does.

Let me tell the Members, that like most of you, I just got back from 1 month in my district, and I saw what happened to food prices. Their effect on my constituents. I know what my housewives think about the price of feed grains and what feed grains prices have done to the price of chicken, beef, pork, and everything else. I know what my housewives are thinking about the price of wheat and everything that is made of wheat. They do not like skyrocketing farm prices.

On the 16th of this month we go into phase IV of this economic program we have. The Members are going to find that their housewives are going to be writing them letters again saying, "How come agricultural products are going up again?"—not just 10 percent a year, but maybe 10 percent a month—and that is what they are going to be asking the Members.

If we vote to kill this rule and if we vote to put a restriction in this bill that severely restricts the President's power to restrict the import of agricultural products, we are telling our housewives that prices are going to go wherever the export demand is going to pull those prices, and the President will have little power, to try to balance domestic needs with the necessity of this country to keep a farm export market. I think the major problem we have so far this year is that there has been, perhaps, an overreaction from the administration in applying export controls.

Instead of trying to settle on and define what a rational export market is and what we need to export to keep a firm balance of payments going, and instead of trying to project our domestic market and our domestic demand so that we can try to get a rational price that has some connection with the cost of producing our goods, I think the tendency has been to overreact as in the case of the embargo on soybeans, or the complex licensing of steel scrap exports. But the administration does not necessarily have to continue this policy and I doubt it will in the future, because this is the first time the administration has dealt with this act and I hope they have learned by their experience.

I think we have to have this balance between the need to export and the need to satisfy our domestic market. With restricted controls, by killing this rule so as to knock out the ability to put restrictions on exports, I know we are going to be in trouble because the food prices will continue to go up, and it will be the foreign demand that pulls the price up. It will not be the domestic demand and the cost to the U.S. consumer will not be related to the cost to the farmer to produce those goods.

Mr. HANNA. Mr. Speaker, will the gentleman yield?

Mr. REES. I yield to the gentleman from California (Mr. HANNA).

Mr. HANNA. Mr. Speaker, is the gentleman trying to say he agrees with the gentleman from Illinois (Mr. FINDLEY) and some others who have said that there has been a shortage created by the very poor planning that we have in fact, and we admit, those of us who are for this bill, that there has been a very bad reaction in terms of our marketing? Really the question is who is going to have the burden of the shortage, whether that is going to be completely upon the consumer or whether we are going to get some kind of mechanism where we can split the burden.

Mr. REES. I appreciate what the gentleman is saying.

On page 5 of the bill we try to anticipate the shortages and keep a balance of domestic and export needs so that the housewife can still buy food.

We have to have this bill for responsible export controls.

Mr. MILFORD. Mr. Speaker, will the gentleman yield?

Mr. REES. I yield to the gentleman from Texas.

Mr. MILFORD. Mr. Speaker, I associate myself with the remarks of the gentleman from California (Mr. REES).

Mr. Speaker, some of the arguments that have been offered simply do not make sense. As a matter of fact, the arguments offered are not even germane to this bill.

H.R. 8547 has absolutely nothing in common with conditions present during our revolution. Matters covered in H.R. 8547 have nothing to do with foreigners selecting or rejecting U.S. agricultural products.

Let us get down to some basic facts. Any country, anywhere in the world, is going to buy their food and fiber from whatever nation will sell at the lowest price.

Japan, or any other nation, is not going to buy soybeans from the United States if they are able to get them at a lower cost from another nation.

We surely learned this lesson during the past 35 years through our expenditure of many billions of tax dollars in crop support subsidies. In the past we have had to artificially lower export prices, through subsidies, in order to move surplus food and fiber overseas.

Two very important facts have developed during the past 2 years that make this bill very necessary: First, our dollar has been devalued—compared to other currencies—thereby making American food and fiber cheaper for other nations; and second, world demands for food and fiber are increasing beyond the ability to fulfill that demand.

My concern is for the United States. We must look out for our own interest—first. Bread on the American table must be our top priority, and a house for Amercans must come before we sell lumber overseas.

H.R. 8547 addresses itself to these basic needs. I strongly urge each of you to vote for this bill.

H.R. 8547 is not an attack on the farmer, as some would have you believe. This bill does not prohibit imports. It simply says, "Sell America first; satisfy this Nation's needs first; then sell your surplus to the world."

I know that the big farm lobbies are fighting this bill. They plead and cry that the poor old farmer is finally beginning to make a living.

Well, my colleagues, I think we should take a close look at the "poor" old farmer. Every food and fiber crop has, at least, doubled in price during the past year. Many have tripled and quadrupled. Furthermore, the "poor old farmer" already has a Government guarantee of survival through the generous agriculture support program.

I think it is time that we paid some attention to the "poor old housewife." Taxpayers have been supporting the farmer since the 1930's. The housewife along with other taxpayers has paid crop supports. Now, the "poor old farmer" wants to say thanks by sending his food and fiber to the highest bidder without regard to whether or not Americans are fed in the meantime.

I would now like to refer my farm-oriented friends to the CONGRESSIONAL RECORD and ask them to read their own speeches that they made when the farm bill was on the floor.

Each of you, without exception, came forward with the argument that crop subsidies were absolutely necessary in order that Americans would have sufficient food and fiber at a cost they could afford.

Now, my country friends, the shoe is on the other foot. We have sufficient food for Americans and some extra to sell overseas. All I want to do and all H.R.

8547 will do is insure that America is fed first.

The taxpayers of this Nation are calling their chit and do hereby demand that farm interests play at least as fair with them as they have played with you in the past.

Mr. LATTA. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I am somewhat at a loss to find some of our friends who supported the so-called strategic reserve idea, when we had tremendous surpluses of agricultural products on hand, now opposing this type of legislation. I cannot quite figure out the logic of saying that we should not give the administration the authority to restrict these imports when the surpluses have been depleted. The same individuals, I say Mr. Speaker, were advocating a strategic reserve when we were running over with surpluses of agricultural commodities.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Speaker, a reserve approach is precisely the right thing. We should have taken some of the surpluses and set them aside so we would have a supply now. We cannot create supply by putting on export control. It does not add 1 bushel of supplies. All it does is say that one certain group in the world will sell at a lesser price than the value of the product in another part of the world. It upsets the whole equilibrium of our distribution system. That is the reason we should have created the reserves for use now instead of coming along now and trying to create supplies with export controls.

Mr. LATTA. I thank the gentleman for his comment but his logic escapes me.

Mr. FINDLEY. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from Illinois, and I must say he was not one who supported the strategic reserves and he is now opposed to this bill.

Mr. FINDLEY. The gentleman is correct. I would hate to see us diverted on that point. The question before the House is whether more authority to control exports should be given the President.

He already has perhaps far too much authority today, and if this rule is defeated, he will still have the same authority he used earlier this year to impose unwise restraints on the export of soybean meal and other products.

Mr. LATTA. Mr. Speaker, I would just like to reemphasize what this bill is all about.

On page 5, line 3, section 4c of the Export Administration Act of 1969 is amended by inserting "or to reduce the serious inflationary impact of abnormal foreign demand" immediately after "scarce materials."

That is what we have been talking about. We are not talking about normal foreign demands. I believe everybody who is faintly familiar with the soybean situation realizes that we had an abnormal foreign demand.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. LATTA. Mr. Speaker, I yield myself 2 additional minutes.

Mr. Speaker, I am for the farmer getting every nickel, every penny he possibly can get for his crops, whether soybean, corn, whatever it is. I am for it, but I am also for the American consumer ahead of any foreign consumer.

That is all that is involved here, whether or not we are going to take care of Americans first with the scarce commodities. I think we should. I think the American people think we should.

If we are going to run scared on this issue, I think we had better go home.

I have heard from many farmers back home who are paying astronomical prices for soybean meal to produce the meat that goes on our tables. They do not want to pay it, but that is what is embodied here when we have the abnormal situation we have had. I think we ought to face realities here. This bill is worthy of consideration by this House and should not be defeated on the rule. It is too important.

A few months back, we had resolutions presented before the Committee on Rules on the export of logs. The price of plywood had gone sky high because of the abnormal foreign demand. I see here in this legislation, if it is passed, that we are going to have controls on that. The American consumer should be protected first.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, if I could be convinced that the President did not already have authority to invoke export controls, I would vote for this rule. No one has convinced me that he does not already have, as evidenced by his past action, that authority.

The SPEAKER. The time of the gentleman from Ohio has again expired.

Mr. LATTA. Mr. Speaker, I yield myself an additional 2 minutes.

Mr. Speaker, I say to my friend from Iowa that we have not even discussed the bill. We have not considered the bill. Let us consider the rule first, pass the rule and let the committee which has this bill under consideration present the facts. This is too important a piece of legislation to defeat on the rule.

Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Speaker, in response to the comment made by the gentleman from Illinois, and I hope in answer to the statement made by the gentleman from Iowa, let me make one or two observations.

The administration for the last month or two has prevented the export of soybean and related products under the existing Export Administration Act. Under that act, there are three tough criteria, all of which must be met before the administration can act to limit exports. They did take the action in reference to soybeans.

I am informed that there have been a number of lawsuits initiated challenging the right of the administration to impose a limitation on such exports.

I am told further by Members I believe are well informed that the courts traditionally have been very tough and have been very restrictive in the interpretation of the authority under existing law. As a result, administrations in the past, and perhaps this one in this case, may not be successful in limiting exports on certain commodities.

The reason why the administration has asked for the present legislation is that they do not want to initiate a limited export control program and find that they do not have sufficient authority under existing law. Therefore, they want greater flexibility and more certain legal authority.

I believe it is a reasonable request. If this legislation is not approved the courts might preclude the executive branch from putting on export limitations.

I believe it is a far wiser procedure to debate the pros and cons of the legislation so that the Committee on Banking and Currency, which voted 24 to 4 in a bipartisan way, can explain why they recommended this legislation under these circumstances. Therefore, I support the rule.

Let me go to another aspect of the problem. I was home for most of the August recess. I thoroughly canvassed my district. I listened to approximately 500 people individually in my office. The overwhelming questions that were raised related to inflation. Most of them related to the increased cost of food to the consumer.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. LATTA. Mr. Speaker, I yield the gentleman 3 additional minutes.

Mr. GERALD R. FORD. Mr. Speaker, the President said, in his message dated June 13, that he only wanted this export control and would only use it if he had to make a hard decision between the American consumer on the one hand and the foreign consumer on the other.

I believe it is politically wise to give at least the House the opportunity to discuss the legislation. Furthermore, I believe it is politically wise to let the House make a decision on whether we want to approve the legislation.

If we preclude discussion, and if we defeat the bill, there will be many political questions raised in the next campaign. We all know that consumers in this country have a higher priority than consumers in other countries.

Mr. HANNA. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I am glad to yield to the gentleman from California.

Mr. HANNA. I approve of the gentleman's statement, and I commend him for making it.

I would point out that if Members will look at the report of the committee, on page 10, they will see the crux of the thing lies in the language that is stricken in section (e) and the language that would be put in its place, because this is what the gentleman is talking about, where the President now is in a straitjacket and has to overreact, if he has to wait for the full crisis, whereas under the new language it would give more flexibility and would allow for some planning and some action that would be short of the kind of disaster action that has been taken in the past. Is that not correct?

Mr. GERALD R. FORD. Let me make one further comment. I will quote from the President's message of June 13, which puts it pretty bluntly:

> I have made this basic decision. In allocating the products of American farms between markets abroad and those in the United States we must put the American consumer first.

He goes on to say further in the message:

> But we will not let foreign sales price meat and eggs off the American table.

I believe it makes sense to let the House discuss the issue, and I furthermore believe it makes sense to pass the bill.

Mr. BURLISON of Missouri. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Missouri.

Mr. BURLISON of Missouri. I appreciate the minority leader yielding. The gentleman has referred to high food cost, as our friend from California and one or two other speakers have. The thing which is overlooked is that it has not been 2 years ago the farmers were selling soybeans for $2.40 a bushel.

This is a dollar a bushel less than they were getting 25 years ago, and——

Mr. GERALD R. FORD. But let me say that the price of soybeans a few weeks ago increased to $11 or $12.

Mr. BURLISON of Missouri. Mr. Speaker, I would appreciate it if the gentleman would let me complete my sentence.

Now, after 25 years, when the farmers are finally getting a fair return on their investment, we find the President placing an embargo on soybeans, thus discriminating against a large segment of the farm economy. The rule should be voted down.

Mr. BOLLING. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, in addition to the reasons given by the gentleman from Iowa concerning the unrealistic reporting requirements in this bill I believe there is another reason for opposing this rule.

This bill provides that there will be no exports of softwood timber unless the Secretary of Agriculture certifies that there will be cut at least 11.8 billion board feet of timber in the national forests per year. That may sound good, but what it really does is to give the big timber producers a nice little lever to go to the Federal Government and persuade them to increase the cut in our national forests, in violation of the multiple use concept—and without doing anything to eliminate the backlog in reforestation.

Mr. Speaker, I urge that the Members follow the advice of the gentleman from Iowa, and vote down this rule.

Mr. ASHLEY. Mr. Speaker, will the gentleman yield?

Mr. OBEY. Surely.

Mr. ASHLEY. Mr. Speaker, if that is the justification for the position taken by the gentleman, I hope that he will reconsider it, because it should be very clear that there will be an amendment offered by the gentleman from Ohio to strike the first part of section 10 which makes provision for this.

Mr. OBEY. Mr. Speaker, in that case I would suggest that we take it back to the committee and take it out of the bill in the first place.

Mr. BOLLING. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia (Mr. HECHLER).

Mr. HECHLER of West Virginia. Mr. Speaker, I share the concern which has just been expressed by the gentleman from Wisconsin (Mr. OBEY) about the language on page 7, lines 7 through 12. This language seems to provide an open invitation to trigger the authorization to cut and offer for sale from national forests "not less than 11,800 million board feet of softwood timber."

I would like to get some clarification from the gentleman from Ohio (Mr. ASHLEY) concerning this section, which seems to me to provide some tremendous upward pressure toward massive clearcutting in national forests.

Mr. ASHLEY. Yes. I will say that in the section referred to by the gentleman, section 10, it is provided that there would be a limit placed on the exportation of logs unless the Forest Service increased the annual offer for sale to 11.8 billion board feet.

Mr. HECHLER of West Virginia. Mr. Speaker, do I understand the gentleman to say, though, that this entire section is going to be stricken in any case?

Mr. ASHLEY. The language on page 6 and the language on the first part of page 7, if I am not mistaken.

Mr. HECHLER of West Virginia. So there will be no reference in the bill to this item?

Mr. ASHLEY. No. If the gentleman from Wisconsin thinks that it is so easy to bring this about, I would say that circumstances in the last 60 to 90 days have changed rather substantially and drastically since this bill was reported by the Committee on Rules.

Mr. HECHLER of West Virginia. I would have grave reservations about this bill, or even the rule which authorizes taking up the bill, if this language remained. Yet there are so many other provisions of this bill which will serve to protect the consumers of this Nation that I shall support the rule. I respect the good faith of the gentleman from Ohio, Mr. ASHLEY) in his declared intention to remove the objectionable feature of the bill which would endanger our national forests.

Mr. LATTA. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. WILLIAMS).

Mr. WILLIAMS. Mr. Speaker, I have been quite surprised today to find those Members representing farm districts standing up and urging the defeat of the rule on H.R. 8547.

I can tell the Members that no group of people in this country has been more benefited by the Economic Stabilization Act enforcement than have been our farmers. Under phase II there was no ceiling on raw agricultural products; the same thing was true under phase III. Under phase III and one-half, prices only to the consumers were frozen, and not the prices of raw agricultural products.

Therefore, the farmers, since the Economic Stabilization Act went into effect, have been benefiting from this.

However, we have now reached a point where we must consider the people of this country in their entirety, including the farmers.

When we talk about exporting certain types of feed grains we are talking about higher prices to our farmers. Higher prices, of course, will be reflected in the wage increases gained to the Steelworkers, the United Auto Workers, and other workers, in the immediate months to come. Therefore prices to everybody throughout this country will go up.

So, if you are against inflation, you are going to vote for the rule and then vote for some sensible amendments to this bill.

As the gentleman from Ohio (Mr. LATTA) so ably pointed out, one of the main thrusts of this bill is to reduce the serious inflationary impact of abnormal foreign demands. I am quite certain every Member of this House has some question in his mind concerning the recent wheat deal with Russia. The price per bushel of wheat in this country was about $2 at that time. We sold the wheat to Russia at about $1.63 per bushel. The difference between those two figures was subsidized by the American taxpayer.

The number of tons sold also threw out of balance the wheat market in the United States, and we do not want that to happen again. The way you are going to prevent it is by passing this bill.

Now, also, relative to lumber, there is a figure mentioned of the number of board feet that can be taken out of our national forests. However, the figure mentioned must be available before we can export billions of board feet of timber to foreign countries. What we are doing is making certain we have enough lumber to use at home before we export it.

For your information, we are already down to an all-time low in new housing starts even though conditions have changed in the last few months but they have changed so little that any change to the contrary will simply continue to hold down new housing starts which are so sorely needed by the people of this country both in our urban and rural areas.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Speaker, the gentleman from California (Mr. REES) and the distinguished minority leader (Mr. GERALD R. FORD) made what I think are the critical points in support of the rule.

The gentleman from California correctly points out that the committee's bill suggests only a very modest change which will give the Secretary of Commerce a little more latitude and a little more flexibility in administering the Export Administration Act. What it really gives him is a chance to prevent inflation rather than to cure it after it has actually happened.

The minority leader pointed out quite clearly that the administration, in asking for this additional power, is taking the side of the American consumer against the foreign consumer.

If he was not blunt enough, I would

like to suggest right now to some of my friends in this body that they will accept for themselves some of the responsibility for inflation or high prices which are to follow if, in fact, they deny this small additional power to the administration and to the President. I doubt that many Members will want to accept that responsibility.

I think this bill deserves to be heard, and I urge that Members who give their own consumers first priority vote for this rule.

Mr. LATTA. Mr. Speaker, I yield 1 minute to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, already we have heard three members of the Committee on Banking and Currency say that they are ready, willing, and waiting to offer amendments to this bill which will apparently change it quite radically.

I am beginning to wonder in light of what has happened this week in the House of Representatives to legislation coming out of the Committee on Banking and Currency whether a resolution calling for the observance of Mother's Day, if brought out by this committee could pass the House without a shower of amendments.

Mr. BOLLING. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. ASHLEY).

Mr. ASHLEY. Mr. Speaker, to say that this resolution should be voted down is obviously to say a matter of very great national significance should not even be considered on the merits, and I seriously question if that is the position and the posture that we individually or collectively want to take.

It should be quite clear to all of us that there is a cabal in sincere opposition to sections of the bill, H.R. 8547, before us. We all received a "dear colleague" letter over the signature of the gentleman from Illinois and the gentleman from Florida.

This was their justification for urging us to vote against the rule; they said, inter alia:

> The primary justification offered for the additional power granted by this bill is to control the export of agricultural products. Yet, Secretary of Agriculture Earl Butz has stated that export controls are not now needed for agricultural products. Why then enact this bill?

First, this is not the position of Secretary of Agriculture Butz. And I have evidence to that effect which I will present in general debate. But, secondly, as the distinguished minority leader has suggested, the answer as to why now to adopt this bill is found in the language of the President of the United States—and let me say, parenthetically, as one who does support what the majority leader said the day before yesterday when he said that there should be cooperation with the President, and that cooperation includes the majority side of this body—the President had this to say:

> One of the major reasons for the rise in food prices at home is that there is now an unprecedented demand abroad for the products of America's farms. Over the long run, increased food exports will be a vital factor in raising farm income, in improving our balance of payments, in supporting America's position of leadership in the world. In the short term, however, when we have shortages and sharply rising prices of food here at home, I have made this basic decision: In allocating the products of America's farms between markets abroad and those in the United States, we must put the American consumer first.

Is there anybody who wants to argue with that proposition?

There is a second suggestion made by the authors of this "dear colleague" letter when they say:

> Since the Export Administration Act does not expire until next June 30, we have plenty of time to rethink this whole area.

Let me just refer them to the statement of the Secretary of Commerce when he said—and this perhaps will go to the question asked by the gentleman from Iowa:

> The administration has requested broader authority in the Export Administration Act so as to permit the President to impose export controls in order to curtail serious inflation in domestic prices. Even though the President's authority as contained in the existing Export Administration Act is severely limited, the present situation in soybeans and cottonseeds is such that the tests of the Act are met. However, because of the limitations in the present Act, the President may not be able in the future to impose controls to curtail serious domestic inflation. The action today underlines the urgency of the Administration's request for new authority.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ASHLEY. I will not yield at this time.

Mr. Speaker, let me conclude by saying that there is no question about the fact that we have multiple purposes as a nation. Most certainly we support free trade. Most certainly it is in the interest of this Nation to stabilize domestic prices.

The SPEAKER. The time of the gentleman has expired.

Mr. ASHLEY. May I have 1 additional minute?

Mr. BOLLING. I yield to the gentleman from Ohio 1 additional minute.

Mr. ASHLEY. Mr. Speaker, it should be emphasized that this administration has been most reluctant because of the adverse balance of payments and trade to impose any kind of export constraint. I agree that they arrived at this decision late. I applaud the fact that they had the courage to reach the decision when they did, however late, and to make it stick.

I should most urgently hope and urge this body to vote in favor of the rule.

GENERAL LEAVE

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 484.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the "ayes" appeared to have it.

Mr. FINDLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 304, nays 84, not voting 46, as follows:

[Roll No. 439]

YEAS—304

Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Annunzio
Archer
Arends
Ashley
Aspin
Badillo
Bafalis
Barrett
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Boland
Bolling
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Broyhill, Va.
Buchanan
Burke, Calif.
Burke, Mass.
Burton
Butler
Byron
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clark
Clausen, Don H.
Clay
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Conable
Conlan
Conte
Cotter
Coughlin
Cronin
Daniels, Dominick V.
Danielson
Davis, Wis.
Dellenback
Dellums
Dent
Derwinski
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Fish
Flood
Flowers
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Gaydos
Gettys
Giaimo
Gilman
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Pa.
Grover
Gubser
Gude
Gunter
Guyer
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holtzman
Horton
Hosmer
Huber
Hudnut
Hungate
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Keating
Kemp
King
Kluczynski
Koch
Kyros
Landgrebe
Landrum
Latta
Leggett
Lehman
Lent
Litton
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McFall
McKay
McKinney
Macdonald
Madden
Madigan
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Matsunaga
Mazzoli
Meeds
Metcalfe
Michel
Milford
Miller
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nichols
Nix
O'Brien
O'Hara
O'Neill
Owens
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pike
Podell
Powell, Ohio
Preyer
Price, Ill.
Pritchard
Railsback
Randall
Rangel
Rees
Regula
Reuss
Rhodes
Riegle
Rinaldo
Robison, N.Y.
Roe
Rogers
Roncallo, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ruppe
Ruth
St Germain
Sandman
Sarasin

Sarbanes
Saylor
Schneebeli
Schroeder
Seiberling
Shriver
Shuster
Skubitz
Slack
Smith, N.Y.
Snyder
Staggers
Stanton, J. William
Steele
Steelman
Steiger, Wis.
Stephens
Stokes
Stuckey
Studds
Sullivan
Symington
Talcott
Taylor, N.C.
Thompson, N.J.
Thomson, Wis.
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Zablocki

NAYS—84

Abdnor
Andrews, N. Dak.
Armstrong
Ashbrook
Baker
Bauman
Beard
Bowen
Breaux
Brown, Calif.
Brown, Ohio
Burgener
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Camp
Crane
Culver
Daniel, Dan
Daniel, Robert W., Jr.
de la Garza
Denholm
Dennis
Devine
Dickinson
Findley
Fisher
Foley
Fraser
Gibbons
Ginn
Green, Oreg.
Griffiths
Gross
Haley
Hansen, Idaho
Hébert
Holt
Hunt
Hutchinson
Johnson, Colo.
Jordan
Ketchum
Long, La.
Long, Md.
Mahon
Mayne
Melcher
Mezvinsky
Moorhead, Calif.
Nelsen
Obey
Parris
Pickle
Poage
Price, Tex.
Quie
Rarick
Roberts
Robinson, Va.
Roncalio, Wyo.
Rose
Rousselot
Ryan
Satterfield
Sebelius
Shoup
Sikes
Smith, Iowa
Spence
Steed
Steiger, Ariz.
Stratton
Symms
Teague, Calif.
Teague, Tex.
Thone
Ullman
Veysey
Whitten
Young, S.C.
Young, Tex.
Zion
Zwach

NOT VOTING—46

Alexander
Bell
Blackburn
Blatnik
Boggs
Breckinridge
Broyhill, N.C.
Clancy
Clawson, Del
Collins, Tex.
Conyers
Corman
Davis, Ga.
Davis, S.C.
Delaney
Diggs
Dingell
Flynt
Ford, William D.
Fuqua
Hanrahan
Hawkins
Hays
Holifield
Howard
Jones, Okla.
Jones, Tenn.
Kuykendall
McEwen
McSpadden
Mathis, Ga.
Mills, Ark.
Passman
Quillen
Reid
Rodino
Rooney, N.Y.
Runnels
Scherle
Shipley
Sisk
Stanton, James V.
Stark
Stubblefield
Taylor, Mo.
Waldie

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Hays with Mr. Bell.
Mr. Rooney of New York with Mr. Runnels.
Mr. Holifield with Mr. Clancy.
Mr. Breckinridge with Mr. Blackburn.
Mr. Waldie with Mr. Diggs.
Mr. Blatnik with Mr. Flynt.
Mr. Rodino with Mr. Hawkins.
Mr. Corman with Mr. Del Clawson.
Mr. Davis of South Carolina with Mr. Kuykendall.
Mr. Delaney with Mr. Conyers.
Mr. Fuqua with Mr. Broyhill of North Carolina.
Mr. Shipley with Mr. McEwen.
Mr. Sisk with Mr. Collins of Texas.
Mr. Alexander with Mr. Quillen.
Mr. Stark with Mr. Davis of Georgia.
Mr. Stubblefield with Mr. Scherle.
Mr. Jones of Tennessee with Mr. Taylor of Missouri.
Mr. Dingell with Mr. William D. Ford.
Mrs. Boggs with Mr. Jones of Oklahoma.
Mr. Howard with Mr. Hanrahan.
Mr. Reid with Mr. Mathis of Georgia.
Mr. Passman with Mr. McSpadden.
Mr. James V. Stanton with Mr. Mills of Arkansas.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. PATMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8547) to amend the Export Administration Act of 1969, to protect the domestic economy from the excessive drain of scarce materials and commodities and to reduce the serious inflationary impact of abnormal foreign demand.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 8547, with Mr. GIAIMO in the chair.

The clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. PATMAN) will be recognized for 30 minutes, and the gentleman from New Jersey (Mr. WIDNALL) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas.

Mr. PATMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 8547, if enacted, will help protect the domestic economy from the excessive drain of scarce materials and commodities, and reduce the serious inflationary impact of abnormal foreign demand. Over the past several months, there has been enormous evidence that homebuyers and consumers generally and such diverse segments of the economy as livestock feeders and steel producers have been paying an extraordinary price for unstable market conditions in such important industries as lumber, steel and the grain trade.

The Department of Commerce in its quarterly report on export controls, as recently as the fourth quarter of 1972, gave no evidence that it had even been monitoring the sales of a number of materials and conditions currently or prospectively in short supply. Thus, there arose a need to give the administration a clear indication that national policy with respect to export controls be much more effectively implemented.

The ineffective implementation of export controls was dramatically brought to the fore last year following the extraordinarily large wheat purchases on the part of the Soviets. They had to remind us that other governments, such as those of Canada and Australia follow procedures which enable them, their exporters, and the producers in those countries to know precisely the kind and amount of grain being purchased by foreign buyers at any given time. In contrast, the Soviet grain buyers had been able to come here and approach our private grain exporting companies individually to make deals without sufficient information being made available to both the domestic processors and users of essential food stuffs. In recent months, the price of soybeans and products therefrom have also sharply increased at the same time that exports have soared. The result has been that domestic prices have increased sharply for products which constitute some of life's very essentials.

While the administration continued to study the situation with respect to the price and supply and export trade for logs and lumber, in a matter of months the price of lumber components of an average home increased some $1,200. While we recorded a trade surplus of some $400 million for timber, the lumber cost for new home construction added more than a billion dollars to the cost of living.

In the face of these events the Subcommittee on International Trade of your Committee on Banking and Currency began consideration of legislation to deal with this situation in March, and continued to do so until it made recommendations to the Committee on Banking and Currency on June 5.

The administration, which had not supported efforts to modify the export control authority, dramatically shifted its position on June 13, when the President addressed the Nation and indicated views which reflected in principle the recommendations made to the Banking and Currency Committee. On June 19, the committee adopted and ordered reported the bill before you, which incorporates the language designed to meet the President's request for a modification in export control authority and which now has the support of the administration.

Mr. Chairman, this is a good bill. It was reported by your Committee on Banking and Currency by an overwhelming vote of 24 in favor and 4 against.

I want to commend Congressman ASHLEY, the chairman of the subcommittee, and the subcommittee members who worked hard and did good work in bringing this legislation to the full committee and the floor. I will ask Mr. ASHLEY to provide a detailed discussion of the provisions of the legislation before the committee and the justification therefor.

Mr. Chairman, I yield 10 minutes to the distinguished gentleman from Ohio (Mr. ASHLEY).

Mr. ASHLEY. Mr. Chairman, there is no need to say that the bill before us today, which amends the Export Administration Act of 1969, is controversial in a number of respects.

In my view this is unavoidable. It is unavoidable because the Export Administration Act is based upon competing, if not conflicting, findings of fact and declarations of policy.

The first finding in the 1969 act states that—

> The availability of certain materials at home and abroad varies so that the quantity and composition of U.S. exports and their distribution among importing countries may affect the welfare of the domestic economy and may have an important bearing upon fulfillment of the foreign policy of the United States.

A subsequent finding points out that—

> The unwarranted restriction of exports from the United States has a serious adverse effect on our balance of payments.

And this is followed by a finding that—

> The uncertainty of policy toward certain categories of exports has curtailed the efforts of American business—to the detriment of the overall attempt to improve the trade balance of the United States.

The declarations of policy which follow reflect these same competing objectives. The first states that it is U.S. policy to "encourage trade with all countries with which we have diplomatic or trading relations—except where it has been determined by the President to be against the national interest," and this is followed by a statement that it is the policy of the United States to "use export controls to the extent necessary to protect the domestic economy from the excessive drain of scarce materials and to reduce the serious inflationary impact of abnormal foreign demand."

There is opposition to the bill before us because there are commercial interests in the counrty who profit from exports, which is entirely appropriate, and these interests take the view that any curtailment of exports is bad public policy.

Neither the Banking Committee nor the administration share this view.

All of us must be aware that since the latter half of 1972 there has developed a sharp rise in the price of a number of materials and commodities which has coincided with increased foreign demand for these same goods. Among these are wheat and feed grains, soft wood logs, ferris scrap, to name only the most outstanding.

In the face of this situation and until as recently as June 27, the Department of Commerce—which administers the Export Administration Act—declined to impose controls on any commodity, contending that existing circumstances did not warrant the exercise of this authority. In fact, despite the urging of domestic consumers for export constraints on such items as scrap, copper, hides, fertilizer, and logs, there is no evidence that the Departments of Commerce or Agriculture were even monitoring the impact of expanded exports in terms of domestic availability and escalating price levels in these commodities here at home.

This, then, was the situation that the Subcommittee on International Trade sought to address when it began hearings on March 20 and terminated on May 15. I might say that the recommendations of the subcommittee were incorporated in H.R. 8547 on June 8 and that this was adopted by the full committee without dissent.

Following the President's address on June 13, in which he called for new export control authority, the Committee on Banking and Currency adopted on June 19 an amendment to the Export Administration Act to clarify and assure Presidential authority to curtail exports. Let me again emphasize that the exercise of this authority is limited "to the extent necessary to protect the domestic economy from the excessive drain of scarce materials or to reduce the serious inflationary impact of abnormal foreign demand."

This key amendment was adopted in committee by a vote of 30 to 2.

In its final form, as reported, section 1 of the bill would provide that the Secretary of Commerce shall make an investigation to determine which materials or commodities shall be subject to export controls as a result of the present or prospective inflationary impact or short supply of such materials or commodities and shall develop forecast indices of the domestic demand of such materials and commodities. With respect to agricultural commodities the imposition of export controls requires the concurrence of the Secretary of Agriculture. The section also provides for the publication of certain information on agricultural commodities I have already cited.

Section 2 would impose export controls on softwood logs and softwood lumber for calendar year 1973 and 1974, unless the Secretary of Agriculture shall certify that 11.8 billion board feet of softwood timber shall be offered for sale from the national forest during each of these years. The provision is designed to give impetus to improved programs in Federal forest management, in order that both domestic and export requirements can be more readily met. The section also provides that no unprocessed timber from Federal lands west of the 100th meridian shall be sold for export unless the President determines that an adequate supply of softwood logs and lumber exists for domestic use, at reasonable price levels.

The appropriate secretaries are required to promulgate rules to prevent substitution of that timber for non-Federal timber.

Finally, let me restate the intent of the committee that the United States should make full use of its resources in trade with other nations in order to achieve greater domestic employment and real income and to maintain the value of our currency.

The bill before you is one of moderation—one which seeks to strike a balance between our domestic supply and price requirements on the one hand, and the need to export to support the value of the dollar on the other.

Before concluding, let me acknowledge that the manner in which export controls were imposed in mid-summer on such commodities as soybeans has most certainly been clumsy and ill-adroit. It is anything but consistent policy to steadfastly deny for many months the existence of conditions that warrant export controls, and then suddenly to insist upon the immediate imposition of such controls.

I can only point out that the consultative procedures provided for in section 1, together with an appropriate system of reporting and licensing, would have greatly reduced, if not eliminated, the uncertainty that has seized the commodity market in recent days and resulted in confusion over contracts and other matters.

Finally, Mr. Chairman, let me suggest that a balance can be struck between our domestic supply and price requirements on the one hand and the need to export in order to support the value of the dollar on the other. In a sense these are competing interests but they are also mutually supporting. National policy must be sufficiently flexible to permit temporary shifts in emphasis to reflect and be responsive to overall economic policy objectives.

On this basis, Mr. Chairman, I urge adoption of the bill before us.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman from Illinois.

Mr. YATES. The President was able to impose export controls on soybeans, as the gentleman pointed out, and on other commodities. If that be so, why is this bill necessary?

Mr. ASHLEY. It is necessary because the administration took the view until June of this year that it did not have sufficient authority under the Export Administration Act of 1969 to act to restrain exports. What it said was that the criteria contained in the act were simply too stringent to meet the economic circumstances which obtained in the latter part of last year and the forepart of this year.

Let me say to the gentleman from Illinois that I disagreed and members of the subcommittee disagreed. We simply could not understand the administration's position that there was no relationship between these monumental exports and the escalating price levels here at home. This was the position of the administration until, I believe it was, June 13 at the time that the President announced that he would make use of the controls in the Export Administration Act.

What he really was saying was that as of that date the conditions which obtained in the country were such that they could trigger the authority contained in the Export Administration Act.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ASHLEY. Mr. Chairman, I yield myself 1 additional minute.

At the same time, as the Secretary then very forcefully indicated, had there been more flexible authority in the law, the administration would have been able to act in a more judicious fashion than was possible to act after the President's June 13 statement.

To put it another way, the reason that the new authority is necessary is so that the kind of situation, critical as it was on June 13, does not have to be met. We would not have to await such conditions before authority under the act can be made use of.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman from Illinois.

Mr. YATES. I thought as I listened to the gentleman that he was making an argument that the existing law is adequate to take care of such situations, even though the administration thought that it did not have that authority.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ASHLEY. Mr. Chairman, I yield myself 3 additional minutes.

I yield to the gentleman from Illinois.

Mr. YATES. Is not the gentleman, therefore, stating that existing law is adequate to take care of this situation without passage of this legislation? I have that impression.

Mr. ASHLEY. No. Let me explain to the gentleman from Illinois. Under the existing Export Administration Act of 1969, the Presidential authority can be triggered when it is necessary to protect the domestic economy from the excessive drain of scarce materials and to meet the serious inflationary impact of abnormal foreign demand.

The administration interpreted existing law to set up three criteria, all of which must be met. What we said was:

> Mr. President, you asked for new authority in your speech of June 13. You asked for new authority under the Economic Stabilization Act. We are not going to give you that. We are going to give you more flexible authority under the Export Administration Act of 1969, and we are going to do it in this way: Instead of requiring all three criteria to be met before presidential authority can be invoked, we will say that it can be used by you when you find that it is necessary either to protect the domestic economy from the excessive drain of scarce materials or to reduce the serious inflationary impact of abnormal foreign demand—either-or—rather than insisting upon three criteria being simultaneously met.

Obviously this bill makes it a more flexible tool for the President in the exercise of his authority.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman from Ohio.

Mr. VANIK. Mr. Chairman, under the proposal of the committee—and I appreciate the gentleman's response—is there anything that compels export control action? In other words the President still has full discretion without any triggering device compelling him to act. Did the committee consider putting in a triggering device which would require that under certain conditions export controls would have to come into effect?

Mr. ASHLEY. Yes, we did, and frankly we rejected those except in the case of the timber, and as I indicated earlier that is going to be eliminated if my amendment carries.

Let me answer the gentleman. We rejected that approach because we do not think that the Congress is really in the best posture to evaluate each specific sector of the economy at any given time and to insist upon imposition of controls or not. We feel that our basic responsibility is to provide the authority with guidelines and leave the responsibility for the administration of this authority to the President.

Mr. VANIK. Mr. Chairman, will the gentleman yield further?

Mr. ASHLEY. I yield to the gentleman from Ohio.

Mr. VANIK. If this section is adopted and export controls are imposed, how will the licensing feature be handled—in the past we had a great many problems with the oil import tickets which were distributed to favorites in the industry, they were bought, sold and traded. How is it suggested or how is it proposed these export licenses will be handled? How will that be done?

Mr. ASHLEY. What we have been told rather indirectly, because our hearings concluded before the use of the authority by the President, was that there will be a licensing mechanism to determine the volume of exports abroad, that there will be a number of factors such as the history of our trade relations which will be taken into account, and every effort will be made to protect the sanctity of the contract—and as a matter of fact this has been done after a very faulty start. This primarily will be the approach that will be taken.

Mr. VANIK. Will the export licenses or permits be recognized on the basis of the priority with which they are filed? Will there be some fair manner to prevent discrimination or preference at the hands of the export control authority?

Mr. ASHLEY. Yes, and I will be very happy to provide the gentleman with the data we have on that, although I do not have those in front of me, but the Department of Commerce has indicated that every possible effort will be made to determine in the most fair and impartial manner and on the basis of specific criteria that are subject to scrutiny by the Congress.

Mr. WIDNALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 8547.

I realize that there are some who object strongly to the imposition of export restrictions. In principle, I agree with them, but present circumstances necessitate some changes in existing law.

I am sure that everyone here is aware of the intensive efforts this Congress and the present administration have made to correct the balance-of-payments deficit and to control inflation. Both efforts are worthwhile. Both efforts deserve wholehearted support. It is ironic that we find ourselves in a situation where our failure to make sufficient progress in the fight against inflation necessitates some temporary reversals in the efforts to expand exports.

However, I want to make it clear that I do not interpret this bill as altering the basic thrust of our policies. If you review the hearings on this legislation and the debates which took place in the Subcommittee on International Trade, I think it would be perfectly clear that this bill is only an attempt to improve on the wording of the existing law which has governed our export control policies to date.

Under existing law, which states that it is the policy of the United States to use export controls to the extent necessary to protect the domestic economy from the excessive drain of scarce materials and to reduce the serious inflationary impact of abnormal foreign demand, it was found that we simply could not impose any export controls until critical domestic shortages had occurred. Despite the fact that some raw materials costs were escalating in response to worldwide demand, there was not what you could properly describe as an excessive drain of scarce materials. What the subcommittee was seeking was some practical way of anticipating difficult situations before they became critical. I am sure many Members are aware that at this time there were a number of industries which were asking for the imposition of export controls. They were in the unfortunate position of having their price levels restricted while their raw material costs escalated in response to foreign and domestic demand.

What this bill does basically is to provide a mechanism whereby industries which see export demands growing that may affect them adversely can initiate some review actions. In addition, by the simple expedient of changing the word "and" to "or" in section 3(2)(A) of the act, we have provided the flexibility the President asked for in his June 13 speech to use export controls to restrain inflationary pressures.

During the last few days, a number of people have complained about the export restrictions which have been imposed on feed grains and soybeans. We on the committee—and all the administration witnesses we have heard both formally and informally—are well aware that you cannot expand the supplies of agricultural products by restricting prices or their markets. I feel confident any such controls will be relaxed as quickly as possible. The administration's dedication to expanded production and its aversion to controls is well known. It is certainly our intention that these authorities be used sparingly consistent with the President's statement—

> But we will not let foreign sales price meat and eggs off the American table.

Let me point out the flexibility we provide in this bill will encourage prompt decontrol as well as facilitating new controls. We feel confident that program administrators will be more willing to suspend controls if they know that they can reinstate them if needed to control inflation without having to demonstrate that there is an excessive drain of scarce materials which is harmful to the domestic economy. We recognize that we have encouraged our businessmen to develop foreign markets and we recognize the adverse impact on these efforts of any prolonged restrictions. On the other hand, we recognize the dire necessity of controlling inflation must create some temporary disruptions to all other endeavors.

Mr. Chairman, section 2 of H.R. 8547 would add a new section 10 to the Export Administration Act dealing with the exportation of lumber and logs. This is a good provision and illustrates the kinds of problems we have to cope with that led to this legislation. Strong domestic demand had driven lumber prices upward sharply in 1972 and early this year. No export controls had been imposed because exports did not constitute an excessive drain of scarce material. We had plenty of logs. The problem was that they were not being moved to market.

This proposal is intended to assure that the supply of logs will be increased sufficiently to serve our domestic needs and preserve our valuable foreign markets.

I am pleased to tell you that on May 29 the Secretary of Agriculture and the Director of the Cost of Living Council jointly announced completion of a detailed plan to assure offerings of 11.8 billion board feet during 1973 and 1974. The Office of Management and Budget has authorized the necessary additional personnel for the Forest Service to carry on this increased activity. Also, as an interim measure, our Special Trade Representative, Mr. W. D. Eberle, has negotiated a voluntary reduction of purchases by the Japanese. There has been a sharp reduction in lumber prices recently.

Mr. WIDNALL. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Chairman, I support H.R. 8547, the bill to amend the Export Administration Act of 1969. As I stated in my supplemental views in the committee report, this is a necessary piece of legislation.

As the bill came from the committee, my major objection was to the amendment offered by the gentleman from Connecticut (Mr. COTTER) and accepted by the committee. Since that time, the gentleman from Connecticut has developed improved language for an amendment which preserves his original intent and which is satisfactory to all parties involved, especially to the Secretary of Commerce.

The gentleman from Connecticut is to be congratulated for the excellent work he has done on this amendment. I hope his amendment will be swiftly and unanimously adopted today.

With the improved Cotter amendment, the bill should be approved in the House. Certain other amendments have been proposed. It is my hope that the House will not accept the Gibbons-Findley amendment which would give either House a veto over the authority which the Congress has delegated to the executive branch. Nobody really likes export controls, but this Congress has taken the position that such controls are necessary from time to time to protect our domestic consumers from shortages and unnecessary high prices. This Congress has delegated control authority to the Secretary of Commerce. If, as proposed in the Gibbons-Findley amendment, that authority is so strongly limited, it may be better not to grant it in the first place. To Members who are concerned about inflation and shortages—who want to protect their consumers from unreasonably high prices—I recommend a "nay" vote on the Gibbons-Findley amendment and an "aye" vote on the bill.

Mr. ASHLEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana (Mr. RARICK).

Mr. RARICK. Mr. Chairman, I thank the distinguished gentleman from Ohio for yielding me this time.

I would like to address myself to the bill in general and particularly to section 2 which relates to the imposition of export controls on lumber and logs.

The United States is dependent upon other countries for many essential commodities. We import over 80 percent of our aluminum—ores and metal—chromium, asbestos, nickel, and tin. We are dependent on other countries for significant quantities of silver, gypsum, petroleum, iron, lead, and other vital materials. Our dependence on other countries for these basic commodities, which are essential to the maintenance of our technological society, has contributed, in important measure, to our adverse balance of payments in recent years.

We need these commodities. If we are to continue to import them and, at the same time, maintain a reasonable balance of payments, we must, in turn, export commodities which other nations want. We cannot maintain our balance of payments by only exporting commodities which are clearly surplus to our needs. In recognition of this fact, it behooves us to carefully balance domestic supply and price benefits against the benefits of free trade in evaluating proposals to restrict exports.

Section 2 of H.R. 8547 establishes limits on the export of softwood logs and lumber from the United States during 1973 and 1974, unless the Secretary of Agriculture certifies that not less than 11.8 billion board feet of softwood timber is to be sold from the national forests each year. The bill would also preclude the sale of national forest timber in the West for export and require the Secretaries of Agriculture and of the Interior to adopt regulations to prevent substitution of Federal timber for private timber which is exported.

It seems apparent that the proposed limitations on exports would be invoked. The total timber sale program for the national forests in fiscal year 1974 is just 11.8 billion board feet. Of this, some 600 million board feet will be hardwoods.

National forest timber sales are an important element in meeting our Nation's wood product needs. Currently, about 30 percent of the lumber, plywood, and other wood products produced in this country are manufactured from national forest timber. However, since only a portion of the national forest timber sale program is in the export area, I can see little logic for tying export controls to the level of national forest timber sales.

The United States is a net importer of forest products. Imports in 1972 were about 3.07 billion cubic feet or more than double the 1.33 billion cubic feet exported. For the products affected by H.R. 8547, log exports in 1972 were 3.1 billion board feet and lumber exports 1.2 billion board feet. Log exports were 14 percent above the 1970 level, the previous record year. The volume of logs and lumber exported was more than offset by the import of 9 billion board feet of softwood lumber from Canada, an increase of 24 percent over the 1971 level. This large increase in imports reflects the strong domestic housing market in 1971 and 1972 which created demands for lumber and plywood in excess of available domestic supplies. Approximately 23 percent of the softwood lumber consumed in the United States in 1972 was imported from Canada.

Since the United States has experienced a shortage of lumber and plywood, many people have argued that we should stop or restrict exports in order to increase supplies. This is the objective of H.R. 8547. It is not clear, however, that reducing exports would have this desired effect.

About 68 percent of the logs exported in 1972 were harvested in the State of Washington; 26 percent were harvested in Oregon, and about 5 percent in California and Alaska. Of the logs harvested in Washington, 9 percent were from Federal forests, 23 percent from State-owned forests, and 68 percent from privately owned forests. Because of the dominant position of Washington State in the log export trade, that State offers an opportunity to evaluate the impacts of a restriction on exports.

Would a reduction in log exports increase lumber and plywood production in Washington? Apparently not. The Washington State Department of Natural Resources reports that if log exports were banned, lumber and plywood production could not be increased immediately. Existing processing facilities in the export area are operating near their practical capacity. It would take about 4 years to build facilities which could process the additional volume. In the meantime, domestic demand is likely to slack off so the incentive to install the additional capacity may be lacking.

There have been significant benefits to the State of Washington from log exports. Exports have served to stabilize the logging industry during fluctuations in domestic markets. Of even more importance, increased stumpage values generated by the export market have provided the incentive for investments in improving utilization and in intensive forest management.

The benefits are illustrated most dramatically by the fact that while the State's total timber harvest volume increased by 46 percent between 1961 and 1971, the annual area cutover has actually decreased. It is also important to note that in a statewide referendum, the voters upheld the export of logs from State-owned lands.

Four-fifths of our log exports in 1972 went to Japan, largely for use in home construction. Japan also imports softwood logs from Russia. She imports softwood lumber from the United States, Russia, and Canada. Because of the complex trade relations involved, it is hard to predict, with certainty, the impact of a restriction on log and lumber exports from this country. It seems most likely that Japan would turn to Canada to replace the volumes she has been importing from the United States. The result of the increased competition for Canadian lumber would likely be to decrease the volumes available for import to this country or at least to increase prices. Thus, in the short term, the imposition of export controls may actually aggravate our lumber supply situation.

Years 1971 and 1972 were record years for housing construction in this country. The construction of 2.4 million conventional housing units in 1972 was 70 percent above the annual level of housing construction in the decade of the sixties. This unprecedented level of construction generated serious lumber and plywood supply problems. It appears likely, however, that this high level of construction will not be maintained. Rising interest rates and a shortage of mortgage funds have caused a sharp downturn in housing starts.

The National Association of Home Builders recently predicted the start of only 1.6 million units in 1974, a decline of over 30 percent from the record 1972 level. If this prediction is accurate, continued log exports will help to reduce the serious impact of reduced production on the logging industry and the overall economy of the Pacific Northwest.

In response to both increased lumber and plywood production following the end of phase II controls and to anticipated reductions in housing construction, prices for construction grades of lumber and plywood have decreased dramatically. It seems obvious that in the short-term period covered by section 2 of H.R. 8547, the shortage of the last year will not be repeated.

In May, the administration announced that the Japanese Government had agreed to restrict log imports from this country in fiscal year 1974 to 8 percent below the 1972 level. This step should help to relieve any log shortages in the export area.

Log exports contributed over $400 million to our export trade in 1972. This was an important contribution to our balance of payments. Log exports stimulated improved utilization of our harvested trees and investments in reforestation and timber stand improvement. These investments will increase the volume of timber available to meet our future needs. Restriction of exports would reduce these benefits, with no offsetting benefits in terms of lumber and plywood supplies or prices for the American people.

Section 2 of this bill, as written, is both unnecessary and undesirable. As a portion of the farm bill, the House approved a forestry incentives program to encourage timber production. Section 2 of this bill, as it is written, would reduce production and negate what the Congress accomplished in the farm bill.

Mr. Chairman, I am hopeful that we can amend section 2 of this bill to protect our timber producers and insure an adequate supply of timber for all Americans.

Mr. WIDNALL. Mr. Chairman I yield such time as he may consume to the gentleman from Minnesota (Mr. ZWACH).

Mr. ZWACH. Mr. Chairman, I rise in opposition to H.R. 8547, amendments to the export administration act.

The year 1973 is expected to be a record year for America's farmers. Total income from farm operations is estimated to reach $25 billion in 1973, a rise of $13.3 billion since 1960. The average earnings per farm in 1960 was $3,000. In 1972, the figure had risen to $7,000. In 1973 it is estimated to be around $8,500.

U.S. News & World Report in its August 27, 1973, issue features a story entitled, "Plenty of Food on the Way—Report From U.S. Farm Belt." The article tells of the record prices received by American farmers, but adds that "farmers need the money they are getting for their products because they are loaded with debt." Truer words were never spoken.

Mr. Chairman, I would like to insert into the RECORD the "Balance Sheet on Farm Debt in the U.S." The table shows that in the past 12 years the farm debt has increased by 175 percent, far ahead and above the rise in farm prices or prices of food in the store. The table follows:

"BALANCE SHEET" FARM DEBT

[In billions of dollars]

	Real estate	Nonreal estate	Total debt
1961	12.8	13.4	26.2
1962	13.9	14.8	28.7
1963	15.1	16.6	31.7
1964	16.8	18.1	34.9
1965	18.9	18.7	37.6
1966	21.2	20.4	41.6
1967	23.3	22.4	45.7
1968	25.5	24.9	50.4
1969	27.1	27.5	54.6
1970	28.4	29.7	58.1
1971	29.5	31.6	61.1
1972	31.3	35.6	66.9
1973 (estimated)	33.9	38.1	72.0
Increase	18.5	24.7	45.8
Percent increase	145	184	175

Source: Farm Production Economy Division, USDA.

The U.S. News story goes on to add that:

> The key of this prosperity is unprecedented farm exports, stemming from a worldwide grain shortage. The thinking among some farmers is that as long as other nations are coming to the United States to buy grain, the more this country can produce, the better.

In 1973, the United States will export $12.9 billion worth of farm commodities, an increase of 60 percent over the 1972 figure of $8.05 billion. Agricultural commodities composed 19 percent of the total U.S. exports in 1972, while composing only 12 percent of the total U.S. imports. Since 1940 agricultural commodities exported have increased 6 percent, while the percentage of agricultural commodities we have imported has decreased 39 percent.

The U.S. balance of payments for the second quarter of 1973 shows the first "favorable" balance since 1969. A great deal of the credit for this turnabout is due to the exportation of agricultural commodities.

Secretary of Agriculture Butz, who is opposed to export controls, says:

> Never before has agricultural trade been so essential to the health of our farm economy.

According to Mr. Butz, farm exports benefit farmers and consumers, and are vital to our economy, our balance of payments, international stability of our currency, and world peace. I agree with Mr. Butz.

If we are to encourage our farmers to produce more than ever before, we must provide the incentive of a fair, equitable market price for their products. Five percent of our country is feeding 100 percent of our people better than ever before, and still able to export abroad to help "feed the world." The farmer is a wonderful asset to America. He must be rewarded, not handicapped by export restrictions.

We have just passed an historic farm bill. The year 1974 will embrace new farm concepts geared toward encouraging production, not discouraging overproduction through set-aside acres, as in the past. Farmers have been given the incentive to "get out and produce" through the new farm bill and increased exports abroad. The year 1973 has been a great year for agriculture. And 1974 has the potential of being a super great one for the farmer. But we must not close the markets for farm commodities whether at home or abroad.

I think Sam Thomas, an agriculture development manager in Amarillo, Tex., hits the nail on the head. Mr. Thomas told U.S. News:

> If exports don't hold up there will be the darnedest glut of farm produce you ever saw. The energy shortage will be over. We'll be burning wheat and corn.

I agree with Mr. Robert Frederick, legislative director of the National Grange, on export control. He said:

> I believe the answer lies in increased productivity so that American agriculture can meet the demands of both foreign and domestic markets. Give the U.S. farmer a profit on his production and he will meet the demand. Restrict the profit incentive through export controls and he will not produce, resulting in still higher domestic prices—it is as simple as that.

Mr. WIDNALL. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Chairman, attendance in the Chamber at this moment is rather sparse. I believe those who are here have listened to the discussion earlier today, and in all modesty what I say may have little effect on the way votes are cast, so I will put most of the material I believe the record should contain in the RECORD under permission to revise and extend.

The CHAIRMAN. The Chair will advise the gentleman he will have to do that in the House.

Mr. FINDLEY. I thank the Chairman.

In the 13 years I have been privileged to be a Member of this body some great, noteworthy legislation in the field of trade has been enacted. I believe the high point came in 1962. I believe it was that year when the late President Kennedy issued the warning that we must trade or fade as a nation.

The Congress, under the leadership of WILBUR MILLS and John Byrnes of the Committee on Ways and Means and members of the committee which has now brought forth this bill to the floor responded with a progressive Trade Expansion Act, an act which expired 2 years ago, leaving the President without any authority to enter into further negotiations for further trade agreements to expand trade with other nations.

The experience of this Nation last winter surely has made it plain to everyone that we must be a trading nation or we will go hungry and cold. We need fuel from abroad, and the only way to buy fuel and other essential imports is to have the ability to earn foreign exchange.

The bill before us now could properly and accurately be called not the Trade Expansion Act of 1973 but, curiously, the Trade Restriction Act of 1973, because there is nothing in it except authority for the President to cut back on trade.

Who knows what he will do? Who would have guessed he would have used the authority he already had so unwisely in July?

At stake is a tremendous number of foreign exchange dollars. Last year agricultural products earned $11 billion in foreign exchange. There is no other sector of our economy that holds such great promise for earning the greater number of dollars in foreign exchange, that we so desperately need as a Nation, that we must have in order to continue our progress in so many fields.

So I implore my colleagues in this body to reject this unwise legislation. Today we are in the ignoble position of considering a bill to restrict trade when, instead, we should be voting to the President authority to expand trade.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Indiana.

Mr. DENNIS. Mr. Chairman, I am sure that one of the ironies of this situation has not escaped the gentleman in the well, but I think perhaps it ought to be mentioned before we pass through this debate.

We hear a great deal today, from the other side of the House, particularly about the drain of additional power to the Executive and the surrender of congressional authority, and it strikes me as quite ironical that with all that talk, here are some of the same Members who stand up and bring in a bill of this kind which, without any particular guidelines so far as I can see, gives the President even greater power than we have already given him to impose controls in his own discretion on the export of agricultural commodities.

It seems to me that it is a very ironical thing for us to be doing, and if we are serious about this business of erosion of congressional control and delegation of power to the Executive, the least we could do would be to adopt the amendment that I understand the gentleman is going to offer and give us in the Congress a chance to veto these controls as we see fit.

Mr. FINDLEY. Mr. Chairman, I thank the gentleman.

Finally, I would like to quote from a speech which was made by Earl Butz, the Secretary of Agriculture, on July 24, 1973, here in Washington, showing his opposition to control of exports.

Secretary Butz said as follows:

> Let us clear up any misunderstanding on that matter. It was temporary. It will be lifted when the new crop begins to come in during September. As crop conditions appear now, there will be absolutely no reason to impose import controls on the 1973 crop.

Mr. Chairman, as the bill is debated today, hard red winter wheat is being poured onto the ground in Texas, Oklahoma, and Kansas because there is so much of it that it cannot be moved into domestic and foreign channels fast enough.

Typically, there is wheat stored on the ground from June through September each year because storage and transportation facilities are inadequate.

Last year, millions of bushels of corn were also stored on the ground, together with soybeans.

The loss resulting from this forced storage in the open on the ground is tremendous.

With wheat already on the ground, and with the record corn crop coming in and a certainty that it too will be stored on the ground, it is the height of absurdity even to consider passing a bill which could cause further backup in the movement of grains and will doubtlessly cause more grain to be poured on the ground to rot and spoil. What we should be doing is freeing up the channels through which grain flows, not putting an additional crimp in them. Almost 1 out of every 3 acres of crops produced in the United States is sold to foreign countries.

One-fifth of the labor force in this country owes their jobs to agriculture.

Agriculture contributed $3 billion to the Nation's balance of trade. By contrast, nonagricultural trade resulted in a $9.7 billion deficit. Agriculture literally kept our Nation economically afloat abroad last year.

In the next decade, a Government study shows that the United States could sell an additional $8 billion worth of agricultural products abroad, on top of the $11 billion of present sales. That increase could all by itself eliminate our balance-of-payments deficit, give the United States a comfortable surplus, restore the dollar as the No. 1 currency in the world, and do much to curb inflation at home.

Only 2 days ago, at a White House press conference announcing phase IV, Treasury Secretary Shultz stated:

> If you control exports . . . all you do is weaken your own currency, and that means you have to pay more for the things you import and your consumers end up paying that price.

Shortly, we will have the trade bill before us.

Secretary of Agriculture Butz recently stated:

> Next fall, we will be entering into negotiations with our traditional trading partners to seek liberalized trade through the General Agreement on Tariffs and Trade.
>
> It is imperative that the United States enter the GATT negotiations in the best possible position to bargain.

This bill will weaken our negotiating position. Already, Japan—our only billion-dollar-a-year agricultural customer—is looking for alternative sources of food as a result of the embargo on soybeans. The Japanese eat soybeans as a regular part of their diet and have been drastically affected by the embargo. You can be sure that Japanese businessmen will not forget that the United States got them into this pinch, nor will they forget the countries that help them out of it.

Mr. ASHLEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. BURKE).

Mr. BURKE of Massachusetts. Mr. Chairman, I rise in support today of the legislation before us, H.R. 8547, which would amend the Export Administration Act of 1969, to protect the domestic economy from the excessive drain of scarce materials and commodities and to reduce the serious inflationary impact of abnormal demand.

What we have today at stake is the protection of the American consumer and industry. The committee has presented us with an effective bill which clearly expresses the intent of the Congress to stem the tide of accelerated increases in the domestic price of food and other consumer products caused by unrestricted exports.

I feel compelled to point out, as I have done so many times in the past in this body, the example of how abnormal foreign demand for a scarce commodity has affected one U.S. industry—the footwear industry. This country has been exporting cattlehides at an ever-increasing rate over the past few years. Since Argentina and Brazil have placed embargoes on the exportation of cattlehides, the demand upon the U.S. supply has increased tremendously. Accordingly, prices on hides have skyrocketed. The price of hides rose 41.8 percent from March 1972 to March 1973. And in the preceding year, the jump in price was 64.7 percent. Through 1970, the cost of hides remained relatively stable, hovering around 14 cents per pound. But now, Mr. Speaker, the story is a very different one with hide prices hitting anywhere from an unbelievable 34 to 43 cents per pound.

A report of the Chicago Tribune Service states that in 1973, there are estimates that 50 percent of our domestic supply of cattlehides will be exported. This has resulted in a severe drain. By agreeing to export cattlehides, producers receive a higher price than if they just restricted their sales to domestic manufacturers. Such action is forcing American industries to pay exorbitant prices for these materials. The domestic leather industries have been searching worldwide for reasonable prices on hides. For the past 10 years, the United States has imported hides from Canada at the rate of 327,000 per year. Even this source has threatened to discontinue its exports.

As I mentioned before, the industries are forced to pay high prices for cattlehides, and this, combined with steep production costs, has raised the price of American shoes by 6.9 percent. Officials of the shoe industry see no end to the price increases if we continue our present policies.

It does not take much imagination to figure out what this has meant in terms of loss of jobs in the footwear industry and in the tanneries. While the unemployment rate in the leather industries is skyrocketing at an incredible rate, this Government still goes along in a seemingly ambivalent manner, refusing to take any action to protect these jobs and industries. I can only conclude by saying that we have seen what has been happening with no controls on these scarce commodities. What more proof do we need? It should be of primary importance to this Government to see to it that American jobs, consumers and industries are protected, and I trust that our actions here today will be directed toward this end.

Mr. ASHLEY. Mr. Chairman, I yield such time as he may consume to the gentleman from South Dakota (Mr. DENHOLM).

Mr. DENHOLM. Mr. Chairman, I rise in opposition to H.R. 8547, in part for the reasons that were stated by my distinguished colleague, the gentleman from Indiana (Mr. DENNIS). The power struggle continues about who has the authority to lead and who is in control of the Government of this country. The President challenges the Congress and the Congress challenges the President.

Both ought to remember that the people are in control of the Government of this democracy.

The people of my State do not want trade restriction. There is no doubt that the deficit in the balance of payments has been improved as a result of the export of agricultural commodities. It is true that at the present time the consumers in our country are disturbed about the rising cost of food and fiber. We, as Members of Congress, ought to recognize those things which really precipitated the inflationary trends in this country during the last few years.

Mr. Chairman, during the August recess of this year it was my pleasure to join the distinguished gentleman from Texas, the chairman of the Committee on Agriculture, on a trip to Venezuela and I will use that experience as only one instance to underscore the trade program which is in progress with that country.

We were invited to Venezuela as guests of that government, at their expense and at no cost to our people, for the purpose of improving reasonable relations on trade. They need several million metric tons of wheat to feed their people. They produce only 7 percent of their gross national product from agricultural commodities. Many people of this country, including three major oil companies, have sizable investments in the country of Venezuela. The situation is so serious now that Venezuela is contemplating expropriating and nationalizing the petroleum industry in their country to enhance their bargaining power on trade policy so that they can obtain essential food from North America.

While 65 percent of the production of petroleum in Venezuela is exported to Canada and the United States we are at the present time in a situation where we cannot fulfill our commitments to the country of Venezuela and other friendly nations around the world because of the transactions that were made by this administration in massive credit sales to the Communists last year.

Because of the circumstances that occurred a year ago we now experience an economic situation that is not in balance at home or abroad.

There is nothing in the proposed legislation that will stop another massive credit sale of grain to China or Russia. If there is, I challenge anyone on the committee to inform me where such language does exist.

So in the interests of our own people I believe we should not enact the proposed legislation now before this legislative body.

The Secretary of Agriculture is attempting to move the producers of this country to greater production and to force prices received by farmers and ranchers to lower levels. Embargo quotas will fuel that philosophy to an economic collapse at home and abroad.

It was not the producers who precipitated the inflationary trends that we now experience. In 1971 the President asked for and the Congress gave him a tax writeoff of $16.5 billion at a time when we were winding down the war. In 1972, an election year, the President asked for and the Congress gave him a $30 billion revenue-sharing program when we did not have revenue to share. In the few years that I have been a Member of Congress, the President has asked that the national debt ceiling limit be increased nine times. The dollar has been devalued 30 percent in the same length of time. These are the reasons why American consumers are forced to higher prices for essential foods. These are policies of inflation—no embargo quota can correct.

For almost 20 years prices received by farmers were one-third less than parity. Today farmers have almost caught up with the inflationary trend of other segments of the total economy. That is said to be unfair. I submit that a nation moves on the backs of farmers—laden their load and you will break the economic strength of our country. Ladies and gentlemen, impose export quotas by encouraging the President to exercise existing authority by approving the legislation before us today and you will precipitate an economic war against the interest of America. We have ended a hot war in Indochina—let us not begin another. Let us build America in policies of free competition in productivity and not regress to the Smoot-Hawley days of the past and economic collapse of "boon and bust" because of policies of economic protectionism. I urge the defeat of the proposed legislation because it is not in the interest of our country or our friends around the world.

Mr. ASHLEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington (Mr. MEEDS).

Mr. MEEDS. Mr. Chairman, the log export control provisions of H.R. 8547 are entirely inadequate. Our Nation's timber supply is vanishing at an alarming rate, and the U.S. Forest Service has predicted that demand may exceed supply by as much as 20 billion board feet by the year 2000.

The bill before us would limit log exports to 2.5 billion board feet and lumber exports to 1 billion board feet for the next 2 years unless the Secretary of Agriculture certifies that the allowable cut of the national forests will be 11.8 billion each fiscal year.

In reality this does virtually nothing. The Forest Service and the Cost of Living Council have already promised that the 11.8 billion board feet goal will be reached. Today the only question remaining is how to finance the additional sales. Furthermore, the House should know that increasing the allowable cut will have little short-term effect. I say this because it takes 3 to 4 years for a Federal timber sale to be completed. In other words, a sale made tomorrow from the Willamette National Forest in Oregon might not reach our local lumber yards until 1976.

The bill further requires that no Federal timber may be sold into export unless the President determines that there is an adequate supply of softwood logs and lumber at reasonable price levels. Here again the measure is inadequate. Existing law does not permit exports of Federal timber above 350 million board feet a year. This would be the limit set by H.R. 8547. But total log exports last year were 2.78 billion board feet.

Members of this House who are unfamiliar with the Pacific Northwest's log export controversy might believe that log exporting is good for our balance of trade. This is not true. Last year the United States exported 2.78 billion board feet of unprocessed timber. But we imported 9 billion board feet of processed, expensive lumber. We sent $378 million out the front door and brought in $1.7 billion in finished products through the back door. The historic trend is even more alarming. Around 1941 the United States ceased being a wood fiber exporting Nation. Today we import more than we export. Our principal imports include 9 billion board feet of softwood lumber, 70 percent of the Nation's newsprint, substantial amounts of hardwood lumber and plywood, and market pulp. Mr. Chairman, what is happening in wood fiber is parallel to what we all know is happening in petroleum; consumption is rising rapidly, and we are becoming dependent on foreign sources. I can illustrate this with the following table:

[In board feet]

	Logs exported	Lumber imported
Year:		
1955	166,000,000	3,300,000,000
1962	522,000,000	4,500,000,000
1967	1,900,000,000	4,700,000,000
1972	2,800,000,000	9,000,000,000

Supply and demand for the United States and Japan demonstrate the need for further controls on exports of unprocessed wood fiber. To argue that the recently announced Japanese reduction in wood imports from the United States will solve the problem is to overlook reality. Japan is embarked on a long-range plan to improve housing conditions. Random Lengths, the American export-import newsletter, observed last November 29 that—

> Current Japanese programs look for the construction of 9.5 million housing units from 1971 to 1975, compared with the 6.7 million units targeted for the preceding five years.

Now it seems that the target has grown larger. The June 4 issue of the New York Journal of Commerce said that Japan intended to double or perhaps triple its housing starts in the next few years. There is no need to elaborate what will happen in the long run to American timber supply and lumber prices should we continue to allow virtually unlimited exporting. Moreover, it may interest you to know that Japan has been reducing the annual timber cuts on its own forests. In 1972 there was a 12-percent reduction in the harvest on Japan's national forests, and a further reduction of 15 percent on the Hokkaido forests.

And what of the U.S. supply? In the new "Outlook for Timber" study the U.S. Forest Service says that domestic demand for softwood sawtimber will rise from 47 billion board feet in 1970 to 70 billion board feet in the year 2000. The Forest Service cautions that—

> With recent levels of forest management, only modest increases in timber supplies will be available in future decades.

No one in this Chamber favors more adequate funding for the Forest Service to grow more trees than I do, Mr. Chairman, but trees do not grow to maturity overnight, and why should we spend the taxpayers' money to raise trees for Japan at the expense of our people?

I doubt that the Banking and Currency Committee got into the question of overcutting. Today we have a regional imbalance in timber management by all parties. In the Southeast both the Government and industry are growing more timber than they are cutting. Not so in the Pacific Northwest. Ed Cliff, then Chief of the U.S. Forest Service, told the Senate Banking and Currency Committee in 1969 that—

> In the West, where most of the softwood lumber and plywood is produced, the softwood resources in private ownership are being overcut. Log supplies from these lands must decline substantially over the next few decades.

Just how serious the problem is can be seen in the "Outlook for Timber" study. The Forest Service said that the annual cut on industry lands on the Pacific coast would decline from 10.5 billion board feet in 1970 to 4.4 billion board feet in the year 2000.

To summarize, Mr. Chairman, the export controls on timber contained in H.R. 8547 are far less than what we need. Our balance of trade is being eroded by exporting cheap and importing dear. The trend is getting worse. Our domestic demands exceed what we can produce with current management. Timber on the Pacific coast is being overcut. Japan's demands are expected to increase greatly. Stronger export controls must be applied to serve the requirements of industry, builders, workers, and the public who wants inexpensive and available housing.

Mr. ASHLEY. Mr. Chairman, I yield such time as he may use to the gentleman from Texas (Mr. MILFORD).

Mr. MILFORD. Mr. Chairman, I rise in support of the legislation before us, and to urge that, if it is passed, immediate consideration be given to the problem of the wheat shortage price increases it is causing.

We do have a wheat shortage, due to export sales last year, and this shortage is contributing directly to inflation in increasing prices for wheat products.

I would hope that this Nation would address itself to setting up export controls which would protect the American producer and user of wheat and wheat products.

I would recommend that we set up machinery to project U.S. grain needs, then project the amount we need for an adequate reserve, and then—only then—export the balance. I am for foreign trade, when it can be carried on without penalizing our own consumers. But, being an old farm boy, I know there is always the possibility of a bad crop, and I know you have to have a little left over in the bin in case you do get a bad crop.

I think we also ought to take a look at the form our exports take.

This Nation has a tremendous milling capacity, and every bushel of wheat which is converted into flour means time on the job for American workers.

Why, then, should we export our wheat as raw material? Why not require that our exported wheat be shipped as flour? It just makes good sense.

Both these points I have made today are better explained in a paper I had prepared for me by Mr. E. W. Morrison, Jr., president of the Morrison Milling Co., in Denton, Tex.

I would like to have Mr. Morrison's paper appear in the RECORD, and I would like especially to draw your attention to his comments concerning the European Common Market's flour export program, and the Argentine wheat export embargo.

Mr. Chairman, the proposals I make here today are not new. They would only serve to put America on par with other grain-producing nations.

I believe we should make sure that there is bread on our own tables and jobs for our own workers before we export any natural resource.

The paper follows:

MR. MORRISON'S PAPER

We, as a unit of the Flour Milling Industry, are seriously concerned as to the sufficiency of our nation's wheat supplies to meet the minimum domestic requirements for the balance of the current crop year. We firmly believe that an adequate reserve of our nation's food grains is an essential goal for America and that every reasonable precaution should be taken to assure that domestic shortages of wheat and other food grains should not be permitted to develop.

To accomplish this goal, we strongly recommend the consideration of immediate licensing of wheat exports and the possible deferral of deliveries of existing sales.

Below is a summary tabulation based upon the most recently published reports by USDA on the 1973-74 wheat supply outlook:

	Million bushels
Beginning carryover (All classes)	428
Production	1,749
Total supply	2,177
Estimated domestic disappearance	793
*Export wheat commitments (through August 3)	1,230
Wheat product exports	60
Balance stocks available	94

*Based on undelivered sales of 1,110 million bushels plus shipments to same date (Aug. 3) of 120 million bushels.

Unless some kind of a control program is initiated at once, there is nothing to prevent our level of wheat stocks from being reduced to Zero in the face of continued world demand. We believe this to be an emergency situation, which in no way contradicts a long term commitment through letting the market place determine supply and demand.

The administration feels an amount of 300 million bushels of unidentified destination, but reported sales (as included in these figures) are in the hands of speculators, and may ultimately find their way back into domestic channels. We believe this contrary to general trade practice and a dangerous assumption based on the statistical position above.

The administration has suggested the Industry purchase its long term requirements. Unfortunately, the cost of owning and carrying huge inventories at today's values is prohibitive. As small as we are, for us to acquire a six month inventory of wheat alone, would require credit facilities of $2,600,000 greatly in excess of our ability to borrow. Further, with prime interest today approximating 10%, the cost of carrying such an inventory is prohibitive to a low margin industry such as ours.

We recognize the administration's position that exports are important to allow payment for desired imports and that grain exports have contributed importantly to a favorable balance of trade. In partial answer to these arguments, please note the relatively insignificant quantity of wheat product exports as compared to sales of raw grain. Wheat products are of higher dollar value than raw grain and so could earn relatively more foreign exchange per unit of product exported. The milling of flour in the U.S. also provides more jobs for workers and permits a more flexible and orderly export movement because different rail lines, ports and docks can be utilized. More jobs than simply those of the Industry would thus be created. The operation of the nation's flour milling industry at capacity, would generate more taxes and increase the supply of mill feed (a by-product of flour milling) which is an important feed ingredient (one of the cheapest today) and urgently needed to reduce the costs of livestock and poultry.

These are the many advantages of exporting wheat as flour. The European Common Market recognized this situation several days ago, by suspending exports of wheat but authorizing flour exports and even restitution by subsidy payments to encourage and strengthen the EEC's competitive position in world trade. Argentina, normally an exporting nation, has also embargoed wheat exports.

The need for an adequate reserve—along with some means of dividing up supplies available for export among the countries of the world on an equitable basis—we feel far outweighs the advantages of uncontrolled exports as advocated by the administration.

We further believe consideration should be given towards establishing some basis for a percentage of exports of wheat be required to be taken in the form of wheat flour.

We respectfully urge some type of immediate limitation or control to avoid what we foresee to be an emergency situation.

Mrs. GRASSO. Mr. Chairman, a contributing factor to the continuing inflationary spiral has been the lack of effective controls on our export of scarce commodities. For example, the previously uncontrolled export of agricultural products has decreased domestic supplies to such an extent that consumers are paying scandalously high prices for meat, bread, and milk. An insatiable foreign demand for both ferrous and nonferrous scrap—especially copper—has caused serious economic hardship in many industries in Connecticut and throughout the Nation. Increased demand for lumber, especially by the Japanese, along with the credit crunch, has severely damaged the home building industry.

Throughout this period, evidence indicates that the Department of Commerce has taken little action under the Export Administration Act either to protect the domestic economy from the drain of vital materials or to reduce inflation generated by increased foreign demand for the very goods which provide the backbone of our economy.

The bill before us—H.R. 8547, the Export Administration Act amendments—would improve the existing law, thereby strengthening our ability to deal with inflation through selective export controls on those commodities which are needed in our domestic economy.

First, the bill makes it easier for the Government to institute export controls. Under the language, either the protection of the domestic economy from the excessive drain of scarce materials, or the need to reduce the impact of serious inflation caused by abnormal foreign demand is sufficient grounds for these controls. The present law requires that both criteria be met.

Second, the committee leaves no doubt about its definition of certain important words and phrases in this bill. "Scarce materials" result from the imbalance of supply and demand, whether caused by high demand or limited supply. Also, "abnormal foreign demand" would mean demand which is abnormal in its effect on domestic prices under existing economic circumstances. Together, the committee's comments show that the relative stability of the domestic economy must take precedence over increased export of vital materials.

Third, the bill would limit the export of softwood logs and lumber in calendar years 1973 and 1974, thereby reserving more of these products for domestic use. Only when an adequate supply is sufficiently evident would additional exports be permitted.

Mr. Chairman, the American consumer needs this legislation. According to the Labor Department, food prices in the 12-month period from July 1972 to July 1973 rose 13.4 percent. The Agriculture Department predicts an annual increase in food prices of 18 to 22 percent this year. Food price increases are attributed in part to a lack of feed grains which, in turn, results in large measure from the export of American feed grains. Once this bill is enacted into law, the need to reduce the inflationary impact of abnormal foreign demand will be sufficient grounds for export controls. With such a reasonable definition, no thinking individual could deny the need for effective controls on feed grains to maintain adequate domestic supplies at reasonable prices. With sufficient domestic supplies, the skyrocketing price of food could be restrained, and once again beef, poultry, and other products will find their way to our grocery shelves and dinner tables.

Therefore, for the sake of the American consumer, I urge the passage of this legislation.

Mr. McCLORY. Mr. Chairman, I cannot give my support to this bill—H.R. 8547—which would authorize the imposition of export controls over a great variety of materials and commodities including many agricultural products. Living as we do in a nation which boasts of a free economy it would seem entirely basic to our system that those who produce and undertake to market their products should not be restricted or limited by the imposition of such artificial quotas. Obviously, such a practice would have the effect of limiting both the demand and lower the price at which materials or commodities are produced under our free enterprise system.

Mr. Chairman, I realize that the President and the Secretary of Commerce should be expected to administer this legislation consistent with the best interests of the people of our Nation. However, I am also conscious of the fact that pressures from special interest groups could be brought to bear under this measure in a way which would produce special benefits for them in derogation of the inherent rights and interests of those who produce the materials and commodities which could be subjected to rigid controls under this legislation.

Mr. Chairman, I am of the opinion that this year's bumper crop provides an example of the way in which a free economy can adjust to increased prices and rich foreign markets. It is my expectation that the next few months will see an adjustment in food costs which will justify the free market system under which we have traditionally operated with advantages to both the producers and the consumers of the plentiful supply of goods to our thriving economy.

Mr. TIERNAN. Mr. Chairman, for the last month, I have been urging the administration to impose export controls on our agricultural products. But, despite the immediacy of the problem, I have received nothing but simple form replies. The Secretary of Agriculture, Earl L. Butz, has shown a complete lack of concern for the prices the American consumer must pay for food. Because of this attitude I urged the President to call for his resignation. But my words have fallen on deaf ears and the administration continues policies that cannot and have not controlled inflation.

Our problem with increasing prices of agricultural products stems from the exceedingly heavy demand for our supplies. The United States has more capacity and is more efficient at producing food than any other country in the world. For this reason foreign countries enter our agricultural markets and bid for our products. Over 60 percent of our wheat production is purchased by foreign countries. But the Department of Agriculture and the administration must realize that our supplies are finite, and that excessive foreign sales drive up the prices the American consumer must pay.

The prices for both wheat and corn have more than doubled in the last year. This is working a serious hardship on middle and low-income citizens. We are continually informed by the Agricultural Department that the American consumer pays under 20 percent of his income for food, less than any country in the world. But this statistic means absolutely nothing for the low- and middle-income consumer. It is like the analogy of a 6-foot man who thought he would not drown in a lake that had an "average" depth of only 4 feet. While the "average" amount spent on food may be below 20 percent of our income, for the middle- and low-income consumer it is more realistically between 30 and 50 percent of his income. And each increase in the rapidly rising food prices hurts him even more. In the month ending on August 15 food prices soared 20 percent. Twenty percent in 1 month. But the administration is still actively pursuing a policy that will continue to inflict the hardships of this inflation on the pocketbook of the average consumer.

An examination of the export figures of our agricultural goods clearly establishes the administration's proinflationary policies. Total exports of agricultural goods increased 4 percent from fiscal 1971 to 1972 but increased a spectacular 60 percent in fiscal 1973. Export increases in vital agricultural products have far outpaced our increase in production. Exports of feed grain have increased 110 percent from fiscal 1971; wheat and wheat products 84 percent; oilseeds and products—soybeans—70 percent; meat and meat products 66 percent. In an attempt to increase our exports the administration has forced the American consumer to pay more and more of his wages to feed his family.

Our wheat supply now stands at a critical stage, selling close to the seriously high price of $5 a bushel. And again this problem is directly attributable to the administration's export policy. In 1971 total production of wheat was 1,618 million bushels and our stock was 863 million bushels. In 1972 exports nearly doubled to 1,185 million bushels, our production slumped to 1,545 million bushels and our stocks dwindled to 428 million bushels. But the situation is more acute this year. The present crop year which began in July has an estimated production of 1,717 million bushels. Total export bookings for this crop year stand at 1,173 million bushels as of August 10 and have been steadily increasing. Added to this 150 million more bushels have already been exported since July 1. When we consider these export figures, along with our domestic consumption—last year domestic consumption was 796 million bushels—all our current 1973 crop production will be sold and our stocks reduced to a meager 80 million bushels. These statistics are causing furious speculative trading that has sent the price of a bushel of wheat as high as $5.40; in just 1 week the cost of a bushel of wheat rose $1.

But what has been the reaction of the U.S. Department of Agriculture and the administration to this situation? The Department of Agriculture has stated that of the 1,173 million bushels booked for exports almost 300 million bushels have been booked for "unidentified locations." There are possibilities that some of this wheat will find its way back into the domestic market. But these speculative purchases will still force the price of wheat up, and with the great existing foreign demand the price of wheat will stay at intolerable levels. At present, the Department of Agriculture's policy is to let the market alone, let the exceedingly high prices for food and feed grains remain at inflationary levels, let the present food and feed grain prices remain at such a level that bread, milk, meat, and poultry prices will skyrocket again in the coming year. To pursue such a policy makes the President's "new economic policies" Phase I through IV, nothing more than a folly. Today we are considering H.R. 8547, a bill that will spell out in no uncertain terms, that it is the administration's responsibility to impose export controls when foreign demand causes excessive inflation in the United States. I urge you to support this bill and hope the administration will listen to the voice of Congress more than it has listened to me and other individual Members.

Mr. GAYDOS. Mr. Chairman, I would like to make a few comments about H.R. 8547 and to applaud the supplemental views to H.R. 8547 of Congressman Thomas L. Ashley and Congresswoman Leonor K. Sullivan. These views were made on June 25, 1973, and were printed in report No. 93-325. Congressman Ashley and Congresswoman Sullivan have summarized accurately the untenable economic situation of our domestic foundries of that segment of our steel industry that relies entirely on the raw material scrap iron and steel. They have correctly and emphastically stated that the excessive export of scrap iron and steel in 1969 and 1970, and in the last 9 months is precisely what the Export Administration Act of 1969 was designed to prevent.

The failure by the present Secretary of Commerce and of the incumbent in the 1969–70 period, shows a callous disregard for the well-being of our domestic industries, and for the jobs of those who are employed in these companies. We are not talking about a small and insignificant sector of the steel industry in this situation. The so-called, cold-metal shops represent approximately 20 percent of the raw steelmaking capacity of the Nation. The employees in this segment of the steel industry alone number well in excess of 100,000 individuals. Furthermore the steel these mills produce is essential for the continued operations of our steel consuming industries, especially in times such as we are experiencing now. The present international steel shortage is the second in 3 years. Although we experienced no international steel shortage from 1957 until the 1969–70 occurrence, there is every indication that we will have as many as four or five shortages in this decade. When an international steel shortage occurs iron and steel scrap, which only needs remelting to make steel, is in great demand. Japan knows how valuable scrap is and will not permit any scrap exports. The European Common Market will not permit the export of scrap out of their area. Before England joined the Common Market it put a total embargo on scrap exports. The present administration, however, permits scrap to be exported from this country until long after a shortage has occurred, and the shortage is vividly portrayed by price increases of 50 to 60 percent.

The administration knows that the cold-metal shops cannot pass this cost increase along with higher prices as the large integrated steel companies depend primarily on iron ore for their raw steel, and cannot accordingly cost justify price increases. If the cold-metal shops charge more than the big companies during a steel shortage, they will lose their customers when the shortage is over. In this type of situation chicken growers have an advantage. When their raw material price reaches a level that makes operations unprofitable they can turn off their incubator and wait for the feed price to recede. If a cold-metal shop turns off its "incubators" in a similar situation it will lose its trained employees and its customers and the chances of its ever starting up again would be negligible indeed.

These arguments are not new to this administration. They heard them in 1970 and have heard them again continuously in 1973. The Export Administration Act was in effect in 1970 just as it is in effect now. In 1970 the administration refused to admit that the criteria set forth in the act had been met. On July 3, 1973, the Secretary of Commerce finally admitted that the criteria called for in the act had been met. Having at last reached this conclusion he then proceeded to do exactly nothing to restrict scrap iron and steel exports.

It is obvious to me that the Export Administration Act amply outlines what action should be taken by the Secretary of Commerce and when he should take it. It is also obvious to me that on two recent occasions the act has not been used when called for, and that irreparable economic damage has accordingly been done to our domestic industries.

In view of this repeated failure to act on the part of the administration, and in view of the present continuing damage that is being done to our industries, I am convinced that we must incorporate into the Export Administration Act an arithmetic trigger mechanism for the control of scrap iron and steel exports as soon as possible. I am sorry that H.R. 8547 does not include such a provision.

Mr. WOLFF. Mr. Chairman, I rise in support of H.R. 8547, to amend the Export Administration Act of 1969. This legislation is designed to protect the domestic economy from the excessive drain of scarce materials and commodities and to reduce the serious inflationary impact of abnormal foreign demand. In essence, the bill gives to the President expanded authority to control the exports of those products, in particular food products like meat and feed grains, which are doing irrevocable damage to the American economy and the American consumer.

For some time, I have advocated that we stop sending food products abroad, in particular products like meat and wheat, when the supply we have for domestic consumption is inadequate. I have introduced legislation calling upon the President to embargo the exportation of feed grains, which influence the cost and supply of virtually every basic food product, until we are assured of adequate supplies of these commodities at prices the American people can afford. We have seen, and are continuing to feel, the economic damage caused by the massive Russian wheat deal last year—shortages of meat and dairy products, soaring costs of bread and flour products, and in general chaos on the supermarket shelves. I think we all realize the critical need to prevent similar economic disaster from occurring in the future, and H.R. 8547 can provide our Government with the tools it needs to effectively control, and if necessary halt, those exports which work against the needs and well-being of the American people.

This legislation revises that section of existing law which limits the President's authority to control the exportation of products like meat and feed grains. In amending the act, this bill assures the President adequate authority to impose restraints upon exports as part of an overall effort to curtail serious domestic inflation. It is hoped that, through this expanded authority, we will see a change in the current picture where the American housewife and her family cannot get meat in the supermarkets while all over Europe and Asia New York strip steaks are there for the asking.

In recent weeks the President has criticized the Congress for what he calls a lack of cooperation with his program to control inflation. Yet, it was this Congress which gave to the President full authority for wage-price controls and other economic stabilization measures to combat inflation. And, it is this Congress which is giving to the President, through this legislation, the new authority which he asked for to impose a system of export controls to help achieve the goals of his anti-inflation program. It is up to the President to use his authority and, in turn, to cooperate with the Congress by using the tools which we have given him to get our economy back on its feet.

Mr. Chairman, I would like to commend the Banking and Currency Committee for its work on this legislation. I urge my colleagues to join with me in supporting this measure, to show the President that, as in the past, we are more than willing to cooperate with him, yet at the same time we look forward to his joining with us in our efforts to provide a better life for the American people.

Mr. CULVER. Mr. Chairman, I rise in opposition to H.R. 8547, the Export Administration Act amendments. This bill would broaden current Presidential authority by allowing export controls to be imposed to protect the domestic economy, even though the foreign demand in question is not abnormal and does not produce a serious inflationary impact. In my judgment the emphasis of this bill is misplaced and is likely to produce distortions more serious than any it proposes to remedy.

I take some comfort from the fact that controls on agricultural commodities could not be instituted without the concurrence of the Secretary of Agriculture. Secretary Butz has gone on record as opposing export controls on farm products in any but the most urgent circumstances. At the same time, the record of his Department in this field is not such as to inspire confidence. And the thrust of the bill as a whole is to regularize export controls at a time when our economy can least afford to be insulated from the world economy.

Mr. Chairman, we have two recent and disastrous examples of mismanagement of agricultural export policy. The first was last year's mismanaged sale of wheat to the Soviet Union, which certainly was abnormal, caused associated dislocation in other areas such as transportation and imposed enormous costs on U.S. consumers and taxpayers without properly benefiting our general farm economy. The second was this year's shortsighted embargo on soybeans and other agricultural exports, which seriously disrupted the confidence of major trading partners in Japan and Europe in the reliability of the United States as the major supplier of this important product.

There is a need for improved agricultural information flow to deal with abnormal and severely inflationary exports such as those associated with the Soviet wheat deal. We in the Congress have provided for such a mechanism in the newly enacted farm bill, which I supported. In addition to encouraging expanded crop production to meet increased demand, the bill establishes export-sales reporting requirements to permit more careful knowledge and monitoring of such transactions. It is essential that this information be not only accurately developed so that all relevant data and implications are considered, but also disseminated rapidly to farmers and to the public.

We must create the conditions for adequate future agricultural supplies through methods less harmful than the blunt instrument of export embargoes. Shortages in the United States might be averted by the maintenance of reserves for basic agricultural commodities. Such a scheme could be internationalized through multinational commodity agreements with maximum-minimum pricing provisions or through a World Food Bank. The reporting requirement in the new farm bill may allow us to limit abnormally large orders that might create shortages rather than restricting sales to our regular customers. Such a program, however, would still have the disadvantages of the U.S. Government having to play God in determining which of our trading partners are to receive our agricultural exports and of well-fed Americans denying food to the poor nations.

Nevertheless, this administration should be taking every reasonable step to minimize the necessity for export controls. Export controls can have severe, long-term consequences. For example, while a temporary increase in supply of agricultural products may lower some food prices, export controls may also cause a decrease in farm production if continued for the long term. Limiting the farm export market diminishes the incentives for farmers to produce and, in the long run, this type of policy could result in higher food prices in the United States.

More importantly, no aspect of the administration's economic policies would have a more damaging effect upon this Nation's interest in expanded international trade or upon our political and economic relations with those nations which depend upon us for their own food supply, than unilateral use of export controls. Furthermore, such an international trade policy often is an invitation for similar retaliatory action by other foreign nations.

Agricultural trade is one area where this country has a strong competitive edge. Limitations on farm exports will have an adverse effect upon our future trade negotiations, especially with the European Common Market, as well as our efforts to reduce our trade deficit with foreign countries. Controls would create doubts in the minds of foreign buyers about the reliability of the United States as a source of supply for these products.

We cannot deal with inflation on a piecemeal basis or symptomatically. Farm exports make a major contribution to this Nation's balance of payments, without which we will be unable to import essential commodities in short domestic supply. The strength of the dollar lies in the balance. In no sense may export embargoes be regarded as a preferable substitute for effective preventative measures which may be taken now to encourage increased crop production while continuing a strong international trade policy.

Mr. DONOHUE. Mr. Chairman, I intend to support this pending Export Administration Act amendment and I hope that it is overwhelmingly approved by the House in the interest of the great majority of our American consumers who are experiencing the burdens of the worst inflationary period that has occurred in our modern history.

I have particularly noted that in requesting the new authority of this legislation to impose export controls the President himself indicated that there was a direct relationship between rising food prices and food exports from the United States.

In this connection the President stated that—

> One of the major reasons for the rise in food prices at home is that there is now an unprecedented demand abroad for the products of America's farms. In allocating the products of America's farms between markets abroad and those in the United States, we must put the American consumers first.

The President further singled out, as one of the major areas requiring special attention and action, food prices which have risen a staggering 43.2 percent on the Wholesale Price Index in the first 4 months of phase III.

Mr. Chairman, the accelerating increases in food and other basic necessities are unquestionably visiting extreme economic hardships upon the people in this country who are the least able to bear them, the poor, the elderly, and the low- and middle-income workers and their families.

In my conviction inflation control is the most imperatively important problem that is facing our Nation today and any sound and reasonable attempt and objective of relieving inflationary burdens from the strained backs and pocketbooks of American housewives and other consumers deserves to be supported.

Although the administration's interest in protecting the average American consumer from exhorbitant food prices is said, by some, to have surfaced a little late, in view of present marketplace conditions, and somewhat like the closing of the barn door after the horse has run away, in view of the administration's criticized grain deal with Russia, this pending bill, nevertheless, represents a promising step in consumer protection and it will give the President a very timely and testing opportunity to try to regain a lost measure of the people's confidence through the fulfillment of his direct promise to "put the American consumers first."

There are other provisions in this bill designed to prevent the abuse of the power contained in this legislation and to require, with respect to certain agricultural commodities, the weekly publication of information on supply, domestic requirements and export commitments, that will encourage public confidence and prevent any repetition of international arrangements such as the much criticized and unwholesomely secretive Russian grain deal that so many authorities have seriously questioned as not truly being in the American public interest.

Mr. Chairman, from all the evidence pertaining to this bill and the particular testimony of the President's personal concern for the American consumer it impressively appears that the objectives of this bill are in the true public interest and I, therefore, hope that it is resoundingly accepted as a cooperative good will effort of the President and the Congress to begin together a new era of effective service to the American people.

Mr. ANNUNZIO. Mr. Chairman, I am pleased to see that my colleagues have included in this bill a provision to control the export of logs. Recently we have experienced great hardships in several national industries as a result of the completely unrestricted export of essential raw materials. The poultry and livestock raising industries come to mind at once as examples of how the present administration permitted the unrestricted export of feed until very material damage was done.

It has been my understanding that the Export Administration Act of 1969 gave the executive branch of our Government not only the authority to act in cases of this type, but the responsibility to act promptly as well. I would like to state my disappointment in the apparent total inability of the administration to foresee the obvious results that will occur when they permit the unrestricted export of an essential raw material that is already in short supply.

An excellent example of just such a raw material is scrap iron and steel. The greatest amount of scrap iron and steel that has ever been collected in this Nation in any one of the last 20 years has been approximately 46 million tons. In each of the 3 years when the total demand for our scrap; that is, the domestic demand plus the export demand, exceeded 45 million tons, the price of scrap soared. Now, most people would recognize that such a sharp and sudden price increase for a basic raw material would indicate the presence of a shortage.

When this happened in 1969 and in 1970, however, the present administration refused to use the Export Administration Act and allowed the domestic foundry industry and a large segment of our steel industry to absorb huge additional costs that they could not recover in the market. In 1972 another world steel shortage started, causing the raw material scrap to again make a sharp jump in price by yearend. This situation has continued to deteriorate in 1973 to a point where the steel and foundary industry representatives have urged the Secretary of Commerce to impose a total embargo at once. The response from the Secretary would be humorous if it were not so tragic. On July 2, 1973, the Secretary of Commerce stated—and I quote—

> Expected domestic purchases of scrap and expected exports are projected to total 54.4 million tons in calendar year 1973, 18 per cent above the previous high year.

The Secretary knows that the total for the previous high year was achieved only by drastic price increases. Obviously, the supply-demand relationship was then under severe strain and the possibility of extracting an additional 18 percent this year is beyond comprehension. Under such circumstances, strong and immediate action is mandatory and what did the Secretary do? Did he restrict scrap exports? Contrary to public opinion, he imposed no effective restrictions whatsoever. He simply asked the exporters to get a license before exporting and stopped the exporters from accepting additional orders for this year.

This latter restriction was in many respects meaningless as 1973 exports and export orders for the first 6 months were for a tonnage 67 percent above the total tonnage exported during all of 1972.

When the present administration fails to take timely and positive action in situations such as exist in this commodity at present, they are gambling with the jobs of people in my area and at extremely poor odds. I am sorry that those in the administration fail to recognize this. I am sorry that the administration continues to ignore the intent of Congress in the Export Administration Act. In view of this failure on the part of the Secretary of Commerce, I applaud our committee's action in regard to logs and commend their immediate attention to a strong export trigger mechanism to control the unwarranted export of scrap iron and steel.

Mr. ASHLEY. Mr. Chairman, I have no further requests for time.

Mr. WIDNALL. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

H.R. 8547

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 4(e) of the Export Administration Act of 1969 (50 U.S.C. App. 2403(e)) is amended to read as follows:

"(e)(1) The Secretary of Commerce, in consultation with appropriate United States Government departments and agencies and any appropriate technical advisory committee established under section 5(c)(2), shall undertake an investigation to determine which materials or commodities shall be subject to export controls because of the present or prospective domestic inflationary impact or short supply of such material or commodity in the absence of any such export control. The Secretary shall develop forecast indices of the domestic demand for such materials and commodities to help assure their availability or a priority basis to domestic users at stable prices.

"(2) To effectuate the policy set forth in clause (A) of paragraph (2) of section 3 with respect to any agricultural commodity, the authority conferred by this section shall not be exercised without the approval of the Secretary of Agriculture."

"(3)(A) On Tuesday of each week, the Secretary shall publish in the Federal Register with respect to each group of agricultural commodities listed in subparagraph (B) and each category within each such group the following information:

"(i) estimated domestic supply (including any reserve and carryover) of such commodity as of the day preceding the date of publication of this information in the Federal Register,

"(ii) the estimated domestic requirements for such commodity by crop year,

"(iii) the estimated domestic use of such commodity by crop year as of the day preceding the date of publication of this information in the Federal Register, and

"(iv) the exports and commitments of such commodity by crop year as of the day preceding the date of publication of this information in the Federal Register.

"(B) The following is the listing of agricultural commodities referred to in subparagraph (A):

"Group I—Wheat

"Wheat—Hard red winter.
"Wheat—Soft red winter.
"Wheat—Hard red spring.
"Wheat—White.
"Wheat—Durum.

"Group II—Rice

"Rice in the husk, unmilled.
"Rice, husked, long grain.
"Rice, husked, medium grain.
"Rice, husked, short grain.
"Rice, husked, mixed.
"Rice, parboiled, medium grain.
"Rice, parboiled, long grain.
"Rice, parboiled, short grain.
"Rice, parboiled, mixed grain.
"Rice, milled, containing 75 percent or more broken kernels.
"Rice, milled, long grain, containing less than 75 percent broken kernels.
"Rice, milled, medium grain, containing less than 75 percent broken kernels.
"Rice, milled, short grain, containing less than 75 percent broken kernels.
"Rice, milled, mixed grain, containing less than 75 percent broken kernels.

"Group III—Barley

"Barley, unmilled.

"Group IV—Corn

"Corn, except seed, unmilled.

"Group V—Rye

"Rye, unmilled.

"Group VI—Oats

"Oats, unmilled.

"Group VII—Grain sorghums

"Grain sorghums, unmilled.

"Group VIII—Soybeans and soybean products

"Soybean oil-cake and meal.
"Soybeans.

"Group IX—Cottonseeds and cottonseed products

"Cottonseed oil-cake and meal.
"Cottonseed."

(b)(1) Section 3(2)(A) of the Export Administration Act of 1969 is amended by striking out "and" and inserting in lieu thereof "or".

(2) Section 4(c) of the Export Administration Act of 1969 is amended by inserting "or to reduce the serious inflationary impact of abnormal foreign demand" immediately after "scarce materials".

(c) Section 5(c) of the Export Administration Act of 1969 (50 U.S.C. App. 2404(c)) is amended by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), and—

(1) by inserting immediately after paragraph (1) the following new paragraph:

"(2) Upon written request by representatives of a substantial segment of any industry which processes materials or commodities which are subject to export controls or are being considered for such controls because of the present or prospective domestic inflationary impact or short supply of such materials or commodities in the absence of any such export controls, the Secretary of Commerce shall appoint a technical advisory committee for any grouping of such materials or commodities to evaluate technical matters, licensing procedures, worldwide availability, and actual use of domestic production facilities and technology. Each such committee shall consist of representatives of United States industry and government. No person serving on any such committee who is representative of industry shall serve on such committee for more than two consecutive years. Nothing in this subsection shall prevent the Secretary from consulting, at any time, with any person representing industry or the general public regardless of whether such person is a member of a technical advisory committee. Members of the public shall be given a reasonable opportunity, pursuant to regulations prescribed by the Secretary of Commerce, to present evidence to such committees.";

(2) in paragraph (4) thereof, as redesignated by this subsection, by striking out "such committee" and by inserting in lieu thereof "committee established under paragraph (1) or (2)"; and

(3) in paragraph (5) thereof, as redesignated by this subsection, by striking out "such committee" the first time it appears therein and inserting in lieu thereof "committee established under paragraph (1) or (2)".

SEC. 2. The Export Administration Act of 1969 is amended by redesignating sections 10, 11, 12, 13, and 14 as sections 11, 12, 13, 14, and 15, respectively, and by inserting immediately after section 9 the following new section:

"LUMBER AND LOGS

"SEC. 10. (a) For each of the calendar years 1973 and 1974—

"(1) not more than two billion five hundred million board feet (Scribner scale) of softwood logs may be sold for export from the United States; and

"(2) not more than one billion board feet (lumber scale) of softwood lumber may be sold for export from the United States;

unless the Secretary of Agriculture shall certify, within thirty days of the date of enactment of this section, that there shall be offered for sale from national forests not less than eleven billion eight hundred million board feet (local log scale) of softwood timber during each such calendar year.

"(b) No unprocessed timber may be sold for export from the United States from Federal lands located west of the one hundredth meridian. Such limitation on exports shall stay in effect until the President determines that there is available for domestic use an adequate supply of softwood logs and lumber at reasonable price levels. Upon making such determination, the President may remove such limitation on a partial basis, up to an annual maximum of three hundred and fifty million board feet in the aggregate.

"(c) After public hearing and finding by the appropriate Secretary of the department administering Federal lands referred to in subsection (b) of this section that specific quantities and species of unprocessed timber are surplus to the needs of domestic users and processors, such quantities and species may be designated by the said Secretary as available for export from the United States in addition to that quantity permitted under subsection (b) of this section.

"(d) The Secretaries of the departments administering lands referred to in subsection (a) of this section shall issue rules and regulations to carry out the purposes of this section, including the prevention of substitution of timber restricted from export by this section for exported non-Federal timber.

"(e) In issuing rules and regulations pursuant to subsection (d) of this section, the appropriate Secretaries may include therein provisions authorizing the said Secretaries, in their discretion, to exclude from the limitations imposed by this section sales having an appraised value of less than $2,000."

Mr. ASHLEY (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the record and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: On page 2, line 13, strike out the quotation marks.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 2, immediately after line 13, insert the following:

(3) (A) On Tuesday of each week, the Secretary shall publish in the Federal Register with respect to each group of agricultural commodities listed in subparagraph (B) and each category within each such group the following information:

"(i) estimated domestic supply (including any reserve and carryover) of such commodity as of the day preceding the date of publication of this information in the Federal Register,

"(ii) the estimated domestic requirements for such commodity by crop year,

"(iii) the estimated domestic use of such commodity by crop year as of the day preceding the date of publication of this information in the Federal Register, and

"(iv) the exports and commitments of such commodity by crop year as of the day preceding the date of publication of this information in the Federal Register.

(B) The following is the listing of agricultural commodities referred to in subparagraph (A):

"GROUP I—WHEAT

"Wheat—Hard red winter.
"Wheat—Soft red winter.
"Wheat—Hard red spring.
"Wheat—White.
"Wheat—Durum.

"GROUP II—RICE

"Rice in the husk, unmilled.
"Rice, husked, long grain.
"Rice, husked, medium grain.
"Rice, husked, short grain.
"Rice, husked, mixed.
"Rice, parboiled, long grain.
"Rice, parboiled, medium grain.
"Rice, parboiled, short grain.
"Rice, parboiled, mixed grain.
"Rice, milled, containing 75 percent or more broken kernels.
"Rice, milled, long grain, containing less than 75 percent broken kernels.
"Rice, milled, medium grain, containing less than 75 percent broken kernels.
"Rice, milled, short grain, containing less than 75 percent broken kernels.
"Rice, milled, mixed grain, containing less than 75 percent broken kernels.

"GROUP III—BARLEY

"Barley, unmilled.

"GROUP IV—CORN

"Corn, except seed, unmilled.

"GROUP V—RYE

"Rye, unmilled.

"GROUP VI—OATS

"Oats, unmilled.

"GROUP VII—GRAIN SORGHUMS

"Grain sorghums, unmilled.

"GROUP VIII—SOYBEANS AND SOYBEAN PRODUCTS

"Soybean oil-cake and meal.
"Soybeans.

"GROUP IX—COTTONSEEDS AND COTTONSEED PRODUCTS

"Cottonseed oil-cake and meal.
"Cottonseed."

(b) (1) Section 3(2) (A) of the Export Administration Act of 1969 is amended by striking out "and" and inserting in lieu thereof "or".

(2) Section 4(c) of the Export Administration Act of 1969 is amended by inserting "or to reduce the serious inflationary impact of abnormal foreign demand" immediately after "scarce materials".

AMENDMENT OFFERED BY MR. COTTER AS A SUBSTITUTE FOR THE COMMITTEE AMENDMENT

Mr. COTTER. Mr. Chairman, I offer an amendment as a substitute for the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. COTTER as a substitute for the committee amendment: In lieu of the matter inserted, insert:

"(3) (A) The Secretary shall make public on a weekly basis the anticipated future exports of each group of agricultural commodities for which exporters are required to report. Such data shall be made public within 24 hours after the Secretary has compiled and aggregated the data from information submitted to him by such exporters, but no later than seven calendar days after the date on which such information is required to be submitted to him.

"(B) The Secretary of Agriculture shall furnish the following information for each such group of agricultural commodities referred to in subparagraph (A) on a weekly basis to the Secretary who shall make such information public at the same time as, and together with, the data required to be made public by him under subparagraph (A):

"(i) estimated domestic supply (including any reserve and carryover),

"(ii) the estimated domestic requirement by crop year, and

"(iii) the estimated domestic use to date by crop year."

(b) (1) Section 3(2) (A) of the Export Administration Act of 1969 is amended by striking out "and" and inserting in lieu thereof "or".

(2) Section 4(c) of the Export Administration Act of 1969 is amended by inserting "or to reduce the serious inflationary impact of abnormal foreign demand" immediately after "scarce materials".

Mr. COTTER. Mr. Chairman, this amendment is the result of some questions raised by the Department of Commerce and by the Department of Agriculture on the reporting requirements contained in the bill. In the opinion of the Departments it was a cumbersome and unwieldly arrangement, simply that this material had to be published in the Federal Register. However, after consultation with both of the departments and with minority Members and majority Members I believe that we have reached an agreement whereby all who are concerned are pleased that this information would only have to be published in the form of a news release, and not in the Federal Register.

Mr. Chairman, I believe that there should be no controversy over this amendment. I worked closely with both the administration and with interested majority and minority members of the committee. My amendment would require the public reporting of export supply and demand data relative to agricultural commodities which are now subject to monitoring by the Commerce Department. This is similar to what is required by the present language in section 3 of H.R. 8547 which language, by the way, I offered in markup. But the amendment which I am offering today in the nature of a substitute would give the Secretary of Commerce more flexibility in reporting the data to overcome technical problems which the existing committee language creates. My amendment does not diminish the requirements of section 812 of the new agriculture bill.

Briefly, my amendment does the following:

It requires the Secretary to make public on a weekly basis and in aggregated figures anticipated future exports of those agricultural commodities for which exporters are required to report. It is important to note that it requires aggregated data to avoid disclosure of private business information. It also requires the Secretary of Agriculture to make available up-to-date supply and domestic requirements and use of figures on those same commodities. The Secretary of Commerce shall then make these figures public at the same time and together with the aggregated export figures.

There is a real need for this amendment. The report of the Comptroller General on the Soviet grain deal stresses the need to upgrade agricultural commodity supply and demand data gathering, analysis, and dissemination. Now that the administration has moved to improve intelligence on the demand side of the equation by mandating weekly reports from exporters, I believe that it is important to provide a mechanism for the prompt dissemination and analysis of that data. My amendment does just that. It will provide the public and the Congress with up-to-date and understandable supply and demand data. This, in turn, will provide the public and the Congress with the ability to monitor Government decisionmaking—or nondecisionmaking—on export controls, thus making a repetition of the distortions caused by the Soviet grain deal less likely.

Having given you a brief outline of what my amendment does, and why I think it is needed legislation, let me briefly explain the technical changes between section 3 as it appears in the committee bill, H.R. 8547, and section 3 as it would read if this amendment passes.

Old section 3 required publication of this data in the Tuesday Federal Register following the Monday on which the Department of Commerce is supposed to receive reports from exporters. To give the Secretary of Commerce time to compile and aggregate export figures the new amendment requires the Secretary to make such aggregated information public no later than 7 calendar days after the day set for receipt of the base export information from exporters. And instead of using the cumbersome and expensive Federal Register publication route, new section 3 just requires the Secretary to make the information public by way of a press release. New section 3 also requires the Secretary to make the information public within 24 hours after compiling and aggregating the export information. Let us get it out quickly to cut down chances for market distortions based on rumor or insider information.

Old section 3 contained a list of commodities for which such information is to be gathered and released. New section 3 is more flexible, requiring public disclosure of export and related data on those agricultural commodities which in any given week are the subject of export monitoring by the Commerce Department.

Mr. Chairman, when I offered this amendment in committee, it was only a few days after the President had announced Phase III½ and transferred the essentially voluntary U.S. Department of Agriculture export reporting program to the Commerce Department where it became a mandatory program. I, as most of my colleagues, have been working diligently on the problem of ever-increasing food prices, but it became clear to me as early as last August 1972, that the U.S. Department of Agriculture and the U.S. Commerce Department were not collecting adequate data on U.S. food exports. These food exports contribute directly to higher food prices.

Since that time, I have been urging the Department of Agriculture and the Department of Commerce to collect export data so that they could make early decisions over when to stop overseas shipments in order to avoid higher U.S. food prices. My suggestions were met with inaction, and, I might add, not a little hostility. At that time, the Nixon administration, as exemplified in the statements of Secretary Shultz and Secretary Butz was looking toward U.S. agricultral exports to save our floundering dollar overseas and correct our balance of payments. Only after the most dramatic food price increases in over 20 years did the President finally call a halt to massive exports of U.S. food commodities by his actions on June 13.

I tried unsuccessfully from the time following the President's statement to the markup of the Export Administration Act to find out the plans and procedures that the Commerce Department was going to use to make public this export information. I had no success and felt that the importance of this data must be made public, and offered an amendment which I drafted the night before the markup of the bill. In offering my amendment, I indicated that I would be willing to work out any technical problems that my original amendment offered, but I wanted to make sure that there was a legal obligation that this data be made public in the shortest period of time possible and in the most intelligible form possible.

I was happy that the U.S. Department of Commerce and the U.S. Department of Agriculture finally agreed that this information should be made public and there should be legal requirements for immediate publication.

In offering this clarifying amendment, Mr. Chairman, I am doing it with the understanding that the Commerce Department will act to report this information even sooner than the 7 calendar day requirement. Second, I was assured that the data in this report would be uniform, that is that all figures would be in the same unit of measurement whether it be bushels, bales, tons, et cetera.

Before closing, I want to thank the help extended to me by the distinguished chairman of the subcommittee, Mr. ASHLEY, and the distinguished ranking minority member of the full committee, Mr. WIDNALL, for their help and assistance and the other interested members of the committee.

Mr. WIDNALL. Mr. Chairman, as far as the minority is concerned, we are familiar with the substitute for the committee amendment, and it is acceptable to our side.

Mr. SMITH of Iowa. Mr. Chairman, would the gentleman yield?

Mr. COTTER. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, I would ask the gentleman from Connecticut as to whether the Department of Agriculture said that they can comply with the weekly reporting requirement?

Mr. COTTER. Mr. Chairman, I have not had the opportunity to get clearance from the Department of Agriculture. I do have a letter in my possession in which the Department of Commerce states that they have no objection to the amendment at all.

As the gentleman from Iowa may recall, under the recently passed Agricultural Act of 1973 there is a reporting requirement. This is not more stringent than that, and I believe they can comply.

Mr. SMITH of Iowa. I am for a more stringent requirement than is in that bill on recording sales overseas. We could have one, I think, on a shorter than weekly basis, but I am talking about the part of this amendment which refers to weekly reports on estimated crop production in the United States. I just do not think it is possible to have that. I think it would seriously violate the integrity of our reporting system. They have enough trouble getting it on a 2-month basis now. They had a schedule back a few years ago, and they finally devised a system whereby it was organized by sections of the country. Each section has its own reporting system and then they come in the Department; they are then closeted in a room over there; nobody leaves until 3 o'clock in the afternoon. At that time they combine all of these statistics that vitally affect the market prices.

I do not think it is possible to do that on a weekly basis.

I wonder whether the Department of Agriculture has told the gentleman they can do that.

Mr. COTTER. They have not told me they can. They have been aware of this amendment for several weeks. My staff has been in touch with them during the past 2 or 3 days in an attempt to get some type of response from them. We have been unable to do so. We have been in touch with the Department of Commerce, and I am sure that between them they have discussed this, and the Department of Commerce is satisfied that it presents no hardship.

Mr. SMITH of Iowa. It is not the Department of Commerce. I am talking about the Department of Agriculture and the reporting system. Will it preserve the integrity of the reporting system?

Mr. COTTER. That I cannot answer.

Mr. ASHLEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of this amendment. The fact of the matter is that the gentleman from Connecticut has worked very hard and diligently with the administration in an effort to improve and make more satisfactory from the standpoint of the Department of Commerce and the Department of Agriculture the amendment which was adopted by the committee. I think that he has done a fine service and a good job, and I am pleased to accept the amendment.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Connecticut (Mr. COTTER) for the committee amendment.

The substitute amendment was agreed to.

The CHAIRMAN. The question is on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

The CHAIRMAN. The Clerk will report the final committee amendment.

The Clerk read as follows:

Committee amendment: On page 2, line 14, strike out "(b)" and insert in lieu thereof "(c)".

The committee amendment was agreed to.

The CHAIRMAN. Are there further amendments?

AMENDMENT OFFERED BY MR. HEINZ

Mr. HEINZ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HEINZ: Page 8, immediately after line 15, insert the following:

SEC. 3. The Export Administration Act of 1969 is amended by—

(1) Inserting immediately before section 1 the following:

"TITLE I—GENERAL PROVISIONS";

(2) redesignating sections 1 through 15, and all cross references thereto, as sections 101 through 115, respectively; and

(3) striking out "this Act" wherever it appears in sections 101 through 114 (as redesignated by paragraph (2)) and inserting "this title" in lieu thereof.

SEC. 4. The Export Administration Act of 1969 is further amended by adding at the end thereof the following new title:

"TITLE II—SCRAP IRON AND STEEL EXPORT CONTROLS

"SEC. 201. This title may be cited as the 'Scrap Iron and Steel Export Administration Act of 1973'.

"SEC. 202. On and after the effective date of this title, scrap iron and steel shall not be exported from the United States except in accordance with the provisions of this title.

"SEC. 203. When used in this title—

"(a) The term 'scrap' means all grades of scrap iron and steel which can be used for the manufacture of iron and steel products.

"(b) The term 'domestic consumer' means any individual, corporation, association, or other legal entity which purchases scrap to use in the United States as a raw material for the production of iron and/or steel products in his own manufacturing facilities.

"(c) The term 'receipts' means the total volume of scrap received by domestic consumers during a specific period, less any sale, shipment, or other disposal of scrap other than that consumed during normal production.

"(d) The term 'exporter' shall be the licensee named in the validated export license or the person, shipper, owner, consignor, or his properly authorized agent, entitled to make the exportation of iron and steel scrap under applicable general license in conformity with export control regulations, and who signs the applicable shipper's export declaration forms.

"(e) The term 'exports' means the total volume of exports for a specific period under Department of Commerce regulations, licensed by the Office of Export Control, or compiled under United States export statistics, whichever is greater.

"(f) The term 'Secretary' means the Secretary of Commerce.

"(g) The term 'shortage of scrap' means a volume of receipts plus exports of eleven million net tons or more of scrap during a period of three consecutive months; and the term 'critical shortage of scrap' means a volume of receipts plus exports of eleven million five hundred thousand net tons of scrap during a period of three consecutive months.

"(h) The term 'United States' means the fifty States, the District of Columbia, the Canal Zone, Puerto Rico, and all territories, dependencies, and possessions of the United States.

"SEC. 204. The Secretary is hereby instructed and authorized to issue such regulations as may be necessary and appropriate to carry out the purposes of this title.

"SEC. 205. PROCEDURE.—(a) As soon as possible after the closing of each calendar year quarter, and in all events by forty-five days following the close of such quarter, the Secretary shall determine if no shortage, a shortage, or a critical shortage occurred in the quarter and he shall make this determination a matter of public record.

"(b) If the Secretary determines in accordance with subsection (a) that neither a shortage nor a critical shortage occurred, no export restrictions will be imposed unless restrictions are still in effect from an earlier curtailment.

"(c) If the Secretary determines, in accordance with subsection (a), that a critical shortage occurred, he will take such action as is necessary to limit scrap exports for six months so that total exports for the six-month period will not exceed one-quarter of the preceding five-year annual export average. This export restriction is to start no later than the beginning of the third month following the quarter in which the critical shortage occurred.

"(d) When export restrictions are imposed under subsection (c) they may be removed at the end of the six-month period if the Secretary determines that no shortage existed in the calendar quarter that occurred during the six-month period. If, however, the Secretary determines that a shortage did exist in the calendar quarter that occurred during this six-month period of export restrictions the same level of export restrictions will remain in effect for additional three-month periods until the Secretary determines in accordance with subsection (a) that a shortage no longer exists.

"(e) When export restrictions have been imposed in accordance with subsection (c) and for the duration of the period that these restrictions are in effect the Secretary will determine and make a matter of public record whether a critical shortage occurred in each successive three-month period. The determination will be made each month by totaling the exports and receipts of the three most recent months. The first such determination will be made not later than four and one-half months after the imposition of export restrictions, and a new determination will be made within successive thirty-day periods for each month thereafter. If the Secretary determines that a critical shortage exists during and in spite of the export restrictions of subsection (c) he will take such action as is required to stop all exports within two months from the closing of the three-month period in which the critical shortage occurred.

"(f) In the event that a total embargo is imposed in accordance with subsection (e) it will remain in effect for a minimum of three months and for additional one-month periods until the Secretary determines in accordance with subsection (e) that a critical shortage no longer exists.

"(g) Notwithstanding any other provision of this title, the Secretary shall provide special exemptions from export controls imposed under this title with respect to regions of the United States where the Secretary determines that supply of scrap is substantially in excess of demand.

"SEC. 206. Nothing in title II shall prevent the Secretary from restricting the export of scrap sooner or to a greater extent than provided for in title II.

"SEC. 207. Any domestic consumer or exporter who knowingly and willfully files a false report or exports any scrap in violation of title II shall upon conviction be fined not more than $10,000 or imprisoned not more than one year, or both, for each violation."

Mr. HEINZ. Mr. Chairman, at the outset I would like to apologize to my colleagues for subjecting them to the reading of the amendment, which is quite lengthy. I would not have done so had we brought this bill up tomorrow, as was originally scheduled. This is so because I had intended to write my colleagues and publish relevant and important information in the CONGRESSIONAL RECORD.

The amendment to the bill before us, H.R. 8547, is an amendment that I think will help us in a particular problem, namely, that of bringing scrap steel prices—ferrous scrap prices, if you will—within reasonable levels.

Why do we need to do this? The Members, I am quite sure, are aware that the Commerce Department, dating back to July 2, imposed some export controls on ferrous scrap. Are not these controls sufficient? The answer is "no," and for several reasons.

First of all, the action of the Commerce Department was long in coming, and when it came I think it was an overreaction in some areas and inadequate in other respects.

Back in February of this year, I originally asked Secretary Dent to take action to license scrap steel exports. It took just exactly 5 months to get this accomplished, and during this period, scrap prices rose nearly 40 percent, a disastrous and astonishing increase. Having finally taken belated action, it has turned out that the Commerce Department regulations themselves are inadequate and inequitable. For example, there are areas of this country which are being unfairly affected by the reporting and quota system that has been imposed by the Commerce Department.

The Northeast and California are traditionally scrap surplus areas. Yet, the Department's regulations prevent these areas from supplying legitimate export markets with their scrap, scrap which unfortunately cannot be sold in our other domestic market because of prohibitively high domestic freight rates.

The next fact is that the controls that now exist have not worked in terms of keeping the price of scrap under control. Since February of this year, the price of scrap has gone from about $38 a ton for No. 1 heavy melting scrap to $54.66 a ton as of the beginning of last week. That was on Monday of last week, the last week of August—a week under phase IV's economic controls.

Unbelievably, by the end of last week, the price of ferrous scrap, No. 1 heavy melting grade, was up $2.18 to $56.84. A 4-percent increase in 1 week under phase IV, which is supposed to be a tough phase IV, is a tremendous increase. Yet the Department's "controls" are supposed to be working. They obviously are not. And, if that 4-percent increase per week extends to the entire month of September, we will have an additional 16-percent increase in the price of scrap this month. I do not see how anyone in this Chamber can say that these existing policies are working, and that is why I am proposing a congressional alternative in my amendment to H.R. 8547.

Now, what does my amendment do? It provides for an automatic trigger mechanism based upon the total scrap purchased by domestic users plus exports. Under this amendment, the Secretary of Commerce would be required, as soon as possible after the end of each calendar quarter, but no later than 45 days following the close of such quarter, to determine whether a shortage of scrap exists. If a critical shortage exists, defined as a volume of exports plus domestic purchased scrap of 11.5 million tons for that quarter, the Secretary would be required to limit scrap exports for 6 months so that total exports for the 6-month period would not exceed one-quarter of the preceding 5-year annual export average. This restriction would start no later than the beginning of the third month following the quarter in which the "critical shortage" occurred.

One of the things that makes this amendment, I think, unique, is that it provides to the Secretary some necessary discretion with respect to geographic areas, such as the California and west coast area, and such as the Northeast, which are both scrap surplus areas. Under my amendment the Secretary would be permitted to designate such areas as surplus areas and exempt them from the controls otherwise mandated in the amendment.

Traditionally the argument against such measures as this is that they are inflexible and one cannot live with them over time. This would not be a hazard in the case of this amendment since my amendment is an amendment to the existing export control law, which expires next June 30. Therefore, the life of this amendment in effect, is a little less than 1 year. This will give us an opportunity to live with it and to see how well it performs.

I urge all the Members of the House to give this amendment serious consideration. I would add, if Members are concerned about the energy crisis, and they deem it desirable to encourage the use of recyclable materials because recyclable materials require much less energy to produce final product than with the original raw material itself, then there is additional reason to support this legislation.

In the case of scrap steel, what we are talking about, of course, is a product that is at least 95 percent pure steel.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

(By unanimous consent, Mr. HEINZ was allowed to proceed for 2 additional minutes.)

Mr. HEINZ. Mr. Chairman, in the case of scrap steel we are talking about a product that is 95 percent pure steel.

When we talk about iron ore—and our best iron ore, I would add, is exported—we are talking about a product that is 40 percent impurities and 60 percent iron.

It requires enormous amounts of energy, which, as we all know, is in short supply, to remove these impurities. We can encourage the use of scrap steel by keeping its price reasonable, and in doing so, we act wisely to conserve energy. By constraining exports when necessary we can contain scrap prices to reasonable levels. This, of course, is the objective of the amendment I offer.

Finally, if Members believe it is important that we preserve the little companies, the small companies, the independent businessmen in this country, then there is one additional reason to support the approach of this amendment. Because of the structure of the steel industry, the small foundries and small producers of essential materials, such as steel reinforcing bars, small merchant bars, narrow strip sheet and wire and pipe products, are utterly dependent on scrap steel as their basic raw material. With the rise in the price of scrap, they cannot compete with the integrated producer making steel from ore. As a result these small- and medium-sized and even larger businessmen are cutting back operations or going out of business. This situation cannot be allowed to continue. Better controls are needed on scrap exports and for these reasons, I hope the members will support my amendment.

Mrs. SULLIVAN. Mr. Chairman, will the gentleman yield?

Mr. HEINZ. I yield to the gentlewoman from Missouri.

Mrs. SULLIVAN. Mr. Chairman, I support the purposes of the gentleman's amendment. I am sorry that the administration has let things get to the point where Congress has to consider taking this kind of action, which is drastic, but we are in a serious dilemma in steel scrap.

I would like to see this amendment go to conference. If it is too restrictive, we can modify it in conference. But something has to be done—and this is an approach to it.

Mr. Chairman, the actions of the Nixon administration in utilizing its broad powers to restrict exports of commodities vitally needed in the domestic economy have been rather typical of the administration's record of procrastination and ineffectiveness in all areas of economic stabilization. It is not the kind of record which builds confidence in the ability of our Government to meet our serious national problems at a time of rampant inflation.

Our present economic problems cannot be attributed to any failure on the part of the Congress to provide essential authority to the President to meet changing economic conditions. The opposite is true: Congress since 1969 has given President Nixon more power than any President has ever had in our history to deal with inflation, and with the spreading effects of soaring prices and developing domestic shortages. In most instances, we passed those laws on our own initiative, without Presidential request, and in fact, often over the objections of the President himself.

In 1969, we gave Mr. Nixon—as an unwanted provision of a bill he felt he had to sign—the broadest authority any President has ever had to control interest rates and credit terms. Although we were bitterly condemned by the President at the time for granting this authority, he came back several years later, in 1971, and asked us to incorporate credit control provisions into the Economic Stabilization Act, and we did so. But he has never used those powers. One of these days, I am sure the pressure of events will finally persuade him he must use his statutory powers to control interest rates.

Similarly, we passed the Economic Stabilization Act of 1970 over Presidential objections, as an amendment to the then-expiring Defense Production Act. He attacked us bitterly for that, too. Exactly 1 year later to the day—August 15, 1971—he used that law to freeze prices, wages, salaries, and rents. There was, of course, no mention in his announcement that the economic controls he was instituting were enacted by Congress 1 year earlier over his opposition.

RELUCTANCE TO ACT ON EXPORT CONTROLS

The bill before us, amending the Export Administration Act, reflects a new chapter of congressional initiative and administration "catchup" in the recognition of serious economic problems. In the hearings of the Subcommittee on International Trade, we pointed out repeatedly to Administration witnesses that unrestricted exports of essential items of domestic supply were causing serious dislocations and hardships in numerous American industries and in the prices of basic commodities, which translated themselves into much higher prices for consumers and for business. But administration witnesses insisted, first, that they did not have sufficient legal authority to take action, and then contended that the situation was not as serious as we had described it.

Although we voted in the subcommittee and in the full committee to amend the law to clear up in the language of the statute any misunderstanding about the extent of administration discretion in moving to restrict excessive exports of certain commodities needed in the domestic economy, the chairman of the Subcommittee on International Trade, Mr. ASHLEY, and I joined in supplemental views in the committee report pointing out that the statute as it already exists does provide authority—authority which should have been used long before this—in regard to meeting the problem of excessive exports of steel scrap.

Suddenly, a few weeks ago, the administration discovered that it could indeed make some moves under existing law in dealing with excessive steel scrap exports, and although it has not taken very drastic steps it has at least, finally, reached the point of requiring licensing of such exports so that it can know the true extent of the magnitude of the exports. As in the case of the Soviet wheat deal and the excessive exports of soybean products and feed grains, it appears that the administration preferred to be kept in the dark as long as possible as to what was really happening. It apparently takes a monumental crisis to effectuate any action by the White House and the Departments.

ENDING THE "COVERUP" ON EXPORT VOLUME

The "coverup" has now been ended insofar as the steel scrap exports are concerned. To the extent that the Ashley-Sullivan supplemental views in the committee report accompanying H.R. 8547 have stimulated the administration finally to take some action, the country has been well served. I congratulate Mr. Ashley for his leadership on this matter as subcommittee chairman.

But throughout the long period when we were trying to get the administration to look at the ferrous scrap problem realistically, its response was that the situation was not bad enough to trigger the use of export controls. Yet, the demand for steel scrap had risen substantially, with a resultant serious inflationary impact, and exports were soaring. The American steel and foundry industries bore the brunt of this imbalance in supply and price, and, of course, the whole economy felt it.

This legislation now before us will clarify the intent of Congress that export controls can be used not only when there are both an excessive drain of a scarce material and a need to reduce the serious inflationary impact of abnormal foreign demand but also whenever either of these two considerations is present—either an excessive drain or a need to reduce the serious inflationary impact of abnormal foreign demand.

At the time that we were considering this change, many of my constituents were bringing to my attention the grave problem that was being created by the excessive exports of scrap iron and steel. In my district there are many who are employed in the nearby steel mills and in the ferrous foundries. They pointed out that the scrap iron and steel industry has not in the last 20 years collected and prepared more than 46 million tons of scrap in any 1 year, but that at present rates of scrap exports and domestic consumption, this year's total would far exceed any 46 million tons. They have shown me that in the only 3 recent years when scrap exports and domestic consumption totaled more than 45 million tons, the price of scrap has risen precipitiously. This indicates clearly that a shortage situation is close at hand at the 45 million ton annual level, for after all, if the demand for scrap was not pushing the available supply, why would the price rise so quickly?

BELATED RECOGNITION OF ADMINISTRATION'S POWERS TO ACT

On July 2, 1973, the Secretary of Commerce stated in regard to scrap iron and steel:

> . . . I have determined that the criteria set forth in the Export Administration Act have been met for this commodity.

On the same day he stated in a fact sheet that was also released:

> Expected domestic purchases of scrap, and expected exports, are projected to total 54.4 million tons in calendar year 1973, 18% above the previous high year.

The fact sheet also stated:

> Domestic prices for most grades of ferrous scrap are at their highest levels in 16 years.

The steelworkers and steel management people have pointed out that at present export and domestic scrap usage levels, outages will occur later this year, and that the resulting unemployment will not be confined to the foundry and steel industries alone, but once started will spread to the many steel consuming industries in this country.

The actions taken by the Secretary, however, have not been very forceful, even though he finally acknowledged on July 2 that he had full power under the existing Export Administration Act—as we had insisted he had—to deal with this issue.

At least, however, he is taking steps to keep track of what is actually being shipped, so that the country will no longer be kept in the dark in this respect. Because of the administration's long delay in acknowledging it had the power to act, and the reluctant and rather timid action which was finally taken, the users of ferrous scrap in this country are now urging the enactment of stronger laws to mandate controls through an automatic triggering device. The pressure for such laws has been stimulated by the administration's poor performance in using the power it has.

H.R. 8547 DESERVES HOUSE SUPPORT

Mr. Chairman, the Committee on Banking and Currency has reported a bill which deserves House support and should be enacted. It ends the coverup. It opens up the essential information on export volume to the light of day so that we can find out what is actually happening while it is happening. It provides for publication of essential data. And it also provides full opportunity for consultation with affected groups and industries before exports of any commodity reach crisis proportions.

Recently, in response to a complaint from a constituent of mine about unrestricted price increases in certain agricultural commodities he uses in his product and which are in very short supply in this country primarily because of heavy exports, the administration advised me that the situation would have to reach "crisis proportions" before Government could impose export controls. Now, that is all wrong—it is opposite to the intent of the Export Administration Act. So, in this bill we clarify the language of the act to make it, shall I say, "perfectly clear" to the administration that it can act before the horse is stolen.

In other words, rather than waiting for foreign importers to deplete our supplies of any essential commodities to a dangerous level before anyone knows what has happened, this bill will encourage closer surveillance in order to head off a run on necessary supplies while there is still time to act.

Particularly noteworthy, Mr. Chairman, is the intent of the committee as expressed in the committee report that "abnormal foreign demand" be interpreted not necessarily as meaning that foreign demand must have increased or that there be some unusual characteristic of that demand. Rather, it means "abnormal" under the existing circumstances because of its effect on domestic prices. We are deeply concerned over inflation, which is one of the most urgent of all issues facing this country. Export controls alone will not solve our problems, but must be used when needed as an important contribution to the solution of our economic dislocations. That is what we are trying to impress upon the administration in this legislation.

Mr. HEINZ. I thank the gentlewoman.

Mr. FRENZEL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment is very similar to S. 2119 except that it inserts the concept of regionalism in an attempt to remove one of the great complaints against this kind of proposal. However, the amendment does rob the Secretary of Commerce of the flexibility he needs to administer effectively the Export Administration Act, because it requires him to take a specific action and to continue to take that action whether or not the cause for that action still is maintained.

Mr. Chairman, the concept of regionalism improves the amendment. The amendment has one other good quality; it expires in 1 year.

However, these are the only good things that appear in this particular amendment. Any time that we write into the law a trigger mechanism, we are automatically making trouble for ourselves, because that trigger may not be a valid mechanism 1 month or 2 months or 1 year later.

Mr. Chairman, the trigger approach is simplistic. It does not provide for changes in supply and demand; it does not provide for seasonal changes; it does not provide for shipping season changes. A quantity trigger mechanism does not take into account that there are different prices for different grades of scrap. We are accepting for ourselves a straitjacket if we accept the Heinz amendment, and we are providing for ourselves a specific regulation which should not be a matter of law. It should be a matter of discretion for the Secretary.

Mr. Chairman, the amendment also implies that there is a correlation between receipts and exports, because that is the basis for the trigger. In fact, receipts and exports may total more than the trigger mechanism, but still there may be no shortage.

The worst part of the amendment is that while most of us would prefer fewer controls, this particular amendment forces the strictest kind of control. It forces the Secretary to take a sustained action which we might not want to sustain later. Later situations might occur which would persuade us to abandon the controls which the Heinz amendment would not let us abandon.

Scrap prices are always volatile. Fifteen years ago they went as high as $66; they are now at $58. Under the law now existing, the Secretary of Commerce has applied the export controls. The Secretary has also negotiated with Japan, our largest customer, a voluntary deferral of scrap orders.

It is anticipated that under this combination of controls and negotiation, scrap prices will decrease before the end of the year.

Mr. Chairman, in my judgment this amendment is much stronger medicine than the committee ever intended, and the committee did consider this kind of amendment when the bill was before it.

Mr. HEINZ. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from Pennsylvania.

Mr. HEINZ. Mr. Chairman, with respect to the action of the committee, it is my understanding that, in fact, no such amendment was considered in the committee, although testimony was taken; is that not correct?

Mr. FRENZEL. The distinguished gentleman from Pennsylvania is correct. We considered the subject. We heard much testimony and decided in subcommittee that we would not adopt any such amendment.

Mr. HEINZ. Mr. Chairman, will the gentleman yield further?

Mr. FRENZEL. I yield to the distinguished gentleman from Pennsylvania.

Mr. HEINZ. Mr. Chairman, the gentleman makes a statement that the Secretary of Commerce has obtained more authority under this bill to take necessary action to prevent the erosion of our supply of scrap steel.

Would the gentleman care to explain why the Secretary, when it was apparent as early as February of this year, waited until July to announce any restrictions on scrap steel and then, in spite of these restrictions, in the last week past we still have although under phase IV increased prices? We have had a 4-percent increase in 1 week.

And finally, if the actions of the Secretary are so effective, why has he found it necessary, absolutely necessary as a means of controlling exports, to meet and prevail upon the Japanese to voluntarily defer their imports until the first of next year?

Mr. FRENZEL. Mr. Chairman, I thank the gentleman for his questions, and I think the answer is quite obvious.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. FRENZEL) has expired.

(By unanimous consent, Mr. FRENZEL was allowed to proceed for 1 additional minute.)

Mr. FRENZEL. Mr. Chairman, back in February the Secretary did not have the power under this particular law. That is why we are bringing this bill before the Members today. In February, under the law, the Secretary had to satisfy each of the three criteria which the chairman of the subcommittee, the distinguished gentleman from Ohio, has pointed out to us in his discussion of the bill. Under the powers that were available, the Department and the Secretary did about all they could do. As to why controls imposed on July 2 did not immediately lower the price, obviously nothing happens overnight in our complex international economic environment.

The reason we negotiate, of course, is we do not abruptly terminate longstanding commercial relationships. We do not attempt to wreck markets by export controls but, rather, try to get our international trading partners to work along with us.

Mr. Chairman, I urge that this amendment be defeated.

Mr. ASHLEY. Mr. Chairman, I rise in opposition to the amendment.

I will not take but a minute or two to oppose this amendment, and I do so with some reluctance because the gentleman from Pennsylvania has been most courteous in bringing before our subcommittee and to me directly his interest in this matter. I must oppose the amendment nevertheless.

As the gentleman from Minnesota has very effectively indicated, export controls on scrap have been imposed. The other reasons he set forth for his opposition to the trigger-type mechanism are shared by the members of the subcommittee and the full committee who did discuss this matter.

Let me say, Mr. Chairman, that the bill before us, as I tried to indicate in my earlier remarks, does seek a balance between trade and the stability of the dollar on the one hand and protection of the domestic economy on the other hand.

The amendment offered by the gentleman from Pennsylvania is not consistent with this approach. It does provide for an automatic, inflexible triggering mechanism which completely removes any discretion in the administration of exports with respect to ferrous scrap.

For that reason I would urge defeat of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. HEINZ).

The question was taken; and on a division (demanded by Mr. HEINZ) there were—ayes 11, noes 35.

So the amendment was rejected.

Mr. WILLIAMS. Mr. Chairman, at this time when we are considering amendments to the Export Administration Act, I think it is timely and appropriate to mention the serious problem that has arisen in our country from the unprecedented exports of ferrous scrap.

This year scrap exports coupled with foreign orders on hand as of July 1 total 12.4 million tons as compared to 7.4 million tons last year and 6.2 million tons 2 years ago. While the scrap exports have been soaring, domestic sales of ferrous scrap have gone from 32.9 million tons in 1971 to 38.5 million tons in 1972, and to an estimated 42.5 million tons in 1973. This year's total demand, both domestic and foreign, is 55 million tons as compared to a combined demand over the past decade not in excess of 46 million tons in any given year.

It is not surprising, therefore, that the cost of scrap has soared to more than $57 per ton as compared to $35 a ton only a year ago.

If the Export Administration Act is to have any usefulness at all, it would certainly be used to limit ferrous scrap exports at a time like this with heavy domestic demand, soaring exports, and ever-rising prices. Yet for months the Department of Commerce, although aware of this serious problem, took no action under the act.

They have now finally issued an order to limit scrap exports, but I fear it is not only too late, but that their order is inadequate. The Commerce Department has placed an embargo on exports of ferrous scrap ordered after July 1, but it has not stated that orders on hand as of July 1 cannot be exported. This means that at a time when there is such a heavy domestic need for scrap, and prices are soaring, that the Government is still going to permit exports this year almost double that of 1971 and 1972.

I do not call this effective action. The Department of Commerce should halt the export of all ferrous scrap. This is what the situation calls for and such action is needed immediately.

I did not support the prior amendment on ferrous scrap and I do urge the Secretary of Commerce to make certain that action is taken to make certain that an adequate supply of ferrous scrap is available to our domestic steel producers.

We did have some testimony on the subject of controlling ferrous scrap exports during our Banking and Currency Committee hearings on H.R. 8547. We should have more extensive hearings on this subject the next time we take it up and it may be that we can develop more effective legislation.

AMENDMENT OFFERED BY MR. FINDLEY

Mr. FINDLEY. Mr. Chairman, I offer an amendment.

Amendment offered by Mr. FINDLEY:

On page 2, line 13, add the following: "If the Secretary of Commerce shall prohibit or curtail the exportation of any commodity pursuant to this section, he shall immediately report such prohibition or curtailment to the Speaker of the House and the President pro tempore of the Senate. If either House of Congress shall by simple resolution disapprove of such prohibition or curtailment, it shall cease with the passage of said resolution."

Mr. FINDLEY. Mr. Chairman, the bill before us is essentially a pro-executive branch bill. It is a conveyance of great discretionary authority to the President to prohibit the export of private property or to curtail such export.

The amendment that I have offered is a pro-Congress amendment, one which would retrieve to some extent the authority and responsibility set forth in the Constitution to the Congress and do it by permitting by simple resolution either body of the Congress to negate the effect of an order that the Secretary of Commerce might issue in pursuance of this section of the bill.

If the Secretary of Commerce should prohibit or curtail the export of any commodity, then he must report immediately such action.

Either House by simple majority on a resolution may effectively veto that decision.

This of course has a precise parallel in the Government Reorganization Act, an act which gave the executive branch a tremendous realm of discretionary authority, but the Congress saw fit to retain in its own hands the right of either House to negate any such action the President might order.

Section 8 of the Constitution specifically provides that the Congress shall have the power to regulate commerce, and this amendment would help to keep the exercise of that power at least a step closer to the Congress and to the people.

What Congressman whose district has been dealt an economic blow by the curtailment of exports would not want to have the opportunity at least to cast his vote in opposition to the decision that may have been made in the executive branch? Surely the Congress, the people's branch of the Government, is as deserving, if not more deserving than the executive branch to make, and to make stick, the fundamental decision that so directly affects the lives, the jobs, and the well-being of the people.

The factors to be considered here are mainly political and economic, how a restriction will affect the domestic economy, how it will affect the trading partners. These are the same issues that Congress deals with in almost every bill that has a fiscal effect, and almost every bill has such effect. Congress has been dealing with these questions for nearly 200 years, and Congress should at least retain the right of veto over a decision of the Secretary of Commerce which may have such a vital effect over the lives and prosperity and the well-being of so many of our people.

So, Mr. Chairman, I hope a majority will support this pro-Congress amendment to the bill now before us.

Mr. SMITH of Iowa. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Illinois (Mr. FINDLEY).

Mr. Chairman, I am going to oppose the bill whether this amendment is adopted or not, but at least I think the very least we can do to this bill is to adopt this amendment.

I think this is clearly an anticonsumer bill.

I heard the minority leader say that he was visiting with his constituents during the recess. I visited with my constituents also, both consumers and producers, and I found that what the consumers want are supplies.

What difference does it make if the Government has determined that the price should be set at a certain level if the supply is not available? What difference does it make if someone has more food stamps if there is no supply to purchase with those food stamps?

They want supplies. It is supplies that we need.

In addition to that, I visited the producers and I know what they are saying. They are saying that they have to grapple with the weather, they have various uncertainties, and now they have the additional uncertainty, to wit: Government edicts. They say, "We hate to pick up the newspaper, because we do not know what the Government did to us."

Producers have increased costs. Every time they go somewhere to buy some supplies they are paying higher and higher costs, and this is increasing their costs of production. They hesitate to put in increased crops and increase their production when they do not know what the Government is going to do about prices.

Then along comes another problem, in addition to price controls, rollbacks, boycotts, and all that stuff that they have been talking about, and now we are talking about the Congress sanctioning additional export controls.

So what the producers are saying is, "What are those knuckleheads in Washington going to do next?"

That is the reason this is a bad bill, no matter what is in the bill. The bill provides for the Congress sanctioning additional authority to the President of the United States to impose some kind of additional controls to keep the producers from getting their increased costs of production back.

What they are saying is, "Although prices are better than they were, I am just going to sit on my hands. I am puzzled about this whole thing. One cannot tell what the Government is going to do next. One cannot tell what the administration is going to do. Now we find the Congress is sanctioning this kind of a situation and adding to the uncertainties."

The people are so puzzled they cannot plan regardless what the price level is.

They are not going to increase production under these circumstances, and without increased production, the consumers are not going to have the supply they need.

Mr. BROWN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Michigan.

Mr. BROWN of Michigan. I can understand the gentleman's concern, but I think his remarks are rather ungrateful and ungracious to an administration that has probably done more to establish the market for American farm products than any administration in history. I think it is almost incomprehensible that the gentleman in the well can continue to assert himself on the imposing of controls while this administration—and there will probably be administrations in the future—has worked to establish foreign markets that have created the situation where we might have to impose controls.

Mr. SMITH of Iowa. I do not think there has been anything in the last 40 years as destructive as imposing export controls. It says to the Japanese: "Do not depend on the Americans any more." So 2 weeks ago they went down to Brazil, and for about $12 per bushel they contracted for 85 million bushels of soybeans. They are going to increase production in Brazil until they will have an alternate competitive source down there. Of course, when they get that situation, they will get their money back with a big return.

They will increase production in these other countries, because the signal has gone out: They cannot depend on the United States.

In addition to this, we have been telling the European community for 10 years: "Depend upon the United States." They did not have any tariff on soybeans, and we provided their soybeans.

France has been saying to others in the EEC: "Do not depend upon the United States. Keep a high protective tariff in the European Economic Community and depend upon us for agricultural production."

The export order gave the French more arguments than they could use for the next 10 years. This was the most destructive action, and it did more harm than all the good work done to encourage exports by this administration, or the previous one.

Mr. MILFORD. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Texas.

Mr. MILFORD. I have listened to the gentleman several times on the floor, and I have respect for his logic, only this time it kind of escapes me just a little.

Like the gentleman, I am concerned with supplies. As I understand this bill, it is simply saying that we set aside what we are going to need in this country, and we export anything else we have.

I know in my district the millers, for example, have a fear that we have already sold next year's wheat to the point where we are not going to have enough to fulfill our own needs in this country. This is my concern.

Mr. SMITH of Iowa. This bill does not solve the wheat scandal. That damage is already done.

Mr. MILFORD. Mr. Chairman, I rise in support of this legislation and wish specifically to address myself to the provision of this bill which places much needed restrictions on the export of softwood logs and lumber for the remainder of this year and all of next. My district, the 24th of Texas, is virtually suburban in composition. The rapid growth of this area has necessitated the building of thousands of new homes to accommodate the folks moving in; therefore, the current shortage of good home building timber has forced the price of these homes higher and higher and has slowed construction to an uncomfortable state. Home construction in my district and throughout the Nation is a major business and constitutes the paychecks for a good many people. Without the lumber to build the homes, we have layoffs and unemployment and a slowdown of our economy which I must emphasize is none too strong at this time. I would like to quote from a few of the builders within my district who have written expressing their very disturbing situation.

Walt Parker, Jr., of Denton, Tex., writes:

> I am a young home builder that would appreciate an answer. Why are we sending 85% of all our exported lumber to Japan when we need so desperately to lower lumber prices here? Prices for lumber are getting so high that it forces lots of us out of a meaningful trade . . . Won't you do something for us little guys that are trying to build America?

It pleases me greatly today to be able to answer Mr. Parker with a very firm "Yes, we will help." Another builder, Mr. Clyde Jackson of Dallas, Tex., implores us:

> Please do all in your power to lower the cost of lumber. Lumber alone has driven the cost of housing, and subsequently the cost of living, out of sight.

Again, I am pleased to be able to say to a constituent and a friend that we are taking direct action to lower the cost of lumber to our homebuilders and are thereby taking action to lower our astronomical cost of living.

Mr. S. T. Peaden, another of our Nation's homebuilders, writes:

> Our company is in the door business. We . . . are vitally concerned with our Nation's short supply of lumber.

In response to the plight of our Nation, I wrote the following to the Honorable Frederick B. Dent, Secretary of Commerce:

> DEAR MR. SECRETARY: It is becoming increasingly obvious that exports of logs and finished lumber are causing disruption of the domestic building industry and are increasing prices to the American consumer . . . Homebuilders in my District tell me that the supply of lumber is so limited that when they find a supplier who can meet their needs, they hesitate to even ask the price.

The administration has responded to this problem by asking this body for additional authority to control exports, including the softwood we have just discussed, and this body has responded in kind with this thoughtful and well-drafted document. With this in mind, Mr. Chairman, I would like to urge the passage of this legislation as an immediate and accurate response to this present and ever-growing need.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of Iowa. Mr. Chairman, I request 3 additional minutes.

I think I probably was the first objector to that wheat deal when it was made. It was a bad deal at the time. It still is a bad deal, but we cannot correct it now. They not only sold too much wheat; at the time we did not have a wheat policy that could limit the amount to be sold according to supply and demand. They were selling strictly on a price basis.

That is what this bill also does—to determine export policy on price alone. The wheat deal was a bad deal. They sold all one class of wheat. In my opinion they sold more wheat than they had in that one class. What happens when we have these export licenses? We have already got a scandal that happened in the soybean deal.

There are only about six big export companies in the world. The minute we impose export controls those companies have a monopoly on supply that is available outside of the United States. They will make millions and millions and millions of dollars on those export rights. They can then buy it cheaper in the United States. They have the right to sell whatever is going to be sold overseas, so they make more at both ends.

A big scandal is now developing in the situation on who held these export rights at the time they were imposed about 6 weeks ago.

The gentleman is mistaken when he described what the bill does. What the bill does is say that if the President or Secretary of Commerce does not like the price, no matter what the price is, they can put on export controls. That is what produces the uncertainty which makes producers withdraw from increasing production.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from California.

Mr. ROUSSELOT. All this amendment does, as I understand it, is ask the consent of Congress. Is the gentleman objecting to that?

Mr. ASHLEY. To whom is the gentleman directing his question?

Mr. ROUSSELOT. To the gentleman.

Mr. MILFORD. Is the gentleman speaking of the amendment?

Mr. ROUSSELOT. Yes.

Mr. MILFORD. I have no objection whatever.

Mr. SMITH of Iowa. What I am saying is, do not overlook the psychological impact. If we want to increase production in this country, we must not discourage it with a bill like this. In World War II we put a floor high enough to encourage the incentive to produce. But now they have jerked the floor out, there is no floor, and what is being tried is to put a ceiling on. It would result in discouraging the increases in production that we need. For that reason I say this is clearly an anticonsumer bill.

Mr. COLLIER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, after having listened to the bobtailed discussion of this legislation, I find myself with some misgivings about the manner in which it comes to the floor. To divorce it from our general trade program at a time when we are nearing the target date for reporting a trade bill does not strike me as being perhaps the best procedure.

At the same time I believe we must take a look at the logic, the reasoning and the timing behind this proposal. Certainly the President would not—in fact, it is inconceivable to me that any President would impose export control at the expense of a favorable trade balance unless, and I repeat unless, the domestic economy and the interests of the American consumer became the overriding consideration. To suggest that this would not be the sole reason just begs logic.

Mr. ASHLEY. Mr. Chairman, I move to strike the last word and I rise in opposition to the amendment.

Mr. Chairman, as I said in my remarks during general debate, the Export Administration Act of 1969 is based upon competing if not conflicting findings of fact and statements of policy.

As a nation, we have an understandable and legitimate interest in assuring the availability for domestic use of a wide range of goods and commodities at reasonable price levels.

At the same time, it is also our purpose and policy to encourage trade with all countries with which we have diplomatic or trade relations.

The Export Administration Act of 1969 says, in effect, that export trade shall not be inhibited or controlled except and to the extent necessary to protect the domestic economy from the export drain of scarce materials and to reduce the serious inflationary impact of abnormal foreign demand.

Since 1969, this language has been narrowly construed and is seldom used.

Mr. Chairman, the decision of Congress in 1969 to establish criteria to be met before export controls can be imposed and to allow the President to factually determine when the criteria are met has worked and it has worked to the advantage of our export interests as well as the interests of our domestic consumers.

But the sponsors of the amendment are not satisfied.

They have no complaint when the President's determination is against export controls but they want to be able to negate the President's findings in the rare instances when he determines that export controls are necessary to protect the domestic economy.

Actually, the amendment is even more narrowly drawn. It applies only to controls on agricultural exports.

It is perfectly willing to accept a finding by the President with regard to ferrous scrap, for example, or any other commodity that may be found to warrant export controls—but not agriculture.

So what they are proposing is in fact a discriminatory procedure for imposing constraints on exports which gives agriculture a way out but no other sector of our economy.

Also under the amendment, the President could determine the need for limited export constraints—as at the present time—but either the House or Senate could veto this finding within 30 days.

Thus the amendments offers two bites at the apple instead of the one already in existing law which provides that any exercise of export control authority under the act may be terminated at any time by concurrent resolution of Congress—I might point out that this authority was made use of in 1972 in the case of controls on cattle hides.

The amendment should be defeated, Mr. Chairman, because it seeks to turn what should be an economic decision based on economic self-interest. If this amendment is adopted, domestic producers and exporters would refrain from selling in the domestic market while they undertake a major lobbying effort in one or the other House of Congress, wherever their chances appear best.

Obviously the uncertainty surrounding continuation of controls would trigger enormous speculation here and abroad in the future market for the commodities involved—to the detriment of our own economy and the economies of our trading partners.

Finally, the amendment should be voted down because export controls on agriculture commodities are only imposed when absolutely necessary and after approval by the Secretary of Agriculture. As the President stated in his phase IV announcement of July 18:

> Permanent control of exports is *not* the policy of this Government and we do *not* intend at this time to broaden the controls beyond those now in force.

In light of this, it should be obvious that decisions to impose controls on agricultural commodities are reached only after the finding of absolute necessity in terms of our own domestic economy and therefore such decisions should not be subject to any greater review by the Congress than other actions taken under the Export Administration Act.

Mr. FINLEY. Mr. Chairman, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman from Illinois.

Mr. FINLEY. Mr. Chairman, I thank the gentleman for yielding. I can understand why he would be confused about the effect of the amendment because in the letter circulated to Members by mail yesterday it has the word "agricultural" before the word "commodity."

However, on review, we did not want to single out just agricultural commodities, and as read by the Clerk, the word "agricultural" does not appear. Therefore, the amendment would apply to any commodity under this section.

Mr. ASHLEY. Mr. Chairman, I appreciate the gentleman making that correction. I would certainly say that this makes the amendment several iotas less pernicious than it otherwise would have been.

Mr. DENT. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, they always say that fools rush in where angels fear to tread, and of course tonight I will play the part of the fool.

The whole question and the disturbance in this country stems from a very antiquated trade policy. Trade essentially between nations originally meant that nations that had a surplus of goods needed by other nations would be traded for that product that nation had the surplus of, and one nation would get from another that had a surplus of need, but it now has become strictly a commercial venture with little or no regard of the internal problems of the nation concerned.

The Members talk about surplus agricultural products. Do they not know that the greatest piece of machinery, manufacturing machinery that has ever been put on earth is a cow? Cattle. It consumes 600 acres of grass, turns them into products such as milk and cream and meat. We do not have now, nor have we ever had a surplus of feed grains. Balance the meat imported into the United States against the consumption of domestic cattle or the feed grains we sell, and there is no surplus and never has been, and the record is proven by one of the greatest homegrown domestic farm philosophers in our history, a man by the name of Wilkins.

We have gotten to the point in this Nation where we are so dependent upon foreign products that our domestic economy is closer to the breaking point than at any time since the inception of the democracy. In a war, we could no more defend ourselves against our enemies than fly on a kite to the moon.

Let me give the Members an example. Today, what is the scream in the hay growing States? "We cannot buy enough baling wire to bale a surplus crop or a great crop of hay; fresh hay."

Why?

Because we gave up the productivity of baling wire to the Japanese. Then we put an embargo on chrome from Rhodesia. By doing so we gave the Japanese an opportunity to come into a higher price steel market, the specialty steel market. So they quit producing baling wire, which is a cheaper steel product. And today the farmers cannot buy baling wire.

That is just one item.

We cannot buy meat. Why? Because we sell our feed grains to foreign producers of meat cheaper than we sell them to the feed lot producers in the United States. American feed lot producers are situated in Central America, in Colombia, buying feed grains from the United States, feeding it to cattle, and then shipping back to the United States and selling in the marketplace without distinguishing markings telling where it comes from, at a price cheaper than they can produce it in the United States.

Do Members know that tomorrow night, if all of a sudden we were to hit all of the baseballs out of the parks of the great national pastime, and they shut off the imports from Haiti, there would not be a ballgame on Sunday?

Some say that is nothing. Perhaps it does bring a smile to some faces. But that little item must demonstrate a lack of productivity of baling wire, a lack of productivity of baseballs, a lack of productivity of many items.

In fact, if tomorrow they shut down the lanes of commerce between this and other nations 65 percent of the Americans would go barefoot.

Some have laughed at some of the statements made on this floor by myself and others over the years. I said the Kennedy round was the greatest economic mistake this Nation ever made. I said it then and I repeat it now.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

(By unanimous consent, Mr. DENT was allowed to proceed for 3 additional minutes.)

Mr. DENT. Mr. Chairman, if we pass this new proposal then we shall have to measure the damage. If Members do not believe I am right, then let me give some facts: 7,994,000 checks went out last week for unemployment compensation in the United States; 16,123,000 persons are on welfare in the United States.

A total of 152 million pairs of hands, out of our population of 210 million, are reaching into the till of the United States, right now, today, this hour. Surely, many of them are the same hands, but there are 152 million pairs of hands.

Why? Because we do not produce for ourselves.

We talk about balance of payments. How do we measure balance of payments with the fluctuations of the currencies around the world? There is one balance we must maintain if we want to survive.

As I feel the shadows gathering in on the life God has given me, I can see the darkest clouds gathering around my grandchildren that have ever been visited on a free democracy in the history of the world. Why? I will tell the Members why. We care not about a simple economic fact that has never been refuted, nor can it be refuted by any person. What is that simple economic equation? Production will flow to the cheapest area of production and sales will flow to the highest cost nation. So every day ships pass each other, bringing cheap shoes from Greece and Italy and France and Korea, and now from Malaya, and shirts from all over the world, to here, bringing our nice, fresh, clean cotton.

By the way, it might interest the Members to know that just within the last month information has come that the Japanese have bought the next three years' complete futures of all the wool in New Zealand and Australia. We fell into the Japanese tricks of synthetic products, synthetic goods, so we bought all the double-knit suits in the world.

Mr. Chairman, I have been all over this world many times in my life. I do not find double-knits anywhere; I do not find synthetics too much. But I do find them here in the United States. And so the futures went down, and the Japanese bought them up.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. DENT) has expired.

(By unanimous consent, Mr. DENT was allowed to proceed for 2 additional minutes.)

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. DENT. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Chairman, I wish to congratulate the gentleman from Pennsylvania (Mr. DENT) because he has made what seems to me like innocent commercial transactions of the kind that have been going on for 200 years sound like one of the most sinister things imaginable.

I just wonder why we have not been ruined a long time ago if what the gentleman says is true.

Mr. Chairman, I want to ask the gentleman a question——

Mr. DENT. Mr. Chairman, I will tell the gentleman why we have not been ruined.

Mr. LONG of Maryland. Mr. Chairman, let me ask the gentleman this question——

Mr. DENT. Mr. Chairman, let me answer the gentleman's question. He should not ask a double-barreled question unless he pulls both triggers at the same time.

As to why we have not been ruined, I will tell the Members why. It is because 28 million Americans are drawing social security.

Mr. LONG of Maryland. Will the gentleman——

Mr. DENT. Mr. Chairman, let me complete my statement.

And so we have the moneys we borrow every year to keep flowing into the channels of commerce to buy the products which we do not make.

Now, the gentleman may go ahead.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. DENT. I yield.

Mr. LONG of Maryland. Mr. Chairman, I understand the gentleman's feelings about the bill, but I believe we are talking now about the amendment offered by the gentleman from Illinois, which is simply to ask for congressional approval of something.

Now, the gentleman, as I understand it, has always been a strong supporter of Congress and entertains the feeling that Congress ought to have something to say about how the country is run.

Does the gentleman object to the amendment offered by the gentleman from Illinois (Mr. FINDLEY)?

Mr. DENT. No, I do not object to it. I simply rose to take the 5 minutes to speak to the Members.

Mr. LONG of Maryland. Does the gentleman support the gentleman's amendment?

Mr. DENT. I will not say I support it, because I am not so sure a free trader like him could have any support from me under any circumstances.

Let me just say to the Members that they laughed in the forum of Rome, they laughed in the Reichstag, and they have laughed in every parliamentary body on the face of the earth just before it came to an end.

Mr. Chairman, I know the Members think I am a prophet of doom. No, I am not a prophet of doom. I am just a man who knows that you cannot measure this country's wealth by the production produced elsewhere. We have got to produce our own goods.

There is only one simple formula for any economy: Production, distribution, and consumption. This Nation is trying to live on two legs of that three-legged stool. We are trying to live on the distribution and consumption of products not produced here. I wonder how many of the Members know what the volume is by pound of imports against exports.

Mr. DENNIS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to compliment my friend, the gentleman from Illinois (Mr. FINDLEY), for offering this amendment in an effort to improve, if possible, this piece of legislation.

Mr. Chairman, for the last 30 years approximately, in common with most Members on my side of the aisle, I have been inveighing from time to time against delegation of authority to the Executive. I have also, in common with these Members, done quite a little thinking about free private enterprise, and I was for it.

Now I come down here and become a Member of the Congress of the United States and find to my sorrow and regret that we have a Republican administration, if you please, which is asking for more Executive power and for a controlled economy. I find that a little ironic.

I turn to the other party over here. For the same 30 years, of course, they have been giving the Executive wide, sweeping powers and they have been voting for a controlled economy.

But lately they have been talking the other way; they want to take the controls off, they say, and do not want to give power to the Executive, and they want to reassert the powers of the Congress.

I almost get kind of hopeful about them, Mr. Chairman, occasionally, until I see what they actually do. In spite of the talk, they are still bringing in this kind of a bill; they are still advocating giving the President this power, and they are still voting for a controlled economy. The whole thing is a little ironic on both sides of the aisle.

It could almost make a man cynical if he were not old enough to be, perhaps, a little bit of a philosopher. But now you take the amendment offered by the gentleman from Illinois. It will not make this bill a good bill, but at least this amendment will say that, before some governmental ukase can tell the American citizen where, how, and whether he can sell his products, at least his elected representatives will have something to say about it.

Now, if that is not sound doctrine, I do not know when it became unsound. So I support the amendment offered by the gentleman.

Mr. BLACKBURN. Will the gentleman yield?

Mr. DENNIS. I yield to my friend from Georgia.

Mr. BLACKBURN. I thank the distinguished gentleman for yielding.

The logic that he has just propounded was the same that I had when I voted against the bill when it came out of the committee. I intend to support the amendment offered by the gentleman from Illinois, because it helps to weaken the bill in the sense that it will take away some of the discretion we are seeking to give the executive branch of the Government. I will support the amendment and fully intend to vote against the bill on final passage.

Mr. JOHNSON of Pennsylvania. Mr. Chairman, I rise in opposition to the amendment.

The question before us right now is not whether this bill should pass or not, but the question is whether we should give Congress the power to nullify the actions of the Secretary of Commerce.

The reason why I am against the amendment is, without saying anything about the bill itself, if we are going to have a bill, it should be a workable bill. The way the bill is drafted right now the finding as to a commodity being in short supply is done by the Secretary of Commerce. But he only does it with the consent of the Secretary of Agriculture. Then the bill also provides that there shall be appointed on request of the industry a committee consisting of members of industry and members of the Government who shall make a finding as to whether or not a commodity is or is not in short supply or whether its export would or would not be advisable.

This act goes on to say that this committee shall hear public witnesses. I am sure after a painstaking public hearing by this industry committee if, in their infinite wisdom, they decided that it would be in the best interests of this Nation that an export would not take place, then they would certainly make such recommendation. But after that has all been done the Secretary of Commerce makes the finding, and then he must have the consent of the Secretary of Agriculture.

I say if you then have to go to the Congress to do it, you might just as well forget about the bill and just pass a simple resolution and say Congress shall hold hearings and determine what crops or commodities are in short supply and make a finding.

That is in effect what this amendment does.

Now, here is another defect in this amendment. There is no time limit for congressional action. It just says that Congress shall override or veto whatever the Secretary of Commerce has decided. There is no time limit. Congress could wait a year just by simple inaction. Congress could do nothing about it.

Second, the veto power is a rather narrow veto power. It ought to be, and I think it should be required by both the House and the Senate. That is what we did in the hide export bill. That seemed logical.

Also, as it is written, as I have said, it would make it virtually impossible to administer any export control program. It overlooks the fact that this administration is dedicated to the expansion of exports, not the curtailing of exports.

So I still feel that if the bill is going to pass that as it is now it is a well-written bill. There are safeguards in it. The Secretary of Commerce cannot act without the consent of the Secretary of Agriculture. Then they must have a finding by this committee which has been set up by virtue of the bill.

So I think we are going a little bit too far, and are literally hamstringing the bill. We are making the bill totally unworkable. Therefore, I think we should defeat the amendment offered by the gentleman from Illinois (Mr. FINDLEY).

Mr. ECKHARDT. Mr. Chairman, I move to strike the requisite number of words, and I rise to speak in favor of the amendment.

Mr. Chairman, I thank the gentleman from Pennsylvania for bringing to my attention this remarkable piece of due process contained on page 5 of this bill.

An exporter, a business whose very lifeblood may depend on exports, has the great assurance that the Secretary of Commerce may appoint some other members of industry to determine whether or not he is being injured in his business by halting his exports. Then that advisory committee advises the Secretary of Commerce as to whether or not the export should be denied.

As the gentleman from Pennsylvania said, there is a way that the Secretary can, if he wants to, consult other persons. But the only thing that is required is that the committee consist of representatives of United States industry and Government. The people of the United States are not noticed except to say that the Secretary is not prevented from consulting someone else.

Now, what is wrong with requiring that this question be subject to review by the representatives of the people in either the U.S. House of Representatives or the Senate? Why should not the people speak through their regular, authorized Representatives instead of having this inadequate type of review when a man's business is being put in jeopardy by denying him the right to export? Why should that man be subject to other members of the business community selected at the sole discretion of the Secretary of Commerce? What has happened to our concepts of due process when we are talking about permitting that kind of authority by one businessman over another businessman?

All the amendment does is it says that ultimately if either House decides to negative the act delegated to the President or to the Secretary of Commerce, that House may do it.

It seems to me this amendment is infinitely reasonable and it is particularly obvious that it is needed in view of this wholly inadequate process.

Mr. HANNA. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from California.

Mr. HANNA. Mr. Chairman, I thank the gentleman for yielding. I think that the gentleman from Texas should recognize the fact that under the existing law the decisions now are reviewable by Congress, by a joint resolution of both the House and Senate. That is still in the law. So there is a reference to those Representatives of the people sitting here in Congress. The question that this amendment raises is whether we should make that responsive to just one House.

I think that legislative history of this kind has indicated that wherever this question has arisen we have always faced it on the basis of the joint action of the two Houses which represent the total sovereignty of the people as set up in the Congress. Is that not correct?

Mr. ECKHARDT. Is that correct? I should like to know.

Mr. ASHLEY. Yes, that is correct. Under the existing Export Administration Act of 1969 provision is made for a veto of the exercise of authority with respect to the imposition of export constraints by action of both Houses of the Congress.

Mr. ECKHARDT. Will that reach to a veto of provisions of H.R. 8547?

Mr. ASHLEY. Yes.

Mr. ECKHARDT. In every respect?

Mr. ASHLEY. Absolutely. Let me say to the gentleman that this is precisely what happened in 1972 when the Congress acted to lift the imposition of controls on exports that was placed by the administration on cattle hides, so that we have exactly the situation that the gentleman describes that has taken place, and I feel very strongly, as does the gentleman from California, that the country is better protected if the concurrent action of both Houses of the Congress is necessary, because if the action of only one body is required, it does lend itself to the most voracious kind of lobbying and logrolling.

Mr. ECKHARDT. Is the gentleman saying that if the amendment included the concurrent resolution of both Houses, it would not alter existing law?

Mr. ASHLEY. That is precisely what I am saying, precisely so.

Mr. ECKHARDT. I should like to ask the author of the bill if that is the way he understands that.

Mr. FINDLEY. I cannot believe that for a minute. In fact, I believe the gentleman alluded to the change in the export limitation on hides. As I recall the circumstances, this was done as a part of a bill which had to be signed by the President to become effective, so the concurrent resolution would not be effective in the prohibition or curtailment of the Secretary of Agriculture.

Mr. ASHLEY. There is a difference of opinion on that.

Mr. ECKHARDT. The significant difference between present authority to curtail executive authority by concurrence of both Houses and the Findley amendment, which provides for a legislative veto by either House, is that whatever requires the concurrence of both Houses, other than perhaps that affecting internal matters only, is subject to veto by the President. The legislative veto in the Findley amendment would not be so subject to veto by the President. It is a reservation of a condition subsequent to the passage of the legislation which would limit its effect.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MAYNE. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Illinois (Mr. FINDLEY).

Mr. Chairman, this amendment is a very beneficial and necessary one. The question has been asked: How are we going to improve and protect our balance of payments? And the very practical answer in today's circumstances is by continuing to increase our agricultural exports. They expanded from about $8 billion a year to between $11 and $12 billion just last year, and probably will reach between $15 and $16 billion this year, unless the executive branch of Government resorts to further ill-considered actions such as last June's embargo on soybean exports.

Those exports were developed in a major part through the efforts of American farmers to promote those exports through such devices as the checkoff charged against them in many States. It was, indeed, a breach of faith by the administration with those farmers when the soybean exports were totally embargoed for a few days in June and then only lifted by about 50 percent. We simply cannot have foreign markets encouraged and developed if we are going to pull the rug out from under our foreign customers, as was done in June.

We need this amendment to restore confidence in our foreign customers. We need those foreign customers if we are going to be able to have a viable agricultural industry in this country.

I should strongly recommend to all Members that we vote in favor of this amendment which is very necessary, indeed. Existing law was not adequate to protect our industry and agriculture when this very arbitrary action was taken last June. I think we need the amendment to protect against such a thing happening again.

Mr. BURLISON of Missouri. Mr. Chairman, this bill to increase the authority of the President to levy export control should be defeated. The thrust of the bill amounts to unfairness to the farmer. It is unfair to him income wise. As I noted in some earlier debate with the distinguished minority leader when the rule was being considered, only a short while ago the soybean farmer was receiving $2.40 a bushel for his production. This was a dollar a bushel or so less than he was getting for it a quarter of a century ago. Now we find the domestic and world demand for soybeans being such as to permit the soybean farmer a fair return for his production. One of the first steps taken then by this administration is to cut off the export market. This has hurt the price of soybeans. It has also hurt our stature as an exporting country in agricultural commodities and has further eroded our trade deficit and balance of payments posture.

In fairness, should not our farmers who have received inordinately low prices so long, at least get for his production what foreign people are willing to pay for it? Is not this particularly so in view of the great economic prosperity of America in comparison with the standard of living and incomes of foreign peoples?

If you do not accept my thesis of export embargoes on agricultural commodities being unfair to farmers, my argument then is that the controls authority under the present law is sufficient. It has been noted throughout the debate on the rule and on the bill that soybean exports have been terminated. A number of other related commodities have met the same fate and there are threats of yet further actions against additional agricultural commodities. Let me quote from the Export Administration report for the second quarter of 1973 which has just been printed and released by the Secretary of Commerce—see attached pages 66–67 of said quarterly report including as a quote as indicated on those pages. So it is obvious that the President already has the authority to do anything conceivable in the way of restrictions on exports. Why give him yet more authority just at the time when the Congress is trying so desperately and so futilely to retrieve from the executive branch of the Government the powers and prerogatives that we have surrendered in recent decades? The bill should be defeated, but prior to that, the Findley amendment should be adopted.

The quotation from pages 66 and 67 of the quarterly report is as follows:

> On June 13 a . . . monitoring system was put into effect for orders for export and exports of certain grains, oilseeds, and oilseed products in amounts of $250 or more.
>
> As a result of the excessive foreign demand for soybeans, cottonseed, and various oil and meal products thereof, these commodities were placed with the approval of the Secretary of Agriculture under a validated license requirement on June 27 for shipment to all destinations, including Canada. A warning of the possibility of restrictions on exports of corn was also given. The reporting requirement announced on June 13 was expanded on June 28 to include those products placed under validated license control.
>
> Information continues to be obtained semiannually from walnut producers concerning current trends in production and consumption of walnut logs, lumber, and veneer.
>
> Shortly after the end of the second quarter 1973, the licensing systems for exports of soybeans, soybean oil-cake and meal, cottonseed, and cottonseed oil-cake and meal were announced on July 2. Also on July 2, exports of ferrous scrap were placed under validated license control for all destinations, excluding Canada and details were given pertaining to the licensing system for exports of this material. On July 5, validated license requirements were imposed on exports of some 41 additional agricultural commodities for which the Secretary of Agriculture determined that export demand was directly related and transferable from the demand for soybeans and soybean oil-cake and meal.
>
> The monitoring requirement was extended July 9 to include orders for export and exports of cotton in amounts of $250 or more. Further changes in ferrous scrap licensing were made on July 27 when the validity of licenses was extended and a licensing system for August exports was announced. Licensing policies for oils, protein feeds, and animal fats were revised July 28 to establish quotas and permit licensing of certain orders accepted after June 13. At the same time, a licensing policy was established for peanut meal containing aflatoxin and for edible peanuts. On August 1, a licensing policy was announced for licensing of soybeans against orders calling for September shipment.

Mr. REES. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it seems we are back in June again and arguing the farm bill. The farmers are doing pretty well in this country right now. At least my housewives think the farmers are doing pretty well when the housewives go to the market and find the prices they have to pay for flour and bread and meat.

We are talking about how the poor farmer is being hurt. I think the poor farmer is doing very well in this country and in California. In the farm bill we passed we even put a floor on it so they cannot go below the floor. So the farmer has it both ways.

I used to represent a farm community when I was in the State legislature. I found that we never could find a happy farmer because no matter what we did for them they would always be unhappy for one reason or another.

In this bill we are trying to develop export controls. We have had them for 20 or 30 years. Now at a very difficult time in our country we have to use the export controls. We have to get a balance between the export demand and domestic demand and the export needs and domestic production. That is no reason why they should raise the price of soybeans 15 times because we can grow them cheaper. The same applies to the price of wheat. Should we raise the price of wheat up to the level of the highest price we would find we can get in the world today? I do not think so. That should not be the criteria for what the U.S. housewife should have to pay for her food.

We merely in this simple bill change an "and" to an "or." We simply extend the act we have had since 1947. It is desperately needed if we are to get any balanced relationship between our domestic and foreign markets.

I think it would be a drastic measure to single out agriculture and say that either House can pass a resolution doing away with what the administration decides should be done. I ask this House to vote this amendment down and get on and vote for this final passage of this bill. It is needed right now, today.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. REES. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Chairman, I have listened to almost all of the arguments made by those that favor this amendment to this proposed legislation. In most every instance, they have indicated that they basically oppose the fundamental legislation, while they support this amendment for reasons that they have expressed.

If a Member believes in the legislation, if he wants a fine and fair balance between what the farmers can get at the market place and what the consumers will have to pay in the supermarket, he ought to vote for this legislation without this mischievous amendment, and that is what it is.

The people who are favoring this amendment are not for the legislation, and this amendment will gut the legislation in the final analysis.

Mr. REES. Mr. Chairman, I agree completely with the gentleman from Michigan.

Mr. J. WILLIAM STANTON. Mr. Chairman, will the gentleman yield?

Mr. REES. I yield to the gentleman from Ohio.

Mr. J. WILLIAM STANTON. Mr. Chairman, as the minority leader pointed out, we go right back to the basic presentation of the bill. As we stated, this bill, the Export Administration Act, provides for the export controls to reduce the inflationary impact of abnormal foreign demand.

Mr. Chairman, I certainly rise in strong opposition to the amendment.

Mr. REES. It merely balances the economy.

Mr. Chairman, I ask for a no vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. FINDLEY).

The question was taken; and the Chairman announced that the "noes" appeared to have it.

RECORDED VOTE

Mr. FINDLEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 154, noes 211, not voting 69, as follows:

[Roll No. 440]

AYES—154

Adams
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Armstrong
Ashbrook
Aspin
Bauman
Bennett
Bergland
Biester
Blackburn
Bowen
Brinkley
Brooks
Brotzman
Brown, Calif.
Burgener
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Butler
Carney, Ohio
Casey, Tex.
Chappell
Cleveland
Cochran
Cohen
Conlan
Crane
Culver
de la Garza
Dellums
Denholm
Dennis
Derwinski
Dickinson
Drinan
Eckhardt
Edwards, Calif.
Evans, Colo.
Fascell
Findley
Fisher
Foley
Fountain
Fraser
Fulton
Gibbons
Goldwater
Gonzalez
Gray
Green, Oreg.
Griffiths
Gross
Grover
Gunter
Hammerschmidt
Hansen, Idaho
Hansen, Wash.
Henderson
Hicks
Hillis
Huber
Hungate
Hutchinson
Johnson, Colo.
Jones, N.C.
Jordan
Kazen
Kemp
Ketchum
Kyros
Litton
Long, La.
Long, Md.
McClory
McCloskey
McCollister
McCormack
Macdonald
Madigan
Mahon
Mallary
Mann
Martin, Nebr.
Matsunaga
Mayne
Meeds
Melcher
Mezvinsky
Milford
Miller
Mink
Moakley
Montgomery
Moorhead, Calif.
Myers
Natcher
Nedzi
Obey
O'Brien
O'Hara
Owens
Pepper
Pickle
Poage
Price, Tex.
Quie
Randall
Rangel
Rarick
Reuss
Riegle
Robison, N.Y.
Roe
Rose
Roush
Rousselot
Roy
Ryan
Sarbanes
Satterfield
Schroeder
Sebelius
Skubitz
Smith, Iowa
Spence
Steed
Steelman
Steiger, Wis.
Stratton
Stuckey
Studds
Symms
Teague, Calif.
Thompson, N.J.
Thone
Thornton
Ullman
Van Deerlin
Vanik
Wampler
Whalen
White
Whitten
Wilson, Charles H., Calif.
Wright
Yates
Young, Ga.
Young, S.C.
Young, Tex.
Zion
Zwach

NOES—211

Abzug
Addabbo
Anderson, Calif.
Annunzio
Archer
Arends
Ashley
Badillo
Baker
Barrett
Beard
Bevill
Biaggi
Bingham
Boggs
Boland
Bolling
Brademas
Brasco
Bray
Breaux
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Buchanan
Burke, Calif.
Burke, Fla.
Byron
Camp
Carey, N.Y.
Carter
Cederberg
Chamberlain
Clark
Clausen, Don H.
Clay
Collier
Collins, Ill.
Conable
Conte
Cotter
Cronin
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Wis.
Dellenback
Dent
Devine
Dingell
Donohue
Dorn
Downing
Dulski
Duncan
du Pont
Edwards, Ala.
Eilberg
Erlenborn
Esch
Eshleman
Evins, Tenn.
Fish
Flood
Flowers
Ford, Gerald R.
Forsythe
Frelinghuysen
Frenzel
Frey
Gaydos
Giaimo
Gilman
Ginn
Goodling
Grasso
Green, Pa.
Gubser
Gude
Guyer
Haley
Hamilton
Hanley
Hanna
Harrington
Harsha
Hastings
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hinshaw
Hogan
Holt
Holtzman
Horton
Hosmer
Hudnut
Hunt
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Karth
Kastenmeier
Keating
Koch
Landrum
Latta
Leggett
Lehman
Lent
Lott
Lujan
McDade
McFall
McKay
Madden
Mailliard
Maraziti
Martin, N.C.
Mathias, Calif.
Mazzoli
Michel
Minish
Mitchell, Md.
Mitchell, N.Y.
Mizell
Mollohan
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Nelsen
Nichols
Nix
Parris
Passman
Patman
Patten
Perkins
Pettis
Peyser
Pike
Podell
Powell, Ohio
Preyer
Price, Ill.
Pritchard
Railsback
Rees
Regula
Rhodes
Rinaldo
Roberts
Robinson, Va.
Roncalio, Wyo.
Roncallo, N.Y.
Rosenthal
Rostenkowski
Roybal
Ruppe
Ruth
St Germain
Sarasin
Saylor
Schneebeli
Seiberling
Shoup
Shriver
Shuster
Slack
Smith, N.Y.
Snyder
Staggers
Stanton, J. William
Steele
Steiger, Ariz.
Sullivan
Symington
Talcott
Taylor, N.C.
Thomson, Wis.
Towell, Nev.
Treen
Vander Jagt
Veysey
Vigorito
Waggonner
Walsh
Ware
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles, Tex.
Winn
Wolff
Wyatt
Wydler
Wylie
Wyman
Yatron
Young, Alaska
Young, Fla.
Young, Ill.
Zablocki

NOT VOTING—69

Abdnor
Alexander
Bafalis
Bell
Blatnik
Breckinridge
Broomfield
Broyhill, N.C.
Burton
Chisholm
Clancy
Clawson, Del
Collins, Tex.
Conyers
Corman
Coughlin
Davis, Ga.
Davis, S.C.
Delaney
Diggs
Flynt
Ford, William D.
Froehlich
Fuqua
Gettys
Hanrahan
Harvey
Hawkins
Hays
Hébert
Holifield
Howard
Ichord
Jones, Okla.
Jones, Tenn.
King
Kluczynski
Kuykendall
Landgrebe
McEwen
McKinney
McSpadden
Mathis, Ga.
Metcalfe
Mills, Ark.
Minshall, Ohio
O'Neill
Quillen
Reid
Rodino
Rogers
Rooney, N.Y.
Rooney, Pa.
Runnels
Sandman
Scherle
Shipley
Sikes
Sisk
Stanton, James V.
Stark
Stephens
Stokes
Stubblefield
Taylor, Mo.
Teague, Tex.
Tiernan
Udall
Waldie

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. ASHLEY

Mr. ASHLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ASHLEY: Page 6, strike out line 24 and all that follows thereafter through page 7, line 12, and on page 7, line 13, strike out "(b)" and insert in lieu thereof "SEC. 1010. (a)", and on page 7, line 22, strike out "(c)" and insert in lieu thereof "(b)", and on page 7, line 24, strike out "(b)" and insert in lieu thereof "(a)", and on page 8, line 4, strike out "(b)" and insert in lieu thereof "(a)", and on page 8, line 10, strike out "(e)" and insert in lieu thereof "(d)" and on page 8, line 11, strike out "(d)" and insert in lieu thereof "(c)".

Mr. ASHLEY. Mr. Chairman, this will not take very long. The intention of this section of the bill was to create an incentive for the administration to produce more timber from the national forests to satisfy the country's needs for housing and other domestic uses. It does this in effect by saying that 11.8 board feet must be available for domestic sale during 1973 and 1974. Unless this is done, there would be a ceiling placed on the export of logs and lumber.

The purpose of this section in the last 60 or 90 days has been met. A release from the Department of Agriculture says as follows:

Secretary of Agriculture, Earl L. Butz, and Director of the Cost of Living Council, John T. Dunlop, today jointly announced completion of a detailed plan to assure sales of 11.8 billion board feet from the National Forests during calendar year 1973 and the same amount during fiscal year 1974. The 11.8 billion board feet established as the fiscal year 1974 goal represents an increase of approximately 10 percent over the amount of timber which the Forest Service will offer for sale during fiscal year 1973, ending June 30.

Mr. Chairman, following the release of this information, I have been advised that Secretary Butz has provided the Forest Service with personnel and financial resources required to meet the new goals. Effective immediately, the Forest Service personnel ceiling is increased by 450 permanent positions for hiring of additional foresters, engineers and support personnel which are required under the expanded sales program.

So, Mr. Chairman, the original purpose of the section has been met. For that reason I offer the amendment, and hope that the amendment will be adopted.

Mr. WIDNALL. Mr. Chairman, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman from New Jersey.

Mr. WIDNALL. Mr. Chairman, in view of the statement made by the gentleman from Ohio, I believe that we should accept this amendment and I also believe that it will help the bill.

Mr. RARICK. Mr. Chairman, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman from Louisiana.

Mr. RARICK. Mr. Chairman, I thank the gentleman for yielding, and I would just like to say that I support the proposed amendment. I think, speaking on behalf of the forestry people, that it removes certain objections, and I urge the adoption of the amendment.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. Mr. Chairman, I commend the gentleman from Ohio for offering this amendment, and I strongly support the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. ASHLEY).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. RARICK

Mr. RARICK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RARICK: Page 7, line 12, after the word "No" insert "merchantable".

Page 7, line 15, after the word, "meridian" and before the period insert "in the contiguous state".

Page 7, line 25, strike the word "and" and insert in lieu thereof a comma. After the word "species" insert, "and grades".

Mr. ASHLEY. Mr. Chairman, will the gentleman yield?

Mr. RARICK. I will be happy to yield to the gentleman from Ohio.

Mr. ASHLEY. Mr. Chairman, I have had the opportunity to look over this amendment. It is in the nature of a perfecting amendment. It is desirable, and I think it would be very helpful to the bill. I urge the adoption of the amendment.

Mr. WIDNALL. Mr. Chairman, will the gentleman yield?

Mr. RARICK. I yield to the gentleman from New Jersey.

Mr. WIDNALL. Mr. Chairman, the minority has had an opportunity to examine this amendment offered by the gentleman from Louisiana (Mr. RARICK). We on this side concur in the amendment, and urge that it be adopted.

Mr. RARICK. I thank the gentleman.

Mr. WIDNALL. Mr. Chairman, I now yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, due to the unique nature of the Alaska timber industry, Congressman ASHLEY supports this amendment to exempt Alaska from the export limitation on softwood lumber set out in section 10 of H.R. 8547.

This amendment has been agreed to by the sponsor because of its importance to Alaska, and because the amendment does not detract from the intent and purpose of the bill. The ceiling limitation on softwood lumber has been lowered by the yearly average of lumber exported from Alaska, which is roughly 27 percent of the total lumber exported from the United States. Thus, the ceiling as adjusted does not affect the limitation of exported lumber from the "Lower 48."

However, the primary reason Alaska can be exempt without affecting this bill is because the timber industry does not affect the "Lower 48." Alaska lumber is not a source of supply to the homebuilders in the United States. It never has been and it never will be for the simple reason that no one can afford Alaska lumber except the Japanese.

There are two main reasons for this: The Jones Act and the high cost of logging and processing lumber in Alaska.

As a noncontiguous State, the Alaska economy is dramatically affected by the Jones Act. The high cost of shipping goods from the Southern U.S. ports on American ships has pushed the cost of living up higher than in any other State. More important is its effect on our industry. The cost of shipping Alaska lumber to the "lower 48" on American bottoms is but one of the major factors which has priced this lumber out of the U.S. market.

The second major reason Alaska lumber is not competitive with U.S. lumber prices is that the cost of producing the lumber in Alaska is so much higher over the cost of producing it in the Northwest. Labor costs and logging camps and sawmills range from 25 to 30 percent higher than in the Northwest. Gross loggings costs exceed Northwest costs 35 to 40 percent. When these costs are considered with the fact that a high percentage of Alaska timber is of low grade lumber, it becomes apparent that there is no meaningful competition in the U.S. market for Alaska lumber.

With this amendment, Alaska's economy is helped and Alaska helps the U.S. economy. Since the beginning of the Alaska timber industry in 1956, nearly all of its lumber has been exported, accounting for $750 million worth of favorable balance-of-trade credits. In short, this amendment is the best for everyone. The domestic timber market in the "lower 48" is left the same as in the Ashley bill without my amendment, and we increase the U.S. exports.

Finally, an export limitation on Alaskan lumber would have a devastating effect on the Alaskan economy. Since 95 percent of this lumber is exported, an export limitation on Alaskan lumber would close most of the mills and logging camps. This could mean a yearly loss of approximately $76 million to the southeastern Alaska economy, a loss of 8,700 jobs which is 50 percent of the labor force in southeastern Alaska. It is clear that an export limitation on Alaskan lumber would deal a serious blow to the economy in the State.

It is for these reasons that I urge the passage of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. RARICK).

The amendment was agreed to.

Mr. GIBBONS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to announce that I am going to withdraw the amendment that I had planned to introduce because I do not think that within the time that we have here today at this hour of the evening we can straighten out this mess that we have here.

Let me say that there is absolutely no control over how these export allocations are given out. No thought has been given in this legislation as to who is going to profit from these export tickets that will eventually be issued. Let me say they are very valuable pieces of paper, and they will probably go to you-know-who. The fellow who gets there first or gets there with the "mostest" will probably get the export ticket, or the fellow who is going to get a monopoly on the market.

That has been the history every time we have tried this thing. This committee has given no thought at all to it, other than giving some vague instructions to the Secretary of Commerce that he should assemble some people who are engaged in this business, and they are going to tell us how these products will be exported. I do not think there is any way at this time of the evening to improve this bill at all, so I am not going to introduce my amendment, but I should ask all Members to vote against it.

Mr. MEEDS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it is not my intention to take the full 5 minutes. I take this time merely to ask the chairman of the subcommittee a question.

Mr. Chairman, on line 13, page 7, there is a provision against the sale of unprocessed export timber. It says on line 16:

> * * * until the President determines that there is available for domestic use an adequate supply of softwood logs * * *.

I am sure the chairman of the subcommittee is aware that there is a vast supply of raw logs and logs, lumber, in Canada. If it is the intention of the committee to mean that all of the supply can be counted, then this amendment is in effect negatory or is of no meaning. I would ask the chairman to indicate to us if that is the intention of the committee or not.

Mr. ASHLEY. No. The intention is not to allow Presidential determination to be based upon the total possible supply from Canada or from any other source. However, I think we do have to recognize that the United States is a very substantial importer of lumber and products from Canada, and to this extent, based largely, I should suppose, on the fluctuations in the business cycle, the usual imports from Canada would be considered with respect to a Presidential determination, but nothing beyond that.

Mr. MEEDS. Fine. I think that explains it.

The CHAIRMAN. Are there further amendments?

AMENDMENT OFFERED BY MR. VANIK

Mr. VANIK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VANIK: Insert a new section 3 at end of bill:

No export license or permit authorized to be issued under the provisions of this act shall be sold, transferred or assigned.

Mr. VANIK. Mr. Chairman, I just want to take a minute or two under the rule to suggest that the purpose of this amendment is to prevent the bargaining, the trafficking, in export permits that prevailed with respect to the oil import quotas when we had a permit system operating in that area. I think that if this system is going to be fair and equitable, the permit should be used by the person who is authorized, who has the authority to use it, and if it is not used by that person, I think that the right should lapse or be granted to others. I do not think that the export permit ought to be bargained, transferred, or sold to another.

SUBSTITUTE AMENDMENT OFFERED BY MR. ASHLEY FOR THE AMENDMENT OFFERED BY MR. VANIK

Mr. ASHLEY. Mr. Chairman, I offer a substitute amendment for the amendment offered by Mr. VANIK.

The Clerk read as follows:

Amendment offered by Mr. ASHLEY as a sustitute for the amendment offered by Mr. VANIK: Page 6, after line 17, add the following new language:

Should the Secretary provide for export controls he shall make every effort to provide for a system of controls that is fair, equitable and just to all of the parties concerned. In any such system he shall provide that the allocations of export permits shall be made on a nondiscriminatory basis and that all those wishing to export shall have equal rights to obtain such an export permit. After an export permit has been granted, it shall not be valid if transferred or assigned.

Mr. ASHLEY. Mr. Chairman, honesty compels me to tell the House I have worked very closely with the gentleman from Florida (Mr. GIBBONS) on this amendment. In fact it is the language of the amendment the gentleman indicated he would have offered had he had the heart to do so at that time. It is a good amendment. I think it is very close to the amendment offered by the gentleman from Ohio, but I think it is a fuller description of what our objectives are and I urge its adoption.

Mr. BROWN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman from Michigan.

Mr. BROWN of Michigan. Mr. Chairman, does the gentleman realize the permit system and the license system has been in existence in the Export Act since 1969? Does the gentleman know of any abuses in the system?

Mr. ASHLEY. I know of no abuses that would be generated by this language either.

Mr. BROWN of Michigan. Does the gentleman know permits or licenses are not subject to transfer now?

Mr. ASHLEY. I do not think the country would suffer by adoption of the amendment.

Mr. BROWN of Michigan. I do not think the country would suffer if it is not adopted.

Mr. WIGGINS. Mr. Chairman, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman from California.

Mr. WIGGINS. Mr. Chairman, is it the intent of the gentleman to consider a simple transfer from one business entity to a successor business entity as the type of transfer that would void the license?

Mr. ASHLEY. Mr. Chairman, on this I yield to the gentleman from Florida (Mr. GIBBONS).

Mr. GIBBONS. Mr. Chairman, it is an embarrassing situation. I withdrew this amendment awhile ago and now I find it offered and while it may or may not be passed it is not being objected to.

The purpose of putting that in was to cut down the traffic in these tickets. It is not to prohibit anybody who legitimately wants to export from going ahead and doing it. It is just to try to cut down the particular value of this. If a person has a product he wants to export he goes to the Secretary of Commerce and he gets fair treatment and he gets his ticket.

If we do not do that what happens is that we get a certain intrinsic value attaching to the tickets in themselves and they will then trade on the futures market. I was trying to prevent that.

What I would like to see happen and I do not prescribe it in this amendment is that these tickets be auctioned off by some fair manner as we auction off oil and gas leases now so that the benefit of the value of that ticket would go to the American public and not to some entrepreneur who was trying to profit from the difficulties the country has.

Mr. WIGGINS. Mr. Chairman, I appreciate that is what the gentleman wants to say but I think the gentleman appreciates the fact that is not what the language says. I think we need to have this legislative history, that it is not the intention of the gentleman to bar a transfer which is simply a legal transfer to a different entity.

Mr. GIBBONS. The gentleman obviously has not studied the problem because that is the way they get around it now and they sell these tickets. They can sell these tickets in that way even though the law says exactly what the gentleman wants it to say, but it has not worked. The only way we can do it is to make the tickets go back to the man who is issuing them, the Secretary of Commerce, and let him reissue them.

There is a lot of speculation on tickets. These can be very valuable.

Mr. REES. The exporting of the products. The Department of Commerce, if one's commodity is under restriction, the Department of Commerce then issues these and tries to let every exporter have so much of what the pot is, but generally one will find that all exporters of commodities are in the specific business of exporting these commodities, so it really is divided up. The pot is divided up among them.

I do not think it can be compared with the oil situation, because there we have a specific situation of domestic and foreign supply. It should be done strictly through export licensing.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Ohio (Mr. ASHLEY) for the amendment offered by the gentleman from Ohio (Mr. VANIK).

The substitute amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. VANIK), as amended.

The amendment, as amended, was agreed to.

Mr. DELLENBACK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in H.R. 8547 there are specific provisions detailing the amounts of logs which may be exported under certain conditions, and also stating the basis for curtailing log exports. I support H.R. 8547. I think its provisions would be helpful to the Northwest and to the Nation. However, I have a concern as to the interpretation which is intended for the sections of the log export provisions which relate to the prohibition and prevention of substitution in connection with timber which is restricted from export by this bill.

There was some legislative history on this point which was created and printed in the CONGRESSIONAL RECORD at the time when the original amendment proposed by Senator Morse was accepted to the Foreign Assistance Act of 1968. That was almost 5 years ago and since that time conditions have greatly changed. Also, we now have 5 years of experience in how this amendment operates in practice.

Five years ago, on July 30, 1968, Senator Morse, in commenting on his amendment referred to "substitution" as a "reasonably direct" substitution in terms of locality, so that an owner could not substitute in the same area and in the same time period public timber for his privately owned timber which he had sold for export. Of course, no agency has ever issued any rules or regulations to carry out this provision of the Morse amendment, so that the previous legislative history and intent were never incorporated in any Federal actions. It is timely now, under changed circumstances, to make sure that the interpretation and purpose of the pending legislation is more to the point and more effective in carrying out our current purposes with respect to exports and prevention of substitution.

It is my understanding that the language in lines 5 through 9 on page 8 of the present bill, which I support, means that any persons who export timber should not be permitted to replace that timber with Federal timber within the same general area within the same time period and for a meaningful period thereafter. This latter is the key point, for example, that the prevention of substitution by a company carryover into the future following the cessation of its export activities.

The objective should be to provide that first, owners of private timber who directly or indirectly export their private timber and second, others engaged in exporting private timber shall be precluded from bidding on or purchasing Federal timber or logs produced therefrom to replace the private timber that they have exported.

It is also my expectation that, when the appropriate officials issue rules and regulations to carry out the intention of these amendments, there will be a full opportunity for hearings and appeals on the decisions to be rendered which will prevent or approve specific cases of substitution within the context of the language in this bill.

I make these statements for the record for what value they may have in indicating to the appropriate Secretaries the intention underlying this important section of this bill.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. GIAIMO, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 8547) to amend the Export Administration Act of 1969, to protect the domestic economy from the excessive drain of scarce materials and commodities and to reduce the serious inflationary impact of abnormal foreign demand, pursuant to House Resolution 484, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

It is a separate vote demanded on any amendment? If not, the Chair will put them en gross.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. ROUSSELOT

Mr. ROUSSELOT. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. ROUSSELOT. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. ROUSSELOT moves to recommit the bill H.R. 8547 to the Committee on Banking and Currency.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. GIBBONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 220, nays 133, present 1, not voting 80, as follows:

[Roll No. 441]

YEAS—220

Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Annunzio
Archer
Arends
Ashley
Aspin
Badillo
Baker
Barrett
Bennett
Bevill
Biaggi
Biester
Bingham
Boggs
Bolling
Brademas
Brasco
Brinkley
Brotzman
Brown, Mich.
Buchanan
Burke, Calif.
Burke, Mass.
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Clark
Clausen, Don H.
Clay
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Conte
Cotter
Cronin
Daniels, Dominick V.
Danielson
Davis, Wis.
Dellenback
Dellums
Dent
Dingell
Donohue
Downing
Drinan
Dulski
Duncan
du Pont
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evins, Tenn.
Fascell
Fish
Flood
Flowers
Ford, Gerald R.
Ford, William D.
Frenzel
Frey
Gaydos
Giaimo
Gilman
Grasso
Gray
Green, Pa.
Grover
Gubser
Gude
Guyer
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Wash.
Harrington
Harsha
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks
Hillis
Hogan
Holtzman
Horton
Hudnut
Jarman
Johnson, Pa.
Jones, Ala.
Jordan
Karth
Kastenmeier
Koch
Kyros
Landgrebe
Latta
Leggett
Lehman
Lent
Long, La.
Lott
Lujan
McCloskey
McCormack
McDade
McFall
Macdonald
Madden
Mailliard
Mann
Maraziti
Martin, N.C.
Matsunaga
Mazzoli
Meeds
Milford
Miller
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Moorhead, Pa.
Morgan
Mosher
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nelsen
Nichols
Passman
Patman
Patten
Pepper
Perkins
Peyser
Pike
Podell
Powell, Ohio
Preyer
Price, Ill.
Pritchard
Rangel
Rees
Regula
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Roe
Rosenthal
Rostenkowski
Roush
Roybal
Ruppe
St Germain
Sarasin
Sarbanes
Schroeder
Seiberling
Shuster
Slack
Smith, N.Y.
Snyder
Staggers
Stanton, J. William
Steele
Steelman
Stokes
Stuckey
Studds
Sullivan
Symington
Taylor, N.C.
Thomson, Wis.
Towell, Nev.
Treen
Van Deerlin
Vanik
Vigorito
Waggonner
Walsh
Wampler
Ware
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yatron
Young, Fla.
Young, Ga.
Young, Ill.
Zablocki
Jones, N.C.
Kazen
Keating
Kemp
Ketchum
Landrum
Litton
Long, Md.
McClory
McCollister
McKay
Madigan
Mahon
Mallary
Martin, Nebr.
Mathias, Calif.
Mayne
Melcher
Mezvinsky
Montgomery
Moorhead, Calif.
Moss
Myers
Natcher
Obey
O'Brien
O'Hara
Owens
Parris
Pettis
Pickle
Poage
Price, Tex.
Quie
Railsback
Randall
Rarick
Robinson, Va.
Robison, N.Y.
Roncalio, Wyo.
Rose
Rousselot
Roy
Ruth
Ryan
Satterfield
Saylor
Schneebeli
Sebelius
Shoup
Shriver
Skubitz
Smith, Iowa
Spence
Steed
Steiger, Ariz.
Steiger, Wis.
Stratton
Symms
Talcott
Teague, Calif.
Thompson, N.J.
Thone
Thornton
Ullman
Veysey
Whalen
Whitten
Winn
Yates
Young, Alaska
Young, S.C.
Young, Tex.
Zion
Zwach

NAYS—133

Andrews, N.C.
Andrews, N. Dak.
Armstrong
Ashbrook
Bauman
Beard
Bergland
Blackburn
Bowen
Bray
Breaux
Brooks
Brown, Calif.
Brown, Ohio
Burgener
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Butler
Camp
Chappell
Conable
Conlan
Crane
Culver
Daniel, Dan
Daniel, Robert W., Jr.
de la Garza
Denholm
Dennis
Devine
Dickinson
Evans, Colo.
Findley
Fisher
Foley
Fountain
Fraser
Frelinghuysen
Gibbons
Ginn
Goldwater
Gonzalez
Goodling
Green, Oreg.
Gross
Gunter
Haley
Henderson
Hinshaw
Holt
Hosmer
Huber
Hungate
Hunt
Hutchinson
Johnson, Calif.
Johnson, Colo.

PRESENT—1

Eckhardt

NOT VOTING—80

Abdnor
Alexander
Bafalis
Bell
Blatnik
Boland
Breckinridge
Broomfield
Broyhill, N.C.
Broyhill, Va.
Burton
Byron
Chisholm
Clancy
Clawson, Del
Collins, Tex.
Conyers
Corman
Coughlin
Davis, Ga.
Davis, S.C.
Delaney
Derwinski
Diggs
Dorn
Flynt
Forsythe
Froehlich
Fulton
Fuqua
Gettys
Griffiths
Hanrahan
Hansen, Idaho
Harvey
Hastings
Hawkins
Hays
Hébert
Holifield
Howard
Ichord
Jones, Okla.
Jones, Tenn.
King
Kluczynski
Kuykendall
McEwen
McKinney
McSpadden
Mathis, Ga.
Metcalfe
Michel
Mills, Ark.
Minshall, Ohio
Nix
O'Neill
Quillen
Reid
Rodino
Rogers
Roncallo, N.Y.
Rooney, N.Y.
Rooney, Pa.
Runnels
Sandman
Scherle
Shipley
Sikes
Sisk
Stanton, James V.
Stark
Stephens
Stubblefield
Taylor, Mo.
Teague, Tex.
Tiernan
Udall
Vander Jagt
Waldie

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Tiernan for, with Mr. Eckhardt against.

Until further notice:

Mr. Hays with Mr. Abdnor.

Mr. Rooney of New York with Mr. Froehlich.

Mr. Hébert with Mr. Quillen.

Mr. Sikes with Mr. Hastings.

Mr. Rooney of Pennsylvania with Mr. McEwen.

Mr. Blatnik with Mr. McKinney.

Mr. Delaney with Mr. Derwinski.

Mr. Fuqua with Mr. Forsythe.

Mr. Fulton with Mr. Coughlin.

Mr. Holifield with Mr. Harvey.

Mr. Howard with Mr. Clancy.

Mr. Kluczynski with Mr. Bell.

Mr. Rodino with Mr. Kuykendall.

Mr. O'Neill with Mr. Michel.

Mr. Nix with Mr. Minshall of Ohio.

Mr. Rogers with Mr. Bafalis.

Mr. Shipley with Mr. Broomfield.

Mr. James V. Stanton with Mr. Sandman.

Mr. Waldie with Mr. Taylor of Missouri.

Mr. Teague of Texas with Mr. Broyhill of North Carolina.

Mr. Sisk with Mr. Vander Jagt.

Mr. Hawkins with Mr. Collins of Texas.

Mrs. Griffiths with Mr. Del Clawson.

Mr. Gettys with Mr. Broyhill of Virginia.

Mr. Alexander with Mr. Hanrahan.

Mr. Boland with Mr. Hansen of Idaho.

Mr. Burton with Mr. King.

Mr. Byron with Mr. Roncallo of New York.

Mrs. Chisholm with Mr. Scherle.

Mr. Corman with Mr. Conyers.
Mr. Davis of Georgia with Mr. Breckinridge.
Mr. Flynt with Mr. Davis of South Carolina.
Mr. Dorn with Mr. Ichord.
Mr. Jones of Oklahoma with Mr. Mills of Arkansas.
Mr. Diggs with Mr. Stark.
Mr. Jones of Tennessee with Mr. Mathis of Georgia.
Mr. Metcalfe with Mr. McSpadden.
Mr. Reid with Mr. Udall.
Mr. Stephens with Mr. Stubblefield.

Mr. ECKHARDT. Mr. Speaker, I have a live pair with the gentleman from Rhode Island (Mr. TIERNAN). If he had been present he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ASHLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed, H.R. 8547.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute).

Mr. GERALD R. FORD. Mr. Speaker, I have taken this time for the purpose of asking the distinguished majority whip the program for the rest of the week, if any, and the program for next week.

Mr. McFALL. Mr. Speaker, if the gentleman will yield, I will be happy to respond to the request of the gentleman from Michigan.

Mr. GERALD R. FORD. I am happy to yield to the gentleman from California.

Mr. McFALL. Mr. Speaker, in response to the inquiry of the gentleman from Michigan, I will state that there is no further legislative business for today, and upon the announcement of the program for next week I will ask unanimous consent to go over until Monday.

The program for the House of Representatives for next week is as follows:

Monday is District Day, and there are no bills.

We will then take up the contempt citation coming out of the Committee on Armed Services for G. Gordon Liddy under a House resolution, for which I do not have the number as of the present time.

That will be followed by H.R. 7482, the Little Cigar Act, with an open rule and 1 hour of debate.

That is all the business scheduled for Monday.

On Tuesday we will have H.R. 7645, State Department Authorization conference report,

H.R. 2096, discriminatory imports on wine, with an open rule and 1 hour of debate, and

S. 1697, emergency eucalyptus assistance, with an open rule and 1 hour of debate.

For Wednesday and the balance of the week, S. 504, emergency medical services, vote on veto override,

H.R. 6452, urban mass transit, with an open rule and 2 hours of debate,

H.R. 7974, Health Maintenance Organization, subject to a rule being granted,

H.R. 9639, School Lunch Act amendment, subject to a rule being granted,

H.R. 6576, water project investigations, subject to a rule being granted, and

H.R. 8789, Bicentennial coinage design, subject to a rule being granted.

As usual, conference reports may be brought up at any time, and any further program will be announced later.

ADJOURNMENT TO MONDAY, SEPTEMBER 10, 1973

Mr. McFALL. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE ON WEDNESDAY NEXT

Mr. McFALL. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday Rule may be dispensed with on Wesdnesday next.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

PERSONAL EXPLANATION

Mr. DENNIS. Mr. Speaker, I was unavoidably detained and not present in the House Chamber earlier this afternoon when the vote on final passage of H.R. 8351, the Amtrak authorization bill, occurred.

Had I been present at that time, I would have voted "aye."

MAJORITY LEADER THOMAS P. O'NEILL, JR., REPLIES TO PRESIDENT'S ATTACK ON CONGRESS

(Mr. O'NEILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'NEILL. Mr. Speaker, on Monday last, I offered the olive branch to the President, because I had heard that 10 more vetoes of important legislation could be expected. It seemed to me that such lack of cooperation could only hurt the country.

In response, I received a phone call from Mr. Laird in the White House, saying that he would be glad to meet with us and work out something on legislation. Just 10 minutes before the President went on television yesterday, Mr. Laird was on the phone with me setting up a meeting.

Then came the press conference, and it was hard to tell whether the President was calling for teamwork—or scrimmage.

President Nixon's economic policies have brought nothing but inflation and misery to the people. It is natural that he would want to put that monkey on somebody else's back. But, in Congress, he's picked the wrong whipping boy.

Congress has already given the President all the economic stabilization authority he needs. The economic ills of this Nation stem directly from the economic policies of the Nixon administration—beginning back in 1969 when the President decided that what he needed was a million more unemployed. It was this administration that last year diverted 40 million acres from production and sold our grain surplus to the Soviets. That mismanagement has caused our food shortage and high food prices today.

The President has little room to complain about the budget. In his first 4 years, his budgets added a staggering $97 billion to the national debt. And he submitted another budget this year that was $28 billion in the red.

This Congress can be proud of its achievements—social security increase, crime control, health program, Cambodia bombing cutoff. It is the President who has chosen to veto minimum wage and the Emergency Medical Services Act.

Both Houses are working together on a final Alaska pipeline bill.

I do not believe the people can be diverted from the causes of this Nation's economic ravishment. President Nixon's economic policies have been responsible. Unfortunately, the consequences for their failure have fallen upon all the little people of this Nation.

STATEMENT BY CONGRESSMAN JOHN BRADEMAS ON PRESIDENT NIXON'S PRESS CONFERENCE

(Mr. BRADEMAS asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, if President Nixon will stop attacking Congress and start attacking the problems this country faces, he will better serve the Nation and his office.

In the same breath that President Nixon called for bipartisan teamwork, he launched an ungracious and unwarranted attack on Congress. The President's attack, coupled with his announcement that he will veto the minimum wage bill approved by large majorities in Congress, shows he intends only to talk about cooperation with Congress, not practice it.

Mr. Speaker, the 93d Congress has in a few months already compiled a significant record. We have, to cite a few measures now law, approved a bombing cutoff in Southeast Asia, an increase in social security benefits, a major farm bill, a highway mass transit bill, and extensions of crime control, older Americans, child nutrition, public broadcasting, and environmental protection programs.

From the start of the session through July 31, the Senate and House combined registered an extraordinary 654 record votes, surely not evidence of legislative paralysis.

It is perfectly clear that Mr. Nixon's press conference was an effort to divert public attention from the problems he himself has created.

I hope that Republicans in Congress will join Democrats in an honest bipartisan effort to pass constructive legislation on trade, pension reform, campaign reform, elementary and secondary education, health maintenance organizations, and manpower, including a public employment program.

Mr. Speaker, I repeat. President Nixon should stop attacking Congress and start attacking the Nation's problems.

IT TAKES TWO TO COOPERATE

(Mr. WYLIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WYLIE. Mr. Speaker, I was amused by the statement yesterday of the majority leader that there ought to be more cooperation between the Congress and the President. My amusement stemmed from the fact that almost everyday for a month before the recess, the majority leader had attacked the President and had found little that was right in anything he was doing. I think the change in attitude of the majority leader stems not so much from the fact that he now wants to embrace the President. I have a feeling it reflects the fact that during the recess, the gentleman heard from the people in his district, who probably are not much different from people across the Nation and who feel that Congress should get on with the business of passing essential legislation and be less political.

The gentleman from Massachusetts (Mr. O'NEILL) and the gentleman from Indiana (Mr. BRADEMAS) were critical of the President's comments about Congress during the press conference yesterday. I thought the President exercised considerable restraint. Cooperation is a two-way street. The legislative branch and the executive branch need to confront the issues together—now—and dispense with the political rhetoric.

INDEPENDENCE DAY MESSAGE OF HONORABLE HENRY J. TASCA, AMBASSADOR TO GREECE

(Mr. WILLIAMS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WILLIAMS. Mr. Speaker, in capitals across the world the United States is represented by our ambassadors and dedicated Foreign Service officers. They are the spokesmen for the American people and the leaders of the American communities abroad.

Our Ambassador to Greece, the Honorable Henry J. Tasca, is one of my friends. He recently sent me copies of his statement issued at the death of President Harry S Truman, and his Independence Day message to the American community in Greece.

Since Greece is the birthplace of democracy, and its own freedom was saved during the Greek Civil War through the efforts of President Truman, I believe that I should share these thoughts with my colleagues.

Mr. Speaker, I include Ambassador Tasca's messages in the RECORD at this point:

THE 1973 INDEPENDENCE DAY MESSAGE FROM AMBASSADOR HENRY J. TASCA

My Fellow Americans in Greece: In three years you and I will celebrate the two hundredth birthday of our country, the United States of America. Within the context of historical perspective, this may not seem a very long time, especially to us who work and live in a country surrounded by the monuments of a great democratic civilization which goes back not two hundred but two thousand years. But our democracy, the American form of democracy, meant something quite special for the oppressed masses on other continents who saw in our principles and ideals the promise of new life.

Why else do we find the ringing phrases of our basic national documents echoed throughout the world where men wish to be free? Phrases from our Declaration of Independence such as—"All Men Are Created Equal"; "The Consent of the Governed"; "Life, Liberty and the Pursuit of Happiness". And can anything better characterize the philosophy of government which has dominated every level of our national life than the eloquent first three words of our Constitution—"We the People". For almost two centuries, we the people, born of the American Revolution, have made of the United States a continuing revolution and that revolution will continue to achieve for our citizens that respect for human dignity and the basic rights of man envisaged by the founding fathers of our republic.

We celebrate our Independence Day this year conscious that the validity of the principles of the Declaration of Independence and the vitality and viability of our democratic institutions have never been more manifest. As Americans abroad let us be sure our words and actions bear witness to our faith in those principles and institutions.

STATEMENT BY AMBASSADOR HENRY J. TASCA ON THE DEATH OF FORMER PRESIDENT HARRY S. TRUMAN

On this tragic and inevitable day marking the passing of President Truman, we mourn his passing but honor his achievement. President Truman will go down in American history as one of our truly great Presidents. His career pronounces with great light and conviction America's profound confidence in the common man. As the Declaration of Independence states—"All men are created equal and are endowed by the divine . . ."

As a symbol of this vital equality, President Truman inspired a generation of mankind to reach for the highest goals.

President Truman personified our belief that man's essential nature not only equips him for democracy but requires democracy for its basic material and spiritual fulfillment.

President Truman became the leader of the American people at a time when the world looked to the United States for leadership and succor. The greatest military power the world has ever seen assembled by the greatest economic power the world has ever witnessed was dismantled in victory. But President Truman, believing as a common man in the essential dignity of human nature and in freedom, led the American people in their decision to help save freedom in the world and provide the means to help humanity meet its desperate economic needs without distinction of enemy or friend, religion or race. Thus the Marshall Plan was born, which affirmed America's basic profession of the brotherhood of man and the need for helping our fellow men to help themselves.

He saw first the danger to Greece and Turkey and the importance of their freedom to the freedom of the West. Thus, 25 years ago, he boldly proclaimed the Truman Doctrine that was important for freedom and democracy to survive. We still stand by that pledge.

But he also realized that material and spiritual recovery needed a shield against external forces of aggression and subversion. Thus NATO was born.

For President Truman, this was not only a right for Europeans but for all. When the free peoples elsewhere in the world were threatened, he reacted and showed the universality of America's humane aims.

And he first introduced the concept of aid to the developing areas of the world in the process of gaining their self determination. And so POINT IV was born.

President Truman led America in all these great decisions which have forever left their mark on human history and will be talked about in the generations to come whenever men talk about the common man, freedom, democracy and the right of all human beings, irrespective of race, color or creed, to "the pursuit of life, liberty and happiness".

BAN ON CIGARETTE SMOKING CLEARLY NOT WITHIN JURISDICTION OF FEDERAL CONSUMER PRODUCT SAFETY COMMISSION

(Mr. HENDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HENDERSON. Mr. Speaker, during the recess of the Congress, Mr. Richard O. Simpson, Chairman of the recently created Federal Consumer Product Safety Commission, was quoted in the press as saying that the Commission has the power to set cigarette standards or ban cigarettes under the Hazardous Substances Act and that "We have a serious expectation of achieving a ban" and he felt the agency "should and will be able to achieve it."

He mentioned a "congressional petition," apparently referring to a staff "study" being conducted by a single Member of the Senate, who is a longtime foe of cigarette smoking.

The gentleman would do well to consider the formal action of Congress pursuant to the established rules and procedures under which Congress operates and in which a majority of the House and Senate speak for those bodies instead of being led astray by a minority attempting to act in some ad hoc or informal manner.

I wonder if Chairman Simpson is giving equal attention to such dangerous products as sugar, saccharin, coffee, beer, wine, liquor, aspirin, drugs, foods high in cholesterol, aerosol sprays, vitamins, gasoline, cooking gas, automobiles, and electrical appliances? Certainly he would not want to overlook cream, half-and-half milk, ice cream, eggs, bacon, and thick marbled steaks.

Perhaps our message to Mr. Simpson should be that when we want him and the Commission, which we created, to meddle into the area of cigarette smoking, which we have obviously preempted by the enactment of the Cigarette Labeling and Advertising Act of 1965, and the Public Health Cigarette Smoking Act of 1969, we will let him know.

Both of these followed in time the Hazardous Substances Act of 1960, upon which he relies; and the legislative history of both clearly indicates that they were intended by Congress to preempt the field where cigarette smoking and merchandising is concerned.

Don't call us, Mr. Simpson. If we need you, we'll call you.

A NEW NIXON COVERUP

(Ms. ABZUG asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Ms. ABZUG. Mr. Speaker, President Nixon's press conference yesterday was a blatant, self-serving attack on Congress that is neither justified nor accurate. The failure of this administration to stop inflation cannot be blamed on Congress but must be laid at the clay feet of the President and his administration, which has been responsible for phases I–IV. We must not let the President get away with this new coverup.

Congress has already passed and the President signed over 100 bills, including such important measures as the Federal aid highway bill with its mass transit provisions, the new Agriculture and Food Stamp Act, legislation ending the American bombing of Indochina, and some very important health measures. There remains much to be done. But this Congress, and in fact no Congress, can or should be a mere rubberstamp for the President. Congress must use the legislative process to the fullest extent if it is to fulfill its own constitutional obligations. This includes full and open public hearings, due consideration of legislative proposals in committee and full debate on the House floor. And Congress, contrary to what the President said, has been on the job—before, after, and during the Watergate hearings. According to a recent Congressional Quarterly analysis, the Congress in sheer volume of work produced was "on a par with most past first session Congresses, and it was ahead of many."

We all know this because we know how hard we have been working—how many marathon sessions, how many committee hearings and debates, how many quorum calls and rollcall votes we have answered in the past 8 months. I propose that the congressional leadership immediately ask the radio and television networks for equal time to answer the President's misleading charges. The average American is being pushed to the economic wall by the rising cost of food, rent and housing, gas and oil and direct responsibility for this rests with the President. As a coequal branch of Government Congress must get the truth to the American people and I urge the leadership to request equal time and to notify the Federal Communications Commission of its request.

MR. MEIDINGER SPEAKS FOR HIMSELF AND NOT FOR DUCKS UNLIMITED

The SPEAKER pro tempore (Mr. MAZZOLI). Under a previous order of the House, the gentleman from North Dakota (Mr. ANDREWS) is recognized for 5 minutes.

Mr. ANDREWS of North Dakota. Mr. Speaker, in the CONGRESSIONAL RECORD for June 28, 1973, on page 22135, I am correctly quoted as stating:

> Also I have a telegram from Mr. Meidinger, North Dakota head of Ducks Unlimited, that he urges us to support the Garrison project.

Since the inception of Ducks Unlimited, Inc., in 1937 it has been the policy of that organization to restrict its activity to the raising of funds for the preservation, maintenance, and restoration of wetlands breeding habitat, and they do an outstanding job.

In the interest of maintaining this policy, the national president of Ducks Unlimited has expressed his concern that my remarks may be misconstrued. Therefore, Mr. Speaker, I wish to take this opportunity to emphasize that, in his telegram which I referred to, Mr. Meidinger was speaking for himself and not his organization.

CRIME IN SUBURBAN AREAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 5 minutes.

Mr. HOGAN. Mr. Speaker, there are a number of factors involved in the rapid and disturbing increase in crime in our Nation's suburban areas and there is one in particular which Congress can do something about.

Under current law, particularly sections 23–901 of the District of Columbia Code, a suburban police officer can pursue a criminal into the District of Columbia only if the criminal has committed a felony or certain types of misdemeanors which would continue in the District of Columbia. Examples of those misdemeanors where pursuit is permitted are drunken driving, which would be a continuing violation of District of Columbia statutes; larceny, which would result in stolen property being brought into the District; and carrying an illegal weapon.

Mr. Speaker, I am today introducing a bill which would facilitate the fresh pursuit of criminals into the District of Columbia by members of the suburban police forces. This would allow an officer to pursue into the District of Columbia anyone he has reason to believe has committed a criminal offense.

Not only would this bill give law-enforcement officers far greater leeway in the pursuit of criminals across the county line, but I feel it would also serve as a major tool in the fight against crime in Prince Georges County and other Washington suburban counties. I strongly believe that we must release the handcuffs created by this outmoded law and I urge the Members of this body to take rapid action on this bill.

The text of the bill follows:

A bill to facilitate fresh pursuit of criminals in the District of Columbia

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 23–901 and 23–903 of the District of Columbia Code are amended by striking out the word "felony" wherever it appears and inserting in lieu thereof "criminal offense".

FORCED BUSING OF SCHOOLCHILDREN TO ACHIEVE RACIAL BALANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. HUDNUT) is recognized for 10 minutes.

Mr. HUDNUT. Mr. Speaker, on previous occasions I have spoken before this body to express my concern about the issue of forced busing of schoolchildren to achieve racial balance in the public school systems of America. Yesterday I expressed the feeling that the Congress is delaying action on this matter that concerns so many citizens throughout our country, and I voiced the hope that hearings would soon be held and legislation brought to the floor for action. My purpose was to stimulate that action.

I also told the Congress that many, many people in my district in central Indiana are terribly upset about the court rulings requiring busing of schoolchildren in central Indiana, and they are fiercely opposed to it. But let it not be supposed that opposition to forced busing to achieve racial balance in the public schools means advocacy or disobedience to the law or lack of commitment to integrated schooling. Our American democracy is a government of laws and not of men. It is also a melting pot of disparate races, creeds, and income brackets, and because it is such, willful violation of the laws of the land, personal vendettas against people who hold different points of view from our own, or promotion of racial or religious or social separatism, segregation, or polarization have, in my opinion, no legitimate place in America.

I have been asked with reference to Federal Judge S. Hugh Dillin's mandate that several thousand schoolchildren in Indianapolis be bused in order to achieve better racial balance in public schools:

> Since we disagree with the judge's decision should we obey it?

And some persons have said to me:

> I will go to jail before I let them bus my kids.

While I can understand the frustration and resentment in back of some of these comments, I cannot and I do not condone willful defiance of duly enacted law or duly constituted authority. Without respect for the law and the legislative and judicial processes, our society would rapidly cease to be democratic and become repressive and authoritarian. Taking the law into one's own hands or feeling that one is above the law for some reason are an invitation to anarchy and tyranny and ought never be advocated nor condoned.

The Federal judge in question is a judge in the U.S. District Court for the Southern District of Indiana and he is in my opinion a judge of high intellect and unquestionable integrity, who is doing nothing but implementing the law and the Constitution as interpreted by the Supreme Court and understood by himself. His decisions have been upheld.

Consequently if the people disagree

with the Supreme Court or a Federal court's interpretation of the laws of the land with reference to busing of schoolchildren, they should in my opinion obey the law and the court orders while they are in force and work through their elected representatives in this constitutional democracy to change the law if they do not like it, and the Congress has an obligation to be responsive to the people's will and not bottle up nor sit upon their concerns or desires.

Then again it must be stressed that appropriate opposition to forced busing does not necessarily imply racism. We must honestly admit that a thread of racism runs through the antibusing movement but we must also recognize that many people support the movement because they live in a certain neighborhood and want their children to go to school in that neighborhood and they do not object to voluntary decisions on the part of local school boards regarding where their children are to attend school. They are not racists. They simply do not want anyone to force their children to go to school outside their neighborhoods and school districts.

The important point with these persons is not racial balance but quality education in the neighborhood school with whatever racial mix it may have.

In America we must never forsake our ideal of brotherhood and never abandon our commitment to building a society where the minority groups can live together with the majority in peace and equal justice for all. Our educational system must reflect that unity beyond diversity or quality education will never be achieved.

Opposition to forced busing must not be construed as opposition to blacks and whites sitting alongside each other in America's public schools, nor can we in the Congress ever abandon, as I have suggested on previous occasions in my remarks, yesterday and last March 15, our conviction that better housing and better jobs are essential for better education. We must never forget that the American ideal is an open society where equal housing and equal employment opportunities are available to all, and we must commit ourselves to working for the achievement of that ideal which in turn will reflect itself in improved educational opportunities for America's schoolchildren.

The battle has many fronts and we must fight it on all fronts at once. We must be outraged whenever we see injustice or inequality stalking our land and we must do what we can to eradicate it. We must be sensitive to the needs and aspirations of disadvantaged people in our society. We must show compassion and concern and couple that compassion and concern with the courage to act.

Moral imperatives at the heart of our democracy require no less.

MINNESOTA GOP'S NEIGHBOR TO NEIGHBOR FUND DRIVE BROADENS POLITICAL BASE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRENZEL) is recognized for 10 minutes.

Mr. FRENZEL. Mr. Speaker, congressional interest in election reform is high. The Senate passed a bill by a top-heavy vote, and the House begins hearings this week on similar legislation.

Some of the reasons for this interest are obvious: Watergate revelations have shocked the Nation; disclosures under the 1972 act have revealed enormous individual and group political contributions: Influence of so-called interest groups seems to be proportional to their political contributions: Political campaigns seems to require more and more money.

For answers to questions raised by this public concern, Congress ought to spend some time examining the Minnesota Republican Party's financing system. Most of the fund-raising energies of the Minnesota Republicans are spent on an annual door-to-door campaign called "Neighbor to Neighbor." Using volunteer solicitors to canvas Republicans and Independents—and occasionally a stray Democrat—the Minnesota GOP amassed the remarkable total of 52,344 individual contributions in 1972. Those 52,000 individuals, averaging only $7.05 apiece, contributed about one-third of the Minnesota Republican Party budget for 1972. That average contribution of $7.05 is up from $6.13 in 1973, and $5.88 in 1970.

The other two-thirds of the budget is raised by selling tickets to an annual dinner. It used to be called the $100 Dinner, but since 15,928 individuals contributed an average of $40 apiece in 1972, the old title no longer fits.

The Minnesota Republican Party therefore received its approximately $1 million budget from two fundraising operations, both broadly based and geared to large numbers of small givers.

At a time when many Americans have genuine fears about the effects of "big money" on our political system, the Minnesota GOP has quietly raised its "little money" from thousands and thousands of Minnesotans who care about the quality of their government. Minnesota Republicans have done something no law has yet been able to do: They have laid political responsibility on the individual in Minnesota, and the individuals seem to like it.

In 1973, the Minnesota Republican Party has continued its fundraising operations. This year, 8,000 Republicans are calling on 165,000 of their neighbors. In this off-year, receipts will not be as high as last year. In addition, solicitors will have to remind Watergate-shy neighbors that their money will stay in Minnesota. But when its completed, the Neighbor-to-Neighbor campaign will still be the best and broadest grassroots, people oriented political fundraising campaign in America.

Whatever Congress does to the election law, the intent ought to be to stimulate individual participation, and reduce the influence of special interests. The Minnesota Republican experience is a good model.

DISCRIMINATION AGAINST INDEPENDENT FUEL DEALERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 10 minutes.

Mr. FINDLEY. Mr. Speaker, the phase 4 regulations governing gasoline and fuel oil marketing have placed independent jobbers and dealers in an unfair and impossible competitive position. Unless relief is granted immediately, irreparable economic loss will be suffered by these small businessmen and this important source of fuel supply will be lost by consumers of their products.

These independent jobbers and dealers were ordered to roll back their prices to the gas war levels that were in effect on January 10, 1973. On that date, one of the severest gas wars to hit the independent fuel industry in years was in effect.

At the same time, major fuel companies were ordered to reduce their prices to May 15, 1973 levels, when prices were very near what they are today.

This disparity in economic stabilization regulations is difficult to understand and seemingly represents blatant discrimination against the independent petroleum industry.

Many independent jobbers and dealers have contacted me saying it is impossible for them to comply with this phase 4 ruling and stay in business. In fact, a survey by the Illinois Petroleum Marketers Association indicates that 75 percent of the independents in Illinois will operate under a substantial loss if they comply.

On July 31, I wrote to Cost of Living Council Director John Dunlop, protestng these regulations and presented him with detailed information how they would effect one independent in Alton, Illinois. That letter follows:

JULY 31, 1973.

Dr. JOHN T. DUNLOP,
Director, Cost of Living Council,
Washington, D.C.

DEAR DR. DUNLOP: The new regulations governing petroleum under Phase IV create tremendous problems for gasoline and fuel oil marketing. I am enclosing a complete set of figures containing facts about volumes, margins, profits, and wages for an Illinois marketer, Piasa Motor Fuels, for the December/January periods of the past four years. These figures pertain only to Piasa, but I believe that further investigation will show that this is the pattern for most other marketers in the central Midwest.

These figures indicate that during the Phase II period of August, 1971, to November 14, 1972, fuel oil margins remained the same, while wages increased from $4.70 per hour in August of 1971 to $5.70 per hour on November 15, 1972—a total of $1.00 per hour or 21.2%.

Like most distributors, Piasa decided not to raise prices on November 15, 1972, until they had received a financial statement for the full month of December in order to prove raises were necessary. They received this statement on January 20, 1973, and raised prices 1¢ per gallon on January 22, 1973. This raised their gross margin on retail fuel oil from 37.7% to 41.0%. This small raise of 3.3%, compared to the 21.2% wage increase during the same period, the fact that wages will undoubtedly go up another 40¢ per hour on November 15, 1973, and the fact that there is absolutely no chance for growth, are the minimum they can sustain and still remain active in the retail fuel oil business, Piasa feels.

You will note that Piasa's profits actually declined over a three-year period, while volume was increasing 32.6% in gallons and 42.6% in dollars.

In point of fact, the choice of the January 10 date has caused Piasa and other marketers extraordinary difficulties and breeds cynicism and lack of confidence in governing institutions.

According to Piasa, the following conditions existed in the Alton, Illinois, area on January 10, 1973, and May 15, 1973. The normal prices and margins are those which have existed since mid-1969 in this area.

The sub-normal prices around the first of the year were a carry over from the December sub-normals which were very common around the Midwest.

	Jan. 2, 1973, normal	Jan. 10, sub-normal	July 1, normal	May 15, formula	Change
Refinery price (net)	0.1555	0.1125	0.1655	0.1655	Up 5.3 percent.
Motor fuel taxes	.115	.115	.115	.115	No change.
Illinois sales tax (5 percent)	.0170	.0130	.0170	.0150	Up 0.2 cents.
Jobber margin	.0405	.0275	.0405	.0275	No change.
Dealer margin	.0810	.0610	.0810	.0610	Do.
Retail price	.409	.329	.419	.384	Down 3.5 percent.

The program designed by COLC will reduce the retail price 3.5¢ per gallon. The refinery will at the same time receive 5.3¢ more per gallon than on January 10, and the state of Illinois will receive .2¢ more per gallon in sales tax.

Only the jobber and retailer will be forced to operate on margins which are 1.3¢ and 2.0¢ less than normal. These are levels which will force most dealers and jobbers out of business if they are required to operate at these margin levels for a solid year.

I urge you immediately to establish a more reasonable date for marketers. January 10, 1973, seems to have been the most inappropriate choice of all those possible.

I realize the urgent need to keep petroleum prices within bounds, but at the same time it is also urgent to keep adequate supplies of petroleum products in the Midwest for the coming fall and winter seasons. Only fair pricing can assure that sufficient quantities of fuel oil and gasoline will be available when they are needed.

Sincerely yours,

PAUL FINDLEY,
Representative in Congress.

To date, I have received no response from Mr. Dunlop nor any indication from any other source that would indicate that this injustice will be corrected.

Because the Cost of Living Council has failed to act on this problem, I am today introducing legislation that would compel them to end this discrimination and to set equitable pricing standards for all segments of the petroleum industry. My bill would amend the Economic Stabilization Act by prohibiting the "discrimination between petroleum marketers in the method of establishing prices for petroleum products."

Not only are the current pricing regulations discriminating against independents and forcing them out of business, they are also threatening the fuel supplies needed for food production and essential public services. The energy crisis continues to threaten the economic well-being of our country. We cannot allow unfair regulations by the Cost of Living Council to make it worse.

POLICY DETERMINATIONS BY THE DEPARTMENT OF TRANSPORTATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CRANE) is recognized for 5 minutes.

Mr. CRANE. Mr. Speaker, as a member of the Mass transportation Subcommittee of the Banking and Currency Committee, I believe I have a responsibility, along with other members of the committee to exercise legislative oversight. It is for that reason, I have taken a special interest in policy determinations by the Department of Transportation.

Let me again make my position clear. I regret that the Federal Government is involved in transportation matters. I believe that the public would best be served if transportation were handled by private systems, and if Government assistance were needed, that local and State governments should provide that assistance. However, the Federal Government is involved to an ever-increasing extent. I feel it is my duty, then, as a legislator on the appropriate committee, to carefully oversee the operations of UMTA and DOT in general. In the coming months, I expect to be looking into various aspects of urban transportation policy to insure that petty bureaucrats in Washington are not dictating unreasonable policies to State and local governments. I also believe that individual UMTA projects should be subjected to closer scrutiny because only by strict congressional oversight can we be assured that money will not be spent on boondoggles or programs which misinterpret congressional intent.

A recent interview by Transportation Secretary Brinegar in U.S. News & World Report touched on certain policy matters and because of the thrust of his statement, I wrote him to raise some questions. At the conclusion of my remarks, I will include the interview, my letter to the Secretary, and his answer.

In commenting upon the concerns I had raised, the Secretary made this statement relating to urban transit mode selection:

> In the final analysis, it is up to local communities to evaluate, decide upon, and justify the kind of urban transportation system they desire.

I could not agree more. The Secretary has articulated a healthy philosophy which I hope will be enforced by UMTA. Of course, I assume the Secretary means that local communities will have to "justify" the selection of the system they desire to the voters in their jurisdiction. It would be very unfortunate if the Secretary's words were interpreted as meaning that the local communities would have to "justify" their selection to Federal bureaucrats, who have been elected by no one and whose main objective often appears to be "empire building." I am confident that the Secretary will send UMTA the same message he sent me. The word could not have come at a more appropriate time because I have received numerous reports of bureaucratic interference in local decisionmaking by UMTA officials and the Secretary's assurances are very welcome, indeed, as I look into these reports.

The above-mentioned interview and other items follow:

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., August 23, 1973.

Hon. PHILIP M. CRANE,
House of Representatives,
Washington, D.C.

DEAR MR. CRANE: I appreciate your thoughtful letter regarding the recent U.S. News and World Report interview. Please be assured that I am not advocating that all U.S. cities adopt busways as the total answer to our urban transportation problems. I believe that rail transit systems such as BART or WMATA can be the backbone of urban transit for our largest cities. But full scale rail transit is probably inappropirate for most of the middle sized and smaller communities in this country.

The concept of light rail is receiving increasing attention by the Department and by the cities. Light rail in the United States has practically disappeared, except in a few cities where reserved rights-of-way contributed to the survival of the old streetcar systems.

It was at the insistence of the Department's Urban Mass Transportation Administration that the remaining light rail operators combined to develop a new specification for a Standard Light Rail Vehicle. The UMTA-sponsored project resulted in a design for a modern successor to the 1935 PCC streetcar, last built in the U.S. in 1952. San Francisco and Boston have already benefited from the new design by ordering 230 vehicles. Concurrently, DOT backed a commitment by these cities to upgrade their light rail systems with new track, power systems, signalling, etc.

A report was prepared for the Department in 1972, entitled *Light Rail Transit Systems—A Definition and Evaluation*. This report documented some of the current European practices and has excited a great deal of interest here at home. Cities such as Rochester, Austin, and Dayton are now considering light rail as a real option for the future.

Commuter rail is also an option which local communities should evaluate and implement if appropriate. The Department certainly stands ready to assist should a local community decide on that course of action.

I certainly favor a variety of rail solutions where feasible and appropriate. The busway and other highway solutions are applicable to a larger number of cities than rail. In the final analysis, it is up to the local communities to evaluate, decide upon, and justify the kind of urban transportation system they desire.

Sincerely,

CLAUDE S. BRINEGAR.

Hon. CLAUDE S. BRINEGAR,
Secretary of Transportation,
Washington, D.C.

DEAR MR. SECRETARY: I read with interest your recent interview in *U.S. News and World Report*. If this interview is substantially representative of your thinking, then I must admit, Mr. Secretary, that I am somewhat disturbed by the narrowness of your approach to commuter problems.

Please understand that I am not a part of the antihighway lobby. Indeed, I have been and will continue to be firm in my support of the Highway Trust Fund.

That does not mean, however, that I believe buses on exclusive lanes or improved local bus systems represent the best solutions to our mass transit problems.

I cannot understand why it is constantly necessary to set up BART-style rapid transit systems as straw men to be knocked down by the comparatively advantageous bus systems.

All over Western Europe and Japan, transit systems have adopted the light rail concept as a happy medium between the terribly expensive subway and the limitedly useful bus. Nowhere do you mention this concept as a possible solution, despite its proven record of limited costs, excellent service, and near-term applicability. When light rail is compared with busways, the costs are competitive and light rail systems can be implemented nearly as swiftly as busway systems.

Further, in many communities, commuter rail operations would be quicker and less expensive than rapid transit or busways and would provide direct access into the CBD (note the tremendous success of "GO Transit" in Canada). Here again, I see no evidence of this kind of practical thinking in your interview.

I repeat, I am not anti-highway. Quite to the contrary, but I am also not anti-rail. The tone of your interview suggests that you are committed to highway solutions of transit problems to the exclusion of other modes.

I would certainly hope you would broaden your view and examine the viability of other solutions to this very serious problem. I was happy, however, that you stated your continued opposition to operating subsidies for mass transit systems and look forward to working with you toward that end.

Best regards.

Sincerely yours,

PHILIP M. CRANE, M.C.

[From the U.S. News & World Report, July 23, 1973]

WAYS TO BREAK THE TRAFFIC JAMS

(Interview with Claude S. Brinegar, Secretary of Transportation)

Is there any solution to the traffic snarls that are threatening to strangle some parts of the country? It's a question millions of people are asking. Latest official proposals come from the Secretary of Transportation in an interview in this magazine's conference room.

Q. Mr. Secretary, what do you see as the best way to clear up traffic congestion?

A. What we need to do, most of all, is to offer people a better alternative to driving their own cars.

For the immediate future, in most cities the answer is expanded and improved bus systems, with parking lots on the edge of town and plenty of convenient distribution points inside the city. With proper organization you can have clean, good-quality buses scheduled at frequent intervals to move large numbers of people over exclusive lanes which guarantee a fast express service. Compared to alternatives, it can be a low-cost operation.

It's starting to work well at the nation's capital, carrying workers between the suburbs in northern Virginia and the District of Columbia in morning and evening rush hours. Other cities are also starting it.

Of course, the great virtue of this approach as a fairly quick solution to the congestion problem is the fact that the highways are there already, and you don't have to wait years for some new system to be laid down.

Q. Where do you see rail lines or new subways fitting into the picture?

A. Because of very high construction costs, there probably aren't more than a dozen cities in the country that really deserve a big rail system, such as BART—the new Bay Area Rapid Transit system that is going into operation in the San Francisco-Oakland area.

Building a subway system, no matter how beautiful or fast it is, is not going to solve traffic problems unless something is done to control the way a city grows. And cities will not be reshaped overnight. That takes decades. Meanwhile, most of the big cities have serious urban-transportation problems that must be tackled now. I think they should do all they can right away with what they have available, and that means largely using buses, encouraging car pools, staggered work hours, and other approaches to balancing the traffic load to available capacity.

Q. Does any city in the country have a decent bus system?

A. No, but they're getting better.

Until recent years, transit systems generally were owned by private companies and more or less supported out of the fare box. During the later 1960s—a period of rapidly rising wage rates and other operating costs—these systems mostly got into bad financial straits. Equipment and service ran down, and many were on the verge of being abandoned.

The Department of Transportation stepped in under the Urban Mass Transportation Act and rescued most of these systems with federal funds. Now we're in the process of providing them with money for rebuilding on the basis of two thirds federal funds to one third from the locality.

Q. How successful is this program?

A. We think it's doing a good job. In 1972, for example, our Department helped over 60 urban areas improve their systems. We recently passed the 4-billion-dollar mark in contributing federal funds to capital improvements.

The downtrend in ridership has, at last, been reversed.

Q. What else is your Department doing to make bus travel more attractive?

A. We are putting up research money to try out new kinds of bus services and equipment—for instance, buses especially designed to serve the handicapped.

In some places, very small buses—minibuses—are being used for what we call "dial-a-ride" experiments. People dial a number and the bus shows up, just like a taxi, and takes them around town.

Q. Do you see a day coming when public transportation will be made free as an inducement to get people out of their cars?

A. The larger cities may move in that direction. Urban transportation is going to be looked upon increasingly as an essential public service, like schools, fire departments and what have you. It may or may not be completely fare-free. Some communities may simply lower charges to encourage use. Atlanta has already moved in this direction with a 15-cent fare.

If transit does become fare-free, I think we should make sure—through co-ordinated city planning—that demands for service don't exceed the ability to provide it. Otherwise, rather than reducing congestion we may find ourselves trying to cope with more of it.

Q. Should the Federal Government provide operating funds, in addition to helping pay for new equipment and for the experiments you mentioned?

A. The Federal Government is very reluctant to step in and help a community cover its operating losses. That would raise some large problems. If the Federal Government were to pay for operating losses, I'm afraid it will end up having to judge the operating efficiency and fare practices of hundreds of local transportation systems around the country. We don't believe that's our role.

Q. Where do you draw the line?

A. We should be helping communities make sure they have the facilities for an efficient system and one that can provide good service. Decisions about fares, the number of lines, employment and the like should be made locally. We want to see local service continue, but we don't think the Federal Government is the one to finance operating losses.

Q. How much money are local transit systems losing?

A. Right now, nationwide losses are approaching 500 million dollars a year and about two thirds of that is in the Boston and New York systems. Their systems have special problems that wouldn't be easily solved by a simple allocation of operating money around the country.

Q. Do your plans call for any increase in federal funds for urban transportation systems?

A. Yes. In addition to the Urban Mass Transportation grant program we have also tried to introduce an element of flexibility in the allocation of some of the highway-trust-fund money, particularly the 20 percent or so that goes to the cities. We would like to give local people the ability to use that money in a variety of ways, not just for roads.

Q. Approximately how much money would be available for urban-transportation programs if the Congress goes along with your request?

A. Between 800 million and 1 billion dollars per year would be eligible for either roads or transit, depending upon local decisions.

Q. Where would most of that money be spent in the next few years?

A. Most of it in the early years would still go for urban highways. Perhaps our excessive concentration on alternates to highways has caused people to ignore their accomplishments. Highways have done wonders in moving people and freight, but we're worried about extending this trend another 10 years.

We should permit the use of some of the trust funds from now on for such things as buses, exclusive bus lanes, special traffic-control systems and, if a community wanted it, to help finance rail transit. We think such moves are necessary to help solve the urban-transportation problem.

POSSIBLE: A TAX TO LIMIT DRIVING

Q. What do you think of the idea of a special tax on motorists—say, on cars that carry only one person into a city in the morning and back home at night?

A. We may come to that—although I believe it would be a local and not a federal tax.

Eventually, congested areas may find it necessary to price freeway space very much the way we price movie theaters: The seats are cheaper in the afternoon than they are at night. If you want to use the freeway or expressway at 7 in the morning, you may have to have a sticker on your car that says "I paid for the privilege," while later in the day you will travel without a sticker.

The freeways and expressways have the capacity. It's just that about three or four hours a day they are enormously overloaded.

Q. Is it politically feasible to charge some kind of fee? The freeways will no longer be "free" if you do that—

A. They never were "free." Aside from the cost of construction and operation, which is paid for with taxes, the highways have generated high social costs. Damage to the environment, noise, and disruption of communities have been ignored much too long.

Q. Are we likely to have gasoline rationing within the next year or two?

A. I hope not, but it's possible. We are now going through a period when refinery capacity is not adequate. An accelerated period of construction is needed. This is starting, but it will take at least 24 months.

Q. Is there a danger that construction will be held up because of environmental objections?

A. It's possible, but since most expansion will be at existing refineries, I doubt it will be a serious problem. Most refineries have the ability to quickly add 10 to 20 percent to capacity if the have adequate crude-oil supplies and are tied to pipeline systems.

Q. What might happen to require gasoline rationing?

A. We're presently in a precarious supply-demand situation. If two or three major refineries have emergency shut-downs because of maintenance or other problems, enough supply could be pulled out of the system to cause some localized but severe shortages. In that case, some allocation procedure would be needed to make sure fuel goes to the right markets.

Q. What's being done right now?

A. The Federal Government has issued a voluntary allocation order. Major suppliers have been asked to allocate their supplies proportionately across the markets they were previously serving. That's starting to have an effect. The farmers are plowing, truckers are driving, and bus systems are running.

Q. A lot of service-station owners contend they are having to shut down. Can anything be done for them?

A. They are being helped by the voluntary allocation program. But in the long run they will be best served by getting refinery capacity increased quickly, so the gasoline they have purchased in the past will be available once again.

Q. Are motorists going to be paying more for gasoline in the near future?

A Prices will go up, especially as crude-oil costs go up, but I think the increases will be relatively modest. The current gasoline shortage isn't that large. Look back to last summer, when there was no real shortage. Demand has gone up maybe 5 to 6 percent since then, and supply has gone up perhaps 2 to 3 percent. The shortage is 3 to 4 percent, and should be manageable.

Q. Mr. Secretary, is driving becoming safer?

A. Yes, it is. I'm not sure what safety programs are the most successful, but something is working, because the fatality rate has fallen steadily since 1966.

People who designed the interstate-highway system properly take much credit for it. So do the people who design safer cars and train better drivers. In any case, the death rate in 1966 was 6.7 per 100 million miles of driving and was down to 4.5 in 1972. The rate declined last year, though total deaths went up a bit. We obviously have major unsolved problems still before us.

For the future, we are studying the air bag, different kinds of seat belts, and various other ideas to find out what we can do to improve the safety of the car, the driver and the road.

Q. When can we expect a decision on whether cars will be equipped with air bags?

A That decision must await the outcome of a court case which ordered the Department to make the test procedures for the air bag more scientifically reproducible.

We have developed a provisional new test dummy and a revised test procedure. In the meantime we will be watching carefully the results of the 1,000 or so experimental production models that are equipped with air bags and are being driven daily.

Q. Why not do what the Australians have done and make it mandatory that everybody wear the seat belt and shoulder harness?

A. I'd like to. We've introduced a resolution in Congress calling upon the States to pass mandatory seat-belt laws. We will be pushing the States on this. I was pleased to read recently that both France and Puerto Rico have passed such a law.

Q. Will that kind of law really work?

A. I think so. I would like to be able to tell my children: "Fasten your belt. You'll break the law if you don't."

You do a lot of things because of the law. You carry your driver's license because of the law. You stop at a stop sign—at least I do—in the middle of the night even when nobody's coming, because of the law. And I think a lot more people would wear their seat belts if there were a law requiring them to. The Australians report good results from voluntary compliance with their new law.

If we got the total up from the 25 per cent who wear them now to even 50 per cent, we'd obviously save a lot of lives.

Q. Would it be feasible to say that if you do not have your seat belt fastened, you cannot collect for personal injuries if you have an accident?

A. I have not discussed this with insurance people, but I imagine deciding whether the victim had his seat belt on at the time of an accident would be difficult. He might say, "I unhooked it when I panicked." It would be simpler to require you to wear your seat belt.

Q. Are you going to require interlock seat belts that have to be fastened before the car will start?

A. Yes. A final rule requiring those systems on all new cars goes into effect this coming August.

Q. How will that device work?

A. It's a three-point belt—the lap and shoulder belts are on a single-buckle system. Basically, you sit down, buckle up and turn on the ignition. Unless you follow that sequence the ignition won't work, or at least the car won't move.

Q. Why couldn't the motorist hook the seat belt behind him and sit on it?

A. The system is designed to demand driver action in a certain sequence. If the operator buckles the belt before occupying the seat this contradicts the system, and the ignition won't function. It has to be repeated in sequence after each unbuckling.

Q. Won't garages do a large business disconnecting these devices?

A. I hope not. It will be a violation of the law for anyone but the individual owner to do it or to authorize its being done.

Q. Will he find that difficult or easy?

A. It will be difficult.

Q. Is there any limit on how far the Government should go in laying down rules to protect lives?

A. Oh, there's a limit—a limit of reasonableness. But it's been decided in the courts that driving is a privilege that's subject to regulation. You're out in the public sector when you go on the highways that have been laid down with public funds. You've been licensed to drive there, and this exposes you to a certain amount of regulation. You don't have complete freedom.

And I think you must bear in mind that in an accident there's some evidence that a person without a seat belt is more likely to lose control of his car than a driver with his seat belt attached. When he loses control of his car, he may veer toward other cars or pedestrians.

There is a clear obligation to find some way to make driving safer, and I don't think a driver has the right to just go out on the road and disregard other people's safety.

Q. What comes after seat belts—the air bag and other mechanical devices?

A. I believe that the obvious "hang-on" things such as seat belts, padded dashes and the like have been pretty much all conceived of. Next we hope to work harder on improving the safety of the car itself. This has been the major thrust of the Department's Experimental Safety Vehicle—or ESV—program. We're following up with a new program for smaller vehicles, in the 3,000-pound class. That is the Research Safety Vehicle—RSV—program.

Q. Actually, how important is the car as a cause of motor accidents?

A. You've got three elements: the car, the driver and the road. While it's hard to sort them out, you can't get away from the fact that of the almost 60,000 annual highway deaths, excessive use of alcohol is involved in about half of them. I find that an appalling statistic, and it points directly to the driver as the main culprit.

Q. What can you do to cut down on those deaths?

A. We're working on education and on enforcement. We think it's very important to get the message out to drivers, especially the young ones, about how deadly alcohol can be and what it does to your judgment.

Q. What seems to be the most effective deterrent to drunken driving?

A. Intensified surveillance, so that the drunken driver or the partially drunken driver realizes his chances of being picked up are very good. This also means a tougher attitude on the part of the courts—both the judges and the juries.

Q. Have you tried out mechanical devices that make it difficult, if not impossible, for a person who is inebriated to start his car?

A. I've seen reports on some of these mechanical devices, but they often seem too complex. Some sober drivers might even fail. It's simpler to use a portable device to measure the alcohol content in the blood with sufficient accuracy to be accepted as prima facie evidence that a driver has had too much to drink.

SALVAGING NORTHEAST'S RAILROADS

Q. Turning to other transportation problems: Is there anything the Government can do to prevent collapse of the railroad system in the Northeast, where the Penn Central and five other lines are bankrupt?

A. We have submitted a proposal to Congress that, we think, offers a reasonable approach. The bill would empower the President to appoint a board of incorporators—three members plus an advisory committee—to work with the trustees of the bankrupt railroads in creating what we call "core" rail service.

The Department of Transportation would specify the areas of the Northeast that should have freight service, based on the volume of business and a forecast of rail traffic. The incorporators would then design probably two railroads to serve the area, using tracks of the Penn Central and the five other roads.

Once they settled on the system, the incorporators would exchange stock in the new corporations for assets of the bankrupt lines. Then the trustee of the bankrupt lines could liquidate the loose ends not included in the new companies and settle with the cerditors.

Q. What caused this breakdown?

A. There are some 30,000 miles of track in a market that can no longer support a system of that size. Too many lines are scrambling for existing freight business or are trying to serve markets that no longer warrant service. And the regulatory blanket laid on top of them has made it most difficult for the roads to adjust to the changed markets.

We think we can draw out of that overbuilt mess at least two healthy railroads. There's plenty of freight business in the area—but not for all six railroads as they stand today. There is simply too much duplicate main line and yards among the six bankrupts.

Our plan uses the maximum abilities of the private sector because, after all, the private sector is financing the other railroads in this country, including those that must complete against the new system we're trying to set up. Our studies indicate that these new corporations would, in time, be sufficiently profitable so that they could raise most of their capital needs from private sources.

Q. Why has this idea run into so much opposition?

A. It calls for a rather tough approach to some of the issues. You've got to sit down and negotiate and co-operatively work out the best solution. I suspect some people feel it would be easier for the Government simply to put up the money to make the negotiations less complicated. We feel this is neither fair to the taxpayers of the nation nor the way to come up with the best solution.

Q. Is there a chance that the Northeastern railroads will be shut down if no agreement is reached on a plan for reorganizing them?

A. A big railroad has never been liquidated before, so we aren't sure. We are developing contingency plans for that possibility, however. We assume that the judge in the case would order a phased shutdown, and he would probably come to us and ask us for the essential routes of the system. I suspect the courts would try to keep these main lines going. We would certainly do what we can to help.

Q. What about having the Federal Government take over the railroads in the Northeast?

A. We're strongly opposed to this. It is awfully hard to nationalize a little bit of our very large rail system. It interconnects with freight systems all over the country.

The Norfolk & Western and the Chesapeake & Ohio compete in the Northeast, and, as things now stand, they are doing quite well. They've got cash and an ability to raise money. But we think it would be a fairly short time before the Government's heavy hand would unbalance competition rather badly. Other countries have found it very difficult to be partially nationalized.

Q. What will you do about rail passenger service?

A. Obviously, we need better high-speed passenger service in the Northeastern corridor. The density of population in the area demands it. About 20 per cent of the nation lives in about 2 per cent of the land area.

Looking down the road, airports will be heavily burdened, and certainly we won't want to put in any more highways than we have to. This offers a really good option for moving a lot of people by rail if we can compete with flying times, including the time taken getting to and from airports.

Our Department has studies under way to see how best to provide this service.

HOUSING FOR THE ELDERLY ACT OF 1973

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. HECKLER) is recognized for 5 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, today I am introducing legislation which would provide desperately needed housing for older Americans at a price both the elderly and the taxpayers can afford.

The legislation, the Housing for the Elderly Act of 1973, is the blend of a successful old program with a new twist. The bill would establish a direct loan program similar to the extremely successful 202 housing program for the elderly, combined with the elderly housing loan fund which would be a revolving fund operating outside the regular Federal budget and financed initially by U.S. Treasury notes.

This funding mechanism would circumvent the usual criticism of counting these repayable direct loans as budget outlays. This is not a mystical or sleight-of-hand budgetary concept—it is used by a number of State and local governments as well as foreign governments in financing capital investments such as housing.

This program would not be managed by the FHA, but would be administered similar to the old 202 program, by a staff of experts in elderly housing in the HUD regional offices. The entire section 202 staff numbered only 35 people at the height of its success. I visualize a similar lean operation.

Both the General Accounting Office and the Joint Economic Committee have estimated that the Federal Government and the taxpayers would save $2 to $4 billion over a 6-year period if the 235 and 236 interest subsidy programs were funded in this manner—because the elderly housing fund would be using the superior borrowing power of the Federal Government which could until recently borrow money at 5 percent rather than 8.5 percent—which can save as much as $5.5 million for the taxpayers over the life of a $3 million project.

The elderly housing loan fund would operate in the following manner:

The Congress would initially capitalize the account by authorizing $50 million of budget authority in the form of debt authority.

This debt authority would give HUD the authority to borrow from the Treasury at the going interest rate on Government bonds and make direct loans to nonprofit sponsors of elderly housing at the rate of approximately 3 percent.

The gap between 3 percent and say 6 percent would be the effective subsidy which would be covered by an annual appropriation from the Congress.

The loans would then be repaid to the elderly housing loan fund which would become a revolving fund resulting in capital for further investment in elderly housing.

The loan fund would be treated as an off-budget account—in other words, the loans would not appear in the Federal budget as current outlays.

The only budget impact of the program is that the use of debt authority would be subject to the debt ceiling.

In order that congressional authority and oversight responsibility are not circumvented, the Congress must authorize annual limitations on program activity and administrative expenses.

Mr. Speaker, something has to be done and done now to increase the supply of adequate housing for the elderly poor. The search for a decent place to live has turned into a desperate struggle for survival for many elderly.

The elderly are caught in a hopeless crunch—most elderly live on low, fixed incomes and are faced with extremely limited construction of housing, rapidly rising rental and purchase costs, and a trend toward pushing the elderly out of older apartment buildings in favor of condominiums. These trends are all taking a serious toll on the ability of the elderly to find adequate housing.

For older Americans, housing is their No. 1 expense. They pay on the average 34 percent of their income for housing while younger households pay about 23 percent. Rents have increased in some areas by as much as 50 to 60 percent and with the cost of food rising at record rates, it is easy to appreciate the bind in which these people find themselves.

The Federal Government has played a major role in exacerbating this cruel situation. In January the administration announced a moratorium on further funding of public housing and the 236 program—the two most productive programs for adequate housing for the elderly.

Housing for the elderly has been especially hard hit by the moratorium. The administration was dead wrong when they labeled housing programs for the elderly as "wasteful," "ineffective," and "counterproductive." There was little if any scandal tied to housing for the elderly. For example, the abandoned 202 program has never had a default or failure in its 12-year history. It is interesting to note that the administration only stopped the subsidized programs—the majority of the scandals occurred in unsubsidized housing—203, 221(d)(2), in Philadelphia, Detroit, New York, and in other cities.

The major criticism that can be made about housing programs for the elderly is that we have not produced enough—only 70,000 units for the elderly were approved in fiscal year 1972 compared to the minimum level of 120,000 recommended by the White House Conference on the Aging. The demand and the need for more housing for the elderly is undeniable and is growing every day. A survey done by the Senate's Subcommittee on Housing for the Elderly revealed that as a very minimum one elderly person was on a waiting list for every unit currently occupied. However, the number of persons on the waiting list can be far below the real demand for housing. Many projects stop taking applications when the waiting list is so long that persons on the list cannot expect placement for a very long time—in addition many elderly become discouraged and do not apply. In my own district, in Taunton and Fall River, the waiting lists are intolerable. The Boston Housing Authority has over 2,100 elderly on its waiting list. However, they estimate that 10,000 could be eligible for public housing but do not apply because they feel the wait would be futile.

For older Americans, the waiting list can be a cruel state of limbo ending in frustration and even death.

Housing for the elderly has not been a waste, it has not been counter-productive, and it has not been ineffective—on the contrary it has been a godsend for hundreds of thousands of older citizens—but we need more—we need more especially today.

Mr. Speaker, at the end of my remarks in the RECORD, I would like to include an article that appeared in the Washington Post on August 25, 1973, by Bill Richards, entitled "Decent Housing Dwindles for Elderly Poor." It chronicles the desperate housing situation in which the elderly find themselves in the Washington area.

Mr. Speaker, we need to begin hearings at once to explore creative new approaches to the problem if this Nation is to keep its commitment to its elderly. I think the Elderly Housing Act of 1973 is a sensible beginning.

Also included in the Elderly Housing Act of 1973 are proposals for improving security for public housing projects, congregate housing for the elderly, an Assistant Secretary for Elderly Housing in HUD, a loan program for upgrading fire safety systems in housing projects for elderly, a House Select Committee on the

Aging, along with some suggested demonstration projects to aid elderly homeowners.

Decent Housing Dwindles for Elderly Poor

(By Bill Richards)

The search for a decent place to live has turned into a desperate struggle for survival for thousands of old people—who populate the ranks of suburban Washington's hidden poor.

In the glittering sellers' market of the luxury high rise and condominium they are caught in a squeeze between landlords' efforts to maximize profits and the escalating competition for the remaining moderately priced leftovers.

Sewer moratoriums that have limited the construction of new housing, rapidly rising rental and purchase costs and an increasing trend in the suburbs toward changeovers from rental to condominium apartments—all relating in part to the suburbs' new youth-oriented affluence—are taking a serious toll on the ability of the elderly to find adequate housing.

Interviews by The Washington Post with housing and social service personnel as well as with older persons throughout the metropolitan area indicate that many of the elderly on low fixed incomes are spending more than half their budget on housing, a level far above the government-suggested figure of 25 per cent as the maximum that should be spent for rent.

"I am absolutely amazed when I see the high percentage of their income that these old people are paying for housing," said Earl Morgan, director of the Prince Georges housing authority.

Hardest hit, say officials like Morgan, are the elderly poor. According to 1970 census statistics, nearly 60,000 persons over 65—or more than half the elderly in Washington's suburbs— are currently living on annual incomes of less than $4,000.

Many of these people, according to reports from social agencies throughout the area, are doing without adequate food, medical supplies and basic household amenities to ensure that they will have a roof over them.

"Outwardly nobody knows that some of these people are in dire need," said Harriet Herman, head of Montgomery County's department of social services. "The front they put up sometimes looks nice but inside the cupboard is bare."

Montgomery County housing officials said that nearly all of their calls from elderly persons concern an inability to pay rapidly rising rents. "These people are just being priced right out of their homes," said one housing employee.

With a median family income of $16,710—the highest in the nation, according to 1970 census statistics—Montgomery County has become somewhat symbolic of a suburb whose life-style is dedicated to its young and well off rather than its old and poor.

"It's very discouraging to see that in a county like this, where so many people have so much, there are people who are desperate for a place to live," said Mary Jones, director of the county's housing intake and placement service.

The housing authority gets calls and visitors almost daily, she said, from sobbing elderly persons begging for someone to find them a place they can afford to live.

Public housing, the recognized alternative for those who cannot afford a place to live in the private sector, was described by one suburban public official as "woefully lacking throughout the metropolitan area."

Montgomery, Prince Georges, Howard, and Fairfax counties have a total of 453 low-income public housing units for the elderly with an additional 977 units of moderate income federally assisted housing available. Neither type of housing currently exists in Alexandria or Arlington County.

Waiting lists of hundreds for these few units exist throughout the suburbs. The wait for public housing for the elderly can stretch into years, officials said.

When officials in Prince Georges County recently instituted a check of their waiting list of 800 elderly for the county's 163 existing low-income housing units they discovered that a number of applicants had died before their number reached the top of the list.

Eugene C. Schneider, acting executive director of the Fairfax Redevelopment and Housing Authority, acknowledged that some elderly poor, desperate for housing, have offered his staff members kickbacks from their small social security allotments for higher placement on the county waiting list.

"After us," said Charles Ross, the official in charge of the Prince Georges waiting list, "these people have nowhere else to go. A lot of them just don't have the time left to wait it out."

Prospects for additional construction of such housing are not promising, officials said. A federal freeze on funds available to the counties for new low- and moderate-income housing for the elderly has been in effect since January and has left a number of plans for additional projects in limbo. New federal legislation to loosen up funding is not expected to come up before fall.

Since the freeze went into effect, 1,652 units of low- and moderate-income housing that have already been proposed for the Washington suburbs have been held up.

In addition, housing officials said construction costs of moderate-income federally assisted housing already being built have risen so dramatically in recent months that such housing, financed in part by the Department of Housing and Urban Development's 236 Housing Program, is already priced beyond the means of many people dependent on social security.

A one-bedroom apartment, for example, in HUD's 236 program of moderate-income housing for the elderly in Montgomery County is presently priced between $122 and $132 per month. Social Security recipients, the primary applicants for such housing, receive anywhere between $84.50 and $266.10 a month after they reach age 65.

"For an awful lot of elderly persons, Social Security is all they have and it just isn't enough," said Mary Holbein, director of housing programs for the Council of Governments.

"The only way some of these people can afford the rent is through very deep rent supplements," she said. HUD restrictions, however, limit rent supplements in 236 program housing to a maximum of 20 per cent of the units in a building, she said. All the rest of the occupants must pay in full.

Nevertheless, public housing for those who can find it appears to promise more relief for the financially strapped elderly in the suburbs than housing in the private sector.

Officials of both public and private housing agencies admit that the cost of shelter in the suburbs is already high and scheduled to go still higher.

The officials cite a number of intertwined factors that have caused the prices to go up recently.

Sewer moratoriums in Maryland and Virginia have halted development on large parcels of land in both states and have forced up the price of existing housing as demand increases. Houses in Fairfax County in the $40,000 range have risen in value by $6,000 in the last year, according to county officials.

The same factors that have limited housing are driving up the demand for rental space, according to John T. O'Neill, executive vice president of the Building Owners and Managers Association of Metropolitan Washington. Vacancy rates for the 247,000 rental units in the metropolitan suburbs, O'Neill said, amount to a slim 3 to 3.5 percent.

The average rent for a one-bedroom apartment in the suburbs was listed by O'Neill as: Arlington—$135 per month; Alexandria—$140 per month; Fairfax—$175 per month; Prince George's—$165 per month, and Montgomery—$180 per month.

Landlords are increasingly converting rental apartment to condominiums as the demand for space picks up. O'Neill estimated that 70 per cent of the suburbs' new apartment construction is in condominiums. Twenty per cent of all suburban apartments either have been changed over to condominiums or are slated for such a change.

The prospect of facing a price tag of $30,000 and up for what once was a moderately priced rental apartment often terrifies older suburbanites who have been struggling to meet rent bills according to Earl Morgan, Montgomery housing authority director.

"We recently had five such cases come in here one after the other and the conversion of older units in the suburbs has not yet begun to hit full steam," he said.

Many of the elderly in the suburbs have found moderately priced housing in apartments built shortly after World War II with government financing, he said. Most of these units—usually one or two-bedroom apartments in red-brick buildings—have not yet begun to be converted.

"If these start to go," said Morgan, "then we can expect the problem to get much more serious than it already is."

O'Neill predicted that conversions of these apartments would begin within several years.

Rent-control laws, in effect in Fairfax, Montgomery, Prince George's and Howard counties, have begun to spawn an adverse side effect on the elderly poor.

"We are finding in some cases that the less scrupulous landlords are getting around these laws by forcing out some of their older tenants and then boosting rents for new ones," said Joan Beck, a community relations specialist in Prince George's County Executive William Gullett's office.

Landlords have refused to renew leases once they expire, she said, and then have evicted elderly long-term tenants who are still paying low rents.

While they know of some elderly persons who struggle with problems like these, social service officials admit that one of the major problems facing them with regard to the elderly poor in the suburbs is finding them. The problem was brought up recently in a study done on the elderly by the United Jewish Appeal's Council on Aging.

Citing the large number of elderly with incomes of less than $5,000, the council discovered that few of the persons it surveyed were willing to admit they could not meet their needs, a practice it called the "sweet lemon" reaction.

In its report issued this year the UJA defined the sweet lemon reaction as "the tendency to put the best face on any existing situation no matter how untenable it may be, which is so prevalent among the elderly."

"There is a kind of special pride among older people that you don't tell anyone when you don't have enough to eat at night or you can't pay the rent," said State Sen. Margaret C. Schweinhaut (D-Montgomery), chairman of the Maryland Commission on Aging.

"But don't let it fool you," she said. "There is an awful lot of affluence around here, but the poor in the suburbs are just as bad off as the poor in the ghettos of Chicago. They just hide it better."

PREVENTING ABUSE OF POCKET VETO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. Rodino) is recognized for 5 minutes.

Mr. RODINO. Mr. Speaker, I wish to announce that the Subcommittee of the Committee on the Judiciary which I chair will hold a 1-day public hearing September 12, 1973, on H.R. 7386, a bill which would prevent abuse of pocket veto power by the President.

Mr. Robert G. Dixon, Assistant Attorney General for the Office of Legal Counsel will testify on behalf of the Department of Justice

The hearing will be held in room 2141 Rayburn House Office Building and will begin at 10 a.m.

In addition, the same subcommittee will hold a 1-day public hearing next week on a package of legislative recommendations forwarded to the Congress by the judicial conference.

Mr. William R. Sweeney will appear on behalf of Rowland Kirks, Director of the Administrative Offices of the U.S. Courts on Friday, September 14, 1973, to present testimony on behalf of H.R. 7723, H.R. 8150, H.R. 8151, and H.R. 8284. Each of these bills has as its focus certain of the many administrative problems facing the Federal courts in this country. It is hoped that the Congress can act to alleviate some of these difficulties if we find that legislative action is indeed warranted.

The hearing will be held in room 2141 Rayburn House Office Building at 10 a.m.

THE INFORMATION IMBALANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. HAMILTON) is recognized for 10 minutes.

Mr. HAMILTON. Mr. Speaker, it is no secret to any Congressman, political researcher, or citizen student of Congress that since Franklin Roosevelt's administration a severe imbalance in the power relationship between Congress and the Executive has persisted. The Executive has consistently assumed power and authority at the expense of Congress. Recognizing this imbalance, Senator ROBERT C. BYRD has recently suggested one reason for this shift in relationship:

> There is no question but that the executive branch has stepped into a power vacuum. This in large measure is due to the fact that the Congress has not asserted itself at times when it should have.

One contributing cause to this imbalance is the so-called information gap or information differential that separates the two institutions. And here there is no question who has the advantage. The Executive totally overwhelms Congress in the field of information gathering and dispersal. Due to the executive branch's sophisticated techniques for gathering and analyzing data and the legislative branch's lack of them, Congress has been severely handicapped in head-on confrontations. As of 1971, for example, the executive branch was spending on the average of $2 billion a year to operate 5,400 computers in 44 Federal agencies. Almost 88 percent of these were in the Defense Department, National Aeronautics and Space Administration, and the Atomic Energy Commission. In contrast, Congress today operates just three computers, for which only $2 million is spent on personnel, equipment, maintenance, and rental fees. And their primary use has been for housekeeping and administration, not for information storage and analysis.

But the equipment differential is only one aspect of disparity between the two branches of Government. A more serious and lasting problem is Congress' inability to secure its own adequate sources of timely data—data which would better prepare Congressmen to interact on an equal basis with the executive branch in the formation of public policy. This is such a fundamental problem that I wish to make some recommendations to remedy the situation.

RECOMMENDATIONS FOR REFORM

A. Better use of the present research facilities: At present Congress has at its disposal three research services. The Congressional Research Service—CRS—the major research service—is probably the most important due to its immediate connection with Congress and its general mandate for investigation. But it has failed to provide the indepth policy research required by Congress to overcome the information gap. Instead, the service easily becomes bogged down by the short term research Congressmen request be done for themselves or their constituents. Except for the assistance it offers committees at the beginning of each Congress, it also seems ill equipped to anticipate many of the future policy needs Congress should be apprised of.

With the 1970 Reorganization Act there is promise that the present facilities will be improved. The CRS has been given a broader mandate to increase its liaison with committees and individual Congressmen. And by 1975 it should have tripled its staff from its 1970 level.

Greater use of CRS could be made if all Congressmen were aware of the various services it can offer. Advertising CRS to Congress has been a problem in the past. Few Congressmen realize, for example, that the service will write special reports at the request of the Congress, assist the Congressman in research for conference preparation, provide limited legal analysis, and formulate detailed background studies on various matters. With an expanded staff CRS should be able to carry out these major services to Congress more efficiently.

In addition to CRS, the General Accounting Office—GAO—has increased its efforts during last year in investigating and reviewing current programs requested by congressional committees. In 1972, for example, GAO issued approximately 189 audits for individual Members involving a variety of Federal programs and activities from drug addiction to highway safety programs. In its studies GAO will generally attempt to assess the impact of Federal programs on economic development, employment, or on other specifically requested areas. But difficulties still remain in GAO's ability to respond to Congress demands. Until recently, for example, only some 10 percent of the work done by GAO's staff involved work initiated by Congress. And GAO personnel also have difficulties in obtaining necessary access to information needed for their reviews and evaluations.

Its major weakness appears to be its primary strength. Its reputation for thorough investigations means Congressmen must wait many months for a response to their original requests. And its ability to respond is also necessarily narrowed by its focus on its auditing responsibilities.

The Office of Technology Assessment—OTA—the final associated research unit—has much promise but has not yet been funded. OTA will have as its main purpose to procure unbiased and competent information on the physical, biological, economic, social, and political effects of technological applications. This office will attempt to isolate any possible cause and effect relationships and to identify alternative technological methods of implementing specific programs. But in order to be useful, OTA needs to be immediately funded by Congress, and then, from all present indications, this office will prove very helpful in assessing future congressional programs.

In addition to making better use of these three auxiliary sources of information, Congress should also make greater use of two structural procedures for gaining information, that is, panel hearings and the joint committee structure. Panel hearings allow experts to exchange views before the congressional committees, permitting Congressmen to make their judgments and evaluations based on the firmer footing of original data; and the joint committee structure allows Congress to make the most use of limited research staff, combining the staff potentialities of both Houses of Congress.

B. Computerization. Supplementing these changes, Congress must begin using the computer to a much greater extent than it presently does. Computerization has barely begun in Congress. The total of $2 million spent last year to operate three computers appears meager in comparison to the $2 billion worth spent in the executive branch during 1971. What is so important is not the money spent but that with the lack of computer use Congress clearly cannot compete with the superior technology within executive agencies. As Senator WALTER MONDALE recently observed of information control:

> Whenever I am on the side of the Administration, I am surfeited with computer printouts that come within seconds to prove how right I am. But if I am opposed to the Administration, they always come late, prove the opposite point, or are on some other topic. He who controls the computers controls the Congress.

With more computers and a handful of experts, Congress could improve its situation significantly. Eventually Congress may find it necessary to have computer terminals conveniently distributed throughout the congressional office buildings. The Congressman and his staff could then analyze their own data center. Prof. Kenneth Janda of Northwestern University has suggested that putting computer terminals in each office would permit each Member the opportunity to instantly check information on the bill under consideration just before he goes to vote. The Congressman could then cast his vote based on more complete information about the issue.

A Congressman could also encourage the aid and assistance of academicians and researchers within his own district to supplement his staff. He might encourage academicians on leaves of absence, sabbaticals, or on summer breaks to conduct individually contracted research in exchange for salary and publication assurances. Much of this expertise now goes unused within a Congressman's own district.

C. Increased legal sanctions: But updating the hardware of Congress and expanding present research facilities will not alone solve the major information gap that troubles Congress. There is the problem that has long plagued Congress of getting the right kinds of raw data to feed into the computer system itself. There is, in other words, an urgent need in Congress to gain access to primary sources of information—hard data of quality equal to that obtained by the executive departments. One possible answer is to force the executive branch, through wider use of the subpena power, to more readily share its information sources with Congress. Already on the statute books is the Freedom of Information Act. But to be effective, it must be instituted to its fullest extent. As the House Government Operations Committee concluded in 1972:

> The efficient operation of the Freedom of Information Act has been hindered by five years of foot-dragging by the federal bureaucracy. The widespread reluctance of the bureaucracy to honor the public's right to know has been obvious in parts of two administrations.

The number of situations where Congress is kept from sources of information is at an intolerable level. Norman G. Cornish, deputy staff director of the Government Operations Subcommittee on Foreign Operations and Government Information, reported to the National Journal recently that documents had been withheld from Congress on 13 separate occasions during Nixon's first 4 years in office. In addition, he said, there had been a number of instances when Congressmen have been denied information on a timely basis as a result of "obfuscation, stalling and lack of adequate documentation."

Administration spokesmen have also exercised executive privilege to such an extent that it has made the privilege meaningless and has crippled the machinery of government. Some limitations must be put into effect similar to those proposed in January of this year by the Senate Democratic Policy Committee, which held: "that all questions propounded by Senate committees be answered unless the President expressly pleads in writing that he has requested the witness to refuse to answer specific questions dealing with a specific matter because the President desires to invoke executive privilege."

If Congress finds the Freedom of Information Act does not give them enough authority to compel information sources from the executive branch, then more stringent and effective measures should be sought.

D. A research institute for Congress: But Congress must have more than borrowed data from the executive branch to rely on. One of Congress' most vital needs is to be able to rely on independent sources of primary data to strengthen its position vis-a-vis the Executive. What is needed is an independent research institute for Congress, dedicated to the analysis of policy questions. CRS has never been able to achieve this goal. It remains a service to summarize and reorganize secondary source data without an ability to develop its own primary sources of information. An independent institute would provide Congress with answers to many of its critical and pressing needs. One plan for such an institute now being proposed would call for a staff of men and women of superior ability to analyze major policy questions, weigh alternative approaches, and make recommendations to Congress based on this research. An institute of exactly this type would serve as a long-needed source for innovative ideas to guide Congress in its decisionmaking. This proposal suggests an institute staff of some 50 to 100 senior and junior researchers made up of representatives of the research community, former congressional aides, and researchers from the executive branch familiar with policy analysis. These members would serve as the Washington core, with other experts called in from time to time to act as specialists on particular policy questions.

Most important, this plan recognizes that this institute should not be tied too directly to Congress, but should be financially independent to preserve its independence and a proper research climate. This, more than anything else, would prevent the institute from suffering the same fate as CRS, which has become overburdened with demands from individual Congressmen.

Lest this independent institute fail to serve the needs of Congress, an advisory board made up of Congressmen would keep the institute constantly appraised of the Congress' needs. Under this plan, the institute would strive to coordinate its research schedule with that of Congress so that the institute's finding would prove of maximum use in the legislative process.

In order to give Congressmen maximum time to educate themselves about the critical needs of the times, the institute is designed to anticipate policy difficulties before they mature. The plan also anticipates research results to be prepared in two phases: First, a tentative and concise version so that all interested Congressmen could make instant referral to policy information as the longer study progresses, and second, the longer term documented studies that Congress could rely on as detailed primary sources.

Since the financing of a group the size of 50 to 100 scholars would be substantial, the plan wisely proposes that the research institute undergo a testing period of from 5 or so years. This will allow legislators to assess its value to Congress before it becomes a permanent institution. Since outside funds would be sought for this period, the institute would not be an expense to either Congress or the American public.

SUMMARY

Making the changes I have suggested would, I am convinced, help to improve Congress' access to in-depth sources of information and assist Congress in regaining its position as an equal partner among the three branches of Government. Since Congress can operate more efficiently if it is fully informed well before the time for decision, these reforms will help create a more responsive and effectively operated Congress. With more access to primary data, more effective use of present resources, and sterner measures to exact Executive cooperation, Congress will be in a much better position to accept, reject, or offer alternative proposals to Executive programs in the future.

THE RESULT OF FALSE ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, not long ago a Member of the other body placed in the RECORD a statement deploring conditions at the Brooke Army Medical Center, which is in my district. In it, the Senator from Wisconsin cited "substandard conditions and mismanaged operations" at Brooke. As one who is familiar with that hospital, I feel that the RECORD should be corrected.

In reality, the quality of medical care at Brooke is outstanding. The personnel there are dedicated and effective. The hospital has produced one of the great medical research units in the country, specializing in the treatment of severe burns. No medical problem is more difficult than burn treatment, and no hospital in the country is more successful in this specialty than Brooke. This certainly is not the product of inefficiency or mismanagement. You do not become a pioneer in medicine without doing something right.

There are limitations at Brooke caused by the simple physical limitations of the buildings occupied by the hospital. If there are problems at the hospital, they are the result of false economies that have prevented modernization or replacement of facilities for many years. Even before the Vietnam war, the Army wished to make major improvements at Brooke, but was unable to do so because of limitations on funds. It is terribly ironic to read now that a leading prophet of economy in Government deplores the conditions brought about by that very economy, that very stringent limitation upon use of funds to provide for the needs of our soldiers, airmen, and sailors. It may be that there is waste in the Department of Defense—but there certainly has been no waste in construction of facilities at Brooke Army Medical Center. The facilities there have been used for more than their reasonable life, and stretched far beyond their designed purposes and capacities. This does result in limitations upon medical care, but it does not mean that the personnel there are doing less than their dead level best, nor that their management is inefficient. If that were so, Brooke would not have become a leading center for burn treatment and research, and it would not be able to handle the tremendous volume of care that it does every day, and it would have never been considered as the facility for treatment of a President of the United States. Presidents do not use hospitals that are less than the best, and

I do not think President Johnson would have used Brooke if he had felt it was mismanaged.

I agree with those who say that Brooke General Hospital would be better if it were new. I hope that those who deplore conditions there will help me obtain the funds for a new hospital. If the present personnel and management had a new facility, they could deliver superlative care—not just the very good care that they deliver now.

I think that if anything, the Army has done much more than might be expected, given the limitations imposed by the existing facilities at Brooke.

For example, it is a problem that the emergency room and cardiac care unit are in separate buildings. But I have studied this arrangement, and believe that the existing situation is the best that could be obtained. Moving the cardiac care unit would entail having to rearrange the whole hospital, for this reason: cardiac care involves several branches of medicine, and at Brooke, the Department of Medicine is in one particular building. It happens that the emergency room is somewhere else. Moving the emergency room is no solution because a great number, probably the majority, of its patients, do not require use of the medicine branch. They need to be in the building where the emergency room now is. On the other hand, moving the components of the cardiac care unit might help occasionally, but it would be no help at all if you needed surgery. In other words, given the physical limitations of the hospital, the present arrangement is the best that can be had. The only improvement would be to have a specially equipped transport to move cardiac patients between the emergency room and cardiac care unit. Short of building a new hospital, this is the best solution to this particular problem. Since the Army seems unable to obtain funds for a new hospital, it is doing the best it can with what it has.

It has been said that a problem at Brooke is that there is no adequate radio paging system. The only reason there is no adequate system is that the economizers have the money for the system tied up. If those who decry conditions at Brooke can help me get the money freed to buy the equipment for a complete paging system, I will be most grateful—as will the medical staff and administrators of the hospital.

I have seen nothing anywhere to support a claim that Brooke is delivering less than the maximum possible care for the people that it has available, and the facilities they must use. Not only are they delivering the maximum possible quantity of care, they are delivering a very high standard of care, and in some cases the best available in the country. That is not the product of people who are incompetent or do not care—it is the product of people who care very much, and who know what they are doing.

I would be the first to agree that Brooke General needs to be housed in a new facility—one that is up to date, and one that can accommodate the mission of the hospital completely and without compromise. I have been working for several years to obtain funds for the physical upgrading of Brooke Army Medical Center, and I am proud to say that a very great deal has been accomplished. The major remaining need is for a new hospital facility, and I am working on that.

I hope to be able to say very soon that the Department of Defense is committed toward building a complete replacement for Brooke Hospital—and I hope that my colleagues will support the funds necessary for its construction. To deny the money for a new hospital would clearly be false economy today—as it has been in the past. Nobody has proved that Brooke Hospital is anything less than it can be. The only thing that has been proved is what the hospital staff has known all along, and that is that they could do better with better facilities. We ought to provide them the tools to allow them to do the very best work possible. They are already doing the best they can, and that is better than most.

JOINT STATEMENT OF MAJORITY LEADERSHIP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. McFALL) is recognized for 15 minutes.

Mr. McFALL. Mr. Speaker, for the information of Members I am placing in the RECORD the joint statement of the House and Senate majority leadership issued following their meeting this morning.

JOINT STATEMENT OF MAJORITY LEADERSHIP: SPEAKER CARL ALBERT, SENATE MAJORITY LEADER MIKE MANSFIELD, HOUSE MAJORITY LEADER THOMAS P. O'NEILL, JR., SENATE MAJORITY WHIP ROBERT BYRD, HOUSE MAJORITY WHIP JOHN P. MCFALL

The President yesterday chose to pass judgment on the 93rd Congress. He described its work as "a very disappointing performance." The Joint Leadership notes that the Congress does not "perform" at the behest of this President or any President. The Congress acts in accord with its independent judgment of what is best for the nation and the people.

There are no apologies to make for this Congress. It has done, it is doing and it will continue to do the people's business.

A vigorous Congress has already addressed itself to a wide range of legislative activity and has a full schedule in the weeks ahead.

We are looking ahead to action on such important legislation as pension reform, manpower, including a public employment program to relieve areas of high unemployment—elementary and secondary education, health maintenance organizations, campaign reform, and other equally important measures.

A real spirit of cooperation will give us the Republican votes essential to put these programs into law.

Both Houses of Congress have demonstrated their commitment to fiscal responsibility by passing 1974 spending ceilings that are *below* the President's requests.

So far as appropriations are concerned, the final figures cannot be determined until all the bills are passed. The remaining bills, including the big defense and foreign aid bills, are still in the legislative mill. The Congress intends to carry out its commitment to fiscal responsibility in the development of these bills; if the President has suggestions for ways to cut these more costly appropriations measures, we would be glad to hear them.

The 93rd Congress has already enacted one-hundred and six public laws for this year. Included is an act giving the President full authority for wage-price controls and other economic stabilization measures to combat inflation. Other important new laws passed by this Congress are an increase in social security benefits, an expansion of services for the elderly, an extension of twelve health care programs the Administration wanted to terminate, a four-year farm bill, a pace-setting highway bill which for the first time makes trust funds available for urban mass transit and an extension of the Law Enforcement Assistance programs.

Congress has also passed a far-reaching minimum wage bill which would grant coverage to seven million additional workers and which would bring farm workers up to their industrial counterparts and the Emergency Medical Service System Act.

In the final stages of the legislative process are important bills to set a fiscal 1974 spending ceiling and to restrict the President's practice of impounding appropriated funds, to limit the President's war making powers and to authorize the Trans-Alaska oil pipeline.

The Congress is working hard. We want to get the job done. But we cannot do it alone. We welcome help from any source, including specifically the White House.

As the elected Representative of the people, we will continue to pursue the legislative needs of the people and the nation.

HEARINGS TO REVIEW VISA-ISSUANCE FUNCTION OF DEPARTMENT OF STATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. EILBERG) is recognized for 5 minutes.

Mr. EILBERG. Mr. Speaker, I wish to advise the House that the Subcommittee on Immigration, Citizenship, and International Law of the Committee on the Judiciary has scheduled a hearing on Thursday, September 13, 1973, concerning the oversight responsibilities of this committee with respect to the administration of the Immigration and Nationality Act.

This hearing will be held in room 2237 and will commence at 10 a.m.

This hearing will be concerned with the immigrant and nonimmigrant visa-issuing function of the Bureau of Security and Consular Affairs. The subcommittee is extremely interested in information relating to the method of assigning visa officers to the various consular posts as well as a review of the visa work loads of the various posts.

Testimony will be received from the Honorable Curtis W. Tarr, Acting Deputy Undersecretary for Management, Department of State.

THE MINIMUM WAGE VETO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. FULTON) is recognized for 5 minutes.

Mr. FULTON. Mr. Speaker, there is an old saying in the labor movement that when times are good you share the wealth and when times are bad you spread the misery. In other words, in times of prosperity all should share while in times of economic difficulty the burden should be spread so that the load on each individual and family will be as light as possible.

I personally feel that this is a good philosophy which, under our democratic system, is rather equitable.

However, the President again demonstrated yesterday that this philosophy is not the policy of his administration when he announced he is going to veto the minimum wage bill.

Today's burden is particularly heavy for the economically marginal minimum wage employee and a veto of this bill will be a devastating blow to him.

The administration states the bill would be inflationary, increasing the minimum wage by 38 percent. The facts dispute this contention. Actually the first step of increase will be less than 25 percent with the remainder taking effect several months from now. This means that the minimum wage employees earning $64 for a 40-hour workweek would receive $80 a week under the first step of the minimum wage amendments to be vetoed. Statistically this might seem like an impressive rise but in dollars and cents I would say it was rather modest. Ironically, the administration last year supported an increase to $2 an hour.

The second step would bring the weekly minimum wage salary to $88 which, to my way of thinking, is not exactly an economic bonanza.

In the absence of this legislation there is no increase in the minimum wage at all. The 40-hour weekly minimum wage rate will remain $64 as it has since February of 1968. In the meantime inflation has reduced the buying power of this $64 a week by nearly one-third. According to the Department of Labor the cost-of-living index has risen from February 1968 to August 1, 1973, some 30.7 percent. At the same time, the cost of basic items such as food and shelter are increasing more rapidly than the overall cost of living. Just yesterday, as the President announced his veto intentions, Treasury Secretary Shultz warned that August's wholesale price index is going to reveal "astounding" increases with wholesale food prices possibly skyrocketing another 20 percent. The President admits, meanwhile, that his economic advisers have been making bad guesses but that they now tell him that over the next few months "we should begin to see some benefits" from the record-shattering interest rates we now suffer, the wage-price controls which have not heretofore been effective and efforts to increase food supplies which have not worked for various reasons. This is not a very encouraging assessment even when based on advice from counselors with a record of good guessing.

Mr. Speaker, there is not a great deal of economic hope in the heart of most individuals who must work for the minimum wage. And these are, for the most part, hardworking and conscientious people. Many of them work in the small factories of the Nation in industries beset by economic problems which have been aggravated by other policies of this administration. Many of them are domestics, most working for subminimum wage now, who have never known the enjoyment of a 40-hour week or the security of a pension plan, earned vacations, or prepaid hospital and medical insurance. These are the people who work all night in our hospitals and nursing homes doing the cleaning and sanitary work which is so essential to the well-being of patients.

The assertion that an increase in the minimum wage to these individuals as provided by the Congress would be inflationary or deny employment to any group of workers is not valid. An increase in wages for these workers is not spent for luxury items but for essentials such as food, clothing, housing, and job transportation. In addition the Department of Labor has consistently refuted the allegation that a minimum wage increase creates unemployment for youth and/or other workers.

Mr. Speaker, a veto cannot be justified on the basis of the reasoning offered by the President yesterday. This increase in the minimum wage is not inflationary nor is it out of line with what the administration supported a year ago. It is not going to close the job market to young workers or restrict it for any workers. It is certainly not out of line percentage-wise when compared to the 30-percent plus erosion which the $1.60 an hour wage has suffered since going into effect 5½ years ago.

It seems to me that this veto is just a way of making the little man pay again for the mistakes, mismanagement and bad judgment of the administration. If there has been any thread of continuity running through the Government's economic policy over the last 4½ years, it has been to tighten the screws on the little man, wage earner, salaried employee, the poor- and middle-class family.

Mr. Speaker, our doctors today no longer try to cure the ill by bleeding them to death. Nor can we restore health to our economy by draining the life's blood from an important human segment of that economy.

The veto is not in the best interests of the minimum wage earner, the economy or the Nation and should be overridden.

THE MENACE OF HANDGUNS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Bingham) is recognized for 10 minutes.

Mr. BINGHAM. Mr. Speaker, the widespread presence of handguns in our society has brought with it another summer during which pistols played a leading role in street crime and tragedy around the country.

In New York City, the problem of the "Saturday Night Special," a cheap and all-too-available type pistol, has been particularly acute. New York City has prohibited the sale or manufacture of these crude weapons, whose primary application is the commission of crime, but Saturday night specials continue to be produced and sold in other States, and felons who prey upon New York City's citizenry have little difficulty in acquiring them.

The true solution to this problem plaguing America's largest city and countless other cities and towns throughout the land is a federally legislated nationwide ban on all handguns, except those legitimately utilized by law enforcement officials, military personnel, and bona fide pistol clubs. Until Congress takes this step, the efforts of individual State and local governments to curb the prevalence of handguns are bound to be frustrated.

Radio Station WINS in New York recently aired a fine editorial on the problem of the Saturday night special, and I am including it in the Congressional Record at this point:

New York's Battle With the Saturday Night Special

(By Robert W. Dickey)

According to the head of the New York police department ballistics section, the city is still having trouble with the cheap handgun called the "Saturday Night Special." The manufacture and sale of this ugly little weapon is banned under a municipal law passed by city council earlier this year. But, the city's criminal element already has dreamed up an answer to the law that defies a purely local solution. For between $50 and $100 a weekend, a part-time thief can rent such a weapon for a holdup, commit the crime and then return the gun, which might incriminate him, to its criminal source. In the meantime, other hoods are making a nice profit out of buying these guns out of State for 15 or 20 dollars, and then making them available for rent.

We think it's time for Congress to put a stop to this racket. The only way the New York City ban on the "Saturday Night Special" will work is for Congress to enact a similar law on a nationwide basis. In the absence of a Federal ban, it's no trick at all for criminals to pick up these weapons for a song in other States and bring them into the city. We think that Congress should give this legislation high priority treatment so that we can have an effective law this year. While they're at it, the lawmakers should consider stiffer penalties for those who carry and use such weapons in the commission of a crime.

HEARINGS ON HOUSING AND COMMUNITY DEVELOPMENT LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Barrett) is recognized for 5 minutes.

Mr. BARRETT. Mr. Speaker, I am announcing today that the Housing Subcommittee will begin 3 weeks of hearings on October 2 on pending housing and community development legislation.

The principal legislative proposals before these hearings will be—

First, H.R. 10036, the "Housing and Urban Development Act of 1973," introduced by Mr. Ashley and myself;

Second, H.R. 7277, the administration's "Better Communities Act"; and

Third, the administration's housing proposals which are expected to be introduced within the next 2 weeks.

We will be taking testimony from administration officials, Governors, mayors, and other governmental officials, the financial community, and all segments of the housing industry. In addition, we will reserve time for Members of Congress wishing to testify on these and other bills.

Those wishing to testify should contact the Housing Subcommittee staff in room 2129 of the Rayburn Building. The telephone number is 225-7054.

TIME FOR CREDIT TO GREECE

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, it is time for more realistic recognition by America of the extent of Greek support for the cause of world democracy. Despite fewer resources and less manpower than most NATO partners, Greece is in the forefront of those who man the defenses against world communism. Although they have not been provided with modern weapons as many nations have, they stand ready to meet defense requirements. At a time when many countries have turned their backs on the United States and opened ports to the Russians, Greece has provided needed base rights to our country without question. Without this the western defense of the Mediterranean would be almost hopeless.

For years a favorite whipping boy of the liberals has been the government of Greece which seized power from the king 6 years ago. Critics deplored the fact that Greece was under a military dictatorship even though it restored law and order and was generally supported by the Greek populace. Apparently they were unmindful of the prospect that a leftist hodgepodge with confusion and chaos might well follow if the military dictatorship were overthrown.

Now the critics are confounded. George Papadopoulos has been elected President, has been sworn in, and immediately promised amnesty for political prisoners and an end to martial law. He plans to form a political rather than a military cabinet and to speed preparations for general elections.

Foreign critics of the Greek Government now are resorting to a rehash of the charges which were leveled at the Government of Greece during the preceding 6 years, with little mention of the new proclamation and the fact that Greece now is governed under a constitution. It has been hard for the diehards among the critics to accept from the present government the very things they have so consistently demanded.

Undoubtedly, the government has been heavy-handed on occasion, but it has preserved order and under it the economy of Greece has been strengthened. The nation has continued to exercise its full responsibilities as an important member of NATO and has continued to be dedicated to the common defense of the democracies. The fact must not be overlooked that Greece is strongly anticommunistic at a time when so many nations are seeking accommodation with communism.

Despite carping and criticism from this country, the friendship of the government and people of Greece for the United States has been unswerving. The fact is there are close ties which have been in effect between Greece and the United States for many years. The contributions of Greece to present day civilization and to democratic forms of government are well known and fully appreciated here. In addition there are strong family ties which result from those of Greek descent now living in America. They play a significant role in the U.S. economy. Sound thinking Americans appreciate the friendship of the people of Greece. They would like to hear this appreciation expressed more frequently by those in public office.

FEDERAL CRIMINAL CODE REFORM ACT OF 1973

(Mr. EDWARDS of California asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. EDWARDS of California. Mr. Speaker, as a lawyer, a Member of Congress, a member of the Committee on the Judiciary, and a former member of the congressionally created National Commission on Reform of Federal Criminal Laws, I am pleased to join Robert E. Kastenmeier in sponsoring the proposed Federal Criminal Code Reform Act of 1973.

As a lawyer, I know how badly the criminal law needs an overhaul. It has developed through the years without any master plan; as a result it is replete with inconsistencies, inequities, and absurdities. For example, the "mental element" of Federal crimes is stated in at least 78 different ways in the existing criminal code—"willfully," "corruptly," "maliciously," "unlawfully," "wantonly," "falsely," "knowingly," "negligently," "voluntarily," "feloniously," to name a few.

Similarly, there are some 18 different sentencing levels prescribed in title 18, ranging from death to 30 days imprisonment, and 14 different fine levels from $25,000 to $50. Nor do the fine levels necessarily correspond with the gravity of the offenses. For example, there are some 150 offenses in title 18 which carry a maximum prison term of 1 year; yet there are at least eight different fine levels applicable to these offenses.

As a Member of the Congress, and particularly as a member of the Judiciary Committee of the House of Representatives, I recognize the obligation of the Congress to face up to the issues—many highly controversial—which a revision of Federal criminal law poses. I had the privilege of participating as a member of the Committee on the Judiciary when it processed the legislation which established the National Commission on Reform of Federal Criminal Laws. It was then, in 1966, that the Congress cast the die; it was then—7 years ago—that the Congress recognized the need for revision and recodification of the criminal laws of the United States, including the repeal of unnecessary or undesirable statutes and such changes in the penalty structure as the Commission may feel will better serve the ends of justice.

In the course of my congressional service since 1963, I have had many pleasant and challenging assignments and responsibilities. Being named by former Speaker McCormack as one of the original three House appointees to the Commission was one of the more pleasant and proved to be one of the most challenging. Until the press of other commitments compelled me to resign from the Commission in October of 1969, I marveled at the efficient way in which the Commission approached its monumental task under the leadership of the former Governor of my State, the Honorable Edmund G. "Pat" Brown.

Although some of the provisions of the bill I am introducing did not have the unanimous support of the membership of the Brown Commission, most of them did. Where we lacked unanimity, the majority view is incorporated in the bill. I, myself, observe the right to reject provisions of the bill. However, I join in its introduction because I believe the Commission's recommendations should be placed before the Congress in legislative form.

I recognize, of course, that a 300-page total reform of the Federal criminal law is a large order to serve up to any legislative body. But the need is great, and I have full confidence that the Judiciary Committee will rise to the need, hold extensive hearings, and make such amendments as the hearings indicate are necessary or desirable.

As a member of the Subcommittee on Criminal Justice, I welcome the opportunity to pick up where I left off in 1969 and to participate with Chairman Hungate and the other members of the subcommittee in the consideration and shaping of what will be a landmark development in the criminal law of the United States.

HEIGHTENED INTERNAL SECURITY VIGILANCE NEEDED DURING UNITED STATES-SOVIET UNION DÉTENTE

(Mr. ICHORD asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ICHORD. Mr. Speaker, on July 21, 1973, in the borough of Queens, New York City, U.S. Air Force Special Investigations Sgt. James D. Wood and a high ranking diplomat from the Soviet Union were arrested by the FBI on charges of engaging in espionage.

Found in Wood's rented automobile at the time were a large volume of confidential and classified Government documents and on the sergeant's person were many three-by-five file cards which may have contained the names of American counterintelligence agents.

The diplomat was identified as one of seven First Secretaries in the Soviet Embassy here in Washington—Victor A. Tchernyshev—and because of his diplomatic immunity he has been allowed to leave the country for reassignment.

I call attention to this case because it points up the need for heightened internal security vigilance during this period of so-called détente between the United States and the Soviet Union. It followed closely on the heels of Soviet leader Leonid Brezhnev's week-long visit for friendly discussions with President Nixon and his televised appeal to the

American people for better understanding for the Communist dictatorship he heads.

It is a fact of history that when Russia has smiled and extended the hand of friendship, they have tended to engage most heavily in subversive and espionage activities against those befriended.

For example, in World War II when the United States, Great Britain, and Russia were allied in mortal combat with Nazi Germany, Soviet espionage in Britain and America accelerated sharply. Throughout the Cold War years, whenever it appeared that a thaw was occurring and free world capitals let down their guard, Soviet agents invariably stepped up their efforts to pilfer classified secrets from the West.

No matter how much totalitarian Communist Russia may, from time to time, espouse coexistence, détente, greater diplomatic recognition, increased trade or cultural exchange, it seems never to abandon pursuit of undermining and ultimately "burying" us. This is something we can never afford to forget.

Quite coincidentally, at the same time the spy tale was unfolding in the press in late August—just a month after the New York arrests—stern warning to America and the West regarding détente's hazards emanated from Moscow. The brave and brilliant Soviet nuclear physicist, Andrei D. Sakharov took the unprecedented step of inviting 11 Western newsmen to his apartment to warn against détente with the Soviet Union. Sakharov said détente should be promoted only in response to a liberalization and democratization of the Soviet totalitarian system. He even urged adoption, Mr. Speaker, of Senator JACKSON's amendment which would deny trade benefits to Moscow until and unless restrictions on the emigration of Soviet citizens are lifted.

I am convinced his warning should be heeded just as history tells us that Soviet espionage and subversive involvement in the United States may well be stepped up with every new step forward toward closer ties between Washington and the Kremlin.

I now ask that two articles—the first dealing with the Sergeant Wood spy case and the second with Sakharov's amazing statement on détente—be inserted at this point in the RECORD as they appeared in the Washington Post of August 22, 1973.

[From the Washington Post, Aug. 22, 1973]

RUSSIAN DIPLOMAT IN SPY CASE NAMED

The Russian diplomat who was picked up by the FBI while he was making contact with an Air Force sergeant now charged with espionage was identified yesterday as a first secretary of the Soviet embassy in Washington.

Court papers made public yesterday identified the diplomat as Victor A. Tchernyshev, one of seven first secretaries of the embassy. Tchernyshev left the United States last Wednesday for reassignment.

Also filed in the U.S. District Court, Brooklyn, was an inventory on what the FBI found in the car of Air Force Sgt. James D. Wood as well as what he was carrying. The affidavit said Wood "had on his person numerous 3-by-5-inch index cards containing what appeared to be names written in Russian. A further investigation of the material contained on these cards revealed it would be highly vital to the security of the United States and to the national defense."

Tchernyshev claimed diplomatic immunity after his arrest, with Wood, on July 21. He was recalled by his government.

Because it comes in the proclaimed era of Soviet-American detente, the Tchernyshev case has brought wide attention, but the State Department appears to be playing it down, possibly because of the detente.

One official said it was not a very important case but conceded that this was mainly because none of the papers changed hands. Tchernyshev was not well known in the department and officials there said they were not apprised of his duties in the embassy.

There was sepeculation by sources close to the case that the cards found on Wood contained names of Russians supplying information to American intelligence. With their identity known, these agents would become useless to the United States.

The FBI inventory said that hundreds of secret and confidential documents, almost all of them containing military information, were found in Wood's rented car. But there were others listed as FBI reports, such as one on a demonstration against President Nixon and another an FBI letter from San Francisco dated April 26, 1972, about "the bombing of the offices of Thomas J. McCammon, CPA 2275 South Winchester, Campbell, Calif."

Wood, an 18-year veteran most recently assigned to the Air Force's Office of Special Investigations, was being transferred from his post at Travis Air Force Base in California to Turkey. He was registered with his family at the Ramada Inn near Kennedy airport at the time of his arrest.

FBI agents picked up Wood and Tchernyshev after they made telephone contact in a public building in Queens. FBI agents said they found a letter on Wood containing painstaking directions for making a rendezvous and a suggestion that there might be more financial rewards for him.

In the letter, according to the affidavit, he was told to wear a blue sports jacket and to have a copy of Time Magazine sticking out of the right side pocket.

[From the Washington Post, Aug. 22, 1973]

SOVIET H-BOMB PHYSICIST WARNS WEST ON DÉTENTE

(By Robert G. Kaiser)

MOSCOW, Aug. 21.—Andrei D. Sakharov, the Soviet physicist who helped create a hydrogen bomb and later took up the cause of civil rights in Soviet society; today warned Western nations against detente on Soviet terms.

Speaking in his own bedroom to 11 Western journalists, Sakharov said detente would turn out to be "very dangerous" if it was not acompanied by some democratization of Soviet life and some reduction of Soviet isolation from the outside world.

He expressed satisfaction that many Western politicians "understand that rapprochement has to take place with a simultaneous liquidation of [Soviet] isolation." He said it was important for the U.S. Congress to pass the Jackson amendment—which would deny trade benefits to the Soviet Union as long as it restricted the emigration of Soviet citizens—both for its own sake and as a symbol.

The amendment should symbolize "the fact that rapprochement with the USSR must include some kind of control on this country, so it cannot become a threat to its neighbors," Sakharov said. An isolated Soviet Union able to pursue its aims secretly and "which hides its real face," could become a menace, he added.

The 52-year-old scientist made these comments at one of the most unusual press conferences ever held in Moscow. Sakharov called the meeting ostensibly to add a few comments to his report on an encounter last week with a senior Soviet legal official, who warned him against continuing his contacts with foreigners. Sakharov's report of that meeting reached Western journalists Saturday.

Merely by inviting correspondents to his apartment—something few Soviet citizens would dream of doing—Sakharov indicated apparent disdain for the warning which M.P. Malyarov, deputy prosecutor of the Soviet Union, gave him last week.

Sakharov said he did not recognize the "institution of warnings" as practiced by the KGB (Committee for State Security.)

Sakharov sat in a low chair in his bedroom, hands clasped in his lap, and talked calmly for about 90 minutes with his visitors, who sat around him in a ring. He occasionally put on a pair of glasses, one of whose lenses was cracked, and occasionally coughed into a white handkerchief.

Because of his role as principal contributor to the Soviet hydrogen bomb (which earned him a place in the prestigious Academy of Sciences at the unheard-of age of 32), Sakharov's friends and other intellectuals have regarded him as virtually immune from serious reprisals. But Sakharov has become increasingly more outspoken, and the authorities' warnings have become increasingly ominous.

Discussing dissident intellectuals at today's press conference, Sakharov observed that "the ranks are getting thinner and thinner because of much stronger reprisals in the last two years. It's a great injustice and personal tragedy for a great many people."

He could never think of the tiny band of dissidents as "a movement," Sakharov said. And he was sure that if you looked down on them "from above" (i.e., from a position of power), "I also think you would see no movement."

"The authorities shouldn't have any reason for disquiet, and even less for repression," he said. "Any grounds for disquiet exist only inside themselves." He also said that those in power have "a separate way of thinking—they probably can't react any differently."

Speaking of his own activities as a member of the tiny Moscow Human Rights Committee, Sakharov said he wanted it understood that they were always "loyal to the law" and had no political character.

Discussing his personal situation, Sakharov said he had no material difficulties. He lives in a three-room apartment with his wife and her family by a previous marriage. His income in 750 rubles (more than $1,000) a month, derived from membership in the Academy of Sciences and his position as an associate in a research institute, though he says he is doing very little work these days. This is a high salary by Soviet standards.

But, Sakharov said, pressures have been put on him indirectly. His wife's 23-year-old daughter was expelled from university in her final year, and the daughter's husband lost his job. His wife's 17-year-old son was denied a place in college this year and was told he was "marked."

Son, daughter and the daughter's husband have all been offered scholarships at the Massachusetts Institute of Technology, Sakharov said, but their applications for visas to go to the United States, filed five months ago, have never been answered.

Sakharov revealed at the press conference that he contributed his life savings of about 139,000 rubles (about $200,000, a staggering amount for a Soviet citizen to accumulate) to the Soviet Red Cross in 1969, but that he now regretted this move. He did not explain why.

He said there might be more pressures against his family and friends, "and of course, something might be done to me personally, but you can't make any predictions."

INTERNMENT OF MARINA TIEMKIN, 14-YEAR-OLD SOVIET JEW

(Mr. ICHORD asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ICHORD. Mr. Speaker, recently, I received a letter from Rabbi Laurence D. Lauer of my district appealing for help on behalf of a 14-year-old Soviet Jew, Marina Tiemkin.

Her case is not unlike thousands of others but each one deserves whatever spotlight we can direct upon it until the Kremlin relaxes its suppression of people because of their religion, their aspirations, and their creativity.

I would also use this occasion to point out, Mr. Speaker, that we must not forget that while much of the free world's attention has been focused on the admittedly horrifying plight of the Jewish people of Russia, millions of would-be Christians, Moslems, and others with religious convictions are constantly being harassed and persecuted in the Soviet Union and in the Communist satellite countries of Eastern Europe.

In the hope that the glare of publicity may, in some small way, help Marina and those of her compatriots wishing to emigrate to Israel, I include Rabbi Lauer's letter to me and the supplementary information he provided about Marina's special care at this point in the Record.

B'nai B'rith Hillel Foundation,
August 6, 1973.

Representative Richard Ichord,
House of Representatives,
Washington, D.C.

Dear Representative Ichord: I am writing to protest the internment of Marina Tiemkin, a fourteen year-old Soviet Jew who is being forcibly held in a "Pioneer" youth camp on the Black Sea which specializes in "re-education," where she is under great pressure to forget her Jewish heritage and desire to go to Israel.

The predicament of Marina and the thousands like her in the U.S.S.R. is deplorable and cannot be tolerated. I appeal to you to speak out against this inhumane situation and ask that you use your influence on behalf of the rights of Soviet Jewry.

This task becomes particularly significant when one recognizes the moral issues involved. Certainly, by taking a forceful stand for Marina and all Soviet Jewry, you are also committing yourself to the inherent dignity of mankind.

As I increasingly hear of the warming of relations between the United States and the Soviet Union I trust that the human rights of Soviet Jews will not be sacrified for the sake of political expedience.

Shalom,
Rabbi Laurence D. Lauer.

The Story of Marina Tiemkin

On a cold day in February 1973, 14 year-old Marina Tiemkin was forcibly kidnapped from her home by Moscow police. While her father protested angrily, Marina was taken kicking and screaming, without hat or coat, to a waiting car. Her captors beat her as they dragged her down the stairs.

For some time, no one knew where Marina was. Soviet authorities refused to tell. Though her parents lived in the same apartment, they are divorced, and her mother refuses to have anything to do with Marina because Marina wants to go to Israel.

Finally, at the end of March, Marina called her father, Alexander Tiemkin. She'd been flown to Orlenok, a "Pioneer" youth camp near Tuopse on the Black Sea for "re-education", and she had succeeded in slipping away from the group for a few minutes while on a trip to phone. Alexander, who is a PhD in physics and mathematics, travelled immediately down to the camp and managed to see her alone for a few minutes before being discovered by camp officials. Marina was amazed to hear that her eight letters to her father had all been stopped. "They didn't allow me to phone," she said. "They told me the mail was working normally."

Marina staged a four-day hunger strike when she arrived at the camp, but was forced to carry on with camp activities nevertheless. "If you suffer a little, it's nothing," the camp director told her. "He's a real sadist," Marina told her father. Marina is the only Jew in the camp, which specializes in Soviet doctrine and military-type activities. "God forbid what an attitude to Jews they have here," she declared.

Alexander went to ask for help from the principal of the special French school Marina attended in Moscow, who told him that "Marina is being saved from your influence so that she should be brought up as a Soviet girl". In the camp, Marina is constantly watched; her letters are intercepted, and she is under great pressure to forget her Jewish heritage and desire to go to Israel.

Marina's problems began in April 1972 when her father applied for permission to emigrate to Israel. Her mother, Maya Markovna Raiskaya, a child psychiatrist, agreed reluctantly at first, for a month later began divorce proceedings to try to convince Marina to stay with her in the USSR. She evidently felt that her job as a senior scientific worker at a branch of the Moscow Academy of Educational Sciences would be threatened if her daughter left for Israel. Her threats and insults against her daughter grew much more serious, and at one point a district department of education suggested that she give her daughter to the State since she could not cope with her.

In May 1972, despite her mother's wishes, permission was granted to Marina to leave for Israel with her father on October 19th. When they went to pick up their visas, however, they were told a visa had been issued only for Alexander. Marina's mother had been busy at work: Three weeks later, Marina and her father were snatched from the street by the Moscow police and detained for seven hours. During this time, they were told a hearing was set for November 9th, and the court had decided to return Marina to her mother's custody. The court wished to "restrict Tiemkin's participating in the upbringing of his daughter" because he is "a bad influence".

Alexander appealed this decision, but on January 17, 1973 lost the appeal. The judge stated that there was no doubt that Alexander was a loving father, but his Zionist activities and efforts to emigrate to Israel proved he was an anti-social influence. The judge based her decision on three points of "evidence": that Marina ate *matzah* on Passover, that she refused to wear her Pioneer tie to school, and that she considers herself an Israeli citizen.

On the day before her abduction, Marina wrote an open letter to "all organizations throughout the world concerned with the protection and care of children", telling of the threats to take her away for "re-education". "This will be done to compel me to renounce my desire to live in Israel and to force me to renounce and forget the fact that I am a Jewess. I will be prevented from studying the history of my people, the Jewish people, learning the Hebrew language and celebrating our national Jewish holidays". A few weeks before, Marina had emphasized her feelings in a secret press conference at which she and her father spoke to foreign newsmen.

In an appeal to the children of the world, Marina wrote that the principal of her school in Moscow threatened she'd be put in an insane asylum if she did not change her ways. "I am very afraid these threats will be carried out. . . I beg you to give me whatever help you can," Marina pleaded.

As Marina is being held in the camp, Alexander has been summoned to police headquarters several times, and charged with "parasitism"—not holding a job. He had been dismissed from work almost immediately after applying for a visa. However, Tel Aviv University has officially declared him a research associate to help protect him against this charge.

Alexander has repeatedly pointed out that he and his daughter are no longer Soviet citizens, having paid all exit fees, including the renunciation of citizenship fee. He states that he and Marina both hold Israeli citizenship no. 654, and according to Soviet law it is illegal to cancel exit permits because this "means the granting of Soviet citizenship to foreigners without their having requested it." "We are foreign citizens interned in the Soviet Union even though there is no state of war between Israel and the USSR," Tiemkin declared.

Tiemkin has appealed to Jewish organizations throughout the world to help obtain Marina's release from the camp. He reported that, "as punishment, the authorities committed another act of cruelty—they did not allow me to leave Moscow to be able to spend my daughter's birthday with her, using the court case fabricated against me. On the day of her birthday, May 1, they even interfered with my attempt to telephone Marina to congratulate her".

"All these efforts to 're-educate' Marina were in vain. Her desire to live in Israel . . . had become even stronger. . . . Her further forced detention in the camp is simply sadism".

During Soviet leader Brezhnev's U.S.A. visit, Alexander held a six-day hunger strike to release Marina. Fainting with weakness, he finally had to end the protest.

Marina herself has written, "I want to live in my Homeland, to speak Hebrew, to study our history. I would go to Israel alone, even if my parents would not want to go. . . I am a Jewess and cannot live without Israel. Please help me!"

Congress of the United States,
House of Representatives,
Washington, D.C., August 17, 1973.

Rabbi Laurence D. Lauer,
B'nai B'rith Hillel Foundation,
Columbia, Mo.

Dear Rabbi Lauer: I appreciate and share your concern for the internment of Miss Tiemkin by the Soviet Union and will call the matter to the attention of the House of Representatives when we reconvene in September.

Recently, I had occasion to once again alert my colleagues to the mistreatment of intellectuals in Russia and I addressed an appeal for clemency to the Soviet Ambassador Dobrynin. I enclose the Congressional Record report of my remarks in this regard in the event it had not previously come to your attention.

As you know, I am particularly critical of some of the seemingly over-eager efforts by us to promote greater cultural and trade exchanges with the Kremlin and Peking while their governments remain so oppressive to their people and politically hostile to the free world.

I am glad you sent me the material on Miss Tiemkin and I assure you I will do what I can to focus attention on her case.

Sincerely yours,
Richard H. Ichord,
Member of Congress.

IS THIS DÉTENTE?

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, at a time when we have all been reading and hearing so much about a new spirit of détente and mellowness between ourselves and the Soviet Union—on the basis of which, we are told, we can safely do away with any concern for a strong national defense, and can profitably sell our resources and technical know-how to the Communist bloc—it comes as something of a shock to realize what actually happened to one individual American citizen this summer in the Soviet Union.

All he wanted to do was visit Russia briefly as a tourist in company with other lawyers and judges. His only "crime" was a mixup in dates on his Russian visa, where an intended "2" became a "12". Yet the sequel reads like something out of "Darkness at Noon" by Arthur Koestler.

One wonders, Mr. Speaker. Have the leopard's spots really changed? Is the hostility really gone; has the threat really vanished? Or did this one, brief incident somehow pull away the curtain for a moment and show us that behind the new "Spirit of Camp David" the same real, brutal monolith remains?

In any case, the following story from the Albany Knickerbocker News of August 28 will be of interest:

A WEEKEND OF TERROR IN MOSCOW

(By Larry Brown)

At 5:30 p.m. on Friday, Aug. 3, Albany attorney John B. Justice arrived in Moscow, and the vacation he and his wife Jane had anticipated with members of the New York State Trial Lawyers Association, he says today, "was spoiled from the time I put foot in Russia."

Justice, with visa and passport in hand, was being routinely passed through the airport in Moscow when a guard slapped an alarm.

Instantly Justice was pulled out of line and made to stand against a wall. His wife, other members of the party, and the group's luggage had passed through. A couple of members of the group, which included seven state supreme court judges, yelled back at him that they'd call the American embassy.

For 3½ hours Justice waited. He said he was nervous and frightened. Then he got a call from the American Embassy. They told him:

"Above all don't lose your temper. Be calm. Don't make any mistakes. Don't say anything. Keep quiet, we have very delicate relations here."

Justice said he didn't find the call very reassuring, but by then he had pieced together what had happened.

In order to go to Russia, in addition to passports, Americans need visas. These are prepared at the Russian Embassy in Washington, D.C. They require three photographs. As Justice was boarding the plane for the trip, he was handed a visa.

The visa should have cleared him from Aug. 2 to Aug. 15. Instead, a clerical error by the Russian embassy had made it Aug. 12 to Aug. 15.

His was the only incorrect visa among the 40 members in his group.

"The embassy told me the Russian authorities were closed for the weekend," Justice said. "I wanted to buy a ticket out of there and arrange to meet my wife in Dublin. I thought I had enough money to get me that far."

He was advised to be patient, because if he left he would lose all the money he and his wife had invested in the trip.

At 10 p.m. on that Friday he was taken from the Intourist zone by "guard or guide" through a checkpoint to the International Zone of the airport where people whose planes made connections through Moscow waited for their flights.

There was a restaurant there. Justice struggled with a menu printed in Russian and managed to order a boiled egg and milk. The egg was gray inside, the milk heated, and, thinking about his ulcer, Justice decided to forgo dinner.

He was taken back through the checkpoint. About midnight he was asked if he wanted to go to bed, and he said yes.

"They took me across the street to a three-story, gray stone building they said was a hotel. The guard rang the bell to get us in. The first two floors were unoccupied. On the third floor they turned me over to a matron who locked the door behind me.

"I was required to sign in, and then shown to a room about 7 by 10 feet, with a three-foot wide cot covered with a bed spread. Alone, I spent half an hour killing flies and mosquitoes.

"It was hard to get near the bathroom because of the stench of the place. There was a tub about four feet square, with three steps leading down into it, but it was so dark I couldn't tell how dirty it was and was afraid to use it."

Justice had no clothes to change into because his luggage was gone. When he asked, he was taken back across the street to the International Zone restaurant for meals where his struggles with the menu ended in disaster until he hit upon macaroni and cheese.

That he found edible.

Once he asked the guide what the name of his "hotel" was, and was told, "It has no name."

"Why am I being imprisoned?" he asked, and guards indignantly denied he was being imprisoned. "Then why am I being locked up under guard?" he demanded.

They in turn demanded to know why he had called the American embassy. He denied that he had, saying the embassy had called him.

He met six people who had problems similar to his. One woman he didn't get a chance to talk to, from Canada, was in tears. He met a doctor and his wife from New Jersey who were being held.

He also met a man named Kelvin M. Cordell, advance manager for The Australian Ballet, who had visa trouble. Cordell had a room on the same floor at the no-name hotel.

"Cordell once demanded to use the telephone and was told that if he persisted they'd call the police. He was frightened, and told me, 'At least while I'm here I know where I'm at.' He said he hadn't even wanted to go to Russia but had been invited," Justice said.

Justice got sick with his ulcer and was asked if he wanted a doctor. "I was afraid to see a doctor, I was afraid he'd give me some kind of an injection," Justice said.

Just before he left Albany, he recalled, he'd met a couple from Belgium who advised him and his wife not to go to Russia. "He told me a group from Belgium had gone and two couples never returned," Justice said.

At one point Justice had to fight hard to control his temper and follow embassy advice.

"A young soldier at a checkpoint, maybe about 20, made me stand against a wall, then he'd wave me to the left, to the right, forward, and backward." Justice said the soldier called out another soldier to enjoy the performance, and both laughed.

The American Embassy had assured Justice that because he was a state commissioner it would expedite his release. Justice is a member of the New York State Legislative Bill Drafting Commission. Apparently this didn't help.

At 3 p.m. on Monday, a black car came and Justice was taken to the hotel where his wife was staying. After his captivity he relished a bath and change of clothes, but he said he was in a negative frame of mind and couldn't enjoy the remainder of the tour.

Once when the group's tour bus passed the American embassy they saw the American flag flying, and they burst out singing "America the Beautiful."

In the group, Justice said, "No one has a desire to return, and most, if they had known in advance, probably wouldn't have wanted to go there."

In retrospect, Justice said, "It sounds self serving, a sort of hero thing, but it was better that I be involved than the two children in the group—they were 8 and 10—or one of the women."

He said he was haunted by seeing the Canadian woman in tears.

"I didn't feel good until we were out of Russia and landed in Helsinki, Finland," Justice said.

THE PRESIDENT'S NEWS CONFERENCE RETURNS THE NATION'S ATTENTION TO THE REAL ISSUES OF THE DAY

(Mr. ZION asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ZION. Mr. Speaker, the President, in his forceful news conference of yesterday, was able to return the Nation's attention once again to the real issues of the day. Though some persistence remained on the part of the interrogating media present to dwell on Watergate, the President apparently had made his point well; America has indicated a strong demand on the part of her citizens for the Government to get busy and deal with real crisis areas—inflation, national defense, the energy shortage, to name a few.

The President has laid to rest, in these two press conferences, the charge that he is afraid to meet the media head on. He demonstrated yesterday his willingness to meet his questioners and his critics head on and I believe he acquitted himself well on all counts.

A free exchange between a President and the news media is a vital ingredient to the flow of ideas and information in free society. Such exchanges call for temperance and restraint by both sides. President Nixon has undoubtedly lived under tremendous pressure in these past months in view of the many areas of controversy surrounding the White House. His recent appearances with members of the press indicate Mr. Nixon continues to hold a strong, competent hand on the tiller of Government and I believe the ship of state will weather all current gales.

OIL BLACKMAIL

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, events in the last few days have put the United States in a most precarious position in the Middle East. The recent nationalization of the holdings of American oil companies in Libya, the raise in prices of crude low-sulfur oil by Libya to over $6 a barrel, the threats from Saudi Arabia to cut back on oil production unless the

United States abandons its support for Israel, all betoken America's distressing new vulnerability because of our growing dependence on Middle Eastern oil.

While the oil which we import from Libya is less than 2 percent of our total daily consumption, that oil is important because of its low sulfur content. We have, because of our desire to clean up the air in our cities, become reliant on Libyan supplies, particularly for heating oil. Any cutback in production, or rise in prices, will have disastrous consequences this coming winter. We were lucky last year, because the winter was fairly mild. Will we be as fortunate next year?

Many people would have us believe that what the oil-producing Arab States are now doing is merely another way of expressing their legitimate nationalistic aspirations. These nations, certain Middle East "experts" say, have long been exploited by the American oil companies and are now only asking for a right to profit from the exploitation of their natural resources. I do not understand how such statements can be made when every time a nationalization or price increase is announced, it is always described as a "slap in America's face," or a warning that we must change our policy toward Israel. This is nothing more than the most despicable, underhanded blackmail.

In his press conference yesterday, President Nixon was asked about his reponse to the Arab blackmail attempts. The President is aware of the ramifications which this situation has on our relations with Israel. He has indicated in his statements that he holds Israel to be equally at fault in failing to end the Mideast impasse with the Arabs. Could this mean that the President is laying the groundwork for weakening our ties with Israel in order that the United States may continue to enjoy its oil supply from Libya and Saudi Arabia?

I would contend that, should we give in to this blackmail, even in the slightest amount, the Arab States will not stop until they have completely broken our ties with Israel and, yes, even destroyed that valiant nation. I cannot accept even the slightest indication of improved relations with Arab nations at this time, for the simple reason that it will appear that the United States is giving in to their demands.

A nation's foreign policy must reflect a firm commitment to actions which are in its best interests. It may appear that, in the short run, we should do what the Arab States want. All summer long we have been fighting against fuel shortages and high fuel prices. We have come through the summer relatively unscathed, although perhaps somewhat inconvenienced. Is this inconvenience enough of a justification to end a commitment that has lasted 25 years?

The United States, more than any other nation, is responsible for the existence of Israel. Our ties go far beyond the traditional requirements of national interest and mutual benefit. They are special ties, made unique by the role which the United States played in the creation of Israel. Can we, then, abandon such a relationship for the short-run benefit of unrestricted oil supplies? If we acquiesce to the Arabs and change our relationship to Israel, would not the leaders of the Arab States, particularly such radicals as Muammar Khadaffi of Libya, take this as an indication that the United States will do anything necessary in order to maintain her supply of oil? And human nature being what it is, why should not they then make any and every demand on us? They would have every reason to believe that we would give in to their demands.

The question is, then, how are we to avoid falling victim to this oil blackmail? Hotheads will suggest that we send in the Marines to seize the oil fields and guarantee continuing production and exports. Such a suggestion can only be labeled ridiculous. A program of stringent conservation makes eminent good sense, and we have seen the effects of such a program in the patterns of fuel consumption over the summer. Demand for gasoline was lower than anticipated, because many thoughtful citizens changed some of their plans, or even revamped their lifestyles in order to save on gas consumption. In addition, the refineries have increased their production to the point where some are running at over 100 percent of their capacity. This fact alone would justify the beliefs of many people that the fuel crisis was simply manufactured by the major oil companies in order to get higher prices.

I cannot speak to the truth of this statement. I can simply say that there is now, and will continue to be, a squeeze on, as long as we do not do all that we can to develop all available fuel resources. The United States is doubly fortunate in not being as dependent on Middle Eastern oil as Western Europe and Japan, and in having a great untapped supply of petroleum fuel which has yet to be fully exploited. I am speaking in particular of the shale oil deposits in Colorado and Wyoming.

The Bureau of Mines has been working at extracting oil from these deposits for the last few years, and has had notable success in its efforts. According to a report issued in 1971, the Bureau's program at Rock Springs, Wyo., had succeeded in refining shale oil at what I would deem to be a competitive price. The cost of a barrel of oil produced under this process was $2.34 in 1971. Even had this price risen in accordance with all fuel prices in the last 3 years, it would still be considerably less than what we are now paying for Libyan and Saudi Arabian oil.

While the cost of shale oil would certainly be more than the cost of imports from the Western Hemisphere and domestically produced supplies, it is a resource which we must exploit. It is estimated that, by 1980, we will be getting 50 percent of our oil imports from Saudi Arabia. We must ask ourselves right now, whether it is in America's best interests to be this dependent on a supply from such a politically volatile region. The answer must be a resounding "No." We have the means within our reach to limit the degree of our dependence, if not to avoid it completely.

I would hope that in the next few weeks the administration will make it clear to the governments of Libya and Saudi Arabia that their blackmail will profit them nothing. We can do this in two ways. First, by reasserting our strong support for Israel. Second, by showing the Arab States that we would rather do without their oil than be forced to buy it at the price of our national self-respect. I, for one, do not think that the Saudi Arabians will glady lose so profitable a market. If we are firm, and demonstrate that we cannot be manipulated by the fear of manufactured oil shortages, these attempts at blackmail will fade ignominiously into the sand from whence they arose.

SAFE DRINKING WATER

(Mr. GUDE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, the use of ozone to treat water for municipal consumption is slowly beginning to gain acceptance in the United States. I have often urged this Nation's sanitary engineering community to give this alternative treatment method serious consideration because it is a more effective agent than chlorine in killing waterborne viruses.

Acceptance of ozone has been delayed up to now by inertia, engineering conservatism, cost considerations, and a simple lack of knowledge of its potential. I believe, however, that as the public learns of the growing doubts among researchers as to ability of chlorine to kill viruses, we will hear a loud outcry and a demand for more effective treatment methods.

Time magazine, Septemer 3, printed a most informative article on ozone and its growing use in France, Russia, Canada, Japan, and other nations. It restates in layman's terms the conclusions which I have read in a number of scientific journals.

I hope that articles such as this will prod the sanitary engineering community in the United States and I would like to insert it in the RECORD at this point for the information of my colleagues and the general public.

NEW WATER

The Seine is a river of filth; yet Parisians willingly drink its waters. The Moskva traces an equally grimy course through Moscow, but Muscovites will soon be able to hold a glass under the kitchen faucet and savor Moskva water straight. The citizens of Singapore and Amsterdam too, will shortly be able to drink from their polluted rivers. Between the stream and the lip, in all these cases, is a remarkable process developed in France that changes effluent into elixir.

The key ingredient in the process is not chlorine, which purifies most of the U.S. water supply, but a gas called ozone—a form of oxygen with three (rather than the more common two) atoms in its molecular structure. Ozone is formed when ordinary gaseous oxygen is exposed to electrical discharges or ultraviolet radiation; it has a characteristic acrid odor noticeable after electrical storms and in the vicinity of ultraviolet lamps. In large concentrations, it is dangerous to breathe because it oxidizes, or burns, healthy tissue. Bubbled through water, it attacks and oxidizes polio and other harmful viruses, and completely eliminates foul smells and bad-tasting pollutants. When its extra oxygen atoms are pulled away to combine with or oxidize impurities, the ozone becomes ordinary oxygen, leaving no residue.

CHEMICAL FRENZY

The French began experimenting with ozonization at the turn of the century, but they were long held back by the high cost of producing ozone. In 1968, however, when the Compagnie Générale des Eaux opened a highly automated $27.5 million plant in the Paris suburb of Choisy-le-Roi, it proved that a sizable city could afford ozone treatment.

Choisy-le-Roi takes in up to 2,450 gallons of raw Seine water per second and puts it through a series of preliminary steps not unlike those in any U.S. water plant. First comes a "scrubbing" with ferric chloride and other chemicals; then the heavier particles of dirt are allowed to settle to the bottom of tanks while the lighter ones are removed by filtering. Elsewhere in the plant, in twelve huge stainless-steel containers, ozone is produced by bombarding dried, refrigerated and pressurized air with up-to-20,000-volt bolts of electricity. When the ozone is pumped into the water tanks, millions of tiny white bubbles explode into action, whipping the water to a froth. After twelve minutes of chemical frenzy, the water flows into the company's distribution system, thoroughly purified. It is called *eau nouvelle* (new water). Parisians love it.

So do 10 million other Frenchmen in 30 urban areas and 300 small communities, plus an increasing number of citizens in other countries. This year in Moscow, the Compagnie Générale des Eaux will install a $5,000,000 ozone-producing machine—the world's largest. Recently the company signed agreements to build major new plants in Singapore, Brussels and Aleppo, Syria. Canada has 20 smaller facilities in operation; Japan has 21, Britain four. The U.S. has only now begun to operate pilot plants, including one in Chicago, to purify its dirty waters with ozone. One reason for America's reluctance to use the process is that ozonization is slightly more expensive than chlorination. Furthermore, U.S. officials argue that chlorine is safer because it persists throughout the distribution process, while ozone's effects stop when the water leaves the plant. But the French point out that the possibility of contamination in the distribution system is practically nil. Paul Louis Girardot, director of the Compagnie Générale des Eaux, has a better explanation for the U.S. ozonization lag. "There is a long chlorine tradition in the U.S. As everyone knows, chlorine leaves a strong taste that probably gives Americans a feeling of security. They know that the water they drink has been treated, that their sanitary services have done their job."

PETER DAVIES' "THE TRUTH ABOUT KENT STATE"

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, Attorney General Richardson announced on August 3 that he has directed the Justice Department to reconsider its earlier decisions not to convene a Federal grand jury to investigate possible criminal acts involving the tragic events that occurred at Kent State University in the spring of 1970. As an individual concerned that our system of justice be even handed, and as the representative of the district that includes Kent State, I commend the distinguished Attorney General for his courageous action.

Two difficult but important questions must still be answered about Kent State. First, what happened and why, and how can a recurrence be prevented? The answer depends on the facts—and the American Government's willingness to learn from its mistakes. Unfortunately, most of the recommendations of the "Scranton Commission on Campus Unrest" have been ignored or even scorned by the administration. Second, why did the Justice Department under Attorney General John Mitchell refuse to convene a grand jury? An 8,000-page report was written by the FBI, but has never been released to the public. A summary of that report, prepared by the Civil Rights Division of the Justice Department, appeared in the January 15, 1973, issue of the CONGRESSIONAL RECORD.

The propriety of—and the necessity for—convening a grand jury, based on the sufficiency of the evidence, is elaborated in a major new analysis by Peter Davies entitled "The Truth About Kent State." A review of Mr. Davies' book was published in the New York Times last Sunday. The review, by Mr. Thomas Powers, follows these remarks.

THE TRUTH ABOUT KENT STATE

(By Thomas Powers)

At 12:24 on the afternoon of Monday, May 4, 1970, a detachment of perhaps 30 National Guardsmen on the campus of Kent State University in Kent, Ohio, suddenly turned in a body and opened fire with M-1 rifles and .45-cal. automatic pistols on students who were hundreds of feet away. Thirteen students were shot. Four of them died.

Why did the Guardsmen fire?

It seems a simple enough question, hardly beyond the investigative resources of a Federal Government that has probed so minutely the activities of so many radicals, but Federal investigators have yet to come up with a complete answer, and Federal officials chose to ignore the partial answers, disturbing as they were. A Presidential Commission found, and then Attorney General John N. Mitchell conceded, that the shootings were "unnecessary, unwarranted and inexcusable," and yet Mitchell hesitated for more than a year following the shooting and then declined even to convene a Federal grand jury. Thus the first question is followed by a second: Why did the Government do nothing? Peter Davies's book on the Kent State shootings focuses with relentless clarity on the unanswered questions of the case, setting out what is known and what is not known, and eloquently attempting to convince us—hardest task of all—that we ought to care about what happened on that fatal day, and about the failure of justice which followed.

The shootings at Kent State are far from unique in recent American history and Mr. Davies knows he is less likely to meet outright hostility than cynicism and indifference. We are inclined to think we know all about Kent State, to grant Mr. Davies's case before we really know what it is, and to conclude wearily that nothing can be done about it, anyway. This would be to do both his book and his perseverance an injustice, because there is plenty to surprise and even shock us about the Kent State case once we begin paying close attention to the details, as Mr. Davies has done.

This was not a case of tragic confrontation, in which violent protest brought violence in return, as President Nixon suggested at the time, but of something much simpler. Thirteen students were shot at Kent State because popular feeling, officially encouraged, held that students were fair game. The Justice Department ignored the results of its own invesigation because the President, the Vice President and the Attorney General had all publicly attacked student activists as ideological hoodlums. When the facts at Kent State failed to fit official preconceptions, the facts were slighted or suppressed, and the case was ignored. It is only in the last month that a new Attorney General, Elliot L. Richardson, has agreed to reopen the case in an attempt to answer the old questions. The official explanation is that new evidence has come to light but in fact, as we shall see, most of it is mentioned in Mr. Davies's book and the true explanation seems to be the obvious one: the original investigation was not pushed by the Justice Department and its findings were ignored.

The genesis of "The Truth About Kent State" is unusual. A few days after the shooting Mr. Davies, by profession an insurance broker, sent a letter of protest to President Nixon and a copy of it to the parents of one of the dead, Allison Krause. Allison's father called to thank him for his gesture and as a result Mr. Davies took a close interest in the various legal suits and appeals for a full inquiry initiated by Arthur Krause and other parents of the dead and wounded. The Board of Church and Society of the United Methodist Church later joined in these efforts and helped Mr. Davies to write an extensive "Appeal for Justice" which was submitted to the Department of Justice. When the then Attorney General John N. Mitchell nevertheless refused to convene a Federal grand jury to investigate the shootings, Mr. Davies undertook this book in order to bring the case for a full inquiry—of which there has so far been none—to a wider public.

Mr. Davies's only criticism of the report of the Presidential Commission headed by former Pennsylvania Governor William W. Scranton is that it did not go far enough. Pressed for time, the Commission failed to pursue much that was important. The National Guardsmen who actually fired their guns, for example, all managed to avoid testifying before the Commission and as a result their version of events has never been subject to detailed public scrutiny. Mr. Davies is frank in acknowledging his heavy debt to three earlier books for many of the facts behind his argument: "13 Seconds: Confrontation at Kent State," by Joe Esztenhas and Michael D. Roberts (Dodd, Mead, 1970); "Kent State: What Happened and Why," by James A. Michener (Random House and Reader's Digest Press, 1971), and "The Killings at Kent State: How Murder Went Unpunished" by I. F. Stone (A New York Review Book-Vantage Books, 1970). But his purpose, after all, is a limited one. He seeks only to remind us that justice cannot have been done where legal authorities have demonstrated so little interest in the simple truth.

For someone lacking subpoena power the truth about Kent State is not easy to get at, if by truth we mean to include an explanation of why the Guardsmen fired. The physical facts of the matter—who did what and when—are easier to establish because the shootings took place in broad daylight in full view of hundreds of witnesses and there is an extraordinary quantity of supplementary evidence, including a tape recording of the 13-second fusillade and dozens of photographs (many of which are in this book) from every vantage, of the events immediately preceding, during and following the actual shooting. All of this evidence, meticulously recounted by Mr. Davies, indicates there was no mob of menacing students as the National Guard later claimed, that the Guardsmen fired at students in a parking lot hundreds of feet away rather than at other students much closer to hand, and that they turned and fired in a body for no visibly apparent reason.

Mr. Davies suggests that a small group of Guardsmen may have agreed to fire on the students about five minutes before they actually did so. Photographs show that eight of ten Guardsmen suddenly bunched together in what witnesses referred to as a kind of "huddle." Mr. Davies thinks this group, tired and angry, may have loosely decided to shoot if there were any more rock throwing. They may even have decided to turn and fire on a predetermined signal. The best that one can say for this theory—and it is all that Mr. Davies does say—is that it is plausible and, if true, that it would explain the facts.

There are other possible explanations. The first shot heard on the tape recording of the incident, for example, might not be an agreed-upon signal, or the act of a lone Guardsman firing either deliberately or in panic, but a shot fired by a mysterious "free-lance photographer" named Terence F. Norman. The Justice Department has cited "new evidence" about Mr. Norman's role in the incident for reopening its inquiry, but most of the evidence apparently has been around for some time and is included in Mr. Davies's book. There is no question. Mr. Davies says, that Norman was at the scene, that he was carrying a gun and that he drew it either right before or right after the shooting. Some witnesses say he fired his own gun immediately before the Guardsmen wheeled around and began shooting. The photographer may have been a fulltime undercover agent for the University, which is known to have employed them, and the F.B.I. has recently admitted paying him $125 a few weeks before the shootings for information about a right-wing political group. All of this must have been known by the F.B.I. at the time of its original inquiry. The questions about Mr. Norman's role which the Justice Department will attempt to answer now, are simply those which it neglected then.

Mr. Davies devotes the last third of his book to a close examination of official reaction to the shootings, such as there was. The report of an Ohio grand jury was a whitewash pure and simple. The Federal Government did both more and less. The Scranton Commission reported that the shootings had been "unnecessary, unwarranted and inexcusable," but Vice President Agnew dismissed their findings as "pablum for permissiveness" and the President ignored their recommendations.

The F.B.I. assigned up to 300 agents to the case and eventually delivered an 8,000 page report to the Justice Department which indicated, among other things, that some Guardsmen had lied in denying they had fired, that the Guardsmen had been in no physical danger, and that Guardsmen may have conspired after the shootings to blame their action on a threatening mob which never existed. In spite of the F.B.I.'s tentative conclusions, Attorney General Mitchell refused to convene a grand jury to investigate further. It was only after continuing appeals by the parents of students killed or wounded, as well as many others, including Mr. Davies, that the new Attorney General Elliot Richardson recently agreed to reopen the inquiry. Whether this new effort, so long after the fact, will finally arrive at the truth about Kent State is anybody's guess.

In another sense, however, the responsibility for the tragedy of May 4, 1970, has already been established clearly and it is here that Mr. Davies's book achieves its greatest force. One does not have to condone rock-throwing or the burning of the Kent State R.O.T.C. building on the Saturday before the shooting in order to center one's concern on the callous and irresponsible behavior of public officials who felt, and who did not hesitate in the heat of the moment to say, that students were fair game. Riding a wave of anti-student ill-feeling for which both the President and the Vice President are at least partly to blame, these officials, from the mayor of Kent to the governor of Ohio, made no attempt to calm the situation at Kent State but instead responded eagerly with steadily escalating force completely out of proportion to the provocation.

More specifically, there can be no excuse for the decision to issue Guardsmen with live ammunition. There can be no excuse for Major General Sylvester Del Corso's action two days before the shooting in scooping up rocks in full view of his troops and throwing them back at students. There can be no excuse for the bayonetting of three students over the weekend before the shooting, or for the failure of National Guard officers to bring their men under control. There can be no excuse for the inflammatory press conference given by Ohio Governor James Rhodes on Sunday, May 3, just two days before a Republican senatorial primary in which he was trailing badly, where Rhodes said "We're going to use every weapon of law-enforcement agencies of Ohio to drive them [student radicals] out of Kent . . . They're worse than the brownshirts and the Communist element and also the night riders and the vigilantes. They're the worst type of people that we harbor in America . . ."

There can be no excuse for General Robert H. Canterbury's decision to forcibly disperse an entirely peaceful and legal rally at noon on Monday, just 30 minutes before the shooting, remarking as he did so, "These students are going to have to find out what law and order is all about." And there can be no excuse for the incredible lack of fire discipline displayed when 20 or more Guardsmen, without any sort of order whatever, suddenly opened fire on students hundreds of feet away while General Canterbury, all but standing in their very midst, happened to be looking the other way.

Why reopen the case, where there are so many other issues competing for our flagging attention? "Not because such an inquiry would restore life to the dead," Mr. Davies argues, "but because we live by laws that no Guardsman is above and no student below."

There can be little question of the Justice Department's response if the rock throwers had killed four Guardsmen, rather than the other way around. All the important questions about the shootings at Kent State remain unanswered, for no better reason than that it has suited the authorities to leave them so. The case should be fully reopened and the truth established for the oldest and simplest of reasons: because justice has not been served, because too many Americans have cynically concluded it never is and never will be, and because no one, in a society of laws rather than men, is fair game.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Hudnut (at the request of Mr. Arends) for September 10, 1973, on account of business in district.

Mr. McEwen (at the request of Mr. Gerald R. Ford) for September 5 and 6 on account of illness in family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Hudnut) to revise and extend their remarks and include extraneous material:)

Mr. Andrews of North Dakota, for 5 minutes, today.

Mr. Hogan, for 5 minutes, today.

Mr. Hudnut, for 10 minutes, today.

Mr. Shoup, for 1 hour, September 13, 1973.

Mr. Frenzel, for 10 minutes, today.

Mr. Findley, for 10 minutes, today.

Mr. Crane, for 5 minutes, today.

Mrs. Heckler of Massachusetts, for 5 minutes, today.

(The following Members (at the request of Mr. Young of Georgia), to revise and extend their remarks, and to include extraneous matter:)

Mr. Rodino, for 5 minutes, today.

Mr. Hamilton, for 10 minutes, today.

Mr. Gonzalez, for 5 minutes, today.

Mr. McFall, for 15 minutes, today.

Mr. Eilberg, for 5 minutes, today.

Mr. Fulton, for 5 minutes, today.

Mr. Bingham, for 10 minutes, today.

Mr. Barrett, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Mahon and to include extraneous matter.

Mr. Downing to extend his remarks immediately following the amendment offered by Mr. Staggers to H.R. 8351 in the Committee of the Whole today.

Mr. Williams to extend his remarks immediately after Mr. Heinz on the Heinz amendment.

Mr. Burlison of Missouri, and to include extraneous material in his remarks on H.R. 8547 today in the Committee of the Whole.

(The following Members (at the request of Mr. Hudnut) and to include extraneous material:)

Mr. Gubser.

Mr. Roncallo of New York.

Mr. McCloskey.

Mr. Winn.

Mr. Brown of Ohio in two instances.

Mr. King in three instances.

Mr. Minshall of Ohio.

Mr. Don H. Clausen in two instances.

Mr. Ashbrook in four instances.

Mr. Spence.

Mr. Bray in two instances.

Mr. Huber in two instances.

Mr. Veysey in two instances.

Mr. Hogan.

Mr. McClory.

Mr. Rhodes in five instances.

Mr. Abdnor.

Mr. Hunt.

Mr. Erlenborn.

Mr. Wyman in two instances.

Mr. Butler.

Mr. Derwinski in two instances.

(The following Members (at the request of Mr. Young of Georgia), and to include extraneous matter:)

Mr. Johnson of California.

Mr. Stokes in two instances.

Mr. O'Hara.

Mr. Minish.

Mr. Bingham in 10 instances.

Mr. Giaimo in 10 instances.

Mr. Mazzoli.

Mr. Badillo in two instances.

Mr. Mollohan.

Mr. Rarick in three instances.

Mr. Gonzalez in three instances

Mr. Fraser in two instances.

Mr. Fulton.

Mr. Leggett.

Mr. Harrington in two instances.

Mr. Koch in eight instances.

Mr. Dorn in three instances.

Mr. Diggs in two instances.

ADJOURNMENT

Mr. SEIBERLING. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock 51 minutes p.m.), under its previous order, the House adjourned until Monday, September 10, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1321. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to establish a District of Columbia Development Bank to mobilize the capital and the expertise of the private community to provide for an organized approach to the problems of economic development in the District of Columbia; to the Committee on the District of Columbia.

1322. A letter from the Vice President for Public and Government Affairs, National Railroad Passenger Corporation, transmitting a report for the month of July 1973, on the average number of passengers per day on board each train operated, and the on-time performance at the final destination of each train operated, by route and by railroad, pursuant to section 308(a)(2) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Interstate and Foreign Commerce.

1323. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality Act, as amended [8 U.S.C. 1154(d)]; to the Committee on the Judiciary.

1324. A letter from the Executive Director, Commission on the Bankruptcy Laws of the United States, transmitting part 2 of the report of the Commission (H. Doc. No. 93–137 pt. 2); to the Committee on the Judiciary and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS of North Dakota:

H.R. 10077. A bill to authorize the Secretary of the Interior to engage in a feasibility study of the Apple Creek unit; to the Committee on Interior and Insular Affairs.

By Mr. BIAGGI (for himself, Mr. Bergland, Mr. Brasco, Mr. Conyers, Mr. Gaydos, Mr. Gude, Mr. Lehman, Mr. McCormack, Mr. Pepper, Mr. Podell, Mr. Riegle, Mr. Sarbanes, Mrs. Schroeder, Mr. Stark, Mr. Waldie, and Mr. Charles H. Wilson of California):

H.R. 10078. A bill to pay grants to students enrolled in psychology, sociology, or social work in institutions of higher education to encourage their part-time employment and clinical training in certain hospitals for mental rehabilitation; to the Committee on Education and Labor.

By Mr. BIAGGI (for himself, Mr. Bingham, Ms. Chisholm, Mr. Clay, Mr. Conyers, Mr. Gilman, Ms. Grasso, Mr. Hawkins, Mr. Howard, Mr. Madigan, Mr. Mitchell of New York, Mr. Murphy of New York, Mr. Sarbanes, Mr. Stokes, Mr. Charles H. Wilson of California, and Mr. Winn):

H.R. 10079. A bill to amend the Elementary and Secondary Education Act of 1965 to provide a program of grants to States for the development of child abuse and neglect prevention programs in the areas of treatment, training, case reporting, public education, and information gathering, and referral; to the Committee on Education and Labor.

By Mr. BIAGGI (for himself, Mr. Bergland, Mr. Brasco, Mr. Conyers, Mr. Gaydos, Mr. Gude, Mr. Lehman, Mr. McCormack, Mr. Pepper, Mr. Podell, Mr. Riegle, Mr. Sarbanes, Mrs. Schroeder, Mr. Stark, Mr. Waldie, and Mr. Charles H. Wilson of California):

H.R. 10080. A bill to amend the student loan provisions of the National Defense Education Act of 1958 to provide for cancellation of student loans for service in mental hospitals and schools for the handicapped; to the Committee on Education and Labor.

By Mr. BIESTER:

H.R. 10081. A bill to strengthen and improve the protections and interests of participants and beneficiaries of employee pension and welfare benefit plans; to the Committee on Education and Labor.

By Mr. BOWEN:

H.R. 10082. A bill to amend the Merchant Marine Act of 1936, as amended; to the Committee on Merchant Marine and Fisheries.

By Mr. BRADEMAS (for himself and Mr. Young of Georgia):

H.R. 10083. A bill to provide financial assistance to the States for improved educational services for handicapped children; to the Committee on Education and Labor.

By Mr. BROOMFIELD:

H.R. 10084. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CONABLE (for himself and Mr. Horton):

H.R. 10085. A bill to suspend for a 3-year period the duty on mustard seeds; to the Committee on Ways and Means.

By Mr. ERLENBORN:

H.R. 10086. A bill to amend the National Labor Relations Act to extend its coverage and protection to employees of nonprofit hospitals, and for other purposes; to the Committee on Education and Labor.

By Mr. FINDLEY:

H.R. 10087. A bill to amend the Economic Stabilization Act of 1970, as amended; to the Committee on Banking and Currency.

By Mr. HALEY (for himself, Mr. Saylor, Mr. Taylor of North Carolina, Mr. Hosmer, Mr. Johnson of California, Mr. Don H. Clausen, Mr. Udall, Mr. Camp, Mr. Burton, Mr. Meeds, Mr. Melcher, Mr. Sikes, Mr. Burke of Florida, Mr. Frey, Mr. Bennett, Mr. Fuqua, Mr. Rogers, Mr. Pepper, Mr. Fascell, Mr. Chappell, Mr. Gibbons, Mr. Young of Florida, Mr. Bafalis, Mr. Lehman, and Mr. Gunter):

H.R. 10088. A bill to establish the Big Cypress National Preserve in the State of Florida, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HALEY (for himself, Mr. Foley, Mr. Kastenmeier, Mr. O'Hara, Mr. Kazen, Mr. Dellenback, Mr. Vigorito, Mr. Bingham, Mr. Seiberling, Mr. Cronin, Mr. Won Pat, Mr. Owens, and Mr. de Lugo):

H.R. 10089. A bill to establish the Big Cypress National Preserve in the State of Florida, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HARRINGTON (for himself and Mr. Won Pat):

H.R. 10090. A bill to provide economic adjustment assistance to communities in which military facility closings have caused economic injury to the community, and for other purposes; to the Committee on Banking and Currency.

By Mr. HARVEY:

H.R. 10091. A bill to amend the International Travel Act of 1961 to provide for Federal regulation of the travel agency industry; to the Committee on Interstate and Foreign Commerce.

By Mr. HELSTOSKI:

H.R. 10092. A bill to require that impact-resistant eyeglasses be issued under the medical program for members of the uniformed services on active duty; to the Committee on Armed Services.

By Mr. HOSMER:

H.R. 10093. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HOSMER (for himself, Mr. Waggonner, and Mr. King):

H.R. 10094. A bill to amend the Federal

Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Colorado:

H.R. 10095. A bill to authorize the acquisition of certain lands for addition to Rocky Mountain National Park in the State of Colorado, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. LATTA (for himself and Mr. Guyer):

H.R 10096. A bill to amend title I of the Elementary and Secondary Education Act of 1965 to provide that no local educational agency's allocation may be reduced for the fiscal year 1974 below its allocation for fiscal year 1973; to the Committee on Education and Labor.

By Mr. LEGGETT:

H.R. 10097. A bill to amend title 10, United States Code, to authorize special educational services for the dependents of active duty members of the uniformed services; to the Committee on Armed Services.

By Mr. LUJAN:

H.R. 10098. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means

By Mr. MALLARY:

H.R. 10099. A bill to divorce the businesses of production, refining, and transporting of petroleum products from that of marketing petroleum products; to the Committee on the Judiciary.

By Mr. ROBERTS:

H.R. 10100. A bill to amend the Occupational Safety and Health Act of 1970 to provide additional assistance to small employers; to the Committee on Education and Labor.

H.R. 10101. A bill to create a public works program for the purpose of reducing unemployment; to the Committee on Public Works.

By Mr. ROGERS:

H.R. 10102. A bill to amend title II of the Social Security Act to provide for the payment at age 62 (rather than only at age 65) of widow's or widower's insurance benefits equal to 100 percent of the deceased worker's primary insurance amount; to the Committee on Ways and Means.

By Mr. SCHNEEBELI:

H.R. 10103. A bill to amend the Tariff Act of 1930 to grant additional arrest authority to officers of the Customs Service; to the Committee on Ways and Means.

By Mrs. SCHROEDER (for herself and Mr. Rinaldo):

H.R. 10104. A bill to provide for the establishment within the Department of Health, Education, and Welfare of a National Center on Child Development and Abuse Prevention, to provide financial assistance for a demonstration program, and for other purposes; to the Committee on Education and Labor.

By Mr. SEIBERLING:

H.R. 10105. A bill to amend the Federal Aviation Act of 1958 to authorize reduced rate transportation for certain additional persons on a space-available basis; to the Committee on Interstate and Foreign Commerce.

By Mr. SNYDER:

H.R. 10106. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. THOMSON of Wisconsin:

H.R. 10107. A bill to amend the Rural Development Act of 1972 to provide for the use of a State certified census in addition to the decennial census of the United States for purposes of defining the terms "rural" and "rural area"; to the Committee on Agriculture.

H R. 10108. A bill to facilitate convenient Selective Service registration by having secondary schools make available registration forms to students; to the Committee on Armed Services.

By Ms. ABZUG (for herself and Ms. Jordan):

H.R. 10109. A bill to prohibit discrimination on the basis of sex or marital status in the granting of credit; to the Committee on Banking and Currency.

By Mr. DIGGS (for himself, Mr. Madden, Mr. Rodino, Mr. Flood, Mr. Burton, Mr. Leggett, Mr. Matsunaga, and Mr. de Lugo):

H.R 10110. A bill to reorganize the governmental structure of the District of Columbia, to provide a charter for local government in the District of Columbia subject to acceptance by a majority of the registered qualified electors in the District of Columbia, to delegate certain legislative powers to the local government, to implement certain recommendations of the Commission on the Organization of the government of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. GONZALEZ:

H.R. 10111. A bill to provide that the special cost-of-living increase in social security benefits authorized by Public Law 93-66 shall take effect immediately; to the Committee on Ways and Means.

By Mrs. HECKLER of Massachusetts:

H.R. 10112. A bill to establish a direct loan program to assist in meeting the needs of the elderly for adequate housing, and to encourage and facilitate in other ways the effective provision of more and better housing designed to meet these needs; to the Committee on Rules.

By Mr. HEINZ:

H.R. 10113. A bill to strengthen and improve the protections and interests of participants and beneficiaries of employee pension and welfare benefit plans; to the Committee on Education and Labor.

By Mr. MOAKLEY:

H.R. 10114. A bill to reorganize the governmental structure of the District of Columbia, to provide a charter for local government in the District of Columbia subject to acceptance by a majority of the registered qualified electors in the District of Columbia, to delegate certain legislative powers to the local government, to implement certain recommendations of the Commission on the Organization of the Government of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. OWENS:

H.R. 10115. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the committee on Interstate and Foreign Commerce.

By Mr. ROE:

H.R. 10116. A bill to strengthen State workers' compensation programs, and for other purposes; to the Committee on Education and Labor.

H.R. 10117. A bill to amend title 38, United States Code, to provide that remarriage of the widow of a veteran after age 50 shall not result in termination of dependency and indemnity compensation; to the Committee on Veterans' Affairs.

By Mr. ROGERS:

H.R. 10118. A bill to amend the Clean Air Act to require the Administrator of the Environmental Protection Agency to prescribe regulations to promote greater fuel economy in motor vehicles subject to Federal emission standards: to the Committee on Interstate and Foreign Commerce.

By Mr. ROUSSELOT:

H.R. 10119. A bill to amend the Federal Reserve Act, and for other purposes; to the Committee on Banking and Currency.

By Mr. WHITEHURST (for himself and Mr. Charles Wilson of Texas):

H.R. 10120. A bill to amend the Federal law relating to the care and treatment of animals to broaden the categories of persons regulated under such law, to assure that birds in pet stores and zoos are protected, and to increase protection for animals in transit; to the Committee on Agriculture.

By Mr. WHITEHURST (for himself and Mr. Hansen of Idaho):

H.R. 10121. A bill to amend the Horse Protection Act of 1970, to provide for criminal sanctions for any person who interferes with any person while engaged in the performance of his official duties under this act, and to change the authorization of appropriations; to the Committee on Interstate and Foreign Commerce.

By Mr. FRASER (for himself and Mr. Mitchell of Maryland):

H. Res. 535. Resolution to express the sense of the House regarding diplomatic relations between the United States and Sweden; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HELSTOSKI:

H.R. 10122. A bill for the relief of Luis R. and Maria C. Echavarria; to the Committee on the Judiciary.

By Mr. KYROS:

H.R. 10123. A bill to permit certain vessels to be documented for use in the fisheries and coastwise trade; to the Committee on Merchant Marine and Fisheries.

EXTENSIONS OF REMARKS

HEALTH CARE, HEALTH CARE EMPLOYEES AND COLLECTIVE BARGAINING

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. ERLENBORN. Mr. Speaker, the bill I am introducing today can lead to the resolution of a problem this body tried to settle in 1972: How to accommodate the public's right to health care with the right of health care employees to a voice in the determination of their wages, hours, and conditions of employment.

Almost a year ago, we in this House passed a bill—which I supported—to bring private, nonprofit hospitals and their employees under the purview of the National Labor Relations Act and the jurisdiction of the National Labor Relations Board. This is the primary purpose of my bill and of legislation proposed by our colleagues from New Jersey (Mr. THOMPSON) and Ohio (Mr. ASHBROOK).

The orderly procedures of the NLRA have proved beneficial in other industries and in other segments of the health care industry—proprietary hospitals and both proprietary and nonprofit nursing homes and clinics. Only nonprofit, private hospitals and their 1,500,000 employees have been excluded from this avenue for settling their disputes responsibly and peacefully. Bringing them under the act has merit, in my view.

Similarly, however, there is much merit to the contention that in practice the procedures of the NLRA may not lend themselves to the unique responsibilities and problems of this industry associated with the delivery of health services. For this reason, my bill suggests more than a simple extension of the NLRA.

It also includes limited variations from the act's procedures, variations intended to safeguard the care of patients when a labor dispute occurs.

Another provision of my bill recognizes that private hospitals frequently are sponsored by religious bodies and that among these religious bodies are those which historically have held conscientious objections to joining or financially supporting labor organizations. The bill, therefore, allows health care employees who are members of such religious bodies to refrain from union membership and from paying union dues.

A summary of my bill follows:

SECTION-BY-SECTION ANALYSIS OF PROPOSED AMENDMENTS TO THE NATIONAL LABOR RELATIONS ACT

The intent of these amendments to the National Labor Relations Act is to accommodate the right of the public to health care with the right of health care employees to engage in collective bargaining while recognizing conscientious objections to union membership.

STATEMENT OF PURPOSE

Sec. 1. The amendment to Section 1 declares it to be the policy of the United States to eliminate labor disputes in health care institutions.

DEFINITIONS

Sec. 2. The amendment to Section 2(2) eliminates the exemption for nonprofit hospitals.

The amendment to Section 2(3) excludes physicians from the definition of employee.

Section 2(14) is new and defines "health care institutions" broadly so that all such institutions will be affected by the same rules.

BARGAINING PROCEDURE

Sec. 3. Section 8(g) is a new provision which in subsection (1) provides impasse resolution procedure for health care institutions in the event of an impasse in negotiations for a renewal agreement. Strikes, picketing, and lockouts will be prohibited until the impasse procedure has been exhausted.

Subsection (1) (A) requires 90-day notice of termination of the agreement.

Subsection (1) (B) requires good faith bargaining following the 90-day notice.

Subsection (1) (C) requires 60-day notice to the Federal Mediation and Conciliation Service prior to termination of the agreement. Requires mediation by Federal mediator during final 60 days prior to termination (unlike NLRA subsecton 8(d), which requires notice to FMCS but does not require mediation).

Subsection (1) (D) provides for advisory (nonbinding) fact finding at request of either party.

Subsection (1) (E) requires an additional 30-day cooling-off period for further bargaining in light of the fact-finding recommendations or expiration of agreement. If agreement is not reached during that period, a 30-day strike notice or lockout notice may be given. If a strike notice is given, a secret ballot strike vote will be conducted by the FMCS. Provides for 10-day notice before strike or lockout can commence.

Subsection (2) provides same impasse resolution procedure in the event of an impasse in negotiations for an initial agreement.

Subsection (3) provides that any strike or picketing of or lockout by a health care institution is an unfair labor practice, except in the impasse situation discussed above. Designed to prohibit recognition strikes (not prohibited by NLRA) and recognitional picketing (inadequate regulated by NLRA subsection 8(b) (7), and to plug loopholes in secondary boycott and other provisions of NLRA. Proviso permits handbilling and similar advertising that does not disrupt deliveries or result in work stoppages.

EXPEDITED RELIEF FOR VIOLATIONS

Sec. 4. This amendment to Section 10 gives unfair labor practice charges involving strikes and picketing at health care institutions priority over other cases in NLRB regional offices.

Section 10(n) is a new provision which is patterned generally after NLRA subsection 10(1), although it would permit a health care institution to seek temporary injunctive relief in Federal court to prevent an unlawful strike or picketing while the board investigates and processes the institution's unfair labor practice charge. Experience under 10(1) has proved that, even in priority cases, the board cannot respond swiftly even in obtaining temporary injunctive relief to prevent irreparable injury.

CONSCIENTIOUS OBJECTION

Sec. 5. A new provision, Section 19, respects the right of a health care employee to refrain from joining or supporting a labor organization if he is a member of a bona fide religion which holds conscientous objection to union membership.

FOUR MEN ELECTED TO AGRICULTURAL HALL OF FAME

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. BROWN of Ohio. Mr. Speaker, four outstanding men, two living and two deceased, have been elected to Ohio's Agriculture Hall of Fame. The living recipients are Wilbur H. Bruner, retired swine specialist; and Max H. Scarff, seedsman.

Posthumous awards went to Lewis F. Warbington, prominent farm leader and C. G. Williams, noted agronomist.

More than 150 nominees were considered by the selection committee. The four new members to the coveted group join 46 other recipients named since 1965 when the program was started.

Ohio is truly proud of these men and their contributions to the field of agriculture in Ohio. Their accomplishments are many and include:

Lewis F. Warbington (deceased), whose son, Frank, is my district secreetary, had a record of agricultural and community endeavor that truly spans the globe. He was one of only three people to receive silver plates from the West German Government for aid given to German people following World War II. He organized all of Shelby County to help finance such an operation, as well as a hospital in New Delhi, India and an orphanage in Haiti.

Through his planning and hard work, Ohio's Farm Bureau Advisory Councils were formed. In 1966, Mr. Warbington was awarded a citation for his 50 years of Distinguished Service to Ohio Agriculture by the Ohio Farm Bureau Federation.

He served as a director for the Cooperative League of America, Ohio Wool Growers, Farm Bureau Board, Landmark Board, and he was a charter member of the Shelby County Farm Bureau.

Carlos Grant Williams (deceased): C. G. Williams served as chief of the Agronomy Department of the Ohio Agricultural Experiment Station from 1906 until he became director in 1921. Prior to this time he had been a successful farmer near his birthplace in Trumbull County.

He was a pioneer in crop breeding and crop rotation research, During his years of active service he originated three new varieties of wheat: Trumbull, Gladden and Portage. He was a member of the American Society of Agronomy and served as president in 1925–26. He was a fellow of the American Association for the Advancement of Science and served as vice-president in 1931. For several years he wrote a column in the Ohio Farmer magazine.

Wilbur H. Bruner: The former Vo-Ag teacher, county agent and swine specialist made a credible mark on Ohio's swine industry. His work with numerous breed associations and at the Ohio State University has been instrumental in upgrading the quality of pork marketed in Ohio.

Bruner supervised the construction of the Ohio swine evaluation center—the first station of its kind in the United States. From 1954 to his retirement in 1969, he coordinated the work of the station which served as a pattern for the development of similar facilities and programs in other States.

In 1960, he received the American Society of Animal Science Award for outstanding service to the Nation's livestock industry.

Max M. Scarff: A pioneer worker and leader in the production of certified grains, soybeans and hybrid seed corn, Scarff was one of the first growers of hybrid seed corn in Ohio and helped pave the way for increased yields of corn.

He is a member and past president of a host of seed organizations at the State and national level. He is a charter member of the Clark County Farm Bureau. In 1943, he was elected president of the State organization and in 1946 he was named to the board of directors of the Nationwide Insurance Co., where he served until retirement in 1972.

Scarff is the recipient of numerous awards. These include the "Master Farmer" award presented by the Ohio Farmer, and the distinguished service to agriculture award made by the Ohio Farm Bureau Federation.

LEGISLATION INTRODUCED ON SOCIAL SECURITY COST OF LIVING INCREASE

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. GONZALEZ. Mr. Speaker, I am introducing legislation today that calls for putting into effect immediately the 5.9 percent social security cost of living increase currently scheduled for July 1, 1974.

I know that we all realize the urgent need for this legislation in light of the severe crisis the 21 million elderly Americans are facing in this time of rampant inflation. The Department of Agriculture has conceded that the price of food alone will go up at least 20 percent this year.

As you know, just before the July 4 recess, Congress passed the Renegotiation Act which included an amendment to make the cost of living increase for social security recipients effective July 1, 1974 instead of January of 1975. The Democratic leadership had proposed that the increase become effective in April of 1974, but the President was very much against this earlier date and was able to muster sufficient support in the House to knock down this recommendation.

In my opinion, and I know in the opinion of the millions of elderly social security recipients across the country, this delay is intolerable.

I have received many letters from my constituents and have talked to many of them during the August recess. They have all expressed to me their dire situation due to the higher prices for food and other necessities.

This situation confronting the elderly citizen is deplorable. The President's economic policies are causing hardships on many citizens, but the elderly on fixed incomes are desperately struggling to survive. Yet the President was not willing to support a measure that would afford them the small increase they most assuredly need. Instead, he has placed the biggest burden of controlling inflation on the backs of the elderly social security recipient, and this is a situation that I believe Congress should not tolerate.

I intend to press for expeditious passage of this measure in order to bring some relief to the social security recipient who, in effect, must now wait until next year to meet the inflation our Nation is currently experiencing.

WHY DOCTORS VANISH FROM THE RESERVATIONS

HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. ABDNOR. Mr. Speaker, in my recent visit to South Dakota I was again impressed with the fact that the subject of rural medical care is one of the issues that urgently needs and deserves the attention of Congress. An apect of this problem was recently addressed by a New York physician in a letter written to the New York Times. This letter stresses the need for legislation that will enable Indian Health Service to attract doctors to serve on isolated reservations such as those found in South Dakota. I know of rural communities in my district where, for want of Indian Health Service doctors, private practitioners are overextended and overworked, and if the situation is not soon remedied, those doctors, so important to the rural community, will be forced to move to areas where the workload is lighter. This, rural America cannot afford.

Under leave to extend my remarks I include the letter written by Dr. Robert P. Corson. It follows:

[From the New York Times]

WHY DOCTORS VANISH FROM THE RESERVATIONS

TO THE EDITOR:

One of the negative side effects, perhaps the only one, of the elimination of the military draft law is the reduction of health care for the American Indian. While compulsory military service was in effect, physicians had the choice of serving in the Indian Health Service instead of the armed forces.

Since 75 per cent of the physicians who served with the I.H.S. were provided through this draft option, the delivery of health care for the Indians is now in serious jeopardy.

A recent I.H.S. report shows that the exodus of medical manpower has already begun in the Indian areas, most notably in the area of Aberdeen, S.D., where there is a shortage of sixteen doctors.

Historically, the United States Government has provided medical care to the Indians on reservations. It is incumbent on the Government to improve the compensation program for doctors in the I.H.S. in order to attract more volunteer medical talent. It should also assist Indian and other rural communities in establishing programs to attract physicians.

The neglect of health care for our Indian brethren and other rural inhabitants is anachronistic and a sad commentary on our way of life.

In an era when national attention has been focused on the plight and needs of the American Indian, health care should head the list of our debts. Such a priority can show that we have learned our history lesson.

ROBERT P. CORSON,
RALPH HERZ, JR., M.D.

New York, Aug. 22, 1973.

GENERAL AVIATION AND THE FAA

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. MINSHALL of Ohio. Mr .Speaker, I commend to the attention of my colleagues the following editorial from the August 1973 issue of the Aircraft Owners and Pilots Association Pilot magazine:

SPENDING

". . . The most important single thing the Congress can do in holding down the cost of living is to hold down the cost of government," he said. ". . . I shall continue to veto spending bills that we cannot afford, no matter how noble-sounding their names. If these budget-busters became law, the money would come out of your pocket—in higher taxes, higher prices, or both. . ."—Richard Nixon, June 13.

It's almost as if someone in AOPA had written that. We've been saying the same thing for years. In 1963 we recommended a carefully documented 36-percent cut in the FAA's budget, which, at that time, was $810 million. Today, 10 years later, the budget is 262 percent higher and stands at $2,126 billion.

The time is long past due when Congress should take long, cold looks at government expenditures for civil aviation, and what it's costing the taxpayer. We've already commented on the extent of this vast bureaucratic empire: 56,500 employees for a total of 141,570 active aircraft, or 2.5 planes per employee. The average cost per active plane is a monumental $15,017, just to support this bureaucracy for one year.

Responsible government officials must listen to us. We think the days of unreasoning panic over aviation accidents and resultant huge budgets have long outlasted their usefulness. The entire civil aviation community—airlines and general aviation alike—is probably as safety-conscious a group of humans as exists. The only justification we've ever heard for all the costly bureaucracy has been, "Think of what the accident rate might have been were it not for the FAA." Uninformed laymen and Sunday feature writers may believe that, but it would be hard to convince many others. Every major accident in civil aviation in recent years has invariably been with planes and pilots fully certificated by the FAA.

Of greatest value to users of the airspace are the air traffic control system and the navigation aids. But now they are badly distorted. Instead of serving the user, ATC is designed to fly planes loaded with exotic equipment, while pilots sit by as virtual automatons. Almost everything FAA now buys costs twice what it should. And every user of the airspace is presently being hammered into a preconceived FAA mold; either you do it this way, or you don't fly. This is 180 degrees out of phase with FAA's original public-service concept.

The FAA needs a thorough, knowledgeable, and ruthless going-over. Once again, we have studied its many parts, as we've been doing for years. Today, we'd estimate it could be cut back at least 50 percent. Rules and regulations could—and should—be pulled back to the point where simpler basic rules exist for the great majority of users. Any users who can't abide by those rules must bear an additional burden, to whatever extent is necessary, to bring them up to a minimum safe standard.

The destruction of general aviation is now a distinct possibility. All of the forces that threaten its existence are visible on the horizon, and all of them are being fathered by the Department of Transportation and its $2,126-billion-a-year subsidiary, the FAA. They are like buckets of water, poured on a drowning man: TCAs, altitude-reporting transponders, new microwave landing system, tough new requirements of Part 61, 25-kHz channel spacing—they go on and on. And what the FAA forgot, or couldn't do legally, other bureaucracies have concocted: sweeping threats in the name of the environment, more and higher charges by the FCC, costly gadgets dreamed up by well-meaning members of Congress, etc. Even the price of charts is up over 100 percent.

Are all 346 control towers in the country essential, or just FAA featherbedding? No spokesmen for general aviation ever said they needed them—nor were they asked. The criteria for towers must be overhauled and, if the facts warrant, drastically rewritten. Considering the price of a typical tower, the only ones that should be left are those whose necessity is clearly proved, and which general aviation agrees to. Even those that remain must be cut back; at least one shift of costly employees can be eliminated from almost all towers.

The same is true of traffic control centers. General aviation has never been asked for its requirements. The entire ATC system must be drastically revised—downward. The federal government *only* has a responsibility for providing a basic system, one designed to serve the vast majority of users. Any supersystem must be paid for by those who profess to need it, not the overwhelming majority. Restrictions must be cut back severely; the TCA is the symbol of the distorted manner in which the great majority of airspace users are being discriminated against in favor of a glittering few.

Actually, the DOT has supplied its own ultimate answer. The entire cost-allocation study of DOT operated (and still does) on the premise that *civil aviation in the U.S. serves no public interest*. If one is to believe these bureaucrats, then what right has the federal government to spend any public funds at all on aviation? Logically, it should fold up the FAA, or at least reduce it to a policing body, and turn the entire civil aviation industry over to private enterprise. A private company operating the air traffic control system would never think of foistering a 747 system on Cherokees; they'd sell various types of users only those services for which they were willing to pay.

Many of us in general aviation have a serious responsibility we've ignored all these years. We've revelled in the luxury of all these exotic devices and systems, somehow being content with what the government has "given" us. That's an old American fallacy, and now we're facing the moment of truth. As the majority segment of the civil aviation industry, general aviation has never stated a requirement for the bulk of all this costly stuff—yet it's now being dunned for it. And the dunning will almost certainly wreck general aviation, at least as we know it today.

If Mr. Nixon and/or Congress truly are concerned with economy in government, the civil aviation bureaucracy is a ripe place to start.

MINE RESCUE VEHICLE USES MOON ROVER IDEA

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. TEAGUE of Texas. Mr. Speaker, our national space program continues to contribute to the improvement of our daily lives. Among the more interesting application of Apollo space technology is a mine rescue vehicle based on the lunar rover development. With our increasing demands for energy, we will go deeper and deeper into the Earth. The need to provide safety of operation will undoubtedly become more difficult. A University of Kentucky project is applying space technology under the Earth to improve mine safety. I commend the reading of an informative Chicago Tribute article of July 19, 1973, on the subject to my colleagues and the general public:

MINE RESCUE VEHICLE USES MOON ROVER IDEA

LEXINGTON, KY., July 18.—The University of Kentucky soon will hold a public demonstration of an unmanned mine rescue vehicle that uses equipment developed for the moon rover.

Private tests already have been conducted and Dr. R. L. Cosgriff, one of its developers said "we didn't get a bad pulse out of 20 million in six hours of operation. It worked perfectly."

Cosgriff, a professor of electrical engineering at the university, explained that the mine vehicle is run by remote control through radio signals, or pulses, transmitted on a two-way basis.

The lunar rover navigational package was made available to the university under the auspices of the National Aeronautics and Space Administration technology utilization program, Cosgriff said. The experimental vehicle, the third in a series developed by Cosgriff and his students in the past 15 years, is called Kentucky Charlie. It is about two feet high and weighs two tons.

The rescue vehicle was developed for the Kentucky Department of Mines and Minerals.

A gyroscope on the vehicle calculates its exact location in the mine and activates a light on a map of the mine interior so the operator on the surface can see where it is and guide it.

In addition, the vehicle carriers a television camera so the operator can see where it is going. This could help him locate victims in a mine accident and give them aid by remote control.

"The university is developing, at its own expense, rescue equipment to be carried on the unmanned car and we're modifying and improving it all the time," Cosgriff said in an interview.

"We could load it on a truck in 15 minutes and head for any mine disaster site at 60 miles an hour right now. I'd like to see this vehicle put on a standby basis," he said.

He said the cost of duplicating the vehicle would be about $50,000.

The rescue equipment it will carry will include a balloon-like inflatable envelope that could be placed around victims in a mine to protect them from heat and fumes.

"Although miners are supposed to carry gas masks and fire extinguishers with them, they sometimes discard them and the car would carry those, too," Cosgriff said.

The inflatable envelope would be carried on a boom in front of the vehicle, with the operator using the television camera to see how to place it around the victims.

"We've used blow torches on the vehicle and they don't hurt it much, so we think it will be able to travel through fires in a mine without being harmed," Cosgriff said.

In a test at a Consolidated Coal Co. mine near Middlesboro, Ky., last April, the vehicle was remotely controlled from a range of more than 2,100 feet, Cosgriff said.

YUBA COLLEGE—A RURAL INSTITUTION FOR NORTHERN CALIFORNIA

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. LEGGETT. Mr. Speaker, Yuba College is just one of the many colleges in the California junior college system that is providing such a unique service for the State's students. For those who do not wish to take that giant step into a major 4-year school or for those who cannot afford a full 4-year education, the junior college provides a step for those who wish to transfer to a 4-year school or for those who only require 2 years of technical or vocational training offered by the junior college.

Yuba College, founded in 1927, moved to its current 160-acre site on the outskirts of Marysville, Calif., in 1962. Most of the 22 buildings are of the common institutional variety—steel girders and cement walls. When one examines the college catalog, however, one notices a distinct characteristic of Yuba College that is paralleled by few other schools in the country.

In addition to the customary freshman and sophomore year college level courses, Yuba College special education services division offers a unique system that serves the needs of the vast area the school district represents. With the school district covering such an enormous section of the State, students may take college courses in their own home towns. Local high schools offer their buildings so that many who would otherwise have to make the long drive to the Yuba campus can receive college credit right at home.

In Colusa County, the college operated 42 classes this year and plans for 60 this fall. In Lake County, a similar number is conducted, ranging from ceramics to animal husbandry, sewing on knits, modern dance, and gourmet entertaining.

For the many who do attend the campus at Marysville, dormitory space is available on a first-come first-serve basis. The room and board is free for students living more than 60 miles from campus or more than 11 miles from the nearest bus stop. These students are paid $1.50 per day for travel expenses if they prefer to live at home and commute to school. For students who do not meet the residence requirements but wish to live in the dormitory, the fee is a modest $898 per year.

Although Yuba College is small, 3,000 regular students which rises to 8,000 when night students and community program students are added in, it prides itself on its special programs. Much of the 160 acres the college owns is used by the agriculture program. This includes a pasture for cattle, a greenhouse, an agricultural machine shop and a nursery.

But Yuba College is not totally centered around its agricultural program. Yuba has one of the largest nursing programs in the State junior college system, a program including a complete nursing lab and extensive practical training in hospitals.

Another special program of particular pride for Yuba College is their homicide investigation course. This course is currently drawing approximately 50 students, many from major law enforcement agencies in California, including the Los Angeles and Santa Barbara police forces.

For an outsider, Yuba College offers the standard college activities—football, student government and homecoming; but inside it's courtyard and in the outlying areas, one finds an atmosphere at Yuba College of service to everyone in rural northern California Yolo County benefits too in the Yubo program as the following Woodland Daily Democrat article domonstrates:

[From the Woodland-Davis (Calif.) Daily Democrat, July 20, 1973]

YUBA COLLEGE OFFERS COMMUNITY SERVICE

(NOTE.—Yolo county's free ticket into the community college system will soon end as state law requires all school districts not in a community college district to join one by 1975. The Yolo county school board will meet Monday at 8 p.m. in the Woodland high school library to decide which district the Woodland, Esparto and Winters school districts should join.

The question will then go to the voters, probably next April. If the voters turn down the community college choice, then the community college board of governors will assign Yolo county to a district.

Davis and East Yolo are already in Los Rios community college district.

This is the second of a three-part series that will examine the three nearby community college districts that Yolo county may join—Solano, Yuba and Los Rios.)

(By Joyce Kreig)

Yuba college's chief asset can't be found in the small, drab campus on the outskirts of Marysville near Beale Air Force base. The hidden treasure of Yuba college is in its extensive community service program.

Students who now live in this far-flung district can take courses in their home towns which will satisfy the general education requirements for the first two years of college.

These classes are offered in high school buildings in the towns throughout the district. They are structured so the student need never make the long drive to the Marysville campus.

In addition to the traditional freshman and sophomore year college level courses, Yuba college special education services division offers a grab bag of classes to meet community needs. For instance, the classes offered in Lake county range from ceramics to animal husbandry, sewing on knits, modern dance, and gourmet entertaining. Especially popular are crafts and recreation classes.

The college operated 42 classes in Colusa county this year and plans 60 for this fall. The courses are open to high school seniors providing their school board allows them to attend the classes.

Superintendent Daniel G. Walker said, "given the permission, we could match this in Woodland by September."

This permission hinges on the Yolo county board of education voting to recommend to the electorate that the Woodland, Esparto and Winters school districts annex into Yuba Community college district.

In a report to Yolo county superintendent Martin Cabalzar, Dr. Walker promised Yolo county that if it joins Yuba community college district, the district will:

Expand board membership or rearrange trustee area boundaries to make sure Yolo county has adequate representation on the Yuba community college board,

Extend a daily free bus route to Yolo county,

Reserve free dormitory space for Yolo county students who live more than 60 miles away from Marysville or are 11 miles from the nearest bus stop,

Charge the same tax rate for Yolo county as the rest of the district is taxed. This is currently 55 cents for every $100 of assessed property value, plus 17 cents in permissive taxes,

Immediate opening of classes in Yolo county,

Yolo county students would still be free to attend colleges in the Los Rios system (American River, Sacramento city and Consumes River colleges).

Concerning the last point, Dr. Walker said an interdistrict agreement now exists between Yuba and Los Rios districts to allow students to freely register with either district regardless of residence or of classes they are planning to take. He anticipated no change in this agreement unless as political lever, Los Rios trustees would threaten to restrict admission in order to force Yolo county to join the Los Rios district.

Dr. Walker envisions a branch of Yuba college opening in the western section of the Sacramento valley—possibly in Yolo county—if student interest is high. This would not be a separate campus, but would be a center of operations for this section of the district.

He said that eventually a new campus might be built in the western valley, but would not speculate where it would be located except that it would be "central."

Yuba college administrators and trustees have been actively campaigning to convince Yolo county school trustees they should join Yuba district as part of a long range plan to tie Yolo, Glenn, Lake and Colusa counties together in the Yuba district.

Dr. Walker said his plans would have to be altered or reduced if the Yolo county board decides not to join Yuba college district.

For students who opt to actually attend class on the Marysville campus rather than attend one of the community centers, dormitory space is available on a first-come, first-serve basis.

The room and board is free for students living more than 60 miles from campus. If these students prefer to live at home and commute, they will be paid $1.50 each day for transportation. The fee for students who do not meet the residence requirement but would like to live in the dorm is $898.

The 170 dormitory rooms are located apartment house style residence halls on campus. Two students live in each room. The dorms are not co-ed. A number of apartment complexes are close to the campus.

Yuba college, founded in 1927, moved to its current 160 acre site in 1962. Most of the 22 buildings are of the common institutional variety—steel girders and cement walls.

Most of the land owned by the college is given over to the agriculture program, including a pasture for cattle. The campus also includes a greenhouse, a machine shop and a nursery.

According to administrative assistant Wilson Dillard, Yuba college has one of the largest nursing programs for a community college in the state. The college includes a complete nursing lab and the program features practical instruction in hospitals.

A program of special pride for Yuba college is the homicide investigation course that this summer is drawing 51 students from 41 law enforcement agencies in California, including two from Yolo county.

"When Los Angeles and Santa Barbara and other very sophisticated police forces want to come to Yuba college you must be doing something right," Dillard commented.

The buildings on the campus are arranged by subject area, with a separate building with a courtyard for each academic field.

The campus features as small library—expansions are planned—an outdoor Greek amphitheater, and a student union with a small snack bar and cafeteria.

About 3,000 students attend Yuba college as day students, but enrollment leaps to about 8,000 when the night students and the students in the community programs are included.

The sports program is experiencing a lack of facilities, as the football team must use the Marysville high school stadium for games and the swimming classes are held at a nearby country club. One of the Yuba track stars is Pete Flores of Woodland, the latest name added to the plaque of record-holders in the Yuba gymnasium.

The college catalog lists most of the traditional college activities like a student council, clubs and homecoming. According to a recent issue of the school newspaper, 52.2 per cent of the students at Yuba college consider themselves political middle of the roaders.

DISASTER RELIEF FOR LIVESTOCK

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. HUNT. Mr. Speaker, last December 1, the entire State of New Jersey was placed under quarantine in order to prevent the further spread of hog cholera. This of course meant that there could be no movement of swine within the State for any purpose, and included of course, the prohibition of moving swine to slaughter which was permitted under an earlier quarantine of portions of the State.

Of the 10 outbreaks which occurred in my State, 6 were in Gloucester County which is my district. This disaster resulted in the destruction of about 10,000 hogs.

The 50-hog farmers in Gloucester County suffered severe financial losses because of the outbreak. The losses, plus the quarantine making it illegal to bring in replacement stock placed the farmers in a real financial squeeze.

But there was not only the financial burden, but also the said realization that a lifetime of hard work, and personal and financial sacrifice was down the drain. The pens were empty and the countryside was spotted with the graves of thousands of dead hogs. Buried with them were the livelihoods of many livestock farmers.

In the early 1960's there were an estimated 5,000 to 6,000 hog-cholera outbreaks each year in the United States. By comparison, during 1971, the eighth year of the eradication program, 118 confirmed cases of hog cholera were reported. That of course is a plus. But until hog cholera is completely eradicated, there is no conceivable reason why the Congress should turn its back on the needs of the hog farmer.

The measure before us today, the Small Business Act Amendments, is the vehicle we can use to see that the livestock farmer, not only those in New

Jersey, but those in other States too, need not worry when disaster strikes.

I strongly endorse the remarks of the gentleman from California (Mr. Veysey) and urge my colleagues to support them too.

TIME TO PUT DOWN THE CRYING TOWEL

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. SPENCE. Mr. Speaker, in a time when some people dwell upon our Nation's problems, and even express doubt about the future of our Republic, it is especially important to find an article which effectively puts those problems into proper perspective. Such an article appeared during August in the Journal, a weekly newspaper located in my district.

While acknowledging that our country faces a number of important issues which require thoughtful attention, this editorial shows that they are no more difficult than at any other period of our history. In fact, things have been much worse, yet seldom have we put such an emphasis on our troubles. As the Vice President said once, we "flog ourselves before the world and despair of our condition."

The editorial from the Journal of West Columbia, S.C., illustrates the fact that America is by far the most desirable country in this world to live, and reminds us that a large majority of the world's citizens would gladly trade places with the most "oppressed," poverty-stricken American. He concludes:

> This is another way of saying that we should put down the crying towel. . . . We have much to do and no time for brooding.

Mr. Speaker, so that my colleagues may benefit from the insights of the Journal's editorialist, I insert his article in its entirety in the Record at the conclusion of my comments:

Time To Put Down the Crying Towel

One of the news magazines recently quoted a presidential aide as saying that, "Everything we touch turns to mud," or words to that effect. Whether or not such a remark was made, it would seem to express our mood as a nation these days. There is a national keening in the air, a lament for the days when everything we touched turned to gold.

We seem to have made a litany of our troubles, a monotonous chant permeates our society: inflation, taxation, pollution, corruption, devaluation, investigation, assassination, allegation; delinquents, drop-outs, drugs, rip-offs, rapes, muggings; strikes, floods, earthquakes, welfare abuse, consumer fraud, fuel crisis, shoddy goods; Cambodia, MIAs, ABMs, CIA, FBI conspiracies, bugs; traffic jams, dirty movies, jerry-built homes, over crowded schools, recalled cars, and Watergate. Always Watergate. Like Rodney Dangerfield, we get no respect. Lord, how we pity us!

This self-staged wake is disturbing because it is so untypical of Americans. We have been in worse trouble before, but never before have we taken it so hard. We are not a stoic people, but neither are we cry babies. Not until now, that is.

The truth of the matter is we really don't have that much to cry about. Our country has never been and never will be perfect. We had a violent birth and have lived from crisis to crisis ever since. In the process of growing up, we invented a way of life that is the envy of the rest of the world.

We cannot move to a better place because there is no better place. We certainly have no monopoly on national tribulations, nor do we have even one problem that is uniquely ours. As for common problems, they are more severe elsewhere. Taxes are higher in England and inflation is worse. The smog in Peking is deadlier than it is in Los Angeles. Bugging is commonplace in Paris. In the Soviet Union, all consumer goods are in short supply. Violence in Ireland makes our frontier days look tame. Israel is surrounded by armed enemies and her citizens are threatened abroad. Millions of children in dozens of countries are always hungry. Millions never go to school at all.

This is all another way of saying that we should put down the crying towel, stop scourging ourselves, and look around. The rest of the world would settle for our problems in a flash. We may not be at the peak of our form but we are not falling apart, either. We have much to do and no time for brooding.

MIDDLE EAST REFUGEES

HON. M. CALDWELL BUTLER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. BUTLER. Mr. Speaker, a constituent has called a valuable article appearing in the August 25 New York Times to my attention. Written by Amnon Rubinstein, dean of the School of Law of Tel Aviv University, it brings some needed balance to much that we hear concerning the plight of the refugees in the Middle East. In our legitimate concern for the plight of the Palestinians, we often overlook the fact that they were not the only refugees created by the 1948 Arab-Israeli war. The treatment accorded to the refugees who fled into Israel is a startling contrast to that of those who fled into the Arab States, a point we must surely keep in mind as we consider future American policy toward the Middle East.

I believe my colleagues would benefit by the entire article, and I insert it into the Record at this point:

The Middle East: Words, Words, Words

(By Amnon Rubinstein)

Tel Aviv.—Israel's rash and regrettable decision to intercept the Lebanese airplane has put into sharp focus the Palestinian guerrillas' role in the Middle East conflict. The guerrillas are not capable of affecting the balance of power between Israel and the Arab states, but by their acts have succeeded in dragging Israel into a cloak and dagger war which tarnishes its image and enhances its isolation in the international community. Israel will find it increasingly difficult to explain this new war against what many people regard as desperate Palestinian refugees who have adopted guerrilla tactics in their fight against Israel. In the public imagination, a Palestinian is often conceived as being a refugee and either an actual or potential Arab guerrilla—menaced by both Jordan and Israel. Yet such an image is not supported by facts and, moreover, the three words, guerrilla, Palestinian and refugee, tend to mislead.

Guerrilla has traditionally been used to describe "an irregular war carried on by small bodies of men." This definition, taken from the Shorter Oxford English Dictionary is similar to that given by most dictionaries. The emphasis is on acts of war which though irregular are carried out against a defined enemy. To apply guerrilla to the murder of hostages and the skyjacking and destruction of passenger planes is not only to defy all dictionary and all legal definitions but also to equate true guerrillas—such as Tito's partisans—with persons who commit any crime in order to achieve political goals.

Palestinains is another loaded term. Palestinians are the Arabs of Palestine. Whether they had a separate identity in the past is irrelevant. The important point is that they have developed such an identity, perhaps as a result of the traumatic encounter with Israel, and that this identity has become an important motivating force. It is my view that the Israeli Government has erred—politically and psychologically—by not recognizing this Palestinian identity and by failing to pronounce publicly that the principle of self-determination is applicable to the Palestinians.

But the term Palestinian should be defined carefully. Palestine, as originally defined and delineated by the League of Nations, includes both the east and west banks of the Jordan River. This is not a legal quibble. The population of the East Bank is made up mostly of Palestinians—an estimated 70 per cent—and the bulk of Palestinian business and industry is concentrated east of the Jordan River. It is utterly wrong to imagine a Bedouin-supported monarchy pitched against submissive Palestinian refugees. About one-third of the Jordanian Army is made up of Palestinians and many of them were prominent in the bombardment of the refugee camps in the Black September of 1970. In the new Jordanian Cabinet, nine out of eighteen ministers are Palestinians and the Premier, Zaid Al Riffai, is of Palestinian descent. The civil service, as well as business and trade, is heavily dominated by Palestinians. Palestinian members of Jordan's Parliament travel regularly from the West Bank to Aman where orders and salaries are issued to the civil service in the West Bank. It is wrong to describe the Palestinians as a monolithic body which supports the Palestinian guerrillas and opposes the repressive regime of King Hussein.

Refugees is another misused term. The 1948 Arab-Jewish war, like most modern wars, produced its own refugee problems. But people tend to forget that there were refugees on both sides. While an estimated 750,000 Palestinian Arabs became refugees, most of them fleeing to the West Bank, 600,000 Jews had to leave the Arab countries and fled—usually penniless—to the new State of Israel. Of the 774,000 Jews living in Arab countries in 1948, only 50,000 remain today, including communities which are not permitted to leave their terrorized ghettos. Between the years 1948 and 1952, sordid refugee camps marred the face of Israel. In these camps hundreds of thousands of Jewish refugees lived in subhuman conditions, suffering in their tents and shanties from the hazards of climate, malnutrition and unemployment. No United Nations agency was ever created to assist these refugees and Israel, with her then meager resources made an incredible effort to rehabilitate the refugees.

The main difference between the Arab and Jewish refugees of 1948 is that no similar effort was made by the Arab countries. Had Arab riches been directed less toward the hoarding of gold and the acquisition of real estate in Geneva and more toward the improvement of the conditions of their own people, the refugee camps on the Arab side, too, would gradually have vanished. That the refugees are the innocent victims of the Arab-Jewish conflict is beyond dispute.

Israel, too, could have done more in order to rehouse the refugees in the Gaza Strip. But the main share of the blame lies on the Arab host countries.

It is necessary that one should make a distinction between three different types of people who are parties to the present conflict—the Palestinians, who should be given the right of self-determination, the refugees, who deserve their long-awaited rehabilitation, and the small bands of terrorists masquerading as guerrillas who should be treated as a menace to the civilized community.

FORMER POW SPEAKS

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. WINN. Mr. Speaker, it was my privilege and pleasure during the Fourth of July holiday to appear with former prisoner of war, Lt. Cmdr. Joseph Charles "Charlie" Plumb, Jr., at a program which was held in the University of Kansas Memorial Stadium. The annual Fourth of July event, which was sponsored by the Lawrence Junior Chamber of Commerce, drew approximately 18,000 people.

At that ceremony, State Senator Arden Booth introduced the new chancellor of the university, Archie Dykes, and I had the pleasure of introducing Commander Plumb to those assembled to celebrate the anniversary of our independence.

Commander Plumb said what many of us have felt for many years, and I want to share the remarks he made on that occasion with my colleagues in the House. In so doing, I would also like to express my appreciation to KLWN Radio Station in Lawrence for their cooperation in furnishing me with the tapes of Commander Plumb's ad-libbed remarks.

COMMANDER PLUMB'S REMARKS

Isn't it fun to be an American?

It's great to be home, and I do consider this my home. I grew up out in Lecompton, Kansas, and spent many, many enjoyable hours in this town and on this campus. I learned to swim right down here in the Jayhawk Plunge.

When I left Douglas County and moved to the big city, I went from a class of ten students to a class of over 1,000, and that was the first big transition in my life. I left the Kansas City area in 1960 for the Naval Academy in Annapolis, and I returned home that Christmas after seven months of being held captive by the upperclass at Annapolis.

As I flew into Kansas City, I was wondering just what would be my first impression of my hometown. Would it be the skyline, or maybe the confluence of the Kaw and Missouri Rivers? Just what would make me feel at home? As we descended into the airport there in Kansas City, and the pilot dumped the inside cabin pressure and let in the outside air, we were flying right over the stockyards, and I got my first impression of Kansas City. And being home brought tears to my eyes.

Well, I graduated from Annapolis in 1964, pressed on to flight training, and then out to southern California to learn to fly the F-4B Phantom.

On the 19th of May of 1967, I was shot down just south of Hanoi. In that 90 seconds of descent from "King of the Skies" to "scum of the earth," I had several thoughts. First of all, I bowed my head and said a prayer, and then I tried to evaluate myself and determine just how in the world I was going to make it through this period of captivity. I felt like I was in pretty good physical shape, and I thought they probably weren't going to kill me, but I was quite worried about my mind.

I felt that the Communists would try to twist and contort my mind to make me forget and even despise the great heritage of America which I loved so dearly. And so, I decided at that time, during that descent, that it was going to take a good deal of willpower, a lot of discipline, and a great deal of love for my country to hang in there and resist the attempts of the Communists to indoctrinate me.

Well, the next several years progressed, and the Communists did everything they could to try to convince us that the Communist way was better than our free America. They spared no energy, working 24 hours a day, trying to degrade, to humiliate, to deprive us of our pride in our country. And it did take this willpower, this discipline, and the unity that we had as a group, to hang together and keep our pride in our great nation.

We spent many, many hours going over our heritage, the history of this country, the history of that great flag, and the history of the men who have shed blood, sweat, and tears to give you the opportunity to sit in that stadium seat and give me the opportunity to stand here and tell you what I think. They don't have that opportunity around the world, I can tell you that.

All over North Vietnam, they have speakers, if you can believe, that are bigger than that one, that they can't shut off. These speakers go 'round the clock, and they're not telling you about the weather, or the latest sports activity. They're pumping out propaganda.

I've ridden through those North Vietnamese Communist towns where there was no electricity, there was no water, there was very little to eat—nothing but abject poverty. But they had a brand new speaker, and it was pumping out the Communist Party line.

Well, you don't have to listen to that speaker and I don't either, and that's one—just one—of the many great things about being an American.

I returned home and to this great state on the 4th of March, and I found a great many changes in America, and at first I thought I was going to have a little bit of trouble adjusting, because I found that the face of America had changed.

When I left in 1966, the well-dressed man had short-cropped hair, a thin tie, and a buckle in the back of his trousers. So you can perhaps imagine my dismay at looking out into a crowd and thinking I was looking at a shag rug. I'm sure you can also appreciate my joy in finding out that the same wonderful, warm American heart still beats, and that people are more genuine, more patriotic, more religious, and more wonderful than I can ever remember.

It did take a little while to adjust. I walked into my first department store and started looking at these clothes that looked like clown suits, and there was a sign above these clothes. It said, "Do your thing." Well, I didn't even know what my "thing" was. So I found the prettiest sales girl I could hunt up, and I asked her what my "thing" was. She allowed as how she didn't know either, but being a tightwad, I closed my eyes, gritted my teeth, and handed her a hundred dollars and said, "dress me," and she did.

Well, six years over there is a long time, and I had a lot of time to think. Of course, they deprived us of having anything to do. We had no books, or papers, or pencils, or so much as a stick or a rock to make a game with. So we just had a lot of chances to just lay back on the boards that we called a bed, and think about home.

The first question that I asked myself was pretty obvious. What am I doing here? Well, the answer was just as obvious as the question. Serving my country. But the answer probably wasn't complete enough to my inquisitive mind, and I said to myself, "Just what is this mystic thing you call your country, that you're ready to come over here to fight, die and lose six years of your youth to defend? What is this "country" that you love so much?"

Is it the amber waves of grain that you sing about? Is it the Congress that sits up on Capitol Hill and cranks out laws to guide our society? Is it the Declaration of Independence that was written 197 years ago in the sweat and blood of all those patriots?

Well, of course, it's all these things. But my America is a lot more personal than that. My America is the kid that gets up every morning and slings papers at driveways. My America is the girl that stands at the corner with an arm full of books waiting for that school bus. My America is the truck driver that sits in his cab at an intersection and waves me on through with courtesy.

But it all boils down to my deep feeling—My America is you. And I am proud to have served such a wonderful America as you.

1973 CONGRESSIONAL QUESTIONNAIRE

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. BURKE of Florida. Mr. Speaker, each year since I was elected in 1966, I have submitted my annual questionnaire to my constituents in order to better ascertain their opinions on issues before the Congress. I submit the results of this to my colleagues so that you may compare the views of my constituents with the views of your own.

In April 1973 I sent out 210,000 questionnaires to the people living in my congressional district—the 12th Congressional District of Florida. I am pleased to state that thus far I have received 36,183 replies. The following is a tabulation of the responses by percentages from those who responded.

1973 BURKE CONGRESSIONAL QUESTIONNAIRE

1. President Nixon has indicated he intends to make substantial cuts in government spending. Do you favor such reductions even if they affect your favorite federal programs?

Yes	85.8
No	14.2

2. Do you think taxes should be increased if this would help balance the budget and curb inflation?

Yes	23.2
No	76.8

3. National Health Insurance will be a topic of discussion in Congress soon. Which of the following would you favor? Select *one*.

A. a program should be financed by increased taxes and operated by the federal government.

Yes	51.8
No	48.2

B. a federally-operated program should be financed by employer and employee contributions.

Yes	70.8
No	29.2

C. income tax credits should be allowed for those purchasing private health insurance.

Yes	85.8
No	14.2

D. a federally funded insurance program for catastrophic illnesses only.

Yes	75.3
No	24.7

E. no additional federal programs.

Yes	64.2
No	35.8

4. The Supreme Court recently declared most State abortion laws unconstitutional. Would you favor a Constitutional Amendment restricting the practice of abortion?

Yes	36.3
No	63.7

5. Congress must pass highway legislation in this first session of the 93rd Congress. Would you favor taking monies set aside for highway construction in the Highway Trust Fund for use in urban mass transit?

Yes	53.7
No	46.3

6. Do you agree with President Nixon's decision to transfer most of the OEO programs to other agencies and to dismantle and close down the Office of Economic Opportunity?

Yes	84.7
No	15.3

7. According to the peace agreement recently signed, the United States agreed to contribute to the post war reconstruction of North Vietnam. Do you agree with this provision?

Yes	14.1
No	85.9

8. The President has lifted mandatory wage and price controls except on food, health care and construction. He has substituted voluntary controls. Do you agree with this change?

Yes	24.4
No	75.6

9. A. Do you believe the U.S. should withdraw from the United Nations?

Yes	35.1
No	64.9

B. If we do not withdraw, do you believe that there should be further cuts in our contributions?

Yes	89.4
No	10.6

10. In your opinion, should a newspaper reporter have the right to refuse to reveal the name or source of his news story?

Yes	62.9
No	37.1

11. Do you favor diplomatic recognition and economic and cultural trade with:

A. Red China?

Yes	76.9
No	23.1

B. USSR?

Yes	76.2
No	23.8

C. Cuba?

Yes	48.0
No	52.0

12. Do you favor legislation to assist in the development of land-use programs for critical areas? If so, do you favor:

A. Federal legislation to assist the States?

Yes	69.2
No	30.8

B. State laws only?

Yes	70.3
No	29.7

C. Local control?

Yes	72.5
No	27.5

This year in response to several requests from my constituents I provide separate columns for the answers of the husband and wife. The following is a tabulation by percentage of each of their views:

1973 BURKE CONGRESSIONAL QUESTIONNAIRE

	Wife		Husband	
	Yes	No	Yes	No
1. President Nixon has indicated he intends to make substantial cuts in Government spending. Do you favor such reductions, even if they affect your favorite Federal programs?	86.0	14.0	85.7	14.3
2. Do you think taxes should be increased if this would help balance the budget and curb inflation?	22.0	78.0	24.4	75.6
3. National Health Insurance will be a topic of discussion in Congress soon. Which of the following would you favor? Select one.				
(a) A program should be financed by increased taxes and operated by the Federal Government	50.8	49.2	52.9	47.1
(b) A federally-operated program should be financed by employer and employee contributions	73.7	26.3	68.2	31.8
(c) Income tax credits should be allowed for those purchasing private health insurance	87.2	12.8	84.5	15.5
(d) A federally funded insurance program for catastrophic illnesses only	75.1	24.9	75.6	24.4
(e) No additional Federal programs	67.7	32.3	60.7	39.3
4. The Supreme Court recently declared most State abortion laws unconstitutional. Would you favor a constitutional amendment restricting the practice of abortion?	36.7	63.3	36.0	64.0
5. Congress must pass highway legislation in this 1st sess. of the 93d Cong. Would you favor taking monies set aside for highway construction in the highway trust fund for use in urban mass transit?	56.0	44.0	51.4	48.6
6. Do you agree with President Nixon's decision to transfer most of the OEO programs to other agencies and to dismantle and close down the Office of Economic Opportunity?	84.9	15.1	84.5	15.5
7. According to the peace agreement recently signed, the United States agreed to contribute to the post war reconstruction of North Vietnam. Do you agree with this provision?	12.9	87.1	15.4	84.6
8. The President has lifted mandatory wage and price controls except on food, health care and construction. He has substituted voluntary controls. Do you agree with this change?	25.0	75.0	23.9	76.1
9. (a) Do you believe the United States should withdraw from the United Nations?	35.8	64.2	34.5	65.5
(b) If we do not withdraw, do you believe that there should be further cuts in our contributions?	91.1	8.9	87.1	12.9
10. In your opinion, should a newspaper reporter have the right to refuse to reveal the name or source of his news story?	64.5	35.5	61.5	38.5
11. Do you favor diplomatic recognition and economic and cultural trade with:				
(a) Red China	76.8	23.2	77.1	22.9
(b) U.S.S.R	78.2	21.8	74.2	25.8
(c) Cuba	48.0	52.0	48.1	51.9
12. Do you favor legislation to assist in the development of land-use programs for critical areas? If so, do you favor:				
(a) Federal legislation to assist the States?	70.9	29.1	67.6	32.4
(b) State laws only?	71.4	28.6	69.3	30.7
(c) Local control?	76.1	23.9	68.8	31.2

THE ELECTION REFORM BILL

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. HUBER. Mr. Speaker, in all the talk of election reform one aspect of election financing is conspicuous by its absence. That is to say, none of the debate or current proposals under active consideration touch on the financial contributions of our labor unions. Everyone agrees that these are substantial. The Detroit News asked this question in an excellent editorial on August 4, 1973. I feel my colleagues will find it instructive and I commend it to their attention. The editorial follows:

THE ELECTION REFORM BILL—IT SKIPS LABOR GIFTS

The election campaign reform bill approved this week by the U.S. Senate introduces tough new restrictions on political spending. It also raises a question: Is Congress speeding us toward the day when incumbents and candidates supported by labor will enjoy decisive advantage in contests for public office?

Under the Senate bill, individuals could contribute no more than $25,000 to all federal candidates. No more than $9,000 of that sum could be given to any one candidate. If strictly enforced, such a law would effectively curb the influence of big individual contributors. At a glance, that might seem to be everything the doctor ordered.

Actually, the solution carries with it some vexing new possibilities.

Candidates who challenge men already in office need substantial funds. Normally, the advantage lies with the incumbent. He basks in the publicity that goes with public service; he can manipulate that publicity, turning it on and off as desired, for his own benefit. He can use official funds and other resources to promote his reelection.

The challenger overcomes these advantages only by raising the funds required to mount a strong and effective campaign. Yet, the bill passed by the Senate would severely limit his ability to raise those funds.

In the future his best hope apparently will lie in attracting the support of organized labor, which seems to be the one remaining force in American society likely to escape serious regulation of its contributions to political campaigns.

Labor unions spend, directly or indirectly, as much as $60 million on political campaigns in a presidential year. Theoretically, all this money is contributed "voluntarily" by union members and kept separate from union dues and assessments. As any follower of the labor movement knows, "voluntary" in some unions is used as a synonym for "compulsory."

Following the 1968 election, the Wall Street Journal uncovered the incongruous fact that some Japanese and Filipino merchant seamen hired onto American ships had paid "service fees" to union agents and that the money had been contributed to the campaigns of political candidates, mostly Democratic. Aliens had thus worked—unwittingly—through the Seafarers International Union to influence an American election!

One way or another, organized labor manages to pour all the money it wishes into political campaigns. Yet, cash is but a small part of the story.

According to Neil Gilbride, the Associated Press labor writer, the AFL–CIO's Committee on Political Education (COPE) is generally said to be worth "some $10 million to a presidential candidate—partly in money, but mostly in the nationwide voluntary manpower of union workers who conduct voter registration drives and help candidates friendly to labor."

Unions yearly invest about $100 million, in cash and manpower, in political activities. This takes into account the salaries of political professionals who devote much of their time to purely political matters. It covers printing and distributing political propaganda thinly disguised as "education" and fundraising drives for partisan causes.

No proposal now under serious consideration contains any means of bringing such activities under control or making organized labor give an accounting. The reason for this omission is obvious: Incumbent politicians are afraid to antagonize organized labor.

Speaking in idealistic terms, however, how could this problem be solved? We doubt that it can be solved completely, for venal men will always be able to find ways of evading the law. But it would help if, instead of concentrating mainly on the problem of contributions, Congress would pay more attention to the methods by which contributions are reported.

For example, why not require big contributors to describe their contributions in terms of manpower and propaganda activities as well as cash? And why not require those reports to be made before rather than after the election? Under such a system, the voters could form judgments on campaign activities before rather after they have cast their ballots.

WE NEED STRICT GUN CONTROL LAWS NOW TO REDUCE CRIMES OF VIOLENCE

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. KOCH. Mr. Speaker, all handguns, except for police and military use, should be banned by 1983. This is the conclusion reached by the National Advisory Commission on Criminal Justice Standards and Goals in its August 9 report after the completion of a 2 year study on crime reduction. The Commission recommended the ban on handguns as the consensus of the opinions expressed by the many State and local officials consulted across the Nation in the course of the study. Finding that handguns are the principal weapon used in homicide, in one-third of all robberies, and in one-fifth of all aggravated assaults, while the self-protection they allegedly provide is "illusory," the Commission recommended the prohibition of handguns as an important and necessary step to achieve its goal of cutting in half what it termed the "high fear" crimes in the United States by 1983.

I strongly support the Commission's goal of crime-reduction, and I have long advocated strict Federal gun control legislation as the best way to achieve this essential goal. My bill H.R. 678 would prohibit the manufacture and sale of handguns, except for law enforcement, military, and licensed pistol club use. My second bill, H.R. 679, would require registration of all existing firearms, including rifles as well. I believe that firearms other than handguns, not addressed by the Commission, should not go uncontrolled. The passage of Federal laws both to ban sale or purchase of handguns and to require registration of all presently held firearms is in my opinion one of the most effective ways to reduce crime. Federal action, rather than action by each of the individual States as recommended by the Commission is necessary, because gun control must be nationwide to be effective. Otherwise failure to act by any one State could negate the efforts of the rest of the Nation. Presently New York City, for example, has strict laws on registration and licensing of guns, but their impact is minimal due to lack of nationwide gun control.

Rather than wait for all the States to act one by one, Congress as guardian of domestic tranquility should meet its responsibility to reduce crime by enacting strong national gun control legislation now. Strict Federal laws governing the sale and purchase of handguns and requiring registration of all firearms are the best and most effective ways to reduce violent crimes which, in the words of the Commission "threaten the very existence of a humane and civilized society."

CAPTIVE NATIONS WEEK

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. DULSKI. Mr. Speaker, in July of this year we observed Captive Nations Week for the 15th year. The officially proclaimed week is over, but the plight of the nations is still with us, and we should not lose sight of it as the time draws closer for more of the much-heralded talks of detente.

July 18, 1973, the Kiwanis Club of Buffalo, N.Y., was privileged to hear an outstanding address by Dr. Mary V. Beck at the Captive Nations' luncheon. Dr. Beck, who received her degree of doctor juris from the University of Pittsburgh Law School in 1932, has a distinguished record of public service. She was the first woman elected to the Detroit Common Council, and served there from 1950 until 1970.

She also was the first woman to be elected president pro tem of the common council; served as acting mayor of the city of Detroit; served as chairman of the Ways and Means Committee of the Wayne County Board of Supervisors; served as chairman of the Juvenile Court Committee; and served as chairman of the Wayne County Port Committee.

Although her local public service reputation is well established, it is perhaps from her work for the Captive Nations that her national fame arises. A first generation American of Ukrainian parents, Dr. Beck has devoted many years to the cause of Ukrainian freedom and the Ukrainian heritage in the United States—a service recognized by the many honors and awards she has received.

Dr. Beck is presently executive director of the Ukrainian Information Bureau, and is well qualified to speak on the subject of Captive Nations. Her speech in Buffalo was perceptive and thought-provoking; it is a pleasure to share those remarks with my colleagues today:

LEST WE FORGET

Freedom is an inseparable part of living for those who have always enjoyed its fruits, but who, too often, have taken it for granted. We Americans know this best. But when freedom is whittled away imperceptibly or stamped out forcibly, it is missed, it is mourned; and only then is its worth accurately measured and belatedly treasured, to generate in the end, an unceasing yearning for its blessed return. This truth has never been a part of our American experience, but it has been bitterly validated and tragically implanted into the recent history and existence of the Captive Nations.

The Captive Nations are primarily, the fourteen non-Russian, allegedly independent republics, which constitute the Soviet Union. Ukraine, with the largest population, of some forty seven million people, leads the list and is followed (in sequence of population size) by Kazakh SSR, Uzbek SSR, Byelo-Russian SSR, Azerbaijan SSR, Georgian SSR, Moldevian SSR, Lithuanian SSR, Kirghiz SSR, Tadzhik SSR, Armenian SSR, Latvian SSR, Turkmen SSR and Estonia SSR.

However, the enumerated countries are not in fact republics, for they are neither sovereign nor free. Their short-lived independence, attained for the most part, following the crumbling of the Russian Czarist Empire in 1917, was terminated by the Russian Communists, who conquered and coerced them into the Soviet Union. The Soviet Union too, is not in fact, any union, but an empire, a Russian colonial empire, in which the fictitious republics are actual colonies, absolutely controlled and ruthlessly exploited while their people are held in subjugation with brutal force and terror.

History can now record that the Great Russian Revolution, which was hailed as the liberator of the masses and the eradicator of the classes and which promised a Paradise to the average man, instead, merely substituted one ruling class for another, the latter more vicious, more despotic than the former, thereby casting every man into a veritable inferno. Thus, for more than a half century, some two hundred million people have been and are now enduring endless agony under the yoke of that Russian Communism. Such an unbelievable paradox exists in this modern, enlightened era, when even the most primitive peoples have been encouraged and abetted to strike for their freedom, while nations, whose history is traceable to pre-

Christian days, are enduring enslavement behind the Iron Curtain.

Do my statements sound fanciful and incredible? So it seems, but they embody the undeniable truth, for they are authenticated by countless fool-proof documents. They are corroborated by the testimony of thousands of displaced persons from those captive nations; persons who were fortunate to survive the holocaust of the Second World War and to settle in this, and other countries of the Free World.

Perhaps some of you wonder, why 200 million people don't resist or rebel. But they have, continually, during the past fifty-odd years. Those attempts, however, have all ended with disastrous results. Let me remind you of just a few unforgettable examples: in the Ukraine, in 1933, the year of the great genocide, seven million farmers and landowners were deliberately starved, yes, starved to death because they would not accept collectivization and de-nationalization; in the Kazakhs Republic, in 1930, two million died in a similar famine, because they resisted; in Georgia, in 1924 a mass uprising brought on a purge of patriots, intellectuals and clergy and in 1936 another wave of terror followed; in the Baltic Nations, in 1940 and later, periodically thousands were imprisoned, executed or deported and the fate of many remained unknown; in Turkestan, more than six million died as a result of Russian aggression. And the record goes on and on, with only slight variations in the methods used and the results obtained in each of the enslaved nations. It is an incontrovertible chronicle of a blood-washed trail of barbarism and genocide. It is a shocking tale of unspeakable horror.

But that is only a part of the story, for no mention has yet been made of the European Satellite Nations, which are likewise captive nations. Add therefore, another multitude of people to the list of captives, the people of Albania, Bulgaria, Czechoslovakia, Hungary, Poland, Romania, Yugoslavia and East Germany, who either through force or intrigue were thrust behind the Iron Curtain and made "socialistically secure and happy". Did they ever resist? Of course you remember some of their heroic efforts against overwhelming odds, for the world media gave those events extensive coverage; to mention just a few: Berlin in 1953, Polish workers in 1956, Hungary in 1956 and Czechoslovakia in 1968. But to no avail for the Free World, like an ostrich hid its head in the sand and refused to offer a helping hand. Just as many individuals today, witness the commission of crime on our streets, refusing to come to the aid of the victim, not realizing that tomorrow it may be their turn to be the prey.

Yet despite these futile and abortive attempts, which took a heavy toll of human lives, the will to resist still persists in the gallant captives and manifests itself in diverse and manifold form, both underground and above ground. Especially is this true in the Soviet republics, because for the non-Russian peoples in the Soviet Union, it is no longer just a matter of political enslavement but a matter of national survival. The Communist rulers are not satisfied with wielding power alone. Their long range plan is to merge the fifteen republics by abolishing the boundaries between them and to fuse their people into one solid, submissive Soviet mass of state puppets, with no right to think or act for themselves, but only to serve obediently, their Russian masters.

For this reason, the Kremlin leaders have initiated a program of russianization and de-nationalization. Their aim is to obliterate national identities and to preserve only the Russian identity; by making Russian the primary and official language while discouraging by intimidation the use of the native languages of the non-Russian people; by progressively devaluating the national individual cultures, fusing them into one Soviet culture; by resettling vast numbers of natives into the far regions of Siberia and the settling of carpet-bagging Russians in each of the republics; by manning the highest positions in the party, the government, the factories and in the institutions of learning with Communist boot-licking bureaucrats. But the most abhorrent method used in the promotion of this policy is the decimation of the ranks of potential leaders and dissidents, mainly the intellectuals and the professional people, by indiscriminate and illegal arrests, secret trials, excessive punishment, commitments to insane asylums, sentencing to labor camps and exiling to Siberia with no chance of return to the cities of their birth.

Is this, my fellow Americans, difficult to comprehend or believe? You believed the reports of the Nazi atrocities, as heinous and incredible as they were. Why, may I ask? Because the world media persistently revealed them to you in all their horror. And the media persistently revealed them to you, because we fought the Nazis. They were our declared enemies. But you heard nothing, or relatively little about the Russian atrocities, during and after World War II, because they were our allies, and it is just too embarrassing to reveal such shameful deeds of your allies. Today we hear less and less of the truth, because we have ended the Cold War and embarked on a quest of permanent peace on the precarious sea of detente in a fragile boat of naivete. So we are warned that nothing must be done to rock that boat or upset that delicate balance of our relationship with Soviets; nothing must be said that might even remotely provoke the Red leaders, even if it is the horrible truth.

Most Americans are only indirectly, if at all, concerned about the victims of Communism and their tragic plight, and certainly are not interested in offering these subjugated peoples any help in their liberation struggles, although these captive nations could become our most effective allies in the fight against Communism. But most Americans are, or at least profess to be, interested in peace and in furthering all endeavors aimed toward the attainment of that peace. And no one can dispute the fact that this is a worthy goal. But peace is not a mere absence of war or a cessation of open hostilities; it is not a cat and mouse game, or a jangling war of nerves. True peace is a feeling of harmony and security born in an atmosphere of trust and friendship. And if we Americans truly want peace, the question arises, as to whether we can expect to gain it, as a result of our government's present policy of detente toward the Soviet Union, a world power second only to the United States, but making unexpected strides in becoming the first.

There are those who believe that we can buy our peace with accomodation or appeasement. There are those who believe that the Russian leaders are mellowing and that by our humane and conciliatory behavior we can convince them of the necessity of the preference for peace to that of a nuclear war and the annihilation of our civilization. What do you believe? That question you must answer for yourself, but only after you have seriously contemplated the facts. Will you accept a few of them, as I know them, from me, together with my hope that they will induce you to probe further and to learn from various authentic sources, "the truth, the whole truth and nothing but the truth"?

Since the end of World War I, when Henry Ford first sent some of his engineers to give the Russians the benefit of American know-how, both through private and public channels, we have been pouring into that country, every conceivable kind of aid and assistance. During World War II alone, eleven billion dollars worth of lend-lease was dispensed to them with our generous hand and they haven't paid us back a dime. We have been making concessions, one after another, even endangering our own security by cutting back our defense program, unilaterally—for a time at least—desisting from nuclear bomb testing, while the military Russian might keeps growing and reaching superiority. And in all that time, we have not been able to convince them of our peaceful intentions. Because it is not peace that the Kremlin leaders want. Their aim, no matter who is in command, was and continues to be world domination. Thus they are preparing for us Americans and the remainder of the Free World, the same fate that the Captive Nations are experiencing today.

It has been proven that Communists will lie, cheat, exploit and murder (even their own leaders when they have outlived their usefulness). So they don't mind signing a few treaties to gain some time when they need it, since they have no qualms about violating treaties, when it suits their purpose. They don't mind playing the role of Apostles of Peace, because that is good for their image, but at the same time in every corner of the globe they foment war. They don't mind extending the use of their tanks and guns and soldiers to their sister-socialist republics, pretending to have been invited to restore law and order, while actually invading and forcibly preventing their departure from the Communist fold. They don't even mind asking for and accepting help from their "mortal enemies", the foolish Capitalists, whom they openly ridicule and besmirch and whose extinction they secretly and gleefully plan. For to them, the most important thing in the world is to progress toward their goal, by any means, be they the foulest.

The record of Russian treachery and perfidy is well established and a mountain of evidence is available to those who wish to verify it for themselves. You recall how Brezhnev was sweet-talking and peace-talking us during his recent visit. Yet the Communist editors back home were continuing to write about the "uncompromising struggle against bourgeois capitalist ideology". And Mr. Brezhnev said: "There are still too many people who would rather make noises about military preparations and the arms race than discuss . . . peaceful cooperation". Is it possible that he was talking about his own Defense Minister Grechko, who only a few weeks prior asserted that military and patriotic training as well as preparedness now have assumed even greater significance than during the war.

And in his message to the American people, Mr. Brezhnev continued in his self-assured manner, to spew his self-serving prevarications. "We take pride", he boasted, "in having built . . . a most stable and confidently developing society which has assured all our citizens of social justice". Oh, if only the muzzles could be removed from the millions of people enjoying that social justice! What a story they could relate! But even without their testimony, the continuing arrests of intellectuals and other innocents, the secret trials, the innumerable prison camps filled to capacity, the defections, the underground publications, and the like, spell out the reality of the brand of social justice that Brezhnev and his ilk are handing out to their captive subjects.

But we Americans go on nevertheless, naively trying to convince ourselves that we must try to understand; we must keep on helping; we must keep on talking; we must keep on negotiating; we must keep on compromising. And so trustingly, compassionately, we give them almost everything they ask for. The recent wheat sale, for instance, which was alleged to have been such a wonderful deal for us, turned out to be practically another hand-out, for the price was ridiculously low, the credits long-term with low interest rates and a subsidy from us, the taxpayers, to boot, at the same time causing shortages and the sky-rocketing of prices at home. But the real irony in the whole situation is the fact, that in addition, we shored up their economic bungling, covered up their failures and helped the Communist leaders to save face before their own subjects. Is that not really supporting the system and helping to prolong its existence?

It is my belief, fellow Americans, that in the world of today, it is indispensable to have an exchange between the nations of the world family, through trade and other channels, for their mutual benefit. But this exchange must be on an equal basis with a certain amount of give and take. But with Russia we are dealing on unequal terms, for it seems that we always give and they only take. And as if this was not enough, they are asking to have the status of a most-favored nation in our trade dealings with them.

Perhaps I am lacking in compassion. Perhaps we ought to feed the Soviets, whatever may be the cost to us. Perhaps we ought to cancel their war debt and supply them gratuitously or at a low cost, with everything they claim to need. After all, they do have more important uses for their money. They need it for more sophisticated weapons for their "liberation wars", for more generous aid and comfort to their allies and our enemies, for bigger and better propaganda mills and for more extensive and effective subversion programs. Perhaps I am also pessimistic about peaceful co-existence. But the words: peaceful co-existence immediately bring to mind what Khrushchev was preparing for us in Cuba, although even prior to that, it was fairly plain to me that co-existence in the Russian parlance was a one-way street and that meant, acceding to their every demand and going down the road to eventual and complete capitulation.

Can you believe that a lamb could bed down with a bear and survive? Then how can you believe that we are entering upon a new century of peace? Communism has claimed more than 85 million victims as it progressed during the past fifty years to cast its shadow over one-third of the surface of our earth, while the Free World is shrinking in size. Russians loudly clamor for peace and cooperation, as they are now doing at the European Conference for Security and Cooperation. But it is they who are maintaining a colonial empire long after other powers have given up theirs; it is they who refuse to renounce the Brezhnev Doctrine, reserving the right to use force when they deem it necessary; it is they who are maintaining the Berlin Wall and the Iron Curtain and refusing the free flow of information, ideas, products and people; it is they who are seeking to hold in their iron grip forever the Captive Nations by asking for a ratification of existing boundaries and precluding any change in the future; it is they who are deliberately and flagrantly violating the provisions of the Declaration of Human Rights to which they were a signatory, by depriving their captive subjects, not only of political rights and civil rights, but of all human rights. Their deeds belie their words. Can co-existence or peace be built and flourish on such shifting sands?

A vulture does not become a dove, though he masks himself with the plumage of a dove and pretends to coo like a dove. And if past and current events have not made us perceptive enough to discern the truth, then we are increasingly conditioning ourselves for our eventual loss of freedom and preparing our own burial. You may laugh, you may sneer, you may even jeer. But serious-minded people, who are truly concerned not only about the present but about the future as well, are beginning to realize that the Soviet Union and its imperialism cloaked with its communism is a clear and continuing danger to the United States and the present policy of detente will not reduce the hazard. On the contrary, it will only serve to further the totalitarianism of the Kremlin bosses.

This concern, on the part of an increasing number of Americans, is translating itself into equally serious consideration of the means by which to halt Communism and eventually, to eradicate it. But, many of you will say, we had the policy of containment and we had the policy of a Cold war. What did they achieve? True . . . we proclaimed those policies but we pursued them, not wholeheartedly, but superficially and those superficial efforts brought only superficial results. We ended up with two Chinas, two Koreas, two Vietnams, and now, with two Germany. Perhaps tomorrow it will be two Europes and eventually two North Americas. Is it not obvious then that peace cannot be attained and reign in a world half slave and half free? So it is in the interest of peace that we should strive to liberate that part of the world that is not free.

The first step toward that goal . . . is to begin to fight communism, or perhaps more accurately, in order to free the European Captive Nations, to fight the imperialism of Russian Communism. Does it appear to be an impossible task? No, because empires have crumbled before. But more importantly, we must remember that where there is a will, there is always a way. May I humbly offer a few broad and basic suggestions?

1. First and foremost; let us persuade our representatives in Congress that the U.S. should attain and maintain a superior military posture, not only for our own security and defense but as an effective deterrent to nuclear war. For superior strength is the only force the Russians will respect and fear.

2. Let us promote the liberation struggles of the Captive Nations by lending them our moral and political support and utilize these captive peoples as needed allies in our mutual endeavors to counteract Communism and Russian imperialism. In effect, are we not so committed, by the Congressional Act of 1959, which created the Captive Nations Week, which we are now observing?

3. Let us further the cause of human freedom by asking our government to recognize the governments-in-exile of the Captive Nations and to press for the admittance of their delegates to the United Nations, so that free elections under the supervision of the United Nations could be held in the Captive Nations and allowing the people to decide what form of government shall be theirs.

4. Let us conduct a massive ideological and psychological offensive for that same cause of human freedom, utilizing truth as our weapon. Consequently, instead of reducing or abolishing the facilities we now have in the form of the Voice of America, Radio Free Europe, Radio Liberty etc. let us expand them and use them to the fullest measure to reveal to the world the nefarious deeds of the Communists both within and without their borders.

5. Let us seek in every situation and in every dealing with the USSR concessions to alleviate the plight of the captive peoples, just as Congress imposed a condition, the elimination of the immigration tax on Jewish emigres, as a prerequisite to the trade treaty with the Soviet Union.

6. Let us, as readers and subscribers of our press and periodicals, and as listeners and viewers of radio and television, demand more frequent and extensive coverage of this vital issue, and not just with straight discussions and the like, in order to inform and enlighten greater numbers of the American public about this issue of communism vs. freedom and related matters.

7. And let us, re-awaken in America, a strong and genuine feeling of love and pride in our freedom, creating thereby an impregnable bulwark against communism and re-establishing our vigilance, so that we may never lose our freedom and yet, propelled by our innate sense of justice, strive likewise to regain it for others who have lost it.

Lest we forget, fellow Americans, freedom is a priceless possession and an essential ingredient of living, without which man cannot live indefinitely, without his soul withering and his will shriveling, reducing him to the level of vegetative existence. That is why history is replete with the names of heroes and martyrs, who fought and died to win liberty for themselves or to liberate others who were oppressed by tyrants.

A short time separates us from the moment of the 200th birthday of our nation. Committees throughout our country are working feverishly to evolve appropriate programs of celebration. But some are suggesting frivolous and costly gala events. Do we need to exploit such an historic event for another swinging, smashing, stupendous party?

For those who truly cherish freedom, a simple yet sincere, a symbolic yet dramatic gesture of appreciation would serve as the finest opportunity for expressing thankfulness. An excellent example was set by our Prisoners of War recently returning home. Were you not stirred by the unconstrained feeling that overwhelmed these men, who knew from their own tragic experience what it meant to live without freedom, and some of them, upon regaining it, gratefully fell to their knees, unashamedly kissed the soil of this free American Land and humbly thanked God for their safe return to a free home.

Why couldn't we be equally grateful and magnificently humle, and not only in 1973, but on every 4th of July, at a given moment, throughout our free land, starting with the President and including every American—all 204 million of us—descend upon our knees, reverently touching with lips or hands, the ground made hallow by the blood of our freedom fighting forefathers and pouring out a majestic chorus of thanksgiving that we are not a captive nation. And to that thanksgiving add an ardent prayer, that not only we, but that all men, now captive, might walk this earth equally free. But to that prayer let us add effort and let us not wait to fight until we are doomed to die, but fight now, to preserve freedom and live, live to see its onward march prepare the path for peace.

IN PRAISE OF WARREN GRIMES

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. BROWN of Ohio. Mr. Speaker, on September 26, Mr. Warren Grimes of Urbana, Ohio, and Delray Beach, Fla., will celebrate both his 75th birthday and the 40th anniversary of the founding of the company which bears his name, the Grimes Manufacturing Co. At this time, I wish to share with my colleagues in the House of Representatives a brief review of Warren Grimes' life and company.

From very humble beginnings in a Tiffin, Ohio, orphanage, Warren Grimes has become one of the leaders of this Nation's aviation industry. For almost a half century Grimes Manufacturing Co. has produced lighting and electronic instrumentation equipment for aircraft—from the Ford trimotor to the Apollo space series. In the early 1930's in a rented garage in Urbana, Ohio, Warren Grimes founded the company that now bears his name. In doing so he fulfilled a childhood ambition to contribute to aviation development born when he watched the earliest flights of the Wright brothers in Dayton, Ohio.

One of his first endeavors at the Urbana plant was the development and production of red and green navigation lights that still blink on the wings of aircraft. With Federal approval for his design, his business expanded rapidly, and he soon became the city's largest employer. In the hectic World War II years, his company was a winner of the coveted Army-Navy "E" award, and he was always proud that wartime aircraft production was never delayed because of a lack of Grimes' lighting.

Today Grimes Manufacturing Co. is an acknowledged leader in the field of specialized transportation lighting equipment and related electronic systems, and for almost 40 years has been a widely recognized designer, developer, and producer of lighting equipment for military, commercial, and general aviation aircraft. Indeed, Grimes lighting and instrumentation has most recently gone to the Moon in the American Apollo space series. In recent years, the company has also diversified to serve marine, automotive, railroad, and other specialty lighting markets.

With main offices and manufacturing plants in Urbana, Ohio, Grimes Manufacturing Co.'s 1,000 employees produce over 6,000 different lighting and integrated electronic items for a worldwide market. The company also has U.S. sales and technical representatives across this country and a sophisticated research and development center in Delray Beach Fla., where long-range programs involving advanced lighting concepts are studied and perfected. With the establishment of a branch plant in France, Grimes Manufacturing has become a multinational company.

But there is more to Warren Grimes than just his company. Having become a licensed pilot as a young man, Warren saw the need for adequate area airport facilities, and early presented Urbana with its own municipal airport, Grimes Field. He also served his community as mayor and later the State of Ohio as a member of various commissions, including the chairmanship of the State aviation board. In 1961, Warren Grimes was honored by the American Schools and Colleges Association, Inc., when he received the Horatio Alger award granted by the association to leaders whose careers typify the results of individual initiative, hard work and honesty, and adherance to traditional American ideals. In being so honored, he took his place among such distinguished Americans as Dwight D. Eisenhower, Herbert Hoover, and Dr. Norman Vincent Peale. During that same year, Mr. Grimes was voted Urbana's man of the year by that city's chamber of commerce. He also holds an honorary degree of doctor of engineering in aeronautics from Bowling Green State University, Bowling Green, Ohio.

Warren Grimes is also a philanthropist, having endowed perpetual scholarships at the Ohio State University for students from each graduating class at Urbana High School. He spearheaded the fund-raising drive for, and has been one of the largest contributors to, the fine Urbana Mercy Memorial Hospital, and has contributed to many other community projects in both Ohio and Florida.

I am proud to call Warren Grimes a friend, and know that I join with his many other friends and associates across this Nation in wishing Warren the best on his 75th birthday, and health and happiness in the years to come.

THE GREAT RURAL RIPOFF

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. PETTIS. Mr. Speaker, during the August congressional recess a hearing was held in my district by a Civil Aeronautics Board administrative law judge on an application by Hughes Air West to delete scheduled air service to the community of Apple Valley. This case is only the latest in a long list of attempts to eliminate rural air service throughout the United States. I know other Members of the House have had similar hearings held in their districts and are as concerned as I over the growing trend toward what I call The Great Rural Ripoff.

Today I am submitting for my colleagues' attention a copy of the statement which I introduced at the CAB hearing. I testified because I believe it is important for citizens and their elected representatives to speak out in all forums on this issue. It is imperative that we insure against the need for rural air service being ignored by the Federal and State planners who develop master plans of aviation. If we do not act now, in a few years there will be virtually no passenger air service to nonurban areas.

The statement follows:

STATEMENT OF HON. JERRY L. PETTIS

I would like first to thank you for coming to Victorville and hearing this case. All too often these days, decisions which affect thousands of people are made back in Washington by officials who have no concept of the conditions of the area about which their decision is concerned.

I should like to mention that among the jobs I held prior to my election to Congress I was a commercial airline pilot—and I am still a member of the Airline Pilots Association, AFL–CIO—as well as being a vice president of one of the nation's largest trunk airlines. This causes me to be especially interested in the Apple Valley case now pending before you.

As one considers the various positions presented in this case it is important to put them within a context which is in many ways larger than the case alone. Let me explain: our country has at various times made it a matter of national policy ". . . to encourage and foster a balanced national development that provides opportunities for increased numbers of Americans to work and enjoy a high quality of life dispersed throughout our Nation . . ." (quoted from the Rural Development Act of 1972, P.L. 92–419). To meet this national goal, it is obvious that rural communities must develop and maintain a viable economic base, which in turn requires the existence of conditions which draw industry, new jobs and families. It goes without saying that transportation, including reliable air service, is essential to such a rural development program.

The federal government has not always shown itself to be very sensitive to many of the real needs of rural areas. In such areas as housing, health care, water and sewage treatment facilities or transportation, to name only a few areas, rural communities lag far behind their urban counterparts. An average of 800,000 people annually move from rural areas. This shows how vital it is for federal regulatory agencies to consider the national commitment as stated in the Rural Development Act, for example, when making decisions and that they give support to those rural communities which, like Apple Valley, are successfully running against the current tide of rural to urban migration and rural economic stagnation.

The Federal Aviation Act of 1958 (P.L. 85–726), states that as part of the policy of the Civil Aeronautics Board, the Board "shall consider . . . in accordance with the public convenience and necessity . . . (c) The promotion of adequate, economical and efficient service by air carriers at reasonable charges, without unjust discriminations, undue preferences or advantages, or unfair or destruc-

There have been some C.A.B. decisions, such as *Piedmont Aviation (Deletion of Elizabeth City)*, Order 72–4–96, April 18, 1972, which have focused on the plight of rural air service. I am not aware of any decision in which the Board has clarified what "adequate" service is for rural areas. The result of this has been that within the past three years alone, Hughes Air West has applied for and been granted approval to suspend and/or delete service to 10 communities in Oregon, California and Arizona. Deletion of service was recommended for another California community, Paso Robles, just last month. The problems of rural air service have become so severe nationwide that one of Ralph Nader's organizations has filed a petition and complaint with the C.A.B. on the declining rural air service.

My friends here will focus in great detail on certain technical aspects of this case. The pattern of poor service and almost nonexistent promotion activities is clear enough. I believe, to demonstrate that Air West has only with the greatest reluctance provided what little service it has given. The airline, in its effort to become a regional and then perhaps a nationl carrier, seems to have forgotten the conditions under which it originally took over the service to Apple Valley. The previously inadequate airport facilities in Apple Valley have been up-
tive competitive practices. . . ."
graded. The public need for air service has increased, not decreased, since the time the predecessor of Hughes Air West first began services to Apple Valley. Yet, Air West seems not to have noticed. The entire High Desert depends upon this air service. The population of the area is 119,529 (approx) people, who are dispersed over 6,256.2+ square miles. Obviously the area cannot support airline service in the way a metropolitan area can. Our needs are not such that we insist we be served by the largest jets in Air West's inventory. Indeed, just as in the case in other rural areas previously served by Air West, we can support reasonable, scheduled service utilizing smaller planes which the company has. All we ask is that a level of service be made available as provided under Section 404(a) of the Federal Aviation Act.

For the people of the desert, what is their access to air service right now? The largest community in the area, Barstow, is 35 miles from Apple Valley, Needles is 167 miles from Apple Valley and about 100 miles from the Las Vegas airport, while various smaller communities, such as Trona and Baker, are over 100 miles from Apple Valley. Should service to the Apple Valley Airport be discontinued, citizens will have to go to Ontario International Airport, which is about 75 miles further away, or over to Las Vegas, which is even further away in many cases. Without air service the people of the California desert area will have to spend many hours and travel many miles to catch a plane to complete their business or pleasure trips. By way of contrast, it should be noted that citizens in metropolitan Los Angeles are served by four airports which bring the convenience of air service close at hand.

The future of our rural communities will be dark indeed if airlines are in effect rewarded by the C.A.B. for failing to meet their responsibilities to the area they serve with a favorable action on applications such as the one before us today. Rural communities are anxious to attract industry and new citizens who are perhaps retired or who just want to escape from the pressures and unhealthy conditions of the urban areas. Needless to say, in these fast moving times of ours, scheduled air transportation is a big drawing card for industry, as well as a guarantee to the public in the area that a fast, efficient mode of travel is available for emergencies or to ease the travel of visitors, grandchildren perhaps, or a badly needed piece of equipment, perhaps a new motor for an air conditioner.

I have on various occasions spoken with and written to the Civil Aeronautics Board on behalf of Apple Valley. This public hearing is one of the last steps before the Board makes its decision. I believe it will be clear to all that continued regular service is of vital importance to Apple Valley and the entire California High Desert. It is also clear that a great disservice will be done to the citizens of our community and, by extension, to millions of other Americans living in other rural areas if service is denied.

The Board should compel Air West to fulfill its obligation to Apple Valley. I hope that the pending application will be rejected and that the Apple Valley case will stand as a milestone to our federal government's looking at the needs of rural people as well as the airline bank books.

THE MINIMUM WAGE INCREASE IN PERSPECTIVE

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. BINGHAM. Mr. Speaker, Congress has approved a minimum wage bill despite a strong threat of Presidential veto. Contrary to the administration's contention that the proposed legislation "will only fuel" our inflationary economy, I believe that the minimum wage proposal is must legislation, not only for the wage earners directly affected, but for the Nation as a whole.

Sylvia Porter's column appearing in the New York Post on August 20, 1973, clearly reveals the fallacies of the administration's rationale, and puts into perspective the benefits to be achieved through this legislation. The column follows:

MINIMUM WAGE HIKE VERSUS INFLATION

(By Sylvia Porter)

If President Nixon vetoes the minimum wage hike passed by Congress early this month, it will be on the basis that the increase would throw even more fuel on our fiery inflation and would lead to massive firing of marginal workers.

So strong is the threat of a Nixon veto that Congressional leaders have delayed sending the measure to the White House until this coming Saturday, Aug. 25—so Congress would have a chance when it reconvenes Sept. 5 to try to override a turndown. (Had Congress sent the bill to the President and then gone on vacation, the President could have killed it merely by a pocket veto and Congress would have had no comeback.)

The bill would raise the minimum wage from $1.60 to $2.20 an hour within one to three years, depending on the occupational category and, among other things, also would expand our wage-hour laws to include 7 million to 8 million additional workers. It is indeed a liberal measure.

Would it, then, accelerate our wage-price spiral? Would it swell our jobless and welfare rolls?

The answer is not a simple yes or no, as Nixon almost surely will argue if he does veto the bill.

For instance, against a minimum wage hike now is the fact that summer '73 is hardly the right time to spur a new round of wage increases starting at the bottom and fanning out and up.

It is quite possible that against today's horrible economic background, a major minimum wage boost would set off a "ripple" effect, with the increases at the bottom leading to increases at the next level and then on and up to the top of the line.

There is the danger that businessmen would try to offset the extra labor costs by firing their older, less productive workers—thereby shifting them from the working poor to the welfare rolls.

But supporting a minimum wage increase are Labor Dept. studies of wage trends before and after past minimum wage hikes showing only a short-term wage spurt right after the change in the minimum wage—but no wage "ripple" upward through the pay ranks.

The story is similar for prices. Said former Labor Secretary James Hodgson after the massive 1966 minimum wage boosts: "The wage increases granted to 1,600,000 workers to meet the $1.600 minimum wage standard had no discernible adverse effect on overall employment levels and on overall wage or price levels."

But, to me, these statistical arguments miss the two central points.

The first and overwhelmingly significant of these points is simply: How dare we ask the very lowest paid workers among us to stand in the first line of defense against an inflation fueled by the buying and borrowing of the affluent?

How can we possibly justify asking those already being pinched the hardest to accept an even stiffer pinch "for the national good"?

What sort of distorted economics translates price pressures resulting from a worldwide boom and its soaring demands for goods and services into a wage curb on those who don't even earn enough to have normal, much less "soaring," demands for anything?

The second point is implicit in the first: 1973's inflation is being caused by excessive demands for goods and services, not by excessive costs of labor.

And if we now leapfrog back into a cost-push inflation after this dreadful demand-pull inflation, the reason will be today's price spiral, not any increases in the pay of the lowest-rung workers.

Let's get some facts into perspective in these last days before Nixon gets the minimum wage bill and decides on a veto:

It would take an immediate hike to $2.16 an hour just to cover price rises since the last minimum wage boost. It would take an immediate raise to $2.21 an hour just to maintain the 1968 ratio of minimum wage earnings to the earnings of manufacturing workers (55 per cent). At this moment, auto workers are getting an average of $5.12 an hour, plus extra for overtime and fringe benefits.

The average yearly wage of a migrant farm worker in 1972 was $1,830; of a hired farm worker, $3,170; of a full-time domestic worker, about $1,200.

Nearly 25 million Americans live in poverty today, many because the work they do doesn't even command the minimum wage. And those who get the $1.60 hourly minimum wage are actually earning only $64 for a five-day, 40-hour week.

METRIC CONVERSION BILL NEEDED NOW

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. McCLORY. Mr. Speaker, it is timely for us to recall that the Bureau of Standards completed a 3-year study—in July 1971, on the subject of a conversion of our Nation to the metric system of weight and measures.

The report recommended that a national program should be established for an overall conversion to the metric system over a 10-year period.

Mr. Speaker, some 20 colleagues have joined me in the introduction of H.R. 2351 which would establish a Metric Conversion Coordinating Commission which would be able to act in conjunction with advisory committees and other private organizations throughout the Nation in order to coordinate a conversion to the metric system in our industries, businesses, educational institutions, and elsewhere throughout the Nation.

Mr. Speaker, ours is the last great Nation which has not converted to the metric system—or is not in the process of such a conversion program. We should act promptly to utilize the metric system as our sole or predominant system of weights and measures. However, unless we establish a national program and coordinate our efforts, a haphazard and confused changeover will occur in our Nation which can be most detrimental to our educational, economic, and other interests.

Mr. Speaker, the confusion and disorder that can result is revealed in a recent editorial which appeared in the Sunday, September 2, issue of the Washington Star-News entitled "Going Metric." This editorial calls attention to a plan adopted by the Maryland State Board of Education to begin a 6-year transition to the metric system in the State's public schools. Obviously if other educational systems and business organizations are continuing to utilize our existing system of weights and measures after the Maryland schools have discontinued teaching the present system, confusion would be bound to follow.

Mr. Speaker, the editorial which I am attaching to these remarks provides a potent argument in favor of early action by the Committee on Science and Astronautics and the Congress for passage of H.R. 2351 or some other comparable measure which will establish a national policy as well as a Federal mechanism for effectively coordinating a conversion of our entire Nation to the metric system—with a target date 10 years hence.

The editorial follows:

[From the Washington Star-News, Sept. 2, 1973]

GOING METRIC

Meeting in Ocean City the other day, the State Board of Education reportedly ordered a plan under which Maryland teachers, starting next fall, would begin a six-year transition to make the metric system the basic standard of measurement to be used in all types of classroom instruction.

Well, that's an interesting goal. And our first, firm reaction is that the board would be well advised to move toward it in inches, not meters.

It's not that we are emotionally committed to the only (non-metric) system we know, or that we oppose advance planning. The United States, as most people are aware by now, is about the only major non-metric nation left. A lot of bills that are pending in Congress would make the switch as a matter of national policy. The administration seems inclined to support the idea. There are some sound economic reasons why we should join the rest of the world, and our guess is that the changeover, in time, will occur.

Still, the decision to change hasn't been made yet, and in that light the state board's apparent determination to shove Maryland's schools in front of everyone else with a total commitment to the metric system is premature.

A substantially greater degree of classroom exposure to the metric system—along with the mysteries of the inch and the ounce—makes a lot of sense, starting right now. And in the event the entire nation does go metric, the merit of having a standby plan to cope with the immense problems of textbook replacement and teacher retraining is perfectly obvious.

But next year for certain—and quite possibly six years from now—all the rest of us will still be measuring tomatoes in pounds and first-downs in yards. Unless and until everyone changes, that is also the language in which Maryland school kids will have to measure.

THE A-7D IN COMBAT

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. TEAGUE of Texas. Mr. Speaker, the August 1973 issue of Air Force magazine carried an article by Mr. John Frisbee in which he has vividly related the story of the A-7D airplane in combat in Southeast Asia. The A-7D is made by the LTV Corp. located in Dallas, Tex., and has been the mainstay of the Air Force for a number of years, to say nothing of their performance for the Navy.

The article follows:

HOW THE A-7D REWROTE THE BOOK IN SEA

(By John L. Frisbee)

In the closing weeks of the Vietnam War, USAF sent the 354th TFW and its A-7Ds to Southeast Asia. During those ten weeks, the Little Hummer flew some 4,000 sorties—interdiction, close support, SAR, escort, Linebacker II. The wing lost only two aircraft in combat ops. Its accuracy with iron bombs set a new standard for tac fighters . . .

"When our flight of three A-7s got to the target area in Laos, three F-4s were working it with laser-guided bombs. They were going after a bridge and had damaged it extensively before their fuel ran low and they had to leave.

"Then the FAC put us on the bridge. One of our pilots was a first lieutenant on his second mission in SEA—the second time he had ever dropped bombs in combat. We destroyed that bridge with three bombs.

"Next, the FAC gave us a bypass bridge about 100 meters down the river. We dropped it with two bombs and went over to a ferry crossing on another river. With three bombs, we destroyed the ferry cable, the dock, and the ferry.

"'Okay,' the FAC said, 'I've got only one more bridge.' We went down to that bridge and destroyed it with three bombs. Fantastic!"

The A-7D mission that Capt. Buddy Sizemore—a pilot of the 354th Tac Fighter Wing out of Myrtle Beach AFB, S.C.—described may not have been exactly typical, but it wasn't all that untypical of the wing's experience in Southeast Asia, either. And Captain Sizemore's "Fantastic!" is the judgment of a pilot who had been there before. Earlier in the war he flew a tour in F-4s, based at Phu Cat.

HIGH ACCURACY, LOW LOSSES

If you didn't know that USAF had an A-7D wing in SEA during the closing months of the Vietnam War, you're forgiven. Despite the remarkable record of the 354th TFW and its A-7D "Little Hummer," they got scant notice in the press. But they were there, all right.

The wing, then commanded by Col. Thomas M. Knoles, arrived at Korat Royal Thai AFB in mid-October 1972. Its seventy-two birds flew some 4,000 sorties between October 16 and the end of December, when the Linebacker II bombing campaign ended US participation in the Vietnam War. A squadron of the 354th is still there, along with one squadron from the 355th TFW, Davis-Monthan AFB, Ariz., both under Col. William D. Curry, now the 354th Wing Commander.

Although neither Guinness nor anybody else keeps record books on tactical fighter wing achievements, the 354th TFW must have set a lot of new marks. Its deployment from Myrtle Beach to Korat set the tone for the entire operation. Col. John Rhemann—then Wing Deputy for Operations and now Wing Commander Rear, back from SEA and running the show at Myrtle Beach—said, "This was one of the few times in Air Force history that a wing of fighter aircraft departed the US and arrived at its overseas destination with all aircraft on schedule."

During its ten weeks of combat in 1972, the wing—operating at a 0.87 frag rate for its seventy-two aircraft, which comes out to sixty-two sorties a day—dropped nearly 25,000 bombs, most of them Mark 82 500-pounders. According to FACs and other interested observers of bombing accuracy, they probably had an average miss distance of about ten meters.

Capt. Harry G. Rodman is a FAC who worked the 354th A-7s, mostly against interdiction targets. He's now stationed at Hurlburt Field, Fla., with the 549th Tactical Air Support Training Squadron. Captain Rodman says that the A-7D "was tremendously accurate. You could depend on the weapon system to put an iron bomb exactly where you wanted it—an unguided system that could be used with confidence against point targets. When all its systems were operating, it was nearly as accurate as guided bombs."

Against all kinds of targets—trucks, storage sites, ammunition caches—the wing averaged close to twenty-five percent secondary explosions, significantly higher by estimates of experienced pilots than normally scored by other tactical fighters.

The A-7D proved to be reliable and easy to maintain. It had a ground abort rate of 0.3 percent and an air abort rate of 0.5 percent. Tactical Air Command's "acceptable" rate is 5.0 percent.

Perhaps most remarkable of all was the A-7D's combat loss rate. The 354th was fragged against all kinds of targets in South Vietnam, Laos, and Cambodia, with emphasis on generally well-defended interdiction targets. During Linebacker II, they supplied the bulk of the daytime strike force, hitting undisclosed targets—some of them near downtown Hanoi—requiring extreme accuracy. The wing lost only two aircraft in its combat operations. One of the pilots was captured and subsequently returned when the POW's were released by North Vietnam. The other, regrettably, was killed.

THE A-7D'S SMARTS

What accounts for the 354th TFW's unprecedented accuracy in delivering unguided bombs and for its combat loss rate, which must be the lowest in the history of tactical fighter operations? Ask any A-7D pilot, and he'll tell you it was the airplane—not the pilots.

Even though fighter pilots are not noted for their modesty, we'll discount that statement. With two or three exceptions, all of the 354th pilots who flew in SEA were old hands. Most of them had at least one previous SEA tour in F-100s, F-105s, or F-4s. The same goes for the rated members of the wing staff and the squadron commanders who led missions. And they all had a good bit of A-7 time in the States. You don't write off that kind of experience as a neutral factor.

Nevertheless, a large share of the credit must go to the bird itself. Its electronic systems were described in some detail by Capt. Tom Ryan, a 354th pilot, in an article, "A-7D—That Super-Accurate SLUF," published in our March 1972 issue. The systems include forward-looking radar, Doppler, an Inertial Measurement System, and a radar altimeter. The information supplied by these systems is digested by a tactical computer and displayed on a Projected Map Display System (a map in the cockpit on which the aircraft's precise position is continuously indicated) and on a Head-Up Display (HUD) projected on the windscreen, which gives the pilot all information he needs to control the aircraft and deliver bombs or 20-mm shells on target. The systems can be used for accurate straight-and-level bombing from medium altitude, radar offset bombing, computed gunfire, and for dive-bombing—the most accurate bomb delivery mode.

One of the beautiful things about the Little Hummer's systems is the flexibility they give a pilot in his dive-bombing run. After the navigation systems have led him to the target area, all he has to do is identify the target, then, looking through the Head-Up Display on his windscreen, put the HUD's aiming symbol on the target and press a "designator" button on the stick. The computer almost instantaneously figures out the point in space where bombs must be released to hit the target. The pilot can take evasive action all the way down the chute until the aiming symbol meets the target. At that point, he levels his wings for "about three seconds," pickles the bomb, and pulls off the target. Bull's-eye or a near miss! No more worries about parameters of airspeed, dive angle, release altitude, which have always demanded so much of a pilot's attention, kept his head in the cockpit, and made him a predictable target for enemy gunners.

STAY HIGH, STAY SAFE

Except in cases where they had to go low in order to identify a target, the 354th pilots released from altitudes between 5,000 and 7,000 feet—well above the effective range of small-arms fire and most enemy AAA. So the A-7D's electronic systems in the hands of competent pilots came up with unequalled accuracy and survivability.

Here's how Lt. Col. Charlie Copin, Commander of the wing's 356th Squadron, put it: "My job as a squadron commander was to make sure that targets were hit and that the airplanes came back so they could be used again the next day. It was damned nice to be able to put a 3,000-foot-above-the-ground minimum altitude restriction on my pilots, knowing that they could hit the target without getting down in the weeds. It was the airplane, not the pilots, that allowed us to do that."

The A–7's accuracy did create an educating job for the pilots. "We had to get the FACs to not talk in general terms," Captain Sizemore said. "They would say, 'Okay, fifty meters west of my smoke.' You'd drop a bomb and the FAC would say, 'Now ten meters east.' We had to tell them, 'Hey, wait a minute. I see a tree on a rocky point. Where do you want it in relation to that?' We had to educate them to use specific points."

Should the A–7 be modified to carry laser or electro-optical guided bombs? Capt. Don Cornell doesn't think so. "To be realistic, LGBs are more accurate than the A–7's iron bombs. The difference in accuracy isn't great, and it's not going to cost you as much to destroy a given target with the A–7 as with guided bombs."

Another virtue of the A–7D's systems was pointed out by Capt. Dave Sawyer. "The tac computer allows you to come in on a target from any direction, dive angle, and airspeed. With several A–7s working a target, each with different parameters, you really can keep the defenders busy. And you don't have to waste any time finding the target. All pilots know where it is from their systems. You can hit it and get out fast."

When operating on long missions, as they did in SEA, and for deployment, the A–7D's navigation system is a real boon. Captain Cornell said that occasionally, during the deployment to Korat, the KC–135s that refueled them over the Pacific would update their navigation systems from his. "I was less than a mile off course between Hawaii and Wake Island. This was entirely on the Inertial Measuring System, and without the Doppler, since we were over water."

LITTLE BIRD—LONG LEGS

Another plus for the A–7D—and for Seventh Air Force planners—was the length of the airplane's legs. Colonel Rhemann has a bunch of charts in his briefing room at Myrtle Beach AFB, centered on Korat RTAFB. They show the areas in which combat-loaded A–7Ds could operate without refueling from tankers—essentially all of Southeast Asia.

A typical configuration was for a mission with a 350-nautical-mile radius. That radius takes in all of western South Vietnam, North Vietnam to within about ninety miles of Hanoi, Cambodia, and Laos except for the extreme northern tip. Carrying two 300-gallon wing tanks, eight Mark 82 bombs, and 1,000 rounds of 20-mm ammunition, the bird had thirty minutes in the target area and 2,300 pounds of fuel reserve on return to Korat. By cutting the fuel reserve to 1,500 pounds, combat radius was increased to 480 nautical miles—well beyond Hanoi and Haiphong, without refueling.

Often a pilot was fragged against a target in southern South Vietnam, diverted to one in north Laos, and was still able to give the FAC twenty to thirty minutes in the target area without refueling. Some Linebacker II missions were flown without tanker support; on others, external tanks were left off in order to increase the A–7's bomb load, and tankers were used.

The A–7D's range came in handy in two other missions assigned to the 354th: search and rescue (more about that later), and night escort for the AC–130 Spectre gunships. Maj. Jack Terry believes that the A–7 was the best aircraft in SEA for gunship escort "because we could stay with them so long—about an hour and a half. When escorting the Spectres, we did flak suppression on the big guns," which was never a real fun job.

Did the wing do much night work? "No," said Lt. Col. Dave Eknes, the 355th Squadron Commander. "The A–7 is well adapted to night operations because of the precision of its systems, but we were limited by the number of aircraft we had over there. They wanted us in the daytime."

SEARCH AND RESCUE

When the 354th went to SEA, they expected to be flying interdiction and close support. It turned out to be more interdiction than close support, largely because of the nature of the conflict at that time. Very few US ground forces were involved, and, during late 1972, there were fewer troops in contact, so the number of true, "close-support" sorties was considerably less than in previous years. Then they flew some bombing missions that could be classified as strategic during Linebacker II.

The big surprise, however, was being given the Sandy role in search and rescue (SAR) operations—locating and protecting downed airmen, covering the rescue helicopters, and coordinating action in the pickup area. That happened three weeks after their arrival at Korat, because the A-1s that had done the Sandy job throughout the Vietnam War were being turned over to the South Vietnamese Air Force.

"There was considerable skepticism about the A-7's suitability for the Sandy mission," Colonel Rhemann recalled. "We went into an extensive training program to develop new tactics. By comparison to the A-1, the A-7 is a relatively fast, high-performance aircraft. Tactics had to be changed significantly. We had a couple of pilots who had flown A-1 Sandys in SEA, and that helped.

"A week after taking over the Sandy job, our pilots participated in the pickup of two F–105 pilots near Thanh Hoa in some very marginal weather. It was a difficult mission, and, after that, there was little doubt that the A–7 was not just an adequate replacement for the A–1. It was far superior in that role."

Before the air war ended eight weeks later, 354th Sandy pilots had taken part in the rescue of twenty-two downed flyers. The "difficult mission" Colonel Rhemann spoke about was certainly among the classics of the SAR business. Here is how it went:

An F–105 Wild Weasel had been hit by a SAM in the vicinity of Thanh Hoa, on the coast, some ninety miles south of Hanoi. The Weasel crew bailed out at about 11:00 p.m., landing at the base of the first ridge line west of the city. The following day, three of the 354th Sandys went up in very bad weather and got the survivors located, part way up the ridge line, but separated from each other.

A SAR force of about seventy-five aircraft was put together late that day and during the night by the Joint Rescue Coordination Center at Tan Son Nhut Air Base, near Saigon. It included F–105 Wild Weasels to suppress the SAMs around Thanh Hoa, F–4 Wolf FACs and F–4 MIG CAP aircraft, tankers, an HC–130 Kingbird (the mission coordinator), H–53 Jolly Green rescue helicopters, A–7Ds with smoke for screening purposes, and three 354th TFW Sandys. Pickup was set for first light the following day, with takeoff for the Sandys at 0430.

Maj. Colin A. "Arnie" Clarke, who was operations officer of the 35th TFW's SAR organizaton, led the Sandys. He has been awarded the Air Force Cross for his part in the show.

The Sandys rendezvoued with the Jolly Greens above a solid overcast along the Laos-North Vietnam border. While the Jollys held in orbit, Major Clarke and his wingmen worked east from the Plaine des Jarres in Laos, looking for a break in the overcast through which a chopper could let down. Approach from the Gulf of Tonkin seemed out of the question. The Thanh Hoa area was heavily defended by antiaircraft guns and SAMS, while just north of the town was a MIG field.

INTO THE VALLEY

Major Clarke told his wingmen to hold while he let down several times into narrow valleys, trusting to the accuracy of his Projected Map Display and radar altimeter. Each time he broke out under very low ceilings, the valley proved too narrow to turn in, and ahead the clouds closed down over rises in the ground.

Giving up on the valleys, Clarke climbed up on top, flew east, and let down over the Gulf to see if there was any way to work in a Jolly through the enemy defenses along the coast. There wasn't. He did get the survivors pinpointed and marked on his Projected Map Display so both men on the ground could be found immediately on return.

Clarke now went back over the Gulf, picked up his wingmen and the smoke-carrying A–7s, and took them in to see where the survivors were. The A–7s took several .51-caliber hits. But weather in the pickup area had improved somewhat—2,500-foot ceiling with lower broken clouds, rain, and three miles' visibility. It was still too low for the supporting F–4s to use their delay-fuzed CBU antipersonnel bomblets against enemy gun positions. To the west, the only approach route for the choppers, it was still down in the valleys.

Everything pointed to an aborted mission. But Major Clarke "knew that the weather wouldn't be any better for days. The survivors couldn't last that long." Having been shot down himself on an earlier tour as an F–100 Misty FAC, he knew that it was now or never.

Going back west again, Major Clarke let down on instruments in a valley wide enough to turn in. While he orbited just above the ground, one of the Jollys did a DF letdown on him, but ran low on fuel, climbed back through the clouds, and headed for home.

The mission now was six hours old.

Two more Jollys came up from Nakhon Phanom and held while Clarke went out to a tanker for a rest and fuel. At that point, he set a pickup time for the SAR force. Going back west, he once more let down on instruments into a valley "wide enough to hold a two-G turn" and a chopper DFed down on his position—about forty-five miles west of the survivors.

Flying ahead and doing 360-degree turns to stay with the chopper, Clarke led it to near the pickup area, where he told the Jolly to hold while he went in to get the survivors alerted and suppress fire from enemy guns.

Clarke now discovered a .51-caliber gun position on the ridge, just above one survivor, who was hiding in tall brush. "A guy could have thrown a hand grenade from the gun pits onto the survivor." He and his wingmen, Captains Sawyer and Cornell, kept fire on the guns while the A–7 smoke birds laid down a screen.

By this time, there was a lot of lead flying around and a lot of chatter on the radio. The Jolly Green pilot decided to come in, unaware of the gun position close to one survivor. Miraculously, he made both pickups, then headed west, directly past the .51-gun pits.

Clarke made "a very low pass" on the guns to protect the Jolly and took a hit "by something that felt like a 57-mm." He lost all his systems and pulled up into the clouds "with what I hoped was wings level. About that time a SAM radar picked me up, and things didn't look too good." The SAM apparently didn't fire.

Clarke broke out on top, joined up with a couple of A–7s, and made an IFR landing at Da Nang, flying the wing of one A–7 Mission time: about nine hours.

The "57-mm hit" turned out to have been a .51-cal tracer that exploded one of his empty wing tanks, blowing in the side of the fuselage and bowing the underside of the wing.

That was one to remember.

MANY PLUSES—A FEW MINUSES

The 354th Tactical Fighter Wing was the first to try out the A-7D in combat. They went to Korat to fly interdiction and close support. That they did, and gunship night escort, search and rescue, helicopter escort—and Linebacker II daytime strike missions in and around Hanoi. They did a lot of things that no tactical fighters have done before, and some things that other fighters haven't done as well.

No one in the 354th bad-mouths the A-7D. Not the pilots, who came from F-100, F-105, and F-4 units. Not the ground crews or support people.

Like every airplane, the A-7D has its faults—like its ground-loving tendency on a hot, 105-degree runway with a full load—but they're few compared to its virtues. And, so far as runway length is concerned, Charlie Copin pointed out that "where you don't have to fly as far to target as we did in SEA, you can leave off the wing tanks, carry the same bomb load, and reduce take-off roll by 3,000 feet."

If they could redesign the A-7D, how would they change it? More power? Of course. Every pilot wants that in any airplane. A bigger gun? Maybe, but if you can hit a tank with bombs on the first pass, do you really need a bigger gun?

Anything else?

After a long pause, Capt. Don Cornell replied, "I guess about the only thing I'd do would be to make it a little prettier."

And that just about sums up the 354th Tactical Fighter Wing's feeling of affection for its Little Hummer.

VEYSEY URGES CONGRESSIONAL SUPPORT FOR LIVESTOCK DISEASE DISASTER AID

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. VEYSEY. Mr. Speaker, the Small Business Administration legislation which we are considering today contains a provision of major importance to the Nation's farmers and in particular to the economy of Southern California. It would make livestock farmers eligible for SBA loans when they are stricken with epidemic diseases such as we have seen in the past several years in poultry, hogs, cattle, and horses.

In California, some 30 to 40 percent of our egg production has been wiped out during the past 18 months due to exotic Newcastle disease in our laying hens. Eight counties were quarantined and nearly 10 million laying hens were eradicated by Federal order.

Literally thousands of poultry producers have been wrecked economically simply because the Government compensation for chickens condemned and destroyed by the Department of Agriculture has not been sufficient to allow reinvestment.

This is a clear-cut case of the Government systematically eliminating the livelihood of thousands of individual businessmen, necessarily and in the public interest of course, but without providing sufficient help to allow those individuals to get back on their feet.

This bill we are considering would clearly make poultry farmers stricken by disease eligible for SBA loans under the livestock disaster provision.

Today, the dreaded Newcastle disease is virtually under control, but the egg producing industry is still reeling from the blow. Producers were paid at a maximum rate of $2 for each bird killed, but are finding that replacement costs averaged $2.39 per bird, and that their creditors eat up their reimbursement payments.

Including turkeys, broilers, and other species, as well as laying hens, some 11½ million birds have been destroyed in the past 18 months in southern California. And while some of the larger producers are able to find the capital or credit to replace their flocks, the great majority of the producers who lost their laying hens are small family farmers. It is imperative that we afford them this loan assistance through the SBA, to allow them to meet the requirements to reestablish their businesses. They are efficient, vitally needed cogs in our agricultural production chain. They have already made great personal sacrifices to protect the poultry industry nationwide from Newcastle disease. And it is not only our moral responsibility to provide them this assistance, but it is an economic must to protect the poultry industry at a time when supplies of meat and eggs are falling short of demand.

There are other severe situations where this legislation will be an important asset. For instance, many producers who lost their flocks could not collect Government repayments because the USDA did not actually destroy their birds. Yet, because they were within the area quarantined, they were prevented from selling their animals or animal products on their regular markets. In such situations, they were forced to destroy the birds or sell them at great losses. Specifically, a number of turkey producers in my district were affected in this way, and their direct losses averaged several hundred thousand dollars apiece. Those growers were not huge corporations—they were family farmers and they have lost their life's investment and their capacity to earn a living.

Throughout the country, we have seen other examples during the past few years. In New Jersey and Indiana, hog cholera destroyed family farmers. In Texas, it was Venezuelan equine encephalomyelitis. And in several areas, the disease has been brucellosis in cattle.

In each case, under the livestock disaster provision of this SBA legislation, the help so critically needed will be made available.

WATERGATE IN PERSPECTIVE

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. GUBSER. Mr. Speaker, at the request of one of my constituents, I am submitting the following article, written by William Randolph Hearst, Jr., for publication in the CONGRESSIONAL RECORD. Believing that all points of view should be heard, I hope Mr. Hearst's comments will be noted by readers of the RECORD.

The article follows:

WATERGATE IN PERSPECTIVE

(By William Randolph Hearst, Jr.)

Readers of this column know that whoever holds the man-killing job of President of the United States has my automatic sympathy, and automatically gets all the support that honestly can be extended here. This rule has prevailed ever since these writings began back in the early '50s.

There was no need whatever to consciously apply the rule last Wednesday while watching President Nixon on the tube at his remarkable press conference in San Clemente. Unless you are one of those who are convinced he has hooves, Mr. Nixon's performance absolutely compelled your sympathetic respect, and in most cases, I think, your admiration.

For 50 minutes he stood exposed to a merciless sun and a merciless inquisition the like of which no other president has ever had to face. Every question on Watergate, many painfully antagonistic and some actually insulting, was immediately and forcefully answered. He was in total charge of himself and the situation.

Even the reporters who had been trying to trap him, who had privately been hoping he would fall on his face, were forced to admit admiration. Which makes you wonder why a man who can handle himself so well under incredible pressure waited as long as he did to undergo an inevitable confrontation.

By making himself a veritable Howard Hughes-type hermit for more than five months, Mr. Nixon did himself a grave disservice. Maybe, hopefully, the favorable public response to his performance at San Clemente will lead to regular and frequent press conferences in the future. It should—for his benefit and the welfare of the nation.

The President's replies, of course, did not halt the hue and cry of the forces determined to wreck him and his administration. They are going to continue to lambaste him at whatever cost to national stability, and despite the sickening irrationality of magnifying the negative and minimizing the positive.

I, for one, have always felt that Watergate essentially is a great flap about very little. So do a lot of other people who appreciate what the President has done for peace in Hanoi, Moscow and Peking.

To help restore the perspective on Watergate which has been turned upside-down by months of partisan uproar—a restoration which the President naturally is striving for—I want to offer here today some comments by a witty and astute British writer.

He is A. J. P. Taylor, an erudite and veteran observer of world affairs for the London Daily Express, the major newspaper property of the late Lord Beaverbrook. This paper, which is anything but reactionary, is now being run by his son who is my best friend in the field of English journalism, Sir Max Aitken.

With the permission of United Features Syndicate, which acts as agent for the Express in this country, the following comments on Watergate by Mr. Taylor are recommended for your consideration. Remember they were written for an audience of completely objective Britishers.

I do not want to read another word about Watergate. Scandals involving politicians are always enjoyable, far more so than scandals about, say, literary men. But they must be real scandals—scandals about vast financial coups or fantastic and unlikely sexual activities.

But what is Watergate about? So far as I can undertsand, nothing at all. Certainly not about anything that shocks or even amuses me.

Some hired men of the Republican Party proposed to listen in to the affairs of the Democrats' National Committee. They therefore bugged a room in the Watergate Hotel.

That is all. You don't believe it? You must. It is true. In a sense this redounds to the credit of the American people. If they can get really worked up over Watergate and the whole affair is not a fabrication of imaginative journalists, the Americans must be extremely innocent.

Suppose the Watergate affair had happened in this country? Who would have cared? As Watergate drags on its weary way I have been waiting to be told what the buggers learned or hoped to learn. There has never been the slightest hint that they ever learned anything or that there was anything to learn.

If Labour headquarters were permanently wired to Conservative headquarters and the other way around it would not make the slightest difference to our political life except that it would be a relief for each party to listen to each other's bores instead of to their own.

So far as I am concerned the congressional committee can go droning on and on. Witnesses can produce their allegedly sensational evidence. Senator Ervin, aged 76, can make still more foolish blunders. But it is all a dead story without life or interest.

Yet there is a serious point involved. The United States of America count for a great deal in the world. Despite some ambitious rivals, such as Russia and China, they are still the greatest power in the world and the one that offers the greatest promise for the future.

What is more, the U.S. have a damned good President, or had until recently. Nixon has done things that were beyond the much praised John Kennedy and certainly beyond the late Lyndon B. Johnson.

Who showed that the Cold War was nonsense? Who ended its more than 20 years by his personal initiative? None other than Richard Nixon. And he did not play off China against Soviet Russia. He secured friendship and reconciliation with both.

Look around on the statesmen of the past half century and ask: Who has done most for the peace of the world? There is a clear answer: Richard Nixon.

And this is the man who has to be smeared and pilloried because some junior Republican officials, maybe with his consent, were curious to know what went on at Democratic meetings.

I say to all Americans, including those many academics who write high minded letters to the New York Times: "Pack it in." We have really had enough. We do not care who bugged whom at Watergate. We do not care who knew and who didn't.

President Nixon himself cannot escape the American atmosphere. Even he takes Watergate seriously and is upset by it. But let him take heart. No one outside America cares about Watergate in the slightest.

If you want a real juicy scandal, rejoice that you are an Englishman. When it comes to scandal, we are still the tops.

And that's the message for today.

Thank you, Mr. Taylor, for helping correct a perspective on Watergate which has been cockeyed for far too long a time in our country.

As President Nixon keeps repeating, this nation must now press ahead on matters which are really important to its future—and to the future of humanity itself.

MORE ON THE ACTIVITIES OF AIM

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. HUBER. Mr. Speaker, on April 10 of this year I placed in the CONGRESSIONAL RECORD a story by Mr. John E. Peterson on the activities of the organization AIM and its financing by the Office of Economic Opportunity. A recent column by Mr. Jenkin Lloyd Jones summarizing the latest activities of AIM as it supposedly tries to help the American Indian was printed in the Richmond Times-Dispatch on August 19, 1973. In my view, it is an instructive article on the activities of this group and how it is financed. The column follows:

THE IMPOVERISHED FREEDOM FIGHTERS HANDED OUT $2,000 IN WAR DANCE PRIZES . . .

(By Jenkin Lloyd Jones)

The world is going to have to wait for a few more days for the "Tomahawk Statement," promised at the end of the recent American Indian Movement (AIM) convention at White Oak, Okla.

The Tomahawk Statement is supposed to contain the specific demands which must be met if AIM is not to go to war against the rest of the Americans. But confusion at the convention apparently delayed its writing, and the convention had an exportable surplus of confusion.

Billed as the "largest gathering of American Indians in history," with expected attendance of from 5,000 to 7,000, the convention got under way July 25 with about 200, including a carpetbagging professor from the University of Paris.

In the meantime, AIM had managed to scrounge food for 750 persons for six days out of a government allowance for needy children in summer camps. When state welfare officials arrived the next day to check on "the children," they were refused admission on the grounds that the powwow was being held on private property and, besides, the food was all gone.

Simultaneously, Vernon Bellecourt, AIM national director, arrived in Chicago by plane from Europe where he said he had obtained pledges of $100,000 to help AIM leaders fight court actions arising from their takeover last Feb. 27 of the village of Wounded Knee.

He had complained bitterly of "excessive bail"; yet federal officials allowed him to travel on after he had put up just one-tenth of the court-ordered $10,000 bond.

The AIM activities have been useful in that they have pointed out the extent of deprivation and underprivilege suffered by some Americans. These Americans, of course, are taxpaying non-revolutionaries.

The AIM revolutionaries did $300,000 worth of damage last fall to the Washington headquarters of the Bureau of Indian Affairs. They were not only unpunished for this but given $66,000 in tax money to go away.

In January, AIM members invaded the campus of the University of Grand Forks in North Dakota and proceeded to tear up the annual "King Kold Carnival" and beat up student defenders. AIM declared itself incensed because Indian figures were carved out of snow. The university calls its football team "The Sioux."

A university vice president lectured the students for "needing a greater awareness for the sensitivities involved."

The next month, AIM took over Wounded Knee, breaking into houses, desecrating the two little churches and holding citizens as terrorized hostages. The raiders proudly posed with Russian-made AK-47 assault rifles.

If any other group of Americans had seized—let's say—a village in New Jersey, retribution would have been swift. But at Wounded Knee the U.S. government contented itself with mounting a countersiege that cost the taxpayers $50,000 a day for over a month.

AIM has been given $400,000 by the Office of Economic Opportunity, another $238,000 by the Lutherans and uncounted support from the National Council of Churches. Not bad for an outfit founded by two convicted robbers, the Bellecourt brothers, and a paroled burglar, Dennis Banks.

The aim at Wounded Knee? It was to topple the elected government of the Oglala Sioux, not by another election but just by topple.

But Oklahomans took the White Oak fiasco with monumental calm, although AIM braves charged around vowing to defend themselves to the death. A gaggle of preachers had 20 volunteers manning a "rumor center" in nearby Vinita in order to prevent bloodshed; but no one called, and it went out of business early.

The meet ended three days ahead of schedule and reached its peak attendance of about 800 at the final powwow at which the impoverished freedom fighters handed out $2,000 in war dance prizes. A remnant roared off to a sun dance in South Dakota, vowing to give the governors of Kansas and Nebraska "a real jolt" as they passed through.

Still upcoming is the Tomahawk Statement.

Vernon Bellecourt says it will demand that the 60 per cent of South Dakota lying west of the Missouri River be replevined by the 13,000 Oglala Sioux in accordance with an 1869 treaty.

That will make a quarter of a million self-supporting, tax-contributing, dawn-to-dusk working farmers and ranchers suddenly landless. Maybe they can get some help from leaders of the Lutherans and the National Council of Churches, all of whom live on land that once belonged to Indians.

THE CASE AGAINST THE BUDGET COMMITTEE

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. FRASER. Mr. Speaker, the House Rules Committee is now considering legislation which would create new budget committees in the House and Senate. In testimony before the committee on August 2, I urged rejection of this legislative proposal.

My statement to the committee is reprinted below:

TESTIMONY OF CONGRESSMAN DONALD M. FRASER

Mr Chairman and Members of the Committee.

Thank you for letting me appear today. I appear both as National Chairman Americans for Democratic Action and as a member of the House of Representatives.

I urge you not to report the bill which would create another formal layer of decision-making with respect to the budget. Adding a Committee on the Budget in each House of Congress would diminish the capacity of Congress to efficiently deal with the problems relating to the revenues and expenditures.

The case for this proposal is based on fictions rather than facts.

Fiction number one—Federal expenditures are getting out of hand and we must somehow regain control over burgeoning expenditures.

Fact—The federal outlay budget for fiscal year 1974 represents about 20.8% of the GNP, which is very nearly the same as ten years ago when it was 19.4% of GNP.

If we exclude social security, unemployment compensation and medicare which are self-financing social insurance systems, then in 1974 the remaining federal outlays are 14.4% of GNP and compared with 15.8% ten years ago.

But state and local government expenditures have been rising. From 1960 to 1970, state and local expenditures rose from 11.8% of GNP to 15% of GNP. Increases in federal grant-in-aid accounted for only 1% of this increased spending, with the rest representing revenue growth and tax increases. The burdens on state and local government with their limited tax resources are rising much more rapidly than federal expenditures. They need help.

(See the tables attached at the end).

Fiction number two—That the Appropriations Committee in voting appropriations needs constraints to be imposed by another committee.

Fact—An examination of last year's Appropriations Committee actions shows remarkably little variance from the President's budget. In the total appropriation action, outlays were reduced by $2 billion. The ten major appropriations bills enacted compare with the President's budget requests as follows:

ESTIMATED OUTLAYS

[In thousands of dollars]

	Requested	Enacted
State, Justice, Commerce, Judiciary	$4,288,068	$4,260,068
Housing and Urban Development	19,091,965	19,125,965
Transportation and related agencies	8,504,457	8,456,457
Labor, Health, Education and Welfare	29,664,305	29,586,305
Interior and related agencies	2,533,657	2,543,657
Treasury, Postal Service and general	5,184,244	5,147,744
Public Works and Atomic Energy	5,709,840	5,737,549
Agriculture and Environmental and Conservation	12,270,420	12,520,420
Department of Defense	73,804,284	72,054,284
Foreign assistance and related agencies	3,483,594	3,218,594

Source: 1973 Budget Scorekeeping Report, p. 10.

What the Appropriations Committee needs, if anything, are larger staff resources to be able to do its work more effectively and thus exercise greater discretion than they are now able to do.

The last thing that the Appropriations Committee needs is more restraints on its work.

Fiction number three—That a new committee will provide new insights and keener perception about our national needs and the adjustments needed in the budget to meet them.

Fact—Deciding where our revenue should be spent is a political judgment made in the first instance by the President in his budget submission. Departures from the President's budget tend to result from external pressures. One of the strengths of a national legislature is the opportunity afforded citizens to seek redress from presidential decisions they regard as unwise. This is done in hearings, by lobbying, and constituent communications. The result may not always be neat and orderly, but it is an open process which accommodates to changing views about our nation and its problems.

A new layer of committee decision-making inserted early in the congressional process will add another layer designed to insulate congressional decisions from the public. We'll become less, rather than more, responsive to public concerns.

Fiction number four—That we lack an adequate means of regulating the gap between revenues and expenditures and thus are contributing to economic instability.

Fact—We in the House have the Ways and Means Committee, and in the Senate the Finance Committee.

At the end of each appropriations season, these committees have both the responsibility and the authority to report to the floor the needed tax adjustments—either up or down.

Why don't they do it? You might ask them to answer that question. I will be glad to join in any rule, resolution or bill which will require them to do this.

I conclude with these observations: The most serious problem facing Congress is its own unwillingness to adjust tax rates to regulate the impact of federal activities on the economy of the nation. We are paying dearly today for the failure of Congress to promptly enact a tax increase to pay for the increasing costs of the Vietnam war. That failure, and the failures in succeeding years which it typified, have caused enormous damage to our country and its citizens, including sustained inflation, loss of overseas trade, devaluation of the dollar, and substantial unemployment. Except for the temporary 10% surtax which came too late and has since expired, we have steadily reduced taxes over the last dozen years so that we collect today $50 million less each year than we would under the tax rate existing in the early '60's. (I exclude from this calculation social security taxes which have gone up.)

Every other level of government faces the tax problem more forthrightly than do we, I urge the Committee to address itself directly to this problem.

Our second major problem is our inability to more wisely spend where our real needs are—which is at home. Our national defense budget is $15 to $20 billion too high.

Our third major problem is our inability to make our tax system fairer. It is estimated that $60–$70 billion is lost each year in tax avoidance or tax reduction provisions—which are, in effect, subsidies going mostly to the wealthy. It has been suggested that we should treat these as appropriations.

These three problems can be solved by making the necessary hard political choices. The use of the party caucus and steering committee together with an augmented staff for the leadership could help to make these political judgments. The overview of our revenues and expenditures is also a leadership responsibility. Responsible committee action, of course, also helps.

I am not satisfied with the present performance of our committees. I hope the Bolling Committee will look carefully at the present distribution of authority between the Appropriations Committee and the authorizing committees. Rotation of membership on committees might help.

These problems can be solved with solid, carefully thought-out initiatives backed up with firm support from the members. But we do not need another Committee which I fear with its short timetables and complex procedures will increase our inability to deal with the real problems facing the United States.

FEDERAL OUTLAYS

[In billions of dollars]

	Fiscal year—	
	1964	1974
Defense	53.6	81.1
International affairs	4.1	3.8
Space	4.2	3.1
Agriculture and rural development	5.2	5.6
Natural resources and environment	2.0	3.7
Commerce and transportation	6.5	11.6
Community development and housing	−.2	5.0
Education and manpower	1.7	10.1
Health (excluding medicare)	1.7	13.6
Public assistance	3.1	10.7
Veterans benefits	5.7	11.7
General government	2.0	6.0
Revenue sharing	0	6.0
Interest on national debt	9.8	24.7
Undistributed intragovernmental trans	−2.9	−9.1
Subtotal	[1] 96.5	[2] 187.6
Retirement, social insurance, and medicare	22.0	83.4
Total	[3] 118.5	[4] 271.0

[1] 15.8 percent of gross national product.
[2] 14.4 percent of gross national product.
[3] 19.4 percent of gross national product.
[4] 20.8 percent of gross national product.

Note: National debt as percent of gross national product: 51.7 percent in 1964; 39.1 percent in 1973.

Source: U.S. Budget in Brief, fiscal year 1974, pt. 5.

FEDERAL, STATE, AND LOCAL SPENDING AS PERCENT OF GROSS NATIONAL PRODUCT

	1960	1970
Federal direct spending (excluding grants-in-aid to State and local government)	18.1	19.0
State and local expenditures (including Federal grants-in-aid)	11.8	15.0
Federal grants-in-aid to State and local government	1.4	2.4

Source: Fried, Rivlin, Schultze, and Teeters, "Setting National Priorities, The 1974 Budget," p. 8 (Brookings Institution 1973).

TRIBUTE

HON. CLEM ROGERS McSPADDEN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. McSPADDEN. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following, first pointing out that I, too, seek and yearn for that day when we will all be brothers and sisters:

EDITORIAL—THAT LITTLE JAP

The reference of John Wilson, Watergate attorney, to Senator Daniel Inouye as "that little Jap" may have reverberations that Wilson never intended.

The Democratic Senator from Hawaii is of Japanese origin but he is also a much decorated veteran of World War II. He served in the European Theatre of Operations and suffered a wound that resulted in the loss of his right arm.

Senator Inouye has conducted himself in a courteous manner during the Watergate hearings. His questioning of witnesses has been orderly and intelligent but very penetrating. His voice is low-keyed and he displays no outward sign of being upset if he receives a response from a witness that he believes to be inaccurate or evasive.

Wilson's remark has focused as much attention on Senator Inouye as the Senator's slip of the tongue, heard over the mike, in using a descriptive word about the veracity of John Ehrlichman. Members of the Senate from both sides of the aisle have made it a point to laud Senator Inouye, his patriotism, his dedication and his ability.

Mr. Wilson may be the catalyst who brings sufficient national attention to the Senator that he will be even more prominently in the limelight that so often results in being selected for a position on a National ticket. The Democrats are looking for new faces. They could do worse than having Senator Inouye on their ticket in 1976, the 200th birthday of the nation "dedicated to the proposition that all men are created equal."

RECLAMATION AND THE NATIONAL WATER COMMISSION

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. JOHNSON of California. Mr. Speaker, in recent weeks you have heard many comments both pro and con relative to the 232 recommendations which were proposed in the final report of the National Water Commission. I must say that I, too, have some reservations about the report and share in the concerns expressed by many of my fellow Californians.

As we look at this report it is important that we consider all views and comments, and especially those of persons who have been working with the water resource programs for many years. There is no one more qualified to comment on the report and its impact upon the water resources of the Nation than the newly appointed Commissioner of Reclamation, Gil Stamm.

Mr. Speaker, I felt it most important that all of us who will be reviewing the report should have the benefit of viewing the evaluation given to this report by Commissioner Stamm. Therefore, I request that his comments on Reclamation Overview of the National Water Commission Report, presented during the recess to the California Water Resources Association meeting in Coronado, Calif., be inserted in the Record at this point.

The comments follow:

Reclamation Overview of the National Water Commission Report

Any organization, be it private or public, profit oriented or service oriented, must constantly monitor its programs to assure that it has well-defined goals that are responsive to the needs and wants of its clients and that it is following policies that foster those goals. This is particularly applicable, as well as difficult, for a Governmental agency where goals and objectives are often hard to define to the satisfaction of diverse, often conflicting, special interest groups which are concerned or affected.

The Bureau of Reclamation, along with other public water resources agencies, currently is updating its programs to assure that it is responsive to current national priorities. Such changes are not new to our agency. Except for periodic major updating of legislative authority, the changes are more evolutionary than revolutionary.

The rate of change, however, is getting progressively more rapid as the future telescopes into the present.

I need not recount in detail to this organization the great history of Federal Reclamation accomplishment nor to defend the role water resources development has played in the economic and social progress in the West. The Reclamation program was begun in 1902 to foster the settlement and economic development of the West through irrigated agriculture. The program has broadened over the years in response to popular needs, changing public preferences, and advances in technology. Functions added include hydropower, municipal and industrial water, flood control, recreation, fish and wildlife enhancement, and water quality.

Program accomplishments to benefit people ought to speak for themselves and not need defending. However, memories are short. We must recognize that past accomplishments resulted from recognition of priorities and values of the day—that has been the key to success. The program of any government or private entity must be dynamic, and responsive to currently popular needs if it is to survive the tests of time.

In 1968, partly in recognition of the fact that there appeared to be no clearly defined National water policy, the Congress directed the President to establish a National Water Commission. The Commission was to make a 5-year comprehensive study of the adequacy of water supplies to meet requirements and to make policy recommendations to assure that the Nation's water requirement could be met.

The final report of the National Water Commission was published in June. A review draft was released in November 1972, and it received intensive review and comment by both public and private groups and individuals.

Many of the report's 232 numbered recommendations are sound and widely accepted; others are proving to be highly controversial. Regardless of your personal opinion on the merits of the report, one item is self-evident: The Commission has poignantly concluded that substantial changes are needed in National water policy, and it has attempted to outline what such changes should be. Many of the Commission's recommendations would require Congressional and State legislation for adoption and implementation. The remainder depend on Executive approval and State and local cooperation.

I expect that not all the Commission's proposals will be accepted immediately and some are likely never to be accepted and implemented. Indeed, the sheer number and complexity of many of them would preclude early implementation. Nevertheless, just like the preceding 20 or 30 Congressional or Presidential Commissions that studied water administration over the past 70 years, many of the recommendations will eventually become law or policy. The Commission has "bitten the bullet" and established strong positions on most major water policy issues, many of which have been with us for years without definitive action.

This 5-year study can have a major impact upon the organization, financing, evaluation, and management of water programs. In my opinion, the Commission properly assessed the mood of the Nation and the need for (1) improvements in institutions, (2) increased non-Federal cost-sharing, (3) strengthening of local and State units of Government, (4) improvement in resource management, (5) recognition of greater environmental concerns, and (6) need for improvements in existing water law. These enumerated needs reflect desirable trends and as such no one can take exception. We may differ with the Commission as to the degree of change that is appropriate in these areas. We may disagree in several specific areas.

The Commission's recommendation for a strengthened independent Water Resources Council is not consistent with President Nixon's Executive Reorganization Proposal that envisions a Department of Energy and Natural Resources with the WRC a part of it.

The National Water Commission's proposal for recovery of all costs, including interest from direct beneficiaries, is controversial and is one with which I personally do not fully agree. It is my experience that the direct beneficiaries are not the only beneficiaries and may not even be the principal ones, therefore they should not bear the full cost. Manufacturers, processors, service industries, professional people all gain from economic spinoff from the multiple functions of water projects. One appropriate method of sharing costs among all beneficiaries is through conservancy districts with ad valorem taxing authority.

Even with the sharing of costs through ad valorem taxation, the need for increased repayment from direct beneficiaries is appropriate in many cases. The legislative policy for repayment is set forth primarily in the 1939 Reclamation Project Act which was enacted toward the end of the country's greatest economic depression. The 1939 Act reflects this. As our water resources become more scarce and therefore more precious, this scarcity should be reflected in pricing policies. With increasing diligence water must be managed to meet human needs in perpetuity.

The Administration intends to develop legislative proposals with respect to the Commission's recommendations on cost-sharing. Secretary Morton, as Chairman of the Water Resources Council, recently set in motion a special interagency task force, formed under the direction of Assistant Secretary Jack Horton, to develop policy proposals for greater cost-sharing. Assistant Commissioner Fairchild was assigned chairmanship of the task force and its recommendations are currently being considered in the Department.

The Commission's emphasis upon efficiency criteria for evaluation should be broadened to give greater recognition for social and environmental factors and regional and local goals. Environmental analysis needs greater precision. The Commission has made good proposals for improved management of existing water supplies. Further consideration needs to be given to the nature of Federal action programs which cannot be done at the State or local level.

If I read the National Water Commission Report correctly, it acknowledges that past water policies were adequate for needs and values when they were promulgated but they need updating to come in tune with the times. In other words, traditional programs—to be of enduring value—must be flexible and capable of serving evolutionary goals.

Flexibility in policies and programs is the planner's greatest challenge. Recognizing this, I am concerned because many of the National Water Commission's conclusions and proposals appear to be inflexible. They merely substitute new inflexibility for past inflexibility.

I agree with the Commission that we should not necessarily plan for the worst possible contingency—that is, to use a "crisis scenario" of accumulated worst possible conditions occurring simultaneously. However, our problem is to carry on a program of water resource development and management in a setting of uncertainty. Extension of lines on graph paper to show what would happen if past trends should continue into the future is not enough—for the lines are changing unpredictably. There have been some indications for example, that electric power consumption may increase at a slower rate than the recent past. Proper evaluation of this short-term trend requires a look at not one but several sets of possible future conditions. With a declining birth rate, how should we evaluate the difference between the Census Bureau's high population projection of 300 million people in the United States for the year 2000 and its low projection of 250 million? The difference of 50 million people can profoundly affect future requirements for the use of water resources. Can we plan with enough flexibility to meet either condition?

The National Water Commission's report is not sufficiently flexible with respect to future requirements for food and fiber. It assumes that agricultural water shortage will not be a problem before the year 2000, that consumptive water use in agriculture will decrease, and that transfer of water from agriculture to other uses will not restrict food supplies or export possibilities. The Commission therefore concludes that there is no longer any need for federally assisted agricultural water development.

This conclusion is based on one computer model study of limited scope which predicted transfer of much of the agricultural production from the West to other areas of the Nation. It failed to identify where the lands to be converted to cropland are located nor the social, economic, and environmental consequences of such a shift. In my opinion, one of the major deficiencies in the Commission's Report is that it did not attempt to test the impact of is recommendations. This Nation's and the world's food and fiber situation in the mid- and long-term is not so clear cut that we can place all decision-making on the results of one computer model.

Even in the short period since completion of the model, the Nation's agriculture picture has changed dramatically. Of the approximately 61 million acres retired from production under various agricultural programs in 1972, it is estimated that only 12 million acres will remain idle for the 1973 growing season. And those acres are undoubtedly the most marginal in productivity. Moreover, opportunities in the export market may be a dominant factor in the future of U.S. agriculture. This entire impact was largely ignored by the Commission's studies. Devaluation of the dollar makes American products more attractive for export and this is particularly true of agricultural products.

Everywhere we turn we find production pushing the limits of capacity. Agricultural markets are strange and complex phenomena. And I am not suggesting that we are entering into a permanent period where our agriculture production capacity is unequal to the demands to be placed upon it. However, we should not ignore the strong signals of events of the past two growing seasons. World demand for food and fiber is strong and likely to remain so.

We are the leading and most efficient producer of food and fiber. For instance, foreign market experts have stated we could sell, for hard currency, as many soybeans as could be grown. Moreover, in a reversal of historic roles, other Nations which demand our raw foodstuffs have developed a competitive advantage in manufactured goods and in sources of energy. We may need our agriculture economic power to finance our increasing imports of manufactured goods.

There are a few in high places who believe that these are not long-term trends, and that an early reversal back to more traditional world market conditions will occur. However, even if a reversal were to occur it would be folly not to develop contingency plans for an expanded agriculture.

Water planning should place increased emphasis on the interrelationships between land use and water use. In the past, water planning has been based largely on projected economic and population trends. We have tended to use projections of population and economic activity as synonymous with public goals. As a result, planning decisions have tended to become when, where, and how a project can be built to meet future needs. Projections to some extent became self-fulfilling prophecies.

Such planning may have been appropriate in a period of territorial settlement, rapid population growth, and unquestioned economic expansion. However, we now need to plan for the possibility of a stable population and to consider issues such as wild and scenic river designations, preservation of ecological and historic sites, open spaces and housing, and flood plain and estuarine protection. Land use and water planning must be integrated. Planning should become a positive force for desirable change rather than a reaction to uncontrolled growth.

The Bureau of Reclamation's responses to emerging new priorities have been numerous. We have not been sitting idly by waiting for others, such as the National Water Commission, to determine relevant directions for our future programs.

A major redirection in the planning programs of the Bureau has been evident for sometime. Highest priority is being given to (1) meeting the near-term needs of people and (2) improved management of existing supplies. A few years ago, the irrigation function made up as much as two-thirds of the envisioned construction costs of projects being investigated. However, in fiscal year 1974, Reclamation's new planning starts will be for projects where approximately 80 percent of the costs of implementation would be related to municipal and industrial water supply.

Meeting the Nation's energy requirements, enhancement of environmental quality, and assisting in the development of Indian land and water resources are also receiving high priority. Until we can assess the new trends of demand for food and fiber, investigations featuring the irrigation of new lands for near- and mid-term requirements have a relatively low priority.

However, in selected areas, irrigation may be an extremely important objective in regional development.

Consistent with these priorities the Northern Great Plains, an area which consists of large segments of Montana, Wyoming, North Dakota and South Dakota, has been the focus of increasing attention because the area is a potential source for vast amounts of relatively low-sulfur coal. Interest in the development of the Northern Great Plains coal resources stems primarily from the continuing growth of the national energy consumption and increasing emphasis on improved urban air quality. The possibility of large-scale development of the coal reserves has, at the same time, heightened regional concern for effective land use and resource planning, including such issues as environmental quality, mined-area restoration, competition for scarce water resources, development of other mineral resources, and potential effects on the people and economies of the Northern Great Plains States.

Of obvious concern to Reclamation's program is the $6.2 billion backlog of authorized but unconstructed Reclamation projects. The level of annual funding for construction under current Administration budgetary policies and priorities is not sufficient even to match the increase in the dollar backlog due to escalating construction costs. Over the past 5 years, the annual increase in construction costs due to rising construction cost indexes has been 7 percent. Applied to a $6.2 billion backlog, this represents an annual increase of over $420 million. With a $300 million annual construction program, the dollar backlog continues to rise.

To bring this backlog to manageable proportions without a significant increase in annual construction funding will require: (1) elimination of backlog projects or features of projects that, in light of current priorities, are unlikely ever to be constructed, (2) reformulation of projects to reduce costs and meet updated priorities where possible, (3) turn to the States and local interests for financial assistance in project funding either by non-Federal construction of projects or features or by contributions toward construction from whatever sources are available, and (4) postpone construction of project features through staging until such time as they can be accommodated under national budgetary constraints.

The backlog is being studied from two angles. One is an in-house review of every project in the backlog to evaluate the extent to which each might be delayed or modified pursuant to the guidelines outlined herein. The other is a policy review by an advisory team of non-Interior experts in appropriate fields of engineering, agriculture and economics.

The key to the future water resources development lies with the Congress. The Congress will establish future policy through legislation, it will authorize new works pursuant thereto, and only the Congress can deauthorize the works it previously has authorized. The extent to which policy changes become revolutionary or merely evolutionary will depend on action of the Congress. Thus it behooves all of us to give very thorough attention to delineation of the best future cause for the maximum benefit of mankind and the nation. That cause should be supported vigorously before the appropriate committees of the Congress. We need each other's help and cooperation in this regard.

Creating a responsive planning organization has been of high priority. Centrally located staffs have been strengthened by the addition of specialists in new fields such as environmental analysis, operations research and social science. In the future, we plan to work more closely with other Federal and State agencies in interagency, interdisciplinary teams of limited duration that will be created to deal with specific problems. We are available to provide special technical services to States. State study teams, composed of Federal and State members from many different agencies which were established during our Western U.S. Water Plan Study, have proved to be an effective planning device.

Meaningful public involvement at early stages in plan formulation is a key element in our planning procedures for the future. Instead of presenting plans for public reaction, we hope to involve people with different, sometimes conflicting, objectives directly in the planning process. This should not only speed the planning process by avoiding costly delays in the review process but result in better plans.

One of Reclamation's recent programs is the Western U.S. Water Plan, established under the Colorado River Basin Project Act of 1968. This study will provide a critical analysis of water-related problems in the 11 Western States and provide recommendations for future studies. It will provide important insights for the Administration's reassessment of the Federal role in water planning, development, and management. The study has recently been accelerated, with completion set for June 30, 1974, to make information available for urgent decisions on the Administration's land and water study priorities.

Your organization will be especially interested in an important study we have underway on the Colorado River salinity problem. The objective of this 10-year program is to evolve plans to control the rise in salinity concentrations in the lower main stem of the river as the Upper Basin continues to develop uses for its compact-apportioned waters. The Bureau and Department are exploring other approaches to resolving the many interrelated problems of the Colorado River. Physical works to implement this program have not been recommended to or by the Secretary of the Interior or approved by the Executive Branch. These approaches will look at programs which emphasize environmental and economic objectives and relate to priority items of land use, energy, and municipal and industrial water supply.

Our Division of Atmospheric Water Resources Management is conducting an extensive program of weather modification research. These studies are known as Project Skywater. They include computer studies to devise practical field models for identifying seedable clouds, field seeding experiments, and evaluation of the results of cloud seeding. Pilot programs include large-scale testing and verification of techniques.

Operational-type activities in precipitation management have been limited to emergency drought situations in Arizona, Texas, Oklahoma, and Kansas. Coordination with State and local groups has been an essential part of these projects. Although no solid scientific evaluation was possible under emergency conditions, the drought was "broken" during the period of "cloud seeding." The first major operational use of cloud seeding will probably occur in the water-short river basins of the Western States.

Geothermal water development offers another exciting new source of water. The Bureau of Reclamation has drilled two test wells in the Imperial Valley of California, which is underlain by more than 1 billion acre-feet of recoverable hot saline liquids. Pilot plants are presently being operated at the site to test desalting processes.

We are interested in both water and power aspects of Geothermal Development. However, we are confining our activity to water and are leaving the power aspect to non-Federal entities for exploration.

All of these new activities require a greater depth of perception and broader viewpoint in the anlaysis of water resources. They underscore our concept, of water policy which is total water management—the examination of all aspects of water viewed as a complete system. This new concept is being tested in two areas: the Central Valley of California and the Rio Grande Valley between San Marcial, New Mexico, and Fort Quitman, Texas. The principal objective of these studies is to achieve better conservation, management, and utilization of existing supplies.

The Reclamation program is advancing on many fronts despite the uncertainties in a time of change. New challenges continually arise requiring innovative responses, but we believe that they can be met successfully by intelligent and diligent effort. Many of the significant recommendations of the National Water Commission have been foreseen and are in various stages of implementation by Federal water agencies. We face the future with confidence that National and regional water problems can be solved, and we welcome positive guidance on policies to be followed.

CONSTITUENT'S LETTER ABOUT LACK OF GOVERNMENT FISCAL DISCIPLINE

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. McCLOSKEY. Mr. Speaker, occasionally an ordinary American will sum up the basic facts of a national issue with greater force and clarity than all of the debates and arguments which we are privileged to hear in this Chamber.

I would like our colleagues to read the following letter from a young man, earning a reasonable income, but faced with an increasingly difficult task in coping with the inflation which our lack of governmental fiscal discipline has imposed on him and his family.

His words should give us renewed determination to finally balance our expenditures against tax revenues and thus end our own contribution to the inflation which is so obviously attacking not only the dignity of life but the greatest asset of our Nation—the faith of our citizens in our very system of government.

The letter follows:

Dear Congressman McCloskey: I received your letter a couple of days ago and I appreciated it, but I am sorry to say that because of a great struggle to survive I have paid very little attention to the questions in your questionnaire. I realize, Congressman McCloskey, that your eyes will probably never read this letter, that it will be read by some aide and filed in a trash can, but things have been building up and I feel a need to get it off my mind. I would like to assure you that I am not a crackpot or some kind of radical. I have never drawn a cent of unemployment or welfare. I am just a tired, ticked-off hard-working, American.

I am tired of the Supreme Court trying to legislate what kind of movies I can go see, or what kind of books I can buy on magazine stands. I am a rational human being, Mr. McCloskey, and I sincerely believe that I can decide what is right or wrong for my eyes. I read now where the state legislature is going to start giving tickets to cars without all of the new smog control devices on them. I am afraid when some innocent cop tries to give me a ticket I am going to make him eat that ticket, gift wrap him and mail him to our great white father. I have had two estimates as to what it would cost to get my car fixed to meet state standards. How about 400 dollars. Mr. McCloskey, I can't afford to put out 400 dollars on my work car.

A couple of months ago my wife passed out at work, so they fired her. I took her to the doctor, he couldn't find out what was wrong. It cost me 250 dollars for him to tell me he couldn't find out what was wrong. On her regular trip to the gynecologist she found out she was pregnant, and that was her whole problem. So now I am faced with a 1000 dollar bill for a baby. Why does everything cost so much, Mr. McCloskey? I make $9 an hour as a sheet rock hanger and I have one heck of a time making ends meet. I don't feel I over spend. I live in a simple $140 a month apartment, I have one suit I bought in my senior year of high school, one 3 year old sport jacket, and I wear levis and t-shirts to work. I have a 1973 car for my wife, but it was the first new car we've had in four years, and I drive a 1962 Buick to work. I was to get a raise the first of August, but the Cost of Living Council tells me I can't have it. I can't have a raise, but food prices soar, gas prices soar, rent is going up, and now I have to start working 6 and sometimes 7 days a week just to get by. Groceries used to run me and my wife about $80 a month, now we are lucky to get by for $130. I used to have steak once a week, I can't remember when the last time I had steak was. I pity the man who makes $5 or $6 an hour and has children to feed.

I am a very tired American Mr. McCloskey. I am tired of paying ungodly amounts of taxes. I recently read where the four largest corporations in California netted over $400 million last year and did not pay a cent in state or federal taxes. This really ticks me off, Mr. McCloskey. Why do the people who make so little pay so much and those who make so much pay nothing? I do not ask that they pay an outrageous 50 percent, for that would keep companies from growing and expanding, but I do ask that they pay as great a percentage as I do and lift some of the burden off my back.

I will probably never write another letter to you or anyone else because the government is so big and I am so small and I realize this is a futile attempt to tell someone of the frustration that the working American puts up with. I realize I am doomed to spend the rest of my life working and paying taxes, but I hope my children do not have to suffer the same fate. I just pray to God that someone who gives a damn reads this letter.

Monty R. Faulkner.

INTERIOR SECRETARY ROGERS MORTON SPEAKS ON OUR NATIONAL POLICY ON PARKS AND RECREATION

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. DON H. CLAUSEN. Mr. Speaker, recently Interior Secretary Rogers Morton spoke to the Greater Los Angeles Recreation and Parks Board meeting in Montebello, Calif.

I thought his remarks on that occasion would be of particular interest to all Members of Congress and to everyone who is interested in our national policy on parks and recreation.

Secretary Morton's speech follows:

Remarks of Secretary of the Interior Rogers C. B. Morton

History and, I suspect, the State of California broadly demonstrate that a culture of sorts can be derived from the most bizarre and improbable lifestyles. California culture continues to occupy and even dominate a major portion of the American Dream. For over a century, California has captured the vision and experience of the American character. The state is a microcosm of national promise, of achievement and regrettable error.

Decades ago, after the popularity of Margaret Mead's magnificent study of the South Seas, anthropology graduate students sought out the South Pacific Isles. Today the students are most likely to board a plane for L.A. International.

California epitomizes the limit of our national aspiration. Failure here—especially in meeting environmental needs—could mean failure elsewhere.

As a State, California has more per capita leisure and recreational opportunities than any state in the nation. Yet these opportunities have resulted in an incredible mix of ironies:

California's splendid weather means that most parks are available throughout the year, while the majority of our National Parks have a largely seasonal use. This, however, has resulted in massive overuse of your parks.

California's superb highway systems provide magnificent access to recreation and leisure, as well as to jobs. This, however, has spawned incredible air pollution problems.

California's staggering population and economic growth, especially in Southern California, has meant growing interest in parks and recreation. Much of the State's growing has taken place in the absence of sound land use planning, or an effort to preserve the integrity of the environment.

With the increase in urbanization and the emergence of regional development patterns, the need for recreation and parks has transcended the era of sandlots, a bandstand, and swing sets. Recreation is big business—not just in the private sector—but in government. In the history of the Land and Water Conservation Fund, for example, the five greater Los Angeles Counties—Los Angeles, San Bernadino, Ventura, Orange and Riverside Counties—have received over $25.6 million in matching grants!

I am especially honored this evening to formally announce an additional $1.4 million federal grant for the acquisition of the 57 acre Abalone Cove Beach Project in L.A. County. I would further like to add that Congressman Alphonzo Bell has done an absolutely splendid job in Washington to support the park and recreation needs, not just of his own district, but of all Californians. Congressman Bell, needless to say, had a major influence in securing this grant as expeditiously as possible.

In addition to the Land and Water Conservation Fund, President Nixon has carried out one of the most ambitious parks programs in our history. To date over 325 surplus federal properties, totaling almost 54,000 acres, at a market value of almost $150 million, have been transferred to state and local governments—most of them in urban areas—through the Legacy of Parks program.

The primary role we are seeking for the federal government is to provide technical assistance, funding, and in the case of the Legacy of Parks program, actual acreage for parks and recreation opportunities.

This November the Interior Department and its Bureau of Outdoor Recreation will be delivering the first Nationwide Recreation Plan to the President and the Congress. Although many recommendations are still under consideration, the Nationwide Plan will contain major recommendations for expanding recreation opportunities provided by Federal, State, local and private interests.

We have lived too long with the attitude that Washington knows best . . . and that Washington has not only the means . . . but ability to respond to all regional and local recreation needs.

Let's be frank, the great majority of the nation's parks and recreation sites have regional focus and a regional use, with the exception, of course, of our major National Parks like California's Yosemite and Sequoia-Kings Canyon, and others such as Grand Canyon, Yellowstone or Grand Teton.

It is critical, not only to sound park management practice, but to the park experience itself that we have input and control at a local level of our recreation sites. BOR Director Jim Watt and the other managers at Interior have consistently sought to reorient our services around the needs and demands of state and local officials.

I am convinced that this effort has already begun to produce dramatic new concepts in park and recreation management. BOR, for example, is currently experimenting with a program to convert strip mined land areas into recreation areas and parks. We have already accepted a site here in nearby Santa Ana that will restore a sand and gravel pit to a second generation of land use. This is just one illustration of the exciting possibilities awaiting us.

In the meantime, there is still much to do. There is, for example, a growing need to set aside recreation and parklands near our major urban centers.

Within the last year the President signed into law legislation creating the two Gateway Parks in New York and San Francisco, in addition to bills that will preserve fragile wetlands areas, like the 22,000 acre South San Francisco Bay Wildlife Refuge.

There is a limit, however, to the amount of federal funding that the Congress will be willing to authorize for National Park acquisitions. In the nearby Santa Monica Mountains, for example, there are almost 200,000 acres of land adjacent to one of our largest urban complexes. Much of that land is undeveloped and undisturbed. While further study is indeed necessary, it would appear that the best means to safeguard much of this area for parks and recreation would be through a concerted effort at the State and local level to acquire land and, to insure that sound land use planning is enforced to preserve the integrity of this spectacular area.

The challenges in park and recreation management are matched by the opportunities before us to meet America's environmental needs in the future. How you and your colleagues meet that challenge in the next years will have an immense effect, not just on the future of California parks—but on the future of our nation's parks.

THE NEED FOR EQUAL CREDIT LEGISLATION

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. KOCH. Mr. Speaker, at its hearings in May 1972, the Commission on Consumer Credit was presented with numerous documented accounts of the difficulties women face in obtaining both consumer and commercial credit. To deal with this problem Margaret Heckler and I have introduced legislation prohibiting discrimination in credit applications on the basis of sex or marital status. Recently WPIX in New York did an editorial describing the problem and the legislation, and the response to that editorial was so overwhelmingly in favor of congressional action on this issue that WPIX ran a second editorial report. As an indication of the broad support this legislation would have, I am appending these two editorials:

Equal Credit Act

Credit policies can be as simple as the sign over the cash register which says, "In God we trust, all others pay cash," and as complicated as the legal document in which the small type takes away what the big type gives.

But the one thing that they should be, according to Representative Ed Koch is fair, and make no distinction because the applicant for credit happens to be a woman. Because there is considerable evidence that women are being discriminated against in credit policies, Representative Koch has introduced a bill called "The Equal Credit Act." It would apply directly to all credit transactions and prohibit discrimination on account of sex or marital status against individuals seeking credit.

Last summer, the Commission on Consumer Finance established that single women have more trouble obtaining credit, especially mortgage credit, than single men. They also found that creditors are often unwilling to count the wife's income when a married couple applies for credit. And, finally, they found that women who are divorced or widowed have trouble reestablishing their credit.

The people who oppose the bill tend to fall into two groups. There are those who could be called male chauvinists, who think that women should not be treated equally with men, particularly where money is involved. They rely heavily on the stereotype of Dumb-Dora never being able to get her checkbook straight.

The other group must be taken more seriously because it holds that an individual or a firm, in extending credit is in fact loaning money and should have the right to establish standards without interference from the government or anyone else except insofar as rates of interest are concerned.

After considering the matter, the Management of WPIX favors the Koch legislation. We agree that lenders should be able to set standards on which they will make loan or credit decisions, but we believe that basing those decisions on the sex of the applicant is clearly unfair. Women constitute 40% of the work force, and, it is said, control some 80% of the money. Clearly, they should be treated equally.

We see Representative Koch's legislation as filling a particularly sensitive need, and we hope that it becomes the law of the land.

What's your opinion? We'd like to know.

EDITORIAL FEEDBACK

This is Editorial Feedback when we present excerpts of comments which viewers have sent to us about WPIX editorials. A recent WPIX editorial favored the proposed Equal Credit Act, which would prohibit discrimination in credit transactions on account of sex or marital status.

Almost all of the viewers who wrote to us about this editorial support the Equal Credit Act.

Carole De Saram of the New York City Chapter of the National Organization for Women sent along these thoughts . . . quote: "Women are 52% of the population and are 40% of the work force. To deny women credit is to say that they are not first class citizens. It is next to impossible for a woman to obtain a mortgage or even obtain a business loan even with excellent credit references. If this country is to call itself a democracy, then it cannot deny equal opportunity to 52% of the population to share in its wealth."

M.O. of Manhattan wrote with this . . . quote: "Bravo the WPIX editorial on Koch's bill for equal rights with credit. It's especially close to my heart since I badly want to buy a house one of these years and the mortgage problem for single women is neigh onto impossible. I'm a stable, hard-working professional writer. I am already earning more than the average family. When I have my downpayment saved and can swing that house, it'll be very hard to swing just because I'm capable of bearing a child. That's simply not fair."

A dissenting note from T.B. of Brooklyn declares, and I quote: "The decisions of finance companies are based purely on economic considerations. I am sure that they would loan money to a platypus if they felt that it was economically sound. I realize that equal rights is a fad of our days; however, like any movement it is too often carried into the realm of the ridiculous."

Those are some of the comments our viewers have made about the proposed Equal Credit Act. We present them to you because we think you should know what your neighbors are thinking, and we urge you to continue to write to us about WPIX editorials.

KENTUCKY DERBY FESTIVAL "THEY'RE OFF" LUNCHEON

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. MAZZOLI. Mr. Speaker, I have been privileged to obtain a copy of the invocation delivered by the Reverend Kent Pieper this year at the Kentucky Derby Festival "They're Off" luncheon held in my district—Louisville, Ky.

Father Pieper has, I think, captured the spirit and essence of what the Kentucky Derby at Churchill Downs is all about, and what it is like to be in Louisville during this exciting period of its growth and development.

I hope that all our colleagues may at some time know the thrill of being at the Downs at post time on derby day.

In the meantime, I would like to share with them Reverend Pieper's thoughts:

INVOCATION AT KENTUCKY DERBY FESTIVAL "THEY'RE OFF" LUNCHEON

God, Our Father, we thank you for giving us Derby Week—
Look upon our city as you once looked upon the world and saw that it was good.
We thank you for giving us Kentucky, and Louisville as our home.
We open wide the gates of our great city, and the doors of our hearts,
To welcome your children from all parts of the world.
May our city be the playground of your world this week.
May the joy, the merriment, the happiness and the love in our hearts
Be a sign to all the world that you take delight in your children.
Watch over our city, its citizens and its guests, and keep us from harm.
May no one leave our city disappointed, or thinking less of us.
We thank you for everything that makes Louisville beautiful this week:
Flowers, trees,
Its new buildings, Belvedere
For our River and its Belle,
For Broadway and its Pegasus,
For balloons ascending into your blue skies
For Churchill Downs and its thoroughbreds that delight and thrill our hearts.
But, most of all, we thank you for giving us one another.
May the smiles and laughter of this week prove to all your children that you are truly a God of Love.
Bless now our food and those who prepared it.
All praise to you now and forever.

DIFFICULTIES IN THE MIDDLE EAST

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1973

Mr. DERWINSKI. Mr. Speaker, shortly after Israeli Air Force planes forced down an Iraqi airliner in a search for terrorist leaders, WGN Continental Broadcasting Co. in Chicago commented editorially on the subject.

In line with WGN's policy of providing time for responsible comments on their editorials, the Honorable Shaul Ramait, consul-general of Israel, responded to the subject in a statement broadcast Monday, August 27, by WGN.

This event aroused predictable debate. I believe it is especially important for the public to understand the nature of the terrorists actions. At this point, I insert the remarks of Consul General Ramait since I believe it to be a very effective presentation of the Israel Government viewpoint of which the understanding is essential to public appreciation of the difficulties in the Middle East:

DIFFICULTIES IN THE MIDDLE EAST

(WGN Continental Broadcasting Company recently commented editorially on the forcing down of an Iraqi airliner by Israeli fighter planes. Following is a reply to that editorial delivered by the Honorable Shaul Ramati, Consul-General of Israel:)

It is unreasonable to equate Israel's defense against Arab terrorism with terrorist attacks. The Arabs kill indiscriminately, hold hostages or aircraft to ransom, blow up planes on the ground and in mid-air. Their aim is to disrupt civil aviation. There was nothing random about the detention of the Iraq Airways jet. The step was taken on the basis of intelligence, which Dr. Habash later confirmed as correct. Every precaution was taken not to endanger the passengers, who were treated with every courtesy, whilst the confessed mass murderers were being sought. Among exploits of which Dr. Habash boasts are the killing of 12 and the wounding of over 50 in a crowded market place in Jerusalem, exploding a Swissair and Air Austria plane in flight killing 47, hijacking and blowing up TWA, Swissair, BOAC and Pan Am jets setting off a civil war in Jordan in which thousands died. He also boasts of training and programming three Japanese who killed 28 and wounded 70 persons at Lod Airport, and most recently killing four and wounding 55 at Athens, and blowing up a Japanese jumbo jet.

In short, the whole world would have sighed a sigh of relief and given a quiet cheer had Habash been on that plane as had been intended. The world might have frowned for the record, but would know it had been spared much horror and senseless tragedy.

Arab and Communist states actively support this terrorism, and the United Nations encourages it as long as it is carried out under acceptable slogans. The rest of the world, with the honorable exception of the United States, tries to buy off these thugs by appeasement and avoids, as far as possible, their arrest, prosecution or punishment.

Israel thus has no choice but to protect the lives of her citizens and her institutions on her own. With memories of the holocaust and of the ineffectiveness of world public opinion in preventing massacres and bloodbaths in other parts of the world, Israel's primary concern will remain the saving of human lives rather than the desire to avoid criticism. Law is intended to protect the public. It is not there to protect international outlaws engaged in indiscriminate carnage from being hunted down and put away where they can do no more harm.

NCJW NATIONAL RESOLUTIONS: A GUIDE FOR THE FUTURE

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Ms. ABZUG. Mr. Speaker, it is my great pleasure to congratulate the National Council of Jewish Women on the adoption of their national resolutions 1973–75. These fine principles, with their emphasis on freedom and human dignity as the underlying bases of contemporary democratic society, should be a basis for Congress to act upon. The text of the resolution follows:

NATIONAL RESOLUTIONS 1973–1975

I. INDIVIDUAL RIGHTS AND RESPONSIBILITIES

The National Council of Jewish Women believes that the freedom, dignity and security of the individual are basic to American democracy, that individual liberty and rights guaranteed by the Constitution are keystones of a free society, and that any erosion of these liberties or discrimination against any person undermines that society.

It Therefore Resolves:

1. To work for the adoption and strengthening of federal, state and local laws to protect civil rights, individual liberties, personal security and to support vigorous enforcement, implementation and funding of these laws.

2. To identify those social and economic problems which lead to the denial of civil rights or liberties and to work toward their just solution.

3. To work for and encourage programs in the community which will promote understanding and acceptance of civil rights and responsibilities of every person.

4. To work for public understanding and protection of civil liberties guaranteed by the Constitution of the United States including:

(a) The right to dissent.

(b) The right to seek redress of grievances.

(c) The right to privacy.

(d) The right to freedom of the press, including all means of mass communication.

(e) The right to equal protection under the law.

5. To work for and promote the adoption of federal, state and local laws that protect the legal rights of children, and to encourage the adoption of uniform laws relating to juveniles.

6. To work for and support measures which ensure equal opportunity and legal equal rights for women.

7. To work for and encourage public understanding that abortion is an individual right, and to work for the elimination of legal obstacles that limit this right.

8. To work for public acceptance and vigorous enforcement of legislation which guarantees the right of individuals to live wherever they choose.

9. To work for and support legislation at all levels of government to regulate the manufacture, importation, sale, licensing and registration of hand guns, other firearms, ammunition and explosives, and to encourage public understanding of the need for such laws.

10. To ensure the principle of equal opportunity for all by opposing quota systems at any level.

11. To work for and support measures which will in a spirit of reconciliation, provide Amnesty for all who have been put in legal jeopardy by their resistance to the war in Indo-China.

II. HEALTH AND WELFARE

The National Council of Jewish Women believes that a healthy community, sound family life and individual welfare are interdependent and thrive when barriers of poverty and discrimination are removed. It believes, therefore, that our democratic society must give priority to programs which meet the economic, social, physical and psychological needs of all people, and that the public and private sectors must work together to help individuals function successfully and independently in a changing society.

It Therefore Resolves:

1. To work for a program of income maintenance and supportive services which protects and respects the rights and dignity of recipients and provides at least the minimum national standard of living for every individual.

2. To work for a social security program which will reflect the cost of living index and wage levels and which will provide:

(a) Insurance coverage for all working people and their dependents to assure basic protection against loss of income.

(b) Flexibility in the social security system which does not penalize recipients who wish to remain in the work force.

3. To work for and support a comprehensive national health insurance program.

4. To support programs aimed at improving the health care delivery system, including:

(a) Preventive medicine
(b) Expansion of medical training
(c) Health care facilities
(d) Medical research
(e) Dental care
(f) Mental Health services
(g) Genetic counselling

5. To work for the expansion, development

and adequate financing of quality comprehensive child care programs available to all children.

6. To promote programs and services for the care and rehabilitation of families and individuals with special needs, and to encourage research into the causes which create these special needs.

7. To support programs to meet the needs of the elderly.

8. To work for public understanding that drug and alcohol abuse and addiction are medical and social problems, and:

(a) To support programs of education, research, prevention, treatment and rehabilitation.

(b) To work for reform of existing laws regarding the possession, use and sale of drugs.

9. To endorse uniform laws relating to marriage, divorce, adoption, child protection and child support.

10. To support and promote programs for birth control including research, education and clinical services for all.

11. To promote programs and services to eradicate venereal disease.

12. To promote the welfare and rehabilitation of juveniles and adults under court jurisdiction including special services to them and their families.

13. To support an adequate system of social services for children in need of supervision.

14. To promote programs for the development of trained professionals, professional aide and volunteer personnel for work in the fields of health, welfare and public safety, and to encourage new and effective working relationships among them.

III. PUBLIC EDUCATION

The National Council of Jewish Women believes that American democracy depends on a strong system of public education to develop the highest potential of the individual. Equal access to quality educational services is a fundamental right for all individuals.

It Therefore Resolves:

1. To work for increased public understanding of the basic role of public education in our changing society and to support greater community participation in educational affairs.

2. To promote highest possible educational standards and expanded educational opportunities through:

(a) Early childhood education and education continuing through life.

(b) Guidance and counselling at all levels including health, diagnostic and referral services.

(c) Programs for children and adults with special educational needs.

(d) Expanded and improved school and public library programs and facilities.

(e) Vocational and technical education related to job opportunities.

(f) Programs dealing with family life and sex education.

(g) Opportunity for greater involvement of the family in the education of the child.

(h) Maximum year-round coordinated use of all educational facilities and services.

(i) Continuing evaluation of goals, curriculum, structure, methods and school personnel.

(j) Innovative educational programs.

(k) Integration into the curriculum of programs dealing with the cultures of all peoples.

(l) Programs dealing with drug and alcohol abuse.

3. To promote improved teacher education programs including inservice training.

4. To promote programs for the development of trained professional, professional aide and volunteer personnel in the field of education, and to encourage new and effective working relationships among them.

5. To work for a higher level of financial support for public education:

(a) By supporting adequate state and local funding.

(b) By supporting federal aid to public education.

(c) By urging reappraisal of the basis of financing public education.

6. To protect the principle of separation of church and state which is basic to our system of public education.

7. To protect public funds from being diverted to non-public elementary and secondary education and to oppose any form of reimbursement or tax credits to parents for non-public school tuition.

8. To support increased opportunities for higher education and vocational and technical training through expanded scholarship and loan programs.

9. To continue to work for successful integration in the public schools of pupils, teachers, non-teaching staff and administrative personnel.

10. To support the concept that freedom of inquiry and expression are indispensable to education in a democracy.

11. To promote and support measures to provide free school lunches to all students in elementary and secondary schools, as well as breakfasts and other nutritional programs in communities where there is a need.

12. To promote programs in human relations training for all school personnel including administrators, teachers, other school employees, parents and students.

IV. JEWISH AFFAIRS

The National Council of Jewish Women believes that Judaism has bequeathed to every Jew a rich inheritance of moral and religious values and a strong sense of personal and communal responsibility. Transmitting this heritage through education and implementing its principles strengthens Jewish identity, enriches our Jewish communities, and reinforces our commitments to Jews throughout the world.

It Therefore Resolves:

1. To aid in the development, strengthening and enrichment of Jewish community life through NCJW programs and cooperation with other groups.

2. To foster the study and learning of Judaism by:

(a) Promoting the highest possible educational standards for religious schools.

(b) Working for training programs to alleviate the shortage of qualified teachers.

(c) Encouraging adult and family oriented education and activities.

(d) Promoting and providing programs for children and adults with special needs.

(e) Promoting programs on college campuses.

(f) Encouraging Jewish community support of Jewish education without dependence on public funds.

3. To support, promote and practise measures designed to strengthen and preserve Jewish faith and culture.

4. To work for the attainment of religious and cultural freedom, justice and human rights of Jews wherever these are denied or abridged, with special attention to the plight of Jews in the Soviet Union and other countries where Jews are oppressed.

5. To promote the growth and development of the International Council of Jewish Women in countries throughout the world.

6. To urge rabbinical reinterpretation which will eliminate difficulties suffered by women under Jewish law.

V. ISRAEL

The National Council of Jewish Women believes that the survival and development of Israel are central elements of Jewish identity based upon our mutual heritage as Jews. Israel enhances the stature and dignity of Jews throughout the world. It is making a significant contribution to democracy and social progress by building a nation where a life of dignity and independence is possible for its people. We believe it deserves the support of all countries.

It Therefore Resolves:

1. To urge the United States and the United Nations to support Israel in its efforts to:

(a) Establish a just and permanent peace.

(b) Insure its continuation as an independent nation within secure boundaries.

2. To urge the United States to continue to make available economic assistance and military equipment to Israel.

3. To continue our support of the social, educational, economic and cultural development of Israel.

VI. ECONOMIC POLICY

The National Council of Jewish Women believes that the economic priorities, policies and programs at all levels of government should be designed to develop our full human, social and economic potential.

It Therefore Resolves:

1. To urge formulation and implementation of government programs, policies and legislation which will:

(a) Encourage growth and ensure expanded economic opportunities.

(b) Ensure full employment with safeguards against inflationary pressures.

(c) Promote equal employment opportunities.

(d) Include continuing examination of national priorities for government spending.

2. To work for measures which:

(a) Ensure for the total work force, including migratory workers and household employees, coverage under minimum wage and maximum hour standards, workmen's compensation and similar benefits, and safe and sanitary working conditions.

(b) Ensure free and full collective bargaining and such other machinery as may be necessary to aid in the peaceful settlement of labor disputes.

(c) Support and promote state and federal laws which regulate and protect private governmental and union pension funds, and protect the rights of those enrolled in private pension funds.

(d) Assure equal pay for equal work.

(e) Promote, within the framework of adequate child labor legislation, training programs and employment opportunities for youth.

(f) Provide training for available job opportunities, and create new job opportunities for the untrained, the underemployed, the elderly, the handicapped, and those unemployed as a result of technological development and other changes in the economy.

(g) Permit persons to accept job training and employment by providing adequately funded child care services.

3. To support measures which:

(a) Protect the public in the production, marketing and servicing of all consumer goods, including adequate regulation of testing, licensing, detailed labeling and dating of food and cosmetics as well as generic labeling of drugs.

(b) Establish a consumer protection agency with enforcement powers.

(c) Protect the public against misleading information and unethical practices in lending and credit transactions and consumer services.

(d) Eliminate economic discrimination against women.

(e) Guarantee fair insurance practices.

(f) Promote consumer education programs.

4. To work for tax reforms and to support measures for the assessment, collection and expenditure of funds at all levels of government which will strengthen the basic services endorsed in these resolutions.

5. To work for the acceptance and recognition of the value of time contributed by the volunteer by supporting tax benefit legislation.

VII. GOVERNMENTAL ORGANIZATION

The National Council of Jewish Women believes that the increasing complexity of the processes of government demands a strengthened adherence to governmental checks and balances as specified in the Constitution of the United States, and the development of safeguards to insure democratic enactment, implementation and enforcement of laws at all levels.

It Therefore Resolves:

1. To urge legislative bodies to adopt rules and procedures which will:

(a) Define and limit the authority of investigating committees and safeguard the rights of all parties concerned in hearings.

(b) Establish effective machinery to insure the opportunity to consider and vote on proposed legislation.

(c) Open to the public all legislative meetings except those dealing with national security.

(d) Ensure the selection of committee leadership on a more democratic basis rather than solely on the basis of seniority.

2. To promote policies which will guarantee that administrative departments and regulatory agencies function effectively and act in the public interest.

3. To promote a sound and comprehensive civil service system at all levels of government.

4. To support and promote effective reform in federal, state and local government.

5. To support development of an independent authority at all levels of government and provide an opportunity to redress grievances.

6. To support measures which will insure the validity of the vote of every citizen including:

(a) Districting for equitable representation.

(b) Elimination of all impediments to the free exercise of the franchise except those requirements necessary to prevent fraudulent voting.

7. To support measures granting voting representation in Congress and self-government to the citizens of the United States residing in the District of Columbia.

8. To promote and support measures for reform in:

(a) Nomination and election of the President and the Vice President to insure their selection by popular vote.

(b) The nominating process which will make it responsive to the electorate.

(c) Regulation, limitation and disclosure of campaign expenditures.

(d) Methods of campaign financing.

9. To work for complete financial disclosure by public officials at all levels.

10. To work for the public disclosure of sources of financial support for paid lobbyists at all levels of government.

11. To reaffirm our belief in an independent judiciary and to oppose measures which would undermine or curtail the authority of the Supreme Court.

12. To promote a judicial system designed to achieve equitable and expeditious administration of justice for juveniles and adults:

(a) Establishing high qualifications for judges.

(b) Promoting significant reforms in the processing of pending court cases which will insure the rights of the individual.

(c) Eliminating lengthy pre-trial detention.

(d) Supporting measures that aid victims of crime and their families.

(e) Working to remove victimless crimes from the jurisdiction of the criminal courts.

(f) Assuring the provision of legal services for those in need.

13. To support measures which will promote significant penal reforms for juveniles and adults by emphasizing rehabilitation, establishing high qualifications and necessary training for all personnel and providing salaries commensurate with qualifications and responsibilities.

14. To support the abolition of capital punishment.

15. To support improvement of law enforcement agencies by:

(a) Providing adequate training for all personnel which will recognize the human relations aspects of their role as primary social agents.

(b) Providing salaries commensurate with those of comparable professions.

16. To work for a more equitable military service system.

VIII. FOREIGN POLICY

The National Council of Jewish Women believes that United States foreign policy should be directed toward developing the conditions for world peace wherein human beings can live their lives in dignity with the greatest measure of economic, social, religious and political freedom. We believe that the United States in cooperation with all nations should pursue every possible alternative to military action as a means of resolving international disputes.

It Therefore Resolves:

1. To strengthen and work through the United Nations and its specialized agencies and the International Court of Justice as important media through which the conditions of peace will be achieved by the adjustment of the national interests of the member nations.

2. To promote the inclusion as member nations in the United Nations of all governments petitioning membership who pledge adherence to the U.N. charter.

3. To continue to strive for international peace and security:

(a) By the immediate and total cessation of all U.S. military intervention in Indochina.

(b) Through international agreement on general disarmament, including effective inspection.

(c) Through enforcement and extension of the treaty to ban nuclear weapons testing and provide for inspection essential for effective control.

(d) Through support by international agreements of all peaceful means of preventing the proliferation of nuclear weapons.

(e) Through international agreements to outlaw chemical and bacteriological warfare and the production of such weapons.

(f) Through the creation and maintenance of a strong and flexible United Nations permanent force to maintain peace.

(g) By accepting the responsibility of mutual defense and cooperation with other nations as provided for in the United Nations charter.

(h) Through the creation and maintenance of international agreements to secure the neutrality of outer space and underseas.

4. To support economic development and expansion of economic opportunity throughout the world:

(a) Through assistance programs to developing countries so that they may achieve economic, social, educational and health standards necessary for maintaining independence and effective self-government, and by providing such aid through multilateral channels where possible.

(b) Through the pursuit of an effective international monetary policy which will encourage worldwide economic growth, cooperation and stability.

(c) By the expansion of inter-American trade, cultural and economic cooperation.

(d) By continuing to develop trade agreements on a reciprocal basis and supporting international agreements for the reduction of tariffs and other barriers to the free flow of trade.

5. To protect, preserve, and restore the world environmental balance:

(a) By cooperation in international measures pertaining to world ecological problems.

(b) By supporting programs dealing with world population problems.

(c) Through continued international cooperation in developing the peaceful uses of nuclear energy.

(d) Through international agreements concerning underseas and outerspace exploration, research and development.

6. To support the promotion of human rights and freedom throughout the world by:

(a) Fully implementing the Universal Declaration of Human Rights.

(b) Ratifying the Human Rights Conventions.

(c) Creating expanded opportunities for international study, work and travel, and for cultural exchange.

(d) Insuring the right of individuals to emigrate without penalty or harassment.

7. To support agreements to protect the safety of international travel by imposing penalties on nations which aid, encourage, abet and give asylum to hijackers and perpetrators of international acts of violence against individuals or groups.

8. To promote vigorous enforcement of international agreements for the prevention of the illegal flow of drugs.

IX. ENVIRONMENT AND THE QUALITY OF LIFE

The National Council of Jewish Women believes that the future of our democratic society and the quality of human life depend on the solution of problems intensified by the nature of a massive urban society and concurrent technological developments. Inherent in the solution is recognition by the public and the private sectors of their mutual responsibilities.

It Therefore Resolves:

1. To work and actively support effective programs and vigorous enforcement of measures for the protection and conservation of our environment, including adequate financing of programs which establish national standards and increase research.

2. To promote plans and programs, with adequate financing, for metropolitan, regional, and rural development which will provide coordinated facilities and services. In order to achieve sound, healthy communities, individuals affected by these programs should participate in the planning.

3. To promote public understanding of the necessity for demographic planning.

4. To create a better climate for acceptance of public housing through community education and participation, to support public and private programs to meet the housing needs of low and middle income individuals and families without discriminatory housing restrictions, and to oppose measures which tend to perpetuate existing discriminatory housing patterns.

5. To support proposals on the local, regional and national levels which will provide safe, adequate and efficient mass transportation facilities.

6. To support programs on local, regional and national levels which deal with the causes and prevention of violence with special emphasis on the urban environment.

X. IMMIGRATION AND NATURALIZATION

The National Council of Jewish Women believes that the contribution of strength and diversity resulting from the immigration of peoples from all over the world is vital to the development of American democracy and culture. It also believes that an equitable and humane immigration policy is an effective instrument of international good will.

It Therefore Resolves:

1. To support revisions of United States Immigration Laws so that:

(a) The total immigration quota be increased and consideration be given to the pressing needs of refugees and displaced persons.

(b) The total immigration quota, subject to periodic review, be distributed without discrimination.

(c) Persons of foreign birth shall receive protection under the law equal to that extended to the native-born.

(d) The United States support the acceptance of a definition of the term "refugee" to include those who wish to flee their countries as well as those who have fled.

2. To promote and support programs to assist in the resettlement of immigrants.

MARVIN LEIBSTONE STRESSES CAR-POOLING AS MEANS OF REDUCING POLLUTION AND CONSERVING ENERGY

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. GIAIMO. Mr. Speaker, each morning, thousands upon thousands of automobiles stream into the District of Columbia, and each evening they return in the direction of the residential areas of the city and the suburbs. These automobiles, often carrying only a driver, clog the streets and bridges, pollute the air, and consume energy at a tremendous rate.

The same scene is duplicated daily in every major city. Traffic congestion obviously ranks high on every list of major urban problems. Americans are responding to the challenge with better highways, improved transit systems, and innovative experiments to find new methods of transportation.

Each of these steps is necessary to cope with today's traffic, but, as is often the case with any problem of major proportions, there are a few simple actions that each individual can undertake to ease the burden. In a statement to the members of the Joint Committee on Transportation of the Federal City Council on July 11, 1973, Marvin Leibstone, regional representative for the Highway Users Federation for Safety and Mobility, spoke of car pools as one such step. Mr. Leibstone's statement cites some of the advantages of carpooling and describes some of the methods used by Federal agencies and businesses to encourage commuters to travel together. I am pleased to bring this statement to the attention of the Members of the House:

> While it would take several transportation modes to reduce the Washington area's traffic congestion and air pollution, the mode which stands out as the most economic and easiest to plan and implement is "carpooling".
>
> The private automobile, with only one driver in the car, is the most expensive transportation mode available to the community. The cost of a 10-mile work trip downtown in areas of over one million people averages out at $2.64 for the one driver. But if the driver car-pools with three other persons the cost of the same 10-mile work trip is reduced to .66 cents for each passenger. Further, a 6-passenger car-pool would bring the passenger cost down to .44 cents. Car-pooling, then, offers a maximum monthly individual savings of around $44.00 per passenger.
>
> As for traffic relief and air quality improvement, if car occupancy could go from 1.6 persons to 2.0, there would be a 20 percent reduction in traffic during peak hours.
>
> During the week of July 9, 1973, and on eight separate occasions in 1972, the District of Columbia and its surrounding counties and cities were declared to have hazardous air conditions. To meet the nation's air quality standards, the region's Air Quality Planning Committee, in concert with the staff and members of the area's Council of Governments, has had to recommend transportation control strategies which include some distasteful dis-incentives. The degree to which these dis-incentives will appear attractive to planners can be reduced considerably by strong evidence of public and private intensity and support applied to car-pooling.
>
> Each time that air pollution alerts are declared officially for the Washington region by the Council of Governments, the Council recommends that commuters car-pool the following day. This recommendation is annouced to the Washington area population through the major daily newspapers and radio and television stations. But the following morning, one can still look down lines of cars on major roadways and find little evidence of increases in car-pooling.
>
> Car-pooling, then, has not yet been identified by commuters as one of a set of favorable ways to get to and from work. The public needs to know more about the benefits of car-pooling. If the public can view car-pooling as a package of incentives, then perhaps there will be less reluctance to utilize the mode and a 20 percent traffic reduction can be reached.
>
> To encourage car-pooling some government agencies and many large companies are actively coordinating the formation of convenient share-the-ride groups.
>
> Everything from computers to coffee-klatchers are being used to get employees together and car-pools started.
>
> The National Aeronautics and Space Administration in Washington, D.C., is typical of government agencies which maintain grid maps showing the location of active and potential carpools. NASA's program, initiated in 1964, has increased car occupancy among employees to an average 3.85 persons per car.
>
> In St. Louis, McDonnell Douglas Corporation promoted car-pooling for the firm's 47,000 employees when parking became critical. The program has increased car occupancy among workers to an average of 2.8 persons, double the former rate.
>
> At California State College in San Bernardino, several hundred computer-matched students and teachers are sharing the ride. And in Pasadena, 500 employees of Burroughs Corporation, are successfully involved in a ride-sharing effort.
>
> In Hartford, Connecticut, Travelers Insurance Company includes a no-charge listing in its weekly newspaper of "riders available and riders wanted" as part of the community's general plan to promote car-pooling and stagger work hours.
>
> In many agencies and companies, car-pool drivers are rewarded with preferred parking spaces in covered garages close to office or factory entrances.
>
> On the San Francisco-Oakland Bay Bridge, car-pools of three or more persons can cross for a reduced toll rate. They are also provided with special lanes to speed them through the toll plaza and onto the bridge.
>
> Other cities are considering letting car-pools of four or more persons use exclusive bus lanes.
>
> The application of car-pooling may have favorable dimensions that have not been identified yet, especially in the area of economic savings and financial profit for business and industry. Because any undiscovered potential should be tapped, and because of the urgency of the problems created by traffic congestion and air pollution, it is hereby recommended that the Joint Committee on Transportation of the Federal City Council decide to act as a catalyst in forming a special study committee of prominent area business executives for the purpose of identifying new economic savings and *profits* which could be engendered by the establishment of job-rooted car-pool programs. It may be that the cost of an adequate car-pool public education program for the Washington area population could only be absorbed by the business community and could, in turn, have an effective pay-off for its membership as well as the car-pooling commuter.

SOME POINTED QUESTIONS FOR KISSINGER HEARINGS—PART I

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. ASHBROOK. Mr. Speaker, the politically minded weekly, Human Events, this week featured some pointed observations which could be useful in the upcoming hearings on the nomination of Mr. Henry Kissinger as the new Secretary of State. Quoting from a new biography, "Kissinger: Portrait of a Mind," by Prof. Stephen R. Graubard, a friend and former colleague of Mr. Kissinger at Harvard, Human Events points out that Mr. Kissinger no longer considers the U.S.S.R. and Red China as "revolutionary" states. If this analysis of Mr. Kissinger's views is correct, exploration of this area during the hearings should prove interesting.

I insert at this point the item "Some Pointed Questions for Kissinger Hearings" which appeared in the September 8, 1973, issue of Human Events.

> #### Some Pointed Questions for Kissinger Hearings
>
> President Nixon's decision to tap Henry Kissinger as secretary of state provides the Senate Foreign Relations Committee with a unique opportunity to probe the Administration's policy of warming up relations with the two Communist superpowers. But whether the committee will question Kissinger as to the success of *détente* is still very much up in the air.
>
> Chaired by Sen. J. W. Fulbright (D-Ark.), the committee, which will hold hearings on the Kissinger nomination shortly, is packed with both doves and Administration apologists. The doves will be trying to maneuver Kissinger into committing the Administration to a softer policy than it is already pursuing in regard to the Soviet Union and Red China, while Republican apologists will be eager to cover up any flaws in the Nixon-Kissinger diplomacy. Few on the committee can be expected to voice the concern of the more hawkish elements of the diplomatic and military community in Washington.
>
> But there is some hope that a few of the more independent-minded committee members, such as John Sparkman (D-Ala.), Gale McGee (D-Wyo.), Robert Griffin (R-Mich.), and even Hubert Humphrey (D-Minn.), will be willing to press Kissinger hard on the Administration's accommodation policies.
>
> What many tough-minded diplomats would like the senators to ask Kissinger, for instance, is how he can justify his apparent belief that the Soviet Union and Red China are no longer revolutionary powers.
>
> In a fascinating new biography called *Kissinger: Portrait of a Mind*, Prof. Stephen R. Graubard makes some highly interesting observations on Kissinger's perception of "revolutionary" states.
>
> Prof. Graubard, an admirer and friend of his former Harvard colleague, writes that Kissinger developed a concept about world affairs that he never abandoned in any of his writings. Kissinger contrasted two types of international order, one as "legitimate" and the other as "revolutionary." States that accepted a particular international order as legitimate could negotiate their differences.
>
> When, however, a "state maintained that the international order was illegitimate, diplomacy was excluded. Such a state was revolutionary; in challenging the established order, it was asking, in effect, for the existing order to be set aside and for another to be put in its place."

Kissinger's concept is clearly pivotal to his views on how a nation conducts its foreign policy. In his now famous work, *A World Restored,* Kissinger viewed Napoleon as a revolutionary who could not be appeased by normal give-and-take diplomacy. He believed that the 19th Century Austrian diplomat Prince Klemens von Metternich, in Graubard's words, "had one profound insight: he knew Napoleon to be a 'revolutionary,' and realized that it was impossible to satisfy such a national leader. Nothing—neither compromise, concession nor alliance—would satiate Napoleon's hunger. . . .

"Believing that Napoleon could not be bought off—that no alliance with France would serve to protect Austria's integrity—Metternich set out on a course [which Kissinger believed was correct] to achieve two results: the defeat of Napoleonic France and the survival of Imperial Austria."

"In theory," writes Graubard, "Kissinger was writing about problems that confronted European statesmen early in the 19th Century; in fact, he was probing the nature of the international system of the mid-20th Century. Together with many others, he was asking whether the Soviet Union should be viewed as a 'revolutionary' power. That, for Kissinger, was the one question that could not be safely ignored. Did the Soviet Union accept the 'legitimacy' of the existing international system or did it hope to replace that system?"

According to Graubard, Kissinger has now resolved this problem—in favor of both the Soviet Union and Red China. "As he had made quite evident in speeches prepared for Nelson Rockefeller a few months before he entered the White House, Kissinger believed that the times were propitious for new initiatives to be taken vis-a-vis both the Soviet Union and Communist China. The Americans and the Soviets accepted the fact that a strategic balance existed between them; the Communist bloc seemed irrevocably split; both the Soviet Union and Communist China had ceased to be 'revolutionary' states."

So there was no mistaking what Kissinger meant, Graubard stressed: "That term [revolutionary] had a very special meaning in Kissinger's lexicon. Since he had always believed that an international order demanded a certain acceptance by all of its members, the existence of any state pledged to its destruction created a serious hazard to world peace. *It mattered very much, in Kissinger's mind, that neither Moscow nor Peking appeared any longer to entertain such ambitions"* (Italics added).

Thus a key question many international affairs experts would like the senators to put to Kissinger is: On what grounds can one come to the conclusion that Peking and Moscow have relinquished their dreams of world conquest? Can Kissinger prove that the ambitions of Peking and Moscow are somehow less hazardous to world peace than were the ambitions of Napoleon?

So far, according to students of communism, there is no evidence that either the Soviets or the Red Chinese are in the process of softening their ideology or cutting off aid to a worldwide network of revolutionary Communist organizations. Hence the desire to hear Kissinger explain his views on the matter.

These "hard-liners"—realists, they would call themselves—would also like to hear Kissinger's response to these questions as well:

In recent weeks, the press has reported a spiraling wave of repressive tactics employed against dissidents within the Soviet Union, tactics vigorously condemned by such leading Russian intellectuals as Andrei Sakharov, the Soviet scientist who helped develop the Russian H-bomb, and novelist Alexander Solzhenitsyn, who last week expressed fears that the Soviet secret police might do him in. Doesn't this suggest that the Administration's détente policies have actually led to more repression in the Soviet Union?

Why is the Nixon Administration opposed to the Jackson amendment on East-West trade—which would foreclose U.S. trade credits to the Soviets unless they established a free emigration policy—when Sakharov, Tarusk and other Soviet dissidents say legislation along these lines is essential for promoting freedom within Russia?

A recent study conducted by economists at the Library of Congress for the House Foreign Affairs Committee stated that the economic advantages to the United States from trade with the Soviet Union will necessarily be small in the foreseeable future. If the economic benefits are likely to be small for us (but not, apparently, for the Soviet Union), what political benefits from this trade will accrue to the United States that justify the buildup of Soviet economic potential by American technology?

In its ratification of the ABM Treaty and the Executive Agreement on Offensive Weapons last year, the Congress expressed the view that any permanent agreement on strategic arms would provide for parity between the United States and the Soviet Union. What steps will Kissinger take to ensure that our negotiating posture is consistent with the will of Congress?

In the fall of 1971, following Taiwan's expulsion from the United Nations, the Congress considered and rejected the nullification of the 1958 Formosa Resolution, thus reinforcing once again the congressional determination to maintain the integrity and credibility of U.S. treaty commitments. What steps would Kissinger recommend with regard to our defense commitment to Taiwan that would leave no doubt in anyone's mind as to our intentions to prevent the absorption of Taiwan by Communist China by force?

In the negotiations concerning troop withdrawals in Europe, the United States has previously insisted that the Soviets would have to withdraw a larger number of troops for two major reasons: (a) the American force in Europe is smaller; and (b) some U.S. troops, in order to be withdrawn, would have to return some 6,000 miles to American shores. Soviet troops, on the other hand, could "withdraw" from Europe by moving a few hundred miles back to Russia proper.

The insistence on an unequal percentage cut was considered part of our "mutual and balanced force reduction" posture. Why, however, are we now backing away from this position? Why did Defense Secretary James Schlesinger indicate last week that we would no longer demand larger Soviet troop cuts?

These are just a few of the questions that many hard-liners hope members of the Senate Foreign Relations Committee will ask Kissinger when he appears before them for confirmation in his new post.

HOUSE JOINT RESOLUTION 348—THE QUIET AMERICANS BILL

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. PETTIS. Mr. Speaker, in February, I introduced House Joint Resolution 348 proposing an amendment to the Constitution which, when ratified, will protect the rights of all citizens to voluntarily pledge allegiance to our flag, and will give Congress the power to regulate the display and handling of the flag and to protect it from desecration.

This bill was inspired by a group of residents within my congressional district who call themselves "The Quiet Americans." I am proud to represent these fine men and women who hold a deep and abiding faith in patriotism and the national spirit embodied by our Flag. In an age when it is considered "smart" to be cynical about traditional values and emotions, it is the millions of "Quiet Americans" from coast to coast who hold the fabric of our country together.

I commend "The Quiet Americans" for their caring strength and hope my colleagues will join me in my efforts on behalf of House Joint Resolution 348—which is truly their bill.

REPRESENTATIVE CRANE APPLAUDS PRESIDENT NIXON'S COMMENTS ON AMERICAN ECONOMY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. CRANE. Mr. Speaker, I rise today in praise of President Nixon's comments on the question of restoring health to our economy in yesterday's press conference. For the past months the news media, Members of Congress, and the public have been preoccupied with the Wategate proceedings. The serious business of our country has been overlooked and superseded by this news-making spectacular, and I commend the President for his effort to call us all back to the realities of our everyday responsibilities.

In the President's own words:

> First is the very high priority area of fighting inflation.

The battle will be waged on three fronts.

First, a new set of economic controls will be imposed as of September 13. On this point I must take issue with the President, as I have consistently done in the past. Additional controls will attack symptoms and not causes. This problem of inflation consists mainly in the Federal Government borrowing from commercial banks and also in an increase in the money supply. The Government finances its deficit spending through inflation. This brings us to the second area in which initiatives will be taken.

The President advised us that the Federal Reserve will tighten up on the money supply. In doing so, we will attack one of the root causes of inflation, and I applaud this decision.

Third, the President announced that:

> We are moving in the supply front, particularly in the field of agriculture, so that we can eventually look forward to halting the rise in food prices and we trust in eventually lowering them.

We must make every effort to help the President in this area by moving to eliminate agricultural subsidies, and to encourage our farmers to produce. I have consistently voted to eliminate these subsidies and I urge my colleagues to join me. In addition, let me point out that wheat sales to foreign nations subsidized by the taxpayer have seriously reduced our domestic supply and resulted in increased prices for the American consumer.

I was pleased to note that President Nixon called once again on the Congress to exercise restraint and to work for a balanced budget. Until Congress takes the initiative in reducing Federal expenditures, inflation will grow. The President has promised to veto all "budget busting" proposals passed by Congress, and I shall continue to support him in this action. I particularly laud the President for his promised veto of the minimum wage bill recently enacted by Congress. I opposed the bill when it was before the House of Representatives as a pernicious piece of legislation which would aggravate prices and unemployment and would have an especially deleterious effect on the young and minorities. As the President pointed out, this legislation would increase the minimum wage by 38 percent.

Lastly, I wholeheartedly agree with the President's observation that it is difficult to disassociate the questions of economic health and our national defense. In reply to suggestions that we cut vital areas of our defense budget to increase spending on the domestic front, the President commented that:

> This would be a fatal mistake because we can have the finest domestic programs in the world and it isn't going to make any difference if we don't have our freedom and if we're not around to enjoy them.

PRINCE GEORGES COUNTY BABE RUTH LEAGUE

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. HOGAN. Mr. Speaker, the Prince Georges County Boys' Clubs Babe Ruth All Stars won the 13- to 15-year-old Babe Ruth World Series which was held in Manchester, N.H., August 18 through August 25. This was the first time in the 22-year history of the tournament that a team from Washington's greater metropolitan area ever achieved this success.

The Prince Georges team, which has won the State title 3 years in a row and were in the world semifinals last year, won the World Series by winning four straight games defeating Anaheim, Calif. in the final game 11 to 6.

When Mayor Dupris of Manchester, presented the Maryland team with the key to the city after the championship game he remarked that the youngsters from Prince Georges were champions on the field and that they had behaved as champions off the field by conducting themselves as real gentlemen.

Mr. Speaker, I am proud of the accomplishments these young men have achieved and I would like to insert the names of those players in the RECORD at this point:

PRINCE GEORGES COUNTY BABE RUTH LEAGUE

NAME AND AGE

Glover, Danny, 15.
Howell, Michael, 15.
Johnson, Ken, 15
Kirchiro, Mike, 15.
Kowalski, Curt, 15.
Krahling, Thomas, 15.
Malambri, Mark, 15.
Matthews, Mike, 14.
Molnar, Gary, 15.
Palmer, Danny, 14.
Poore, Richard, 15.
Shughrue, Mike, 15.
Smith, Ronald, 15.
Waldow, Richard, 15.
Wright, Mike, 15.

PRESIDENTIAL VETO OF MINIMUM WAGE BILL

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. BADILLO. Mr. Speaker, the ill-conceived action of the President in vetoing the minimum wage legislation can only be interpreted as a standing affront to the American worker. This unconscionable move is a clear indication of Mr. Nixon's grossly distorted priorities and his misdirected, hollow economic policies. By this repressive step Mr. Nixon has condemned millions of American men, women, and children to continue to endure the vicious cycle of poverty which the Congress had hoped to break by finally enacting the minimum wage bill.

The goal of the Fair Labor Standards Act when it was first adopted in 1935 was to insure that this Nation's lowest-paid workers and their families would not have to live in poverty. Unfortunately, this remains a constantly elusive goal. Certainly the present $1.60 per hour minimum wage falls far short of this commitment. In fact, today's minimum wage buys less than $1.25 bought when the Fair Labor Standards Act was last amended in 1966.

During the 7 years since the last minimum wage increase this country has experienced an almost limitless inflationary spiral, skyrocketing prices, soaring taxes, and a persistent unemployment crisis. The dollar's purchasing power, especially in light of devaluation and the administration's ineffective economic programs, has been very seriously eroded. Simple economic facts alone require the minimum wage to be raised to the basic $2.20 per hour level.

Quite frankly, as I have mentioned on previous occasions, I seriously doubt whether $2.20 per hour will be sufficient. A full-time worker earning this salary will be grossing just barely more than the poverty level of approximately $4,200 for a family of four. Once you deduct taxes and social security, it is most likely that many workers will again fall below the poverty level.

How in good conscience can the President justify vetoing this long overdue, urgently required legislation? Not only is it not inflationary as Mr. Nixon and his advisers claim, but the basically inadequate figure of $2.20 per hour is required simply to catch up with the rising cost of living. Further, in view of the fact that this bill does more than just raise the minimum wage, how can Mr. Nixon justify the continuation of labor conditions which are certainly detrimental to maintaining a minimum living standard? Millions of workers are denied the basic protections of the Fair Labor Standards Act, but the President would allow this situation to persist.

By what poorly considered logic can Mr. Nixon claim that the minimum wage bill before him would deny employment opportunities to unskilled and younger workers? He fails to back up this specious claim with any facts, because there are simply no facts which support this preposterous position.

Mr. Speaker, our course is clear. We must move promptly and decisively to override the veto. Once again the administration has shirked its responsibility and has shown nothing more than a callous disregard for the plight of millions of American working men and women. The Congress must now take the initiative—as it did originally in this instance—and move to enact this desperately needed minimum wage measure. We just cannot expect the millions of workers covered by the Fair Labor Standards Act—including those additional workers to whom protection is extended under the bill we passed—to cope with 1973 prices at 1970 or 1971 wages. The narrow, special interests which this administration courts and appeases will surely not suffer, but it seems rather obvious that Mr. Nixon could care less about those millions who work at the minimum wage. It appears that this administration chooses to ignore the fact that almost two-thirds of the 24 million poor in this country are members of families headed by a worker in the labor force and that approximately one quarter of the poor and more than 30 percent of the children growing up in poverty are in families headed by a full-time, year-round worker whose wages are so low that the family is impoverished. This situation is clearly unacceptable and we cannot allow it to continue. We must take affirmative steps to reject Mr. Nixon's veto and move toward fulfilling the commitment made to the American worker almost four decades ago.

NATIONAL CANCER DAY

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. ROYBAL. Mr. Speaker, I would like to take this opportunity to thank the members of the Judiciary Committee for reporting out my resolution, House Joint Resolution 111 to establish September 8, as National Cancer Day.

Today, cancer is the second leading killer in the United States after heart disease. This year alone there will be more than 650,000 new cases of cancer diagnosed and more than 350,000 deaths from the disease. The tragic fact is that between 25 and 30 percent of those who will die, could have been saved if their cancer had been diagnosed at an earlier stage.

I hope that the passage of this legislation today serves a two-pronged purpose. First, I hope it signals a national commitment to the eventual eradication of all forms of cancer. The National Cancer Institute published a plan in August calling on the Federal Government to spend $852 million for cancer research by fiscal year 1978 and $1.7 billion by fiscal year 1982. This would allow them to employ more than 11,000 researchers to find the causes and cures of the various forms of cancer. For this fiscal year the House recently passed an appropriation of $522 million for cancer research.

I think the goals set by the National Cancer Institute are reasonable ones and I hope the passage of this resolution signals a congressional intent to expend funding for this worthwhile program.

Second, I hope the passage of this resolution will spur the people of this country to seek cancer preventive checkups with their doctors. We are told that one person out of four in the United States is likely to contract a form of cancer. More than 1.5 million people have been cured and are now living normal lives, because they sought medical attention before the disease was advanced. I hope the passage of this resolution will bring about a similar effect for thousands more who have the disease and who do not realize it.

OIL AND COAL AND AIR POLLUTION

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. MOLLOHAN. Mr. Speaker, there is no doubt that among the many issues facing this country today, few have both the long and short range ramifications that confront us in the growing struggle between meeting our energy requirements which at the same time preserving our environment. One aspect of this problem that grows more acute each day is the effect of all pollution regulations on our power generating utilities.

At a time when crude oil is becoming less plentiful, more and more utilities are being forced by rigid air pollution standards to abandon the use of coal and convert their generators to fuel oil. Both Government and industry are fully aware that this conversion process cannot continue because there is just not enough fuel oil to meet our power generating requirements and all of our other needs.

For this reason, it is essential that better technology be developed that will allow industry to use coal and at the same time meet reasonable air pollution requirements.

So that my colleagues may be better informed about the many facets of this particular dilemma, I urge them to read the following editorial on this subject that appeared recently in the Wheeling Intelligencer, a newspaper in my district:

> While debate continues about how best to meet the nation's energy needs, one of the most abundant fuels in the land is finding itself more and more in the role of unwanted stepchild.
>
> Coal received scant attention in President Nixon's recent energy message to Congress. And, even though coal can provide natural gas and fuel oil through gasification and liquefication techniques, comparatively few dollars have been set aside for research and development of such processes.
>
> Now comes the president of the American Mining Congress, J. Allen Overton, who believes environmentalists and coal interests are on a collision course of a magnitude which could further erode use of coal as a practical fuel. The chief culprit in the impending collision is, in Mr. Overton's eyes, the federal Environmental Protection Agency.
>
> According to Mr. Overton the EPA is demanding standards for which there is no technology. He says such extremism must be removed from the policy-making picture. He pointed out that rules governing sulphur dioxide emissions are seriously harming markets for the coal industry and cited requests to the EPA from the governors of West Virginia, Ohio and Pennsylvania for a two-year variance from the 1975 deadline for meeting emission standards.
>
> While the EPA and environmentalists claim technology does exist for controlling sulphur dioxide emission, a recent invitation to 129 manufacturers to bid on installation of such a system at the Ohio Power Co. Kammer Plant near Moundsville resulted in responses from only three firms, none of which met specifications of the bid. In short, the firms were not prepared to install equipment to meet the emission standards under the specified operating conditions.
>
> Strip mining, which is overhauling underground production as the chief source of coal, also remains a prime target of environmental considerations. Mr. Overton said that despite development of sophisticated land reclamation techniques and advance planning which have reduced land scarring, severe mining restrictions have limited production of strip coal.
>
> Mr. Overton sees approaching a day of decision on the question of community needs for energy versus a theoretical goal of environmental attainment. We hope a more reasonable resolution of the conflict is reached before that day arrives. We need no such confrontation if the energy interests and environmental concerns stop blaming each other for the nation's ills and agree on practical steps to obtain a large measure of the objectives of each.

CRUEL TREATMENT TO EXPATRIATES

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. BIAGGI. Mr. Speaker, the tragic case of a Romanian-born resident of New York City was recently brought to my attention; it is a fitting example of the cruel treatment given by Communist-bloc nations to expatriates and their families.

Virgil Popescu fled from Romania to the West in 1972, settling in Brooklyn, N.Y., where he went to work for a mechanical systems firm. His father, Gheorghe Popescu, a Romanian Orthodox priest, had been assassinated by the Communists in 1953, and his brother and sister were, in his words, "subject to all kinds of persecution and deprived of every possibility of higher education."

Since his escape, Popescu has repeatedly petitioned the Romanian Government to allow his wife, a woman of German origin, to join him in the United States. Such appeals have proved futile, however, and Popescu reports that:

> She is persecuted and intimidated by the Romanian Secret Police and asked to divorce me. She was forced to leave her job and be without any means of existence.

Because of this treatment, Popescu began a hunger strike on August 19 of this year. He plans to continue the strike until he is assured that his wife may be free to join him. He writes:

> My life has no meaning, since an innocent victim, as my wife, is suffering for me. But I will hold the Government of Romania responsible if this action of mine has a fatal end.

Although he is now a resident of this free country of ours, Virgil Popescu ironically finds himself still at the mercy of the Communist government of Romania, which holds his life and happiness in its hands thousands of miles away.

WASHINGTON NEWS NOTES

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. HOSMER. Mr. Speaker, there follows the September issue of my Washington News Notes prepared and circulated for the information of my constituency:

CONGRESSMAN CRAIG HOSMER'S WASHINGTON NEWS NOTES

Safe Streets.—There's reason to believe that the streets of America's cities can be made safer. In fact, progress has already begun. Don Santarelli, a hard-driving young (36) former Federal prosecutor, has been named head of the Federal Law Enforcement Assistance Administration which provides funds and expert counsel dealing with street crime. Santarelli was behind the recent anti-crime drive in Washington, D.C. which slashed the rate of serious crime there by 50 percent. Now he is attacking the problem nation-wide.

Hosmer Vitamin Bill.—Even though the Food and Drug Administration has issued its controversial regulations making vitamins and some food supplements hard to get and more costly, Craig Hosmer believes his bill restricting FDA's dictatorial authority may yet prevail. Hosmer's bill would not prevent FDA from policing vitamins or any other food shown to be harmful when taken in excessive amounts. But it would stop FDA from banning vitamins never shown to be injurious in any quantity. Hosmer is much encouraged by copious mail from every state supporting his "freedom of choice" legislation.

East Long Beach Neighborhood Center.—A letter from Mrs. Nancy Henderson offers her thanks for help in getting a $7,000 HEW grant and help from the city of Long Beach to finance the summer session at the city's Neighborhood Center. The center provides schooling for Chicano youngsters. Mrs. Henderson, active in getting the center started, visited Washington to enlist Congressman Hosmer's help with the project.

Tax Incentive for Carpools.—Craig Hosmer has introduced a bill to give a tax incentive for the use of carpools. His bill offers deductions for unreimbursed auto operating costs and parking fees. The measure is identical to the present Treasury's practice of allowances based on the business mileage traveled during the tax year by people using their cars for business. "The proposal would not only be an effective fuel conservation measure, but would also greatly reduce air pollution," says Craig.

Annual Duck Stamp Contest.—The Interior Department's Fish and Wildlife Service announces that artists should submit entries in the Department's annual Duck Stamp contest by November 15. The winning design will be reproduced on the 1974–75 Migratory Bird Hunting Stamp. Waterfowl hunters age 16 and above must buy the $5 stamps annually. Proceeds are used to buy land for national wildlife refuges. Write the Office of Public Affairs, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240, for the rules for the 1974–75 Duck Stamp Design Contest.

Rally Behind Nixon.—Congressman Craig Hosmer reports that 64 former Republican members of Congress have voiced their confidence in President Nixon's integrity, praised the record of his Administration and agreed the Senate Watergate Committee hearings should be terminated to enable the courts to prosecute the case against the Watergate defendants.

Law of Averages.—Government economists are noted for their reliance on statistics and averages in explaining national economic conditions. Washington bureaucrats now tell the story of the 6 foot 4 inch economist who drowned when he waded into a stream averaging four feet deep.

What You Can Do (*Every Litter Bit Hurts Department*).—The American Bicentennial Commission's Johnny Horizon '76 program designates September 15 to October 15 as National Clean Up American Month, Schools, businesses, civic and youth groups and government agencies are urged to sponsor and participate in community cleanup campaigns, beautification projects and related activities to help beautify America for her 200th birthday. For information and materials, write to Johnny Horizon '76 Program Office, Washington, D.C. 20240.

PRODUCTIVITY PROJECT IN NASSAU COUNTY, N.Y.

HON. ANGELO D. RONCALLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. RONCALLO of New York. Mr. Speaker, it would be appreciated if the following excerpts from the testimony of Mr. Vincent J. Macri, project director, Nassau County multimunicipal productivity project, before the House Committee on Banking and Currency, June 20, 1973, would be inserted in the RECORD:

EXCERPTS FROM TESTIMONY

I am the Project Director of a multi-municipal productivity project in a county with a population of 1.5 million persons, including the largest town in the United States with a population of over 800,000. We understand that this Hearing has to do with the authorization of an appropriation to extend the life of the National Commission on Productivity.

The Productivity Project in our County involves four municipalities, approximately 30,000 civil servants, and a combined annual payroll for this work force in excess of $280 million. The project is a research and development effort to improve the productivity of municipal service through the collective bargaining process.

It is a multi-municipal project to improve productivity, not a single municipal enterprise. It is a joint and fully collaborative labor and management effort.

The Project involves three programs all relating to the improvement of productivity among the 30,000 member work force. The three programs are as follows: The first has to do with productivity improvement, labor-management relations and productivity bargaining. The second is a survey program designed to obtain the opinions and attitudes of employees who are directly delivering "front-line" municipal services to the public. The survey will provide for full involvement in the project by all employees and will also provide valid problem identification since data will be drawn from all levels of the work force. The third is a personnel survey program to obtain baseline data on the existing work force structure, including the kinds of jobs, titles and rates of pay within each municipality.

It has a deliberate program of action which includes an attempt to effect productivity improvements in four to eight micro study units within County and Town governmental departments.

At the end of calendar year '74, contracts with all the municipal employees in the four municipalities will expire. Accordingly, negotiations for approximately 30,000 union members will commence on or about September of 1974. The project intends to develop by early 1974 a decentralized approach to productivity improvements. This means that we hope to have stimulated enough interest in the departments of Town and County government to effect productivity improvements among approximately all 30,000 civil servants.

MASS TRANSIT

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. MINISH. Mr. Speaker, in testimony before the Urban Mass Transportation Subcommittee on July 31 of this year Mayor Pete Wilson of San Diego, Calif. made a convincing case on the need for Federal operating assistance to the Nation's mass transit systems.

If we as a nation are ever to cope effectively with the problems of pollution, congestion, land use, and the energy crisis, the Federal Government must assume a partnership role with the States and localities in working for convenient, cheap, and attractive mass transit.

I commend Mayor Wilson's fine testimony to the attention of my colleagues:

STATEMENT OF THE HONORABLE PETE WILSON

Mr. Chairman, members of the Committee, my name is Pete Wilson. I am the Mayor of San Diego, California, and I am speaking here today on behalf of the National League of Cities and the United States Conference of Mayors. I am a member of the United States Conference of Mayors Community Development Committee. I am also a member of the Citizens Advisory Committee on Environmental Quality and chairman of the League of California Cities Committee on Land Use and Environmental Quality.

The National League of Cities consists of, and is a national spokesman for, approximately 15,000 municipal governments in all fifty states and Puerto Rico. The United State Conference of Mayors includes virtually all cities with a population in excess of 30,000. Member cities are represented by their elected chief executives—the Mayors.

We appreciate the opportunity to appear before the House Banking and Currency Subcommittee on Urban Mass Transportation to present our views on the impact upon the nation's cities both of the Environmental Protection Agency's air pollution control strategies and of the energy shortage.

When Congress passed the Clean Air Act of 1970, it mandated that each state adopt and submit to EPA "a plan which provides for implementation, maintenance, and enforcement (of air quality standards) in each air quality control region (or portion thereof) within such state." The implementation plans were required to include controls on stationary and mobile sources of air pollution. Where such stationary source controls are inadequate to insure attainment or maintenance of the requisite air quality standard, the implementation plan is to include land use and transportation controls. EPA has determined, with major prodding from the courts, that land use and transportation controls are necessary, and that many of the proposed state implementation plans are inadequate.

EPA, therefore, has promulgated two sets of regulations. The first requires the control of "complex sources" facilities, the access to which is exclusively or primarily by automobile and which therefore generate automobile traffic. The second set of regulations would directly and severely restrict the use of the automobile and substitute mass transit as the alternative.

We do not quarrel with the objectives of the EPA's actions. To the contrary, we are heartily in support of the goal.

But we cannot help but be concerned about the substantial procedural and practical problems we will face in meeting their stringent requirements. We are concerned about the economic and social consequences of these requirements—consequences the Environmental Protection Agency acknowledges are unknown.

The hoped for effect of the proposed transportation control plans will be an immediate reduction in the use of the automobile in the nation's cities, accompanied by a marked improvement in air quality. Mass transit is expected to provide the alternative to the automobile. If that expectation is to be more than a pious hope, we dare not fail to recognize that its achievement will require far greater infusions of dollars than at present. The necessity for massive Federal support for urban mass public transportation systems—for both capital and operating expenses—is the natural and direct consequence of these regulations.

It is almost impossible to offer an accurate estimate of how much additional assistance will be necessary. We do know that mass transit in this country is now subsidized by more than $500 million annually from local and state sources. It is obvious that forcing cities to provide significantly expanded transit service, particularly in the peak hours, must escalate the need for operating assistance. Local transit systems are faced with overwhelming deficits and the prospect of increased fares and decreased ridership. We cannot continue to bear this burden alone. Federal operating assistance will be necessary to achieve the EPA goal of substituting the bus for the auto as the vehicle of the commuter.

As you are well aware, the Urban Mass Transportation Administration is faced with a backlog of pending capital grant applications which seek approximately $4.5 billion apart from the Clean Air Act requirements. This Committee has made positive efforts in support of mass transit. We strongly urge that as you consider the level of contract authority of UMTA, you assure adequate funds to meet not only existing demands but also the additional costs required to implement the Clean Air Act.

Cities will be forced to undertake a number of steps to promote car pooling, eliminate or reduce the available parking, and substantially increase mass transit ridership. They will have to plan and implement exclusive bus lanes, significantly increase TOPICS-type programs for control of traffic and other such costly and long-term measures. While the cities have long supported such measures, they also recognize the necessity of weighing the impact in social and economic terms.

The City of San Diego is committed to meet air standards essential to the maintenance of a high quality of life for our people.

During the past year the quality of air in this region showed improvement. Continuation of this trend is anticipated as a result of: a vigorous fixed-source enforcement program administered by the County Director of Public Health, the increased number of vehicles equipped with smog control devices, and the first impact of the increased utilization of the City-owned buses which serve the metropolitan area, consisting of seven cities and part of the county. Although these accomplishments are significant, they are not enough to achieve and maintain the prescribed national air quality standards for this region.

San Diego is not only willing but eager to pursue ways to further expand and improve public transit service—both the present bus service provided by the City-owned San Diego Transit Corporation and any new modes to be provided by yet-to-be-created operating entities. Our concern is that the EPA regulations—while providing moral authority and an administrative imperative for expanded public transit—do not, of course, provide the massive increase in financial assistance that will be inescapably required to actually achieve the expansion of public transit service which the regulations mandate.

Further, the City of San Diego cannot help but be alarmed by the seeming land use implications of the EPA "complex source" regulations which would impose controls upon facilities to which public access is exclusively or primarily by means of private automobiles, and by the parking restrictions. This City has adopted and implemented strong land use policies to curb costly urban sprawl and to encourage instead the development of a more compact city with a revitalized downtown. We have counted very carefully the tax, economic, environmental and social consequences of failing to check sprawl on the fringes of the City and decay at its core.

So, although we are committed to meet essential clean air standards, we frankly are *not* willing to reverse the significant progress we have achieved in curbing sprawl and revitalizing our downtown.

Particularly when to permit sprawl is to cause long trips between home and work and increased auto emissions as a consequence.

EPA proposals to reduce existing public parking and halt new private parking facilities preclude the City's partly implemented plans to reduce vehicle miles of travel. These plans encourage redevelopment of the urban core and discourage continued, disorderly urban sprawl with its attendant transportation problems that have been so characteristic of the Los Angeles area. The EPA proposals are counter to the City's plans to change this trend. As a viable alternative to continued urban sprawl, redevelopment of the urban core as a self-contained compact area for living, working, shopping, recreational, cultural and educational activities would provide residents with a complete community requiring much less reliance upon the automobile. Nevertheless, these core residents should be entitled to their pro rata share of the automobile travel still permitted under the reduction imposed by EPA.

And in order to achieve the mix of land use—the diversity in texture and experience—for which we are striving in our new downtown redevelopment project, we are advised that financing for the hotel and retail elements—now, prior to achieving that expanded level of public transit service which EPA demands—is dependent on the availability of parking. We must recognize, as we seek to replace automobile travel with public transit, that until we have developed public transit into a realistic alternative, core residents and visitors will continue for a time to be dependent on the automobile; and until then, some accommodation of the automobile must continue.

Similarly, in the City's efforts to increase bus ridership, it is very likely that satellite parking lots will have to be developed for commuters utilizing bus service. Imposing uniform parking limitations as proposed by EPA is inconsistent with overall clean air implementation efforts. Parking controls should be left with the City of San Diego to carry out its broad plans to improve the total environment.

Transportation services to a developing downtown may be provided in levels, each of which is associated with increasingly higher densities of development. The first level is short range and must include private autos and on-site parking, but transit, and existing streets. The second level is intermediate range and involves increased bus usage, fringe parking and shuttle service. The third level involves heavy investment in mass transit systems that can substitute for the transportation service provided by the private automobile.

We in San Diego have recognized the importance of mass transit. Our City-owned San Diego Transit Corporation has a fleet of 250 buses. For several years we have subsidized transit from a 10¢ levy on the property tax, raising about $1 million annually.

When the State of California enacted a subsidy for transit, instead of repealing or lowering our tax, we reduced the fare to 24¢. Since then, we have experienced a significant increase in ridership, an increase of more than 72% since June 1972. We now have 2¼ million trips per month. We in San Diego have made a positive commitment to transit. UMTA Administrator Herringer has called our system "one of transportation's success stories." Other cities, like Atlanta and Seattle, have done the same, with similar successful results.

Despite this dramatic gain in ridership, and despite a hopefully growing realization on the part of the American public that their use of the automobile will have to be altered radically, the EPA has concluded that "without substantial disincentives to the use of the automobile, there are no assurances that a transit system can be designed which would induce people to shift to transit." Accordingly, they have proposed the following incentives and disincentives for San Diego to discourage or reduce use of the automobile and shift people onto our public transit system.

Restriction of gasoline consumption by restricting supplies to retailers; (i.e., rationing)

Establishment of a bus and car pool computer matching system;

Reservation of exclusive bus and car pool lanes;

Required inspection and maintenance;

Tight restriction on the use of motorcycles;

Prohibition of new private parking and reduction of existing public parking capacity of 20 per cent;

Retrofitting of cars with catalytic devices.

These standards for San Diego would require a reduction in vehicle miles of travel by 45%. Mass transit, says EPA, would be expected to carry "the bulk of the travel displaced" from automobiles, with the increased demand primarily at the peak hours. To accommodate this increased peak load demand we anticipate that we will have to increase our bus fleet from the 250 we presently own to 1,500 buses. We estimate this will cost $62,500,000 and will take four years, assuming production and delivery of 300 per year.

A fleet of this size would further necessitate construction of four or five additional bus storage and maintenance facilities to handle this expanded fleet. We would have to hire 2,400 additional personnel at a cost of $40 million.

Our operating deficit would soar. We will need an additional $35 million in annual operating support funds. We would have excess bus and driver capacity during off-peak hours. We would be hard-pressed to expand our maintenance and replacement program to service a bus fleet of the size required.

We can also anticipate that we would bear some or all of the costs of many of these requirements, particularly in identifying and marking bus lanes and other TOPICS-type transportation improvements. In many cities, parking garages have been used to provide the local share in urban renewal projects, and revenues from parking meters and municipal garages are pledged against bonds or else are major sources of municipal revenues.

The effect of these transportation control plans is that local governments, already hard-pressed by transit money problems, will be still harder-pressed by Federal requirements made with little notion of the cost of such a program, or of the practical problems of meeting these requirements.

Last Friday, July 27, Acting EPA Director Robert W. Fri criticized his agency's "plan" for San Diego (as the agency has previously criticized the Clean Air Act standards) as being harsh and unrealistc in its requirement of a 45 percent reduction in private automobile use by 1977. Director Fri concluded that the 45 percent reduction required to meet the Clean Air Act standard "is likely to require unreasonable changes in the present life style . . . and could result in the paralysis of the entire urban area."

What is possible for San Diego by 1977, Fri said, is a 20 percent reduction in auto use and an extension of the deadline to meet the standards.

"Even to achieve the 20 percent reduction, transit planners and bus builders need to get hopping now," according to Mr. Fri.

That, of course, is putting it mildly. And—grateful as I am for this substantial relief and realism—still I am compelled to ask where I may expect to find funding to achieve a 20 percent reduction.

Clearly, EPA has not estimated the costs or identified the sources of funds to pay for the direct and indirect costs of their proposals. In spite of the recognized urgency in cleaning up the air, it will not be possible to undertake these programs without new funding sources. The proposals allude to potential assistance from the Department of Transportation in financing the acquisition of *equipment*. But *operating* costs of new bus service will far exceed the revenue from fares, and will require federal subsidy which has here-to-fore been reserved for capital acquisitions.

An expanded air quality monitoring program will be necessary to ascertain air quality changes as a result of transportation mode shifts and other control measures. Such monitoring will require expensive equipment and technical personnel.

In short, the Federal Government—notably, the will of Congress as interpreted by the Federal Court and transmitted by EPA—would impose great burdens upon the City of San Diego and other cities throughout the nation, without our having been involved in developing these programs and without our having been consulted about their implementation until two weeks ago. It is true that under the Clean Air Act, the *State* is required to hold public hearings prior to submitting an implementation plan to EPA. But there is no requirement for coordinating with local general land use planning agencies, nor is there any requirement for coordinating and consulting with local transportation planning agencies on the transportation control elements of the implementation plan. There is no requirement, but there should be.

And in order to avoid fragmented implementation proposals and cumbersome layers of multi-jurisdictional review, it is strongly suggested that EPA and the State leave to the local governmental jurisdictions within an air basin the manner in which established air quality standards will be achieved and maintained. The local governments would be compelled to develop plans for State approval, which ultimately would require EPA approval. Of particular importance is the need for quantitative standards of clean air tolerances which can be translated by local jurisdictions in terms of urban growth, in a context of both a permissible rate and location within the air basin.

The EPA proposal looks to the State to identify agencies that have regional air quality responsibility. In San Diego that agency is the San Diego Air Pollution Control District whose Board of Directors is the County Board of Supervisors. Since clean air is a regional problem involving all the jurisdictions within the air basin, the policy-making directorate of the agency should be expanded to be representative of all cities in the County (plus ad hoc representation from the City of Tijuana). With this representation, it would be possible to consider matters in relation to all social, economic, and total environmental considerations rather than on the basis of the single element "clean air."

The air basin in the San Diego region comprises the western urbanized two-thirds of San Diego County and a portion of the northern tip of Baja California which includes one of the fastest growing cities in this hemisphere, Tijuana. Its estimated 600,000 inhabitants represent one-third of all the people in this basin. Mexican officials estimate a population of 800,000 by 1980. Any plan for this region must extend an invitation to Mexico to participate in a meaningful way. San Diego and Tijuana constitute an international metropolis. To commence understanding and the development of solutions to mutual problems and opportunities requires establishment of working relationships international in scope. The first step toward such a pact is being pursued with the San Diego Congressional Delegation. The EPA proposal did not discuss the sharing of our air basin with our neighbors south of the border, which we judge imperative if a meaningful plan is to be developed.

Another consequence of EPA's transportation strategies will be increased demand for fuel to run extra transit vehicles. The present fuel crisis can be expected to worsen, despite a lessening of demand for gasoline as people switch to public transit. Transit operating costs will rise as fuel prices continue to climb. We estimate that fuel costs for our bus fleet will go from $300,000 to $1,485,000.

The nation is confronted with the fact of a fuel shortage, whatever the causes. Cities and their transit authorities have been refused bids on diesel fuel contracts, have had deliveries curtailed or cut-off and have had to enter contracts at dramatic increases in price. Some cities have been unable to contract for an assured supply, quality, or price for their fuel needs. The irony of the situation is that mass transit is faced with a crisis situation already, yet cities are now being called upon to provide additional alternatives to the automobile.

Public transportation is a much more efficient utilization of energy. Each conventional passenger bus can carry enough passengers to replace twenty or more automobiles. According to a recent report of the National Science Foundation (NSF), transportation energy efficiency declined by 4.3% from 1950 to 1970, while total passenger miles increased by 154%. These two factors resulted in an increased energy consumption of 166% since 1950. One of the key factors is the reliance on the automobile—which next to the airplane is the most inefficient user of energy. The NSF has reported the following statistics regarding energy consumption of transportation modes.

	Passenger-miles per gallon	Btu's per passenger mile
Buses	125	1,090
Railroads	80	1,700
Automobiles	32	4,250
Airplanes	14	9,700

The American Transit Association has estimated that a 24% diversion from passenger cars to mass transit could reduce petroleum demands by almost one-half million barrels daily.

Mass transit and cities cannot afford to "share the shortage" of energy supplies. Trains running at half-speed or buses with air conditioning turned off to conserve energy will not attract ridership. Mass transit, an essential public service, must be assured an adequate supply of fuel at reasonable prices. The uncertainty cities face over the availability and price of fuel not only disrupts a city's budgetary process, but also increases overall costs which must be borne by the local taxpayer, either in higher taxes, reduced services, or both.

Submitted for inclusion in the Record is a summary of the municipal fuel crisis and the energy policy positions of the National League of Cities and the U.S. Conference of Mayors.

In conclusion, let me offer a personal observation which I hope will be relevant. Were the sole impetus to move to expanded public mass transit the need to clean our air, I would reject the EPA proposals.

Not because I do not assign high priority to air quality, but because the standard of the Clean Air Act can and should be satisfied otherwise. We should require U.S. auto makers to make a small, 4 cylinder car that meets the emission requirements of the Act. If foreign producers can, so can ours. Perhaps Congress should place a significant tax upon cars having engines with more than 4 cylinders. In addition to having a salutary effect upon the air, it might have as well a salutary effect upon fuel consumption and the energy crisis, and upon the balance of payments problem and long term employment for American auto workers.

But the need to move aggressively toward expanded and better public transit arises from the need to regulate land use, and to devote less precious urban land to accommodation of the automobile.

It arises as well from the need to improve upon the automobile as transportation in terms of safety and cost—and eventually convenience. It arises from the need to improve public transit for those who have no other means of transportation.

These needs are very great. They suggest to me that in the future, we need to think of public transit as a public utility, and that we need to devote taxes to it as we do to sewer and water and school systems . . . even to highway systems. How much have we subsidized the automobile by building the streets and highways on which it runs?

Mr. Chairman and gentlemen of the Committee, let me express the gratitude of the National League of Cities and U.S. Conference of Mayors as well as my personal thanks for this opportunity to appear before this distinguished body. Your leadership in bringing the attention of the nation to the needs of mass transit is well-known by the mayors of the nation's cities.

Thank you for your courtesy and attention.

MILK FOR CHILDREN

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. BINGHAM. Mr. Speaker, as millions of our Nation's children return to school after the traditional summer recess, they face the very real possibility of not having milk served with their lunches or during the course of the school day. The administration's proposal to sharply curtail expenditures for milk in the national school lunch program and the special milk program should be seriously reconsidered in light of the hard, cold economic realities of 1973.

An editorial in the New York Times for September 1, 1973, conveys my feelings on the need to act immediately, and responsibly to ensure adequate funds to provide subsidized milk programs where they are most needed. The editorial follows:

MILK FOR CHILDREN

When schools open across the country this week, more than forty million children will find no milk on their lunch trays, unless local communities or their parents pick up the tab. The Federal subsidy, which amounted to $95 million last year has for the moment been wiped out—a victim of President Nixon's budget-slashing and of an unresolved conflict between the Senate and the House.

The President's budget requested only $25 million for the milk program, a $70 million reduction and just enough to provide milk for the approximately six million children in schools without lunch programs. While the House went along with the President's cutback, the Senate called for an expenditure of $97 million. Until House-Senate conferees, arrive at a compromise, there will be no subsidized milk for school lunches. In schools that have no lunch programs, the Agriculture Department will continue to provide children with milk by using leftover funds for day-care centers and camps.

The lapse in the general school milk subsidy comes at the worst possible time—when the price of milk and most other food has risen to record levels. Many children will be getting less milk at home because of the squeeze on family budgets, thus making its availability in school doubly important to their over-all nutrition.

To make matters worse, there is also the threat of a serious shortfall in the amount of Government-donated food available for the school lunch program. Many former surplus items are now on the scarcity list. In addition, some food companies, which had been eager to get the schools' lunch business when supply exceeded demand, are now delaying acceptance of local school board contracts in the expectation of getting more lucrative customers later on.

Contrary to the self-congratulatory folklore of America as a child-centered society, Congress shows no sense of urgency about preventing children from becoming victims of the adult world's preoccupation with profits and budget-cutting. The conferees have acted irresponsibly in delaying action beyond the opening of school.

THE NEW SOCIAL SERVICES REGULATIONS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. FRASER. Mr. Speaker, today the Department of Health, Education, and Welfare has released a revised set of regulations for the social services program. The regulations, which will appear in the Federal Register next week, are scheduled to take effect on November 1.

Because of extensive public interest in this issue, I am inserting an outline of the new regulations in the RECORD.

[Department of Health, Education, and Welfare, Social and Rehabilitation Service (45 CFR Part 221)]

SERVICE PROGRAMS FOR FAMILIES AND CHILDREN AND FOR AGED, BLIND, OR DISABLED INDIVIDUALS: TITLES I, IV, (PART A), X, XIV, AND XVI OF THE SOCIAL SECURITY ACT

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare.

Notice of proposed rulemaking was published in the *Federal Register* on February 16, 1973 (38 FR 4608).

Final regulations responsive to comments received were published in the *Federal Register* on May 1, 1973 (38 FR 10782), with an effective date of July 1, 1973. An amendment clarifying several provisions was published on June 1, 1973 (38 FR 14375).

Public Law 93–66 signed by the President on July 9, 1973, postponed the effective date until November 1, 1973. Notice of this postponement was published in the *Federal Register* on July 25, 1973 (38 FR 19911).

The new proposals would amend the regulations published on May 1, 1973 and June 1, 1973 to:

1. Require States to establish, under the adult services program, a plan for deinstitutionalization and prevention of institutionalization of individuals through the provision of defined services; (§ 221.5(a)).

2. Broaden the coverage of potential recipients, consistent with the deduction for work-related expenses enjoyed by recipients, by defining the income limit as $60 plus 150% (233% in relation to day care) of the payment standard (previously $30) (§ 221.6(a) (3) (i))

3. Permit an additional income disregard for the mentally retarded, with the amount to be established by each State; (§ 211.6(a) (3) (iii))

4. Broaden the coverage (for family planning services) to include any female of child-bearing age who meets financial eligibility requirements; (§ 211.6(a) (3) (vii))

5. Allow 6 months (instead of 3) from the effective date of the final regulations for redetermination of eligibility of all current recipients of services; (§ 211.7(b))

6. Remove the cumbersome aspects of the assets test for determination of potential recipients, although States must continue to consider available resources in determining whether families and individuals are likely to become applicants for or recipients of financial assistance within 6 months;

7. Add the goal of strengthening family life, (§ 221.8(a) (3)), under which States may provide family planning services; and other services including day care, to prevent child abuse and neglect (§ 211.9(b) (3));

8. Expand the definition of health-related services to encompass those necessary to a program of active treatment for alcoholics and drug addicts; (§ 221.9(b) (9))

9. Expand the definition of legal services to include those required to establish paternity of children born out of wedlock, obtain child support payments, and legally adopt a child; (§ 221.9(b) (14))

10. Add a new defined service, Special services for the mentally retarded; (§ 221.9 (b) (19))

11. Provide Federal financial participation for appropriate medical services necessary for active treatment of drug addicts and alcoholics. together with medical treatment required for services to the mentally retarded, provided that any other public and private sources are utilized first. (§ 221.53(i))

12. Incorporate new statutory language concerning Federal sharing in services to children in foster care. (§ 221.55(d) (5))

The proposed regulations do not affect current provisions in Part 220 applicable to the work incentive program (WIN) and to child welfare services (CWS). Amendments to those portions of Part 220 will be published separately.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objections thereto which are received in writing by the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue, S.W., Washington, D.C. 20201, within a period of 30 days from date of publication of the Notice in the *Federal Register*. Comments received will be available for public inspection in Room 5224 of the Department's offices at 330 C Street S.W., Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (area code 202–962–4451).

Authority: Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302). (Catalog of Federal Domestic Assistance No. 13754, Public Assistance—Social Services).

Dated. September 5, 1973.

MURDER BY HANDGUN: A CASE FOR GUN CONTROL—NO. 15

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. HARRINGTON. Mr. Speaker, the 15th victim in our gun control series was a 4-year-old child who was sitting in his baby carriage. When an irate motorist returned to an ongoing traffic dispute, he brought a pistol with him. He fired the gun into the ground—twice. He fired the gun again until it was empty. One shot struck an off-duty policeman in the chest; he is seriously wounded. A teenager was shot in the foot; his condition is excellent. But 4-year-old William Johnson died in Sydenham Hospital from a bullet through his head. Victim and killer were completely unknown to each other and only an accident of location resulted in death. It was because it is legal for anyone to own a handgun that an irrational argument became a murder.

Gun control laws are too late for Billy Johnson. What irrational instinct is preventing us from saving the future Billy Johnsons from similar fates?

Just as sure as you are reading this article, another 4-year-old child will die a senseless and brutal death unless we have gun control.

Reprinted below is the article which appeared in the New York Times of September 5, 1973:

BOY, 4, SLAIN AND TWO HURT IN HARLEM TRAFFIC DISPUTE

(By Frank J. Prial)

A 4-year-old boy was shot to death and a 17-year-old youth and an off-duty policeman were wounded yesterday in Harlem when, the police said, a motorist fired into a group of people who had sided with another driver in a traffic dispute.

The child, William Johnson Jr., was struck in the head by one bullet and died soon afterward at Sydenham Hospital. The youth, Clyde King, who was struck in the foot, was reported in good condition at Harlem Hospital

The off-duty policeman, Officer Earl Robinson, 28, had been chatting with a friend on a stoop a block away when he heard the shots. As he ran toward the scene, the gunman fired two shots into the ground, then one at Officer Robinson, who was struck in the chest.

People in the crowd were beating the suspect when other policemen arrived and took him into custody.

He was identified as Robert Mayfield, 37, of 1385 Fifth Avenue, near 115th Street. The police said he was taken to Knickerbocker Hospital with severe lacerations of the face and body.

Police spokesmen and witnesses gave this account of the afternoon's events:

Mr. Mayfield, who was driving a customized gold Cadillac, stopped for a red light at 127th Street and Convent Avenue at about 2:50 P.M. A driver of a "gypsy" cab, identified as Alvin Carr of 376 West 127th Street, who was behind Mr. Mayfield at the light, began honking his horn. Words were exchanged and the two men jumped from their cars.

FAMILY ENTERS DISPUTE

A passenger in Mr. Mayfield's car, Miss Lavinia Little, 31, of the same Fifth Avenue address, jumped out of the passenger side brandishing a wrench, according to the police. When some of those in the crowd that had assembled wrested the wrench from her, Mr. Mayfield picked up part of a wooden sawhorse being used in street construction and, according to witnesses attacked Mr. Carr with it.

At that point, the crowd began to threaten Mr. Mayfield. The incident took place almost in front of Mr. Carr's residence, and the crowd, which included members of his family, sided with him.

Mr. Mayfield, according to the police, slipped away, but returned minutes later, they said, with a .38-caliber pistol and began firing at the group in front of No. 376, which was still discussing the incident.

The group included Mr. Carr, the cab driver; the King youth, who is his cousin, and William and Yvonne Johnson and their son, William, who was sitting in a stroller, drinking a baby bottle filled with apple juice.

After emptying his gun, Mr. Mayfield fled north on Convent Avenue pursued by Officer Robinson. After shooting him, the police said, Mr. Mayfield was again set upon by the crowd.

Police Office George Hohenstein, one of many policemen who converged on the scene in response to calls from neighbors, attempted to protect Mr. Mayfield from the outraged crowd. He said they were beating him with tire irons and that one woman was slashing him with a straight razor. He described Mr. Mayfield as 6 feet 1 inch tall and weighing about 270 pounds.

WEDGED INTO CREVICE

Officer Hohenstein said he had wedged Mr. Mayfield into a crevice in a building until other policemen came to his assistance.

The police were still talking to William Johnson when his wife came running up the street. She had gone to the hospital with their son and was there when he was pronounced dead. She was screaming: "Junior's gone, Junior's dead." Her husband burst into tears.

Later, as the police were starting to leave, Mr. Johnson burst from the entrance to No. 376 crying: "Get an ambulance. My mothers' had a heart attack."

The police ran up to the fourth floor and carried Mr. Johnson's mother, Gladys Johnson, out. She was taken to Sydenham Hospital. Her condition was not immediately determined.

Mr. Mayfield's fusillade, the police said, also struck a stray black-and-white cat. An hour after the shootings, while the police were still questioning witnesses, the cat was still lying by the building, barely breathing. It later died.

Officer Robinson was taken to St. Luke's-Hospital, where his condition last night was listed as "serious but stable." Later, the Police Department said that one bullet had been fired from Officer Robinson's service revolver, but that the policeman had no recollection of when he had fired the gun.

Police Commissioner Donald F. Cawley visited Officer Robinson at St. Luke's Hospital and praised him for a "fine, outstanding job." He reported that the bullet that entered the officer's chest had "veered toward his shoulder" and that the wound was not as serious as it was first thought to be.

Commissioner Cawley said the shooting yesterday was another indication that there were "too many hand guns" available to the public.

SOME POINTED QUESTIONS FOR KISSINGER HEARINGS—PART II

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. ASHBROOK. Mr. Speaker, on May 30, 1973, I reintroduced the Bricker amendment, a constitutional amendment which would prevent treaties and other international agreements from overriding the U.S. Constitution and would limit the use of Executive agreements in conducting foreign policy.

Proponents of the Bricker amendment in 1953 felt that the United States was involving itself in so many foreign commitments that some sort of clear-cut constitutional provision was needed to limit the President's power in this area. That this problem is still with us today is demonstrated by our foreign policy with the U.S.S.R. in 1972 exemplified by the declaration signed by the two countries at that time.

Especially pertinent is the definition of the concept of peaceful coexistence as viewed by Mr. Kissinger and the Soviet Union. Also, it should be ascertained from Mr. Kissinger just how binding is the declaration on the United States. These two points should be clarified both for the American people and the Soviet Union at the hearings before the Senate Foreign Relations Committee on the confirmation of Mr. Kissinger as Secretary of State.

Many Soviet experts, commenting on the documents signed during the 1972 summit meeting in Moscow, claim that they legitimize, so to speak, the Soviet concept of peaceful coexistence as an international law principle. G. A. Arbatov, for instance, Director of the Institute for the Study of the U.S.A., in an article entitled "An Event of Great International Importance," said.

> One is tempted to begin with the document "Fundamental principles of mutual relations between the USSR and the USA." This sizeable document, full of profound implications, in fact formulates international-legal principles regulating relations between the two states. The first place among them is occupied by the principle of peaceful coexistence of states belonging to different social systems.[1]

Arbatov's assumption is questionable, to say the least, since even the U.N. has refused to identify peaceful coexistence with general international law principles concerning friendly relations and cooperation among states.

Even more disturbing is the Soviet assertion that the declaration signed by both President Nixon and CPSU Secretary General Brezhnev, belongs to the category of executive agreements concluded on the basis and in conformity with the constitutional powers of the President. The review "U.S.A.—Economics, Politics and Ideology," June 1973, organ of the Institute for the Study of the U.S.A., published an exhaustive study of the executive agreement which makes certain challenging conclusions about the meaning of the Moscow declaration.[2]

The writer quotes extensively from Supreme Court decisions, statements by Government sources, and legal literature and claims that legal force and permanence of executive agreements equals that of international treaties ratified by the Senate. He makes a distinction between two aspects of the problem: external—or international—which deals with the status of executive agreements in international law, and internal—or domestic—dealing with their status within the American domestic legal system. His reading of American sources leads him to assert that treaties subject to ratification and executive agreements enjoy identical status and the same legal validity in international law. As for the force of the executive agreement in domestic legal system, the author concludes that executive agreements are the "law of the land."

The official Soviet position, therefore, is that the declaration of the basic principles concerning mutual relations between the United States of America and the Union of Soviet Socialist Republics, based on peaceful coexistence, is an executive agreement binding not only under international law, but also internally as part of the law of the land.

In this context it is important to recall that the Soviet interpretation of peaceful coexistence—a concept in fact originating in the Soviet Union—differs greatly from our understanding of what constitutes friendly relations among states. A staple Soviet definition of this concept includes the following points:

> Peaceful coexistence is a specific form of class struggle between socialism and capitalism in the international arena . . . The policy of peaceful coexistence which is carried out by socialist countries represents a powerful factor hastening the global revolutionary process . . . Peaceful coexistence does not exclude revolutions in the form of armed uprisings and just national liberation wars against imperialist oppression which takes place within the framework of the capitalist system.[3]

The blanket identification of peaceful coexistence as a principle of friendly relations among states has caused considerable skepticism in Europe. The well-known sociologist and writer, Raymond Aaron, in a recent article for the Paris daily Le Figaro, August 1, entitled "When the Capitalists Subsidize the Soviet Union" says in summary:

> He barely can understand why for political reasons Mr. Kissinger supports massive American involvement in the Soviet economy. If Dr. Kissinger imagines that by attaching the USSR to the USA by ties of mutual economic dependence peace and Soviet good will will be guaranteed—he is a victim of an illusion which he many times denounced when he was just a professor.

Implications of détente based on the Soviet concept of peaceful coexistence have not altogether escaped public attention in the American press also. A recent editorial in the New York Times warns the Secretary of State "to take a fresh look at his conception of détente with the Soviet Union."

Inserted at this point is the abovementioned editorial from the New York Times of August 27 and the text of House Joint Resolution 584, popularly known as the Bricker amendment:

QUESTIONS ON DÉTENTE

In his new post as Secretary of State, Henry A. Kissinger may find it necessary to take a fresh look at his conception of détente with the Soviet Union. It envisions that increasing relations between American and Soviet citizens will build mutual trust, with benefits for both countries. From Moscow's point of view, the anticipated fruits of détente include massive transfers of American capital and technological know-how to speed up Soviet development and—inevitably—the growth of Soviet power.

The Kissinger conception has now been fundamentally challenged from a startling source. Academician Andrei D. Sakharov, who invented the Soviet hydrogen bomb in the early nineteen-fifties and who more recently has become an outspoken advocate of Soviet civil liberties, attacks the Kissinger thesis at its weakest point—its failure to insist that détente move the Soviet dictatorship toward greater democracy and responsiveness to public opinion. In effect, this eminent Soviet dissenter asks Americans to ponder the possibility that, after they have helped strengthen the Soviet Union, they will find the Kremlin rulers of the nineteen-eighties more dedicated to world domination than even their authoritarian predecessors. Sakharov's warning is that détente without Soviet democracy could be suicidal for world freedom.

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[1] G. A. Arbatov, "An Event of Great International Importance," *SShA-Economics, Politics and Ideology,* No. 8, August, 1972, pp. 3–4.

[2] A. M. Belonogov, "Executive Agreement as a Form of International Obligations of the United States," *ibidem,* June 1973, pp. 8–19. He has also written "Specifics of Treaty Ratification in the USA," July 1973 issue of the review *Soviet State and Law.*

[3] *Philosophical Encyclopedia* (in Russian), III, 452–454.

Point was added to this somber notice by two reminders last week of how much repressiveness is still standard in Moscow. The disgraceful treatment accorded the Israeli team at the World University Games there and the open violence directed against Soviet Jews who wished to cheer the Israelis provided one shock. Equally disconcerting was the brutal decision of Soviet bureaucrats to deny Aleksandr Solzhenitsyn permission to live in Moscow where his wife and two sons are legal residents. As Solzhenitsyn rightly points out, this decision and the law on which it is based derive from the implicit assumption that the Soviet people are serfs of a state which really owns them.

Progress toward détente is threatened by the anxieties such developments arouse on whether the Soviet Union ever intends to become a genuinely open society.

H.J. Res. 584

Joint resolution proposing an amendment to the Constitution of the United States relative to force and effect of treaties

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution only if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"Article —

"Section 1. A provision of a treaty which denies or abridges any right enumerated in this Constitution shall not be of any force or effect.

"Sec. 2. No treaty shall authorize or permit any foreign power or any international organization to supervise, control, or adjudicate rights of citizens of the United States within the United States enumerated in this Constitution or any other matter essentially within the domestic jurisdicion of the United States.

"Sec. 3. A treaty shall become effective as internal law in the United States only through the enactment of appropriate legislation by the Congress.

"Sec. 4. All executive or other agreements, between the President or any international organization, foreign power, or official thereof shall be made only in the manner and to the extent to be prescribed by law. Such agreements shall be subject to the limitations imposed on treaties, or the making of treaties, by this article.

"Sec. 5. The Congress shall have power to enforce this article by appropriate legislation.

"Sec. 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission."

SIX WINNING ESSAYS ON WATERGATE BY STUDENTS FROM ROCHESTER, MICH.

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. O'HARA. Mr. Speaker, considerable public interest and comment has been generated by the on-going revelations concerning the burglary and wiretapping of the Democratic National Committee and the subsequent allegations that high Government officials sought to cover up the extent of the wrongdoing involved.

Recently, Council 5452 of the Knights of Columbus in Rochester, Mich., which is a part of the 12th Congressional District which I have the honor to represent in the House, conducted an essay contest among senior and junior high school students to determine their views on this issue of such grave national importance.

The subject of the essay contest was "The Watergate Affair—Morality or Politics," and the contest was open to students of Adams Senior High School, Rochester Senior High School, Central Junior High School, and West Junior High School, all of Rochester, Mich.

I would like to share with my colleagues the six winning essays—three by senior high school students and three by junior high school students—because they reflect deep sensitivity to high ethical standards.

I congratulate these young people for the thoughtful preparation that went into these essays, and I commend Council 5452 of the Knights of Columbus for the public service it has rendered by encouraging these students to focus on the moral and ethical issues involved in the Watergate scandal.

First prize, senior high school students—Douglas Strayer, age 17, of 554 Old Perch Road, Rochester, Mich.:

Watergate—Morality or Politics

(By Douglas Strayer)

Through the course of political history, never has there been an executive scandal with such far reaching implications and effects as the Watergate affair. The Teapot Dome Scandal of the Harding administration appears to be meager child's play when matched against the Watergate.

It was due to America's free press that a scandal of such high degree was brought into full light despite attempts by the White House to cover up the issue. American people supporting the President claim that incidents such as the Watergate occur all the time in politics and that bribery and corruption are facets of both political parties. They say that it happened to be the Republicans who were caught. However, to this writer, it seems that underhanded dealings such as Watergate and the magnitude of corruption it implies can't be shrugged off as political procedure. No matter what the political party, when there are charges of espionage, theft, and sabotage, the realm of politics ends and morality becomes an essential question.

With each new day of investigation, there are more and more startling charges made by very reliable people. Nightly news shows are talking regularly about impeachment and resignation for the President. Not only have liberal Democratic newspapers asked the President to consider resigning, but also a number of conservative Republican newspapers such as The Washington Star Daily.

It is customary in the two party system for the party not in office (currently the Democrats) to criticize the opposing party to keep them "in line". However, in the case of Watergate, it was the press who made the charges and kept the scandal an important issue, not the Democrats.

On the question of morality or politics, it all depends on whether you consider sabotaging one's presidential campaign as political tactics or not. All the facts are present to prove the campaigns of Senators Hubert Humphrey, George McGovern and Ed Muskie were sabotaged in the 1972 elections. In 1971, Muskie was leading Nixon in the polls. Suddenly, Senator Muskie and his wife were humiliated with false charges of homosexuality and adultery. At present, Donald Segretti has been indicted on charges of slander against the Muskies. A point of interest shows that Segretti was paid by the Committee to Re-Elect the President. If an act such as this is a common political maneuver, then God help this country!

Morality comes in many disguises for politicians. Hardly anything can be considered a bribe to a congressman. Any money given to a politician, no matter what the purpose, can always be claimed to be a political contribution. After all, we have the right to contribute to our favorite congressman. This points out that politicians are different from common citizens by the fact that they can break the law and hide behind a shield of secrecy and lies. President Nixon has claimed executive privilege for some of his White House aides, stating it has deep roots in the Constitution. To the contrary, there is absolutely nothing about executive privilege in the Constitution.

No longer does President Nixon represent the mandate of the people, but the deceit of a fraudulent election.

Second prize, senior high school students—John Strayer, age 16, of 554 Old Perch Road, Rochester, Mich.:

Watergate—Morality or Politics

(By John Strayer)

When reading about the Watergate Affair, I sometimes think I am reading a good mystery thriller. All the aspects of a best selling novel are present. The burglary, the payoffs, the closed door meetings, the burning of incriminating evidence, almost every type of political espionage imaginable.

Almost every day more new and startling evidence is revealed as high ranking political officials vacillate and then point fingers in an attempt to save their own necks.

The thing that is frightening is that this is happening in America. Are there so many flaws and loopholes in the Constitution that this kind of deceit can infiltrate into the decision making body of our country? I do not believe it's as much a failure of the Constitution as it is the men we elected. Under the Constitution a few men are given a vast wealth of power with which great things can be accomplished. However, some of these men choose to abuse this authority and use it for personal gain.

As astonishing as this whole thing seems to me, some people still believe that high political officials are incapable of such corruption. It also seems that the men involved, with their self-righteous attitude, feel that they're above the law. If, by chance, they do get caught they can use executive privilege to avoid testifying. If worse comes to worse, someone will pardon them with executive clemency.

I sincerely hope the courts don't feel these men are above the law because, besides being a matter of morality, this incident is also a matter of legality.

Even if the structure of our government is disrupted for a while as administrative rearranging takes place, I feel the guilty should be punished, even if this includes the President. To let the ones who are proven guilty continue in public office, on the basis that their work is important to the country's future, would make a mockery of the American system. When President Kennedy died, he and his administration were also doing important work for the nation. At that time the country didn't fall apart, so I don't believe a little White House cleaning would be a tragedy now.

Whatever happens, one thing should be learned, that the government and our officials aren't infallible.

Third prize, senior high school students—Duane W. Utech, Jr., age 16, of 461 South Adams, Rochester, Mich.:

Watergate Affair—Morality or Politics

(By Duane Utech)

The United States of America; the most powerful nation in the history of the world; the nation with a scientific technology so advanced that a major breakthrough is achieved every six months which increases the knowledge of the world by tremendous margins. Yet in all the greatness which is America, there seems to be only one stone of its foundation which consistently fails to hold up our country: the government. And today, it would seem as though this section of our nation has become as corrupt and vile as the criminal organizations which pollute our city streets. It has now become apparent that the rampant evils of our government must not go unchecked; and the American people must look toward Watergate as the cleanser of the cesspool of our political system.

As the trials of Watergate progress, and the picture slowly grows, the citizen is beginning to grow querulous about two things. First, when will the entire puzzle of espionage be intact, and second, is this scandal a question of morals or a question of politics? If it comes to a question of morals, then we must ask ourselves; who is in the right, and who is in the wrong? And if it is a question of politics, we must ask ourselves; if this is politics, then is there nothing better which we can accept to govern our country?

But even while our country lays in wonder—or indifference—the back stabbing, finger pointing circus continues. No one seems either willing or able to open the festering sore and clean it out. Each day it seems as though one of the members of Watergate will have to indulge in a disclosure of the intricate network of crimes, but they remain as tight lipped as a young boy who pulled his girl friends pig-tails in school. Is this pompous caravan of small children who see, speak, and hear no evil demonstrating a political maneuver? If this brilliant power play is politics, what can we define as pure idiocy? Is it politically acceptable to 'eaves drop' on an opponent's camp? And even if the members involved in the worst scandal since the 'Teapot Dame Affair' say yes, then can we, the American people, agree?

Is it morally acceptable for a group of people representing our Democracy to violate many standards, which our Democracy stands for? No matter how many times these same rights have been violated in the past, the mere fact that the violation went unnoticed then does not lessen the voracity of the crime. The fact is that the members of Watergate have been unearthed, and no matter how they squirm to be released from the hook of justice, the prosecutors must hold them until they are convicted for the worst crime commitable in America today; molesting the rights of the American people. It is this authors belief that Watergate is definitely a question of morals; and the Watergate conspirators are most assuredly in the wrong.

First prize, junior high school student Joni Kaul, age 13, of 2710 Walbridge Drive, Rochester, Mich.:

Watergate Affair—Moral and Political

(By Joni Kaul)

The biggest scandal in the history of the United States government is called The Watergate Affair. It centers around the wiretapping of Democratic Headquarters in the Watergate Hotel, Washington, D.C.

In June of 1972 some members of the Republican Party tapped the lines of the Democrats when they were planning the Presidential Campaign. Tapping in the United States is against the law and that is why an investigation has begun into the cause. The Democrats say Mr. Nixon was in on it, and the President denied it.

Soon Mr. Nixon was seeing John J. Wilson a Washington attorney who was retained by H. R. Halderman, the white house Chief of Staff, and John Ehrlichman, the President's adviser on domestic affairs. Their names were being mentioned by other suspects as either trying to cover up White House knowledge of the affair or helping to pay the wiretappers to be quiet. For this reason these two men had ample cause to hire a lawyer. But why was Nixon seeing him? It seemed to say Mr. Nixon himself was part of the conspiracy. However, there is no proof of this.

Mr. Nixon had solemnly denied any personal involvement and promised to see justice done. One of his fired aides threatened to implicate the President himself in a conspiracy to conceal White House involvement. Nixon took the blame and said that any of his party that took part in the bugging did so because they were overeager to have the Republicans retain the presidency and were loyal but misled. As head of the party, he would assume the responsibility.

In my opinion, I think it is a moral problem. Every person in the United States, every person in the world, should have his own thoughts, and his own privacy. I think that the Watergate Affair shouldn't have ever happened. The people who took part in it are breaking the law and destroying what is left of honesty in politics.

The Watergate Affair has to be called Political also. It involves both political parties as well as many men in very high positions in government. All of these people are too intelligent to claim they were unaware of the laws on wire-tapping. What they did was done without regard to any law.

The government and the nation both lose in this affair. Men who feel strongly about this issue may quit the government. Other honest, intelligent men might not want to go into government jobs.

This is something that will not blow over. The people of this country will have to have all the details and all those involved will have to pay a penalty. We cannot shrug off this problem of Watergate. We must do all we can to see that it does not happen again.

Second prize, junior high school students—Carol Hasselwonder, age 14, of 630 Campus Road, Rochester, Mich.:

Watergate Affair—Morality or Politics?

(By Carol Hasselwonder)

On June 17, 1972 bugs were discovered in the Watergate Building. It was discovered that it was Republicans on Nixon's staff who placed the bugs. The discovery of the bugs was brought to the attention of the public.

In other countries this type of thing is going on practically all of the time, but they just keep it a hush-hush business. Many Europeans were very surprised when the United States let this thing come out into the open. Men that were on committees during the election campaigns and are now on Richard Nixon's advisory staff are being questioned and prosecuted. Many people who were connected with this affair have dropped out of politics all together.

One good result of Watergate could be a clearer understanding in the country as well as in Washington of the role of a free press in a free society. Practically the most important result of all this is that Watergate could be an Historic check upon the long and dangerous increase in power of the Presidency.

The Watergate Affair is an example of how immoral some people become when they are given the chance to obtain greater power and more money. It's ironic to think of how people in the government could break the law by committing a crime as serious as this, when they are the ones who help to make the laws.

President Nixon has given the go-ahead on all questioning needed to clear up this affair. Nixon says that he didn't know about the bugs until after they were discovered, but how could this be if his top associates and good friends knew about them?

In my opinion the Watergate Affair isn't some freak incident that happens only once or that you read about in books, it's an affair that's going on all over the world right now and will probably continue here in the United States and everywhere else as long as there are human beings. To want to have power and riches is a normal human instinct and people will do almost anything to get this. Even though it's a normal human instinct, it's still illegal and very immoral to go about trying to achieve it in this way. I feel that bugging is immoral because it destroys people's freedom and privacy. I feel that people who will do this sort of thing are rather corrupt for they are depriving people of their human rights.

Governmental or political agencies bugging other people is something that one would normally think of only in connection with criminals or crime syndicates.

I think that it will take quite a while before this whole mess is cleared up. Anyone who was connected with this thing should be punished severely. Maybe if this happened the bugging will stop.

Politically, it has weakened our standing in International Affairs a great deal. It has also cheapened our government and our country. The other governments in the world respected us but now their feelings about us have changed greatly. If this thing continues, nobody will ever respect us again. This incident has also helped to devalue our American dollar.

This affair has damaged our country both morally and politically. It is hard to say which is worse!

Third prize, junior high school students—Norman Bensel, age 14, of 368 Nesbit, Rochester, Mich.

Watergate Affair—Morality or Politics?

(By Norman Bensel)

The Watergate case all began on June 17, 1972, at 2:00 in the morning, when a policeman discovered five men hiding behind a desk, in an office at National Democratic Headquarters.

Actually, it began long before that, when the burglars first started planning the break-in, burglary, and wiretapping of the Watergate Hotel. Who helped plan this break-in? What did they want? These questions are now being asked by the Grand Jury, the Senate, The President, and many Americans.

After the break-in of Democratic Headquarters, the President ordered an investigation of it by his White House Counsel John Dean III. It was announced that the investigation did not turn up any evidence of White House involvement. But since mid-March, more and more facts have turned up that show White House involvement. Finally it was revealed that many White House officials were deeply involved in the planning and attempted cover up of Watergaate.

It seems that the purpose of the break-in and wiretapping was to gain political information that the Republicans could use to hurt or destroy the Democrats chances in the elections.

James McCord, one of the five conspirators, really started making static in the White House when he made seemingly untrue statements before the Grand Jury. He stated that John Dean III Jeb Magruder, and John Mitchell had known about the Watergate plans in advance, and it had been discussed at a meeting in Mitchell's office in February of 1972. McCord also said that after the men were arrested, they received regular payoffs to keep quiet.

Since McCord began making these statements, more and more White House officials have been revealed to be involved with Watergate and have been trying to cover it up.

Up to now some officials have been fired, and two officials have been indicted by the Grand Jury. The officials involved are in such a high bracket in the White House, that now even the President is under heavy suspicion.

Some people say, "It's just politics." But if it is just politics why all the secret meetings and payoffs? And most of all why was such an attempt made to cover up Watergate? I do not think, that Watergate "Is just politics."

Watergate started as just a small, innocent affair, in which one or two minor White House officials were involved. But since mid-March of 1973 the Watergate Affair and the number of people involved have been growing like mosquitos in a swamp.

In my opinion, Watergate is too involved to be stated as "just politics." Watergate is immoral and completely wrong; and yet, this may only be the beginning of the greatest political crisis in the history of the United States.

I believe that even in these shocking days to Americans, the guilty will be brought to justice and sentenced in the most fair way known.

Let us just pray, for our sake and for the sake of this country, that the President is telling the truth, and actually did not know of White House involvement in the Watergate Affair until earlier this year.

AMENDMENTS TO H.R. 8547—THE EXPORT CONTROL ACT

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. VANIK. Mr. Speaker, I support the passage of this legislation to provide additional authority and power for the proper administration of export controls—and, in particular, the authority to impose export controls "to reduce the serious inflationary impact of abnormal foreign demand." I am concerned, however, that this legislation does not require, does not mandate action by the administration to impose export controls when scarcities develop and the cost of goods and commodities to American consumers is increasing at an inflationary rate.

It is obvious that the Export Control Act has not been used effectively or adequately in the past for inflation control purposes. Yet the act could and should have great potential for curbing exports of articles which are increasing in price at an inflationary rate—articles whose inflation is contributing to a weakening of faith in the stability of the dollar and of the American economy. To date, the administration has used the power given by this Act on a very random and ad hoc basis.

It is time that the Congress began writing more legislation which is self-explanatory, self-executing, self-enforcing. We should write more legislation which says that if "A" happens, then "B" comes into effect automatically—without executive "determinations" or maybe's"—without interest groups besieging Cabinet officers and White House officials for special favors and special relief for their industries.

In the future, we should give consideration to legislation which would automatically impose export controls when the price of goods and commodities increases in an inflationary manner by a certain percentage. A system of automatic controls, triggered by price increases, would remove the arbitrariness and unpredictability of the present system where our trading partners are surprised and shocked by a sudden executive determination and action. If the law clearly states that controls will and must be imposed at a certain point—determined by increases, say, in the wholesale and consumer price index—then our trading partners will know what to expect. Through consultation and diplomacy, they would be encouraged to cool demand or seek alternative sources.

In addition, in the critical areas of raw materials and food goods, we should determine what the needs of our own people and industries are and work for the set-aside or reserve of necessary supplies. The American consumer and American industry should come first. We should not allow exports which cripple our own productive capacity. We should not export ourselves into scarcity and into hunger. The policies of the past year in which we have permitted so much food to be shipped abroad that the cost of food at home has spiraled out of control and affected the diet of millions of Americans, must not be repeated. It is unconscionable that our export policies have damaged the quality of life and health of our own people.

Some have argued that export controls, by limiting the range of goods that foreign countries can purchase thereby limit the usefulness and attractiveness of the dollar as a currency and medium of exchange. But the inflation caused by excessive exports and domestic scarcity also weakens the dollar.

It is also interesting to note that a number of other nations have taken action to curb exports and insure adequate supplies for their own citizens. It is my understanding that the Canadian Wheat Board is taking action to insure necessary reserves of wheat and feed grains at home before proceeding with exports. Mexico has placed limits on beef exports—and even the Australians have discussed the possibility of limiting the amount of meat available for export. Yet despite these kinds of examples, we hear little mention of the deterioration of the currencies of those countries.

Finally, Mr. Speaker, this bill is opposed by sectors of the economy which are reaping large profits from an export trade created by worldwide shortages and the foreign demand created by the recent devaluations. It would be wise for these sectors of the economy to restrain their export sales. There was always a need for food throughout the world. There was not always an opportunity to buy at bargain prices which developed through devaluation. Foreign cash buyers will disappear as the advantages created by devaluation ebb away. But the current food inflation may permanently eliminate taxpayer subsidies to the farmer and critically limit taxpayer supports. Farmers may have indeed won the battle over food prices—but they are permanently losing out with the destruction of the successful partnership between farmer and consumer which increased productivity, guaranteed income and produced essential food and fiber at fair and decent prices.

REVENUE SHARING: MYTH AND REALITY

HON. ANDREW YOUNG

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. YOUNG of Georgia. Mr. Speaker, the concept of revenue sharing includes assumptions that it will ease the financial strain on State and local governments, enable communities to meet their priorities for government services, and somehow bring "power to the people."

But what is the reality? Research Atlanta, a widely respected independent urban policy research organization, has conducted a special study of the impact of revenue sharing on the city of Atlanta and Fulton County, which encompasses much of the city and its suburbs. Among its findings:

In fiscal year 1974, which began this past July 1, Atlanta and Fulton County will receive $14.4 million in general revenue-sharing funds, but lose approximately $27.9 million in Federal funds because of terminations and cutbacks on numerous programs by the administration. The net loss to the city and county will be $13.5 million. This loss is being inflicted on vital projects in such areas as education, housing, manpower training, poverty, and community development.

In fiscal year 1975, if Congress were to approve the proposed special revenue-sharing measures, Atlanta and Fulton County would still sustain a net loss in Federal funds.

Beyond the financial loss is the unfortunate fact that no local mechanism or procedure exists to determine priorities for the use of general and special revenue-sharing funds. Also, as local governments shift from existing programs to those operated under revenue sharing, experienced personnel will leave and valuable services will be cut back or ended.

Then there is the impact on individual citizens. Instead of transferring "power to the people," revenue sharing would not, in fact, require the extensive citizen participation—notably among poor people—now necessary under many federally funded programs. One result of revenue sharing is that the poor will have less participation and fewer services. Community development revenue sharing, for example, would decrease funds for Atlanta—with its large neighborhoods of poor people—from $36.30 per capita annually to $19.57, while the highly affluent neighboring DeKalb County would receive an increase from $0.64 to $6.82 per capita.

This illuminating study was compiled by Research Atlanta staff members Jocelyn Ross, Cheryl J. Pence, and Walter R. Huntley. They are to be commended for this and continually informative research projects, as are the organization's executive director, Sam A. Williams, and its board of directors: Ben D. Brown, John W. Cox, F. T. Davis, Jr., Robert P. Hunter, Clay C. Long, Michael H. Trotter, and William J. VanLandingham.

Mr. Speaker, I submit for the RECORD the introduction and summary of this copyrighted study. Those who are interested in obtaining a copy of the complete report may write: Research Atlanta, 52 Fairlie Street NW., Atlanta, Ga. 30303.

REVENUE SHARING IN ATLANTA AND FULTON COUNTY

(By Research Atlanta)

I. INTRODUCTION

Revenue sharing is a new decentralized system of distributing Federal funds to state and local governments. Revenue sharing is a type of Federal "block grant" that does not designate the specific use of funds but rather a general use. It would partially replace the current system of "categorical grants", funds designated for specific program categories.

President Nixon in 1969 proposed a revenue sharing bill that never passed Congress that would have made $500 million of Federal revenues available to state and local governments in fiscal year 1971, with the total rising to $5 billion by FY 1976. In 1971, President Nixon, in his State of the Union Address, proposed a second revenue sharing bill which included two parts: general and special revenue sharing. General revenue sharing would allocate $5 billion in Federal funds to the states, counties, municipalities, and the District of Columbia. Special revenue sharing would allocate $11 billion by consolidating about 130 existing "categorical grants" into six broad categories (education, law enforcement and criminal justice, manpower, urban community development, health, and transportation) with fewer Federal regulations.

Nixon's general revenue sharing bill, entitled the State and Local Fiscal Assistance Act of 1972, was amended and passed by Congress in October, 1972. In January, 1973 President Nixon submitted the FY 1974 budget to Congress. It anticipated and proposed that the first four special revenue sharing bills be enacted by July 1, 1975. It also terminated many categorical grant programs in preparation for special revenue sharing. President Nixon also impounded housing, urban community development and other grants in an effort to reevaluate and control Federal spending. Special revenue sharing bills for community development, education, and law enforcement are before Congress.

According to the Nixon Administration, three factors led to this basic proposed change in intergovernmental relations. First, the great proliferation of categorical grants has created exceedingly complex financial and guideline relationships between governments and has distorted priorities. Second, the growing fiscal pressures on state and local treasuries showed the need for increased Federal aid with no matching requirements. Third, traditional approaches to categorical grant streamlining, such as consolidation plans and incremental changes, have generally been unsuccessful.

The purpose of this study is to quantify the financial impact of general and proposed special revenue sharing on Atlanta and Fulton County. Special emphasis is also given to the policy implications of revenue sharing on local government. This report is prepared as a public service for elected officials of local, state and Federal governments, business and community leaders, and the public. Research Atlanta prepared this report, and wishes to thank Jay Fountain, Fulton County Finance Director; Madeline Burgess, Finance Department Research Director, City of Atlanta; and State Representative Jerry Horton. Information concerning revenue sharing came directly from legislation, and was complimented by financial data from Federal and local government agencies.

Research Atlanta is an independent urban policy research organization. It conducts practical research about local government finance, housing, education, and transportation in Metro Atlanta. It is funded by foundation grants and business donations.

II. SUMMARY

This report is a financial analysis of general and special revenue sharing and its impact on Atlanta and Fulton County, Georgia. The analysis includes local government policy implications created by changes in Federal funding.

The report is written in two parts: general and special revenue sharing. The general revenue sharing (GRS) chapter documents the amount of funds coming to Atlanta and Fulton County from fiscal year 1972 through 1976 and the local policy implications of this change in funding. The special revenue sharing (SRS) chapter documents the amount of SRS funds that would be received by Atlanta and Fulton County if the four SRS proposals are approved by Congress and/or implemented by the President. They are: community development, law enforcement, manpower, and education (health and transportation special revenue sharing have not been submitted to Congress yet). Also the SRS chapter lists the categorical grants to Atlanta and Fulton County being terminated or phased out.

Major findings

1. In fiscal year 1974 (July 1973–June 1974) Atlanta and Fulton County will: a) receive approximately $14.4 million in general revenue sharing funds, b) lose approximately $27.9 million in Federal funds due to terminations and cutbacks of categorical grant programs (compared to the 1972 funding level), affected by revenue sharing, and c) receive no funds under special revenue sharing. Thus in FY 1974 Atlanta and Fulton County will receive $13.5 million less in Federal aid than they did in FY 1972 (this includes only those programs for the Department of Labor, Health, Education and Welfare; Housing and Urban Development; Law Enforcement Assistance Administration; Office of Economic Opportunity; and Department of Agriculture). This is equivalent to 8% of all 1972 local property taxes for schools and government in Atlanta and Fulton County.

2. In FY 1975 Atlanta and Fulton County will: a) receive approximately $15.3 million in general revenue sharing funds, b) lose approximately $40.7 million in Federal funds due to termination and cutbacks of categorical grant programs (compared to the 1972 funding level), and c) receive about $22.8 million through proposed special revenue sharing programs. Thus in FY 1975 Atlanta and Fulton County will receive $2.7 million less in Federal aid than they did in FY 1972 (only for the Department of Labor, Department of HEW, Department of HUD, LEAA, OEO and Department of Agriculture).

3. General revenue sharing is in effect from FY 1973 through FY 1977 and the amount of funds which Atlanta and Fulton County will receive has been documented in this report. Special revenue sharing proposals currently drafted cover FY 1975 through FY 1979. Congress is receiving a separate bill for five special revenue sharing proposals. The sixth, manpower, is being implemented by executive order. Of the four SRS bills already submitted by the President, education special revenue has already been withdrawn.

4. The new policy effect of revenue sharing is the dismantling of Federal agencies or autonomous programs at the local level and redistributing most of those funds through local elected officials. Local elected officials may choose their own priorities for revenue sharing funding or continue to support programs similar to the previous Federal effort. This has several significant implications for Atlanta and Fulton County:

a. No local mechanism or procedure exists for measuring the effectiveness of current Federal programs about to be terminated. There is no local mechanism or procedure to objectively determine priorities for the city or county to use general and special revenue sharing monies.

b. There will be a one year lapse between categorical grant terminations and possible receipt of special revenue sharing funds to substitute for these terminated programs. During the interim most local staffs for these programs will disperse and force re-evaluation before local funding. The eventual startup of local programs will be slow because new organizations will have to be formed at the local level.

c. Extensive citizen participation, especially among the impacted poor, is currently required by many Federal funded local programs which are being terminated. General and special revenue sharing funds would not require such citizen participation.

d. Metropolitan coordination of federally funded projects is currently promoted by the Atlanta Regional Commission through their review and comment (A-95 Federal circular) to the funding agency. General and special revenue sharing funds require no metropolitan or regional review.

e. Special revenue sharing law enforcement and education proposals require a state plan coordinated by the Governor in order to receive funds, and local governments must take initiative to be involved and plan their allocations according to the State's plan.

f. Community development and manpower special revenue sharing fund changes from previous categorical grants tend to decrease aid to the inner city while increasing aid to suburban counties.

4. General revenue sharing monies received in 1973 by Atlanta and Fulton County have been used as follows: Atlanta—$6 million as general city budget increase for salaries, $3.7 million for traffic improvements and capital construction, and $750,000 for E.O.A.; Fulton County—$6.2 million for operating expenses of existing and some new social service programs, $2.2 million for capital improvements on existing programs, and $150,000 for Federal cutback programs. Thus general revenue sharing funds have mostly been used to offset general budget increases and thus prevent local property tax increases rather than to replace categorical grant cutbacks.

5. Community development cutbacks and special revenue sharing represent the largest funding and program change to Atlanta:

a. During FY 1974 Atlanta would receive $8.1 million phase-out for neighborhood development programs funds (a reduction of $11.8 million from 1972 level).

b. From FY 1975 through FY 1979 Atlanta would receive one-third less through community development revenue sharing than through community development categorical grant programs extended at the FY 1972 level.

c. Community development special revenue sharing will lessen money to the inner areas. Atlanta's receipt will decrease from $36.30 per capita per year (average from 1968–72) to $19.57 in FY 1979 whereas DeKalb County changes from $0.64 to $6.82 per capita.

6. Other special revenue sharing proposals are tentative and will have less of an immediate impact on Atlanta and Fulton County than community development special revenue sharing.

GROWTH OF AMERICANISM

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. DON H. CLAUSEN. Mr. Speaker, I wish to include in the CONGRESSIONAL RECORD at this point a speech I recently had the pleasure and privilege to read.

Any comment on these remarks by me would be unnecessary except to point out that the outstanding young man, Mark Jones, who gave it at a meeting of the Santa Rosa, California Kiwanis Club last month, is only 18 years old and has just graduated from high school.

I know everyone who reads these remarks will agree with me that Mark is a highly articulate, concerned and informed citizen. He is a credit to himself, his family and his country.

GROWTH OF AMERICANISM

(By Mark Jones)

I have spent much time in thinking of politics and how much it controls our daily lives, how badly our nation needs more and more ethical people in our government. I have heard the problem of our time stated and re-stated by a very vocal public; I have not heard very many offering concrete solutions.

We have heard many speak of their own individual cause, having all the answers; capital, labor, racism, ecology, the strict law and order promoters and those who recommend civil disobedience to correct the misled law and order promoters. All these and many more would have us believe that if you correct their specific problem you will save the world.

I believe there is no generation gap; I do not believe the prophets of doom who would have us believe the world is growing worse every day.

John D. Rockefeller III expresses it well in his recent book, "The Second American Revolution". Not a violent revolution, but neither a revolution that will be put down by violence. It is a humanistic, peaceful, but just as forceful revolution that says to industry—"You must stop polluting our lakes and rivers";

To our travellers—"You must stop polluting our air";

To our merchants—"You must stop misleading advertising";

To our government—"You must stop involving us in wars for selfish reasons";

And to the grass roots political Central Committee over the nation—"We will not be pushed into a political mold and work for any 'Last Hurrah' politicians who put their ego ahead of the public good."

I believe in our two-party political system and I believe I can speak for my generation when I say we will not work for a party who would provide all individual needs to the destruction of individual initiative and to the establishment of a welfare state.

And I believe I can speak for our generation when I say we will not work for a Party who is so conservatively engrossed in their own individual well-being that they are opposed to all proposed methods of creating more equal opportunities for all ages, races, ethnic backgrounds and minority groups.

Our second revolutionaries are not opposing you. Rather, we would express our gratitude for two hundred years of building a free country, the country offering the highest standard of living and the greatest opportunities ever offered any people. We are reaching out to you to help guide us in setting higher ideals and forever working to reach them.

This, gentlemen, is the purpose of my speaking to you today.

First of all I ask you to go back with me almost 200 years ago to Philadelphia, Pennsylvania when 56 men signed their names to the Declaration of Independence—for on that day America gave birth to the world its first independent republic.

The development of a government for the United States did not come easily. It was not the brain child of any one man or any one group with a common point of view. It spread over a period of years of controversy and compromise.

There were giants in America when the United States was born. The midwives and wet nurses of the new nation were unique in history. Never before had such a diverse group of men of superior, intellectual, capability been assembled in such a limited area of space and narrow segment of time.

There have been greater scientists than Benjamin Franklin, greater intellectuals than John Adams, greater philosophers than Thomas Jefferson, greater generals than George Washington, greater lawmakers than James Madison but never were there so many men of great virtue, energy, intelligence, knowledge and imagination gathered to devote themselves to a single purpose as in America during the last quarter of the eighteenth century and the first few years of the nineteenth.

Their single purpose was the creation of a nation with a government based on a wholly new concept. In the past, under any form of government, the state had controlled the people. This had always been accepted as the proper relationship between the governed and the government. When government became too oppressive the people sometimes rebelled and secured some relief or a change of government; but the state retained control.

The daring thinkers in the newly liberated colonies in America challenged that premise. They advanced an entirely new and radical principle. The state should be controlled by the people; not the people by the state. In the minds of those who were struggling to create a new nation, government was not the state. The people were the state, of which government was an instrument. James Madison put it this way:

"What is government itself, but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this:

You must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is no doubt, the primary control on the government, but experience has taught mankind the necessity of auxiliary precautions."

The preceding statement by James Madison became the first basic principle of Americanism as applied to government; the people must control the state, the state must not control the people.

When the constitution was ratified, "We, the people of the United States" comprised four million souls spread out rather sparsely over a narrow strip of coastal territory, divided into thirteen states. One hundred and forty years later—or 1900—the four million had become almost one hundred and twenty-three million in forty-eight states—stretching from the Atlantic to the Pacific coasts. A small agricultural country had changed into the world's greatest industrial nation.

To the almost primitive conditions of post-colonial days, were added steam power, electricity, the telegraph, the telephone, radio, railroads, automobiles, airplanes, machine tools & automated power tools. Americanism took all this in its stride, adjusted to change and progress with but one serious conflict—the Civil War in the 1860's.

Two years before, a tall, lanky obscure congressman by the name of Lincoln would make national headlines as he campaigned for a U.S. Senate seat in Illinois. It was in the towns and villages of Illinois that he engaged Stephen A. Douglas in a series of debates on the slavery question. The repeal of the Missouri Compromise was the burning issue of the day; whether to let slavery spread into Kansas and Nebraska.

Within the debates Douglas expressed that he didn't care whether slavery was voted up or down and condemned Lincoln and his doctrine which declared all men created equal by the Declaration of Independence.

In his reply to Douglas, Lincoln reached out to his fellow countrymen with a message that it is just as important today as it was over one hundred years ago. In it Mr. Lincoln declared:

"My countrymen, if you have been taught doctrines conflicting with those great landmarks of the Declaration of Independence—if you have listened to the suggestions that would take away its grandeur—if you are inclined to believe that all men should not be created equal in those inalienable rights, enumerated by our chart of liberty, let me entreat you to come back. Think nothing of me. Take no thought of the political fate of any man whatsoever. But come back to the truths that are in the Declaration of Independence.

You may do anything with me you choose if you will heed these sacred principles. You may not only defeat me for the Senate but you may take me out and put me to death. Do not destroy the immortal emblem of humanity. If that Declaration is not the truth, let us get the statute book in which we find it; and tear it out. Who is so bold to do it? If it is not true, let us tear it out. But if it is true, then let us stick to it and stand firmly by it."

We have come a long way since Mr. Lincoln contributed those words of wisdom to us and certainly a longer way since our founding fathers established our independent Republic.

When we look back 200 years ago we find that most of the four million people who first came to America descended from original settlers, indentured servants or transported criminals, with a small leavening of first generation immigrants. The vast population expansion includes tens of millions of immigrants to the point that the United States became the "melting pot" of the world. And almost all of these immigrants were from the so-called lower classes. It was not the Irish land-owner who came to America; it was the starving poor. It was not the Russian boyar who left his native land; it was the persecuted Jew in the ghetto. It was not the rich burgher who left Germany; it was the illiterate peasant.

Americanism embraced all of these—welded them into a seemingly homogeneous mass, the offspring of whom lost their identity with parent cultures and became—simply Americans. To each in equal share America continued to offer what the Founding Fathers had promised—freedom, equality, independence—opportunity.

None of this progress, this change, and development affected the principles of Americanism as a form of government.

It remained a government in which authority and power were limited and largely decentralized. It remained a government based squarely on the theory of private enterprise.

The men who drew the governmental blueprint for America started with the assumption that men are endowed by God, with certain rights and privileges and that governments' only proper role should be in the protection of those rights. They rejected entirely the theory that man's rights stem from authority from the state, and proceeded to build in our constitution something new and different in the way of governmental charters. This novelty was in provisions which specifically stated that certain institutions and human relations were to be outside the authority of government. They actually forbade the government to infringe or violate these areas.

Strangely enough, not many Americans are aware of the fact that the concept of government confinement and individual freedom had never before been incorporated into a national constitution. And, unfortunately, not enough Americans today realize the wisdom and foresight that went into the framing of the U.S. Constitution.

Let me emphasize that these constitutional framers to whom the world owes so much were not guessing at a form of government that would work in the wilderness. They had experienced various forms of despotism and tyranny and studied others. They knew that the most progress is made when men have been released from bondage, given control over their own actions and allowed to receive the fruits of their labor. They acted accordingly and the result is the American miracle and the finest heritage it is possible for men to bequeath. And with bequest an enormous power has come down to us which carries with the requirement that we protect it zealously and use it wisely.

As America fills up with population and the task of getting a living out of the ground becomes more difficult the struggle for existence will become harder and the competition of life more severe. Then, liberty and democracy will cost something, if they are to be maintained.

And yet this scheme of a Republic which our fathers formed was a glorious dream which demands more than a word of respect and affection before it passes away. Indeed, it is not fair to call it a dream or even an ideal; it was rather a possibility which was within our reach. The men who came here were able to throw off all the trammels of tradition and established doctrine. They went out into a wilderness, it is true, but they took with them all the art, science, and literature which, up to that time, civilization had produced. It was the fondest hope of the Founding Fathers that their experiment in self-government would stand the test of time.

So, what happened in America must be kept alive, must be handed on to generations who, even today, are growing up never having known the true freedom of Americanism—freedom to work where and as they please, freedom to use the fruits of that work as they see fit with little governmental interference and freedom from endless rules and restrictions.

I am not saying that America does not have its problems. Certainly not. And we must not let our admiration blind us to certain facts. For instance, after the Declaration of Independence was written 89 years passed before we abolished slavery. Another half century passed before we enacted effective legislation against child labor. It wasn't until 1920 that women were allowed to vote. It wasn't until 1954 that the Supreme Court ruled against segregation. And, today, we are confronted with such obstacles as ignorance, disease, discrimination, mental or physical illness or incapacity.

But, today, it is my belief that one of America's greatest challenges, which confronts us all, is in the field concerning Economics. And, today, we must recognize the fact that millions of Americans are turning towards such programs as welfare, because they have no where else to turn. We find that our government is taking care of more and more of our citizens while many hard working Americans must pay this charity through higher taxes. Where then do we find a solution? Let me begin by offering a phrase from a certain philosopher who once said:

"The noblest charity is to prevent a man from accepting charity, and the best alms are to show and enable a man to dispense with alms".

The preceding certainly is a profound observation which we must keep in mind, especially in dealing with America's economic problems.

Today, many of our economists would have us believe that labor is the number One driving force in our economy. And certainly this would have been true a hundred years ago. But since then modern machinery and industrialization have replaced much of our labor. Therefore, I suggest to you that capital is the moving force of our economy. Today, at least 80% of America's goods are produced by capital—that is by machinery rather than by labor. And what is even more astounding is that 81% of the citizens of America own no kind of stock or ownership of our nation's capital. Therein lies the solution to our country's economic problem. The solution does not lie in more big government hand-outs—it does not lie in higher taxes and it certainly does not lie in more welfare. But, rather, it lies in creating a program which will give each of our citizens the opportunity to invest and own a part of capital—a part of private enterprise—the foundation of America's economy and greatness.

And so my friends, let us remember that the greatest economic charity is that which enables persons to become independent of alms and, therefore, most self-reliant and secure under freedom. Only when that happens—when persons advance from the brink of starvation is time released for devotion to things of the mind and spirit, which comprise the supremely great charity.

So we find that even our country—the greatest and most powerful country in the world has its problems.

For example, recently, our nation has been hit by what is to be remembered as one of the most corrupt political scandals in our government. A word that I think all of us want to forget, "Watergate".

This incident not only affects a few officials, but it affects the whole attitude of the American people towards the foundation of our American government.

Recently, I have heard shouts of total corruption of our government and with some even mentioning the word "Impeachment" of our President. I will agree that many high officials in our government must be punished justly for pulling the stupid, immoral and ridiculous acts that should not be tolerated by this government.

However, before we allow our emotions to carry us away I think we should look at some other facts. First of all, there is no question that a tragic mistake has been made. However, as one European put it, "When it comes to corruption in Europe we accept it as an everyday thing because our system does not allow us to do anything about it, but the governmental foundation of America is so democratic, open and free that the judicial system is allowed to do its work without restrictions. So, perhaps we should keep these words in mind remembering that when a problem arises in this country, at least we are able to correct it.

Secondly, over the past few months there have been some who have criticized our President immensely for allowing such a thing to happen. And there is no question that there was mis-judgment that took place.

But today I must speak up for my President—not as a Republican nor as a Democrat—but as an American who sincerely believes that justice and fair play must prevail. It is time for the American people to stop listening to the barrage of hear-say, exaggerated and sometimes false remarks put out by such news-editors as James Reston who has proven he is only out to seek embarrassment of the President of the United States.

But most of all I believe I can speak for the vast majority of Americans when I say I am not willing to condemn a man who has done so much for his country.

A President who has opened up the gateway towards a more positive understanding between the American people, the people of Red China, and the people of Russia.

A President who established the Environmental Protection Agency—the first Federal unit ever set up to protect our quality of life.

A President who signed into law the bill giving 18 year olds the right to vote and who has overhauled the selective service system with the goal of establishing an all volunteer army.

There have been outstanding accomplishments that must not be blindly cast aside by the rushing, careening momentum of the Watergate scandal. And I sincerely hope that the people of this nation will be able to find in their hearts the sense of justice and fairness which President Richard Nixon, like every American, so richly deserves.

The Watergate affair is one of many problems which confronts our nation today, but I truthfully have become convinced that as each day goes by, America, its leaders and its people are finding the cures to the ills which have tormented our country over these last few years.

For instance, in regards to crime, over these last two years, we find that the rate of increase of major crimes has been cut in half—to a five year low.

Over the last year more and more young people have been turning off to drugs and turning on to education and religion for their answer.

For the first time in forty years our government is now spending more money on human needs—such as education, poverty and health care; and at the same time retaining a strong military defense program.

In comparison to the early sixties, when racial tension ran high—we now see in the 70's that the white man and the black man, along with other minorities are listening to each other through constructive action and understanding.

And I say, "Thank God that we have a President of the United States who has used his leadership responsibly and sensibly in bringing an honorable end to the war in Southeast Asia. Over the past few years I believe millions of Americans stood firmly by their government and their President in support of his policies in the handling of the war, and these Americans are to be congratulated.

Unfortunately, there was a small minority of people in this country who let their emotions carry them away; who thought it was the *in* thing to do by criticizing their government in the handling of the Vietnam war. And, even today, these people keep insisting that this war could have been ended years ago and who say that men like Lyndon

Johnson and Richard Nixon should be blamed for prolonging the war far too long.

I will agree with one statement—this war could have been ended years ago but the blame for prolonging it does not rest on the shoulders of such outstanding men as Lyndon Johnson or President Nixon but rather the blame should rest on the ungrateful and stupid individuals who marched in the streets of Washington, D.C. protesting the war in Vietnam. It was people like Joan Baez, Jane Fonda and Ramsey Clark who were used as puppets in satisfying the North Vietnamese in their propaganda gimmicks and thus prolonging the war.

A few months ago on February 11th, at about 3:15 in the morning I saw on television one of the most moving events I have ever experienced. At that time a military airplane was just landing on the Phillippine Islands. But this was no ordinary airplane for it was carrying some of the greatest Americans I have ever seen. The prisoners of War. The first P.O.W. to get off was a Lieutenant Commander Denton. In a short message he thanked the American people, praised his President and closed with the words; "God bless America."

As each man got off that plane they saluted the American flag, its president, and its people with meaning, pride, and respect. These men will not be forgotten for they have proven to the American people that through patience, understanding and faith in the government which our founding fathers created almost 200 years ago that we are moving towards a more perfect society.

And through this faith let us always remember that the best way to move a mountain is to change our position without sacrificing our principles.

194 years ago 56 men stood by that statement when they signed their names to the Declaration of Independence. But whatever happened to those men who signed that document which formed our government?

Well, five signers were captured by the British and punished as traitors. Two lost their sons in the Revolutionary War. Another had two sons captured. Nine of the 56 fought and died from wounds or the hardships of the war.

Thomas McKean, who served in Congress without pay was so hounded by the British that he was forced to keep his family in hiding.

At the battle of Yorktown, Thomas Nelson learned that General Cornwallis had located his headquarters in Nelsons' home. Nelson urged Washington to open fire and the house was destroyed.

Francis Lewis had his home and properties destroyed. The enemy jailed his wife and she died within a few months.

John Hart was driven from his wife's sick bed. His 13 children fled for their lives. His fields and grist mills were laid waste. He returned home at the end of the war after living in wilderness for more than a year to find his wife dead and children vanished. He died shortly after of exhaustion and a broken heart.

What kind of men were these patriots?

They were soft spoken men of means and education. 24 were lawyers and jurists. 11 were merchants; nine were farmers and large plantation owners.

But they signed the Declaration of Independence—knowing full the penalty if they were captured. Standing, tall, straight and unwavering they pledged; "For the support of this Declaration, with firm reliance on the protection of the Divine Providence, we mutually pledge to each other our lives, our fortunes and our sacred honor."

These immortal words—when first they were written, proclaimed to the world an idea new among men. This was the American dream, the prayer for the future, but the golden goal was not to be had without cost. The American way was not gained in a day. It was born in adversity, forged out of conflict, perfected and proven, only after long experience and trial and faith in God.

It seems that in this day and age people are becoming more involved in trying to help create solutions for nations' problems. This, of course, is good but many Americans have taken it upon themselves to try to solve our nations' problems without asking for one thing that must be put ahead of all other things—and that is God's help.

We can do more for our country and the world by praying for our elected leaders than if we could walk into the Senate chambers in Washington, D.C. and express our opinions to our elected representatives. If they listened to our opinions we could be right or wrong. But what God tells them when they listen to Him must be right. It is infinitely better for our representatives and our world leaders to listen to God than to listen to us.

Most of us can never enter the White House and offer advice to the President—but we can give him what is far more important than advice. We can give him a lift into the presence of God, make him hungry for Divine Wisdom, which is the grandest thing one man ever does for another. We can visit the White House with prayer as many times a day as we think of it and every such visit makes us a channel between God and the President.

And so, gentlemen, I ask you now to join me in a sincere effort of prayer to uphold and perpetuate the greatness of America that she may continue to be the land of individual opportunity, dedicated to a better world for all mankind.

Let us Pray:

Our Father, we pray for this land. We need Thy help in this time of testing and uncertainty, when men who could fight together on the field of battle seem strangely unable to work together around conference tables for peace.

May we begin to see that all true Americanism begins in being Christian; that it can have no other foundation as it has no other roots.

To Thy glory was this Republic established. For the advancement of the Christian faith did the Founding Fathers give their life's heritage, passed down to us.

We pray, Lord Jesus, for our President. We are deeply concerned that he may know the will of God and that he may have the spiritual courage and grace to follow it.

We pray for the leaders of this nation. Strengthen the courage of the representatives in Congress, assembled—sincere men who want to do the right, if only they can be sure what is right.

We would pray that all over this land there may be a return to the faith of those men and women who trusted in God as they faced the perils and dangers of the frontier, not alone in crossing the continent, in building their cabins, in rearing their families, but in raising a standard of faith to which men have been willing to repair down through the years.

Thou dids't bless their efforts. Thou dids't bless America. Thou has made her rich; Will Thou also make her good?

Bless this land that we love so much our Father, and help her to deposit her trust, not in armies and navies, in wealth and material resources, or in achievements of the human mind, but in that righteousness which alone exalteth any nation, and by which alone peace can finally come to us. This we ask in that name that is above every name, Thy Son, Jesus Christ, our redeemer. Amen.

In 1859, right before the Civil War, John Brown was tried for treason, conspiring with slaves and other rebels. He was convicted and sentenced to hang. As he rode in a small wooden wagon to the place where he would be hung he took a long look around him and as he did so he mumbled to himself; "This is a beautiful country".

If John Brown could say that when he knew that his life would end very shortly, then we today, even more so can state, "This is a beautiful country and, with God's guidance, we can make her even more beautiful.

Thank you.

RURAL HEALTH PLAN LOOKS TO THE FUTURE

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. DULSKI. Mr. Speaker, the lakes area regional medical program, with headquarters in my home city of Buffalo, is engaged in a most promising program of attracting medical personnel to rural areas now lacking adequate health care.

The rural externship program was initiated in 1972, with 35 health science students placed with preceptors in the western New York and northwestern Pennsylvania counties served by LARMP. This year 56 students were selected from over 180 applicants for 8-week summer assignments in rural areas.

Paid small stipends from LARMP and community sources, the students have been living in facilities furnished by host hospitals and have rotated duties at clinics, county health care agencies, doctors' offices, and hospitals. Their fields of study include medicine, dentistry, nursing, nutrition, pharmacy, physical therapy, medical technology, and podiatry. It is felt that exposure to the practice of medicine in these rural areas will not only help alleviate the current manpower shortage, but encourage their return after graduation. Already a number of students have expressed interest in careers in the area.

Reports indicate that the program is a most successful one—in fact, that it is an outstanding example of the many extra ways in which the regional medical programs are benefiting communities across the Nation. Pending detailed study, Congress has wisely extended for a year a number of public health programs the administration wants to eliminate. Some of the concepts may have ended their usefulness, but I do not believe the regional medical program is among the ones which should be terminated.

Certainly, the lakes area regional medical program is filling a gap in health services for the people in our area. The rural externship program is one small part of the overall plan, but in the years ahead it may prove to be one of the most important and farsighted parts. I would like to include in my remarks the following newspaper articles about participants in the rural externship program.

The articles follow:

[From the Wellsville (N.Y.) Daily Reporter, June 13, 1973]

HEALTH PLAN DUE JUNE 18

Fifty six health science students have been selected from a list of over 180 applications to participate in an eight-week Rural Externship program, sponsored by the Lakes Area Regional Medical Program, Inc.

The students, studying in such areas as medicine, dentistry, nursing, nutrition, pharmacy, physical therapy, medical technology, podiatry and hospital administration, underwent an orientation session recently.

The program officially begins June 18 and will run until August 10.

Students will be placed with a preceptor or health professional in assigned rural communities. The program is designed to provide students with working and living experiences that hopefully will interest them in a rural health career after they graduate.

Students have been assigned to preceptors in Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Niagara and Wyoming counties in Western New York and Erie and McKean in northwestern Pennsylvania.

The program, funded and organized by the Lakes Area Regional Medical Program, Inc., with some local community contributions, was initiated in 1970 in response to the professional health manpower deficit in rural areas. Since it began the LARMP has placed 119 health science students in the Western New York-Pennsylvania region.

Of the total number this year, 17 are medical students. Many communities are trying to recruit physicians for their areas with little results.

Dr. John R. F. Ingall, director of the LARMP, says that the Rural Externship program is one way to try to provide some possibilities for providing health manpower.

[From the Wellsville/Hornell (N.Y.) Sunday Spectator, July 22, 1973]

Extern Gets To Practice in Andover

(By Heidi Hoppe)

Andover.—One never knows where fortune may lead; it can keep one in his own back yard or take him around the world and back again.

Richard Cudahy, raised in Little Genesee, N.Y., has been led by his desire to become a physician to both extremes: from medical school in Mexico he has returned to serve an externship in Andover.

The Lakes Area Regional Medical Program's rural summer externship program has made it possible for Cudahy to work and learn at Andover Medical Center. He plans to return to the Autonomous University of Guadalajara, Mexico, in August.

Cudahy said that an "extern" differs from an "intern" in that an extern has not yet finished medical school, while an intern has.

His duties are similar to those of an intern, however, and much is expected of him.

He said, "The atmosphere doesn't make me feel inferior and I am allowed to work up to my capabilities."

His duties as an assistant to Dr. Daniel V. Tartaglia and Dr. F. Clifford Miller, the center's physicians, are many.

The day starts with making rounds with the doctors at Jones Memorial hospital.

Then, from "10 a.m. to whenever," Cudahy works at the center, talking to patients, making preliminary examinations and noting tentative treatment. The doctors then verify Cudahy's decisions.

"I'm not allowed carte blanche or anything like that, and I don't do anything difficult or dangerous. The patient isn't the guinea pig, I am," Cudahy said.

He went on to say that most patients don't object to a student instead of a full-fledged M.D., and "aren't scared to death," as he said he expected.

One of the privileges Cudahy finds most remarkable is that he is allowed to watch surgery "on the spot."

He dresses and scrubs with the doctor, who explains every procedure as it is being performed. "It's almost like my own operation," he said.

Cudahy explained that working at the Andover Medical College is different from most externships, which are based at hospitals and call for hospital-related work.

Cudahy, however, has duties in every phase of "family practice" work, even going on house calls with one or the other of the doctors.

He is constantly being taught techniques and procedures, and is often instructed by the nurses—"The nurses are phenomenal," he said—when the doctors are too busy.

Cudahy has only laurels to shower on Andover Medical Center and his externship there. "I'm being taught extremely well," he said. "It's like being paid to go to school."

As for the center, Cudahy termed it "great" and said he had never seen a place like it that could serve so many people and yet retain personal interest and follow-up in every case.

Cudahy's "baptism by fire," as he calls it, is a work-study program whose primary goal is to interest medical students in practicing in this area.

He needs no prodding, however, since he has wanted to be a general practitioner in the Little Genesee-Bolivar area since he "was about five."

This leads to question why he is studying in Mexico.

Cudahy replied at length and with much feeling.

He wanted to study in the United States, ideally in New York, for largely financial as well as geographic reasons. But, not being one of the lucky third of those applying to medical school who are accepted in this country, he began to look elsewhere.

"There are always rumblings in the bushes about med schools among students," he said, and he heard of Autonomous University through these channels.

He chose it above other foreign schools since it was on the continent and since he had studied Spanish; the entire curriculum is taught in that language.

The 1967 graduate of Bolivar Central School previously attended the State University at Buffalo for a year and a half and then transferred to Alfred University, where he received his bachelor of science degree in biology in 1971.

He continued with one year of graduate work in biology at Alfred, and then went to Guadalajarea.

He expects either one to three more years of schooling in Mexico, depending on whether he passes his medical board exams. If he passes, he can try to transfer to a school in the United States.

"I think it's great," said Cudahy of the Mexican university. "It provides a recourse for Americans who can't attend schools here."

A breakdown of the student body shows roughly, a third Americans, a third Puerto Ricans and other Latin Americans and a third Mexicans.

About 2,000 Americans in all attend the school.

As far as the education provided, Cudahy said that Autonomous University compares very favorably with U.S. schools. "I have had some of my best professors in Mexico," he said.

Cudahy said, however, that the high quality of his education in Mexico does not detract from the problem of financial strain.

He pays $4,000 per year in tuition—not an uncommon figure for medical schools—but very little scholarship aid is available to students attending school in other countries.

If the ideal solution of more medical schools in this country is not realized, Cudahy said funds should be provided to aid Americans in foreign schools.

While he was home for Christmas vacation this year, Cudahy lobbied with the state legislature to achieve this goal.

He also spoke to several groups in the area on changing the state Education Law to allow county medical education funds to be used by students attending a World Health Organization-accredited foreign medical school.

Until a solution is found, said Cudahy, most students, like himself, must personally secure sufficient funds year after year—an often overwhelming task.

He recently wed the former Amy Buell of Bolivar, who will be returning to Mexico with him in the middle of August.

"We're going a week before classes begin," he said, "to have our honeymoon in Mexico. The only honeymoon we had at the time of our wedding was a day at the Buffalo Zoo!"

Cudahy is doubtful that he will be able to resume his post at Andover Medical Center next summer.

"But I want to come back to watch," he said.

[From the Olean Times Herald, July 30, 1973]

Five Health Science Students in County Extern Program

Five of the 56 health science students involved in a Rural Externship Program in Western New York are serving the eight weeks of the program in Cattaraugus County.

The students in medicine, dentistry, nursing, nutrition, pharmacy, physical therapy, medical technology, podiatry and hospital administration have been placed with health professionals to serve as preceptors in many communities.

Sponsorship is by the Lakes Area Regional Medical Program, Inc. (LARMP). Buffalo. It was the aim of LARMP "to provide students with working and living experiences that hopefully will interest them in a rural health career after they graduate." With 17 medical student externs in the program, the sponsors hope it may provide solutions for some of the many communities which have been desperately trying to recruit physicians.

Three of the externs placed in Cattaraugus County for the summer are residents of the Olean-Allegany area.

Miss Marilyn Raub, a physical therapy student senior at Albert Einstein College of Medicine, the Bronx, lives at 3739 Birch Run Road, Allegany. She was assigned to the Cattaraugus County Health Department.

Steven J. Lari, 79 Silber Ave., Bethpage, N.Y., is a medical student in his third year at the University of Buffalo, was assigned to the Olean Medical Group, where he is working under the guidance of Dr. Arthur Beck.

The other three have been assigned to St. Francis Hospital.

Miss Jean Albert is a pharmacy student, a senior at University of Buffalo, who resides at 134 Fulton St., Olean.

Miss Kathryn Hill, a freshman student in physical therapy at Northeastern University, Boston, lives in Allegany.

Miss Mary Leong, a junior at University of Buffalo, majoring in medical technology, resides in Buffalo during the school year.

A native of Singapore, Miss Leong, her parents, two sisters and one brother, came to the U.S. three years ago, primarily so that the four offspring could study at American schools without separation from their family. Although she had studied English as a "second language" many years, she had difficulty with it at first, particularly in her first job, which involved extensive use of the telephone in a New York office of Chase Manhattan Bank. Her father, in the import-export business now, liquidated his contracting enterprise in Singapore to emigrate to the U.S., and lives now in Queens, New York.

Miss Leong, whose experience in the U.S. had been limited previously to the metropolitan New York area, said the summer program was giving her an opportunity to sample another new (to her) aspect of American living. Her bachelor's degree in medical technology will open up to her the opportunity to health related work in research, public health, hospital, industry—even police.

Dr. John R. F. Ingall, LARMP director, said the Rural Externship Program "is one way to try to provide health manpower for areas needing them."

[From the Dunkirk-Medonia (N.Y.) Evening Observer, July 28, 1973]

Program Brings Medical Students to County for Summer; Officials Hope They'll Return

(By Paul Lancaster)

In order to acquaint future doctors and other health science personnel with rural areas, Brooks Hospital and two other county hospitals are participating in a rural externship program sponsored by the Lakes Area Regional Program, Inc.

The program has brought 18 medical students to the county to experience rural area medicine in the hopes of drawing these students back to the area once they graduate.

Most of the students currently are in a medical school within New York State, and many are from the county. Three of the students are from the northern part of the county—Michael Nedvesky of Fredonia, Stephen Stratton of Sheridan, and Joan Wilkosz of Brocton.

Most students come from western New York. Three students, however, Joseph Cama, George Gonner and Salvatore Vicario, are graduate medical students studying at the University of Bologna and the University of Rome, respectively.

The externship program was begun in the county in 1971. Lakes Area Regional Medical Program and local hospital officials hope the program will bring these students back to the area after they have completed their studies.

There is little data to gauge the effectiveness of the program thus far, according to George McNaughton, assistant administrator at Brooks Hospital in Dunkirk. In the past two years, the hospital has only had three externs, before an expansion of the program's scope this year. Mr. McNaughton said one of those students still is carrying on "serious correspondence" with regard to possibly practicing medicine in the area after he is out of school. "It's just too early to have attracted physicians from this program yet," added the administrator.

According to Mr. McNaughton, the late Dr. William W. Kunz was the man who first coordinated the program in this area. He had one extern living at his house and accompanying him in his work, whether in the office or on an emergency call in the middle of the night. The extern received what Mr. McNaughton called "quite realistic" experience under the program.

Now, with 18 students stationed at three county hospitals—Brooks, WCA in Jamestown, and Jamestown General—for an eight-week term, the program no longer can offer such a one-on-one correspondence between the extern and "preceptor," or health sciences professional. There aren't enough doctors who can afford the total attention needed to work one-on-one with all the students.

Instead, the program now is arranged so that each student is exposed to all aspects of the medical profession, from writing up and filing medical records to helping out in emergency cases.

The students receive stipends of up to $100 per week in the eight-week program. Many of them have indicated, however, that they would still enroll in the externship program even without the stipend.

Most of the students have been rotating among the three hospitals. While at Brooks, they stay in a house owned by the hospital normally used for storage. The externs occasionally make trips outside the hospitals to view special medical situations, such as those at Gowanda State or the speech and hearing clinic at Fredonia State. One student called it "the kind of medical education . . . you don't get in medical school."

GREAT PROGRAM

Martha Slye, a hospital administration student currently at Brooks Hospital, calls the externships "really a great program." She attends Cornell University.

Miss Slye said she has worked in many areas of hospital life besides administration. She has viewed surgery, helped out in the emergency room, and worked in food service and therapy. "I've seen things that I'll probably never see again as a hospital administrator," she said.

Michael Nedvesky is a pre-med student at New York University from Fredonia. He said every doctor is "extremely cooperative and friendly" in explaining various hospital operations to the students.

The Fredonia native has worked in a veterans hospital in New York City, and he compared work there with the routine of a rural hospital such as Brooks. "The big city hospital is supposed to be more efficient," he said, "but here it's at least as efficient."

Michael Dujanovich, a University of Buffalo medical technology student from Lackawanna, says the externship program has "influenced me toward working in this type of atmosphere." He said the program has fulfilled its goal of introducing the students to a true picture of rural health services.

So far this summer, 12 of the 18 county externs have worked at Brooks Hospital. Besides those mentioned above, they are Richard Giacchio, a New York City med student at U.B., Paul Dumaine, a Bemus Point pharmacy student, also at U.B., Janet MacLaughlin, a Syracuse area therapy major who attends the Albert Einstein School of Medicine in New York City, Gary McFadden of Jamestown, a Temple University med student, Michael Botty, a dental student at U.B. from Fulton, and Melodee Walker, a Pennsylvania native, majoring in physical therapy at U.B.

Other area medical students in the program are Stephen Stratton of Sheridan, a dentistry student working with Dr. John V. Ingham of Fredonia, and Joan Wilkosz, a nursing student from Brocton.

TAXES AND THE SICK

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. BINGHAM. Mr. Speaker, at a time when the cost of medical services is rapidly increasing—9.2 percent on a per capita basis fiscal year 1972 over fiscal year 1971—the administration's floating of a proposal to scrap the medical expense deduction is untenable. The income tax deduction allowed for legitimate medical expenses incurred during the course of the tax year, unfortunately, offers all too little comfort to those American's who see a larger and larger portion of their income gobbled up by spiraling medical costs.

I firmly believe that the long-range answer to financing the country's health care will be some form of National Health Insurance, such as that introduced in the Senate by Senator KENNEDY, and in the House by Mrs. GRIFFITHS, which I have cosponsored; however, until such solution is fashioned and operable, the need to retain the present provisions in the tax code is obvious.

An editorial in the New York Times on September 5, 1973, speaks to the issue, and is worthy of consideration.

The editorial follows:

Taxes and the Sick

More than thirty years ago, while World War II was still on and most domestic concerns were being pushed aside, Congress first introduced into the tax code a provision permitting tax savings for families with extraordinarily high medical costs resulting from severe illness of any kind. Millions of families have since benefited from the provision for tax deduction of out-of-pocket doctor and related hospital costs exceeding 3 per cent of gross income. In effect, this deduction provides a limited form of insurance against bills for major and catastrophic illness, aid sensibly geared to a recognition that families with different income levels have differing ability to pay medical costs.

Recently this provision has come under attack from within the Administration. Treasury Secretary Shultz urged the House Ways and Means Committee last April to reduce sharply the bentfits available from this section of the tax law, a proposal aimed primarily at simplifying the personal income tax. Now some H.E.W. officials would go much further. They want the present deduction for medical expenses wiped out and all payments from private health insurance made taxable. The motivation here is to make available up to $7.5 billion in now uncollected tax funds to finance a system of national health insurance.

Our conviction has long been that top priority in protecting Americans in the field of health costs should go to constructing a system of catastrophic illness insurance to guarantee that no American family would be bankrupted by illness. Obviously, the creation of such a system would largely remove the need for the present tax deduction. But until dependable financial protection against medical catastrophe is available, Congress would be well advised to remain skeptical about plans for ending or reducing a tax provision that annually helps millions of ordinary Americans.

LAWRENCE COUNTY VOCATIONAL SCHOOL FIRST IN SKILL OLYMPICS

HON. FRANK M. CLARK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. CLARK. Mr. Speaker, on June 28, 1973, the Lawrence County Area Vocational Technical School Opening and Closing Ceremonial Team placed first at the National Skill Olympics sponsored by the Vocational Industrial Clubs of America, at the competition held in Tulsa, Okla. This vocational technical school is located in New Castle, Pa. The winning team was comprised of Roberta DeProspero, Joanna Falatko, Shirley Hairhoger, Theresa Betts, Jenny Morgan, Mary Ann Guy, Joann Lamberti, and advisor coach, Peter Yerage. I believe these fine young people deserve recognition for their performance which won them the national title. The Vocational Industrial Clubs of America hold national conferences each year with entire involvement of all States. This group is a very important part of our national youth development. I am proud of the accomplishments of the Lawrence County, Pa. Vocational Technical Team in capturing the National Opening and Closing Ceremonial Title.

AFL-CIO PRESIDENT GEORGE MEANY DEFENDS INDIVIDUAL RIGHTS

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. BRADEMAS. Mr. Speaker, this Labor Day, in a year when Americans have had to reexamine and reaffirm their basic constitutional freedoms of speech, assembly, and privacy, AFL-CIO President George Meany spoke out forthrightly to defend these values and the labor movement's solid support of them.

In an article in the AFL-CIO News of September 1, Mr. Meany set out labor's continuing interest in seeing these guarantees fulfilled.

It is a lesson we all should heed. For, as Mr. Meany points out in quoting William Pitt:

> "Necessity is the plea for every infringement of human freedom. It is the argument of tyrants; it is the creed of slaves.

The article follows:

INDIVIDUAL RIGHTS ESSENTIAL TO FREE UNIONS

(By George Meany)

Labor Day is the day America sets aside to honor the free workers who built this nation and their unions which enable them to better share in the fruits of their labors.

It is a day for looking back on the accomplishments of the labor movement—free collective bargaining victories such as decent wages and working conditions to legislative victories such as social security, Medicare and federal aid to education.

It is a time for looking ahead, to set our sights higher and higher so that all Americans will benefit from economic justice and human dignity.

But it is time, too, to remember—to remember that the trade union movement could never have accomplished all that it has for its members and for society, if we did not live in a land of freedom.

So, on this Labor Day, it is proper that we consider how the rights and liberties enjoyed by all Americans affect us as workers and as citizens.

Freedom and individual rights are the basic ingredients of democracy. Freedom of speech, freedom of assembly, the right of privacy—these are not just nice conveniences; they are the fundamental elements of a free trade union movement.

Without freedom, there can be no free trade union movement. And since unions are the indispensable instrument of free workers to improve their standard of living, democracy is clearly the worker's staff of life.

But having rights on paper and exercising them in fact are not necessarily the same thing. What makes the American labor movement unique in the history of free people is that we exercise our rights, daily, diligently, and with determination.

ECONOMIC FREEDOM

Historically, it was the workers exercising their First Amendment rights of free speech and assembly who formed the first American unions. On the foundation of their individual rights, workers built a collective movement—a movement dedicated to bringing workers a measure of economic freedom that would permit them to enjoy their other freedoms.

As an example, the right of every American to eat in a restaurant of his choice is meaningless if he does not earn enough to pay the dinner check. So we operate to translate rights into reality.

From its earliest days, the American labor movement has been a movement of dissent. Workers dissenting against economic exploitation. Workers dissenting against sweatshops and other substandard working conditions. Workers dissenting against employers' control of their lives, their homes, their schools, their opportunity to improve their lot and, most especially, that of their children.

Unions have never been very popular with "the establishment" — for dissent is never popular with those who have much and intend to keep it all. By its very nature, dissent is a questioning of authority. And a host of weapons—literally and figuratively—have been used by those in authority either to deny workers their rights or to coerce or subvert them into not exercising their rights.

Not so many years ago it was not uncommon for workers to be spied upon at work and in their homes. Phones have been tapped. Workers have been on the wrong ends of billy clubs, guns, fists, attack dogs and tear gas. Private and public armies have tried to intimidate workers and their unions.

Courts have enjoined workers from exercising their rights, and police have enforced these injunctions with violence and, sometimes, with death. But workers were not deterred.

New weapons were tried—the weapons of thought control and fear. Workers have been hooked up to so-called lie detector machines, monitored by television cameras and interrogated about intensely personal matters, about their private lives and their past, present and future actions.

RIGHTS VIOLATED

Workers have repeatedly seen their rights as free Americans violated—by public as well as private officials. Therefore it is no accident that workers are zealous of preserving the rights and liberties of themselves and all Americans—in preserving democracy.

Only in a democracy can workers control their individual destiny—economic and political. To be free, workers must live in a system where people are more important than wealth. And, in the final analysis, that is just what a democracy is all about.

We have seen what happens to our fellow workers in countries that have no democracy. That is why free workers always oppose dictatorships of the right and of the left.

History proves the case. In Mussolini's Italy, unions were the first targets of fascist terror. In Hitler's Germany, the Federation of Trade Unions was the first organized force to feel the deadly blows of the Nazi storm troopers.

In Czechoslovakia in 1948, the Communists used control of the unions and thus stifled effective, democratic opposition. Communist rulers in East Germany, Poland, Czechoslovakia and Hungary had to crush workers' rebellions to remain in power. The Russian worker today has no right to freely associate, speak his mind, bargain with his employer—and, certainly, he has no right to strike.

Because workers know what it is like to have their rights trampled on and because they have seen what happens to workers and their unions in countries that have no freedom, they are justifiably concerned when these rights are endangered. Recent events have strengthened our resolve to protect these rights.

We know that workers cannot have freedom and democracy just for themselves. The genius of democracy is that it clothes every citizen with equal rights, giving no person special treatment over another.

FEAR—A PERSISTENT THREAT

The most persistent threat to freedom, to the rights of Americans, is fear. The fear that government or an employer might take away an individual's job, or his ability to get a job—depriving him and his family of a livelihood—has intimidated more than one American worker.

Only in the absence of fear can ideas and men be truly free. Thus, Americans must know that they can freely express their ideas without being considered enemies of those in power.

Americans must know that their homes are threshholds over which no government can cross. They must know that loyalty to individuals or groups in power must be subordinate to loyalty to country.

They must know that justice will always be superior to power. They must know that their government respects their rights.

For a government that doesn't trust its citizens can not expect the citizenry to trust it.

The phrase "law and order" has been much used and much abused in recent years, but if "law and order" means anything it means that everyone—rich man, poor man, president and plumber—obeys the law; that the law has no favorites; that before it all men stand equal.

Certainly there can be no order if the law is not respected.

Some have contended that the enemies of society—drug pushers, traitors, mobsters—are so vicious and ruthless that the government must be vicious and ruthless in dealing with them.

Justice Brandeis had the answer to that specious argument. He said: "The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding."

GOVERNMENT MUST OBEY LAW

People obey the law when they know that those entrusted with its enforcement likewise obey. This means the government does not wiretap; does not burgle; does not terrorize law-abiding citizens in their homes on the basis of an informer's tip. As William Pitt stated, "Where the law ends, there tyranny begins."

That is why the AFL-CIO has strongly opposed legislation to permit the government to wiretap or to undermine the Fifth Amendment. And, for the same reasons, we oppose legislation to end strikes through government compulsion.

These are not separate issues. The issue is the same: the rights of individuals.

We reject the contention that it is "necessary" for the government to encroach on the rights of individuals for whatever reason. Again to quote Pitt: "Necessity is the plea for every infringement of human freedom. It is the argument of tyrants; it is the creed of slaves."

Today "necessity" has become synonymous with "national security." The labor movement has long held that the government has the power—indeed, the obligation—to defend the nation against any enemy who would deprive us of our liberty. But some today would deprive us of our liberty in the interests of what they call "national security."

The Constitution provides us with no definition, no guideposts of "national security"—except as to what constitutes treason. It certainly does not say that the President of the United States will solely determine what is "national security," what is a threat to it, and what extra-legal or illegal actions can be used to meet that threat.

If one man can determine unchallenged what is "national security," and then can justify crimes committed by his authority on that basis, democracy is dead. And we can never allow that to happen.

We flatly reject the notion that the way to fight communism is to undermine individual liberties and adopt the very tactics which make communism abhorrent to all who believe in human freedom.

UNPOPULAR VIEWS

We do not believe communism can be defeated and democracy saved by suspending the Bill of Rights and the Fourteenth Amendment, or by outlawing unpopular views or ideas, whether by governmental fiat or vigilante action.

One of the aspects of totalitarianism which makes it so abhorrent is its destruction of the right of privacy.

The tools of those who would invade an individual's right of privacy are the tools of repression, thought-control and tyranny. Wiretaps, hidden microphones, closed circuit television monitoring people innocently pursuing their daily lives, lie detectors, tape recorders, personnel questionnaires, computer data banks, peepholes, cameras, spy glasses, private detectives—all have been and are being used to intrude upon the privacy of individuals. The claim is that this is "necessary." Employers say they spy on workers to catch malingerers and the thieves. Governments say they do it to protect "national security" as defined by one man.

Similarly, there are those—including some editorialists who otherwise support individual freedom—who claim it is "necessary" to deny workers the right to strike because of society's right to enjoy an uninterrupted flow of goods and services. Thus, they propose, the government should dictate the terms and conditions under which workers would be compelled to work.

Of course, the inevitable result of this illogical policy would be government dictation of all wages, prices, rents, profits—what a person could buy, how he could live, where he would worship, what he could write, say, think.

Strikes are an inconvenience. But the public's right not to be inconvenienced certainly is not paramount to the individual's right to be free.

President Eisenhower summed it up this way: "There are worse things than strikes—and one of them is the loss of freedom."

Ben Franklin said it earlier. "Those," he said, "who would give up essential liberty to purchase a little temporary safety, deserve neither liberty nor safety."

EXERCISING FREEDOM

The exercise of individual freedom causes each of us some inconvenience. Certainly, an Administration is inconvenienced at times by a free press or by demonstrators exercising their rights of assembly and petition. But it is far better for any Administration to be inconvenienced than that freedom be banished.

That's why the framers of the Constitution drafted the Bill of Rights. The rich and powerful don't need it but the poor, the weak, the downtrodden do.

The issue today is the rights of the people—Are they to be protected? Is government to be permitted to decide which laws are going to be obeyed and by whom and when? Are Americans going to be governed by laws or by whim?

Organized labor does not just brood about invasion of individual liberty. We attempt, with all the vigor at our command, to blunt the efforts of any who would pervert freedom, deny liberty, intrude upon privacy, undermine democracy.

We insist that working men and women—indeed all Americans—be treated in a manner commensurate with their inherent human dignity. And that can only be achieved in a nation dedicated to liberty, by a government committed without reservations to guaranteeing the rights of all the people.

On Labor Day 1973, we do not despair. We have faith in the people and in the true strength of the system of government they established, fought for and nourished. And, for our part, we intend to help preserve, protect and defend that system and the rights and liberties of all citizens aaginst any foe, any time and in any place.

Our consciences as free men and women will tolerate nothing less.

OVER 70 HOUSE MEMBERS ALREADY SPONSOR DISTRICT OF COLUMBIA SELF-GOVERNMENT BILL

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. DIGGS. Mr. Speaker, the interest in the House has been encouraging for the adoption of the District of Columbia self-government and governmental reorganization bill, H.R. 9682. The committee voted 20 to 4 to report the bill favorably on July 31, and within 3 days there were over 60 Members agreeing to cosponsor the bill.

Today Chairman Madden, Chairman Rodino, Congressmen Flood, Burton, Leggett, Matsunaga, and de Lugo are joining in cosponsoring this bill for a new city government for the Nation's Capital. Each day reveals more of a groundswell for 1973 as the year of action on District of Columbia self-government.

The Senate has already passed its bill, by a vote of 69 to 17 on July 10 of this year. Democrats voted for the bill 41 to 7 and Republicans voted for it 28 to 10. I am hopeful that by the same substantial majorities the House will approve the House bill when it comes to the floor later this month.

RARICK REPORTS TO HIS PEOPLE: OUTDOOR RECREATION, AN INTERVIEW WITH JAMES G. WATT, DIRECTOR, BUREAU OF OUTDOOR RECREATION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. RARICK. Mr. Speaker, during one of my recent television reports to my constituents, I interviewed Mr. James G. Watt. Mr. Watt is the director of outdoor recreation. I insert the dialog of that interview at this point:

Rarick. As the spendable income of American families rises and the number of hours actually spent at work decreases, Americans are using more time in various forms of recreation. Boating, fishing, hunting, camping, and many other forms of outdoor sports are popular in our part of the country. And their popularity is certain to increase.

Today we will look at outdoor recreation and a little-known federal bureau that works with our state officials to help preserve our great natural heritage for all Americans to enjoy.

Americans need outdoor recreation, especially in these times of increased urbanization. Sales of camping, boating and other outdoor sporting equipment has mushroomed to an all-time high. Bicycling has become one of the country's favorite sports. Clearly, our people are looking to the great outdoors for relaxation and healthful activities.

To help us explore this area of American life, we have as our guest today the Director of the Bureau of Outdoor Recreation, Mr. James G. Watt. Thank you for joining us today.

Mr. Watt is a native of Wyoming and has served as Director of the Bureau of Outdoor Recreation since 1972. I understand that he is quite an outdoorsman himself.

Jim, we in Louisiana are also great lovers of the outdoors, and consider our state to be a "sportsman's paradise". Indeed, that is our state motto and it appears on all license plates. What is your bureau doing to help Louisiana continue to keep that title?

Watt. We are doing quite a bit. I wouldn't want to suggest to you that you're the Nation's greatest sportsmen to date, because most of us from Wyoming talk about the big game and so forth, but you have a good point. Louisiana is a fantastically great State for outdoorsmen and it is a sportsman's paradise.

The Bureau of Outdoor Recreation works closely with your State and local governments and the private sector in encouraging land-use planning activities. We feel that if the private sector can understand what the Federal, State and the local governments are going to do, we can cooperate in a manner which will make the land useful to the people. Some land should be retained in a natural state so that wildlife—birds, fish and the like—will not be destroyed or damaged but will be preserved in a natural paradise. Other parcels of land need to be used for industrial expansion. It is through land-use planning that we can preserve what needs to be preserved while providing adequate resources for the future. The Bureau of Outdoor Recreation is working closely with State and local officials in hopes that they'll take the lead in land-use planning. We must not allow the Federal Government to move in and do the land-use planning. That is a local responsibility.

Rarick. I'm glad to hear you say that and I'm sure so are many of our listeners.

Watt. I look forward to working with you to keep it that way. Let's keep the Federal Government out and let the local people do the local land-use planning.

The Bureau of Outdoor Recreation administers a fund—the Land and Water Conservation Fund—which is used to match State or local money for acquiring land or for developing recreation resources—for parks, recreation areas, tennis courts and swimming pools. We try to develop a balanced outdoor recreation program with a mechanism for preserving valuable natural areas.

Rarick. While we're on this Land and Water Resource Fund, can you tell our listeners how this is being used in Louisiana specifically?

Watt. In Louisiana we have found a good State government that has been very responsive to people like yourself, who like to see money well invested in outdoor recreation programs. In your district alone, the Sixth Congressional District, there are seventeen different acquisition and development projects, valued at over $3.5 million. About 17,000 acres of land have been acquired under this program. There are some interesting projects, some great ones right in your district. Statewide we have obligated over $15,770,000 in Federal Land and Water Conservation Fund money, since 1965.

Rarick. In other words, Louisiana is substantially benefiting through this fund.

Watt. Louisiana is one of the country's leading outdoor recreation States.

Rarick. Well, I know that Louisiana has made great use of available funds through your agency because I believe that at last count, we had expended all of the available money that had originally been allocated to our State. Can you tell me which of the State agencies you work with on outdoor projects?

WATT. We work with several agencies in Louisiana. The Game and Fish Commission and the Parks and Recreation Commission are very responsive and we enjoy working with them.

RARICK. I believe in Baton Rouge it's BREC.

WATT. We've worked a lot with Whitey Lagasse. Whitey's been most responsive.

RARICK. What does the appropriations for the fund look like for 1974?

WATT. When States like Louisiana respond as they have, matching the Federal funds, it looks good. We expect full funding in Fiscal 1975 at the $300 million level. In years gone by, not all the States have been as responsible as Louisiana in providing matching funds, so this year we're not budgeting the full $300 million and giving the States an opportunity to catch up. Louisiana has been an outdoor recreation leader and needs more money than we are going to make available this year. Next year we'll have more funds at our disposal.

RARICK. So you're not going to penalize us merely because we have been using the funds?

WATT. Not at all.

RARICK. The Bureau also works in the area of environmental protection, I understand. How does it function in this respect?

WATT. Congressman, we look at the Bureau of Outdoor Recreation as the environmental conscience of the Department of the Interior. We do not have specific environmental responsibilities. We try to look at the total environmental perspective as to where the Department should be going. We evaluate, on behalf of the Secretary of the Interior, the impact a proposed highway might have on the environment or how an industrial site or a Federal building involving Federal funds might effect the local environment. We try to balance the need for development with the need for natural preservation. Such a balance will prevent undue environmental degradation while permitting essential development.

We have a strong philosophy that people are the purpose of the Bureau of Outdoor Recreation. When God created this earth and man, He created man as the principal and other things are for the benefit of man and we've got to get that balance. Too much fighting has been going on.

RARICK. In other words, you're using a common sense approach.

WATT. A little more common sense is needed, that's for sure.

RARICK. Under the Surplus Property program, any State, parish, city or town can apply to your bureau for surplus federal property to be used for public recreation purposes. How does this program work and what types of surplus federal property is available?

WATT. I'm glad you brought that subject up. We need help in this area. Your people can help to identify Federal land—whether it is a military base, or under-utilized land associated with a Veterans' Hospital, or an air strip that is not being used, or a naval dock, Coast Guard dock—or any type of Federal facility that is not being fully utilized. People can help us to identify those areas, and through some creative planning and imagination we can utilize them for park and recreation purposes. We can bring about the pressures needed to release these lands and facilities—buildings or whatever—to local or State governments for outdoor recreation purposes.

The President is taking a special interest in this program. He has called it the Legacy of Parks program and we have already transferred over $150 million worth of Federal land and facilities to State and local governments for recreation purposes. Over 300 parcels of land have gone to non-Federal interests for park and recreation purposes. This is a great program. Let's see if we can't transfer some property in your district.

RARICK. Well, most of us think, talk about outdoor recreation and we think we are talking about the country and the forests and the woods, but you also work in the area of recreation in urban areas. And this is the type of surplus property you have reference to.

WATT. I have been referring to both types, but let's not just talk about wild areas. We take an interest in providing facilities where the people are, in the populated urban areas. We are interested in the best possible parks such as those we have provided in your district.

RARICK. Well, I was just going to ask you what specifically do you do to help the urban people, the city people in my district?

WATT. We provide professional recreation planners who work with your city and State people to help identify resources that might be made available and then, of course, through the Fund money can be made available for acquisition and development. We help provide the playground areas for high-density use, parks for picnicking or just strolling, and water-based recreation facilities.

Most of the recreation in America takes place within a few miles of home or work. Sometimes we think about recreation only in terms of getting into the car or truck and driving out to go hunting, fishing, or boating. However, most of our recreation is walking or bicycling—you mentioned bicycling being a big recreation interest now—playing in the backyard or gardening. We need to make more of these opportunities available to the people.

RARICK. If any of our people listening to this program are interested in reporting to you any instances of surplus property, where or how will they get in touch with you? Of course, they can always write to me.

WATT. Let me encourage them to write you and you can call me and we will take care of it that fast, O.K.?

RARICK. That's fine. And I think it's safe to say that surely your bureau's meeting with public acceptance and you're finding that your bureau is going over because the people are interested?

WATT. The people have given us tremendous support. Ours is a great program because people care.

RARICK. I think that it's only safe to tell you that of course, I voted for the bill and for the funding and I'm fully behind your bureau. I really appreciate your being on our program and helping to bring to our viewers in Louisiana some of the problems that you face and the hopes and aspirations of our federal system and cooperating with the people back home.

Our guest today has been Mr. Jim G. Watt, who is the Director of the Bureau of Outdoor Recreation. Jim, we certainly appreciate your being with us on the program.

WATT. I look forward to joining you again.

CLEAN AIR AND FUEL ECONOMY

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. ROGERS. Mr. Speaker, on September 10 the Subcommittee on Public Health and Environment will begin 2 weeks of intensive hearings on the implementation of the Clean Air Act. One of the subjects which we will be considering is whether the provisions of the act are a major contributor to this country's fuel shortage, and if so, what legislative remedies would be appropriate.

Today, I have introduced legislation which would require the Administrator of the Environmental Protection Agency to take action to insure that the policies of the act do not contribute to the fuel shortage. The bill would require the Administrator to prescribe regulations which would prevent motor vehicles subject to the provisions of the Clean Air Act from experiencing an increase in fuel usage. Second, the bill requires regulations to promote conservation of fuels by automobiles. Specifically, these regulations might include: mandatory labeling, establishment of fuel economy performance standards, limitation of optional equipment which increase fuel consumption, requirements for the use of elements of design which increase fuel economy, limitations on vehicle weight, and limitation on the use of features which impede fuel economy.

It would appear that, through implementation of these requirements, any increase in fuel consumption resulting from provisions of the Clean Air Act can be negated.

I emphasize that neither the policy of the bill nor its specific provisions reflect a final position on my part. The bill is intended only as a point of departure. I look forward to a thorough exploration of its provisions during the hearings.

ERSKINE COLLEGE COMMENCEMENT ADDRESS BY SPEAKER REX CARTER

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. DORN. Mr. Speaker, Hon. Rex L. Carter, the distinguished and highly able speaker of the South Carolina House of Representatives, delivered a splendid commencement address recently before the graduates of his alma mater Erskine College at Due West, S.C. Opened in the year 1839, Erskine was one of the first 4-year denominational colleges in the South and has maintained its rich heritage of academic and spiritual excellence. We call to the attention of the Congress and the people of this Nation Speaker Carter's superb address:

SPEECH DELIVERED BY THE HONORABLE REX L. CARTER

I suppose that the easy thing for me to do would be to reminisce with you about my college days at Erskine for it is the most obvious thing we have in common. Our Alma Mater is something we have shared together. I said it would be easy. Perhaps I should have said it would be comfortable . . . comfortable because it would be simple, nostalgic . . . comfortable because it would put us on common ground and I would feel at ease. But we share other common ground. Our Erskine experiences are behind us. The challenges we share are ahead of us. And it is these challenges that I would like to discuss with you today.

It is normal procedure for commencement speakers to hurl forth great pleas to new graduates. Pleas that you lead your generation in building a better world. Commencement speakers by and large have an almost maternal attitude towards graduating college students for you represent the embodiment of the aspirations of every parent.

Throughout most of your lives your parents have dreamt of the day when you would graduate, go out into the world and enjoy a better life than they had. In return, you like most college graduating seniors, have probably concluded that yes, my generation can build a better world, can enjoy a better life, than the last generation. As a commencement speaker, I am supposedly bound by tradition to challenge you to go out and build that better world and to tell you that all of mankind is waiting on your success. In your heart, you're supposed to resent the many ways my generation has failed to make a better world. This is the cycle that has been established by countless generations—a cycle of parental hope, adolescent accomplishment, academic recognition, commencement challenges and quiet resentment at the failures of previous generations.

I will not complete or repeat that cycle today for to be perfectly truthful, I haven't been waiting on your generation to save the world and despite what you've been told, neither have most of the other members of my generation.

My generation has been cognizant of mankind's shortcomings and has done a great deal to alleviate some of them. It has recognized the immorality of racial prejudice and arbitrary legal limitations and has done a great deal to reverse hundreds of years of prejudice. We have built a prosperity never witnessed in the history of the world; we have generally expanded the human and legal rights of every American citizen; we have provided for new levels of educational achievement; we have experimented with the wonders of mass technology, mass communications, and scientific achievement. While most of these experiments have led to improved life expectancy, comfort, and material wealth, some of them have created more problems than they have solved. But remember, every advance began as an experiment so we never expected every experiment to work out the way we had planned. Nevertheless, the direction proposed and followed by my generation has been a good one for it has expanded man's rights and provided more amply for his needs.

In short, the generation that preceded yours has left the world a better place than when we came into it. And so did the generation before mine and the one before that. And we can expect your generation to make further advances.

But it will be a while before my generation dies off and turns the world over to yours, so what happens now? It is really very simple. For the time-being you will stop being in a separate generation. Like every other class before you, you will soon stop looking at yourselves as separate and distinct from prior generations. Almost without knowing it you will be absorbed by the generation presently in charge of solving the world's problems. From occupying an anti-establishment position, you will soon, because of your academic success, become a part of the establishment. Your new role may chafe at first but it is a role in which your every action will make your adaptability easier. It is because of this assimilation that history and generations are contiguous. It is because of this absorption process that mankind is perpetually in forward motion. You adopt the motions of those who came before you and they, in turn, slowly adopt many of your new ideas and experiences. After all, it was their challenge to provide those experiences for you. A partnership is thereby established between every generation. A partnership that at some point in time become an equal partnership.

It is my hope that my generation learns to accept your new ideas quickly, for the pace of society has been greatly accelerated by new technological advances, particularly advances in mass communications. We can no longer afford to let new ideas have a suitable and long incubation period. We have to become more tolerant of new ideas, more accepting of new proposals if we are to achieve control of our own technology and continue to master the direction of our own destiny.

I truly hope that your college experiences have taught you the wisdom of many ideas and experiences uncommon to your own backgrounds before you took this extra step into the world of learning; and I hope that your education has taught you to feel both tolerant and comfortable with experiences, ideas, and life styles that have little in common with your own . . . for our country is desperately in need of a generation that is intent on continuing the American experience of diversity.

A few moments ago I spoke in glowing terms of the achievement of my generation and the generations before mine. I spoke of the new economic status enjoyed by the citizens of our State and Nation, a status won by advances in technology and communication as well as by a maturing human spirit. But there is a certain danger involved in each of these advances, in each of these experiments.

A danger that I hope your experiences will overcome. If there is any challenge that both your generation and my generation must now work together to meet it is in maintaining a diversity of opinion. I see the possibility of countless doors being closed in the future of this country, because so many Americans are looking for the comfort achieved by dealing only with those with whom we share common ideas and similar experiences. Every television program today is in many ways like every other television program. We have become very much a product of common aspirations . . . aspirations put forward to us on radio, through mass magazines and newspapers, through television, and through the other means of mass communication that we found it necessary to develop to deal with the mass population. We have become such a product of common aspirations that those who do not receive a college education are expected to feel inferior to those who do. Those who do not reach a precise level of economic success are forced to be both pitied and resented. Those who do accept mass ideas are to some degree forced to feel square and those who accept none of it are often outcast from a society that seems bound and determined to bend all of the aspirations of the Nation into a common mold.

You must remember that to do what is best for the majority in the long run . . . to share aspirations and goals . . . to want for everyone the best that they are capable of achieving is not to be confused with a blind rush to conformity . . . a blind insistence that what you perceive to be right for society is in fact what is right for society.

Such a view . . . such an insistence is visited upon us today in the public domain. It is called Watergate.

A handful of men placed in positions of immense authority found themselves imbued with the vision that they knew what was right and good for all America. And they swept aside our laws, our principles, even our Constitution in an irrational race to impose their distorted vision upon us all.

What you must remember is that more than one person can be right in almost any given set of circumstances based upon his own background . . . his own understanding of the matter at hand . . . his own frame of reference. You must keep in mind always that very few things are black or white but rather an infinite number of shades of gray.

I suggest that you go out not as the class of 73 to build a better world but to go out as individuals and maintain your own identity in a society dominated by mass media, mass technology. Keep your names . . . for they are more attractive than numbers. Keep your ideas . . . respect diversity and learn to work with your fellow man without robbing him of his uniqueness.

Because I am the Speaker of the House of Representatives I have a responsibility to practice what I preach . . . to put into action what for you and I have just put into words . . . and I want you to know that I am trying to do just that.

A few weeks ago the Supreme Court handed down an order that has the potential of destroying the diversity that we as South Carolinians have recently learned to accept. I don't have to tell you that throughout most of our history we have tried to associate only with those with whom we shared common experiences. Whites associated with whites, blacks with blacks, the poor with the poor, and the rich with the rich.

But since the end of the Second World War, we have as a state, learned at an accelerated rate to accept each other and to build on our diversity rather than to be destroyed by it. The pace may not have been perfect but the direction is and it has brought South Carolina a prosperity and pride that we would have thought impossible only a few years ago.

Yet this new mandate by the court to reapportion the South Carolina House is being used by some to set a course that would assuredly take our State and our aspirations backwards.

Some men argue that the house, instead of basing representation on counties with the number of representatives determined by population, want to divide the house into 124 districts with equal populations. They argue that this single member district plan would allow greater minority representation, both racial and political, and of course, on paper the idea sounds fine. It even sounds like it is promoting the diversity which I think we should seek. But it isn't.

What it is doing is setting up 124 districts wherein the population of every district has the same set of common experiences. True, more blacks would properly be elected because there would be many predominately black districts. Whites would be elected in white districts, Democrats would be elected in Democratic districts, Republicans in Republican districts. But every one of the 124 men elected would in the long run have only one set of responsibilities and that would be to his district made up of people with whom he shared a common experience. Whites in white districts wouldn't have to consider the needs and aspirations of blacks; blacks in black districts wouldn't have to consider the needs of whites; Democrats wouldn't have to consider the representation of Republicans or vice versa. The alignment of the house itself would be formed along racial and political lines; with no one representing the people of the State at large.

Today, I represent a county made of whites and blacks, of farmers and industries, of a large city and small towns, and because I am elected by all the people of my county, I am forced by the pressures of democracy to represent the people with all of their diversities. If we have single member districts I might very well end up representing an all white middle class community with no responsibility for the poor, for the farmer, for the man from a small town, for the black, for anyone other than the limited group in my district.

There would be no more diversity in my responsibility. Multiply this effect 124 times and you end up with a House of Representatives wherein every man represents only those with whom he shares common experiences, and the antagonisms, the bickering, the insular alignment, the suspicions could well destroy the respect for the other man, for the other way of life that has taken us so long to achieve.

I want to see the aspirations of all South Carolinians respected and promoted by our Government and I shall do all within my power to see that the reapportionment of the South Carolina House is based on population districts based on whole counties or adjoining counties. I will oppose any single member district plan designed to guarantee the election of men who will be forced only to represent the common experiences of the district in which they are elected and to oppose the representation of any other district with a dissimilar population group. I will not be a party to destroying the growing respect South Carolinians are building for each other

There seems to be a headlong rush to force us all into the same mold. This is only one of the challenges we will share together. I have made a point today of saying that I did not see your generation apart from my own. I have emphasized how strongly I feel that upon leaving Erskine, you and your ideas will be assimilated by the generation who have left Erskine before you.

Everything you have done, everything you have learned, leads me to conclude that your ideas will be better than mine; just as I have learned that the ideas of my generation were in many respects better than the ideas of the generation that preceded me. I have talked to you briefly about two problems confronting us now. One, Watergate, on the national level; second, reapportionment here at home. These will no longer be academic subjects for you to consider. They will no longer be the point of classroom discussions or library conversations. They are a very real part of the world that you enter today. They are only examples. Examples of the immediate challenges that you face. I feel very strongly that you will not face them as a separate generation; but you will join with all other South Carolinians as individuals in trying to solve them.

I spoke briefly about a challenge that I personally think America must meet. The challenge of maintaining our individuality. The challenge of respecting diversity of heritage, diversity of ideas, diversity of background and position. I know that each of you will not be political firebrands. I know that each of you will not participate in every public discussion, but I do hope that each of you has learned one lesson . . . that there are more lessons than any of us will ever learn. And so, at the same time, has learned to respect the rights, ideas and diversity of others.

As the commencement speaker today, I have said my piece. I have shared my ideas with you, but in my other role as a public servant, I am obliged to listen and share your ideas, too. My door is open, as are the doors of most of the legislators in this state. We all have a responsibility to listen to what you have to say. Be content that they will listen to you not as the members of another generation, but as equals. An equality that you have earned and shall now hold through the remainder of your days. Use your power well and make certain that, when the time comes, you too respect the ideas of the next generation.

A JADED PUBLIC FORGETS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. TEAGUE of Texas. Mr. Speaker, Bob Thomas in a Today article of June 27, 1973, offers several important comments on the contributions of science and technology in general, and specifically on the contributions of our space program and skylab. This incisive article deserves the attention of those concerned with the future well-being of our Nation. The article follows:

A Jaded Public Forgets

(By Bob Thomas)

"Superficially, it is depectively easy to furnish numerous examples of innovations from aerospace programs which have entered non-aerospace fields of medicine, commerce, business, industry and education.

"The list is impressive. But, individually, and scattered throughout the economy, they make little or no impression on the public."

That statement by Dr. Wernher von Braun, made more than 15 months ago, still holds as gospel today.

The problem would seem to be that we are a nation of short-term pragmatists, and not mentally geared to long-range planning and deferred benefits from advanced science and technology programs.

It boils down to this: as a nation of individuals we ask only, "What have you done for us lately?" Some of us even ask, What have you done for us today?

Consider the world as we know it compared to the adventures of Marco Polo. Think of mass communications as we know that compared with Morse's first telegraph key. Consider the world of modern medicine compared with the knowledge available to Joseph Lister.

One is the beginning, and one is now.

This is the beginning of space science and technology. We are not privileged to see the future, but just an atom of imagination will unveil a vista of probables for us.

It will be for generations yet unborn to reap the fruits of experiments being conducted on board Skylab through the remaining months of this year.

The Skylab workshop orbiting the earth at an altitude of 270 miles, will not be visible—because of its planned trajectory—over Central Florida until the evening of July 10. Precise times of pass-overs, location in the skies, direction and duration of the sightings will be published the day before the events.

What man discovers in space today may not become a universally applicable reality until the beginning of the next century. But that is the frequent nature of scientific technology.

And who is to say what may be the serendipitous treasures 1960 coupled with a find of 1970 could easily result in some "medical miracle" of the '80s.

To quote Dr. George M. Low, deputy NASA administrator:

"On discussing the benefits of the space program it is helpful to distinguish generally between the different types of benefits that are realized.

"First, there are the benefits of space science and exploration. These are difficult to define but are nevertheless real. Today we are making practical use of scientific research conducted 30 to 50 years ago. In the same way, we can be sure that 30 to 50 years from now our children will be making practical use of the results of the science and exploration we are doing today, even if we cannot say exactly how this will come about."

And there is a second type of benefit—that which has a direct application to the advancement of aeronautical and space technology and systems.

These include, Low points out, "The improvements in civil and military aviation, improvements in communications and weather forecasting from the use of satellites, and the benefits in many fields that will be obtained through the use of earth resources satellites."

But the benefits of NASA programs do not stop there. There are the economic benefits to be considered. It is a generally accepted economic precept that a dollar invested in research and development returns more than $7 to the economic mainstream in an 18-year period.

"Another important aspect of the economic benefits which flow from our programs in aeronautics and space," Low points out; "concerns the increasing competition we must continually increase our productivity, and the only way to do this is through advancing our technology."

However distant the technology of space research and development may seem at the moment, chances are it will—or has already—touched your life.

METHADONE CONTROL

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. RANGEL. Mr. Speaker, methadone has become increasingly popular in the treatment of heroin addicts. Along with the increase in its legitimate use has come an increase in its diversion to the black market and a lack of control over methadone programs.

The lax conditions under which methadone is transported and delivered has contributed to its diversion to illegal channels. This situation led me to introduce in Congress the Controlled Substances Act of 1973.

The bill provides for the security and safekeeping of certain controlled substances including methadone.

Apparently, the situation has not been deemed dangerous enough and the bill has remained unacted on.

In an attempt to demonstrate the urgency of the situation I submit the following editorial by Mr. Herb Saltzman of WOR Radio and a press release issued by my office on March 21, 1973:

WOR Radio Editorial

(Speaking for WOR Radio, Herb Saltzman, Station Vice President and General Manager.)

It's time for the City to give harsh examination to methadone clinics in New York.

Two-thirds of the addicts under treatment in the City are on methadone. The clinics that dispense that heroin substitute are becoming as big a problem as heroin itself. Especially offensive are clinics privately run for profit by doctors. Some of those clinics are ruining New York's best neighborhoods.

Many clinics need cleaning up. Addicts often loiter near them, bothering local residents, their children and businessmen, sometimes selling their take-home doses to other addicts.

Frequently clinics are not in the communities where their need is greatest. For example, there are six privately-run clinics on the East Side. Some residents say the doctors who own and run those clinics won't work in areas with high-addict populations.

New York City should have control over the location of methadone clinics. They should also have a voice in locating clinics within their own neighborhoods. More police are needed to patrol the areas around these clinics.

The drug problem in New York is bad enough, without letting methadone clinics destroy the City's neighborhoods.

[Press release from the office of Congressman Charles B. Rangel]

Rangel Introduces Controlled Substances Security Act in Congress

Calling present security arrangements in the handling, shipping and delivery of narcotics for medical clinics and pharmacies "criminally incompetent and increasingly dangerous for all Americans," Representative Charles B. Rangel (D-N.Y.) today announced his introduction of the "Controller

Substances Security Act of 1973" in the House of Representatives.

Rangel said, "In 1972, over twelve thousand methadone pills were lost in transit to my home city of New York. In dollar terms in the street this represents $120,000 worth of methadone. In human terms, it means more illegal methadone sales in schools, homes and on city streets. It also most likely resulted in many of the methadone overdose deaths reported in New York City last year.

"The shipping of methadone and other narcotics from manufacturing companies," said Rangel, "is commonly done by commercial trucks, common carriers and through the mail. It is delivered in the same manner as cotton bandages and other supplies."

A recent New York Post article reported that one pharmacist, who asked not to be identified, said the methadone supply for his treatment program was often delivered and left outside on his doorstep.

Rangel demanded, in a letter to the Bureau of Narcotics and Dangerous Drugs, that this ridiculous practice be stopped. "The Federal Government has the responsibility to take an active role in insuring the security of controller substances," said Rangel. "The 'Controlled Substances Security Act of 1973' will make the Bureau of Narcotics and Dangerous Drugs, in the Justice Department, responsible for the security and safe-keeping of these narcotics. The BNDD, working with manufacturing companies, will issue guidelines and regulations outlining complete and proper procedures for securing shipments of methadone and other dangerous drugs. The Federal agency will have the power to fine manufacturers and ultimately take away their licenses if security measures are not established and maintained," Rangel explained.

The former U.S. Attorney said, "there is clearly a need to establish the type of program set forth in the "Controlled Substances Security Act of 1973." I hope that my colleagues in Congress will give serious consideration and swift approval to my proposal.

INVASION OF CZECHOSLOVAKIA

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. BIAGGI. Mr. Speaker, on August 20, 1968, tanks and troops of the Warsaw Pact, led by Russian troops marched into the nation of Czechoslovakia to put an end to the successful reform movement which had been in existence there for less than a year. This ruthless act shocked the world, and brought fear and anxiety to the hearts of the citizens of Eastern Europe.

On August 20, 1973 we face a much different world, a world in which an unprecedented era of international relaxation between nations is emerging. Nowhere is this improvement in relations more apparent than between the Soviet Union and the United States of America. Yet, in Czechoslovakia today, many of the deplorable conditions which came about as a result of the invasion remain.

The courage and determination of the Czech people to resist the yoke of Soviet oppression has deeply impressed the world during the last 5 years. And there have been results. Worker unrest and discontent both in Czechslovakia, and in Poland in recent years have forced the Soviets to make the improvements in the quality of life for the citizens of Eastern Europe its highest priority. This has been clearly demonstrated by a series of recent dramatic economic agreements between the United States and the Soviet Union. As a result, for many in Czechoslovakia, there have been significant improvements in the average standard of living.

Yet for these same people, the struggle for the basic freedoms continues undaunted. It seems incredulous that in this day such inherent freedoms as the right of free speech and free assembly are still denied to the people of Czechoslovakia.

Mr. Speaker, let the fifth anniversary of this bleak day in the pages of world history serve as a reminder to the American people that the Soviets cannot be expected to carry out an effective detente policy with the United States unless they release their stranglehold on the nations of Eastern Europe. The fate and future of these beleaguered people should remain a paramount factor in the actions of American leaders in all our future dealings with the Soviet Union.

WHO REALLY WON THE BATTLE OVER FOOD PRICES?

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. VANIK. Mr. Speaker, for a long time I have been an avid reader of various farm publications which have been sent to my office unsolicited. As a Member of this body from a heavily urban area, I have felt an obligation to keep abreast of farm news and developments because of the direct impact of this vital information upon the consumers of my community.

This month's issue of the Farm Journal contains an article by the magazine's managing editor, Dick Braun, entitled "You Won the Battle Over Food Prices," which contains statements which could be of particular interest to millions of American consumers and taxpayers who have been subjected to unprecedented food price increases.

Of particular interest is Mr. Braun's statement that:

> If the American consumers aren't willing to pay the current price for food, the world is full of consumers who will—and, temporarily at least, there isn't enough for everyone.

The thesis apparently exists among our agricultural community that it has no special responsibility toward supplying adequate, reasonably priced supplies of food to the American people. This thesis runs completely contrary to the thesis under which Congress operated for the last period of nearly 40 years, during which huge sums of Federal tax dollars were voted to subsidize, support, pay directly, or give massive tax credits to the farmers of America to stimulate adequate production of a steady and reasonably priced supply of food.

It would now appear that the American farmers' true colors are showing, as evidenced by the comments by Mr. Braun. If the American consumer will not pay the asking price, whether that price results, he says, from shrewdly calculated market shortages because of withholding from market, or from incredibly massive shipments to food-short countries, then our own farmers will readily find buyers in other countries who will pay any asking price. The American farmer is now telling the American consumer that he is just one bidder among many and must suffer the consequences of not paying the asking price, no matter how high it goes.

Yet the American consumer-taxpayer has supported and subsidized the agricultural industry by well over $100 billion in tax money during the last 30 years, specifically to assure the consumers of our own country adequate and reasonably priced supplies of wholesome foods. For that contribution, the consumer's thanks from the farmer has come in the form of unprecedented price increases and "shrewd" market manipulations through such clever devices, cited by Mr. Braun, as "chloroformed chicks" and "producers sending piggy-sows to market."

In addition, tax law has been written to allow farmers in America an unprecedented advantage over the average consumer and the farmer wisely has taken full advantage of every one of these laws. In response to a request from my office, the Joint Committee on Internal Revenue and Taxation informed me that in 1970 proprietorship, partnership, and corporate farms in America paid a total estimated Federal tax of $1.4 billion. During the same year the Federal Government, and thus the American taxpayer, subsidized these same farmers with $5.4 billion.

The full text of the letter from the joint committee and the compilation of farm subsidies for 1971 are as follows:

JOINT COMMITTEE ON
INTERNAL REVENUE TAXATION,
Washington, D.C., June 18, 1973.

Hon. CHARLES A. VANIK,
House of Representatives,
Washington, D.C.

DEAR MR. VANIK: This is to confirm our telephone response on June 15 to your telephone request of the same date for an estimate of the Federal income tax paid by the agricultural sector of business.

We estimate that for calendar year 1970 (the latest year for which data are available) proprietorship, partnership, and corporate businesses engaged in agriculture, forestry, and fishing and showing a net profit had an income tax liability of $1.6 billion. If a narrower concept of agriculture be employed to include only businesses characterized as "farms" the income tax liability is $1.4 billion. The corporate share of these estimates of income tax liability approximates $100 million.

Sincerely yours,
LAURENCE N. WOODWORTH.

THE ECONOMICS OF FEDERAL SUBSIDY PROGRAMS, JOINT ECONOMIC COMMITTEE: JAN. 11, 1972

TABLE 5-1.—GROSS BUDGETARY COSTS OF FEDERAL AGRICULTURAL SUBSIDIES, FISCAL YEARS 1970 AND 1971

[In millions of dollars]

Program	1970 actual	1971 estimated
Direct cash payments:		
Direct payments for commodity purchases [1]	398	316
Feed grain production stabilization	1,644	1,510
Sugar production stabilization	93	84
Wheat production stabilization	863	891
Wool and mohair payments	53	72
Cotton production stabilization	828	918
Conservation related programs [2]		
Dairy and beekeeper indemnity payments [3]		
Tax subsidies: Expensing and capital gains for farming	880	820
Credit subsidies:		
Emergency credit	6	
Farm operating loans	8	
Soil and water loans	17	
Price-support loans	87	
Storage facility and equipment loans	2	
Farm Ownership Loans	68	
Rural electrification loans	179	
Rural telephone loans	67	
Crop insurance [4]	9	
Order of magnitude total	5,202	

[1] As was indicated above, the correct estimate of the gross budgetary cost of this kind of farm subsidy is the difference between what Government pays for the commodities and what it sells them for. It has not been possible to make such calculations for the many commodities the Government now supports through purchases. The subsidy cost figure used above is the overall net loss for the Commodity Credit Corporation, reported in their annual Report of Financial Condition and Operation. This is a very crude proxy that probably underestimates the actual subsidy per commodity. For more detail on this program see app. D.

[2] At a minimum this would include Rural Environmental Assistance, Great Plains Conservation, Cropland Adjustment, Conservation Reserve, and Emergency Conservation Measures. The gross budgetary cost for fiscal 1970 of approximately $320,000,000 for these programs has been accounted for under "Natural resources."

[3] Although the obligations in fiscal 1970 and 1971 were not significant, they rise to $5,000,000 in fiscal 1972.

[4] This figure represents the amount by which expenses exceeded revenues for fiscal year 1970. As of June 30, 1970, the Corporation reflected a deficit of $33,700,000 as a result of expenses and indemnities exceeded revenues in past years.

Source: "1971 Catalog of Federal Domestic Assistance"; "The Budget of the U.S. Government, Fiscal Year 1972"; "The Budget of the U.S. Government—Appendix, Fiscal Year 1972"; "Special Analyses, Budget of the U.S. Government, Fiscal Year 1972"; Department of Treasury estimates, app. A and B.

It seems to me that the consumers of our country deserve a fair and equitable deal from the agricultural industry. Since almost all of the great strides made by the farmers of America in development of modern farming techniques, finance, storage, and sale have been subsidized or paid outright by all the taxpayers of America, those same taxpayers hardly deserve to be gouged by the same farmers who were the willing beneficiaries of taxpayer largesse in past years.

The American consumer-taxpayer has the right to expect adequate and reasonably priced food supplies even if it requires stringent and automatically triggered export licensing controls to assure adequate domestic supplies. Contrary to the assertion made by Mr. Braun, the farmer has no right to expect that he may automatically bypass domestic food needs of our own people in favor of foreign consumers with ready dollars, without regard to selling price. We must demand our adequate share of American farm production after which we can attend to foreign sales.

It is totally unsatisfactory that our consumers must now spend 100 percent or more for chicken than they did a year ago; it is absurd that we must shell out as high as 40 percent more for wheat-related products which stem from a bungled wheat sale to other nations; it is equally ridiculous that because of that same deal, feed-grain costs have soared into space, forcing meat off the American diet and out of the reach of millions of our own consumers. While no one I know would deny fair and reasonable returns to all segments of our economy, excessive and unreasonable demands and gains by our agricultural sector serve only to alienate the 93 percent of the country who have loyally supported and subsidized the agricultural sector. While Mr. Braun may be correct in stating that the "Farmers have won the battle over food prices,"—his emphasis—I would contend that these same farmers may rapidly be on the way to losing the war: the war on inflation; the war for sound nutrition; the war against hunger; the war for equity and justice for matters such as these.

There was always a need for food throughout the world. There was not always an opportunity to buy at bargain prices which developed through devaluation. Foreign cash buyers will disappear as devaluation ebbs. The current food inflation may permanently eliminate taxpayer subsidies to the farmer and critically limit taxpayer-supported gifts of food. Farmers may have indeed won the battle over food prices—but they are permanently losing out with the destruction of the successful partnership between farmer and consumer which increased productivity, guaranteed income and produced essential food and fiber at fair and decent prices.

The full text of Mr. Braun's article is as follows:

[From Farm Journal, September, 1973]

YOU WON THE BATTLE OVER FOOD PRICES

(By Dick Braun)

It's hard to believe, but just a few short months ago housewives carrying meat boycott signs lined up around supermarkets to drive down the price of meat. (It didn't work.) This month they were lining up again—this time jostling each other to grab the last pieces remaining in the beef cases. After all the frenzied protests, price was suddenly unimportant as many over-bought to build a "meat cushion" in their freezers.

Like bolts of lightning the chloroformed chicks, the unemployed butchers and the barren display cases hammered the near-dazed consumers with these facts of life:

The price ceilings, which many had demanded, only delayed the inevitable explosion in food prices—and stripped the counters of beef.

Food at bargain-basement prices had finally gone the way of the $800 automobile, the $2 shirt, and 5¢ cigar.

If American consumers aren't willing to pay the current price for food, the world is full of consumers who will—and, temporarily at least, there isn't enough for everyone.

Farmers are exercising market shrewdness by holding beef and grains for higher prices, preventing price-depressing gluts on the market even at harvest. Wheat prices, for example, actually *increased* as harvest progressed. Farmers were holding 75% of their crop.

Farmers have spent millions to promote and advertise their products, but no promotion is as effective as the news of shortages.

TV networks and newspapers showed: broiler growers killing chicks that would lose money; producers sending piggy sows to market; cattle feeders holding cattle because ceiling prices would mean a loss; others selling to Japan and Canada because they paid more money; packing plants closing down and laying off workers. When all that happened, the old custom of taking food for granted evaporated like dry ice on the Sahara desert.

Consumers got the message. They could foresee even worse meat shortages if prices were not allowed to rise above cost of production. They couldn't stop talking about those chloroformed chicks. Sure, they'll continue to complain, but more consumers now understand that the very club they demanded to drive back prices—the price freeze—turned into a boomerang. Economists said it would happen; Secretary of Agriculture Earl Butz has said many times it would happen, before he bowed to Administration policy.

Those reasons prompt our headline: Farmers have won the battle over food prices. Also:

THE ADMINISTRATION IS BUCKING

The price freeze came off all food except beef, and that fades away on Sept. 12. Possibly sooner. After a meeting with cattle feeders and packers early this month, Secretary of Agriculture Butz assured them that, were it up to him, he'd remove the price freeze on beef now.

There were further indications that "unfreezing" arguments would be pushed before the Cost of Living Council, though a Council spokesman and Secretary of Treasury George Shultz both expressed firmness on continuing the beef freeze until Sept. 12. Either way, you win on Sept. 12.

CONGRESS GAVE IN

Remember all the pressure for a food price freeze from members of Congress last Spring? Well, the Senate voted 84 to 5 early this month to lift the beef price freeze immediately. Obviously, Senators are now convinced of the failure stuck out so every one could see.

In Omaha, over 300 beef companies and wholesalers from the East and Midwest filed suit against the government's freeze on beef prices, charging discrimination against beef. A Pennsylvania meat dealer asked a U.S. District Court to declare the beef freeze unconstitutional in a class action suit on behalf of the nation's retailers.

Packing houses across the country were closing in droves—101 by early August. Armour announced a 60% cutback in meat production. Laid-off workers were loudly complaining, and even the unions were giving second thoughts to their clamor for price controls. Meanwhile several supermarket chains were buying cattle direct from feedlots and having them custom-slaughtered by packers to keep beef in their meat cases.

Canadian buyers flocked into Midwestern markets. They said it was because of a shortage of grain-fed beef in Canada. They were selling beef back into the U.S. at above-ceiling prices; that's legal.

Black markets and price kickbacks were thriving, the press wires chattered (though without verification). Hijacking of beef trucks and cattle rustling activity quickened. A U.S. attorney in New York impaneled a Federal grand jury to investigate alleged illegal activity resulting from the price freeze.

Amid all that melee, some were questioning if there was actually a shortage of beef. Internal Revenue Service investigators, charged with keeping tabs on beef prices, claimed they could find no real beef shortage. But cattle slaughter figures showed a drop of more than a third in one week early this month, compared with average weekly slaughter figures for the month of June.

It seems likely, as we go to press, that the giant tidal wave for price controls on food has moved back to sea, washing with it the advocates of price controls on food. And while there will be more efforts, such as export controls, to hold down your prices, you've won the big battle of the price freeze.

MRS. HELEN COLES: A TRULY REMARKABLE WOMAN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. RANGEL. Mr. Speaker, I would like to take this opportunity to publicly congratulate Mrs. Helen Coles for her achievements during her 30-year career with the IBM division of the New York City Board of Education.

Mrs. Coles is a truly remarkable woman both on and off the job. Her dedication to people and to life itself is truly commendable. In this respect I submit the following article from the Amsterdam News of July 28, 1973:

NEW YORK—YOUR TOWN

Helen Coles is a practical woman.

She shows it in everything she does, from her position as a Provisational Administrative Assistant IBM in the Board of Education, to her post as President of Local 1251, District Council 37, to her preoccupation with politics as a District Captain in the Democratc Party and a member of her union's Political Action Committee.

At work, Helen is in charge of a unit in the Bureau of Management Information data processing for the Board of Education Payroll Division.

Her job is to prepare information for the computers that print out the checks of employees who do not receive the same regular check each pay period.

This covers substitute teachers and others who work on an hourly or daily basis and whose salaries must be computed each time.

$6,000,000 A MONTH

"We process usually at least six million dollars a month," says Helen "and in September and February considerably more."

At those times, with the start of the new terms, Helen's unit has to prepare information for new employees, people who transfer schools, change their states, etc. During the year, all payroll changes, such as the number of deductions, raises, back pay or anything out of the ordinary must be cleared through Helen's group. "We have a very good production control system," Helen says, "we know anytime paychecks are held up unnecessarily it won't be long before we hear quite loudly from the people who are waiting for their money."

LONG LINES

Helen went to work for the Board of Education after a lengthy career in the phone company. "I was in long lines and I felt I learned all there was to learn and there was nowhere to go. Besides," she adds, "their idea of a pension at that time was my idea of not much at all."

She started her career with the City as a Tab Operator and rose steadily up the ladder to Senior Supervisor, and her position today as a unit head. "The day I joined the Board, I joined the union," she points out. Her career in the union was equally consistent as she went up the ranks of her local from Shop Steward to Treasurer to her first election as President in 1970.

Local 1251 is made up of over 1900 employees of the Board of Education, predominantly white. Helen's third local Presidential election comes up next fall and she is quietly confident that she will be reelected by the membership.

POLITICAL ACTIVITY

In addition to the day-to-day administration of her union affairs, Helen's activist instincts are channeled into politics through her union and local Democratic Party.

On the day this article appears, she will be up in Albany as part of a lobbying effort for District Council 37. "We'll be there to show strength in numbers and to go door to door to the legislators if we have to," she says. The object of this trip is to preserve the pension rights negotiated by civil servants with the City. "I know the rich get richer and the poor get poorer, but this is ridiculous," says Helen Coles, "now after thirty years work they want us to retire to welfare."

HER BAG

To Helen Coles, "politics is my bag, I only wish I could make the rest of my folks see that. Every thing we go through, everything we get or don't get is determined by politics." A confirmed anti-Rockefeller New Yorker, Helen will campaign, too, against the pending transportation bond. "Rich people will make money on tax free bonds and we'll be saddled with more debt and sooner or later the fare will go up anyway," in her opinion. Helen's political efforts are based on a thorough knowledge of current affairs, strong opinions and lots of energy. In the Presidential election last fall she led a group of eight volunteers ringing doorbells to get out the vote in East New York. "Election Day we were out at 6:30 a.m. and I want to tell you there's nothing worse for me than to hear a brother or sister tell me he's not going to vote."

As with most busy people, the more Helen does, the more she finds time for. She sews, too, as Vice Chairman of the Prison Task Force of Riverside Church.

Helen Coles was born in Greenwich Village, educated in Virginia, attended Xavier University in New Orleans. Her son, Carl, is Manager of Data Processing for CBS, daughter Donna is an Administrative Assistant for a major corporation. A granddaughter, Courtney, "is the smartest of us all," according to Helen. Husband Bill Coles is in charge of microfilm for the State Supreme Court and makes his vocation his avocation as an inveterate camera bug.

THEY EXPLORE WORLD OF WORK, STUDY

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. TEAGUE of Texas. Mr. Speaker, an unheralded NASA program of importance to the country was recently cited in the Daily Press of Newport News, Va. In the July 15, 1973 edition, Elaine Justice, Daily Press staff writer, described the National Aeronautics and Space Administration student work-study program. This commendable effort warrants wider understanding as a contribution to our most important resource—young Americans. The article follows:

NASA CO-OPS—THEY EXPLORE WORLD OF WORK, STUDY

(By Elaine Justice)

The National Aeronautics and Space Administration is doing more than sending men to the moon. It's also helping young men and women to achieve greater career heights by a practical work-study program called cooperative education. The co-op program is a part of the curriculum of 370 colleges and universities all over the country with almost 70,000 students participating. This number is rapidly increasing, too, because the program has merits not easily ignored by today's college student.

The major advantage in attending college through the co-op program is that it allows a student to make a smooth transition from academic life to a satisfying career by alternately working and attending school on a year-round basis. "I didn't know what I wanted to do," said NASA co-op student Joseph Farmer of his college plans. He related that the co-op program had not only given him a chance to investigate a promising career, but that it had enabled him to stay more interested in school.

The co-op program not only helps students explore different careers but often enables many to attend college who might otherwise not have gone. High school students who sign up for the 4 year co-op program in the spring of their senior year can go into pre-co-op programs in which they work 3 months in the summer before their freshman year of college. This not only enables the student to earn needed money for school but makes him eligible for financial assistance during his freshman year at a college or university.

In addition, most companies with co-op programs try to hire as many of the program's participants as they can, making it easier for students who've completed the training to obtain jobs in an ever-competitive job market. "Out of the five graduates from our co-op program this year, we were able to hire four," said the director of the program at NASA, Joshua Foyles. "We like to appeal to the better students," he related, and added that a really good student who has completed college under the program would have no trouble getting a job with any top firm.

The co-op program at NASA is "small but active" in the words of one employe, and it does seem highly efficient in its operation. The total number of trainees at NASA under the program is around 52, but only a portion of that number are on the job at any one time because of the varying work-study schedules. Students can alternate work and school on a quarter, semester or even yearly basis. "It takes five calendar years to finish school this way," stated Foyles, but he went on to relate that the students graduating under the program have 15 months job experience, which is a big advantage in finding a career or just a job after college.

There are three types of co-op students at NASA. The three-year co-ops from two-year colleges such as Thomas Nelson will obtain a degree in applied science after completing the program specializing in mechanical or electronics technology. The five-year co-ops at four-year institutions can start the program as pre-co-ops and return after the freshman year as full co-ops who will receive degrees in everything from business administration to physics.

While on the job, trainees get "fringe benefits" which include fifty per cent of their health insurance paid, one third of their life insurance paid, 13 days of sick leave, and an annual leave of 13 days per year after the first work-study period. The program even pays for all except one round trip of the trainee's transportation to and from college.

At present, a new co-op program in secretarial science is in the planning stages and will be open to participants during the 1973–74 school term.

PUTTING THE CIA IN ITS PLACE

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. BADILLO. Mr. Speaker, the Watergate affair has given added impetus to congressional efforts to put an end to the awesome ability of the Central Intelligence Agency to undertake covert military and paramilitary operations and restore the CIA to its intended role as a gatherer and evaluator of intelligence.

Under five Presidents, and with at least the tacit assent of Congress, the CIA has been able to establish an enormous, far-flung apparatus that frequently has assumed a major, and in my judgment improper, role in American foreign policy. The Bay of Pigs fiasco, the covert operations in Vietnam as disclosed in the Pentagon Papers, and the not-so-secret war in Laos are but a few examples of the CIA's ability to make and execute foreign and military policy outside the purview of Congress and the public.

In both the 92d and 93d Congresses, I have authored legislation aimed at removing the authority of the CIA to undertake military operations. The CIA has a proper and a valuable role in the gathering and evaluation of intelligence and I would not want that function eliminated. But operations such as the CIA's war in Laos are fraught with peril and cannot be condoned in the absence of specific congressional approval and public debate.

With the hope that the work of the 93d Congress will not be concluded without enactment of legislation restricting the CIA to its proper role, I present for the consideration of my colleagues a useful and cogent analysis of the CIA by Andrew Hamilton, appearing in the September edition of the Progressive.

The analysis follows:

THE CIA's DIRTY TRICKS UNDER FIRE—AT LAST

(By Andrew Hamilton)

For the first time in more than two decades, Congress is beginning to take a hard look at the Central Intelligence Agency. In the wake of revelations of CIA complicity in the Watergate affair, a serious debate about the Agency is now taking shape, and it could develop into an historic battle over the role of clandestine operations in American foreign policy.

"Clandestine operations" (which should not be confused with the gathering of foreign intelligence) include a wide range of political, propaganda, economic, cultural, and paramilitary activities known within the CIA as "covert action" and "special operations," or, more generally, Dirty Tricks. These operations have included, over the years, such practices as:

Hidden support and assistance to political parties in foreign election campaigns.

The establishment of dummy foundations to provide funds for a number of private organizations engaged in scholarship, propaganda, labor, youth, and cultural affairs.

Establishing ostensibly independent, private companies, including a number of airlines.

Arranging *coups d'etat;* supporting, training, and leading private armies and air forces in foreign nations.

Helping to establish security police organizations in a number of countries, and other Cold War ploys.

The CIA operations amount, in total, to a clandestine American foreign policy under the exclusive control of the President, insulated from public control and even from public scrutiny—not to mention Congress itself.

President Nixon has given a clear signal that he places a high value on covert operations. His new Director of Central Intelligence, William Egan Colby, fifty-three, spent his adult life in Dirty Tricks, beginning with OSS guerrilla operations in World War II and culminating in a twelve-year stint as one of the CIA officials most deeply involved in the Vietnam war.

Colby was CIA station chief in Saigon (and a staunch supporter of President Ngo Dinh Diem) from 1959 to 1961. From 1962 through 1967 he was chief of the Far East Division of the Clandestine Services, the formal title of the operating arm of the CIA. From 1968 to 1971 he was involved with the "pacification" program in Vietnam, first as deputy and later as ambassador in charge. In 1971–72 he was back in Washington again as Executive Director (number three man) at the Agency. When that post was abolished in a reorganization this year, be became head of the Directorate of Operations, which runs the Clandestine Services.

Colby is a quiet, undemonstrative man—"when he's really mad he's almost whispering," recalls a former employe—whose mild manner conceals the toughness and boldness of a behind-the-lines guerrilla fighter. He has the reputation of being one of the CIA's most resourceful managers of Dirty Tricks. He was responsible, as head of the pacification program, for American participation in the Phoenix program in which thousands of Vietnamese suspects were killed or jailed on suspicion that they worked for the Vietcong.

Senator William Proxmire, Wisconsin Democrat, complained during the recent debate on Colby's nomination that the Senate was being asked to cast a "blind vote." He observed: "We don't really know who Mr. Colby is. We are not allowed to go back into his personal employment history and judge his fitness. We do not know what jobs he has accomplished. . . . And we will be confirming him for a blind position [about which] we know very little. . . ."

Although the Senate confirmed Colby August 1 by a vote of eighty-three to thirteen, the decisive battle will begin this fall. Senator John C. Stennis, Mississippi Democrat, has announced that his Senate Armed Services Committee will hold hearings on the CIA's basic legislative charter to determine whether the Agency exceeded its authority in waging war in Laos and in its involvement with the White House "plumbers" in the Watergate affair.

Stennis's Committee is the one whose CIA Oversight Subcommittee has failed to meet for several years, and whose members have rarely expressed any interest in supervising the secret and powerful Agency. But the hearings come amid a growing feeling in Washington—expressed even by Chairman Stennis—that the CIA's Cold War mission as the clandestine action arm of U.S. foreign policy no longer serves the national interest, if it ever did.

The man who founded the CIA in 1947, President Harry S Truman, reached this conclusion a full decade ago. In 1963, he wrote: "For some time I have been disturbed by the way the CIA has been diverted from its original assignment. It has become an operational and at times a policy-making arm of the Government . . . I never had any thought that when I set up the CIA it would be injected into peacetime cloak-and-dagger operations."

Other Presidents have had qualms about the CIA. John F. Kennedy, a former aide once said, wanted to "splinter it into a thousand pieces and scatter it to the winds" after the Bay of Pigs disaster, a CIA-planned operation which Kennedy had approved. Lyndon B. Johnson, hardly a shrinking violet when it came to U.S. exploits abroad, was appalled by the ramifications of some CIA operations. When he took office he learned, according to an account by Leo Janos in the July, 1973, *Atlantic*, that "we had been operating a damned Murder Inc. in the Caribbean." Even Richard M. Nixon, in a 1969 speech to CIA employes, acknowledged that "this organization has a mission that, by necessity, runs counter to some of the very deeply held traditions in the country, and feelings, high idealistic feelings, about what a free society ought to be."

But President Kennedy, like his successors, soon came to recognize the immense potential of an organization whose acts could be neither traced by the victims nor supervised by his political opponents in Congress. The Kennedy years, in the opinion of one former intelligence official, became "the heyday" for the CIA's covert political intervention in other countries. President Johnson followed by unleashing massive CIA operations in Laos and South Vietnam. And President Nixon, in the same 1969 speech, concluded that the CIA "is a necessary adjunct to the conduct of the Presidency."

What both troubled and attracted these Presidents was not the CIA's "quiet intelligence" activities, but its wide range of Dirty Tricks. In the decade since Harry Truman's warning, little has been done to curb the President's own Back Alley Boys. Except for a handful of progressives, Congress continued politely to look the other way and ask no embarrassing questions. Now, in the lurid light of Wategate, Congress can no longer refuse to take a closer look.

By their very nature, covert operations defy effective Congressional oversight. A handful of men in the House and Senate, senior members of the Armed Services and Appropriations Committees, are the only members of Congress allowed to ask the Agency what it is doing. Their meetings have always been secret, and their deliberations are never disclosed even to other members of Congress. Their recommendations to the Agency, if any, have never been tested in general debate or put to a vote of Congress.

From the time of its inception, the CIA's name has been synonymous with secrecy; no outsider can hope to obtain more than a rough map of its terrain. It is the Agency's practice neither to confirm nor to deny any allegations made about it. CIA employes take the most stringent secrecy oath administered by the Government. This oath has been interpreted by the Agency as prohibiting a present or former employe from revealing anything he has learned while working for the CIA—an interpretation that has won at least partial support in the Federal courts. Victor Marchetti, a former CIA official, is under court order to submit the manuscript of his forthcoming book about the Agency for review before publication, and the Agency has been authorized to make deletions, provided they are not arbitrary or capricious.

But the Agency has found it impossible to remain wholly invisible. The picture I present here was assembled from the public record (which grows longer almost daily), and from interviews conducted over a period of several years with a number of present and former CIA employes, intelligence officials from other U.S. agencies, foreign service officers, Congressional sources and Administration aides. (While I had a limited contact with CIA intelligence analysts when I served as a member of the National Security Council staff in 1970–1971, I had no contact with the clandestine organization or activities of the CIA.)

The CIA has both a public and a secret charter. The public charter, on which Senator Stennis's hearings will focus, is found in the National Security Act of 1947 and its 1949 amendments (U.S. Code Chapter 50, Title 15, sections 403 ff.). It is the vaguest of charters, stating that the CIA shall "coordinate" intelligence activities undertaken in the interest of national security and shall:

Advise the National Security Council regarding national security intelligence activities.

Make recommendations to the NSC for coordination of intelligence activities.

Correlate, evaluate, and disseminate national security intelligence.

Perform "for the benefit of the existing intelligence agencies such additional services of common concern" as the NSC directs.

"Perform such other functions and duties related to intelligence affecting the national security as the National Security Council may from time to time direct."

The last two provisions provide the official rationale for the CIA's clandestine activities, both in collecting intelligence and in performing covert operations. These duties are detailed in the Agency's "secret charter"—a series of top-secret Presidential orders known as National Security Council Intelligence Directives, or "N-Skids."

The Senate Armed Services Committee, which has jurisdiction over the National Security Act, apparently has never seen these documents, though they are essential to an understanding of the CIA's clandestine operations. Colby, the new director, recently promised to make the "N-Skids" available to the Committee, but there is no reason to assume that they will be disclosed to the public.

Section 403(d) also contains two seemingly contradictory provisos regarding CIA activities within the United States. One declares that "the Agency shall have no police, subpoena, law-enforcement powers, or internal security functions." The other states that "the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure."

The first proviso, which the CIA apparently violated in extending assistance to the White House "plumbers," was intended to protect the FBI's turf from CIA encroachment and to restrict the CIA to foreign intelligence activities. The second proviso, however, seems to give the Director scope for a broad range of domestic counter-intelligence activities. Whatever the justification, the CIA has not been reluctant to undertake clandestine operations within the United States.

The Act also permits the Agency to keep secret its budget, organization, personnel strength, identity of personnel, and other operational and administrative details, notwithstanding other provisions of law, and to spend money without regard for normal Government procedures.

Three points about the CIA's charter stand out:

First, the Agency is answerable directly to the President, and to the President alone. (The National Security Council is merely an advisory body made up of Presidential appointees—the Secretaries of State and Defense and the Director of the Office of Emergency Preparedness.)

Second, the CIA enjoys extraordinary freedom from public and even Congressional scrutiny.

Third, its duties encompass much more than the routine collection and evaluation of information. "The powers of the proposed Agency," warned Secretary of State George C. Marshall in a memorandum to President Truman in 1947, "seem almost unlimited and need clarification."

The CIA grew rapidly from its first days in 1947. ("Bigger than [the Department of] State by '48," was a common boast.) The Agency now has about 16,500 employes (after a seven per cent reduction in force put into effect earlier this year by Director James R. Schlesinger, now Secretary of Defense). In recent years its direct budget has hovered around $750 million, including funds for direct expenses and covert projects, but it may now be slightly lower as a result of the winding down of the wars in Vietnam and Laos.

Similar in size, budget, and overseas staff, the CIA rivals—if it does not surpass—the Department of State as an instrument of U.S. foreign policy. In *A Thousand Days*, Arthur Schlesinger, Jr. wrote that in 1961 the Agency "had almost as many people under official cover overseas (i.e., posing as employes of other Government agencies, such as the Foreign Service or AID) as State; in a number of countries CIA officers outnumbered those from State in the political sections (of the U.S. mission). Often the CIA station chief had been in the country longer than the ambassador, had more money at his disposal, and exerted more influence."

This situation seems to have changed little in the last twelve years. Some recent U.S. foreign policy officials believe that the CIA's overseas employes, both direct and indirect, U.S. nationals and foreign, including those operating under "deep cover"—that is, with no visible ties to the U.S. Government—far outnumber those of the State Department.

For a variety of reasons, the CIA's direct budget (including project money) does not begin to tell the full story of the Agency's size or role within the Government:

In large overseas clandestine operations, such as the war in Laos, covert activities in Vietnam, and the Bay of Pigs invasion, direct Agency costs and project funds represent only a fraction of the total costs to the U.S. Government. The staff of the Senate Foreign Relations Committee found earlier this year, for instance, that of the $375 million ceiling set by legislation for spending in Laos (until recently a CIA operation) during the last fiscal year, only $5.5 million represented direct CIA expenditures, while another $60 million was distributed by the CIA as project money for support of Laos and Thai irregular troops. The rest of the funds were supplied from the budgets of the Agency for International Development and the Defense Department. (These Laos program figures exclude additional large costs for U.S. air operations in Laos, many of which have been in support of CIA-directed military operations.)

The CIA has financed, and apparently controls, a number of private corporations which provide cover for covert activities overseas. Of these the largest and best known is Air America. Earnings from these activities are said to be available to the Agency in addition to the annual budget provided from general Federal revenues.

The CIA has the use without cost, according to former officials, of U.S. military bases and "surplus" equipment, from which it is said to have built up a large worldwide supply and operational base network.

For these reasons alone, the CIA has been called a multi-billion annual operation. But, in addition, the Director of Central Intelligence, in his role as head of the U.S. foreign intelligence community, has responsibilities for coordinating the activities and reviewing the budgets of all U.S. foreign intelligence agencies and operations. In total, these activities—most of them under Defense Department auspices—cost between $3 billion and $4 billion a year, not counting the CIA.

These operations include the costly overhead reconnaissance activities of the Air Force (such as spy satellites, U–2s, SR–71 aircraft); communications and signals intelligence, which come under the direction of the $1-billion-a-year National Security Agency; the analytical staffs and operations of the Army, Navy, and Air Force intelligence agencies; the Defense Intelligence Agency; the minuscule State Department Bureau of Intelligence and Research; and such miscellaneous other organizations as the National Photo Interpretation Center and the Foreign Broadcast Information Service, the latter of which transcribes and translates overseas radio broadcasts. When the tactical military intelligence operations of the various military commands around the world are included, the annual cost may reach $6 billion, according to some sound estimates. In cost, personnel, and influence, the foreign intelligence "community" ranks with or above several Cabinet departments.

The CIA is organized into four main divisions, known as "directorates," each headed by a deputy director. Until recently, these men reported more or less formally to the Executive Director, nominally the Agency's number three man. Under Schlesinger's reorganization plan, the post of Executive Director was abolished early in 1973 and the incumbent, at that time William E. Colby, was made the head of the Agency's largest branch, the Directorate of Operations, which has responsibility for all clandestine activities and for the CIA's eighty-five overseas stations. In recent years this Directorate (formerly called "Plans") has had about 6,500 to 7,000 employes and a budget of about $350 million, or nearly half the Agency total.

The other directorates are:

Intelligence, which collates, analyzes, and disseminates intelligence collected by all U.S. foreign intelligence agencies and also gathered from unclassified sources. The size of this directorate has been estimated to be roughly 3,000 persons; its budget, about $75 million.

Science and technology, which oversees research and development of technical systems for collecting intelligence, such as spy satellites; analyzes scientific and technical data collected by all sources, and circulates reports on its findings. The personnel strength is estimated at about 1,500; its budget at about $125 million, not counting large additional amounts (perhaps $500 million to $1 billion) spent annually by the National Reconnaissance Office and the Air Force on technical collection systems.

Administration, under which are lumped such functions as supply, finance, medical and personnel services, training, security, and communications. (Overseas communications appear to have been transferred to Operations under the Schlesinger reorganization.) In recent years, the personnel strength of this directorate has been estimated at roughly 4,500 and its budget at about $200 million a year.

Former intelligence officials calculate that when support costs are distributed, somewhere between two-thirds and three-quarters of the CIA's direct budget is allotted to clandestine operations. Of these funds, more than half are said to go to various types of covert foreign policy operations—Dirty Tricks—rather than to intelligence collection and reporting by overseas stations.

A separate staff known as the Office of National Estimates supervises the preparation of the intelligence community's principal long-range projections—the series of National Intelligence Estimates which cover such diverse subjects as the strength and organization of the Vietcong and the size, trends, and doctrine of the Soviet strategic nuclear forces. The office is under the direction of the Board of National Estimates, a dozen senior officials from CIA, State, and the military.

In addition, a number of smaller staff offices are attached to the office of the Director. These include the inspector general, general counsel, legislative counsel, cable secretariat, and an office of plans, programs, and budgets. Perhaps the most important of these offices is the Intelligence Community Staff (ICS), recently expanded by Schlesinger and given a stronger role in coordinating the programs and budgets of the entire intelligence community.

The Directorate of Operations constitutes the covert side of CIA, known as the Clandestine Services. Officers of the Clandestine Services generally pose as officials of some other U.S. Government agency or private organization, and sometimes use false names. Except for some minor modifications that may have been instituted in the Schlesinger reorganization, the Directorate is organized as follows:

A number of specialized, functional staffs oversee aspects of clandestine activity. Their names provide some notion of the range of CIA work: Foreign Intelligence (espionage and political reporting); Counter-intelligence (reporting the operations of the intelligence services of other nations); Covert Action and Political Action (secret financing of various youth, labor, cultural and academic groups, operating clandestine radio propaganda outlets, large-scale efforts to influence foreign elections); Special Operations (planning, supporting and directing paramilitary operations); and Technical Services (wiretapping, lie-detector operations, illegal entry, false identities, disguises, and the like).

Most work of the Clandestine Services is carried out by the large regional divisions and their field staffs abroad and in the United States. The major divisions, and some of their activities which have come to light, are:

Domestic Operations Division, which allegedly recruits agents among foreign students and U.S. residents with relatives in foreign countries. It also interviews Americans planning to travel abroad for pleasure or business and those who have recently returned. (The Domestic Contract Service, which carries out these interviews, was recently transferred from the "overt" side of the Agency, where it was under the Directorate of Intelligence, to the Clandestine Services.) This Division also apparently conducts counter-intelligence activities among East Europeans, Cuban, and other emigre groups in the United States.

Western Hemisphere Division. Among the major known clandestine operations of the past twenty years are:

Overthrowing the Guatemalan government of Jacobo Arbenz in 1954.

Setting up and supporting a special anti-Communist police agency for the Batista regime in Cuba in 1956. The agency, known as BRAC, soon gained a reputation for brutality and oppression.

Later backing anti-Castro Cuban exiles in a variety of political and paramilitary activities, culminating in the disastrous Bay of Pigs invasion in 1961.

Helping to put down an attempted coup in Guatemala in 1961, in part to protect the base of operations for the planned invasion of Cuba.

Mounting a major covert political campaign to deny leftist Brazilian President Goulart control of the Brazilian Congress in 1962.

Advising and assisting the successful Bolivian effort to capture Che Guevara in 1966–67.

Intervening with covert financial and other support for opponents of Salvador Allende in the Chilean Presidential elections of 1964 and 1971.

Far East Division. Largest of the regional divisions, this organization supervised:

Large-scale clandestine operations by Nationalist Chinese and U.S. agents against mainland China from the Korean War period through the late 1960s. Agents were air-dropped into China—two, Richard G. Fecteua and John T. Downey, were captured in 1952 and freed after the U.S.-China rapproachment of 1971—and guerrillas and political agents were infiltrated into Tibet in the late 1950s.

The Philippine campaign against Huk guerrillas in the 1950s.

U.S. efforts to establish the South Vietnamese government of Ngo Dinh Diem after the Geneva settlement of 1954. CIA agents subsequently encouraged (at President Kennedy's direction) the generals' *coup* against Diem in 1963.

An unsuccessful *coup* against President Sukarno of Indonesia in 1958, in which an American pilot, Allan Pope, was captured.

The arming, training, and operations of an army of Meo tribesmen in Laos during the 1960s.

Financing and directing a wide range of clandestine and special operations during the 1960s in Vietnam. These included cross-border operations into Laos and Cambodia to gather intelligence and harass North Vietnamese and Vietcong base areas, organizing and paying various mercenary groups, and setting up the Provincial Reconnaissance Units, special Vietnamese teams whose job was to locate and capture (or assassinate) Vietcong political agents. The latter effort, originally organized under the "Combined Studies Division" of the U.S. military command in Vietnam, later became known as the Phoenix program, which Colby headed.

Near East-South Asia Division, now reportedly becoming one of the more active branches of the CIA. The best known CIA exploit in this part of the world was the *coup* which overthrew Premier Mohammed Mossadegh of Iran in 1953 and returned political power to the Shah.

Africa Division. Deeply involved in Congo affairs during the early and mid-1960s, when the CIA supplied pilots (Cuban veterans of the Bay of Pigs), mechanics, and aircraft to the government of Moise Tshombe.

The Europe and Soviet Divisions. One of the first major clandestine operations of the postwar period was the massive infusion of funds to prevent a Communist victory in the 1947 Italian elections. According to reliable sources, CIA continued well into the 1960s to provide a large annual subsidy to the Italian Christian Democratic Party. In Greece, the Agency became deeply involved in internal politics in the late 1940s, and its role, according to sound speculation, is undiminished today.

The CIA and its predecessor organizations also helped organize anti-Communist labor unions in France and other West European nations during the period following World War II. The Washington office of the Clandestine Services provided funds to support an entirely independent underground network established under cover of the international division of the AFL-CIO.

For many years during the 1950s and 1960s the Covert Action staff in Washington ran one of the most remarkable CIA activities: the large-scale subsidization of a wide range of youth, academic, cultural, propaganda, and labor organizations in the United States and abroad. Among the long list of beneficiaries of the payments, which ran as high as $100 million a year, were the National Student Association, the Asia Foundation, the American Newspaper Guild, Radio Free Europe, and the Congress for Cultural Freedom (which sponsored *Encounter* magazine). The Covert Action staff, under Cord Meyer, Jr., now CIA station chief in London, set up numerous dummy foundations to distribute the money, using a wide number of legitimate charitable institutions as cooperating go-betweens. (One of the dummy foundations was named, by strange and, to me, annoying coincidence, the Andrew Hamilton Fund.)

These subsidies, exposed in 1967, were terminated, but the Covert Action staff remains in business. According to informed sources, its annual budget continued at about the $100 million level in 1971.

This list of operations is hardly comprehensive. It does not, for example, include such large-scale intelligence exploits as the U-2 project and the first spy satellites, both initiated by the covert side of CIA. But the list illustrates the wide range of political, propaganda, and paramilitary operations which the CIA has carried out, in deepest secrecy, at White House behest.

Two points stand out: These operations were often mounted not against hostile countries, *but against neutrals or allies*. And they frequently resulted in creating and sustaining repressive regimes. The CIA has been accused by well-informed U.S. officials of helping to establish "anti-subversive" police units in a number of countries which have then used them to repress all liberal political opposition.

Informed sources estimate that of the roughly $350 million annual budget of the Clandestine Services in recent years, perhaps $225 million—most of it project money—was allocated to covert action and special operations (including $80 million to $100 million for Vietnam and Laos). The remaining $125 million went to support the CIA's Clandestine Services in its espionage and counter-intelligence activities.

As the budgetary breakdown suggests, the road to glory and advancement in CIA is through operations—Dirty Tricks—rather than the patient and often grubby work of collecting foreign intelligence. A number of former high-ranking intelligence officials have complained over the years about the Agency's tendency to mount "operations for operations' sake."

In theory, CIA covert operations are tightly controlled, and can be engaged in only with the approval of the President, who delegates the task of reviewing suggested operations to a high-level NSC committee consisting of his assistant for National Security Affairs, Henry A. Kissinger; Deputy Defense Secretary William P. Clements, Jr.; Undersecretary of State for Political Affairs U.

Alexis Johnson; and the CIA Director. But this group has no staff facilities for a proper review—the papers are handled at the White House by a single CIA official who acts as secretary to the committee—and, in any event, the committee would hardly be disposed to subject CIA plans to close scrutiny.

CIA station chiefs, moreover, enjoy considerable autonomy. An enterprising, empire-building station chief, as one source pointed out, will be on the constant lookout for an opportunity to mount a covert action, perhaps by bribing a foreign minister or a key legislator. With sufficient initiative, he can increase his budget and staff and enhance the standing of his station with Washington. In the process, the United States gradually becomes drawn more and more into the internal politics of that country.

"The Clandestine Services," says a former CIA official, "never developed a philosophy that 'our job is to spy.' They have always had the desire to manipulate events."

The CIA's predisposition toward operations has been influenced by the fact that for most of its life the Agency has been headed by men who made their reputations in that field. Allen W. Dulles (1953–61) and Richard C. Helms (1965–1973) were both operators; so was the new Director, Colby. Colby and Helms, before their respective appointments as Director, were both in charge of the Clandestine Services, a job which has generally been filled by forceful men who wielded great, if unobtrusive, influence in Washington. By contrast, the Agency's senior intelligence official, the Deputy Director for Intelligence (DDI), has seldom been a man of comparable stature or influence.

As long as the glory, power, promotion, influence, and White House attention fall on the Dirty Tricks operators at CIA rather than on the intelligence specialists, the inherently unmanageable predisposition of many CIA station chiefs toward operations rather than intelligence work is unlikely to come under control. And as long as operations are the principal source of his influence, the Director of Central Intelligence can hardly be faulted for taking a narrow view of his job. In theory, he wears at least three hats: He is the top operator; he is the nation's senior interpreter of foreign intelligence; and he heads the vast but amorphous community of U.S. foreign intelligence agencies. In practice, however, recent directors have not fulfilled all roles equally well.

For several years, White House foreign policy experts have sought improvements in intelligence analysis and management of intelligence budgets and activities. In November, 1971, President Nixon ordered a reorganization of the intelligence committees to address these problems. He gave the Director of Central Intelligence power to oversee the budgets and activities of all intelligence agencies, including those under the Defense Department. The Intelligence Community Staff was expanded and an Intelligence Resources Advisory Committee (IRAC) was established with the Director as chairman. At the same time the National Security Council set up an Intelligence Committee to review the quality of intelligence reports.

Director Helms, in the White House view, failed to make the reforms work. This was a factor in the decision to replace Helms (now Ambassador to Iran) with James Schlesinger, author of the 1971 reorganization plan.

Schlesinger's background seemed admirably suited to the broader concept of the Director's job. He was not only a management expert but also an economist and defense intellectual, with a background at Rand Corporation, where he had a reputation as a forceful analyst. But the Watergate scandal forced shuffles. Schlesinger became Defense Secretary. Colby, his successor, is not considered by intelligence experts to be as well-equipped to manage the intelligence community, or to improve the quality of analysis. His appointment appears to have shelved or diminished the ambitious reforms envisioned by Schlesinger. Instead the appointment of Colby put the spotlight back on operations.

When Congress confronts the CIA this fall, it should recognize that it is time for the United States to end all Dirty Tricks operations—by the CIA or any other organization. Such operations, a standard part of the U.S. foreign policy repertoire since World War II, have become more than occasional embarrassments: They are now a distinct liability to the nation's foreign relations. And they present a serious threat to constitutional government in the United States.

The reasons for ending clandestine operations are not just moral but practical as well. The moral objections to covert actions are obvious. Intervening in another nation's internal politics violates the principles to which the United States professes to adhere when it establishes diplomatic relations. And covert intervention offends the general principle that nations, like individuals, should be accountable for their actions.

There are at least two practical objections. The first is that clandestine operations have a corrupting influence on American politics and foreign relations. They undermine the credibility of the Government at home and abroad. Their inherent secrecy violates the principles of accountability in the American political process. Available recourse to clandestine operations breeds contempt for more arduous—but legitimate—methods of achieving objectives. As Watergate has demonstrated, an easy familiarity with clandestine operations and a ready access to persons and techniques used in clandestine operations can become a direct threat to the American political and legal system.

It has been evident for some years that the American political establishment is deeply divided on the directions and the tools of foreign policy. Politics no longer stops at the water's edge. No more vivid demonstration of this division is needed than the recent votes in Congress to end the bombing of Cambodia and to limit the President's war-making powers. In these circumstances a clandestine foreign policy becomes a danger to domestic politics. To prevent leaks, the circle of people in the know is drawn ever smaller. In the process, the definition of the national interest becomes more narrow, and more directly associated with the political fortunes of the party in control of the Executive branch.

As the confusion between the national interest and political advantage spreads, distrust of the opposition grows to paranoid dimensions. Political operatives find it difficult to discriminate between domestic opponents and foreign agents. In this paranoid state, they have no difficulty justifying the resort to espionage and Dirty Tricks—originally developed to fight a clandestine war against alien enemies—against their domestic political opponents. The existence of occassional proof of similar skulduggery on the part of their opponents merely intensifies the psychosis. The result is an indiscriminate intermingling of domestic politics, foreign policy, and covert operations—a common theme in the Watergate affair and associated cases.

If the corrupting effect of clandestine operations is one practical objection, a second is that when they do not fail spectacularly, they are often ineffective. The successes of the CIA in clandestine operations may be, as several Presidents have hinted, substantial. But these successes would have to be of phenomenal value to outweigh the general damage which results from the CIA's blunders, from the widespread assumption that the Agency meddles everywhere, and from the exposure of those operations which have come to light over the years.

An outright ban on the CIA's clandestine operations would result in a cut of as much as fifty per cent in the Agency's budget, an annual saving of perhaps $300–$400 million, not counting the savings of substantial additional funds diverted from other agencies for covert CIA activities. The more important effect, however, would be a much needed redirection of the efforts of the Agency's overseas staff (which could be greatly reduced in size) toward collection of intelligence.

Since many CIA operatives already work under diplomatic cover at U.S. embassies, it might prove feasible to transfer activities devoted to gathering intelligence—not to operations—to the State Department. (The far smaller British Secret Intelligence Services come under the control of the Foreign Office.)

Such steps would go a long way toward restoring the primacy of the Department of State in foreign relations, and toward putting clandestine activities under an official directly responsive to the Congressional committees responsible for foreign relations. Under the present system, decisions on the use of the Clandestine Services are made by the President, who is not directly answerable to any committee of Congress, and operations are the responsibility of the Director of Central Intelligence, who answers to the Armed Services and Appropriations Committees, neither of which has principal responsibility for oversight of foreign relations.

Freed from his weighty operational responsibilities, the Director of Central Intelligence could begin to devote full time and attention to improving the management of the intelligence community and upgrading the quality of analysis.

Finally, it would be feasible to set up a more broadly representative system for Congressional oversight of intelligence activities by the CIA and other agencies, since the risk of compromising sensitive foreign policy operations would no longer exist. This could be accomplished by creating new House and Senate committees, as recommended by Senator Proxmire and others, or by setting up a joint committee on intelligence, along the lines of the existing joint committees on economic policy and atomic energy.

In sum, the Congress should:

Repeal CIA's vague authority to carry out "other functions and duties related to intelligence," as directed by the National Security Council.

Substitute, if necessary, language authorizing overseas and domestic activities strictly for collecting foreign intelligence, plus such counter-intelligence activities as are required overseas (leaving domestic counter-intelligence to the FBI).

Consider placing the Clandestine Services under the operational control of the Secretary of State, either by requiring that he be responsible for reviewing and authorizing clandestine activities, or by transferring the CIA's intelligence collection functions to the State Department.

Deny CIA all project funds for covert action or special operations, but allow limited secret funds for intelligence purposes only.

Require the CIA to divest itself of ownership or control of such organizations as Air America.

Clarify and strengthen the statutory powers of the Director of Central Intelligence by giving him explicit authority in law to review and make recommendations to the President on the budgets and programs of all U.S. foreign intelligence activities.

Require disclosure of the overall expenditure of the CIA and other intelligence agencies, with reasonable accuracy allowing a little leeway for security purposes.

Establish a committee or committees of Congress to oversee the programs and authorize the budgets of all U.S. foreign intelligence agencies, including the CIA. An effective oversight committee is essential to insure that a Congressional ban on clandestine operations is honored by the President. Given the fine line between some types of intelligence gathering and the clandestine manipulation of events, it will be impossible to draft a law which closes all loopholes through which small-scale operations will be undertaken. Thus vigorous oversight will provide the only reassurance that the spirit of the law banning Dirty Tricks operations is being observed. The committee should include, but not be restricted to, current members of the Foreign Relations and Armed Services Committees of the Senate, and Foreign Affairs and Armed Services Committees of the House.

The committee or committees should have automatic access to all finished intelligence reports published by any intelligence agency, and these classified reports should be retained at the Committee for review by all members of Congress. This would provide Congress with an intelligence library, which it now lacks, and could considerably improve the quality of understanding and Congressional action on foreign policy and defense questions.

It is by no means certain that a majority of Congress is ready to bar all clandestine operations. Such a step would signal a major shift from the way the United States has conducted foreign policy since World War II, and opponents will no doubt argue that it would be tantamount to "tying the President's hands" or "unilateral disarmament." And it might also be argued that a clandestine action agency is more necessary in the 1970s than ever, given the decline of the Cold War with its clear-cut antagonisms. the emergence of a multi-polar world of shifting alliances, and the developing contest among the industrial nations of the world for access to oil and other raw materials. Nor is President Nixon likely to abandon without a struggle a tool which seems peculiarly suited to his approach to foreign (and domestic) antagonists.

Finally, the job of defining clandestine operations so they can be stopped without damaging the capability for intelligence-gathering activities or leaving large loopholes could prove difficult for legislative draftsmen.

These are all important practical considerations. Were the nation really in a state of siege, were *real politik* the only basis for conducting American foreign relations. were there a genuine consensus on the aims and methods of American foreign policy, and were clandestine operations compatible with American democratic institutions and processes, then such reasons might suffice to justify continuing such operations. In the real world, they do not.

The Administration's approach, and that of many influential members of Congress, will be to cope with the CIA's current crisis merely by making its covert operations even more truly clandestine, and by restricting them in size to reduce the risk of exposure. But the only way to clear the nation's reputation, restore credibility, and re-establish a basis for a foreign policy based on broad consensus—and the only way to create a real basis for effective Congressional participation in foreign policy—is to put a firm end to clandestine operations. The divorce must be clear and categorical, and ought to carry the force of legislation—an outright ban on Dirty Tricks.

THE AFRICAN CRISIS: THE TIME IS NOW

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. RANGEL. Mr. Speaker, as we continue to agonize over the national crisis that is Watergate, let us take the time to understand and fully comprehend a crisis that, in human terms, is overwhelmingly more serious and compelling: The crisis of drought and famine that faces some 23 million human beings in western Africa.

A concise and thorough outline of the situation is hereby submitted for the attention of Congress:

THE FAMINE

AFFECTED AREA

The "Sahel" Region (word means "border" in Arabic) which runs for approximately 965,000 square miles across Senegal, Mauritania, Mali, Upper Volta, Niger, and Chad. It forms a belt along the southern edge of the Sahara Desert.

POPULATION

Population is both Arab and African, and consists largely of nomadic herdsmen roaming the interior with their livestock, and farmers along the edges of the desert.

CAUSES OF PRESENT EMERGENCY

Severe ecological imbalance created by:

(1) Five years of light rains, unseasonal rains or no rains at all in the Sahel;

(2) Over-grazing by nomadic herds recently increased in numbers by immunizations and newly-dug waterholes.

IMMEDIATE CRISIS

Millions of cattle are already dead—remainder have exhausted available forage and water and are already succumbing to famine-related diseases.

Farmers were unable to plant this season's crops due to drought. Past years supplied little or no reserves. Many have been forced to consume their crop seed to stay alive and have nothing to plant even if the rains do come. (Usual rainy season extends from mid-June into September).

Famine-weakened people and animals increasingly susceptible to epidemic outbreaks. Polluted watersources and carcasses of wildlife and livestock add to threat.

Sahel's roads and communication systems are weak to non-existent, especially during rainy seasons. Some parts are virtually unreachable except by air. For most of the Sahel, it is very difficult to get help in or information out.

As many as six million people could literally die of starvation and famine-related diseases within a matter of weeks in the Sahel.

LONG-RANGE CRISIS

Cover soil is exhausted—once-arable lands and pastures have now become desert-like.

A whole generation of children has been growing up with inadequate nutrition for good physical, mental development—particularly as Sahel has lost usual protein source of meat and milk. Effects on future population can't be estimated.

Refugees who managed to escape into cities or less affected countries are creating serious social problems.

National economies disrupted and facing additional burden of Famine relief. Many depended heavily on "head taxes" (of cattle) and crop taxation for revenues.

As is clearly evident from the outline, the effect of the drought on the people, animals, and land of western Africa is staggering.

An immediate and vigorous effort must be undertaken by concerned Americans and a caring Congress to see to it that aid is given to our African neighbors.

I support the efforts of and commend Congressman DIGGS and Senator HUMPHREY for their untiring endeavors in this matter.

There is no time to waste. Every elected official and public representative and, indeed, every American must do his part to see to it that the human suffering and anguish of the African citizens is relieved.

An editorial by New York radio station WWRL is most relevant at this time. It is entitled "The Time Is Now":

THE TIME IS NOW

Let's quit talking about the glories of Africa's past and consider the misery of the present in the Western and equatorial areas of the continent due to the present prolonged drought. Cattle are already perishing by drought and famine. Six million lives are threatened in Chad, Mali, Mauritania, Niger, Senegal and Upper Volta.

While the famine has not been front page news in America, Black Americans have demonstrated a sense of solidarity that reaches across continents, and that in itself is front page news in the Black community.

So WWRL offers a righteous right on! to organizations such as the African Support Committee, Africare, the Black Solidarity Day Committee, and others addressing themselves to the plight of the six African nations hardest hit.

SENATE—*Friday, September 7, 1973*

The Senate met at 10 a.m. and was called to order by Hon. ADLAI E. STEVENSON III, a Senator from the State of Illinois.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Lord, Thou hast shown us what is good. Thy word has taught us to do justly, to love mercy and to walk humbly with Thee. Grant to all who serve here the grace and the wisdom to fulfill the divine instruction. While enacting measures for the betterment of the Nation, may we also strive to make better persons. May a new spirit descend upon this Nation that we may be a people who love the Lord our God with all our heart and soul and mind, and our neighbor as ourself.

We pray in His name who was the incarnation of goodness. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., September 7, 1973.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. ADLAI E. STEVENSON III, a Senator from the State of Illinois, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. STEVENSON thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, September 6, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

REGULATION AND STABILIZATION OF RENTS IN THE DISTRICT OF COLUMBIA

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 362, H.R. 4771.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

H.R. 4771, to authorize the District of Columbia Council to regulate and stabilize rents in the District of Columbia.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments, on page 3, line 16, after the word "Act", insert a comma and "except that any such rules so adopted to stabilize and regulate the amount of rent or benefits which a landlord is entitled to receive for the use or occupancy by any tenant of any residence shall provide means whereby increased costs incurred by such landlord and directly related to such residence shall be taken into consideration in determining the amount of such rents or benefits which such landlord is entitled to receive in connection with such use or occupancy under such rules."; on page 4, line 1, after the word "be", insert "modified or"; in line 21, after the word "Council", strike out the period and "no more than two members appointed to the Commission shall be appointed from among persons who are representative of the interests of the landlords in the District of Columbia. No more than two members shall be appointed from among persons who are representative of the interests of tenants in the District of Columbia," and insert "of whom four members shall be representative of solely the interests of landlords in the District of Columbia and four shall be representatives of solely the interests of tenants in the District of Columbia."; on page 5, line 7, after the word "Commission," strike the comma and "or for one year, whichever is shorter"; on page 6, after line 17, insert:

(e) (1) Subject to such rules and regulations as may be adopted by the Commission, the Chairman shall have the power to hold such hearings, sit and act at such times and places within the District of Columbia, administer such oaths, and require by subpena or otherwise the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission may deem advisable in carrying out its functions under this Act.

(2) In the case of contumacy or refusal to obey a subpena issued under this subsection by any person who resides, is found, or transacts business within the District of Columbia, the Superior Court of the District of Columbia, at the request of the Chairman of the Commission, shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission, there to produce evidence if so ordered, or there to give testimony touching the matter under inquiry. Any failure of any such persons to obey any such order of the court may be punished by the court as a contempt thereof.

(f) There is authorized to be appropriated such sum, not to exceed $85,000, as may be necessary to carry out the provisions of this section.

On page 8, line 25, after "Sec. 8.", insert "(a)"; on page 9, line 1, after the word "the", where it appears the second time, strike out "date of enactment of this Act" and insert "date that rules adopted by the Council pursuant to section 3(a) of this Act to regulate and stabilize rents in the District of Columbia become effective or, if no such rules are in effect on the date of expiration of the one-year period following the date of the enactment of this Act, such provisions, orders, and requirements shall terminate on the date of expiration of the one-year period following the date of the enactment of this Act"; at the beginning of line 11, strike out "expiration" and insert "termination"; and, after line 15, insert:

(b) With respect to any such rules adopted pursuant to such section 3(a) to regulate and stabilize rents in the District of Columbia, the Council shall, on the expiration of six-month period following the effective date of such rules, conduct a hearing with a view to determining whether such rules should be modified or terminated by reason of a change in the situation which existed in the District at the time of the adoption of such rules and which was the basis for such rules. The provisions of the first sentence of section 3(b) of this Act shall be applicable with respect to such hearing held pursuant to this subsection.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

SECRETARY OF STATE WILLIAM P. ROGERS

Mr. SCOTT of Pennsylvania. Mr. President, once more, I want to express my own gratitude to the distinguished majority leader for the very kind words he expressed yesterday on behalf of all of us with regard to the outgoing Secretary of State William P. Rogers.

I have known Mr. Rogers for 21 years. I have known him as a friend, as a lawyer, as a campaigner, as an Attorney General, and as Secretary of State.

His shining integrity, his levelheadedness, his great achievements are all in the highest traditions of public service.

He has presided over one of the most difficult situations in modern times, the Mideast imbroglio where for more than 3 years now there is no war—there is an uneasy truce.

He has presided over the Department of State during this highly successful period of the release of tensions around the world. We have seen improvements in relationships in central Europe, with Russia, and with the People's Republic of China, and the betterment of our relations with many other countries.

He is a man of great worth. It can truly be said that he deserves well of the Republic.

I wish for him a very happy experience in private life as he pursues his profession, and I sincerely hope that his talents will not be lost in the future if the occasion arises that he can be called to high service.

I again thank the distinguished majority leader for his kindness.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from South Carolina is recognized for not to exceed 15 minutes.

WATERGATE AND THE COUNTRY'S BUSINESS

Mr. THURMOND. Mr. President, now that the brief congressional recess is over, it is time for both the President and Congress to end the obsession with Watergate and put this Nation back on her charted course. No further good can be served by flooding the airwaves with the Watergate hearings. They can only serve as a conduit of public doubt and confusion.

Justice can better be achieved if the remainder of the hearings are held—not from public scrutiny—but in a serious atmosphere away from the television lights. The public could still get the information it requires and the hearings could possibly be ended much sooner; thereby leaving the matter in the hands of the court where it should be.

I choose to speak at this time after having had a month free from congressional duties to consider this dilemma, much of my time being spent in South Carolina. It was not surprising that Watergate was the topic of considerable discussion. People are concerned about the state of our Nation. It is because of this concern that a recurring theme dominates talk about Watergate. Mr. President, the people are saying "Let's leave Watergate to the courts and get back to governing the country."

There has been a myth perpetuated in recent months that the entire Nation is in a state of limbo until every minute detail of this scandal is disclosed. While some of the Washington society may be obsessed by Watergate, the great majority of the rest of the Nation, or, to use the words of political analyst, Theodore H. White, the people "out there," do not share this overindulgence.

My mail and conversations with

constituents indicate the people "out there" have a much better perspective on Watergate than many of their elected spokesmen. Issues of war and peace, prices of meat, energy shortages, employment and crime are the important issues to the people "out there." I suggest that unless we respond to these valid concerns, future congressional elections may indicate that Watergate was our downfall.

While the people want to know the facts and want justice served, they also want us to do what we are being paid to do—legislate for the good of the country. A recent letter from Mr. Hebert Rogers of Woodruff, S.C., is representative of countless letters that come across my desk. Mr. Rogers states that the courts should—

> Prosecute any guilty parties, and Congress—should—get back to its duties of seeing that needed and meaningful legislation be passed to govern this country.

As Dr. and Mrs. Samuel R. Shannon of Columbia, S.C., wrote:

> We shall continue to support our President in his efforts to bring about world peace and support him in his efforts to curb giveaway programs at home.

Another letter I recently received from Mrs. Elizabeth B. Smith of Batesburg, S.C., stated:

> The Watergate investigation has caused so many of us to be tired and disgusted with it. It is time that all who believe in President Nixon's Administration to rally around him.

On August 24, the mayor and city council of the city of Mullins, S.C., adopted a resolution supporting President Nixon and expressing their belief "in the truth and veracity of the President of the United States in regard to the issue of Watergate and his public statements relating thereto."

According to the Opinion Research Corp., more than half the American public, 54 percent, now believe the Ervin committee hearings are hurting the country. A majority of 53 percent wants the hearings stopped and the Watergate matter turned over to the prosecutors and the courts.

Asked if they agreed with the President that the Government, including Congress, should get on with the "urgent business of the Nation," 65 percent of the country agreed with President Nixon; only 29 percent disagreed.

If, however, the Ervin committee hearings resume this month, the American people, by a vote of 50 to 44 percent do not want the proceedings televised.

The fact that a majority of the people are, to use Mrs. Smith's words, "tired and disgusted" with Watergate, should come as no surprise. Last year, President Nixon received one of the greatest votes of confidence in the history of American Presidential elections. The American people believe he is the right man in the right place at the right time. He has earned their respect and trust.

After 4 years of accomplishment—after a tremendous victory—the American people then found their President dragged through the murk of dirty politics. He has been slandered and defiled by some. He has been tried in the press by unfounded rumor and innuendo—practices alien to the democratic process. This is a dangerous precedent.

Another real danger of being obsessed by Watergate is that many critical matters currently before this Congress may be put off or not receive the attention they deserve.

For example, time is an important factor on the trade reform bill, on which action was delayed until after the recess. This means that the U.S. negotiators may begin preliminary trade talks in Tokyo September 12 without congressional guidance. These talks are vital if we are to strengthen our balance of trade. Congress has a responsibility to let its feelings be known before the negotiations begin.

Probably the most critical decision we still have to face is in the area of military appropriations. The Soviet Union's intentions in the military arena are becoming increasingly clear. They have not abandoned their goal of military dominance. Their recent successful test of the MIRV system increases the possibility that they are capable of attaining military superiority. While our military manpower is declining, theirs is rising. While our program for new and more efficient weapons is meeting opposition, theirs is progressing at a steady pace. As we hesitate, they move forward.

Another problem which must be faced squarely is this Nation's energy crisis. President Nixon has proposed to create an executive department to deal with energy matters. This begs for action. The Manpower Revenue Sharing Act, electoral college reform, the prayer amendments, and other matters also await action.

Mr. President, these are important matters which must command the undivided attention of Congress and the President if we are not to become a second-rate country.

While it is important that those who violated the law in connection with Watergate be prosecuted, the most important concern will be what this Nation did in 1973 to provide for its protection and domestic needs.

Mr. President, I do not want to leave the impression that I am advocating that Watergate and all that it entails should be swept under the rug and forgotten. This Nation has learned some valuable—if painful—lessons. We have learned that some men regard power as a goal in and of itself and will do anything to accumulate power. We have learned that our election laws are flawed and must be corrected. We have learned that even the President can be deceived by men of less noble principles.

Despite this, both President Nixon and Congress must regain the initiative in leading the greatest nation on the face of the earth. If we fail to do this, we will be held accountable to the future generations of Americans who will have to live with our failures. I, for one, do not intend to use the paltry excuse of Watergate to absolve us from responsibility.

The President has suffered enough from his critics. In fact, he has suffered too much. The Nation has suffered enough from being constantly inundated with speculation on what some consider to be the "corrupt American political system."

It is time for those of us who truly believe in our President and our system to stand up and be heard. It is time for those who oppose Richard Nixon to know that their effort to bludgeon him into resignation has not worked. Above all, it is time for us to get back on the road to progress and continue the business of running the country.

Mr. President, there is one aspect of Watergate to which I would like to pay special attention. It involves the potential damage the affair has done to the word "politics."

This can be illustrated best by a colloquy between the Ervin committee and Gordon Strachan, who was H. R. Haldeman's aide in the White House. When asked what he would recommend to young people who are interested in politics, Strachan replied:

> I would tell them to stay away.

If this counsel is heeded, this country can expect political corruption to become a rule, rather than an exception. If young idealists shun politics for fear of being corrupted, this Nation cannot endure.

I say to the young people of the United States: "You have a responsibility to your country to be involved in the political process. Come—armed with conviction, knowledge, and dedication. Since politics is part of the human experience, it is subject to human shortcomings. Corrupt politicians do exist, just as corrupt businessmen and professional men exist. But the vast majority of public servants are honest, decent men trying their very best to do the right thing."

Mr. President, I would tell our future leaders not to be dismayed by the few—but much publicized—examples of political depravity. I would tell them to come and do better.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, how much time remains under the Senator's order?

The ACTING PRESIDENT pro tempore. Three minutes remain.

Mr. ROBERT C. BYRD. I ask unanimous consent that that time be yielded, if the Senator will not object, to the distinguished Senator from Iowa (Mr. CLARK).

Mr. THURMOND. Mr. President, I certainly have no objection, and shall be pleased to yield the remaining time.

Mr. ROBERT C. BYRD. I thank the Senator.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Under the previous order, the Chair now recognizes the Senator from Iowa (Mr. CLARK) for a period not to exceed 15 minutes.

SENATOR HUGHES' ANNOUNCED RETIREMENT

Mr. CLARK. Mr. President, yesterday, in Des Moines, the senior Senator from Iowa (Mr. HUGHES) announced that he would retire from the U.S. Senate when his term expires at the end of next year. He then will begin a new career as a religious lay worker with two foundations, the International Christian Leadership and the Fellowship Foundation, in Washington.

His decision to retire must have been a terribly difficult one for him to make. I know he spent several months considering the various alternatives. As the Senator said in his announcement, it was a decision reached only after a long period of personal soul searching. But the decision carried the same characteristics that have become Harold Hughes' personal hallmarks in 15 years of public service—courage, conviction, independence, and faith.

Senator Hughes' announcement surprised and disappointed a great many people in this Chamber, in the State of Iowa and all across this country—because his presence in the Senate is a national asset, and the entire country will feel his departure.

But Senator Hughes will not be leaving the Senate for 16 months. That is a great deal of time, and he will continue to do all that he can to make Government more responsive to the people, to insure that this will be a country and a world where peace, social justice, and brotherhood will flourish.

The Senate can look forward to his leadership, his guidance, and his vitality in the months ahead—just as I have for the last 11 years, as long as I have known him.

There is a temptation today to recount in great detail his remarkable record of public service—in the U.S. Senate, as a member of the Armed Services, Veterans and Labor and Public Welfare Committees, and as Governor of the State of Iowa for three terms.

Wherever he is, he gets things done. As Governor, he established a State system of vocational and technical schools and secured the abolition of capital punishment. He got tax relief for the elderly and fair employment and open housing laws, and he made the problems of the mentally ill, the handicapped, and the addict his special concerns.

This overriding interest in the problems of individual people is also his trademark in the U.S. Senate. Without his work, there simply would not be national concern and attention focused on the problems of drug and alcohol addiction. The laws we now have to try to combat the problem simply would not have become laws without Harold Hughes.

As a member of the Armed Services Committee, he has spoken out vigorously against secrecy and deception by the military. His efforts have been aimed at insuring national security—security with peace, efficiency, and honesty. Whatever the endeavor though, his career and his success have been founded on the sheer force of his character.

His record is exceptional, not because of the offices he has held, but because of the way in which he has held them. Everyone who knows him knows that. He brought his eloquence to the statehouse of Iowa when he was elected Governor in 1962—and to the Senate in 1968. But more importantly, he brought his honesty, candor, integrity, and principle.

Given the events of the last months, it is impossible to even begin to place a value on those qualities in a public official. With those qualities, Harold Hughes makes Government a personal experience—it comes alive—and he gives people a reason to trust.

At the end of 1974, Senator Hughes will end his career in the Senate, but he is not ending his career in public service. As he said in his statement:

> This new work will cut across political and religious creeds; ethnic, political and language barriers; and will, I hope, reach into other countries of the world to further better international understanding. I have long believed that Government will change for the better only when people change for the better in their hearts.

As long as Harold Hughes has been in Government, it has been better Government because he has helped people change for the better in their hearts. I know he will continue to do that.

I trust that his constituents and his colleagues will understand his decision. We wish him well, and I personally look forward to continuing my relationship, my friendship, with him—not only for the remainder of his term in the Senate, but in the years ahead.

Mr. President, I ask unanimous consent that the text of the Senator's statement be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator Harold E. Hughes

I have called this press conference to announce a decision I have reached after a long period of personal soul-searching and extended discussion with the members of my family.

The decision is this: When my present term as a United States Senator is ended, I will retire from the Senate and enter another field of public endeavor.

Specifically, I will take up work as a religious lay worker in connection with two foundations—the Fellowship Foundation of Washington, D.C., and the International Christian Leadership.

This new work represents to me a new kind of challenge and spiritual opportunity in today's world. It is the kind of move I have long been motivated to take for profoundly personal religious reasons. As some who know me well will recall, I came very near leaving the business world for the ministry in the early 1950's. I have long been a lay speaker in the Methodist Church.

Needless to say, only the most compelling individual commitment could persuade me to take leave of my work in government at a time when I am still in my most productive years and my faith in the causes we have labored for together remains undimmed.

The hardest part of this is my sorrow at taking leave of friends and colleagues and the great association with thousands of other good Iowa citizens who I may not have known personally but always knew were there.

No words can describe the deep love and gratitude I feel for the people who have believed in me as a public official through the years—associates, supporters, citizens of all political faiths whom it has been my privilege to serve. These have been good years for me and my family—four years as Commerce Commissioner, three terms as Governor and now a six year term as United States Senator.

Being mindful of some rather humble beginnings, I have never ceased to marvel at the trust that has been placed in me.

I am leaving at a time when the Democratic Party is strong and resurgent in Iowa and its prospects for the 1974 elections run high. I feel a deep obligation which I will faithfully honor to continue making every effort within my power to build the strong and responsible political party we all want.

In the meantime, my constituents and my Senate colleagues may be assured that during my remaining sixteen months in the Senate I will give my full attention to my responsibilities there.

I regret leaving work in which I have been involved in the Senate and in the party organization of my state that is yet unfinished. Yet, it must be recognized that this kind of work is never finished; and no man is indispensable to carrying it on.

In my new assignment, I will continue to direct my efforts toward many of the areas in which I have been working—alcoholism and narcotic addiction, peace, social justice, brotherhood.

It may be asked: Why change jobs if the aims remain the same? Why not stay where you are, continuing the work for those spiritual and human value goals in our society?

All I can say to this is: Who can convey what is the driving force inside the individual human heart? I have an intuitive, compelling commitment to launch out in a different kind of effort that will be primarily spiritual rather than political. This new work will cut across political and religious creeds; ethnic, political and language barriers; and will, I hope, reach into other countries of the world to further better international understanding.

I have long believed that government will change for the better only when people change for the better in their hearts.

Rightly or wrongly, I believe that I can move people through a spiritual approach more effectively than I have been able to achieve through the political approach.

I have no fully structured outline of the initiatives I will take in this new work, but the arrangement I have with the two foundations leaves me almost unlimited freedom to proceed in whatever creative direction I consider best.

My affection for the people of my home state is exceeded only by my love of my own family. The graciousness and kindness people throughout Iowa have accorded my wife, my daughters and me through the years bring tears to my eyes.

Although I look forward with anticipation to my new work, the anguish of leaving the Senate and the many people I love is real and lasting.

However, having made the decision after the long period of inner struggle, it seemed only fair to convey it without delay to the people who have honored me with their trust and generous support.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. CLARK. I yield.

Mr. MANSFIELD. Mr. President, there is little I can add to what the distinguished Senator from Iowa (Mr. Clark) has just said regarding the decision of his distinguished colleague, the senior Senator from Iowa (Mr. Hughes) to retire from the Senate at the end of his present term, to retire from public office, and to devote himself fully in the cause of his fellow man.

The distinguished Senator has indicated that one should not talk about Private Hughes' record in the Second World War—that is what he was, a private with a Browning automatic rifle—nor his career as a three-term Governor of the State of Iowa, nor of his outstanding accomplishments in this body. The identification of Harold Hughes with one issue, however, deserves mentioning. I refer to his work in the field of alcoholism. To my knowledge no man has done more personally to bring about the rehabilitation of alcoholics, to initiate and to have legislation passed which would seek to cope and cope effectively with this major national problem.

Drug abuse is another issue that captured his interest and no man has done more personally with respect to facing up to the drug problem in this country than HAROLD HUGHES. No man has done more to expose falsity in government, chicanery in government, and to pursue the truth until the real facts were made available for all to see.

He has performed as a Christian in this body and what he has done here he will carry with him into the world outside the Senate. He has made an indelible impression, one which will not be forgotten. HAROLD HUGHES will be missed. The Senate will miss him, the Nation will miss him and selfishly may I say that, personally, I will miss him very, very much.

I spoke to Senator HUGHES earlier this week, at which time he informed me of his decision. I asked him to reconsider. I pointed out that he could do a great deal of work in the Senate and from the Senate which would be of benefit to his fellow man. In reply he told me that he had been considering this matter for several years, that his mind was made up, and that he would be returning to Iowa later in the week to make the announcement to the people who had placed so much faith, trust, and confidence in him throughout his public career. The decision has been made, it is a good one. No man could carry the cause of Christ with greater clarity, with better understanding, or with deeper dedication.

As far as the Senate is concerned, while we regret his leaving us at the end of his present term, we want him to know he always will have the privilege of entering this Chamber and we want to assure HAROLD HUGHES that every Senator thinks he has done an outstanding job and has been a credit to the Nation, to the State which he has represented so ably, and is representing so ably, and to the Senate as an institution.

Mr. GRIFFIN. Mr. President, will the junior Senator from Iowa yield briefly?

Mr. CLARK. I yield.

Mr. GRIFFIN. Mr. President, I shall not attempt to add much to all that has been said so eloquently by the junior Senator from Iowa and the distinguished majority leader. I would like to say that the admiration, the respect and the affection which the senior Senator from Iowa (Mr. HUGHES) has earned in this body is not limited to one side of the political aisle. We can have differences on legislative issues but HAROLD HUGHES epitomizes the ideal of being able to disagree without being disagreeable.

As already mentioned, his spiritual and moral leadership in this body, standing as he does alongside Senator JOHN STENNIS in that respect, is deeply appreciated by all. He has made a decision which is a very personal decision. I think we are fortunate that we will continue to have his guidance and leadership for a number of months in the future.

We wish him well in his future endeavors and the efforts he is going to make outside of this body to project the principles and ideals in which he deeply believes.

I thank the Senator from Iowa for yielding.

Mr. CLARK. Mr. President, I would like to thank the distinguished majority leader and the distinguished assistant minority leader for their very accurate and very kind remarks.

I yield back the remainder of my time.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements limited therein to 3 minutes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR VOTE ON NOMINATION OF RUSSELL E. TRAIN AT 2:15 P.M., MONDAY, SEPTEMBER 10, 1973

Mr. ROBERT C. BYRD. Mr. President, as in executive session, I ask unanimous consent that the vote on the nomination of Mr. Russell E. Train to the office of the Administrator of the Environmental Protection Agency occur on Monday next at the hour of 2:15 p.m., rather than at the hour of 2 p.m.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE OIL CRISIS

Mr. FANNIN. Mr. President, in the past week we have seen some dramatic and frightening evidence of what can happen to America if we allow ourselves to become heavily dependent upon imported fuels.

The time has come to enact a realistic national energy policy. The international oil realities we have been reading about in recent news stories have been brewing for the past 3 years and are likely to worsen before they improve.

We must have a maximum effort to develop all of our sources of energy if we are to avert the possibility of a petroleum Pearl Harbor in the near future. During World War II we went all out to develop successfully such things as synthetic rubber when we could no longer import it. Our situation now has great parallels with our situation during the war.

The economic saber-rattling by Libya and Saudi Arabia makes it clear that unless we will cave in to political blackmail we may be cut off at any time from Arab oil. If we do not act soon, we will be totally at the mercy of these nations.

The National Petroleum Council in its recent report, "U.S. Energy Outlook," estimated that if current trends continue by 1975 we will be importing over half our oil, or 9.7 million barrels per day. By 1980 it was estimated that 66 percent of total oil supply, or 16.4 million barrels of oil per day, will be imported. The NPC added that most of this will by necessity be coming from the Middle East.

The Arab nations are now in the driver's seat and they know it. We should not be fooled by the fact that the September 4 meeting of the Organization of Arab Oil Exporting Countries failed to agree on a unified position regarding the political uses of oil. Arab unity on oil is unnecessary when each Arab ruler tries to outdo the others. Arab rulers outdo their rivals by negotiating new agreements with oil companies in their countries which tend to make prior agreements by other rules look like "giveaways" to the oil companies.

The recent Libyan nationalizations are news today. Tomorrow, or to be more exact, on September 15, news will be made by the Organization of Oil Exporting Countries which will demand a renegotiation of the 1971 Tehran Agreement, which called for:

First, 55 percent minimum rate of taxation;

Second, general uniform increase of U.S. 33 cents per barrel on posted or tax-reference prices of all crudes;

Third, 2.5 percent escalation adjustment effective on the following dates: June 1, 1971; January 1, 1973, 1974, and 1975;

Fourth, 5 cents increase per barrel on June 1, 1971, and on January 1 of each of the years 1973 to 1975;

Fifth, 2 cents increase per barrel from the effective date, February 15, 1971, for eliminating existing freight disparities;

Sixth, adoption of a new system for the adjustment of gravity differential of posted or tax-reference prices on the basis of 0.15¢/BBL/0.1° API for crude oil of 40° API and below, and 0.2¢/BBL/0.1° API for crude oil of 40° API and above; and

Seventh, complete elimination of allowances granted to oil companies as from February 15, 1971.

On September 15 the so-called doctrine of changing circumstances will be invoked again with the view to raising the price of oil to $7.50 a barrel by the end of 1975. What the Arabs mean by the "doctrine of changing circumstances" is that what we agreed upon yesterday is subject to renegotiation today.

On the economic front alone we will have to face demands for higher prices, production controls and increased nationalization of the companies. Part of the motivation for production controls is to keep demand greater than supply in order to force prices up while increasing the value of oil kept in the ground.

Other economic forces at play involve those related to maximizing income to be realized from investing oil revenues. The Arabs say that if they cannot find outlets to invest their oil revenues which realize a satisfactory return, they might as well leave the oil in the ground rather than convert it to money which depreciates.

The political use of oil is another question. Extreme measures by Libya are not surprising, but when our longtime friend Saudi Arabia starts making similar noises it is time to take the situation more seriously. I am referring to the recent statement of King Faisal, who declared:

> We do not wish to place any restrictions on our oil exports to the United States, but America's complete support of Zionism against Arabs makes it extremely difficult for us to continue to supply United States petroleum needs and to even maintain our friendly relations with the United States.

Mr. President, the Arab nations appear already to have fired their first fulsillade in this economic war.

There are some authorities who have predicted that our growing dependence upon Arab oil, and their growing tendency to use it as a lever against us, will be a serious threat to world peace. Economic war all too easily converts to total war.

No one can relish such a prospect.

Our options are clear:

First. We can become overwhelmingly dependent upon imported oil and be willing to pay whatever economic or political tribute is demanded.

Second. We can become overwhelmingly dependent upon imported oil and be willing to fight for it.

Third. We can forgo this source of oil and, failing to develop our own resources, suffer the consequences of a declining standard of living and second-rate status as a nation.

Fourth. We can go to work developing our own energy resources, free to trade with other oil-producing nations only on a no-strings-attached basis.

It seems clear to me that the last alternative I mentioned is the only one which can possibly be acceptable.

Early in our history as a nation we adopted the motto of "millions for defense but not one cent for tribute." There has been a great deal of inflation since 1797.

Unless we are willing to spend billions and move forward in our domestic resource development, we will have no choice but to pay tribute—tribute which will be much more costly than anything we have ever imagined.

Mr. President, I do not believe that the American people—despite all the news stories and television programs we have had recently—fully recognize the gravity of the situation.

Not only are we now receiving ominous rumbling from usually friendly Saudi Arabia, but we also have received bad news from our good neighbor to the north, Canada. This morning's newspaper points out that Canadian policy may cut oil exports to the United States by half within 3 years. More than one-fifth of the oil we import at this time comes from Canada.

It is essential that we move ahead rapidly with the leasing of the Outer Continental Shelf, that we begin a crash program for coal gasification and liquefaction and greater direct use of coal; that we develop our geothermal and oil shale resources; that we make rational adjustments in environmental regulations to allow greater temporary use of high sulfur fuels, that we accelerate our nuclear power porgram, and that we give even greater emphasis to energy conservation. These are no longer academic questions. We must undertake all of them now or face the prospect of a World War II type rationing situation in the not too distant future.

Our current dilemma could have been avoided had we acted during the 1960's to develop our resources as some wise men advocated. Instead, we allowed a few obstructionists to carry the day and put us in a precarious position. There is no purpose to be served by lamenting this. We should learn from it, however, and move forward quickly to meet this great challenge.

QUORUM CALL

Mr. FANNIN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Stevenson) laid before the Senate the following letters, which were referred as indicated:

Statement Relating to Incomplete Report of Export-Import Bank

A letter from the President, Export-Import Bank of the United States, reporting that a page was dropped from the report of that Bank, for the fiscal year 1973, and stating that a complete report will be forwarded when the printing errors have been corrected. Referred to the Committee on Banking, Housing and Urban Affairs.

Proposed Standards, Rules, and Regulations Promulgated by the Cost Accounting Standards Board

A letter from the Chairman, Cost Accounting Standards Board, transmitting, pursuant to law, a proposal by that Board (with an accompanying paper). Referred to the Committee on Banking, Housing and Urban Affairs.

Proposed Legislation From Secretary of the Treasury

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to establish a District of Columbia Development Bank to mobilize the capital and the expertise of the private community to provide for an organized approach to the problems of economic development in the District of Columbia (with an accompanying paper). Referred to the Committee on the District of Columbia.

Report of U.S. Information Agency

A letter from the Director, U.S. Information Agency, transmitting, pursuant to law, a report of that Agency, for the 6-month period ended December 31, 1972 (with an accompanying report). Referred to the Committee on Foreign Relations.

Report of the Geological Survey, Office of Minerals Exploration

A letter from the Secretary of the Interior, transmitting, pursuant to law, a report of the Geological Survey, Office of Minerals Exploration, for the fiscal year ended June 30, 1973 (with an accompanying report). Referred to the Committee on Interior and Insular Affairs.

Report of Additional Fiscal Year 1974 Awards Underwater Resources Research Act

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a report of additional fiscal year 1974 awards under the Water Resources Research Act (with an accompanying report). Referred to the Committee on Interior and Insular Affairs.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. Stevenson):

A joint resolution of the Legislature of the State of California. Referred to the Committee on Agriculture and Forestry:

"Assembly Joint Resolution No. 24

"Relative to the special milk program

"Whereas, The Special Milk Program, P.L. 85–478, was established by Congress in 1954, to encourage the consumption of fluid milk by children in the United States; and

"Whereas, The program enables schools generally to serve a one-half pint or one-third quart of milk to a schoolchild daily; and

"Whereas, The success of the program is shown by the fact that during the 1971–72 fiscal year more than 214 million half-pint equivalents of milk were served, in addition to 202 million half-pints served in connection with the national School Lunch Program; and

"Whereas, It is essential for children to be adequately nourished before they can take full advantage of the educational opportunities afforded them by our schools; and

"Whereas, The Special Milk Program provides extra milk servings, apart from those provided with lunches, to both needy and nonneedy children to provide additional nourishment; and

"Whereas, The President's budget request for fiscal year 1973–74 has cut the proposed appropriation for the Special Milk Program from the 97 million dollars deemed by Congress to be the minimum needed for the 1972–73 fiscal year to an unrealistic 25 million dollars, a cut which will deprive millions of children of low-income families of the only midday nourishment during the schoolday; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to restore the 72-million-dollar cut in the current budget for the Special Milk Program; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the President pro Tempore of the Senate, to the Chairman of the Agriculture Committee of the House of Representatives, to the Chairman of the Senate Agriculture Committee, and to each Senator and Representative from California in the Congress of the United States."

Resolutions of the Legislature of the Commonwealth of Massachusetts. Referred to the Committee on Post Office and Civil Service:

"Resolutions

"Memorializing the Congress of the United States to consider reinstatement of mail service via railroad between the cities of Pittsfield, Springfield, and Worcester

"Whereas, Railroad passenger service between the cities of Pittsfield, Springfield and Worcester within the Commonwealth is in need of additional revenue to continue its operation; and

"Whereas, The National Rail Passenger

Corporation is desirous of continuing rail passenger service between said cities; and

"Whereas, The United States Postal Service provides mail service between said cities; therefore be it

"*Resolved*, That the Massachusetts House of Representatives respectfully urges that immediate action be taken by the President of the United States and the United States Postal Service to reinstate mail service between the cities of Pittsfield, Springfield and Worcester via railroad to help subsidize the expense involved in the continuation of passenger service between said cities; and be it further

"*Resolved*, That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, the Director of the United States Postal Service, the presiding officer of each branch of Congress and to the members thereof from the Commonwealth.

"House of Representatives, adopted, August 27, 1973."

A resolution adopted by the North Carolina State Council, Junior Order United American Mechanics, Wilmington, N.C., relating to general amnesty. Referred to the Committee on the Judiciary.

Three resolutions adopted by the North Carolina State Council, Junior Order United American Mechanics, Wilmington, N.C., relating to Russia, Prisoners of War, and China. Ordered to lie on the table.

APPOINTMENT OF EX OFFICIO CONFEREES ON S. 1081

Mr. JACKSON. Mr. President, I ask unanimous consent that the senior Senator from Alaska (Mr. STEVENS) and the junior Senator from Alaska (Mr. GRAVEL) be appointed as ex officio conferees heretofore appointed on S. 1081.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. STEVENS:

S. 2387. A bill to amend subchapter D of chapter 36 of the Internal Revenue Code of 1954 to permit owners of highway motor vehicles to choose, under certain conditions, the yearly period for application of the tax on use of such vehicles; and

S. 2388. A bill to amend subchapter E of chapter 36 of the Internal Revenue Code of 1954 to permit aircraft owners to choose, under certain conditions, the yearly period for application of the tax on use of civil aircraft. Referred to the Committee on Finance.

S. 2389. A bill to authorize certain revenues from leases on the Outer Continental Shelf to be made available to coastal and other States. Referred to the Committee on Interior and Insular Affairs.

S. 2390. A bill to amend title 5, United States Code, to permit Members of Congress to withdraw from the civil service retirement system. Referred to the Committee on Post Office and Civil Service.

By Mr. PACKWOOD (for himself and Mr. STEVENS):

S. 2391. A bill to provide for the regulation of the process by which the people of the United States select the President and Vice President by establishing a series of five regional primary elections at which the people may express their preference for the nomination of an individual for election to the office of President. Referred to the Committee on Rules and Administration.

By Mr. MONTOYA:

S. 2392. A bill to require disclosure of the octane rating of gasoline sold to consumers. Referred to the Committee on Commerce.

By Mr. HUMPHREY:

S. 2393. A bill to provide that the special cost-of-living increase in social security benefits enacted by Public Law 93–66 shall become effective immediately, and for other purposes. Referred to the Committee on Finance.

By Mr. DOMINICK:

S. 2394. A bill to authorize the acquisition of certain lands for addition to Rocky Mountain National Park in the State of Colorado, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. STEVENS:

S. 2387. A bill to amend subchapter D of chapter 36 of the Internal Revenue Code of 1954 to permit owners of highway motor vehicles to choose, under certain conditions, the yearly period for application of the tax on use of such vehicles; and

S. 2388. A bill to amend subchapter E of chapter 36 of the Internal Revenue Code of 1954 to permit aircraft owners to choose, under certain conditions, the yearly period for application of the tax on use of civil aircraft. Referred to the Committee on Finance.

TAX RELIEF FOR HIGHWAY MOTOR VEHICLE OWNERS AND AIRCRAFT OWNERS IN COLD CLIMATES

Mr. STEVENS. Mr. President, I am introducing two bills to assist highway motor vehicle owners and aircraft owners living in cold climates. Federal law imposes use taxes on both highway motor vehicles and aircraft. These statutes—26 U.S.C. 4481–84 and 26 U.S.C. 4491–94—as drafted, discriminate against motor vehicle owners and aircraft owners living in cold climates where the weather and physical limitations of the area prevent the use of the vehicles and aircraft for large parts of the year. Both subchapter D of chapter 36, which imposes the highway use tax, and subchapter E of the same chapter, which imposes the aircraft use tax, impose taxes on the use of vehicles and aircraft for the entire year although in Alaska and many other States climatic conditions may preclude their use for a significant portion of the year. These two bills are designed to equalize the tax treatment of vehicle and aircraft owners living in cold climates where they cannot use their vehicles and aircraft for significant portions of the year.

S. 2387, A BILL TO AMEND THE HIGHWAY MOTOR VEHICLE USE TAX

THE PROBLEM

The first bill I am introducing will amend the highway motor vehicle use tax—subchapter D of title 36 of the Internal Revenue Code; 26 U.S.C. 4481–84.

Many vehicles in Alaska and elsewhere are able to operate only a few months of the year. In September or October, snows cover many highways and roads and make it economically unfeasible for the State Department of Highways to keep them open. For example, the highway between Teller and Nome, Alaska, on the Seward Peninsula, is closed from October 1 until June 1, 8 months of the year. This 71-mile stretch of highway is a vital length to Nome, the hub of northwest Alaska. This highway, S. 131, is a Federal aid highway. Users must pay the Federal motor vehicle highway use tax.

But because it is closed 8 months of the year they pay 3 times the tax they should.

Moreover, this tax adds measurably to the cost of goods and services for all residents of northwest Alaska who depend directly or indirectly on truck transportation. The tax is not insignificant. For example, the tax on a Mack fuel tanker truck is $240. If the owner is able to put only 4,200 miles on the rig during a year, this plus other State taxes costs approximately 14½ cents per mile.

As the merchants of Northwest Alaska have informed me, "these costs have to be passed on to the consumer." For example, I am informed that because of these taxes, motor gasoline will rise from the present 70 cents per gallon to 75 cents per gallon from one retailer in Teller. Other retailers charge up to 90 cents per gallon. These taxes add considerably to the price the consumer pays for vital household supplies.

Mr. President, if it where financially possible, I would urge the Federal Government to assist in keeping these roads open year round. In fact, this has been tried. But is was just not possible physically or financially to do so. Therefore, the only alternative relief available is to equalize the tax.

These facts I have quoted are from my constituents in Alaska who first called the matter to my attention. But the situation is not confined to Alaska. People throughout the northern climates are faced with a similar problem. Senators from many northern States, have, I am sure, numerous constituents bearing an unfair tax burden for this reason.

This bill will provide relief for all of these people.

PRESENT LEGISLATION

The Federal Highway and Revenue Act of 1956 first instituted the tax. Section 4481(c) permits a proration of the tax "if in any taxable period the first use of the highway motor vehicle is after the first month in such period." Section 4482(c)(2) defines the term "year" to begin on July 1. As the House report (84–2022) states:

> For example, if the first use on the public highways of a highway motor vehicle occurs on August 20, the tax will be computed at the rate of 11/12 of $1.50 for each thousand pounds or fraction thereof of the taxable gross weight of the vehicle.

In answer to my inquiry, the Internal Revenue Service has further amplified this legislation. They stated:

> The Federal-Aid Highway Act of 1956 (Public Law 627) provides for a program of highway construction and improvement. To finance this program, the Highway Revenue Act of 1956 earmarked certain taxes, only one of which is the tax imposed on the use of highway motor vehicles, to a highway trust fund. More than ninety percent of the trust fund revenue is derived from taxes on sales of motor fuel, tires, lubricating oil, trucks, buses, and parts and accessories for

trucks and buses. The burden of these other taxes falls hardest on the heavier users of the highway system, thus ensuring that such commercial users pay more than those who use the highways less frequently. The highway use tax may therefore be viewed as an initial payment for use of the highways, and it was never intended that the tax imposed by section 4481(a) of the Code be measured according to the number of miles a particular truck uses the highway.

The only relief from the tax is that provided by section 4481(c) of the Code. Under section 4481(c), the tax is prorated from the first day of the month in which such use occurs to the last day of the taxable period. In commenting on the proration of the highway use tax, Senate Report No. 2054, Eighty-fourth Congress, Internal Revenue Cumulative Bulletin 1956–2, page 1308 at 1313 states:

"The tax is an annual tax imposed for the year beginning July 1. However, if the first use of the vehicle on the highway occurs after the end of July, the tax [is reduced] proportionately for the number of months at the beginning of the year during which the highway vehicle was not so used."

Once a vehicle is used on the highway, however, there is no other relief (including proration) available for subsequent months in the fiscal year.

Under the law then, the actual distance that the vehicle travels is immaterial. Revenue Ruling 58–378, published in Internal Revenue Cumulative Bulletin 1958–2, at page 857, discusses the situation where mobile fire fighting units only occasionally have to travel on a city street for a distance of approximately one-half mile. Revenue Ruling 58–378 holds that, the tax is imposed when the vehicle is first required to use a city street, or any roadway which is not a private roadway.

Accordingly, if a highway motor vehicle is actually used at least once on a public highway, then regardless of the distance traveled, it is subject to the use tax under Section 4481(a) of the Code.

PROPOSED LEGISLATION

The bill I am introducing today should not conflict with this policy as interpreted by the Internal Revenue Service. There is a distinct difference between permitting vehicles occasionally used on highways, but for which highways must be kept in constant repair, to escape the tax and in permitting vehicles which cannot be used for long periods of the year because of inclement weather to be exempted from taxation.

The bill I am introducing today will change the taxable definition of "year" to permit it either to begin on July 1 or on the first date of any other month specified by a taxpayer who can demonstrate to the satisfaction of the Secretary of the Treasury or his designee that climatic conditions beyond the taxpayer's control will prevent him from using such vehicle for a continuous period of 90 days or more during such 1-year period.

This will permit taxpayers living in cold climates or in other areas in which climatic conditions prevent the use of their vehicles for substantial periods of time to prorate their tax in accordance with the portion of the year their vehicles are usable.

I ask unanimous consent that the bill be printed in its entirety in the Congressional Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2387

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 4482(c)(2) of the Internal Revenue Code of 1954 (relating to definition of year for purposes of the tax on use of highway motor vehicles) is amended to read as follows:

"(2) Year.—The term 'year' means, with respect to any highway motor vehicle—

"(A) the one-year period beginning on July 1, or

"(B) in the case of an election under section 4484, the one-year period beginning on the first day of the month specified in such election."

(b) Section 4484 of such Code (relating to cross reference) is redesignated as section 4485.

(c) A new section 4484 is added as follows:

"Section 4484. Special rules.

"'Election To Use Year Other Than Period Beginning July 1.—

"(a) In General.—A person required under section 4481(b) to pay the tax imposed by section 4481(a) on the use of a highway motor vehicle may elect, subject to the provisions of subsection (b), to pay such tax-with respect to the one-year period commencing on the first day of the month specified by him (in lieu of the one-year period beginning on July 1).

"(b) Condition.—An election may be made under subsection (a) with respect to any highway motor vehicle only if the person required to pay the tax on the use of such vehicle establishes to the satisfaction of the Secretary or his delegate that climatic conditions beyond his control will prevent him from using such vehicle for a continuous period of 90 days or more during such one-year period.

"(c) When and How Made.—An election under subsection (a) shall be made at such time and in such manner as the Secretary or his delegate prescribes by regulations."

(d) The table of contents at the beginning of subchapter D of chapter 36 of the Internal Revenue Code of 1954 (title 26, U.S.C.) is amended to read as follows:

"Sec.
4481. Imposition of tax.
4482. Definitions.
4483. Exemptions.
4484. Special rules.
4485. Cross reference."

(e) The amendments made by this section shall take effect on January 1, 1974.

S. 2388, A BILL TO AMEND SUBCHAPTER E OF THE INTERNAL REVENUE CODE TO AMEND THE AIRCRAFT USERS TAX TO PERMIT THE TAXPAYERS IN COLD CLIMATES TO PRORATE THE TAX ACCORDING TO THE POSITION OF THE YEAR DURING WHICH THEY CAN USE THE AIRCRAFT

THE PROBLEM

Mr. STEVENS. Mr. President, the second bill I am introducing today will permit aircraft owners in cold climates to prorate their aircraft users tax. This problem is identical to the problem I have just discussed with respect to the highway users tax. Subchapter E is modeled on subchapter D. In fact, the operative language of the two sections is very similar. The policy of both subchapters is the same.

So are the problems facing aircraft users in cold climates. Persons who lay up their planes in the summertime can prorate the tax, although persons laying up their planes in the winter cannot.

As one of my constituents put it:

> The tax as now written begins on July 1 and ends on June 30. The provision for lay-up reads that the tax is due and payable at the end of the first month of the fiscal year that the aircraft is used. The tax rate is then calculated from that month to the end of the fiscal year. This, in effect, disallows a winter lay-up. For example, if a person does not use his aircraft from July to January, he pays taxes for only six months (February through June); but if he uses his aircraft in July and then does not fly it between November and April he still must pay taxes for twelve months since he first used it in July. The amount of lay-up time is the same but the taxes are considerably different. This does not strike me as being the intent of the law since there is an obvious inequality.
>
> In Alaska, this is especially true since cold temperatures, short day light hours, and adverse weather certainly hinder winter time pleasure flying. I, for one, would like to see this law modified to allow a deduction for any month the aircraft is not in use.

When I inquired into this matter with the Federal Aviation Administration, the Administrator replied—

> We are certain that Congress did not intentionally draft and pass legislation to work a hardship on our countrymen who live in Alaska.

I also corresponded with the Department of the Treasury who raised certain administrative objections to any such change because of limited auditing facilities available.

My proposed legislation, because it vests adequate discretion in the Secretary of the Treasury, and will permit him to require the taxpayer to comply with a high standard of proof, should not impose an additional administrative burden on the Internal Revenue Service.

Moreover, because of the strong equities favoring those taxpayers who are physically prevented by climatic conditions from using their aircraft for a large portion of the year, I believe this legislation should be enacted.

PROPOSED LEGISLATION

This legislation is similar in form to the other bill I am introducing today. It redefines the term "year" to either begin on July 1 or on the first day of any other month specified by a taxpayer who can "establish to the satisfaction of the Secretary or his delegate that climatic conditions beyond his control will prevent him from using such aircraft for a continuous period of 90 days or more during such 1-year period."

This will, I believe, solve the problem of many pilots in the northern States and will provide them with much needed tax relief.

I urge Congress to act favorably on both of these bills and request unanimous consent that the second bill be printed in the Congressional Record in its entirety at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2388

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 4492(c)(1) of the Internal Revenue Code of 1954 (relating to definition of year for purposes of the tax on use of civil aircraft) is amended to read as follows:

"(1) Year.—The term 'year' means, with respect to any taxable civil aircraft—

"(A) the one-year period beginning on July 1, or

"(B) in the case of an election under section 4493(c), the one-year period beginning on the first day of the month specified in such election."

(b) Section 4493 of such Code (relating to special rules) is amended by adding at the end thereof the following new subsection:

"(c) ELECTION TO USE YEAR OTHER THAN PERIOD BEGINNING JULY 1.—

"(1) IN GENERAL.—A person required under section 4491(b) to pay the tax imposed by section 4491(a) on the use of a taxable civil aircraft may elect, subject to the provisions of paragraph (2) to pay such tax with respect to the one-year period commencing on the first day of the month specified by him (in lieu of the one-year period beginning on July 1).

"(2) CONDITION.—An election may be made under paragraph (1) with respect to any taxable civil aircraft only if the person required to pay the tax on the use of such aircraft establishes to the satisfaction of the Secretary or his delegate that climatic conditions beyond his control will prevent him from using such aircraft for a continuous period of ninety days or more during such one year.

"(3) WHEN AND HOW MADE.—An election under paragraph (1) shall be made at such time and in such manner as the Secretary or his delegate prescribes by regulations."

(c) The amendments made by this section shall take effect on January 1, 1974.

By Mr. STEVENS:

S. 2389. A bill to authorize certain revenues from leases on the Outer Continental Shelf to be made available to coastal and other States. Referred to the Committee on Interior and Insular Affairs.

Mr. STEVENS. Mr. President, I am introducing a bill today to provide for revenue sharing from Outer Continental Shelf leases of oil, gas, and other minerals.

This bill will distribute the royalties from Outer Continental Shelf lands to the adjacent coastal State, 50 percent; the other States, 25 percent; and the U.S. Treasury, 25 percent.

Federal public lands producing royalty revenues already require royalty revenue distribution to the State on which the lands are located. (See 30 United States Code, section 191.)

For a number of years, the various States have sought a royalty revenue distribution from Outer Continental Shelf lands. In the 92d Congress, for example, several bills were introduced on this subject in the House of Representatives.

This bill is being introduced in response to a resolution unanimously adopted by the National Association of Attorneys General at its June 28, 1972, annual meeting. That resolution supported the concept of revenue sharing with, not only the adjacent State, but all other States. The Attorney General of Alaska suggested the specific formula enumerated above.

Mr. President, although these minerals are located within Federal lands—the Outer Continental Shelf—the adjacent State provides considerable governmental services to the industries and people engaged in exploration and production. Such State governments must incur substantial expenses in connection with these activities. But they receive no share of the royalties. This is particularly unfair in view of the fact that States on which royalty producing Federal public lands are located share in such royalties.

Mineral exploration, whether it be from Federal public lands or Outer Continental Shelf lands, is really a cooperative venture with private industry, State, and local governments, and the Federal Government all lending a hand. Because Federal royalties now are deposited in the general treasury, the adjacent coastal States must bear an unfair burden.

The funds involved are not inconsiderable. The total Outer Continental Shelf receipts, including royalties, bonuses, and rentals for 1969 were nearly $714 million. For 1970, they were nearly $334 million. For 1971, they were over $1,272,000,000. And these figures do not include the very considerable royalties that will accrue after oil and gas production starts on the Outer Continental Shelf in other areas.

My bill will, for the first time, provide that royalties will be shared directly with the other nonadjacent States—inland as well as coastal. It provides a fair revenue sharing formula and will be easily administrable.

I urge the Senate to consider this concept as soon as possible and avert needless litigation and delay. With the current energy crisis, we can ill afford to delay the development of our Outer Continental Shelf energy potential.

I ask unanimous consent that the bill itself be printed in the RECORD at this point along with a table of Outer Continental Shelf receipts for fiscal years 1955–70.

There being no objection, the bill and table were ordered to be printed in the RECORD, as follows:

S. 2389

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby finds and declares that—

(1) all States which contain public lands of the United States within their boundaries receive certain revenues produced from bonuses, royalties and rentals of such lands in accordance with the Mineral Leasing Act of 1920 (30 U.S.C. 191);

(2) such sharing of revenues is based on the equitable consideration that these States furnish governmental services to the industries and people engaged in the exploration and production of minerals from such lands and accordingly such States are entitled to be reimbursed for such services;

(3) coastal States perform identical governmental services to the industries and people engaged in the exploration and production of minerals from the portion of the seabed, which adjoins each coastal State but to which such States do not have title, yet these States now receive no share of the revenue produced;

(4) coastal States in addition to providing governmental services, are subject to other burdens not financially measurable, such as the risk and the actuality of oil spills, movement of population of low coastal areas where hurricane dangers are greatest and modification of coastal ecology;

(5) basic justice requires that coastal States should share revenues from the aforesaid portion of the seabed at least on the same equitable grounds on which States with Federal lands within their boundaries now share such revenues with the Federal government; and

(6) the bonuses, royalties and rentals of public lands can provide a practical way in which Federal revenue sharing with all States can be accomplished.

SEC. 2. Section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338) is amended to read as follows:

"SEC. 9. Disposition of Revenues.—(a) All rentals, royalties, or other sums paid to the Secretary or the Secretary of the Navy under or in connection with any lease on the Outer Continental Shelf for the period beginning June 5, 1950, and ending with the day preceding the date of the enactment of this subsection shall be deposited in the Treasury of the United States and credited to miscellaneous receipts.

"(b) All rentals, royalties, or other sums paid to the Secretary or the Secretary of the Navy under or in connection with any lease on the Outer Continental Shelf on and after the date of the enactment of this subsection shall be deposited in the Treasury of the United States; and of the amount of the revenues so deposited in each fiscal year which are attributable to the portion of the Outer Continental Shelf adjacent to any State—

"(1) 50 per centum shall be paid by the Secretary of the Treasury to such adjacent State;

"(2) 25 per centum shall be paid by the Secretary, in equal amounts, to each of the several States other than such adjacent State; and

"(3) 25 per centum shall be deposited in the Treasury of the United States and credited to miscellaneous receipts.

"(c) Any moneys paid to the Secretary or the Secretary of the Navy under or in connection with a lease but held in escrow pending the determination of a controversy as to whether the lands on account of which such moneys are paid constitute part of the Outer Continental Shelf shall, to the extent that such lands are ultimately determined to constitute a part of the Outer Continental Shelf, be distributed—

"(1) in accordance with subsection (a) if paid before the date of the enactment of this subsection, and

"(2) in acordance with subsection (b) if paid on or after the date of the enactment of this subsection.".

SEC. 3. (a) Nothing contained in this Act or in the amendments made by this Act shall be construed to alter, limit, or modify in any manner any right, claim, or interest of any State in any funds received before the date of the enactment of this Act, or of any funds held in escrow pending the determination of any controversy as to whether the submerged lands on account of which such funds were received constitute a part of the Outer Continental Shelf.

(b) Nothing contained in this Act or in the amendments made by this Act shall be construed to alter, limit, or modify any claim of any State to any right, title, or interest in, or jurisdiction over, any submerged lands.

BUREAU OF LAND MANAGEMENT—OUTER CONTINENTAL SHELF RECEIPTS, FISCAL YEAR 1955 THROUGH 1970

	Royalties	Total (includes bonuses and rentals)
1955	0	$154, 621, 764. 85
1956	$52, 814. 63	137, 742, 374. 94
1957	232, 342. 21	13, 178, 593. 89
1958	830, 760. 69	15, 699, 374. 58
1959	2, 266, 484. 40	23, 830, 325. 75
1960	2, 839, 980. 97	401, 722, 186. 69
1961	5, 588, 525. 60	51, 067, 561. 98
1962	5, 605, 230. 15	510, 198, 439. 12
1963	7, 433. 912. 55	137, 273, 981. 41
1964	10, 640, 439. 52	152, 395, 954. 32
1965	11, 246, 201. 92	142, 502, 002. 40
1966	86, 424, 061. 11	208, 764, 843. 82
1967	41, 107, 770. 26	785, 440, 705. 67
1968	57, 935, 108. 40	1, 082, 763, 202. 32
1969	78, 083, 889. 47	713, 912, 091. 57
1970	113, 580, 953. 89	333, 809, 071. 36
1971	159, 914, 891. 13	1, 272, 257, 326. 56
Total	583, 771, 719. 06	6, 137, 149, 774. 23

By Mr. MONTOYA:

S. 2392. A bill to require disclosure of the octane rating of gasoline sold to consumers. Referred to the Committee on Commerce.

OCTANE RATING DISCLOSURE ACT

Mr. MONTOYA. Mr. President, I am introducing today for appropriate reference a bill which will make available to consumers the octane rating of the gasoline they buy.

In brief, this bill requires gasoline manufacturers and refiners to determine the octane rating of the gasoline they blend and then requires service station dealers to post that rating for the information of their customers. The idea is very simple.

There are a number of reasons why consumers have an interest in the octane rating of their gasoline. Foremost among these is price. Those persons who unnecessarily use high octane gasoline spend 4, 5, or even 6 cents more per gallon than they need or ought to spend. Over the course of a year, this waste may add up to $50 or more for the average motorist.

Of equal importance is the contribution this bill can make toward the conservation of petroleum resources. It has been estimated that a refiner sacrifices 5 percent of final product gasoline for each point by which he increases its octane rating. If motorists can choose gasoline blends which perfectly meet, but do not exceed, the requirements of their cars, they can help save gasoline.

Similarly, the use of lower octane gasolines properly matched to individual engines can reduce air pollution because lower octane gasolines contain less lead and are less polluting than higher octane gasolines.

Another consideration is that engine wear and tear is least when the proper octane gasoline is used. The use of gasoline which is either too high or too low in octane is harmful to an engine. Yet the consumer has no real way, at present, of knowing what kind of gasoline he is putting into his car's tank. He knows that he is putting in regular or super, perhaps, but these are not standardized classifications. Regular gasoline sold at station X might be several octane points above or below gasoline sold in station Y. The bill I introduce today will correct this situation. It will allow the consumer to know exactly the octane rating of the gasoline he purchases.

No doubt opposition to this bill will be offered, as it has been offered in the past, on the grounds that there is more to know about gasoline than its octane rating and that posting the octane rating will establish a single, grossly oversimplified standard by which all gasoline will be judged.

Mr. President, this argument is not very sturdy. In 1969, the Federal Trade Commission exhaustively reviewed the question of whether octane ratings should be posted. Public hearings were held in anticipation of rulemaking. Oil companies and consumer organizations alike presented their views. The conclusion of the exercise was a final ruling on December 16, 1971, requiring the posting of octane ratings according to the standards employed in this bill. I am satisfied that those hearings conclusively established the propriety of requiring the use of octane ratings.

It is true that these rules were challenged in court and are, in fact, still in litigation. The point of the court challenge, however, is the authority of the FTC to issue the rules—not the rules themselves.

Mr. President, I believe this bill makes sense from many vantage points. It offers the consumer the chance to save money and to prolong the life of his car's engine. It can contribute positively to our gasoline shortage and to lessening the poisoning of our air.

I urge speedy consideration and enactment of this bill.

I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2392

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Gasoline Octane Rating Disclosure Act".

SEC. 2. For the purposes of this Act, the term—

(1) "Commission" means the Federal Trade Commission;

(2) "Director" means the Executive Director of the Federal Trade Commission;

(3) "octane rating" means a quantitative evaluation of anti-knock characteristics of gasoline used as a motor fuel;

(4) "octane number" means the figure derived from the sum of research (R) octane number and motor (M) octane number, divided by 2, (R+M/2) as described in "Standard Specifications for Gasoline", American Society for Testing and Materials (ASTM), D439–70, as revised, and American Society for Testing and Materials test methods D2699 and D2700;

(5) "gasoline" means a liquid petroleum product intended for use as motor fuel and includes any petroleum product obtained by blending together one or more such products with other such products if the resultant product is intended for use as motor fuel;

(6) "interstate commerce" means commerce between any place in a State and any place in another State, or between places in the same State through another State;

(7) "jobber" means any person who purchases gasoline for resale or distribution at wholesale prices;

(8) "retail service station dealer" means any person who sells and delivers gasoline directly into the gasoline tanks of motor vehicles;

(9) "manufacturer" and "refiner" means any person who produces, blends, or compounds motor vehicle fuels for use as gasoline; and

(10) "blend" means the process of refining or mixing gasoline.

SEC. 3. The Director shall by regulation establish uniform procedures for determining octane ratings in accordance with the procedures established by the American Society for Testing Materials.

SEC. 4. (a) (1) Every manufacturer and refiner who blends gasoline for sale in interstate commerce as a motor fuel shall determine the minimum octane of such gasoline, as so blended, in accordance with the procedures established under section 3 of this Act.

(2) Any person who blends gasoline which has been shipped or transported in interstate commerce for use as a motor fuel and who sells such gasoline for resale shall disclose to the purchaser of such gasoline its octane number in accordance with regulations of the Commission.

(b) Any person who blends gasoline which has been shipped or transported in interstate commerce in a blender from which such gasoline is dispensed directly into the motor vehicle in which it is to be used shall disclose the octane number of such gasoline in accordance with the provisions of section 5 of this Act.

SEC. 5. (a) Any retail service station dealer who dispenses gasoline which has been shipped or transported in interstate commerce to a consumer for use as a motor fuel shall affix to the container from which such gasoline is dispensed a label which shall clearly disclose the octane number of such gasoline.

(b) The label required to be affixed to the container under subsection (a) shall contain such information and meet such requirements as to form and content as the Commission shall by regulation prescribe.

SEC. 6. Each manufacturer, refiner, jobber, and retail service station dealer who manufactures, refines, ships, transports, or sells gasoline in interstate commerce shall allow the Director, or his delegate, upon demand made, to inspect, during regular business hours, any refinery, storage unit, or service station where gasoline is kept or otherwise stored, and shall allow the Director, or his delegate, to examine and take samples of such gasoline.

SEC. 7. The Director, or his designate, shall, from time to time, collect, or cause to be collected, samples of all petroleum products subject to the provisions of this Act which are held or offered for sale and cause such samples to be tested and analyzed.

SEC. 8. The Director shall prescribe such regulations as may be necessary to carry out the purposes of this Act.

SEC. 9. (a) Any person who violates the provisions of section 4 or 6 of this Act shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in any amount not in excess of $10,000.

(b) Any retail service station dealer who violates the provisions of section 5 of this Act shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in any amount not in excess of $1,000.

SEC. 10. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SEC. 11. This Act shall become effective the date of enactment, except that sections 4, 5, and 6 shall become effective ninety days after such date.

By Mr. HUMPHREY:

S. 2393. A bill to provide that the special cost-of-living increase in social security benefits enacted by Public Law 93–66 shall become effective immediately, and for other purposes. Referred to the Committee on Finance.

URGENT SOCIAL SECURITY INCREASE ACT OF 1973

Mr. HUMPHREY. Mr. President, I returned from my home State, as every other Senator has. I traveled many miles, going to dozens of communities in the State of Minnesota. I shall return tonight to do exactly the same thing in the next 2 days. I have talked to hundreds—in fact, thousands—of people. I have visited senior citizens' homes and nursing homes. I have been out to see young people who wanted to buy homes.

Let me say a word for a moment about the senior citizens. They are being victimized by inflation as no one else—a cruel, inhumane treatment of the senior citizens of this country. They have no way to increase their income. Most of them are on social security, with very, very modest pensions. Most of them have no savings, and they are being victimized every day by the high cost of food, clothing, rents, everything that they touch.

Therefore, Mr. President, I am introducing a bill to make immediately effective upon enactment the special 5.9-percent increase in social security benefits, as provided under Public Law 93-66, presently authorized to be implemented in June 1974.

I will offer this bill as a floor amendment to appropriate legislation as soon as possible so that action on this vital matter can be completed in the next few weeks.

My bill, the Urgent Social Security Increase Act of 1973, is addressed to the desperate financial situation of a substantial majority of America's 21 million elderly citizens on small and fixed incomes confronting the current escalation in the cost of living.

Members of the Senate will recall that this body earlier this year went on record in support of providing for this increase at the outset of 1974, and subsequently approved a modified provision to make this increase effective next April. It had been deemed essential to take this further action on behalf of elderly Americans confronting sharp rises in the cost of living, beyond the automatic provisions for a cost of living increase in social security benefits under the social security amendments of 1972, which become effective in January 1975. My distinguished colleagues, the Senators from Connecticut (Mr. Ribicoff) and from Louisiana (Mr. Long), played a major role in efforts to secure enactment of this earlier special benefit increase.

However, to secure agreement with the House on the conference report on H.R. 7445, extending the Renegotiation Act and amending the Social Security Act to provide this special benefit increase to reflect the rise in the Consumer Price Index between June 1972 and June 1973, it was necessary for the Senate to accept a further delay in the implementation date, to June 1974. Based on an initial estimate of a 5.6 percent increase in the CPI—subsequently revised to reflect an actual CPI change of 5.9 percent—30 million persons would receive an additional $1.9 billion in increased benefits over the latter half of next year.

Mr. President, since this action by Congress, the cost of living has gone up again, and this morning's reports indicated the highest rise in the wholesale index, practically, in history. Food costs have gone up 30 percent in the past year. Something has to be done in this body. This Congress cannot stand idly by and let our senior citizens go ignored and their pleas left ignored. We ought to be ashamed of ourselves. This country can see to it that our senior citizens who are on fixed incomes, on social security, have at least enough on which to live. What a pitiful sight it is to read in the press that elderly people have been forced to steal to have enough food to meet their wants—decent, good people.

I am going to do everything I can to see that this Congress acts promptly to provide the much-needed relief that the rise in the cost of living now dictates is necessary.

As now calculated, under the provisions of Public Law 93-66—H.R. 7445—a retired worker presently receiving an average monthly social security benefit of $167 would receive $10 more per month, beginning next July, and a retired couple would find their monthly checks raised from $278 to $295. A further and earlier overall increase of some $300 million in social security benefits for beneficiaries whose work gives them some earnings will result when the increase provided in the earnings limit, to $2,400, goes into effect next January.

I say, Mr. President, it is very difficult for me to understand how a couple, having to pay rent in our big cities, can live on $278 a month. If they can in these days and live like normal people ought to live, they are performing an economic miracle; and the Congress of the United States can do better than that.

However, these increases will be too little and too late to protect elderly Americans on fixed and limited incomes who are right now confronting skyrocketing costs in food, in housing, and in health care. Even with last year's 20 percent social security increase, the annual benefit to an elderly couple comes to a meager $3,252 as the total income. That is $190 below the lowest "survival" budget for a retired couple, as recently calculated by the Bureau of Labor Statistics. And this average budget does not begin to reflect substantially higher costs of living in certain metropolitan areas such as Boston, New York, Chicago, Philadelphia, Los Angeles—just to mention a few.

This BLS "lower budget," computed before the recent sharp increases in food prices, found food and housing to be the two highest costs for an elderly couple. Living substantially below the level of poverty, this couple spends over 30 percent of its income for food and 35 percent for housing.

What such figures mean is that millions of older Americans are being forced deeper and deeper into poverty and despair with no relief in sight until next July. And such "relief," in fact, would only enable them to adjust to further rises in the cost of living that are expected next year, exclusive of the sharp devaluation of the consumer dollar that they are already experiencing.

It is clear that the administration's new phase IV economic stabilization program puts the biggest burden of inflation on the backs of elderly Americans least able to afford it. They face uncontrolled rental costs, which already have risen by some 31 percent between 1968 and 1972. They must cope with an 8.7-percent surge in the cost of living and food costs skyrocketing by almost 20 percent by year end. Last year alone, the total health bill for America soared by 10.3 percent. But health care costs for older Americans are rising twice as fast as for young persons, and medicare currently covers only 42 percent of an average beneficiary's hospital and medical bills.

The plight of our Nation's elderly is reflected in the fact that nearly 5 million are impoverished, that summer resorts have been flooded with job applications from elderly persons desperately looking for any kind of work to supplement their small pensions, and that hungry old people in Florida have been apprehended for pilfering food and vitamins from local stores.

Older Americans have a right to human dignity, and to be released from despair and anxiety over incomes that remain fixed while the cost of living rises. It is an act of economic commonsense for Government to enable as many elderly citizens as possible to live in self-sufficiency rather than in public dependency. But it is also an act of decent compassion for Government to respond effectively to the urgent income needs of older Americans.

If the Federal Government is to be responsible and responsive, these actions must be taken immediately. I urge the Senate to give priority consideration to the Urgent Social Security Increase Act.

Mr. President, I send the bill to the desk for appropriate reference. I want to say that I shall be asking my colleagues to join me as cosponsors. I hope many will do so. At the appropriate moment, as soon as a piece of legislation comes up that the President cannot veto, I am going to attach this measure to that legislation, because I, for one, as a Senator, cannot go home and face people I see day after day knowing that they are not able even to subsist, while we in Congress are considering budgets running into the hundreds of millions of dollars. I think it is time we started taking care of our people. That is what we are here for.

I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2393

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsections (a)(2) and (c)(2) of section 201 of Public Law 93-66 are amended by striking out "May 1974" each place it appears and inserting in lieu thereof "the effective month of this section."

(b) Section 201 of Public Law 93-66 is further amended by adding at the end thereof the following new subsection:

"(e) For purposes of subsections (a)(2) and (c)(2), the effective month of this section is the month in which this subsection is enacted."

By Mr. DOMINICK:

S. 2394. A bill to authorize the acquisition of certain lands for addition to Rocky Mountain National Park in the State of Colorado, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. DOMINICK. Mr. President, I am pleased today to introduce a bill which would extend the western boundary of the Rocky Mountain National Park.

The North Fork of the Colorado River divides the Kawuneeche Valley, and at the moment only the land east of the river is contained in the park. The land west of the river, although outside the park, is easily visible from the park's major access, Trail Ridge Road. Therefore, it is an important part of the visual experience of the park's 2 million annual visitors.

A special point of interest in the northern part of the proposed extension is the Holzwarth Homestead, which the National Park Service hopes to make into an historical interpretive site. This would provide an excellent opportunity for visitors to gain a feeling for the area as it was in 1904 when the first cabin was built and the first settlers began to raise cattle. It should also be added that the valley is considered to be a prime habitat for deer, elk, beaver, and marsh birds.

Mr. President, continued private and commercial development in the immediate vicinity threaten the present status of the valley and make it imperative that the Congress immediately act to preserve the beauty and wildlife of the area. This bill would extend Rocky Mountain National Park's western boundary approximately one-half mile for a distance of 4 miles. It would authorize the acquisition of 1,017.5 acres of land included in that extension, and it would also authorize the funds necessary to purchase the land.

The valley's largest landowner, Mr. John Holzwarth, recently sold his dude ranch and all of his land within the park to the National Park Service. He has also given the Park Service a firm option to buy the 634 acres he owns within the proposed boundary extension for $875,000. The second largest property owner, Mr. Charles Houseman, has been cooperative also. He wholeheartedly urges the addition of his property to the park and has verbally offered to sell his holdings on a life tenure basis after the boundary is extended.

It is important that immediate consideration be given to this bill. Having disposed of his dude ranch, Mr. Holzwarth is eager to sell the remainder of his property. The option he has given the National Park Service expires on February 22, 1974, and if it expires before action is taken, the possibility of purchasing the land will be slight as Mr. Holzwarth has many other offers.

We have an opportunity here to include the beautiful Kawuneeche Valley within the boundary of Rocky Mountain National Park so that all of our citizens may enjoy it. I sincerely hope that the Senate will do everything possible to expedite passage of this bill.

Mr. President, I ask unanimous consent that the text of my proposed bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2394

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the boundary of Rocky Mountain National Park is hereby revised to include the following described areas, totaling approximately 1,017.5 acres:

SIXTH PRINCIPAL MERIDIAN, COLORADO

Parcel 1: All that part of the E ½ SW ¼ and W ½ SE ¼ lying west of the west bank of the North Fork of the Colorado River, and W ½ SW ¼ of section 36, Township 5 North, Range 76 West; Lot 6 of section 1, Township 4 North, Range 76 West; Lot 1 and SE ¼ NE ¼, of section 2, and that part of the SW ¼ NW ¼ of section 1 lying west of the west bank of the North Fork of the Colorado River, all in Township 4 North, Range 76 West; Lot 2 and SW ¼ NE ¼ of section 2, Township 4 North, Range 76 West;

Parcel 2: All of Tracts 38, 39, and 40 in sections 25 and 36, Township 5 North, Range 76 West, as identified in the independent resurvey of said township approved November 22, 1932, and lying west of the Rocky Mountain National Park boundary; that part of the N ½ of section 36, Township 5 North, Range 76 West, lying west of the west bank of the North Fork of the Colorado River; the SE ¼ NE ¼ and the NE ¼ SE ¼ of section 11, those portions of the SW ¼ NW ¼ and the NW ¼ SW ¼ of section 12 lying west of the west bank of the North Fork of the Colorado River, all in Township 4 North, Range 76 West;

Parcel 3: All that part of the SE ¼ NW ¼ and the NE ¼ SW ¼ of section 12, Township 4 North, Range 76 West, lying west of the west bank of the North Fork of the Colorado River.

Sec. 2. Within the areas described in the first section of this Act the Secretary of the Interior is authorized to acquire lands, waters, and interests therein by donation, purchase, or exchange, except that any property owned by the State of Colorado or any political subdivision thereof may be acquired only by donation. Lands, waters, and interests therein acquired pursuant to this Act shall become a part of Rocky Mountain National Park, and shall be administered by the Secretary of the Interior subject to the laws and regulations applicable to such park.

Sec. 3. There are authorized to be appropriated the sum of $1,500,000 to carry out the provisions of this Act.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 31

At the request of Mr. Hollings, the Senator from North Carolina (Mr. Helms) was added as a cosponsor of S. 31, authorizing the Secretary of Defense to utilize Department of Defense resources for the purpose of providing medical emergency transportation services to civilians.

S. 564

At the request of Mr. Ribicoff, the Senator from Colorado (Mr. Haskell) is added as a cosponsor of S. 564, a bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder.

S. 1063

At the request of Mr. Humphrey, the Senator from Maine (Mr. Hathaway) was added as a cosponsor of S. 1063, a bill to establish a program of nutrition education for children as a part of the national school lunch and child nutrition programs and to amend the National School Lunch and Child Nutrition Acts for purposes related to strengthening the existing child nutrition programs.

S. 1769

At the request of Mr. Magnuson, the Senator from New York (Mr. Javits), and the Senator from Nevada (Mr. Cannon) were added as cosponsors of S. 1769, to establish a U.S. Fire Administration and a National Fire Academy in the Department of Housing and Urban Development, to assist State and local governments in reducing the incidence of death, personal injury, and property damage from fire, to increase the effectiveness and coordination of fire prevention and control agencies at all levels of government, and for other purposes.

S. 1871

At the request of Mr. Jackson, the Senator from Arizona (Mr. Fannin), and the Senator from Minnesota (Mr. Mondale) were added as cosponsors of S. 1871, to amend the Youth Conservation Act of 1972.

S. 2109

At the request of Mr. Dominick, the Senator from North Carolina (Mr. Helms) was added as a cosponsor of S. 2109, a bill to make it an unfair labor practice to require a person who conscientiously objects to membership in a labor organization to be a member of such an organization as a condition of employment.

S. 2124

At the request of Mr. Dominick, the Senator from North Carolina (Mr. Helms) was added as a cosponsor of S. 2124, a bill to amend the National Labor Relations Act and the Railway Labor Act so as to provide for the certification of representatives only upon vote by secret ballot of 50 percent of employees entitled to vote in the election, and to require that employees voting in such elections be afforded an opportunity to vote against representation by any individual or organization.

S. 2258

At the request of Mr. Ribicoff, the Senator from Rhode Island (Mr. Pastore) and the Senator from Hawaii (Mr. Inouye) were added as cosponsors to S. 2258, to create and administer a Children's Trust Fund.

S. 2328

At the request of Mr. McIntyre, the Senator from Minnesota (Mr. Humphrey), the Senator from Massachusetts (Mr. Kennedy) and the Senator from Minnesota (Mr. Mondale) were added as cosponsors of S. 2328, to require that certain information about gasoline be disclosed to consumers.

S. 2359

At the request of Mr. Hartke, the Senator from Florida (Mr. Gurney) was added as a cosponsor of S. 2359, to amend the Social Security Act to provide liberalization of blind disability benefits.

REFORM OF CONGRESSIONAL PROCEDURES RELATING TO ENACTMENT OF FISCAL MEASURES—AMENDMENT

AMENDMENT NO. 468

(Ordered to be printed, and referred to the Committee on Government Operations.)

Mr. HARTKE. Mr. President, today, on behalf of myself and the Senator from Maine (Mr. Hathaway), I submit an amendment to S. 1541, providing for reform of congressional procedures.

Mr. President, during the past 50 years, we have witnessed the growth of an evermore complex society. Problems of housing, employment, education, and health which hardly were imagined a half century ago now beset us.

Today, there are few aspects of our daily lives that are not touched upon by the Government. One need only look about in this, the Nation's Capital, to see the vastness of our Government. Behind the walls of glass and stone sit people whose actions and decisions affect the lives of others who may be hundreds or thousands of miles away.

Inevitably, careless or senseless exercises of public authority occur. The bureaucratic process is prone to impersonality and redtape. Caught up in confusing regulations, procedures, and policies, the individual citizen is often helpless. Nearly 200 years ago our forefathers entered into a Declaration of Independence for the people claiming:

> In every stage of those oppressions we have petitioned for redress in the most humble terms: our repeated petitions have been answered only by repeated injury.

We, the elected representatives of the people, must establish a peaceful, efficient, productive, direct method for the people to petition their complex government for redress of their grievances.

The people who come to us in Congress in search of help request an answer to a problem or a redress of a grievance. In short, they make use of us as their advocates. No function could be more appropriate, for we are here in Washington to represent their interests and look to their welfare.

So great have the needs of our constituents become that Members of Congress and their staffs spend from one-third to one-half of their time on what has come to be called "casework." Although constituents write to us about a multitude of problems, many letters concern a right or a benefit which has been denied or an administrative action which was undertaken arbitrarily.

In the face of an ever-increasing amount of casework, our staffs are finding it difficult to keep up with the mail. We must protect against the possibility that constituent requests for assistance receive only perfunctory treatment. The most diligent and efficient staff has a limit to the amount of casework which it can handle in depth.

Mr. President, because I join my colleagues in placing a high priority on casework, and because I am alarmed at the prospects for its rapid growth in the future, I am today proposing legislation which would create an Office of Constituent Assistance as part of the legislative branch. This office will assist Members of Congress in handling some of their casework, and thus free their staffs to spend more time on legislation.

I believe that the ties between a Member of Congress and a constituent are vital to the democratic process. Nothing in my proposal would weaken those ties or intrude upon that important relationship.

In fact, the office I propose would actually strengthen our relationship with constituents by making it possible for us to serve them better.

The Office of Constituent Assistance would investigate those cases which have been referred to it by a Member of Congress or by a congressional committee. The Director of the office is empowered to investigate those cases involving administrative actions which might be: First, contrary to law or regulation; second, arbitrary or unfair; third, mistaken in law; fourth, improper in motivation or based on irrelevant considerations; fifth, unclear or inadequately explained when reasons should have been revealed; sixth, inefficiently performed; or seventh, otherwise objectionable.

Certain matters and governmental agencies are exempted from the investigative powers of the OCA. Any administraitve action which relates to a personnel decision affecting a member of the Armed Forces or an officer or employee of the Government of the United States, or any administrative action based upon a complaint which the Director of the OCA determines to be trivial or frivolous is exempted from investigation by the Director. Similarly, the Director's investigative powers do not extend to matters concerning the President, the Congress, the courts of the United States, or court-martial and military commissions. I raise these points because I wish to assure my colleagues that this legislation would not establish an all-powerful office of investigation. I merely propose to create a congressional office to help us in providing our constituents with assistance.

The office would also assist us in establishing a priority analysis of issues which are of the greatest concern to the people. Each Member and each committee would send a weekly report to the office indicating the number of letters received on each issue. The office would make a monthly report to each Congressperson of the inquiries and an analysis thereof.

The Director of the OCA would be an officer of Congress, appointed by the President pro tempore of the Senate and the Speaker of the House, upon the advice and consent of both Houses, for a term of 4 years. His findings and recommendations would be reported directly to the Member of Congress by whom the case was referred.

The paramount virtue of the Office of Constituent Assistance is that it would provide each of us with a central staff of caseworkers to assist our personal staffs. As is the case with the Office of Legislative Counsel and the Congressional Research Service, the OCA would make available a deep reservoir of expert talent to assist us in our work.

There is a second important advantage to be gained from establishing this office. At the present time, 535 different offices handle casework, but many of the problems handled by one office are mirror images of the problems handled by others. One centralized office will make it possible to determine if there are any patterns and common elements to constituent problems and thus facilitate legislative efforts to correct the conditions which cause these problems.

The establishment of such an office does not mean that we are less interested in the needs of our constituents, nor will it means that we are in any manner removed from our responsibilities as advocates for our constituents. The OCA will enable us to perform these functions more efficiently and more effectively than in the past.

In summary, I believe that the Office of Constituent Assistance would have these major advantages:

First, it would assist us in handling the ever-increasing volume of casework.

Second, it would enable us to give more detailed and expert attention to the problems of our constituents.

Third, it would enable our staffs to devote more time to legislation.

Fourth, it would enable each of us to handle the problems of our constituents with more efficiency.

Fifth, it would assist the Congress in correcting those administrative deficiencies which give rise to constituent complaints.

Mr. President, I have attempted to draft my proposal so that the delicate web of checks and balances and the layers of mutual respect and trust which exist among the various branches of Government are not injured. I am convinced that the caseworkers on our staffs are dedicated and highly competent professionals whose devotion to their work is proved every day of the year. In the final analysis, however, the amount of casework and our desire to do our best to meet the needs of constituents require us to seek help. That is why I am proposing that the Office of Constituent Assistance be established.

Mr. President, I ask unanimous consent that the text of my amendment be printed in the Record at this point.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

Amendment No. 468

At the end of the bill add the following new title:

TITLE II—OFFICE OF CONSTITUENT ASSISTANCE

DECLARATION OF PURPOSES

Sec. 201. The Congress finds and declares that there is a need for a more explicit and reasonable method of handling constituent inquiries to the various Members; and that the bureaucratic process in the Federal Government is such that the citizenry is unable to ascertain the appropriate remedy to pursue in cases of grievances; that the various issues which concern the citizenry are so numerous that an analysis of these issues will lead to an informed representation; and that the staffs of the various Members are unable to expertly assist their constituents. In order to meet the needs of the constituents of the Members and to establish a framework of national issue analysis within which the decisions of the Congresspersons can be made in a consistent and considered manner, and to stimulate an informed awareness of the national priorities, it is hereby declared to be the intent of Congress to establish an office within the Congress which will carry out the purposes herein set forth.

ESTABLISHMENT

Sec. 202. (a) There is established in the legislative branch of the Government the Office of Constituent Assistance (hereinafter referred to as the "Office").

(b) There shall be in the Office a Director of Constituent Assistance (hereinafter referred to as the "Director") and an Assistant Director of Constituent Assistance (hereinafter referred to as the "Assistant Director"), each of whom shall be appointed by the President pro tempore of the Senate and the Speaker of the House of Representatives and confirmed by a majority vote of each House.

(c) The Office shall be under the control and supervision of the Director, and shall have a seal adopted by him. The Assistant Director shall perform such duties as may be assigned to him by the Director, and during the absence or incapacity of the Director, or during a vacancy in that office, shall act as the Director.

(d) No person may serve as Director or Assistant Director while a candidate for or holder of any elected office, whether local, State or Federal, or while engaged in any other business, vocation, or employment.

(e) The annual compensation of the Director shall be at the rate provided for level III of the executive schedule in title 5 of the United States Code. The annual compensation of the Assistant Director shall be at the rate provided for level IV of such executive schedule.

(f) The terms of office of the Director and the Assistant Director first appointed shall expire on January 31, 1977. The terms of office of Directors and Assistant Directors subsequently appointed shall expire on January 31 every four years thereafter. Except in the case of his removal under the provisions of subsection (g), a Director or Assistant Director may serve until his successor is appointed.

(g) The Director or Assistant Director may be removed at any time by a joint resolution of the Senate and House of Representatives, when, in the judgment of the Congress, either has become permanently incapacitated, or has been guilty of any felony, misconduct, or any other conduct involving moral turpitude.

(h) The professional staff members, including the Director and Assistant Director, shall be persons selected without regard to political affiliations who, as a result of training, experience, and attainments, are exceptionally qualified to execute the purposes of the Office.

DUTIES OF THE DIRECTOR AND ASSISTANT DIRECTOR

SEC. 203. (a) Upon the request of any Membr of either House of Congress, or the request of any standing committee, special committee, or select committee of the House of Representatives or of the Senate, or any joint committee of the Congress, the Director is authorized—

(1) to conduct or cause to be conducted, in such manner as he determines to be appropriate, an appropriate investigation of any administrative action not exempted under section 205, which might be—

(A) contrary to law or regulation;

(B) unreasonable, unfair, oppressive, or inconsistent with the general course of an administrative agency's functioning;

(C) mistaken in law or arbitrary in ascertainments of facts;

(D) improper in motivation or based on irrelevant considerations;

(E) unclear or inadequately explained when reasons should have been revealed;

(F) inefficiently performed; or

(G) otherwise objectionable;

(2) prepare a complete report on the results of the investigation, and furnish a copy of the report to the requesting Member or committee and furnish a copy of the report to the head of the agency concerned with a request for a reply, and whenever he determines not to investigate, inform the requesting Member or committee of his determination, with his reasons therefor; and

(3) prepare such interim reports to the Congress as he deems appropriate.

(b) The Director shall cause to be issued a questionnaire each week to each Member and committee which shall request information pertaining to a list of issues which each recipient shall promptly return to the Director indicating the number of constituent inquiries on each issue. The questionnaire shall—

(1) be without regard to political affiliation;

(2) contain available space for the addition of issues;

(3) contain space for comments peculiar to regional analysis; and

(4) reflect patterns peculiar to a single issue.

FUNCTIONS

SEC. 204. (a) The Office shall make such studies as it deems necessary to carry out the purposes of section 201. Primary emphasis shall be given to supplying such analysis as will be most useful to the Congress in voting on the meaures which come before it, and on providing the framework and overview of priority considerations within which a meaningful consideration of individual measures can be undertaken.

(b) The Office shall submit to the Congress on the first Monday of each month, unless a legal holiday in which case the first working day thereafter, and annually on March 1 of each year, a report on constituent inquiries and copies of such reports shall be furnished to each committee and each member of the Senate and the House of Representatives. The reports shall contain—

(1) an index of the issues and the total number of inquiries per each issue as furnished by the office of each Member and Committee;

(2) issues under investigation by the Office, and the agency involved; and

(3) recommendations concerning priorities among Federal programs and courses of action, including the identification of those programs and courses of action which should be given greatest priority and those which could more properly be deferred as reflected by the constituent inquiries.

EXEMPTED MATTERS

SEC. 205. No complaint shall be subject to investigation by the Director under the provisions of this Act if such complaint involves—

(A) any administrative action concerning the appointment, removal, discipline, benefits, or other personnel matters with respect to—

(1) any member of the Armed Forces of the United States;

(2) any officer or employee of the Government of the United States;

(B) any administrative action, which occurred more than one year prior to the date on which the person complaining of such action had actual notice thereof, except in unusual circumstances, the Director may investigate a complaint of an administrative action that would otherwise be exempt under this paragraph;

(C) any administrative action based upon a complaint which the Director determines, at his discretion, to be trivial, frivolous, vexatious, or not made in good faith.

DEFINITIONS

SEC. 206. As used in this Act, the term—

(A) "administrative action" includes action, omission, decision, recommendation, practice or procedure;

(B) "agency" means each authority of the Government of the United States, whether or not it is within or subject to review by another agency, and any officer, or member thereof acting or purporting to act in the exercise of his official duties, but does not include—

(1) the President;

(2) the Congress;

(3) the courts of the United States;

(4) the governments of the territories or possessions of the United States;

(5) the government of the District of Columbia;

(6) agencies composed of representatives of the parties or of representatives of organizations of the parties to the disputes determined by them;

(7) courts martial and military commissions; or

(8) military authority exercised in the field in time of war or national emergency.

ADMINISTRATIVE PROVISIONS

SEC. 207. (a) In order to carry out the provisions of this Act, the Director is authorized to—

(1) employ and fix the compensation of such attorneys, clerks, and other personnel as may be necessary to carry on the work of the Office, and such personnel shall be employed without reference to political affiliations and solely on the basis of fitness to perform the duties of the office;

(2) to make, promulgate, issue, rescind, and amend such rules and regulations as may be necessary to carry out the duties of the Office under this Act;

(3) delegate authority for the performance of any such duty to any officer or employee of such Office;

(4) request such information, data, and reports from any agency as the Director may from time to time require and as may be produced consistent with other law;

(5) hold private discussions or meetings with either the person complaining of an administrative action under investigation or officers or employees of the agency concerned, or both;

(6) prepare and submit annually to the President, to the Speaker of the House of Representatives and to the President pro tempore of the Senate a report on the activities of the Office during the previous year;

(7) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code; and

(8) use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(b) Upon request made by the Director each agency is authorized to make its information, data, and reports (including suggestions, estimates, and statistics) available to the greatest practical extent consistent with other laws to the Director in the performance of his functions.

(c) Section 2107 of title 5, United States Code, is amended by—

(1) striking out the "and" at the end of paragraph (7);

(2) striking the period at the end of paragraph (8) and inserting in lieu thereof a semicolon and the word "and"; and

(3) adding at the end thereof the following new paragraph:

"(9) the Director, Assistant Director, and employees of the Office of Constituent Assistance.".

EFFECT OF OTHER LAWS

SEC. 208. The provisions of this Act shall be in addition to the provisions of any other law or regulation under which any remedy or right of appeal is provided for any person, or any procedure is provided for the inquiry into or investigation of any matter, and nothing in this Act shall limit or affect any such remedy, right of appeal, or procedure. The powers conferred on the Director by this Act may be exercised by him notwithstanding any other provision of law to the effect that any administrative action or omission shall be final or that no appeal shall lie in respect thereof.

AUTHORIZATION OF APPROPRIATION

SEC. 209. There are hereby authorized to be appropriated to the Office of Constituent Assistance such sums as may be required for the performance of the duties of the Office under this Act. Amounts so appropriated shall be disbursed by the Secretary of the Senate on vouchers approved by the Office of Constituent Assistance.

NOTICE OF HEARINGS ON S. 2135

Mr. RIBICOFF. Mr. President, the subcommittee on Reorganization, Research and International Organizations of the Committee on Government Operations, will hold hearings on S. 2135, Department of Energy and Natural Resources, on Thursday, September 13, 1973, in room 1318 of the New Senate Office Building. The hearing will begin at 10 a.m.

ADDITIONAL STATEMENTS

PETROLEUM PRICES

Mr. HART. Mr. President, the Exxon Corp. has just announced that tankwagon prices of gasoline to its dealers are being raised by 1 cent a gallon. This undoubtedly reflects the higher costs of crude oil. Significantly, Exxon is an integrated company which is very nearly "in balance"—that is, its domestic production is close to its domestic refinery inputs. In a real sense, Exxon raised its prices to itself, and thereby increased its costs. This is inevitable. The company raised its buying prices for domestic crude oil by the maximum allowed under phase IV rules: "New postings, effective 7 a.m., August 20, are set at levels 35 cents a barrel over the highest posting in each field at 6 a.m., May 15, 1973" for all fields east of the Rockies, according to Platt's Oilgram. Atlantic Richfield and British Petroleum also have raised tankwagon prices 1 cent a gallon.

How about the dealers? Their prices are frozen at the wholesale price which they were paying Exxon on August 1, plus the margin which they received last January 10 with a minimum guarantee of 7 cents a gallon. In other words, they must absorb in shrinking margins, the full amount of Exxon's increase.

This illustrates perfectly the cynical aspect of the administration's approach to petroleum products price regulation under phase IV. Crude oil prices are permitted to rise. It keeps the crude producers happy, and what motorist knows anything about crude prices? Refiners can pass through increased crude costs in higher tankwagon prices—and what motorist knows anything about tankwagon prices? What the motorist does know, and react to, is the retail price of gasoline—so the best way to keep 100 million voting drivers happy is to freeze the retail price and take the Cost of Living Council's largesse to crude producers and refiners out of the retail dealer's hide.

I have objected to this approach time and again. It is absolutely intolerable to any person with an elemental sense of fairness.

The Subcommittee on Antitrust and Monopoly has previously asked Dr. John Dunlop, head of the Cost of Living Council, to appear and give public testimony as to CLC's program and plans. He has declined to do so.

At a recent private briefing for the Senate, Dr. Dunlop flatly stated that CLC was interested in inflation and not competition. His actions certainly now speak louder than his words.

Last Spring, the Congress granted the President the extension of the Economic Stabilization Act which he requested—with a proviso introduced by the able Senator from Maine, Mr. Hathaway that cost justifications for price increases accepted by the CLC would be matters of public record. Dr. Dunlop has steadfastly refused to make such justifications available to anyone. I call upon him now to make a full public disclosure of any and all cost justifications submitted by Exxon, ARCO and BP—and any others—in support of increases in the prices of any of their petroleum products. The least the Cost of Living Council can do is to permit Congress and the public to evaluate the reasoning under which such behavior has been permitted.

KANSAS INDEPENDENT PETROLEUM INDUSTRY RESPONDS TO PHASE IV

Mr. DOLE. Mr. President, the energy crisis is an extremely complex and difficult set of interrelated problems. It will not be dealt with successfully by a single stroke, one law or in 1 year. Rather, a successful approach to the energy question facing America and the world will require a broad, coordinated effort taking place at many levels over a number of years.

Although there are many specific points involved, I believe one of the most important revolves around the production of sufficient sources of energy—particularly crude oil and natural gas—within the security and control of the United States own territory. Because of national security and balance of payments considerations, a grave concern exists over the possibility that our country might become excessively dependent on foreign oil.

One of the answers to reducing our dependence on foreign oil is the discovery and development of the reserves which lie within our own borders. These reserves are enormous, but they will require extensive investments of time, energy, and financial resources to locate and to be made available for utilization. It has long been known that these reserves exist, but in many cases the prevailing low market prices for crude oil and natural gas did not provide the necessary economic justification for developing them. It is a simple matter of economics. No product is going to be produced when the costs of putting it in the marketplace do not make the effort and expense worthwhile.

America's independent petroleum industry has played the leading role in searching out and developing our domestic crude oil and natural gas reserves. In recent years, however, these activities have been sharply curtailed due to drastically increased costs for labor and equipment pressing against an infllexible and unnaturally low price for crude oil. As a result new well drilling and production dropped off dangerously, because independents simply were not able to finance operations at the level required to meet the Nation's needs.

For some time, I have pointed out the necessity of stimulating domestic production through a reasonable oil and gas price structure.

Some months ago the post-phase III price freeze market moved to provide some small but extremely important increases in crude oil prices. These increases began to pump new vitality into the independents, and their exploratory activities began to pick up.

But then along came the proposed phase IV guidelines which contained a feature which would have imposed a rollback of crude oil prices, and the bottom fell out of the independents' world. Their financing evaporated, and the prospects for them making any real contribution to increasing domestic petroleum supplies looked bleak.

Well, to make a long story short, an intensive effort was launched to demonstrate to the Cost of Living Council that its proposal would have disastrous consequences, not only for the industry but for the general consumer public and the national interest over the long run. This effort was successful, and the final phase IV regulations did not include the rollback provision.

This week the Oil Daily carried an article describing the views of phase IV expressed by Warren E. Tomlinson, the president of the Kansas Independent Oil and Gas Association. Mr. Tomlinson's comments are, I believe, highly encouraging to those of us who have been concerned with increasing domestic exploration and supplies. Hopefully this trend will continue—to the benefit of the entire national energy posture, and I ask unanimous consent that the text of this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

KANSAS OILMEN SPEAK KINDLY OF PHASE IV—EXPLORATION, PRODUCTION INCENTIVES SEEN

WICHITA.—Everybody in the petroleum industry isn't infuriated by Phase IV price regulations. Over the weekend, the Kansas Independent Oil & Gas Association issued more than a few kind words about Phase IV.

According to Warren E. Tomlinson, KIOGA president, the Cost of Living Council's latest oil pricing moves provide "very definite incentives" for independent petroleum producers.

"As a result, most of us in the industry are re-evaluating our total exploration and production programs with a view towards increasing our activities—particularly in the areas of exploration and secondary and tertiary recovery."

Regarding such incentives, Tomlinson mentioned first of all the prices now permitted—then new prices which can be at the negotiated level and which "will hopefully be much higher than old oil prices."

Tomlinson said "the incentive system provided for in the new regulations acknowledges that whereas old oil production must, in many cases, provide the cash flow to step up the exploration effort, the further incentive of having an even higher price for new oil, once discovered, should provide some rather strong trends in the direction of rapidly accelerating activities."

RULE OF THUMB

Impact of the increasing crude oil prices is expected to have a minimal effect on the general public, KIOGA reported. Recent increases would translate at less than one cent per gallon at the pump with crude costs for domestic crude produced in Kansas currently at approximately an average of 9.7 cents per gallon, it noted.

Tomlinson pointed out that a rule-of-thumb indicates that it takes a 40 cent increase in a barrel of oil to justify a one cent increase per gallon of gasoline at the filling station pump.

Efforts of Kansas independents to discover and develop increased supplies of both crude oil and natural gas is expected to be the main topic of concern during KIOGA's 36th annual convention, being held in Wichita, September 19–21.

"In the meantime, active operators are reflecting an aggressive attitude to the current incentives by what they are doing internally company-wise," Tomlinson stated. "At least they are taking another hard look at prospects."

TALK ABOUNDS

"They are talking to their investors, geological people, seismic contacts, landmen—all of those things which are factors in an enhanced drilling program."

Tomlinson then added a word of caution. "There will be administrative headaches in connection with the two-tier system put into effect by the Cost of Living Council. But if operators will take a hard look at the incentives provided, they can find ways to deal with the two-tier system."

"Hopefully it will be short-lived and won't be too tough of an administrative burden for individual operators. If we can believe the program will end in four to six months, then the industry can cope with such a situation," he said.

"After some review, it would appear that the pluses of Phase IV regulations outweigh the minuses in the whole program that is now in front of us."

CIRCUIT JUDGE HILDRETH, DECEASED

Mr. SPARKMAN. Mr. President, recently Alabama lost one of its best and most distinguished citizens. I refer to Circuit Judge Emmett Hildreth.

Emmett and I were in school together at the University of Alabama. He graduated from law school the same year that I completed my academic work.

He served his county and his judicial district in several different capacities until 1943 when he was appointed judge of the 17th Judicial Circuit of Alabama comprised of his home county of Greene, Marengo and Sumter Counties. He was an able and distinguished judge and always a good citizen.

Comments from newspapers in his area tell of the good life of Judge Hildreth and of his good work throughout long years of service.

I ask unanimous consent, Mr. President, to have printed as a part of my remarks an editorial from the Home Record of Livingston, Ala.; an article from the Sumter County Journal; a personal comment by Dick Smith, publisher of the Sumter County Journal; and an article from the Greene County Democrat of Eutaw, Ala.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUDGE HILDRETH

Emmett F. Hildreth, 78, who in July passed his 30th anniversary as judge of Alabama's 17th Judicial Circuit, died unexpectedly Saturday night, July 28, 1973, at his home in Eutaw.

Judge Hildreth's death took from this area a man long an important force—not only in the administration of justice, but in the political and civic life of the region.

He was appointed circuit judge by Gov. Chauncey Sparks in 1943, succeeding the late Judge B. F. Elmore, and has been elected to the bench since. Earlier he had served three terms as a state senator and as a member of the Alabama Board of Pardons and Paroles. He also served two terms as mayor of Eutaw, as a member of the State Democratic Executive Committee, and as a delegate on three occasions to the Democratic National Convention.

He was a Methodist, a Mason, past lieutenant governor of the Alabama District of Kiwanis International, and a director and president of the Demopolis Federal Land Bank Association.

Judge Hildreth was a native of Coffee County and was reared in Enterprise. He was graduated from the University of Virginia in 1917 with a B.A. degree, received the Master's degree in social science from the Sorbonne in Paris in 1919, and the LL.B. from the University of Alabama in 1921. He saw combat with the Blue and Gray Division during World War I, and after the armistice he attended the organizational meeting of the American Legion in Paris. He was a member of the American Legion in Eutaw after 1921 when he opened his law practice there, and he had served as post commander.

Judge Hildreth is survived by his wife, Mrs. Emory Peebles Morrow Hildreth; and two sons, Allison V. Hildreth and Emmett F. Hildreth Jr.

On the bench, Judge Hildreth was quiet and capable, presiding over trials both routine and sensational with courtesy and skill. Many of his remarks—to attorneys, defendants, and spectators alike, were tempered with a sparkle of humor. Cases tried in his court were seldom thrown out by higher courts for judicial error.

Judge Hildreth has been "the judge" in this part of Alabama for many years. He will be missed.

JUDGE HILDRETH DIES SUDDENLY

Funeral services for the Presiding Judge of Seventeenth Judicial Circuit, E. F. Hildreth, were held Monday at 5 p.m. at the Eutaw United Methodist Church following his unexpected death at his home in Eutaw early Sunday. He was 78 and served Marengo, Greene and Sumter Counties for more than 30 consecutive years.

Hildreth, a circuit judge known for commanding respect and dignity in his courtroom from court officials, spectators as well as defendants, was a native of Enterprise and served three terms in the Alabama Legislature as a State Senator.

Judge Hildreth was born in Coffee County Dec. 19 1894, graduated from grammar and high schools at Enterprise and graduated from the University of Virginia with a B.A. in 1917 and received his Masters from Sorbonne, Paris, France, in 1919 in Social Science and his L.L.B. from the University of Ala. in 1921.

The late Judge served in combat in World War I, and after the armistice, he attended the organizational meeting of the American Legion in Paris and remained an active member of the post in Eutaw until his death.

He opened his law practice in Eutaw in 1921 and in May 1943 was appointed a member of the Pardons and Parole Board. Gov. Chauncey Sparks then named him Circuit Judge of the 17th Judicial Circuit. He also had served two terms as Mayor of Eutaw and a member of the State Democratic Executive Committee.

Burial was in Mesopotamia Cemetery, Cook-Spignor Funeral Home in charge.

Survivors include his wife; two sons, Allison Hildreth, Montgomery, Emmett F. Hildreth Jr., Atmore; two brothers, Marvin J. Hildreth, Birmingham, N. B. Hildreth, Mobile, and five sisters, Mrs. W. A. Murphy, West Palm Beach, Fla., Mrs. Irene Russell, Tampa, Fla., Mrs. Ira Murdock, Coffee Springs, Mrs. H. J. Bower and Mrs. Johnnie Hamilton, both of Milton, Fla.

HILITES

(By Dick Smith)

We feel a deep personal loss in the sudden death of Circuit Judge E. F. Hildreth.

This gentleman (at all times) was revered by the citizenry who knew him and he knew just about every person in the Seventeenth Judicial Circuit of Alabama by their first names.

He ran a tight ship . . . one of the highest respected courts we have ever seen in action and certainly is held in esteem by all the trial judges and lawyers in the state.

It was only recently that Bob Martin, of the Judicial Department, State of Alabama Department of Court Management, called us personally to tell us of the great and unselfish service Judge Hildreth had rendered for the Supreme Court Chief Justice Howell Heflin as a special judge appointed by Heflin to attempt to help clear up the Supreme Court's huge backlog of cases. Martin said clearly, "There is no better."

Often, in the almost 15 years we have been in this corner, we've commented about the wonderful life this man lived.

He has to be termed one of the great ones of a century.

JUDGE E. F. HILDRETH DIES SUDDENLY OF HEART ATTACK

Judge Emmett Franklin Hildreth, 78, presiding Judge of the 17th Judicial Circuit of Alabama died at his residence Sunday, July 29.

Funeral services were held Monday at the Eutaw United Methodist Church with the Rev. Raroll DeVane officiating, assisted by the Rev. J. Titus Aldridge. Interment was in Mesopotamia Cemetery.

Judge Hildreth was born in Coffee County, Alabama in 1894, the son of Marion Bascomb Hildreth and Lula Lee (Cotter) Hildreth. He attended school at Enterprise, Ala. He received the BA Degree from the University of Virginia in 1917. He attended the Sorbonne in Paris, France and received the Master's Degree from that institution in 1919. In 1921, he received the LLB degree from the University of Alabama.

Judge Hildreth began the practice of law in Eutaw in May 1921 and continued in that practice until 1943 when he was appointed a member of the Alabama Board of Pardons and Paroles, and later on July 3, 1943 he was appointed Judge of the 17th Judicial Circuit of Alabama, composed of Greene, Marengo and Sumter Counties, where he continued to serve until his death. He was assigned by the Chief Justice of the Alabama Supreme Court to be presiding judge at several of the outsanding trials in Alabama.

A veteran of World War I, he served as a 2nd Lieutenant with the 111th Machine Gun Battalion and saw active service in the Meuse-Argonne Sectors until the end of the war. He participated in the organization of the American Legion in Paris in 1919 and was one of the early members and organizers of the Lewis-Morrow Post No. 69 and served as one of its early Commanders.

Judge Hildreth served as State Senator from the 32nd Senatorial District of Alabama composed of Hale and Greene Counties for three terms of four years each. For many years he was one of the Trustees of the Eutaw Schools. He served two terms as Mayor of Eutaw, 1927–1928, 1929–1931. He was a member of the State Democratic Executive Committee for 16 years and was an alternate delegate to the Democratic National Convention in 1924 and a full delegate to the Chicago Convention in 1932.

He had served as Lieutenant Governor of the Alabama District of Kiwanis International and for many years was a member of the Eutaw Lions Club. He was one of the organizers of the Greene County United Fund, serving as chairman of the first drive and as a director from the beginning. He was one of the organizers of the Greene County Historical Society.

He was a director of Merchants and Farmers Bank since 1921 and had been continuously connected with the Federal Land Bank of New Orleans since 1921, serving first as local attorney and then as President and Director of the Greene County Land Bank Association and as President and director of the Demopolis Land Bank Association when the two became consolidated into one.

Judge Hildreth is survived by his wife, the former Emory Peebles Morrow, two sons Allison V. Hildreth of Montgomery and Emmett F. Hildreth, Jr. of Atmore; two brothers, Marvin J. Hildreth of Birmingham and N. B. Hildreth of Mobile; five sisters, Mrs. W. A. Murphy of West Palm Beach, Fla., Mrs. Irene Russell of Tampa, Fla., Mrs. Iris Murdock of Coffee Springs, Mrs. T. J. Bower and Mrs. Johnnie Hamilton both of Milton, Fla.; three grandchildren and two great grandchildren.

RADIO FREE EUROPE AND RADIO LIBERTY

Mr. BROOKE. Mr. President, our discussion yesterday of the merits of Radio Free Europe and Radio Liberty and our vote on S. 1914 was one indication that the Senate will insist that the process of détente involve acceptance of the basic principle of enhanced freedom for exchange of ideas between East and West. This principle should be one of the foundation stones of the West's approach to détente politics.

Recently, Robert R. Bowie, the distinguished scholar and former policy-planning chief of the Department of State, reminded us that the process of détente is viewed in different perspective by the East and West. He wrote:

> Quite naturally, many had hoped that détente would raise the Iron Curtain, and open the way for the freer flow of people and information. That would be good in itself, and would foster the confidence and understanding necessary for coping with the urgent problems of an interdependent world.

He went on to point out:

> However, the Soviet leaders do not view detente in these terms. At home, as they see it, detente creates both the necessity and opportunity for greater repression.

Examples to substantiate Professor Bowie's view are numerous: Soviet attacks on the illustrious scientist Andrei Sakharov—the sentencing of Andrei Amalrik to a new 3-year prison term—the stripping of citizenship from Zhores Medvedyev—a petty reprisal against the Nobel Prize novelist Alexander Solzhenitsyn—punishment of Vladimir Maximov for the publication abroad of several of his novels—and the continued harassment of Soviet Jews wishing to emigrate to Israel. Most recently, of course, the well-known dissidents, Pyotr Yakir and Viktor Krasin, have gone on trial for allegedly cooperating with a Russian emigree organization in the West. Typically, Western journalists were barred from the trial; even more typically, little substantive information has been imparted to the Soviet population.

Developments in Eastern Europe, while receiving far less exposure in the West, also indicate that the regimes there hold to the Soviet view of increased internal rigidity while pursuing the state-oriented benefits of détente. Not only are the regimes of Eastern Europe keeping their ideological guard up, they are also warning their people that any talk of "deideologizing" is a Western-imperialist ruse.

The Czechoslovak Communist Party daily Rude Pravo asserted on August 21 of this year that bourgeois political observers in the West were promoting the theory of an eclipse of ideology in order to lull the vigilance of socialist countries. It warned:

> The class and ideological struggle is still going on, and is escalating not only within the capitalist countries but also on an international scale . . . The socialist countries proceed from the fact that the ideological-political struggle between socialism and capitalism is not at variance with the principles of peaceful coexistence.

Similar views are expressed throughout Eastern Europe.

In Poland, recently, the organ of the Polish legal publishing house, Nowe Prawo, offered a commentary on recent editing of sections of the Penal Code dealing with the crime of spreading false information. It explained that these sections had been modified to establish lower and more varied threshholds of penalties," and to make the process of prosecuting and punishing offenders "more elastic." One of the "elastic" features is that it is not necessary to prove that the accused person engaged in any specific activity. What is decisive is the "will" of the perpetrator to convey information with the intent or "hope" that it will be repeated to other people. Likewise, the Polish law journal rejects the French definition that "information" means the narration of a fact, and therefore that information would have to be factually incorrect to be "false." The contention of the Polish writer is that the law can apply to mere critical remarks or opinions if it is decided that these statements are "capable of creating an atmosphere of unrest and distrust."

From these few examples, it is evident that in Eastern Europe and the Soviet Union, détente is likely to mean increased internal repression and greater regime attempts to deny individuals access to uncensored information sources. In this light, the importance of the continued viability of Radio Free Europe and Radio Liberty is self-evident. These organizations provide the peoples of Eastern Europe and the Soviet Union with accounts of attempts by their own countrymen to alter the repressive policies of the regimes. They provide a far more accurate picture of the true possibilities and potentials of the détente process than does government-controlled media in their respective countries. More importantly, they provide the opportunity for peoples in the East to gain a greater understanding of the West, an understanding that will be crucially important to any long-term and desirable détente.

Mr. President, this is not the time to assume that actual and lasting détente with the Soviet Union and its client regimes in Eastern Europe has been achieved. That would be mistaking shadow for substance. If the détente we desire is eventually to exist, the United States and the West in general must continue to advocate forcefully through such mechanisms as Radio Free Europe and Radio Liberty its belief in the right of all men to receive and impart information and ideas through any media and across any frontiers. To do less than this would be to abandon ideals we hold as absolutes and, in a very real sense, to acquiesce to the policies of thought control and censorship prevalent in the Soviet Union and Eastern Europe. From our vote yesterday, it is apparent that the Senate will refuse to do so.

STEPHEN JELLEN

Mr. RIBICOFF. Mr. President, the Wall Street Journal has been publishing an interesting series of articles on skilled craftsmen in the age of automation.

The September 6 Journal featured Stephen Jellen, a piano maker from Stafford Springs, Conn. Few people, including executives of major piano companies, have heard of anyone these days making a piano from scratch. But that is just what Mr. Jellen does. He is, as the Journal states, "a master of a complicated craft that requires skills in metalworking, cabinetmaking, and engineering, a thorough knowledge of acoustics and a keen ear for music."

I asked unanimous consent that Liz Roman Gallese's article on Mr. Jellen be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Stephen Jellen Builds Pianos Not for Money But for Satisfaction

(By Liz Roman Gallese)

Stafford Springs, Conn.—Stephen Jellen is uneasy showing stangers his home workshop. "My tools look rough compared to a factory's and many people would laugh," he says. "But I'm pretty proud of them. I made them with my own daydreams."

Mr. Jellen is a piano maker, a master of a complicated craft that requires skills in metalworking, cabinetmaking and engineering, a thorough knowledge of acoustics and a keen ear for music. It also requires great precision—a 1/16 of an inch misalignment can ruin a piano's tone. The piano is also an instrument of marked contrasts: Some of its parts, like the pinblock, which anchors the strings, must be fashioned to withstand 18 to 20 tons of pressure, while others, such as certain keyboard parts, must be balanced to respond to the touch of a finger.

There aren't many like the 57-year-old Mr. Jellen who can do it all. In fact, some experts doubt that even he exists. "I never knew any one who could make a piano from scratch," says Ted McCarty, president of the American Music Conference, a Chicago-based organization of music associations. Henry Steinway, president of Steinway & Sons, a subsidiary of Columbia Broadcasting Co., says some steps in factory piano building are still done by hand by skilled craftsmen, but he adds that he, too, doubts that anyone can make pianos entirely by hand.

But Mr. Jellen can. While the dozen U.S. piano factories were turning out 200,000 pianos last year, he was building one upright console in his home workshop. It was number 40 in his 34-year career.

A BELLYING PRESS AND HOT BOX

His array of tools take up much of the two-room workshop that used to be the dining room, kitchen and one bedroom of his modest frame house here alongside Route 190. (The family moved upstairs 10 years ago to make room for the craft that fills most of Mr. Jellen's waking hours.) Saws, drills, chisels, hammers, wrenches, clamps, sanders and other tools cover the walls and fill the corners of the workshop. But those Mr. Jellen takes pride in are the ones he has built himself.

His massive homemade "bellying press," a wood-and-steel contraption that bends wood to form the precise "crown" of a piano soundboard, looks a bit like a canopied bed. It's so strong it once accidentally lifted the roof of his garage when he tried to use the roof as a brace. His closet-sized "hot box" is used to dry costly, hard-to-find hardwood lumber at precisely regulated temperatures.

Some of the tools, like the craft itself, are so varied and precise that they must be made to fit an individual piano.

The complexity of making pianos by hand and the difficulties of making a living doing it are the main reasons nearly all pianos have been made in factories since 1840 when Jonas Chickering, a Boston inventor, patented an iron frame to replace the wooden ones then used inside pianos. Casting the heavy frame, on which much of the quality of the instrument's tone depends, is the only step in the piano-making process Mr. Jellen hasn't yet attempted.

THE MOST SATISFYING PART

Another he can't do, however, is make a living making pianos. He sold last year's piano for $1,400, about the price of a comparable factory-made piano, and he expects to get the same price for one of the two he's finishing up now (the other being earmarked as his wife's Christmas present.) His main sources of income, something over $15,000 a year, are being a consultant to Pratt-Read Corp., an Ivoryton, Conn., maker of piano keyboards and actions, and rebuilding about a dozen old grand pianos a year in his workshop. Altogether, the three lines of work keep Mr. Jellen occupied about 12 hours a day, six days a week.

Building pianos is mainly a hobby, he concedes, but it's by far the most satisfying part of his work. "It's the part that keeps a man alive," he says.

Mr. Jellen got into the piano business partly by chance and partly because it was a trade he could learn free. He quit high school in 1933 at age 16 and went to work in a Stafford Springs textile mill. "I was always interested in mechanics," he recalls. "Once, while I saw a tuner working on a neighbor's piano he took the action apart and my eyes popped. I bought an old piano for $5 and took it apart." (A dangerous undertaking, he learned later, for a piano can literally explode if anyone tries to disassemble it without first releasing the 20 tons of tension on its strings.)

He stayed in the mill only three years after taking that first piano apart. He quit in 1939, "determined to learn something well enough so that I'd never have to go back." He joined the Piano Technicians' Guild Inc. in order to attend its free seminars on tuning and repairing. He memorized piano books, "then read them again." He gradually taught himself cabinet-making.

After a four-year stint as an Army medic, Mr. Jellen spent five years as an apprentice in a Springfield, Mass. piano shop, where he learned refinishing, tuning, rebuilding and repairing techniques. He scrimped and saved to attend every guild seminar he possibly could, some as far away as Chicago and Detroit. "I remember times when I couldn't see it," recalls his wife, Jeannette. "But he'd go to the seminars anyway. He'd say, 'If I learned one thing, it was worth it.' "

In 1951 Mr. Jellen opened his own shop in his parents' house here, and four years later he started building his first piano, a task that took him two years. He got a big assist from a former Pratt-Read consultant, the late Charles Frederick Stein, who was then a near-legendary figure within piano-building circles.

"Charlie helped me with the blueprints," says Mr. Jellan. "But I actually made the first one because he wanted to be sure I was serious about learning the trade." He was serious enough to invest $7,000 in designing and building the tools he needed for his new trade.

Today, whether he's building a piano he has designed himself, rebuilding a battered old grand or teaching the fine points of tuning and regulating piano actions to younger craftsmen and apprentices at seminars sponsored by the guild, Mr. Jellen's pride of craftsmanship and meticulous attention to detail are evident in everything he does. "Details make the difference," he says. "When you cut a little corner here and a little corner there, you've cut a big hole."

He chooses every piece of wood he puts into a piano with the utmost care—hard maple for the bridge and pinblock, which must bear the tension of the strings; spruce for the soundboard, which must bend with precise uniformity to produce good tones. ("A relaxed board is like a drunken sailor—it's all over the place," he says.)

Mr. Jellen moves deftly through the workshop clutter, easing past three grand pianos and two old uprights that take up most of the floor space, and delving surely into the myriad boxes of screws, bolts and spare parts stacked by a wall displaying his framed grade-school diploma. On this particular morning, he's rebuilding an 1890 Steinway grand for a church. He spent more than four hours sanding its new soundboard and positioning and gluing the bridge (over which the strings pass) to the soundboard the previous week. Now that it has dried thoroughly and has been minutely checked for alignment, he's ready to put the casting—the iron skeleton that holds the piano's strings—into position around the soundboard.

But Mr. Jellen isn't quite satisfied with the fit. "The case should fit close to the bridge, but not close enough to touch," he says. "This one would probably never touch, but there's no probably with me. It has to be right." So, winching the 300-pound casting up and off the soundboard, he uses a razor-sharp chisel to take a paper-thin shaving of wood off the side of the bridge. He winches the casting back into place, reexamines it and is satisfied. "This one was easy," he says. "Sometimes I have to take the casting off several times."

Mr. Jellen finds the only tedious part of a rebuilding job is refinishing the wood. It's the least satisfying work to him. He can't say which of the steps in a rebuilding job he likes best. "A piano is like the human body, all of the parts are important," he says. "The soundboard, it's the heart of the piano. Yet if I do a good regulating job, I'm proud of that."

What he clearly enjoys most, however, is the challenge. "I like to take a crippled piano and put it into the best shape possible—especially if it has been condemned by others." He says his most satisfying project was "a one-in-a-million job" rebuilding a piano once owned by Mary Todd Lincoln—or perhaps it was the rebuilding of one Victor Herbert used to play. "At least I've had a part in keeping pianos like that going a little longer," he says.

AN 1865 STEINWAY

He's especially eager to get started rebuilding an 1865 Steinway grand in the back of his workshop because it has a zig zag pinblock—an unusual feature that will take him two and a half days to remake rather than the usual four hours. He'll get $3,200 for that rebuilding job, compared to the usual $2,800 for a complete rebuilding of a grand piano. (The price for rebuilding a grand is more than the price of a new Jellen piano because grands are more complicated.) Mr. Jellen figures it takes him three to seven weeks' work—often spaced over a much longer period—to rebuild a grand, and it costs him something over $1,000 in materials and overhead. "And when any job goes out," he says, "a part of me goes, too."

He much prefers building his own pianos to rebuilding, however. Back when he was first learning the craft, he intended to make a career of piano building. But bankers "told me piano making was a dying business" and refused to lend money to furnish a shop.

He has had little encouragement in his chosen trade from the townspeople of Stafford Springs, his hometown as well as his wife's. "When I opened my shop in 1951 I held a reception, but only four friends came. Though it's customary for businesses to send flowers when a new one opens, no one except Jeannette sent flowers," he says, "Even today they don't understand what I'm doing. They ask, 'Are you still fooling around with pianos?' "

Mr. Jellen has sold several of his pianos to local residents, including the first piano he built, now owned by a music teacher. (Someday, he says, he'd like to try to buy it back for its sentimental value.) Most of his others have gone to customers within a radius of only a few hundred miles who have heard about his products from friends. Many of them, like Irene Remie, a Southbridge, Mass., secretary who bought a Jellen piano finished in antique maple five years ago, are accomplished piano players. She says: "I liked the idea of having my own custom-made piano. Mr. Jellen even put my initials in the corner."

A PIANO PARTS MANUAL

The Jellen family, however, doesn't own a Jellen piano—or any other kind. Neither Steve nor Jeannette nor any of their five children can play one—unless you count Steve's ability to "play 'Happy Birthday' with two fingers at Rotary Club parties," says Jeannette. "Steve gave me the first maple one he made," she adds. "But we sold it because we needed the money. Since then, it seems that 'my piano' is always the one someone else wants." (Mr. Jellen says one piano he's building now will be finished by Christmas, in time to be Jeannett's holiday gift, even though she can't play.)

Mr. Jellen is a bit disappointed that his sons haven't shown any interest in learning his craft. Young Steve, 21, is an auto mechanic. Mike, 16, a high school student, is learning to be an electrician. Pete, 11, a sixth grader, says he wants to be a truck driver. However, Mr. Jellen's youngest daughter, Kathy, 14, says she wants to be a piano maker. She watches her father intently while he works, helps him gather tools and materials, and recently wrote and illustrated a little parts manual for a grand piano, which she titled "From a Seed to a Piano." (The Jellen's older daughter, Diane, 18, is a secretary.)

Mr. Jellen hasn't fared very well in bringing apprentices into the trade in the 22 years he has been in business. He says he's had 15 to 20 paid apprentices in his shop over the years, plus "gobs" of students who paid him to teach them some aspect of piano making. "I hate to turn anyone away, because no one refused me when I wanted to learn," he said. "But I've found that most apprentices don't want to spend the time it takes to learn the trade. The first question they ask is, "How long will it take to learn?' "

Over the past three years, since becoming Pratt-Read's top troubleshooter, Mr. Jellen has declined to take on any new apprentices. "I get requests every week, and I have to turn them down," he says. "But if I spotted a guy who was tops, who would be an asset, who really wanted to learn, I'd break my back to help him."

ONE DOOR REMAINING

Mr. Jellen is on call to Pratt-Read around the clock to iron out problems in its production or to go anywhere to provide consulting services to the company's customers. His actual time on consulting jobs, however, averages only about one week a month. Since he never knows for sure when he'll be in his shop, he gets by without any hired help except for one former student who comes in once a week when his own piano business permits.

Mr. Jellen says his "dream for the future" is to build a grand piano. "It's the one thing I haven't done yet and want to do. I'm not going to jump into it and go over my head, but sometime in the next few years I'll do it," he says.

But first he will have to build new tools. "The press alone (which shapes a continuous piece of wood into the grand piano's rim) will cost $2,500, and I'll need new templates and jigs," he says. He's already started work on the blueprints.

"This whole business is a series of closed doors," he adds. "You learn one thing, and there's another closed door waiting to be opened. Let's just say this is one of the last closed doors I want to open."

GASOLINE PRICE CEILINGS

Mr. DOMENICI. Mr. President, I wish at this time to call the attention of my colleagues to an extremely unfortunate situation which I fear will adversely affect small businesses all across this Nation that are engaged in the retail sale of gasoline. I refer to the implementation of regulations devised by the Cost of Living Council for the control of retail sales of gasoline and No. 2–D diesel fuel which are now scheduled to take effect at midnight tonight.

Under these regulations, those retailers of gasoline who are not controlled by refiners will be limited in the price they can charge for gasoline. This limitation will apply regardless of how small the retail business is or how marginally it has been operating. In other words, small businessmen who are in the business of selling gasoline at retail will be excluded from the small business exemption applicable to other industries under phase IV and they will not be able to pass along the legitimate increase in the price they must now pay to get gasoline from the refiner.

I had hoped that the courts would defer implementation of these regulations until there had been a judicial decision on the exclusion of the small business exemption for the petroleum industry. Unfortunately, the courts have refused to do so and these regulations will go into effect at midnight tonight. An account of that court action and related matters is contained in an article in this morning's Washington Post which I request to have printed by unanimous consent at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Gasoline Price Lid Is Upheld

(By Paul Hodge)

Chief Justice Warren E. Burger yesterday declined to change a lower court order upholding Phase IV price ceilings on gasoline that go into effect at midnight tonight for the nation's 218,000 service stations.

The Phase IV rules will force many service stations to roll back gasoline prices 1, 2 or even 3 cents a gallon. They also require all stations to post price-ceiling and octane-rating stickers on their pumps by midnight.

Burger's action came as Exxon, the nation's largest oil company, announced yesterday it is raising wholesale gasoline prices 1 cent a gallon to its 25,000 service station dealers.

Under Phase IV rules, the Exxon increase and recent 1-cent-a-gallon wholesale price boosts by BP and ARCO oil companies cannot be passed on to consumers but must be absorbed by service station operators.

"The dealers are up in arms. Many want to close down in protest. I've been getting calls from across the country all afternoon from dealers . . ., especially Exxon dealers . . ., who can't live with this. It will drive them out of business," said Charles Binsted, president of the National Congress of Petroleum Retailers.

His group, which represents 165,000 service station operators, brought suit last month to block the Phase IV gasoline price ceilings as inequitable "because they single out small businessmen, with maybe five employees, to put the brake on inflation." Binsted said. "The public and the government may think of us as extensions of the major oil companies, but we're not."

Binsted's group yesterday afternoon made a last-minute attempt to forestall the price ceilings by asking another Supreme Court justice, William O. Douglas, to do what the chief justice would not. Under court rules an individual justice may be petitioned and could act to reinstate an injunction granted Aug. 24 by U.S. District Court Judge Barrington Parker, which stayed the Phase IV rules until a full trial is held on them Sept. 17.

Parker's injunction was overturned on Aug. 29, however, by the Temporary Emergency Court of Appeals, set up by Congress to hear all appeals from decisions made under the Economic Stabilization Act.

Douglas was hospitalized yesterday in Seattle, however, leaving the fate of the petition unclear.

Gasoline prices have not gone up since June 14, when the President announced a 60-day price freeze. The freeze has been extended for gasoline since Aug. 14.

What motorists will find Saturday, besides lower prices at some gas stations, is that all pumps will have two new stickers, one giving the price ceiling for the gasoline and the other the octane of the gasoline.

However, the octane numbers may confuse motorists because they are different from the traditional so-called "research" octane numbers they are accustomed to and which appear on all Maryland gas pumps—under state law—and in most 1972 and 1973 new car manuals.

Octane is important to motorists as an indication of the grade of gasoline needed to keep a car engine from knocking. There are two methods of octane testing, "research" and "motor," with "motor" being designed to stimulate the latest automobile engines—with air pollution devices and lower compression ratios.

The Cost of Living Council is using an average of these two octanes and the numbers that will appear on their stickers are roughly four numbers below the "research" octane most motorists are familiar with.

Thus, regular gasoline that is 94 octane (research) will have a sticker saying 90 octane (research plus motor octane divided by two). Similarly, premium grade of 99 or 100 octane will appear as 95.5 and economy grade of 91 octane will appear as 87.

The octane picture is further confused by the fact that several major oil companies have lowered the octane of their gasoline in the past few months, and most have done so without any announcement of the fact on their gas pumps.

The price-ceiling stickers on the pumps will show the wholesale price a dealer was paying for his gasoline Aug 1, plus the amount of markup (not less than 7 cents a gallon) as of Jan. 10.

What has upset dealers is that the recent wholesale price increases by Exxon, BP and ARCO (Atlantic Richfield) came after Aug. 1 and cannot be included—those dealers will thus be getting a minimum of only 6 cents a gallon. In addition, many dealers' markups were low last January because of gasoline price wars.

The Cost of Living Council disputes that 7 cents a gallon is low, pointing out that in 1972 service station markups nationally were averaging under 7 cents a gallon (although in 1971 they were just over 7).

Mr. DOMENICI. Mr. President, as pointed out in the Post article, the retailers will not be allowed to pass along increases in wholesale costs since August 1, 1973. It is a deplorable situation, Mr. President, when Government action places on small businessmen a greater part of the burden of holding down costs than it places on the giants of the industry, in this case, the integrated major petroleum companies. I am not saying that the refiners should not be able to increase costs to retailers. What I am saying is that if those wholesale cost increases are allowed, retailers should not be forced to make up that increase out of the retailer's margin allowed by the regulations, a margin which is already inadequate in many instances.

It is not a reasonable exercise of the authority of the Cost of Living Council to control consumer prices by imposing arbitrary controls on the very segment of a vitally important nationwide industry that can least afford economic disruptions and hardships. I am not alone in being so alarmed. My deep concern is shared by many Members of this body on both sides of the aisle.

This fact is emphasized by the bipartisan participation in a letter sent yesterday by nine other Senators and myself to the Secretary of the Treasury, the Chairman of the Council of Economic Advisers, and the Director of the Cost of Living Council.

I request unanimous consent that this letter be reprinted at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., September 6, 1973.

Hon. George C. Shultz,
Secretary of the Treasury,
Washington, D.C.

Dear Mr. Secretary: We are writing to you to request that the Phase IV regulations proposed for retail sale of gasoline and No. 2-D diesel fuel be modified in such a manner and for such reasons as are described below. Our concern is based on the fact that the people who will be most adversely affected by the proposed regulations are small businessmen who on their own initiative and at their own risk become a vitally important part of the Nation's fuel distribution system.

Specifically, in regard to modification of the proposed regulations, it is our feeling that the date of January 10, 1973, which is the date established for determining dealer markup, is a very poor date and should be changed. In that part of the country which we represent, severe price disturbances were prevalent on January 10th. Reverting to this date would mean almost certain economic disaster for the small independent jobber and dealer in our part of the country because the margin would be less than 7c per gallon and 7c is simply not enough to keep these small businessmen in business. A much more realistic date for this purpose would be June 8, 1973, and we urge that it be substituted for the January 10th date.

Finally, it is difficult for us to understand why these small businessmen should be treated differently under Phase IV than small businessmen involved in other industries. Why are they not entitled to the benefits of the small busines exemption from price controls if they have less than sixty employees? We do not think the reasons thus far specified for such arbitrary treatment are sufficient to justify this discriminatory exclusion. Accordingly, we urge that the small business exemption be made applicable to the petroleum industry as it is to other industries under Phase IV controls?

In summary, then, we urge that the date of January 10th for determining dealer margin be changed to June 8, 1973, and that the small business exemption be extended to the petroleum industry.

We appreciate this opportunity to communicate our concerns and proposals to you in an effort to benefit an important segment of our business community in the short run and the entire nation in the long run.

Sincerely,

Pete V. Domenici, Paul Fannin, Jesse Helms, Gale McGee, John Tower, Clifford P. Hansen, Peter Dominick, Dewey Bartlett, Joseph Montoya, Lloyd Bentsen.

A NATIONAL SENIOR SERVICE CORPS

Mr. CHILES. Mr. President, one of the hallmarks of a great Nation is the compassion and respect shown to its aged.

Unfortunately in our busy and productive Nation, many older Americans are relegated to lead empty and frustrating lives.

Denial of job opportunities for the elderly constitutes a very real and personal tragedy. Quite clearly, many of these individuals want to work and must work to maintain a decent standard of living. But false stereotypes about the desirability of hiring mature workers have progressively limited their opportunities for gainful employment. At the same time, this attitude has contributed to the forced idleness of millions of aged and aging Americans.

Moreover, it is a national extravagance to waste urgently needed talent. No nation can ever hope to achieve its full productive capacity if some of its most experienced and skillful citizens are shut off from participation.

To my way of thinking, our Nation should strive to eliminate employment barriers for older workers. Advancing age need not and should not be a time of neglect and despair. It can also be a time for continued self-development and fulfillment.

Ideally speaking, our Nation should also help to develop a wide range of meaningful choices for older Americans depending upon their desires, capabilities, and needs. At a very minimum these basic alternatives should include:

To work or be able to retire on a liveable income;

To work for pay or as a volunteer; or

To work as a part-time or full-time employee.

For many elderly persons, the later years can offer a new and rewarding second career.

Operation Mainstream, which is a community service employment program for low-income persons 55 or older, has already amply demonstrated that many older Americans are ready, willing, and able to serve in their communities.

One outstanding example in my own State of Florida is the Green Thumb program, which has not only been a success for the elderly participants but also the communities and government agencies being served.

An article in the July edition of Manpower describes the impact of Green Thumb for John Dunlap, who is 96 years old. His experience, I strongly believe, provides an excellent example that there is no upper age limit for an individual's productivity and worth.

Mr. President, I commend this article—entitled "Keeping Up with the 'Young Guys' "—to my colleagues, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

KEEPING UP WITH THE "YOUNG GUYS"

John Dunlap's mother told him he was born in February 1856. That would make him 117. According to official records Dunlap was born in 1877, making him 96. Either way, he's much too old to work—at least most people would think so. But Dunlap doesn't agree, so he works 3 days a week at the greenhouse of the Florida's governor's mansion in Tallahassee.

Working, Dunlap says, keeps him honest, "and besides, staying home is too dull." Dunlap, a Baptist minister for more than half a century, says, "I believe a man needs to work to be honest because if he doesn't work he's stealing from the Lord."

Dunlap is one of several elderly Tallahassee men employed through a Green Thumb project of the Manpower Administration's Operation Mainstream. Operation Mainstream pays low-income men and women to work at improving the communities they live in. Green Thumb enables older workers—mostly farmers 55 and over—to work in ecology-oriented public works projects.

A slight, white-haired man, Dunlap had little to do before entering the program last October. Occasionally, he would go to the local State employment service office looking for work, but before Green Thumb they always had to turn him away.

After passing a physical examination, Dunlap was assigned to work with four other Green Thumbers at the greenhouse. There the men—the youngest of whom is in his seventies—work 3 days a week and earn $1.60 an hour.

Greenhouse supervisor G. W. Trousdale likes the program because it allows the men to maintain their pride and self-respect. "They can supplement their social security and stay off welfare," Trousdale says.

Dunlap enjoys working in the greenhouse, even though he never can seem to remember the name of the nice fellow who lives inside the nearby mansion, Florida Governor Reubin Askew. The greenhouse, however, does more than supply flowers for the governor; its main purpose is to provide shrubs for beautification of the State capitol grounds.

When asked about the age disparity between his mother's reckoning and official records, Dunlap says: "I can't go against my mother, but it's a new time now so you should go by what the government says, I suppose."

Nevertheless, even at 96, the tobacco-chewing preacher still looks younger than his age. And, as one of his fellow Green Thumbers remarked, "He's always trying to keep up with us young guys."

LOUIS H. WILSON

Mr. HELMS. Mr. President, on Wednesday evening, death came to Louis H. Wilson, a remarkable man who was the treasured friend of many Members of the Senate, past and present.

Mr. Wilson's career was a varied and distinguished one. He was a respected newspaperman in my State. He moved on to national leadership in the field of agricultural journalism. He has served two Secretaries of Agriculture as special assistant.

He was a dedicated Christian, a loyal American, a loving husband and father, and a true friend to countless people in all walks of life whom he helped and inspired through the years.

I shall miss him, his splendid talents, and his constant cheerfulness. Mrs. Helms and I extend our deepest sympathy to his dear wife, Mildred, his daughter, Barbara Jean, and his other loved ones.

IMPERFECTION OF THE GENOCIDE CONVENTION IS NO REASON TO PREVENT ITS RATIFICATION

Mr. PROXMIRE. Mr. President, many criticisms have been raised against the International Convention on the Prevention and Punishment of the Crime of Genocide. I will readily admit that this treaty, like all else in the world, is not a perfect or flawless specimen. However, its imperfections in no way justify the almost 25-year delay by the Senate in ratifying the convention.

What is too often overlooked by opponents to this treaty is its purpose. As expressed in article I:

> The contracting parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.

In other words, nations are uniting to try to prevent such acts as Hitler's extermination of 6 million Jews from recurring. Can it be denied that this is a significant step forward in the interest of human rights? I say no.

Granted, the treaty has its shortcomings. No one disputes this. But it is notable that 75 nations have thought this convention important enough to become signatories to it, and I believe it to be essential that we join their ranks. We should have been among the first to ratify this treaty and set the pattern for others to follow. But we were not, and belated ratification is far more desirable than none at all.

Mr. President, I urge the Senate to advise and consent to the ratification of the Genocide Convention without delay.

AMERICAN PEOPLE ARE BECOMING AWARE OF THE ENERGY CRISIS—NATIONAL BROADCASTING CO., PROGRAM PEFORMS A PUBLIC SERVICE

Mr. RANDOLPH. Mr. President, the American consumer finally is becoming aware of the energy supply crisis facing our country. After several years of recognition of the potential problem by experts in Government and in industry alike the issue has burst into public view.

As with so many problems in the past, until the public becomes aware too little is done toward their solution. The greatest challenge is the lack of public knowledge. In this case, lack of awareness of the role of energy in our society and the dramatic consequences of an interruption of supplies.

A significant public service was provided by NBC News on Tuesday of this week by its 3-hour White Paper on the energy crisis. As I wrote in a communication to Julian Goodman, president of the National Broadcasting Co., the NBC presentation cogently described for the American public the extremely complex nature of our dilemma. It also dramatized how very small the world has become. Moreover, it aptly characterized the difficult task ahead if our standard of living is to be maintained. In addition, it characterized the close interrelationship between our consumer-oriented economy and the rest of the world as a supplier of energy.

Mr. President, I ask unanimous consent that the text of my telegram to Mr. Goodman be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.,
September 5, 1973.

Mr. JULIAN GOODMAN,
President, National Broadcasting Co., Inc., New York, N.Y.:

As a Senator and citizen who has long been concerned with assuring adequate energy supplies to achieve our national goals and aspiration, I believe last night's White Paper on the energy crisis was a major public service. I introduced in 1959 legislation to create a Joint Congressional Committee on Energy and in 1970 to create a National Commission on Fuels and Energy. Throughout this period our greatest challenge has been the lack of public knowledge of both the role of energy in our society and the consequences of an interruption of supplies.

Your White Paper cogently described for the American public the extremely complex nature of our dilemma and the difficult task with which we are faced if our standard of living is to be maintained.

It also dramatized how very small the world has become. Moreover, it aptly characterized the close interrelationship between our consumer oriented economy and the rest of the world as a supplier of energy.

Our present society evolved because of abundant, cheap domestic sources of energy. Now we are being called on to internalize the full societal costs of energy supplies, for example, environmental pollution. This means that we must pay the costs associated with the environmentally acceptable extraction and usage of coal.

Our present standard of living was made possible by our capitalist system and it has done well for us in the past. Looking to the future, however, there must be a closer relationship between government and industry toward the achievement of mutually compatible goals.

Government—the Congress and the Executive branch—must provide direction and purpose to a national energy policy. A major effort is the Senate's National Fuels and Energy Policy Study, begun in 1971, two years ago, under legislation I authored. Significant policy initiatives also are being undertaken by the Executive branch. Their overall success, however, will depend on the private sector which now is being called on to operate in the interest of not just their stockholders but the American people as a whole.

In the years ahead, as we extricate ourselves from the energy crisis, a vital public service can be performed by NBC and other news media by their emphasizing the issues that must be addressed alike by government and industry. Solution rests not in the selection of polarized positions, such as those characterized by the energy or environmental debate, but in achieving an equitable balance of the interests of all affected parties. A partnership of understanding and realism is required.

JENNINGS RANDOLPH,
U.S. Senator.

Mr. RANDOLPH. Mr. President, for many years I have advocated the establishment of a comprehensive national energy policy. Toward this objective, 14 years ago, in 1959, I introduced legislation to create a Congressional Joint Committee on Energy. In 1970, I introduced legislation to create a National Commission on Fuels and Energy. But neither of these proposals became a reality; perhaps, and unfortunately so, because they were ahead of their time.

However, major efforts toward the formulation of a national energy policy are now underway in the administration and in the Congress. In the Senate, this effort centers in the national fuels and energy policy study begun 2 years ago, in 1971, under Senate Resolution 45, sponsored by Senator JACKSON and myself. Under the able chairmanship of Senator JACKSON. This effort has produced an interim report to the Senate on the development of energy resources on the public lands in the Southwest and Senate-passed legislation, S. 1570, creating a mandatory fuels allocation program, which I support. In addition, the study staff is preparing for executive session consideration of legislation concerning energy conservation, strategic or emergency reserves, and a major joint Government-industry research and development program for the commercial demonstration of new energy technologies.

Significant policy initiatives also are being undertaken by the executive branch. A number of specific steps toward the formulation of a national energy policy are included in the President's two energy messages this year to the Congress. Both messages emphasize the close working relationship that must be achieved between the Congress and the executive branch if we are to extricate ourselves from the energy crisis facing our country. However, this will require compromise in the administration's present positions as well as those of the Congress.

It is not enough to simply transmit legislative proposals to the Congress; there must also be a commitment by the administration to work with the Congress toward enactment of legislation. As stated earlier this week by Senate Majority Leader MIKE MANSFIELD and Speaker CARL ALBERT:

> The Congress does not perform at the behest of this President or any other President.

So far this year any signs of a spirit of compromise toward common objectives has been disappointing.

Mr. President, considering the wide range of legislation that has actually moved in the Congress this year, with little cooperation from the administration, I believe my fellow Members are to be commended for their action.

Now is the time, however, for a joint initiative by the Congress and by the executive branch toward the formulation of a national energy policy. But Government actions alone will not be enough to extricate ourselves from the energy crisis facing our country. The overall success of Federal policy initiatives will ultimately depend on the private sector for their implementation and success.

Our current standard of living is directly attributable to the past performances of all sectors of the energy industry. While a number of questions can be raised on whether this industry is truly competitive, there is no question that it has successfully met our country's energy needs in the past. In fact, for several years the industry has warned Government of the possibility of energy shortages. However, all parties did not work together toward their effective providance. Now we are faced with an energy crisis.

Nevertheless, industry is now being called on to operate in the interest of not just their stockholders but the American people as a whole. Likewise, Government is being called on to operate in the interest of our whole society. This includes both the consuming public and the commercial and industrial sectors of our economy on which our standard of living depends.

Formulation of a National Energy Policy does not rest on the selection of polarized positions such as those characterized by the energy or environmental debate or those exhibited in the debates on whether the administration's proposals or Congress' proposals are the best, or in the schism between consumer advocates and industry spokesmen over issues of antitrust and monopoly.

Mr. President, a partnership of understanding and realism is required by all parties. Our country cannot afford the luxury of a continuing polarization of issues without their effective resolution.

SENATOR HARTKE FIGHTS TO SAVE RAILROADS

Mr. BAYH. Mr. President, no matter what our individual views on the various proposals now before the Senate to revitalize railroad service in the Northeast United States, we are all agreed that revitalization is badly needed. Without it, we might well see the collapse and liquidation of America's largest transportation company; and that would be an economic catastrophe not only for the Northeast and Midwest but, eventually, for the entire country.

That is why the leadership of the senior Senator from Indiana (Mr. HARTKE) as chairman of the Subcommittee on Surface Transportation has been so vitally important in this area. He has fought untiringly to keep bankrupt railroads operating in the public interest and at minimum cost to the taxpayer. And the major bill he has drafted to restructure and revitalize railroad service in the Northeast and Midwest may well prove to be one of the landmark pieces of legislation in the history of American transportation.

Senator HARTKE's leadership recently received recognition in a fine article by Mr. John Gerrity in the journal The Money Manager. An analytical report on the legislative situation, it highlights the great contributions Senator HARTKE has made to this crucial effort to save our railroads. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Money Manager, July 23, 1973]

PENN CENTRAL WILL LEARN SENATE VIEW OF FATE SOON

(By John Gerrity)

WASHINGTON.—Whether the bankrupt Penn Central Railroad will continue to operate after next Oct. 1 or the assets of the nation's largest railroad will go under the auctioneer's hammer before next Winter, is likely to be decided by the Senate this week, very possibly by Thursday.

Scheduled to be reported to the Senate tomorrow by the Senate Commerce Committee is a four-pronged "life-saving" bill. If approved by both Houses of Congress, it could keep the financially badgered P.C. and at least six other rail bankrupts running through all of next year and possibly beyond.

The Senate bill to be reported, the "Midwest and Northeast Rail System Development Act of 1973," is largely the handiwork of Indiana Democratic Sen. Vance Hartke, who has emerged in the last half year or so, as the "railroad's best friend on Capitol Hill."

When nearly everyone else was willing to abandon all hope that the P.C. and the other hard-pressed rails serving the Northeast section of the country could be somehow salvaged, Sen. Hartke was the only one, or so it seemed, to retain publicly enough faith in the rails to believe they could be made to operate as "viable, for-profit companies."

A nimble and adroit parliamentarian, the chairman of the Senate surface transportation subcommittee has managed to win the support for his legislation of Senate Commerce Committee chairman Warren Magnuson and Connecticut's Abe Ribicoff, both regarded as Senate powerhouses in their singular spheres.

What's more, Sen. Hartke has managed to extract the best of many ideas offered in recent months by the waffling Nixon Administration, which apparently can't make and hold to a decision for much more than a week or so on whether the railroad industry ought to get more Federal financial aid or not.

The latest of numerous Administration proposals, put forward by Transportation Secretary Claude Brinegar, would have the Federal Government extending limited help, not to exceed grants or guaranteed loans of $85 million, until one or possibly two "core" rail systems could be devised to service the heavily populated area stretching from Boston to Washington, and as far west as Chicago and the northern portion of the Mississippi Valley.

Sen. Hartke has seized upon the Brinegar plan—and has gone the Transportation Secretary one better in what often looks like an endless game of one-upmanship between the Administration and Congress with some extraordinarily high economic values at stake.

A key feature of Sen. Hartke's plan would retain the Interstate Commerce Commission, and give the Federal Government's oldest regulatory body (it was created in 1887) new powers, making it responsible for all future railroad modernization and surgery.

Under Sen. Hartke's scheme, a four-pronged affair, the Administration's plan to create a new profitable enterprise to take over the earning assets of the six major bankrupts, including the P.C., would be managed by a new division within the ICC to be called the "Rail Emergency Planning Office."

Another feature of Senator Hartke's bill would provide for a new system of "service contracts" which would permit the ICC to pay to the P.C. or any other bankrupt rail up to a maximum of $210 million a year "to continue the operation of vital freight and passenger service."

This $210 million would be "new" Federal money, Sen. Hartke's aides explained, in the sense that it would be "net above and exclusive of any money advanced to the Penn Central" through government-guaranteed bank loans.

Besides the $210 million in contract service fees, the P.C., according to Sen. Hartke's bill, would receive an additional $62.5 million this year.

This amount would include some $13.5 million to cover damages suffered by the railroad from Hurricane Agnes, additional sums to compensate the company for higher workers' pay under government-sponsored work contracts and higher payments for operating Amtrak passenger trains.

The combined Federal payments, totaling nearly $275 million, would, in Sen. Hartke's mind, satisfy the requirements spelled out by District Court Judge John P. Fullam of Philadelphia, the overseer of reorganization proceedings.

Two weeks ago, Judge Fullam ordered the start of the liquidation on Oct. 1, unless "substantial Federal assistance" is approved by Congress before that deadline.

The long-term provisions of Sen. Hartke's measure would have the new Emergency Planning Office make a study of Midwest and Northeast rail systems and report results of that study "within six months."

Forty-five days thereafter, the ICC would be required to produce its plan for setting up a "core network of rail systems" which would be fully operative eight months after the ICC proposals had been approved by the Transportation Department.

To help the new division in its long-range planning, Sen. Hartke would also create an advisory council representing management, labor, shippers, local communities and the general public. To cover the cost of this advisory council's deliberations, his bill calls for another annual Federal pay-out of $7.5 million.

Although there is no "companion bill" to Sen. Hartke's measure pending in the House of Representatives, Rep. Brock Adams, D-Wash., has offered an amalgam of various bail-out proposals that now includes the new Hartke plan, as well as the recently revised Administration proposal.

Notwithstanding all these efforts aimed at salvaging the Northeast rail system, the ICC today will begin, paradoxically, a review of other plans that could lead to the liquidation sale of the ICC's assets. These sale-of-assets plans the agency is required to consider by Judge Fullam's court order. Notwithstanding some sharp differences between his salvage scheme and that of the Administration, Sen. Hartke claims that the "ultimate goal is the same." It would be, he said, ". . . a program which will retain private enterprise operation of the train companies, and to maintain competition among carriers and different modes of transportation—the rails, inland waterway barges, the trucking industry and the airlines. . . ."

Agile even beyond nimbleness, Sen. Hartke is also exploiting another idea, one that is carefully calculated to win support from the always articulate environmentalists.

"A key thing to remember in the formulation of all these transportation plans," Sen. Hartke said, "is the nation's present and future energy crisis.

"If a gasoline and diesel shortage develops," he adds, "it would be as effective in cutting off trucking service as would be a nationwide strike by the Teamsters.

"Also, if it should be determined that clean air in the future will depend heavily on reduced or stabilized trucking service, only the rails would be able to fill the resulting void in service," the Indiana law-maker states.

Sen. Hartke may be juggling his statistics a trifle in an understandable effort to lend greater importance to his life-saving legislation for the rails.

Commerce and Transportation Department records indicate that the rails today move about 40% of all freight, inland water carriers and pipelines move another 40% and the truckers and airlines, combined, about 20%.

THE 10TH ANNIVERSARY OF THE MARCH ON WASHINGTON

Mr. WILLIAMS. Mr. President, 10 years have elapsed since the massive and peaceful march on Washington in August, 1963. The 250,000 citizens who came to this city to participate in the greatest display of constructive protest this Nation has witnessed, had a justifiable and long-overdue message—"Freedom Now."

The march was much more than a simple outpouring of sympathy for a cause. It came at a time when Americans of every race, color and creed were beginning to recognize that all of us have a vital stake in combating injustice and inequality—that the needs of the unfortunate and the cries of the suffering are the needs and cries of each and every one of us.

The efforts of a great civil rights leader, the tragic loss of a compassionate President, and the continued determination and commitment of the succeeding President, all helped to lead the way to historic national achievements toward equality—the Civil Rights Act of 1964 and the Voting Rights Act of 1965.

However, although the national recognition of these grave injustices is still very much prevalent in the United States, I am deeply concerned that we are moving back from those advancements and are failing to confront and work creatively toward some solution to the grave and serious problems which continue to plague us.

Today, nearly 7 million black Americans, or about one-third of the total black population, live below the established poverty level. Of all black children, more than 40 percent live in hunger and poverty. Far too many of our black school children are still not receiving the proper education that should be offered to all our children, and the problem of job availability for all minority citizens continues to be critical. We must not retreat from our commitment to finding new approaches to these problems.

Those profound words of Dr. Martin Luther King still ring in our memory of that March, when he said,

> I have a dream, a dream deeply rooted in the American dream—one day this nation will rise up and live up to its creed, "We hold these truths to be self-evident, that all men are created equal."

Mr. President, I believe that that march to this Nation's Capital 10 years ago served to reignite that dream. We must not let that fire die.

PROPOSED TASK FORCE ON FERTILIZER SHORTAGE

Mr. HUMPHREY. Mr. President, Midwest farmers in particular are concerned that adequate supplies of fertilizer may not be available for fall application.

Senator DOLE and I have arranged a meeting with Dr. John Dunlop, Chairman of the Cost of Living Council, for next Monday, with other members of the Committee on Agriculture and Forestry, to discuss some aspects of the fertilizer shortage. But as important as are the price questions in this shortage, a concerted effort is urgently needed.

On August 21, I urged the Secretary of Agriculture to create immediately an interagency task force on the fertilizer shortage.

The task force, as I said in my letter, should include representatives from both the Federal Government and the private sector. It would identify shortage areas; establish priorities for use of available transportation; provide rapid communication among concerned agencies, industries, and fertilizer users; examine export policies; review the effect of price control policies; and assure that farmers are informed and understand what effect the policies will have on them.

I also recommended that a special USDA office be established to handle appeals from farmers and distributors.

I reported that a local fertilizer distributor in southwest Minnesota told my office his suppliers have told him he will not have some 32 of the 40 carloads that local farmers have requested.

In addition, a major wholesale distributor for Minnesota reported his shipments received in the Twin Cities for area dealers were, by mid-August some 300 carloads behind last year's pace.

The railroads, which usually transport the fertilizer from barge terminals to local outlets, have been unable to make up their backlog in deliveries because of the hopper car shortage.

Although truck transports may be able to ease the delivery problems somewhat, this is not at all certain. And, even if the trucks can handle the load in time, the cost per ton for the fertilizer will be increased by $3 to $5—or 5 to 10 percent.

Transportation is not the only problem. Inadequate production of fertilizer, high world demand at a runaway price higher than the controlled domestic price, and the fuel shortage have compounded the situation.

As I pointed out to the Secretary, these problems involve many elements of government and private industry, and require coordinated study and action now.

I again urge the creation of this task force.

Mr. President, I ask unanimous consent that the text of my letter to Secretary Butz of August 21, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AUGUST 21, 1973.

Hon. EARL BUTZ,
Secretary of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: I write to urge that you request the President to act, or that you act if you have the authority, to immediately create an interagency task force on the fertilizer shortage.

It is becoming increasingly clear in Minnesota and other states that grain farmers may be severely handicapped in securing the dry nitrogen and phosphate fertilizers they need for fall application. We do not have enough fertilizer to meet our domestic needs, and what we do have may not be delivered to the user in time.

A local distributor in southwest Minnesota has reported his suppliers have told him he will *not* have for local farmers some 32 of the 40 carloads of fertilizer they need.

A major wholesale distributor for Minnesota has reported their shipments received in the Twin Cities for area dealers are some 300 carloads behind what they had received by this time last year.

The railroads which usually transport fertilizers from the river barge terminals on the upper Mississippi to the Twin Cities depots confirm this backlog in deliveries to wholesalers and their inability, because of the hopper car shortage, to make up this backlog or to deliver ordered fertilizers to local outlets.

There is some hope, apparently, that truck transport from the barge terminals directly to local outlets may be able to step in in time to supplant railroad delivery. But this is not at all certain, and even if the trucks can handle the load in time, the cost per ton for the fertilizer certainly will be increased by $3 to $5 a ton—or by 5 to 10 percent.

Nevertheless, available information indicates transportation is not the only problem. Both inadequate production and high world demand at an uncontrolled price higher than the domestic controlled price are also alleged to be major factors limiting the ability of farmers to buy even the same amounts of fertilizer as they needed last year. Fuel shortages also may restrict production. And all these causes of the shortage to the farmer do not begin to take account of the vastly increased production of grains which we are encouraging and which requires great additional supplies of fertilizer.

I understand the ASC offices of the Department of Agriculture are charged with receiving the information relative to the fertilizer shortage, but staff inquiries from my office indicate USDA staff in Washington have acquired very little information and that no plan and mechanism exist for action by the Federal Government to fully secure the facts and to attempt assistance.

The problems here involve many elements of government and private industry. They require coordinated study and action now.

I, therefore, urge your leadership in the creation of a federal interagency task force, with invited representatives from private industry. Federal representatives surely would include the Department of Agriculture, the Department of Transportation, the White House Energy Office, the Department of Commerce and the Cost of Living Council. Private representation should include the railroads, tht trucking industry, the barge transportation industry, agricultural organizations, fertilizer producers, and fertilizer exporters.

I also recommend that a special USDA office be established to handle emergency appeals from farmers and distributors. The task force and the urgent problems office are needed to identify shortage areas; establish priorities for use of available transportation; provide rapid communication among concerned agencies, industries, and users of fertilizer; examine export policies; review the efforts of price control policies, and make sure the farmer knows what to expect.

Only a few weeks remain before there is peak fall demand for fertilizer. Farmers need assurance *now* that their orders can be filled for all application. And they need to know soon that their spring orders can be filled.

I look forward to your views and action in this matter.

Sincerely,

HUBERT H. HUMPHREY.

FUEL OIL ALLOCATION

Mr. MUSKIE. Mr. President, as the summer draws to a close, public attention is now shifting from the relatively minor gasoline shortages of recent weeks to the prospect of far more severe shortages in heating oil this winter.

Newspaper reports in the last 2 days state the Federal Government has now prepared a confidential assessment of the next winter's supply which indicates, in the words of some officials, that the situation ranges from tight to miserable. I ask unanimous consent that an article in this morning's New York Times, discussing the implications of this issue, be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

[See exhibit 1.]

Mr. MUSKIE. Last week John Love, Director of the President's Energy Policy Office, met with New England Governors and, once again, refused to institute a mandatory allocation program to assure that limited supplies of heating oil will be distributed equitably. Equally significant, Governor Love indicated that his office has yet to develop a detailed plan for providing supplies to priority customers—schools, hospitals, homes—should a serious emergency arise this winter.

This delay is intolerable. I call upon Mr. Love to produce such a plan and open the issue to public debate and discussion.

The citizens of Maine, who live at the end of our national distribution system, will be the first to feel the effects of a shortage of heating oil. The Governor, local officials and retail dealers are prepared to develop and implement any reasonable contingency plan. But without prompt action at the Federal level, their hands are tied.

What arrangements are being made to set aside a national pool of heating oil to meet emergencies? What steps are being taken to see that the oil producers provide information on production and distribution plans? What enforcement provisions are needed to assure compliance with an allocation program? These are only some of the questions which need discussion.

There will be no easy answers to the problem of supplying adequate heating oil if we have a cold winter. But, certainly, the planning for emergencies should not be kept behind closed doors. For New Englanders, closed doors have too often meant capitulation to the oil industry at the expense of the consumer.

If Governor Love is preparing a plan, let us see it.

EXHIBIT 1

[From the New York Times, Sept. 7, 1973]

NIXON AIDES SAY HOMES MAY FACE HEATING OIL CURB

(By Edward Cowan)

WASHINGTON, September 6.—Energy officials in the Nixon Administration disclosed today that the Government might have to restrict the amount of oil that could be burned by individual consumers, including that used in private homes.

Confidential estimates circulating within the Government put the potential supply gap this winter, particularly if the weather is colder than normal, at 10 to 15 per cent. Last winter the shortage was approximately 3 to 4 per cent.

John A. Love, director of the President's Energy Policy Office, said that the Government was drafting a tentative plan for the rationing of heating oil this winter.

In another development, the Exxon Company U.S.A. raised its wholesale gasoline prices today by a cent a gallon. Most service station owners will have to absorb the increase, however, because retail gasoline prices are frozen through tomorrow and will then be subject to ceiling prices already established under the Phase 4 economic controls.

UNEVEN IMPACT SEEN

Officials said that, like last winter, the impact of a heating oil shortage would be uneven, with outlying places, such as Maine and Minnesota, likely to be hardest hit. The shortage that developed in the Middle West last winter caused some dealers to run out of fuel briefly, and some schools were forced to close for a few days.

Because heating oil is distillate, essentially the same petroleum product as diesel fuel, the shortage then also threatened to curtail truck and bus operations. Service cutbacks on the whole were minor, but they could be more extensive this winter.

Mr. Love, in extemporaneous remarks to reporters, said that "the situation for this winter is very tight, although it is difficult to forecast because of the variables." Weather was described as the foremost variable, and availability of imports as a close second.

Mr. Love said that the Administration had not definitely decided to adopt rationing this winter but was getting ready just in case.

Another energy specialist in the Government who had studied the confidential supply appraisal summarized the situation by saying "The picture does not look bright. It's a real miserable mess."

PRESSURE IS APPLIED

Officials hoped that the announcement of the possibility of rationing would put pressure on Federal, state and local officials to relax air quality standards in big cities, particularly on the east coast, for the heating season. Such a relaxation would increase the oil supply by permitting the use of high-sulphur residual oil in power, utility boilers, thereby releasing the less-polluting low-sulphur heating oil that utilities have been blending with residual in increasing volumes.

Officials asserted that any relaxation of the standards should be announced quickly to give oil importers time to line up additional supplies.

Another energy planner said that the potential problem looked too big to be cured by a system of priorities and supply allocations, the system the Administration adopted last spring on a voluntary basis for deliveries of crude oil and gasoline.

The heating oil supply outlook is "far worse than it was for gasoline," the planner said.

"Allocation just spreads around the available supply," he added. "We have to cut the consumption, not chase the shortage."

Analysts said that the principal elements of the supply uncertainty were the following:

Consumption is running ahead of last year. The steel industry, a big consumer, is operating at capacity. Utilities are using more distillate, which is low in sulphur, to meet air quality standards. Natural gas shortages this winter will be worse than last year, causing more shifting, or attempted shifting, to oil.

As was true last winter, imports must fill the gap between domestic supply and consumption. At a minimum, the country must import 500,000 barrels a day of distillate from October through March. That rate of importation was reached for a short time late last winter. A more realistic import need may be 700,000 barrels a day or more, particularly if subnormal temperatures occur.

Supplies are very tight in the Caribbean and may prove to be tight in Europe. Belgium already has restricted exports pending a reappraisal of her own supplies. Canada has said she may restrict exports. An early cold spell in Europe could cause further restrictions. So could crude oil shortages that may result from Libya's takeover of 51 per cent of several major oil companies or from cutbacks in other Middle East producing countries.

The sulphur content of crude oil refined in Europe is generally above the levels allowed by many East Coast cities.

BLUEPRINT FOR HEATING OIL CRISIS

Mr. McINTYRE. Mr. President, during President Nixon's recent press conference, he attempted to shift the burden for his total failure in handling the national economy to the Congress. This tactic, however, is clearly recognizable. The President's economic game plan has been a total failure. His unwillingness to commit the administration to meaningful price controls has resulted in shortages of hundreds of essential commodities. The inability to establish a meaningful economic program has resulted in runaway inflation, unconcionable interest rates, and record profits for the industrial giants of the Nation.

The complete failure of the President's program is clearly demonstrated in his handling of supplies and prices in the petroleum industry. The actions taken by the President's so-called energy experts and the Cost of Living Council have been a total fiasco.

It is becoming increasingly more apparent that the administration's attempt to provide an adequate supply of petroleum products have contributed to shortages rather than alleviate them. The same can be said with regard to the bungling and ineptitude displayed by the Cost of Living Council in its petroleum pricing policies.

During the past year, we have witnessed shortages of home heating oil, propane, gasoline, and a number of other essential oil products. While few consumers of gasoline this summer were unable to obtain supplies, the shortages, however, did result in the closing of thousands of service stations forcing many small businessmen into insolvency while, at the same time, the major integrated companies even while supposedly under rigid price controls set new record profit levels.

The recently announced phase 4 pricing policies in the petroleum industry once again are apparently designed to continue this obvious favoritism to big oil at the expense of the small business marketer and ultimately the consumer.

What could be more unrealistic than a price policy that allows the major integrated oil companies to continue to increase prices at both the production and refining levels, while calling on the hundreds of thousands of small business marketers to absorb these increased costs.

Under phase IV rules, which will go into effect at midnight tonight, the marketing segment of the petroleum industry will be called upon by the Cost of Living Council to subsidize the enormous profits that are being made by the members of the international oil cartel. Before the rules have even gone into effect, three of the largest oil companies in the world—Exxon, British Petroleum, and Atlantic Richfield—have increased gasoline wholesale prices by 1 cent a gallon which cannot be passed on to the consumer but must be absorbed by the service station operators. What could be a better blueprint for the destruction of the independent small business marketer, both branded and unbranded.

These same phase IV rules not only cover gasoline but home heating oil, and price increases of the same magnitude have recently been announced by several of the integrated companies with regard to home heating oil.

Of particular concern now that the summer is ending is the question of the effectiveness of President Nixon's oil policy with regard to heating oil supplies this winter.

In early June of this year, I wrote to Dr. Dunlop, the Director of the Cost of Living Council; Secretary Simon, the Chairman of the President's Oil Policy Committee; and Mr. Charles DiBona, the White House energy specialist, urging that if early action was not taken to assure a sufficient supply of home heating oil that shortages of this essential product would be widespread this winter.

I continued throughout the summer to urge that actions be undertaken before the heating season started to assure that adequate supplies would be available. Apparently, however, the administration showed much more interest in the profits of the major oil companies than in the needs of the American consumer.

By the middle of July, it was becoming obvious that the administration was too absorbed in other matters to focus on the heating oil situation.

On July 17 and again on August 2 on

the floor of the Senate, I publicly called for the administration to begin to take action and warned that "if homes go cold this winter, I feel the administration must bear a heavy responsibility." The facts were clear then as they are now. Let us briefly take a look at the situation.

First. In early June of this year, the Senate by an overwhelming vote passed legislation establishing a mandatory fuel allocation system. As of this date, the President's energy czar, Mr. Love, still refuses to implement any such program. This failure to act, I fear, will result in dire consequences this winter. In fact, rather than establishing an allocation system of a mandatory type, it now appears that the administration is considering consumer rationing. The logic of this escapes me.

Second. The Cost of Living Council has issued a set of petroleum price regulations that in the words of the Federal Trade Commission "may hamper and reduce the independent sector of the petroleum industry." In a report I requested from the Commission on phase IV petroleum industry regulations, the Federal Trade Commission stated:

> It is certainly not clear how the new regulations can prevent a new heating oil shortage this coming winter and quite possibly another gasoline shortage in the summer of 1974.

It is clear, however, that the regulations will destroy a substantial number of the small business marketers in the marketing segment of the industry.

Third. One thing that is certain, however, is that the administration's actions with regard to supplies of home heating oil have proved to be a total failure. As of the week ending August 24, 1973, national stocks of distillate fuel oil were 173 million barrels. On the same date in 1972, total national stocks were 171 million barrels. When you view these figures in contrast to 1971 stocks of 197 million barrels, the facts become readily apparent. We are beginning to enter the 1973–74 heating season with approximately the same level of heating oil supplies as last year and what did we experience last winter—shortages. Today, we have 24 million barrels less in supplies of distillate fuel oil than we had in 1971.

But what is the administration doing about this situation?

It has refused to adopt mandatory allocations; it has exhibited an apparent inability to increase supplies, it has threatened the existence of the small business marketing segment of the oil industry; but it has assured the big multinational oil companies record profits.

One must ask what is the true concern of this administration—profits for the major oil companies or supplies for the consumer?

What will the President tell the American people this winter when schools are closed, factories are shut down, and homes go cold. Will he once again point the finger elsewhere and blame the Congress, or the weather.

Mr. President, I ask unanimous consent that the letters I referred to in my statement be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

U.S. Senate, Committee on Banking, Housing and Urban Affairs,
Washington, D.C., June 7, 1973.

Dr. John T. Dunlop,
Director, Cost of Living Council,
Washington, D.C.

Dear Dr. Dunlop: As you will recall, on May 11, you appeared before the Committee on Banking, Housing and Urban Affairs to discuss the relationship of oil prices and oil supplies. At that time, you announced a revision in Special Rule No. 1 which governs price adjustments for the sale of crude petroleum products. In your statement to the Committee, you described the revision as follows:

"The rule allows a company to purchase product or crude (foreign or domestic) at an increased cost and to resell that product or crude at a price which reflects that higher cost plus the company's customary initial percentage markup (CIPM) without that increase in resale price counting against the company's price limitation under Special Rule No. 1."

You went on to state that the purpose of the revision was to allow companies to pass on to consumers increased costs which they have incurred and over which they have no control. You told the Committee that:

"The Council anticipates that this rule, while clearing up base price definition problems, will be significant in encouraging the importation of increased foreign crude oil and product supplies to help alleviate the very tight supply situation the nation now faces."

Unfortunately, because of an apparent failure of the Cost of Living Council to clarify the revision you announced on May 11, the results have not been as anticipated. It is my understanding that several of the 23 covered companies have expressed a willingness to sell foreign supplies of gasoline and No. 2 fuel oil to New England marketers; however, the covered companies have been unable to obtain clarification from the CLC as to whether the added foreign costs, under the new rule, must be added to the imported oil alone and charged to the consumers of that particular product, or "rolled into" the covered companies' entire cost structure and averaged into the prices charged to consumers throughout the nation.

Obviously, this is of critical importance to New England and other areas of the country, such as the East Coast, which are, and will be, heavily dependent on imported product. If the higher foreign costs are to be borne only by consumers of the imported product, the Northeast will be forced to bear a much greater inflationary burden.

I do not believe that such an interpretation and result are justified as a matter of equity or are permitted under the Economic Stabilization Act. The added foreign costs must be borne throughout the national price structure of the major oil companies. Further, as a practical matter, it would be impossible to place all the added costs on the consumer of the imported foreign product. As you are aware, imported oil becomes quickly commingled with domestic. If you were to interpret the rules in this manner, it would require importers to keep the oil segregated and might force consumers living on the same street in a New Hampshire town to pay sharply different prices for the oil to heat their homes.

Therefore, I urgently request that, by June 8, the Council provide this Committee with a response to this simple question:

Under the revision in Special Rule No. 1 announced on May 11, must higher foreign costs for *product* be passed on to the consumer of the imported product alone, or should they not be averaged into the price structure of the covered company and shared by consumers of all products sold by the company?

I would appreciate your prompt attention. This is a matter of critical importance to New England and the nation.

Sincerely,

Thomas J. McIntyre,
U.S. Senate, Chairman, Subcommittee on Financial Institutions.

Economic Stabilization Program,
Cost of Living Council,
Washington, D.C., June 29, 1973.

Hon. Thomas J. McIntyre,
U.S. Senate,
Washington, D.C.

Dear Senator: The rush of events has both changed and delayed my response to your letter of June 7. I apologize for my tardiness. As I am sure you know, announcement of the current Freeze by President Nixon on June 13 and subsequent publication of the Freeze regulations has rendered your inquiry somewhat moot. However, I want to answer your question in the context of both Phase III and the Freeze.

Under Special Rule No. 1 during Phase III, a covered company could import higher cost foreign crude oil and petroleum products, average those costs into its entire cost structure and reflect those increased costs in single prices for individual products. A company could do this under the basic standard of Special Rule No. 1 which limited price increases for covered products to a weighted annual average increase of 1 percent above base price for the year beginning January 11, 1973. Increases above 1 percent up to 1.5 percent on a weighted annual average basis must have been supported by new cost justification. New cost justification referred to allowable costs incurred after March 6, 1973.

It was left up to the company to determine whether increases up to 1.5 percent were justified prior to implementation of such increases. However, increases beyond 1.5 percent required approval of the Cost of Living Council prior to their implementation and at that time, the company became subject to the profit margin test.

As you noted in your letter, while testifying before the Committee on Banking, Housing and Urban Affairs on May 11, I announced an amendment to Special Rule No. 1 which contained a subpart entitled the "Reseller Rule." I explained: "The rule allows a company to purchase product or crude (foreign or domestic) at an increased cost and to resell that product or crude at a price which reflects that higher cost plus the company's customary initial percentage markup (CIPM) without that increase in resale price counting against the company's price increase limitation under Special Rule No. 1. However, if a company increases its customary initial percentage markup on resale transactions, that increase in CIPM does count against its price increase limitation under Special Rule No. 1."

The Reseller Rule was written to avoid working a serious hardship on companies or subsidiaries of companies subject to Special Rule No. 1 which resell products they purchase from both domestic and foreign sources. Under the rule, those companies could physically commingle the products they purchased from various sources, apply their CIPM to the cost from each source, and establish a single resale price for each product. There is nothing in the definition of a resale operation that contemplates manufacturing products. Consequently, there is nothing in the reseller rule that contemplates, nor allows, the averaging of the cost of products purchased for resale with the costs of products manufactured by the purchaser to establish a sale price. However, this is contemplated and allowed under the basic

1.5% standard which was written to govern price increases by manufacturers for products they manufacture and price increases by manufacturers to recoup increased costs they incur by augmenting their manufactured supplies with purchased products (domestic or foreign).

Because companies subject to Special Rule No. 1 are large enough to have both resale and manufacturing operations, they were allowed to physically commingle their purchased products with products they manufacture. This facilitated the transportation and storage of products purchased for resale under the Reseller Rule.

There is a sound regulatory reason for not allowing the averaging of the costs of manufacturing products with the costs of products purchased for resale under the Reseller Rule. Under the Reseller Rule, companies were allowed to add their Customary Initial Percentage Markup to the increased cost of purchased products. Manufacturing companies, operating under the basic 1.5% standard of Special Rule No. 1, are not allowed to add a Customary Initial Percentage Markup to their increased costs, since it is only the amount of increased costs—not that amount plus their Customary Initial Percentage Markup—which they were allowed to recover through price increases under that rule. If a manufacturer elected to act in the capacity of a reseller, then the Reseller Rule applied to such sales.

In your letter, you noted that I testified that the Council anticipated that the Reseller Rule would be "significant in encouraging the importation of increased foreign crude oil and product supplies to help alleviate the very tight supply situation the nation now faces." You said, however, "unfortunately . . . the results have not been as anticipated." I have attached a copy of a survey recently completed by my staff which indicates the contribution the Reseller Rule has made in the first month since it was issued by the Council on May 14. The survey indicates that a minimum of 51,066,000 gallons of gasoline and 774,774,200 gallons of residual, No. 2 home heating oil or diesel fuel have been purchased which, without the rule, might not have been acquired. I respectfully request that the Reseller Rule survey be treated as highly confidential with respect to individual company data.

The announcement of the Freeze, of course, substantially modified Special Rule No. 1. Specifically, during the Freeze, the higher cost of imported crude oil will have to be borne by refiners because, under Freeze regulations, the higher cost of imported material can be passed through the distribution chain on a dollar-for-dollar basis only so long as the imported material is not transformed nor becomes a component of another product. The refining process is a major transformation of crude oil. Consequently, refiners can not pass through increases in costs for imported crude incurred after June 12. Increased costs for imported products are governed by the same rule, but products are rarely transformed before reaching the ultimate consumer. Therefore, only those operating as resellers can pass through increased costs but their dollar markup is frozen at the amount it was during the Freeze base period, June 1 through 8.

It should be noted, however, that Freeze regulations will not operate to permit prices higher than permitted under Phase III. Consequently, an increase in the selling price of domestically refined gasoline to reflect increases in the cost of imported gasoline which is commingled with the domestic gasoline is a price increase for purposes of Special Rule No. 1. Therefore, a firm which has increased prices on a weighted annual average basis of 1.5% may not pass through the increased cost of imports by averaging pusuant to Freeze regulations unless the firm has prenotified and received approval for the price increase from the Cost of Living Council. For purposes of prenotification under Special Rule No. 1, the firm must show that the price increases above 1.5% will not cause the firm to exceed its base period profit margin.

I hope this letter is satisfactory response to your query and, if I or any member of my staff can be of further assistance, please call on us.

Sincerely,

JOHN T. DUNLOP,
Director.

U.S. SENATE, COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS,
Washington, D.C., June 22, 1973.
Hon. WILLIAM E. SIMON,
Deputy Secretary of the Treasury, Department of the Treasury, Washington, D.C.

DEAR BILL: I am extremely concerned about information I have recently received regarding several possible changes that are being contemplated at the present time by the Oil Policy Committee in connection with the petroleum allocation program.

During the first few weeks after your announcement of the voluntary allocation program, there were hopeful signs that the program would be successful. At first a number of refiners indicated to both of us their willingness to cooperate, and your quick actions in issuing regulations and establishing an administrative structure was, in my opinion, a clear indication of the willingness of the Administration to assure that the voluntary program would be workable.

The initial promises of cooperation given by a number of refiners, however, have not been followed up by cooperative action. A large number of independent marketers, both branded and unbranded, still are receiving a lack of commitment by their suppliers to live up to the spirit of the program. While there have been a number of signs of a spirit of cooperation by several major companies, this has been overshadowed by a continuing effort by several companies to thwart, delay, and diminish the effectiveness of the program you announced on May 10, 1973.

Numerous independent marketers are still continuing to go out of business solely because of a lack of supply of gasoline and other petroleum products. In the way of an example of this, I have recently received information indicating that stocks of No. 2 fuel oil currently held by independent marketers in New England represent 50% of what they had on hand during the same period in 1971.

The Office of Oil and Gas in the Department of the Interior has also shown little disposition to enforce the regulations issued by your office, and a shortage of staff and funds has apparently contributed to their inability to handle the present situation. As I understand it, there are presently pending before the Office of Oil and Gas in the neighborhood of 2,000 complaints concerning gasoline supply and that this number is continually increasing.

A further complicating factor is the position taken by several major companies in refusing to comply fully with the voluntary program.

I have been informed that these facts have convinced you that a mandatory oil allocation program must be established in the next few weeks, and I commend and support that decision. I am deeply concerned, however, with reports I have received that the Oil Policy Committee is giving serious consideration to changing the basic structure of the program in a manner in which I am convinced will have a very serious detrimental impact both to the marketing segment of the industry and the consumer.

I understand that you are considering implementing a mandatory allocation program that will, among other things, change the present base period from October 1, 1971 through September 30, 1972 to calendar year 1972, and also redefine the eligibility requirements under the program so that only those marketers purchasing from their supplier on or after April 1, 1973 would be covered under the allocation base period.

I am convinced that if you make these two changes the program will be disastrous. Any mandatory program, if it is to be successful, must be a logical extension of the voluntary allocation system. If the new program is a radical departure from the current one, it will be used by the major suppliers as another excuse to postpone compliance.

I can promise you right now that if you change the allocation base period and redefine by setting a cut-off date who will be eligible for allocations that the same companies who are urging this action now will be the ones to use these changes as an excuse for the destruction of thousands of independent marketers. It is apparent that a number of refiners are attempting to delay and postpone the effective implementation of any workable allocation system. If basic changes in the present program are made, it will only result in more uncertainty and less compliance and more delay.

I am sure that you have been told by a number of representatives of major integrated companies that the present base period for allocations is either unreasonable or difficult to comply with. However, there is great justification in the base period you originally chose in that it was the last period in which so-called normal marketing practices were in evidence. In fact, there was sufficient justification for the base period originally chosen by the Oil Policy Committee to convince the Senate to adopt that same period in S. 1570. One of the major changes in that legislation was a shift of the base period to conform to the voluntary program. This was consciously done so as to avoid any confusion, delay, or non-compliance based on the excuse that a change in the allocation base period required a time period for the industry to readjust.

I also understand that you have recently stated that you are considering the possibility of even eliminating any base period. Such a step in my opinion would be totally unworkable in that it would create chaos in the market-place, destroy confidence in the program, and result in serious competitive injury. A base period is essential to the workability of the allocation program, and it is also essential that after six weeks of operation that the original base period not be changed.

I appreciate and understand your expressed desire to adopt an allocation system which minimizes the Federal government's role. I am firmly convinced, however, that any allocation system not having a base period will be an administrative nightmare that will prove totally unworkable.

Of just as serious concern is the question of establishing a cutoff date relieving refiners from the obligation to supply marketers even though they were purchasing during the base period. As I understand it, serious consideration is now being given by the Oil Policy Committee of establishing an eligibility requirement wherein only those marketers purchasing product as of April 1, 1973 would receive product as entitled under the base period. Action such as this is incomprehensible.

The destruction to competition as a result of such action is immeasurable. What you are doing in attempting such an approach is such a clear and blatant favoritism to the refining segment of the industry that I find it difficult to even believe that such a course of action is even being seriously contemplated.

The major producers in this country had every reason to realize as early as 1970 that serious supply problems would develop. In August of 1971, the Department of the Interior issued a study on refining capacity in this country clearly documenting the fact that we were developing an enormous deficiency.

In September of 1971, I held hearings on the question of refining capacity, the adequacy of supplies of heating oil, and on the Mandatory Oil Import Quota System. That hearing record documents the fact that there are a number of knowledgeable oil experts in this country and one Senator, having no detailed background on the oil industry, who realized that product shortages would develop in the near future.

In April of last year, I wrote to the Director of the Office of Emergency Preparedness indicating then that fuel oil shortages would develop during the 1972–1973 heating season. And, in fact, it is becoming increasingly more apparent now that the heating oil shortages we will experience during the 1973–1974 heating season will be substantially more severe than last. The point is the refining segment of the industry had knowledge of the impending shortages several years ago and, in anticipation of these shortages, began cancelling large numbers of petroleum product contracts as early as last fall.

The designation of the April 1, 1973, date is no mere coincidence. I am sure that any cursory investigation will show that many large heating oil contracts in this country expired on March 31 of this year. Also, during this period, a number of major suppliers were withdrawing from several marketing territories and retrenching in others.

If you adopt a cut-off date such as April 1, 1973, this single act will encourage more concentration in this country's domestic petroleum industry than all other Federal policies combined. Our lack of Federal antitrust enforcement with regard to the petroleum industry is a national disgrace. The Oil Import Quota System has now been proven to be a failure almost from the beginning, and, if the Federal government now establishes an allocation program with a safety valve provision such as an April 1, 1973, cutoff date, our present petroleum marketing system will be totally unrecognizable within the next few years.

I cannot emphasize too strongly my feelings with regard to this contemplated action.

In closing, I can only add a personal word of commendation to you for your past actions as Chairman of the President's Oil Policy Committee, and I am sure that when you examine the impact of changing an already established allocation base period and the possibility of a cut-off date that you will agree that these two actions are neither justifiable nor in the public interest.

Sincerely,

Thomas J. McIntyre,
U.S. Senator, Chairman, Subcommittee on Financial Institutions.

The Deputy Secretary of
the Treasury,
Washington, D.C., June 28, 1973.

Hon. Thomas J. McIntyre,
U.S. Senate,
Washington, D.C.

Dear Senator: Thank you for your letter of June 22, 1973. I will be out of town for several days and wanted to respond to your letter as soon as possible. For this reason, I am having this letter hand delivered to you.

I recognize your concern about the operation of the voluntary allocation program. We, too, feel that the program is not working as effectively as it should and are now drafting a mandatory program to take its place. This mandatory program will draw upon our experiences with the voluntary program, as well as the Hearings that were held two weeks ago. Surprisingly, many of the major oil companies have favored a mandatory program, while some independents prefer to keep the program voluntary.

One reason why some refiners have not been able to comply with the voluntary program for the allocation of products is the shortage of low sulfur crude oil. This appears to be a critical bottleneck. Many of the smaller, independent refiners have been unable to obtain low sulfur crude oil, which they must have if they are to operate. A mandatory allocation program will help. However, it will not increase total output, and may actually reduce output. The Nation is faced with a serious shortage of low sulfur crude oil and until we do something about relaxing air quality standards, or slowing the implementation of these standards, this shortage will continue.

The Office of Oil and Gas has very literally been deluged with complaints. It is impossible to start up overnight a major undertaking like the allocation program. It will take time to create the administrative apparatus required by an allocation program whether it is voluntary or mandatory.

Let me turn to our current plans for modifying the program. Please bear in mind that what I say is subject to change.

It is clear that one of the basic problems with which we are faced concerns the appropriate base period. A base period relatively distant in the past will assure an adequate level of crude oil and product to the independent segment of the industry. However, at the same time, it causes extraordinary administrative difficulties. There are many instances where, for example, retail outlets which sold the product of one major oil company are now selling the products of another. To require producers to go back to a distant period to re-establish out-of-date supply relationships could create administrative chaos. This is one reason why several major oil companies have refused to adhere to the voluntary allocation program.

In our current thinking, we have tried to resolve this problem by defining two base periods. First, the base period which shall determine the amount of product supplied to marketers and wholesale customers not affiliated with the major oil companies would be the Calendar Year 1972, and not the last quarter of 1971 and the first three quarters of 1972 specified in the voluntary program. We have made this change for several reasons. Most oil companies, whether majors or independents, have used the calendar year for bookkeeping purposes. Moreover, most companies have chosen to use the calendar year rather than the slightly different period specified in the voluntary program.

Use of the calendar year would involve minimal change from what actually has taken place. It would also involve minimal delay in implementing the mandatory program. There will, however, be a major difference in the way the allocation programs of the major oil companies will operate. Instead of curtailing the 1972 allocations of major company outlets by, let us say, 10 percent and the 1972 allocations of the independent outlets by 80 to 100 percent, the major companies will now be required to curtail evenly across the board. I cannot stress too strongly, however, that use of the 1972 base period rather than the 1971–1972 base period specified in the voluntary program is an essential improvement in the program. It enables the program to better reflect industry practices.

The 1972 base period will determine the level of allocation for independent marketers and other consumers not associated with the major oil companies. We are also considering another base period that would determine which suppliers would be responsible for distributing products to marketers. The date which we have chosen tentatively is March 1973, not April or the period following April which you mention in your letter. In fact, at no time have we considered a post March period precisely for the reason you mention—after April 1, a number of long standing contractual relationships were suspended.

Companies which supplied a particular marketer in March 1973 will be required to continue to supply that marketer for the duration of the allocation program and at levels equivalent to 1972 purchases. It is important to choose as late a date as possible for determining supplier-consumer relationships in order to avoid widespread disruption in the industry.

In addition, we are expanding our list of priorities to include those marketers, distributors, jobbers, and other nonaffiliated purchasers who, for some reason, are inadequately supplied under the allocation program. If it turns out that a particular marketer had no supplier in March 1973, he will be able to apply to the Office of Oil and Gas for a priority allocation.

This, in a nutshell, is the program we are considering at present. I hope that this description removes some confusion about the proposed program.

Let me address myself to another matter. Allocation will not solve our nation's energy problems over the long run. In allocating crude oil and product, we have a situation not unlike the passengers on a sinking ship fighting for top position on the mast head. Unless we increase production, we shall all sink sooner or later.

This is why it is so important that the Administration and Congress work together to solve the long-run difficulties, particularly the shortfall in production of oil and gas, with which our nation is faced.

As you know, during the past two months there have been a number of announcements by major and independent oil companies of plans to build new refineries or to expand existing refineries. Unfortunately, several recent developments may jeopardize some of these plans. One of these developments is proposed legislation that would require divestiture by integrated oil companies of their marketing operations. This legislation is particularly likely to cause difficulties in New England where a number of independent marketers now plan to build refineries, in effect becoming integrated oil companies. We have received an expression of deep concern from one of these marketers that this legislation would, in effect, prevent him from entering the refinery business. I would hope that the Congress would consider carefully the adverse impact that such legislation would have on needed expansion of the industry.

In closing, let me restate my firm conviction that the independent segment of the industry must be preserved and that an allocation program must be established, whether voluntary or mandatory, that assures that this segment of the industry obtains the crude oil and products that it needs. Let me also restate my firm conviction that allocation alone is not the answer. We must expand our output of crude oil and products, as well as all other energy sources, if we are to supply the energy needs of the country, and we should not act in ways that may redistribute oil in the short-run, but which will worsen the oil shortages that now confront the nation.

Sincerely,

William E. Simon.

U.S. Senate, Committee on Banking, Housing and Urban Affairs,
Washington, D.C., July 17, 1973.

Gov. John A. Love,
Director, Energy Policy Office,
Washington, D.C.

Dear Governor Love: It has now been established through a series of recent Congressional hearings and in testimony received by Secretary Simon during the President's Oil Policy Committee's consideration of the issue that mandatory allocation procedures for petroleum products are essential.

On June 22, 1973, I wrote to Secretary

Simon concerning the delay by the Administration in converting the present voluntary system to a mandatory procedure. On June 28, Secretary Simon responded to my letter stating: "We, too, feel that the program is not working as effectively as it should and are now drafting a mandatory program to take its place."

Needless to say, the Secretary's letter was well received both by myself and other Members of Congress who for some time now have urged that the voluntary system be replaced with a mandatory one.

The day after I received Secretary Simon's letter, however, you were appointed by the President as the Director of the newly created Energy Policy Office, and your first public statement was in opposition to the mandatory allocation of petroleum products.

I cannot be too emphatic over my concern with the position you have taken on this matter. It is becoming increasingly more apparent by the day that while this country may well be spared a gasoline shortage this summer, heating oil shortages varying in magnitude in different sections of the country will develop during the winter of 1973–74. Of extreme concern to me is the fact that the refining segment of the petroleum industry is apparently meeting the demand for gasoline this summer at the expense of heating oil supplies that will be so critically needed this winter.

In my opinion, the decisions made during the next few days will determine the extent of this country's home heating oil supply difficulties during the upcoming winter. Your decision with regard to whether mandatory allocation procedures are established will be the pivotal point on whether there will be home heating oil stocks hopefully sufficient to meet this winter's demand.

A gasoline shortage as it relates to the average consumer is a question of possible inconvenience resulting from the limited use of personal automobiles. Heating oil shortages, however, from a consumer's standpoint, brings into play such factors above and beyond convenience, such as, health and safety.

Under the present voluntary allocation program, the Federal government has the power to urge the petroleum industry but cannot require necessary action. If the refining segment does not shift its emphasis from gasoline production to heating oil production during the next two weeks, severe heating oil shortages will develop this winter. I base this statement on the following evidence.

In June of this year, Shell Oil Company prepared an excellent report entitled "The National Energy Problem—The Short-Term Supply Prospect". In this report, Shell Oil Company stated that: "It is easy to see that there is a real danger of fuel shortages next winter if for any reason output falters or consumption rises more than expected." The report goes on to state that demand for distillate oil east of the Rocky Mountains increased at the phenomenal rate of 10.2% in 1972 as compared to a 3.9% increase in demand for 1971. Distillate stock figures prepared by the American Petroleum Institute for the week ending June 29 show that on that date in 1971 total United States stocks for distillate fuel oil were 149.4 million barrels; on the same date in 1972, 129.3 million barrels; and for the week ending June 29, 1973, 139.0 million barrels. With regard to petroleum District I, the entire East Coast of the United States, stocks of distillate fuel oil on June 29, 1971 were 67.6 million barrels; for the same period in 1972, 50.7 million barrels; and on June 29, 1973, 52.2 million barrels.

It is obvious from these figures that unless immediate action is taken to increase home heating oil production that shortages of this essential product will develop this winter. As of June 29 of this year, total United States stocks of distillate fuel oil were 10.4 million barrels less than at the same time in 1971 and during the last 24 months demand for this product has increased substantially.

In a recent statement issued by the President of Northeast Petroleum Industries, Inc. of Boston, Massachusetts, Mr. John Kanab, stated that the Northeast part of the United States faces a fuel oil catastrophy this winter unless refined products are allocated on a mandatory basis.

A recently released survey made by the Independent Fuel Terminal Operators Association which serves 25% of the consumers along the East Coast and 40% in New England shows that of a total distillate fuel oil storage capacity of 14 million barrels that this Association's members had on hand as of June 1, 1973 less than 1.1 million barrels of this product as compared to 3.1 million at the same time in 1971 and 1972.

I feel that unless corrective action is taken immediately a heating oil shortage of crippling magnitude will develop this winter. Only through the establishment of mandatory allocation procedures will the government be able to handle a situation of this proportion. The crucial problem is that each day of delay only makes my dire prediction that much more of a reality.

It will be impossible in October or November to take the actions necessary to avert serious shortages. Those actions must begin immediately and they must be of a mandatory rather than a voluntary nature. If the refining segment of the petroleum industry is not required before the first of August of this year to shift from maximum gasoline production to maximum distillate production the shortages that were experienced, particularly in the upper and far Midwest, last winter will be greatly magnified during the upcoming winter.

I urge that you immediately adopt and implement a mandatory petroleum product allocation procedure.

Sincerely,

Thomas J. McIntyre,
U.S. Senator, Chairman, Subcommittee on Financial Institutions.

The White House,
Washington, August 28, 1973.

Hon. Thomas J. McIntyre,
U.S. Senate,
Washington, D.C.

Dear Senator McIntyre: Thank you for your letter of July 17, 1973, concerning possible shortages of home heating oil in New England and recommending the adoption of a mandatory petroleum product allocation program. I regret that there has been some confusion in dealing with energy related correspondence since my appointment. I can assure you that I will endeavor to respond more promptly to your letters in the future.

I very seriously considered your letter as well as a number of other communications, both written and oral, with various members of Congress in making my decision not to adopt a mandatory fuel allocation program at this time. My decision was announced August 9, 1973, and I am enclosing a copy of my statement which provides a summary of our best estimates of the current supply situation as well as the rationale for not adopting a mandatory system at this time. Essentially, I did not believe that the supply situation warrants the degree of government intervention inherent in a mandatory program. I have studied a great number of mandatory programs in some depth and have concluded, contrary to what may be a popular misconception, that a mandatory system would be neither simple nor a panacea. I have very strong reservations that a mandatory system may actually worsen, rather than improve, this winter's fuel situation.

Although I am generally satisfied with the response of the oil industry in complying with the general provisions of the voluntary allocations program and actually quite pleased with the increased domestic refinery production, I am extremely concerned about two issues. First, I am disturbed by what appears to be some regional imbalances in the availability of fuels, primarily in New England, but also in Missouri and in my home state of Colorado. Second, I consider it essential that we maintain a viable independent sector throughout the controlling industry.

I am attempting to make the voluntary allocation program work. I believe that virtually all companies in the petroleum industry can and will act in a responsible way to meet regional needs and to distribute available supplies equitably among all historical purchasers. I am working vigorously at this time, with other members of the administration to achieve these goals within the framework of the voluntary allocations system.

I sincerely appreciate your great concern for your constituents, and for a number of hard working business men who have had difficulties in obtaining adequate supplies of fuel. As you can imagine, I too, was faced with the same types of problems as recently as a month ago in Colorado. Whereas I recognize that you may not agree with my decision at this time, I ask at least for your continued patience as I attempt to achieve the goals to which we all subscribe. I have developed and published a mandatory petroleum products allocations procedure and am pursuing efforts to further develop this program. Should implementation of a mandatory program be necessary, I will be prepared to act expeditiously.

Sincerely,

John A. Love,
Assistant to the President.

U.S. Senate, Committee on Banking Housing and Urban Affairs,
Washington, D.C., July 24, 1973.

Re Proposed Phase IV Docket: Comments on 6 CFR Part 150, Subpart L Petroleum and Petroleum Products.

Dr. John T. Dunlop,
Director, Cost of Living Council,
Washington, D.C.

Dear Dr. Dunlop: The Administration's decision on July 18, 1973 in establishing Phase IV before the end of the current freeze was a comendable action and hopefully will accomplish the desired results of establishing a sound national economic policy.

I particularly applaud the Cost of Living Council's decision to require ceiling prices and octane ratings to be posted on gasoline pumps. This allays concerns that I expressed to you in earlier correspondence regarding the lowering of octane by oil companies without corresponding price decreases or disclosure.

I do have serious reservations, however, regarding the proposed rules that your agency has released for comment with regard to the pricing of gasoline, heating oil, and diesel fuel at the marketing level. Under the proposed Phase IV petroleum product regulations, as I understand them, gasoline and heating oil wholesalers and retailers would be permitted to sell these products based on their costs as of August 12, 1973, plus their actual dollar for dollar mark-up, applied to that product on January 10, 1973. At the same time, the COLC has proposed that crude oil producers and refiners would base their prices as of May 15, 1973. Furthermore, lease arrangements between a refiner and a retailer would be established on the terms and conditions as of May 1973.

While I am sure that we all have the same desire to control present inflationary pressures, I am concerned that the proposed petroleum product rules will severely discriminate against the marketing segment of the petroleum industry and, in the long run, work to the detriment of the consumer rather than to his benefit. I base this observation on the following:

By using separate base period dates for separate segments of the industry, the result will be that the marketing segment of the petroleum industry will be called upon to absorb substantial price increases for their product while, at the same time, denied the opportunity to increase their mark-up margins.

From the period between January 10 and May 15, there were substantial price increases at all levels within the industry on the three products on which the COLC has imposed price controls. Hearings held by this Committee on May 5–11 clearly established the fact that prices on gasoline, heating oil, and diesel fuel were being increased by as much as 30% over the previous year. The problem with the proposed rule, as I see it, is that by holding the mark-up margin to a January date but allowing increased costs at the production and the refining levels to be passed on at the marketing level, is that the marketer is being called upon to carry a disproportionate share of the burden.

I find it difficult to understand why the COLC has chosen to treat the marketing segment of the industry differently from the other two, mainly production and refining. The ultimate effect of this is that the marketing segment of the industry must absorb any cost increase above the August 12, 1973 price level with the result that increased costs will reduce their profit margin.

When you couple this with the present supply situation regarding the three products covered under the proposed rule, the independent marketing segment of the industry will be singled out in a manner that will make it difficult if not impossible to remain in business.

As you well know, during the past several months, there have been serious supply problems with regard to heating oil, gasoline, and diesel fuel. By imposing a January profit margin rule to companies who, at the same time, cannot obtain supplies of these products will obviously force these companies to discontinue business. This, I find, is in conflict with the attempts that Congress and other Federal regulatory agencies are currently undertaking in assuring a meaningful level of competition in the marketing segment of the petroleum industry.

A recently release Federal Trade Commission staff study on the petroleum industry demonstrates that the major integrated companies have an ologopolistic grasp on the industry and are now reaping the benefits of high profits.

The proposed COLOC rules, in my opinion, will only encourage further economic concentration by major integrated firms and exacerbate the problems the independent marketers are having at the present time. Thousands of these marketers have been forced to either suspend operations or go out of business because of their inability to obtain adequate supplies.

I strongly urge you to reconsider the impact that your proposed rule will have on competition in the marketing segments of the industry.

I am also writing to the Federal Trade Commission, asking that they conduct a study on the impact that the Cost of Living Council's regulations will have on the marketing segment of the petroleum industry with particular emphasis on possible antitrust implications.

Your assistance in this matter will be most appreciated.

Sincerely,

THOMAS J. MCINTYRE,
U.S. Senate, Chairman, Subcommittee on Financial Institutions.

U.S. SENATE,
COMMITTEE ON BANKING,
HOUSING AND URBAN AFFAIRS,
Washington, D.C. July 24, 1973.

Hon. LEWIS A. ENGMAN,
Chairman, Federal Trade Commission, Washington, D.C.

DEAR MR. CHAIRMAN: As you know, the Cost of Living Council has recently submitted proposed Phase IV regulations to the public for comment. A portion of these regulations control the cost of crude oil and petroleum products.

Specifically, these regulations call for price controls on gasoline, heating oil, and diesel prices as of August 12, 1973 with a mark-up margin equivalent to that for January 10, 1973. In addition to this, these regulations also permit crude oil producers and refiners to pass through their increased costs of operation to the retailer whose mark-up margin is fixed. The impact of these rules, therefore, will be to reduce the profit margin of the marketing segment of the industry. It is obvious that those who will be hardest hit will be the independent wholesaler and retailer whose profit margins are usually 2 to 3 cents lower than the major branded companies. Indeed, the Cost of Living Council guidelines seem to have the net effect of putting these small independents out of business, thereby increasing the market share of the large integrated companies in the wholesale and retail markets.

As the Federal Trade Commission has already demonstrated in its July 2, 1973 staff study on the petroleum industry, the majors have secured an ologopolistic grasp on the free market and are now reaping the benefits of high profits. Nevertheless, instead of trying to stop this trend towards further economic concentration by the integrated companies, the Cost of Living Council regulations regarding petroleum appear to actually encourage further domination by the majors in the marketing segment of the industry.

Consequently, I formally request that the Federai Trade Commission initiate a study of the probable impact of the Cost of Living Council regulations on the marketing segment of the oil industry and submit your findings to me no later than July 31, 1973. Your assistance on this matter will be most appreciated.

Sincerely,

THOMAS J. MCINTYRE,
U.S. Senate, Chairman, Subcommittee on Financial Institutions.

FEDERAL TRADE COMMISSION,
Washington, D.C., August 9, 1973.

Hon. THOMAS J. MCINTYRE,
Chairman, Subcommittee on Financial Institutions, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing in response to your letter of July 24, 1973.

Upon receipt of your letter our staff began discussions with staff members from the Cost of Living Council regarding the impact of proposed Phase IV regulations on independent petroleum marketers. I am advised by my staff that these discussions have borne fruit and that the Cost of Living Council staff has been extremely cooperative. In that connection, I am enclosing a copy of a letter from Mr. Halverson to Mr. Charles Owens for your information.

I am also sending you a copy of an FTC staff Report on this subject. The report, of course, does not represent the views of the Federal Trade Commission. I am advised, however, that the Cost of Living Council staff is giving full consideration to the points raised by the FTC staff Report.

Thank you for your interest in this matter.

Sincerely,

LEWIS A. ENGMAN,
Chairman.

FEDERAL TRADE COMMISSION,
Washington, D.C., August 8, 1973.

Mr. CHARLES OWENS,
Special Consultant to the Director, Cost of Living Council, Washington, D.C.

DEAR MR. OWENS: Thank you for your courtesy in discussing the problem areas which we have indicated to you and your staff with respect to the effect of Phase IV on competition in the petroleum industry. From our discussion today, I understand that substantial changes have been made in those aspects of the Phase IV program which relate to the petroleum industry and which were originally announced in the document issued on July 19, 1973, by the Cost of Living Council. The changes which you have made in the program go a long way toward alleviating problems identified by our staff to your staff.

Nevertheless, for your information, I am enclosing a copy of a report on the effect of the proposed Phase IV regulations on the petroleum industry prepared by the staff of the Federal Trade Commission. As you know, this report was prepared on the basis of review of the July 19 announcement and before we were told by you of substantial changes in the program relating to the petroleum industry.

I am thankful to you and your staff for your cooperation.

The enclosed report does not constitute an official statement by the Commission, but is merely a staff position. Because Senator McIntyre first asked that the Commission's staff look into this matter, we are sending a copy of this report to him.

Very truly yours,

JAMES T. HALVERSON,
Director, Bureau of Competition.

REPORT ON THE EFFECT OF PHASE IV REGULATIONS ON THE PETROLEUM INDUSTRY

(By the staff of the Federal Trade Commission, August 6, 1973)

The Cost of Living Council's (CLC) Phase IV regulations are scheduled to go into effect on August 12, 1973. The purpose of this report is to assess the likely impact of these regulations on the continued competitive viability of the independent sector of the petroleum industry, with particular attention being directed toward gasoline retailing.

I. PHASE IV REGULATIONS FOR PETROLEUM PRODUCTS

Prices at four different levels of petroleum production are to be regulated: domestic crude production; manufacturing (refining); resellers (wholesalers); and retailers. Domestic crude will have a ceiling price equal to its May 15, 1973, price.[1] The base price of refined products is the price charged on May 15, 1973.[2] Wholesalers are allowed to pass on actual inventory costs, plus the actual markup as of January 10, 1973.[3] Retailers will have a ceiling price equal to "the actual price paid by the seller for the product sold . . . on August 12, 1973, plus the actual markup applied by the seller . . . on January 10, 1973. . . ."[4]

The foregoing regulations are designed to restrict price increases. Since the nation is experiencing a petroleum shortage, an incentive plan has been constructed to induce output increases. The "Special Release Rule" is comprised of two parts which (1) frees "new crude petroleum" from the ceiling price, and (2) for each barrel of "new" oil produced, a barrel of "old" oil is also freed from the controls.[5] Oil in both these categories may be sold "without regard to the ceiling price," i.e., at free market prices.[6] Clearly, there will be two prices in the same market at the same time. Very strong incentives exist on the part of crude producers to generate "new" oil, perhaps at the expense of "old" oil.

Footnotes at end of article.

II. THE LIKELY EFFECTS OF THE CLC PHASE IV REGULATIONS

In the view of the staff of the Federal Trade Commission, given the information currently available, there are several problems with the proposed Phase IV regulations. Particularly severe difficulties may exist for the independent gasoline retailer if certain conditions exist. The root of the problem for the retailers appears to be the January 10, 1973 rollback date. Comments from independent gasoline retailers in certain areas have been received from the FTC staff, arguing that the retailers were embroiled in price wars during January, and that the January 10 date provides them with particularly small margins.

Whether or not price wars existed in January 1973, depends on definition. One of the commenters to the CLC defined "price war" as a situation where . . . suppliers (major companies or perhaps wholesalers) are giving voluntary rebates to their retail distributors. As an example, suppose a retailer buys directly from the major company, and the retailer's January 10 cost was $.35 per gallon. With a retail price of $.37 per gallon, the ostensible markup is $.02. If the major company were underwriting the "price war" with a voluntary rebate of $.05 per gallon, then the truce markup is really $.07 per gallon. That is, without the rebate from the parent company, the retailer would not offer the price of $.37.[7] If the majors reduce the price of branded gasoline, the independent must cut prices also to remain competitive. If the CLC counts the "markup" as just $.02 in this case, then a large segment of the retailing industry could be in trouble.

Setting aside the definition problem, there are several other reasons for suspecting that "price wars" were prevalent during January 1973. Ignoring for the present the various phases of the Economic Stabilization Program, demand for gasoline is typically down during January.[8] It is possible, although by no means proven, that price wars are more common during January because of the demand decrease. Further, if seasonal demands do influence markups, then whole groups of service stations in different geographic areas will have different margins. Freezing margins which exist in one month over all months seems risky.

The Economic Stabilization Program itself may have led to price cuts in January 1973. When Phase I froze prices on August 15, 1971, it caught fuel oil at a seasonal low and gasoline at a seasonal high. Though Phase II, refineries responded to the relative fuel oil-gasoline price difference and produced larger than usual quantities of gasoline. This actively, coupled with the environmentally provoked switch from coal to oil by public utility companies, contributed to the fuel oil shortages of the past winter. When public pressure forced an increase of fuel oil production, gasoline output was cut, and this contributed to the present gasoline shortage.

The relevance of this is that in January 1973, gasoline may still have been in its surplus stage, and some major refiners could have been giving discounts to move the output, causing markups per gallon to be relatively low. Forcing retailers to sell all year long at lowest seasonal markups will undoubtedly reduce their numbers, with a disproportionate decline likely to occur among the independents. That is, the position of the independent seller is particularly precarious for cash flow reasons. The January margins were established on the premise of unlimited supplies. The August margins reflect the new reality of restricted allocations. The low margins of January coupled with the restricted supplies of August and thereafter will produce substantial problems for the retailer. Low margins on a small volume will not generate sufficient cash to meet fixed, contractual obligations, i.e., mortgage payments or rent.

It should be noted here that the major oil companies have a way of insulating their dealers from the profit squeeze. In many instances, the parent company owns the property and leases it to a dealer. The rents are frequently expressed in terms of a number of cents per gallon of gasoline sold. By reducing this fee, the major companies would, in effect, be increasing the branded dealers' margin without violating the CLC regulations. The independent dealers have no such cushion, and theirs is simply a cash flow problem.

In general, the CLC appears to be repeating the same mistake in Phase IV that was made in Phases I and II with respect to the necessary seasonal price changes. While section 151.203 allows for seasonal patterns, Subpart L—Petroleum and Petroleum Products states that "to the extent this subpart may be inconsistent with other provisions in this part, the provisions in this subpart govern." Consequently, it is not clear whether or not petroleum prices will be allowed to fluctuate. Furthermore, even if they are allowed seasonal adjustments, the adjustment "may not take place at a time other than the time at which the fluctuation took place in the preceding year. . . ." (Section 151.203). Since the relative prices were maladjusted in "the previous year" (i.e., 1972), it is certainly not clear how the new regulations can prevent a new heating oil shortage this coming winter and quite possibly another gasoline shortage in the summer of 1974.

In addition to the above difficulties, there is still another problem faced by the retailers. While their selling prices are pinned at a ceiling, their costs will undoubtedly rise. The CLC program has specifically built in price increases of refined gasoline through the new vs. old oil pricing system and the allowed cost pass-throughs for refiners and wholesalers. Retailers, however, are not allowed to pass along cost increases. Over time, as costs increase, retailing profits will be further depressed.

While the CLC intends to periodically increase the retail price of gasoline to reflect the increased costs, the independent retailer may not survive the interval. If the period between adjustments is short, then damage could be minimized. If the adjustments do come quickly, and if they do fully reflect the increased crude oil prices, then one wonders why we have a price control program at all. In order for the CLC program to actually hold down gasoline prices, it appears likely that retail price adjustments will be both infrequent and incomplete. If either of these outcomes actually occurs, then many independent retailers may disappear from the market.

The view of the Federal Trade Commission Staff is that the Cost of Living Council is gambling that the January 10, 1973, retail gasoline markups are sufficiently high to give reasonable assurance of the continued viability of the independent sector. There are sufficient reasons to believe, despite the absence of hard data, that abnormally low markups may have been prevalent during January 1973. Freezing gasoline retail markups to their January 10, 1973 levels will impose harsh pressure on profits and may severely and permanently damage the most significant source of competition in the gasoline retailing business—the independents.

Gasoline wholesalers will be faced with essentially the same markup problems as the retailers. If January 1973 was in fact a period of depressed margins at the retail level, then margins were also depressed at wholesale. Wholesaler's profits will be reduced and they, too, may encounter a cash-flow problem.

Wholesalers are allowed to pass on "the actual cost of the particular inventory of product being resold. . . ."[9] This aspect of the program removes much of the wholesaler's incentive to seek out the cheapest supplies. Whether he buys expensive gas or inexpensive gas, the program allows him to pass on the full cost. His margin per gallon remains the same. His only incentive to be an "efficient" wholesaler is to avoid pricing his buyers out of their markets. If independent wholesalers start buying the most conveniently available gasoline, instead of the cheapest, then even greater cost pressure will be exerted in the independent retailers. Only if the wholesaler loses customers (i.e., retailers) he cannot replace will he have an incentive to search the market for the best deal. After the customers are lost, it may be too late.

Timing and profit incentive problems also exist with respect to the importation of foreign petroleum products. Foreign product prices are currently higher than domestic prices (by 6¢ per gallon or more), and to the degree that the CLC is successful in holding down domestic prices, the importation of foreign products will be even less likely.

Therefore, the opportunity of relieving the domestic shortage with foreign imports will be gone. The CLC regulations allow the importation of gasoline and fuel oil, but because of the relatively high prices, there is no incentive to do so. No wholesaler will be able to sell foreign gasoline which cost him $.40 per gallon if the pump price is frozen at $.37. Unless domestic prices are allowed to rise to the world level, the shortage cannot be alleviated by resort to importation and independent marketers who have been most seriously affected by the shortage will be unable to increase volumes by turning to foreign supply sources.

Independent refiners may also be adversely affected by the CLC regulations because the existence of two prices will encourage shifts from "old" to "new" oil production. Crude producers should be expected to employ every stratagem they can develop to have as much oil as possible fall into the "new" category. Independent refineries, over time, may find themselves buying very substantial quantities of new oil.

In addition, if a mandatory oil allocation program is enacted the basic aim of such legislation is likely to involve a redirection of oil and refined products from the major producers to the independents. Such a mandatory program will not be able to accomplish its goals if the independent retailers are forced to close due to abnormally low margins. This is, the CLC regulations, with their enforced low margins, may defeat the heart of a mandatory program. By the time refined gasoline is available for distribution through the independent network, the number of retail outlets may be rapidly shrinking.

III. CONCLUSION

The economy currently faces a petroleum shortage at existing prices. There is no reason to believe the shortage will not be alleviated by allowing prices to move toward their equilibrium levels.

A recent estimate of the elasticity of demand for gasoline, done by Hendrik Houthakker for the Brookings Institute suggests that the decrease in the quantity demanded resulting from a small price increase is larger than was previously thought. Houthakker's short-run demand elasticity estimate is .43, implying that a rise of only $.03 to $.04 per gallon may eliminate the shortage even if one hypothesizes no short-run supply adjustments. The CLC, in contrast, operates on an assumption of a very low demand elasticity.

In addition, the CLC tends to ignore the supply elasticity which is unfortunate because the chief supply response in the short-run would be from imports. Thus, the CLC believes that it would be necessary for gasoline prices to more than double in order to clear the market.

The Cost of Living Council has been given the responsibility of dealing with the economy's current severe inflation. In order to both dampen price increases and deal with the petroleum shortage at the same time, an elaborate program has been proposed to limit the increases of retail prices while encouraging the production of more petroleum. The FTC Staff's view is that this is a very difficult if not impossible task. We believe that the regulations promulgated by the CLC may hamper and reduce the independent sector of the petroleum industry. We recommend that the greatest care be taken in setting gasoline retailer's markups and that the price should be allowed to rise to a level which permits the importation of significant quantities of gasoline. Further, we recommend that any system adopted permit independent retailers to reflect their superior distributing efficiency through price levels which are lower than those charged by the majors. A system which forces independents to charge the same price as majors threatens the viability of independents and denies those firms their chief competitive weapon, i.e., the ability to sell gasoline at lower prices than their unbranded rivals.

It would be unfortunate if in the process of protecting American consumers from the hardships of rapid inflation, measures were adopted that inadvertently endangered the competitive viability of the vital petroleum industry.

FOOTNOTES

[1] Section 150.358 specified that "the ceiling price for a particular grade of domestic crude petroleum in a particular field is the highest posted price at 7:00 a.m., e.d.t., May 15, 1973 for that grade of petroleum at that field. . . ."

[2] See Phase IV Announcement, July 19, 1973, p. 73.

[3] Section 150.355 specified that "No reseller of a product to which this section applies may charge a price in excess of the actual cost of the particular inventory of product being resold plus the actual markup the reseller applied to that product on January 10, 1973."

[4] Phase IV Announcement, July 19, 1973, section 150.358, p. 73.

[5] New crude petroleum is defined in section 150.354 of the *Phase IV Announcement* as "the total number of barrels of domestic crude petroleum produced from a leased or owned property in a specific month less the base production control level for that property." The base production control level is defined as, in general, the level of production for a particular property in the same month of 1972.

[6] All "new" oil is sold separately in a free market. All "old" oil is sold at a single, and presumably lower, price which equals the weighted average of the May 15, 1971 ceiling price for the regulated oil and the free market price for the deregulated oil. See *Phase IV Announcement*.

[7] The example is over-simplified in that price reductions are usually not fully supported for the retailer. Generally, for each $.01 decline in the retail price, the retailer is subsidized by $.006 to $.008 per gallon by the parent company.

[8] See *The Oil Daily*, July 23, 1973, p. 18.

[9] Section 150.355, Phase *IV Announcement*, July 19, 1973, p. 72.

ARAB OIL THREATS NEED CALM U.S. RESPONSE

Mr. RIBICOFF. Mr. President, the possible effects of the energy crisis on U.S. foreign policy in the Middle East have generated comment recently. However, many commentators over simplify what is a very complex subject, and miss the nub of the issue. This is not the case with Hobart Rowen's perceptive article in Sunday's Washington Post calling for a calm U.S. response to Arab oil threats. Mr. Rowen warns that while the United States must not permit itself to be blackmailed by these threats, at the same time it must develop new energy sources.

My own recent discussions abroad with European government and oil industry officials reinforce Mr. Rowen's conclusions.

Some major oil companies, who are seeking to panic this country into unwise changes in policy would be well advised, in Rowen's words, to "play it cool."

There is a growing awareness among many observers that the United States is not entirely helpless in dealing with these problems.

I ask unanimous consent that the article, "Arab Oil Threats Need Calm U.S. Response," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ARAB OIL THREATS NEED CALM U.S. RESPONSE

(By Hobart Rowen)

If the Nixon administration doesn't watch out, it will stumble needlessly into making Israel the scapegoat for the prospective shortage of oil in the years ahead.

Increasing American dependence on Middle East oil, and hopes that Saudi Arabian production can be stepped up from 9 million barrels a day to 20 million barrels a day, have clearly given the Arab states a powerful new weapon in bargaining with their oil customers.

But this government should not let Saudi Arabia blackmail the U.S. into a sudden change of posture on the Arab-Israeli conflict.

The fact is that there is no real connection between the energy crisis and the Middle East conflict between Arabs and Jews. As Assistant Secretary of State Joseph Sisco observed, these "constitute in fact two separate sets of problems, each of which should be viewed primarily in its own context."

But the Arab countries, acting for themselves—and using the public relations power of their American oil company partners, are turning on the heat.

King Faisal of Saudi Arabia publicly responded to Sisco in a July 5 interview with Washington Post correspondent Jim Hoagland, in which he said that if American support of Israel continues as it is, the Saudis would find it "difficult" to cooperate with the United States.

Hoagland said Faisal's remarks were intended to underscore suggestions made by his petroleum minister, Sheik Yamani, that Saudi Arabia might be compelled to keep its oil in the ground because of rising Arab resentment over America's pro-Israel policy.

But how serious is such a threat? Nothing could be more confused or confusing than the complicated politics of the oil-rich Arabian Peninsula-Persian Gulf area. Thus, Prince Saud el Faisal of the Saudi oil ministry admitted to a Beirut editor last week that cutting off oil to the U.S. was unlikely to hurt America until the late 1970s.

But the King and the Prince, according to the Beirut report, are willing to use some of their huge oil revenues for a $1.2 billion program to re-arm the Egyptian air force, with Kuwait, Abu Dhabi and Qatar putting up the rest.

The threat conveyed to Hoagland, thus, is that if the U.S. doesn't change its Israeli policy, it won't get all the oil it wants. The refinement suggested in Beirut is that money from oil sales to the U.S. would be devoted to strengthening Arab arms for the ultimate victory over Israel.

The problem is how best to react to threats of this kind, and many read into the designation of James E. Akins as the new U.S. ambassador to Saudi Arabia a shift in American political and military support for Israel. In "Foreign Affairs" for April, Akins said that because of U.S. "vulnerability," the Arabs' threat "to use oil as a political weapon must be taken seriously."

The first and proper response should be a massive effort to develop new energy sources—oil from shale, the use of abundant low-sulfur coal, atomic and solar energy.

Gov. John Love, the head of the new energy office, told a group of Washington Post editors recently: "I don't think there's any doubt that we'd be in a better bargaining position (with the Saudis) if we developed our own sources of energy."

Looking at the situation realistically, both Love and his oil expert, Charles DiBona, doubt that the U.S. will ever get as much oil as it might like to have out of Saudi Arabia.

"I find imports of $25 to $35 billion (projected for 1980) impossible to accept," Love said. "There are sound economic reasons for the Saudis to say oil is better in the ground, apart from what Faisal says about Zionism. . . . For many reasons, we have to take a closer look at what we must do to make it to their advantage (to export oil to us) and we need a greater sense of urgency in finding different sources."

It is clear to DiBona and other Middle East watchers that with or without Israel there would be a Middle East oil problem. And in fact, as DiBona points out, without Israel, it might be a much less stable area than it is.

The "sound economic reasons" for Saudi reluctance to increase oil production relate to the problems of what an economy still in a near-feudal state can do with all of its oil revenue. And like other big producing, countries, the Saudis recognize that their reserves are not limitless.

As the Wall Street Journal observed in a perceptive editorial Aug. 21, "the idea that to crush Israel they (the Arab nations) would ignore their economic interests, or would turn charitable if Israel were sacrificed, strikes us as a view tinged with romanticism which has so often fogged the Western view of the Middle East."

In all probability, much of the Saudi Arabian rhetoric is intended to satisfy radical and militant pressures internally and from other Arab states.

In the long run, as Prof. Oded Remba of the Staten Island Community Center pointed out in a letter to the New York Times, the Saudis will need the friendship of the United States if Soviet influence grows in neighboring lands.

So there is little reason for the U.S. to panic. Playing it cool would suggest that the U.S. try to help the Saudis to find ways of investing their cash other than the Egyptian air force. It suggests, as well, a big push behind research and development for alternate energy sources—and a willingness to follow Love's recommendations for serious curbs on energy usage here, especially by big cars.

And for those who complain that development of oil from shale, or energy from the atom or from the sun is too far off, one might recollect what France's Marshal Lyautey is supposed to have told his gardener, who argued against planting a new tree, because it wouldn't flower for 100 years.

"In that case," Marshal Lyautey said, "plant it this afternoon."

FRENCH NUCLEAR TESTING

Mr. HARTKE. Mr. President, on the 2d of August 1973, I introduced Senate Resolution 155 calling upon this distinguished body to express its consensus that the President of the United States should strongly condemn the Government of France for atmospheric nuclear testing in the Pacific Ocean irrespective of and without regard for the countries and the peoples of that area. I expressed the need for expeditious handling of that resolution, as it was speculated that France would detonate another nuclear device in the early part of September.

We did not act with sufficient expedition. On August 19, 1973, while the Senate was recessed, France detonated their third in an unknown series of nuclear devices in defiance of law and morality in the words of Australian Prime Minister Gough Whitlam, without the slightest protest from the U.S. Government. This senseless disregard for the lives, liberty, and the pursuit of happiness, by the Government of France, for the countries and the peoples of the Pacific Ocean, is unbefitting a major nation of the free world.

Mr. Prseident, I call upon my distinguished colleagues of the Committee on Foreign Relations to report my resolution to the floor of the Senate for debate, and hopefully passage. This is the very least we can do for the millions of people throughout that area of the world who are defenseless against the dangers of radioactive contamination.

Mr. President, I ask unanimous consent that an article appearing in the August 20, 1973, Washington Post be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FRANCE IS DENOUNCED FOR THIRD ATOMIC TEST

CANBERRA, August 19—Australian Prime Minister Gough Whitlam denounced a reported French atmospheric nuclear test today—the third since July—as a "defiance of law and morality."

The New Zealand government said France exploded a nuclear device over the Muroroa Atoll, 720 miles southeast of Papeete, Tahiti. Prime Minister Norman Kirk said that "all New Zealanders will deeply regret this news."

The French radio in Paris quoted New Zealand reports indicating the force of the explosion was between 5 and 10 kilotons—the equivalent of between 5,000 and 10,000 tons of dynamite.

The reported small force of today's explosion indicated the French army had again tested the trigger for a hydrogen bomb.

There was no official information from the French government on today's test. France has refused all official comment on its current series of nuclear tests which have generated intense controversy in South Pacific nations worried about radioactive fallout.

"The previous French tests attracted worldwide opposition," Whitlam said. "I am sure that this latest test will be equally condemned. The Australian government will take all appropriate steps to bring to a halt these dangerous experiments which are carried out in defiance of law and morality."

In Tokyo, the Japan Council against Atomic and Hydrogen Bombs charged the tests were in defiance of a ruling of the International Court of Justice and international public opinion.

Mayor Setsuo Yamada of Hiroshima cabled a protest to French President Georges Pompidou. Mayor Yoshitake Morotani of Nagasaki was expected to follow suit.

ACTION TO PROVIDE ADEQUATE PROPANE AND NATURAL GAS FOR CROP DRYING

Mr. HUMPHREY. Mr. President, the grave possibility of a shortage in the availability for crop drying of propane and natural gas became apparent early in August, during the congressional recess.

Following discussions with Minnesota farmers who would be affected, I urged Energy Office Director John A. Love and the Secretary of Agriculture Earl Butz to participate in immediate discussions to arrive at a firm decision on the priority and the allocations of propane for crop drying.

I earlier appealed to Governor Love for appropriate Federal action to see that this shortage in the availability of propane in particular did not occur. On August 7, I had written on an urgent basis requesting a survey of the needs for and supply available of propane gas used for the drying of corn and soybeans.

My second appeal to Governor Love and Secretary Butz, of August 16, followed the receipt of an interim reply to my earlier letter which I rejected as wholly inadequate attention to this serious problem.

I appealed to these officials to recognize the seriousness of this problem for farmers and, ultimately, for consumers who will pay higher prices if propane and natural gas is not available to dry grain.

In particular, I urged the establishment of a mandatory allocations system for propane as well as other fuels so that the high priority energy needs of this country are met. The drying of crops is clearly one of these high priority needs. I pointed out that the administration's delay in establishing a mandatory allocations system will be directly responsible for the loss of millions of bushels of badly needed corn and soybeans.

I wish to share with my colleagues my correspondence with the officials mentioned and a recent telegram reply indicating that a mandatory allocations system for propane is being established.

The proposed rules on mandatory allocation of propane are subject to hearings today, in Washington, D.C., by the Office of Oil and Gas, Department of the Interior.

According to the statement of the Office of Oil and Gas, under the proposal, all propane suppliers would be required to provide for the needs of priority customers, namely those who used propane for agriculture production, food processing, residential cooking and heating, mass transit and the housing of medical and nursing patients, before selling to nonpriority customers. Authority for the proposed programs stems from section 203(a)(3) of the Economic Stabilization Act of 1970.

I will be watching with great care the hearings today and subsequent efforts to implement this allocation policy.

Mr. President, I also noted in the St. Paul Dispatch of Wednesday, September 5, the encouraging report that the Northern Natural Gas Co. has filed an application with the FPC to provide a high priority status for gas utilized by its utility customers in drying of seed, grain and other crops.

This action should also be of assistance in making sure that the fuels needed for the drying of crops are available to farmers in sufficient quantity and at the right time.

Mr. President, I ask unanimous consent to print in the CONGRESIONAL RECORD copies of my letters of August 16 to Governor Love and Secretary Butz, my letter to Governor Love of August 7, the report of Governor Love's office of August 15 under cover of a letter signed by Charles J. DiBona, Governor Love's telegram to me of August 31, 1973, and the article from the St. Paul Dispatch of September 5.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AUGUST 16, 1973.

Hon. JOHN A. LOVE,
Assistant to the President, The White House, Washington, D.C.

DEAR GOVERNOR LOVE: On August 7th I wrote to you on an urgent basis requesting a survey of the needs for and supply available of propane gas used for the drying of crops, particularly newly harvested corn and soybeans.

I have received, under cover of a letter of transmittal signed by Mr. DiBona and dated August 15th, what purports to be an interim response to my request.

I respectfully suggest that this report does not at all meet the concerns I have expressed to you about the shortage of propane for the drying of crops. In fact, it contains neither any specific information about the availability or shortage in propane for the drying of crops, nor any indication that the study I requested is underway.

I recognize that the use of propane for the drying of crops constitutes a small percentage of the overall nation-wide use of propane, but I submit that this use is of the highest priority.

The situation is grave. Again today, I have been in touch with the Minnesota Director of Civil Defense. He reported that in Southwest Minnesota there is a definite shortage of at least 40% in the propane needed to dry crops. The production in these areas of soybeans and corn is up 30 percent over last year, but not even the supplies of propane available last year are available now.

My office is beginning to receive urgent calls from farmers who are being advised that they can have less than half the propane they need, or none at all.

I am sharing this letter with the Secretary of Agriculture along with a special request to him that he participate in immediate discussions with you to arrive at a firm decision on the priority and allocations of propane for crop drying.

Again, as I did in my letter to you of August 7, I request that your office make an immediate determination—by area and each weekly time period during the crop drying season of: (a) the demand for propane or other fuel for crop drying, and (b) the amount and location of the supplies of this fuel available for crop drying.

Moreover, I again urge your leadership in the establishment of a mandatory fuels allocation system, particularly for fuel oil, diesel oil and propane gas.

It is now clear that Administration delay in establishing a mandatory allocation system for fuels is going to result in severe damage to high priority needs of this country. The drying of crops is clearly one of these needs. In other words, the Administration's delay in establishing a mandatory allocation system will be directly responsible for the loss of millions of bushels of sorely needed corn and soybeans because the propane needed to dry them is not made available.

I have asked the Office of Oil and Gas to seek action by major oil companies under present programs to direct to these propane short areas some of the priority-uses reserve of propane. But there is very little hope this will meet our needs.

In summary, I appeal to you to recognize the seriousness of this problem for farmers and, ultimately, for consumers who will face higher prices if the propane is not there to dry the grain. We need immediate information and action. I look forward to receiving assurances from you that the request I have made for the survey of propane needs and supply is underway.

Sincerely,

HUBERT H. HUMPHREY.

AUGUST 16, 1973.

Hon. EARL L. BUTZ,
Secretary, Department of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: I wish to share with you a copy of my letter of today to Governor Love concerning the shortage in propane gas for the drying of corn and soybeans.

I respectfully urge you to participate in immediate discussions with him to arrive at a firm decision on the priority and the allocations of propane for crop drying.

I know you share my concern, and I look forward to your response.

Sincerely,

HUBERT H. HUMPHREY.

AUGUST 7, 1973.

Gov. JOHN A. LOVE,
Assistant to the President, The White House,
Washington, D.C.

DEAR GOVERNOR LOVE: There is deep concern in the Midwest over the possibility of a critical propane and fuel oil shortage which could have a serious effect upon the supply of newly harvested corn and soybeans.

The Minnesota Civil Defense Director, James Erschul, has stated recently that Minnesota farmers will face a shortage of propane gas necessary for the drying of these crops by over 50 percent. In other words, it is estimated that farmers will have available less than 50 percent of last year's supply of propane, despite the fact that substantial additional acreage has been planted this year, which of course means a greater supply of corn and soybeans.

I respectfully request that your office make an immediate determination—by area and each weekly time period during the crop drying season of a) the demand for the fuel oil and/or propane to be used for crop drying purposes; and b) the available supplies of this fuel.

I recommend that your survey include consultation with the Governors, the Civil Defense Directors and the Commissioners of Agriculture in the Midwestern states, as well as with responsible officials of the U.S. Department of Agriculture and the Office of Oil and Gas.

The situation is sufficiently critical to demand your immediate attention. I request that your report of this information be forwarded to me, in my capacity as Chairman of the Consumer Economics Subcommittee of the Joint Economic Committee and also as a member of the Senate Committee on Agriculture and Forestry. If your report will take more than 10 days, I would like to have an interim report not later than August 15th.

I further request that, if significant shortage of this fuel for crop drying is confirmed, you advise me of the steps being taken by the Federal Government to see that the fuels needed are allocated to fully meet the needs of the corn and soybeans farmers and dryers.

Sincerely,

HUBERT H. HUMPHREY.

THE WHITE HOUSE,
Washington, D.C., August 15, 1973.

Hon. H. HUMPHREY,
U.S. Senator, Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR HUMPHREY: As you requested in your letter of August 7 to Governor Love, the enclosed report on the propane situation is for your perusal.

This is an interim report, and we are continuing to work on the problem. We will, of course, keep you posted.

I hope this will be helpful to you.

Sincerely,

CHARLES J. DIBONA,
Special Consultant to the President.

PROPANE

The term "LPG" is an abbreviation of "liquefied petroleum gases." LPG covers a variety of petroleum products with similar chemical and physical characteristics but which are also different in many ways. The two principal gases of the LPG family are propane and butane. These are the only LP-Gases that are marketed at retail for use by the fuel-consuming public. They can be sold and used separately or as mixes.

Sales of butane are only about one-sixth as great as those of propane, and about 85% of butane sales are for the manufacture of chemicals and synthetic rubber. Mixes comprise only about 7% of LPG sales.

Discussion beyond this point relates to propane only.

Propane product specifications, set by the industry, limit the volume of other gases that may be present in a propane gas stream. There are two general propane specifications. "HD-5" is designed primarily for motor fuel use but can be used for other purposes as well. It must consist of at least 90% propane and not more than 5% propylene. "Commercial" propane permits larger volumes of other gases in the gas stream. Both must be free of contaminants. Somewhat broader specifications could increase the supply of propane by a modest amount. Implications of such a change are being explored with industry.

SOURCES OF SUPPLY

About 70% of U.S. domestic supply of propane is derived from natural gas, which is processed in some 850 gas processing plants, located mostly in the gas producing regions of the Gulf Coast and Southwest. In 1972, production from gas plants amounted to 218.5 million barrels. The recovery rate from natural gas is about 9 to 10 barrels of propane for million cubic feet of marketed production of gas. This recovery rate is expected to decline because new gas supplies, most of which will come from deep reservoirs, tend to be leaner in gas liquids content.

Refineries account for the remaining 30% of propane production. In 1972, this source accounted for 93.4 million barrels. The yield of propane at refineries is about 22 barrels per 1,000 barrels of crude oil processed. Propane recovery at refineries is a marginal operation and is governed primarily by propane prices and its alternative value as a refinery fuel. In the latter instance, it is left commingled with other gaseous products. Propane is also an important source of fuel for refinery operation, amounting to 6.8 million barrels in 1972. Curtailments of natural gas supplies to some refineries have increased the demand for propane as a refinery fuel.

CONSUMPTION

Total propane consumption in 1972 amounted to 324 million barrels. Propane is consumed primarily as a household and commercial fuel and as a feedstock for chemical plants. Over 75 percent of the propane consumed in fuel markets is used for residential and commercial applications. Of the total residential and commercial use, over 60 percent is consumed as space heating. Thus, weather conditions play a significant role in the demand for propane.

Propane, along with ethane, is a major raw material for the production of ethylene.

The shortage of natural gas and curtailments of natural gas deliveries have increased the demand for propane, disrupting the normal markets for propane and creating shortages to satisfy the needs of traditional users. Propane is being used as a substitute or standby fuel by gas customers and by some gas distribution companies to meet their peak send out requirements.

Certain demands for propane, such as crop drying, are for short duration. Such demands are normally satisfied by spot purchases. The expanding demand for other purposes has limited the availability of supplies for this purpose.

Table I summarizes the various category of propane usage.

TRANSPORTATION

Propane moves to market in three primary ways—pipeline, railroad tank cars and tank trucks. In addition, small quantities move by barge. Pipelines account for over 70% of propane shipment. Figure 1 shows the major pipeline system operating in the U.S. Pipelines operate as common carriers and allocation of pipeline capacity, as necessary, is normally based on customers' uses of the line shipment during the off season summer months.

STORAGE

Propane consumption is highly seasonal, requiring inventory build-up in the summer off-peak season and withdrawals to meet winter market requirements. Storage is primarily in underground caverns and salt domes. U.S. underground storage capacity for all LP and LR gases in 1972 totaled 255 million barrels, an increase of 85 million barrels from 1971. About 100 million barrels of the current capacity is for propane. Storage capacity is not a problem, except at import terminals where storage facilities are needed to handle expanding volumes of offshore imports.

Statistical data on storage and inventories do not include storage in the marketing and consuming segments. Such storage is not volumetically significant compared to total storage capacity but it represents storage that is readily accessible and important for certain consumers.

STOCKS

Stocks of propane at plants, terminals, underground storage and refineries were 48.6 million barrels as of June 30, 1973, 14.7 million barrels less than on the like date of the previous year. By September 1973, when stock levels normally peak, it is estimated that 60 million barrels of propane will be in storage, down 17 million barrels from the previous year.

EXPORTS AND IMPORTS

Exports of propane in 1972 reached 6.5 million barrels, up from 4.6 million barrels in 1971. These exports go mainly to Mexico.

Imports of propane, prior to the lifting of restrictions on Eastern Hemisphere sources, were confined to Canada and Venezuela. In 1972, these amounted to 15.0 million barrels and 3.8 million barrels, respectively.

Imports from Eastern Hemisphere have begun to arrive at U.S. terminals in limited quantity and are expected to expand rapidly in the near future as new production facilities in Algeria and the Persian Gulf go on stream and as terminal facilities in the U.S. are expanded. One estimate places 1974 imports from the Middle East at 17.5 million barrels or about one-half of all propane imports.

PRICES

Pricing of propane during this summer has been erratic and abnormal. Though posted at 8 to 10 cents/gal., buyers report that they are unable to obtain supplies at these prices. Spot prices have been ranging from 16 cents to 20 cents/gal. and higher. One reason for such high prices is the entry into the market of nontraditional large users of propane, who were willing to pay "any" price to secure supplies. The price controls imposed by the Cost of Living Council under Phase III have also been cited as a major cause of dislocations in prices and distribution channels.

PROGRAM OF ACTION

The Office of Oil and Gas has undertaken these measures in anticipation that propane will be in short supply this winter:

1. Established an interagency task force to assess the propane situation and determine the level of expertise that exists within the Federal agencies with respect to LPG. The task force will issue a report about September 1 which will focus on the magnitude of the problem, principle problem areas and measures which can be taken to increase supplies and improve delivery capabilities.

2. Held a meeting on August 10, 1973, of the Emergency Advisory Committee for Natural Gas. This Committee consists of 44 members, made up of high-level management people, representing a cross-section of the natural gas and LPG industry. These industry leaders indicated that natural gas will be curtailed, of varying degree, in most areas this coming winter. The most severe problems can be expected in the Northeast, Midwest, and Pacific areas. Some companies indicated that they will be able to satisfy their customers' firm requirements, but curtailments of interruptible sales will be widespread. Weather conditions will strongly offset the degree of curtailments.

In propane, the primary problem appears to be the diversion of supplies from traditional markets and expanding requirements for propane caused by shortages of other fuels. A number of propane dealers report that their contracted supplies for the coming winter fall short of last year's sales. Some do not expect to be able to cover their winter requirements. In the course of the meeting some suggestions were made for improving the supply situation and avoiding problems. These will be followed up with the Committee members for possible implementation.

3. Contracted for a study on the supply/demand of propane for the 1973–1974 heating season with a professional consultant. His report will be completed by August 20.

The Office of Oil and Gas is also developing alternative proposals for coping with supply shortages as they materialize.

TABLE I.—PROPANE DOMESTIC DEMAND, 1972[1]

[Thousand barrels]

February	March	April	May	June	July	August	September	October	November	December	Total
8,800	8,800	8,800	8,800	8,800	9,680	9,680	9,680	9,680	9 680	8,680	110,880
12,550	8,340	4,450	1,460	450	270	240	990	5,508	9,600	17,000	79,660
21,350	17,140	13,250	10,260	9,250	9,950	9,250	10,670	15,260	19,280	26,680	190,540
					400	800	1,400	1,000	1,800	1,400	6,800
4,489	5,039	5,996	6,207	6,024	5,080	6,165	6,378	6,378	6,776	6,537	69,461
600	600	600	600	600	600	600	700	700	700	700	7,600
1,095	1,105	1,115	1,120	1,145	1,160	1,160	1,160	1,165	1,170	1,175	13,660
300	300	400	400	400	500	500	500	600	600	600	5,400
1,995	2,005	2,115	2,120	2,145	2,260	2,260	2,360	2,465	2,470	2,475	26,660
2,025	2,025	2,025	2,025	2,025	2,025	2,025	2,025	2,025	2,025	2,025	24,300
1,000								1,000	1,500	1,500	6,000
30,589	26,209	23,386	20,612	19,444	19,715	21,170	22,833	28,128	33,851	40,617	323,761

[1] January omitted, but included in total.

[TELEGRAM]

Hon. HUBERT H. HUMPHREY,
U.S. Senate,
Capitol Hill, D.C.:

A mandatory allocation system for propane is being established pursuant to section 203 (A) (3) of the Economic Stabilization Act of 1970, as amended. Specifically this regulation aims to redirect available supplies of propane back to high priority users, encourage refiners to maximize available supplies of propane, and restrict end use consumption of propane by non-priority users.

The Energy Policy Office has requested that the Cost of Living Council consider the possible amendment of the regulations to (1) provide that (A) sales of propane redirected from one purchaser to another purchaser may be made at the current sales contract price to the first purchaser and (B) the second purchaser may roll this purchase price into his selling price for all propane sales, and (2) allow (A) sales of propane embargoed from shipment from storage to be made at a price not to exceed the purchase cost plus applicable transportation, storage, handling, and sales expense and (B) the purchaser of such propane to roll this purchase price into his selling price for all propane sales. It is our intent that this will alleviate the problem in agriculture and homes heated by propane. We will be pleased to have your comments.

JOHN A. LOVE,
Assistant to the President.

[From the St. Paul Dispatch, Sept. 5, 1973]

GAS FIRM TO HELP ELEVATORS—FUEL PRIORITY SOUGHT FOR CROP DRYING

(By Harry Hite)

A major move was announced today by Northern Natural Gas Co. to alleviate the fuel shortage this fall for seed and crop drying in Minnesota, Iowa, Nebraska and South Dakota.

The company said it has filed an application with the Federal Power Commission (FPC) in Washington, D.C., to provide a high priority status for gas utilized by its utility customers in drying of seed, grain and other crops.

A company spokesman said the emergency allocations of natural gas would be made available to local utility customers for distribution to 20 county elevators on its entire system, including eight in Minnesota.

Most of the Minnesota county elevators are located in the southern part of the state, where the shortage of propane for crop drying is most acute.

State Civil Defense director James Erchul said the move by Northern Natural will provide a significant amount of help in alleviating the shortage of propane for drying crops.

Erchul has estimated that there is a shortage of 20 to 30 per cent of propane needed for drying crops in southern Minnesota. He said the shortage could run as high as 40 per cent in southwestern Minnesota.

Northern said it proposes to make natural gas available for crop drying on a day-to-day basis "when to do so would not adversely affect high priority classes of service such as residential, commercial and small industrial customers."

The company said the natural gas made available for crop drying would come mainly from an exchange agreement between Northern and other pipeline companies.

James Moylan of Omaha, vice president of marketing for Northern, said the program will not make gas available in quantities that will solve the entire problem, "but it will aid the supply situation with respect to requirements for seed, grain and crop drying."

The proposal by Northern would free additional supplies of propane for crop drying because propane is a secondary fuel at the 29 elevators, according to Echul.

A company spokesman said up to 1.2 billion cubic feet of natural gas could be made available through the program during the months of September, October and November. The 1.2 billion cubic feet of natural gas is the equivalent of 13 million gallons of propane.

Still another favorable development in meeting the propane shortage was Erchul's report that a northwestern Minnesota propane supplier with large reserves in underground storage has indicated he will make fuel available to farmers and agribusiness.

REAL PENSION REFORM

Mr. HARTKE. Mr. President, real pension reform is long overdue in this Nation. Germans, both East and West, have had superior pensions with 100 percent immediate vesting, portability rights, and survivors benefits since 1881. Great Britain has just passed laws regulating private pension plans to provide full vesting after 5 years and to pay a widow 50 percent of her husband's pension. In Holland, the private pension system provides for immediate vesting. Why should Americans settle for pension plans that pay most participants no pension at all?

Civilized countries shield their populations against want, illness, old age, and other problems arising out of socioeconomic conditions. I am personally committed to seeing that Congress meets its full responsibilities to the working men and women of this country to improve their pension system.

In a few days, the Senate will consider two bills, one a product of the Committee on Labor and Public Welfare—S. 4—and the other produced by the Committee on Finance—S. 1179. These bills are only a shallow attempt at reform. They would not correct the major deficiencies in the present private pension system.

The provisions of the Finance Committee bill concerning vesting, funding, and participation are simply inadequate to assure the worker that he will collect the benefits that he expects and deserves.

As I point out in my "Additional Views" to the report of the Finance Committee on S. 1179, I reject the notion that pensions are a form of insurance in which most must lose so that some may benefit. A pension should not be a game of chance. It should be a just reward of hard-earned benefits.

Because of my disappointment over the shortcomings of both the Finance Committee's bill and S. 4, I intend to propose several amendments when the Senate debates the pension issue.

The heart of pension reform is vesting. One of the amendments I plan to offer will provide 100 percent vesting after a worker has acquired 10 years of service, and this service standard will decline to 5 years over time. Another amendment will strengthen the termination insurance provision of the bill to make certain that if a plant shuts down, the worker will receive the benefits he expects and needs. We cannot tolerate any more tragedies in which a worker retires penniless after decades of service.

Increasingly, the question of retirement, rights to pensions, and the role of social security will be more consciously meshed with the needs for a mobile labor force and rapid technological innovation. We must assure that the private pension system will meet this challenge. True reform of the system will restore confidence and guarantee the continued growth of pension plans. For these reasons, I hope that you will reject the illusions of reform and join me in my efforts to create a pension system which alleviates the injustices done to over 34 million workers under pension plans, as well as providing hope for those who are not covered.

Mr. President, I ask unanimous consent that my "additional views" be printed in the RECORD.

There being no objection, the additional views were ordered to be printed in the RECORD, as follows:

ADDITIONAL VIEWS OF MR. HARTKE

Today over 34 million working men and women are subject to great inequities in the private pension system. These inequities cause the intolerable situation in which only one out of ten employees enrolled in pension plans will ever receive benefits. It is fortunate that the Senate Finance Committee has reported out a bill on the private pension system. It is unfortunate that their proposal falls short of a viable and comprehensive reform. The committee is taking steps in the right direction at a time when large strides are necessary.

Over the past 9 years, I have introduced a number of proposals aimed at providing a degree of security for the millions of workers enrolled in pension plans. Beginning with a termination insurance legislation and now with the inclusive Federal Pension Plans Protection Act (S. 1858), which I introduced this year. I have been motivated by the conviction that every working man and woman in this country deserves the dignity and security of adequate means of support for his or her retirement years. I am greatly distressed that so many people still consider pensions a form of insurance in which most must lose so that some may gain. The committee proposal seems based on this concept. In rejecting this notion, I maintain that a pension should not be a game of chance.

Some may be satisfied with the committee's minimal proposals on vesting, funding, portability and termination insurance. I am not content. The committee solutions aid only a few, leaving millions who need adequate and secure pension coverage wanting. Let me specifically explain my points of difference with the Committee.

I. ADMINISTRATION AND ENFORCEMENT

A. The committee proposal

Principle responsibility would be placed in the Treasury Department. The Secretaries of Labor, Treasury and Commerce would be the trustees of the termination insurance program and the voluntary central portability program, and the Secretary of Treasury would be the managing trustee.

B. Objections

While I agree that the Treasury Department should be responsible for enforcement of the provisions of the bill, I believe that the Labor Department should be the principal agency for administration. Rather than playing political games over questions of committee jurisdiction, our principal concern should be safeguarding the rights of workers. I do not believe that the principal administration of this bill should be given to an agency whose primary interest is tax collection.

C. The Hartke approach

Under my proposal, the Secretary of Labor would administer the vesting standards and termination insurance program. The Treasury Department would administer funding standards and would be responsible for the enforcement of the bill. The Labor Department is charged historically with the protection of workers' rights and collects and analyses annual information on assets, costs, and actuarial liabilities under the Pension and Welfare Plans Disclosure Act.

II. PARTICIPATION

A. The committee's proposal

A qualified pension plan would require, as a condition of eligibility, service of no more than 1 year, or attainment of age 30, whichever occurs later.

B. Objections

Most workers begin their jobs in their late teen years or early twenties. A fair and equitable reform should not exclude these early years of service. Age 30 is too late a date for participation because it delays the acquisition of vesting rights.

In many cases the committee's proposal is only slightly more progressive than the administration's vesting standards—the so-called "rule of 50," i.e. a worker gains 50 percent vesting when his age and years of participation equal 50, and 10 percent additional each year thereafter. (See table below under vesting.) Under the committee proposal a worker who started at age 20 would have to work 15 years until age 35 before he attained his full vested rights. The committee proposal would make attainment of full vested rights difficult or impossible for millions of part-time and part-year workers. Examples of these groups of workers excluded by the committee bill are given below under vesting.

C. The Hartke approach

Pension benefits should not be considered an exclusive privilege of the fortunate few; rather they should be made a right for all. My reasonable approach provides for a more quickly attainable eligibility; participation would commence after a period of service no longer than 2 years or age 25; whichever occurs later.

III. VESTING

A. The committee's proposal

A qualified plan must provide at least 25 percent vesting after 5 years participation, 5 percent additional vesting for each of the next 5 years, and 10 percent each year for the next 5 years thereafter. This formula would provide for at least 25 percent vesting after 5 years participation, 50 percent after 10 years and 100 percent after 15 years.

B. Objections

Progressive vesting rights are the heart of pension reform. Weak vesting clauses make for ineffectual and superficial pension legislation. The committee's proposal gives the illusion of reform without the substance. The vesting provisions are extremely weak and inadequate. Such a scheme would discriminate against women, seasonal workers, and workers in mobile or faltering industries. A recent Senate Labor Subcommittee study found that, for plans requiring 10 years participation or less for vesting, 78 percent of those separated did not qualify for benefits. Under these same conditions, the committee proposal would provide 50 percent vesting after 10 years participation for only 22 percent of those who separate. I do not consider such an approach acceptable.

Achieving vested rights for women is also difficult under the committee's proposal. Most women work at a job for shorter periods than men, and often work part-time or part-year. The committee has made no provision for part-time or part-year work. While men in manufacturing have a median of 14.3 years of service, women in their later years, have only 8.3 years of service. And in retailing, women over 45 had an average of 4.9 years. As a result, a woman would achieve only 40 percent of her vested rights. This is not a decent retirement benefit.

A moderately good benefit will give $5 a month for each year of credit service. A normal retirement for a woman would be 8 years of credited service or $40 a month. But the committee's proposal would provide only 40 percent of this or $16 a month—less than $4 a week. And that benefit is subject to erosion by inflation between the time it vests and the time it becomes payable.

Aerospace is an example of a faltering industry in which many plants have shut down and many more will shut down in the future. A recent study found that 80 percent of the employees in this industry had completed fewer than 10 years of service. At the very best, the committee's proposal would provide 50 percent vesting for these workers—too minimal a standard.

With no provision for part-year work, it will be virtually impossible for the seasonal worker to attain vested rights. Many cumulative years of service will add up to nothing in retirement.

The committee vesting proposal would provide for little or no benefits for the majority of workers in this country. It ignores the overwhelming evidence which demonstrates that the weaker the vesting requirements, the less likely it is that the participant will ever receive his needed pension benefits.

C. The Hartke approach

I propose that eventual 100 percent vesting be achieved after only 5 years of service. These more progressive rules on vesting will open the way for more frequent job changes, increases in work satisfaction, a more mobile and a more effective labor force. We owe this to the working men and women of this country. In order to graphically demonstrate the superiority of the Hartke approach, I submit the following table:

VESTING TABLE

Age	Percent vested committee	Percent vested administration	Percent vested Hartke
20	0	0	0
25	0	0	100
30	50	0	100
35	100	0	100
40	100	50	100
45	100	100	100

The table shows what would happen to a worker beginning his job at age 20. Under the committee proposal, this worker would not qualify for participation until the age of 30. After 10 years of work he would be only 50 percent vested. This worker would be 35 before he was fully vested under the committee bill, 45 under the Administration's bill; *but* only 25 under the Hartke proposal.

IV. FUNDING

A. The committee's proposal

The committee agreed to a minimum funding standard which requires the payment of current or normal pension costs and the level payment of current or normal pension costs and the level payment, or amortization, over a 30 year period of unfunded accrued liabilities, without regard to whether such past service liabilities are vested or unvested. A plan amendment resulting in a 5 percent increase in unfunded past service cost existing at the time of the amendment is to be regarded as a "substantial" increase in unfunded past service costs which may be treated as a new plan and funded over 30 years.

B. Objections

Inadequate funding is the primary reason that thousands of workers yearly lose their benefits when a plan terminates. In 1964, when the Studebaker plant in South Bend, Indiana, shut down, over 8500 employees lost their pensions because there was not enough money to fund them. *The Committee's bill would not have prevented this tragedy.* Studebaker had a 30 year funding schedule. Tragedies like the Studebaker case occur every year and in all parts of the country. Only strong funding requirements will prevent them from occurring.

C. The Hartke approach

My proposal would require past service liabilities to be funded over a 25 year period, and substantial increases in liabilities due to amendments would also be funded over 25 years.

V. TERMINATION INSURANCE

A. The committee's proposal

Vested rights of participants would be insured up to a maximum of 50 percent of the average monthly wage over the past 5 years and not to exceed $750 a month. For the first 3 years, the termination insurance would be financed by a 50 cents per capita payment for each participant in the pension plan. After such time premiums would be set at a level based on cost experience.

B. Objections

On the average, 20,000 workers a year are affected by pension failures. The participants hit hardest by these closeouts are those between the ages of 40 and 60. This group is usually paid little or nothing in pension benefits for many years of service.

I am gratified that the Committee's proposal would establish an insurance program to protect these thousands of workers, but I am disappointed that the proposal would provide such inadequate benefits. Fifty percent of expected benefits is simply not an adequate means of support for the average worker. When a worker enrolls in a pension plan he has the right to expect adequate benefits regardless of whether the plan folds, whether his department is phased out, whether his company goes out of business or merges with a larger unit.

C. The Hartke approach

My plan would insure vested benefits to a maximum of 80 percent of the highest average wage over a 5 year period or $500 a month, whichever is less. The insurance premium rate would be no higher than 0.5 percent of unfunded liabilities.

VI. PORTABILITY

A. The committee's proposal

A voluntary central portability fund would be established as a private corporation under the trusteeship of the Secretaries of Labor, Commerce and Treasury, with the Secretary of Treasury being the managing trustee. If the employer and employee both agree, the departing employee could transfer his vested benefits to the fund.

B. Objections

Voluntary portability, will do very little for the employee. There is little reason to expect that an employer would give away dollars to a departing employee which he could give to a retiring employee who remains with his company. The trusteeship of the fund by three Secretaries causes needless confusion and duplication of effort. It is much simpler and more reasonable that the Secretary of Labor alone be the managing trustee of the fund.

C. The Hartke approach

I will propose the establishment of a compulsory portability fund into which an employee's vested benefits would automatically be transferred. The employer would have a minimum of 5 years to pay these vested benefits into the portability fund.

The private sector should be given an initial opportunity of at least 18 months to develop plans for the organization of a portability fund. If they fail to act, the Secretary of Labor would establish the plans for portability funds. I strongly believe that these efforts should be made to keep pension monies within the private sector.

The central portability fund should also have the option of offering basic plans of pension coverage to companies that do not have any. Such plans would be limited to employers with 300 employees or less. This service would be particularly beneficial to smaller companies who cannot afford the high costs of establishing and operating pension programs. We must make a strong effort to expand the private pension industry to cover the millions of Americans not presently enrolled.

CONCLUSION

These are among the changes to the committee's proposal which I propose to bring real reform to the private pension system in this Nation. I emphasize that we should not accept any illusions of reform but rather we should have the courage to help the 34 million working men and women who are enrolled in pension plans. When the Senate begins debate on pension reform, I intend to initiate a full discussion of the issues which I have raised in this statement.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; SPACE, SCIENCE, ET CETERA, APPROPRIATIONS BILL, 1974—CONFERENCE REPORT

Mr. PROXMIRE. Mr. President, I submit a report of the committee of conference on H.R. 8825, and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The report will be stated by title.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8825) making appropriations for the Department of Housing and Urban Development; for space science, veterans, and certain other independent executive agencies, boards, commissions, and corporations for the fiscal year ending June 30, 1974, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The ACTING PRESIDENT pro tempore. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of July 28, 1973, at pp. 26523–26524.)

The ACTING PRESIDENT pro tempore. The time on this measure is limited to 1 hour, to be equally divided and controlled between the Senator from Wisconsin (Mr. PROXMIRE) and the Senator from North Dakota (Mr. YOUNG), with 20 minutes on any debatable motion or appeal.

Mr. CRANSTON. Mr. President, I ask unanimous consent that during the consideration of the conference report, two members of the staff, Louise Ringwalt and Jon Steinberg, be granted the privilege of the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally against both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that my administrative assistant, Howard Shuman, be permitted to remain on the floor during the votes on this measure.

The ACTING PRESIDENT pro tempore. Without objections, it is so ordered.

Mr. PROXMIRE. I yield to the Senator from Massachusetts.

Mr. BROOKE. Mr. President, I ask unanimous consent that my staff assistant, Mr. Jarry Buckley, be permitted to remain on the floor during the consideration of this measure.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PROXMIRE. I yield to the Senator from Maryland.

Mr. MATHIAS. Mr. President, I ask unanimous consent that my staff assistant, Mr. Michael Smith, be accorded the privilege of the floor during the debate on this measure and the vote which follows.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, the pending conference report on H.R. 8825 provides new budget—obligational—authority of $19,056,500,000. This sum is $1,827,723,000 less than the amounts made available last year for the Department of Housing and Urban Development and other independent agencies and commissions contained in this bill.

It is also $14,454,000 less than the sum recommended by the House and $61,873,063 less than the amount contained in the Senate version of the bill. However, the amount recommended in $439,047,000 more than the budget estimates.

Mr. President, on the surface it would seem that this is a budget-busting bill. However, that is not actually the case. Just prior to the subcommittee markup in the Senate, estimates were submitted by Secretary Lynn of the Department of Housing and Urban Development calling for $75 million for the model cities programs and an additional $185 million for the urban renewal programs. These estimates had the concurrence of the Office of Management and Budget. Nevertheless, official estimates were never submitted to the Congress. When these additional estimates, aggregating $260 million, are considered, the amount in excess of the original budget estimate is $179,047,000, which is less than 1 percent of the total sum recommended. The outlay impact on the budget of the conference action is even less than the effect of the additional new obligational authority. In fact, depending on who prepares the estimate, it could be $5 million more or less than the sum initially estimated in the President's budget. Thus, it is safe to say that the conference action will have no effect on the outlay ceiling.

As with all conferences, the end result of this one was little different from any other. There was the necessary give and take on both sides. However, this particular conference was a most pleasant experience for me and much different from many of the appropriations conferences in which I previously participated because our differences were resolved in an atmosphere pervaded by amiability and rationality.

Mr. President, most of the items contained in the bill covered by this conference report are below the budget estimates. In fact, the amounts allowed for the items contained in the budget of the Department of Housing and Urban Development are below the budget estimates in all but three instances. In these three instances the recommended appropriations are in excess of the budget estimate by $637,500,000.

The first of these is the $150 million recommended for the model cities programs, for which no official estimate had been submitted to the Congress, but for which, as previously mentioned, $75 million was requested by Secretary Lynn. The second one is the $600 million recommended for the urban renewal programs, for which an official estimate of $137,500,000 had been submitted to the Congress and for which Secretary Lynn unofficially requested an additional $185,000,000. The third item is open space land grants for which $25 million is recommended and for which there was no official budget estimate. In this instance the Secretary of the Department of Housing and Urban Development did not submit an additional unofficial estimate.

In the other major programs for the Department of Housing and Urban Development the recommendations in the conference report, as I have indicated, are below the January estimates. For housing payments the committee on conference recommends $2,020,000,000, which is $80 million below the budget estimate. In addition, the conferees agreed to a floor amount of $280 million to be made available for the payment of operating subsidies to local housing authorities. For comprehensive planning grants the sum of $75 million is recommended, which sum is $35 million below the budget estimate. However, it was $50 million greater than the sum recommended by the House and $35 million less than the amount contained in the Senate bill.

For Urban Research and Technology the committee on conference recommends $65 million, which is $5 million greater than the sum contained in the House bill and $6,450,000 less than the estimate and the sum recommended by the Senate.

In title II of the bill, which covers the budgets for the National Aeronautics and Space Agency, the National Science Foundation, the Veterans' Administration, the Selective Service System, the Securities and Exchange Commission, the Federal Communications Commission, and the Renegotiation Board, the committee on conference considered 10 money amendments that were appended to the House bill by the Senate.

The first of these covered construction of facilities for the National Aeronautics and Space Agency. The committee on conference agreed with the Senate recommendation of $101,100,000 instead of the $87,800,000 recommended by the House. These sums compared with $112 million, which was contained in the budget estimate. For the National Science Foundation the Senate had recommended an amount of $571,600,000, while the House bill contained the sum of $561,600,000. The conferees on the bill agreed on the sum of $566,600,000, which was an even split and provided that the sum recommended include funds to commence construction of the Very Large Array radio telescope in New Mexico.

For the Selective Service System the conferees agreed on the sum of $47,500,000, which was the same as the amount contained in the House bill and $12,500,000 greater than the Senate recommendation. Nevertheless, the conferees concurred with the Senate language amendment, which provided that none of these funds shall be made available for the purpose of inducting any person into the Armed Forces of the United States.

In the budget of the Veterans' Administration the committee on conference accepted a number of additions that were made to the House bill by the Senate. For medical care, the conferees agreed on a total of $2,676,261,000. This amount was $5,911,000 above the sum contained in the House bill and $20,261,000 above the budget estimate. It included funds for the 1,000 additional positions initially added by the House and concurred in by the Senate and also funds that were added to the House bill by the Senate for the activation of closed wards in 7 VA hospitals, for the establishment of 10 new and the upgrading of 4 existing alcoholic dependence treatment centers, and for the activation of 15 new and the upgrading of 16 existing hospital-based home care programs.

For medical care and prosthetic research the conferees agreed on the sum of $75,500,000 of new budget—obligational—authority, which was $4,500,000 greater than the sum contained in the House bill and in the budget estimate. When a carryover balance of $4,818,000 and reimbursements of $2,600,000 are added to this recommended appropriation, a total of $82,918,000 will be available for medical and prosthetic research in fiscal year 1974.

The committee on conference has also included in the budget of the Veterans' Administration $25 million for assistance for new State medical schools. This amount compares with the $55 million which was recommended by the Senate and a zero amount contained in the House bill and the budget estimate.

Mr. President, the committee on conference has included in the pending measure for construction of major projects of the Veterans' Administration $68,343,000, which sum is $7,044,000 above the budget estimate which was added by an amendment on the Senate floor to provide air-conditioning for projects at Gulfport, Miss.; Huntington, W. Va.; and Salisbury, N.C. The conferees also agreed to an increased appropriation for the construction of minor projects of $1,002,000, which resulted from an amendment on the Senate floor to provide air-conditioning for VA hospitals in San Juan, Puerto Rico, and Waco, Tex.

For the loan guaranty revolving fund of the Veterans' Administration the committee on conference recommends a limitation on obligations of $500 million, which is $100 million above the budget estimate and the amount contained in the House bill. The Senate increased this limitation when it considered the bill because it was informed by the VA that there was an increasing number of claims and property acquisitions being processed that were related in part to the substantial increase in GI loans which were closed during the past couple of years.

Mr. President, unfortunately the conferees reached an impasse on amendment No. 44 and 45, which relate to the use of vehicles by Government executives. I have made my views known on this subject in news releases, speeches delivered on the Senate floor, and through the interrogation of all the top executives who appeared before our committee during the course of our hearings.

The Senate amendments with which the House conferees disagreed do not take all vehicles that are used for official purposes away from the Government executives of the department and agencies covered in this bill, but they do prohibit them from using these vehicles for transportation between their dwellings and their places of employment. In this respect, the amendments are merely a restatement of existing law which has, over the years, been more honored in the breach than in the acceptance.

I refer specifically to the Administrative Expenses Act of 1946, which provides that no funds can be expended for any Government-owned vehicle except for use "for official purposes," and that law states, further, that

> Official purpose shall not include the transportation of officers and employees between their domiciles and places of employment.

There are two exceptions spelled out in the law, one dealing with Government doctors on outpatient duty and the second dealing with those who are serving in remote areas hundreds of miles away from their agency offices or on what is termed "field service."

In testimony before the subcommittee, it was made clear that this prohibition in the law is violated daily by most of those who have government limousines and who operate them on the basis of the appropriations made in this bill by this subcommittee and by the Appropriations Committee.

Mr. President, the motion was offered in the House to insist on its disagreement to the aforementioned amendments of the Senate that would impose restrictions on the purchase, hire, and operation and maintenance of passenger motor vehicles, and unfortunately, the House, by a vote of 222 to 189 is insisting on this disagreement.

Mr. President, I know that many consider this a very small matter, and they wonder why I am so persistent in my efforts to have this vehicle amendment included in the bill. Many think it is ridiculous and absurd to hold up a $19 billion appropriation bill for the purpose of reaching my objective of restricting the use of vehicles by Government executives. However, I cannot agree with them. It is a matter of principle with me, and I do not feel that any law on the statute books should be cavalierly violated with impunity. Consequently, Mr. President, I am going to request that the Senate go along with me and support my position.

Therefore, later on, I am going to move that the Senate insist on its amendment Nos. 44 and 45 and direct that the conferees return to a conference with the House for the purpose of resolving the disagreement on the aforesaid amendments.

I might point out, Mr. President, that the vote in the House is a remarkable vote when we consider the fact that the leadership supported the House position and strongly opposed my amendment. In spite of that, it very nearly passed because so many rank and file Members of the House recognize this as a serious abuse.

I must say that the people in my State, by mail, by direct comment give more emphasis and outspoken support to my opposition to use of chauffeured government limousines by so many administrative executives, than to virtually any other issue.

Mr. HELMS. Mr. President, would the Senator from Wisconsin yield?

Mr. PROXMIRE. I yield.

Mr. HELMS. Mr. President, I certainly want to give my full endorsement to the efforts of the distinguished Senator from Wisconsin (Mr. PROXMIRE) to eliminate the excessive and completely unnecessary use of Government-owned limousines which has been a chronic affliction within the executive branch for at least a generation. There has never been any justification for this rather pompous raid on the taxpayers' pocketbooks, and it ought to be stopped.

I see no reason why the American taxpayer should be called upon to support these luxuries. Several months ago, at my request, the General Accounting Office began a review of the use and cost of limousines throughout the departments and independent agencies in the Federal Government. This information is now being compiled in its final form for my information and for the use of other members of Congress.

Mr. President, prior to coming to the Senate, I often attended various functions in Washington, and there seemed always to be a long line of waiting Government-owned limousines, with motors running and Government-employed chauffeurs waiting. Since January, the spectacle has been the same.

This is the sort of thing that makes the taxpayers bitter and cynical. They have every right to be.

Mr. PROXMIRE. Mr. President, I want to thank the distinguished Senator from North Carolina for his consistent, strong, able, and effective opposition to waste in our government. I very much appreciate his support.

Mr. HELMS. I thank the Senator from Wisconsin very much.

Mr. BROOKE. Mr. President, I should like to speak briefly on the motion now before us and then offer a motion in place of it, if I may, if it is appropriate at this time.

When this appropirations bill was before us——

Mr. PROXMIRE. Mr. President, if the Senator will allow me to interject there, I have not made that motion. There are several other motions we would like to make first that relate to other provisions in the bill. We will come to the Senator's motion later in the morning, if that is acceptable to him.

Mr. BROOKE. Let me make my statement now and then at the appropriate time I will make the appropriate motion.

When this appropriations bill was before us the first time, we adopted language prohibiting the use of limousines by anyone in the agencies covered other than the Secretary of Housing and Urban Development and prohibiting the Secretary from using a limousine to and from his residence. The conferees were unable to agree on this prohibition and, accordingly, the conference report contained this disagreement. The House has already voted on the appropriations bill, approving the conference report and rejecting this prohibition. Following its action, the House discharged its conferees.

The issue we now face is whether we are going to insist on this prohibition or whether we are going to pass an appropriations bill for HUD, space, science and veterans. If we insist on this amendment, the effect will be to delay passage of these agencies' fiscal year 1974 appropriations until even later in the fiscal year. Even after this delay, there is no assurance that we shall ultimately prevail. There are a number of reasons why the House may insist upon its own position. Thus, we may find that we have delayed passage of this bill only to face this same situation several weeks from now.

We are all aware of the misuse of limousines by various Government officials. The Senator from Wisconsin has done an outstanding job in bringing these abuses to the attention of Congress and the public. I have supported the Senator on this issue as a member of the Subcommittee on HUD, Space, Science, and Veterans; and I believe that we are right.

I have also discussed this matter as recently as this morning with the chairman of the Appropriations Committee, who is seriously considering the appointment of an ad hoc committee to study the use of limousines by agencies and departments of the Government.

Second, the General Accounting Office is presently conducting an investigation, at the request of the distinguished Senator from North Carolina (Mr. HELMS), into the use and misuse of limousines throughout the Government and is expected to issue a report shortly. The restriction in the bill we are considering today applies to only one group of agencies, not the entire Government, and to only one Cabinet officer out of 12. By waiting until the reports of the ad hoc committee, which I believe the chairman of the Appropriations Committee will appoint, and the Comptroller General are available on this subject, we can insure that a sound and consistent policy with respect to the use of limousines is developed for all Government agencies.

I think we have made our point on the limousine issue. We have served notice on those who have misused Government limousines. We have begun to develop guidelines on the use of limousines which can apply throughout the Government.

Again, I want to commend the distinguished Senator from Wisconsin for his leadership in this effort. To press our point further at this time, until we have the report of the ad hoc committee, which I trust will be appointed by the chairman of the Appropriations Committee, and the GAO report, would only invite considerable delay in the passage of this important bill.

So, Mr. President, at the proper time, I intend to move that the Senate recede on amendments Nos. 44 and 45.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield to the distinguished chairman of the committee.

Mr. McCLELLAN. Mr. President, I was seeking recognition at the time the distinguished Senator from Massachusetts was recognized. I had in mind to state what I have discussed with the distinguished chairman and manager of this conference and with the distinguished Senator from Massachusetts.

I supported the Senator's proposal in committee and commended him for it. I think he is due full credit for having raised this issue before Congress, particularly before the Senate. I had hoped that it would prevail in conference. I realized at the time, however, as I do now—and I think all of us realize—that this is not just a one-agency problem. It runs across the board with respect to executive departments. Therefore, our remedy—whatever remedy we apply, whatever action Congress takes—in all fairness and equity, should be across the board, so as to deal with each agency alike and to deal with them equitably with respect to this problem.

Since the House has rejected the amendment in this bill and we are here dealing now with the approval of a conference report, it occurred to me that probably the best solution and course of action we should take would be not to insist—although I am not trying to dissuade the manager of the conference report from changing his position—but, from the standpoint of the Senate, perhaps we should not insist upon our position with respect to this particular bill—I doubt whether the House would pass it—and thus cause the delay to which the Senator from Massachusetts referred.

I thought there was an obligation upon us to do something about it, and it occurred to me that it would be well for us to appoint an ad hoc committee, members of the Appropriations Committee, with instructions to proceed to examine and evaluate this situation immediately and report back to us as to what would be a proper course of action and the proper number of limousines to allow for each agency or each department of Government.

The situation has been abused, and I think the responsibility is upon us to correct it. This is my thought of the best way to approach the problem. I hope we will do justice and equity.

I yield to the distinguished Senator from Rhode Island.

Mr. PASTORE. Mr. President, I agree wholeheartedly with the distinguished chairman, but I hope that nothing will happen this morning that would indicate that the Senator from Wisconsin, the manager of this particular bill, has been defeated in his attempt to expose these abuses and to cure them. I think he has been instrumental in bringing the abuses to the surface. What really should motivate us here is to cure the abuse in its totality rather than in one agency. I think the Senator has set the stage for the investigation.

I would hope that in view of the fact that the House has already discharged its conferees, and the word is that everything is going to be stalemated—we have in the bill funds for medical care of veterans, including 303,622 permanently wounded veterans from Vietnam alone—I would not want to see that item held up. It is too important.

I hope that the Senator himself would take the initiative and act on a plan whereby an investigation would be conducted to cure the abuses, or have somebody move in contradistinction to that matter, so that it will not look as though the Senator from Wisconsin was defeated.

Mr. PROXMIRE. I thank the Senator from Rhode Island and also the committee chairman (Mr. McCLELLAN); and I wish also to thank the Senator from Massachusetts for his advice.

I do think we are now in a position to drop this. The committee has agreed to the proposal. The Senate has passed it, the other body very nearly accepted it.

This action affects not only one agency; some nine agencies are involved in the provisions of this bill.

I think we should make a beginning. The chairman has indicated that he would not have objection to this kind of procedure. He may vote against me, but we ought to have a vote up or down on this measure. I think we can win it. But win or lose, the fact is that we have other appropriation bills, for other agencies that are yet to come before us. The ad hoc committee, I think it would be a very appropriate way to attack the situation from this point on.

But having gone this far, at this juncture—and I appreciate very much the advice of the Senator from Rhode Island—our position may be defeated—but having gone this far, I want to persist; I want to proceed.

Mr. PASTORE. Of course, that is the Senator's prerogative. But in that position we get into a stalemate with the House.

Mr. PROXMIRE. I agree; but we can meet with the House. In view of the close vote in the House, we can work something out in a very few days. The continuing resolution does fund this agency at a level very close to what we have in the bill. As a matter of fact, the bill we are passing is below the level of last year for most of the agencies, without providing more funds for them.

Mr. PASTORE. That is the Senator's problem: He is going to reach a stalemate in the last quarter. That is the point. The Senator ought to know at this juncture how much he will get for the veterans—how much money they will have. If we are going to provide the same amount as for last year, what is going to be carried forward by the continuing resolution? Then what will the Senator do?

Mr. BROOKE and Mr. COOK addressed the chair.

Mr. McCLELLAN. Mr. President, I do not know if I have the floor. I shall yield but first I would like to make this observation.

The Senator from Wisconsin will recall that yesterday I made this suggestion to him. This is not something that developed on the floor. Realizing the seriousness of the problem and wanting to contribute toward the solution of it, the right kind of solution, I suggested to the Senator yesterday that we should take some action, whatever happens to this, to correct the situation across the board.

I know of no better way that I can perceive, as chairman of the committee, other than to move immediately, and I will irrespective of the outcome of the matter on the floor today.

I propose early next week to appoint an ad hoc committee of the Committee on Appropriations to examine this issue and bring to the Senate a recommendation that will deal with the situation equitably across the board.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. PROXMIRE. Mr. President, if I may interrupt for a moment, there is a procedural problem. My time is almost used up. I would like to ask the Senator from Maryland if he would be recognized and yield to other Senators.

Mr. BROOKE. Mr. President, will the Senator from Maryland yield?

The PRESIDING OFFICER. The Senator from North Dakota (Mr. YOUNG) has control of the time.

Mr. BROOKE. Mr. President, will the Senator from North Dakota yield some time on this issue?

Mr. YOUNG. I would like to say a few words myself and then I will be glad to yield.

The PRESIDING OFFICER. The Senator is recognized.

Mr. YOUNG. Mr. President, I support the position taken by the distinguished chairman of the committee (Mr. McCLELLAN).

I wish to commend the Senator from Wisconsin for digging into this entire matter of abuses, and there are abuses in many agencies of the Government. This was a worthwhile service. But there are other agencies than those involved in this bill where there may be more abuses than there are here.

I believe the approach presented by the Senator from Arkansas is a better approach; that is, to study this matter and come up with an amendment later, perhaps in a supplemental bill dealing with all agencies of Government after a careful study has been made.

Therefore, reluctantly, I will vote against the motion, but I hope a committee will be appointed to deal with the matter in connection with every agency of Government.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. YOUNG. I yield.

Mr. BROOKE. Mr. President, I am sorry about this impasse, because I think the Senator from Wisconsin knows that I was a very strong supporter of this amendment in the subcommittee and I was hopeful that he would adhere to the counsel of the distinguished Senator from Rhode Island that we would not bring this matter to a vote. We certainly do not want to lose it, and I am not saying we will lose it, but we may. We have made such progress on the floor; it has been introduced; and the Senator from North Carolina (Mr. HELMS) has been able to get GAO to commence its study of this matter. Now, we have the concrete proposal by the distinguished chairman of the Committee on Appropriations that we will have appointed an ad hoc committee to study all agencies of Government as far as the use of limousines is concerned.

I wonder if a substitute might not be in order that would include in this bill, to go back to the House, the appointment of an ad hoc committee by the chairman of the Committee on Appropriations to make a study of the matter and report back, at which time Congress might take action.

Mr. President, if that is in order, I would want to make that motion. I do not want to make the motion I referred to earlier, namely, that the Senate recede, because it gives the impression that the Proxmire amendment could be defeated, and I do not think it should be defeated. It is too important a piece of legislation. No one doubts there has been an abuse in the use of limousines in Federal agencies and departments. We want to stop it, but we want to stop it with respect to all agencies. I am sure the Senator from Wisconsin wants to do it with respect to all agencies and departments, but this is without our jurisdiction.

Therefore, Mr. President, I would like to know if a substitute would be in order at this time.

Mr. PROXMIRE. I understand no motion is pending at this time.

The PRESIDING OFFICER (Mr. CLARK). No motion is pending. The question is on the adoption of the conference report. The conference report itself is not amendable.

Mr. PROXMIRE. Mr. President, I will move the adoption of the conference report in just a moment. I do wish to say that I can see the sentiment that is developing on the floor. There is nothing that speaks louder than action. Appoint a committee to study it? We do not know what they will come up with, what the committee will do, or what the report might be. We have before us a specific and definite provision that nobody, except the only Cabinet officer involved, is going to have a chauffeur-driven limousine. That is understandable, it is clear, and this will cut off 14 limousines as soon as this passes the House and the Senate.

I have no objection to a committee studying the matter. What could be better than to have one appropriation bill to begin with dealing with the cutoff? Then, we have the precedent, the breakthrough, some real progress.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. BROOKE. Does not the Senator think that is discriminatory against those agencies under our jurisdiction?

Mr. PROXMIRE. There is no question it is discriminatory. It seems to me the most effective way to make this have some consequence, some bite, and to mean something; otherwise we will be debating some kind of study and compromise for years.

Mr. COOK. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. COOK. Mr. President, this Senator would intend to vote to support the Senator from Wisconsin for one very simple reason. I am delighted the Senator from Rhode Island is here. One of the reasons there is a hangup on this matter is because of the pressure that has been brought by the people who misuse those automobiles.

We are talking about the fact that we can hold up these funds, and these funds may be in a state of limbo in relation to the continuing resolution and appropriating the funds we have in this conference report. But if we want to get to the heart of it, it is not the Senator from Wisconsin holding this up; it is the people in the agencies who misuse these facilities that have exerted pressure to get them taken out of the bill.

When the Senator from Massachusetts talks about discrimination, when I drive home every night I see those fellows in the back of automobiles reading the Wall Street Journal. I have tried my best to drive by and see if I know one of them, and I have not found one that I know yet.

I intend to support the Senator from Wisconsin, because a start has to be made. If we should compromise, an ad hoc committee would be appointed which would report back to this body in 30, 60, or 90 days or perhaps a year. But if actions is what we want, that is what we will get.

Mr. PASTORE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. PASTORE. It should be 10 days.

Mr. COOK. Fine.

Mr. PASTORE. There is nothing here that is not so simple that it cannot be easily understood. The Senator talks about the man in the back of the chauffeur-driven automobile reading the Wall Street Journal and smoking a cigar. The worst offender is the White House. If one goes to the White House he finds people who step aside when a Senator walks in, but the next morning we find that same fellow being chauffeur driven from his home to the White House, with a telephone in the back of the car. Mr. President, you say to yourself, "What gives here?"

I think we set the specifics here. With respect to the arguments the Senator from Wisconsin is making here, he made them in that conference and the House rejected them. Whether it was close, I do not know. All I am saying is that if we want to do the job right we should stop it next Monday, and in a week or 10 days they could come back with a bill or resolution to kill the whole thing.

Mr. COOK. My point is that it is the individuals in the departments, the many that lie in the framework of this conference report, exerting pressure to keep and misuse these facilities, and they are the ones at fault in this impasse. I think we really ought to put the blame where it belongs, and not on the Senator from Wisconsin.

I must say, in all fairness, it is getting a little tougher for this Senator when somebody's chauffeur in his neighborhood goes to a ladies' dress shop to pick up a dress for a Cabinet member's wife. I get to the point where this is really beyond the realm of reason.

I think the Senator is on the right track. I think he ought to stay on it. I think, whatever compromise he makes, it ought to provide that action is forthcoming. I will even agree with the suggestion of the Senator from Rhode Island that it be done in 10 days. Other than that, I am completely in support of the Senator from Wisconsin.

Mr. McCLELLAN. Mr. President, will the Senator yield me 1 minute?

Mr. YOUNG. I yield 1 minute to the Senator.

Mr. McCLELLAN. Mr. President, I want to observe for the record that no one has put pressure on me or tried to. I talked to the distinguished Senator from Wisconsin yesterday, trying to find a solution. I have not tried to dissuade him from any course he is going to pursue today. I think we should recognize the problem here and recognize the need to do something about it. I think we are not doing the job when we do what he asks. We will be doing only part of the job.

I said, irrespective of what happens to this measure today and the issue before us, it was my purpose—and I do not think anybody on the Appropriations Committee would object to it—to appoint a committee. I do not know whether it can do it thoroughly in 10 days, but many of these agencies have surplus automobiles and chauffeurs that are not needed and can be dispensed with. That would be my purpose, irrespective of what action is taken here today.

I want to make the record clear that no one has contacted me from any agency or the White House or anywhere else.

Mr. YOUNG. Mr. President, could the Senator require that that report be made available prior to the final appropriation bill being acted on?

Mr. McCLELLAN. We could do that. I do not think there is any need to set a time limitation on it. I intend to appoint to that committee some Senators who are most interested in this subject matter, and I am sure they would do their job expeditiously.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. MATHIAS. Mr. President, how much time remains?

The PRESIDING OFFICER (Mr. CLARK). One minute remains to the Senator from Wisconsin; 15 minutes to the Senator from North Dakota.

Mr. YOUNG. Mr. President, I yield such time as the Senator from Maryland may require.

Mr. MATHIAS. I appreciate the distinguished ranking minority member of the committee's yielding some time to me on this matter. I want to speak on the great limousine issue, as well as say a few words on the conference report itself.

Mr. President, I am concerned with the way this issue has now crystallized before the Senate. I have agreed with the Senator from Wisconsin in his approach to this question. I think he has shown unusual persistence in pursuing it with each agency as that agency brought its budget before the committee.

I think his questions have revealed to the Senate and to the public the fact that there is abuse of the privilege granted certain high officials of Government, and some not so high, of having chauffeur-driven limousines. Really, that is what we want to get at. We want to get at the abuse, not at the proper use of these vehicles, which can be machines in the proper discharge of official functions. We want to get at the abuse.

What I am concerned about is that, the

way the debate has developed, we are going to stop it at the bung and let it run out the faucet. The day before yesterday we approved the Treasury-Post Office appropriation bill, and there were a number of limousines involved in that. There was a whole fleet of limousines approved in that report. The Senator from Rhode Island referred to limousines in the White House. Just yesterday, or the day before, we all voted to give them another lease on life. There was not one word said about that day before yesterday. I am sure that deserved just as much looking into as any other group of limousines. There was a whole fleet of them there.

One of the problems is that there are sometimes misunderstandings about the use of these cars. There are legitimate misunderstandings. The press has some times misinterpreted some of the testimony.

Mr. President, the issue of bureaucratic overuse of chauffered limousines has been the focus of considerable comment in this Chamber this morning, and I am one who strongly believes that such abuses must be halted—promptly and effectively.

The issue was discussed in some detail during the appearance of HUD Secretary James Lynn before the HUD-Space-Science-Veterans Appropriations Subcommittee. It has come to my attention that some of the Secretary's remarks before the subcommittee have been taken out of context by the press and misinterpreted in recent weeks. And while I have not hesitated to express my differences with Secretary Lynn on some issues, I do know him to be a dedicated and hard-working public servant.

Therefore, I would like to submit for the Record the full text of the appropriate dialog between Secretary Lynn and the subcommittee on this issue. I ask unanimous consent that this portion of the transcript be reprinted at this point in the Record.

There being no objection, the extract was ordered to be printed in the Record, as follows:

USE OF LIMOUSINES

Senator Proxmire. Let me get into something else, and tomorrow we will resume this. I want to end on a happy note.

On January 12, I wrote to HUD inquiring about the number of limousines. On January 26, I received a reply that stated that HUD leases one Cadillac limousine, HUD leases 4 Chrysler medium sedans, HUD leases two light sedans from the GSA motor pool. The only officials of the Department that use the Government vehicles to transport them between their residences and offices were the Secretary and the Under Secretary. The cost of this was given as $86,303 including $5,800 for lease and rental costs; $4,344 for maintenance, gas, and oil and $76,159 for the salaries of the seven drivers, including overtime.

Those are the facts. Now, let me ask some questions: (1) Mr. Secretary, this letter came to us before you were appointed and confirmed at HUD. Do you use the limousine to transport you between your offices and your home?

Secretary Lynn. Yes, I do.

Senator Proxmire. Mr. Hyde, do you use your limousine between your office and home?

Mr. Hyde. Generally, but not always.

Senator Proxmire. On what occasions do you not use it?

Mr. Hyde. Well, when the weather is good, I walk. You notice I didn't say "jog." I walk very leisurely.

Senator Proxmire. Well, walking is great. Walking is really better than jogging and safer, too. Joggers fall dead of heart attacks. Walkers, you know, go on and on, so I hope you keep walking.

Mr. Lynn, I would suggest you might try that, too. Now how far do you live, incidentally, from your office?

Secretary Lynn. I live in Bethesda. I don't know the exact mileage, but it is substantial.

Senator Proxmire. A great walk.

Secretary Lynn. That would be a great walk, but the results would be less time in the office than the time I actually spend there.

Senator Proxmire. Is this policy not a clear violation of the law, that is, the policy of using your limousine to take you from your work to your home? I am citing 31 U.S.C. supplement 2638(A) which reads:

"The use of a car for official purposes shall not include the transportation of officers and employees between their domiciles and places of employment."

Secretary Lynn. Are you referring to my car?

Senator Proxmire. Yes, sir.

Secretary Lynn. As I understand it, the use of my car to take me back and forth from my home to the office is perfectly legal and recognized as such in the statutes you are talking about.

Senator Proxmire. Do you have a written opinion from the General Counsel of HUD?

Secretary Lynn. I do not have a written opinion. I have an oral one. Mr. Mitchell, who is here, may elaborate on it, if you would like him to?

Senator Proxmire. Well, I would like him to do that and I would also like him to submit for the record the opinion as to why this law shouldn't apply to Secretary Lynn.

Mr. Mitchell, will you give us your response orally, now, and then produce it later in writing, if you like?

Mr. Mitchell. Yes, Mr. Chairman. The last sentence in the provision says that the limitations of the subparagraph do not apply for executive heads of the Departments enumerated in section 101 of title V.

Section 101 of title V has among those Departments listed, the Department of Housing and Urban Development. So that the official duty limitation would not apply to the head of the Department.

ADMINISTRATIVE EXPENSES ACT OF 1946

Senator Proxmire. I hope you review that very, very carefully because our staff doesn't construe it that way. Let me read it to you. This is the Administrative Expenses Act of 1946, which provides:

"That unless otherwise specifically provided, no appropriation available for any department shall be expended for the maintenance, operation and repair of any government owned passenger vehicle or aircraft, not used exclusively for official purposes."

It also provides that:

"Official purposes shall not include the transportation of officers and employees between their domiciles and places of employment except in the case of medical officers and outpatient medical services and except in the cases of officers and employees engaged in field work, whose character of their duties makes the transportation necessary and then only when such latter cases are approved by the head of the Department concerned."

I understand that the exclusion said that the limousine can be assigned exclusively to the head of the Agency but it does not provide an exclusion from this particular clause, which says that: "It shall not be used to transport the head of the Agency to his home or his domicile."

Secretary Lynn. I understood just the opposite, Mr. Chairman.

LEGAL OPINION ON MOTOR VEHICLE USE

Senator Proxmire. Well, give us a written legal opinion on that. Will you instruct your Counsel to do that for the committee.

Secretary Lynn. Yes, sir.

[The information follows:]

"Use of Motor Vehicle Assigned to You

"You have asked whether it is legally permissible in the light of 31 U.S.C. 638a for you to use the limousine assigned to you for transportation between your domicile and the HUD Central Office.

"Paragraph (c)(2) of the statute referred to limits the use of Government-owned or leased passenger motor vehicles to official purposes and specifically defines such purposes as not including transportation of officers and employees between their domiciles and places of employment except in certain defined cases. However, this and other limitations of the paragraph are specifically made inapplicable to motor vehicles for official use of the President, the heads of the executive departments enumerated in section 101 of Title 5 of the Code, and certain other officials.

"Since you are the head of an executive department enumerated in section 101 of Title 5 of the Code and are, accordingly, within the exemption of the cited paragraph, it is my opinion that there is no legal prohibition on your use of the Government limousine assigned to you for transportation between your domicile and the HUD Central Office."

USE OF LIMOUSINE BY THE UNDER SECRETARY

Senator Proxmire. Now, Mr. Hyde, how about your position?

Mr. Hyde. Well, as I indicated, Mr. Chairman, generally, my vehicle does provide transportation to the office from my home. I might say in that connection——

Senator Proxmire. Let me just say the reason I asked you is because Mr. Lynn's argument and the argument of the counsel is that he is the head of the Agency and, therefore, there is a specific exception for him. Now, we questioned that but we will have to determine that later.

You are not the head of the Agency although you occupy a high position——

Mr. Hyde. Let me add to that, and perhaps Mr. Mitchell can elaborate. A good part of my time, both to and from the office, is spent either engaged in work of the office or, many times, when leaving the office at late hours and going to meetings with those involved with the work of our Department. So, generally, when I am in that car it is with an armload of paperwork, and I am working on matters relating to the Department. But, aside from that, as I indicated, it is a matter, I guess, General Counsel would have to elaborate on.

Senator Proxmire. Do you have a comment on Mr. Hyde's use of this vehicle to take him from his home to work in view of the specific exception in the law?

Mr. Mitchell. The law provides—well, they use the words, "the head of the Department." Now, in the past, at HUD, the delegation of authority regulations gives the Under Secretary, then Mr. Van Dusen, concurrent authority with the Secretary. I think there is a question here as to whether the head of the Department—well, I might add the Under Secretary is the only one with concurrent authority, he is the only other departmental officer—so, if there is some question as to whether the head of the Department could mean Mr. Hyde, as well. Secondly——

Senator Proxmire. You concede on your first point. However, there is at best an ambiguity, and I think it would be very hard for the typical taxpayer to view the man who is not the head of the Department as the head of the Department, because there is delegation of authority to him as the head.

I presume when both Mr. Lynn and Mr.

Hyde are out of town, they have a third official, who might be also delegated authority, and when those three are out of town there is probably a fourth. Just as you go down the list of Presidential succession, you even come as far down as the senior Senator from Wisconsin. If enough people are wiped out in some disaster, I could be President. It would have to be a real disaster in more ways than one.

Where do you stop with that type interpretation?

Mr. Mitchell. Well, as I said, Mr. Chairman, under the previously existing order about the concurrent authority, this does not have an exception for absence. For example, most authority says that in the absence of the Secretary, the Under Secretary shall act. In the absence of the Under Secretary another officer shall act.

The way the order does read is that at all times, whether absent or present, the Under Secretary has concurrent authority along with the Secretary. And a second point, in answer to your question with respect to Mr. Hyde's situation, the statute as you have read, talks about "between domicile and place of employment." And, as Mr. Hyde has testified, and as I have personally observed, both he and the Secretary sit down in that car, turn on the light, open their briefcase and begin to work, both from and to the place that they live. I am not so sure but what "place of employment" doesn't include that car, which they use as an office morning and night.

What I think that the Congress was trying to do back in 1932 when this legislation was enacted, was to cut out joy-riding, luxurious movement of high government officials through the city, while they sat and listened to the radio or read the paper or whatever. Now, that may have been true, then, it certainly isn't true with respect to these two.

Senator Proxmire. Well, I think both of these men are very hardworking men. I don't mean any ridicule at all, but I am sure there have been occasions when both of these gentlemen have read newspapers. I see the light on and off in the back of these limousines, but whenever I get a chance to see what they are reading, whether it is the chairman of the FCC or whomever I encounter, they seem to be reading the newspaper.

Secretary Lynn. It is too bad you haven't encountered me, Mr. Chairman. You would have found that is not the case. This is where I read the memoranda that I don't have time to read at the office. This is where I sign off mail, including mail to the Congress, which I consider to be very important, and I'm trying to get on top of by having a shorter time span than I think there has been in the past in this regard.

SALARY OF HUD SECRETARY

Senator Proxmire. Let me ask you this: What is your salary, Mr. Secretary?

Secretary Lynn. $60,000.

Senator Proxmire. And Mr. Hyde?

Mr. Hyde. $40,000.

Senator Proxmire. How do I justify to the average family in Wisconsin that makes $10,000 a year or less that they should be taxed to pay for a limousine and chauffeur for someone making four to six times as much?

Secretary Lynn. I would think the way you would explain that, Mr. Chairman, is to explain the total amount being paid, both directly and indirectly, to the Cabinet officer and compare that with what his opportunities were and what he foregoes—what he gave up when he came to the Government. If you do that, I think it should be very clear to the people in Wisconsin.

Senator Proxmire. If you ran for office in Wisconsin, you wouldn't make that kind of statement.

Secretary Lynn. Well, that may or may not be; and that may be a problem you have in this area, Mr. Chairman. The truth of the matter is that if you take a look at the hours that are devoted to this work—which in my case, runs between 13 and 14 hours a day and most Saturdays, practically all of the time, 4 to 6 hours on Sunday, most Sundays—and if you take a look at the opportunities in the outside world, I think that any fair-minded taxpayer looking at that situation would find nothing wrong with this whatsoever. Let me say in that connection that we have no opportunities in the executive branch to supplement our income at all.

COST OF LIMOUSINES COMPARED TO HOUSING SUBSIDIES

Senator Proxmire. Well, let me just proceed this way, and indicate what is in the minds of some of the people in this country who would object. The administration has frozen all new public housing in section 235 starts as well as a number of other programs, as we mentioned. I don't have the precise figure on the annual average subsidy per unit of section 235 housing but I believe it is between $600 and $800 a year. In other words, one family can be subsidized for an entire year for $600 or $800. The HUD limousines, chauffeurs, maintenance costs cost $86,000 a year. With that amount of money, somewhere between 10 and 14 section 235 homes, could be subsidized for an entire year.

I would like to have your comments on the relative priorities involved. What do you think of a government which at the same time, it provides limousines and chauffeurs to its righ-ranking and, in some cases, not high-ranking officials, while at the same time, fails to provide any new funds for the poor or near-poor for new housing starts. Isn't that an upside down form of subsidy, namely, subsidy for those least in need instead of those most in need?

Secretary Lynn. I think there is absolutely no linkage between the two at all. You could run your same argument against my $60,000 salary. Do you want to pay me $10,000?

Senator Proxmire. No, I think that the Cabinet officers deserve $60,000.

Secretary Lynn. The point is what difference does it make whether you pay me $60,000 a year or pay me $75,000, and have me obtain my own limousine? I have no opportunity whatsoever to supplement that income. I cannot do that as other people in the government do. I have to live on what I am paid. What difference does it make if you conclude that the limousine is useful for me to do my work, whether or not you do it separately through the expense route or put it in my salary?

Senator Proxmire. Well, Mr. Lynn, I don't know whether that limousine is necessary for you to do your work or not. I am sure you are an honest man and, if you say you work in the limousine, I would accept that. But, at the same time, if you don't work in the limousine, you could do your work at home or in the office.

Secretary Lynn. Sure. I could spend an additional 45 minutes in the office in the morning and I could go home at 8:30 or 8:15 instead of eight o'clock or a quarter to eight at night. I could do that. I am saying to you, to spend an hour and one-half with my family before I go back to the briefcase isn't asking too much.

Senator Proxmire. Well, this is a painful year in which we have to ask for sacrifices. There are hundreds of thousands of people who aren't getting adequate housing who have to live under conditions that are unsafe, unsanitary, downright disgusting and unhealthy, and this is the sacrifice that is being imposed on these people.

I think that government officials can set a real example by making sacrifices wherever possible.

FINANCIAL SACRIFICES IN GOVERNMENT EMPLOYMENT

Secretary Lynn. I am saying to you, Mr. Chairman, that I have made substantial financial sacrifice to take this job.

Senator Proxmire. I am sure you have.

Secretary Lynn. What I am being paid in this job is nothing compared to what I could get outside. The sacrifices that I am making as to my family by way of having little time with them, as little as I have, is also a huge sacrifice.

The President and I, both of us, have the same goal; to provide decent housing and a decent living environment to all Americans. That is why I am down here. I am not down here for any personal glory. I am here to try to get the job done. All this is doing is making it a little easier for me to try to do that job. I find no distinction between that car and my salary. You ought to look at the two together, and if you conclude that that is too high a price to pay for the kind of talent you got, then you ought to cut the totality of the two of them, but you shouldn't separate the car from the salary. Look at the two. If you take the total amount of that money, plus my salary, and if you think it is too high, then recommend a reduction further than it is from what I could be getting in almost any other job in America.

Senator Proxmire. Well, I think you could make more than $60,000 a year, I don't know whether I could or not——

Secretary Lynn. I can tell you, Mr. Chairman, that I can make far more than double that money.

Senator Proxmire. I think none of us are in public service because we get a salary of $60,000 or $40,000 or whatever we get.

Secretary Lynn. Of course we are not.

Senator Proxmire. We are in public service because we want to serve our country.

Secretary Lynn. Exactly.

Senator Proxmire. And because we believe in the job we do. If we are in public service, and what I am asking is that you recognize the kind of example that you would set if you would give up your limousine and, in effect, those funds either could be returned to the taxpayers—the long-suffering taxpayers—or, in effect, as I say, you can have 10 to 14 families, who can live a little better with the $86,000 that your limousines for the Department of Housing and Urban Development now absorb.

GSA MOTOR POOL

Let me ask you one other thing: GSA tells us as of June 30, 1972—that is about a year ago—HUD had 494 additional automobiles assigned to their motor pool. What are these used for?

Mr. Morley. Those are primarily used in the field by our construction inspectors, our appraisers and personnel in occupations of that type which require the employee to be out in the field all day.

Senator Proxmire. Have you done a study on those recently?

Mr. Morley. The study was done about a year ago, Mr. Chairman.

Senator Proxmire. Do you have that available for the record?

Secretary Lynn. Let me say that when I looked at the wide disparity of the number of vehicles by region, I asked yesterday in preparation for this testimony, and because of my own curiosity, the reason for that disparity between regions. There may be good reasons and then again there may not, but I intend to take a look at it.

Senator Proxmire. We would like to have that for the record.

DRIVER COMPENSATION FIGURES

Would you provide for the record, also, the results on the basis of your examination of the W-2 forms, that would indicate the total compensation of the drivers of the limousines, that is, the seven individuals who are drivers, including their overtime?

Secretary Lynn. Of course.

[The information follows:]

The salaries and overtime in fiscal year 1972 for seven drivers is a total of $73,241 of which $57,679 is for salaries and $15,562 is for overtime.

Based on a survey of the ten HUD Regions, the number of vehicles assigned on a long-term basis to our field employees from GSA motor pools as of December 31, 1972, was as follows:

Region I—Boston	12
Region II—New York	24
Region III—Philadelphia	50
Region IV—Atlanta	137
Region V—Chicago	123
Region VI—Fort Worth	50
Region VII—Kansas City	33
Region VIII—Denver	12
Region IX—San Francisco	49
Region X—Seattle	54
Total	544

It is the policy of this department that the mode of transportation used shall be that which will enable the traveller to make the most productive use of his time at the least personal inconvenience and at the lowest overall cost to the Government. Maximum use is to be made of vehicles supplied by the General Services Administration Inter-agency Motor Pools.

Based on reports from the Regional offices, the primary reason for the disparity in numbers of assigned vehicles is the availability of cars from the individual GSA motor pools and the accessability of the pools for providing the required maintenance. For example, in the Atlanta and Chicago Regions, there is a much better overall supply of GSA cars available for long-term individual assignment in such cities as Tampa, Columbia, Nashville, Minneapolis, St. Paul, Columbus and Milwaukee. The reverse is true, however, in such cities as Boston, New York, Philadelphia, San Francisco and Los Angeles.

Mr. MATHIAS. Mr. President, what concerns me most of all is the effect of an adverse vote, or even a feeble vote, on the impact of the committee that the distinguished chairman has indicated he is going to appoint. I would like to see the McClellan committee have the maximum amount of influence so that when it makes a report we can really and finally put an end to the abuses that I think we all feel very strongly about. Here, at a time when the President is urging restraint in Government spending, when we are all talking about budgetary problems, instead of restraint we find people, in the little, human, understandable ways, abusing the privileges that have been extended to them. This is what we have to get at.

I am fearful that if we go forward on the very narrow basis we have before us today we may in some way vitiate the force of the argument that the Senator from Wisconsin has so very ably brought to our attention.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. MATHIAS. I yield.

Mr. PROXMIRE. I think we should not overlook the fact that this is one subcommittee where we examined this very point in great detail. Every agency that had to appear before the subcommittee was asked a whole series of questions. We have a record of it.

Since we have a record and we developed the fact that in no case is a chauffeur-driven limousine justified, and we do not have a record with reference to the White House and other respective agencies, but we do have it with respect to the agencies covered by this bill. I see nothing wrong in acting in this particular case. I think this is the way to set the precedent, so we will be in a much stronger position to act in the future.

The chairman of the committee has said that, regardless of the way the Senate votes on this issue, he is going to set up an ad hoc committee to study the subject. It seems to me that, having made the record, having made the case on the basis of questions asked each of these agencies, the committee appointed by the Senator from Arkansas would be in a much stronger position to act, and act effectively, with respect to the other agencies.

After all, if this motion is defeated, so be it. Senators know what they are voting on. That is the way we operate here. If Senators feel these limousines should be permitted, on whatever basis, that is the way it will be.

Mr. MATHIAS. Let me say that when the chairman of the full committee appoints an ad hoc committee to study this question, I hope the mandate of that committee will be broad enough to look into the question of chauffeurs' salaries. It is not the size of the automobile or the appearance of it, really, where the abuse comes in, but a lot of the taxpayers' money is spent on chauffeurs' salaries.

Mr. PROXMIRE. It is not the salaries so much; it is the overtime that results in their being paid from $14,000 to $17,000 a year, which is a pretty good salary for a chauffeur.

Mr. MATHIAS. I think that should be a part of the focus of the overall investigation.

Mr. PROXMIRE. If the Senator will permit, Mr. President, I move the adoption of the conference report. The Senator from California is anxious to engage in a colloquy on veterans' matters. Then we can proceed to that.

Mr. YOUNG. Mr. President, I support this conference report and I want to compliment the members of the subcommittee who have worked so hard on this large and difficult appropriations bill. While the total budget figure in this conference report is over the budget estimates, I think it is important to note that it is well under the budget for the previous fiscal year. More importantly, at a time when we have to worry about total expenditures of our Government, the outlay for fiscal year 1974 will be well under what the outlay would have been if we had agreed with the budget estimates submitted by the various Departments. The outlay of funds will also be under what was expended for the items in this bill for fiscal year 1973.

I want to thank the Senate conferees for insisting on inserting language in the conference report concernig support for technical training projects at the National Science Foundation. The Senate report on this bill also carried language on this subject and I will just read the one sentence from the conference report:

> The Committee of conference also recommends that appropriate technician training projects be funded to provide underpinning or support for scientific efforts.

The NSF supports many and different types of educational undertakings and I see no reason why qualified technical training should be excluded from their consideration. While the NSF has closed down their technician education development program, I believe that this language will effectively direct the NSF to consider worthwhile technician training programs which can be funded under their "special projects." As an example, I have in mind the very valuable "technical training for weather modification pilots" at the University of North Dakota. There is a shortage in this country of specially qualified pilots to undertake weather modification and there is a great need for such projects and, therefore, a need for increased capability in this field. There have been discussions with the NSF about this and I understand that, based on the directive contained in our Senate report and in the conference report, the NSF will give consideration to supporting such projects.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. BROOKE. Mr. President, I would like some time on a matter other than the limousine matter.

Mr. YOUNG. How much time does the Senator want?

Mr. BROOKE. Three minutes.

Mr. YOUNG. Mr. President, I yield 3 minutes to the Senator from Massachusetts.

Mr. BROOKE. The joint explanatory statement of the committee of conference on H.R. 8825 reported the House and Senate to be in technical disagreement on Senate amendment No. 3. The House, however, in approving the conference report, agreed to earmark not less than $280 mililon for payment of operating subsidies to local housing authorities.

As a member of both the Appropriations Subcommittee on HUD, Space, Science, and Veterans and the Housing Subcomittee of the Committee on Banking, Housing and Urban Affairs, I am disappointed that the Senate conferees did not insists on a $315 million floor on operating subsidies, which is the absolute minimum needed. It should be noted, however, that the $280 million figure agreed to by the House is only a floor on expenditures and that the administration may spend over that figure if necessary. We clearly must spend more than $280 million if we are to maintain our existing inventory of approximately 1,111,500 public housing units, which have a value of between $30 and $40 billion. I strongly urge the administration to use the authority conferred by this bill to make available operating subsidies in amounts sufficient to meet the needs of our Nation's public housing agencies.

The joint explanatory statement urges the committees with jurisdiction over the authorization for "operating subsidies" for LHA's to undertake an evaluation of the so-called Brooke amendments, including alleged abuses involved in the use of these subsidies. This language, I am compelled to say, strikes me as a form of legislative libel. By innuendo it implied that there have been abuses in the use of operating subsidies, but it is careful to label these abuses as "alleged." However, the conferees apparently feel that these unnamed allegations are substantial enough to deserve study by the authorizing committee, the Committee on Banking, Housing and Urban Affairs. As one member of the authorizing committee, I believe that all our housing programs should be monitored on a continuing basis to determine their effectiveness. However, I do not believe that the committee on conference on H.R. 8825 has been of assistance to members of the authorizing committee by suggesting that we study unnamed abuses to determine if they exist. I, for one, am at a loss to determine what abuses we are to study.

Mr. President, I woud like to have the comment of the distinguished floor manager on that matter.

Mr. PROXMIRE. Mr. President, I am in sympathy with the views expressed by the Senator from Massachusetts. The subcommittee held extensive hearings on the budget. And we were not advised of any abuses. With reference to abuses, as the Senator said, it is unspecific. I do not think it is particularly helpful to those of us who serve on the authorizing committee.

Mr. YOUNG. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from North Dakota has 4 minutes remaining.

Mr. YOUNG. Mr. President, I yield 3½ minutes to the Senator from California.

Mr. CRANSTON. Mr. President, I thank the Senator. I hope that I shall not use all that time.

Mr. President, I would first like to lend my strong support for what the Senator from Wisconsin is doing. I will certainly help in any way I can in that matter.

Mr. President, I would like to congratulate the Senate conferees on H.R. 8825, the act making appropriations for fiscal year 1974 for the Department of Housing and Urban Development, for space, science, veterans, and for certain other independent executive agencies. They succeeded in retaining the bulk of the Senate provisions for which we are very grateful. The conference committee members from both the House and the Senate have agreed upon an appropriations act which should enable the agencies concerned to mount successful programs in the areas of their jurisdiction.

It is unfortunate that the conference could not agree to all the provisions in the Senate-passed bill, but I know the Senate conferees tried their best to do so, and I appreciate their efforts.

VETERANS' ADMINISTRATION—MEDICAL CARE ITEM

Mr. President, because of my deep concern for the ability of the VA to provide quality medical care to eligible veterans and as chairman of the Health and Hospitals Subcommittee of the Veterans' Affairs Committee, I would like to ask the distinguished Senator from Wisconsin (Mr. PROXMIRE), who is the chairman of the Senate subcommittee dealing with this appropriations act, this question:

"If, at the time the committee and the Senate deal with the Supplemental Appropriations Act, there is a clear indication, because of the factors I will next discuss, that additional funding is needed for the medical care item in the Veterans' Administration budget, will you and the distinguished ranking minority member from Maryland (Mr. MATHIAS), give sympathetic consideration to adding sufficient supplemental funding to meet any demonstrated need?"

Mr. PROXMIRE. The answer is an emphatic "Yes." Depending upon the evidence, I would be very sympathetic.

Mr. CRANSTON. Mr. President, I thank the chairman.

Mr. MATHIAS. Mr. President, I would join with the chairman in that assurance. It seems to me to be a matter of great concern.

Mr. CRANSTON. Mr. President, I would like to point out some of the factors that could create the need for such an appropriations increase before the end of the current fiscal year.

HIGH AVERAGE DAILY PATIENT CENSUS

These are, first, the continued high average daily patient census in VA hospitals. As Members of the Senate will recall, the administration had predicted the census would drop to an average of 80,000 each day and has based its VA medical care budget requests upon that assumption. However, as I reported in my testimony to the subcommittee and then on the floor on May 31, weekly VA hospital figures showed that a census of about 82,500 would be achieved for fiscal year 1973. It is this figure on which I based my recommendation of an additional $30 million to support the increased staff to meet this higher daily patient census—$30 million which the House conferees insisted be deleted from the conference report. If the average daily patient census remains at the higher figure, additional staff will be necessary to maintain the staff-to-patient ratio of 1.5 to 1, which OMB has finally accepted after several years of prodding. Even this, of course, is only a skeletal ratio in comparison to the ratio existent in most community hospitals.

The actual average daily patient census for fiscal year 1973 was 82,480. The weekly figures for July and August have generally been at the 82,000 level. In its agreement with the two Veterans' Affairs Committees on S. 59, now Public Law 93-82, OMB has agreed to impose no arbitrary restrictions on the census.

The distinguished chairman of the House Veterans' Affairs Committee, Mr. William Jennings Bryan Dorn, stated when this conference report was discussed in the House, that the House Appropriations Committee had made it clear that it stands ready to make any additional funds available which are needed to provide the quality care our Nation's veterans deserve.

Would the Senator from Wisconsin be agreeable to supporting additional funding to support a higher census than projected should this need be shown?

Mr. PROXMIRE. Yes, indeed.

Mr. CRANSTON. Mr. President, I thank the Senator very much.

CURRENT INABILITY TO PROVIDE CARE

Mr. President, current surveys indicate that a second factor which may require a larger budget for the medical care item is the large numbers of veterans who have needed hospitalization and who have been turned away from VA hospitals, the House Veterans' Affairs Committee has been conducting a detailed survey of all VA hospitals and has been working in conjunction with national veterans' organizations in compiling data on individual cases where veterans needing treatment have been refused it in VA hospitals and have then been admitted to community hospitals for necessary treatment. In some cases, these veterans have had such serious illnesses, they have died.

Data on the results of these surveys will be available this fall, and I plan field hearings to followup on this factor and the others I am discussing today.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PROXMIRE. Mr. President, I yield my remaining minute to the Senator from California.

Mr. CRANSTON. Mr. President, I thank the Senator.

IMPLEMENTATION OF PUBLIC LAW 93-82

Another factor which, I believe, will justify an increase in the fiscal year 1974 appropriation for medical care will be the results of implementation of Public Law 93-82, the Veterans Health Care Expansion Act of 1973. As a result of this law, enacted on August 2, 1973, many legislative restrictions which had limited the provision of medical care to veterans by the VA have been modified and many more veterans will be eligible for care. The bulk of this expansion of care will be in the most cost effective field of preventive medicine—that of ambulatory outpatient care. Whereas previously outpatient care was available for non-service-connected conditions only to prepare for, or as followup care to, hospitalization, under the terms of this new law outpatient care can be provided for such conditions where it will obviate the need for hospitalization. Initially funds will be needed to expand outpatient departments and increase their staffs. However, in the long run there is hope that this type of care will reduce unnecessary hospitalizations and prevent illnesses from reaching the crisis stage where surgery or long-term hospitalization is necessary.

Public Law 93-82 has a total first year cost of $64.9 million. I would like to ask the distinguished Senator from Wisconsin if he agrees that it would be a very wise investment to appropriate supplemental funds if needed for the effective implementation of an expanded outpatient program in VA facilities and for the other authorities included in the new public law?

Mr. PROXMIRE. If needed, yes, indeed.

VA SPINAL CORD TREATMENT

Mr. CRANSTON. Mr. President, I am quite disappointed that the $544,000 for additional home-based spinal cord injury programs which the Senate accepted as a floor amendment has been lost in conference. This program is one which holds great potential in terms of ultimate savings to the medical care budget. I hope it too can be considered in the next supplemental.

MEDICAL AND PROSTHETIC RESEARCH

Mr. President, although the Senate had recommended a total appropriation of $77,800,000 for medical and prosthetic research, which included a $6.8 million increase I had recommended to the committee to cover the increased costs, due to inflation, of continuing VA research programs at the fiscal year 1973 level, the Senate increase was reduced to $4.5 million in the conference report. The Senator from Wisconsin will recall that he and I discussed the need for improvement in substandard VA animal research laboratories when the appropriations bill was on the Senate floor May 31. I would like to know if you would agree that a part of the $4.5 million increase for VA research should be used to bring those animal research laboratories which are failing to meet the minimum national standards up to the level necessary for accreditation.

Mr. PROXMIRE. Yes, I would. It is very important that this be done, I agree.

Mr. CRANSTON. I thank the Senator very much for his helpful response.

SUPPORT TO HEALTH MANPOWER TRAINING INSTITUTIONS

Mr. President, although an amendment was voted overwhelmingly on the Senate floor to appropriate $55 million for the VA to provide support to new medical schools or health training institutions affiliated with VA medical facilities, this amount was reduced in conference to $25 million and was earmarked specifically only for a subchapter I—grants to support the establishment of new medical schools. The distinguished Senators from West Virginia (Mr. Byrd and Mr. Randolph) have both taken a key leadership role in obtaining these funds and I am very grateful to them. I would certainly have preferred that the full $55 million had been retained in conference, but I can understand the many conflicting demands made upon the conferees.

I am relieved by the knowledge that $20 million was included in the Second Supplemental Appropriation Act for fiscal year 1973, which can, by the terms of the enacting statute, remain available for expenditure throughout the current fiscal year and thereafter. That $20 million, by its terms, may be utilized for any of the four subchapters in Public Law 92-541, and I would like to ask the Senator from Wisconsin if he agrees that the money included in the fiscal year 1973 Appropriation Act was intended to be used along with the funds appropriated in the pending fiscal year 1974 Appropriations Act so that the VA would begin to implement all the authorities of that public law this fiscal year.

Mr. PROXMIRE. The 1973 appropriations, yes.

Mr. CRANSTON. Mr. President, I would also like to note that the Senate conferees were successful in retaining $7,044,000 of the approximately $9 million added for construction—major projects by my floor amendment. This amount over the House recommended amount will enable the VA to go ahead with projects for air conditioning the VA hospitals at Gulfport, Miss., Huntington, W. Va., and Salisbury, N.C. I am disappointed that the modest amounts recommended for air conditioning installation at Kerrville, Tex., Poplar Bluff, Mo., and Wichita, Kans., were not retained. Can the Senator from Wisconsin tell me why funds for these three projects were deleted?

Mr. PROXMIRE. The information that we had in conference—and the House was very strong on this—was that the VA was not ready to go ahead with these projects, and for that reason we deleted the money for the projects.

Mr. CRANSTON. I thank the Senator. I trust those also will receive sympathetic consideration when we demonstrate the need.

Mr. PROXMIRE. They will when ready; yes.

Mr. CRANSTON. I thank the Senator very much. I am glad the distinguished Senator has clarified for the Record the reason for that action.

The PRESIDING OFFICER (Mr. Clark). The question is on agreeing to the conference report. The Senator from North Dakota has 30 seconds remaining.

Mr. YOUNG. Mr. President, I ask unanimous consent that the Senator from Maryland may have 2 minutes.

The PRESIDING OFFICER. There is 30 seconds remaining of the Senator's time. Is that a unanimous consent request?

Mr. YOUNG. I ask unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATHIAS. Mr. President, I shall try not to take the full 2 minutes, but I did want to associate myself with the remarks of the Senator from Massachusetts with respect to deficiencies in the housing programs, particularly the operating program, and to say that I would cooperate fully with him in making the kind of study of the operation of the Brooke amendment and the other features of the housing program he has referred to.

I also think it is not fair to the conference report, or to the work that the chairman of the subcommittee has done on this conference report, not to call the attention of the Senate to some of the other features of the bill.

The provision for the National Science Foundation is an extremely important aspect of this conference report. It is one that will undergird the national science effort at a time when national scientific efforts are not being supported as fully as they should be in other areas.

The very important restrictive language that was placed on the appropriation to the Selective Service System, which originated in the Senate and which was supported by the House of Representatives, I think is extremely important. The fact that in this conference report Congress is asserting legislative initiative and making its own judgments as to priorities is, I think, of extreme importance, and gives to the conference report a validity and importance that goes far beyond the sums appropriated.

Mr. PROXMIRE. Mr. President, will the Senator give me the remainder of his time for a parliamentary inquiry?

Mr. MATHIAS. I yield.

The PRESIDING OFFICER. The Senator will state it.

Mr. PROXMIRE. As I understand, a yea-and-nay vote should now occur, because the yeas and nays have been ordered, on the conference report, and subsequent to that we will have an opportunity to vote on whatever motions are brought up, and there probably will be a vote on the so-called limousine amendment. Is that correct?

The PRESIDING OFFICER. The Senate will first agree to the conference report, and then amendments reported in disagreement will be acted so separately.

Mr. PROXMIRE. I thank the Chair.

The PRESIDING OFFICER (Mr. Clark). The question is on agreeing to the conference report. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from California (Mr. Tunney), the Senator from Utah (Mr. Moss), the Senator from Missouri (Mr. Eagleton), the Senator from North Carolina (Mr. Ervin), and the Senator from Iowa (Mr. Hughes) are necessarily absent.

I also announce that the Senator from South Dakota (Mr. Abourezk) is absent because of a death in the family.

Mr. GRIFFIN. I announce that the Senators from Tennessee (Mr. Baker and Mr. Brock), the Senator from Hawaii (Mr. Fong), the Senator from Oregon (Mr. Hatfield), and the Senator from Ohio (Mr. Taft) are necessarily absent.

I also announce that the Senator from New Hampshire (Mr. Cotton) is absent because of illness in his family.

I further announce that, if present and voting, the Senator from Hawaii (Mr. Fong) and the Senator from Ohio (Mr. Taft) would each vote "yea."

The result was announced—yeas 88, nays 0, as follows:

YEAS—88

[No. 380 Leg.]

Aiken
Allen
Bartlett
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Biden
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cook
Cranston
Curtis
Dole
Domenici
Dominick
Eastland
Fannin
Fulbright
Goldwater
Gravel
Griffin
Gurney
Hansen
Hart
Hartke
Haskell
Hathaway
Helms
Hollings
Hruska
Huddleston
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McClure
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott, Pa.
Scott, Va.
Sparkman
Stafford
Stennis
Stevens
Stevenson
Symington
Talmadge
Thurmond
Tower
Weicker
Williams
Young

NAYS—0

NOT VOTING—12

Abourezk
Baker
Brock
Cotton
Eagleton
Ervin
Fong
Hatfield
Hughes
Moss
Taft
Tunney

So the report was agreed to.

Mr. PROXMIRE. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. BIDEN). The Chair lays before the Senate the first amendment in disagreement, which the clerk will state.

The assistant legislative clerk read as follows:

> *Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 3 to the aforesaid bill, and concur therein with an amendment, as follows:
>
> In lieu of the matter stricken and inserted by said amendment, insert: "$2,020,000,000, of which not less than $280,000,000 shall be used only for the payment of operating subsidies to local housing authorities."

Mr. PROXMIRE. Mr. President, I ask unanimous consent that a conference table included by the House when it acted on the pending report, H.R. 8825, be printed in the RECORD by reference.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the provisions of law requiring that the conference report be printed as a Senate report be waived, since the report is identical to the report of the House of Representatives which has already been printed as required by the Rules of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I move that the Senate concur in the amendment of the House to the amendment of the Senate numbered 3.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. PROXMIRE. I yield back the remainder of my time.

Mr. YOUNG. I yield back my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the motion of the Senator from Wisconsin.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the next amendments in disagreement.

The assistant legislative clerk read as follows:

> *Resolved*, That the House insist on its disagreement to the amendments of the Senate numbered 44 and 45 to the aforesaid bill.

Mr. PROXMIRE. Mr. President, I move that the Senate insist upon its amendments numbered 44 and 45, and I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. PROXMIRE. I yield myself such time as I may require.

Mr. President, in this bill, as it passed the Senate, there was a limitation on the number and use of limousines in the agencies covered by the bill. Nine agencies and about 16 limousines were directly affected.

SENATE BILL DID TWO THINGS

The Senate bill did two things. Except for the Secretary of the Department of Housing and Urban Development, who is the only Cabinet officer involved, the Senate bill provided that the Under Secretarys, the Assistant Secretarys, and the Directors and Commissioners of the nine agencies involved, should henceforth be provided with regular GSA pool cars to carry on their official business instead of the mammoth black limousines with their small reading lamps in the rear which now frequent the arterial highways, bridges, and parking spaces throughout the District of Columbia.

As we all know, there is a proliferation of these vehicles throughout the Government.

Second, the bill insisted that the language of the Administrative Act of 1946 be carried out. That act said that government cars could be used only for "official purposes" and that official purposes "shall not include the transportation of officers and employees between their domiciles and places of employment."

That is what we did.

WHY WE DID IT

There are a great many reasons why we did it.

First, there has been a massive proliferation of these vehicles. Everybody and their brother has them in the executive agencies.

Now, I do not object to the President, Cabinet officers, the Chief Justice, and the leaders of the House and Senate having a limousine.

But if Congress were to act as the executive agencies act, every Senator would have a limousine and chauffeur. Not only that, but his administrative assistant would be provided a limousine, and at least one of his legislative assistants and all the chiefs of staffs of our committees would have a limousine and chauffeur, too.

The practice has gone too far.

TOO COSTLY

Second, the practice is too costly. In our hearings we found that routinely the chauffeurs are paid from $14,000 to $17,000 a year when overtime is included.

The true cost of the purchase price of the cars plus the maintenance, gas and oil, and parking add thousands more.

UNSEEMLY

Third, it is unseemly in a political democracy. How do we justify to the average family in this country making $11,000 a year—and that is the average family income—providing a chauffeur and limousine—at a cost of at least $20,000 a year or almost twice the average family income—to a Government official making from $40,000 to $50,000 a year?

That is a classical example of a misplaced priority.

At HUD, for example, all the programs to help the poor house themselves, have been stopped. There is a moratorium on them. But the limousines are provided to at least five major officials plus three more to the members of the Home Loan Bank Board, which is also involved in housing. The policy is no housing for the poor, but limousines for the administrators. That should be changed.

CONGRESSIONAL ACTION

For all these and other reasons, the Senate wrote the restrictions into the bill.

It passed in the Senate without objection. No fight was made against it.

But in conference the House conferees were adamant. We insisted on our provision and they insisted on nothing. We refused that no compromise position and they took it back to the House floor.

MORAL VICTORY

There, the opponents of the present limousine policy scored a great moral victory. The powerful Appropriations Committee in the House was almost defeated on this issue—the issue of supporting their views in conference. The vote was a narrow 222-to-189 margin for the committee.

SUPPORT THE SENATE POSITION

My motion today would put the Senate on record in support of the Senate position. All other items in the conference have been agreed to. The House position that they would not even compromise on this issue is wrong. We ask the Senate to support the Senate committee so that we can go back on this single issue and reach a proper conclusion.

It is clear with the overwhelming support we had in the Senate and the narrow vote in the House that more than a majority in the Congress supports our position. In these circumstances there is no reason why the Senate should not support its committee and send us back on this issue.

NO DELAY

There is no real argument against it. It will not delay the housing programs. Almost all of them are under the moratorium by executive action. And, in any case, this matter can be settled shortly.

THE PERFECT AS THE EVIL OF THE GOOD

There has been a tremendous lobbying effort by the agencies on behalf of their limousines. They are far more interested in keeping them than in the substance of their programs. I know one Senator whose staff has told us that they have had three calls this week from the HUD liaison inquiring about the limousine situation.

One major argument is used. They say, do not cut out our limousines until you cut out limousines for every agency in the Government.

But why should the perfect be the evil of the good? We have a bill. This bill covers nine agencies. We went into this issue in detail. We got the facts. We acted. And, we believe we have acted correctly. Merely because every other subcommittee did not do the same is no reason to reject our efforts. Perhaps it will be catching.

Senators are often accused of biting off more than they can chew. It is said we spread ourselves too thin.

Here is an instance where we took a specific program in a specific bill and acted within our jurisdiction and acted intelligently. Is our work to be denied, because we did not poach on every other subcommittee's jurisdiction? But that is the argument of those who say do not do anything unless you do everything.

CONCLUSION

This country and this Government has great budgetary problems. We have huge inflationary problems. We have a fuel shortage. And we have major problems concerning priorities.

In these circumstances, to continue the present policy of a limousine for every major bureaucrat everywhere—which is essential the present policy—is wrong.

I ask the Senate to support the committee and vote "aye" on the motion that we insist upon our amendments numbered 44 and 45.

The PRESIDING OFFICER. Who yields time?

Mr. MATHIAS. I yield to the Senator from Massachusetts.

Mr. BROOKE. Mr. President, this issue has a great deal of appeal. I think all of us in the Senate and in the House and many members of the public are aware that there have been abuses in the use of limousines by Federal agencies.

The Senator from Kentucky, in the colloquy this morning, mentioned that every morning he saw a little black limousine, with a light in the back and some man sitting there, reading his newspaper as he comes to work, while the Senator is behind his wheel, as all of us are, traveling here to our business. The Senator said he did not even recognize the man; he was not a Cabinet member. He did not believe the man was even a second echelon Federal official.

We do not know how far this has gone. When the distinguished Senator from Wisconsin brought this matter up before the subcommittee, he very eloquently pointed out that there have been flagrant abuses in the use of federally owned and leased limousines. We in the committee supported him. I argued very strongly for him. Senator Pastore, Senator Mathias, and Senator McClellan, the chairman of the full committee, voted for the Senator from Wisconsin's amendment. That subcommittee has jurisdiction only over HUD, Space, Science, and Veterans. It does not cover the waterfront at all.

The distinguished Senator from North Carolina (Mr. Helms) immediately asked for a GAO investigation into all agencies and departments of the Federal Government with respect to the use of limousines. That investigation is presently in process.

On the floor this morning, the distinguished chairman of the Appropriations Committee said that he will immediately appoint an ad hoc committee to look into the whole question of the use of Federal limousines.

I, for one, strongly supported Senator Proxmire's position, and I still support it. I think he was right. I think he was right then, and I think he is right now. But we cannot overlook the fact that we are now only talking about the Secretary of HUD and his agency, which is denied certain use of limousines. The Secretary of HUD would be denied the use of his limousine from his home to work and back. But none of the other secretaries, in any of the other Cabinet posts, would be denied theirs.

I think that is discrimination at its worst. Why should the Secretary of Agriculture, the Secretary of State, the Secretary of Defense, any of the other Secretaries not be included? If we are going to do it, it should be done wholeheartedly. It should not be done piecemeal. This is legislation which should be done in the proper manner and it can be done in the proper manner if the ad hoc committee is appointed that the Senator from Arkansas (Mr. McClellan) will appoint—his word is as good as law; we all know that—and the committee will report back to us in this session and we can study the whole problem.

I am not arguing on the question of abuse. I know it exists. I am opposed to it; we all are opposed to it, and we want to do something about it. My point is we are not doing it so that it will cover all the agencies and departments of the Federal Government, and to single out HUD alone and other agencies under this particular appropriation subcommittee is not the manner in which to do it.

My second point is that this is important legislation. The House is locked in. We will delay the appropriations for HUD, for veterans, and others. We do not know for how long, perhaps 2 weeks and maybe more. I do not know how difficult it will be to get together with the House, but I understand they are locked in. The Senator from Wisconsin said there will be no real delay in money and that money will be forthcoming. That is not my understanding. My understanding is to the contrary.

So I think we have two reasons for delaying this. I have spelled them out to my colleagues and I hope the Senator will reconsider. If he does not, I shall move that the Senate recede on amendments 44 and 45.

The PRESIDING OFFICER. The Senator's motion is not in order until the time on this motion has expired.

Mr. BROOKE. I withhold it until the time has expired on the Senator's motion.

Mr. PROXMIRE. Mr. President, I am happy to yield back my time but first let me say that I agree completely that we should act wholeheartedly. How do we act wholeheartedly? We have before us a clear-cut, crisp, simple opportunity to knock out these limousines, not just for one agency but for nine agencies, and we can take that action today.

What will have the most effect on getting a quick answer in the other agencies? Appoint an ad hoc committee to study it, which they should do, develop a record, which they should have; but we already have a record where we have determined that these limousines are not necessary, where we made the exception for the Cabinet officer, so the Secretary will have the limousine.

It is clear if we want to act wholeheartedly the action is to vote no on what I anticipate will be the motion of the Senator from Massachusetts.

The Senator from Massachusetts brought up one other point, that this limousine prohibition would bring about delay. What delay? The Space Agency and other agencies and departments have made no case whatever that their funds would be held up. We know because of the continuing resolution and because there is less money that is being appropriated now than last year and the continuing resolution takes the lower figure, that it will have no effect.

Therefore, it seems to me that if we believe these limousines constitute an abuse the vote should be against the motion of my friend, the Senator from Massachusetts. Then, I hope we vote in favor of the motion that I have made to support the Senate in its position.

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLELLAN. Is the substitute motion subject to debate?

The PRESIDING OFFICER. Yes, the motion that the Senator from Massachusetts intends to offer will be open to 20 minutes debate.

Mr. PROXMIRE. I yield back the remainder of my time.

Mr. YOUNG. I yield back the remainder of my time.

The PRESIDING OFFICER. The time on this motion has been yielded back.

The Senator from Massachusetts is recognized.

Mr. BROOKE. Mr. President, I move that the Senate recede on amendments 44 and 45.

The PRESIDING OFFICER. The question is on the motion. The motion is debatable for 20 minutes.

Mr. BROOKE. I am pleased to yield to the distinguished chairman of the Committee on Appropriations.

Mr. McCLELLAN. Mr. President, I supported this proposal in the full committee. I support it on the floor of the Senate. If my vote today would enact this proposal, I would vote for it; I would vote against the substitute motion; I would vote for the motion of the distinguished Senator from Wisconsin. But my vote today, and the Senator's vote today, will not necessarily accomplish in other agencies of the Government what is sought to be done in this one.

There is another body that will have to agree to what the Senate will do today. This proposal was rejected by a margin of 33 of its Members. So we are not going to say today that what we will do is final, whatever our vote is. But we all recognize that this one bill today is only one part or one area of the entire problem.

My feeling concerning what has developed with respect to the attitude of the House, as it is recorded, is that, so far as we know, it will stay that way. So we will accomplish nothing by our insistence. It will only delay appropriations for other functions of the Government, appropriations that ought to be made, and ought to be made now.

So the situation having developed as it has, I have suggested to and advised the Senator from Wisconsin (Mr. Proxmire) and other Senators who are interested that the way, in my judgment, to approach this problem for an adequate and appropriate solution is to appoint in the Committee on Appropriations an ad hoc committee to proceed immediately to examine the conditions in all agencies of the Government and report back to us the action that needs to be taken to resolve the problem.

That is the orderly procedure, as I see it, in view of the situation in which we find ourselves today.

I do not like to vote for the substitute motion; but in doing so, I think we are doing what is expedient and necessary to get the quickest action on the very thing we want to do as to this particular agency or this particular department. We are not going to get it, in my judgment, if the House insists on its position. But we do have an opportunity to make an overall approach and ultimately to persuade the House to go along with us.

This is not a case of voting against what the Senator from Wisconsin seeks to do. It is not in opposition to what he seeks to do. I support what he seeks to do in principle and in objective. I seek to do it, not only as to this department of the Government, but also as to all others. But the only way to do it, in my view of the situation that has developed, judgment, and practically so now, in is the procedure I have suggested. I shall vote accordingly.

Again, I wish to commend the distinguished Senator from Wisconsin. I praise him with high commendation for the effort he has put forth and the service he has given. He has brought the matter to our attention so that we can, I know, deal with it properly.

Mr. YOUNG. Mr. President, I wish to reiterate my position again in support of the motion made by the distinguished Senator from Massachusetts. We would be dealing unfairly with agencies of the Government in this bill as against all the others. We would eliminate a certain number of limousines; but other agencies would be permitted to continue using them as they have been.

If this amendment included all agencies of government, I would certainly vote for it. I believe a study should be made, as proposed by the distinguished chairman of the committee (Mr. McClellan), by an ad hoc committee. Then we could put a rider on all appropriation bills affecting every agency of government alike.

Mr. BROOKE. Mr. President, it certainly is not my intention to delay the Senate. I think this particular issue has had ample and full debate, I again want to commend the Senator from Wisconsin (Mr. Proxmire) for bringing this matter to the attention of the committee and to the attention of the Senate.

Again I reiterate that there has been abuse, and this abuse must stop, but I cannot see that we are solving the problem by merely doing it with respect to HUD and related agencies; that we must do it with respect to all departments and all agencies.

I even at one time had intended to substitute a motion which would have included the appointment of an ad hoc committee, providing that it would report by a certain date to the Senate; but that would be legislation on an appropriations measure, so I did not go that route.

Very reluctantly, I have made this substitute motion to recede to the House because I feel so strongly, as so many Senators do, about the abuse of the use of limousines and wanted to correct it. However, I do want to say to my colleagues that a vote to support the motion to recede to the House on amendments 44 and 45 is not a vote for support of the abuse of limousines. It is a vote that would indicate their strong desire to see that a stoppage of the abuse of the use of limousines cuts across the entire Federal Government and its boards and departments. I think that is what we all want. I think that is what the Senator from Wisconsin (Mr. Proxmire) really wants to do.

I hope this motion to recede will be carried.

Mr. President, if no other Senator wants time, I am glad to yield back my time.

Mr. PROXMIRE. Mr. President, I take just this 1 minute to say I do hope Senators will vote "nay" on this motion and support the Senate's position. Furthermore, most of the appropriation bills, in terms of limousines and dollars, have to come before us. We can act on HEW, we can act on Defense, and in other areas, and treat them the same, if we wish to do so—and I certainly hope we will do so.

Mr. President, I am ready to yield back the remainder of my time, and I hope Senators will vote "nay," in favor of the Senate's position.

Mr. BROOKE. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the motion has been yielded back.

Mr. PROXMIRE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Massachusetts that the Senate recede from its insistence on amendments Nos. 44 and 45. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from California (Mr. Tunney), the Senator from Utah (Mr. Moss), the Senator from Missouri (Mr. Eagleton), the Senator from North Carolina (Mr. Ervin), and the Senator from Iowa (Mr. Hughes) are necessarily absent.

I also announce that the Senator from South Dakota (Mr. Abourezk) is absent because of a death in the family.

Mr. GRIFFIN. I announce that the Senators from Tennessee (Mr. Baker and Mr. Brock), the Senator from Hawaii (Mr. Fong), the Senator from Oregon (Mr. Hatfield), and the Senator from Ohio (Mr. Taft) are necessarily absent.

I also announce that the Senator from New Hampshire (Mr. Cotton) is absent because of illness in his family.

The result was announced—yeas 30, nays 58, as follows:

[No. 381 Leg.]

YEAS—30

Beall
Bellmon
Bennett
Brooke
Buckley
Curtis
Dole
Domenici
Eastland
Fannin
Griffin
Hansen
Haskell
Hruska
Javits
McClellan
McGee
McIntyre
Packwood
Pearson
Percy
Saxbe
Scott, Pa.
Sparkman
Stafford
Stennis
Stevens
Thurmond
Tower
Young

NAYS—58

Aiken
Allen
Bartlett
Bayh
Bentsen
Bible
Biden
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cook
Cranston
Dominick
Fulbright
Goldwater
Gravel
Gurney
Hart
Hartke
Hathaway
Helms
Hollings
Huddleston
Humphrey
Inouye
Jackson
Johnston
Kennedy
Long
Magnuson
Mansfield
Mathias
McClure
McGovern
Metcalf
Mondale
Montoya
Muskie
Nelson
Nunn
Pastore
Pell
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Va.
Stevenson
Symington
Talmadge
Weicker
Williams

NOT VOTING—12

Abourezk
Baker
Brock
Cotton
Eagleton
Ervin
Fong
Hatfield
Hughes
Moss
Taft
Tunney

So the motion was rejected.

The PRESIDING OFFICER. The question now recurs on agreeing to the motion to insist on Senate amendments numbered 44 and 45. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Missouri (Mr. Eagleton), the Senator from North Carolina (Mr. Ervin), the Senator from Iowa (Mr. Hughes), the Senator from Utah (Mr. Moss), and the Senator from California (Mr. Tunney) are necessarily absent.

I also announce that the Senator from South Dakota (Mr. Abourezk) is absent because of a death in the family.

Mr. GRIFFIN. I announce that the Senators from Tennessee (Mr. Baker and Mr. Brock), the Senator from Hawaii (Mr. Fong), the Senator from Oregon (Mr. Hatfield), the Senator from Ohio (Mr. Taft) and the Senator from Virginia (Mr. Scott) are necessarily absent.

I also announce that the Senator from New Hampshire (Mr. Cotton) is absent because of illness in his family.

I further announce that, if present and voting, the Senator from Ohio (Mr. Taft) would vote "yea."

The result was announced—yeas 83, nays 4, as follows:

[No. 382 Leg.]

YEAS—83

Aiken
Allen
Bartlett
Bayh
Beall
Bellmon
Bentsen
Bible
Biden
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cook
Cranston
Curtis
Dole
Domenici
Dominick
Fannin
Fulbright
Goldwater
Gravel
Griffin
Gurney
Hansen
Hart
Hartke
Haskell
Hathaway
Helms
Hollings
Hruska
Huddleston
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McClure
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott, Pa.
Sparkman
Stafford
Stevens
Stevenson
Symington
Talmadge
Tower
Weicker
Williams
Young

NAYS—4

Bennett
Eastland
Stennis
Thurmond

NOT VOTING—13

Abourezk
Baker
Brock
Cotton
Eagleton
Ervin
Fong
Hatfield
Hughes
Moss
Scott, Va.
Taft
Tunney

So the motion was agreed to.

Mr. PROXMIRE. Mr. President, I move

that the vote by which the motion was agreed to be reconsidered.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PROXMIRE. Mr. President, I move that the Senate request a further conference with the House on the disagreeing votes of the two Houses and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to and the Presiding Officer (Mr. JOHNSTON) appointed Mr. PROXMIRE, Mr. MCCLELLAN, Mr. PASTORE, Mr. BAYH, Mr. CHILES, Mr. MOSS, Mr. MATHIAS, Mr. YOUNG, Mr. CASE, and Mr. FONG conferees on the part of the Senate.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Marks, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. BIDEN) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

AMENDMENT OF PAR VALUE MODIFICATION ACT—CONFERENCE REPORT

The PRESIDING OFFICER (Mr. JOHNSTON). Under the previous order, the Senate will now proceed to consider the conference report on H.R. 6912, which was previously submitted. The Clerk will report it.

The legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6912) to amend the Par Value Modification Act, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the Congressional RECORD of July 31, 1973, at p. 26917.

Mr. PROXMIRE. Mr. President, on July 30, 1973, the House and Senate conferees on H.R. 6912 completed their work. We arrived at what I think is a good agreement.

The primary purpose of H.R. 6912 is to modify the par value of the dollar. The conference version of H.R. 6912 would express the new value of the dollar as a fraction in terms of gold or "special drawing rights." This conforms to the House version. The conference version also contains a sense-of-Congress provision which states that the President shall take appropriate action to expedite realization of international monetary reform noted at the Smithsonian on December 18, 1971. This is a House provision.

The conference version of the bill contains a provision which would legalize the private ownership of gold as of the date when the President reports to Congress that elimination of regulation on private ownership of gold will not adversely affect the international monetary position of the United States. This is the House version of the bill.

The conference version of the bill contains a provision which would require the Secretary of the Treasury to promulgate rules requiring multinational corporations to submit reports on foreign currency transactions.

Mr. President, I urge the Senate to adopt this conference report.

Mr. President, I ask unanimous consent that Kenneth McLean, of the staff of the Committee on Banking, Housing, and Urban Affairs, be permitted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I should like to associate myself with the remarks of the distinguished Senator from Wisconsin.

I believe we have arrived at a fair compromise with the House on the par value bill. Considering the problems they have with germaneness on some matters, I think we emerged in as good shape as we could, from the standpoint of the Senate position.

I join the Senator from Wisconsin in urging the Senate to adopt the conference report.

Mr. President, I ask unanimous consent that Mr. Thomas Brooks of the staff of the Committee on Banking, Housing and Urban Affairs, be allowed on the floor during the consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMINICK. Mr. President, if we are on allocated time, as I gather we are, I wonder whether either the Senator from Wisconsin or the Senator from Texas will give me about 4 or 5 minutes.

Mr. PROXMIRE. Mr. President, how much time do we have?

The PRESIDING OFFICER. Ten minutes to each side.

Mr. PROXMIRE. Suppose we split the time, and I will yield 2 minutes to the Senator.

Mr. TOWER. I yield 2 minutes to the Senator.

Mr. DOMINICK. I thank the Senators.

Mr. President, we now have the opportunity to vote on this conference report on the Par Value Modification Act. While I am not going to try to extend the debate or oppose the report, I do have some comments about it.

Because of the rate of inflation which we have experienced, combined with the plummenting of our dollar on the international monetary market, I do not believe that this official devaluation is realistic except as a temporary aid in our growing problems with balance of payments. The fact is that devaluation is at best only one part of the problem, and an overall policy must be adopted which will allow this country to maintain a competitive posture with our trade rivals while keeping normal growth patterns here. It is my hope that we can get something out of this in the International Monetary Conference, but again I have my doubts as to that.

I also object to the conference's action on the allowance of the private ownership of gold. Once again, by passage of this legislation which eliminates the definite date for removal of the restrictions on gold ownership in this country, we are telling the American citizen that he is a second-class citizen of the world. We are telling him once again that his right to own and invest in a metal which historically has been a secure investment against inflation is hereby denied and will continue to be denied in the land of the free. For 40 years, the American citizen has been denied this privilege, and we now deny it once again.

Mr. President, this body twice this year has clearly expressed its intent that citizens of the United States should be equal to the citizens of France, of Japan, of more than 70 countries of the world, who can own gold. Presently, the bicentennial coin bill, which was passed on this side, returns the right to own gold by January 1, 1975, and is pending in the House. I hope our colleagues over there will see fit to keep that date. I say to my colleagues in the Senate that I pledge that my amendment to the Bicentennial coin bill which provided for such gold ownership will be brought up again to be added to other bills which will be discussed on the floor. As I have indicated previously on this floor, the fight has been long and hard, but the fruits of victory are coming closer. Therefore, I will continue working to return all Americans first-class citizenship in the world of gold ownership.

Mr. President, this conference report does not accomplish that goal, because it leaves it totally in the discretion of the Executive, where it has been for 40 years.

As the Presiding Officer knows, any time we mention the private ownership of gold, the Treasury goes through the ceiling, acting like some kind of newly launched missile, without any real reason for discerning why we should not be allowed to own gold. I do not happen to own any, and I do not happen to even want to own any. But a great many people in this country do own gold illegally and are doing it through third-party intermediaries in Europe, compounding our balance-of-payments problems, and doing it at a time when gold is no longer any part of our monetary system. I think it is ridiculous, and I regret exceedingly that the Senate conferees agreed to this kind of compromise on that provision in the bill.

The PRESIDING OFFICER. Who yields time?

Mr. McCLURE. Mr. President, will the Senator yield me 3 minutes?

Mr. TOWER. I yield.

Mr. McCLURE. I thank the Senator from Texas for yielding this time.

Mr. President, I point out that although I join in the sentiments expressed by the distinguished Senator from Colorado, it is not my intention to renew at this time the battle with respect to the private ownership of gold. I do not want anyone to misconstrue my intentions as not being firmly convinced that that is the course we should take, having in mind that the amendment I offered on this bill originally, which was adopted by the Senate by a vote of 69 to 21, was ignored by the conferees in conference. The amendment offered by the Senator from Colorado (Mr. Dominick) to be bicentennial coinage bill was adopted by a vote of 68 to 23. On two occasions, this body has made very clear its intention on this issue.

I pledge, along with the Senator from Colorado, my intention to keep this matter before the Senate until the Senate and the House recognize the will of this body.

I point out that this provision was offered in the House and failed on the very unusual vote of 162 to 162. So the issue, if in doubt at all, is weighted on the side of the private ownership of gold.

What does this conference report really accomplish? When it passed this body, the bill contained an impoundment procedure. That has been deleted. When it passed this body, the bill contained a spending ceiling, adopted after hours of extended debate. That provision has been deleted. When the bill passed this body, it contained a termination of assistance to North Vietnam, adopted only after acrimonious and extended debate. That provision has been deleted.

What does the bill still have in it? The almost meaningless provision with respect to private ownership of gold; and it has in it the requirement for reporting of capital flows, particularly so far as multinational corporations are concerned. That much it does.

Also, it purports to raise the official or exchange rate of the price of gold. Gold is not being sold at $42 an ounce. It is not being purchased by anybody at $42 an ounce. It seems to me that that portion of the bill is almost totally meaningless. The gold window has been closed; there is no official exchange rate now. So we are talking only about a paper transaction which, in reality, in the world today, is meaningless and is becoming more so day by day.

So, despite my lack of opposition to the bill, I shall not vote for it with any enthusiasm at all, because I think the only positive thing it does is with respect to the flow of capital so far as multinational corporations are concerned and reporting under the Bretton Woods Agreement.

I thank the Senator from Texas for yielding.

Mr. PROXMIRE. Mr. President, I say to the Senator from Idaho that I very much appreciate his remarks. He did wage a very successful fight on the floor. He won resoundingly.

Frankly, the Senate conferees were very conscious of the Senate vote. We did the best we could. The House was adamant. The House had problems in the area of germaneness, as the Senator from Texas (Mr. Tower) has said.

I do think that we were able to get something in this conference report. I know that the Senator from Idaho must be disappointed because he waged a good fight and he had a very surprising victory. I think most people were astonished at the margin of that vote.

However, the conference report states that the provisions in this regard, pertaining to gold, "shall take effect when the President finds and reports to Congress that international monetary reform shall have proceeded to the point where elimination of regulations on private ownership of gold will not adversely affect the U.S. international monetary position." So the President is directed to act as soon as possible. I realize that is not enough, but I feel we could not have prevailed. Under the circumstances, I think the conferees did an excellent job.

Mr. President, I ask unanimous consent to have printed in the Record a letter from Mr. Jack Bennett, Deputy Under Secretary of the Treasury, addressed to me under date of September 6, 1973.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Deputy Under Secretary
of the Treasury,
Washington, D.C., September 6, 1973.

Hon. William Proxmire,
U.S. Senate,
Washington, D.C.

Dear Senator Proxmire: The Treasury has previously expressed to you and other Senate conferees on the Par Value Bill our strong support for the provision in that bill requiring unregulated private holding of gold when the President determines that this is consistent with international monetary reform and the United States international financial position. This was done most recently in Under Secretary Volcker's letter of June 4, 1973, to Chairman Sparkman, copies of which were sent to you and the other Senate conferees on the Par Value Bill (enclosed).

Since that time, the conferees have reached agreement on this provision, and I understand that the Senate is about to consider the Conference Report. I wish to reiterate Treasury's strong support for the private gold holding provisions contained in the Conference Report.

Under Secretary Volcker's letter outlined the reasons for this support. However, I would like to make two additional points that are especially relevant today.

In recent weeks, we have seen a calming of foreign exchange markets, a strengthening of the dollar and a declining price of gold. Senate action now in support of setting a specific date for removal of regulations, whether this year or some time in the future, could well cause a new round of speculation upsetting this improved trend of gold and foreign exchange markets.

The Senate action would not only be upsetting to these markets but would also tend to undermine our efforts to reduce the future role of gold in a reformed international monetary system. Under Secretary Volcker is negotiating on monetary reform in Paris this week at the International Monetary Fund Committee of Twenty meetings in Paris. Negotiations will continue at the Annual Meeting of the Fund in Nairobi later this month. Senate action to reject or modify the Conference Report would thus be especially unfortunate since it would undoubtedly raise questions abroad about domestic support for the United States position on the future role of gold in the international monetary system.

It is our strong hope that the Conference Report on the Par Value Bill can be approved by the Senate without change.

Sincerely yours,

Jack F. Bennett.

Mr. PROXMIRE. Mr. President, I yield back the remainder of my time.

Mr. TOWER. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on the adoption of the conference report. The yeas and nays have been ordered, the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Missouri (Mr. Eagleton), the Senator from North Carolina (Mr. Ervin), the Senator from Iowa (Mr. Hughes), the Senator from Utah (Mr. Moss), the Senator from California (Mr. Tunney), and the Senator from Arkansas (Mr. Fulbright) are necessarily absent.

I also announce that the Senator from South Dakota (Mr. Abourezk) is absent because of a death in the family.

Mr. GRIFFIN. I announce that the Senators from Tennessee (Mr. Baker and Mr. Brock), the Senator from Hawaii (Mr. Fong), the Senator from Arizona (Mr. Goldwater), the Senator from Oregon (Mr. Hatfield), the Senator from Nebraska (Mr. Hruska), the Senator from Virginia (Mr. Scott), and the Senator from Ohio (Mr. Taft) are necessarily absent.

I also announce that the Senator from New Hampshire (Mr. Cotton) is absent because of illness in his family.

I further announce that, if present and voting, the Senator from Hawaii (Mr. Fong) and the Senator from Ohio (Mr. Taft) would each vote "yea."

The result was announced—yeas 69, nays 15, as follows:

[No. 383 Leg.]

YEAS—69

Aiken
Bartlett
Bayh
Beall
Bellmon
Bennett
Bentsen
Biden
Brooke
Buckley
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Clark
Cook
Dole
Domenici
Eastland
Fannin
Gravel
Griffin
Gurney
Hansen
Hart
Haskell
Hathaway
Helms
Hollings
Huddleston
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mathias
McClellan
McGee
McIntyre
Mondale
Muskie
Nelson
Nunn
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Pa.
Sparkman
Stafford
Stennis
Stevens
Stevenson
Symington
Talmadge
Thurmond
Tower
Weicker
Williams
Young

NAYS—15

Allen
Bible
Burdick
Church
Cranston
Curtis
Dominick
Hartke
Mansfield
McClure
McGovern
Metcalf
Montoya
Packwood
Saxbe

NOT VOTING—16

Abourezk
Baker
Brock
Cotton
Eagleton
Ervin
Fong
Fulbright
Goldwater
Hatfield
Hruska
Hughes
Moss
Scott, Va.
Taft
Tunney

So the report was agreed to.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the amendment of the Senate numbered 3 to the amendment of the House to the bill (S. 1385) to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands; that the House had agreed to the amendment of the Senate numbered 1 to the amendment of the House to the bill, with an amendment, in which it requested the concurrence of the Senate; and that the House had disagreed to the amendment of the Senate numbered 2 to the amendment of the House to the bill.

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H.R. 8547. An act to amend the Export Administration Act of 1969, to protect the domestic economy from the excessive drain of scarce materials and commodities and to reduce the serious inflationary impact of abnormal foreign demand;

H.J. Res. 111. Joint resolution authorizing the President to proclaim September 8, 1973, as "National Cancer Day";

H.J. Res. 677. Joint resolution authorizing the President to proclaim the 28th day of September 1973 as "Teacher's Day"; and

H.J. Res. 695. Joint resolution authorizing the President to proclaim the period of September 15, 1973, through October 15, 1973, as "Johnny Horizon '76 Clean Up America Month."

HOUSE BILL AND JOINT RESOLUTIONS REFERRED

The following bill and joint resolutions were severally read twice by their titles and referred, as indicated:

H.R. 8547. An act to amend the Export Administration Act of 1969, to protect the domestic economy from the excessive drain of scarce materials and commodities and to reduce the serious inflationary impact of abnormal foreign demand. Referred to the Committee on Banking, Housing and Urban Affairs.

H.J. Res. 111. Joint resolution authorizing the President to proclaim September 8, 1973, as "National Cancer Day";

H.J. Res. 677. Joint resolution authorizing the President to proclaim the 28th day of September 1973 as "Teacher's Day"; and

H.J. Res. 695. Joint resolution authorizing the President to proclaim the period of September 15, 1973, through October 15, 1973, as "Johnny Horizon '76 Clean Up America Month." Referred to the Committee on the Judiciary.

EMERGENCY COMMUTER RELIEF ACT

The PRESIDING OFFICER (Mr. BIDEN). Under the previous order, the Senate will now proceed to the consideration of S. 386 which the clerk will report.

The legislative clerk read as follows:

Calendar No. 341 (S. 386) a bill to amend the Urban Mass Transportation Act of 1964 to authorize adequate commuter service in urban areas, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Banking, Housing and Urban Affairs with amendments, on page 2, after line 21, strike out:

SEC. 2. (a) The fifth sentence of section 4 (a) of the Urban Mass Transportation Act of 1964 is amended to read as follows: "The Federal grant for any such project to be assisted under section 3 (other than a project for payment of operating expenses) shall be in an amount equal to 90 per centum of the net project cost.".

(b) The amendment made by subsection (a) shall apply only with respect to projects which were not subject to administrative reservation on or before July 1, 1973.

On page 4, line 6, after the word "basis", insert "(including a reasonable fare structure)"; at the beginning of line 11, strike out "The" and insert "Notwithstanding the provisions of the fifth sentence of section 4(a), the"; on page 5, after line 22, strike out:

(d) Section 4(c) of such Act is amended by striking out "$3,100,000,000" in the first and third sentences and inserting in lieu thereof "$6,100,000,000".

On page 6, at the beginning of line 1, strike out "(c)" and insert "(d)"; and, after line 19, strike out:

SEC. 4. Section 9 of the Urban Mass Transportation Act of 1964 is amended as follows:

(a) insert "(a)" before the first sentence;

(b) in the first sentence, delete the words "engineering, and designing" and insert in lieu thereof the words "engineering, designing, and evaluation";

(c) in the second sentence, delete the word "and" before "(3)", delete the period at the end of the sentence, and insert "; and (4) evaluation of such projects after their implementation." at the end of the sentence;

(d) in the third sentence, change the word "section" to "subsection" and insert the words "90 per centum" in lieu of "two-thirds"; and

(e) add the following new subsection:

"(b) the Secretary is authorized to utilize not to exceed one-half of 1 per centum of the authorization provided in section 4(c) to carry out technical studies by contract without limitation on the Federal share of the cost."

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. The Congress finds—

(1) that over 70 per centum of the Nation's population lives in urban areas;

(2) that transportation is the lifeblood of an urbanized society and the health and welfare of that society depends upon the provision of efficient economical and convenient transportation within and between its urban areas;

(3) that for many years the mass transportation industry satisfied the transportation needs of the urban areas of the country capably and profitably;

(4) that in recent years the maintenance of even minimal mass transportation service in urban areas has become so financially burdensome as to threaten the continuation of this essential public service;

(5) that the termination of such service or the continued increase in its cost to the user is undesirable, and may have a particularly serious adverse effect upon the welfare of a substantial number of lower income persons;

(6) that some urban areas are now engaged in developing preliminary plans for, or are actually carrying out, comprehensive projects to revitalize their mass transportation operations; and

(7) that immediate substantial Federal assistance is needed to enable many mass transportation systems to continue to provide vital service.

SEC. 2. (a) Section 3 of the Urban Mass Transportation Act of 1964 is amended—

(1) by striking out "No" in the fifth sentence of subsection (a) and inserting in lieu thereof "Except as provided in subsection (f), no"; and

(2) by adding at the end thereof a new subsection as follows:

"(f) The Secretary is also authorized, on such terms and conditions as he may prescribe, to make grants or loans to any State or local public body to enable it to assist any mass transportation system which maintains mass transportation service in an urban area to pay operating expenses incurred as a result of providing such service. No financial assistance shall be provided under this subsection unless (1) the Secretary determines that the mass transportation services provided by the system involved are needed to carry out a program referred to in section 4(a), and (2) the applicant State or public body has submitted to the Secretary a comprehensive mass transportation service improvement plan which is approved by him and which sets forth a program, meeting criteria established by the Secretary, for capital or service improvements to be undertaken for the purpose of providing more efficient, economical, and convenient mass transportation service in an urban area, and for placing the mass transportation operations of such system on a sound financial basis *(including a reasonable fare structure)*, and (3) the Secretary determines that the mass transportation services provided by each system involved is being provided by an efficient operation of such system in accordance with regulations promulgated by the Secretary.

"Notwithstanding the provisions of the fifth sentence of section 4(a), the amount of any grant under this subsection to a State or local public body to enable it to assist any mass transportation system to pay operating expenses shall not exceed twice the amount of financial assistance provided from State or local sources for that purpose. The Secretary shall issue such regulations as he deems necessary to administer this subsection in an equitable manner. Such regulations shall include appropriate definitions of (A) operating expenses, and (B) the sources or types of State or local financial assistance which may be considered in computing the maximum allowable Federal grant."

(b) The fourth sentence of section 4(a) of such Act is amended by striking out "section 3" and inserting in lieu thereof "section 3 (other than subsection (f))".

(c) Section 4(c) of such act is amended—

(1) by inserting "(1)" after "(c)";

(2) by striking out "sections 3, 7(b), and 9" and inserting in lieu thereof "section 3 (except subsection (f)), and sections 7(b) and 9";

(3) by striking out "this subsection" wherever it appears and inserting in lieu thereof "this paragraph"; and

(4) by adding at the end thereof a new paragraph as follows:

"(2) To finance grants and loans under section 3(f) of this Act, the Secretary is authorized to incur obligations on behalf of the United States in the form of grant agreements or otherwise in amounts aggregating not to exceed $800,000,000. This amount shall become available for obligation upon the date of enactment of this paragraph and shall remain available until obligated. There are authorized to be appropriated for liquidation of the obligations incurred under this paragraph not to exceed $400,000,000 prior to July 1, 1974, which amount may be increased to not to exceed an aggregate of $800,000,000 prior to July 1, 1975.

Sums so appropriated shall remain available until expended."

(d)(1) Section 12(c) of such Act is amended—

(A) by striking out "and" at the end of paragraph (4);

(B) by striking out the period at the end of paragraph (5) and inserting in lieu thereof "; and";

(C) by adding after paragraph (5) a new paragraph as follows:

"(6) the term 'mass transportation system' means any private company or public authority or agency providing mass transportation service.".

(2) Section 12 of such Act is further amended by adding at the end thereof the following new subsection:

"(f) The provision of assistance for the payment of operating expenses under section 3(f) shall not be construed as bringing within the application of chapter 15 of title 5, United States Code, any nonsupervisory employee of an urban mass transportation system (or of any other agency or entity performing related functions) to whom such chapter is otherwise inapplicable."

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. WILLIAMS. Mr. President, I yield 1 minute to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, with the approval of the distinguished Senator from New Jersey (Mr. WILLIAMS), the manager of the bill, and the distinguished Senator from Texas (Mr. TOWER), the ranking Republican member of the committee, I ask unanimous consent that the unanimous-consent order be changed to 30 minutes on the bill, the time to be equally divided between the Senator from New Jersey (Mr. WILLIAMS) and the Senator from Texas (Mr. TOWER), and that there be 20 minutes on any amendments, debatable motions, or appeals, and that the agreement be in the usual form.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none. and it is so ordered.

Mr. WILLIAMS. Mr. President, for the fifth time during a 4-year period the Senate is once again called upon to face the problem of providing operating assistance for urban mass transportation. The record is clear—operating assistance is crucial if our Nation's urban mass transportation systems are to survive. As the February 26, 1973 report of the Joint Economic Committee states:

> The arguments for restricting direct mass transportation aid to capital expenses are without basis. Furthermore, a grant to subsidize capital but not operating expenses encourages wasteful, premature replacement, overcapitalization of technology and inadequate maintenance, which are likely to be extremely costly.

On four previous occasions the Senate has accepted this premise and overwhelmingly approved legislation providing for such a program—a program that only the Federal Government can successfully administer. During the 91st Congress, the Emergency Commuter Relief Act was passed by the Senate as part of the Housing Act. During the 92d Congress, the Senate again passed it on two separate occasions, as an amendment to the Housing Act and as an amendment to the Federal Aid Highway Act. Once again, on March 14 of this year we passed S. 386 by a 59 to 36 vote as an amendment to the 1973 highway bill.

But each time the legislation was derailed short of final enactment. On each occasion, the House failed to act and the House-Senate conferees, under the threat of a Presidential veto, deleted the provisions of S. 386 from the final bills. And in taking this position I, for one, believe that the President has shown a total disregard for the problems of our Nation's cities and the citizens who inhabit them.

But the issue of operating assistance and better urban mass transportation is far too vital to brush under the rug. Therefore, the Senate Committee on Banking, Housing and Urban Affairs has once again fulfilled its responsibility to the American people by favorably reporting S. 386, the Emergency Commuter Relief Act for Senate consideration. Only this time, there is a glimmer of hope at the end of the rainbow. For the first time, the sponsors of this legislation in the House of Representatives have succeeded in reporting it out of committee and have obtained clearance to bring it to the floor before the end of the month. Therefore, hopefully as the final step in our efforts to keep our Nation's transit systems in healthy operating condition, I call upon the Members of this body to pass once more the Emergency Commuter Relief Act.

I am once again pleased that Senators CASE, CRANSTON, JAVITS, KENNEDY, PASTORE, PERCY, RANDOLPH, and STEVENSON are joining with me in sponsoring this proposal.

As more and more bus and rail transit lines throughout our Nation teeter on the verge of bankruptcy or public takeover, it is our obligation to do our best to alleviate the mass transit crisis. And as these systems go under, additional automobiles are added to the daily traffic stream, increasing the congestion on our streets, the pollution in the air we breathe, and relegating the poor, the infirmed, and the elderly to a life without mobility.

Increased congestion penalizes all of our Nation's citizens. Each additional car forced upon the road slows down the speed of all other drivers and imposes "delay costs" on all forms of transportation using the same streets at the same time. For example, a study of traffic in downtown London shows that the cost of automobile travel in highly congested areas, taking into account "delay costs" is approximately $1 per mile, and these estimates do not include the costs of damage from air pollution caused by automobile gas fumes.

And make no mistake about it—today's situation, as bad as it may seem, is getting worse. In 1970 the revenues of 11 out of 14 major commuter rail lines failed to cover even operating expenses, much less capital costs. All but two of the rapid rail lines had operating deficits, as did one-third of all urban bus companies. And over the past decade, the number of municipalities, both large and small, forced to initiate local programs for operating assistance has increased by nearly 400 percent, with total deficits running at a rate of over $400 million per year.

For this reason alone, S. 386 has become crucial if our Nation's mass transit systems are to survive. Groups such as the U.S. League of Cities-Conference of Mayors, the National Governors Conference, the American Transit Association, and the Institute for Rapid Transit have all made S. 386 transit's No. 1 legislative priority. These associations representing States and cities large and small, as well as transit operators throughout the United States, in areas as large as New York and Chicago and as small as Lewistown, Maine, and Biloxi, Miss., all realize that operating deficits have become a serious handicap to providing viable mass transportation services.

Clair M. Roddewig, of the Chicago Transit Authority, clearly and succinctly stated the case for operating assistance when he said:

> Today, the Authority is in deep financial trouble. If 1973 operations and level of fares are continued on the same basis as those in effect during 1972, we will have a $42.1 million deficit. It is not possible for us to borrow money with which to make up this deficit. Obviously, unless we obtain some financial assistance, we will be out of money and will be required to shut down our operations.

And Mr. Roddewig is not alone, nor is Chicago unique. The mayor of Lewistown, Maine—John C. Orestis—just this year told our committee:

> However, if our struggling city transit service is to do more than decline, a program of operating subsidy is the key. To depend on the varying financial capacities of local areas for this ingredient is not only unfair, but is self-defeating. Once transit dies in an area, its later resurrection will double or perhaps triple demands for capital grants.

Operating subsidies offer hope, stability, and a truly balanced urban mass transportation system for our Nation's cities. The need is persuasive and overwhelming and the Emergency Commuter Relief Act is designed to meet that need.

It is designed to halt the raising of fares to intolerable levels, thus reducing ridership and curtailing essential transit services. It recognizes that mass transportation is a national problem and one for individual localities to solve on an ad hoc basis. And foremost of all, it recognizes that mass transportation is the lifeblood of an urban society and that a program of capital grants coexisting with one of operating assistance can go a long way toward curtailing the distress of both transit operators and the increasing number of municipalities who own and operate their own transit systems.

Let me now once again briefly describe how the Emergency Commuter Relief Act will help to reverse the decline and fall of mass transportation:

It would amend section 3 of the Urban Mass Transportation Act of 1964 to prevent reduction of essential transportation services by authorizing assistance to defray operating expenses.

Grants, on a two-thirds Federal, one-third local matching basis, would be provided to State or local public bodies in order to assist any mass transportation system maintaining service in an urban area and to pay operating expenses incurred as a result of providing this service.

Included within the terms of such assistance are grants for debt servicing for mass transit investments.

As a prerequisite for obtaining a grant for operating expenses, the States and localities would have to determine which systems in their jurisdiction were in need of such aid and then submit to the Secretary of Transportation a comprehensive mass transportation program to improve such service and to place mass transportation operations on a sound financial basis including a reasonable fare structure.

The Secretary would also be required to make a determination that the mass transit services are being efficiently provided by the system applying for the grant in accordance with regulations promulgated by the Secretary.

The operating assistance provisions are geared to fulfilling three prime objectives:

First. Maintenance of service to the public.

Second. Stimulation of further ridership, especially in the commuter peak-hour category; and

Third. Assistance to communities in meeting their overall development aims.

If enacted, this program will be an immense and immediate benefit to local communities.

It will give them the option to plan and implement the mix of transportation services most responsive to their own needs and their own goals for orderly community growth and development.

It will provide local governments with the resources to determine their own transportation policy. And, it will bring a new measure of flexibility and balance to the planning and implementation of urban transportation programs.

To fund this program, $800 million would be made available over the next 2 years. This is a realistic figure of actual needs and is fully supported by the Committee on Banking, Housing and Urban Affairs hearing record.

Today even more than 4 years ago when the Senate first passed the Emergency Commuter Relief Act, there is a great national stake in expanding and modernizing our public mass transportation systems. During the 4-year delay in enacting S. 386, costs have risen, fares have increased, and services have been curtailed, due to greater and greater operating deficits. As a result, more and more transit riders have been forced to use automobiles. And transit plans and projects that are urgently needed have piled up and gathered dust.

The time to act is once again before us. By adopting the Emergency Commuter Relief Act we in the Congress can once again, by our deeds, make mass transit our Nation's top transportation priority for the 1970's.

Mr. President, this matter has been fully debated on many occasions. However, there is some new material that I would like to submit at this time.

I ask unanimous consent that a statement from the United States National League of Cities-Conference of Mayors be printed at this point in the Record, supporting the passage of this measure which deals with the crisis we face in mass transportation.

There being no objection, the material was ordered to be printed in the Record, as follows:

National League of Cities,
U.S. Conference of Mayors,
September 7, 1973.

Hon. Harrison A. Williams,
U.S. Senate, Old Senate Office Building, Washington, D.C.

Dear Senator Williams: The National League of Cities and the U.S. Conference of Mayors, which together represent more than 15,000 municipalities throughout the nation, wish to express the strong support of the nation's cities for S. 386, the "Emergency Commuter Relief Act of 1973."

Through your leadership, the nation has a major program of federal assistance to finance the capital costs of public mass transit. Your letters have focused the attention of the nation on the crisis in mass transit, and the need for capital assistance and federal operating subsidies to make mass transit systems fully effective.

As you know, at a time when state and local governments are subsidizing mass transit systems by more than $500 million annually, cities are now confronted with significant new demands for expanded and improved transit service. Federal operating subsidies are absolutely necessary to meet these new demands and to attain vital public objectives. For example, the proposed EPA regulation mandating transporation controls in 36 cities will force major reductions in driving in these cities. Public mass transportation will be expected to provide the alternative. Because these controls are aimed at commuters, this will increase peak hour demand. Capital and operating costs will rise, and cities will have unused capacity during off-peak hours, increasing further operating costs.

Another factor leading to greater demand for mass transit is the energy crisis. One-half of every barrel of domestic crude oil goes for gasoline to power autos and trucks, according to EPA. Each conventional bus can carry enough passengers to replace twenty or more automobiles. It is obvious that public mass transit is an essential public service, necessary to the national goals of a quality environment and for the conservation of energy.

Federal operating subsidies are absolutely necessary to attain these objectives. Cities cannot continue to assume this national responsibility alone.

As Mayor Pete Wilson of San Diego recently testified, "Mass transit is expected to provide the alternative to the automobile. If that expectation is to be more than a pious hope, we dare not fail to recognize that its achievement will require far greater infusions of dollars than at present." The "Emergency Commuter Relief Act of 1973," S. 386, to provide federal operating subsidies, deserves and requires the support of every member of Congress.

Sincerely,
Allen E. Pritchard,
Executive Vice President
National League of Cities.
John J. Gunther,
Executive Director,
U.S. Conference of Mayors.

Mr. TOWER. Mr. President, I yield myself such time as I may require.

Today we are being asked to approve a $400 million annual funding level, $800 million over 2 years, to provide assistance to transit systems which, due to one reason or another, are operating in the red. While I strongly favor providing funds for capital expenditures to improve and modernize transit systems, there are certain factors relating to the provision of operating subsidies which I find hard to accept.

While all transit systems in this country could possibly be eligible for some of the assistance provided in this bill, the vast majority of these funds will be going to a handful of urban centers in the country. I find it hard to accept a situation where most of the taxpayers in this country will have to pay for a program for which they will receive little if any benefit. There is no question that assistance is needed in several communities where the transit system is operating at a loss. There are people who live and work in cities where such systems are necessary for their livelihood. But, if a transit system is important to that community, then they should be willing to contribute something to make that system economically feasible rather than simply turning to the Federal Government for help.

A few communities, such as Atlanta and Denver, have attempted to bear this responsibility at the local level. While they have not operated in the black overnight, and it is anticipated that this situation might remain for a few years, the situation does look promising for the long term future. What is significant is that they have, on their own, attempted to be a little creative and a little daring, and it looks as if it just might pay off. Daily ridership has significantly increased and the fares have been set at a reasonable level. As a result, there has been less congestion in the downtown areas, and it is hoped that automobile pollution will be significantly reduced.

I think that this approach, combined with the utilization of grants for capital expenditures for improved and modernized systems will, in the long run, provide the better solution to our urban transportation problems.

For the improvement and modernization of transportation systems we will in the long run provide funds to assist in urban mass transportation.

Mr. President, I do not think it is proper for the Federal Government to subsidize what many consider to be poor management of urban transit systems. The farebox subsidies simply invite more Federal assistance. I am hopeful that the measure will be defeated.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. TOWER. Mr. President, I am glad to yield to the Senator from Nebraska.

Mr. CURTIS. Mr. President, does this constitute a new Federal program?

Mr. TOWER. It does constitute a new Federal program. We have up to now supplied funds for capital improvement of mass transit systems. However, we have not yet had farebox subsidies. This measure has passed the Senate. It has been acted on before. However, it has been stalled in the House and in conference.

Mr. CURTIS. There is no ongoing program.

Mr. TOWER. There is not, except that I believe the highway bill does provide in the third year of that act at the discretion of State and local authorities, the moneys can be used. However, that is again for capital expansion, and not for farebox subsidies.

Mr. CURTIS. What would be the cost?

Mr. TOWER. The cost would be $800 million over 2 years.

Mr. CURTIS. What are we spending now on Federal assistance for capital improvements

Mr. TOWER. Mr. President, I cannot quote the exact figure offhand. Perhaps the Senator from New Jersey can answer that question.

Mr. WILLIAMS. Mr. President, it is at an approximate annual rate of $1 billion.

Mr. CURTIS. $1 billion?

Mr. TOWER. That is correct.

Mr. CURTIS. This is in addition to that?

Mr. TOWER. This is in addition to the money already provided for capital improvement.

Mr. CURTIS. Mr. President, approximately how much of that $800 million over that period of time will go for capital improvement?

Mr. TOWER. This will all go for operating subsidies. There is a different funding provision for capital improvement.

Mr. WILLIAMS. Mr. President, would the Senator yield?

Mr. TOWER. Mr. President, I yield to the Senator from New Jersey.

Mr. WILLIAMS. Mr. President, it is appropriate at this time to point out to the Senator from Nebraska that there have been studies and findings that this approach—a Federal contribution toward operating expenses will be supplementary as well as complementary to the capital grant program. It will make the capital grant program far more efficient if we also have Federal money that can be used for operating expenses. There will be less pressure on mass transit operators to come in and buy additional new equipment if they have sufficient funds to maintain the equipment that is now in operation.

Mr. CURTIS. May I ask what cities will receive this Federal assistance?

Mr. WILLIAMS. The systems that meet the criteria that are spelled out in the bill.

Mr. TOWER. Actually, probably most mass transit systems in the country would be eligible and would probably meet the criteria.

Mr. WILLIAMS. The criteria clearly states that they would have to come in and show a plan for improved service. First they would have to convince the Secretary that this assistance, is needed for improved service, and second, that the fare structure will be maintained at a reasonable level.

Mr. TOWER. Although many cities would be potentially eligible, you and I know that the money would be going into the northeastern cities that have the most critical mass transit problems.

Mr. CURTIS. I wonder if they do have. It seems to me the most critical transportation problems are in the tiny villages and towns. There they have no railroads any more; the chances are they do not have a bus line; there is no place, even in an emergency, where you can hire a taxi, because there is not any taxi, and there are no public buses.

I am not suggesting a Federal subsidy, but the real facts are that we have faced for a long time a transportation crisis in this country. Our transportation systems have not kept pace. I am inclined to believe that our railroads, for instance, have had negative thinking for a long time. They are totally unequipped to carry the freight that we need.

Merely to pick out certain places because of size and subsidize the operation of their transportation systems does not solve anything. But I thank the distinguished Senator for providing the information.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. TOWER. I yield to the Senator from South Carolina.

Mr. THURMOND. Is it correct that the funds under this bill would go for operating purposes, which means that the entire Nation, the Federal Government, would be financing the operation of a transit system in one State or in one city?

Mr. TOWER. That is correct. This is what is sometimes called a farebox subsidy.

Mr. THURMOND. In other words, the Federal Government is being called upon to assist in paying the operating expenses of the transit system in New York or some other big city?

Mr. TOWER. That is correct.

Mr. THURMOND. Is it further true that under the statement just made by the distinguished Senator from New Jersey, billions of dollars more will be called for, for construction purposes?

Mr. TOWER. Well, there is already an ongoing program for capital improvements at a rate, according to the Senator from New Jersey—and I believe his figure is correct—of about a billion dollars a year.

Mr. WILLIAMS. That is already in the law and runs through the next 3 years.

Mr. THURMOND. So the Federal Government is not only now furnishing money for capital improvements, but will now be called upon to furnish additional money for operating the transportation systems in the big cities of this Nation?

Mr. TOWER. The Senator from South Carolina is correct.

Mr. WILLIAMS. Mr. President, will the Senator yield to me for one comment?

Mr. TOWER. I yield.

Mr. WILLIAMS. The problem is one that, as the Senator from Nebraska points out, is more than just a big city problem. Deficits in transportation run throughout our country, in a majority of our cities and towns.

For example, in Columbia, S.C., in 1969 the South Carolina Electric & Gas Co. had an operating deficit of $389,000. In 1970, it was $570,000. These deficits are comparable to the deficits which we see across the country.

It is not just a big city problem that we are talking about. And this program is available to all communities, both large and small, which have a transportation problem.

Mr. THURMOND. Under this plan, would the South Carolina Electric & Gas Co. receive gratuities, or funds?

Mr. TOWER. If they meet the criteria, they would be eligible for assistance under the provisions of this act.

Mr. THURMOND. This is a private corporation, that provides power to about 40 to 60 percent of our entire State, that runs this bus company. Is it the plan now to give——

Mr. TOWER. The provisions of the act would apply only to the mass transit aspect of the company's operation.

Mr. THURMOND. This would apply only to mass transits operated by the municipalities?

Mr. TOWER. It is my understanding that the assistance would actually go to a public body, but then it could be used for a private company.

Mr. WILLIAMS. Exactly. The applicant must be a governmental unit of a State or local government.

Mr. THURMOND. So, then, the instance the Senator cited would not be applicable.

Mr. WILLIAMS. Oh, yes, because then the governmental unit that makes the application, if it is approved and meets all the criteria, can have the grant run to the benefit of the private operator. But it is the public body that must make the application.

Mr. THURMOND. Well, where the public body operates a big power company as well as these buses, and they balance it all off, how would that operate?

Mr. TOWER. I do not think they would meet the criteria under those circumstances.

Mr. THURMOND. I would like to ask the distinguished Senator from Texas this: Is it not probably true that funds under this bill will go to one-fourth or fewer of the States of the Nation?

Mr. TOWER. I think that is a high probability.

Mr. THURMOND. Because they are the ones that have the big cities and the big transit systems. Surely the Senator from New Jersey does not anticipate and visualize that the funds under this bill will be going to smaller States of the Nation, does he?

Mr. WILLIAMS. Under the capital program we have found this to be true, that it is not limited just to the larger metropolitan, big city areas.

As a matter of assuring that it will be a national program, there is a limitation on the funds of 12.5 percent that can go to one State.

Mr. THURMOND. I understand, if they meet the criteria. But what little State is going to meet the criteria?

Mr. WILLIAMS. I would estimate that where they are running heavy deficits, they would look to this program as an opportunity to give them some relief in their efforts to improve their mass transportation operations for their citizens.

Mr. THURMOND. Would not the Senator estimate that 75 percent of the funds under this bill will go to, say, the 12 biggest States of the Nation?

Mr. CURTIS. Cities.

Mr. THURMOND. Well, I mean the States that have those big cities.

Mr. WILLIAMS. If the experience here follows the history of the capital grant program for urban mass transit grants, this program will benefit all of the States. That has been our experience under the capital grant program for mass transportation.

Mr. THURMOND. Is it not also true——

Mr. WILLIAMS. I will say that some of our most eloquent testimony of need came from States with smaller populations. The mayor of Lewiston, Maine, for example, came to Washington and testified before our committee, and stated an excellent case for a community of about 30,000 or 40,000 people. And the problems in Lewiston, Maine, are the same as those throughout the country in cities both large and small.

Mr. THURMOND. It is understandable that any mayor or any city that can get any funds wishes to get those funds; but is it not a disproportionate situation, because only a handful of cities throughout this entire Nation are going to get the preponderance of funds, and the rest will be left with very few if any funds?

Mr. WILLIAMS. I do not know about preponderance. All I know is that the capital grant program, in its administration has been responsive to applications across the country, and has been of benefit to all of the States.

Mr. THURMOND. I thank the Senator.

Mr. JAVITS. Mr. President, could I have a few minutes?

Mr. TOWER. Mr. President, I yield 3 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, I simply wanted to assert again my full support of this bill. I am one of its cosponsors.

I suppose that in my State's own cities—especially the city of New York—one finds exemplified in the whole deplorable situation an atmosphere of crisis. This crisis is not only in the magnitude and complexity of urban traffic and its concomitant problems, but also of environmental pollution which I think is often overlooked in its vital connection with mass transit.

For example, we all are familiar with the pollution alert that has just gripped the entire east coast. In Washington, D.C., this alert extended over 13 days, just ending yesterday. This polluted air, which shrouded all of our Northeast cities, not only made outdoor excursions unpleasant—which would have been bad enough—but it also created a health hazard to all of us.

The funding authorized by this bill will not solve such crises, but it will certainly help to alleviate one of the major causes.

Yet another reason for immediate Federal concern is the now critical energy crisis. The only realistic short-term solution of that problem is reduced consumption of existing supplies. That consumption must be attacked from every source, one of the greatest of which is dependence on the private automobile. This bill would begin to make a dent, and every dent helps in this needless waste of our resources.

Another point critically important for my State is that we are very much engaged in self-help. The Governor is currently pressing for passage of a transportation bond issue of $3.5 billion, of which $2.1 billion would go to mass transit. One of its primary objectives is to halt the rise in fares, and consequent decline in ridership, so that they would be limited in our State to 35 cents. This immense burden cannot be borne by the States alone; even with every effort made by the States, Federal assistance is still a necessity.

Mr. President, let us remember that the pinch of cost of living increases have also contributed very materially to the runaway costs of urban transportation and that this adds to the already crushing burden.

This leads me to the final point which I wish to make, Mr. President, and that is that urban mass transit is absolutely essential to the core cities. It is the only thing that feeds blood into the core cities. Every city that has tried to rehabilitate its central core has found that urban mass transit is absolutely essential in order to bring the people in and to take them out in any intelligent way. It is amazing to me that we are so far behind in modern concepts with respect to this elementary matter, even with the help of this extremely limited measure, as I am sure my colleague from New Jersey for many years, Mr. WILLIAMS, already has made plain.

However, it is still definitely a step in the right direction and a step that cannot be delayed any longer. I hope very much the Senate will vote favorably on the bill.

Mr. President, I ask unanimous consent that an editorial appearing in today's New York Times, entitled "Cash for Mass Transit" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CASH FOR MASS TRANSIT

With few exceptions, cities all across this country are witnessing a familiar, but no less vicious, cycle in the fortunes of their mass transit systems: rising costs and fares, loss of passengers, reduced net income, deterioration, loss of more passengers and finally a slide into hopeless decay. Both houses of Congress are about to vote on measures to break that terrible progression by the only means that can break it—a Federal operating subsidy.

For much too long it has been accepted as an axiom that any major undertaking to defray a transportation line's operating expenditures would be throwing public funds down a bottomless well. The exceptional cities that have recently challenged this hoary belief with imaginative action have clearly proved its hollowness. When a subsidy allowed San Diego to lower mass transit fares from 40 cents to 25, patronage went up an astonishing 72 per cent. Since Atlanta did the even more dramatic feat of dropping fares from 40 cents to 15, by way of government financing, ridership has increased by 11 million passengers.

Since few American cities are in financial shape to increase transit operating subsidies, Federal action is the one real hope for arresting a decline that has already reduced the country's mass transit patronage to less than one-third of what it was a quarter-century ago. Both Congressional measures would promote that purpose by providing $400 million a year in operating assistance for two years.

Should these measures pass, the difference between them should by all means be resolved in favor of the House bill. Under the Senate plan, grants would be made at the discretion of the Secretary of Transportation, whereas the House bill would help any system that produced a comprehensive plan for improved services, with Federal assistance calculated by the number of passengers carried and other criteria. The subsidy, in short, would be not merely a handout but an incentive to increase patronage—and the only known ways to do that are to keep fares down and improve transit services.

According to the House Urban Mass Transit subcommittee, more than 230 local transit systems have collapsed in the past two decades. To revive the others before they are too far gone, to enable urban areas to meet the standards laid down in the Clean Air Act and to save the enormous amounts of energy now being squandered by the overuse of the private auto, both House and Senate should pass this subsidy legislation by votes overwhelming enough to discourage an all too likely Presidential veto—or at worst to brighten the prospects for overriding it.

Mr. WILLIAMS. Mr. President, the figure in this bill, of $800 million for a 2-year period, is the figure that the Senator from New York advanced 2 years ago.

Mr. JAVITS. That is exactly right.

Mr. WILLIAMS. It is the same figure.

Mr. JAVITS. The Senate passed it and we got fouled up thereafter.

Mr. WILLIAMS. Nevertheless, we certainly appreciate the great contribution which the Senator from New York has made in this field.

Mr. RANDOLPH. Mr. President, will the Senator from New Jersey yield to me?

Mr. WILLIAMS. Mr. President, how much time remains?

The PRESIDING OFFICER. (Mr. DOMENICI). The Senator has 8 minutes remaining.

Mr. WILLIAMS. I yield 3 minutes to the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 3 minutes.

Mr. RANDOLPH. Mr. President, I appreciate the cooperation of the Senator from New Jersey (Mr. WILLIAMS) in reference to this subject as it has been considered in the Federal-aid highway legislation during past years and this year. I regretted very much that my able colleague from New Jersey did not vote for the conference report on the Federal Aid Highway Act of 1973. I want him to know that even though I regretted his vote, I now want to give my endorsement and vote for the measure he brings to the Senate today.

The Federal-Aid Highway Act of 1973, enacted just before the August recess, contains a significant departure from past practices. This legislation, for the first time, authorizes the use of highway trust funds for support of mass transit under certain conditions. Beginning in fiscal year 1975, urban communities will have the option of using their share of highway funds for either roadbuilding or public transportation development.

The subject being considered today, Federal operating assistance for mass transit, was approved earlier this year as an amendment to the highway bill. Throughout a long and difficult conference with the House of Representatives we encountered strong opposition to this provision. In the end the Senate conferees agreed to its deletion. This was necessary in order to obtain final agreement on important legislation and, frankly, to avoid a Presidential veto of that measure. The administration was adamantly opposed—wrongly, in my mind—to any Federal operating support for mass transit. It was the absence of operating subsidies in the highway bill conference report that prompted the Senator from New Jersey (Mr. WILLIAMS) to oppose that report in the Senate.

While it is important to accelerate our development of mass transit systems, it is perhaps more important to provide the financial support that will insure their ability to be viable operations. The administration supports one aspect of mass transit, construction, but fails to follow through by proposing the necessary operational support that will keep the heavy investment in hardware from being less than fully utilized.

I have stated that I do not believe mass transit construction should be financed by highway trust fund revenues. The opposite position prevailed in the new highway act, however, and I believe we arrived at an agreement in that legislation that retains the integrity of the national highway program while giving urban areas more flexibility to meet their transportation needs.

I have joined Senator WILLIAMS as a cosponsor of prior mass transit legislation. That subject matter under discussion today concerns itself with what I believe to be a necessity in many areas of the country.

I wish to state for the RECORD, however, that I believe the rather extravagant and grandiose claims for rapid rail transit in future years will not be borne out by the facts.

I have consistently supported programs for urban mass transit in this country, but believe that they should be kept separate and determined within the Senate on their own specific merits. In that case, I have opposed in the Senate the diversion of funds from the highway trust moneys to rapid rail transit or other urban transit programs. But I have, without exception, supported efforts for urban transit including rail facilities.

Thus, my warning is simply to indicate that I believe the claims for these programs will not be as stated. We shall find them heavily used not 24 hours a day but possibly 4 or 5 hours a day.

The costs, of course, will be high. Not, for instance the $1 billion originally estimated for the system in Washington, D.C., but possibly $4 billion.

I mention these as facts not as fantasies. But that does not deter me from support for this legislation because I believe that we must continue our efforts to develop and strengthen the transportation system of the United States.

It is important to remember that there is a close relationship between transportation activities and our efforts to reduce air pollution. A number of metropolitan areas are faced with the imposition of transportation controls to achieve established air quality standards. Any restrictions on private transportation obviously must be accompanied by the provision of alternate forms of movement. Therefore, public transportation systems must be expanded in the total strategy to remove pollutants from the air we breathe.

Under presently established schedules, transportation controls are likely within the next few years. Rapid rail systems, which require lengthy construction times, cannot be placed in operation in time to provide alternate transportation. Bus transportation, however, is capable of rapid expansion and has the flexibility needed in such situations.

It is my hope that the resources of the regular urban mass transit program, the assistance provided through the highway program and the operating subsidies being voted on today all will be utilized to the fullest extent possible to enable cities to meet the goals of cleaner air.

I support the Senator from New Jersey (Mr. WILLIAMS). I have joined him in the past and I join him today.

I am also appreciative of the remarks by the Senator from Nebraska (Mr. CURTIS) with regard to the rural highway program. He has properly called attention to this important aspect of our national roadbuilding effort. Roads are the basic and frequently the only form of transportation for people in rural areas. The Congress has recognized the importance of roads to rural America and has, with the strong support of the Senator from Nebraska (Mr. CURTIS), acted to expand this program. The new Highway Act provides more than $1 billion a year for each of the next 3 years for noninterstate highway construction in rural areas.

The act also authorizes a demonstration program to find ways to provide public .transportation services, utilizing highways, for people who live in rural areas and small towns. I was the initiator of this provision which directs the expenditure of $30 million in Federal funds in an effort to fill this critical gap in our national transportation program. As a Senator from one of our most rural States, I am acutely aware of the need to provide people in lightly populated areas with the same mobility desired by their urban counterparts.

I commend the Senator from Nebraska (Mr. CURTIS) for raising this subject, and I am gratified for his support of the highway program.

Mr. WILLIAMS. Mr. President, I wish to say that the continued support of mass transportation on the part of the distinguished Senator from West Virginia (Mr. RANDOLPH) is, of course, understood and appreciated. He has had a dual role in transportation, supporting this program as well as the highway program. He has always very graciously included our mass transportation amendments in his highway bills. It has been greatly appreciated and very helpful to us to have his support.

Mr. CURTIS. Mr. President, I do not favor this legislation and I shall vote against it. It is a new program, a new Federal subsidy program, perhaps to other units of the Government, costing $800 million over a period of 2 years, and we do not have the money in the Treasury.

Another basic reason why this measure should not be enacted is that merely underwriting the deficit of these transportation systems do not solve anything. It does not bring anything new into the transportation field to solve those problems. It does not help in any way. It merely is picking up the check for some operation that is failing at the present time, and it will be discriminatory, in that it will be used in certain sections of the country and not a very high proportion of our people will benefit from it. I hope it never becomes law.

The PRESIDING OFFICER. All time on the bill has expired.

The clerk will report the first committee amendment.

Mr. WILLIAMS. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc. They have been set out in the RECORD.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the committee amendments are agreed to en bloc.

The bill is open to further amendment.

AMENDMENT NO. 461

Mr. HART. Mr. President, I call up Amendment No. 461.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. HART. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 1, between liens 2 and 3, insert the following:

"TITLE I—EMERGENCY COMMUTER RELIEF

"FINDINGS".

On page 1, between lines 2 and 3, insert the following: thereof "SEC. 101.".

On page 3, line 6, strike "2" and insert in lieu thereof "102".

On page 7, insert after line 12, the following:

"TITLE II—FARE-FREE MASS TRANSPORTATION DEMONSTRATIONS

"SEC. 201. The Secretary of Transportation (hereinafter referred to as the "Secretary") shall enter into such contracts or other arrangements as may be necessary for research and the development, establishment, and operation of demonstration projects to determine the feasibility of fare-free urban mass transportation systems.

"SEC. 202. Federal grants or payments for the purpose of assisting such projects shall cover not to exceed 80 per centum of the cost of the project involved, including operating costs and the amortization of capital costs for any fiscal year for which such contract or other arrangement is in effect.

"SEC. 203. The Secretary shall select cities or metropolitan areas for such projects in accordance with the following:

"(1) to the extent practicable, such cities or metropolitan areas shall have a failing or nonexistent transit system, a decaying central city, automobile-caused air pollution problems, and an immobile central city population;

"(2) several projects should be selected from cities or metropolitan areas of differing sizes and populations;

"(3) a high level of innovative service must be provided including the provision of crosstown and other transportation service to the extent necessary for central city residents and others to reach employment, shopping, and recreation; and

"(4) to the extent practicable, projects utilizing different modes of mass transportation shall be approved.

"SEC. 204. The Secretary shall study fare-free systems assisted pursuant to this title, and other financially assisted urban mass transportation systems providing reduced fares for the purpose of determining the following:

"(1) the effects of such systems on (i) vehicle traffic and attendant air pollution, congestion, and noise, (ii) the mobility of urban residents, and (iii) the economic viability of central city business;

"(2) the mode of mass transportation that can best meet the desired objectives;

"(3) the extent to which frivolous ridership increases as a result of reduced fare or fare-free systems;

"(4) the extent to which the need for urban highways might be reduced as a result of reduced fare or fare-free systems; and

"(5) the best means of financing reduced fare or fare-free transportation on a continuing basis.

"SEC. 205. The Secretary shall make annual reports to the Congress on the information gathered pursuant to section 204 of this title and shall make a final report of his findings, including any recommendations he might have to implement such findings, not later than June 30, 1975.

"SEC. 206. In carrying out the provisions of this title, the Secretary shall provide advisory participation by interested State and local government authorities, mass transportation systems management personnel, employee representatives, mass transportation riders, and any other persons that he may deem necessary or appropriate.

"SEC. 207. There is hereby authorized to be appropriated not to exceed $60,000,000 for each of the fiscal years ending on June 30, 1974, and June 30, 1975, respectively, to carry out the provisions of this title.".

Mr. HART. Mr. President, I ask that two modifications be made in the amendment as filed and printed. The first modification is on page 2, line 18. Following the word "nonexistent," insert "or marginally profitable".

The second modification, on page 4, line 10: Strike "$60,000,000" and insert "$20,000,000".

The PRESIDING OFFICER. The amendment will be so modified.

Mr. HART. Mr. President, this amendment requires very little discussion. As the amendment was filed and printed before the recess Senators are familiar with it.

I ask unanimous consent that my statement on the amendment filed and printed be inserted in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR HART

Mr. President, it is not my intention to use a great deal of the Senate's time on the amendment as it was introduced on August 3 and there has been ample time to study it. Nonetheless, it may serve a useful purpose to explain briefly what the amendment does.

Certainly, the difficulties facing mass transportation in this country have been clearly documented. While fares continue steadily to increase, ridership continues its steady nosedive. The decline of mass transit can undoubtedly be traced to a number of reasons, but there is little doubt in anyone's mind that the decline must be stopped and mass transit must again become a prominent means of transportation in our cities.

The Emergency Commuter Relief Act, to which this amendment is proposed, recognizes this fact and should give mass transportation a much needed shot in the arm.

The amendment I propose today is based on those same considerations, but suggests that we demonstrate and study the notion by going one step further.

The concept of fare free mass transportation certainly did not begin with the introduction of this amendment. It has been talked about for a long time and has been tested to a limited degree in cities like Rome and Bologna, Italy, and the smaller towns of Commerce, California, Auburn, New York, and Wilkes-Barre, Pennsylvania. An additional small project will be tried in Seattle beginning next Monday. In addition, a number of other cities are exploring the idea.

Our limited experience to date with fare free experiments and those cities with reduced fare for mass transportation has been highly encouraging. In Wilkes-Barre, for example, ridership increased over 100% during its fare free experiment following the disasterous June, 1972 flood. Unfortunately, Wilkes-Barre can no longer afford the project and fares have been reinstituted. The small town of Auburn, N.Y. experienced a four-fold increase in passengers during its month long experiment of fare free bus service. While results were questionable in Rome, Italy, poor service and a lack of buses was blamed. Bologna showed good results.

Reduced fare systems have likewise shown remarkable gains. For example, following Atlanta's reduction of fare to $.15, ridership increased 77%. The reduced fare program in San Diego has also shown good increases in ridership, although the exact increase has yet to be tabulated.

The complete elimination of fares presents an additional bonus, eliminating the need to collect, count, and protect fares. While such costs obviously vary greatly—up to one third of the operating costs of the Chicago transit system, for example—our best estimates are that such costs represent about 10% of current mass transit costs. Elimination of the fare box eliminates these costs and reduces the operating expenses of the transit company.

The amendment would authorize $60 million each for the next two fiscal years to pay 80% of the cost of providing fare free mass transportation. This amount would enable DOT to finance a sustained demonstration in a major city in this country like Washington, D.C., San Francisco or Detroit. This kind of an experiment has yet to take place and I doubt it will unless we provide the means as contained in my amendment. Based on 1972 costs, the Federal share to operate the transit system of San Francisco or Detroit would be around $37 million and Washington, D.C. around $50 million. In addition, the authorization level contained in the amendment would enable the fare free concept to be demonstrated in one or two smaller cities like Seattle, New Orleans, or Rochester, New York. Incidentally, each of the cities I have just named has a mass transportation system that is in grave danger of failure.

A necessary adjunct to financing fare free mass transportation demonstrations is to study the concept in great detail. There is a great deal to be learned about the effects of fare free mass transportation on the problems of our cities. The same is true with respect to reduced fare mass transit. The beneficiaries of such systems must be identified as must be the effects on air pollution, the extent to which automobile traffic might be reduced, how increased mass transit use could reduce the need for urban highways, or how the economic base of our central cites might be affected. The amendment would require the Department of Transportation to make these studies and to report back to the Congress in one year on the results. A final report would be due not later than June 30, 1975, containing recommendations for the Congress on the appropriate Federal role. This information should enable us to make intelligent decisions about the future role of the Federal Government in supporting fare free mass transportation as well as providing valuable information on the effects of less heavily subsidized mass transit.

In my view, the time is ripe to take this essential step to determine precisely how far we ought to go in subsidizing mass transportation. I urge the amendment's favorable consideration by the Senate.

Mr. HART. The modification reflects a discussion that the Senator from Michigan has had with the able managers of the bill; and it is my understanding that, as modified, particularly with respect to the dollar figure, the managers of the bill are prepared to accept the amendment.

Very briefly, Mr. President, this amendment seeks to undertake a further experiment, and I know it will redouble the Senator from Nebraska's resistance to the bill. Nonetheless, I am very hopeful that if for 2 years the Federal Government assists local transit companies in underwriting experiments, controlled experiments, on free riding, we may discover a means of unlocking the center cities from their further deterioration, arresting the air pollution, and lessening substantially the need to construct highways in the center cities.

This is not, of course, a new idea. A number of municipalities in this country, as well as some overseas, have experimented with it.

A further benefit can be anticipated: That we will discover to what extent operating costs can be reduced by the elimination of the need both to collect and to safeguard fares.

The amendment originally conceived a figure of $60 million, which would have permitted thorough, controlled surveys in at least one large metropolitan area as well as regional centers across the country. As modified, necessarily, the reach of the experiment will be lessened. Nonetheless, it is my hope that, if this becomes law, we will be able at the end of June 1975 to have identified for us exactly who would benefit through such a program and to what extent we would enhance the vitality of regions in this country the strength of which is essential to all of us, wherever we happen to live.

I hope very much that the Senate will agree to this amendment.

Mr. WILLIAMS. I yield myself 1 minute.

Mr. President, I support the amendment offered by the Senator from Michigan and applaud him for introducing it on a demonstration basis. It has been discussed for some time in this country. We know that it has been tried with good results and is in practice in other countries.

There are increasing reasons why new effort must be made. For example, only recently, under proposed regulations, the Environmental Protection Agency has noted that 36 cities must find ways to control the use of the automobile because of the heavy pollution that it is creating. We know the operating problems and the deficits that our Nation's communities are having with their mass transit systems. We know that we must find ways to encourage people to travel in greater numbers on mass transit systems within our metropolitan areas. This is an approach that I applaud, and as manager of the bill, I accept this amendment.

The PRESIDING OFFICER. Do Senators yield back their time on the amendment?

Mr. HART. I yield back the remainder of my time.

Mr. WILLIAMS. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment, as modified.

The amendment, as modified, was agreed to.

AMENDMENT NO. 466

Mr. WILLIAMS. Mr. President, I call up Amendment No. 466, proposed by the Senator from Ohio (Mr. TAFT).

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. WILLIAMS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS. Mr. President, the amendment is brief and self-explanatory. I will take only a moment to read it:

> On page 4, after line 22, insert the following:
>
> The Secretary shall require, as a condition of assistance under this subsection, each State or local public body to submit an annual report describing the implementation of its mass transportation service improvement plan. If the Secretary finds, after receiving any such report and after opportunity for a hearing on the record, that a State or local public body receiving assistance under this subsection has not made reasonable progress in the implementation of its plan, he shall suspend further assistance under this subsection until such time as he determines that reasonable progress is being made.

The reason for this amendment is stated in the supplementary views of the Senator from Ohio, which is included in our committee report. I for one believe that it strengthens the requirement that the application show a plan of improved service. If that does not occur the Secretary should have the opportunity to suspend any further payments therefore, I support the amendment.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. WILLIAMS. I yield.

Mr. TOWER. Mr. President, I join the Senator from New Jersey in endorsing this amendment. It is a good amendment. I urge its adoption.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. TOWER. I yield back the remainder of my time.

Mr. WILLIAMS. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. ALLEN. Mr. President, I ask for the yeas and nays on passage.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on the pending legislation occur immediately following the vote on the nomination of Mr. Alvin J. Arnett, to be Director of the Office of Economic Opportunity.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President, I shall not object, but if the Senator will yield, is the Senator making this request for a vote on Monday? The Senator did not mean today, did he?

Mr. MANSFIELD. Excuse me. Monday.

The PRESIDING OFFICER. Does the Senator from Montana ask that rule XII be waived?

Mr. MANSFIELD. Yes.

Mr. CURTIS. Mr. President, reserving the right to object, it was my understanding that the nomination of Mr. Arnett might be delayed for 2 or 3 days because certain Members had expressed an interest in it.

Mr. MANSFIELD. Then, suppose that we vote immediately after the vote on the nomination of Russell Train.

Mr. CURTIS. I have no objection.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on final passage on the pending bill occur after the vote on the Train nomination on Monday next, and that rule XII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 2016) to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

ORDER FOR RECOGNITION OF SENATOR WEICKER ON MONDAY, SEPTEMBER 10

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday, following the remarks of the distinguished Senator from Georgia (Mr. TALMADGE) under the order previously entered, the distinguished Senator from Connecticut (Mr. WEICKER) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESCISSION OF ORDER FOR VOTE ON NOMINATION OF ALVIN J. ARNETT

Mr. ROBERT C. BYRD. Mr. President, as in executive session, I ask unanimous consent that the previous order providing for a vote on the nomination of Mr. Alvin J. Arnett as Director of the Office of Economic Opportunity on Monday next be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF NOMINATION OF ALVIN J. ARNETT

Mr. ROBERT C. BYRD. Mr. President, at the request of the distinguished Senator from Michigan, the Republican whip, I am going to seek to change the date for that vote, and therefore I propound the following unanimous-consent request: That the time for debate on the nomination of Mr. Arnett be limited to 2 hours, instead of 1½ hours, as previously ordered; that the time be equally divided between the distinguished majority leader and the distinguished minority leader or their designees; and that the nomination be called up immediately upon the conclusion of routine morning business on Thursday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. GRAVEL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF CONFERENCE REPORT ON SMALL BUSINESS ACT AMENDMENT UNDER TIME LIMITATION ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday next, immediately following the recognition of the Senator from Connecticut (Mr. WEICKER), under the order previously entered, the Senate proceed to the consideration of the conference report on S. 1672, the Small Business Act amendment, and that there be a time limitation of 30 minutes on the conference report, the time to be equally divided between the Senator from California (Mr. CRANSTON) and the Senator from Texas (Mr. TOWER) or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF NOMINATION OF RUSSELL E. TRAIN ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, as in executive session, I ask unanimous consent that upon the disposition of the conference report on S. 1672 on Monday next, the Senate proceed to the consideration of the nomination of Mr. Russell E. Train for the office of Administrator of the Environmental Protection Agency and that there be a time limitation of 1 hour thereon to be equally divided between the Senator from West Virginia (Mr. RANDOLPH) and the Senator from Tennessee (Mr. BAKER).

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, am I correct in understanding that the vote on the nomination of Mr. Train will occur at the hour of 2:15 p.m. on Monday next?

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. Mr. President, I thank the Chair.

ORDER FOR CONSIDERATION OF THE UNFINISHED BUSINESS ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday, upon the disposition of S. 386, the urban mass transportation bill, the Senate return to the consideration of the unfinished business S. 5 a bill to promote the public welfare.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONTINUANCE OF CIVIL GOVERNMENT FOR THE TRUST TERRITORY OF THE PACIFIC ISLANDS

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1385.

The PRESIDING OFFICER (Mr. DOMENICI) laid before the Senate the following message:

> *Resolved*, That the House agree to the amendment of the Senate numbered 1 to the amendment of the House to the aforesaid bill with the following amendment:
>
> In lieu of the matter proposed to be inserted by the Senate amendment, insert: and for each of the fiscal years 1974 and 1975, $60,000,000.
>
> *Resolved*, That the House disagree to the amendment of the Senate numbered 2 to the amendment of the House to the aforesaid bill.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate concur in the amendment of the House to Senate Amendment No. 1 to the House amendment.

The motion was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate recede from its position on Senate Amendment No. 2 to the House amendment.

The motion was agreed to.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LESSONS TO BE LEARNED FROM THE SOVIET GRAIN DEAL

Mr. HUDDLESTON. Mr. President, the Department of Labor earlier today announced that wholesale prices rose faster in August than in any single month since records have been kept, mostly as a result of increases in the cost of agricultural products.

The seasonally adjusted increase for farm products was 26.1 percent; for wheat, the basis of flour products, and feed grains, which help determine poultry, pork and beef, and dairy product costs, the increase was even greater.

Between July 10 and August 14, the price index for wheat rose more than 89 percent, and for soybeans 76 percent.

For corn, barley, and oats the increase was in the mid-50 percent range.

When reviewing these figures, the tendency will be to blame the American farmer for the increases.

But, recent governmental policies also have to be considered as contributing factors to the increase.

And, one of these policies is the Soviet grain sale of last year.

Mr. President, the story of the Soviet grain deal is not over.

In fact, a new chapter may have opened.

If so, this new chapter provides further evidence that the sale of large amounts of U.S. grain to the Soviet Union in the summer of 1972 was not handled in the best interests of this Nation.

It now appears that the Soviet Union, which cornered about a sixth of the 1972–73 U.S. wheat crop at modest prices before our agricultural officials, farmers or our citizens fully realized what had happened, is now selling wheat in Italy under highly favorable world market conditions.

This is not to say that the Soviets should not take advantage of the current market conditions and sell wheat or that the Italians, faced with a grain crisis at home, should not be buying.

But, it does raise further question about the advisability of the Soviet grain sale and a variety of other U.S. agricultural policies, which have contributed to shortages and high prices here at home and a series of seesaw trade policies abroad.

According to an August 31 story in the newspaper Il Tempo, the vessel, *Jagatt Neta*, has unloaded 22,000 metric tons of Soviet grain at the port of Civitavecchia, near Rome.

In addition, there has been suggestion that two other vessels, including the *Krusevaz*, may have brought Soviet grain to Italy.

As Il Tempo, the Rome newspaper, noted in the article:

> Even with soft grain, on the other hand, the (Italian) market has a scarcity.
>
> The proof of it is in the arrival from overseas of grain.
>
> In fact, yesterday in Civitavecchia the first ships arrived from France with grain.
>
> Also, a Soviet merchant ship, the *Jagatt Neta*, has started to unload 22,000 tons of soft grain.
>
> It appears to be grain that the U.S.S.R. has bought at favorable prices from the United States and that it now resells to Italy at current international rates.
>
> In this way, the market regulations are followed with wide attention and interest by the U.S.S.R.

By now, the details of the Soviet grain sale are well known. They have been recited a number of times.

The U.S. Government, in the summer of 1972, loaned the Soviet Union $750 million over a 3-year period for the purchase of U.S. grains—wheat, corn, barley, sorghum, rye, and oats.

The loan was made at 6.125-percent interest and no more than $500 million could be outstanding at any one time.

While various Soviet officials were dealing with officials in the Department of Agriculture on the terms of credit, other Soviet officials—from their export bureau—were dealing with large U.S. grain companies from whom they purchased more than 440 million bushels of grain.

The wheat purchases were mostly made at a target price of $1.63 to $1.65 per bushel, which, at least toward the end of the summer proved to be artificially low—by then domestic grain prices were at least $0.75 per bushel higher, the world market price was higher than the target price and the United States was known to be in a favorable export position.

In addition, the sale was subsidized in a number of ways, all of which cost the U.S. taxpayer money—through a basic subsidy designed to cover the difference between the world market price and the domestic price, a carrying charge subsidy for owning wheat, a rail subsidy for hard red spring and durum wheat, and a maritime subsidy designed to keep U.S. shipping competitive with other shipping costs.

Finally, the devaluation of the dollar made the deal even more favorable financially to the Soviet Union.

But, of as much concern as the overly favorable terms of the sale for the Soviets is the effect which it had on the American consumer.

As a report of the General Accounting Office issued in July of this year noted—

> On the negative side, domestic wheat prices rose from $1.80 a bushel in July 1972 to $3 in May 1973.

On September 5, wheat was $4.77 per bushel on the Chicago market.

> Consumer costs attributed to the sales included higher prices for bread and flour-based products, increased prices for beef, pork, poultry, eggs and dairy products resulting from higher costs for feed grains, and a severe disruption of transportation facilities with attendant higher costs and shortages or delays in delivering certain supplies.

Thus, the American taxpayer/consumer who has already paid handsomely for the Soviet grain sale may now be seeing the Soviet Union profit from the further sale of the wheat which it purchased from the United States at low prices during the summer of 1972.

I am, consequently, requesting the Department of Agriculture and the General Accounting Office, which has already conducted such a fine investigation of this matter, to look into the recent reports from Italy to determine what further developments have taken place with respect to the Soviet grain sale.

If this grain is being resold at a much higher price, as has been suggested, then that part of the story, too, belongs in the chronicle of the Soviet grain deal.

That aspect, too, must be evaluated and included in any final conclusions reached about the advisability of the entire deal.

For it could well be another indication that Soviet traders knew more about world conditions than we did and took advantage of our negotiations not only to supply their own needs but to reap huge profits on the world market—all subsidized by the American taxpayers and consumers.

In a matter of months, our Nation has gone from a food surplus one to one in which there are high prices for meats and other products dependent on feed grains and for flour products, to name only those products most closely related to the grain sale.

In the same period, our Nation has been forced to change from one which was pressuring trading partners, such as the European Community and Japan, to buy more of our grains and agricultural products to one in which export controls and embargoes have been necessary.

I am aware of the fact that there have been various unanticipated and uncontrollable natural developments, which have contributed to the food shortage not only in our own Nation but also throughout the world.

But, part of our duty and responsibility is to anticipate the possibility of such developments and be prepared for various possible alternatives.

In a rush to unload surplus and Government-owned commodities, and, perhaps at times, to try to hold down food prices, future needs and probable demands were ignored.

Many agricultural policies in our Nation, from the Soviet grain sale, through the freeze which stemmed prices but not demand through the development of a situation which required export controls, indicate that we were highly unprepared for the situations which developed.

Hindsight is, of course, a great deal better than foresight.

There are various actions and policies which were utilized in the past year that in September of 1973 now appear unwise. Rather than bemoan these miscalculations, however, I believe that we must learn from them.

For that reason, the Soviet grain deal, while unwise in retrospect, can provide a valuable lesson.

We would, of course, be in a better position today if we had the grain sold to the Soviet Union and if we could not only meet additional domestic requirements but also supply more grains to those areas of the world where they are now needed.

Thus, I hope that from these unfortunate miscalculations we will become aware of the need for better information, better planning, and closer attention to developments not only in our own agricultural supply and demand situation, but also in that throughout the world.

Mr. MUSKIE. Mr. President, first of all, I should like to compliment the distinguished Senator from Kentucky for what I think is a masterly analysis of the developments of last year and this year which have led to high prices, shortages of supply, and the need to review our national policies with respect to sales of our foods at home and abroad, which he has just made.

I intend to study the facts which he has presented to the Senate and the country in order that I may more effectively explain to my constituents why it is they have to pay more than they can afford for food, and why it is that too often they cannot get what they are accustomed to getting on the shelves of their grocery stores.

AIR POLLUTION WORSENS

Mr. MUSKIE. Mr. President, in recent months, many people in industry, in the media and across the country have suggested that the Congress asked for too much in the Clean Air Act of 1970.

Corporate advertisements have characterized the auto emission requirements as a "$66 billion mistake"—auto companies have called the standards "arbitrary," "unnecessary" and "unsupportable." Some have claimed that air pollution related to automobiles is yesterday's problem.

The president of Ford Motor Co. testified as recently as May 23 of this year:

> Our country's physical environment already has been vastly improved because of the Clean Air Act, and will continue to improve rapidly as old precontrol cars are replaced by new cars.
>
> Together, we have made a lot of progress to date. Both EPA and California have documented their results to date and the message you get from these results is unmistakably clear—the air is getting cleaner—and fast.
>
> Because of the powerful stimulus to emission control research and development provided by the 1970 Amendments, automotive emissions will soon cease to be a factor in the pollution of our air.

The Chrysler Corp. advertised:

> The fact is, with the reductions already achieved, there is no scientific evidence showing a threat to health from automotive emissions in the normal, average air you breathe. Not even in crowded cities.

The Motor Vehicle Manufacturers Association has stated:

> Studies have shown that, on a global basis, nature, through vegetation decay and other natural chemical reactions, is producing many times the pollutants released by one activity including vehicle emissions.

And further argues:

> Running a home furnace for five hours—on any kind of fuel requiring air for combustion, will exceed the daily automative quota for oxides of nitrogen.

But, Mr. President, despite these statements all available evidence is to the contrary. From August 26 until only yesterday, a blanket of hot, dirty air has covered the east coast from southern Maine to Florida. Air pollution alerts were declared in many cities—and they were not declared because too many people were running their furnaces.

As I returned from Maine to the Senate, I saw this dirty air mass covering the land, urban and rural areas alike, and darkening the sun. I am sure many other Senators made the same observation and have wondered how anyone can claim that the air pollution problem is lessening.

The Nation's Capital has just endured the longest spell of dirty air in its history. Yesterday, when relief finally came with cooler, cleaner air moving down from Canada, the people of Washington, D.C., had already suffered through 12 consecutive days of breathing unhealthy air, while sick, young, and old people had to restrict their activities.

According to the Washington Star-News:

> The heat and air pollution weighing down on the Washington area over most of the last 11 days has produced increases in the number of respiratory ailments treated at area hospitals . . .
>
> An informal survey of most of the major area hospitals showed the increase in the patient load—particularly among those treated in emergency rooms—has risen more than 100 percent in some cases of chronic bronchitis and asthma . . .
>
> Dr. William Cassidy, on duty at the Fairfax County emergency room yesterday, estimated the respiratory patient increase caused by smog at about 30 percent above the normal patient load . . .
>
> A spokesman for Childrens Hospital said, "We've had a great deal more people with asthma, bronchitis and swollen eyes—definitely related to the weather we've been having . . .

Mr. President, these are the cold, hard facts of air pollution. People who have bronchial problems, cardiovascular ailments, asthma, and so on are more ill—are less able to function—are living shorter, less productive lives because we have not begun to solve the air pollution problem.

Available evidence indicates that the problem is getting worse—at least as it relates to automobiles.

Before this east coast air pollution episode, the previous record-long air pollution episode—8 days—was in July of 1972.

In total, we have experienced 24 air pollution alert days in Washington this year—another record.

We have had the most air pollution alerts—six—breaking last year's record of four.

We have had our first-ever winter air pollution alert, and the highest reading ever—165—on our air pollution danger scale.

In Washington, air pollution is caused by the automobile. Reports from other cities, where the automobile is the major contributor to the pollution problem and competing industrial activities are minimal, also call into question the automakers' conclusion that automotive air pollution has been reduced.

According to news reports from southern California, air pollution associated with auto emissions is the "worst ever" in many cities. The Riverside Daily Enterprise reports:

> The June just passed also established an unenviable record for smog alerts. The thirteen alerts called during the month by the Air Pollution Control District was the most ever for June, the previous high total being eight in June of last year.

In Dade County, Miami, Fla., pollution levels for carbon monoxide increased 20 percent and pollution levels for nitrogen dioxide increased 37 percent between 1970 and 1972, and in Denver, Colo., average carbon monoxide pollution levels were 5.9 in 1970, 7.2 in 1971, and 6.4 in 1972. This, in the Mile High City of Denver, in the Rocky Mountains. Certainly, no clear and continuing downward trend can be identified as a result of such figures, notwithstanding the self-serving statements by automobile manufacturers to the contrary.

In fact, where there have been reductions in urban air pollution, they have resulted from significant decreases in pollution from sulfur oxides and particulates, not from decreases in pollutants related to the auto. A May 7, 1973, EPA report discussing decreases of sulfur oxides and particulates notes, with regard to automotive related pollutants:

> The report does not include concentration level data on other air pollutants such as carbon monoxide and hydrocarbons. Air quality trends can be ascertained only through measurements over a significant period of time. Such measurements are not yet available for other air pollutants.

Subcommittee on Air and Water Pollution discussions with officials of the Environmental Protection Agency during April and May resulted in the same conclusion—that there is no statistically significant basis for any assertion that there has been a reduction in ambient concentrations of automotive related air pollutants.

Our daily newspapers for days now have been telling us, in language that laymen understand, that the problem is worse than ever.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point an EPA chart relating to variations in oxidant levels in some major cities; there is nothing in these EPA figures to indicate any clear improvement trend.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

TABLE 2B.—YEARLY MAXIMUM AND COUNT FOR TOTAL OXIDANT

Site	Year										
	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972
Denver:											
Maximum				0.25	0.23	0.21	0.26	0.13	0.18	0.20	0.18
Count				6,298	6,701	3,494	4,333	2,593	3,421	4,511	5,110
Washington, 1:											
Maximum	0.13	0.22	0.20		.16	.26	.25				
Count	6,930	6,707	6,548		7,061	6,969	5,329				
Washington, 2:											
Maximum								.10	.16	.13	.13
Count								1,729	4,097	7,065	4,243
Chicago:											
Maximum	.11	.21	.12	.13	.19	.16	.18	.07	.20	.17	.14
Count	5,195	4,558	5,593	5,952	5,168	5,401	5,030	545	4,810	6,746	7,385
St. Louis:											
Maximum			.26	.35	.22	.20	.23	.12	.08	.13	.16
Count			5,777	7,264	6,248	6,127	4,395	2,330	2,472	7,086	5,006
Cincinnati:											
Maximum	.14	.20	.26	.17	.12	.20	.14	.16	.08	.16	.15
Count	6,298	6,037	6,736	6,913	4,564	5,148	2,395	1,130	165	5,373	5,923
Philadelphia:											
Maximum	.17	.11	.21	.21	.52	.17	.21	.11	.13	.14	
Count	4,848	6,079	6,524	5,819	6,797	5,979	3,880	2,367	2,720	6,193	

Mr. MUSKIE. Mr. President, I would like to make one other point: In Washington, the most hazardous pollution levels are being recorded in the suburbs, not in the central city. In all probability, other cities which do not have extensive suburban monitoring systems are faced with undetected air pollution dangers.

The people of this region as well as the people of other areas of the country where the air pollution problem has become more severe have the right to ask why.

Supposedly, automobile engines have been getting cleaner. Supposedly, there are fewer auto-related pollutants emitted to the atmosphere each year.

The American public has been paying for cleaner cars for 8 years in California and for 6 years nationally. But dirty air records are still being set.

People with air pollution affected ailments are being told by the doctors to take more rather than fewer precautions. And larger rather than smaller areas are affected by air pollution episodes.

We have obviously not achieved the minimum goals set forth in Federal clean air laws. The auto industry, which would have us relax tough standards set for 1975 and 1976, has failed to achieve the results they claim.

I can only conclude that we have not made a sufficient effort, publicly or privately, to reduce the dangers posed by air pollution. Our environment is unwilling and unable to accept the waste that we force upon it.

There is more to be done—more that can be done. I hope that we will not falter in our effort.

Mr. President, in order that we will not forget in the months ahead, when we normally get less heat, fewer inversions, and cleaner air, because nature is still working in spite of us to help us keep healthy, I ask unanimous consent to have printed in the RECORD several newspaper articles relating to the recent air pollution in Washington, D.C.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 28, 1973]

AIR POLLUTION ALERT CONTINUES IN AREA

(By Paul Hodge)

The Washington area will remain under an air pollution alert through today and possibly through Wednesday as a hot, stagnant East Coast air mass showed little sign of moving on, the National Weather Service reported yesterday.

Air pollution readings above the hazardous-to-health level were recorded yesterday in Fairfax, Alexandria, Arlington and Bethesda, according to the Metropolitan Washington Council of Governments.

COG ordered the alert on Saturday. It was the fifth of this summer and the sixth of the year for the Washington area.

As in the case of most of the other alerts, the suburbs have been harder hit than the District, COG officials said. While Alexandria and Bethesda were recording air quality ratings of 110 yesterday, downtown Washington recorded only 75. Anything above 100 is considered hazardous and anything above 250 is considered dangerous to health, particularly for those with heart and respiratory ailments.

COG officials speculate that since all the alerts have been caused by car-related pollution—carbon monoxide and photochemical oxidants caused by car exhausts—it simply means there is increasing traffic in the suburbs. One recent COG study found more than 50 percent of daily suburban commuting is now to other suburban areas and not into the core area of the District.

The highest air pollution reading this year was 125, recorded in both Alexandria and Fairfax Aug. 9, during a four-day alert.

The discomfort caused by the air pollution was aggravated by 92 and 93 degree temperatures for much of the afternoon yesterday, and the Weather Service predicts highs in the mid 90s both today and Wednesday.

At 3 p.m. there were fewer than the usual number of tourists on the Mall and Washington Monument grounds and those who were there sought out the shade of trees and vendor stands.

Richy Firestone, 13, of Silver Spring, who was guiding some young friends from Florida, said "It really stinks. The air smells. And it makes my eyes water . . . but I have allergies and maybe it's just pollen."

A vistor from Boston, Jennifer Makowski, said she spent Sunday afternoon in her hotel because of the heat and air pollution. "I had a headache all day. In this heat I'm just wilting."

A couple from Thailand were not too alarmed by the heat or the air pollution. "Oh, it's much better here than in Bangkok," said Kiawion Tong.

[From the Washington Post, Aug. 29, 1973]

ALERT WILL LAST UNTIL FRIDAY: POLLUTED AIR HANGS OVER AREA

(By Major Wells)

The hot, muggy, polluted air that has hung over the Washington area since Saturday is expected to stay through Friday, the National Weather Service and the Metropolitan Council of Governments reported yesterday.

Hot weather in other parts of the country caused electric power cutbacks in areas ranging from the Midwest to the Eastern Seaboard—though not in Washington—and prompted workers in two auto plants to walk off their jobs.

Yesterday was the fourth day of an air pollution alert in the Washington area, with stifling conditions intensified by 90-degree heat. That temperature, matched on Aug. 13, is the highest reading in the D.C. area since July, 1969.

Yesterday was also the 17th day this summer that Washington has been under an air pollution alert.

Weather problems were noted in other areas of the country:

Voltage was cut 5 per cent across New York State yesterday as the state power pool acted to protect its generating system against a massive blowout in the second day of a heat wave.

(Spokesmen for Pepco and Vepco said yesterday there was no electric power cutback in the Washington area and that there had been no requests for the D.C. area to share power with neighboring regions.)

Warnings to protect livestock were issued in Minnesota and Wisconsin as temperatures climbed near the 100-degree mark over a wide belt in the Midwest.

Chrysler Corp. reported walkouts closed its truck plants at Windsor, Ont., and Warren, Mich. Ford Motor shut down its Dearborn plant after workers failed to return from breaks and American Motors sent 17,500 workers home in Detroit because, its spokesman said, "It was just too hot to work."

In Chicago, the Commonwealth Edison power company asked four large steel mills to cut back their operation of electrical furnaces.

Lights were turned off in many parts of Chicago's Civic Center, and runway lights and many building and concourse lights at O'Hare International Airport were switched off during the day.

The Illinois Bell Telephone Co. transferred 102 of its telephone switching centers from regular electrical power to diesel generators.

Locally, a COG spokesman said there have been more alerts this year than last (five alerts this summer and a sixth alert in January) but the pollution levels have not been as high.

"The present alert is not as severe as those we've had earlier this year," said David R. DiJulio, air program quality manager for COG. "Earlier alerts have lasted longer and recorded higher readings."

The highest pollution index reading this year was 125 recorded in Alexandria and Fairfax on Aug. 9 during a four-day alert. During the present alert, the index reached 110 Monday in Bethesda and Alexandria.

A spokesman for COG said pollution levels were somewhat higher during last year's alerts. But precise comparisons were not readily obtainable since a different pollution index is being used this year.

The air quality index for the Washington area was 100 yesterday, with downtown Washington recording 75 and Fairfax, the highest in the area, reaching 100.

A reading above 100 is considered hazardous and prompts an alert, and anything above 250 is considered dangerous to health, particularly for people with heart and respiratory ailments.

Over the past three summers there have been a total of six alerts lasting 15 summer days. In 1972, four alerts were declared by COG and they lasted 13 days; a one-day alert was ordered in 1970 and again in 1971.

"In all likelihood," DiJulio said, "the pollution is lasting longer this summer due to meteorological conditions. We've had more stagnation this year at a time when hot, sunny weather causes the conversion of automobile exhaust to photochemical exhausts (smog.)

"We don't have winds to blow the pollution away. Nor do we have mixing of pollution into the upper atmosphere."

The National Weather Service said today's weather would continue to be hot, with highs in the upper 90s, sunny skies, but some haze. The outlook remains about the same through Friday, the weather bureau said. Saturday the temperature is expected to reach the 80s, and showers are forecast.

Capt. Bernard Sterner, a United Air Lines pilot who flew Flight 327 from O'Hare to Washington National Airport yesterday said, "Its clear up above 12,000 feet . . . Beautiful up there . . . good visibility . . . but as you drop below 12,000 feet, due to the haze and smog you only have a couple of miles of forward visibility."

Dr. Yuill Black, a D.C. allergist who does the pollen count for the D.C. Medical Society, said persons with asthma, hay fever, sinus trouble and respiratory diseases can be made more uncomfortable by air pollution. He said the pollen count usually reaches its maximum during the Labor Day weekend.

Yesterday customers searching for electric fans were turned away at some D.C. drug stores.

Richard Delong, manager of Peoples Drug Store at Thomas Circle said the company's three stores on 14th Street NW have sold more than 2,500 fans this summer and are now out of them.

"We've sold every one," said Paul Levy, manager of Rodman's at 902 14th St. NW. "The more expensive they are, the faster they sell."

[From the Washington Post, Sept. 2, 1973]

POLLUTION ALERT CONTINUING

(By Lawrence Feinberg)

The Washington area air pollution alert has been extended through today—its eighth day—breaking the local record set last year for the longest spell of dangerous, stagnant, polluted air.

The late summer heat wave that has accompanied the polluted air continued yesterday with a high of 96 degrees, the seventh day of 90-plus temperatures. According to the Weather Service, there is no end in sight.

For today and Monday the National Weather Service predicted more hot, hazy weather, with temperatures continuing in the mid-90s, low temperatures in the mid-70s, and very little wind.

Forecasters said they could see nothing now to bring any relief, as a high-pressure system responsible for the heat wave remained stationary over the whole eastern half of the United States.

West of the Appalachian Mountains, southerly breezes dispersed stagnant, polluted air, but there was hardly any wind at all along the whole East Coast from north of Boston to the Gulf of Mexico.

The Metropolitan Washington Council of Governments which declares the air pollution alerts here, said its pollution index reached a high yesterday of 145 at 1 p.m. in Alexandria.

A reading of more than 100 means the air pollution is hazardous and an alert goes into effect until 3 p.m. the next day. The current spell of 100-plus readings began Aug. 25.

The previous record for a long spell of highly polluted air was set between July 17 and 24, 1972, a COG spokesman said.

Yesterday's high temperature—96 degrees—occurred at 3 p.m. at the Weather Service station at National Airport.

The low temperature for the day was also exceptionally high—77 degrees at 6 a.m., when the humidity reached 82 per cent.

The last time the temperature dropped below 70 degrees, the weather bureau said, was at 4 a.m. Aug. 26.

Pollen count in the air was also high. The pollen count, according to the D.C. Medical Society, reached 84 yesterday—the high mark of the season so far. Combined with the pollution, it caused special misery for asthmatics and hay fever sufferers.

"This year is the worst we've had for a long while," said Dr. Yuill Black, an allergist who monitors the pollen count. "The pollution is bad, the pollen is bad, and to have them both together is very bad."

Because offices were closed for the weekend electric power consumption was down yesterday from the record levels set earlier in the week. Power companies reported no important breakdowns in their equipment.

However, traffic continued to be heavy, particularly on the Beltway, helping to keep pollution levels high.

Traffic also was heavy in the direction of resorts. At Ocean City, Md., the beaches were crowded, but in midafternoon the Chamber of Commerce reported that there were still plenty of hotel rooms available. The temperature in Ocean City reached 93 degrees.

In Washington, public swimming pools were crowded, but park-strollers and museumgoers were fewer than usual.

At the National Zoo, where the midafternoon temperature reached 98 degrees, police said the number of cars in the parking lot was a third of what it had been on most summer Saturdays.

Keepers sprayed water on the elephants to try to cool them off. Bears splashed in a pool, hippopotamuses rolled in the mud.

The zoo's two prized pandas stayed in their air-conditioned cages. Usually, the temperature is kept below 60 degrees. Yesterday it went up to 71, but even so, keeper David Bryan reported, the pandas seemed comfortable.

For children returning to school this week, conditions may not be so comfortable. But if the temperatures remain in the mid-90s both Montgomery County and Arlington schools have announced that they will close 90 minutes early in the afternoons.

[From the Washington Post, Sept. 3, 1973]

SHOWERS BRING RELIEF

(By Maurine Beasley)

Scattered thundershowers brought temporary relief to the heat-oppressed Washington area yesterday afternoon but a pollution alert remained in effect and hot weather and hazardous air conditions were forecast for today.

A cluster of later afternoon showers extending from Montgomery County into the Virginia suburbs and southern Prince George's County rapidly pulled down temperatures, according to the National Weather Service.

At National Airport, which registered the area's high of 93 degrees yesterday at 3 p.m., the temperature dropped to 84 degrees at 5 p.m., following a 30-minute shower, according to the weather service.

"I suspect that the rain dropped the temperature 10 degrees within a few minutes from the low 90s to the low 80s." said Harold Hess, a National Weather Service forecaster. But he emphasized that the temperature is expected to climb right back up to mid-90 degree readings today.

The rash of showers also improved the area air pollution situation temporarily, according to R. David DiJulio, air quality program manager for the Metropolitan Council of Governments.

Before the showers hit, pollution index readings reached a high point of 150 at 4 p.m. at Hyattsville in Prince George's County and Seven Corners in Fairfax County, surpassing Saturday's high of 145.

DiJulio said he was unable to determine just what impact the showers had on the index because "we stopped taking the readings" before the rain fell. He stressed that the relief was not expected to last and said that COG had no plans to call off a pollution alert previously extended until 3 p.m. today.

The National Weather Service said it had recorded .18 of an inch of rain at its station at National Airport. The Weather Service said it had received official reports of rainfall between an inch and 1½ inches in the eastern suburbs of Washington and a rainfall of more than 2 inches in Clinton.

The Weather Service forecasters said that the showers were insufficient to dislodge the mass of heavy stagnant air blanketing the Washington area for more than a week, causing temperatures in the mid-90s and hazardous pollution conditions.

According to forecasters, no definite end to the smothering weather is in sight, although it appears possible a break may come this week.

The Weather Service predicted that it will be sunny and continued hot today with a high in the mid-90s and fair tonight with a low in the 70s. There is a 20 per cent chance of rain. Tuesday is expected to be partly cloudy with a chance of a thunderstorm and a high in the lower 90s.

"Showers will become more numerous as the week goes by," Hess said, but he added, "We can't promise anybody cooler temperature and an end to pollution."

If the hot weather continues, some area schools plan to close early. Carl Hassell, school superintendent of Prince George's County, announced yesterday that schools there will close 90 minutes early each day if the heat continues. Earlier both Montgomery and Arlington counties made similar announcements.

Although yesterday marked the eighth straight day of 90-plus temperatures, it set no record for a heat wave.

National Weather Service records show Washington sweltered through 18 days of temperatures above 90 degrees in 1872 and endured several 12-to-15-day periods of 90-plus temperatures in the last 15 years.

The air pollution alert, which goes into a record-breaking ninth day today, advises persons with heart and respiratory ailments to stay indoors and avoid strenuous outdoor activities, such as mowing lawns.

COG issues an alert when the index reading goes over 100, indicating hazardous air conditions. Even though automobile traffic, the prime cause of pollution, was light yesterday, DiJulio attributed the high pollution index reading to exhaust fumes lingering in the air from earlier in the week.

A cover of clouds yesterday morning helped prevent the formation of pollution by blocking out the sunlight necessary for conversion of automobile exhausts into photo-chemical oxidants (pollutants), DiJulio said.

By noon, however, the clouds were dispersed and pollution levels began building up until the later afternoon thunderstorms.

In Ocean City and Rehoboth Beach, showers yesterday morning temporarily cleared the beaches as holiday crowds sought shelter from heavy downpours. By afternoon, police reported, sunshine had returned and vacationers, estimated at 60,000 in Rehoboth and 75,000 in Ocean City, again lounged on the sand.

Yesterday also brought the highest pollen count here of the season, according to Dr. Yuill Black, a spokesman for the D.C. Medical Society.

Dr. Black said the ragweed count reached 88, indicating misery for an estimated 200,000 persons in the Washington area who suffer from hay fever, caused by an allergic reaction to pollen, mainly ragweed.

[From the Washington Post, Sept. 4, 1973]

AREA OFFICIALS "POWERLESS" TO CUT POLLUTION

(By Judy Luce Mann)

Washington area officials said yesterday they are powerless to combat the hazardous air pollution that has now enveloped the region for 10 consecutive days during the sixth pollution alert of the year.

Prince George's County Councilman Francis B. Francois, one of the officials interviewed yesterday by The Washington Post, predicted that the pollution will again appear next summer and for several summers thereafter until antipollution devices are put on cars and clean air regulations proposed by the Environmental Protection Agency are imposed.

Several officials pinned their hopes for relief on the Metro rapid transit system providing an alternative to driving cars for commuters.

A spokesman for Metro, the subway agency, noted that the first trains will not begin running until 1975 and then service will only be over 4½ miles of track.

"We are just so limited in what we can do," said Fairfax County Board Chairman Jean Packard. "We can't shut down government offices and obviously we can't tell people to stay out of their automobiles . . .

"We have not come out and made any overall plea for people to leave their cars at home because in a great majority of areas in Fairfax there is no alternative means of transportation," she said.

"Until we get a broad-based mass transit system, we're going to have to continue to suffer through these alerts," she said, "We've been consistently urging car pools, not limiting this just to air pollution alerts. I guess my problem is I'm a little impatient with people who get concerned only when there's an air pollution alert."

"I don't think you can do anything about an air pollution alert, once it's with you," said Arlington County Board Chairman Everard Munsey. "What you do is pursue policies that avoid a buildup of pollution, (such as) public transportation improvements. I've spent more time on this than anything else since I've been on the Board."

He said a preferential bus lane is scheduled to open on Wilson Boulevard in Arlington this month and that he is pushing a proposal for a preferential bus lane on Arlington Boulevard.

Munsey listed preferential bus lanes, car pool locators set up by the Northern Virginia Transportation Commission and the addition of more buses to the Metrobus fleet as steps that could reduce air pollution eventually.

"They're not going to solve the air pollution this summer but we hope that once they have an impact on the use of automobiles they will be helpful next summer. Not just next summer. There's some evidence that we get air pollution in January and February," Munsey said.

A spokesman for D.C. Mayor Walter E. Washington said, "The only thing that the mayor has done is issue a directive to all of his department and agency heads telling them to limit the use of city vehicles to essential projects."

Asked if he had done anything about the current air pollution alert, Montgomery County Council Chairman James Gleason began laughing. "I really don't have anything really to comment on," he said, after a pause. He said county recommendations on air pollution are currently "before the state."

He said county employees have been asked to use car pools in an effort to reduce the number of cars on the road. "Until we get the devices on automobiles, this is a national problem that the Congress has to deal with," Gleason said.

"There's little that we can do about it at this time," said Francois, who is chairman of the National Capitol Interstate Region Air Quality Planning Committee.

The committee was set up by agreement between the governors of Maryland and Virginia and the D.C. mayor. Francois is a Metropolitan Washington Council of Governments representative on the group.

"What we're really faced with is a long-term situation," he said. "This is the type of event that will be with us for the next several summers. Until the EPA controls are implemented and until we make Detroit meet the standards imposed by Congress by 1975 or 1976 this type of incident will be with us. The only real answer over the long period of time is to modify the automobiles so they don't generate as much (pollutants) then curtail the use of the automobile.

"There aren't enough things that can be done right now, in 1973, to bring this under control, short of major emergency moves that would ban tremendous amounts of traffic," he said.

EPA regulations proposed for the area would limit on-street parking, set up a system of car pooling and require 1,300 more buses for the Metrobus system. They also would require the installation of filters on gasoline hoses at service stations to catch fumes that escape when gas is put into automobile tanks.

Francois said these vapors contribute about 5 per cent of the pollutants in the air now, but by 1976, when the EPA regulations could take effect, they would constitute about 20 per cent of the pollutants.

Public hearings on the proposed EPA regulations are scheduled at three locations in the area this week, beginning at 9 a.m. today in the Holiday Inn, 1489 Jefferson Davis Hwy., Arlington. The second hearing will be held Wednesday at 9 a.m. in conference room A of the Commerce Department Building and the third, at 9 a.m. Thursday in the Holiday Inn, 9888 Georgia Ave., Silver Spring.

[From the Washington Post, Sept. 4, 1973]

GASOLINE USE INCREASES, POLLUTES AIR

(By Paul Hodge)

A big increase in gasoline consumption here is a major reason for the Washington area's record number of 1973 air pollution alerts, which now total 27 days, according to the Metropolitan Washington Council of Governments.

The area's two petroleum pipeline firms report they are now pumping more than 100 million gallons of gasoline into the Washington area each month—up more than 5 million gallons a month over last year.

"There's no question that the major source of this air pollution is the area's increasing consumption of gasoline," Dennis Bates, director of COG's health and environmental protection division, said yesterday.

Bates, as well as local and federal officials, attributes the jump in gasoline consumption to a sudden increase in tourism here and the growing number of late-model cars, which get poor gas mileage.

"Automobile exhaust fumes are responsible for 95 to 98 per cent of all local air pollution," Bates said.

In July, the National Park Service and the Washington Board of Trade reported tourists were arriving here at a "phenomenal" rate, up 20 to 25 per cent over last year when more than 18 million people visited the nation's capital.

Gasoline sales generally have paralleled estimates of tourist and District of Columbia tax figures show that gas sales in April, a key tourist month jumped 19 per cent over April, 1972. In May they jumped 14 per cent.

Maryland and Virginia do not break down gasoline sales tax figures, so it is impossible to tell exactly how much gas is being sold in Washington's suburbs.

In addition to the tourism, Bates says the increase in late-model cars here has very definitely added to gas consumption and air pollution. According to COG surveys, the Washington area, because of its affluence, has a much higher than normal ratio of new cars to drivers than other sections of the country.

A great number of the new cars have both air conditioning and automatic transmissions; both cause lower gas mileage.

Environmental Protection Agency tests of 1973 model cars found that air conditioning results in a 9 per cent fuel loss (up to 20 per cent on a hot day), automatic transmissions reduce gas mileage almost as much, new auto emission control devices reduce gas mileage nearly 8 per cent and the increasing weight of cars reduces mileage even more. For example EPA found a 1958 Chevrolet Impala weighed 4,000 pounds and the 1973 model weighs 5,500. Its study showed a 1,000 pound increase in a car's weight could lower mileage 30 per cent.

EPA is beginning public hearings on air pollution in the Washington area today, the 10th day of the area's longest air pollution alert.

Bates, who will be at the hearings, said yesterday that conditions are perfect to impress upon everyone the need for the air pollution controls here.

Increased gas consumption also made the Washington area one of hardest hit by the national gasoline shortage, particularly in June when most major oil companies were limiting service stations to the same amount—or less—of gasoline they got in the summer months of 1972.

The gas pinch has since eased, with Exxon, the area's biggest gas seller, now off gas limitations, and many other major oil companies sending increased supplies here.

The Plantation Pipeline, a tank farm near Springfield that Exxon shares with Shell and Arco (Atlantic Richfield), experienced a more than 30 per cent jump in gasoline distribution during "one tourist month this spring" over the same month last year.

Pipeline officials, who declined to give detailed figures, said they have been pumping at least 10 to 15 per cent more gasoline every one of the past six months, and now are averaging about 48 million gallons of gas a month. Plantation, built before World War II, is one of the nation's early long-haul petroleum pipelines.

Colonial Pipeline, which has a tank farm near Fairfax for Amoco, Texaco, Citco and Gulf Oil companies, is a newer and larger pipeline.

Colonial has been pumping an average of 53 million gallons of gasoline a month—up about 4 million gallons a month from last spring—into its tank farm here and to Mobil, which has a small separate tank farm near Chantilly, to BP, which pumps directly to underground tanks it has in the District and to Sunoco tanks near Baltimore.

The underground pipelines, part of a national network of 200,000 miles of crude oil and petroleum pipelines, actually carry gasoline only a little more than half the time. Almost all of the Washington area's home heating oil, the jet fuel for National and Dulles Airports, as well as kerosene and diesel fuel come through the same pipelines.

Hospitals Busier: Smog Increases Area Rate

(By Jack Kneece)

The heat and air pollution weighing down on the Washington area over most of the last 11 days has produced increases in the number of respiratory ailments treated at area hospitals.

Medical effects of the prolonged oppression began showing up significantly at hospitals as the National Weather Service forecast relief by the weekend: A cool air mass is expected to arrive from Canada.

The cooler air, expected late Friday or Saturday, should bring temperatures down from the 90s to the more normal highs of 81 or 82 degrees for this time of year, the forecaster said, and probably will alleviate the air pollution.

The D.C. Medical Examiner's office yesterday announced the new heat wave had officially claimed its first victim, Horace Taylor, 34, of 1323 Clifton St. NW, who collapsed in the 1200 block of Euclid St. NW late Aug. 28 and died a few hours later.

Asst. Medical Examiner Michael Dunn said Taylor was running a temperature of 108 degrees when he arrived by ambulance at the Washington Hospital Center. Dunn said an examination indicated Taylor had died of "heat stroke."

The heat caused many area schools to close early on the opening day yesterday, and early closings were planned again today for schools in Montgomery, Prince Georges, Fairfax and Arlington counties.

An informal survey of most of the major area hospitals showed the increase in the patient load—particularly among those treated in emergency rooms—has risen more than 100 percent in some cases of chronic bronchitis and asthma.

The area has been under an air pollution alert with temperatures in the 90s since Aug. 26, and one respiratory disease specialist noted that symptoms in many cases don't show up for a week to 10 days in smog-related ailments.

The survey coincided with a new report on urban area air pollution from the Environmental Protection Agency which said, among other findings, that air pollution has almost as large an effect on the prevalence of chronic bronchitis as cigarette smoking.

John Anspacher, public relations director for Alexandria Hospital, said there were 10 patients with respiratory ailments there at the start of the past weekend.

He said five were dismissed, but 15 more were admitted soon after. He said some were under care of the special respiratory control unit at the Seminary Road facility. Anspacher said the hospital also treated five heart exhaustion cases over the weekend, which he termed higher than normal.

Dr. William Cassidy, on duty at the Fairfax County emergency room yesterday, estimated the respiratory patient increase caused by smog at about 30 percent above the normal patient load.

A spokesman for George Washington University Hospital said there had been an increase of about 15 percent in such cases as of Friday, and perhaps more since then.

A Prince Georges General Hospital spokesman said "there has definitely been an increase. We've had a lot of asthmatics."

A spokesman for Leland Memorial Hospital said that facility has treated an average of 5 to 7 more respiratory patients per week since the beginning of the air pollution alert.

A spokesman for Children Hospital said, "We've had a great deal more people with asthma, bronchitis and swollen eyes—definitely related to the weather we've been having."

Freedmens Hospital and Providence Hospital said they had not noticed a significant change, although the Province spokesman said no study had been made there although hospital officials are considering it.

Only Georgetown University Hospital and Walter Reed Army Hospital spokesmen reported their respiratory patient caseload positively not increased by the weather.

Spokesmen at both said there had been indications that public warnings may have helped stem the tide. "They are staying inside—using air conditioning more," said the Georgetown spokesman.

Meanwhile, the EPA has received preliminary reports from an urban air pollution study involving 250,000 people.

The $18 million Community Health and Environmental Surveillance System (CHESS) project was described by EPA as "an attempt to find out what is happening to peoples' health when short term increases in air pollution conditions actually occur, rather than determine the effects after the fact."

EPA said its study involved the use of telephone checks and maintenance of daily health diaries by test subjects.

Prior to the CHESS program, research on the health effects of air pollution depended on sometimes faulty comparison studies, the EPA said.

The CHESS study includes persons in Los Angeles, St. Louis, New York, Salt Lake City, Charlotte, N.C., and sections of New Jersey. It involves studying the specific effects of most kinds of airborne pollutants, most notably sulfur dioxide and nitrogen dioxide.

The EPA said their studies "already have begun to demonstrate the benefits of improved air quality on the chronic respiratory disease experience of subjects who have moved to new exposure communities."

They said another study showed benefits to the lung function of younger children after a change to a less polluted environment.

Other findings, EPA said, show:

Suspended sulfate parts represent more of a health hazard than generally recognized.

What daily variations in suspended sulfates—even in relatively clean communities—are clearly associated with aggravation of symptoms in people with asthma or heart and lung diseases.

That air pollution affects the health of study subjects regardless of age, sex, smoking habits or socioeconomic status.

[From the Washington Post, Sept. 4, 1973]

Heat, Air Pollution To Remain, Perhaps Through the Week

(By Alice Bonner)

As 90-degree plus temperatures and hazardous, polluted air smothered the Washington area yesterday for the 10th consecutive day, thousands of persons who had sought Labor Day weekend relief at the region's beaches were returning to their homes.

By midday, the large crowds reported at Rehoboth and Ocean City beaches and at Virginia Beach started to dwindle. Those returning to Washington, as well as those who stayed at home here, face the prospect of no immediate change in the stagnant, hot air that has covered the area since Aug. 25, according to National Weather Service forecasters.

The Metropolitan Washington Council of Governments extended the pollution alert through 3 p.m. today and temperatures were predicted in the low 90s again.

There were no immediate reports last night of major traffic jams holding up the homeward-bound motorists. Traffic on the Chesapeake Bay Bridge was reported heavy but moving.

Although late afternoon thunderstorms here brought some respite from the heat and air pollution both yesterday and Sunday, the National Weather Service said the relief was only temporary.

Yesterday's thunderstorms caused some minor power failures throughout the area, according to the Potomac Electric Power Co. and Fairfax County police. Fairfax police also reported temporary flooding of some roads.

A severe thunderstorm blew off at least five rooftops in Baltimore and ignited a 1.2-million-gallon tank of benzine, officials reported.

The three-alarm fire, started when lightning struck a storage tank at the Continental Oil Co. tank farm in the Curtis Bay area of south Baltimore, was fought for four hours by 75 firemen before it was brought under control. No injuries were reported.

A cold front, now hanging over the Midwest, could move eastward by Wednesday or Thursday, lowering temperatures here into the 80s, National Weather Service forecaster Mike McLaughlin said.

"That cold front could be delayed by tropical storms, meaning no change before around the end of the week," McLaughlin added.

Yesterday's high temperature of 95 degrees was recorded at National Airport at 1 p.m. But it dropped 10 degrees during the scattered thundershowers that began about 4 p.m. Last night's low temperatures were expected to be in the low or middle 70s.

The high levels of air pollution also continued here yesterday. A high reading of 125 was taken in Alexandria at 1 p.m. by the Council of Governments.

Air pollution levels above 100 on the COG scale are considered "hazardous" and readings higher than 250 are considered "dangerous."

Today is the 11th day of the current COG air pollution alert. Alerts go into effect when the pollution readings reach 100 or more. This is the longest alert since air quality testing began here in 1968. This also is the sixth alert this year, equaling the number imposed in the past five years. There were no alerts in 1968 and 1969. There was one in 1970, one in 1971 and four last summer.

COG spokesman Dennis Bates said yesterday's air pollution reading of 125 was not indicative of any trend in conditions, although it was lower than last week's record level of 165, taken on Wednesday.

"Actually it's a day-to-day measurement. The rain caused some cleansing of the air, but the no wind and a high temperature means a high (pollution) count. It also depends on the amount of automobile usage that day," Bates said.

Two minor casualties of the heat wave and air pollution were reported yesterday. One person suffering from heat exhaustion and another with a respiratory complaint were treated at D.C. General Hospital and released, a hospital spokesman said.

Warren Pace, the superintendent of schools in Falls Church, said that schools there will close early—at 1:30 p.m.—if the hot weather continues. Similar announcements already were made for schools in Arlington, Montgomery and Prince Georges counties.

The D.C. department of recreation announced that seven of its large outdoor swimming pools will remain open until Sunday. Pools traditionally close for the season on Labor Day.

Mr. MUSKIE. I hope that this will be a constant reminder to us that what has happened in the last month will happen increasingly, with greater intensity and over and over again, until we do more than we or the automobile industry have done to this point to deal with this problem.

Mr. LONG. Mr. President, will the Senator yield?

Mr. MUSKIE. I yield.

Mr. LONG. I believe I voted along the lines the Senator has recommended to us, and so has the majority of the Senate. Will the Senator tell me when we might expect the situation to start getting better? I hope that the Clean Air Act and other measures will offer us some relief sometime within the next year or two. What can we expect?

Mr. MUSKIE. If the present laws remain as they are on the books, we have written in deadlines which, hopefully, can begin to make an impact within the remaining years of this decade.

It is difficult to project the levels of pollutants in the ambient air because so many new sources are constantly coming into existence in this industrialized society.

For example, we have asked that new cars be made virtually clean, by 1975, of carbon monoxide and hydrocarbon emissions. Under a provision of the law, EPA has given the industry an extension of 1 year on that requirement.

The automobile industry has indicated it is going to wage an all-out effort to get that deadline extended further. If it succeeds the result the Senator voted for, that I voted for and that the distinguished Senator from Minnesota voted for will be delayed. Why do I emphasize the importance of the automobile? I emphasize it because there are now 110 million used cars on the roads, a situation which is almost impossible to clean up. As long as they are polluting they are going to be a contributing factor to the condition I described this afternoon. The average car has a life of 8 to 10 years. So we have insisted with respect to the new car because the new car becomes the used car the moment it comes off the assembly line.

Mayor Bradley of Los Angeles, with whom we have been in constant touch because it is one of the major problem areas, makes this point over and over again: Do not relent to pressure from the automobile manufacturers because when you relent you increase the pressure on our city governments and our people to adopt restrictive measures on the use of automobiles, the movement of people, the creation of new jobs, and so forth. In other words, the automobile, to the extent it buys time for us is buying time for everyone else whose activities have to be restrained and depressed. If it is pushed down here it comes up somewhere else.

What we had in mind in writing the Clean Air Act of 1970 with deadlines ranging from 1975 to 1977 for different activity was the hope that by the end of this decade we would begin to see a decrease in the quantity of pollutants in the air. Unfortunately Congress failed to take many of the actions we anticipated would be taken if the bill were enacted. For example, we believe there should be a massive effort in connection with mass transit. Senators will recall the difficulties we have had in breakthroughs in this field. If we had had these breakthroughs 3 or 4 years ago we would have a better chance to meet the objectives. The failure is understandable. There is tremendous momentum in bad habits we develop in the consumption of energy, in our activities, the patterns of our cities, and the uses of our lands, and they cannot be changed overnight.

We hope that with a clear clarion call, which we thought the 1970 act was, we could begin a change in direction that would give us those results.

On the whole the Clean Air Act has had some beneficial impact but it has been more in the nature of alerting us to what has to be done rather than actual results achieved. That is why I thought this period during the air pollution alert would be a good time to alert Congress and the country to the consequences of our failures.

Mr. LONG. I thank the Senator for a very fine address.

Mr. HUMPHREY. Mr. President, I wish to commend our distinguished colleague, the Senator from Maine, for this splendid address he has given to us today and for bringing to our attention the great need for continuing a determined effort in controlling air pollution. His remarks concerning the automobile industry are fortuitous. They are right on target, and it takes a great deal of courage to speak up as he has, but it needs to be done and I hope those of us who have associated ourselves with the efforts in clean air and water will not back away from that responsibility. We would do so at our peril.

Mr. MUSKIE. I thank our distinguished friend for what he said and for his unwavering support.

UNEMPLOYMENT AND PRICES

Mr. HUMPHREY. Mr. President, this morning we have been deluged with disastrous economic news.

It appears that phase IV, rather than applying the brakes to inflation, is actually stepping on the accelerator. In other words, the Nixon administration economic policies seem to be legitimizing higher prices, not controlling them.

Last month wholesale prices rose at the highest rate since right after World War II—and at more than twice the rate of increase experienced during the intensely inflationary Korean war period of 1950–51.

Worse yet, this inflationary crisis comes not at a time when the total number of people with jobs has stopped growing and the unemployment rate remains stuck at an unacceptable level of nearly 5 percent.

There is overwhelming evidence that the economic news is not going to get any better. Forecasters agree that unemployment is likely to rise in the months ahead. Job opportunities will be shrinking, but prices will still be rising.

Prices of consumer foods at wholesale have risen 30 percent—almost one-third during the past year. Enormous as that increase is, it is not the end. Wholesale prices of farm products and processed foods and feeds have risen even more—nearly 50 percent. Much of this increase has yet to be passed on to the consumer.

The problem is not limited to food prices.

An extremely important factor is high interest rates—the cost of credit and money. Despite the fact interests rates are high and steadily increasing, there is no effort on the part of the administration to bring pressure to bear to control this unbelievable, incredible rise in interest rates. Under phase IV, high interest rates are passed on to consumers as even higher costs in what they pay for rent, housing construction and consumer goods.

This country is being raided by high interest rates and it is paralyzing the home construction industry. High interest rates are one of the largest single factors in the increasing prices the consumer pays all across this land; and yet the Government stands by as if bankers are entitled to set the price of money while other people are told they will have to have some controls.

The profits of the major banks of

this country are incredibly high, shamefully high; they never have been higher. These rates continue to go up and up and the Government stands by as if somehow or other the rise in interest rates was God ordained.

I would remind the administration that interest rates are set by banks in New York. They have a nice way of doing it. One week it is bank No. 1 and all the others follow as if trained to do it; another week it is a different bank and they follow again. In the meantime the public pays the bill.

Remember, Mr. President, an interest charge is like a tax. Taxes are supposed to be imposed by public bodies with elected officials. Interest rates are imposed by bank boards, through bank operations, and by bankers, no one of whom is elected, and they have no accountability to the public. It is time for the Government of the United States to take a look at this uncontrolled monster of inflation because high interest rates that are usurious, bleeding the American people, are imposed by a handful of people who have no responsibility except to a board of directors or to stockholders.

Even though the August numbers were collected only 2 days after the price freeze was lifted, wholesale industrial prices rose four-tenths of 1 percent. Even with the "freeze months" included, these industrial prices have risen at an 11-percent rate in the last 6 months. There seems to be no exceptions to this picture—no rays of hope. Twelve of the 13 industrial price categories rose last month—even though prices were "frozen" for all but 2 days of the sampling period.

Wool and cotton products rose 2 percent, crude rubber 2 percent, hides and skins 6 percent, plywood 1.5 percent, nonferrous metals 1.5 percent, household appliances 1.2 percent. All this in just 1 month. And this is only the beginning. A 5-percent increase in prices of steel sheet is currently pending before the Cost of Living Council.

If approved, that will touch off a new round of price increases throughout the entire industrial sector.

Everyone knows it is difficult to get both price stability and full employment simultaneously. But usually we have managed to get one or the other. This administration has a distinction unique in our economic history of being able almost continuously during its term of office to produce both high unemployment and worsening inflation. That is quite an accomplishment.

For the information of Senators, I am scheduling hearings on these rapid increases in food and other prices before the Consumer Economics Subcommittee. The hearings will be held in the next 2 weeks, on dates to be announced as soon as they are cleared with witnesses.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RETIREMENT FROM THE SENATE OF SENATOR HUGHES

Mr. ROBERT C. BYRD. Mr. President, it was with deep regret that I learned of the decision by the distinguished senior Senator from Iowa, that he would not seek reelection to the Senate of the United States.

Mixed with my regret, I feel for Senator HUGHES a high respect and admiration that he would renounce his seat in this body—a seat that all reports from his State indicate he could have retained with a minimum of difficulty—to pursue the high calling to which he will dedicate himself.

In this day and age, when unselfishness and self-sacrifice are less evident in the society of man than they were in earlier days, it brings a feeling of warmth, and a renewal of faith, that there are still individuals among us to whom spiritual service to their fellowmen is more rewarding than personal recognition of prestige.

In his own life, Senator HUGHES has amply demonstrated the strength of his character, and his ability to overcome adversity. He has shown that a man of good heart and high resolve can scale the highest mountain, no matter how inaccessible the peak may once have appeared to be. He has shown, by his example, that men and women will still respond with their trust and their confidence to one whose basic integrity and personal courage shows them he is worthy of that trust and confidence.

We will miss the wisdom, the counsel, and the friendship of HAROLD HUGHES in this Chamber. In the all-too-brief time in which he has graced the Senate, he has become known as a man of straightforward dependability, and a man whose conscience is his sure guide. But while we regret his going from among us, we also feel proud that he has served as one of us. In the years to come, when his sagacity, his compassion, and his deep conviction of the inherent goodness of mankind are utilized for the betterment of his fellowmen, it is to be hoped that the experience and the relationships that he has enjoyed in the Senate may contribute in some small part to the success which will assuredly attend his Christian endeavors.

The path that HAROLD HUGHES has chosen is one of high purpose, and we wish him well. When the angel comes to write in the book of gold, his name will surely be written as one who loved his fellowmen.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for Monday next is as follows:

The Senate will convene at the hour of 12 o'clock noon.

After the two leaders or their designees have been recognized under the standing order, the distinguished senior Senator from Georgia (Mr. TALMADGE) will be recognized for not to exceed 15 minutes; after which the distinguished junior Senator from Connecticut (Mr. WEICKER) will be recognized for not to exceed 15 minutes.

At the conclusion of Mr. WEICKER'S speech, the Senate will proceed to the consideration of the conference report on S. 1672, the Small Business Act Amendment. There is a limitation of 30 minutes on that conference report. Whether there will be a yea-and-nay vote on the adoption of the report, I cannot say.

Upon the adoption of the conference report, the Senate will go into executive session to consider the nomination of Mr. Russell E. Train to be Administrator of the Environmental Protection Agency. There is a time limitation on that nomination, and a yea-and-nay vote will occur on the nomination at 2:15 p.m. on Monday.

The Senate will then return to legislative session to consider S. 386 and to conduct a vote on final passage, the vote having already been ordered on S. 386, a bill to amend the Urban Mass Transportation Act of 1964 to authorize certain grants to assure adequate commuter service in urban areas, and for other purposes. All time on the bill has expired.

On the disposition of S. 386, the Senate will resume the consideration of the unfinished business (S. 5), a bill by Mr. MONDALE and others to promote the public welfare.

Mr. President, there will be at least two yea-and-nay votes on Monday, and likely additional ones.

Mr. GRIFFIN. Mr. President, I wish to inquire of the distinguished majority whip whether he has considered the possibility that there might be a rollcall vote on the conference report on the small business matter. I rather believe there may not be, but if there were, I wonder if it might not be convenient and appropriate to set that vote after the vote on the nomination of Mr. Train, and since an agreement has been entered into on the matter, which was not before us today, which will immediately follow that, perhaps it could come thereafter, in the event there should be a rollcall vote.

Mr. ROBERT C. BYRD. Mr. President, the distinguished Republican whip raises a very appropriate question. I think that would be wise, in view of the fact that we have indicated to Senators that the vote on the nomination of Mr. Train would occur at 2:15 p.m., and most of them will be scheduling their appointments, their transportation, and so on, in accordance with that understanding. I think we should agree to have the yea-and-nay vote, if such is asked for, on the adoption of the Small Business Administration conference report follow immediately the vote on the passage of S. 386, the urban mass transit bill, and I make such a unanimous-consent request at this time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Senator from Michigan (Mr. GRIFFIN).

ADJOURNMENT TO MONDAY, SEPTEMBER 10, 1973

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until the hour of 12 noon on Monday next.

The motion was agreed to; and at 3.47 p.m. the Senate adjourned until Monday, September 10, 1973, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate September 7, 1973:

DEPARTMENT OF COMMERCE

William W. Blunt, Jr., of the District of Columbia, to be an Assistant Secretary of Commerce, vice Robert A. Podesta, resigned.

ATOMIC ENERGY COMMISSION

Donald R. Cotter, of New Mexico, to be Chairman of the Military Liaison Committee to the Atomic Energy Commission, vice Carl Walske, resigned.

CIVIL AERONAUTICS BOARD

Richard Joseph O'Melia, of Maryland, to be a member of the Civil Aeronautics Board for the remainder of the term expiring December 31, 1974, vice Secor D. Browne, resigned.

IN THE AIR FORCE

The following officer to be placed on the retired list in the grade indicated under the provisions of section 8962, title 10 of the United States Code:

To be general

Gen. Seth J. McKee, [redacted]FR (major general, Regular Air Force) U.S. Air Force.

The following officer to be placed on the retired list in the grade indicated under the provisions of section 8962, title 10 of the United States Code:

To be general

Gen. William W. Momyer, [redacted]FR (major general, Regular Air Force) U.S. Air Force.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Daniel Parker, of Wisconsin, to be Administrator of the Agency for International Development, vice John A. Hannah.

EXTENSIONS OF REMARKS

JOHN AND BILL BRIGHT OF SUMMERSVILLE, W. VA., FEATURED IN SATURDAY EVENING POST ARTICLE—A GOOD STATE RECEIVES A-PLUS

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, September 7, 1973

Mr. RANDOLPH. Mr. President, in the September-October 1973 issue of the Saturday Evening Post there appeared an article by John Alexander entitled "The Bright Side of West Virginia."

It concerns two brothers—John and Bill Bright—of Summersville, W. Va., and the business success of these two young men.

In 1963, they started a greeting card business in a bedroom of the family home. From there it has grown into a multi-million-dollar corporation delving into many enterprising young adverturers.

John Alexander has written of their success, of their employment of almost 500 well-salaried citizens and of their desire to promote West Virginia.

Mr. President, I request unanimous consent to have the Saturday Evening Post article and my subsequent letter to the editor printed in the RECORD.

There being no objection, the article and letter were ordered printed in the RECORD as follows:

THE BRIGHT SIDE OF WEST VIRGINIA—IT IS A SMALL STATE BUT THERE ARE THOSE WHO LOVE IT

(By John Alexander)

The private Turbo-Commander hums south-easterly through the summer sky. Behind it are the plains of the Midwest. The Appalachian headwalls now and again send aloft a signal—and the aircraft wiggles its wings in response to the mountain updraft.

The plane is a beauty. Inside it is trimmed in blue velour for six passengers and equipped even with a writing desk. Its exterior is painted red, white, and blue. The U.S. flag is emblematically emblazoned on its fuselage. On the side: "Bright of America."

These matters are forgotten now, however, because we have abandoned speed and altitude to see the land below. This is a state with the motto *Montani Semper Liberi*—"Mountain Men Will Always Be Free." Only forty-first in size among the states of the Union with its 24,282 square miles, this West Virginia has a spunky swagger to it which brings to mind a small college, perhaps one of its own, which takes on the big boys in every sport, spurns its peers, and as a result must endure a series of thrashings. But once in a while it tumbles a giant. And then the cheers ring far into the night, toasts are drunk and the victors are still awake to greet the morning star. In this mood, West Virginia the state entitles its literature "wild, wonderful West Virginia." It hangs out a sign: "Almost heaven."

Almost heaven, will almost do. At least from our low-flying aircraft. Storied country, this below. The last battle of the Revolutionary War was fought at Fort Henry, Wheeling, in 1782. In October of 1859 the terrible paradox of Harpers Ferry was enacted as two soldiers in the blue of the Union army, Brevet Colonel Robert E. Lee and Lieutenant J.E.B. Stuart, dragged John Brown out of the U.S. Arsenal to be hanged in nearby Charles Town. (Long after his truth went marching on, John Brown—strange that the mountains were so very significant in his life—was buried in the shadow of the Adirondacks in Lake Placid, this bitter plainsman from Kansas.)

There's white water aplenty down there. West Virginia's rough, turbulent streams are trying to rival the West for rafting adventures through primitive and scenic gorges in the Appalachians. The white water of New River Canyon, originating at Prince, provides a two-day adventure to Fayette, thirty miles downstream. The trips are run off regularly May through October. The Gauley River is another toughie, twenty-two miles of wildwater through rugged mountain country.

You can see the rivers slashing their way through the mountains, turning and twisting like gigantic snakes to run the end on outcropping veins of coal and limestone, and through the millennia carving deep caves underground, even to a vertical drop of 190 feet, like the one in Sikes' Cave, near Frankford. The forested peaks are everywhere—forests make up almost three-fourths of West Virginia's total land area. Down there in the glades are bear and deer, rhododendron banked *higher* than an elephant's eye, crushed on the verdant slopes between flowering dogwood, flame azalea, pink honeysuckle, bloodroot, blue violet, morning glory, and columbine in quanity enough to deck an Eden. No wonder West Virginians grow a little breathless and call their land a small Switzerland or a stray bit of Canada without stopping to think whether they really need such help at all. Down there began the genius of Pearl Buck. Booker T. Washington and Stonewall Jackson lived there once. Sam Snead is the pro at the lordly Greenbrier, and Jerry West of the Los Angeles Lakers shot his first baskets for West Virginia schools. There also is a one-man newspaper called *The West Virginia Hillbilly*, edited by Jim Comstock, a man whose wrting, according to *Nation's Business*, is "as pungent and incisive as anything written about politics and today's society." Down there, too, is the rich and tragic soil containing deposits of salt, sandstone, and limestone. And coal. Almost every West Virginia county has coal under it, and the little state has already yielded 6 billion tons of bituminous, with over 116 billion tons remaining.

Almost heaven. Well, not entirely. There's that coal, which we'll get to later. And now as we begin to make our descent towards Summersville, in the center of the state, the striding ranges of mountains, even from miles away, are slashed and ringed with strip mines, cutting across the face of the countryside like dueling scars on the face of the old Heidelberg student aristrocracy, badges of pain and honor both.

Our host, is William Townsend Bright, thiry-five, thanks to his own prodigious efforts as a businesman, something of a world citizen. His travels this year have taken him to every state in the U.S., most of them—except the very distant ones—in the same company plane, with the same redoubtable young rock of a pilot we call Jake. Also to Ireland, to look into expanding investment possibilities in Switzerland, to ski; to South America, for expansion possibilities; to South Summersville, for the same.

No one in West Virginia really knows William Townsend Bright, except possibly his parents . . . but practically everyone knows Bill Bright. He is not difficult to recognize. Bill Bright has a head to set a sculptor's fingers itching, a round noggin covered with tight clusters of curls, a profile one finds on an ancient Greek medallion. He is small in stature, but something about Bill's spirit peeks out when you get to his home and see his medals for basketball, won only a few years ago in a game where players of 6′9″ are considered of merely medium height. His hands are small also, but they move gracefully and swiftly as he speaks, accenting with gestures. He has the burning glance of a Savonarola—in a previous century Bill would probably have been burned at the stake for over-advocating the brotherhood of man. In this era, he is content to vote Republican (he attended the Miami convention as a state delegate, and is proud of the times he has chatted with the Nixons), flies the American flag on personal stationery, and pays his 500 employees what some stateside business competitors consider shamefully high salaries.

"We pay what we can afford to pay," says Bill, "and not what we can get by with. We didn't come to West Virginia to get cheap labor. We were born here. We don't regard the presence of a number of people anxiously looking for work as a chance to exploit them, but as a chance to pick the most talented and willing to be our associates."

All of this pent-up energy which shows so clearly in Bill Bright's face, he vents in explosions of action which follow his own four-word autobiography: "I like to excel." Consider the fact that Bright of American is a modern plant gouged out of the side of a West Virginia mountainside at an altitude of a couple of thousand feet with a view like a Swiss ski lodge. This is a dramatic site for a business which revolves around the manufacture of stationery and table placements, but the really dramatic thing is that the brothers Bill and John Bright never even considered opening up their plant in New York or Chicago, the logical home base for this type of business.

The West Virginia thing is the secret about Bill because he is a geographic man. A creature of place. He has made a business out of that instinct, is on his way to making a fortune out of it, and right now in his own place Bill pins his heart right on his sleeve.

To misquote Daniel Webster, who won a great Supreme Court case in defense of private ownership by denoting his alma mater, Dartmouth, with the words—"It is, sir, a small college, and yet there are those who love it"—Summersville may be a small place, but there are those who love it. And none more than Bill Bright. He is jumping around on his seat, poking his head at the windows to ogle views he must have seen thousands of times before, and making sure that his guests drink it all in. And indeed he has good cause. Summersville sits smack in the sawteeth of the Alleghenies, and below us a lake has been created by backing up the waters of the Gauley River. Surely almost heaven. The water, shining as we descend, is aquamarine and blue, fit for drinking and dreaming and diving. The banks rush down and plunge into it over steep rock cliffs. It is paradise enow.

Jake sets the aircraft down like a feather, and its country boy skipper is happily home at last. We tool along roads towards Summersville, with a side trip down to the lake—Bill wants to make sure we didn't miss it from the plane.

Now we have to look a little more closely at West Virginia, perhaps. Lay down the rose-tinted glasses of our plane trip, and stop sniffing this pure mountain air for just a moment. Give over the platform to the critics, since it will help us to see what the Brights of West Virginia had to overcome by being born there. A very hard-nosed article by Roul Tunley was published in the February 6, 1960 issue of *The Saturday Evening Post* entitled "The Strange Case of West Virginia." It was widely discussed over the nation, although some of its suggestions were labeled as malicious lies by certain mountaineers. They, according to Tunley supporters, at least had proven they could read.

Here are some excerpts from the story:

"West Virginia, a scenically radiant mountain state which likes to call itself the Switzerland of America, received a blow across the face not long ago, when one of its native sons declared, 'Switzerland, nothing. It's more like Afghanistan.'

"This young man, who was writing to his hometown paper from Akron, Ohio, said he was shocked when he compared his former surroundings with what he saw elsewhere. Pointing to his native state's unemployment—consistently the highest in the nation—its second-rate roads, its ugly auto dumps, its polluted streams, and its dearth of good restaurants and hotels, he called West Virginia 'remote, backward, and dangerously provincial.' 'West Virginia,' he wrote, 'rocks on a sagging front porch while her neighbors drive by in shiny new cars.' Its young people, the hope of any state, are deserting the ship."

Today, happily, the wheel is turning. The state is learning how to exploit its great tourist attractions and to take a responsible role in the control and future of its natural resources, above and below ground.

More importantly, the youth movement out of the state has been slowed, if not halted. It is significant that no less than a scion of a great American family, John D. Rockefeller IV, "Jay," has migrated *to* West Virginia. He started out, far from his native heath in the Northeast, as a field worker in the Action For Appalachian Youth program, went to the West Virginia House of Delegates in 1966, then became its Secretary of State, and has just finished making a brave but unsuccessful run for the governorship of the state, from his home in Charleston. Bill and John Bright, who are as interested as Jay in the future of West Virginia, and discuss it with him from time to time, contribute from their side by offering, as we have seen, attractive wages and working conditions which hold young people in Summersville, and draw others from surrounding West Virginia communities on all sides to work in the Bright plant. It would seem that the flow of some things—if not its wild white water—can be reversed in West Virginia.

The Brights started reversing the exodus when they refused to abandon their home, Summersville, at the very beginning. Bill had to work a tough stint in the mines just before he made it into the University of West Virginia for a major in business. By then John had gone through to a master's degree in Motion Picture Arts at the University of Southern California. That's when the Brights put the two together—business and photography—and found themselves. They dreamed up a novel approach to the Christmas card market via John's camera by means of photographing the interiors of real churches. They sold the results both to the churches and to their churchgoers, the former to serve as fund raisers, and the latter to serve the straight purpose of personalized Christmas cards. Thus Church-Graphic Productions was formed, and consisted of one full-time photographer and one part-time business manager.

Bill reminisces, "Now I don't want to sound too overly religious, but the fact is that I must have worn out eighteen sets of tires and two old cars just going back and forth to church."

In 1963, West Virginia's Centennial year, the Bright brothers conceived the idea of producing note paper with outstanding West Virginia scenes to call attention to the state's natural wonders. These note cards were the start of a completely new market. The idea was to make up packages of color note cards with historic and scenic views of any particular state to be sold by schools and women's clubs in the state.

The Bright formula for success had by now evolved. Part one: Americans love America. West Virginians will buy pictures of West Virginia because they live there; and non-West Virginians visiting the state will take home pictures of West Virginia because they just came from there. Part two: Americans are indefatigable fund raisers. Part three: the Bright brothers learned so much about fund raising on their way to the top that they now have an entire service department devoted entirely to advising would-be fund raisers.

It could be politics ahead, for Bill Bright. His list of accomplishments and public service contributions go all the way back to West Virginia University, where he was president of his class, his fraternity, the inter-fraternity council; and was subsequently listed in *Who's Who in American Colleges and Universities.*

Since then, he's been actively involved with the Jaycees as well as being County Welfare Chairman and the youngest member of the West Virginia Manufacturers Association. He is also on its board of directors and is district chairman of its Public Education Committee. He serves on the Board of Directors of the West Virginia University Foundation and the West Virginia 4H Foundation. Bill Bright even garners a few write-in votes in local elections now and then, quite an accomplishment in a state where some voters have expressed astonishment upon discovering that ballots are not always sold.

At the Summersville airport, believe it or not, as Bill sees the visitor back home in the private plane, there is a frenzy of activity. The port wouldn't handle big planes even if Summersville's mouse-trap brought the world to Bill's door, but the place is a beehive humming with small aircraft. Bill Bright stands by the operations office, and he has all he can do to greet outgoing passengers and incoming passengers at once as planes buzz in and out, most of them disgorging or embarking Bright of America executives inbound or outbound to field activities.

The plane takes off. Looking down, we see the Bill Bright car turn off the main road and mosey over for another look at Summersville Lake. This man can have pretty much what he'd like, right now, or mighty close to now. But it looks as though West Virginia will do for him.

Almost heaven, you might say.

U.S. SENATE,
COMMITTEE ON PUBLIC WORKS,
Washington, D.C., September 7, 1973.

MR. CORY SERVASS,
Executive Editor and Publisher,
The Saturday Evening Post,
Indianapolis, Ind.

DEAR MR. SERVASS: I was extremely interested in the excellent article by John Alexander entitled, "The Bright Side of West Virginia." I have known John and Bill Bright for many years and share the writer's assessment that these young men could have made it "big" anywhere but, instead, chose their native State. Their contributions are many and we West Virginians are proud of them.

I, too, recall the 1960 issue of The Saturday Evening Post which featured an article "The Strange Case of West Virginia." It was not too accurate and I wrote asking if the Post might be interested in reviewing for possible publication an article I would write entitled "What's Right With West Virginia." The response was, in essence, "not interested."

It is my hope that you will continue to publish merited stories on our great State and you have my commendation on this one.

With best wishes, I am

Truly,

JENNINGS RANDOLPH,
U.S. Senate.

MR. GUY DOBBS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. STOKES. Mr. Speaker, I am proud to say that I have known Mr. Guy Dobbs for many years. I have long admired him for his wise and gentle intelligence and for his shrewd knowledge of human nature. He is a man who has earned the unqualified respect of generations of Clevelanders and thousands of people who have traveled through the city of Cleveland. Mr. Dobbs, the bell captain at the Sheraton-Cleveland Hotel, has been with the hotel for almost half a century. Over the years, he has seen Presidents, sports stars, entertainers, and persons of every walk of life come and go.

Mr. Dobbs has seen—and taken note of—changes in our American way of living that have passed less observant people by. His observations about travel and travelers are nothing less than a statement about the very essence of our lives. It is for this reason that Guy Dobbs' stories have become legend in Cleveland.

Mr. Speaker, on July 29, 1973, the Cleveland Plain Dealer featured an article on Guy Dobbs. In this article, Mr. Dobbs told some of the stories for which he has become famous. But more importantly, the interview with Mr. Dobbs revealed his astuteness and wisdom.

It gives me great pleasure to introduce my colleagues to Mr. Guy Dobbs. Therefore, I include the Plain Dealer article about him below:

BELL CAPTAIN, 71, RECALLS DEMAND

(By Robert Dolgan)

Guy Dobbs, bell captain, has been with the Hotel Sheraton-Cleveland for 42 years and he has seen many changes in his profession.

"When I came here in 1931, it was a job people wanted," he said. "That was in the worst part of the Depression, and it was hard to get decent work. It never happened to me, but I've heard stories of men who paid money to the hotels just to get jobs as bellmen in those days."

They weren't called bellmen then. They were known as bellboys, and when Dobbs began with the hotel they were paid $1 a day, plus tips. Today the union wage is 90 cents an hour, plus tips, but the job is no longer in demand.

"The future doesn't look too good," said the courtly Dobbs. "The money's not there. It's still a good job for a fellow who's willing to apply himself, but most men figure they can make out better working for $3 or $4 an hour in a factory.

"As a result, you don't see as many men making a career out of the job. A lot of the fellows we have now are students working their way through college."

Dobbs, 71, says the airplane had more than anything else to do with changing his profession.

"A man used to come off a train after a long trip and he wanted a lot more service," he said. "He'd want to get his suit pressed, he wanted to get his laundry done, and chances were he'd want to entertain some clients at dinner. He'd stay overnight for sure, maybe a couple of days.

"Today it's all faster. Everybody hurries. A salesman might fly in from Chicago and not even check in. He'll just get a sandwich, do a little business, and fly to New York. It only takes two hours. He doesn't even need as much luggage because he won't be on the road as long."

Nevertheless, Dobbs likes his job and has no plans to retire.

"You meet a lot of interesting people," he said. "I've met several presidents, including John Kennedy, Lyndon Johnson and Richard Nixon. Hubert Humphrey, the vice president, was one of the nicest men who ever came here. After he left, he dropped us a note saying how much he enjoyed the service he got here.

"Babe Ruth was another fine man. He never gave any trouble and he was a good tipper. The only thing he always requested was that he'd get the A Suite on either the fourth or fifth floor. The A Suite is the best we have on each floor, at the northwest corner of the hotel."

Dobbs was reluctant to name the guests who caused him difficulty, but he finally named another baseball player, Ted Williams, and an opera immortal, Lily Pons, as especially troublesome.

"Williams was the worst," said Dobbs. "If his world wasn't going right he'd take it out on you. He'd change rooms a lot and he didn't want anybody near him. But he was a good tipper.

"Lily Pons was very particular about everything, too. She always wanted certain rooms."

Dobbs says that people don't tip as extravagantly as they used to, since tipping was ruled out as a tax-deductible expense.

"You can still do pretty well at some of the big conventions, though," he said. "You can make $40 or $50 a day then. The biggest single tip I ever got was $50, but you can never tell who's going to tip you well from the way they look.

"Sometimes a gentleman will come in here and he'll look kind of poor and he'll tip you $3 for carrying his bag up. Then some well-dressed man will tip you a quarter. Doctors are the worst tippers. They're known for that all around the country."

MONUMENT DEDICATED TO NICOLAUS COPERNICUS

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. EILBERG. Mr. Speaker, on August 18 the people of Philadelphia dedicated a monument to Nicolaus Copernicus.

At this time I enter into the RECORD a speech by John Cardinal Krol which was delivered at the dedication ceremony:

FITTING TRIBUTE FROM POLONIA OF THE DELAWARE VALLEY TO THE GREAT POLISH GENIUS MIKOLAJ KOPERNIK

(Remarks by John Cardinal Krol)

The monument we dedicate today is a fitting tribute from the Polonia of the Delaware Valley to the great Polish genius Mikolaj Kopernik in the Quincentennary of his birth.

Kopernik was a man of unusual intellectual ability. Any number of his major accomplishments would have enshrined his name in the history of the world's greatest men. He was renowned as a doctor of medicine and a doctor of canon law. He was a military genius who was commander in chief of the defense against the invasion of the Teutonic Knights. He was an economist who formulated a theory of currency which antedated Gresham's law on debased currency by 40 years. As a member of the chapter of Canons and administrator of church lands, he introduced a currency reform, normalized weights and measures and compiled a sliding scale of ceiling prices based on the varying local prices of grain. He was a mathematician whose calculations laid the foundations for the calendar reform of Pope Gregory, which corrected the imperfections of the Pope Julian calendar.

But all of his work and accomplishments were eclipsed by his contribution as an astronomer. His keen intellect, sustained by moral heroism his humble but determined pursuit of truth, constrained him to challenge the scientific tradition of centuries—a tradition supported by the church of which he was a loyal member. He challenged the geocentric system of the universe as formulated in the writings of Aristotle (378–323 B.C.) and Ptolemy (150 B.C.) both of whom concurred that the earth was the motionless center of the universe.

Kopernik challenged the Aristotlean-Ptolemac theory by proposing the helicentric system, with the earth revolving both on its axis and around the sun. He proposed that the motionless sun and not the moving earth was the center of the planetary system. Cardinal Nicholaus Von Schonberg—a member of the Roman Curia—urged Kopernik to publish his discoveries. Bishop Tiedman Giese of Kulm insisted that the publication of these discoveries was a duty to science and to mankind. His work, published in the year of his death, 1543, under the title "De Revolutionibus Orbium Coelestium" was dedicated to Pope Paul III, and the preface included the letter from Cardinal Von Schronberg.

The Kopernican Heliocentric system is reflected in this commemorative monument by the 16 feet diameter circle, symbolizing the orbit of the earth, with the sun fixed in the center, and its rays extending to and beyond the earth's orbit. His Heliocentric system is the basis for the calculations which have projected our generation into the space age—into travels beyond the earth and the landing on the moon.

While the monument is a tribute to the greatest astronomer of all times, it is also a tribute to the Polish Heritage Society of Philadelphia and to its Kopernik Quincentennial Commemorative Committee. The Society was anxious to add another monument to the ones along the Benjamin Franklin Parkway which immortalize such illustrious men as Columbus, Commodore Barry, and the Memorial to Martyred Jews. The Commemorative Committee appealed for funds to the Polonia and its friends, and has achieved the distinction of erecting the First Quincentennial Monument of such proportions in the United States. Reversing the too frequent pattern of seeking benefits from the city, the Commemorative Committee requested only a fitting place where the monument might be erected.

Today, the Heritage Society and the Commemorative Committee proudly present the Kopernik Monument as a free gift to the City and to all the citizens of Philadelphia. For its efficient work and organization the Society and the Committee have merited the gratitude of the City and the citizens of Philadelphia.

The site of this monument, in the shade of the Cathedral of SS. Peter and Paul, is a particularly fitting one. There is a contemporary painting of Kopernik kneeling before a crucifix. Inscribed on the crucifix is the prayer: "I do not ask for the grace accorded to Paul, nor for the forgiveness Peter received. I only pray earnestly for the great grace which, on the tree of the cross, You granted to the thief. Nicolaus Copernicus of Warmia."

Kopernik was indeed a great scientist, but even greater than his science was his faith, for his science brought him closer to God and to the awareness of God's creation. In his book on the revolutions of the heavenly bodies, he wrote: "How could anyone observe the mighty order with which our God governs the universe without feeling himself inclined to the practice of all virtues, and to beholding the Creator Himself, the source of all goodness, in all things, and before all things."

He elaborated on this thought in the words: "Since it is the task of all noble sciences to draw man away from evil and direct his mind toward greater perfection, this science in particular, besides the incomprehensible pleasure of mind it affords, can effect this more assuredly than others. For, who, trying to fathom these secrets and seeing how everything is arranged is the best of orders and directed by the Divine will, cannot help but be raised to the heights of Virtues through their diligent contemplation and constant, so to speak, intimacy with them? He will be constrained to marvel at and admire the Creator of the universe in whom is found all happiness, all good. Hence, not without reason, did the psalmist proclaim that in rejoicing in God's creation he rejoiced in the Creator's handiwork. For, through the medium of these things, we are transported, as it were, in some chariot to the contemplation of the greatest good."

Today we pray that this commemorative Quincentennial Monument of a great scientist will serve as a constant reminder that science and faith are not only compatible but complimentary and that science should bring all mankind—as it brought Mikolaj Kopernik—closer to God, and to a profound appreciation of the awesomeness of God's creation. We pray that this monument to the founder of modern astronomy and the father of the space age, and the cathedral in the shadow of which it stands, both serve as reminders of Kopernik as the man of great faith in God.

SOLAR ENERGY AVAILABILITY PLACED IN LONG TERM PERSPECTIVE

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. HOSMER. Mr. Speaker, two of our colleagues have managed to place in realistic perspective the lengthy time scale before which any heavy reliance can be placed on solar energy as a major supplier of U.S. energy requirements. The views of Representative James W. Symington and Representative Mike McCormack are set forth in the following letter to the editor carried August 6 by the Washington Post newspaper:

Solar Energy: A Realistic Outlook

The Post's July 18 editorial, in which it was recommended that Congress and the administration support a dramatically expanded program for solar energy research and development, presents an encouraging message and a worthy challenge to the people of this country.

While we applaud The Post's recognition of the potential of solar energy, and support such an accelerated program, we nevertheless sense an undercurrent in the context of the editorial which we believe to be dangerously misleading, and on which we would like to comment.

Our two subcommittees have recently held hearings on solar energy research, development and application, including two days of joint hearings. The witnesses that testified included administrators and scientists from NASA and the National Science Foundation, along with a representative group of outstanding scientists and engineers conducting solar energy research and development in our nation's universities and industries. Testimony presented at these hearings leads us to confirm several key facts from your editorial and from the report by Claire Sterling in the July 16 edition of The Post.

Ten years from now, as you reported, one out of every 10 new homes built in this country can be partially heated and cooled using solar energy. In addition, water can be heated for domestic use. It should be observed, however, that there will be architectural constraints on these homes, and that they will be more expensive to build than conventional homes. It is also highly unlikely that solar energy alone will be sufficient for heating and cooling; in almost all cases, a backup source of energy, such as electricity, gas or oil, and a mechanism for utilizing the backup system, will be required. Although much research and development is in order to improve the efficiency of such systems, the fact is that the technology required exists today. Several solar-heated system homes are in use in the vicinity of the District of Columbia. What is needed is industrial involvement, such as Ms. Sterling describes as developing at this time. Market analyses must be made and a massive education campaign undertaken to make manufacturers, builders, and consumers aware of this new technology. Large scale demonstration projects should be constructed with support from government. The mortgage lenders and their regulators in government must take a broader view of housing costs, adopting total life cost accounting techniques that recognize the advantages of high capital cost improvements like solar heating. Also, in order to launch such a new industry successfully, a variety of temporary government incentives, such as tax deductions, may be needed.

To generate electricity from solar energy will require central power stations with solar collectors located in the desert. These will cover several square miles each, and are estimated by even their most enthusiastic proponents to cost from four to six times as much as modern fossil or nuclear plants generating the same amount of electricity. In addition, the most optimistic estimate by proponents of solar electricity suggest the possibility of the first demonstration solar power plant in the mid-1980s. It would, of course, be located in the desert Southwest, far from population centers where the electricity is required. Thus the cost of long-distance transmission becomes an additional significant expense and evironmental problem.

Putting huge satellites into orbit to convert solar energy into microwaves and beam them down to earth for conversion to electricity is an attractive concept, but it will almost certainly not be feasible before the end of this century. Satellite solar energy will require as an absolute, inescapable minimum, many hundreds of flights by second generation space shuttles, and the development and use of nuclear-powered space "tugs" to move the massive amount of material required for the many square miles of solar panels from the low orbit that the shuttle will reach to the higher synchronous orbit where the solar satellites must operate. Neither should we underestimate the magnitude of the challenge in developing a replacement for solar cells such as those used on our present satellites. These are custom-made, one at a time, and are about the size of a human fingernail. The solar panels of a solar energy satellite will be 15 to 25 square miles in area, and we must develop technology that will allow us to mass-produce them at about 1 per cent of the present cost.

This less enthusiastic perspective of solar energy is not intended as an argument against a maximum-effort program for solar energy development. Rather, it is intended to present a realistic picture of what can be done, even with an accelerated program, and how long it will take.

During the hearings by our subcommittees, we were repeatedly cautioned by expert witnesses against over-enthusiasm. Nevertheless, members of both subcommittees expressed the urgent need for an accelerated program with appropriately funded and aggressive, mission-oriented programs in solar energy research and development. We have encouraged the directors of NSF and NASA to use funds provided for this fiscal year and beyond. We are confident that an expanded, mission-oriented program will be developed as we have requested.

However, we must join in warning the editors of The Post and the public against expecting that solar energy will provide any significant relief from the energy crisis during the immediate future, even with an expanded program of research and development. We cannot emphasize strongly enough that this nation must depend primarily upon the combustion of coal, gas and oil, and on nuclear fission, for energy for the balance of this century. No amount of enthusiasm for solar energy, and no expansion of solar research and development, should keep us from pursuing and expanding the more immediate and urgent research and development programs in coal gasification and liquefaction and in research and development associated with conventional nuclear reactors and nuclear breeders.

To summarize, we are enthusiastically supporting research and development programs in all areas of solar energy. However, we consider it our duty to emphasize that enthusiasm for solar energy should not inhibit in any way the more immediate and urgent programs in fossil fuel and nuclear research and development, upon which this country must inevitably depend for virtually all of its energy for the balance of this century.

James W. Symington,
U.S. Representative (D-Mo.), Chairman, House Subcommittee on Science and Applications.
Mike McCormack,
U.S. Representative (D-Wash.), Chairman, House Subcommittee on Energy.
Washington.

HOUSING SUBSIDIES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. RANGEL. Mr. Speaker, there is a seemingly never ending need for quality low- and middle-income housing in the urban centers of our Nation. The problem seems to be magnified several times over in the city of New York. The Mitchell-Lama housing developments have begun to solve the housing crisis by providing quality middle-income developments in New York City. But as the law stands now those individuals whose annual income falls between $12,000 and $22,000 are unable to live in government subsidized housing because they earn too much to be eligible for lower rents and they earn too little to pay the regular rent. Mitchell-Lama has experienced a great deal of success in minimizing the housing crisis and the exodus of the tax base from New York City. In this respect, I submit the following article by Allan Luks, Secretary Treasurer of the New York City Rand Institute:

Mid-Income Subsidies May Pay for Themselves

(By Allan Luks)

The cities have not confronted their fears about the middle-class housing crisis and its damaging effect on their fight to survive because no one has done hard research into the basic questions:

How much money is actually needed to subsidize rentals in new projects to the point where middle-income tenants can afford them?

What is a city's yearly financial loss from the middle-class taxpayers' stampede to the suburbs?

How many fleeing families would remain in the city if they could find housing they could afford?

The problem is that approximately 620,000 families—almost 30 percent of the families in the city—are being kept out of new housing because they earn between $12,000 and $22,000 a year. The maximum allowable income for a family of four in city public housing is $8,500; in federally subsidized units the maximum is $11,000.

Buildings now going up under the city's middle-income law—Mitchell-Lama projects—or its special 10-year tax exemption program demand monthly rents of $90 a room, or $450 for a two-bedrom apartment. Such rents require a minimum yearly income of $22,000 if housing expenses are to be held to 25 per cent of income, the generally accepted rule of thumb. New luxury housing, of course, is in a category by itself, demanding monthly rents of $150 a room, which require a $36,000 annual income.

The obvious approach is to subsidize the mortgage interest, which accounts for 40 per cent of the rental payments. Only Federal intervention can limit such other factors as labor, material and land costs.

If the mortgage interest rate drops 1 per cent, the monthly room rent falls about $8, lowering the rent for a two-bedroom apartment from around $450 to $410. A 2 per cent subsidy would reduce the rent for that two-bedroom unit to $370 a month, making it available to families whose yearly incomes were less than $18,000. A 3 per cent interest subsidy would drop that two-bedroom rental to about $330 a month, which would mean that families with incomes of less than $16,000—more than 50 per cent of the middle-class group that is now excluded from New York's housing market—could move in.

These figures are based on Mitchell-Lama building costs with 50-year city mortgages at 7 per cent interest.

The interest rate is pegged to the interest the city pays on its long-term borrowing. The law allows both New York City and New York State to subsidize a building's mortgage interest below the rate they pay on their long-term bonds—thus incurring a loss—but neither has ever exercised this right.

For each percentage of interest subsidized, the annual cost is about $450 a tenant. But no one can determine to what extent this subsidy is feasible because there is no statistical research comparing this cost with the city's loss from the flight of the middle class.

That exodus reached a staggering 14 per cent between 1960 and 1970, with a million whites fleeing New York City. For each departing $15,000 family, New York City lost about $250 in personal income taxes and $130 in sales tax. For the $20,000 family, the figures are $370 and $160 respectively.

Those figures are fairly easy to determine, but there are others that are, while they may be somewhat less obvious, no less important.

For example, to what extent has the flight of the middle class caused neighborhood deterioration and landlord abandonment? These phenomena have meant a steadily rising rate of uncollected real estate taxes—a total of $260-million for the five years ended in June, 1972.

Neighborhood-oriented retail stores have joined the flight to the suburbs or closed their doors. What part of New York City's losses in business taxes and available jobs—73,300 wholesale and retail jobs disappeared in 1972—as a result of the middle class's departure?

How many of the 50 or more major corporations that have left New York City since 1968 were prompted to do so because of their inability to attract middle managers to the city? How much weight did these middle managers give to housing costs in their decision not to move here? After all, New York City's housing prices are 26 per cent higher than the nation's urban average at this income level.

What about the cost of public services—fire-fighting, sanitation and education—which rise as neighborhoods deteriorate?

And there is revenue lost when middle-income housing projects are not built. These apartment buildings increase assessed valuation in their areas an average of 5 per cent, according to a study done by The New York City-Rand Institute. And new Mitchell-Lama projects—even with 90 per cent, 30-year tax exemptions—pay the city roughly $500 a family in additional real estate taxes each year.

A conservative guess—no one knows how accurate—is that New York City loses $700 to $900 annually for each departing middle-class family that earns $15,000 to $20,000 a year.

This amount balances off the cost for the 2 per cent mortgage interest subsidy that would drop the minimum Mitchell-Lama income to $18,000.

And just what effect does the lack of affordable middle-income housing have on the middle-class flight to the suburbs?

One study under way in New York, involving 160 families in the $12,000 to $20,000 income range, is attempting to determine how many of them would remain in the city if rentals were subsidized down to a given level.

It is a small study and a difficult one, but it is a paramount need, for as the National League of Cities said: "The one best thing our cities could do to help themselves would be to shift enough of their priorities so business and taxpayers would want to move in instead of moving out."

1969 MESSAGE OF PRESIDENT NIXON LISTS REASONS FOR LOCAL SELF-GOVERNMENT IN THE DISTRICT OF COLUMBIA

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. FRASER. Mr. Speaker, our President, Richard M. Nixon, in his 1969 message to the Congress made the following arguments in favor of self government for the District of Columbia. Those arguments are as valid in 1973 as they were in 1969.

To the Congress of the United States:

* * * * *

Good government, in the case of a city, must be local government. The Federal Government has a special responsibility for the District of Columbia. But it also bears toward the District the same responsibility it bears toward all other cities: to help local government work better, and to attempt to supplement local resources for programs that city officials judge most urgent.

* * * * *

The Federal Government bears a major responsibility for the welfare of our Capital's citizens in general. It owns much of the District's land and employs many of its citizens. It depends on the services of local government. The condition of our Capital city is a sign of the condition of our nation—and is certainly taken as such by visitors, from all the States of the Union, and from around the globe.

However, this Federal responsibility does not require Federal rule. Besides the official Washington of monuments and offices, there is the Washington of 850,000 citizens with all the hopes and expectations of the people of any major city, striving and sacrificing for a better life—the eighth largest among the cities of our country.

SELF-GOVERNMENT

Full citizenship through local self-government must be given to the people of this city: The District Government cannot be truly responsible until it is made responsible to those who live under its rule. The District's citizens should not be expected to pay taxes for a government which they have no part in choosing—or to bear the full burdens of citizenship without the full rights of citizenship.

* * * * *

To establish a new government in so diverse and active a city as the District is certainly no easy task. There are dangers in setting up new governments, as well as opportunities. Congress has been rightly concerned that the plan for self-government must insure responsible elections, effective executive leadership, protection of individual liberty and safeguards for District of Columbia employees. Self-government must be extended in a timely and orderly manner.

* * * * *

But there is no cause for delay: Self-government has remained an unfulfilled promise for far too long. It has been energetically supported by the past four Presidents—Harry S. Truman, Dwight D. Eisenhower, John F. Kennedy, and Lyndon B. Johnson. The Senate approved measures to provide it during the 81st, 82nd, 84th, and 86th Congresses. We owe the present lack of local elections to the Reconstruction period, when Congress rescued the District from bankruptcy but suspended the voting franchise. Congress established the Commission form of government in 1874 as a temporary "receivership," but the Commissioners' government persisted for over 90 years—and today, even after reorganization in 1967, the District remains under Federal control.

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A GREAT ENTERPRISE

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I ask the Congress, and the American people, to join in this great enterprise, knowing that if we govern with wisdom in this Capital City, it will be a proud symbol of the quality of American life and the reach of America's aspirations.

RICHARD NIXON.

THE WHITE HOUSE, *April 28, 1969.*

TIGHT BUDGET GOALS SET FOR DISTRICT OF COLUMBIA

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. DIGGS. Mr. Speaker, on Tuesday, Mayor Walter Washington issued a memorandum to District of Columbia government department heads to reduce their spending by up to 5 percent for the fiscal year beginning next July 1. The purpose of the Mayor's action is to eliminate a possible $80 million revenue gap in the city's budget next year.

At a time when there is rising concern over the costs of Government programs, Mayor Washington's responsible approach to preparing the District of Columbia's budget for next year should be welcomed by most taxpayers.

FEDERAL PAYMENT IS 20 PERCENT OF BUDGET

This year, the city's operating budget is $826 million. Twenty percent of this budget comes from the congressionally approved Federal payment to the District, and thus, Members of this House share a particular concern for sound budgeting in the District.

The Mayor's financial staff estimate that to operate the same programs as the city has now, plus staff new facilities scheduled to open next year would cost $935 million. A significant part of this increase is due to inflation. At the same time, existing revenue sources are expected to produce only $855 million.

The Mayor's memorandum is the first step in the city's budget planning process which will culminate in the presentation of the District's budget to the congressional Appropriations Committees next spring. This first step does not cut off funding options, however, Agencies will be given the opportunity to show what they would do with less or more money than the planning amount assigned. Thus, there will be a full range of choices available to city officials in making final decisions on the budget.

STRONGER BUDGETING PROCEDURE UNDER SELF-DETERMINATION BILL

I would also point out that the budgeting provisions in H.R. 9682, the District of Columbia Self-Government and Governmental Reorganization Act, draw upon the current budget planning process and strengthen it through a series of requirements that better fiscal information be provided to both the Congress and the City Council.

In addition, the requirement is continued in this legislation, which shortly will be considered on the floor of the House, that the Mayor prepare, and the City Council approve, a balanced city budget. I trust that both the Mayor's actions on Tuesday and the provisions of H.R. 9682 will insure that the District of Columbia's budget is developed and implemented on a sound financial basis.

ERNIE FANN IS ON HIS WAY

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. STOKES. Mr. Speaker, Ernie Fann is a man of more talents than anyone can count. He is a former Golden Gloves champion, a songwriter, and an artist. But most significantly, he is an outstanding playwright.

Last month, Erne's "Hymie Finkelstein's Used Lumber Company" opened at the Karamu Theater in Cleveland, Ohio. It is a play about Cleveland's inner city and the people who live there. But the play goes beyond these narrow confines to embrace, through music and biting dialog, all black people. "Hymie Finkelstein's Used Lumber Company" received rave reviews—and deservedly so.

Mr. Speaker, Ernie Fann is a man to watch. He is on his way and I have no doubt in my mind that Broadway will soon be calling for his talents. The people of Cleveland, having watched Ernie's development of his craft—through "Blue, Green, Yellow, Orange, Red & Brown"; "The Numbers Table"; "From the Bottom Down"; "The Untimely Death of Everett Constant"; and now "Hymie Finkelstein's Used Lumber Company"—are proud of his skill and convinced of his greatness.

Ernie Fann is a modest and gentle man. He is also brilliant. I urge my colleagues to join with me today in wishing him the best that life has to offer.

Included below is a press release, prepared by the Karamu Theater, which discusses this exceptional new play and its author:

THE HYMIE FINKELSTEIN USED LUMBER COMPANY

JUNE 27, 1973.

CLEVELAND.—The final show of the 1972–73 Karamu season opens Friday, July 6, in the air-conditioned Arena Theatre. The attraction is the world premiere of a musical comedy, The Hymie Finkelstein Used Lumber Company, by Cleveland author Ernie Fann.

The play, directed by Christine Buster, is a contemporary comedy with music, and is based on aspects of inner-city life. Mr. Fann has composed the music in addition to writing the script.

The Hymie Finkelstein Used Lumber Company tells the story of a group of Cleveland inner-city citizens determined to take over one of the white-owned businesses in the ghetto. In meeting to make their plans, they reveal their dreams, hopes, and lifestyles, and the author puts his lovingly satirical observations of them into hilarious comic perspective.

The music is a rich mix of rock and jazz, ballads and blues, and has been arranged by Karamu guitar instructor Peyton Deane. The director is Christine Buster, distinguished Karamu alumnus, who has served Karamu as singer, dancer, actress, and choreographer, and who staged the recent East Cleveland Community Theatre production of Lost In the Stars.

Playwright Fann is the former director of Cleveland's Humanist Theatre, which produced several of his works, among them The Numbers Table; Blue, Green, Yellow, Orange, Red, Brown; and The Untimely Death of Everett Constant.

The small ensemble of raffish characters in The Hymie Finkelstein Used Lumber Company include Akki Onyango as Hound Dog, Melvin Thornton as Jacque, Don Wakefield as Roscoe, Bobby Anderson as Allah, Harvey Williams as Black Belt, Joe Lewis as Red Man, Patricia Stallworth as Puddin', LaTrelle Hinton as Mrs. Clay, and Christopher Hawkins as Roger.

The musical combo accompanying the production consists of Earl Hickman on bass, Barton Paige on drums, and Peyton Deane on electric guitar.

Set and light design are by John Lechner, Karamu Associate Technical Director/Designer, and costumes are by Karamu Costumer Clarissa Morse.

Of his play, author Fann says: "It's a happy-go-lucky musical comedy, but . . . there's a very serious underlying note—namely, that it's time to 'get our thing together.' I hope the audience will enjoy the humor at the same time that it's digging the content."

Opening night of The Hymie Finkelstein Used Lumber Company will also mark the opening of a showing of the multi-talented author's art works in the arena lobby. Ernie Fann's works include oils and water colors in a wide range of subject matter and styles, from abstracts to realistic paintings. The works will be available for sale.

"The Hymie Finkelstein Used Lumber Company and the production team connected with it are examples of the rich talent available in Cleveland's Black Community," said Kenneth E. Snipes, Executive Director of Karamu House. "We are more than pleased to present it to the greater Cleveland theatre-going public, and in this way continue the opportunity for Black artists to give insight and dimension to the varied experiences of their community through a medium that is entertaining and more."

Post-theatre rap discussions of The Hymie Finkelstein Used Lumber Company, with the cast, director, and author, can be arranged upon request through the box office. Call the Karamu Box Office, 795–7070, for information about this, group and student rates, theatre party arrangements, and pre-theatre tours.

Karamu Theatre is located at 2355 E. 89th Street, two blocks south of the Cleveland Clinic. The Hymie Finkelstein Used Lumber Company will run through July 29, a limited run of only four weeks, with performances Thursday through Sunday evenings.

INCREASED FEDERAL FUNDING FOR OUR MUSEUMS

HON. CHARLES B. RANGEL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1973

Mr. RANGEL. Mr. Speaker, museums are a very integral part of American life. They provide us with a visible history of our past and depictions of our future.

In this way, museums serve as tools of education as well as places of enjoyment. Large urban areas have become the home of a significant number of Americans. The museums in these areas must be maintained and continuously upgraded if they are to serve the needs of the increasing number of urban dwellers. The Federal Government can and should provide a large percentage of the funds for these museums. In this respect, I submit the following article from the Washington Post of July 21, 1973:

MUSEUMS: A NEW PURPOSE AND NEW NEEDS

Museum leaders from all across the country came to Washington last week to tell Congress of their needs. The museum directors and curators told a special Senate subcommittee on the arts and humanities, chaired by Sen. Claiborne Pell (D-R.I.), that the function of museums—including art collections, history and science museums, aquariums, zoological parks, historic houses and sites, children's museums, planetariums and various science centers—has changed substantially in recent years. Museums are no longer merely a cultural diversion for the well-educated. They have become a vital part of public education. Of the roughly 700 million museum visits a year, said Kyran M. McGrath, the director of the American Association of Museums, more than half (57.3 per cent) are made by students—from elementary school to college. Many high schools and colleges are now offering credits for studies and work performed in museums. Many students, in addition, are required to use museum services and libraries and there is talk in educational circles of including museums in new educational programs.

The museums, however, are ill prepared to meet these increasing demands. They desperately need more funds to protect and conserve their often deteriorating treasures, valued at several billion dollars. They need funds for repairs and renovation of buildings that are often as much as 100 years old. They need funds for additions and new facilities, for their libraries and services. They need more staff and must pay better salaries. The average curator in a museum with an annual operating budget of $500,000 to $1 million now receives a salary of $15,000 a year.

The federal government last year provided only $9 million to help the roughly 250 museums across the country which are not federal institutions like the Smithsonian and the museums of the National Park Service. This figure includes monies received from the National Endowments for the Arts and Humanities, the Smithsonian and the National Science Foundation. But these funds cannot be used for the essential business of operating museums. For that, and most of their other expenses, museums are dependent on private donations (70 per cent), local government (24.7 per cent) and municipal bond issues (5 per cent). They need more federal support.

The museum leaders therefore support a bill (S. 796) introduced by Senator Pell. In recognition of the new educational purposes of museums, this bill would authorize $25 million a year for the first year and $30 million a year in two subsequent years to assist museums in modernizing their methods and facilities. The "museum services act" would be administered by an Institute for the Improvement of Museum Services to be established within the Department of Health, Education and Welfare. Such legislation, says Senator Pell, would not only help the museums and thereby schools and colleges. It would also boost the nation's cultural growth. We wish the bill success on its way through Congress.

HOUSE OF REPRESENTATIVES—*Monday, September 10, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

O give thanks unto the Lord, for He is good; for His mercy endureth forever.—Psalms 106: 1.

Eternal Father of our spirits, as we stand upon the threshold of another day, we greet the rising sun with hearts filled with gratitude and with faith in Thy loving providence. In the midst of the daily discipline of demanding duties we would keep the avenues of our lives open to the source of all life and light.

Draw us into a closer harmony with Thee that we may hear the whispers of truth, feel the appeal of beauty, and respond to the call of love. Above all, make us like Thee that with courage and confidence our lives may shine in the darkness with the transforming light of a responsive and a responsible citizenship in our beloved America.

In Thy holy name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Marks, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4771. An act to authorize the District of Columbia Council to regulate and stabilize rents in the District of Columbia.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8825) entitled "An act making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, and corporations for the fiscal year ending June 30, 1974, and for other purposes."

The message also announced that the Senate agreed to the House amendment to Senate amendment No. 3 and that the Senate further insisted on its amendments Nos. 44 and 45, requested a further conference with the House and appointed Mr. PROXMIRE, Mr. MCCLELLAN, Mr. PASTORE, Mr. BAYH, Mr. CHILES, Mr. MOSS, Mr. MATHIAS, Mr. YOUNG, Mr. CASE, and Mr. FONG as conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6912) entitled "An act to amend the Par Value Modification Act, and for other purposes."

The message also announced that the Senate agreed to the House amendment to Senate amendment No. 1 to the House amendment, and receded from its amendment No. 2 to the House amendment to S. 1385, authorizing funds for continuance of civil government for the Trust Territory of the Pacific Islands.

The message also announced that Mr. STEVENS and Mr. GRAVEL were appointed as ex officio conferees on S. 1081, to establish a Federal policy granting rights-of-way across Federal lands.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1841. An act to amend the Communications Act of 1934 for 1 year with respect to certain agreements relating to the broadcasting of home games of certain professional athletic teams; and

S. 1914. An act to provide for the establishment of the Board for International Broadcasting, to authorize the continuation of assistance to Radio Free Europe and Radio Liberty, and for other purposes.

TAX REFORM

(Mr. CONABLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONABLE. Mr. Speaker, I note from a press statement, and this is the only way we find out about such decisions at this point, that the chairman of the Ways and Means Committee feels the committee will not work this fall on a tax reform bill, although some time will be spent on related pension reform. Perhaps his decision is based on the obviously unrealistic assessment of our autumn adjournment date by some majority party spokesmen and, therefore, is subject to change as time wears on and it becomes apparent that Congress will be in session for many weeks to come. Speaking as one rank-and-file member of the Ways and Means Committee, however, I feel that tax reform should have a high priority and that, regardless of our capacity to take completed action, we should address this subject, if possible, in a nonelection year atmosphere. I am confident that we will have a tax reform bill, at public insistence, sooner or later, and the longer we let the pressure for it build, the less likely we are to deal with this issue carefully and thoroughly. Unless the committee addresses this issue in the near future, I fear that efforts will be made to attach so-called tax reform measures to unrelated bills, an unsatisfactory and sometimes even dangerous practice.

TAX REFORM—NOW

(Mr. REUSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REUSS. Mr. Speaker, I want to second heartily the sentiments just expressed by our colleague from New York (Mr. CONABLE). I believe that loophole-plugging tax reform is a vital necessity for the economy this year. I hope that somehow or other the tax writing committee, the Committee on Ways and Means, can so compose and arrange itself that it will be able to present such a bill to us on the floor shortly.

I believe it is necessary not only from the obvious standpoint of equity that we repair the loopholes, preferences, and inequities in our tax system, but it is also necessary from the standpoint of combating inflation, and from the standpoint of coming to grips with the unconscionably high interest rates which are now dogging this country.

I have come just now from a hearing of the Committee on Banking and Currency, at which representatives of the housing and financial industries all called for tax reform now.

I hope the gentleman's words will be heeded.

TRIBUTE TO THE LATE HONORABLE J. VAUGHAN GARY

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, I am sure that any Member of this body who had the honor of serving here 10 years ago, was deeply saddened late last week to learn of the death of former Representative J. Vaughan Gary of Virginia.

For 20 years, from 1945 to 1965, Mr. Gary represented the people of Virginia's Third District in this body. And while he did an outstanding job for his constituents, his concerns and his efforts were truly national in scope.

As a member of the Appropriations

Committee, Mr. Gary brought to that committee a strong concern for fiscal economy. But, at the same time, this enlightened public servant recognized the great necessity in the late 1940's for this Nation to lend a helping hand to the war-ravaged nations across the seas.

Vaughan Gary rose to become chairman of the Treasury-Post Office Appropriations Subcommittee and for 6 years I had the great honor of serving with him on that body. A talented and dedicated worker, he provided leadership that earned him the deep admiration of every member of that subcommittee.

His two decades of service in the House were studded with achievements. One of these, with which I am most familiar, was his concern for the U.S. Coast Guard. At that time, the Coast Guard budget was under the jurisdiction of the Treasury-Post Office Subcommittee. Vaughan Gary had a deep appreciation of this great service. I accompanied him on numerous inspection trips to Coast Guard installations and he knew where every penny we appropriated went; he knew the Coast Guard's needs; and he worked endlessly to see that those needs were met.

Mr. Speaker, J. Vaughan Gary provided this House with an example of leadership which is hard to match. The Government and the country are diminished by his passing.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, I join in the remarks made by the gentleman from Massachusetts (Mr. CONTE). I served with Vaughan Gary on the Committee on Appropriations for many, many years. I served with him on one subcommittee for a number of years. The gentleman from Virginia was one of the most responsible, most able, and most dedicated Members I have known in the Congress, and I mourn his passing, as I am sure all of those who served with him do.

Mr. PASSMAN. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Louisiana.

Mr. PASSMAN. Mr. Speaker, I join in the remarks made by the gentleman from Massachusetts concerning the passing of my good friend, the late Honorable J. Vaughan Gary.

HEARINGS ON CONSUMER PROTECTION AGENCY BILLS

(Mr. BROOKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BROOKS. Mr. Speaker, Chairman HOLIFIELD of the Committee on Government Operations, who is unavoidably absent today, has asked me to advise the membership that hearings on bills to establish a Consumer Protection Agency will be held by the Subcommittee on Legislation and Military Operations on September 17, 18, 19, and 21, 1973. These hearings will commence each day at 9:30 a.m. in the committee main hearing room, 2154 Rayburn House Office Building.

If any Member desires to testify before the subcommittee or to submit a statement for the record, he should advise the subcommittee staff in room B373, Rayburn House Office Building, telephone extension 55147. Prospective witnesses are asked to notify the subcommittee staff no later than Wednesday, September 12.

Chairman HOLIFIELD also asked me to announce that hearings will be held on September 12, 1973, at 9:30 a.m. in room 2154, Rayburn House Office Building, concerning the Cabinet Committee on Opportunities for Spanish-Speaking People. This is a continuation of a previous hearing to consider whether the Cabinet committee's funding authorization should be extended.

MORRIE ALEXANDER, MASTER CARVER

(Mr. MEEDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MEEDS. Mr. Speaker, on August 21, one of the Nation's best known and most respected Indian wood carvers died. Morrie Alexander, 57, suffered a heart attack. He was a member of the Lummi Tribe, whose reservation is located near Bellingham, Wash. I knew Morrie personally and had the honor of possessing one of his works, a striking totem pole carved here in Washington, D.C., during the annual American Folklife Festival.

Until a few years ago, Morrie Alexander was one of two remaining Lummi carvers. Anxious that the Nation not lose the splendid carvings that are so important in our heritage, the Ford Foundation extended assistance. Soon apprentices were learning the skill of carving under Morrie and Albert Charles.

To Morrie the fashioning of wood was also a teaching tool. Stories came alive as he carved and explained Indian history and legend. Ironically, on the day he died he was scheduled to visit Seattle to help dedicate a totem he had just carved for a local school.

Morrie Alexander's carvings adorn the homes, buildings, and offices of both Indians and non-Indians, and his stories tell the rich heritage of the Lummi people. He will be missed by his friends, his tribe, and all of us. But his spirit endures his passing, for Morrie Alexander was one of that small number of human beings who leave far more than they take from life.

THE MILITARY ALL-VOLUNTEER CONCEPT

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, I know the Members will be glad to hear that I am planning a series of 1-minute speeches to discuss the military all-volunteer concept as it affects the Regulars and the Reserves.

I am concerned that the Army and Navy are having their problems reaching their strength goals.

On the other hand, I see the National Guard and Reserve having the opportunity without the crutch of the selective service of becoming our strongest combat arm under the total force concept.

I look forward to keeping my colleagues posted on this important defense subject.

STATE OF THE UNION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93–1)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee of the Whole House on the State of the Union and ordered to be printed:

To the Congress of the United States:

As the Congress reconvenes for the closing months of the 1973 legislative season, it returns to a critical challenge.

Our country faces many pressing problems which must be solved with dispatch.

Americans want and deserve decisive action to fight rising prices. And they want every possible step taken now—not a year from now or in the next session of the Congress.

Americans want and deserve decisive action this year to ensure that we will have enough heat for our homes, enough power for our factories, and enough fuel for our transportation.

They want and deserve decisive action this year to combat crime and drug abuse. The national rate of serious crime is now heading down for the first time in 17 years, and they want that downward spiral to continue.

There is also an immediate need to improve the quality of our schools, reform Federal programs for our cities and towns, provide better job training, revamp our housing programs, institute lasting reforms in campaign practices, and strengthen our position in world markets.

Of transcending importance is America's continuing commitment to building a lasting structure of world peace. Our people are now at peace for the first time in more than a decade, and they expect their leaders to do all that is necessary to maintain the peace, including those actions which preserve the Nation's strong defense posture.

At the same time, it is apparent as the fall legislative season begins that many Members of the Congress wish to play a larger role in governing the Nation. They want to increase the respect and authority which the American people feel for that great institution.

Personally, I welcome a congressional renaissance. Although I believe in a strong Presidency—and I will continue to oppose all efforts to strip the Presidency of the powers it must have to be effective—I also believe in a strong Congress.

In campaigning for the Presidency in 1968, I called for "national leadership that recognizes the need in this country for a balance of power. We must maintain," I said, "a balance of power between the legislative and the judicial and the executive branches of Government."

I still believe in that division of responsibility. There can be no monopoly of wisdom on either end of Pennsylvania Avenue—and there should be no monopoly of power.

The challenge is thus clear. The problems of the Nation are pressing, and our elected leaders must rise to the occasion. These next four months will be a time of great testing. If the Congress is to play its proper role in guiding the affairs of the Nation, now is the time for it to take swift and decisive action.

In sending this message to the Congress today, I want to refocus attention on more than 50 legislative measures which I proposed earlier this year. These proposals, along with my regular authorization requests, are now of the highest priority if we are to meet our responsibilities.

Frankly, the action taken by the Congress on my proposals so far this year has been far less than I had expected. Commendable progress has been made on some fronts, and I have signed into law several bills which were the result of constructive compromise between the Congress and the Administration. Among them have been a new approach to farm legislation, a Federal highway bill which will also spur the development of mass transit systems, an increase in social security benefits, airport development legislation, amendments to the Rural Electrification Act, the Economic Development Administration and the Law Enforcement Assistance Administration authorizations, an Older Americans bill, an emergency farm loan bill, a national cemeteries bill and a medical care bill for veterans.

Yet the work that lies ahead in the final quarter of the year is far heavier and even more critical than that which has been accomplished so far. Nearly all of the significant proposals that I have submitted to the Congress still await final action. In addition, with more than two months of the new fiscal year already behind us, the Congress has passed only three of thirteen regular appropriations bill, all of which ideally should have been passed before the fiscal year began. I regret that it has also been necessary for me to veto six bills this year. Four of those vetoes have been sustained, and the final disposition on two of them has not yet been determined. I am hopeful that in some of these areas where I have exercised the veto, such as minimum wage legislation, the Congress will pass new legislation this fall which will meet my objections. The Congressional agenda for the next four months is thus long and urgent.

I realize that it will not be possible for the Congress to act this year on all of the legislation which I have submitted. But some of these measures respond directly to the most immediate problems before the country. I will give special attention to them in this message, just as I trust the Congress to give special attention to them before the last gavel falls later this year.

In the spirit of responsible cooperation which must prevail between the Executive and the Congress if we are to make genuine progress this fall, I am fully prepared to work closely with Members of the Congress in hammering out modifications to these bills. Already this year I have met more often with the bipartisan leaders of the Congress than in any other year of my Presidency, and I hope to meet even more frequently with Members of the Congress during the coming weeks. In addition, Cabinet members and all other appropriate members of the Administration will be fully accessible and available. There are, of course, certain principles of vital national concern which cannot be compromised—the need for budgetary discipline for a strong national security posture, and for the preservation of the requisite powers of the executive branch. But within these limits I stand ready to find workable compromises wherever possible on solutions to our national problems.

The overriding question, however, is not the degree of compromise which is reached between the executive branch and the Congress, nor is it a matter of who receives the credit. The most important question concerns the results we achieve for the American people. We must work hard and we must work constructively over the next four months to meet the country's pressing needs. It is on that basis that we shall be judged.

THE FIRST GOAL: A BALANCED BUDGET

No issue is of greater concern to the American public than rising consumer prices. The battle against inflation must be our first priority for the remainder of this year.

The executive branch is already actively engaged in this fight:

—We have imposed a strong, new set of economic controls which should help to bring a reduction in the rate of inflation by the end of this year.

—We have taken a series of measures to expand food supplies, so that production will keep up with growing demands. The farm bill passed by the Congress and signed into law last month will make a significant contribution to this effort.

—Thirdly, the Federal Reserve System has been working to maintain reasonable controls on the flow of money within the economy, which is essential to reducing inflation.

We are moving in the right direction, but we must recognize that we can reach our goal only if we also apply the single most important weapon in our arsenal: control of the Federal budget. Every dollar we cut from the Federal deficit is another blow against higher prices. And nothing we could do at this time would be more effective in beating inflation than to wipe out the deficit altogether and to balance the Federal budget.

Eight months ago I submitted to the Congress a new budget calling for Federal outlays of $268.7 billion during fiscal year 1974. Since that time, the Congress has undertaken a serious and commendable effort to establish its own mechanism for controlling overall expenditure levels. If that effort succeeds, the Congress will have a much more reliable tool for holding spending to acceptable totals.

At the same time, the Administration has been working to increase the efficiency and thus cut the cost of the Government. We now expect to end the current fiscal year with no increase of civilian employees over last year's level and with 80,000 fewer employees than in 1972, despite the fact that the workload has increased. I have also acted to delay a pay increase for all Federal employees for a period of 60 days in order to hold the spending line. Clearly, the men and women in the Federal Government are doing their fair share in the inflation fight.

Yet the battle for essential budgetary discipline is still far from won. Although we are only two months into the new fiscal year, the Congress has already enacted programs which would exceed my total budget by some $2 billion and it is considering additional legislation which, if passed, would add another $4 billion of spending in excess of my budgetary requests. In addition, the Congress has failed to enact specific program reductions I have recommended which amount to nearly $1½ billion. Thus, if the Congress continues to follow its present course, the American taxpayers will soon receive a bill for more than $7 billion in increased spending.

These increases, if allowed to stand, would drive this year's budget over the $275 billion mark. That figure would represent a 12 percent increase over last year's budget level. A continuation of that trend would increase the annual budget burden to some one-half trillion dollars by 1980. Clearly we need to draw the line against this tendency. And the time to draw the line is 1973, when excessive spending packs an inflationary wallop that is particularly dangerous.

The Congress has indicated a strong desire not only to control the total level of governmental outlays but also to determine which programs should be curtailed to achieve those levels. I call upon the Congress to act while there is still time, while vital spending bills are still before it, and while it can still go back and reconsider actions taken earlier this year. A great deal of the recent budget busting has been done not through the conventional appropriations process, but through "backdoor" funding and mandatory spending programs approved by legislative committees—two approaches which need to be carefully reviewed. I am fully prepared to work closely with the Congress in determining the best ways to control expenditures and in discussing the particular programs that should be cut back.

In our joint efforts, however, I continue to be adamantly opposed to attempts at balancing the overall budget by slashing the defense budget. We are already at the razor's edge in defense spending. In constant dollars, our defense spending in this fiscal year will be $10 billion less than was spent in 1964, before the Vietnam war began. Our defense forces are at the lowest level since the days just before the Korean war, and a smaller part of our gross national product is being spent on defense than in any year since 1950. Further cuts would be dangerously irresponsible and I will veto any bill that includes cuts which would imperil our national security.

Some people have become so accustomed to Federal deficits that they think a balanced budget is impossible. But balancing the Federal budget is no pipedream; it is a realistic goal. The figures for fiscal year 1973 show that we held spending more than $3 billion below our target figure—and that the budget was actually in surplus during the last three months of the fiscal year.

This record was achieved in part because of the cooperation of the Congress in certain areas, and I am grateful for that cooperation. In other areas, however, congressional spending was excessive and I found it necessary to veto certain measures and reserve certain funds. I would have preferred not to have exercised those powers, but the public interest demanded that I take such actions. Should those actions prove necessary again in the months ahead, I will not hesitate to take them.

STRENGTHENING THE ECONOMY

The fight against inflation must move ahead on many fronts. Even as we strive to hold the line on Federal spending, we must also take a number of additional actions to strengthening the economy and curb rising prices.

TRADE REFORM ACT

One of the most important of all the bills now before the Congress is my proposed Trade Reform Act of 1973. It is important that final action on this measure be taken in the next four months.

This legislation represents the most significant reform of our approach to world trade in more than a decade. But it builds on a strong tradition, steadily maintained since the days of Franklin Roosevelt, of giving the executive branch the authority it needs to represent the Nation effectively in trade negotiations with other countries.

The weeks and months ahead are a particularly important time in international economic history. This month sees the formal opening of a new and highly important round of trade negotiations in Tokyo and the annual meeting of the International Monetary Fund and World Bank in Nairobi. The Nairobi meeting is highly important to international monetary reform negotiations. Decisions which grow out of both of these meetings will shape the world's economy for many years to come. The United States can be a much more effective participant in such discussions if the Congress provides the tools contained in my proposed trade reform legislation.

The United States continues to seek a more open trading world. We believe that artifiicial barriers against trade among nations are often barriers against prosperity within nations. But while the trading system should be more open, it should also be more fair. The trading game must be made equitable for all countries—giving our workers, farmers and businessmen the opportunity to sell to other countries goods which they produce most competitively and, as consumers, to buy goods which their counterparts in other countries produce most competitively. In bargaining for a more open and more equitable trading system, our negotiators must be equipped with authorities comparable to those of their counterparts from other nations.

My trade reform legislation would provide a number of such authorities and thus would strengthen our bargaining position. I emphasize again that the Congress should set up what ever mechanism it deems best for closer consultation and cooperation with the executive branch to ensure that its views are properly represented as trade negotiations go forward.

At the same time, I have also requested actions to ensure that the benefits of expanding international trade are fairly distributed among our own people and that no segment of our economy is asked to bear an unfair burden. My proposals would give us greater flexibility in providing appropriate relief from imports which cause severe domestic problems and would also liberalize our programs of adjustment assistance and other forms of compensation to help workers who are displaced because of rising imports. They would also equip us to deal more adequately with the unfair trading practices of other countries, and through expanded trade, to "sop up" some of the excess dollar credits now held abroad which can play havoc with domestic markets.

Other authorities contained in the bill would give us greater flexibility to use trade policy in fighting inflation, correcting our balance of payments, expanding our exports, and advancing our foreign policy goals. One provision of this bill, authorizing the President to extend Most Favored Nation treatment to those countries which lack that status, would be particularly helpful in carrying out our foreign policy and I continue to give it my strong support.

Altogether, the proposed Trade Reform Act of 1973 represents a critical building block as we seek to construct a durable structure of peace in the world and a vibrant and stable economy at home. In the difficult negotiations which lie ahead, this legislation would enable us to assure more jobs for American workers, better markets for American producers, wider opportunities for American investors and lower prices for American consumers.

EXPORT ADMINISTRATION ACT

The Export Administration Act amendment which my Administration proposed on June 13th is another weapon which could be helpful in the fight against rising prices. One of the most important causes of the recent inflationary surge has been the extraordinary boom abroad and the additional demand which it has generated for our products. On the whole, this boom should be seen as a healthy, long-range development for our economy as well as for other countries. But as I said last June, when we have pressing shortages in this country and when we must choose between meeting needs abroad or at home, then "we must put the American consumer first."

This is why I have asked for new and more flexible authority to establish certain controls on food and other exports when and where they are needed. I continue, however, to oppose permanent controls because they can upset and discourage our entire pattern of healthy trade relationships and thus complicate the fight against inflation. Our limited controls on soybeans were changed last Friday to permit full exports on new contracts. This action was taken because we are convinced that stocks and new crop supplies are more than adequate to meet our own needs.

Nevertheless, I still seek the authority I requested last June to be sure we will be able to respond rapidly, if necessary, to new circumstances. I also emphasize that new controls will be imposed only if they are absolutely needed.

TAX REFORM

This Administration continues its strong opposition to a tax increase. We want to fight inflation and balance the budget by placing restraints on spending and not by adding to our current tax burdens.

At the same time, I remain vitally interested in finding ways to make our present tax structure fairer and simpler. Tax reform has been under consideration for some time and there is a continuing need for revising and simplifying the tax laws. My Administration has made some specific suggestions to that end and has indicated a willingness to work with the tax writing committees of the Congress in a general review of the Internal Revenue Code. This important task should be undertaken now rather than during an election year when political pressures invariably make such reform more difficult.

I would call special attention to one tax reform measure extensively discussed during the 1972 campaign and now pending before the Congress. That is my recommendation for providing property tax relief for older Americans. Retired people with low incomes bear a crushing and unfair property tax burden in many States. Even though their incomes decline with retirement, the property tax in many cases goes on rising. As a result, the home which should be a symbol of financial independence for older people often becomes another cause of financial strain. I again urge prompt action on the Administration's proposal to provide a special tax credit to help older people with lower incomes pay their property taxes. Simple justice demands it.

STOCKPILE DISPOSAL ACT

Another important action which the Congress can take in the battle against rising prices is to provide the necessary authority for selling part of our national strategic stockpile—materials which are no longer needed for national security. I requested such authority last April with regard to $4 billion worth of goods in our stockpile. Such sales, by allowing us to increase supplies in the marketplace of major commodities, could help provide important relief for hard-pressed American consumers. Further, this bill could help to maintain and provide employment for workers whose jobs are dependent upon the availability of basic commodities such as aluminum, zinc and copper, all of which are in short supply.

Our country's strategic stockpile still reflects the economic and military realities of the 1950's—in fact, 95 percent of the current stockpile was acquired before 1959. In the 1970's, however, our military requirements have changed—and so has our economic capacity to meet them. My proposed new guidelines for the stockpile would carefully protect our national security in the light of these changing realities, while substantially enhancing our economic health.

I regret that this legislation has not moved forward more rapidly during the past few months. In the name of national efficiency, thrift, and price stability, I call again for its prompt and favorable consideration.

OTHER ECONOMIC LEGISLATION

As I indicated in my message to Congress on August 3, I will shortly be submitting my legislation on the restructuring of financial institutions. This is a complex matter which requires thorough but prompt study by the Congress.

I call, too, for speedy enactment of legislation which has now emerged from conference which would establish the Council on International Economic Policy on a permanent basis.

MEETING THE ENERGY CHALLENGE

I have previously stated, and wish to restate in the most emphatic terms, that the gap between America's projected short-term energy needs and our available domestic energy supplies is widening at a rate which demands our immediate attention.

I am taking all appropriate measures within my authority to deal with this problem, seeking to increase our supplies and moderate our demands. Looking to the future, I have announced plans for a large scale increase in our research and development effort, and I have asked my top energy advisor, Governor John Love, to meet with State officials to seek temporary modifications of air quality standards. Such modifications would help to minimize fuel shortages this winter. In addition, I will soon be meeting with members of the Atomic Energy Commission to determine whether we can bring nuclear power plants on line more quickly. But the energy problem requires more than Presidential action; it also requires action by the Congress.

It is absolutely essential that the Congress not wait for the stimulation of energy shortage to provide the legislation necessary to meet our needs. Already we have seen some regional inconveniences this summer with respect to gasoline and this winter we may experience a similar problem with regard to heating fuels.

Over the long term, the prospects for adequate energy for the United States are excellent. We have the resources and the technology to meet our growing needs. But to meet those long-term needs and to avoid severe problems over the short term, we must launch a concentrated effort which mobilizes the Government, American industry and the American people.

I have recently called for passage of seven major energy bills now before the Congress. Not all of those can be acted upon with equal speed, but four of these bills are of the highest urgency and must be acted upon before the end of this year. These four would provide for the construction of the Alaskan pipeline, construction of deepwater ports, deregulation of natural gas and establishment of new standards for surface mining. All four of these bills are addressed to both our short-term and long-term needs.

ALASKAN PIPELINE

Our first legislative goal—and one that should be achieved this month—is the enactment of an Alaskan pipeline bill. Construction of the pipeline would provide us with up to 2 million barrels of oil per day over which we would have full control and would simultaneously reduce by more than $3 billion per year our need for oil imports. I have proposed legislation to avoid any further delay in the construction of the Alaskan pipeline and I am gratified that both Houses of the Congress have already passed variations of this proposal. I urge the earliest possible attention to these bills by the House-Senate Conference Committee, so that pipeline construction can begin.

DEEPWATER PORTS

Until domestic resources are in full production and technological progress has reached a point where sufficient energy sources are within reach, we will have to rely upon imports of foreign oil. At the present time, however, continental port facilities are inadequate to handle our import requirements.

Because of our limited port capacity, the super-tankers presently used for petroleum transport cannot be off-loaded anywhere on our Atlantic coast. I have therefore proposed measures to authorize the construction and operation of deepwater port facilities in a manner consistent with our environmental priorities and consonant with the rights and responsibilities of the States involved.

We must not delay this important legislation. To do so would further delay the economical import of petroleum and would mean increased costs to the American consumer, unnecessary threats to our coastal environment, and further loss of revenues to Canadian and Caribbean ports which are already capable of off-loading large super-tankers.

NATURAL GAS

For several years Federal regulation of natural gas has helped to keep the price of that product artificially low. Large industrial consumers have welcomed this system of regulations—it has helped them to hold their fuel costs down, and since natural gas is the cleanest of our fossil fuels, it has also enabled them to meet environmental standards at an artificially low cost. This system of regulation, however, has also had the unfortunate result of discouraging producers from expanding supplies. As a result of high consumption by industrial uses coupled with the reluctance of producers to explore and develop new sources of natural gas, we now face a natural gas shortage.

I have therefore proposed that we begin a gradual move to free market prices for natural gas by allowing the price of new supplies of domestic natural gas to be determined by the competitive forces of the marketplace. This action should provide a secure source of natural gas at a price significantly lower than alternative sources. While there may be an increase in the price of natural gas over the short term that increase should be modest.

SURFACE MINING

Our most abundant domestic source of energy is coal. We must learn to use more of it, and we must learn to do so in a manner which does not damage the land we inhabit or the air we breathe.

Surface mining is both the most economical and the most environmentally destructive method of extracting coal. The damage caused by surface mining, however, can be repaired and the land restored. I believe it is the responsibility of the mining industry to undertake such restorative action and I believe it must be required of them.

I have proposed legislation to establish reclamation standards which would regulate all surface and underground mining in this country. These standards would be enforced by the States. I call again for enactment of this proposal, for it would enable us to increase the supply of a highly economic fuel while avoiding the severe environmental penalties which we have often paid in the past.

REORGANIZATION OF FEDERAL ENERGY EFFORT

The four energy bills discussed above can and should be passed by the Congress this year. There are three additional measures proposed by the Administration whose early passage is important but not so critical that they require action this year. I would hope that these measures would be near the top of the legislative agenda in the future.

One of these bills provides for reorganization of the Federal energy effort. While energy is one of our Nation's most pressing problems, and while the preservation and effective use of our natural resources is an imperative policy goal, it is presently impossible to administer these related objectives in a coordinated way. Our ability to manage our resources and provide for our needs should not be held hostage to old forms and institutions.

I have noted repeatedly the need for thorough reorganization of the executive branch of the Federal Government. I believe the need for reorganization is especially acute in the natural resource area. I have urged and I urge again the creation of a Department of Energy and Natural Resources to permit us to deal with these questions in a more comprehensive and more effective manner.

I also again ask the Congress to create a new, independent Energy Research and Development Administration so that we can make the very best use of our research and development funds in the future. Our research and development effort could produce the most helpful solutions to the energy problem. For that reason, I recently announced plans to initiate a $10 billion Federal effort in this field over the next five years. No legislative action is needed by the Congress this year to provide funding, but it will be necessary for the Congress to approve such funding in the years ahead.

Since regulation of atomic energy resources can be better and more fairly performed if it is disengaged from the question of their development and promotion, I have also included in this reorganization package a separate and independent Nuclear Energy Commission to perform these vital duties.

SITING OF POWER PLANTS

One of the major energy questions we face in 1973 is whether we can provide sufficient electric power to light our cities, cool and heat our homes, and power our industries in the decades ahead. One of the solutions to that problem lies in the increased use of nuclear energy. It is estimated that by the year 2000 nuclear power can provide nearly half of this country's electrical production.

We now have adequate safeguards to ensure that nuclear power plants are safe and environmentally acceptable, but the way in which we apply those safeguards sometimes causes unreasonable delays in construction. Similarly, protracted delays have been encountered in the siting of our plants that are powered by fossile fuels, which still must provide the majority of our electric generation capacity over the next three decades. Accordingly, I have proposed legislation which would streamline the process for determining the sites of power plants and transmission lines while continuing to provide full protection for public health and for the environment. This legislation has been under study for two years, and I am anxious to get it out of committees and onto the statute books.

SANTA BARBARA ENERGY RESERVE

It is important to the necessary expansion of our domestic energy resources that we make more effective use of the vast oil and gas reserves along our Outer Continental Shelf. That is why I have ordered the Department of the Interior to triple the leasing schedule in this area and have directed the Council on Environmental Quality to study the feasibility of extending Outer Continental Shelf leasing to the waters off our Atlantic Coast and the Gulf of Alaska. I am equally determined, however, that our efforts to expand energy production should not run rough-shod over our valid concern to protect and enhance the natural environment.

I have therefore proposed in the past, and have resubmitted to the Congress this year, legislation to cancel oil leases in the Santa Barbara Channel and to create in that area a National Energy Reserve. Under this legislation, oil from Naval Petroleum Reserve No. 1 in California would be substituted for the oil off Santa Barbara and part of the proceeds from that production would be used to meet the expenses of exploring other potentially vast oil and gas reserves in Naval Petroleum Reserve No. 4 in Alaska. I believe that this legislation would permit us to maintain momentum in exploration and development while at the same time removing the threat of oil spills as a result of the unique geological formations off the Southern California coast.

In view of the present scarcity of fuels, it is important that we act now to draw upon the oil available in the Naval Petroleum Reserve No. 1 (Elk Hills). During the next several days, at my direction, representatives of the Administration will seek the necessary consultations with members of the Congress in order to increase production of oil from Elk Hills. This increased production should help to meet the fuel needs of the West Coast this winter.

RESTORING AND RENEWING OUR ENVIRONMENT

In my message to the Congress on February 15th of this year, I was able to report that our Nation had moved away from an era of environmental neglect into a new era of restoration and renewal. The 92nd Congress helped in this process by enacting a number of important measures in 1971 and 1972.

Unfortunately, that Congress failed to act upon nineteen of my environmental proposals, and the Administration therefore resubmitted them last winter to the new Congress. While most of these measures still await action, I continue to hope that the Congress will turn its attention to them.

Some say we have been the victim of our own success—that we have passed important legislation in the environmental area and that many are now tempted to rest on these laurels. But such lassitude would be dangerous. There are many areas of environmental concern still to be addressed. Three particularly important matters are national land use policy, the regulation of toxic substances, and the assurance of safe drinking water.

NATIONAL LAND USE POLICY ACT

The management of our lands is an emerging need of the highest priority. I firmly believe that land use policy is, and must remain, a basic responsibility of State and local governments and that the Federal Government should not usurp their functions. Nevertheless, the Federal Government should exercise leadership concerning the land use decisionmaking process, since our land is part of our national heritage and since decisions about land use often have regional and national consequences. The proposals I have made are designed to strike a careful balance between the setting of general standards at the Federal level and specific enforcement at the State and local level.

We first transmitted the proposed National Land Use Policy Act to the Congress in 1971, but there has been no law enacted since then. I am pleased, however, that the Senate has passed legislation incorporating many of the policies I have proposed. This legislation properly delineates the respective roles of the Federal, State and local governments in land use regulation. The Senate bill is deficient, however, in that it imposes an excessive financial burden on the Federal Government. I am hopeful that a responsible compromise can be worked out in the weeks ahead.

TOXIC SUBSTANCES

Because the great quantities of new chemicals now being used by industry pose undefined hazards to human life and the environment, I also asked the Congress again last February for legislation that would set standards for determining whether such chemicals are hazardous.

Such legislation has now passed both Houses of the Congress and is in conference committee. Although the Congressional version differs somewhat from the proposals the Administration has submitted, this new legislation would take the essential step of providing the Environmental Protection Agency with significant new authorities in this area. I am confident that a reasonable solution will be ironed out in conference, and I urge the Congress to move forward as rapidly as possible.

SAFE DRINKING WATER ACT

Finally, we must take new steps to protect the purity of our drinking water. The Federal Government's role in this process, however, should not be that of direct regulation but rather that of stimulating State and local authorities to ensure that national standards are met. I have asked that the primary monitoring and enforcement responsibilities for such standards be left with the States and localities.

This legislation has passed the Senate and awaits action in the House. While I urge prompt approval of this important new authority for the Environmental Protection Agency, I caution the Congress not to impinge on State and local powers and not to shift the responsibility for financing this program to the Federal Government and away from the users, where it belongs.

HUMAN RESOURCE NEEDS

It is an old adage that people are our most precious resource, but our legislative progress so far this year scarcely reflects that belief. Only a handful of bills has been passed in this important field. There are many other human resource measures proposed by the Administration and now pending before the Congress which deserve prompt consideration.

EDUCATION

As the Congress resumes its work for the fall legislative session, some 50 million young Americans are returning to elementary and secondary school classrooms all across the country. There they will pursue the education which is so important in broadening their horizons for the future and keeping our country progressive and free. Making sure that real educational excellence is available to all of those children must rank high on any list of human resource priorities for our Nation.

Constructive cooperation between the Administration and the Congress has already produced notable gains on this front over the past several years. The dismantling of dual school systems in the South is now virtually complete and the task of remedying school discrimination elsewhere in the country is proceeding harmoniously with forced busing being kept to a minimum. The National Institute of Education, which was created at my request by the Congress in 1972, is becoming the center for educational reform and innovation we hoped it could be. Total Federal outlays for education will reach $13.8 billion under my 1974 budget proposals—an increase of $4.8 billion over the 1969 level.

Of crucial importance now, however, is whether those funds are being channeled in such a way as to purchase maximum educational benefit for the students they are intended to help. The experience of nearly a decade since the Federal Government shouldered a major school aid role under the Elementary and Secondary Education Act of 1965 indicates that these funds are not being used as effectively and equitably as they should be. Elementary and secondary education grant programs have proved so rigid, narrow, fragmented and encumbered with red tape that reform, consolidation, greater equity and simplification are now essential.

It was to meet this need that I first asked the Congress early in 1971 to shift most Federal education programs from a categorical grant basis to a special revenue sharing approach. The need is still unmet as another school year starts. The best remedy is contained in the principles of the education legislation which the Administration proposed in 1971 and again in March of this year. The principles are more important than the question of how the bill is titled or who gets the credit.

I realize that the Better Schools Act has encountered difficulties in the Congress. I believe, however, that an acceptable proposal can be developed, and I am ready to work closely with the Congress to see that this goal is accomplished.

It will take political courage for the House and Senate to reject proposals which would perpetuate the more than 30 categorical grant programs perennially popular with legislators. But these programs are so tangled that we must move toward streamlining them and toward transferring key decision-making power out of the Washington bureaucracy back to the State and local levels where it can be exercised more intelligently. But if the Congress will keep its attention focused on the question of what best serves our school children, I believe it will recognize the need for prompt action.

Another area of renewed interest this fall is busing. My position is well known. I am opposed to compulsory busing for the purpose of achieving racial balance in our schools. I continue to believe in the neighborhood school—in the right of children to attend schools near their homes with friends who live near them. I continue to believe that busing is an unsatisfactory remedy for the inequities and inequalities of educational opportunity that exist in our country, tragic as those discrepancies are. We have been working to end those discrepancies, and we will continue to do so. But we should also place effective and reasonable curbs on busing in a way which would aid rather than challenge the courts. Last year I proposed legislation designed to achieve this goal. I will continue to work with the Congress in an effort to enact legislation which will end involuntary busing for purposes of racial balance and concentrate our effort on true opportunity in education.

WELFARE REFORM

Another critical need in the human resource area is to overhaul our welfare system. Earlier this year I directed that vigorous steps be taken to strengthen the management of the welfare program through administrative measures and legislative proposals. I have further directed that the study of legislative proposals include a review not only of the basic welfare program but also its relationship to other programs designed to assist low-income families, such as food stamps, public housing and medicaid. That study is now going forward, and I will be reviewing its results in the weeks ahead.

MANPOWER TRAINING AND RELATED LEGISLATION

A second basic concern of public policy in the area of human resources involves the effort to guarantee to all our people the opportunity and satisfaction of working at a good job for a good wage. The Administration and the Congress have worked together effectively to foster the economic expansion which has now brought our total employment to record levels and has raised real wages significantly. In addition, we have taken important steps to improve the quality of the work environment. These steps have included passage of the landmark Occupational Safety and Health Act of 1970 and a major overhaul of the unemployment insurance system.

But much remains to be done, especially for those workers on the fringes of the labor force whose low skills or other disadvantages leave them "on the outside looking in." Massive Federal aid in the manpower training field, as in education, dates from the 1960's—and here, too, it has become clear from the perspective of the 1970's that reform must be the order of the day. A special revenue sharing approach permitting States and communities to tailor their own programs to local needs will get better results for the dollar than those achieved by inflexible categorical grant programs designed in Washington.

In the face of Congressional rejection of my proposals in this area in 1971 and 1972, I directed the Secretary of Labor last January to implement administratively the principles of manpower revenue sharing, in so far as possible under existing law. That effort is now going forward, but I am certainly prepared to work with the Congress to achieve this same goal through legislation.

Working men and women will also be looking to the Congress this fall for action on three other bills which the Administration is requesting in their interest:

—*The Job Security Assistance Act,* which would establish minimum benefit levels for State unemployment compensation programs and extend coverage to farm workers;

—*The Vocational Rehabilitation Act* amendments, which would extend and improve job training programs for the handicapped, taking the place of an earlier measure whose severe over-spending provisions and program distortions necessitated my veto in March; and

—A constructive measure that would *raise the minimum wage* in light of the cost of living increases since the last such adjustment in 1968. Such legislation is essential to replace an earlier minimum wage bill which I felt compelled to veto last week because it would have hurt low-income workers and would have added to inflationary pressures in the economy.

PENSION REFORM

For most Americans, there are now two principal ways of providing for retirement. The first is the social security system, which is the largest system of its kind in the world and one of the most effective. The second is the system of private pension plans. Those plans now cover some 30 million workers and pay benefits to another 6 million retired persons.

As private pension plans have developed, certain flaws have also become apparent. The Federal Government should now act to help correct them. I first asked the Congress to enact pension reform legislation in 1971 and, after 16 months of additional study and hearings, I submitted two new bills to the Congress in the spring of this year.

One of these bills, the Retirement Benefits Tax Act, would give each worker greater rights in his pension plan and require that more money be put into it so that he will be more fully protected if he leaves his job before retirement. Unlike some of the alternative bills, it would also maintain strong encouragement for other employers to set up pension plans—an important provision since about half of the total private labor force is not covered at the present time.

The second bill, the Employee Benefits Protection Act, would establish tighter fiduciary standards for the administration of the more than $160 billion now invested in private pension and welfare funds. The unscrupulous activity which has sometimes characterized the administration of these funds in the past convinces me that the Federal Government should play a watchdog role.

I am aware that several other pension proposals have support on Capitol Hill. A reasonable compromise seems in order, and my Administration is anxious to work with the Congress to achieve agreement in the months ahead.

HEALTH LEGISLATION

In the field of health care and medical protection, the Administration remains committed to a broad national health strategy which will eliminate financial barriers to needed medical help for every American family and will open to all our people the promise of longer, fuller lives with increasing freedom from disease. We have nearly doubled Federal outlays for health since I took office, and we have been mobilizing to conquer cancer and to fight other particularly cruel enemies such as heart disease, and drug abuse.

My number one priority in this field over the long term remains the building of a balanced health insurance partnership in which the public and private sectors join to bring the costs of quality care within every family's reach. However, the present crowded calendars of key Congressional committees make it seem more likely to me that the real push for this reform must come in 1974. We will move forward this fall with the work needed for the introduction of legislation at an early date.

An attainable goal for these final months of 1973 is passage of the Administration's proposed Health Maintenance Organization Assistance Act, which would provide Federal money to demonstrate the promising innovation of group medical centers where quality care can be maximized and costs minimized. The Senate has passed a bill to further the HMO concept. That bill, however, calls for a full-scale development effort rather than a limited demonstration program. A national development effort would require funding levels far beyond what is needed or what we can afford. The House is presently developing a bill which would be a fiscally responsible demonstration effort. If such a bill is passed by the full Congress, I will support it.

LEGAL SERVICES CORPORATION

The Administration will also work closely with the Congress in the weeks ahead to obtain final passage of our bill to establish a Legal Services Corporation which would provide the poor with quality legal representation, would be free from political pressures, and would include safeguards to ensure its operation in a responsible manner. Legal Services legislation has passed the House. Nothing should now stand in the way of prompt Senate action.

INDIAN LEGISLATION

The steadfast policy of this Administration is to advance the opportunities of American Indians for self-determination without bringing an end to the special Federal relationship with recognized Indian tribes. To that end, there are now six major pieces of legislation pending in the Congress which I proposed as long ago as July of 1970. This legislation would help to foster greater self-determination for the Indians, to expand their business opportunities, and to provide better protection of their natural resources. Many Indian leaders have indicated strong support for this legislation, and I would hope that the Congress will now act on it with the speed that it so clearly deserves.

PENSIONS FOR VETERANS

This Administration strongly believes that the Nation owes a special debt to its veterans, and we have tried to fulfill that obligation by supporting a number of improvements in veterans legislation. During the past four years, for instance, I have twice signed bills increasing the educational benefits for veterans and, during the current year, I have signed into law bills covering health care and cemetery benefits. All of those bills were the product of close cooperation between the Congress and the Administration.

The Congress is currently considering new pension legislation for veterans. With certain modifications, this bill would be a good first step toward the full reform which I believe to be necessary and which should be considered during the early days of the next session of the Congress.

CONSUMER AFFAIRS

Early in 1971, after the Congress had failed to act on my proposal to create an Office of Consumer Affairs, I established such an office by Executive order. The office is now a part of the Department of Health, Education and Welfare. In addition to playing an important role in forming Administration policy on consumer affairs and helping to educate the public on better ways to make consumer choices, the office seeks to represent consumer interests in testimony before the Congress and acts as a general ombudsman for the individual consumer.

I am convinced that we can do a good job for the consumer without excessive Federal intervention which could destroy the freedom of the American marketplace. However, I believe that more should be done in this field. To that end, I outlined this spring appropriate legislative specifications for establishing a separate Consumer Protection Agency and I am prepared to work further with the Congress on this issue.

VOLUNTEERISM

More than two years ago, in order to advance our tradition of voluntary action, I created a new Federal agency called ACTION. That agency is now responsible for directing federally funded domestic volunteer programs as well as the Peace Corps. ACTION has now proved to be an effective way of encouraging greater voluntary action here and abroad, and I am now anxious to place it on a more permanent footing. Accordingly, I ask that the Congress act this fall to provide legislative authority for this agency. Appropriate language for this legislation was agreed to prior to the August recess by a bipartisan group of sponsors in the House and Senate and by the Administration. I hope that this legislation will soon be sent to me for signature.

BUILDING BETTER COMMUNITIES

As we look back over the past decade, we can take pride in the fact that we have substantially slowed the processes of social upheaval in our cities. Yet by any yardstick, there is a great deal of work ahead if we are to make life in our communities as healthy and enriching as it should be.

It would be reassuring to believe that the expensive Federal Government programs of the past have made great inroads on our urban problems, but that is clearly not the case. Many of the programs designed for this purpose, such as urban renewal and the Model Cities experiment, have not done the job that was expected of them and often have had a counterproductive impact. Consequently, I have recommended they be scrapped. We have learned from experience that we cannot cure our social ills simply by throwing money at them or dictating prescriptions from Washington.

What we are seeking now is a set of new approaches and a set of new programs: we are seeking change that works. My Administration has proposed a series of initiatives which would guide us along a more productive path. I have been keenly disappointed that some Members of the Congress seem so interested in continuing programs that are proven failures that we are unable to gain a full hearing for new approaches that clearly deserve a chance.

So far, the only significant legislative breakthrough this year has been the enactment of a modified highway bill, permitting some of the money in the Highway Trust Fund to be used for vitally needed mass transit systems. This is a concept which I vigorously advocated and I signed it into law with a strong sense of pride and hope. Other Administration initiatives, however, still languish on Capitol Hill. To break the present stalemate, I am prepared to accept something less than the full legislative measures I have proposed. I would hope that in the same spirit some Members of the Congress would drop their insistence upon continuing the programs which have produced such limited social returns.

THE BETTER COMMUNITIES ACT

The Better Communities Act is the centerpiece of the legislative package which my Administration has sent to the Congress this year in the community development field. Embodied in this bill is a fundamentally different approach to the problems of community life. If it were passed, the Federal Government would continue to funnel money into our communities, but essential decisions on how that money was to be spent would no longer be made in Washington but at the local level. Five categorical grant programs and two loan programs which have proven to be inflexible and fragmented would be replaced and local governments would no longer be hamstrung by Washington's red tape.

I am aware that action on this bill has been delayed partly because some Members of the Congress wish to consider the Administration's housing proposals simultaneously. As I indicated in March, I ordered an intensive six-month study of Government housing policies to be conducted before I submitted such proposals. That study has just been completed and I plan to submit shortly a new set of housing policy recommendations to the Congress. When those recommendations arrive, I am hopeful that the Congress will move swiftly on both the Better Communities Act and the housing requests. Final action in 1973 may be an unrealistic goal, but I would certainly hope that we might have new laws on the books by early spring in 1974.

Finally, it is important that the Congress pass the simple one-year extension of the FHA mortgage insurance programs which will expire October 1. Last week the House of Representatives took constructive action by refusing to act on an extension bill which contained several undesirable "Christmas tree" amendments. The Congress should now act swiftly and responsibly in order to prevent a repeat of the month-long gap in FHA insurance activity which occurred early this summer.

RAILROADS

There can be no doubt that the plight of the rail lines in the 17 States of the Northeast and Midwest presents an immediate and far-reaching transportation problem. Six major railroad lines in this area are now bankrupt and shutdowns are threatened. The danger extends across the country because railroads in other parts of the Nation still use the bankrupt lines. A failure of any significant part of our Nation's railroad system would impair our ability to move freight efficiently to all parts of our Nation.

The solution proposed by the Administration would provide for the restructuring of the railroad system so that new, privately-owned and economically viable rail systems could be developed from those now in bankruptcy. The Federal

Government would provide some $125 million over an 18-month period to assist in this process. While we are always open to suggestions for improvement in our proposal, I feel that some of the alternatives which have been aired in the Congress—especially those which would merely postpone action or would saddle the Federal Government with a heavy financial burden, or could lead to quasi-nationalization—are beyond the pale of acceptability. Present bankruptcy proceedings and the possibility of liquidation make it imperative that the Congress act promptly to meet the emerging crisis.

I will soon submit to the Congress my Transportation Improvement Act of 1973. This legislation is designed to address some of the outmoded and excessively restrictive regulatory procedures which affect the entire railroad industry. The steps recommended are critical to creating a healthy system of railroads for our Nation—a matter of increased urgency as we face environmental and energy problems. I urge prompt Congressional action on this important legislation.

DISASTER PREPAREDNESS AND RELIEF

This Administration has had ample opportunity to test our Federal programs for dealing with natural disasters. Since taking office in 1969, I have had to declare 147 major disasters in 42 States and 3 Territories. The year 1972—punctuated by Hurricane Agnes—proved to be a record-setting year in this respect: there were 48 major disasters, accounting in part for the food shortages we have had in 1973.

As a result of these experiences, I am convinced that we can do a better job in preparing for disasters and in providing assistance to those who are hardest hit. I have proposed two major pieces of legislation designed to insure that 1973 will mark a turning point in the story of our disaster programs.

The first of these measures is the proposed Disaster Preparedness and Assistance Act. This bill is based upon a major recent study of all disaster relief activities of the Federal Government. It is designed to provide badly needed emphasis upon preventive measures and to encourage the use of insurance before disasters strike. It would increase the role of State and local officials in determining how Federal money would be spent in assisting disaster-stricken communities—and it would provide for automatic release of Federal funds in the case of major disasters. Red tape, bureaucratic delays, and Federal interference would be substantially reduced, while Federal assistance would be provided more rapidly. The bill also includes generous grant features for those disaster victims unable to repay Government loans while continuing grants to help communities restore their public facilities.

To date, this legislation, so vital to our efforts to mitigate disaster damage, has received only one perfunctory hearing in the Congress. It deserves more serious consideration.

The second major Administration initiative in this area is the proposed Flood Disaster Protection Act. Flood insurance is a key part of any disaster assistance program. This bill would expand the flood insurance program by increasing insurance coverage from $6 to $10 billion. It would also require participation in the flood insurance program by communities that are known to be flood prone, so that residents of these communities would have more adequate protection and would help to bear a reasonable share of the cost.

The Congress has moved rapidly on this bill; but unfortunately, in floor action this past week, the House added a number of amendments that would seriously hamstring the administration of the program and would badly erode its effectiveness. I hope that we can iron out our differences on these crippling amendments in a spirit of constructive compromise that preserves the effectiveness of the bill for those who need it so badly.

SELF-GOVERNMENT FOR THE DISTRICT OF COLUMBIA

In 1969 I first proposed a series of actions intended to bring about an orderly transfer of political power to the people of the District of Columbia. I called for a Constitutional Amendment giving the District at least one representative in the House and such other additional representation as the Congress may approve. I proposed, and Congress enacted, legislation providing for an interim non-voting Congressional delegate and for the creation of a Commission on the Organization of the Government of the District of Columbia, the so-called Nelsen Commission.

The Nelsen Commission's recommendations deserve careful consideration. If enacted, these proposals would greatly strengthen the capability and expand the authority of the City's government and moderate the Federal constraints over its operation. Once again, I urge rapid action by the Congress.

As the American Bicentennial dawns, I pledge the Administration to work receptively and cooperatively in this area to achieve true and effective self-government for the District of Columbia.

FIGHTING CRIME AND DRUG ABUSE

In recent years, America's peace officers, with the assistance and encouragement of Federal law enforcement agencies and with the support of far-sighted legislation passed by the Congress, have made commendable inroads against crime. After 17 years of continuous and sometimes shocking increases in the rate of crime, the nationwide rate of serious crime went down in 1972.

But this progress must not be taken as evidence that we can now relent in this struggle. Rather, we must redouble our efforts to restore law and order to America, whether it be in the boardrooms of our corporations, in the halls of our government, or on our city streets. We must do all we can to make the present moment a decisive turning point so that our communities will once again be safe. Three of my legislative proposals are designed to do just that: a bill to modernize and reform the Federal Criminal Code; a heroin trafficking bill to crack down on drug pushers; and a bill to restore the death penalty for certain of the most serious Federal offenses.

CRIMINAL CODE REFORM

There is a compelling need for greater clarity and consistency in our criminal laws, especially in those which fall within the Federal ambit. The Federal Criminal Code, which dates back to 1790, has never been thoroughly revised. It is no longer a fully effective instrument for the administration of criminal justice—just as the national transport systems of 1790 would no longer be adequate to the demands of 20th century America.

Since 1966, a number of public and private studies have been directed to the development of necessary reforms in the Federal Criminal Code. It is time that such reforms be undertaken. I have submitted a sweeping proposal for reform, based upon a five-year study by a bipartisan national commission. This measure would eliminate a number of inadequate, obsolete, or frivolous statutes from the Code and would re-order other statutes into a rational, integrated Code responsive to the needs of our modern society.

Although extensive consideration has already been given to this matter by public and private commissioners, I realize that a prudent Congress will still wish to study this matter carefully. Senator McClellan has also introduced his own proposals for comprehensive Code reform. Certainly the best parts of each set of proposals can be joined as the legislative process goes forward. Fortunately, hearings have already begun in the Senate and I trust that both Houses will move with appropriate dispatch on this complex but vital endeavor.

HEROIN TRAFFICKING ACT

In spite of our encouraging progress in eliminating the scourge of drug abuse in America, we still have a long way to go in this vital work.

The center of gravity for America's drug problem rests in the area of "hard drugs"—with heroin at the top of the list. Heroin trafficking is involved with the entire spectrum of criminality, ranging from international organized crime to muggings on the street. It is one of the most remunerative areas of criminal activity and we will never be able to cope with it effectively until the sanctions we can bring to bear against it are as severe as its profits are attractive.

Recent studies have shown that tens of thousands of those arrested on narcotics charges are put right back on the street for periods ranging up to a year and more as they successfully play for time against the courts. More alarming still is the fact that many thousands of those convicted on narcotics charges are never sent to jail. Such facts mean that the penalties for hard drug trafficking are an ineffective deterrent when compared with the potential gains from this multibillion dollar criminal activity.

The conclusion is simple. We must have laws that will enable us to take heroin traffickers off the streets. I have submitted a proposal which would do precisely that. It would provide tough new penalties for heroin traffickers including minimum mandatory prison sentences. It would also allow a judge to consider the danger to the community before releasing arrested heroin traffickers on bail.

Heroin traffic is a clear and present danger, the pernicious effects of which all reasonable men can agree upon. While many of the proposals which I have placed before the Congress may require extended consideration, the need for cracking down on the heroin traffic cannot reasonably be supposed to be among them. I ask therefore that the immediate attention of the Congress be given to legislation which would help us eliminate this market for misery.

CAPITAL PUNISHMENT

The death penalty is not a sanction to be employed loosely or considered lightly, but neither is it to be ignored as a fitting penalty, in exceptional circumstances, for the purpose of preventing or deterring crime. I wish to reaffirm my conviction that the death penalty should be restored for treason, assassination, acts of sabotage and espionage, which are particularly serious, and for violations of selected Federal laws in which death results.

I am deeply troubled by the fact that our courts are often now deprived of a credible sanction in their efforts against violent crime while prospective criminals are provided with the comfort and encouragement of knowing that they will often suffer only limited and mitigable consequences to themselves. I ask that the Congress continue its efforts to correct this discrepancy.

REFORM OF CAMPAIGN PRACTICES

No subject over the last few months has so stirred public comment and reflection as the question of campaign practices.

For nearly four months now, the Congress has had before it my proposal to establish a Non-Partisan Commission on Federal Election Reform so that we could overhaul our campaign practices in a comprehensive, sound and expeditious manner. In light of the great interest of the public and the Congress in such reform, I am at a loss to understand why only the Senate has acted on this request.

In order to have made any reform effective for the 1974 elections, the Commission should have been established and prepared to submit a report by December 1, as I initially proposed. Unfortunately, this opportunity appears to be slipping by and the American public might well ask whether the interest in reform is restricted to calling for changes rather than making changes.

While the passage of time has already made it unlikely that reforms which spring from the Commission's study could be made effective prior to the 1974 Congressional elections, it is not too late for the Congress to move forward to establish the Commission.

PREPARING FOR THE BICENTENNIAL

America is virtually on the eve of its Bicentennial anniversary. Yet a great deal of preparation remains to be accomplished in a relatively short time if our celebration of two hundred years of liberty is to be equal to the importance of the occasion. To this end, I have proposed the creation of an American Revolution Bicentennial Administration to continue and expand upon the work of the present American Revolution Bicentennial Commission. The House has passed a bill in this area and the Senate is moving toward final consideration of its version of the bill.

We are moving rapidly toward a fixed point in time, and we must act swiftly if all agencies of the Federal Government, along with State, local, and private institutions, are to be given the maximum opportunity to prepare properly for the Bicentennial year.

Since the expanded resources of the Arts and Humanities Endowments would be designed in part to aid in these preparations, I am also confident that the House and Senate conferees will soon complete needed action on the authorization bill for these two institutions. It is now widely recognized that both of the endowments are playing an effective role in enriching our cultural and intellectual life, and they continue to deserve our strong support.

METRIC CONVERSION

Americans cherish tradition and our own way of doing things. Having been acculturated from childhood to the concepts of an inch, a mile, or a pound, we are understandably nonplussed when we consider the notion of a centimeter, a kilometer, a gram or a kilo. However, when we realize that the rest of the world is equally confused by our system of measurement, we must conclude, however sadly, that we are the ones who are out of step.

In a world of integrated commerce and increasing personal exchange, it is only prudent for us to adjust our own conceptions and devices for measuring and delineating quantity.

I have recommended to the Congress that it pass legislation to convert America to the metric system. This can be done in a reasonable manner, one which is not abrupt or disconcerting. I am pleased to note that the Administration's proposal is presently before the appropriate House subcommittee. I ask that the Senate give equally expeditious consideration to effecting this necessary change.

REORGANIZATION AUTHORITY

The authority of the President to submit Reorganization Plans to the Congress lapsed in April of this year and has not yet been renewed.

This authority permits the President to organize programs and agencies in order to achieve the most effective and efficient performance. It is, therefore, an important executive management tool which provides flexibility and increased capacity to respond to changing needs.

This authority has been made available to every President for more than 25 years. It is essential that it be renewed with great dispatch.

KEEPING THE PEACE

For the first time in more than a decade, America is at peace. Now we must learn how to keep that peace—a task that is at least as demanding and in many ways even more subtle than the struggle to end a war.

There is always a temptation after war to enter into a period of withdrawal and isolation. But surely we have learned from past lessons of precipitate disarmament that this temptation must be resisted. And surely we have also learned that our progress in securing peace is due in large measure to our continued military strength and to the steadfast, responsible role we have played in the affairs of our world.

DEFENSE SPENDING

In recent years, it has been fashionable to suggest that whatever we want in the way of extra programs at home could be painlessly financed by lopping 5 or 10 or 20 billion dollars off the defense budget. This approach is worse than foolhardy; it is suicidal. We could have the finest array of domestic programs in the world, and they would mean nothing if we lost our freedom or if, because of our weakness, we were plunged into the abyss of nuclear war.

The world's hope for peace depends on America's strength—it depends absolutely on our never falling into the position of being the world's second strongest nation in the world.

For years now we have been engaged in a long, painstaking process of negotiating mutual limits on strategic nuclear arms. Historic agreements have already been reached and others are in prospect. Talks are also going forward this year aimed at a mutual and balanced reduction of forces in Europe. But the point of all these negotiations is this: if peace is to be preserved the limitations and the reductions must be mutual. What one side is willing to give up for free, the other side will not bargain for.

If America's peace and America's freedom are worth preserving, then they are worth the cost of whatever level of military strength it takes to preserve them. We must not yield to the folly of breaching that level and so undermining our hopes and the world's hopes for a peaceful future.

Although my military budget—measured in constant dollars—is down by almost one-third since 1968, the Congress is now threatening further defense cuts which would be the largest since 1949. To take such unilateral action—without exacting similar concessions from our adversaries—could undermine the chances for further mutual arms limitations or reductions. I will therefore actively oppose these cuts.

The arms limitations agreement signed with the Soviet Union last year has at last halted the rapid growth in the numbers of strategic weapons. Despite this concrete achievement, much needs to be done to ensure continued stability and to support our negotiation of a permanent strategic arms agreement. A vigorous research and development program is essential to provide vital insurance that no adversary will ever gain a decisive advantage through technological breakthrough and that massive deployment expenditures will therefore not become necessary. Yet the Congress is in the process of slashing research and development funding below minimum prudent levels, including elimination of our cruise missile and air defense programs. The Trident and B-1 programs, which are critical to maintaining a reliable deterrent into the next decade, are also facing proposals to cut them to the bone.

On top of this, the Senate has approved a staggering and unacceptable cut of 156,000 men in our military manpower. Such action would force us to reduce the number of ships in our Navy while the Soviet Union continues an unprecedented naval buildup and to reduce the size of our Army and Air Force while the Soviet Union and the Chinese continue to maintain far larger forces.

In addition to these cuts, there is also a major Senate proposal requiring substantial unilateral troop withdrawals from Europe, a mistake that could begin a serious unraveling of the NATO alliance. Negotiations for mutual and balanced force reductions begin on October 30. On the very eve of negotiations, the troop cuts in Europe and the reduction in military manpower would destroy our chances of reaching an agreement with the Warsaw Pact countries to reduce troop levels in Europe on a mutual basis. If the Congress were to succeed in making these proposed cuts, the United States would be making far-reaching concessions even before the talks begin.

Cuts in other defense programs are equally unacceptable. It is illogical to cut America's capabilities at the very time the Soviet Union increases hers. And it would be difficult to stabilize delicate situations in the Middle East and Asia if the Congress removes the influential tools which have made stability possible.

FOREIGN ASSISTANCE ACT

Another matter of prime concern to me is our commitment to a sound program of bilateral and multilateral foreign aid. Last spring I sent to the Congress reasonable requests for our economic and military assistance programs. These programs represent a central element in America's ability to work with her allies to maintain peace and stability in the world. Unfortunately, the Congress has not treated these requests favorably.

The House has already cut about 25 percent from the military aid program and the Senate has cut it by one-half. Not only have extraordinary cuts been made in the funding, but restrictive amendments have been added in committee and others may be suggested on the floor. I cannot stand by while these crucial programs are gutted in haste and reaction.

Current foreign aid programs are being funded through a continuing resolution which ends on September 30. This approach is unsatisfactory, especially in light of demands resulting from North Vietnamese truce violations in Cambodia. Yet the Congress continues not only to provide smaller dollar amounts but also to make unreasonable requests for access to sensitive information and impose counterproductive conditions on specific programs. Such demands are unacceptable; they would badly compromise our ability to maintain security around the world.

I intend to make every effort to increase the funding for fiscal year 1974 security assistance requirements. I shall also strongly resist efforts by the Congress to impose unreasonable demands upon necessary foreign policy prerogatives of the executive branch. A spirit of bipartisan cooperation provided the steel which saw America through the Cold War and then through Vietnam. We must not jeopardize the great potential for peaceful progress in the post-Vietnam era by losing that strong bipartisan spirit.

To build a truly durable structure of peace, our progress in reforming the world's trade and monetary systems must be accompanied by efforts to help the poorer countries share more equitably in the world's growing prosperity. To this end, I ask the Congress to support our fair share of contributions to the multilateral development banks—both the proposed contributions now pending in the Congress and other proposals about which I am currently consulting with the Congress and which will be formally submitted in the near future. Our bilateral assistance programs are also an essential part of our effort to stimulate world development and I urge the Congress to give them full support.

All these efforts represent short-range investments in peace and progress which are of enormous long-range importance. To try to save a few dollars on these programs today could cost us far more tomorrow.

CONCLUSION

With the Congress, the Administration and the people working together during the coming weeks, we can achieve many of the goals described in this message. And we will work together most effectively if we remember that our ultimate responsibility is not to one political party, nor to one philosophical position, nor even to one branch of the Government. Our ultimate responsibility is to the people—and our deliberations must always be guided by their best interests.

Inevitably, we will have different opinions about what those interests demand. But if we proceed in a spirit of constructive partnership, our varying perspectives can be a source of greater creativity rather than a cause of deadlock.

We already know that the year 1973 will be recalled in history books as the year in which we ended the longest war in American history. Let us conduct ourselves in the next four months so that 1973 will also be remembered as the time in which we began to turn the blessings of peace into a better life for all.

Richard Nixon.

The White House, *September 10, 1973.*

PROCEEDINGS AGAINST GEORGE GORDON LIDDY

Mr. NEDZI. Mr. Speaker, I rise to a question of the privilege of the House, and, by direction of the Committee on Armed Services, I submit a privileged report (H. Rept. No. 93–453).

The Clerk read as follows:

Report Citing George Gordon Liddy

INTRODUCTION

On Friday, July 20, 1973, during an executive session of the Special Subcommittee on Intelligence of the House Committee on Armed Services, Mr. George Gordon Liddy, who was called as a witness, pursuant to a Writ of Habeas Corpus, refused to be sworn prior to offering any testimony or claiming his privilege under the Fifth Amendment. A quorum being present, the subcommittee voted to report the matter to the full House Committee on Armed Services with a recommendation for reference to the House of Representatives under procedures which could ultimately result in Mr. Liddy being cited for contempt of Congress. [See Appendix 1.] On July 26, 1973 the House Committee on Armed Services met to receive the report of the Special Subcommittee on Intelligence with regard to the refusal of Mr. Liddy to be sworn. On July 31, 1973, the full committee, a quorum being present, on a record vote of 33–0, recommended the adoption of a resolution as follows:

"RESOLUTION

"*Resolved,* That the Speaker of the House of Representatives certify the report of the Committee on Armed Services of the House of Representatives as to the refusal of George Gordon Liddy to be sworn or to take affirmation to testify before a duly authorized subcommittee of the said Committee on Armed Services on July 20, 1973, together with all the facts in connection therewith, under the seal of the House of Representatives, to the United States Attorney for the District of Columbia, to the end that the said George Gordon Liddy may be proceeded against in the manner and form provided by law."

[See Appendix 2.]

BACKGROUND

At the time of the subcommittee hearings, Mr. Liddy was in confinement in the District of Columbia Jail as the result of his conviction on the Watergate breakin. Accordingly, the subcommittee petitioned Chief Judge John J. Sirica of the United States District Court for the District of Columbia for a Writ of Habeas Corpus Ad Testificandum as the only means of obtaining Mr. Liddy's presence before the subcommittee. In his discretion Judge Sirica signed that petition and an order was delivered to the United States Marshal for Mr. Liddy's appearance before the subcommittee on July 20, 1973. [See Appendix 1, pp. 16–17.] Mr. Liddy appeared as ordered.

In his appearance Mr. Liddy was asked to rise and take the oath. He refused to take the oath as a witness. Subsequently, his counsel presented an extensive brief after which Mr. Liddy again refused to take the oath. The witness claimed he had the absolute right under the Fifth Amendment to remain completely silent with regard to any offering before the subcommittee. He sought to establish that contention based upon his current conviction on the Watergate breakin which is under appeal, and the possibility of future indictments being brought against him. He further argued a Sixth Amendment right to avoid what he claims to be prejudicial publicity in the media should he claim his Fifth Amendment rights. Mr. Liddy agreed that his refusal to be sworn was not based on any religious grounds.

AUTHORITY

The Special Subcommittee on Intelligence is a duly constituted subcommittee of the House Committee on Armed Services pursuant to House Resolution 185, 93d Congress, and the appointment made during the organization meeting of the Committee on Armed Services on February 27, 1973. [See Appendix 1, pp. 11–16.] In addition, the chairmen of the subcommittee was given an order directing an inquiry into any CIA involvement in Watergate-Ellsberg matters. The subcommittee recommended those hearings on May 11, 1973, and in sixteen sessions since that date has had before it some twenty-four witnesses bearing on the subject of the inquiry. Prior to his appearance on July 20, 1973. Mr. Liddy, through his attorney, was advised by telephone of the purpose of the investigation and was asked to acknowledge that information by letter. That was done by Mr. Liddy's attorney on June 20, 1973. [See Appendix 1, pp. 17–18.] As indicated above, Mr. Liddy was properly before the subcommittee on a valid, duly executed Writ of Habeas Corpus Ad Testificandum [See Appendix 1, p. 16.]

CONCLUSION

The position of the committee is that all substantive and procedural legal prerequisites have been satisfied to date and that the House of Representatives should adopt the resolution to refer the matter to the appropriate U.S. Attorney. Title 2, United States Code, Sections 192 and 194 provide the necessary vehicles for taking this action. Section 192 provides the basis for indictment should a witness before either House of Congress refuse to answer any question pertinent to the inquiry. Section 194 provides the vehicle for certifying such a result to the appropriate U.S. Attorney. The central question is whether failure to take the oath constitutes a refusal to give testimony. We believe it does.

Accordingly, it is the position of the committee that the proceedings to date are in order and we recommend that the House adopt the resolution to report the fact of the refusal of George Gordon Liddy to be sworn to testify at a meeting of the Special Subcommittee on Intelligence on July 20, 1973 together with all the facts in connection therewith to the end that he may be proceeded against as provided by law.

A memorandum of law is contained in Appendix 3.

Appendix I—Special Subcommittee on Intelligence Hearings, on July 20, 1973, in Connection With the CIA-Watergate-Ellsberg Matter. Witness: George Gordon Liddy

House of Representatives,
Committee on Armed Services,
Subcommittee on Intelligence,
Washington, D.C., Friday, July 20, 1973.

The subcommittee met, pursuant to recess, at 10:35 a.m., in room 2337, Rayburn House Office Building, Hon. Lucien N. Nedzi, chairman of the subcommittee, presiding. Also present were Mr. Hébert (chairman of the House Committee on Armed Services), Mr. Bray, Mr. Price, and Mr. Arends, members of the subcommittee; and Mr. Slatinshek and Mr. Hogan, counsel to the committee.

Mr. Nedzi. The subcommittee will please come to order.

This morning we are continuing our hearings on the CIA-Watergate-Ellsberg matter, and we have called as a witness Mr. George Gordon Liddy, formerly associated with the White House and the Committee for the Re-Election of the President.

With Mr. Liddy is his attorney, Mr. Peter L. Maroulis.

Mr. Liddy, will you rise and take the oath?

Do you solemnly swear that the testimony you are about to give in this hearing shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Liddy. Mr. Chairman, with all due respect to you personally and to the body of the Congress, for reasons which will be explained by my counsel I respectfully decline to take the oath as a witness.

Mr. Nedzi. The committee will hear your counsel.

Mr. Maroulis. Mr. Chairman, I am Peter L. Maroulis. I am an attorney. My office is 11 Cannon Street, Poughkeepsie, N.Y.

I have an argument on behalf of my client that deals primarily with the fifth amendment; and the best way I can explain my position is to capsulize it by saying that my client was indicted, tried, convicted, and has an appeal pending.

At his trial he had a right not to take the stand. At retrial he will have that same right, if we are successful in our appeal.

The basis for my position regarding Mr. Liddy's refusal to take the oath is historical. With the indulgence of the subcommittee, it will take me a few minutes to explain it. May I proceed?

Mr. Nedzi. Please proceed.

Mr. Maroulis. When the Constitution-makers drew up the fifth amendment, they were not articulating, a privilege bestowed on the individual by the State; rather, they were stating a right of the individual which was founded in a thousand years of common law history, and which would thenceforth be formally protected and guaranteed in this Nation by the Constitution.

The first clause of the fifth amendment states: "No person shall be held to answer for a capital, or otherwise infamous, crime, unless on a presentment or indictment of a Grand Jury * * *" In this clause is seated that very basis of our legal system, which is accusatorial rather than inquisitorial. No man is bound to accuse himself.

Initially, England followed the ancient Germanic adversary procedure for determining innocence or guilt. Upon accusation proof of innocence would be established three ways: (1) Ordeal, wherein the accused would be miraculously untouched if innocent; (2) compurgation, wherein friends or kindred of the accused and the accused himself would swear to his innocence; (3) trial by battle, wherein the accused would be victorious if innocent. These irrational methods came to be replaced in the 800's and thereafter by an accusational system on the part of the state, and an inquisitorial system on the part of the church.

From the 13th century to the end of the 17th century there was continual opposition to the inquisitional method. It was a struggle between common law and Romish procedure, the common law being basically accusatorial and the Roman law being inquisitorial.

In the 12th century Henry II extended the old Frankish system of inquiry by neighbors, which is the beginning of our grand and petit juries. At this time the accused had the Germanic right to the oath of purgation, or the oath of innocence, whereby he showed his innocence with compurgators.

In 1215 King John signed the Magna Charta, articles 38 and 39 of which say:

"No. 38. No bailiff from henceforth shall put any man to his law upon his own bare saying, without credible witnesses to prove it.

"No. 39. No freeman shall be taken or imprisoned, or disseised, or outlawed, or banished, or any ways destroyed, nor will we pass upon him, nor will we send upon him unless by the lawful judgement of his peers, or by the law of the land."

It would appear that these two articles articulate in writing for the first time the requirement of presentment which appears in almost every statute pertaining to legal case procedure during the next three centuries, and which finally evolved into the first clause of the fifth amendment. Circuit Justice Wisdom, speaking for the majority, in *De Luna* v. *United States* (308 Federal Second 140, 144—*5) allows that the germ of the fifth amendment might appear in article 38 of the Magna Carta.

While these changes were taking place in the civil law there were also innovations in the canon law. From 1198 to 1216 Innocent III instituted the inquisitional system through a series of decretals outlining the ex officio oath procedure in which the church official had the power, by virtue of his office, to require a person to answer truthfully upon his oath all questions put to him. The official was not to proceed against a person without reason, either common report or notorious suspicion. Cardinal Otto introduced this procedure into England in a constitution resulting from the Pan-Anglican Council of London in 1236. My citation for this information is Wigmore, pages 270–276.

The civil courts begin to abandon the old method of oath by compurgation or oath of innocence in favor of the more efficient method of the canon oath ex officio. At the same time, the safeguards that Innocent intended were ignored in both the canon and civil courts, resulting in widespread opposition to the procedure.

Throughout the following 500 years of struggle against the ex officio oath the grounds were essentially the same:

(1) People were opposed to judgment by an official rather than their own grand jury of neighbors and peers;

(2) They were opposed to the interrogatory fishing expeditions which resulted when parties were questioned without proper presentment, that being contrary to the Magna Carta and the common law.

(3) They were opposed to a procedure which required a man to accuse himself, his family or his friends.

During the 14th century there were repeated petitions to the King to prohibit the use of the oath. As a result Edward III issued several important statutes. Relating to civil courts, 42 Edward III, chapter 3, states:

"No man shall be put to answer without presentment before justices, or matter of record, or by due process and writ original, according to the old law of the land."

Again citing Wigmore, page 268. Edward III's De Articuli Cleri incorporates a previous prohibition by Henry III, limiting the use of the oath by ecclesiastical courts to matrimonial and testamentary causes:

"And they suffer not that any Laymen within their Bailiwick, come together in any Places to make such Recognitions by their Oaths, except in Causes of Matrimony and Testamentary."

In 1382 the prelates had an alleged act of Parliament put on the statute books which was supposedly enacted during the second session of Parliament in the 5th year of the reign of Richard II. The act, entitled "Statuts of the Realm 25–26," gave the church the power it wanted against heretics—enforced imprisonment of suspects until they confessed. But at their next session Commons said they had never assented to the enactment, and asked the King to declare the act void; he did so.

De Articulus Cleri was made ineffectual by Henry IV, who gave the canon courts the right to "determine" heresy according to the canonical decrees." That is 2 Henry IV, chapter 15.

In 1487 the statute which sanctioned the Star Chamber—that is 3 Henry VII 1—expressly gave it the power to examine the accused on oath in criminal cases, with no mention of the restrictions named in the ecclesiastical rulings, such as necessary presentment. This was the first formal statement acknowledging power to use the ex officio oath in civil cases; though, as above mentioned, it was not the first use of it. The authority behind this power was purely statutory, and not in keeping with the common law. The Star Chamber survived almost 200 years under this statute.

To abate protest against the ex officio oath Henry VIII enacted a statute providing that:

"Every person and persons being presented or indicted of [heresye] or duly accused or detected thereof by two lawful wytnesses at the leest to any Ordinaries of this Realmn havying power to examyne heresyes, accusacion or presentment and none otherwyse nor by other meanes by cited convented arrested [or] taken * * *"

That is 25 Henry VIII, chapter 14.

The grievance relieved by this statute is clearly against the ex officio oath and the negligence on the part of the courts in not requiring due presentment.

Edward VI took away the church's jurisdiction over heresy. Mary repealed the statutes of Henry VIII and revived those of Henry IV and the repudiated statute of Richard II. In the first year of the reign of Elizabeth she consolidated all power, ecclesiastical and civil, under the auspices of the crown, thus giving her complete jurisdiction in all matters. She had the Star Chamber with its carte blanche statutory powers to investigate and decide civil matter; and she had the Court of High Commission with equally undefined power in ecclesiastical cases.

The opposition this time was led by the Puritans. The basis of their dissent was that the inquisitional technique of forcing a man to accuse himself or inform on his family and friends on oath was contrary to the common law tradition and to the dignity of man. The Puritans had good legal counsel and the sympathy of Commons throughout the battle. During this time the common law courts nullified punishments imposed by the High Commission for refusing to take the oath.

During this time the courts, speaking for the Queen, made many erroneous historical arguments refuting the accurate historical arguments made by the Puritans; thus it is sometimes difficult to separate fact from half-truth and fiction. But as Puritan opposition grew cases arose in which man flatly refused to take the oath; their statements and the decisions in these cases are irrefutable.

In 1584 an alliance was formed between the Puritan and Commons; and there was public support in the form of letters to the Queen for the Puritan cause, signed by many prominent members of Lords. Also in this year Commons drew up a series of complaints one of which was:

"* * * to forbear * * * examination *ex officio mero* of godly and learned preachers not detected [accused] unto them * * * and only to deal with them for such matters as shall be detected in them * * *"

The legal issue centered on a matter of procedure. The Star Chamber and High Commission were requiring men to answer on oath to crimes for which there was no presentment, and sometimes to answer on oath to questions designed to ferret out a chargeable crime.

In 1590 the preacher Udall before the High Commission refused to answer, on the ground that there was no indictment against him. However, a few months later, before a common law jury with proper presentment, he could not make that claim.

Udall's argument against answering on oath was a new one in the Puritan struggle. It was an appeal to freedom of conscience, and claimed that the oath was contrary to common law tradition. This reliance on the history of the common law tradition was the turning point in the Puritan struggle against royal prerogative.

The same circumstances held in the Jesuit Garnet's trial of 1606, which is reported in 2 How, State Trials, page 218:

"Garnet: 'When one is asked a question before a magistrate, he is not bound to answer before some witnesses be produced against him, "quia nemo tenetur prodere seipsum".' "

As Wigmore notes, this is not a flat refusal to answer, only an acknowledgement of the right to proper presentment. And John Lilburne, which is quoted, or cited, in 3 How, State Trials 1315, says "If I had been proceeded against by a bill I would have answered."

In his appeal to the House of Lords in 1646 Lilborne's lawyers argued:

"The ground whereof being that Mr. Lilburne refused to take an oath to answer all such questions as should be demanded of him, it being contrary to the laws of God, nature, and the kingdom, for any man to be his own accuser."

The Lords vacated his sentence, saying it was "illegal, and most unjust, against the liberty of the subject and the law of the land and Magna Charta."

It should be noted that the Star Chamber and High Commission had been abolished in 1641: so that the *ex officio* oath was prohibited. At the time they were abolished England was in a state of upheaval: Commons was in open revolt; Charles had given up his royal prerogative. Thus ended in England the inquisitional practice for forcing a man to accuse himself.

Thereafter it began to be accepted that no man is bound to incriminate himself on any charge, no matter how instituted, in any court. The jurisdictional distinction of proper presentment became unnecessary. Acceptance came first in the criminal trials and afterwards in civil cases. By the end of Charles II's reign the privilege to remain silent was extended to ordinary witnesses, not just the accused. However, this was in reality not much more than a rule that judges would recognize only on demand. "The old habit of questioning and arguing the accused died hard—did not disappear, indeed, until the 1700's had begun."

In the light of earlier grievances and their resulting statutes, it is clear that Wigmore's appraisal of the development of the right to silence as an outgrowth of jurisdictional jealousy between church and state in the 16th and 17th centuries is not an adequate explanation. The accusatorial system goes as far back as the Germanic adversry procedure, which began to change around 800 toward a more rational judicial process.

The oath of the ancient common law was an oath of innocence, not an inquisitional oath. With the introduction of the Romish inquisitional procedure, the English people fought against the power that system affords the state, as being contrary to common law and the dignity and autonomy of the individual.

As a result, the fifth amendment to the U.S. Constitution was adopted, and the fifth amendment reads:

"No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, nor shall be compelled in any criminal case to be a witness against himself nor be deprived of life, liberty or property without due process of law."

I am urging, Mr. Chairman, that the fifth amendment contains two separate provisions: One, that there be an indictment, namely, that "no person shall be held to answer * * * unless upon presentment or indictment of a Grand Jury;" and the second portion being that which is generally recognized and understood as being the invocation of the fifth amendment, namely, "* * * nor shall be compelled in any criminal case to be a witness against himself * * *"

The essence of the distinction urged on behalf of Mr. Liddy is that the fifth amendment privilege affords a defendant greater safeguards than it does an ordinary witness. In support of this contention I refer to the basic interpretations of the fifth amendment and suggest they be interpreted in support of his contention. Quoting from Wigmore:

"The privilege is a prerogative of a defendant not to take the standing in his own prosecution * * *; it is also an option of a witness not to disclose a self-incriminating knowledge in a criminal case, and in a civil case, and before grand jury and legislative committee and administrative tribunal."

Mr. NEDZI. Would you please repeat that?

Mr. MAROULIS. Yes, sir.

"The privilege is a prerogative of a defendant not to take the stand in his own prosecution * * *; it is also an option of a witness not to disclose self-incriminating knowledge in a criminal case, and in a civil case, and before a grand jury and legislative committee and administrative tribunal."

Citing 8 Wigmore, evidence, section 2251. That is the McNaughton revision of 1961.

Again citing Wigmore,

"The accused in a criminal case, therefore, is exempt from all answers whatever, for, at least on the prosecution's assumption, they are incriminating." (8 Wigmore, evidence, section 2260 [McNaughton revision 1961]).

"For the party defendant in a criminal case, the privilege has been construed to permit him to refuse to answer any question whatever in the cause. (Section 2268 supra)

"(a) This being so, the prosecution could nevertheless on principle have a right at least to call him to be sworn because, as with an ordinary witness, it could not be known before hand whether he would exercise his privilege. But no court has sanctioned this application of the principle. The contrary is universally held." (Section 2268 supra)

"The accused has a privilege not to take the stand." (*Cephus* v. *United States*, 324 Federal second 893), which is a District of Columbia circuit opinion, and *United States* v. *Aguci*, 301 Federal second, a Federal second circuit case.

In *Frank* v. *United States*, 347 Federal second 486, the District of Columbia circuit set forth the principle as follows:

"To repeat, the Government may not convict a person and then, pending his appeal, compel him to give self-accusatory testimony relating to the matters involved in the conviction. Any other construction of the statute would lead to such potential abuse as to preclude such construction if it may reasonably be avoided consistently with the congressional purpose. Our construction and application of the statute we think coincides with that purpose * * *" (*Frank* v. *United States*, supra, at 491)

The U.S. Court of Appeals for the District of Columbia circuit considers a position of a defendant called before a grand jury to be analogous to that of a defendant on trial. In *Jones* v. *United States*, 342 Federal second, 863, the court states:

"At a trial, putting the accused on the witness stand without his consent and asking him anything at all would violate his constitutional privilege against self-incrimination. We think taking him before the grand jury without his consent and asking him anything violates his privilege."

May I have a moment sir?

In conclusion I would add that it is common knowledge that my client not only has been indicted, convicted, and has an appeal pending, but that he is the target of several grand jury investigations relating to the very subject matter under inquiry by this subcommittee.

I therefore urge this subcommittee to accept the position that my client has taken, and not to consider it to be in anyway frivolous or in any way intended to be arrogant.

Mr. NEDZI. Did you wish to make any statement, Mr. Liddy?

Mr. LIDDY. No, Mr. Chairman, I do not. Thank you, sir.

Mr. NEDZI. The Chair will state that the subcommittee was duly created pursuant to procedures of the Congress, was granted authority to issue subpenas. Pursuant to that authority, the witness before us today was called.

It is the judgment of the subcommittee that the proceeding is taking place pursuant to the law as passed by the 93d Congress.

At this point, without objection, the Chair will place in the record House Resolution 185, 93d Congress, first session, as well as a letter from the chairman of the full Armed Services Committee to me as chairman of the Special Subcommittee on Intelligence.

[H. Res. 185, 93d Cong., 1st sess.]

RESOLUTION

Resolved, That, effective January 3, 1973, the Committee on Armed Services, acting as a whole or by subcommittee, is authorized to conduct full and complete studies and investigations and make inquiries within its jurisdiction as set forth in clause 3 of rule XI of the Rules of the House of Representatives. However, the committee shall not undertake any investigation of any subject which is being investigated for the same purpose by any other committee of the House.

SEC. 2. (a) For the purpose of making such investigations and studies, the committee or any subcommittee thereof is authorized to sit and act, subject to clause 31 of rule XI of the Rules of the House of Representatives, during the present Congress at such times and places within or without the United States, whether the House is meeting, has recessed, or has adjourned, and to hold such hearings and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary. Subpenas may be issued over the signature of the chairman of the committee or any member designated by him and may be served by any person designated by such chairman or member. The chairman of the committee, or any member designated by him, may administer oaths to any witness.

(b) Pursuant to clause 28 of rule XI of the Rules of the House of Representatives, the committee shall submit to the House, not later than January 2, 1975, a report on the activities of that committee during the Congress ending at noon on January 3, 1975.

SEC. 3. (a) Funds authorized are for expenses incurred in the committee's activities within the United States; however, local currencies owned by the United States shall be made available to the Committee on Armed Services of the House of Representatives and employees engaged in carrying out their official duties for the purposes of carrying out the committee's authority, as set forth in this resolution, to travel outside the United States. In addition to any other condition that may be applicable with respect to the use of local currencies owned by the United States by members and employees of the committee, the following conditions shall apply with respect to their use of such currencies:

(1) No member or employee of such committee shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in section 502(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754).

(2) No member or employee of such committee shall receive or expend an amount of local currencies for transportation in excess of actual transportation costs.

(3) No appropriated funds shall be expended for the purpose of defraying expenses of members of such committee or its employees in any country where local currencies are available for this purpose.

(4) Each member or employee of such committee shall make to the chairman of such committee an itemized report showing the number of days visited in each country whose local currencies were spent, the amount of per diem furnished, and the cost of transportation if furnished by public carrier, or, if such transportation is furnished by an agency of the United States Government, the cost of such transportation, and the identification of the agency. All such individual reports shall be filed by the chairman with the Committee on House Administration and shall be open to public inspection.

(b) Amounts of per diem shall not be furnished for a period of time in any country if per diem has been furnished for the same period of time in any other country, irrespective of differences in time zones.

[H.A.S.C. No. 93-3]

Organization Meeting of House Committee on Armed Services, 93d Congress

House of Representatives,
Committee on Armed Services,
Washington, D.C., Tuesday,
February 27, 1973.

The committee met, pursuant to notice, at 10:25 a.m., in room 2118, Rayburn House Office Building, the Honorable F. Edward Hébert (chairman) presiding.

The CHAIRMAN. The committee will be in order.

Members of the committee, this is our first formal meeting, the organization meeting for the first session of the 93d Congress. Since last year, the committee has been enlarged from 41 to 43 members, and I am sorry that members in the front row are a little crowded, but that is not a thing of my doing.

* * * * *

The CHAIRMAN. Members of the committee, we will proceed to the regular business. I will recognize Mr. Price, who will offer Committee Resolution No. 1: the proposed rules governing the procedure of the committee.

Mr. MELVIN PRICE. Mr. Chairman, I offer the resolution and ask for its immediate consideration.

Mr. SLATINSHEK. The resolution offered by Mr. Price reads as follows:

"*Resolved,* That the Committee on Armed Services, House of Representatives, adopt the following rules governing the procedure for the committee during the 93d Congress:".

* * * * *

Mr. SLATINSHEK. "1. The Committee on Armed Services will meet every Tuesday at 10 a.m., and at such other time as may be fixed by the chairman, or by the written request of a majority of the members of the committee.

* * * * *

"6. (a) The Committee on Armed Services of the House of Representatives shall be organized to consist of five standing legislative subcommittees, to be designated 'Subcommittee No. 1, 'Subcommittee No. 2,' 'Subcommittee No. 3,' 'Subcommittee No. 4,' and 'Subcommittee No. 5.'

* * * * *

"(c) The chairman of the full committee, at such time and for such purposes as he may deem advisable in the interest of committee business, is authorized to appoint additional special subcommittees for the purpose of investigating specific subjects or considering specific legislation.

"(d) The chairman shall have authority to refer all bills, resolutions, or other matters to any and all subcommittees or to the full committee. A subcommittee to which a bill, resolution, or other matter has been referred shall proceed with all possible diligence, if a majority of a quorum so directs, with appropriate inquiry and report its findings and recommendations to the full committee, but the chairman of the full committee shall have authority to discharge a subcommittee from consideration of any bill, resolution, or other matter referred thereto and have such measure or matter considered by the full committee. A majority vote of a quorum of a subcommittee will be required to report a bill, resolution, or other matter to the full committee or to table any such measure or matter in the subcommittee.

* * * * *

Mr. MELVIN PRICE. I move the adoption of the resolution.

The CHAIRMAN. A motion has been made.

* * * * *

The CHAIRMAN. Those in favor of adopting the rules as amended will signify by saying aye when you name is called.

Those opposed, no.

Mr. Slatinshek, call the roll.

(A rollcall was taken.)

Mr. SLATINSHEK. Mr. Chairman, all 43 members voting in the affirmative, the rules are adopted by the committee.

The CHAIRMAN. The rules are adopted. We will proceed from there.

* * * * *

The CHAIRMAN.

* * * * *

Now, members of the committee, under the authority of the rules just adopted unanimously by the committee, the Chair will ask that Mr. Slatinshek read out the subcommittees authorized by those rules, and the members as selected by the chairman on the Democratic side, and the members selected on the Republican side by Mr. Bray.

* * * * *

The CHAIRMAN. Thank you, very much.

Now, members of the committee, in accordance with the rules as adopted, we have two special subcommittees to appoint at this time, in addition to the five committees.

Members of the committee, in addition to the establishment of the standing legislative subcommittees, under the rules of the committee, I am empowered to establish additional special subcommittees to properly discharge committee business.

In accordance with this authority, I am today establishing two special subcommittees. The first is the Subcommittee on Intelligence.

As the members of the committee will recall, this subcommittee functioned during the 92d Congress during which time it was directed to make periodic inquiries into all phases of intelligence activities within the Department of Defense and within the agencies established under the National Security Act, and to make legislative recommendations when appropriate.

That subcommittee, under the chairmanship of our colleague, Mr. Nedzi, discharged its responsibilities in a very excellent fashion, and, therefore, I am reestablishing that subcommittee.

I pause now to pay tribute to the manner in which Mr. Nedzi conducted that committee. It is a very sensitive committee; extremely sensitive. It is a committee that takes the greatest amount of tact and understanding to chair. Mr. Nedzi never faltered or never failed in any area.

Of particular significance is the fact that, as everybody knows, certainly he and I disagree in many political philosophies, and the fact I chose him is an added tribute in my implicit belief in his integrity and honesty, and as an effort to make the committee a whole committee and not a sectional or individual committee with individual people doing individual things for whatever purpose they want.

I pay Mr. Nedzi the highest tribute I can, and I know that he will carry on in this Congress.

The committee will be composed of Mr. Nedzi as chairman, Mr. Hébert, Mr. Melvin Price, Mr. Fisher, Mr. Bray, Mr. Arends, and Mr. Bob Wilson.

* * * * *

The CHAIRMAN. The committee adjourned until 10 a.m. tomorrow.

(Whereupon, at 11:50 a.m. the committee adjourned, to reconvene at 10 a.m., Wednesday, February 28, 1973.)

Powers and Duties, Committee on Armed Services, Ninety-Third Congress

The House Committee on Armed Services was established January 2, 1947, as a part of the Legislative Reorganization Act of 1946 (60 Stat. 812), and combined the Committees on Military Affairs and on Naval Affairs which were created in 1822. Rule XI(3), U.S. House of Representatives, provides that all proposed legislation, messages, petitions, memorials, and other matters relating to the following listed subjects shall be referred to the Committee on Armed Services:

(a) Common defense generally.

(b) The Department of Defense generally, including the Departments of the Army, Navy, and Air Force generally.

(c) Ammunition depots; forts; arsenals; Army, Navy, and Air Force reservations and establishments.

(d) Conservation, development, and use of naval petroleum and oil shale reserves.

(e) Pay, promotion, retirement and other benefits and privileges of members of the Armed Forces.

(f) Scientific research and development in support of the armed services.

(g) Selective service.

(h) Size and composition of the Army, Navy, and Air Force.

(i) Soldiers' and sailors' homes.

(j) Strategic and critical materials necessary for the common defense.

INVESTIGATIVE AUTHORITY

House Resolution 185, adopted by the House of Representatives on Feb. 21, 1973, provides as follows:

"That, effective Jan. 3, 1973, the Committee on Armed Services, acting as a whole or by subcommittee, is authorized to conduct full and complete studies and investigations and make inquiries within its jurisdiction as set forth in clause 3 of rule XI of the Rules of the House of Representatives. However, the committee shall not undertake any investigation of any subject which is being investigated for the same purpose by any other committee of the House.

"Sec. 2. (a) For the purpose of making such investigations and studies, the committee or any subcommittee thereof is authorized to sit and act, subject to clause 31 of rule XI of the Rules of the House of Representatives, during the present Congress at such times and places within or without the United States, whether the House is meeting, has recessed, or has adjourned, and to hold such hearings and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers and documents, as it deems necessary. Subpenas may be issued over the signature of the chairman of the committtee or any member designated by him and may be served by any person designated by such chairman or member. The chairman of the committee, or any member designated by him, may administer oaths to any witness.

"(b) Pursuant to clause 28 of rule XI of the Rules of the House of Representatives, the committee shall submit to the House, not later than Jan. 2, 1973, a report on the activities of that committee during the Congress ending at noon on Jan. 3, 1975.

"Sec. 3. (a) Funds authorized are for expenses incurred in the committee's activities within the United States; however, local currencies owned by the United States shall be made available to the Committee on Armed Services of the House of Representatives and employees engaged in carrying out their official duties for the purposes of carrying out the committee's authority, as set forth in this resolution, to travel outside the United States. In addition to any other condition that may be applicable with respect to the use of local currencies owned by the United States by members and employees of the committee, the following conditions shall apply with respect to their use of such currencies:

"(1) No member or employee of such committee shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in sec. 502(b) of the Mutual Security Act of 1954 (22 United States Code 1754).

"(2) No member or employee of such committee shall receive or expend an amount of local currencies for transportation in excess of actual transportation costs.

"(3) No appropriated funds shall be expended for the purpose of defraying expenses of members of such committee or its employees in any country where local currencies are available for this purpose.

"(4) Each member or employee of such committee shall make to the chairman of such committee an itemized report showing the number of days visited in each country whose local currencies were spent, the amount of per diem furnished, and the cost of transportation if furnished by public carrier, or, if such transportation is furnished by an agency of the United States Government, the cost of such transportation, and the identification of the agency. All such individual reports filed by the chairman with the Committee on House Administration and shall be open to public inspection.

"(b) Amounts of per diem shall not be furnished for a period of time in any country if per diem has been furnished for the same period of time, in any other country, irrespective of differences in time zones."

Funds to support House Resolution 185 are contained in House Resolution 264, approved by the House of Representatives on Mar. 20, 1973.

May 21, 1973.

Hon. Lucien N. Nedzi,
Chairman, Subcommittee on Intelligence,
House Committee on Armed Services,
Washington, D.C.

Dear Mr. Chairman: For the purpose of fully discharging its responsibilities, the Subcommittee on Intelligence is vested with the authority granted and conferred in House Resolution 185, 93d Congress.

The Subcommittee may, therefore, require by subpoena or otherwise, the attendance and testimony of such witnesses and production of such books, records, correspondence, memoranda, papers, and documents as it deems necessary. Subpoenas may be issued by you, as Chairman of the Subcommittee, with the approval of a majority of the members of the Subcommittee. Witnesses testifying before the Subcommittee may be sworn at the discretion of the Chairman and with the concurrence of the majority of the Submittee members present.

Sincerely,

F. Edw. Hébert,
Chairman.

Minutes—Special Subcommittee in Intelligence, House Armed Services Committee—June 12, 1973

The Special Subcommittee on Intelligence met in Executive Session at 10:00 a.m., Room 2337 Rayburn Building, to consider subcommittee business and agreed to defer to the Senate Select Committee on Presidential Campaign Activities' request that Mr. Dean's appearance before the subcommittee be delayed.

The subcommittee also concurred in the subpoena of Mr. E. Howard Hunt, Mr. Gordon Liddy, Mr. James McCord, Jr. and Mr. Huston, and Mr. Egil Grogh.

Members President: Mr. Nedzi, chairman; Mr. Hébert, Mr. Price, Mr. Bray, Mr. Arends and Mr. Bob Wilson.

At approximately 10:35 a.m., the subcommittee began receiving testimony from the following witness on the Watergate-CIA matter: Mr. John D. Ehrlichman, former White House staff member.

The subcommittee recessed at 3:50 p.m. to meet at the call of the Chair.

William H. Hogan, Jr.,
Assistant Counsel.

Mr. Nedzi. The Chair will not pretend to indicate to those in the subcommittee room that he fully understands all the legal niceties presented by counsel. It is the Chair's judgment that counsel's brief is extremely profound and presents a novel legal argument with which the Chair is not familiar.

It is the subcommittee's contention that this proceeding is not a trial, that the witness before us is not a defendant, and that proper questions can be raised as to the appropriateness of the analogies drawn in the historical recitations presented by counsel.

The subcommittee takes the position that Congress in the exercise of its authority has a longstanding right, recognized by the courts of the United States, to compel testimony before it.

Similarly, the subcommittee recognizes that witnesses before congressional investigating committees or subcommittees have a longstanding right to invoke the privileges of the fifth amendment; and if the witness elects not to disclose any information to us, we recognize that if in fact his testimony might tend to incriminate him, he is privileged to assert the privileges of the fifth amendment.

However, the subcommittee takes the position that the proceedings to this point have been proper and in accordance with the law, and wishes to state to counsel and to the witness that should he fail to take the oath, the subcommittee has no reasonable recourse but to proceed in accordance with the law as the subcommittee understands it, which, of course, includes a contempt proceeding through the House of Representatives, and all the consequences that flow therefrom.

At this point, we would like to incorporate also in our record the petition for writ of habeas corpus made to the U.S. District Court for the District of Columbia, and a copy of the order issued by the U.S. district judge.

U.S. District Court for the District of Columbia

In Re: Hearings of the Special Subcommittee on Intelligence, Committee on Armed Services, House of Representatives; Misc. No. 94–73.

PETITION FOR WRIT OF HABEAS CORPUS AD TESTIFICANDUM

The Special Subcommittee on Intelligence, Committee on Armed Services, House of Representatives, by its Chairman, respectfully represents to the Court as follows:

(1) One George Gordon Liddy is a necessary witness at hearings before said Subcommittee.

(2) The said George Gordon Liddy is currently in the custody of the United States Marshal, District of Columbia, and the Superintendent, District of Columbia Jail.

Wherefore, the petitioner moves that this Court issue a Writ of Habeas Corpus Ad Testificandum, directed to the United States Marshal, District of Columbia; and the Superintendent, District of Columbia Jail, ordering the release of the said George Gordon Liddy into the custody of the said United States Marshal for the District of Columbia, or into the custody of one of his authorized deputies, to testify before the Intelligence Subcommittee relative to the above-captioned matter.

Lucien N. Nedzi,
Chairman, Special Subcommittee on Intelligence.

Let this Writ of Habeas Corpus Ad Testificandum issue as of this 16 day of July 1973.

John J. Sirica,
Chief Judge.

U.S. District Court for the District of Columbia

In Re: Hearings of the Special Subcommittee on Intelligence, Committee on Armed Services, House of Representatives; Misc. No. 94–73.

To: United States Marshal, District of Columbia; Superintendent, District of Columbia Jail.

You are hereby commanded to produce the body of George Gordon Liddy, by you imprisoned and detained, on Friday, July 20, 1973, at 10:00 a.m., under safe and secure conduct before the Special Subcommittee on Intelligence, Committee on Armed Services, House of Representatives, Room 2337 Rayburn Office Building, Washington, D.C., for the purpose of giving testimony before said Subcommittee, and after said prisoner shall have given his testimony on the above matter, that he be returned by the said United States Marshal for the District of Columbia, or one of his deputies to the custody from whence he came.

Witness the Honorable Chief Judge of said Court on 16th day of July, 1973.

James F. Davey, *Clerk,*
By James P. Capitanio,
Deputy Clerk.

Mr. Maroulis. Mr. Chairman, if I may I would ask that my letter of June 20, 1973, addressed to W. H. Hogan, counsel to the House Armed Services Committee, also be made part of the record.

Mr. Nedzi. Would you care to read the letter?

Mr. Maroulis. I would be happy to provide a copy. I will read it, also, if you would like, sir.

Mr. Nedzi. Please read it, so the subcommittee has an indication of what is in it.

Mr. Maroulis. It is dated June 20, 1973, addressed to W. H. Hogan, counsel, Committee on Armed Services, 2120 Rayburn Building, Washington, D.C. 20515.

"Re Special Intelligence Committee hearings into alleged CIA–Watergate matter.

"Dear Mr. Hogan:

"I am writing on behalf of my client, G. Gordon Liddy, to request the Special Intelligence Subcommittee to defer further proceedings into the alleged CIA-Watergate matter. The committee is presently holding hearings at which I am told Mr. Liddy is to be called as a witness, notwithstanding that he is a defendant in a criminal case on appeal, a defendant in a pending civil case, and a target witness of a grand jury reconvened to investigate further alleged criminal activities, all of which are the subject of your hearings.

"Presumably testimony is being given at the hearings by witneses who have been called in the civil case, the criminal case and before the grand jury. Those witnesses will be called at a trial subsequent to forthcoming indictments and at a retrial, should Mr. Liddy's conviction be reversed.

"It is my judgment that the record on appeal contains several errors of constitutional dimension which will require reversal. In view of the great public interest engendered in the Watergate matter by media coverage and the national television broadcasting of the Senate Select Committee hearings, where in this country are unbiased juries for these trials to be found?

"It is my contention that additional investigation and publicity by the subcommittee at this time further deprives Mr. Liddy of his fifth amendment rights not to answer to a criminal charge except on indictment, not to be compelled to give evidence against himself and to enjoy due process, and his sixth amendment rights to a fair trial and an impartial jury.

"I have informed you that my client will, on advice of counsel, invoke his fifth amendment rights, if called to testify. I, therefore, request that Mr. Liddy not be required to appear before the subcommittee. I believe such an appearance would result in additional publicity prejudicial to my client's constitutional rights (*Delaney* v. *United States* 199 Federal second 107, first circuit 1952).

"Very truly yours,

"Peter L. Maroulis."

Mr. Chairman, I would also add one more item to what I have said.

In the past few days it appears that there have been several witnesses before this subcommitee. I understand that Mr. Krogh is alleged by the newspaper accounts to have come before this committee and pleaded the fifth amendment some 50 times. The witness who followed Mr. Krogh, whose name escapes me at the moment—Mr. Young, as I am informed by my client—is alleged, according to the press, to have invoked the fifth amendment 40 times.

This morning I heard on the radio that Mr. Dean is alleged to have invoked the fifth amendment 67 times.

This is the very type of publicity that I am seeking to avoid on behalf of my client, to preserve his sixth amendment rights, in addition to the argument that I made on behalf of his fifth amendment rights.

Mr. Nedzi. The letter which you read to the subcommittee is dated today, is it not?

Mr. Maroulis. No, sir. It is dated June 20, 1973.

Mr. Nedzi. June 20?

Mr. Maroulis. Yes, sir.

Mr. Nedzi. Mr. Maroulis, you having given the subcommittee the benefit of your judgment of the law, it is, as I stated earlier, the opinion of the Chair that the Chair is not qualified at this time to issue any legal rulings on the very technical, and indeed profound, legal argument which you have made.

But the Chair will overrule your arguments and proceed with the hearing, with the admonition that you as counsel, and the witness, Mr. Liddy, should be prepared to suffer whatever consequences flow from this kind of position.

Let the record show that at the time the hearing was convened—present as subcommittee members were Mr. Hébert, Mr. Bray, Mr. Price, Mr. Arends, and the chairman of the subcommittee, a quorum.

Mr. Hogan. And may I suggest, Mr. Chairman, at the present time?

Mr. Nedzi. And present throughout the proceedings to this point. That is right.

[Also present were Mr. Slatinshek and Mr. Hogan, counsel to the committee.]

Mr. Nedzi. Mr. Liddy, will you please rise and take the the oath?

Do you solemnly swear that the testimony you are about to give in this hearing be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Liddy. Mr. Chairman, I hope you personally, and each of the members of this subcommittee and the members of the Congress, would not take it as in any way a manifestation of disrespect of any of you personally or of this body, for me to rely upon the advice of my counsel. And in reliance upon the advice of my counsel which has just been articulated to you, with all due respect I decline to take the oath as a witness.

Mr. Nedzi. Mr. Chairman, do you have any statement to make?

Mr. Hébert. The one emphasis I would make, Mr. Chairman, is the one which you have already made: Mr. Liddy is not on trial here, with deference to counsel's representation in his letter of June 20 in reference to a trial prejudicial to his client.

I well understand counsel's eagerness to protect a client. This is not a trial. We do not intend, nor have we the responsibility, to find anybody either guilty or innocent.

We are proceeding under the legislative fiat of finding out facts in order to propose or not propose future legislation as relates to the Central Intelligence Agency. Our concern and responsibility is limited to only the Central Intelligence Agency, not to any other matters. It is our duty and our responsibility to establish that.

But this is not a trial, in any sense of that word. It is a legislative inquiry directed by the Congress of the United States under law.

I think Mr. Liddy, as well as his lawyer, should be advised, too, that there is precedent for an individual refusing to take an oath before a subcommittee of the Congress, and the courts, as I understand it—I am not a lawyer, Mr. Nedzi is—have upheld the right of the subcommittee to ask the witness to take an oath under these conditions.

Mr. Nedzi. Mr. Bray.

Mr. Bray. The counsel's statement was very interesting. It brought up many things in which I am interested. But I would have to agree with the chairman that, in my opinion, it does not apply to the matter of taking of the oath.

I believe taking the oath does not affect in any way the rights of the defendant to later invoke the fifth amendment to any and all questions asked.

Mr. Nedzi. Mr. Price.

Mr. Price. Mr Chairman, I, of course, am not a member of the legal profession. I have had experience in court-work, as a newspaperman years ago, and through my years of service in the Congress.

I do not see how taking of the oath would itself cause any problem to the witness. We do not deprive him of the right to invoke the fifth amendment following taking of the oath, if he so chooses to do.

As a nonlawyer, I think it might compound the witness' problem, just by the mere failure of taking the oath, because of the responsibility of this subcommittee to follow precedents already set by congresssional committees.

I would think if I were in counsel's place I would advise my client to take the oath, and then proceed in any way he chooses, as a witness. Certainly we would not expect him to make any statements or give any responses that he or the counsel himself felt would in any way incriminate him, further incriminate him.

Mr. Nedzi. Mr. Arends.

Mr. Arends. I have no comments.

Mr. Nedzi. Mr. Slatinshek.

Mr Slatinshek. I have one question I would like to direct to Mr. Liddy.

I presume your basis for refusal to take the oath is predicated entirely on the arguments presented by your counsel?

Mr. Liddy. That is correct, sir. I am relying on the advice of counsel in the position I am taking here.

Mr. Slatinshek. Your position is based entirely on his argument presented today?

Mr. Liddy. I adopt his argument. Yes, sir.

Mr. Slatinshek. You are not refusing to take the oath for religious grounds or for any other reason?

Mr. Liddy. That is correct, sir.

Mr. Nedzi. Mr. Hogan.

Mr. Hogan. Thank you, Mr. Chairman. I would like to direct a question or two to counsel.

Counsel, do you have any citations, in State or Federal courts, supporting your position on the oath?

Mr. Maroulis. Not beyond what I have stated. I have not come across any.

Mr. Hogan. Do you have a citation from a U.S. state or Federal court, even though it is repetition, do you have a citation supporting your position that your client is protected against taking an oath?

Mr. Maroulis. Not beyond what I have stated. I do not mean to duck your question, Mr. Hogan.

Mr. Hogan. If it is a U.S. State or Federal court, would you restate the citation that protects your client from taking on oath before this subcommittee?

Mr. Maroulis. I would say this, sir, that I have cited whatever authority I have. I have drawn some analogies, also, with the District of Columbia circuit cases that I cited.

I believe I cited *Frank* v. *United States* and *Jones* v. *United States*.

Mr. Hogan. Do *Frank* v. *United States* and *Jones* v. *United States* go to protect your client from taking an oath before this subcommittee?

Mr. Maroulis. Excuse me, sir.

[Mr. Maroulis and Mr. Liddy confer.]

Mr. Nedzi. Off the record.

Mr. Maroulis. Mr. Hogan, with regard to those particular cases to which you have just referred, both *Frank* and *Jones*, they deal with court. The analogy that I am drawing from those cases is that pending an appeal, that a man cannot be compelled to appear before a body, namely, a grand jury, which occurred in those cases, because he has an absolute right not to take the stand at his own trial. And I would argue by analogy that the same thing applies before a legislative committee.

Mr. Nedzi. The Chair will state that he has some views on the subject, but under the circumstances does not feel that it is necessary for the legal arguments to be gone into in depth at this time.

The position of the subcommittee is that it is proceeding in accordance with the law, the statutes, the rules of the House of Representatives, and that the witness' refusal to take the oath at this time is a violation of law, and at an appropriate time the subcommittee will take whatever action it deems necessary.

Mr. Maroulis, as a final word, do you insist on your position with respect to your client taking the oath, as described by you in the hearing this morning?

Mr. MAROULIS. Mr. Chairman, that is the advice that I feel in good conscience I must give my client, after a research of the law and the authorities that I have presented to you; and that is the advice that I have given him.

Mr. SLATINSHEK. Mr. Chairman.

Mr. NEDZI. Mr. Slatinshek.

Mr. SLATINSHEK. May I ask one question of counsel.

I gather you do not challenge the legislative purpose of the subcommittee, or the legislative objectives?

Mr. MAROULIS. I have not, I must say in candor, read the resolution. I really don't know. Thus far I have not raised that point.

Mr. SLATINSHEK. You recognize, as a number of members have stated, as well as the chairman, that the purpose of this hearing is to ascertain whether or not legislative action should be taken by the Congress in respect to the CIA, the Ceneral Intelligence Agency? And in order to make a judgment on that this committee is forced to inquire into the alleged involvement of the CIA into matters extending to the Watergate. As a consequence, this committee has received testimony from numerous witnesses who at one time or another have mentioned Mr. Liddy's name.

It is a necessary function of this committee, it is necessary for the record, to examine Mr. Liddy in respect to the CIA involvement in the Watergate. And this is the purpose of this particular hearing. This is why Mr. Liddy was called before this subcommittee.

I wanted counsel to understand that, since his argument seemed predicated on the premise that in some manner this was a trial. It is not a trial.

Mr. MAROULIS. I did not intend that—I did not intend to be understood in that fashion.

What I am concerned about is that my client is under indictment, has been convicted, has an appeal pending, and may have a retrial. He may also be the subject of separate and additional indictments and separate and different trials. And I am protecting his fifth and sixth amendment rights in those proceedings.

That is why I raise those arguments before this committee, because I can perceive that by taking the action that is requested by this committee my client would be abridging his fifth and sixth amendment rights. This is my understanding based upon the entire memorandum that I read to you and my research and understanding of those materials.

I feel that in good conscience I must so advise my client. I have advised him of that, and he has elected to follow my advice.

Mr. NEDZI. Is there any further statement either of you wishes to make for the record?

Mr. MAROULIS. May I confer with my client for a moment?

Mr. NEDZI. Yes.

Mr. HOGAN Mr. Chairman, may I have permission to attach to the record any other documents pertaining to the appointment of this subcommittee?

Mr. NEDZI. That permission is granted.

Mr. LIDDY. Mr. Chairman, with your permission I would like to make one point:

One of the gentleman who is a member of the subcommittee in speaking to Mr. Maroulis ask him if he "insisted"—I believe was the word used by the member—on my taking the position I am taking.

I should like to make it clear that Mr. Maroulis as my counsel is advising me. He has not insisted that I accept his advice. My actions here this morning are done on Mr. Maroulis' advice but upon my responsibility.

Inasmuch as I detected in the language of the chairman the possibility of consideration by this body of punitive action, I should like to point out that any such punitive action should properly be directed toward me and not toward my client—I beg your pardon—my counsel. I am afraid I am lapsing back to the old days.

Second, I would like to say with respect to the argument on my behalf made by counsel—very articulately, in my judgment—I rely on it as a whole, and on no portion of it more or less than any other portion of it.

Thank you, Mr. Chairman. I appreciate the courtesy.

Mr. NEDZI. The Chair will state that he regrets very much any misunderstanding which may have flowed from his use of the word "insist," and the suggestion of punitive action.

Certainly he had no intention of suggesting that Mr. Maroulis was insisting on any particular defense to someone who himself is trained in the law, nor that he should be punished for asserting a very sophisticated, novel and, as I said, a profound, legal argument.

At any rate, it is the judgment of the Chair that the record is clear as to the respective positions of the witness, his counsel, and the members of the subcommittee.

At this point the Chair will excuse the witness, with the understanding that we reserve the right to pursue whatever legal steps we deem appropriate.

Mr. LIDDY. Mr. Chairman, I understand that. I appreciate it. And I would like just to thank the Chair and every member of this subcommittee for the number of courtesies which have been extended to me and to my counsel in connection with my appearance before this body today. I am grateful to you all, sir. Thank you.

Mr. HÉBERT. I would like the record to show one thing. We are making a record to be used in the future. I am sure glad you did not mean by use of the word "punitive," in my appreciation of the word "punitive," that we would take punitive action. We will only take action under the law, which I do not consider "punitive" in the definition of the word.

It is a loose word. I don't like it hanging that we are going to take punitive action against anybody.

Mr. LIDDY. Mr. Congressman, I think you have articulated the fact that all language is subject to construction, and reasonable men can differ.

Mr. HÉBERT. I just wanted to get this side in.

Mr. LIDDY. I understand, sir. I appreciate your concern.

Thank you very much, sir.

Mr. NEDZI. Mr. Price.

Mr. PRICE. I wonder if the counsel could explain to me as simply as possible why he feels that the mere taking of the oath, leaving aside all the other constitutional prerogatives the witness can follow, without any pressure of the subcommittee to try to force him to go beyond his constitutional privileges, leaving those aside, why that would be incriminatory.

Mr. MAROULIS. Mr. Price, in an abundance of caution I will preface my answer by stating that my position is based on the entire memorandum that I read to the subcommittee. But in an effort to focus some attention to some of the underlying cases for the position that I have recommended to my client, the basic item is that at a criminal trial my client would have the absolute right not to take the stand.

It is apparent to me that he faces criminal trials; not before this tribunal, certainly, not before this committee. But that day has come for him, and I believe it will come again.

If the fifth amendment to the Constitution gives him the right not to take the stand at a trial, then according to my reasoning, and based on the historical precedents that I have set forth, I believe he also has the right, as long as he stands in that posture, to refuse to take the oath before any duly constituted committee or tribunal.

The second portion of my concern is based upon the publicity that other witnesses before this particular subcommittee have received, namely, they allegedly have invoked the fifth amendment, and it has been reported to the press. That is the type of item that I feel can be very damaging to my client in terms of his ability to have a fair trial at a subsequent date, either on the indictment for which he has been convicted and on which he presently has an appeal, or upon indictments which may come down from the grand juries that are presently investigating this case.

I hope that helps.

Mr. PRICE. If he were not in the posture that he is in, would you then, would you still suggest that he not take the oath?

Mr. MAROULIS. No, my position at that point would be different.

I have only, of course, considered his position and my advice to him based upon the posture that he finds himself in.

Mr. PRICE. In other words, your thinking is that the mere taking of the oath puts him on the stand, and until he takes that oath he is actually not on the stand?

Mr. LIDDY. Excuse me, Mr. Price.

[Mr. Liddy and Mr. Maroulis confer.]

Mr. MAROULIS. Mr. Price, it may be that if he were in different circumstances my advice would be different.

Again, just in an abundance of caution, since it is apparent to me that we are making a record for review, I am reluctant to give you a definitive answer on that, because I have not researched it. But certainly if his position were different it would affect the application of this historical precedent in law as I perceive it.

I believe that if he were not subject to indictment, if he were not presently under indictment, on appeal, or subject to further indictments, my advice might well be different, yes, sir.

Mr. PRICE. I have listened intently, and I enjoyed your historical review of the background for the later adoption of the fifth amendment. But I do not really read into it any prohibition against the administration of the oath.

Mr. MAROULIS. Mr. Price, again addressing myself to that inquiry, I can only state that if we could remove ourselves from this room and put ourselves into a courtroom my client then, I believe all would recognize and agree, has an absolute right not to even be called to give his name.

Now, I am not suggesting that that should be the case before other tribunals.

Mr. NEDZI. Yes, you are.

Mr. MAROULIS. I mean to the point of not even giving his name. I am not thinking in terms of not frivolously invoking a fifth amendment right when in fact a person is properly and lawfully required to give testimony and he then elects not to answer questions.

Mr. NEDZI. But you are electing to have him not give any testimony before this subcommittee.

Mr. MAROULIS. No, sir. I am electing—I am advising him that he may be curtailing his fifth amendment right as it would apply at some subsequent date before a court. And I have advised him that by taking the oath he then might be curtailing a right which he presently has and has up until this point protected.

Mr. NEDZI. The Chair appreciates your argument, but disagrees, respectfully.

Mr. ARENDS. Mr. Chairman, may I ask one question?

Mr. NEDZI. Mr. Arends.

Mr. ARENDS. I am not a lawyer, Mr. Maroulis, but putting this in the parlance of the street, is this a case that you feel should the witness be sworn he is giving up a right, period?

Mr. MAROULIS. Under these circumstances, yes, sir.

Mr. LIDDY. Excuse me, Mr. Chairman.

[Mr. Liddy and Mr. Maroulis confer.]

Mr. LIDDY. Mr. Chairman, if I may, with your indulgence, for the purpose of the record, advise you that the election is mine rather than that of my counsel, that I have relied upon his advice, that advice being that which was articulated to you in his preliminary statement before you and in response to the inquiry by Congressman Price.

Certainly my choice of action before this subcommittee this morning is based upon a combination of the facts, and all of the facts, as I understand them to be, and the law as given to me in hfs advice by my counsel, Mr. Maroulis.

Certainly as a reasonable man, sir, should the facts in the future change I would, of course, review the new facts. I would, of course, review whatever different—if there is different—legal advice might be provided by my counsel. And I might change, or I might not change, my position. That is a judgment that I have not made, with which I am not as yet faced. When and if I ever am, I shall make whatever decision I believe to be appropriate at that time.

Thank you, sir.

Mr. NEDZI. Mr. Arends?

Mr. ARENDS. Nothing further.

Mr. NEDZI. Are there any further questions?

Mr. HOGAN. Just one.

Let the record show, Mr. Chairman, that the House resolution and the documents appointing this subcommittee to its work are available to counsel here during this session, in the event he cares to look at them; because he said he was not aware of those documents.

We have them here for your perusal, Mr. Maroulis and Mr. Liddy, if you care to look at them.

Mr. MAROULIS. Thank you. I would like to receive a copy.

Mr. NEDZI. The Chair at this time will excuse counsel and the witness, and we will proceed with the executive session.

[Counsel Maroulis and Mr. Liddy left the room.]

The Chair will observe that throughout the entire proceeding a quorum was present, and that the subcommittee has reaffirmed its earlier decision to hold the hearing in executive session, with unanimous consent.

[Discussion off the record.]

Mr. NEDZI. On the record.

Mr. HÉBERT. I will make the motion that Mr. Liddy be cited for contempt.

Mr. NEDZI. Mr. Hébert moves that the subcommittee take all necessary action for the House of Representatives to cite the witness, G. Gordon Liddy, for contempt of the subcommittee.

All those in favor signify by saying "Aye."

[Calls of "Aye."]

Mr. NEDZI. Those opposed, "No."

[No response.]

Mr. NEDZI. Let the record show that all members present voted in favor of the motion. [Mr. Nedzi, Mr. Hébert, Mr. Bray, Mr. Price, Mr. Arends.]

The subcommittee will stand in recess until further call of the Chair.

[Whereupon, at 11:40 a.m., the subcommittee recessed, to reconvene at the call of the Chair.]

APPENDIX 2—MINUTES—COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES

MEETING NO. 43, JULY 26, 1973

The full committee met in open session in the Carl Vinson Room, at 10:22 a.m., to consider the report of the Intelligence Subcommittee with regard to the failure and refusal of G. Gordon Liddy to be sworn or to take affirmation to testify at the meeting of the subcommittee on Friday, July 20, in connection with the subcommittee's inquiry into the alleged CIA-Watergate-Ellsberg matters, the following members of the committee and staff being present:

Mr. Hébert, Chairman, Mr. Bray, Mr. Bob Wilson, Mr. Bennett, Mr. Stratton, Mr. Pike, Mr. Dickinson, Mr. Ichord, Mr. Hunt.

Mr. Nedzi, Mr. Whitehurst, Mr. Randall, Mr. Young, Mr. Charles Wilson, Mr. Spence, Mr. Leggett, Mr. Powell, Mr. Hicks, Mr. Robert Price.

Mr. White, Mr. Treen, Mr. Nichols, Mr. Armstrong, Mr. Brinkley, Mr. O'Brien, Mr. Mollohan, Mr. Beard, Mr. Dan Daniel.

Mr. Mitchell, Mr. Montgomery, Mrs. Holt, Mr. Runnels, Mr. Bob Daniel, Mr. Aspin, Mr. Dellums, Mr. Davis, Mrs. Schroeder.

Members absent:

Mr. Arends, Mr. Melvin Price, Mr. Fisher, Mr. Gubser, Mr. King, Mr. Jones.

Staff members present: Mr. Slatinshek, chief counsel; Mr. Morgan, professional staff member; Mr. Cook, counsel; Mr. Ford, professional staff member; Mr. Marshall, professional staff member; Mr. Norris, counsel; Mr. Shumate, counsel; Mr. Hogan, counsel; Mr. Cantus, professional staff member; Mr. Reddan, counsel, Armed Services Investigating Subcommittee; Mr. Ransom, professional staff member, Armed Services Investigating Subcommittee; Mrs. Stockstill, executive secretary; Mr. Short, clerical staff assistant.

The chairman made opening remarks stating that the purpose of the meeting was to consider the report of the Intelligence Subcommittee with regard to the failure and refusal of G. Gordon Liddy to be sworn or to take affirmation to testify at the meeting of the Intelligence Subcommittee on Friday, July 20, 1973, in connection with the subcommittee's inquiry into the alleged CIA-Watergate-Ellsberg matters.

The chairman recognized Mr. Nedzi, Chairman of the Intelligence Subcommittee to submit his report, in behalf of the Subcommittee, on Mr. Liddy's appearance before the subcommittee on July 20. Mr. Nedzi read a prepared statement and invited the attention of the members of the committee to the transcript of the subcommittee's proceedings on July 20, which was before each Member. At the conclusion of the reading of his statement, Mr. Nedzi read the resolution he proposed to bring before the House of Representatives citing Mr. Liddy for contempt of the Congress.

Considerable discussion ensued by members and counsel. During the course of the discussion, Mr. Treen offered a motion that action be postponed on the resolution proposed by Mr. Nedzi until a date next week to be designated by the Chairman, thereby giving the Members more time to examine pertinent facts bearing on the resolution. Following discussion of the motion, Mr. Treen stated it would be acceptable to him to amend his motion by postponing further consideration of the resolution until 2:00 p.m. today. This proposal was objected to by Mr. Bob Wilson.

Mr. Randall then moved the previous question, which was consideration of Mr. Treen's motion to postpone action on the proposed resolution until a time to be decided by the Chairman. The motion was agreed to by a show of hands vote of 23 Yeas and 9 Nays.

The committee recessed at 11:39 a.m., subject to the call of the Chair.

During the meeting the committee was recessed from 10:45 a.m. until 10:59 a.m. in order that the members could respond to a quorum call.

FRANK M. SLATINSHEK,
Chief Counsel.

MINUTES—COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES

MEETING NO. 44, JULY 31, 1973

The full committee met in open session, in the Carl Vinson Room, at 10:13 a.m., to resume consideration of the report of the Intelligence Subcommittee with regard to the failure and refusal of G. Gordon Liddy to be sworn or to take affirmation to testify at the meeting of the Subcommittee on Friday, July 20, in connection with the subcommittee's inquiry into the alleged CIA-Watergate-Ellsberg matters, the following members of the committee and staff being present:

Mr. Hébert, Chairman, Mr. Bray, Mr. Arends, Mr. Bob Wilson, Mr. Stratton, Mr. King, Mr. Pike.

Mr. Dickinson, Mr. Hunt, Mr. Nedzi, Mr. Whitehurst, Mr. Young, Mr. Charles Wilson, Mr. Spence, Mr. Robert Price.

Mr. White, Mr Treen, Mr. Nichols, Mr. Armstrong, Mr. Brinkley, Mr. O'Brien, Mr. Mollohan.

Mr. Beard, Mr. Dan Daniel, Mr. Montgomery, Mr. Bob Daniel, Mr. Davis, Mr. Jones, Mrs. Schroeder.

Members absent:

Mr. Melvin Price, Mr. Fisher, Mr. Bennett, Mr. Gubser, Mr. Ichord, Mr. Randall, Mr. Leggett.

Mr. Powell, Mr. Hicks, Mr. Mitchell, Mr. Holt, Mr. Runnels, Mr. Aspin, Mr. Dellums.

Staff members present: Mr. Slatinshek, chief counsel; Mr. Hogan, counsel; Mr. Shumate, counsel; Mr. Marshall, professional staff member; Mr. Norris, counsel; Mrs. Stockstill, executive secretary; Mr. Short, clerical staff assistant

The Chairman made a brief opening statement setting forth the purpose of the meeting.

The Chairman recognized Mr. Treen, who made a statement regarding his study of the action recommended by the Intelligence Subcommittee.

The Chairman recognized Mr. Nedzi, who renewed his motion that the committee approve his proposal to bring before the House of Representatives a resolution citing Mr. G. Gordon Liddy for contempt of the Congress. The Chairman asked Mr. Hogan, counsel, to read the proposed resolution.

Mr. Pike moved the previous question, which motion was approved by a voice vote.

The Chairman ordered a roll call vote on Mr. Nedzi's proposal. The results of the roll call vote follow:

YEAS—33

Mr. Hébert, Mr. Bray, Mr. Melvin Price (proxy), Mr. Arends, Mr. Fisher (proxy), Mr. Bob Wilson, Mr. Stratton, Mr. King.

Mr. Pike, Mr. Dickinson, Mr. Hunt, Mr. Nedzi, Mr. Whitehurst, Mr. Young, Mr. Charles Wilson, Mr. Spence, Mr. Leggett (proxy).

Mr. Robert Price, Mr. White, Mr. Treen, Mr. Nichols, Mr. Armstrong, Mr. Brinkley, Mr. O'Brien, Mr. Mollohan.

Mr. Beard, Mr. Dan Daniel, Mr. Montgomery, Mr. Bob Daniel, Mr. Dellums (proxy), Mr. Davis, Mr. Jones, Mrs. Schroeder.

NAYS—0

There being 33 Yeas and no Nays, Mr. Nedzi's proposal to bring a resolution before the House of Representatives citing Mr. G. Gordon Liddy for contempt of the Congress was approved.

The committee recessed at 10:22 a.m., subject to the call of the Chair.

FRANK M. SLATINSHEK,
Chief Counsel.

APPENDIX 3—LEGAL MEMORANDUM RE REFUSAL OF GEORGE GORDON LIDDY TO BE SWORN AS A WITNESS BEFORE THE SPECIAL SUBCOMMITTEE ON INTELLIGENCE, JULY 20, 1973

On Friday, July 20, 1973, during an executive session of the Special Subcommittee on Intelligence, Mr. George Gordon Liddy, who was duly called as a witness pursuant to a Writ of Habeas Corpus, refused to be sworn prior to offering any testimony or claiming his privilege under the Fifth Amendment. A quorum being present, the subcommittee voted to report the matter to the full committee with a recommendation for reference to the House of Representatives under procedures which could ultimately result in Mr. Liddy being cited for contempt of Congress.

In his appearance before the subcomittee on July 20th Mr. Liddy and counsel, through an extensive brief and exchange with the members of the subcommittee, claimed in essence that the Fifth Amendment incorporates the right of a witness before a congressional subcommittee not to take the stand and therefore not to be sworn. In sum, Mr. Liddy claimed he had the absolute right under the Fifth Amendment to remain completely silent with regard to any offering before the subcommittee. He sought to reinforce his position based on his current conviction on the Watergate breakin which is under appeal, and the possibility of future indictments being brought against him. He further argued a Sixth-Amendment right to avoid what he claims would be prejudicial publicity in the media should he claim his Fifth Amendment rights.

The bulk of the witness' brief is an extended historical survey of the development of the accusatorial system, the privilege against self-incrimination, and related matters. It is established, without any necessity for an historical treatment, that a defendant in a criminal case may not be compelled to give evidence against himself and indeed that he may not be called to the stand and made to take the oath at all if he chooses. With regard to compelling the appearance of the subject of an investigation, a possible future defendant, or an already indicted defendant before a grand jury, the rule varies in federal and state courts. The federal courts have generally refused to hold that the subject of the investigation, a prospective defendant, may decline to appear but they have indicated that there may be limits with respect to who may be called and under what circumstances the inquiry may proceed. Note, "The Rights of a Witness Before a Grand Jury," 1967 *Duke L. J.* 97, 105 nn. 31, 32. In support of his position, Mr. Liddy quoted, *inter alia*, from *Jones* v. *United States*, 342 F. 2d 863, 868 purporting to state the rule in the District of Columbia:

"At a trial, putting the accused on the witness stand without his consent and asking him anything at all would violate his constitutional privilege against self-incrimination. We think taking him before the grand jury without his consent and asking him anything violates his privilege."

That was not concurred in by a majority of the Court and was therefore *not* a holding. *Id.*, at 864. [Emphasis added.]

Whatever the rule prevailing with regard to grand juries, there is no support in the decided cases for any proposition that a defendant—prospective, past, or present—may decline to appear or refuse to take the oath before a congressional committee and Mr. Liddy does not offer a single citation to the contrary. A witness may of course assert his privilege against self-incrimination in regard to questions asked of him but he may not refuse to take the witness chair at all. The reason plainly is that a *congressional committee is not a court, it has no power to try, convict,* and *sentence one,* and its function is to carry on inquiries to determine the necessity for legislation and to review the implementation of legislation that has been enacted.

McGrain v. *Daugherty*, 273 U.S. 135 (1927), and the other prevailing case law, clearly establishes that a committee of one House of Congress may compel a private individual to appear before it and to give testimony provided that the inquiry is part of an exercise of the legislative function conveyed to Congress by the Constitution and that the process is being employed to obtain testimony for that purpose. The power of inquiry, the Court said, is "a necessary and appropriate attribute of the power to legislate" and is in fact to be treated "as inhering in it" for purposes of legislating and oversight with regard to enacted laws.

In the case at hand Mr. Liddy, who is in confinement, was properly before the subcommittee pursuant to a valid Writ of Habeas Corpus Ad Testificandum issued by Chief Judge John J. Sirica of the United States District Court for the District of Columbia on July 16, 1973. See *Gilmore* v. *United States*, 129 Feb. 2nd 199 (1942). The authority and legislative purpose of the subcommittee has been established. H. Res. 185, 93d Congress; organization meeting of the House Committee on Armed Services, 93d Congress, February 27, 1973.

Title 2, United States Code Sections 192 and 194 as follows:

"Sec. 193. Refusal of witness to testify or produce papers

"Every person who, having been summoned as a witness by the authority of either House of Congress to give testimony or to produce papers upon any matter under inquiry before either House, or any joint committee established by a joint or concurrent resolution of the two Houses of Congress, or any committee of either House of Congress, willfully makes default, or who, having appeared, refuses to answer any questions pertinent to the question under inquiry, shall be deemed guilty of a misdemeanor, punishable by a fine of not more than $1,000 nor less than $100 and imprisonment in a common jail for not less than one month nor more than twelve months. As amended June 22, 1937, c. 594, 52 Stat. 942.

"Sec. 194. Certification of failure to testify; grand jury action failing to testify or produce records

"Whenever a witness summoned as mentioned in section 192 fails to appear to testify or fails to produce any books, papers, records, or documents, as required, or whenever any witness so summoned refuses to answer any question pertinent to the subject under inquiry before either House, or any joint committee established by a joint or concurrent resolution of the two Houses of Congress, or any committee or subcommittee of either House of Congress, and the fact of such failure or failures is reported to either House while Congress is in session, or when Congress is not in session, a statement of fact constituting such failure is reported to and filed with the President of the Senate or the Speaker of the House, it shall be the duty of the said President of the Senate or Speaker of the House, as the case may be, to certify, and he shall so certify, the statement of facts aforesaid under the seal of the Senate or House, as the case may be, to the appropriate United States attorney, whose duty it shall be to bring the matter before the grand jury for its actions. As amended July 13, 1936, c. 884, 49 Stat. 2041; June 22, 1938, c. 594, 52 Stat. 942."

A refusal to take the oath and be sworn, it is established in the few cases dealing with this fact situation, constitutes under 2 U.S.C. Sec. 192 both a willful default and a refusal to answer. *Eisler* v. *United States*, 170 F. 2d 273, 279–281 (C.A.D.C. 1948); *United States* v. *Hintz*, 193 F. Supp. 325, 327–328 (D.C.N.D. Ill. 1961).[1]

In *Eisler* it was held that a deliberate and intentional refusal to be sworn is sufficient to constitute a violation of 2 U.S.C. 192. Also, said the court in *Eisler*, having been summoned by lawful authority, the witness was bound to conform to the procedures of the committee.

In *Hintz* the court stated that the mere charge of refusing to be sworn violated the so-called second branch of the statute. There is no question more pertinent to a subject under investigation than whether the witness will answer truthfully.

Any witness, of course, has the constitutional right to invoke his privilege against self-incrimination and refuse to answer when indeed he would be incriminated. But he must appear, he must take the stand, he must be sworn, and he must assert the privilege as to each incriminating question which is asked of him. "If the Committee was to be at all effective in bringing to Congress' attention certain practices * * * which should be subject to federal prohibitions, it necessarily had to ask some witnesses questions which, if truthfully answered, might place them in jeopardy of state prosecution. Unless interrogation is met with a valid constitutional objection 'the scope of the power of (congressional) inquiry * * * is as penetrating and far-reaching as the potential power to enact and appropriate under the Constitution.' (Quoting *Barenblatt* v. *United States*, 360 U.S. 109, 111 (1960)). And it is not until the question is asked that the interrogator can know whether it will be answered or will be met with some constitutional objection. To deny the Committee the right to ask the question would be to turn an 'option of refusal' into a 'prohibition of inquiry' * * *" *Hutcheson* v. *United States*, 369 United States 599, 619.

Any suggestion that Congress cannot inquire into matters which were the subject of judicial proceedings necessarily applies to future judicial proceedings as well as pending. "If such were the reach of 'due process' it would turn a witness' privilege against self-incrimination into a self-operating restraint on congressional inquiry * * * and would in effect *pro tanto* obliterate the need for that constitutional protection." *Hutcheson* v. *United States*, (supra) 613 n. 16 (1962). See also, *Sinclair* v. *United States*, 279 United States 263 (1929). Accordingly, it appears that Mr. Liddy's position as a convicted defendant and a possible future defendant would not suffice to excuse his conduct at the hearing.

It is submitted that a justiciable case against Mr. Liddy under the provisions of 2 U.S.C. 192 has developed by virtue of his refusal to take an oath before a duly constituted subcommittee of the House with a duly established legislative purpose. Accordingly, the provisions of 2 U.S.C. 194 should be invoked for appropriate consideration within the processes established by law. Put another way, the Special Subcommittee is of the opinion that Mr. Liddy has been in contempt of Congress, and under the statutes, the issue of guilt or innocence should be resolved in the appropriate federal court.

Mr. NEDZI (during the reading). Mr. Speaker, since this report has been distributed to the membership as a committee print over the weekend, I ask unanimous consent that the further reading of the report and the appendixes be dispensed with, and that it be printed in full in the RECORD with the appendixes.

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[1] See also Proceedings Against Arnold S. Johnson, H. Rept. No. 91–1461; Committee On Internal Security Annual Report, 1972, H. Rept. No. 93–301.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. NEDZI. Mr. Speaker, by direction of the Committee on Armed Services, I offer a privileged resolution (H. Res. 536) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 536

Resolved, That the Speaker of the House of Representatives certify the report of the Committee on Armed Services of the House of Representatives as to the refusal of George Gordon Liddy to be sworn or to take affirmation to testify before a duly authorized subcommittee of the said Committee on Armed Services on July 20, 1973, together with all the facts in connection therewith, under the seal of the House of Representatives, to the United States Attorney for the District of Columbia, to the end that the said George Gordon Liddy may be proceeded against in the manner and form provided by law.

The SPEAKER. The gentleman from Michigan (Mr. NEDZI) is recognized for 1 hour.

Mr. NEDZI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on Friday, July 20, 1973, during an executive session of the Special Subcommittee on Intelligence of which I am chairman, Mr. George Gordon Liddy, who was duly called as a witness pursuant to a writ of habeas corpus, refused to be sworn prior to offering any testimony or claiming his privileges under the fifth amendment. A quorum being present, the subcommittee voted to report the matter to the full committee with a recommendation for reference to the House of Representatives under procedures which could ultimately result in Mr. Liddy being cited for contempt of Congress. Since Mr. Liddy was in confinement in the District of Columbia Jail, as the result of his conviction on the Watergate break-in, the subcommittee petitioned Chief Judge John J. Sirica for a writ of habeas corpus ad testificandum as the only means of obtaining Mr. Liddy's presence before the subcommittee. In his discretion Judge Sirica signed that petition on July 16, 1973, and an order was delivered to the U.S. marshal for Liddy's presence before the subcommittee on July 20, 1973.

Mr. Speaker, the Special Subcommittee on Intelligence is a duly constituted subcommittee of the House Armed Services Committee pursuant to House Resolution 185, 93d Congress, and the appointment made during the organization meeting of the Committee on Armed Services on February 27, 1973. In addition, an order was given to me as chairman of that subcommittee directing that we conduct an inquiry regarding CIA involvement in Watergate-Ellsberg matters. The subcommittee commenced its hearings on May 11, 1973, and in 16 sessions since that date has had before it some 24 witnesses bearing on the subject of our inquiry. Although three witnesses before the subcommitte claimed their fifth amendment privilege throughout their appearance, Mr. Liddy was the sole witness who refused to be sworn.

In his appearance before the subcommittee on July 20, Mr. Liddy and counsel, through an extensive brief and exchange with the members of the subcommittee, claimed in essence that the fifth amendment incorporates the right of a witness before a congressional subcommittee not to take the stand and therefore not to be sworn. In sum, Mr. Liddy claimed he had the absolute right under the fifth amendment to remain completely silent with regard to any offering before the subcommittee. He further argued a sixth amendment right to avoid what he claims would be prejudicial publicity in the media should he claim his fifth amendment rights.

All of the details concerning committee and subcommittee jurisdiction, the actual proceedings and committee actions on the case are contained in the committee print which was circulated to the House membership by letter dated August 29, 1973, and is presently before the House as a privileged report.

On July 26 and on July 31, 1973, the House Armed Services Committee met to consider the resolution before you today. After extensive discussion and consideration of the legal matters involved, the committee voted 33 to 0 to adopt the resolution.

Mr. Speaker, the position of the committee is that all substantive and procedural legal prerequisites have been satisfied for the hearing of Mr. Liddy as a witness and that the House should report a resolution which would refer the matter to the U.S. Attorney. Title 2, United States Code, sections 192 and 194 provide the necessary vehicles for taking this action. Section 192 provides the basis for indictment should a witness before either House of Congress refuse to answer any question pertinent to the inquiry. Section 194 provides the vehicle for certifying such a result to the appropriate U.S. Attorney. The central question is whether failure to take the oath constitutes a refusal to give testimony. We believe it does. Of course, the ultimate answer rests with the courts. While there may be merit to Mr. Liddy's argument as it pertains to testimony of a defendant in a court of law, we do not believe that it applies to a duly constituted congressional hearing without procedural deficiencies.

We have examined some of the basic case law on the subject and are of the opinion that we are in compliance with the basic substantive and procedural requirements in the onward reporting of the case. Accordingly, it is the position of the committee that the proceedings to date are in order and we recommend that the House approve going forward with a resolution that the Speaker certify to the U.S. Attorney the report as to the refusal of George Gordon Liddy to be sworn to testify at a meeting of the Special Subcommittee on Intelligence on July 20, 1973, together with all the facts in connection therewith to the end that he may be proceeded against as provided by law.

Mr. ARENDS. Mr. Speaker, I rise in support of this Resolution and urge my colleagues to do likewise.

It has been a long-time tradition well-supported in law that when witnesses called before congressional committees are required to be sworn prior to offering testimony it is their duty to rise and be sworn or make affirmation. Following that, it certainly is the right of every witness to claim the privilege against self-incrimination under the fifth amendment if, indeed, that be the case. However, the Congress and its committees has every right to put the question to the witness in our investigative and legislative functions. Then and only then should there be a decision as to whether a reply must be made. Certainly to condone a refusal to be sworn would stifle the entire congressional investigative process and that cannot be tolerated if we are to fulfill our legislative responsibilities. During the course of the subcommittee hearings, of which I am priviledged to be a member, no other witness refused to be sworn although others did claim a privilege under the fifth amendment and in no case did the subcommittee question that right.

Although contempt proceedings could be conducted in the halls of Congress, the membership in their wisdom felt the better course was to refer all such cases to the appropriate U.S. Attorney for action after approval by the House concerned. That is what we ask you to do today in what I consider to be a clear cut violation of the statutory provision contained in section 192 of title 2, United States Code.

The integrity of the legislative process requires that we do nothing less than to pass this resolution. We believe Mr. Liddy should be cited for contempt of Congress for his failure to take the oath or make affirmation before a duly constituted subcommittee of the House Armed Services Committee, while in pursuit of a proper investigation of alleged Central Intelligence Agency involvement in the Watergate-Daniel Ellsberg matters.

Mr. NEDZI. Mr. Speaker, I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I believe that the gentleman stated that G. Gordon Liddy was the only one of numerous witnesses to be called before the subcommittee who refused to be sworn as a witness.

Is that correct?

Mr. NEDZI. That is correct.

Mr. GROSS. Was he not the only person to come before the committee who had been indicted, tried, and convicted, and had a case on appeal in the courts? Was he not the only witness in that status?

Mr. NEDZI. In the status which the gentleman describes, I believe he was. However, Mr. McCord was also found guilty, and Mr. Hunt was found guilty also. That is correct. So he was not the only one in that status.

Mr. GROSS. Did they have appeals pending?

Mr. NEDZI. My understanding is that they do have appeals pending.

Mr. GROSS. I am talking about the other two.

Mr. NEDZI. That is my understanding, yes.

Mr. GROSS. They were in the same status as Mr. Liddy?

Mr. NEDZI. With the exception of Mr. McCord who is not in confinement, as the gentleman knows, whereas Mr. Liddy was.

Mr. HUNT. Mr. Speaker, will the gentleman yield?

Mr. NEDZI. I yield to the gentleman from New Jersey.

Mr. HUNT. I ask the distinguished chairman to clarify that statement that referred to "Mr. Hunt." I am a member of the Armed Services Committee and I want it distinctly understood the gentleman is not talking about me. Will the gentleman be so good as to do that?

Mr. NEDZI. I will be glad to. The Mr. Hunt to whom I refer is E. Howard Hunt of Watergate fame.

Mr. HUNT. I thank the gentleman.

Mr. HUNGATE. Mr. Speaker, will the gentleman yield?

Mr. NEDZI. I yield to the gentleman from Missouri.

Mr. HUNGATE. Mr. Speaker, may I inquire, if we vote the citation, this gentleman is now doing time, is that correct?

Mr. NEDZI. That is correct.

Mr. HUNGATE. What is his sentence approximately? Is it 30 days or years?

Mr. NEDZI. It is years. I regret I cannot give the gentleman a specific answer.

Mr. HUNGATE. What would be the remedy if he were ordered found in contempt and still declined to answer?

Mr. NEDZI. I assume the remedy would be to tack onto his sentence whatever the court would deem appropriate.

Mr. DRINAN. Mr. Speaker, will the gentleman yield?

Mr. NEDZI. I yield to the gentleman from Massachusetts.

Mr. DRINAN. Mr. Speaker, I commend the gentleman for the excellent report he has issued but I raise this question. It is my understanding that some 2 weeks prior to the actual appearance of Mr. Liddy, the committee had in writing a letter from Mr. Liddy's lawyer indicating that Mr. Liddy would not in fact furnish any information and that he would take the fifth amendment, as would be his right. I wondered if the chairman of the subcommittee would answer what precise information or what areas were to be explored by the committee with Mr. Liddy when it was known ahead of time that Mr. Liddy would in fact invoke the fifth amendment.

Mr. NEDZI. My response to the gentleman in the first instance is that counsel for Mr. Liddy did not indicate he would not be sworn. He said Mr. Liddy would take the fifth amendment. Of course the intention of the committee in calling Mr. Liddy was an effort to endeavor to elicit such information as Mr. Liddy possessed with reference to the involvement of the CIA in the whole Watergate affair.

Mr. DRINAN. I wonder if the chairman could tell me this. Is there any precedent in the annals of the House for citing for contempt a person simply because he has refused to take the oath?

Mr. NEDZI. Yes, there is precedent. There is the case which goes back to 1947 involving Gerhardt Eisler, who refused to be sworn before the House Un-American Activities Committee at that time.

Mr. DRINAN. But in the Eisler case were there not other circumstances that are not present here, or rather, in the Liddy case there are circumstances present that were not present in the Eisler case.

Mr. Liddy is now in jail; he is being investigated by a grand jury; he is a defendant in a civil case, and he felt that this might tend to incriminate him?

Mr. NEDZI. There are certain differences of course. On the other hand in the Eisler matter he was also in confinement at the time that he appeared and there were charges being pursued against him, so to that extent the two cases are very similar.

Mr. DRINAN. One further thing is not entirely clear to me from reading the documents. Mr. G. Gordon Liddy through his attorney said this would tend to defame him and degrade him and possibly incriminate him, but my understanding is that all this was in executive session, so how could his attorney say in fact that this would tend to implicate him since the proceeding would not be public?

Mr. NEDZI. Mr. Speaker, I cannot really respond to the gentleman's question.

Mr. DRINAN. Could he feel, though, that the fact would emerge that Mr. G. Gordon Liddy had invoked the fifth amendment and had thereby created prejudice against himself?

Mr. NEDZI. Mr. Speaker, I think that was a reasonable assumption on his part, certainly.

Mr. DRINAN. Mr. Speaker, I thank the gentleman for responding.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. NEDZI. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Speaker, on page 28 of the report before us, at the bottom of the page, it says:

> There being 33 Yeas and no Nays, Mr. NEDZI's proposal to bring a resolution before the House of Representatives citing Mr. G. Gordon Liddy for contempt of Congress was approved.

Do we have a printed copy of this resolution?

Mr. NEDZI. The resolution was read before the House.

Mr. ROUSSELOT. The normal procedure is that we have a printed copy.

Mr. NEDZI. It is on the front page.

Mr. ROUSSELOT. Is there some great hurry that we cannot read the resolution?

Mr. NEDZI. It is on the front page of this report. This has been in the hands of the Members.

Mr. ROUSSELOT. The reason I asked is that we had some difficulty last Thursday, my office, when we were informed that the resolution would come up, in getting a copy. I just wondered if there was some great reason as to why everyone was denied a copy prior to this time.

Mr. NEDZI. Nobody was denied a copy. This was sent out to all the Members August 29.

Mr. ROUSSELOT. What is the number of it?

Mr. NEDZI. There is no number. It is a committee print.

Mr. ROUSSELOT. Could the gentleman tell me the difference between this citation on Mr. Liddy and the citation against the president of CBS, and how he voted on that?

Mr. NEDZI. I frankly cannot remember how I voted on that.

Mr. ROUSSELOT. Mr. Speaker, I am going to be interested to see how the votes go in comparison with protection of civil rights. I am inclined to vote for this resolution, but as it relates to the one for the president of CBS, who of course is in a much better position to protect himself than this gentleman, who is now in jail and obviously salted away.

I am really somewhat disturbed, although the gentleman assures me that everybody was given adequate notification; yet, he cannot even tell me the number of the resolution we have before us.

Mr. NEDZI. The record is going to have to speak for itself on that score. I am advised there is no number until afterward.

Mr. HUNGATE. Mr. Speaker, will the gentleman yield?

Mr. NEDZI. I yield to the gentleman from Missouri.

Mr. HUNGATE. Mr. Speaker, I rise to support the committee's position based on the research report of the Library of Congress which follows:

> This is in response to your request for an evaluation of the grounds of refusal of Mr. G. Gordon Liddy to take the oath as witness before the Special Intelligence Subcommittee. Basically, Mr. Liddy's argument seems to be that since he is a defendant in pending criminal actions—as a convicted defendant on appeal in one case and as a possible future defendant in the light of ongoing grand jury action—he is entitled under the Fifth Amendment's self-incrimination clause to refuse to take the stand as a witness at all. The argument with regard to this point is fused with an argument directed to the claim of prejudice in future trials which will be occasioned by his appearance, which may be a due process claim or which may simply be gloss on the self-incrimination clause.
>
> The bulk of the Maroulis memorandum, which you forwarded for our consideration, is an extended historical survey of the development of the accusatorial system, the privileges against self-incrimination, and related matters.
>
> It is established, without any necessity for an historical treatment, that a defendant in a criminal case may not be compelled to give evidence against himself and indeed that he may not be called to the stand and made to take the oath at all if he chooses. With regard to compelling the appearance of the subject of an investigation, a possible future defendant, or an already indicted defendant before a grand jury, the rule varies in federal and state courts. The federal courts have generally refused to hold that the subject of the investigation, a prospective defendant, may decline to appear but they have indicated that there may be limits with respect to who may be called and under what circumstances the inquiry may proceed. Note, "The Rights of a Witness Before a Grand Jury", 1967 *Duke L. J.* 97, 105 nn. 31, 32. The language from *Jones* v. *United States,* 342 F. 2d 863, 868 (C.A.D.C. 1964), purporting to state the rule in the District of Columbia was not concurred in by a majority of the

Court and was therefore not a holding. *Id.*, at 864.

Whatever the rule prevailing with regard to grand juries, there is no support in the decided cases for any proposition that a defendant—prospective, past, or present—may decline to appear or refuse to take the oath before a congressional committee. He may of course assert his privilege against self-incrimination in regard to questions asked of him but he may not refuse to take the witness chair at all. The reason plainly is that a congressional committee is not a court, it has no power to try, convict, and sentence one, and its function is not to discover evidence for such purposes. Its function is to carry on inquiries to determine the necessity of legislation and to review the carrying-out of enacted legislation.

McGrain v. *Daugherty*, 273 U.S. 135 (1926), clearly establishes that a committee of one House of Congress may compel a private individual to appear before it and to give testimony provided that the inquiry is part of an exercise of the legislative function conveyed to Congress by the Constitution and that the process is being employed to obtain testimony for that purpose. The power of inquiry, the Court said, is "a necessary and appropriate attribute of the power to legislate" and is in fact to be treated "as inhering in it" for purposes of legislating and oversight with regard to enacted law. *Id.*, at 175. Specifically, the Court observed, the legislative function of the inquiry was clearly manifested because "the subject to be investigated was the administration of the Department of Justice—whether its functions were being properly discharged or were being neglected or misdirected, and particularly whether the Attorney General and his assistants were performing or neglecting their duties in respect of the institution and prosecution of proceedings to punish crimes and enforce appropriate remedies against the wrongdoers—specific instances of alleged neglect being recited. Plainly the subject was one on which legislation could be had and would be materially aided by the information which the investigation was calculated to elicit. This becomes manifest when it is reflected that the functions of the Department of Justice, the powers and duties of the Attorney General and the duties of his assistants, are all subject to regulation by congressional legislation, and that the department is maintained and its activities are carried on under such appropriations as in the judgment of Congress are needed from year to year." *Id.*, 177–178.

The same language could be used in connection with the CIA and Congress and the responsibilities of the Subcommittee.

Daugherty it should be noted, who was convicted of contempt for refusing to appear before the committee pursuant to a subpoena, was a private citizen, the brother of the Attorney General and his actions were at the same time subject to other investigations preparatory to the bringing of criminal charges which were in fact brought. Any suggestion that Congress could not inquire into matters which were the subject of judicial proceedings would have to apply to future judicial proceedings as well as pending. "If such were the reach of 'due process' it would turn a witness' privilege against self-incrimination into a self-operating restraint on congressional inquiry . . . and would in effect *pro tanto* obliterate the need for that constitutional protection." *Hutcheson* v. *United States*, 369 U.S. 599, 613 n. 16 (1962).

But we need not pursue that principle from the *Daugherty* opinion inasmuch as any argument that the pendency of judicial proceedings undercuts the congressional power of inquiry is entirely negatived by *Sinclair* v. *United States* 279 U.S. 263 (1929), and *Hutcheson* v. *United States, supra*. *Sinclair* concerned an investigation into the circumstances of the execution of oil leases from the United States while there was pending a civil suit seeking to cancel the leases on allegations of fraud. The Court rejected the argument that the pendency of the suit prevented the congressional inquiry. "It may be conceded that Congress is without authority to compel disclosures for the purpose of aiding the prosecution of pending suits; but the authority of that body directly or through its committees, to require pertinent disclosures in aid of its own constitutional power, is not abridged because the information sought to be elicited may also be of use in such suits." 279 U.S., 295. *Sinclair* was applied in a pending criminal proceeding context in *Hutcheson*, where indictments were pending in state court and the committee inquiry was directed to some of the same issues. 369 U.S., 613.

Justice Harlan observed in *Hutcheson* that petitioner's claims of prejudice in the conduct of the state trial possibly arising out of his appearance before the congressional committee was no defense to the charge of contempt for refusing to cooperate with the committee. If his appearance should result in prejudice, the time to raise that issue and for the courts to review it would be upon appeal of the state criminal conviction, inasmuch as it could not be known at the time of the contempt before the committee whether in fact he would be prejudiced. *Id.* 612–613. It may be that no prejudice would result. If it did, the conviction could be set aside on that ground, as was the case in the much cited *Delaney* v. *United States*, 199 F. 2d 107 (C.A. 1 1952).

It therefore appears that Mr. Liddy's position as a convicted defendant and a possible future defendant would not suffice to excuse his appearance. A refusal to take the oath and be sworn, it is established in the few cases dealing with this fact situation, constitutes under 2 U.S.C. sec. 192 both a willful default and a refusal to answer. *Eisler* v. *United States*, 170 F. 2d 273, 279–281 (C.A.D.C. 1948); *United States* v. *Hintz*, 193 F. Supp. 325, 327–328 (D.C.H.D. Ill. 1961). Any witness, of course, has the constitutional right to invoke his privilege against self-incrimination and refuse to answer when indeed he would be incriminated. But he must appear, he must take the stand, he must be sworn, and he must assert the privilege as to each incriminating question which is asked of him. "If the Committee was to be at all effective in bringing to Congress' attention certain practices in the labor-management field which should be subject to federal prohibitions, it necessarily had to ask some witnesses questions which, if truthfully answered, might place them in jeopardy of state prosecution. Unless interrogation is met with a valid constitutional objection 'the scope of the power of (congressional) inquiry . . . is as penetrating and far-reaching as the potential power to enact and appropriate under the Constitution.' [Quoting *Barenblatt* v. *United States*, 360 U.S. 109, 111 (1960)]. And it is not until the question is asked that the interrogator can know whether it will be answered or will be met with some constitutional objection. To deny the Committee the right to ask the question would be to turn an 'option of refusal' into a 'prohibition of inquiry', . . . and to limit congressional inquiry to those areas in which there is not the slightest possibility of state prosecution for information that may be divulged." *Hutcheson* v. *United States, supra*, 619. It is clear from the entire opinion that the references to "state prosecution" resulted solely from the fact that the pending indictments were in state court and that no federal law apparently reach the subjects of the state indictments. The language evinces no intention to make a distinction between state and federal incrimination with regard to pending proceedings.

Mr. NEDZI. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. NEDZI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 334, nays 11, answered "present" 1, not voting 88, as follows:

[Roll No. 442]

YEAS—334

Abdnor
Abzug
Adams
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashley
Aspin
Bafalis
Baker
Bauman
Beard
Bennett
Bergland
Bevill
Biester
Bingham
Boggs
Boland
Brademas
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brown, Calif.
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Camp
Carey, N.Y.
Carney, Ohio
Casey, Tex.
Cederberg
Chamberlain
Clancy
Clark
Clausen, Don H.
Clay
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Collins, Tex.
Conable
Conlan
Conte
Corman
Cotter
Coughlin
Cronin
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Wis.
de la Garza
Dellenback
Dellums
Denholm
Dennis

Dent
Derwinski
Devine
Dickinson
Downing
Drinan
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Frenzel
Frey
Froehlich
Fulton
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Grasso
Green, Pa.
Griffiths
Gross
Grover
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hansen, Wash.
Harvey
Hastings
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holtzman
Hosmer
Howard
Huber
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.

Jones, Tenn.
Jordan
Kastenmeier
Kazen
Kemp
Ketchum
King
Koch
Kuykendall
Kyros
Latta
Leggett
Lent
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McFall
McKay
Macdonald
Madden
Madigan
Mahon
Mallary
Mann
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Milford
Miller
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Mizell
Mollohan
Montgomery
Moorhead, Calif.
Morgan
Mosher
Moss
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Brien
O'Hara
O'Neill
Owens
Parris
Passman
Patten
Perkins
Pettis
Peyser
Pickle
Poage
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Railsback
Randall

Rangel
Rarick
Rees
Regula
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Roush
Rousselot
Roy
Roybal
Ruppe
Ruth
Ryan
Sandman
Sarasin
Sarbanes
Satterfield
Saylor
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sikes
Skubitz
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steelman
Steiger, Wis.
Stokes
Stubblefield
Stuckey
Studds
Sullivan
Symington
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wright
Wyatt
Wylie
Wyman
Yates
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—11

Blackburn
Burton
Carter
Duncan
Edwards, Ala.
Flynt
Johnson, Colo.
Landgrebe
Quillen
Steiger, Ariz.
Symms

ANSWERED "PRESENT"—1

Ashbrook

NOT VOTING—88

Addabbo
Andrews, N.C.
Badillo
Barrett
Bell
Biaggi
Blatnik
Bolling
Bowen
Brasco
Bray
Brotzman
Brown, Ohio
Burke, Calif.
Chappell
Chisholm
Clawson, Del
Conyers
Crane
Culver
Davis, Ga.
Davis, S.C.
Delaney
Diggs
Dingell
Donohue
Dorn
Dulski
Eshleman
Foley
Fraser
Frelinghuysen
Fuqua
Gray
Green, Oreg.
Gubser
Hanna
Hanrahan
Hansen, Idaho
Harrington
Harsha
Holifield
Holt
Horton
Hudnut
Karth
Keating
Kluczynski
Landrum
Lehman
Litton
McEwen
McKinney
McSpadden
Mailliard
Maraziti
Mathis, Ga.
Mayne
Michel
Mills, Ark.
Minshall, Ohio
Moakley
Moorhead, Pa.
Murphy, Ill.
Nix
Patman
Pepper
Pike
Podell
Reid
Rooney, N.Y.
Rostenkowski
Runnels
St Germain
Sisk
Slack
Smith, Iowa
Steele
Stephens
Stratton
Talcott
Teague, Tex.
Udall
Veysey
Walsh
Wolff
Wydler
Yatron

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NEDZI. Mr. Speaker, I ask unanimous consent that all Members who wish to do so may have 5 legislative days in which to revise and extend their remarks on the resolution just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

LITTLE CIGAR ACT OF 1973

Mr. LONG of Louisiana. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 503 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 503

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7482) to amend the Federal Cigarette Labeling and Advertising Act of 1965 amended by the Public Health Cigarette Smoking Act of 1969 to define the term "little cigar", and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After passage of H.R. 7482, the Committee on Interstate and Foreign Commerce shall be discharged from the further consideration of the bill S. 1165, and it shall then be in order to consider the said Senate bill in the House.

The SPEAKER. The gentleman from Louisiana (Mr. Long) is recognized for 1 hour.

Mr. LONG of Louisiana. Mr. Speaker, I yield the usual 30 minutes to the minority member, the distinguished gentleman from Ohio (Mr. Latta) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 503 provides for an open rule with 1 hour of general debate on H.R. 7482, a bill to amend the Federal Cigarette Labeling and Advertising Act of 1965 amended by the Public Health Cigarette Smoking Act of 1969 by defining the term "little cigar."

House Resolution 503 provides that after the passage of H.R. 7482 the Committee on Interstate and Foreign Commerce shall be discharged from the further consideration of the bill S. 1165, and it shall be in order to consider S. 1165 in the House.

The Federal Cigarette Labeling and Advertising Act prohibits broadcast advertisements for cigarettes. However, the act does not ban advertisements for little cigars. The purpose of H.R. 7482 is to amend the act to prohibit the advertising of little cigars on television, radio and cable television. The bill defines the term "little cigar" to mean any roll of tobacco, other than a cigarette, wrapped in leaf tobacco or any substance containing tobacco of which 1,000 weigh not more than 3 pounds.

Mr. Speaker, the 1973 report by the Department of Health, Education, and Welfare makes a finding that smoking little cigars may result in health defects similar to those associated with smoking cigarettes. I urge adoption of House Resolution 503 in order that we may discuss and debate H.R. 7482.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we are considering House Resolution 503 which provides for the consideration of H.R. 7492, the Little Cigar Act, under an open rule with 1 hour of general debate. This rule also makes it in order to insert the House-passed language in the Senate bill, S. 1165.

The primary purpose of H.R. 7482 is to amend the Federal Cigarette Labeling and Advertising Act in such a way as to prohibit the advertising of little cigars on television, radio, and cable TV.

The labeling requirements and ban on broadcast advertising which are applicable to cigarettes under the Federal Cigarette Labeling and Advertising Act do not apply to the little cigars.

The bill contains a definition of a "little cigar." It is defined to mean any roll of tobacco, other than a cigarette, wrapped in leaf tobacco or any substance containing tobacco of which 1,000 weigh not more than 3 pounds.

The committee report states that—

> To permit the continued advertising of little cigars on the electronic mass media would promote the impression that it is safer to smoke little cigars than cigarettes.

Little cigars do not require a warning label and their use has steadily increased.

The committee report states there will be no cost involved in this legislation.

Mr. Speaker, I urge the adoption of this rule in order that the House may debate H.R. 7482.

Mr. Speaker, I have no requests for time, and reserve the balance of my time.

Mr. LONG of Louisiana. Mr. Speaker, I have no requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7482) to amend the Federal Cigarette Labeling and Advertising Act of 1965 amended by the Public Health Cigarette Smoking Act of 1969 to define the term "little cigar," and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia (Mr. Staggers).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 7482, with Mr. Hamilton in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr. Staggers) will be recognized for 30 minutes, and the gentleman from Tennessee (Mr. Kuykendall), will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I will be very brief. I thought that the gentleman on the Committee on Rules explained the bill very well. It is a very brief bill. It just prohibits the advertising on radio and television of little cigars the way we prohibited the advertising of cigarettes. The reason for that is that some of the tobacco companies developed little cigars which are the same size and shape as cigarettes and began advertising them on TV and radio and cable. This advertising makes them really appealing to the youth of this land. As we all know, they watch TV and listen to the radio.

Three Senators on the other side called in all of the tobacco companies making little cigars and asked them to voluntarily stop this advertising. All of them but one said they would. That one had not begun advertising at the time. That has been some 4 or 5 months ago. They have been on radio and TV now for about 2 or 3 months, so they are caught up on their advertising. Anybody who has watched TV recently has seen the advertisements for these little cigars.

Mr. Chairman, it is recognized that little cigars have the same potential for harm that the cigarette does. They are about half the price of cigarettes. The tax on cigarettes is $4 per thousand, and I believe for little cigars it is 75 cents per thousand. This also makes it more attractive, in that they do not cost nearly as much. There is no additional cost to the Federal Government in any way on this bill.

I believe this explains the bill.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding. Does the Committee on Interstate and Foreign Commerce have any other legislation stored up over there to save some of us from ourselves?

Mr. STAGGERS. I will say to the gentleman from Iowa that is a theoretical question, and I do not know how I would answer it. I do not know what the gentleman is afraid of or what he is trying to get away from.

Mr. GROSS. I am not trying to get away from anything. I am just trying to find some people in this Government in Congress, and the executive branch of Government, who will let me live within the law and let me live the way I want to live. If I elect to die from smoking cigarettes, or whatever, or should become a basket case of one kind or another from smoking cigarettes, little cigars or big cigars, why do not they let me do it?

Mr. STAGGERS. The gentleman can do it. We are not stopping him from it. We are trying to help the children of America.

Mr. GROSS. This is interfering with my life.

Mr. STAGGERS. We are not interfering with the gentleman's life one bit. We are not interfering one bit with his life nor are we interfering with the life of any adult in this Nation. We are trying to help the youth of America. The gentleman can do as he pleases. We are not trying to harm him or stop him in any way. This is for the benefit of the children the advertising of these little cigars would otherwise reach.

Mr. KUYKENDALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I generally approve of the thrust of this legislation because I do applaud the idea of the elements of the industry getting together and taking action voluntarily, which I wish could have prevented this legislation entirely.

However, if the amendment which is to be offered by the gentleman from New York (Mr. MURPHY) is accepted, I shall and I know other people who feel the same way as I do shall support this legislation. However, without the said amendment I see no way that I can support the legislation.

The amendment will be this. The reason the understanding in the industry was not 100 percent, and the reason the legislation ended up in our lap instead of the situation begin taken care of in a voluntary regulation, as is true in so many other instances, is because the large elements of the tobacco industry had completed the introduction of their little cigars. There was one large cigar company involved. The other little cigars were all introduced by cigarette companies, but the one cigar company involved is not yet through with its introduction, so we are urging, the gentleman from New York and others, that we simply make this 30 days from enactment provided in the legislation to be 90 days from enactment so that all the different elements of the tobacco industry will be starting on pretty much a break-even basis.

Certainly the Congress and the courts have decided that we have a place in the controlling of advertising of tobacco on television. I for one do not think we have any such place, but I think we have to accept that the law says we do.

The inexcusable thing for us in Congress is to be caught in a situation where we are taking part in an intraindustry competitive situation, and that is where one element of the industry is through with their introduction and they want to cut it off on a voluntary basis before another element of the same industry gets through with their introduction.

So upon the introduction and acceptance of the amendment to be offered by the gentleman from New York, I urge the adoption of this legislation. Without the acceptance of the amendment to be offered by the gentleman from New York (Mr. MURPHY) I shall oppose this legislation as putting us unwisely in an intraindustry squabble which we should not be in.

Mr. STAGGERS. I yield to the gentleman from Massachusetts (Mr. MACDONALD) such time as he may consume.

Mr. MACDONALD. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would like to point out to my colleague, the gentleman from Tennessee as well as to my colleague, the gentleman from New York that the company to which the gentlemen have reference, namely the Continental Cigar Corp., is not involved in any squabble with any other segment of the industry at this time.

As the author of the bill here in the House I have been informed by their president and their general manager that they support the legislation, that they have no need to be protected, and indeed they have had nothing to do with the sponsorship of this legislation either in a positive or a negative sense.

What the bill was intended to do, what it does do, is to treat all little cigars in the same way, whether they be called little cigars or regular cigarettes. The Public Health Department, the Surgeon General, has put it out that these little cigars are indeed deleterious to the health of the citizens of the United States; that when used, and if habit forming to the youth of the country, will in the long run be just as injurious to the health of the United States as were cigarettes which were banned from advertising on radio and TV.

So, if the intention of the gentlemen is to protect that company, the company, I repeat, has already indicated to me definitively that they sponsor this legislation and therefore oppose the amendment.

Mr. Chairman, I rise in support of H.R. 7482, a bill to amend the Federal Cigarette Labeling and Advertising Act so as to prohibit the advertising of so-called little cigars on television, radio, and cable television.

The history of little cigars is relatively brief. Just 2 years ago, the R. J. Reynolds Tobacco Co. began test marketing a little cigar called Winchester, using television as its primary marketing tool. Winchesters were packaged like cigarettes, 20 to a box, they looked like cigarettes except that they had brown wrappers instead of white, they were sold at cigarette counters, they needed no warnings printed on their packages about dangers to the users' health, and they were cheaper than cigarettes. The conclusion was unmistakeable, that smokers who felt apprehensive about smoking cigarettes could now switch to these little cigars, feel reassured about dangers to their health, and save money besides.

The Federal Trade Commission recommended that little cigars be treated as cigarettes for purposes of the Federal Cigarette Labeling and Advertising Act. The Department of Health, Education, and Welfare reported that tar and nicotine levels in little cigars are similar to levels found in cigarettes. Despite the absence of definitive medical studies, which it is estimated could take 10 to 15 years, there was strong evidence presented to the committee that if these little cigars were advertised on television and radio, the end result would be to subvert the intent of Congress as expressed in the Public Health Cigarette Smoking Act of 1969.

Several Members of the other body—Senators MAGNUSON, MOSS, and COOK—undertook to persuade the manufacturers of little cigars to refrain from advertising them on television and radio. All but one manufacturer agreed to stop such advertising. The lone holdout, Consolidated Cigar Corp., maker of a little cigar called Dutch Treat, had not at that time introduced its product on radio and TV, and desired to become fully competitive with those companies who had gotten a head start. As a result, in the period between June 19 when the Interstate and Foreign Commerce Committee reported H.R. 7482 and today, Consolidated Cigar has flooded the commercial TV channels with ads for Dutch Treat little cigars.

So unless this legislation is enacted, the door for Dutch Treats and for new brands of little cigars will be left open, and we will see a return to television of all kinds of romantic ads aimed at young people and urging them to take up smoking little cigars. If cigarette advertising should be barred from television and radio, so should these so-called little cigars. The sooner the House acts, the sooner this unintended loophole can be closed.

Mr. KUYKENDALL. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. Mr. Chairman, I yield to the gentleman from Massachusetts.

Mr. MACDONALD. Mr. Chairman, I yield to the gentleman from Tennessee.

Mr. KUYKENDALL. Mr. Chairman, let me agree with the gentleman that under the law—which I do not happen to agree with—the separation of this little cigar from the rest of the cigarettes is something that I believe the purpose of the bill is to prevent. As I said, I am for that legislation, but I have a message on my desk from the parent company of the little cigar company as recently as yesterday afternoon urging me not only to support this amendment, but to vote against the bill, period.

I told these people when they took this position many months ago, that as far as I was concerned, I could not support a separation of this small cigar from cigarettes, but I would try to see that justice was done at the marketplace.

This is the only point here. All in the world we are asking be done is that this committee not be used, because I, in my colloquy in committee with a Member of the other body who was part and parcel of the agreement that was reached prior to the necessity of the legislation, asked him this question: "Do you think if this other company had not been through with its introduction, that they would have joined in any agreement?"

He said, "No, they would not have."

So, all I am asking is that we avoid now and in the future being used by industry in squabbles inside the industry. I join with the gentleman from Massachusetts in supporting the basic idea of this legislation, but let us not get ourselves caught in the position where we have a growth of movement from one part of an industry using us to compete against the growth of some other part of the industry.

Mr. MACDONALD. Mr. Chairman, I agree with the gentleman that this body should not be used by any industry. I repeat, as sponsor of this bill, that I feel that I am not being used by any segment of the industry. Indeed, if I thought I was, I would not oppose the Murphy amendment and I would oppose this bill because no one here in the Congress wants to be used by any segment of any industry.

I repeat, I have been told by the company the gentleman has reference to that they support the legislation and have no objection to its passage.

Mr. KUYKENDALL. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. DEVINE).

Mr. DEVINE. Mr. Chairman, a few years ago the Surgeon General came to a momentous conclusion that heavy smoking of cigarettes was bad for the health. This came as no great surprise. Most athletic coaches had tried to impress this upon athletes. Most heavy smokers readily admitted that they were doing themselves no good.

Regardless of an almost universal recognition that cigarettes were a bad deal, most people took a whirl at using them for at least a while. The cigarette companies kept up a drum fire of advertising over the years. Before television you would see some brand of smoke leap out at you from a billboard. Just in case our troops overseas were not in enough trouble, the Red Cross and other organizations made sure they had enough cigarettes.

Once the tablets had been sent down from HEW and the pronouncement was official, it could be expected that Congress would react in some fashion. What did we do? Did we ban tobacco? Did we ban subsidies? Did we ban even cigarettes? Did we deny these products the right to engage in interstate commerce? No, none of these. We ducked the issue by requiring that a package of cigarettes carry a warning which no one would either read or heed.

As pressure continued from the anticigarette forces and more action seemed necessary, we ducked again. Cigarettes were banned from advertising on TV or radio. This would not and did not stop all other forms of advertising. Magazines and newspapers were replete with cigarette ads. Panels on trucks and in the buses children ride to school—at least in the District—still urged you to try a Lark or whatever.

All this time cigars went along without interference. They had been spared by the Surgeon General because he was convinced for some reason that cigar smokers generally did not inhale the smoke. So when cigarettes could no longer be seen on TV, it followed that the tobacco companies came forth with something that looked like a sunburned cigarette, was packaged like a cigarette and would be smoked like a cigarette only it was to be called a little cigar. Surprisingly enough the Internal Revenue Service treated them as cigars for tax purposes. And maybe that should settle it. TV assumed they were cigars because it would hardly have been to broadcasters' advantage to assume otherwise.

Now a whole new battle erupted. The anticigarette forces claimed that these things were really cigarettes dressed up to fool people. And even if they were not really cigarettes, they were so constructed that the poor misguided public would inhale them and consequently succumb in the same manner as true cigarette smokers.

What did the Surgeon General, who started all this fuss in the first place have to say? Well, he said that cigar tobacco really is just as bad as cigarette tobacco and if a person were to smoke cigars in the same manner as cigarettes—meaning, I guess, inhaling several packs a day—they would indeed do him harm. FTC, which is always ready to get into the act, decided that whether these short brown smokes were cigarettes or not they would define them to make them so.

Most of the tobacco companies agreed to get off the TV tube. No wonder—they had enjoyed the benefits of a massive, market-building exposure. To leave at that point would only save them money as it had done in the case of the cigarette ads. One company, however, was just starting its campaign to popularize a little cigar called Dutch Treats. This company felt it was been hampered by these developments and declined to play the game. Because Consolidated would not be bulldozed into compliance by unofficial congressional pressure, the other body approved a bill to get at this one company.

Now our committee brings to you a similar bill to ban TV and radio advertising of the things whatever they may be.

This latest chapter in the long and useless history of cigarette legislation should teach us something. We in Congress have wasted countless hours going back as far as 1964 trying to decide just what we should do or not do about smoking. None of this effort has had any influence whatsoever upon the habits of the population. If cigarettes are bad, why is it that they are only bad on TV but not in a magazine? If the TV influence is as all-pervasive as we have been told, why is it that without TV advertising the use of cigarettes has risen—not diminished? Should we ban cigarettes entirely? Should we ban tobacco products, entirely? Should we decide that subsidies for growing the stuff are inconsistent with everything else we are doing about tobacco?

Certainly the action on this bill today will not answer all the questions which I have suggested. It will be one more disconnected piece in a jigsaw puzzle that could just as well be left in the box. I recommend that the House reject H.R. 7482.

Mr. KUYKENDALL. Mr. Chairman, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from Tennessee.

Mr. KUYKENDALL. I should like to have the attention of the gentleman from Massachusetts (Mr. MACDONALD). I in no way doubt his sincerity here. In this case he and I have an honest difference of opinion as to what is going on in this particular industry.

As I say, I have a note on my desk asking that I go against the entire legislation, which I shall not do, with this amendment.

It so happens I have been in discussions with both sides on this particular problem. I want to go on record, as I say, urging the adoption of the amendment that will be offered by the gentleman from Massachusetts.

It may be that in working out these industry agreements in the future this particular colloquy and this particular incident will cause them to do a little more thorough job in working out their disagreements. I hope they will do that in the future.

We have a difference of opinion. I feel this is a case where this amendment is necessary.

Mr. STAGGERS. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. VAN DEERLIN), a member of the committee.

Mr. VAN DEERLIN. Mr. Chairman, the gentleman from Iowa (Mr. GROSS) asked how much more legislation was being stored up in our committee to protect him from himself.

I have no objection to participating in legislation to protect Mr. GROSS from himself. If I thought this legislation would genuinely achieve that end, then I would support it more heartily than I do.

On the basis of what we have accomplished under the ban on cigarette advertising, the best thing we could do for little cigars would be to lump them in with the general legislation. It happens that when we passed the ban on cigarette advertising back in 1969, the average yearly per capita consumption of cigarettes in this country was 3,985. Today it is 4,040.

The only conclusion to be drawn from this is that by banning the advertising of the product on television and on radio, we have whetted even further the appetite of Americans for cigarettes.

One reason for this may well be that in knocking cigarette advertising off the air, we also put a ban on what was becoming a very effective counter influence on Americans—the very smart anticigarette advertising program sponsored by the American Cancer Society.

In 1969 the broadcast stations of America were giving to the Cancer Society the equivalent of about $50 million in advertising a year, on a ratio of about one anticigarette commercial for every four paid commercials. With the abandonment of that counter advertising requirement, the free time accorded to the Cancer Society dwindled from $50 million per year to about $4 million per year. This is the estimate of the Cancer Society itself.

There is another aspect of this legislation which has bothered me. Recently we had on the floor legislation for the Agriculture Department, which included about $160,000 a year for promoting American cigarette sales overseas—promotion for cigarettes which, of course, do not contain a label warning about health. I raised the point that this was rather a cynical adventure in the use of public funds.

We see the use of money out of the Treasury to promote cigarette sales overseas, when we have taken steps in this country to prevent Americans from smoking. As long as we continue to practice this double standard, I shall oppose the ban on cigarette sales.

However, if we are going to keep cigarettes off the air, I believe we ought also to ban little cigars, which unfortunately have been promoted by the industry as a sort of a substitute for cigarettes. Therefore, I shall join in supporting the legislation which, although it does not fully protect the gentleman from Iowa from himself, takes at least a short step in that direction.

Mr. STAGGERS. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. PREYER).

Mr. PREYER. Mr. Chairman, the Little Cigar Act of 1973 will be reported in the newspapers as another example of the Congress taking action against tobacco. And yet, the truth of the matter is that the tobacco industry actively supported this measure. The irony of this apparent contradiction between the legislation and its support is easily explained in one word—responsibility.

Too many people leap too easily to the foregone conclusion that people who grow tobacco and people who manufacture it are unrelenting opponents of any measure involving the smoking and health issue. The facts are otherwise.

The Little Cigar Act of 1973 calls for Congress to close an obvious loophole in the law and prohibit the advertising of little cigars on the broadcast media. In 1969 Congress passed similar legislation to ban the broadcast advertising of cigarettes. It may come as a surprise to many of the general public that the industry volunteered to go off the air waves but because of antitrust laws was not permitted to do this freely. Instead, Congress had to prohibit advertising by law.

In a similar fashion, when criticism developed to the broadcast advertising of little cigars the two cigarette companies who were manufacturing them, R. J. Reynolds and P. Lorillard, the latter of which operates a large plant in my district, agreed to drop broadcast advertising of the product and the rest of the little cigar industry, with one exception, agreed to subscribe to this form of voluntary self-regulation. The solitary holdout I now understand has also announced that it has come back to the fold and will join the rest of the member companies but that decision was too late to preclude congressional action. The other body acted to prohibit little cigars being advertised on the broadcast media and the House took similar action. Once again, what could have been self-regulation had to be handled by congressional regulation.

I might also point out, Mr. Chairman, that the record of responsibility displayed by the tobacco community in both instances stems from a fundamental policy which also may be considered to be more responsible than the dedicated foes of tobacco will admit and it is this: Smoking of tobacco is an adult practice, not for children and young people. This fundamental belief has motivated the industry over the years to avoid advertising and promotion to the youth market. That is the reason for the voluntary attempt to remove cigarette advertising from radio and television and that is the motivation for the current effort to voluntarily remove little cigar advertising from the same media.

Mr. Chairman, I wish to agree with the gentleman from California (Mr. VAN DEERLIN) that the real point involved in this bill is a simple point. It is not the question of whether little cigars are less harmful to one's health than cigarettes. It is simply that the little cigar looks like a cigarette, it is packaged like it, and it has relatively the same volume. The weight limitation is identical to that prescribed by the Internal Revenue Service for cigarettes. It is often merchandised in a machine, just as a cigarette. In every way it violates the spirit of the Cigarette Labeling Act, that is, that it would encourage smoking by young people. Therefore, if the cigarette is going to be banned under the Cigarette Labeling Act, I agree with the gentleman that little cigars ought to be banned also. There is no question that the little cigar is designed to compete with the cigarette.

As to the point of whether one company has not had a fair chance at the market on this, I believe we should note that the other body passed the bill on April 30. We held hearings in the Committee on Commerce on May 22, through May 24, and we voted the bill out of the Committee on Commerce on June 19. So it has been 130 days since the other body acted, more than 100 days since the hearings, and almost 90 days since the Committee on Commerce acted, and the Dutch Master little cigar has been advertised on TV throughout that entire period of time.

So I believe any inequity that may have occurred has certainly been eliminated by that period of time and they have had the opportunity to launch their advertising campaign and get on an even footing with other cigar companies.

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may consume. I will only take a minute or less.

Mr. Chairman, I would just like to say that the other body passed this bill unanimously. This bill is identical to the Senate bill.

Mr. Chairman, I hope we do not have any amendments, and if there is any amendment, I hope it will be defeated so that this can go to the President to be signed right away. With that, Mr. Chairman, I have no further requests for time, and I suggest the reading of the bill.

Mr. KUYKENDALL. Mr. Chairman, I yield such time as he may use to the gentleman from North Carolina (Mr. BROYHILL).

Mr. BROYHILL of North Carolina. Mr. Chairman, I rise today to speak in support of H.R. 7482, the Little Cigar Act.

I am sure you are all familiar with previous congressional action in this area to prohibit the advertising of cigarettes on the broadcast media. At the time we first considered such a ban, I held strong reservations about the appropriateness of such action, and I still question this decision.

However, today we are faced with the consideration of legislation necessitated by the refusal of one company to join with the manufacturers of other little cigar products in abstaining from the advertisement of such products on the broadcast media.

In 1971, as the result of growing public interest and in response to recommendations by the FTC and HEW, R. J. Reynolds and P. Lorillard voluntarily agreed to withdraw their little cigars, Winchesters and Omegas, from the broadcast media. Other companies followed suit and the necessity for legislative action was diffused.

At the time of this decision, both Members of the Congress and consumer groups applauded the decision of the tobacco industry in its responsible action in the public interest.

However, the refusal of one company to withdraw its product forced the Congress to take action.

During hearings before the House Committee on Interstate and Foreign Commerce, representatives of the tobacco industry testified in support of this legislation. They recognized that the voluntary agreements were jeopardized by the refusal of one company and placed the industry's efforts in question.

The tobacco industry has consistently demonstrated a willingness to comply with Federal guidelines in a recognition of its public responsibilities. The industry has proven its ability to live with the advertising ban on cigarettes and has highlighted the low tar and nicotine content of its products in the print media, again in response to public awareness of health interest.

I would strongly urge my colleagues to join with me in supporting this legislation so that an equitable market structure will be insured to all manufacturers of cigarette-type smoking products. With the passage of this bill, manufacturers of traditional cigars will be spared further injury to their business from the confusion and controversy surrounding the little cigars.

While I regret the necessity of this legislation, I do believe that it serves the best interests of both the consuming public and the tobacco industry. Congress passed the law in 1969 constraining the right of the cigarette manufacturers to advertise products on the electronic media. Congress expressed its intent forcefully in this action. The industry has shown themselves willing and able to live with that law. H.R. 7482 closes a loophole present in the law that has undermined the scope of Public Law 91-222, adversely affected the industry and posed problems for the consumers. Clearly, Congress can best serve the interests of its own legislation, the consumer and tobacco industry by passing H.R. 7482.

Mr. KUYKENDALL. I have no further requests for time, Mr. Chairman.

The CHAIRMAN. If there are no further requests for time, the Clerk will read.

The Clerk read as follows:

H.R. 7482

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Little Cigar Act of 1973."

SEC. 2. Section 3 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1331-1340) as amended by the Public Health Cigarette Smoking Act of 1969 is amended by inserting the following new subsection:

"(7) The term 'little cigar' means any roll of tobacco wrapped in leaf tobacco or any substance containing tobacco (other than any roll of tobacco which is a cigarette within the meaning of subsection (1)) and as to which one thousand units weigh not more than three pounds."

SEC. 3. Section 6 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1331-1340) as amended by the Public Health Cigarette Smoking Act of 1969 is amended by inserting the words "and little cigars" after the word "cigarettes".

SEC. 4. The amendment made by this Act shall become effective thirty days after the date of enactment.

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

AMENDMENT OFFERED BY MR. MURPHY OF NEW YORK

Mr. MURPHY of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MURPHY of New York: on page 2, line 11, strikeout "thirty days" and insert "ninety days".

Mr. MURPHY of New York. Mr. Chairman, the earlier colloquy on this legislation brings out several points which have resulted in misconceptions to the House.

The Senate did pass this particular bill unanimously. But the Senate did so without holding hearings and without defining and getting an answer from the Public Health people in this country with respect to a very significant point. This point came up in the Surgeon General's report to the Congress and to the country when it was determined that cigarette smoking was injurious to your health.

I supported and voted for the previous legislation, both to put packaging labels on cigarette packages, and also to assist in taking advertising off the public airways for cigarettes.

But the point I want to make is that we found cigarette smoking was injurious to health, but we could not find that cigar smoking was injurious to health, and said so in our report. In fact, in some instances there were indications that cigar smokers had less cancer than nonsmokers.

Then came the legislation we are considering. It was triggered by the cigarette industry because of two things that happened. The cigarette industry was marketing on television a "little cigar" that was using cigarette tobacco, but they called it a "little cigar" and advertised it as such. The cigar industry was marketing a little cigar that used cigar tobacco. This was the primary technical difference between them and this was brought out during days and days of hearings by the cigar industry. Of course, certain arguments from the cigarette industry attempted to counter this difference.

The problem was simple. Was the cigarette industry marketing a little cigar or a little cigarette? The cigarette industry, in fact, was marketing a "little cigar" that had cigarette tobacco in it—in reality a cigarette—and consequently withdrew its advertising from the public airways.

My amendment would do one important thing. Instead of a 30-day cutoff, it asks for a 90-day cutoff. Ninety days is one-half the amount of time that this Congress gave the cigarette industry under similar circumstances. It seems to me we gave the cigarette people 6 months to go off the airways when we enacted the public law requiring that. I am just asking for a 90-day cutoff here, only half the time previously allowed, under similar circumstances.

The cigarette industry with their "little cigar" had many more months to advertise on television and capture the market. The cigar industry was late in coming in with their advertising campaign for a true little cigar made with cigar tobacco. This amendment does equity in granting the cigar people an additional 60 days time; at the end of that period of time, of course, there would be no more advertising.

I certainly hope the amendment will be favorably considered.

Mr. STAGGERS. Mr. Chairman, I move to strike the last word, and I rise to oppose the amendment offered by the gentleman from New York (Mr. MURPHY). I shall not take too long, hopefully.

Mr. Chairman, I want to say that the two gentlemen who have spoken for the amendment are two of the finest gentlemen in this Congress, and certainly most of the time we agree on most all of the propositions that are for the people and for the good of our Nation. I want to compliment both of these gentlemen for the work that they have done not only on this bill that is before us, but for their people.

So, Mr. Chairman, I rise reluctantly to oppose this amendment.

I do this because I think it is in the best interest of our country to do so.

I would point out that the hearings that were held by the Senate concerning the little cigars took place early in 1972, and most of the manufacturers of little cigars testified, and that was the basis for this large amount of testimony that was taken at that time. The other body acted early in 1973 on the testimony that was taken before their committee. And, as I say, there was a lot of testimony.

When this bill was first passed in the other body the cigar manufacturers came to my office, and we talked, and we asked them if they could not get this matter worked out voluntarily. One of them seemed to think that they had not been treated fairly.

That was back in April. Since then they have had a chance to advertise their product by means of the electronic media. And they have said that they are not against this bill.

I cannot see why we should go to 90 days from 30 days because it will just open up the whole argument again, and then the other manfacturers will be coming back in and saying that they want extra time, and that we are not being fair to them. So I think that 30 days is sufficient. It is for that reason that I think this amendment should not be agreed to.

Mr. VAN DEERLIN. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from California.

Mr. VAN DEERLIN. The 30 days that we prescribed we prescribed on June 22 so that very close to 90 days have passed since we reported the bill out of the committee. It seems to me in the interest of gathering support for the passage of this legislation that it would be in the interest of the committee to accept the amendment which is very heavily supported on the other side, and was offered by a venerated Member on this side.

Therefore, Mr. Chairman, I rise in support of the amendment.

Mr. STAGGERS. Mr. Chairman, I would say to the gentleman from California that he has a perfect right to his view. But the argument I make, and I still make, is that they have had plenty or time to be heard on the electronic media.

I would agree with the gentleman from California about the gentleman who has offered the amendment that he is one of the best liked and one of the hardest working members of our committee.

Mr. VAN DEERLIN. And venerated.

Mr. STAGGERS. And a venerated Member. That is a good term.

But, nevertheless, I do hope that the amendment is voted down, and that we pass the bill as it is now because this bill is an identical bill with the Senate-passed bill.

Mr. MACDONALD. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Massachusetts.

Mr. MACDONALD. Mr. Chairman, I would like to join the Chairman in pointing out that the two gentlemen who are supporting this amendment are fine members of the committee, but I also would point out to both of those gentlemen that the two companies that they are trying to protect have already agreed that they do not need any protection, and they are perfectly happy with the bill, and are in fact supporting the bill, and therefore they are opposed to the proposed amendment.

Mr. GROSS. Mr. Chairman, I move to strike the penultimate word.

Mr. Chairman, I carry no torch for the tobacco industry, any part of it. I am not interested in that. I am interested in being able to buy a pack of cigarettes whenever I want them, and I am afraid that right, with this kind of foolishness, is going to be denied sooner or later.

As a matter of fact, I had a letter from the Director of the Veterans' Administration hospital the other day which indicated a nationwide campaign to ban the sale of cigarettes in veterans' hospitals, and establishing severely restricted areas in which smoking is to be permitted.

They are apparently about to deny the right to veterans, who, like myself, acquired the habit in the military service, to even smoke cigarettes in a veterans' hospital. I do not know whether I will ever land in one of these hospitals, but I hope they will let me, should I come in a basket case, die in peace with a cigarette on my lips if that is my choice. I am getting tired of all of this do-good legislation denying the rights of individuals in matters of this kind.

The chairman of the committee talks about the inducement to youngsters to smoke. There are a lot of other inducements on television to do a lot of other things—to see certain types of sex movies, and there is still beer advertising. I suppose if one drank enough beer, it could be injurious to his or her health. Why not ban beer advertising?

Women complain constantly about how badly their feet hurt when they wear sandals long enough on the marble floors in the Capitol and other hard surfaces. Are they injurious to health?

What about contraceptives? When is Congress going to start labeling those? They could be injurious to health.

This business of labeling could be carried on ad infinitum.

They are advertising the chewing of snuff on television, depicting a cowboy sticking a nice wad of snuff under his upper lip. Then he vaults out of the chute on a steer. Some children might be misled by that, too.

Mr. KUYKENDALL. Mr. Chairman, will the gentleman from Iowa yield?

Mr. GROSS. I yield to the gentleman from Tennessee, but is the gentleman going to make a contribution to the foolishness that is coming out of this committee, including the slogan they caused to be put on every package?

Mr. KUYKENDALL. I assure the gentleman I will make a contribution. They can stop meddling now, because most of that snuff comes out of my district. Anybody who is crazy enough to ride a bull ought not to be exempted from putting snuff in his lip.

Mr. GROSS. I read a story the other day wherein certain so-called medical experts said that coffee may be productive of cancer. How long will it be before this committee brings out a bill to provide the labeling of every coffee container in the country as being injurious to one's health? You can carry this thing on as long as we want to, but I will vote against this bill and all similar bills.

Mr. SYMMS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to my friends, the gentleman from Idaho.

Mr. SYMMS. I should like to commend the gentleman for his remarks, and I assume he will vote for the amendment that is now before the House.

Mr. GROSS. Vote for what?

Mr. SYMMS. Vote for the amendment that is now before the House.

Mr. GROSS. I am not voting for any part of it.

Mr. SYMMS. I have an amendment which I intended to offer sooner which would absolutely ban advertising from the media completely. Would the gentleman support that?

Mr. GROSS. I do not care whether it bans advertising. I object to this drive that is designed to stop the sale of every product that some jackanapes thinks is going to injure somebody's health.

Mr. SYMMS. I thank the gentleman for yielding.

The gentleman from Iowa will get a chance to vote to repeal this Government monkey business.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the Chairman.

Mr. STAGGERS. I thank the gentleman for yielding.

I would say to the gentleman from Iowa that when we find anything that is causing cancer, we will help to stop it. I hope that I can stay here long enough to see the time when cancer has been eradicated in America, and heart disease and strokes. Those are the three things left. We have conquered nearly everything else.

Mr. GROSS. If the gentleman thinks labeling packages is going to stop that, he is mistaken.

Mr. STAGGERS. It might help. The doctors say that it can.

Mr. GROSS. Some day the Interstate and Foreign Commerce Committee may get around to labeling Lydia Pinkham's tonic for women as being injurious to someone's health. It will be a great day in the morning when Congress stops trying to regulate the habits, lives, and fortunes of every citizen of this country.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. MURPHY).

The question was taken; and on a division (demanded by Mr. MURPHY of New York) there were—ayes 36, noes 40.

Mr. MURPHY of New York. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

Mr. McCOLLISTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I speak in opposition to the bill H.R. 7482, the Little Cigar Act. I voted against the measure in committee and am deeply disturbed that it was approved. My objections are based on constitutional grounds. I do not have any strong feelings either for or against little cigars, but I do have strong feelings about first amendment rights. I believe this bill infringes on the first amendment rights of both broadcasters and advertisers.

I feel we are legislatively interfering with the constitutional rights of broadcasters by determining the content of their programing. We also are restricting the freedom of speech of advertisers by prohibiting the dissemination of material about a certain product, a product which is allowed to be manufactured and distributed in this country without restriction.

The bill is discriminatory because it bans advertising of little cigars from the broadcast media and no other media. It appears that because the Federal Government has its regulatory foot in broadcasting's door under the auspices of the Federal Communications Commission, there is no hesitancy to expand governmental authority to other, unrelated areas. We should not forget that the FCC was originally established to allocate broadcast frequencies. Not mandate programing. The Federal Government has no business determining the content of advertising on radio and television.

There seems to be a double standard that is being applied to the press in this country. Congress would not dare ban cigarette and little cigar advertising from newspapers. The cries of civil libertarians and the press would echo throughout the country. Why then is there this willingness to interfere with the operations of the broadcast media?

We seem to be attacking the problem—if there is one—of little cigar use from the wrong angle. If the hazard of little cigars—and cigarettes, for that matter—is so great, why do we not place a ban on the manufacture and distribution of these products?

Testimony before the committee has been inconclusive about the health hazard of little cigars, but based on scanty evidence, this bill was haphazardly approved. This bill also further extends the dangerous precedent set in 1969 when Congress passed a law abolishing cigarette advertising from radio and television. What is going to be the next target? Automobiles? Razors? Every time some self-appointed authority determines that a product could be hazardous to one's health, will the wheels be set in motion to ban those products from being advertised on radio and television. All of this while newspapers, billboards, and magazines will be left free to disseminate all of the information they want—as they should be.

The purpose of the law banning cigarette advertising from radio and television was to help discourage the use of cigarettes. That has not happened. The purpose of this bill supposedly is to help discourage the use of little cigars. There is nothing to indicate the results will be any different. The only effect of the law will be to penalize the broadcast industry—both monetarily from the loss of advertising, and constitutionally.

The ban on the advertising of cigarettes on radio and television has done nothing to improve the health of the people of the United States. And there is absolutely nothing to indicate this bill will have any better results.

Mr. DINGELL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would call to the attention of the House the minority views submitted on this legislation by myself. I pointed out in those views that this is not a bill which serves the public interest but rather on the contrary it is a bill which is aimed at attacking a very small part of a rather larger problem. This is not the first time this question has been before the House. Indeed this question has been here before. In an earlier minority view on similar legislation I pointed out that what was really needed was the prohibition of all harmful advertising of tobacco.

This is a curious piece of legislation which comes before us for a very curious reason. It is not legislation which is really aimed at handling a broad problem. Rather it is a piece of spite legislation directed at a particular portion of a particular industry, a particular manufacturer or manufacturers of small cigars within a particular industry, the small cigar industry.

While there is some merit in the bill, the House should be aware of the fact that this legislation is not directed at correcting a real evil but rather it is directed at an imagined wrong toward a Member of the U.S. Congress, not necessarily a Member of this body. It is not even legislation directed toward disciplining an industry for having failed to come to an argument or for having failed to arm an agreement executed by other portions in that industry. It should not be viewed as being a piece of legislation in the public interest, nor should it be viewed as a piece of legislation directed at correcting an evil.

So if any Member thinks he is correcting any evil by voting for this legislation, he should summarily correct his views and realize this legislation will not do anything for the real public interest, except by humoring a Member of the Congress of the United States, not necessarily a Member of this body.

I can recognize the question before the committee and the subcommittee and I am not critical of any Members, I am not critical of my colleagues in the House of Representatives for voting for or supporting this piece of legislation.

They should, however, be very clear on the public record that this legislation is not particularly in the public interest. It should be equally clear on the public record that this legislation is going to accomplish nothing in the public interest. It should be equally clear on the public record that this is not the way we should legislate. We should not legislate against a particular producer or particular part of a particular industry to satisfy the pique or displeasure of Members of the Congress of the United States.

This legislation is bad legislation. It is not adequate legislation. It really does nothing which merits favorable consideration. Indeed, the whole consideration of this legislation by this body is a total waste of time.

Therefore, Mr. Chairman, I point out to my colleagues that they can vote against this legislation with a perfectly clear conscience. If they vote for it, I suspect they can probably have almost as clear a conscience, but I hope no Member of this body deceives himself into any idea that this legislation is going to in any fashion correct any wrong or redress any ill or do anything else.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Chairman, I was going to vote for this bill, but after hearing what the gentleman says, I am beginning to have second thoughts.

The gentleman is contending something. Could he spell out in a little more detail what he is contending?

Mr. DINGELL. Mr. Chairman, I have expressed myself as much as I intend to express myself. I would be glad to sit down with the gentleman and discuss it in private.

Quite frankly, we are wasting the time of the House in considering this legislation.

Mr. LONG of Maryland. Mr. Chairman, what the gentleman tells me disturbs me. I am inclined to feel that I will vote against the bill.

Mr. DINGELL. Mr. Chairman, I thank the gentleman, and I intend to vote against the bill. I do not intend to be critical of any Member who is for the bill.

Mr. HILLIS. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. Mr. Chairman, I yield to the gentleman from Indiana.

Mr. HILLIS. Mr. Chairman, I would like to associate myself with the views of Mr. DINGELL and the dissenting views of Messrs. MCCOLLISTER and FREY. Not only is this legislation discriminatory against broadcasters by depriving them of advertising revenue, but it fails to solve any problem adequately.

On the one hand, it involves a further intrusion of the Government into the first amendment rights of advertisers and broadcasters. It attempts to determine what is suitable material for broadcast advertising and what is not, yet makes no attempt at setting similar restrictions upon other media.

I believe it was a mistake to initially ban cigarette advertising from television—it has had the result of driving cigarette advertisers to bigger, better ads in newspapers and magazines, and has had no adverse impact on the use of cigarettes—which has increased.

To compound the error by extending this "broadcast blackout" to another product provides an even greater basis for the future continued and expanded regulation of broadcast advertising and programing through the Federal Communications Commission. Government censorship of programing is not so far a cry from Government censorship of advertising material.

If there is solid evidence that smoking little cigars is damaging to health, then if this Congress feels it must be the guardian of smokers' health, the answer is not to ban advertising of the product by electronic media, but take the product off the market entirely. This is the only honest thing for us to do.

In the case of cigarette smoking, the Surgeon General has been able to make some form of case that there is a direct link between cigarette smoking and cancer. In the case of little cigars, though, this evidence has never been found—hinted at, but the facts do not point to this conclusion.

If we can show such a damaging impact to health that the Congress feels compelled to take these products off the market, just as the FDA might ban a dangerous drug on the basis of solid evidence, then let us do it. But I cannot condone the infringement upon the advertising rights of the little cigar manufacturers until such evidence is put squarely before the American public and these products are declared by Congress or the appropriate governmental agency to be unsafe for use and banned.

To act in any other way is an insult to the intelligence of the American public and an infringement on constitutional guarantees.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. HAMILTON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 7482) to amend the Federal Cigarette Labeling and Advertising Act of 1965 amended by the Public Health Cigarette Smoking Act of 1969 to define the term "little cigar," and for other purposes, pursuant to House Resolution 503, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HILLIS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 287, nays 63, answered "present" 1, not voting 83, as follows:

[Roll No. 443]

YEAS—287

Abdnor
Abzug
Adams
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Archer
Arends
Aspin
Bafalis
Baker
Beard
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blackburn
Blatnik
Boggs
Boland
Bowen
Brademas
Breaux
Breckinridge
Brinkley
Broomfield
Brown, Calif.
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Butler
Byron
Carey, N.Y.
Carney, Ohio
Carter
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clay
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Collins, Tex.
Conable
Conlan
Conte
Corman
Cotter
Coughlin
Daniel, Dan
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, Wis.
Dellenback
Dellums
Denholm
Dent
Derwinski
Dickinson
Downing
Drinan
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Fascell
Findley
Fish
Fisher
Flowers
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Frenzel
Fulton
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Grasso
Green, Pa.
Griffiths
Grover
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hanley
Harvey
Hastings
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hinshaw
Hogan
Holt
Holtzman
Hosmer
Howard
Huber
Hungate
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Kastenmeier
Kazen
Kluczynski
Koch
Kyros
Latta
Lent
Long, La.
Long, Md.
McClory
McCloskey
McCormack
McDade
McFall
McKay
Macdonald
Madden
Madigan
Mahon
Mallary
Mann
Martin, N.C.
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Milford
Miller
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Mizell
Mollohan
Morgan
Moss
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Brien
O'Hara
O'Neill
Owens
Passman
Patten
Perkins
Pettis
Peyser
Pickle
Poage
Preyer
Price, Ill.
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rees
Regula
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Roush
Roy
Roybal
Ruppe
Sandman
Sarasin
Sarbanes
Satterfield
Saylor
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shriver
Sikes
Skubitz
Slack
Snyder
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steelman
Stokes
Stubblefield
Stuckey
Studds
Sullivan
Symington
Taylor, N.C.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Wampler
Whalen
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wylie
Yates
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki
Zwach

NAYS—63

Ashbrook
Bauman
Burleson, Tex.
Burton
Camp
Casey, Tex.
Cronin
Daniel, Robert W., Jr.
de la Garza
Dennis
Devine
Dingell
Evans, Colo.
Evins, Tenn.
Flynt
Foley
Frey
Froehlich
Goldwater
Goodling
Gross
Hammerschmidt
Hébert
Hillis
Hunt
Kemp
Ketchum
King
Kuykendall
Landgrebe
Lott
Lujan
McCollister
Martin, Nebr.
Montgomery
Moorhead, Calif.
Myers
Parris
Podell
Powell, Ohio
Price, Tex.
Rarick
Rousselot
Ruth
Ryan
Shoup
Shuster
Smith, N.Y.
Spence
Steiger, Ariz.
Steiger, Wis.
Symms
Taylor, Mo.
Teague, Calif.
Towell, Nev.
Treen
Waldie
Ware
Wiggins
Wilson, Charles H., Calif.
Wyman
Young, S.C.
Zion

ANSWERED "PRESENT"—1

Armstrong

NOT VOTING—83

Addabbo
Andrews, N.C.
Ashley
Badillo
Barrett
Bell
Bolling
Brasco
Bray
Brooks
Brotzman
Brown, Ohio
Burke, Calif.
Chisholm
Clawson, Del
Conyers
Crane
Culver
Davis, S.C.
Delaney
Diggs
Donohue
Dorn
Dulski
Esch
Eshleman
Flood
Fraser
Frelinghuysen
Fuqua
Gray
Green, Oreg.
Hanna
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Hawkins
Holifield
Horton
Hudnut
Karth
Keating
Landrum
Leggett
Lehman
Litton
McEwen
McKinney
McSpadden
Mailliard
Maraziti
Mathis, Ga.
Michel
Mills, Ark.
Minshall, Ohio
Moakley
Moorhead, Pa.
Mosher
Murphy, Ill.
Nix
Patman
Pepper
Pike
Reid
Rooney, N.Y.
Rostenkowski
Runnels
St Germain
Shipley
Sisk
Smith, Iowa
Steele
Stephens
Stratton
Talcott
Teague, Tex.
Udall
Veysey
Walsh
Wydler
Yatron

So the bill was passed.

The Clerk announced the following pairs:

Mr. Holifield with Mr. Bell.
Mr. Rooney of New York with Mr. Hanrahan.
Mr. Fuqua with Mr. Minshall of Ohio.
Mr. Addabbo with Mr. Steele.
Mr. Brasco with Mr. Talcott.
Mr. Hawkins with Mr. Karth.
Mr. Delaney with Mr. Maraziti.
Mr. Donohue with Mr. Hudnut.
Mr. Flood with Mr. Hansen of Idaho.
Mr. Teague of Texas with Mr. Bray.
Mr. Yatron with Mr. Crane.
Mr. Sisk with Mr. Esch.
Mr. Rostenkowski with Mr. Horton.
Mr. Moorhead of Pennsylvania with Mr. Keating.
Mr. Murphy of Illinois with Mr. Brotzman.
Mr. Nix with Mr. Dulski.
Mr. Gray with Mr. Brown of Ohio.
Mrs. Green of Oregon with Mr. Veysey.
Mr. Leggett with Mr. McEwen.
Mr. Mills of Arkansas with Mr. Harsha.
Mr. Culver with Mr. Eshleman.
Mrs. Chisholm with Mr. Runnels.
Mr. Brooks with Mr. McKinney.
Mr. Barrett with Mr. Walsh.
Mr. Ashley with Mr. Mailliard.
Mr. Badillo with Mr. Conyers.
Mr. Diggs with Mr. Harrington.
Mr. Pike with Mr. Del Clawson.
Mr. Reid with Mr. Frelinghuysen.
Mr. St Germain with Mr. Mosher.
Mr. Stephens with Mr. Wydler.
Mr. Udall with Mr. Landrum.
Mr. Pepper with Mr. Mathis of Georgia.
Mr. Moakley with Mr. McSpadden.
Mr. Hanna with Mr. Michel.
Mrs. Burke of California with Mr. Stratton.
Mr. Andrews of North Carolina with Mr. Lehman.
Mr. Davis of South Carolina with Mr. Litton.
Mr. Dorn with Mr. Fraser.
Mrs. Hansen of Washington with Mr. Patman.
Mr. Shipley with Mr. Smith of Iowa.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provisions of House Resolution 503, the Committee on Interstate and Foreign Commerce is discharged from further consideration of the bill (S. 1165) to amend the Federal Cigarette Labeling and Advertising Act of 1965 as amended by the Public Health Cigarette Smoking Act of 1969 to define the term "little cigar," and for other purposes.

The Clerk read the title of the Senate bill.

The Clerk read the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 7482) was laid on the table.

PERSONAL EXPLANATION

Mr. FLOOD. Mr. Speaker, on the vote that was just taken by the House, I was unavoidably detained. Had I been present I would have voted "nay" on final passage.

PERSONAL EXPLANATION

Mr. CHAPPELL. Mr. Speaker, when rollcall No. 442 was taken, I was unavoidably detained. Had I been present I would have voted "aye."

REREFERENCE OF H.R. 1807, H.R. 2316, AND H.R. 3274

Mr. RODINO. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from the further consideration of the bills H.R. 1807, H.R. 2316, and H.R. 3274, and that those bills be rereferred to the Committee on Education and Labor.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

The was no objection.

PERSONAL EXPLANATION

Mr. FOLEY. Mr. Speaker, when the rollcall No. 442 was taken I was unavoidably detained. Had I been present I would have voted "aye."

PERSONAL EXPLANATION

Mr. BOWEN. Mr. Speaker, I was absent when rollcall No. 442 was taken. I was in the building, but did not hear the bells being rung. If I had been present I would have voted "aye."

ADDRESS BY THE HONORABLE JOHN PAUL HAMMERSCHMIDT TO 55TH ANNUAL NATIONAL CONVENTION OF THE AMERICAN LEGION

(Mr. TEAGUE of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. TEAGUE of California. Mr. Speaker, the American Legion has recently concluded its 55th annual convention. One of the highlights of that convention was the address of the Honorable JOHN PAUL HAMMERSCHMIDT, the ranking minority member of the Committee on Veterans' Affairs. The gentleman from Arkansas delivered what I considered to be a comprehensive report on the status of veterans legislation at the present time. I commend it to the attention of my colleagues. The address follows:

ADDRESS BY JOHN PAUL HAMMERSCHMIDT, MEMBER OF CONGRESS, AT 55TH ANNUAL NATIONAL CONVENTION, THE AMERICAN LEGION, HONOLULU, HAWAII

(Joint session of the National Legislative and Veterans' Affairs and Rehabilitation Commissions)

Chairman Horton, Chairman Lenker, Director Stringer, Director Golembieski, Members of the Commissions and my fellow legionnaires:

It may sound somewhat trite to say that I'm glad to be here—but I am. This beautiful tropical setting is enough to make anyone glad to be here, but I'm glad for other reasons. First and foremost, I am glad because this visit affords me the opportunity to discuss matters of common interest with you—the members of two of the most powerful commissions of the American Legion—Legionnaires who are playing an important role in formulating the American Legion's program for the coming year.

My visit also affords me the opportunity to recognize the splendid work of the staff of your Washington office.

First—I bring you the greetings of our distinguished Chairman W. J. Bryan Dorn. He asked me to convey his regrets that he cannot be with you in person, but he wants to assure you that he is present in spirit.

As always he will be interested in the legislative program you will develop during this convention; a program which is always of valuable assistance to the Committee on Veterans' Affairs in carrying out its responsibilities.

Also let me pay tribute to all those members—of the House of Representatives who serve with me on the Committee on Veterans' Affairs. They send you Greetings.

It is because of the dedicated effort and spirit of cooperation of this group that we have been able to forge the most comprehensive veterans benefit program of any nation in the world.

Putting aside partisan politics, Democrats and Republicans have labored through the years and, in most instances, without fanfare in perfecting this sound structure of veterans' benefits.

Our efforts in this field have been greatly facilitated by the assistance we receive from your Washington Representatives. The wisdom of your views presented so well by Herald Stringer and Ed Golembrieski, and their staffs, have helped to crystallize our position on the various issues of the moment. I am grateful for their help.

Now, as you begin putting together your program for next year, I want to share with you a few brief observations on the issues of the moment.

I think you will agree this has been a very productive year from the point of view of veterans, despite the fact that only three bills have thus far been actually signed into law. Packed into these measures, however, are a number of far reaching proposals. For example, just prior to the current recess, the President approved into law a medical omnibus bill.

The approval of this measure, I know, represents the successful attainment of several of the American Legion legislative mandates for the current year. This measure contains a provision that will authorize outpatient medical services to any veteran eligible for hospital care under veterans laws where such care is reasonably necessary to obviate the need for hospital admission. I know you recognize the significance of this language.

To me, as an example, it means that a veteran with a common chest cold who presents himself to a Veterans Administration out-patient clinic can be treated for this cold on the theory that untreated, the condition may develop into pneumonia and require hospitalization. Prior to the approval of the new law, this same veteran would have been sent home after being informed that the Veterans Administration could not treat him until his condition had become serious enough to require hospitalization.

Another important provision of this law will for the first time extend hospital and medical care to certain dependents and survivors of veterans who died or are totally disabled from service-connected causes.

Under this provision, the administrator of veterans affairs is authorized to contract with the Secretary of Defense or with a private insurance carrier to provide medical benefits similar to those available to certain dependents and survivors of active duty and retired-members of the Armed Forces under the CHAMPUS program.

Such care would be provided for wives and children of permanently and totally disabled service-connected veterans and for widows and children of veterans who died as the result of service-connected disability. In unusual circumstances only, would such care be provided in Veterans' Administration facilities.

The Medical Omnibus Bill will permit the Veterans' Administration to compete more readily with the private-sector in recruiting and retaining nurses by authorizing pay-differentials for nurses who perform duty on Sundays and holidays and at night.

The new law also increases the payment to State homes providing care for veterans eligible for admission to VA medical and domiciliary facilities. Finally, the measure increases the percentage of the Federal Government's contribution to States for the construction of State veterans' homes from the present 50 percent maximum to 65 percent. These are but the highlights of the Veterans' Health Care Expansion Act of 1973 approved by the President as Public Law 93–82.

The new law contains some 26 provisions, all essential to the proper functioning of the Veterans' Administration hospital system.

1. HOSPITAL FUNDING

Perhaps the most important provision of the new medical bill could easily go unrecognized. I am speaking of a provision that directs the administrator to staff and maintain sufficient beds and other facilities to insure the immediate care of patients found to be in need of hospital care and medical treatment.

This language sounds innocuous, but I can assure you it is not. For many years we have been playing the numbers game with the average daily patient census in Veterans Administration hospitals. The Veterans Administration budget request would be based on a lowered daily census. The Congress would appropriate funds for a higher daily patient census.

The Veterans Administration would ignore the Congressional mandate and operate the hospital system at the lowered figure. Then the debate would rage all year on the adequacy of funding. Most everyone agrees that funding based on a predetermined average daily patient census is wrong. So, the new language of the law abandons the daily census method of funding and assumes that sufficient facilities, (including hospital beds), will be available to care for sick veterans.

Should the estimate of funds needed to accomplish this worthy objective be wrong, the Veterans Administration would be authorized and fully expected to seek supplemental funds later in the year. We have, in effect, through the new law placed hospital funding in the same category as direct benefit funding. The treatment of sick veterans is a statutory obligation as is the payment of compensation. If funds for either program are exhausted prior to the end of the year, supplemental funds will be authorized.

Our committee will watch carefully the new method of budgeting, with the high hope that it will eliminate the annual fight over the VA medical budget.

2. INTEREST RATE ON GI LOANS

As you undoubtedly are aware, the Veterans Administration Home Loan Program has been virtually non-existent for the month of July. As the result of new legislation, P.L. 93–75, the program is again operational. It happened this way. While the Veterans Administrator had the authority to set the maximum interest rate on G.I. Home Loans, he could not set the rate higher than the FHA rate which had a statutory ceiling of 6 percent.

For several years, of course, this ceiling has been unrealistic. So, through a series of successive legislative enactments, the Secretary of Housing and Urban Development has been given temporary authority to set the FHA rate in excess of 6 percent. With the most recent extension of the Secretary's June 30th, the House of Representatives on May 21st authorized a one year extension.

Unfortunately, the bill was saddled with temporary authority scheduled to expire last several controversial amendments in the Senate and still had not become law June 30th.

So both the VA and FHA programs were forced to operate under a 6 percent interest rate ceiling as of July 1.

Our committee resolved the problem (with respect to VA loans) by quickly acting upon a bill authorizing the Administrator to set the rate of interest on G.I. loans without regard to the maximum rate on FHA loans.

FHA now has been given stop-gap authority (Aug. 10th) until Oct. 1st while Congress continues to try to pass omnibus housing legislation.

On July 26, 1973, the President approved the bill and shortly thereafter, administrator Don Johnson announced the new interest rate ceiling of 7¾ percent.

3. NATIONAL CEMETERIES

Another measure of major importance to the American-Legion, was the National Cemeteries Act of 1973, approved by the President on June 18th. The enactment of this new law climaxed several years of effort to establish a national burial policy for veterans. The new law transfers the responsibility for the administration of the National Cemetery System from the Department of the Army to the Veterans Administration.

It authorizes a burial plot allowance of $150 payable on behalf of veterans not buried in a national cemetery. It permits payments up to $800 on behalf of veterans dying of service-connected disabilities. Finally, the measure directs the Veterans' Administration to conduct a study and submit recommendations to the Congress by January 3, 1974 on a burial policy for veterans, including the desirability of constructing new cemeteries.

4. PENSIONS

Undoubtedly, the most pressing veterans problem facing this 93rd Congress relates to non-service-connected pension for veterans and widows. As you well know, the pension payment scale is structured in such a manner that increases in income from any source will produce a reduction in monthly pension payments, though to a lesser degree. The 20 percent increase in social security payments received last September, of course, caused such an adverse effect.

Public Law 92–603, enacted in the closing days of the 92nd Congress causes further reductions, as will the social security amendments approved just a short time ago.

Now that the dust has settled, however briefly, on the social security increases, we have been able to make some adjustments in the pension program. In the House passed bill, we have increased by $13 the monthly pension rates for veterans with no dependents and by $14 the rates for those with one dependent.

Widows without dependents receive a $9 increase, while those with one dependent receive a $10 increase. Percentagewise, the minimum increase is 10 percent, while the maximum is substantially greater

The House passed bill also limits to $3,600 the amount of a spouse's earned income that may be excluded in computing the veteran's income for pension purposes.

The Senate passed bill, on the other hand, authorized a 10 percent increase in pension rates.

Dollar wise, the increase ranges from $14 down to $2. The Senate bill also increased the maximum limits on annual income by $400, while placing no limitation on a spouse's earned income.

The cost of the two versions also varies substantially. The House version in its first year of operation will cost $246 million, while the Senate bill will cost $236.4 million.

5. PLANS FOR BALANCE OF 1ST SESSION

Now, where do we go from here. Congress will return from its August recess September 5th.

There will probably be at least 6 to 8 weeks of legislative activity prior to the adjournment of this first session of the 93rd Congress. During that period, we should be able to resolve the differences in the House and Senate versions of the pension bill and send it to the White House for approval.

It would be my hope we can do this—I know we should as soon as possible after we reconvene.

Education

The Education Subcommittee last month held a series of hearings on approximately 50 bills relating to the G.I. Bill. Some of these will extend the 8 year period during which a veteran must utilize his educational benefits. Another group of bills will count for educational benefits the time spent by a Reservist or National Guardsman on "active duty for training".

Another group will authorize the Veterans Administration to pay separate tuition payments in varying amounts to veteran students in addition to the educational allowance now payable.

Still others will permit World War II and Korean conflict veterans to avail themselves of educational benefits that had previously been earned but not used. Because of the number of bills before the committee, the long list of witnesses to be heard and the complexity of the pending bills, these hearings will continue after the August congressional recess.

6. PLANS FOR SECOND SESSION

Now what about next year. I mentioned earlier the pension measure awaiting our final action after the recess. You must recognize that our final action on this bill does not in any sense represent our final action on the pension program. The Veterans Administration spokesman, during the recent hearings on this subject, said of the current pension system, and I quote him ". . . the entire program has inconsistencies, inequities, and anomalies which cannot be corrected within the framework of the law as now constituted."

He went on to suggest a basic reform of the pension system.

Now, I do not like the word "reform". But neither do I like the idea of an aged veteran's pension being in a lesser amount than the social security payment received by an aged citizen. Yet the supplemental security income program recently enacted will assure aged citizens a minimum income of $210 for a married couple while a married veteran with no other income receives $140 per month.

I most certainly do not begrudge this payment to aged citizens. The nation's veteran, however, gave something extra in time of war and he is entitled to something extra in time of peace.

If pension reform will cure the situation I have described, then I can support "reform". Unfortunately, the reform suggested by the Veterans' Administration was too complex to be given the in-depth consideration it deserves in the short time available to us, since those hearings.

Briefly, the VA recommended a base-pension rate of $150 per month for a single person and $225 per month for a person with one dependent. They also recommended an automatic-cost of living adjustment working simultaneously with that applicable to social security. Admittedly, there are features of the reform-measure which will require further study. I intend to request such study by our committee next year so that the tax-dollars expended will assist those persons who are the most needy.

Next year, I expect the committee will address itself to the subject of compensation for service-connected disabilities and dependency and indemnity compensation for the survivors of those who died in service or as the result of service-connected disabilities. Cost-of-living adjustments in both of these programs will undoubtedly be due at that time.

This, my fellow legionnaires, covers the major subjects that will receive our attention during the balance of this year and early next year. Before concluding, let me touch briefly on one other subject. I have repeatedly heard voiced the fear or apprehension that with a system of national-health-insurance on the horizon, the Veterans Administration hospital system will lose its identity and be merged into a gigantic health delivery system for the nation.

Let me assure you right now that I will utilize every resource at my command to prevent this. I pledge to you that I will continue by unrelenting efforts to preserve an independent hospital system for the nation's veterans. And furthermore, I have every reason to believe that this also represents the intent and policy of the executive branch of this administration.

CONCLUSION

In conclusion, let me leave you with this thought.

There is not sufficient money available to do all of the things that everyone wants to do. Therefore, it has been necessary to proceed with an order of priority. There is general agreement that the hospital and medical program must come first.

Compensation for the service-connected disabled and the survivors of our war dead must receive a high priority since it seems unquestionable that the Government's first obligation is to this group. Non service-connected pensions should be made available to aging veterans and widows, but these programs must be kept in bounds and bear a proper relationship to the service-connected programs.

This is the philosophy we have attempted to pursue in the committee on veterans affairs. With your help, we can continue on the road to perfecting these programs.

As you consider your resolutions at this convention, may you be blessed with the mature wisdom necessary to formulate the clear, concise and reasonable program that has been the hallmark of the American Legion for more than half a century.

Thank you.

NATIONAL PARK SERVICE AIDS METRIC CONVERSION

(Mr. McCLORY asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. McCLORY Mr. Speaker, I am pleased to receive notification from the National Park Service that metric measurements are being added to the national park signs and pamphlets describing measurements in our great national parks for the benefit of our American, as well as foreign, visitors.

Mr. Speaker, this is further recognition of the conversion to the metric system which is occurring despite the absence of specific legislation. The Bureau of Standards' study report was completed in July 1971—recommending a general conversion to the metric system of weights and measurements with a target date 10 years hence.

Mr. Speaker, more than 20 of my colleagues have joined in recommending legislation to help coordinate the program of conversion which could enable our educational and industrial institutions to convert to the metric system of weights and measures over a 10-year period. This can be done principally on a voluntary basis with no more than a coordinating agency established by the Federal Government to help the numerous private groups which are already planning for a logical and orderly changeover.

Mr. Speaker, our bill, H.R. 2351, is pending before the House Committee on Science and Astronautics. I hope the committee will have occasion to recommend this or comparable legislation soon. The park service announcement provides further support for action which can bring our Nation at long last into line with the rest of the industrialized nations of the world. I am attaching the park service news release which was issued yesterday:

Metric Measurements Will Be Added to National Park Signs, Booklets

National Park Service Director Ronald H. Walker has announced that National Park System signs and brochures soon will include metric as well as standard distance measurements.

Walker said that signs in the parks and pamphlets issued to visitors to these areas would be revised as soon as they became obsolete or are otherwise replaced or reissued. He explained that the conversion will begin in a number of heavily visited parks later this year.

"The switchover to the metric system has already begun in certain areas of private industry and in school systems in the United States," Walker said "But most important for us is the convenience we can provide for the rapidly increasing number of foreign visitors to this country and our national parks and historic areas. At the same time, by providing metric alongside standard measurements, the National Park Service can provide a useful educational method for school children and the public at large to think in metric terms."

Walker pointed out that in 1971 the Secretary of Commerce recommended that the United States change to the metric system through a coordinated national program. Legislation is pending before Congress to establish a national policy relating to conversion to the metric system in this country.

"The United States is the only major nation in the world which has not decided to 'go metric,'" Walker said. "Meanwhile, our own visitors readily understand a sign saying, for example, that the elevation of the South Rim of the Grand Canyon is 7,000 feet. But that means little to our foreign visitors who come to see that spectacular view. They need to know that elevation is 2,099 meters."

The dual listings, Walter said, would also be useful educationally to the many Americans who travel abroad and must try to adopt to the metric system wherever they go.

Apart from measurements of feet, others that are common in Park Service brochures and signs include: miles, now joined by kilometers which are 0.62 of a mile; miles per hour; yards, which are just short of the 39 inch meter; and acres, of which 2.47 make a hectare.

A PROPOSED CONSTITUTIONAL AMENDMENT CONCERNING THE DEATH PENALTY

(Mr. WIGGINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WIGGINS. Mr. Speaker, I am today introducing a proposed amendment to the United States Constitution which would, under limited circumstances, authorize the imposition of the death penalty.

The text of the proposed amendment is as follows:

> Nothing in this Constitution shall prohibit the imposition of the penalty of death upon the conviction of the crime of murder or treason, provided that the statute authorizing such penalty shall have been enacted after the effective date of this article.

I have concluded after many months of reflection on this most difficult issue that society should not be denied the right to impose the penalty of death for specific crimes; that the existence of this right is unclear in view of *Furman* v. *Georgia*, 408 U.S. 238 (1972); that a constitutional amendment is the best, if not the only, vehicle adequate to clarify this right; that the societal right to exact the death penalty should be limited to the crimes of murder and treason only; and that the Congress and the State legislatures should be compelled to reenact statutes imposing the death penalty for these offenses, thereby forcing a public reassessment of the wisdom of such penalties in the light of modern experience and attitudes.

The amendment which I propose represents an attempt to achieve these values. If the language is imperfect, hearings themselves, however, will compel a focus by Congress and legal scholars on an issue which needs to be fully aired in the light of Furman against Georgia.

It is the purpose of the amendment to remove the doubt presently existing that the eighth amendment proscribing cruel and unusual punishments itself is a bar to the imposition of the death penalty, or that such a penalty is, inherently or as applied, a deprivation of due process or equal protection of the laws. Since a lawful conviction must precede the imposition of sentence, all other constitutional challenges to the validity of the statute imposing such penalty, the arrest of a person pursuant thereto and to his subsequent trial remain unaffected by the amendatory language.

If the amendment proposed, or a more perfect varient thereof, becomes a part of our Constitution, it is my personal hope that legislative bodies will exercise the power thus conferred with great caution and discrimination. For my part, I am presently persuaded that the death penalty should be reserved, in murder cases, for those homicides committed by prisoners confined to life sentences for previous offenses.

I do not propose any amendment to the U.S. Constitution lightly. Our basic governmental charter should not be altered to resolve controversies of the day except upon a showing of clear necessity. The Constitution must remain a broad statement of general principles which defines the power relationships of the people and their government. The amendment which I propose is of such a character and I urge its prompt consideration by the House Committee on the Judiciary.

QUESTIONS AND ANSWERS ON HOSMER PLAN FOR URANIUM ENRICHMENT INDUSTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HOSMER) is recognized for 10 minutes.

Mr. HOSMER. Mr. Speaker, considerable interest has been sparked by my plan announced last week for the evolution of the uranium enrichment industry from public hand to private hands by the initial use of a government corporation.

There follows answers to questions which have been asked about the plan:

Q. What is the objectives of the Hosmer Plan?

A. To let the world know the U.S. is aggressively in the uranium enrichment business and to bring certainty where none now exists by providing a mechanism to do three things: (1) avoid a nuclear fuel gas; (2) protect the U.S. claim to overseas markets by uninterruptedly offering separative work contracts; and (3) provide for a quick and orderly transition from public to private enriching.

Q. Why is a government corporation called for—can't AEC just add the capacity?

A. Uranium enriching is becoming a big business. It ought to be run as a business and run efficiently. You can't do that if you have to depend on annual appropriations from the Congress to finance it. Moreover, pricing the product, expanding capacity, keeping up with competition and similar considerations dictate the flexibility of a corporate set-up.

Q. How will your guillotine clause stop the U.S. Enrichment Corp. (USEC) from adding capacity?

A. To enourage private industry to move into the enrichment business almost when it chooses, USEC's corporate charter will allow it to add capacity only in moderate size increments, each no larger than 3,500,000 separative work units per year. By comparison, the AEC estimates 16,600,000 swu/yr of capacity will have to be added during the first year after capacity of the AEC's existing enriching complex is exhausted. Further, USEC will be required to get a license from the new Nuclear Energy Commission (NEC) before adding the first or any subsequent increments. The law establishing USEC will state that no license can be issued to USEC if there is another U.S. applicant holding an advisory anti-trust clearance from the Justice Department which is ready, willing and technically and financially capable of the timely addition of the next increment of capacity and commits itself irrevocably to do so. Such applicant must be a United States citizen, however, up to 49% of its equity may be foreign owned. In order to encourage competition applications by private enrichers shall not exceed 10,000,000 swu/yr capacity per increment.

Q. Will there be any exception to the guillotine clause?

A. Only one. That is where a potential private enricher states in its application that the demand it intends to supply is already satisfied. This could be the case where an applicant already has contracts or where a group of electric utilities propose to set up an enriching cooperative to supply its own members' nuclear fuel requirements.

Q. The Hosmer plan calls for transfer of separative work contract from USEC to private enrichers in the order last received—how would that work?

A. USEC will be contracting to supply more enriching service than it actually has capacity in being able to supply, just as AEC now contracts for work to come out of the cascade improvement and uprating programs which haven't been carried forward yet. Contracts which exceed USEC's existing capacity, for which it would otherwise add capacity to fill will be subject to transfer. Here's an example: USEC has its original three plant capacity of 27,500,0000 swu/yr, and has added one 2,500,000 plant and is building another 3,000,000 plant for a total of 33,000,000. However, it has contracts out for 50,000,000 swu/yr, 17,000,000 more than its existing and planned capacity. At this point Private Co. "A" gets a license for a 10,000,000 swu/yr plant. It can call on USEC for assignment of contracts totalling the 10,000,000. This cuts USEC's excess to 7,000,000. Private Co. "B" gets a license for 10,000,000 but only calls on USEC for half, since it has other buyers. Now USEC is down to 2,000,000 excess. Private Co. "C" enters the picture but is a consortium of utilities to supply its members own needs so does not call for any assignments. USEC is still at 2,000,000 and considering whether it is going to have to add actual capacity. Now Private Co. "B" re-enters the picture with an amendment to its license increasing its capacity to 15,000,000 from 10,000,000 and calls on USEC for the last 2,000,000 of separative work unit contracts it is holding.

Q. What about price and terms of assigned contracts?

A. For the assurance that there will be nuclear fuel on hand when they need it, the utilities contracting with USEC for swu's will oblige themselves to pay USEC's assignee the latter's going price, so long as it is reasonable. The same rule will apply as to other terms and conditions.

Q. What about the future, when USEC's present contracts are fulfilled—won't it be competing with private industry for business?

A. Sure, we'd be crazy to shut the Corporation down. Somebody would just have to replace the capacity and there is a growing need for it into the next century. We might consider giving publicly owned utilities a preference to contract with USEC for any separative work that opens up later since privately owned utilities going nuclear early in the game are the principal price beneficiaries of present contracts. We also might think about eventually selling USEC's stock to the public as was done with the Federal National Mortgage Association. But, I wouldn't want to see that done until the transition to a healthy and competitive private enriching economy has been accomplished, probably sometime in the late 1980's.

Q. What are your feelings about USEC's pricing of the product?

A. Presently the AEC charge is based on recovery of costs. I think USEC ought to have some flexibility. Possibly publicly owned domestic electric utilities deserve a break with nuclear fuel expenses, but there is no good reason why the privately owned utilities should keep on getting separative work at cost. Besides, selling the stuff to foreign utilities at cost instead of some better price simply diminished the amount of foreign exchange we can make out of the business. I've already indicated that about $5 will be added to the average cost of separative work by the front end expenses of adding the first two new increments of moderate size to the existing three plant complex. Additionally, USEC will be making payments in lieu of taxes to states and localities as does TVA. There will be interest on bonds and other expenses, too. These will move up the charges for the product so that the price gap between USEC and the initial private enrichers shouldn't be vast. Nevertheless, USEC should have authority to narrow it by adding an arbitrary profit factor should it appear wise to do so.

Q. When do you think Private Corp "A" will show up?

A. I think as soon as USEC says the front end costs of establishing a centrifuge manufacturing capacity private industry will move right in. That would be after USEC's second increment of new capacity, but in time it would have to be planned to go on the line that first year (1984–85) when the 16,600,000 block of capacity will be needed. USEC's two increments would only take about 5,500,000 of it. There might even be a race between Private Corporations "A", "B" and "C" to see who gets the first license.

Q. Why have you dropped the idea of using a COMSAT type corporation?

A. In my mind the part private, part public corporation approach would serve only one purpose—to provide a vehicle by which U.S. and foreign investors could ease into the enrichment picture. The USEC device will get private investors, both domestic and foreign, into the picture so fast that there is no sense in fooling around with the COMSAT idea anymore. And, I'm satisfied that there is plenty of money lying around waiting to get into the enrichment business as soon as USEC paves the way.

The distinguished nuclear trade publication Nucleonics Week carried the following items relating to the Hosmer plan in its September 6 issue:

Hosmer Pushing Hard To "Sell" Government Enrichment Corporation Plan

With a whip and a chair, veteran Rep. Craig Hosmer (R-Calif.) is trying to push the Administration, AEC and the nuclear industry into a consensus in favor of a "sensible, clearly defined" plan to create a government uranium enrichment corporation. Hosmer's plan, made public yesterday in the *Congressional Record*, calls for establishment "forthwith" of a government corporation to operate the three existing gaseous diffusion plants and add new capacity, using gas centrifuge, to the system by 1983–84. It also provides a mechanism for private entry into the enrichment field on a leisurely schedule and with reduced risk.

Hosmer, the senior Republican member of the Joint Committee on Atomic Energy, spent most of the congressional August recess developing and selling his plan to the parties involved in determining the future structure of the enrichment industry. His intention is to focus phase 2 of JCAE's enrichment hearings, which begin Oct. 2, on the plan. "If enough favorable comment and sufficient constructive criticism are received." Hosmer said, "it may be possible for the Administration and the Congress to proceed quickly to a consensus, get about the business of dispelling indecision, and structure a competitively effective industry within the short time limit available." However, industry, comment from those close to the matter showed that there is not now anything approaching a consensus (*see separate story following*).

Insisting that the Nixon Administration's hope for private industry to construct the next increment of enrichment capacity is no longer "operative," Hosmer outlined his plan as follows.

1. Congress would set up the United States Enrichment Corp. (USEC), with AEC's existing production division activities and personnel transferred to the corporation; 2. USEC would operate the diffusion plants at Oak Ridge, Tenn.; Paducah, Ky.; and Portsmouth, Ohio, and manage the government's stockpile of enriched uranium which may be worth $3-billion by 1978; 3. the corporation would complete the cascade improvement and uprating (CIP CUP) programs; 4. it would conduct all diffusion and centrifuge research and development; 5. it would add new increments (2.5-million separative work units/yr) of centrifuge capacity; 6. its price would be established by averaging production costs of past and future plants and would include r&d costs.

Regarding private industry participation in the enrichment industry, the Hosmer plan provides that USEC would be prohibited from adding new capacity when a qualified U.S. company enters the field. Enrichment contracts would be assignable to the new company in the order last received. Hosmer also suggested that USEC might be authorized to purchase at cost any unsold production of the first two or three new private enrichment plants (or some fraction thereof) "as a spur to getting them in business."

Hosmer said the corporation would be modeled along the lines of the government-owned Tennessee Valley Authority, which is managed by a three-man board of directors. Capital expenditures for new capacity, r&d and the CIP/CUP programs would be financed by bonds sold to the public. He said the corporation might be charged $100 per SWU (or $1.7-billion) to buy the three diffusion plants with repayment "on the installment plan" at $15/SWU of sales. "At full capacity, this would amount to about $400-million a year." he said.

New centrifuge capacity in increments of 2.5-million and 3.0-million SWU's would produce actual production costs ranging from $60–75/SWU, Hosmer said, but when averaged into the $36–38 prevailing price at the existing plants, the costs to the customer would be "a little over $41–43." He predicted that the first private industry centrifuge plants would come in at or below $55–58/SWU, including taxes and "a reasonable profit."

Hosmer stressed the need for a quick decision in order to head off potential overseas competition and the loss of an estimated $33-billion foreign enrichment market by 2000. "If the U.S. makes wise and timely plans to capture a major share of the international market for uranium enrichment services, the pain of its international balance of payment deficits will, year after year, be considerably eased," he said.

Hosmer said he had briefed the Atomic Industrial Forum, Edison Electric Institute and American Public Power Assn. on his plan, along with about 90% of the interested private companies. Those included the two joint ventures (Westinghouse-Union Carbide-Bechtel and Exxon-General Electric) aimed at actual operation of new enrichment plants. He was scheduled to meet this week with AEC chairman Dixy Lee Ray.

One of the key questions still unanswered is the official Administration attitude on enrichment. In 1969, President Nixon announced an intention to sell the diffusion plants to private industry at some unspecified time in the future. JCAE, particularly Hosmer and Rep. Chet Holifield (D-Calif.), strongly opposed the plan and it was quietly shelved. Since then, the official position has been that private industry would build the next increment of enrichment capacity, reiterated as recently as President Nixon's energy message to Congress in April. Last February, however, White House aide Peter Flanigan wrote Hosmer in a letter that joint government-industry ownership and operation of the diffusion plants might be the preferable near-term alternative.

Reaction To Hosmer Enrichment Plan Ranges From 100 Yea To 100 Nay

Some members of the nuclear industry conversant with Rep. Craig Hosmer's proposal for a government uranium enrichment corporation agree with him 100% and think it's the only way enough enichment capacity will be built in time to meet the growing demand; others think the Hosmer idea is totally unnecessary and, if carried out, will perpetuate the present U.S. government monopoly and create a climate too hostile for industry to enter the business. Still others take more of a middle road; if the government feels it needs a little greater safety factor in enrichment production capacity then Hosmer's way is not so bad, said one man, although he thinks it's unnecessary.

He feels private industry has ample time for a "go, no-go" decision in 1974, which is the date Hosmer says is crucial; if the answer then is "no" there still will be plenty of time for the government to step in, the industry man said. Hosmer considers 1974 to be crucial because that's when AEC will have contracted for its total enrichment capacity to 1983 or '84. Customer doubts about enrichment supply thereafter must be put to rest with a clearly defined program next year. Hosmer said, if the U.S. is to retain its worldwide enrichment leadership.

The middle-of-the-road industry man thanks Hosmer's plan might not be too bad if the Joint Committee on Atomic Energy unequivocally states that the government corporation advocated by Hosmer is intended merely to assure that there would be no time gap in supply of enrichment service, and that JCAE endorses the position that private industry ought to build the next *major* enrichment increment. If that were the case, this man thinks Hosmer's proposed 2.5 million SWU/yr gas centrifuge enrichment facilities to be built as an interim measure by the government corporation would not be a bad compromise. They would be small enough, he said, so as not to preempt the business.

Another industry source noted that half the nation's electrical energy will rest on nuclear fuel within a few years and it would be bad policy then to be dependent on a monopoly enrichment supplier. And "any of these steps Hosmer is proposing merely would further the government monopoly," he said. Foreign uranium users are going to turn elsewhere for their enrichment service, regardless of what the U.S. does, he contended, and institution of a government enrichment corporation won't change this. Moreover, he thinks private industry may well be ready next year to make its decision on entering the enrichment business.

A third industry man said any TVA-type enrichment organization should be viewed as a step in getting AEC out and private industry into the business, "with the ultimate objective of making it possible for industry to own the government corporation." Uncertainty about antitrust aspects of industry involvement in enrichment leaves him "a bit pessimistic" that companies will be ready to make their decisions in less than a year. He foresees 1976 as a more likely date and thinks AEC must continue with gaseous diffusion if by then industry finds centrifuge still speculative. However, he thinks industry could support bringing in two or three centrifuge enriching plans (of the 2.5-million SWU/yr class) almost simultaneously.

A fourth industry source said there's no way that private industry can meet the need for next enrichment capacity. Four large plants will have to be committed before the first of them gets into production in about 1983, he pointed out. So far there are only Exxon-General Electric and Union Carbide-Westinghouse-Bechtel in the field; he doesn't think they'll commit themselves initially to large plants and even if they did it would be inadequate, he said. Utilities don't know which way to go and no industrial company is going to risk a huge financial investment in the face of noncommittal customers, he argued. The dilemma is created, he said, by the need for almost instant commitment by industrial companies in order to meet enrichment requirements. Once there is the interim help of the Hosmer-proposed government corporation, industry can come into the business in an orderly way, he said.

Washington's Weekly Energy Report carried the following authoritative items written by Editor Llewellyn King regarding the Hosmer plan in its September 3 and September 10 issues:

Hosmer Lays Out Plan for U.S. Enrichment Corporation

"The first thing to do is to acknowledge that the Nixon Administration's lingering demand that the next increment of enrichment capacity 'be supplied by private industry' is no longer 'operative'." That is not the statement of a liberal Democrat who is mad at the Administration. Instead it comes from Rep. Craig Hosmer (R-Calif.) in a major statement prepared for delivery in Congress on Wednesday (Sept. 5). Hosmer has spent a good deal of effort in the past few years drawing attention to the need to do something to prevent the nation's capacity for enriching uranium from falling behind the demand. Hosmer, an advocate of the government enrichment corporation concept, in his latest statement goes further than he has done previously. (He is the ranking minority house member of the Congressional Joint Committee on Atomic Energy.) He not only urged the creation of the corporation but also recommended that it proceed at once with the installation of new centrifuge capacity. Hosmer prepared his statement after touring the nation's enrichment plants, all of which are of the older gaseous diffusion kind.

Hosmer noted that capacity will have to be increased by as much as 40 times to eventually meet the requirements of the free world uranium market. He said that present capacity (27,500 million separative work units annually) will be fully committed in 10 years and that an enrichment gap could develop. Hosmer's firm stand probably indicates that he is thinking of introducing legislation to bring about the government corporation in the near future. The Nixon Administration has steadfastly clung to the idea that the next increment in enrichment capacity should be undertaken by private industry but very little progress has been made. This is Hosmer's scenario:

"1) The first thing to do is to acknowledge that the Nixon Administration's lingering demand that the next increment of enrichment capacity 'be supplied by private industry' is no longer 'operative'; 2) The United States Enrichment Corporation, a government corporation, is to be set up forthwith by act of Congress and enrichment activities and personnel of the AEC transferred to the Corporation; 3) USEC will be charged with operating the existing complex and managing the growing stockpile of preproduced enriched uranium which may be worth around $3 billion by 1978; 4) USEC will carry forward the CIP/CUP/programs; 5) It will conduct all necessary diffusion and centrifuge R&D; 6) USEC will begin adding moderate size increments (2,500,000 swu/yr) of new centrifuge capacity amply in advance of the dates needed to avoid a nuclear fuel gap; 7) USEC will continue the uninterrupted offering of contracts for sale of separative work to domestic and foreign customers on a non-discriminatory basis, which contracts shall be assignable in the order last received upon the emergence of one or more private U.S. enriching firms; 7) the price of USEC's product will be determined by averaging the production costs of past and future increments of capacity and shall include all applicable R&D costs; 9) general provisions for the licensing of private U.S. enriching firms shall be written into law and supplemented by regulation."

Hosmer Expands on Enrichment Corporation Concept

Rep. Craig Hosmer, minority leader of the Congressional Joint Committee on Atomic Energy, is proceeding with drawing up plans for his proposed government corporation to take over the nation's uranium enrichment responsibilities. Hosmer last week published his grand scheme (Weekly Energy Report, Sept. 3) for the formation of the government corporation. Since then he has been asked by so many people for more details, he said, that he is beginning to sketch out an outline of the proposed corporation.

In an interview, Hosmer emphasized that he believes the government corporation should set up not in lieu of eventual private enterprise enrichment activity but as an interim step to enable industry to come in smoothly and easily without a gap either in the supply of enrichment or in the letting of enrichment contracts. He explained: "The first new increment in capacity that comes along will be very expensive. There hasn't been an enrichment plant built in many years and there will be heavy first-of-a-kind expenses. My plan would be to have a government corporation consisting of the present plants with the personnel that are now running them. It would have the authority to go out and borrow money the way that the Tennessee Valley Authority borrows money—without a government guarantee or with a government guarantee, whichever you end up with. It would raise the money for the continuation of the cascade uprating and the cascade improvement (CUP/CIP) programs. It would also be authorized to go ahead and add capacity so that we don't run into a fuel gap." He said that the corporation would assume responsibility for developing the centrifuge technique, now in its infancy but potentially the most promising way to enrich uranium. The government corporation proposed by Hosmer would also be empowered to continue to let enrichment contracts.

Many of the details, Hosmer said, could be determined later. "The important thing to do is to go ahead with the idea now and to get going." Simultaneously, he said, a structure should be created for the licensing of a private enrichment plant so that "when the fellow comes along who is ready, willing and able technically and financially to get into the business you would automatically suspend the capability of the government corporation to add any new capacity." He said that in this way private industry could choose when it would come into the enrichment busiess without being forced to move into enrichment in a disadvantageous way.

Hosmer's view is that private industry has not shown that it is ready to take up the enrichment challenge yet. As a result, he said, there was a very real danger that we would be left after next year with the situation in which the United States could no longer guarantee enrichment deliveries. He added: "So that would give the Europeans and the Japanese a tremendous incentive to go in and grab the enrichment business for themselves. At the present time they are under a considerable disincentive to do it themselves because they know that we can supply this stuff and they know what our prices are and what our technical capabilities are." Hosmer said that the loss of such business would amount to losing foreign earnings worth a billion-and-one-half dollars a year. He went on: "Without all of those disincentives the Japanese and Europeans are going to go ahead and really start in the business themselves. Our market is going to be whittled away if we don't get into a position where we can be able to contract by the end of next year. My scheme is to be able to meet those two problems: the gap in contracting and eventually the gap in fuel supply."

Hosmer is working alone on his scheme and not in consultation at this point with other members of the Joint Committee on Atomic Energy. He has for years had a more compelling interest in enrichment than other members of Congress and the Administration. He still faces a major hurdle provided by the fact that the White House consistently has maintained that the next increment capacity must be borne by private industry. Hosmer sees this as impractical because the product from a new plant would necessarily be a great deal more expensive than that from the existing plants. The government corporation, as he sees it, would be able to come up with a price with which the older plants would subsidize the new plant.

Details of the enrichment plan as originally announced last week are found in my remarks on September 5, at page 28449 of this RECORD.

FOREIGN MILITARY SALES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. HAMILTON) is recognized for 20 minutes.

Mr. HAMILTON. Mr. Speaker, this last spring and summer witnessed a more vocal debate between the executive branch and Congress over the issue of foreign military sales than there has been for many years. There were, it appears, three major foci of this exchange.

THREE AREAS OF DEBATE

First, the general U.S. policy of selling arms, in varying quantities, to, perhaps, well over half the countries on this earth came under scrutiny. Some people have felt that the increasing amount of sales raises a series of potential problems for the United States and perhaps increases American involvement in and commitment to foreign nations receiving arms. Some critics even argue that these sales may draw the United States into various regional and local political confrontations across the world at the precise time many Americans are viewing with increasing uneasiness any foreign involvement and are examining closely many of our past and ongoing global commitments.

A second focus of the recent debate involved specific countries which were, or were supposed to be, seeking to buy vast quantities of American military materiel. This year certain Latin American countries and a few states in the increasingly important Persian Gulf—notably Iran, Saudi Arabi, and Kuwait—were determined by our Department of Defense to be eligible for more sophisticated weapons systems and, in some cases, very large quantities of arms in proportion to their populations.

The need of these states for advanced defense technology for their security is not, in my opinion, the central issue of the debate. In each case in Latin America and in the Persian Gulf, a potential threat to the security of the state and a frightening conflict scenario could be described and perhaps believed. But too often, the rationales for these sales seem to come down to the wishes and ambitions of foreign leaders rather than the calculations of our own, and the desirability of the sales for U.S. economic and political advantage rather than any detailed evaluation of the short and long term implications of the sales. For the ongoing debate on this issue, then, the real concern should be not the particular weapons considered for sale but rather the hasty way the arms deals seem to have been made and some of the justifications and rationales devised to defend the sales.

The third area of debate involved congressional efforts to try to insure greater congressional review of and control over foreign military cash and credit sales. One amendment to the foreign aid bill, which called for congressional scrutiny and ability to rule on any sale of more than $25 million in any fiscal year, passed narrowly in the Senate but was defeated on the House floor. Such efforts tend to serve notice to the executive branch that there is a real concern over the amounts of arms the United States sells annually, the manner and haste with which some sales are contracted and explained, and the lack of candor by the Government over the extent of many proposed sales. In short, this debate will continue and there will likely be other amendments and more attempts to gain some control over what appears to be an ever increasing amount of arms sales.

THE UNITED STATES AS AN ARMS DEALER

Unfortunately, increases in U.S. arms sales around the world have exceeded the tremendous worldwide growth of arms transfers. From 1961 to 1971, arms transfers the world over tripled. In that period, the United States was responsible for exporting some $23 billion worth of arms, roughly 47 percent of the world total. In 1971, that percentage rose to 55 percent, and, of all arms imported by non-Communist countries, we furnished some 66 percent. And recent indications are that since 1971 our arms exports have continued to mount rapidly with one observer, Fred Hoffman of the Baltimore Sun, indicating that our sales have tripled in the last 3 years.

The commanding lead that the United States has as the world's largest exporter of arms is not likely to change. The Soviet Union, the world's second largest arms dealer, sold only about 65 percent of what we sold in the 1960's and in 1971, it sold about one-half as many arms and services as we did. And while it is true that all of our NATO allies put together sold more arms than the United States in the 1960's, in 1971 their total exports were not over 70 percent of ours.

Most of the arms sold by the United States go to the developing world, and to many countries which can ill afford to spend hard currency reserves on weaponry. Military expenditures in the developing world averaged an annual rate of increase of 11.4 percent in the 1960's, and in the same period, close to 70 percent of U.S. exports went to the same countries.

These shocking figures do not tell the whole story since so much of our arms transfers involve crisis-torn regions. In 1961, 44 percent of the exports went to the Far East and Near East but that percentage had risen to 61 percent by 1971. In constant 1961 dollars, it seems that total arms transfers to Indochina increased nine and one-half times over the 1961–71 decade while those to the Near East escalated 14 times.

To be sure, much of what is sold can be viewed as supportive of important U.S. national security interests. Arms sales can also be viewed as an essential pillar of the Nixon doctrine of a lower U.S. presence abroad and a determination to help others defend themselves. But I wonder whether the enormous increases of U.S. arms sales that have occurred are maintaining an essential degree of U.S. influence abroad and protecting U.S. interests without increasing our foreign commitments, producing too cozy alliances between our military establishment and the military elites in the countries receiving arms, necessarily involving the United States in regional arms races and dangerous, subregional conflict zones, and potentially forcing the Soviet Union, among others, to react to what we do by selling more arms.

Precisely because we sell so much, we must carefully scrutinize and evaluate the political and strategic implications of what we are transferring of military arms and services not only in a global, East-West sense, but, more important, in subsystem, regional context. We must also offer very clear rationales for the arms supply course we follow and demonstrate at every juncture how our arms transfers are aiding and supporting our diplomatic, political and economic policies. The current debate over the size of arms deals around the world stems both from the magnitude of what we are doing and the seeming lack of attention to the broader implications for large arms supply policy.

CONTEMPLATED SALES TO THE PERSIAN GULF AS AN EXAMPLE

One area where U.S. arms sales have increased dramatically recently is in the Persian Gulf, but there is today little evidence of a clearly enunciated U.S. rationale for the magnitude of arms sales we have been and will be making to Iran and Saudi Arabia in particular. Unfortunately, there is even less evidence that our supply policies are aiding what is stated as our political and economic interests and objectives in the region.

The general magnitude and extent of U.S. arms supplies to states in the Persian Gulf are fairly well known and I have spoken on this issue twice in the last few months in the CONGRESSIONAL RECORD on page 17517, May 31, 1973 and June 21, 1973, on pages 20769–20770. A few figures might be worth reemphasizing. Between 1965 and 1972 we sold close to $6 billion worth of arms and military services to Iran and Saudi Arabia while, in contrast, Iraq, considered the principal Persian Gulf threat to Iran and Saudi Arabia, received perhaps $1 billion worth of Soviet arms. This is the recent past, and from all indications, the trend is for more, rather than less, sales in the coming years: $2.5 billion to Iran; perhaps $580 million to Kuwait; and well over $1 billion to Saudi Arabia.

Mr. Speaker, I do not object at all to the United States helping these important countries develop reasonable defense forces. It is in our interest and in their interest to do so. But I see little effort made to try to precede large scale arms sales with attempts to limit overall sales to the region or to undertake diplomatic efforts to prevent any arms race. Once the decision to sell arms is made I see little effort to moderate requests for arms and to limit sales. This is particularly the case with Iran.

The Shah of Iran seems to speak about large-scale defense needs and defense parameters far beyond the Persian Gulf and the U.S. private defense establishment seems to line up to try to get a piece of the action.

As in the case of certain Latin American countries for which the 5-year ban on the sale of sophisticated weaponry has been lifted, it is difficult to determine whether the security threats to the states in the Persian Gulf are more internal or external. The U.S. Government paints the picture of a grave Soviet threat from Iraq and the People's Democratic Republic of Yemen to the security of several more conservative monarchies in the Persian Gulf, but I wonder whether the chief threat to some governments is not the diminishing number of monarchies around the world and the tendency for monarchies which do not foster social and political development to be replaced by authoritarian republics. Thus, for some countries in this region, as in Latin America, arms sales seem designed to reinforce the political status quo—a fact which calls for very careful scrutiny of any sale, it would seem.

The debate here over the sale of quantities of sophisticated weaponry to countries in Latin America and in the Persian Gulf is only intensified by some of the other rationales used for selling arms. After playing the security threat argument, we have heard justifications for these sales such as: they help our balance of payments at a time we need all the help we can get; if we do not sell arms, others will; the sale of arms gives us great leverage on states in the future because they will need spare parts and servicing for arms; states friendly to the United States deserve prestige arms if they want them; and so forth.

Such arguments may not be totally wrong but neither are they adequate as a rationale for any arms supply policy.

Perhaps the most questionable aspect of our arms supply policy in the Persian Gulf is its implications for our stated political goals in the region. Our Government stresses over and again the importance of regional cooperation in the gulf, especially between Saudi Arabia and Iran. But these two states are not old friends; indeed, the Arab side of the gulf and the Iranian side are divided by many historical, cultural, familial, and political differences. To pour arms on all sides into a situation where the Shah of Iran is determined to intervene, if necessary, to preserve his conception of political stability and to play a major, if not dominant, role in the politics of the entire gulf and where the Arabs, including the Kuwaitis and Saudi Arabians, are both resentful and fearful of attempted, if not actual, Iranian hegemony in the gulf is extremely dangerous. The United States is counting on cooperation in the gulf, and yet our arms supply fuels both ambitions of local leaders and an arms race.

In short, my concern over our arms supplies stems directly from their prominence, from the fact that our political policies to date seem to be nonstarters or unsuccessful, thus leaving our arms supply policy the only policy we seem to have going for us in the area at the moment. The same is perhaps true in parts of Latin America where our economic policies have had so much difficulty, and arms sales seem to represent our only successful interaction. With sales we seem to be trying to buy time, trying to buy lasting friendship. For any arms transfer policy to be successful, however, it must be only one component, and a small one, of a large cohesive strategy to a country or area.

This means the touchy political and social issues must be addressed at the same time or our arms policy will operate in isolation and other policy objectives will continue to be frustrated. In the gulf, some of those important political issues are the peaceful resolution of local political disputes, a just and fair settlement of the Arab-Israeli conflict, the fostering of genuine regional cooperation and the immediate strengthening of our diplomatic presence in the gulf, especially the lower gulf. It is debatable whether our arms supply policy, preceding any attention to these political matters, now serves any of them. Our emphasis appears in the wrong place, and, as a result, our overall policy suffers.

CONTROLLING ARMS SALES

Mr. Speaker, in 1973, the United States sold a record $3.4 billion worth of arms and next year that figure might rise to close to $4.6 billion. If the Persian Gulf example is the rule and not the exception, we are embarking on a dangerous path which does not at all guarantee the protection of our political interests.

What appears to be lacking, in particular, is a careful analysis in the United States of the wider implications of arms transfers to any country. In the absence of any study of the impact of stepped-up United States arms sales on the worldwide arms race, one has to conclude that we will continue to feed indiscriminately the motors of conflict and terror in the world, and with that bad example, other states, especially our arms competitors, will likely do the same.

Congress increased concern over, and attempts to control foreign military arms sales stems, in part, from this seeming lack of a careful analysis of the wider implications of selling arms to particular countries and from the fact that over 80 percent of the U.S. arms sold in recent years has been cash transactions without U.S. credit financing and thus without more visible congressional control.

The particular congressional focus on this issue recently, as mentioned above, was the amendment to the Mutual Development and Cooperation Act of 1973 that would provide for congressional review of all sales exceeding $25 million. This amendment will not likely be in the final bill this year because it was defeated in the House. However, I believe its intent—to give Congress a voice in analyzing the implications of the extensive arms selling the United States does—is good and proper even if the phraseology of the particular amendment needs further study and perhaps refinement, especially insofar as the congressional review will cover the proliferating foreign activities of private U.S. contractors in the defense industry. Those activities, often carried on outside the purview of the Defense Department, are currently checked only when an export license is issued and that usually comes long after contracts are signed and sealed. Any congressional effort to gain some measure of review of proposed arms sales must be couched in such a way as not to encourage more direct dealings between foreign governments and U.S. private defense contractors.

Mr. Speaker, the United States must be exceedingly careful in its arms sales policies around the world. While it may be important to see states friendly to the United States, and states whose security is in our national interest, encouraged to move from grant military assistance to credit or cash sales, we should not actively promote sales or indiscriminately accept others' evaluations of their security needs. An arms supply policy can be a useful supporting instrument to help carry out our political and diplomatic policies and protect our economic and security interests, but it cannot replace those policies. In all cases, however, an arms supply policy should follow diplomatic and political efforts internationally and regionally to effect arms control policies and to insure that we are not promoting or escalating arms races around the world. It would be a great tragedy if, in remaining the world's No. 1 merchant in the arms of war, the United States is unable to be first in peace.

THE GAS BUBBLE—IV

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, when the Coastal States Gas Co. failed to deliver all the gas it was committed to, there was an immediate threat that the people of San Antonio and other cities served by Coastal would lose some or all of their electrical power. By a miracle, this was averted, but even now no one knows how long it will be possible for San Antonio to provide all the lighting the city requires, or even fuel for heating and cooking. According to some predictions, Coastal is so deficient that it will not even be able to supply all the gas its customers require for basic human needs, when the winter heating season arrives this year.

It is this crisis that overshadows the legal and administrative struggles that are going on for control of Coastal's gas, and for dividing what little the company can deliver. The question is whether there is enough available to meet even basic human needs.

But beyond this ghastly prospect, there is a struggle going on for control of an industrial empire—a struggle that involves hundreds of millions of dollars as well as the lives and well-being of hundreds of thousands of Texans.

Coastal was obliged to furnish the natural gas requirements of San Antonio for 20 years, at a set price. It was supposed to have all the gas it needed to deliver in fulfillment of this contract. What the company did not have, it was supposed to buy from the revenues generated in the contract. In fact, the opening years of the contract were set at lucrative terms, to give the company the money and incentive it would need to obtain all the gas supplies that San Antonio would need. But now, halfway through the contract, Coastal does not have the gas, and the money has disappeared.

San Antonio has averted catastrophe—so far. But the price has been dear, and the cost in the future will be greater still.

Thus far, San Antonians have had to pay for $4.34 million worth of fuel oil to burn in place of the natural gas that Coastal has contracted to deliver, but did not. This cost mounts every day, and will rise at a fast rate later this year, as the cost of fuel increases in response to the annual shortage of this community and other factors that are all too familiar to observers of the energy crisis.

So thus far, San Antonians have paid $4.34 million, not for any failure of their own, but for the failure of Coastal States. But that is not all.

San Antonio is building new electric generating plants, like everyone else. For years, the utility asked Coastal if it could supply natural gas for these plants, so that it could make the proper adjustments. But Coastal would never say whether it could furnish gas or not. We now know that despite their assurances, Coastal could not even provide gas to the plant that we already had in place, let alone anything new. But San Antonio had anticipated otherwise, because Coastal's own board chairman had provided written assurances that Coastal could furnish San Antonio all the gas it needed, for the duration of its contract. Based on this, gas generating plants were designed. Now these new plants must be converted to coal, which is the only feasible alternative we have. This cost will be $120 million—an expenditure San Antonio had no reason to anticipate and would never have been committed to if Coastal had lived up to its contract.

Beyond this, San Antonio must pay for conversion of existing gas burning plants to other fuels—also because of Coastal's default. If the conversion to fuel oil is made, the cost will be another $72 million. This conversion would enable San Antonio to buy and use heavier fuel oil than is now possible for its existing plants.

Altogether then, San Antonio has been committed to spend $192 million more in utility plant costs that would have been avoided if Coastal had lived up to its contract. And the people of San Antonio have already spent an unnecessary $4.34 million for fuel. In the future, the State regulatory authority may allow Coastal to increase its contract price for gas by almost 50 percent—notwithstanding Coastal's previous contractual obligations. If this happens, San Antonians would be paying something like $12 million a year for natural gas that they do not pay today. Coastal's default would in this case cost San Antonio something like $16 million a year in unnecessary fuel costs, if Coastal continues to default on gas deliveries.

Already this year, the average electric and gas bill in San Antonio has increased by about $1.90 per month because of Coastal's failure. That increase will go up by very large amounts in the future, as the real effects of Coastal's mismanagement come to be felt.

Incredibly enough, the management that produced this massive loss for San Antonio is still in business, still in the saddle. And the signs are that they will get the full profits they anticipated, and more. The people of San Antonio may lose in excess of $200 million because of Coastal's scheming. It seems incredible that so few State and local officials seem to care. If this were a tax issue, it would be something else. But it is a tax issue. The robber barons have foisted $200 million in needless expenditures on San Antonio and its citizens—a tax as surely as the sun rises. It is a tax on human necessity, a cruel, heartless, relentless tax. And those who are responsible for it know that it was unnecessary, know that it was needless, and know that if it had not been for their evil hearts and greedy works, it would have never happened. The tax will be paid by wholly innocent people. It will benefit them nothing because it is necessary only to protect them from destruction—a protection Coastal was supposed to have been providing already, for the price of a half billion dollars. But a half billion was not enough. Two hundred million more is needed, and more besides. And still the robber barons cannot say whether they will—or even can—live up to the requirements of their contract.

I think that we should take all the increases in capital costs, and all the increases in operating costs, brought about by Coastal's machinations, and label those a Coastal surcharge. Then San Antonio should sue Coastal in general and its chief executive in particular, for every dime of that surcharge—two hundred million in capital and tens of millions in operating costs. San Antonio may have to pay a tax to Oscar Wyatt and Coastal—but that does not mean that the people should cease to resist. He has taken from them already, and will cause them to lose still more in the future. He and his company should never be permitted to escape the consequences of their actions. The people of San Antonio surely will suffer the consequences—but so should the thieves who brought down these terrible, disastrous events.

STATEMENT OF HON. CARDISS COLLINS OF ILLINOIS, UPON INTRODUCTON OF CONCURRENT RESOLUTION CONCERNING THE ADMINISTRATION OF THE FEDERAL WATER POLLUTION CONTROL ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Mrs. COLLINS) is recognized for 10 minutes.

Mrs. COLLINS of Illinois. Mr. Speaker, over the last 4½ years we, the Congress and the American public, have experienced the greatest turning away from the needs of the people of this country since President Hoover occupied the White House during the great depression. This administration, under the leadership of President Nixon, has reordered the priorities of this country away from the needs of the people to an ever-growing uncontrollable military-industrial monster. This administration has continued to flaunt its beliefs over the congressional intent, vis-a-vis legislation.

The latest example of this is the Federal Water Pollution Control Act amendments—Public Law 92-500. This act was vetoed by the President just before the adjournment of the 92d Congress and that veto was overridden by both Houses of the Congress and, therefore, became law.

In administering the provisions of the bill, the administration, through its agent, the Environmental Protection Agency, has established its own set of priorities in terms of the reimbursement to various units of Government that have attempted to deal with the problems of polluted water. Section 206(b) of the law calls for "the reimbursement of construction costs of water pollution control facilities built between June 30, 1956, and June 30, 1966. The EPA has determined that this section should not be complied with, at least not in the foreseeable future.

Since I became aware of the situation, I have contacted the EPA and their answer was less than satisfactory. Therefore, I have determined that it is necessary for the Congress to remind the EPA and the administration of its obligations, under the law. Today I introduced a concurrent resolution which will do just that, and, at the same time, inform the administration that this Congress is planning to watch over the actions of the executive branch in order to make sure that the present administration, and those that succeed it, are following through on the intent of Congress.

I have attached a copy of the resolution to the end of this statement so that my colleagues, and the American people, can be made aware of the steps that this Congress is taking.

CONCURRENT RESOLUTION

Whereas the condition of the water systems of this country has deteriorated during the course of our Nation's history; and

Whereas without an attempt to clean up our water systems this Nation faces the possibility of being without a decent water supply; and

Whereas prior to the ever-growing public awareness and outcry over the quality of our environment, a number of State and local governments acted with foresight to forestall disaster befalling this Nation's water systems; and

Whereas with the enactment of the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500), Congress further recognized the need to halt the decay of our water systems; and

Whereas the law authorized reimbursement to those State and local governments which had the foresight to construct water pollution control facilities years ago: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the Administrator of the Environmental Protection Agency should not administer section 206 of the Federal Water Pollution Control Act so as to establish any system of priorities which provides for the reimbursement of construction costs of water pollution control facilities built after June 30, 1966, prior to reimbursement of construction costs of such facilities built between June 30, 1956, and June 30, 1966.

IRS RULING ON REPORTING FUNDS RECEIVED FOR LEGISLATIVE REPORTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. GIBBONS) is recognized for 10 minutes.

Mr. GIBBONS. Mr. Speaker, on February 27 of this year, I inserted into the RECORD (page 5695) a letter that the Internal Revenue Service had sent me in response to an inquiry that I had made to them concerning the proper way in which to report funds that I receive to pay for my legislative reports and questionnaires.

On September 4, 1973, the IRS issued its formal revenue ruling—73-356—on this subject. Following is the complete text of the revenue ruling for the information of my colleagues. "Situation B" outlines the procedure that I have been following.

SECTION 162.—TRADE OR BUSINESS EXPENSES

26 CFR 1.162-1: Business expenses. (Also Sections 61, 62, 102; 1.61-1, 1.62-1, 1.102-1).

Congressman's newsletters, etc.; receipts and disbursements. Subscription fees or solicited contributions received by a congressman to be used solely to defray the cost of newsletters, reports, and questionnaires sent to constituents are includible in his gross income. Expenses of publishing and distributing such material are deductible as business expenses incurred as an employee; I.T. 4095 superseded.

REV. RUL. 73-356

Advice has been requested as to the tax treatment of amounts received and amounts expended by Congressmen *A* and *B*, who use the cash receipts and disbursements method of accounting, in connection with publication and distribution of newsletters, reports, and questionnaires they send to constituents under the circumstances described below.

Situation (A).—Congressman *A* sends out a newsletter at regular intervals to his constituents on matters of general interest such as taxes, social security, foreign relations, and other subjects pertaining to the affairs of the Federal Government and on such matters as his activities and findings in connection with an official inspection trip to foreign countries. To help defray the expenses of producing, printing, and preparing it for mailing, he offers constituents subscriptions to the newsletter for a reasonable price, and sends it to subscribers only. The subscription proceeds are available to Congressman *A* upon their receipt, but he applies all such proceeds to the expenses associated with publication of the newsletter. From his personal funds, he pays the remaining cost of publishing and distributing it. The annual out-of-pocket cost to the Congressman of publishing and distributing the newsletter is less than his annual salary.

Situation (B).—Congressman *B* sends legislative reports to his constituents from 12 to 15 times a year to keep them informed regarding the affairs of the Federal Government and his official activities. He also sends out questionnaires from time to time seeking the opinions of his constituents on various issues. To help defray the costs involved, Congressman *B* solicits contributions, by notation on the reports and by telephone requests initiated by a member of his staff, to be used solely for the printing and related costs of these reports and questionnaires. However, he sends the reports and questionnaires to constituents whether or not they contribute. Contributions received by him in response to these requests are available to him upon receipt but he retains no part of them for his personal services in preparing the materials. They are deposited in a bank account that is segregated from all other funds maintained by Congressman *B*'s office, no part of which account is ever used for campaign purposes. If the fund is insufficient to pay the expenses of publishing and distributing the reports and questionnaires, the Congressman pays the remainder from his own personal funds. Any excess in the fund at the end of any particular year is carried over to the following year to be used for the same purpose. The annual cost to the Congressman of publishing and distributing these materials is less than his annual salary.

Section 61 of the Internal Revenue Code of 1954 provides, in part, that the term gross income means "all income from whatever source derived," including among other things, gross income from business, compensation for services, fees, commission, and similar items.

Section 102(a) of the Code provides, in pertinent part, that gross income does not include the value of property acquired by gift. A gift is generally defined as a voluntary transfer of property by its owner to another with donative intent and without consideration. If a payment proceeds primarily from the incentive of anticipated benefit of an economic nature to the payor, it is not a gift. Where the payment is in return for services rendered, it is irrelevant that the donor receives no economic benefit from it. See *Commissioner v. Duberstein*, 363 U.S. 278 (1960), 1960–2 C.B.. 428. Moreover, when a payment is made by a customer to a taxpayer who provides services to assure continuation of those services, that payment is not a gift even though not made in consideration for past or current services. See *Publishers New Press, Inc.*, 42 T.C. 396 (1964), *acq.*, 1964–2 C.B. 7.

Under the facts of Situation (A), the subscription fees are given as direct payment for the publications, and such funds are available to Congressman *A* upon receipt. Therefore, the subscription proceeds received by Congressman *A* must be included in his gross income under section 61 of the Code.

Under the facts of Situation (B), although the contributions described are not given as payment for the publications, they are made to assure the continued publication of the materials. Therefore, such amounts are not gifts within the meaning of section 102 of the Code.

The performance of the official duties of a Congressman in his trade or business as an elected official includes keeping his constituents informed with respect to the affairs of the Federal Government and his own official actions, and seeking opinions from them on pertinent issues. Thus, any amount received by a Congressman for the purpose of defraying part of the cost of reporting to constituents or of seeking opinions from his constituents is a substantial benefit to him in that it offsets a portion of the cost to him of performing the duties of his office. Therefore, such amounts received by Congressman *B* must be included in his income under section 61 of the Code in the year received.

Furthermore, section 162(a) of the Code provides for the deduction of all the ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business. Section 7701(a)(26) provides that the term "trade or business" includes the performance of the functions of a public office.

I.T. 4095, 1952–2 C.B. 90, holds that expenses incurred by a Congressman in printing and addressing a letter to his constituents, which letter consists principally of a report of his activities and findings in connection with an official inspection trip to foreign countries but also contains a brief personal message, qualify as ordinary and necessary business expenses.

Inasmuch as it is considered an appropriate part of the official duties of a Congressman to keep his constituents informed with respect to the affairs of the Federal Government and his official actions, and to seek opinions from them on pertinent issues, the amounts expended in issuing such publications are ordinary and necessary business expenses within the meaning of section 162(a) of the Code. However, under section 62 relating to adjusted gross income, with exceptions not here relevant, expenses attributable to the performance of a trade or business as an employee are deductible only in computing taxable income. Accordingly, these expenses are deductible in the year paid by Congressmen *A* and *B* in the situations described above only if they itemize their deductions.

I.T. 4095 is hereby superseded, since its substance is incorporated in this Revenue Ruling.

SETTLE WATERGATE IN THE COURTS

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, the word from the folks back home during the recent recess is really emphasized by the article by Kevin Phillips which was published yesterday in the Columbus, Ohio, Sunday Dispatch:

PEOPLE WANT COURTS TO HANDLE SCANDAL

(By Kevin P. Phillips)

Hats off to Kansas Sen. Robert Dole for his decision to ask the U.S. Senate to end Uncle Sam's Sham, also known as the Watergate committee hearings. Public sentiment seems to be moving in this same direction, witness a whole clutch of August polls. Four opinion samplers asked cross-sections of the American people whether they agreed with President Nixon's Aug. 15 assertion that the Watergate matter should now be left to the courts so that the government could move on to other business. In each poll, the people said "yes."

The Gallup organization found 57 per cent in favor of turning Watergate over to the courts and 38 per cent against (Aug. 15–16).

Polling on Aug. 18–19, Louis Harris found 62 per cent in favor of passing the job to the courts, with just 32 per cent against.

Sindlinger and Co., in an Aug. 16–21 telephone survey, found 67 per cent in favor of the President's position, 29 per cent against.

And an Aug. 18–20 Opinion Research Corp. poll found 65 percent desiring to turn the Watergate affair over to the judiciary, with just 25 per cent opposed.

When four polls come up with the same approximate range of opinion, there isn't much chance of a mistake.

Only Harris and Opinion Research (ORC) asked the direct question whether the Senate Watergate hearings should be stopped and even here comparison is difficult because the two companies used different phraseology.

When Harris asked people whether they favored or opposed continuing the hearings in September, 51 per cent said they favored continuation, 45 per cent came out in opposition.

ORC asked: "Do you believe the Senate hearings on Watergate should be stopped and the whole matter turned over to the prosecutors and the courts, or not?" Fifty-three per cent said they should be stopped and turned over and 35 per cent disagreed. Twelve per cent had no opinion.

Meshing these two profiles, it seems 45 per cent of the people want the hearings stopped cold right now. A clear majority wants to see the hearings stopped—without a precise date—and have the matter given over to the prosecutors.

Data like this are much more suggestive of public attitudes toward the committee than the statistics so often cited: polls on the "personal popularity" of the committee members or the large number of people who watched some or all of the hearings.

If the members of the committee felt the hearings were truly boosting their popularity to new highs, then we would be seeing plans unfold to keep the show going through December, as originally planned. Instead, Sen. Sam J. Ervin has announced an earlier-than-expected Nov. 1 windup date and the North Carolinian has ample motivation.

On Aug. 24, the Wall Street Journal quoted "a close associate" of Senator Ervin as saying that the latter faces "a real fight" in North Carolina next year if he seeks reelection. "Some past Senator Ervin supporters," the paper noted, "complain bitterly that he's out to hurt Mr. Nixon."

The committee is clearly running into trouble. Disclosures by the FBI confirm that the Ellsberg break-in was by no means the first undertaken by the federal government and other FBI documents—which Senator Ervin hypocritically refuses to release—spell out grubby details of past Democratic White House spying and political surveillance from Franklin D. Roosevelt to Lyndon B. Johnson.

More and more people are beginning to see the Watergate committee for just what it is—a costly exercise in political hypocrisy that also happens to be paralyzing governmental effectiveness.

When Opinion Research interviewers asked their sample group "Do you believe the Senate hearings on the Watergate matter are helping or hurting the country?" 54 per cent replied that they were "hurting" the country and only 33 per cent saw them "helping."

So much for Senator Ervin's phony civics lesson. Senator Dole is serving his country much better by attempting to bring this tragic, hypocritical farce to an end.

But politics is politics and a growing number of Republicans privately want the hearings to continue with full television focus and fanfare so that the committee can be even more discredited in public eyes than it is today.

SENIOR CITIZENS FORUM

(Mr. EILBERG asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. EILBERG. Mr. Speaker, the problems of elderly and retired persons have become increasingly acute in the past few months. They have been aggravated by the dramatic increase in the costs of basic necessities, especially food and housing.

There are many pieces of legislation now before the Congress which are designed to deal with these problems. We have had a great deal of advice from "experts" in the field, but not very much input from the elderly who will be affected most by these proposals. For this reason, I recently held a forum for the leaders of senior citizens organizations in my district in northeast Philadelphia.

More than 100 persons attended along with Louis C. Cappiella, executive director, Commission on Services to the Aging for Philadelphia, Jeffrey Ball, deputy secretary for social services for Pennsylvania, Robert Jacoby, specialist on aging, southeast regional office, Department of Public Welfare of Pennsylvania, and Bernard Spector, district manager, Social Security Administration, and we held a frank and spirited discussion of the questions they raised.

While many concerns were discussed, the overriding factor was the need for immediate action.

The fact is, Mr. Speaker, the elderly do not have time for more studies, surveys and investigations. As the head of one group stated:

> We can't wait. The insurance companies are making millions by betting that I will not live past 72. We need help now.

At this time I enter into the Record my statement at the beginning of the meeting, the prepared remarks of some of the group leaders who attended and a summary of the oral statements.

Issues in Aging

(By Representative Joshua Eilberg)

I am pleased to have this opportunity to be here with you today. I hope this seminar will help each of us understand more thoroughly the needs of our older people and what might be done to meet these needs.

First, I would like to take a few minutes to discuss some of the major issues in aging today.

As you know, the greatest problem confronting senior citizens continues to be that of an inadequate retirement income. Although significant action has been taken recently to increase the purchasing power of older people, we still do not have a system which assumes economic security for every retired person.

We must also realize that in addition to economic security, older people have other needs. Many depend on supportive social services to lead independent and dignified lives. In general we must examine the deep rooted question of how to put more money in the hands of elderly people and at the same time provide needed social services with the resources available to us.

As you may be aware, the social security program which is the primary income source for most elderly people, was revised significantly during the 92nd Congress. The 93rd Congress also has updated this program so that older people can keep pace more effectively during these inflationary times.

On July 9 the President signed into law legislation that will raise the social security benefits paid in July 1974 by 5.9 percent to take account of the rise in the cost of living that occurred from June 1972 to June 1973. This benefit increase will be in effect through December 1974. At that time the automatic cost of living provision enacted during the 92nd Congress will become effective and benefits will be increased again to reflect subsequent increases in the cost of living.

In addition to a benefit increase, the legislation contains a provision that will raise from $2,400 the amount a social security beneficiary may earn in employment and still receive his full social security benefits.

It also amended the new Federally-administered Supplemental Security Income program for aged, blind and disabled individuals authorized during the 92nd Congress to replace the present Federal-State welfare program for these individuals. The recently enacted legislation would raise the amount a recipient with no other income could receive in July 1974 from $130.00 a month to $140.00 for a single person and for a couple from $195.00 a month to $210.00.

As you may know this new program also provides that the States may, and in some cases must, provide supplementary payments to people who qualify for the Federal payments. Under the law, the State must supplement for certain people who receive payments under the present State programs for December 1973. This mandatory State payment must assure that these people receive as much in total payments as they received in December.

For people who qualify for benefits after December the State may, if it wishes, make supplementary payments in whatever amounts seem desirable. Unfortunately, Federal regulations on how the program will be operated have not been issued and we do not know what Federal funds will be available to the States for these supplemental payments. As a result, we have been receiving somewhat contradictory information about what action Pennsylvania will take with regard to the supplementary security income program. The effect of the law on the State has changed because of the enactment of the recent amendments. However, representatives of the State and of the Social Security Administration are to meet on Thursday, August 2, to discuss how the State will be affected by the revised program. Following this meeting the State officials will have to make decisions about how and to what degree the State will supplement the Federal payments which will begin in January. Employees of the Social Security Administration who have been working with the State officials feel that the State will take steps to assure that none of the people in the State will suffer when the new Federal program goes into effect.

PROPERTY TAXES

As you know, the property tax is a burden for many persons in all age groups, but it is particularly burdensome for elderly individuals on limited retirement incomes. In 1970, for instance, the average homeowner paid about 3.4 percent of his income in property taxes while elderly homeowners paid on the average of about 8.1 percent. Elderly renters also feel the property tax squeeze in the form of higher rents. Moreover, real estate taxes are expected to soar in coming years causing an even greater burden for our elderly who already are witnessing a depletion of their lifetime savings.

This, as you can see, is a real problem which the Federal Government and the State governments are trying to solve by providing property tax relief for low and moderate income elderly persons. On the State level, there has been a recent and most dramatic upsurge to provide a form of property tax relief. In Pennsylvania, for example, persons age 65 or over, widows aged 50 or over and permanently disabled persons are entitled to tax assistance against real property taxes due on their homesteads for any calendar year. The amount of the assistance ranges from 100 percent of realty taxes if the individual's annual household income is not over $999.00 to 10 percent if household income is between $6,000 and $7,499. The maximum assistance allowed is $200.00.

Many persons, however, feel the States have not gone far enough in providing property tax relief and recommend Federal action. Several bills have been introduced in the Congress addressing this matter. Some bills would provide for property tax relief for low- to moderate-income persons through a Federal rebate or refund. The Administration submitted a proposal to the House Ways and Means Committee that would provide a "Federal circuit breaker" to assist the elderly. This means that elderly taxpayers would get a Federal tax credit for State or local property tax payments in excess of a specified amount relative to income.

Some authorities feel that as an alternative to building a circuit breaker directly into the Federal tax structure, the Federal Government might provide States with incentive grants to establish their own State property tax relief programs. Senator Muskie introduced a bill that would do just this. Under his bill, the Federal Government would reimburse States for half the property tax relief provided to low-income homeowners and renters in those States that take appropriate action to reform their property tax system.

HEALTH AND OTHER SERVICES

In addition to improving the income status of senior citizens, the Federal Government and Congress are studying ways to improve health care coverage and services for the elderly. At present, medicare and medicaid affords valuable protection for individuals who have acute or short-term illnesses. These programs, however, do not provide adequate protection for individuals who are afflicted with chronic illnesses and disabilities and who are in need of preventive and therapeutic services which could maintain them within their own homes. As I am sure you are aware, many elderly people are able to live independently in their homes with supportive services. At present, however, there are too few such services available in our communities. For this reason the Federal Government is expending funds for research and demonstration projects designed to provide home-health care services for the elderly as an alternative to unnecessary and costly nursing home care. Home-health services include a wide range of services such as visiting nurses and physical therapists as well as assistance from home-makers who do minimal household chores such as clean, prepare meals, and dress and bathe individuals.

In addition, research and demonstration funds are being used to develop adult day care centers where elderly individuals receive needed services during the day but are able to return to their homes in the evening. The Government also is studying the benefits of adult foster care where elderly individuals live with families who provide a comfortable home and family environment.

Another area which shows great promise for the elderly is housing projects such as the Philadelphia Geriatric Center where residents may receive any level of health care and supportive service they need and still live in their own home. Unfortunately, there are not many housing developments such as this one in the country. Suitable housing for the elderly that also is accessible to health care and social services will meet the needs of many senior citizens in our community. It is my hope that more such projects will be supported in the near future.

Then, too, there is the question of how and what services can be provided for older people by both the Federal Government and the State and local governments.

The Congress overwhelmingly passed the Older Americans Comprehensive Services Amendments of 1973 which was signed into law last May. These amendments provide for continuing and strengthening the programs first legislated under the Older Americans Act of 1965, and provide authority for many new programs. As a result worthwhile community social services such as transportation services, home-helpers, education and recreation activities and many other needed services will be available in many of our neighborhoods. In addition, the legislation authorizes grants to support model projects designed to demonstrate new or improved methods of providing needed services to older American in the areas of housing, transportation, and special services for older handicapped individuals.

It also provides authority for the construction and staffing of multipurpose senior centers as well as authority for a National Information Resource Center where information on a wide variety of programs and topics will be available.

In addition, these amendments provide authority for many other activities such as education programs, an employment program and the expansion of some existing volunteer service programs.

In summary, I would like to emphasize that many doors are open to us as we seek to provide the best possible benefits and services for the elderly in our community. The basic question is how to do it effectively and economically? What is the best mix of money programs and service programs that we can put together with the funds available? I now would like to listen to your ideas, so we can work together to ensure that the elderly of today and tomorrow get the services they both need and deserve.

Statement by Elizabeth Maier (Frankford Senior Citizens Association and the Nursing Home Campaign Committee)

When I am asked to speak to a group, most of whom are interested in the welfare of senior citizens—I feel that I should speak for the senior citizens who—through no fault of their own—are unable to speak for themselves.

I refer to the older people who are confined to nursing homes, boarding homes, and, even, because of their inability to get around, confined to their own homes.

They should enjoy the same rights as are we who are not confined expect and demand—the right to be heard, to be cared for, to be considered politically, and the right to be counted among the living—with their opinions respected and considered. All too often these rights are not extended to them.

Over three years ago the Nursing Home Campaign Committee was formed by a group of forty senior citizens who represent approximately 35 senior citizen groups. Among them are folks from every walk of life and from various creeds and national backgrounds—they represented retirees from sessions, working classes and those of varied interests and all had opinions and expressed them. They met often during the five day seminar and discussed the many problems of senior citizens, and they decided that the problems of folks in nursing homes should have top priority for correction. They elected me their chairman, and I have worked for them in that capacity ever since.

I could talk for hours about my experiences and those of my co-workers but I will not do that now—suffice to say—there are problems in nursing homes—there are a few nursing homes that are very badly in need of correction and there are many nursing homes whose administrators do sincerely try to do a good job—Since boarding homes require no licensing, and therefore are not required to conform to regulations, conditions in many of them are very bad. The main reason is lack of funds. Nursing homes whose administrators are compassionate enough to accept welfare patients are paid $15 per day (they claim it costs at least $22.) It costs the City $46 a day for patients at Riverview for skilled care—the same care expected from private industry for $15. Boarding Home residents on DPA are getting $138 per month (approx. $4.50 per day.) Many nursing home residents should have medical care and attention. $4.50 a day will not pay for it.

In January of this year the N.H.C.C. was successful in obtaining a one year grant to expand their work of visiting nursing homes, boarding homes, etc. and endeavoring to correct the grievances of residents in such facilities. This is called the Philadelphia Community Ombudsman Project.

To date we have made progress and have handled more than forty cases since we opened our office on Pratt Street.

On March 1. Because of the reluctance of patients to allow us to use their names and press for a resolution of individual grievances, we have had to handle many cases as general conditions, and such a procedure is not as effective in remedying a situation, as the straight follow through would effect. Because of the great shortage of beds available in Philadelphia—patients are afraid to complain, thinking a complaint might cause them to close their place, and they would have no where to go, and they would rather put up with a bad condition than risk this. Although we assure them this would not happen—they are reluctant.

The solution, as we see it, is to flood the nursing homes and boarding homes with volunteer visitors—folks who would be friends to patients, do small tasks for patients which paid personnel are not required to do—in many cases just listening (sometimes to the same story very often) and talking to patients while they relive in conversation—happy memories, etc. The visitor can make a patient know he is cared about and respected, and if visits are consistent, they are often effective and valuable therapy. Visits and having a friend can and will improve a patient's condition physically and mentally, and will give him confidence to trust this friend so the visitor may help him.

The visiting solution of problems in these facilities is not only a charitable thing to do—it is a citizen's obligation—because the conditions that exist do so because—as a class—citizens have not done what they should have done to prevent bad conditions in homes for the elderly. The people who are really the cause of bad conditions, especially in places that are under the supervision of our government are you—and me—and every citizen who passes the buck—with a feeble expression of sympathy—but no action.

The most frequent method of passing the buck is to blame politicians. This could be amusing if it were not unworthy of the folks who use this excuse. Their reason for "no action" on their part is "that its political and I don't want to get involved." By politicians most people mean our elected officials in government, however politics are the mechanics of life—in which we are immersed from the time of our birth to the time of our death. Politics operate in every walk of life—from friendly enterprises (see Joe Smith and tell him you are a friend of mine)—church matters (tell him you attend my church, etc.) business affairs (I will do something for you if you do this for me) and I could give you many more diversified examples of political maneuvering—nobody escapes the various forms of politics that are practiced daily—and they are not all government inspired. They are a "way of life". This excuse for not doing a civic duty might have been accepted many years ago when a vast number of citizens were not as well civically educated as they are today—before the days of radio, television, home associations, higher education in schools and the many modern activities that keep every individual informed.

Such a statement today is no credit to a person's opinion of himself.

However, so far as government and so-called politicians (I regard as elected officials) are concerned—they are representatives of the citizens of our country who are interested enough to vote. Elected officials are really persons of integrity who desire to please their constituents—they, however, are not mind readers. It is our duty, first to study the past history of delegates for office—vote for the person we think will do a good job—and after they are in office keep them informed as to how we feel about conditions and how we expect them to vote on issues.

While, as stated above, the practice of visiting facilities is needed and important—we must also work on legislation. Visiting facilities will, to a degree, make up for our previous laxness in not taking care that proper legislation was enforced before this time—we must start immediately and keep abreast of pending legislation—ask our legislators in City, State and Federal government to introduce new legislation that would make it possible to enforce present regulations such as the Life Safety Code—which without financial aid from government could close many nursing homes: the licensing and regular inspections of boarding homes with sufficient staff to inspect: increased financial aid to the elderly who must live in boarding homes or with strangers, so they can pay for the care they require. A substantial increase in payments to nursing homes for folks on public assistance. Seventeen dollars per day is now being considered by the State. It should be at least $20 per day. Publicly sponsored training for aides and workers who serve in geriatric facilities: Expanded nutrition and homemaker service and health care for elderly folks in their own homes would greatly lower the number of folks to be institutionalized. And to their representatives in government—the City, the State or the Federal—and the greatest guilt should be borne by the folks who regard themselves as too genteel to be involved with politics—I had thought of saying "stupid" but I don't believe that—I think they are too lazy and selfish to do their part—they want only good times and they want only to share in what others achieve for them—they prefer to let George do it.

Since it is rumored that HEW has millions of dollars gathering dust—why not ask them to put it to work by helping the elderly who now need it.

I would ask that you take this message back to your organization and tell them the time to act is long past—something must be done right now to correct the bad situations that we, as citizens, are responsible for. We have no time to lose—any criticism of the City, State, and Federal government can, and should be directed at the citizens who don't bother to vote, don't bother to investigate issues, don't bother to make their wishes known so that our children, and their children (our loved ones) who will, before they realize it—be walking in the shoes of senior citizens, may not have today's problems to contend with.

Let us all get together and get our country straightened out—it seems if it is to be put in good condition—and soon—it is up to the Senior Citizens to do it—and we can.

Statement by Frank Bradley

(President, Action Alliance of Senior Citizens of Greater Philadelphia)

At the first convention of the Action Alliance of Senior Citizens of Greater Philadelphia, February 1, 1973, 1600 senior citizens leaders from 153 senior citizen organizations, many of whom are from the 4th district of Philadelphia, passed 18 resolutions directly related to the well-being of the elderly.

Several of these resolutions are related to bills presently before various committees of the Congress of the United States.

We would like to present four items which the Action Alliance has endorsed as major concerns which you can actively support on behalf of senior citizens.

They are:

1. H.R. 2712 and H.R. 4936 which would allow for drug and optimetric coverage under medicare. We would like to add dental care and hearing aids as items also very important to the health care of the elderly.

*We favor the National Health plan as a way of improving health care for all people in the United States.

2. H. Con. Res. 213 which would oppose curtailment of the Medicare program.

3. Passage of a private pension insurance plan as outlined in S-4.

4. Work for legislation to abolish the moratorium on housing which is blocking the building of much needed moderate and low cost housing for the elderly.

Congressman, we ask that you make a special effort to push for the passage of this legislation. With the cost of living increasing at an alarming rate and our small fixed income becoming harder and harder to stretch, the need for the passage of these bills become more and more important. On behalf of the members of the Action Alliance I thank you for this opportunity to express our concerns.

SUMMARY OF ORAL REMARKS

Mary McCann, St. Matthew's Senior Citizens—Measure was passed by Senate but not by House to reduce cost of living and reduce cost of drugs for senior citizens. Would like to see these reductions take place.

George Blake, AARP—Would like to see high cost of living checked and would like discounts on other things beside SEPTA. Personal problem with divorce.

Louis First, Mature Older People—Would like a little park for people with a few benches at 8200 Summerdale Avenue.

Lou Cappiella said that the City was aware of this and was looking into.

James Lynch, Resurrection Senior Citizens and St. Martin's Senior Citizens—Pharmaceutical firms are charging druggists in the U.S. 85% more than druggists in Canada.

Ruth Lynch, Resurrection Senior Citizens and St. Martin's Senior Citizens—Federal pensions should not be taxed by Federal government and State. Legislation has been introduced, but nothing has come out of it.

Harry Silver, Vice President, NARFE—Federal government pensions are taxed. Should not be. Railroad, Social security, etc. are not taxed. At least ten bills have been introduced. Force bills out of committee. At least compromise where first $4,000 or $5,000 would be tax free.

Joe Hutter, United Senior Citizens Council of Northeast—Union pensions are also being taxed.

Thomas McDonald, President, Ascension Senior Citizens—Pensions should be increased. Revalution of government pensions based on five highest years and not three highest years of service.

Jennie Shaffren, Neighborhood Center—All pensions should not be taxed.

Sam Hinkle, Retired Police and Firemen—Food stamp program for elderly should be special and not the same as welfare. People on Medicare should get receipts from doctors or provider of care and not sign receipts without an indication of cost.

Samuel Brosilow, Charles Weinstein Geriatric Center—Need more housing for retired and elderly at low cost.

Cappiella.—Housing is very short. Only housing available is in high crime area. Federal rent controls should be put into effect immediately.

Eilberg.—Introduced on Jaunary 2 legislation which would have provided for rent controls. When and if housing becomes available, suggest that a complete line of activities be included. This would have therapeutic value.

Ball.—Late State Centers will have full line of cultural activities. Having difficulty in getting extra money from State Legislation. Still in State of Confusion. Are proceeding to develop additional centers all over State and in Philadelphia. Bill was introduced by State for revenue sharing funds to be distributed to Late Start Centers.

Elsie Pinkovitz, Association for Concerned Citizens and Friendship Circle—Need new housing for senior citizens. Should have 1% mortgages for people who want to construct housing for elderly.

Mary Moors, President, Upper Holmesburg Civic Association—On behalf of people of Riverview, against development of terminal for foreign cars. Site should be used for housing for elderly and fishing facilities for elderly. Elderly then could go to visit people at Riverview.

Ed Kelly, Executive Dir., Notheast Chamber of Commerce—Believes above should not be at Riverview, but at other parkland (not named). C of C is against foreign car center.

Dennis Rooney, President, Ressurection Senior Citizens:

1. Why are there no centers in Greater Northeast, health, recreation, or otherwise?

2. Why are there no medical care centers for aged in area of foot, eye, hearing, dental care?

3. Why is there no post office in area?

4. Why is there compulsory retirement at 65? This is discriminatory.

5. Discrimination is practiced against eldery persons. Youth vs. elderly.

Jacoby.—Late Start Centers are being planned for. 25% of funds must come from local community. Will be glad to talk to anyone who is interested.

Spector.—Foot care is provided.

Mr. Schultz, Beth Ami Senior Citizens—Dentistry and eye care for older people.

Eilberg.—Legislation has been introduced. Will continue in those directions.

Cappiella.—Health care center will be opened within 6 to 8 months next to library on Cottman Street.

Walter Magee, Cayuga Association—Elderly senior citizens can't get married because they lose money if they marry; therefore, we are making elderly live in illicit relationships.

Spector.—Today, if a widow had been married for at least twenty years, her check will continue.

Bill Muir, NARFE—Wants widow to continue to get her own pension and ½ of pension of man she marries.

Leo Bliss, President, Mid-City Senior Citizens—Housing should be provided on federal level. Council should be established in Philadelphia to provide rent control. Miami Beach has this. State legislature gives right to city to provide rent control.

Mark Shore, Federation of Jewish Agencies, Council on Aging—Deals with problems on aging with the main thrust in Northeast.

Michael Tyson, Vice President, Action Alliance—Federal rebates to elderly in regard to real estate taxes. Reassessment program for property tax is driving elderly people out of their homes.

Bill Byrnes, United Council of Senior Citizens in Northeast Second Vice President, Action Alliance—Need for senior citizens center in Northeast. Action Alliance and United Council are nonpartisan, nondenominational noncolor. Have seven officers in 4th Congressional District. All groups should join for self-preservation.

Shirley Lightner, Beth Ami Senior Citizens—People who own homes get rebate on taxes, why not apartment dwellers.

Eilberg.—Must be changed at state level. State legislature working on this.

Sarah Pevar, Charles Weisshein Geriatric Center—Crime is so terrible that people are afraid to go on streets. Criminal should be prevented from walking streets to protect all people.

Joseph Hutter, Vice President, United Council of Senior Citizens in Northeast. St. Matthews Senior Citizens—Social Services for elderly are at bottom of barrel. Relief for elderly for taxes on homes—excess taxation. Implement ideas of National Conference.

Tom Hennessy, Legislative Committee, United Council of Senior Citizens in Northeast—Property tax for city should be removed from Board of Revision of Taxes. What recourse do people have?

Cappiella.—Home Rule Charter is up for revision. Take responsibility for property tax out of Board of Revision of Taxes and place with Finance Department of City Government.

Charles Miller, Jewish Family Service—501,000 elderly in homes for aged and nursing. Don't allow welfare situation to put people out of homes. Propose that people be kept where they are and funds found to keep them there.

Cappiella.—Number of people requiring care is increasing and there are not enough homes. State pays $15 for care. Legislation introduced to pay $17. Write to your state legislators. New Jersey gets $22 a day; therefore, they have more homes. Government must come up with money for nursing care. State funding should be up to cost.

Mrs. Schoener, Chairman of Board, St. Martin's Senior Citizens and Action Alliance—Where do funds come from and does service include everyone in Jewish Family Service?

Mrs. Brov, Jewish Family Service—Funds come from Allied Jewish Appeal and United Fund and service includes everyone.

Irvin J. Sannit, Secretary, Senior Citizens Committee of AFL-CIO Council. Represent all unions—Interested in good health care for elderly. National Health Care introduced by Senators Edward Kennedy and Robert Griffin. S791 introduced by Senator Cranston. Home Preservation Act of 1973. Establishment of Pennsylvania Commission on Aging.

Bill Muir, NARFE—Eliminate nonmarriage period from being deducted from pension. HR30 and S628.

Elsie Pinkovitz, Association for Concerned Citizens and Friendship Circle—Need for a crosstown bus from Broad and Olney to Bridge Street for benefit of elderly.

Jennie Shaffren, Friendship Circle—Wants general increase of 15% in Social Security by 1 January 1974. Wants other items discounted besides SEPTA bus.

Cappiella.—City has a discount list of other items. Call MU6-3504, 143 City Hall.

Thomas McDonald, president, Ascension Senior Citizens—Concerned with the fact that money is taken out of Social Security and put into other funds. How much money is drained out of fund?

Eilberg.—Money must be used to buy U.S. Government Bonds.

Joanna B. Brov, chairman, Services for Older People Board Member, Jewish Family Service—People are too old to work and pensions are not adequate. Have been taken out of welfare and put on Social Security. They lost money in drug payments, etc. Transportation—Not able to get to doctor. Should have transportation facility for elderly.

Dr. Irwin, podiatrist for City of Philadelphia—Look over priorities. Give more to older people of whole Nation. Better understanding of health problems of elderly throughout Nation.

Sam Lieberman—Real estate taxes should be reconsidered for elderly. Medicare payments of elderly are being raised because doctors take advantage of elderly. Rent controls should be instituted.

George Popper, St. Martin's Senior Citizens—Bill introduced to change formula for

Medicare to increase payments to 25% rather than 20% of total bill. Patient should pay 10% of total hospital bill.

Spector.—Administration wants to change Medicare. Not much hope for passage.

Eilberg.—National Health Insurance is on its way.

Mary Moors, president, Upper Holmesburg Civic Association—Take away legislation for maximum income for senior citizens. Bus Route 11 is being discontinued. Used mostly by senior citizens.

Emanual Reustle, AARP, Chapter 33—Allocation for social services for aged and poor is too small.

PERSONAL EXPLANATION

(Mr. SHUSTER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SHUSTER. Mr. Speaker, on June 14, 1973, Flag Day, a quorum call in committee was called at approximately 1:38 p.m. following an appearance before the House by Bob Hope. I was on the floor with my family at that time and I responded to the quorum call by inserting my voting card in the electronic voting terminal in the prescribed fashion. And, as it happens with the vagaries of electronics and the imperfections of man-made machines, my response was not recorded. As a result, the Record incorrectly indicates that I was absent for the quorum call, although it also indicates that I was present for an earlier quorum call and for three subsequent votes and a later quorum call. I should like the permanent Record to show that I was indeed present for the quorum call in committee, designated roll No. 221 on June 14, 1973.

AGREEMENT REACHED WITH MEXICO ON SALINITY

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, during the congressional recess, it was announced by the White House that an agreement has been reached with Mexico to resolve a dispute between our countries regarding the salinity of the Colorado River. This dispute has been a major irritant in our generally close and friendly relations with our great neighbor to the South, and I am pleased that a final solution has been agreed upon and hopeful that it will receive speedy congressional approval. I commend former Attorney General Herbert Brownell, the chief U.S. negotiator, and his entire staff for the fine job they have done in dealing with this complex problem.

The following article from the New York Times of August 31, 1973, details the major points of the agreement with Mexico:

UNITED STATES AGREES TO DESALT WATER DIVERTED TO MEXICO

Laguna Beach, Calif., August 30.—The United States announced today that it had reached an agreement with Mexico for the removal of salt from the waters of the Colorado River that are used to irrigate 75,000 acres of land in Mexico.

The agreement, reached last week and formally signed today in Mexico City, calls for the United States to build a large desalting plant, with a drainage system for dumping the extracted salt into the Gulf of California. These facilities, to cost about $115-million, must be approved by Congress and can not be completed before 1978.

In the meantime, the United States will supply clean water by diluting the normal flow of the river with fresh water from storage basins.

The facilities to be built by the United States would be payment in lieu of more than $150-million in claims that Mexican farmers in the Mexicali Valley have lodged over the years against the United States which has polluted the river through its own irrigation practices. Drainage from irrigated land in the Western states carries salt back into the river.

"This agreement is a milestone in the history of our relations with Latin American countries," said former Attorney General Herbert Brownell, who headed a United States study group that worked out the agreement with Mexican authorities.

MET WITH NIXON

Mr. Brownell, who was accorded the rank of ambassador for the purpose of negotiating the agreement, briefed reporters on the provisions here after meeting for one hour with President Nixon at the Western White House in San Clemente.

The agreement, provided that Congress accepts the provisions and appropriates the necessary money, is expected to end a bitter and long-standing dispute between the United States and Mexico.

In 1944, a treaty between the two countries guaranteed that the United States would assure that 1.5 million acre-feet of water would be permitted to flow across the border from the long river that snakes through the Western states. But the treaty had no provision regarding the quality of that water.

An acre foot is the amount of water required to cover one acre to a depth of one foot.

When more and more land in the United States was opened to irrigation, the salinity of the water passing into Mexico doubled by 1961. Mexican farmers charged that the high content of salt, about 1,500 parts per million, killed their crops. The situation was relieved somewhat when the United States diverted some of the impure water through selective pumping of drainage wells and construction of a by-pass drain.

In June of 1972, Mr. Nixon and Luis Echevavua Alvarez of Mexico, meeting in Washington, signed a joint communique that promised a "definitive solution" as soon as possible. The agreement announced today includes the following points:

The United States will construct in Arizona, at a site to be determined, the world's largest desalting plant, a project that is expected to advance desalting technology and thus serve as pilot project for other such plants throughout the world. The estimated cost is $67-million.

The United States will build a concrete-lined canal to carry the salt water from the desalting plant to the Gulf of California, a distance of about 70 miles. Mr. Brownell said he had been assured that this would cause no ecological damage in the Gulf of California because the gulf is saltier than the water to be dumped into it. The cost of this and improvements included in the agreement is estimated at about $36-million.

The United States will support a Mexican program to raise money for rehabilitating and improving land damaged by the salty water. This aid will probably take the form of loans through the Import-Export Bank or other institutions.

By July 1, 1974, subject to Congressional authorization, the salinity of Mexico's guaranteed water supply will not exceed by more than a marginal amount the salinity of the river at Imperial Dam, 18 miles north of Yuma, Ariz., where the water is relatively clean. Most of the salinity develops between Imperial Dam and the Mexican border, because of irrigated lands over salt basins.

Between July 1, 1974, and the time the new desalting facilities are built the purity of the water going into Mexico will be maintained by diluting it with water from storage basins. Mr. Brownell said there was an adequate supply of stored water to assure this.

The agreement includes no provisions for direct payment of damages claimed by Mexican farmers, Mr. Brownell said. He said that the additional expense that the United States will assume in meeting the terms of the agreement will be the full extent of compensation for damage done over the years.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Brasco (at the request of Mr. O'Neill), for today, on account of official business.

Mr. Addabbo (at the request of Mr. O'Neill), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Melcher, for Wednesday, September 12, for 5 minutes, to revise and extend his remarks and include extraneous material.

(The following Members (at the request of Mr. Madigan), to revise and extend their remarks, and to include extraneous matter:)

Mr. Shoup, on September 19, for 1 hour.

Mr. Hastings, on September 11, for 5 minutes.

Mr. Hastings, on September 12, for 5 minutes.

Mr. Hosmer, today, for 10 minutes.

(The following Members (at the request of Mr. Breckinridge), the revise and extend their remarks, and to include extraneous matter:)

Mr. Hamilton, today, for 20 minutes.

Mr. Gonzalez, today, for 5 minutes.

Mrs. Collins of Illinois, today, for 10 minutes.

Mr. Gibbons, today, for 10 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Eilberg, and to include extraneous material, notwithstanding the fact that it exceeds 2 pages of the Congressional Record and is estimated by the Public Printer to cost $574.75.

(The following Members (at the request of Mr. Madigan) and to include extraneous matter:)

Mr. Bell.

Mr. Wyatt.

Mr. Findley.

Mr. O'Brien.

Mr. Hanrahan in two instances.

Mr. Blackburn.

Mr. Anderson of Illinois in two instances.

Mr. Hogan in three instances.

Mr. McClory in two instances.

Mr. HAMMERSCHMIDT.

Mr. HOSMER in three instances.

Mr. BURKE of Florida.

Mr. HUBER in two instances.

Mr. SYMMS.

Mrs. HOLT.

Mr. MOORHEAD of California.

(The following Members (at the request of Mr. BRECKINRIDGE) and to include extraneous matter:)

Mr. WON PAT in 10 instances.

Mr. HAMILTON.

Mr. BADILLO.

Mr. EVINS of Tennessee.

Mr. RANGEL in 10 instances.

Mr. TEAGUE of Texas in 10 instances.

Mr. DRINAN in five instances.

Mr. GONZALEZ in three instances.

Mr. RARICK in three instances.

Mr. WOLFF in five instances.

Mr. FRASER in five instances.

Mr. WHITE.

Mr. PICKLE in 10 instances.

Mr. DAVIS of Georgia in six instances.

Mr. ADAMS.

Mr. JOHNSON of California.

Mr. BIAGGI in five instances.

Mr. VANIK in three instances.

Mr. DOMINICK V. DANIELS in two instances.

Mr. ROYBAL in 10 instances.

Mr. MCSPADDEN in 10 instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1841. An act to amend the Communications Act of 1934 for one year with respect to certain agreements relating to the broadcasting of home games of certain professional athletic teams; to the Committee on Interstate and Foreign Commerce.

S. 1914. An act to provide for the establishment of the Board for International Broadcasting, to authorize the continuation of assistance to Radio Free Europe and Radio Liberty, and for other purposes; to the Committee on Foreign Affairs.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 6912. An act to amend the Par Value Modification Act, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1385. An act to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands.

ADJOURNMENT

Mr. BRECKINRIDGE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 5 minutes p.m.), the House adjourned until tomorrow, Tuesday, September 11, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1325. A letter from the Acting Assistant Secretary of the Army (Installations and Logistics), transmitting a report on the demilitarization of various chemical agents and munitions, to the Committee on Armed Services.

1326. A letter from Assistant Secretary of the Navy (Installations and Logistics), transmitting a report on a revised Department of the Navy shore establishment realinement action at the Naval Civil Engineering Laboratory, Port Hueneme, Calif., pursuant to section 613 of Public Law 89–568; to the Committee on Armed Services.

1327. A letter from the Assistant Secretary of the Navy (Installations and Logistics), transmitting a report on a revised Department of the Navy shore establishment realinement action at the Pacific Missile Range, Point Mugu, Calif., pursuant to section 613 of Public Law 89–568; to the Committee on Armed Services.

1328. A letter from the Chairman, Cost Accounting Standards Board, transmitting a new cost accounting standards proposed to be promulgated by the Board, concerning "Accounting for unallowable costs," pursuant to section 719(h)(3) of the Defense Production Act of 1950, as amended; to the Committee on Banking and Currency.

1329. A letter from the Assistant Secretary of the Interior, transmitting descriptions of eight projects selected for funding through grants, contracts, and matching or other arrangements with educational institutions, private foundations, or other institutions, and with private firms, as authorized by section 200(a) of the Water Resources Research Act of 1964, as amended, pursuant to section 200(b) of the act; to the Committee on Interior and Insular Affairs.

1330. A letter from the Vice President for Public and Government Affairs, National Railroad Passenger Corporation, transmitting the financial report of the Corporation for the month of May 1973, pursuant to section 308(a)(1) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Interstate and Foreign Commerce.

1331. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated June 1, 1973, submitting a report, together with accompanying papers and illustrations on Mississippi River, East Bank, Warren to Wilkinson Counties, Mississippi, requested by a resolution of the Committee on Public Works, House of Representatives, adopted May 10, 1962 (S. Doc. No. 93–148); to the Committee on Public Works and ordered to be printed with illustrations.

1332. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated June 1, 1973, submitting a report, together with accompanying papers and illustrations, on Mississippi River (lower) East Bank, Warren to Wilkinson Counties, Miss. (Vicksburg-Yazoo area), in partial response to a resolution of the Committee on Public Works, House of Representatives, adopted May 10, 1962 (H. Doc. No. 93–149); to the Committee on Public Works and ordered to be printed with illustrations.

1333. A letter from the Federal Cochairman, Four Corners Regional Commission, transmitting the sixth annual report of the Commission, pursuant to section 509 of the Public Works and Economic Development Act of 1965; to the Committee on Public Works.

1334. A letter from the Administrator of Veterans' Affairs, transmitting reports of Veterans' Administration programs during fiscal year 1973 for the sharing of medical resources and for exchange of medical information, pursuant to 38 U.S.C. 5057; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. NEDZI: Committee on Armed Services. Report on the proceedings against George Gordon Liddy (Rept. No. 93–453). Referred to the Committee of the Whole House on the State of the Union.

Mr. HENDERSON: Committee on Post Office and Civil Service. H.R. 6334. A bill to provide for the uniform application of the position classification and General Schedule pay rate provisions of title 5, United States Code, to certain employees of the Selective Service System; with amendment (Rept. No. 93–454). Referred to the Committee of the Whole House on the State of the Union.

Mr. WALDIE: Committee on Post Office and Civil Service. H.R. 9257. A bill to amend chapter 83 of title 5, United States Code, relating to the rates of employee deductions, agency contributions, and deposits for civil service retirement purposes (Rept. No. 93–455). Referred to the Committee of the Whole House on the State of the Union.

Mr. WALDIE: Committee on Post Office and Civil Service. H.R. 1284. A bill to amend title 5, United States Code, to improve the administration of the leave system for Federal employees; with amendment (Rept. No. 93–456). Referred to the Committee of the Whole House on the State of the Union.

Mr. WALDIE: Committee on Post Office and Civil Service. H.R. 3799. A bill to liberalize eligibility for cost-of-living increases in civil service retirement annuities; with amendment (Rept. No. 93–457). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California (for himself and Mr. GUDE):

H.R. 10124. A bill to amend the Public Health Service Act to provide for the screening and counseling of Americans with respect to Tay-Sachs disease; to the Committee on Interstate and Foreign Commerce.

By Mr. HARRINGTON (for himself, Ms. BOGGS, and Mr. ROYBAL):

H.R. 10125. A bill to provide for posting information in post offices with respect to registration, voting, and communicating with lawmakers; to the Committee on Post Office and Civil Service.

By Mr. HARRINGTON (for himself and Ms. BURKE of California):

H.R. 10126. A bill to improve the extended unemployment compensation program; to the Committee on Ways and Means.

H.R. 10127. A bill to amend the Federal-State Extended Unemployment Compensation Act of 1970 to permit Federal sharing of the cost of unemployment benefits which extend for 52 weeks; to the Committee on Ways and Means.

By Mr. HELSTOSKI:

H.R. 10128. A bill to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service; to the Committee on House Administration.

H.R. 10129. A bill relating to collective bargaining representation of postal emloyees; to the Committee on Post Office and Civil Service.

By Mr. JOHNSON of Pennsylvania:

H.R. 10130. A bill to allow a credit against Federal income tax or payment from the U.S. Treasury for State and local real property taxes or an equivalent portion of rent paid on their residences by individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. MACDONALD:

H.R. 10131. A bill to require that certain processed or packaged consumer products be labeled with certain information, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mrs. MINK:

H.R. 10132. A bill to amend title 10 of the United States Code in order to permit members of the Armed Forces to make one change of official home of record during active duty; to the Committee on Armed Services.

By Mrs. MINK (for herself, Ms. Abzug, Mr. Badillo, Mr. Brown of California, Mr. Edwards of California, Mr. Flood, Mr. Harrington, Mr. Hawkins, Mr. Howard, Mr. Moakley, Mr. Patten, Mrs. Schroeder, Mrs. Sullivan, Mr. Winn, and Mr. Won Pat):

H.R. 10133. A bill to authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities designed to achieve educational equity for all students, men and women, and for other related educational purposes; to the Committee on Education and Labor.

By Mr. MOAKLEY:

H.R. 10134. A bill to require as a condition to the receipt of Federal-aid highway funds that States require gasoline service stations which the States allow to operate on the rights-of-way of limited access highways to honor certain credit cards for the purchase of gasoline, oil, and certain parts and services; to the Committee on Public Works.

By Mr. RHODES (for himself, Mr. Conlan, and Mr. Steiger of Arizona):

H.R. 10135. A bill to amend the project for flood protection on Indian Bend Wash, Maricopa County, Ariz. authorized by the Flood Act of 1965; to the Committee on Public Works.

By Mr. ST GERMAIN:

H.R. 10136. A bill to accelerate the effective date of the recently enacted increase in social security benefits; to the Committee on Ways and Means.

By Mr. SEIBERLING:

H.R. 10137. A bill to amend titles 18 and 28 of the United States Code to establish certain qualifications for the Office of Attorney General, and for other purposes; to the Committee on the Judiciary.

By Mr. SYMMS:

H.R. 10138. A bill to permit the sale of DDT in order to control the Tussock Moth and certain other insects; to the Committee on Agriculture.

By Mr. WHITE:

H.R. 10139. A bill to govern the disclosure of certain financial information by financial institutions to governmental agencies, to protect the constitutional rights of citizens of the United States and to prevent unwarranted invasions of privacy by prescribing procedures and standards governing disclosure of such information, and for other purposes; to the Committee on Banking and Currency.

H.R. 10140. A bill to provide financial assistance for research activities for the study of sudden infant death syndrome, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 10141. A bill to amend the Immigration and Nationality Act to provide for the issuance of nonimmigrant visas to certain aliens entering the United States to perform services or labor of a temporary or seasonal nature under specific contracts of employment and fair employment conditions; to require an immigrant alien to maintain a permanent residence as a condition for entering and remaining as an immigrant of the United States; and for other purposes; to the Committee on the Judiciary.

By Mr. WIGGINS:

H.J. Res. 715. Joint resolution proposing an amendment to the Constitution of the United States relative to the death penalty; to the Committee on the Judiciary.

By Mrs. COLLINS of Illinois:

H. Con. Res. 290. Concurrent resolution expressing the sense of Congress concerning the administration of a provision of the Federal Water Pollution Control Act; to the Committee on Public Works.

By Mr. HUBER (for himself, Mr. Archer, Mr. Bevill, Mr. Blackburn, Mr. Brown of Michigan, Mr. Butler, Mr. Cochran, Mr. Collier, Mr. Eilberg, Mr. Gonzalez, Mr. Gross, Mr. Gunter, Mr. Helstoski, Mr. Hunt, Mr. Johnson of California, Mr. Keating, Mr. Michel, Mr. Murphy of New York, Mr. Nedzi, Mr. Poage, Mr. Quie, Mr. Regula, Mr. Roush, Mr. Sarasin, and Mr. Walsh):

H. Con. Res. 291. Concurrent resolution expressing the sense of Congress with respect to the missing in action in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. RODINO:

H. Con. Res. 292. Concurrent resolution pertaining to the methods used on animals in research; to the Committee on Science and Astronautics.

By Mr. HARRINGTON (for himself and Ms. Holtzman):

H. Res. 537. Resolution, an inquiry into the extent of the bombing of Cambodia and Laos, January 20, 1969 through, April 30, 1970; to the Committee on Armed Services.

By Mr. RHODES:

H. Res. 538. Resolution to establish a select committee of the House of Representatives to investigate actions necessary to locate Americans reported missing in action while serving as members of the Armed Forces in Southeast Asia during the Vietnam conflict, to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

294. The SPEAKER presented a memorial of the Legislature of the State of California, relative to aviation user taxes; to the Committee on Interstate and Foreign Commerce.

SENATE—*Monday, September 10, 1973*

The Senate met at 12 o'clock noon and was called to order by the President pro tempore (Mr. Eastland).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal God, our Father, we thank Thee that through Thy grace and power our forefathers gained the freedom and the self-government under which we live as a priceless heritage. In these testing times, as in crises long past, wilt Thou impart wisdom, patience, and conciliation to the President and to the Congress that they may concert their best efforts to advance the Nation's well-being and secure peace and justice in the world. May Thy spirit come upon our common life with redemptive and healing grace that the government of the people and for the people may rest securely on the sure foundation of truth and morality and pure religion. Inspire us daily to wait upon the Lord from whence comes all our help. And to Thee shall we render all praise and thanksgiving. Amen.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. Abourezk) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, September 7, 1973, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VII, be dispensed with.

The PRESIDING OFFICER (Mr. Abourezk). Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SCOTT of Pennsylvania. Mr. President, I yield back my time.

The PRESIDING OFFICER. Under the previous order, the distinguished Senator from Georgia (Mr. Talmadge) is now recognized for not to exceed 15 minutes.

THE ECONOMY

Mr. TALMADGE. Mr. President, I have become increasingly alarmed in recent weeks about the chaotic condition of the U.S. economy.

Inflation continues to soar, weakening America abroad, robbing working people of their earnings and the elderly of their savings.

The housewife sees little relief from ever-escalating food prices.

Foreign buyers, using their vast hoard of American dollars, continue to bid up the price for scarce commodities such as cotton, soybeans, wheat, corn, wool, and others.

The commodity markets are disrupted by speculators, both foreign and domestic, who reap huge windfall profits and who have little interest in the well-being of the American farmer or the American consumer.

Domestic industries are threatened with production cutbacks because of the shortage of these commodities and because of skyrocketing prices. Workers, trying to earn a living in an inflationary economy, are threatened with a loss of their jobs.

The prime rate of interest has soared to 9¾ percent. Small businesses are being priced out of the market for funds. In some cases, they are unable to obtain financing at any rate.

The mortgage market has almost completely dried up. Thus, young people and low- and middle-income individuals who would normally have sufficient money to purchase a home are being completely denied access to the market.

Only borrowers willing to pay an exorbitant rate of interest, and who have a large downpayment, have any chance of obtaining a home mortgage.

Most Americans agree with President Nixon—I certainly do—that this country is faced with far more important issues than the Watergate scandal.

I have urged that the Select Committee on Presidential Campaign Activities complete its investigation and hearings as quickly as possible.

This, of course, does not mean that I think the committee should abandon its work without fulfilling its responsibility to the Senate and to the American people.

My primary thought is that this work can be completed more expeditiously and efficiently, and every effort should be put forth to do so.

But there is no need for the business of Government to be paralyzed while this investigation is being completed.

As a matter of fact, in recent months, Congress has been unusually active. It has achieved a fine legislative record in spite of a slowdown of leadership from the executive branch.

I have certainly tried to do my part in carrying on the business of the country which, according to what I hear from my constituents, is what people want us to do.

As chairman of the Senate Committee on Agriculture and Forestry, I was faced with the task of moving a major new farm bill through Congress at a time when the so-called Watergate hearings were in midcourse.

The Agriculture Committee conceived and reported a farm bill that made a radical departure from the past.

This bill, the Agriculture and Consumer Protection Act of 1973, is designed to encourage farmers to maximum production to meet the dramatic new demand for food and fiber, at home and abroad.

It is important to note that this legislation was not written in the executive branch. It was not written by farm lobbyists. It was written and passed in record time by a bipartisan coalition of Senators and Congressmen who wanted a sensible program to protect both farmers and consumers, and to assure an adequate supply of food and fiber.

To the credit of the President and the Secretary of Agriculture, they were willing to compromise and make concessions in order that a good farm bill could be enacted.

This is the kind of action we need now. We need nonpartisan cooperation between the legislative and executive branches of Government in order to resolve the host of critical economic problems that plague our Nation.

Therefore, I have written to the President and Agriculture Secretary Butz to pledge my cooperation and support in battling inflation and in attacking the other economic problems of our country.

In addition, I have made four very important requests:

First. That the administration immediately take steps to lower the interest rates on home mortgages, and to make more mortgage money available.

Second. That the administration recognize our limitations in regard to acting as the world's reserve for food and fiber needs, and that an export licensing system be immediately established for cotton, and consideration be given to the same for other commodities. It is noble to feed the world so long as American children do not go hungry. But with 40-cent bread, some might. It is noble to supply fiber for the world as long as American children are not threadbare. But with $20 jeans, some will be.

Third. That the administration immediately take steps to strengthen the Commodity Exchange Authority to prevent wild speculation and manipulation of commodity prices.

Fourth. That the Secretary report to the Agriculture Committee on any foreign or domestic speculation that he might find that has led to massive windfall profits at the expense of the American consumer, and at the same time accelerated runaway inflation in commodity markets.

I would like at this time to quote a portion of a statement given to Time magazine by Secretary of State-designate Henry Kissinger:

> The perception of ourselves in this Nation must change now. We are no longer self-sufficient. One-half of our energy will soon be coming from abroad. All of our exports soon will pay only for the raw materials we must import. Our agriculture products now have to be thoughtfully allocated. Take the wheat deal, for which we have been criticized. Our intelligence was faulty. But there was not a thought by anyone that we would not have enough wheat. Our whole orientation—by Congress, by farm experts, by businessmen—has been to sell it when we could. We must rethink where we are.

Under the conditions outlined in Mr. Kissinger's statement, with which I certainly agree, there is no place for speculators seeking windfall profits, driving prices up, and putting a much heavier burden on the American consumer and American industry.

Nobody likes unusually high commodity prices. The only people who have benefited from them have been speculators.

Growers do not like them, because they have not sold their commodities at inflated prices. Wild, inflation prices ruin the farmer's future markets, and they do not like to see speculators ruin their business.

Manufacturers do not like high prices, because they cannot sell their products competitively. Moreover, exorbitant interest rates preclude borrowing enough working capital to operate.

And, obviously, consumers do not like to see the prices of food and clothing get beyond their reach—which is exactly what is happening in our country today.

I have written the Secretary of Agriculture because he is the only person who can stop wild, runaway inflation in the commodity market. Congress has given him the tools for orderly allocation of exports, and the time has come for him to exercise this authority.

It is not a question of not selling overseas. It is a question of thoughtful and intelligent allocation of our agricultural commodities to those countries that need them, and not to those who are speculating and trying to corner the market, such as the Japanese have virtually done in wool.

The fact is, our agricultural commodities are the principal resource we have that the rest of the world needs.

It is a source of constant amazement to me that we do not operate on this fact from a position of strength, rather than weakness, as we did in the Russian wheat deal.

Second, I have written the Secretary of Agriculture, because the Commodity Exchange Authority comes under his supervision, and he can take steps to insure that the authority is operated for the purpose intended and not for wild speculation.

Over the past few years, runaway inflation of home prices has become critical. Despite the recent building boom, the supply of available housing, especially for low- and middle-income groups, has lagged far behind demand. This is due in part of the cyclical nature of home building. In times of low interest and easy money, the building industry booms, while in times of tight credit, such as the credit crunch of 1969, the building industry almost grinds to a halt.

Presently, the real estate and home building industries are headed for another depression. They are suffering from both the termination of federally subsidized housing programs and the unavailability of mortgage money.

The rapid inflation of building costs and land and the extremely tight supply of housing have combined to increase the price of many houses by $10,000 to $20,000 each in the past 2 years.

If the present trend continues, home ownership will be a privilege reserved for only the wealthy few. This would be extremely unfortunate, both to the economy and to society as a whole, for home ownership is one of the best means of economic leveling and for improving the lot of the average citizen.

The principal asset that most middle-income families possess is the equity in their home.

It would be unfortunate indeed if this country were reduced to a nation of renters, with the possession of property limited to the affluent.

This would push the country into a greater concentration of wealth, rather than a more even distribution of our resources.

High interest rates and tight money drive the country toward economic concentration in more ways than one.

High interest rates have serious implications for American industry and business. It is always the small companies which are hurt the most. Large companies can issue commercial paper or obtain preferential treatment in lending institutions. New companies, small companies, and thinly capitalized companies are not so fortunate. They must borrow at several points above the prime rate.

When an industry is faced with both spiraling costs of raw material and high interest rates, and when it is an industry in which profits are already marginal, it is indeed in serious trouble.

Such a situation presently confronts the textile industry. Raw cotton prices have more than tripled this year, they are currently at historical highs.

Cotton has been trading for more than 90 cents a pound on the future market. Escalation of the price of cotton will inevitably have a dramatic impact on textiles production in the United States.

The textile industry will have to borrow millions of additional dollars in order to buy the cotton they must keep in inventory in order to maintain production. If the textile company in question happens to be a small manufacturer, it will have to pay about 12 percent interest on these borrowed funds.

It is often impossible to justify borrowing millions of dollars at exorbitant interest rates. Therefore, many textile mills will be forced to severely reduce production in the current year. Mill owners have told me that they are already laying off shifts of workers.

This is no small thing. The textile industry is one of the largest employers in the Nation. If we include the garment industry, there are 2.3 million people employed in this industrial complex—one out of eight manufacturing workers in the country.

In Georgia alone, 119,200 people are employed in textiles—the largest source of manufacturing jobs in the State.

Moreover, consider as well the predicament of the garment industry, plus the retailers, who are likewise caught in the high interest rate pinch. The higher prices and higher commodity costs mean enormous sums of additional working capital for both the textile producer, the garment manufacturer and the retailer. There just is not enough money to go around.

Thus, the current situation could result in tremendous increases of unemployment, particularly in States like Georgia which rely so heavily on textile production.

And, that is not all. The American consumer, who already is fed up with high food prices, will be faced with tremendous jumps in the cost of formerly inexpensive clothing items.

Inflationary price increases always hit hardest at people who can least afford them. They penalize the lower-income groups the most, for it is these groups who must devote the largest portion of their income to food; $1.19 per pound for hamburger is no big problem to a family earning $40,000 a year. But it can be disastrous to a family earning $6,000 a year—a family that could barely afford hamburger meat when it was half the current price.

The same is true with clothing. Lower-income groups must rely heavily on inexpensive cotton garments, such as blue jeans and cotton dresses. However, if the present trend continues, these items will not be inexpensive very long.

The question arises as to why the price of cotton has increased so sharply—and who is reaping the reward?

The general public tends to think that farmers get rich when prices soar to record levels. Unfortunately, this was not the case in the massive sale of grain to Russia last year. Most of the wheat farmers had already sold their stocks of wheat at low prices when the magnitude of the sale become known.

The principal beneficiary of the $300 million subsidy and the low wheat prices was the Soviet Union, mainly because the Department of Agriculture was out-traded and out-smarted. However, some grain speculators and trading companies made large profits out of this ill-advised deal.

Apparently, a similar situation is about to develop for the current cotton crop. I understand that more than half of the current cotton crop already has been contracted for. Cotton farmers around the country contracted to produce cotton at less than 40 cents a pound, and they thought they had made a good deal.

Cotton is now trading for more than 90 cents a pound—three times what it was last year. It is not the farmers who will benefit. It is the speculators who will make all the big profits.

The fact is that wild speculation and the attempt of some buyers to corner the cotton market are largely responsible for these runaway prices.

The U.S. Department of Agriculture reports that anticipated cotton exports out of the current crop will total 6 million bales. This will be the largest sale of cotton abroad for more than a decade.

Increased foreign demand for cotton is attributable primarly to Japan. For years, Japan has been a major customer of American cotton with annual purchases running in the neighborhood of 600,000 to 800,000 bales for the past 5 years.

However, at the end of last year, Japan started increasing its purchases of U.S. cotton dramatically.

Japanese buyers have already contracted to purchase nearly 2 million bales of our current cotton crop. This is about 2½ times their normal purchases.

Of course, the Japanese cotton textile capacity has not increased by 2½ times. What the Japanese are engaging in is good business—for them, not us, and not for American consumers.

The Japanese have vast holdings in U.S. dollars, and they are extremely smart businessmen. They have concluded that agricultural commodities—especially a nonperishable commodity such as cotton—are very good investments in these times of commodity shortages and rapid inflation the world over.

Their huge purchases of American cotton are a perfectly legitimate exercise of good business judgment; and, normally, we would welcome such an expanded export market. However, in the current tight cotton market, the U.S. textile fiber industry, its employees, and consumers are the losers.

And, when this tight supply situation—which has invited speculation—is over, will Japan continue to buy 2 million bales a year? Of course not.

It is one thing to strive to increase exports and help the rest of the world, but it is quite another to do so with foreign speculators at the expense of the American people and our already faltering economy.

To further compound the problem, the People's Republic of China has begun large purchases of cotton and other raw agricultural commodities.

Excessive foreign demand is not the only reason for the current supply crisis in the cotton industry. Part of the problem began when the Department of Agriculture announced a 13-percent reduction in the cotton base acreage allotment for the current crop year.

For the past 2 years, the allotment has been 11.5 million acres.

I felt, as did many people in the cotton industry, that the cotton carryover was already small and that there was a need for at least 11.5 million acres this crop year.

However, the Department of Agriculture reduced the base acreage allotment to 10 million acres.

Also, there was severe flooding in some of the best cotton producing land in the Nation, in the Mississippi Delta. As a result, more than 600,000 acres of good cotton land was not planted to cotton, thereby worsening the shortage.

Runaway prices which are current in the cotton market are not good for consumers. They are not good for the textile industry. They are not good for the people the industry employs. They are not good for the cotton farmers.

For years, cotton fought a losing battle with synthetic fibers. However, in the last year or two cotton has been making a comeback.

While cotton use in the United States was not increasing, foreign consumption was making considerable gains. Nevertheless, the domestic use of cotton still requires the greater proportion of our cotton crop.

Record prices such as those now being experienced by the cotton industry do more than anything else to reduce consumption. We found in the case of high meat prices that there is indeed such a thing as consumer resistance.

Housewives around the country have been refusing to pay some of the prices that are being asked for beef and other meats.

I believe the same thing will happen to cotton goods, particularly the cheaper cotton goods such as jeans. When these commodities are no longer inexpensive, consumers will either refrain from buying or switch to alternate goods.

While increases in synthetic production are somewhat limited now because of petroleum shortages and limited plant capacity, synthetic producers can gear up to greater productivity over the years. There is no doubt that the textile mills will prefer to use more synthetics if it is demonstrated that they have much greater price stability and are more reliable.

Thus, in the long run it will be the American cotton farmer who will be the loser. Thus, I have urged the President and Secretary Butz to install some reasonable form of export controls for cotton to remedy this situation.

We do not want the same thing to happen to American cotton that happened to wool. The wool situation is a very good case in point.

The wool market reports that Japanese buyers have moved in on auctions throughout the world and paid high prices to corner the market.

The Japanese now have purchased some 35 percent of the wool available throughout the world—far in excess of any textile manufacturing capacity in Japan.

These purchases have been made in dollars—not in yen—in order to invest their stockpile of floating dollars in a profitable commodity.

In the meantime, the price of raw wool has skyrocketed to the detriment of the textile buying consumer.

For example, the price of Australian and New Zealand wool in June of this year was $2.62 a pound, compared with $1 a pound a year ago and 79 cents in January of 1972.

If steps to improve the cotton situation are not taken now, we may very well be faced with the kind of harsh action that became necessary for soybean exports. Because our soybean supply had been drawn down to dangerously low levels before the Department of Agriculture knew what was going on, it was necessary to take the severe action of an absolute embargo.

Subsequently, the embargo was ameliorated, but the damage to our trading position already had been done.

I believe this did more to infuriate our Japanese trading partners than anything that has occurred since World War II.

However, it is interesting to note that the average annual purchase of soybeans by Japan was about 70 million bushels, until this year when it soared to 120 million. Could this too have been an effort to corner a commodity market at the expense of the American public?

I do not want to see the same thing occur in cotton. That is why it is important that a system of export licensing for cotton be instituted now. We do not want to abrogate existing contracts. Neither do we want to disrupt our trade relationships with established customers.

We must do everything we can to assure that continuing supplies of U.S. cotton will be made available to countries that have been buyers of significant amounts of our cotton in the recent past.

But—we do not want to sell cotton for speculative purposes. We do not want another nation to corner the cotton market and drive prices higher and higher at the expense of American industry, American workers, or American consumers.

Also, I have urged Secretary Butz to take action to greatly strengthen the role of the Commodity Exchange Authority.

The Commodity Exchange Authority is charged with responsibility of regulation of trading and pricing on designated commodity exchanges.

The authority is supposed to maintain fair and honest trading prices, competitive pricing on commodity exchanges, and prevent price manipulation and wild speculation.

It is an understatement to say that the Commodity Exchange Authority has not been able to carry out this function in the past year. Prices on the commodity exchanges have been subject to wild fluctuation and a great deal of manipulation.

There is evidence to suggest that the Russians may have helped finance their huge purchases of grain by manipulating the U.S. commodity market to their own advantage. It is quite possible that the Russians knew that their own huge purchases would drive up the price of wheat, and therefore invested heavily in wheat futures before other market investors were aware of what was taking place.

The Commodity Exchange Authority has never had the manpower or administration backing to do the kind of job that it must do in today's turbulent market conditions.

I hope the Secretary of Agriculture will give us his recommendations for strengthening the Commodity Exchange Authority in order that it can provide better protection for consumers.

I understand that members of the Agriculture Committee are already preparing to introduce legislation to deal with this problem.

Economic problems I have discussed here demand the attention and the close cooperation of the executive and legislative branches of Government. As one member of the Select Committee on Presidential Campaign Activities, I pledge that I will not let my duties on the committee impede my continued cooperation with the President on other issues.

As chairman of the Senate Committee on Agriculture and Forestry, I will do everything I can to help the President stabilize our supply of food and fiber, and thus slow the inflationary spiral.

As the second ranking Democrat on the Finance Committee, I will cooperate with the President in developing anti-inflationary taxing and spending policies.

As a Senator from Georgia, I will support the President in cutting Federal expenditures—and this is something I have advocated for a long, long time, long before such a view became popular in Washington—although I may continue to differ with him on items that should be cut.

I do not pretend to have all the answers to all our economic problems. However, I am confident that the measures I have proposed will go a long way toward stabilizing the commodity market and bringing some semblance of order to our economy.

I believe we must work together and rise above our differences, or the Nation will be the loser.

As one Member of the Senate, I intend to continue to do my part.

Mr. STENNIS. Mr. President, I made a special effort to get here in order to hear the presentation of the Senator from Georgia as to his ideas about these acute problems, beginning with runaway inflation. He is one of the foremost authorities we have in this field. As chairman of the Committee on Agriculture and Forestry, he has extensive knowledge of the problem from the standpoint of the producer and the consumer, as well as the industries in between which are involved in these items. I commend the Senator highly for his work and for his speech.

I followed closely the four points the Senator from Georgia made, and I think he is sound in every one of them. I certainly am going to join hands with him in his continued efforts in this field.

I say further to the Senator that I know he never takes out after something without finishing it. I have never seen him stop by the wayside, and I believe he will make a fine contribution in this field.

I note that he mentioned the point about cooperation with the President. I certainly commend the Senator for that. I try to cooperate to the fullest extent with whomever is President, because he is head of the Nation, the head of the Government; he is the Chief Executive, chosen by the people.

I am certainly with the Senator in standing for fullfledged cooperation with the President in the field of economy, in appropriations, in holding down expenditures. I commend the President for his efforts in this respect, although we can disagree as to the priority of items to be reduced or increased. But those things do not stop the bill; the bill moves on and finally becomes law.

I am glad that the Senator, as a member of the Select Committee on Presidential Campaign Activities, has pledged his cooperation in the field of economic problems. He and the other members of that committee have been overworked and partly misunderstood; but everyone agrees that they have had one of the most difficult matters that has ever been handed to a small group of men in this Chamber. They have worked hard and diligently and are going to make a contribution toward that problem.

I am glad that the Senator stated his view of action first and cooperation next. When we get that, we get results—and they will be good results.

Mr. TALMADGE. I thank my distinguished friend, the Senator from Mississippi, for his observations and comments. There is no man in this Chamber for whose judgment, integrity, and ability I have a higher regard. His comments are flattering, indeed.

As the Senator from Mississippi knows, a high percentage of the cotton crop has been bought by speculators, who are now taking charge of it, and have driven the price up to more than 90 cents a pound.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from Connecticut (Mr. WEICKER) is recognized for not to exceed 15 minutes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the time to be taken out of the distinguished Senator from Connecticut's allocation.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, will the distinguished Senator from Connecticut yield to me for half a minute?

Mr. WEICKER. Mr. President, I am pleased to yield to the majority leader such time as he needs.

The PRESIDING OFFICER. The Senator from Montana is recognized.

ORDER FOR MESSAGE FROM THE PRESIDENT TO BE PRINTED IN THE RECORD

Mr. MANSFIELD. Mr. President, the Senate has received a message from the President of the United States. I ask unanimous consent that the message, in its entirely, be printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message is as follows:

To the Congress of the United States:

As the Congress reconvenes for the closing months of the 1973 legislative season, it returns to a critical challenge.

Our country faces many pressing problems which must be solved with dispatch.

Americans want and deserve decisive action to fight rising prices. And they want every possible step taken now—not a year from now or in the next session of the Congress.

Americans want and deserve decisive action this year to ensure that we will have enough heat for our homes, enough power for our factories, and enough fuel for our transportation.

They want and deserve decisive action this year to combat crime and drug abuse. The national rate of serious crime is now heading down for the first time in 17 years, and they want that downward spiral to continue.

There is also an immediate need to improve the quality of our schools, reform Federal programs for our cities and towns, provide better job training, revamp our housing programs, institute lasting reforms in campaign practices, and strengthen our position in world markets.

Of transcending importance is America's continuing commitment to building a lasting structure of world peace. Our people are now at peace for the first time in more than a decade, and they expect their leaders to do all that is necessary to maintain the peace, including those actions which preserve the Nation's strong defense posture.

At the same time, it is apparent as the fall legislative season begins that many Members of the Congress wish to play a larger role in governing the Nation. They want to increase the respect and authority which the American people feel for that great institution.

Personally, I welcome a Congressional renaissance. Although I believe in a strong Presidency—and I will continue to oppose all efforts to strip the Presidency of the powers it must have to be effective—I also believe in a strong Congress.

In campaigning for the Presidency in 1968, I called for "national leadership that recognizes the need in this country for a balance of power. We must maintain," I said, "a balance of power between the legislative and the judicial and the executive branches of Government.

I still believe in that division of responsibility. There can be no monopoly of wisdom on either end of Pennsylvania Avenue—and there should be no monopoly of power.

The challenge is thus clear. The problems of the Nation are pressing, and our elected leaders must rise to the occasion. These next 4 months will be a time of great testing. If the Congress is to play its proper role in guiding the affairs of the Nation, now is the time for it to take swift and decisive action.

In sending this message to the Congress today, I want to refocus attention on more than 50 legislative measures which I proposed earlier this year. These proposals, along with my regular authorization requests, are now of the highest priority if we are to meet our responsibilities.

Frankly, the action taken by the Congress on my proposals so far this year has been far less than I had expected. Commendable progress has been made on some fronts, and I have signed into law several bills which were the result of constructive compromise between the Congress and the Administration. Among them have been a new approach to farm legislation, a Federal highway bill which will also spur the development of mass transit systems, an increase in social security benefits, airport development legislation, amendments to the Rural Electrification Act, the Economic Development Administration and the Law Enforcement Assistance Administration authorizations, an Older Americans bill, an emergency farm loan bill, a national cemeteries bill and a medical care bill for veterans.

Yet the work that lies ahead in the final quarter of the year is far heavier and even more critical than that which has been accomplished so far. Nearly all of the significant proposals that I have submitted to the Congress still await final action. In addition, with more than two months of the new fiscal year already behind us, the Congress has passed only three of thirteen regular appropriations bills, all of which ideally should have been passed before the fiscal year began. I regret that it has also been necessary for me to veto six bills this year. Four of those vetoes have been sustained, and the final disposition on two of them has not yet been determined. I am hopeful that in some of these areas where I have exercised the veto, such as minimum wage legislation, the Congress will pass new legislation this fall which will meet my objections. The Congressional agenda for the next four months is thus long and urgent.

I realize that it will not be possible for the Congress to act this year on all of the legislation which I have submitted. But some of these measures respond directly to the most immediate problems before the country. I will give special attention to them in this message, just as I trust the Congress to give special attention to them before the last gavel falls later this year.

In the spirit of responsible cooperation which must prevail between the Executive and the Congress if we are to make genuine progress this fall, I am fully prepared to work closely with Members of the Congress in hammering out modifications to these bills. Already this year I have met more often with the bipartisan leaders of the Congress than in any other year of my Presidency, and I hope to meet even more frequently with Members of the Congress during the coming weeks. In addition, Cabinet members and all other appropriate members of the Administration will be fully accessible and available. There are, of course, certain principles of vital national concern which cannot be compromised—the need for budgetary discipline, for a strong national security posture, and for the preservation of the requisite powers of the executive branch. But within these limits I stand ready to find workable compromises wherever possible on solutions to our national problems.

The overriding question, however, is not the degree of compromise which is reached between the executive branch and the Congress, nor is it a matter of who receives the credit. The most important question concerns the results we achieve for the American people. We must work hard and we must work constructively over the next four months to meet the country's pressing needs. It is on that basis that we shall be judged.

THE FIRST GOAL: A BALANCED BUDGET

No issue is of greater concern to the American public than rising consumer prices. The battle against inflation must be our first priority for the remainder of this year.

The executive branch is already actively engaged in this fight:

—We have imposed a strong, new set of economic controls which should help to bring a reduction in the rate of inflation by the end of this year.

—We have taken a series of measures to expand food supplies, so that production will keep up with growing demands. The farm bill passed by the Congress and signed into law last month will make a significant contribution to this effort.

—Thirdly, the Federal Reserve System has been working to maintain reasonable controls on the flow of money within the economy, which is essential to reducing inflation.

We are moving in the right direction, but we must recognize that we can reach our goal only if we also apply the single most important weapon in our arsenal: control of the Federal budget. Every dollar we cut from the Federal deficit is another blow against higher prices. And nothing we could do at this time would be more effective in beating inflation than to wipe out the deficit altogether and to balance the Federal budget.

Eight months ago I submitted to the Congress a new budget calling for Federal outlays of $268.7 billion during fiscal year 1974. Since that time, the Congress has undertaken a serious and commendable effort to establish its own mechanism for controlling overall expenditure levels. If that effort succeeds, the Congress will have a much more reliable tool for holding spending to acceptable totals.

At the same time, the Administration has been working to increase the efficiency and thus cut the cost of the Government. We now expect to end the current fiscal year with no increase of civilian employees over last year's level and with 80,000 fewer employees than in 1972, despite the fact that the workload has increased. I have also acted to delay a pay increase for all Federal employees for a period of 60 days in order to hold the spending line. Clearly, the men and women in the Federal Government are doing their fair share in the inflation fight.

Yet the battle for essential budgetary discipline is still far from won. Although we are only two months into the new fiscal year, the Congress has already enacted programs which would exceed my total budget by some $2 billion and it is considering additional legislation which, if passed, would add another $4 billion of spending in excess of my budgetary requests. In addition, the Congress has failed to enact specific program reductions I have recommended which amount to nearly $1½ billion. Thus, if the Congress continues to follow its present course, the American taxpayers will soon receive a bill for more than $7 billion in increased spending.

These increases, if allowed to stand, would drive this year's budget over the $275 billion mark. That figure would represent a 12 percent increase over last year's budget level. A continuation of that trend would increase the annual budget burden to some one-half trillion dollars by 1980. Clearly we need to draw the line against this tendency. And the time to draw the line is 1973, when excessive spending packs an inflationary wallop that is particularly dangerous.

The Congress has indicated a strong desire not only to control the total level of governmental outlays but also to determine which programs should be curtailed to achieve those levels. I call upon the Congress to act while there is still time, while vital spending bills are still before it, and while it can still go back and reconsider actions taken earlier this year. A great deal of the recent budget busting has been done not through the conventional appropriations process, but through "backdoor" funding and mandatory spending programs approved by legislative committees—two approaches which need to be carefully reviewed. I am fully prepared to work closely with the Congress in determining the best ways to control expenditures and in discussing the particular programs that should be cut back.

In our joint efforts, however, I continue to be adamantly opposed to attempts at balancing the overall budget by slashing the defense budget. We are already at the razor's edge in defense spending. In constant dollars, our defense spending in this fiscal year will be $10 billion less than was spent in 1964, before the Vietnam war began. Our defense forces are at the lowest level since the days just before the Korean war, and a smaller part of our gross national product is being spent on defense than in any year since 1950. Further cuts would be dangerously irresponsible and I will veto any bill that includes cuts which would imperil our national security.

Some people have become so accustomed to Federal deficits that they think a balanced budget is impossible. But balancing the Federal budget is no pipedream; it is a realistic goal. The figures for fiscal year 1973 show that we held spending more than $3 billion below our target figure—and that the budget was actually in surplus during the last three months of the fiscal year.

This record was achieved in part because of the cooperation of the Congress in certain areas, and I am grateful for that cooperation. In other areas, however, Congressional spending was excessive and I found it necessary to veto certain measures and reserve certain funds. I would have preferred not to have exercised those powers, but the public interest demanded that I take such actions. Should those actions prove necessary again in the months ahead, I will not hesitate to take them.

STRENGTHENING THE ECONOMY

The fight against inflation must move ahead on many fronts. Even as we strive to hold the line on Federal spending, we must also take a number of additional actions to strengthen the economy and curb rising prices.

TRADE REFORM ACT

One of the most important of all the bills now before the Congress is my proposed Trade Reform Act of 1973. It is important that final action on this measure be taken in the next 4 months.

This legislation represents the most significant reform of our approach to world trade in more than a decade. But it builds on a strong tradition, steadily maintained since the days of Franklin Roosevelt, of giving the executive branch the authority it needs to represent the Nation effectively in trade negotiations with other countries.

The weeks and months ahead are a particularly important time in international economic history. This month sees the formal opening of a new and highly important round of trade negotiations in Tokyo and the annual meeting of the International Monetary Fund and World Bank in Nairobi. The Nairobi meeting is highly important to international monetary reform negotiations. Decisions which grow out of both of these meetings will shape the world's economy for many years to come. The United States can be a much more effective participant in such discussions if the Congress provides the tools contained in my proposed trade reform legislation.

The United States continues to seek a more open trading world. We believe that artificial barriers against trade among nations are often barriers against prosperity within nations. But while the trading system should be more open, it should also be more fair. The trading game must be made equitable for all countries—giving our workers, farmers and businessmen the opportunity to sell to other countries goods which they produce most competitively and, as consumers, to buy goods which their counterparts in other countries produce most competitively. In bargaining for a more open and more equitable trading system, our negotiators must be equipped with authorities comparable to those of their counterparts from other nations.

My trade reform legislation would provide a number of such authorities and thus would strengthen our bargaining position. I emphasize again that the Congress should set up whatever mechanism it deems best for closer consultation and cooperation with the executive branch to ensure that its views are properly represented as trade negotiations go forward.

At the same time, I have also requested actions to ensure that the benefits of expanding international trade are fairly distributed among our own people and that no segment of our economy is asked to bear an unfair burden. My proposals would give us greater flexibility in providing appropriate relief from imports which cause severe domestic problems and would also liberalize our programs of adjustment assistance and other forms of compensation to help workers who are displaced because of rising imports. They would also equip us to deal more adequately with the unfair trading practices of other countries, and through expanded trade, to "sop up" some of the excess dollar credits now held abroad which can play havoc with domestic markets.

Other authorities contained in the bill would give us greater flexibility to use trade policy in fighting inflation, correcting our balance of payments, expanding our exports, and advancing our foreign policy goals. One provision of this bill, authorizing the President to extend Most Favored Nation treatment to those countries which lack that status, would be particularly helpful in carrying out our foreign policy and I continue to give it my strong support.

Altogether, the proposed Trade Reform Act of 1973 represents a critical building block as we seek to construct a durable structure of peace in the world and a vibrant and stable economy at home. In the difficult negotiations which lie ahead, this legislation would enable us to assure more jobs for American workers, better markets for American producers, wider opportunities for American investors and lower prices for American consumers.

EXPORT ADMINISTRATION ACT

The Export Administration Act amendment which my Administration proposed on June 13th is another weapon which could be helpful in the fight against rising prices. One of the most important causes of the recent inflationary surge has been the extraordinary boom abroad and the additional demand which it has generated for our products. On the whole, this boom should be seen as a healthy, long-range development for our economy as well as for other countries. But as I said last June, when we have pressing shortages in this country and when we must choose between meeting needs abroad or at home, then "we must put the American consumer first."

This is why I have asked for new and more flexible authority to establish certain controls on food and other exports when and where they are needed. I continue, however, to oppose permanent controls because they can upset and discourage our entire pattern of healthy trade relationships and thus complicate the fight against inflation. Our limited controls on soybeans were changed last Friday to permit full exports on new contracts. This action was taken because we are convinced that stocks and new crop supplies are more than adequate to meet our own needs.

Nevertheless, I still seek the authority I requested last June to be sure we will be able to respond rapidly, if necessary, to new circumstances. I also emphasize that new controls will be imposed only if they are absolutely needed.

TAX REFORM

This Administration continues its strong opposition to a tax increase. We want to fight inflation and balance the budget by placing restraints on spending and not by adding to our current tax burdens.

At the same time, I remain vitally interested in finding ways to make our present tax structure fairer and simpler. Tax reform has been under consideration for some time and there is a continuing need for revising and simplifying the tax laws. My Administration has made some specific suggestions to that end and has indicated a willingness to work with the tax writing committees of the Congress in a general review of the Internal Revenue Code. This important task should be undertaken now rather than during an election year when political pressures invariably make such reform more difficult.

I would call special attention to one tax reform measure extensively discussed during the 1972 campaign and now pending before the Congress. That is my recommendation for providing property tax relief for older Americans. Retired people with low incomes bear a crushing and unfair property tax burden in many States. Even though their incomes decline with retirement, the property tax in many cases goes on rising. As a result, the home which should be a symbol of financial independence for older people often becomes another cause of financial strain. I again urge prompt action on the Administration's proposal to provide a special tax credit to help older people with lower incomes pay their property taxes. Simple justice demands it.

STOCKPILE DISPOSAL ACT

Another important action which the Congress can take in the battle against rising prices is to provide the necessary authority for selling part of our national strategic stockpile—materials which are no longer needed for national security. I requested such authority last April with regard to $4 billion worth of goods in our stockpile. Such sales, by allowing us to increase supplies in the marketplace of major commodities, could help provide important relief for hard-pressed American consumers. Further, this bill could help to maintain and provide employment for workers whose jobs are dependent upon the availability of basic commodities such as aluminum, zinc and copper, all of which are in short supply.

Our country's strategic stockpile still reflects the economic and military realities of the 1950's—in fact, 95 percent of the current stockpile was acquired before 1959. In the 1970's, however, our military requirements have changed—and so has our economic capacity to meet them. My proposed new guidelines for the stockpile would carefully protect our national security in the light of these changing realities, while substantially enhancing our economic health.

I regret that this legislation has not moved forward more rapidly during the past few months. In the name of national efficiency, thrift, and price stability, I call again for its prompt and favorable consideration.

OTHER ECONOMIC LEGISLATION

As I indicated in my message to Congress on August 3, I will shortly be submitting my legislation on the restructuring of financial institutions. This is a complex matter which requires thorough but prompt study by the Congress.

I call, too, for speedy enactment of legislation which has now emerged from conference which would establish the Council on International Economic Policy on a permanent basis.

MEETING THE ENERGY CHALLENGE

I have previously stated, and wish to restate in the most emphatic terms, that the gap between America's projected short-term energy needs and our available domestic energy supplies is widening at a rate which demands our immediate attention.

I am taking all appropriate measures within my authority to deal with this problem, seeking to increase our supplies and moderate our demands. Looking to the future, I have announced plans for a large scale increase in our research and development effort, and I have asked my top energy advisor, Governor John Love, to meet with State officials to seek temporary modifications of air quality standards. Such modifications would help to minimize fuel shortages this winter. In addition, I will soon be meeting with members of the Atomic Energy Commission to determine whether we can bring nuclear power plants on line more quickly. But the energy problem requires more than Presidential action; it also requires action by the Congress.

It is absolutely essential that the Congress not wait for the stimulation of energy shortage to provide the legislation necessary to meet our needs. Already we have seen some regional inconveniences this summer with respect to gasoline and this winter we may experience a similar problem with regard to heating fuels.

Over the long term, the prospects for adequate energy for the United States are excellent. We have the resources and the technology to meet our growing needs. But to meet those long-term needs and to avoid severe problems over the short term, we must launch a concentrated effort which mobilizes the Government, American industry and the American people.

I have recently called for passage of seven major energy bills now before the Congress. Not all of those can be acted upon with equal speed, but four of these bills are of the highest urgency and must be acted upon before the end of this year. These four would provide for the construction of the Alaskan pipeline, construction of deepwater ports, deregulation of natural gas and establishment of new standards for surface mining. All four of these bills are addressed to both our short-term and long-term needs.

ALASKAN PIPELINE

Our first legislative goal—and one that should be achieved this month—is the enactment of an Alaskan pipeline bill. Construction of the pipeline would provide us with up to 2 million barrels of oil per day over which we would have full control and would simultaneously reduce by more than $3 billion per year our need for oil imports. I have proposed legislation to avoid any further delay in the construction of the Alaskan pipeline and I am gratified that both Houses of the Congress have already passed variations of this proposal. I urge the earliest possible attention to these bills by the House-Senate Conference Committee, so that pipeline construction can begin.

DEEPWATER PORTS

Until domestic resources are in full production and technological progress has reached a point where sufficient energy sources are within reach, we will have to rely upon imports of foreign oil. At the present time, however, continental port facilities are inadequate to handle our import requirements.

Because of our limited port capacity, the super-tankers presently used for petroleum transport cannot be off-loaded anywhere on our Atlantic coast. I have therefore proposed measures to authorize the construction and operation of deepwater port facilities in a manner consistent with our environmental priorities and consonant with the rights and responsibilities of the States involved.

We must not delay this important legislation. To do so would further delay the economical import of petroleum and would mean increased costs to the American consumer, unnecessary threats to our coastal environment, and further loss of revenues to Canadian and Caribbean ports which are already capable of off-loading large super-tankers.

NATURAL GAS

For several years Federal regulation of natural gas has helped to keep the price of that product artificially low. Large industrial consumers have welcomed this system of regulations—it has helped them hold their fuel costs down, and since natural gas is the cleanest of our fossil fuels, it has also enabled them to meet environmental standards at an artificially low cost. This system of regulation, however, has also had the unfortunate result of discouraging producers from expanding supplies. As a result of high consumption by industrial uses coupled with the reluctance of producers to explore and develop new sources of natural gas, we now face a natural gas shortage.

I have therefore proposed that we begin a gradual move to free market prices for natural gas by allowing the price of new supplies of domestic natural gas to be determined by the competitive forces of the marketplace. This action should provide a secure source of natural gas at a price significantly lower than alternative sources. While there may be an increase in the price of natural gas over the short term that increase should be modest.

SURFACE MINING

Our most abundant domestic source of energy is coal. We must learn to use more of it, and we must learn to do so in a manner which does not damage the land we inhabit or the air we breathe.

Surface mining is both the most economical and the most environmentally destructive method of extracting coal. The damage caused by surface mining, however, can be repaired and the land restored. I believe it is the responsibility of the mining industry to undertake such restorative action and I believe it must be required of them.

I have proposed legislation to establish reclamation standards which would regulate all surface and underground mining in this country. These standards would be enforced by the States. I call again for enactment of this proposal, for it would enable us to increase the supply of a highly economic fuel while avoiding the severe environmental penalties which we have often paid in the past.

REORGANIZATION OF FEDERAL ENERGY EFFORT

The four energy bills discussed above can and should be passed by the Congress this year. There are three additional measures proposed by the Administration whose early passage is important but not so critical that they require action this year. I would hope that these measures would be near the top of the legislative agenda in the future.

One of these bills provides for reorganization of the Federal energy effort. While energy is one of our Nation's most pressing problems, and while the preservation and effective use of our natural resources is an imperative policy goal, it is presently impossible to administer these related objectives in a coordinated way. Our ability to manage our resources and provide for our needs should not be held hostage to old forms and institutions.

I have noted repeatedly the need for thorough reorganization of the executive branch of the Federal Government. I believe the need for reorganization is especially acute in the natural resource area. I have urged and I urge again the creation of a Department of Energy and Natural Resources to permit us to deal with these questions in a more comprehensive and more effective manner.

I also again ask the Congress to create a new, independent Energy Research and Development Administration so that we can make the very best use of our research and development funds in the future. Our research and development effort could produce the most helpful solutions to the energy problem. For that reason, I recently announced plans to initiate a $10 billion Federal effort in this field over the next five years. No legislative action is needed by the Congress this year to provide funding, but it will be necessary for the Congress to approve such funding in the years ahead.

Since regulation of atomic energy resources can be better and more fairly performed if it is disengaged from the question of their development and promotion, I have also included in this reorganization package a separate and independent Nuclear Energy Commission to perform these vital duties.

SITING OF POWER PLANTS

One of the major energy questions we face in 1973 is whether we can provide sufficient electric power to light our cities, cool and heat our homes, and power our industries in the decades ahead. One of the solutions to that problem lies in the increased use of nuclear energy. It is estimated that by the year 2000 nuclear power can provide nearly half of this country's electrical production.

We now have adequate safeguards to ensure that nuclear power plants are safe and environmentally acceptable, but the way in which we apply those safeguards sometimes causes unreasonable delays in construction. Similarly, protracted delays have been encountered in the siting of our plants that are powered by fossil fuels, which still must provide the majority of our electric generation capacity over the next three decades. Accordingly, I have proposed legislation which would streamline the process for determining the sites of power plants and transmission lines while continuing to provide full protection for public health and for the environment. This legislation has been under study for two years, and I am anxious to get it out of committees and onto the statute books.

SANTA BARBARA ENERGY RESERVE

It is important to the necessary expansion of our domestic energy resources that we make more effective use of the vast oil and gas reserves along our Outer Continental Shelf. That is why I have ordered the Department of the Interior to triple the leasing schedule in this area and have directed the Council on Environmental Quality to study the feasibility of extending Outer Continental Shelf leasing to the waters off our Atlantic Coast and the Gulf of Alaska. I am equally determined, however, that our efforts to expand energy production should not run rough-shod over our valid concern to protect and enhance the natural environment.

I have therefore proposed in the past, and have resubmitted to the Congress this year, legislation to cancel oil leases in the Santa Barbara Channel and to create in that area a National Energy Reserve. Under this legislation, oil from Naval Petroleum Reserve No. 1 in California would be substituted for the oil off Santa Barbara and part of the proceeds from that production would be used to meet the expenses of exploring other potentially vast oil and gas reserves in Naval Petroleum Reserve No. 4 in Alaska. I believe that this legislation would permit us to maintain momentum in exploration and development while at the same time removing the threat of oil spills as a result of the unique geological formations off the Southern California coast.

In view of the present scarcity of fuels, it is important that we act now to draw upon the oil available in the Naval Petroleum Reserve No. 1 (Elk Hills). During the next several days, at my direction, representatives of the Administration will seek the necessary consultations with members of the Congress in order to increase production of oil from Elk Hills. This increased production should help to meet the fuel needs of the West Coast this winter.

RESTORING AND RENEWING OUR ENVIRONMENT

In my message to the Congress on February 15th of this year, I was able to report that our Nation had moved away from an era of environmental neglect into a new era of restoration and renewal. The 92nd Congress helped in this process by enacting a number of important measures in 1971 and 1972.

Unfortunately, that Congress failed to act upon nineteen of my environmental proposals, and the Administration therefore resubmitted them last winter to the new Congress. While most of these measures still await action, I continue to hope that the Congress will turn its attention to them.

Some say we have been the victim of our own success—that we have passed important legislation in the environmental area and that many are now tempted to rest on these laurels. But such lassitude would be dangerous. There are many areas of environmental concern still to be addressed. Three particularly important matters are national land use policy, the regulation of toxic substances, and the assurance of safe drinking water.

NATIONAL LAND USE POLICY ACT

The management of our lands is an emerging need of the highest priority. I firmly believe that land use policy is, and must remain, a basic responsibility of State and local governments and that the Federal Government should not usurp their functions. Nevertheless, the Federal Government should exercise leadership concerning the land use decisionmaking process, since our land is part of our national heritage and since decisions about land use often have regional and national consequences. The proposals I have made are designed to strike a careful balance between the setting of general standards at the Federal level and specific enforcement at the State and local level.

We first transmitted the proposed National Land Use Policy Act to the Congress in 1971, but there has been no law enacted since then. I am pleased, however, that the Senate has passed legislation incorporating many of the policies I have proposed. This legislation properly delineates the respective roles of the Federal, State and local governments in land use regulation. The Senate bill is deficient, however, in that it imposes an excessive financial burden on the Federal Government. I am hopeful that a responsible compromise can be worked out in the weeks ahead.

TOXIC SUBSTANCES

Because the great quantities of new chemicals now being used by industry pose undefined hazards to human life and the environment, I also asked the Congress again last February for legislation that would set standards for determining whether such chemicals are hazardous. Such legislation has now passed both Houses of the Congress and is in conference committee. Although the Congressional version differs somewhat from the proposals the Administration has submitted, this new legislation would take the essential step of providing the Environmental Protection Agency with significant new authorities in this area. I am confident that a reasonable solution will be ironed out in conference, and I urge the Congress to move forward as rapidly as possible.

SAFE DRINKING WATER ACT

Finally, we must take new steps to protect the purity of our drinking water. The Federal Government's role in this process, however, should not be that of direct regulation but rather that of stimulating State and local authorities to ensure that national standards are met. I have asked that the primary monitoring and enforcement responsibilities for such standards be left with the States and localities.

This legislation has passed the Senate and awaits action in the House. While I urge prompt approval of this important new authority for the Environmental Protection Agency, I caution the Congress not to impinge on State and local powers and not to shift the responsibility for financing this program to the Federal Government and away from the users, where it belongs.

HUMAN RESOURCES NEEDS

It is an old adage that people are our most precious resource, but our legislative progress so far this year scarcely reflects that belief. Only a handful of bills has been passed in this important field. There are many other human resource measures proposed by the Administration and now pending before the Congress which deserve prompt consideration.

EDUCATION

As the Congress resumes its work for the fall legislative session, some 50 million young Americans are returning to elementary and secondary school classrooms all across the country. There they will pursue the education which is so important in broadening their horizons for the future and keeping our country progressive and free. Making sure that real educational excellence is available to all of those children must rank high on any list of human resource priorities for our Nation.

Constructive cooperation between the Administration and the Congress has already produced notable gains on this front over the past several years. The dismantling of dual school systems in the South is now virtually complete and the task of remedying school discrimination elsewhere in the country is proceeding harmoniously with forced busing being kept to a minimum. The National Institute of Education, which was created at my request by the Congress in 1972 is becoming the center for educational reform and innovation we hoped it could be. Total Federal outlays for education will reach $13.8 billion under my 1974 budget proposals—an increase of $4.8 billion over the 1969 level.

Of crucial importance now, however, is whether those funds are being channeled in such a way as to purchase maximum educational benefit for the students they are intended to help. The experience of nearly a decade since the Federal Government shouldered a major school aid role under the Elementary and Secondary Education Act of 1965 indicates that these funds are not being used as effectively and equitably as they should be. Elementary and secondary education grant programs have proved so rigid, narrow, fragmented, and encumbered with redtape that reform, consolidation, greater equity, and simplification are now essential.

It was to meet this need that I first asked the Congress early in 1971 to shift most Federal education programs from a categorical grant basis to a special revenue sharing approach. The need is still unmet as another school year starts. The best remedy is contained in the principles of the education legislation which the Administration proposed in 1971 and again in March of this year. The principles are more important than the question of how the bill is titled or who gets the credit.

I realize that the Better Schools Act has encountered difficulties in the Congress. I believe, however, that an acceptable proposal can be developed, and I am ready to work closely with the Congress to see that this goal is accomplished.

It will take political courage for the House and Senate to reject proposals which would perpetuate the more than 30 categorical grant programs perennially popular with legislators. But these programs are so tangled that we must move toward streamlining them and toward transferring key decisionmaking power out of the Washington bureaucracy back to the State and local levels where it can be exercised more intelligently. But if the Congress will keep its attention focused on the question of what best serves our school children, I believe it will recognize the need for prompt action.

Another area of renewed interest this fall is busing. My position is well known. I am opposed to compulsory busing for the purpose of achieving racial balance in our schools. I continue to believe in the neighborhood school—in the right of children to attend schools near their homes with friends who live near them. I continue to believe that busing is an unsatisfactory remedy for the inequities and inequalities of educational opportunity that exist in our country, tragic as those disprecancies are. We have been working to end those disprecancies, and we will continue to do so. But we should also place effective and reasonable curbs on busing in a way which would aid rather than challenge the courts. Last year I proposed legislation designed to achieve this goal. I will continue to work with the Congress in an effort to enact legislation which will end involuntary busing for purposes of racial balance and concentrate our effort on true opportunity in education.

WELFARE REFORM

Another critical need in the human resource area is to overhaul our welfare system. Earlier this year I directed that vigorous steps be taken to strengthen the management of the welfare program through administrative measures and legislative proposals. I have further directed that the study of legislative proposals include a review not only of the basic welfare program but also its relationship to other programs designed to assist low-income families, such as food stamps, public housing and medicaid. That study is now going forward, and I will be reviewing its results in the weeks ahead.

MANPOWER TRAINING AND RELATED LEGISLATION

A second basic concern of public policy in the area of human resources involves the effort to guarantee to all our people the opportunity and satisfaction of working at a good job for a good wage. The Administration and the Congress have worked together effectively to foster the economic expansion which has now brought our total employment to record levels and has raised real wages significantly. In addition, we have taken important steps to improve the quality of the work environment. These steps have included passage of the landmark Occupational Safety and Health Act of 1970 and a major overhaul of the unemployment system.

But much remains to be done, especially for those workers on the fringes of the labor force whose low skills or other disadvantages leave them "on the outside looking in." Massive Federal aid in the manpower training field, as in education, dates from the 1960's—and here, too, it has become clear from the perspective of the 1970's that reform must be the order of the day. A special revenue sharing approach permitting States and communities to tailor their own programs to local needs will get better results for the dollar than those achieved by inflexible categorical grant programs designed in Washington.

In the face of Congressional rejection of my proposals in this area in 1971 and 1972, I directed the Secretary of Labor last January to implement administratively the principles of manpower revenue sharing, insofar as possible under existing law. That effort is now going forward, but I am certainly prepared to work with the Congress to achieve this same goal through legislation.

Working men and women will also be looking to the Congress this fall for action on three other bills which the Administration is requesting in their interest:

—*The Job Security Assistance Act,* which would establish minimum benefit levels for State unemployment compensation programs and extend coverage to farm workers;

—*The Vocational Rehabilitation Act* amendments, which would extend and improve job training programs for the handicapped, taking the place of an earlier measure whose severe over-spending provisions and program distortions necessitated my veto in March; and

—A constructive measure that would *raise the minimum wage* in light of the cost of living increases since the last such adjustment in 1968. Such legislation is essential to replace an earlier minimum wage bill which I felt compelled to veto last week because it would have hurt low-income workers and would have added to inflationary pressures in the economy.

PENSION REFORM

For most Americans, there are now two principal ways of providing for retirement. The first is the social security system, which is the largest system of its kind in the world and one of the most effective. The second is the system of private pension plans. Those plans now cover some 30 million workers and pay benefits to another 6 million retired persons.

As private pension plans have developed, certain flaws have also become apparent. The Federal Government should now act to help correct them. I first asked the Congress to enact pension reform legislation in 1971 and, after 16 months of additional study and hearings, I submitted two new bills to the Congress in the spring of this year.

One of these bills, the Retirement Benefits Tax Act, would give each worker greater rights in his pension plan and require that more money be put into it so that he will be more fully protected if he leaves his job before retirement. Unlike some of the alternative bills, it would also maintain strong encouragement for other employers to set up pension plans—an important provision since about half of the total private labor force is not covered at the present time.

The second bill, the Employee Benefits Protection Act, would establish tighter fiduciary standards for the administration of the more than $160 billion now invested in private pension and welfare funds. The unscrupulous activity which has sometimes characterized the administration of these funds in the past convinces me that the Federal Government should play a watchdog role.

I am aware that several other pension proposals have support on Capitol Hill. A reasonable compromise seems in order, and my Administration is anxious to work with the Congress to achieve agreement in the months ahead.

HEALTH LEGISLATION

In the field of health care and medical protection, the Administration remains committed to a broad national health strategy which will eliminate financial barriers to needed medical help for every American family and will open to all our people the promise of longer, fuller lives with increasing freedom from disease. We have nearly doubled Federal outlays for health since I took office, and we have been mobilizing to conquer cancer and to fight other particularly cruel enemies such as heart disease, and drug abuse.

My number one priority in this field over the long term remains the building of a balanced health insurance partnership in which the public and private sectors join to bring the costs of quality care within every family's reach. However, the present crowded calendars of key Congressional committees make it seem more likely to me that the real push for this reform must come in 1974. We will move forward this fall with the work needed for the introduction of legislation at an early date.

An attainable goal for these final months of 1973 is passage of the Administration's proposed Health Maintenance Organization Assistance Act, which would provide Federal money to demonstrate the promising innovation of group medical centers where quality care can be maximized and costs minimized. The Senate has passed a bill to further the HMO concept. That bill, however, calls for a full-scale development effort rather than a limited demonstration program. A national development effort would require funding levels far beyond what is needed or what we can afford. The House is presently developing a bill which would be a fiscally responsible demonstration effort. If such a bill is passed by the full Congress, I will support it.

LEGAL SERVICES CORPORATION

The Administration will also work closely with the Congress in the weeks ahead to obtain final passage of our bill to establish a Legal Services Corporation which would provide the poor with quality legal representation, would be free from political pressures, and would include safeguards to ensure its operation in a responsible manner. Legal Services legislation has passed the House. Nothing should now stand in the way of prompt Senate action.

INDIAN LEGISLATION

The steadfast policy of this Administration is to advance the opportunities of American Indians for self-determination without bringing an end to the special Federal relationship with recognized Indian tribes. To that end, there are now six major pieces of legislation pending in the Congress which I proposed as long ago as July of 1970. This legislation would help to foster greater self-determination for the Indians, to expand their business opportunities, and to provide better protection of their natural resources. Many Indian leaders have indicated strong support for this legislation, and I would hope that the Congress will now act on it with the speed that it so clearly deserves.

PENSIONS FOR VETERANS

This Administration strongly believes that the Nation owes a special debt to its veterans, and we have tried to fulfill that obligation by supporting a number of improvements in veterans' legislation. During the past four years, for instance, I have twice signed bills increasing the educational benefits for veterans and, during the current year, I have signed into law bills covering health care and cemetery benefits. All of those bills were the product of close cooperation between the Congress and the Administration.

The Congress is currently considering new pension legislation for veterans. With certain modifications, this bill would be a good first step toward the full reform which I believe to be necessary and which should be considered during the early days of the next session of the Congress.

CONSUMER AFFAIRS

Early in 1971, after the Congress had failed to act on my proposal to create an Office of Consumer Affairs, I established such an office by Executive order. The office is now a part of the Department of Health, Education, and Welfare. In addition to playing an important role in forming Administration policy on consumer affairs and helping to educate the public on better ways to make consumer choices, the office seeks to represent consumer interests in testimony before the Congress and acts as a general ombudsman for the individual consumer.

I am convinced that we can do a good job for the consumer without excessive Federal intervention which could destroy the freedom of the American marketplace. However, I believe that more should be done in this field. To that end, I outlined this spring appropriate legislative specifications for establishing a separate Consumer Protection Agency and I am prepared to work further with the Congress on this issue.

VOLUNTEERISM

More than two years ago, in order to advance our tradition of voluntary action, I created a new Federal agency called ACTION. That agency is now responsible for directing federally funded domestic volunteer programs as well as the Peace Corps. ACTION has now proved to be an effective way of encouraging greater voluntary action here and abroad, and I am now anxious to place it on a more permanent footing. Accordingly, I ask that the Congress act this fall to provide legislative authority for this agency. Appropriate language for this legislation was agreed to prior to the August recess by a bipartisan group of sponsors in the House and Senate and by the Administration. I hope that this legislation will soon be sent to me for signature

BUILDING BETTER COMMUNITIES

As we look back over the past decade, we can take pride in the fact that we have substantially slowed the processes of social upheaval in our cities. Yet by any yardstick, there is a great deal of work ahead if we are to make life in our communities as healthy and enriching as it should be.

It would be reassuring to believe that the expensive Federal Government programs of the past have made great inroads on our urban problems, but that is clearly not the case. Many of the programs designed for this purpose, such as urban renewal and the Model Cities experiment, have not done the job that was expected of them and often have had a counterproductive impact. Consequently, I have recommended they be scrapped. We have learned from experience that we cannot cure our social ills simply by throwing money at them or dictating prescriptions from Washington.

What we are seeking now is a set of new approaches and a set of new programs: we are seeking change that works. My Administration has proposed a series of initiatives which would guide us along a more productive path. I have been keenly disappointed that some Members of the Congress seem so interested in continuing programs that are proven failures that we are unable to gain a full hearing for new approaches that clearly deserve a chance.

So far, the only significant legislative breakthrough this year has been the enactment of a modified highway bill, permitting some of the money in the Highway Trust Fund to be used for vitally needed mass transit systems. This is a concept which I vigorously advocated and I signed it into law with a strong sense of pride and hope. Other Administration initiatives, however, still languish on Capitol Hill. To break the present stalemate, I am prepared to accept something less than the full legislative measures I have proposed. I would hope that in the same spirit some Members of the Congress would drop their insistence upon continuing the programs which have produced such limited social returns.

THE BETTER COMMUNITIES ACT

The Better Communities Act is the centerpiece of the legislative package which my Administration has sent to the Congress this year in the community development field. Embodied in this bill is a fundamentally different approach to the problems of community life. If it were passed, the Federal Government would continue to funnel money into our communities, but essential decisions on how that money was to be spent would no longer be made in Washington but at the local level. Five categorical grant programs and two loan programs which have proven to be inflexible and fragmented would be replaced and local governments would no longer be hamstrung by Washington's red tape.

I am aware that action on this bill has been delayed partly because some Members of the Congress wish to consider the Administration's housing proposals simultaneously. As I indicated in March, I ordered an intensive six-month study of Government housing policies to be conducted before I submitted such proposals. That study has just been completed and I plan to submit shortly a new set of housing policy recommendations to the Congress. When those recommendations arrive, I am hopeful that the Congress will move swiftly on both the Better Communities Act and the housing requests. Final action in 1973 may be an unrealistic goal, but I would certainly hope that we might have new laws on the books by early spring in 1974.

Finally, it is important that the Congress pass the simple one-year extension of the FHA mortgage insurance programs which will expire October 1. Last week the House of Representatives took constructive action by refusing to act on an extension bill which contained several undesirable "Christmas tree" amendments. The Congress should now act swiftly and responsibly in order to prevent a repeat of the month-long gap in FHA insurance activity which occurred early this summer.

RAILROADS

There can be no doubt that the plight of the rail lines in the 17 States of the Northeast and Midwest presents an immediate and far-reaching transportation problem. Six major railroad lines in this area are now bankrupt and shutdowns are threatened. The danger extends across the country because railroads in other parts of the Nation still use the bankrupt lines. A failure of any significant part of our Nation's railroad system would impair our ability to move freight efficiently and cheaply to all parts of our Nation.

The solution proposed by the administration would provide for the restructuring of the railroad system so that new, privately owned and economically viable rail systems could be developed from those now in bankruptcy. The Federal Government would provide some $125 million over an 18-month period to assist in this process. While we are always open to suggestions for improvement in our proposal, I feel that some of the alternatives which have been aired in the Congress—especially those which would merely postpone action or would saddle the Federal Government with a heavy financial burden, or could lead to quasi-nationalization—are beyond the pale of acceptability. Present bankruptcy proceedings and the possibility of liquidation make it imperative that the Congress act promptly to meet the emerging crisis.

I will soon submit to the Congress my Transportation Improvement Act of 1973. This legislation is designed to address some of the outmoded and excessively restrictive regulatory procedures which affect the entire railroad industry. The steps recommended are critical to creating a healthy system of railroads for our Nation—a matter of increased urgency as we face environmental and energy problems. I urge prompt congressional action on this important legislation.

DISASTER PREPAREDNESS AND RELIEF

This Administration has had ample opportunity to test our Federal programs for dealing with natural disasters. Since taking office in 1969, I have had to declare 147 major disasters in 42 States and 3 Territories. The year 1972—punctuated by Hurricane Agnes—proved to be a record-setting year in this respect: there were 48 major disasters, accounting in part for the food shortages we have had in 1973.

As a result of these experiences, I am convinced that we can do a better job in preparing for disasters and in providing assistance to those who are hardest hit. I have proposed two major pieces of legislation designed to insure that 1973 will mark a turning point in the story of our disaster programs.

The first of these measures is the proposed Disaster Preparedness and Assistance Act. This bill is based upon a major recent study of all disaster relief activities of the Federal Government. It is designed to provide badly needed emphasis upon preventive measures and to encourage the use of insurance before disasters strike. It would increase the role of State and local officials in determining how Federal money would be spent in assisting disaster-stricken communities—and it would provide for automatic release of Federal funds in the case of major disasters. Red tape, bureaucratic delays, and Federal interference would be substantially reduced, while Federal assistance would be provided more rapidly. The bill also includes generous grant features for those disaster victims unable to repay Government loans while continuing grants to help communities restore their public facilities.

To date, this legislation, so vital to our efforts to mitigate disaster damage, has received only one perfunctory hearing in the Congress. It deserves more serious consideration.

The second major Administration initiative in this area is the proposed Flood Disaster Protection Act. Flood insurance is a key part of any disaster assistance program. This bill would expand the flood insurance program by increasing insurance coverage from $6 to $10 billion. It would also require participation in the flood insurance program by communities that are known to be flood prone, so that residents of these communities would have more adequate protection and would help to bear a reasonable share of the cost.

The Congress has moved rapidly on this bill; but unfortunately, in floor action this past week, the House added a number of amendments that would seriously hamstring the administration of the program and would badly erode its effectiveness. I hope that we can iron out our differences on these crippling amendments in a spirit of constructive compromise that preserves the effectiveness of the bill for those who need it so badly.

SELF-GOVERNMENT FOR THE DISTRICT OF COLUMBIA

In 1969 I first proposed a series of actions intended to bring about an orderly transfer of political power to the people of the District of Columbia. I called for a Constitutional Amendment giving the District at least one representative in the House and such other additional representation as the Congress may approve. I proposed, and Congress enacted, legislation providing for an interim non-voting Congressional delegate and for the creation of a Commission on the Organization of the Government of the District of Columbia, the so-called Nelsen Commission.

The Nelsen Commission's recommendations deserve careful consideration. If enacted, these proposals would greatly strengthen the capability and expand the authority of the City's government and moderate the Federal constraints over its operation. Once again, I urge rapid action by the Congress.

As the American Bicentennial dawns, I pledge the Administration to work receptively and cooperatively in this area to achieve true and effective self-government for the District of Columbia.

FIGHTING CRIME AND DRUG ABUSE

In recent years, America's peace officers, with the assistance and encouragement of Federal law enforcement agencies and with the support of far-sighted legislation passed by the Congress, have made commendable inroads against crime. After 17 years of continuous and sometimes shocking increases in the rate of crime, the nationwide rate of serious crime went down in 1972.

But this progress must not be taken as evidence that we can now relent in this struggle. Rather, we must redouble our efforts to restore law and order to America, whether it be in the boardrooms of our corporations, in the halls of our government, or on our city streets. We must do all we can to make the present moment a decisive turning point so that our communities will once again be safe. Three of my legislative proposals are designed to do just that: a bill to modernize and reform the Federal Criminal Code; a heroin trafficking bill to crack down on drug pushers; and a bill to restore the death penalty for certain of the most serious Federal offenses.

CRIMINAL CODE REFORM

There is a compelling need for greater clarity and consistency in our criminal laws, especially in those which fall within the Federal ambit. The Federal Criminal Code, which dates back to 1790, has never been thoroughly revised. It is no longer a fully effective instrument for the administration of criminal justice—just as the national transport systems of 1790 would no longer be adequate to the demands of 20th century America.

Since 1966, a number of public and private studies have been directed to the development of necessary reforms in the Federal Criminal Code. It is time that such reforms be undertaken. I have submitted a sweeping proposal for reform, based upon a five-year study by a bipartisan national commission. This measure would eliminate a number of inadequate, obsolete, or frivolous statutes from the Code and would re-order other statutes into a rational, integrated Code responsive to the needs of our modern society.

Although extensive consideration has already been given to this matter by public and private commissions, I realize that a prudent Congress will still wish to study this matter carefully. Senator McClellan has also introduced his own proposals for comprehensive Code reform. Certainly the best parts of each set of proposals can be joined as the legislative process goes forward. Fortunately, hearings have already begun in the Senate and I trust that both Houses will move with appropriate dispatch on this complex but vital endeavor.

HEROIN TRAFFICKING ACT

In spite of our encouraging progress in eliminating the scourge of drug abuse in America, we still have a long way to go in this vital work.

The center or gravity for America's drug problem rests in the area of "hard drugs"—with heroin at the top of the list. Heroin trafficking is involved with the entire spectrum of criminality, ranging from international organized crime to muggings on the street. It is one of the most remunerative areas of criminal activity and we will never be able to cope with it effectively until the sanctions we can bring to bear against it are as severe as its profits are attractive.

Recent studies have shown that tens of thousands of those arrested on narcotics charges are put right back on the street for periods ranging up to a year and more as they successfully play for time against the courts. More alarming still is the fact that many thousands of those convicted on narcotics charges are never sent to jail. Such facts mean that the penalties for hard drug trafficking are an ineffective deterrent when compared with the potential gains from this multi-billion dollar criminal activity.

The conclusion is simple. We must have laws that will enable us to take heroin traffickers off the streets. I have submitted a proposal which would do precisely that. It would provide tough new penalties for heroin traffickers including minimum mandatory prison sentences. It would also allow a judge to consider the danger to the community before releasing arrested heroin traffickers on bail.

Heroin traffic is a clear and present danger, the pernicious effects of which all reasonable men can agree upon. While many of the proposals which I have placed before the Congress may require extended consideration, the need for cracking down on the heroin traffic cannot reasonably be supposed to be among them. I ask therefore that the immediate attention of the Congress be given to legislation which would help us eliminate this market for misery.

CAPITAL PUNISHMENT

The death penalty is not a sanction to be employed loosely or considered lightly, but neither is it to be ignored as a fitting penalty, in exceptional circumstances, for the purpose of preventing or deterring crime. I wish to reaffirm my conviction that the death penalty should be restored for treason, assassination, acts of sabotage and espionage, which are particularly serious, and for violations of selected Federal laws in which death results.

I am deeply troubled by the fact that our courts are often now deprived of a credible sanction in their efforts against violent crime while prospective criminals are provided with the comfort and encouragement of knowing that they will often suffer only limited and mitigable consequences to themselves. I ask that the Congress continue its efforts to correct this discrepancy.

REFORM OF CAMPAIGN PRACTICES

No subject over the last few months has so stirred public comment and reflection as the question of campaign practices.

For nearly four months now, the Congress has had before it my proposal to establish a Non-Partisan Commission on Federal Election Reform so that we could overhaul our campaign practices in a comprehensive, sound and expeditious manner. In light of the great interest of the public and the Congress in such reform, I am at a loss to understand why only the Senate has acted on this request.

In order to have made any reform effective for the 1974 elections, the Commission should have been established and prepared to submit a report by December 1, as I initially proposed. Unfortunately, this opportunity appears to be slipping by and the American public might well ask whether the interest in reform is restricted to calling for changes rather than making changes.

While the passage of time has already made it unlikely that reforms which spring from the Commission's study could be made effective prior to the 1974 Congressional elections, it is not too late for the Congress to move forward to establish the Commission.

PREPARING FOR THE BICENTENNIAL

America is virtually on the eve of its Bicentennial anniversary. Yet a great deal of preparation remains to be accomplished in a relatively short time if our celebration of two hundred years of liberty is to be equal to the importance of the occasion. To this end, I have proposed the creation of an American Revolution Bicentennial Administration to continue and expand upon the work of the present American Revolution Bicentennial Commission. The House has passed a bill in this area and the Senate is moving toward final consideration of its version of the bill.

We are moving rapidly toward a fixed point in time, and we must act swiftly if all agencies of the Federal Government, along with State, local, and private institutions, are to be given the maximum opportunity to prepare properly for the Bicentennial year.

Since the expanded resources of the Arts and Humanities Endowments would be designed in part to aid in these preparations, I am also confident that the House and Senate conferees will soon complete needed action on the authorization bill for these two institutions. It is now widely recognized that both of the endowments are playing an effective role in enriching our cultural and intellectual life, and they continue to deserve our strong support.

METRIC CONVERSION

Americans cherish tradition and our own way of doing things. Having been acculturated from childhood to the concepts of an inch, a mile, or a pound, we are understandably nonplussed when we consider the notion of a centimeter, a kilometer, a gram or a kilo. However, when we realize that the rest of the world is equally confused by our system of measurement, we must conclude, however sadly, that we are the ones who are out of step.

In a world of integrated commerce and increasing personal exchange, it is only prudent for us to adjust our own conceptions and devices for measuring and delineating quantity.

I have recommended to the Congress that it pass legislation to convert America to the metric system. This can be done in a reasonable manner, one which is not abrupt or disconcerting. I am pleased to note that the Administration's proposal is presently before the appropriate House subcommittee. I ask that the Senate give equally expeditious consideration to effecting this necessary change.

REORGANIZATION AUTHORITY

The authority of the President to submit Reorganization Plans to the Congress lapsed in April of this year and has not yet been renewed.

This authority permits the President to organize programs and agencies in order to achieve the most effective and efficient performance. It is, therefore, an important executive management tool which provides flexibility and increased capacity to respond to changing needs.

This authority has been made available to every President for more than 25 years. It is essential that it be renewed with great dispatch.

KEEPING THE PEACE

For the first time in more than a decade, America is at peace. Now we must learn how to keep that peace—a task that is at least as demanding and in many ways even more subtle than the struggle to end a war.

There is always a temptation after war to enter into a period of withdrawal and isolation. But surely we have learned from past lessons of precipitate disarmament that this temptation must be resisted. And surely we have also learned that our progress in securing peace is due in large measure to our continued military strength and to the steadfast, responsible role we have played in the affairs of our world.

DEFENSE SPENDING

In recent years, it has been fashionable to suggest that whatever we want in the way of extra programs at home could be painlessly financed by lopping 5 or 10 or 20 billion dollars off the defense budget. This approach is worse than foolhardly; it is suicidal. We could have the finest array of domestic programs in the world, and they would mean nothing if we lost our freedom or if, because of our weakness, we were plunged into the abyss of nuclear war.

The world's hope for peace depends on America's strength—it depends absolutely on our never falling into the position of being the world's second strongest nation in the world.

For years now we have been engaged in a long, painstaking process of negotiating mutual limits on strategic nuclear arms. Historic agreements have already been reached and others are in prospect. Talks are also going forward this year aimed at a mutual and balanced reduction of forces in Europe. But the point of all these negotiations is this: if peace is to be preserved the limitations and the reductions must be mutual. What one side is willing to give up for free, the other side will not bargain for.

If America's peace and America's freedom are worth preserving, then they are worth the cost of whatever level of military strength it takes to preserve them. We must not yield to the folly of breaching that level and so undermining our hopes and the world's hopes for a peaceful future.

Although my military budget—measured in constant dollars—is down by almost one-third since 1968, the Congress is now threatening further defense cuts which would be the largest since 1949. To take such unilateral action—without exacting similar concessions from our adversaries—could undermine the chances for further mutual arms limitations or reductions. I will therefore actively oppose these cuts.

The arms limitations agreement signed with the Soviet Union last year has at last halted the rapid growth in the numbers of strategic weapons. Despite this concrete achievement, much needs to be done to ensure continued stability and to support our negotiation of a permanent strategic arms agreement. A vigorous research and development program is essential to provide vital insurance that no adversary will ever gain a decisive advantage through technological breakthrough and that massive deployment expenditures will therefore not become necessary. Yet the Congress is in the process of slashing research and development funding below minimum prudent levels, including elimination of our cruise missile and air defense programs. The Trident and B-1 programs, which are critical to maintaining a reliable deterrent into the next decade, are also facing proposals to cut them to the bone.

On top of this, the Senate has approved a staggering and unacceptable cut of 156,000 men in our military manpower. Such action would force us to reduce the number of ships in our Navy while the Soviet Union continues an unprecedented naval buildup and to reduce the size of our Army and Air Force while the Soviet Union and the Chinese continue to maintain far larger forces.

In addition to these cuts, there is also a major Senate proposal requiring substantial unilateral troop withdrawals from Europe, a mistake that could begin a serious unraveling of the NATO alliance. Negotiations for mutual and balanced force reductions begin on October 30. On the very eve of negotiations, the troop cuts in Europe and the reduction in military manpower would destroy our chances of reaching an agreement with the Warsaw Pact countries to reduce troop levels in Europe on a mutual basis. If the Congress were to succeed in making these proposed cuts, the United States would be making far-reaching concessions even before the talks begin.

Cuts in other defense programs are equally unacceptable. It is illogical to cut America's capabilities at the very time the Soviet Union increases hers. And it would be difficult to stabilize delicate situations in the Middle East and Asia if the Congress removes the influential tools which have made stability possible.

FOREIGN ASSISTANCE ACT

Another matter of prime concern to me is our commitment to a sound program of bilateral and multilateral foreign aid. Last spring I sent to the Congress reasonable requests for our economic and military assistance programs. These programs represent a central element in America's ability to work with her allies to maintain peace and stability in the world. Unfortunately, the Congress has not treated these requests favorably.

The House has already cut about 25 percent from the military aid program and the Senate has cut it by one-half. Not only have extraordinary cuts been made in the funding, but restrictive amendments have been added in committee and others may be suggested on the floor. I cannot stand by while these crucial programs are gutted in haste and reaction.

Current foreign aid programs are being funded through a continuing resolution which ends on September 30. This approach is unsatisfactory, especially in light of demands resulting from North Vietnamese truce violations in Cambodia. Yet the Congress continues not only to provide smaller dollar amounts but also to make unreasonable requests for access to sensitive information and impose counterproductive conditions on specific programs. Such demands are unacceptable; they would badly compromise our ability to maintain security around the world.

I intend to make every effort to increase the funding for fiscal year 1974 security assistance requirements. I shall also strongly resist efforts by the Congress to impose unreasonable demands upon necessary foreign policy prerogatives of the executive branch. A spirit of bipartisan cooperation provided the steel which saw America through the Cold War and then through Vietnam. We must not jeopardize the great potential for peaceful progress in the post Vietnam era by losing that strong bipartisan spirit.

To build a truly durable structure of peace, our progress in reforming the world's trade and monetary systems must be accompanied by efforts to help the poorer countries share more equitably in the world's growing prosperity. To this end, I ask the Congress to support our fair share of contributions to the multilateral development banks—both the proposed contributions now pending in the Congress and other proposals about which I am currently consulting with the Congress and which will be formally submitted in the near future. Our bilateral assistance programs are also an essential part of our effort to stimulate world development and I urge the Congress to give them full support.

All these efforts represent short-range investments in peace and progress which are of enormous long-range importance. To try to save a few dollars on these programs today could cost us far more tomorrow.

CONCLUSION

With the Congress, the Administration and the people working together during the coming weeks, we can achieve many of the goals described in this message. And we will work together most effectively if we remember that our ultimate responsibility is not to one political party, nor to one philosophical position, nor even to one branch of the Government. Our ultimate responsibilty is to the people—and our deliberations must always be guided by their best interests.

Inevitably, we will have different opinions about what those interests demand. But if we proceed in a spirit of constructive partnership, our varying perspectives can be a source of greater creativity rather than a cause of deadlock.

We already know that the year 1973 will be recalled in history books as the year in which we ended the longest war in American history. Let us conduct ourselves in the next four months so that 1973 will also be remembered as the time in which we began to turn the blessings of peace into a better life for all.

RICHARD NIXON.

THE WHITE HOUSE, *September 10, 1973.*

FEDERAL RESPONSIBILITY FOR RAILROAD PASSENGERS

Mr. WEICKER. Mr. President, the time has come for legislation to nationalize the entire passenger rail system in America. Patchwork proposals by the Congress, the courts, or the administration are no answer to the problem, and I am personally ending my support as well as my votes for any more half-measures.

As an alternative, I am drafting legislation to be introduced by early 1974, which would require the Federal Government to take over and operate all passenger services in our intercity and mass transit rail systems.

This will not simply be a proposal to expand Amtrak. It means the Federal Government will be running the trains—passenger trains—and no more of those quasi-Government corporations that put our essential services into the twilight zone. It is not just the long-distance trains now within Amtrak. It is the commuter trains that run to our suburbs. It is the subway in New York, Bart in San Francisco, Marta in Atlanta, the Metro in Washington.

It will be a plan that asks only one question, and needs only one answer. Do the people of this Nation consider passenger services by rail to be a necessity? Because if they do, piecemeal proposals will give us no answer, and no hope. We need nothing less than the most far-reaching passenger service legislation ever presented to the people of this country.

The legislation I will put forth does give us an answer. It will provide an alternative to suggestions that focus on quasi-governmental structures or more and more government studies.

The people of the United States are fully aware that private corporations and bankrupt trusteeships have failed to provide either what is possible or what our minimum transportation requirements call for. We are at the end of the line.

I am announcing this new legislative initiative because today the Senate will vote on a bill that exemplifies our present dilemma. The Emergency Commuter Relief Act, S. 386, would pay out another $800 million in "operating subsidies" for the crippled rail transit systems in America. Another batch of money is to be poured down the hole, another band-aid is to be applied, but the "mobility crisis" will go on. It is a "no win" plan, to be followed by more and more "no win" plans. And in all good conscience I cannot cast any vote in favor of such a strategy.

What is now needed is a bold national commitment, to match the boldness of our legislative task. This means a commitment by the taxpayer, as well as Government leaders. It means a commitment to long range solutions. A commitment not just for those who ride on trains, but for those who suffer from the massive consumption of energy resources by the automobile, for our elderly and our handicapped who rely on public transit, and for those who rely on inexpensive and convenient job access. It is a commitment that spans the energy crisis, the economy, the environment, our health, our welfare, and our sanity. Nothing short of a firm national commitment will do the job.

In the past several days there has been discussion by the President and others of the energy crisis and the possibility of introduction of legislation to provide a greater supply of energy. I think we can accomplish as much, if not more, internally by turning to rail transportation to a far greater extent than is now the case. This is not just a question of mobility. It does involve the energy crisis and it does involve those who are unable, for reasons of health or reasons of economics, to purchase cars and to travel by way of automobile.

Like any great national goal, there is a price. Americans have to wake up to the fact that if they want passenger services from their rail systems, they will have to abandon that ancient doctrine that decrees death to all things whose income does not exceed expenses. While this Nation faces the death of passenger, though not freight, railroad services, other nations have consistently met the goals we aspire to. The fact that rail systems in those nations are financed by their national governments should tell us something. In simple terms, our insistence on the profit incentive is at the center of our difficulties. But the problem is more than just blind faith in the profit incentive. Any suggestion to nationalize anything sounds, on first hearing, somewhat un-American. Visions of the collapse of our free enterprise system intimidate our thinking, and usually put an end to any creative solutions.

The fact is that American free enterprise does not want the passenger rail business, and it does not need it. Only about 2 percent of total railroad revenues come from passenger service. Freight is the moneymaker. The railroads know this, and by and large they want no part of a service that generates such little revenue while causing such large headaches.

An even more important fact is that while we may think our railroads are part of the free enterprise system, this is somewhat of a delusion. Ten percent of the total income for our railroads comes from government subsidies. In fact, these subsidies are the only reason we have any passenger service at all. In fact, if we add up all the loans, and grants, and subsidies, and revenue sharing that goes to support our passenger services each year, we might well conclude that nationalizing the passenger rail system would only change in name what has already happened in substance. An honest recognition of this fact would at least give us a chance to coordinate the system, enforce our priorities, and stimulate long-term improvements by removing the uncertainty of present hand-to-mouth operations.

For too long we have endured the constant crisis of patchwork props. Since 1969, when I first came to the Congress, I have had to vote on seven major railroad bills, not to mention the incidental legislation spawned by our periodic rail crises. All this legislation has cost the taxpayer more than $3 billion in Federal obligations.

Granted, there have been a few improvements on the run between Boston and New York on Amtrak, but it still is a rail system which is totally inadequate to the task.

Mr. President, if you ride the trains or subways, or if you depend on those who do, you probably have noticed that we has come for all America to stand up and say "enough." Let us do the job, and do it right.

Mr. President, I yield back the remainder of my time.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (S. 1385) to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands.

The President pro tempore subsequently signed the enrolled bill.

AMENDMENT OF THE SMALL BUSINESS ACT—CONFERENCE REPORT

The PRESIDING OFFICER (Mr. ABOUREZK). Under the previous order, the Senate will now proceed to the consideration of the conference report on S. 1672, which is submitted by the Senator from California (Mr. CRANSTON).

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1672) to amend the Small Business Act, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of August 1, 1973, at pp 27294–27295.)

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I may proceed for 2 minutes without the time being charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR VOTE ON NOMINATION OF RUSSELL TRAIN AT 3:45 P.M.

Mr. ROBERT C. BYRD. As in executive session, Mr. President, I ask unanimous consent—this matter having been cleared on the other side of the aisle—that the vote on the nomination of Mr. Russell Train occur today at the hour of 3:45 p.m. rather than at the hour of 2:15 p.m., as was earlier scheduled.

The PRESIDING OFFICER. Is there objection?

Mr. BEALL. Mr. President, reserving the right to object, do we understand that will be the first vote on today?

Mr. ROBERT C. BYRD. Yes, it will be.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? Without objection, it is so ordered.

PROGRAM FOR TODAY

Mr. TOWER. Mr. President, will the Senator from West Virginia yield?

Mr. ROBERT C. BYRD. I yield.

Mr. TOWER. There may be a vote on the SBA conference report today.

Mr. ROBERT C. BYRD. There may be.

Mr. TOWER. So I think we should be alerted to that fact.

Mr. President, for the convenience of both cloakrooms, so that Senators may be informed of the change in the schedule, I think I should state the following:

The debate on the SBA conference report will begin running shortly. There is a time limitation of 30 minutes for that debate. Whether or not a yea-and-nay vote will occur at the conclusion of that debate, I am not now prepared to say. If a vote does occur on the conference report on the SBA amendment today, under the previous order that vote will follow the vote on mass transit later today.

When the time for debate on the conference report on the SBA has expired, the Senate will proceed for 1 hour to debate the nomination of Mr. Russell Train to be Administrator of the Environmental Protection Agency.

At the conclusion of that 1 hour, the Senate will take up S. 5, which is the unfinished business, until the hour of 3:45 p.m. today. At 3:45 p.m. the Senate will vote—a yea-and-nay vote already having been ordered—on the nomination of Mr. Russell Train.

Immediately after that vote, a vote will occur on the mass transit bill, on which all time has expired and on which a yea-and-nay vote has already been ordered.

At the conclusion of the vote on mass transit, if a vote is to occur on the conference report on the Small Business Act amendment, that vote will then occur, after which, if S. 5 has not been disposed of, the Senate will resume consideration of S. 5, the unfinished business.

I think that pretty well sums up the program as of now.

I suggest the absence of a quorum. I ask unanimous consent that the time not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistance legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I ask unanimous consent that Mr. Gil Bray, of my staff, be allowed to be present on the floor during the consideration of the SBA conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I also ask unanimous consent that Mr. Burns, of the Banking, Housing and Urban Affairs Committee, be allowed to be present on the floor during the consideration of that conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I suggest the absence of a quorum. I ask unanimous consent that the time be charged to neither side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF SMALL BUSINESS ACT—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the bill (S. 1672) to amend the Small Business Act.

Mr. CRANSTON. Mr. President, in conference with the House on July 31, 1973, Senate conferees agreed to what is, I believe, a good version of S. 1672, a bill to amend the Small Business Act.

The conference version of the bill provides disaster relief assistance administered through the Small Business Administration to homeowners and businesses with a $2,500 forgiveness on their loan and financing of the balance at 3 percent, or the borrower could choose not to accept any forgiveness and finance the entire loan at 1 percent. This provision would be retroactive to April 20, 1973, and would terminate on July 1, 1975. This retains the House version. The conference version makes the above forgiveness feature apply to FHA disaster programs from April 20, 1973, to July 1, 1975. This retains the Senate version of the bill. The Senate version would have provided that the disaster relief program administered by both the Small Business Administration and the Farmers Home Administration would contain a $4,000 forgiveness feature with the amount of the forgiveness reduced by 4 percent for each $1,000 of income the recipient had above $10,000.

The conference version of the bill adopted the Senate provision which directs the Secretary of Agriculture to make loans for disasters under his jurisdiction under the terms of Public Law 92-385 in connection with disasters that occurred after December 26, 1972, but prior to April 20, 1973.

This section is designed to give farm disaster victims the same benefits as those received by SBA disaster recipients during the above period.

The conference version of the bill contains both the House and Senate provisions making victims of erosion eligible for disaster relief. The Senate provision amends the Disaster Relief Act of 1970 by classifying erosion as a type of disaster eligible for assistance under the act, while the House amendment made erosion a disaster eligible for assistance under the Small Business Act.

The conference version of the bill contains a provision that would prohibit the Small Business Administration from discriminating against any person or small business concern based on sex and requires the Administration to give special consideration in the conduct of its programs to veterans of the U.S. military services and the surviving members of their families. There was no comparable provision in the Senate bill.

Mr. President, this is an important piece of legislation since the ceilings under which the Small Business Administration operates will be reached shortly and without section 1 of the legislation which raises these ceilings, the operations of the Small Business Administration will be severely limited. I recommend that the Senate approve this report.

Mr. TOWER. Mr. President, the conference report on S. 1672, while authorizing desirable increases in the Small Business Administration's aggregate loan authority, also deals with the matter of disaster assistance loans, which I feel should be considered and handled as separate legislation in connection with the administration's Disaster Preparedness and Assistance Act of 1973. This major revision of our disaster assistance programs is being considered in the Housing Subcommittee of the Senate, and could be conceivably reported to the Senate this year if interest is sufficiently strong in the subject matter this fall. If this bill should pass as is, however, interest in longer run reform of our disaster assistance laws would be muted, and it may be much longer before comprehensive legislation can be acted upon.

The administration has doubts about the financial soundness of the present bill's disaster provisions, and it will be a likely candidate for a veto as a consequence. If such a veto were sustained, it would effectively allow the whole disaster assistance question to be considered in the context of the administration's comprehensive bill. I am not necessarily opposed to all of the disaster provisions of the present bill—indeed, I am for some of them—but I would like to see more comprehensive treatment of the whole subject matter. The Senate added this subject on the floor to the SBA bill this year with no specific hearings on the amendment and without its being considered in conjunction with the administration bill, so that there is good reason to vote to reject the report at this time, with the understanding that we would continue to work on the more comprehensive bill for later reporting to the Senate.

For this reason, Mr. President, I urge that the Senate reject the conference report.

Mr. STEVENSON. Mr. President, as a conferee, I certainly intend to vote in favor of the conference report, but before I do, I would like to comment briefly upon section 7 of this bill.

Section 7 has its origin in S. 1267, a bill which I introduced. S. 1267 would have amended the Disaster Relief Act of 1970—Public Law 91-606—to add erosion to the list of disasters for which Federal assistance is available.

I introduced this bill after receiving numerous complaints from my constituents that the SBA was not granting disaster assistance loans evenhandedly. The problem stemmed from the repeated confusion of erosion-caused and storm-caused damage. The SBA agreed that property owners who sustained damage caused by flooding, high winds, or storms were eligible for disaster assistance, but not those whose damage was caused by erosion.

The difficulty arises in trying to determine what is erosion-caused damage, and what is storm-caused damage. The purpose of this bill is, in part, to save the SBA from the impossible task of deciding whether the damage for which disaster assistance is sought was caused by storm, high winds, or flooding or erosion.

Section 7 makes clear that erosion-caused losses are as eligible for disaster assistance as losses stemming from floods, high winds, or storms. Although the House provision in section 7, which was also adopted by the conferees, speaks of "erosion directly related to flood, high water or tidal waves," the House debate made it clear that cyclical high water levels, extending over long periods of time, such as we are now experiencing in the Great Lakes, falls within that definition. Thus, the practical difference between the House and Senate provisions—both of which were adopted—is not that great.

For example, under section 7, if a house topples into Lake Michigan because the land on which it rests has been steadily eroding, the SBA will not have to inquire whether the final blow was administered by a storm or by erosive processes. It will be able to grant the necessary assistance forthwith.

Similarly, the SBA could grant disaster assistance to property owners whose beachfront had eroded to the point that their homes were in imminent danger of collapse, and loans would be available to help these residents protect their homes.

This, Mr. President, was my interest in introducing the bill, in debating its merits, in seeing it passed by this body, and in serving as a conferee. This was clearly the intent of the conference—and is the intent of Congress. I trust the SBA and the Federal Disaster Assistance Administration will understand that, and administer this bill in a way that will accord with that intent.

Mr. PELL. Mr. President, I wholeheartedly support the conference report on S. 1672, the Small Business Act amendments. I have always supported the Small Business Administration in its efforts to assist small business. However, because of the severe and lasting effects of the Defense Department realignment that will necessitate the close down of our Rhode Island Navy bases and eliminian more than 20,000 military and civilian jobs, the active participation of the Small Business Administration becomes of paramount importance to the economic survival of my State. In this regard, I introduced an amendment to the Small Business Act which provides that small businesses severely affected by the closing of major Defense Department bases or installations, or by severe reductions in the scope of operation of military bases will be eligible for loan assistance on the same terms as other small businesses which are confronted with economic problems because of Federal Government actions. This amendment received the support of the Senate and is included in the conference report today.

Notwithstanding the opposition of the Administrator of the Small Business Administration before the House Banking and Commerce Committee to this amendment, I would hope that the administration would immediately enact this legislation into law, and furthermore, that every effort be made to promptly provide the funds and technical assistance necessary to bring about the economic revival of those small businesses which are being and will be adversely affected as a result of the base closings. I should like to point out that on August 21, I was informed by the Acting Assistant Secretary for Economic Development William Blunt of the Department of Commerce that the Newport labor area, which includes the city of Newport and the towns of Little Compton, Middletown, and Portsmouth, has been designated as a redevelopment area under the Public Works and Redevelopment Act. The basis for this designation is an anticipated rise in unemployment from 7.5 to 10 percent within a 6-month period.

Finally, I might add that the assistance which my amendment allows for under the Small Business Act is badly needed now in order to prevent financial collapse of the small business community in this area.

Mr. TAFT. Mr. President, when S. 1672 was before the Senate, I offered the amendment to reinstate "forgiveness" grants in the disaster relief program.

My colleagues are well aware that the disaster relief laws were recently amended to eliminate this assistance. As a result, even a low- or moderate-income family whose home has been completely destroyed can presently receive only a 5-percent loan from the Federal Government. I offered my amendment because I believed that this meager level of assistance is absolutely unjustifiable. Even a 5-percent loan will create great hardship for those most in need when their property is ravaged by a natural disaster.

The President recently asked Congress to authorize as much grant money as necessary to help victims of the Nicaraguan earthquake. I believe strongly that this request is of a proper nature because the United States should continue to be a compassionate world citizen. At the same time, however, we had better fulfill our obligation to be compassionate to our own people. Until some forgiveness grant provision is reinstated, our domestic disaster relief program will not do that.

My amendment, as passed by the Senate, did include a "sliding scale" provision which conditioned the percentage of the disaster loan to be "forgiven" upon the recipient's last year's income. This provision was deleted in conference because of technical problems with it which could possibly have led to delays in the processing of disaster relief loans.

I included the sliding scale in my amendment because it seems to me that, in principle, income-related forgiveness is far preferable to an indiscriminate payout of the grants. Under all previous forgiveness arrangements enacted, and those contained as an option for borrowers in this bill, the same amount of grant money is made available to a millionaire with $10,000 damage to his tennis courts and swimming pool as to a poor family whose $10,000 home has been demolished. The sliding-scale arrangement would have provided desperately needed and substantial relief to those who could least afford damage repair and replacement expenses, but it would have apportioned benefits more equitably and responsibly than previous provisions by providing those most in need with a greater share of the funds available. In addition, it would have saved money by reducing forgiveness to those whose losses are small relative to their personal resources and less than $20,000 in absolute amount.

I believe that the forgiveness provision contained in this bill is much better than nothing at all, and I hope that the President will sign the bill. However, we should not consider it a permanent solution to the disaster relief problem.

I am well aware that major legislation to revamp the entire disaster relief program is now pending in the Senate. During the consideration of this legislation, Congress should take the opportunity to improve upon the disaster assistance offered to individuals. We must continue to strive to make these provisions as responsive as possible to the needs of disaster victims, within the necessary fiscal constraints.

The PRESIDING OFFICER. Who yields time?

Mr. CRANSTON. Mr. President, I am prepared to yield back the remainder of my time.

Mr. TOWER. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. ABOUREZK). All remaining time having been yielded back, the question is on agreeing to the conference report.

The report was agreed to.

Mr. CRANSTON. I move to reconsider the vote by which the conference report was agreed to.

Mr. TOWER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session.

ENVIRONMENTAL PROTECTION AGENCY

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to consider the nomination of Russell E. Train to be Administrator of the Environmental Protection Agency, with a vote thereon to occur at 3:45 p.m.

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. TOWER. I ask unanimous consent that the time be charged to neither side.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. JOHNSTON). Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, it is my understanding that we are beginning the consideration at this time of the nomination of Russell E. Train to be Administrator of the Environmental Protection Agency, and that, even though there will be debate for whatever time is required by the Senate, by prior agreement the rollcall—which has already been ordered—will come at 3:45 this afternoon.

Is that correct, Mr. President?

The PRESIDING OFFICER. That is correct.

Mr. RANDOLPH. Mr. President, I also ask unanimous consent that, prior to the brief remarks I shall have on the nomination, those Senators who may wish to have statements included in the RECORD in connection with the consideration of this matter may do so.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, in the Senate today we are considering the confirmation of the nomination of Russell E. Train to be the Administrator of the Environmental Protection Agency. I feel that Members of the Senate will want to give attention to this matter, even those Members who individually are not now in the Chamber, because this has been a subject of continuing discussion and assessment over a period of several weeks, going back to the period prior to the recess of the Senate in early August.

It is also my feeling that the Members of the Senate will give the nomination overwhelming endorsement. Not only will that support be substantial, but also, I sense that there will be very few votes against the confirmation of the nomination of Mr. Train. Why do I say that I believe this will be the action of our colleagues when they vote at 3:45 p.m. on this nomination? We have here an experienced public administrator who is now being called on to direct one of our most important and most vital governmental agencies at a time in the history of this country when the problems that will present themselves to that agency and to its administrator are of a very complex and urgent nature. It is a time when we are faced with the many-faceted dilemma of the law now on the books which has to do with requirements for clean air and clean water and with the other subjects that fall under what we call the environmental structure of the United States.

Coupled with those problems, which this appointee will have in varying degrees, before him, are those associated with the matters of transportation, the matters of our supply of fuels, and the important consideration of the distribution of our energy resources. In a sense, all these issues must be structured together, even though his nomination is to the agency concerned with environmental matters.

The members of the Committee on Public Works acted to expedite the nomination of Mr. Train. I should like to step back a moment in our legislative history to indicate that we also acted expeditiously in the Committee on Public Works when we brought the nomination of William Ruckelshaus to the Senate. We acted promptly in connection with the hearing at which he testified. There was a very careful questioning of Mr. Ruckelshaus. Then, because of the need for selection of a head of that important overall agency, under which many functions have been gathered in recent months, we brought that nomination from the committee to the full Senate.

I mention that only to indicate that we—the members of that committee—realize the importance of this post of public duty. That is the reason we have acted—not hurriedly; we have acted carefully. But we have acted expeditiously in bringing this new nomination to the Senate floor. We know, and I think the country realizes, that it is important that we have the benefit of an informed, of a judicious, of a forthright, of a fair, of a well-reasoned environmental program administered, not by someone who is solely the selection of the President for such a post, but by someone whose nomination has also been confirmed by the Senate itself after the process I have mentioned. That is the reason why we wish to act today.

The agency which Mr. Train will be called upon to direct is of relatively recent creation. It is the Environmental Protection Agency. What is its scope? What does it do? It, of course, engages in a number of activities having widespread substantial impact—impact on the people, impact on industry, impact on business, impact upon the quality of life in our country.

It is charged with the execution of the laws which have been enacted—I have mentioned some of them—to protect and enhance our environment. In recent years, a number of such laws have been passed by Congress, most of them measures that have originated within the Senate Committee on Public Works, but in concert of course, with measures developed in other committees. These programs require leadership by a man who is on the job. We have to think in terms of control and enforcement; and in the Environmental Protection Agency these are the situations we face, situations where, frankly, the leadership qualities must be demonstrated in the best interests of the public for the Nation as a whole.

The agency, therefore, needs more than, as I have indicated, an Acting Administrator as its head, because the Administrator whose nomination is to be confirmed today will be called upon to make major policy decisions that are, in a continuing way, required by such a post of duty.

The work of Russell E. Train is well known to the Senate. I think it is appropriate to indicate that on three prior occasions the Senate has confirmed his appointment to other important and crucial governmental positions. We first gave our approval to Russell E. Train when he became a judge of the U.S. Tax Court. His nomination was subsequently confirmed by the Senate to be Under Secretary of the Interior and then as Chairman of the Council on Environmental Qualities.

On these occasions the Senate has had a considerable opportunity to become acquainted in a legislative way with the background, the experience, and the qualifications of Mr. Train. We understand our responsibility and we look to him as a man that we believe can be a good Administrator in this vital post. So notwithstanding, I reemphasize, the familiarity which we have had in the Senate, and especially in the Committee on Public Works, with the record of Mr. Train, our committee members went into very careful consideration of the nominee for this post. We studied his responsibilities in detail. The colloquy of members with him at the time he appeared before our committee, and that record is a printed record, indicates the attention we gave to the new duties that he will be called upon to assume. At the nomination hearings on August 1 we reviewed with Mr. Train the concept which he holds of the mission that he will have as the head of the Environmental Protection Agency and the role he envisioned for himself in it.

Members of the committee were overwhelmingly satisfied, I believe, with his responses, even though there were some members who understandably could disagree and did so with Mr. Train on specific subject matter relating to certain issues. We felt in the overall approach that Mr. Train was well qualified for this position.

Our confidence in Mr. Train is reflected in the fact that the committee was able, as I have indicated earlier, to meet promptly after the hearing and then to report favorably the nomination to the Senate. That nomination was reported by a vote of 13 members for and 1 member against.

The members of our committee are cognizant of the opinion of those from outside our committee, and even from outside the Senate. So in the discharge of our responsibilities, we have sought to survey the picture in its broad aspect. We do not believe we can properly function if we work totally within a vacuum.

In this respect I note for the RECORD that we have received many, many outside statements which reflect on Mr. Train's ability to do this job. The integrity of the man has been underscored; the fairness of the man has been underscored; the ability of the man to be Administrator of the Environmental Protection Agency has been underscored by many responsible people and organizations that have sought very properly to bring their assessment of him to the attention of committee members and to the Senate of the United States.

There were no adverse views presented

with respect to this nomination of which I have knowledge.

Therefore, Mr. President, I commend the nomination of Russell E. Train to the Senate as Administrator of the Environmental Protection Agency.

Mr. President, how much time have I consumed?

The PRESIDING OFFICER. The Senator has consumed 17 minutes.

Mr. RANDOLPH. Mr. President, it is my understanding that if we have reason to use the 30 minutes on each side, this could be done. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. RANDOLPH. But if there is not the need to do that, the Senator from Connecticut (Mr. STAFFORD), acting for the minority, and I would request that we yield back the time not used.

Mr. STAFFORD. Mr. President, one of the most satisfying aspects of my experience in the Senate has been serving on the Committee on Public Works under the leadership of the very distinguished senior Senator from West Virginia (Mr. RANDOLPH). He is always thorough, he is always fair and impartial, and he believes in getting things done. I think that is splendid. Today before the Senate he has fairly set forth the case for Mr. Russell E. Train to be the Administrator of the Environmental Protection Agency.

Mr. President, I shall not say much in addition to what already has been said except to note for the record that I had an opportunity to talk with Mr. Train on several occasions in private and then to hear him before the Committee on Public Works, during the hearings in connection with his confirmation. I can state that he said the same things in public that he said in private about his responsibilities should he become the Administrator of the Environmental Protection Agency.

As a result of meetings with Mr. Train and the hearings before the Committee on Public Works, I agree with the Senator from West Virginia that he is an impressive gentleman with impressive qualifications to be the Administrator of the Environmental Protection Agency.

He has worked on Capitol Hill in several important responsibilities. He knows how Congress functions. I think that is an important experience for someone to have who will be working not only as part of the executive department but also with Congress.

I note that in January 1971, President Nixon appointed Mr. Train to be Chairman of the U.S. delegation to the NATO Committee on the Challenges of Modern Society. This committee deals with a broad range of environmental problems. On another occasion Mr. Train had been the Under Secretary of the Department of the Interior. He has had the experience in conservation matters to serve the Nation well as the Administrator of the Environmental Protection Agency. I think he has the right attitude along with the experience.

I recognize, as the distinguished chairman of the committee has said, how important the Environmental Protection Agency is to the future of this country, important in questions involving the air we breathe, the water we drink, the landscape we look at, and the noise to which we listen. Everything that the Environmental Protection Agency does affects the American environment, affects our economy, and affects our health. Not only does the Administrator need experience and intelligence but also commonsense in coping with the complex problems which his Agency will have to address immediately and in the years ahead.

I share with the chairman of the committee confidence that Mr. Train will be able to do the job for us.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the ranking Republican member of the Committee on Public Works, the Senator from Tennessee (Mr. BAKER).

The PRESIDING OFFICER. Without objection, it is so ordered.

The statement is as follows:

STATEMENT BY SENATOR BAKER

Today the Senate takes up the nomination of Mr. Russell E. Train to be the Administrator of the Environmental Protection Agency, a post which has become one of the most demanding, significant and controversial in the Federal Government.

I am delighted that the President has nominated Mr. Train and that the Committee on Public Works, of which I am the ranking Republican member, has promptly and favorably reported his nomination to the full Senate.

When the Environmental Protection Agency was created in 1970, its potential for improvement of the Nation's environment clearly was immense; the potential for economic and social change and perhaps dislocation, also appeared great. The sweeping Clean Air Act Amendments of 1970 were pending in conference and the Resource Recovery Act has just been enacted. There were in addition authorities and programs in air and water quality, solid waste management, radiation and pesticides that EPA had inherited from its fifteen predecessor agencies and commissions. Since then EPA's authority, size and importance have grown still greater. Recently, the 1972 Amendments to the Federal Water Pollution Control Act, the Federal Environmental Pesticide Control Act and the Noise Control Act of 1972 were enacted and entrusted to the Agency for implementation. The Toxic Substances Control Act, for which conferees have been appointed, will, upon enactment, give EPA the mandate to review all new chemical substances before they are introduced into the human environment. As a result of this continued growth in authority, EPA for Fiscal Year 1974 has a budget of more than $7 billion and a work force approaching 10,000 persons. The impact of its activities is exemplified by the recent decisions under the Clean Air Act to grant the automobile manufacturers one-year extensions of the deadlines for severe reductions in automotive emissions and to require drastic reductions in urban vehicle travel as a part of State implementation plans.

Mr. William D. Ruckelshaus did a superlative job as EPA's first Administrator before leaving in April 1973 to become Acting Director of the FBI. His successor, Mr. Robert Fri, who moved up from Deputy to Acting Administrator when Mr. Ruckelshaus moved to the FBI, served admirably but has returned to private life. John R. Quarles, Jr. EPA's capable Assistant Administrator for Enforcement and General Counsel and Deputy Administrator-designate, is filling the breach as Acting interim Administrator. The time has come for us to confirm Russell Train as the best possible nominee for Administrator and to do so expeditiously.

EPA, never an easy or comfortable agency to lead, now faces its greatest challenges. The early phases of organizing and staffing the agency, setting its legislative authorities in good order and starting new programs are largely over. Now the deadlines for compliance with the Clean Air Act are coming due, and similarly demanding deadlines in the Federal Water Pollution Control Act are just around the corner. The summer soldiers and the sunshine patriots of the environmental movement are now beginning to waiver and in some cases defect, because the costs and the burdens of clean air, clean water and a generally healthful and enjoyable environment are proving to be considerable.

EPA can face these critical challenges only with full public support and confidence. This will be forthcoming only if EPA continues to base its decisions upon a full and reasoned consideration of their social, economic, and environmetnal effects. I am convinced that Russell Train, based on his wealth of experience as Counsel to Committee of the Congress, Tax Court Judge, Under Secretary of the Interior Department, Chairman of the Council on Environmental Quality, and head of private organizations, understands and can fulfill with distinction the vital role of public leadership which the post of Administrator demands.

I must admit to a heavy bias in favor of Mr. Train, but one I believe is justified. I have known him personally and professionally since he was Chief Counsel of the House Ways and Means Committee on which my father, the late Howard H. Baker (R., Tenn.) served. In following his illustrious career carefully since then, my first impression of him as a man of great intellectual honesty, balanced judgment and thorough competence has been confirmed. His record of distinguished performance in a number of roles, legislative, judicial and executive, has been evident to all of us. Last year he ably led the United States delegation to the first United Nations Conference on the Human Environment; as a delegate to that conference, I was most impressed with his leadership and his command of international environmental issues.

On Wednesday, August 1, the Committee on Public Works held an exhaustive and thorough hearing on Mr. Train's nomination. I regret that my duties on the Senate Select Committee on Presidential Campaign Activities precluded my attendance at the hearing although I did attend the Executive Session at which the nomination was ordered reported. I have had the opportunity to review the record of the hearing as have other members of the Senate; I find that Mr. Train has demonstrated a masterful grasp of the issues he must deal with as Administrator.

EPA has been too long without a permanent Administrator. Important decisions requiring full and reasoned judgment must be made now—decisions which will have a profound effect upon the Nation's environment and a major impact upon the social and economic fabric of our lives. I believe that in Russell Train the President has selected the best possible nominee for the job; I applaud the selection and urge Mr. Train's prompt confirmation.

Mr. STAFFORD. Mr. President, for the moment I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. RANDOLPH. Mr. President, I personally appreciate the comments of the able Senator from Vermont. He is a valued member of the Senate Public Works Committee. He is on our Subcommittee on Air and Water Pollution, and he has given most careful attention, as he does to all subjects before the committee, to the matter now pending. In fact, I am sure he would agree with me when I say that when we had the nomination of Mr. Train pending before our committee and the actual hearing was in process, even with the important assignments of committee members, we had, if my memory is correct, all but four members of the committee present at some time during the hearing on Mr. Train's nomination and the entire membership on hand for final consideration of the nomination.

So, as we have both said, we have addressed ourselves to our responsibility and, without reluctance, we eagerly bring this nomination to the Senate.

Mr. President, I have no desire to speak longer. Having the understanding that members from our committee or other Senators who wish to place statements in the RECORD can do so under the unanimous consent already granted, I will yield back the remainder of the time that has been allocated to me.

Mr. STAFFORD. Mr. President, let me close for the minority by saying I hope we will get a resounding vote of confidence in Mr. Train. I urge Senators to vote in favor of his nomination.

I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time on the nomination has been yielded back. The vote will occur at 3:45 p.m.

LEGISLATIVE SESSION—FULL OPPORTUNITY AND NATIONAL GOALS AND PRIORITIES ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now go back into legislative session and resume consideration of the unfinished business, S. 5, which the clerk will state by title.

The legislative clerk read the bill by title, as follows:

A bill (S. 5) to promote the public welfare.

The Senate resumed the consideration of the bill.

Mr. STAFFORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR DURING CONSIDERATION OF FOREIGN AID BILL, S. 2335

Mr. TALMADGE. Mr. President, on behalf of the Committee on Finance, I ask unanimous consent that when the Senate considers the foreign aid bill (S. 2335) the following staff members be permitted on the Senate floor: Mike Stern, Robert Best, Mark Sandstrom, and Richard Rivers.

The PRESIDING OFFICER. Without objection, it is ordered.

PRIVILEGE OF THE FLOOR DURING CONSIDERATION OF PENSION BILL

Mr. TALMADGE. Mr. President, on behalf of the Committee on Finance, I ask unanimous consent that during the consideration of the pension bill, the following staff members be permitted on the floor: Mike Stern, Robert Willan, and William Morris.

The PRESIDING OFFICER. Without objection, it is ordered.

QUORUM CALL

Mr. TALMADGE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, with statements therein limited to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Report on Planned Demilitarization of Rockets

A letter from the Acting Assistant Secretary of the Army (Installations and Logistics) reporting, for the information of the Senate, on a plan to demilitarize certain rockets. Referred to the Committee on Armed Services.

Report Relating To Realinement Action at the Pacific Missile Range, Point Mugu, Calif.

A letter from the Assistant Secretary of the Navy (Installations and Logistics) transmitting, pursuant to law, a report on the facts concerning a revised Department of the Navy Shore Establishment Realinement Action at the Pacific Missile Range, Point Mugu, Calif. (with an accompanying report). Referred to the Committee on Armed Services.

Report Relating to Realinement Action at Naval Civil Engineering Laboratory, Port Hueneme, Calif.

A letter from the Assistant Secretary of the Navy (Installations and Logistics) transmitting, pursuant to law, a report of the facts concerning a revised Department of the Navy Shore Establishment Realinement Action at the Naval Civil Engineering Laboratory, Port Hueneme, Calif. (with an accompanying report). Referred to the Committee on Armed Services.

Reports Relating to Third Preference and Sixth Preference Classifications for Certain Aliens

A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to third preference and sixth preference classifications for certain aliens—with accompanying papers. Referred to the Committee on the Judiciary.

Report of Four Corners Regional Commission

A letter from the Federal Cochairman, Four Corners Regional Commission, Department of Commerce, transmitting, pursuant to law, a report of that Commission, for the fiscal year 1973—with an accompanying report. Referred to the Committee on Public Works.

Reports on Activities of the Veterans' Administration

A letter from the Administrator, Veterans' Administration, transmitting, pursuant to law, reports concerning the activities of that Administration, under fiscal year 1973 programs for the sharing of medical resources and for exchange of medical information—with accompanying reports. Referred to the Committee on Veterans' Affairs.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

"Resolution Memorializing the 93rd Congress of the United States To Consider Contra-Abortion Legislation

"Whereas, The citizens of Ohio are deeply concerned over the recent United States Supreme Court rulings on abortion and their vague, unclear application to existing abortion laws; and

"Whereas, Unclear and vague laws lead to confusion and inequitable application of the laws. The need for congressional action to clarify abortion laws and decisions is urgent; and

"Whereas, Congress has a duty to ensure the safety and welfare of the citizens of the United States. Since an abortion is the taking of the life of an unborn child, to allow vague court decisions and laws to continue to exist is a complete disregard for congressional duty; and

"Whereas, At a time when respect for government and law is nationally on a declining scale, it is imperative that the laws of the United States be made as clear and precise as possible; therefore be it

"Resolved, That the members of the Senate of the 110th General Assembly of Ohio, do hereby respectfully memorialize the 93rd Congress of the United States to immediately consider abortion legislation which will serve to clarify the recent Supreme Court decisions; and be it further

"Resolved, That the Clerk of the Senate transmit duly authenticated copies of this Resolution to the Vice President of the United States; to the Speaker of the House of Representatives; to each Representative and Senator from Ohio in the 93rd Congress of the United States; to The Blade, Toledo; and to the Toledo Times."

A resolution of the Senate of the State of Ohio. Referred to the Committee on Labor and Public Welfare.

A resolution adopted by the Iowa Conference, Churches of God in North America, relating to the protection of the rights of the unborn, the aged and infirm. Referred to the Committee on Labor and Public Welfare.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. TALMADGE (for Mr. LONG), from the Committee on Finance, with amendments:

S. 2335. A bill to amend the Foreign Assistance Act of 1961, and for other purposes (Rept. No. 93-386).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. BAYH:

S. 2395. A bill for the relief of Dr. Jose Souto Cabral, his wife Leodea and their eight children: Leoniti, Lucia, Lillian, Jose, Guaracy, Fernando, Leodina, and Eurico. Referred to the Committee on the Judiciary.

By Mr. YOUNG:

S. 2396. A bill to release certain restrictions imposed by Federal law upon the transfer and use of assets of the North Dakota Rural Rehabilitation Corporation. Referred to the Committee on Agriculture and Forestry.

By Mr. CHURCH (for himself, Mr. CRANSTON, Mr. RIBICOFF, Mr. CLARK, Mr. PELL, and Mr. HART):

S. 2397. A bill to provide for a 7 per centum increase in social security benefits beginning with benefits payable for the month of January 1974. Referred to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CHURCH (for himself, Mr. CRANSTON, Mr. RIBICOFF, Mr. CLARK, Mr. PELL, and Mr. HART):

S. 2397. A bill to provide for a 7-percent increase in social security benefits beginning with benefits payable for the month of January 1974. Referred to the Committee on Finance.

SEVEN-PERCENT SOCIAL SECURITY INCREASE EFFECTIVE IN JANUARY

Mr. CHURCH. Mr. President, on behalf of the Senators from California (Mr. CRANSTON), Iowa (Mr. Clark), Connecticut (Mr. RIBICOFF), Rhode Island (Mr. PELL), and Michigan (Mr. HART), I introduce for appropriate reference a bill to provide a 7-percent social security increase effective in January 1974.

This measure would be a substitute for the 5.9-percent raise which is scheduled to become effective in June 1974 under Public Law 93-66.

With inflationary pressures continuing to intensify, an earlier and larger social security cost-of-living raise is urgently needed.

The elderly cannot afford to wait much longer. Time is clearly not on their side.

Last month's recordbreaking 6.2-percent jump in the wholesale price index provides an ominous warning that older Americans may experience still more increases in prices in the months ahead.

All age groups have felt the harmful effects of spiraling inflation in one form or another. But older Americans struggling on limited, fixed incomes have been harder hit than any one else.

In addition, some items—which affect the elderly to a much greater degree than younger persons—have risen more sharply than the overall Consumer Price Index.

The classic example, of course, is the price of food which may increase by 20 percent in 1973 alone, the most rampant rise since 1947. For the first 7 months of this year, the cost of food has jumped by almost 12 percent. The effect of this sharp increase has been especially severe for older Americans, because about 27 percent of their budgets go for food, in contrast to approximately 16 percent for the total poulation. It is no wonder that surging food prices have had the effect of obliterating—or largely negating—the 20-percent social security increase which was enacted into law in July 1972.

We should also remember that about 3.1 million persons in the 65-plus age category live in abject poverty. And poverty is a rock bottom standard under the Government's own definition: Approximately $2,100 a year for single elderly persons and $2,640 for aged couples. On a weekly basis, this amounts to about $40 for an individual and $50 for couples. Yet, the Department of Agriculture's low-cost food plan for an elderly couple is $18.60 a week.

But this does not even begin to reveal the true dimensions of the economic problems of the elderly. Nearly 2 million persons with incomes below the poverty thresholds are not classified as poor because they live in families with incomes above the poverty indexes. If these individuals were also counted, the number of impoverished aged would swell to more than 5 million, or about one out of every four persons 65 or older.

Moreover, the Bureau of Labor Statistics Intermediate Budgets—estimated at $5,200 for elderly couples and $2,860 for single persons in 1973—is beyond the means of most older Americans. Nearly 11 million aged persons are projected to have incomes below this modest standard of living.

For most older Americans, social security is the economic mainstay. It provides more than one-half of the income for about 44 percent of all aged couples and 54 percent of elderly single persons. And it is almost the entire support—over 90 percent of total income—for 1 out of every 7 aged couples and 2 out of every 7 elderly single persons.

However, social security benefits still fall below the poverty threshold for millions of older Americans. For example, average annual benefits for retired workers now amount to $1,980—$165 a month—or $120 below the poverty index.

Under our proposal, average monthly social security benefits would be increased from about $165 to $177 for retired workers; from $274 to $293 for aged couples; and from $158 to $169 for elderly widows.

Additionally, maximum benefits for retired workers would be boosted from $275 to $294 a month. And in the case of an elderly couple, maximum monthly payments would be raised from $412 to $441.

Compared with Public Law 93-66, a retired couple entitled to maximum benefits would receive an additional $173 during 1974 under our bill. For the average retired worker, a 7-percent increase effective this January would mean approximately $72 more on an annual basis than under Public Law 93-66.

At the outset, I am mindful that the administration may raise a number of objections to this proposal.

Undoubtedly the Nixon administration will oppose moving forward the date of a cost-of-living adjustment under social security. But to my way of thinking, it is time to stop balancing the Federal budget on the backs of the aged and disabled. They certainly did not create present inflationary pressures. But they are clearly the victims of a mismanaged economy.

Instead of looking for scapegoats, the administration would be better advised to trim back wasteful military spending, foreign aid, and the space program. And all Americans would be better served if government can put its financial house in order by a fundamental reordering of priorities.

Mr. President, I urge early and favorable action on this legislation. Time is of the essence.

Columnist Jack Anderson's article in today's Washington Post describes the desperate situation facing far too many of our Nation's older Americans. I commend this article to my colleagues and ask unanimous consent that the text of the article be printed at this point in the RECORD.

Additionally, I ask unanimous consent that the text of this bill be printed at this point in the RECORD.

There being no objection, the bill and article were ordered to be printed in the RECORD, as follows:

S. 2397

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 201 of Public Law 93-66 is amended—

(a) in subsection (a)(1), by striking out "the percentage by which the Consumer Price Index prepared by the Department of Labor for the month of June 1973 exceeds such index for the month of June 1972" and inserting in lieu thereof "7 per centum",

(b) in subsection (a)(2), by striking out "May 1974" each place it appears therein and inserting in lieu thereof "December 1973",

(c) in subsection (b), by striking out "based on the increase in the Consumer Price Index described in subsection (a)" and inserting in lieu thereof "7 per centum", and

(d) in subsection (c)(2), by striking out "May 1974" and inserting in lieu thereof "December 1973".

POVERTY GRIPS 5 MILLION SENIOR CITIZENS

(By Jack Anderson)

In a society enamored with youth, an estimated five million senior citizens have been overtaken in their old age by poverty.

Most of them collect pitiful pensions which have dwindled in purchasing power as the cost of living has soared out of sight. For many, the economic crunch has become truly a life-or-death matter.

Their pathetic stories are told in letters that have been made available to us from the private files of the National Council of Senior Citizens.

"These people that keep bragging about how much they are giving the senior citizen should have to live on it themselves," wrote a man from Gouverneur, N.Y. "It has been eight months since I have had a piece of meat."

He is lucky. Some live on rolls, coffee, and dog food. Food fit for a dog at least provides protein at low cost. Some old folks have turned in desperation into common thieves, rifling meat counters and grocery shelves. But most are too proud for such degredation and suffer with quiet dignity.

A staff memo prepared for the Senate Special Committee on Aging, notes grimly: "All age groups have felt the impact of spiraling inflation in one form or another. But older Americans have probably been victimized to a much greater extent than any other segment of our society . . .

"Rising food costs have been especially oppressive for the elderly because about 27 per cent of their budgets is spent on food, in contrast to 16 per cent for the total population. The net impact is that this upward spiral can have the effect of obliterating the 20 per cent Social Security increase."

For those on fixed incomes, the situation is so desperate that Chairman Frank Church (D-Ohio) will try to move up the effective date of a forthcoming 5.9 per cent Social

Security increase for senior citizens from July to January.

The unpublished memo stresses the importance of Social Security to the elderly. "For most older Americans," states the memo, "Social Security represents their economic main stay. It constitutes almost the entire source of support for almost one out of every seven aged couples and two out of every seven elderly single individuals.

"For millions of older Americans, however, Social Security benefits still fall below the government's own poverty benchmark."

Nevertheless, the Nixon administration not only is fighting against more Social Security increases but has also recommended higher Medicare payments. This proposal would cost the aged and disabled $1 billion more for Medicare next year.

Some of the aging and ailing can't even get Medicare. One woman from Linden, N.J., wrote of her plight: "I receive Social Security which is very small, $132.50, that just about keeps me alive. I have a cataract and a heart condition and on that amount I can't afford a doctor. I have no hospital insurance. I can't get Medicare until I'm 65. I'm 64 now. I may not see 65."

Meanwhile, members of Congress are drifting back into Washington, suntanned and rested, after their summer vacation. Shortly, they will decide what to do about the senior citizens who can't afford edible food or medical care, let alone a month in the sun.

SEVEN PERCENT SOCIAL SECURITY INCREASE

Mr. RIBICOFF. Today I am joining with Senator Frank Church and others in introducing legislation to provide a 7-percent social security increase effective January 1, 1974.

Recently, the Senate passed my proposal to increase social security benefits by 5.9 percent effective January 1974. Unfortunately, the effective date of the legislation was changed in conference at the insistence of the House to July 1, 1974.

While the 5.9 percent proposal advanced the date of a social security increase by 6 months over what had previously been contemplated, I think another effort must be made to provide a social security increase at an even earlier date.

We are faced with the most rampant inflation we have seen in decades. It would be a tragic irresponsibility for us to force millions of senior citizens to wait another year before getting a benefit increase.

At the present time some 5 million senior citizens are mired in poverty. And more will join the roles because inflation strikes hardest at those living on fixed incomes.

I urge my colleagues to give this legislation top priority in order that increases in social security benefits will be available at the start of the year.

Mr. CLARK. Mr. President, there are few people in this country who have not felt the impact of inflation. When the cost of living and the price of food go up as fast as they have over the last months, every segment of American society suffers. But there are some people in this country who inevitably suffer more from inflation—those with fixed income, especially the elderly.

They deserve our help. They need it desperately, and we can give it to them. Today, Senator Frank Church—chairman of the Senate Special Committee on Aging—Senator Cranston and Senator Ribicoff are introducing legislation to make the new increases in social security benefits effective next January, instead of waiting until next June. It is a privilege to join in the sponsorship of this critically important legislation.

The purpose of the bill is simple: It will enable millions of older Americans, including over 350,000 elderly in Iowa, to survive the enormous increases in the cost of living. The legislation provides for a 7-percent social security increase in January—1.1 percent more and 6 months earlier than Congress provided for in Public Law 93–66.

During the August recess, I had the opportunity to travel throughout Iowa and talk to thousands of people. Virtually without exception, each person told me of their personal struggle with inflation—whether it was the cost of food or housing or clothing, everything cost more. For the elderly, the prospects of winning that struggle are not promising. Many senior citizens told me of their effort—not just to live comfortably—but simply to survive, in the American economy in 1973.

I especially recall one woman in southwestern Iowa who told me that she was just about ready to give up, that she just could not make it on her meager income, and that the 5.9 percent social security increase scheduled for June 1974, just would be too little and too late.

The most glaring example is the dramatic rise in the cost of food. In 1973, food costs may rise over 20 percent, and this increase alone probably will wipe out entirely the 20-percent social security increase which took effect last October.

We can do better than this. We can help this woman and millions of other people like her. We can give them a chance to make it, a chance to live independently without the constant worries about where the next meal will come from, how the rent and utilities will be paid, or how the doctor will get his money.

Under this bill, the average monthly benefits under social security would be increased from $162 to $173 for retired workers, from $278 to $298 for aged couples, and from $159 to $170 for elderly widows. It would be a great help.

I know there are formidable barriers to the passage of this legislation. The earlier and greater increase in social security benefits is that the 1974 fiscal budget cannot stand the increase. But it can—if we are prepared to make the hard decisions. We cannot afford not to. If there is a choice between this bill and spending more for new and exotic weapons systems, or aid to foreign countries, then there really is no choice at all.

The increase proposed today is just an installment—an advance—on what senior citizens would receive under the law in 1975.

The Federal Government has an obligation to fight inflation, to prevent it from getting worse. But with that goes an obligation to help those Americans who have suffered most from the ravages of inflation—and no one has suffered more than our senior citizens. For their sake, I hope this legislation receives early and affirmative consideration.

S. 2397: OLDER AMERICANS MUST NOT CONTINUE TO PAY FOR A DISASTROUS ECONOMIC POLICY

Mr. CRANSTON. Mr. President, as ranking majority member of the Senate Labor and Public Welfare Committee's Subcommittee on Aging, I am pleased to join the Senator from Idaho (Mr. Church), the Senator from Connecticut (Mr. Ribicoff), and the Senator from Iowa (Mr. Clark), in authoring legislation to increase the recently authorized July 1974, social security benefit increase to 7 percent, and to make that increase in benefits effective January 1974.

Mr. President, this 7-percent benefit increase is based on the actuarial projections of the increase in the Consumer Price Index—CPI—from October of 1972—the implementation date of the last increase—to January of 1974, the date the measure we are introducing today would become effective.

Mr. President, like many of my colleagues here in the Senate, I spent the August recess traveling throughout my home State of California, listening to the concerns of the people of my State. During August, I conducted a California consumer survey—a 3-week tour to interview thousands of Californians about the impact of the radically escalating cost of living. Even with the foreknowledge that the "phase of the month" economic policy of the administration had not controlled the inflationary spiral, I found the results astonishing.

But nowhere were the effects of the disastrous economic policies of the past year more apparent than among retired Californians. On August 14 in San Diego, I was privileged to chair joint hearings of the Senate Labor and Public Welfare Committee's Subcommittees on Aging and Human Resources on Alternatives to Institutionalization of the Elderly. One factor, more than any other, was repeatedly cited by witnesses as a cause of unnecessary institutionalization—economic dependency. Inadequate financial resources to support independent living is a primary factor producing institutionalization, and the inflated dollar is causing a great expansion of the number of older citizens seriously oppressed by their lack of adequate income.

I believe that the measure we are introducing today is absolutely essential if we are to expect the Nation's over 20 million elderly to survive this period of runaway inflation. The Senate went on record shortly before the August recess in support of a January effective date for a cost-of-living increase in social security benefits. The Senate was near unanimous in its agreement that the automatic cost-of-living social security benefits increase provision, enacted as a result of H.R. 1, had to be implemented before its scheduled January 1975 effective date. Older Americans were, and are, simply being hit too hard by the sharp and continuing rise in prices.

In order to secure administration agreement, however, during conference committee action on H.R. 7445, the legislation extending the Renegotiation Act, amending the Social Security Act to provide the benefit increase, forestalling the implementation of proposed changes in existing social services regulations, and increasing the retirement test to $2,400, the conferees agreed to accept a delay until June 1974, as the implementation date of the social security benefit increase. That benefit increase level was based upon an initial estimate of a 5.6-percent increase in the CPI between June 1972—the month the 1972 20-percent social security increase was adopted—and June 1973. That figure was then subsequently revised to reflect an actual CPI increase of 5.9 percent.

It is now apparent that by January of 1974, the CPI will have increased at least 7 percent since the October 1972 implementation of the 20-percent increase.

However, Mr. President, the cost of living is about to take another quantum leap, as reflected by the announcement on Friday of last week indicating that the wholesale price index had risen 6.2 percent, and that the price of farm products and processed foods had risen a staggering 19.3 percent. It is, as we all know, only a momentary lag before that will translate into another increase in the Consumer Price Index.

Past social security benefit increases, Mr. President, have already been eaten up by the inflated economy. These benefit increases come to mean less and less in terms of the goods and services the extra cash can buy. They are, in effect, gone before they are received.

Inflation, as we all know too well, results in a second drain on the Nation's ability to meet the needs of older Americans, because the Federal dollar does not go as far in supporting the service programs designed to help the elderly maintain their independence. The elderly—the very least able to afford it—are having to pay twice for a disastrous economic policy.

And to ask them to wait until July of next year before even minor relief is provided is to ask too much of those who have contributed their working lives to this Nation's economy.

Mr. President, it does not take a Harvard economist to know that present economic policies just are not working—especially for retired citizens. Figures from the Department of Labor indicate that the average elderly couple must budget 35.2 percent of their income for food and medical costs, which is substantially higher than for others in our society. They must budget an additional 35 percent for housing, as compared to 23 percent by younger persons. So, food, medical care, and housing consume $7 of every $10 of the average elderly couple.

Food prices have gone up 20 percent since last year. They have already shot up by 25.4 percent in the first quarter of this year.

Mr. President, increased medical costs also hit the elderly harder than younger citizens. Illness strikes the elderly far more frequently than it does younger age groups. Approximately 80 percent of the elderly—compared with 40 percent of the nonelderly—suffer from one or more chronic diseases or conditions, many of which require special diets—dietary needs often impossible to meet because of the enormous food-price increases.

Medical costs have jumped markedly in the last year. The average hospital day in the United States now costs $103. In fact, the average American works 1 month a year to cover the costs of doctors, hospital, and health insurance. It is further estimated that 47 percent of the increase in health care costs is due solely to inflation.

Inflation hits all Americans hard, Mr. President, but it is undoubtedly the single most pressing problem for older Americans. California's 2½ million senior citizens know all too well the juggling required in attempting to stretch their limited financial resources to meet their needs.

My Los Angeles office received a call last month about an elderly pensioner who had been arrested for stealing change from a newsstand. He said he did it, because he had to eat.

In Miami, Mr. President, the police department reports a sharp increase in supermarket shoplifting by elderly people who are apparently forced to steal in order to stay alive.

This kind of indignity—elderly people reduced to stealing—is outrageous.

Close to 5 million of the over 20 million Americans age 65 or over have incomes below the poverty line. Continued inflation means that a great many elderly Americans will become invisible additions to the estimated 5 million elderly poor—those who do not technically fall below the "poverty line," but whose dollar buying power has been so reduced that their meager funds will yield them only a poverty level existence.

According to Nelson Cruiksank, president of the National Council of Senior Citizens:

> Official figures on the number of impoverished elderly do not reflect the real situation because the elderly do not parade their poverty but, instead, do their best to hide it so that they become malnourished and sickly—but their pride will not let them go on relief or ask for charity.

Mr. President, I could go on and on about the great need that this increase in benefits take place as soon as possible. But I believe that there is not a Member of this Chamber who does not know all too well the impact of the present economic chaos on retired Americans.

We have all received letters from constituents telling us that the increase enacted in July was too little, and was going into effect too late. Even with the 20 percent social security increase of last year the average social security benefit for a retired couple is $3,252 a year. That is well below the Department of Labor's intermediate budget for a retired couple of $4,967. In fact, it is even below the $3,442 lower standard of living budget for a retired couple.

ADMINISTRATIVE OPPOSITION

Mr. President, I think we all agree that Government spending—especially overseas military and foreign aid spending—must be sharply curbed. I firmly believe that we must put a lid on Government spending. But I do not believe in the priorities of this adminisration.

We are spending some $30 billion a year to support some 2,000 overseas bases in foreign countries. Another $10 billion is being spent on foreign and military aid—much of that money going to oppressive dictators who do not share our view of freedom and democracy.

To the some 2.5 million California social security recipients, of whom over 1.6 million are over age 65, the administration's objections to this measure have no real meaning. What has meaning to them, Mr. President, is that their food prices have risen overwhelmingly, that meat prices are about to begin to climb again, and that rents and health care costs are too high and going higher.

I cannot, Mr. President, go back to California again, and say to the people of my State: There is no hope in sight, there is no increase in benefits coming for another 10 months—you have been traded for 2,000 overseas military bases. No, Mr. President, I cannot ask retired Californians to pay again for this administration's mistakes.

Mr. President, I am particularly pleased to join in introducing this bill with two leaders in the uphill fight for adequate social security benefit levels, the chairman of the Special Committee on Aging, Senator CHURCH, and the distinguished member of the Finance Committee, Senator RIBICOFF, the original author of the 5.6-percent increase in that committee.

We intend to offer this legislation as an amendment to one of the upcoming Finance Committee bills within the next few weeks, and I urge my colleagues in the Senate to support this most important benefit increase.

Mr. President, the administration proposed a fiscal 1974 budget that would increase overall spending by some $19 billion. Yet they would have us believe there is no room in the fiscal year 1974 budget for this social security increase.

I believe that one priority that is clearly within a responsible budget concept is the effort to meet the needs and demands of retired Americans. The administration will undoubtedly continue to oppose the immediate implementation of the 1973 social security increase—as they have opposed the past three benefit increases. At the same time, the administration is proposing that the medicare copayment be increased. Thus, the administration would have older citizens pay not just a double, but a triple price for its own markedly unsuccessful economic policies.

Mr. President, we cannot allow this disgraceful neglect to continue.

The administration argued during the consideration of H.R. 7445 that the benefit increase if made effective on January 1, 1974, might add an additional billion dollars to the projected Federal deficit for fiscal 1974. In response, I point out the recommendations of the Social Security Advisory Council which state:

> Even though the operations of the social security trust fund programs are combined with the general operations of the federal government in the unified federal budget,

policy decisions affecting the social security program should be based on the objectives of the program rather than on any effect that such decisions might have on the federal budget. The operations of the social security and other federal trust funds should continue to be identified as such and separated from the general operations of the government.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 707

At the request of Mr. RIBICOFF, the Senator from New Mexico (Mr. MONTOYA) was added as a cosponsor of S. 707, to establish a Consumer Protection Agency.

S. 1401

At the request of Mr. HRUSKA, the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 1401, to establish rational criteria for the mandatory imposition of the sentence of death, and for other purposes.

S. 2081

At the request of Mr. NUNN, the Senator from Oklahoma (Mr. BELLMON) was added as a cosponsor of S. 2081, to amend title IV of the Social Security Act to provide a method of enforcing the support obligations of parents of children who are receiving assistance under such title, and for other purposes,

S. 2135

At the request of Mr. RIBICOFF, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 2135, to establish a Department of Energy and Natural Resources.

S. 2316

At the request of Mr. PASTORE, the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Rhode Island (Mr. PELL) were added as cosponsors of S. 2316, to authorize the disposal of copper from the national stockpile and the supplemental stockpile.

S. 2359

At the request of Mr. HARTKE, the Senator from Kentucky (Mr. HUDDLESTON) was added as a cosponsor of S. 2359, a bill to amend the Social Security Act to provide liberalized benefits for the disabled blind.

SENATE JOINT RESOLUTION 84

At the request of Mr. SCHWEIKER, the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of Senate Joint Resolution 84, the school prayer amendment.

SENATE JOINT RESOLUTION 132

At the request of Mr. GURNEY, the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of Senate Joint Resolution 132, calling for the designation of "National Family Week."

SENATE CONCURRENT RESOLUTION 44—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO THE AWARDING OF THE PURPLE HEART

(Referred to the Committee on Armed Services.)

Mr. HARTKE. Mr. President, today I submit a concurrent resolution expressing the sense of the Congress that the Secretaries of the military departments concerned should award the Purple Heart posthumously to the members of the Armed Forces of the United States interred in the Tomb of the Unkowns at Arlington National Cemetery.

These servicemen were chosen to represent the men who fought and died with valor while defending the United States in World War I, World War II, and the Korean conflict—but whose names are known but to God. The National Cemeteries Act of 1973, recently acted upon by the Congress, also authorizes the burial of an unknown soldier from the Vietnam conflict.

These soldiers have been honored with many medals, including the Congressional Medal of Honor and the highest award from many of the nations that struggled for freedom as our Nation's allies. What this resolution expresses is that the Purple Heart, this country's oldest military decoration, given only to those men who are wounded in combat, should also be awarded posthumously to these brave men.

Gen. Douglas MacArthur stated:

> The Purple Heart is unique; . . . it is the only decoration which is completely intrinsic in that it does not depend upon the approval or favor by anyone. Enemy action alone determines it. It is a true badge of courage, and every breast that wears it can beat with pride.

When the Purple Heart was created by Gen. George Washington on August 7, 1782, it was also our country's sole decoration and the highest military award of the land. This award was revitalized as a military decoration on the 200th anniversary of Washington's birth, February 22, 1932, by Executive order of President Herbert Hoover. The medal as we know it was designed to replace Washington's original Badge of Military Merit—the "figure of a heart in purple cloth on silk, edged with narrow lace or binding."

In the years since its creation in 1782, the Purple Heart has been supplanted by other decorations that now rank higher, but it remained exclusive in a very special way. A man may be awarded even the Medal of Honor and yet not be eligible for the award of the Purple Heart.

Mr. President, I believe it to be an oversight on the part of the Government that the Purple Heart was not awarded to the Unknown Soldier. I believe that this Nation should rectify this oversight.

Mr. President, I ask unanimous consent that the text of the resolution as introduced be printed in the RECORD.

There being no objection, the concurrent resolution was ordered to be printed in the RECORD, as follows:

S. CON. RES. 44

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the Secretaries of the military departments concerned should award the Purpule Heart posthumously to the members of the armed forces of the United States interred in the Tomb of the Unknowns at Arlington National Cemetery Virginia.

ADDITIONAL COSPONSOR OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 41

At the request of Mr. TOWER, the Senator from Kansas (Mr. DOLE) was added as a cosponsor of Senate Concurrent Resolution 41, establishing the policy of the United States vis-a-vis the Democratic Republic of North Vietnam and the Provisional Revolutionary Government.

ADDITIONAL COSPONSOR OF RESOLUTIONS

SENATE RESOLUTION 160

At the request of Mr. HUMPHREY, the Senator from Illinois (Mr. PERCY) was added as a cosponsor of Senate Resolution 160, to establish a temporary select committee of the Senate to conduct a study and investigation on regulatory commissions and the U.S. economy.

SENATE RESOLUTION 166

At the request of Mr. DOLE, the Senator from South Carolina (Mr. THURMOND), the Senator from Texas (Mr. TOWER), and the Senator from Florida (Mr. GURNEY) were added as cosponsors of Senate Resolution 166, relating to the Select Committee on Campaign Activities.

ORGANIZED AMATEUR ATHLETIC COMPETITION WITHIN THE UNITED STATES—AMENDMENTS

AMENDMENTS NOS. 469 AND 470

(Ordered to be printed, and to lie on the table.)

Mr. BEALL submitted two amendments, intended to be proposed by him, to the bill (S. 2365) to regulate interstate and foreign commerce as it relates to the conduct of organized amateur athletic competition within the United States and the participation of American athletes in international amateur athletic competition.

DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1974—AMENDMENTS

AMENDMENTS NOS. 471 AND 472

(Ordered to be printed and referred to the Committee on Appropriations.)

Mr. HARTKE. Mr. President, I submit two amendments to the Labor-HEW appropriation bill (H.R. 8877) and ask that they be appropriately referred.

Briefly stated, one of these amendments raises the appropriation for university-affiliated mental health centers from $4,250,000 to $9,250,000. The other amendment provides $2 million in additional appropriations for the fight against measles and rubella.

REFORM OF CONGRESSIONAL PROCEDURES—AMENDMENT

AMENDMENT NO. 473

(Ordered to be printed and referred to the Committee on Government Operations.)

A LEGAL COUNSEL FOR THE CONGRESS OF THE UNITED STATES

Mr. HARTKE. Mr. President, today I submit an amendment to establish a legal counsel for Congress to assist the legislative branch in the performance of its duties.

The Founding Fathers of our Nation provided that the powers of the U.S. Government be distributed among the legislative, executive, and judicial branches. By this separation of powers and a number of checks and balances, the writers of the Constitution hoped to avoid excessive concentration of power which would lead to abuse. This system has stood the test of time, because it has allowed for flexibility and change in a world in which enormous changes have taken place. To meet the changes, major shifts of power from the States to the Federal Government and from the legislative branch to the executive branch have taken place. These shifts in power have to some extent been necessary to cope with the problems of our age. The courts have kept in step with the times by challenging the encroachment of the Federal Government upon the rights and liberties of citizens. The executive has grown to meet the demands of a modern society. However, the legislative branch has not kept in step with these developments and has not acted to preserve its domain in a changing world. Consequently the doctrine of separation of powers and the doctrine of checks and balances are threatened by the fact that the legislative branch has not developed the means of dealing with the vast amount of power in the executive bureaucracy.

As the volume of business, size, and number of agencies and departments in the executive branch has proliferated, Congress has been forced to allow the executive branch to develop its own rules, regulations, and procedures, while at the same time relying more and more upon the executive branch to supply it with the information needed to legislate on complex subjects. As the size of this executive leviathan has grown to powerful proportions, Congress has done little to see that it remains responsive to congressional oversight and thus to the people. Today the legislative powers of Congress are in fact threatened by the vastness of the executive complex.

There is an increasing need for Congress to expand its watchfulness not in order to interfere with the proper functioning of the executive branch, but to insure its proper functioning by timely action to prevent abdication of its powers and abuse of powers delegated to the executive agencies. When Congress has been specific in its delegations of power, the agencies concerned have tended to be more able to apply themselves to the tasks at hand. By the same token, agency performance should be improved if Congress has a means to indicate wnen the departments and agencies have lost sight of the direction Congress has set forth.

The conflicts between the interests of Congress and those of the executive branch have increased with the proliferation of departments and agencies designed to serve special constituencies. These constituencies represent separate interests, which makes it increasingly necessary for Congress to have someone who can speak not for the constituencies which become involved in the daily administering of legislation, but for the Congress and the people who sought the legislation in the first place. Congress has always depended upon the courts and litigation to control the executive branch, and upon the Justice Department which is simply another arm of the executive, to represent the view of Congress before the courts. However, in view of the vast changes which have taken place in recent years, the time has now come to equip Congress with the tools needed to challenge the growing supremacy of the executive in this area.

There have been cases in which there has been a sufficient conflict of interest between Congress and the executive, or sufficient special interest by Congress, to make it desirable for special counsel for the Congress to be appointed to appear before the courts as amicus curiae. It is the duty of Congress to enact legislation, and there is certainly enough work in this area to keep it busy, but Congress needs assistance in seeing that the legislation once passed actually becomes the law and remains the law. This is not to suggest that the enforcement of laws or the interpretation of laws is the proper domain of Congress, nor that the courts have an obligation to read statutes the way Congress reads a statute. Indeed Congress does not always have one clear intention, nor has its intention always been expressed clearly in the law it enacts. However, in an age where executive powers have become so extensive, the courts should be eager to seek the viewpoint of Congress on its laws in order to offset the growing power of the executive, and it should be the practice for Congress to present its view before the courts if it so chooses.

At present the Justice Department represents the United States in court proceedings, and this is as it should be. However, the courts, like the framers of the Constitution, have always been concerned about the absolute power of the man who not only enforces the law, but can also make the law he will enforce. Thus, since the Justice Department acting as a party to a case often presents the view of the executive branch that has made the regulations involved in the outcome of the case, it would seem to be only appropriate for the courts to consult Congress which made the law as to whether those regulations were an appropriate exercise of its delegation of authority. A counsel for the Congress would not be in the business of enforcing the law, but rather he would provide an authoritative interpretation of the laws on behalf of the institution of Congress, rather than for the courts to rely solely upon the Justice Department or another party to the case. The court in the final analysis is to make the decision in the case as to which view of the law will be held valid, but it will be after listening to arguments, not only by the executive branch, but by the Congress as well.

Thus, in some cases, a remedy to abuse of executive powers may be found by the presentation of congressional intent to the court. However, there often is no real remedy to be obtained from a court. In these cases which involve resolutions on foreign affairs or cases which are still at an earlier stage of executive rulemaking, if Members and committees of Congress could obtain the legal opinion of its counsel upon matters in dispute, some restraining influence might be exerted upon the executive branch.

To summarize, Congress needs a voice after legislation has been passed. This voice is that of a lawyer who will go before the courts and represent the Congress just as a private lawyer does, but he will not, except in exceptional cases such as contempt of Congress, actually intervene or initiate a case. Like a private lawyer, he will have functions as an adviser to Congress and in the presentation of legal opinions to committees or Members of Congress he will indicate whether the laws which Congress has adopted are being respected by the executive branch of the Government. I am today introducing legislation to establish a legal counsel for Congress.

The counsel of Congress should be the finest legal counsel Congress can obtain. Although this proposal limits his term of office to 4 years, it is probable that he would remain in office even as the composition of Congress changes. That is not only because his appointment is to be made without regard to political affiliation, but also because Congress would hesitate to remove a man who conscientiously attempted to ascertain the meaning of legislation and represent the interest of Congress as an institution. Congress would hesitate to politically devalue an office which would be so valuable to it. It is not, however, inconceivable that Congress may decide that its counsel has failed to maintain those high standards which it hopes. In such cases, it would be in congressional interest to name a new man. Thus, the power of the congressional counsel would be directly proportional to his loyalty to ascertaining as accurately as possible the meaning and intent of legislation.

There are certain built-in checks on the counsel general. First, he must have the authority of either the House or Senate Judiciary Committee to enter a court as an amicus. Secondly, his position as an amicus is limited to presenting the viewpoint of Congress on the constitutionality of its laws and to representing Congress in assisting the courts to ascertain the meaning of its legislation. To the extent that his views on the meaning of legislation are soldily based, he will become respected by the courts. However, to the extent that he would come under control of some political faction, he would tend to be disregarded by the courts.

There will be a great deal of restraint acting on any man who dares to present the legislative intent of Congress and act as the lawyer representing Congress. Like a private lawyer he must represent his own client, and also be persuasive to the court. It is indeed the quality of the counsel which would determine his success. Furthermore, there is essentially nothing new in his function since the Congress already has someone interpreting its intent in the form of the Attorney

General. However, no matter how fine a lawyer he may be, the Attorney General is still a part of the executive branch which the Congress is seeking to control and cannot escape representing the interests of the executive branch. In an age where the volume of business has become so great that Congress cannot maintain a watchful eye over all the executive agencies, the idea that the Attorney General can present the view of congressional intent is in effect to allow the administrative agencies of the Government to have more and more opportunity to promulgate law at variance with the will of Congress. Much of the history of administrative law centers around the question of the delegation of authority of a growing and complex society. This delegation of authority has often been necessary. However, the courts in their development of administrative law have laid down limitations on the powers of the legislative agencies to make their own law. The delegation doctrine may at times seem rather broad, but the idea remains that Congress must not abdicate its powers wholesale to the executive branch. The congressional counsel general might be considered as an additional check against the executive power in support of that doctrine.

The precedent for such an officer in the legislative branch comes in part from the existence of the General Accounting Office which functions as an agency of Congress. The General Accounting Office under the Comptroller General makes independent examinations of the way that Government agencies fulfill their financial responsibilities. The Comptroller General has access, with limited exceptions, to the papers of all departments. He also determines accounting procedures, settles accounts for disbursing and collecting officers, and renders decisions on the legality of expenditures of public funds. In many respects the congressional counsel general would be far more limited than the Comptroller General in that he will have no access to papers nor will he have any decison-making powers affecting the other branches of the Government.

THE FUNCTIONS OF THE CONGRESSIONAL COUNSEL GENERAL

The Counsel for Congress under my amendment will perform functions at several stages of the legal process subject to "such rules as the Committees on the Judiciary of the Senate and House of Representatives may prescribe jointly from time to time."

First of all, the congressional Counsel General would "perform such duties with respect to legislative review of executive actions as shall be prescribed by such rules." Congress often fails to take into account all the factors which later arise in the administration of legislation. In order to encourage the administrative agencies and departments to respect congressional legislation, Congress must do a far better job of legislative oversight. Thus, the Counsel of Congress could assist Congress in the initiation of new and corrective legislation. By reviewing the actions of courts and administrative agencies, he will uncover areas of policy where there is no existing legislation, where the existing legislation is unclear, or where legislation is in effect being made by the executive. Each year, the Counsel could present to Congress an agenda of law revisions with recommendations and alternatives to be considered. This would greatly help Congress perform its oversight and legislative review function. Emphasis upon this particular role of the Counsel General may very well reduce the role he will have to play in subsequent court proceedings.

Second, the Counsel of Congress would "render to committees and Members of Congress advice with respect to the purpose and effect of provisions contained in acts of the Congress or to be inserted in proposed legislative measures." Thus, the Counsel would provide upon request confidential advisories on the effects and constitutionality of proposed legislation during the legislative process so that legislation will have more likelihood of having effect and being enforced.

Third, the Counsel of Congress would "render to committees, Members, and disbursing officers of the Congress, and to the Comptroller General, legal opinions upon questions arising under the Constitution and laws of the United States." The Congressional Counsel General, through the rendering of legal opinions upon the laws of Congress to committees of Congress, will provide a way for Members and committees of Congress to present an authoritative viewpoint to executive departments and agencies upon the validity, but not the merit, of regulations such as the new antidumping regulations or various income tax regulations. In this capacity the Counsel will speak authoritatively in the sense of being the Counsel representing Congress. However, he will have no dictatorial powers inasmuch as any department or agency will still be able to promulgate any rules it wishes and then test their validity in court.

In this capacity the Counsel of Congress could maintain, with the coordination of the respective committees of Congress, the history, purpose, and intent of legislation so that after enactment of legislation there will be a complete and authoritative legislative history. This legislative history would become part of the material to be sent to the President with a bill and entered into the the Federal Register or a similar publication. This will not only enable the executive to perform its function better, but also assist future Counsels of Congress in performing their functions of rendering legal opinions and representing Congress before the courts on the meaning of its laws. It should be noted that the proposal does not seek to integrate the legal staffs of the committee or legislative counsel. This is deliberate in order to maintain the pluralism of views within the Congress which the present system provides.

Fourth, the Counsel would "appear as amicus curiae, upon the request, or with the approval, of the Committee on the Judiciary of the Senate or House of Representatives, in any action pending in any court of the United States in which there is placed in issue the constitutional validity or interpretation of any act of the Congress, or the validity of any official proceeding of or actions taken by either House of Congress or by any committee, Member, officer, office, or agency of the Congress." The courts will still have the right to determine who may appear as amicus curiae, but this section will make it possible for the courts to accept the Congressional Counsel General in the capacity of lawyer for Congress.

Fifth, the counsel would "represent, upon the request, or with the approval of the Committee on the Judiciary of the Senate or House of Representatives, either House of Congress or any committee, Member, officer, office, or agency of the Congress in any legal action pending in any court of the United States to which such House committee, Member, office or agency is a party and in which there is placed in issue the validity of any official proceeding of or action taken by such House, committee, officer, office or agency." The congressional counsel general would be authorized to replace the Attorney General in this capacity. The reason for this stems from the peculiar interest of Congress in these cases, and the right of Congress to prosecute its own contempt cases. Although this authority has been in the past delegated to the Justice Department, the existence of a full-time congressional counsel would only make it appropriate that he be responsible for a case within the traditional powers of Congress.

The purpose of these provisions is to restore the authority of Congress to make valid law. Individual Congressmen or committees could follow the course of a bill after its enactment, but Congress already has its hands full with current legislation. Furthermore, no one Congressman can speak with much authority, nor can a committee coordinate these efforts without a large staff working in this area exclusively. On the other hand it has been suggested that the Justice Department could be made into an independent agency, but the question would then arise as to how to control it and make it responsible to the people. The congressional counsel general would be tied directly to the legislative branch.

In summary, the proposal to create a congressional counsel general is perhaps a novel one, but one which is necessitated by the growth of administrative bureaucracy. It is a means to assist Congress internally by assisting it in performing its oversight function, by review of executive and judicial acts as well as by assisting in improving its legislation. It is also a means to assist Congress externally by keeping the administrative departments and agencies responsive to Congress from which their authority is derived. In both his internal and external functions the congressional counsel general will assist in making Congress a more effective branch of our Government and thus strengthen the principle of separation of powers.

Mr. President, I ask unanimous consent that the text of my amendment be printed in the RECORD at this point.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT No. 473

At the end of the bill add the following new title:

TITLE II—OFFICE OF COUNSEL GENERAL

DECLARATION OF PURPOSE

SEC. 201. The Congress finds and declares that there is a need for a professional legal counsel to the Congress learned in the law, the Constitution and the legislative process; that the Congress is a co-equal branch of the United States Government with specific powers under Article I of the United States Constitution; that the enactment of laws necessitates the continual review of such laws under the United States Constitution; that representation of the Congress in the co-equal Judiciary branch in all matters of law and fact is now a function of the co-equal branch, the Executive; that to ensure the continued equality of the three branches of Government under the United States Constitution and to advise Members of the constitutionality of proposed legislation, it is hereby declared to be the intent of Congress to establish within the legislative branch an Office of the Counsel General which will carry out the purposes herein set forth.

ESTABLISHMENT

SEC. 202. (a) There is established in the legislative branch of the Government the Office of Counsel General (hereinafter referred to as the "Office");

(b) There shall be in the Office a Counsel General (hereinafter referred to as the "Counsel") and a Deputy Counsel General (hereinafter referred to as the "Deputy Counsel"), each of whom shall be appointed by the President pro tempore of the Senate and the Speaker of the House of Representatives and confirmed by a majority vote of each House;

(c) The Counsel and Deputy Counsel shall be chosen without regard to political affiliation and solely on the basis of fitness to perform the duties of the Office;

(d) The Office shall be under the control and supervision of the Counsel, and shall have a seal adopted by him. The Deputy Counsel shall perform such duties as may be assigned to him by the Counsel, not inconsistent with this Act, and during the absence or incapacity of the Counsel, or during a vacancy in that office, shall act as the Counsel;

(e) The annual compensation of the Counsel shall be the same as Members of Congress. The annual compensation of the Deputy Counsel shall be at the rate provided for level IV of the executive schedule in Title 5 of the United States Code;

(f) No person may serve as Counsel or Deputy Counsel while a candidate for or holder of any elected office, whether local, State, or Federal, or while engaged in any other business, vocation, or employment;

(g) The terms of office of the Counsel and the Deputy Counsel first appointed shall expire on January 31, 1977. The terms of office of Counsel and Deputy Counsel subsequently appointed shall expire on January 31 every four years thereafter. Except in the case of his removal under the provision of subsection (h), a Counsel or Deputy Counsel may serve until his successor is appointed;

(h) The Counsel or Deputy Counsel may be removed at any time by a joint resolution of the Senate and House of Representatives, when, in the judgment of the Congress, either has become permanently incapacitated, or has been guilty of any felony, misconduct, or any other conduct involving moral turpitude.

DUTIES OF THE COUNSEL GENERAL

SEC. 203. (a) It shall be the duty of the Counsel General, under such rules as the Committees on the Judiciary of the Senate and the House of Representatives may jointly prescribe from time to time, to:

(1) Render to committees, Members and disbursing officers of the Congress, the Comptroller General and other officers exclusively within the legislative branch, legal opinions upon questions arising under the Constitution and laws of the United States;

(2) Render to committees and Members advice with respect to the purpose and effect of provisions contained in Acts of the Congress, or to be inserted in proposed legislative measures;

(3) Perform such duties with respect to legislative review of executive actions as shall be prescribed by such rules;

(4) Appear as *amicus curiae*, upon the request, or with the approval, of the Committee on the Judiciary of the Senate or the House of Representatives, in any action pending in any court of the United States in which there is placed in issue the constitutional validity or interpretation of any Act of the Congress, or the validity of any official proceeding of or action taken by either House of Congress or by any committee, Member, officer, office, or agency of the Congress; and

(5) Represent, upon the request, or with the approval, of the Committee on the Judiciary of the Senate or the House of Representatives, either House of Congress or any committee, Member, officer, office, or agency of the Congress in any legal action pending in any court of the United States to which such House committee, Member, officer, office, or agency is a party and in which there is placed in issue the validity of any official proceeding of or action taken by such House, committee, Member, officer, office or agency.

(b) Upon receipt of written notice from the Counsel to the effect that he has undertaken pursuant to subsection (a)(5) of this section to perform any such specified representational service with respect to any designated action or proceeding pending or to be instituted in a court of the United States, the Attorney General shall be relieved of responsibility and shall have no authority to perform such service in such action or proceeding except at the request or with the approval of the Counsel General.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 448

At the request of Mr. GURNEY, the Senator from Maryland (Mr. BEALL), the Senator from Florida (Mr. CHILES), the Senator from Rhode Island (Mr. PELL), the Senator from New York (Mr. JAVITS), and the Senator from Kansas (Mr. DOLE) were added as cosponsors of amendment No. 448 to the bill (S. 1866) to provide increases in certain annuities payable under chapter 83 of title 5, United States Code, and for other purposes.

NOTICE OF HEARINGS ON PROPOSED CONSTITUTIONAL AMENDMENTS

Mr. BAYH. Mr. President, the Subcommittee on Constitutional Amendments will resume its hearings on the proposed constitutional amendments on prayer on Monday, September 24, in room 2228, Dirksen at 11 a.m. The proposals to be considered are Senate Joint Resolution 7, Senate Joint Resolution 10, Senate Joint Resolution 15, Senate Joint Resolution 57, Senate Joint Resolution 84, Senate Joint Resolution 89, and Senate Joint Resolution 122.

Anyone wishing to appear at these hearings or to insert a statement or additional material in the hearing record should contact J. William Heckman, Jr., chief counsel, Subcommittee on Constitutional Amendments, room 300, Russell Senate Office Building, Washington, D.C. 20510.

NOTICE OF HEARINGS ON FAIR CREDIT REPORTING ACT

Mr. PROXMIRE. Mr. President, the Subcommittee on Consumer Credit of the Committee on Banking, Housing and Urban Affairs will commence hearings on the Fair Credit Reporting Act at 2 p.m. on October 1, 2, and 3, in room 5302, New Senate Office Building.

All persons wishing to testify should contact Mr. Kenneth A. McLean, room 5300, New Senate Office Building; telephone 225-7391.

NOTICE OF HEARINGS ON POTENTIAL HEATING OIL SHORTAGE

Mr. HUMPHREY. Mr. President, I announce that on September 19 and 20, the Subcommittee on Consumer Economics of the Joint Economic Committee will hold hearings to inquire what can be done about the ominous prospect of severe heating oil shortages next winter.

Supplies this winter will be very tight, and any unfavorable development such as prolonged cold weather or bottlenecks in imports would cause heating oil shortages from January through April. Most refineries have been running full tilt with minimum maintenance, and a major breakdown there also could bring on shortages.

A Joint Economic Committee staff analysis indicates shortages easily could run 5 to 7 percent in February on a nationwide basis and could grow to 10 or 15 percent, or even more, in March.

If Government policies to allocate fuel are not extremely effective, shortages could run 25 percent or more in certain parts of the country that rely heavily on independent suppliers and are beyond the most profitable distribution radius of the major refineries. Such a development would bring normal life to a halt in those areas. I am very doubtful, however, that the administration's voluntary oil allocation program can handle this perilous situation. We cannot afford to get serious only after the trouble begins.

The subcommittee also will inquire whether the large increases in oil prices since the start of this year can be stopped. The new price control regulations, designed to permit higher priced imports to be averaged into each firm's ceiling prices, are controversial and should be reviewed early on to assure that they are neither stifling imports nor permitting consumers to be gouged. As the controls are now designed, it appears that only major domestic refiners can afford to bring in the high-priced foreign products.

Finally, oil industry and Government spokesmen are urging that States and Federal clean air standards be relaxed to permit greater sulfur emissions from oil, and we want to hear the views of the environmental protection authorities on this issue.

The hearings will begin each day at 10 a.m. in room S-407 in the Capitol. Listed below is the schedule of witnesses:

Wednesday, September 19—10 a.m.: John A. Love, Director, White House Energy Policy Office; Duke Ligon, Director, Office of Oil and Gas, Department of the Interior; John Dunlop, Director, Cost of Living Council; and Larry G. Rawl, executive vice president, Exxon.

Thursday, September 20—10 a.m.: Hon. Wendell Anderson, Governor, State of Minnesota; John R. Quarles, Jr., Deputy Administrator, Environmental Protection Agency; Lee C. White, Chairman, Energy Policy Task Force, Consumer Federation of America; and William F. Kenny, president, Oil Heat Institute of Long Island.

Members of the subcommittee are:

Senate: Hubert H. Humphrey, Democrat of Minnesota, Chairman; William Proxmire, Democrat of Wisconsin, Abraham Ribicoff, Democrat of Connecticut, Jacob K. Javits, Republican of New York, and Charles H. Percy, Republican of Illinois.

House of Representatives: William S. Moorhead, Democrat of Pennsylvania, Martha W. Griffiths, Democrat of Michigan, Henry S. Reuss, Democrat of Wisconsin, Hugh L. Carey, Democrat of New York, William B. Widnall, Republican of New Jersey, and Clarence J. Brown, Republican of Ohio.

ADDITIONAL STATEMENTS

THE PRESIDENT'S MESSAGE ON ENERGY

Mr. BENNETT. Mr. President, the President's submission of a new state of the Union message today represents a challenge to the Congress to face up to its responsibilities in a number of critical legislative areas which have been buried under the obsession of Watergate.

It is now time to turn our attention to other problems of the Nation, and I believe the Congress should welcome the task in the spirit of cooperation and urgency reflected in the President's message.

As far as Utah is concerned, the President's proposals on energy have particular significance. The President has asked his top energy adviser to meet with State officials to seek temporary modifications of air quality standards to meet crucial fuel and power needs.

While details of any agreements relaxing air quality standards may not be known for some time, the tone of the President's message would seem to have a significant effect on two current controversies within my State over the proposed Kaiparowits powerplant and the proposed air quality implementation plan for the Wasatch Front Area.

Last June the Interior Department issued a task force report on powerplants in the southwest region of the country. In an accompanying press release, the Secretary of the Interior announced that for environmental reasons he would reject all applications for permits to construct a large coal-fired powerplant on the Kaiparowits Plateau near Lake Powell in the southwest corner of Utah.

I greeted this decision with great dismay, first because the Department had failed to consider an exhaustive environmental impact statement prepared by the companies involved before making its final decision, and second, because I believed that the Kaiparowits plant was marked as the sacrificial lamb of the Southwest energy study because it was the only one of six powerplants included in the study which was not yet under construction.

Since then I have joined other State officials in requesting the Secretary to reconsider his decision on Kaiparowits. Up until now we have not been optimistic that the ruling would be reversed, but the President's emphasis on the need for new power sources and the need to utilize our vast coal resources will hopefully breathe new life into the Kaiparowits plan.

I am, therefore, asking other members of the Utah congressional delegation to join me in requesting the Secretary to reconsider his decision on Kaiparowits in light of the policy outlined in the President's message today. I am sending similar letters to the President's chief adviser for domestic affairs, Mr. Melvin Laird, and his chief adviser on energy, Gov. John Love. This is an extremely important matter which should be discussed and decided at the highest levels of the administration. I am hopeful that in line with the President's restatement of our critical energy needs the Kaiparowits plant will be constructed.

The second area which the President's energy message may affect in Utah is the implementation of the Wasatch Front air quality plan proposed by the Environmental Protection Agency.

Public hearings on this controversial plan were conducted in Salt Lake City on July 27. Utahans were united in their belief that the plan, which called for severe restrictions in traffic and parking in the State's largest metropolitan areas, represented a case of bureaucratic overkill.

It is not yet clear whether the relaxation of air standards as proposed by the President will include both stationary and nonstationary sources of pollution, but I am hopeful that the spirit of his message will result in a more reasonable and practical plan for implementation of air quality standards in the Wasatch Front area of Utah.

Mr. President, in conclusion I want to emphasize that I recognize and share the deep concern over protecting the environment. However, I believe that with our technology and resources we can clean up the environment and produce the energy we need to avoid dangerous shortages. The President obviously shares this belief, and I welcome his comments on energy. It is in the highest national interest that we cooperate with him in achieving the goals stated in his message.

THE GENOCIDE CONVENTION: UNDERSTANDING THE UNDERSTANDINGS

Mr. PROXMIRE. Mr. President, much of the opposition to U.S. ratification of the Genocide Convention stems from misconceptions and misunderstandings with regard to the treaty's provisions. In order to alleviate this problem, the Senate Foreign Relations Committee has agreed to recommend three understandings to the full Senate.

According to a 1971 State Department memorandum—

> A statement made in or accompanying the ratification of a treaty which merely explains or clarifies the meaning of the provisions of the treaty but does not exclude or vary their legal effect would constitute an understanding.

The first understanding simply stresses that the "intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such" is essential in proving a charge of genocide. Moreover, further evidence is required to show that the alleged genocidal acts were committed "in such a manner as to affect a substantial part of the group concerned."

The second proposed understanding interprets the phrase "mental harm" in article II as meaning "permanent impairment of mental faculties." This is in keeping with the meaning of the words as they are generally understood and accepted. In other words, "mental harm" is not to be construed as applying to various lesser forms of mental harassment suffered by minority groups.

And lastly, the third understanding is specifically based on the treaty's history of negotiation. It interprets article VI in such a way that the right of a state to bring to trial in its own courts any of its citizens for acts committed outside the state shall not be abridged.

It is important, of course, to understand precisely what the provisions of the convention mean. What areas of uncertainty may have existed are clarified by these three understandings. Mr. President, there is no reason for the Senate to delay any further on the ratification of the Genocide Convention.

LIMITATIONS ON PRIVATE PENSION PLAN CONTRIBUTIONS

Mr. DOLE. Mr. President, on August 21, the Committee on Finance reported S. 1179, dealing with reform of the private pension plan system.

This bill contains certain provisions providing limitations on contributions to these plans. Because there has been such widespread interest, I ask unanimous consent that section I of the report, dealing with these features of the bill, be printed in the RECORD.

There being no objection, the section of the report was ordered to be printed in the RECORD, as follows:

[Rept. No. 93–383]

PRIVATE PENSION PLAN REFORM—REPORT OF THE COMMITTEE ON FINANCE, U.S. SENATE, TOGETHER WITH ADDITIONAL AND SUPPLEMENTAL VIEWS ON S. 1179

I. LIMITATION ON CONTRIBUTIONS

(Secs. 702, 704, and 706 of the bill and secs. 72, 401, 404, 412, 414, 1379, and 6691 of the Code)

Present law

Under present law, different rules are provided for employer and employee contributions in the case of plans for self-employed individuals (H.R. 10 plans), plans of "regular" corporations, and plans of electing small business corporations (subchapter S).[1] These are described below.

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[1] All the types of plans must, in addition to the rules described below, meet the general reasonable compensation tests (sec. 162). The statute does not specify limitations on the benefits which may be paid under a qualified pension plan. However, in Rev. Rul. 72–3, 1972–1 CB. 105, the Internal Revenue Service ruled that pension benefits from a qualified pension plan are intended as a substitute for compensation, and that in general a plan which provides benefits in excess of an employee's compensation is therefore not qualified.

H.R. 10 plans.—The amount of deductible contributions to an H.R. 10 plan on behalf of a self-employed person cannot exceed the lesser of 10 percent of his earned income [2] or $2,500 (sec. 404(e)). In addition, nondeductible contributions may be made in certain cases, but these contributions on behalf of owner-employees may not exceed the lesser of 10 percent of earned income or $2,500. Allowable voluntary contributions by employees of self-employed individuals must be at least proportionate to allowable voluntary contributions for self-employed (sec. 401(e)(1)(B)(ii)).

"Regular" corporate plans.—In the case of a "regular" corporate plan there are no limitations on how much may be contributed by the employer. There are, however, limitations on the amount of the contribution that is deductible. Different limitations apply to profit-sharing and stock bonus plans and to pension plans.

In the case of profit-sharing or stock bonus plans, the amount of the contribution that is allowable as a deduction is not to exceed in the aggregate 15 percent of compensation to employees covered under the plan. Contributions in excess of the 15-percent limitation may be carried over to future years. In addition, within certain limits, to the extent that an employer does not make the full 15-percent contribution in one year he may increase the amount of his deductible contribution in a future year.

In the case of pension plans, the amount of the contribution that is deductible is not to exceed 5 percent of the compensation to employees covered under the plan, plus the amount of the contribution in excess of 5 percent of compensation to the extent necessary to fund normal pension costs and remaining past service costs of all employees under the plan as a level amount or as a level percent of compensation. In the alternative, the taxpayer may compute the limit on his deductible contributions by limiting his deduction to his normal cost for the plan plus 10 percent of the past service cost of the plan (sec. 404(a)). In practice, these limitations have very little effect in limiting contributions to regular corporate pension plans

Where an employer contributes to two or more retirement plans which are governed by different limits on deductions (pension, profit-sharing or stock bonus, or employee annuities), the total amount annually deductible under all the plans cannot be more than 25 percent of compensation otherwise earned by the plan beneficiaries. If any excess is contributed, it may be deducted in the following year; the maximum deduction in the following year (for carryover and current contributions together) is 30 percent of compensation. A carryover is available for additional excess contributions which are deductible in the succeeding taxable years in order of time.

Subchapter S plans.—The limitations on the deductibility of contributions to a subchapter S corporation plan are the same as those in "regular" corporate plans. However, a shareholder-employee (an employee who owns more than 5 percent of the outstanding stock of such a corporation) must include in his gross income the amount by which the deductible contributions paid on his behalf exceeds the lesser of 10 percent of his compensation or $2,500 (sec. 1379(b)).

Professional corporations.—Generally, lawyers, doctors, accountants and certain other professional groups in the past have been unable to carry on their professions through the form of corporations because of the personal nature of their responsibility or liability for the work performed for a client or patient. Consequently, their contributions to retirement plans were limited by the rules governing self-employed persons. In recent years, however, all States have adopted special incorporation laws which provide for what are generally known as "professional corporations." These have been used increasingly by groups of professional persons, primarily to obtain the more favorable tax treatment for pensions generally available to corporate employees. The Treasury Department, in the so-called Kintner regulations, held that professional corporations were not taxable as corporations. A number of court cases, however, have overturned the regulations and the Service has now acquiesced and generally recognizes these professional corporations as corporations for income tax purposes.

General reasons for change

Many self-employed people, especially professionals, feel that they are discriminated against as compared with corporate executives and proprietary employees of corporations in regard to the tax treatment of retirement savings. This is because, at present, there is no comprehensive limit on the amounts the corporate employer can contribute on behalf of its executives and proprietary employees. Self-employed persons, on the other hand, are subject to the contribution limits described above.

In addition, many of the self-employed argue that, as a result of these contribution limits, it is difficult for them to provide adequately for their retirement, particularly as many professionals have a limited number of years of peak earnings, in which it is comparatively easy to set something aside. It is also argued that the $2,500 limit is no longer appropriate, since in the approximately 10 years since H.R. 10 was first enacted, there has been a substantial inflation factor in the economy. Furthermore, it is contended that the present law in the retirement plan area creates an artificial incentive for the incorporation of businesses which more traditionally, and perhaps more appropriately, have been conducted in unincorporated form. For all of these reasons, the committee believes that a substantial increase in deductible contributions for self-employed individuals is justified at the present time. Under the committee bill, the present limits would generally be increased to 15 percent of earned income, up to a maximum deduction of $7,500 per annum.

At the same time, it is clear to the committee that the formation of professional corporations, a practice which has proliferated enormously in recent years, has had the effect of circumventing the limitations which Congress intended to impose on deductible contributions by persons who are essentially in most respects, self-employed. In many corporate plans a much larger percentage of the contributions and benefits go to "rank and file" employees than is the case with regard to most H.R. 10 plans. In such corporate plans, if large contributions are made for executives, then the antidiscrimination provisions of present law (sec. 401(a)(4)) require that proportionate contributions be made on behalf of rank and file employees. Not only does this "financial drag" effect tend to impose practical restrictions on the size of contributions made for the highest level employee, but it also means that, if large contributions are made for this group, then lower level employees will also benefit. Thus, it appears that many corporate plans are subject to practical limitations which do not apply in the case of self-employed plans. The absence of such practical limitations is the reason that it has been thought necessary to impose legal limitations upon self-employed plans.

However, it appears to the committee that the current method of limitations does not apply equally to all situations where "financial drag" is very small or nonexistent. Also, the committee feels that the present system discriminates in favor of those who choose to incorporate, and against those who do business in the more traditional partnership form. Similiarly, other small businesses in corporate form are treated differently for pension plan purposes depending whether or not they are under subchapter S, and without regard to whether most of the benefits under the retirement plan go to rank and file employees.

The committee bill would correct this situation by putting the regulation of retirement benefits on a realistic basis, applying limitations where they are appropriate, whereas the current system depends too greatly on the form of business operation. Thus under the committee bill, limitations on contributions would be imposed not only on self-employed plans, as under present law, but also on proprietary employees holding a two percent or greater interest in an incorporated business, but only where all such persons, in the aggregate, have more than a 25-percent interest in benefits under the plan.

Explanation of provisions

The committee bill increases the maximum deductible contribution on behalf of self-employed persons to the lesser of $7,500, or 15 percent of earned income. (A similar, although not identical, rule is applied in the case of defined benefit pension plans.) However, no more than the first $100,000 of earned income may be taken into account in applying the percentage limits. The $100,000 ceiling on the earned income rates base means that a self-employed person with more than $100,000 income will have to contribute at a rate of at least 7½ percent on behalf of his employees if he wishes to take the full $7,500 deduction on his own behalf (in order to comply with the antidiscrimination requirements).[3] A self-employed person earning more than $100,000 who wishes to contribute $5,000 for himself will have to contribute at least 5 percent on behalf of his employees.

The committee bill also extends the application of these provisions to plans for the benefits of "proprietary employees." In general, a "proprietary employee' would be any individual owning either directly, or through attribution rules (those prescribed in sec. 1563(e)), at least 2 percent of the total combined voting stock of the corporation, or 2 percent of the total value of all shares of stock in the corporation. However, the provisions does not apply unless all proprietary employees who are active participants, as a class, have more than 25 percent of the total account balances for active participants under a defined contribution plan (such as a money purchase plan), or in other cases have more than 25 percent of the present value of all accrued benefits under the plan (whether or not vested) for active plan participants.[4] The committee believes that porate plans on a more realistic and equitaportate plans on a more reailstic and equitable basis—where most of the benefits under the plan are for individuals who are not proprietary employees, the contribution ceiling will not apply, but where a substantial portion of the plan benefits are for proprietary employees, the ceiling will apply.

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[2] "Earned income" is generally defined as being equivalent to "net earnings from self-employment"—the kind of income that may be subject to self-employment taxes in lieu of FICA taxes (secs. 401(c)(2) and 1402).

[3] The limitations on nondeductible contributions on behalf of owner-employees in a self-employed plan is not increased, however.

[4] In a case where a corporation has two or more plans, an individual will be a proprietary employee for purposes of all the plans, if the more than 25 percent test is met with respect to any of the plans.

The new rules are also to apply in the case of subchapter S corporations. Under the committee bill, section 1379 is repealed. However, subchapter S corporations would remain subject to limitations under the same rules applicable to other corporations. Thus, if more than 25 percent of the benefits under the plan were for individuals who each held at least 2 percent of the stock in the corporation, these stockholders would be considered to be proprietary employees, and would be subject to the 15 percent—$7,500 limitation. But if less than 25 percent of the benefits were for these individuals, these limitations would not apply.

As is the case under present law with respect to an owner-employee, a proprietary employee (or a group of two or more proprietary employees) who controls more than one business would be required under the bill to group together all controlled business activities for the purpose of determining whether all employees of the proprietary employee are covered by a retirement plan on a nondiscriminatory basis, and also for the purpose of assuring that the limitations on contributions are not exceeded. As a result of this requirement, a proprietary employee could not make contributions under two or more retirement plans, which, when totaled together exceeded $7,500. This provision ensures that a proprietary employee may not exceed the limitations on deductible contributions by splitting his activities among two or more businesses and establishing retirement plans in each, nor could he divide his business and set up a retirement plan in one business where, for example, he is the only employee.

The bill also provides that—like an H.R. 10 owner-employee under present law—an individual who is a proprietary employee in a business (whether or not he controls the business), and is also a proprietary employee in another business which he controls, may not be covered under the plan of the first business unless he has established a plan for the employees of the business which he controls. The plan for the business which he controls must provide contributions and benefits for employees which are at least as favorable as the contributions and benefits provided for him under the plan of the first business.

The rules outlined above also apply in cases where an individual is an owner-employee in one firm and a proprietary employee in a second business.

Define benefit plans—limitation on benefits.—The committee bill also contains a provision, which applies in the case of all defined benefit plans (including corporate plans without proprietary employees), generally limiting the annual benefits which can be paid out under these plans (as of age 65) to 100 percent of the participant's average compensation from the employer during his highest 3 consecutive years of earnings. A pension is essentially a substitute for earning power during the retirement years and the committee believes that no qualified pension plan should pay defined benefits which are higher than an employee's average earnings during his highest 3 years. It is the understanding of the committee that this provision is consistent with present law (Rev. Rul. 72-3, 1972-1 C.B. 105) and by this provision the committee only intends to clarify and make more explicit present law.

The plan could, however, provide for a cost of living adjustment over and above the 100 percent limit. However, benefits paid in the event of early retirement would have to be scaled down from the 100 percent of salary level on an actuarial basis. In general, in the case of any defined benefit pension plan which does not pay benefits in the form of a straight life annuity, commencing at age 65, or which provides ancillary benefits, the 100 percent limitation would have to be adjusted in accordance with regulations.[5] In the case of a contributory plan, upward adjustments in the benefit schedule would be permitted in accordance with regulations, to reflect the fact that part of the annuity had been purchased with the employee's own after-tax dollars.

In the case of an employee who is a participant in both a defined benefit pension plan and a money purchase pension plan, the maximum 100 percent of salary benefit under the defined benefit pension plan would be reduced under the committee bill by multiplying 100 percent of the participant's average compensation by a fraction, the numerator of which is the percentage of compensation contributed under the money purchase plan, and the denominator of which is 20. (Under another provision of the committee bill, 20 percent would be the maximum tax-excludable contribution under a money purchase plan.)

For example, if an employee had an average high-three-year salary of $20,000, and a 10 percent of salary contribution had been made on his behalf to a money purchase plan, his maximum yearly benefit under the defined benefit pension plan could not exceed $10,000 (10/20ths of $20,000). This would prevent the situation where an employee might seek to circumvent the limitations on benefits under a defined benefit plan, or on tax-excludable contributions under a money-purchase plan, by setting up two different types of plans for himself. (In cases where the rate of contributions to a money purchase plan fluctuated over the career of the employee, or were made for certain years when he was a participant under the defined benefit plan, but not for others, appropriate adjustments to this formula will be made in accordance with regulations.)

As a further adjustment, in the case of an employee who participates in a defined benefit plan for less than 10 years, the defined benefit otherwise allowable in accordance with the rules described above is to be reduced by multiplying the otherwise allowable benefit by a fraction, the numerator of which is the proprietary employee's years of active participation in the plan, and the denominator of which is 10. For example, if an individual who was an active participant for 3 years under the plan had an average high-three years salary of $50,000 (and no other adjustments were required) his maximum benefit could not exceed 3/10ths of $50,000, or $15,000 per annum.

This would prevent a situation where an individual might receive an extremely high pension, even though he had only a few years of active service under a plan.

Defined benefit plans for proprietary employee corporations.—At present, many small corporate plans are defined benefit plans, although most self-employed plans are defined contribution plans because of the limitations on contributions imposed on self-employed persons under present law. The committee was concerned that in extending the contribution limits to certain proprietary employee corporate plans, the committee bill might inadvertently take away, as a practical matter, the option of having defined benefit plans from these corporations. As a result, the committee bill contains a formula (which under the bill may also be used by self-employed individuals) which would allow proprietary employees, in effect, to translate the 15 percent—$7,500 limitations on contributions, to which they would otherwise be subject, into limitations on benefits which they could receive under a defined benefit plan. (Of course, all employees of all corporations, and all self-employed individuals, remain subject to the 100 percent of salary limitation, discussed above.)

Under the formula, the basic benefit for the employee (that is, a straight life annuity commencing at the later of age 65 or 5 years from the time the participant's current period of participation began, with no ancillary benefits) is not to exceed the amount of the employee's compensation which is covered under the plan (up to a maximum of $50,000) times the percentage shown on the following table.

Age at participation	*Percentage*
30 or less	6.5
35	5.4
40	4.4
45	3.6
50	3.0
55	2.5
60 or over	2.0

The percentages in early years are higher to reflect the fact that contributions made during these time periods earn interest for a longer period prior to retirement than contributions made in later years. The Secretary or his delegate is to have authority to prescribe regulations in cases of plans which provide something other than the "basic benefit." Also, the regulations are to specify percentage for individuals who become participants at ages other than those shown on the table. In addition, the Secretary or his delegate is given authority to prescribe new percentages, to be used in years beginning after December 31, 1977, based on changes in money rates and mortality tables occurring after 1973.

To illustrate how this formula would work, assume that a self-employed person enters a defined benefit plan at age 30, and participates in the plan for 5 years, with income covered under the plan of $20,000 per annum. At age 35, he leaves the plan, but at age 50, he again becomes a participant. For the first 5 years his covered income is $30,000 per year, then $40,000 for the next 5 years, and finally $50,000 for the last five years prior to his retirement.

The calculation would work as follows:

Age	Compensation per year	Rate	Benefit earned per year	Total benefit
30-35	$20,000	6.5	$1,300	$6,500
50-55	30,000	3.0	900	4,500
55-60	40,000	3.0	1,200	6,000
60-65	50,000	3.0	1,500	7,500
Total				24,500

Thus, the maximum benefit which could be paid to the individual under the plan in the form of a single life annuity commencing at age 65, with no ancillary benefits would be $24,500 per year.

The committee bill also provides that for purposes of the antidiscrimination rules, the maximum amount of compensation which is to be taken into account is to be $100,000. (This is the same ceiling provided in connection with contributions to a money purchase plan.) For example, if a self-employed person established a defined benefit plan for himself at age 50 (where a 3 percent rate would apply) and earned $100,000 per year, benefits under the plan for his employees could be earned at the rate of 1.5 percent of covered compensation and the plan would not be considered to be discriminatory. In other words, the maximum benefit which could accrue per year for the self-employed person would be 3 percent of $50,000, or $1,500, which is equivalent to 1.5 percent on a $100,000 base. Thus, the self-employed person would be permitted to make contributions which would purchase a 1.5 percent benefit for his employees. However, even if the self-employed person's earnings were $200,000, benefits earned for the employees under the plan could not drop below the 1.5 percent rate.

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[5] The committee expects that the adjustment for ancillary benefits will be substantially equivalent to the adjustment now provided under present law for a plan which is integrated with social security.

Limitations on contributions to money purchase plans.—The committee bill also contains a provision which would limit tax excludable contributions under a money-purchase plan. Cases have been found where the stockholders of small corporations invest very substantial percentages of their income in what is, in effect, a deferred compensation arrangement. As discussed above, the Internal Revenue Service has ruled (Rev. Rul. 72-3, 1972-1 C.B. 105) that a pension is essentially a substitute for earning power during the retirement years and that, in general, a pension plan does not qualify in cases where the pension benefit is more than the employee's highest average salary. The committee agrees with this interpretation of present law, but the 100-percent-of-salary limitation is difficult to apply in the case of money purchase plans because the amount of the pension benefit which will ultimately be received cannot be determined with precision. Thus, the committee bill, as a corollary to the 100-percent-of-salary limitation for defined benefit plans, also contains a provision that tax excludable contributions to a money purchase or other defined contribution plan cannot exceed 20 percent of the employee's compensation. Any additional contributions on behalf of the employee must be included in income by him.[6]

To enforce these provisions, employers or pension plan custodians would be required to report to the Service, in accordance with regulations, whenever contributions in excess of the 20 percent limitation had been made, and a penalty ($10 a day up to a $5,000 maximum) would be imposed for each instance of unexcused failure to comply with these reporting requirements.

Any amount included in gross income under this provision would be considered as part of the employee's investment in the contract for purposes of computing the taxable amount of a distribution from the plan to the employee. However, these contributions would be considered to be made by the employer for purposes of qualification of the plan. If the employee's rights under the plan should terminate before tax excludable payments under the plan equaled the amounts included in gross income under this provision, a tax deduction would be allowed equal to the unrecovered contributions.

Integration rules for plans benefiting proprietary employees.—Under present law, any H.R. 10 plan which benefits owner-employees is subject to certain additional rules with respect to integration. If more than one-third of the contributions under the plan are made on behalf of owner-employees, the plan is not permitted to integrate with social security. On the other hand, if less than one-third of the contributions are made for owner-employees, and the owner-employee treats the self-employment taxes which he pays as contributions on his own behalf under the plan, the plan may integrate by treating the employer's social security contributions on behalf of his employees as contributions made under the plan (sec. 401(d)(6)). By contrast, a qualified employer plan may integrate by treating social security benefits as benefits provided under the plan (within certain limits).

Under the committee bill, essentially these same provisions would be applied in the case of plans for proprietary employees. Otherwise, it was apparent to the committee that professionals and other would still have a substantial artificial tax incentive to incorporate rather than to do business in more traditional forms. In addition, it seemed reasonable that the same general considerations which led the committee to conclude that it was desirable to extend the limitations on contributions to certain corporate plans, also suggest that employees of those corporations should have the extra protection against erosion of their pensions through integration that the special rules afford.

Therefore, under the committee bill, it is provided, in general, that in any plan for the benefit of proprietary employees, the plan may not integrate if more than one-third of the account balances or accrued benefits under the plan are for the benefit of individuals each of whom holds 10 percent or more of the stock in the corporation. Other proprietary employee plans may integrate, but only on the same basis as an owner-employee plan could integrate (that is, by treating social security taxes paid for the employees as contributions paid on their behalf under the plan).

At the same time, the committee recognizes that there are many small corporate plans, already in existence, which now use integration, and which might be seriously affected if the rules in this area were to be altered too abruptly.

The committee bill provides a transitional rule, under which any proprietary employee plan which was in existence on July 24, 1973, may continue to integrate (in plan years beginning before January 1, 1980) at the same level of integration (if any) as was in effect under the plan on July 24, 1973, but the level of integration may not increase. (For example, when the social security rate base rises, the plan must still continue to integrate at the old level.) However, any self-employed plan which elects to convert to a defined benefit basis (using the table and formula described above) and any new proprietary plan, created after July 24, 1973, which elects a defined benefit approach, may not integrate. Also, any proprietary plan in existence on July 24, 1973, which shifts from a defined contribution plan to a defined plan may not integrate.

Other special rules for proprietary employee plans.—The committee bill also extends certain other provisions which apply to H.R. 10 plans under present law to plans for the benefit of proprietary employees as well. For example, payments under a qualified pension plan to a proprietary employee would have to begin by the time he attained age 70½, and the employee's account would have to be paid out at least ratably over the life of the employee or the lives of the employee and his spouse (sec. 401(a)(9)). Also, if a proprietary employee should die before his entire interest in the plan had been distributed to him, the plan would generally be required to distribute that interest, or purchase an annuity for his beneficiaries, within 5 years after his death (sec. 401(d)(7)).

Also, excess contributions on behalf of any proprietary employee would have to be prohibited by the plan (although, as under present law, nondeductible employee contributions could be made by a proprietary employee, up to $2,500 per year, in plans where such contributions may be made by employees who are not proprietors) (secs. 401(d)(5)(A) and (B), and 401(e)(1)). Any excess contributions which were made inadvertently would have to be repaid by the plan to the corporation within 6 months after mailing of notice of the overcontribution by the Internal Revenue Service (secs. 401(d)(8)(A) and 401(e)(2)(C)).

Also, death benefits paid by a qualified plan to a proprietary employee would not qualify for the $5,000 death benefit exclusion for purposes of the Federal income tax (sec. 101). Proprietary employees (and individuals who had been proprietary employees at any time within 5 years prior to the distribution) would be treated the same as self-employed persons for purposes of the rules with respect to the income tax treatment of lump-sum distributions (sec. 72(n)).

In addition, if a proprietary employee borrows money, pledging his interest in the pension plan as security, the portion pledged as security shall be treated as a distribution under the pension plan to the employee (sec. 72(m)(4)). The purpose of this rule is to prevent the employee from engaging in an arbitrage type of transaction, in which he makes a tax deductible contribution to the pension, which also earns tax-free interest, then gets the money out of the plan, in effect, by means of a loan secured by his portion of the plan assets, and also receives a tax deduction for the amount of interest paid on the loan (subject to certain limitations on excess investment interest (sec. 163(d)).

Time for making contributions.—Under present law, contributions to a self-employed plan must be made by the end of the taxable year in order to be deductible for that year. Often this can create difficulties for the self-employed person, who may not have at hand all the information necessary for him to determine how much he is permitted to contribute on his own behalf. In order to meet this problem, the committee bill provides that tax deductible contributions to self-employed plans (and all other qualified plans) may be made at any time up to the point when the Federal income tax return (corporate or individual, as the case may be) for that year is due (including any extension). This rule should provide the additional time necessary for the individuals involved to make the required calculations and determine the amount of the maximum deductible contribution which is permitted for the taxable year in question.

Custodial Accounts.—Under present law, a custodial account may be treated as a qualified trust, but only if the custodian is a bank, and the investments are made solely in the stock of regulated investment companies, or solely in annuity, endowment, or life insurance contracts (and certain other conditions are met) (sec. 401(f)). The committee believes that present law is too restrictive in this respect and the committee bill would allow the custodian of the account to be someone other than a bank, provided, however, that the custodian would have to establish, to the satisfaction of the Internal Revenue Service, that it would manage the assets of the account in a manner consistent with the intention of the tax law. (For example, it would have to be shown that no premature distribution prior to age 59½ would be made to owner-employees.) Also, a formal custodial account would no longer be necessary under the bill. Any similar arrangement having appropriate safeguards could be used if approved by the Secretary.

Also, the committee bill would provide that someone other than the trustee or custodian, including the employer, can have authority to control the investments of the plan account, either by directing the investment policy of the plan, or by exercising a veto power.

Generally, the requirement of the bill would be satisfied in a situation, where, for example, a regulated investment company or other investment advisor might make investment decisions with respect to the assets of the account, but an independent third party, which might be a bank or some other responsible institution, would administer the plan, and handle distributions. The committee is desirous of affording extra flexibility in this area, and reducing the cost of pension plan administration, but it also wishes to preserve the safeguard of a plan administrator which is independent with respect to the employer.

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[6] The only exception would be in the situation where a contribution was made by the employer at a 20 percent rate (or less) for his employees, but the contribution happened to exceed 20 percent of the employee's actual compensation due, for instance, to a termination of employment.

Withdrawal of voluntary contributions by owner-employees.—Under present law, amounts received from a retirement plan before retirement are tax free to all participants other than owner-employees to the extent of all nondeductible contributions made to the plan by the participants. Thus, all participants other than owner-employees may, if the plan permits it, withdraw their voluntary contributions prior to retirement. The committee bill would extend this same treatment to owner-employees.

Effective date

Generally, these provisions would take effect in plan years beginning after December 31, 1973. However, in the case of proprietary employee plans in existence on July 24, 1973, that will be made subject under the bill to certain rules and limitations which, under present law, apply only in the case of owner-employee plans, the committee believes that a transitional period is necessary to allow time for plan amendments. Thus, proprietary plans in existence on July 24, 1973, will generally be made subject to the contribution limits for plan years beginning after December 31, 1974. Extension of H.R. 10 owner-employee plan restrictions to proprietary employee plans in existence on July 24, 1973, will also generally take effect in plan years beginning after December 31, 1974. In addition, proprietary employee plans which were integrated on July 24, 1973 may continue as integrated plans, but may not increase the level of integration.

The repeal of the special subchapter S limitation (sec. 1379) is effective for plan years beginning after December 31, 1973, and subchapter S corporations will then become subject to corporate rules (including the rules on proprietary employee plans) in this area.

The treatment of proprietary employees as self-employed persons for purposes of the death benefit income tax exclusion (sec. 101) and the rules on lump-sum distributions (sec. 72(n)) will apply to taxable years beginning after December 31, 1973.

The amended rules, with respect to custodial accounts apply to plan years beginning after December 31, 1973.

Revenue effect

By increasing the maximum amount that self-employed persons will be allowed to deduct as contributions under H.R. 10 plans to 15 percent of earned income up to $7,500 a year, an increased revenue loss is estimated that will amount to $175 million annually. The provision in the bill that allows individuals who are not covered presently by pension plans to deduct up to $1,000 a year as contributions to personal retirement plans will reduce revenues by an estimated $270 million a year. A revenue gain of $125 million is estimated to be the result of the provision that applies to certain proprietary employees of corporations the same limitations on deductible pension contributions that apply to self-employed individuals under H.R. 10 plans. The net result of these three provisions that are designed to equalize tax treatment under pension plans is a revenue loss of $320 million. These estimates assume 1973 levels of income and employment.

DÉTENTE—OR REPRESSION?

Mr. JACKSON. Mr. President, the Soviet Government's renewed campaign against individual liberty and human rights has raised profound questions about the course of détente, and produced some realistic reassessments. The world community has been properly concerned and legitimately outraged by the implications of the current Soviet program of repression, intimidation, and harassment. While attention has been focused on outstanding and courageous individuals such as Andrei Sakharov and Alexander Solzhenitsyn, it is important to remember that the ordinary citizen in his daily affairs also feels the weight of the Soviets' repressive apparatus.

Mr. President, people around the world have understood the gravity of the situation. I ask unanimous consent that the transcript of Dr. Sakharov's August 21, 1973, press conference, and a representative sampling of press opinion on recent Soviet developments, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Times, Sept. 5, 1973]

Dr. Sakharov: Those Who Occupy the Top Layer of Our Society Have a Sort of Separate Thinking

In view of the controversy that has arisen in the Soviet Union over the press conference which Dr. Andrei Sakharov, the nuclear physicist and critic of Kremlin policy, gave to Western correspondents in his Moscow flat on August 21, *The Times* publishes below the full text of that conference as supplied and translated by the Associated Press.

Sakharov: All those present are familiar with the record of my conversation (on August 16) with the Deputy General Prosecutor of the Soviet Union, M. P. Malyarov. I would like you to consider that record an introduction to our conversation today. I would like to make a few additions and comments.

First, about the institution of so-called "warnings." Recently, various forms of "warnings" have become common in the practice of the KGB and associated organizations in respect to dissidents. In some cases they precede arrests or, on the contrary, the issuance of permission to leave the country. That particular form of warning to which I was exposed on August 16 is undoubtedly more serious than my talk in the KGB last March regarding the offer of myself and my wife to be guarantors in the case of Yuri Shikhanovich.

On the other hand, we know of even more severe types of warnings. Recently, it became known that some persons were "warned" that their fate depends on their behaviour at forthcoming trials. If their behaviour in the capacity of witnesses is not that desired of them, then they will not "leave the courtroom."

Even more ominous—resembling the institution of hostages—were the widely rooted warnings that for every future issue of the *Chronicle* [*Chronicle of Current Events*], appropriate people would be arrested, and that those already under arrest would be sentenced to long terms. Articles regarding myself, which have been published in the Soviet press, are also very likely meant as warnings from the KGB's point of view. When the KGB talked with me about Shikhanovich, I was told that Shikhanovich had also been warned without drawing the appropriate conclusions. What was meant, apparently, were the searches of his home.

In general, a warning is intended as a reminder that there exists a force, based on the supposed "right of the state to self-defence", that does not allow any deviations from the desired line. If this interpretation of the "institution of warnings" is correct, then such an institution is symptomatic of the type of thinking of the police agencies, but has no relation whatever either to democracy, or to the right of one's conviction, or to the law, or to humanity.

Two, with regard to the NTS [People's Labour Front, an émigré group] and Possev [West German publishers], accusations that writings or appeals are being used in the anti-Soviet publications of Possev for anti-Soviet, subversive purposes have become the main bogyman of the KGB and their like, the principal accusation and the principal means of intimidating and exerting pressure on public opinion. Even accidental possession of any one of the Possev publications is considered criminal.

It is, therefore, very important that there be clarity on this point. For my part, in my talk in the prosecutor's office, I welcomed the publishing and enlightenment activities of Possev without any regard to the NTS programme or any actions and statements by individual representatives of that organization, to whom I owe nothing and with whom I cannot have any solidarity.

Third, with regard to the Deputy Prosecutor General's statement that my meetings with foreigners are not compatible with my previous pledges. In 1950, when I went to work in a secret institution, I did, in fact, sign a commitment making me responsible for any meetings with foreigners "in an extralegal matter", that is, outside of office duties.

The maximum extralegal penalty is dismissal from work. And yet, I was dismissed from work as early as 1968 after publication of my *Reflections on Progress and Convergence,* long before I ever met with any foreigner. I can only repeat here what I told Malyarov, namely, that meetings with foreign journalists have nothing to do with any violations of state secrets and that I never, and under no circumstances, would regard such violations as permissible.

Q. How did you interpret the warning from Malyarov and the Tass attack after the interview with Swedish radio?

A. I think the interview with Swedish radio was the straw that broke the camel's back. And somebody gave orders or permission authorizing such an interview (with Malyarov) that could have come from the very top or maybe not such a high level, but an intermediate level. In that case it could mean an attempt to avoid the approach that no warning has been given and that no specific work has been done in that case. In that case, it was done by someone just to avoid eventual responsibility. But I think it's very likely that the first version is the correct one.

Q. Do you believe the authorities see any difference between your activity on the Human Rights Committee and critical remarks about the Soviet regime in general?

A. Both are inacceptable but to different degrees. In the first place the committee is not my personal affair. I am just one of the members, and by itself the committee is a totally loyal association. During the interview (with Malyarov) I pressed my personal opinions, which I don't attribute to anyone. But probably this opinion was fundamentally inacceptable.

Q. Do you think KGB would like you to leave the country?

A. This has never been told to me in an open way and neither was it told to me in this conversation. The phrase that "you're still a Soviet citizen" might have been an answer to what I have said previously when I said that I wished contacts with Soviet authorities, and may also be understood as meaning that, well, you have all possibilities of contacting Soviet authorities as a Soviet citizen. You're still a Soviet citizen, so go ahead and contact Soviet authorities. The literal meaning is that you have to stop what you are doing in this country but not leaving this country.

Q. Were there other threats during the Malyarov meeting?

A. No. I tried to write down practically everything that was said during this conversation. There was nothing more. Maybe they thought I could understand things well enough.

Q. Have you personally considered leaving this country?

A. To this question I always answer that I'm not ripe for such a decision—yet.

Q. What do you think will be the authorities' next step?

A. I want to have the chance to say that the thing I dread most are the forms of pressure that are not addressed directly to me but indirectly can be unbearable for me—and inadmissible. I mean my family and also some of my close friends. It's impossible to predict . . . but something might also be done against myself directly. But you can't make any predictions.

I would like to believe that the perfectly loyal character of my activity would be understood. In the literal sense, loyalty to the law.

Q. What are your means of support, and what kind of work do you still do?

A. My means of subsistence consist of the following. In the first place I draw a salary at the Institute of Physics of the Academy of Sciences, where I am a senior research worker, which is the minimum rank they can give. And besides that I am getting money as a member of the Academy—400 rubles [a month] as an academician and 350 as senior researcher. I already had a chance to say that all the savings I had I gave to the State Fund in 1969, to the Red Cross for the construction of a hospital. It was a very large sum, 139,000 rubles, to be exact.

Q. For what reasons did you do that?

A. I now consider this action incorrect and I don't think it was right to do it, so I won't give the reasons.

Q. And your work?

A. I had a long interruption in my work in theoretical physics and I worked in applied science, and my internal disquiet, let's say, does not help in my work. The last few years have been very unproductive. I still don't lose hope, It's just a temporary recess and I still will be able to do something, though I can't pretend to hope to do much.

Q. Do you go to your office?

A. Yes. I go there. But my work in theoretical physics is mostly work at home with a sheet of paper and a pen.

Q. What about your relations with former colleagues?

A. They have been very weakened. I see them much less and I see very few of them.

Q. Has any pressure been applied by your colleagues to change your views?

A. No, nobody has tried to do it, with a very few exceptions, isolated ones.

Q. Is silence a form of approbation?

A. (Chuckle). More as reluctance to take sides.

Q. How widespread is the feeling among intellectuals for democratization?

A. It's hard to answer for all intellectuals. What is needed is sociological research with a very complicated system of research.

Q. Is your family under pressure?

A. Those members of the family on my wife's side. My wife's daughter has been dismissed from the last year of university studies. The son of my wife this year could not enter university, which is also a sign that he is "marked". A more indirect form has appeared in the fact that the daughter's husband, after he applied at the same time as my wife's children for a visa to the United States to study there, he was forced to leave his work. As to the examination of these applications, which is extremely important for us, for five months now there has been no answer whatever. It has not even been confirmed that the application has been received.

Q. What are their ages and names?

A. The daughter of my wife: Semyonova, Tatayana Ivanovna, with the name of my wife's first husband. Born in February, 1950. The son was born in August, 1956, Alexei Ivanovich Semyonov, and Tatayana's husband was also born in 1950, in June. His name is Yefrem Vladimovich Yankelevich. He graduated from the Institute of Communications. His speciality is theory of communications. He no longer works in that specialty. He has a temporary job in a geophysical expedition.

All three were invited to come to the Massachusetts Institute of Technology in Cambridge, near Boston. They were promised scholarships and possibilities of work and study.

All three applied to go. The invitation came under the signature of Dr. [Jerome] Wiesner, president of MIT. The application was handed in on April 6, almost five months ago. I tried several times to get some information but no answer was forthcoming. The answer was that it was not a matter of considering a short trip to a nearby region, to Penza, and they had to take their time about it. They didn't even say that they accepted the application.

They can say anything at any time. In general, this kind of trip is an unusual thing in this country. But in this coutry everything is unusual. But there is an agreement between the United States and the Soviet Union on the exchange of students and they shouldn't consider this as something totally unusual.

Q. Do you have such an invitation?

A. Yes. I was invited to Princeton University for one academic year. I was very much interested in this invitation and I was very proud of it and I would be glad to go. But so far I haven't started any procedures in this direction.

Q. Do you intend to?

A. There are many complications which arise in this respect and so far I haven't done it.

Q. Are there any discernible patterns in the authorities' actions against dissidents?

A. I think that a great number of factors intervene and are considered concretely with every particular case. But the combination of three methods (imprisonment/mental hospital/exile abroad) gives the maximum possibilities of action.

Q. What observations would you make on the current state of the "democratic movement".

A. It is always difficult for me to speak or think about the "democratic movement". What I most preferred in the way of action you could hardly call a "democratic movement". It was namely help to certain people who fell victim to injustice, attempts to protest against unjust trials, unjust detentions in insane asylums, and further, friendly help to families of such people. It's not a movement. It's normal human activity, which does not have the character of any political activity.

But there is another aspect. Some people claim liberty of convictions for themselves and others. And those convictions can be very different. So here also you can't speak of any movement. If you look at the bottom there is no movement because there is no political aim such as a struggle for power. If you look from above, I also think there is no movement.

In my opinion, the authorities shouldn't have any reasons for disquiet, and especially none for reprisals. Any reason for disquiet is inside themselves.

Q. How would you compare dissident activity now to, say, two years ago?

A. If we think of people, of whom we speak and think very much, we must admit that the ranks are getting thinner, simply as a result of much stronger reprisals against this group in these last two years. It's a great injustice and a great tragedy, a personal tragedy for a great number of people, which has a very negative effect on the psychological climate inside the country—not the political—but the psychological, and has a very bad effect on the international policy positions of the country.

I think that these stronger reprisals are a very unreasonable reaction on the part of the authorities. I also think very unreasonable the event whose fifth anniversary we are marking today. Exactly five years ago was the invasion of Czechoslovakia. We've all forgotten about it.

Soviet citizens learned about it on the twenty-first, that is, about the address of a "group of political and state figures" in the defence of socialist gains.

Q. If this policy is unreasonable, why do you think they keep on with it?

A. Those who occupy the top layer of our society have a sort of separate thinking. They probably can't react differently to the situation than they do.

Q. Have your views changed since you published in 1968 your book on progress and convergence of socialism and capitalism?

A. The deadlines I fixed were allegorical. The lines of convergence, or the lines of stronger confrontation, the increase of the danger of nuclear war; this opposition between the two lines still exists, and as before, I think the crucial point is the suppression of the confrontation of two worlds. The reality happens to be more shrewd in the respect that now we are facing very concrete problems, whether in the process of rapprochement there will be democratization of Soviet society or not. . . .

Detente without democratization, a rapprochement when the West in fact accepts our rules of the game in this process of rapprochement, such a rapprochement would be very dangerous in that respect, and would not solve any of the world's problems, and would mean simply a capitulation to our real or exaggerated strength. It would mean an attempt to trade, to get from us gas and oil, neglecting all other aspects of the problem. I think it's very dangerous.

By liberating ourselves from problems we can't solve ourselves, we could concentrate on accumulating strength, and as a result, the whole world would be disarmed and facing our uncontrollable bureaucratic apparatus. I think that detente without any qualifications, accepting our rules of the game, would be very bad.

That would be cultivation and encouragement of closed countries, where everything that happens goes unseen by foreign eyes behind a mask that hides its real face. No one should dream of having such a neighbour, and especially if this neighbour is armed to the teeth.

I suppose most western politicians understand this and it has already been confirmed at the Helsinki conference, that detente has to take place with simultaneous liquidation of isolation.

The adoption of the Jackson amendment looks like the minimum step, which is important not only by itself, but as a symbol of the fact that detente with the Soviet Union does not preclude some kind of control on this country so that it could not become a danger for its neighbours.

The question of emigration of Jews . . . [interruption by journalists pointing out that the Jackson amendment does not refer only to Jews but to general, free emigration] I know, I know, I know. The Jackson amendment deals with emigration of all, and only a small fraction of the problem concerns Jews.

But very often people try to connect the issue of the Jackson amendment only to the emigration of Jews. Such thinking is very advantageous to our propaganda, but essentially very wrong. But I don't want to say I minimize the significance of the emigration of Jews. I think that this is a very important and justified phenomenon in our life which has many reasons in the history of the Jewish people and in the conditions of our country. But it is very important that the problem should not be reduced only to that.

Q. What if 10 per cent of Soviet scientists decided to leave?

A. In the first place, I am sure that 10 per cent will never have this idea, so it's not realistic, that question. But if a number of scientists larger than at present wished to emigrate, I think it would be natural. Many scientists leave all countries, all throughout the world. The problem of brain drain is widely discussed, but in the end it does not lead to any catastrophic results or consequences. Science is international, technology is also becoming international, and the place of residence of a scientist is now a personal matter for each one.

Q. When might the dissident trials take place?

A. Apparently some trials will be held during the next few months, in September, judging by the situation, though we have no direct or indirect information about it. I think Yakir and Krasin, probably. Probably those trials have been postponed several times. And preparations were made unknown to us. It's very hard for me to tell you how it will look, because obviously plans have been changed several times.

Possibly the question might arise then that the activity of Yakir and Krasin, and those related to them, was exploited with anti-Soviet aims by anti-Soviet organizations. What I said in my first statement, as an introduction to the interview, reflects my point of view on this problem.

Q. Any news on General Grigorenko?

A. The news is that there is no news, that he is still, as before, at Chernyakovsk in horrible conditions. And though by a decision of the appeal court he was supposed to be, according to the law, transferred to a normal hospital, now this is postponed and his wife—who was given no explanations—was told that the head of the hospital is away and that he will be back only on September 10. The head of this special insane asylum. His name is Bochkov. So far, we still must hope that he (Grigorenko) will be transferred. So it will be a little bit easier for a man who for four years now has endured horrible sufferings.

Q. What was the aim of this press conference?

A. I thought that my summons to the Deputy General Prosecutor's office is very demonstrative and is a definite threat to me and to my family. I also thought that in this conversation I had there, the text of which you have, very important questions might be reflected.

[From the Christian Science Monitor, Aug. 22, 1973]

Détente and Repression

(By Robert R. Bowie)

The onset of the cold war was dramatized in 1946 by Churchill's Fulton, Missouri, speech which deplored the lowering of the "Iron Curtain" across Europe. This graphic metaphor became the symbol for the suppression of political and civil liberties in Eastern Europe and U.S.S.R. and the erection of tight barriers to block the movement of people and information between East and West.

Now detente has supposedly ended the cold war. The West has accepted the position of Germany, the Communist regimes in Eastern Europe, and the Soviet dominance there. Quite naturally, many had hoped that detente would raise the Iron Curtain, and open the way for the freer flow of people and information. That would be good in itself, and would foster the confidence and understanding necessary for coping with the urgent problems of an interdependent world.

The news of the last two weeks, however, makes it clear once more that the Soviet leaders do not view detente in these terms. At home, as they see it, detente creates both the necessity and opportunity for greater repression, as was noted in January by Andrei Sakharov, the distinguished Soviet nuclear scientist. Thus after Richard Nixon's visit to Moscow last year, the Soviet regime clamped down more harshly on citizens seeking greater political and civil freedom. Now Leonid Brezhnev's trip to the United States has been followed by a new wave of repression.

Sakharov himself has been bitterly attacked for his social and political views. Andrei Amalrik, who recently finished a three-year sentence in Siberia for his political writings, has been recommitted for another three years. Zhores A. Medvedyev, the famous geneticist, has been deprived of his citizenship, for the publication in the West of his book which described his detention in a lunatic asylum for advocating civil rights. Vladimir Maximov, a popular young author, was expelled from the writers' union in late June, for the publication abroad of several novels condemned as "anti-Soviet." Apparently the current campaign extends to many more cases. As the Monitor sums it up: "Cultural repression has reached a new high in the U.S.S.R." In Eastern Europe, the situation varies somewhat among the several countries but is broadly comparable, according to an article by Leopold Labedz in the June issue of Encounter.

The Soviet leaders (and the East European) see a similar threat in lowering the barriers to wider exchanges of people or ideas between East and West. At the Helsinki conference on security and cooperation Andrei Gromyko insisted that any contacts and exchanges must be governed by "each state's laws and customs"—that is strictly controlled and limited.

The denial of human rights and contact is of course regrettable in itself, as it is in Greece or Spain. But in the Soviet case, the effects are more serious: they severely limit the prospect for genuinely better relations. Freer flow of people and information is the foundation for the understanding and trust essential for cooperation.

In his Nobel Prize lecture, Alexander Solzhenitsyn made the point: "This information blockage between the different parts of our planets is a deadly peril . . . [it] makes a mockery of international agreements and treaties; within the jammed zone no problem at all to reinterpret a treaty, and even simpler to suppress it as if it had never been (something that Orwell understood very well)."

Lowering the barriers to freer exchange will take a long time. It is intimately linked to the dependence of the Soviet and East European regimes on domestic repression to maintain one-party rule. Major change will be feasible only as the regimes come to rest on the consent of their citizens for their legitimacy. That evolution will be slow at best, and will depend mainly on internal forces; but it can be helped along to some degree.

For example, Radio Free Europe and similar facilities which broadcast to Eastern Europe and the Soviet Union can play a constructive role by providing objective information. The Soviet campaign to silence them as contrary to the "spirit of detente" is utterly self-serving and should be ignored. Senator Fulbright's view that these are merely relics of the cold war sadly misconceives the actual process of evolution of the Communist regime.

The reconvening next month of the conference on European security will give the Western nations an opportunity to press for progress. They should not hesitate to utilize the obvious Soviet desire for trade and technology as leverage for some concessions on freer movement. The experience with Jewish emigration from the U.S.S.R. to Israel shows that such pressures can have affirmative results.

The Soviet Union will certainly denounce all such efforts as reviving the cold war. The truth is just the opposite. Progress in this field is indispensable to really ending the cold war.

[From the Christian Science Monitor] Aug. 25, 1973]

Question: How Far Should Détente Go?

(By Joseph C. Harsch)

"Detente" is the catchword of the day in the power world, but it is not doing the long-suffering people of the Soviet Union any good.

As so often before in the tortuous story of the Russian peoples and their subjects, the hand of the all-powerful state is heavy upon them; heavier, it seems, now that the pressures from outside are relaxed.

If the Russians matched this lifting of outside pressures by a lowering of the barriers they have put around their own people, if ideas could flow freely across the frontiers of the Soviet state, if the peoples of the vast Soviet Union could meet and talk with other kinds of people—then the West could be more confident that detente is a good thing for all concerned. For once the barriers come down it is harder to put them up again.

But the barriers are not really coming down. And so the peoples and their leaders in the West may now begin to consider how much farther they really want the detente to go.

DEFENSE AT STAKE?

Has it already gone as far as safety permits?

Some are already thinking that it has gone too far. So far indeed that it undermines defense planning.

So far the Nixon administration, and most Americans seem to have been enjoying the detente too much to begin to think about possible dangers inherent in it. Perhaps that will change now. Henry A. Kissinger is going to move from the White House where detente is a proud political success story to the State Department where a lot of professional foreign policy experts are increasingly concerned about too much detente.

The environmental change for Mr. Kissinger will be enormous. At the White House the detente was treasured as the last best antidote to Watergate. At the State Departmen Watergate is something unpleasant off in the distance of no direct concern to any professional policymaker.

MERITS STRESSED

Mr. Kissinger is himself a great believer in the detente on its merits. After all, he is the architect and builder. And Mr. Nixon will still be treasuring the detente as his best way to get away from Watergate and redeem his promises to the American people. This of course gives leverage to Mr. Brezhnev in the Kremlin. But as a student of European history Mr. Kissinger is familiar with the problem Russia's neighbors have always had in managing to live in the same part of the world with Russians. He knows as well as any other expert in these matters that getting too close to the bear risks the embrace of his large and powerful arms. It will be fascinating to see how much and in what direction Kissinger's views of detente change as he settles into the role of being "Secretary of State of the United States."

LIKE THE CZARS

At home, the latest deeds of the Soviet state are reminiscent of the past. Russia's greatest living novelist, Alexander Solzhenitsyn, is refused a permit to live with his family in Moscow. Zhores Medvedyev, a geneticist, has had his passport revoked. He is fortunate. He is in London. Andrei Amalrik is less fortunate. He has just had a three-year prison sentence in Siberia renewed for another three years.

It was like this often enough in the days of the czars. Perhaps the 17th century is the parallel. Earlier, under Ivan the Terrible, such persons would have been killed instantly. By the 17th century the state was anxious to populate the vast and empty reaches of Siberia.

EXILE TO SIBERIA

Exile to Siberia, banning from the capital city, suppression of writings, isolation of foreigners, minimum contact between Russians and foreigners—all these are as Russian as borshcht or shashlik. Any czar would nod in approval. The Communist regime is in some ways as czarist as the czars—at least in matters concerning personal freedoms. But the degree sometimes changes.

There was much relaxation under Nikita S. Khrushchev, then a hardening immediately after his overthrow, then a spring freshet of some respite. Now there is another season of chilly repression. The outside world is not to be allowed to reach out to the minds of the Russian people.

Yet if the Russian state can turn human freedom on and off at will at home, what assurance is there that it won't also turn detente on or off at will?

[From the Washington Star-News, Aug. 26, 1973]

TELLING IT LIKE IT IS

It is ironic in these days of detente and the 33-cent loaf of bread (brought to us by the same wonderful people who gave us Watergate) that the only people with the courage to tell the truth about the Soviet Union are the Russians themselves.

Thus we have the novelist Vladimar Maximov denouncing the poet Yevgeni Yevtushenko, who has been well received by American critics, as a "petty political marauder, travelling literary salesman and demon of spiritual parasitism," which is a rather accurate description of a man who accepts the privileges of a state income and foreign travel while his fellow artists languish in prison or, like Maximov, are expelled from the Writers Union and threatened with incarceration in a mental institution.

Thus we have physicist Andrei Sakharov, the father of the Soviet Union's hydrogen bomb, warning Western newsmen that acceptance of detente by the West on Russia's terms would not enhance the prospects of peace but would amount to "a dangerous capitulation."

Thus we have novelist Aleksandr Solzhenitsyn, refused the right to live in Moscow with his wife and two sons, warning the Soviet minister of the Interior that serfdom has been abolished (theoretically) in Russia for 112 years; yet he and millions of others must live and work where the state dictates.

As Lincoln remarked 115 years ago, "A house divided against itself cannot stand." The President went on to say that "this government cannot endure permanently half slave and half free." Those words were prophetic. Is there any reason to believe that there can be meaningful detente, that there can be lasting peace in the world, so long as the governments of the Communist bloc deprive their citizens of the most rudimentary rights such as freedom of speech, of residence and of travel? And must those who make this point always be those with the most to lose, rather than those who have the freedom to champion liberty?

[From the New York Times, Aug. 27, 1973]

QUESTIONS ON DÉTENTE

In his new post as Secretary of State, Henry A. Kissinger may find it necessary to take a fresh look at his conception of détente with the Soviet Union. It envisions that increasing relations between American and Soviet citizens will build mutual trust, with benefits for both countries. From Moscow's point of view, the anticipated fruits of détente include massive transfers of American capital and technological know-how to speed up Soviet development and—inevitably—the growth of Soviet power.

The Kissinger conception has now been fundamentally challenged from a startling source. Academician Andrei D. Sakharov, who invented the Soviet hydrogen bomb in the early nineteen-fifties and who more recently has become an outspoken advocate of Soviet civil liberties, attacks the Kissinger thesis at its weakest point—its failure to insist that détente move the Soviet dictatorship toward greater democracy and responsiveness to public opinion. In effect, this eminent Soviet dissenter asks Americans to ponder the possibility that, after they have helped strengthen the Soviet Union, they will find the Kremlin rulers of the nineteen-eighties more dedicated to world domination than even their authoritarian predecessors. Sakharov's warning is that détente without Soviet democracy could be suicidal for world freedom.

Point was added to this somber notice by two reminders last week of how much repressiveness is still standard in Moscow. The disgraceful treatment accorded the Israeli team at the World University Games there and the open violence directed against Soviet Jews who wished to cheer the Israelis provided one shock. Equally disconcerting was the brutal decision of Soviet bureaucrats to deny Aleksandr Solzhenitsyn permission to live in Moscow where his wife and two sons are legal residents. As Solzhenitsyn rightly points out, this decision and the law on which it is based derive from the implicit assumption that the Soviet people are serfs of a state which really owns them.

Progress toward détente is threatened by the anxieties such developments arouse on whether the Soviet Union ever intends to become a genuinely open society.

[From the Christian Science Monitor, Aug. 27, 1973]

WARNING TO THE WEST

At grave personal risk, Soviet nuclear physicist Andrei Sakharov has just reminded the West of the starker aspects of dealing with the Soviet Union.

He chose a government-defying session with 11 foreign newsmen in Moscow to issue his warning. The personal motives behind Dr. Sakharov's action are complex. Soviet authorities have been escalating their warnings against his outspokenness on civil liberties for Soviet citizens. His and his wife's children have lost jobs or posts as students. Invitations to the children to study at Massachusetts Institute of Technology are being thwarted by a lack of visas. By urging the West in his bid to gain guarantees of greater liberty for Soviet citizens, Dr. Sakharov has thrust his own case on the front line of the negotiating struggle of detente.

His remarks that the West should be wary in arms and trade deals with his own country were widely reported in America. His warnings were noted soberly by much of the public. Despite the rightful measure of relief that the Nixon-Brezhnev visits and other symbols of detente have brought, there persists a suspicion that the West, and particularly the United States, may be in danger of being suckered by Soviet maneuvers. The bargain grain deal for the Soviet Union has fed this suspicion.

One does not need to question the basic value of detente to argue for alertness in pursuing it. It is vital to keep in mind the priorities of the two sides. The perceptive Swiss Review of World Affairs, a monthly publication of the Neue Zuercher Zeitung, puts the Soviet motivation in this way:

"The Soviet Union is haunted by the Chinese problem and its own economic insufficiency. It aims to open up Western economic potential for its own purposes. And in addition it desires to protect its empire in East and Central Europe from latent dangers by obtaining Western confirmation of that empire in the form of non-aggression pacts or the like, by blocking undesirable influences and forces of attraction from the West, by maintaining a rigorous and totally repressive domination, by maneuvering America out of its European outposts and by weakening and dividing the Western European allies."

The West, according to the same Swiss analysis, must maintain the European-American partnership while seeking disarmament and preserving security. But more important, the West must seek by detente . . . "a step-by-step improvement of inhuman conditions, the elimination of barbed-wire fences and prison walls at the borders and at least a beginning of freedom and mobility throughout divided Europe, with a consequent loosening of the totalitarian grip."

From the West's point of view, a closed and repressive Soviet Union with less to worry about militarily on its European flank and bolstered economically by Western capital and technology, could be a worse threat than ever.

Dr. Sakharov's warning that the West must insist on greater Soviet openness to balance off Western concessions is well taken. It comes at a moment when the Soviet Union is fighting as hard as ever to maintain its ideological isolation. Internally, repression of dissidents continues. Last month, for example, the young Soviet writer Andrei Amalrik was sentenced to an additional three years in a labor camp.

External influences are just as rigorously being resisted. A campaign against the Voice of America is in full swing, both by attempts to jam it out of Soviet airwaves and by labeling listening to it as subversive. Deep doubts exist too about the sincerity of the Soviet Union's agreement to put the issue of freer East-West contact on the agenda of the European Security Conference.

The Soviet Union runs its own risk in seeking a dual policy of detente and repression. The case of Dr. Sakharov illustrates this risk. To silence him now would emphasize how antithetical the Soviet regime is to the Western democratic lifeline of freedom of expression and conscience. Silencing him would make all the more mandatory the West's insistence that penetration of Soviet isolation be a price Moscow must pay for detente.

[From the International Herald Tribune, Aug. 29, 1973]

INTERNATIONAL OPINION

DÉTENTE AND HUMAN RIGHTS

So great is the world's legitimate need for a relaxation of international tensions that a "policy of détente" has become a fundamental axiom to which there is no reasonable alternative. Large segments of the public have as a result forgotten how to pose certain questions—such as whether all the parties involved really mean and want the same thing when they use the same word.

Recently the prominent Soviet physicist Andrei Sakharov displayed admirable courage, daring in the middle of Moscow to present his own interpretation of the aims and possible consequences of this policy. He declared that, if the West "accepts détente under Soviet conditions," it may find itself faced by a "Soviet Union armed to the teeth." This man should know whereof he speaks, far better than some of the omniscient optimists talking from the safety of other shores.

Sakharov risked his neck by openly uttering such grave words. And the policy of détente has not reduced the risk factor for him and other free spirits in the Soviet Union. On the contrary, there are growing signs that détente is bringing an increase not of freedom but of repression inside the U.S.S.R. There is a grisly logic to this. By its own definition, to the Kremlin a policy of détente is primarily a means to strengthen its own domination. Liberalization, which could and would mean an easing of that domination and thus endanger the discipline within the East bloc, would thus be "counter-productive."

It remains vital that Soviet policy be confronted with emphatic demands that détente be linked to the granting of elementary human rights. To yield on this point for the sake of a fictitious period of diplomatic fair weather would be, as German author Heinrich Boell has said, "the falest consequence of Ostpolitik."

—*From Neue Zuercher Zeitung* (*Zurich*).

[From the New York Times, Aug. 31, 1973]

University of Michigan,
Ann Arbor, Mich., Aug. 22, 1973.

To the Editor:

Academician Sakharov's concerns about U.S.-Soviet reconciliation [news story Aug. 22] seem well-founded. When Sakharov, who has a greater familiarity with the workings of Kremlin minds than most other Soviet dissidents, warns against too open-handed an approach. Washington is well-advised to listen.

Already a military giant, the U.S.S.R. is seeking "trade relations" with the U.S. on a basis of unilateral advantage more fit to an underdeveloped nation. How much is offered in return?

The Soviet "civilian" economy is underdeveloped, especially in critical areas of technology and automation, but those who feel that injections of Western expertise and hardware in return for future deliveries of Soviet gas and oil will yield "profits" in internal liberalization and long-term international relaxation should attend to the quite explicit cues emerging from Moscow and the other East European capitals.

A Soviet Union relieved of any significant *quid pro quo* for what amounts to foreign aid is all the better in a position to insulate itself against demands for internal liberalization, and to deal with figures like Sakharov, Solzhenitsyn and Amalrik who represent those demands.

That this is the official Soviet stance is clear from Yuri Zhukov's recent statements warning listeners to Western radio and from the immobilism of Communist negotiators on the issue of free exchanges of "people and ideas." Yet a lasting détente depends on such issues and becomes less likely (even for the distant future) when any American readiness to gloss over them is manifested.

Brezhnev's appeal for massive Western assistance, while ruling out any internal concessions and any modification of the "doctrine" for Eastern Europe that bears his name, violates a cardinal principle of international negotiation: that agreements between equals should produce fairly equal mutual benefits.

At a time when Washington has shifted from "crusade" to *realpolitik*, it is surprising that this fact is so often ignored.

(Prof.) Walter D. Connor.

[From the Washington Post, Sept. 2, 1973]

A Kremlin Attack on Dignity and Détente

Is the Kremlin planning to lop off the last to prominent Soviet dissenters with contacts with the outside world, and then to proceed on—in relative immunity from external scrutiny—to isolate and silence the remaining free spirits within the Soviet Union? This is the chilling prospect presented by the new campaigns being mounted by the Kremlin's police against Nobel laureate Alexander Solzhenitsyn and famed physicist Andrei Sakharov. Both have ignored ominous official warnings and have issued warnings of their own to the West. Mr. Solzhenitsyn, saying that his life has been threatened by the KGB, reports that in the event he is imprisoned or killed, he has made provision for publication of "the main part" of his works, heretofore unpublished. Mr. Sakharov is under attack in a way indicating the groundwork is being laid either to throw him into a mental asylum—a common punishment for Soviet dissenters—or a jail. Meanwhile, two other dissenters, having evidently been broken by the KGB, have received show trials whose purpose is to portray legitimate expression as false, hostile and inspired from abroad.

The particular convolutions of Kremlin politics which are responsible for these latest barbarisms are difficult to discern. Outsiders cannot yet know whether General Secretary Leonid Brezhnev has grimly joined a common Kremlin effort to prevent the warm rays of detente from melting Communist Party controls at home or whether he is paying for his liberal foreign policy by throwing the dissenters to the conservatives. What is clear, however, is that an extraordinary crackdown is in progress. The authorities are trying to punish and intimidate all of those courageous enough to stand up for truth and decency. They must know that, for cutting down world figures like Alexander Solzhenitsyn and Andrei Sakharov, they will incur strong criticism. Perhaps they hope to weather the blasts and then to turn on other dissenters, who are largely unknown and who cannot hope to have the same access as a Solzhenitsyn or Sakharov to the Western public.

Domestic policy can no more be divorced from foreign policy in the Soviet Union than in the United States. The Kremlin crackdown is sure to make many Americans ponder what kind of "detente" is possible with a government which treats the appearance of Western humanistic values inside its borders as cause for fear and loathing. How can a government which wishes to impress others with its maturity and trustworthiness be credited with those qualities when it displays such a fundamental sense of insecurity? The spectacle of the Kremlin closing off the few openings which a handful of its citizens have had to the West, even while Soviet leaders profess a desire to improve relations with the West, is extremely disquieting. It is not sentimentalism but hard self-interest, which requires this to be pointed out.

[From the New York Times, Sept. 9, 1973]

Terror in Moscow

Kremlin terror tactics have almost extinguished the visible Soviet dissident movement, but not quite. That became evident yesterday when three Soviet citizens came publicly to the defense of Academician Andrei D. Sakharov and suggested him—very appropriately—for the Nobel Peace Prize.

The bravery of this trio—mathematician Igor R. Shafarevich and writers Vladimir Y. Maksimov and Aleksandr A. Galich—is underscored by the fact that the only other prominent Russian willing to speak out against the current Kremlin campaign of intimidation has been Nobel Prize winner Aleksandr Solzhenitsyn.

Until yesterday the Soviet press was full of statements denouncing Academician Sakharov, many of them signed by outstanding Soviet scientists, writers, musicians and other intellectuals of whom the world had a right to expect more decency. The intensity of Kremlin pressure has been so enormous that even men of such global renown as Academician Pyotr Kapitsa, the physicist, have felt it impossible to do more than keep silent. They can only hope that the world will realize the meaning of the absence of their signatures from the shameful lists.

The ruthlessness of the drive to stamp out dissent is epitomized in Mr. Solzhenitsyn's revelation that a Leningrad woman hanged herself after being forced by five days of continuous secret police questioning to reveal the whereabouts of a major underground Solzhenitsyn manuscript. Nevertheless, the Kremlin is clearly worried about negative Western reaction to its barbarous return to Stalinism of the nineteen-thirties.

That fear was made plain when the Soviet Government suddenly held a press conference at which the freshly convicted former dissidents, Pyotr I. Yakir and Viktor A. Krasin, were called upon to reconfess their "crimes" in public. Their first confessions in the courtroom were apparently so poorly rehearsed that the Kremlin dared not let foreigners view the trial. Unfortunately for the Kremlin, the parallels between the Yakir-Krasin frame-up and the caricatures of judicial process in the purge trials of the thirties are too close to allow this latest example any credibility.

A wave of revulsion against the Moscow terror has swept much of the civilized world. In France, for example, the French Communist party has been hurt by Moscow's primitive behavior and is striving frantically to minimize the damage it suffers. In the United States, by contrast, the response in official quarters has been peculiarly ostrichlike. Thus, at the height of the program, the Secretary of Health, Education and Welfare has visited Moscow, where he last week held a news conference with the Soviet Health Minister. In addition, the Administration has made plain that its efforts to expand Soviet-American trade are going ahead full steam.

Secretary of State-designate Kissinger has disclosed that he was "very moved" by the Sakharov statement urging that the United States go slow on détente until the Soviet Union showed some sign of democratization. However, Mr. Kissinger insists, in effect, that the United States must ignore everything Sakharov said and go right ahead building up Moscow's economic resources.

Some may feel that Watergate has so undermined President Nixon's moral status that he is in no position to critize anybody else. Yet, by his silence on Moscow's excesses, the President is stumbling into another and even more serious trap.

In last week's news conference Mr. Nixon pleaded against any cut in the military budget lest this nation be deprived of bargaining leverage at SALT II. But his present policy of expanding Soviet trade, making advanced American technology available to Moscow and encouraging American businessmen to plan multi-billion dollar investments there are all designed to increase Soviet strength—military as well as economic.

As Academician Sakharov has pointed out, helping a completely regimented Soviet Union become stronger could ultimately be the road to American suicide. On its side, the Kremlin does not interpret détente as requiring ideological disarmament. Why is the White House acting as though détente requires it to approve of every Moscow horror?

OIL PIPELINE THROUGH CANADA

Mr. STEVENS. Mr. President, one of the major points of controversy concerning an oil pipeline through Canada is the immediate willingness of the Canadian Government to negotiate on this point. In turn, this depends upon, among other things, the speed with which Canadian Native land claims can be settled.

Much confusion has recently existed on this point. Part of the confusion has been due to the complex legal nature of the claims and the varying interpretations of governmental policy concerning Canadian Native land claims.

On August 8, the Honorable Jean Chretien, the Canadian Minister of Indian Affairs and Northern Development, the Cabinet official charged with the responsibility for formulating governmental policy on this issue, made a major statement. And let me state that Mr.

Chretien impressed upon me, in a recent meeting, his dedication to secure justice for the aboriginal people of Canada. In this statement he indicated,

> As the Government pledged some years ago, lawful obligations must be recognized.

These include the treaties between Canadian Natives and the Canadian Federal Government.

Minister Chretien quoted Queen Elizabeth, who spoke to the Indians of Alberta in Calgary, Alberta, last July 5. At that time the Queen of England stated:

> You may be assured that my Government of Canada recognizes the importance of full compliance with the spirit and terms of your Treaties.

Minister Chretien traced this obligation back to 1763 and indicated that not only Canadian Indians are included, but so are Inuits Eskimos. He said:

> These premises are restated now to emphasize that nothing in the following policy enunciation is intended to alter them. The government wants to reassure the native peoples concerned, and the people of Canada generally, that its policy in this regard is an expression of acknowledged responsibility.

The Minister's statement went on to embrace nontreaty groups as well as groups covered by treaties. He asked all groups having claims to submit them to the Federal Government and indicated that the Federal Government would attempt to settle these claims:

> It is basic to the position of the Government that these claims must be settled and that the most promising avenue to settlement is through negotiation.
>
> It is envisaged that by this means agreements will be reached with groups of the Indian and Inuit people concerned and that these agreements will be enshrined in legislation, enacted by Parliament, so that they will have the finality and binding force of law.
>
> The Government is now ready to negotiate with authorized representatives of these native peoples on the basis that where their traditional interest in the lands concerned can be established, an agreed form of compensation or benefit will be provided to native peoples in return for their interest. . . .

The Minister stated also that not all of the lands are under the jurisdiction of the Canadian Federal Government. The Territorial and Provincial Governments also have certain duties to the Canadian native peoples and must enter into the negotiations and be willing to provide compensation.

> Settlements with Indian and Inuit groups in those provinces can only be satisfactorily reached if the provinces concerned participate along with the Government of Canada in the negotiation and settlement. . . .

He continued:

> It is in the interest of those provinces and their residents that claims respecting land in the provinces be settled and it is, therefore, reasonable to expect that provincial governments should be prepared to provide compensation. . . .

He cited several examples of cases in which the Federal Government is at the moment prepared to enter into immediate negotiations. One of these is in the Northwest Territories.

He summarized the new policy:

> In all these cases where the traditional interest in land has not been formally dealt with, the Government affirms its willingness to do so and accepts in principle that the loss and relinquishment of that interest ought to be compensated. It sees this goal being most effectively attained by means of settlements freely negotiated by all the parties concerned. . . .

In calling Minister Chretien's statement to the attention of Congress, I would like to point out several things:

First, that the Canadian Government is willing to enter into immediate negotiation with Native groups whose "traditional interest in the lands concerned can be established." Several examples, including certain Northwest Territories Natives were cited. But this prerequisite that the claims to the lands must be established is a considerable stumbling block. In the present lawsuit in the Northwest Territories, the Government is having a very difficult time deposing the few living witnesses to treaties which were signed nearly a century ago. The problems of proof, while they may not be insurmountable, are likely to be very time consuming. The legal interpretations are likely also to require additional time.

Second, negotiations are also likely to take considerable time. This is particularly true because: first, in many cases the provinces and territories must participate in the settlement. Their legislatures and cabinets will likely have to take affirmative measures to permit their participation. This will also take considerable time. Second, the form of the compensation must be fashioned, not only to provide a monetary settlement, but also to—

> Contribute positively to a lasting solution of cultural, social, and economic problems that for too long have kept the Indian and Inuit people in a disadvantaged position within the larger Canadian society.

Third, because Federal legislation will be necessitated, additional time will be required to pass the necessary legislation in Parliament.

Thus, although it does appear that the Canadian Federal Government is willing to move forward on the complex Native Land Claims issue, any solution will require some time to reach. We all look for a speedy resolution but the process outlined is not one in which time is of the essence.

I request unanimous consent to print in the RECORD the August 8 statement of the Honorable Jean Chretien.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY THE HONORABLE JEAN CHRÉTIEN, MINISTER OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT ON CLAIMS OF INDIAN AND INUIT PEOPLE, AUGUST 8, 1973

OTTAWA, August 8, 1973.—Many Indian groups in Canada have a relationship with the Federal Government which is symbolized in Treaties entered into by those people with the Crown in historic times. As the Government pledged some years ago, lawful obligations must be recognized. This remains the basis of Government policy.

The Federal Government's commitment to honour the Treaties was most recently restated by Her Majesty the Queen, when speaking to representatives of the Indian people of Alberta in Calgary on July 5. She said: "You may be assured that my Government of Canada recognizes the importance of full compliance with the spirit and terms of your Treaties".

This assurance and the present policy statement signify the Government's recognition and acceptance of its continuing responsibility under the British North America Act for Indians and lands reserved for Indians. The Government sees its position in this regard as an historic evolution dating back to the Royal Proclamation of 1763, which, whatever differences there may be about its judicial interpretation, stands as a basic declaration of the Indian people's interests in land in this country.

At the same time, by judicial interpretation, the Federal Government's jurisdiction in respect of Indian people has been extended to include the Inuit or Eskimo people.

These premises are restated now to emphasize that nothing in the following policy enunciation is intended to alter them. The government wants to reassure the native peoples concerned, and the people of Canada generally, that its policy in this regard is an expression of acknowledged responsibility.

The present statement is concerned with claims and proposals for the settlement of long-standing grievances. These claims come from groups of Indian people who have not entered into Treaty relationship with the Crown. They find their basis in what is variously described as "Indian Title," "Aboriginal Title," "Original Title," "Native Title," or "Usufructuary Rights." In essence, these claims relate to the loss of traditional use and occupancy of lands in certain parts of Canada where Indian title was never extinguished by treaty or superseded by law.

Since taking office in 1968, the Government has provided funds to the Indian and Inuit people, and other assistance, so that they could conduct the necessary research to support their claims to traditional interests in land.

The Government has received claims from some of those native groups and is aware that corresponding claims are being prepared by others. The lands in question lie in British Columbia, Northern Quebec, the Yukon and Northwest Territories.

In reviewing its position on the claims of Indian and Inuit people, the Government has had the benefit of, and taken into account, submissions made by their organizations, views expressed by them and others in the Standing Committee on Indian Affairs and Northern Development, and recent proceedings in the courts in connection with Indian claims.

The Government has been fully aware that the claims are not only for money and land, but involve the loss of a way of life. Any settlement, therefore, must contribute positively to a lasting solution of cultural, social and economic problems that for too long have kept the Indian and Inuit people in a disadvantaged position within the larger Canadian society.

It is basic to the position of the Government that these claims must be settled and that the most promising avenue to settlement is through negotiation. It is envisaged that by this means agreements will be reached with groups of the Indian and Inuit people concerned and that these agreements will be enshrined in legislation, enacted by Parliament, so that they will have the finality and binding force of law.

The Government is now ready to negotiate with authorized representatives of these native peoples on the basis that where their traditional interest in the lands concerned can be established, an agreed form of compensation or benefit will be provided to native peoples in return for their interest.

Not all of the lands in question are the sole concern of the Federal Government. In the Yukon and Northwest Territories, the Government has authority, to be exercised in full consultation with the Territorial Governments, to deal with interests in land. But for claims arising in the provinces concerned, provincial lands are involved and so are rights of Canadians living in those provinces. Settlements with Indian and Inuit groups in those provinces can only be satisfactorily reached if the provinces concerned participate along with the Government of Canada in the negotiation and settlement.

It is in the interest of those provinces and their residents that claims respecting land in the provinces be settled, and it is, therefore, reasonable to expect that provincial governments should be prepared to provide compensation. The Government has informed the provincial governments concerned of its position and urged them to take part in the negotiations envisaged.

In the claims received from the native peoples, there are some variations. There may be others in the future. These variations arise mainly from the proposals put forward for settlement. They suggest and require a flexibility of response which the Government is prepared to consider.

About a year ago, the Union of British Columbia Chiefs submitted its claims for compensation based on the loss of traditional use and occupancy of land in that province. Since then, the claim of the Nishga Indians which related primarily to lands under the jurisdiction of the province, has been dealt with by the Courts. The Government is now ready to negotiate the claims of Indian people in British Columbia and regards the participation of the provincial government as a necessary ingredient for a satisfactory settlement.

With respect to Northern Quebec, some very important legal issues related to native claims there are now before the provincial courts. The Federal Government still believes that negotiation is the best way to achieve the results desired by all parties concerned and it will continue in its efforts to resolve the problems. But because those matters in Quebec are at present before the Courts, it would be inappropriate for the Government to make any further statement concerning them at this time.

The Government has already agreed with representatives of native people in the Yukon to enter into negotiations concerning their claims. Negotiations about proposals for settlement have commenced. The Government is equally ready to negotiate claims with the Indian and Inuit groups in the N.W.T. relating to interests in land not covered by Treaties. The Government for some time has emphasized its desire to fulfill all of its obligations and its willingness to consult with the people concerned in doing so. The Inuit people in the Northwest Territories, as in the case of Indian groups in Canada, have received funds from the Government specifically for the purpose of research on land claims.

In all these cases where the traditional interest in land has not been formally dealt with, the Government affirms its willingness to do so and accepts in principle that the loss and relinquishment of that interest ought to be compensated. It sees this goal being most effectively attained by means of settlements freely negotiated by all the parties concerned.

There are other areas of the country where no treaties of surrender were entered into, such as southern Quebec and the Atlantic provinces. The Government's view is that land claims in these areas are of a different character from those referred to earlier in this statement. The Indian people have submitted claims respecting their interests in land in these areas and the Government is examining them. The Government is providing funds to enable them to undertake the necessary research.

The Commissioner for Indian Claims, Dr. Lloyd Barber, was appointed in 1969. He has been able, in a number of instances, to assist the Indian people and the Government in arriving at a mutually satisfactory accommodation. It is the Government's hope that the good offices of the Commissioner will continue to be used as required to facilitate settlements of all kinds.

The Government views this claims policy in the context of other policies intended and designed to remove the sense of grievance and injustice which impedes the relationships of the Indian and Inuit peoples with the governments concerned and with their fellow Canadians.

THE TRUTH ABOUT DAN MITRIONE

Mr. BAYH. Mr. President, the September 9, 1973 issue of the Indianapoils Star carried a tremendously important article by Dr. Ernest W. Lefever concerning the vicious distortions and outright lies in a currently popular film purporting to depict the events surrounding the assassination of a great American, the late Dan Mitrione.

Dr. Lefever, a distinguished scholar on the staff of one of our most prestigious research institutions, the Brookings Institution, demonstrates with precise detail that the film, "State of Siege," far from being a factual account of the struggle of heroic Latin American revolutionaries against U.S. imperialism, is a shameless and coldblooded piece of far-left propaganda. In this connection, Mr. President, it is worth noting that the "heroes" of the film, the Uruguayan revolutionaries called Tupamaros, have been denounced by the Uruguayan Communist Party as "insane fanatics" and by Moscow's leaders as "loudmouthed thugs" using "gangster tactics." So we are not dealing here with traditional Communist propaganda but with that species of leftist fanaticism represented by the murderous "Black September" movement as well as by the Tupamaros.

The most savage of the distortions in "State of Siege" is the portrayal of Dan Mitrione as, in Dr. Lefever's words:

> A ruthless, calculating, deceitful man . . . a CIA superagent willingly serving U.S. political and financial interests by installing reactionary, repressive, semi-fascist regimes in Latin America.

In fact, however, Dan Mitrione was a deeply respected, much loved resident of Richmond, Ind., who joined the Agency for International Development after a distinguished career as a police officer, rising from patrolman to chief in just 11 years. The father of nine children, a devoted family man and church member, he was active in a wide variety of Richmond charitable and social service activities. A colleague of his during his AID service has described him as "unusually compassionate. He was considerate. Brutality was foreign to his nature. The Uruguayans who got to know him held him in affection and respect."

And yet this film, which explicitly claims to be factual, shows the character based on Dan Mitrione as an instructor and advocate of torture, a conscienceless agent of Fascist-style repression, the instigator of rightwing acts of terror against people struggling to be free.

The real Dan Mitrione was not only wholly different as a human being, his job in Uruguay was the perfectly legitimate one of helping to train local police officials in advanced techniques of administration and crime detection. And it is worth reminding ourselves, Mr. President, that the Uruguay in which he served was the model democracy of Latin America, a free and open society characterized by genuinely democratic political institutions and extensive social welfare programs. In addition, Uruguay was a staunch supporter in the United Nations and the Organization of American States of U.S. policies, and therefore no American policymaker in his right mind would have thought it desirable, much less have attempted, to replace the existing government with a Fascist-type dictatorship—this being one of the principal reasons, according to the film, for Mitrione's presence in Uruguay.

The fully documented article by Dr. Lefever details a great number of other distortions and lies in this self-proclaimed factual film. He concludes that:

> "State of Siege" is in fact a cynical propaganda tract masquerading as a documentary.

That is, perhaps, the kindest way to put it. It is an unspeakable slur on the memory of a good and decent man, and it is from beginning to end a vile calumny on the policies and purposes of the United States. One does not have to be an unquestioning supporter of every one of this Nation's foreign policies to label as a vicious lie the claim that we are sending Americans around the world to teach torture and bring down democratically elected governments.

I do not want to be understood, Mr. President, as denying any filmmaker the right to make and exhibit any political propaganda he wishes. If someone wants to put together a movie purporting to show that Adolf Hitler was a true and beautiful humanitarian and that nazism was dedicated to the highest ideals of Western civilization, we should not deny him a license. But those who view this film ought not to suppose that what they are seeing is a scrupulously accurate documentary, a genuine contribution to history.

That, unfortunately, is the widely disseminated notion about "State of Siege." Its director, Mr. Costas-Gavras, knows exactly what he is doing; too many of those who reviewed the film and recommended it to the American public do not.

So to the extent that Dr. Lefever's article can serve as a vitally needed corrective to the brutal dishonesty of "State of Siege," it deserves the widest possible currency. I, therefore, ask unanimous consent that it be reprinted in its entirety in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE TRUTH ABOUT DAN MITRIONE

(By Ernest W. Lefever)

Washington.—At 4:15 a.m., Monday, Aug. 10, 1970, the body of a stocky, unshaven 50-year-old man was found in the back seat of a stolen Buick convertible parked on Calle Lucas Moreno at Montevideo, Uruguay.

Blood was dripping through the floorboards and running toward the curb. He had been shot twice in the head and twice in the body. His eyes were bandaged. His left armpit bore deep bruises close to a half-healed gunshot wound. His inner arms were pitted by 16 needle-punctures.

This 12th murder—and fifth kidnap—victim of the Tupamaro terroists was Dan A. Mitrione, former police chief of Richmond, Ind., devoted Catholic father of nine who was a U.S. public safety adviser in Uruguay.

Kidnaped 11 days earlier, Mitrione had been "tried" by a Tupamaro "peoples court" and accused of being a CIA or FBI agent, of teaching Uruguayan police advanced torture techniques and of organizing a campaign of repression against "revolutionary" leaders. For these "crimes" he had been condemned to death.

Three years later, Mitrione's good name has been besmirched and his family anguished by a viciously anti-American film designed to malign him and what he stood for, and "prove" that the Tupamaros who killed him were justified.

"State of Siege" was authorized by two apostles of Europe's intellectual left—Constantin Gavras (who now calls himself "Costa-Gavras"), a craggy-faced film director of Russian-Greek parentage, and Franco Solinas, gifted Italian Communist scriptwriter.

It reportedly was bankrolled by Donald S. Rugoff, Madison Avenue film distributor, who has a taste for radical themes and whose wife plays a role in "State of Siege."

Costa-Gavras, the "Hitchcock of the left," has spared little effort in his attempt to convince American critics and the world that his film is a factually exact account of the life, kidnaping and death of Mitrione.

"The events in this film actually took place in a South American country," says the opening line, followed by a close-up of a light green Cadillac with a Montevideo license plate.

"State of Siege," like Costa-Gavras's previous box-office hit, "Z" (which Rugoff also reportedly underwrote to the tune of $600,000), makes use of a documentary format. Costa-Gavras and Solinas (who wrote "Battle of Algiers") intended it to be dramatic journalism, accepted as fact, not fiction.

This claim that "State of Siege" is factual, at least in essentials, has been accepted at or near face value by many American reviewers. A few took the opposite view but most critics never faced the issue directly.

This mixed reception raises two questions:

Is "State of Siege" an honest documentary, a fictional thriller, an anti-U.S. propaganda tract, or a combination?

Will it exert, as critics who praised it have suggested, a constructive impact on Washington's policy toward Latin America by shocking U.S. citizens into awareness of "torture and repression" that the Agency for International Development (AID) allegedly carries out their name?

These questions can be answered only by comparing the film with the facts—the flashing, disjointed, confusing images of "State of Siege" with a straightforward march of events that led to the murder of Mitrione.

Uruguay in 1970 was, to begin with, anything but the reactionary police state pictured by Costa-Gavras and Solinas. On the contrary, it was one of the most democratic and open societies in the world. Its president and parliament were popularly elected.

The most notorious group was the Tupamaro Liberation Front, a small paramilitary terrorist organization dating from 1962, similar to the Weathermen in America and the Black September killers in the Midwest. In 1970, there were fewer than a thousand Tupamaros, with about 150 in prison or awaiting trial. Their social goals were not clear, but they seemed to seek a revolutionary order a la Castro or Mao.

The day after Mitrione's murder, a Uruguayan Communist leader denounced the Tupamaros as "insane fanatics." In 1971, Moscow called them "pseudo revolutionaries" and "loud-mouthed thugs" using "gangster tactics."

Through interrogation, flashback, inference and published "documents," Costa-Gavras portrays Dan Mitrione as a CIA superagent willingly serving U.S. political and financial interests by installing reactionary, repressive, semi-fascist regimes in Latin America.

"Your methods are war, fascism and torture," cries his interrogator.

Mitrione is presented in the film as a ruthless, calculating, deceitful man "who never had any sentiments." He is the over-patriotic, self-righteous immigrant, a kind of "convinced Stalinist" of the right, in contrast to "good immigrants like Sacco and Vanzetti," as Yves Montand, who plays Mitrione, says in the book. He is armed at all times. The cover of the Ballantine-Random House paperback, "State of Seige," shows him with dark glasses, shoulder-holster gun, and a Humphrey Bogart drooping cigarette.

Yet the real Dan Mitrione's background and temperament hardly prepared him for the James Bond role Costa-Gavras and Solinas cast for him.

Mitrione did not smoke cigarettes or carry a gun, he seldom drank and, despite the film, it is unlikely that he ever saw the inside of a night club during his year in Montevideo.

Mitrione was a home-centered man of simple tastes—"a staunch family man," recalls a fellow adviser in Uruguay, "And unsually compassionate. He was considerate. Brutality was foreign to his nature. The Uruguayans who got to know him held him in affection and respect."

Mitrione was born in Italy in 1920. The following year, his parents emigrated to Richmond, where he grew up and attended public and parochial schools. From 1942 to 1945, he served honorably in the Navy as an aviation machinist's mate. In 1943, he married Henrietta Lind, and they had nine children (not seven, as in the film).

Out of the Navy in 1945, he joined the Richmond police force as a patrolman and 11 years later had risen to be its chief. In Richmond, he was active in youth, social service, church and other charitable work.

According to "State of Siege," Mitrione was well prepared for alleged "secret missions" in Brazil, the Dominican Republic and Uruguay by special training and extensive traveling in Latin America.

His double mission in Brazil, says Costa-Gavras, is to overthrow the "undemocratic" (read left-meaning) Goulart regime with the help of the Brazilian military and substitute a regime with the "blessings" of Cardinal Spellman and "the American God"; and to teach sophisticated torture techniques to military officers.

Mitrione is directly linked to a lurid scene showing nude males being tortured by electric shock before an audience of army officers.

During his alleged two years in the Dominican Republic, he is portrayed as responsible for installing, with the help of "40,000 U.S. Marines," a reactionnary junta "financed by the CIA."

In real life, however, Mitrione never had any training to be a secret or any other kind of agent. He travelled very little in Latin America and never set foot on Dominican soil. The Dominican involvement depicted by "State of Siege" is a total fabrication.

(So, incidentally, are the "40,000 U.S. Marines" supposedly occupying the country from 1965 to 1967. The peak number of Marines at the height of the Dominican intervention was 5,500; every single Marine had left Santo Domingo by June 6, 1965.) In July 1960, Mitrione joined the Agency for International Development as a public safety adviser, spending his first seven years in Brazil, five in the provincial city of Belo Horizone and two at Rio de Janeiro.

His job was to help local police upgrade their quality and efficiency by providing technical advice, modern gear and, when at Washington, to train them in AID's International Police Academy.

On the side, Mitrione arranged for visits by 34,000 school children to police facilities in Belo Horizonte and organized Little League baseball. After his murder, grateful citizens named a street in his honor.

The primary action in "State of Siege" is confined to 11 days, from the kidnaping of Mitrione on July 31, 1970, until his body is found on August 10. Much of this time, in film and in fact, he was being questioned by his captors. This interrogation is frequently interrupted by violent and lurid flashbacks to supposed events in Mitrione's past.

Throughout this process, his Tupamaro questioners are portrayed as young, virile, intelligent, competent and possessed of a dream of justice of compassion for the poor. They also are cast as the vanguard of liberation from fascist repression. The Tuparmaros have "a perfect organization" and are "held together by serious passionate idealism," said Costa-Gavras.

Besides these virtues, "State of Siege" presents the guerrilas as humane and considerate, turning to violence only as a last resort. They are solicitous in caring for the "accidental" gunshot wound Mitrione suffered when captured. At great risk, they are shown smuggling him through a police barricade to a hospital for a chest X-ray, by dyeing his hair, adding a fake mustache and making false identity papers.

The real Mitrione, alas, was not treated so gently by the real Tupamaros. When abducted, his car was rammed, not blocked as the film has it, and his driver stunned. Mitrione was beaten, kicked, cursed and shot from the back while lying down, helpless and unarmed.

The film makes no reference to this rough handling or the beating by a blunt instrument at that time or shortly thereafter. The kidnapers' blows broke the skin and left three distinct wounds near his left armpit that matched the shape of the butt of a .38 Colt revolver, a number of which the terrorists had recently stolen.

Mitrione was also subjected to intense interrogation while still suffering from the trauma of his initial gunshot wound and manhandling.

Every person I interviewed believes the film sequence showing Mitrione being smuggled into the hospital was a fabrication since the terrorists had their own medical personnel and X-ray equipment. Contrary to the film, no black dye was in his hair when the body was found.

The central facts of Dan Mitrione's life and death, "State of Seige" propagates a long litany of untruth and distortion ranging all the way from the Catholic church to AID's International Police Academy. Contrary to "State of Siege," the terrorists never had the support of the Catholic hierarchy. The archbishop of Montevideo did celebrate the cathedral memorial mass on August 22. On August 14, Reuters moreover quoted the outspoken leftist Brazilian bishop, Helder Camara, as saying that the crime was "absurd and inhuman."

During the ordeal while her husband was captive, Mrs. Mitrione was given a sacred medallion by the Papal Nuncio.

One of Costa-Gravas' misleading techniques was to twist and transpose times and events to vilify Mitrione and justify Tupamaro terror. For example, Mitrione is shown as pay-off man and instigator behind the "death-squad" shooting of a Tupamaro on "a very beautiful beach." Actually, the murdered adviser had nothing to do with "death squads," torture, or any other illegal activities—except to express strong disapproval of such tactics.

On July 31, 1971, however, a year after Mitrione was kidnaped, the the body of Manuel Ramos Filippini, a Tupamaro terrorist recently out of prison, was found on a beach. Leaflets left by the body suggest that he was killed by anti-Tupamaro Uruguyan vigilantes. These illegal groups, widely condemned in the Uruguayan press, received no American support.

In another scene, Mitrione is associated with the alleged police "assassination" of a leader in a student strike. Yet the episode—a radical student engaged in a shakedown apparently shot accidently by an armed comrade—actually occurred on July 24, 1971, with Mitrione 11 months in his grave.

AID's International Police Academy appears in "State of Seige" as the center of a global network for a U.S. program to eliminate "democratic forces" in the Third World, for which Mitrione was supposed to have recruited Latin American police officers as U.S. agents.

Costa-Gavras and Solinas show the academy as teaching terror tactics, elimination of "progressive" leaders by bombing, shooting and planned "accidents." Lurid scenes of a "specialized course" in Texas, "in a deserted town near the Mexican border," are flashed on the screen.

By contrast, the real academy teaches a wide spectrum of above-board skills—administration, management, communications, logistics, weapons, records and identification, investigation procedure, traffic management, narcotics control, VIP protection, community relations and identification of explosives. To date, some 4,500 police (including 110 Uruguayans) have taken the courses.

Mitrione (who taught there in 1968–1969) emphasized that mistreatment was unprofessional and unethical and that, on practical grounds alone, a fingerprint or a chip of paint provided more reliable evidence than a useless confession beaten out of a suspect.

"State of Siege's" allegedly "documented" picture of Dan Mitrione as a "torturer" is a good example of left-wing truth-twisting.

Costa-Gavras and Solinas apparently base their torture chareg on a headline story that appeared first in the Jornal do Brazil in mid-August 1970, allegedly quoting Captain Alejandro Otero, a Montevideo police official, as confirming that "Mitrione used methods of repression, violence and torture."

Independent research, however, discloses that the story was surreptitiously inserted in the paper without the knowledge of any of its three Montevideo correspondents, let alone Otero. Subsequent denials by Otero and the three correspondents that any such interview took place were later run in a disavowal by Jornal do Brasil.

Mitrione is shown by "State of Siege" as an agent of either the FBI or CIA. In the film, a task force of 100 FBI agents is flown into Uruguay after Mitrione's kidnaping. Yet Mitrione never worked for either agency (though as an Indiana police chief he was one among a total of 6,800 American senior law officers who have taken 12-week courses at the FBI Academy). The United States sent no FBI agents to Uruguay in connection with the Mitrione affair and no FBI agent was stationed there.

"State of Siege" is in fact a cynical propaganda tract masquerading as a documentary.

A documentary should bear substantial resemblance to reality and it should advance more truth than error, yet "State of Siege" omits the most important facts, distorts other facts and invents "facts" to serve its single-minded purposes. It adds up to a massive massacre of the truth.

The viewers are even spared the details of how the principal character was killed. When asked why he omitted this scene, Costa-Gavras lamely said he lacked "the verifiable data," this in the face of an avalanche of facts in the public domain. The facts on these and many other issues raised by "State of Siege" were available from reliable documents and disinterested observers. But Costa-Gavras and Solinas were not interested in truth. Only a contrived mix of fact and falsehood would serve their propaganda purpose.

The reason for the film's existence, admitted Solinas, is "American imperialism, with its mechanisms of repression, its murders, its tortures. The occasion for the film was the capture and death of a person who symbolized this mechanism."

Has "State of Siege" any redeeming value?

From some reviewers, the answer would be yes.

But what value can anyone extract from this grotesque caricature of U.S. policy toward Latin America? With its vivid and titillating fare of small facts and big lies, this political pornography neither informs the intellect nor quickens the conscience.

Laced with tired Marxist cliches and symbols calculated to descredit America "State of Siege" plays on the ignoble qualities of alienation, anger, withdrawal, cynicism and, of course, of credulity. The guilt-ridden, ashamed of American power and wealth, may find perverse satisfaction in the whiplash of two professional America-haters. The film will "be greeted with ecstasy wherever the premise that America is the world's No. 1 imperialist power is accepted without reservation," said Edward Behr (Newsweek.)

To angry, idealistic, frustrated students, the hypnotic simplicity of the virile, romantic Tupamaros, may suggest a way out of their helplessness and alienation.

To the Arthur Bremers and Sirhan Sirhans, it may suggest one final act of political violence that will enshrine them for immortality.

Just as Solinas' "Battle of Algiers" was used as a training film by the Black Panthers and Weathermen, his new apology for revolutionary violence may help to incite terror in American streets. If this happens, "State of Siege"—to borrow a slogan from Students for a Democratic Society—will be "playing midwife to murder."

Were "State of Siege," however angry, rooted in fact and honestly argued, it might encourage constructive self-examination. But this fraudulent fabrication can claim no such redeeming value.

MISINTERPRETATION OF REMARKS ON THE SUBJECT OF U.S. RELATIONS WITH THAILAND

Mr. GOLDWATER. Mr. President, having once been a candidate for the Presidency of the United States, having been through numerous hotly contested political campaigns and having been active in public life for more than two decades, the whole problem of being quoted out of context is nothing new to me.

Even so, I must say that the connotations placed upon my remarks during a speech in Des Moines, Iowa, on August 31 on the subject of U.S. relations with Thailand came as something of a surprise.

I was speaking, Mr. President, about the great importance, not only of Thailand but of the entire Pacific perimeter to the future of the United States. I was pointing out that the blockage of the Suez Canal had greatly increased the importance to the United States of the Straits of Malacca, explaining that oil from the Middle East currently had to be routed to this country through the Straits of Malacca. I went on to explain that the goodwill of the countries in the immediate vicinity of those straits are vastly important to this country.

I have noticed that the National Student Center of Thailand in Bangkok has protested to U.S. Ambassador Leonard Ungar about a quote of mine which said:

> If we are going to have oil and fuel, we have to keep Thailand. It is to our vital national interest to protect Thailand.

Naturally, Mr. President, I was referring to the goodwill of that fine country. Since we do not possess Thailand, how could we possibly keep her? My concern has been, and still is, for the goodwill and continued support by this country of Thai interests. The idea of Thailand as a "colony of the United States" as mentioned in the protest of the National Student Center certainly never occurred to me, nor in light of my long and unrelenting opposition to superpower of any kind could it ever occur to me.

I am inserting this statement into the Record, Mr. President, in the hope and confident belief that responsible officials and citizens of Thailand will know that my speech had that country's best interest at heart and nothing else.

BOSTON GLOBE EXPOSES MILITARY SERVANT ABUSES

Mr. PROXMIRE. Mr. President, a team of investigative reporters for the Sunday Globe Magazine of the Boston Globe have just completed an intensive and extraordinarily perceptive analysis of the military servant program.

Their findings have been presented in the September 9, 1973 issue of the Globe. Few studies do more to highlight the abuses of the servant program than this article. You can feel the atmosphere of aristocratic arrogance and the tradition of servitude that underlies the servant program of the U.S. Armed Forces.

TYPES OF SERVANT DUTY

For example, the article states that a Lt. Gen. Kenneth W. Schultz in Los Angeles has three aides and a chauffeur. The aides do gardening, housework, and general maintenance. In addition they have built fences, cleaned the pool, planted trees, and served as bartenders for entertaining on the weekends. A woman member of the Armed Forces also comes to the general's house each day to walk the general's poodle about the Bel Air Casino Estates with its "spectacular view." She also assists the general's wife in her shopping trips in their powder blue Lincoln Continental with Florida license plates.

SERVANTS MUST BE ELIMINATED

Even though new regulations are supposed to be in effect, this type of abuse continues to take place as it will until the Congress refuses to provide servants for our military brass.

The Secretary of Defense does not have personal servants. The members of the Supreme Court do not have servants. Members of Congress do not have servants. And taxpayers must pay for their own domestic help. It is time that we stop supplying servants to the military.

Mr. President, I ask unanimous consent that the Globe article by Gerard M. O'Neill, Stephen A. Kurkjian, Peter D. Cowen, and Ellen S. Zack be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Servants in Military Uniform

The narrator, in the same kind of breathless baritone that tells about Elvis' upcoming movie at the drive-in and OK used cars, is resonating about today's Army and its gourmet cooks.

The television commercial, which displayed culinary award "winners" on 300 stations around the country last Christmas, starts on a nostalgic note:

"Remember how in World War II meat was prepared in mess kits? Well, it just isn't true in today's Army . . . Confectionary specialists make life-like fruit and flowers out of sugar. Artistic cooks . . . can decorate a salmon with delicate petals, create a humorous figure out of the ordinary baked chicken and make a lobster the central figure in a gourmet setting . . . While Wellington roasts and squab may not appear on the daily menu, these are prepared by today's Army cooks who win top prizes.

"World War II veterans: Eat Your Hearts Out."

At ease, veterans. Stand by for new instructions regarding commissary items known as Beef Wellington and squab.

Not only do they not appear on daily menus, they are served exclusively to generals and their families by "artistic cooks" who may also be called upon to wash cars, walk dogs, pick up groceries, shine shoes, pin on medals, polish pewter, vacuum rugs, wash out bathtubs, fetch ice cubes, water plants, arrange floral pieces, mix drinks, pack lunches, babysit.

Instead of green khaki, some men in today's Army are seldom out of cook's whites and butler's waistcoasts.

They are soldier-servants whose sole function is the regal care and feeding of military brass.

The practice is a US military tradition dating back to the Revolutionary War when so-called "strikers" set up General Washington's tent like circus laborers, hauling it up and down as they moved from camp to camp. Washington also had some family-owned slaves on his personal staff.

It appears that the striker is a carry-over from the caste conscious British military where the "batman" is a traditional fringe benefit for commissioned officers. It all started in days of yore when young noblemen brought along domestic servants with them when they embarked on military careers.

Today's "strikers" are known by various euphemisms: enlisted aides in the Army, stewards in the Navy, airman aides in the Air Force and specialists in the Marine Corps.

The Marines and Army have formal training schools for aides, now being phased out under the glare of adverse publicity, while the Navy and Air Force prefer on-the-job training.

At a time when the Pentagon's budget is higher in peace-time than it was during the Vietnam War, there are 1722 officially designated aides tending to 970 high ranking officers in all the services at an annual cost of about $22 million. Most of the aides are stationed in the United States.

The training and personnel costs to the American taxpayer for military servants is enough to transport milk to 11 billion impoverished children in developing countries or inoculate 2.2 billion children for tuberculosis or provide 150 billion vitamin capsules for mothers and children.

Instead, the funds are used in part to train men how to make cute little hors d'oeuvres, like hard-boiled eggs fashioned into miniature penguins, or to prepare formal dinners, fit for a Versailles banquet table, with centerpieces such as a chariot carved out of watermelon pulled by four large lobsters.

The staff sergeant seldom saw "his" general. Rather, when he arrived at Gen Donald Werbeck's home each morning on the Richards-Gebaur air force base near Kansas City, Missouri, he would find terse notes on the kitchen table outlining his duties for the day.

The memos got right to the point: Sgt.—1. Mow lawn; 2. Shine shoes; 3. Fill wood bucket; 4. Commissary (food shopping); 5. Pickup cleaning; 6. (Prepare) salad dressing.

The sergeant has a variety of tasks done on a weekly basis and there is nothing, short of picking cotton, he was not asked to do, from bringing ice cubes to the upstairs bedroom to digging a trench alongside the carport.

Every week he washed the general's VW or Ford LTD, manicured the lawn, dusted and vacuumed all rooms. He regularly had to empty the trash; wash floors, appliances, furniture; empty ashes from the barbecue; scrub kitchen tile with an S.O.S. pad on his hands and knees and work nights as a bartender for guests with no notice.

"In short," he recalled, "I was cook, bartender, chauffeur, gardener, painter, doorman, maid, janitor, secretary, and even nightwatchman when the general and his wife were on vacation."

The sergeant put in a year before asking for a transfer and was immediately threatened, he says, with a bad report—something that would virtually eliminate further promotions.

"I told the general I had enough " he said, "and wanted out. All of a sudden, after busting my butt around there for months and doing a 'fine job,' I was going to get a bad report and his wife told me I was unsuitable for that kind of work.

"But I've got too many years in and there was no way the general was going to use me and then shaft me. I knew too much and had some friends. The report never got on my record."

Gen. Werbeck confirmed he viewed airman aides as personal servants and was critical of new restrictions that limit what he calls "gainful use of their time. . . ."

He implied the aide system has been vitiated by recent "vague" guidelines put out by the Pentagon following attacks by Sen. William Proxmire (D-Wis.): "Before, they did just about everything . . . maintain the house, inside and out . . . you know, the kind of things that I, as a homeowner when I lived off base, basically did for myself. . . ."

Ironically, Werbeck, who has utilized aides to the hilt during the two years he's been a general admitted that, with his grown children away at school, "the house sort of takes care of itself."

Using enlisted men as servants has been against military regulations since the Civil War. In 1962, it was decreed that officers had to pay soldiers acting as servants out of their own pockets or run the risk of being "cashiered." But the law became a toothless ambiguity in 1970 when the practice was merely prohibited without sanctions.

Various military court decisions over the years have ruled that aides may do servant-like duties only if it frees high ranking officers to do "essential" military functions.

The service position, reduced to basics, is that a general's or admiral's every waking moment is spent on essential military matters.

A survey by the US General Accounting Office (GAO) of scores of general officers can be condensed into a composite answer: "We are busy men who work long hours and have to attend a lot of functions. As a result, we do not have time to do these things ourselves, nor do our wives."

Frequently cited was "the need to free the officers' wives to provide leadership to women's organizations and voluntary community services."

Several aides in Globe interviews termed this, ah, baloney, and contend their jobs, in most cases, simply freed the wives to go to the beauty shop and play bridge.

A recurrent theme in interviews with past and present aides is that the generals were usually fair and reasonable but the wives were likened to Parris Island drill instructors.

One former aide from California, who has a masters' degree in management, served two generals for whom he had high regard. "But their wives were impossible. My job was to be their maid.

"The idea that the generals' wives are too involved with post or community activities to handle their families is a fallacy.

"Neither of the wives I worked for were more—in fact, less—involved than at least 50 million other wives in this country.

"The wives tried whatever means possible to get out of post activities. The work was done by lesser ranking wives in an attempt to boost their husbands' careers."

The first public hint of wide-scale use of soldiers as lackeys occurred last November when the GAO confirmed charges by Sen. Proxmire that a luxurious health club and hotel was being operated in Alaska by 24 aides exclusively for Air Force brass. It cost taxpayers $174,000 a year.

At Proxmire's request, government investigators questioned generals and aides about other possible abuses.

They found that although the enlisted aide "billet" is supposed to be strictly voluntary, one out of eight surveyed were assigned to the job.

In the Army and Air Force, aides are a time honored custom while the Navy and Marines are allotted them by military law through the Secretary of the Navy. The rule of thumb is one aide for each star on a general officer's collar. Members of the Joint Chiefs of Staff at the Pentagon have seven or eight aides apiece.

When it came time to talk to the aides, investigators found "military observers" present, who assured the enlisted men reprisals would not follow candor. They then sat silently in a corner.

One of the most notable findings of the interviews was the marked discrepancy between what the officers claimed they asked aides to do and what the aide said they actually did.

For example, only 38 percent of the Army generals said aides did gardening for them while 81 percent of the enlistees said they did such work; 56 percent of the generals admitted aides ran errands for them while 90 percent of the men said this was a regular duty; and 25 percent of the admirals said they had stewards wash their private automobiles while 49 percent of the stewards surveyed found themselves scouring cars.

A substantial number of aides confirmed they did tasks clearly out of bounds, such as chauffeuring officers' children, fixing their lunches, doing their laundry and babysitting.

Investigators also determined general officers used aides to cater informal functions on a regular basis. Throughout the four services, aides were used at private affairs on an average of 75 percent of the time.

One pat answer to justify enlisted houseboys by the military is that generals and admirals could not afford to hire outside domestic help.

Retired Marine Col. J. A. Donovan, who is now an author, takes sharp issue with this, noting upper echelon military pay has doubled in recent years to make it commensurate with business executives with similar responsibilities.

Donovan reports that a major general now receives $36,963 a year and a four-star admiral $40,563. About $4560 of the salary is tax-free. Furthermore, officers have few of the normal household expenses, especially the ubiquitous mortgage.

As a concession to critics, outgoing Secretary of Defense Elliot Richardson cut back the enlisted aide program by 28 percent and limited the use of limousines by Pentagon officials. The only concrete result to date has been the termination of Marine and Army training schools. But the status of the rollback is uncertain.

Col. James T. Moore stood in his small plywood panelled office with a pointer in his hand and lectured beside a slide projector about the 17 food service schools he commands at Ft. Lee, Va.

The slide show lasts over an hour and is conducted, according to a female civilian public relations assistant, "because the colonel likes to bring out that the enlisted aide school is just a teensy-weensy bit of the overall program." Col. Moore says it shows the "big picture."

The teensy-weensy part, however, is overshadowing the "big picture" because an enlisted aide, in many cases is a family servant and Congress has been asking pointed questions.

So, Col. Moore walks a thin line, gingerly defending his program, while making sure he says nothing controversial to anger congressional critics or nettle generals on high.

Since Sen. Proxmire started lampooning the program as a "charm" school this year, it has been demoted from prodigal to orphan. It's an Army brat that's being mustered out.

Asked how he feels about having the five-year-old school "disestablished," Moore laughed wistfully and said, "I have no feelings. DOD (Department of Defense) instructed DA (Department of the Army) to terminate. I do what I'm told."

But Moore perked right up again and said he was "hopeful that we can get you to do a story on all the schools we got here . . . why don't you surprise the heck out of everybody and write a positive story about the enlisted aides?"

Col. Moore has been in the Army 28 years and plays his cards close to the vest. He talked at length about the 16 other schools he supervises and deemphasizes the one being cut loose while keeping his opinions to himself.

There's a sign in his office showing an abject caricature with the inscription "Why Worry About Tomorrow? We May Not Make It Through Today."

In his office, Moore runs through a monotonous practiced presentation of the schools' organization. While he's a sincere, affable man, the long monologue is turgid and technical. ". . . interfacing with civilian food service industry has been enhanced . . . The subsistence and commissary division is made up of two branches. . ."

The enlisted aide school comes last and it consists of a dazzling display of prize-winning gourmet cookery sprinkled with a dash of statistics.

At the end of the eight-week course the students stage a graduating buffet where they prepare the menu, food, seat guests according to protocol, serve the meal and clean up.

"We put them in a real live world situation," says Moore, "like at a country club. It gives them the feel of being chef, waiter and bartender."

One of the slides, he said, "sums up our philosophy." Onto the screen flashes a man and woman embracing on a porch swing under a full moon. The caption: "We learn best and retain it longer when we do it."

Moore was asked why the military's higher-ups entertained so much. Is it all really necessary?

The colonel guardedly conceded it was part of the service's high-powered public relations program, but added "if a VIP, like say, Sen. Proxmire, came here for a visit, why, we'd have to give him some dinner . . . I don't think generals make enough money to hire private staff for parties and official affairs. In addition, an officer's wife gets involved in all kinds of civic affairs like the American Red Cross, the Girl Scouts, Campfire Girls and so on. She can't do it all alone."

The fort's aide school is evenly divided between teaching the methods of caring for and feeding generals' families.

The reference library includes such books as "The Army Wife," "The Blue Goose Buying Guide," "The Correct Waitress," "Ice Carving Made Easy," and "Army Social Customs."

But the aide's bible is his 101-page guideline booklet, which is formally presented upon graduation. It covers a multitude of duties, ranging from preparing a lavish banquet to cleaning the water closet. It stresses deportment, protocol, cleaning techniques and elaborate cooking.

The aide is given guidelines on being courteous to the general's family. For example, "the aide must stand and pay attention when members of the family speak to him, except when he must answer the telephone and then he should excuse himself to answer it. After he answers the telephone, the aide should return to complete the conversation . . ."

The aide's uniforms are varied to suit the occasion. The basic wardrobe includes "butler's coats, mess jackets (white), black cummerbund, tuxedo trousers, white shirts, black bow ties, and white gloves."

A lengthy section is devoted to setting up a daily work schedule, which focuses on the need for consulting with the general's wife "concerning menus for lunch and dinner, the commissary list and instructions for any special assignments." Among five routine things to be done in bathroom cleaning is to "wash and sanitize with the appropriate cleaning agent, the bathtub, lavatory, water closet and shower area."

After lunch, the aide can "perform errands," such as delivering and picking up laundry and shopping for food and drink. The aide is expected to escort the general's wife or her friends, from banquet hall to supermarket.

The booklet also provides sample menus. Recommended for "a light lunch for the ladies" is a breast of chicken Kiev, avocado stuffed with crab meat, salmon mousse en Bellevue. A typical formal dinner might be chilled vichyssoise, fish fillet poached in wine with mushroom bercy sauce; a half cornish hen with wild rice; baby carrots in sherry sauce; broccoli buttered; molded cranberry salad, crepe suzette, parkerhouse rolls and just plain old coffee.

Whenever questions arose about aides being abused or overworked, Col. Moore never answered directly. At one point he said "in a way, we're all servants, aren't we? You're a servant to your editor and publisher and I'm a servant to the U.S. taxpayer.

"But I'm not in a decision-making position," he continued. "My job is to train. Whether a general has too many aides or what the aides do is not under my authority . . . we certainly don't teach baby-sitting or car washing. We teach the hospitality trade, a vocation these men can use in civilian life."

Q. Do you have follow-up data on how many aides go on to well-paying, skilled civilian jobs as a result of the training?

A. No.

Col. Moore coughed. Silence. Back to the slide show of culinary prize winners. Click: a lobster conductor leads a crab orchestra; Click: an oriental figure made from chicken wings and an egg "fishes" out of a bowl of onion soup; Click: the watermelon chariot; Click: a turkey practically dressed in uniform.

After the military briefing, Col. Moore leads a party to the aides schools where men are working in facsimile quarters for generals on fruit centerpieces. The afternoon training followed a morning lecture on how to make honeydew baskets, the bird of paradise centerpiece, and a grapefruit treasure chest.

The students work in medical whites making surgical cuts into watermelons, honeydews and pineapples.

PFC Donald Jacobson was working on a pineapple boat. He was asked what he'd do if, after all his training, he was told by a general to walk the dog. He didn't like the question that apparently has been asked before.

"I'm a man," Jacobson said. "And I'm willing to do a man's work. I'll take any suggestions. I'd say 'sir, I'm here to assist you in certain ways that I've received training for.' "

Spec. 5 John Miranda, asked the same question, shrugged and looked at the floor. "I wouldn't like it," he said softly. "The general I worked for was a good guy. He wouldn't ask me to do that. Most generals are good guys."

The following morning, the 14 students were lectured on the delicate art of gourmet meat dishes. Cordon Bleu was under discussion. Sgt. Guy Morris was working on a piece of veal near a sign that states "service is the cheerful giving of attention."

Mallet in hand, Morris showed how to use the flat side to spread out and thin out the veal before dipping it in flour, salt and pepper, egg whites, bread crumbs. "Remember, in that order. Now, any questions before you go to the apartments?"

One soldier asked a question that might have come from any housewife in America: "Where do I find the veal, sir?"

Premium quality veal now sells for more than $5 a pound.

The Navy, which spends $6.4 million caring for its high level commanders, appears to have the most rigid caste system of all the services.

Washington Monthly magazine once likened it to a "floating plantation" and it's anchored off the Philippines.

According to the GAO, 98 percent of all Navy stewards are Filipino. Along with the Coast Guard, the Navy has found them anxious to serve, docile, cheap.

Historically, the Navy steward evolved from the "ship's boys" and "cabin boys" who served on the larger vessels of the early Continental Navy.

Today's Navy has an unlimited, exclusive supply of servile stewards through a unique arrangement with the government of the Philippines.

Filipino citizens served in the US Navy prior to World War II under an informal arrangement that was incorporated into an agreement in 1947. By 1954, 2000 Filipinos were enlisting, a ceiling quota still in effect. Since the second world war, 26,619 Filipinos have signed on, the vast majority as stewards. They all must give up their rights as citizens in the Philippines without any guarantee of citizenship in this country.

They come aboard with a smile, glad to be out of Manila's debilitating poverty. One former officer said "it's just like the British in India. If there are 75 officers on a ship, they have 15–20 stewards to wait on you hand and foot. They are always black or Filipino. The high ranking officers have about the same number just for themselves."

Aboard ship, the stewards are houseboys who act as cook, waiter, cabin boy and dishwasher. Shore duty is no different and may be even more demanding what with lawn pruning, gardening and cocktail parties.

An officer's stewards, like his stripes, increases with promotions. An admiral is usually a three-steward man while a captain is a one-steward man.

The competition to become a Navy lackey is fierce. As many as 100,000 applications are processed each year at Sangley Point Naval Base in the Philippines. Only 1000–2000 are selected. Cmdr. J. L. Cleveland, public information officer for Navy recruiting, is uncertain just how Filipinos came to be the only foreign nationals to serve in American uniforms. "Now this is speculation on my part but it probably goes way back to when the Philippines were under our guardianship at the turn of the century. They were a territory of ours or something and their boys liked the work. We always got on. Hell (Gen. Douglas) MacArthur was there in the 1920s."

Until recently, about the only job a Filipino qualified for because of a dubious "security" rating was picking up after officers.

Cmdr. Cleveland said Filipinos now qualify for 20–25 job categories (the Navy claimed 63 classifications are available in a report to Congress).

Asked what type of position would be closed to Filipinos because of national security, he paused for a moment and said, "Well, I'd guess, for example, fire control technician."

Q.—What's so sensitive about fire control?

A.—The problem is they would have access to classified manuals aboard ship. All those manuals are classified. They state where radar controls are and so on.

A former naval officer, who served on a large communication vessel, said he and some other junior officers once tried to get a Filipino who had attended medical school transferred to the hospital unit.

"We thought it would be better than having him washing our socks but the word came back 'nothing doing' because of the 'security risk.' Which was ———, of course."

Cmdr. Cleveland, asked if a Filipino could serve in a medical capacity, checked his list and said, "Sure, no problem."

While stressing the expanding opportunities for Filipinos, Cleveland acknowledged some de facto segregation exists.

"These fellas kind of stick together. They don't speak English that well and prefer to be with each other. But the standards are getting higher. I've got the recruiting manual here and it says the boys have to have a high school education or the equivalent thereof."

As in the other services, stewards do not advance in rank and pay as quickly as counterparts in other job categories. Many are, in effect, frozen into demanding, demeaning positions with little future—and retire with lower pensions.

The steward's pinnacle, perhaps, is being assigned to "Admiral's Row" in Norfolk, Va., or to serve at the White House.

At the mammoth Norfolk base, 50 stewards work for 18 admirals, most of whom live in stately plantation-like homes on a tree-lined street that runs along a golf course. (The sumptuous houses, built in 1907 for the tercentennial celebration of the English settlement at Jamestown, were purchased by the government in 1917 after the developers went bankrupt.)

The plantation milieu is reflected in the stewards' duties. One source gave this account of life in Admiral's Country:

"They are very big houses, so some admirals would use bells to call the stewards. One admiral's wife would ring just to ask the steward to close a curtain or get a pencil.

"At that time, the lady's whims set the work day. Now there are schedules because Sen. Proxmire agitated some people. But other than giving advance notice to the three stewards about weekend functions, it's pretty much the same. They work for the families . . . if the admiral goes to Washington or Europe, the wife will have house guests for parties and all three stewards have to be there to wait on them.

"During the holidays, like Thanksgiving the admiral's children and grandchildren come to Norfolk, and get around the clock service. The steward's day starts at 4 a.m., when he has to put the turkey in the oven, and gets over late in the evening. . . ."

A Navy lieutenant commander first stated that the "vast majority" of the "row's" stewards were Filipino. Asked for a precise breakdown, a different officer later said they are "eight caucasians, four blacks and 38 others." Others? "O, the others include Gwanamians, American Indians, Hawaiians, Filipinos, etc."

The White House gets an even more generous supply of help, according to information provided by the Pentagon after weeks of delay.

The President has 53 Filipinos serving his family at his various residences at a cost, for salaries and allowances alone, of $418,700 a year.

The President has more servants than 18 admirals. The stewards are shuffled from the White House to Key Biscayne to Camp David to San Clemente, depending on the President's activities.

The data was supplied after queries were bounced from the White House press office to the Pentagon and from civilians in the military public information department to the Navy. The buck stopped there.

The formal answer was: "The U.S. Navy does not have enlisted military aides. However, 52 Steward-mates are assigned to the Navy Administration Unit, Washington, D.C. to support the President. The 53 are employed at different presidential support activities in an effort to meet the changing requirements. In short, there is no breakdown by location . . . all (stewards) are U.S. citizens and of Filipino extraction. The actual make-up varies from time to time."

The black tech sergeant walked slowly from the general's home to one under construction next door and sheepishly asked for scraps of wood so he could make flower window boxes for his commander's wife.

He was embarrassed but had his orders.

After a few days, the sergeant and two carpenters, working on the $200,000 house, got to talking about his "duty station"—the luxurious private home of Lt. Gen. Kenneth W. Schultz in a posh section of Los Angeles.

The sergeant spoke bitterly about the things he was expected to do: build fences, clean the pool, plant trees and flowers, mow the lawn and work weekends as bartender for guests that have included former Los Angeles Mayor Sam Yorty.

The sergeant said he was staying on just until he could finish out his 20 years, which is not far away. He told the laborers that he knew what he was doing was against military regulations and "if I know, the general sure does . . ."

Surveillance found that Gen. Schultz, who's commander of a space and missile center near the city, has three aides and a chauffeur.

Each morning at 7, a car arrives in the neighborhood a few blocks from the general's home and the driver gets out and dusts the blue military sedan for a while. He pulls up to the house at 7:15 and waits for the general with the motor running. They usually leave about 7:30.

At 8, two or three aides arrive, one of them a woman. They do gardening, housework and general maintenance.

Frequently, the woman, in a starched uniform, walks a poodle about the Bel Air Casino Estates, with its "spectacular view." The female aide also goes shopping with the wife in a powder blue Lincoln Continental with Florida license plates.

A request to interview Gen. Schultz took a circuitous and unproductive route. A colonel attached to his staff sought unsuccessfully to screen questions because the general "likes to have a clue about what he is going to be asked."

The following day, John O'Brien, a civilian public information employee at Hanscom Field in Bedford, Mass., relayed a message from L.A.

"The general will not be able to talk about the aide matter with you. The Air Force has very strict guidelines about what commanding officers can say about aides, like the number of men they have and what regulations say about the duties they perform."

Informed that another Air Force general talked at length about the program, O'Brien said "Well, not everybody gets the word, I guess."

The Marine base in North Carolina looks like a neat housing project, with stark white barracks lining dusty roads. It's a place where you can see the simmering heat hugging the ground. Even its public information officer calls it "the end of the world."

You get to Camp Lejeune on a propeller-driven plane that takes off late, the stewardess reports cheerfully, because the captain saw something he didn't like in one of the motors.

The Marines are waiting at the airport and drive you to the base through the forlorn city of Jacksonville, with its inevitable honky-tonk strip leading up to the camp's gate.

The beginning of the briefing is subliminal strategy. The two colonels and two majors are perplexed as to why anybody would be interested in a small school tucked away in the backwoods of North Carolina.

One of the colonels, a reticent pipe smoker who offered nothing and said little, was there as the eyes and ears of the camp's general. The public information major had obviously been ordered to stay with the reporter and photographer and not let them out of sight for a second.

At the end of the day, a boyish-looking colonel asked, as an ostensible afterthought, "How you gonna splash us up so I can tell my boss?"

One of the reasons for the visit was because the school's very existence was initially denied by a Marine information officer, who was gradually forced to retreat and admit there were in fact two programs at the camp.

Q. I'm trying to get in touch with the ranking officer in charge of training enlisted aides at Camp Lejeune.

Maj. Jack McNamara: There is no such person.

Q. Is there any such program, then?

A. No.

William E. Tisdale is commander of several food training schools at Lejeune, including the elusive one for "specialists," who learn to wait on generals. He did most of the talking at the briefing.

Tisdale is a "mustang" officer who joined the corps off the streets of Brooklyn when he was 16 years old. Now he's a 40-year-old major who came up the hard way—through the ranks.

"I was kind of a rebellious kid," he said. "The corps has been mother and father to me. I'm a 'lifer.' "

Incongruously, this lean, steely eyed Post-officer poster Marine is sort of head cook at the camp in charge of all food service training.

Tisdale was asked if the pampering of generals by underlings wearing chefs' caps is compatible with the rugged chest-out, stomach-in image of the Marines.

"Look," he said, leaning forward in his chair. "I'm a cook and proud of it. You'll still find that Marines are at the rail-side of the bar and are not party-boys. We just take cooks and make them better cooks."

Tisdale is a paradoxical man who chews out a subordinate for opening the car door and gives straight blunt answers to questions while staring you squarely in the eye. Yet one of his favorite pastimes is carving dining table centerpieces out of ice. Over lunch, he explained how once, to a general's delight, he repaired an ice swan's broked wing with wire and salt at a party.

But on the touchy matter of enlisted aides' schools, Tisdale like his counterpart in the Army, refused to discuss his personal reaction to the phase-out. "I have no feelings. I do what I'm told."

The day before the interview, the school's facsimile quarters for generals was disbanded. Mannequins used for practicing "uniform care"—proper placement of medals and ribbons—were already in storage someplace.

The "last class" was in the woods learning to set up field mess, a standard lesson for all Marine cooks. Tisdale, leading the tour, was greeted at the foot of a pathway by the supervising sergeant who informed him, with some apprehension, that the men had killed three copperhead snakes earlier in the day. "Just keep 'em the hell out of our way, then, sergeant," were the instructions.

One of the school's instructors, a black master gunnery sergeant with 29 years in the Marines, talked in the school's barren "living room." (Some 65 percent of corps "specialists" are black.)

Tisdale calls him "Top," a familiar name for a high ranking sergeant. ("No, I don't know his first name. I'll bet he's forgot it too.")

"Top, come 'er," Tisdale says, "you ever told to wash a general's car?"

"Well, not exactly," Top replied. "A general might say 'my car is dirty' but he'd never order me to wash it. But I've done it if that's what I know he wanted."

A reporter asked if he took orders from the general or the general's wife. "O, the wife," he said.

"She runs the household. Some are demanding. Some aren't."

Q. Ever clash with a general's wife?

A. Noooo, sir. I was very lucky. (laughter)

After he was dismissed, Maj. Tisdale said that "Top" was a "good fella. He isn't any uncle tom either. He'll tell it to you straight."

Tisdale, along with the Pentagon's public information officer, Maj. McNamara, portrayed the specialist school as a place used simply to improve cooking skills.

McNamara, who starting out denying there was a formal program, was finally asked if the men were trained only as cooks or to do other household chores.

"I'm not sure. I'm not going to answer (Sen.) Proxmire's charge and come back and say none of them ever walked a dog. We will come back and say what the school trains them to do."

Near the end of the interview, McNamara said "wait a minute. Let me get your name and horsepower and all that. Now, you're who from where?"

During the visit to Camp Lejeune, Maj. Tisdale downplayed cleaning and primping duties of aides and indicated that the cooks were instructed mostly in meat and potato stuff. He spoke about one general who preferred regular hamburger to ground round. "Why, he used to send the aide back to get it exchanged," he said.

Asked about training for "social activities" such as bartending referred to in the GAO report, Tisdale said tartly, "we don't teach bartending. We teach beverage preparation . . . like tea for the wives, things like that."

Riding along in a military car, he was asked why Marine generals need gourmet cooks. "You know," he said, "I hate that damn word gourmet. We're talking about prime rib or beef here, not pheasant under glass."

However, for years, generals with a taste for haute cuisine have arranged for a handful of select aides to attend the Culinary Institute of America in New York, which charges $375 for a two-week course in gourmet classical cooking.

According to its brochure, it concentrates on the "major jewels of gastronomy—truffles, foie gras, caviar, morels, filet mignon, game, cheese and classical desserts." There are no current plans, according to the Pentagon, to enroll Marines there this year.

After the briefing and tour, Tisdale was asked if, after all was said and done, the specialists were really just servants.

"That is a flat negative," he said. "There is a father-son relationship in the Marines and we take it seriously."

RHODE ISLAND BANKS PARTICIPATE IN GUARANTEED STUDENT LOAN PROGRAM

Mr. PELL. Mr. President, while students throughout the country are not able to participate in the guaranteed student loan program, youngsters in the State of Rhode Island are not having such bad luck. A recent article in the Providence Sunday Journal discussed the fact that, in Rhode Island, the banks are making the loans even though it costs them money.

The fact that the banks in Rhode Island are acting in such a selfless manner is familiar to me. In years past, when the guaranteed student loan program was experiencing difficulty, Rhode Island banks were participating to the utmost. The bankers of Rhode Island deserve our thanks and congratulations for their public-spirited work on behalf of the students in our Nation.

Unfortunately, the Subcommittee on Education has been the recipient of much bad news pertaining to the guaranteed student loan program. Due to language in the Education Amendments of 1972 strictly interpreted by the Department of Health, Education, and Welfare, the guaranteed student loan program has, in effect, been changed from loans of convenience to the middle class to loans based on need. However, this change really applied to the so-called interest subsidy only, and the banks could continue to make guaranteed loans. Unfortunately, the banks of the country have shown reluctance to make loans which are not also subsidized.

The action of Rhode Island banks in making these student loans available is one to be admired, and it was with great delight that I read the article. I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Banks in Rhode Island Aid Students Even at "Loss"

(By Lee Dykas)

Banks, the core of the Establishment, are proving to be among the best friends of college students in the state.

Students, often pictured as the core of the anti-Establishment, are finding that Rhode Island banks are almost eager to extend loans for tuition and education expenses even though they "lose" money in the process.

New regulations were issued last spring governing federally-subsidized loans for students and they have created headaches for financial aid officers at the nation's colleges and universities and financial uncertainty for many students.

The nub of the problem—new eligibility requirements coupled with the requirement that financial aid officers determine how much loan money each student needs.

Dick Tombough, executive director of the National Association of Student Financial Aid Administrators, said it was taking "three times as long to process loan applications because of the needs assessment."

And Donald Payton, head of the National Council of Higher Education Loan Programs, predicted that large numbers of middle-income students won't get the loans they have been counting on.

Before last March 1 any student whose adjusted family income was less than $15,000 a year could qualify for interest-subsidized loans of up to $1,500 as long as the college verified that the applicant was a student.

Now a student applying for a loan under the interest-subsidy program must show financial need. Family assets as well as income are considered in the student's need.

The net result is a mountain of paperwork for financial aid officers and often disappointment for students.

That's where Rhode Island banks enter the picture.

The Rev. John Peterson, O.P., financial aid officer at Providence College and president of the Financial Aid Officers of Rhode Island, said that the state's bankers do not limit loans to students who have qualified for the subsidy program.

"Most banks in the country," he said, "take the position that if they are going to be involved they want to be sure that the loans are subsidized.

"Here in Rhode Island the bankers don't do that. If the subsidy applies, good, if not they try to arrange a loan anway," Father Peterson said. "They seem to have adopted loans to students as one of their contributions to the community."

He added, "I cannot be too profuse in my praise of the banking community."

Thom Brown, director of student aid at the University of Rhode Island, echoed that sentiment. "We have been historically fortunate in Rhode Island with the excellent support provided by the lending institutions in support of the guaranteed loan programs."

Under all circumstances it is the banks who determine whether a loan will be issued.

Whether a student qualifies for an interest-subsidy loan is up to the college. But it is still up to the lending institutions to determine whether the loan will actually be granted.

Further, the bank can determine on its own whether the loan set by the college or university is large enough. If the bank decides a student needs more money, the bank can issue a loan for a larger amount and remain under the interest-subsidy provision.

Students who qualify for the subsidy program are those who can establish a genuine financial need. Put another way, they are from poorer families, often such as would not be able to obtain a long-term loan under any circumstances.

The state's banks could reject those applications, according to the federal regulations, but they have continued to support the program even though it means a loss of earnings.

The subsidized loans earn 7 per cent interest, paid by the government, but tie up bank funds for up to 10 years. Right now the banks could earn a higher return since prime interest rates are more than 9 per cent.

Students who do not qualify for the interest-subsidy program are those whose family incomes are high enough so that a "need" does not exist within the limits set by the new federal guidelines.

Often they are students from middle-income families too "wealthy" to qualify for the program but not "wealthy" enough to be able to absorb tuition and education expenses.

Again the banks in Rhode Island have been quick to help.

Sometimes banks have determined that a student does qualify for an interest-subsidized loan after the college has said no, Father Peterson explained, adding that that is sometimes on the basis of new information the bank obtained.

But even if a student does not qualify, he said, the banks have not refused loans simply because students don't qualify for the subsidy.

In effect, the priest said, the federal government is subsidizing the education of the lower-income students and the banks are being among the best friends of the middle-income students.

The result is that few Rhode Island students, whether lower or middle income have to go to college or university that is not the first choice.

Students from other states are not so fortunate.

Financial aid officers across the country generally agree that many students will not have to stay out of school because of the loan situation, but most say that many rejected students will not be able to attend schools of their first choice.

William D. Rusk, director of financial aid at Whitworth College near Spokane, Wash., for example, said, "It's a knife in the back of the middle-income family, which pays taxes that allow poor kids to go to the colleges of their choice but not their own kids."

Rhode Island students, those who plan to attend one of the institutions in the state, are also fortunate in that the quality of financial aid officers is "first class," according to at least one critic.

Independently and through the organization of which Father Peterson is president, financial aid officers here anticipated the problems that the new regulations pose and tried to do something about it as soon as possible.

For example: The URI bursar's office had announced that unless student fees were paid by early August students would have no guarantee that they would have class cards waiting for them when the fall semester began.

Mr. Brown said, however, that arrangements were made so that no student affected by the loan program's delays will be rejected.

He said, "While these new regulations have caused considerable problems and delays, the combination of efforts by the financial aid officers' national association, the lenders, the Congress, the federal Office of Education—a result of that combined effort should be that students at least here in Rhode Island will get the funds they need to pay their college bills."

While they have cut delays significantly, financial officers in the state quickly add that "it might not seem that way to many students."

But elsewhere in the nation the situation was almost bleak. Determination of financial needs has resulted in mountains of paperwork and a heavy backlog of applications at many institutions.

"We're swamped," said Priscilla Parker, director of the guaranteed bank loan office at the University of Michigan, where a last-minute tuition hike further complicated matters.

And at New York University officials said the 10-member staff had processed 1,300 applications this summer in the time it previously handled 2,300 applications.

Officals in Rhode Island agree that delays remain. But, Mr. Brown said, students here are not likely to be hurt by the delays. "It (delivering the money) will be a lot later than everybody would like," he said, "but we should accomplish the end we are involved with, which is simply to help students get the money they need to pay their college bills."

THE PRESIDENT'S VETO OF THE MINIMUM WAGE BILL

Mr. TOWER. Mr. President, President Nixon's veto of the minimum wage bill is in the national interest and I commend him for it. The President best expressed this when he said in his veto message:

> H.R. 7935, on the other hand, would unfortunately do far more harm than good. It would cause unemployment. It is inflationary. And it hurts those who can least afford it. For all of these reasons, I am compelled to return it without my approval.

As I argued during the Senate debate on the bill, the legislation would cause enormous problems for the small businessman, the unskilled employee, and particularly the youth of our country who would have faced insurmountable barriers in his quest for meaningful job experience and security. The President's comments on the unemployment problems facing America's youth were particularly lucid:

> One major reason for low earnings among the young is that their employment has a considerable element of on-the-job training. Low earnings can be accepted during the training period in expectation of substantially higher earnings after the training is completed. That is why the Administration has urged the Congress to establish a modest short-term differential in minimum wages for teenagers, coupled with protections against using teenagers to substitute for adults in jobs. H.R. 7935, however, includes no meaningful youth differential of this kind. It does provide marginal improvement in the special wage for students working part-time but these are the young people whose continuing education is improving their employability anyway; the bill makes no provision at all for the millions of non-student teenagers who need jobs most.

In his veto message, the President urged the Congress to enact a more moderate minimum wage bill. It is unfortunate that the prime movers of this legislation together with the leaders of organized labor sought not the road of compromise, but rather the path of confrontation. I join the President in urging that the Congress recognize the need for more gradual increases in the minimum wage in recognition of the tremendous economic data supporting such a position; a meaningful youth differential; and a more careful analysis of existing exemptions from both minimum wage and overtime coverage.

EPA REGULATION ON CATALYSTS

Mr. MUSKIE. Mr. President, a key provision of the Clean Air Act is the section—section 207—which requires that auto manufacturers warrant the performance of their emission control systems for 5 years or 50,000 miles. This warranty is to apply except for reasonable maintenance.

In June of this year, the Environmental Protection Agency published a regulation declaring that one replacement of a catalyst during the 5-year or 50,000-mile life of an automobile would be considered reasonable maintenance. In effect, this Environmental Protection Agency regulation allowed manufacturers to impose upon the consumer a cost which has been estimated to be as high as $150 for catalyst replacements.

I did not view it as consistent with the intent of Congress that consumers should assume unreasonable expenses in maintaining their emission control systems. Therefore, I wrote to the Comptroller General requesting his opinion of this regulation. Today I received his response and that response states clearly and distinctly that:

> . . . it is our view that replacement of the catalytic converter may not be considered reasonable maintenance so as to require that replacement be at the vehicle owner's expense. Therefore, in our opinion, the regulations allowing one replacement of the catalytic converter at the vehicle owner's expense during the warranty period is not consistent with the law and its legislative history.

Mr. President, this is an important victory for America's consumers. I ask unanimous consent that my letter and the full text of the Comptroller General's opinion be printed in the RECORD.

There being no objection, the letter and opinion were ordered to be printed in the RECORD, as follows:

JUNE 29, 1973.

Hon. ELMER B. STAATS,
Comptroller General of the United States, General Accounting Office, Washington, D.C.

DEAR MR. COMPTROLLER: The warranty provisions of the Clean Air Act are essential to effective implementation of the program.

Section 202(d) of the Clean Air Act prescribes a minimum useful life of five years or fifty thousand miles for emission control systems for light duty vehicles.

Section 207 specifies the emission control system warranty requirements, and Section 207(c)(3) states that the warranty shall include instructions for "reasonable and necessary" maintenance of the emission control system.

Thus, only "reasonable" maintenance is to be permitted for emission control systems without being covered by the 5 year or 50,000 mile warranty provision of the law.

On June 4, 1973, the Environmental Protection Agency published final regulations regarding the allowable maintenance of emission control systems on 1975 model year light duty vehicles. These regulations allow one replacement of a catalyst in the 5 year or 50,000 mile use to be considered as maintenance.

In May, the Subcommittee on Air and Water Pollution received testimony from auto manufacturers that replacement of the catalytic converters, as intended to be allowed in the EPA maintenance regulations, might cost as much as $150. In addition, the auto companies are utilizing the catalytic converters as the essential item of emission control equipment to achieve the 1975 auto emission standards. General Motors testified: "It is our assumption that the catalytic converter should be treated as much as a part of the system as the carburetor or any other part."

Because of the cost of the catalytic converter system, it appears inconsistent with the intent of the law to allow replacement of such a device to be construed as "reasonable" maintenance. The intent of the provisions of the Clean Air Act requiring that emission control systems be guaranteed for 5 years or 50,000 miles was to assure that manufacturers would introduce effective, vehicle life, emission control systems and that unreasonable costs would not be imposed on the consumer to maintain a vehicle's emission control systems. This intent would appear to be violated by these regulations in that replacement of catalytic converters at the expense of the consumer at the time of replacement would be accepted as "reasonable" maintenance.

Discussing catalyst replacement before the Subcommittee on Air and Water Pollution in May of 1972, former Environmental Protection Agency Administrator William D. Ruckelshaus stated:

"In order to achieve the standard, as I have tried to state on page eight of my decision, one replacement was necessary. It is my belief that this ought to be paid for at the time the car is purchased. We are currently researching our authority. I am not sure that I have the authority to require this under the Act. In the event that we do, it is my feeling that the consumer is far more likely to replace the catalyst when necessary, than if we leave that replacement cost up to his own discretion, or being caught in some test that requires replacement."

Subsequently I received an opinion from the EPA General Counsel's Office which concluded:

"The Administrator may, pursuant to § 206 (a), impose as a term of a manufacturer's certificate of conformity the requirement that the manufacturer provide to the ultimate or subsequent purchaser of the vehicle a replacement catalyst at no cost to the purchaser, other than any replacement cost which may be included in the vehicle's original selling price."

Thus, EPA has stated that the intent of the law is to ensure that catalyst replacement is included in the warranty provisions (by including any prospective replacement in the initial purchase price). The Environmental Protection Agency also concluded that they have authority to impose such a requirement.

I request that the General Accounting Office review the regulations, the law and legislative history to determine if this regulation is consistent with the law requiring that only "reasonable" maintenance be demanded as a condition of fulfillment of the warranty.

To avoid undue inconvenience to the auto companies in planning for implementation of 1975 standards and to clarify this matter as expeditiously as possible, I request that this interpretation be provided to me within two weeks.

Sincerely,

EDMUND S. MUSKIE,
Chairman, Subcommittee on Air and Water Pollution.

COMPTROLLER GENERAL OF THE
UNITED STATES,
Washington, D.C., September 5, 1973.

Hon. EDMUND S. MUSKIE,
Chairman, Subcommittee on Air and Water Pollution, Committee on Public Works, U.S. Senate.

DEAR MR. CHAIRMAN: By letter dated June 29, 1973, you requested our opinion as to whether the regulations issued on June 4, 1973, 38 F.R. 14682, by the Environmental Protection Agency (EPA) regarding catalytic converters in emission control systems for light duty vehicles are consistent with the applicable provisions of section 207 of the Clean Air Act, as amended by section 8(a) of Public Law 91-604, approved December 31, 1970, 42 U.S.C. 1857. As we earlier advised you, we found it necessary to obtain the views of the Administrator of the EPA prior to rendering an opinion. We received those views in a letter dated August 2, 1973, from EPA's Associate General Counsel, Air Quality and Radiation Division.

You state that in testimony given in May 1973 before your subcommittee, auto manufacturers stated that the catalytic converter, which was described as an essential and major item of emission control equipment to achieve the 1975 auto emission standards, might cost as much as $150 to replace. You point out that section 202(d) of the Clean Air Act, as amended, 42 U.S.C. 1857f-1(d), prescribes a minimum useful life of five years or fifty thousand miles for emission control systems for light duty vehicles. Section 207 of the Act, 42 U.S.C. 1857f-5a, specifies the emission control system warranty requirements, with subsection 207(c)(3)—42 U.S.C. 1857f-5a(c)(3)—stating that the warranty shall include such instructions for maintenance and use of the vehicle or engine as may be reasonable and necessary to assure the proper functioning of the emission control system. While you state that EPA has published final regulations regarding the allowable maintenance of emission control systems on 1975 model year light duty vehicles and that these regulations allow one replacement catalyst in the 5 year or 50,000 mile period to be considered as maintenance, it is your view that:

"Because of the cost of the catalytic converter system, it appears inconsistent with the intent of the law to allow replacement of such a device to be construed as 'reasonable' maintenance. The intent of the provisions of the Clean Air Act requiring that emission control systems be guaranteed for 5 years or 50,000 miles was to assure that manufacturers would introduce effective, vehicle life, emission control systems and that unreasonable costs would not be imposed on the consumer to maintain a vehicle's emission control system. This intent would appear to be violated by these regulations in that replacement of catalytic converters at the expense of the consumer at the time of replacement would be accepted as 'reasonable' maintenance."

You state that EPA has concluded that it has the authority to impose a requirement upon the approval of a manufacturer's warranty that catalyst replacement be included in the warranty provision, the cost of which would presumably be recovered in the initial purchase price of the vehicle. It is your view that this approach is consistent with, and demanded by, the terms of the Clean Air Act and you request this Office to review the law, legislative history and regulations to determine if EPA's present regulations are consistent with the statutory provisions requiring that only reasonable maintenance be demanded as a condition of fulfillment of the warranty.

As noted, section 207(a) creates a defects warranty that requires the manufacturer to warrant that each new vehicle or engine is designed, built, and equipped in conformity with applicable regulations at the time of sale and that each is free from defects in materials and workmanship which will cause such vehicle or engine to fail to conform with applicable regulations for its useful life of 5 years or 50,000 miles. Section 207(b) creates, in effect, a performance warranty which comes into effect once the Administrator of EPA determines that facilities and equipment are available to carry out test methods and procedures to assure that the vehicle or engine are performing properly. That warranty is required to provide that if the vehicle is maintained and operated in accordance with the manufacturer's instructions issued pursuant to subsection 207(c)(3), and it fails to conform during its useful life to the applicable regulations and if the ultimate purchaser or any subsequent purchaser has to bear any penalty or other sanction under Federal or State law, the manufacturer shall remedy such nonconformity at its own cost.

At this point we might note that EPA's Associate General Counsel informs us that the agency's initial proposal—requiring, in effect, incorporation of the replacement cost into the purchase price of the vehicle—was to be a condition of approval of a manufacturer's proposed maintenance and was not intended to be incorporated into either the subsection (a) defects warranty or the subsection (b) performance warranty.

The Associate General Counsel advises that the preamble to the proposed regulations, which raised the issue of requiring manufacturers to warrant the replacement of the catalysts to the owner of the motor vehicle, would have resulted in the incorporation of the replacement cost into the purchase price of the vehicle. It was thought that if the replacement had already been paid for, the vehicle owner would have been more likely to have the part replaced. He notes that the proposal was not principally designed as a consumer protection measure but to help assure replacement. As to the reason the proposal was not implemented, he explains:

"This proposal was met with almost universally adverse comments. Problems cited were the windfall benefit which would accrue to the manufacturers for replacements paid for but not made, the administrative problems involved in the reimbursement of vehicle owners or dealers for replacements, and most importantly, the expected 'tying' effect to the manufacturers' dealers and parts for the replacements, thereby cutting out independent parts manufacturers and garages. These comments are still on file, of course, and I shall be happy to make them available to you if you wish."

The Associate General Counsel further states that while EPA does not disagree that section 207(c)(3) of the Act is intended in part to restrict emission system maintenance required by the manufacturer to that which is reasonable and that in reviewing recommended maintenance instructions the costs associated with maintenance items are considered in determining reasonableness, it appears that replacement cost of the catalysts—a part of the total emission system—will be visited upon the vehicle owner at some time. He points out that the replacement cost is not expected by the agency to differ whether it is included in the original vehicle purchase price or whether it is paid at the time of replacement.

Thus, due primarily to economic considerations EPA determined that its original proposal was not feasible. Accordingly, although the agency apparently considers that it has sufficient authority to require the manufacturers to include, in effect, the replacement cost of catalytic converters in the purchase price of their vehicles, it determined that it was not required by the law to do so and that for reasons of economic policy it was not prudent to institute such a requirement. Rather, it determined it could accomplish its overall responsibilities under the Clean Air Act through other means. The Associate General Counsel explains:

"By not adopting a requirement that manufacturers cover by warranty the replacement of the catalytic converter, the Agency has had to place greater reliance upon the interest in air pollution control of the motor vehicle owning public, and upon the development of emissions inspection and testing programs by States and localities. The latter activity, which is clearly contemplated by both §§ 110 and 210 of the Clean Air Act, will presumably be utilized by the States and localities where the greatest motor vehicle pollution problems exist. The Agency believes that vehicle owners subject to these programs will be forced to make the necessary replacement, while those in less urbanized areas may not, which makes sense both from air quality and economic standpoints."

EPA's position was further set forth in the introduction to the final regulations on the matter as follows:

"The provision to require warning devices to alert the vehicle operator to the need for EGR system and catalytic converter maintenance has been included in response to comments received on means of inducing vehicle owners to perform maintenance. Comments had been requested on this issue of EPA's requiring that manufacturers warrant the cost of catalytic converter and EGR system replacement. Many comments received were opposed to warranty because its application would be anticompetitive and difficult to administer.

"Also, the loss of a vehicle and the inconvenience of bringing it to a dealer were considered to far outweigh the prepayment incentive and therefore it was argued that the recall rate would be low. No comments opposed warning devices and some groups called them the best hope for performance of maintenance. Several other groups commented that warning devices could complement the implementation of State inspection programs by providing an easy means to determine whether EGR systems and catalytic converters were functioning. Based upon these comments and its further assessment of the relative practicability of warning devices and warranties, EPA has determined that warning devices provide the best incentive at this time for the performance of maintenance on EGR systems and catalytic converters."

* * * * *

"Under the regulations the catalytic converter may be serviced once during 50,000 miles if the vehicle is equipped with a warning device that will alert the vehicle operator to the need for such maintenance; the signal shall be activated either at a specified interval or upon component failure. There are no unscheduled maintenance provisions for catalytic converters in addition to the one allowable scheduled or unscheduled servicing point. The reason for not allowing an additional unscheduled servicing of catalytic converters is that the cost of such servicing is expected to be high, and it is unlikely, since there would probably be no adverse driveability as a result of converter malfunction or failure, that owners would absorb the cost of replacement more than once during 50,000 miles." 38 F.R. 14683 (June 4, 1973)

The regulations issued on June 4, 1973, revised section 85.075-6 of part 85, title 40 of the Code of Federal Regulations as applicable to 1975 model year light duty vehicles. New subsection (a) (4) thereof provides:

"(4) The catalytic converter may be serviced once during 50,000 miles if an audible and/or visible signal approved by the Administrator alerts the vehicle operator to the need for maintenance. The signal may be activated either by component failure or need for maintenance at a scheduled point." 38 F.R. 14685 (June 4, 1973)

The major issue, as framed in your letter, is whether the replacement of the converter at an expense to the consumer of up to $150 at the time of replacement—if necessary—can be considered as "reasonable and necessary" maintenance in view of the provisions of section 202 and section 207(a) and (c) (3).

As indicated above, the pertinent provisions of law (sections 202 and 207 of the Clean Air Act, as amended) in effect require the manufacturer to warrant the vehicle and engine, including the emission control system, so that the prescribed emission standards shall be met for five years or 50,000 miles, whichever comes first, except that the manufacturer may require the owner to use and maintain the vehicle and engine as may be reasonable and necessary to assure the proper functioning of the emission system. The pertinent legislative history is contained on the conference committee report, House Report 91-1783, dated December 17, 1970, in the accompanying Statement of the Managers on the Part of the House, at pp. 50-51. In pertinent part it is stated therein:

"The House bill required manufacturers to warrant that vehicles or engines they produce are of substantially the same construction as the prototype vehicle with respect to which the certificate of conformity was issued. The Senate amendment required (effective 90 days after the Administrator establishes feasible testing methods and procedures) that manufacturers warrant that vehicles and engines will conform with applicable emission standards throughout their useful life (set at 5 years or 50,000 miles) if maintenance and certain other requirements are met.

"The Senate amendment also authorized the Administrator, if he determined that any class or category of vehicles or engines did not conform with applicable emission standards, to require manufacturers to notify purchasers of such nonconformity. Moreover, if a manufacturer discovered such nonconformity during the term of any warranty required under the Senate amendment, he was required to notify purchasers of the nonconformity and to remedy such nonconformity at no cost to the owner.

"The conference substitute adopts substantially the provisions of the House bill relating to prototype and production line testing and the provisions of the Senate amendment relating to compliance after sale and warranty. * * *.

* * * * *

"The provision for warranty follows the Senate bill except, in addition to establishing test procedures, the Administrator must find that inspection facilities or equipment are available to enforce individual vehicle compliance. Also a warranty will not become effective for a vehicle unless failure to comply with a standard subjects the purchaser to sanctions. Proper operation and maintenance are a precondition to the manufacturer's obligation. In addition to the performance warranty, the conference substitute calls for a defect warranty for materials and workmanship.

"If the Administrator determines (on the basis of inspections or studies) that a substantial number of any class of vehicles or engines, although properly maintained and used, do not meet the emission standards during the useful life of such vehicles or engines, he shall notify the manufacturer of such nonconformity, and he shall require the manufacturer to submit a plan for remedying such nonconformity. In the case of properly used and maintained vehicles and engines, this is to be done at the expense of the manufacturer. If a manufacturer disagrees with such determination the Administrator shall afford the manufacturer and other interested persons an opportunity to present their views at a public hearing. Unless, upon such hearings, the Administrator withdraws such determination, he shall, within 60 days after completion of the hearing, order the manufacturer to notify purchasers. The Administrator shall prescribe regulations concerning notification procedure. Any cost obligation incurred by any dealer is to be borne by the manufacturer and transfer of such cost obligation through franchise or any agreements from a manufacturer to a dealer is prohibited.

"If a manufacturer's advertising makes any statement respecting the cost or value of emission control devices or systems, such statement must set forth the cost or value attributed to such devices or systems by the Secretary of Labor (through the Bureau of Labor Statistics). The manufacturer shall furnish such written instructions for maintenance and use of any vehicles and engines by ultimate purchasers as are necessary to assure proper functioning of emission control devices or systems. * * *."

Considering the language of the statutory provisions in question and the pertinent legislative history, it appears that the Congress intended that the cost of keeping the vehicle and engine, including the emission control system, in conformance with applicable emission standards during the useful life (five years or 50,000 miles) of the vehicle and engine was to be at the expense of the manufacturer except for "reasonable and necessary" maintenance. Thus, as indicated above, the question that arises here is whether the replacement of the catalytic converter described as an essential and major item of the emission control system—at a cost of up to $150—during the warranty period may be considered as "reasonable" maintenance.

Since the catalytic converter apparently is a major part of the emission control system, it is our view its replacement would constitute something more than "reasonable maintenance." To put it another way the replacement of the catalytic converter is the replacement of a major part of the emission control systems rather than "reasonable maintenance" of such system or of the vehicle and engine. While it may be that if the Administrator had required replacment to be at the expense of the manufacturer, such cost would have been included in the price of the vehicle, that does not require the conclusion that replacement of such an item constitutes reasonable maintenance. In fact if replacement of the catalytic converter be considered reasonable maintenance, we question whether the Administrator could require replacement at the manufacturer's expense, since under the law reasonable maintenance necessary to assure proper functioning of the emission control system is to be at the vehicle owner's expense.

In light of the foregoing and based on the record presently before us, it is our view that replacement of the catalytic converter may not be considered reasonable maintenance so as to require that replacement be at the vehicle owner's expense. Therefore, in our opinion, the regulations allowing one replacement of the catalytic converter at the vehicle owner's expense during the warranty period is not consistent with the law and its legislative history.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

ENERGY POLICY SHOULD BE EXPLAINED

Mr. MUSKIE. Mr. President, President Nixon's announcement that he will seek suspension of air pollution emission standards in answer to the threat of a fuel shortage is apparently based more on politics than on fact. Not only did the President fail to justify this proposal, but I have been unable to obtain from administration sources any analysis of the basis for, or implications of this policy.

The Congress and the people deserve a complete explanation of what the President, through his Energy Policy Office, intends to do. Therefore, I have today initiated an invitation to Gov. John Love, Director of the Energy Policy Office, to appear before the Subcommittee on Air and Water Pollution in the next week.

The President has clearly decided to abandon the environmental safeguards which some States and localities have adopted with the encouragement of the Federal Government. This step should not be taken lightly.

On the same day that the President recommended that we reduce our clean air effort we were told that the people of North Birmingham, Ala., have to fight to breathe because of the dirty air.

The people who must breathe dirty air have a right to ask whether the President has considered other alternatives. Who produced this policy? What were the facts taken into consideration? How was the decision made? Were alternatives such as fuel conservation considered? Would a mandatory allocation program work as well or better in providing fuel, while not endangering people's health? These are just some of the questions I hope Governor Love will answer.

The President has not explained what States will be affected or for how long. He has not explained the legal basis for his action.

He has not specified the amount of the fuel shortage, or how dirty the substitute fuel will be.

All the President has said is that we should abandon environmental safeguards rather than get tough with the oil industry. He has said he would prefer to sacrifice the health of the people rather than impose mandatory fuel allocation requirements on the oil industry.

I want to know why.

Mr. President, I ask unanimous consent that my letter of invitation to Governor Love, a newspaper article on the air problems in Birmingham, and other related newspaper articles be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., September 10, 1973.

Hon. JOHN LOVE,
Director of Energy Policy,
Washington, D.C.

DEAR GOVERNOR LOVE: I have read with deep concern the press reports regarding the effort which you will make in the near future to gain relaxation of state air pollution standards. I understand that the justification for this attempted action relates to the availability of low sulfur fuels to meet home heating needs this winter.

As you know, many states have adopted stringent air pollution emission standards in response to legislation which has been developed by the Congress over the past decade. In many instances, state standards and deadlines for their compliance have been incorporated in approved air quality implementation plans which, in effect, means that they have become Federal standards and deadlines. Whether or not this is the case in the specific instances which you will address when you confer with the Governors is not clear.

In order to provide the Subcommittee on Air and Water Pollution with a complete evaluation of the justification for and impact of this proposed effort, I would appreciate your appearance at a hearing of the Subcommittee prior to your scheduled meeting with the Governors, hopefully before the end of this week or early next week. I cannot understate the importance of a timely public discussion of the policies which you have been directed to implement.

I would appreciate a response to this invitation by the close of business Tuesday, September 11, in order that the necessary arrangements can be made for the hearing. I realize this notice is short, but the nature of the issue underscores the urgency of the hearing. If you have any questions regarding this invitation, please contact Leon G. Billings of the Subcommittee staff at 225–7859.

Sincerely,
EDMUND S. MUSKIE,
Chairman, Subcommittee on Air and Water Pollution.

[From the Washington Post, Sept. 9, 1973]

POLLUTION CHOKES NORTH BIRMINGHAM—ALABAMA CITY GETS EPA HELP IN PROGRAM TO CLEAN UP AIR

(By Stuart Auerbach)

BIRMINGHAM, ALA.—Della Thomas, who lives in the shadows of iron forge stacks that belch acrid smoke day and night, woke up at 1 o'clock the other morning "smothering"—as if someone were holding a pillow over her face.

"She just about died. She was gasping for every breath," said her daughter, Kathleen Barron.

Mrs. Barron rushed her mother to a nearby hospital, out of the heavily polluted area, where the older woman quickly revived. "As soon as she got into the clean air of the hospital she was better," said Mrs. Barron. "The doctors couldn't find anything wrong. They said it was just the pollution."

The air is never clean in the North Birmingham neighborhood in which Mrs. Barron and her mother live. Smoke pours continually from plants owned by the U.S. Pipe Co. on one side of the neighborhood and the American Cast Iron Pipe Co., known here as ACIPCO, on the other.

People in that area breathe polluted air no matter which way the wind blows.

"I don't see how they live out there, I really don't," said City Councilwoman Angie Grooms Proctor, who heads the council's pollution committee.

On a visit to North Birmingham last week, the air smelled like burning gunpowder and was heavy with tiny black particles of soot that collected on a reporter's suit.

Nevertheless, residents insisted that the air that day was really clean—for North Birmingham, that is.

"It's good today," said Elva Carr. "Yesterday you couldn't even get your breath. The air was so thick you could cut it with a knife."

Residents interviewed all complained of respiratory problems—wheezing, sneezing, coughing and shortness of breath.

They didn't attach medical terms to their ailments, but detailed studies by the Environmental Protection Agency show that people who live in heavily polluted areas suffer far more from such diseases as asthma, bronchitis, pneumonia, emphysema and even the common cold and flu than people who live in clear air.

Young children who live in neighborhoods where the air is constantly polluted move less air in and out of their lungs each time they breathe than children who grow up in a clean atmosphere.

An unpublished EPA study estimates the cost of excess illness due to polluted air at $3 billion a year.

But to the people who live in the shadow of stacks from Birmingham's steel mills and cement plants, pollution not only affects their health but their way of life.

They complain that they can't sit out in their front yards the way other people do, or cook dinners over barbeque grills. Houses always look as if they need a paint job, even those that have just been painted.

"It ruins the tops of the cars. You have to keep washing it off, and still the paint comes off the car," said Gladys Freeman, who lives down the street from Mrs. Barron.

Like many of her neighbors, Mrs. Freeman said walking outside makes her sneeze. Her husband, she said, coughs a lot.

"We just take cod liver oil and honey to help keep the lungs clear and drink gin to make the taste of the cod liver oil go away."

Across the street, Frances Chapman said she has so much trouble breathing that she can't walk two blocks to the nearest store without stopping to rest.

"I smother a lot," she said. "I can't breathe even when I'm sitting at home. I'm 58; that's young. I'm not so old."

Mrs. Chapman said her doctor told her she had bronchitis. But Dr. George E. Hardy Jr., health officer for Jefferson County, said the woman could be suffering from early stages of emphysema—a more serious debilitating disease characterized by the inability to breathe easily.

Emphysema, in its final stages, leaves a person almost incapacitated.

"I have a hard time shaving," said S. S. Godbee Jr., who spent his life working in the midst of heavily polluted air. He developed emphysema eight years ago. He sat in a chair during the interview, wheezing as he talked.

"I can't go to my home workshop to build things for my grandchildren. Bending over and hammering is too much for me. When I carry an eight-bottle package of Coke from the car to the front of the house, I don't have enough breath left to get up the steps," he continued.

"I've got a little five-year-old granddaughter who can do more work than I can."

There is no scientific proof that air pollution causes emphysema, which most experts believe can be triggered by many factors including heredity, smoking and occupational assaults of the lung by pollutants.

But there is clear evidence from studies done by EPA and other scientists that there is more emphysema in areas with heavily polluted air.

Dr. A. H. Russakoff, a lung specialist here, found a "direct correlation between the level of pollution in an area and the impairment of lung function among its residents."

The greatest number of lung ailments in the area came from North Birmingham.

There is something called "Birmingham lung" that a doctor can see on autopsy.

"It's a filthy lung," said Dr. Hardy. "It looks like the black lung of a coal miner."

Birmingham, spurred by an active citizens' group, has been working to clean its air. Two years ago, when Birmingham suffered one of its worst air pollution episodes, Hardy called in the EPA, which for the first time used power given it by Congress to close down the furnaces and forges until the air cleared up.

Now the manufacturing companies all have plans and schedules for cleaning the pollutants that pour from their smokestacks. By 1975, said Hardy, Birmingham will be able to meet the federal clean air standards.

There are already signs that the air in parts of Birmingham is getting cleaner. In the Midfield area, about two miles from the U.S. Steel smokestacks but right behind the stacks of the Alpha Portland Cement Co., residents noted some improvement since the cement company put antipollution devices on its stacks last May.

But the air was still heavy with a fine white dust that comes from the cement plant. "You can see it on the cars and sweep it off the porches," said Mrs. L. Y. Jaynes. "Lord, you can smell it in the air.

"But it used to be that in daylight you couldn't see that house over there"—pointing to a house clearly visible across the street.

Sandra Holley noted that her family's health had improved since the cement company began using the anti-pollution devices.

"My husband used to wake up hacking, spitting, gagging every morning. The doctor told him it was just dust and pollution. He said he couldn't do anything about it. During the past couple of months it's been better, though he still has spells of it."

[From the Wall Street Journal, Sept. 10, 1973]

HEATING OIL PLAN BY NIXON FACES SOME UNCERTAINTY

WASHINGTON.—The Nixon administration plan to free additional supplies of home heating oil by relaxing clean air requirements could help the U.S. get through the winter without serious fuel dislocations—but there are stumbling blocks.

Despite President Nixon's vigorous endorsement in an unusual appearance at a press briefing on the energy situation, the plan can't assure that Washington won't have to impose some type of mandatory heating oil allocation system.

An overriding uncertainty for Nixon energy planners is how cold the winter will be. Severe weather in the U.S. could shoot demand above normal expectations. Severe weather in Europe as well would cut back the fuel available for export by Common Market refiners, crimping supplies here.

The Mideast situation is another major concern. If Libya and Saudi Arabia carry out threats to cut off or limit their oil exports, the U.S. could face even graver supply problems in the coming months, administration officials acknowledge. In his White House statement, the President clearly attempted to convince Mideast oil nations that the U.S.

energy situation isn't bad enough to undermine foreign policy positions. Mr. Nixon said he doesn't see any "energy crisis," but only "short-term shortages." He repeated administration views that nuclear power and coal liquefaction and gasification will become viable alternatives to oil imports over the next several years.

DEVELOPING ALTERNATIVES

The U.S. would prefer to continue Mideast imports, Mr. Nixon suggested, but it "must develop the capacity (of alternatives) so no other nation has us in a position that they can cut off our oil (and) our energy."

For the present, however, the plan to avert fuel shortages through relaxation of the clean air rules doesn't jibe with efforts in Congress to fight shortages with a mandatory fuel-allocation scheme. The Senate has passed a bill requiring the administration to divvy up oil supplies among such users as utilities, independent gasoline companies and farmers. The administration opposes the bill.

Sen. Henry Jackson (D., Wash.), the bill's chief sponsor, said in a television interview yesterday that he understands House leaders "will move on it this coming week." The measure came close to a House vote before the August recess, but it hit a procedural snag.

Sen. Jackson said on ABC's Issues and Answers that "I don't believe there's a need to relax air pollution standards" if a mandatory allocation system is working and supplies of imported oil aren't reduced.

In addition to the planned relaxation of air standards, the administration energy initiatives as outlined by the President and John Love, head of the White House energy office include:

A proposal to be made shortly to the House and Senate Armed Services Committees that they approve selling 100,000 barrels daily of crude oil from the Elk Hills naval petroleum reserve to augment West Coast market supplies. The reserve, near Bakersfield, Calif., is managed and one 25%-owned by Standard Oil Co. of California and contains an estimated one billion barrels of oil. However, some administration oil officials, recalling the House committee's adamant opposition to such a move in the past, are skeptical whether chances have improved.

COST PASS-THROUGH

A pass-through of imported home-heating oil costs expected to be announced by the Cost of Living Council this week, adding about two cents a gallon to consumer costs. The Phase 4 controlled domestic bulk price for No. 2 oil, as the fuel technically is known, is 12 cents to 14 cents a gallon, Mr. Love's chief of staff, Charles DiBona, estimated. By comparison, foreign No. 2's asking price is around 25 cents a gallon. The Phase 4 number-pricing change involves a formula that would spread foreign oil costs across total U.S. sales, Mr. DiBona said, thus ending the present "disincentive" for imports.

Consultation between the White House and the Atomic Energy Commission to speed up nuclear-plant licensing. Without saying precisely how this would be done or mentioning the effect on environment factors in license cases, Messrs. Nixon and Love both asserted that the present 10-year gap between plant announcement and start-up is too long.

Relaxing the clean air standards would release supplies of clean No. 2 oil that currently are blended with high-sulphur residual oil. This process, mostly carried on by Caribbean refiners using high-sulphur Venezuelan crude, produces a fuel for power plants and industry that is low enough in sulphur to satisfy state and local antipollution standards.

VARIANCES FROM HEALTH STANDARDS

The administration program will involve the granting of variances by the Environmental Protection Agency from the health-protecting primary standards in Northeastern and upper Midwestern states, where use of blended fuels is particularly heavy, Mr. Love explained. The EPA, as permitted by the 1970 Clean Air Act, granted similar variances last winter, but this time they will be offered farther in advance of any possible shortage to allow utilities and other industrial fuel users to contract for unblended supplies.

Governors and mayors in the affected areas must approve the plan, but officials don't see any local resistance, based on last year's experience. Mr. Love described Russell Train, EPA administrator-designate, as in agreement with the proposal. In addition to the variance policy, the administration is continuing to press states to delay enforcement of secondary clear air standards. These are designed to protect vegetation and property, but postponing enforcement would permit continued use of domestic coal supplies rather than forcing utilities to seek a low-sulphur petroleum substitute.

The clean air variance plan, Mr. DiBona estimated, would free 200,000 to 400,000 barrels a day of No. 2 oil for home-heating purposes. Last winter, U.S. imports of home-heating oil averaged about 400,000 barrels daily and the additional supplies, therefore, would cover, or nearly cover, the nation's winter needs, assuming normal weather and no cutoff of Mideast supplies. This winter, officials hope that home-heating oil imports will average about 500,000 barrels daily.

[From the Washington Post, Sept. 9, 1973]

CLEAN AIR RULES MUST BE EASED, NIXON DECLARES

(By Thomas O'Toole)

In a move that is certain to run into strong opposition from ecologists, President Nixon yesterday declared that the country must retreat from its cleam air standards to avoid a fuel shortage this winter.

"It will be necessary for those standards at the state level to be modified," the President said following a two-hour meeting with his energy advisers at the White House yesterday. "Unless those standards are relaxed, we could have a very serious problem this winter."

While not spelling out which state standards must be relaxed, President Nixon almost certainly meant the restrictions that have banned the burning of coal and high-sulfur oil in the populous Northeast and in Midwest states like Illinois, Ohio, Indiana and Michigan.

The White House has no authority to override state clean air standards, but the President said he directed White House energy adviser John A. Love to meet this week or next with state and city officials to discuss moves against air pollution restrictions.

"This can be done administratively," President Nixon said, meaning that no new legislation is needed, "but it requires the cooperation of the governors because the governors have had their legislators adopt standards which are state law."

The President met to discuss the country's energy shortages with 15 administration aides, including four Cabinet members and Secretary of State-designate Henry A. Kissinger. The President described the Cabinet Room discussion as "quite spirited," though he did not go into any details about who disagreed with what proposals.

Besides calling for modified air standards, President Nixon said he would press ahead with the development of nuclear energy, the extraction of gas and liquids from coal and the construction of deep water ports to handle super-tankers carrying oil from the Middle East.

"The longer we wait here," he said of the nation's need for such ports, "the longer we are going to have to wait to have the capacity to bring in the product from abroad that we need to meet our energy needs."

But while he urged deepwater port development to handle the rising tide of imports, the President again said the United States would go all out to develop its own energy supplies to avoid over-reliance on Middle East oil.

"The United States must be in a position that no other nation can cut off our oil," the President said. "We are going to do the very best we can to work out problems with Mideastern countries, but we are also keenly aware that no nation must be at the mercy of any other nation by having its energy supply suddenly cut off."

Most of the President's moves on the energy front yesterday came as promises, but he did bring forth one concrete proposal to make more oil available for the country this winter. This was a move to produce and sell at least some of the oil on land set aside as petroleum reserves for the Navy in time of war.

Specifically, the President said he would "consult with the Congress" to authorize the sale of oil from the Elk Hills Naval Reserve outside Bakersfield, Calif.

One of four such oil preserves in the country, Elk Hills is the only one developed enough to produce oil quickly. Elk Hills could produce as much as 100,000 barrels of oil a day, which would ease considerably any oil shortages that might crop up this winter west of the Rocky Mountains.

While the President came out hard on the side of the nuclear power program, he was somewhat vague about what the White House might do to speed its development. One White House aide said he wanted to loosen licensing procedures to hurry up atomic construction time, but the Atomic Energy Commission already has under way a program to do just this.

The AEC is down to 15 months from two years on granting construction permits with a goal of one year projected. It now takes eight years to build an atomic power plant in the United States, which is down from the 10 years it had been taking.

The President made no mention of any big new research programs in energy, but he once again emphasized that the country must develop ways of using its huge coal reserves. He said the United States has almost half the world's coal, but is unable to burn it because coal is too dirty.

The White House has budgeted an extra $100 million for energy research this year, but has not yet decided how to spend it. A report submitted to the White House last week by AEC Chairman Dixy Lee Ray calls for spending $50 million of that extra money researching ways of cleaning up coal.

[From the Washington Post, Sept. 9, 1973]

INFLATION, OIL, AND THE PRESS CONFERENCE

At one point in his most recent conference President Nixon declared: "As you know, we are going into a new set of tough controls on Sept. 13." A new set of tough controls? But no new controls at all are scheduled to go into effect on Sept. 13. Food price rules will in fact be loosened a little at that time to allow processors to pass more of their rising costs on to their customers. But nothing more. It appears that Mr. Nixon simply misspoke.

Presidents make mistakes like other people. Perhaps it is surprising only that, in the tension of news conferences, they do not make more. But this misstatement was followed by other remarks that had a peculiar ring to them, as though they meant either more or a good deal less than the President apparently intended. These examples all fell into the parts of the conference in which Mr. Nixon was dealing with the economy and energy. Most politicians, regardless of party now consider inflation and the energy shortages to be the principal public concerns in this country. The question is whether Mr. Nixon is giving these subjects the same high priority his constituents do.

When he spoke of a possible fuel shortage this winter, Mr. Nixon cited seven administration proposals pending before Congress. His administration is working on energy policy, he said. "But essential to our success in meeting the energy needs for this winter, and particularly for the future, is congressional action." For the distant future, some of those bills are highly important. But for this winter, they will have no effect at all. They involve things like the Alaskan pipeline, which will take years to build, and ports for supertankers. Even if all this legislation were enacted tomorrow, it could not substantially improve our fuel resources until late in the decade.

Did Mr. Nixon know that? If he did, he made a particularly crude attempt to shift blame onto Congress for the coming shortages. It is hardly a useful way to enlist the cooperation of Congress on this legislation. But there is also the possibility that, among all the material his aides had been providing him, the President mislaid the point that the pending bills do not affect supplies over the coming winter. In contrast, the President was a good deal more precise when he spoke after his energy meeting at the White House yesterday. On that occasion a policy seemed to be emerging although, unfortunately, it is emerging chiefly at the expense of some states' air pollution standards.

At the press conference, the President was asked about the threats of several Arab governments to limit oil exports. In the course of his reply, he said: "Oil without a market, as Mr. Mossadegh learned many, many years ago, doesn't do a country much good." It was hardly market forces that threw Mr. Mossadegh out of office as premier of Iran in 1953. After a bitter dispute over his nationalization of the British oil concessions, he fell in a coup ably and successfully supported by this country's Central Intelligence Agency. In the customary terms of presidential pronouncements, the reference to this incident might be interpreted as a manifest threat to other governments. In this case, there does not seem to be any reason to think Mr. Nixon intended a threat. But if he did not mean it as a threat, what was the point of bringing up that very sensitive bit of recent history? Perhaps there was no particular point.

A reporter asked Mr. Nixon when the current inflation might end. The correct answer is, of course, that nobody knows because the current inflation is unlike the others that we have experienced over the past generation. Mr. Nixon said as much, but he declined to let it go at that. "I'm afraid," he said, "I can't be any more perceptive than my economic advisers have been, and their guess wtih regard to—you know the numbers insofar as inflation this year have not been very good. I do not blame them, however, because as you know we had the problems of weather in the United States and abroad, an unprecedented demand abroad which was unforeseen as far as we were concerned. That gave the impetus to food prices. And there were other factors which led to the inflationary pressures which our economic advisers did not foresee . . ." That answer has a disquieting resemblance to Mr. Nixon's explanation of the Watergate affair: he has suffered from bad advice and bad information from those he trusted. There has not been a President since Warren Harding as eager to persuade the voters that he has been badly advised by his own men.

Whenever the press conference turned to the subjects of inflation and energy, the words were strangely imprecise. The answers do not bear the kind of close examination to which a president's words are usually subjected. That imprecision is not characteristic of Mr. Nixon and it can prove very troublesome to him. At a press conference, a president is addressing a public that includes some very sharp listeners. Among others he is speaking to his opposition in Congress, to foreign governments and most particularly to his own huge bureaucracy. The most recent conference gave no one much idea where the President now wants to go on questions that have come to worry Americans deeply.

THE SURVIVAL OF FREEDOM IN AN ERA OF NEGOTIATION

Mr. TOWER. Mr. President, recently, the junior Senator from North Carolina (Mr. Helms) attended the seventh annual Peace Through Freedom Conference held in London, England. At that meeting, he delivered an address which I think starkly reminds us of some important dangers to us even in this time of détente and negotiation. I have often said that the principal peril of the normalization of relations with the Soviet Union is the possibility that our desire for peace will lull us into a false sense of security. I am pleased to see that others recognize that danger as well. I commend Senator Helm's remarks to all Americans and ask that they be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

The Survival of Freedom in an Era of Negotiation

(Address by Hon. Jesse Helms)

Honored guests, ladies and gentlemen: We are living today in an era of negotiation. The evidence is indisputable. Negotiations are being conducted everywhere. We hear daily of negotiations in Paris, in Bonn, in Helsinki, in Vienna, in Saigon, and in Peking, not to mention Moscow and Washington. I think we can conclude that negotiations are very, very fashionable.

The fashion of today is quickly gone tomorrow. It would not be worth our while to take note of fashion at a gathering such as this, were it not for the fact that, when the glamour has faded, when the last television light has been turned off, and the last journalist has gone, the world may very well be a different place than it is today. My overriding cncern is that freedom must survive this era of almost obsessive negotiation in which those who have been selected to defend the cause of freedom have too often yielded in timidity and without adequately utilizing the proper and honorable leverage at hand. It is with sadness that I acknowledge it, yet candor compels the observation that my own nation has too often been willing to recede to the cunning blandishments of negotiators on the side of tyranny.

It matters not that few other nations in the world have given the United States substantial encouragement to stand up for freedom in the world. In the matter of the liberty of mankind, it is not more blessed to recede to demands of those who would destroy liberty.

The change of pace has come so swiftly that some of the free nations were taken unaware. The United States moved too swiftly. Old friends were taken for granted, and the impact of major shifts on their foreign and domestic policy was ignored. But, worst of all, we overestimated the advantages that we thought we were winning. Like tourists in a bazaar, our enthusiasm exceeded the value for what we got; and when we got it home, we wondered where to put it.

But freedom must survive the era of negotiation. And if we search out our bargains wisely and courageously, there is no doubt that the free world can come out ahead. Freedom is a dynamic principle. It releases the creative energy of the individual. In a free environment, each person can enlarge his area of action, do more things, develop new patterns of thinking, experiment with his ideas, and keep only whatever is of benefit.

In politics, freedom means room for the organic development of local traditions and interests. At one time, some people in the United States were so misguided as to think that our unique creation, a Constitutional Republic under a written constitution, was the pattern for every nation in the world. They mistook the form for the substance.

Our particular contribution was the philosophical development of the concept of limited powers. We tried to set up a system in which no one source of power could get domination over the rest. If you will study our Constitution, you will see that the powers were to be precisely divided between the Federal government and the State governments, each in its sphere. And the Federal Government has its powers separated between the three co-equal branches: Legislative, Judicial, and Executive.

As those of you who follow the news from the United States know, this arrangement is purposefully vague in certain areas, leaving the details to be worked out on the spot. First one branch leans to excess, then another; and some times all three branches lean to excess at the same time. I am sure that this sometimes mystifies our friends who come from different political traditions.

Yet, as each branch proclaims its prerogatives, we learn something about the necessity for freedom. We grow confirmed in our distrust of any human person as being the sole repository of wisdom and justice. We believe that freedom comes from the creative interaction of many interest groups; and that no group, or combination of groups, can remain so disinterested as to preserve freedom without facing a countervailing power. The inescapable requirement, the imperative common denominator, must be a broad, unyielding yearning for freedom.

I am somewhat humbled to make these remarks when our host nation is the nation that gathered its barons together on the fields of Runnymede so many centuries ago to counter the excessive power of a king. As Americans, we pay tribute to the British tradition of freedom to the role of precedent in the preservation of liberty, to the distrust of abstract principles as the pattern to which man is to be cut, and to the rule of law.

There are those who would promote the American War for Independence as the first significant revolution, and the model for revolutionary activity today. This is to misread the American tradition completely.

If our British friends will pardon the thought about what some have termed "the late unpleasantness", the American battle cry was not a rejection of the British tradition. If you read the Declaration of Independence carefully, you will see that it is a cry of anger against a king who has usurped the legal rights of true-born Englishmen. The exasperated exclamation of Patrick Henry, "Give me liberty or give me death", was based upon a reaffirmation of his legal training in Coke, Lyttleton, and the Magna Carta. Nothing could be farther from the anarchist revolutionaries of today who wish to overturn the social structure of the past and impose the yoke of socialism or Communism upon free people.

I know that it is presumptuous for me to lecture this gathering on such a topic when many of you come from nations that have suffered first-hand the deprivations of Communism. But I merely seek to explain that the free nations have an inherent source of strength so familiar to us that we often overlook it. That source of strength is the free creative power of the individual, the invention and development of alternate forms of social organization, and the interplay of expanding spheres of activity. These are forces which can win out over centralization, group planning, and regimentation every time.

This is clearly brought out in the economic field. The wealth of the world today is being created in the free nations. One has only to look at the amazing recovery of Europe in the past twenty-five years, or the growth of Free China, Japan, Hong Kong, and South Korea. Indeed, the economic problems we are having today are dislocations created in large part by the rapid rise of living standards and economic growth in these very countries. In the Soviet Union and in Communist China and other Communist-controlled countries, economic expansion has been hindered by massive errors in central planning, and by eliminating personal incentive.

The case in point is agriculture. I have the privilege of serving on the Agriculture Committee of the United States Senate. We see first hand that Soviet agriculture has failed. We hear with monotonous regularity that bad weather has brought a short crop. What we don't hear is that blundering management on the collectives and the spectacular personal disincentives inherent in the Soviet system relieve any particular person of the responsibility of ensuring success.

Moreover, the lack of capital for investment into agricultural machinery, because of existing priorities, makes it certain that there is not enough machinery to go around. During a good harvest season, the available machines can go from farm to farm; but during a bad season, the days when harvesting can be done are too few to allow for such cumbersome management techniques. So it is always "bad weather", but never bad planning or shortage of equipment, that takes its toll when the Soviets begin to make their excuses.

Thus, periodically now, the Soviets come to the free world for food. After all, this is an era of negotiation. Unfortunately, we overlook the fact that the reason that the Soviets don't have harvesting equipment and tractors is that they have made the political decision to put their capital investment somewhere else. The reason that they don't have fertilizer is because nobody thought of cranking enough fertilizer plants into their five-year plans. The reason that they don't have modern agriculture technology is because they don't permit foreign technology to be brought in by free technicians who will impart concepts of freedom to the peasants.

If the Soviets can get food on their terms, they believe it is so much the better; but if they could not get food on their terms, they could be expected to let their people starve rather than let them be contaminated by freedom. Indeed, the day is not long gone by when millions of Soviet citizens were starved according to the central plan.

If freedom is to survive such negotiations, we must negotiate to let freedom expand. We must face up to the fact that food is scarce in the world because the Communist nations, and even many of the socialist nations, will not take the steps which are necessary to unlock the creative power of individual initiative and reward. As a result of the massive wheat purchases by the Soviet Union and now Red China, the United States surpluses have dwindled and prices of food in the United States soared into the economic stratosphere. To avoid compounding the error, we must make future sales conditional upon the Communists taking steps to dismantle the fatal error in which their agriculture is conceived. In short, we must not feed them unless they agree to help themselves, specifically making it imperative that they help themselves by restoring personal rewards and liberties, bit by bit.

Is such a plan unrealistic? Would we not be asking them to disavow their way of life?

It is *not* unrealistic. This is what the give and take in negotiations is all about. We would be asking for specific things. We could propose, for example, that demonstration farms be set up on a widespread scale, which would be run according to the principles of private initiative and reward. Obviously, the Soviets couldn't stand for this. The effect would be contagious and undermine their whole system. Or we could insist on teams of expert advisers who would go in to teach the people how to unload, transfer, store, and distribute grain efficiently—all tasks which seem to be elusive targets in the Communist system. Our only condition would be that they be allowed to have a real contact with the people in the Soviet Union, and to take with them the Bible, the Federalist Papers, and the Sears Roebuck catalogue.

The point I am making is that the Soviets are prepared to deal with the free economies when they can suck up our juices without our system coming in contact with their population; they are not prepared to do so when the germ of freedom might enter in through a crack.

During recent times when more and more overtures have been made to the West about trade, when detente is on everybody's lips, the Soviet Union has become even more repressive, cracking down on freedom of expression, political dissent, and punishing outside contacts by ordinary citizens.

We are told that the Cold War is over, but they are still shooting people at the Berlin Wall. The more desperate the Soviets become for economic benefits from the free world, the more rigidly they crack down on their people in an attempt to offset the effect of contacts with free people. Thus, the existing nature of our trade with Communists, instead of providing for more freedom, can unintentionally have the effect of contributing to oppression, instead of relieving it—unless we conduct our negotiations so as to bring liberty into the bargain. The Soviets need trade and investment more than we need the opportunities they offer. For the sake of freedom, we must not lose our advantage.

In the recent cultural exchanges signed with the United States, the Soviets resisted strongly every effort to set up a significant flow of people to and from the Soviet Union.

The cultural and educational exchange limited the number of people to ten performing groups, thirty-five individual performers, forty graduate students—for one semester or one year only—thirty language experts for a ten week summer course, ten university researchers for three to six months' research visits, and two—that's right, just two—art students for four to ten months' study periods. Thus, in a three year period (1974–1976), we would be able to send three or four busloads of people. And we must not forget that Chairman Brezhnev came personally to the United States to make these incredibly minute arrangements between two countries of combined population of about half a billion people.

What is true of Moscow is true of Peking. I was particularly discontented with the results of President Nixon's trip to mainland China. It was an ill-conceived and ill-timed journey. I have known Dick Nixon personally for many years, and my opinion of him is high enough that I think he should not have degraded himself by such an intimate association with the very captains of a bloody revolution that extinguished the lives and/or freedom of millions.

Yet the potential for opening up the mainland to free ideas is immense. One beneficial result is that enough has leaked out of the Communist oppression to give us hints of the dissatisfaction and the patient nurturing of a hidden spark of hope. As a result of the Peking visit, there have been a number of Americans of Chinese descent who have been able to visit their families and relatives in China for brief periods. It was only with a great struggle that they were able to elude the regime's regulations on visitors and obtain permission to live in a village instead of a restricted hotel. And the sentiments they hear when the party cadres have left them alone with their relatives and friends are plain enough to convince anyone who may have been confused by the highly orchetrated propaganda produced in the Western media with the cooperation of the press agents of the so-called "People's Republic".

Yet, of all the negotiations, the most important are those which affect the capacity of the Free World to defend itself militarily. Once again, we delude ourselves if we think that this new era of negotiations indicates that the Soviet Union is growing less warlike and more tractable.

The very opposite is true. At no time have the Soviets ever had a greater capacity for the manufacturing of weaponry systems of all types or a greater deployed capacity for delivering strategic weapons of destruction upon the free world.

It is rather peculiar, is it not, that Chairman Khrushchev had a reputation for saber rattling, while his successor, Chairman Brezhnev, has a reputation as a man of reason and deliberate moderation. When Brezhnev came to power, the Soviets had only 220 intercontinental ballistic missiles, all of them SS–7's and 8's. Under Brezhnev's leadership, the Soviets have run their total up to 1,600, including not only the gigantic SS–9's, but also 11's and 12's and some experimental prototypes.

And, along with this missile development goes all the associated guidance and support systems of types that were not even in existence before. We are so used to hearing these figures that we often fail to appreciate the vast allocation of scarce resources, the terrific strain on the Soviet economy, and the enforced sacrifices suffered by the people in order to meet this effort. What we see in Brezhnev is a man who is determined to build a vast war machine, no matter what the cost to his country.

It is also under Brezhnev's rule that the Soviet Union has become a major naval power, almost doubling its naval forces. The magnitude of this production effort is such that it would be a feat in itself, were it not that production in strategic forces was going on simultaneously. Not only was the Soviet Union supplying itself, but it was also building up a naval production capability that could supply modern vessels such as the high-speed Komar and Ossa class patrol boats, equipped with missiles, to her satellites at the same time she was buying her merchant vessels in the free world.

It was not until Brezhnev came to power that the Soviet Union's war production lines were able to supply two conventional wars at the same time—North Vietnam and the Middle East. Indeed, the Soviets had the capacity to supply Egypt twice. And today they are able to supply not just surplus weapons, but the most modern equipment, such as the SA 3 missiles sent to North Vietnam and Egypt. And, just recently, 1,500 new tanks were sent to East Germany. It is remarkable that even with the new Fiat plant in operation, Soviet automobile production stays about the same.

I mention these facts lest someone conclude that, because we are in an era of negotiation, the confrontation has somehow melted away. When we think back to the days of Khrushchev, we are prone to think only of the Cuban missile crisis, and his shoe pounding on the table. Yet, it was Khrushchev who tried desperately to boost agricultural output with the abortive virgin lands program.

Today, we see the very opposite: Soviet agriculture in sad shape because Brezhnev has allocated capital and productivity into building up a war machine. He has concocted a shrewd plan in which his available resources were thrown overwhelmingly into a forced-draft military build-up sufficient to enable him to challenge the free world. This is the real meaning of his call for negotiations. Yet, at the same time this build-up has devoured a far greater percentage of the Soviet gross national product than any other nation in the world has ever permitted to itself. Brezhnev's drastic economic imbalance now requires a second phase in which he seeks trade financed on long-term credits and direct capital investment in the Soviet Union.

Does peaceful trade with the Soviet Union encourage the development of common benefits and advantages? I think the history of Brezhnev's leadership shows that the principal benefit which the Soviets receive from their trading partners is the opportunity to continue diverting their own capital into war material. Had the Soviets chosen to reinvest the fruits of production into peaceful development, they would not need the assistance of the free world so desperately.

What conclusions shall we draw then? Shall we refuse to deal with the Soviet Union or Red China?

By no means. The first thing we can conclude from re-assessing the position of the Soviet Union is that the Soviets have built up real power. They have positioned themselves to play for high stakes, and they will be playing with great skill. Even the United States cannot refuse to play the game. All during the SALT talks, we were aware that the longer the talks went on, the more missiles the Soviets were building. Now that a temporary SALT agreement has been signed on quantitative limitations, the play moves quickly toward qualitative limitations.

Any such agreement signed by the U.S. must receive the advice and consent of the United States Senate; and I want to assure my friends from around the world that the Senate has already spoken and demanded overwhelmingly that any such agreement must not leave the United States in an inferior position. The spirit of detente is on the wind, but cold reality will have its day.

My second conclusion is that the Soviets have a real need to strengthen their economy because of the way they have abused it for their crash military program. Thus, even though the Soviets have military strength, the strains on the other parts of their system are such that we can and must exploit those weaknesses.

My third conclusion is that, when even the United States must play the game, so must everyone else. The United States still spreads its nuclear umbrella over all its allies; but today is a different world than it was before. No country, no matter how small, can afford not to play the game. Your policy can harmonize with that of the United States, but no longer can anyone wait for direction from Washington. If you do, you will be forgotten in the crush.

My fourth conclusion, however, is that no one can play the game on the foolish assumption that the Soviets are ready for peace. As I have pointed out, just the opposite is true. The Soviets have put more energy into war-like capability than ever before; the confrontation is merely accentuated. This means that nations will have to form groups and sub-groups, particularly in the Asian regions. Japan will have to take more responsibility for maintaining the peace; and her neighbors will have to act in concert with her, putting aside old memories of former times when the situation was different. With a self-energizing solidarity, even the most anti-Communist nations will find the strength and the shrewdness to conduct their own negotiations with Moscow, Peking, Hanoi, and Pyongyang.

And, lastly, I bring you this message from the people of the United States. Only the free world has the creativity and resiliency to cope with changing situations. Let us never forget that each individual free citizen has the power which no state, no matter how monolithic and oppressive, can ever have; and that is the power to create a life that suits himself.

Some people who tire of freedom and who crave security flock to the planned society, but they won't find security in the planned society. Only freedom has the dynamic element which struggles to reach out to every man. Let our negotiations capture this dynamic struggle, and freedom will not only survive, but constantly expand.

ALCOHOLISM

Mr. HUGHES. Mr. President, on September 3, I had the privilege of being present at a preview showing of Tandom Production's fall premier show "Maude." These two segments of the "Maude" show are titled "Life of the Party." In these two half-hour segments, Maude recognizes that her husband, Walter, has a serious drinking problem. Eventually, Walter accepts the fact that he is, indeed, an alcoholic and becomes willing to accept professional help in overcoming the disease. This will be the first time that an issue of such serious social concern is being dealt with in popular format.

While I do not consider alcoholism a laughing matter, the producers of this show, Norman Lear and Rod Parker, and the writers, Bob Weiskopf and Bob Schiller, are to be commended in bringing this subject before the public in a sensitive, compassionate, and informative manner.

These shows can be seen on the CBS Network on Tuesday, September 11 and September 18. I commend them to my colleagues and to any others interested in this serious problem in our society.

DEATH OF SHERMAN DRAWDY

Mr. THURMOND. Mr. President, Sherman Drawdy who died August 24 in his home city of Augusta, Ga., was a noted banker of national renown and a great humanitarian whose life and work were of benefit to so many.

His career in banking began in Groveland, Fla., where he was born in a log cabin near the present site of Disney World, October 6, 1903, one of 10 children. He learned early in life the values of hard work and initiative which he later applied so well to business and community activities. Although he began his career as a clerk he rose to become chairman of the board and chief executive officer of the Georgia Railroad Bank and Trust Co., a nationally respected financial institution. His name was known and admired in banking circles throughout the United States. Before moving to Augusta, many years ago to associate himself with the bank he later was to head, he served as bank examiner, first, for the State of Florida, then, for the Federal Deposit Insurance Corporation and, later, with the Federal Reserve Board. At the age of 22 he was the youngest bank examiner in the State of Florida.

Although Mr. Drawdy's reputation and stature in banking circles were substantial, some of his greatest deeds were in behalf of his community and his fellow man. The services he rendered in fields of education, charity, religion, and civic improvement are etched deeply in the memory of the thousands who knew him and benefited by his life. In recognition of some of these services he received the Distinguished Philanthropic Award of a national Jewish organization, the first citizenship award ever presented by the Augusta Bar Association, the Outstanding Citizen Award of Augusta TV News Media, and Jaycees' Man of the Year Award. He was for more than 35 years an active Kiwanian and a leader in the United Fund movements in his community.

Sherman Drawdy was a man who knew success and the acclaim it brings but he used it as a means of better serving those around him. Indeed, he felt a deep sense of dedication to his community, his State and his Nation.

I had the pleasure of knowing Sherman Drawdy for many years and he always displayed the qualities of integrity, leadership, and character. He will be greatly missed, most of all by his family but also by his church, associates and friends. A lifelong Baptist, he regarded his service as deacon of the First Baptist Church of Augusta as the most responsible position he ever held.

Mr. President, at the time of his death a number of newspaper tributes were published about his life and career. I ask unanimous consent that five such accounts be printed in the RECORD at the conclusion of my remarks. They are as follows: "Sherman Drawdy Dies, Rites Sunday," the Augusta Chronicle, August 25, 1973; "Final Rites Slated For Banking Leader," Augusta Herald, August 25, 1973; "Drawdy Scholarship Is Formed," the Augusta Chronicle. August 26, 1973; "Sherman Drawdy," the Augusta Chronicle, August 27, 1973; and "Sherman Drawdy," Augusta Herald, August 27, 1973.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

SHERMAN DRAWDY DIES, RITES SUNDAY

Sherman Drawdy, banking, business, civic and church leader in Augusta for more than half his life and widely known throughout the state and nation, died Friday night. He would have been 70 years of age Oct. 6.

Funeral services will be held at First Baptist Church at 4 p.m. Sunday. Interment will be in Westover Cemetery. Platt's Funeral Home, where the body will be at rest until just before the services, is in charge.

The name "Sherman Drawdy" was synonymous with banking, in the nation as well as locally and in Georgia. He began his career in banking in his native Groveland, Fla., where he was born Oct. 6, 1903. Beginning as a clerk there, he later became cashier.

Subsequently, he became bank examiner for the State of Florida, then examiner for the Federal Deposit Insurance Corp., and still later, examiner for the Federal Reserve Board of Atlanta.

He joined the Georgia Railroad Bank and Trust Co. in 1936, as vice president and comptroller. His promotions continued and he became its president and chief executive officer in 1947. On May 8, 1973, he was elected by the board of directors to chairman of the executive committee, after serving from 1969 as chairman of the board and chief executive officer.

But as closely as his career had been allied to banking, his interests were widespread, and he was identified with many civic and religious activities.

Drawdy was a trustee for the Georgia Foundation for Independent Colleges, Shorter College of Rome, Ga., and the Medical College of Georgia Foundation. He was a trustee and member of the finance committee of St. Joseph's Hospital.

He was a past president of the Kiwanis Club of Augusta, the Augusta Community Chest, the Augusta Country Club, the Augusta-North Augusta United Fund.

He was a member and deacon of the First Baptist Church of Augusta.

His other business interests included directorships with Southeastern Newspapers Inc., Georgia Bankers Association, the Georgia-Carolina Brick & Tile Co., Castleberry's Food Co., Cato Stores, Charlotte, N.C., Cullum's Inc., Abitibi Paper Co., Pilgrim Insurance Co., and the Georgia Chamber of Commerce.

He also was chairman of the board and chief executive officer of First Georgia Development Corp., and senior chairman of the board and member of the executive committee of the First Georgia Bank, Atlanta.

He was former treasurer of the American Bankers Association. He served as Georgia co-chairman of the American Bankers Association Centennial Commission for the Observance of the 100th Anniversary of the National Currency Act and the Dual Banking System.

In 1965, Drawdy was selected by the Augusta Chapter of the Junior Chamber of Commerce as "Outstanding Boss of the Year." That same year, he was awarded the First Liberty Bell Award by the Augusta Bar Association for his outstanding contributions to the Free Enterprise System in the U.S.

He resided with his wife, the former Fairy Hester of Leesburg, Fla., at 3008 Park Ave. They had two daughters, Mrs. George A. Sancken Jr., (Ullainee), and Mrs. J. Tobin Barrett Jr., (Charlotte), both of Augusta.

Final Rites Slated for Banking Leader

Funeral services for Sherman Drawdy—chairman of the board and chief executive officer of the Georgia Railroad Bank and Trust Co.—will be 4 p.m. Sunday at the First Baptist Church.

Burial will be in Westover Cemetery. The body will be at Platt's Funeral Home until just before the services.

Mr. Drawdy died Friday night, just a few weeks short of his 70th birthday, which would have been on Oct. 6. He had spent more than half of his life in Augusta, and was renown throughout the state and nation.

Mr. Drawdy had undergone an operation earlier in the week and it was successful. Complications developed which caused the fatal illness, and he succumbed late Friday night.

The name "Sherman Drawdy" was synonymous with banking, in the nation as well as locally and in Georgia. He began his career in banking in his native Groveland, Fla., where he was born Oct. 6, 1903. Beginning as a clerk there, he later became cashier.

Subsequently, he became bank examiner for the State of Florida, then examiner for the Federal Deposit Insurance Corp., and still later, examiner for the Federal Reserve Board of Atlanta.

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Mr. Drawdy was a trustee for the Georgia Foundation for Independent Colleges, Shorter College of Rome, Ga., and the Medical College of Georgia Foundation. He was a trustee and member of the finance committee of St. Joseph's Hospital.

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The survivors also include four grandchildren, George Sancken III, Tobin Barrett III, Sherman Barrett and Marianna Barrett.

Drawdy Scholarship Is Formed

The Sherman Drawdy Graduate Scholarship in Finance has been established at Augusta College as a memorial to the late board chairman of Georgia Railroad Bank and Trust Co., AC officials announced Saturday.

The scholarship, created by friends and admirers of Drawdy, will be awarded annually to a sudent in the master of business administration program at the college.

The scholarship will be administered by the Augusta College Foundation, chaired by Grover C. Maxwell, and the first award will be made fall quarter, 1974.

Gifts for the scholarship fund may be made to the AC Foundation, the spokesman said.

Sherman Drawdy

Since the history of any society—whether it be nation, state or local community—is in reality an account of that people's leadership, the story of Augusta and of Georgia during the past 37 years is, in significant degree, the record of Sherman Drawdy's service and accomplishments.

Mr. Drawdy, whose death deprives us of a vigorous, civic-minded and far-seeing citizen, demonstrated in his career the truth that in America one's beginnings, no matter how modest, imposes no limitations except those of the individual's own abilities and energies. It was borne out in the success that marked his advancement in the banking field from a position of clerk in his native Groveland, Fla., to leadership in one of the Nation's most respected financial institutions, the Georgia Railroad Bank & Trust Co., and to its various associated businesses and banks. His was a career which saw him earn honors in a wide range of unrelated fields and win, more importantly, the admiration and respect of business colleagues and competitors alike.

Impressive as was his financial and business career, his dedication to the wellbeing of his fellow man also is indicated by an equally long list of services he performed in many fields—educational, religious, civic, hospital and charitable.

While his efforts never neglected the advancement of the banking responsibilities with which he was entrusted, his activities even in that field often went above and beyond the requirements of ordinary fiscal operations so as to help Augustans who clearly needed the help he could give. While this assistance to individuals was legion, his contributions to the overall wellbeing of the community were immeasurable. They are to be found in the financial, civic and cultural records of the entire area. Each is a monument to the memory of a great and good man.

As a man, Sherman Drawdy had that integrity of character which is the foundation of all successful leadership. His word—to use an old-fashioned phrase which nevertheless fits perfectly—was his bond. His dedication to his community and to the people of that community was exceeded only by his love for his family and his church. Many favors were extended to individuals because he regarded his abilities as opportunities as a trust to be used responsibly.

Without neglecting his responsibilities to his career or his community, Mr. Drawdy also found time for the relaxation and the companionship to be experienced in hunting and other outdoors activities. He never lost touch with his feeling of closeness to nature.

Above all, his attitude toward others was marked by respect, consideration and appreciation. He was, in short, a gentleman and at the same time a gentle man.

Sherman Drawdy will be sorely missed by a grieving family, community, and a wide circle of associates and friends throughout the State and Nation. We feel that loss, but at the same time we feel a thankfulness for the manner in which his life stands as an inspiration to all who would achieve in the truest and most meaningful sense.

Sherman Drawdy

If it truly can be said that a community is as great as the sum of its leadership, then in only one man—Sherman Drawdy—Augusta had a more ample store of greatness than is given to most cities. For the 37 years that he lived in and helped to elevate Augusta to new heights of accomplishment, Sherman Drawdy contributed much to his city in ways that will long outlast his own and other now living generations.

Mr. Drawdy departed this life Friday only two months before he would have become 70 years of age, and his going deprives us of a man of vision, energy and assertive leadership in many fields of endeavor. His long career, stretching back to his first job with a bank in his native home of Groveland, Fla., and extending to chairmanship of the Board of Directors of the Georgia Railroad Bank and Trust Co. of Augusta and of its Executive Committee is testimony to the fact that the Horatio Alger qualities of intelligence, diligence, integrity and sound character still reap their deserved rewards in America.

Though Mr. Drawdy devoted his main career to banking, a field in which his rise to the top was swift, his interests and activities were evident in many other areas. There were few civic undertakings in which he did not actively share a worker's load; he served on numerous boards of directors of widely varying business enterprises; carried out duties as a leader in numerous charitable drives, civic and social clubs, and educational institutions; was a dedicated churchman and family man; and throughout came to be well-known in banking circles throughout Georgia and the Nation.

It has been said truly of Sherman Drawdy that he possessed the integrity of character that is the foundation of all successful leadership, that he was always as good as his word, and that he used his abilities and opportunities as talents given him in trust, to benefit those around him who sought his aid. A man of compassion and understanding, of devotion to family, friends, career and city that was his home, his loss will be felt deeply and severely by the many thousands of persons who knew, liked and respected Sherman Drawdy. The man himself has left us, but his inspiration and the mark of his leadership live on.

PENSION REFORM: FROM PRETENSE TO REALITY

Mr. HARTKE. Mr President, the two rival bills to reform the private pension industry (S. 4 and S. 1179) which will soon be debated in this Chamber, make only a pretense to reform. I want to make pension reform real.

All civilized countries of the world shield their populations against want, illness, old age, and other problems arising out of socio-economic conditions. Our present private pension system provides only a minimum of security. It is based on the principle of the lottery—many losers and few winners.

The present bills (S. 4 and S. 1179) will not correct this glaring foible in the present system. Too many people will still be left wanting even if this legislation is enacted. The 8,500 workers who lost their pensions when the Studebaker plant in South Bend, Ind., closed its doors, would only be peripherally assisted by this so-called reform legislation.

I am committed to insuring that pension reform will be substantive. I reject the notion that pensions are a form of insurance in which most must lose so that some may benefit. A pension should not be a game of chance. It should be a just reward of hard-earned benefits.

The real pension reform I propose will come as amendments to these two bills. The amendments will increase vesting rights, make portability compulsory, and entitle a widow to receive 50 percent of her husband's full pension.

The following editorials, expertly composed by William Shannon of the New York Times, put the pension debate in proper perspective and provide informative background on the vital and pivotal issues of pension reform. Mr. President, I ask unanimous consent that these two important articles on this subject be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

Women and Pensions

(By William V. Shannon)

WASHINGTON, Sept. 9.—As the Senate begins this week to consider bills to reform private pension plans, most people are only beginning to grasp that these plans work on the same principle as a lottery: many losers and few winners.

It was never intended by the banks and pension consultants who draw up these plans and develop the actuarial tables that all of the workers for whom an employer sets aside money in the pension fund would actually collect a pension. On the contrary, these plans assume that for one reason or another, most workers will quit or be laid off long before they are 65.

The only workers to whom an employer is reasonably certain he will have to pay a pension are those over-55 workers for whom retirement is in sight. Stated another way, it is the last employer who pays the pension, and it is based only on the time spent with that company, not on the individual's whole working life.

Without stopping to think carefully about it, many workers assume that a private plan works roughly like Social Security. That is, they assume they are accumulating credits toward a pension as soon as they begin working, that the credits accumulate even though they change jobs, and that the money to pay the pension is in a safe place.

In reality, they do not usually get a "vested" interest in a pension until they have worked for one company for many years. If they changed jobs, they lose all their invested rights in the previous plans because their rights are not "portable." And rather than being in a safe place, the money to pay their pension may be invested unwisely or be inadequate to meet the fund's total obligations.

If most male employes are shortchanged by the Great Pension Lottery, women are the real losers. Because of childbearing, care of ill parents, and other causes, women have more of an in-and-out pattern in their working life. For working women over 45, their median tenure in manufacturing jobs is about eight years and in retail selling about five years. Yet private plans typically require fifteen years of service to qualify for benefits.

One-third of all working women work only part-time or part of each year. Yet the Internal Revenue Code permits pension funds to get favorable tax treatment even though they exclude "employes whose customary employment is for not more than 20 hours in any one week, and employes whose customary employment is for not more than five months in any calendar year."

The law should be changed to require that part-time and part-year work result in proportional pension credits.

Since women tend to outlive men, widowhood is a predictable event. Yet virtually all plans either make no provision for widows or require the husband to choose a lower pension in order to provide his survivors with any benefit, and that pitifully small. Significantly, only 2 per cent of widows collect a private pension. So-called joint-and-survivor options are no solution to this problem. A widow should be entitled to 50 per cent of her husband's full pension as a matter of law.

The two bills coming up in the Senate are both feeble measures. They are written to disturb the status quo as little as possible. And the main beneficiaries of the status quo are the banks and the pension consultants. Those who benefit least are the workers nominally "covered."

S. 1179 reported by the Finance Committee is marginally better than S. 4, which is sponsored by Senators Jacob K. Javits, Republican of New York, and Harrison A. Williams Jr., Democrat of New Jersey. The committee's measure would provide some vesting after five years instead of eight, would cover all plans rather than excluding those with 24 employes or less, and would forbid a pension plan from investing in the stock of its own company rather than limiting such investments to 10 per cent as the Williams-Javits bill does.

It is typical of the thinking behind the Finance Committee bill, however, that it writes in generous tax deductions for self-employed persons—lawyers, doctors, architects, writers—who have individual pension plans. These are the very workers who are least in need of special Congressional protection.

Senator Vance Hartke, Democrat of Indiana, is one of the few members of the Senate who has interested himself in pension reform, aside from the sponsors of the bills. He plans to offer important amendments that would require full vesting after 5 years and would make portability compulsory, instead of voluntary. If these amendments are adopted as well as others that may be offered dealing with the special problems of widows, part-time workers, and inflation-stricken pensioners, then the final measure would justify the honorable tag of "reform bill" that has been so loosely conferred upon these dim proposals.

Pension Pretense

(By William V. Shannon)

WASHINGTON, Sept. 5.—Next week, the Senate begins debate on two rival bills to reform the private pension industry. One is S. 4 sponsored by Senators Williams (Democrat, N.J.) and Javits (Republican, N.Y.) and endorsed by the Senate Labor Committee and practically the whole liberal establishment in the Senate. The other is S. 1179 sponsored by Senator Bentsen (Democrat, Tex.) and cleared by the more conservative Senate Finance Committee.

There is only one thing wrong with these reform bills. Neither of them does much reforming. Regardless of which bill becomes law, the great majority of workers are not going to collect a dollar from whatever private pension plan currently pretends to "cover" them.

It is easy to see why these bills are more sham than reality. No economic base exists for reforms. There are 200,000 private pension plans with assets totaling more than $150 billion and fresh revenues pouring in at a rate of $15 billion a year. This money is a bonanza for the banks and pension consultants who manage it.

Businessmen do not want reform because it might increase their costs and would certainly reduce their control over their own pension plans. Most unions like the illusion of power that they now have when pensions are subject to collective bargaining and they share with management in control. As a result, they are indifferent to the reforms that would diminish the role of unions in the pension process but would genuinely protect the interests of their members, ex-members, and retirees.

Since most workers contribute nothing or only small sums to a private pension plan, they regard it as an agreeable extra, a "fringe benefit." They do not realize that in economic terms a private pension is part of the wage package and the money diverted to the pension plan could otherwise have been used to pay them higher wages. A pension later in place of higher wages now makes sense—if you collect the pension. Most workers do not.

The ordinary employe works five, or eight or ten years and then quits to take a better job. He loses his rights in the old plan and starts all over again in his new employer's plan. Or he is laid off in a recession. Or his firm goes bankrupt and the pension plan goes under. Or his firm is merged and the new conglomerate abolishes the old plan and introduces a new one for which he is not immediately eligible. Or he changes jobs and moves from a company that has a plan to one that does not. Whatever he does, he is an unwitting participant in the Great Pension Lottery in which, like all lotteries, many lose and few win.

A true reform bill would have four essential provisions. It would provide immediate vesting—credits toward a pension at 65 even if separated from the job before retirement. The Williams-Javits bill would guarantee 30 per cent of one's pension credits if one worked for the same employer for eight years. It would add 10 per cent each year thereafter, thus reaching 100 per cent after fifteen years.

But most private pension plans already

provide for vesting after ten or fifteen years. In other words, S. 4 just ratifies the status quo.

Secondly, a good bill would make pension rights portable, enabling a worker to keep his pension credits as he moved from job to job. Both bills set up a pension clearing house to be run by the Government. It would administer vested benefits that employers voluntarily put there. But employers know it is more profitable to hold this money and use it within their own fund, paying a pension—if ever—many years later. Only a compulsory system is likely to work.

Thirdly, each plan should be properly funded to make certain that it has enough assets to cover all present and future pensions. Both bills provide for funding but over a thirty-year period. Many companies merge or go out of business after less than a decade of existence.

Fourth is the need for reinsurance. This is the one glaring abuse that both bills do attempt to meet by setting up a system roughly comparable to the F.D.I.C. protection for bank deposits. That should reduce the number of horror stories of pensioners left bereft by plans that go bankrupt.

But one small improvement is not good enough. Where is the protection for older workers fired without cause so they cannot collect their pensions? Where is the vesting of proportional benefits for women who work part-time? Where is the guaranteed pension for the elderly widow?

Reform can be accomplished. Britain is about to enact a law requiring private plans to provide full vesting after five years and to pay a widow 50 per cent of her husband's pension. The Netherlands has immediate vesting. Why should Americans settle for pension plans that pay most participants no pensions? Why should the Senate settle for a reform bill with almost no reforms?

QUALITY CONTROL AND ZERO DEFECTS

Mr. TOWER. Mr. President, Kappa Sigma fraternity held a very successful convention last month in Dallas. One of the highlights of our convention was an inspirational speech by my good friend and colleague, the senior Senator from Arizona.

Senator FANNIN pointed out that although it was the United States which conceived systems for quality control and zero defects in manufacturing, it has been other nations which have been able to implement and benefit from these systems.

The Senator suggested that unless America and Americans can start applying quality control principles, we will lose our position of leadership in the world. Senator FANNIN also proposed that we apply the ideals of quality control and zero defects not only to our commercial enterprise, but to all aspects of our lives.

Mr. President, an Arizona newspaper, the Arizona Daily Sun at Flagstaff, applauded Senator FANNIN's speech by running an editorial in its August 31, 1973, edition. I ask unanimous consent that this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

QUALITY CONTROL REVIVAL NEEDED

Has the work ethic gone by the wayside? Has the idea that a worker should turn out with pride the best possible product become a thing of the past?

These were questions Arizona Senator Paul Fannin posed last week in a speech at Dallas before members of Kappa Sigma Fraternity. His talk zeroed in on quality control.

He said that while the United States developed the zero defects concept of quality control it has failed to capitalize on it.

That this appears to be true can be attested to by many Northern Arizona residents. There have been callbacks of spankin' new automobiles because of defects. There have been defects in many home appliances. And defects computerized record-keeping causes which become mind-torturing.

In addition, the lack of quality control contributes to the wearing out of too many products. In fact, we wonder sometimes whether the manufacturer didn't plan for the product to wear out within a period of time so that a replacement would have to be purchased.

Senator Fannin said the zero defects program to assure high quality control was borrowed from us by the Japanese and is being used with success by that country. The U.S., on the other hand, has largely confined the quality control concept to aerospace and other defense contractors, he said.

Who's to blame? The Senator asserts both management and government must share the responsibility for allowing such a situation to arise.

We concur with his statement that "There must be a rekindling of old-fashioned pride in work and workmanship."

CONGRESSIONAL BUDGET REFORM: AN ALTERNATIVE

Mr. MUSKIE. Mr. President, in a perceptive article in Sunday's Washington Post, Doctors Alice M. Rivlin and Charles L. Schultze of the Brookings Institution persuasively argued that present congressional procedures for considering the Federal budget are "incredible" and work directly against any kind of comprehensive, informed overview of national priorities. In the article, "Shaping the Budget: A Way Out of Chaos," these two distinguished former Government officials offer several thought-provoking proposals, include a 3-year budget, a procedure for Congress finally to reconcile its separate spending and revenue actions, and actions to combine the authorization and appropriations committees into single, program-oriented committees.

The authors also criticize the budget bills currently pending before Congress as measures which "would likely further discourage debate on national priorities. They would create excessively powerful budget committees that would dictate detailed spending ceilings early in each congressional session, thereby tying the hands of the other committees. Moreover, they would do nothing to remove the biggest obstacle to intelligent deliberation: the present inability of Congress to plan ahead."

Mr. President, I share many of these same reservations about the budget bill, S. 1541, currently pending before the Government Operations Committee. Other Senators on the Subcommittee on Budgeting, Management, and Expenditures, including Senators BROCK and SAXBE, had similar reservations and joined with me in offering substantive amendments which we felt would insure a meaningful debate on budget priorities early in each session of Congress at the same time that they would give individual Members of Congress and congressional committees maximum flexibility to determine firm spending controls. Although our amendments were defeated in the subcommittee, we intend to press for them when the full Government Operations Committee begins consideration of this critical legislation.

Mr. President, I ask unanimous consent that the article, "Shaping the Budget: A Way out of Chaos," and a summary and explanation of the proposed Muskie-Brock-Saxbe amendments to S. 1541 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SHAPING THE BUDGET: A WAY OUT OF CHAOS

(By Alice M. Rivlin and Charles L. Schultze)

The incredible way that Congress deals with the federal budget—never deciding whether one program is more important than another, never looking much beyond the immediate, never considering whether a budget surplus or deficit is needed, never co-ordinating anything in this blueprint for the nation—has long been noted. But not until recently did it seem that this preposterous system might change.

Now both houses of Congress are considering budget bills intended to let the left hand know what the right is doing. While this is certainly a move in the right direction, the measures being considered were drafted with great haste amid growing animosity between Congress and the executive, and they seem likely to do more harm than good.

Indeed, rather than encouraging informed decision-making by Congress, the bills would likely further discourage debate on national priorities. They would create excessively powerful budget committees that would dictate detailed spending ceilings early in each congressional session, thereby tying the hands of other committees. Moreover, they would do nothing to remove the biggest obstacle to intelligent deliberation: the present inability of Congress to plan ahead.

What is badly needed instead is fundamental reform that would let Congress deal with a multi-year budget—the only way it will be able to work its will on priorities. This would still require the creation of budget committees, though not of the all-powerful kind currently envisioned. It would also require the streamlining of Congress by combining authorizing and appropriating functions.

LIBERAL SUSPICIONS

It will doubtless be argued that such steps would be politically difficult to accomplish. That is certainly true. But the fact is that any attempt to reform the shaping of the nation's budget, including those changes currently contemplated, will encounter serious political obstacles.

One can already find suspicions among liberals, for example, about major budget-reform moves. Until a few years ago, after all, the piecemeal strategy appeared to favor liberal legislation. Major new programs—social security, Medicare, Great Society programs—could be enacted because they had small initial costs and it was not necessary to worry about how they would be financed in the future. Deep down, many liberals appeared to believe that if the problem of choosing among programs is explicitly faced—and if new social spending is seen to depend on cuts in other programs or on tax reform—the status quo will win. They are afraid that the only way to get social progress is to bring it in surreptitiously.

It would be a serious mistake, however, for them to oppose budget reform. Many voters may indeed have come to distrust social programs that concentrate on the needs of minorities and the welfare population. But there are common problems shared by the poor, the black, the blue-collar family and the suburbanite. Health insurance, fairness in taxation, pollution control, urban congestion and decay and a fair chance at higher education are but a few. Unless budget procedures are reformed, the chances of shifting priorities to provide money for this and other legislation over the next three to five years is virtually zero.

The situation today, it must be remembered, is far different from earlier periods of peacetime economic growth, when federal revenues grew more rapidly than the cost of maintaining programs already on the books. In those days the resulting "fiscal dividend" provided the funds to finance new programs or expand old ones. Hard choices did not have to be made; taxes did not have to be increased or older programs reduced to find room for new initiatives.

This is certainly not the prospect for the years ahead. The administration's defense policies call for a substantial increase in military spending. Domestic programs are larger than they used to be, and simply maintaining them will absorb more of the growth in revenues than previously. And the tax cuts of the past decade have reduced the revenues to be expected from economic growth.

In the next several years there will be no automatic fiscal dividend available for painless financing of health insurance, day care, aid to higher education, pollution control, the search for new energy sources or other initiatives. To secure any of these programs it will be necessary to find room in a tight budget by raising or reforming taxes or slowing the growth in military or other spending. Present congressional budget procedures are not adequate to deal with these hard decisions.

BACKDOOR SPENDING

In fact, current congressional budget procedures are not adequate for dealing with any questions of priorities. When the President's budget proposal reaches Congress today, it is pulled apart and considered in fragments. Hearings are held by authorizing committees dealing with particular programs or agencies, and separate bills are reported to the floor and voted on in each house. More hearings are held in appropriations subcommittees, and appropriations bills for particular agencies are reported and voted on at different times during the year. Revenue measures to finance these outlays are handled separately by different committees.

Even if they wanted to, the appropriations committees could not act on the entire budget. More than half the domestic budget—money for highways, social security, veterans' pensions, pollution control and a host of other programs—is outside their purview, many of these "backdoor" spending decisions are not even reviewed every year. The social security program, for example, simply continues in the absence of a congressional decision to change it, with the amount spent determined by such uncontrollable factors as the number of eligible people who apply for benefits. Tax concessions to particular groups, such as oil depletion allowances, also continue in the absence of some explicit effort to change them.

At no point does Congress put these separate actions and non-actions together to see whether they make sense as a whole. A congressman or senator votes "aye" or "nay" on defense appropriations and again on housing, but gets no chance to compare the two and propose moving funds from one to the other. Spending bills are passed without questioning whether revenues will be adequate to finance them; taxes are cut without considering which expenditures will have to be sacrificed as a consequence. If appropriations appear to be exceeding revenues by more than the President regards as desirable, he vetoes the appropriations he likes least.

This situation would not be improved if Congress simply voted a ceiling on total spending that was lower than the sum of the individual appropriations. By itself, such a ceiling would hand the President authority to cut wherever he wanted and make a mockery of congressional authority over the budget. If the Congress is to impose its own priorities, it must consider the budget as a whole and make its own decisions about which expenditures are most important.

A FEELING OF POWERLESSNESS

Not only are budget decisions fragmented but they relate to one year only, and that year is frequently half over before the decisions are made. This lateness creates tremendous uncertainties, both for federal agencies forced to operate on continuing resolutions until their funds are appropriated and for recipients of federal funds. A school district, for example, usually does not know how much federal money it will receive until after the school year has started. Rational planning for the use of the money is impossible, and hasty, ineffective programs are the frequent result.

Even more important, preoccupation with the current year makes it almost impossible to make significant changes in federal priorities. Once a highway network or a nuclear carrier has been started there is tremendous pressure to finish it. Services to people—day care, mental health, manpower training—cannot be abruptly terminated or even altered without enormous disruptions in people's lives. Indeed, so many of the expenditures in the coming year have been determined by past decisions that Congress feels powerless to make major changes. This powerlessness would be greatly relieved by looking at major budgetary choices for the next three years. It would then be possible to contemplate phasing out some existing programs and using the released revenues, plus the additional funds made available by economic growth, to make major changes in what the federal government does.

The tax cuts enacted by Congress in 1969 and 1971 are good examples of the double failure of the congressional budget process: Failure to consider revenues and expenditures at the same time and failure to look ahead. The excess of projected expenditures over revenues that forced President Nixon to make such drastic slashes in his proposed budget for this fiscal year are the direct result of those earlier tax cuts. If Congressmen and senators had been forced to consider the impact of revenue reductions on future expenditures they might have shown less enthusiasm for cutting taxes.

COMPOUNDING THE PROBLEMS

These problems would not be solved by the two major bills currently being weighed. Rather, the measures—one stemming from the Joint Study Committee on Budget Control set up last year, the other from a Senate government operations subcommittee—would tend to weaken Congress' ability to make informed decisions.

Under both bills, for example, budget committees would submit for approval to each house, early in the session, overall spending ceilings for the coming fiscal year, subdivided into ceilings for each major spending category. Federal revenues and debt limit would also be fixed. Once approved by Congress in an omnibus resolution, the ceilings would be *binding,* subject to breach only by a two-thirds vote of Congress. The appropriations and other committees could work their will only within the initially set limits. Near the end of each session, the budget committees would submit a second omnibus resolution which could adjust the earlier ceilings on total spending or any of its components.

Setting such rigid and detailed spending ceilings early in the session clearly would let the budget committees lock priority decisions in place before the work of Congress had even begun. How could the budget committees set intelligent ceilings on particular areas in a short time and before any hearings had taken place? Most likely they would have to rubber-stamp the previous year's priorities.

The two current bills also would let members of the Appropriations, Ways and Means, the Senate Finance committees dominate the new budget committees. The Joint Study Committee measure provides that two-thirds of the membership be selected from these committees; the Senate subcommittee bill would draw 40 per cent of the members from these panels.

This would greatly strengthen the hold these committees already have over Congress, concentrating power in the hands of those whose interests are with the financial and conservative aspects of the budget rather than with substantive issues of public policy, Moreover, how could these committee members, already swamped by their existing duties, do justice to the awesome responsibilities of the budget committees? Because budget committees would have great power, it is crucial that they reflect the views of the * * * will never be funded by conservative-full House and Senate. The members should be picked from the Congress as a whole and serve staggered, rotating terms.

Finally, these bills would still leave the executive and the Congress with the impossible task of trying to shape priorities on the basis of a one-year budget, and they would add another layer of committees without eliminating the wasteful duality of authorizing and appropriating committees.

TWO BASIC CHANGES

There is no perfect way for 535 senators and congressmen to consider anything as complicated as the federal budget, but two basic changes must be made if Congress is to have any chance to make informed decisions.

First, it must deal with a multi-year budget. Specifically, it must require the administration to submit a three-year budget every year. Major debate and decisions should focus on the third year, although adjustments would have to be made in actions already taken for the two intervening years.

Second, Congress must have procedures for looking at all spending and revenue actions together and for making necessary adjustments to reconcile the separate pieces. Do revenues stand in an appropriate relationship to total spending? Do the cuts in some programs and the additions to others reflect the priorities of the nation as the Congress sees them?

These procedures do require the creation of a budget committee in each house to recommend to the full chamber ways of reconciling separate legislation with overall objectives. Such recommendations must be debated on the floor and be subject to amendment, but the debate must start with well-thought-out proposals, and there must be budget committees to make the proposals.

By itself, budget committees stop the already cumbersome congressional committee structure would be unfortunate. Instead, Congress should seize the opportunity to simplify the entire committee set-up. The dual system of authorizing committees and appropriations subcommittees should be replaced by a single set of "program committees" that would exercise both functions. This obviously would speed the decisions process by making it unnecessary for executive agencies to plead their case twice in each house. It would also eliminate the current farce under which authorizing committees dominated by liberals vote large authorizations which everyone knows dominated appropriations subcommittees.

THE 3-YEAR BUDGET

Under this plan, the President would be required to submit to Congress an updated three-year budget proposal every January. Last January, for example, he would have submitted proposed changes in the budgets already enacted for fiscal 1974 and 1975 and new proposals for fiscal 1976.

In each session the Congress would deal first with changes in the budget for the coming fiscal year. The basic decisions on this budget would have been made two years earlier, but reevaluation would be necessary, especially in the first year of a new administration. Even without a change in administration, reconsideration might be required by alterations in the economic outlook, natural disasters, or information that programs were not working as expected. The administraton's proposed changes would be considered by the program committees and voted on by the Congress.

The budget committees would then review all of these changes and recommend any adjustments it thought were needed to reconcile them with fiscal and priority objectives. The committee proposal could be amended on the floor, but any amendments that added or subtracted funds would have to include compensatory changes in spending or an explicit change in the surplus or deficit. This process of amending the budget for the coming year, carried out on a tight schedule, would be over well before the end of June so that all agencies could start the fiscal year knowing exactly what appropriations they would have available.

Meantime, work would have started on more basic decisions about national priorities, those to be reflected in the budget three years hence. The main action would be in the program committees, which would hold hearings, listen to administration and opposition arguments, consider alternatives and report bills to be voted on by the full House and Senate. While the program committees would have both authorizing and appropriating functions, they would normally do their authorizing only every two or three years. In the intervening years they would consider the appropriation levels for programs they had authorized and use some time to find out how the programs were working.

The budget committees would play two roles in the process. At the beginning of the session they would provide estimates of revenues to be expected and probable costs of on-going programs and would propose a sense-of-the Congress resolution giving general guidance to the program committees in carrying out their work. This resolution would not tie the hands of the program committees, but would provide the occasion for a debate on priorities early in the session and an overall set of budgetary targets for that year's work. Time for this debate should be limited. Program committees would then act on the areas within their jurisdiction.

RECONCILING ACTIONS

At the end of the session the budget committees would play a crucial role in reconciling actions taken on the floor and reconsidering the priorities implied by these actions. Funds appropriated and revenues voted would be added up. All types of spending authority would be included—not only regular appropriations but various "backdoor" authority like social security and the highway trust fund.

The budget committees would consider the results and recommend changes in the totals or in the parts. They might recommend increasing income tax rates to bring revenues into line with fiscal needs or cutting appropriations proportionately to hold down spending. Or they might recommend cutting defense outlays to hold the tax line and still have room for new housing and education programs enacted earlier in the session.

These proposed changes would provide another opportunity for full-scale debate on major issues of priorities, a debate that would culminate in a vote on the budget three years ahead. A conference procedure would, of course, be needed to resolve differences between the House and the Senate.

Throughout the process both the budget and program committees would be aided by substantially increased staffs charged with analyzing administration budget proposals, developing alternatives, and commissioning studies to evaluate existing programs or develop new ones. These staffs, especially those attached to the budget committees, would provide analysis and information designed to elucidate budget decisions not only for committee members but for the rest of Congress as well.

Shifting to such a system would focus the attention of the Congress, the executive and the public where it belongs: on the major decisions that must be made now if budget priorities are to be altered three years in the future. It would provide a mechanism for debating future priorities as well as for adjusting short-run taxing and spending policy to the needs of the economy. It would simplify the committee structure and reduce the time consumed in separate hearings and presentations, and it would improve the flow of digestible information to the congressmen and senators who have to make the hard decisions about the nation's future.

SUMMARY AND EXPLANATION OF PROPOSED MUSKIE-BROCK-SAXBE AMENDMENTS

The series of amendments to be offered by Senators Brock, Muskie, and Saxbe are designed to strengthen and to reform the Congressional budget process.

The amendments will insure a meaningful debate on budget priorities early in each session of Congress; give members of Congress and Congressional Committees maximum flexibility during consideration of spending measures; and provide for firm spending controls on both the Congress and the Executive Branch.

These amendments would provide Congress with additional information it needs for meaningful budget consideration and with additional time to consider that information. Most importantly, they would force Congress to complete its consideration of the budget by the beginning of the fiscal year—and in no case later than by the beginning of its summer recess. Completion of budget consideration by Congress before the fiscal year begins or immediately thereafter will end the chaotic situation that now exists of government agencies not receiving their funds until several months after the fiscal year has begun.

EXECUTIVE SUBMISSION OF THE BUDGET

These amendments would provide the Congress with additional and more timely budget information by requiring the President to submit his budget in two parts.

First, by October 1, the President would be required to submit to the Congress a current services budget. This would provide the Congress with an estimate to spending for the next fiscal year based on current spending levels. A current services budget will ordinarily be a 90 to 95 percent reflection of the final budget, and will provide the Congress basic budget information to start its own budget consideration process. The current services budget submitted by the President—as would all Executive Budget submissions under these amendments—would include five year expenditure and revenue projections.

Second, the President's final budget would be submitted December 1. This earlier submission of the budget will not subject the Executive Branch to undue hardship because of the new Congressional Reconciliation process. In addition, with the current services budget as a base Congress will be in a better position to analyze the budget impact of policy changes by the Executive Branch as soon as the final budget is submitted.

FIRST CONCURRENT RESOLUTION ON THE BUDGET

Like Committee Print No. 2, these amendments would require enactment of a First Concurrent Resolution on the budget. This resolution would set out the following:

1. Total budget authority and total outlays;
2. Revenue estimate;
3. Estimated surplus or debt;
4. A breakdown of individual spending measures by the budget authority contained in regular appropriation bill categories and in permanent appropriation categories (backdoor and mandatory spending measures) by functional areas.

The timetable for consideration of the First Concurrent Resolution would be somewhat changed. The Budget Committees in each House would be required to report the resolution to their respective Houses by March 15. By April 1, each House shall complete its action on the resolution, and by April 15, final Congressional Action on the First Concurrent Resolution shall have been completed. Action on these measures will be cased by the earlier submissions of the President's budget and the Current Services budget.

The date for final action on the resolution is moved up in order to allow the appropriations process additional time before Congressional action on the budget is finally reconciled. Because the First Concurrent Resolution contains a breakdown of budget authority by major spending categories, it should allow for a meaningful debate on Congressional budget priorities.

AUTHORIZING LEGISLATION

All authorizing legislation to be considered by the Budget Committees for the purpose of reporting out the First Concurrent Resolution would be enacted by March 1. With budget information submitted to the Congress as early as October 1, along with input from COB, it is anticipated that each fall Congress will, in effect, have an authorizing session where it enacts authorization measures for the next fiscal year.

All authorizing legislation for the next fiscal year must be enacted prior to June 30. If action on regular authorization bills is not completed by June 30, Congress may move directly to consideration of appropriations measures in those areas where authorizing legislation has not been enacted.

CONSISTENCY IN THE FIRST CONCURRENT RESOLUTION

Before action on the First Concurrent Resolution can be completed it must be consistent in that the sum of the budget authority contained in the breakdown of individual spending measures must equal the total budget authority in the resolution. In the event that is not the case after action on all amendments is completed, the resolution shall be recommitted to the Budget Committee to be made consistent. A consistent First Concurrent Resolution must then be reported within three days.

REPORT ACCOMPANYING FIRST CONCURRENT RESOLUTION

The report accompanying the First Concurrent Resolution should include the following items:

1. A comparison of the figures in the resolution with those in the President's budget.
2. A statement of the economic objectives underlying the resolution.
3. Five year projections of expenditures, revenues, surpluses and deficits.

SCOREKEEPING PROCEDURES

These amendments would add extensive scorekeeping provisions. The purpose of the scorekeeping provisions is to keep the Congress informed during its consideration of authorization and spending measures of how its actions correspond to the appropriate spending levels set forth in the First Concurrent Resolution.

The elements of the scorekeeping provisions include:

1. All reports of all committees shall include a section written in consultation with the director of the COB detailing:

a. How that bill would compare with the figures in the Concurrent Resolution.

b. A five year projection of the impact of the bill on expenditures.

2. The COB shall prepare daily tabulations of Congressional progress on spending bills.

3. After reconciliation COB shall prepare a report detailing a five year projection of the impact of Congressional action.

REAFFIRMATION OF CONGRESSIONAL SPENDING PRIORITIES AND RECONCILIATION

By June 30, Congress shall enact a bill that reconciles the actions it has taken on individual spending measures with the appropriate levels for spending it set out in its latest Concurrent Resolution. In no case can the Congress adjourn for its summer (August) recess before action on this bill is completed.

This process will not only allow the Congress to adjust its spending actions, but it will also permit the Congress to take a final look at its overall spending priorities and either reaffirm or adjust the priorities it established in the First or succeeding Concurrent Resolutions.

The process would work like this:

All Congressionally approved spending bills—including appropriations bills and backdoors—would have written into their enacting clause a provision triggering their going into effect upon the passage of the reconciliation bill.

If the sum of the individual spending measures approved by the Congress is equal to or less than the total spending ceiling in the most recently enacted Concurrent Resolution, then the Budget Committees would report and the Congress would enact a bill to trigger the previously approved spending measures.

If the sum of the individual spending measures approved by Congress exceeds the total spending ceiling in the most recently approved Concurrent Resolution, the Budget Committees would report and the Congress would enact a bill that makes the spending total in individual bills consistent with an overall spending ceiling. That bill can raise the overall spending ceiling to equal the total of the spending in individual bills; it can contain cuts in individual bills to meet the spending ceiling in the latest Concurrent Resolution; or it can make adjustments somewhere in between. In the case that floor amendments make the reconciliation bill inconsistent, the same recommital process should be followed as during consideration of the First Concurrent Resolution. The reconciliation bill, when enacted, would automatically trigger previously approved spending bills.

A key element of this reconciliation process is that it be completed before the beginning of the fiscal year—or as close to the beginning of the fiscal year as possible. If the reconciliation process is not completed before July 1, the government would operate at existing spending levels until the reconciliation bill is enacted.

The reconciliation bill is reported by the Budget Committee so that total spending can be controlled. This includes both backdoor spending as well as regular appropriations measures.

STRIP MINING: A QUIET TRAGEDY

Mr. PACKWOOD. Mr. President, as I am sure all of my distinguished colleagues are aware, the Interior Committee chaired by the able Senator JACKSON of my neighbor State of Washington is currently considering important legislation dealing with a problem which should be of grave concern to us all, the issue of surface or strip mining in this country. I would like to express my fervent hope that the bill which they will deliver to us on the floor will have some teeth in it. The problem at hand demands decisive action, and nothing less than a drastic change in our present law on the matter will suffice.

Strip mining is a quiet tragedy. It does not get too many headlines. In fact it does not get any at all. Most Americans probably consider it a trivial matter if they know about it which many of them do not. The truth is that it is far from trivial. The truth is that in a very quiet way, without headlines, millions upon millions of acres of land in this country have been raped and denuded and made barren wasteland because of strip mining. Thousands of animals have been killed, wildlife habitats destroyed, nature polluted and ridden with disease, because of strip mining. Waterways have become silt-laden sewers. Hundreds of lives have been shattered and uprooted, or simply wasted, because of strip mining. Strip mining has pocked the map of America; its lesions, rife as weeds in an untended garden, cover our Nation.

The time has come when we must tend our garden. We cannot wait until tomorrow, or there will be no garden left to tend; there will be only a desert, full of holes which we will not be able to fill.

Too often in the past, Congress has buried similar bills with a shrug of its legislative shoulders. Only when the public outcry grows too loud for us to hear our own meaningless speeches do we act.

I submit that this is not the way Congress was intended to function. We are supposed to protect the public's interests, instead of breathlessly trotting after their lead.

But there is no public outcry about the strip mining situation, because not enough people are affected by it, or realize how much they are affected by it. The few thousand people who have had their lives ruined by it are too broken to speak out, too sure that their voice will not be heard; and perhaps they are right. Perhaps the reason we have not heard enough about strip mining is because we have grown deafened by beating our own drum.

I submit that now we have a chance to achieve something really substantial, genuinely valuable to this country, without adulation or headlines. Now is the time—the only time left—to save these threatened lands from the scourge of strip mining, and reclaim another portion of our Nation for the good of the people.

Therefore, Mr. President, I would like to take this opportunity to commend the Interior Committee for taking this subject under consideration and express once more my fervent hope that they will come up with a final bill which will provide a fair and just solution to this critical problem. The challenge demands no less.

FRENCH NUCLEAR TESTING

Mr. HARTKE. Mr. President, on August 2, 1973, I introduced Senate Resolution 155 calling upon the President to strongly condemn the Government of France for its continued atmospheric testing of nuclear devices in the Pacific.

Thus far, Senators INOUYE, MCGOVERN, TUNNEY, and BAYH have cosponsored this resolution.

Yet, not a word from the Government of the United States in protest to the Government of France. As I have pointed out in the past, the actions of the Government of France are irrespective of and irresponsible to the rights and privileges of the peoples and governments in the Pacific Ocean area. The World Court of Justice at the Hague has been totally disregarded by the Government of France in this matter.

There has been an attempt to picture Congress as taking a lackadaisical approach to the mounting domestic and world problems, our record to the contrary. In the matter of French nuclear tests, the Congress now must do what the President should have done some months past.

Mr. President, I have received a letter from the Ambassador of New Zealand to the United States, His Excellency Lloyd White, expressing the gratitude of the New Zealand Government for the introduction of my resolution. His Excellency's letter points out that 63 countries throughout the world now officially support the posture of New Zealand—the same position advocated by my resolution—and that the 32 countries represented at the Commonwealth Heads of Government Conference "unanimously called for the ending of all nuclear tests in the atmosphere."

I again encourage my colleagues on the Foreign Relations Committee to give my resolution the highest priority, and report it to the floor of the Senate for debate and, hopefully, passage.

Mr. President, I ask unanimous consent that the letter addressed to me from the New Zealand Ambassador, His Excellency Lloyd White, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NEW ZEALAND EMBASSY,
Washington, D.C., 6 September 1973.

Senator VANCE HARTKE,
U.S. Senate,
Old Senate Building,
Washington, D.C.

MY DEAR SENATOR HARTKE: I was most encouraged to learn of your introduction of Resolution 155 in the United States Senate and of your concern about atmospheric testing in the Pacific. To my knowledge the issue has been raised in Congress on only one other occasion recently, and in a different context: New Zealand's case was mentioned briefly in the Senate Foreign Relations Committee's hearings on the role of the International Court of Justice last May.

We have, however, been gratified by the extent of the support our position has received elsewhere in the United States. As you will know, the U.S. press has reported on the issue very widely and there has been a striking number of articles, commentaries, cartoons and editorials. You might be interested to see the attached list of editorials which have come to our notice.

Like other nations of the South Pacific we had hoped that France would respect the interim decision of the International Court of Justice. We continue to hope that France will yet decide to heed the rule of law on this issue.

As you will be aware, the New Zealand Prime Minister appealed to Heads of Governments all over the world to express their views on the current series of atmospheric tests. The large number of messages of support from all regions that have been sent in response to this request, together with other expressions of concern about France's nuclear policy, make it clear that international opposition to the tests is widespread and strong.

International opinion has been steadily mounting and opposition stemming from France's earlier atmospheric tests in the Pacific has intensified in the United Nations. This was reflected in the resolution passed at the environment conference held in Stockholm in June 1972 and in United Nations resolution 2934A, which was passed last year by a vote of 105 for, 4 against with 9 abstentions. The general issue of nuclear tests is again scheduled for discussion at the forthcoming session of the United Nations.

You mentioned in Resolution 155 that the current series of tests has been condemned by a large number of countries. According to our latest assessment, which does not claim to be comprehensive, 32 nations have spoken out against the tests and a further 31 have responded with messages of support for New Zealand's stand. It is likely that this figure of 63 will grow considerably when the subject is raised at the United Nations. Furthermore the 32 countries represented at the Commonwealth Heads of Government Conference on 3 August unanimously called for the ending of all nuclear tests in the atmosphere.

My Government welcomes the action you have taken in bringing this issue to the attention of the Senate. It is an issue of importance to us all and your thoughtfulness in keeping me informed of your initiative is much appreciated.

I enclose some information papers which I hope you will find of interest.

With my best wishes.

Yours sincerely,

LLOYD WHITE, *Ambassador*.

EDITORIALS ON FRENCH NUCLEAR TESTS

NEW ZEALAND EMBASSY,
Washington, D.C.

May 3: Washington Post, French Nuclear Fallout: Radioactive & Political.

June 23: Christian Science Monitor, France Isolated on Nuclear Tests.

June 27: New York Times, France Defies the Court.

July 1: Chicago Tribune, The Mania for Superweapons.

July 13: Baltimore Sun, Explosion over Mururoa.

July 13: States-Item, New Orleans, France Adds to Nuclear Anxiety.

July 16: Chronicle, Houston, Necessity or Act of Arrogance.

July 16: Springfield News, Mass., Nuclear Test Ban.

July 17: News, Savannah, Clear & Present Danger.

July 19: News, Detroit, France is Aping Khrushchev.

July 22: Oregonian, Portland, Not French Lake Either.

July 25: New York Times, An End to Nuclear Tests.

July 27: Tri-City Herald, Pasco Wash., No More Tests.

August 16: Christian Science Monitor, Nuclear Testing.

THE PLIGHT OF SENIOR CITIZENS

Mr. GURNEY. Mr. President, sometime this week, and possibly tomorrow, the Senate will consider S. 1866, a bill to increase pensions under the Civil Service Retirement Act.

When Senator BURDICK introduced S. 1866 earlier this year, the bill contained a provision for a $20 a month increase for pre-1969 civil service annuitants, or an $11 a month increase for their surviving spouses. The Post Office and Civil Service Committee deleted that provision contained in title III of the bill. All that remains now is a provision raising the minimum monthly benefit for civil service retirees to coincide with the minimum payable to social security retirees. Significantly, however, only Federal retirees with no social security income—and that is a small number indeed—will benefit by S. 1866 as currently written. To say that deleting section III of S. 1866 cut the guts out of the bill is putting it mildly—and tragically for thousands of Federal retirees.

I submit, for appropriate reference, an article which appeared in hundreds of newspapers across the country today, in Mr. Jack Anderson's column, entitled "Poverty Grips 5 Million Senior Citizens." In this column, Mr. Anderson details the plight of our Nation's senior citizens, some of whom must eat dog food to survive, and some of whom—as I noted in an earlier statement in the Senate—have turned to shoplifting. Mr. Anderson's column, which mentions another possible social security increase, makes a strong statement indeed on behalf of all older Americans. I hope that when amendment No. 448 comes up, my colleagues will keep this column well in mind, and I ask unanimous consent to have the article reprinted at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

[See exhibit 1.]

Mr. GURNEY. Mr. President, the plain facts are these:

In January of 1970, social security annuitants received a 15 percent increase. In August—7 months later—Federal retirees received a 5.6 percent increase. In January of 1971, social security annuitants received a 10 percent annuity increase. In June that year, Federal retirees received 4.5 percent. In September last year, social security annuitants received a 20 percent increase—following a 4.8 percent increase for Federal retirees in July. This year, Federal retirees received a 6.1 percent increase in July, and as Mr. Anderson's article points out, we are beginning to talk about another 6 to 7 percent increase for social security annuitants to tide them over until the 5.9 percent increase we have already voted takes effect next July. What about the forgotten retirees? I realize our civil service retirees make up a small portion of our retired labor force, but we must not let them be relegated to the desperate financial straits we seem to be relegating them to.

Mr. President, I hope Americans are beginning to be aware of our older Americans and their financial plight, brought on by inflation. But as the Senate Aging Committee has pointed any number of times, the elderly bear the brunt of inflation, they do not cause it. When my amendment No. 448 comes up later this week, I hope my colleagues will keep that in mind.

EXHIBIT 1

POVERTY GRIPS 5 MILLION SENIOR CITIZENS

(By Jack Anderson)

In a society enamored with youth, an estimated five million senior citizens have been overtaken in their old age by poverty.

Most of them collect pitiful pensions, which have dwindled in purchasing power as the cost of living has soared out of sight. For many, the economic crunch has become truly a life-or-death matter.

Their pathetic stories are told in letters that have been made available to us from the private files of the National Council of Senior Citizens.

"These people that keep bragging about how much they are giving the senior citizen should have to live on it themselves," wrote a man from Gouverneur, N.Y. "It has been eight months since I have had a piece of meat."

He is lucky. Some live on rolls, coffee and dog food. Food fit for a dog at least provides protein at low cost. Some old folks have turned in desperation into common thieves, rifling meat counters and grocery shelves. But most are too proud for such degredation and suffer with quiet dignity.

A staff memo, prepared for the Senate Special Committee on Aging, notes grimly: "All age groups have felt the impact of spiraling inflation in one form or another. But older Americans have probably been victimized to a much greater extent than any other segment in our society. . .

"Rising food costs have been especially oppressive for the elderly because about 27 per cent of their budgets is spent on food, in contrast to 16 per cent for the total population. The net impact is that this upward spiral can have the effect of obliterating the 20 per cent Social Security increase."

For those on fixed incomes, the situation is so desperate that Chairman Frank Church (D-Idaho) will try to move up the effective date of a forthcoming 5.9 per cent Social Security increase for senior citizens from July to January.

The unpublished memo stresses the importance of Social Security to the elderly. "For most older Americans," states the memo, Social Security represents their economic main stay. It constitutes almost the entire source of support for almost one out of every seven aged couples and two out of every seven elderly single individuals.

"For millions of older Americans, however, Social Security benefits still fall below the government's own poverty benchmark."

Nevertheless, the Nixon administration not only is fighting against more Social Security increases but has also recommended higher Medicare payments. This proposal would cost the aged and disabled $1 billion more for Medicare next year.

Some of the aging and ailing can't even get Medicare. One woman from Linden, N.J., wrote of her plight: "I receive Social Security which is very small, $132.50, that just about keeps me alive. I have a cataract and a heart condition and on that amount I can't afford a doctor. I have no hospital insurance. I can't get Medicare until I'm 65. I'm 64 now. I may not see 65."

Meanwhile, members of Congress are drifting back into Washington, suntanned and rested, after their summer vacation. Shortly, they will decide what to do about the senior citizens who can't afford edible food or medical care, let alone a month in the sun.

U.S. GENERALS ARE BADLY OUTNUMBERED

Mr. GOLDWATER. Mr. President, lately several attacks have been made on our military because of the number of generals and admirals that we have in our Military Establishment. An interesting article in the Army and Navy Journal of May 1972, shows that per 100,000 active duty servicemen the United States has 54 generals while Sweden has 373, the United Kingdom has 186, France has 74, just to mention a few.

What these critics of our star rank seem to overlook is that the military is no longer just a manned organization. It requires skills that are not found in any other segment of our population, industry or professions. While as a member of the Armed Services Committee I am concerned with the ratio. Nevertheless, I do not want to see us cut this until an absolute need has been sought for it.

I might point out that some Members of the Congress have far larger staffs than other Members even when their populations are about the same, and this is accomplished through committee and private hiring and we can, therefore, see our percentage of staff members into the Congress far extends the same ratio in other countries, but I hear of no one reducing it.

I ask unanimous consent to have the article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. GENERALS ARE BADLY OUTNUMBERED

The United States is badly out-generaled by its NATO allies and other foreign nations. The "general/admiral gap" shows up vividly in a Journal survey just completed.

For years, some members of Congress have made headlines carping about the "proliferation" of generals and admirals in our armed services. But a Journal survey of military rank structure world-wide shows that American generals and admirals are badly outnumbered—two-and-a-half to one, on the average, among fourteen countries which provided enough data for a meaningful comparison of flag and general officers as a percent of active duty strengths.

Generals and Admirals per 100,000 active duty servicemen

F.R.G.	47
U.S.	54
Denmark	55
Philippines	65
France	74
Spain	107
Greece	108
Canada	128
So. Africa	145
United Kingdom	186
Austria	188
Finland	231
Sweden	373

For every 100,000 Servicemen on active duty, the U.S. has 54 generals and admirals: Sweden, by comparison, has 373—almost seven times as many. Finland out-stars us by over four-to-one. Great Britain and Austria have close to 3½ times the U.S. average. Canada and South Africa outnumber us 2½-to-one, Greece and Spain two-to-one. Even Denmark out-stars the U.S. top brass, if only by two percent. Only one of all the nations surveyed, West Germany, shows fewer generals and flag officers per 100,000 Servicemen than the United States—47 for the Federal Republic of Germany, about 87 percent of the U.S. figure, 54.

Incidentally, the high ratio of generals to Servicemen obviously doesn't breed wars. Sweden, which has the most generals in relation to the size of its armed forces, has not been involved in a major war since 1814. At that time, a former French Marshal who was also Crown Prince, Marshal Bernadotte, led the Swedish forces to victory against Napoleon and Denmark, and later became King Charles Johann XIV.

An earlier Journal survey showed that what Congress refers to as the "proliferation of top ranking officers" is small potatoes by at least one other significant criteria, the U.S. Civil Service structure. Civil Service executive suites are manned by more than four times as many "supergrades"—GS–16s, –17s, and –18s equivalent to general and flag rank—as are military headquarters (August Journal, "Stars vs. Supergrades: Who's Ahead?"). At a time late in 1970 when military strength totaled 11% more than Civil Service ranks (2.87 vs. 2.57-million), there were 5,586 GS–16s, -17s, and -18s on the U.S. payroll, compared with only 1,330 generals and flag officers. The Civil Service figure *excluded* 543 scientific and technical experts in the Department of Defense alone who are paid equivalent supergrade salaries by special acts of Congress, as well as 49 Presidential appointees in the $36,000-to-$60,000 bracket. Chief of Naval Operations Admiral Elmo Zumwalt made note of this point while testifying before the House Defense Appropriations Subcommittee on the "proliferation of top ranking officers" early in February.

The Journal survey of general officer versus active duty strengths was mailed to seventy foreign countries beginning last December. About half of the nations replied, but many of them with data too sparse to permit a meaningful comparison. The Soviet Union refused to provide any data, as did other Warsaw Pact countries.

Italy also declined to respond. A recent story in the *Philadelphia Inquirer*, however, said that Italy has more generals and admirals than all of Latin America (with under 1,000) and Africa (about 200) combined. According to the *Inquirer*, the Italian Army has "roughly 1,200 generals to command 295,000 troops and 76,000 carabinieri (national police under military command). This is one general per 309 men. In the Italian Navy, there are more admirals [number not given] than ships, submarines, and all other sea craft combined. The Air Force has 228 generals and 425 planes."

Spain, in contrast, was anxious to set the record straight. Data provided to The Journal show 310 general and flag officers against a total active duty strength of 289,098, or one "general" for every 933 Servicemen. This is about one-fourth the figure quoted by the *Chicago Tribune* late last year in an article which claimed that "Spain has more than 1,200 generals and admirals, about as large a group as the country's college professors."

Norway provided detailed active duty strengths, but said "General and flag officers: at present no available figures free to the public." Israel declined as well: "We are sorry we cannot answer your other questions because of disclosure policy."

THE GEORGE D. AIKEN SUGAR MAPLE LABORATORY

Mr. YOUNG. Mr. President, recently our distinguished colleague, Senator AIKEN, was honored by the people of Vermont and the Department of Agriculture at ceremonies dedicating the new Sugar Maple Laboratory at Burlington, Vt., naming this laboratory the George D. Aiken Sugar Maple Laboratory.

This special recognition is richly deserved. The dean of the Senate, my friend George Aiken, has been bragging about Vermont maple sugar for all the 28 years I have been privileged to serve with him and, too, he obtained this laboratory at a time when the Congress had all but discontinued construction of new agriculture research laboratories like this. This is typical of his effectiveness. When he embarks upon any program, project, or legislation he just doesn't give up.

Our colleague, Senator AIKEN, has a long and distinguished record of public service as a member of the Vermont Legislature and speaker of the house. He served as Lieutenant Governor and Governor of his beloved Vermont and has served as a Member of the U.S. Senate since 1940. His interests and influence cover a wide range. He is an exceptionally strong voice in international affairs. He has, however, always retained his interest in agriculture and his ranking position on the Agriculture Committee. Senator AIKEN is one of the most effective Members of the Senate, particularly in floor debate. No Member has more friends or is more respected than he.

He has been the successful sponsor of important legislation in many areas over a long period of time. I know that obtaining the sugar maple laboratory is one accomplishment which is especially dear to him and it is entirely fitting that it be named in his honor.

At the time of the ceremonies dedicating this fine and important facility, the Burlington Free Press published at Burlington, Vt., wrote two very nice articles concerning the occasion. I ask unanimous consent that these articles appearing in the Tuesday, August 21, edition of The Burlington Free Press be printed in the RECORD as a part of my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Burlington Free Press,
Aug. 21, 1973]

LAB TO RETRAIN "BEAUTIFUL LOAFERS"

Sen. George D. Aiken said Monday he could see no percentage in feeding a sugar maple tree from 50 to 100 years just so it could wind up in a Japanese bowling alley.

Aiken, here for the dedication of the new Sugar Maple Laboratory on Spear Street in South Burlington, said Vermont needs a retraining program for its maple trees just as much as we need retraining for people who have lost jobs working in an obsolete manufacturing plant.

"It was my resentment at watching these millions of beautiful loafers that prompted me to do all that I could to get this Maple Research Laboratory built and in operation," he told his audience.

"We have got to teach these trees not only that they have to contribute something to our national economy, but they have to do it more efficiently than they have done up to now. Unlike some of our industrial enterprises, there is no danger of the maple trees overproducing. The world is waiting for their products and it is up to us to find better methods of production, processing and marketing.

"Now we have this research laboratory. The price of syrup has risen from a $1 a gallon to $3 a quart. The demand for the product has grown amazingly. All I expect now is that the people who carry on the work here will find a way to make our beautiful sugar maple, the State Tree of Vermont, realize that it can't just stand idly by and let the people of the world continue to suffer for want to one of nature's finest products."

Maple Syrup Sweetens Diplomacy, Says Aiken

(By Stuart Perry)

Sen. George D. Aiken, R-Vt., had a sweet word for the executive branch of government Monday: "Load up one of those presidential airplanes with jugs of maple syrup and you'll find you can exert an influence greater than the total strength of our military forces."

Speaking at the dedication of the new George D. Aiken Sugar Maple Laboratory, the venerable statesman said that over the years he had learned the potential political power of maple syrup on both the national and international scene.

His maple syrup diplomacy, he explained, ranged from Presidents Truman to Nixon.

President Truman hadn't been in office long when the senator dropped off a gallon at the White House.

"He took it home with him and they (the staff) never got a taste of it. But, believe me, the influence of that first can of syrup was never lost on Harry Truman."

Aiken said he never felt obliged to supply Presidents Eisenhower or Kennedy, possibly because they both had maple syrup within reach in their own communities.

"But when President Johnson took over in late 1963, the routine began again and kept up all through his administration and even during the years of his retirement.

"One of my problems was how to get a jug of syrup to Texas, since, as you well know, there is no really safe way to transmit maple syrup, for taking maple syrup even to this day isn't considered a major crime and it never was.

"I finally got Molly Parnis, a designer, who was going to Texas, to take a quart jug down to the Johnsons by giving her an equal amount for transporting it."

"The Johnsons, both Lyndon and Lady Bird, never failed to express their gratitude.

"And this spring, with all his troubles, President Nixon found time to write me a personal letter thanking me for the syrup which I sent down to the White House, again on a 50-50 basis."

Aiken said one is not supposed to give food products to a president of the United States, but added, "I have yet to find a president who is not willing and even eager to circumvent the rule."

Maple syrup, he said, wields an extraordinary influence on world affairs.

"A few years ago in visiting the capital city of a country south of us, I was greeted by the wife of our ambassador, who even before she could say hello, stated, 'We used the last of our maple syrup this morning.'"

The hint, he said, was plain and she did get more syrup.

"And then in Thailand, I was greeted by the foreign minister of that country, who expressed great pleasure at seeing me again. At first I didn't understand why, but later on he told me, 'I was in Washington once and you gave me some maple syrup.' He never forgot that.

"And so it went around the world until one day I landed in the capital city of a Middle Eastern country, and, believe it or not, the wife of our consul in that city couldn't wait to say, 'We have already ordered and received our maple syrup from Vermont.' I could hardly believe that these people had actually ordered it and paid for it themselves."

And so, said Aiken, "I have advised top officials of our executive branch of government, if you really want to restore peace and goodwill throughout the world and respect for the United States of America, just load up one of those presidential plans with jugs of maple syrup and you will find that you can exert an influence greater than the total strength of our military forces."

WATERGATE AFFAIR

Mr. GOLDWATER. Mr. President, I realize that all of us have heard and read a great deal in recent weeks about the Watergate affair and the methods used by some segments of the press to cover this unfortunate episode and its related matters.

Recently, my attention was drawn to a very comprehensive presentation of the matter in question published in the Tucson Daily Citizen of August 29. Because of their considerable importance in today's climate, I ask that these articles entitled "Press Enjoying 'Free-for-All' With Watergate Story" and "Press on the Prowl" and "Another Watergate Abuse: Reporters as Protagonists" be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Tucson Daily Citizen, Aug. 29, 1973]

Press Enjoying "Free-for-All" With Watergate Story

(By Thomas Collins)

The Watergate press corps has been dug in on Capitol Hill for the past few months like an army holding a strategically vital position. It holds the high ground, so to speak, in the Battle of Watergate, and its presence symbolizes the fact that the press has a proprietary interest in this story as it seldom has had before.

So entangled has the press become in Watergate that it sometimes breaches its own doctrine of the separation of powers. Notes passed from newsmen to Senate committee aides not infrequently result in questions put by the senators to witnesses in the television-lit caucus room. Senators solicit the superior information the press has about many of the details and nuances of Watergate.

The two sides sometimes trade information, and the press, unhappy about a line of questioning, will try to initiate an area of inquiry through the stories it writes or by a word dropped to a committee staff member.

Members of the Watergate press corps are distinguished by their stamina, and by the fact that many of them have been covering the story for more than a year and the Senate hearings since they began.

They can remember the date of the McCord letter and can probably recite the names of all seven Watergate defendants. They can recall pretty accurately who contradicted whom, what Ehrlichman said, what Mitchell said. Some of them, as a wire service editor said, are walking repositories of the thousands of pages of testimony and documents that are so much a part of Watergate.

FATIGUE AND PANIC

They are also wrist-weary from taking notes for six or seven hours a day and panicky about getting caught in Washington traffic at deadline. Some of the newsmen and women sitting in the Caucus Room have made the White House "enemies list." They work 12 to 18 hours a day, neglect their families and tend to lie around the house on weekends. They go to sleep with Watergate voices in their ears and Sam Ervin's eyebrows dancing in their heads.

At lunch time they can be found at the Carroll Arms restaurant around the corner from the Old Senate Office Building or typing up their notes in the Senate press room within the sound of the tourist lines.

Mary McGrory, the syndicated columnist for the Washington Star-News, who has been audited twice by the Internal Revenue Service, carries a sandwich to a nearby park and lets the greenery blow Watergate from her mind. "It's reviving," she says.

There is no composite picture of the Watergate reporter that would not be unjust to some, but in general they are an anti-Nixon crowd who, at the same time, pride themselves in attempting to report the story accurately and fairly.

They generally regard the proceedings in the Caucus Room as show business or "good theater" and have developed a cynical tolerance for the "star" value of Ervin & Co., which has resulted in the blossoming of "Uncle Sam" sweatshirts, presidential drums for Sen. Howard Baker and boxes of cigars for Sen. Herman Talmadge.

Most Watergate-hearing reporters knew the Senate committee members before they became TV personalities and are as irreverent toward them as they are toward Nixon.

Physically, the newsmen and women are tired, but not unhappy. Watergate is the benchmark of their journalistic lives as well as a way of life itself. It seems to go on and on.

"I think I'll be involved in it for the rest of my life," says Ben Bradlee, the executive editor of the Washington Post. "We won't see the likes of it again."

STORIES NEGLECTED

Like most reporters and editors in Washington, Bradlee worries about the stories that are being neglected because of the resources being used on Watergate. If government work is slowed down because of the scandal, some of the work it is doing is getting short shrift from the press.

One government agency official complains that he cannot get the coverage for his programs that he did in the past. "I've been told there are no camera crews available or any photographers. Watergate is taking up all the manpower."

In size and numbers the media have thrown almost as many troops into the story as into the Vietnam War. It would be safe to say that at least a third of the entire Washington press corps is on the story, either through the hearings or its related strands.

PARTNER, NOT WITNESS

United Press International uses up to half of its Washington staff of 70 each day on Watergate and related stories, turning out about 25,000 words a day, including the transcript of testimony and texts of documents. Most newspapers are so preoccupied with Watergate that many Washington stories are being left to the wire services.

In all there are about 285 accredited correspondents covering the hearing and about 150 radio and television technicians at least half of whom are usually present in and around the Caucus Room.

But besides being a physical presence on the scene, the press is playing an active role in the proceedings and may shape the outcome in ways that have not yet been measured. It is more than a silent witness and recorder of Watergate; it is a full-fledged partner in the event.

During the hearings newspaper articles have been offered into evidence and studied for information. Cameras relentlessly recorded the proceedings. The press kept the story going when it appeared from time to time that it would die, and the press has been consistently injected into the story by the committee, by the witnesses and by its own efforts to get at the facts.

The administration plants stories to discredit former presidential counsel John W. Dean III and tries to use the press to smear George McGovern and the peace demonstrators of 1972. The Senate Watergate Committee seeks out the press for information and trades it for leaks, and the newsmen leap over the traditional barriers that divide participants from spectators.

The result is a media free-for-all.

CBS newsman Daniel Schorr has even been approached by Senate aides soliciting questions to feed to their bosses, but he has turned them down. "I stay away from the senators," he says. "I have a great fear of television influencing the event, of staging things."

CHAFING AT GAPS

During the hearings it was perhaps inevitable that newsmen—interrogators themselves—found themselves chafing at gaps in the questioning of witnesses and tried to fill the gaps wherever they could. One way they found to do it was to get their questions to the committee and hence to the witness in a sort of circuitous news conference.

Schorr, for instance, when Haldeman was on the stand, expressed dissatisfaction to Samuel Dash, the majority counsel, with the questioning of Haldeman about the White House tapes. He ticked off a number of questions that he said were unanswered.

Later, he said it was "just about the first time I have ever done that, and it was done out of frustration and more to find out if Dash had answers to my questions, I'm looking for information; I'm not trying to inspire questions."

Other reporters covering the hearings pass notes through the committee attorneys or senators' press aides. Not all the reporters do it, and the exact number doing so is impossible to determine, but if the White House tried to plant questions with reporters at a news conference, the press would be the first to object.

Most of the questions get asked, according to Dick Magowan, press aide to Sen. Lowell P. Weicker, R-Conn. Magowan regularly receives the questions and channels them to Weicker.

An aide to Sen. Howard Baker, R-Tenn., said he got "two or three" such notes a week and passed them on. While he was standing in the committee room, he took one out of his jacket pocket. It was unsigned.

"I haven't had a chance to pass this on yet," he said. The question was for former Central Intelligence Agency Director Richard Helms, who was testifying that day. "Has the CIA perfected the psychiatric profile into a useful domestic tool?" it read.

THEIR BABY

An attorney for the majority staff also confirmed that the practice existed. "They pass notes up here all the time," he said. "Whether they're used depends on how good they are. They (reporters) are bright guys, and they want to be useful. After all, they broke the story, we didn't. This is their baby."

One reporter found an old news article that she thought contained information important to the committee. "Get this to Inouye (Sen. Daniel Inouye, D-Hawaii) right away," she said. "He should know about that," asked whether she thought the press should have that kind of relationship with the committee, she said, "Well, it goes on all the time. Don't print that, or you'll get me in trouble."

Trading information developed early as both the committee and the press were digging for the story. In one example of the quest for information, two senators on the committee tried to make a deal with the Washington Post. They approached Post Executive Editor Benjamin Bradlee to discuss it.

"They wanted to play a little 'show and tell,' " Bradlee said. " 'We'll tell you and you tell us.' I told them to buzz off." The Post is still pursuing Watergate with five investigative reporters, including Bob Woodward and Carl Bernstein, who dug up most of the original revelations about Watergate. The Post's court reporter is covering the hearings.

Opinions vary among newsmen about the propriety of suggesting questions and trading information. Bradlee says flatly that the practice is bad. "True journalists belong in the audience, not on the stage, with all their independence intact," he said. "That's a cardinal ethic."

James Squires of the Chicago Tribune, who is covering the hearings, said he found it difficult to condemn the practice of trading information because of the intense pressure in the pursuit of the Watergate story.

"If you step back, you may see some good purpose in bringing out the truth. I don't see any danger in trying to get the story out. If you were suppressing a story, that would be a danger and would raise a serious question of ethics."

BETTER INFORMED

Mary McGrory points out that "reporters have been covering the story for so long they are more familiar with it than the senators, and there are such gaps of information. The reporters can't get at it, and they hope the senators can get it for them."

One method the press uses to get questions asked is to mention the unanswered questions in the articles they write, enabling the committee to pick them up. That method is favored by James Naughton of the New York Times, who questions the propriety of passing notes and said he was unaware of the practice.

"I have qualms about doing it surreptitiously," he said, "because it might create the appearance of collusion between the press and the committee, that they were out to get somebody. It's better to do it in print."

NO VENDETTA

The press insists that it does not want to get anybody, and to its credit it has been playing both sides against the middle: It takes leaks wherever it can get them.

"The story boils down to two things," Squires says. "Nixon's guilt or Nixon's innocence. If you pursue stories about Nixon's innocence as much as you do stories about his guilt, you have nothing to worry about. I don't know of a single guy who wouldn't go after a pro-Nixon story as quickly as he would an anti-Nixon story."

One aspect of the press' attitude was perhaps summed up by a wire service reporter who said he did not care whether Nixon was guilty or not, just that Watergate was one heck of a story.

His only interest in the possibility of impeachment was, "I've never covered an impeachment before."

Letter From the Editor—"Press" on the Prowl

I do not claim that the Tucson Daily Citizen is "the press" any more than I accept the misconception that the Washington Post and the New York Times are "the press."

Nevertheless, I concede that the Post-Times axis comes close to being "the press" on the Washington scene where their reporters are in full cry in a fox-and-hounds chase with President Nixon as their quarry.

There is another force on the Washington news front, however, a force that should be providing a balanced report of the news. It is made up of the professional journalists who comprise the capital staffs of the two national wire services, Associated Press and United Press International.

Every segment of "the press," virtually all of the daily newspapers in all the 50 states, relies on either or both AP and UPI for complete on-the-scene news coverage. The Citizen, desiring to have the fullest possible national reporting, takes both AP and UPI services. The double cost is reflected in added value for Citizen readers.

Regretfully to say, both AP and UPI have seemed on occasion to forget their larger responsibility for full and fair coverage. I refer, as you might surmise, to Watergate news coverage.

One glaring error of omission on the part of both wire services has been explored thoroughly by us in recent weeks.

On June 14, Sen. Carl Curtis, R-Neb., in a speech in the Senate, made a strong indictment of Democratic majorities on Senate investigating committees. He was speaking from personal experience earlier as a member of the Senate Committee on Rules and Administration when it investigated the Bobby Baker scandal during the Johnson administration.

That committee was charged with probing the machinations of Bobby Baker's rise from fair-haired page boy to multimillionaire while operating under the Capitol dome (and under Johnson's patronage).

Sen. Curtis declared in his June speech that every effort to tear the lid off the Baker case had been blocked "by a straight (Democratic) party vote."

For anyone interested in honesty in politics and government, which is what the current Watergate committee investigation is supposed to be about, Sen. Curtis' speech was timely and pertinent.

The Citizen and hundreds of other newspapers did not carry a word about the Curtis speech—because they did not receive the stories they should have received from either of their responsible Washington news sources, AP or UPI.

We learned about the speech much later and indirectly. Finally, the Citizen developed its own complete story and published it July 20.

Then we wrote stern letters to top executives in New York of both AP and UPI.

H. L. Stevenson, editor of UPI, responded with a renewed pledge of "dedication to the fairness doctrine."

Conrad Fink, assistant general manager of AP, gave us a two-page report and admitted: "Simply stated, we booted it." He added: "We have reviewed this (mishandling) with our staff to make certain there is no repetition."

The explanation of how AP "booted it" came more clearly into focus when we received a special article from our Newsday service on the subject of Watergate news reporting.

The Newsday article, which is published today on the Perspective page opposite this page, stands as a credit to "the press" in the full sense of that term. The article exposes clearly the way in which those who are "the press" in Washington have taken into themselves a "proprietary interest" in Watergate.

In so conducting themselves, professional journalists have breached their trust as members of the separate and independent Fourth Estate. Newsday analyst Thomas Collins goes so far as to compose this indictment:

"Besides being a physical presence on the scene, the press is playing an active role in the proceedings and may shape the outcome in ways that have not yet been measured."

That kind of involvement, whether born of bloodlust for a hounded Nixon or spurred by individual dreams of journalistic glory, is not just unbecoming of those who represent newspapers and their readers all over the country. It is downright unacceptable conduct in the eyes of many of us who also claim a share of being "the press."

We in Tucson, together with many others in newspapers elsewhere, will hope that our wire service forces in Washington will return to the Watergate story, when the hearings resume, with a regained sense of balance, fairness and responsibility.

PAUL A. MCKALIP.

Another Watergate Abuse: Reporters as Protagonists

The press, which through the efforts of some of its members achieved one of its finest hours in the uncovering of the Watergate scandal, now is seeing itself become tarnished by ensuing events.

Both the "Letter From The Editor" on this page and the principal story on the adjoining Perspective page reveal the extent to which some members of the press have become involved as actors in the Watergate affair.

It is axiomatic that when a newsman becomes a protagonist in a news event, objective coverage of that event flies out the window.

That is why one of the first lessons a budding journalist must learn, in school or on the job, is to avoid personal involvement. Such involvement by those who report the news is always to be shunned—and most newspapers strive to keep it that way.

The ideal is not always attained. There are occasional slips by individual reporters and various members of the media. Newspaper people are human, too.

But what has been going on in the coverage of the Watergate saga appears to be mass dereliction of the duty to remain objective. The intended justification for departing from the role of observer-reporter and becoming a participant is that it is being done in order to bring out the whole truth.

In other words, it's the old—and always faulty—story of the end justifies the means.

It is no secret that the "end" of bringing down President Nixon would satisfy many persons who have the privilege of reporting the news to the American people. In this case, the target is so toothsome for them that they are willing accomplices.

Not only have reporters fallen into this trap, but so have various newspapers and television outlets—an even greater blow to the credibility of the nation's news media.

Therefore, it was not without regret that the Tucson Daily Citizen decided to publish the Perspective page analysis, written by Thomas Collins of Newsday, of the role played by the press thus far in the Watergate events.

Although the Citizen strongly supported Richard Nixon in the last two presidential campaigns, that did not keep this newspaper from editorially denouncing the Nixon Administration for this tawdry chapter in presidential affairs.

Still, it is the Citizen's hope that President Nixon will survive the Watergate catastrophe and continue to govern the nation effectively.

Because of that hope, the Citizen undoubtedly is more sensitive to unfair news treatment of the President than anti-Nixon newspapers would be.

Recognizing all of that, we nevertheless are persuaded that the abuses that have resulted because members of the press have become participants in the Watergate drama must be pointed out.

Not only that, these abuses must be denounced and attacked until they are halted.

Otherwise, the free press of America will come to be known as an unfair press—and with the serious consequence of jeopardizing its own freedom.

THE WHITE PAPER ON SECRET OPERATIONS IN LAOS AND CAMBODIA

Mr. HUGHES. Mr. President, the Defense Department this morning released its long-promised white paper on secret operations in Laos and Cambodia. I ask unanimous consent that this report be printed in the Record at the conclusion of my remarks.

After so many weeks of waiting and so many unanswered questions, this report is still incomplete and unacceptable. I shall advise the Armed Services Committee of the specific requests which still have not been met, or met in sufficient detail, so far as I can determine from the hearing record.

I shall also insist that the documents requested during the hearings be furnished without delay.

Pending further study and investigation, I did want to inform my colleagues of the Pentagon's response today, and I wanted to make a few brief comments on this report.

We have been given second-hand summaries of key decision documents rather than the documents themselves. We need to see the raw data if we are to judge who was really behind the massive operation of deception and falsification.

Now we learn from the white paper that secret B–52 bombing in Cambodia accounted for as many as 60 percent of the B–52 flights flown on a given day and that 44 percent of the air strikes by tactical fighter-bombers were deep inside Cambodia, on close air support rather than air interdiction missions, as well as involving false reporting.

Although the Appropriations Committees of Congress were informed of the costs of secret cross-border ground operations, only six individuals were ever told anything about these massive air raids.

The Constitution gives only the Congress the power to declare wars and appropriate funds for the Armed Forces. Yet billions of dollars were spent, and the war widened to two more countries, without the knowledge or approval of the Congress, except of those few Members.

When the "need to know" is limited to those in Congress who will agree with a given policy, our system of democratic government is undermined. The rest of the Congress might as well pack up and go home.

The claim that "no one was required to make any input to this formal reporting system that the individual knew, or should have known to be incorrect" is false. Maj. Hal Knight gave sworn and undisputed testimony to the contrary. The Pentagon's claim that the report which he subsequently filed, listing false target coordinates, was not a "formal, official report" is subterfuge and double-talk. An official report is one required and submitted in official channels, as the record shows these reports were—and they were falsified.

We still have no proof that Prince Sihanouk acquiesced in the secret bombing. We still have none of the documents which led to the orders for dual reporting, although some of these documents have been paraphrased in the report. We still have none of the requested orders on the invasion of Laos and the tactical air operations in Cambodia, nor any of the reports requested on reconnaissance flights, possible Navy falsification, hospital bombings, and the details of the briefings of Members of Congress.

Until we get these materials, this whole matter remains open for investigation, and I remain full of suspicions.

The report also raises serious questions as to whether the law forbidding the use of American ground forces in Laos has been observed. Although that law was signed by the President on December 29, 1969, the Pentagon report admits that U.S. personnel continued to go on ground operations in Laos in 1970 and 1971, including at least three "multiplatoon" operations, which strike me as far too large for simple reconnaissance.

The white paper also confirms that reconnaissance missions over Laos were intended to threaten Hanoi with further U.S. escalation, which was then carried on by secret bombing of the Plain of Jars area by B–52's. This is additional proof that the President's secret plan to end the war was really a plan for secret and expanding war.

This whole sordid mess should remind us that "military necessity," unchecked by constitutional processes, can become a cancer within the chain of command and within our system of civilian control.

There being no objection, the report was ordered to be printed in the Record, as follows:

Department of Defense, Report on Selected Air and Ground Operations in Cambodia and Laos

INTRODUCTION

On August 9, 1973, Senator Symington asked that the Department of Defense undertake a review of statistics sent to the Congress and also of the circumstances that lay behind the submission of those statistics. He asked for a *"simple, concise account"* which specified what orders were given; the special security communications channels used; the actions of the military commands; and the reports filed—especially in those cases in which errors ultimately occurred in reports to Congress.

This report responds to Senator Symington's request for such a "simple and concise" account. In further compliance with the Congressional request, this report is limited to Southeast Asia operations in which special reporting procedures had an impact on the data that were provided to the Congress. A separate report is being submitted containing a corrected update of the unclassified statistics provided in June, 1973.

The review has established that all operations discussed in this report were authorized by civilian authority. It should also be noted that operations for which special security and reporting procedures were established and utilized constituted a small portion of the overall spectrum of Southeast Asia military operations. This paper, therefore, deals with the exceptions in these operations—not the rule.

The Department of Defense has recognized the interest of the Congress in the submission of this report at the earliest feasible date. However, there are still some unknowns. They are limited in the context of the widespread, well-publicized, and thoroughly documented main thrust of the Southeast Asia conflict. Understandably, too, not all events at the operating levels can be described in exactly corresponding detail. Those uncertainties are identified in this report, and the Department will continue its review in an attempt to resolve the unknowns and uncertainties if at all possible.

There are differences between some of the statistics in this report and those contained in the May, 1973 submission of *classified* statistics. The May submission did not identify the helicopter gunship sorties shown in the attached reports on Salem House and Prairie Fire. We are now preparing an update of those helicopter gunship statistics and verifying the May, 1973, data on fixed-wing gunship sorties. In addition, the casualty statistics in the separate statistical update are the best available. However, we are continuing our review of a few individual cases.

AIR MISSIONS OVERVIEW

This section will review the following air operations:

Menu: B–25 operations in Cambodia, March 17, 1969 to May 26, 1970. Missions were carried out based on intelligence of substantial North Vietnamese (NVN) and Viet Cong (VC) buildups in Cambodian sanctuary areas at the time of both impending and actual American troop withdrawals under President Nixon's plan which brought home the more than one-half million Americans fighting in Vietnam.

Good Look: B–52 operations in the Plaine Des Jarres (PDJ) region of Laos from February 17, 1970, to April 20, 1972. Those missions were authorized in response to the request of the Royal Laotian Government.

Patio: Fighter-bomber (Tacair) operations in Cambodia augmenting Menu operations during April–May 1970.

Freedom Deal: Fighter-bomber Tacair operations in Cambodia from May, 1970 to August, 1973.

Several general statements apply to all air operations conducted during this period. First, throughout the period of U.S. Southeast Asia involvement, the accounting and reporting methods for air operations were steadily improved. The JCS automated data base that was developed made information available to large numbers of people, with varying information requirements and for which varying information aggregations were needed and appropriate.

Secondly, in order to assure optimum effectiveness in command and control and to minimize the opportunity for error, a number of communications channels and means were authorized and used. The choice of the communicating channel was determined by the requirements for security, for transmission speed, for detailed content, etc. The availability of multiple communications channels, and the coincident use of both highly secure and routine channels for transmission of data of differing sensitivities but relating to the same operation was not unique to these operations; nor for that matter, was it unique to this war. Materials were routinely handled in the channel most appropriate to the required degree of security. High-security channels—referred to as special security or "back" channels—were reserved for highly-classified messages and extremely sensitive background information passed among top-level commanders.

Finally, while the amount of collected data—statistics and records—on U.S. combat activities in Southeast Asia are more extensive than during any other war, there are still gaps in our ability to retrieve some information. It is felt, however, that the data available, as presented, allow for reasonable and responsible assessment of the various operations for which the Congress has requested this review.

A basic characteristic of these air operations was that they were conducted in and over countries whose political leaders were either unwilling or unable to acknowledge publicly such activity. At the time, these same political leaders had either requested the operations or had knowledge of and acquiesced in them. The Cambodian bombing during Prince Sihanouk's regime, as well as the subsequent U.S./ARVN ground operations into Cambodia were directed toward denying the enemy sanctuaries, protecting American lives and providing a tactical environment which would permit the safe withdrawal of U.S. combat forces under President Nixon's withdrawal plan.

MENU OPERATIONS

General: On March 18, 1969, B–52s were used for the first time against Viet Cong and North Vietnamese Army elements located in Cambodian sanctuaries adjacent to the South Vietnamese border. The name Menu was given this operation, and it continued through May 26, 1970. The purpose of Menu was to protect American lives during the preparation for and actual withdrawal of U.S. military personnel from Southeast Asia by pre-empting imminent enemy offensive actions from the Cambodian sanctuaries into South Vietnam and against U.S. servicemen and women.

Due to the unusual and sensitive diplomatic situation between the Cambodian government and the governments of the United States and South Vietnam, information on Menu was held very closely. Knowledge of the operation was limited to those personnel essential to its successful administration and execution. The special security or "back" channel communication system for insuring optimum security in highly sensitive matters was used for Top Secret sensitive aspects of Menu. Less highly classified channels were used to handle the routine mission requests and authorizations. The approval/execution procedures for Menu are discussed on pages 8–10. Special security procedures are discussed on pages 15–18.

The following is a summary of Menu methodology adopted and utilized by field units and in the military chain of command:

A B–52 strike on a target in South Vietnam would be requested through normal communication and command channels.

Through the special security communication and command channel, a strike on the Menu (Cambodian) target nearest a requested target in South Vietnam would be requested.

Upon approval, the misson would be flown in such a way that the Menu aircraft on its final run would pass over or near the target in South Vietnam and release its bombs on the enemy in the Menu sanctuary target area.

On return of the aircraft to its base, routine reports on the mission would be filed in normal communication channels which did not reveal the Menu aspect of the mission.

Separate reports were provided by "back" channel on the Menu aspect.

All Menu sorties occurred at night and were directed by ground control radar sites. These radar sites were used to direct aircraft throughout the Southeast Asia conflict, and their operation permitted extremely accurate strikes against the enemy. The name for this ground-directed bombing operation was Combat Skyspot. In Menu operations, the radar site crews received instructions that resulted in the aircraft releasing their bombs on the Menu targets rather than on the targets in South Vietnam. Details of radar procedures are discussed on pages 10–11.

In their pre-take off mission preparation, all the B–52 crews were briefed on the South Vietnamese targets. Only the pilots and navigators of the aircraft to be directed to Menu targets were briefed to react to all directions for bomb release from the ground control radar sites. This special guidance to Menu pilots and navigators was necessary since the entire crew was briefed routinely, as they normally had been throughout the war, to make every effort not to bomb in Cambodia. The pilots and navigators, while not controlling the exact release point of their bombs, had indications from on-board radar and navigation instruments of their position. Other crew members had no indication that their aircraft was directed on other than the target in South Vietnam which had been covered in their routine briefing since the Menu target was in close proximity to and in alignment with the routine target. Details of Menu aircrew procedures are discussed on pages 11–12.

Menus mission reports were carried in both the routine and special security communications channels depending on their degree of security sensitivity. Reports on the sensitive aspects, i.e., country of target which were sent through the special security channel, were available only to those in the command and control chain who had a "need-to-know". Reports based on the routine requests and containing routine data were forwarded via routine channels, so that for administrative and logistical purposes, Menu sortie information blended into other less highly classified information in the data base. Menu sorties thus properly were included in overall Southeast Asia statistical totals but not identified with Cambodia in any but the special security channels. When the routine data base was subsequently utilized in providing Congress a country-by-country breakout of sorties—first in classified and then in unclassified form—the Menus sorties were reflected in South Vietnam as they were routinely carried in that data base, rather than in Cambodia as they were carried in the closely held Menu records.

This error was subsequently discovered, corrected and apologized for.

The Department's review of Menu operations gave particular attention to the procedures directed for providing inputs to the formal reporting system that accounted for the operational and logistic aspects of this operation. The review established that under the procedures directed no one was required to make any input to this formal reporting system that the individual knew, or should have known, to be incorrect. The procedures permitted only correct formal reporting. There was careful selection of individuals who, in addition to Top Secret clearance, had a need-to-know about Menu. Everyone in the reporting chain received and reported that information for which he had a need-to-know. Those who had no need-to-know about Menu could not perceive a difference between Menu and any other sorties. Any reports they submitted were within the normal reporting procedures.

With regard to the originally erroneous statistics inadvertently furnished to the Congress, and through the Congress to the public, the high-security classification and closely-held character of the information resulted in the error. Steps have been taken to assure that in the future the automated data systems themselves, and attendant procedures, will be so structured that any need for special-security policy decisions will be brought to the attention of proper civilian leaders for their decision as well as policy matters such as declassification. It must be stressed again that despite the inadvertent, erroneous report to Congress all appropriate civilian and military decision makers had accurate and complete command and control data throughout Menu.

Approval/Execution: To understand the approval, execution and special reporting procedures used during Menu, normal B–52 reporting procedures must be understood. For normal missions in South Vietnam, The Commander, U.S. Military Assistance Command Vietnam (Comusmacv) originated a "strike request" for targets against which missions would be flown for the next 24-hour period. This request—which was dispatched to Commander in Chief Pacific (Cincpac), Commander in Chief Strategic Air Command (Cincsac), the operating units, and the JCS—showed time-over-target, target coordinates, weight of effort recommended, and a mission identifier (usually a letter and three numbers). While this message was termed a "strike request", Comusmacv and Cincesac had standing authority to conduct B–52 missions in South Vietnam. Comusmacv did however routinely transmit each "strike request" to Cincpac, Cincsac and JCS to provide them the opportunity to review—and to disapprove should that be necessary for some overriding reason—any mission.

Subsequently, a "frag order" was issued by the operating headquarters, which originally was Third Air Division and subsequently was Eighth Air Force. This "frag order" was basically a mission-profile order which narratively described how the mission was to be conducted. It noted ground control check-in points, target size, altitude and bombing tactics. The "strike request" and the "frag order" were the only two documents necessary for the conduct of the missions which contained target coordinates. In the absence of a disapproval, Cincsac issued an execution order by mission identifier and "frag order" number. This order authorized the planned strike and established the take-off time.

In the event a mission was to be directed to another target, a "strike request amendment" was issued which imposed such changes from the original "frag order" as might be required.

After weapons release, the aircrew would initiate the post-strike reporting procedure with a radio call to the command post in Guam, giving time over target and mission success codes (type of release, malfunctions, weather, etc.). The Guam command post then initiated an operational report (Oprep-4) of the mission to SAC Headquarters. The Oprep-4s showed only mission identifier, number and type of aircraft, time-over-target, and the guidance system utilized. SAC retransmitted the Oprep-4s to the Organization of the Joint Chiefs of Staff (OJCS). The Oprep-4s and the "strike request" constituted the principal input for the JCS data base.

Menu procedures were designed to parallel and complement the routine B-52 procedures. If, for example, Comusmacv was authorized a level of 60 B-52 sorties a day, he would, through the routine procedure, identify routine targets for all 60 of these sorties. Through the special communication channel he also would transmit a special request, classified Top Secret, to strike Menu targets in Cambodia.

Requests for Menu strikes came to the Office of the Joint Chiefs of Staff from Comusmacv after review and validation by Cincpac. Each request included current intelligence confirming that no Cambodians were known to be located in the enemy target area. After appraisal of the request by the OJCS, a brief memorandum was sent to the Secretary of Defense requesting him to obtain authority to conduct the Menu strikes. Only after additional appropriate civilian authority was obtained did the Secretary of Defense authorize the OJCS to dispatch an execute message. When transmitted, this execute order went through the special security channels.

Comusmacv then had in hand two authorizations: The routine message approving targets for all 60 sorties; and the second message approving the Menu sorties that would be diverted from South Vietnamese targets. After Menu strike approval authority had been obtained, a time-over-target was assigned for each Menu target from one of the previously designated times contained in the routine Macv "strike request." Thus, by using time-over-target and mission identifier, the limited number of personnel who had a need-to-know about the Menu missions could correlate the routine operational data with the Menu missions, and correctly identify the number of sorties flown and ordnance expended in the Menu operation.

The routine sorties were retained as alternate targets should the Cambodian targets subsequently be disapproved or should Comusmacv make a later determination that the routine targets in South Vietnam were of higher value than the Menu targets in Cambodia. Meanwhile, the execute order for normal missions was issued by Cincsac. The Menu aircraft were then directed away from the routine to the Menu targets by implementation at the radar site of directions in the close-hold Menu message which was provided to each applicable radar site (see Radar Procedures, below). Thus, from a military standpoint, the Menu procedures were identical to normal, routine procedures except that the orders diverting the mission to Cambodia never entered the routine OJCS data base.

Radar Procedures: As noted earlier, B-52 sorties were directed and controlled over their targets by Combat Skyspot radar. These all-weather bombing-control ground radar facilities (MSQs) were manned by SAC personnel and contained SAC equipment; but the sites were under the operational control of the U.S. Seventh Air Force (Tacair) headquartered at Tan Son Nhut Airbase, South Vietnam. These radars controlled all Menu missions. For routine missions, the Combat Skyspot site received the South Vietnam target information by normal message channels. The radar-site crew then prepared the required plotting charts, computations, worksheets, computer input tapes, forms, and other data necessary to conduct each mission. Included was preparation of 1st Combat Evaluation Group Form 15, a form used by the ground radar sites to carry post-release data such as time-over-target, track, airspeed, altitude and ground speed of the aircraft at release.

Prior to a Menu operation, a representative from the Strategic Air Command Advanced Echelon (Sacadvon) and Macv Headquarters in Saigon went to the radar site with the Menu target information. A new set of computations and forms was then prepared at the radar site using the Menu target information. After a Menu strike, the Menu post-release data were entered on the Form 15 which had been prepared earlier based on the routine Vietnamese target coordinates. The highly-classified Menu target information including computations, worksheets and the plotting board trace sheet showing the aircraft's final track to the target, was then destroyed in order to preserve the security of the operation. The Form 15 showing the South Vietnamese target and post-release data was forwarded to Saigon for maintenance and quality control purposes and destroyed after 90 days. This was normal procedure for all B-52 missions. The Form 15 was not a command and control report. The only formal, official report required of and issued after a Menu mission by the ground-control radar site was "mission complete" relayed to Sacadvon by telephone.

The foregoing procedures to obtain necessary reports and to preserve security were developed and authorized by Macv. Initially, for security reasons, the Sacadvon representative personally went to the radar site to assure that personnel without need-to-know of Menu were not involved. The Sacadvon representative remained during conduct of the Menu mission. He retained possession of the radar-site's Menu working material and returned to his Saigon headquarters where he destroyed it. Later, the procedure was modified so that a Sacadvon courier was flown to an airstrip near the radar site and handed the Menu target coordinates to the radar site commander; security destruction of the Menu working materials was accomplished at the radar site.

In addition to the MSQ radar sites, Menu B-52 operations came under the surveillance of Ground Control Intercept (GCI) radar sites whose mission was to monitor all flights in their assigned zone to, among other missions, assure that buffer airspace along the South Vietnam-Cambodian border was not penetrated by unauthorized flights. Under routine circumstances, the GCI sites would track and warn any aircraft that appeared to be heading into either the buffer zone or Cambodian airspace. These sites then would report any possible violations of Cambodian airspace. Pursuant to instructions from Seventh Air Force (issued by a personal representative's visit to the GCI site), officers on duty at those sites took no action to warn or to report the Menu missions since they had been informed that these were authorized missions.

Air Crew Procedures: Authorization for B-52 missions in South Vietnam routinely proceeded as described in pages 8-10. Cincsac received authorization from OJCS and in turn ordered the missions to be flown in the regular manner. Cinesac issued implementing instructions to the Commander, Third Air Division—later to Eighth Air Force—who passed the orders to the B-52 operational units. Missions would be assigned to flight units in the normal manner, appropriate preparations made and crew briefings carried out. These were routine procedures for B-52 Arc Light strikes in South Vietnam and Laos.

For Menu missions, sorties were ordered, prepared and briefed according to routine procedures and were based on information relating to the targets in South Vietnam. This procedure was adequate, since the geographical locations of the Menu targets were proximate to the South Vietnam targets, and since the heading for final bomb runs on the Menu targets took the crews close to the South Vietnam targets. The only variance from the routine required for the Menu mission would be to slightly extend the release point of the bombload as directed by the MSQ site as the plane flew on its final heading, and in some cases a minor correction to the heading itself. Accordingly, for Menu missions, SAC representatives briefed the pilots and navigators that they would receive corrections in heading and bomb release instructions from the radar sites and that they should follow those instructions.

Only the pilots and navigators were in a position to know they were in fact striking targets in Cambodia. And, because of the special Menu orders to GCI radar sites to disregard penetration of Cambodian airspace by Menu missions, the regular warning these crews might have expected upon a penetration of Cambodia were not received.

These procedures were virtually identical to those used for normal B-52 Arc Light operations. The only significant variation was in the designation of personnel with a need-to-know about Menu. Each command level recommended to its superior the numbers and duties of personnel who had a Menu need-to-know. Normally this access was limited to unit commanders, unit vice commanders, limited numbers of operations and intelligence staff personnel, and the aircraft commanders and navigators on B-52s directly involved.

Reporting: This section discusses the various reports submitted for all B-52 operations. These reports, in conjunction with the strike request and mission frag orders, were structured to provide planning data, logistic data and information on operations conducted. The types of reports discussed are reports of B-52 tactical operations, OpREP-4; crew debriefing reports; and reports by supporting radar facilities.

After weapons release, the aircrew initiated the post-strike reporting system with a radio call directly to the command post in Guam, giving time-over-target and mission success codes (types of release, malfunctions, weather, fuel reserves, etc.). Based on this information—and after correlating it with pre-mission data—the Guam command post initiated an operational report (Oprep-4) of the mission to SAC Headquarters. The Oprep-4s show only mission identifier, number and type of aircraft, time-over-target, and the guidance system utilized. SAC retransmitted the Oprep-4s to Macv and to the OJCS. The Oprep-4 and the "strike request" provided the basic input to the automated data base.

The use made of this data base is important to clear understanding of Menu reporting. The data base was designed primarily for administrative and logistics uses rather than for operational or intelligence purposes. This information had to reflect the total number of B-52 sorties flown and the munitions expended in order to meet the requirements of

DOD logisticians. To assure continuing adequate support of B–52 operations, logisticians needed to know the number of hours and missions each aircraft was being flown, which influenced the amount of fuel and munitions required; the number of spare parts to procure; the number of personnel needed and similar support necessary. In addition, there was a need for administrative purposes to identify and report the operational employment of the B–52 aircraft. However, most of those who normally followed this information had a need-to-know only about the extent of the effort and not the location specifics that distinguished Menu. Whether these missions took place in South Vietnam or several miles inside Cambodia was neither material nor relevant to their requirements. However, if the information on Menu sorties had been totally deleted from the data base reports, not only would the necessary administrative and logistics actions based on these data have been hindered, but the personnel dealing with the data would quickly have perceived that some operations were being conducted but not entered in the OJCS routine data base.

Accurate data on Menu operations were maintained at Macy, Headquarters STAC, and the OJCS. These data were based on the mission identifier and target coordinates in the basic Menu authorization message as missions were confirmed by the routine Oprep–4 reports.

SAC procedures required an intelligence debriefing of all aircrews after combat missions. The form used by the intelligence officer was keyed to the mission identifier; target coordinates—unless the crews indicated a change (under Menu operations the actual target coordinates were not passed to the aircrews by the MSQ site)—were listed only as associated with the original mission identifier. Debriefing of Menu crews proceeded routinely with crews reporting malfunctions, bomb damage assessment, weather and other operational data. The intelligence report forwarded for a Menu mission was indistinguishable, in the view of the intelligence officer, from other such mission reports. The debriefers did not have a need-to-know about Menus; and all submitted debriefing material that was, to the best of their knowledge, complete and accurate.

No formal report was required from MSQ radar site personnel. Only a telephone call to Sacadvon indicated mission completion. No formal wirtten report was required. See page 10 for additional discussion of MSQ procedures.

The GGI radar sites in South Vietnam were tasked to report unauthorized airspace penetrations by U.S. or other friendly aircraft. Personnel at these sites were aware that Menu flights were authorized and for that reason, no reports of violations were required or submitted. See page 11 for additional discussion of GCI procedures.

Statistics: During the Menu operation, six enemy base sanctuary areas along the South Vietnam/Cambodian border were struck. These base areas were named: Breakfast, Dinner, Dessert, Snack, Supper and Lunch.

As the combat action developed during the ground operations in Cambodia in early May and June 1970, the requirement for special security procedures was lifted. The last Menu strike to use special procedures in South Vietnam was on May 26, 1970. The sorties and total tonnage of munitions dropped from March 18, 1969 to May 26, 1970, during Menu were as follows:

Base Area	*Sorties*	*Tons*
350 (Dessert)	706	20, 157
351 (Snack)	885	25, 336
352 (Dinner)	817	23, 391
353 (Breakfast)	228	6, 529
609 (Lunch)	992	26, 630
704 (Supper)	247	6, 780
Totals	3, 875	108, 823

SPECIAL SECURITY PROCEDURES

This section discusses the actions necessary to provide special security and identifies responsibility for the development of these procedures and the granting of authority for their use. This section is supplemented by and must be viewed together with the preceding sections on Approval/Execution Procedures, Radar Procedures, Air Crew Procedures, and Reporting Procedures.

The first major opportunity for compromise of the security necessary to permit Menu operations was through the normal unclassified reporting of B–52 operations. On days when there were Menu missions, the number of Menu sorties may have constituted as much as 60 percent of the B–52 missions. This was a sufficiently large portion of the total that failure to indicate a level of operation consistent with the total missions would have almost certainly led to speculation that unreported operations were being conducted. For this reason, the procedures supporting Menu operations included the selection of cover targets in South Vietnam which would indicate a level of activity consistent with the clearly observable number of B–52 missions launched. This selection of cover targets provided the same type of security cover historically characteristic of military operations of particular sensitivity.

The necessity to minimize the likelihood of public speculation or disclosure was established within the NSC. Procedures were designed to assure security and at the same time to provide public information that would be as complete as was consistent with security. NSC guidance issued for the first Menu mission—which remained representative of the guidance for all Menu missions—directed that the Macv daily press release report missions on "Enemy activity, base camps and bunker and tunnel complexes 45 kilometers northeast of Tay Ninh city". U.S. B–52s did on that date so strike, and Macv's press release so reported. On subsequent missions specific cover targets were drawn from those already nominated by Macv in their routine B–52 "strike request" message. Macv issued its subsequent press statements as directed, listing generalized cover-target locations but not specifying their exact relationship to the South Vietnam-Cambodian border. Normally the generalized cover-target locations noted were actually struck, typically in the priority Macv had assigned them in their South Vietnam requests. In every instance the generalized press guidance would deal with an approved and executed South Vietnam strike taken from the Macv request or would reflect a general geographic locale without specifying that the target—listed as so many kilometers from a reference point in South Vietnam—was, in fact, in Cambodia.

Consistent with the objective of providing information as complete as possible within security requirements, guidance also was provided on responses to possible specific inquiries about Cambodian operations. Macv was instructed that if faced with specific inquiries, they should neither confirm nor deny attacks in Cambodia but state the situation would be investigated. The responsibility and authority for any other response to persistent inquiries was retained by the appropriate civilian authorities. There were no persistent inquiries so it was not necessary to implement any further guidance. The Department of Defense, thus, never publicly either confirmed or denied the conduct of Menu strikes.

Another major opportunity for compromise of security was the requirement that operational data be provided within DoD for daily use.

This administrative requirement, treated on page 13, was, as matters evolved, not affected by the sensitive Menu aspects of the missions. The routine reports were sufficient for administrative and logistical purposes and were considered in those cases complete and accurate.

The responsibility for development of detailed Menu procedures was delegated to the levels in DOD that normally controlled these procedures. The OJCS was responsible for the data reporting system. It was and is characteristic of the DOD automated data system that the information contained in this system must be available to many personnel whose security clearances are limited to Secret and who had no need-to-know about Menu. Because of this, and because Menu was especially sensitive, it was not possible to include within the automated data base the accurate target locations for Menu strikes. For this reason, Menu strikes were not carried in the data base as having occurred in Cambodia. They were simply identified by the target identifier carried in the original B–52 "strike request" and "frag order" messages and, as a result, appeared in the data base with the data for South Vietnam. Menu procedures were designed so that no procedures in the reporting chain had to be modified to comply with this limitation in the automated data system. Other than the nonrecording of the "strike request amendment" (Menu authorization), all of the official reports which fed into this automated data system were simply allowed to routinely reflect the data normally carried.

Data peculiar to the Menu strikes were maintained manually in Macv, SAC and in the OJCS and were available to those with a need-to-know. They were not introduced into any automated data base.

Cincsac was responsible for development of crew reporting procedures consistent with Menu security and no changes were required for Menu in normal SAC crew reporting procedures. Crew briefing and notification procedures were proposed by the Commander Third Air Division, and approved by Cincsac and OJCS. See Reporting, Pages 12–14.

The procedures for providing Menu data to the MSQ radar sites were developed by Macv. Both Cincsac and OJCS were informed on these procedures.

The Strategic Air Command Advanced Echelon (Sacadvon) acted as the principal coordinator and technical planner for MENU operations. Sacadvon was a liaison unit for Cincsac located at Macv Headquarters to assist with the B–52 effort. This unit had no independent command authority and was in Saigon only to assist Com-Usmacv and to expedite staffing between the two headquarters. Sacadvon also had the responsibility for establishing direct contact with the MSQ radar sites and for receiving oral reports of mission completion from these sites. Sacadvon also provided B–52 strike location information—including geographically-generalized cover-target location information when necessary—to the Macv Office of Information (Macoi). No one in Macoi had a need-to-know about MENU details.

As noted in the General section, the Menu procedures permitted only correct formal reporting. Everyone in the reporting chain received that information which he had a need-to-know and received it in accordance with routine procedures. Thus, those who did not have a need-to-know about Menu could not perceive a difference between Menu and normal operations. Those who had a need-to-know about Menu operations submitted and received reports that were consistent with their knowledge. Each of the operational reports submitted provided complete and accurate information to those who required it.

The Department understands that selected members of Congress were advised of the Menu strikes by various persons in the Executive Branch who were monitoring Menu. Previous testimony and transmittals to the Congress have included information that among those notified were Senators Russell, Stennis and Dirksen, and Representatives Rivers, Arends and Gerald Ford.

Some other members of Congress may have been advised, but the Department, itself, holds no specific record detailing this. The Department understands that the decisions on whom to advise in the Congress were made by the notifying Executive Branch individuals who apparently took into account the extremely sensitive diplomatic situation and the strict orders for security. The restricting of Menu information within the Legislative Branch was consistent with similar strict restrictions within the Executive Brancn.

GOOD LOOK

On February 17, 1970, B-52s were used for the first time to bomb military targets in the Plaine des Jarres (PDJ) area at the request of the Royal Laotian Government (RLG). The name Good Look was used for these operations, and their immediate purpose was to counter the buildup of approximately 15,000 North Vietnamese personnel and their supplies north and east of the PDJ area and poised for an imminent effort to recapture this area.

The first B-52 mission came in response to a specific request to the U.S. Ambassador to Laos from Laotian Prime Minister Souvanna Phouma requesting B-52 sorties to help Laotian General Vang Pao's troops hold the PDJ by blunting the anticipated North Vietnamees offensive. The transmission of this request and of all later mission requests for B-52 bombing in the PDJ area were made through the U.S. Ambassador to Laos. The original requests were validated by COMUSMACV and CINCPAC and were then forwarded with supporting intelligence to CJCS. After appraisal by the Joint Staff, CJCS requested authority from appropriate civilian authorities to conduct the requested mission.

After January 1, 1972, COMUSMACV was given authority to approve B-52 missions in the PDJ area, subject to cancellation by the Secretary of Defense.

It was the nature of B-52 operations in Southeast Asia that they were routinely controlled by ground radars. Where this was not possible, the B-52 on-board radar systems were used to locate and strike targets. The PDJ area initially fell outside the capabilities of ground radar systems. For this reason, radar scope photography was needed of the PDJ area as a part of normal planning to have the ability to respond to any contingency. Such reconnaissance was understood and accepted by the RLG. Accordingly, a B-52 radar reconnaissance mission, Good Look Alpha, was authorized and flown over the area in August, 1969.

After the enemy offensive in the PDJ area began in late January, 1970, a second radar reconnaissance mission, Good Look Bravo, was flown. This mission was authorized in the hope that Hanoi would perceive the warning that B-52 operations were being considered in the PDJ, and would modify its operations in northern Laos. There was no apparent NVN diminution in combat operations, and follow-on B-52 sorties were directed under the name Good Luck. A ground directed radar bombing site was later located at Ubon, Thailand, to direct the Good Look missions.

Restrictions on disclosure of the U.S. strikes in the PDJ area were responsive to the Royal Laotian Government. All message traffic to Washington on Good Look was classified Top Secret and was processed through special security channels. Subordinate command elements were directed to handle this information on a close-hold, limited distribution basis. As a result, for each B-52 PDJ area target request submitted through special security channels, a corresponding routine request for a mission in southern Laos, South Vietnam, or Cambodia was originated through routine communication channels. Post-strike reports were not identified by location of target but rather by a mission identifier and a time-over-target which coincided with the routine mission. At the same time, actual target information was being furnished on a strict, need-to-know basis through special security channels. The need for extra security had been established by the U.S. Ambassador to Laos based on the expressed concern of the Laotian Government. Missions through April 26, 1972, continued to use the special target reporting system.

The sorties and total tonnage of munitions dropped from February 17, 1970 to April 17, 1973, in the Laotian PDJ area are provided in the following summary:

Year	Sorties	Tonnage
1970[1]	147	4, 217
1971[1]	270	6, 513
1972[1]	1, 051	25, 097
1973	1, 050	22, 547

[1] Sorties from Feb. 17, 1970, to Apr. 16, 1972 (1,076 sorties) used cover targets in the following areas: 896 in southern Laos, 166 in South Vietnam, and 14 in Cambodia.

PATIO

In addition to the special MENU operations conducted by B-52s, complementary U.S. tactical air was employed in Cambodia for a brief period prior to the initiation of ground operations there by friendly forces on April 30, 1970. Targets for these tactical sorties were of a more transitory nature than MENU targets and were therefore more suited to tactical fighters than B-52s. The name PATIO was given these tactical air missions.

On April 18, 1970, COMUSMACV requested that special authority be granted for a 30-day period to employ tactical air against maneuvering enemy personnel and material located in a narrow area of northeastern Cambodia about eight miles wide and adjacent to the South Vietnamese border. COMUSMACV's request was based on increased sightings of enemy force movements in this area. Attack of these targets was deemed essential to prudent military conduct of the conflict in South Vietnam and especially to the protection of the lives of U.S. military personnel during the continuing U.S. redeployment program. On April 20, 1970, with the concurrence of appropriate civilian authorities, CJCS approved the requested authority. On April 25, 1970, the Patio authority was extended to a uniform depth of 18 miles into Cambodia. The results of each day's operations were to be reported through special communications channels addressed only to those with an absolute need-to-know. The first Patio strikes were on April 24, 1970.

Instructions, authorizations, and requests pertaining to all Patio operations were handled on a close-hold basis. All message traffic, including strike reports and bomb damage assessment, relating to the Patio operations was transmitted via special security channels and further restricted by instructions to deliver to designated addressees only. Thus, because of this high classification, the first 124 of the total of 156 Patio sorties were inadvertently not included in the less-highly classified automated data base.

On May 11, 1970, a one-time expansion of the Patio authority was granted by CJCS, with Secretary of Defense approval, authorizing the employment of tactical air against a lucrative enemy truck park and storage area in Cambodia near the Laotian border and along the Mekong river—outside the then-standard 18 mile Patio zone.

COMUSMACV had advised that this special Patio effort would be limited to a 12-hour period, with a planned weight of 48 strike sorties. The Seventh Air Force specified that cover targets in Laos would be used for this special, one-time mission. The operation was conducted as planned on May 14, 1970, with 32 sorties expended under Forward Air Controller (FAC) control. The remaining 16 strike sorties were not required for adequate target coverage and were subsequently cancelled.

The assigned cover targets in Laos were used in the routine reports and were recorded in the automated data base. Special communication channel reports, however, gave the complete details on the targets struck and the bomb damage assessment to all those with a need-to-know. The automated data base has been updated to correctly reflect all of the 156 Patio sorties with their correct target locations.

FREEDOM DEAL

The name for U.S. TACAIR operations in Cambodia beginning on June 30, 1970 was Freedom Deal. The term Freedom Deal designated an area generally east of the Mekong River in northeastern Cambodia within which the U.S. would conduct air interdiction operations in addition to the ongoing air support for U.S. ground forces inside South Vietnam and near the South Vietnam-Cambodia border. These air interdiction operations, following the withdrawal of U.S. ground forces from Cambodia at the end of June, 1970, were requested by the Cambodian Government, processed through MACV channels, and authorized by appropriate U.S. civilian authority. By August 23, 1970, the original Freedom Deal area had been expanded southward approximately 50 miles and westward approximately 50 miles. Both of these expansions were designed to allow attack of enemy military targets which threatened the remaining and redeploying U.S. forces in South Vietnam.

Normal operational reporting was made on all U.S. air operations under the Freedom Deal authority. An exception pertained to special authority, requested from and granted by appropriate U.S. civilian authorities, to employ U.S. air power in interdicting enemy supply lines and caches on the supply trails and river routes being used by the enemy, particularly in situations which involved a serious threat to any major Cambodian positions. Instructions in the field relating to the reporting of such operations which occurred outside the designated Freedom Deal areas stipulated, as they had for the Patio operations conducted earlier, that special security communications channels would be employed. The requirement to report these air strike data via special security communications channels presented difficulties for those field units not possessing the special communications equipment. This difficulty, coupled with the need to insure accurate statistical accounting of sorties flown, flying-hour utilization, and ordnance expenditures, apparently gave rise in the field to a system of attributed targets. As a result, authorized strikes conducted outside Freedom Deal were reported in the data base as having been flown within the Freedom Deal operating areas. Separate limited-distribution reports sent via the special security communications channels from field headquarters did, however, continue to reflect these special operations.

This dual reporting system used in the field was discovered in February, 1971, when duplicate data were received on an aircraft loss. The Seventh Air Force immediately directed the discontinuance of these attributed-target reporting procedures. Field reports indicated that of over 8,000 sorties flown in Cambodia between July, 1970, and February, 1971, approximately 44 percent or 3,634 sorties were flown outside the Freedom Deal areas. The official data bases were reviewed at that time and updated as necessary to insure that correct sortie statistics were reflected. Inquiries to date have failed to disclose the source of the orders that effected the attribution of these sorties to the Freedom Deal operating areas. It appears that the relevant directives were disposed of in the course of dissolution of MACV, establishment of the United States Support and Assistance Group (USSAG) and the displacement of the Seventh Air Force from Vietnam to Thailand in March of 1973.

On February 17, 1971, special reporting was discontinued and it was directed that all future reporting of these special air operations in Cambodia would be accomplished through normal reporting channels. Except for a brief two-week pause following the January, 1973, Vietnam ceasefire, U.S. air support in Cambodia continued at the request of the Cambodian Government, until the August 15, 1973, bombing halt. No further special air operations, such as MENU or Patio, were conducted in Cambodia between February, 1971, and the August, 1973, bombing halt.

GROUND MISSIONS OVERVIEW

This section will treat those ground operations in which errors in statistical reporting have been found during the DoD review.

In September 1965, the worsening situation in the Republic of Vietnam caused the U.S. to undertake limited ground reconnaissance actions in Laos. These operations, initially named Shining Brass, but subsequently known as Prairie Fire, involved small reconnaissance teams composed of indigenous civilians led by Vietnamese or U.S. special forces personnel assigned from the MACV Studies and Operations Group (MACSOG). The teams conducted on-the-ground reconnaissance missions in Laos to determine the nature and extent of enemy activities in the assigned areas of operations.

When the enemy later began moving major amounts of supplies through the Cambodian port of Sihanoukville on the central coast of Cambodia and into the sanctuary areas along the South Vietnam border, a limited ground reconnaissance program (initially Daniel Boone, later Salem House) was authorized in May, 1967, to gain information on these activities.

A total of 3,683 missions into Laos and Cambodia were conducted prior to the termination of U.S. participation in April, 1972. A total of 5,210 intelligence reports were filed.

These low-visibility, cross-border operations were carried as a separate budget line item since at least 1966. MACSOG operations were carried as "classified projects" in the Navy budget (NOP 345). The House Appropriations Committee and the Senate Appropriations Committee were briefed on the nature of these activities, their functions, and costs, including casualties. Additionally, the Subcommittee on U.S. Security Agreements and Commitments Abroad of the Senate Foreign Relations Committee held extensive hearings on U.S. operations in Laos and Cambodia, including SOG operations. Detailed information was provided the Committee at that time.

PRAIRIE FIRE

Prairie Fire was the name for MACSOG cross-border intelligence collection and interdiction operations into southern Laos against enemy bases and infiltration routes. The rationale for the operations into southern Laos was based on strong evidence in early 1965 that the Laos corridor was being used as an infiltration and resupply route in support of the communist effort in South Vietnam. During the period 1965–72 the name assigned to cross-border operations into Laos changed from Shining Brass to Prairie Fire to Phu Dung. For purposes of clarity these operations will be referred to as Prairie Fire in this report.

Missions included such intelligence and intelligence-associated activities as emplacing sensors; prisoner apprehension; and area, point and linear reconnaissance by small teams; and selected reconnaissance by larger units. South Vietnamese personnel performed Prairie Fire operations with U.S. Army Special Forces or Army of the Republic of Vietnam advisors/commanders and were supported with U.S. trooplift and gunship helicopters, and U.S. Tacair. Prairie Fire teams were trained in air-control procedures and made considerable use of tactical air and helicopter gunship support in their operations in Laos.

The table below reflects the number of Prairie Fire cross-border operations, by type, from the inception on September 20, 1965, until deactivation of MACSOG on April 30, 1972.

	1965	1966	1967	1968	1969	1970	1971–April 1972
Missions:							
Reconnaissance team	7	105	187	271	404	422	183
Platoon	0	12	71	56	48	16	13
Multiplatoon	0	0	0	0	0	3	0
Total	7	117	258	327	452	441	196

	1965	1966	1967	1968	1969	1970	1971–April 1972
Helicopter gunship sorties	(1)	130	329	287	689	1,116	993
TACAIR sorties	155	405	1,157	635	1,016	1,419	623
Enemy prisoners	(1)	12	10	1	0	3	0
Intelligence report	21	371	774	410	748	553	175

[1] Unknown.

The Prairie Fire historical records and operational reports do not indicate how many U.S. personnel accompanied each operation nor how many operations were U.S.-accompanied. U.S. personnel were authorized to accompany Prairie Fire cross-border operations from September 20, 1965, to February 8, 1971. It is believed that during this period virtually all of the 1,446 reconnaissance team, 203 platoon, and 3 multi-platoon operations conducted involved U.S. participation. The operational guidelines for the conduct of Prairie Fire missions provided that generally the organization of a U.S.-accompanied reconnaissance team would include three U.S. personnel. Larger units normally included 5–6 U.S. personnel with a platoon force and 20–22 U.S. personnel with a multi-platoon force.

No U.S. personnel participated in ground reconnaissance in Laos after February, 1971. U.S. air support of Vietnamese-led teams was authorized by appropriate U.S. civilian authorities until March, 1972. In recognition of the complete Vietnamization of the operations in Laos, the Vietnamese name Phu Dung was given the operations on April 7, 1971.

Prairie Fire security guidance precluded advising next-of-kin of the actual location of casualties since this information would compromise the area of operation. Generally, the Services, in notifying next-of-kin, indicated the loss location as either "Southeast Asia", "classified", or "along the border". On May 9, 1973, the Secretary of Defense approved the release of the actual location of Prairie Fire casualties to the next-of-kin.

In view of the special security precautions protecting these operations the Prairie Fire casualty data included in the OJCS data bank could not reflect locations. These casualties were grouped with the South Vietnam data. The data submitted to the Congress prior to July 25, 1973 also reflected South Vietnam. At that time the Congress was advised that there had been 76 U.S. personnel killed in action in Laos in conjunction with Prairie Fire.

A complete review of all appropriate personnel records to verfy these casualty statistics has been made. Efforts to verify data are continuing, principally through interviews with those who might have personal knowledge of the locations where casualties occurred.

SALEM HOUSE

Salem House was the name for MACSOG cross-border operations in northeastern Cambodia. When the enemy buildup of logistic and base-camp facilities in the border area of northeastern Cambodia created a threat to the safety of U.S. forces in the Republic of Vietnam, selective and reconnaissance interdiction were authorized to assess the enemy threat. The name for these operations varied from Daniel Boone to Salem House to Thot Not (when the South Vietnamese assumed complete responsibility). For simplicity, these operations will be referred to as Salem House in this report.

The mission of Salem House operations was basically intelligence collecting and verification. The approval to initiate Salem House cross-border operations was provided on May 22, 1967. Approval was subject to restrictions such as:

(a) Only reconnaissance teams were to be committed and could not exceed an overall strength of 12 men to include not more than three U.S. advisors.

(b) Tactical air strikes and/or the commitment of additional forces were not authorized across the border into Cambodia. Teams were not to engage in combat except to avoid capture.

(c) No contact with civilians was permitted.

(d) No more than three reconnaissance teams could be committed on operations into Cambodia at any one time.

(e) The total number of missions could not exceed ten in any 30-day period.

By October, 1967, appropriate civilian authority approved Salem House operations along the entire Cambodia-South Vietnam border to a depth of 20 kilometers. The use of helicopters for infiltration was authorized at the rate of five per month to a depth of 10 kilometers into Cambodia.

In December, 1967, with State Department concurrence, the Secretary of Defense authorized the use of Forward Air Control (FAC) aircraft over the Salem House area to control helicopters and to conduct reconnaissance of landing sites. Only two such flights were authorized per Salem House mission.

After the Tet offensive of 1968, Salem House cross-border ground reconnaissance operations into Cambodia were modified. The emplacement of land mines with self-destruct feature was authorized in October, 1968. By December, the depth of these operations was increased to 30 kilometers in the northern part of Cambodia. In the central and southern operating areas—where specific JCS approval was required for any ground reconnaissance operations — penetrations were limited to 20 kilometers. While the restriction on numbers of participating U.S. personnel was removed, total team size remained constrained to 12 members and various additional restrictions reemphasized the intelligence collection and verification nature of Salem House.

During the Cambodian incursion in 1970, authority to conduct Salem House operations to 200 meters west of the Mekong River in the Freedom Deal air interdiction zone was granted and use of tactical air operations in support of Salem House also was authorized. No reconnaissance teams ever reached the Mekong, however, due to range and lift limitations of the helicopters involved. After the ground operations into Cambodia ended on June 30, 1970, no more U.S. ground personnel were permitted to take part in Salem House. However, use of tactical air and helicopter gunships to support Salem House operations conducted by the South Vietnamese in not larger than platoon-sized operations was continued—when such support was required and was clearly beyond Vietnamese capability. Troop lift helicopters were exclusively manned by Vietnamese after June 30, 1970. In April, 1971, in recognition of the complete Vietnamization of the ground reconnaissance operations, the name was changed to Thot Not, and the program continued until April 30, 1972, when all U.S. involvement in the Vietnamese cross-border operations terminated.

The table below reflects the number of Salem House cross-border operations, by type, conducted from its inception on May 22, 1967, until deactivation of MAGSOG on April 30, 1972.

	1967	1968	1969	1970	1971–April 1972
Missions:					
Reconnaissance team	99	287	454	558	437
Platoon	0	0	0	16	22
Multiplatoon	0	0	0	3	9
Total	99	287	454	577	468

	1967	1968	1969	1970	1971–April 1972
Helicopter gunship sorties	67	359	398	1,548	568
TACAIR sorties [1]	34	48	0	1,239	659
Enemy prisoners captured	2	3	4	9	6
Intelligence reports	297	373	607	485	396

[1] Sorties against targets in RVN or Laos areas contiguous to Cambodia but none known to be in Cambodia until after Apr. 20, 1970.

Salem House historical records and operational reports do not indicate how many U.S. personnel accompanied each operation nor how many operations were U.S.-accompanied. U.S. personnel were authorized to accompany Salem House cross-border operations from May 22, 1967, to June 30, 1970. During this period, virtually all of the 1,119 reconnaissance team, 9 platoon, and 1 multi-platoon operations are believed to have involved U.S. participation.

Salem House targets, dates, penetration points, and landing zones were submitted by message from COMUSMACV to CINCPAC for approval with information copies to the OJCS, the Secretary of Defense, and the Secretary of State. Approval of the schedule was assumed if no objections were raised.

Salem House security guidance precluded advising next-of-kin of the actual location of casualties since this information would have compromised the area of operation. The Services, in notifying the next-of-kin generally indicated the loss location as either "Southeast Asia", "classified", or "along the border". On May 9, 1973, the Secretary of Defense approved the release of the actual location of Salem House casualties to the next-of-kin.

In view of the special security precautions protecting these operations, the Salem House casualty data included in the JCS data bank did not reflect actual casualty locations. The Salem House casualties for security reasons were grouped with the South Vietnam data. On July 25, 1973, the Congress was advised that there had been 27 U.S. personnel killed in action in Cambodia as a result of Salem House operations.

A complete review has been made of all appropriate personnel records to verify these casualty statistics. Efforts to verify data with respect to location are continuing—principally through interviews with those who might have personal knowledge of the locations where casualties occurred.

ENERGY NEEDS AND ENVIRONMENTAL REQUIREMENTS MUST BE BALANCED

Mr. ROBERT C. BYRD. Mr. President, while it is certain that President Nixon's statement of Saturday, September 8, in which he discussed the energy crisis, will come under attack from some quarters, it is my belief that the position he took is practical under our current and short-range circumstances.

I think that it is clear to the American people that we cannot go on despoiling our atmosphere with the chemical wastes concomitant with our industrial society. We must, and will find means to apply our vast technology toward the elimination of the pollutants that result from the burning of high-sulfur oil and coal. That these technological efforts should have been made a long time ago is undeniable, but because they were not, we must face up to the realities of the present.

I would be the last person to advocate the continuation of our past practices, where the production of energy was the paramount consideration, regardless of the effect on our air, land, and water resources. It has been amply shown that unless our society and our Government are prepared to respect nature's cycles, rather than ignore them, we are in for serious trouble in the future. But during the grace period that will be required to adjust the necessary production of energy to the necessary control of pollutants, it will be essential that compromises be made.

In principle, the primary and secondary requirements of the Clean Air Act cannot be faulted, and they must be achieved. But there is room for doubt whether their immediate inflexible and rigid application is as vital to the needs of our society, as are the economic, industrial, and social benefits that derive from an adequate availability of energy. The President was right when he emphasized the need to relax the very rigid standards on sulfur emissions, in order to see us through the high heating months ahead. Mr. Nixon made it clear that his suggestions were made to solve an immediate problem, and that he has no thought in mind that any relaxation of clean air standards should continue after our energy necessities have been met.

I am well aware of the vital need to clean up our atmosphere. I am well aware of the need to restore our lakes, rivers, and soil to their former levels of cleanliness. Those Americans who have been in the forefront of the environmental and conservation movements are to be commended for their zeal in this regard, and our children and grandchildren will have cause to be thankful to them in the years to come. But today, as the first mornings of fall are bringing a nip into the air, we must accept the fact that many millions more Americans live in cold weather States than live in the benevolent climes of Florida or southern California. It seems to be beyond question that if we cannot burn a certain amount of high-sulfur oil and coal in our energy-producing plants—at least in some areas—this winter, a very large number of our citizens will suffer considerable privations. I do not believe that it is fair to them to subject them to this possibility, when a temporary accommodation is possible. I emphasize the term "a temporary accommodation." I am sure that the President is just as anxious as anyone else to see fulfilled the aims of the Clean Air Act, and I am sure that when the temporary energy crunch is over, the administration will move to reapply the primary and secondary emission standards that all of us, who value the future of this Nation, want to see applied across the board.

It has been said that politics is the art of compromise. It might also be said today in America that survival is the art of compromise. This is especially true when that compromise recognizes that its nature is purely temporary, and that it has become necessary only because of the immediate realities of a situation that allows no other pragmatic solution.

PROSPECTS FOR A NORTHEAST FREEZE

Mr. PASTORE. Mr. President, families in Rhode Island and throughout the Northeast face the very real threat of freezing this winter if the mandatory petroleum allocation program fails to provide for our needs.

A crisis of cruel proportion confronts these homeowners today. The total annual oil volume handled by east coast independent deepwater terminal operators is approximately 100 million barrels. Last year 80 percent of the volume of this oil came from domestic sources. This year we can count on receiving only 35 percent from this same source.

There is only one way to protect the housewife and her family—a mandatory allocation program giving the homeowner No. 1 priority. This program should provide for an increase to 70 percent of the No. 2 fuel oil storage capacity in New England.

A 70 percent capacity will assure sufficient oil at lower prices for homeowners in the Northeast States where consumption of this oil is the highest and most concentrated in the Nation.

The problem which confronts us is stated very clearly in an editorial entitled "Fair Play on Oil!" which appeared in this morning's edition of the Providence Journal. I ask unanmious consent that the editorial be printed in the RECORD as a part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FAIR PLAY ON OIL!

Shortages of fuel oil are foreseen for the coming winter months, and federal officials are predicting the crunch will be worse than last year. The situation became so acute in the Midwest then that some schools had to shut down for days at a time.

New England has long suffered higher fuel-oil costs than the rest of the country because of short-sighted and discriminatory federal regulations. Now it may find itself not only paying more but unable to get as much oil as it needs at any price.

President Nixon's energy policy office is drafting a tentative rationing plan. Early reports indicate New England may wind up with 30 per cent less of a supply than it needs, as against a 10 to 15 per cent shortage nationally.

Any such plan to continue regional discrimination cannot go unchallenged. New Englanders expect no special treatment at the hands of the federal government, but they cannot be expected to sit quietly by their cold furnaces playing Cinderella while their sister states enjoy preferred status. If state congressional delegations do not rise up in concerted protest against such discrimination, some may well find, come November 1974, that their electoral coach has turned into a political pumpkin.

Along with the requirement of fair play in rationing, a second aspect in the fuel shortage comes up for question. That is the requirement of clean air versus adequate fuel for home heating and power production. Clean air standards now in effect have ruled out the use of high sulphur content residual fuels. New England utility plants, deprived of this fuel source, have been turning to natural gas as a substitute. But now natural gas is itself in short supply, more so than last winter.

The use of natural gas during the summer months, when temperatures are high and natural ventilation over the land mass is poor, makes good sense. But the conditions that cause temperature inversions and stagnant air in summertime do not hold in the winter months, particularly along the Eastern coastal region. Would it not be feasible to lower sulphur emission standards for the winter months, allowing public utilities to burn the cheaper and more plentiful grades of residual oil, and leaving the higher grade fuel for home heating use?

Such a plan, of course, now endorsed in principle by President Nixon, should not be allowed to become an opening wedge toward making dirty air acceptable. If it were adopted, utility companies should still be required to keep pollution emissions to the lowest practical level, and use of the low-grade fuels should be limited strictly to such months and conditions as do not endanger human health.

Mr. PASTORE. The editorial points out that New England has long suffered higher fuel oil costs than the rest of the country because of shortsighted and discriminatory Federal regulations. These same regulations may cause a 30-percent reduction in supply for Rhode Island compared to a 10-percent shortage nationally. A State-by-State allocation program is under consideration by the administration.

I cannot tolerate a discriminatory policy which will leave families cold in Rhode Island this winter while families in other States are warm and comfortable. This is unfair, inequitable and intolerable.

More homes in Rhode Island are heated by oil than by any other energy source.

Federal regulations now provide for a mandatory allocation of gas to domestic homeowners. Homeowners who heat by gas, therefore, get a priority allocation.

The same humanitarian logic should apply to families who heat their homes with oil.

Today I have written to Governor Love, the Director of the Energy Policy Office, and also to the Secretary of the Interior, Mr. Morton, urging that the proposed regulations to be promulgated under the mandatory petroleum allocation program should provide No. 1 priority for the homeowners who heat with No. 2 fuel oil.

I ask unanimous consent that my letter to these gentlemen be made a part of my remarks and printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JOINT COMMITTEE ON ATOMIC ENERGY,
Washington, D.C., September 10, 1973.

Hon. ROGERS C. B. MORTON,
Secretary, Department of the Interior.
Gov. JOHN A. LOVE,
Director, Energy Policy Office.
(Attn: Mandatory Petroleum Allocation Program, Office of Oil and Gas, Washington, D.C.)

GENTLEMEN: I wish to submit the following brief comments on the proposed Mandatory Petroleum Allocation Program.

First, as I have stated for the past several months, I strongly favor a mandatory allocation program. If an effective program had been implemented last May or June, we would not be facing a severe heating oil crisis this winter among the independent deepwater terminal operators and independent dealers who provide the majority of heating supplies in my state.

There is still time; a mandatory program remains essential to avoid a supply crisis among independents. In addition, I firmly believe that a mandatory program, through its impact on the major international refiners, will increase total supplies and provide lower prices to consumers in New England.

Second, while I support the general format and intent of the proposed regulations, I urge that they be simplified and tightened. This program must be made to work, but I feel that the good intentions and essential objectives of the program could be undercut by an ineffective, slow or over-bureaucratic administration. Simplicity, effectiveness and prompt action to deal with individual problems of independent marketers must be the prime attributes of the administration.

Third, as to specific comments, I am aware that you are receiving a large number and variety of comments and I do not wish to add to or burden the record. Rather, I should like to state that I have reviewed the submissions of the New England Fuel Institute and the Independent Fuel Terminal Operators Association and endorse their general comments and specific recommendations. I am particularly concerned that the proposed regulations be amended as follows:

To assure that independent marketers are guaranteed 100% of the 1972 quantities from their 1972 suppliers;

To eliminate the confusing and unworkable purchaser/supplier relationship test of March 1973;

To place administration of priority allocations in the Federal Government, where it is under the voluntary allocation program.

I feel that the state by state administration of allocations will result in competing and confusing demands on individual suppliers and refiners and will lead to chaos, which would be bad for the indvidual states and increase the hardship of their citizens.

A mandatory allocation program would prevent discrimination that would result from a state by state system of fuel oil rationing.

Federal policy presently guarantees homes heated by natural gas with 100% of their needs this winter. The new Federal allocation program for propane guarantees rural homes and trailers heated by propane with 100% of their needs during the coming winter.

A rationing program would not guarantee home owners in my state and throughout the Northeast, where a concentration of No. 2 fuel oil consumption is highest, with 100% of their fuel needs.

A mandatory allocation program for No. 2 fuel oil will assure home owners in the Northeast that they will be warm this winter.

Therefore, I want to restate my support for a mandatory allocation program and urge that with the revisions I suggest, the proposed regulations be promulgated and made effective immediately.

Sincerely yours,
JOHN O. PASTORE,
U.S. Senator.

Mr. PASTORE. I trust that Secretary Morton and his staff who are handling the mandatory petroleum allocation program, as well as Governor Love at the Energy Policy Office, will make certain that the homeowners in New England are fully protected from the blasts of cold weather which we anticipate with certainty this winter.

The PRESIDING OFFICER. Is there further morning business?

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, September 10, 1973, he presented to the President of the United States the enrolled bill (S. 1385) to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 3:40 P.M.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until 3:40 p.m. today.

The motion was agreed to; and at 2:11 p.m. the Senate took a recess until 3:40 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. SCOTT of Virginia).

QUORUM CALL

The PRESIDING OFFICER (Mr. SCOTT of Virginia). The Chair, in his capacity as a Senator from Virginia, suggests the absence of a quorum and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BUCKLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. BUCKLEY. Mr. President, I ask unanimous consent that the Senate go into executive session.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ENVIRONMENTAL PROTECTION AGENCY

The Senate resumed the consideration of the nomination of Russell E. Train to be Administrator of the Environmental Protection Agency.

Mr. BUCKLEY. Mr. President, I rise to speak on behalf of the nomination of Mr. Russell Train as Administrator of the Environmental Protection Agency. It so happens that it has been my good fortune to have worked closely with Mr. Train on a number of environmental issues over the past 3 years while he was serving in his capacity as Chairman of the CEQ.

I can state from my own knowledge of the man that it would be hard to find an individual with greater personal character and integrity. More than that, he possesses a quality of fairness of mind and a willingness to observe and to study all the facts and then to come to a judgment based on those facts. I consider that these qualities are of particular importance in the responsibilities which he has been asked to assume by the President.

Mr. President, I compliment Russell E. Train on his nomination to the post of Administrator of the Environmental Protection Agency and to commend him to my colleagues. The President has made an excellent choice; Congress ought, as I am confident it will, to confirm Mr. Train's nomination without hesitation.

I would like at this time to record my great personal admiration and affection for Russell Train. Since my arrival in Congress almost 3 years ago, I have worked closely with him on a number of the most critical environmental issues facing the Nation. I know him to be a man of outstanding character and integrity. I also know him to be openminded and fairminded. He has the capacity to examine the facts and to render judgments based on them. Certainly, I would be hard put to name an individual with better credentials for handling the awesome responsibilities vested in the Administrator of the EPA.

As Chairman of the first Council on Environmental Quality, Russell Train played a major role in the development of virtually all of the numerous legislative initiatives offered by the Nixon administration in the field of environmental protection and conservation. He will now be in the unique and demanding position of administering the execution and enforcement of those landmark environmental laws. I know him to have the fairness of mind and the judgment that are so essential to the position he is assuming.

Mr. President, I would like to take this opportunity to identify what I believe will be one of the most significant aspects of the Administrator's responsibilities at this point in EPA's history. As the implementation of our environmental laws begins to place constraints on the traditional ways in which we produce goods and services and move about the country, a certain amount of resistance to this legislation is becoming evident.

In the emerging debate over the restrictions mandated by existing laws and regulations, the two major questions to be asked will be: First, how adequate is the base of scientific information on which a given environmental objective is based? and, second, are the benefits to be derived from the control of pollution worth the heavy costs required to achieve that objective? Adequate answers to these questions will become essential if we are to sustain the public's acceptance of the need for serious, concerted efforts to protect and improve the environment.

This is something that Mr. Train fully understands. In fact, he chose one of his first appearances to emphasize this point. He told a group from the National Academy of Sciences that he wanted to underscore his own understanding that only if they were based on firm scientific ground could the EPA's regulations have public support and credibility. He also stressed the need to be able to demonstrate the reality of the environmental benefits that the public will be asked to pay for.

As members of the Committee on Public Works know, the need for adequate scientific research, particularly on the health effects of various pollutants, was stressed by Mr. Train throughout his confirmation hearing. In his opening presentation he stated:

> I believe a commitment to improving the data base for standards rates a very high priority.

He further remarked:

> Adequate monitoring is absolutely critical . . . It is only natural for the Congress and the public to want to know where we stand in efforts to clean up the environment, and I believe every effort should be made to develop the machinery to make that information available accurately and promptly.

I have no doubt that Mr. Train, as Administrator of the Environmental Protection Agency, will pursue these priorities diligently. This should do much to allay the concerns which I have shared with the chairman of the Air and Water Pollution Subcommittee, Senator MUSKIE, that the Environmental Protection Agency might be tempted to stretch its funds by cutting back in its research and monitoring efforts. I am confident, Mr. President, that Russell Train is fully alert to the need for sound information as a basis for sound national environmental policy. I am equally confident that he will demonstrate himself in every respect to be an able, fairminded administrator of our environmental laws.

Mr. President, I do urge my colleagues to give Mr. Russell Train their full measure of support in this position. I believe that he will show that he has the wisdom, understanding, and vision required to lead us on a balanced approach to the enforcement of the landmark environmental laws enacted by the Congress during the past few years.

Mr. HATFIELD. Mr. President, I want to applaud the President's action in nominating Russ Train to be Administrator of the Environmental Protection Agency. He has provided the Nation with outstanding environmental leadership as Chairman of the Council on Environmental Quality and I know that he will continue to provide that leadership in his new office. This is a crucial period of our environmental history, as we get down to the business of implementing the air, water, and noise pollution laws we have passed. I have great faith in Russ Train to do a good and fair job at the Environmental Protection Agency.

There is one issue which should concern all Members of this body over which I have differed strongly with the EPA. In the Northwest, we are witnessing the defoliation of some 800,000 acres of forest lands by the tussock moth. The immediate results are the tragic loss of a great natural resource and its obvious esthetic value. This destruction also means a loss of timber for housing, watershed protection, and an increased fire hazard.

The only known solution to the tussock moth is DDT. We outlawed use of this chemical in the Federal Environmental Pesticide Control Act of 1972, an action which I supported. However, we also, and I believe very wisely, included in section 18 of that legislation provisions for an exemption to this ban for emergency situations.

In my view, and in the view of the States of Oregon and Washington, the Forest Service, Secretary of Agriculture Butz, and most citizens who are directly affected by the tussock moth, this destruction is indeed an emergency situation. There have been two applications filed with EPA for a section 18 exemption: The first by the States of Oregon and Washington, together with the Forest Service; the second was filed by the city of Walla Walla, Wash., and the city of Milton-Freewater, Oreg., for the more limited use of DDT for a period not to exceed 60 days.

The Environmental Protection Agency has turned down both applications. EPA officials have insisted that DDT is not necessary, that the outbreak will not last longer than this, its third, year. They have proposed that Zectran be used instead. But the results have been further defoliation. Now, the tussock moth is threatening forests in Idaho and in the Colville Indian Reservation in the State of Washington.

As Russ Train knows, I will be a thorn in EPA's side until this decision is reversed. I believe that all the evidence exists to reverse the decision and I have asked Mr. Train to visit the area personally. It is extremely important that those responsible for the decision should observe the facts personally.

In conclusion, Mr. President, I know Russ Train to be a good man and a fair man. I have great faith in his ability to utilize these qualities during the period of his administration of the Environmental Protection Agency. And I have real hope that he will review and reverse the earlier decision relating to the use of DDT to control the tussock moth.

Mr. DOMENICI. Mr. President, I am most proud to vote with my colleagues in the Senate today to confirm Mr. Russell Train as Administrator of the Environmental Protection Agency. Mr. Train brings the experience and dedication the EPA will need to guide it through the difficult problems it will be facing in the next few years. There will be great conflicts: Our energy demands versus our desire to preserve the environment; the rights of private property versus the need for land use planning; our need for clean air versus our need for transportation. There are solutions to these conflicts that both sides will accept.

I am confident that under Mr. Train's guidance those on both sides of the issues will be able to work out mutually agreeable solutions that will benefit all Americans today and in the future. We are entering a new phase in the environmental picture. The initial cries of "clean up the environment at all costs" have changed. Americans are beginning to face the realities of cost and the potential change in their life-styles. We are faced with a job, we are weighing the consequences, and we will arrive at solutions. I can think of no better man to lead us through this period than Mr. Train. I am most pleased to congratulate him on his confirmation today.

Mr. CRANSTON. Mr. President, I rise in firm support of the nomination of Russell E. Train to head the Environmental Protection Agency.

Senators of both parties have been frequently disappointed at the quality of the nominations sent us by this administration to fill key Government posts.

So a nominee of Mr. Train's caliber, to lead one of the Federal Government's most critical efforts, can be greeted with both enthusiasm and confidence.

Mr. Train's nomination comes at a time when our environmental problems seem to outweigh our ability to find solutions. The way we approach these challenges in the days and years ahead will determine not only where America moves, but if America moves at all.

In his former capacity as Chairman of the Council on Environmental Quality, Mr. Train demonstrated both diligence and sensitivity. His work with the Council was, indisputably, first class.

I hope we can expect no less of Mr. Train as Administrator of EPA. He knows the environmental goals we have set. He knows that our responses to the problems ahead will be often controversial, frequently costly, and always demanding of keen thinking and courage.

The job of EPA Administrator is a tough one, calling for sensitivity and vision.

In Russell E. Train, President Nixon has, I believe, selected the right man.

Mr. MATHIAS. Mr. President, I am particularly pleased to support the nomination of Mr. Russell Train as Director of the Environmental Protection Agency.

Several Senators have already spoken on his numerous accomplishments in the field of conservation, and clearly the list is both long and distinguished. It includes his important contributions during the past 3 years as Chairman of the Council on Environmental Quality, his great assistance in the enactment of legislation by the Congress to enhance the quality of our air and water, his efforts during the negotiations which resulted in the agreement among 96 nations on the Convention on the Protection of Endangered Species, his service as president of the Conservation Foundation, and his founding of the African Wildlife Leadership Foundation.

But I am particularly pleased that Mr. Train brings to his new task not only years of devotion to the wise conservation of our natural resources, but also the special inspiration of residing in one of the most beautiful regions of our country, the Eastern Shore of Maryland. This is a region where the people truly appreciate the elements: Land, water, and air. As Mr. Train finds the time to tend to his duties as a farmer in Talbot County, I am confident that the influence of the Eastern Shore of Maryland will constantly renew his leadership in guiding our Nation's environmental protection efforts.

Mr. JACKSON. Mr. President, it gives me great pleasure to speak in favor of the nomination of the Honorable Russell E. Train to be Administrator of the Environmental Protection Agency. I can think of no man who has dedicated himself more to public service. Beginning with his service on Capitol Hill as legal counsel to the Joint Committee on Internal Revenue Taxation, Mr. Train has spent a quarter of a century in service to his Nation in all three branches of Government—legislative, judicial, and executive.

Above all else, Mr. Train is a most distinguished member of the conservation community. He has served that community within and outside of government—first, as president of both the African Wildlife Leadership Foundation and the Conservation Foundation, and then as Under Secretary of the Interior.

But, Mr. President, the conservation cause is most indebted, and I am personally grateful, to Mr. Train for his service as the first Chairman of the Council on Environmental Quality. In 1969, Congress passed a measure for which I fought long and hard: The National Environmental Policy Act. I take pride in that act. However, no one has done more to insure its strength and vitality than Russell Train. The act created the Council on Environmental Quality, and the President could have made no better choice for its first Chairman. As Chairman, Mr. Train has not only labored continuously to meet and master environmental problems here at home, but also has served as an ambassadorship of peace.

I would like to extend a personal note of thanks to Mr. Train for his leadership in relation to the National Environmental Policy Act and for the assistance and support he has given me in the effort to enact a national land use policy act.

Mr. President, I wish to add just one word of caution. It is my sincere hope that the departure of Russell Train from the Council on Environmental Quality does not in any way presage a diminishing of the strength of the Council. I expect the President to continue to emphasize the importance of the Council by nominating a worthy successor to Mr. Train and by encouraging the hiring of well-qualified persons to replace recently departed staff members. The Council must continue to exercise a leadership role in the fight for environmental quality and it can only do so when the President gives it his entire support and receives and acts upon its advice.

I commend Mr. Train to my colleagues as a most worthy successor to Mr. Ruckelshaus and offer him my support in the difficult trials which most certainly will be before him in his new position.

Mr. PACKWOOD. Mr. President, it gives me great pleasure to join my colleagues in confirming the nomination of Russ Train to be the new Administrator of the Environmental Protection Agency.

I have known Russ Train since I came to the Senate in 1969. Widely known and respected among Oregon conservationists, he has developed a well-deserved reputation as a man in whom we can confidently place the reins of this Nation's environmental future. He possesses sound reason and solid judgment. When we disagree, as we may do on a rare occasion, I know it is only because he is listening to his conscience and his sincerely held beliefs.

I urge my fellow Senators to join me in supporting Russ Train's nomination.

Mr. NELSON. Mr. President it is a pleasure to support the nomination of Russell Train as Administrator of the Environmental Protection Agency. In a series of important posts, Mr. Train has provided effective national leadership in the environmental issue. He was president of the Conservation Foundation, a respected environmental research and education organization in Washington. He served as Under Secretary of the Interior, confronting complex environmental and resource questions on a daily basis.

Because of his distinguished record in environmental affairs, Mr. Train was named by the President and readily confirmed by the Senate as the first Chairman of the President's Council on Environmental Quality, one of the two or three most important environmental posts in the Government. Among his additional environmental duties, Mr. Train served ably as the head of the U.S. delegation to the U.N. Conference on the Human Environment in Stockholm last year.

In these positions of high public responsibility, Mr. Train has shown great environmental understanding and sensitivity, as well as toughness and sound judgment, qualities which are essential in the difficult and challenging post of EPA Administrator.

Mr. President, it is becoming more evident every day that the environmental crisis is not the "motherhood" issue that it once may have seemed to those who did not understand its broad implications. The environmental and energy issues currently are posing some of the hardest choices and most difficult tests of public understanding and judgment ever faced in this country's history.

In its role as implementer and caretaker of many of the national programs which have been launched to deal with the environmental and energy challenges, the Environmental Protection Agency has been and will continue to be one of the vital centers of action and responsibility in the Federal Government. It is good to know that one of the country's finest environmental leaders will be serving in this key position.

EPA—THE DELICATE BALANCE

Mr. McINTYRE. Mr. President, I am pleased today to have the privilege of supporting Russell Train as Administrator of the Environmental Protection Agency. Mr. Train's record in the environmental field is one which deserves great respect. His work as founder of the African Wildlife Leadership Foundation, president of the Conservation Foundation, Under Secretary of the Interior, as well as Chairman of the Council on Environmental Quality prove that he can provide trustworthy council to the President and skillful administration to EPA.

In the years since passage of the National Environmental Policy Act, we have started to bring about substantial reforms. I view these coming years as a real test to see if business and environmentalists can work jointly, drawing upon the expertise of each, to establish sensible environmental standards. It is this delicate balance which the Administrator of the EPA will be charged with.

I view with deep concern the message from the President calling for a hasty retreat from our clean air standards. If the true concern expressed by the President is for increased home heating oil, I suggest that he act with the authority given him by the Congress and develop a mandatory oil allocation program.

I offered an amendment to the Economic Stabilization Act which was accepted by the Senate Banking Committee and was contained in legislation signed by the President providing the authority to allocate petroleum products. Unless corrective action is taken immediately a heating oil shortage of crippling magnitude will develop this winter.

Only through the establishment of mandatory allocation procedures will the Government be able to handle a situation of this proportion. The President must attack the energy crisis where results will be productive—not by hiding behind repeal of the air quality standards.

Russell Train must prepare himself to be the mediator—balancing the pressures of industry and the crying needs of our environment. I admire his willingness to accept this challenge and I look to Russell Train for real leadership in this delicate role.

Mr. BEALL. Mr. President, the nomination of Russell E. Train to be Administrator of the Environmental Protection Agency should be looked upon as a reaffirmation of this administration's commitment to improve the quality of life for all Americans. Mr. Train's qualifications for this position are apparent in the outstanding job he has done during the past 3½ years as Chairman of the Council on Environmental Quality. As a former member of the Committee on Public Works, I had several occasions to work with Mr. Train, particularly as we worked on the Water Pollution Control Act. I know that he has won the respect of Congress, the executive branch, the business community and the many private citizens with whom he has worked and to whom he has spoken in carrying out the responsibilities of the office which he is leaving in order to assume his new duties at EPA.

Mr. President, Russell Train is moving into a job that will require the highest degree of experience, efficiency and integrity in coping with some of the most complex problems that face our Nation. We are confronted with the dilemmas of fuel shortages and the environmental effects of our search for energy sources; of air quality standards and the present-day realities of urban transportation; of land use and the prerogatives of individuals and local governments. Solving these and other problems will not come easily, nor will it come quickly, but I believe we will be moving ahead confidently under the tutelage of Mr. Train. I am happly to support this nomination and wish him well in his new position as Administrator of the Environmental Protection Agency.

Mr. ROBERT C. BYRD. Mr. President, prior to the August recess, I met with Mr. Russell E. Train to discuss his nomination to the office of Administrator of the Environmental Protection Agency. Following up on that conversation, I wrote to Mr. Train on August 24, 1973, and raised certain questions, to which he replied in writing on September 4, 1973.

In his September 4, letter, Mr. Train stated that the specifics with reference to "a clarification of EPA policy on supplementary or intermittent control systems" were still under review, but that EPA—SCS—"will announce its policy later this week."

On September 5, 1973, copies of two Federal Register notices concerning supplementary control systems—SCS—and secondary SO_2 standards, were supplied to me in a letter written by Mr. Robert G. Ryan, Acting Director, Office of Legislation, U.S. Environmental Protection Agency.

Mr. President, I shall vote for the nomination of Mr. Train, and I ask unanimous consent that the aforementioned letters and Federal Register matter be included in the RECORD at this point.

There being no objection, the letters and Federal Register material were ordered to be printed in the RECORD as follows:

ENVIRONMENTAL PROTECTION AGENCY,
August 24, 1973.

Hon. RUSSELL E. TRAIN,
Council on Environmental Quality,
Washington, D.C.

DEAR MR. TRAIN: During our recent conversation, several questions came up, the answers to which you pointed out were not yet clear, simply because of the need to review the Clean Air Act in more detail. Hopefully in the interim, you have had the opportunity to review the following.

In many instances, states have chosen to select a 0.7% sulfur limit for both new and existing plants based in the main on the limitation set by EPA for new plants. Unfortunately, lacking adequate control technology, utilities have been forced to cease the use of much of the coal from the state I represent. In light of the present energy situation, do you plan to suggest any extension of time frames or modification of these limits by EPA for new units, or directives to states suggesting similar actions at their level for existing units?

In response to a question from Senator Hansen, you noted that alternate control strategies such as intermittent control systems could, in your view, be allowed if they were reliable and enforceable, but you then also stated that EPA was considering a revised policy in which such systems could be used "where there is no reasonable alternative." If the systems are in fact reliable and enforceable, why should EPA limit their use to only these situations when there is no reasonable alternative?

I have heard limited discussion of a proposed EPA Clean Fuels Policy which, hopefully, could overcome some of the problems related to solving both the nation's energy and environmental problems. Could you supply me with a brief review of this policy and, if possible, note the energy groups that may have had input into the decisions involved in that policy?

I have heard that much of the environment/energy debate is really not with the health standard, but with the secondary or welfare standard. The White House has called for a relaxation of that standard, yet the *Washington Post* (date of August 24, 1973) reported that EPA Assistant Administrator Robert L. Sansom said that, if anything, the secondary sulfur oxide standard under consideration would be "more strict." I would like your thoughts on any such proposed action, specifically the basis for "more strict" sulfur limits.

It has been reported to me that there are instances when EPA Washington headquarters personnel and EPA regional offices seem at odds in their responses to state officials. Do you plan any improved liaison between EPA-Washington, the regions and the state control groups?

Sincerely yours,
ROBERT C. BYRD,
U.S. Senator.

COUNCIL ON ENVIRONMENTAL QUALITY,
Washington, D.C., September 4, 1793.

Hon. ROBERT C. BYRD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BYRD: Thank you for your letter of August 24 asking for further elaboration of my views on a variety of issues related to impediments to the use of coal.

First let me explain EPA's Clean Fuels Policy. Last fall EPA completed its analysis of whether sufficient coal supplies of appropriate sulfur content would be available to meet State sulfur regulations effective in 1975. That analysis indicated that sufficient supplies of sulfur removal equipment and low sulfur coal would be available to achieve the primary health related, standard by 1975. However, supplies would not be sufficient to meet goals of achieving secondary standards or better in that short a time frame.

In recognition of the need to minimize the pressures on available supplies and to discourage undesirable switching from coal to oil, EPA adopted a policy of urging the States to delay implementation of sulfur regulations applying to coal-fired sources related to achievement of secondary sulfur dioxide standards beyond 1975. This position was supported in the President's first Energy message this year.

EPA has been working actively with the States whose regulations impacted most severely on coal burning facilities located in areas where attainment of the primary air quality standard was not at issue. In most instances, those activities will result in a relaxation of the stringency or timing of the previously adopted control regulations and permit the burning of higher sulfur content fuel than was previously possible. For this approach to succeed over the long run, it will be necessary for the electric utilities to make a greater commitment to the installation of stack gas cleaning devices than heretofore. EPA is also providing modeling support to the States in order to aid in efforts to "tailor" sulfur content regulations to meet the primary health standards. This effort is designed to correct the problem of possible overcontrol you cited in the second paragraph of your letter.

We are now in the process of revoking the secondary annual average standard for sulfur dioxide. The observation as to a "more strict" secondary standard attributed to Mr. Sansom related to the possible need for a revised short term standard to protect against vegetation damage. Neither the revocation of the annual average standard nor a proposal of a new short term standard would be expected to have any major impact on existing State regulations.

You also ask for a clarification of EPA policy on supplementary or intermittent control systems. The specifics of this issue are still under review, and EPA (SCS) will announce its policy later this week.

With respect to your observation about conflicting responses from EPA headquarters and EPA regional offices on State officials' concerns, I am sure that in a decentralized organization such as EPA such differences will occur from time to time. This is particularly true in areas where new policy or programs are under development. To minimize such problems, the Agency holds periodic headquarters/regional office meetings, and the EPA headquarters staff meets regularly with the executive committee of the State and Territorial Air Pollution Program Administrators.

In sum I think that EPA has pursued a reasonable approach with respect to the ancillary problems of energy and of coal in particular within our overall mission of environmental protection as defined by the law and the courts. I believe that recent evidence that coal production is again moving upward is consistent with the success of this policy, although more fundamentally it reflects the resolution of the many production and comparative price problems that have limited the use of coal in recent years.

I hope these comments are useful to you. I shall see to it that you are supplied with a full report when our SCS announcement occurs. I will of course be happy to meet with you again to discuss any matter within EPA's jurisdiction which is of interest to you.

Sincerely yours,

RUSSELL E. TRAIN,
Chairman.

U.S. ENVIRONMENTAL
PROTECTION AGENCY,
Washington, D.C., September 5, 1973.

Hon. ROBERT C. BYRD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BYRD: I am enclosing copies of two Federal Register notices concerning Supplementary Control Systems (SCS) and secondary SO_2 standards. These notices will be the subject at a press conference by John R. Quarles, Deputy Administrator of EPA, scheduled for 11 a.m. on Thursday, September 6.

If you have any questions concerning these regulations, I would be happy to arrange a briefing for you at any time which is convenient for you. My telephone number is 755-2930.

Sincerely yours,

ROBERT G. RYAN,
Acting Director, Office of Legislation.

Enclosures.

[40 CFR PART 51]

ENVIRONMENTAL PROTECTION AGENCY—PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS USE OF SUPPLEMENTARY CONTROL SYSTEMS AND IMPLEMENTATION OF SECONDARY STANDARDS

On August 14, 1971 (36 F.R. 15486), the Administrator promulgated as 40 CFR Part 420, regulations for the preparation, adoption, and submittal of State Implementation Plans (State plan guidelines) under Section 110 of the Clean Air Act, as amended. These regulations were republished November 25, 1971 (36 F.R. 22398), as 40 CFR Part 51. The amendments proposed herein would revise 40 CFR Part 51 by making certain modifications and additions.

The proposed amendments would allow selective use of supplementary control systems as a means of attaining and maintaining the national ambient air quality standards (referred to hereafter as "national standards") in cases where permanent production curtailment, shutdown, or delays in attainment of the national standards are the only other alternatives. The proposed amendments also clarify policies on the use of increased stack height to take advantage of the dispersive effects of the atmosphere; modify the definition of "reasonable time" for attainment of secondary national ambient air quality standards; and modify guidelines for preparation of future State Implementation Plan revisions related to attainment and maintenance of national standards for sulfur dioxide and particulate matter.

SUPPLEMENTARY CONTROL SYSTEMS

Supplementary control systems, as addressed herein, are system whereby the rate of emissions from a source is curtailed when meteorological conditions conducive to high ground-level pollutant concentrations exist or are anticipated. Supplementary control systems continuously monitor emissions, meteorological conditions, and ambient air quality in the vicinity of the source, and, by combining these and other data in an appropriate prediction model, provide a procedure for estimating the ambient air quality which would exist in the future. Integral to supplementary control systems are comprehensive and enforceable emission limitation criteria and source control procedures to insure that emissions are curtailed at the times and to the extent necessary to attain and maintain the national standards regardless of meteorological conditions. Systems of this general type have been discussed in the past under various terminologies such as "intermittent control systems," "various controls systems," etc., and have not been previously considered acceptable for maintenance of the national standards.

The previous Environmental Protection Agency position on supplementary control systems was set forth in the *Federal Register* on July 27, 1972, (37 F.R. 15095), as follows:

". . . At this time, it (supplementary control) is not considered an acceptable substitute for permanent control systems for attaining and maintaining national standards. Experience with systems employing intermittent process curtailment indicates that although air quality is improved, violations of ambient air quality standards still occur. Additional experience with these systems may, however, in specific cases improve this reliability."

Analysis of data such as these indicates that incorporation of the design and enforcement features required by these proposed regulations and the proposed Appendix P would insure that such systems would be reliable means of attaining and maintaining the national standards in carefully selected situations. Furthermore, given the limitations on availability of stack-gas cleaning systems and low-sulfur fuels over the next few years, the difficulty in retrofitting some facilities with stack-gas cleaning systems, and the distribution/allocation problems associated with low-sulfur fuels, it would be undesirable to rely solely upon these methods to attain and maintain the national standards in cases where supplementary control systems could be applied in an equally reliable and enforceable manner. Also, since the availability of stack-gas cleaning systems and low-sulfur fuels is, in part, a function of time (e.g., the time required to design, build, and install hardware without unduly disrupting production of electric power, and the time required to develop new fuel sources), their availability will improve with time. The use of supplementary control systems in selected situations could, therefore, result in attainment of the national standards in a shorter time than would otherwise be possible.

These proposed regulations impose stringent limitations on the types of sources and situations for which use of supplementary control systems may be considered acceptable. These limitations are based on two principal considerations: First, supplementary control systems will be allowed only in situations where their use is necessary to augment constant emission limitation techniques which are available to a specific source, and only until completely adequate constant emission limitation techniques become available; that is, in situations wherein the sole alternatives are either permanent production curtailment or delay of an attainment date for the national standards. Second, supplementary control systems will be allowed only in situations where they will exhibit a high degree of reliability and can be made legally enforceable; that is, where the emission sources can be readily and unequivocally indentified.

These considerations preclude use of supplementary control systems to control carbon monoxide and particulate emissions; constant emission reduction techniques and equipment capable of adequately reducing such emissions are widely used and can be considered available for application to all sources. Although temporary shortages of low sulfur fuel oil may occur during the next several years, techniques for producing low sulfur oil are expected to become sufficiently available so that the use of supplementary control systems for oil-fired boilers will not be necessary.

The requirement for enforceability precludes the use of supplementary control systems to control hydrocarbon and nitrogen oxides emissions. Hydrocarbons and nitric oxides are precursors to photochemical oxidants and nitrogen dioxide. Formation of the latter two pollutants is a result of complex photochemical processes involving atmospheric conditions which may be highly variable and requires the interaction of pollutants from a variety of sources, including motor vehicles. The contribution of one precursor source to the resultant photochemical oxidant or nitrogen dioxide concentration cannot be defined with sufficient confidence to ensure enforceability, nor is it likely that any source owner or operator would be willing to accept sole responsibility for attaining and maintaining the national standards for photochemical oxidants or nitrogen dioxide throughout the area potentially influenced by that source's emissions.

Finally, if supplementary control systems are to be reliable, a strong predictive relationship must be established between the user's emissions and the ambient air quality in the affected area. This predictive relationship cannot be established with confidence if other sources have a significant impact on air quality in the area. Hence, the enforceability requirement can only be satisfied for supplementary control systems applied to a source sufficiently isolated from others that the owner or operator is willing and able to accept full legal responsibility for maintaining the national standards throughout the area in which emissions from that source influence ambient air quality. It is essential that this area be carefully defined on a case-by-case basis. In a few instances, it may be possible for two or more sources to implement a supplementary control system jointly, and thus share responsibility for the ambient air quality. The regulations proposed herein are not intended to prevent this type of arrangement so long as the appropriate conditions, including enforceability, are met. It should be noted, however, that designing and operating a system involving more than one source increases the complexity of this technique. These criteria, therefore, generally restrict consideration of supplementary control systems for application to only a small number of isolated sources of sulfur dioxide.

The regulations proposed herein would also require demonstration by each candidate source on a case-by-case basis that adequate constant emission reduction techniques are not available to attain and maintain the national standards, and that those techniques which are available would be applied to permanently reduce emissions to the maximum extent practicable prior to application of supplementary control systems. Further, these regulations would require that each source or system of sources utilizing a supplementary control system support and participate in an appropriate research, development, engineering, and demonstration program to insure that the supplementary control system can be replaced by constant emission limitation techniques as soon as possible. In cases where the source is subject to a current compliance schedule, good faith efforts to achieve that schedule should be attempted prior to resorting to a supplementary control system. If a supplementary control system is found to be necessary, the revised compliance schedule should contain the major applicable milestones associated with the program to obtain constant emission limitation techniques. It is not intended that accomplishment of the milestones be legally binding, because in many cases the schedule for a particular phase may be dependent upon the results of a previous phase. However, the milestones should be sufficiently definitive so that the progress of the program can be included in the annual review of the supplementary control system performance as specified in these regulations.

Obviously, the necessity for the continued application of supplementary control systems must be reassessed from time-to-time in consideration of the increasing availability of constant emission limitation techniques. The proposed regulations require that this reassessment be accomplished at least once during each five-year period in addition to the annual review of the source's efforts to replace the supplementary control system.

Supplementary control systems will not be authorized for new or modified sources. It is intended that in all cases, new sources be properly designed, located, and constructed with constant emission limitation techniques adequate to maintain the national standards.

However, in the Administrator's judgment it does not appear to be in the public interest to require shutdown or permanent curtailment of production for existing sources which could use supplementary control systems to temporarily attain and maintain the national standards. For example, many existing non-ferrous smelters would require emission reductions in excess of 90 percent in order to avoid violations of the national standards for sulfur dioxide during all adverse meteorological conditions. In general, constant emission limitation techniques capable of achieving this degree of emisson reducton are not available for every smelter. The alternatives in most cases will be either to close these facilities (or drastically curtail production), or apply supplementary control systems. Weak gas stream scrubbing and process changes may become available for application to many non-ferrous smelters in the future. However, at this time, available control technology for most non-ferrous smelters consists of operation of by-product sulfuric acid plants to control emissions from strong gas streams. The regulations proposed herein require that, where by-product sulfuric acid plants are impractical on sources currently violating the NAAQS, procedures such as permanent production curtailment must be implemented to permanently reduce emissions to the level attainable with acid plants. This level must be achieved through permanent emission limitation procedures; if further reductions are still necessary to meet national standards, and cannot be achieved through other control techniques, then a supplementary control system would be required until constant emission limitation techniques become available. It is estimated that the majority of the major non-ferrous smelters in the country will require and qualify for supplementary control systems to attain the national standards.

A similar, though less severe, situation exists for a few coal-fired electric generating plants which, if not allowed to use supplementary control systems, would have to either delay attainment of the standards or permanently curtail power production in order to accommodate adverse meteorological conditions occurring only a few percent of the time. Conventional sulfur oxides control techniques for coal-fired electric generating plants include stack-gas cleaning and use of low-sulfur coal. Stack-gas cleaning to control sulfur oxides emissions is considered "adequately demonstrated" for the purposes of section 111 of the Clean Air Act and therefore was the basis for the new source performance standards promulgated December 23, 1971 (36 F.R. 24876). Sulfur oxides scrubbing equipment currently is being installed at a number of new and existing electric generating plants, and its use at existing facilities will be increased gradually over the next few years. However, there are practical limitations to this technology including: Sulfur oxides scrubbing is relatively new technology which means, among other things, that each installation must be individually designed to a much greater extent than is necessary for most other air pollution control systems; there are limitations on control equipment manufacturers' capacity to design, build, and install sulfur oxides scrubbing equipment on a retrofit basis; and, perhaps most importantly, the retrofit of available equipment is not currently possible on all existing coal-fired electric generating plants. Nevertheless, EPA continues to believe that sulfur oxides scrubbing is completely appropriate and available for use in most situations where adequate amounts of low-sulfur fuel are not available. As for the use of low-sulfur coal, the limitations on its availability impose definite constraints on its use as a sulfur oxides control technique at this time. Low-sulfur fuels cannot be considered available for all coal-fired electric generating plants in all sections of the country.

Accordingly, demonstration that stack gas cleaning and low-sulfur (and desulfurized) coal are not available for use by a specific source will have to be evaluated on a case-by-case basis. It is estimated that less than 50 coal-fired electric generating plants would qualify for supplementary control systems under these criteria.

Concern has been expressed that the approval of supplementary control systems could tend to inhibit further development and application of improved constant emission limitation techniques. However, the vast majority of sulfur dioxide sources cannot meet the criteria required for use of supplementary control systems. Hence, there are many hundreds of sulfur dioxide sources which must attain and maintain the national standards by use of constant emission limitation techniques. These will provide sufficient stimulus for development and application of new and improved techniques. Also, a condition for the use of a supplementary control system will be support of a research and demonstration program by the firm operating the source to accelerate the development of constant emission reduction technology applicable to the source.

The Administrator recognizes that there are several unquantified factors which could cause the widespread use of supplementary control systems to be undesirable. The effect of total atmospheric loading of sulfur oxides is of particular concern: It includes the impact of suspended sulfate formation, acidification of soil and water, visibility reduction, and changes in background concentration. It is not currently possible to quantify these effects of atmospheric loading, nor is it possible to accurately estimate the impact of supplementary control systems on total atmospheric loading. It is for this reason, in addition to the implied preference in the Clean Air Act, that attainment of the national standards through constant emission reduction is preferable to use of supplementary control systems.

It should be emphasized that these proposed regulations merely allow States to give appropriate sources the option of using such systems as a temporary measure to attain and maintain national standards. EPA cannot and would not require States to offer this option. Moreover, each request for approval to use such a system would have to be evaluated individually by the State agency, and State approval will be subject to review and approval by EPA. In addition, it must be recognized that the monitoring and enforcement efforts will be more extensive and, therefore, more costly than in cases where constant emission limitation systems are used. Accordingly, States are encouraged to require licensing of supplementary control systems and to impose fees to defray the additional monitoring and enforcement costs.

Section 110(a) (2) of the Clean Air Act requires that State Implementation Plans must include "emission limitations, schedules, and timetables for compliance with such limitations, and *such other measures as may be necessary* to insure attainment and maintenance of such primary or secondary standard, including, *but not limited to,* land-use and transportation controls" (emphasis added). It is the Administrator's judgment that the use of supplementary control systems is in certain situations a "necessary" measure as authorized by the Act. Because such systems can be designed and operated in such a way at to be a reliable means of attaining and maintaining national standards in selected situations, it would serve no stated purpose of the Act to prohibit their use where no other reasonable alternatives exist.

While the Administrator is well aware that questions have been raised as to the legal basis for allowing the use of supplementary control systems, it is his judgment that their use, under the conditions set forth in these proposed regulations, is fully consistent with the purposes and provisions of the Clean Air Act and is in the best interests of the public.

ACCEPTABILITY OF INCREASED STACK HEIGHT

Effective and reliable operation of a supplementary control system often can be enhanced by increasing the stack height beyond what would normally be considered good engineering practice. For purposes of this discussion a stack which conforms to good engineering practice is sufficiently tall that emissions from the stack are not significantly affected by the atmospheric downwash, eddies, or wakes created by the facility or nearby structures and terrain. Emissions from stacks which are shorter than required by good engineering practice often can cause excessively high ground level concentrations and nuisances within, and in the immediate vicinity of, the facility. For fairly level terrain, good engineering practice will normally result in stack height approximately two and one-half times the height of the facility and nearby obstructions. For more complex situations, this rule-of-thumb is too simplistic, and detailed engineering and meterological investigations of the proposed site should be conducted to determine the appropriate stack height. The use of stack height up to the level of good engineering practice is encouraged by EPA in order to avoid local nuisances.

But although the Environmental Protection Agency will accept existing stacks, it will not credit, as an acceptable portion of an air pollution control strategy, any extension of stack height beyond that of good engineering practice unless the extension is accomplished as part of an approved supplementary control system.

DEFINITION OF REASONABLE TIME

The revisions proposed herein also modify the definition of "reasonable time" for attainment of secondary standards by specifying that "reasonable time" shall be the time required to design, fabricate, and install reasonably available control technology, as defined in Appendix B to the State plan guidelines (40 CFR 51). States may postpone application of such measures only in cases where the control strategy would have a severe adverse economic or social impact. The Administrator expects such postponements to be rare, but they may be required in special cases to prevent plant shutdown or to prevent massive replacement of recently installed equipment which would result in an inequitable economic impact. Any postponement beyond January 1, 1978, must be subject to periodic reevaluation at five-year intervals.

FUTURE REVISIONS TO CONTROL STRATEGIES

The proposed regulations would establish more stringent requirements for future demonstrations of attainment and maintenance of standards for particulate matter and sulfur dioxide. Diffusion modeling would be required for use in estimating maximum concentrations, and the areas in which these concentrations occur, unless application of a diffusion model is shown to be inappropriate. The alternatives to diffusion models, such as the simple rollback techniques which have been used and accepted in the past, are particularly inappropriate for prediction of the short-term peak concentrations which are a major factor in detailed analyses of air quality around large point sources.

The use of "example regions" would also be eliminated in revisions to sulfur dioxide and particulate matter control strategies. This concept was necessary and acceptable during the initial development of State Implementing Plans, but it can result in inadequate analysis of the impact of large point sources. Elimination of the "example region" concept is intended to lead to better understanding and solution of air quality control problems in regions not initially selected as examples.

These changes would apply only to future revisions to particulate matter and sulfur dioxide control strategies. The currently approved State Implementation Plans have been reviewed and are considered necessary and adequate to attain and maintain the national ambient air quality standards. The proposed regulations would not require that revisions be submitted solely in order to redemonstrate adequacy of these control strategies under the revised guidelines.

PUBLIC PARTICIPATION

Interested persons are encouraged to participate in this rule-making by submitting written comments in triplicate to the Office of Air Quality Planning and Standards, Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attention: Mr. Robert Neligan. All relevant comments received not later than thirty days after the date of publication of this notice will be considered. Receipt of comments will be acknowledged but substantive responses will not be provided. Comments received will be available for public inspection during normal business hours at the Office of Public Affairs, 401 M Street, S.W., Washington, D. C. 20460.

This notice of proposed rulemaking is issued under the authority of Section 110 and Section 301(a) of the Clean Air Act, as amended (42 U.S.C. 1875, et. seq.).

JOHN R. QUARLES, Jr.,
Acting Administrator, Environmental Protection Agency.

REFERENCES

1. Montgomery T. L., J. M. Leavitt, T. L. Crawford and F. E. Gartell "Control of Ambient SO_2 Concentrations by Noncontinuous Emission Limitation, Large Coal-Fired Power Plants." Presented at 102d Annual Meeting, the American Institute of Mining Metallurgical and Petroleum Engineers, Chicago, Ill., February 1973.

2. Peters, M., "Report of Investigation at ASARCO, El Paso, Texas." Texas APCS, Austin, Texas February 2–4, 1971 (MS).

3. Nelson, K. W. Statement Regarding Alternatives to an Emission Standard. Att. 18, letter from J. F. Boland, Attorney for ASARCO, to Casandra Jencks, Legal Counsel, Region IX, October 16, 1972.

It is proposed to amend Part 51 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

Part 51—REQUIREMENTS FOR PREPARATION, ADOPTION AND SUBMITTAL OF IMPLEMENTATION PLANS

Subpart A—GENERAL PROVISIONS

In § 51.1, the first sentence in paragraph (n) is revised and paragraph (q) is added. As amended § 51.1 reads as follows:

§ 51. Definitions

* * * * *

(n) "Control strategy" means a combination of emission reduction and such other measures as may be necessary for the attainment and maintenance of a national standard, including, but not limited to, measures such as: * * *

* * * * *

(q) "Supplementary control systems" are systems which limit the rate of pollutant emissions during periods when meterological conditions conducive to ground-level concentrations in excess of ambient standards exist or are anticipated.

SUBPART B—PLAN CONTENT AND REQUIREMENTS

In § 51.12, paragraph (a) is revised to read as follows:

§ 51.12 Control strategy: General.

(a) In any region where existing (measured or estimated) ambient levels of a pollutant exceed the levels specified by an applicable national standard, the plan shall provide the degree of emission limitation and other measures necessary for attainment and maintenance of such national standard including those necessary to offset emission increases that can reasonably be expected to result from projected growth of population, industrial activity, motor vehicle traffic, or other factors that may cause or contribute to an increase in emissions.

In § 51.13, paragraphs (a) and (b) are revised and subparagraphs (d)(4), (e)(4) and (e)(5) and paragraph (h) are added As amended § 51.13 reads as follows:

§ 51.13 Control strategy: Sulfur oxides and particulate matter.

(a) In any region where emission limitations and other means are necessary for attainment and maintenance of a primary standard for sulfur oxides or particulate matter, the plan shall set forth a control strategy which shall provide for the attainment of such primary standard within the time prescribed by the Act.

(b)(1) "Reasonable time" for attainment of a secondary standard pursuant to § 51.10 (c) shall be the time required to design, fabricate and install necessary control systems, unless the State shows that good cause exists for postponing their application. Good cause for postponing the application of such systems may include the unavailability of necessary control systems or the likelihood that installation of the control systems would cause severe adverse social and economic impacts.

(b)(2) Where the time for attainment of a secondary standard established by the State extends beyond January 1, 1978, the State shall submit, after notice and public hearing, a reanalysis of the plan at intervals of no more than five years from the date of plan approval by the Administrator. States shall consider application of reasonable interim emission reduction measures to minimize adverse welfare effects which occur at air quality levels in excess of the secondary standards.

* * * * *

(d) * * *

(4) Control strategy demonstrations submitted as a revision to an approved plan after the effective date of this subparagraph shall provide an explicit control strategy demonstration for each region affected by such revision.

(e) * * *

(4) Control strategy demonstrations submitted as a revision to an approved plan after the effective date of this subparagraph shall utilize a diffusion model to estimate the maximum air quality concentrations which are expected after application of the control strategy. Other methods of relating emissions to air quality may be used only when the application of a diffusion model is shown to be inappropriate.

(5)(i) Before supplementary control systems can be authorized, the operator of the source must show that (1) all constant emission reduction technology (or its equivalent) available to the source has been applied and is insufficient to attain air quality standards; (2) further constant emission reduction means are not available in its particular case; and (3) a program will be undertaken to research, develop, engineer, and demonstrate such constant emission reduction technology as is necessary to attain the air quality standards. An estimated schedule for their attainment by such means must be provided.

(ii) If supplementary control systems are authorized, each source using this technique must be treated separately. It must be shown through a combination of diffusion modeling and air quality sampling that operation of the system will enable national standards to be attained and maintained at all points significantly influenced by emissions from said source.

(iii) It must be shown that each source using a supplementary control system to achieve national air quality standards has accepted liability for violations of such ambient standards in all areas where air quality is significantly affected by the source's emissions. In some exceptional cases, two or more sources may be considered jointly under subdivision (i) of this paragraph provided that it is established *a priori* how the liability for an air quality standard violation is to be shared by the sources involved.

(iv) A detailed description of and additional conditions for the acceptability of supplementary control systems for attainment of national standards are set forth in Appendix P.

* * * * *

(h) The increase of stack height up to a height consistent with good engineering practice is acceptable without qualification. An increase in stack height beyond this level is not an acceptable air quality control procedure unless accomplishment as part of an approved supplementary control system (see Appendix P to this part). A stack which conforms to good engineering practice is sufficiently tall that emissions from the stack are unaffected by the atmospheric downwash, eddies and wakes which may be created by the facility itself, nearby structures or terrain obstacles. Emissions from facilities with stacks which do not conform to good engineering practice often cause excessively high ground-level concentrations and nuisances within and in the vicinity of the facility itself. For fairly level terrain, good engineering practice is normally taken to be a stack height 2½-times the height of the facility or nearby structure. For complex terrain, the 2½-times rule-of-the-thumb is too simplistic. For such cases, and for more detailed information on good engineering practices, the references listed should be consulted.

REFERENCES

1. Briggs, G. A., "Plume Rise," pp. 7–8, AEC Critical Review Series, U.S. Atomic Energy Commission, Division of Technical Information, Oak Ridge, Tenn., 1969.

2. Ide, Yasou, "Theory and Application of Factory Smoke Emission Dispersion Pattern," Japan Society of Civil Engineering, Tokyo, Proc. Summer Lectures Hydrog. Tokyo, Japan, 1971.

3. Smith, Maynard (editor), "Recommended Guide for the Prediction of the Dispersion of Airborne Effluents," pp. 25–35, American Society of Mechanical Engineers, 345 East 47th Street, New York, N.Y. 10017, May 1968.

4. Turner, D. B., "Workbook of Atmospheric Dispersion Estimates," Publication No. AP–26, EPA, Office of Air Programs, Research Triangle Park, N.C., Revised 1970.

5. Slade, David H. (editor), "Meteorology and Atomic Energy," pp. 221–255, U.S. Atomic Energy Commission, Division of Technical Information, Oak Ridge, Tenn., July 1968.

In Part 51, Appendix P is added as follows:

APPENDIX P—DESCRIPTION OF A SUPPLEMENTARY CONTROL SYSTEM AND CRITERIA FOR A REGULATION

This appendix describes supplementary procedures for the attainment and maintenance of National Ambient Air Quality Standards for sulfur dioxide by taking advantage of the dispersive capability of the atmosphere. It is now concluded that for a limited number of cases and under carefully controlled conditions, procedures which enhance the dispersion of effluents from large isolated sources are reliable means by which ground-level ambient air quality standards can be met.

The supplementary control system is a relatively new control procedure for most States. Its successful application depends on careful design and vigorous surveillance.

This Appendix provides guidance to the States and sources for use in the development of supplementary control systems.

The statements presented herein are not intended to require or encourage State agencies to authorize such supplementary control techniques as a means to attain and maintain air quality standards without first considering (1) the frequency and severity of threats to the air quality standards in the vicinity of the source, (2) the availability to the source of constant emission reduction techniques, including low sulfur fuel, for the attainment of air quality standards around such sources, (3) the reliability and enforceability of supplementary control techniques, (4) the potential environmental effects of emissions even though such emissions are sufficiently diluted at ground level to attain air quality standards, and (5) problems unique to the source or state regulatory system.

1.0 DEFINITIONS

"Supplementary Control Systems" are procedures to limit the rate of emissions during period when meteorological conditions conducive to high ground-level pollutant concentrations exist or are anticipated. They are designed to meet air quality standards by varying the emission rate with meteorological conditions in order to take advantage of the changing dispersive capacity of the atmosphere. Supplementary control systems may also make use of the increased dispersion of pollutants usually achieved by an increase in effective stack height.

"Effective stack height" means the sum of the physical height of the stack above grade and the height the effluent plume rises above the height of the stack top. (Under most circumstances, an increase in the effective stack height results in a decrease in the maximum ground-level concentration of the emitted pollutant and an increase in the distance from the source that the maximum concentration occurs.[1, 2])

"Isolated source" means a source sufficiently removed from other sources such that it will assume responsibility for all ground-level sulfur oxide concentrations in its vicinity and all other areas significantly influenced by its emissions.

2.0 ELEMENTS OF A SUPPLEMENTARY CONTROL SYSTEM

2.1 Figure 2.1 presents a block diagram of the elements of an acceptable supplementary control system and the relationships among them.

2.2 The function of each element follows:

(a) Meteorological inputs. Observations and predictions of the values of meteorological variables required by the operational model to determine the degree of control needed to avoid threats to the air quality standard (e.g., wind speed, wind direction, stability, mixing height).

(b) Operating model. An intellectual construct which in this case relates meteorological inputs, emission rates, source data and terrain and location factors to current and future ambient air quality in the vicinity of the source.

(c) Scheduled emission rate. The emission rate which would result under the currently scheduled processes and levels of operation.

(d) Control decision. Decisions, based on either the model prediction or real-time air quality (whichever dictates the lower emission rate), whether or not to continue with scheduled processes and their attendant emissions, and if not, how much to curtail the emission rate.

(e) Controlled emissions. The emission rate resulting from the control decision.

(f) Actual meteorological conditions. The measures of wind speed, wind direction, stability, mixing height and other meteorological factors at the time of emission release.

(g) Time delays. Time will be required to implement the control decision, and more time will pass before the reduced emission rate affects air quality at a distance from the source.

(h) Air quality. Ground-level pollutant concentrations and their temporal and spatial distribution resulting from the source's emissions.

(i) Air quality monitors. An array of sampling stations located at points where maximum ground-level concentrations are most probable to occur (inaccessible points excepted), and in sufficient numbers to allow calibration of the dispersion model so that it may accurately interpolate air quality between samplers. A portion of the monitors may be mobile or portable.

(j) Threshold values. Measured concentration levels somewhat below air quality standards and/or rates of change of concentrations that serve as indicators of potential violations of the standard. They are selected so that a control decision for emission reduction can be made in sufficient time to prevent air quality standards from being violated.

(k) Data storage. Synchronous records of meteorological conditions, emission rate, model prediction, measured air quality and control decisions available for control agency review and model upgrading.

(l) Upgrade system. A periodic evaluation of all system parameters (including the operating model, the meteorological prediction methods, threshold values and other control criteria), based on stored data, with the objective to improve the system's reliability in maintaining ambient air quality standards for sulfur dioxide.

2.3 The supplementary control system described in Figure 2.1 will be seen to consist of three basic operations: control based on air quality prediction, control based on air quality measurement, and periodic model upgrading. Each of these operations is considered necessary to a reliable system, for each performs a valuable function. The operating model is used to predict ground-level pollutant concentration sufficiently in advance of its potential occurrence, and to interpolate between monitors. The monitored data and threshold values are used to supplement and, if necessary, override decisions based on the model output, thus compensating for the less than perfect accuracy of the model. The model upgrade operation is used to convert the tentative initial model into an accurate prediction mechanism tailored to the specific plant and site.

3.0 CRITERIA FOR AN ACCEPTABLE STATE REGULATION AUTHORIZING USE OF TECHNIQUES TO ATTAIN NATIONAL AMBIENT AIR QUALITY STANDARDS BY SUPPLEMENTARY CONTROL SYSTEMS

3.1 This section presents criteria for an acceptable State regulation concerning supplementary control systems. The purpose of such a regulation is to ensure that supplementary control systems will be authorized only in the limited situations prescribed by these proposed regulations, and that the systems authorized will be reliable and enforceable with all necessary elements of the system clearly and legally identified.

3.2 An acceptable State regulation should:

(a) Authorize approval of each supplementary control system only after reasonable notice and public hearing.

(b) Authorize supplementary control systems on a source-by-source basis only after demonstration by each source that technology is not available in its case to meet ambient air quality standards through application of constant emission reduction. The justification should include:

(1) A short description of the type and location of the facility.

(2) The number, location and emissions of other relevant sources in the vicinity of the facility.

(3) Data on the frequency and severity of recent air quality standard violations.

(4) Methods of constant emission reduction that will be applied and the degree of emission reduction expected due to their application.

(5) A statement by an appropriate senior official of the firm which operates the facility that the firm has investigated in good faith the availability and reliability of constant emission reduction methods necessary to reduce the emissions of the facility sufficiently to attain and maintain air quality standards. Documentation should accompany the statement that attests to the firm's efforts to obtain and apply appropriate flue gas control devices and, in the case of combustion sources, to obtain an adequate supply of low sulfur fuel. A description must be presented of the firm's research and demonstration programs, or its participation in such programs, which will accelerate the development of constant emission reduction technology applicable to the source. Such description must include schedules and resources to be committed, and an anticipated date when adequate emission reduction technology can be applied to the source.

(6) A plan for development, operation and demonstration of a supplementary control system.

(7) Any other factors pertinent to the justification for the use of a supplementary control system.

(c) Apply only to isolated sources; i.e., those sources which are reasonably remote from other sources of the same pollutant and which will assume full responsibility for violation of the applicable ambient air quality standards.

(d) Define air quality violations as:

(1) A single ambient concentration that exceeds the standard at any point in the area significantly affected by the source emissions. Repeated or consecutive excesses at the same monitor or non-simultaneous excesses at different monitors are multiple violations.

(2) Non-compliance with stated and agreed

upon emission curtailment conditions and procedures.

(e) Require that penalties be specified for violations of ambient air quality standards or for failure to control emissions in accordance with the approved criteria associated with the supplementary control systems.

(f) Apply only to those sources which can curtail their emissions at a rate compatible with the advance warning time (of adverse atmospheric dispersion conditions) afforded by the supplementary control system, and which will provide assurances that curtailment actions necessary to attain national ambient air quality standards will be appropriately implemented.

(g) If permission is granted to develop and operate a supplementary control system, require formal review and reexamination of the permit at intervals of 5 years or less. The reexamination should include a survey of control techniques which may have become available, the continued relative isolation of the facility and other factors which may bear on the conditions for use of a supplementary control system by the facility.

(h) Authorize a fee for a permit to operate a supplementary control system (funds from which will be used by the control agency for the additional surveillance and enforcement functions necessitated by the supplementary control system).

(i) Require the source to establish, maintain and continuously operate monitors for sensing the pollutant emission rate, air quality and meteorological variables. Emission rate estimates may be substituted for emission measurements provided such estimates provide data of equivalent accuracy, documentation, and legal acceptability as direct emission measurements.

(j) Grant the agency continuous access to all emission, air quality and meteorological data collected by the source and authority to inspect, test and calibrate all sensors, recorders and other equipment operated by the source to collect these data. "Continuous access" may, in practice, require telemetering of such data to the control agency.

(k) Require the source to notify the control agency when emission curtailment is initiated and when air quality standards are exceeded.

(l) Require the source to submit a plan and schedule for implementing a supplementary control system, which is subject to approval by an appropriate control agency. The plan shall have two parts:

(1) A comprehensive report of a thorough background study which demonstrates the capability of the supplementary control system to attain the air quality standards. The report shall describe a study during a period of at least 120 days when air quality standards are frequently or likely to be exceeded which:

(i) Describes the emission monitoring system and the air quality monitoring network.

(ii) Describes the meteorological sensing network and the meteorological prediction program.

(iii) Identifies the frequency, characteristics, times of occurrence and durations of meteorological conditions associated with high ground-level concentrations.

(iv) Describes the methodology (e.g., dispersion modeling and measured air quality data) by which the source determines the degree of control needed under each meteorological situation.

(v) Describes the method chosen to vary the emission rate, the basis for the choice, and the time required to effect a sufficient reduction in the emission rate to avoid violations of national ambient air quality standards.

(vi) Estimates the frequency that emission rate reduction is required to attain air quality standards.

(viii) Describes the basis for the above estimate.

(viii) Includes data and results of objective reliability tests. "Reliability," as the term is applied here, refers to the ability of the supplementary control system to protect against violations of air quality standards.

(2) An operational manual which:

(i) Specifies and substantiates the number, type, and location of ambient air quality monitors, in-stack monitors, and meteorological instruments to be used.

(ii) Identifies the meteorological situations and monitor readings before and/or during which the emission rate must be reduced to avoid exceeding short-term air quality standards.

(iii) Describes techniques, methods and criteria used to anticipate the onset of meteorological situations associated with ground-level concentrations in excess of air quality standards.

(iv) Describes the criteria by which the source determines the degree of control needed for each situation.

(v) Identifies specific actions that will be taken to curtail emissions when critical meteorological conditions exist or are predicted and/or when specified air quality levels occur.

(vi) Identifies the company personnel responsible for initiating and supervising such actions.

(vii) Demonstrates that the curtailment program will result in maintenance of short-term and long-term air quality standards.

(viii) Describes the manner in which monitoring data are transmitted to the control agency (in a manner acceptable to the agency).

(ix) Describes a program whereby the source systematically evaluates and improves the reliability of the supplementary control system.

(x) Identifies a responsible and knowledgeable person (and alternates) on site who are authorized to curtail and who can apprise the control agency on the status of the supplementary control system at any time.

(m) Require the source to submit monthly reports on the supplementary control system, including an analysis of how the system affected air quality and how response to adverse dispersion conditions will be improved.

(n) Require annual review of the supplementary control system by the control agency, and authorize the agency to deny continued use of the supplementary control system if:

(1) The source has not complied with all provisions designed to protect long-term standards.

(2) The source has not developed a control program that is effective in enabling short-term standards to be met (e.g., the source has not followed the control criteria set forth in the approved operational manual).

(3) The source has not demonstrated good faith in operating an effective control program by failing to:

(i) Utilize trained competent personnel.

(ii) Maintain, operate and calibrate the monitoring equipment properly.

(iii) Refine and continuously validate and upgrade the response of the supplementary control system to adverse dispersion conditions.

(iv) Reduce the emission rate in accordance with stipulated control criteria.

(4) The source has not demonstrated good faith efforts to follow its stated program for developing and applying constant emission limitation procedures.

REFERENCES

1. Briggs, G. A., "Plume Rise," p. 67, AECE Critical Review Series, U. S. Atomic Energy Commission, Division of Technical Information, Oak Ridge, Tenn., 1969.

2. Turner, D. B., "Workbook of Atmospheric Dispersion Estimates," Publication No. AP-26; pp. 5, 10–17, 31–32; EPA, Office of Air Programs, Research Triangle Park, N. C., Revised 1970.

TITLE 40—PROTECTION OF ENVIRONMENT

CHAPTER 1—ENVIRONMENTAL PROTECTION AGENCY

Subchapter C—Air programs

Part 50—National Primary and Secondary Ambient Air Quality Standards

On April 30, 1971 (36 F.R 8186), the Administrator of the Environmental Protection Agency promulgated as 40 CFR Part 410, national primary and secondary ambient air quality standards under section 109 of the Clean Air Act, as amended. These regulations were republished November 25, 1971, as 40 CFR Part 50. This notice revokes the annual secondary sulfur dioxide standard, announces a revision to *Air Quality Criteria for Sulfur Oxides*, and announces the conclusions from a reevaluation of the basis for the secondary three-hour average sulfur dioxide standard.

Revocation of the annual secondary SO_2 standard

On May 7, 1973 (38 F.R. 11355), a notice of proposed rulemaking to revoke the annual secondary standard was published. Public comments were invited. Comments have been received from 23 organizations or individuals, and have been reviewed and considered prior to this rulemaking. EPA's reasons for revoking the annual secondary standard were set forth in the notice of proposed rulemaking and are further discussed herein.

The amendments set forth herein will revise 40 CFR Part 50.5 by revoking the annual National Secondary Ambient Air Quality Standard for Sulfur Dioxide which is 60 micrograms per cubic meter (0.02 p.p.m.). In addition, the amendments will delete from § 50.5 the maximum 24-hour concentrations of 260 micrograms per cubic meter (0.1 p.p.m.) published as a guide to be used in assessing implementation plans to achieve the annual standard. The secondary 3-hour standard, a maximum concentration of 1,300 micrograms per cubic meter (0.5 p.p.m.) not to be exceeded more than once per year, remains in effect.

Section 109 of the Clean Air Act requires the Administrator to establish national primary ambient air quality standards "to protect the public health" and national secondary ambient air quality standards "to protect the public welfare from any known or anticipated adverse effects." Section 302(h) defines effects as including, but not limited to, "effects on soils, water, crops, vegetation, man-made materials, animals, wildlife, weather, visibility, and climate, damage to and deterioration of property, and hazards to transportation, as well as effects on economic values and on personal comfort and well-being." Such national standards must be based on air quality criteria which, under section 108, must "reflect the latest scientific knowledge useful in indicating the kind and extent of all identifiable effects on public health and welfare which may be expected from the presence [of air pollutants] in the ambient air, in varying quantities." Thus, standard-setting under section 109 is necessarily limited to demonstrable or predictable adverse effects which can be quantitatively related to pollutant concentrations in the ambient air. Currently, injury to vegetation is the only type of welfare effect of sulfur dioxide that can be quantitatively related to ambient concentrations of this pollutant.

EPA is aware that sulfur dioxide has or may have effects on other sectors of the public welfare, such as materials, visibility, soils, and water. To some extent, the primary standards for sulfur dioxide and the remaining secondary standard mitigate such effects. Sufficient data are not now available, however, to establish a quantitative relationship between specific sulfur dioxide concentrations and such effects. Furthermore, it is not clear that any such effects, to the extent that they may occur at concentrations below the current national standards, are adverse to the public welfare.

As stated in the notice of proposed rulemaking, the annual secondary standard was based on a study by Linzon, which is discussed in *Air Quality Criteria for Sulfur Oxides*. A reanalysis of the data on which the annual standard was based indicated that it could not properly be concluded that the injury reported in Linzon's study resulted from the average sulfur dioxide concentration over a full year or even the six-month growing season, as distinguished from short-term peak concentrations.

After a review of the public comments that were received as part of this rulemaking, the Administrator has concluded that there still is not adequate information on which to base any long-term secondary standard for sulfur dioxide. The comments that were received in opposition to this rulemaking did not identify a specific annual average level of sulfur dioxide that could be directly related to an adverse effect on the public welfare.

Twenty-three letters of public comment were received. Eleven indicated support of EPA's action; nine indicated opposition. The remaining three stated no preference.

Opposition to revoking the annual standard was based, in part, on the contention that it should be retained to protect against corrosion of materials, visibility reduction, and occurrence of acid rain. A response to these particular comments follows:

1. Although EPA is aware that high long-term average concentrations of sulfur dioxide, accompanied by high levels of particulate matter, will increase the corrosion rate of some materials, there are not adequate data relating such corrosion to long-term sulfur dioxide levels below those now prescribed by the primary standards.

2. The quantitative relationship between sulfur dioxide and reduction in visibility is not presently known. There is evidence that particulate sulfate and sulfuric acid mist may act with other particulate matter to reduce visibility. Insufficient knowledge of factors such as humidity, and of the indirect role that sulfur dioxide itself plays in reducing visibility, make the formulation of a sulfur dioxide standard based on visibility impracticable.

3. The mechanism of the formation of acid rain; the long-term effect of acidic moisture on plants, materials, and soils; and the concentrations of sulfur dioxide that can result in the formation of rain of sufficient acidity to be a danger to the environment currently are being investigated throughout the world. The data needed for standard-setting are not now available. Furthermore, it is not clear that acid rain would be a problem following attainment of the national primary standards for sulfur dioxide.

EPA will be pleased to receive, at any time, data which relate specific ambient air concentrations of sulfur dioxide to quantified effects such as the formation of acid rain, corrosion of materials, reduction in visibility, damage to vegetation, or any adverse change to the ecosystem. The relationships between the specific ambient air concentrations of sulfur dioxide, either alone or in combination with other environmental factors, and the adverse effects caused by those concentrations must be demonstrable or predictable prior to establishing any national secondary ambient air quality standard.

Two organizations, the Native American Rights Fund and the Natural Resources Defense Council, Inc., submitted particularly detailed comments in opposition to the proposed revocation. Their comments cited a number of studies of sulfur dioxide effects on vegetation, all well known to EPA. Neither the studies cited nor the comments made by the Natural Resources Defense Council and the Native American Rights Fund identified, nor provided a basis for identifying, long-term concentrations of sulfur dioxide, the attainment of which is necessary to protect against adverse effects. In addition, neither the studies nor the comments indicated that vegetation damage during the course of a year was the result of an annual average level rather than high short-term peak exposures to sulfur dioxide.

A number of the comments in opposition to revoking the annual secondary standard suggested revision of the primary standards to more stringent levels than are now prescribed. EPA is aware of the results of the studies which were cited in support of these comments. At the present time, however, it is unclear to what extent sulfur dioxide acts as a precursor to health effects more adverse than those now noted in the *Air Quality Criteria for Sulfur Oxides*.

This revocation does not affect the acceptability and enforceability of currently approved implementation plans. These plans are considered adequate and necessary to attain and maintain the remaining sulfur dioxide standards.

Revisions to sulfur oxides criteria document

Section 108(c) of the Clean Air Act as amended in 1970 provides that the Administrator will "from time to time review, and as appropriate, modify any criteria . . . ." In keeping with this section of the Act, notice is given in this issue of the *Federal Register* of the publication of a revision to Chapter 5, "Effects of Sulfur Oxide in the Atmosphere on Vegetation," of *Air Quality Criteria for Sulfur Oxides*. This revision includes the results of a number of studies completed since initial publication of the Criteria Document in 1969, and also includes reanalysis of older data in the light of new information.

The revision has been reviewed by the National Air Quality Criteria Advisory Committee, composed of representatives from industry, universities, conservation groups, and all levels of government; by individuals specially selected for their competence, expertise, or special interest in the effects of air pollutants on vegetation; and by a Federal consultation committee, comprised of members from appropriate Federal departments and agencies.

At the present time, the Administrator judges that the revised vegetational portion of the *Air Quality Criteria for Sulfur Oxides* provides the only adequate basis for the secondary National Ambient Air Quality Standards for Sulfur Dioxide. More than 700 published scientific papers concerning vegetational response to exposure to sulfur dioxide were reviewed by the Environmental Protection Agency. From these papers, 141 were selected by EPA as presenting the most significant criteria information. These papers are referenced and cited in the revised criteria document.

The Administrator realizes there are limitations in the scientific knowledge of vegetational effects resulting from exposure to sulfur dioxide in combination with other ambient air pollutants. As an example, it is known that sulfur dioxide combined with other pollutants may cause visible injury on vegetation to occur at lower levels than if vegetation were exposed to sulfur dioxide alone. A few studies in the revised criteria document consider the combined effects, but most studies deal with single pollutant effects. Only interactions between sulfur dioxide and ozone, and sulfur dioxide and oxides of nitrogen, have been cited in the revised criteria document. The information on combined effects presented in the criteria document is not based on extensive studies. The results are from preliminary laboratory studies which point out some conflicting results requiring in-depth review. There are some cases where plants are apparently undamaged by pollutant mixtures although the sulfur dioxide level by itself would lead one to believe that damage would occur. The potential for damage at low concentrations of pollutant mixtures clearly exists; however, there is not at this time, in the judgment of the Administrator, adequate data on which to base a standard solely on the combined effects.

The revised vegetational criteria cite environmental factors which in some way influence the susceptibility of vegetation injury as the result of sulfur dioxide exposure. For example, vegetation is most easily injured when: (1) adequate soil moisture for growth is present, (2) humidity is high, (3) temperatures are above 40°F, (4) the vegetation is actively growing, and (5) sunlight is present. Environmental factors such as these are interrelated and no study has been located to date which succeeds in adequately isolating the relative importance of each.

Those studies which exist in the revised criteria document concerning vegetational harm in the entire growing season do not adequately indicate whether the observed injury was caused by a long-term exposure to low levels of sulfur doxide or by high exposures of sulfur dioxide which occurred during shorter time periods. In the absence of such information, the Administrator has determined that proposing a standard based on growing season exposures to sulful dioxide is not warranted at this time.

Laboratory, field-chamber, and ambient air studies are cited in the revised criteria. Laboratory and field chamber studies tend to be artificial by design and never completely simulate ambient air conditions. The intent of most laboratory and field chamber studies is to discover the effects resulting from direct exposure to the pollutants without the interference of numerous environmental parameters including other pollutants. As a result, laboratory and field chamber studies tend to either overrestrict a number of environmental conditions which might make vegetation more sensitive, or condition the vegetation to be much more sensitive than would be found under natural conditions. For example, natural environmental conditions such as excess moisture and sunlight, which influence the sensitivity of plants, together with the random interactions with other pollutants, may cause injury to occur at lower ambient air concentrations of sulfur dioxide than those reported in laboratory or chamber studies where such conditions are absent. In ambient air studies, a single pollutant and its effects are difficult to isolate from similar effects caused by sensitive environmental conditions or other pollutants. However, if ambient air studies are complemented by laboratory and field chamber studies, effects can be better related to the pollutant.

The Environmental Protection Agency is well aware that sulfur dioxide has effects on non-vegetational sectors of the public welfare such as materials, visibility, odor, taste, and the acidification of rain. However, the current National Secondary Ambient Air Quality Standard is not intended to protect these sectors of the public welfare from long-term effects of SO$_2$ because either protection is afforded by the existing National Annual Primary Ambient Air Quality Standard (80 micrograms per cubic meter) or sufficient data are not presently available to develop criteria for standards based on these effects.

The Environmental Protection Agency is continuing to conduct research on the long-term effects of sulfur dioxide exposure. During the period of prolonged research, however, the Administrator invites any relevant comment on the existence of scientifically recognized sulfur dioxide effects information which provides a quantative basis for a long-term National Secondary Ambient Air Quality Standard. Data are especially desired which can relate specific ambient air concentrations of sulfur dioxide to quantified effects in such areas as the formation of acid rain, corrosion of materials, reduction in visibility, or any adverse change to the ecosystem.

As an example of non-vegetation effects, it it known that high annual concentrations of sulfur dioxide accompanied by high particulate levels will increase the corrosion rate of some materials. The Environmental Protection Agency has inadequate data with which to relate the effects of corrosion to long-term ambient air sulfur dioxide levels which are below those now prescribed by the primary standards.

The direct quantitative relationship between sulfur dioxide and reduction in visibility is not presently known. There is evidence that particular sulfate and sulfuric acid mist may act with other particulate matter to reduce visibility; however, insufficient knowledge of the effects of environmental factors such as humidity, and of the indirect role that sulfur dioxide itself plays in reducing visibility, make a standard based on visibility impossible to propose at this time.

In the case of acidification of rain, the mechanism of the acid rain formation; the long-term effects of acidic moisture on plants, materials, and soils; and the concentrations of sulfur dioxide which can result in the formation of rain of sufficient acidity to be a danger to the environment are not fully understood by the Environmental Protection Agency at this time. The Administrator solicits any additional information concerning these, or any other currently unquantified, effects of sulfur oxides in the ambient air.

Re-evaluation of the three-hour SO_2 standard

In the May 7, 1973 proposal to revoke the annual secondary standard, it was stated that "there is some question as to whether . . . injury to vegetation may result from short-term exposure to SO_2 concentrations which do not exceed the three-hour standard. . . ." The Environmental Protection Agency has evaluated the additional data as presented in the revised criteria document, and has determined that this data does not provide an adequate and appropriate basis for revision of the existing three-hour standard.

The revised criteria document presents the results of studies which indicate that visible injury to some types of vegetation (minor leaf spotting) can result from short-term concentrations of SO_2 which do not exceed the current standards. Evidence of this visible injury has occurred on generally sensitive vegetation grown under environmental conditions which tend to favor maximum sensitivity. However, the Clean Air Act requires that secondary standards be established to protect the public welfare from adverse effects. The Administrator has given careful consideration to the question of whether this degree of injury can be responsibly defined as an adverse effect within the meaning of the Clean Air Act. After consultation with other agencies and individuals, including the United State Department of Agriculture, the Administrator has determined that, in his judgement, standards developed solely to protect against minor visible injury are not necessarily requisite to protect the public welfare from adverse effects.

The data presented in the revised criteria document also provide additional information regarding the levels of SO_2 concentration which can cause growth retardation or yield reduction of vegetation. These data provide adequate evidence that the current secondary standard (1300 ug/m^3 maximum three-hour concentration) is adequate and necessary to protect the public welfare from these adverse effects.

The Administrator recognizes, and has considered, the opinion that national standards should be established to protect against *all* effects of air pollutants, regardless of their adversity. However, this opinion appears inconsistent with the language of the Clean Air Act which requires protection against *adverse* effects, and also fails to accommodate the fact that, for some pollutants, the concentration levels which result in perceptible effects may be dependent upon available measurement and observation techniques, i.e., as research techniques improve, the level at which "effects" become perceptible becomes progressively lower, even though the level at which these effects become adverse remains relatively constant.

Several States have been granted an extension of time pursuant to Section 110(b) for submittal of State plans for implementation of the secondary sulfur dioxide standards, and in some cases submittal of these plans has been delayed pending results of EPA's reevaluation of the standards. That reevaluation is now complete, with results as reported herein and in the revised criteria document. The Administrator therefore expects that all State plans for implementation of the sulfur dioxide standards will be submitted within four months from date of this notice.

This notice of rulemaking is issued under authority of sections 109(a)(2), 109(b)(2), and 301(a) of the Clean Air Act [42 U.S.C. Section 1857 C–4(a)(2) and 1857g(a)].

JOHN R. QUARLES, Jr.,
Acting Administrator, Environmental Protection Agency.

Part 50, title 40, Code of Federal Regulations is amended by revising § 50.5 as follows:

§ 50.5 National Secondary Ambient Air Quality Standards for Sulfur Oxides (Sulfur Dioxide).

The National Secondary Ambient Air Quality Standard for sulfur oxide measured as sulfur dioxide by the reference method described in Appendix A to this part, or by any equivalent method is 1,300 micrograms per cubic meter (0.5 p.p.m.)—maximum 3-hour concentration not to be exceeded more than once per year.

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The hour of 3:45 p.m. having arrived, the question is, Will the Senate advise and consent to the nomination of Russell E. Train to be Administrator of the Environmental Protection Agency? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Florida (Mr. CHILES), the Senator from Colorado (Mr. HASKELL), the Senator from Wyoming (Mr. McGEE), the Senator from North Carolina (Mr. ERVIN), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Minnesota (Mr. MONDALE) are necessarily absent.

I further announce that the Senator from Nevada (Mr. BIBLE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), and the Senator from Utah (Mr. MOSS) are absent on official business.

I further announce that, if present and voting, the Senator from Colorado (Mr. HASKELL), the Senator from Nevada (Mr. BIBLE), and the Senator from Nevada (Mr. CANNON) would each vote "yea."

Mr. SCOTT of Pennsylvania. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Colorado (Mr. DOMINICK), the Senator from Michigan (Mr. GRIFFIN), and the Senator from Illinois (Mr. PERCY) are necessarily absent.

I further announce that if present and voting, the Senator from Colorado (Mr. DOMINICK), and the Senator from Illinois (Mr. PERCY) would each vote "yea."

The result was announced—yeas 85, nays 0, as follows:

[No. 384 Ex.]

YEAS—85

Abourezk
Aiken
Allen
Bartlett
Bayh
Beall
Bellmon
Bennett
Bentsen
Biden
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Case
Church
Clark
Cook
Cotton
Cranston
Curtis
Dole
Domenici
Eagleton
Eastland
Fannin
Fong
Fulbright
Goldwater
Gravel
Gurney
Hansen
Hart
Hartke
Hatfield
Hathaway
Helms
Hruska
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Johnston
Magnuson
Mansfield
Mathias
McClellan
McClure
McGovern
McIntyre
Metcalf
Montoya
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott, Pa.
Scott, Va.
Sparkman
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—15

Baker
Bible
Cannon
Chiles
Dominick
Ervin
Griffin
Haskell
Hollings
Kennedy
Long
McGee
Mondale
Moss
Percy

So the nomination was confirmed.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The PRESIDING OFFICER (Mr. SCOTT of Virginia). Without objection, it is so ordered.

LEGISLATIVE SESSION

By unanimous consent the Senate proceeded to consider legislative business.

EMERGENCY COMMUTER RELIEF ACT

The Senate resumed the consideration of the bill (S. 386) to amend the Urban Mass Transportation Act of 1964 to authorize certain grants to assure adequate commuter service in urban areas, and for other purposes.

Mr. STEVENSON. Mr. President, four times in the past 3 years the Senate has passed legislation similar to S. 386, the Emergency Commuter Relief Act, only to have its final passage founder. Since, after 3 years, the cities are still there and many commuters still seem to be commuting, one might argue that the emergency was not and is not really there at all.

On the contrary. In this time span, the emergency has grown into a crisis.

In 1947, some 22 billion passenger trips were made via mass transit in this country. By 1972 this figure was down to less than 7 billion, while during that 25-year span our urban areas—especially the suburbs—grew rapidly.

A report issued this week indicates that 1973 may be the first year since the late 1940's in which total ridership on mass transit will not decrease. The report indicates that the use of mass transit facilities may now be on the upswing of a long historic pendulum. The 1973 ridership estimate, however, includes several new systems, such as San Francisco's BART, and the hope that annual mass transit ridership may now be on the increase is predicated on a very large assumption—that existing mass transit systems will continue to exist, that they will not either cut back service or fail completely.

That this is a tenuous assumption at best is evidenced by the fact that in the last 20 years about 260 transit companies have gone out of business, and service in most large cities has been maintained only because State and local revenues have been used to supplement fares. In my own State of Illinois, for example, the Chicago Transit Authority—which historically has been self-sufficient—this year required an emergency subsidy of $18.9 million from city, county, and State sources in order to avert drastic service cutbacks. As one big-city mayor said of his local transit system:

> One thing is certain, and that is that the transit system cannot continue to be operated with revenues derived from the farebox. This has meant one round after another of fare increases and service cutbacks.

This could be said of virtually every major metropolitan system in the United States.

This is why S. 386 is so important. It will provide $800 million in Federal funds over the next 2 years for mass transit operating subsidies.

As we know, there has been a Federal mass transit capital grant program since 1964. The Congress extended that program for another 3 years in the Federal-Aid Highway Act which became law 3 weeks ago.

I applaud this continuation of the capital grant program. It is a very necessary and worthwhile program. I also applaud the opening up of the urban system fund of the highway trust fund for mass transit capital purposes.

But this is not enough. The use of the urban system fund of the highway trust fund at the option of the local governments will not take effect for 2 years, and the basic capital grant provision only continues an existing program. The most immediate and pressing need of mass transit systems is for operating subsidies. As the then acting chairman of the Chicago Transit Authority, Mr. Clare Roddewig, put it in testimony before the Senate Banking Committee in February, for a mass transit system in these times to have a capital grant program without having sufficient operating funds is like having a Cadillac, but no gas.

The importance of mass transit cannot be overemphasized. The decline of mass transit comes at a time when we are desperate for an alternative to the automobile with its attendant problems of pollution, relatively high energy consumption, the congestion it causes, and the requirements it imposes for roads and parking spaces.

Let me cite Chicago as an example. On an average weekday some 283,000 people work or remain in Chicago's downtown during the day. Some 86 percent comes into the downtown area via mass transit—the CTA, commuter railroads, and suburban buses.

The total elimination of this mass transit in Chicago would mean that some 300,000 additional autos would enter downtown Chicago each weekday, with 166,000 of them needing parking facilities. This in turn would require 148 additional expressway lanes—above the 48 which now reach the edge of downtown. In addition, parking the cars would require four decks of parking over the entire Loop area.

So imagine the quality of life in Chicago if its transit system collapsed. The city would be virtually unlivable. All that the city has to offer would be engulfed by the automobile. Land which could be used for businesses, or theaters, or parks would have to be used for highways and parking.

The argument has been made against S. 386 that in this time of budgetary constraints we cannot afford the $800 million it is to cost. I say that we cannot afford to lose our present mass transit systems, let alone not improve them and build new ones. We must reorder our Federal priorities—lowering the cost of other less necessary programs—to fit the costs of S. 386 into the budget. Surely a nation that spends $3 billion a year on travel in space can afford transportation for its citizens on Earth.

In simple economic terms, mass transportation is an excellent investment. A recent study showed that in Chicago, for every dollar invested in mass transit since 1945, the public has saved $7.80. This public savings includes about $50 million—at $2.50 an hour—saved by commuters who got to and from work more quickly on mass transit than they would have by auto; over $50 million in operating costs and $65 million in parking fees saved by would-be motorists who used mass transit; and $2.4 billion in expressway construction costs saved by area taxpayers.

The beneficial effect of mass transit on the environment is also noteworthy. It has been shown that one auto produces 13.2 times as much pollution for each passenger mile as one diesel bus, 73.3 times as much as one diesel train, and 330 times as much as one electric train. The same study I referred to earlier estimated that without public transportation there would be a 23-percent increase in the total air pollutant level in the Chicago region.

Yet another area where mass transit is vitally important is in saving energy. The average auto consumes over twice as much energy per passenger mile as a bus traveling in the inner-city, more than four times as much as a commuter bus, and seven times the fuel of a commuter rail system.

This is not to mention how much mass transit means to those who cannot afford an auto and yet must get to work. Nor does it speak to those who cannot drive and depend on mass transit for their mobility—the elderly, the handicapped, and others.

This bill, therefore, is timely, important, and necessary—for Chicago and for every area with a mass transit system. I would note that this bill will also help those areas served in whole or in part by private mass transit companies, for it defines a "mass transportation system" as "any private company or public authority providing mass transportation service." In Chicago, for example, in addition to aiding the public Chicago Transit Authority, it might also aid such a private commuter railroad as the Illinois Central, which serves thousands of commuters daily. The lack of operating funds recently caused the IC to virtually double its commuter fare.

S. 386 provides an incentive for a State such as Illinois to establish a regional transit authority. It also provides a warning to State and local officials. One of the funding conditions is that the applicant submit "a comprehensive mass transportation service improvement plan" which would provide for a "more efficient, economical, and convenient mass transportation service in an urban area." Another condition is "that the mass transportation services provided by each system involved is being provided by an efficient operation of such system." A regional metropolitan transit authority could be indispensable to the economy, convenience, and efficiency of operation and the comprehensive planning required by this bill. In other words, the failure to form an RTA could forfeit the Federal operating subsidies under this bill, as well as the grants for capital improvements under the Urban Mass Transportation Act.

The State of Illinois is considering a regional transportation authority for the Chicago metropolitan area. The time has come for such an RTA in northeastern Illinois. It could provide a more efficient and economically sound transit system for city and suburbs alike by permitting truly comprehensive areawide transportation planning and service. The failure of State and local officials to agree on an RTA will threaten the city and the suburbs with a loss of Federal funds for capital costs and, if S. 386 is finally enacted, with a loss of Federal funds for operating costs, too. I urge the State and involved localities to come to terms on an RTA for northeastern Illinois.

Mr. DOMENICI. Mr. President, today my colleagues and I are asked to vote yea or nay on S. 386, the Emergency Commuter Relief Act.

At first glance it might seem that those who vote for the bill are the only Senators who perceive the urban transportation system to be in dire need of help. At the same time, a negative vote might indicate to some a lack of foresight and judgment in this area.

However, I see that the issue at stake here is more than a yea-or-nay vote of a recognition of a serious urban problem. I see the issue more to be a question of selecting the most effective route to solving the problem.

Too often during the past few years I read notices in the newspapers describing one poorly managed transit system after another in our Nation's major cities. Fares continue to skyrocket while ridership continues to plummet. While there are obviously a great number of reasons for the decline of mass transit systems, there seems to be an overwhelming accumulation of evidence indicating serious management problems. To support S. 386 today means that we wish to continue subsidizing these same management systems.

Senator Taft stated in his views to the members of the Committee on Banking, Housing and Urban Affairs:

> We will simply be throwing money down a rat hole if the subsidies provided are used to allow existing systems to continue operating exactly as they have in the past.

The paramount issue today seems to be the choice between continued support of wasted money slipping down the "rat hole" in preference to a comprehensive national program. The $800 million proposed in this bill seems too much to continue supporting present mismanaged systems.

Today I want to state publicly my support for more efficient mass transit systems, although I cannot support this particular bill. Rather, I believe that support for the urban mass transportation capital grant program will go further towards solving the problem than the approach we are asked to support today. Efficient mass transit must again become a prominent means of transportation in our cities.

As the bill now stands, there are simply no assurances that further expenditures, no matter the amount, would accomplish any improvement at all.

I want to state here and now that I am in support of spending as much money as necessary to solve national problems, and certainly mass transit systems would be near the top of the list of national priorities. I am just not convinced that this bill is the most advisable course.

I intend to support a comprehensive mass transit program setup like the Highway Act which has its own trust fund as long as it has comprehensiveness and will provide some immediate experiments as to how to best serve the mass transit commuter.

I believe there to be glaring differences between this approach as compared to S. 386 which is, in my opinion, pouring operationally tight money into inefficient, doomed-to-failure systems.

I urge my colleagues to withhold their support of this measure in their haste to do something—and, as it may turn out—anything to solve urban needs. I urge their support for worthwhile plans; plans which will truly be innovative and sound.

LET US KEEP MASS TRANSIT RUNNING

Mr. BIDEN. Mr. President, this afternoon the Senate will vote on important legislation (S. 386) to provide Federal operating subsidies for the continued operation of our mass transit systems. I have been a strong supporter of this legislation since I began my Senate term this year.

On March 14, I spoke on the floor of the Senate on behalf of incorporating this measure in the Federal highway aid bill. In my statement I reviewed the hearings of the Senate Banking, Housing and Urban Affairs Committee in which I participated. After considering both the arguments in favor of the legislation and those arguments which have been advanced in opposition to it, I concluded that Federal operating subsidies are of vital importance to the viability of mass transit systems and the communities which they serve. Unfortunately, although the amendment passed in the Senate, it was deleted in the conference report between the House and the Senate.

The opponents of this legislation argue that the problem of operating deficits is principally limited to a few big-city mass transit systems. While it is true that some of the major urban areas have encountered substantial deficits, the problem is not confined to them alone. For example, despite the efforts of the local and State governments to support Delaware's rapid transit bus service, deficits continue to trouble the new system and prevent it from further expanding and improving its service to increase ridership.

I ask unanimous consent to insert the opinion column, "DART Takes Right Turn," from the Wilmington Morning News of August 16, 1973, which discusses the problems and the progress of Delaware's DART system.

There being no objection, the opinion column was ordered to be printed in the Record, as follows:

DART TAKES RIGHT TURN

DART is beginning to look like a success story on the way to happen, and that is a rare thing indeed in public transit systems today.

The four-year-old Delaware Authority for Regional Transit, which was started on a shoe-string of credit when Wilmington's privately-owned bus service collapsed, is pointing its lumbering blue buses further into the suburbs, carrying more riders every year—and losing more money. Even the last fact isn't too discouraging; city bus operations today aren't expected to make money. They are expected to render a service, like any other governmental service, rather than turn a profit for stockholders.

Figures released this week indicated that DART's riders increased by 5 per cent in the fiscal year ending June 30, on top of a previous year that showed a ridership of 5 million for the first time in DART's short history, and the first time in the Wilmington area since 1966.

Now, everything in the public transit business is relative. DART happens to look good at the moment mostly because most of the other urban transit services in the country are still on the downward spiral, and its gains in ridership are a break in the general national pattern. But this is not to say that DART doesn't have problems--big ones, and problems it shares in degree with most or all other urban transit systems in the country. Three of the big ones:

Gaining or regaining public confidence. Potential riders have to be convinced that service can be prompt, dependable, reasonably fast, and really economical as compared to driving and parking in downtown Wilmington. Riders have to be educated to consult bus schedules (relatively long waits at a bus stop don't necessarily mean that a bus is late, but might well mean that the rider never looked at a schedule)—and, of course, buses must be kept on schedule.

Extending the service to where the potential riders are and to where they want to go. There is a chicken-and-egg problem here: Does the utility extend the service into an area in hopes of thereby drumming up riders, or does it wait for demand for service before extending it? There probably isn't any single, general answer to those questions, but DART has been cautiously adventuresome, extending some lines and adding 43 additional trips recently. The problem is complicated by the need for financial security to be truly bold in extending service and buying the equipment to do so.

Persuading local government—state, county and city and the taxpayers who support them—that urban-suburban transit is a public service that should have regular, ongoing financial support. There has been some progress in this direction; the state of Delaware, New Castle County and the city of Wilmington are now providing subsidies to DART, and the state has made the subsidy a regular line item in its budget this year. Recent word that the federal government will at last part with some of the sacred Highway Trust Fund for mass transit—or, at least, give the states the option of doing so—is the best possible news; it at least gives the transit systems a fighting chance to compete with the private passenger car.

There are solid arguments for healthier transit systems everywhere, in terms of congestion, air pollution, energy conservation and economy. There is a better argument in Wilmington and northern New Castle County, where so many people live in dispersed suburbs but are funnelled into a small section of the central city to work—a center city whose streets and approaches were built with no thought to the automobile.

It appears however that if public transit in the area were still on the tracks, which it hasn't been in a long while, it would be on the right track.

Mr. BIDEN. Mr. President, a new amendment to S. 386 by the distinguished Senator from Michigan (Mr. Hart) to provide limited funding for demonstration projects to determine the feasibility of fare-free mass transportation systems deserves special attention. I do not advocate that the Federal Government undertake as a permanent policy the funding of free local mass transit systems. I think this experiment will be of value, however, in helping units of Federal, State, and local governments to evaluate the true costs of various transportation options.

Although this experiment at first glance may seem to be a major departure from past transportation policies, on further consideration it appears quite consistent with our highway transportation program. When we travel by car from one point to another, the direct cost to us does not reflect the Federal subsidies for the original construction of the roads, the State and local maintenance of them, the local subsidies for parking, and the toll of air pollution and congestion on the health and economic viability of the urban areas. These indirect costs weigh in the actual total cost of our auto travel, but because they are subsidized, we are not directly charged for them. Thus, they are not factors in our personal decision as to the mode of transportation we use.

Furthermore, the benefits from the public grants for auto travel are not distributed equally. Those who cannot afford to own a car are excluded from directly benefiting from these public expenditures. As a result, the poor and the elderly, those who most need assistance in gaining adequate transportation, are left out.

I am hopeful that the fare-free experiment will help us see the savings in the indirect costs of auto travel which widely used mass transit systems would offer. If it does, we will become more aware of the true costs of our transportation options and be able to make better decisions on the transportation policies we wish to promote.

I urge the enactment of S. 386 as amended.

The **PRESIDING OFFICER** (Mr. Scott of Virginia). Under the previous order, the Senate will now proceed to vote on final passage of S. 386, which the clerk will state.

The assistant legislative clerk read as follows:

S. 386, to amend the Urban Mass Transportation Act of 1964 to authorize certain grants to assure adequate commuter service in urban areas, and for other purposes.

The **PRESIDING OFFICER**. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. **ROBERT C. BYRD**. I announce that the Senator from Nevada (Mr. Cannon), the Senator from Florida (Mr. Chiles), the Senator from North Carolina (Mr. Ervin), the Senator from Colorado (Mr. Haskell), the Senator from Wyoming (Mr. McGee), and the Senator from Minnesota (Mr. Mondale) are necessarily absent.

I further announce that the Senator from Nevada (Mr. Bible), the Senator from Massachusetts (Mr. Kennedy), the Senator from Louisiana (Mr. Long), and the Senator from Utah (Mr. Moss) are absent on official business.

I further announce that, if present and voting, the Senator from Colorado (Mr. Haskell), and the Senator from Nevada (Mr. Cannon) would each vote "yea."

Mr. **SCOTT** of Pennsylvania. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Colorado (Mr. Dominick), the Senator from Michigan (Mr. Griffin), and the Senator from Illinois (Mr. Percy) are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois (Mr. Percy) would vote "yea."

The result was announced—yeas 53, nays 33, as follows:

[No. 385 Leg.]

YEAS—53

Abourezk
Aiken
Bayh
Beall
Bentsen
Biden
Brooke
Burdick
Byrd, Robert C.
Case
Church
Clark
Cranston
Eagleton
Fong
Gravel
Hart
Hartke
Hatfield
Hathaway
Hollings
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Johnston
Magnuson
Mansfield
Mathias
McGovern
McIntyre
Metcalf
Montoya
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Randolph
Ribicoff
Schweiker
Scott, Pa.
Sparkman
Stafford
Stevenson
Symington
Taft
Tunney
Williams
Young

NAYS—33

Allen
Bartlett
Bellmon
Bennett
Brock
Buckley
Byrd,
 Harry F., Jr.
Cook
Cotton
Curtis
Dole
Domenici
Eastland
Fannin
Fulbright
Goldwater
Gurney
Hansen
Helms
Hruska
McClellan
McClure
Nunn
Proxmire
Roth
Saxbe
Scott, Va.
Stennis
Stevens
Talmadge
Thurmond
Tower
Weicker

NOT VOTING—14

Baker
Bible
Cannon
Chiles
Dominick
Ervin
Griffin
Haskell
Kennedy
Long
McGee
Mondale
Moss
Percy

So the bill (S. 386) was passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—EMERGENCY COMMUTER RELIEF

FINDINGS

Sec. 101. The Congress finds—

(1) that over 70 per centum of the Nation's population lives in urban areas;

(2) that transportation is the lifeblood of an urbanized society and the health and welfare of that society depends upon the provision of efficient economical and convenient transportation within and between its urban areas;

(3) that for many years the mass transportation industry satisfied the transportation needs of the urban areas of the country capably and profitably;

(4) that in recent years the maintenance of even minimal mass transportation service in urban areas has become so financially burdensome as to threaten the continuation of this essential public service;

(5) that the termination of such service or the continued increase in its cost to the user is undesirable, and may have a particularly serious adverse effect upon the welfare of a substantial number of lower income persons;

(6) that some urban areas are now engaged in developing preliminary plans for, or are actually carrying out, comprehensive projects to revitalize their mass transportation operations; and

(7) that immediate substantial Federal assistance is needed to enable many mass transportation systems to continue to provide vital service.

Sec. 102. (a) Section 3 of the Urban Mass Transportation Act of 1964 is amended—

(1) by striking out "No" in the fifth sentence of subsection (a) and inserting in lieu thereof "Except as provided in subsection (f), no"; and

(2) by adding at the end thereof a new subsection as follows:

"(f) The Secretary is also authorized, on such terms and conditions as he may prescribe, to make grants or loans to any State or local public body to enable it to assist any mass transportation system which maintains mass transportation service in an urban area to pay operating expenses incurred as a result of providing such service. No financial assistance shall be provided under this subsection unless (1) the Secretary determines that the mass transportation services provided by the system involved are needed to carry out a program referred to in section 4(a), and (2) the applicant State or public body has submitted to the Secretary a comprehensive mass transportation service improvement plan which is approved by him and which sets forth a program, meeting criteria established by the Secretary, for capital or service improvements to be undertaken for the purpose of providing more efficient, economical, and convenient mass transportation service in an urban area, and for placing the mass transportation operations of such system on a sound financial basis (including a reasonable fare structure), and (3) the Secretary determines that the mass transportation services provided by each system involved is being provided by an efficient operation of such system in accordance with regulations promulgated by the Secretary.

"Notwithstanding the provisions of the fifth sentence of section 4(a), the amount of any grant under this subsection to a State or local public body to enable it to assist any mass transportation system to pay operating expenses shall not exceed twice the amount of financial assistance provided from State or local sources for that purpose. The Secretary shall issue such regulations as he deems necessary to administer this subsection in an equitable manner. Such regulations shall include appropriate definitions of (A) operating expenses, and (B) the sources or types of State or local financial assistance which may be considered in computing the maximum allowable Federal grant.

"The Secretary shall require, as a condition of assistance under this subsection, each State or local public body to submit an annual report describing the implementation of its mass transportation service improvement plan. If the Secretary finds, after receiving any such report and after opportunity for a hearing on the record, that a State or local public body receiving assistance under this subsection has not made reasonable progress in the implementation of its plan, he shall suspend further assistance under this subsection until such time as he determines that reasonable progress is being made."

(b) The fourth sentence of section 4(a) of such Act is amended by striking out "section 3" and inserting in lieu thereof "section 3 (other than subsection (f))".

(c) Section 4(c) of such Act is amended—

(1) by inserting "(1)" after "(c)";

(2) by striking out "sections 3, 7(b), and 9" and inserting in lieu thereof "section 3 (except subsection (f)), and sections 7(b) and 9";

(3) by striking out "this subsection" wherever it appears and inserting in lieu thereof "this paragraph"; and

(4) by adding at the end thereof a new paragraph as follows:

"(2) To finance grants and loans under sections 3(f) of this Act, the Secretary is authorized to incur obligations on behalf of the United States in the form of grant agreements or otherwise in amounts aggregating not to exceed $800,000,000. This amount shall become available for obligation upon the date of enactment of this paragraph and shall remain available until obligated. There are authorized to be apppropriated for liquidation of the obligations incurred under this paragraph not to exceed $400,000,000 prior to July 1, 1974, which amount may be increased to not to exceed an aggregate of $800,000,000 prior to July 1, 1975. Sums so appropriated shall remain available until expended."

(d) (1) Section 12(c) of such Act is amended—

(A) by striking out "and" at the end of paragraph (4);

(B) by striking out the period at the end of paragraph (5) and inserting in lieu thereof "; and";

(C) by adding after paragraph (5) a new paragraph as follows:

"(6) the term 'mass transportation system' means any private company or public authority or agency providing mass transportation service.".

(2) Section 12 of such Act is further amended by adding at the end thereof the following new subsection:

"(f) The provision of assistance for the payment of operating expenses under section 3(f) shall not be construed as bringing within the application of chapter 15 of title 5, United States Code, any nonsupervisory employee of an urban mass transportation system (or of any other agency or entity performing related functions) to whom such chapter is otherwise inapplicable."

TITLE II—FARE-FREE MASS TRANSPORTATION DEMONSTRATIONS

SEC. 201. The Secretary of Transportation (hereinafter referred to as the "Secretary") shall enter into such contracts or other arrangements as may be necessary for research and the development, establishment, and operation of demonstration projects to determine the feasibility of fare-free urban mass tranportation systems.

SEC. 202. Federal grants or payments for the purpose of assisting such projects shall cover not to exceed 80 per centum of the cost of the project involved, including operating costs and the amortization of capital costs for any fiscal year for which such contract or other arrangements is in effect.

SEC. 203. The Secretary shall select cities or metropolitan areas for such projects in accordance with the following:

(1) to the extent practicable, such cities or metropolitan areas shall have a failing or nonexistent or marginally profitable transit system, a decaying central city, automobile-caused air pollution problems, and an immobile central city population;

(2) several projects would be selected from cities or metropolitan areas of differing sizes and populations;

(3) a high level of innovative service must be provided including the provision of crosstown and other transportation service to the extent necessary for central city residents and others to reach employment, shopping, and recreation; and

(4) to the extent practicable, projects utilizing different modes of mass transportation shall be approved.

SEC. 204. The Secretary shall study fare-free systems assisted pursuant to this title, and other financially assisted urban mass transportation system providing reduced fare for the purpose of determining the following:

(1) the effects of such systems on (i) vehicle traffic and attendant air pollution, congestion, and noise, (ii) the mobility of urban residents, and (iii) the economic viability of central city business;

(2) the mode of mass transportation that can best meet the desired objectives;

(3) the extent to which frivolous ridership increases as a result of reduced fare or fare-free systems;

(4) the extent to which the need for urban highways might be reduced as a result of reduced fare or fare-free systems; and

(5) the best means of financing reduced fare or fare-free transportation on a continuing basis.

SEC. 205. The Secretary shall make annual reports to the Congress on the information gathered pursuant to section 204 of this title and shall make a final report of his findings, including any recommendations he might have to implement such findings, not later than June 30, 1975.

SEC. 206. In carrying out the provisions of this title, the Secretary shall provide advisory participation by interested State and local government authorities, mass transportation systems management personnel, employee representatives, mass transportation, riders, and any other persons that he may deem necessary or appropriate.

SEC. 207. There is hereby authorized to be appropriated not to exceed $20,000,000 for each of the fiscal years ending on June 30, 1974, and June 30, 1975, respectively, to carry out the provisions of this title.

Mr. WILLIAMS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 1165) to amend the Federal Cigarette Labeling and Advertising Act of 1965 as amended by the Public Health Cigarette Smoking Act of 1969 to define the term "little cigar," and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 6912) to amend the Par Value Modification Act, and for other purposes.

The PRESIDENT pro tempore subsequently signed the enrolled bill.

FULL OPPORTUNITY AND NATIONAL GOALS AND PRIORITIES ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the unfinished business, S. 5, which the clerk will state.

The bill was stated by title, as follows:

A bill (S. 5) to promote the public welfare.

The Senate resumed the consideration of the bill.

ORDER FOR RECOGNITION OF SENATOR ROBERT C. BYRD TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the two leaders have been recognized tomorrow I be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that tomorrow after my remarks there be a period for the transaction of routine morning business not to extend beyond the hour of 10:30 a.m., with statements therein to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANNOUNCEMENT OF NO FURTHER YEA-AND-NAY VOTES TODAY

Mr. ROBERT C. BYRD. Mr. President, for the information of Senators, there will be no more rollcall votes today.

ORDER FOR CONSIDERATION OF UNFINISHED BUSINESS (S. 5) AT 10:30 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the hour of 10:30 a.m. tomorrow, the Senate resume consideration of the unfinished business, S. 5.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIME LIMITATION AGREEMENT ON S. 5

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that tomorrow there be a time limitation of not to exceed 1½ hours on S. 5; and that the time be divided between the distinguished Senator from Minnesota (Mr. MONDALE) and the distinguished minority leader or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD subsequently said: Mr. President, I ask unanimous consent, with respect to the order previously entered in connection with S. 5, the unfinished business, that there be a limitation of 20 minutes on amendments, to be equally divided, and that the agreement be in the usual form.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Chair will ask the Senator from West Virginia whether the order with respect to amendments on S. 5 includes debatable motions and appeals.

Mr. ROBERT C. BYRD. I thank the Chair. I ask unanimous consent that time on debatable motions and appeals be limited to 10 minutes, to be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR YEA-AND-NAY VOTES TOMORROW ON S. 5

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, if a motion to recommit S. 5 is made, that the vote thereon occur at the hour of 11:45 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that if no motion to recommit is made tomorrow, or if a motion to recommit is made and fails, that the vote on final passage of S. 5 occur at the hour of 12 o'clock noon and that rule XII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays on final passage of S. 5 at any time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it be in order to order at this time a yea-and-nay vote on a motion to recommit S. 5, if such motion is made tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it be in order to order both of those yea-and-nay votes with one show of seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays on final passage of S. 5, and on the motion to recommit, if such motion is made.

The yeas and nays were ordered.

The text of the unanimous consent agreement is as follows:

Ordered, That, during the further consideration of S. 5, a bill to promote the public welfare, debate on any amendment shall be limited to 20 minutes, to be equally divided and controlled by the mover of such and the manager of the bill, and that debate on any debatable motion or appeal shall be limited to 10 minutes, to be equally divided and controlled by the mover of such and the manager of the bill: *Provided*, That in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or his designee: *Provided further*, That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 1½ hours, to be equally divided and controlled, respectively, by the Senator from New Jersey (Mr. Williams) and the minority leader or his designee: *Provided*, That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, debatable motion or appeal: *Provided further*, That if a motion to recommit is made, the vote on such motion shall occur at 11:45 a.m.: *Provided further*, That on the question of final passage of the bill the vote shall occur at 12:00 if the bill has not been recommitted.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VITIATION OF ORDER PREVIOUSLY ENTERED ON S. 4, THE PENSION AND WELFARE BENEFITS BILL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order entered prior to the August adjournment, providing for the calling up tomorrow of S. 4, be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR LIMITATION OF DEBATE ON S. 4

Mr. ROBERT C. BYRD. Mr. President, the request I am about to make has been approved by the leadership on both sides. It has been cleared with the distinguished Senator from New York (Mr. Javits), who is present and will speak for himself.

It has also been cleared with the manager of the bill, the distinguished Senator from New Jersey (Mr. Williams); with the distinguished Senator from Texas (Mr. Bentsen); and also with the distinguished Senator from Wisconsin (Mr. Nelson).

I ask unanimous consent that, at such time as S. 4, the pension reform bill, is called up and made the pending business before the Senate, there be a limitation thereon of 6 hours, to be divided equally between the majority leader and the minority leader, or their designees; that time on any amendment be limited to 1 hour—with the exception of an amendment by the distinguished Senator from South Carolina (Mr. Thurmond), which will be limited to 2 hours; that any amendment to an amendment be limited to 1 hour; that time on any debatable motion or appeal be limited to 30 minutes; and that the agreement be in the usual form.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. JAVITS. I have two requests: One is to provide that such time as is provided will be divided between the mover and the opponents; and that if there is a period when there are no opponents, the time will be under the control of the leadership on either side.

Second, should there not be in the unanimous consent agreement a statement that the bill will be called up for consideration on Tuesday, September 18?

In view of the fact that we are vacating the order providing for calling up the bill tomorrow, should we not fix a date?

Mr. ROBERT C. BYRD. Mr. President, with respect to the first question by the distinguished Senator from New York, that has been taken care of by the verbiage "usual form." As to the second question, it was my intention, once the agreement on the bill was accomplished, to ask consent that the bill be taken up on Tuesday, a week from tomorrow, immediately upon the close of morning business.

Mr. JAVITS. That is agreeable.

Mr. ROBERT C. BYRD. I shall be glad to include that.

Mr. JAVITS. No; do it as it was.

The PRESIDING OFFICER. Is there objection to the several requests by the Senator from West Virginia? The Chair hears none, and it is so ordered.

ORDER TO CONSIDER S. 4 ON TUESDAY, SEPTEMBER 18, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, on Tuesday, a week from tomorrow, at the conclusion of routine morning business, the Senate proceed to the consideration of S. 4, Calendar No. 119.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. JAVITS. I thank my colleague. I might say, as usual, he has performed quite a job in getting this done.

Mr. ROBERT C. BYRD. May I thank the distinguished Senator from New York for his usual courtesy and cooperation, without which we would not have been able to reach this agreement.

Mr. JAVITS. I thank my colleague.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR BIDEN TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders have been recognized under the standing order, the distinguished Senator from Delaware (Mr. Biden) be recognized for 15 minutes, after which the junior Senator from West Virginia be recognized under the order previously entered.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR MONDALE ON THURSDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Thursday, after the two leaders have been recognized under the standing order, the distinguished senior Senator from Minnesota (Mr. Mondale) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR SENATE TO GO INTO EXECUTIVE SESSION WEDNESDAY TO CONSIDER THE NOMINATION OF MR. ARNETT TO BE DIRECTOR OF OFFICE OF ECONOMIC OPPORTUNITY—ORDER FOR VOTE THEREON

Mr. ROBERT C. BYRD. Mr. President, as in executive session, I ask unanimous consent that on Wednesday, immediately after the two leaders have been recognized under the standing order and no later than the hour of 10.05 a.m., the Senate go into executive session to consider the nomination of Mr. Arnett to the Office of Director of the Office of Economic Opportunity.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the vote on the nomination of Mr. Arnett occur on Wednesday at the hour of 12 o'clock noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, this would mean that the previous order allowing 2 hours for debate on that nomination might be diminished by as much as 5 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. In other words, Mr. President, there would then be a maximum of 1 hour and 55 minutes for debate.

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. Mr. President, in any event, the vote on the nomination would occur at the hour of 12 o'clock noon on Wednesday.

The PRESIDING OFFICER. The previous order calls for the vote to occur on Thursday.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that that order be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT ON S. 2365

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as Calendar Order No. 359, S. 2365, a bill to regulate interstate and foreign commerce as it relates to the conduct of organized amateur athletic competition, is called up and made the pending question before the Senate, there be a time limitation on the bill of 2 hours, to be equally divided between and controlled by the majority leader and the minority leader or their designees;

That time on any amendment thereto be limited to 30 minutes;

That time on any amendment to an amendment be limited to 30 minutes;

That time on any debatable motion or appeal in relation thereto be limited to 20 minutes; and

That the agreement be in the usual form.

The PRESIDING OFFICER (Mr. SCOTT of Virginia). Is there objection? Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM TOMORROW UNTIL 10 A.M. ON WEDNESDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until the hour of 10 a.m. on Wednesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HART). Without objection, it is so ordered.

CONSUMER PRODUCT WARRANTIES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of the nomination of Mr. Arnett on Wednesday, the Senate return to legislative session and proceed to the consideration of Calendar Order No. 263, S. 356, a bill to provide disclosure standards for written consumer product warranties.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HART). Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF S. 1866 TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, on tomorrow, upon disposition of the unfinished business, S. 5, to promote the public welfare, the Senate proceed to the consideration of Calendar No. 335, S. 1866, to provide for increases in certain annuities.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 a.m. After the two leaders or their designees have been recognized under the standing order, the distinguished junior Senator from Delaware (Mr. BIDEN) will be recognized for not to exceed 15 minutes; after which the junior Senator from West Virginia (Mr. ROBERT C. BYRD) will be recognized for not to exceed 15 minutes, or such portion thereof as will not carry beyond the hour of 10:30 a.m.

If there is any intervening time between the close of the remarks of the junior Senator from West Virginia—in the event he makes any remarks—and the hour of 10:30 a.m. tomorrow, that time will be utilized for the transaction of routine morning business, with statements therein limited to 3 minutes.

At the hour of 10:30 a.m., the Senate will resume consideration of S. 5, the unfinished business, a bill to promote the public welfare. A vote on a motion to recommit, if such motion is made, will occur at the hour of 11:45 a.m. If such motion is made and is rejected—or if no recommital motion is made—the vote on final passage of S. 5 will occur at 12 o'clock noon tomorrow. The yeas and nays have already been ordered on the passage of S. 5 tomorrow, am I not correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. I thank the Chair.

Upon disposition of S. 5, the Senate will proceed to the consideration of S. 1866, to provide increases in certain annuities. Yea-and-nay votes are expected on amendments and final passage.

Senators are alerted, therefore, to at least one rollcall vote tomorrow and, may I say, it is likely that there will be additional yea-and-nay votes tomorrow.

ADJOURNMENT TO 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and, at 5:05 p.m., the Senate adjourned until tomorrow, Tuesday, September 11, 1973, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 10, 1973:

DEPARTMENT OF JUSTICE

John O. Olson, of Wisconsin, to be U.S. attorney for the western district of Wisconsin for the term of 4 years. (Reappointment.)

Robert J. Roth, of Kansas, to be U.S. attorney for the district of Kansas for the term of 4 years. (Reappointment.)

Henry A. Schwarz, of Illinois, to be U.S. attorney for the eastern district of Illinois for the term of 4 years. (Reappointment.)

Charles S. White-Spunner, Jr., of Alabama, to be U.S. attorney for the southern district of Alabama for the term of 4 years. (Reappointment.)

CONFIRMATIONS

Executive nominations confirmed by the Senate September 10, 1973:

ENVIRONMENTAL PROTECTION AGENCY

Russell E. Train, of the District of Columbia, to be Administrator of the Environmental Protection Agency.

(The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

EXTENSIONS OF REMARKS

EASTER SEAL SOCIETY OF PENNSYLVANIA

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Monday, September 10, 1973

Mr. SCHWEIKER. Mr. President, 1973 marks the 50th anniversary of the Easter Seal Society for Crippled Children and Adults of Pennsylvania. Since 1923, the society has worked on behalf of the needs of Pennsylvania's handicapped persons with dedication and distinction.

Last year, for example, the society was involved in the following activities:

Handicapped children and adults received 42,459 services through the Pennsylvania Society and its 45 affiliated Easter Seal Societies.

The camping facilities of the Pennsylvania Easter Seal Society—Camp Daddy Allen, Camp Easter Seal, Camp Harmony Hall and Camp Lend-A-Hand provided recreation for 979 handicapped adults and children.

Pennsylvania Society staff provided professional consultation, in-service training, leadership development and regional meetings for Easter Seal staff and other professionals in rehabilitation.

Local affiliated Societies were led in achieving a record $3,077,629 in public support through planned fund raising procedures and a total income of $4,652,435.

Extensive career and scholarship program for high school, college students and professionals maintained.

Continued a sustained public education and information program through film library, news media, brochures and newsletters.

459 Professional staff served the handicapped through Easter Seals.

Mr. President, I would also like to share with my colleagues the following excerpt from the Pennsylvania Easter Seal Society philosophy:

The Easter Seal Society for Crippled Children and Adults of Pennsylvania recognizes that individuals with handicaps, like all persons, desire and have a right to live in dignity within the limits of their capabilities and to be responsible for their own welfare and destiny. The basic purpose of The Easter Seal Society is to make this possible, working in cooperation with other agencies.

It shall do such things and perform such acts as it may deem necessary to accomplish its purpose and shall receive, hold, and apply funds, gifts, bequests, and endowments, or the proceeds thereof, to give effect to and carry forward its purposes.

The Easter Seal Society for Crippled Children and Adults of Pennsylvania believes, therefore, that all persons with handicaps regardless of age, creed, color, type of handicap, financial status or place of residence are entitled to the services needed for maximum development of their potential as accepted and contributing members of society. Because problems of handicapped persons are shared by and contribute to those of their family members, programs and services for crippled children and adults must be family oriented, rather than just patient oriented.

As a member of the Senate Subcommittee on the Handicapped, I would like to take this opportunity to congratulate the members of the Pennsylvania Easter Seal Society for their half century of service, and to wish them continued success in the future.

GREAT COMMUNICATOR

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. FINDLEY. Mr. Speaker, the death last month of Channing L. Bete, Sr., brought to an end a life notable for its varied and constructive contributions to mankind.

Mr. Bete was surely one of the most innovative communicators of modern times. He must rank with Gutenberg and Mergenthaler as one whose genius imparted understanding to millions. His contribution was the scriptographic technique, which combined brief words and small—often comic—designs to explain complex ideas at a glance.

Hardly a profession has lacked his touch. His small booklets, entitled "What Everyone Should Know About ———" brightened thousands of professional offices. He made the legislative process and even the Constitution itself easily understandable through the scriptographic technique.

He searched everyday life for problems to solve. One of his most impressive works was a scriptographic look at what public education should be like in the year 2000. He believed deeply in a universal language, and therefore championed Esperanto.

Mankind lost a great friend in the death of Channing Bete. A measure of his role in community life is expressed in this editorial farewell in the August 21, Greenfield, Mass., Recorder:

FAREWELL TO A FRIEND

An inspiration to all who knew him was Channing L. Bete, Sr., who made "scriptography" a common word in the communications field.

Most innovators are unsuccessful in developing their ideas; Chan Bete knew how to make use of his inventions. Most successful persons are either disliked or envied—or both; Chan had more admirers than anyone else in Greenfield.

From his earliest years in this town, Channing L. Bete was making friends and influencing people. He had a speech defect in those days but nothing could obscure his intelligence and his delightful sense of humor. Appreciative smiles and outbursts of laughter followed him wherever he went. And he traveled far, geographically and intellectually.

Chan was expert in communications. He employed words and pictures in selling both goods and ideas. After years of work in sales promotion, he sold his advertising agency and devoted the rest of his working life to the development of scriptography. This combination of simple drawings and hand-lettered text has been employed in scores of interest fields. It entertains, it instructs, it advises and it informs—all in an informal but most effective way. And it has sold by the millions of booklets, ranging from an analysis of the U.S. Constitution to a description of a symphony orchestra.

Scriptography has been marked especially by the Bete brand of humor—gentle and chuckle-provoking. More than anything of his professional creation, it has disclosed the inner Chan Bete, his deep perception of human problems and needs and his innate goodness. He used it wisely and well in the interests of man's knowledge and improvement.

Channing Bete the citizen was equally important to our society. He wrote Kiwanis Club shows that raised money for needy children. His years of service to Greenfield Public Library led him into the state libraries field and the improvement of this area of public enlightenment. As a hospital trustee and a Chamber of Commerce official he was farsighted and innovative.

But it is as Channing Bete the man and the neighbor that he will be most greatly missed. No Greenfield citizen of this era has been more beloved and more respected than this quiet, diffident man with his wry smile and his twinkling eyes. No man has had more admirers and probably none has been as trusted as this miracle worker with words. Whether it be a column to The Recorder from the Red Sox training camp or a public comment supporting the library, his personal stand attracted others without a question.

The very thought of Greenfield without Chan Bete is enough to make one rebel against the fates. All who knew him are grieving today.

A REPLY TO SOLZHENITSYN

HON. JESSE A. HELMS

OF NORTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Monday, September 10, 1973

Mr. HELMS. Mr. President, I commend to the attention of my colleagues an eloquent address delivered in London on September 1 by the Honorable Geoffrey Stewart-Smith, Member of Parliament, with whom I shared the platform on the occasion of the closing session of the Seventh World Anti-Communist League Conference.

In my judgment, Mr. Stewart-Smith has herein offered advice that the free world will ignore at its peril.

I ask unanimous consent that extracts of his address be printed in the Extensions of Remarks.

There being no objection, Mr. Stewart-Smith's address was ordered to be printed in the Extensions of Remarks, as follows:

A REPLY TO SOLZHENITSYN

With your permission, I would like to accept the responsibility this evening of making a public reply to that great Russian writer: Solzhenitsyn.

After having so rightly been awarded the Nobel Prize for Literature in 1970, Solzhenitsyn declined to attend the Prize-Giving in Stockholm for fear of not being allowed to return home. Instead he sent a written address.

In it, he made an arresting statement:

"The Spirit of Munich" he said "has by no means passed away, it was not just a brief episode in our history. I would dare to say even that the spirit of Munich is the dominant one of the 20th Century. The timorous civilised world, confronted by the sudden renewed onslaught of a snarling barbarism found nothing better to oppose it with than concessions and smiles."

So challenging an observation, full as it is with the most profound meaning for our generation, deserves an answer.

I have chosen his words, but there are many other examples of similar sentiments expressed by courageous and freedom loving peoples throughout the communist countries.

The only possible thing that I have in common with that great Christian writer, Solzhenitsyn, is that I too am an unofficial spokesman for liberty in my nation. His views did not enjoy the support of his government, and I doubt if my views represent the opinion of mine.

I feel obliged to speak out and to say to Solzhenitzyn: "you are right", the spirit of appeasement and Munich is abroad throughout the world today, but do not despair, there is hope, all is not lost.

It is true that there are many today who advocate a policy based on the illusion that there can be a permanent and lasting peace built upon slavery.

But we here gathered together are men of a different breed, we are defiant and anti-appeasers. We seek to build a real peace on firm foundations. Our conference is called Peace Through Freedom.

There is an unbridgeable divide between the jackals of tyranny and the ideals of freemen.

Appeasers have in the past and do today, put their trust in tyrannical and unelected party leaders and governments.

We put our trust in the people.

Some western governments—notably the West German—have taken the soft option and by contemptible opportunism have recognised a tyranny on German soil in international law—without the consent of the people of East Germany.

The whole contemporary appeasement policy—so delicately referred to as detente or accommodation—is based on wishful thinking and an illusion. It betrays an ignorance of the real nature of communist imperialism.

The brutal truth is that those regimes are in a state of permanent civil war with their own people. They are doing everything in their power to destroy the Free West: the very continued existence of which is a threat to the security of their party leaderships.

The policy of detente is doomed to failure because it is based on the continuing denial of human dignity, civil liberties and political freedoms to 3,000 million human beings. It is a contemptible betrayal of all the ideals of freedom for which the West should stand, whether they are motivated by political or religious beliefs.

In a few days time, the second round of talks on the conference for co-operation and security in Europe take place in Vienna. There is a possibility that the precious principle of self-determination will be denied to the 132 million people of central and eastern Europe: that this will be endorsed in international law by western leaders and policed jointly with the Soviets in some European security council.

Some gullible western leaders have endorsed the Soviet propaganda claim that the cold war is over and the era of detente will bring in a period of peace.

However, in the communist countries themselves the secret police have increased their savage repression of dissidents, even those who merely seek to attain their rights under communist laws! As western appeasement in the 1930s demoralised the anti-nazi German opposition movement so today, western appeasement is doing exactly the same thing to all the anti-communist opposition movements in the countries of the communist world.

While we know that the governments of the communist states are terrified of the people and need Berlin walls and iron curtains to prevent them running away, ironically the western leaders are also terrified of the people. This is because it is the people of the captive nations who have threatened their appeasement illusion so often. Today's Municheers were shocked at the tediousness of the East German workers being so militant in 1953; Poles and Hungarians being violent in 1956 and the Czechoslovaks really did set back such policies in 1968 by being troublesome. Some almost resent the fact that the people of Vietnam fight on and that the people of Taiwan even exist at all!

Where the people of a communist divided nation are free, as in the case of the Republic of China, most western governments simply ignore them: throw them out of the United Nations and placate the oppressors of the Chinese people.

Why are free elections not held in Hong Kong?—because the people might reject the communists utterly as in Berlin?

In this great contest between liberty and tyranny in our time, there must be negotiation, but negotiations which benefit our side not theirs. On the crucial question of intent, a choice must be made: one either supports the regimes or the peoples.

Some say that we can best help the people by mellowing the regimes. They may be right. They may be wrong. The fate of Dubcek is not too encouraging.

Where we must be careful, is in being gracious enough to pay tribute to western leaders who show courage and vision in these matters. The expulsion of 107 Soviet spies from this country was not an act of appeasement. The Soviets did not win the first round at Helsinki.

Now in reaching a decision as to what our broad aims are as a world organisation, I do not think that this is complicated. We surely want to see the U.N. Charter actually implemented throughout the World. We want the U.N. Declaration of Human Rights and the International Covenant on Civil and Political Rights similarly carried out.

On this very point, Solzhenitsyn wrote in the same statement:

"The U.N. did not even trouble to make its best document for the past 25 years, the Universal Declaration of Human Rights, obligatory for governments and a condition of their entry—and thus left the people at the mercy of governments they had never elected."

I believe that the people of the captive nations seek what every other nation seeks: self-determination, peace, prosperity and the withdrawal of foreign troops. Their peoples will evolve political administrations and economic systems of their own choosing, and probably aspire to neutrality.

In helping the people of the captive nations, we will make no concession at all over the continuing denial of their rights.

We will not betray them for some bogus international agreement.

We will not be party to any agreement which endorses the existing status quo in return for worthless and unenforceable promises.

We will never recognise the de jure political administrations in the Baltic States imposed on them as a result of nazi and communist infamy.

We will never accept the Brezhnev doctrine and we demand its renunciation by the Soviet government.

We will never cease to deplore the continuing existence of regimes which make it impossible for the citizen to fulfill his life in freedom.

We will continue to attack the appalling waste of human talent that repression causes.

We will never agree to half Europe being denied its religious, moral, political and cultural heritage.

We will never agree to the Conference on Security and Co-operation becoming a new super Munich.

We may not have the power in the West to enforce self-determination in the communist countries, but it is within the power of our governments to refuse to approve of the endless denial of democracy and liberty to the people of those nations.

To Solzhenitzyn I would say that the anti-appeasers and the anti-Municheers of today have now joined themselves together on an international scale. We have combined our strengths together to counter this global tyranny.

You may ask what manner of men we are. The answer is that we are the servants of the people in whom we trust and from whom all true and legal power comes.

We put our trust in people, not party leaders or governments.

We are patient, steely determined and prepared to wage a terrible and prolonged war of attrition. We hope, by God's grace, that our weapons will only be words, and the power of our ideals.

We have little or no power over governments, but by our tongues and pens we seek to influence them.

We do not presume to know what the future holds, and we promise no short term or easy solution, but with a mighty unified effort throughout the world, we believe that we will triumph with human nature, truth and reason on our side.

Solzhenitzyn you may ask what motivates us.

I would reply that we believe that acting together we will only conquer fear, not with a greater fear, but with love.

That we will never defeat irrationality with the denial of reason, but with reason.

We will never supplant inhumanity with a great inhumanity but with humanitarianism.

We will never defeat lies with greater lies, but with the truth.

We will never achieve spiritual victory unless we have faith.

We can only defeat daily terror by daily courage.

We will only achieve the brotherhood of man with tolerance and understanding.

We will only attain liberty with the consent of those who seek it.

We will only be worthy of serving the people if we show compassion and humility.

We will never build a world at peace spiritually, if all we offer is more matter than the materialists.

We will never restore human dignity without demanding justice.

We will never attract men of goodwill if we preach any form of hatred of nation, religion or race.

But above all, we will never keep silent in the face of tyranny. We will never rest in exposing lies, and we will speak the painful truth at no matter what cost to ourselves.

You all know that previously in history, the appeasers failed and war broke out. Today for the sake of humanity, the anti-appeasers must not fail this time. The Municheers of today must be defeated for the consequences of either a nuclear war or slavery under tyranny is too dreadful to contemplate.

I am compelled to ask you all to make a supreme personal effort in order to avoid catastrophen and to secure peace for us and our children.

Now let us depart to every corner of the world determined to play our individual part in furthering liberty—knowing that we are not alone, and that we have many allies.

One of our best allies are the captive nations themselves. We will work for their liberty too for there can only be peace through freedom.

AN AMERICAN CONSERVATIVE LOOKS AT THE IRISH QUESTION

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. BIAGGI. Mr. Speaker, I would like to draw to my colleagues' attention an article printed in the February 10, 1973, issue of "The Irish People"—a newspaper geared toward the Irish community of New York City.

The article presents an effective argument of the faults of present American policy in Northern Ireland and the effect of the British occupation there. Frequently, the public condemns the Irish Republican Army as brutal and savage, but rarely do we hear of the atrocities committed by the British. The uprisings presently taking place in Northern Ireland are not by a small number of ruthless, insane individuals; it is a movement by a very large and intelligent group.

Americans must remember that there are two sides to every coin and that an argument that looks at only one side, like a coin with only one face, will not buy anything.

The article follows:

An American Conservative Looks at the Irish Question

(By Professor Edward F. Leonard of Iona College)

There is a great deal of honest misunderstanding of the Irish Question in the United States today as is evinced by both the policies of the American press and of the United States government. We cannot expect more reasonable conduct from either quarter unless and until we have a clearer understanding of the facts.

Ireland is, by nature, one country, whose only boundary is the sea. The artificial, foreign-imposed partitioning of this island nation has proven nothing but tragic for all concerned.

The injustice and conflict resulting from English rule in Ireland are the most deplorable in the Western world. It is heartening to see the most Irishmen and Irish-Americans follow the lead of the Republican movement in rejecting the differences carefully fostered by an alien government, which have divided a minority from a majority in the past. We must, however, condemn internment without charge or trial, drum head courts, and the denial of basic civil, natural, historic and human rights under the various "Coercion Acts", most notorious of which is the infamous Special Powers Act. The inhuman torture of helpless men and women who ought to be treated as Prisoners of War under the rules of the Geneva Convention is inexcusable; such treatment might be expected in oriental despotisms but not at the hands of an allegedly-Christian, civilized, Western nation. The one sided nature of sweeps through, attacks upon, and harassment of nationalist areas and people gives the lie to any claims of governmental neutrality.

There must be a real truce, the release of all interned and sentenced Irish political prisoners, everywhere, and the immediate withdrawal of the British Army to their barracks pending their orderly and complete removal from all of Ireland.

Americans must come to understand the nature of both the conflict and the belligerents in Ireland. The current conflict in the so-called "North" of Ireland is a legitimate extension of the continuing Irish War for Independence. A de facto state of belligerency does exist in those six of divided Ulster's nine counties known as "Northern Ireland." Reginald Maulding, the British Defence Minister, has publicly told the world that "the British Army is at war . . . in Northern Ireland." The belligerents in that unhappy war are the Irish Nation and the British Empire, represented in the field respectively by the "Provisional" Irish Republican Army (IRA) and the British Army (and their auxiliary forces).

The British Army and its allies in Ireland in 1969–'73 (?) are performing essentially the same function that the British Army with its Hessian mercenaries and Tory allies performed in America in 1775–'83, namely to try to hold for the British Empire an overseas possession within which years of English mis-rule had driven the inhabitants to rebellion. The belligerent Irish Freedom Fighters (like the Hungarians of 1956) are committing an act of self-defense, for reasons more compelling even than those enumerated in the American Declaration of Independence of 1776. They are following a noble tradition in asserting their right to national freedom and sovereignty. They are asserting it in arms; they are asserting it in blood.

To say that the "Provisional" IRA is anti-British is to state the obvious. We must look deeper and discover that these men are sincere, genuine nationalists who not only reject the tyranny of the red flag of England, but also reject the even more iron tyranny of the red flag of atheistic-Marxism. Their Chief of Staff, Sean Mac Stiophain, said in an interview in the New York Times, Nov. 7, 1971, "we are very anti-Communist." Clearly then, the "Provos" intention is not to impose new masters, but to expel old tyrants.

The Cause of Irish Freedom, though inspired in part by the ideals and example of the American Revolution, is a purely Irish movement. Its roots are in ancient Ireland and Patrick Pearse is its guiding light. The only "ism" involved here is nationalism. On page 2 of the October 1971 issues of An Phoblacht (The Provisional Irish Republican newspaper) there is a statement of the Irish Republican Publicity Bureau dated 26–9–71 which says that the Republican Movement stands for a republic, based on "the proclamation of 1916 and on Christian principles." It goes on to say, "Accordingly, we reject . . . atheistic Marxism . . ., and we are confident that the overwhelming majority of the Irish people will reject this alien philosophy." The Provisional Republican plan for Provincial assemblies so eloquently explained by Senator John E. Flynn in the Nov. 11, 1972 issue of The Irish People (p. 17) is the most effective and progressive plan for the decentralization of government and the protection of local and minority rights, liberties, and interests in a free and united Ireland in accordance with the principle of subsidiarity. Ireland must have a wise and frugal government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This, as Thomas Jefferson said, is the sum of good government. What the "Provisional" IRA is fighting for is the restoration of a united, independent, Irish Ireland; not free merely, but Gaelic as well, not Gaelic merely, but free as well.

"The Provisional" Irish Republican Army is the legitimate military arm of that physical force Irish Republican movement which seeks to establish in fact the all-Ireland, Irish Republic as proclaimed by Patrick Pearse on Easter Monday, 1916, ratified by the overwhelming (80%) majority of the Irish electorate in the general election of 1918, and established de jure by the First Dail Eireann in 1919. It represents, in arms, the legitimate aspirations of the Irish people to national freedom and sovereignty.

In order to bring on a lasting peace as the first step in building a new Ireland, the following must happen:

The Irish, like all other nations, must be guaranteed exercise of the right to determine their own future without let or hindrance. There must be a firm commitment from the British government to withdraw all their armed forces from Ireland by a specific date. With malice toward none and charity for all there must be a general amnesty for all Irish political prisoners, wherever incarcerated, and for all men on the wanted lists.

It is the lesson of history that the only solution to the Irish Question is a free and independent, united Ireland. In the interest of peace and justice, therefore, we must all work for the most expeditious establishment in fact of an all-Ireland, 32-county, Irish Republic of all of the Provinces of Ireland.

IRA Chief Mac Stiophain has said (An Phoblacht, March, 1970): "The people of Ireland will never have the equal rights and opportunities, the civil and religious liberties guaranteed to them by the men of 1916 until British rule has been completely overthrown and a free Gaelic Republic of all Ireland firmly established."

"The Irish Republic was proclaimed by the only way possible—by force of arms—and only by force of arms can the republic we seek be established."

If indeed this is the lesson of history, that there is no other way than physical force, then the opinions of a candid world cannot but wish for Victory to grace the arms of the Irish Republican movement, the "Provisional" IRA. But, the United States is not without influence, as we demonstrated with a mere passive policy of disapproval during the Suez Crisis in 1956. In the interest of a speedy, just, and honorable end to this terrible conflict in Ireland we must therefore call upon the Congress and government of the United States to recognize the truth about the dangerous state of affairs in Ireland, and to use their influence, good offices, and resources, always consistent with the security interests of the United States, to bring a speedy and equitable solution to this unhappy conflict, and to aid in the establishment of a free and independent, united Ireland. What each and everyone of us does counts; you can make the difference.

I propose a program of five (5) points for Americans interested in aiding the cause of peace (which, incidentally, is here in the best interests of the United States) and in aiding the Cause of Irish Freedom:

(1) Recognize that the current conflict in Ireland is a legitimate extension of the continuing Irish war for independence.

(2) Recognize that the only real solution to the Irish question is a free and independent United Ireland.

(3) Recognize and insist upon the right of the Irish people to national self-determination.

(4) Give all legitimate support to those sincere Irish Nationalists who are striving for the establishment in fact of a free Gaelic federated all-Ireland, 32-country, united Irish Republic, based on Christian principles and on the proclamation of 1916.

(5) Know only one name and definition of freedom, the Fenian definition: It is Washington's definition, it is Adams' and Jefferson's; it is Tone's definition, it is Mitchell's Davis', Lalor's, Lincoln's, and Ross', it is Patrick Pearse's definition and it is Sean Mac Stiophain's definition. Let it be our definition, real and complete freedom.

INEQUITIES IN STATE WORKERS' COMPENSATION LAWS

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. DOMINICK V. DANIELS. Mr. Speaker, as my colleagues in this distinguished body are well aware, gross and pervasive inequities exist in the disparate State workers' compensation laws. As reported by the National Commission on State Workmen's Compensation Laws, established pursuant to the Occupational Safety and Health Act of 1970, the existing State workers' compensation laws fail to provide prompt, adequate and equitable protection to workers and the families of workers injured, maimed or killed on the job; and as a result, many workers or their families have been denied workers' compensation benefits. In these times of economic uncertainty and galloping inflation, we must not place such an inordinate burden on our most precious natural resource, the American worker.

In an effort to correct this serious problem and afford uniform standards for the payment of benefits to injured workers, I have had the privilege to cosponsor with my distinguished chairman of the full Committee on Education and Labor, the Honorable CARL D. PERKINS, H.R. 8771, the National Workers' Compensation Standards Act of 1973. That piece of legislation has the stated purpose of "establishing minimum standards of adequacy and fairness for State workers' compensation programs and procedures by which such standards may be implemented."

To emphasize the injustices practiced upon workers by diverse State workers' compensation laws, I would like to insert into the RECORD and commend to the attention of each Member an article in the September 4 edition of the Washington Star-News:

WORKMEN'S COMPENSATION LAWS

(By Sylvia Porter)

More than two years ago, the Wall Street Journal's long-time Midwest managing editor suffered a broken neck and dislocated spinal cord in a tragic auto accident. Outcome: quadriplegia, or paralysis from the chest down.

Human toll aside, the cost of his medical treatment and rehabilitation has been about $75,000 to date—almost all of it paid by workmen's compensation (the Illinois editor was on a recruiting trip when the accident occurred). Somewhat miraculously, this man is back on his job today.

Labor Day is traditionally a time for hailing the American worker's achievements over the years—and our workmen's compensation laws certainly belong high on any list of these achievements.

But as I read about the editor in a recent issue of Business Insurance magazine, I wondered: What if this accident had occurred in a state with less liberal workmen's compensation rules?

If the State had been Tennessee, he would have been guaranteed only $5,000 in medical benefits during the first two years—unless he went to court for more—and the maximum income benefit would have been $55 a week. If the accident had happened in Louisiana, only a $2,500 medical benefit would have been guaranteed.

Our compensation laws are wildly arbitrary and vary dramatically from state to state.

Each year millions of workers need medical treatment and 2.3 million miss at least one day of work because of an on-the-job injury. Each year, 14,200 lose their lives, and 90,000 become permanently disabled. In 1972 alone, more than $3.2 billion in workmen's compensation benefits were paid under federal-state workmen's compensation laws—nearly half of the sum is medical and hospital payments.

Here are some answers to questions which affect you.

Q. How many Americans are covered and who is eligible?

A. About 73 million—82 percent of our work force—are covered, according to the Insurance Information Institute. Eligible are workers who become partially or totally disabled because of an accident or injury on the job, no matter who is to blame. The interpretation of "on the job" varies, but in some states, illnesses incurred on the job are covered, too.

Q. Who isn't covered?

A. The rules vary from state to state, but among the least covered occupations are agricultural work, domestic work, work for religious, charitable or nonprofit organizations, "casual" labor, self-employment, workers in small firms.

Q. How much do benefits run?

A. Normally, the maximum benefit is between 60 and 80 percent of the predisability wage. In one-third of the states, there is an extra allowance for workers who have dependents, which brings typical benefits to 60–65 percent of take-home pay. Typical maximum benefits for temporary total disability are $40 to $175 a week, according to your state.

Q. What types of benefits are paid?

A. The biggest chunk goes to make up for income lost due to illness or disability incurred on the job. The next biggest chunk goes for medical costs. The rest goes for death benefits paid to survivors.

Q. How long are benefits paid?

A. In two out of three states, benefits are paid as long as your disability or illness lasts—possibly your lifetime.

Q. How quickly are compensation claims paid?

A. Usually within two weeks after the claim is filed.

Q. Who pays the claims?

A. Private insurers—to whom employers pay insurance premiums—pay nearly two-thirds of the benefits. State insurance funds pay 23 percent of the benefits and employers pay the rest via self-insurance plans. The average cost to employers in covered employment is about 1 percent of payroll.

Q. Can you collect both Social Security disability benefits and workmen's compensation at the same time?

A. Yes, if the combination does not exceed 80 percent of your predisability monthly earnings. After that, Social Security payments are cut to keep the total at the 80 percent mark. Social Security disability benefits alone now amount to more than $4 billion a year.

OTHER GOVERNMENTS FOLLOW THE UNITED STATES IN CREATING OFFICE OF TECHNOLOGY ASSESSMENT

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. TEAGUE of Texas. Mr. Speaker, more than 7 years ago the Committee on Science and Astronautics and its Subcommittee on Science, Research, and Development began work on the concept of technology assessment. Through many years of careful study and consultation with some of the most thoughtful and knowledgeable people in the country, this concept evolved into legislation and eventually—last October—into public law. As a result, Congress has created an Office of Technology Assessment as a new mechanism to help it in making decisions on matters involving a strong technological component.

Interestingly enough, since that time the idea has spread not only through this country but around the globe. In fact, a number of other governments are in the process of adopting such a process as a component of their business. The German Bundestag is in the process of doing this. The Japanese Ministry of International Trade and Industry has set up a Technology Assessment Office, as has the Japanese Science and Technology Agency. The Swedish Parliament is considering the formulation of an Office of Technology Assessment. Reports from Russia indicate that a committee has been formed within the government to consider the establishment of a technology assessment unit. Last fall NATO devoted the entire proceedings of its Advanced Study Institute in Milan to this matter. It has become a topic of study by UNESCO, the Organization for Economic Cooperation and Development, the Council of Europe and the new Internal Institute for the Management of Science and Technology in Vienna.

The most recent example of the international spread of technology assessment was reported on July 18 in the Washington Post in a dispatch from London, where a new Council for Science and Society is being set up to "examine selected projects on the frontiers of science and technology, draw up a balance sheet of human benefits and costs" and otherwise look for "important social consequences for good or ill." While the new council is not a part of the government apparatus in England, its members are prominent persons whose influence reaches into both the government and private sector.

It appears to me, Mr. Speaker, that there is a certain irony in the fact that the Congress of the United States, which created and fostered technology assessment among the parliaments of the world, has yet to fund its own office and permit it to become operational while similar entities in other parts of the world are already beginning to function. It is my sincere hope that the Congress will not let this situation continue much longer and that appropriate funding will be forthcoming soon in the Legislative Appropriations Act.

Mr. Speaker, the news story concerning the new council in Britain follows:

[From the Washington Post, July 18, 1973]

TO JUDGE SOCIAL CONSEQUENCES OF SCIENCE

(By Bernard D. Nossiter)

LONDON, July 17.—Some of Britain's leading scientists today launched a pioneering effort to predict and control the social fallout from scientific research.

The new Council for Science and Society will examine selected projects on the frontiers of science and technology, draw up a balance sheet of human benefits and costs and propose ways to ease or inhibit consequences threatening the quality of life.

The council includes two Nobel Prizewinners and 31 other distinguished figures from a wide array of disciplines. It is believed to be the first of its kind in the world.

It represents a striking departure from the conventional view that scientists should pursue knowledge for its own sake and let the rest of society worry whether it is used or abused.

Although its founders describe it as a "modest proposal," the council could prove to be as important in history as the organization of the Royal Society, 300 years ago. That was Europe's premier scientific body and it played a key role in bringing the industrial revolution to Britain first. Appropriately, the new council announced its formation at the Royal Society's headquarters in Carlton House Terrace here.

In effect, the new council is not trying to push the scientific genie back in the bottle, but tame it instead. It appears at the very moment when, throughout the rich West, there is increasing skepticism toward and fear of the scientists' product.

Chairman of the council is Sir Michael Swann, a zoologist, who is also chancellor (in American terms, president) of Edinburgh University and chairman of the British Broadcasting Corp., one of the most influential posts in Britain.

"Science and technology have done some magnificent things," Sir Michael said today. "But they often produce uncomfortable side effects. Very often, we then do something about this, but it is too late."

Among the first subjects that the council expects to examine is research into the control of human behavior, especially mood-changing drugs, and the hunt for techniques to determine in advance the sex of infants.

In a prepared statement of objectives, the council says:

"It is not committed to any view of scientific optimism or pessimism about the future of man . . . It will try to identify areas of research in science and technology which could have important social consequences for good or ill, but which are not yet fully explored; to study these objectively; to attempt to foresee what their consequences might be; whether they could be controlled, and how; and to publish responsible reports designed to stimulate wide public debate . . . In this way it hopes to foster an active corporate social conscience in which the British scientific community can work."

Some of the founders expect that their group will be labelled, a "doom watchdog," a reference to the popular belief that uncontrolled science and technology are leading man to exhaust the planets natural resources and extinguish life.

To avoid any hint of government control, the council is getting its funds from independent, private sources. It is now backed for three years by a grant of about $200,000, from the Leverhulme Trust, a foundation created by the former head of Unilevel, a giant international conglomerate.

The council stems from growing discomfort among many scientists over the unforeseen consequences of their discoveries. By the time these dangerous side effects become apparent, vested interests in government, industry and elsewhere are exploiting the discoveries, and it is difficult to check their malign effects.

In an early discussion of the problem, a group of scientists and others cited as examples the uncontrolled development of antibiotics, computer data banks, plastic containers and the contraceptive pill.

The council members recognize that the spread of knowledge is worldwide, that even if Britain works out successful techniques to restrain the baleful effects of a new discovery, other nations may plunge ahead heedlessly. But, if the council works well here, the hope is that it will become a model for other nations, much like the Royal Society three centuries ago.

Sir Michael, the chairman, described his group as "slightly establishment," but promised that younger scientists would be called in as a balance, to perform the actual research into research.

The group's secretary and lone paid member, Dr. Jerome Ravetz, offered a crucial distinction. He said the council is "of but not in the establishment."

He meant that its members all had reputations valued by men of power and influence, but that many were capable of an unestablishment rocking of the boat. Ravetz, a leader in the campaign against the Concorde, is himself an example. Born in Philadelphia, he has been trained as a philosopher and mathematician and now is a senior lecturer in the history of science at Leeds University.

Other council members are Maurice H. F. Wilkins, Nobel laureate in medicine; Denis Gabor, Nobelist in physics; Sir Bernard Lovell, the astronomer; Conrad H. Waddington, geneticist; Anthony Storr, psychiatrist; Dr. Alexander Comfort, poet, novelist and gerontologist; Edward Crankshaw, the historian; and Asa Briggs, vice-chancellor of Sussex University and social historian.

The council also includes an engineer, biochemist, biophysicist, social psychologist, engineer, three big businessmen and Lenin Peace Prize winner, physicist Eric H. S. Burhop.

The council will not examine controversial projects that have already ripened, like nuclear fast breeder reactors. Nor does it intend to look at those that appear to be a long way from maturity. But the difficulty of deciding what is and is not ripe was illustrated by a difference openly discussed before reporters over research into creation of test-tube babies.

Dr. Robert G. Edwards of Cambridge and Patrick C. Steptoe of Oldham General Hospital in Lancashire have produced some striking results, conceiving an embryo in the laboratory. But their experiments have aroused widespread fears of genetic engineering, of a dictatorial government producing a race of serfs.

Council member John H. Humphrey, deputy director of the National Institute for Medical Research, insisted, "We have got to look at Edwards and Steptoe."

Chairman Swann, however, demurred. "It may not be a social problem for some years to come," he said.

Ravetz, the new group's secretary, observed that if Britain's technology ministers had had a council assessment available, development of the Concorde might have been halted long ago.

He suggested that the council's researchers might well examine controversial scientific concepts, trying for example to define "acceptable risk," and look into the effects on privacy of new developments in electronics.

Ravetz will interview scientists, writers and others over the next few months and propose projects for the council's work. Its members will then select six for their first three years. A few experts in each field, drawn from outside the council, will make reports. These, with their recommendations for control measures, will ultimately be issued under the council's name.

The council is closely modeled on the lines of a paper written by Paul Sieghart, a retired London lawyer, and published in September in Nature, the science journal. Sieghart, the new council's vice-chairman, called for "a body organized by the scientific community itself and expressly charged with the task of informing the public in general, and the organs of government in particular, at the earliest possible time, of all scientific work likely to have important social consequences for good or ill."

RECOGNITION OF FRANK WILLS

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Monday, September 10, 1973

Mr. SCHWEIKER. Mr. President, when I appeared recently on the nationally-televised public broadcasting news interview program "Black Perspective on the News," I was asked by one of the journalists, Robert Jordan of the Boston Globe, why more acclaim has not been given to Frank Wills, the black security guard who discovered the Watergate break-in.

I agree with Mr. Jordan that Frank Wills is the "forgotten man" of the Watergate affair, and I would like to take this opportunity to share with my colleagues several accounts of his activities since June 17, 1972.

The May 13, 1973, Washington Post Potomac magazine contained a lengthy piece on Mr. Wills. Perhaps the most telling insight into the man came in the following passage:

Wills' friends still sometimes call up and ask, "Is the hero in?" and when something appears about it on TV, they coyly say, " 'They're talking about you.' I say, 'Not me, I did my part, I'm finished with it.' "

again—

Yet could he have it to do all over

> I would do it five times over if I had to. I'm glad I did it, I have no regrets.

And the reason is duty, a strong sense of doing the job correctly, a concept that Wills returned to often.

> I think I was doing my duty, I was doing a job . . . It was part of my job . . . If you're on a job to do something, you just do it. If you're proud of your job, of what you're doing, the rest will take care of itself.

Mr. President, I ask unanimous consent that several articles on Mr. Wills be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the New York Times, Apr. 28, 1973]

Watergate Produces One Hero

"My friends think I'm a great celebrity, a great detective," said Frank Wills, a 25-year-old security guard from North Augusta, S.C. who works in Washington. "Down home, I'm big stuff." Mr. Wills went on. "People I know call me up and say "How's the hero?" Mr. Wills said that "it was just part of my job" when, on the morning of June 17, 1972, he discovered that a lock had been tampered with on a door near the offices of the Democratic National Committee headquarters in the Watergate complex. He informed the local police, who arrested the Republican operatives who had broken in. Since then, Mr. Wills said, he had changed security jobs in order to get a $5-a-week raise, bringing his present weekly salary to $85. An unidentified Democratic party spokesman said: "We have talked about doing something for him but we haven't been able to find him. I mean, we would at least like to say thank you."

[From the Chicago Daily News, June 18, 1973]

Watergate and "Frank Who?"

(By Ellen Warren)

Years from now, if people still sit in their living room and drink cocktails and play trivia, they'll profit from remembering the name Frank Wills.

Right now, at least, it looks like 25-year-old Wills must resign himself to the small print in the footnotes of history books.

He is the $80-a-week security guard who discovered the Watergate break-in that signaled the White House head-rolling that has become another chapter in American political corruption.

"Frank Miller, Frank Miller," shouted a little boy, running up the steps after Wills, waving a piece of paper. Sign this, sign this, Frank Miller."

Quite obviously, Wills has a long way to go to overcome his obscurity.

Step one of the process is making paid speeches around the country to remind people just who Frank Wills is.

So, it was in a fitting remembrance of the one-year anniversary of the Watergate burglary Sunday that Wills was in Chicago to receive the Social Justice Award and a $500 check from the Concerned African Methodist Episcopal Ministers of Metropolitan Chicago.

Wills seemed genuinely embarrassed by the praise that the ministers and congregation at the Bethel AME Church, 4448 S. Michigan, heaped upon him. He was hailed as a model for young black men.

Some 300 people gave Wills a standing ovation as a pleased Washington attorney, Dorsey Evans, looked on.

The church presentation, and an earlier affair in Detroit, were Evans' ideas.

He is a savvy and eloquent lawyer and public relations man who talks of movies starring Frank Wills, television appearances, souvenirs.

"Until Frank hired be about five weeks ago he hadn't made one appearance," Evans said, aghast.

Wills now is an $85-a-week security guard for a Washington (D.C.) realty firm.

He said he didn't realize that the Watergate break-in was anything more than a routine burglary until three days after it happened. A friend of mine called me and told me my picture was in the paper."

Fame is fleeting, and despite Evans' lofty plans for his client, Frank Wills has other goals: "I'd like to get me a restaurant, cook me some good old soul food and make some money."

[From the Washington Star-News]

HE SOUNDED THE ALARM AT WATERGATE

(By Jerry Oppenheimer)

Frank Wills, the obscure $30-a-week security guard who discovered the now infamous Watergate break-in last June 17, is alive and well and working in another Washington office building—as an obscure $85-a-week security guard.

It was Wills' chance discovery of a piece of tape attached to a Watergate basement door latch during a routine patrol that led to the arrest of five political espionage agents who broke into Democratic National Committee offices and to a scandal that today is shaking the foundations of the White House itself.

For Wills, a 25-year-old native of North Augusta, S.C., his effort has resulted in little more than a commendation from the Watergate management, a few yellowing news clippings and about two dozen letters from people around the country—mostly Democrats—thanking him for doing his duty.

"It was just part of my job," he said yesterday in his tiny furnished bachelor apartment in Northwest Washington that he shares with his cat, Tuffy.

Like the case itself in the initial stages, a veil of mystery surrounded Wills in the weeks after the break-in.

Under orders from the police, he refused to discuss the case with anyone. And as the names of people like Mitchell, Segretti, Stans, Dean, Magruder, Haldemann and Ehrlichman, among others, began to emerge in the ever-widening Watergate investigation, the name of Wills was lost.

Wills himself added to the aura by unexpectedly quitting his job at the Watergate only a short while after he received a promotion to sergeant and a pay raise, which he described yesterday as "50 cents before taxes." He now works in a Connecticut Avenue building—still as a security guard but receiving $5 a week more than he did at Watergate.

At the time he quit his job, he also moved out of his one-room apartment in the Dupont Circle area without leaving his landlord a forwarding address. And he had an unlisted telephone.

Among the men who worked with him at the Watergate there was talk that Wills dropped out of sight because he feared for his physical safety.

There were also rumors around the guards, Watergate locker room that someone had slipped him a bundle "to keep quiet" and that he was living the high life on a Caribbean island.

Others with less colorful imaginations felt he had just plain tired of the publicity and the hounding of reporters "who were camping on his doorstep."

Sitting shirtless and in bare feet in his apartment yesterday, Wills laughed about all the talk.

"I was never afraid, and there was never any pressure put on me by anyone, Democrat or Republican," he said. "All of my friends, though, were concerned about my safety. They were woried about the Cubans. Some of the nice people who wrote to me told me to 'watch out,' and my mother called me long distance and told me to be careful. But I thought it was all really fun."

Wills explained that he had quit his job with General Security Services, Inc., at the Watergate simply because he was not making enough money, that he left his apartment because the owner planned to renovate the building and that he never listed his number in the telephone directory.

Wills came to Washington from Detroit about two years ago after a stint as a store detective there. He was subpoenaed to testify at the Watergate trial in January. His testimony concerned what happened in the predawn hours of last June 17.

It's a story he will never forget, he said. And he recalls the now well-known details with gusto.

"I started to make my rounds, beginning in the basement and working my way up. That's when I first saw the door with the tape on the lock, the door leading to a fire stairwell that goes directly to the Democratic offices." (Placing tape on a door latch prevents a door from locking.)

Wills, figuring the tape had been placed there earlier in the day by building engineers or workmen, removed it, continued on his rounds and found nothing else amiss.

After a snack at the Howard Johnson Motor Inn across the street, he began his second rounds of the night. He again found the door latch taped.

"I got scared," he said. "Something told me not to take the tape off this time. I knew someone had gotten in. I just knew it. I didn't have a gun, just my can of Mace and a nightstick, so I was afraid to go up the fire stairway because I didn't know who might be there. I went back and called the police."

A few minutes later, Wills recounted, three policemen led by a sergeant appeared. He showed them the taped door and they moved up the stairway. Wills then heard the buzzer at the guard desk signaling that someone wanted to be let out of the building. He went downstairs.

By the time he arrived back on the sixth floor where the Democratic offices were located, it was all over. Wills had missed all the action.

More police had arrived by that time, and in their midst were five "very well-dressed men in handcuffs." One of them "asked me nicely for a glass of water. Nothing else was said to me." Wills identified the speaker as former CIA agent and Nixon campaign security adviser James McCord.

Wills tells the story over and over to his friends. "They think I'm a great celebrity, a great detective. Down home I'm big stuff. People I know call me up and say, 'How's the hero?' "

The other day an official at Democratic headquarters, now located across town from the Watergate in the Airline Pilots Association building, told a reporter that the guard was "probably the greatest Democrat—if he is a Democrat—of all time" and should receive some special recognition from the party, like a cash reward.

But the committee official couldn't remember Wills' name.

Frank Wills said that even though he got a lot of satisfaction from catching the Watergate saboteurs, as any good Democrat would (he voted for McGovern), he conceded that a reward would be something he could not refuse.

Two days after the break-in, he recalled proudly, he did get a pat on the back from Mrs. Jean Westwood, the former Democratic National Committee chairman, and he feels that had served him well.

Right now, Wills said, there are other things besides rewards bothering him, like the state of the country.

"What's happening today?" he said. "I think there's a breakdown in the political system. The American people are just not aware of what's really happening. I've seen it first-hand and it's opened my eyes real wide. I really feel sorry for the people who look at Watergate and say it's just politics."

Wills said that because of all he's been through since last June, "I'd like to get into politics myself. It seems real interesting. I'd like to get people to see things in an entirely different way—all this cheating has just turned the people off."

ACTS OF HEROISM OF PUBLIC SERVANTS DESERVE RECOGNITION

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. HOGAN. Mr. Speaker, on July 10 of this year, I introduced a bill to provide for the awarding of a Medal of Honor each year to one policeman and one fireman from each State. I introduced this bill because I feel the acts of heroism performed by our police and firemen in the routine everyday performance of their duties are no less praiseworthy than those performed by the soldier on the battlefield, and this kind of public recognition is long overdue.

Since I introduced this bill, I have written to the law enforcement agencies in the State of Maryland requesting the names of officers who have been commended for their outstanding service. The response to this request has been heartwarming and I include a partial list of those officers at this point:

UNIVERSITY OF MARYLAND,
College Park, Md., August 17, 1973.

Hon. LAWRENCE J. HOGAN,
House of Representatives,
Longworth Building
Washington, D.C.

DEAR MR. HOGAN: Thank you for your letter regarding the awarding of a Medal of Honor for Police Officers who have performed their duties to the highest degree of excellence.

I would like to bring to your attention the performance of University Police Officer Sally Henning who effected single-handedly the arrest of two (2) armed robbers immediately after the robbery.

I am enclosing a photocopy of an article which appeared in the May–June 1973 issue of the Campus Law Enforcement Journal depicting Officer Henning's actions. I feel that she is most worthy of receiving your Medal of Honor.

Thank you for your interest in law enforcement and consideration of this nomination.

Sincerely,

JERROLD L. WITSIL,
Director, Department of Public Safety.

Officer Sally Henning Placed in Nomination for IACUSD Annual Recognition Award

(By Jerrold L. Witsil)

On April 7, 1973 at approximately 8:40 p.m., an armed robbery took place in Hagerstown Hall, a high rise residence hall on our College Park Campus. The two assailants were armed with a revolver and a tire iron. Three students were robbed at gun point and reported the incident to the University Police Dispatcher moments after the assailants fled the building, giving an accurate description of both men.

Officer Private First Class Sally Diane Henning responded to the dispatch and as she neared the dormitory complex observed the two assailants. She notified the Dispatcher and immediately vacated her cruiser to approach the suspects. As she neared the two men they attempted to flee into the crowded student areas of the complex and escape apprehension.

It was at this point that Officer Henning's actions qualify her for the award. Rather than risk losing sight of the suspects while awaiting the assistance of other officers. Officer Henning elected to apprehend them by herself.

With total disregard for her personal safety, Officer Henning approached the suspects and commanded them to halt and placed them both under arrest. A search of the assailants revealed no weapon but did disclose a quantity of ammunition and the wallet of one of the victims. The tire iron and a revolver holster was found on the seat of the suspects' vehicle which they had just left when Officer Henning first observed them. Both suspects are waiting trial and are being held on a bond of $25,000 each. Their criminal records indicate that they are not new to the business of armed robbery and assault.

During the past several months the University has experienced a number of armed robberies during which some of the victims have been beaten with weapons and threatened that they would be shot. Officer Henning was fully aware of these facts when she approached the assailants. I might add that Officer Henning stands 5'4'' tall and weighs 115 lbs. while assailants towered over her and presented quite an ominous appearance.

The arrest of these two individuals not only resolved one robbery but appears to be tying in with a number of other robberies and crimes on campus as well as the identification of a possible third suspect in the above robbery.

Forest Heights Police Department,
Forest Heights, Md., August 13, 1973.
Hon. Lawrence J. Hogan,
Congressman, Fifth District, Congress of the United States, House of Representatives, Washington, D.C.

Dear Congressman Hogan: In regards to your letter of August 6, 1973 I am enclosing a copy of a letter of commendation recently presented to one of my men per your request. I am very gratified to know that there are representatives in Congress such as yourself who are genuinely interested in the advancement and professionalization of law enforcement and in seeing that police officers who risk their lives daily in the performance of their duties are honored. As you know, my Department is a small agency but my men are dedicated to serving the criminal justice system and the community with the highest degree of professionalization possible. I wish to thank you for the honor you are affording us, if I can be of any future assistance please do not hesitate to contact me.

Sincerely,

Harry J. Polis,
Major, Chief of Police.

Forest Heights Police Department,
Forest Heights, Md., August 1, 1973.
Officer Roy Lee Warner,
Forest Heights Police Department,
Forest Heights, Md.

Dear Officer Warner: This letter is to commend you for the outstanding job you did on the morning of July 6, 1973 at 0200 hours when you gave chase to armed robbery suspects who had committed a street robbery at Livingston Rd. and Indianhead Highway, Forest Heights, Md. and apprehended them in the District of Columbia. You showed great courage and good judgment in making the apprehension, and I feel that you have certainly distinguished yourself among your fellow officers and the community that you serve. I hope that you will continue to do the same fine job that you have done in the past.

Sincerely,

Harry J. Polis,
Major, Chief of Police.

THE VALUE OF STRATEGIC BOMBING—A CONTINUING DEBATE

HON. SAM NUNN

OF GEORGIA

IN THE SENATE OF THE UNITED STATES

Monday, September 10, 1973

Mr. NUNN. Mr. President, now that the bombing in Cambodia and Southeast Asia has been terminated, I believe that it is in order for Congress and the American people to consider all aspects of conventional bombing, including not only its effect on past military activities, but also its role in the future.

To that end, I feel that the bombing survey article which appeared in the Air Force magazine, June 1973 points out several aspects of our conventional bombing capability, and I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

What the Bombing Survey Really Says

(By Maj. David MacIsaac, USAF, Associate Professor of History, USAF Academy)

"Bombing surveys after World War II showed that in industrial countries output expanded and morale rose as the bombs fell."—I. F. Stone, The New York Review of Books, January 25, 1973.

If you think the sentence quoted above is far out, then turn to pages 161–162 of David Halberstam's The Best and the Brightest (see USAF Gen. T. R. Milton's review in our "Airman's Bookshelf," April '73 issue) and read about "the U.S. Strategic Bombing Survey . . ., which proved conclusively that the strategic bombing had not worked; on the contrary, it had intensified the will of the German population to resist. . . ." These are two recent examples of the misreading, misuse, and/or misrepresentation of the findings of the USSBS that critics of our involvement in Indochina are feeding an unwary public. For these critics, the implications are simple: (1) strategic bombing in World War II was ineffective and wasteful, and (2) bombing in Indochina therefore was unwise, unprofitable and futile. This is worse than generalizing from particulars; it's more like arguing that one apple plus one orange equal two lemons.

Air Force people who find history irrelevant to current events far outnumber those of us who think the others have a screw loose for thinking as they do. Nonetheless, they are and probably always will be a commanding majority. One price the service pays for this attitude is the ability of the Stones and Halberstams to get us at a disadvantage on what should be our own ground.

THE U.S. STRATEGIC BOMBING SURVEY

Early in 1944, a group of officers working with Gen. Muir S. "Santy" Fairchild in Washington, D.C., set in motion an idea that was to culminate later that year in the establishment by President Roosevelt of a Presidential Commission to investigate the effects of strategic bombing in the war against Germany. An impartial, civilian-dominated commission, the airmen argued, should direct such an evaluation, to assure that the findings would not be taken as self-serving arguments construed by the Army Air Forces. Gen. "Hap" Arnold cleared the idea with Gen. "Tooey" Spaatz, the theater air commander, and then with his own colleagues on the Joint Chiefs of Staff. Finally, in October, the President obtained the agreement of Franklin D'Olier, President of the Prudential Insurance Co., to act as Chairman of the commission.

Before the war in Europe was over, well over 1,000 people (a third of them, including most of the decision-makers, were civilians—experts in structural damage, economic planning, manufacturing, transportation, psychology, etc.) were assigned to the Survey. The quality of men who formed the Survey's top echelon is revealed clearly by their illustrious careers both before and after: Henry C. Alexander, D'Olier's Deputy, later President of the Morgan Guaranty Trust Co.; Paul H. Nitze, later Secretary of the Navy and Deputy Secretary of Defense, recently a principal negotiator in the SALT talks; George W. Ball, later Under Secretary of State and Ambassador to the United Nations; J. Kenneth Galbraith, internationally known economic philosopher and former Ambassador to India.

Divided into teams essentially on the basis of particular industries, the USSBS set to work both in England and on the Continent well before hostilities ended. Many were shot at; five were killed in the line of duty; in several instances Survey teams liberated targets in advance of the ground forces. They measured effects, interviewed survivors at the highest (*e.g.*, Speer and Goering) and lowest levels, impounded records, and even tangled with the Russians in Berlin. Returning to England and later Washington, they sifted and cross-checked evidence, argued occasionally among themselves, but eventually came to a consensus: "Allied air power was decisive in the war in Western Europe." To be sure, the Chairman's report noted instances where airpower might have been applied more effectively (against synthetic-rubber production and the electrical power net, to cite two examples), but the final report stated emphatically:

"Nevertheless, it was decisive. Its power and superiority made possible the success of the [Normandy] invasion. It brought the economy which sustained the enemy's armed forces to virtual collapse [even if it is true that in the prevailing circumstances] the full effects of this collapse had not reached the enemy's front lines when they were overrun by Allied [ground] forces."

When I. F. Stone says that "bombing surveys after World War II showed that . . . morale rose," and when Halberstam asserts that strategic bombing "intensified the will of the German population to resist," they are both, at the very least, badly informed. USSBS European Report No. 64b. The Effects of Strategic Bombing on German Morale, stated clearly that "Bombing seriously depressed the morale of German civilians," and that "Bombing did not stiffen morale." The quoted remarks of both Stone and Halberstam are buried amid arguments about bombing in North Vietnam. Neither writer seems to recognize that in the process of proceeding from conclusions to supporting evidence, he has succeeded admirably in either ignoring or misrepresenting the very evidence he would call to our attention.

The Chairman's report on the effects of strategic bombing in Japan had no such qualifications as did the report on Europe:

"Based on a detailed investigation of all the facts, and supported by the testimony of the surviving Japanese leaders involved, it is the Survey's opinion that certainly prior to 31 December 1945, and in all probability prior to 1 November 1945, Japan would have surrendered even if the atomic bombs had not been dropped, even if Russia had not entered the war, and even if no invasion had been planned or contemplated. . . . By July 1945, the weight of our air attack had as yet reached only a fraction of its planned proportion. Japan's industrial potential had been fatally reduced, her civilian population had lost its confidence in victory and was approaching the limit of its endurance, and her leaders, convinced of the inevitability of defeat, were preparing to accept surrender. The only remaining problem was the timing and terms of that surrender."

And, if this statement does not in itself say enough about the specific issue of morale effects, the interested reader can either go further in the same report (pp. 20–22), or sample USSBS Pacific Report No. 14, The Effects of Strategic Bombing on Japanese Morale.

MUDDIED WATERS

World War II was scarcely over before those who, in military historian Noble Frankland's memorable phrase, prefer to feel rather than to know about strategic bombing, began to muddy the waters. First in the lists was British Adm. Sir Gerald Dickens with his "Bombing and Strategy: The Fallacy of Total War" (London: Sampton, Low, Marston, 1947), criticizing the very idea of strategic bombing as a legitimate means in war. Another Englishman, the renowned military historian, theorist, and critic, Maj. Gen. J. F. C. Fuller, added fuel to the fire in his "The Second World War" (New York: Hawthorne, 1969, first published in London, 1948), and "The Conduct of War, 1789–1961 (New Brunswick, N.J.: Rutgers Univ. Press, 1961). General Fuller roundly castigated strategic bombing—his target was the area bombing policy of RAF Bomber Command—as contributing to a dehumanization of warfare that he traced to the decline of aristocracy and the effects on warfare of general conscription, introduced by the French levée en masse of 1793. Concerned to show that strategic bombing up to the spring of 1944 was "an extravagant failure," he cited statistics compiled by the USSBS and questioned whether the resources that went into strategic bombing might have been better or differently invested (in landing craft, transport aircraft, anti-submarine aircraft, etc.).

In our own country, the so-called B–36 vs. supercarrier controversy of 1949 sparked similar attacks, of which Marshall Andrew's Disaster Through Air Power (New York: Rinehart, 1950) enjoyed a brief notoriety. These and subsequent critics, when they did review the evidence, generally fell back on one of two devices: (1) rather like Fuller, they cited statistics applicable to the early years of the war, before the weight of the bomber offensive could make itself felt, and then drew conclusions (morals?) that they applied to the entire war; or (2) they cited comments from various of the USSBS reports on particular target systems (aircraft factories, oil, chemicals, etc.), suggesting that better target selection could well have produced more striking results more quickly. [Ed. note: For a grotesque example involving both devices, see the author's "New Look at Old Lessons" in the September '70 issue of this magazine.]

As to the first technique, what almost all critics fail to acknowledge is that of all the bombs dropped over Europe in World War II by the USAAF and RAF (2,770,540 tons), only 17.48 percent were expended prior to January 1, 1944 and only 27.7 percent prior to July 1, 1944. In other words, almost three-quarters (72.3 percent) of the bombs were dropped in the closing ten months of the war (July 1944 to April 1945) when the bombers were finally cut loose in force to drive home the attack on Germany. (The comparable figures on Germany alone were 1,419,604 tons, 18.2 percent, 29.8 percent, and 70.2 percent.)

Output expanded as the bombs fell, Mr. Stone tells us. Presumably, he is referring to the continual expansion of German aircraft production from 1939 to September 1944 when it peaked out—even though it was first attacked in early 1943. The bombing surveys he so glibly quotes, however, remind us that of the entire effort in 1944 (1,593,736 tons) only 38,220 tons could be directed against that industry. This represented a mere 3.9 percent of the USAAF effort and 0.5 percent of the RAF effort. What we are *not* told is how target priorities established by the Combined Chiefs of Staff and Gen. Dwight D. Eisenhower (relating to Overlord, V–1, and V–2 sites, etc.) prevented the air commanders from pressing the attack against aircraft production and aviation fuel sources. When General Spaatz at length prevailed upon General Eisenhower in May of 1944 to allow at least an occasional attack against the synthetic oil refineries in Germany, the results for Germany were catastrophic. "I shall never forget the date May 12," Albert Speer was later to write in his memoirs.

"On that day the technological war was decided. Until then we had managed to produce approximately as many weapons as the armed forces needed, in spite of their considerable losses. But with the attack of 935 daylight bombers of the American Eighth Air Force upon several fuel plants in central and eastern Germany, a new era in the air war began. It meant the end of German armaments production." (*Inside the Third Reich*. New York: Macmillan, 1970, p. 346.)

Any attempt to suggest that "output expanded" during the *last* ten months of the war—in *any* industry—runs smack up against all the available evidence.

The second technique of occasional critics—quoting selective comments from various USSBS reports—can be grossly misleading. Of the 208 reports completed on Germany, only No. 1, 2, and 3 purport to speak for the Survey as a whole; all the others are, in fact, supporting documents, prepared by specialists in discrete fields, and not subject to comparison and cross-checking by the Survey's board of directors. Therefore, instances can be shown where specialists (in synthetic-rubber production, for example) expressed amazement that particular targets in their own area of expertise were either so long "ignored" or not hit at all. No one with knowledge of the campaigns has ever denied that this sort of thing occurred. To expect it not to have happened in what was, after all, an improvised air war, is surely to rate the judgment and clairvoyance of the bomber commanders on an impossible scale.

THE PROBLEM TODAY

The real problem our service faces with the Stones and Halberstams is less their misrepresentation of the World War II evidence than it is their real intent—to criticize (when not condemning) the Air Force role in Indochina over the past decade. This, I would submit, they are free to do if the spirit so moves them. But we must not let them get away with drawing comparisons between the two wars on some presumed basis that the two have enough in common to warrant comparison.

For openers, and to cite the obvious, there are some very real differences between total and limited war—and, hence, in the goals objectives, and restrictions applicable to airpower. Take, for example, the effects of bombing over North Vietnam. At no time (except perhaps for a week or so last December) were the North Vietnamese ever subjected to anything even approaching what the Germans and Japanese had to contend with in World War II.

Or turn the question around and look at it from the viewpoint of the aircrews and air commanders. Over Germany and Japan no impediment whatsoever was placed in the way of attaining the first priority in an air offensive—air superiority. In Indochina, certain enemy airfields and AAA sites were ruled out of bounds from the beginning. In World War II, target selection was in the hands of experienced air commanders (or at least the theater commander). In World War II, air tactics were decided by airmen. Whether the measure is of goals, objectives, targets, or tactics, it's difficult to see what was comparable in the two wars beyond the basic facts that airmen and aircraft were involved in both.

The restrictions imposed on air activity in Vietnam will not be quarreled with here, nor need they be. But their very existence must be acknowledged. And with the acknowledging comes the awareness that the air war in Indochina was unique, requiring justification or attack on its own terms. This will not eliminate controversy, but it will surely legitimize it. At the same time, it will protect the hard-earned record of World War II from being sullied by those who usually have something else in mind to start with anyway.

HOW TO STOP INFLATION

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. SYMMS. Mr. Speaker, every public opinion survey taken recently has shown that inflation and the high cost of living the No. 1 concern of Americans. However, many people do not really understand the true cause of inflation and the only way in which it can be stopped. My friend Leonard Read of the Foundation for Economic Education—FEE—has prepared an excellent paper entitled "How to Stop Inflation."

I am including the text of his paper in my remarks today; I hope my colleagues in the Congress will benefit from Mr. Read's statement.

The excellent paper follows:

HOW TO STOP INFLATION

To know truly is to know by causes.—Francis Bacon.

How to stop inflation? Remove the cause! Stopping inflation is as simple and as difficult as that. Everyone says he's against inflation; yet, what do we find? Nearly everyone overlooking the sole remedy and, instead, conjuring up schemes to soften inflation's disastrous effects. Interestingly, all schemes or nostrums which ignore the cause, if and when adopted, sink us ever deeper into the mire. As if inflation weren't bad enough, most proffered "cures" would worsen the situation!

Many years ago a professor of economics told a group of us about his experiences at the University of Heidelberg during the German inflation. Faculty members were paid twice a month, then each week, then each day. Finally, they were paid in the morning, rushing the checks home to their frauen before going to their classrooms. Why? Prices were multiplying many times each day, so shop in the morning! There came a time—August 1923—when 100 billion marks would not buy a loaf of bread.

What was this professor's recommendation to those in our group who foresaw similar problems in our own country? His advice was to out-produce inflation! Imagine a professor of economics not understanding that all production creates its own purchasing power!

A few thoughts inspired by the professor's naive thinking: Production involves the efficient combination and use of scarce resources, in the process paying for each resource a price high enough to pull it away from other owners and other uses. To produce more housing, for instance, involves paying higher wages, higher prices for lumber, hardware, masonry, and the like, to attract those scarce resources from other uses. Meanwhile, each supplier of such resources has the additional income to spend, a process sometimes expressed as Say's Law: "Production creates its own purchasing power."

The truth is that inflation does not result from the lack of housing or other goods or services. It is nothing more nor less than the printing of what the government has declared to be legal tender, that is, printing ever-increasing quantities of fiat money. Unless house-building or other productive activities stop those printing presses—an absurdity—then trying to out-produce inflation is as futile as trying to out-run one's own shadow. So the professor's cure is on a level with most remedies now being dinned into our ears.

It is not that the inventors of these schemes agree with inflation. Quite the contrary! Rather, it is that they see no way to be rid of it; inflation is here to stay—even worsen—thus, why not find a way to prosper and thrive in a monetary holocaust! The fact that this requires non-existent skills in legerdemain deters them not.

Two such schemes recently have come to my attention. The first proposes that all contracts—loans, for instance—be repaid (legally enforced) in dollars of the same purchasing value as when contracted. If the value of the dollar should decline at the rate of 15 per cent a year, then a 10-year loan of a thousand dollars would be repaid in the amount of more than $5,000, plus interest.

Even in the face of the current inflationary pattern, what borrower would be willing to sign such a contract? Only the person who cannot see "beyond the end of his nose." There would be little if any futures trading; indeed, contractual relations would all but cease, production would decline at a frightening rate. Further, there is nothing in this scheme to halt the outpouring of fiat money; it would go on its merry way and, because of the fall off in production, the dollar would buy far less than were the scheme never adopted. Approval? Indeed, not!

The other scheme requires that all business ventures be compelled to adopt the "profit-sharing" procedure—employees as well as entrepreneurs sharing in the gains. This is inspired by some remarkable successes such as Lincoln Electric of Cleveland. The assumption is that if Jim Lincoln could, by this arrangement, earn a great deal for himself, pay higher wages than others, and undersell all of his competitors, so could everyone else—hundreds of thousands of businessmen from hamburger stand owners to General Motors. Simply pass a law and make every entrepreneur operate like Mr Lincoln!

Overlooked is the fact that only one Jim Lincoln ever existed. There are no two entrepreneurs who operate their businesses alike, nor could they do so if they tried. Each is novel to some extent; and consumers—that's all of us—are thus advantaged.

Any profit-sharing arrangement should, in all fairness, be also a loss-sharing arrangement. But most wage earners would shy away from any employer who required employees to share any losses his business might incur. Why? Tens of thousands of businesses fail annually, as everyone knows.

Were profit-sharing made compulsory for everyone, production would dramatically decline, just as in the first scheme. There would be other results, no less disastrous.

Out-producing inflation or fulfilling contracts at a constant purchasing power or forcing every business to engage in profit-sharing are no more than "pipe dreams." Adoption need not be feared. These schemes merely illustrate how people avoid pinpointing the cause of inflation and, thus, propose remedies which compound the problem.

However, what do we find in the day-to-day world of "practical" politics? The worst of all possible schemes: price control and rationing as edicts by the Federal government and wage controls in the hands of labor unions. Below-market prices and above-market wages! Inflation is not questioned; we have instead only futile attempts to escape the effects, which make the effects increasingly disastrous. In what way? Production is both diminished and distorted. Figuring out how to out-scheme the political schemers takes the place of discovering how best to satisfy consumer preferences. Schemers with political and coercive power make schemers of every one of us they overpower.

To illustrate: By reason of governmental intervention, the supply of gas and oil is curbed and the demand increased. What to do? Ration the fuel! To the station attendant say, "Fill 'er up." "Sorry, only $3 worth to a person." So the car owner takes what he can get and goes to another station repeating, "Fill 'er up." Gas wasted from station to station! Eventually, all the gas is gone, but consumers still have "gas money" burning holes in their pockets. The best way to ration gas or any other scarce resource is to let the price rise to a point where the supply is sufficient to meet the demand.

We need only come to our senses to stop inflation; nothing is required beyond discovering its cause and then being rid of it. The cause? *Over-extended government*. To repeat what many of us have written over and over again: when the costs of government rise beyond the point where it is no longer politically expedient to defray the costs by direct tax levies, governments all over the world resort to an expansion of paper money—inflation—as a means of making up the difference. Inflation dilutes and depreciates the medium of exchange as a means of syphoning private property into the coffers of government.[1] Here we have the cause, so simple to see through. But being rid of the cause is not simple. Why the difficulty?

The difficulty is rooted in an unintelligent interpretation of self-interest. Today, all of us without exception are feeding more or less at the Federal trough. True, there are a few who are force-fed, not dipping into the trough willingly. Finding it necessary to live in the world as it is, they participate in the deficit-burdened, socialistic mail system—to name but one of many examples. But most citizens today—a number perilously approaching 100 per cent—mistakenly feel that they have a vested interest in the continuance of one or more, if not all, Federal "programs" that go to make up the deficits that can be met only by inflation: fiat money made possible by legal tender laws.

Perhaps this citizen only wishes to be paid for not farming, another to receive social security or Medicare, still others to be protected against competition, or to have their education subsidized, or a Gateway Arch for their home town, or whatever. It would take a book just to list the titles of all the Federal handouts and discriminatory edicts.[2] Anyway, count the persons you know who completely ignore the "gravy train," who would concede nothing to government beyond a peace-keeping, justice-dispensing agency of society, who are free from the feeling that they have a vested interest in this or that deficit-creating, political gimmick. They are "as rare as hens' teeth!"

If an individual could perfectly identify how his self-interest is best served, he would be all-wise. However, I am not alluding to perfect wisdom but to that level of intelligence any adolescent should possess. Most youngsters know that their self-interest is not advanced by stealing—living off the fruits of the labor of others coercively exacted. They would not regard face-to-face thievery as in their own interest. And there are thousands of high school students who are bright enough to see that there is no distinction between pointing the gun oneself and getting the Federal government to do the "stick up." The loot would be ill-gained in either case. Self-interest is not served by either method. One need not be overly brilliant to see this.

Yet, what do we find? Millions upon millions identifying self-interest with legal plunder! The more political largess they can get—regardless of the force used—the better.

It is not that these people, many of whom are college graduates, could not rise above this infantile level of thinking; they could if they would, but they don't. Further, these millions do not see how their self-interest is subverted rather than served by this socialistic plundering, and they cannot be expected to understand why inflation is not also identified with their self-interest. They see inflation, if they see at all, as the means of filling the thousands of troughs from which they feed without either thought or effort. They love the role of parasites!

Given these millions who thoughtlessly behave this way, plus the political exploiters of nonsense, the situation, on the surface at least, looks hopeless. Stopping inflation appears to be impossible, and certainly this would be the case were it a numbers problem. But, thank heavens, it never has been a numbers problem, is not now, nor will it ever be. It is strictly a matter of inspired and intelligent leadership.

Statesmen—in and out of office—are more and more in evidence, persons who think for themselves and stand forthright for their enlightened convictions. These few—thousands, of course—understand that self-interest is to be identified with individuals in the role of hosts—producers, not parasites. They also know that inflation is deadly—for parasites cannot exist without hosts. As the troughs empty, attrition increases, especially among the parasites.

As this natural aristocracy—comprised of men of virtue and talent—approaches the pink of condition, rises to the top in thinking how self-interest is best served, the nonsense is stopped dead, then subsides! Your role and mine? Try one's best to be this kind of an exemplary aristocrat. This, I submit, is the sole formula to stop inflation.

SCHOOL PRAYER AMENDMENT

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Monday, September 10, 1973

Mr. SCHWEIKER. Mr. President, the July 29 Scranton Sunday Times contained an interesting column by Joseph Oravec on the school prayer issue. As the sponsor of Senate Joint Resolution 84, the constitutional amendment to restore voluntary prayer to our public schools, I believe Mr. Oravec's column deserves the attention of my colleagues, who may be called upon to cast votes on this matter in the months to come, and I ask unanimous consent that it be printed in the RECORD.

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[1] For a more complete explanation of the cause, see my pamphlet, "The Essence of Americanism." Copy on request.

[2] See *Encyclopedia of U.S. Government Benefits*, a tome of more than 1,000 pages with over 10,000 "benefits." (Union City, N.J.; Wm. H. Wise and Co., Inc., 1965.)

There being no objection, the column was ordered to be printed in the RECORD, as follows:

CITY DESK NOTES

(By Joseph Oravec)

Sen. Richard S. Schweiker of Pennsylvania is the author of one of seven proposed amendments on school prayer presented on Friday before a Senate subcommittee.

Schweiker said the U.S. Constitution should be amended to "defend the right of those students who wish to pray." He said he did not believe the Constitution denied the right of free, voluntary prayer in public schools.

As is known, prayers in school have been banned since June 25, 1962, when the Supreme Court held 6 to 1 that the use of an official prayer in New York State public schools was unconstitutional.

Explaining that "the problem resulted from what I believe to be the supreme option of declining to pray," Schweiker added:

"But just as we defend their right not to pray, so should we defend the right of those who wish to pray."

And that's the way it should be. For example, students must attend gym classes. Those who have physical ailments report their difficulties and are excused from participation. Yet, those who wish to participate in gym, swimming, or whatever are not denied. The same principle applies to those at church services. Only those who wish, sing.

Back in November, 1971, Bruce Schneider and Tom Dorris of the North American Newspaper Alliance wrote in an article that prayer proponents note that "the world is crumbling morally and that God is needed now more than ever."

The Rev. Richard Constantinos, Episcopal vicar in Stanhope, N.J., was quoted thus: "It's not religion. It's something else. There's a strong sense of the minority imposing its will on the majority and the majority is becoming more and more powerless."

Back in that 1971 period, the Rev. Raymond Crawford, a Baptist minister in Netcong, N.J., which lost a court battle to return prayers to its public schools, said, "When you see that pornography is in, that it's all right to go naked at Woodstock, that it's all right to burn the flag, that obscenity is OK, then there is something wrong."

There was a moral crisis. It's still with us.

Mrs. Ben Ruhlin of Cuyahoga Falls, Ohio, in 1971 took up the fight for public school prayer when her 14-year-old son complained that "they were locking God out of (his) school."

She told a Wall Street Journal reporter at that time that "our students are brainwashed on the idea that (the purpose of) school and college is to educate and make a well-rounded person of each student. How can this be without God at the center of our lives? We teach sex, driver education, math and science. We teach communism and atheism, all of Stalin's and Lenin's works, but the most important part of health study is left out—we need prayer and Bible study which gives you peace of mind."

In recent years many people have forgotten or were not reminded by their teachers that Washington prayed, Lincoln prayed and many other leaders of this nation invoked the help of God.

Wonder what opponents of public prayer would reply to the question of "why the opposition?" from Washington, Lincoln, Eisenhower, Kennedy, our recently returned prisoners of war, the men who were captured aboard the Pueblo, Gen. George Patton, who requested a chaplain to draft a Christmas prayer for his troops.

Benjamin Franklin at the Philadelphia Convention in 1787 in a motion for prayers said, "I have lived, sir, a long time; and the longer I live, the more convincing proofs I see of this truth; that God governs in the affairs of men."

Perhaps, teachers in the schools, colleges and universities of this nation—as well as its leaders and legislators—should refer often to Franklin's words.

If they had, there might not have been a Watergate.

CAMPAIGN REFORM

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. WOLFF. Mr. Speaker, the host of campaign abuses that seem to have been a hallmark of the 1972 Presidential campaign has pointed out to us, all too clearly, the need for campaign reform. Several approaches have been suggested for placing restraints on campaign contributions and expenditures in an effort to minimize the influence of wealthy contributors on elections. I believe that one of the strongest proposals introduced to date is the Udall-Anderson Clean Elections Act, of which I am a cosponsor.

I would like to share with my colleagues a series of editorials which appeared on WCBS–TV by Sue Cott, which addresses itself to the need for campaign reform and discusses the merits of the Udall-Anderson approach in particular. I believe that Ms. Cott has done a real service to the viewing public in her acute analysis of the problem and by focusing attention on the efforts that are underway in the Congress to restore meaningfulness and integrity to our elections process.

Sue Cott's remarks on campaign reform follow:

CAMPAIGN REFORM

The catalogue of campaign horrors revealed since Watergate vividly dramatized something that had been known or suspected for a long time, namely that the way money is raised in campaigns tends to corrupt American politics.

During the last few weeks Americans have heard lurid tales of Nixon campaign fund raisers putting the squeeze on American Airlines when that company was seeking a favorable decision from the Administration, of other corporations and industries with business before government agencies similarly being approached for Nixon reelection funds, of a variety of unsavory, illegal activities financed with vast amounts of unreported cash collected from large contributors, many of whom have, or hope to have, friendly dealings with the Administration.

Even before the Watergate hearings, an indictment was handed down charging John Mitchell and Maurice Stans—the two top figures in the Committee to Reelect the President—with conspiring to influence a Securities and Exchange Commission investigation of Robert L. Vesco in return for a $200,000 contribution.

The problems inherent in financing campaigns with large contributions from special interests are nothing new. Theodore Roosevelt asked Congress in 1906 for a law that would have freed candidates of political indebtedness to such campaign donors. T. R. never got his law and since then the cost of campaigning has skyrocketed.

A look at the total campaign expenditures for Presidential election years just since 1952 shows this startling increase, from $140 million in 1952 to $400 million in 1972.

The increasingly lavish amounts collected and spent on elections compounds the possibilities for corruption. Obviously some new ways of decreasing the influence of wealthy contributors on politics has to be found. Some restraints on contributions and spending are necessary.

It has been argued that limiting the freedom to spend money in campaigns impinges on constitutional rights of free speech. We agree that citizens should be allowed to express themselves in campaigns by giving money to the candidates of their choice, and that candidates should be allowed to spend money to make their views known.

The question is how much money. Beginning tomorrow we'll look at some answers. If Watergate has taught us anything, it is that money contributed and spent in a campaign without any restraints is a clear and present danger to democracy.

The Senate passed a bill last week that goes a long way to correcting the campaign finance abuses the Watergate scandal has unearthed. One of the basic questions raised by Watergate has been how to prevent candidates from being politically obligated to special interest groups that make large contributions to their campaigns. For years, wealthy contributors have tended to dominate campaign financing, with a relatively few donors financing almost 90 percent of federal campaign expenses. That means a few very rich contributors, representing large corporate interests that deal regularly with federal agencies, often expect sympathetic treatment and favorable rulings in return for their campaign largesse. The Senate bill seeks to insulate candidates against this pressure by drastically curtailing the amount of money that can be given by any one contributor. The new ceiling is set at $6,000 per individual contribution to both a primary and a general election campaign. That's quite a contrast to the several hundred thousand and million dollar contributions given to candidates in recent elections by individuals.

Another provision of the bill would stem the floodtide of unreported cash that Watergate revealed had inundated the Nixon campaign in 1972. No cash contributions above $50 are to be allowed. And to make it difficult to cheat on this provision, the bill includes a strict limitation on campaign spending, and requires full disclosure of every dollar spent.

As big an improvement as this bill is over the present system, it still hasn't completely prevented the powerful monied interests from throwing their weight around in campaigns. Voluntary political action groups representing these interests can still make contributions to an indeterminate number of state and local committees, each of whom can contribute $6,000 to the candidate of choice. But no bill that accepts the premise of financing campaigns exclusively through private contributions can hope to close loopholes through which vested interests can crawl. That's why we think that serious consideration must be given to public financing of political campaigns. Tomorrow we'll do just that.

Money has been called the mother's milk of political campaigns. It's true that money is important if a campaign is to be run effectively. The question is how best to assure that candidates have enough money to make themselves and their views known without selling their soul to wealthy financial supporters in the process. Of course not every large contributor exacts a political pay-off and not every candidate can be bought, but there's no question that the present system puts a terrific strain on candidates. Financing campaigns exclusively through private contributions simply tends to place candidates in moral jeopardy. How can candidates avoid the pitfalls and temptations posed by predatory contributors? Part of the answer, it seems to us, lies in some form of public financing of campaigns.

Proposals for the subsidizing of campaigns through public funds are now before committees of both houses of Congress. We think one of the best ideas comes from Representatives Morris Udall, Democrat of Arizona and John Anderson, Republican of Illinois. Their plan would provide a matching federal subsidy for each private contribution of $50 or less. But only serious candidates who raise a certain amount of private contributions would qualify for these matching public funds. That way candidates would have to demonstrate their appeal before public funds would be available to them. We also like the Udall-Anderson plan because it will encourage candidates to seek support from small contributors.

Some people may object to their tax money being spent to help elect politicians, so low have office seekers sunk in popular esteem, but unless the public supports candidates, others, with private interests to protect, will be there to pick up the tab.

What do Stewart Mott, Clement Stone and Nelson Rockefeller have in common? Well, they are all millionaires, but more than that they are all big contributors to political campaigns. Herbert Alexander of the Citizens Research Bureau estimates that the Rockefeller family has contributed at least $25 million to political campaigns, including their own, in the last twenty years. Stewart Mott contributed over half a million dollars to the McGovern campaign and Clement Stone over $2 million to the Nixon campaign in 1972. In fact, Mr. Stone recently said he would be willing to give $10 million to a campaign to change the course of history. The question is should the course of American political history be for sale to the highest bidder?

Now, of course there is a difference between an individual millionaire who takes a personal interest in politics and corporate chiefs and union leaders who make big contributions to the campaigns of candidates friendly to their interests. But should a person or a family with enormous wealth be completely free to give any amount at all to back a particular candidate or cause? We think not because if millionaires can give unlimited amounts to campaigns, then they can buy influence for their personal views out of all proportion to the vast majority of Americans. And that's simply not democratic.

Of course, rich people will always have political influence beyond their numbers simply because they are rich. And they'll always be able to give more easily to campaigns than other people, even if the amounts millionaires can give are in order.

One good approach, adopted by the Democratic Party in New York State, would be to impose strict limitations on the amounts that candidates or their families can spend on their own campaigns. Of course, there's a partisan motive involved. The Democrats are worried about Gov. Rockefeller's seemingly bottomless campaign treasury. And some may argue that if the Democrats were as rich as Rockefeller they would be singing a different tune. Nonetheless, their point is a valid one. Big money—from any source—distorts democracy.

RESOLUTIONS ADOPTED BY RETIRED ENLISTED ASSOCIATION

HON. PETE V. DOMENICI

OF NEW MEXICO

IN THE SENATE OF THE UNITED STATES

Monday, September 10, 1973

Mr. DOMENICI. Mr. President, I am pleased at this time to call to the attention of my colleagues two resolutions which were adopted by the Retired Enlisted Association at its 1973 national convention in Denver, Colo.

These resolutions reflect the position of the Retired Enlisted Association on blanket amnesty for dissenters and deserters of the Vietnam era and our servicemen missing in action. These issues are quite understandably of great concern to the members of the Retired Enlisted Association.

It is my feeling, Mr. President, that regardless of their individual persuasion on these issues, Members of Congress should earnestly consider the position of this organization which is so intimately involved with these two important national issues.

I ask unanimous consent that these two resolutions be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RETIRED ENLISTED ASSOCIATION, INC.,
Colorado Springs, Colo.

OUR MISSING-IN-ACTION SERVICEMEN

Whereas, Article 8, Section b of the January 27, 1973 Agreement of Ending the War and Restoring Peace in Vietnam and supplement agreements of June 13, 1973 stated "that the parties shall help each other to get information about those military personnel and foreign civilians of the parties missing in action, to determine the location and take care of the graves of the dead so as to facilitate the exhumation and repatriations of the remains, and to take any such other measures as may be required to get information about those still considered missing in action. For this purpose, frequent and regular liaison flights shall be made between Saigon and Hanoi.", and

Whereas, Only two trips have been made to North Vietnam since this agreement, and

Whereas, No arrangements have yet been worked out for the return of the remains of the 55 men North Vietnam claims died in captivity and no prisoners held in Laos have been sent back, and no accounting made of the dead.

Therefore, Be it resolved, by the Retired Enlisted Association, Incorporated, in National Convention assembled at Aurora, Colorado, June 23, 1973, that we request the Congress of the United States to take the necessary action to insure compliance with the aforesaid agreements, and

Be it further resolved that a copy of this resolution be sent to Richard M. Nixon, President of the United States of America; and Members of the United States Congress.

RETIRED ENLISTED ASSOCIATION, INC.,
Colorado Springs, Colo.

NO BLANKET AMNESTY FOR DISSENTERS AND DESERTERS OF THE VIETNAM ERA

Whereas, Birthright is not a right of self-indulgence but rather a trust of honor and integrity and American freedom is a privilege which can be lost, and

Whereas, Though compassion is a wonderful quality, granting amnesty to dissenters and deserters of the Vietnam era would certainly cause discipline in the Armed Forces to deteriorate and national security to be endangered later by thwarting the possible use of the draft during some future emergency, and

Whereas, The deserters have committed a military crime and should be required to stand a military court-martial.

Therefore, Be it resolved, by the Retired Enlisted Association, Incorporated, in National Convention assembled at Aurora, Colorado, June 23, 1973, that we oppose blanket amnesty and believe each case should be reviewed on its own merits, and

Be it further resolved, that we petition the President of the United States of America and the Congress of the United States of America to not grant a blanket amnesty to dissenters and deserters of the Vietnam era, and

Be it further resolved that a copy of this resolution be sent to Richard M. Nixon, President of the United States of America, and Members of the United States Congress.

PUBLIC SERVANT RECOGNIZED

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. OBEY. Mr. Speaker, as we all know, this is not a time when public officials, be they at the national, State, or local level, are held in especially high esteem.

I think it especially appropriate, therefore, that diligence of hardworking public servants be recognized whenever possible.

I am inserting for publication in the RECORD a short news item which brings attention to the diligence of one local official in my district, the County Clerk of my home county in Wisconsin, Marathon County.

Many of us, I think, have found it somewhat difficult to determine how revenue sharing funds have been used since the program passed last year. As you know, municipalities are required to publicize their use of revenue sharing funds in local newspapers. Going far beyond minimum requirements, Marathon County Clerk Ray Ott systematically compiled a comprehensive report covering every municipality within Marathon County. That action was most useful in laying out in one place the use of revenue sharing funds in the entire county.

I insert below the story which appeared in the Wausau Daily Record Herald on August 8, 1973, as an example of the kind of hard work done by many public officials which all too often goes unnoticed and unrecognized.

The story follows:

OTT FILED ONLY REPORT

Under the law, every municipality which receives revenue sharing funds from the federal government must publicize in a newspaper their planned use report. Many municipalities have failed to do so, according to reports.

In Marathon County, Clerk Ray Ott prepared a comprehensive report covering all the municipalities.

Today he learned he was the only clerk in the United States to do so. He received this word from Graham W. Watt, director of the Office of Revenue Sharing. In commending Ott, Watt wrote in part:

"Many local governments were understandably confused by the planned use report. Your efforts in compiling the pertinent information for your county is an indication of the conscientiousness with which you must perform your duties. No other county clerk in the entire United States has furnished a similar report."

TRIBUTE

HON. CLEM ROGERS McSPADDEN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. McSPADDEN. Mr. Speaker, I would like to include in the Record an editorial reprint from the Pryor, Okla., Daily Times, of August 22, 1973, written by William A. Reynolds, copublisher, first pointing out that I, too, like Senator Inouye, seek and yearn for that day when we will all be brothers and sisters:

THAT LITTLE JAP

The reference of John Wilson, Watergate attorney, to Senator Daniel Inouye as "that little Jap" may have reverberation that Wilson never intended.

The Democratic Senator from Hawaii is of Japanese origin but he is also a much decorated veteran of World War II. He served in the European Theatre of Operations and suffered a wound that resulted in the loss of his right arm.

Senator Inouye has conducted himself in a courteous manner during the Watergate hearings. His questioning of witnesses has been orderly and intelligent but very penetrating. His voice is low-keyed and he displays no outward sign of being upset if he receives a response from a witness that he believes to be inaccurate or evasive.

Wilson's remark has focused as much attention on Senator Inouye as the Senator's slip of the tongue, heard over the mike, in using a descriptive word about the veracity of John Ehrlichman. Members of the Senate from both sides of the aisle have made it a point to laud Senator Inouye, his patriotism, his dedication and his ability.

Mr. Wilson may be the catalyst who brings sufficient national attention to the Senator that he will be even more prominently in the limelight that so often results in being selected for a position on a National ticket. The Democrats are looking for new faces. They could do worse than having Senator Inouye on their ticket in 1976, the 200th birthday of the nation "dedicated to the proposition that all men are created equal."

WHAT HAPPENS NOW?

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. RANGEL. Mr. Speaker, the Watergate scandal has dominated our minds for the past few months. But now that the scandal is being exposed to the public, our Nation and its people must seriously consider an alternative to the system that created Watergate.

I am referring to the imbalance of power between the three branches of Government, especially between the legislative and executive branches. For years the Congress has been conceding increasing amounts of its power to the executive branch.

It is time for the Congress to retrieve its lost powers and restore the balance of power so that a threatening situation like Watergate will never occur again.

In this respect I submit the following broadcast by Ivan Shapiro, president of the New York Society for Ethical Culture. The broadcast, which follows, was heard over WQXR and is entitled, "What Happens After Watergate?"

WQXR—VIEWPOINT

WHAT HAPPENS AFTER WATERGATE?

(Address by Ivan Shapiro, President, New York Society for Ethical Culture)

TAPED JULY 3, 1973.

We will be in the midst of Watergate for a long time yet, but one thing is apparent. The immediate threat to liberty is over, at least for the next few years. The Soviet-style activities and the mentality of the Administration, have been brought into the open, and the wrongdoers are on display before an angry public. Our rescue came just in time. We have learned that attempts were made to corrupt or pervert the functions of at least five non-political government agencies. In addition, the criminal acts which have already been confessed by members of the President's entourage include illegal wire tapping, bribery, attempts to tamper with judges, perjury, obstruction of justice and burglary. The range of crimes, the variety of agencies affected, and the number of participants doubtless will grow as the investigations continue. But no matter what is revealed, this is past history and poses no immediate threat.

But if our rescue is to endure beyond the life of this Administration, you and I must make our voices heard, demanding that our elected representatives do their jobs. This means, first, that they may have to confront squarely and wisely the matter of impeaching the President of the United States and removing him from office. The White House's illegal activities came dangerously close to being a coup d'etat—a clandestine effort to supersede the existing structure of our government. If the President was a consenting party, he is of course a malefactor. If he had no knowledge of what his personally chosen cabinet members and closest assistants were doing, under the cloak of his authority, then he abdicated his powers and responsibilities and left this country without an elected leader.

The Nixon Administration did not create the circumstances in which a Watergate could occur. The President's remoteness from the Congress, from his critics and from reality itself was the legacy left by President Johnson and perhaps by Presidents Kennedy and Eisenhower as well. George Reedy, the press secretary for President Johnson, wrote a book in 1970 in which he described the isolation-chamber atmosphere of the White House, the atmosphere of a king surrounded only by his fowning courtiers. Watergate is the result of both the growth of presidential power—the President's practice of ruling by memo and by executive order—and also of the inability of Congress to maintain and to exercise the powers granted to it by the Constitution. Therefore, the larger job which faces our representatives is to revamp the machinery of Congress, to enable it to fulfill the role required of it. For instance, Congress must have its own staff of civil servants equipped, and of adequate strength, to furnish Congress with the facts needed for a real policy making role, without being dependent upon the executive branch. In addition, the Office of Management and Budget must be brought wholly within the control of the Congress. We've always known that whoever exercises the power of the purse and the power to make war is the ruler. It took the English two revolutions to get this power out of the hands of the monarch and into those of Parliament, and the framers of our Constitution themselves fought one bloody revolution on this very issue. They were terrified of the possibility of presidential tyranny and they foresaw just the kind of activities that fill this morning's newspapers.

Watergate is a warning to us that if we treat the presidency with reverence rather than with respect, if we view the President as being our monarch instead of being our most important servant, if we permit his power to go unexamined and unchecked, radio talks such as this will not be heard for long. America is not the place for treating the President's critics as the nation's enemies, or for spying on such opponents and destroying them. The wrongdoers have been caught and doubtless many will be punished. But if it again becomes possible for a President to rule as a tyrant, it will be because you and I have not assured ourselves of having representatives in Congress who are capable and desirous of discharging their Constitutional responsibilities to us.

TWO CITIZENS OF ONTARIO, CALIF., TO RECEIVE HONORS FOR VOLUNTEER WORK

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. BROWN of California. Mr. Speaker, recently I was reflecting on the vast amount of volunteer time that dedicated citizens spend making our Government work. I was thinking particularly of the tens of thousands of citizens from every walk of life who spend countless hours of their own time serving without remuneration on local boards of education.

Later this fall, the Ontario-Montclair Teachers Association of Ontario, Calif., will be holding a special recognition day honoring two community leaders for their many years of devoted guidance to their school district and community. The two persons being honored are Mrs. Mary Stern (William) and Harold "Tony" Zenz.

Mrs. Stern will be completing over 19 years on the Ontario-Montclair School District Board of Education. Mr. Zenz will be completing 13 years on the same board. Mr. Zenz has been president of the board for 10 years, and Mrs. Stern has been secretary of the board for 18 years.

A partial listing of the endeavors of these two people lends support to the old saying, "If you want something done, give it to someone who is busy."

Mrs. Stern has played an important role in PTA, Service Club, Ontario Police Community Action Committee, Parks and Recreation, League of Women Voters, Womans Club, American Association of University Women, Assistance League, Cancer Fund, United Fund, Den Mother, American Field Service, and even helped in establishing the public library in her old hometown of Marshall, Tex.

Mr. Zenz is a Mason, chairman of the finance committee of the United Methodist Church, Upland, secretary of the flood control board, county planning director, vice president of the board of trustees, San Antonio Community Hospital, member of the Friends of Ontario International Airport, former member of Toastmaster, served on board of YMCA, treasurer of Inland Action, Inc., vice chairman of Juvenile Justice and County Probation Commission, past president of chamber of commerce.

I believe, Mr. Speaker, that the distinguished records of these two outstanding citizens deserve our recognition.

NELSONVILLE'S FIRST PRESBYTERIAN IS 100 YEARS OLD

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. MILLER. Mr. Speaker, I'd like to take this opportunity to bring to the attention of my colleagues in the Congress a most noteworthy anniversary being observed in Nelsonville, Ohio, which is located in the heart of southeastern Ohio.

The birthday to which I am referring is the 100th anniversary of the laying of the foundation of Nelsonville's First Presbyterian Church. Actually the land for this fine old church was secured in 1869 and building plans began shortly thereafter. Funds for construction of the church were provided through private contributions and public sales.

The entire building has a touch of southeastern Ohio to it: the foundation stone is from nearby Sugar Grove; the architecture was done by a firm in Marietta; and much of the woodwork is of native timber.

In a service commemorating the anniversary of the church, Rev. John Lloyd Evans—who has devoted 50 years of outstanding service to the First Presbyterian Church—provided the congregation with an extensive history of the church. I found this information both enlightening and interesting. One particular passage was especially significant. Essentially, the Reverend Evans placed the well-being of the church in the hands of the membership, and in so doing advised them:

> So I would recommend that each member of the church, and as the years go by, you young people as you grow up, watch the church. After a storm walk through and see that it is all right, because anxious eyes and careful scrutiny has been given to this church practically every day for all the one hundred years of its existence. Eternal watchfulness will keep the church where it is now.

It is my pleasure to join with all those who have saluted the First Presbyterian Church on its anniversary and I know that the House of Representatives seconds my wish for many more years of service to mankind.

THE TRUE MEANING OF "PEACEFUL COEXISTENCE"

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. HUBER. Mr. Speaker, little noticed by the American people in general was the fact that the principle of "peaceful coexistence" was incorporated into the Soviet-American Accord reached last summer in Moscow. In the mind of the average American this means that we will not attack each other with military forces. But what does it mean to the Soviet leadership? What does it mean as regards wars of "national liberation?" How does it apply to the "class struggle?" A member of my staff has put together what I consider to be a very succinct statement on how the Soviets view such things. I commend it to the attention of my colleagues.

The statement follows:

> President Nixon's visit to Moscow in May resulted in the signing of two agreements with the Soviet Union, the ABM treaty and the five-year interim agreement on offensive systems. The culmination of lengthy SALT negotiations, they have received wide attention and although reservation has been expressed by Senator Henry Jackson during the Senate debate now under way, their reception has been mostly positive.
>
> The President signed two other important documents with Leonid Brezhnev: a "Declaration of Basic Principles of Mutual Relations Between the USA and the USSR" and a joint communique on problems of mutual interest. The texts of both of these were carried in full in the press but scarcely commented upon, at least here at home. On July 20th the *New York Times* reported from Europe ("Soviet-American Accord Embitters NATO Officials"),[1] however, that reaction was critical.
>
> Both the declaration and communique deserve a second look.
>
> In the declaration of principles both parties agreed:
>
> They will proceed from the common determination that in the nuclear age there is no alternative to conducting their mutual relations on the basis of peaceful coexistence. Differences in ideology and in social systems of the U.S.A. and the U.S.S.R. are not obstacles to the bilateral development of normal relations based on the principles of sovereignty, equality, noninterference in internal affairs and mutual advantage.[2]
>
> Is peaceful coexistence—a Marxist-Leninist concept, in fact—suitable, one may well ask, as a basis for "normal" relations?
>
> An indication of what the communists have in mind when they speak of normal relations may be found in a recent book[3] by G. Arbatov, the Soviet expert who is Director of the USSR Academy of Sciences Institute [for the Study] of the USA.
>
> In discussing how the Communist Party of the Soviet Union, a ruling party, approaches the problem of relations with a capitalist state (as any other ruling Communist Party would), he emphasizes the problem's unique complexity. He points out that communist foreign policy must discover "forms and ways of assistance by the victorious proletarian class [the Soviet proletariat, in this case] to the revolution in other countries."[4]
>
> The working class and each of its Communist Parties, whose outlook is by definition internationalist, must render this assistance as their duty. According to Arbatov, even after having conquered power and built the new society in a country, the working class cannot consider its historic task completed. In terms of international class solidarity, this task, in Lenin's words, is "To do the maximum realizable in one country *for* the promotion, support and stirring up of revolution *in all countries*." [Lenin's own emphasis][5]
>
> As communist spokesman, Arbatov, understandably, denies that this is tantamount to export of revolution, or even its instigation (*"podtalkivaniye"*), and that it leads to blatant interference in internal affairs of other countries. Communist assistance is justified, he says, since it is a reaction to the capitalist "export of counter-revolution." (For instance, assistance by a capitalist (free-enterprise) government to any non-communist government confronted with internal aggression led by local communists supported by "foreign" communists—the situation in Greece following World War II.)
>
> This assistance formula offered by Arbatov represents "the dialectical unity of peaceful coexistence of states with divergent social systems and the revolutionary process." Communist-controlled states are thus able to coexist peacefully with their capitalist counterparts while "promoting, supporting and stirring up" the revolutionary process in those countries by all available means short of conventional armed conflict.
>
> The dialectical concept of peaceful coexistence—to which the Marxists-Leninists constantly assert their commitment—as a specific form of revolutionary class struggle in interstate relations has disturbing implications for any kind of negotiations with communist-controlled states.

TRIBUTE TO LOGAN COTTON

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. BELL. Mr. Speaker, one of the South Bay area's most eminent citizens, Logan Cotton, will be honored with the City of Hope Award on Thursday, September 13, 1973. I want to join with the other members of the community in congratulating him on this well deserved accolade.

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[1] Flora Lewis, "Soviet-American Accord Embitters NATO Officials," *New York Times*, July 20, 1972, p. 1.

[2] *New York Times*, May 30, 1972, p. 18.

[3] G. Arbatov, *Ideological Struggle and Contemporary International Relations* (Moscow: 1970).

[4] *Ibid.*, p. 285.

[5] *Ibid.*

Born at the turn of the century in Ohio, Mr. Cotton moved to the South Bay area in 1925. He graduated in 1927 with bachelor of arts and bachelor of science degrees from the University of Southern California.

This award represents the significant contributions that Mr. Cotton has made to all South Bay communities. He is the former mayor and city councilman of Hermosa Beach, past president of the South Bay Shrine Club, and past president of the Redondo Beach Round Table. He has been particularly active in working with retarded children in the South Bay area.

Mr. Cotton has also been a member of the California Republican State Central Committee. He was chairman of the public and business affairs committee of Kiwanis International. He was chosen to make an inspection trip of Radio Free Europe in the Iron Curtain countries.

He is on the board of trustees of St. Andrew's Presbyterian Church. Additionally, he is a former instructor of accounting and economics at Loyola University. He also serves on the advisory board of California State College at Domingues Hills.

For these many reasons, Mr. Speaker, I am pleased to bring to the attention of my colleagues the honor which is being bestowed upon Mr. Cotton.

OVERRIDE OF EMERGENCY MEDICAL ACT VETO

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. WON PAT. Mr. Speaker, as you are aware, the House will have the opportunity on September 12 to override the President's veto of the Emergency Medical Services Systems Act, S. 504. The Senate voted 77 to 16 to override the veto on August 2.

One of the benefits of this legislation would be to bring emergency health care services to the rural areas of the United States, as well as to the outlying territories such as Guam, where it is sadly lacking. In many remote areas, health services are nonexistent, and emergency medical services are not available. As a result, many persons injured in accidents and especially those suffering from heart attacks die needlessly for lack of proper emergency treatment.

The establishment of programs for the training of personnel in emergency procedures as well as for the purchase of necessary equipment is beyond the financial scope of many rural, as well as inner city, governments and organizations. S. 504 would provide a modest amount, $185 million, to help local governments and nonprofit groups start such programs. The bill would also prevent the administration from closing Public Health Service hospitals without legislative authority.

It is vital to the health and well-being of the people living away from urban areas, as well as those residing in the inner recesses of large cities, that improved emergency services be made available to them. The bill has the backing of all sectors of the American public; it is up to the House to see that their will is expressed at this time.

I call on my colleagues to give their support toward overriding the veto of S. 504 on September 12. An affirmative vote by the House will reassure the American people that the Congress is sincerely interested in their well-being.

THE SUDDEN INFANT DEATH SYNDROME

HON. RICHARD C. WHITE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. WHITE. Mr. Speaker, among the mysteries of American health care, few are as persistently complex as the disease known as sudden infant death syndrome—SIDS.

SIDS has been defined by the International Guild for Infant Survival as "the death of an ostensibly healthy infant or young child which occurs suddenly and unexpectedly and which remains unexplained after postmortem examination." Every day between 40 and 60 mothers put their child to bed for a nap or for the night and later, in the morning, or when checking, find their child dead. Because SIDS always occurs while the baby is sleeping, it is often referred to as "crib death" or "cot death".

Excluding the first week of life when many infants die from complications of prematurity, birth defects, or from postnatal asphyxia, SIDS is the leading cause of death in infants under 1 year of age. It is second only to accidents as the largest cause of death to children under age 15. Each year it is estimated that SIDS claims the lives of 10,000 infants in the United States, or about three per 1,000 live births.

Perhaps the most serious problem inherent in studying the etiology of SIDS is the fact that the study begins with the child already dead. Unlike a disease such as cancer or tuberculosis, SIDS cannot be studied until after it has occurred; death is instantaneous and without warning. It is therefore impossible to observe the direct forces or interrelationships leading to the death. The best means of studying the pathology and etiology of SIDS is through an autopsy of the body.

At the moment, serious and tragic injustices often occur because parents of SIDS victims are falsely accused of child abuse. Dr. Abraham B. Bergman, M.D., president of the National Foundation for Sudden Infant Death, points to a recent California case in which a young couple was taken to jail while their baby's body still lay in the house. The parents were charged with involuntary manslaughter but the charges were eventually dismissed by a municipal court judge. Dr. Bergman, in discussing the event, said:

> It was clearly a case of ignorance and prejudice against a couple who were young and poor and couldn't defend themselves.

Public awareness of SIDS has been rapidly increasing, largely due to the efforts of independent volunteer agencies such as the International Guild for Infant Survival, the National Foundation for Sudden Infant Death, Inc., and the media of congressional hearings.

As a result of hearings held before the Senate Subcommittee on Children and Youth, the Senate passed legislation during the last Congress that directs the Department of Health, Education, and Welfare to designate the disease of highest priority in intramural research and in awarding research training grants; to develop, publish, and distribute literature to be used to inform the public concerning SIDS; to develop reliable statistical procedures and to designate SIDS as a cause of death in the International Classification of Diseases; and to encourage the availability of autopsies of children who die of SIDS and to release the autopsy results to the parents. No action was taken on the resolution in the House.

Mr. Speaker, I am today introducing legislation encompassing the provisions of the Senate-passed resolution, and in addition, provides financial assistance for research activities for the study of SIDS.

The point is not that possible child abuse should be ignored but rather that unwarranted criminal investigations should not occur. The parents are already undergoing severe emotional pain. As one witness said in hearings last year, the parents "have enough to do just attempting to maintain their sanity and marriage while trying to explain to their not-too-understanding relatives how their happy, healthy infant could possibly have died."

We are only beginning to understand SIDS. What is important is that serious research begin at once, not only to save lives among infants but to protect parents in the event that tragedy does occur.

My bill, Mr. Speaker, provides the means by which this research may begin, and a protective device for those parents who are falsely accused of neglect because of the public's lack of knowledge and awareness of SIDS. I urge the House to follow the Senate's past action and urge the Congress to enact legislation enabling this research to begin.

A SALUTE TO GRAHAM T. NIXON

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. HAMMERSCHMIDT. Mr. Speaker, the 93d Congress is now considering many legislative proposals which relate to the important area of public health.

It is therefore timely that I share with my colleagues as a salute to a retiring Arkansas leader in this field.

The Arkansas Hospital Association, one of our outstanding organizations, has recently lost the services of a dedicated servant, Mr. Graham T. Nixon, who was forced to resign his position as executive director due to reasons of health.

Mr. Nixon had headed the Arkansas Hospital Association since December 1, 1958. During his 14-year tenure as executive director, he led the association through its development into a formidable force in the health care field in Arkansas. He participated as an active member of numerous health care committees on the State, regional, and national level, and maintained an active role in the American Hospital Association. Mr. Nixon was the first State association executive to serve on the American Hospital Association's Council on Government Relations.

His record of public service includes membership in the Arkansas State Legislature.

Mr. Nixon plans to retire with his wife, Clara, to the countryside outside Austin, Ark.

The administration of health care was well served by Mr. Nixon, and I know that all members of the Arkansas health community share with the President and the Board of Directors of the Arkansas Hospital Association the sincere feeling of regret at the loss of his service.

INDOCHINA POLICY—LETTER FROM THE PRESIDENT

HON. BEN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. BLACKBURN. Mr. Speaker, you and my colleagues will recall that on June 28 I inserted a copy of a letter I addressed to the President dealing with the continuing problems in Indochina.

During the recess, by letter dated August 13, 1973, I received a response from the President.

To make the record complete, I am inserting the President's response as follows:

THE WHITE HOUSE,
Washington, D.C., August 13, 1973.

Hon. BEN B. BLACKBURN,
House of Representatives,
Washington, D.C.

DEAR BEN: I have read with interest your letter to me as well as your speech to the House on June 25 expressing your reservations concerning the Administration's Indochina policy. I appreciate your views. Your firm support in the past has helped us greatly in achieving a responsible peace in Indochina.

Through patience and strength, substantial advances have been made toward lowering the hostilities and establishing stability in Southeast Asia. As you acknowledge, the Agreement on Vietnam has allowed the return of our POW's. It has also resulted in a substantial reduction in fighting and has left the government of South Vietnam in a strong political and military situation.

While the other side's performance so far has been far from adequate, it is imperative, I believe, that the South Vietnamese not take dramatic military actions which would discredit their comparatively good record in implementing the peace Agreement. This record, for example, will have a strong bearing on chances of favorable legislative action on urgently needed economic assistance. Given the mood of Congress, South Vietnamese restraint will also better protect our option, if necessary, to take appropriate countermeasures against any massive ceasefire violations by the other side, and thus enhance the deterrent effect of this contingency on the Vietnamese Communists. A comparatively clear record by South Vietnam, furthermore, builds our case for restraint by Hanoi's principal allies against providing the kind of support the DRV would need for a military takeover in the South.

Provided Saigon continues to receive substantial economic assistance and Hanoi is restrained by its own allies and our own ability to react, I am fully confident that the South Vietnamese will survive indefinitely against the North. However, each of these factors is dependent to varying degrees upon Congressional support for our Indochina policy, which in turn is affected by the Government of Vietnam's image in keeping the peace.

In this light, I hope you will reconsider your decision to terminate your support of a prudent yet vigilant Administration policy in Indochina. I urge you to join with us in supporting these small nations which need our help and in working toward a lasting peace in the area.

Sincerely,

RICHARD NIXON.

CIVIL AIR PATROL

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. WOLFF. Mr. Speaker, in these times of runaway inflation and increased Government spending, it is indeed a pleasure to remember that there are some organizations that save the U.S. Government money. The Civil Air Patrol is retained by the Air Force for search and rescue missions. It has been estimated that, if the Air Force were to perform these vital services, it would cost the Air Force an additional $10.5 million. As Commander of the Congressional Squadron of the Civil Air Patrol, I am proud to insert the following article from the Civil Air Patrol News in the RECORD:

CAP SAVES AF $$$$ ANNUALLY

(EDITOR'S NOTE: The following is the first in a series of subjects on CAP Background Data (see Commander's Column in July 1973 issue of CAP NEWS) which will appear in the next five issues of your Civil Air Patrol NEWS. We suggest that you clip this article for your personal files. The subject for this month is CAP versus Military Flying Costs).

MAXWELL AFB, ALA.—Since most of CAP's reimbursable flying training activities (search and rescue test exercises, flight clinics, air mobility exercises, etc.) are aimed at improving the overall capability of CAP to perform aerial search and rescue, the reimbursement made for authorized flying training must be included in the total amount it costs the Air Force to retain CAP for search and rescue purposes.

National Headquarters generally weighs the annual CAP SAR flying hours against the total annual Air Force aviation fuel and oil (POL) reimbursements to compute a realistic hourly cost to the Air Force. The average hourly cost to the Air Force for CAP conducted search and rescue missions over the past three years was $7.25. This cost is affected by many variables, and is not constant for all locales or in comparing any two specific missions.

In addition, CAP is reimbursed for communications and ground POL expenses. This came to $2.25 per SAR mission flying hour making the total cost $9.50 to the Air Force to retain CAP as a search and rescue force.

Though little statistical information is available on what it would cost the Air Force to fly this same number of hours in SAR, using its own personnel, equipment and supplies, cost figures for a missing F–111 mission in which the military did participate have been computed. An analysis of this mission performed in January 1971 reveals that it cost the military an average of some $400 per flying hour. Aviation POL reimbursements to CAP in this particular mission averaged some $5 per flying hour.

If the Air Force had to fly the 27,400 hours CAP flew on SAR missions in 1972, the cost would have been nearly $10.9 million. The reimbursable costs to CAP that year were $260,300; in effect, saving more than $10.5 million.

FOOD SUPPLEMENTS

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. WYATT. Mr. Speaker, I rise today to urge immediate hearings and prompt action on legislation which would once and for all prevent the Food and Drug Administration from infringing on the rights of consumers to purchase safe food supplements for their own consumption without hindrance or restriction. Such legislation, in the form of H.R. 643, has been languishing before the Interstate and Foreign Commerce Committee for months, without receiving even an initial hearing.

The past decade has witnessed a veritable explosion of freeze-dried, fabricated, frozen and "fast" foods. While most of these products are high in polyunsaturated convenience, many are woefully low in real nutritional quality. We are experiencing the strange phenomenon in the United States of a standard of living which has soared to the highest level in the world, while the quality of our diets has steadily deteriorated .

Americans consume over 8½ billion gallons of soft drinks yearly, and triple that amount of coffee. We eat more than 8½ billion hot dogs a year, and each man, woman and child swallows an average of 10 pounds of potato chips. Hamburger and french fries establishments have proliferated along our highways and become a way of life. Cookbooks are regular bestsellers in the United States, fad diets make millionaires of their inventors and losing weight is the No. 1 American preoccupation. We have reached the point where many of our eating habits are determined more by expensive advertising campaigns and enticing packaging than by taste or nutritional value.

The food products on our grocery shelves have been stabilized, colored, emulsified, preserved, canned, frozen, freeze-dried, engineered, gas ripened, reconstituted, bleached, refined, and additive-filled. The route traveled by our food from the field or farm to its final destination on the table is a long and arduous one, often consisting of hundreds or thousands of miles, with a serious and significant loss of nutrients along the way.

We have little control over the distance our food must travel before it reaches the grocery store shelves, and little control over the treatment and processing most of our foodstuffs must undergo before we buy them. We do have the opportunity to insure that the American consumer is guaranteed the privilege of replacing these lost vitamins and nutrients if he so desires. H.R. 643 would insure the availability of vitamins and food supplements for those nutritionally aware consumers who seek to overcome the widespread deficiencies in our food.

It is quite clear in my mind that the FDA should not make a regulation that interferes with the proper nutrition of the American people. It is our obligation to stop the FDA from limiting our freedoms without justification.

Mr. Speaker, we are talking today about vitamins, minerals, and food supplements—not drugs. We are discussing the lack of vital nutrients in American diets which we have little power to control. In short, Mr. Speaker, we are discussing an issue of urgent national import which deserves the promptest attention of Congress.

DOES IRS HAVE A HEART?

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. BURKE of Florida. Mr. Speaker, there has been a great deal of criticism leveled from time to time at the way our Internal Revenue Service treats some of our taxpayers. Some of the complaints are no doubt justified, but I thought my colleagues might enjoy hearing of at least one instance when this Agency did its job in a manner for which it should be complimented and, in addition, went out of its way to help a taxpayer. The following is a letter I received from one of my constituents praising what might be termed the public's least loved Government agency—the Internal Revenue Service:

HOLLYWOOD, FLA.

Congressman J. HERBERT BURKE,
Washington, D.C.

DEAR SIR: I have a set income so each year to save expenses, my wife and I prepare our own income tax return. We felt that it was simple, with just the average deduction, interest, etc.—no chance of making a mistake—well this, for the return shown below, we discovered, via a notice from the IRS, that we had made quite a mistake, when we received a check for over $62.00.

The IRS discovered that our listed deductions weren't as much as the standard allowable deduction, so gave us the benefit and returned the difference. They could have kept it and I would never have known the difference.

I hope you will express my thanks to the proper and responsible people, not only because I received a refund that I could surely use, but because it is indicative of an efficiently operated department.

Sincerely,

WILLIAM W. BAUGH.

RECLAMATION—AN INVESTMENT IN SOCIETY

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. JOHNSON of California. Mr. Speaker, the National Water Commission, created by the act of September 26, 1968, has completed its report, transmitted it to the Congress and expired as contemplated by the act. Each Member of the House and Senate has received a copy of the report and there has been an opportunity to examine its many conclusions and recommendations.

As the Commission clearly and succinctly sets forth, seven major themes emerge from the report. These themes are given meaning by literally hundreds of individual recommendations. Only the most subjective and biased can disagree with these themes and I certainly do not disagree. Unfortunately, detailed consideration of the report discloses that the Commission's recommendations do not always logically implement its central themes. This is particularly evident in the case of the Commission's fifth theme in which the Commission states the belief that "sound economic principles should be applied to decisions on whether to build water projects"—a completely supportable premise which no one can dispute.

It is therefore quite interesting, Mr. Speaker, to see what the Commission does with this theme. It proceeds to completely subvert it by the narrow and restrictive assumption that the only objective of water resource development is a net increase in goods and services available to consumers—consistent with protection of environmental values. This is the classic, shortsighted, cash flow, national efficiency economics that has been implicitly rejected by the Congress on most projects authorized for development in the last 40 years. It assumes that our society is fully homogeneous and that all elements of production, labor, capital and management are fully mobile.

In other words, it overlooks and ignores the diversity of our social and economic order and expressly assumes that anything good for one region of our country is attained at the expense of another region. In short, it denies the value of regional economic strength and effectively eliminates this important element from the decisionmaking process.

Those of us who have been close to water resource decisionmaking for any considerable period of time have heard this argument many times before. In fact, the relative validity of this assumption has been at the heart of the ongoing debate over the standards and principles for evaluating water resource projects which has been under consideration by the Water Resources Council for the last 3 years. Many observers of this dialog, including some Members of Congress, have viewed the standards and principles issue as being one of the discount rates. While discount rates are admittedly important to economic evaluation, I believe that the rejection of benefits stemming from regional improvement and the social betterment of affected citizens is an issue of equal or greater relevance.

This matter, perhaps more than any other, is at the root of my disappointment with the overall effort of the Commission. While not the only case, it is a classic example of the tendency of the Commission to take a "finger to the wind" approach to its duties. While the enabling act does not explicitly so require, one hoped that the Commission would pursue, develop and propose a well-reasoned national policy for water resource development. Unfortunately, it has chosen to compile an uncoordinated array of objections and complaints that have been around for years. Absent from the report is any assessment of the role or contribution of water resource development to our economic and social well-being, much less any assessment of the likely consequences of following its many recommendations.

One can only regret that the Commission, despite the expenditure of many years of time and many millions of dollars, failed so completely to understand the dynamic nature of our economic order and chose to pursue a course based on the cliches, truisms, and conventional wisdom of 10 or more years ago. No place is this approach more evident than in the treatment of the role of irrigated agriculture in the nationwide scheme of things.

The Commission obviously approached its analysis of the Federal reclamation program from the mistaken assumption that it, the reclamation program, has as its primary purpose the production of commodities for their own sake. Now, at the time the Commission was structuring its study this was not a valid premise. In 1902, when the Federal Reclamation Act was enacted, this Nation was not a commodity-short country and, until recent weeks, there has been no time since when we were short of commodities except for a limited period during the dark days of World War II. The justification for this program, at the inception, at all times since the inception and to this day, is the stimulation of regional economic strength and well-being. The program has well-served the American people in this regard. Vast areas of the otherwise inhospitable West are today contributing to our overall economic strength and diversity—as the direct result of irrigated agriculture brought into being through reclamation law. Mr. Speaker, reclamation-based communities are taxpayers—not tax consumers as are so many of our communities whose existence is based on utilization of nonrenewable resources. Land and water are constantly renewable and once they are melded into a workable production matrix their capacity to continue working effectively and economically is without limit as to time.

This circumstance alone is ample to refute and deny the premise of the Commission that there is no justification for public support of programs of this character. Now, admittedly, the Commission does not state its case in these terms—preferring to characterize such support in the more inflammatory manner by labelling it as a Federal "subsidy." If an investment in the well-being of a major segment of our society is a subsidy then all of government is a subsidy and we can leave it at that.

While I stoutly deny that the reclamation program must rely on its ability to produce commodities for its justification, as the Commission report insists, I would like to point out something that happened to the Commission report on the way to the printer. It must be a source of chagrin and dismay to the Commission to observe that events have overtaken its report. Instead of the embarrassment of riches of agricultural commodities for which the Commission blames "subsidized irrigation," what do we find today to be our true situation? I doubt that a single one of my colleagues need to be reminded by this Member that we are all besieged by complaints of shortages, spiralling prices caused by limited supplies and projections of worse yet to come in the basic foodstuffs upon which the American consumer depends for his daily diet.

Mr. Speaker, I do not have to dwell on the awful mess that has befallen our national food industry. It is on a par with the rest of our economy insofar as the individual that must work for a living is concerned. I am compelled, however, to express my total disagreement with, and disdain for, the point of view that would have us scrap one of the few time-tested and proven public institutions that has a capability to help us out of the mess in which we find ourselves. This is what the National Water Commission would have us do with respect to the reclamation program. It can expect no help in this regard from this Member.

TRY BICYCLING—FOR FUN AND RELAXATION

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. BROWN of California. Mr. Speaker, I would like to take just a moment to inform you and our colleagues of the notable achievement of Dr. Allan Abbott, a member of the emergency room staff at St. Bernardine's Hospital in San Bernardino, Calif. Dr. Abbott, a resident of Crestline, in the district represented by our able and distinguished colleague Mr. PETTIS, last month set a new world speed record for unlimited speed on a bicycle—an almost unbelievable 138.674 miles per hour.

I am indebted to Mr. Phil Fuhrer, a sports writer at the San Bernardino Sun-Telegram, for my information about this new record.

If cruising along at 138 miles per hour on a bicycle sounds a little bit dangerous to you—kind of a sink or Schwinn proposition—let me assure that Dr. Abbott is still in one piece, and unharmed by his experience. And the previous record-holder, Jose Meiffert of France lived to tell about it when he set his record of 127.34 miles per hour in 1962. Of course, he was killed in a subsequent attempt to break his own record, but nothing is completely safe.

Frankly, Mr. Speaker, I am not particularly anxious to ride at 138 miles per hour in a car, let alone a bicycle. But I am happy to offer him my congratulations on his new record, and I would like to offer him some advice as well: I hope he keeps his job in the emergency room at St. Bernardine's. The job goes well with his hobby.

WHOSE OX IS BEING GORED?

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. HUBER. Mr. Speaker, recently the syndicated columnist William F. Buckley placed in his column a letter he characterized as being from a thoughtful lawyer in Arizona. It concerned a subject very much in the headlines these days, the rights of a Senate committee to investigate wrongdoings in the executive branch of our Government. The matter is of more than passing interest since this man was condemned for his investigation in which he used much the same approach that the Watergate investigators are using. Many of the same issues were raised. The letter, as reproduced in the column in the Washington Star-News of September 4, 1973, follows:

WHOSE OX IS BEING GORED

(By William F. Buckley)

"While we tend sometimes to overemphasize the importance of current events," he writes, "nevertheless, history books will some day record a most dramatic period in the course of the nation.

"A group of willful men conspired to subvert the democratic process, but fortunately were caught in the act and exposed.

"They were highly educated (most of the prominent figures were lawyers educated to revere and respect the law). Many were associated with the President himself. Some traveled with the President regularly and advised him in delicate matters involving relationships with China and Russia which would determine the future of the nation, and in a larger sense the world.

"Most were young, highly committed in political life, and of the same political party. They had come into government during a landslide election, and held high appointments in many branches of the U.S. government. Many were close social friends. Some were classmates in school.

"Some went by code names, gave code names to their groups and their projects; they used couriers instead of mail; they stole records and made copies; they used false pretenses of all sorts; they made elaborate plans to transfer money and documents, and made telephone calls from public phone booths instead of their offices.

"When all this began to come to light, a special committee of the Senate was appointed to investigate. One member, a lawyer, took the lead. He was fearless in his demand for a full public disclosure from every witness to the scheme, and explained that the true function of a Senate committee was not only to seek facts for future legislation, but also to focus the public spotlight on wrongdoing, and wrongdoers, that they might be judged by the people. As to those who refused to testify on constitutional grounds, he was disdainful. He contended that this position was a sham, that if they really didn't have anything to hide, they would come forward and cooperate with the committee, and thus, the American people could not be blamed for inferring guilt from their silence.

"He attracted great attention; from that moment on this obscure lawyer was known by everyone.

"His name was Joe McCarthy."

93D CONGRESS BUILDING CONSTRUCTIVE RECORD OF LEGISLATION AND REASSERTING CONSTITUTIONAL AUTHORITY

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. EVINS of Tennessee. Mr. Speaker, although the President has criticized the performance of the 93d Congress to date as "disappointing," an assessment of the accomplishments and achievements of this Congress indicates this will be an historic Congress—and much already has been accomplished.

In this connection I place in the RECORD herewith my recent newsletter Capitol Comments, because of the interest of my colleagues and the American people in the work of the Congress.

The newsletter follows:

93D CONGRESS BUILDING CONSTRUCTIVE RECORD OF LEGISLATION AND REASSERTING CONSTITUTIONAL AUTHORITY

As Congress reconvenes following the August recess, the Democratic Leadership has taken sharp issue with a statement by President Nixon describing the work of this Congress as "disappointing". The Leadership and other Members of Congress have pointed out that the President, through his concentration on the Watergate scandal, his vetces of bills passed by Congress and the termination of more than 100 programs established by Congress, has tended to stalemate government in many areas.

Although the Senate Watergate TV hearings have attracted the attention of many Americans for several weeks, the more than 50 other committees of the Congress have quietly moved forward with their legislative work and more than 100 important bills have been passed—including the Economic Stabilization Act of 1973 which provides the President with continuing authority to impose economic controls to prevent inflation. Other important bills enacted by this Congress in its first seven months include an increase in Social Security benefits, the Airport and Airways Development Act of 1973, Rural Electrification Act Amendments, a four-year Omnibus Farm bill, Public Works and Economic Development Act, of 1973, Crime Control Act of 1973, the Minimum Act of 1973, and the Older American Benefits Act, Public Works appropriations and other annual departmental appropriations bills. Defense and Foreign Aid are as yet to be considered.

The Leadership has also pointed out that this is an historic Congress because it has assumed the difficult task of reasserting the constitutional powers and responsibilities of the Congress in both domestic and foreign policy.

This has included the termination of the bombing in Southeast Asia by Congressional action and the passage of legislation by both Houses to halt the massive and illegal impoundment of funds appropriated by the Congress for vital and important domestic programs.

Both Houses of Congress have also set a spending ceiling substantially less than that recommended by the President, who insists on lecturing Congress on fiscal responsibility. The House bill sets a ceiling $1 billion 600 million lower than that recommended in the President's budget and the Senate has set a ceiling $700 million less than the total Federal budget requests.

The Leadership has emphasized that the differences between Congress and the Administration relate primarily to priorities—not to the amount of expenditures. In other words, one question is whether Congress should accept the Administration's recommendation for a $5½ billion increase in military spending with the United States out of the war in Southeast Asia—and whether increased foreign aid—including aid to the warlords of Hanoi-North Vietnam—recommended by the Administration should be approved when vital and important domestic programs are being terminated.

Research indicates that the Administration is financing precisely the same types of programs and projects in other nations that it proposes to terminate at home.

Many feel that the President's attack on Congress is obviously designed to divert attention from the disclosures of the Watergate hearings As a result of disclosures and investigations, a total of 16 persons have been convicted, pleaded guilty or indicted in the District of Columbia and three states—New York, California and Florida.

Those involved include the former Attorney General of the United States, the former Secretary of Commerce, and more recently indictment of the President's chief administrative assistant in California.

As one Congressional leader commented recently, "Watergate is just the tip of the iceberg and investigations by Congress and the Justice Department must be carried through to conclusion to restore the people's confidence in the government."

Despite the continuing conflicts between the Executive and the Congress, there are indications that with a more cooperative staff in the White House, there will be a better working relationship between Congress and the President.

Certainly this would be desirable and helpful in the public interest in arriving at mutually acceptable compromises, understandings and agreements. Congress, however, does not exist to rubber-stamp Executive recommendations—it is the responsibility of Congress to make independent judgment and set national priorities.

OFFICERS HONORED

HON. MARJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mrs. HOLT. Mr. Speaker, I rise today to recognize the outstanding efforts of Prince Georges County police officers in redirecting the lives of youthful offenders from crime to responsible citizenship.

Six police officers were recently honored for their contribution to this program: Darrell Griswold, Edward Forbes, James Murray and Gerald Howard, all of Forestville, Md., John Fasick of Laurel, Md., and Thomas Van Valkenburgh of Greenbelt. These men were recommended by fellow officers and the public, and were acclaimed by the Maryland Association of Women Highway Safety Leaders.

I take great pride and pleasure in adding my congratulations to these fine law enforcement officers for the truly remarkable achievements which they have accomplished in the rehabilitation of these young offenders.

THE PUBLIC SPEAKS OUT IN SUPPORT OF THE PUBLIC HEALTH SERVICE HOSPITALS

HON. BROCK ADAMS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. ADAMS. Mr. Speaker, I was very disappointed to learn that the President has seen fit to veto the Emergency Medical Service Systems Act. It is clearly the intent of the majority of the House and the Senate that the Federal Government involve itself in the very important business of saving lives that are currently being lost because of the lack of immediate medical attention when they need it most—at the point of injury.

Another of my concerns with the President's action on this bill is the fact that he is hereby ignoring the intention of Congress to keep the Public Health Service Hospitals open. These hospitals play a substantial role in health manpower training and health research and provide facilities for a wide variety of health programs serving those people who cannot afford to purchase these services independently.

I would like to submit the following letters and statements expressing the concern of the public and of public officials of the State of Washington for the continued operation of the Public Health Service Hospitals. I believe that they clearly indicate the need for these facilities and the services they provide.

The letters and statements follow:

National Association of
Blackfeet Indians,
Seattle, Wash., January 31, 1973.

Brock Adams,
Longworth House Office Building,
Washington, D.C.

Dear Mr. Adams: I am writing this letter to you asking for your assistance, in a matter of vital importance. This concerns the closing of the Public Health Service Hospital, here in the city of Seattle.

It seems whenever there is a cut back in Federal aid, it is always the poor that is hit the hardest. If this hospital was closed, many people would suffer, for the need of Medical assistance.

They cannot afford health insurance, so I cannot think of any other solution, but to keep the Hospital open, for their convenience. I also believe that many people would suffer an untimely end, for the lack of medical attention.

I know what illness is Mr. Adams, and I feel a very great concern for these poor people. It would be impossible for them to get medical help without available finances.

Mr. Adams, I hope that you will be able to lend us your assistance in this very important matter.

Hoping to hear from you at the earliest possible convenience, I remain.

Sincerely,

Cecelia M. Barnhi

International Longshoremen's
and Warehousemen's Union—Local 3,
Seattle, Wash., April 17, 197

The Honorable Brock Adams,
House of Representatives,
Washintgon, D.C.

Dear Mr. Adams: The Seattle Public Health Service Hospital, known among seafaring people for many years as the "Marine Hospital", has been expanded to care for Indian people, Aleuts, Eskimos, and many others. In the fishing industry there are a number of people working on processing floaters who, at times, will qualify for coverage.

Many seamen-fishermen have this protection, including vessels whose owners are not financially able to provide the kind of coverage now provided by this hospital. They roam the Pacific Ocean from California to Oregon to Washington to Alaska and back.

Other organizations and associations have outlined many other reasons for keeping this hospital open, however we call this to your attention as it is most serious to the people above mentioned.

We urge your active and strong support in whatever way you care to support this fight for the retention of this hospital.

Sincerely yours,

Joe Jurich, *Secretary.*

March 9, 1973.

Statement Concerning Closure of Public Health Service Hospital, Seattle, Wash.

The University of Washington Association of Women Medical Students protests the cuts in funding for health and social services in the proposed federal budget.

The proposed closing of Public Health Services hospitals will seriously impair good health care delivery. The PHS Hospital in Seattle provides services for many workers and poor people as well as back up services for free clinics and for native Americans. The other hospitals in our area, already crowded, cannot compensate for the loss of the PHS Hospital.

The PHS Hospital is an excellent teaching facility. About one-fifth of our medical students are assigned to the PHS Hospital for clinical clerkship. Closure of the hospital would create crises both in funds for faculty and in the numbers of patients available for instruction.

The proposed federal budget will drastically cut research and training grants. These cuts would force the dismissal of 81 faculty members and 374 researchers, seriously compromising the quality of the University of Washington Medical School as a teaching and research facility.

The proposed budget would also halve the funds that have been used to financially aid minority students at the UW Medical School. Proposed cuts in funding for maternal and child health, comprehensive health services, prevention of lead poisoning, and rat control programs would have their predominant effect on those who have least access to health care and training, and so disproportionately affect poor people, particularly minorities and women.

The PHS Hospital should not only be kept open, but it should be modernized and its services expanded. We urge you to support a federal budget that will recognize the importance of comprehensive health care and preventive medicine for *all* sectors of our population.

ASSOCIATION OF WOMEN
MEDICAL STUDENTS,
University of Washington Medical,
School, Seattle Washington.

KING COUNTY COUNCIL,
Seattle, Wash., March 15, 1973.

The Honorable BROCK ADAMS,
House of Representatives, House Office Building, Washington, D.C.

MY DEAR MR. ADAMS: The King County Council in regular session on March 12, 1973 passed a Memorial to the President of the United States and to the Senate and House of Representatives of the United States and to the Secretary of Health, Education and Welfare from the State of Washington requesting that the Department of Health, Education and Welfare use all resources at its disposal to keep the Public Health Hospital in Seattle open and properly funded.

Attached hereto is a copy of the above mentioned Memorial.

Very truly yours,
LEE KRAFT, *Council Administrator.*

Attachment.

MEMORIAL.—TO THE HONORABLE RICHARD M. NIXON, PRESIDENT OF THE UNITED STATES, AND TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA, IN CONGRESS ASSEMBLED AND TO THE SECRETARY OF HEALTH, EDUCATION AND WELFARE

We, your Memorialists, the County Council of the County of King, State of Washington, in legislative session assembled, respectfully represent and petition as follows:

Whereas, the Public Health Service has the responsibility and obligation for the care and treatment of many categories of beneficiaries living in Montana, Idaho, Alaska and Washington, including Indians, seamen and some groups of uniformed service personnel and their families, and furnishes primary back-up service for the fifteen Free Clinics in the Seattle area; and

Whereas, following a public hearing in Seattle in April of 1972, a Congressional Committee found that there is a continuing need for a Public Service Hospital in this area; and

Whereas, the Congress of the United States committed itself to maintain and expand Public Health Service Hospitals in Senate concurrent Resolution No. 6, 92d Congress, First Session, September 23, 1971; and

Whereas, the Public Health Care Coalition made up of representatives of the uniformed services, the Free Clinics, Indian, and employees of the Public Health Service Hospital as well as other interested persons, have proposed the following goals:

(1) The Public Health Service Hospital should be kept open; until such a time that an alternative system beneficial to the citizens can be established; and

(2) The Public Health Service Hospital should be renovated and modernized to improve the present health care services;

(3) Services of the hospital should be extended consistent with health needs of the 1970's. These include family medicine, drug and alcohol programs, day care for workers and patients, transportation, extended care at home and in nursing homes, family planning, extension of services to the Free Clinics, etc.;

(4) A council representing employees beneficiaries, and the community at large should be formed to assist in planning the hospital's priorities and needs in the future, as well as participating in preparation of a budget; and

Whereas, the goals and objectives of the Public Health Care Coalition have the endorsement of the Puget Sound Comprehensive Health Planning Council; and

Whereas, the Department of Health, Education and Welfare is continuing to cut back service through negative funding and now proposes to eliminate inpatient operations as of July 1, 1973.

Now, therefore, your Memorialists respectfully request that the Department of Health, Education and Welfare use all resources at its disposal to keep the Public Health Service Hospital in Seattle open and properly funded to assure that the above objectives be fulfilled and that our Congressional Delegation from the State of Washington in the Senate and House of Representatives use every available avenue to bring about the fulfillment of this petition.

Now, therefore, be it resolved, that copies of this memorial be transmitted to the Honorable Richard M. Nixon, President of the United States, the President of the Senate, the Speaker of the House of Representatives and the members of the Senate and House of Representatives of the United States, in Congress assembled, and to the Secretary of the Department of Health, Education and Welfare.

HOUSE OF REPRESENTATIVES,
STATE OF WASHINGTON,
Olympia, Wash., February 21, 1973.

Hon. BROCK ADAMS,
Cannon House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE ADAMS: I have the honor to transmit a certified copy of House Resolution No. 73-24 which was adopted by the Washington State House of Representatives on February 20, 1973.

Very truly yours,
DEAN R. FOSTER, *Chief Clerk.*

Enclosure.

STATE OF WASHINGTON,
HOUSE OF REPRESENTATIVES.

House Resolution No. 73-24 by Representatives Maxie, Eng, Douthwaite, O'Brien, Chatalas, Sommers, Valle, Ceccarelli, Charnley, and Williams

Whereas, The Public Health Service has the responsibility and obligation for the care and treatment of many categories of beneficiaries living in Montana, Idaho, Alaska and Washington, including Indians and some groups of uniformed service personnel and their families, and furnishes primary backup service for the fifteen Free Clinics in the Seattle area; and

Whereas, The Congressional Committee consisting of Congressmen Brock Adams, Paul Rogers, William Roy and John Schmitz, after holding public hearings in Seattle in April of 1972, found that there was a continuing need for the Public Health Service Hospital in Seattle and that it should remain open; and

Whereas, The Health, Education and Welfare Administration is continuing to reduce service through inadequate funding, thus lowering employee morale and undermining the health care delivery system; and

Whereas, The Public Health Care Coalition proposal, containing the following goals and objectives, has the endorsement of the Puget Sound Comprehensive Health Planning Council that:

(1) The Public Health Service Hospital should be kept open;

(2) The Public Health Service Hospital should be renovated and modernized to improve its health care delivery;

(3) The Public Health Service Hospital's services should be extended, consistent with the health needs of the 1970's. This includes family medicine, drug and alcohol programs, day care for children of workers and patients, transportation, extended care at home and in nursing homes, family planning, obstetric-gynecology services and extension of services to the Free Clinics;

(4) A study should be made of the unmet health care needs in our region which a modernized and expanded Public Health Service Hospital could serve;

(5) A council should be formed representing beneficiary groups, Public Health Service Hospital workers and the community, with the authority to help plan the hospital's future, determine priorities for the services it provides, and prepare the budget;

Now, therefore, be it resolved, That the members of the House of Representatives do hereby request that our Congressional Delegation in Washington, D.C. take all steps necessary to facilitate and insure the continued delivery of high quality medical care at the Public Health Service Hospital in Seattle; and

Be it further resolved, That the Chief Clerk of the House of Representatives transmit a copy of this Resolution to each member of Congress from the State of Washington.

STATES CHALLENGE PRESIDENTIAL IMPOUNDMENTS

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. BRADEMAS. Mr. Speaker, over the past year, the issue of Presidential impoundment of congressionally appropriated funds has become a critical one, both for us as legislators and for numerous potential recipients of Federal aid across the Nation.

Both the House and Senate have now adopted anti-impoundment bills. Along with this, many States have filed suits against various executive branch agencies and President Nixon claiming these impoundments are illegal and unconstitutional.

The Committee on the Office of Attorney General (COAG) of the National Association of Attorneys General, located in Raleigh, N.C., has compiled a thorough list of these suits.

Mr. Speaker, at this point I would like to include for the RECORD the current list of impoundment cases now pending in the courts:

IMPOUNDMENT CASES IN COURT

MULTI-SUBJECT

State of Georgia v. Nixon et. al. (filed February 28, 1973—U.S. Sup. Ct.). State asks leave to file complaint against the President, the Secretary of Transportation, the Acting Commissioner of Education, the Acting Administrator of the Environmental Protection Agency, and the Director of the Office of Management and Budget. Asks court to enjoin defendants "from impounding or withholding from the State of Georgia any sums of money, obligational authority, or other fiscal assistance or grants to which it is entitled under the above described programs . . ." (COAG has copy of Motion for Leave to file Complaint, and of Brief).

Status: The case had been scheduled to go before the Justices on July 9. The U.S. Department of Justice has requested a delay to file responses. The Attorney General's office expects that pleadings will be in by the end of July.

Contact: Assistant Attorney General Alfred Evans, Telephone: (404) 656-3330.

AGRICULTURE

Berends v. Butz (USDC-D. Minn; 357 F. Supp. 143, 1973). Class action by four farmers for injunction, declaratory judgment and relief in nature of mandamus, concerning emergency loan program under consolidated Farmers Home Administration Act of 1961, 7 USC sec. 1961, and the Disaster Relief Act of 1970, PL 91–606. On June 26, 1972, Butz designated area as "emergency loan" area. On December 27, he directed cessation of acceptance of application. On February 15, 1973, the court issued a temporary restraining order to resume acceptance but not processing of applications. Court held that defendants have unilateral, ministerial duty to implement the loan program; its termination violated the federal statutes, regulations and due process. Defendants ordered to process applications submitted before June 30, 1973.

Contact: Vance Opperman (Private Attorney) Tel: (612) 277–7621.

Dotson v. Butz (USDC—D.C.; Civ. No. 1210–1973, Judge Gash). (Subject not known).

Status of Case: preliminary injunction issued June 20.

Pealo v. the Farmers Home Administration (USDC—D.C., Civ. No. 1028–19B, Judge Ritchey). Impoundment of funds for Interest Credit Loans.

Status of case: July 31, ordered to process loans. The Rural Housing Alliance says the agency has not complied with the order and has asked that it be held in contempt of court. Judge Richey said he wasn't "interested in this extreme course" of a contempt citation, but ordered the telegram sent.

EDUCATION: MULTI-SUBJECT

Commonwealth of Pennsylvania et al. v. Weinberger, Ottina and Ash. (USDC - D.C.; filed April 25, 1973). Challenges impoundment of federal funds under eight programs:

(1) Title I of ESEA, 20 USC sec. 241 a. et seq.; (Assistance to schools with high concentration of low-income children);

(2) Title II of ESEA, 20 USC sec. 821–827 (instructional materials);

(3) Title III of ESEA (model programs);

(4) Vocational Education Act, 20 USC sec. 102(b), (programs for academically or economically handicapped);

(5) Part B of VEA, 20 USC sec. 1261–1264 (career training programs);

(6) Part F of VEA, 20 USC sec. 1341 (homemaking education);

(7) Part H of VEA, 20 USC sec. 1371–74 (work-study programs);

(8) Adult Education Act, 20 USC sec. 1201–122.

A total of $2,651,891,000 has been appropriated by Congress for funding these programs through June 30, 1973; defendants had allotted only $2,271,409,789 of this. (COAG has Complaint).

Status of case: (1) A preliminary injunction was issued June 28, setting aside the total sum appropriated. (2) Order was issued June 29 allowing a class action; Pennsylvania is representing all states which have not filed separately. (3) Both sides have moved for summary judgment.

Deputy Attorney General Adams notes that the attorney for the defense, in oral argument, effectively admitted that the language of the underlying legislation is mandatory rather than discretionary. The defense memo in opposition to the motion for preliminary injunction dealt solely with Art. II powers to impound funds for the purposes of controlling inflation, holding down taxes, securing the national defense, and protecting the national interest in foreign affairs.

Contact: Deputy Attorney General James R. Adams. Telephone: (717) 787–4099.

State of Alabama ex rel. William J. Baxley v. *Weinberger and Ottina* (USDA—M.D. Ala., No. 4103–N). Impoundment of funds under ESEA, VEA, and AEA.

Status: A preliminary injunction issued on July 18.

Contact: Assistant Attorney General Myron Thompson. Telephone: (205) 269–7738.

State of Alabama ex. rel. William J. Baxley v. *Weinberger and Ottina* (USDC—M.D. Ala., No. 4101–N; filed June 29). Challenges impoundment of funds under Title III of the National Defense Education Act and Title III of the Higher Education Act.

Status: A temporary restraining order has been issued. Preliminary injunction issued.

Contact: Assistant Attorney General Myron Thompson. Telephone: (205) 269–7738.

Minnesota ex. rel. Warren Spannaus, Attorney General, v. Weinberger and Ottina. (USDC–D. Minn.; File No. 4–73, Civ. 313; filed June 14). Concerns impoundment of funds under Title III of NDEA and Title I, Part A of ESEA.

Status: Preliminary injunction issued June 27.

Contact: Special Assistant Attorney General Thomas R. Muck; Tel: (612) 296–2961.

EDUCATION: TITLE III OF NDEA

State of Arkansas v. Weinberger and Ottina (USDC—E.D. Ark., filed May 15, 1973). Action seeking mandamus to compel the Secretary of DHEW and the Acting U.S. Commissioner of Education to allot Arkansas' share of funds under Title III of the National Defense Education Act. Funds had been appropriated by Public Law 92–334, as amended. Title III provides 50 percent reimbursement funds for laboratory and other special equipment. (COAG has copy of complaint).

Status of Case: (1) on May 24, a motion for a preliminary injunction was filed; (2) on June 22, the motion was granted; (3) on July 3, the injunction was dissolved on motion of the Attorney General, relying on HCR 636 to maintain availability of funds. The case is now proceeding to trial on its merits. Assistant Attorney General Powers comments that the defense filed a 52-page brief in response to the motion for injunction and that it was "extremely broad and theoretical".

On June 26, Oklahoma filed a motion to intervene; this has not been ruled on. (No change in status).

Contact: Assistant Attorney General Lonnie A. Powers. Tel: (501) 376–3871.

State of Kansas ex. rel. Attorney General Vern Miller v. Weinberger et. al. (USDC—Kansas, No. T–5346; filed May 18). Concerns impoundment of Title III funds.

Status: Temporary injunction signed June 30.

Contact: Assistant Attorney General Kurt Schneider. Tel. (913) 296–2215.

(*Illinois*). *Bakalis v. Weinberger and Ottina.* (USDC N. Dr. Ill.; filed June). Concerns impoundment of funds under Title III of the National Defense Education Act, 20 USC sec. 401 *et. seq.*

Status of case: (1) A temporary restraining order was issued on June 29; the terms and conditions of the TRO ordered DHEW to issue a grant award for the sum claimed. (2) Nevada, Michigan, Texas and Missouri interpleaded on June 29. (3) Hearing on motion for preliminary injunctions set for September 20. (4) On August 16, a meeting of intervenors will be held in Chicago (apparently, the number of intervenors has increased), bringing material with them; those who cannot attend will send position papers.

Contact: Allen D. Schwartz, Legal Advisor for the Superintendent of Public Instruction. Tel.: (312) 793–2236.

Commonwealth of Massachusetts v. Weinberger et. al. (USDC–D.C.; No. 1308–73; filed June 28). Impoundment of funds under Title III.

Status: Temporary restraining order granted June 29. Hearing July 19 on preliminary injunction. Order granting summary judgment to plaintiffs issued June 29. Court reviewed Title III.–A of NDEA, and found that "the Commissioner is obligated to allot all of whatever remains after he has reserved whatever amounts he chooses within those limits prescribed by Congress [up to 16 percent of total appropriation]." The appropriation for FY 1973 was by means of a Continuing Resolution, calling for amounts at a rate for operations not in excess of the current rate. The term "Not in excess of" does not give defendants discretion. The court said that "control of federal spending is an entirely laudable objective, but there is no authority either in Article II of the Constitution or in the case law, for the defendants' position that they may achieve this by refusing to comply with the terms of a statute." (COAG has copy of opinion).

Contact: Assistant Attorney Andrew M. Wolfe. Tel.: (617) 727–2216.

State of Maine and Carroll R. McGary, Superintendent of Public Instruction, v. Weinberger, Ottina and Ash, (USDC-Maine; Civ. No. 14–52; filed June 28). Action concerning impoundment of $265,000 in Title III funds.

Status: A temporary restraining order was issued June 29. Maine has received a notification of grand award, showing that the funds have been set aside pending final court action. (no change in status).

Contact: Deputy Attorney General John W. Benoit, Jr. Tel.: (207) 289–3661.

State of North Carolina, ex. rel. Attorney General Robert Morgan, Dallas Herring, Chairman, State Board of Education, and A. Craig Phillips, Superintendent of Public Instruction v. Weinberger, Ottina and Ash. (USDC–E. D.–N. Car.: filed June 29). Seeks declaratory judgment, injunction, and mandamus. (COAG has complaint).

Status: No further action.

Contact: Deputy Attorney General Andrew A. Vanore, Jr. Tel.: (919) 829–7387.

State of Washington, ex. rel. Superintendent of Public Instruction v. *Weinberger et al.* (USDC–D Wash.; filed June 28). Concerns Title III funds.

Status of Case: June 28; court ordered temporary restraining order; July 11, a preliminary injunction was issued.

Contact: Special Assistant Attorney General James B. McCabe, 404 Olympic National Building, Seattle, 98104. Tel.: (206) 624–8888.

Note: Mr. Kenton Pattie, Vice-President of the National Audio-Visual Association, Telephone: (703) 273–7200, reports that injunctions in impoundment suits concerning education, obtained prior to June 30—the end of the Fiscal Year—enjoined $13.3 out of $50 million in impounded funds.

LIBRARIES—EDUCATION

Louisiana v. *Weinberger, Ottina and Ash,* (USDC—E. D. La.; filed 29 June, 1973). Plaintiff seeks declaratory judgment, mandamus and injunctive relief to compel allotment of funds appropriated by Congress under: (1) the Library Services and Construction Act of 1956, 20 USC sec. 351 *et seq.;* (2) Title III of the National Defense Education Act, 20 USC 401 *et seq.* (COAG has copy of: Complaint; Motion for Temporary Restraining Order and Preliminary Injunction; Order of Court).

Status of Case: On 30 June, the Court issued a Temporary Restraining order requiring the defendants to allot to Louisiana funds for FY 1973. A hearing on motion for preliminary injunction is set for September 12.

Contact. Assistant Attorney General Kendall L. Vick. Telephone: (504) 527–8375.

Oklahoma v. *Weinberger.* (USDC—W. D. Okla.; filed June 30, with Michigan and New Mexico as intervenors). Impoundment under LSCA.

On June 30, the court directed defendants to set aside the full amounts which had been impounded nationwide and to issue grant awards to Oklahoma and the two intervenors, Michigan and New Mexico. On July 23, Pennsylvania, Wisconsin, Nevada, Washington, Kansas and Texas were permitted to intervene as plaintiffs and came within the scope of the prior mandatory injunction, postjudgment. In the June 30 order, Judge Chandler said that "Insofar as defendants have followed this policy to impound funds appropriated for formula grant programs such as those programs presently at issue, they have violated the clear mandate of the AB discussed herein, the United States Constitution, the Administrative Procedures Act, and their own regulations." (COAG has copy of declaratory judgment, permanent injunction and mandatory writ.

Contact: Assistant Attorney General Paul C. Duncan. Telephone: (405) 521-3921.

State of Alabama ex. rel. William J. Baxley v. Weinberger and Ottina (USDC—M.D. Ala., No. 4104-N.) Impoundment under LS CA.

Status: A temporary restraining order has been issued. Preliminary injunction issued.

Contact: Assistant Attorney General Myron Thompson. Telephone: (205) 269-7738.

EDUCATION: VETERANS

National Collegiate Veterans Association et. al v. Ottina et. al. (USDA—D.C., civil No. 349-73; filed Feb. 22). Seeking declaratory and injunctive relief to compel defendants to accept, process and approve applications under sec. 420 of the Higher Education Act of 1965, 20 USC sec. 1070e-I, for veterans' cost-of-instruction payments. Complaint was amended to include Commonwealth of Pennsylvania and the Community College Section, California School Boards Association, as plaintiffs. (COAG has copies of: Complaint; Motion to File Amended Complaint; Motion for a Preliminary Injunction and Memorandum in Support of Motion; Order Granting Motion; and Order to Dismiss.)

Status of Case: (1) Preliminary injunction granted on March 27. (2) Case dismissed as moot on May 24, because the Department was accepting and processing applications. Plaintiffs granted right to reopen case if payments were not made.

Contact: W. Thomas Jacks, (Attorney with Public Citizens, Inc.) Tel.: (202) 785-3704.

FOOD STAMPS

Bennett v. Richards (USDC—Minn.). Impoundment of food stamp funds.

Status: Preliminary injunction granted June 26.

Contact: Robert Peets. Tel.: (415) 642-4911.

HEALTH MANPOWER ACT

American Association of Colleges of Podiatric Medicine (D.C.—D.C., Judge Hart). Impoundment under Comprehensive Health Manpower Act of 1971 (medical schools).

Status of case: preliminary injunction issued June 27; briefs due in September.

National League for Nursing v. Ash. (D.C.—D.C.; Civ. No. 1316-73, Judge Pratt). Concerns closing of eight public health service hospitals.

Status of Case: preliminary injunction issued June 29.

HIGHER EDUCATION

National Association of State Universities and Land Grant Colleges, et. al. v. Weinberger. (USDC-D.C., No. 73-1014:) concerned impoundment of funds under the Second Morrill Act, 7 USC sec. 322 and the Bankhead-Jones Act, 7 USC sec. 329.

Status: Case dismissed as moot on June 29. Defendant informed the court that all currently authorized funds had been certified to the Treasury and were being disbursed.

HIGHWAY CONSTRUCTION

State Highway Commission of Missouri v. Volpe et. al. (USCA—8th Cir.; No. 72-1512). The Court of Appeals affirmed the ruling of the district court (USDA—W. D. Mo.); enjoining defendants from withholding from the state the authority to obligate its apportioned funds under the Federal-Aid Highway Act, 23 U.S.C. sec. 101 *et seq.* (347 F. Supp. 950). (COAG has copies of complaint, USDC ruling, appellee's brief in USCA, and opinion.)

Status, of case: The Highway Commission Counsel reports that William Appler, of the U.S. Department of Justice, assured him that he would let him know by July 1 if the U.S. was going to appeal. No notification has yet been received, although the period for appeal has not yet expired. The state notified the federal Highway Administrator on July 11 that it expects the money to be issued without contract controls.

Contact: Robert L. Hyder, Chief Counsel, Missouri State Highway Commission. Telephone: (314) 751-2551.

South Carolina State Highway Dept. v. Volpe et. al. (USDC—S. Car.; filed July, 1973). Similar to Missouri case.

Status: U.S. Dept. of Justice has filed brief. On July 9, the Chief Highway Commissioner of South Carolina informed Assistant Attorney General Joseph Good that he had received Memo. 30-3-73 from the U.S. Highway Commissioner that, in effect, releases the balance of 1973 funds for South Carolina.

Contact: Assistant Attorney General Joseph C. Good, Jr. Telephone: (803) 758-3385.

HOUSING PROGRAMS

Commonwealth of Pennsylvania, National Committee Against Discrimination in Housing, et al., v. James T. Lynn, Secretary of HUD, et al. (USDC-D.C.; filed June, 1973). Plaintiffs seek to enjoin defendants from refusing to accept or process applications, or to issue feasibility letters or commitments, for subsidiaries of projects under sec. 235, 236 and 101 of the National Housing Act, 12 U.S.C. sec. 17152, 17152-1 and 17015. Brief argues that: (1) irreparable and immediate injury will be done to the plaintiffs if a preliminary injunction is not issued; (2) the defendant's actions are unlawful, as they contravene Congressional intent and are in violation of their own regulations; (3) the government's usual threshold arguments (sovereign immunity, political question, justiciability) are inapplicable; (4) the defendant's actions are an unconstitutional assertion of legislative authority by the executive; and (5) this action discriminates against minority groups, because they suffer disproportionately from substandard housing, in violation of civil rights statutes. (COAG has copy of Complaint, Motion for Preliminary Injunction, and Brief).

Status of case: The end of July, the court held for the Commonwealth and ordered defendants to begin processing applications. Defendants filed motion for stay pending appeal; this was denied. Appeal will be argued in October, in the court of appeals.

Contact: Assistant Attorney General Michael L. Golden. Telephone: (215) 238-7351.

[*Note*: The City of Camden has filed a similar suit].

INDIAN EDUCATION

Minnesota Chippewa Tribe v. Carlucci. (USDC-D.C., 41 LW 2625, April 25, 1973). Suit to compel President to appoint members of the National Advisory Council on Indian Education under Title IV of PL 92-318. Court held that: (1) plaintiffs have standing as they are the intended beneficiaries of the Act; (2) the case does not involve a political question or an "executive" act; the President has no discretion to decide whether or not to appoint; (3) relief is not possible by suing another person, because only the President may appoint the Council.

Status: In a separate order, the case was dismissed as moot, because the Council had been appointed.

MENTAL HEALTH

National Council of Community Mental Health Centers v. Weinberger (USDC-D.C. No. 1223-73). Class action on behalf of all parties who have applied for grants under B or F of the Community Health Centers Act, 42 USC sec. 2681 *et seq.*

Status of case: On August 3, Judge Gesell ordered processing of applications, required compliance with IB order by September 1, 1973 and denied a stay, saying that "these cases should move to higher courts for prompt, definitive determination shown of the confusing inconsequential defenses so typical of Government legalese these days." The 10-page opinion held that "Money has been appropriated to achieve the purposes of the Act and the defendants are given the non-discretionary statutory duty to spend those funds for grants that meet the . . . lawful criteria embodied in rules and regulations promulgated to achieve the purposes of the Act. The defendants have no residual constitutional authority to refuse to spend the money." (COAG has copy of order and opinion). Jerome S. Wagshal notes that: "With respect to 1974, although the Court technically denied relief as premature, it can be hoped that the Executive will apply the principles of the decision to fiscal 1974."

OFFICE OF ECONOMIC OPPORTUNITY

Local 2677, the Am. Fed. of Gov't Employees v. *Phillips.* (USDC-DC; April 11, 1973). Suit to enjoin the dismantling of OEO by defendant, the acting director of OEO. Plaintiffs contended that Sec. 2(a) of the 1972 Amendments, whereby the Director "shall" carry out programs, prohibits termination. USDC granted motion for summary judgment. (Opinion reported Congressional Record, daily ed., April 12, 12161).

Status: (not ascertained).

Contact: (not ascertained; May/73 *Clearinghouse Review* lists plaintiffs counsel as G. R. Graves, 625 Washington Building, Washington, D.C.; John M. Ferren, 815 Connecticut Avenue, N.W., Washington, D.C. and others).

West Central Missouri Redevelopment Corporation v. *Schultz* (D.C.-D.C.; Judge Jones—Civ. No. 1237-33).

Status of case: preliminary injunction is sued June 29.

Local 2816, OEO Employees Union v. *Phillips,* (USDC—N.D. Ill. No. C-500). Plaintiffs allege that defendants violated sec. 3(c) (2) of the 1972 Amendments requiring the Director to make available $328,900,000 for sec. 221 programs. Court ruled that this section is concerned only with amounts which Congress has authorized to be appropriated, and there is no appropriation for fiscal 1967. *Clearinghouse Review* (May, 1973), say that "on the basis of the evidence . . . the court held that the functioning of OEO would continue as provided by law through fiscal 1973 unless Congress acted to discontinue it, and accordingly denied the plaintiff's motion for a preliminary injunction.

Status: (not ascertained).

Contact: (not known).

SOCIAL SECURITY

Mason v. *DeGeorge et al* (USDC—Md.; filed May 2, 1973). Suit by Md. Secretary of Employment and Social Services to compel DHEW to pay state for past expenditures made under the public assistance titles of the Social Security Act. State officials submitted to defendants estimates of expenditures for the fourth quarter of FY/73; defendants refused to authorize payment until they have investigated certain past expenditures for which state has already received funds. (COAG has copy of complaint).

Status: Preliminary injunction granted May 31; argument will be July 16th.

Contact: Deputy Attorney General Henry R. Lord. Tel. (301) 383-3737.

WATER POLLUTION CONTROL

New York City v. *Ruckelshaus,* (— F. Supp. —. UDSC-D.C., Civil No. 2466-72 May 8, 1973.) This was a class action on behalf of New York municipalities; the City of Detroit was an intervenor. The court ruled that Environmental Protection Agency must allocate among the states the sum of $5 billion for FY 1973 and $6 billion for FY 1974, pursuant to sec. 205(a) of the Water Pollution Control Act Amendments of 1972. The court rejected contentions that it lacked jurisdiction because of sovereign immunity, or because the action failed to present a justiciable case. The court reviewed the legislative history of the Act and found it was intended to require the Administrator to allocate the full sum authorized. The court noted it was not being asked to determine whether EPA should spend the money, but rather whether the Administrator should make available for obligation the sums authorized to be appropriated. (COAG has copy of decision).

Status: Has been appealed.

State of Minnesota v. *U.S. Environmental Protection Agency and Robert W. Fri.* (USDC—Minn., No. 4–73 Civ. 133, — F. Supp. —, June 26, 1973). Concerns impoundment of funds under the FWPCA. The court reviewed the language of the Act and its legislative history and concluded that "it is clear to the Court that the Administrator should allot all of the authorized funds." While the Congress tried to give the Administration discretion, it was intended "that this discretion be exercised at the obligation stage of the process." (COAG has copy).

Status: Has been appealed. State will file respondents brief by September 14. Oral Argument will be held week of October 14, in St. Paul.

Contact: Special Assistant Attorney General Eldon G. Kaul, Tel.: (612) 378–1320.

Campaign Clean Water Inc. v. *Ruckelshaus* (— F. Supp. —, No. 18–73–R., D. Va., June 5, 1973). In a decision on impoundment of FWPCA funds, the district court judge held that, although the Administrator had some discretion at the allotment stage, the drastic reduction in available funds was a violation of the intent of the Act and constituted an abuse of discretion.

Status: A motion for Stay of Appeal was denied on June 8, and an appeal was taken. The briefing schedule will be completed in August.

Contact: W. Thomas Jacks (Attorney with Public Citizens, Inc.) Tel.: (202) 785–3704.

State of Maine, ex. rel. Attorney General Jon Lund, and State Board of Environmental Protection v. Rikert Fri, Acting Administrator, and John R. McGlennon, Regional Administrator. (USDC—Maine, Civil No. 14–51; filed June 28). Concerns impoundment of $29 million in FWPCA funds.

Status: A temporary restraining order was issued on June 29. On July 6, U.S. Attorneys sought to get TRO removed, on the grounds that the funds would not lapse, and it was unnecessary. The court denied their motion and they are taking an appeal to the circuit court.

Contact: Assistant Attorney General Lee Schepps. Tel.: (207) 289–3361.

George E. Brown, Jr. v. Ruckelshaus (USDC—Cent Dr. Cal.; filed January, 1973.) Concerns impoundment under IWPCA. *City of Los Angeles v. Ruckelshous* filed with *Brown.*

Status of case: Defense filed motion to dismiss; plaintiffs motion for summary judgment was denied. Decision is expected in October.

Contact: Nancy Mullins. Tele. (202) 225–6161.

Martin-Trigona v. Ruckelshaus (USDC—N.D. Ill.). Impoundment of funds under FWPCA.

Status of case: Stay has been ordered pending appeals of summary judgment.

State of Texas v. Ruckelshaus (USDC—W. D. Texas, Cir. No. A 73 CA 38; filed———). Concerns impoundment of funds under FWPCA. Plaintiff contends that defendant has no discretion at the allotment stage. (COAG has: Plaintiff's Motion for Summary Judgment; Affidavit in Support of the Motion; Plaintiff's Memorandum in Support of the Motion; Plaintiff's Memorandum in opposition to Defendant's Motion to Dismiss).

Oklahoma intervened in case.

Status of Case: Action pending on plaintiff's motion for summary judgment and defendant's motion to dismiss.

Mayor Morton Salkind v. Ruckelshaus (USDC—N.J.). Impoundment under FWPCA.

Status of case: action pending on defendant's motion to dismiss.

Hubert Klein v. Ruckelshaus. (USDC—D.C.).

Status of case: dismissed for lack of standing.

WELFARE

State of Minnesota ex. rel. Vera J. Likins, Commissioner of Public Welfare and Attorney General Warren Spannaus v. Caspar Weinberger, Secretary of DHEW; Clyde Downing, Acting Regional Commissioner, and George P. Shultz, Secretary of the Treasury, (USDA—D. Minn.). Concerns funds under Title 42 USC, Social Service programs for needy persons. As well as impoundment, case involves refusal to pay certain past and future costs of welfare programs, (case still in pre-trial stages.)

Contact: Deputy Attorney General Eric Schultz. Tel. (612) 296–3201.

YOUTH CORPS

Community Action Program Executive Directors Association of N. J. v. Ash et al. (D.C.—N.J. Civ No. 899–73; Judge Garth). Impoundment of neighborhood youth corps funds.

Status of case: on June 29, ordered release of $239 million funds; on July 10, court of appeals denied request for stay of order July 10, the Labor Department authorized regional officers to proceed with hiring.

YOUNG BASEBALL TEAM

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. HOGAN. Mr. Speaker, I would like to take this opportunity to call to the attention of my colleagues the recent accomplishments of a young baseball team from my district.

The Prince Georges County All-Star Little League Senior Division fielded a team that, on August 18 of this year, worked its way into the finals of the world championships. In doing so it was necessary for them to first win their district championship, the State championship, the division II championship, and finally the eastern regional championship.

The Prince Georges County team met a powerful team from Taiwan in the world series championship but lost in a great game 4–0. The fact that this team held the team from Taiwan scoreless for four full innings is quite an achievement in itself.

I am very proud of these boys who represented their league in the world championships. This is the first time in the history of Little League Senior Division World Series games that a team from Maryland has represented the eastern region. By becoming U.S. champions and second in the world, I believe these boys have done an outstanding job of representing their league and I extend my personal congratulations to them.

NOISE BOYS AND HONEST ABE

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. McCLORY. Mr. Speaker, it seems to me that a recent tongue-in-cheek column by the distinguished columnist, Jenkins Lloyd Jones, nevertheless helps to place in perspective the type of ready-made, on-the-spot comments of our various TV news analysts who are always ready to take apart, analyze, and debunk virtually every public statement—particularly of our President and other Republican leaders.

Mr. Jones' column suggests the type of phony analysis which might have occurred if these TV oracles were around when the late President Abraham Lincoln delivered his historic Gettysburg Address.

Mr. Speaker, I am pleased to attach Mr. Jones' article for the benefit of my colleagues and others who may have missed reading this perceptive and highly entertaining column in the September 1 issue of the Wanhington Star-News:

Noise Boys and Honest Abe

(By Jenkin Lloyd Jones)

". . . and that government of the people, by the people, for the people shall not perish from the earth."

"Good afternoon ladies and gentlemen. I'm Everett Eyebrow in Washington and the Blue Network has just brought you live the speech of President Lincoln at the dedication of the Gettysburg Military Cemetery.

"To analyze the President's remarks I have in the studio my colleagues, Samuel Stiletto and Dirk Smirk. On the split screen you can see the President getting into his carriage and the—well, I thought—rather disappointed listeners dispersing. But that's just one man's opinion and I'd like to hear from Sam."

"You'll have to make that two men's opinion, Ev. You heard the small smattering of applause and I think the television audience was probably as surprised as the Gettysburg crowd that the speech was over almost as soon as it began."

"Dirk?"

"We've got to be fair to the President, Ev. After all, he followed Edward Everett's brilliant two-hour speech, and, obviously, he couldn't top one of America's great orators. Besides, every time Mr. Lincoln tries to get eloquent he seems to come out stilted."

"Right you are, Dirk. Take the way he started his remarks—'Fourscore and seven.' Every man willing to be clear would have simply said, 'Eighty-seven.' And I thought he was groping for words at times, like 'We cannot consecrate, we cannot hallow.' That's saying the same thing two different ways. Don't you agree, Sam, that although the speech was short there was some padding in it."

"Exactly. Take 'government of the people, by the people, for the people.' 'Popular government' would have said it all in two words, and 'democracy' in one. But what disappointed me, Ev, was not what the President said, but what he didn't say. Eh, Dirk?"

"That's the big point, Sam. Here's the country in an awful mess after two bloody years. People are looking to the President for a way out. They are rioting against the draft in New York City and a lot of disgusted soldiers are going over the hill and heading west. Just what did the President give the people this afternoon, Ev?"

"You can't say that he didn't give them a few fancy phrases, Dirk. Like 'unfinished work so far nobly advanced' and 'great task remaining before us' and 'last full measure of devotion.' But what meaningful and relevant guidelines did he give us for either winning this war or ending it? Yes, Sam."

"I thought it ironic and more than a little impertinent that Mr. Lincoln should come to Gettysburg with vague generalities. There were no vague generalities about what happened there. More than 23,000 of our lads were killed or wounded and here is Gen. Lee, back in Virginia with his army intact. I'd say we're just about where we were two years ago. How about it, Dirk?"

"That's probably why the speech was so short, Sam. Let's be fair to the President, if you'd make as much of a fiasco out of this war as he has what could you do but make a short speech? We get a new commanding general every couple of months and he takes a new army across the Potomac and loses it. What can Mr. Lincoln really say to the people, Ev?"

"I suppose he could say, 'keep on dying,' Dirk, but neither he nor anyone else would want to put it so bluntly. So he says it is for us, the living, to be dedicated, that we must take increased devotion, that we must highly resolve. All this adds up, of course, to more of the same. I wouldn't want to put any words in the President's mouth but it seems to me that what he really implied this afternoon was, 'Hang on, and maybe I'll think of something.' Your turn, Sam."

"Well, I think, again, that we've got to be very fair to the President. I maintain he was not entirely responsible for the war. He was a country lawyer, a circuit-riding joke-teller and one-term congressman who was hurled by a series of accidents into the pinnacle of power at a time when a cool head and skillful hand were desperately needed. I think he was tired, but one more performance like this afternoon could finish him. What about you, Ev?"

"I'm sorry our time is up because I think Sam really put his finger on it. But, in line with giving the President his due, there was one part of his speech to which no one will object—that line where he admitted that the world will little note nor long remember what he said.

"And now an important message from Chompies Dog Food. . . ."

PRESIDENT NIXON REPUDIATES OPPONENTS OF HOME RULE

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. FRASER. Mr. Speaker, I am greatly encouraged by President Nixon's renewed support for self-government for the District of Columbia. This strong support from the White House should help guarantee passage of the home rule bill when it reaches the House floor September 24 and 25.

President Nixon's statement that the Nelsen commission recommendations "would greatly strengthen the capability and expand the authority of the city's government" is most welcome. The House bill enacts 70 percent of the major legislative recommendations of the Nelsen commission. The "rapid action by the Congress" urged by the President can be achieved by passage of H.R. 9682, the House District of Columbia Committee's bill for "Self-Government and Governmental Reorganization."

Senate adoption of the District of Columbia home rule by a vote of 69 to 17 last July 10 should be followed by overwhelming House approval in 2 weeks. The President's pledge today "to work—to achieve true and effective self-government for the District of Columbia," is good news to us all, and a clear repudiation of the opponents of home rule in his own party.

CONCERN FOR THE PHYSICALLY HANDICAPPED

HON. GEORGE M. O'BRIEN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. O'BRIEN. Mr. Speaker, the Environmental Protection Agency has been conducting hearings throughout the Nation regarding programs in urban areas to reduce pollution by automobiles. The agency held hearings in the Chicago area during August and just completed hearings in the District of Columbia.

Many of the proposals by various city and State governments involve restricting the use of the automobile for private transportation. However, many persons with physical handicaps must rely on private automobiles for the simple reason that the kinds of mass transit that may be available to you or me is not equipped for the physically handicapped. While I do not object to necessary restrictions to alleviate pollution, I am concerned about the needs of the physically handicapped.

I have written letters expressing my concern to officials of the Environmental Protection Agency. I urge my colleagues to join me in alerting this agency to the needs of the physically handicapped.

The letters I have written are:

SEPTEMBER 6, 1973.

Mr. JAMES MACDONALD,
Director, Enforcement Division, Environmental Protection Agency, Region V, Chicago, Ill.

DEAR MR. MACDONALD: I realize that the official comment period regarding the transportation control plan submitted for the Chicago area to meet the air quality standards imposed by the Clean Air Act ended on August 11. However, I hope that in your agency's consideration of these and other transportation control plans you will take into account the special needs of the physically handicapped. Many of the proposals which I have seen to reduce auto emissions in urban areas involve restricting the use of the automobile in order to encourage greater use of public transportation.

While I do not object to necessary restrictions to alleviate pollution, it is important to recognize that persons with mobility limitations must rely on private automobiles for transportation.

I am confident that, aware of the exceptional needs of this special category of individuals, your agency will be able to devise adequate pollution control measures which avoid imposing undue hardship on the physically handicapped.

Sincerely,

GEORGE M. O'BRIEN,
Member of Congress.

SEPTEMBER 6, 1973.

Mr. JOHN R. QUARLES,
Acting Administrator, Environmental Protection Agency, Washington, D.C.

DEAR MR. QUARLES: I understand that the Environmental Protection Agency is currently holding hearings regarding the transportation control plan submitted by the District of Columbia, Virginia and Maryland, to meet the air quality standards imposed by the Clean Air Act.

I hope that in your agency's consideration of these and other transportation control plans you will take into account the special needs of the physically handicapped. Many of the proposals which I have seen to reduce auto emissions in urban areas involve restricting the use of public transportation.

While I do not object to necessary restrictions to alleviate pollution, it is important to recognize that persons with mobility limitations must rely on private automobiles for transportation.

I am confident that, aware of the exceptional needs of this special category of individuals, your agency will be able to devise adequate pollution control measures which avoid imposing undue hardship on the physically handicapped.

Sincerely,

GEORGE M. O'BRIEN,
Member of Congress.

FOOD PRICES AND THE ELDERLY

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. BADILLO. Mr. Speaker, runaway inflation and soaring food prices are playing havoc with the lives of our constituents. Low- and middle-income families are having their buying power reduced, in some instances below the poverty level, through diversion of increasing percentages of their incomes for food items. Those on small, fixed incomes, especially the elderly and the disabled, find themselves forced to live lives of destitution and misery. Yet, despite the mounting evidence that serious ills beset our country and our economy, the administration continues to assert that incomes have more than kept up with prices and we never had it so good. In fact, I have been informed, after making extensive inquiries, that there has been only a 1-percent increase in the overall food budget of the American family.

Mr. Speaker, this simply is not true. Instead of the much-publicized 17.6 percent of income many of our families are spending over one-third of their budgets for food. A rough extension of the figures of a Department of Labor survey indicates that during recent years, even after full allowance is made for increases in earned income, some families have to spend as much as 13 percent of their incomes more just to maintain diets they enjoyed in 1960–61. Others are experiencing increases ranging from 11 to 3 percent.

Tom Buckley, in last Friday's Times, describes very vividly just how the economic squeeze is affecting New York City's elderly. For the information of my colleagues, I am inserting his article into the Record.

The article follows:

Poverty and Pride Trap City's Aged

(By Tom Buckley)

Many of the old people who shop at the A. & P. at First Avenue and 90th Street stand in front of the meat cases for long periods of time, like children gazing through a toy store window.

Some of them shuffle through the plastic-wrapped steaks and chops, as though they could taste them with their fingertips.

Occasionally, an old man or woman will bring a small package of chopped meat close to his eyes, to read the smudged price label, and, more often than not, put it back.

At the checkout counter they put down their purchases—two cans of spaghetti perhaps, a head of celery, a couple of potatoes, a package of tea bags. Their attention never wavers as the clerk rings up the total, and then arthritic fingers dig reluctantly into worn change purses and wallets to pay the bill.

In his office a couple of days ago, Eamon Murphy, the store manager, shook his head. "There's not much they can buy, and that's the truth," he said.

"Old people sometimes steal food," he went on. "It's never very much—a small package of chicken maybe—and I don't think very many do it. A woman could leave it in her shopping bag or a man could drop it in his shirt".

"What can you do?" he said. "When I catch them, I tell them that we can't run the store that way and if they won't stop, then please not to come back. Sometimes they get very emotional. They cry and say they're sorry."

About 13 per cent of the city's 8 million are 65 or older, a figure that increased from about 10 per cent in 1960. They tend to be concentrated in the inner boroughs, and in the old Yorkville section, where the A. & P. is situated, the number of aged persons may be double the citywide average.

Many cling to their tenement apartments on the side streets, despite rising rents, the decay of the buildings and the occasional harassment of landlords, as old people do throughout Manhattan, Brooklyn and the Bronx.

Aside from the handful of affluent elderly who clip their coupons in their cooperatives, the most fortunate of the old people in Yorkville are the 700 or so who have been able to get low-rent apartments in the Stanley M. Isaacs Houses at 91st Street and First Avenue.

There they can pass their final years in comparatively safe and decent surroundings. In the project's senior center there are social activities, a clinic, and, most important these days, a cafeteria that serves a hot lunch for 35 cents.

* * * * *

Like virtually all of the city's senior citizens, the residents of the Isaacs Houses are entirely dependent on their monthly Social Security checks. The amounts they receive differ, but the nationwide average, according to the Social Security Administration, is $159 for a single person and $273 for a couple.

In comparison, the Bureau of Labor Statistics of the Department of Labor says that the minimum budget level for a retired couple living in this area, which has a cost of living about 13 per cent higher than the national urban average, works out to $323.33 a month for a couple and something like $200 for a single person.

INFLATION HURTING MORE

The Social Security Administration points out that its benefits have risen 51.8 per cent since 1969, which is, in fact, at a faster rate than the cost of living. Benefits will be increased another 5.9 per cent next year.

However, the picture is confused by the fact that until the past 18 months the inflation was disproportionately high in the service sector of the economy, which has comparatively little impact on the lives of older persons, while since then the sharpest increases have been in food and rents.

"From July, 1972, until last month," a spokesman for the Bureau of Labor Statistics said, "meats rose 18 per cent and fruits and vegetables 17 per cent. Old people can't help but be aware of that. They've got to eat every day. It's not an expense that can be deferred, like buying a car, say."

"You can't buy shoes, you can't buy clothes, you can't buy anything," said Mrs. Ernestine Brown, one of the women on the bench.

For those receiving the minimum Social Security payment of $84.50, which like other benefits will be increased by 5.9 per cent next June, the situation is far grimmer, particularly since only 75,000 of the nearly 1 million elderly in the city receive old-age assistance payments.

WELFARE AVOIDED

Those who are getting average or larger Social Security checks are not eligible for it, but of those who are, only a comparative handful will apply.

"Old people around here hate welfare like poison said Mrs. Mary Yankauer, the executive director of the Burden Center for the Aging, at York Avenue and 85th Street. "They won't even go to the welfare office to get food stamps or to renew their half-fare subway cards."

It is this quality of thorny pride, of a refusal to accept charity after a lifetime of honest work, that fills many of the persons like Mrs. Yankauer who work with the elderly with admiration and with rage at what they regard as the shabby way they are treated by society.

What stops most old people from applying for welfare, even in desperation, is the requirement that they can have no more than $500 in liquid assets. Lacking either the guile or the wish to conceal, say, the existence of a savings account of a couple of thousand dollars, they prefer to do without.

"It's inhuman that they have to be stripped that far down," said Mrs. Yankauer, "when you can see comparatively young people ripping off welfare and wearing fur coats and driving new cars. That money gives the elderly a sense of identity, of not being totally impoverished. It may be set aside for their funeral, to make sure they aren't buried in Potter's Field."

Among its activities, the center, which receives $41,000 a year, the bulk of its income, from the family of City Councilman Carter Burden, helps the old people of the area in threading their way through the bureaucratic complexities that confront them.

Unlike some welfare recipients who have expressed their displeasure with certain policies in recent years by beating up caseworkers and setting fire to their offices, old people can only try to struggle through the four-page application for food stamps or the 10-page application for Medicaid and accept silently what Mrs. Yankauer described as the incivility of city clerks.

"They tend to take out their frustrations on the old people," she said. "Many of them in Yorkville are foreign-born, and there may be a language problem. And I'm not saying that all old people are angels, either. Some of them can be very difficult."

What strikes Mrs. Yankauer as bitterly ironic is the fact that while most old people struggle to retain a shred of pride and independence on an income far below the poverty level, they could bankrupt the country if they simply decided to lie down on the sidewalk and wait to be carted off to a municipal hospital, nursing home or welfare hotel, at 10 times the cost.

ELDERLY MOBILIZING

"Very few people realize that only about 3 per cent of the elderly are living in places like that," she said. "They don't want it, and they are willing to make all kinds of sacrifices to keep out of them, and I think the least that the country can do is to help them more effectively than it's doing now."

Gradually, as their number in the total population increases, and as they watch the assets they accumulated in a lifetime of labor destroyed by inflation, older persons are mobilizing to improve their position.

The Congress of Senior Citizens has 250,000 members here and is affiliated with a national organization that numbers more than 4 million. It is generally regarded as highly effective in forcing society to consider the plight of the aged.

Surprisingly, old people show little resentment. Conversations with dozens of them revealed a seeming acceptance of their lot. "Old people don't have to eat so much," said one woman, explaining how she got by with one meal a day at a senior center.

LITTLE HELP FROM CHILDREN

Few seem to get any assistance from their children. "He's got a lot to contend with," said another woman, speaking of a married son in the suburbs. "Sometimes I lend him money."

If there are resentments, and there certainly must be, they are buried deep, and as anyone knows, grandparents can be artful dissemblers, indeed.

The economic situation of older persons who are receiving Social Security payments at or near the minimum and who have refused to accept welfare will improve markedly in January.

At that time, the Social Security Administration will state old-age assistance plans take over the distribution of throughout the country, guaranteeing a minimum income of $130 per month for single persons and $195 for couples.

"We expect 100,000 New Yorkers to apply," said Miss Alice Brophy, who heads the New York City Office for the Aging. "They will be getting Social Security checks instead of welfare checks, which will be much more acceptable, since older people feel they helped to build the Social Security system."

Others will qualify because the means test under the new law allows single persons $1,500 and a married couple $2,500 in assets, considerably more liberal than the present limitations.

CITY LENDS HAND

Although the services that are provided for older people in the United States, particularly in the area of medical care, are regarded as far from adequate, particularly in comparison with what is available in many countries in eastern and western Europe, there is general agreement that more has been done for them in New York City than anywhere else.

The city's Human Resources Administration, for example, operates 65 senior centers, where hot lunches are available at token cost, and which provide recreation and health facilities.

In addition, there are the cut-rate bus and subway fares, for which the city pays 17.5-million annually to the Transit Authority, and rent-increase subsidies and property-tax reductions that cost another $22-million.

The Office for the Aging has also secured reduced prices for Yankee baseball games—the Mets limit their generosity to four games a year and the pro football clubs, which sell all their tickets, give none—to afternoon movies and other events that the aged could not otherwise attend.

One reason, observation suggests, why old people have been so long neglected is their invisibility. There are many of them on the streets of Yorkville by day, for example, trudging slowly from their apartments to the market, or to the clinic at Metropolitan Hospital, to the Burden Center perhaps, or to the Lenox Hill Neighborhood House, which has a broad program of assistance, to buy food stamps, or sitting quietly on the benches in Carl Schurz Park.

THE WITHDRAWAL OF AGE

But by early evening, when the area's young secretaries and brisk executives are arriving home from work, the aged, tired and more fearful than most people of being mugged, have withdrawn themselves into their apartments.

Then again, one does not really see old people, in the way, for example, that a man sees a pretty girl or an Afghan hound or a man at the wheel of a large and shiny car.

Their clothes are drab, their eyes, by and large, reflect little light, their backs are bent, knees stiff. They seem to withdraw into themselves, as though ashamed of having survived so long, of providing, for a country that worships youth and beauty and cares little for the fruits of experience except at the odd moments when a 76-year-old senator catches its fancy, a disagreeable reminder of mankind's common end.

ASPIN AND PIKE FIGHT FLIGHT PAY FOR ARMCHAIR OFFICERS

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. REUSS. Mr. Speaker, I wish to commend our colleagues Representative Les Aspin of Wisconsin and Representative Otis G. Pike of New York for their leadership last June in our vote against flight pay for noncombatant Air Force and Navy officers—a vote which will save taxpayers $14.6 million a year.

An editorial from the July 9, 1973, Kenosha News, and articles from the June 27, 1973, Milwaukee Journal and the June 29, 1973, New York Times, follow:

Aspin Versus the Pentagon

For a comparatively new congressman, Les Aspin, Democrat, Wisconsin First District, is compiling quite a record of leadership.

Even in his freshman term, a bottom-of-the-heap position for congressmen, Aspin's knowledge of government and hard work commanded respect. Now six months into his second term, he and his energetic staff are showing no letup.

One of Aspin's latest endeavors was to take on the Pentagon. Together with Rep. Otis Pike, D-N.Y., they wanted to know why some earthbound Air Force colonels and generals and Navy captains and admirals should be receiving flight pay.

Congress had decided last year that those officers serving in noncombat assignments should not receive flight pay and it passed a law that went into effect this June 1 to cut off funds for such payments.

But then Aspin learned that the Air Force chief of staff, Gen. John D. Ryan, signed an order that for all practical purposes ignored the law for a list of 65 Air Force generals. (One of the 65, as fate would have it, was a Gen. John D. Ryan.)

Ryan said that those generals and 67 colonels were in jobs that might require them to fly, whether they actually flew or not, and that such officers as the commander of the Air Force Academy were in "combat assignments."

Aspin, charging that Ryan's action represented a "clear violation of law and utter defiance of civilian authority," joined with Pike to lead a fight against a House bill that would have prolonged the lame duck flight payments until at least the end of this year.

Somewhat surprisingly, they succeeded. A motion was passed telling the House members of a Senate-House conference committee to stand firm on the June 1 cutoff date.

They did it in the face of a lobbying blitz from officers. And if it is upheld in the conference committee, their action could make certain that the $14.6 million a year savings foreseen in the original cutoff bill will stay in the taxpayers' pockets.

In a country increasingly concerned about inflation and increasingly concerned about the behavior of the people it pays with its tax money, the issue involved is not a trifling one.

Congress should uphold the June 1 cutoff.

Aspin and Pike are to be commended for their role.

Aspin Blocks Flight Pay Extension

Washington, D.C.—The House Armed Services Committee attempted to slip an extension of flight pay for some generals and colonels through Congress Tuesday without mentioning the subject.

The attempt to get quick approval was stopped by Rep. Les Aspin (D-Wis.). Aspin said 65 Air Force generals, including Air Force Chief of Staff John D. Ryan, still got the flight pay for which Congress cut off funds effective May 31.

TERMED DEFIANCE

The committee tried to get the flight pay extended to Dec. 31 by having the House accept a Senate amendment to a dependents' benefits bill. But the House never heard the words flight pay mentioned.

All it had was a motion by Rep Samuel Stratton (D-N.Y.) to take up the dependents' bill, accept the Senate amendment and grant final approval.

Aspin objected, forcing the bill to be passed by some other procedure.

Aspin, who disclosed the continuing flight payments to the 65 generals called it "a clear violation of law and an utter defiance of civilian authority by the Pentagon brass."

ABUSES CHARGED

The Air Force confirmed, after Aspin's statement, that it had authorized flight pay status for 132 general officer positions under the new restrictions.

Congressional restrictions on flight pay were enacted because of widespread complaints that the system was being abused by "weekend warriors"—officers who drew full flight benefits by putting in token flying time.

Aspin said Ryan's order according himself and other high ranking officers flight pay status was "a new low in the whole grubby history of armchair officers and their fight to collect flight payments they don't deserve."

The Wisconsin Democrat said he had asked the General Accounting Office to investigate the Air Force's compliance with the new flight pay restrictions.

House Bars Flight Pay for Desk-Bound Officers

Washington, June 28.—Two iconoclasts on the House Armed Services Committee—Representatives Otis C. Pike of Suffolk and Les Aspin of Wisconsin—took on the military establishment on the House floor today and won on the issue of flight pay for desk-bound admirals and generals.

With some lobbying, satire and appeal to the political instincts of Congressmen, the two Democrats got the House to go on record against giving flight pay to colonels, navy captains, generals and admirals who do not fly.

As was gleefully pointed out after the vote by Mr. Pike, who has sat in critical isolation on the committee for 13 years, it was the first time in more than a decade that the House Armed Services Committee, working in tandem with the military, had lost an issue on the House floor.

The issue before the House was whether to continue a provision incorporated in the defense budget last year banning flight pay after May 31 to any officer of the rank of colonel or above who was serving in a "noncombat assignment."

SENATE MOVE OPPOSED

The Senate had approved an amendment to a military dependents bill postponing the May 31 cutoff to the end of the year. The counter-move of Mr. Pike and Mr. Aspin was a motion instructing House conferees not to accept the Senate amendment in a Senate-House conference on the legislation.

For the last two days, as the two Representatives mounted their campaign, generals and admirals faced with loss of flight pay had been buzzing the Capitol in a concerted lobbying campaign. From their home districts, many Congressmen received calls from officers warning that they could not pay for their homes if the flight pay, which is $245 monthly for a colonel and $165 for a general or admiral, was stopped.

Meanwhile, Mr. Pike and Mr. Aspin were engaging in some lobbying and publicizing on their own. On Tuesday Mr. Aspin issued a news release complaining that Gen. John D. Ryan had signed an order permitting himself and 64 other Air Force generals to continue to receive flight pay.

In the floor debate, Mr. Pike told stories of Air Force generals who swivel around so rapidly in their Pentagon chairs that they think they are doing outside loops and are thus entitled to flight pay.

By the time the members reached the floor for the vote, Mr. Pike and Mr. Aspin had succeeded in casting the issue in terms of whether flight pay should be given to generals and admirals who did not fly. Cast that way, the choice was easy for the majority. The Pike-Aspin motion was approved by a 238 to 175 vote.

CONGRESSMAN BURKE'S QUESTIONNAIRES

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. BURKE of Florida. Mr. Speaker, each year since I was first elected in 1966, I have submitted my annual questionnaire to my constituents in order to better ascertain their opinions on issues before the Congress. I submit the following results to my colleagues so that you may compare the views of my constituents with the views of your own. In April 1973, I sent out 210,000 questionnaires to the people living in my congressional district—the 12th Congressional District of Florida. I am pleased to state that thus far I have received 36,183 replies. The following is a tabulation of the responses by percentages from the respondents:

Burke Congressional Questionnaires, 1973

1. President Nixon has indicated he intends to make substantial cuts in govern-

ment spending. Do you favor such reductions even, if they affect your favorite federal programs?

Yes	85.8
No	14.2

2. Do you think taxes should be increased if this would help balance the budget and curb inflation?

Yes	23.2
No	76.8

3. National Health Insurance will be a topic of discussion in Congress soon. Which of the following would you favor? Select one.

A. a program should be financed by increased taxes and operated by the federal government.

Yes	51.8
No	48.2

B. a federally operated program should be financed by employer and employee contributions.

Yes	70.8
No	29.2

C. income tax credits should be allowed for those purchasing private health insurance.

Yes	85.8
No	14.2

D. a federally funded insurance program for catastrophic illnesses only.

Yes	75.3
No	24.7

E. no additional federal programs.

Yes	64.2
No	35.8

4. The Supreme Court recently declared most State abortion laws unconstitutional. Would you favor a Constitutional Amendment restricting the practice of abortion?

Yes	36.3
No	63.7

5. Congress must pass highway legislation in this first session of the 93rd Congress. Would you favor taking monies set aside for highway construction in the Highway Trust Fund for use in urban mass transit?

Yes	53.7
No	46.3

6. Do you agree with President Nixon's decision to transfer most of the OEO programs to other agencies and to dismantle and close down the Office of Economic Opportunity?

Yes	84.7
No	15.3

7. According to the peace agreement recently signed, the United States agreed to contribute to the post war reconstruction of North Vietnam. Do you agree with this provision?

Yes	14.1
No	85.9

8. The President has lifted mandatory wage and price controls except on food, health care and construction. He has substituted voluntary controls. Do you agree with this change?

Yes	24.4
No	75.6

9. A. Do you believe the U.S. should withdraw from the United Nations?

Yes	35.1
No	64.9

B. If we do not withdraw, do you believe that there should be further cuts in our contributions?

Yes	89.4
No	10.6

10. In your opinion, should a newspaper reporter have the right to refuse to reveal the name or source of his news story?

Yes	62.9
No	37.1

11. Do you favor diplomatic recognition and economic and cultural trade with:

A. Red China

Yes	76.9
No	23.1

B. USSR

Yes	76.2
No	23.8

C. Cuba

Yes	76.2
No	23.8

12. Do you favor legislation to assist in the development of land-use programs for critical areas? If so, do you favor:

A. Federal legislation to assist the States?

Yes	69.2
No	30.8

B. State laws only?

Yes	70.3
No	29.7

C. Local control?

Yes	72.5
No	27.5

This year in response to several requests from my constituents I provided separate columns for the answers of the husband and wife. The following is a tabulation by percentage of each of their views:

	Wife		Husband	
	Yes	No	Yes	No
1. President Nixon has indicated he intends to make substantial cuts in Government spending. Do you favor such reductions, even if they affect your favorite Federal programs?	86.0	14.0	85.7	14.3
2. Do you think taxes should be increased if this would help balance the budget and curb inflation?	22.0	78.0	24.4	75.6
3. National Health Insurance will be a topic of discussion in Congress soon. Which of the following would you favor? Select 1:				
(A) A program should be financed by increased taxes and operated by the Federal Government	50.8	49.2	52.9	47.1
(B) A Federally-operated program should be financed by employer and employee contributions	73.7	26.3	68.2	31.8
(C) Income tax credits should be allowed for those purchasing private health insurance	87.2	12.8	84.5	15.5
(D) A federally funded insurance program for catastrophic illnesses only	75.1	24.9	75.6	24.4
(E) No additional Federal programs	67.7	32.3	60.7	39.3
4. The Supreme Court recently declared most State abortion laws unconstitutional. Would you favor a Constitutional Amendment restricting the practice of abortion?	36.7	63.3	36.0	64.0
5. Congress must pass highway legislation in this 1st session of the 93d Congress. Would you favor taking moneys set aside for highway construction in the highway trust fund for use in urban mass transit?	56.0	44.0	51.4	48.6
6. Do you agree with President Nixon's decision to transfer most of the OEO programs to other agencies and to dismantle and close down the Office of Economic Opportunity?	84.9	15.1	84.5	15.5
7. According to the peace agreement recently signed, the United States agreed to contribute to the post war reconstruction of North Vietnam. Do you agree with this provision?	12.9	87.1	15.4	84.6
8. The President has lifted mandatory wage and price controls except on food, health care and construction. He has substituted voluntary controls. Do you agree with this change?	25.0	75.0	23.9	76.1
9. (A) Do you believe the United States should withdraw from the United Nations?	35.8	64.2	34.5	65.5
(B) If we do not withdraw, do you believe that there should be further cuts in our contributions?	91.1	8.9	87.1	12.9
10. In your opinion, should a newspaper reporter have the right to refuse to reveal the name or source of his news story?	64.5	35.5	61.5	38.5
11. Do you favor diplomatic recognition and economic and cultural trade with:				
(A) Red China	76.8	23.2	77.1	22.9
(B) U.S.S.R	78.2	21.8	74.2	25.8
(C) Cuba	48.0	52.0	48.1	51.9
12. Do you favor legislation to assist in the development of land use programs for critical areas? If so do you favor:				
(A) Federal legislation to assist the States?	70.9	29.1	67.6	32.4
(B) State laws only?	71.4	28.6	69.3	30.7
(C) Local control?	76.1	23.9	68.8	31.2

THE FARM LABOR RESEARCH COMMITTEE: A NEW LOOK AT FARM LABOR

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. LANDGREBE. Mr. Speaker, recent attempts by the United Farm Workers Union, led by Cesar Chavez, to organize farmworkers have resulted in consumer boycotts of grapes and lettuce, counterboycotts by the Teamsters Union, coercion, intimidation, and death.

The consequence, not surprisingly, is a number of proposals to "remedy" the situation by Federal law. There are presently six bills before the Subcommittee on Agricultural Labor of the House Education and Labor Committee which would either extend current labor law—the National Labor Relations Act—to cover farmworkers, or establish a new regulatory system which would incorporate parts of the NLRA and the Railway Labor Act under a national farm labor relations board arrangement.

Let us consider, therefore, three significant facts about American agriculture: It is one of our most efficient and productive industries; its history is, remarkably, relatively free of labor strife and damaging strikes; farmworkers are not now covered by Federal labor law.

In light of these facts, not only should proposals to extend Federal labor law to farmworkers be seriously questioned and studied, but a fundamental reexamination of Federal labor law as such is in order. The costs of goods have soared on the domestic market and U.S. industry is having great difficulty competing in the world market. Has U.S. labor law been a major cause of this? Have the monopolistic, compulsory privileges given to unions by our labor law greatly contributed to labor strife and undermined efficiency and production? Surely such questions deserve careful and thoughtful attention.

I am, therefore, greatly encouraged by the recent information of the Farm Labor Research Committee. The FLRC has a single purpose—to research and analyze farm labor-management relations with particular attention to proposed legislation in this field. The committee does not, however, merely rehash the same old issues from the same old perspective: they analyze current legislation, but in so doing question many of the supposedly unquestionable assumptions upon which current labor law is based.

This is admirably demonstrated by Dr. Sylvester Petro, a professor of law at Wake Forest University, in a speech presented to the FLRC on July 17, 1973. Dr. Petro carefully examines the main provisions of the six bills before the Agricultural Labor Subcommittee, contends that all of them would be harmful to the agriculture industry, the farmworker, and the consumer, and offers some provocative, basic principles to follow in handling the farm labor problem.

Although Dr. Petro's speech is too long to be printed in its entirety in the CONGRESSIONAL RECORD, the FLRC is preparing a series of abstracts dealing with the essential points discussed by Dr. Petro. Following is the first abstract:

EXCLUSIVE REPRESENTATION—WHOSE INTERESTS SERVED?

The National Labor Relations Act and legislative proposals to extend it or similar labor law to agriculture, all base their central provisions upon the stated principle of free employee choice. However, they all flatly contradict that principle by their "exclusive representation" provisions. Under these provisions, a particular union selected by a bare voting majority of employees becomes the exclusive bargaining agent for all employees in the unit. This perversion of the majority rule principle abrogates the free choice of the employees who do not want to be represented by a particular union, or indeed may wish to act as their own bargaining agents, without representation by any union. The effect is to serve the interest only of union officials.

Under our current system of labor law based on the NLRA as it has been amended and interpreted, the exclusive representation provision amounts to an overwhelming organizing advantage for union officials, and a denial of the freedom and common law rights of employers and employees. The only thing union officials are required to do in order to become the sole bargaining agents for all the employees in a particular unit is to sign up or win the election votes of fifty percent plus one of those employees. Then fifty percent less one are required to accept the terms and conditions of employment negotiated by those union officials, losing the right to seek their own best deal with their employer in free competition. Furthermore, the nonconsenting employees will probably have to pay dues or equivalent fees to the union officials they voted against, since one of the primary bargaining objectives of any union bargaining agent is a contract clause requiring union membership and dues payment as a condition of employment.

The organizing advantage accorded to union officials by the exclusive representation provision has been further extended at the cost of individual rights by the National Labor Relations Board. Under an NLRB rule, upheld by the Supreme Court, an employer can be required to bargain with union representatives who have actually been rejected by a majority of his employees in a secret ballot election. According to the NLRB, this is justified where union officials have obtained the signatures of a majority of the employees on "bargaining authorization" cards prior to the election, and where they have charged the employer with "serious" unfair practices that make a fair rerun election an "unlikely possibility." Of course, anything the employer might do or say to in any way discourage his employees from casting ballots for representation by a particular union might be construed as a "serious" unfair practice under the NLRB's interpretation. On the other hand, the NLRB and the Supreme Court have held, in the recent *Gissel* case, that a card majority authorizes exclusive representation even where the meaning of the card is misrepresented to the employees who sign them. In that case, employees signed cards believing that they were calling for a representation election, only to be told later that their signature on the card was considered as a vote for exclusive representation by a particular union.

Once past the organizing stage, union officials enjoy a monopolistic advantage in the collective bargaining process by virtue of the exclusive representation principle. The employer is forbidden to deal with anyone other than the exclusive bargaining agents in all matters pertaining to wages, hours, and other terms and conditions of employment.

The exclusive representation provision thus binds both employers and employees, and ultimately consumers, in a strait jacket. The organizing advantage it gives to union officials, along with the other special privileges granted by the NLRA, has contributed to the unionization of virtually all the organizable "blue collar" employees in American industry, destroying the employees' freedom of choice in the process. The bargaining advantage under the exclusive representation principle has enabled union officials to make the demands that have created inflation and unemployment in industry and have priced many American goods out of world markets.

But while industry has been suffering under union monopolistic privileges for 38 years under the NLRA, its amendments and interpretations, American agriculture has used its freedom from governmental intervention in farm labor-management relations to establish an impressive record of productivity and efficiency, and has developed into one of the healthiest segments of our national economy. Ninety-five percent of American farms are small family farms, which would be at least as vulnerable to unionization as industry generally, if pending legislative proposals were passed. Armed with the special monopolistic privileges granted by our current system of labor law, union officials would be able to undermine the productivity, destroy the economic health, and abuse the rights of agricultural employees, employers, and consumers of agricultural products to the same extent as in industry generally. Can we afford to extend to the food-producing sector of our economy labor laws that serve the interest only of power-hungry union officials?

OUTSTANDING SERVICE

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. HOGAN. Mr. Speaker, I have received a list of those people from the State of Maryland employed by the Department of Health, Education, and Welfare who have been cited for their outstanding service during 1972 and 1973.

Mr. Speaker, in recognition of these employees I would like to have printed into the RECORD the names of the recipients of those awards:

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., August 14, 1973.

Hon. LAWRENCE J. HOGAN,
House of Representatives,
Washington, D.C.

DEAR MR. HOGAN: In response to your letter of July 30, 1973, I am pleased to submit a list of employees of the Department from the State of Maryland who received awards during 1972 and 1973.

It is indeed commendable that you are able to find the time, in view of your busy schedule, to pay tribute to these outstanding employees, and I am sure they will be most appreciative of your efforts.

Sincerely,
CASPAR W. WEINBERGER,
Secretruy.

RECOGNITION OF RECIPIENTS OF AWARDS

DISTINGUISHED SERVICE AWARD—1972

Sidney Edelman, Thomas McFee,, Charles Miller, John R. Seal, M.D., and Thomas M. Tierney.

DISTINGUISHED SERVICE MEDAL—1972

Surg. Gen. Harold M. Graning, Surg. Gen. Emery A. Johnson, Surg. Gen. Seymour J. Kreshover, and Surg. Gen. Robert Van Hoek.

SECRETARY'S SPECIAL CITATION—1972

Stuart H. Clarke, William Russell, and Dr. Carl Kupfer.

MERITORIOUS SERVICE MEDAL—1972

Diet Dir. Merme Bonnell, Surg. Gen. Bertram Brown, Scient. Dir. Lewis J. Cralley, Surg. Gen. Edgar N. Duncan, Med. Dir. David M. Fried, Surg. Gen. John C. Greene, Surg. Gen. Gerald M. Hansler, Vet. Dir. Joe R. Held, Surg. Gen. Thomas J. Kennedy, Jr., and Nurse Dir. Florence M. Seidler.

COMMISSIONER'S CITATIONS—1972

John L. Gianoncelli, Doyle Hagan, Richard P. Harmon, John A. Helsper, Theordore G. Kalandros, Arthur E. O'Dell, David R. Smith, John N. Traino, Levi J. Ogden, Ursula K. Stickles, John E. Hahn, Gerald Sheinbach, Elmer C. Lupton, Robert C. Marks, and Revoe P. Matthews.

Joseph L. Alesczyk, Winifred Brogden, Camillo E. Colletta, Farrell K. Davis, Leonard S. Diamond, Albert L. Harrison, Jack H. Hill, Kent B. Keene, William J. McGraw, Hazel G. Mills, Valerie J. Murphy, Estelle C. Parker, Marion E. Reals, Beulah E. Saunier, and Lawrence S. Schulman.

Lawrence E. Seng, Irene C. Shea, David B. Smith, Kathleen A. Stevenson, Veronica B. Adamski, Mildred J. Alexander, Charlotte S. Bennett, Thomas H. Boyer, Mary Carolyn Brazezicki, Jack H. Campbell, Mary Ann Cecconi, Carolyn D. Davis, Dorothy M. Dewsnap, Veronica L. Freeman, and Ollie E. Hanson.

Ronald W. Hillman, Joan A. Jennings, Paul F. Koehler, Alfonso R. Lewis, Donald L. Louey, Charles J. Schreibeis, Jr., Donald E. Marks, Walter B. Murphy, Bruce A. Neumyer, Agnes A. Schmitt, George L. Smigovsky, William J. Thompson, Dorothy M. Belzer, Leon Bernstein, and Patience Lauriat.

Laura M. Chambers, Gilbert C. Fisher, Alvin L. Freedman, Robert C. Mullen, Karen S. Adams, Wendell H. Bearden, Ronald Blavatt, Elsie C. Fried, Frederick S. Heuschele, Lyle T. Hickey, Molly L. Leath, James A. Lesh, Karen H. Ross, William E. Wood, and Mary C. Kudyba.

MEMBERS OF GROUP AWARDS—1972

Dieter Ammann, Loree Bengston, Merman Berger, Ronald Bowling, Susan Brownstein, Martin Corcoran, Edumund Di Giorgio, Ruth Eggelston, Irving Eisenmeyer, George Freed, John Gillard, R. Douglas Glynn, Frank Gould, Peter Hughes, Arthur Jeffriees, Julius Johnson, Benjamin Kirman, Donald McSween, Sharon Miller, Charles Payne, Charles Pearson, Edwin Prigmore, Elizabeth Rieger, Nathaniel Roberson, Olivia Singh, Robert Spigner, Virginia Stasica, Susan Stoddard, Martin Wallach, Beverly Weber, Ralph Adcock, and John Colburn.

James Gerhardt, Alan Harris, Mike Herrick, Lee Hosford, George Kretz, Harry Overs, Roger Paton, Don Rank, Donald Ryerson, Arthur Solomon, Satoru Terada, George Yamamura, Kevin Buckley, Gary E. Good, Douglas B. Hoffman, Harry A. Synder, John Brassard, Leonard Grebow, Alan Hunzeker, Earl Kraisser, David Macioch, Gary Miller, Richard Schaefer, Raymond Swartz, Joseph Ward, Elaine Whelan, Theodore Zamerski, Nelson J. Brenneman, Kenneth C. Hansely, Michael P. McCoy, Frank D. Rettaliata, and Stephen P. Lippenholz.

Malcolm W. Ewell, Lillian M. Dodson, Dorothy S. Projector, Judith S. Bretz, Kenneth Dymond, Ellen Murray, Tillie Mazor, Eugene Moyer, Gilbert C. Deshaies, William D. Bevensee, Charles F. Ferrara, Allan Gorochow, Warren L. Hobbs, Alvin S. Levy, Joseph R. Michel, Mary F. O'Connor, David Bernstein, Robert Beveridge, William Denk, Leonord Ensor, Catherine Glanville, John M. Hayes, Ralph Hersh, Robert Marder, Nancy Ranck, Winston D. Rohrbeck, and Raymond Worley.

COMMENDATION MEDAL—1972

Med. Dir. Joe W. Atkinson, Nurse Dir. Margaret Benson, Nurse Dir. Rita Chow, Nurse Dir. Elizabeth Edwards, Sr. San E. Richard A. Coddington, Nurse Dr. Helen Foerst, Sa. Hso, William C. Jenkins, Sr. San. John E. LaPlante, Nurse Dir. Ruth J. Metka, Med. Dir. J. Kiffin Penry, Diet Dir. Jean M. Pope, Sr. Surg. Charles L. Vogel, and Sr. Hso. Joseph K. Wagoner.

FDA AWARD OF MERIT—1972

Paul DiNenna, John Collins, Robert Rosenthal, Pearlie McKeough, Herbert Blumenthal, Ogden Johnson, and Robert Sauer.

Group award

Robert Britton, Mary Jo Robinson, Samuel Ingraham, Walter Gundaker, Robert Farley, Marguerite Ward, Rodger Leupold, John Eure, Jane Fahey, and Marie Shaffer.

Earl W. Robinson, Ethel Johnson, Darryl Adams, Angelina Calomeris, D. J. McConeghy, Thomas Moore, Walter Beaugh, Robert Jacobs, James Mague, and N. M. LaTorre.

SUPERIOR SERVICE AWARD—1972

Donald Hirsch, Ruth Bozeman, Betty Waller, Doris Conley, David Dukes, Nathan Dick, Jerry Sutton, Stuart H. Clarke, and Robert B. Herman.

Ms. Edith Robins, Judith L. Carpenter, Ronald J. Wylie, Dr. Erminio Costa, Dr. Saul Feldman, Dr. Marian Radke Yarrow, Isaiah Russell, Ms. Virginia Knode, and Ella J. Jones.

Group award

Lillian M. Buhl, Arlene A. Mosier, and Rose B. Holly.

Donald C. Parks, Joseph Leiter, Ph.D., Davis B. McCarn, Verda E. Rexroth, James W. Schriver, Earle L. Browning, Virginia John Evans, Sc.D., Frank J. Rauscher, Jr., Ph.D., J. Palmer Saunders, Ph.D., Saul A. Schepartz, Ph.D., Robert H. Purcell, M.D., David R. Davies, Ph.D., Elizabeth F. Neufeld, Ph.D., Herbert A. Sober, Ph.D., Robert E. Burke, M.D., Arnaldo Lansansky, M.D., Theodore Cooper, M.D., W. Glen Moss, Ph.D., Gordon J. Dlovdahl L. Earl Laurance, Edward J. Driscoll, D.D.S., Otto A. Bessey, Ph.D., Donald T. Chalkley, Ph.D., and William Fine Raub, Ph.D.

Recognition of Recipients of Awards

DISTINGUISHED SERVICE AWARD—1973

Stuart H. Clarke, Elizabeth A. Chase, Charlotte E. Crenson, Thomas C. Parrott, James D. Isbister, and Theodore D. Woolsey.

MERITORIOUS SERVICE MEDAL—1973

Med. Dir. G. Gilbert Ashwell, Sr. Surg. Lewellyn T. Barker, Pharm. Dir. Mark H. Barnett, Med. Dir. Ruth E. Dunham, San. E. Dir. James H. Eagen, Pharm. Dir. Robert Frankel, Med. Dir. George G. Glenner, Med. Dir. Jerome Green, Nurse Dir. Marie F. Hanzel, Med. Dir. Clarence L. Hebert, San. Engr. Dir. Edwin M. Lamphere, Med. Dir. John M. Lynch, Hso Dir. Ruth F. Richards, Scient. Dir. John A. Scigliano, Med. Dir. Thomas L. Shinnick, Diet. Dir. Jeanne L. Tillotson, Scient. Dir. Elizabeth K. Weisburger, Med. Dir. Kamehameha K. Wong, Ther. Dir. Dean P. Currier, Pharm. Dir. Arthur Dodds, Harry W. Bruce, Jr., D.D.S., Daniel F. Whiteside, D.D.S., Richard R. Bates, M.D., and George E. Garrington, D.D.S.

SECRETARY'S SPECIAL CITATION—1973

Audrey Vincer, Peter Wheeler, Peter Hutt, Peter Holmes, Richard Seggel, Scott Flemming, Foy L. Lunsford, Donald E. Johns, Dr. Emory Johnson, and Gerald Kurtz.

COMMENDATION MEDAL—1973

Sr. San. E. Robert L. Bolin, Jr., Hs. Dir. Gloria S. Burich, Sr. San. E. John Keith Carswell, Med. Dir. Jean R. L. Herdt, Sr. Surg. King Holmes, Pharm. Dir. Thomas H. Hodges, Nurse Dir. Marion Keagle, Nurse Dir. Beatrice Marino, Sr. No. Helen M. Mangan, Hs. Dir. Sheldon Miller, San. Dir. William C. Miller, Sr. No. Barbara Rolling, Hso. Douglas Lee Spron, Dent. Dir. Kenneth T. Strauch, and Nurse Dir. Virginia Worsley.

COMMISSIONER'S CITATIONS—1973

Elliot Kirschbaum, Jane H. Pelesz, Ruth A. White, Irving L. Becker, Robert E. Beveridge, Peter O. Guthrie, Eva R. Stunkel, James H. Troy, Barbara E. Glaser, Glen R. Dehn, Evelyn B. Faulk, Royce C. Eisen, Nathaniel M. Pigman, Michael J. Borman, Vernon W. Burnett, Minnie R. Christian, Carroll T. Cogar, James A. Cornish, Joan R. Coughlin, Evelyn M. Fetterman, Geneva R. Fitzgerald, Maceo C. Holland, Patricia B. Kisner, Charles F. Lear, Robert A. Lilly, Margaret D. Murphy, Lucille B. Reid, Lylle M. Smith, Mary C. Stokes, J. Arthur Thomas, Helen M. Tippett, Lee P. Washington, Charles L. Weber, Arthur Garnet West, Mary S. Alderman, Lucille D. Aler, Gordon A. Berg, Jr., Lena G. Bunch, and Marion F. Goldberg.

Huldah Lieberman, Frank E. Murphy, Marion C. Myers, Evelyn J. NeSmith, John Ross, Kenneth J. Seaman, Beverly Smith, Beverly A. Taylor, Dorothy L. Allulis, Kathleen M. Klinger, Robert Marder, John J. Hladky, Sylvia Cooke Martin, Sol Sherman, Raymond M. Sillup, Bernard A. Dowgiello, Hinda E. Silver, Marvin Brody, Flora N. Brooks, Idella Hardy, Diane James, George Kotishion, Marylou M. Lewis, Rosemarie E. Naugski, Salvatore A. Petti, Abraham J. Teitler, and A. Robert Trazzi.

MEMBERS OF GROUP AWARDS—1973

Philip A. Merchant, Kenneth N. Russell, Jr., Benjamin Longnecker, John Burkhart, Patricia Briscoe, Karl Zeuch, Henry O'Brien, Carolyn Elbeck, Jannette Recek, Claire B. Bates, Nancy S. Benjamin, James W. Casey, Emily Cogswell, Louis Hillman, Bertha B. Jones, Mildred C. Longerbeam, Gwendolyn H. McCray, and Marv V. Means.

Lynda Jackson, M. Dolores Athas, Michael C. Coco, Clara R. Fields, Dorothy K. Thomas, Margaret E. Houchins, Carl E. Cookerly, Emma C. Anderson, Felipa A. Bond, Frances M. Brown, Anna C. Carter, Shirley L. Clark, Lewis P. Coale, Audra I. Doll, Annie L. Jones, Norma C. Lamar, Myrtle M. Snack, Julius E. Wilson, and Jacqueline E. Yellowdy.

Anna I. Miller, Esther Nicolaus, Bernard H. Reichlyn, Roy C. Thompson, Ruth E. Woods, Paul Arca, Charles A. Russell, Ralph G. Salvagno, Carl H. Walker, Russell J. Eldridge, James Bern Illencik, Benjamin L. Delaney, Robert Thomas Williams, Joseph John Tighe, James Robert Kelley, and Louis J. Schott.

DISTINGUISHED SERVICE MEDAL—1973

Med. Dir. G. Robert L. Bowman.

SUPERVISORY EXCELLENCE AWARD—1973

Stephanie F. Delvecchio, Gladys E. Palmer, and George L. Smigovsky.

CERTIFICATE OF APPRECIATION—1973

William Brown Mary Z. Gray, Mozelle Mulloy, Mary Jumalon, and Oliver A. Hinton.

FDA AWARD OF MERIT—1973

John T. Walden, William F. Randolph, Ropert Moure, John Droke, Jacob Markowitz, Gerald F. Meyer, Julian Kramer, Henry E. Simmons, Marion Finkel, and Donald Helm.

Ogden Johnson, Mae Walton, J. William Boehne, Allan Forbes, Joseph V. Rodricks, Jerry Gaskill, Samuel Sperling, Henry L. Verhulst, James O. Gesling, Peter Hutt, and Robert Wilmoth.

SUPERIOR SERVICE AWARD—1973

Edward J. Dyer, Helen H. Hudson, Henry M. Kissman, Ph.D., Calvin B. Baldwin, Jr., Doris M. Chaney, Gregory T. O'Conor, M.D., Ira H. Pastan, M.D., Herbert J. Rapp, Sc.D. William D. Terry, M.D., Rosemary H. Williams, Seymour H. Wollman, Ph.D., Henry M. Fales, Ph.D., Robert P. Akers, Ph.D., George L. Payne, Dewitt Stetten, Jr., Ph.D., Norman P. Salzman, Ph.D., Robert L. Schreiber, Martin Gellert, Ph.D., Ronald W. Lamont-Havers, M.D., George T. Brooks, Ph.D., Reubin Andres, M.D., Fernando L. Leon, Carl D. Douglass, Ph.D., Francis A. McDonough, A. James Thomas, John M. Dolan, Estelle S. Eisendrath, Andrew J. Cardinal, Barbara Cummings, Mrs. Margaret Barbour, Tillie Pollock, and William L. Bort, Sr.

Marie Wharen, Helen Sutherland, Dr. Jane Lin-Fu, Donald Harrington, Ph.D., Ms. Gloria Wackernah, Thomas F. A. Plaut, B. J. Sadesky, Alice L. Muth, Anne M. Gibson, Judith F. Funkhouser, Ralph Simon, Ph.D., Sam Silverstein, Ph.D., Bonnie Zevin, Kate Krupen, Beatrice Shriver, Ph.D., Esther Diamond, James Stockdale, Morris Cohen, Albert J. Richter, George F. Russell, Jr., Giovanni, DiChiro, M.D.,.J. Gordon DuBay, Julius J. Kessler, Ervin F. Rothenbuhler, Kenneth C. Blythe, Henry V. Chadwick, Philip S. Lawrence, Ralph L. Sloat, Jr., Reta America (Mrs.), Fred Elmadjian, Ph.D., Leo G. Leitner, Jr., and Marie A. Freeman.

EQUAL OPPORTUNITY ACHIEVEMENT AWARD—1973

Herbert R. Compton, Jr. and James A. Thomas.

OUTSTANDING HANDICAPPED EMPLOYEE OF THE YEAR AWARD—1973

Howard M. Nickelson.

EQUAL OPPORTUNITY ACHIEVEMENT AWARD—1973

Peter Barton Hutt, Alvin L. Gottlieb, Sharon Beall, Eric Blumberg, Linda Broadwater, Roscoe Bryant, Becky Butler, Grace Edwards, Linda Edwards, Virginia Farkas, Carol Furlow, Jay Geller, Louis Hankins, Phillis Henkel, Michele Isaacson, Maureen James, Shelly Kornspan, Arthur Levine, Francis McKay, Stephen McNamara, Lois Parrish, Mary Saperstein, and Richard Shupack.

Richard Silverman, Barbara Spivak, Robert Spiller, Jeffrey Springer, Jack Wohlreich, Rose Adler, Gerald G. Altman, Ella Barahan, Susan Blizzard, Ruth Bozeman, Evelyn Bradford, Mary Brennan, Mary Broening, James Bruce, Frak Dell'Acqua, Geraldine Dernoga, Lester Ebert, Henry Eigles, James Fritz, Shirley Gaby, Randolph Gaines, Donald Garrett, Mary Gludt, and Henry Goldberg.

Diane Haynes, Marjorie Hoffman, Sandra Huber, Kinsey James, Doris Johnson, Robert Longo, Christie Lowman, Marjorie McGee, Dora McMichael, Joseph Moran, Lila Morgan, Stephanie Morris, Sharon Neil, James Pyles, Edward Schor, Steven Selzer, Edward Steinhouse, Gard Stephenson, Richard Strom, Thomas Stuber, Kathryn Wagner, Jerry Wall, and Stephen Weiss.

Frances White, Gloria White, Llewellyn Woolford, Verrell Dethloff, Bill Hicks, Walter McCabe, John Watson, Selma Floyd, Donald Hirsch, Galen Powers, Shirley Smith, Jacqueline Bennett, Burton Berkley, Thomas Ferris, Beverly Gillette, Ronald Guttman, Manuel Hiller, Vivian Jones, Norman Latker, Edward Lowenberg, Leroy Randall, Karin Reynolds, David White, and Peggy Whittington.

Dorothy Wilfong, Pearlie Winzer, Sidney Edelman, Esther Rechenback, Joel Mangel, Howard Walderman, David E. Benor, Joan Beach, Donald Young, Jerry Tipton, Richard Riseberg, William G. Ketterer, Pam Wines, Katherine Cage, Christine Butler, Betty Harmon, Eula James, William Kaplin, Katherine Saunders, and Steven Winnick.

Dorothy Ashwood, Ann Baldea, Cheryl Calloway, Al Hamlin, Howard Holstein, Alan Jacobson, Jerry Luck, Marriann Shultz, St. John Barrett, Darleen DelValle, Marga Laboy, Mary Moulton, Donald Bass, Elizabeth Croog, Azalee Lattimore, Virginia Mitz, Marguerite Oswald, Alberta Payne, and Arthur Shapiro.

OUR NATION SALUTES HON. ROBERT STAKESING, MANAGING EDITOR OF THE NEWS, PATERSON, N.J.

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. ROE. Mr. Speaker, it is my privilege and honor to call your attention to the lifetime of outstanding public service rendered by an esteemed member of my Eighth Congressional District, State of New Jersey, and good friend, the Honorable Robert Stakesing of Hawthorne, N.J. As a leading news correspondent and editorial writer for over a half century, Bob Stakesing during the past four decades has been city editor and later managing editor of the Paterson News, one of New Jersey's most prestigious newspapers. The Paterson News has been a source of great strength in contributing to the vital and essential role of the news media in our society. On Saturday, September 15, I look forward to participating in a fellowship-testimonial-retirement dinner in tribute to his illustrious and distinguished career performed quietly, industriously, and unbiased, in fairness to all, with effectiveness, brilliance of character and the highest integrity.

The intensity of Bob Stakesing's seriousness of purpose, the depth of his sensitivity, his thoroughness and fairness in reporting the news in every respect were undoubtedly evident to his predecessor, the city editor who interviewed and hired him, just out of high school, as a cub newsman a little more than 50 years ago. To those of us who have had the good fortune to know him, his warm human characteristics have certainly manifested themselves in the quality of his writing and the wealth of his wisdom which have truly enriched the newspaperman's institution and instrumentality by which information and ideas on public matters are disseminated in our community, State, and Nation.

Mr. Speaker, we are all agreed that as sources of information and sources of influence, the news media is an integral and critical element in America's democracy and the expression of opinion by the newspaperman's translation of daily contacts, events, and experiences of our people is, in large measure, responsible for America's preeminence in having the best informed citizenry in the world today. The initiative and leadership of the newsmen help shape the destiny of our Nation and their writings are ofttimes the bellweather and a dominating force in the conduct of public affairs: the policies, personnel, and procedures of government.

In our American democratic system of government, the doctrine of governmental checks and balances has always been essential to the basic freedoms of mankind and the very cornerstone of the foundation of democracy itself with freedom of the press and the people's right to know as one of our most vital constitutional principles. The newsman's privilege is a sacred public trust in the very vanguard of the fiber of our Nation's conscience, and I am very honored and pleased to state in this historic journal of the Congress that Bob Stakesing has demonstrated the highest standards of excellence of leadership and trust for which the citizens of his hometown of Hawthorne and all of us of the Eighth Congressional District and State of New Jersey can indeed be most proud.

Mr. Speaker, I appreciate the opportunity to seek national recognition of Bob Stakesing's achievements as one of our most distinguished newsmen, leading citizen, and great American and respectfully request you and our colleagues here in the Congress to join with me today in saluting Bob Stakesing and extending to him and his wife, Lillian, our best wishes for continued success and happiness in their retirement years. Our Nation salutes one of New Jersey's most distinguished newsmen and outstanding journalist of our time—Best wishes and good luck, Bob and Lillian Stakesing.

CONSTITUENT MAIL REFLECTS NATIONWIDE SUPPORT FOR SELF-GOVERNMENT FOR THE DISTRICT OF COLUMBIA

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. DIGGS. Mr. Speaker, the volume of mail reaching Members' offices in support of self-government for the District of Columbia can be understood best by glancing down the list of national organizations actively supporting this legislation:

NATIONAL ORGANIZATIONS COOPERATING WITH THE COALITION FOR SELF-DETERMINATION FOR THE DISTRICT OF COLUMBIA

American Association of University Women (AAUW).

American Civil Liberties Union (ACLU).

American Federation of Government Employees (AFGE).

American Fed. of Labor—Congress of Indus. Organizations (AFL–CIO).

American Fed. of State, County & Municipal Employees (AFSCME).

American Federation of Teachers (AFT).

Americans for Democratic Action (ADA).

American GI Forum.

American Jewish Committee.

American Jewish Congress.

American Veterans Committee.

Association of Student Governments.

B'nai B'rith Women.

Central Conference of American Rabbis.

Common Cause.

Communications Workers of America.

Delta Sigma Theta Sororities, Inc.

Democratic National Committee.

General Board of Christian Social Concerns, United Methodist Church.

Improved Benevolent Protective Order of Elks.

International Union of Operating Engineers.

Leadership Conference on Civil Rights.

League of Women Voters.

League of United Latin American Citizens.

Legislative Affairs Project, United Methodist Council on Youth Ministries.

National Alliance of Postal and Federal Employees (NAPFE).

National Association for the Advancement of Colored People.

National Association of Human Rights Workers.

National Assoc. of Negro Business & Professional Women.

National Center for Urban Ethnic Affairs.

National Council of Churches.

National Council of Negro Women.

National Education Association (NEA).

National Farmers Union.

National League of Cities.

National Sharecroppers Fund.

National Urban Coalition.

National Urban League.

New Democratic Coalition.

Newspaper Guild.

Ripon Society.

Southren Christian Leadership Conference (SCLC).

Union of American Hebrew Congregations.
United Auto Workers (UAW).
United Church of Christ, Council for Christian Social Action.
United Presbyterian Church in the USA.
U. S. Conference of Mayors.
Urban Action Emergency Committee, Christian Church.
Washington Research Project Action Council.
Women's International League for Peace and Freedom.
World Federalist Youth, USA.
Young Democratic Clubs of America.
Young Women's Christian Association (YWCA).

AMERICANS' DISSOLUTIONMENT WITH THE UNITED NATIONS INCREASES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. RARICK. Mr. Speaker, the growing dissolutionment of the American people with the inability of the United Nations to cope with the great power politics of the 1970's is being expressed on a number of fronts.

As a recent editorial in the prestigious news publication, U.S. News & World Report, so aptly pointed out:

> The high hopes Americans once held for the U.N. as a vehicle for peace and understanding among peoples have withered almost to nothing.

The ability of the third world, underdeveloped countries to ramrod resolutions through the General Assembly despite the objections of the major powers, who carry the financial burden of the organization, has been largely responsible for major nations bypassing the "global village debating society" on consequential issues.

In spite of the President's glowing proclamation of United Nations Day 1973 and the fact that U.S. taxpayers continue to pay a disproportionate share of the funds to support the organization, there is an increasing realization among the voters of the country that the United Nations has outlived any usefulness it may have had to our Nation in the past.

As editor Howard Flieger concludes—

> What the U.N. says or does just doesn't make much of an impact on reality these days.

This is a conclusion that many Americans realized some years ago and more are awakening to this fact daily.

I include the copyrighted editorial from the U.S. News & World Report, along with the President's Proclamation No. 4240 in the RECORD at this point:

[From the U.S. News & World Report, Aug. 13, 1973]

UNITED STATES, UNITED NATIONS—AND REALITY

(By Howard Flieger)

When the United States cast its fifth veto in the United Nations Security Council the other day, scarcely anybody in this country gave it a second thought—or a first thought, for that matter.

If you think about it, the very fact of that indifference is significant.

For one thing, it demonstrates how the high hopes Americans once held for the U.N. as a vehicle for peace and understanding among peoples have withered almost to nothing.

It also shows something else—the U.S. no longer is the all-powerful leader of the world organization. It now is where Russia was for years—in the minority and a favorite target of diplomatic badgering by others.

The vetoed resolution would have censured Israel for not giving up Arab territory it presently occupies. The U.S. argued that this would have put another roadblock in the path of lasting peace in the Middle East. That sounds reasonable to most Americans. But the United States delegate was a very lonely man. Without his veto, the resolution would have been approved overwhelmingly.

Thus, it may be an opportune time to examine the United Nations as it is today.

When the organization was founded near the end of World War II, it consisted of 51 countries, most of them eager to rely on the U.S. for leadership and guidance.

Now there are 132 members, and things are not the same.

Small nations often dominate. The Organization of African Unity, composed of black and Mediterranean African countries, has 41 members—nearly a third of the total U.N. membership. The Arab states generally vote with the Africans, as do almost all of the so-called "underdeveloped" countries.

This gives them a clear majority in the U.N. General Assembly. Often, the votes there have come to be tallied on the basis of "the have-nots" vs. "the haves"—which frequently puts the U.S. on the losing side.

With little or no success, Washington has been trying for years to convince the Africans and others that, by their "anti" tactics in the United Nations, they really are wrecking the only organization that can be of much help to them in dealing with the world.

John Scali, Washington's Ambassador to the U.N., has said that President Nixon intends to make more use of the organization because "he knows that the generation of peace he believes in has to have an international law to hang on to in moments of stress."

That may be. But you will find many diplomats—foreign and American—who disagree.

Most foreign diplomats feel that Mr. Nixon ignores the U.N. on important issues, bypasses it when possible and much prefers to deal directly with other governments, rather than going the U.N. route.

Many U.S. career people agree, but they say Mr. Nixon can hardly be blamed because the U.N. itself has changed so much in character in recent years. In practice, it just isn't regarded as a good place to get things done.

Not only the U.S. but Russia and other major nations choose to operate outside the U.N. when they want to accomplish something they deem important.

This way, they can consider how the smaller nations feel about a given situation but not be controlled by it. They can move ahead, unhampered, in their own self-interest. Arrangements are not complicated by U.N. politics and emotionalism.

Ironically, as the use of the U.N. by the major powers is diminished, so is the political heft of the smaller and poorer nations. The United Nations is their only global forum—and what the U.N. says or does just doesn't make much of an imprint on reality these days.

PROCLAMATION 4240—UNITED NATIONS DAY 1973

(*By the President of the United States of America*)

A PROCLAMATION

Each year the peoples of the world celebrate October 24 as United Nations Day, recalling the date in 1945 when the United Nations Charter came into force. This is an appropriate occasion for people everywhere to renew their adherence to the Charter ideals of peace and human rights, and their determination to promote economic and social progress and a greater measure of justice and freedom for all.

This year the anniversary occurs at a time of dramatic change in world affairs. We sense the promise of a more peaceful world and the opportunity for new strides in international cooperation.

As the world climate improves, the prospects will grow for using the United Nations to alleviate political disputes and for broadening its constructive activity in the social, economic and technological fields.

In some areas, international cooperation is already a longstanding tradition—moving the international mails, regulating international communications and transportation, preventing the worldwide spread of disease, developing international standards of practice in labor, and many others.

More recently, the United Nations and other international agencies have begun to work in other areas—devising safeguards, for example, for the production of nuclear energy and rules concerning man's use of outer space; extending the rule of law over the exploitation of the oceans; protecting the environment; protecting the rights of refugees and prisoners of war; and inhibiting the international traffic in narcotic drugs. Efforts are also underway to cope with the problems of population growth and with the hijacking of aircraft and other forms of international terrorism.

In the years ahead the growing interdependence of nations will inevitably require international institutions to be even more effective in dealing with this new agenda. We need to create new arrangements to control new technologies for the common good. We must bridge the interests of rich and poor countries on matters of trade and aid. We must facilitate the exchange of technical and scientific knowledge and encourage modes of cooperative behavior which will permit nations to live together in concord.

Within this framework I hope all Americans will continue to appreciate and analyze, soberly and realistically, the benefits they and all peoples gain from international cooperation—within the United Nations and other institutions—to meet the challenges of the modern world.

Now, therefore, I, Richard Nixon, President of the United States of America, do hereby designate Wednesday, October 24, 1973, as United Nations Day. I urge the citizens of this Nation to observe that day with community programs which will promote understanding and support for the United Nations and its affiliated agencies.

I have appointed Donald S. MacNaughton to be United States National Chairman for United Nations Day and, through him, I call upon State and local officials to encourage citizens' groups and agencies of communication—press, radio, television, and motion pictures—to engage in appropriate observances of United Nations Day in cooperation with the United Nations Association of the United States of America and other interested organizations.

In witness whereof, I have hereunto set my hand this fourth day of September, in the year of our Lord nineteen hundred seventy-three, and of the Independence of the United States of America the one hundred and ninety-eighth.

RICHARD NIXON.

CONGRESSMEN MAY FIND PUBLIC HAS OTHER CONCERNS

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. MOORHEAD of California. Mr. Speaker, for the past several months much of the attention of the Nation has been focused upon one particular committee meeting of the U.S. Senate. At the same time, partly because of the divisions in our country, our problems have been mounting.

The following editorial which was carried by the Burbank Daily Review and the Glendale News-Press in my 20th District on August 4, 1973, expresses the point of view of a large segment of our population.

The editorial follows:

CONGRESSMEN MAY FIND PUBLIC HAS OTHER CONCERNS

Members of Congress can profit by their summer recess that began Friday. It affords them a chance to talk with their constituents, which is always a good idea but an especially good one right now. Many of those constituents may have the impression that the Watergate hearings represent the primary concern of the 93rd Congress. A wise senator or representative would do well to dispel that impression if he can.

For all the prime time and column inches given to Watergate, for all the time, effort and dollars spent in getting the full story of that affair into the open, we suggest that the average American has been able to keep the matter in better perspective than official Washington. As Senator Sam Ervin and members of his committee rush back and forth from their hearings to vote on legislation in the Senate chamber, we shudder to think how many other lawmakers are scurrying back and forth from a seat in front of a television set for the same purpose.

Who's minding the shop?

Preoccupation with Watergate has clearly slowed the performance of Congress, which is a ponderous institution to begin with. Its accomplishments in seven months, aside from hawkshawing by investigating committees of both houses, will be hard for some members to enumerate if they are put on the spot back home. Congressional quarterly's list of the 22 major items of legislation to come before Congress this year showed this week that only one had passed both houses and been signed by the President.

Harking back to the first of the year we recall that one of the overriding questions about the 93rd Congress was how responsibly it would treat the federal budget.

On the plus side, the sustaining of President Nixon's veto of some "budget-busting" appropriation bills is a heartening sign that Congress may finally be awakening to the fact that even pork barrels have a bottom.

The inability of previous Congresses to keep a firm grasp on the size of the federal budget has accounted more than anything for the flow of budget-making power to the executive branch of our government and the necessity for presidents to impound appropriated funds. Although congressional Democrats are determined to make a political issue of the current impounding of funds, the attitude of the new Congress toward a budget ceiling indicates Mr. Nixon is getting his message across—that we cannot win our fight against inflation if federal spending is not kept in check.

Thus, a subject as dry as the budget may be the best talking point for a vacationing congressman trying to explain what he has done for his constituents since January.

He does not have much else to brag about—particularly if the talk gets around to the environment, the energy crisis, urban problems, defense needs, foreign aid, pension reform and all the other issues that concern Americans who can see beyond Watergate to the real problems that confront Congress.

He may find out, in fact, that John Q. Public is not as interested in the contents of White House tapes and memos as in the contents of the meat compartment in his own refrigerator.

FIRMS TOLD TO ELIMINATE JOB HAZARDS WHEREVER POSSIBLE

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. DOMINICK V. DANIELS. Mr. Speaker, there are over 80,000,000 workers in America's labor force today and an increasingly large number are facing work-related health problems. Workers in coal mines, cotton mills, chemical pesticide, and fungicide plants and a long list of other industries have a high incidence of disease. These diseases have been persuasively documented by scientific research to be work-related.

The Public Health Service estimates that there are about 396,000 new cases of occupational disease each year. Much information about the relationship between the work environment and occupational diseases and casualties has been known for decades and continuing research uncovers more and more of this relationship.

Because of the growing problem, Congress enacted the Occupational Safety and Health Act in 1970. However, the strength of this legislation does not lie in its existence, but rather in its enforcement. By avoiding "stop-gap" measures and by requiring employers to eliminate job hazards OSHA can provide the protection the American worker is entitled to.

That is why I was so pleased to hear of the latest decision by the Occupational Safety and Health Review Commission and would like to bring the following related article from the Wall Street Journal, August 22, 1973, to my colleagues' attention.

The article follows:

FIRMS TOLD TO GO BEYOND PROTECTIVE GEAR ON SOME JOB HAZARDS IN SAFETY-UNIT RULING

WASHINGTON.—Employers must protect workers by eliminating job hazards wherever possible, and can't do so just by providing protective equipment, a federal safety court ruled.

The decision by the Occupational Safety and Health Review Commission has potentially broad implications for corporate safety and health programs. It seems to suggest, attorneys indicated, that under such conditions as excessive noise levels or exposure to dangerous chemicals employers might be required, wherever technologically possible, to eliminate those exposures rather than simply require workers to wear protective devices and clothing. The decision could be appealed to a federal circuit court.

The case involves the Labor Department's charge that American Smelting & Refining Co. violated the Federal Job Safety Act by exposing employees at its Omaha, Neb., plant to airborne inorganic lead in excess of 0.2 milligram per cubic meter of air, based on a weighted eight-hour average. The 0.2 milligram level is a widely used industrial standard.

In New York, a spokesman for American Smelting said officials haven't had time to review the opinion in detail. But he added, "We are disappointed in the decision of the commission. We are especially concerned that the commission majority failed to give any weight to the extensive hygiene program that was in effect at the Omaha plant and that is designed specifically to protect workmen from hazardous exposure to lead."

"GENERAL DUTY" CLAUSE

When the Labor Department inspected the company, the government hadn't any specific safety standards covering lead exposures. So inspectors charged American Smelting with violating the "general duty" provision, which requires an employer to provide a workplace free of recognized hazards likely to cause serious physical harm or death.

The company appealed to the review commission, and in March 1972 Administrative Law Judge William E. Brennan ruled the company had violated the job safety act. He specifically rejected the company's claim that its protective safety measures reduced employe exposure to acceptable levels.

At the Omaha plant, he found the company required employes exposed to high air lead levels to use approved respirators, took periodic blood and urine samples to monitor exposure, and reassigned workers to other jobs when lead content of blood or urine exceeded certain levels.

Mr. Brennan ruled those procedures hadn't effectively eliminated hazards because tests disclosed excessive lead levels in blood. He also ruled the company had "waited until some of its employes had absorbed excessive and dangerous amounts of lead to take corrective measures. Such a program in effect uses the employes as a test device to determine hazardous conditions."

He called the practice of transferring exposed workers to other jobs "a stop-gap measure at best," and one that doesn't remove the hazard. And, he asserted, the permanent use of respirators places the burden of safety compliance on workers instead of the employer.

Mr. Brennan assessed a $600 penalty against American Smelting and ordered the company to adopt "feasible engineering controls" to reduce lead levels to generally recognized safe levels within six months.

The full review commission began studying Mr. Brennan's decision more than a year ago, examining whether the lead levels were a "recognized hazard." The company argued that Congress intended hazards covered by the general duty clause to be detectable by the human senses. But the commission examined congressional debate on the job safety law and found, by a two-to-one vote, that nonobvious hazards, including those that require instruments to measure, are covered by the act.

1973 TOASTMASTERS SPEECH CONTEST

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. WON PAT. Mr. Speaker, for several years I have been proud to be associated with Capitol Hill Club, Toastmasters International. Capital Hill Club, and its sister organization, Magellan Toastmasters Club of Guam, are part of a worldwide federation of men and women dedicated to improving their speaking and leadership skills. One of my Capitol Hill Club colleagues, Mr. Williamson Day, entered the 1973 Toastmasters Speech Contest and represented our club in area, division, district, regional, and international levels. On August 18, at the 42d Annual Convention of Toastmasters International in Houston, Tex., he competed in the 1973 International Speech Contest, placing third in a field representing 60,000 toastmasters worldwide. I congratulate Mr. Day and am pleased to share his speech with my colleagues:

THE WINNER

(By Williamson Day)

All your life you have put off thinking about this moment. Now it's here. No one will say so, but you're dying—dying because you're burned over 70 percent of your body, so badly burned that there's nothing they can do. You lie in a hospital bed, throbbing, looking at a bottle of plasma over you, dripping, drop by drop, dripping life in as life drips out.

Seconds before, minutes before, you were racing at Indianapolis, racing the 500, throttling your Offenhauser past the stands, past the chutes, past Gasoline Alley. Indy. The Granddaddy. The Kingpin. Crowds, flags, heat, beer, girls, cars, colors—a kaleidoscopic blur like none in the world. And you remember the big thing: You won. You won at Indy—before you crashed into the wall at 200 miles an hour.

You're a winner. Or are you?

Now you have five minutes to live, maybe fifteen. In the last few moments of your life you ask yourself: what is winning in life? Is winning a title, money, a moment in the spotlight? Or is winning in life something much more important? You think about winning as you remember your race, every minute, every mile.

"Gentlemen, start your engines."

You're off, lap one, gearing for the turn, instinctively, reflexively, gearing for the millionth time, leaning with the car, moving with it, part of it, beautiful. You tailgate now, tailgate too close, but you don't care, you want that title more than anything in the world.

Lap 10. The cars snarl at Indy, round and round and round, as a mixmaster whirrs in a kitchen, round and round. Your wife is cooking and baking while you race. No longer can she bear to watch at the track. She remembers the old days, when you were home for breakfasts, dinners, for Kathy's bedtime. She remembers when you were there, a father, a husband, not away, not at racer's meetings, not on the road. As she cooks, she has no idea that, before her cake is done, she will hear the phone ring. It'll be your mechanic, his voice tortured and sickened, with the news. She'll start for the hospital, catching a glimpse of your picture. She'll look for a long moment before bursting into tears; deep inside, she'll know that picture is all she has left.

Lap 100. Rain pelts the asphalt. It's wet and dark on the track. There's death in the dark, but you don't care, you pour on the power. You want your picture on every sports page in the country.

Lap 150. The cars growl at Indy, round and round and round, as a phonograph turns in a bedroom, round and round. A six-year-old girl, your Kathy, listens to a record, waits for you to come home, waits for a shoulder ride, for another reading of *Cinderella*. She knows she loves you more than anything in the world. What she doesn't know is that you won't be coming home, won't ever be coming home. In two terrible hours her mother will press a moist face to hers, tell her that something's happened to Daddy, that she must be very grown up and very brave.

Lap 200. The last lap. The Offy punishes the pavement. You lash it, beat it, hurtling, vibrating, undulating. You see oil on the track, but you don't care; you want to stand in that winner's circle, you want to hear the howl of 400,000 people—all for you.

Then you see it: the flag, the checkered flag. You win at Indy! You shout in the wind.

You're still shouting when the Offy hits the oil. You spin nauseatingly, bobbling and turning, then splinter into the wall, an orange fireball of methanol burning and crackling around you. By the time they cut you free, there is very little they can do.

Your plasma runs out and there's no need for more; your life runs out with it. No more will you go round and round.

You're a winner. Or are you?

And so, my friends, what of us? Are we winners? Are we racing for a title, for money, for a moment in the spotlight? Are we racing so hard for a silver cup that we're losing a woman with her love, a child waiting to be tucked in for the night?

A MAN FOR THE PEOPLE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. RANGEL. Mr. Speaker, I would like to call Mr. D. Parke Gibson to the attention of my colleagues.

Mr. Gibson, a Harlem resident, is a self-made man in the field of public relations. He achieved his status by approaching advertising for black people from a black perspective. More importantly, he has sought to serve rather than to exploit the Harlem community. Mr. Gibson is truly a great asset to Harlem and to the entire city of New York. I submit the following article on this remarkable man which was written by Willie L. Hamilton of the Amsterdam News:

D. PARKE GIBSON—A SELF-MADE MAN

(By Willie L. Hamilton)

Just what is a self-made man?

There are examples and there are examples but D. Parke Gibson perhaps typifies the idea of pulling oneself up by the bootstraps.

Who is Daniel Parke Gibson? Well, he's only the owner of a public relations firm with the same name with International Inc., added.

Now Gibson didn't just walk into his own firm. No indeed. Back in 1948 Gibson graduated from Garfield High in Seattle, Wash. He never went to college but instead went into the Air Force for the next four years. There he served in the public information office and decided he wanted to do something in that field.

Upon leaving the Air Force, Gibson moved to Philadelphia, Pa., where he became an associate in public relations for two years. Later he sold advertising space for Interstate United Newspapers which at the time, also serviced the Amsterdam News.

In May, 1954 Gibson moved to New York and in 1963 began his own firm in a one room office in Harlem at 2631 Seventh Ave. Later the firm moved to 2580 Seventh Ave, and on to its present location at 475 Fifth Ave.

Gibson feels that present advertising on television and radio "was not conceived for us but was created to convince whites that Blacks were part of society and that they did the same things as themselves."

BLACK MARKET—$39 BILLION

He said, "Companies who hope to reach the Black market—worth some $39-billion—must gear their products and campaigns to a life-style that is different from that of whites."

Of course, "Blacks still don't join country clubs but they spend more per capita for furniture than whites because their life-style is centered around the home."

Attired in a light blue shirt, a dark blue and white tie, blue pants and black shoes, the 42-year-old Gibson, still a Harlem resident, said the trend is presently toward more "polarization" although his firm is committed to integration as a goal.

POSITIVE ELEMENTS OF INTEGRATION

. . . "Blacks want the positive elements of integration—good jobs, education and housing," said Gibson.

Although most firms are "aware that Blacks exist," said Gibson, "they often don't follow through." He feels that whites in the top levels of management would like to do their part in righting past wrongs but "middle management, where the idea has to be executed," often are the cause of "a lot of problems."

Principals of the firm, besides Gibson, are Ellen Hall, VP and treasurer and Mary P. Murray, VP and secretary. Both have been with the firm since its conception.

NEED BLACK ORIENTATION

He said that corporate PR people and executives need to read Black media, to attend Black meetings, and participate in what is happening in the Black community. "I see very few white PR people at Black publications," he said.

Currently there is a thrust to hold first-run premieres and movies in Black neighborhoods. Gibson is all for the idea but feels that the idea isn't always feasible because in certain Black areas, theatres aren't large enough to accommodate the crowds. The Apollo Theatre there is an exception, said Gibson.

Services offered by the firm include "The Gibson Report," a monthly letter on marketing to nonwhite consumers; "Race Relations and Industry," a monthly letter on equal opportunity problems, programs and practices; Gibson's book, "The $30 Billion Negro," and an upcoming book, yet untitled, on the Caribbean.

As for young Blacks who might want to enter the field, Gibson tells them not to place any "restrictions" on themselves. "Many of the things we perceive as racial would be something different if we had red hair."